



**NetApp™**

## Network Appliance Files Suit Against Sun Microsystems to Defend its Intellectual Property

Demands Fair and Responsible Use of Patented Technologies

Network Appliance, Inc. (NASDAQ: NTAP) today announced that in the wake of prolonged and aggressive claims by Sun Microsystems Inc. against the company, Network Appliance has filed suit seeking a declaration that it is not infringing three of Sun's U.S. patents and that those patents are invalid. The suit also seeks a ruling that Sun infringes seven Network Appliance U.S. patents pertaining to data processing systems and related software. This suit is particularly targeted at Sun's ZFS technology.

Sun's aggressive demand that we license some of their IP caused us to examine carefully whether we were infringing their IP rights and whether they might be infringing ours. NetApp now believes that Sun's ZFS technology infringes a number of NetApp patents. NetApp believes Sun unfairly distributes ZFS technology to third parties to induce the adoption and distribution of the infringing technology in their products without informing them of applicable NetApp patents.

NetApp made major efforts to resolve these issues amicably. Unfortunately, Sun shifted from an aggressive position to not being responsive, leaving important issues unresolved. To remove any doubts, NetApp has turned to the courts.

For infringement of the NetApp patents, the company is seeking compensatory damages and a permanent injunction against Sun to prevent further distribution of the NetApp patented technology in current or future versions of Sun's data processing systems and related software, including their ZFS technology.

"We firmly believe that everyone is best served by fair and responsible treatment of intellectual property," stated Dave Hitz, founder and executive vice president, Network Appliance, and named inventor on five of the Network Appliance patents at issue. "What concerns us is that through its distribution of ZFS under its own terms and conditions, Sun is unfairly encouraging others to adopt and distribute the infringing technology without informing them of our applicable patents."

"NetApp is an innovation leader in the design of data storage systems," said Dan Warmenhoven, Chief Executive Officer, Network Appliance. "We have an obligation to protect the technologies in our award winning solutions that have and continue to benefit our customers. IP disputes are unfortunate and I don't want either company to be distracted by litigation, but we must have clarity. It's time to restore fair play for users of both company's technologies."

For more information about the lawsuit, please visit:

<http://www.netapp.com/go/ipsuit> or visit <http://blogs.netapp.com/dave/> .[www.netapp.com](http://www.netapp.com) .

About Network Appliance

Network Appliance is a world leader in unified storage solutions for today's data-intensive enterprise. Since its inception in 1992, Network Appliance has delivered technology, product, and partner firsts that simplify data management. Information about Network Appliance's solutions and services is available at

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