

1 SUNG JOO PARK

2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 _____
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5 _____
6 SAMSUNG ELECTRONICS CO., LTD., Petitioner

7 v.

8 NETLIST, INC.,

9 Patent Owner

10 _____
11 Case No. IPR2022-00064

12 U.S. Patent No. 10,474,595
13 _____

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16
17 DEPONENT: SUNG JOO PARK

18
19 TAKEN: JULY 28, 2022

20
21 REPORTER: DANNIELLE COPELAND
22 REGISTERED DIPLOMATE REPORTER
23 CERTIFIED REALTIME REPORTER

24 STENOGRAPHICALLY REPORTED REMOTELY VIA ZOOM
25 VIDEOCONFERENCE

25 JOB NUMBER 214593

SUNG JOO PARK

I N D E X

EXAMINATION:

PAGE

BY MR. BUROKER	4
BY MR. CHANDLER	26
BY MR. BUROKER	38

CERTIFICATE

46

E X H I B I T S

NONE MARKED

1 SUNG JOO PARK

2 THE DEPOSITION OF SUNG JOO PARK, TAKEN PURSUANT
3 TO NOTICE HERETOFORE FILED, VIA ZOOM VIDEOCONFERENCE,
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6 ACCORDANCE WITH THE FEDERAL RULES OF CIVIL PROCEDURE.

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9 * * * * * * * * *

10 APPEARANCES

11
12 VIA ZOOM VIDEOCONFERENCE

13
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24 ALSO PRESENT:
25 SOOMI KO, CHECK INTERPRETER
26 ANNE PARK, INTERPRETER
27 TYLER YOO

1 SUNG JOO PARK

2 SOOMI KO AND ANNE PARK, AFTER BEING FIRST
3 DULY SWORN TO TRANSLATE ENGLISH TO KOREAN AND KOREAN TO
4 ENGLISH TO THE BEST OF THEIR ABILITIES, ADMINISTERED
5 THE OATH TO SUNG JOO PARK, WHO WAS EXAMINED AND
6 TESTIFIED AS FOLLOWS:

7 MR. BUROKER: Good morning, Dr. Park. My
8 name is Brian Buroker from Gibson Dunn, representing
9 Netlist.

10 And I'll ask Mr. Chandler to also make an
11 appearance for the record.

12 MR. CHANDLER: This is Ted Chandler from
13 Baker Botts on behalf of the petitioner, Samsung
14 Electronics Co., Limited. And with me is one of our
15 summer associates, Tyler Yoo.

16 EXAMINATION

17
18 BY MR. BUROKER:

19 Q. Dr. Park, would you please state your full
20 name for the record?

21 A. My name is Sung Joo park.

22 Q. And where do you currently reside?

23 A. I currently reside in the city of Seongnam
24 in the Republic of Korea.

25 Q. For whom do you currently work?

SUNG JOO PARK

A. I am currently working for Samsung Electronics.

Q. Where are you physically testifying from today?

A. I'm sitting in a conference room in the city of Hwaseong in Gyeonggi-do province.

Q. Is the conference room a Samsung conference room?

A. That's correct.

Q. Is anybody in the conference room with you?

A. There isn't.

Q. Before we went on the record, I think you showed us that you have a copy of your declarations and the Exhibits A through F. Is that correct?

A. That's right.

Q. And the declarations are in conjunction with a patent office dispute between Samsung Electronics and Netlist; is that correct?

A. Yes. That's correct.

Q. Is it your understanding that the declaration that was provided in both proceedings has the same content, other than a different cover page?

A. That's right.

Q. Do you have any other documents that you've

SUNG JOO PARK

printed to bring for your deposition other than the two copies of the declarations and Exhibits A through F for those declarations?

A. So I brought, also, Exhibit B and C, and -- and these are extra copies. I believe these are the same as the -- the content that are included in these other exhibits.

If it's -- if they are not necessary, then I don't need to use them, but these are Exhibits 1015 and 1037.

Q. Thank you.

And your exhibits in each proceeding are Exhibit 1055 or 1050, correct?

A. I'm not really familiar with the numbers, but my understanding is that it is Exhibit 1055.

Q. Dr. Park, have you ever given a deposition in any other case before?

A. No, not at all.

Q. Have you ever provided a declaration for any legal proceedings, other than the two declarations you have in front of you?

A. I have not.

Q. I think we already started, but let me give you a few ground rules.

I will do my best to ask clear questions, but if

SUNG JOO PARK

you do not understand my questions, please let me know.

A. Will do.

Q. And your counsel may pose objections to some of my questions, but if you understand my question, you still have to answer unless he instructs you not to answer.

Do you understand that?

A. Yes. I do.

Q. And with the interpreters, what we'll try to do, again, is I will ask a question, wait for the interpreter to render her interpretation, you can then provide your answer, she will then provide the answer in English, and we will pause in between each of these so that we don't get a mixed up or jumbled record. Is that fair?

A. Yes. I understand.

Q. What did you do to prepare for your deposition today?

A. There wasn't anything in particular that I prepared; but I did review my declarations once again, and I also had calls with my attorney for this meeting.

Q. And for how long did you speak to your attorneys in advance of the deposition to prepare for it?

SUNG JOO PARK

A. Recently, I was supposed to be deposed in the United States, but since that was changed to a virtual deposition, I was -- I was explained about that, and that -- that was about two weeks ago for -- for a couple of hours.

And I also had a call with my attorney for a couple of hours yesterday.

