

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner

v.

NETLIST, INC.,  
Patent Owner

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Case IPR2025-01431  
U.S. Patent No. 10,025,731

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**PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**PATENT OWNER'S UPDATED EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                                                                            |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                                                                                                 |
| 2004               | Security Agreement by and between Netlist, Inc. and SVIC No. 28 New Technology Business Investment L.L.P., November 18, 2015                                                                                                                  |
| 2005               | Samsung Venture Investment Corporation website, available at <a href="https://www.samsungventure.co.kr/english/jsp/company/company.jsp">https://www.samsungventure.co.kr/english/jsp/company/company.jsp</a> (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                                                                                                                |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                                                                                                                                                                                                                        |
| 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 <a href="https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3">https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3</a> (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                                                                                                                                                                                                                 |

| Exhibit No. | Description                                                                                                                                                                                                                                    |
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| 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                                                                                                                                                                           |
| 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                                                                                              |
| 2031-2039   | <i>Intentionally Left Blank</i>                                                                                                                                                                                                                |
| 2040        | Judgment under Federal Circuit Rule 36, <i>Samsung Elecs. Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 23-2133 (Fed. Cir.), March 5, 2025                                                                                                       |
| 2041        | Judgment under Federal Circuit Rule 36, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 25-1378 (Fed. Cir.), December 9, 2025                                                                                               |

| Exhibit No. | Description                                                                                                                                                                                                                                                                 |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2042        | Netlist's Petition for the Director to Suspend the Rules and Deny the Request for Reexamination Under 35 U.S.C. §§ 303(a) and 325(d), <i>Ex Parte</i> Reexamination Control No. 90/015,449, filed October 17, 2025                                                          |
| 2043        | Complaint, <i>Netlist, Inc. v. Samsung Elecs. Co., Ltd. et al.</i> , Case No. 2:25-cv-00748-JRG (E.D. Tex.), July 28, 2025                                                                                                                                                  |
| 2044        | Complaint, <i>Samsung Elecs. Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-01371-JLH (D. Del.), November 11, 2025                                                                                                                                                |
| 2045        | Commission Determination, <i>In the Matter of Certain Unmanned Aerial Vehicles and Components Thereof</i> , Investigation No. 337-TA-1133 (I.T.C.), September 8, 2020                                                                                                       |
| 2046        | Samsung's Certificate of Interest, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd.</i> , Appeal No. 24-2203 (Fed. Cir.), August 27, 2024                                                                                                                                  |
| 2047        | Company Profile, Avnet, Inc., accessible at <a href="https://s23.q4cdn.com/291570380/files/doc_downloads/factsheet/2020/Avnet-Fact-Sheet.pdf">https://s23.q4cdn.com/291570380/files/doc_downloads/factsheet/2020/Avnet-Fact-Sheet.pdf</a> (last accessed December 22, 2025) |
| 2048        | "Samsung Authorized Distributor   Avnet Americas," Avnet, Inc., accessible at <a href="https://www.avnet.com/americas/manufacturers/m/samsung/">https://www.avnet.com/americas/manufacturers/m/samsung/</a> (last accessed December 22, 2025)                               |
| 2049-2054   | <i>Intentionally Left Blank</i>                                                                                                                                                                                                                                             |
| 2055        | Declaration of Richard M. Bemben ( <i>served not filed</i> )                                                                                                                                                                                                                |
| 2056        | Declaration of Noel Whitley ( <i>served not filed</i> )                                                                                                                                                                                                                     |
| 2057        | Declaration of Marc F. Feinstein, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-WLH-ADS (C.D. Cal.), February 14, 2022 ( <i>served not filed</i> )                                                                                          |
| 2058        | Declaration of Steven Przybylski, Ph.D. in Support of Patent Owner's Response                                                                                                                                                                                               |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2059        | <i>Curriculum Vitae</i> of Steven Przybylski, Ph.D.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2060        | Transcript of the Deposition of Andrew Wolfe, Ph.D., May 15, 2026                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2061        | Declaration of David Kennedy (HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES’ ONLY)                                                                                                                                                                                                                                                                                                                                                                                        |
| 2062        | <i>Curriculum Vitae</i> of David Kennedy                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2063        | Excerpts of Strategic Product Supply and License Agreement between Netlist, Inc. and SK hynix Inc.                                                                                                                                                                                                                                                                                                                                                                     |
| 2064        | High Bandwidth Memory Company List, Mordor Intelligence, accessible at <a href="https://www.mordorintelligence.com/industry-reports/high-bandwidth-memory-market/companies">https://www.mordorintelligence.com/industry-reports/high-bandwidth-memory-market/companies</a>                                                                                                                                                                                             |
| 2065        | SK hynix FY2025 Q2 Earnings Report                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2066        | Ansari et al., “SK Hynix set to overtake Samsung as DRAM leader amid AI-driven memory boom,” S&P Global, May 27, 2025, accessible at <a href="https://www.spglobal.com/market-intelligence/en/news-insights/research/2025/05/sk-hynix-set-to-overtake-samsung-as-dram-leader-amid-ai-driven-memory-boom">https://www.spglobal.com/market-intelligence/en/news-insights/research/2025/05/sk-hynix-set-to-overtake-samsung-as-dram-leader-amid-ai-driven-memory-boom</a> |
| 2067        | “SK hynix’s DDR5 Key to First-Rate Data Centers,” SK hynix Newsroom, September 14, 2023, accessible at <a href="https://news.skhynix.com/white-paper-reveals-sk-hynix-ddr5-key-to-first-rate-data-centers/">https://news.skhynix.com/white-paper-reveals-sk-hynix-ddr5-key-to-first-rate-data-centers/</a>                                                                                                                                                             |
| 2068        | Memorandum Opinion and Order, <i>Netlist, Inc. v. SK hynix Inc. et al.</i> , Case No. 6:20-cv-00525 (W.D. Tex., Feb. 2, 2021), ECF No. 30                                                                                                                                                                                                                                                                                                                              |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 2069        | “SK hynix Obtains Industry’s First Validation for 1anm DDR5 DRAM on the 4th Gen Intel® Xeon® Scalable Processor,” SK hynix Inc. Press Release, January 11, 2023, accessible at <a href="https://www.prnewswire.com/news-releases/sk-hynix-obtains-industrys-first-validation-for-1anm-ddr5-dram-on-the-4th-gen-intel-xeon-scalable-processor-301719781.html">https://www.prnewswire.com/news-releases/sk-hynix-obtains-industrys-first-validation-for-1anm-ddr5-dram-on-the-4th-gen-intel-xeon-scalable-processor-301719781.html</a> |
| 2070        | “SK hynix Presents Advanced Memory Technologies at Intel Innovation 2023,” SK hynix Newsroom, September 22, 2023, accessible at <a href="https://news.skhynix.com/sk-hynix-presents-memory-technologies-at-intel-innovation-2023/">https://news.skhynix.com/sk-hynix-presents-memory-technologies-at-intel-innovation-2023/</a>                                                                                                                                                                                                      |
| 2071        | “Multi-memory DIMM Market Growth Analysis, Market Dynamics, Key Players and Innovations, Outlook and Forecast 2025-2032,” Intel Market Research, September 27, 2025, accessible at <a href="https://www.intelmarketresearch.com/multi-memory-dimm-market-3703">https://www.intelmarketresearch.com/multi-memory-dimm-market-3703</a>                                                                                                                                                                                                 |
| 2072        | “RDIMM Memory Chips Market Size & Share& Trends Analysis, Strategic Insights,Growth Forecasts (2026 - 2033),” Future Market Report, accessible at <a href="https://www.futuremarketreport.com/industry-report/rdim-memory-chips-market/">https://www.futuremarketreport.com/industry-report/rdim-memory-chips-market/</a>                                                                                                                                                                                                            |
| 2073        | “Global DRAM and HBM Market Share: Quarterly,” Counterpoint Technology Market Research, March 28, 2026                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2074        | Jackson, F., “Global Chip Shortage: Everything You Need to Know,” TechRepublic, September 6, 2024, accessible at <a href="https://www.techrepublic.com/article/global-chip-shortage-cheat-sheet/">https://www.techrepublic.com/article/global-chip-shortage-cheat-sheet/</a>                                                                                                                                                                                                                                                         |
| 2075        | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 30, 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2076        | “Netlist’s (NLST) CEO Chuck Hong on Q4 2015 Results - Earnings Call Transcript,” Seeking Alpha, February 29, 2016, accessible at <a href="https://seekingalpha.com/article/3942336-netlists-nlst-ceo-chuck-hong-on-q4-2015-results-earnings-call-transcript">https://seekingalpha.com/article/3942336-netlists-nlst-ceo-chuck-hong-on-q4-2015-results-earnings-call-transcript</a>                                                                                                                                                   |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2077        | “Netlist’s (NLST) CEO Chuck Hong on Q3 2016 Results - Earnings Call Transcript,” Seeking Alpha, November 14, 2016, accessible at <a href="https://seekingalpha.com/article/4023357-netlists-nlst-ceo-chuck-hong-on-q3-2016-results-earnings-call-transcript">https://seekingalpha.com/article/4023357-netlists-nlst-ceo-chuck-hong-on-q3-2016-results-earnings-call-transcript</a>                          |
| 2078        | Order Re: Motions For Summary Judgment And Related Applications, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993 (C.D. Cal., Oct. 14, 2021), ECF No. 186                                                                                                                                                                                                                      |
| 2079        | Udick, S., “Patent Law and the Emigration of Innovation,” <i>Washington Law Review</i> , 94(1):119-170 (March 1, 2019)                                                                                                                                                                                                                                                                                      |
| 2080        | Email from Kenny Han to JB Kim, May 18, 2015<br>(CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)                                                                                                                                                                                                                                                                                                                  |
