

SUN MICROSYSTEMS, INC.  
Form 8-K  
September 04, 2009

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**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): 09/03/2009**

**Sun Microsystems, Inc.**

(Exact name of registrant as specified in its charter)

**Commission File Number: 0-15086**

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

**94-2805249**  
(IRS Employer  
Identification No.)

**4150 Network Circle**  
Santa Clara, California 95054-1778  
(Address of principal executive offices, including zip code)

**(650) 960-1300**  
(Registrant's telephone number, including area code)

**N/A**  
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 8.01. Other Events**

On September 3, 2009, Sun Microsystems, Inc. ("Sun") received notification from the European Commission (the "EC") that the EC has decided to seek more information regarding the proposed merger between Sun and Oracle Corporation (the "Merger") by conducting a Phase Two inquiry. The effect of this request is to extend the EC review period. As previously announced, the United States Department of Justice approved the Merger without any further conditions and terminated the waiting period under the Hart-Scott-Rodino Act on August 20, 2009, and Sun's stockholders approved the Merger on July 16, 2009. The Merger remains subject to regulatory clearance from the EC and is subject to the satisfaction or waiver of the other closing conditions specified in the merger agreement.

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**SIGNATURES**

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

Sun Microsystems, Inc.

Date: September 03, 2009

By: /s/ Michael A. Dillon

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Michael A. Dillon  
Executive Vice President, General Counsel and Secretary