Q. And is that attorney Mr. Chandler that's here on the virtual deposition today?

A. That's right.

Q. Who asked you to prepare the declaration that is Exhibit 1055?

A. I have a question.

Are you talking about this document here; are you asking a question about this document in front of me, or are you talking about this deposition?

Q. Who asked you to prepare the declaration, the document in front of you?

A. It was an IP manager.

Q. What is that person's name?

A. Actually, I don't remember the name now.

Q. When were you asked to prepare the declaration?

A. I don't remember exactly, but I think it

1 SUNG JOO PARK

2 might have been during the latter half of last year.

3 Q. So if you look at the fifth page, you
4 signed the document on September 13, 2021; is that
5 correct?

6 A. That's correct.

7 Q. Do you recall how long before you signed
8 the declaration you were first asked to prepare it?

9 THE INTERPRETER: Just one question --
10 interjection question for me to clarify with the
11 witness, if that's okay.

12 MR. BUROKER: Yes.

13 THE WITNESS: I think that would have been
14 some months before I signed this declaration.

15 BY MR. BUROKER:

16 Q. Who wrote the text of each of the
17 paragraphs in the declaration?

18 A. I didn't prepare it myself. Actually, I
19 discussed it with the IP manager, and the text were
20 prepared by the IP manager, and I reviewed it.

21 Q. And you read and write English; is that
22 correct?

23 A. That's right.

24 Q. So you reviewed the text in English as
25 it -- as it appears here in the declaration, correct?

1 SUNG JOO PARK

2 A. Yes. That's right.

3 Q. As of 2021, your declaration stated that
4 your position was a principal engineer at Samsung.
5 Is that still correct today?

6 A. Yes. That's correct.

7 Q. Are you still involved in the designing and
8 manufacturing of memory modules in your current
9 position with Samsung?

10 A. Yes. I am currently involved in that.
11 Yes.

12 Q. Are you aware of litigation between Netlist
13 and Samsung relating to patents or license
14 agreements --

15 A. Yes. I am.

16 Q. Other than --

17 MR. PARK: Oh. Excuse me.

18 A. I'm not aware of the details, but just
19 roughly.

20 Q. Other than preparing these declarations
21 that you're testifying about today, do you have any
22 other involvement in the litigation between Netlist and
23 Samsung?

24 A. No.

25 Q. You have not been asked to be a witness in

SUNG JOO PARK

conjunction with any other part of the Netlist/Samsung litigation, other than providing a declaration; is that correct?

A. That's right.

Q. In your time spent at JEDEC, did you interact with Netlist personnel?

A. Yes. I have had -- met with them. I have had -- I have met with them.

Q. Do you recall the individuals at Netlist that you interacted with during your time at JEDEC?

A. Yes. I remember two of them. Mario -- actually, did you want the names?

Q. Yes, the names, please.

A. I remember Mario Martinez and Dr. Hyun Lee.

Q. Did Samsung have any disputes with Netlist in conjunction with any of its committees at JEDEC?

MR. CHANDLER: Objection, form.

THE WITNESS: Should I get the question repeated?

THE INTERPRETER: Let me ask the witness if he wants the interpretation only or just the question itself.

MR. PARK: Let me answer.

THE WITNESS: If the question is asking me

1 SUNG JOO PARK

2 if there were any issues at JEDEC between Samsung and
3 Netlist, my answer would be no.

4 BY MR. BUROKER:

5 Q. Do you recall ever voting to support any
6 proposals made by Netlist?

7 MR. CHANDLER: Objection, form.

8 THE WITNESS: I wanted to clarify --
9 clarify if I understood the question correctly.

10 Are you talking about the proposals made by
11 Netlist?

12 BY MR. BUROKER:

13 Q. Correct.

14 Do you recall being asked to vote on any proposals
15 to JEDEC sponsored by Netlist during your time with
16 JEDEC?

17 A. My recollection is they weren't many
18 proposals provided by Netlist or made by Netlist.

19 Q. Okay.

20 So, sir, I have some questions about your
21 declaration, if you have it in front of you.

22 In Paragraph 6, on page 2, you discuss Exhibit A.
23 So I want you to get there.

24 A. Yes.

25 Q. Okay.

1 SUNG JOO PARK

2 So where did you get a copy of the pages that are
3 attached as Exhibit A to your declaration?

4 A. I understand that all of these would be all
5 available on the JEDEC's website.

6 Q. Right.

7 And I'm asking specifically the pages that are
8 attached to Exhibit A that you included, was that
9 provided to you by counsel for Samsung, or did you
10 retrieve it from the website yourself?

11 A. I remember that I didn't download it
12 myself.

13 Q. So it was provided to you by someone else;
14 is that correct?

15 A. That's right.

16 Q. Did you -- well, let me start over.

17 In Paragraph 6, you testified that Samsung
18 received Committee Letter Ballot JC-40.4-09-320 on or
19 about November 11, 2009.

20 I'll stop there.

21 Is that correct?

22 A. That's right.

23 Q. And then you go on to say, "As indicated by
24 the distributed date on this document, and because,
25 under JEDEC procedures, letter ballots were distributed

1 SUNG JOO PARK

2 to all committee members," is that correct?

3 A. That's right.

4 And the distributed date would be indicated in the
5 document, and those -- these documents would be
6 disputed -- distributed through the committee members.

7 Q. Your testimony is based upon the date of
8 this document and your understanding of procedures and
9 not based on your personal memory that Exhibit A was
10 actually distributed on that date, correct?

