

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 SUR-REPLY IN SUPPORT OF
PATENT OWNER'S PRELIMINARY RESPONSE**

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Samsung's Petition should be denied because it fails to name SEA as an RPI. PO DD Br., 17-19; POPR, 4-12. Samsung does not dispute that SEA has a preexisting, established relationship with Petitioner SEC and with RPI SSI. Rather, Samsung admits: "SSI is a wholly-owned subsidiary of SEA, which itself is a wholly-owned subsidiary of SEC." EX2027, 1. SEA is also a respondent in the co-pending ITC case and a co-plaintiff in Samsung's Delaware DJ action. DD Br., 18-19; POPR, 7-9. Nor does Samsung dispute SEA would be a clear beneficiary of this IPR. Instead, Samsung represented to the Delaware court that an "immediate, real, and justiciable controversy exists" between SEA and Netlist regarding the '035 patent. EX2004, 3. SEA is an RPI that has a significant stake in this IPR.

Samsung's Reply merely incorporates arguments from other papers but does not contest these facts. Reply, 1. Samsung has not sought authorization to correct its RPI listing. Nor could it—the recent de-designation of *Proppant* and *Adello* confirms Samsung cannot correct its RPI listing, and institution should be denied. *All Samsung's Petitions against Netlist's ITC patents have the same fatal defect.*

Samsung also presents inconsistent interpretations of "memory operation" in its Petition and DJ complaint. POPR, 12-15. Samsung's Reply does nothing to resolve or explain the inconsistency. Instead, it merely points to one sentence in the DJ complaint that provides alleged examples of trainings that are not memory operations, and then incorrectly concludes that its positions are consistent. Reply, 1.

Respectfully submitted,

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Date: February 13, 2026

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

I certify that the above-captioned **PATENT OWNER'S SUR-REPLY IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE** was served in its entirety on February 13, 2026, upon the following parties via electronic mail:

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