

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO.	SBA	DATE FILED	U.S. DISTRICT COURT
CV 09-05718	EMC	12/4/09	Northern District of California
PLAINTIFF		DEFENDANT	
NETLIST, INC.		GOOGLE, INC.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1	7,619,912	11/17/09 Netlist, Inc.	
2			
3			
4			
5			

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT ***ORDER, entered on 01/26/2011***

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Jessie Mosley Olga Augustine Rivera	DATE 01/27/2011 December 13, 2009
-----------------------------	--	--

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

1 SEAN C. CUNNINGHAM, Bar No. 174931
sean.cunningham@dlapiper.com
2 JOHN D. KINTON, Bar No. 203250
john.kinton@dlapiper.com
3 JESSE HINDMAN, Bar No. 222935
jesse.hindman@dlapiper.com
4 DLA PIPER LLP (US)
401 B Street, Suite 1700
5 San Diego, CA 92101-4297
Tel: 619.699.2700
6 Fax: 619.699.2701

DONALD F. ZIMMER (SBN 112279)
fzimmer@kslaw.com
CHERYL A. SABNIS (SBN) 224323)
csabnis@kslaw.com
KING & SPALDING LLP
101 Second Street - Suite 2300
San Francisco, CA 94105
Telephone: (415) 318-1200
Facsimile: (415) 318-1300

7 JOHN M. GUARAGNA, Bar No. 199277
john.guaragna@dlapiper.com
8 DLA PIPER LLP (US)
401 Congress Avenue, Suite 2500
9 Austin, TX 78701-3799
Telephone: (512) 457-7125
10 Facsimile: (512) 721-2325

SCOTT T. WEINGAERTNER
(*pro hac vice*/sweingaertner@kslaw.com)
ROBERT F. PERRY (rperry@kslaw.com)
ALLISON ALTERSOHN
(*pro hac vice*/aaltersohn@kslaw.com)
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

11
12
13 Attorneys for Plaintiff
NETLIST, INC.

Attorneys for Defendant
GOOGLE INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 NETLIST, INC.,
19 Plaintiff,
20 v.
21 GOOGLE, INC.,
22 Defendant.

Case No. C 09-05718 SBA
[Related to Case No. C 08-04144 SBA]
**ORDER STAYING PROCEEDINGS
PENDING REEXAMINATION OF U.S.
PATENT NO. 7,619,912**

1 Upon the Joint Stipulation to Stay Proceedings Pending Reexamination of U.S. Patent No.
2 7,619,912, having considered the stipulation and record therein, the Court finds there is good
3 cause for granting the requested stay. Accordingly,

4 **IT IS HEREBY ORDERED THAT:**

5 1. The Court orders that all proceedings before the Court are stayed until the
6 following *inter partes* reexamination proceedings of U.S. Patent No. 7,619,912
7 before the United States Patent and Trademark Office are complete:

- 8 • Reexamination control no. 95/001,339;
- 9 • Reexamination control no. 95/000,578; and
- 10 • Reexamination control no. 95/000,579.

11 2. The Clerk of U.S. District Court shall ADMINISTRATIVELY CLOSE this
12 matter.

13 3. The parties are instructed to submit status reports to the Court every six months,
14 appraising the Court of the status of the pending aforementioned reexamination
15 proceedings. The parties are advised that the failure to submit such status reports
16 could result in dismissal of this matter.

17 4. Upon final exhaustion of all pending aforementioned reexamination proceedings,
18 including any appeals, the parties shall jointly submit to the Court, within one
19 week, a letter indicating that all appeals have been exhausted, and requesting that
20 this matter be reopened and a case management conference be scheduled.

21
22 **IT IS SO ORDERED.**

23 DATED:1/25/11

24 
25 _____
26 Hon. Sandra B. Armstrong
27 UNITED STATES DISTRICT JUDGE
28