

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.
SAMSUNG SEMICONDUCTOR, INC., and
AVNET, INC.,

Defendants.

Civil No. 2:25-cv-00557-JRG
(Lead Case)

JURY TRIAL DEMANDED

**DECLARATION OF JAMES KICZEK IN SUPPORT OF SAMSUNG ELECTRONICS
AMERICA, INC. AND SAMSUNG SEMICONDUCTOR, INC.'S MOTION TO DISMISS
FOR IMPROPER VENUE**

*.*a*n*t*a

I, James Kiczek, hereby declare:

1. I am an employee of Samsung Electronics America, Inc. (“SEA”) and have been for over 18 years. I am currently the Vice President of Audio and Memory.

2. I understand that in this case the defendants include SEA, Samsung Semiconductor Inc. (“SSI”), and Samsung Electronics Co., Ltd. (“SEC”). I understand that Plaintiff Netlist, Inc. accuses Samsung high-bandwidth memory (“HBM”) of infringing U.S. Patent No. 12,308,087 (“Accused HBM Products”). I understand that Netlist accuses the following products of infringing U.S. Patent No. 10,025,731: Samsung DDR4 LRDIMMs and Samsung DDR5 DIMMs in various form factors: EUDIMMs, MRDIMMs, RDIMMs, SODIMMs, SOEDIMMs, and UDIMMs (collectively, “Accused DIMM Products”).¹

3. I understand that the defendants SSI and SEA are moving to dismiss this action. I submit this declaration on behalf of SEA in support of the motion.

4. I have personal knowledge of the facts contained in this declaration or they are based on research conducted under my supervision and direction, and if called upon to do so, I could and would testify competently to the matters set forth herein.

5. SEA employees’ work primarily focuses on commercializing Samsung end-user products, such as consumer electronics products and mobile devices. Servers are not end-user products, and SEA does not sell and has not sold servers.

6. I have been informed that HBM is a type of dynamic random access memory (“DRAM”) used for high-performance computing systems requiring enormous amount of

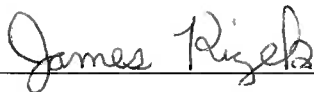
¹ I understand that “EUDIMM” refers to “ECC unbuffered dual in-line memory module”; “LRDIMM” refers to “load reduced” DIMM, “MRDIMM” refers to “multiplexed rank” DIMM; “RDIMM” refers to “registered” DIMM; SODIMM refers to “small-outline” DIMM; “SOEDIMM” refers to “small outline ECC” DIMM; and “UDIMM” refers to “unbuffered” DIMM.

computational power, such as data centers or A.I. servers. I have also been informed that HBM is not an end-user product and that it is not used in consumer electronics or mobile devices in typical home or office settings. I have been further informed that HBM is not contained in any product that SEA sells that might go into a data center or A.I. server, such as a solid-state drive.

7. As mentioned above, SEA focuses on end-user products. HBM and dual in-line memory modules (“DIMMs”) are stand-alone DRAM components and are not end-user products. SEA has not designed, manufactured, marketed, offered for sale, or sold stand-alone DRAM products or imported them into the United States since at least 2019. Moreover, SEA does not design, manufacture, market, offer for sale, sell, or import into the United States, products containing HBM, nor has it ever done so.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Date: September 11, 2025



James Kiczek

*.*a*n*t*a