| 2081        | Technology Partnership and IP Cooperation Agreement – Term Sheet (Preliminary Outline), May 18, 2015 (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)                                                                                                                                                                                                                                                             |
| 2082        | David Kennedy - Patent 100, Intellectual Asset Management, accessible at <a href="https://www.iam-media.com/rankings/patent-1000/profile/person/david-kennedy">https://www.iam-media.com/rankings/patent-1000/profile/person/david-kennedy</a>                                                                                                                                                              |
| 2083        | “North America Registered Dual Inline Memory Module Market Overview: Size, Value, and Share Analysis with Projected 6.2% CAGR 2026-2033,” LinkedIn, May 12, 2026, accessible at <a href="https://www.linkedin.com/pulse/north-america-registered-dual-line-memory-module-market-overview-t49bf/">https://www.linkedin.com/pulse/north-america-registered-dual-line-memory-module-market-overview-t49bf/</a> |
| 2084        | “What is DRAM?”, Lenovo, accessible at <a href="https://www.lenovo.com/us/en/glossary/what-is-dram/">https://www.lenovo.com/us/en/glossary/what-is-dram/</a>                                                                                                                                                                                                                                                |
| 2085        | “Introduction to Memory Chips: DRAM, NAND & NOR Flash,” Heisener Electronics, January 23, 2026 accessible at <a href="https://www.heisener.com/TechnologyDetail/Introduction-to-Memory-Chips-DRAM-NAND-NOR-Flash">https://www.heisener.com/TechnologyDetail/Introduction-to-Memory-Chips-DRAM-NAND-NOR-Flash</a>                                                                                            |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                      |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2086        | “Samsung,” Britannica Money, last updated May 26, 2026, accessible at <a href="https://www.britannica.com/money/Samsung-Electronics">https://www.britannica.com/money/Samsung-Electronics</a>                                                                                                                                                                                    |
| 2087        | Matei, M., “Samsung beats Intel in the semiconductor market for the first time in years,” SamMobile, April 14, 2022, accessible at <a href="https://www.sammobile.com/news/samsung-beats-intel-semiconductor-market-first-time-in-years/">https://www.sammobile.com/news/samsung-beats-intel-semiconductor-market-first-time-in-years/</a>                                       |
| 2088        | “Global DRAM Market Hits Record High,” BusinessKorea, May 27, 2026, accessible at <a href="https://www.businesskorea.co.kr/news/articleView.html?idxno=270184">https://www.businesskorea.co.kr/news/articleView.html?idxno=270184</a>                                                                                                                                            |
| 2089        | Conte, N., “Ranked: The World’s Biggest Memory Chip Makers,” Visual Capitalist, April 22, 2026, accessible at <a href="https://www.visualcapitalist.com/ranked-the-worlds-biggest-memory-chip-makers/">https://www.visualcapitalist.com/ranked-the-worlds-biggest-memory-chip-makers/</a>                                                                                        |
| 2090        | “Netlist’s (NLST) CEO Chuck Hong on Q4 2016 Results - Earnings Call Transcript,” Seeking Alpha, March 29, 2017, accessible at <a href="https://seekingalpha.com/article/4058995-netlists-nlst-ceo-chuck-hong-on-q4-2016-results-earnings-call-transcript">https://seekingalpha.com/article/4058995-netlists-nlst-ceo-chuck-hong-on-q4-2016-results-earnings-call-transcript</a>  |
| 2091        | “Netlist’s (NLST) CEO Chuck Hong on Q1 2017 Results - Earnings Call Transcript,” Seeking Alpha, May 16, 2017, accessible at <a href="https://seekingalpha.com/article/4073920-netlists-nlst-ceo-chuck-hong-on-q1-2017-results-earnings-call-transcript">https://seekingalpha.com/article/4073920-netlists-nlst-ceo-chuck-hong-on-q1-2017-results-earnings-call-transcript</a>    |
| 2092        | “Netlist’s (NLST) CEO Chuck Hong on Q2 2017 Results - Earnings Call Transcript,” Seeking Alpha, August 10, 2017, accessible at <a href="https://seekingalpha.com/article/4097767-netlists-nlst-ceo-chuck-hong-on-q2-2017-results-earnings-call-transcript">https://seekingalpha.com/article/4097767-netlists-nlst-ceo-chuck-hong-on-q2-2017-results-earnings-call-transcript</a> |
| 2093        | Netlist Sales Data (HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES’ ONLY – PROTECTIVE ORDER MATERIAL)                                                                                                                                                                                                                                                                                |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2094        | Email from Raymond Jiang to Neal Knuth, June 9, 2017<br>(CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2095        | “Gartner Says Worldwide Semiconductor Revenue Declined 11.9% in 2019,” Gartner Newsroom, January 14, 2020, accessible at <a href="https://www.gartner.com/en/newsroom/press-releases/2020-01-14-gartner-says-worldwide-semiconductor-revenue-declined-11-point-9-percent-in-2019">https://www.gartner.com/en/newsroom/press-releases/2020-01-14-gartner-says-worldwide-semiconductor-revenue-declined-11-point-9-percent-in-2019</a>                                                                                                                                                     |
| 2096        | “Global NAND Flash Revenue Fell by 24.3% QoQ for 3Q23 as Suppliers Made Large Price Concessions That in Turn Impacted Their Results, Says TrendForce,” TrendForce Press Center, November 23, 2022, accessible at <a href="https://www.trendforce.com/presscenter/news/20221123-11467.html">https://www.trendforce.com/presscenter/news/20221123-11467.html</a>                                                                                                                                                                                                                           |
| 2097        | Shen, J., “Global DRAM sales to fall 18% in 2022, says IC Insights,” DigiTimes Asia, November 23, 2022, accessible at <a href="https://www.digitimes.com/news/a20221123VL200/dram.html">https://www.digitimes.com/news/a20221123VL200/dram.html</a>                                                                                                                                                                                                                                                                                                                                      |
| 2098        | Micron Investor Day 2022 Presentation, May 12, 2022, accessible at <a href="https://web.archive.org/web/20220821204814/https://investors.micron.com/static-files/8d23a61f-0c3d-46bf-81a1-c466525afd82">https://web.archive.org/web/20220821204814/https://investors.micron.com/static-files/8d23a61f-0c3d-46bf-81a1-c466525afd82</a>                                                                                                                                                                                                                                                     |
| 2099        | “DRAM Market Anticipated to SurpassUSD 221.67 Billion by 2030, with aCAGR of 9.2% - Report by MarketResearch Future (MRFR),” GlobeNewswire, May 9, 2022, accessible at <a href="https://www.globenewswire.com/en/news-release/2022/05/09/2438836/0/en/DRAM-Market-Anticipated-to-Surpass-USD-221-67-Billion-by-2030-with-a-CAGR-of-9-2-Report-by-Market-Research-Future-MRFR.html">https://www.globenewswire.com/en/news-release/2022/05/09/2438836/0/en/DRAM-Market-Anticipated-to-Surpass-USD-221-67-Billion-by-2030-with-a-CAGR-of-9-2-Report-by-Market-Research-Future-MRFR.html</a> |
| 2100        | “3D NAND Flash Memory Market is Projected to Reach \$78.42 Billion by 2030 – Allied Market Research,” Allied Market Research, 2022, accessible at <a href="https://www.alliedmarketresearch.com/press-release/3D-NAND-flash-memory-market.html">https://www.alliedmarketresearch.com/press-release/3D-NAND-flash-memory-market.html</a>                                                                                                                                                                                                                                                  |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2101        | Coughlin, T., “Digital Storage And Memory Projections For 2026, Part 2,” Forbes, accessible at <a href="https://www.forbes.com/sites/tomcoughlin/2026/01/02/digital-storage-and-memory-projections-for-2026-part-2/">https://www.forbes.com/sites/tomcoughlin/2026/01/02/digital-storage-and-memory-projections-for-2026-part-2/</a>                                                                                                                                                   |
| 2102        | “Gartner Forecasts Worldwide Semiconductor Revenue to Exceed \$1.3 Trillion in 2026,” Gartner Newsroom, April 8, 2026, accessible at <a href="https://www.gartner.com/en/newsroom/press-releases/2026-04-08-gartner-forecasts-worldwide-semiconductor-revenue-to-exceed-us-dollars-one-point-3-trillion-in-2026">https://www.gartner.com/en/newsroom/press-releases/2026-04-08-gartner-forecasts-worldwide-semiconductor-revenue-to-exceed-us-dollars-one-point-3-trillion-in-2026</a> |
| 2103        | “NAND Flash Memory and DRAM Market Size, Share, Growth, and Industry Analysis, By Type (NAND Flash Memory, DRAM), By Application Smartphone, PC, SSD, Digital TV, Others), Regional Insights and Forecast to 2035,” Industry Research, last updated April 6, 2026, accessible at <a href="https://www.industryresearch.biz/market-reports/nand-flash-memory-and-dram-market-104109">https://www.industryresearch.biz/market-reports/nand-flash-memory-and-dram-market-104109</a>       |
| 2104        | “Understanding Incremental Cost: Definition, Calculation & Business Impact,” Investopedia, last updated May 20, 2026, accessible at <a href="https://www.investopedia.com/terms/i/incrementalcost.asp">https://www.investopedia.com/terms/i/incrementalcost.asp</a>                                                                                                                                                                                                                    |
| 2105        | “Working capital: What is it and why is it important?”, Bank of America, March 6, 2025, accessible at <a href="https://business.bankofamerica.com/en/resources/what-is-working-capital">https://business.bankofamerica.com/en/resources/what-is-working-capital</a>                                                                                                                                                                                                                    |
| 2106        | Fernando, J., “Working Capital: Formula, Components, and Limitations,” Investopedia, last updated February 21, 2026, accessible at <a href="https://www.investopedia.com/terms/w/workingcapital.asp">https://www.investopedia.com/terms/w/workingcapital.asp</a>                                                                                                                                                                                                                       |
| 2107        | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 29, 2018                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 2108        | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 28, 2019                                                                                                                                                                                                                                                                                                                                                                                                                    |

