

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

Case IPR2025-00002

Patent 11,880,319

**PETITIONER’S OBJECTIONS TO PATENT OWNER’S EVIDENCE
SUBMITTED DURING THE PRELIMINARY PROCEEDING BEFORE
INSTITUTION OF TRIAL**

Pursuant to 37 C.F.R. §§ 42.2 and 42.64(b)(1), Petitioner Samsung Electronics Co., Ltd. (“Samsung”) objects to the following exhibits filed by Patent Owner Netlist, Inc. (“Netlist”) during the preliminary proceeding before institution of trial. 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relevant only to issues waived by Patent Owner and/or to the extent the exhibits are relevant only to testimony that is withdrawn by Patent Owner.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>
Ex. 2003: Declaration of Dr. Feng Yang, August 14, 2022	401-403/602/701/702: Patent Owner has not established that Ex. 2003 is relevant, or that the declarant had personal knowledge, with respect to the JEDEC documents and issues presented in the Petition. Patent Owner has not established that the declarant is or was an expert on JEDEC’s policies or procedures with respect to the JEDEC documents and issues presented in the Petition. In any event, any relevance is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, and wasting time given that Ex. 2003 is directed at facts and issues not relevant to the issues in the IPR (e.g., the public accessibility of the contents of JEDEC documents like Ex. 1015). 801/802: Ex. 2003 should be excluded as inadmissible hearsay because Patent Owner relies on out-of-court statements in Ex. 2003 for the truth of the matter asserted (e.g., the contents of JEDEC documents like Ex. 1015 were confidential). Patent Owner also has failed to show that any hearsay exceptions apply to Ex. 2003.

<u>Exhibit</u>	<u>Objection(s)</u>
Ex. 2006: Email to JEDEC Requesting LRDIMM DDR3 Memory Initialization Chapter Proposal, January 2025	401-403: Ex. 2006 is an email exchange on January 27, 2025, long after Patent Owner’s alleged priority date of June 12, 2009. Ex. 2006 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with its argument that the JEDEC proposal (Ex. 1015) was not publicly accessible but has failed to establish how this reference relates to showing “public accessibility” as of the alleged priority date. 801/802/901/1002/1003: Samsung objects to Ex. 2006 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Patent Owner has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Ex. 2006 should be excluded as inadmissible hearsay because Patent Owner relies on out-of-court statements in Ex. 2006 for the truth of the matter asserted (e.g., the contents of JEDEC documents like Ex. 1015 were confidential). Patent Owner also has failed to show that any hearsay exceptions apply to Ex. 2006. 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>
Ex. 2007: Emails to and from John Kelly at JEDEC, February 12–13, 2025	401-403: Ex. 2007 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in its Reply in Support of Motion to Seal (Paper 15), but the Board has already denied the motion. Further, the exhibit—which could have been cited in the initial motion—is inadmissible under 37 C.F.R. § 42.23(b). See PTAB Trial Practice Guide, November 2019 at 74 (“It is also improper for a reply to present new evidence ... that could have been presented in a prior filing.”). 801/802/901/1002/1003: Samsung objects to Ex. 2007 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Patent Owner has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Ex. 2007 should be excluded as inadmissible hearsay because Patent Owner relies on out-of-court statements in Ex. 2007 for the truth of the matter asserted (e.g., the contents of JEDEC documents like Ex. 1015 were confidential). Patent Owner also has failed to show that any hearsay exceptions apply to Ex. 2007. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

Dated: May 30, 2025

/Eliot D. Williams/
Eliot D. Williams, Reg. #50,822
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
T: (202) 639-1334
F: (202) 639-1167

Theodore W. Chandler
Reg. No. 50,319
BAKER BOTTS L.L.P.
1801 Century Park East

Suite 2400
Los Angeles, CA 90067
T: (213) 202-5702
F: (213) 202-5732

Ferenc Pazmandi
Reg. No. 66,216
BAKER BOTTS L.L.P.
101 California Street
Suite 3200
San Francisco, CA 94111
T: (415) 291-6255
F: (415) 291-6355

Brianna L. Potter
Reg. No. 76,748
BAKER BOTTS L.L.P.
1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA 94304
T: (650) 739-7556
F: (650) 739-7656

*Counsel for Petitioner
Samsung Electronics Co., Ltd.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 30th day of May, 2025,

Petitioner's Objections to Patent Owner's Evidence Submitted During the Preliminary Proceeding Before Institution of Trial was served by email on the following counsel for Patent Owner:

Richard M. Bemben (Reg. No. 68,658) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8549 Fax: (202) 371-2540 Email: PTAB@sternekessler.com rbemben-PTAB@sternekessler.com	Jennifer Meyer Chagnon (Reg. No. 55,440) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8890 Fax: (202) 371-2540 Email: PTAB@sternekessler.com jchagnon-PTAB@sternekessler.com
Richard A. Crudo (Reg. No. 65,245) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8549 Fax: (202) 371-2540 Email: PTAB@sternekessler.com rcrudo-PTAB@sternekessler.com	Raymond K. Chan (Reg. No. 66,164) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0101 Fax: (949) 435-0031 Email: rchan@netlist.com
Tobin L. Hobbs (Reg. No. 63,260) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0127 Fax: (949) 435-0031 Email: thobbs@netlist.com	

Dated: May 30, 2025

/Eliot D. Williams/
Eliot D. Williams, Reg. #50,822
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001

T: (202) 639-1334

F: (202) 639-1167

*Counsel for Petitioner Samsung
Electronics Co., Ltd.*