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4　　　　　　　　　　　　UNITED STATES DISTRICT COURT

5　　　　　　　　　　　NORTHERN DISTRICT OF CALIFORNIA

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7　**NETLIST INC**,　　　　　　　　　　　　　　　　Case No. 13-cv-05962-YGR

　　　　　　Plaintiff and Counter-Defendant,

8　　　　　　　　　　　　　　　　　　　　　　　　**ORDER RE: MOTION OF NON-PARTIES**
　　　　v.　　　　　　　　　　　　　　　　　　　**SMART STORAGE SYSTEMS, INC. AND**
9　　　　　　　　　　　　　　　　　　　　　　　**SANDISK CORPORATION FOR LEAVE TO**
　　　　　　　　　　　　　　　　　　　　　　　FILE MOTION FOR RECONSIDERATION
10　**DIABLO TECHNOLOGIES, INC.**,

　　　　　　Defendant and Counter-claimant.　　Re: Dkt. No. 254

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12　　　　　On January 6, 2015, non-parties SMART Storage Systems, Inc. ("SMART Storage") and

13　SanDisk Corporation ("SanDisk") filed a motion for leave to file a motion for reconsideration

14　(Dkt. No. 254), which it shortly thereafter requested to be locked and deleted since it was not filed

15　under seal (Dkt. No. 255). The Court is inclined to permit these non-parties to seek

16　reconsideration of the Court's Order currently filed under seal at Dkt. No. 251 ("Injunction

17　Order"), on the limited issued of whether the Injunction Order should be amended to exclude from

18　its scope the existing inventory of Diablo's integrated circuits already in the possession of

19　SMART Storage and/or SanDisk.[1] The Court therefore **ORDERS**:

20　　　　　(1) SMART Storage and SanDisk shall serve a copy of the motion currently locked on the

21　docket at Dkt. No. 254 on all parties to this action;

22　　　　　(2) any response to the motion for reconsideration shall be file no later than **12:00 noon on**

23　**Friday, January 9, 2015**;

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25　　　　　[1] The Court will also amend the Injunction Order to correct the caption and party
references to reflect that SMART Storage Systems, Inc. is not a party to this trade secrets case,
26　versus the patent case between the parties, *Netlist, Inc. v. Smart Storage Systems, Inc. and Diablo
Technologies, Inc.* 13-cv-5889 YGR.
27　　　　　The Clerk of the Court is directed to terminate Smart Storage Systems Inc. from the ECF
docket in this action (as both a defendant and counter-claimant), which information is in error.
28　The docket in this action should reflect that only Diablo Technologies is currently a defendant and
counter-claimant.

1 (3) Diablo, SMART Storage, and SanDisk shall file a joint statement setting forth the

2 status of their current contractual relationship, including the amount of inventory of Rush and Bolt

3 chips, or products integrating those Rush and Bolt chips, that have been delivered to SMART

4 Storage and/or SanDisk as of January 6, 2015, and the amounts yet to be delivered under any

5 existing contractual relationship. The joint statement shall be filed no later than **12:00 noon on**

6 **Friday, January 9, 2015**.

7 IT IS SO ORDERED.

8 Date: January 7, 2015

   _____
   YVONNE GONZALEZ ROGERS
9 UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California

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