

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

NETLIST, INC.,

Patent Owner

---

IPR2025-01431  
Patent 10,025,731

---

**PETITIONER'S AUTHORIZED RESPONSE TO  
PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF  
THE DIRECTOR'S DECISION GRANTING INSTITUTION**

---

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	1
II. ARGUMENT .....	1
A. The Director has already considered, and repeatedly rejected, Netlist’s argument that “Samsung’s Petition fails to name SEA as an RPI” (DR Req. 2–6) .....	1
B. Netlist waived its <i>Fintiv</i> arguments concerning Google and Super Micro (DR Req. 6–8) .....	6
C. The Director has already considered, and rejected, Netlist’s argument that “Netlist has strong settled expectations in the ’731 patent” (DR Req. 8–10).....	10
III. CONCLUSION.....	12

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>Cases</b>	
<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) .....	6, 7
<i>Applications in Internet Time, LLC v. RPX Corp.</i> , 897 F.3d 1336 (Fed. Cir. 2018) .....	4, 5
<i>Aylo Freesites LTD v. DISH Techs. L.L.C.</i> , IPR2024-00940, Paper 71 (PTAB Jan. 9, 2026) .....	4
<i>Innolux Corp. v. Phenix Longhorn LLC</i> , IPR2025-00043, Paper 10 (PTAB May 15, 2025) .....	9
<i>RPX Corp. v. Applications in Internet Time, LLC</i> , IPR2015-01750, Paper 128 (PTAB Oct. 2, 2020) (precedential) .....	4, 5

<i>Samsung Elecs. Co. v. One-E-Way, Inc.</i> , IPR2025-01540, Paper 10 (PTAB Jan. 27, 2026) (Director).....	9
<i>Samsung Elecs. Co. v. SEVEN Networks, LLC</i> , IPR2018-01108, Paper 22 (PTAB Nov. 28, 2018) .....	5
<i>Samsung Elecs. Co. v. Wilus Inst. of Standards &amp; Tech. Inc.</i> , IPR2025-01165, Paper 11 (PTAB Nov. 20, 2025) (Director) .....	10
<i>Syngenta Crop Protection AG v. FMC Corp.</i> , PGR2020-00028, Paper 8 (PTAB Sept. 15, 2020).....	5
<i>WesternGeco LLC v. ION Geophysical Corp.</i> , 889 F.3d 1308 (Fed. Cir. 2018) .....	5
<i>Wi-Fi One, LLC v. Broadcom Corp.</i> , 887 F.3d 1329 (Fed. Cir. 2018) .....	5
<b>Statutes</b>	
35 U.S.C. § 315(e)(2).....	7
35 U.S.C. § 6(a) .....	1, 6
<b>Regulations</b>	
37 C.F.R. § 42.71(d) .....	1, 6
37 C.F.R. § 42.73(d)(3).....	5
<b>Other Authorities</b>	
Director Review Process, < <a href="https://www.uspto.gov/patents/ptab/decisions/director-review-process">https://www.uspto.gov/patents/ptab/decisions/director-review-process</a> >.....	6

## EXHIBIT LIST

Exhibit #	Description
1001	U.S. Patent No. 10,025,731
1002	File History of U.S. Patent No. 10,025,731 (Application No. 14/715,491), <i>available at</i> <a href="https://patentcenter.uspto.gov/applications/14715491/ifw/docs?application=">https://patentcenter.uspto.gov/applications/14715491/ifw/docs?application=</a>
1003	Declaration of Dr. Andrew Wolfe
1004	Curriculum Vitae of Dr. Andrew Wolfe
1005	U.S. Patent App. Publication No. 2006/0277355 by <u>Ellsberry</u> et al.
1006	U.S. Patent No. 7,024,518 to <u>Halbert</u> et al.
1007	U.S. Patent Application Publication No. 2006/0117152 to <u>Amidi</u> et al.
1008	U.S. Patent Application Publication No. 2006/0262586 by <u>Solomon</u> et al.
1009	JEDEC Standard Double Data Rate (DDR) SDRAM Specification, <u>JESD79</u> (June 2000)
1010	<u>JEDEC Standard 21-C</u> , DDR SDRAM Registered DIMM Design Specification (January 2002)
1011	JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2B</u> (January 2005)
1012	Declaration of John J. Kelly Regarding Records of Joint Electron Device Engineering Council (JEDEC)
1013	U.S. Patent No. 7,289,386 to Bhakta et al.
1014	U.S. Patent No. 7,532,537 to Solomon et al.
1015	U.S. Patent No. 8,417,870 to Lee et al.
1016	U.S. Patent Application Publication No. 2005/0052200 to <u>Nguyen</u> et al.
1017	U.S. Patent No. 8,516,185 to Lee et al.
1018	U.S. Patent No. 7,020,818 to <u>Dour</u> et al.
1019	U.S. Patent Application Publication No. 2007/0247185 to <u>Oie</u> et al.
1020	U.S. Patent No. 7,079,446 to <u>Murtagh</u> et al.
1021	U.S. Patent No. 7,646,213 to <u>Kao</u>

