

From: [Director_DI](#)
To: [Richard M. Bemben](#); [Director_DI](#); [Williams, Eliot D.](#); [Trials](#)
Cc: [DL Samsung Netlist IPRs](#); [Chandler, Ted](#); [Jennifer Chagnon](#); [Richard Kim](#); [Raymond Chan](#); [Francisco Rubio](#); [PTAB Account](#); [Pazmandi, Ferenc](#); [Speegle, Mark](#)
Subject: RE: Preliminary replies in PGR2025-00071 / IPR2025-01402 (12,308,087), and IPR2025-01431 (10,025,731)
Date: Tuesday, December 16, 2025 11:53:21 AM
Attachments: [image001.png](#)

Thank you for your email.

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Petitioner is authorized to file a 4-page reply in PGR2025-00071, IPR2025-01402, and IPR2025-01431, due no later than Thursday, December 18, 2025, limited to addressing the RPI and claim construction matters in the POPR. Patent Owner is authorized to file a 4-page sur-reply, due no later than Monday, December 22, 2025.

In addition,

Patent Owner is authorized to file a 4-page reply in PGR2025-00071, IPR2025-01402, and IPR2025-01431, due no later than Thursday, December 18, 2025, limited to addressing the below matters in Petitioner's Opposition to Discretionary Denial. Petitioner is authorized to file a 4-page sur-reply, due no later than Monday, December 22, 2025.

From: Richard M. Bemben <RBEMBEN@sternekessler.com>
Sent: Tuesday, December 16, 2025 10:49 AM
To: Director_DI <Director_DI@uspto.gov>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Trials <Trials@USPTO.GOV>
Cc: DL Samsung Netlist IPRs <dlsamsungnetlistiprs@BakerBotts.com>; Chandler, Ted <ted.chandler@bakerbotts.com>; Jennifer Chagnon <JChagnon@sternekessler.com>; Richard Kim <rkim@netlist.com>; Raymond Chan <rchan@netlist.com>; Francisco Rubio <frubio@netlist.com>; PTAB Account <PTAB@sternekessler.com>; Pazmandi, Ferenc <ferenc.pazmandi@bakerbotts.com>; Speegle, Mark <mark.speegle@bakerbotts.com>
Subject: RE: Preliminary replies in PGR2025-00071 / IPR2025-01402 (12,308,087), and IPR2025-01431 (10,025,731)

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Director Squires,

Patent Owner Netlist understands the email below as authorizing Netlist's request (not Petitioner Samsung's request) to file a 4-page reply to Samsung's Opposition to Discretionary Denial in each of PGR2025-00071, IPR2025-01402, and IPR2025-01431, due December 18th. Please let us know if our understanding is incorrect.

Good cause exists for this briefing to correct misrepresentations by Samsung. For example, Netlist asserted six patents in the co-pending ITC case between the parties, including the two patents at issue here. See PGR2025-00071, Paper 8 at 6-7. Samsung has filed six IPR/PGR petitions against four of Netlist's patents involved in the ITC case. PGR2025-00071, IPR2025-01402, IPR2025-01431, IPR2026-00017, IPR2026-00018, PGR2026-00001. Samsung asserts that PTAB, not the ITC, is the best forum for resolving the parties' dispute. See PGR2025-00071, Paper 11 at 19. But each of Samsung's Petitions fails to name all real parties in interest, a fatal defect that cannot be corrected. See, e.g., PGR2025-00071, Paper 12 at 8-17. Accordingly, the PTAB is not the best forum for resolving the parties' dispute.

Netlist requested the additional briefing to address this and other issues.

Respectfully,
Richard Bemben
Lead counsel for Netlist

Richard M. Bemben
Director, Co-Chair of PTAB Practice
Direct: 202.772.8549

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From: Director_DI <Director_DI@uspto.gov>
Sent: Tuesday, December 16, 2025 9:47 AM
To: Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Director_DI <Director_DI@uspto.gov>; Trials <Trials@USPTO.GOV>
Cc: Richard M. Bemben <RBEMBEN@sternekessler.com>; DL Samsung Netlist IPRs <dlsamsungnetlistiprs@BakerBotts.com>; Chandler, Ted <ted.chandler@bakerbotts.com>; Jennifer Chagnon <JChagnon@sternekessler.com>; Richard Kim <rkim@netlist.com>; Raymond Chan <rchan@netlist.com>; Francisco Rubio <frubio@netlist.com>; PTAB Account <PTAB@sternekessler.com>; Pazmandi, Ferenc <ferenc.pazmandi@bakerbotts.com>; Speegle, Mark <mark.speegle@bakerbotts.com>
Subject: RE: Preliminary replies in PGR2025-00071 / IPR2025-01402 (12,308,087), and IPR2025-01431 (10,025,731)

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Patent Owner is authorized to file a 4-page reply in PGR2025-00071, IPR2025-01402, and IPR2025-01431, due no later than Thursday, December 18, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 4-page sur-reply, due no later than Monday, December 22, 2025.

From: Williams, Eliot D. <Eliot.Williams@BakerBotts.com>
Sent: Tuesday, December 16, 2025 8:37 AM
To: Director_DI <Director_DI@uspto.gov>; Trials <Trials@USPTO.GOV>
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Subject: Preliminary replies in PGR2025-00071 / IPR2025-01402 (12,308,087), and IPR2025-01431 (10,025,731)

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Dear Honorable Director and Board:

Petitioner in the above-referenced PGR and IPRs requests authorization to file limited, 4-page pre-institution replies in response to the Patent Owner's Preliminary Responses (POPR), due 4 business days after authorization.

The proposed 4-page replies would be limited to responding to the following two arguments in the POPRs (which are substantially similar in each POPR):

1. "The Petition fails to name two Real Parties in Interest: SEA and Avnet"
2. "Samsung advances inconsistent claim constructions at the Board and the District Court"

See PGR2025-00071, Paper 12, pages 8–22; IPR2025-01402, Paper 12, pages 8–22; IPR2025-01431, Paper 9, pages 4–17.

Good cause exists for a reply on the first issue given the unexpected and incomplete arguments made by Patent Owner about "Real Parties in Interest." Patent Owner has never raised this argument in previous petitions on related patents by Petitioner, despite the same real parties in interest being identified in the past. Patent Owner's POPRs also omit court documents referenced by the POPRs and in Patent Owner's possession, which Petitioner would include as part of its replies to provide a complete record. Good cause exists for a reply on the second issue given that the decisions in *Revvo* and *Tesla* came out after the Petitions were filed and thus Petitioner has not yet had the opportunity to address the issues raised in the POPRs about those decisions.

Petitioner has conferred with Patent Owner, whose position is as follows: Patent Owner does not oppose Petitioner's request on the following conditions: (1) Patent Owner is authorized to file a 4-page sur-reply in each of the proceedings; and (2) Petitioner agrees to additional briefing on the discretionary issues in each proceeding (a 4-page reply from Patent Owner and a 4-page sur-reply from Petitioner).

Petitioner does not oppose (1) a 4-page sur-reply by Patent Owner in each of the proceedings, due 4 business days after Petitioner's reply, and limited to the issues in Petitioner's reply, but (2) Petitioner does oppose additional briefing on discretionary denial given the lack of good cause identified by Patent Owner and given the limited amount of time available for a decision on discretionary denial.

If needed, the parties are available for a teleconference to discuss.

Respectfully,

Eliot D. Williams

BAKER BOTTS LLP 

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