

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2025-01431
Patent 10,025,731

**PETITIONER'S AUTHORIZED
REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE**

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EXHIBIT LIST

Exhibit #	Description
1001	U.S. Patent No. 10,025,731
1002	File History of U.S. Patent No. 10,025,731 (Application No. 14/715,491), <i>available at</i> <https://patentcenter.uspto.gov/applications/14715491/ifw/docs?application=>
1003	Declaration of Dr. Andrew Wolfe
1004	Curriculum Vitae of Dr. Andrew Wolfe
1005	U.S. Patent App. Publication No. 2006/0277355 by <u>Ellsberry</u> et al.
1006	U.S. Patent No. 7,024,518 to <u>Halbert</u> et al.
1007	U.S. Patent Application Publication No. 2006/0117152 to <u>Amidi</u> et al.
1008	U.S. Patent Application Publication No. 2006/0262586 by <u>Solomon</u> et al.
1009	JEDEC Standard Double Data Rate (DDR) SDRAM Specification, <u>JESD79</u> (June 2000)
1010	JEDEC Standard 21-C, DDR SDRAM Registered DIMM Design Specification (January 2002)
1011	JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2B</u> (January 2005)
1012	Declaration of John J. Kelly Regarding Records of Joint Electron Device Engineering Council (JEDEC)
1013	U.S. Patent No. 7,289,386 to Bhakta et al.
1014	U.S. Patent No. 7,532,537 to Solomon et al.
1015	U.S. Patent No. 8,417,870 to Lee et al.
1016	U.S. Patent Application Publication No. 2005/0052200 to <u>Nguyen</u> et al.
1017	U.S. Patent No. 8,516,185 to Lee et al.
1018	U.S. Patent No. 7,020,818 to <u>Dour</u> et al.
1019	U.S. Patent Application Publication No. 2007/0247185 to <u>Oie</u> et al.
1020	U.S. Patent No. 7,079,446 to <u>Murtagh</u> et al.
1021	U.S. Patent No. 7,646,213 to <u>Kao</u>

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1022	U.S. Provisional Application No. 61/044,839 (filed Apr. 14, 2008), <i>available at</i> "><https://patentcenter.uspto.gov/applications/61044839/ifw/docs?application=>
1023	U.S. Provisional Application No. 61/044,825 (filed Apr. 14, 2008), <i>available at</i> "><https://patentcenter.uspto.gov/applications/61044825/ifw/docs?application=>
1024	U.S. Provisional Application No. 61/044,801 (filed Apr. 14, 2008), <i>available at</i> "><https://patentcenter.uspto.gov/applications/61044801/ifw/docs?application=>
1025	File History of U.S. Patent Application No. 12/422,853 (filed Apr. 13, 2009), <i>available at</i> "><https://patentcenter.uspto.gov/applications/12422853/ifw/docs?application=>
1026	U.S. Patent No. 8,154,901
1027	File History of U.S. Patent Application No. 13/412,243 (filed Mar. 5, 2012), <i>available at</i> "><https://patentcenter.uspto.gov/applications/13412243/ifw/docs?application=>
1028	U.S. Patent No. 8,782,350
1029	File History of U.S. Patent Application No. 14/324,990 (filed July 7, 2014), <i>available at</i> "><https://patentcenter.uspto.gov/applications/14324990/ifw/docs?application=>
1030	U.S. Patent No. 9,037,809
1031	U.S. Patent No. 7,782,082 to <u>Oh</u> et al.
1032	U.S. Patent No. 7,977,968 to <u>Kim</u> et al.
1033	U.S. Patent No. 7,945,793 to <u>Wilcox</u>
1034	U.S. Patent No. 7,068,064 to <u>Yen</u>
1035	<u>Stone</u> , H.S. <i>Microcomputer Interfacing</i> , Reading, MA: Addison Wesley, 1982
1036	U.S. Patent Application Publication No. 2006/0066351 to <u>Lau</u>

