

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUN MICROSYSTEMS INC,

No. C-08-01641 EDL

Plaintiff,

**ORDER REGARDING MARCH 11, 2010  
JOINT LETTER BRIEF**

v.

NETWORK APPLIANCE,

Defendant.

On March 11, 2010, the parties filed a joint letter brief regarding issues that have arisen since the Court's December 21, 2009 Order regarding various discovery disputes. In short, the letter informs the Court that each party intends to file a Rule 37 motion to strike the other party's expert reports. NetApp seeks a suspension of case deadlines as to the '683 and '249 Patents to allow it time to file its motion in advance of the expert rebuttal deadline of March 17, 2010. Sun opposes the request for a suspension and proposes that expert discovery go forward as scheduled, or alternatively proposes that all currently set case deadlines be suspended pending the Court's consideration of the motions.

The Court Orders that the currently set case deadlines, including exchange of rebuttal expert reports, expert discovery cutoff, and summary judgment briefing and hearings, are temporarily suspended pending the Court's ruling on the parties' Rule 37 motions. The parties are Ordered to meet and confer about a briefing schedule and hearing date for their respective Rule 37 motions, and

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to notice both motions for the same date. The Court will re-set the existing case deadlines following its ruling on the Rule 37 motions.

**IT IS SO ORDERED.**

Dated: March 12, 2010

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge