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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
21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.
27
28

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

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO PERMIT PLAINTIFFS
TO FILE UNDER SEAL
DEFENDANTS' INFORMATION
SUPPORTING PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 Pending before this Court is Plaintiffs' Administrative Motion to Permit Plaintiffs to File
 2 Under Seal Defendants' Information Supporting Plaintiffs' Opposition to Defendants' Motion for
 3 Partial Summary Judgment (the "Motion to Seal"). Through the Motion to Seal and supporting
 4 documents, Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited
 5 and Siebel Systems, Inc. (collectively, "Plaintiffs" or "Oracle"), together with SAP AG, SAP
 6 America, Inc. (together, "SAP") and TomorrowNow, Inc. (collectively, "Defendants," and with
 7 Plaintiffs, the "Parties"), request an Order sealing (1) excerpts from Defendants' document
 8 entitled "SAP AG, Fair Value of Certain Assets, Liabilities and Legal Entities of Business
 9 Objects S.A. As of January 21, 2008," attached as Exhibit 44 to the Declaration of Paul K. Meyer
 10 in Support of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment
 11 ("Meyer Declaration"); and (2) portions of Plaintiffs' Opposition to Defendants' Motion for
 12 Partial Summary Judgment Regarding Plaintiffs' Hypothetical [Fair Market Value] License
 13 Damages at 22:13-14 and portions of the Declaration of Lawrence Ellison ("Ellison Declaration")
 14 at 3:21-23 referencing payments made pursuant to the database reseller agreement between
 15 Oracle and SAP.

16 Having considered Plaintiffs' Motion to Seal and the documents filed in support, as well
 17 as Defendants' Response in Support of Plaintiffs' Motion to Seal and the supporting Declaration
 18 of Werner Brandt, and both good cause and compelling reasons having been shown, IT IS
 19 HEREBY ORDERED THAT: Plaintiffs' Motion to Seal is GRANTED. The Clerk of the Court
 20 shall file under seal the unredacted versions of the following documents that were lodged with the
 21 Court on September 23, 2009: Plaintiffs' Opposition to Defendants' Motion for Partial Summary
 22 Judgment Regarding Plaintiffs' Hypothetical [Fair Market Value] License Damages, Exhibit 44
 23 to the Meyer Declaration and the Ellison Declaration.

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 25 DATED: _____

By: _____
 Hon. Phyllis J. Hamilton