### Edgar Filing: WARMENHOVEN DANIEL J - Form 4

WARMEN Form 4	HOVEN DANIEI	_ J	inig. I	, u un 21							
January 07, 2013										PROVAL	
FORM	VI 4 UNITED		SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549					OMB Number:	3235-0287		
Check t if no lor subject Section Form 4	nger to <b>STATEN</b> 16. or	STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES							Expires: Estimated a burden hour response		
Form 5 obligations may continue. See Instruction 1(b). Filed pursuant to Section 16(a) of the Securities E Section 17(a) of the Public Utility Holding Company 30(h) of the Investment Company Ac							y Act of 19				
(Print or Type	Responses)										
1. Name and Address of Reporting Person * 2. Issuer Name and Ticker or Trading 5. Relationship of Reporting Person(s) to   WARMENHOVEN DANIEL J Symbol Issuer   NetApp, Inc. [NTAP] (Inc. Inc. Inc. Inc. Inc. Inc. Inc. Inc.											
(Last)	Middle)	3. Date of Earliest Transaction					(Check all applicable)				
495 EAST JAVA DRIVE			01/03/2013 -				_	_X_ Director 10% Owner Officer (give title Other (specify below) below)			
	-				Individual or Joint/Group Filing(Check						
Filed(Month/Day/Year) Applicable Line) _X_Form filed by One Reporting Person Form filed by More than One Reporting Person											
(City)	(State)	(Zip)	Tal	ole I - Non-	Derivative	Secur	ities Acquir	ed, Disposed of,	or Beneficiall	y Owned	
1.Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	Execution any	Date, if	3. Transactio Code (Instr. 8)	onor Dispos (Instr. 3, 4	ed of (		5. Amount of Securities Beneficially Owned Following Reported Transaction(s)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
				Code V	Amount	or (D)	Price	(Instr. 3 and 4)	(1150.4)		
Common Stock	01/03/2013			M <u>(1)</u>	78,727	A	\$ 15.711	136,479	D		
Common Stock	01/03/2013			S <u>(1)</u>	78,727	D	\$ 34.1438	57,752	D		
Common Stock	01/03/2013			M <u>(1)</u>	3,617	А	\$ 6.91	61,369	D		
Common Stock	01/03/2013			S <u>(1)</u>	3,617	D	\$ 34.1438	57,752	D		
Common Stock								170,000	Ι	by Lmtd Ptnrshp2	

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Common Stock	2,007,231	Ι	by Trust $(3)$
Common Stock	38,032	Ι	by Trust2 $(4)$

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of SEC 1474 information contained in this form are not (9-02) required to respond unless the form displays a currently valid OMB control number.

#### Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transactic Code (Instr. 8)	5. Number of onDerivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)		7. Title and Ar Underlying Se (Instr. 3 and 4)
				Code V	(A) (D)	Date Exercisable	Expiration Date	Title
Non-Qualified Stock Option (right to buy)	\$ 6.91 <u>(5)</u>	01/03/2013		M <u>(1)</u>	3,617	<u>(6)</u>	01/01/2014	Common Stock
Non-Qualified Stock Option (right to buy)	\$ 15.711	01/03/2013		M <u>(1)</u>	78,727	06/09/2003 <u>(7)</u>	05/08/2013	Common Stock

## **Reporting Owners**

Reporting Owner Name / Address								
	Director	10% Owner	Officer	Other				
WARMENHOVEN DANIEL J 495 EAST JAVA DRIVE SUNNYVALE, CA 94089	Х							
Signatures								
By: Haleh Carrillo, Attorney-In-Fact For: Daniel J. Warmenhoven					01/07/2013			

\*\*Signature of Reporting Person

# **Explanation of Responses:**

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) The transaction(s) reported in this Form 4 were effected pursuant to a Rule 10b5-1 trading plan adopted by the reporting person.

Shares held by Warmenhoven Ventures LP, a limited partnership of which the Warmenhoven Management Trust is the general partner, of(2) which the reporting person and his wife are the trustees. Reporting person disclaims beneficial ownership of such shares except to the extent of his pecuniary interest therein.

- (3) Shares held in trust by Daniel J. Warmenhoven & Charmaine A. Warmenhoven, trustees to The Warmenhoven 1987 Revocable Trust UTA dated 12/16/87, as amended.
- (4) Shares held in trust by Richard A. Andre, trustee to The Daniel J. Warmenhoven 1991 Children's Trust. Reporting person disclaims beneficial ownership of such shares.

This option was granted under the Network Appliance, Inc. Salary Investment Option Program of the Company's 1995 Stock Incentive(5) Plan, pursuant to which the reporting person has elected, by irrevocable election, to apply a portion of his base salary for calendar year 2004 to the acquisition of a below-market option grant.

- (6) Option vests with respect to 1/12 of the option shares on January 31, 2004 and the balance in a series of equal month installments over the next 11 months of service thereafter.
- (7) Option vests in a series of equal monthly installments over 48 months of service beginning with the one-month annuversary of the grant date.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.