

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

PGR2025-00071

Patent 12,308,087

**PETITIONER’S OBJECTIONS TO PATENT OWNER’S EVIDENCE
SUBMITTED DURING THE PRELIMINARY PROCEEDING BEFORE
INSTITUTION OF TRIAL**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Samsung Electronics Co., Ltd. (“Samsung”) objects to the following exhibits filed by Patent Owner Netlist, Inc. (“Netlist”) during the preliminary proceeding before institution of trial. In addition to the specific objections below, each of the exhibits is also objected to under Rules 401–403 as irrelevant and unfairly prejudicial to the extent the exhibits are relevant only to issues waived by Patent Owner and/or to the extent the exhibits are relevant only to testimony that is withdrawn by Patent Owner.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2001 – Joint Development and License Agreement, November 12, 2015	401-403: EX2001 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in connection with its arguments for discretionary denial (prior technology/license partnership), Paper 8, 8, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 53, but an agreement that Netlist contends it terminated long before filing of the 087 Patent lacks a nexus to any secondary considerations here, especially in light of the impact of the JEDEC standards. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2001 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2002 – Stock Purchase Warrant, November 18, 2015	401-403: EX2002 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 3, 4, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 54, but Samsung’s mere right to acquire Netlist’s equity stake lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2002 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2003 – Senior Secured Convertible Promissory Note, November 18, 2015	401-403: EX2003 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 3, 4, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 54, but Samsung’s mere right to acquire Netlist’s equity stake lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2003 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2004 – Security Agreement by and between Netlist, Inc. and SVIC No. 28 New Technology Business Investment L.L.P., November 18, 2025	401-403: EX2004 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in connection with its arguments for discretionary denial (prior technology/license partnership), Paper 8, 8, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 54, but merely requiring Netlist’s patent portfolio as loan collateral lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2004 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2005 – Samsung Venture Investment Corporation website, available at https://www.samsungventure.co.kr/english/jsp/company/company.jsp (last accessed October 12, 2025)	401-403: EX2005 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 3, but the Director already found discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2005 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2006 –Recorded Assignment and IP Security Agreement, Reel No. 037150, Frame No. 0897, November 20, 2015	401-403: EX2006 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 3, 4, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 54, but Samsung’s mere right to acquire interest in Netlist’s patent portfolio lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2006 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2007 – Release of Assignment, Reel No. 065629, Frame No. 0330, November 20, 2023	401-403: EX2007 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 4, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 54-55, but Samsung’s release of interest in Netlist’s patent portfolio or when it recorded the release lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2007 for lacking foundation and containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2008 – Redacted First Amended Complaint for Breach of Contract and Declaratory Relief, Netlist Inc. v. Samsung Electronics Co., Ltd., Case No. 8:20-cv-00993-JAK (C.D. Cal.), August 31, 2020	401-403: EX2008 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in connection with its arguments for discretionary denial (prior technology/license partnership), Paper 8, 5, 8, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 53, but terminating the JDLA for Samsung’s alleged failure to fulfill supply obligation lacks a nexus to any secondary considerations. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802: Samsung further objects to EX2008 for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04.
EX2009 – Judgment, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-JAK (C.D. Cal.), April 7, 2025	401-403: EX2009 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 5, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to address secondary considerations, Paper 12, 55, but the district court’s judgment on whether Samsung fulfilled its supply obligation under the JDLA lacks a nexus to any secondary considerations of non-obviousness. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2010 – Median time to trial statistics for the International Trade Commission, Docket Navigator report generated October 6, 2025	401-403: EX2010 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with a discretionary denial factor (<i>Fintiv</i>), Paper 8, 12, but the Director already found discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2010 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2013 – First Amended Complaint, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), July 8, 2025	401-403: EX2013 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 6, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to name all RPIs, Paper 12, 11, 14, but the fact that Netlist itself named the alleged RPIs as co-defendants in another district court case is irrelevant to any RPI issues here. Also, the Director rejected Netlist’s RPI argument by instituting the 087 PGR. 801/802: Samsung further objects to EX2013 for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04.
