

Counsel for all parties listed on the signature page

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

CASE NO. 4:13-CV-05889-YGR
**ORDER GRANTING
JOINT STATEMENT ~~AND PROPOSED~~
~~ORDER~~ REGARDING DEADLINES FOR
NEWLY-ADDED DEFENDANT,
SANDISK, INC.**

1 On October 7, 2014, Plaintiff Netlist, Inc. (“Netlist”) filed its Third Amended Complaint
2 adding SanDisk, Inc. (“SanDisk”) as a named Defendant. On October 22, 2014, Netlist served
3 the Third Amended Complaint on SanDisk. Netlist and SanDisk stipulate as follows:

4 Netlist’s First Amended Complaint alleged that SMART Storage Systems, Inc. (“SMART
5 Storage”) infringes several Netlist patents as a result of, for example, SMART Storage’s sale of
6 its ULLtraDIMM memory product. In August 2013, SanDisk acquired SMART Storage. In its
7 Third Amended Complaint, Netlist alleges that SanDisk infringes several Netlist patents by, *inter*
8 *alia*, selling the same ULLtraDIMM product. SanDisk denies these allegations.

9 While SanDisk is still investigating Netlist’s claims, at this point SanDisk believes that its
10 positions will generally be aligned with those of SMART Storage, particularly as to Sections 1, 3,
11 4, 6, 9, 11-14, 16 and 18-21 of the parties’ recent Updated Joint Case Management Statement
12 filed on September 15, 2014 [Dkt. No. 255]. Thus, unless the Court believes otherwise, the
13 parties believe that there is no need to submit yet another Case Management Statement at this
14 time.

15 The parties stipulate that the Protective Order [Dkt. No. 203] and Order Regarding
16 Discovery of Electronically Stored Information [Dkt. 231] previously entered by this Court shall
17 equally apply to SanDisk, unless and until SanDisk moves to amend such order(s).

18 Netlist and SanDisk also stipulate to the following deadlines regarding Netlist’s claims:

19

EVENT	DEADLINE
SanDisk to answer Netlist’s Third Amended Complaint or otherwise plead	November 7, 2014
Fact Discovery to open as to SanDisk	November 7, 2014
Parties to exchange initial disclosures pursuant to FRCP 26(a)(1)	November 21, 2014
Netlist to serve LPR 3-1 Disclosures (asserted claims and infringement contentions) and LPR 3-2 Production on SanDisk	November 21, 2014
SanDisk to serve LPR 3-3 Invalidity Contentions and LPR 3-4 Production on Netlist	January 9, 2015

20
21
22
23
24
25
26
27
28

1 All other deadlines will follow the patent scheduled entered by the Court on October 8, 2014
2 [Dkt. No. 270].

3 **ORDER**

4 Based upon the foregoing stipulation, IT IS SO ORDERED.

5 Signed this 31st day of October, 2014.

6
7 

8 HON. YVONNE GONZALEZ ROGERS
9 UNITED STATES DISTRICT COURT

10 **McANDREWS, HELD & MALLOY, LTD.**

11
12 Dated: October 29, 2014

13 /s/ *Ronald H. Spuhler*
14 THOMAS J. WIMBISCUS
15 GREGORY C. SCHODDE
16 RONALD H. SPUHLER
17 WAYNE H. BRADLEY

18 **BARTKO, ZANKEL, BUNZEL & MILLER**
19 BENJAMIN K. RILEY
20 ROBERT N. BUNZEL
21 W. PAUL SCHUCK
22 SONY B. BARARI
23 SIMON R. GOODFELLOW

24 **DLA PIPER LLP (US)**
25 SEAN C. CUNNINGHAM

26 Attorneys for Plaintiff
27 NETLIST, INC.

28 **JONES DAY**

29 Dated: October 29, 2014

30 /s/ *Steven J. Corr*
31 GREGORY L. LIPPETZ
32 KATHLEEN D. LYNOTT
33 STEVEN J. CORR

34 Attorneys for Defendant
35 SANDISK, INC.