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9 Attorneys for Plaintiff
 GOOGLE INC.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

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

Case No. 08-04144 SBA

DECLARATION OF DAVID J. MICLEAN IN SUPPORT OF GOOGLE INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL GOOGLE INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF AND EXHIBIT 2 TO THE DECLARATION OF DAVID J. MICLEAN IN SUPPORT THEREOF

Date: November 12, 2009
 Time: 9:00 a.m.
 Place: Courtroom 3, 3rd Floor
 Judge: Hon. Sandra Brown Armstrong

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 23 AND RELATED COUNTERCLAIMS.
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I, DAVID J. MICLEAN, declare as follows:

1. I am an attorney admitted to practice in the State of California and before this Court, and I am a principal of the law firm of Fish & Richardson P.C. I represent Plaintiff Google Inc. in this action. I have personal first-hand knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to these matters.

2. Plaintiff Google Inc.'s Responsive Claim Construction Brief and Exhibit 2 to the Declaration of David J. Miclean in support thereof contain witness deposition testimony regarding Netlist's business and the technology at issue in this litigation and was designated by Defendant and Counterclaimant Netlist, Inc. ("Netlist") as Highly Confidential -- Attorneys' Eyes Only pursuant to the Protective Order entered in this action (Dkt. No. 25, April 27, 2009).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of August, 2009 at Redwood City, California.

/s/ David J. Miclean
David J. Miclean

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