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                                                                                                          |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2109               | Netlist, Inc. Form 10-K for the Fiscal Year Ended January 1, 2022                                                                                                                                                                                                           |
| 2110               | Lee, S., “As iPhone 8 looms, firms scramble to lock up memory chip supply,” Reuters, June 20, 2017, accessible at <a href="https://www.reuters.com/article/us-tech-chips-analysis-idUSKBN19B39S/">https://www.reuters.com/article/us-tech-chips-analysis-idUSKBN19B39S/</a> |
| 2111               | “3Q16 Quarterly Earnings,” Samsung, October 27, 2016                                                                                                                                                                                                                        |
| 2112               | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 27, 2014                                                                                                                                                                                                         |
| 2113               | Netlist, Inc. Form 8-K, April 5, 2021                                                                                                                                                                                                                                       |
| 2114               | Netlist Form 10-Q for the Quarterly Period Ended April 2, 2022                                                                                                                                                                                                              |
| 2115               | Netlist Form 10-Q for the Quarterly Period Ended October 1, 2022                                                                                                                                                                                                            |
| 2116               | Netlist, Inc. Report, Roth Capital Partners, April 8, 2021                                                                                                                                                                                                                  |
| 2117               | Netlist, Inc. Report, Craig-Hallum Capital Group LLC, April 8, 2021                                                                                                                                                                                                         |
| 2118               | Netlist, Inc. Form 10-K for the Fiscal Year Ended January 2, 2016                                                                                                                                                                                                           |
| 2119               | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 31, 2016                                                                                                                                                                                                         |
| 2120               | Netlist, Inc. Form 10-K for the Fiscal Year Ended December 30, 2017                                                                                                                                                                                                         |
| 2121               | Netlist Form 10-Q for the Quarterly Period Ended October 1, 2022                                                                                                                                                                                                            |
| 2122               | U.S. Patent No. 8,497,712 to Nguyen et al., issued July 30, 2013                                                                                                                                                                                                            |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                              |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2123        | Zhang, et al., “A Built-In-Test Circuit for Functional Verification & PVT Variations Monitoring of CMOS RF Circuits,” <i>ISSC 2006, Dublin Institute of Technology</i> , June 28-30, 2006, pp. 217-222                                                                                                                                                                   |
| 2124        | Majzoub, et al., “PVT Variation Impact on Voltage Island Formation in MPSoC Design,” <i>10<sup>th</sup> Int’l Symposium on Quality Electronic Design</i> , March 16-18, 2009, pp. 814-819                                                                                                                                                                                |
| 2125        | Gopal, et al., “Ultra Low-Supply Voltage Reference Generator with Low Sensitivity to PVT Variations,” <i>5<sup>th</sup> Asia Symposium on Quality Electronic Design</i> , August 26-28, 2013, pp. 18-21                                                                                                                                                                  |
| 2126        | Miyashita, et al., “A Phase Noise Minimization of CMOS VCOs over Wide Tuning Range and Large PVT Variations,” <i>Proceedings of the IEEE 2005 Custom Integrated Circuits Conference, 2005</i> , September 21, 2005, pp. 583-586                                                                                                                                          |
| 2127        | Docket Sheet, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:25-cv-00557-JRG (E.D. Tex.)                                                                                                                                                                                                                                                      |
| 2128        | Docket Sheet, <i>Netlist Inc v. Micron Technology, Inc. et al.</i> , Case No. 2-25-cv-00558 (E.D. Tex)                                                                                                                                                                                                                                                                   |
| 2129        | Email from Michel A. Pearson titled “Stipulation re: PGR2025-00071 (U.S. Patent No. 12,308,087); IPR2025-01431 (U.S. Patent No. 10,025,731); and PGR2026-00001, IPR2026-00018 (U.S. Patent No. 12,373,366)” (March 3, 2026)                                                                                                                                              |
| 2130        | Samsung Electronics Co., Ltd. and Its Subsidiaries, Consolidated Financial Statements, Dec. 31, 2025 and 2024 – KPMG Samjong Accounting Corp., accessible at <a href="https://images.samsung.com/is/content/samsung/assets/global/ir/docs/2025_con_quarter04_all.pdf">https://images.samsung.com/is/content/samsung/assets/global/ir/docs/2025_con_quarter04_all.pdf</a> |
| 2131        | Amended Adopted Procedural Schedule, <i>Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Inv. No. 337-TA-1472 (ITC), Feb. 6, 2026                                                                                                                                                                         |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                       |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2132        | Redacted Version of Samsung Respondents' Second Supplemental Objections and Responses to Complainant Netlist's First Set of Interrogatories (Nos. 1-38), <i>Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Inv. No. 337-TA-1472 (ITC), March 25, 2026                            |
| 2133        | Transcript of the Deposition of Andrew Wolfe, Ph.D. in PGR2025-00071, May 22, 2026                                                                                                                                                                                                                                                                |
| 2134        | "Reduce the risk of claims with indemnification clauses in contracts," Thomson Reuters, October 20, 2024, accessible at <a href="https://legal.thomsonreuters.com/en/insights/articles/indemnification-clauses-in-commercial-contracts">https://legal.thomsonreuters.com/en/insights/articles/indemnification-clauses-in-commercial-contracts</a> |
| 2135        | "Understanding Manufacturing Contracts: A Guide," <a href="https://www.hyperstart.com/blog/manufacturing-contracts/">https://www.hyperstart.com/blog/manufacturing-contracts/</a>                                                                                                                                                                 |
| 2136        | "South Korea's National Pension Fund's Stock Holdings Surge by ₩78 Trillion (approximately \$52.7B) in Q1, Driven by Samsung and SK Hynix," BigGo Finance, April 8, 2026, accessible at <a href="https://finance.biggo.com/news/DSHTb50BNZYCTTDvKdNe">https://finance.biggo.com/news/DSHTb50BNZYCTTDvKdNe</a>                                     |
| 2137        | National Pension Fund Report 2024, National Pension Service of the Republic of Korea, September 2025, available at <a href="https://www.nps.or.kr/eng/main.do">https://www.nps.or.kr/eng/main.do</a> (under "Annual Report" link)                                                                                                                 |
| 2138        | Exemplary Samsung Semiconductor, Inc. Invoice                                                                                                                                                                                                                                                                                                     |

