

1 MARK D. FOWLER, Bar No. 124235
mark.fowler@dlapiper.com
 2 DAVID ALBERTI, Bar No. 220625
david.alberti@dlapiper.com
 3 CHRISTINE K. CORBETT, Bar No. 209128
christine.corbett@dlapiper.com
 4 YAKOV M. ZOLOTOREV, Bar No. 224260
yakov.zolotorev@dlapiper.com
 5 CARRIE L. WILLIAMSON, Bar No. 230873
carrie.williamson@dlapiper.com

6 DLA PIPER LLP (US)
 7 2000 University Avenue
 East Palo Alto, CA 94303-2214
 8 Tel: 650.833.2000
 Fax: 650.833.2001

9 Attorneys for Plaintiff/Counterdefendant,
 10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION
 14

15 SUN MICROSYSTEMS, INC.,
 16 Plaintiff/Counterdefendant,
 17 v.
 18 NETWORK APPLIANCE, INC.,
 19 Defendant/Counterplaintiff.

CASE NO. C-07-05488 EDL

**STIPULATION AND [PROPOSED]
 ORDER MODIFYING DATES FOR
 HEARINGS ON MOTIONS FOR
 SUMMARY JUDGMENT**

20
 21 WHEREAS, during the August 19, 2009 hearing on Sun Microsystems, Inc.'s ("Sun")
 22 motion to modify the -5488 case schedule, the parties agreed that the hearings on the motions for
 23 summary judgment in the -5488 action would be scheduled for January 13, 2009 and January 27,
 24 2009;

25 WHEREAS, on August 31, 2009, the Court issued an Order following the August 19,
 26 2009 hearing and scheduled the hearings on the motions for summary judgment in the -5488
 27 action for January 20, 2009 and January 27, 2009.

28 -1-

1 WHEREAS, lead trial counsel for Sun is unavailable during the week of January 18, 2009
2 due to an already scheduled arbitration;

3 THEREFORE, IT IS HEREBY STIPULATED by Sun and NetApp that the hearings on
4 the motions for summary judgment in the -5488 action be scheduled for January 14, 2009 and
5 January 27, 2009, subject to the Court's availability.
6

7 Dated: September 4, 2009

8 DLA PIPER LLP (US)

9 /s/ Christine K. Corbett

10 MARK D. FOWLER
11 CHRISTINE K. CORBETT

12 Attorneys for Plaintiff,
13 Sun Microsystems, Inc.

14 Dated: September 4, 2009

15 WEIL, GOTSHAL & MANGES LLP

16 /s/ Jill J. Ho

17 JILL J. HO

18 Attorneys for Defendant,
19 NetApp, Inc.

20
21 **IT IS SO ORDERED.**

22
23 Dated: September 8, 2009

