

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD, MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC,¹
Petitioners,

v.

NETLIST, INC.,
Patent Owner.

IPR2023-00455
Patent No. 9,858,215 B1

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

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¹ Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC filed a motion for joinder and a petition in IPR2023-01142 and have been joined as petitioners in this proceeding

Pursuant to 37 C.F.R. §§ 42.64(a) and (b)(1), Patent Owner Netlist, Inc. (“Netlist”), submits the following objections to evidence accompanying Petitioner’s Reply and introduced during the February 15, 2024 deposition of Netlist’s expert, Dr. Steven Przybylski. These objections are timely under 37 C.F.R. § 42.64(a) because they were made during Dr. Przybylski’s deposition and under § 42.64(b)(1) because they are being filed within five (5) business days of service of Petitioner’s Reply evidence on March 9, 2024.

I. Objections to EX1103

Netlist objects to Exhibit 1103 as apparently being incomplete under Federal Rule of Evidence (FRE) 106.

Netlist objects to Exhibit 1103 as hearsay, irrelevant, and lacking foundation. Netlist objects to Exhibit 1103 as hearsay under FRE 801 to the extent that Petitioner is attempting to use Exhibit 1103 as evidence to prove the truth of the matters asserted therein. Netlist further objects to Exhibit 1103 because Petitioner has not established the relevance of this exhibit under FRE 401 to any material issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Netlist further objects to Exhibit 1103 because it does not fall within the categories of documents considered self-authenticating under FRE 902

and Petitioner has not produced evidence sufficient to support a finding that Exhibit 1103 is what Petitioner says it is.

II. Objections to EX1104

Netlist objects to Exhibit 1104 as hearsay, irrelevant, and lacking foundation. Netlist objects to Exhibit 1104 as hearsay under FRE 801 to the extent that Petitioner is attempting to use Exhibit 1104 as evidence to prove the truth of the matters asserted therein. Netlist further objects to Exhibit 1104 because Petitioner has not established the relevance of this exhibit under FRE 401 to any material issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Netlist further objects to Exhibit 1104 because it does not fall within the categories of documents considered self-authenticating under FRE 902 and Petitioner has not produced evidence sufficient to support a finding that Exhibit 1104 is what Petitioner says it is.

Netlist reserves the right to present further objections to these or additional exhibits submitted by Petitioner, as allowed by the applicable rules or other authority.

Case No. IPR2023-00455
Patent No. 9,858,215

Dated: March 18, 2024

Respectfully submitted,

/Philip Warrick/

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Counsel for Patent Owner Netlist, Inc.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on March 18, 2024, a complete copy of the **PATENT OWNER'S OBJECTIONS TO EVIDENCE** was served upon the following, by ELECTRONIC MAIL:

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Theodore W. Chandler, Reg. No. 50,319
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/Pia Kamath/

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