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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'
MOTION FOR PARTIAL SUMMARY
JUDGMENT REGARDING
PLAINTIFFS' HYPOTHETICAL
LICENSE DAMAGES CLAIM**

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’ Motion for Partial Summary Judgment Regarding Plaintiffs’
6 Hypothetical License Damages Claim (“Motion for Partial Summary Judgment”) and portions of
7 Exhibits A, B, C and H to the Declaration of Tharan Gregory Lanier in Support of Defendants’
8 Motion for Partial Summary Judgment (“Lanier Declaration”), which Defendants lodged with the
9 Court on August 26, 2009.

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

14 Pursuant to Local Rule 79-5, a proposed order and stipulation accompanies this request to
15 file portions of the Motion for Partial Summary Judgment and portions of Exhibits A, B, C and H
16 to the Lanier Declaration under seal.

17
18 DATED: August 26, 2009

JONES DAY

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

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