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18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

22 ORACLE USA, INC., *et al.*,  
23 Plaintiffs,  
24 v.  
25 SAP AG, *et al.*,  
26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO PERMIT  
DEFENDANTS TO FILE UNDER  
SEAL PLAINTIFFS' DOCUMENTS  
SUPPORTING DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION TO AMEND**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle  
2 International Corporation and Oracle EMEA Limited (“Plaintiffs”) and Defendants SAP AG,  
3 SAP America, Inc. and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the  
4 “Parties”) request that the Court order the Clerk of the Court to file under seal, at Plaintiffs’  
5 request, portions of Defendants’ Opposition to Plaintiffs’ Motion to Amend (“Opposition”),  
6 portions of the Declaration of Joshua L. Fuchs in Support of Plaintiffs’ Motion to Amend (“Fuchs  
7 Declaration”) and Exhibits C-1 and K-1 to the Fuchs Declaration, which Defendants lodged with  
8 the Court on October 15, 2008.

9 The requested relief sought is necessary and narrowly tailored to protect the alleged  
10 confidentiality of the content of Plaintiffs’ documents put at issue by the Opposition. This  
11 request is supported by the Stipulation and Declaration of Tharan Gregory Lanier in support of  
12 Defendants’ Administrative Motion to File Under Seal attached.

13 Pursuant to Local Rule 79-5, a proposed order and stipulation accompanies this request to  
14 file portions of the Opposition, portions of the Fuchs Declaration, and Exhibits C-1 and K-1 to the  
15 Fuchs Declaration under seal.

16  
17 DATED: July 29, 2009

JONES DAY

18  
19 By: /s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

20 Attorneys for Defendants  
21 SAP AG, SAP AMERICA, INC., and  
22 TOMORROWNOW, INC.