

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

**(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)

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