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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE USA, INC., *et al.,* Plaintiffs, v. SAP AG, *et al.*, Defendants.	Case No. 07-CV-1658 PJH (EDL) **STIPULATED ADMINISTRATIVE MOTION TO REMOVE INCORRECTLY FILED DOCUMENTS**

Pursuant to Local Rule 7-11, Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. ("Defendants") and Plaintiffs Oracle USA, Inc. Oracle International Corporation, and Oracle EMEA Limited ("Plaintiffs," and together with Defendants, the "Parties") respectfully request that the Court order the Clerk of the Court to remove the following documents from the docket in the above-referenced matter: Docket No. 431, Defendants' Notice of Motion and Motion for Partial Summary Judgment Regarding Plaintiffs' Damages Claim, and Docket No. 437, Defendants' Answer and Affirmative Defenses to Fourth Amended Complaint (the "Documents").

The Documents contain information designated by Plaintiffs as Confidential or Highly Confidential - Attorneys' Eyes Only pursuant to the protective order entered in the case. *See* Declaration of Tharan Gregory Lanier in Support of Stipulated Motion to Remove Incorrectly Filed Documents ("Lanier Decl.") at ¶ 2. On August 26, 2009, Defendants lodged the Documents with the Court under seal and e-filed copies of the Documents in redacted form.[1] *Id.* at ¶ 2.

After filing the Documents, it came to Defendants' attention that there were errors in the redaction process. To protect the alleged confidentiality of the materials put at issue by the Documents until such time as the Court makes a final ruling as to confidentiality of the relevant subject matter, the Parties respectfully request that the Court grant this motion and order the relief requested.

IT IS SO STIPULATED.

[1] Defendants also submitted motions to file the document under seal. *See* D.I. 434, 438. The basis for these motions is that the information sought to be sealed has been designated Confidential or Highly Confidential - Attorneys' Eyes Only by Plaintiffs under the protective order, and Plaintiffs have requested that it not be publicly filed. *Id.* at ¶ 2.

DATED: August 27, 2009

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

DATED: August 27, 2009

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

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