United States District Court
For the Northern District of California

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5   IN THE UNITED STATES DISTRICT COURT

6   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8   NETWORK APPLIANCE, INC.,   No. C-07-06053 EDL

9   Plaintiff,   **ORDER REGARDING JOINT REPORT
                                                   RE: CLAIM CONSTRUCTION OF
10   v.   "INCORE ROOT INODE"**

11   SUN MICROSYSTEMS, INC.,

12   Defendant.
     _____/

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14   Pursuant to the Court's October 22, 2008 Order Regarding Network Appliance Inc's Motion

15   for Leave to File Motion for Reconsideration Or, in the Alternative, for Entry of Final Judgment, the

16   parties filed a joint report regarding the construction of "incore root inode" from the '211 patent, and

17   proposed the following modification of the Court's construction: "**incore root inode**" means "a data

18   structure that includes a copy of the on-disk root inode that is contained in memory; this copy need

19   not be in a fixed location in memory."

20   At the outset of the November 10, 2008 claim construction hearing in Sun Microsystems,

21   Inc. v. Network Appliance, Inc., C07-5488 EDL, the Court addressed the parties' joint report and

22   proposed further modification of the term "incore root inode" to mean "a data structure, contained in

23   memory, that includes a copy of the on-disk root inode; this copy need not be in a fixed location in

24   memory." Sun agreed to this modification, and NetApp, having asked for time to consider the

25   Court's proposal, has not objected to this modification.

26   Pursuant to the parties's agreed-upon modification, as further modified by the Court, the

27   construction of the term "**incore root inode**" from the '211 patent is hereby amended to be "a data

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structure, contained in memory, that includes a copy of the on-disk root inode; this copy need not be in a fixed location in memory."

IT IS SO ORDERED.

Dated: March 2, 2009

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge