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

24 GOOGLE INC.,

25 Plaintiff,

26 v.

27 NETLIST, INC.,

28 Defendant.

Case No. 08-04144 SBA

[Related to Case No.: 09-05718 SBA]

**STIPULATION AND [PROPOSED]
 ORDER REGARDING
 CANCELLATION OF
 AUGUST 3, 2010 MANDATORY
 SETTLEMENT CONFERENCE
 (DKT. 80)**

1 WHEREAS, during the Case Management Conference held on November 12, 2009, the
2 Court ordered that this case be referred to a Magistrate Judge for a mandatory settlement
3 conference to be held in August 2010 (D.I. 78);

4 WHEREAS, on November 13, 2009, the Court referred this case to Chief Magistrate
5 Judge Maria-Elena James for settlement. A mandatory settlement conference was scheduled to
6 take place before Judge James on August 3, 2010 at 10:00 a.m. in Judge James' Chambers,
7 located at the Federal Building, 450 Golden Gate Avenue, 15th Floor, San Francisco, California
8 94102 (D.I. 80);

9 WHEREAS, on February 2, 2010 the Court issued an Order Denying Joint Motion to
10 Consolidate (D.I. 95), wherein the Court required the parties to file a joint statement and proposed
11 order specifying whether they preferred to have both Google Inc. v. Netlist, Inc. Case No. 08-
12 4144, and Netlist, Inc. v. Google Inc., Case No. 09-5718 ("the Cases") referred to a Magistrate
13 Judge for an early settlement conference or proceed before a private mediator;

14 WHEREAS, Plaintiff Google Inc. ("Google") and Defendant Netlist, Inc. ("Netlist") met
15 and conferred on the issue and filed a notice on March 2, 2010 indicating their election to have
16 the Cases referred to Magistrate Judge Elizabeth D. Laporte for an early settlement conference
17 (D.I. 107);

18 WHEREAS, on March 8, 2010, the Court referred the Cases to Magistrate Judge Laporte
19 for settlement. A settlement conference was scheduled to take place before Judge Laporte on
20 April 30, 2010 at 9:30 a.m. (D.I. 107) and in fact the conference went forward on that date but
21 the Cases did not settle;

22 WHEREAS, in view of the Court's referral of the Cases to Magistrate Judge Laporte for
23 settlement, and in further view of the settlement conference that already took place before Judge
24 Laporte on April 30, 2010, the parties agree that the mandatory settlement conference scheduled
25 for August 3, 2010 before Chief Magistrate Judge James should be canceled;

26 WHEREAS, the parties are not aware of the Court terminating the deadline for the August
27 3, 2010 mandatory settlement conference before Chief Magistrate Judge James and seek such an
28 Order from the Court;

 WHEREAS, the parties met and conferred on this issue;

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IT IS HEREBY STIPULATED THAT:

1. The mandatory settlement conference scheduled for August 3, 2010 before Chief Magistrate Judge Maria-Elena James shall not take place.

Dated: July 21, 2010

KING & SPALDING LLP

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

Attorneys for Plaintiff
GOOGLE INC.

Dated: July 21, 2010

LEE, TRAN & LIANG APLC

By: /s/ Steven R. Hansen
Steven R. Hansen

Attorneys for Defendant
NETLIST, 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 Steven R. Hansen.

Dated: July 21, 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: July __, 2010

Saundra Brown Armstrong
United States District Judge