Exhibit #	Description
1022	U.S. Provisional Application No. 61/044,839 (filed Apr. 14, 2008), available at <a data-bbox="380 342 1414 420" href="https://patentcenter.uspto.gov/applications/61044839/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/61044839/ifw/docs?application=&gt;</a>
1023	U.S. Provisional Application No. 61/044,825 (filed Apr. 14, 2008), available at <a data-bbox="380 522 1414 600" href="https://patentcenter.uspto.gov/applications/61044825/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/61044825/ifw/docs?application=&gt;</a>
1024	U.S. Provisional Application No. 61/044,801 (filed Apr. 14, 2008), available at <a data-bbox="380 711 1414 789" href="https://patentcenter.uspto.gov/applications/61044801/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/61044801/ifw/docs?application=&gt;</a>
1025	File History of U.S. Patent Application No. 12/422,853 (filed Apr. 13, 2009), available at <a data-bbox="380 892 1414 970" href="https://patentcenter.uspto.gov/applications/12422853/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/12422853/ifw/docs?application=&gt;</a>
1026	U.S. Patent No. 8,154,901
1027	File History of U.S. Patent Application No. 13/412,243 (filed Mar. 5, 2012), available at <a data-bbox="380 1134 1414 1211" href="https://patentcenter.uspto.gov/applications/13412243/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/13412243/ifw/docs?application=&gt;</a>
1028	U.S. Patent No. 8,782,350
1029	File History of U.S. Patent Application No. 14/324,990 (filed July 7, 2014), available at <a data-bbox="380 1375 1414 1453" href="https://patentcenter.uspto.gov/applications/14324990/ifw/docs?application=">&lt;https://patentcenter.uspto.gov/applications/14324990/ifw/docs?application=&gt;</a>
1030	U.S. Patent No. 9,037,809
1031	U.S. Patent No. 7,782,082 to <u>Oh</u> et al.
1032	U.S. Patent No. 7,977,968 to <u>Kim</u> et al.
1033	U.S. Patent No. 7,945,793 to <u>Wilcox</u>
1034	U.S. Patent No. 7,068,064 to <u>Yen</u>
1035	<u>Stone</u> , H.S. <i>Microcomputer Interfacing</i> , Reading, MA: Addison Wesley, 1982
1036	U.S. Patent Application Publication No. 2006/0066351 to <u>Lau</u>

Exhibit #	Description
1037	Stephen <u>Brown</u> et al., <i>Fundamentals of Digital Logic with Verilog Design</i> (2d ed. 2008)
1038	Applications Note: Understanding DRAM Operation, IBM (1996), downloaded from <a href="https://web.archive.org/web/20150619221528/https://compas.cs.stonybrook.edu/~nhonarmand/courses/sp15/cse502/res/dramop.pdf">https://web.archive.org/web/20150619221528/https://compas.cs.stonybrook.edu/~nhonarmand/courses/sp15/cse502/res/dramop.pdf</a> [EX2010 in IPR2022-00639]
1039	U.S. Patent Application Publication No. 2008/0218290 to <u>Abadeer</u> et al.
1040	Bruce Jacob, <i>Synchronous DRAM Architectures, Organizations, and Alternative Technologies</i> (Dec. 10, 2002)
1041	Bruce Jacob et al., <i>Memory System: Cache, DRAM, Disk</i> (2008) (excerpts)
1042	Proposed First Amended Complaint, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , No. 1:25-cv-00626 (D. Del. filed Aug. 1, 2025) (U.S. Patent No. 10,025,731)
1043	Complaint in <i>Micron Technology, Inc. et al. v. Netlist, Inc.</i> , No. 1:25-cv-00863 (D. Del. filed July 10, 2025) (U.S. Patent No. 10,025,731)
1044	First Amended Complaint, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. filed July 8, 2025) (U.S. Patent No. 10,025,731)
1045	First Amended Complaint, <i>Netlist, Inc. v. Micron Technology, Inc.</i> , No. 2:25-cv-00558 (E.D. Tex. filed July 8, 2025) (U.S. Patent No. 10,025,731)
1046	Netlist’s infringement contentions against Samsung (Redacted Exhibit B-1) in <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. July 16, 2025) (U.S. Patent No. 10,025,731)
1047	Netlist’s infringement contentions against Samsung (Redacted Exhibit B-2) in <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. July 16, 2025) (U.S. Patent No. 10,025,731)

Exhibit #	Description
1048	JEDEC Standard DDR3 SDRAM Standard, <u>JESD79-3</u> (June 2007), available at <a href="https://web.archive.org/web/20070717214353/http://www.jedec.org/Catalog/display.cfm">https://web.archive.org/web/20070717214353/http://www.jedec.org/Catalog/display.cfm</a> , <a href="https://web.archive.org/web/20070926225257/http://www.jedec.org/DOWNLOAD/search/JESD79-3.pdf">https://web.archive.org/web/20070926225257/http://www.jedec.org/DOWNLOAD/search/JESD79-3.pdf</a>
1049	Declaration of Julie Carlson re: JEDEC Standard Double Data Rate (DDR) SDRAM Specification, <u>JESD79</u> (June 2000)
1050	Declaration of Julie Carlson re: <u>JEDEC Standard 21-C</u> , DDR SDRAM Registered DIMM Design Specification (January 2002)
1051	JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2A</u> (January 2004)
1052	Declaration of Julie Carlson re: JEDEC Standard DDR2 SDRAM Specification, <u>JESD79-2A</u> (January 2004)
1053	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2017-00577, Paper No. 26 (July 5, 2018) (U.S. Patent No. 8,516,185)
1054	U.S. Patent No. 9,606,907
1055	[omitted]
1056	[omitted]
1057	[omitted]
1058	[omitted]
1059	[omitted]
1060	[omitted]
1061	[omitted]
1062	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2018-00362 and -00363, Paper No. 29 (PTAB June 27, 2019) ('907 patent)
1063	[omitted]
1064	Dismissal of Patent Owner's Appeal in IPR2018-00362 and -00363 (July 15, 2020) ('907 patent)
1065	U.S. Patent 10,949,339
1066	Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00639, Paper 45 (PTAB Oct. 18, 2023) ('339 patent)