11 A. If you ask me to --

12 THE INTERPRETER: Withdrawn. Let me start
13 over.

14 THE WITNESS: If you're asking me if I
15 remember those dates, whether it is November 11 or 12,
16 it is correct that I do not remember the date.

17 But everything would be automatically
18 available in JEDEC's website and JEDEC's system, so it
19 will be automatically recorded there. So in that
20 regard, I haven't thought that these dates would be
21 incorrect. And -- and the JEDEC committee meeting was
22 held during the first week of December, December 3, and
23 these documents, per the rules, were to be distributed
24 21 days prior to that, so I think these dates would be
25 correct.

1 SUNG JOO PARK

2 BY MR. BUROKER:

3 Q. When this document uses the word
4 "distributed," isn't it correct that the document was
5 not emailed to the committee members?

6 MR. CHANDLER: Objection, form.

7 THE WITNESS: I cannot remember exactly.
8 Let me explain.

9 If you're asking about the practice now, it
10 is correct now that those things would be distributed
11 via email; but going back to that time period, that
12 might have been the case, then, then again, that might
13 not have been the case.

14 That's why I don't -- I don't remember.

15 CHECK INTERPRETER: Check interjection.

16 THE INTERPRETER: Are you talking about the
17 record? I think the record? Dannielle would -- oh,
18 distributed. I didn't say -- well, if I said disputed,
19 that's actually a misnomer, so I would just correct
20 that to distributed, not disputed.

21 CHECK INTERPRETER: Yeah. Let me just put
22 it on the record so we can -- on the line 15:4, I think
23 that it -- she -- the -- Anne meant to say distributed,
24 not disputed.

25 MR. CHANDLER: For what it's worth, I think

1 SUNG JOO PARK

2 the line numbers in my realtime are --

3 MR. BUROKER: Mine too. That doesn't line
4 up with what I've got.

5 MR. CHANDLER: Yeah. I know that there's
6 a -- there's a time stamp, which hopefully we're all on
7 the same time. So that might be another way to
8 identify it.

9 CHECK INTERPRETER: It was a couple
10 questions ago, and I noticed that there was a slight
11 repeat of the word; but the first one got on the record
12 as disputed and then it got corrected as distributed.
13 So just to make sure that it was just distributed, and
14 not disputed.

15 MR. BUROKER: Oh, I see that. That's at
16 the end of page 14. I think that's fine.

17 CHECK INTERPRETER: Thank you.

18 BY MR. BUROKER:

19 Q. So sitting here today, you do not recall
20 whether in 2009/2010 the procedure was that JEDEC would
21 just notify members that there was something to vote
22 on, but the member could only see the ballot and
23 related materials on the procedure was you could only
24 see the voting machine part of the JEDEC website?

25 A. That's right, I don't remember, exactly.

SUNG JOO PARK

Q. And you did not, in your declaration, testify that Samsung actually had in its possession a copy of the Committee Letter Ballot JC.40.4-09-320 from the 2009 timeframe, correct?

A. So let me clarify your question.

So as to this particular document that is indicated here, are you asking if we had them in our possession or we brought them from JEDEC's website?

Q. Let me clarify the question.

You did not test- -- sir, you did not offer a declaration that Samsung actually had a copy of what is listed here as Exhibit A in its possession as of -- as of the date of your declaration, correct?

A. That's correct.

Q. And you did not offer a -- testimony that Samsung had an email that attached Exhibit A from 2009, correct?

A. That's right.

Q. And in fact, for the other exhibits to your declaration, you did not offer testimony that those were in Samsung's possession either, correct?

A. That's correct; however, that doesn't mean that we did not have all of the documents in our possession either.

SUNG JOO PARK

So in other words, what I'm trying to -- trying to say is that sometimes the documents would be attached as hardcopies, or the documents would be provided as links; so it is possible that not all documents would have been all downloaded.

Q. Correct.

My -- my question was narrower, which is: You did not undertake the effort to look for documents in Samsung's possession to add information about what you had in your possession to your declaration, correct?

A. That is correct.

I did not look for documents personally, myself; so the documents were those documents that were available in JEDEC's website, not in terms of documents in our possession. So I do remember checking those documents that were available on the website.

Q. Okay.

In Paragraph 7, on the next page, you talk about Exhibit B as being related to Exhibit A; is that correct?

A. That's right.

Q. And in the third sentence, you say that "As a member of the JC-40.4 committee, Samsung and I received both Exhibits A and B on or about November 11,

SUNG JOO PARK

2009."

I'll stop there.

Is that correct?

MR. PARK: Yeah. Go, please.

A. That is correct, but I think I need to clarify something here.

Exhibit A is related to the vote, so that's the document in that regard. And Exhibit B was an attachment to Exhibit A, so I could say that I received those documents together.

Q. And again, sir, you do not recall whether in 2009 the only way you would -- could receive those documents was by visiting the voting machine website at JEDEC and downloading them yourself; is that correct?

A. Yes, that's correct. And I am going to explain.

So as of the present moment and for the last five years or so, those documents that I would receive during the voting period are quite a lot. I would say 100 to 200, in between 100 to 200.

And at that time, I don't remember whether I received as many -- as many as 100 to 200 around that time, which is the reason why I said what I said earlier. So if you're interested in finding out the

1 SUNG JOO PARK

2 exact procedures at the JEDEC, then it might be best
3 for you to inquire of that to the JEDEC office.

4 Q. In Paragraph 7, similar to Paragraph 6, you
5 say that you believe you received those, quote, as
6 indicated by the distribute date on the letter
7 ballot -- I'll leave that -- and because under JEDEC
8 procedures letter ballots were distributed to all
9 committee members.

