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Attorneys for Defendant  
 GOOGLE INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

NETLIST, INC.,  
 Plaintiff,  
 v.  
 GOOGLE INC.,  
 Defendant.

CASE NO. CV-09-05718 SBA  
 [Related to Case No. CV-08-04144 SBA]

**JOINT CLAIM CONSTRUCTION  
 AND PREHEARING STATEMENT  
 UNDER PATENT LOCAL RULE 4-3**

1 Pursuant to Patent L.R. 4-3 of the Local Rules of Practice for Patent Cases before the  
2 United States District Court for the Northern District of California, Plaintiff Netlist, Inc.  
3 (“Netlist”) and Defendant Google Inc. (“Google”), by and through their respective undersigned  
4 counsel, submit the following Joint Claim Construction and Prehearing Statement (“Joint  
5 Statement”).

6 **I. Construction Of Claim Terms On Which The Parties Agree (Patent L.R. 4-3(a))**

7 The chart attached as Exhibit A to this Joint Statement lists the constructions of the claim  
8 terms and clauses of U.S. Patent No. 7,619,912 (“the ‘912 Patent”) on which the parties agree.  
9 The agreed to constructions for the claim terms “logic element,” “signal,” and “control signals”  
10 were construed by the Court in related case *Google Inc. v. Netlist, Inc.*, CV-08-04144 SBA (“the  
11 ‘386 Patent Case”). In addition, the parties have agreed to constructions previously stipulated to  
12 from the ‘386 Patent Case for the claim terms “memory devices,” “coupled to the printed circuit  
13 board,” “rank,” “command signal,” and “chip-select signal.” The parties have also agreed to the  
14 constructions of the claim terms and clauses “computer system,” “phase-lock loop device,”  
15 “mounted to the printed circuit board,” and “register.”

16 **II. Proposed Construction Of The Disputed Terms (Patent L.R. 4-3(b-c))**

17 The chart attached as Exhibit B to this Joint Statement lists the constructions of the claim  
18 terms and clauses of the ‘912 Patent whose constructions the parties dispute, as well as each  
19 party’s proposed constructions and supporting evidence, in accordance with Patent L.R. 4-3(b).

20 For purposes of Patent L.R. 4-3(c), Netlist contends that the five most significant terms in  
21 dispute are (1) “bank,” (2) “the at least one integrated circuit element comprising a logic  
22 element, a register, and a phase lock loop,” (3) “operatively coupled/operationally coupled,” (4)  
23 “spaced from,” and (5) “in a direction along the first side/in a direction along the second side.”

24 For purposes of Patent L.R. 4-3(c), Google contends that the five most significant terms  
25 in disputed are (1) “set of input control signals” / “set of input signal” / “plurality of input control  
26 signals,” (2) “set of output control signals” / “set of output signals” / “plurality of output  
27 signals,” (3) “at a time,” (4) “bank,” and (5) claim 45 (indefiniteness).

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1 **III. Length Of Time For Claim Construction Hearing (Patent L.R. 4-3(d))**

2 The tutorial and claim construction hearing are presently scheduled for September 9,  
3 2010 beginning at 9 a.m. Pursuant to Judge Armstrong’s Patent Standing Order, the tutorial is  
4 scheduled to last approximately one to one-and-a-half hours, with each side being allotted 30-45  
5 minutes to present a short summary and explanation of the technology at issue.

6 **Google Proposal for the Tutorial:** Due to the parties’ previous tutorial to the Court on  
7 similar technology in the ‘386 Patent Case, Google does not believe that a live tutorial is  
8 necessary. Google proposes that, prior to the claim construction hearing, the parties submit a  
9 written tutorial to the Court.

10 **Joint Proposal for the Claim Construction Hearing:** Pursuant to the Patent Standing  
11 Order, the claim construction hearing will normally be scheduled to last no longer than three (3)  
12 hours. Due to the parties’ previous tutorials to the Court on similar technology in the ‘386 Patent  
13 Case, the parties believe that three (3) hours would be sufficient and appropriate for the hearing.

14 The parties will meet and confer on an appropriate manner of presentation for the hearing  
15 and will submit a joint proposal to the Court.

16 **IV. Witnesses To Be Called At Claim Construction Hearing (Patent L.R. 4-3(e))**

17 The parties identify the following witnesses to be called at the claim construction hearing.

18 **A. Witness Netlist May Call**

19 Netlist anticipates that it may call Richard Turley as a witness at the tutorial and claim  
20 construction hearing. Mr. Turley would be expected to explain how a person of skill in the art  
21 would interpret the claim terms at issue. Mr. Turley may also testify regarding the relevant  
22 technology at issue in this case.

23 **B. Witness Google May Call**

24 Google does not believe any witnesses are required; nevertheless Google reserves the  
25 right to call William Hoffman as a witness at the tutorial and claim construction hearing. Mr.  
26 Hoffman would be expected to explain how a person of skill in the art would interpret the claim  
27 terms at issue. Mr. Hoffman may also testify regarding the relevant technology at issue in this  
28 case.

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DATED: June 25, 2010

LEE, TRAN & LIANG, APLC

By /s/ Steven R. Hansen  
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Steven R. Hansen

Attorneys for Plaintiff  
NETLIST, INC.

DATED: June 25, 2010

KING & SPALDING LLP

By /s/ Scott T. Weingaertner  
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Scott T. Weingaertner

Attorneys for Defendant  
GOOGLE INC.

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**DECLARATION OF CONSENT**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Scott T. Weingaertner, counsel for Defendant Google Inc.

DATED: June 25, 2010

LEE, TRAN & LIANG, APLC

By /s/ Steven R. Hansen

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Steven R. Hansen

Attorneys for Plaintiff  
NETLIST, INC.