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9 Attorneys for Plaintiff-Counterclaim Defendant,
 10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 SUN MICROSYSTEMS, INC., a Delaware
 corporation,

16 Plaintiff-Counterclaim Defendant,

17 v.

18 NETWORK APPLIANCE, INC.

19 Defendant-Counterclaim Plaintiff.
 20

CASE NO. C-07-05488 EDL

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING DEADLINE FOR
 MOTIONS TO COMPEL**

21 In its April 2, 2008 Case Management Scheduling Order, the Court did not specify a
 22 deadline for filing motions to compel discovery responses. Civil Local Rule 26-2 provides that
 23 motions must be filed within 7 court days of the close of discovery. In its November 18, 2008
 24 Order, the Court set April 24, 2009 as the close of fact discovery concerning certain of the
 25 patents-in-suit.¹ As a result, the deadline for filing motions to compel concerning fact discovery

26
 27 ¹ The parties have agreed that a certain number of depositions that were noticed prior to the close
 28 of discovery, but that could not be scheduled prior to that deadline, may proceed prior to June 19,
 2009.

1 related to these patents is May 5, 2009.

2 The parties (between themselves and with third-parties) have been, and continue to be,
3 engaged in what appear to be fruitful negotiations concerning their respective discovery
4 responses. However, the volume of issues to work through is such that the meet-and-confer
5 process is not yet complete. In light of this, the parties are concerned that, if this filing deadline is
6 not continued, a multitude of discovery issues will be raised with the Court unnecessarily.
7 Because the parties believe that continued discussions are likely to resolve many or all of the
8 currently pending disputes, they hereby stipulate through their respective counsel of record,
9 subject to the Court's approval, that the deadline for filing motions to compel discovery that is
10 subject to the April 24, 2009 fact discovery cutoff be continued until May 22, 2009.

11
12 Dated: May 4, 2009

DLA PIPER LLP (US)

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14 /s/ Christine K. Corbett

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16
17 Attorneys for Plaintiff, Sun Microsystems, Inc.

18 Dated: May 4, 2009

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19 /s/ Jeffrey G. Homrig

Matthew D. Powers
Edward R. Reines
Jeffrey G. Homrig
Jill J. Ho

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22 Attorneys for Defendant, NetApp, Inc.

23 **IT IS SO ORDERED.**

24 Dated: May 5, 2009

