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Counsel for all parties listed on the signature page

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

NETLIST, INC.,  
Plaintiff,  
v.  
SMART STORAGE SYSTEMS, INC., and  
DIABLO TECHNOLOGIES, INC.,  
Defendants.

CASE NO. 4:13-CV-05889-YGR  
**ORDER GRANTING REVISED  
~~JOINT STATEMENT WITH PROPOSED~~  
~~ORDER REGARDING PATENT~~  
SCHEDULE AND AMENDED  
COMPLAINT**

1 Pursuant to the Court’s Minute Entry of September 22, 2014 [Dkt. No. 260], Plaintiff  
2 Netlist, Inc. (“Netlist”) and Defendants SMART Storage Systems, Inc. (“SMART Storage”) and  
3 Diablo Technologies, Inc. (“Diablo,” collectively “Defendants”) submit this joint statement:

4 (1) The parties have resolved all disputes with regards to Netlist filing its Third Amended  
5 Complaint to add SanDisk Corporation as a named defendant. The parties submitted a  
6 joint stipulation on October 1, 2014 [Dkt. No. 262], wherein the parties agreed that  
7 Netlist may file the amended complaint attached thereto. As such, Netlist has  
8 withdrawn its motion for leave, and all further dates related to this motion (including  
9 the October 28 hearing date) may be removed from the Court’s calendar.

10 (2) The parties agree that discovery in the patent case shall proceed pending the PTO’s  
11 decision whether to institute *inter partes* review (which is expected in late 2014 or  
12 early 2015). This discovery may include, but not be limited to, topics such as the  
13 structure, function, operation, marketing and sales of the accused products. By so  
14 agreeing, no party is waiving its objection that particular discovery should take place  
15 after the PTO’s decision on whether to institute *inter partes* review. The parties  
16 propose the following schedule for the patent claims:

EVENT	PARTIES’ PROPOSED DEADLINE
Non-Expert Discovery Cut Off	April 15, 2015
Expert Disclosure	May 1, 2015
Rebuttal Expert Disclosure	May 15, 2015
Expert Discovery Cut Off	May 29, 2015
Deadline for Identifying Asserted Claims	May 29, 2015
Dispositive Motions	Opening Brief – June 11, 2015 Opposition Brief – June 25, 2015 Reply Brief – July 2, 2015
Trial Date for Trade Secret Case (13-CV-5962 YGR)	July 6, 2015

1 In view of the foregoing, the parties respectfully request that the Compliance Hearing currently  
2 scheduled for October 14, 2014, at 1:00 p.m. be taken off calendar.

3 **ORDER**

4 The Court adopts the above schedule. The stipulation to file the amended complaint has  
5 been granted in related action 13-cv-5962 YGR. The compliance hearing  
6 set for October 14, 2014, is VACATED.

7 **IT IS SO ORDERED.**

8 Signed this 8th day of October, 2014.

9 

10 HON. YVONNE GONZALEZ ROGERS  
11 U.S. DISTRICT COURT JUDGE

12  
13  
14 **McANDREWS, HELD & MALLOY, LTD.**

15  
16 Dated: October 6, 2014

17 /s/ Ronald H. Spuhler

18 THOMAS J. WIMBISCUS  
19 GREGORY C. SCHODDE  
20 RONALD H. SPUHLER  
21 WAYNE H. BRADLEY

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NETLIST, INC.

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**McDERMOTT WILL & EMERY LLP**

Dated: October 6, 2014

/s/ Fabio E. Marino

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JUDITH S.H. HOM

Attorneys for Defendants  
DIABLO TECHNOLOGIES, INC.

**JONES DAY**

Dated: October 6, 2014

/s/ Steven J. Corr

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