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

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

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
BRIEFING SCHEDULE AND HEARINGS
ON MOTIONS FOR SUMMARY
JUDGMENT**

21 WHEREAS, pursuant to the Court's Order Granting In Part And Denying In Part Motions
22 to Amend Invalidity And Infringement Contentions; Granting In Part Motion to Compel; And
23 Modifying Case Schedule (Dkt. # 503), the Court ordered that: "The parties shall file their
24 opening summary judgment briefs by November 23, 2009. Responsive briefs are due December
25 7, 2009, and reply briefs are due December 21, 2009. The Court will hold a hearing on Sun's
26 patents on January 20, 2010 at 2:00 pm and on NetApp's patents on January 27, 2010 at 2:00
27 pm;"

1 WHEREAS, on September 8, 2009, as a result of Sun's lead trial counsel's unavailability
2 during the week of January 18, 2010, the parties stipulated and the Court approved a request to
3 move the January 20, 2010 hearing to January 14, 2010;

4 WHEREAS, as a result of scheduling expert witness depositions and to accommodate the
5 upcoming holidays (and because Sun's lead trial counsel is now available during the week of
6 January 18, 2010), the existing briefing and hearing schedule for the motions for summary
7 judgment are no longer practicable;

8 THEREFORE, IT IS HEREBY STIPULATED by Sun and NetApp that:

9 (1) The parties shall file their opening summary judgment briefs on December
10 2, 2009;

11 (2) The parties shall file their responsive summary judgment briefs on
12 December 16, 2009;

13 (3) The parties shall file their reply summary judgment briefs on January 6,
14 2010;

15 (4) The Court will hold a hearing on Sun's patents on January 20, 2010 at 2:00
16 pm and on NetApp's patents on January 27, 2010 at 2:00 pm.

17 Dated: November 13, 2009
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DLA PIPER LLP (US)

/s/ Christine K. Corbett

CHRISTINE K. CORBETT

Attorneys for Plaintiff,
Sun Microsystems, Inc.

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23 Dated: November 13, 2009

WEIL, GOTSHAL & MANGES

/s/ Patricia Young

Patricia Young

Attorneys for Defendant,
NetApp, Inc.

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1 **IT IS SO ORDERED.**

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3 Dated: November 16, 2009

Elizabeth D. Laporte

4 ELIZABETH D. LAPORTE
5 United States Magistrate Judge
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