

1 TIMOTHY T. SCOTT (SBN 126971/tscott@kslaw.com)
GEOFFREY M. EZGAR (SBN 184243/ gezgar@kslaw.com)
2 LEO SPOONER III (SBN 241541/lspooner@kslaw.com)
KING & SPALDING LLP
3 333 Twin Dolphin Drive, Suite 400
Redwood Shores, CA 94065
4 Telephone: (650) 590-0700
Facsimile: (650) 590-1900

5 SCOTT T. WEINGAERTNER (*pro hac vice*/sweingaertner@kslaw.com)
6 ROBERT F. PERRY (rperry@kslaw.com)
ALLISON ALTERSOHN (*pro hac vice*/aaltersohn@kslaw.com)
7 DANIEL MILLER (*pro hac vice*/dmiller@kslaw.com)
SUSAN KIM (*pro hac vice*/skim@kslaw.com)
8 KING & SPALDING LLP 1185 Avenue of the Americas
New York, NY 10036-4003
9 Telephone: (212) 556-2100
Facsimile: (212) 556-2222

10
11 Attorneys for Plaintiff
GOOGLE INC.

12
13 UNITED STATES DISTRICT COURT FOR THE
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 GOOGLE INC.

17 Plaintiff,

18 v.

19 NETLIST, INC.,

20 Defendant.
21
22
23
24
25
26
27
28

C08-04144 SBA
[Related to Case No: C 09-05718 SBA]

**DECLARATION OF ALLISON
ALTERSOHN IN SUPPORT OF GOOGLE
INC.'S MOTION TO SHORTEN TIME**

1 I, Allison Altersohn, declare as follows:

2 1. I am an attorney with the law firm of King & Spalding LLP, counsel for Plaintiff
3 Google Inc. ("Google") in the above-captioned action. I submit this Declaration in support of
4 Google Inc's Motion to Shorten Time filed concurrently herewith under separate cover. I have
5 personal knowledge of all facts stated herein and, if sworn as a witness, I could and would testify
6 completely thereto.

7 2. On August 9, 2010, the United States Patent and Trademark Office ("USPTO")
8 granted Google's request for *inter partes* reexamination of U.S. Patent No. 7,289,386 ("the '386
9 Patent"). A true and correct copy of the USPTO's Order Granting Request for *Inter Partes*
10 Reexamination of U.S. Patent No. 7,289,386, which was mailed on August 9, 2010, is attached as
11 Exhibit A hereto.

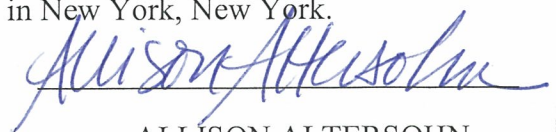
12 3. In granting the request, the USPTO found seven (7) substantial new questions of
13 patentability affecting some or all of claims 1-12 of the '386 Patent based on multiple prior art
14 references. Specifically with respect to asserted claims 1 and 11 in the present case, four of the
15 substantial questions of patentability affect claim 1 of the '386 Patent and two of the substantial
16 new questions of patentability affect claim 11 of the '386 Patent.

17 4. Google filed concurrently herewith a motion to stay this case until the current
18 reexamination of the '386 Patent is concluded.

19 5. The Court is currently scheduled to conduct a hearing concerning the parties'
20 pending motions for summary judgment on September 14, 2010. (D.I. 177.)

21 6. The Court is currently scheduled to conduct the pretrial conference for this matter
22 on October 19, 2010. (D.I. 81.)

23
24 I declare under the penalty of perjury that the foregoing is true and correct and that this
25 Declaration is executed on this 26th day of August, 2010 in New York, New York.

26 

27 ALLISON ALTERSOHN