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17 Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
18 TOMORROWNOW, INC.

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

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

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

**DECLARATION OF THARAN GREGORY  
LANIER ISO DEFENDANTS'  
ADMINISTRATIVE MOTION TO PERMIT  
DEFENDANTS TO FILE UNDER SEAL  
PLAINTIFFS' DOCUMENTS SUPPORTING  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO AMEND**

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1 I, THARAN GREGORY LANIER, declare:

2 1. I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,  
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. and  
4 TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned action. I am a member  
5 in good standing of the state bar of California and admitted to practice before this Court. I make  
6 this declaration based on personal knowledge and, if called upon to do so, could testify  
7 competently thereto.

8 2. Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on  
9 June 6, 2007 in this case, I make this Declaration in support of Defendants' Administrative  
10 Motion to Permit Defendants to File Under Seal Plaintiffs' Documents Supporting Defendants'  
11 Opposition to Plaintiffs' Motion to Amend.

12 3. Defendants' file this motion at Plaintiffs' request. The requested relief is  
13 necessary and narrowly tailored to protect the alleged confidentiality of the materials put at issue  
14 by Defendants' Opposition to Plaintiffs' Motion to Amend Complaint ("Opposition") until such  
15 time as Plaintiffs may submit a declaration in accordance with Civil Local Rule 79-5(d), and the  
16 Court makes a final ruling as to confidentiality of the relevant subject matter. Specifically, the  
17 following documents and portions of documents filed and lodged with the Court contain  
18 information designated by Plaintiffs as "Confidential Information":

- 19 a. Exhibits C-1 and K-1 to the Declaration of Joshua L. Fuchs in Support of  
20 Defendants' Opposition to Plaintiffs' Motion to Amend ("Fuchs  
21 Declaration");  
22 b. Paragraph 18 and portions of paragraph 41 of the Fuchs Declaration; and  
23 c. Portions of page 6, lines 26-28 and portions of page 18, line 26 of the  
24 Opposition.

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