Exhibit #	Description
1067	Decision Denying Patent Owner’s Request on Rehearing of Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00639, Paper 48 (PTAB Feb. 9, 2024) (’339 patent)
1068	[omitted]
1069	[omitted]
1070	[omitted]
1071	[omitted]
1072	[omitted]
1073	[omitted]
1074	[omitted]
1075	[omitted]
1076	[omitted]
1077	[omitted]
1078	Final Written Decision, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , IPR2022-00615, Paper 96 (PTAB Apr. 17, 2024) (’912 patent)
1079	U.S. Patent No. 7,619,912 (’912 patent)
1080	Final Written Decision, <i>SK hynix Inc. et al. v. Netlist, Inc.</i> , IPR2017-00549, Paper No. 30 (PTAB May 3, 2018) (’364 patent)
1081	U.S. Patent No. 8,756,364 (’364 patent)
1082	U.S. Patent Application Publication No. 2002/0112119 to <u>Halbert et al.</u>
1083	U.S. Patent No. 8,250,295 to <u>Amidi et al.</u>
1084	U.S. Patent No. 9,014,318 to <u>Hollis</u>
1085	Netlist’s Technology Tutorial
1086	JEDEC Standard, FBDIMM: Advanced Memory Buffer (AMB), JESD82-20 (March 2007) (“JESD82-20”)
1087	DDR2 SDRAM datasheet (2006), available at <a href="https://web.archive.org/web/20060324202631/http://www.micron.com/products/dram/ddr2sdram/part.aspx?part=MT47H128M8BT-3">https://web.archive.org/web/20060324202631/http://www.micron.com/products/dram/ddr2sdram/part.aspx?part=MT47H128M8BT-3</a> , <a href="https://web.archive.org/web/20060324085459/http://download.micron.com/pdf/datasheets/dram/ddr2/1GbDDR2.pdf">https://web.archive.org/web/20060324085459/http://download.micron.com/pdf/datasheets/dram/ddr2/1GbDDR2.pdf</a>

Exhibit #	Description
1088	Declaration of Julie Carlson for JESD82-20
1089	Transcript of deposition of Andrew Wolfe, Ph.D. (Jan. 4, 2023) in IPR2022-00615 ('912 patent) [EX2103 in IPR2022-00615]
1090	Transcript of deposition of Michael C. Brogioli, Ph.D. (Oct 3, 2023) in IPR2022-00615 ('912 patent) [EX1101 in IPR2022-00615]
1091	[omitted]
1092	Transcript of deposition of Michael C. Brogioli, Ph.D. (Mar. 30, 2023) in IPR2022-00639 ('339 patent)
1093	Invalidity claim chart by Dr. Andrew Wolfe
1094	Netlist Form 10-K (Annual Report) for 2023, <i>available at</i> < <a href="https://investors.netlist.com/filings-financials/sec-filings">https://investors.netlist.com/filings-financials/sec-filings</a> >.
1095	Netlist Form 10-K (Annual Report) for 2024, <i>available at</i> < <a href="https://investors.netlist.com/filings-financials/sec-filings">https://investors.netlist.com/filings-financials/sec-filings</a> >.
1096	Netlist Form 10-Q (Quarterly Report) through September 2025, <i>available at</i> < <a href="https://investors.netlist.com/filings-financials/sec-filings">https://investors.netlist.com/filings-financials/sec-filings</a> >.
1097	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00999, Paper 51 (PTAB Dec. 5, 2023) (U.S. Patent No. 11,232,054)
1098	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00996, Paper 49 (PTAB Dec. 6, 2023) (U.S. Patent No. 11,016,918)
1099	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00996 and -00999, Papers 53 & 56 (PTAB Mar. 18, 2024) (U.S. Patent Nos. 11,016,918 and 11,232,054)
1100	[omitted]
1101	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00615, Paper 103 (PTAB July 10, 2024) (U.S. Patent No. 7,619,912)
1102	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 45 (PTAB July 30, 2024) (U.S. Patent No. 11,093,417)

Exhibit #	Description
1103	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2023-00454, Paper 47 (PTAB Oct. 8, 2024) (U.S. Patent No. 11,093,417)
1104	Notice of Oral Argument on December 5, 2025, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , No. 2025-1378 (Fed. Cir. Oct. 21, 2025) (IPR2023-00847 of U.S. Patent No. 10,268,608)
1105	Order Granting Motion to Stay, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , No. 1:21-cv-01453 (D. Del. Dec. 1, 2023) (U.S. Patent No. 10,217,523)
1106	Samsung’s Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Nov. 24, 2025) (U.S. Patent No. 10,025,731)
1107	Micron’s Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Micron Technology, Inc. et al.</i> , No. 2:25-cv-00558 (E.D. Tex. July 22, 2025) (U.S. Patent No. 10,025,731)
1108	U.S. District Courts–Combined Civil and Criminal Federal Court Management Statistics (March 31, 2025), <i>available at</i> < <a href="https://www.uscourts.gov/data-news/data-tables/2025/03/31/federal-court-management-statistics/n-a-1">https://www.uscourts.gov/data-news/data-tables/2025/03/31/federal-court-management-statistics/n-a-1</a> >
1109	ITC, Notice of Receipt of Complaint, 90 Fed. Reg. 51,406 (Nov. 17, 2025), <i>available at</i> < <a href="https://www.federalregister.gov/documents/2025/11/17/2025-19973/notice-of-receipt-of-complaint-solicitation-of-comments-relating-to-the-public-interest">https://www.federalregister.gov/documents/2025/11/17/2025-19973/notice-of-receipt-of-complaint-solicitation-of-comments-relating-to-the-public-interest</a> >
1110	ITC, Tolling of Deadlines (Nov. 14, 2025), <i>available at</i> < <a href="https://www.usitc.gov/press_room/2025_lapse_of_appropriations">https://www.usitc.gov/press_room/2025_lapse_of_appropriations</a> >
1111	Section 337 Statistics: Average Length of Investigations (Apr. 11, 2025), <i>available at</i> < <a href="https://www.usitc.gov/intellectual_property/337_statistics_average_length_investigations.htm">https://www.usitc.gov/intellectual_property/337_statistics_average_length_investigations.htm</a> >
1112	Memorandum re: Director Institution of AIA Trial Proceedings (Oct. 17, 2025), <i>available at</i> < <a href="https://www.uspto.gov/subscription-center/2025/director-institution-aia-trial-proceedings">https://www.uspto.gov/subscription-center/2025/director-institution-aia-trial-proceedings</a> >

