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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SMART MODULAR TECHNOLOGIES,  
INC.,

Plaintiff and Counterclaim  
Defendant,

v.

NETLIST, INC.,

Defendant and Counterclaim  
Plaintiff.

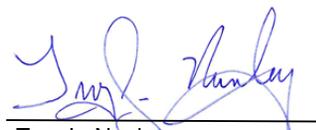
No. 2:12-cv-02319-TLN-EFB

**ORDER GRANTING DEFENDANT'S  
MOTION TO AMEND STRICKEN  
AFFIRMATIVE DEFENSES**

This matter is before the Court on Defendant and Counterclaim Plaintiff Netlist, Inc.'s ("Netlist") Motion for Leave to File Amended Stricken Affirmative Defenses. (ECF No. 188.) Plaintiff and Counterclaim Defendant Smart Modular Technologies Inc. ("Smart Modular") filed a statement of non-opposition.<sup>1</sup> (ECF No. 190.) The Court has reviewed the arguments raised in Netlist's motion and good cause appearing, hereby GRANTS Netlist's Motion for Leave to File Amended Stricken Affirmative Defenses (ECF No. 188).

IT IS SO ORDERED.

Dated: October 10, 2017

  
Troy L. Nunley  
United States District Judge

<sup>1</sup> Smart Modular also filed a Motion to Dismiss (ECF No. 191) Netlist's Amended Answer and Counterclaim even though this Court had not yet granted Netlist's motion to amend. While the Court could determine such a filing is untimely, in light of this Order, the Court chooses not to strike the motion.