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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
OAKLAND 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
DEFENDANTS' ADMINISTRATIVE
MOTION TO PERMIT DEFENDANTS'
TO FILE UNDER SEAL PLAINTIFFS'
INFORMATION SUPPORTING
DEFENDANTS' REPLY TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

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. Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on
9 June 6, 2007 in this case, I make this Declaration in support of Defendants' Administrative
10 Motion to Permit Defendants to File Under Seal Plaintiffs' Information Supporting Defendants'
11 Reply to Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment.

12 3. Defendants' file this motion at Plaintiffs' request. The requested relief is
13 necessary and narrowly tailored to protect the alleged confidentiality of the materials put at issue
14 by Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion for Partial Summary
15 Judgment Regarding Plaintiffs' Hypothetical License Damages Claim ("Reply") until such time
16 as Plaintiffs may submit a declaration in accordance with Civil Local Rule 79-5(d), and the Court
17 makes a final ruling as to confidentiality of the relevant subject matter. Specifically, the
18 following excerpts of the Reply, filed and lodged with the Court, contain information designated
19 by Plaintiffs as "Confidential Information": 7:12-13; 7:16-17; 7:19-20; 7:22; and 15:14-15.
20 Additionally, the following excerpts of the Reply contain information designated by Plaintiffs as
21 "Highly Confidential Information - Attorneys' Eyes Only": 7:25-26; 7:28; 8:3-4; 8:6-7; 8:9-11;
22 and 8:12-17.

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 7th day of October, 2009 in Palo
25 Alto, California.

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