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17 Attorneys for Defendants
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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 PLAINTIFF'S INFORMATION
DISCLOSED IN DEFENDANTS'
ANSWER AND AFFIRMATIVE
DEFENSES TO FOURTH AMENDED
COMPLAINT**

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’ Answer and Affirmative Defenses to Fourth Amended
6 Complaint (“Answer”), which Defendants lodged with the Court on August 26, 2009.

7 The requested relief sought is necessary and narrowly tailored to protect the alleged
8 confidentiality of the content of Plaintiffs’ information put at issue by the Answer. Specifically, a
9 portion of paragraph 13 of the Answer filed and lodged with the Court contains information
10 designated by Plaintiffs as “Confidential Information.” The parties agree that the materials put at
11 issue by the Answer are governed by Fed. R. Evid. 408. This request is supported by the
12 Stipulation and Declaration of Tharan Gregory Lanier in support of Defendants’ Administrative
13 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 Answer under seal.

16 DATED: August 26, 2009

JONES DAY

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

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