

**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., MICRON TECHNOLOGY, INC.,  
MICRON SEMICONDUCTOR PRODUCTS, INC., and MICRON  
TECHNOLOGY TEXAS LLC,

Petitioners,

v.

NETLIST, INC.,

Patent Owner.

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Case No. IPR2022-01427  
Patent No. 9,318,160<sup>1</sup>

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**PATENT OWNER NETLIST, INC.'S UPDATED  
MANDATORY NOTICE PURSUANT TO 37 C.F.R. § 42.8**

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<sup>1</sup> Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas, LLC, filed a motion and joinder and a petition in IPR2023-00883 and have been joined as petitioners in this proceeding

Pursuant to 37 C.F.R. 42.8, Patent Owner Netlist, Inc. hereby submits the following updated Notice.

**I. Real Party-In-Interest (Changed)**

The real-party-in-interest is Netlist, Inc., the owner of U.S. Patent No. 9,318,160 ("the '160 patent"). Netlist, Inc. is a publically held corporation with no parent corporation.

**II. Related Matters (Changed)**

The Patent Owner identifies the following pending matters that may be deemed related pursuant to 37 C.F.R. § 42.8(b)(2):

- *Netlist, Inc. v. Samsung Electronics Co., Ltd., et al.*, No. 2-21-cv-00463 (E.D. Tex. Amended complaint filed May 3, 2022)
- *Netlist, Inc. v. Micron Technology, Inc., et al.*, No. 2:22-cv-00203 (E.D. Tex. filed June 10, 2022)
- *Samsung Electronics Co., Ltd. v. Netlist, Inc.*, IPR2022-001428, filed concurrently on August 17, 2022, against related U.S. Patent No. 8,787,060
- U.S. Patent Application No. 14/337,168
- In related Case No. 2:22-cv-00203 ("the 203 Action"), Petitioners Micron Technology, Inc. *et al.* filed a Motion for Summary Judgment of Noninfringement of U.S. Patent Nos. 8,787,060 and 9,318,160. The

Court issued its Report & Recommendation on January 11, 2024, recommending the Motion for Summary Judgment of Noninfringement be denied. *See* EX2057 at 3-5. At the oral hearing on January 9, 2024, Petitioners’ counsel suggested that Netlist incorrectly interpreted the District Court’s claim construction order issued in the 203 Action. Micron’s MSJ proceeded with a similar premise that Dr. Brogioli’s mapping of the term (as in Samsung and in the IPRs) relied solely on the presence of data ports. The magistrate judge rejected Micron’s argument. The magistrate also found that Netlist presented sufficient “evidence by which a reasonable jury could find that the limitation [array dies] has been met.” EX2057 at 3.

### III. Lead and Back-Up Counsel (Changed)

Lead Counsel	Back-up Counsel
Hong Annita Zhong (Reg. No. 66,530) IRELL & MANELLA LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, California 90067 Telephone: (310) 277-1010 Facsimile: (310) 203-7199 <a href="mailto:hzhong@irell.com">hzhong@irell.com</a> <a href="mailto:NetlistIPR@irell.com">NetlistIPR@irell.com</a>	Jason Sheasby ( <i>pro hac vice</i> granted) IRELL & MANELLA LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, California 90067 Telephone: (310) 277-1010 Facsimile: (310) 203-7199 <a href="mailto:jsheasby@irell.com">jsheasby@irell.com</a>

### IV. Service Information (Unchanged)

The Patent Owner consents to electronic service by email to email addresses listed above and [NetlistIPR@irell.com](mailto:NetlistIPR@irell.com).

Case IPR2022-01427

Patent No. 9,318,160

Dated: January 13, 2024

Respectfully submitted,

By: /Hong Zhong/

H. Annita Zhong (Reg. No. 65,530)

Jason Sheasby (*pro hac vice* )

Irell & Manella LLP

1800 Avenue of the Stars, Suite #900

Los Angeles, CA 90067-4276

*Attorney for Patent Owner*

Netlist, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify, pursuant to 37 C.F.R. section 42.6 that on January 13, 2024,  
a complete copy of **PATENT OWNER NETLIST INC.'S UPDATED  
MANDATORY NOTICE, EX2057 and UPDATED EXHIBIT LIST** were  
served upon the following, by ELECTRONIC MAIL:

**BAKER BOTTS L.L.P.**

Eliot D. Williams, Reg. No. 50,822  
Theodore W. Chandler, Reg. No. 50,319  
Ferenc Pazmandi, Reg. No. 66,216  
Michael E. Knierim, Reg. No. 78,268  
Brianna L. Potter, Reg. No. 76,748  
[DLSamsungNetlistIPRs@BakerBotts.com](mailto:DLSamsungNetlistIPRs@BakerBotts.com)

**WINSTON & STRAWN LLP**

Matthew A. Hopkins, Reg. No. 76,273  
[mhopkins@winston.com](mailto:mhopkins@winston.com)

Michael Rueckheim  
[mrueckheim@winston.com](mailto:mrueckheim@winston.com)

David Lin, *pro hac vice* to be requested

[Winston-IPR-Netlist@winston.com](mailto:Winston-IPR-Netlist@winston.com)

/Susan M. Langworthy  
Susan M. Langworthy