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SMART Modular Technologies Files Patent Office Requests To Challenge Netlist Patents

NEWARK, CA, October 25, 2010 --- SMART Modular Technologies (WWH), Inc. (“SMART” or the “Company”) (Nasdaq: SMOD), a leading independent manufacturer of memory modules and solid state storage products, today announced filings in the United States Patent & Trademark Office (“PTO”) to challenge two Netlist patents related to “rank multiplication” technology associated with high density registered DIMMs that support the high growth server market.

SMART believes that its filed SMART Patent Application No. 2006/0117152 shows that SMART engineers invented “rank multiplication” technology in 2003. Since SMART’s ‘152 application was filed before Netlist U.S. Patent No. 7,619,912, SMART believes that Netlist is not entitled to the ‘912 patent and SMART has filed a Continuation Application as the necessary initial step in the PTO to have the ‘912 patent awarded to SMART.

Google, Inc., and Inphi Corporation have both been sued by Netlist for potentially infringing the ‘912 patent, which Netlist refers to as enabling HyperCloud Memory. Google is using the SMART ‘152 patent application in its defense.

In addition, SMART has filed a reexamination request of the ‘912 patent based in part on the SMART ‘152 patent application and other prior art.

Google is also in litigation with Netlist over Netlist U.S. Patent No. 7,289,386 and has filed a reexamination request. Google’s reexamination request on the ‘386 patent is also based in part on the SMART ‘152 patent application.



SMART has filed a reexamination request on the '386 patent as well and presents different invalidation theories from Google's request.

Iain MacKenzie, President and CEO of SMART, commented that "We have filed the continuation application and requests for reexamination as part of our diligence in protecting our intellectual property and to fulfill our commitment to providing leading edge technology."

Forward-Looking Statements

Statements contained in this press release that are not statements of historical fact, including the quotation attributed to Mr. MacKenzie and any statements that use the words "will," "believes," "anticipates," "estimates," "expects," "to fulfill," "intends" or similar words that describe the Company's or its management's future expectations, plans, objectives, or goals, are "forward-looking statements" and are made pursuant to the safe-harbor provisions of the Private Securities Litigation Reform Act of 1995. These forward-looking statements include those related to the Company's intellectual property, beliefs about the invalidity and/or priority of patents and/or patent applications, the ownership of intellectual property rights, projections regarding the Company's financial performance, and the success of our strategic initiatives including patent prosecution.

Such forward-looking statements involve known and unknown risks, uncertainties and other factors that could cause the actual results of the Company to be materially different from the historical results and/or from any future results or outcomes expressed or implied by such forward-looking statements. Factors that would cause or contribute to such differences include, but are not limited to, the PTO not agreeing with our positions and/or not proceeding with an interference or other process to award a patent to SMART, competitive factors, new products and technological changes, difficulties with or delays in the introduction of new products, customer demand, end user markets, changes in industry standards or release plans, intellectual property disputes, and other risks detailed in the Company's periodic report filings with the Securities and Exchange Commission including the Company's Annual Report on Form 10-K for fiscal 2009 and its Quarterly Reports on Form 10-Q for the quarters ended November 27, 2009, February 26, 2010 and May 28, 2010. Such risk factors as outlined in these reports may not constitute all factors that could cause actual results to differ materially from those discussed in any forward-looking statement. The Company operates in a continually changing business environment and new factors emerge from time to time. The Company cannot predict such factors, nor can it assess the impact, if any, from such factors on the Company or its results. Accordingly, our future results may differ materially from projections and investors are cautioned not to place undue reliance on any forward-looking statements. Forward-looking statements should not be relied upon as a prediction of actual results. These forward-looking statements are made as of today, and the Company does not intend, and has no obligation, to update or revise any forward-



looking statements in order to reflect events or circumstances that may arise after the date of this press release.

About SMART

SMART is a leading independent designer, manufacturer and supplier of electronic subsystems to original equipment manufacturers, or OEMs. SMART offers more than 500 standard and custom products to OEMs engaged in the computer, enterprise, industrial, networking, gaming, telecommunications, defense, aerospace and embedded application markets. Taking innovations from the design stage through manufacturing and delivery, SMART has developed a comprehensive memory product line that includes DRAM, SRAM, and Flash memory in various form factors. SMART also offers high performance, high capacity solid state drives, or SSDs, for enterprise, defense, aerospace, industrial automation, medical, and transportation markets. SMART's presence in the U.S., Europe, Asia, and Latin America enables it to provide its customers with proven expertise in international logistics, asset management, and supply-chain management worldwide. See www.smartm.com for more information.