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 16 GOOGLE INC.

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

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

Case No. C 08-04144 MEJ

**DECLINATION TO PROCEED BEFORE
 A MAGISTRATE JUDGE AND REQUEST
 FOR REASSIGNMENT TO A U.S.
 DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

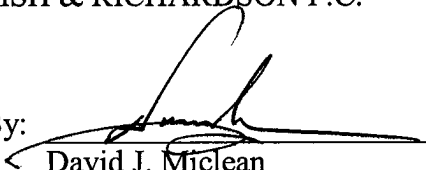
The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

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1 Dated: October 29, 2008

FISH & RICHARDSON P.C.

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By: 
David J. Miclean

Attorneys for Plaintiff
GOOGLE INC.

PROOF OF SERVICE

I am employed in the County of San Mateo. My business address is Fish & Richardson P.C., 500 Arguello Street, Suite 500, Redwood City, California 94063. I am over the age of 18 and not a party to the foregoing action.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for personal delivery, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight service.

On October 29, 2008, I caused a copy of the following document(s):

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A U.S. DISTRICT JUDGE

to be served on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, and addressed as follows:

L. Scott Oliver
James Pooley
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

Attorneys for Defendant
NETLIST, INC.

- MAIL:** Such correspondence was deposited, postage fully paid, with the United States Postal Service on the same day in the ordinary course of business.
- PERSONAL:** Such envelope was delivered by hand to the offices of the addressee.
- FACSIMILE:** Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.
- ELECTRONIC MAIL:** Such document was transmitted by electronic mail to the addressees' email addresses as stated above.
- FEDERAL EXPRESS:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by Federal Express.
- EXPRESS MAIL:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by the United States Postal Service.

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**OVERNIGHT
DELIVERY:**

Such correspondence was given on the same day in the ordinary course of business to an authorized courier or a driver authorized by that courier to receive documents.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the above is true and correct. Executed on October 29, 2008, at Redwood City, California.


Diane M. Arceo-Lowenstein

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