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**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Sent:** Tuesday, September 12, 2023 2:07 PM  
**To:** Lindsay, Jonathan <[lindsay@irell.com](mailto:lindsay@irell.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>; Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Subject:** RE: IPR2022-00996, IPR2022-00999 - Request for Conference Call

[EXTERNAL EMAIL]

Counsel,

A conference call is scheduled for **Friday, September 15, 2023 at 2pm Eastern time** to discuss whether a motion to submit supplemental information is appropriate under 37 C.F.R. Sect. 42.123(b).

The dial-in number is: 877-935-1046 and the passcode is: 8629657#.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office

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**From:** Lindsay, Jonathan <[lindsay@irell.com](mailto:lindsay@irell.com)>  
**Sent:** Monday, September 11, 2023 7:12 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>; Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Subject:** RE: IPR2022-00996, IPR2022-00999 - Request for Conference Call

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Dear Board,

As an update to Patent Owner's request below for a conference call regarding certain admissions by Petitioner Micron in the parallel litigation, the deposition transcript in question has now been unsealed. Therefore, Patent Owner no longer requires guidance for a motion to compel, but instead seeks leave to file a motion to submit the transcript as supplemental information under 36 CFR 42.123(a). The specific information relates to Micron's testimony about the differences between AMB packets and signals, as identified in the original email below.

Jonathan Lindsay  
For Patent Owner Netlist, Inc.

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**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Sent:** Thursday, September 7, 2023 9:34 AM  
**To:** Lindsay, Jonathan <[lindsay@irell.com](mailto:lindsay@irell.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>; Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Subject:** RE: IPR2022-00996, IPR2022-00999 - Request for Conference Call

Counsel,

The Board will contact the parties next week concerning these matters.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office

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**From:** Lindsay, Jonathan <[lindsay@irell.com](mailto:lindsay@irell.com)>  
**Sent:** Tuesday, September 5, 2023 6:22 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>; Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Subject:** RE: IPR2022-00996, IPR2022-00999 - Request for Conference Call

**CAUTION:** This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Honorable Board:

Patent Owner disagrees with the argumentative nature and characterizations below, but will refrain from responding at this time in order to comply with PTAB rules against emailed arguments. Patent Owner looks forward to clarifying the record for the Board during the conference call.

Jonathan

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**From:** Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Sent:** Tuesday, September 5, 2023 2:44 PM  
**To:** Lindsay, Jonathan <[lindsay@irell.com](mailto:lindsay@irell.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>  
**Subject:** RE: IPR2022-00996, IPR2022-00999 - Request for Conference Call

Your Honors,

To clarify **joined** Petitioners' (Micron) position regarding Patent Owner Netlist's below email to the Board, counsel for Netlist sent an email (a different email than the below email sent to the Board) on Saturday, September 2, 2023 stating that it was going to unilaterally email the Board regarding issues that have yet to be discussed between Netlist and Micron. Micron responded with its availability for a meet and confer to understand the issues raised by Netlist's Saturday email, as well as expressing Micron's concerns with the substance of the email. Netlist did not respond, and instead emailed the Board. If the Board sets a conference time to discuss Netlist's improper email, during that telephone conference, Micron will ask for clarification regarding the issues raised by Netlist's emails.

A copy of the email correspondence between Netlist and Micron prior to Netlist's email to the Board is shown as follows:

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**From:** Lindsay, Jonathan <[jlindsay@irell.com](mailto:jlindsay@irell.com)>  
**Sent:** Saturday, September 2, 2023 5:00 PM  
**To:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; [winston-ipr-netlist@winston.com](mailto:winston-ipr-netlist@winston.com); Williams, Elliot D. <[Eliot.Williams@BakerBotts.com](mailto:Eliot.Williams@BakerBotts.com)>; Chandler, Ted <[ted.chandler@bakerbotts.com](mailto:ted.chandler@bakerbotts.com)>  
**Cc:** #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>  
**Subject:** IPR2022-00615, IPR2022-00996, IPR2022-00999 - Request for Conference Call

[EXTERNAL EMAIL]

Dear Counsel,

We intend to send the below email to the Board regarding IPR2022-00615, IPR2022-00996, and IPR2022-00999. Please let us know your availability for a call with the Board so that we can provide that information.

