

1 TIMOTHY T. SCOTT (SBN 126971/[tscott@kslaw.com](mailto:tscott@kslaw.com))  
 2 GEOFFREY M. EZGAR (SBN 184243/[gezgar@kslaw.com](mailto:gezgar@kslaw.com))  
 3 LEO SPOONER III (SBN 241541/[lspooner@kslaw.com](mailto:lspooner@kslaw.com))  
 4 KING & SPALDING LLP  
 333 Twin Dolphin Drive, Suite 400  
 Redwood Shores, CA 94065  
 Telephone: (650) 590-0700  
 Facsimile: (650) 590-1900

5 SCOTT T. WEINGAERTNER (*pro hac vice*/[sweingaertner@kslaw.com](mailto:sweingaertner@kslaw.com))  
 6 ROBERT F. PERRY ([rperry@kslaw.com](mailto:rperry@kslaw.com))  
 7 ALLISON ALTERSOHN (*pro hac vice*/[aaltersohn@kslaw.com](mailto:aaltersohn@kslaw.com))  
 8 SUSAN KIM (*pro hac vice*/[skim@kslaw.com](mailto:skim@kslaw.com))  
 9 DANIEL MILLER (*pro hac vice*/[dmiller@kslaw.com](mailto:dmiller@kslaw.com))  
 King & Spalding LLP  
 1185 Avenue of the Americas  
 New York, NY 10036-4003  
 Telephone: (212) 556-2100  
 Facsimile: (212) 556-2222

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 11 Attorneys for Plaintiff  
 GOOGLE INC.

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 13 UNITED STATES DISTRICT COURT FOR THE  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 OAKLAND DIVISION

16 GOOGLE INC.  
 17  
 18 Plaintiff,  
 19 v.  
 20 NETLIST, INC.,  
 21 Defendant.

Civil Action No. C08 04144 SBA  
 [Related to Civil Action No. C09-05718 SBA]  
**[PROPOSED] ORDER GRANTING  
 GOOGLE INC.'S MOTION TO STAY  
 PENDING REEXAMINATION OF U.S.  
 PATENT NO. 7,289,386**  
 Date: October 26, 2010  
 Time: 1:00pm  
 Place: Courtroom 3  
 Judge: Hon. Sandra Brown Armstrong

1 This Court has reviewed Plaintiff Google Inc.'s ("Google") Motion for Stay Pending  
2 Reexamination of U.S. Patent No. 7,289,386, Defendant Netlist, Inc.'s ("Netlist") Opposition  
3 thereto, the declarations and other evidence submitted in support of and in opposition to that  
4 motion, and heard arguments of counsel. The Court finds that the relevant factors militate in  
5 favor of a stay.

6 Accordingly, it is hereby ordered that:

7 1. Google Inc.'s Motion to Stay Pending Reexamination of U.S. Patent No.  
8 7,289,386 is GRANTED. The Court, therefore, orders that all proceedings before the Court are  
9 stayed until the *inter partes* reexamination of U.S. Patent No. 7,289,386 before the United States  
10 Patent and Trademark Office is complete.

11 2. The Clerk of U.S. District Court shall ADMINISTRATIVELY CLOSE this  
12 matter.

13 3. The parties are instructed to submit status reports to the Court every six months,  
14 appraising the Court of the status of the pending reexamination proceeding. The parties are  
15 advised that the failure to submit such status reports could result in dismissal of this matter.

16 4. Upon final exhaustion of all pending reexamination proceedings, including any  
17 appeals, the parties shall jointly submit to the Court, within one week, a letter indicating that all  
18 appeals have been exhausted, and requesting that this matter be reopened and a case management  
19 conference be scheduled.

20 **IT IS SO ORDERED.**

21  
22 Dated: \_\_\_\_\_

\_\_\_\_\_  
23 Hon. Sandra B. Armstrong  
24 UNITED STATES DISTRICT JUDGE