

# Exhibit CC

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

14 GOOGLE INC.,  
15 Plaintiff,  
16 v.  
17 NETLIST, INC.,  
18 Defendant.

Case No. C 08-04144 SBA

**PLAINTIFF GOOGLE INC.'S FIRST  
SUPPLEMENTAL RESPONSES TO  
NETLIST'S REQUEST FOR  
ADMISSIONS SET NO. ONE [NOS. 1-26]**

19 Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff Google Inc.  
20 ("Google"), through its undersigned counsel, hereby provides its first supplemental responses to  
21 Defendant Netlist, Inc. 's ("Netlist") Request for Admissions, Set No.1, as follows. These  
22 responses are based upon information presently available and are therefore made without  
23 prejudice to Google's right to use or rely upon subsequently discovered information. As  
24 permitted by the Federal Rules of Civil Procedure, these responses may be changed, modified, or  
25 supplemented. In responding to Netlist's Requests for Admission, Google does not waive any  
26 objections on the grounds of privilege, competency, relevance, materiality, authenticity, or  
27 admissibility of the information contained in these responses. Google also expressly reserves the  
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1 right to object later to the admissibility of any of this information into evidence on any  
2 permissible grounds, including grounds not identified herein.

3 **PRELIMINARY STATEMENT**

4 The following responses are given without prejudice to Google’s right to produce  
5 evidence of any facts which it may later discover. Google reserves the right to supplement the  
6 following responses and to change any and all of its responses as additional facts are ascertained,  
7 analyses are made, legal research is completed, contentions are made, or as a result of the Court’s  
8 legal determination of issues.

9 **OBJECTIONS TO THE INSTRUCTIONS**

10 Google objects to the Instructions to the extent Netlist seeks to impose obligations on  
11 Google that are beyond the scope of or inconsistent with the Federal Rules of Civil Procedure, the  
12 Local Rules of the United States District Court for the Northern District of California, and/or the  
13 Court’s Scheduling Order in this case. Google will respond to the Requests to the extent possible,  
14 and subject to its objections set forth herein.

15 Google further objects to the Instructions to the extent they seek to require to Google to  
16 produce information not in its possession, custody, or control. Google further objections to the  
17 Instructions as vague and ambiguous as to at least the term “investigators.” Google will respond  
18 to the Requests using information available to it after an investigation that is reasonable under the  
19 circumstances.

20 **OBJECTIONS TO THE DEFINITIONS**

21 Google objects to the definition of the terms “Google,” “you,” and “your” to the extent  
22 these definitions encompass entities other than plaintiff Google Inc. and to the extent Netlist  
23 requests, through these definitions, information not within Google’s possession, custody, or  
24 control. Google responds on its own behalf only. Google’s responses to these requests are made  
25 without prejudice to Google’s right to produce relevant information obtained from third parties in  
26 the future.

1 Google objects to the definitions of “JEDEC Mode C,” “JEDEC Mode A,” “Mode C,” and  
2 “Mode A” as vague and ambiguous. Although Netlist professes to use those terms as defined in  
3 JEDEC Standard number JESD82-20A, Google objects to their use in these Requests to the extent  
4 that use is incompatible or inconsistent with the way the terms are used within that standard.  
5 Google objects to the definitions of “Southbound Link,” “Rank Select Bit,” “Address Bit,” “Row  
6 Address Bit,” “Column Address Bit,” “Chip Select Bit,” “Command Bit,” “Activate Command,”  
7 “Write Command,” “Read Command,” “Precharge Command,” and “Refresh Command” as  
8 vague and ambiguous. Although Netlist professes to use those terms as defined in JEDEC  
9 Standards documents, Google objects to their use in these Requests to the extent that use is  
10 incompatible or inconsistent with the way the terms are used within those standards.

### 11 **GENERAL OBJECTIONS**

12 Google’s responses are subject to the following General Objections, which Google  
13 incorporates into its responses to each of Netlist’s requests, whether or not such General  
14 Objection is expressly referenced. The incorporation by reference of any one of these General  
15 Objections shall not be construed to exclude the incorporation of any other General Objection.  
16 Moreover, Google does not waive its right to amend its objections.

