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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

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**FORM 8-K**

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**CURRENT REPORT  
Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

**Date of Report (Date of earliest event reported): September 8, 2010**

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**NETAPP, INC.**

**(Exact name of registrant as specified in its charter)**

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**Delaware  
(State or other jurisdiction  
of incorporation)**

**0-27130  
(Commission File Number)**

**77-0307520  
(IRS Employer  
Identification No.)**

**495 East Java Drive  
Sunnyvale, CA 94089  
(Address of principal executive offices, including zip code)**

**(408) 822-6000  
(Registrant's telephone number, including area code)**

**Not Applicable  
(Former name or former address, if changed since last report.)**

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Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 8.01 Other Events.**

On September 9, 2010, NetApp, Inc. issued a press release announcing that both NetApp and Oracle Corporation have agreed to dismiss their pending patent litigation, which began in 2007 between Sun Microsystems and NetApp. The press release is furnished herewith as Exhibit 99.1 and is incorporated herein by reference.

This exhibit shall not be deemed "filed" for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), or incorporated by reference in any filing under the Securities Act of 1933, as amended, or the Exchange Act, except as shall be expressly set forth by specific reference in such a filing.

**Item 9.01 Financial Statements and Exhibits.**

**(d) Exhibits.**

| <u>Exhibit No.</u> | <u>Description</u>                      |
|--------------------|---|
| 99.1               | Press release, dated September 9, 2010. |

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**NETAPP, INC.**

Date: September 9, 2010

By: /s/ Matthew K. Fawcett  
Matthew K. Fawcett  
Senior Vice President, General Counsel and  
Corporate Secretary

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## Index to Exhibits

| <u>Exhibit</u> | <u>Description</u>                      |
|----------------|---|
| 99.1           | Press Release, dated September 9, 2010. |



#### NETAPP AND ORACLE AGREE TO DISMISS LAWSUITS

SUNNYVALE, Calif.—September 9, 2010— NetApp (NASDAQ: NTAP) today announced that both parties have agreed to dismiss their pending patent litigation, which began in 2007 between Sun Microsystems and NetApp. Oracle and NetApp seek to have the lawsuits dismissed without prejudice. The terms of the agreement are confidential.

“For more than a decade, Oracle and NetApp have shared a common vision focused on providing solutions that reduce IT cost and complexity for thousands of customers worldwide,” said Tom Georgens, president and CEO of NetApp. “Moving forward, we will continue to collaborate with Oracle to deliver solutions that help our mutual customers gain greater flexibility and efficiency in their IT infrastructures.”

#### About NetApp

NetApp creates innovative storage and data management solutions that accelerate business breakthroughs and deliver outstanding cost efficiency. Discover NetApp’s passion for helping companies around the world go further, faster at [www.netapp.com](http://www.netapp.com).

#### **“Safe Harbor” Statement Under U.S. Private Securities Litigation Reform Act of 1995**

This press release contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These statements include statements regarding our partnership with Oracle, and the benefits that we expect our customers to realize from that partnership. These forward-looking statements involve risks and uncertainties, and actual results could vary. Important factors that could cause actual results to differ materially from those in the forward-looking statements include our ability to maintain our relationship with Oracle, our ability to design products and services that compete effectively from a price and performance perspective, increased competition risks associated with the anticipated growth in the network storage market, and other important factors as described in NetApp reports and documents filed from time to time with the Securities and Exchange Commission (SEC), including the factors described under the sections captioned “Risk Factors” in our most recently submitted 10-K and 10-Q. We disclaim any obligation to update information contained in these forward-looking statements whether as a result of new information, future events, or otherwise.

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NetApp, the NetApp logo, and Go further, faster are trademarks of NetApp, Inc. All other brands or logos are trademarks of their respective owners and should be treated as such.

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