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1037	Stephen <u>Brown</u> et al., <i>Fundamentals of Digital Logic with Verilog Design</i> (2d ed. 2008)
1038	Applications Note: Understanding DRAM Operation, IBM (1996), downloaded from https://web.archive.org/web/20150619221528/https://compas.cs.stonybrook.edu/~nhonarmand/courses/sp15/cse502/res/dramop.pdf [EX2010 in IPR2022-00639]
1039	U.S. Patent Application Publication No. 2008/0218290 to <u>Abadeer</u> et al.
1040	Bruce Jacob, <i>Synchronous DRAM Architectures, Organizations, and Alternative Technologies</i> (Dec. 10, 2002)
1041	Bruce Jacob et al., Memory System: Cache, DRAM, Disk (2008) (excerpts)
1042	Proposed First Amended Complaint, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , No. 1:25-cv-00626 (D. Del. filed Aug. 1, 2025) (U.S. Patent No. 10,025,731)
1043	Complaint in <i>Micron Technology, Inc. et al. v. Netlist, Inc.</i> , No. 1:25-cv-00863 (D. Del. filed July 10, 2025) (U.S. Patent No. 10,025,731)
1044	First Amended Complaint, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. filed July 8, 2025) (U.S. Patent No. 10,025,731)
1045	First Amended Complaint, <i>Netlist, Inc. v. Micron Technology, Inc.</i> , No. 2:25-cv-00558 (E.D. Tex. filed July 8, 2025) (U.S. Patent No. 10,025,731)
1046	Netlist’s infringement contentions against Samsung (Redacted Exhibit B-1) in <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. July 16, 2025) (U.S. Patent No. 10,025,731)
1047	Netlist’s infringement contentions against Samsung (Redacted Exhibit B-2) in <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. July 16, 2025) (U.S. Patent No. 10,025,731)

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1048	JEDEC Standard DDR3 SDRAM Standard, <u>JESD79-3</u> (June 2007), <i>available at</i> https://web.archive.org/web/20070717214353/http://www.jedec.org/Catalog/display.cfm , https://web.archive.org/web/20070926225257/http://www.jedec.org/DOWNLOAD/search/JESD79-3.pdf
1049	Declaration of Julie Carlson re: JEDEC Standard Double Data Rate (DDR) SDRAM Specification, <u>JESD79</u> (June 2000)
1050	Declaration of Julie Carlson re: <u>JEDEC Standard 21-C</u> , DDR SDRAM Registered DIMM Design Specification (January 2002)
1051	JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2A</u> (January 2004)
1052	Declaration of Julie Carlson re: JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2A</u> (January 2004)
1053	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2017-00577, Paper No. 26 (July 5, 2018) (U.S. Patent No. 8,516,185)
1054	U.S. Patent No. 9,606,907
1055	[omitted]
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1058	[omitted]
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1062	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2018-00362 and -00363, Paper No. 29 (PTAB June 27, 2019) ('907 patent)
1063	[omitted]
1064	Dismissal of Patent Owner's Appeal in IPR2018-00362 and -00363 (July 15, 2020) ('907 patent)
1065	U.S. Patent 10,949,339
1066	Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00639, Paper 45 (PTAB Oct. 18, 2023) ('339 patent)

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1067	Decision Denying Patent Owner’s Request on Rehearing of Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00639, Paper 48 (PTAB Feb. 9, 2024) (’339 patent)
1068	[omitted]
1069	[omitted]
1070	[omitted]
1071	[omitted]
1072	[omitted]
1073	[omitted]
1074	[omitted]
1075	[omitted]
1076	[omitted]
1077	[omitted]
1078	Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00615, Paper 96 (PTAB Apr. 17, 2024) (’912 patent)
1079	U.S. Patent No. 7,619,912 (’912 patent)
1080	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2017-00549, Paper No. 30 (PTAB May 3, 2018) (’364 patent)
1081	U.S. Patent No. 8,756,364 (’364 patent)
1082	U.S. Patent Application Publication No. 2002/0112119 to <u>Halbert et al.</u>
1083	U.S. Patent No. 8,250,295 to <u>Amidi et al.</u>
1084	U.S. Patent No. 9,014,318 to <u>Hollis</u>
1085	Netlist’s Technology Tutorial
1086	JEDEC Standard, FBDIMM: Advanced Memory Buffer (AMB), JESD82-20 (March 2007) (“JESD82-20”)
1087	DDR2 SDRAM datasheet (2006), <i>available at</i> https://web.archive.org/web/20060324202631/http://www.micron.com/products/dram/ddr2sdram/part.aspx?part=MT47H128M8BT-3 , https://web.archive.org/web/20060324085459/http://download.micron.com/pdf/datasheets/dram/ddr2/1GbDDR2.pdf

