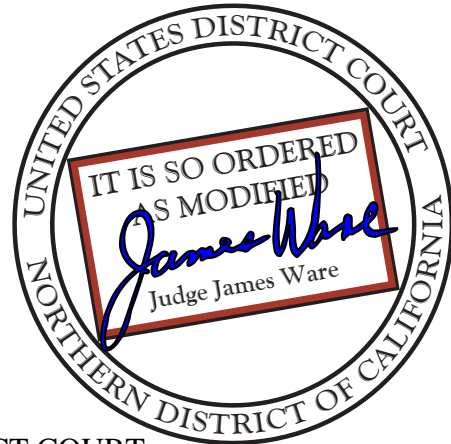


1 ANTONIO L. CORTÉS  
 2 Attorney at Law  
 3 Bar No. 142356  
 4 528 Wisteria Way  
 5 San Rafael, California 94903  
 6 Tel: 415-256-1911  
 7 Fax: 415-256-1919  
 8 Attorney for Plaintiff  
 9 Netbula, LLC



8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 NETBULA, LLC,	)	CASE NO. CV 06-07391-JW
	)	
11 Plaintiff,	)	<b>CLARIFICATION OF JOINT</b>
	)	<b>REQUEST FOR CONTINUANCE</b>
12 v.	)	<b>OF DATE TO FILE</b>
	)	<b>PRELIMINARY PRE-TRIAL</b>
13 STORAGE TECHNOLOGY	)	<b>STATEMENTS</b>
14 CORPORATION, <i>et al.</i> ,	)	<b>ORDER CONTINUING PRELIMINARY</b>
	)	<b>PRETRIAL CONFERENCE</b>
15 Defendants	)	
_____	)	

17 Whereas, the undersigned counsel for all parties herein previously filed, on  
 18 February 13, 2009, their Joint Request for Continuance of Date to File Preliminary Pre-  
 19 Trial Statements;

20 Whereas questions have arisen as to the scope of the settlement mentioned  
 21 therein;

22 The undersigned counsel clarify to the Court that the settlement of the above-  
 23 captioned matter, for which they are currently preparing documentation and which was the

27 ANTONIO L. CORTÉS  
 528 WISTERIA WAY  
 SAN RAFAEL, CA 94903  
 (415) 256-1911  
 28 FAX: (415) 256-1919

1 basis of their request to continue the date to file preliminary pre-trial statements, is a global  
2 settlement to dispose of all claims between all parties to this action.

3 DATED: February 20, 2009

4 \_\_\_\_\_/s/\_\_\_\_\_  
5 Antonio L. Cortes  
6 Counsel for Plaintiff

7 DATED: February 20, 2009

FENWICK & WEST LLP

8 \_\_\_\_\_/s/\_\_\_\_\_  
9 Jedediah Wakefield  
10 Attorneys for Defendant and Counter-Claimant  
11 Sun Microsystems, Inc. and Defendants EMC  
12 Corporation and Darden Restaurants, Inc.

13 DATED: February 20, 2009


QUINN EMANUEL URQUHART OLIVER  
& HEDGES

14 \_\_\_\_\_/s/\_\_\_\_\_  
15 David Eiseman, Counsel for Defendant  
16 International Business Machines Corporation

17 **\*\*\* ORDER \*\*\***

18 Based on the parties' Stipulation and subsequent clarification, the Court finds good  
19 cause to grant the parties a brief continuance of the Preliminary Pretrial Conference  
20 currently set for February 23, 2009. The Court sets a Status Conference for **March 30,**  
21 **2009 at 10 a.m.** On or before **March 20, 2009**, the parties shall file a Joint Status  
22 Statement updating the Court on the status of their efforts to reduce their settlement to a  
23 writing. If a Stipulated Dismissal is filed on the same day, the conference will be  
24 VACATED.

25 Dated: February 20, 2009

26   
27 JAMES WARE  
28 United States District Judge

27 ANTONIO L. CORTÉS  
528 WISTERIA WAY  
SAN RAFAEL, CA 94903  
(415) 256-1911  
28 FAX: (415) 256-1919