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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.

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 IN SUPPORT OF
DEFENDANTS' DAUBERT MOTIONS
AND OPPOSITIONS TO PLAINTIFFS'
MOTIONS IN LIMINE**

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 CA 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 in Support of Defendants'
11 *Daubert* Motions and Oppositions to Plaintiffs' Motions in Limine.

12 3. Defendants file this motion at the request of Plaintiffs. The requested relief is
13 necessary and narrowly tailored to protect the alleged confidentiality of the material put at issue
14 by Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer and Defendants'
15 Oppositions to Plaintiffs' Motions in Limine until such time as Plaintiffs may submit a
16 declaration in accordance with Civil Local Rule 79-5(d), and the Court makes a final ruling as to
17 confidentiality of the relevant subject matter. Specifically, the following portions of documents
18 filed and lodged with the Court contain information designated by Plaintiffs as "Highly
19 Confidential - Attorneys' Eyes Only" and "Confidential Information" pursuant to the Stipulated
20 Protective Order in this case:

- 21 • Portions of Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer:
22 portions of 4:14-15 and 10:19-12;
- 23 • Portions of Exhibit 1 to the Declaration of Elaine Wallace in Support of Defendants'
24 Motion to Exclude Expert Testimony of Paul K. Meyer ("Wallace Decl.");
- 25 • Portions of Exhibit 3 to the Wallace Decl.;
- 26 • Exhibit 5 to the Wallace Decl.;
- 27 • Exhibit 6 to the Wallace Decl.;
- 28 • Portions of Exhibit 20 to the Wallace Decl.;

- 1 • Portions of Defendants’ Oppositions to Plaintiffs’ Motions in Limine: portions of
- 2 19:16-17
- 3 • Portions of Exhibit 13 to the Declaration of Tharan Gregory Lanier in Support of
- 4 Defendants’ Oppositions to Plaintiffs’ Motions in Limine (“Lanier Decl.”);
- 5 • Portions of Exhibit 21 to the Lanier Decl.;
- 6 • Portions of Exhibit 22 to the Lanier Decl.;
- 7 • Portions of Exhibit 23 to the Lanier Decl; and
- 8 • Exhibit 31 to the Lanier Decl.

9 I declare under penalty of perjury under the laws of the United States and the State of
10 California that the foregoing is true and correct. Executed this 19th day of August, 2010 in Palo
11 Alto, California.

12 /s/ Tharan Gregory Lanier

13 Tharan Gregory Lanier

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