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1088	Declaration of Julie Carlson for JESD82-20
1089	Transcript of deposition of Andrew Wolfe, Ph.D. (Jan. 4, 2023) in IPR2022-00615 ('912 patent) [EX2103 in IPR2022-00615]
1090	Transcript of deposition of Michael C. Brogioli, Ph.D. (Oct 3, 2023) in IPR2022-00615 ('912 patent) [EX1101 in IPR2022-00615]
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1092	Transcript of deposition of Michael C. Brogioli, Ph.D. (Mar. 30, 2023) in IPR2022-00639 ('339 patent)
1093	Invalidity claim chart by Dr. Andrew Wolfe
1094	Netlist Form 10-K (Annual Report) for 2023, <i>available at</i> < https://investors.netlist.com/filings-financials/sec-filings >.
1095	Netlist Form 10-K (Annual Report) for 2024, <i>available at</i> < https://investors.netlist.com/filings-financials/sec-filings >.
1096	Netlist Form 10-Q (Quarterly Report) through September 2025, <i>available at</i> < https://investors.netlist.com/filings-financials/sec-filings >.
1097	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00999, Paper 51 (PTAB Dec. 5, 2023) (U.S. Patent No. 11,232,054)
1098	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00996, Paper 49 (PTAB Dec. 6, 2023) (U.S. Patent No. 11,016,918)
1099	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00996 and -00999, Papers 53 & 56 (PTAB Mar. 18, 2024) (U.S. Patent Nos. 11,016,918 and 11,232,054)
1100	[omitted]
1101	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00615, Paper 103 (PTAB July 10, 2024) (U.S. Patent No. 7,619,912)
1102	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 45 (PTAB July 30, 2024) (U.S. Patent No. 11,093,417)

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1103	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 47 (PTAB Oct. 8, 2024) (U.S. Patent No. 11,093,417)
1104	Notice of Oral Argument on December 5, 2025, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , No. 2025-1378 (Fed. Cir. Oct. 21, 2025) (IPR2023-00847 of U.S. Patent No. 10,268,608)
1105	Order Granting Motion to Stay, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , No. 1:21-cv-01453 (D. Del. Dec. 1, 2023) (U.S. Patent No. 10,217,523)
1106	Samsung's Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Nov. 24, 2025) (U.S. Patent No. 10,025,731)
1107	Micron's Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Micron Technology, Inc. et al.</i> , No. 2:25-cv-00558 (E.D. Tex. July 22, 2025) (U.S. Patent No. 10,025,731)
1108	U.S. District Courts–Combined Civil and Criminal Federal Court Management Statistics (March 31, 2025), <i>available at</i> https://www.uscourts.gov/data-news/data-tables/2025/03/31/federal-court-management-statistics/n-a-1
1109	ITC, Notice of Receipt of Complaint, 90 Fed. Reg. 51,406 (Nov. 17, 2025), <i>available at</i> https://www.federalregister.gov/documents/2025/11/17/2025-19973/notice-of-receipt-of-complaint-solicitation-of-comments-relating-to-the-public-interest
1110	ITC, Tolling of Deadlines (Nov. 14, 2025), <i>available at</i> https://www.usitc.gov/press_room/2025_lapse_of_appropriations
1111	Section 337 Statistics: Average Length of Investigations (Apr. 11, 2025), <i>available at</i> https://www.usitc.gov/intellectual_property/337_statistics_average_length_investigations.htm
1112	Memorandum re: Director Institution of AIA Trial Proceedings (Oct. 17, 2025), <i>available at</i> https://www.uspto.gov/subscription-center/2025/director-institution-aia-trial-proceedings