EX2014 – 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	401-403: EX2014 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 5, but the Director already found discretionary denial is not appropriate. Netlist also incorrectly cites this exhibit in a statement that “SEA is a co-defendant in both the EDTX and ITC cases,” involving the 087 Patent, Paper 12, 11, but this exhibit is a verdict form that does <i>not</i> involve the 087 Patent.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2015 – 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	401-403: EX2015 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in connection with its arguments for discretionary denial, Paper 8, 10, 19-20, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to name all RPIs, Paper 12, 11, but the fact that Netlist itself named the alleged RPIs as co-defendants in another ITC case is irrelevant to any RPI issues here. Also, the Director rejected Netlist’s RPI argument by instituting the 087 PGR. 801/802: Samsung further objects to EX2015 for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04.
EX2016 – 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	401-403: EX2016 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in connection with a discretionary denial factor (<i>Fintiv</i>), Paper 8, 14, but the Director already found discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung’s claim construction is inconsistent, Paper 12, 19-21, but the Director rejected this argument by instituting the 087 PGR.
EX2017 – 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	401-403: EX2017 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 5-6, but the Director already found discretionary denial is not appropriate. Further, this is a verdict form in a district court case that does not involve the 087 Patent.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2018 – 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	401-403: EX2018 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 6, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2018 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2020 – Excerpts from PTAB 2025 Intelligence Report, Patexia, Inc.	401-403: EX2020 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 6, but the Director already found that discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to name all RPIs, Paper 12, 14, but naming an RPI in <i>other</i> proceedings is irrelevant to the RPI issue in <i>this</i> proceeding. Also, the Director rejected Netlist’s RPI argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2020 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2021 – Ramkumar, A., “Trump Takes Aim at Chip Makers With New Plan to Throttle Imports,” The Wall Street Journal, September 26, 2025, accessible at https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3 (last accessed September 26, 2025)	401-403: EX2021 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument for discretionary denial (national security and economic interest arguments), Paper 8, 19, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2021 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2022 – Netlist, Inc. Form 8-K, United States Securities and Exchange Commission, November 12, 2015	401-403: EX2022 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 3, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2022 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2023 – “Netlist and SK hynix Enter into Strategic Agreements for Patents, Technology and Product Supply,” Netlist Press Release, April 5, 2021	401-403: EX2023 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit in the background section of its discretionary denial brief, Paper 8, 7, but the Director already found that discretionary denial is not appropriate. Netlist also cites this exhibit in connection with its argument that Samsung failed to consider secondary considerations, Paper 12, 55, but Netlist’s license with a third party lacks a nexus to secondary considerations for the 087 Patent. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2023 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2024 – Comparison of Claim 1 of U.S. Patent No. 12,308,087 with Claim 1 of U.S. Patent No. 8,787,060 and Claim 1 of U.S. Patent No. 9,318,160	401-403: EX2024 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its discretionary denial arguments regarding Office’s material errors, Paper 8, 17, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2024 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2025 – Written Decision on Registration, Korean Patent Application No. 10-2017-0113355, mailed March 24, 2022	401-403: EX2025 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its discretionary denial arguments regarding Office’s material errors, Paper 8, 16, but the Director already found that discretionary denial is not appropriate.