

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th Floor
San Francisco, CA 94104
4 Telephone: (415) 626-3939
Facsimile: (415) 875-5700
5 ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
8 JONES DAY
1755 Embarcadero Road
9 Palo Alto, CA 94303
Telephone: (650) 739-3939
10 Facsimile: (650) 739-3900
tglanier@jonesday.com
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
13 JONES DAY
717 Texas, Suite 3300
14 Houston, TX 77002
Telephone: (832) 239-3939
15 Facsimile: (832) 239-3600
swcowan@jonesday.com
16 jlfuchs@jonesday.com

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-01658 PJH (EDL)
PROOF OF SERVICE

PROOF OF SERVICE

I, Christine Lok, declare:

I am a citizen of the United States and employed in San Francisco, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, CA 94104. On August 4, 2009, I served a copy of the within document(s):

**DEFENDANTS' ADMINISTRATIVE MOTION TO PERMIT
DEFENDANTS TO FILE UNDER SEAL DOCUMENTS SUPPORTING
DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SANCTIONS
AND REPLY IN SUPPORT OF MOTION TO COMPEL**

**DECLARATION OF JASON McDONELL IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE MOTION TO PERMIT
DEFENDANTS TO FILE UNDER SEAL DOCUMENTS SUPPORTING
DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SANCTIONS
AND REPLY IN SUPPORT OF MOTION TO COMPEL**

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

**STIPULATION TO PERMIT DEFENDANTS TO FILE DOCUMENTS
UNDER SEAL IN SUPPORT OF DEFENDANTS' REPLY IN SUPPORT
OF MOTION FOR SANCTION AND REPLY IN SUPPORT OF MOTION
TO COMPEL**

**DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR SANCTION
PURSUANT TO FED. R. CIV. P. 37(e) AND 16(f) – FILED UNDER SEAL**

**REPLY DECLARATION OF STEPHEN K. CLARKE IN SUPPORT OF
DEFENDANTS' MOTION FOR SANCTION PURSUANT TO FED. R. CIV.
P. 37(e) AND 16(f) – FILED UNDER SEAL**

**DEFENDANTS' REPLY IN SUPPORT OF MOTION TO COMPEL
PRODUCTION OF FINANCIAL INFORMATION FROM PLAINTIFFS –
FILED UNDER SEAL**

**REPLY DECLARATION OF JASON McDONELL IN SUPPORT OF
DEFENDANTS' MOTION TO COMPEL PRODUCTION OF FINANCIAL
INFORMATION FROM PLAINTIFFS – FILED UNDER SEAL**

**DECLARATION OF STEPHEN K. CLARKE IN SUPPORT OF
DEFENDANTS' MOTION TO COMPEL PRODUCTION OF FINANCIAL
INFORMATION FROM PLAINTIFFS – FILED UNDER SEAL**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

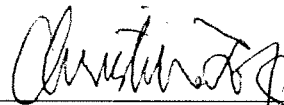
Donn P. Pickett
 Geoffrey M. Howard
 Holly A. House
 Zachary J. Alinder
 Bree Hann
 BINGHAM McCUTCHEN LLP
 Three Embarcadero Center
 San Francisco, CA 94111-4067
 donn.pickett@bingham.com
 geoff.howard@bingham.com
 holly.house@bingham.com
 zachary.alinder@bingham.com
 bree.hann@bingham.com

Attorneys for Plaintiffs
 Oracle Corporation, Oracle USA, Inc.,
 and Oracle International Corporation

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 4, 2009, San Francisco, California.



 Christine Lok