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13 Attorneys for Plaintiff-Counterclaim Defendant  
 NETAPP, INC.,

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

18 NETWORK APPLIANCE, INC.  
 Plaintiff-Counterclaim Defendant,  
 19  
 20 v.  
 21 SUN MICROSYSTEMS, INC.  
 Defendant-Counterclaim Plaintiff.

Case No. 3:07-CV-06053-EDL  
 Case No. 3:07-CV-05488-EDL

Judge: Hon. Elizabeth D. Laporte

Date: June 16, 2009  
 Time: 9:00 am

24 **STIPULATION AND [~~PROPOSED~~] ORDERS FOR EXTENSIONS OF TIME**

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**STIPULATION**

WHEREAS, on April 6, 2009, NetApp served Joyent with two third party subpoenas for documents and testimony about it’s use and/or distribution of Sun’s accused server technology, inter alia, specifically the zettabyte file system (or “ZFS”) under Rule 45 of the Federal Rules of Civil Procedure.

WHEREAS, on April 24, 2009, Joyent filed a motion to quash the subpoena and for sanctions against NetApp, and the Court set a hearing with respect to that motion on June 16, 2009.

WHEREAS, on May 26, 2009, the return date for NetApp’s Opposition To Joyent’s Motion To Quash And For Sanctions, NetApp experienced technical difficulties based on a recently-installed document management system, which caused it to delay its electronic filing of its opposition until approximately 6:55 am today, May 27, 2009.

WHEREAS, NetApp and Joyent have conferred and agreed to stipulate to an Extension Of Time For Filing NetApp, Inc.’s Opposition To Joyent’s Motion To Quash NetApp’s Subpoena And For Sanctions.

WHEREAS, NetApp and Joyent have further stipulated, subject to the Court's approval, to a one-day extension for Joyent’s Reply NetApp, Inc.’s Opposition To Joyent’s Motion To Quash NetApp’s Subpoena And For Sanctions. Pursuant to the stipulation, Joyent's reply would be due on or before June 3, 2009.

Respectfully submitted,

Dated: May 27, 2009

WEIL, GOTSHAL & MANGES LLP

By:           /s/ Jeffrey G. Homrig            
Jeffrey G. Homrig  
Attorneys for Plaintiff-  
Counterclaim Defendant,  
NETAPP, INC.

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**ORDER**

IT IS HEREBY ORDERED that the time for NetApp, Inc.'s Opposition To Joyent, Inc.'s Motion To Quash And For Sanctions be extended to May 27, 2009, nunc pro tunc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 55/28/09

*Elizabeth D. Laporte*

Honorable Elizabeth Laporte

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**ORDER**

IT IS HEREBY ORDERED that the time for Joyent Inc.'s Reply To NetApp, Inc.'s Opposition To Joyent, Inc.'s Motion To Quash And For Sanctions be extended to June 3, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/28/09



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Honorable Elizabeth Laporte