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21 Attorneys for Defendant and Counterclaimant  
 22 NETLIST, INC.

23 UNITED STATES DISTRICT COURT  
 24 NORTHERN DISTRICT OF CALIFORNIA  
 25 OAKLAND DIVISION

26 GOOGLE, INC.,

27 Plaintiff,

28 vs.

29 NETLIST, INC.,

30 Defendant.

CASE NO. C-08-04144 SBA

[Related to CASE NO. C-09-05718 SBA]

**DEFENDANT NETLIST, INC.'S  
 ADMINISTRATIVE MOTION TO FILE  
 NOTICE OF MOTION AND MOTION  
 FOR SUMMARY JUDGMENT ON  
 GOOGLE'S AFFIRMATIVE DEFENSES  
 BASED ON NETLIST'S JEDEC  
 ACTIVITIES AND RELATED EXHIBITS  
 TO THE DECLARATION OF STEVEN R.  
 HANSEN IN SUPPORT THEREOF  
 UNDER SEAL**

31 AND RELATED COUNTERCLAIMS

Date: July 27, 2010

Time: 1:00 p.m.

Place: Courtroom 3

Judge: Hon. Sandra Brown Armstrong

**APPLICATION TO FILE UNDER SEAL**

1 Pursuant to Civil Local Rules 7-11 and 79-5, Defendant and Counterclaimant Netlist, Inc.  
2 (“Netlist”) hereby requests that the Court file Netlist’s “Notice of Motion and Motion for  
3 Summary Judgment on Google’s Affirmative Defenses Based on Netlist’s JEDEC Activities” and  
4 Exhibits B, C, D, E, and G of the Declaration of Steven R. Hansen in Support thereof (“Hansen  
5 MSJ Dec.”) under seal. This request is based on this application, the Declaration of Steven R.  
6 Hansen in support thereof, and such oral argument as the Court may entertain. As required by  
7 Civil Local Rules 79-5(b)-(d) the following papers are also being lodged with the Court: (1) a  
8 Chamber’s copy of the Notice of Motion and Motion for Summary Judgment on Google’s  
9 Affirmative Defenses Based on Netlist’s JEDEC Activities, (2) a Chamber’s copy of the  
10 Declaration of Steven R. Hansen in Support of Netlist’s Motion for Patent Infringement and  
11 Exhibits Thereto.

12 Paragraph 26 of the Court’s Second Amended Protective Order, dated March 5, 2010  
13 requires the parties to file under seal all “transcripts of depositions, exhibits, answers to  
14 interrogatories, pleadings, briefs, and other documents submitted to the Court that have been  
15 designated as Protected Information or which contain information so designated.” Netlist’s  
16 Motion for Summary Judgment on Google’s Affirmative Defenses Based on Netlist’s JEDEC  
17 Activities includes information designated by Google and the third party JEDEC as Protected  
18 Information under the terms of the Second Amended Protective Order. The information includes  
19 excerpts of exhibits and deposition transcripts that have been so designated. Accordingly,  
20 Netlist is obligated to file its Notice of Motion and Motion for Summary Judgment on Google’s  
21 Affirmative Defenses Based on Netlist’s JEDEC Activities and Exhibits B, C, D, E, and G to the  
22 Declaration of Steven R. Hansen in support thereof under seal. Netlist respectfully requests that  
23 the Court grant its application to file the foregoing documents under seal. Pursuant to the Court’s  
24 Scheduling Order, the parties met and conferred regarding this motion.  
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1 Dated: June 1, 2010

LEE TRAN & LIANG, APLC

2 By: /s/Steven R. Hansen

3 Steven R. Hansen  
4 *Attorneys for Defendant and Counterclaimant*  
5 NETLIST, INC.

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