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18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 SUN MICROSYSTEMS, INC., a Delaware
 22 corporation,

23 Plaintiff/Counterdefendant,

24 v.

25 NETWORK APPLIANCE, INC.

26 Defendant/Counterplaintiff.

27 CASE NO. C-08-01641 EDL

28 **[PROPOSED] ORDER AND
 STIPULATION REGARDING CLOSE OF
 FACT DISCOVERY**

29 Plaintiff Sun Microsystems, Inc. ("Sun") and Defendant NetApp, Inc. ("NetApp"), by and
 30 through their undersigned attorneys of record, hereby stipulate and agree that the close of fact
 31 discovery in the above-titled case shall be August 28, 2009.

1 Dated: January 26, 2009

2 DLA PIPER LLP (US)

3 /s/ Christine K. Corbett

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11 Dated: January 26, 2009

12 /s/ Amalie M. Weber

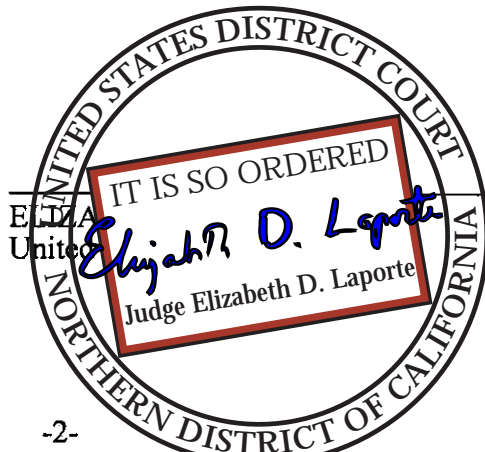
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28 Attorneys for Defendant,
NetApp, Inc.

IT IS SO ORDERED

Dated: 1/27/09



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[PROPOSED] ORDER AND STIPULATION REGARDING CLOSE OF FACT
DISCOVERY; USDC CASE NO. C-08-01641 EDL