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1113	Memorandum re: Interim Processes for PTAB Workload Management (Mar. 26, 2025), <i>available at</i> < https://www.uspto.gov/subscription-center/2025/uspto-issues-new-interim-process-concerning-institution-aia-proceedings >
1114	Memorandum re: Final Written Decision Procedures for AIA Trial Proceedings (July 29, 2025), <i>available at</i> < https://www.uspto.gov/subscription-center/2025/ptab-issued-memorandum-aia-trials >
1115	Samsung Semiconductor, About Us, <i>available at</i> < https://semiconductor.samsung.com/about-us/locations/us/ >
1116	Samsung Semiconductor, Inc., Articles of Incorporation in California (July 13, 1992), <i>available at</i> < https://bizfileonline.sos.ca.gov/search/business >
1117	Samsung Semiconductor, Inc., California Statement of Information (Apr. 15, 2025), <i>available at</i> < https://bizfileonline.sos.ca.gov/search/business >
1118	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01428, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 8,787,060)
1119	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 9,318,160)
1120	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427 and -01428, Paper 52 (PTAB June 17, 2024)
1121	Memorandum re: Guidance on USPTO’s recission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” (Mar. 24, 2025), <i>available at</i> < https://www.uspto.gov/patents/ptab/resources >
1122	Complaint, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:21-cv-00463 (E.D. Tex. filed Dec. 20, 2021) (accusing DDR5 RDIMMs, DDR5 SODIMMs, and DDR5 UDIMMs of infringement)

Exhibit #	Description
1123	CPC Classification G06F (Electrical Digital Data Processing), <i>available at</i> < https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G06F.html >
1124	CPC Classification G11C (Static Stores), <i>available at</i> < https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G11C.html >
1125	Class 326 (Electronic Digital Logic Circuitry), <i>available at</i> < https://www.uspto.gov/web/patents/classification/uspc326/sched326.htm >
1126	Samsung investments in the United States, <i>available at</i> < https://semiconductor.samsung.com/sas/company/taylor/ >
1127	Notice postponing vote on institution until December 29, 2025, <i>In the Matter of Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Inv. No. 337-TA-3854 (USITC Dec. 10, 2025) (U.S. Patent No. 10,025,731)
1128	Samsung's withdrawal of indefiniteness contentions, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Dec. 16, 2025) (U.S. Patent No. 10,025,731)
1129 [NEW]	Declaration of James Kiczek (SEA), <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Sept. 11, 2025)
1130 [NEW]	Declaration of Danny Kim (SSI), <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Sept. 11, 2025)
1131 [NEW]	Order determining Google is not a Real Party-in-Interest or Privy of Samsung, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00615, Paper 64 (PTAB July 13, 2023)
1132 [NEW]	Complaint for Declaratory Judgment, <i>Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc. v. Netlist, Inc.</i> , No. 1:25-cv-01453 (D. Del. filed Oct. 15, 2021)
2001	Joint Development and License Agreement, November 12, 2015
2002	Stock Purchase Warrant, November 18, 2015
2003	Senior Secured Convertible Promissory Note, November 18, 2015

Exhibit #	Description
2004	Security Agreement by and between Netlist, Inc. and SVIC No. 28 New Technology Business Investment L.L.P., November 18, 2025
2005	Samsung Venture Investment Corporation website, available at https://www.samsungventure.co.kr/english/jsp/company/company.jsp (last accessed October 12, 2025)
2006	Recorded Assignment and IP Security Agreement, Reel No. 037150, Frame No. 0897, November 20, 2015
2007	Release of Assignment, Reel No. 065629, Frame No. 0330, November 20, 2023
2008	Redacted First Amended Complaint for Breach of Contract and Declaratory Relief, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-JAK (C.D. Cal.), August 31, 2020
2009	Judgment, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-JAK (C.D. Cal.), April 7, 2025
2010	Median time to trial statistics for the International Trade Commission, Docket Navigator report generated October 6, 2025)
2011	Consolidation Order, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), June 26, 2025
2012	Docket Control Order, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), July 25, 2025
2013	First Amended Complaint, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), July 8, 2025
2014	Verdict Form, <i>Netlist, Inc. v. Samsung Electronics Co. et al.</i> , Case No. 2:21-cv-00463-JRG (E.D. Tex.), April 21, 2023
2015	Complaint, <i>In the Matter of Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Investigation No. 337-TA-3854 (I.T.C.), September 29, 2025
2016	Samsung Defendants' P.R. 3-3 Invalidity Contentions, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), September 24, 2025
2017	Verdict Form, <i>Netlist, Inc. v. Samsung Electronics Co. et al.</i> , Case No. 2:22-cv-00293-JRG (E.D. Tex.), November 22, 2024

