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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
SAN FRANCISCO DIVISION

21 ORACLE USA, INC., et al.,
22 Plaintiffs,
23 v.
24 SAP AG, et al.,
25 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF THARAN
GREGORY LANIER ISO STIPULATED
ADMINISTRATIVE MOTION TO
REMOVE INCORRECTLY FILED
DOCUMENTS**

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1 I, THARAN GREGORY LANIER, declare:

2 1. I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. and
4 TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned action. I am a member
5 in good standing of the state bar of California and admitted to practice before this Court. I make
6 this declaration based on personal knowledge and, if called upon to do so, could testify
7 competently thereto.

8 2. On August 26, 2009, Defendants filed Docket No. 431, Defendants' Notice of
9 Motion and Motion for Partial Summary Judgment Regarding Plaintiffs' Damages Claim, and
10 Docket No. 437, Defendants' Answer and Affirmative Defenses to Fourth Amended Complaint
11 (the "Documents"). The Documents contain information designated by Plaintiffs as Confidential
12 or Highly Confidential - Attorneys' Eyes Only pursuant to the protective order entered in the case.
13 For this reason, Defendants lodged the Documents with the Court under seal and e-filed copies of
14 the Documents in redacted form. Defendants also submitted motions to file the Documents under
15 seal. *See* D.I. 434, 438. The basis for these motions is that the information sought to be sealed
16 has been designated Confidential or Highly Confidential - Attorneys' Eyes Only by Plaintiffs
17 under the protective order, and Plaintiffs have requested that it not be publicly filed.

18 3. After filing the Documents, it came to Defendants' attention that there were errors
19 in the redaction process. Upon this discovery, Defendants' counsel contacted the ECF Help Desk
20 by e-mail and voicemail to request that the Documents be placed under temporary lock as soon as
21 possible. Defendants' counsel also immediately brought this issue to Plaintiffs' counsel's
22 attention.

23 I declare under penalty of perjury under the laws of the United States and the State of
24 California that the foregoing is true and correct. Executed this 27th day of August, 2009 in Palo
25 Alto, California.

26 _____
27 /s/ Tharan Gregory Lanier
28 Tharan Gregory Lanier