

1 Robert A. Mittelstaedt (SBN 060359)  
Jason McDonell (SBN 115084)  
2 Elaine Wallace (SBN 197882)  
JONES DAY  
3 555 California Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104  
4 Telephone: (415) 626-3939  
Facsimile: (415) 875-5700  
5 ramittelstaedt@jonesday.com  
jmcdonell@jonesday.com  
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)  
Jane L. Froyd (SBN 220776)  
8 JONES DAY  
1755 Embarcadero Road  
9 Palo Alto, CA 94303  
Telephone: (650) 739-3939  
10 Facsimile: (650) 739-3900  
tglanier@jonesday.com  
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)  
Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
13 JONES DAY  
717 Texas, Suite 3300  
14 Houston, TX 77002  
Telephone: (832) 239-3939  
15 Facsimile: (832) 239-3600  
swcowan@jonesday.com  
16 jlfuchs@jonesday.com

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.

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

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO PERMIT  
DEFENDANTS TO FILE UNDER  
SEAL DOCUMENTS SUPPORTING  
DEFENDANTS' MOTION TO  
COMPEL**

1 Having considered Defendants' Administrative Motion to Permit Defendants to File  
2 Under Seal Documents Supporting Defendants' Motion to Compel ("Administrative Motion"),  
3 the supporting declaration of Scott Cowan, the Stipulation to Permit Defendants to File Under  
4 Seal, and the following materials that were lodged with the Court on December 11, 2009:

5 1. Portions of Defendants' Motion to Compel ("Motion to Compel"): Page 8, line 27  
6 through Page 9, line 5, Page 9, line 11 through line 24, page 10, line 1 through line 8, page 11,  
7 line 15 through line 20, page 11, line 22 through line 24, page 12, line 1 through line 4;

8 2. Exhibits A, C, F, G, H and K and Appendix 5 to the Declaration of Scott Cowan in  
9 Support of Defendants' Motion to Compel ("Cowan Declaration").

10 IT IS HEREBY ORDERED THAT: Defendants' Administrative Motion is GRANTED.  
11 The Clerk of the Court shall file under seal the above listed materials in support of Defendants'  
12 Motion to Compel and a Protective Order.

13 SO ORDERED:

14  
15 DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Elizabeth D. Laporte  
United States Magistrate Judge

16  
17  
18 SFI-625460v1  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28