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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
21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

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

DECLARATION OF THARAN GREGORY LANIER ISO DEFENDANTS' ADMINISTRATIVE MOTION TO PERMIT DEFENDANTS TO FILE UNDER SEAL PLAINTIFFS' DOCUMENTS SUPPORTING DEFENDANTS' CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT AND OPPOSITION TO PLAINTIFFS' 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 matter. 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' Documents Supporting Defendants'
11 Cross Motion for Partial Summary Judgment and Opposition to Plaintiffs' Motion for Partial
12 Summary Judgment.

13 3. Defendants file this motion at Plaintiffs' request. The requested relief is necessary
14 and narrowly tailored to protect the alleged confidentiality of the materials put at issue by
15 Defendants' Cross Motion for Partial Summary Judgment and Opposition to Plaintiffs' Motion
16 for Partial Summary Judgment ("Defendants' Cross Motion and Opposition") until such time as
17 Plaintiffs may submit a declaration in accordance with Civil Local Rule 79-5(d), and the Court
18 makes a final ruling as to confidentiality of the relevant subject matter. Specifically, the
19 following portions of documents filed and lodged with the Court contain information designated
20 by Plaintiffs as "Highly Confidential - Attorneys' Eyes Only":

- 21 • The following portions of Exhibit 14 to the Declaration of Tharan Gregory Lanier in
22 Support of Defendants' Cross Motion and Opposition ("Lanier Declaration"): 41:11-
23 24;
- 24 • The following portions of Exhibit 19 to the Lanier Declaration: 11:24-12:1;
- 25 • The following portions of Exhibit 20 to the Lanier Declaration: 42:10-43:3 and 46:13-
26 47:22; and
- 27 • The following portions of the Cross Motion and Opposition: portions of i:22-23, 11:4-
28 5, 15:4, 16:11-14, 16:27-28, 17:2-4, and 17:11-13.

1 Additionally, the following portion of a document filed and lodged with the Court contains
2 information designated by Plaintiffs as "Confidential Information":

- 3 • The following portions of Exhibit 20 to the Lanier Declaration: 42:7-9.

4 I declare under penalty of perjury under the laws of the United States and the State of
5 California that the foregoing is true and correct. Executed this 5th day of April, 2010 in Palo Alto,
6 California.

7 _____
/s/ Tharan Gregory Lanier

8 Tharan Gregory Lanier
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