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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 NETWORK APPLIANCE, INC.,
 16 Plaintiff/Counterdefendant,
 17 v.
 18 SUN MICROSYSTEMS, INC., a Delaware
 corporation,
 19 Defendant/Counterplaintiff.
 20

CASE NO. 3:07-CV-06053 EDL

**SUN'S UNOPPOSED REQUEST AND
 [PROPOSED] ORDER ALLOWING SUN
 TO AMEND ITS INFRINGEMENT
 CONTENTIONS FOR U.S. PATENT NO.
 6,873,630**

21
 22 WHEREAS, Sun Microsystems, Inc. ("Sun") has recently represented to NetApp, Inc.
 23 ("NetApp") that Sun has recently discovered new information regarding NetApp's sales of third-
 24 party 10 Gigabit Ethernet switches;

25 WHEREAS, Sun has requested that NetApp accept service of amended infringement
 26 contentions for United States Patent No. 6,873,630 ("the '630 patent") to include infringement by
 27 third-party 10 Gigabit Ethernet switches supplied to NetApp and/or NetApp end users;

1 WHEREAS, NetApp does not object to Sun's service of amended infringement
2 contentions for the '630 patent to include infringement by third-party 10 Gigabit Ethernet
3 switches supplied to NetApp and/or NetApp end users;

4 THEREFORE, Sun respectfully requests that the Court allow Sun, pursuant to Patent
5 Local Rule 3-6, to amend its infringement contentions for its U.S. Patent No. 6,873,630 to include
6 infringement by third-party 10 Gigabit Ethernet switches supplied to NetApp and/or NetApp end
7 users.

8
9 Dated: February 24, 2009

10 DLA PIPER LLP (US)

11 /s/ Christine K. Corbett

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19 Dated: February 24, 2009

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ORDER

Having considered Sun's unopposed request, Sun's request for relief is **GRANTED**. Sun is allowed to amend its infringement contentions for its U.S. Patent No. 6,873,630 to include infringement by third-party 10 Gigabit Ethernet switches supplied to NetApp and/or NetApp end users.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 26, 2009