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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, but Micron 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(f).

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:

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**From:** Yaquian, Juan C. <[JYaquian@winston.com](mailto:JYaquian@winston.com)>  
**Sent:** Tuesday, September 5, 2023 3:06 PM  
**To:** Williams, Elliot D. <[Eliot.Williams@BakerBotts.com](mailto:Eliot.Williams@BakerBotts.com)>; Lindsay, Jonathan <[jlindsay@irell.com](mailto:jlindsay@irell.com)>; DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; Chandler, Ted <[ted.chandler@bakerbotts.com](mailto:ted.chandler@bakerbotts.com)>; Winston-Micron-Netlist <[Winston-Micron-Netlist@winston.com](mailto:Winston-Micron-Netlist@winston.com)>  
**Cc:** #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>  
**Subject:** RE: IPR2022-00615, IPR2022-00996, IPR2022-00999 - Request for Conference Call

Jonathan,

Micron is available for a meet and confer on this issue as follows:

- Wednesday, September 6, between 10 AM and 2 PM (ET) and between 3 PM and 4 PM (ET)
- Thursday, September 7, between 10 AM and 12:30 PM (ET) and between 1:30 PM and 4 PM (ET)

We note that Micron is concerned that Netlist misrepresents that Micron has taken inconsistent positions. Moreover, it would be improper to introduce such testimony into these IPR proceedings. Micron is participating in the joined IPR proceedings only in an understudy role with Samsung taking the primary role. Micron is also concerned that Netlist appears to have improperly used a deposition transcript in an attempt to gather testimony that Netlist incorrectly alleges supports Netlist's IPR positions without properly seeking leave from the Board to conduct discovery. Micron is also concerned that Netlist is referencing a district court litigation deposition that occurred after the deadline for submitting new evidence in the IPR proceedings. Micron is also concerned that Netlist misrepresents that Micron improperly designated the referenced district court litigation deposition transcript as confidential when paragraph 16 of the district court's protective order specifies that deposition transcripts are confidential for 30 days—a period that has not yet expired. Furthermore, paragraph 18 of the protective order specifies a 10 day period for a producing party to consider a request to withdraw confidentiality designations—a period that has not yet expired. Micron is also concerned that Netlist misrepresents that the referenced testimony is from a Micron representative without acknowledging that the witness was not designated as a 30(b)(6) witness on any relevant prior art topics and indeed testified in a matter that did not even involve the IPR challenged in IPR2022-00615.

Respectfully,  
Juan C. Yaquian

**Juan C. Yaquian**

Associate Attorney  
Winston & Strawn LLP  
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F: +1 713-651-2700  
VCard | [winston.com](http://winston.com)

**WINSTON  
& STRAWN**  
LLP

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**From:** Lindsay, Jonathan <[jlindsay@irell.com](mailto:jlindsay@irell.com)>  
**Sent:** Tuesday, September 5, 2023 3:16 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** DL Samsung Netlist IPRs <[dlsamsungnetlistiprs@BakerBotts.com](mailto:dlsamsungnetlistiprs@BakerBotts.com)>; Winston-IPR-NetList <[Winston-IPR-NetList@winston.com](mailto:Winston-IPR-NetList@winston.com)>; #NetlistIPR [Int] <[NetlistIPR@irell.com](mailto:NetlistIPR@irell.com)>  
**Subject:** IPR2022-00996, IPR2022-00999 - Request for Conference Call

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

Jonathan M. Lindsay  
IRELL & MANELLA LLP  
840 Newport Center Drive, Suite 400  
Newport Beach, CA 92660  
Direct: 949.760.5220

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