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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
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)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' ADMINISTRATIVE
MOTION TO PERMIT
DEFENDANTS TO FILE UNDER
SEAL DOCUMENTS ISO
DEFENDANTS' REPLY ISO
MOTION FOR SANCTIONS AND
REPLY ISO MOTION TO COMPEL**

1 Having considered Defendants’ Administrative Motion to Permit Defendants to File
2 Under Seal Documents Supporting Defendants’ Reply in Support of Motion for Sanctions
3 Pursuant to Fed. R. Civ. P. 37(c) and 16(f) (“Motion for Sanctions Reply”) and Defendants’
4 Reply in Support of Motion to Compel Production of Financial Information of Plaintiffs (“Motion
5 to Compel Reply”), the supporting declaration of Jason McDonell, the Stipulation to Permit
6 Defendants to File Under Seal, and the following materials that were lodged with the Court on
7 August 4, 2009:

- 8 1. Portions of Defendants’ Motion for Sanctions Reply containing quotes or other
9 material from documents identified herein that have been designated by Plaintiffs as
10 “Confidential Information” or “Highly Confidential Information - Attorneys’ Eyes
11 Only”;
- 12 2. A portion of the Reply Declaration of Stephen K. Clarke in Support of Defendants’
13 Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f);
- 14 3. Portions of Defendants’ Motion to Compel Reply containing quotes or other material
15 from documents identified herein that have been designated by Plaintiffs as
16 “Confidential Information” or “Highly Confidential Information - Attorneys’ Eyes
17 Only”;
- 18 4. Exhibit 8 to the Reply Declaration of Jason McDonell in Support of Defendants’
19 Motion to Compel Production of Financial Information of Plaintiffs; and,
- 20 5. Portions of the Reply Declaration of Stephen K. Clarke in Support of Defendants’
21 Motion to Compel Production of Financial Information from Plaintiffs.

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IT IS HEREBY ORDERED THAT: Defendants’ motion is GRANTED. The Clerk of the Court shall file under seal the above listed materials in support of Defendants’ Motion for Sanctions and a Protective Order.

SO ORDERED:

DATED: _____

By: _____
Elizabeth D. Laporte
United States Magistrate Judge

SFI-616139v1