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9 Attorneys for Plaintiff-Counterclaim Defendant,
 10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 SUN MICROSYSTEMS, INC., a Delaware
 corporation,

16 Plaintiff-Counterclaim Defendant,

17 v.

18 NETWORK APPLIANCE, INC.

19 Defendant-Counterclaim Plaintiff.
 20

CASE NO. C-08-01641 EDL

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING DEADLINE FOR
 MOTIONS TO COMPEL**

21 In its July 2, 2008 Case Management Scheduling Order, the Court did not specify a
 22 deadline for filing motions to compel discovery responses. Civil Local Rule 26-2 provides that
 23 motions must be filed within 7 court days of the close of discovery. In its July 9, 2009
 24 Scheduling Order, the Court set November 6, 2009 as the close of fact discovery. As a result, the
 25 deadline for filing motions to compel concerning fact discovery is November 18, 2009.

26 The parties (between themselves and with third-parties) have been, and continue to be,
 27 engaged in what appear to be fruitful negotiations concerning their respective discovery
 28 responses. However, the volume of issues to work through is such that the meet-and-confer

1 process is not yet complete. In light of this, the parties are concerned that discovery issues may
2 be raised with the Court unnecessarily under the current schedule. Because the parties believe
3 that continued discussions are likely to reduce the number of discovery disputes raised with the
4 Court, they hereby stipulate through their respective counsel of record, subject to the Court's
5 approval, that the deadline for filing joint letters seeking to compel fact discovery be continued
6 until November 23, 2009.
7

8 Dated: November 13, 2009

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/s/ Christine K. Corbett

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14 Dated: November 13, 2009

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Attorneys for Defendant, NetApp, Inc.

18 **IT IS SO ORDERED.**

19 Dated: November 16, 2009

Elijah D. Laporte

UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE