

SUN MICROSYSTEMS, INC.
Form 8-K
August 21, 2009

**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): 08/20/2009

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))
-

Item 8.01. Other Events

On August 20, 2009, Sun Microsystems, Inc. ("Sun") received notification from the United States Department of Justice (the "DOJ") that the DOJ has approved the proposed acquisition of Sun by Oracle Corporation (the "Merger") and terminated the waiting period under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 regarding the Merger. As previously announced, Sun's stockholders approved the Merger on July 16, 2009. The Merger remains subject to regulatory clearance from the European Commission and is subject to the satisfaction or waiver of the other closing conditions specified in the merger agreement.

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: August 20, 2009

By: /s/ Michael A. Dillon

Michael A. Dillon

Executive Vice President, General Counsel and Secretary