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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NETLIST, INC.

Plaintiff,

v.

SMART STORAGE SYSTEMS, INC.,
SMART WORLDWIDE HOLDINGS, INC.
and DIABLO TECHNOLOGIES, INC.

Defendants.

Case No. 4:13-cv-05889-YGR
**ORDER GRANTING
JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

1 Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Netlist, Inc. and Defendant
2 SMART Worldwide Holdings, Inc.,¹ by and through their counsel, stipulate and agree to the
3 following:

- 4 1) to dismissal of all claims against SMART Worldwide without prejudice;
- 5 2) to withdrawal of SMART Worldwide's Motion to Dismiss under Federal Rules of
6 Civil Procedure 12(b)(2) and 12(b)(6), without prejudice to re-file (SMART
7 Worldwide has not answered, and so has not asserted any counterclaims or
8 affirmative defenses); and
- 9 3) that each party will bear its own costs and attorneys' fees.

10
11 **ORDER**

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Defendant SMART
13 Worldwide Holdings, Inc. ONLY is dismissed without prejudice from this action.

14 This order terminates Docket No. 183.

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16 DATED: April 15, 2014

17 By: 
18 UNITED STATES DISTRICT JUDGE
19 YVONNE GONZALEZ ROGERS

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28 ¹ SMART Worldwide makes this stipulation as a special appearance and does not
concede that the Court has personal jurisdiction over it.