

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD, MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS LLC

Petitioners,

v.

NETLIST, INC.,

Patent Owner.

Case No. IPR2022-00996¹
Patent No. 11,016,918

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)**

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¹ Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC filed a motion for joinder and a petition in IPR2023-00406 and have been joined as petitioners in this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Netlist, Inc. (“Netlist”), submits the following objections to evidence accompanying Petitioner’s Reply. These objections are timely under 37 C.F.R. § 42.64(b)(1) because they are being filed within five (5) business days of service of Petitioner's Reply evidence on June 20, 2023.

I. Objections to EX1077

Netlist objects to Exhibit 1077 as apparently being incomplete under Federal Rule of Evidence (FRE) 106.

Netlist objects to Exhibit 1077 as hearsay, irrelevant, and lacking foundation. Netlist objects to Exhibit 1077 as hearsay under FRE 801 to the extent that Petitioner is attempting to use Exhibit 1077 as evidence to prove the truth of the matters asserted therein. Netlist further objects to Exhibit 1077 because Petitioner has not established the relevance of this exhibit under FRE 401 to any material issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Netlist further objects to Exhibit 1077 because it does not fall within the categories of documents considered self-authenticating under FRE 902 and Petitioner has not produced evidence sufficient to support a finding that Exhibit 1077 is what Petitioner says it is.

II. Objections to EX1078

Netlist objects to Exhibit 1078 as hearsay, irrelevant, and lacking foundation. Netlist objects to Exhibit 1078 as hearsay under FRE 801 to the extent that Petitioner is attempting to use Exhibit 1078 as evidence to prove the truth of the matters asserted therein. Netlist further objects to Exhibit 1078 because Petitioner has not established the relevance of this exhibit under FRE 401 to any material issues in this proceeding and any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Netlist further objects to Exhibit 1078 because it does not fall within the categories of documents considered self-authenticating under FRE 902 and Petitioner has not produced evidence sufficient to support a finding that Exhibit 1078 is what Petitioner says it is.

Netlist reserves the right to present further objections to these or additional exhibits submitted by Petitioner, as allowed by the applicable rules or other authority.

Case No. IPR2022-00996
Patent No. 11,016,918

Dated: June 26, 2023

Respectfully submitted,

/Jonathan Lindsay/

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. section 42.6, that on June 26, 2023, a complete copy of the **PATENT OWNER'S OBJECTIONS TO EVIDENCE** was served upon the following, by ELECTRONIC MAIL:

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