IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUMMIT DATA SYSTEMS, LLC, Plaintiff, v. EMC CORPORATION, BUFFALO TECHNOLOGY (USA), INC., D-LINK SYSTEMS, INC., HITACHI DATA SYSTEMS CORPORATION, INFORTREND CORPORATION, NETAPP, INC., NETGEAR, INC. and QNAP, INC., Defendants.	)	C.A. No. 10-749 (GMS) REDACTED - PUBLIC VERSION

NETAPP, INC.'S MOTION FOR ATTORNEYS' FEES AND COSTS

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUMMIT DATA SYSTEMS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 10-749 (GMS)
	)	
EMC CORPORATION, BUFFALO TECHNOLOGY (USA), INC., D-LINK SYSTEMS, INC., HITACHI DATA SYSTEMS CORPORATION, INFORTREND CORPORATION, NETAPP, INC., NETGEAR, INC. and QNAP, INC.,	)	
	)	
Defendants.	)	

NETAPP, INC.'S MOTION FOR ATTORNEYS' FEES AND COSTS

Pursuant to 35 U.S.C. § 285 and Federal Rule of Civil Procedure 54(d), and pursuant to this Court's January 17, 2013 Order authorizing the filing of this motion (D.I. 235), defendant NetApp, Inc. ("NetApp") moves for a declaration that this is an exceptional case and an award of attorneys' fees and costs against plaintiff Summit Data Systems and its parent, Acacia Research Group. The grounds for this Motion are set forth more fully in NetApp's Opening Brief, submitted herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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January 29, 2013

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Plaintiff,	)	
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EMC CORPORATION, BUFFALO TECHNOLOGY (USA), INC., D-LINK SYSTEMS, INC., HITACHI DATA SYSTEMS CORPORATION, INFORTREND CORPORATION, NETAPP, INC., NETGEAR, INC. and QNAP, INC.,	)	
	)	
Defendants.	)	

[PROPOSED] ORDER AWARDING ATTORNEYS' FEES AND COSTS

The motion of Defendant NetApp, Inc. ("NetApp") for Attorneys' Fees and Costs having been presented to this Court and fully briefed, and for good cause shown by NetApp;

IT IS HEREBY ORDERED, that this case is found to be exceptional and NetApp is awarded its reasonable attorneys' fees, in the amount of $1,160,621.95, plus those additional, documented fees incurred and paid by NetApp through the conclusion of this motion, and expert costs in the amount of $234,892.67.

IT IS SO ORDERED this ____ day of _____, 2013

_____
CHIEF, UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on February 5, 2013, upon the following in the manner indicated:

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