17 1. Google objects to the requests insofar as they are vague, ambiguous, indefinite,  
18 overbroad, unduly burdensome, duplicative, cumulative, indefinite as to time or scope,  
19 unintelligible, or otherwise unclear as to the precise information sought.

20 2. In particular, Google objects to the term “bit,” and variants, as used by Netlist in the  
21 Requests. While Netlist ostensibly imports the definition of “bit” and related terms (“Rank  
22 Select Bit,” “Address Bit,” etc.) from JEDEC standards documents, these terms are not expressly  
23 defined in those documents and instead are only defined, if at all, by contextual use in relation to  
24 other terms. In addition, the relation of these terms to disputed claim terms is ambiguous, and  
25 even contradictory, as used in the JEDEC standards and in the Requests. For instance, the term  
26 “bit” is nowhere expressly defined in either the Requests or in the JEDEC standards, although the  
27 term “bit lane” is defined in document JESD206, where it is said to mean “[a] differential pair of  
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1 signals in one direction,” JESD206 at p. 1, Table 1-1 - which indicates that a bit may be derived  
2 from multiple signals. However, as used in the Requests, e.g. where Netlist asks about “Input  
3 Command Bits encoding” various commands, it appears that the Requests presume a  
4 correspondence between a signal and a series of bits. Because Netlist defines these terms only by  
5 reference to ambiguous documents, and further because Netlist clearly implies a connection  
6 between these terms and various disputed claim terms, any Request using the term “bit” or any  
7 variant is vague, ambiguous, and prematurely calls for a legal conclusion before the disputed  
8 claim terms have been construed by the Court.

9 3. Google objects to the requests insofar as they seek information that is neither relevant  
10 to a claim or defense of any party, nor reasonably calculated to lead to the discovery of  
11 admissible evidence.

12 4. Google objects to the requests to the extent that they seek documents protected by the  
13 attorney-client privilege or by the work-product doctrine, protected by any other applicable  
14 privilege or immunity, prepared in connection with settlement discussions, prepared in  
15 anticipation of adversarial proceedings such as litigation or for trial, prepared in connection with  
16 any applicable joint defense agreement, or not otherwise within the scope of permissive discovery  
17 under the Federal Rules of Civil Procedure and applicable Local Rules.

18 5. Google objects to the requests on the ground and to the extent they call for information  
19 that Google is under an obligation to third parties to not disclose.

20 6. Google objects to the requests on the ground and to the extent they seek to obtain  
21 information not in Google’s possession, custody, or control.

22 7. Google objects to the requests as overly burdensome on the ground and to the extent  
23 they seek information already in Netlist’s possession or information that is a matter of public  
24 record or that is otherwise equally available to Netlist.

25 8. Google objects to the requests to the extent they call for a legal opinion or . conclusion.  
26 Google neither expresses nor intends to express any legal opinion or conclusion by responding to  
27 Netlist’ s requests.  
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1 9. Google objects to the requests to the extent that they fail to specify a relevant time  
2 period for which information is requested, and/or to the extent the specified period is irrelevant.

3 10. Google objects to the Requests to the extent that they use terms that are not defined or  
4 understood, or are vaguely and/or ambiguously defined, and therefore fail to identify with  
5 reasonable particularity the information sought. Google will not speculate as to the meaning to  
6 ascribe to such terms.

7 **RESPONSES TO REQUEST FOR ADMISSIONS**

8 **REQUEST FOR ADMISSION NO.1:**

9 Google uses 4-Rank Fully Buffered Dual-In-Line Memory Modules in certain of its  
10 servers (“Google’s 4-Rank FBDIMMs”).

11 **RESPONSE TO REQUEST FOR ADMISSION NO.1:**

12 Google incorporates by reference each of the General Objections. Google further objects  
13 to this request as vague and ambiguous as to the term “4-Rank Fully Buffered Dual-In-Line  
14 Memory Modules,” which is not defined in the requests either explicitly or via reference to a  
15 standard.

16 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
17 follows: as Google understands the term “4-Rank FBDIMM,” Google admits that it uses 4-Rank  
18 FBDIMMs.

19 **REQUEST FOR ADMISSION NO.2:**

20 The server that Google provided to Netlist for inspection on August 19, 2009 is  
21 representative of Google’s servers that include Google’s 4-Rank FBDIMMs.

