

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 LAURENCE F. PULGRAM (CSB NO. 115163)
lpulgram@fenwick.com
 2 JEDEDIAH WAKEFIELD (CSB NO. 178058)
jwakefield@fenwick.com
 3 ALBERT L. SIEBER (CSB NO. 233482)
asieber@fenwick.com
 4 LIWEN A. MAH (CSB NO. 239033)
lmah@fenwick.com
 5 FENWICK & WEST LLP
 555 California Street, Suite 1200
 6 San Francisco, CA 94104
 Telephone: (415) 875-2300
 7 Facsimile: (415) 281-1350

8 Attorneys for Defendants
 STORAGE TECHNOLOGY CORPORATION,
 9 SUN MICROSYSTEMS, INC., EMC CORPORATION
 and DARDEN RESTAURANTS, INC.

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

14 NETBULA, LLC, a Delaware limited
 15 liability company,

16 Plaintiff,

17 v.

18 STORAGE TECHNOLOGY
 CORPORATION, a Delaware corporation;
 19 SUN MICROSYSTEMS, INC., a Delaware
 corporation; INTERNATIONAL
 20 BUSINESS MACHINES
 CORPORATION, a New York
 21 corporation; EMC CORPORATION, a
 Massachusetts corporation; VERITAS
 22 SOFTWARE CORPORATION, a
 Delaware corporation; DARDEN
 23 RESTAURANTS, INC., a Florida
 corporation; and DOES 1-100, inclusive,

24 Defendants.

25 AND RELATED COUNTERCLAIMS
 26
 27

Case No. C-06-07391-MJJ

~~PROPOSED~~ ORDER ON VARIOUS
 ADMINISTRATIVE MATTERS

Dept: Courtroom 11
 Judge: The Honorable Martin J. Jenkins

1 The Court convened a telephonic conference on October 31, 2007 at 2:00 P.M. Plaintiff
2 Netbula, LLC was represented by Vonnah Brillet. Defendants Storage Technology Corp., Sun
3 Microsystems, Inc., Darden Restaurants, Inc. and EMC Corporation (“Defendants”) were
4 represented by Laurence Pulgram and Jedediah Wakefield. The Court having considered the
5 pleadings filed by the parties and the argument of counsel, and good cause appearing therefor,

6 IT IS HEREBY ORDERED:

7 1. Defendants’ Motion for Summary Judgment or Summary Adjudication of
8 Issues Relating to License Defense [Docket Nos. 63-67] is hereby rescheduled for hearing on
9 December 13, 2007 at 3:00 P.M. Plaintiff’s Opposition shall be filed and served no later than
10 November 13, 2007, and Defendants’ Reply shall be filed and served no later than November 20,
11 2007. Defendants’ Motion for Administrative Relief for Consideration of Declaration [Docket
12 No. 78] is moot, as the declaration at issue was filed more than 35 days before the rescheduled
13 hearing date.

14 2. Defendants’ Motion for Administrative Relief to Vacate Hearing on Non-
15 Party Dongxiao Yue’s Request for Injunctive Relief and Impoundment [Docket Nos. 80-81] is
16 hereby GRANTED. The Motion of DongxiaoYue to Intervene and Join as Plaintiff; for
17 Injunctive Relief; and for Copyright Impoundment [Docket Nos. 68-72] will be taken off
18 calendar. The Court will decide the appropriate schedule for considering this motion after the
19 hearing on Netbula’s Motion for Substitution of Party as to the Copyright Infringement Claim
20 [Docket Nos. 56-58], which remains scheduled for hearing November 20, 2007.

21 4. Ms. Brillet’s Motion to Withdraw as Counsel for Netbula [Docket Nos. 59-
22 61] will be taken off calendar for November 20, 2007, and will be decided after the Court’s ruling
23 granting or denying Defendants’ Motion for Summary Judgment or Summary Adjudication of
24 Issues Relating to License Defense. Ms. Brillet will continue as counsel for Netbula in the
25 interim, pending the Court’s ruling.

The status conference on 12/11/07 is
VACATED.

26 SO ORDERED.

27 Dated: 11/01/07

28 United States District Judge

