

Netlist Receives Favorable Claim Construction Order Against Samsung in US District Court for the Eastern District of Texas

December 16, 2022

- Jury Trial to Commence May 1, 2023-

IRVINE, CA / ACCESSWIRE / December 16, 2022 / Netlist, Inc. (OTCQB:NLST) today announced that the United States District Court for the Eastern District of Texas (the Court) issued a claim construction order in Netlist's Texas action against Samsung (Netlist, Inc. v. Samsung Electronics Co. Ltd., et. al., EDTX Case No. 2:21-cv-00463-JRG).

The Court held the claim construction hearing on November 4, 2022, largely adopting Netlist's arguments for a number of important claim terms at issue. Following those arguments, the Court acted in alignment with its tentative ruling when issuing the final written Order. The case is currently set for a pretrial conference on March 27, 2023, with the jury trial beginning on May 1, 2023.

Jayson Sohi, Netlist's Director of IP Strategy, said, "We are very pleased Magistrate Judge Payne entered term constructions in Netlist's favor for the vast majority of the terms at issue. We look forward to the commencement of the jury trial in May."

About Netlist

Netlist provides high-performance solid state drives and modular memory solutions to enterprise customers in diverse industries. The Company's NVMe™ SSDs in various capacities and form factors and the line of custom and specialty memory products bring industry-leading performance to server and storage appliance customers and cloud service providers. Netlist licenses its portfolio of intellectual property including patents, in server memory, hybrid memory and storage class memory, to companies that implement Netlist's technology. 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 statements about Netlist's ability to execute on its strategic initiatives. All forward-looking statements reflect management's present expectations 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 related to Netlist's plans for its intellectual property, including its strategies for monetizing, licensing, expanding, and defending its patent portfolio; risks associated with patent infringement litigation initiated by Netlist, or by others against Netlist, as well as the costs and unpredictability of any such litigation; risks associated with Netlist's product sales, including the market and demand for products sold by Netlist and its ability to successfully develop and launch new products that are attractive to the market; the success of product, joint development and licensing partnerships; the competitive landscape of Netlist's industry; and general economic, political and market conditions,

including quarantines, factory slowdowns or shutdowns, and travel restrictions resulting from the COVID-19 pandemic. The military conflict between Russia and Ukraine may increase the likelihood of supply interruptions. 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 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 1, 2022, 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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