10 That's the basis for your belief that you received
11 for Exhibits A and B, correct?

12 A. Yes, that's correct; but one thing that I
13 might add is that there could be the list of letter
14 ballots that could have been sent, although I do not
15 remember exactly.

16 Actually, I don't think this would answer your
17 question, so never mind.

18 Q. Okay.

19 So my question was: Your basis for saying that
20 Exhibits A and B were received by you and Samsung is
21 the distributed date on the ballot and the fact that
22 that was JEDEC procedure, as opposed to your own memory
23 that Exhibits A and B were what you received back in
24 2009, correct?

25 MR. CHANDLER: Objection, form.

1 SUNG JOO PARK

2 THE WITNESS: I think I could say that as
3 well.

4 BY MR. BUROKER:

5 Q. And Exhibit B doesn't actually have
6 distributed infor- -- distributed date information on
7 it at all, correct?

8 A. Correct. But if you look at those item
9 numbers listed -- listed on Exhibit A and those item
10 numbers that are listed -- listed on Exhibit B, they
11 are the same. So when these items are revised, you
12 would use the suffixes A and B; so in that regard it is
13 the same, to that extent. So I believe these are the
14 same documents.

15 Q. Have you ever seen a JEDEC document revised
16 that didn't add suffixes to the committee item number?

17 A. There could be errors that might be made,
18 but that wouldn't occur often, typically, because the
19 JEDEC's secretary and staff would be checking those
20 item numbers in a very strict manner. And also, the
21 committee members, if there are any changes and do not
22 have any suffix numbers, they would also correct that.

23 Q. The -- question about Exhibit C, which is a
24 compilation of votes or tallies from different JC-40
25 committees, correct?

SUNG JOO PARK

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A. That's right.

Q. And several pages into Exhibit C, if you look at the bottom right, it says Exhibit 1055, page 40 is the committee letter ballot tally for Item 142.35, right?

A. That's right.

Q. And there's an entry for Samsung Semiconductor and it says "Samsung Semiconductor Park."

Do you see that?

A. I do.

Q. Is that "Park" a reference to you?

A. That's correct.

Q. The system -- the voting system only permitted each company to vote one time; is that correct?

A. That would be correct in principle, but there were occasions where that was not the case. It might be a slight error, but if -- there were some occasions where two people from the same company voted on the ballots.

CHECK INTERPRETER: Check interjection.

MR. PARK: Let me correct.

CHECK INTERPRETER: Hang on.

THE WITNESS: That would be correct in

1 SUNG JOO PARK

2 principle, but there were occasions where that was not
3 the case; it might be an error, but if there were
4 some -- but there were some occasions where two or more
5 people from the same company voted on the ballots.

6 MR. PARK: Okay. Can I -- I mean...

7 THE WITNESS: May I add?

8 BY MR. BUROKER:

9 Q. Yes. Dr. Park, what would you like to add?

10 A. Actually, the error that was -- that I was
11 talking about didn't happen at that time, during the
12 timeframe we're discussing.

13 The reason why I talked about that particular
14 error is because there were some occasions where two
15 people voted on the ballots. This was more recent.
16 And that -- when there was this error that was made,
17 one of the votes would be excluded or deleted. So this
18 case happened recently, so...

19 Q. For JC-40.4 in the 2009 timeframe, were you
20 the only person from Samsung that had access to the
21 letter ballot?

22 THE INTERPRETER: So I need to clarify one
23 thing with the witness, interjection by the
24 interpreter, if I may.

25 MR. BUROKER: Sure.

1 SUNG JOO PARK

2 THE WITNESS: That is not the case. So
3 there were many people who were handling the JEDEC
4 letters, and there were various people who were working
5 on various subcommittees.

6 And in principle, other -- all people can
7 vote on the ballots relating to JC-40.4; however, there
8 is the -- there would be a person who would be able to
9 designate one person for the voting, and I serve that
10 role.

11 CHECK INTERPRETER: Check interjection.

12 THE INTERPRETER: Other people can vote on
13 the ballots relating to JC-40.4.

14 So because this -- I would like to strike
15 the word "all."

16 Other people can vote on ballots relating
17 to JC -- JC-40.4.

18 BY MR. BUROKER:

19 Q. Right.

20 But only people who worked for companies that had
21 paid to be a member of that subcommittee could vote,
22 correct?

23 A. That's right.

24 Q. And for this subcommittee in 2009, you were
25 designated by Samsung as the representative to cast

1 SUNG JOO PARK

2 Samsung's vote; is that correct?

3 A. That's right.

4 Q. Okay.

5 On your declaration, at the bottom left, there
6 appears to be a marking that says "DRAM solution" and
7 then some Korean text and numbers.

8 What is that string of characters -- what does
9 that mean?

10 A. When you're printing out a document, the
11 document information is to be indicated here; so it
12 appears that the name of my team and my name, the ID
13 number, and the print date and time are indicated.

14 Q. So this document was printed to be signed
15 on September 13th, 2021, at around 6:41 p.m., local
16 time; is that correct?

17 MR. CHANDLER: I want to lodge an
18 objection. The internet went out for me after the
19 question "For this subcommittee in 2009, you were
20 designated by Samsung to cast Samsung's vote, correct,"
21 so I would object to proceeding without me after that
22 point.