Exhibit #	Description
2018	List of Patent Trial and Appeal Board proceedings filed by Samsung Electronics Co., Ltd. against Netlist, Inc.’s Patents, Docket Navigator, generated November 3, 2025
2019	Notice of Proposed Rulemaking, 90 Fed. Reg. 48,335 (Oct. 17, 2025)
2020	Excerpts from PTAB 2025 Intelligence Report, Patexia, Inc.
2021	Ramkumar, A., “Trump Takes Aim at Chip Makers With New Plan to Throttle Imports,” <i>The Wall Street Journal</i> , September 26, 2025, accessible at https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3 (last accessed September 26, 2025)
2022	Netlist, Inc. Form 8-K, United States Securities and Exchange Commission, November 12, 2015
2023	“Netlist and SK hynix Enter into Strategic Agreements for Patents, Technology and Product Supply,” Netlist Press Release, April 5, 2021
2024	“Precedential designation of <i>Corning Optical Communications RF, LLC v. PPC Broadband Inc.</i> , IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1),” United States Patent and Trademark Office Memorandum, October 28, 2025
2025	Public Redated Version of Proposed First Amended Complaint for Declaratory Judgment of Non-Infringement, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-00626-JLH (D. Del.), July 29, 2025
2026	Defendants Samsung Semiconductor, Inc. and Samsung Electronics America, Inc.’s Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:25-cv-00557-JRG (E.D. Tex.), November 24, 2025
2027	Plaintiff’s Corporate Disclosure Statement, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-00626-JLH (D. Del.), May 20, 2025
2028	List of Patent Trial and Appeal Board proceedings listing Samsung Electronics America, Inc. as Petitioner, Docket Navigator, generated December 3, 2025
2029	Word Count of Petition in IPR2025-01431, including image annotations

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2030	Trial Transcript, Volume 3, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:21-cv-00463-JRG (E.D. Tex.), April 18, 2023

REPLY TO PATENT OWNER’S PRELIMINARY RESPONSE (POPR)

I. The Petition correctly named the Real Parties in Interest (POPR 4–13)

Netlist is incorrect that the Petition “fails to name two real parties in interest: SEA and Avnet.” POPR 4. SEA and Avnet are merely alleged purchasers or users of the accused products, and not the **real** parties in interest, which the Petition correctly identifies as SEC (Korea) — the Petitioner, “responsible for manufacturing the Accused [Products]” — and SSI (California), the subsidiary of SEC (Korea) “responsible for marketing and facilitating sales of [the Accused Products] in the United States.” EX2026, 3–4; *see also* Paper 1, 1 (“The real parties in interest are the Petitioner, [SEC (Korea)], and [SSI (California)]”); Paper 2 (power of attorney recognizing SEC (Korea) as controlling the Petition).

SEA, in contrast, is a different subsidiary of SEC (Korea) that is **not** responsible for the Accused Products and instead “focuses on commercializing Samsung end-user products, such as consumer electronics products and mobile devices,” which are **not** accused of infringing the challenged patent. EX2026, 4. And Avnet, as Netlist admits, is merely an alleged “customer” of the Accused Products, POPR 10; EX2025, 2, and thus not a “‘true defendant’ in the dispute,” *In re Nintendo of Am., Inc.*, 756 F.3d 1363, 1365 (Fed. Cir. 2014). Netlist named SEA and Avnet as defendants to try to establish venue in the Eastern District of Texas, EX2013, ¶¶ 11–12, which Samsung disputes is proper, *see* EX2026, and is

why SEA and Avnet joined in mirror-image declaratory judgment actions asserting venue is proper in Delaware, *see* EX2025. In the original lawsuit, before disputes about venue in Texas, only SEC (Korea) and SSI (California) were named in Delaware, *see* EX1132, given they are the only **real** parties in interest.

Netlist has had in its possession for months — but failed to disclose in its POPR — declarations confirming the facts above, including the following:

- “SSI [California] is responsible for marketing and facilitating sales of Samsung HBM and dual in-line memory module (‘DIMM’) products in the United States....SEC [Korea] is responsible for manufacturing the Accused Products, and it does so only outside the United States.” EX1130, ¶¶ 5–6.
- “SEA focuses on end-user products. HBM and dual in-line memory modules (‘DIMMS’) are stand-alone DRAM components and are not end-user products. SEA has not designed, manufactured, marketed, offered for sale, or sold stand-alone DRAM products or imported them into the United States since at least 2019.” EX1129, ¶ 7.