As authorized by email on May 28, 2026, Patent Owner Netlist, Inc.

(“Netlist”) moves for additional discovery from Petitioner Samsung Electronics Co., Ltd. (“SEC”) related to the issue of real party in interest (RPI). EX3105.

## **I. INTRODUCTION: DISCOVERY IS WARRANTED**

The Petition identifies Petitioner (SEC) and Samsung Semiconductor, Inc. (“SSI”) as RPIs. *See, e.g.*, Pet., 1. In the pre-institution briefing, Netlist argued that Samsung Electronics America, Inc. (“SEA”) and Avnet, Inc. (“Avnet”) should also have been included as RPIs. The requested discovery is highly relevant because a petition that fails to identify all RPIs cannot be considered by the Board. *Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 at 24 (PTAB Aug. 18, 2015) (designated precedential Oct. 28, 2025).

SEA’s and Avnet’s status as unnamed RPIs is all the more important here because it will soon implicate the time-bar under 35 U.S.C. § 315(b). SEA and Avnet will become time-barred under 35 U.S.C. § 315(b) on July 8, 2026, and July 13, 2026, respectively, because SEA and Avnet were each served with a complaint alleging infringement of the ’731 patent on July 8, 2025, and July 11, 2025 (July 11, 2026 is a Saturday), respectively. *See* EX2127, 2 (Dkt. Nos. 15 and 23). If SEC were to update its mandatory notices to include SEA and/or Avnet as RPI(s), a new filing date would be accorded to the Petition. *See Corning*, Paper 68 at 23-25; *Curium US LLC v. Universität Heidelberg*, IPR2025-01582, Paper 11 (Squires

Feb. 25, 2026) (informative) (resetting filing date when new RPI added). If this were to occur after July 8 or July 13, the Petition would be time-barred under § 315(b).

Netlist seeks targeted and narrowly tailored discovery from SEC that is highly relevant to whether SEA and/or Avnet are unnamed RPI(s). Netlist also seeks targeted and narrowly tailored discovery related to whether there is any foreign government ownership of SEC, which would require termination if any such foreign entity is an RPI. *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 at 4-5 (Squires Mar. 18, 2026) (precedential).

**II. BACKGROUND: SEA AND AVNET EACH HAS A PREEXISTING, ESTABLISHED RELATIONSHIP WITH SEC AND SSI, AND EACH HAS A CLEAR INTEREST IN AND WOULD BENEFIT FROM REVIEW OF THE '731 PATENT**

SEC has represented to the Board that it and SSI are the only RPIs in this proceeding. However, reasonable inferences drawn from publicly available information suggest that SEC improperly omitted SEA and/or Avent as RPIs here.

