

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMSUNG ELECTRONICS CO., LTD.)	
AND SAMSUNG SEMICONDUCTOR,)	
INC.)	
)	
Plaintiffs,)	
)	C.A. No. 21-1453-RGA
v.)	
)	
NETLIST, INC.,)	
)	
Defendant.)	

**DEFENDANT NETLIST, INC.'S MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT (D.I. 14)**

Pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Netlist, Inc. ("Netlist"), by and through its undersigned counsel, hereby moves to dismiss the First Amended Complaint for Declaratory Judgment of Non-infringement and Unenforceability; Breach of Contract (D.I. 14) filed by Plaintiffs Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc., for lack of subject matter jurisdiction and failure to state a claim on which relief can be granted. Netlist's motion is supported by the Opening Brief filed herewith and the exhibits attached hereto.

Respectfully submitted,

/s/ Karen E. Keller

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Dated: February 16, 2022

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Plaintiffs,)	
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v.)	
)	
NETLIST, INC.,)	
)	
Defendant.)	

**[PROPOSED] ORDER GRANTING DEFENDANT NETLIST, INC.’S MOTION TO
DISMISS PLAINTIFFS’ FIRST AMENDED COMPLAINT (D.I. 14)**

Upon consideration of Defendant Netlist, Inc.’s Motion to Dismiss Plaintiffs’ First Amended Complaint (D.I. 14) (the “Motion”), the opening brief, and exhibits submitted therewith,

IT IS HERBY ORDERED THAT the Motion is **GRANTED**, and Plaintiffs Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc.’s claims in the First Amended Complaint for Declaratory Judgment of Non-infringement and Unenforceability; Breach of Contract (D.I. 14) are **DISMISSED with prejudice and without leave to amend**.

SO ORDERED this _____ day of _____ 2022.

The Honorable Richard G. Andrews
United States District Judge