

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

NETLIST, INC.,
Patent Owner.

Case IPR2024-00370

Patent 10,268,608

Inventors: Hyun Lee and Jayesh R. Bhakta

Title: MEMORY MODULE WITH TIMING-CONTROLLED DATA PATHS IN
DISTRIBUTED DATA BUFFERS

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 10,268,608**

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I. PETITIONERS' MANDATORY NOTICES

A. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))

The real parties in interest of this Petition are the Petitioners Micron Technology, Inc.; Micron Semiconductor Products, Inc., and Micron Technology Texas LLC.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The following judicial or administrative matters would affect, or be affected by, a decision in this proceeding concerning U.S. Patent No. 10,268,608 (“’608 Patent”).

- *Samsung Electronics Co., Ltd. v Netlist, Inc.*, IPR2023-00847 (“Samsung IPR”)
- *Netlist, Inc. v. Micron Technology, Inc. et al.*, No. 1:22-cv-00136 (W.D. Tex. filed Apr. 28, 2021)
- *Netlist, Inc. v. Micron Technology, Inc. et al.*, No. 2:22-cv-00203 (E.D. Tex. filed June 10, 2022)
- *Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:22-cv-00293 (E.D. Tex. filed August 1, 2022); *Netlist, Inc. v. Micron Technology, Inc. et al.*, 2:22-cv-00294 (E.D. Tex. filed August 1, 2022)
- *Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:21-cv-00463 (E.D. Tex. filed Dec. 20, 2021)

Petitioners represent that it was not aware of the relevant prior art—Butt—when filing its first petition, this further distinguishes the present case from *Apple*.

On balance, these factors weigh against discretionary denial, and any prejudice to Netlist is minimal. Petitioners simply seek to join an already-instituted IPR, using a substantively identical petition, and taking on an “understudy” role. *See also General Plastic*, p.17 (“[The Board’s] intent in formulating these factors was to take undue inequities and prejudices to Patent Owner into account.”).

VIII. CONCLUSION

Petitioners respectfully request that Trial be instituted and claims 1-12 be canceled as unpatentable.

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Respectfully submitted,

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