For example, SEA admittedly has a preexisting, established relationship with both Petitioner SEC and named RPI SSI. SSI is a wholly-owned subsidiary of SEA, which is a wholly-owned subsidiary of SEC (SEC→SEA→SSI). EX2027, 1.

SEA is also a clear beneficiary of this proceeding. SEA is a respondent in the ITC investigation and a co-defendant in the EDTX litigation. EX2015, 2 (¶5); EX2013, 1. SEA is also a co-plaintiff in Samsung's DJ action against the '731

patent. EX2025, 1. As a named defendant in the EDTX litigation and in the ITC investigation, SEA faces the same infringement exposure as SEC and SSI.

Invalidating the '731 patent through this IPR would immediately benefit SEA by eliminating liability and foreclosing injunctive relief in the parallel fora.

Critically, Samsung *itself* confirmed SEA's concrete interest in the '731 patent by naming SEA in its DJ action. In that complaint, Samsung affirmatively represented to the court that a "substantial, immediate, and real controversy" exists between Netlist and SEA regarding infringement of the '731 patent. EX2025, 44 (¶146); *see id.*, 5 (¶17). Further, SEA desires review of the '731 patent claims and, thus, has an interest in this IPR. Indeed, SEA has challenged the validity of the '731 patent claims in district court. *See* EX2016. And **SEA made a Sotera stipulation** at the ITC, EX2129, demonstrating that SEA desires review of the '731 patent and has *affirmatively selected* the PTAB as its preferred forum.

Like SEA, Avnet indisputably has a preexisting, established relationship with Petitioner SEC and RPI SSI. Samsung admits that Avnet is Samsung's customer. EX2025, 2. But more than that, Avnet is a distributor of Samsung's memory products, EX2047, EX2048, and, as such, is a co-defendant in the EDTX litigation, EX2013, 1.

Avnet is also a clear beneficiary of this proceeding. Like SEA, Avnet is a co-defendant in the EDTX litigation and a co-plaintiff in Samsung's DJ action

against the '731 patent. EX2013, 1; EX2025, 1. And in Samsung's DJ action, Avnet certified *collectively* with Samsung that it has an "immediate, real, and justiciable controversy" as to whether it infringes the '731 patent and made no attempt to establish its own, separate reasons for standing. EX2025, 5. Avnet has a clear "interest in" and "benefit from" this IPR (avoiding liability for alleged infringement).

There is further evidence of collaboration between SEC, SEA, and SSI in defending against the '731 patent, suggesting both that the parties are working in concert and that SEA had control over (or at least the opportunity to control) this IPR. For example, the parties' joint stipulation in the ITC to forgo any invalidity challenge there in favor of challenging the '731 patent at the PTAB, provides substantial evidence of collaboration between all three entities in defending against the assertion of the '731 patent. Further still, the asserted grounds in the IPR include the very same combinations (Ellsberry, Dour, and/or Abadeer) that SEC, SEA, and SSI jointly present as part of their invalidity contentions in the EDTX litigation. *See* EX2016, 184-185, 201-262. This suggests a coordinated strategy between SEC, SEA, and SSI for challenging the validity of the '731 patent in defense of Netlist's infringement claims.

### **III. REQUESTED DISCOVERY**

Netlist requests that Petitioner SEC and RPI SSI be ordered to respond to the

following discovery requests, directed to three categories of information:

**A. Discovery related to funding and control of, or coordination regarding, the Petition:**

- Produce representation/engagement letter(s) between Baker Botts and any Samsung entity regarding this proceeding.
- Produce any joint defense agreements between SEC and SEA that relate to the current disputes regarding the '731 patent.
- Produce any joint defense agreements between SEC and Avnet that relate to the current disputes regarding the '731 patent.
- Produce retention/consulting agreements with any expert, including Dr. Andrew Wolfe, engaged to provide services related to this proceeding.
- Produce documents and communications that show any coordination between Petitioner SEC and unnamed parties SEA and/or Avnet with respect to the instant Petition or proceeding.
- Identify all Persons (excluding those affiliated solely with Petitioner SEC or RPI SSI, and Petitioner's counsel at Baker Botts) by name, corporate affiliation, and title, that have provided direction, input, or approval of any kind to Petitioner or Petitioner's counsel of record regarding the Petition, including by selecting prior art and/or experts, drafting, reviewing, or approving filing of the Petition, or were otherwise made aware of the

Petition prior to its filing. This includes any individuals affiliated with SEA or other entities that may also be affiliated with SEC or SSI.

- Identify any shared personnel between Petitioner SEC SEA that were involved in any decision-making related to the Petition and this proceeding.
- Identify any shared personnel between RPI SSI and SEA that were involved in any decision-making related to the Petition and this proceeding.
- Identify all Persons and Entities (excluding Petitioner SEC and RPI SSI) by name, corporate affiliation, and title, whom are involved in funding this proceeding.
- Identify all Board members and corporate officers of SEC, SEA, and SSI both currently and at the time of preparing and filing the Petition.
- Describe any and all communications and coordination between Petitioner SEC and SEA, with respect to the instant Petition and proceeding.
- Describe any and all communications and coordination between RPI SSI and SEA, with respect to the instant Petition and proceeding.
- Describe any and all communications and coordination between Petitioner SEC and Avnet with respect to the instant Petition and proceeding.
- Describe any and all communications and coordination between RPI SSI and Avnet with respect to the instant Petition and proceeding.

**B. Discovery related to indemnification and manufacturing/supply agreements related to the accused products:**

- Produce any indemnification agreements between SEC or SSI and SEA related to the Accused products,<sup>1</sup> and that implicate in any way the disputes between SEC, SSI, SEA, and Netlist.
- Produce any indemnification agreements between SEC or SSI and Avnet related to the Accused products, and that implicate in any way the disputes between SEC, SSI, SEA, Avnet, and Netlist.
- Produce any supply, manufacturing, or other agreements that exist between SEC and/or SSI and SEA related to the Accused products.

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<sup>1</sup> “Accused products” refers to the following: (1) Samsung’s DDR5 generation Dual In-line Memory Modules (DIMMs), including: (a) Registered Dual In-line Memory Module (RDIMM); (b) Multi-Ranked Buffered Dual In-Line Memory Module or Multiplexed Rank Dual In-line Memory Module (MCRDIMM/MRDIMM); (c) Small Outline Dual In-Line Memory Module (SODIMM); and (d) Un-buffered Dual In-Line Memory Module (UDIMM); and (2) Samsung’s HBM2/2E, HBM3/3E, and HBM4/4E high bandwidth memory (“HBM”) packages. The term “DDR5” in part (1) above means and refers to Double Data Rate 5, referring to the fifth generation of a type of computer memory called Double Data Rate Synchronous Dynamic Random-Access Memory (“SDRAM”).

- Produce any supply, manufacturing, or other agreements that exist between SEC and/or SSI and Avnet related to the Accused products.
- Describe in detail the terms of any indemnification obligations or agreements that exist between Petitioner SEC and SEA related to the Accused products.
- Describe in detail the terms of any indemnification obligations or agreements that exist between RPI SSI and SEA related to the Accused products.
- Describe in detail the terms of any indemnification obligations or agreements that exist between Petitioner SEC and Avnet related to the Accused products.
- Describe in detail the terms of any indemnification obligations or agreements that exist between RPI SSI and Avnet related to the Accused products.
- Describe in detail any supply, manufacturing, or other agreements that exist between Petitioner SEC and SEA related to the Accused products.
- Describe in detail any supply, manufacturing, or other agreements that exist between RPI SSI and SEA related to the Accused products.
- Describe in detail any supply, manufacturing, or other agreements that exist between Petitioner SEC and Avnet related to the Accused products.

- Describe in detail any supply, manufacturing, or other agreements that exist between RPI SSI and Avnet related to the Accused products.

**C. Discovery related to foreign government ownership of SEC:**

- Identify all shareholders in SEC 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), as well as the percentage and type of shares owned by each of the identified shareholders.

**IV. THE INTERESTS OF JUSTICE SUPPORT GRANTING ADDITIONAL DISCOVERY.**

The motion easily satisfies all five “*Garmin* factors” set forth in *Garmin Int’l Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26 at 6–7 (PTAB Mar. 5, 2013) (precedential); 37 C.F.R. § 42.51(b)(2)(i). The interests of justice support granting additional discovery here.

**A. *Garmin* Factor 1: The requested discovery is based on more than a mere possibility of finding something useful.**

Under the first *Garmin* factor, “the requester ... should already be in possession of a threshold amount of evidence or reasoning tending to show beyond speculation that something useful will be uncovered.” *Garmin*, Paper 26 at 7. As discussed below, each category of requested discovery is likely to provide useful information.

**1. Discovery related to funding and control of, or coordination regarding, the Petition**

There is already ample record evidence that SEA and Avnet both have preexisting, established relationships with SEC and SSI, and each has a clear interest in and would benefit from review of the '731 patent. *See* Section II. Further, there is evidence of collaboration between the parties in the defense against the '731 patent. The requests for production and interrogatories in this category are directed to the question of whether SEA and/or Avnet either funded, controlled, or had the opportunity to control this proceeding.

This requested discovery is highly relevant to the RPI inquiry because any joint representation (as evidenced by engagement letters, expert retention/consulting agreements, etc.), joint defense agreements, funding, and/or communications between parties or input and direction regarding the instant Petition would tend show coordination between the parties and control over or funding by SEA and/or Avnet regarding these proceedings. As to the Baker Botts engagement letters and Dr. Wolfe's expert retention agreement, Samsung's counsel and Dr. Wolfe confirmed such documents exist. *See* EX2133,<sup>2</sup> 5:1-11, 13:20-15:4.

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<sup>2</sup> Exhibit 2133 is the transcript of Dr. Wolfe's deposition in PGR2025-00071, involving the same parties as here. The '731 patent and U.S. Patent 12,308,087 (at issue in the PGR) are both involved in the ITC investigation, and share relevant facts.

The requested discovery may also show the *opportunity* to control or coordinate on this IPR (whether that opportunity was ever utilized), either through the above evidence or, for SEA in particular, through any shared decision-making personnel or Board members. Such facts are favorable to Netlist’s contention that SEA and/or Avnet are unnamed RPIs. *See, e.g., Corning*, Paper 68 at 14–15 (“[a] common consideration is whether the non-party exercised or could have exercised control over a party’s participation in a proceeding” (quoting Trial Practice Guide)); Trial Practice Guide, § I.D.1 (same); *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1354 (Fed. Cir. 2018) (“*AIT*”) (recognizing that overlapping members on board of directors may be relevant to the RPI inquiry).

Thus, the discovery in this category is likely to uncover something “useful” under *Garmin* Factor 1. *Garmin*, Paper 26 at 7 (“‘[U]seful’ means favorable in substantive value to a contention of the party moving for discovery.”).

**2. Discovery related to indemnification and manufacturing/supply agreements related to the accused products**

The requests for production in this category are directed to any indemnification and/or supply, manufacturing, or other agreements between the unnamed RPIs (SEC or Avnet) and SEC or SSI that are related to the Accused products. This information is likely to exist because it is commonplace for suppliers and customers to enter into such agreements. *See, e.g., EX2134*

(“Indemnification provisions or clauses appear in nearly all commercial agreements.”); EX2135 (discussing common types of manufacturing contracts). Indeed, Samsung’s standard invoice lists “TERMS AND CONDITIONS OF SALE” that include indemnification provisions. *See* EX2138, 2 (exemplary invoice).

Indemnity or defense obligations for SEC or SSI on behalf of SEA or Avnet included in these agreements would tend to show SEA’s or Avnet’s opportunity to control this proceeding, at least sufficient to put Samsung’s identification of RPIs in dispute and shift the burden to Samsung to show that SEA or Avnet is not an RPI. *See Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1246 (Fed. Cir. 2018). Thus, the discovery in this category is likely to uncover something “useful” under *Garmin* Factor 1. *Garmin*, Paper 26 at 7.

### **3. Discovery related to foreign government ownership of SEC**

A foreign government is not permitted to be a petitioner, nor an RPI to petitioner, in an AIA proceeding. *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 at 4-5 (Squires Mar. 18, 2026) (precedential).

Based on public record, it appears that at least the National Pension Service of South Korea (“NPS”), a foreign-government-controlled entity established under the Korean National Pension Act, is a significant shareholder in SEC, EX2136; EX2137, 41, that may have controlled or had the opportunity to control this IPR. This interrogatory requests information regarding the percentage and types of

shares owned for all 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). This information is relevant to the extent any of these shareholders are identified in the discovery requests of the first category (regarding funding, control, and coordination regarding this proceeding) because if any foreign entities are RPIs, the proceeding must be terminated. *See Tianma*, Paper 12 at 4-5.

\* \* \*

For these reasons, *Garmin* Factor 1 favors granting the motion for each category of requested discovery. *See Savant Techs. LLC v. Feit Elec. Co., Inc.*, IPR2024-01357, Paper 73 at 11 (PTAB Apr. 30, 2026) (finding “agreements between [petitioner] and [potential RPI] regarding indemnification or cooperation related to the [challenged] patent or related patents would be useful” under *Garmin* Factor 1); *Samsung Elecs. Co., Ltd. v. Netlist, Inc.*, IPR2022-00615, Paper 40 at 9-10 (PTAB Feb. 3, 2023) (granting patent owner’s discovery request for “agreements ‘between [petitioner] and [potential RPI] related to district court litigation involving the [challenged] Patent and/or this IPR proceeding”).

**B. *Garmin* Factor 2: The requested discovery does not seek litigation positions or the basis for those positions.**

The discovery requests do not seek SEC’s or Avnet’s litigation positions.

**C. *Garmin* Factor 3: The information cannot reasonably be generated without the discovery request.**

Netlist is not able to obtain equivalent information to that in the requested discovery by other means. In particular, the requested discovery—including information regarding joint representation (as evidenced by engagement letters, expert retainer/consulting agreements, etc.), joint defense agreements, funding, communications between parties or input and direction regarding the instant Petition, indemnification and/or supply, manufacturing, or other agreements between the unnamed RPIs (SEC or Avnet) and SEC or SSI that are related to the Accused products, and shareholder information—is in Petitioner’s possession and control and is not publicly available.

**D. *Garmin* Factors 4 and 5: The requested discovery is easily understandable and is not overly burdensome for Petitioner to answer.**

Netlist’s request is easily understandable and is not overly burdensome. Despite appearing as a large number of requests, certain requests are repeated multiple times for clarity simply to account for the permutations of relationships available between Petitioner SEC, RPI SSI, and unnamed RPIs SEA or Avnet. For example, in the first category of discovery, there are four interrogatories to address the same question of communications and coordination: “Describe any and all communications and coordination between [Petitioner SEC or RPI SSI] and [SEA or Avnet], with respect to the instant Petition and proceeding.” *See* Section III.

The requested discovery is limited to specific document(s) that are very likely to exist and interrogatories asking for easily identifiable information. SEC is already in possession of any relevant document(s), such as engagement letters and agreements between the parties. SEC therefore has limited, if any, search or production burden responding to this request. *Savant Techs.*, Paper 73 at 16-18 (finding *Garmin* Factor 5 weighs in favor of granting petitioner's request under similar circumstances relating to agreements between the parties). The proposed protective order, once granted, will protect the confidentiality of any produced documents. *See* Paper 33, App'x A. There should be no impact on the timing of the IPR as long as the documents are timely produced; indeed briefing continues in parallel to this motion for additional discovery. Should the Board grant Netlist's motion, Netlist reserves the right to address any evidence produced in its PO Sur-reply or to request authorization to file a Motion to Terminate.

## **V. CONCLUSION**

For the foregoing reasons, Netlist respectfully asks the Board to grant Netlist's motion for additional discovery. The *Garmin* factors strongly support granting additional discovery.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Richard M. Bemben/

Richard M. Bemben  
Registration No. 68,658  
Attorney for Patent Owner

Date: June 5, 2026

1101 K Street, NW, 10th Floor  
Washington, DC 20005  
(202) 371-2600

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

I certify that the above-captioned **PATENT OWNER'S MOTION FOR  
ADDITIONAL DISCOVERY** and Exhibits 2133-2138 were served in their  
entireties on June 5, 2026, upon the following parties via electronic mail:

Eliot D. Williams (Lead Counsel)  
Theodore W. Chandler (Back-up Counsel)  
Ferenc Pazmandi (Back-up Counsel)  
Mark A. Speegle (Back-up Counsel)  
BAKER BOTTS, L.L.P.  
[DLSamsungNetlistIPRs@BakerBotts.com](mailto:DLSamsungNetlistIPRs@BakerBotts.com)

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

*/Richard M. Bemben/*

Richard M. Bemben  
Registration No. 68,658  
Attorney for Patent Owner

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1101 K Street, NW, 10th Floor  
Washington, DC 20005  
(202) 371-2600