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35 UNITED STATES DISTRICT COURT
 36 NORTHERN DISTRICT OF CALIFORNIA
 37 OAKLAND DIVISION

38 NETLIST, INC.,

Plaintiff,

v.

GOOGLE, INC.

Defendant.

CASE NO. C09-05718 SBA

[Related to Civil Action No. C08 04144 SBA]

**STIPULATION AND [PROPOSED] ORDER
 REGARDING SCHEDULING OF CLAIM
 CONSTRUCTION HEARING**

1 WHEREAS, on April 8, 2010, the Court entered the Amended Case Management
2 Scheduling Order setting the date for the Claim Construction Hearing to be September 9, 2010;

3 WHEREAS, all briefing by the parties for the Claim Construction Hearing has been
4 completed pursuant to the Court's April 8, 2010 scheduling order;

5 WHEREAS, on August 5, 2010 the clerk of this Court contacted counsel for Netlist and
6 Google to inform them that the September 9, 2010 hearing would be taken off-calendar and
7 would need to be rescheduled. Based on the Court's availability, the Court clerk suggested
8 alternative dates of October 20, 21, 27, and 28 for the Claim Construction Hearing and asked that
9 counsel for the parties meet and confer regarding such dates;

10 WHEREAS, the parties met and conferred and determined that none of the suggested
11 alternative dates would work for all of the parties;

12 WHEREAS, in view of the trial in the parties' related case *Google Inc. v. Netlist, Inc.*,
13 Case No. 08-4144, being scheduled to begin on November 1, 2010, the parties agreed that the
14 Claim Construction Hearing in this case should be held after such trial to prevent the parties from
15 being unnecessarily distracted and diverting resources from trial preparation;

16 WHEREAS, on August 24, 2010, counsel for Netlist and Google informed the clerk of
17 this Court that the parties were unavailable on the dates originally proposed and requested
18 alternative dates in December 2010;

19 WHEREAS, on August 25, 2010, the clerk of the Court informed the parties that Judge
20 Armstrong would be available to conduct the Claim Construction Hearing on either December 8,
21 2010 or December 9, 2010;

22 WHEREAS, counsel have met and conferred and request that the Claim Construction
23 Hearing be held on December 8, 2010.

24 IT IS HEREBY STIPULATED THAT:

25 1. The Claim Construction Hearing set for September 9, 2010 be continued and shall
26 take place before Judge Armstrong on December 8, 2010 beginning at 9 a.m. In addition, a
27
28

1 further Case Management Conference shall take place immediately following the Claim
2 Construction Hearing on December 8, 2010.

3
4
5 Dated: August 31, 2010

LEE TRAN & LIANG, APLC

6 By: /s/Daniel J. Taylor

7 Daniel J. Taylor
8 *Attorneys for Plaintiff*
NETLIST, INC.

9 Dated: August 31, 2010

KING & SPALDING LLP

10
11 By: /s/ Allison Altersohn

12 Allison Altersohn
13 *Attorneys for Defendant*
GOOGLE INC.

14
15 **DECLARATION OF CONSENT**

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

19
20 Dated: August 31, 2010

LEE TRAN & LIANG, APLC

21 By: /s/Daniel J. Taylor

22 Daniel J. Taylor
23 *Attorneys for Plaintiff*
NETLIST, INC.

24
25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: _____, 2010

27 _____
28 Honorable Sandra Brown Armstrong
UNITED STATES DISTRICT JUDGE