

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.zolotarev@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 94303-2215
 8 Tel: 650.833.2000
 Fax: 650.833.2001

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

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

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

CASE NO. 3:07-CV-05488 EDL
**JOINT REPORT REGARDING CLAIM
 CONSTRUCTION HEARING LOGISTICS
 AND ORDER THEREON**

20 Pursuant to the Court's August 12, 2008 Order Regarding Claim Construction, NetApp,
 21 Inc. and Sun Microsystems, Inc. jointly submit this report concerning logistics for the November
 22 10, 2008 and November 24, 2008 Claim Construction Hearings.

23 Term-by-Term Presentation: The parties generally agree with the Court that both parties
 24 should present their arguments concerning a given term before moving on to a subsequent term,
 25 but may suggest after briefing is completed that some claim terms be presented together, if there
 26 is substantial overlap in the arguments in light of the briefing.
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1 Experts: The parties agree with the Court that experts should be available for questions by
2 the Court at the claim construction hearings.

3 Length of Hearings: Pursuant to the Court's September 9, 2008 Order Regarding
4 Stipulation Regarding Claim Construction Schedule, the Court indicated that the claim
5 construction hearings on both November 10, 2008 and November 24, 2008 will start at 9:30 a.m.
6 The parties request that the hearing on both days last until noon.

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8 Dated: September 15, 2008

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10 DLA PIPER LLP (US)

11 By /s/ Christine K. Corbett

12 MARK D. FOWLER
13 DAVID ALBERTI
14 CHRISTINE K. CORBETT
15 YAKOV M. ZOLOTOREV
16 CARRIE L. WILLIAMSON

17 Attorneys for Sun Microsystems, Inc.

18
19 Dated: September 15, 2008

20 WEIL, GOTSHAL & MANGES LLP

21 /s/ Jeffrey G. Homrig

22 MATTHEW D. POWERS
23 EDWARD R. REINES
24 JEFFREY G. HOMRIG
25 JILL J. HO

26 Attorneys for NetApp, Inc.

