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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NETLIST, INC., Plaintiff, v. SMART STORAGE SYSTEMS, INC., DIABLO TECHNOLOGIES, INC., and SANDISK CORPORATION Defendants.	CASE NO. 4:13-CV-05889-YGR **JOINT STATUS REPORT REGARDING *INTER PARTES* REVIEW**

Pursuant to the Court's October 5, 2015 order [Dkt. No. 333], the parties submit the following status report of the pending *inter partes* review proceedings before the Patent Office.

To date, Defendants SanDisk Corporation ("SanDisk"), Diablo Technologies ("Diablo"), and former Defendant SMART Modular Technologies ("SMART Modular"), filed IPR petitions seeking review of all seven of the asserted Netlist patents. As further detailed below, the Patent Trial and Appeal Board ("Board") instituted review of four of the seven patents. As to the three patents where the Board did not institute proceedings (U.S. Patent Nos. 8,301,833; 8,516, 185 and 8,516,187), no further petitions are pending.

The four patents being reviewed are subject to nine instituted IPR proceedings. These proceedings can generally be grouped as follows (based on the time that the petitions were filed):

- The Board recently issued final written decisions in five of the nine instituted IPR proceedings. Two decisions were split, with the Board holding that some reviewed claims are patentable while others are not. In the other three decisions, the Board held that none of the reviewed claims are patentable.
- The Board heard oral argument in mid-November in two of the IPR proceedings (which correspond to the two recent rulings in which at least some claims were held to be patentable). A final written decision is expected in these cases on or about March 10, 2016.
- The final two proceedings include claims that were already held to be unpatentable by the Board. A final written decision is expected in these cases on or about October 8, 2016.

The following table shows a breakdown of the instituted IPR proceedings by patent:

- **USP 8,001,434**

Case No.	Petitioner	Final Decision
2014-00970	SanDisk	Claims 2, 5, 6, 7-13, 17, 18, 26 and 35 are patentable; Claims 1, 14, 15, 19-25 and 27-34 are unpatentable
2014-01372	SMART Modular	Review instituted as to claims 1-4, 14-20, 27 and 29; decision expected on or before March 10, 2016

- **USP 8,359,501**

Case No.	Petitioner	Final Decision
2014-00971	SanDisk	Claims 4, 9 and 10 are patentable; claims 1-3, 5-8 and 11-20 are unpatentable
2014-01374	SMART Modular	Review instituted as to claims 1, 2, 4-6, 9-11, 14-17 and 20; decision expected on or before March 10, 2016

- **USP 7,881,150**

Case No.	Petitioner	Final Decision (estimate)
2014-00882	Diablo	Claims 15-17, 22, 24, 26 and 31-33 are unpatentable
2014-01011	Diablo	Claims 15-17, 22, 24, 26 and 31-33 are unpatentable
2015-01020	SanDisk	Review instituted as to claims 15-17, 22, 24, 26 and 31-33; decision expected on or before October 8, 2016

- **USP 8,081,536**

Case No.	Petitioner	Final Decision (estimate)
2014-00883	Diablo	Claims 1, 16, 17, 24, 30 and 31 are unpatentable
2015-01021	SanDisk	Review instituted as to claims 1, 16, 17, 24, 30 and 31; decision expected on or before October 8, 2016

The parties are available should the Court have any questions regarding these proceedings. Otherwise, the parties request that the Court postpone the January 15, 2016 scheduling conference. The parties recommend that they submit another status report within ten (10) business days after receiving the Board's expected rulings – which they expect on or before March 10, 2016.

McANDREWS, HELD & MALLOY, LTD.

Dated: January 7, 2016

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ECF CERTIFICATION

I, Ronald H. Spuhler, am the ECF user whose ID and password are being used to file the foregoing document.

I hereby attest in accordance with Local Rule 5-1(i)(3) that concurrence in the electronic filing of this document has been obtained from the other signatories.

Dated: January 7, 2016

/s/ *Ronald H. Spuhler*
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