23 MR. BUROKER: We didn't see you. Sorry,
24 Ted. Let me just -- we can redo that.

25 MR. CHANDLER: If -- let me -- if you just

1 SUNG JOO PARK

2 give me a minute, let me just read. Of course my
3 realtime went out.

4 MR. BUROKER: I just asked him on the
5 little ledger on the bottom left of his declaration
6 what that meant, and then confirming that that means
7 that it was printed at that time stamp shown. We can
8 do that again if you'd like, but...

9 MR. CHANDLER: I want to get the realtime
10 back going.

11 (RECESS TAKEN.)

12 THE WITNESS: That's right.

13 MR. BUROKER: I have no further questions,
14 subject to any re-cross I may have if there's a
15 re-direct.

16 Thank you, Dr. Park.

17 MR. CHANDLER: I will have a few questions,
18 but first I would suggest we take a five-minute break.

19 (RECESS TAKEN.)

20
21 EXAMINATION

22
23 BY MR. CHANDLER:

24 Q. Dr. Park, I would like to ask you some
25 follow-up questions to the questions that counsel from

1 SUNG JOO PARK

2 Netlist asked you.

3 A. Okay.

4 Q. Okay.

5 Please turn to page 40 of Exhibit 1055, your
6 declaration in this matter.

7 A. Yes. I have it here.

8 Q. Do you recognize this page as an authentic
9 copy of a JEDEC letter ballot for Item 142.35 in
10 December of 2009?

11 MR. BUROKER: Objection -- objection,
12 foundation.

13 THE WITNESS: I'm sorry, actually, did you
14 say page 40? Isn't that the -- the page where the
15 tally is indicated? Am I looking at a different page
16 here?

17 BY MR. CHANDLER:

18 Q. Thank you for clarifying. Let me ask the
19 question again.

20 Dr. Park, do you recognize page 40 of Exhibit 1055
21 to your declaration as an authentic copy of the tally
22 of the votes on JEDEC Item 142.35 in December of 2009?

23 MR. BUROKER: Objection, foundation.

24 THE WITNESS: Yes. That's right.

25 BY MR. CHANDLER:

1 SUNG JOO PARK

2 Q. And, Dr. Park, could you explain to us a
3 little bit about what you were doing in 2009 and 2010
4 with respect to going to JEDEC meetings and
5 representing Samsung at JEDEC?

6 MR. BUROKER: Objection, scope.

7 THE WITNESS: I attended the quarterly
8 meetings of the JEDEC committee, and I was involved in
9 the voting, and also reviewing new proposals, along
10 with other committee members. And for those proposals
11 that required approval of the committee, I participated
12 in the task group discussions, even before those
13 committee meetings.

14 BY MR. CHANDLER:

15 Q. In 2009 --

16 A. Okay. I'm done.

17 Q. In 2009, Dr. Park, did you personally go to
18 JEDEC meetings and look at committee letter ballots and
19 vote on committee item numbers on a regular basis as
20 part of your work for Samsung?

21 MR. BUROKER: Objection, form and scope.

22 Go ahead. Sorry.

23 THE WITNESS: Yes. That was my
24 responsibilities.

25 And if I were to clarify the process just a

1 SUNG JOO PARK

2 little bit, so regarding those ballots, those ballots
3 would be tallied before the committee meetings, and
4 when you -- those counts and --

5 CHECK INTERPRETER: Comments.

6 THE INTERPRETER: Comments. Yeah. Thank
7 you.

8 THE WITNESS: -- those counts and comments
9 would be reviewed during those committee meetings, and
10 they will decide whether the committee would pass or
11 fail those and then move on to the next stage.

12 BY MR. CHANDLER:

13 Q. Dr. Park, did you personally attend the
14 JEDEC committee meeting in December of 2009?

15 MR. BUROKER: Objection, scope.

16 THE WITNESS: Yes. I did.

17 And I did confirm that by looking at my air
18 ticket records.

19 BY MR. CHANDLER:

20 Q. Where was the JEDEC meeting held in
21 December of 2009?

22 MR. BUROKER: Same objection, beyond the
23 scope.

24 THE WITNESS: It was in Hawaii;
25 specifically Maui, is my recollection.

1 SUNG JOO PARK

2 BY MR. CHANDLER:

3 Q. Dr. Park, are you confident that you voted
4 on behalf of Samsung for the document attached as
5 Exhibit B in December of 2009?

6 MR. BUROKER: Objection, foundation, scope.

7 THE WITNESS: Yes. I am.

8 BY MR. CHANDLER:

9 Q. Dr. Park, in one of your earlier answers,
10 you referred to a JEDEC policy of distributing a ballot
11 21 days before the committee meeting.

12 Could you please explain that a little bit more?

13 A. So officially, there is a review period for
14 all those schedules pertaining to the committees and
15 the task groups, and those ballots would have to go
16 through a 21-day review period, 21 days in terms of the
17 work days. So the deadline would be 21 days, which
18 means that everything would have to be finalized before
19 the 21 day is up -- 21 days are up, and then you have
20 to upload that to the voting machine within those 21
21 days.

22 Actually, I would like to make a correction.

23 I don't believe those were 21 work days. I think
24 it was just 21 days.

25 Q. Dr. Park, given the procedure at JEDEC that

1 SUNG JOO PARK

2 you just described where proposals are distributed at
3 least 21 days before the committee meeting, are you
4 confident that the document attached as Exhibit B to
5 your declaration marked as Exhibit 1055 would have been
6 distributed in November of 2009, at least 21 days
7 before the JEDEC meeting in Hawaii that you attended in
8 December of 2009?

