

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

NETLIST, INC.,
Patent Owner.

IPR2022-00996 (Patent 11,016,918 B2)
IPR2022-00999 (Patent 11,232,054 B2)¹

Record of Oral Hearing
Held: September 11, 2023

Before: PATRICK M. BOUCHER, JON M. JURGOVAN, and
DANIEL J. GALLIGAN, Administrative Patent Judges.

¹ We exercise our discretion to issue one Order to be filed in each of the above-identified cases. The parties, are not authorized to use this style heading in any subsequent papers.

IPR2022-00996 (Patent 11,016,918 B2)

IPR2022-00999 (Patent 11,232,054 B2)

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The above-entitled matter came on for hearing Monday,
September 11, 2023, commencing at 1:03 p.m. EDT, via Video-conference.

PROCEEDINGS

1:03 p.m.

JUDGE JURGOVAN: This is the trial hearing for the following cases: IPR2022-00996 concerning U.S. Patent No. 11,016,918 B2 and IPR2022-00999 concerning U.S. Patent No. 11,232,054 B2.

The date is September 11, 2023. The time is 1:00 p.m. Eastern. On the panel today are APJ's Patrick Boucher, Daniel Galligan, and myself, Jon Jurgovan. Who will be speaking on behalf of the Petitioner in this case?

MR. CHANDLER: Morning, Your Honor. Ted Chandler from Baker Botts on behalf of the Petitioner, Samsung Electronics Co. Limited.

Also on the line is counsel from Micron. They're in an understudy position and won't be arguing.

But I believe they would like to introduce themselves this morning.

MR. YAQUIAN: Hi, Your Honors. This is Juan Yaquian here for Micron.

JUDGE JURGOVAN: Thank you. Who will be speaking on behalf of the Patent Owner today?

MS. ZHONG: My name is Anita Zhong from Irell & Manella. Also on the line, my colleagues, Mr. Jason Sheasby and Mr. Jonathan Lindsay. Mr. Sheasby will be doing the presentation today.

JUDGE JURGOVAN: Thank you. As stated in the hearing order, each party will have up to ninety minutes to present their arguments for both cases.

Since Petitioner bears the burden of proving its case by a preponderance of the evidence, Petitioner will begin followed by the Patent Owner.

1 Each party may reserve time for rebuttal limited to the opposing
2 party's presentation.

3 As you address the demonstratives, papers, and exhibits in the record,
4 please identify them clearly by page number and a paper or exhibit number
5 so that the record will be clear what you're pointing out in your
6 presentations.

7 Please identify yourselves as you begin speaking so that the court
8 reporter will know who you are.

9 After the hearing, please remain on the line in case the court reporter
10 has any questions to ask you of terms that may have been used in the hearing
11 or other matters that may not have been understood.

12 As this hearing is public, third parties may be listening on the line.

13 None of the information in this hearing has been designated as
14 confidential.

15 If for some reason you need to discuss confidential information,
16 please let the judges know in advance so we can address the matter.

17 If at any time you experience technical difficulties that impair your
18 ability to represent your client, please alert us and contact the number given
19 you to resolve the issue.

20 Petitioner has filed motions to exclude in each case. The parties may
21 devote some of their allotted time to address the motions to exclude.

22 However, it is unlikely we will rule on the motions to exclude today.
23 Do the parties have any questions before we begin?

24 MR. SHEASBY: Yes, Your Honors. Jason Sheasby for the Patent
25 Owner.

1 I did want to discuss the specific page of an exhibit that's in the
2 record.

3 Do I have Your Honor's permission to use the share function to
4 discuss that page?

5 (Simultaneous speaking.)

6 JUDGE JURGOVAN: Yes, you do.

7 MR. SHEASBY: Thank you.

8 JUDGE JURGOVAN: Share is fine. So we'll begin with the
9 Petitioner's presentation. How much time would you like to reserve for
10 rebuttal?

11 MR. CHANDLER: Thirty minutes, please.

12 JUDGE JURGOVAN: Thirty minutes. Okay. You may proceed
13 when you are ready.

14 MR. CHANDLER: All right. I'm sharing on the screen our
15 demonstratives marked as Exhibit 1079.

16 Are you able to see the demonstratives and are you able to hear me all
17 right?

18 JUDGE JURGOVAN: Yes, we are.

19 MR. CHANDLER: Thank you. So starting on slide 5, this provides
20 an overview of the '918 patent.

21 As highlighted in yellow in the upper left, the '918 patent claims
22 priority back to an application filed on June 2nd, 2008.

23 Our contention is that the claims of the '918 and '054 patents are not
24 entitled to the earlier provisional filing date of June 1st, 2007.

25 Patent Owner has not responded to this issue, and so we believe that
26 June 2nd, 2008 is the relevant date for these IPRs.



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