

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
BUSINESS LITIGATION SESSION

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EMC CORPORATION, :  
 :  
 Plaintiff, : Civil Action  
 : No. 09-1727-BLS2  
 v. :  
 :  
 DAVID A. DONATELLI, :  
 :  
 Defendant. :  
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**ORDER MODIFYING PRELIMINARY INJUNCTION**

Upon Plaintiff EMC Corporation's Emergency Motion For A Temporary Restraining Order And Limited Discovery, this Court's Memorandum And Order On Application For Preliminary Injunction dated May 4, 2009 ("May 4, 2009 Order"), Defendant's Motion To Modify Preliminary Injunction Order ("Motion"), and all other papers and proceedings herein, it is HEREBY ORDERED that this Court's May 4, 2009 Order is modified as follows:

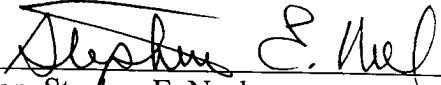
- (1) Donatelli may commence employment at HP in compliance with the terms below.
- (2) Donatelli is RESTRAINED AND ENJOINED from participating in those aspects of the ESS Global Business Unit that overlap or compete with storage products being developed, produced, marketed or sold by EMC; and from working in the HP business unit responsible for information storage systems, including (a) participating in meetings and decisions with respect to the day to day management of the StorageWorks business unit and (b) participating in design, manufacturing, sales and marketing decisions for products produced in the StorageWorks business unit.

- (3) To the extent that HP develops or sells (a) any other storage infrastructure products, storage appliances, storage file servers, virtual tape controllers, storage host bus adaptors, special purpose storage servers and IP based storage networking products or (b) any other storage infrastructure software products, storage resource management products, storage security products, storage recovery products, storage virtualization products, and cloud storage infrastructure products that overlap or compete with products being developed, produced, marketed or sold by EMC (EMC Form 10-K, at 1-7), those products are either part of the ESS Global Business Unit, as to which paragraph (2) applies, or are developed and sold by HP through parts of its business other than the ESS and Networking (ProCurve) Global Business Units. Donatelli has represented that he will not be participating in those other parts of HP's business; accordingly, he is RESTRAINED AND ENJOINED from so participating.

In all other respects, this Court's Memorandum And Order On Application For Preliminary Injunction dated May 4, 2009 remains in full force and effect.

SO ORDERED:

Dated: May 21, 2009

  
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The Hon. Stephen E. Neel  
Justice of the Superior Court