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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOOGLE INC.,

Plaintiff,

vs.

NETLIST, INC.,

Defendant.

Case No: C 08-4144 SBA

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION TO STAY
PENDING REEXAMINATION**

[Docket No. 182]

Presently before the Court is Plaintiff's Motion to Stay Pending Reexamination of the patent-in-suit, U.S. Patent No. 7,289,386 (the "386 Patent"). (Docket No. 182.) The United States Patent and Trademark Office granted Plaintiff's *inter partes* request for reexamination of the '386 Patent on August 9, 2010. Defendant has filed a Statement of Non-Opposition to Plaintiff's motion to stay. (Docket No. 186.)

A district court has the discretion to stay judicial proceedings pending reexamination of a patent. See Ethicon, Inc. v. Quigg, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988); accord Amado v. Microsoft Corp., 517 F.3d 1353, 1358 (Fed. Cir. 2008). There is a "liberal policy in favor of granting motions to stay proceedings pending the outcome of USPTO reexamination or reissuance proceedings." ASCII Corp. v. STD Entertainment, 844 F.Supp. 1378, 1381 (N.D. Cal. 1994).

Here, the considerations of judicial economy and conserving the parties' resources

1 weigh in favor of granting Plaintiff's motion for stay, particularly in view of Defendant's non-
2 opposition to the motion. Accordingly,

3 IT IS HEREBY ORDERED THAT:

- 4 1. Plaintiff's Motion to Stay Pending Reexamination of the '386 Patent is
5 GRANTED. The Court, therefore, orders that all proceedings before the
6 Court are stayed until the *inter partes* reexamination of the '386 Patent
7 before the United States Patent and Trademark Office is complete.
- 8 2. The Clerk of U.S. District Court shall ADMINISTRATIVELY CLOSE
9 this matter.
- 10 3. The parties are instructed to submit status reports to the Court every six
11 months, appraising the Court of the status of the pending reexamination
12 proceedings. The parties are advised that the failure to submit such status
13 reports could result in dismissal of this matter.
- 14 4. Upon final exhaustion of all pending reexamination proceedings,
15 including any appeals, the parties shall jointly submit to the Court, within
16 one week, a letter indicating that all appeals have been exhausted, and
17 requesting that this matter be reopened and a case management
18 conference be scheduled.
- 19 5. This Order terminates Docket No. 182.

20 IT IS SO ORDERED.

21 Dated: September_13, 2010


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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