

09-5718-FMX

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (cand rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

ORIGINAL

I. (a) PLAINTIFFS: Netlist, Inc., a Delaware Corporation. DEFENDANTS: Google, Inc., a Delaware Corporation. (b) County of Residence of First Listed Plaintiff: Orange (EXCEPT IN U.S. PLAINTIFF CASES). County of Residence of First Listed Defendant: Santa Clara (IN U.S. PLAINTIFF CASES ONLY). (c) Attorney's (Firm Name, Address, and Telephone Number): Adrian M. Pruetz, 200 N. Sepulveda Blvd., Suite 1525, El Segundo, CA 90245, 310.765.7650.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only): 3 Federal Question (U.S. Government Not a Party). III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant): Plaintiff is Citizen of This State (DEF 4), Defendant is Citizen of This State (PTF 4).

IV. NATURE OF SUIT (Place an "X" in One Box Only): 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excl. Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise, 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury—Med. Malpractice, 365 Personal Injury—Product Liability, 368 Asbestos Personal Injury Product Liability, 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability, 610 Agriculture, 620 Other Food & Drug, 625 Drug Related Seizure of Property 21 USC 881, 630 Liquor Laws, 640 R.R. & Truck, 650 Airline Regs., 660 Occupational Safety/Health, 690 Other, 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157, 820 Copyrights, 830 Patent, 840 Trademark, 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 810 Selective Service, 850 Securities/Commodities/Exchange, 875 Customer Challenge 12 USC 3410, 890 Other Statutory Actions, 891 Agricultural Acts, 892 Economic Stabilization Act, 893 Environmental Matters, 894 Energy Allocation Act, 895 Freedom of Information Act, 900 Appeal of Fee Determination Under Equal Access to Justice, 950 Constitutionality of State Statutes.

V. ORIGIN (Place an "X" in One Box Only): 1 Original Proceeding. Transferred from: 5 another district (specify). Appeal to District: 7 Judge from Magistrate Judgment.

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 35 U.S.C et seq. Brief description of cause: Patent Infringement.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23. DEMAND \$ TBD at trial. CHECK YES only if demanded in complaint: JURY DEMAND: Yes [X] No.

VIII. RELATED CASE(S) IF ANY: PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". Google, Inc. v. Netlist, Inc., Case No. C-08-04144 SBA.

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY): [X] SAN FRANCISCO/OAKLAND [ ] SAN JOSE.

DATE: December 3, 2009. SIGNATURE OF ATTORNEY OF RECORD: Adrian M. Pruetz.