

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2023-00847

Patent 10,268,608 B2

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
SUBMITTED WITH PATENT OWNER'S PRELIMINARY 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 Preliminary Response (Paper No. 6). In addition to the specific objections below, each of the exhibits is also objected to under Rules 401–403 as irrelevant and unfairly prejudicial to the extent the exhibits are relevant only to issues waived by Patent Owner and/or to the extent the exhibits are relevant only to testimony that is withdrawn by Patent Owner.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2011 – IPR2022-00237 Declaration of Donald Alpert, Ph.D.	401-403: EX2011 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. This exhibit is a declaration by another witness from a different <i>Inter Partes</i> Review that did not involve Samsung. Moreover, Patent Owner does not cite this exhibit in either its Patent Owner Preliminary Response or its Preliminary Sur-Reply. 801/802/901: Samsung further objects to EX2011 for lacking foundation, for containing hearsay, and/or causing undue prejudice. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. EX2011 is hearsay, and Netlist has failed to establish how testimony from a different trial proceeding, that Samsung was not party to, provided Samsung with “an opportunity and similar motive to develop [the testimony] by direct, cross- or redirect examination.” Fed. R. Evid. 804(b)(1)(B).

Dated: December 27, 2023

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 27th day of December, 2023, **Petitioner's Objections to Patent Owner's Evidence Submitted With Patent Owner's Preliminary Response** was served by email on the following counsel for Patent Owner:

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