9 MR. BUROKER: Objection, lacks foundation,
10 calls for speculation.

11 THE WITNESS: Yes. I am confident.

12 BY MR. CHANDLER:

13 Q. Dr. Park, if you look at page 40 again, of
14 your declaration marks as Exhibit 1055, do you see
15 towards the top of the page, it says, "Click here for
16 NB09320-.PDF"?

17 A. Yes.

18 Q. Could you explain to us what that is and
19 what you would do when you received a ballot to vote
20 on?

21 MR. BUROKER: Objection, scope.

22 THE WITNESS: The question was not quite
23 clear because this was a tally. Actually, let me
24 answer.

25 So -- so this link is the link for the

SUNG JOO PARK

ballot file. And typically the file is large, so this link would be provided for the tally; and also, the link would be provided as -- in the case of the cover of Exhibit A.

And regarding your question, so I believe you were asking me about the -- the ballot review process or procedures. Is that correct?

BY MR. CHANDLER:

Q. Yes.

A. Is that correct?

Q. Yes.

A. So as to the ballot review process, so that would have to go to the task groups, to the extent of the task groups.

So the ballots would be uploaded to the voting machines, and when the voting would be -- the voting results is reviewed and the result of it would be all tallied. And in between the voting and the results of the tally, there is a long discussion that would be held in those task groups.

CHECK INTERPRETER: Check interjection.

THE WITNESS: Before the -- before the voting process takes place, so there is a long discussion in the task groups, and only when there is

1 SUNG JOO PARK

2 consensus, then the consensus would be uploaded in the
3 voting machine. And these task groups would be
4 weekly -- these task groups would be held on a weekly
5 basis, and it would go through a five-day review
6 process as well.

7 And when these task groups go through this
8 review process, when all of these discussions reach a
9 consensus, that would be sent by the task group chair
10 to the voting machine.

11 BY MR. CHANDLER:

12 Q. Dr. Park, could you please explain what you
13 personally would do during the 21-day period, starting
14 when you received the ballot marked as Exhibit A to
15 your declaration marked as Exhibit 1055, through the
16 date that you voted on the ballot as shown on page 40
17 of Exhibit 1055; during that 21-day period, what would
18 you -- what did you do with the ballot marked as
19 Exhibit A and the Committee Item 142.35 marked as
20 Exhibit B, and explain a little of the process within
21 Samsung that would take place during that 21 days
22 before you voted.

23 MR. BUROKER: Objection, vague, calls for a
24 narrative, and scope -- outside the scope of his -- my
25 cross.

1 SUNG JOO PARK

2 THE WITNESS: This might be a little bit
3 long, but let me explain by breaking it up in pieces.

4 So when the 21 review period -- 21-day
5 review period begins, like I said earlier, the list
6 would be collected either by the JEDEC office and then
7 sent out, or we could also organize that ourselves.

8 In any event, all the ballots would be all
9 tallied up and will be provided to the relevant
10 departments and the persons who will --

11 THE INTERPRETER: Okay. So let me start
12 over.

13 So instead of "tallied up," all of -- all
14 the ballots would be organized and sent over to the
15 relevant department and the persons.

16 THE WITNESS: And those people who work on
17 that would review those ballots, and this would include
18 all -- the review that has been already done by the
19 task groups. So the ballots review would take place in
20 this regard, and the voting position would be
21 determined based on the ballots and a represent- -- the
22 representative -- which is me -- and the relevant
23 personnel would all discuss this together.

24 But at this point, the consensus had been
25 already reached by those task groups; so unless there

1 SUNG JOO PARK

2 is a big point of argument or anything like that, since
3 these were already all reviewed, we would -- it
4 would -- we would come to a point where we determined
5 the -- the voting position or our voting position after
6 all of the people who are involved get -- gets to
7 review the ballots.

8 CHECK INTERPRETER: Check interjection.

9 Okay. Let me just correct that, then.

10 Check interjection. I would just re-render
11 the bottom half: But at this point the consensus has
12 already been reached at those task group level; so,
13 therefore, generally, there is no big argument at this
14 point, and the voting position will be determined by
15 those who are charged with this task, including myself
16 as the representative.

17 BY MR. CHANDLER:

18 Q. Dr. Park, during the 21-day review period
19 for the committee letter ballot attached as Exhibits A
20 and B to your declaration marked as Exhibit 1055, do
21 you believe that you and your colleagues at Samsung
22 actually had a copy of the document marked as Exhibit B
23 that you and your colleagues reviewed before you
24 personally voted in December of 2009 to approve the
25 ballot marked as Exhibit B to your declaration?

1 SUNG JOO PARK

2 MR. BUROKER: Objection, vague, scope, and
3 foundation.

4 THE WITNESS: Yes.

5 BY MR. CHANDLER:

6 Q. Dr. Park, based on your experience going to
7 JEDEC meetings and reviewing JEDEC documents, do you
8 recognize Exhibit A to your declaration marked as
9 Exhibit 1055 as an authentic, accurate copy of the
10 ballot distributed in November of 2009 that you later
11 voted on in December of 2009?

12 MR. BUROKER: Objection, foundation, calls
13 for speculation.

14 THE WITNESS: I do.

15 BY MR. CHANDLER:

16 Q. Dr. Park, based on your experience going to
17 JEDEC meetings and reviewing JEDEC documents, do you
18 recognize Exhibit B to your declaration marked as
19 Exhibit 1055 as an authentic and accurate copy of the
20 draft proposal, Item 142.35, that you voted on in
21 December of 2009?

