

TIMOTHY T. SCOTT (CA Bar No. 126971/tscott@kslaw.com)
 GEOFFREY M. EZGAR (CA Bar No. 184243/gezgar@kslaw.com)
 LEO SPOONER III (CA Bar No. 241541/lspooner@kslaw.com)
 KING & SPALDING LLP
 333 Twin Dolphin Drive, Suite 400
 Redwood Shores, CA 94065
 Telephone: (650) 590-0700
 Facsimile: (650) 590-1900

SCOTT T. WEINGAERTNER (pro hac vice/sweingaertner@kslaw.com)
 ROBERT F. PERRY (rperry@kslaw.com)
 ALLISON ALTERSOHN (pro hac vice/aaltersohn@kslaw.com)
 SUSAN KIM (pro hac vice/skim@kslaw.com)
 MARK H. FRANCIS (pro hac vice/mfrancis@kslaw.com)
 DANIEL MILLER (pro hac vice/dmiller@kslaw.com)
 King & Spalding LLP
 1185 Avenue of the Americas
 New York, NY 10036-4003
 Telephone: (212) 556-2100
 Facsimile: (212) 556-2222

Attorneys for Plaintiff, GOOGLE INC.

Adrian M. Pruetz (CA Bar No. 118215/ampruetz@pruetzlaw.com)
 Erica J. Pruetz (CA Bar No. 227712/ejpruetz@pruetzlaw.com)
 PRUETZ LAW GROUP LLP
 200 N. Sepulveda Blvd., Suite 1525
 El Segundo, California 90245
 Telephone: 310.765.7650
 Facsimile: 310.765.7641

Steven R. Hansen (CA Bar No. 198401/srh@ltlcounsel.com)
 Enoch H. Liang (CA Bar No. 212324/ehl@ltlcounsel.com)
 LEE, TRAN & LIANG APLC
 601 S. Figueroa St., Ste. 4025
 Los Angeles, California 90017
 Telephone: 213.612.3737
 Facsimile: 213.612.3773

Attorneys for Defendant, NETLIST, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

GOOGLE INC.,

Plaintiff,

v.

NETLIST, INC.,

Defendant.

Case No. 08-04144 SBA

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

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

WHEREAS, during the Case Management Conference held on November 12, 2009, the

1 Court ordered that this case be referred to a Magistrate Judge for a mandatory settlement
2 conference to be held in August 2010 (D.I. 78);

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

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

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

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

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

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

28 WHEREAS, the parties met and conferred on this issue;

IT IS HEREBY STIPULATED THAT:

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

3
4 Dated: July 21, 2010

KING & SPALDING LLP

5
6 By: /s/ Geoffrey M. Ezgar
7 GEOFFREY M. EZGAR

8 Attorneys for Plaintiff
9 GOOGLE INC.

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11
12 Dated: July 21, 2010

LEE, TRAN & LIANG APLC

13
14 By: /s/ Steven R. Hansen
15 Steven R. Hansen


16 Attorneys for Defendant
17 NETLIST, INC.
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Dated: July 21, 2010 KING & SPALDING LLP

Attorneys for Plaintiff
GOOGLE INC.

Dated: July_22, 2010


Sandra Brown Armstrong
United States District Judge