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21
 22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**
 24 **OAKLAND DIVISION**

25 GOOGLE INC.,
 26 Plaintiff,
 27 v.
 28 NETLIST, INC.,
 Defendant.

Case No. 08-04144 SBA
**STIPULATION AND [PROPOSED]
 ORDER REGARDING EXPERT
 DESIGNATIONS PURSUANT TO
 ORDER FOR PRETRIAL
 PREPARATION (DKT. 81)**

1 WHEREAS, Section B of the Court’s November 18, 2009 *Order for Pretrial Preparation*
2 (Dkt. 81), provides the following deadlines for expert designations:

3 Plaintiff shall designate any experts by **4/15/10**; defendant by
4 **4/30/10**; rebuttal disclosure by **NOT SET**. Any expert not so named
5 may be disallowed as a witness. No expert will be permitted to
6 testify to any opinion, or basis or support for an opinion, that has
7 not been disclosed in response to an appropriate question or
8 interrogatory from the opposing party. Expert discovery shall be
9 completed by **5/17/10**.

10 WHEREAS, Plaintiff Google Inc. (“Google”) and Defendant Netlist, Inc. (“Netlist”) have
11 a mutual interest in the orderly and efficient conduct of this litigation, and they agree that because
12 this is a declaratory judgment action involving Netlist’s claim of infringement and Google’s claim
13 of invalidity, the initial expert deadline in the Court’s *Order for Pretrial Preparation* should
14 apply to each party with respect to claims for which it bears the burden of proof;

15 WHEREAS, these stipulated requirements adhere to the Court’s set deadlines and will
16 therefore have no effect on the current schedule for this case;

17 WHEREAS, the parties have met and conferred on the issue;

18 IT IS HEREBY STIPULATED THAT:

19 1. The Court’s deadlines set forth in Section B of the Order for Pretrial Preparation
20 should be interpreted as follows:

- 21 A. Netlist, Inc. shall designate experts and submit expert reports relating to
22 any matters for which it bears the burden of proof (including infringement
23 and damages claims) by **4/15/10**;
- 24 B. Google Inc. shall designate experts and submit expert reports relating to
25 any matters for which it bears the burden of proof (including invalidity
26 claims) by **4/15/10**;
- 27 C. Netlist, Inc. shall designate experts and submit expert reports relating to
28 any rebuttal of Google Inc.’s expert disclosures by **4/30/10**;
- D. Google Inc. shall designate experts and submit expert reports relating to
any rebuttal of Netlist, Inc.’s expert disclosures by **4/30/10**;
- E. Both parties shall complete expert discovery by **5/17/10**.

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Dated: February 22, 2010

ADRIAN M. PRUETZ
PRUETZ LAW GROUP LLP

By: /s/ Adrian M. Pruetz
ADRIAN M. PRUETZ

Attorneys for Defendant
NETLIST, INC.

Dated: February 22, 2010

KING & SPALDING LLP

By: /s/ Geoffrey M. Ezgar
GEOFFREY M. EZGAR

Attorneys for Plaintiff
GOOGLE INC.

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Adrian Pruetz.

Dated: February 22, 2010

KING & SPALDING LLP

By: /s/ Geoffrey M. Ezgar
GEOFFREY M. EZGAR

Attorneys for Plaintiff
GOOGLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February __, 2010

Saundra Brown Armstrong
United States District Judge