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15 Attorneys for Defendant  
 NETLIST, INC.

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

21 GOOGLE INC.,

22 Plaintiff,

23 v.

24 NETLIST, INC.,

25 Defendant.

Case No. C 08-04144 SBA

**STIPULATION AND [PROPOSED]  
 ORDER RE MOTION TO CONSOLIDATE  
 CASES [Civ. L.R. 7-12]**

26  
 27 AND RELATED CASE.  
 28

1 Plaintiff Google Inc. and Defendant Netlist, Inc. (the “Parties”) believe that *Netlist, Inc. v.*  
2 *Google Inc.*, Case No. C-09-05718 SBA (“Netlist Action”), filed on December 4, 2009 in the U.S.  
3 District Court for the Northern District of California, and related to this case by order of December  
4 28, 2009, should be consolidated with this case under Federal Rule of Civil Procedure 42(a). The  
5 two actions involve common questions of law and fact that make them substantially overlapping  
6 and warrant consolidation. The patent asserted in Netlist’s new complaint is related to the patent  
7 at issue in this lawsuit, and their specifications are largely identical. Both cases also accuse the  
8 same Google devices of infringement.

9 Accordingly, **IT IS HEREBY STIPULATED BY THE PARTIES**, by and through their  
10 counsel of record, and the Parties jointly request: (a) that the Netlist Action be consolidated with  
11 the present action, (b) that the existing scheduling order in this case be vacated, and (c) that the  
12 Court schedule a case management conference to determine the schedule for the consolidated  
13 cases.

14  
15 Dated: January 6, 2010

FISH & RICHARDSON P.C.

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17 By: /s/ Howard G. Pollack  
Howard G. Pollack

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19 Attorneys for Plaintiff  
GOOGLE INC.

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21 Dated: January 6, 2010

LEE, TRAN & LIANG APLC

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

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25 Attorneys for Defendant  
NETLIST, INC.

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1 **DECLARATION OF CONSENT**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
3 penalty of perjury that concurrence in the filing of this document has been obtained from Steven  
4 R. Hansen.

5 Dated: January 6, 2010

FISH & RICHARDSON P.C.

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7 By: /s/ Howard G. Pollack

Howard G. Pollack

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9 Attorneys for Plaintiff  
GOOGLE INC.

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1 **PROPOSED ORDER**

2 Having considered the joint stipulation and motion of the parties, the Court agrees that the  
3 interests of the parties and the efficiency of the Court’s docket will be served by consolidation.  
4 Accordingly it is hereby **ORDERED** that *Netlist, Inc. v. Google Inc.*, Case No. C-09-05718 SBA  
5 (“Netlist Action”), filed on December 4, 2009 in this court be consolidated for purposes of  
6 discovery and trial with the present action and that the existing case and trial schedule in the  
7 present action is hereby vacated. The Court will hold a further case management conference in the  
8 consolidated action on \_\_\_\_\_, 2010 at \_\_\_\_\_. The parties will  
9 file a joint case management statement and proposed case schedule no later than  
10 \_\_\_\_\_, 2010.

11  
12 **IT IS SO ORDERED.**

13 Dated: \_\_\_\_\_

\_\_\_\_\_  
14 HON. SAUNDRA BROWN ARMSTRONG  
15 JUDGE OF THE U.S. DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 6, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the **STIPULATION AND [PROPOSED] ORDER RE MOTION TO CONSOLIDATE CASES [Civ. L.R. 7-12]** via the Court’s CM/ECF system per Local Rule 5-4 and General Order 45. Any other counsel of record will be served by first class mail.

/s/Howard G. Pollack  
Howard G. Pollack

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