

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

**JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION AND TO KEEP SEPARATE**

Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), and the Board’s authorization via email on August 18, 2026, Petitioner and Patent Owner jointly “request” that Exhibit 1134 — the parties’ settlement agreement and collateral agreements referenced in the concurrently filed Joint Motion to Terminate — “shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.” 35 U.S.C. § 327(b); *see also* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available: (1) To a Government agency on written request to the Board; or (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.”).

This request is timely because it is being “filed with the settlement” (i.e., Exhibit 1134). 37 C.F.R. § 42.74(c).

As shown by Exhibit 1134, the agreements require the parties to treat the terms of the agreements as confidential information and prohibit disclosure to third parties. The parties consider the settlement agreement and collateral agreements to

contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed.

In view of this joint request, Exhibit 1134 has been filed with availability limited to “Board Only.”

Dated: August 18, 2026

/ Richard M. Bemben /

Richard M. Bemben, Reg. #68,658
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1101 K Street NW, 10th Floor
Washington, DC 20005
T: (202) 772-8549
F: (202) 371-2540

*Lead Counsel for Patent Owner
Netlist, Inc.*

Dated: August 18, 2026

/Eliot D. Williams/

Eliot D. Williams, Reg. #50,822
BAKER BOTTS L.L.P.
700 K Street NW
Washington, DC 20001
T: (202) 639-1334
F: (202) 639-1167

*Lead Counsel for Petitioner
Samsung Electronics Co., Ltd.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 18th day of August, 2026, this **Joint Request to Treat Settlement Agreement as Business Confidential Information and to Keep Separate** was served by email on the following counsel for Patent Owner:

Richard M. Bemben (Reg. No. 68,658) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8549 Fax: (202) 371-2540 Email: PTAB@sternekessler.com rbemben-PTAB@sternekessler.com	Jennifer Meyer Chagnon (Reg. No. 55,440) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8890 Fax: (202) 371-2540 Email: PTAB@sternekessler.com jchagnon-PTAB@sternekessler.com
Richard C. Kim (Reg. No. 40,046) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0124 Email: PTAB@sternekessler.com rkim@netlist.com	Raymond K. Chan (Reg. No. 66,164) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0101 Email: PTAB@sternekessler.com rchan@netlist.com
Francisco A. Rubio-Campos (Reg. No. 45,358) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 377-0296 Email: PTAB@sternekessler.com frubio@netlist.com	

Dated: August 18, 2026

/Eliot D. Williams/
Eliot D. Williams, Reg. #50,822
BAKER BOTTS L.L.P.
700 K Street NW
Washington, DC 20001
T: (202) 639-1334

F: (202) 639-1167

*Counsel for Petitioner Samsung
Electronics Co., Ltd.*