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21  
 22 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 23 **OAKLAND DIVISION**

24 NETLIST, INC.,

25 Plaintiff,

26 v.

27 GOOGLE INC.,

28 Defendant.

Case No. 09-05718 SBA

Related to: 08-04144 SBA

**STIPULATION AND [PROPOSED]  
 ORDER RE SETTLEMENT  
 CONFERENCE**

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

6 WHEREAS, the parties have met and conferred on the issue;

7 IT IS HEREBY STIPULATED THAT:

8 1. The parties elect to have the Cases referred to a Magistrate Judge for an early settlement  
9 conference;

10 2. While the parties are in agreement that such settlement conference should proceed  
11 before a Magistrate Judge, they have not yet reached agreement on the specific Magistrate Judge  
12 to handle such settlement conference. The parties intend to continue to meet and confer on this  
13 issue and will report back to the Court no later than Monday, February 22, 2010.

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15 Dated: February 16, 2010

ADRIAN M. PRUETZ  
PRUETZ LAW GROUP LLP

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By: /s/ Adrian M. Pruetz  
ADRIAN M. PRUETZ

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Attorneys for Plaintiff  
NETLIST, INC.

20

21 Dated: February 16, 2010

KING & SPALDING LLP

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By: /s/ Geoffrey M. Ezgar  
GEOFFREY M. EZGAR

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Attorneys for Defendant  
GOOGLE INC.

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**DECLARATION OF CONSENT**

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

Dated: February 16, 2010

KING & SPALDING LLP

By: /s/ Geoffrey M. Ezgar  
GEOFFREY M. EZGAR

Attorneys for Defendant  
GOOGLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February \_\_, 2010

\_\_\_\_\_  
Saundra Brown Armstrong  
United States District Judge