

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAMSUNG ELECTRONICS CO., LTD. AND)	
SAMSUNG SEMICONDUCTOR, INC.,)	C.A. No. 21-1453-RGA-JLH
)	
Plaintiffs,)	
v.)	JURY TRIAL DEMANDED
)	
NETLIST, INC.,)	
)	
Defendant.)	
<hr/> NETLIST, INC.,)	
)	
Counter-Plaintiff,)	
v.)	
)	
SAMSUNG ELECTRONICS CO., LTD. AND)	
SAMSUNG SEMICONDUCTOR, INC.,)	
)	
Counter-Defendants.)	
<hr/> NETLIST, INC.,)	
)	
Counter-Plaintiff,)	
)	
v.)	
)	
GOOGLE LLC AND ALPHABET INC.,)	
)	
Counter-Defendants.)	

MOTION TO DISMISS GOOGLE AND ALPHABET, OR ALTERNATIVELY, SEVER AND STAY AND DISMISS WILLFULNESS AND INDIRECT INFRINGEMENT ALLEGATIONS

Pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(6), Counterclaim Defendant Alphabet Inc. (“Alphabet”) moves the Court for dismissal of all of Defendant Netlist Inc.’s (“Netlist”) Counterclaims (D.I. 58) for failure to state a claim. Further, pursuant to Rule 21, Alphabet and Counterclaim Defendant Google LLC (“Google”) move for dismissal of Alphabet and Google from this case, or alternatively, a sever and stay of all of Netlist’s Counterclaims until all claims between Netlist and Plaintiffs Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc. are resolved.

Additionally, pursuant to Rule 12(b)(6), Alphabet and Google move for dismissal of Netlist's allegations of willfulness, induced infringement, and contributory infringement.

The bases for this Motion are set forth in Alphabet and Google's Opening Brief in Support, filed herewith.

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*Attorney for Counter-Defendants Google LLC
and Alphabet Inc.*

Dated: November 15, 2022