

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., ( CAUSE NO. 2:21-CV-463-JRG  
)  
Plaintiff, ( )  
vs. ( )  
SAMSUNG ELECTRONICS CO., LTD., ( )  
et al., ( ) MARSHALL, TEXAS  
( ) APRIL 21, 2023  
Defendants. ( ) 8:00 A.M.

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VOLUME 6

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TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP  
UNITED STATES CHIEF DISTRICT JUDGE  
and a jury

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1 THE COURT: Be seated, please.

2 Counsel, before the Court proceeds to conduct the formal  
3 charge conference, I will ask if the parties have items from  
4 the list of pre-admitted exhibits that were used during  
5 yesterday's portion of the trial that need to be read into the  
6 record.

7 MS. TRUELOVE: Plaintiff does, Your Honor.

8 THE COURT: All right. Please proceed.

9 MS. TRUELOVE: Thank you, Your Honor.

10 Your Honor, Plaintiff Netlist used two exhibits during  
11 examinations yesterday, PX 1787 and PX 44.

12 THE COURT: All right. Is there objection to that  
13 rendition from the Plaintiff by the Defendants?

14 MR. REGER: Good morning, Your Honor.

15 THE COURT: Good morning.

16 MR. REGER: Your Honor, we do have an objection to  
17 PX 44. Mr. Sheasby went flying through a number of different  
18 exhibits, didn't lay any foundation to many of them. More  
19 importantly, we never saw this exhibit being used. We asked  
20 the Plaintiff about where in the transcript they could point  
21 to using this exhibit. They gave us a cite to the transcript,  
22 and in that cite there is a reference to a Netlist  
23 presentation. PX 44 is a Samsung presentation.

24 So we still don't know of any cite in the transcript that  
25 supports entering this exhibit, Your Honor.

1 THE COURT: Can you identify anywhere in the  
2 transcript from yesterday, Ms. Truelove, where you believe  
3 this exhibit was published and used before the jury?

4 MS. TRUELOVE: Yes. And we identified that to  
5 opposing counsel last night. It was during the cross of Mr.  
6 Meyer. The question was asked, "And we know that Samsung  
7 subsequently adopted HBM with TSV technology. Correct?"

8 And the answer was, "They have these products, that's  
9 correct." And that's when he had it on the --

10 THE COURT: Can you show me the document?

11 MS. TRUELOVE: I haven't --

12 MR. REGER: Your Honor, may I approach?

13 THE COURT: Put it on the document camera, if you  
14 will.

15 MR. REGER: Yes. And, once again, if we look to the  
16 top right --

17 MS. TRUELOVE: He didn't -- he didn't show that --

18 MR. REGER: Well, real quickly, if we may.

19 THE COURT: Let's get it on there straight first  
20 where it's not upside down and then zoom out so I can see the  
21 entire page. Okay. That's fine.

22 MR. REGER: Yes, Your Honor. What I wanted to point  
23 out is at the top right. It says, Samsung secret, and it  
24 became a Samsung document. The Q and A before and after are  
25 referencing a Netlist presentation.

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