

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner.

IPR2023-00454

Patent 11,093,417 B2

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
SUBMITTED WITH PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Samsung Electronics Co., Ltd. (“Samsung”) objects to the following exhibits filed by Patent Owner Netlist, Inc. (“Netlist”) with its Response (Paper No. 22).

<u>Exhibit</u>	<u>Objection(s)</u>
EX2004 – Samsung Datasheet on Rambus Direct RDRAM (Dec. 2001)	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2005 – Deposition Transcript of SungJoo Park in <i>Netlist, Inc. v. Samsung Electronics Co., Ltd.</i> , 2:21-cv-00463-JRG (E.D. Tex. November 23, 2022) (excerpt)	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2006 – Ex. 7 to Park Depo	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2007 – <i>Frequently Asked Questions</i> , What is the difference between a “bank” and a “rank?”, Micron, https://web.archive.org/web/20141231144416/https://www.micron.com/support/faqs (last accessed Mar. 7, 2023).	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2011 – “HyperCloud HCDIMM: Scaling the High Density Memory Cliff,” July 14, 2012, downloaded from https://web.archive.org/web/20120915083048/http://www.netlist.com/media/blog/hypercloud-memoryscaling-the-highdensity-memorycliff/	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2012 – <i>What is a Memory Rank</i> , Crucial: Micron, https://www.crucial.com/support/articlesfaq-memory/what-is-a-memory-rank (last accessed Mar. 7, 2023)	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2013 – <i>Lecture 15: DRAM Main Memory Systems</i> , University of Utah, https://my.eng.utah.edu/~cs6810/pres/11-6810-15.pdf	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2014/EX2114 – “Configuring and using DDR3 memory with HP ProLiant Gen8 Servers: Best Practice Guidelines for ProLiant Servers with Intel Xeon Processors” by HP, downloaded from https://web.archive.org/web/20121023195754/http://h20000.www2.hp.com/bc/docs/support/SupportManual/c03293145/c03293145.pdf	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2015 – Ganesh, B. et al., <i>Fully-Buffered DIMM Memory Architectures: Understanding Mechanisms, Overheads and Scaling</i> , HPCA (2007)	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2016/EX2116 – Datasheet for Micron DDR2 SDRAM FBDIMM MT36HTF51272FD	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2018 – Redline Comparison of EX1035 (U.S. Patent No. 7,363,422 to Perego) With Related U.S. Patent No. 7,356,639	In addition to the objections raised in Paper No. 13, this exhibit is irrelevant because it was not cited in Patent Owner’s Response.
EX2024 – Declaration of Steven Przybylski, Ph.D.	602/702/703/37 C.F.R. § 42.65: Samsung objects to EX2024 because Patent Owner has not established that Dr. Przybylski is an expert in the area of standardized DRAM and SDRAM memory devices and memory modules, and the structure and operation of circuitry for computer memories, at the relevant timeframe, and Patent Owner has not met its burden to show that his testimony on this issue is helpful to the Board and therefore admissible. <i>See, e.g.</i> , EX2024, ¶¶ 5-11.
EX2025 – Rambus®, Advance Information, 64/72-Mbit (256Kx16/18x16d) Direct RDRAMDirect™ Data Sheet, Modified Mar 12, 1998	401-403: EX2025 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of buffered memory devices (<i>see</i> POR at p. 12) but fails to establish any connection to the ’417 patent, the prior art at issue, or the knowledge of a POSITA. 801/802/901: Samsung further objects to EX2025 for containing hearsay and for lacking authenticity. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2026 – Direct Rambus™ 1.6GB/sec memory Technology Disclosure, Oct. 15, 1997	401-403: EX2026 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of buffered memory devices (<i>see</i> POR at p. 11-12) but fails to establish any connection to the '417 patent, the prior art at issue, or the knowledge of a POSITA. 801/802/901: Samsung further objects to EX2026 for containing hearsay and for lacking authenticity. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.
EX2027 – Direct Rambus™ RIMM™ Module Specification, Version 1.0	401-403: EX2027 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner does not cite this exhibit in their Response and thus it is irrelevant. 801/802/901: Samsung further objects to EX2027 for containing hearsay and for lacking authenticity. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2028 – Samsung Electronics, 256 Mbit XDR DRAM (F-die), 2M x 16(/8/4) bit x 8s Banks, Version 1.0, Jan. 2005	401-403: EX2028 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner does not cite this exhibit in their Response and thus it is irrelevant. 801/802/901: Samsung further objects to EX2028 for containing hearsay and for lacking authenticity. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.
EX2033 – Deposition Transcript of Dr. Andrew Wolfe, Nov. 4, 2023	Samsung objects to EX2033 for each of the reasons noted in the objections made during the taking of the underlying deposition.
EX2035 – Texas Instruments, Direct Rambus™ Clock Generator, CDCR83A, Aug. 2005	401-403: EX2035 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of CAS latency (<i>see</i> POR at p. 39) but fails to establish any connection to the '417 patent, the prior art at issue, or the knowledge of a POSITA. 801/802/901: Samsung further objects to EX2035 for containing hearsay and for lacking authenticity. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

Dated: December 15, 2023

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 15th day of December, 2023, **Petitioner's Objections to Patent Owner's Evidence Submitted With Patent Owner's Response** was served by email on the following counsel for Patent Owner:

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