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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK APPLIANCE INC,

No. C-07-06053 EDL

Plaintiff,

ORDER STRIKING DOCKET NO. 149

v.

SUN MICROSYSTEMS INC,

Defendant.

On September 8, 2008, counsel for Network Appliance, Inc. filed a six page letter brief containing post-hearing argument regarding claim construction issues (Docket No. 149). While at the claim construction hearing, the Court did ask parties to consider its comments and questions, the Court did not issue any order permitting further briefs by letter or otherwise, and NetApp did not request permission to file its letter beforehand. Accordingly, that letter is hereby STRICKEN. Neither party shall submit any further briefing regarding claim construction without the Court's permission.

IT IS SO ORDERED.

Dated: September 9, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge