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9 Attorneys for Plaintiff
10 NETLIST, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION
15

16 NETLIST, INC.,
17 Plaintiff,
18 vs.
19 GOOGLE, INC.,
20 Defendant.
21

CASE NO. C-09-05718 SBA

[Related to CASE NO C-08-04144 SBA.]

**DECLARATION OF STEVEN R. HANSEN
IN SUPPORT OF ADMINISTRATIVE
MOTION TO REMOVE INCORRECTLY
FILED JOINT LETTER REGARDING
DISCOVERY DISPUTE**

1 I, Steven R. Hansen, declare as follows:

2 1. I am an attorney admitted to practice law in the states of California and Michigan
3 and before this Court. I am of counsel to Lee Tran & Liang APLC, counsel for Plaintiff Netlist,
4 Inc. ("Netlist") in this action. I have personal first-hand knowledge of the matters set forth
5 herein, and if called as a witness, I could and would testify competently thereto.

6 2. The parties have engaged in an ongoing discovery dispute regarding Google's
7 Responses and Objections to Netlist's Requests for Admissions, Interrogatories, and Requests
8 for Production. After several rounds of "meet and confer" attempts, Netlist decided that judicial
9 intervention would be necessary to resolve the dispute and the parties initiated the process to
10 draft a joint letter to Magistrate Judge Spero pursuant to Paragraph B.8 of Judge Spero's
11 Standing Order.

12 3. On August 17, 2010, Netlist provided its portion of the Joint letter to Google's
13 counsel, containing citations to "Exhibit B", Google's Second Amended Responses and
14 Objections to Netlist's First Set of Interrogatories. Google's counsel provided the final draft of
15 the Joint Letter to Netlist's counsel on August 18, 2010 and authorized Netlist to file the Joint
16 Letter. On August 18, 2010 my office filed the finalized version as "Letter from Plaintiff and
17 Defendant (Joint) re: Discovery Dispute" (Document No. 51) (hereinafter the "Joint Letter").

18 4. The Joint Letter inadvertently contained information purportedly designated as
19 "Confidential-Attorney's Eyes Only" by Google pursuant to the parties' Stipulated Protective
20 Order entered on July 6, 2010 (Document No. 47). On August 19, 2010, Google's counsel met
21 and conferred with Netlist's counsel and requested that, because Netlist initiated the e-filing on
22 the CM/ECF system, Netlist take steps to remove the document from the record.

23 5. Google contends that "Exhibit B" to the Joint Letter was designated
24 "Confidential-Attorney's Eyes Only". The "Confidential-Attorney's Eyes Only" label appears
25 in 10 point font in the footer of the amended responses only (not Google's original responses) –
26 and was inadvertently overlooked.

1 I declare under penalty of perjury of the laws of the United States of America that the
2 foregoing is true and correct. Executed this the 19th day of August 2010, at Waterford,
3 Michigan.

4 /s/Steven R. Hansen

5 Steven R. Hansen
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