

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th 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 PLAINTIFFS' DOCUMENTS'
SUPPORTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

1 Having considered Defendants’ Administrative Motion to File Under Seal Plaintiffs’
2 Documents Supporting Defendants’ Motion for Partial Summary Judgment; supporting
3 declaration of Tharan Gregory Lanier; Stipulation to Permit Defendants to File Under Seal;
4 Defendants’ Motion for Partial Summary Judgment (“Motion for Partial Summary Judgment”);
5 the Declaration of Tharan Gregory Lanier in Support of Defendants’ Motion for Partial Summary
6 Judgment (“Lanier Declaration”); Exhibits A, B, D, E, F, and H to the Lanier Declaration; the
7 Declaration of Elaine Wallace in Support of Defendants’ Fed. R. Evid. 1006 Summary of
8 Evidence (“Wallace Declaration”); and Exhibit 1 to the Wallace Declaration, all of which were
9 lodged with the Court on March 3, 2010:

10 IT IS HEREBY ORDERED THAT: Defendants’ motion is GRANTED. The Clerk of the
11 Court shall file under seal the following documents and portions of documents:

- 12 • The following portions of the Lanier Declaration: the requested portions of ¶ 4, ¶ 8;
- 13 • The following portions of Exhibit A to the Lanier Declaration: the requested portions
14 of ¶ 20 (Table 1), ¶¶ 150-152, ¶¶ 284-285, ¶¶ 287-288, ¶ 354, ¶¶ 402-405, ¶¶ 449-450;
- 15 • The following portions of Exhibit B to the Lanier Declaration: the requested portions
16 of 6, 43-44;
- 17 • Exhibit D to the Lanier Declaration;
- 18 • Exhibit E to the Lanier Declaration;
- 19 • The following portions of Exhibit F to the Lanier Declaration: 289:25-290:11, 362:17-
20 370:2;
- 21 • Exhibit H to the Lanier Declaration;
- 22 • The following portions of the Wallace Declaration: the requested portions of ¶¶ 2-5;
- 23 • Exhibit 1 to the Wallace Declaration; and
- 24 • The following portions of the Motion for Partial Summary Judgment: the requested
25 portions of 2:15-16, 4:8-13, 4:19, 4:21-28, 5:1-5, 9:15-17, 10:16, 11:10.

26 DATED: _____ By: _____
27 Hon. Phyllis J. Hamilton