

1 MATTHEW D. POWERS (Bar No. 104795)

[matthew.powers@weil.com](mailto:matthew.powers@weil.com)

2 EDWARD R. REINES (Bar No. 135960)

[edward.reines@weil.com](mailto:edward.reines@weil.com)

3 JEFFREY G. HOMRIG (Bar No. 215890)

[jeffrey.homrig@weil.com](mailto:jeffrey.homrig@weil.com)

4 JILL J. HO (Bar No. 236349)

[jill.ho@weil.com](mailto:jill.ho@weil.com)

5 WEIL, GOTSHAL & MANGES LLP

Silicon Valley Office

6 201 Redwood Shores Parkway

Redwood Shores, CA 94065

7 Telephone: (650) 802-3000

Facsimile: (650) 802-3100

8 Attorneys for Plaintiff-Counterclaim Defendant

9 NetApp, Inc.

10  
11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14  
15 NETWORK APPLIANCE, INC.,

16 Plaintiff-Counterclaim,

17 v.

18 SUN MICROSYSTEMS, INC.,

19 Defendant-Counterclaim  
20

Case No. 3:07-CV-06053 EDL

**JOINT STIPULATION AND  
[PROPOSED] ORDER PERMITTING  
NETAPP TO FILE A SECOND  
AMENDED REPLY**

1 WHEREAS, on July 16, 2009, the parties reached agreement to permit certain of  
2 their respective Patent Local Rule infringement contentions in the 6053 and 5488 cases to be  
3 supplemented to narrow the scope of the contention-related disputes being submitted to the Court;  
4 and

5 WHEREAS, as part of this agreement, the parties agreed that NetApp may amend  
6 its Reply in the 6053 case to assert a license defense;

7 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties  
8 hereto through their respective attorneys of record, subject to the Court's approval, that NetApp  
9 may file a Second Amended Reply to Sun's Amended Answer and Counterclaims, a copy of  
10 which is attached hereto as Exhibit A.

11 IT IS FURTHER STIPULATED that Sun waives notice and service of the  
12 amended pleading.

13 Dated: August 14, 2009

WEIL, GOTSHAL & MANGE LLP

15 /s/ Jeffrey G. Homrig  
16 Jeffrey G. Homrig

17 ATTORNEYS FOR NETAPP, INC.

18 Dated: August 14, 2009

Respectfully submitted,

19 DLA PIPER LLP (US)

20 /s/ Carrie Williamson  
21 Carrie Williamson

22 ATTORNEYS FOR SUN MICROSYSTEMS, INC.

23 IT IS SO ORDERED.

24 Dated: August 18, 2009

