UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
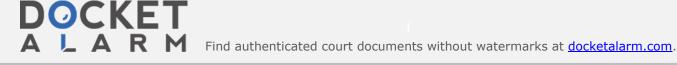
Petitioner,

v.

NETLIST, INC.,

Patent Owner.

Case IPR2022-00996

Patent 11,016,918

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Samsung Electronics Co.,

Ltd. ("Samsung") objects to the following exhibits filed by Patent Owner Netlist,

Inc. ("Netlist") with its Response (Paper No. 21).

Exhibit	Objection(s)
EX2030 – 2023-03-16 Deposition Transcript by Dr. Andrew Wolfe (with Errata)	Samsung objects to EX2030 for each of the reasons noted in the objections made during the taking of the underlying deposition.
EX2031 – Declaration of Dr. William Henry Mangione-Smith	**602/702/703:** Patent Owner has not established that Dr. Mangione-Smith is an expert in the area of standardized DRAM and SDRAM memory devices and memory modules, and structure and operation of circuitry for computer memories at the relevant timeframe, and Patent Owner has not met its burden to show that his testimony on this issue is helpful to the Board and therefore admissible. *See, e.g.*, EX2031, ¶¶ 5-8. **801/802/901:** Samsung further objects to EX2031 to the extent it cites to and incorporates evidence that has not been authenticated and/or incorporates hearsay. *See, e.g.,* EX2031, ¶¶ 33-34, 53, 59, 60, 65, 67, 72, 73, 82, 89-91, 93, n.3, 95, 96, n.4, 98, 99, 102, 103, 110, 117, 122-125, 128-130, 132-133, 150, 151.

Exhibit	Objection(s)
EX2035 – Netlist Presentation (excerpt)	**401-403:** EX2035 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of the location of backup battery connections/connection to external voltage sources for DIMM (*see* POR at p. 5) but has failed to establish any connection to the disclosure of the '918 Patent. For example, the date on the face of this document is 2012, which is several years after the earliest possible relevant date for the claims of June 2, 2008. **801/802/901/1002/1003:** Samsung objects to EX2035 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate. **106:** Samsung objects to EX2035 as only an excerpt was provided, and thus it is further misleading and/or confusing given that the context of the excerpt is not present and has not been made available to Petitioner's counsel.

Exhibit	Objection(s)
EX2036 – AgigA Tech et al., "NVDIMM Hands on Lab," Flash Memory Summit 2014 (Aug. 5-6, 2014), downloaded from http://www.snia.org/sites/default/files/FMS%20NVDIMM%20Demo%20SIG%20HOL%20Aug'14%20final.pdf	**401-403:** EX2036 is dated 2014, and thus it is not relevant in light of the alleged priority date of either June 1, 2007 or June 2, 2008. In any event, EX2036 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of the location of backup battery connections/connection to external voltage sources for DIMM (*see* POR at p. 5) but has failed to establish any connection to the disclosure of the '918 Patent. **801/802/901/1002/1003:** Samsung objects to EX2036 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.
EX2037 – Intel, *Power Supply: Design Guide for Desktop Platform Form Factors*, Rev. 1.1 (March, 2007), downloaded from http://web.archive.org/web/20100601215705/http://www.formfactors.org/developer%5Cspecs%5CPSU_DG_rev_1_1.pdf	**401-403:** EX2037 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of regulated voltages (*see* POR at p. 6) but has failed to establish any connection to the disclosure of the '918 Patent. **801/802/901/1002/1003:** Samsung objects to EX2037 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

Exhibit	Objection(s)
EX2038 – Intel, *ATX12V Power Supply Design Guide*, Version 2.2 (March 2005), downloaded from http://web.archive.org/web/20070403181612/http://www.formfactors.org/developer/specs/ATX12V_PSDG_2_2_public_br.pdf	**401-403:** EX2038 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with discussions of regulated voltages (*see* POR at p. 6, 31) but has failed to establish any connection to the disclosure of the '918 Patent. **801/802/901/1002/1003:** Samsung objects to EX2038 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.
EX2039 – IDT, IDTAMB0480 Product Brief ("Advanced Memory Buffer for Fully Buffered DIMM Modules") (April 2006), downloaded from http://pdf1.alldatasheet.com/datasheet-pdf/view/199557/IDT/IDTAMB0480.html	**401-403:** EX2039 is irrelevant, cumulative, misleading, or confusing, and its probative value, if any, is outweighed by prejudice. Patent Owner cites this exhibit in connection with a discussion of identified data signals or address and control signals (*see* POR at p. 11) but has failed to establish any connection to the disclosure of the '918 Patent. **801/802/901/1002/1003:** Samsung objects to EX2039 for lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. For example, Netlist has neither authenticated this exhibit, nor laid the foundation for any hearsay exception. Samsung further objects to this exhibit because Patent Owner has not shown that it is an original document or authentic duplicate.

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