22 MR. BUROKER: Objection, foundation, calls
23 for speculation.

24 THE WITNESS: I do, but there's one
25 correction I would like to make.

1 SUNG JOO PARK

2 So relating to Exhibit A, which I testified
3 to earlier, we don't typically review this document
4 because this is just a head cover.

5 BY MR. CHANDLER:

6 Q. So what document would you review,
7 Exhibit B; is that what you're saying?

8 A. Yes.

9 Q. Dr. Park, I want to clarify a question and
10 answer at the beginning of your deposition.

11 If you look at Paragraph 3 of your declaration
12 marked as Exhibit 1055, it says that you're employed by
13 Samsung Semiconductor; however, when counsel for
14 Netlist asked you who you currently work for, I believe
15 you said Samsung Electronics.

16 And I'm wondering if you could clarify what's
17 stated in your declaration as compared to the -- the
18 testimony you gave earlier to counsel for Netlist.

19 A. It is Samsung Electronics that I am working
20 for, so that would be correct.

21 I think this needed some clarification. The
22 reason why I wrote Samsung Semiconductor in my
23 declaration is because when I was working on JEDEC,
24 I -- as indicated in -- on page 40 of the tally, if you
25 look on that page, it says, "Samsung Semiconductor,

1 SUNG JOO PARK

2 Park"; so that's how it was indicated for the purposes
3 of JEDEC, but it is true that I am working for Samsung
4 Electronics.

5 Q. If I understand correctly, Dr. Park, are
6 you an employee of Samsung Electronics, but when you
7 were going to JEDEC in 2009, you represented Samsung
8 Semiconductor?

9 A. Yes.

10 MR. CHANDLER: Thank you, Dr. Park. I do
11 not have any further questions at this time.

12
13 EXAMINATION

14
15 BY MR. BUROKER:

16 Q. Dr. Park, just a few follow-up questions.
17 First of all, did you speak to Mr. Chandler during
18 the break between when I questioned you and then he
19 questioned you?

20 A. No.

21 Q. Have you ever been employed by Samsung
22 Semiconductor, Inc.?

23 MR. CHANDLER: Objection, form.

24 THE WITNESS: I do not have any legal
25 expertise, but what I can say is that the company that

1 SUNG JOO PARK

2 I'm working for is Samsung Electronics, and within
3 Samsung Electronics there are many branches or
4 businesses, so of those one of them is Samsung
5 Semiconductor. So I believe that I was representing
6 Samsung Semiconductor business, but I don't believe
7 that I am an employee of Samsung Semiconductor.

8 BY MR. BUROKER:

9 Q. So Paragraph 3 of your declaration is
10 incorrect; is that right?

11 MR. CHANDLER: Objection, form.

12 THE WITNESS: Typically, as I said earlier,
13 when I was a -- working as a representative at JEDEC,
14 so as there is no confusion in terms of any business
15 division or business branch of Samsung, I did use the
16 name Samsung Semiconductor in that -- from that
17 perspective; but I wasn't really aware of what the
18 legal ramification the name might have exactly at that
19 point in time.

20 BY MR. BUROKER:

21 Q. That did not answer my question.

22 Paragraph 3 says, "I am employed by Samsung
23 Semiconductor, Inc." You dated that September 13th,
24 2021.

25 That was not correct on September 13th, 2021, is

1 SUNG JOO PARK

2 that what you're testifying?

3 MR. CHANDLER: Objection, form.

4 THE WITNESS: I'm not sure.

5 BY MR. BUROKER:

6 Q. You believe that you are employed by
7 Samsung Electronics, correct?

8 A. That is correct, but I could say the same
9 thing as for a subbranch of Samsung, for example.

10 The reason is that Samsung Electronics has many
11 different business divisions, the big business
12 divisions, one division would make cell phones, another
13 network equipment, and TVs, and whatnot. So there are
14 many business divisions.

15 So when we talk about Samsung Semiconductor, I
16 don't know if that is the official name of that
17 particular subdivision or business division, but we
18 could use the name.

19 Q. Right. And Paragraph 3 stated who you were
20 employed by.

21 Do you believe you were employed by more than one
22 Samsung entity?

23 A. That is definitely not the case. But I
24 don't have any expertise when it comes to this -- you
25 know, these terms, so I don't -- I don't have any legal

1 SUNG JOO PARK

2 expertise when it comes to these terms, but -- so I
3 don't know what I could say about this.

4 But just because there is some clarification that
5 is made in particular about this portion, would that
6 have any impact as to the entirety of the document?
7 It's a question that I have for you.

8 CHECK INTERPRETER: Interjection.

9 THE WITNESS: If there is a clarification
10 of an error that needs to be made, does that have any
11 impact on the entirety of the document? It's a
12 question that I have.

13 MR. PARK: I don't want to -- I mean...

14 THE WITNESS: I don't want to call this an
15 error or anything like that, but I think this might
16 require some clarification.

17 BY MR. BUROKER:

18 Q. And the clarification would be that you
19 believe you are employed by Samsung Electronics; is
20 that correct?

21 A. That is correct, legally.

22 Q. Earlier, did you testify that over your
23 time at JEDEC you've seen perhaps hundreds of ballots?
24 Is that correct?

25 A. Earlier I was talking about quarterly

SUNG JOO PARK

ballots; so in that regard, dozens would be correct for -- you know, on a quarterly basis.

But if you're talking about the number of ballots over time up until now, I think hundreds would be correct.