Unsurprisingly, given these facts, Petitioner has consistently named only SEC (Korea) and SSI (California) as the real parties in interest, and never SEA or any customers, in over 15 petitions against Netlist over the past four years. *See, e.g.*, IPR2022-00062 to -64; IPR2022-00615; IPR2022-00639; IPR2022-00711; IPR2022-00996; IPR2022-00999; IPR2022-01427 to -28; IPR2023-00454 to -55; IPR2023-00847; IPR2025-00001 to -02. Netlist points to other petitions naming

SEA, *see* POPR 10, but they involved different patents and accused products.

Netlist has never argued, in any of the previous 15 petitions over the past four years, that SEA is a real party in interest under *AIT* or *RPX* (despite Netlist repeatedly naming SEA as a defendant in the related litigation). *See id.* And the Board has specifically rejected Netlist’s argument under *AIT* and *RPX* that a **customer** (such as Avnet or SEA) becomes a real party in interest or privy simply because Netlist has named that customer as a defendant in related litigation:

Petitioner [SEC (Korea)] contends that it is the real party-in-interest in this proceeding and that the relationship between [its customer] Google and Petitioner is nothing more than a ‘standard customer-manufacturer relationship for the [accused] product’ Petitioner’s and Google’s interests are aligned insofar as they have been accused of infringing the same patent, but the evidence shows that they are acting independently, and that Petitioner did not file the Petition at the behest of or on behalf of Google. . . . Petitioner provides compelling authority that a manufacturer-customer relationship alone does not establish privity, even with indemnity provisions.

EX1131, 13, 14, 23 (citing *Wi-Fi One, LLC v. Broadcom Corp.*, 887 F.3d 1329, 1340–41 (Fed. Cir. 2018); *WesternGeco LLC v. ION Geophysical Corp.*, 889 F.3d 1308, 1321 (Fed. Cir. 2018); *Samsung Elecs. Co. v. SEVEN Networks, LLC*, IPR2018-01108, Paper 22, at 11 (PTAB Nov. 28, 2018)); EX1078, 3.

There is no basis to permit Netlist to relitigate “real party in interest” and

privity under *AIT* and *RPX* now, after so many years and petitions, and after losing on these issues in the past as shown above. 37 C.F.R. § 42.73(d)(3). Netlist now argues that SEA is an RPI because “SEA is a . . . parent of SSI,” POPR 8, but that is incorrect: “The traditional rule is that mere status as a corporate parent is insufficient to render an entity an RPI (or even a privy).” *Syngenta Crop Protection AG v. FMC Corp.*, PGR2020-00028, Paper 8, at 15 (PTAB Sept. 15, 2020). Nor is it sufficient that SEA and Avnet are named as token defendants or have a customer relationship, as explained above. The relevant factors here are the **opposite** of *AIT/RPX*, given “[m]ost critically” that SEA and Avnet did not “pa[y]” Petitioner to “reduce” their “exposure” and given that Petitioner has the “apparent risk of infringement liability” while they have little to none in comparison. *RPX*, IPR2015-01750, Paper 128, at 31; EX1131, 18–19. In sum, Petitioner correctly named its RPIs and has clean hands, unlike Netlist, *see* Paper 11, 10–11.

II. Petitioner has not advanced inconsistent constructions (POPR 13–17)

Netlist is incorrect that “Samsung presents different claim construction positions” in district court. POPR 13. Samsung merely served preliminary indefiniteness contentions in district court, **not** its “claim construction[s].” EX2016, 1, 321–24. In any event, that was **before** the Board’s decisions in *Revvo* and *Tesla*, and Samsung has since **withdrawn** those contentions, *see* EX1128, mooted the issue.

Dated: December 18, 2025

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CERTIFICATE OF COMPLIANCE

I hereby certify that this **Petitioner's Authorized Reply to Patent Owner's Preliminary Response**, excluding the parts of the brief exempted by 37 C.F.R. § 42.24, complies with the page limits provided by the Board's email on December 16, 2025, which stated: "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." EX3101.

Dated: December 18, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 18th day of December, 2025, **Petitioner's Authorized Reply to Patent Owner's Preliminary Response** and **Exhibits 1129–32** were served by email on the following counsel for Patent Owner:

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