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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 OAKLAND DIVISION

23 ORACLE USA, INC., *et al.*,  
24 Plaintiffs,  
25 v.  
26 SAP AG, *et al.*,  
27 Defendants.  
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Case No. 07-CV-1658 PJH (EDL)

**STIPULATION TO PERMIT  
DEFENDANTS TO FILE UNDER  
SEAL PLAINTIFFS' DOCUMENT IN  
SUPPORT OF DEFENDANTS'  
MOTIONS IN LIMINE**

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 Plaintiffs, the “Parties”) jointly submit this Stipulation to Permit Defendants to File Under  
5 Seal Plaintiffs’ Document in Support of Defendants’ Motions in Limine.

6 WHEREAS, Defendants filed Defendants’ Motions in Limine, along with Exhibit K to the  
7 Declaration of Jason McDonell in Support of Defendants’ Motions in Limine (“Exhibit K”), on  
8 August 5, 2010;

9 WHEREAS, at Plaintiffs’ request, Defendants have filed an Administrative Motion to  
10 Permit Defendants to File Under Seal Plaintiffs’ Document Supporting Defendants’ Motions in  
11 Limine;

12 WHEREAS the requested relief is necessary and narrowly tailored to protect the alleged  
13 confidentiality of the material put at issue by Defendants’ Motions in Limine until such time as  
14 the Court makes a final ruling as to confidentiality of the relevant subject matter. Specifically,  
15 the following portions of a document contain information designated by Plaintiffs as “Highly  
16 Confidential - Attorneys’ Eyes Only”:

- 17 • Portions of Exhibit K: portions of 4:12, 4:14, 7:21-26, 8:1-4, 8:14, 8:21.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
19 respective counsel of record, that Defendants be permitted to move for permission to file under  
20 seal portions of Exhibit K, as described above. 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. While the Parties agree that Defendants’ concurrently filed Trial Brief, Motions in  
23 Limine, and portions of Exhibit K may be publicly filed, the Parties also agree that the filing shall  
24 not be construed as a waiver of any confidentiality designation or other protection with respect to  
25 documents, transcripts, or other information referred to in, or that serve as the basis for, the  
26 allegations or arguments made in them.

27 **IT IS SO STIPULATED.**

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DATED: August 5, 2010

JONES DAY

By:  /s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

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

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

DATED: August 5, 2010

BINGHAM McCUTCHEN LLP

By:  /s/ Geoffrey M. Howard  
Geoffrey M. Howard

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