

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)

**DECLARATION OF MICHAEL
 JUNGE IN SUPPORT OF
 DEFENDANTS' RESPONSE TO
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO FILE DEFENDANTS'
 DOCUMENTS UNDER SEAL**

Date: N/A
 Time: N/A
 Courtroom: 3, 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

1 I, MICHAEL JUNGE, declare:

2 I am General Counsel and an Executive Vice President of SAP AG, one of the Defendants
3 in this case. I make this declaration based on personal knowledge and, if called upon to do so,
4 could testify competently thereto.

5 1. I am familiar with the information contained in paragraphs 125, 126, 139, 149,
6 227, and 445 of Exhibit A to the Declaration of Nitin Jindal in Support of Plaintiffs' Opposition
7 to Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer ("Exhibit A") and the
8 redacted portions of Exhibit E to the Declaration of Nitin Jindal in Support of Plaintiffs'
9 Opposition to Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer ("Exhibit E").

10 2. Portions of paragraphs 139, 227, and 445 of Exhibit A and the redacted portions of
11 Exhibit E reveal non-public information regarding SAP's revenue streams from existing
12 customers. Public release of this information could adversely affect SAP's future bargaining
13 position with these customers, as well as violate SAP's non-disclosure agreements with these
14 customers, which provide that the amounts of these customers' payments to SAP constitute
15 confidential information not to be publicly disclosed. Because of the competitively sensitive
16 financial data contained in the document, the disclosure of it could likely cause competitive and
17 business injury.

18 3. Portions of paragraphs 125 and 126 of Exhibit A include confidential information
19 from an internal, non-public October 5, 2008 analysis by Deloitte Financial Advisory Services
20 LLP of the fair value of certain assets and liabilities of Business Objects S.A., which SAP
21 acquired on January 21, 2008. Disclosure of the information contained within that analysis would
22 grant SAP's competitors, partners, customers, future acquisition targets, and other interested
23 parties insight into SAP's internal assessments, strategy, and operations, providing them with an
24 unfair competitive advantage over SAP with respect to current and future operations and
25 negotiations.

26 4. Portions of paragraph 149 describe highly sensitive, non-public financial
27 information regarding SAP's revenues and fixed and variable costs, between 2005 and 2008, as
28 they relate to an account described as "collect the costs provided for maintenance (code

1 corrections) of existing software after Release to customer.” Public release of this information
2 would disclose SAP’s strategies regarding spending on research and development, as well as on
3 support, and could adversely affect SAP’s ability to compete with other software and support
4 providers.

5 5. SAP has continued to protect and treat the information in the specific portions of
6 Exhibits A and E identified in paragraphs 2-4 above as highly confidential information within
7 SAP.

8 I declare under penalty of perjury under the laws of the United States and the State of
9 California that the foregoing is true and correct. Executed this 15 day of September 2010 in
10 Walldorf, Germany.

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13 Michael Junge

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