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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)

**DECLARATION OF THARAN  
GREGORY LANIER ISO  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO PERMIT DEFENDANTS  
TO FILE UNDER SEAL PLAINTIFFS'  
DOCUMENTS SUPPORTING REPLY IN  
SUPPORT OF DEFENDANTS'  
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 Reply in  
11 Support of Defendants’ Motion for Partial Summary Judgment.

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

- 19 • Exhibit 5 to the Declaration of Tharan Gregory Lanier in Support of Defendants’  
20 Reply (“Lanier Reply Declaration”): portions of ¶ 433; and  
21 • Defendants’ Reply: portions of 15:28.

22 Additionally, the following portions of documents filed and lodged with the Court contain  
23 information designated by Plaintiffs as “Confidential Information”:

- 24 • Exhibit 5 to the Lanier Reply Declaration: portions of ¶ 20; and  
25 • Defendants’ Reply: portions of 2:11.

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