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14 Attorneys for Plaintiff
 15 NETLIST, INC.

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **OAKLAND DIVISION**

<p>19 NETLIST, INC., 20 Plaintiff, 21 v. 22 SMART STORAGE SYSTEMS, INC., 23 DIABLO TECHNOLOGIES, INC., and 24 SANDISK CORPORATION 25 Defendants.</p>	<p>26 CASE NO. 4:13-CV-05889-YGR 27 ORDER GRANTING 28 JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE</p>
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1 Pursuant to Fed. R. Civ. P. 41, Netlist, Inc. and Diablo Technologies, Inc. jointly stipulate
2 to the dismissal of all claims against each other without prejudice. Netlist and Diablo agree that
3 each party will bear its own costs and attorneys' fees.

4 In view of Diablo's bankruptcy proceeding, this motion is being signed by Greg J. Adams
5 for Ernst & Young Inc, in its capacity as the bankruptcy trustee of Diablo's estate and not in its
6 personal capacity.

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

11 Dated: November 6, 2018

/s/ Ronald H. Spuhler

THOMAS J. WIMBISCUS
GREGORY C. SCHODDE
RONALD H. SPUHLER
WAYNE H. BRADLEY

14 Attorneys for Plaintiff
15 NETLIST, INC.

16
17 Dated: November 6, 2018

/s/ Gregory J. Adams

GREGORY J. ADAMS
Associate Partner-Senior Vice President
Ernst & Young Inc.

19 Ernst & Young Inc. in its capacity as Trustee in
20 Bankruptcy of Diablo Technologies, Inc. and not in
21 its personal capacity

22 **ORDER**

23 Pursuant to the above stipulation, this action is DISMISSED WITHOUT
24 PREJUDICE.

25 IT IS SO ORDERED.

26 DATED: November 9, 2018

Yvonne Gonzalez Rogers

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT