From: Pearson, Michael A. <mpearson@kirkland.com>
Sent: Tuesday, March 3, 2026 10:02 PM
To: Netlist-ITC; #Netlist-ITC; Halkowski, Thomas; Vu.Bui@usitc.gov; WGS-Google-Netlist-ITC; NRF-SMCI-Netlist-ITC
Cc: #Samsung-Netlist-ITC
Subject: 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)

Counsel,

I am writing on behalf of the Samsung respondents in the ITC action filed by Netlist styled *In the Matter of Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof*, Inv. No. 337-TA-1472 (USITC).

In that ITC action, Judge McNamara recently adopted a schedule in which the Samsung respondents have until March 4, 2026, to respond to Netlist's initial contention interrogatories concerning invalidity.

However, before the ITC action was instituted, Samsung had already filed the following proceedings with the Patent Trial and Appeal Board (PTAB) asserting invalidity of the following patents:

1. PGR2025-00071 (U.S. Patent No. 12,308,087)
2. IPR2025-01431 (U.S. Patent No. 10,025,731)
3. PGR2026-00001 (U.S. Patent No. 12,373,366)
4. IPR2026-00018 (U.S. Patent No. 12,373,366)

To avoid overlap, and in light of the ITC schedule, the Samsung respondents stipulate that for any proceedings above that are instituted by the PTAB — and so long as that institution is not vacated, dismissed, reversed or otherwise withdrawn by rehearing or by Director Review — Samsung will not pursue an invalidity defense in the ITC or any district court action that the patent claims subject to the instituted proceeding(s) are invalid based on grounds that were raised, reasonably could have been raised in the petition(s) for the instituted proceeding(s), or any ground based on a combination of system prior art and the references asserted as part of a ground raised in the instituted proceeding(s).

Best regards,

-Mike

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