

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

IPR2026-00017

Patent 9,824,035

**PETITIONER'S AUTHORIZED
REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE**

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1035	[omitted]
1036	[omitted]
1037	Joint Claim Construction Statement, <i>Netlist, Inc. v. Micron Technology, Inc. et al.</i> , No. 1:22-cv-00136 (W.D. Tex. Apr. 14, 2022)
1038	[omitted]
1039	[omitted]

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1040	[omitted]
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1061	Notice of Docketing, <i>Samsung Electronics Co., Ltd. v Netlist, Inc.</i> , No. 2025-1378 (Fed. Cir. Jan. 21, 2025) (U.S. Patent No. 10,268,608)
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1066	Final Written Decision, <i>Micron Technology, Inc. et al. v. Netlist, Inc.</i> , IPR2022-00236, Paper 34 (PTAB June 20, 2023) (U.S. Patent No. 9,824,035)
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1069	Denying Patent Owner’s Request on Rehearing of Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00711, Paper 44 (PTAB Dec. 20, 2023) (U.S. Patent No. 10,860,506)
1070	[omitted]
1071	[omitted]
1072	[omitted]
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1074	Transcript of Deposition of Dr. William Mangione-Smith (June 4, 2024) (Exhibit 1074 in IPR2023-00847)

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1077	Netlist’s Technology Tutorial (Exhibit 1047 in IPR2022-00711 and Exhibit 1077 in IPR2023-00847)
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1085	Presentation on read leveling and write leveling for DDR3 memory modules (2008)
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1087	Netlist Form 10-K (Annual Report) for 2023, available at < https://investors.netlist.com/filings-financials/sec-filings >.
1088	Netlist Form 10-K (Annual Report) for 2024, available at < https://investors.netlist.com/filings-financials/sec-filings >.
1089	Netlist Form 10-Q (Quarterly Report) through September 2025, available at < https://investors.netlist.com/filings-financials/sec-filings >.
1090	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00999, Paper 51 (PTAB Dec. 5, 2023) (U.S. Patent No. 11,232,054)
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1092	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00996 and -00999, Papers 53 & 56 (PTAB Mar. 18, 2024) (U.S. Patent Nos. 11,016,918 and 11,232,054)
1093	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01428, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 8,787,060)
1094	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 9,318,160)
1095	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427 and -01428, Paper 52 (PTAB June 17, 2024)
1096	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 45 (PTAB July 30, 2024) (U.S. Patent No. 11,093,417)
1097	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 47 (PTAB Oct. 8, 2024) (U.S. Patent No. 11,093,417)
1098	Order Granting Motion to Stay, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , No. 1:21-cv-01453 (D. Del. Dec. 1, 2023) (U.S. Patent No. 10,217,523)
1099	Order Granting Request for <i>Ex Parte</i> Reexamination, No. 90/015,449 (Nov. 21, 2025) (U.S. Patent No. 10,268,608)
1100	Complaint, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:21-cv-00463 (E.D. Tex. filed Dec. 20, 2021)
1101	Judgment Affirming Final Written Decision in IPR2022-00711, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2024-1521 (Fed. Cir. Dec. 9, 2025) (U.S. Patent No. 10,860,506)
1102	Notice of Institution of Investigation No. 337-TA-1472, 91 Fed. Reg. 155 (Jan. 2, 2026), available at https://www.federalregister.gov/documents/2026/01/02/2025-24146/certain-dynamic-random-access-memory-dram-devices-products-containing-the-same-and-components >

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1103	Order No. 11: Initial Determination Amending the Target Date, <i>In the Matter of Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Inv. No. 337-TA-1472 (USITC Jan. 27, 2026), available at < https://edis.usitc.gov/external/search/advanced.html?invId=8817 >
1104	Memorandum re: Director Institution of AIA Trial Proceedings (Oct. 17, 2025), available at < https://www.uspto.gov/subscription-center/2025/director-institution-aia-trial-proceedings >
1105	Memorandum re: Interim Processes for PTAB Workload Management (Mar. 26, 2025), available at < https://www.uspto.gov/subscription-center/2025/uspto-issues-new-interim-process-concerning-institution-aia-proceedings >
1106	Memorandum re: Final Written Decision Procedures for AIA Trial Proceedings (July 29, 2025), available at < https://www.uspto.gov/subscription-center/2025/ptab-issued-memorandum-aia-trials >
1107	Memorandum re: Guidance on USPTO’s recission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” (Mar. 24, 2025), available at < https://www.uspto.gov/patents/ptab/resources >
1108	Declaration of James Kiczek (SEA), <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Sept. 11, 2025)
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1111	Complaint for Declaratory Judgment, <i>Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc. v. Netlist, Inc.</i> , No. 1:25-cv-01453 (D. Del. filed Oct. 15, 2021)
1112	Samsung Semiconductor, About Us, available at < https://semiconductor.samsung.com/about-us/locations/us/ >

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1113	Samsung Semiconductor, Inc., Articles of Incorporation in California (July 13, 1992), <i>available at</i> < https://bizfileonline.sos.ca.gov/search/business >
1114	Samsung Semiconductor, Inc., California Statement of Information (Apr. 15, 2025), <i>available at</i> < https://bizfileonline.sos.ca.gov/search/business >
1115	Samsung investments in the United States, <i>available at</i> < https://semiconductor.samsung.com/sas/company/taylor/ >
1116	U.S. Patent No. 10,025,731
1117	Samsung Electronics America, Inc. (“SEA”)’s Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Nov. 24, 2025)
2001	Joint Development and License Agreement, November 12, 2015
2002	Stock Purchase Warrant, November 18, 2015
2003	Senior Secured Convertible Promissory Note, November 18, 2015
2004	Security Agreement by and between Netlist, Inc. and SVIC No. 28 New Technology Business Investment L.L.P., November 18, 2025
2005	Samsung Venture Investment Corporation website, available at https://www.samsungventure.co.kr/english/jsp/company/company.jsp (last accessed October 12, 2025)
2006	Recorded Assignment and IP Security Agreement, Reel No. 037150, Frame No. 0897, November 20, 2015
2007	Release of Assignment, Reel No. 065629, Frame No. 0330, November 20, 2023
2008	Redacted First Amended Complaint for Breach of Contract and Declaratory Relief, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-JAK (C.D. Cal.), August 31, 2020
2009	Judgment, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 8:20-cv-00993-JAK (C.D. Cal.), April 7, 2025
2010	Median time to trial statistics for the International Trade Commission, Docket Navigator report generated October 6, 2025
2011–13	[intentionally omitted]
2014	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

Exhibit #	Description
2015	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
2016	[intentionally omitted]
2017	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
2018	List of Patent Trial and Appeal Board proceedings filed by Samsung Electronics Co., Ltd. against Netlist, Inc.’s Patents, Docket Navigator, generated November 10, 2025
2019	Notice of Proposed Rulemaking, 90 Fed. Reg. 48,335 (Oct. 17, 2025)
2020	Excerpts from PTAB 2025 Intelligence Report, Patexia, Inc.
2021	Ramkumar, A., “Trump Takes Aim at Chip Makers With New Plan to Throttle Imports,” <i>The Wall Street Journal</i> , September 26, 2025, accessible at https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3 (last accessed September 26, 2025)
2022	[intentionally omitted]
2023	“Netlist and SK hynix Enter into Strategic Agreements for Patents, Technology and Product Supply,” Netlist Press Release, April 5, 2021
2024	“Precedential designation of <i>Corning Optical Communications RF, LLC v. PPC Broadband Inc.</i> , IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1),” Memorandum from Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent Trademark Office John A. Squires, October 28, 2025
2025–26	[intentionally omitted]
2027	Plaintiff’s Corporate Disclosure Statement, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-00626-JLH (D. Del.), May 20, 2025
2028	List of Patent Trial and Appeal Board proceedings listing Samsung Electronics America, Inc. as Petitioner, Docket Navigator, generated December 3, 2025
2029–39	[intentionally omitted]

