

ITC Commission Grants Remand Order To Netlist; ITC Investigation Of SK hynix To Resume Immediately

May 31, 2018

IRVINE, Calif., May 31, 2018 /PRNewswire/ -- [Netlist, Inc.](#) (NASDAQ: NLST), today announced that the Commissioners of the United States International Trade Commission (ITC) issued a Remand Order in the investigation of SK hynix's RDIMM and LRDIMM enterprise memory products.

The Commission agreed with Netlist that it was an error for the Administrative Law Judge (ALJ) to grant SK hynix's motion for summary determination of non-infringement and terminate the investigation without first construing the patent claims.

Last month Netlist petitioned the ITC Commission to review the findings in the Initial Determination (ID), pointing to various legal and factual errors, and asked the Commission to remand for further proceedings on claim construction and infringement. In its Order yesterday, the Commission vacated the ID and remanded the case back to the ALJ to resolve the parties' claim construction disputes and continue the investigation.

About Netlist, Inc.

Netlist provides high-performance modular memory subsystems to customers in diverse industries that require enterprise and storage class memory solutions to empower critical business decisions.

Flagship products NVvault® and EXPRESSvault® enable customers to accelerate data running through their servers and storage and reliably protect enterprise-level cache, metadata and log data by providing near instantaneous recovery in the event of a system failure or power outage.

HybriDIMM™, Netlist's next-generation storage class memory product, addresses the growing need for real-time analytics in Big Data applications, in-memory databases, high-performance computing and advanced data storage solutions. Netlist also resells component products to end-customers that are not reached in the distribution models of the component manufacturers, including storage customers, appliance customers, system builders and cloud and datacenter customers.

Netlist holds a portfolio of patents, many seminal, in the areas of hybrid memory, storage class memory, rank multiplication and load reduction. Netlist is part of the Russell Microcap® Index. To learn more, visit www.netlist.com.

Safe Harbor Statement

This news release contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. Forward-looking statements are statements other than historical facts and often address future events or Netlist's future performance. Forward-looking statements contained in this news release include express or implied statements about the outcome of the Remand Order issued by the ITC, including statements regarding Netlist's actions in response to the Remand Order, including issuing further comments and filing petitions or appeals.

All forward-looking statements reflect management's present assumptions, expectations and beliefs regarding future events and are subject to known and unknown risks, uncertainties and other factors that could cause actual results to differ materially from those expressed in or implied by any forward-looking statements. These risks, uncertainties and other factors include, among others,

risks associated with patent infringement litigation initiated by Netlist, such as ongoing proceedings against SK hynix Inc., as well as the costs and unpredictability of any such litigation and Netlist's strategies in connection with such litigation. Netlist can provide no assurance regarding the outcome of the Remand Order at the ITC, and if the process concludes that Netlist's patents were not violated or that remedies will not be imposed, then Netlist's prospects and financial condition may be materially adversely affected. These and other risks and uncertainties are described in Netlist's annual report on Form 10-K for its most recently completed fiscal year filed on March 30, 2018, and the other filings it makes with the U.S. Securities and Exchange Commission from time to time, including any subsequently filed quarterly and current reports. In light of these risks, uncertainties and other factors, these forward-looking statements should not be relied on as predictions of future events. These forward-looking statements represent Netlist's assumptions, expectations and beliefs only as of the date they are made, and except as required by law, Netlist undertakes no obligation to revise or update any forward-looking statements for any reason.

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