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U.S. DEPT. OF LABOR
EBSA/PUBLIC DISCLOSURE
05 AUG 15 AM 11:06



NetworkAppliance®

August 9, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Top Hat Plan Exemption
Pension and Welfare Benefits Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Dear Sir or Madam:

Pursuant to Section 2520.104-23(b) of the Department of Labor Regulations, the following information is hereby submitted:

Employer's Name: Network Appliance, Inc.

Employer's Address: 495 East Java Drive
Sunnyvale, California 94089

Employer's Tax ID#: 77-0307520

Declaration: The Employer currently maintains a plan or plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

The Employer currently maintains the Network Appliance, Inc. Deferred Compensation Plan, which at the present time covers approximately 230 employees.

For additional information, please contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'James M. Trautman'.

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work Appliances, Inc.
East Java Drive
nyvale, CA 94089

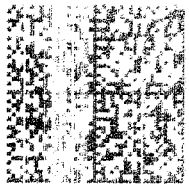
PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE

CERTIFIED MAIL



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POSTAGE
FIRST CLASS
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