1   PRUETZ LAW GROUP LLP
    Adrian M. Pruetz (Bar No. CA 118215)
2   E-mail: ampruetz@pruetzlaw.com
    Erica J. Pruetz (Bar No. CA 227712)
3   E-mail: ejpruetz@pruetzlaw.com
    200 N. Sepulveda Blvd. Suite 1525
4   El Segundo, CA 90245
    Telephone: (310) 765-7650
5   Facsimile: (310) 765-7641

6   LEE TRAN & LIANG APLC
    Enoch H. Liang (Bar No. CA 212324)
7   E-mail: ehl@ltlcounsel.com
    Steven R. Hansen (Bar No. CA 198401)
8   E-mail: srh@ltlcounsel.com
    Edward S. Quon (Bar No. 214197)
9   E-mail: eq@ltlcounsel.com
    601 S. Figueroa St., Suite 4025
10 Los Angeles, CA 90017
    Telephone: (213) 612-3737
11 Facsimile: (213) 612-3773

12 Attorneys for Defendant and Counterclaimant
    NETLIST, INC.

13

14   UNITED STATES DISTRICT COURT

15   NORTHERN DISTRICT OF CALIFORNIA

16   OAKLAND DIVISION

17

18 GOOGLE, INC.,   Case No.: C-08-04144 (SBA)

19   Plaintiff,   [Related to Case No: C-09-05718 SBA]

20   vs.   **DECLARATION OF STEVEN R. HANSEN
                                           IN SUPPORT OF DEFENDANT NETLIST
21 NETLIST, INC.,   INC.'S OPPOSITION TO GOOGLE INC'S
                                           MOTION FOR SUMMARY JUDGMENT
22   Defendant.   OF INVALIDITY**

23   Date: July 27, 2010
                                           Time: 1:00 p.m.
24   Place: Courtroom 3
                                           Judge: Hon. Saundra Brown Armstrong
25

26 AND RELATED COUNTERCLAIMS.

27

28

                  DECLARATION OF STEVEN R. HANSEN (CASE NO. C-08-04144 SBA)

I, Steven R. Hansen, declare as follows:

1.   I am an attorney admitted to practice in the states of California and Michigan and before this Court. I am of counsel to Lee Tran & Liang APLC, counsel of record for Defendant Netlist, Inc. ("Netlist"). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto under oath. This declaration is made in support of Netlist's Opposition to Plaintiff Google Inc's Motion for Summary Judgment of Invalidity.

2.   Attached hereto as Exhibits "A", "B", "C" and "D" are true and correct copies of relevant excerpts of the File History for the patent-in-suit, U.S. Patent No. 7,289,386 ("'386 Patent"), as described below.

3.   The application for '386 Patent was filed on or about July 5, 2005. At the time the application was filed, the second command signal limitation at issue in the present Motion was recited in dependent claim 12 of the original claims. A true and correct copy of the original claims submitted with the application for the '386 patent are attached hereto as Exhibit "A".

4.   On or about January 26, 2007 the patent examiner issued a non-final office action whereby the Examiner found claim 12 to be allowable if rewritten to include the limitations of its base claim (1) and intervening claim (8). A true and correct copy of the Non-final Office Action dated January 26, 2007 is attached hereto as Exhibit "B".

5.   Netlist therefore amended claim 12 to include all of the limitations of claims 1 and 8. A true and correct copy of Netlist's Amendment and Response to the January 26, 2007 Non-final Office Action is attached hereto as Exhibit "C".

6.   The '386 application was allowed on July 30, 2007. A true and correct copy of the Notice of Allowance and Issue Fee Due dated July 30, 2007 is attached hereto as Exhibit "D".

7.   Further, the Detailed Description of Exemplary Embodiments in the '386 Patent specification describes the second command signal limitation as follows:

> In response to the set of input control signals, **the logic element 40 generates** a **set of output control signals** which **includes** address and **command signals**.

In certain embodiments, the set of output control signals corresponds to a first number of ranks in which the plurality of memory devices 30 of the memory module 10 are arranged . . . .

A true and correct copy of the '386 Patent is attached hereto as Exhibit "E".

8.   On or about April 13, 2009 Google served on Netlist its Invalidity Contentions required under the Northern District of California's Local Patent Rules.   On or about March 30, 2010, Google served on Netlist its Amended Invalidity Contentions. Exhibit 12 to the Invalidity Contentions and the Amended Invalidity Contentions contains a chart describing Google's alleged grounds for invalidity of the '386 Patent. Google's Amended Invalidity Contentions refers to the same exhibit 12 as the first Invalidity Contentions without alteration.   Neither Google's original Invalidity Contentions served on April 13, 2009, its Supplemental Invalidity Contentions served on March 30, 2010, nor Exhibit 12 alleged that the limitation of claim 1 of the '386 Patent that "the logic element further responds to a first command signal from the computer system by generating a second command signal transmitted to the plurality of memory devices" violated the written description requirement.   A true and correct copy of Google's Amended Infringement Contentions is attached hereto as Exhibit "F". A true and correct copy of the claim chart attached as exhibit 12 to the Infringement Contentions and Amended Infringement Contentions is attached hereto as Exhibit "G".

9.   A true and correct copy of § 608.01(l) of the Manual of Patent Examining Procedure is attached hereto as Exhibit "H".

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 6th day of July 2010, at Waterford, Michigan

_____/s/ Steven R. Hansen_____
                                            Steven R. Hansen

DECLARATION OF STEVEN R. HANSEN (CASE NO. C-08-04144 SBA)