

# Netlist Prevails against Google at the U.S. Federal Circuit Court of Appeals

June 16, 2020

**IRVINE, CA / ACCESSWIRE / June 16, 2020** / Netlist, Inc. (OTCQX:NLST) announced that the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) has affirmed the U.S. Patent Trial and Appeal Board's (PTAB) decision upholding the validity of Netlist's U.S. 7,619,912 ('912) patent. The ruling came after last week's oral hearing before a three-judge panel at the Federal Circuit and pending an appeal granted by the Supreme Court of the U.S., the decision is final and binding on future cases.

"For ten years Netlist has steadfastly opposed Google's misguided campaign to invalidate the '912 patent," said Netlist's CEO, C.K. Hong. "We are very pleased that in the end the appellate court made it clear that the claims of this seminal patent are indeed valid and in so doing, further vindicate our decade-long defense of the company's strategic intellectual property. We will now move to lift the stay in the patent infringement lawsuit against Google in the U.S. District Court for the Northern District of CA., in order to recover current and past damages related to the '912 patent."

In response to Netlist's 2009 complaint, Google first filed its petition for reexamination of the '912 patent in 2010 and was later joined in its effort by Inphi and Smart Modular. On January 31, 2019 PTAB denied Google's request for a rehearing of the PTAB's previous decision upholding the validity of the '912 patent claims. The PTAB's extensive rehearing decision adopted Netlist's positions on the claims and rejected Google's invalidity arguments involving the specific use of rank-selecting signals for rank multiplication.

Netlist believes that the teachings of the '912 patent can be found in various DDR3 and DDR4 server DIMMs (Dual Inline Memory Module) as well as future products that will be produced under the DDR5 server DIMM standards currently being established by the industry.

## About Netlist

Netlist provides high-performance SSDs and modular memory subsystems to enterprise customers in diverse industries. The Company's NVMe™ SSD portfolio provides industry-leading performance offered in multiple capacities and form factors. 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 manufactures a line of specialty and legacy memory products to storage customers, appliance customers, system builders and cloud and datacenter customers. Netlist holds a portfolio of patents in the areas of server memory, hybrid memory, storage class memory, rank multiplication and load reduction. To learn more, visit [www.netlist.com](http://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, such as its ongoing proceedings against SK hynix Inc., 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. 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 10, 2020, 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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