Exhibit #	Description
1113	Memorandum re: Interim Processes for PTAB Workload Management (Mar. 26, 2025), <i>available at</i> < <a href="https://www.uspto.gov/subscription-center/2025/uspto-issues-new-interim-process-concerning-institution-aia-proceedings">https://www.uspto.gov/subscription-center/2025/uspto-issues-new-interim-process-concerning-institution-aia-proceedings</a> >
1114	Memorandum re: Final Written Decision Procedures for AIA Trial Proceedings (July 29, 2025), <i>available at</i> < <a href="https://www.uspto.gov/subscription-center/2025/ptab-issued-memorandum-aia-trials">https://www.uspto.gov/subscription-center/2025/ptab-issued-memorandum-aia-trials</a> >
1115	Samsung Semiconductor, About Us, <i>available at</i> < <a href="https://semiconductor.samsung.com/about-us/locations/us/">https://semiconductor.samsung.com/about-us/locations/us/</a> >
1116	Samsung Semiconductor, Inc., Articles of Incorporation in California (July 13, 1992), <i>available at</i> < <a href="https://bizfileonline.sos.ca.gov/search/business">https://bizfileonline.sos.ca.gov/search/business</a> >
1117	Samsung Semiconductor, Inc., California Statement of Information (Apr. 15, 2025), <i>available at</i> < <a href="https://bizfileonline.sos.ca.gov/search/business">https://bizfileonline.sos.ca.gov/search/business</a> >
1118	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01428, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 8,787,060)
1119	Final Written Decision, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427, Paper 48 (PTAB Apr. 1, 2024) (U.S. Patent No. 9,318,160)
1120	Order Denying Director Review, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-01427 and -01428, Paper 52 (PTAB June 17, 2024)
1121	Memorandum re: Guidance on USPTO’s rescission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation” (Mar. 24, 2025), <i>available at</i> < <a href="https://www.uspto.gov/patents/ptab/resources">https://www.uspto.gov/patents/ptab/resources</a> >
1122	Complaint, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:21-cv-00463 (E.D. Tex. filed Dec. 20, 2021) (accusing DDR5 RDIMMs, DDR5 SODIMMs, and DDR5 UDIMMs of infringement)

Exhibit #	Description
1123	CPC Classification G06F (Electrical Digital Data Processing), <i>available at</i> < <a href="https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G06F.html">https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G06F.html</a> >
1124	CPC Classification G11C (Static Stores), <i>available at</i> < <a href="https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G11C.html">https://www.uspto.gov/web/patents/classification/cpc/html/cpc-G11C.html</a> >
1125	Class 326 (Electronic Digital Logic Circuitry), <i>available at</i> < <a href="https://www.uspto.gov/web/patents/classification/uspc326/sched326.htm">https://www.uspto.gov/web/patents/classification/uspc326/sched326.htm</a> >
1126	Samsung investments in the United States, <i>available at</i> < <a href="https://semiconductor.samsung.com/sas/company/taylor/">https://semiconductor.samsung.com/sas/company/taylor/</a> >
1127	Notice postponing vote on institution until December 29, 2025, <i>In the Matter of Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof</i> , Inv. No. 337-TA-3854 (USITC Dec. 10, 2025) (U.S. Patent No. 10,025,731)
1128	Samsung's withdrawal of indefiniteness contentions, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Dec. 16, 2025) (U.S. Patent No. 10,025,731)
1129	Declaration of James Kiczek (SEA), <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Sept. 11, 2025)
1130	Declaration of Danny Kim (SSI), <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , No. 2:25-cv-00557 (E.D. Tex. Sept. 11, 2025)
1131	Order determining Google is not a Real Party-in-Interest or Privy of Samsung, <i>Samsung Electronics Co., Ltd. v. Netlist, Inc.</i> , IPR2022-00615, Paper 64 (PTAB July 13, 2023)
1132	Complaint for Declaratory Judgment, <i>Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc. v. Netlist, Inc.</i> , No. 1:25-cv-01453 (D. Del. filed Oct. 15, 2021)
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

Exhibit #	Description
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 <a href="https://www.samsungventure.co.kr/english/jsp/company/company.jsp">https://www.samsungventure.co.kr/english/jsp/company/company.jsp</a> (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	Consolidation Order, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), June 26, 2025
2012	Docket Control Order, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), July 25, 2025
2013	First Amended Complaint, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), July 8, 2025
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
2016	Samsung Defendants' P.R. 3-3 Invalidity Contentions, <i>Netlist Inc. v. Samsung Electronics Co., Ltd.</i> , Case No. 2:25-cv-00557 (E.D. Tex.), September 24, 2025
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

Exhibit #	Description
2018	List of Patent Trial and Appeal Board proceedings filed by Samsung Electronics Co., Ltd. against Netlist, Inc.’s Patents, Docket Navigator, generated November 3, 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 <a href="https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3">https://www.wsj.com/economy/trade/trump-chip-tariffs-exemptions-90fa2ab3</a> (last accessed September 26, 2025)
2022	Netlist, Inc. Form 8-K, United States Securities and Exchange Commission, November 12, 2015
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> , IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1),” United States Patent and Trademark Office Memorandum, October 28, 2025
2025	Public Redated Version of Proposed First Amended Complaint for Declaratory Judgment of Non-Infringement, <i>Samsung Electronics Co., Ltd. et al. v. Netlist, Inc.</i> , Case No. 1:25-cv-00626-JLH (D. Del.), July 29, 2025
2026	Defendants Samsung Semiconductor, Inc. and Samsung Electronics America, Inc.’s Motion to Dismiss for Improper Venue, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:25-cv-00557-JRG (E.D. Tex.), November 24, 2025
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
2028	List of Patent Trial and Appeal Board proceedings listing Samsung Electronics America, Inc. as Petitioner, Docket Navigator, generated December 3, 2025
2029	Word Count of Petition in IPR2025-01431, including image annotations

<b>Exhibit #</b>	<b>Description</b>
2030	Trial Transcript, Volume 3, <i>Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.</i> , Case No. 2:21-cv-00463-JRG (E.D. Tex.), April 18, 2023

## I. INTRODUCTION

Netlist’s Request for Director Review (Paper 26) of the institution decision by the Director (Paper 21) should be denied. The Director *already* reviewed the papers in this case and rejected Netlist’s arguments about “discretionary considerations,” *see* Paper 19, at 2, and then rejected Netlist’s arguments on the “merits,” *see* Paper 21, at 2. Given the extensive briefing that the Director has already reviewed, *see* Papers 6, 9, 11, 15, 16, 17, 18, Netlist’s request for Director review of the Director’s own institution decision is really just a request for reconsideration, but as explained below, there have been no changes in the facts or the law that would warrant yet another review by the Director, especially given that Netlist’s request fails to “specifically identify all matters [Netlist] believes the Board [which includes the Director, *see* 35 U.S.C. § 6(a)] misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, a reply, or a sur-reply.” 37 C.F.R. § 42.71(d).

## II. ARGUMENT

### A. **The Director has already considered, and repeatedly rejected, Netlist’s argument that “Samsung’s Petition fails to name SEA as an RPI” (DR Req. 2–6)**

Netlist is incorrect that “Samsung’s Petition fails to name SEA as an RPI.” DR Req. 2–6. This is the same argument that the Director has already considered, and repeatedly rejected, not only in this IPR, *see* Paper 9 at 4–13; Paper 15 at 1–4; Paper 18 at 1–4; Paper 19, at 2; Paper 21, at 2, but also in PGR2025-00071, Paper

12 at 8–17; Paper 16 at 1–4; Paper 19 at 1–4; Paper 20, at 2; Paper 22, at 2. There has been no change in the facts or the law since those institution decisions on February 18th, and thus Netlist’s arguments are incorrect for the same reasons provided before, which are summarized here:

SEA is merely an alleged purchaser or user of the accused products, and not a *real* party in interest, which the Petition correctly identifies as SEC (Korea) — the Petitioner, “responsible for manufacturing the Accused [Products]” — and SSI (California), the subsidiary of SEC (Korea) “responsible for marketing and facilitating sales of [the Accused Products] in the United States.” EX2026, 3–4; *see also* Paper 1, 1 (“The real parties in interest are the Petitioner, [SEC (Korea)], and [SSI (California)]”); Paper 2 (power of attorney recognizing SEC (Korea) as controlling the Petition).

SEA, in contrast, is a different subsidiary of SEC (Korea) that is *not* responsible for the Accused Products and instead “focuses on commercializing Samsung end-user products, such as consumer electronics products and mobile devices,” which are *not* accused of infringing the challenged patent. EX2026, 4. Netlist named SEA as a token defendant to try to establish venue in the Eastern District of Texas, EX2013, ¶¶ 11–12, which Samsung disputes is proper, *see* EX2026, and is why SEA joined in mirror-image declaratory judgment actions asserting venue is proper in Delaware, *see* EX2025. In the original lawsuit, before

disputes about venue in Texas, only SEC (Korea) and SSI (California) were named in Delaware, *see* EX1132, given they are the only *real* parties in interest.

Netlist has had in its possession for months — but failed to disclose in its request for Director Review — declarations confirming the facts above, including the following:

- “SSI [California] is responsible for marketing and facilitating sales of Samsung HBM and dual in-line memory module (‘DIMM’) products in the United States....SEC [Korea] is responsible for manufacturing the Accused Products, and it does so only outside the United States.” EX1130, ¶¶ 5–6.
- “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.” EX1129, ¶ 7.

Unsurprisingly, given these facts, Petitioner has consistently named only SEC (Korea) and SSI (California) as the real parties in interest — and never SEA or any customers — in over 15 petitions against Netlist over the past four years in cases involving HBM and DIMMs (the products accused of infringing the patents in this IPR and PGR2025-00071). *See, e.g.*, IPR2022-00062 to -64; IPR2022-00615; IPR2022-00639; IPR2022-00711; IPR2022-00996; IPR2022-00999; IPR2022-01427 to -28; IPR2023-00454 to -55; IPR2023-00847; IPR2025-00001 to -02. The

facts here are thus the opposite of the case cited by Netlist, *see* DR Req. 4, where the “Petitioner previously identified [another company named] 9219 as an RPI in an *inter partes* review pertaining to similar technology, and Petitioner provides no facts or evidence to show why the instant case should be treated differently.” *Aylo Freesites LTD v. DISH Techs. L.L.C.*, IPR2024-00940, Paper 71, at 7 (PTAB Jan. 9, 2026).

Netlist has never argued, in any of the previous 15 petitions over the past four years, that SEA is a real party in interest under *AIT* or *RPX* (despite Netlist repeatedly naming SEA as a defendant in the related litigation). And the Board has specifically rejected Netlist’s argument under *AIT* and *RPX* that a *customer* (such as SEA) becomes a *real* party in interest or privy simply because Netlist has named that customer as a defendant in related litigation:

Petitioner [SEC (Korea)] contends that it is the real party-in-interest in this proceeding and that the relationship between [its customer] Google and Petitioner is nothing more than a ‘standard customer-manufacturer relationship for the [accused] product’ . . . . Petitioner’s and Google’s interests are aligned insofar as they have been accused of infringing the same patent, but the evidence shows that they are acting independently, and that Petitioner did not file the Petition at the behest of or on behalf of Google. . . . Petitioner provides compelling authority that a manufacturer-customer relationship alone does not establish privy, even with indemnity provisions.

EX1131, 13, 14, 23 (citing *Wi-Fi One, LLC v. Broadcom Corp.*, 887 F.3d 1329, 1340–41 (Fed. Cir. 2018); *WesternGeco LLC v. ION Geophysical Corp.*, 889 F.3d 1308, 1321 (Fed. Cir. 2018); *Samsung Elecs. Co. v. SEVEN Networks, LLC*, IPR2018-01108, Paper 22, at 11 (PTAB Nov. 28, 2018)); EX1078, 3.

There is no basis to permit Netlist to relitigate “real party in interest” and privity under *AIT* and *RPX* now, after so many years and petitions, and after losing on these issues in the past as shown above. 37 C.F.R. § 42.73(d)(3). Netlist now argues that SEA is an RPI because “SEA is a . . . parent of SSI,” Paper 9 at 8, but that is incorrect: “The traditional rule is that mere status as a corporate parent is insufficient to render an entity an RPI (or even a privy).” *Syngenta Crop Protection AG v. FMC Corp.*, PGR2020-00028, Paper 8, at 15 (PTAB Sept. 15, 2020). Nor is it sufficient that SEA is named as a token defendant or has a customer relationship, as explained above. The relevant factors here are the ***opposite*** of *AIT/RPX*, given “[m]ost critically” that SEA did not “pa[y]” Petitioner to “reduce” its “exposure” and given that Petitioner has the “apparent risk of infringement liability” while SEA has little to none in comparison. *RPX*, IPR2015-01750, Paper 128, at 31; EX1128, 18–19. Netlist argues that “nowhere . . . does Samsung provide evidence, or even a clear statement, that it is not representing SEA’s interest in avoiding liability for infringement,” DR Req. 5, but that ignores the evidence quoted above, *see* EX1130, ¶¶ 5–6; EX1129, ¶ 7, and that

is the same type of argument that the Board previously rejected when it “determine[d] that Petitioner [SEC (Korea)] is acting in its *own* interest to avoid liability and defend its ability to sell [the accused] memory modules,” EX1131, 18 (emphasis added).

In sum, Petitioner correctly named its RPIs, as the Director has repeatedly found by instituting this IPR and PGR2025-00071 after Netlist repeatedly raised this same argument in its pre-institution briefs. *See* Paper 9 at 4–13; Paper 15 at 1–4; Paper 18 at 1–4; PGR2025-00071, Paper 12 at 8–17; PGR2025-00071, Paper 16 at 1–4; PGR2025-00071, Paper 19 at 1–4.

**B. Netlist waived its *Fintiv* arguments concerning Google and Super Micro (DR Req. 6–8)**

Netlist has waived its *Fintiv* arguments concerning Google and Super Micro. *See* DR Req. 6–8. Tellingly, Netlist never “specifically identif[ies] [what Netlist] believes the Board [which includes the Director, *see* 35 U.S.C. § 6(a)] misapprehended or overlooked,” 37 C.F.R. § 42.71(d), because Netlist never presented these arguments to the Director in the first place, which is fatal: “The Director will not consider . . . new arguments not part of the official record.” *See* <<https://www.uspto.gov/patents/ptab/decisions/director-review-process>> (§ 3.E).

By way of background, Netlist’s briefs in support of discretionary denial made *Fintiv* arguments about Samsung, but Netlist’s briefs never mentioned Google or Super Micro (who are other companies that have also been sued by

Netlist), thus waiving any *Fintiv* arguments concerning them. *See* Paper 6 at 14–16; Paper 16 at 3–4. Samsung’s briefs, in turn, also never mentioned Google or Super Micro. *See* Paper 11 at 13–18; Paper 17 at 1–2. Instead, Samsung emphasized that “[t]his proceeding is far ahead of Netlist’s retaliatory ITC action,” and thus the *Fintiv* factors favored institution. *Id.* Indeed, at the time of the discretionary denial briefs in December, the ITC action had not even been instituted. *Id.*

After this IPR was instituted on February 18, 2026, Samsung faced a deadline on March 4th to respond to Netlist’s interrogatory in the ITC concerning invalidity. But as Netlist already knew from the pre-institution briefing, Samsung had no reason to pursue invalidity arguments in the ITC, given that the broad statutory estoppel under 35 U.S.C. § 315(e)(2) would apply *months* before the Initial Determination date in the ITC of “May 3, 2027.” Paper 20, at 1. Thus, unsurprisingly, on March 4th, Samsung did not serve *any* invalidity contentions in the ITC for the challenged patent, and Samsung expressly stipulated that it would not do so in the future so long as this IPR was not de-instituted, ensuring that this PGR would be a “true alternative” to the ITC proceeding. In addition, neither Samsung, Netlist, nor any respondent has proposed any claim constructions in the ITC for the challenged patent, consistent with the IPR, *see* Pet. 29, thus mooting Netlist’s speculation about the possibility of “inconsistent claim constructions” in

the ITC, DR Req. 8.

Netlist argues that Samsung’s “stipulation is untimely and should not be considered,” DR Req. 6, yet it was Netlist that raised the stipulation in its request for Director Review, not Samsung. In any event, the stipulation is not untimely because as explained above it was in response to the March 4th deadline to respond to Netlist’s interrogatory in the ITC concerning invalidity, and the stipulation merely explained why Samsung was not providing any invalidity contentions in the ITC (consistent with what Samsung had already explained in its pre-institution briefing).

Netlist argues that Samsung’s stipulation not to pursue invalidity in the ITC “is illusory because it covers only the Samsung entities involved in the dispute with Netlist (i.e., SEC, SEA, and SSI) but does not bind the other respondents at the ITC, Google and Super Micro.” DR Req. 6.

But as explained above, Netlist has waived any arguments concerning Google and Super Micro: Netlist’s suit against Google and Super Micro was filed back in September, *see* EX2015, 17–18 (¶¶28–34), but Netlist never mentioned Google or Super Micro in any of its discretionary denial briefs filed in November and December, *see* Paper 6 at 14–16; Paper 16 at 3–4, thus waiving such arguments for purposes of Director review as explained above. Furthermore, Google and Super Micro responded to the ITC complaint on February 3rd (before

the institution decision on February 18th), but Netlist again never raised any arguments about Google or Super Micro. It is improper for Netlist to wait to see the results of the institution decision, and then to request a second bite at the apple simply because it is disappointed with the results of its first bite.

In any event, Netlist's argument is entirely speculative — the ITC action is at its earliest stages, so it is speculative the extent to which other respondents may actually pursue invalidity arguments as the ITC action progresses — and Netlist's belated argument does not support discretionary denial, since Samsung does not control Google or Super Micro, and it was Netlist's decision to complicate the ITC action by naming Google and Super Micro as respondents, not Samsung's decision. *See, e.g., Innolux Corp. v. Phenix Longhorn LLC*, IPR2025-00043, Paper 10, at 12 (PTAB May 15, 2025) (finding that petitioner's *Sotera* stipulation supported the conclusion that “the facts underlying [*Fintiv* factor 4] weigh against exercising our discretion to deny institution,” despite the patent owner's argument that “other defendants are not subject to Petitioner's stipulation or bound to this proceeding's results”); *Samsung Elecs. Co. v. One-E-Way, Inc.*, IPR2025-01540, Paper 10, at 2 (PTAB Jan. 27, 2026) (Director decision not to discretionarily deny institution, despite the argument by the patent owner in Paper 6 at 14 that “Petitioner's expected *Sotera* stipulation does not mitigate issues of duplication of efforts because it is not binding on Petitioner's co-defendants in the related

litigation,” and consistent with the argument by the petitioner in Paper 9 at 6–7 that “there is no set deadline for stipulations” and “this factor favors institution *even if* other defendants are not bound [by the stipulation]”); *Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-01165, Paper 11, at 2 (PTAB Nov. 20, 2025) (Director decision not to discretionarily deny institution, despite the argument by the patent owner in Paper 6 at 13 that the petitioner’s *Sotera* stipulation “does not prevent the same references from being raised in the Co-Pending Litigation by another Defendant,” and consistent with the argument by the petitioner in Paper 8 at 18 that it would be “unreasonable and unsupported by PTAB precedent” to expect a petitioner to “control co-defendants’ actions”).

**C. The Director has already considered, and rejected, Netlist’s argument that “Netlist has strong settled expectations in the ’731 patent” (DR Req. 8–10)**

Netlist is incorrect that it has “strong settled expectations in the ’731 patent.” DR Req. 8–10. This is the same argument that the Director has already considered and rejected. *See* Paper 6 at 7–10; Paper 11 at 3–9; Paper 16 at 4; Paper 17, at 4; Paper 19, at 2; Paper 21, at 2. There has been no change in the facts or the law since the institution decision on February 18th, and thus Netlist’s arguments are incorrect for the same reasons provided before, which are summarized here:

The only party with settled expectations is Samsung, not Netlist, especially in light of the Examiner’s egregious material errors during prosecution. The

Examiner *completely failed* to search the prior art for the key limitation in the '731 patent — an “impedance matching” circuit in limitations [1.e.2] and [1.f.2] — because he repeatedly only searched for the misspelled word “impedence,” and he never searched the classes specifically devoted to “impedance matching” circuits. *See* Paper 11, at 3–4. The Examiner also erred by searching only for “ranks” without also searching for “banks,” which was another term under the relevant JEDEC standards used to refer to the same thing as “ranks.” *Id.* at 4–5. As a result of these searching errors, the Examiner never found the key references in the Petition that clearly invalidate all claims (Dour and Ellsberry), and instead he allowed the claims without a single rejection. *Id.*

Netlist now argues that the Examiner’s errors above are “irrelevant because Samsung does not allege that either reference [in the Petition, Ellsberry and Dour] teaches [1.e.2] and [1.f.2].” DR Req. 9–10. Netlist is incorrect, because the Petition asserts that Dour is material to *both* [1.e.2] and [1.f.2]. *See* Pet. 68–69 (arguing for [1.e.2] that “Dour’s ‘on die termination circuit’ which ‘may be programmed,’ EX1018, Abstract” teaches the claim limitation “*at least one programmable impedance matching circuit*” (emphasis added)); Pet. 74 (arguing for [1.f.2] that “Dour’s ‘programmable on die termination circuit’ implemented in Ellsberry’s ‘bidirectional signal drivers 402 & 404’” teaches [1.f.2]).