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2040	Judgment under Federal Circuit Rule 36, <i>Samsung Elecs. Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 23-2133 (Fed. Cir.), March 5, 2025
2041	Judgment under Federal Circuit Rule 36, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 25-1378 (Fed. Cir.), December 9, 2025
2042–43	[intentionally omitted]
2044	Complaint, <i>Samsung Elecs. Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-01371-JLH (D. Del.), November 11, 2025
2045–48	[intentionally omitted]
2049	Final Written Decision, <i>Micron Technology, Inc. v. Netlist, Inc.</i> , IPR2022-00236 (P.T.A.B. June 20, 2023)
2050	Decision Granting Petitioner’s Request on Rehearing of Final Written Decision, <i>Micron Technology, Inc. v. Netlist, Inc.</i> , IPR2022-00236 (P.T.A.B. Aug. 16, 2023)
2051	Record of Oral Hearing, <i>Samsung Elecs. Co., Ltd.</i> , IPR2023-00847 (P.T.A.B. Nov. 21, 2024)
2052	Appellant’s Principal Brief, <i>Samsung Elecs. Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 25-1378 (Fed. Cir.), April 18, 2025
2053	Order Initiating <i>Sua Sponte</i> Director Review and Staying Proceeding, IPR2025-00145 (P.T.A.B. Dec. 22, 2025)
2054	Notice of Institution of Investigation, Inv. No. 337-TA-1472 (I.T.C. Dec. 29, 2025)
2055	Disclaimer filed in U.S. Patent No. 9,824,035, January 29, 2026
2056	Amended Proposed Procedural Schedule, Inv. No. 337-TA-1472 (I.T.C. Jan. 27, 2026)
2057	“Enforcement and Non-Waiver of 37 C.F.R § 42.104(B)(4) and Permissible Uses of General Knowledge in <i>Inter Partes</i> Reviews,” United States Patent & Trademark Office Memorandum, July 31, 2025
2058	Docket, <i>Samsung Elecs. Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-01371-JLH (D. Del.), November 11, 2025

REPLY TO PATENT OWNER’S PRELIMINARY RESPONSE (POPR)

RPI: For the reasons that Petitioner already provided in Paper 10 at pages 15–19, Netlist’s POPR (Paper 11, filed later the same day) is incorrect that the “Petition fails to name all real parties in interest,” POPR 4–12. The Petition correctly identified the real parties in interest as the Petitioner, “SEC (Korea),” and “SSI (California).” *See* Paper 10, at 15–19; *see also* EX1109, ¶¶ 5–6; EX1108, ¶ 7; EX1117, 3–4; EX1110, 13, 14, 18–19, 23; 37 C.F.R. § 42.73(d)(3).

Claim construction: Netlist is incorrect that “Samsung advances inconsistent claim constructions in its Petition and in its Delaware DJ complaint.” POPR 12–13 (citing EX2044, 27 (¶106)). Netlist’s argument omits the key sentence in Samsung’s DJ complaint (reprinted below), which shows there is no inconsistency with the Petition’s interpretation of the claim term “memory operation”: “[D]uring [MRE] and [MRD] training the data/strobe signal lines **cannot** be used to transmit data from the host controller ***to the memory devices*** or ***receive data from the memory devices . . .***” EX2044, 27 (¶ 106) (emphasis added). That non-infringement position is entirely consistent with the Petition, which points to “***memory*** operations” (such as read and write) that ***do*** transmit data to/from the ***memory*** devices. *See, e.g.*, Pet. 70–73 (“memory chips...configured to perform the first memory operation....[which] can be a read operation....”), 81–85 (“write operation”); *see also id.* 22–24 (claim construction).

Dated: February 11, 2026

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CERTIFICATE OF COMPLIANCE

I hereby certify that this **Petitioner’s Authorized Reply to Patent Owner’s Preliminary Response**, excluding the parts of the brief exempted by 37 C.F.R. § 42.24, complies with the page limits provided by the Board’s email on February 9, 2026, which stated: “Petitioner is authorized to file a 1-page reply in IPR2026-00017, due no later than Wednesday, February 11, 2026, limited to addressing the POPR matters raised below [‘The Petition fails to name all real parties in interest’ (POPR at 4–12) and ‘Samsung advances inconsistent claim constructions in its Petition and in its Delaware DJ complaint’ (POPR at 12–15)].” EX3101.

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 11th day of February, 2026, **Petitioner’s Authorized Reply to Patent Owner’s Preliminary Response** was served by email on the following counsel for Patent Owner:

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