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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)

**STIPULATION TO PERMIT  
DEFENDANTS TO FILE  
DOCUMENTS UNDER SEAL IN  
SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle  
2 International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (“Plaintiffs”) and  
3 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,” and together  
4 with Oracle, the “Parties”) jointly submit this Stipulation to permit Defendants to file under seal  
5 documents supporting Defendants’ Motion to Compel (“Motion to Compel”), filed December 11,  
6 2009.

7 WHEREAS, the requested relief is necessary and narrowly tailored to protect the alleged  
8 confidentiality of the materials put at issue by the Defendants’ Motion to Compel until such time  
9 as the Court makes a final ruling as to confidentiality of the relevant subject matter. Specifically,  
10 the following materials constitute documents that contain information designated by Plaintiffs as  
11 “Confidential Information” or “Highly Confidential Information - Attorneys’ Eyes Only”  
12 pursuant to the Protective Order entered on June 6, 2007 in this action:

- 13 1. Portions of Defendants’ Motion to Compel containing quotes or other material from  
14 documents identified herein that have been designated by Plaintiffs as “Confidential  
15 Information” or “Highly Confidential Information - Attorneys’ Eyes Only”;
- 16 2. Exhibits A, C, F, G, H and K and Appendix 5 to the Declaration of Scott Cowan in  
17 Support of Defendants’ Motion to Compel (“Cowan Declaration”).

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
19 respective counsel of record, that Defendant be permitted to file under seal their documents  
20 supporting Defendants’ Motion to Compel. The Parties further agree that Defendants reserve  
21 their rights to challenge the confidentiality of the information filed under seal pursuant to this  
22 Stipulation.

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1 DATED: December 11, 2009

JONES DAY

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

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

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In accordance with General Order No. 45, Rule X, the above signatory attests that  
8 concurrence in the filing of this document has been obtained from the signatory below.

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DATED: December 11, 2009

BINGHAM McCUTCHEN LLP

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By: /s/ Zachary Alinder  
Zachary Alinder

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Attorneys for Plaintiffs  
ORACLE USA, INC., ORACLE  
INTERNATIONAL CORPORATION,  
ORACLE EMEA LIMITED, and SIEBEL  
SYSTEMS, INC.

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