

# Netlist Names Mintz Levin As Legal Counsel In Proceedings Against SK hynix For Patent Infringement

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IRVINE, Calif., Dec. 13, 2016 /PRNewswire/ -- Netlist, Inc. (NASDAQ: NLST), today announced it has named Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (Mintz Levin) as its lead legal counsel in the proceedings for patent infringement against SK hynix in the United States International Trade Commission (ITC) and the U.S. District Court for the Central District of California (CDCA). DLA Piper, who has represented Netlist in these actions, was recently disqualified due to a conflict of interest.



# NETLIST

"We are pleased to be working with Mintz Levin in these proceedings and look forward to addressing SK hynix's ongoing and widespread infringement," said C.K. Hong, Chairman and CEO of Netlist. "The Boston-based IP litigation team at Mintz Levin is a prominent, plaintiff-focused group with deep expertise in the ITC. Mintz Levin has been working with us for a number of weeks and has already entered an appearance on our behalf in the ITC and CDCA."

ITC investigations proceed on an expedited basis. The ITC recently issued a schedule for the case, setting a trial date for May 8, 2017 which was earlier than anticipated and a final initial determination of this case no later than October 10, 2017. Netlist has also reached a financial arrangement with Mintz that is similar to what was in place with DLA.

In October 2016 the ITC instituted an investigation of the unfair trade practices of SK hynix related to its importation, sale for importation, and/or sale after importation of RDIMM and LRDIMM enterprise memory products. The ITC will determine over the course of the investigation whether these SK hynix products should be banned from importation into the United States by reason of infringement of six Netlist patents. Netlist has asserted the following six patents in the ITC as well as the U.S. District Court for the Central District of California: U.S. Patent Nos. 8,756,364, 8,516,185, 8,001,434, 8,359,501, 8,689,064, and 8,489,837.

Additional information regarding this announcement can be accessed in the Investor's section of Netlist's website at [www.netlist.com](http://www.netlist.com).

### **About Netlist, Inc.**

Netlist creates solutions that accelerate turning raw data into business insight. The company produces next generation persistent memory solutions that enable businesses to transact quicker, gain insight faster and reduce datacenter cost. Flagship products NVvault® and EXPRESSvault® accelerate system performance and provide mission critical fault tolerance. HybriDIMM™, Netlist's next-generation Storage Class Memory, lowers cost and improves performance of big data analytics and in-memory computing. The company holds a portfolio of patents, many seminal, in the area of hybrid memory, storage class memory, rank multiplication and load-reduction, among others. Netlist is part of the Russell Microcap® Index. To learn more, visit [www.netlist.com](http://www.netlist.com).

### **Safe Harbor Statement:**

This news release contains forward-looking statements covered by the safe harbor provisions of the Private Securities Litigation Reform Act of 1995. Forward-looking statements are statements other than historical facts that often address future events or the future performance of Netlist. These forward looking statements include statements relating to the strength and outcome of the legal proceedings and the expected timing of the ITC action. A forward-looking statement is neither a prediction nor a guarantee of future events or circumstances and is based on currently available market, operating, financial and competitive information and assumptions. Forward-looking statements involve known and unknown risks and uncertainties that could cause actual results to differ materially from those expected or projected, including, among others, changes in and uncertainty of customer acceptance of and demand for our existing products and technologies and our products under development; risks associated with the concentration of product sales among a limited number of customers; the success of product, licensing and joint development partnerships; continuing development, qualification and volume production of HybriDIMM™, EXPRESSvault™, and NVvault®; the timing and magnitude of the continued decrease in our sales; our ability to leverage our NVvault® and EXPRESSvault™ technology in a more diverse customer base; our need to raise additional capital and our ability to obtain financing as and when necessary; the rapidly-changing nature of technology in our industry; risks associated with intellectual property, including patent infringement litigation against us as well as the costs and unpredictability of litigation over infringement of our intellectual property and the possibility of our patents being reexamined or reviewed by the United States Patent and Trademark Office and the Patent Trial and Appeal Board; volatility in the pricing of components of our products; uncertainty of and/or delays in product orders and product qualifications; delays in our and our customers' product releases and development; introductions of new products by competitors; changes in end-user demand for technology solutions; our ability to attract and retain skilled personnel; our reliance on suppliers of critical components and vendors in the supply chain; evolving industry standards; the political and regulatory environment in the People's Republic of China; and general economic and market conditions. Other risks and uncertainties are described in our annual report on Form 10-K filed on March 4, 2016, and subsequent filings with the U.S. Securities and Exchange Commission we make from time to time, including our quarterly reports on Form 10-Q. Except as required by law, we undertake no obligation to publicly update or revise any forward-looking statements, whether as a result of new information, future events or otherwise.

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