

NETLIST, INC.
CONFLICT MINERALS POLICY

Netlist, Inc. (“Netlist”) is committed to obtaining parts and supplies from businesses that share our values regarding human rights and ethical practices. Netlist adheres to the U.S. Securities and Exchange Commission (“SEC”) final conflict minerals rules promulgated under Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Conflict Minerals Rules”). To comply with such rules, Netlist has implemented due diligence measures following the framework set by the Organization for Economic Cooperation and Development (“OECD”) in its Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and related supplements.

Under the Conflict Minerals Rules, publicly-traded companies must report to the SEC the presence of conflict minerals in those products that they manufacture or contract to manufacture when conflict minerals are necessary to the production or functionality of such products and those conflict minerals originate in the Democratic Republic of the Congo or adjoining countries (“Conflict Area”).

The Conflict Minerals Rules define “Conflict Minerals” as columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives, which are limited at this time to tantalum, tin, and tungsten. Although Netlist does not source any Conflict Minerals directly, Netlist has adopted the following policies:

- Netlist requires suppliers to complete the Electronic Industry Citizenship Coalition and the Global e-Sustainability Initiative Conflict Minerals Reporting Template;
- Netlist will work toward processes to help ensure that Netlist does not knowingly procure or use Conflict Minerals the extraction or sale of which finances or benefits armed groups in the Conflict Area;
- Netlist will work toward processes to help ensure that Netlist procures and uses Conflict Minerals that originate from outside the Conflict Area or from mines and smelters within the Conflict Area that have been certified by an independent third party as “conflict free;”
- Netlist expects its suppliers to undertake documented due diligence, and to develop policies, to ensure that Conflict Minerals are being sourced only from outside the Conflict Area or from mines and smelters which have been certified by an independent third party as “conflict free;”
- If Netlist discovers the use of Conflict Minerals considered to be “not conflict free,” in any material, parts or components that Netlist procures or produces, Netlist expects its suppliers to work toward processes, and to take appropriate actions, to transition such material, parts or components to “conflict free” status.