

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

I, Danny Kim, hereby declare:

1. I am an employee of Samsung Semiconductor, Inc. (“SSI”) and have been since 2022. I am currently Senior Manager, Corporate Real Estate at SSI.

2. I understand that in this case the defendants include Samsung Electronics America, Inc. (“SEA”), 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 SSI 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. If called upon to do so, I could and would testify competently to the matters set forth herein.

5. SSI is a subsidiary of SEC. SSI is incorporated in California and headquartered at 3655 North First Street, San Jose, California. SSI is responsible for marketing and facilitating sales of Samsung HBM and dual in-line memory module (“DIMM”) products in the United States, among other things.

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.

6. SSI does not manufacture the Accused HBM Products or Accused DIMM Products (collectively, the “Accused Products”). SEC is responsible for manufacturing the Accused Products, and it does so only outside the United States.

7. HBM is a type of high-speed computer memory technology used for high-performance computing systems that demand enormous computational power, such as data centers. HBM is not an end-user product used in typical home or office settings.

8. I have reviewed the boundaries of the Eastern District of Texas as illustrated on the Court’s website at <https://www.txed.uscourts.gov/?q=court-map>.

9. SSI currently has only two offices in Texas: one in The Woodlands, and the other in Austin. I understand that The Woodlands is in Montgomery and Harris Counties, and Austin is in Travis County. The Court’s map indicates that these counties are not part of the Eastern District of Texas. I further understand that The Woodlands is under the jurisdiction of the Southern District of Texas, and that Austin is under the jurisdiction of the Western District of Texas.

10. SSI does not own, rent, lease, or otherwise occupy any offices, facilities, or other physical place in the Eastern District of Texas.

11. Plano is in Denton and Collin Counties and, thus, is part of the Eastern District of Texas. I understand that Netlist has asserted that SSI maintains facilities at 6625 Excellence Way in Plano. This is incorrect.

12. The Plano facility is not an SSI facility. The Plano facility is not associated with SSI in any way. SSI does not own, rent, or lease any space at the Plano facility. SSI employees do not work at the Plano facility. SSI employees do not work with or rely on SEA employees to market or sell Samsung HBM or DIMM products.

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

Date: 9/9/2025 | 15:10 PDT

Signed by:
Danny Kim
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Danny Kim