

Exhibit 3105

Counsel,

Patent Owner is authorized to file a motion for additional discovery pursuant to 37 C.F.R. § 42.51(b)(2) on the issue of real party-in-interest. Petitioner is authorized to file a responsive opposition. The parties papers shall be limited to 15 pages. Patent Owner's motion shall be due on June 5, 2026. Petitioner's opposition shall be due on June 19, 2025. No Reply is authorized at this time. No conference call is necessary.

Regards,

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Subject: PGR2025-00071 & IPR2025-01431 // Request for Authorization to File a Motion for Additional Discovery Regarding Real Parties-in-Interest

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PGR2025-00071 // US 12,308,087

IPR2025-01431 // US 10,025,731

Your Honors,

Patent Owner Netlist seeks authorization to file a motion for additional discovery on the issue of real party-in-interest (“RPI”) as it relates to PGR2025-00071 and IPR2025-01431. It is in the interests of justice to authorize additional discovery at least because the Director has made clear that § 312(a), which requires *inter alia* “the petition identifies all real parties in interest,” “must be satisfied before the Director can institute trial.” 35 U.S.C. § 312(a)(2); USPTO Memorandum, “Precedential designation of *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1),” October 28, 2025; 37 C.F.R. § 42.51(b)(2)(i). Further, for the PGR, the requested evidence is directly related to Netlist’s contention that there are unnamed RPIs to the proceeding. 37 C.F.R. § 42.51(b)(2)(i). Petitioner Samsung is in the best position to have documents and information relevant to this important issue.

The Petition identifies Samsung Electronics Co., Ltd. (“SEC”) and Samsung Semiconductor, Inc. (“SSI”) as RPIs. In the pre-institution briefing, Netlist argued that Samsung Electronics America, Inc. (“SEA”) and Avnet, Inc. (“Avnet”) should also have been included as RPIs. *Corning Optical* confirms that the issue of whether a petitioner has named all RPIs is an issue that remains even after institution.

Evidence suggesting that SEA should have been listed as an RPI here includes, at least: SEA is a co-defendant in EDTX and respondent in the ITC, showing a clear benefit to SEA from this IPR; SEA proffered a stipulation to not pursue in the ITC certain invalidity defenses based on the grounds asserted in the present PTAB proceedings; SEA is a co-plaintiff in the Delaware declaratory judgment action; and SEA is a wholly-owned subsidiary of SEC and parent of SSI.

Evidence suggesting that Avnet should have been listed as an RPI here includes, at least: Avnet is a co-defendant in the EDTX proceeding, showing a clear benefit to Avnet from this IPR; Avnet is a co-plaintiff in the Delaware declaratory judgment action; Avnet is a customer of SEC and is a distributor of Samsung’s memory products.

Netlist, thus, seeks additional discovery from SEC, regarding both SEA and Avnet, on two sets of issues:

- (1) funding and control of, or coordination regarding, the Petitions; and
- (2) indemnification and manufacturing/supply agreements related to the accused products.

These issues are both highly relevant to the RPI question and evidence related to these issues is exclusively in SEA’s control and unavailable to Netlist by other means.

Further, Netlist seeks discovery on foreign government ownership of SEC, which is relevant because a foreign government is not permitted to be a petitioner in an AIA proceeding and Petitioner must provide sufficient evidence for the Office to determine whether the Petition identifies all RPIs. *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 (PTAB Mar. 18, 2026) (precedential). Public information suggests that at least the Korean National Pension Service is a significant shareholder in SEC. Netlist, thus, also seeks discovery into any SEC shareholders that are foreign governments, foreign governmental agencies, other state-linked entities, and/or included on the United States Department of Commerce’s Bureau of Industry and Security (BIS).

The parties have conferred on this issue and Samsung opposes Netlist’s request for additional discovery, alleging there is no good cause and because Netlist already raised this issue in its pre-institution papers.

If helpful, Netlist can provide the specific discovery requests for the Board’s review. The parties can provide available times for a conference call if desired.

Regards,
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