

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRON TECHNOLOGY, INC.; MICRON SEMICONDUCTOR  
PRODUCTS, INC.; and MICRON TECHNOLOGY TEXAS LLC,  
Petitioner,

v.

NETLIST, INC.,  
Patent Owner.

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IPR2022-00418  
Patent 8,301,833 B1

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Record of Oral Hearing  
Held: June 7, 2023

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Before GEORGIANNA W. BRADEN, SHEILA F. McSHANE, and  
KARA L. SZPONDOWSKI, Administrative Patent Judges.

IPR 2022-00418  
Patent 8,301,833 B1

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The above-entitled matter came on for hearing on Wednesday,  
June 7, 2023, commencing at 1:00 p.m., by video.

P R O C E E D I N G S

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JUDGE SZPONDOWSKI: Good afternoon. We have our final hearing in IPR2022-00418. Let me introduce the Panel. I'm Judge Szpondowski and joining me are Judge McShane and Judge Braden. So, let's get started with the party's appearances. First, who do we have here from Petitioner?

7

MR. YAQUIAN: Hi. May it please the Board, for Petitioner we have Juan Yaquian from Winston & Strawn. With me today is Mike Rueckheim, he'll be handling the argument. And with me also, who I brought along to observe is from the Client Ms. Becky Caisora (phonetic), David Westergard (phonetic), Jan Bissy (phonetic), and Casper Larson (phonetic).

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JUDGE SZPONDOWSKI: Okay, thank you. And for Patent Owner?

13

MR. HWANG: Yes. May it please the Board, my name is Rex Hwang, and with me today are Michael, he goes by Mickey, Ricketts, and Ryan Hargrave. And Mickey Ricketts, Mr. Ricketts, will be handling the arguments today on behalf of Patent Owner.

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JUDGE SZPONDOWSKI: Okay, thank you. Well, welcome, everyone. Obviously, our hearing today is virtual. Given that, we just want to start off by clarifying a few items. First, if you encounter any technical difficulties that you feel fundamentally undermines your ability to adequately represent your client, please, let us know immediately. For example, connecting the team members who provided you with connection information. Second, when you aren't speaking, please, mute yourself. Third, please, identify yourself each time you speak in order to help the court reporter prepare an accurate transcript. Fourth, we have the entire record, including all of the demonstratives. Please, refer to the

1 demonstratives papers or exhibits clearly and explicitly by slide or page  
2 number. That will help prepare an accurate transcript for the hearing.  
3 Finally, there is a public line, so please, be aware that members of the public  
4 may be listening as well.

5 We set forth the procedure for today's hearing in our May 1st, 2023  
6 order. Just as a reminder, each party will have a total of 60 minutes to  
7 present arguments. Petitioner has the burden of proof as to whether the  
8 challenge claims are unpatentable and will go first. Patent Owner will then  
9 present opposition arguments. Then, to the extent that Petitioner has  
10 reserved time, Petitioner will present rebuttal arguments. And then, to the  
11 extent that Patent Owner has reserved time, Patent Owner will present  
12 surrebuttal arguments. The rebuttal and surrebuttal time may not be more  
13 than half of the party's total argument time. We also remind the parties that  
14 they aren't to interrupt the other party while the other party is presenting its  
15 arguments and demonstratives. If a party believes that a demonstrative or  
16 argument presented is objectionable for any reason, you should raise that  
17 objection or any arguments relating to it only during your own time. Does  
18 Counsel for Petitioner have any questions before we get started?

19 MR. RUECKHEIM: No questions. Thank you.

20 MR. YAQUIAN: Thank you.

21 JUDGE SZPONDOWSKI: And does Counsel for Patent Owner have  
22 any questions?

23 MR. RUECKHEIM: One question. I heard a little bit of an echo  
24 earlier when Mr. Yaquian was speaking. Are we coming in okay?

25 JUDGE SZPONDOWSKI: Yes, you sound fine.

26 MR. RUECKHEIM: Thank you.

1 JUDGE SZPONDOWSKI: And does Counsel for Patent Owner have  
2 any questions?

3 MR. HWANG: No questions, Your Honor.

4 JUDGE SZPONDOWSKI: Okay, then I think we're ready to begin.  
5 Would Petitioner like to reserve any time for rebuttal?

6 MR. RUECKHEIM: Twenty minutes, please.

7 JUDGE SZPONDOWSKI: Okay, then I will put 40 minutes on the  
8 clock, and you can begin whenever you are ready.

9 MR. RUECKHEIM: Michael Rueckheim for the Micron Petitioners  
10 and may it please the Board, can we bring up the slides? Slide 2 of the  
11 Petitioner's demonstratives.

12 This is not your typical IPR. The Board has already determined that  
13 identical claims, the materially identical claims were invalid for related U.S.  
14 '831 patent, and the same results should apply here. To simplify the issues  
15 for the Board, Micron relies upon the same prior art combination that the  
16 Board has already analyzed and found to be obviate on material identical  
17 terms -- claims. Netlist counters here are simply unsupportable. These are  
18 hail Mary type counterarguments, they weren't raised in the prior  
19 proceedings with the '831 patent. And they go -- the claim construction  
20 argument that Netlist relies upon flies in the face of well-established claim  
21 construction canon. Netlist's teaching away argument ignores express  
22 teaching of the references. These arguments were not raised in the prior  
23 proceeding, and they're not compelling here. If we can turn to slide three.  
24 As a general roadmap, I'm going to provide a quick overview of the  
25 challenged patent here, really to orient everybody as to what we're talking  
26 about. I'm going to provide a very quick summary of the prior art and how it

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