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12 Attorneys for Plaintiff-Counterclaim Defendant
 NETAPP, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 NETWORK APPLIANCE, INC.

18 Plaintiff-Counterclaim Defendant,

19 v.

20 SUN MICROSYSTEMS, INC.

21 Defendant-Counterclaim Plaintiff.
 22

Case No. 3:07-CV-06053-EDL

**STIPULATION AND [~~PROPOSED~~] ORDER
 MODIFYING BRIEFING SCHEDULE FOR
 SUMMARY JUDGMENT MOTION RE U.S.
 PATENT NO. 5,459,857**

23 WHEREAS, opening summary judgment briefs shall be filed on August 3, 2009;

24 WHEREAS, Network Appliance, Inc. (“NetApp”) intends to file a motion for summary
 25 judgment with respect to Sun’s United States Patent No. 5,459,857 (“the ’857 patent”);

26 WHEREAS, due to schedules and conflicts, Dr. Scott Brandt – Sun’s expert on the ’857
 27 patent – will not be deposed until August 4, 2009;

1 THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES THAT: the
2 deadline for filing the opening summary judgment motion on the '857 patent shall be extended
3 from August 3, 2009 to August 10, 2009. The deadline for filing the responsive summary
4 judgment motion on the '857 patent shall be extended from August 17, 2009 to August 24, 2009.
5 The deadline for filing the reply brief for the summary judgment motion on the '857 patent shall
6 be extended from August 31, 2009 to September 8, 2009 and request that the Court enter an order
7 to that effect. The filing deadlines for the parties' other motions for summary judgment would
8 remain unchanged. By extending the deadlines for this motion by one week, the parties do not
9 wish to disturb the hearing schedule for the summary judgment motions, such that the hearing for
10 the summary judgment motion on the '857 patent would remain on September 30, 2009.
11

12 Dated: July 30, 2009

13 DLA PIPER LLP (US)

14 By: /s/ Christine K. Corbett

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16 CLAYTON THOMPSON
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21 Attorneys for
22 Sun Microsystems, Inc.

23 Dated: July 30, 2009

24 WEIL, GOTSHAL & MANGES LLP

25 By: /s/ Jeffrey G. Homrig

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PROPOSED ORDER

Having considered the parties' stipulation, the joint request for relief is **GRANTED**. The August 3, 2009 deadline for filing the opening summary judgment motion on the '857 patent shall be continued to August 10, 2009. The August 17, 2009 deadline for filing the responsive summary judgment motion on the '857 patent shall be continued to August 24, 2009. The August 31, 2009 deadline for filing the reply brief for the summary judgment motion on the '857 patent shall be continued to September 8, 2009. All other deadlines and hearing dates with respect to the summary judgment briefing in the -6053 action are unchanged.

IT IS SO ORDERED.

Dated: July 31, 2009