22 **RESPONSE TO REQUEST FOR ADMISSION NO.2:**

23 Google incorporates by reference each of the General Objections. Google further objects  
24 to this Request as vague and ambiguous as to the term “representative.”

25 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
26 follows: Google admits that the server presented for inspection on August 19,2009 is functionally  
27 representative of servers using the allegedly infringing 4-rank FBDIMM memory modules in  
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1 Google’s data centers, in that it allowed Netlist to operate the allegedly infringing 4-rank  
2 FBDIMM memory module in a manner functionally representative of the memory module as  
3 used in servers in Google’s data centers. To the extent that Netlist uses the term “representative”  
4 in any other sense, Google is unable to admit or deny the remainder of this Request.

5 REQUEST FOR ADMISSION NO.3:

6 In certain of Google’s servers, Google operates Google’s 4-Rank FBDIMMs in JEDEC  
7 Mode C.

8 FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR ADMISSION NO.3:

9 Google incorporates by reference each of the General Objections. In addition, insofar as  
10 the term “Mode C” has the same meaning as in the JEDEC Standard JESD82-20A, it invokes the  
11 terms “chip select signal” by implication, as those terms are in turn used to define “Mode C” in  
12 the standards documents. The definitions of “chip select signal” in the context of the patent are  
13 currently subject to debate by the parties, as is the relevance of the JEDEC standards in  
14 determining this meaning. Google further objects to this Request as vague and ambiguous as to  
15 the term “Mode C.”

16 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
17 follows: Google lacks sufficient knowledge and information to admit or deny this Request, and  
18 therefore denies it.

19 REQUEST FOR ADMISSION NO.4:

20 Google’s 4-Rank FBDIMMs include a plurality of DRAM chips coupled to a printed  
21 circuit board.

22 RESPONSE TO REQUEST FOR ADMISSION NO.4:

23 Google incorporates by reference each of the General Objections. Google further objects  
24 to this Request as vague and ambiguous as to the terms “DRAM chips” and “printed circuit  
25 board.”

26 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
27 follows: without acceding to Netlist’s definitions of the aforementioned vague, ambiguous, and/or  
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1 disputed terms, Google admits that certain of its memory modules include DRAM chips coupled  
2 to a printed circuit board. To the extent not admitted, Google lacks sufficient information to either  
3 admit or deny this Request, and therefore denies it.

4 REQUEST FOR ADMISSION NO.5:

5 Google's 4-Rank FBDIMMs include an Advanced Memory Buffer ("Google's AMB").

6 RESPONSE TO REQUEST FOR ADMISSION NO.5:

7 Google incorporates by reference each of the General Objections. Google further objects  
8 to this Request as vague and ambiguous as to the term "Advanced Memory Buffer" (AMB).

9 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
10 follows: without acceding to Netlist's definitions of the aforementioned vague, ambiguous, and/or  
11 disputed terms, Google admits that the FBDIMMs used by Google include what it understands to  
12 be an Advanced Memory Buffer. To the extent not admitted, Google lacks sufficient information  
13 to either admit or deny this Request, and therefore denies it.

14 REQUEST FOR ADMISSION NO.6:

15 Certain of Google's AMBs include a hardware circuit that receives bits as input ("Input  
16 Bits") and which performs at least one predefined function on the Input Bits.

17 RESPONSE TO REQUEST FOR ADMISSION NO.6:

18 Google incorporates by reference each of the General Objections. Google further objects  
19 to this Request as vague and ambiguous as to at least the terms "hardware circuit" and  
20 "predefined function." Google further specifically objects to this Request on the basis of General  
21 Objection No.2, above, concerning the "bit" terms.

22 Subject to, without waiving, and based upon the foregoing objections, Google responds as  
23 follows: Google lacks sufficient information to either admit or deny this Request, and therefore  
24 denies it.

25 REQUEST FOR ADMISSION NO.7:

26 Certain of Google's AMBs include a hardware circuit that performs a predefined function  
27 on Input Bits to generate output bits.



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Subject to, without waiving, and based upon the foregoing objections, Google responds as follows: Google lacks sufficient knowledge and information to either admit or deny this Request, and therefore denies it.

Dated: March 30, 2010

KING & SPALDING LLP

By: /s/ Allison Altersohn  
Allison Altersohn (pro hac vice)

Attorneys for Plaintiff  
GOOGLE INC.