Q. And out of the hundreds of ballots you've seen, are you testifying that you remember that what was attached as Exhibit A and B are exactly the word-for-word documents that you saw 13 years ago when the ballots were presented to you?

A. When you say word for word, are we talking about text by text, line by line; so is that what you're referring to when you say -- when you ask that?

Q. Right.

Mr. Chandler asked you if the documents that were Exhibit A and B, whether you were sure these were the ones you reviewed in 2009.

How can you be so sure of all of the hundreds of ballots 13 years ago that these documents are exactly the word for word of what you saw back in 2009?

A. When I look at the format and the content here, so I believe this would be correct as of that time.

And when I look at the sponsor and the task group

SUNG JOO PARK

chair, the name of the task group chair and the names of people here, as well as the format, even the logo and when I look at the logo representing the voting machine and the image and things like that, I absolutely do not believe that this is something that was put together arbitrarily or not authentic.

Q. It's possible that this is an earlier version of a proposal and not the final version, isn't it?

A. If you look at Exhibit A or Exhibit E, which is the tally, and when you look at -- when I look at the cover, the file -- file name convention is the same as the convention that was used for the voting machine. And if you're talking about task group and talking about the prior versions, then you don't actually -- it's not something like this at all.

So when you look at the name of the attached file of -- of Exhibit A, and -- that would have been printed out exactly, which is B; and I believe -- I am confident that that is the final version that was uploaded to the voting machine.

And if you look at Exhibit B, if you look at the background, you can even see the approval date, the approval that was rendered by the task group. So if

1 SUNG JOO PARK

2 you look at the -- the background of Exhibit B, there
3 is the approval date that was -- approval date that is
4 indicated, which indicates the approval that was
5 rendered by the task group. So I am confident this is
6 the -- the final version.

7 Q. But you did not go back and identify a
8 version that was from 2009 to confirm that Exhibit B is
9 not modified from what you received in 2009, correct?

10 MR. CHANDLER: Objection, form.

11 THE WITNESS: I didn't quite understand the
12 question.

13 Are you asking me whether this is not the
14 original and this was modified?

15 BY MR. BUROKER:

16 Q. My question is: You did not have a version
17 that has a date stamp from 2009 to compare Exhibits A
18 and B to to confirm that they -- that Exhibits A and B
19 are the actual, word-for-word versions you received in
20 2009?

21 MR. CHANDLER: Objection, form.

22 THE WITNESS: I wouldn't be able to confirm
23 the accuracy of the document myself. I wouldn't be
24 able to determine that.

25 But based on my experience, I am confident,

1 SUNG JOO PARK

2 personally, that this is the final version and this was
3 not modified.

4 MR. BUROKER: Okay. I have no further
5 questions. Thank you, Dr. Park.

6 MR. CHANDLER: Thank you.

7 (CONCLUDED AT 11:30 A.M.)

SUNG JOO PARK

REPORTER'S CERTIFICATE

I, DANNIELLE COPELAND, RDR, CRR, DO HEREBY CERTIFY THAT THE FOREGOING DEPOSITION OF SUNG JOO PARK WAS TAKEN BEFORE ME AT THE TIME AND PLACE AND FOR THE PURPOSE IN THE CAPTION STATED; THAT THE WITNESS WAS FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH; THAT THE DEPOSITION WAS TAKEN BEFORE ME STENOGRAPHICALLY AND AFTERWARDS TRANSCRIBED UNDER MY DIRECTION; THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE SAID DEPOSITION SO GIVEN; THAT THERE WAS A REQUEST THAT THE WITNESS READ AND SIGN THE TRANSCRIPT; THAT THE APPEARANCES WERE AS STATED IN THE CAPTION.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL NOR OF KIN TO ANY OF THE PARTIES TO THIS ACTION, AND AM IN NO WAY INTERESTED IN THE OUTCOME OF SAID ACTION.

WITNESS MY SIGNATURE ON AUGUST 4, 2022. MY COMMISSION EXPIRES SEPTEMBER 28, 2023.

Dannielle Copeland

DANNIELLE COPELAND, RDR, CRR

ERRATA SHEET

1

2 Case Name:

3 Deposition Date:

4 Deponent:

5 Pg. No. Now Reads Should Read Reason

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Signature of Deponent

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22 SUBSCRIBED AND SWORN BEFORE ME

23 THIS _____ DAY OF _____, 2022.

24 _____

25 (Notary Public) MY COMMISSION EXPIRES: _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2022-00062

Patent No. 9,858,218

**ERRATA TO THE DEPOSITION OF
SUNG JOO PARK (JULY 28, 2022)**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2022-00064

Patent No. 10,474,595

**ERRATA TO THE DEPOSITION OF
SUNG JOO PARK (JULY 28, 2022)**

I, SUNG JOO PARK, have read the transcript of my deposition taken on July 28, 2022. Listed below are changes to the transcript that I wish to make and the reasons for making them:

<u>Page:Line</u>	<u>Now Reads</u>	<u>Should Read</u>	<u>Reason for Change</u>
4:21	My name is Sung Joo <u>park</u>	My name is Sung Joo <u>Park</u>	Typographical error
43:11–:12	If you look at Exhibit A or Exhibit <u>E</u> , which is the tally	If you look at Exhibit A or Exhibit <u>C</u> , which is the tally	Typographical error

I hereby certify that the transcript of my deposition on July 28, 2022, as corrected above, is a true and accurate transcription of my testimony.

I, Sung Joo Park, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code.

Executed on: August 10, 2022

DocuSigned by:



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Sung Joo Park