

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SK HYNIX INC., SK HYNIX AMERICA INC., and SK HYNIX MEMORY
SOLUTIONS INC.,

Petitioners,

v.

NETLIST, INC.

Patent Owner.

Patent No. 9,128,632

Issued: September 8, 2015

Filed: July 27, 2013

Inventors: Hyun Lee and Jayesh R. Bhakta

Title: Memory Module with Distributed Data Buffers and Method of
Operation

Inter Partes Review No. IPR2017-00730

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,128,632
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1-.80 & 42.100-.123**

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I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the 632 Patent May Be Contested by Petitioners

Petitioners certify they are not barred or estopped from requesting *inter partes* review of U.S. Patent No. 9,128,632 (“the 632 Patent”) (Ex. 1001). No Petitioner, nor any party in privity with a Petitioner, has filed a civil action challenging the validity of any claim of the 632 Patent. The 632 Patent has not been the subject of a prior *inter partes* review by any Petitioner or a privy of a Petitioner. Petitioners also certify this petition for *inter partes* review is filed within one year of the date of service of a complaint alleging infringement of a patent – no complaint alleging infringement of the 632 Patent has been served on any Petitioner. Petitioners therefore certify this patent is available for *inter partes* review.

B. Fee for Inter Partes Review (§ 42.15(a))

The Director is authorized to charge the fee specified by 37 CFR § 42.15(a) to Deposit Account No. 50-1597.

C. Mandatory Notices (37 CFR § 42.8(b))

The real parties of interest of this petition are the Petitioners.

The 632 Patent is not involved in any other legal proceedings, to Petitioners’ knowledge.

Petition for *Inter Partes* Review of U.S. Patent No. 9,128,632

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Service on Petitioner may be made by mail or hand delivery to: Sidley Austin LLP, 1501 K Street, N.W., Washington, D.C. 20005. The fax number for lead and backup counsel is (202) 736-8711.

D. Proof of Service (§§ 42.6(e) and 42.105(a))

Proof of service of this petition is provided in **Attachment A**.

II. Identification of Claims Being Challenged (§ 42.104(b))

Claims 1-5, 12-14 and 19-20 of the 632 Patent are unpatentable as follows:

- (i) Claims 1-5, 12-14 and 19-20 of the 632 Patent are unpatentable as obvious under 35 U.S.C. § 103 over United States Published Patent Application No. 2010/0309706 to Saito (“Saito”), attached hereto as Ex. 1005, in view of United States Patent No. 7,808,849 to Swain (“Swain”), attached hereto as Ex. 1006; and
- (ii) Claims 3 and 13-14 of the 632 Patent are unpatentable as obvious under 35 U.S.C. § 103 Saito in view of Swain in further view of United States Patent No. 6,184,701 to Kim (“Kim”), attached hereto as Ex. 1007.

Petitioner’s proposed claim constructions, the evidence relied upon, and the precise reasons why the claims are unpatentable are provided in §§ **III-V**, below. The evidence relied upon in this petition is listed in **Attachment B**.

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