

NETWORK APPLIANCE INC

Form 8-K

September 09, 2004

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

**FORM 8-K**

**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 2, 2004**

**NETWORK APPLIANCE, INC.**

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

**Delaware**

**0-27130**

**77-0307520**

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

**(Commission  
File Number)**

**(I.R.S. Employer  
Identification Number)**

**495 East Java Drive  
Sunnyvale, California 94089**

**(Address of principal executive offices) (Zip Code)**

**(408) 822-6000**

**(Registrant's telephone number, including area code)**

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**Item 5.03. Amendments to Articles of Incorporation or Bylaws; Change in Fiscal Year**

The information contained in Item 5.03 of this Current Report is being filed pursuant to Item 5.03. Amendments to Articles of Incorporation or Bylaws; Change in Fiscal Year in accordance with SEC Release No. 33-8400 (March 16, 2004).

Article III, Section 1 of the bylaws of Network Appliance, Inc. provides in pertinent part that the number of directors of this corporation that shall constitute the whole Board shall be determined by resolution of the Board of Directors. Pursuant to a resolution approved by the Board of Directors on September 2, 2004, the Board of Directors of Network Appliance, Inc. reduced the number of authorized seats on the Board of Directors from ten to nine.

**SIGNATURE**

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

September 8, 2004

By: /s/ Steven J. Gomo  
**Steven J. Gomo,**  
**Senior Vice President of Finance and**  
**Chief Financial Officer**