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 9 NETAPP, INC.

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

13 NETWORK APPLIANCE, INC.
 14 Plaintiff-Counterclaim Defendant,
 15 v.
 16 SUN MICROSYSTEMS, INC.
 17 Defendant-Counterclaim Plaintiff.

Case Nos. 3:07-CV-05488-EDL
 3:07-CV-06053-EDL
 3:08-CV-01641-EDL

**STIPULATION AND ~~PROPOSED~~ ORDER
 STAYING CASES UNTIL JUNE 4, 2010**

19 NetApp, Inc. and Sun Microsystems, Inc. hereby stipulate, subject to the Court's approval,
 20 to a stay of all three of the currently pending actions between the parties (3:07-CV-05488-EDL,
 21 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL) until June 4, 2010 to permit the parties to
 22 explore the possibility of an extra-judicial resolution of their disputes. All currently scheduled
 23 hearings and deadlines are vacated, subject to Court approval. The parties agree that neither side
 24 will use this stay to later argue lack of diligence on the part of the other party.

25 By June 9, 2010, the parties shall jointly report to the Court on the status of their
 26 discussions, the litigation, and next steps. The parties request that the Court now schedule an
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omnibus case management conference in all three cases on Tuesday, June 15, 2010 at 10 a.m., or on the next date consistent with the Court's schedule.

Dated: April 6, 2010

DLA PIPER US LLP

By: /s/ Mark D. Fowler

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Dated: April 6, 2010

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By: /s/ Edward R. Reines

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~~**PROPOSED**~~ **ORDER**

To permit the parties to explore the possibility of an extra-judicial resolution of their disputes, the parties' joint request for a stay is **GRANTED**. All proceedings in Civil Action Nos. 3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL are hereby stayed until June 4, 2010. All currently scheduled hearing dates and deadlines in these actions are hereby vacated. Neither party may rely upon this stay to later argue lack of diligence on the part of the other party.

By June 9, 2010, the parties shall jointly report to the Court on the status of their discussions, the litigation, and next steps. An omnibus case management conference in all three cases shall be held on Tuesday, June 15, 2010 at 10 a.m.

IT IS SO ORDERED.

Dated: April 6, 2010


UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE