

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

NETLIST, INC.,
Patent Owner

Case IPR2026-00017
U.S. Patent No. 9,824,035

**PATENT OWNER'S AUTHORIZED REPLY
TO PETITIONER'S OPPOSITION TO
PATENT OWNER'S BRIEF ON DISCRETIONARY DENIAL**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
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
2011-2013	<i>Intentionally Left Blank</i>
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
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

Exhibit No.	Description
2016	<i>Intentionally Left Blank</i>
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	<i>Intentionally Left Blank</i>
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> , IPR2024-00440, 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
2025-2026	<i>Intentionally Left Blank</i>
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

Exhibit No.	Description
2028	List of Patent Trial and Appeal Board proceedings listing Samsung Electronics America, Inc. as Petitioner, Docket Navigator, generated December 3, 2025
2029-2039	<i>Intentionally Left Blank</i>
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 Elecs. Co., Ltd. v. Netlist, Inc.</i> , Appeal No. 25-1378 (Fed. Cir.), December 9, 2025
2042-2043	<i>Intentionally Left Blank</i>
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
2045-2048	<i>Intentionally Left Blank</i>
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. v. Netlist, Inc.</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

Exhibit No.	Description
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
2059	Disclaimer filed in U.S. Patent No. 9,824,035, February 4, 2026

Patent Owner Netlist, Inc. (“Netlist”) files this Reply to Petitioner Samsung Electronics Co., Ltd.’s (“Samsung”) Opposition to Netlist’s Discretionary Denial Request (Paper 10, “DD Opp.”), as authorized by email on February 9, 2011.
EX3101.

In its Discretionary Denial Opposition, Samsung argues “[t]he Examiner materially erred during prosecution of challenged claims 9, 14 and 17–20 of the ’035 patent,” because these claims are allegedly “substantially identical to claims 10–13 of the ’035 patent found invalid in IPR2022-00236, and claims 7–8 of the related [U.S. Patent No. 10,860,506] found invalid in IPR2022-00711.” *See* DD Opp., 2-7. In order to streamline the issues for the Director’s review, Netlist has disclaimed claims 9, 14, and 17-20 of the ’035 patent. *See* EX2055 (disclaimer of claim 9); EX2059 (disclaimer of claims 14 and 17-20).

Respectfully submitted,

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Date: February 11, 2026

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PATENT OWNER'S AUTHORIZED
REPLY TO PETITIONER'S OPPOSITION TO PATENT OWNER'S BRIEF
ON DISCRETIONARY DENIAL** and Exhibit 2059 were served in their
entireties on February 11, 2026, upon the following parties via electronic mail:

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