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2027 – Opening Brief for Appellant Netlist, Inc., Netlist, Inc. v. Samsung Electronics Co., Ltd., Case No. 24-2240 (Fed. Cir.), February 4, 2025	401-403: EX2027 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 8, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2027 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2028 – Joint Appendix Volume II of II, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 24-2240 (Fed. Cir.), May 28, 2025	401-403: EX2028 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in the background section of its discretionary denial brief, Paper 8, 8, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2028 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2029 – Morris, A., “IPBC Global 2025: Acting USPTO Director says IPR use needs to change,” IAM, June 10, 2025, accessible at https://www.iam-media.com/article/ipbc-global-2025-acting-uspto-director-says-ipr-use-needs-change (last accessed June 16, 2025)	401-403: EX2029 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its discretionary denial arguments about prior technology/license partnership, Paper 8, 9, and Office’s material errors, <i>id.</i>, 16, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2029 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2035 – List of Patent Trial and Appeal Board proceedings listing Samsung Electronics America, Inc. as Petitioner, Docket Navigator, generated December 3, 2025	401-403: EX2035 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name all RPIs, Paper 12, 14, but naming an RPI in <i>other</i> proceedings is irrelevant to the RPI issue in <i>this</i> proceeding. Also, the Director rejected Netlist’s RPI argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2035 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2036 – Redline Comparison of Independent Claim 1 and Independent Claims 9, 13, 20, 23, and 24 of U.S. Patent No. 12,308,087	401-403: EX2036 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to address all elements in some independent claims, Paper 12, 62, which the Director rejected by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2036 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2037 – Word Counts of Petitions in IPR2025-01402 and PGR2025-00071, including image annotations	401-403: EX2037 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung violated the Board’s word count limit, Paper 12, 68, which the Director rejected by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2037 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2038 – Final Judgment, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:21-cv-00463-JRG (E.D. Tex.), August 11, 2023	401-403: EX2038 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name SEA as an RPI, Paper 12, n1, Paper 19, 2, but the Director found by instituting the 087 PGR that SEA is not an RPI.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2039 – 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	401-403: EX2039 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to consider secondary considerations. Paper 12, 55. But Samsung’s mere knowledge about Netlist’s license with a third party lacks a nexus to secondary considerations for the 087 Patent. Moreover, the Director rejected Netlist’s argument by instituting the 087 PGR. 801-804: Samsung objects to EX2039 for containing hearsay and/or causing undue prejudice. The testimony in EX2039 concerned different patents and issues and was not taken in this IPR, making it hearsay, and Netlist has not laid the foundation for any hearsay exception. EX2039 is also defective, and thus inadmissible, under 37 C.F.R. § 42.53(f)(5)-(6).
EX2042 – 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	401-403: EX2042 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its discretionary denial argument that ITC is a better forum, Paper 17, 2, but the Director already found that discretionary denial is not appropriate. 801/802/901: Samsung further objects to EX2042 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2043 – 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	401-403: EX2043 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name all RPIs, Paper 17, 2, but naming an RPI in another district court case involving a different patent is irrelevant to the RPI issue here. Also, the Director rejected Netlist’s RPI argument by instituting the 087 PGR. 801/802/901: Samsung further objects to EX2043 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.
EX2046 – Samsung’s Certificate of Interest, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd.</i> , Appeal No. 24-2203 (Fed. Cir.), August 27, 2024	401-403: EX2046 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name SEA as an RPI, Paper 19, 2, 4, but the Director found by instituting the 087 PGR that SEA is not an RPI.
EX2047 – Company Profile, Avnet, Inc., accessible at https://s23.q4cdn.com/291570380/files/doc_downloads/fact-sheet/2020/Avnet-Fact-Sheet.pdf (last accessed December 22, 2025)	401-403: EX2047 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name Avnet as an RPI, Paper 19, 2, but the Director found by instituting the 087 PGR that Avnet is not an RPI. 801/802/901: Samsung further objects to EX2047 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

<u>Exhibit</u>	<u>Objection(s)</u>
EX2048 – “Samsung Authorized Distributor Avnet Americas,” Avnet, Inc., accessible at https://www.avnet.com/americas/manufacturers/m/samsung/ (last accessed December 22, 2025)	401-403: EX2048 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Netlist cites this exhibit only in connection with its argument that Samsung failed to name Avnet as an RPI, Paper 19, 2, but the Director found by instituting the 087 PGR that Avnet is not an RPI. 801/802/901: Samsung further objects to EX2048 for lacking foundation and for containing hearsay. <i>See</i> 37 C.F.R. § 42.62(a); Fed. R. Evid. 801–04. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception.

Dated: March 4, 2026

/Eliot D. Williams/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 4th day of March, 2026,

Petitioner's Objections to Patent Owner's Evidence Submitted During The Preliminary Proceeding Before Institution of Trial was served by email on the following counsel for Patent Owner:

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