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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.

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

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO PERMIT  
DEFENDANTS TO FILE UNDER  
SEAL DOCUMENTS SUPPORTING  
DEFENDANTS' MOTION TO  
COMPEL**

**I. INTRODUCTION**

Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, Defendants) respectfully request that the Court order the Clerk of the Court to file the following documents under seal:

1. Portions of Defendants’ Motion to Compel of December 11, 2009: Page 8, line 27 through Page 9, line 5, Page 9, line 11 through line 24, page 10, line 1 through line 8, page 11, line 15 through line 20, page 11, line 22 through line 24, page 12, line 1 through line 4; and

5. Exhibits A, C, F, G, H and K and Appendix 5 to the Declaration of Scott Cowan in Support of Defendants’ Motion to Compel.

Unredacted versions of these documents were lodged with the Court on December 11, 2009. This request is made pursuant to Civil Local Rules 7-11 and 79-5 and the Protective Order signed by Judge Martin Jenkins on June 6, 2007. This request is supported by the Parties’ Stipulation Regarding Defendants’ Administrative Motion to Seal, filed concurrently with this Motion.

**II. ARGUMENT**

Defendants request that the above listed documents, discussed in the attached Declaration of Scott Cowan (“Cowan Declaration”) be filed under seal. *See* Cowan Declaration at ¶ 1. Good cause exists for filing them under seal because they contain content that was designated by Plaintiffs as either “Highly Confidential Information - Attorneys’ Eyes Only,” or “Confidential Information,” pursuant to the Stipulated Protective Order. *See* Cowan Declaration at ¶ 2. Defendants’ request is narrowly tailored, as required by Local Rule 79-5(a), and seeks to protect only those documents that contain information so designated.

This request is supported by the accompanying Declaration of Scott Cowan in Support of Defendants’ Administrative Motion to File Under Seal and the parties’ Stipulation.

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**III. CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court order the filing of the documents listed in detail in the attached declaration under seal. Pursuant to Local Rule 79-5, a Proposed Order is submitted with this Motion.

DATED: December 11, 2009

JONES DAY

By: /s/ Scott W. Cowan  
Scott W. Cowan

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

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