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 NETLIST, INC.

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

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

Case No. C 08-04144 SBA
**STIPULATION AND ORDER
 SELECTING ADR PROCESS**

26 AND RELATED COUNTERCLAIMS.
 27
 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

19 Dated: 12/11/08 _____ /s/ David J. Miclean _____
20 Attorneys for Plaintiff

21 Dated: 12/12/08 _____ /s/ L. Scott Oliver _____
22 Attorneys for Defendant

23 **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

X 90 days from the date of this order.

— other

IT IS SO ORDERED.

Dated: 12/17/08


UNITED STATES DISTRICT JUDGE

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