

**From:** [Director\\_DI](#)  
**To:** [Williams, Eliot D.](#); [Jennifer Chagnon](#); [Director\\_DI](#); [Trials](#); [Director Discretionary Decision](#)  
**Cc:** [DL Samsung Netlist IPRs](#); [Richard M. Bemben](#); [rkim@netlist.com](#); [rchan@netlist.com](#); [frubio@netlist.com](#); [PTAB Account](#)  
**Subject:** RE: IPR2026-00017 ('035 patent) // Request for Discretionary Denial Reply  
**Date:** Monday, February 9, 2026 1:33:04 PM  
**Attachments:** [image001.png](#)

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Patent Owner is authorized to file a 1-page reply in IPR2026-00017, due no later than Wednesday, February 11, 2026, limited to addressing the discretionary matters raised below. Petitioner is authorized a 1-page sur-reply, due no later than Friday, February 13, 2026.

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. Patent Owner is authorized a 1-page sur-reply, due no later than Friday, February 13, 2026.

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**From:** Williams, Eliot D. <Eliot.Williams@BakerBotts.com>  
**Sent:** Monday, February 9, 2026 12:20 PM  
**To:** Jennifer Chagnon <JChagnon@sternekessler.com>; Director\_DI <Director\_DI@uspto.gov>; Trials <Trials@USPTO.GOV>  
**Cc:** DL Samsung Netlist IPRs <dlsamsungnetlistiprs@BakerBotts.com>; Richard M. Bemben <RBEMBEN@sternekessler.com>; rkim@netlist.com; rchan@netlist.com; frubio@netlist.com; PTAB Account <PTAB@sternekessler.com>  
**Subject:** RE: IPR2026-00017 ('035 patent) // Request for Discretionary Denial Reply

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Dear Honorable Director and Board:

Petitioner in the above-referenced IPR requests authorization to file a limited, 1-page pre-institution reply in response to the Patent Owner's Preliminary Responses (POPR), due 3 business days after authorization.

The proposed 1-page reply would be limited to responding to the following two arguments in the POPR:

- "The Petition fails to name all real parties in interest" (POPR at 4–12)
- "Samsung advances inconsistent claim constructions in its Petition and in its Delaware DJ complaint" (POPR at 12–15)

Good cause exists for a reply on the first issue given the incomplete arguments made by Patent Owner about "Real Parties in Interest." Patent Owner had never raised this argument in 15 previous petitions by Petitioner on patents in the same field of memory modules, despite the same real parties in interest being identified in the past. Good cause exists for a reply on the second issue given that the POPR does not accurately quote Samsung's non-infringement position at EX2044, 27 (¶106) because it omits the next sentence showing no inconsistency with the claim construction in the Petition.

If the proposed 1-page reply above is authorized, then Petitioner would not oppose a 1-page sur-reply by Patent Owner.

Petitioner has conferred with Patent Owner, who does not agree to the request above.

In the event the Director believes a call is necessary, the parties will provide mutually acceptable availability.

Respectfully,

Eliot D. Williams

BAKER BOTTS LLP 

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**From:** Jennifer Chagnon <[JChagnon@sternekessler.com](mailto:JChagnon@sternekessler.com)>

**Sent:** Monday, February 9, 2026 11:27 AM

**To:** [Director\\_DI@uspto.gov](mailto:Director_DI@uspto.gov); [Director\\_Discretionary\\_Decision@USPTO.gov](mailto:Director_Discretionary_Decision@USPTO.gov)

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**Subject:** IPR2026-00017 ('035 patent) // Request for Discretionary Denial Reply

**[EXTERNAL EMAIL]**

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

Honorable Director,

Patent Owner Netlist has disclaimed claims 14 and 17-20 of the '035 patent, which is at issue in the referenced IPR.

Netlist requests authorization to file a short one-page Reply to Samsung's Discretionary Denial Opposition Brief, solely to submit the disclaimer as an exhibit and bring to the Director's attention that Netlist has filed the disclaimer in order to streamline review. Netlist can file the Reply on the same day authorization is provided to do so.

Petitioner Samsung opposes Netlist's request but requests a 1-page sur-reply limited to addressing Netlist's Reply if authorized.

In the event the Director believes a call is necessary, the parties will provide mutually acceptable availability.

Best regards,

Jennifer Chagnon  
Counsel for Patent Owner

**Jennifer Meyer Chagnon**

Director

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