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Sent: Tuesday, September 5, 2023 4:16 PM
To: Trials <Trials@USPTO.GOV>
Cc: DL Samsung Netlist IPRs <dlsamsungnetlistiprs@BakerBotts.com>; winston-ipr-netlist@winston.com; #NetlistIPR [Int] <NetlistIPR@irell.com>
Subject: IPR2022-00996, IPR2022-00999 - Request for Conference Call

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Dear Board,

Patent Owner requests a conference call with the Board to disclose positions Micron has taken in the parallel district court proceeding which are inconsistent with positions it has taken in the above IPR proceedings which directly impact the merits of the IPR challenge. This information is contained in a deposition transcript of Micron's corporate representative on technical matters relating to the 918/054 patents, and who discussed the difference between AMB packets and signals. This deposition did not occur until August 30. The next day Netlist asked for the relevant testimony be de-designated so that it can be used. Micron has improperly designated the transcript as confidential under the district court's protective order, and therefore Patent Owner is unable to submit the information itself as supplemental information. Moreover, failure on Micron's part to disclose this information is a direct non-compliance with its obligation to disclose inconsistent information under 36 CFR 42.51(b)(1). Netlist has made Micron aware of its concerns regarding compliance with 36 CFR 42.51(b)(1).

Patent Owner respectfully requests a conference call with the Board to seek guidance on how to proceed including, if necessary, seeking leave to file a motion to compel discovery.

The parties are available at the following time:

- Wednesday, September 6, between 11:00am and 3:30pm Eastern
- Thursday, September 7, between 11:00am and 3:30pm Eastern

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