

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 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 Patent Owner Response (Paper No. 20).

<u>Exhibit</u>	<u>Objection(s)</u>
EX2003 – IPR2022-00237 IPR Petition	401-403: EX2003 is irrelevant because it was not cited in Patent Owner’s Response.
EX2006 – IPR2022-00237 DECISION Denying Institution of IPR	401-403: EX2006 is irrelevant because it was not cited in Patent Owner’s Response.
EX2008 – U.S. Patent NO. 8,713,379 (Takeman)	401-403: EX2008 is irrelevant because it was not cited in Patent Owner’s Response.
EX2009 – IPR2022-00237 Petitioner’s Request for Rehearing	401-403: EX2009 is irrelevant because it was not cited in Patent Owner’s Response.
EX2010 – IPR2022-00237 DECISION Denying Petitioner’s Request for Rehearing	401-403: EX2010 is irrelevant because it was not cited in Patent Owner’s Response.
EX2011 – IPR2022-00237 Declaration of Donald Alpert, Ph.D	401-403: In addition to the objections raised in Paper No. 16, EX2011 is irrelevant because it was not cited in Patent Owner’s Response.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2012 – Deposition Transcript of Robert Wedig, March 12, 2024	EX2012 is defective, and thus inadmissible, under 37 C.F.R. § 42.53(f)(5)-(6). EX2012 is also inaccurate and incomplete, and thus objectionable under at least FRE 106, at least because Patent Owner did not include the errata served on March 26, 2024. Samsung also objects to EX2012 for each of the reasons noted in the objections made during the taking of the underlying deposition.
EX2013 – Declaration of Dr. William Mangione- Smith	602/702/703: Patent Owner has not established that Dr. Mangione-Smith is an expert in the area of standardized DRAM and SDRAM memory devices and memory modules at the relevant timeframe, and the 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>, EX2013, ¶¶ 5-8). Furthermore, Dr. Mangione-Smith’s opinions generally contradict the prior art itself and thus is not helpful, reliable, or based on sufficient facts. <i>See, e.g.</i>, EX2013, ¶¶ 68-199. 801/802/901: Samsung further objects to EX2013 to the extent it cites to and incorporates evidence (such as each exhibit below) that is inadmissible. <i>See, e.g.</i>, Ex. 2013, ¶¶ 54, 56, 108, 133, 146, 179, 182, 185, 188.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2016 – Deposition of Robert Wedig in IPR2022-00711 (506 IPR)	401-403: EX2016 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 memory controllers (POR at 53, 60, 76, 78-81) but has failed to establish any connection to the disclosure of the '608 Patent. 801-804: Samsung objects to EX2016 for containing hearsay and/or causing undue prejudice. The testimony in EX2016 concerned a different patent and was not taken in this IPR, making it hearsay, and Netlist has not laid the foundation for any hearsay exception. EX2016 is also defective, and thus inadmissible, under 37 C.F.R. § 42.53(f)(5)-(6). EX2016 is also inaccurate and incomplete, and thus objectionable at least under FRE 106, at least because Patent Owner did not include the errata served on January 30, 2023. Samsung also objects to EX2016 for each of the reasons noted in the objections made during the taking of the underlying deposition.
EX2017 – Electronics Cooling, Challenges In Thermal Management Of Memory Modules	401-403: EX2017 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 a POSA's understanding of space limitations (see POR at 76) but has failed to establish any connection to the disclosure of the '608 Patent. 801/802/901/1002/1003: Samsung objects to EX2017 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. 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>
EX2020 – Petition for <i>Inter Partes</i> Review of U.S. Patent No. 10,860,506 (IPR2022-00711)	Samsung objects to EX2020 as duplicative of EX2007.
Ex. 2021 – Final Written Decision (IPR2022-00711)	Samsung objects to EX2021 as duplicative of EX1068.
Ex. 2023 – Final Written Decision (IPR2022-00236)	Samsung objects to EX2023 as duplicative of EX1066.

Dated: April 5, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 5th day of April, 2024,

Petitioner's Objections to Patent Owner's Evidence Submitted With Patent

Owner's Response was served by email on the following counsel for Patent

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