Samsung’s extensive “settled expectations” also weigh against discretionary

denial. Paper 11, at 6–7. Four years ago, after the ’731 patent issued, Netlist accused Samsung’s products of infringing a different patent (the ’918 patent), which Samsung invalidated with a Final Written Decision in IPR2022-00996. *Id.* Now Netlist is asserting the ’731 patent against the *same* products that were at issue in Netlist’s lawsuit four years ago, upsetting Samsung’s “settled expectations” with respect to its products. *Id.* Furthermore, Samsung’s successful challenge to the related ’339 patent — resulting in extensive factual findings estopping Netlist with respect to virtually every claim limitation in the ’731 patent — also created “settled expectations” for Samsung and weighs against discretionary denial here. *Id.* at 7–9.

Netlist relies extensively on previous licenses to try to show “settled expectations” in the ’731 patent, but the fact is that Netlist put the ’731 patent “in a drawer” soon after it issued in 2018. *Id.* at 11–13. The reason why is clear: the Board repeatedly found related patents invalid in 2018, 2019, 2023, and 2024, creating an expectation that the ’731 patent would also be invalidated if it were ever asserted. *Id.* So Netlist never did, until now, despite years and years of litigation against Samsung involving many other patents.

### **III. CONCLUSION**

Netlist’s Request for Director Review (Paper 26) should be denied.

Dated: March 12, 2026

/Eliot D. Williams/  
Eliot D. Williams, Reg. #50,822  
**BAKER BOTTS L.L.P.**  
700 K Street, N.W.  
Washington, D.C. 20001  
T: (202) 639-1334  
F: (202) 639-1167

Theodore W. Chandler  
Reg. No. 50,319  
**BAKER BOTTS L.L.P.**  
1801 Century Park East  
Suite 2400  
Los Angeles, CA 90067  
T: (213) 202-5702  
F: (213) 202-5732

Ferenc Pazmandi  
Reg. No. 66,216  
**BAKER BOTTS L.L.P.**  
101 California Street  
Suite 3200  
San Francisco, CA 94111  
T: (415) 291-6255  
F: (415) 291-6355

Mark A. Speegle  
Reg. No. 77,512  
**BAKER BOTTS L.L.P.**  
401 South First Street, Suite 1300  
Austin, Texas 78704  
T: (512) 322-2536  
F: (512) 322-3636

*Counsel for Petitioner*  
*Samsung Electronics Co., Ltd.*

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this **Petitioner’s Authorized Response to Patent Owner’s Request for Director Review of the Director’s Decision Granting Institution**, excluding the parts of the brief exempted by 37 C.F.R. § 42.24, complies with the page limits provided by the Director’s email on March 5, 2026, which stated: “Petitioner is authorized to submit a response limited to the issues raised in the Director Review request, of no more than 15 pages, to be filed within five business days of this email. Any such response must be filed in P-TACTS, i.e., by selecting the ‘Other: Other’ paper type and the paper must be titled ‘Authorized Response to Director Review Request’ or it may not be considered. No new evidence is permitted. No further briefing is authorized at this time.” EX3102.

Dated: March 12, 2026

/Eliot D. Williams/  
Eliot D. Williams, Reg. #50,822  
**BAKER BOTTS L.L.P.**  
700 K Street, N.W.  
Washington, D.C. 20001  
T: (202) 639-1334  
F: (202) 639-1167

*Counsel for Petitioner Samsung  
Electronics Co., Ltd.*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 12th day of March, 2026, **Petitioner’s Authorized Response to Patent Owner’s Request for Director Review of the Director’s Decision Granting Institution** was served by email on the following counsel for Patent Owner:

Richard M. Bemben (Reg. No. 68,658) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8549 Fax: (202) 371-2540 Email: <a href="mailto:PTAB@sternekessler.com">PTAB@sternekessler.com</a> <a href="mailto:rbemben-PTAB@sternekessler.com">rbemben-PTAB@sternekessler.com</a>	Jennifer Meyer Chagnon (Reg. No. 55,440) STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1101 K Street NW, 10th Floor Washington, DC 20005 Phone: (202) 772-8890 Fax: (202) 371-2540 Email: <a href="mailto:PTAB@sternekessler.com">PTAB@sternekessler.com</a> <a href="mailto:jchagnon-PTAB@sternekessler.com">jchagnon-PTAB@sternekessler.com</a>
Richard C. Kim (Reg. No. 40,046) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0124 Email: <a href="mailto:PTAB@sternekessler.com">PTAB@sternekessler.com</a> <a href="mailto:rkim@netlist.com">rkim@netlist.com</a>	Raymond K. Chan (Reg. No. 66,164) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 679-0101 Email: <a href="mailto:PTAB@sternekessler.com">PTAB@sternekessler.com</a> <a href="mailto:rchan@netlist.com">rchan@netlist.com</a>
Francisco A. Rubio-Campos (Reg. No. 45,358) NETLIST, INC. 111 Academy Way, Suite 100 Irvine, California 92617 Phone: (949) 377-0296 Email: <a href="mailto:PTAB@sternekessler.com">PTAB@sternekessler.com</a> <a href="mailto:frubio@netlist.com">frubio@netlist.com</a>	

Dated: March 12, 2026

/Eliot D. Williams/  
Eliot D. Williams, Reg. #50,822  
**BAKER BOTTS L.L.P.**  
700 K Street, N.W.  
Washington, D.C. 20001  
T: (202) 639-1334

F: (202) 639-1167

*Counsel for Petitioner Samsung  
Electronics Co., Ltd.*