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17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 (OAKLAND DIVISION)

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21 GOOGLE INC.,  
 22 Plaintiff,  
 23 v.  
 24 NETLIST, INC.,  
 25 Defendant.

Case No. C 08-04144 SBA

**STIPULATION AND [PROPOSED]  
 ORDER SELECTING ADR PROCESS**

26

27 AND RELATED COUNTERCLAIMS.  
 28

1 Counsel report that they have met and conferred regarding ADR and have reached the  
2 following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

- 5  Non-binding Arbitration (ADR L.R. 4)  
6  Early Neutral Evaluation (ENE) (ADR L.R. 5)  
7  Mediation (ADR L.R. 6)

8 *(Note: Parties who believe that an early settlement conference with a Magistrate Judge is*  
9 *appreciably more likely to meet their needs than any other form of ADR, must participate in an*  
10 *ADR phone conference and may not file this form. They must instead file a Notice of Need for*  
11 *ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

12 **Private Process:**

13  Private ADR (please identify process and provider): Mediation

14 The parties agree to hold the ADR session by:

- 15  the presumptive deadline *(The deadline is 90 days from the date of the*  
16 *order referring the case to an ADR process unless otherwise ordered.)*  
17  other requested deadline

18  
19 Dated: 12/11/06

  
Attorneys for Plaintiff

20  
21 Dated: 12/12/06

  
Attorneys for Defendant

22  
23 **[PROPOSED] ORDER**

24 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- 25  Non-binding Arbitration  
26  Early Neutral Evaluation (ENE)  
27  Mediation (ADR L.R. 6)  
28  Private ADR

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Deadline for ADR session

90 days from the date of this order.

other

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE