

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON
SEMICONDUCTOR PRODUCTS, INC., AND
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Civil Action No. 2:22-CV-00294-JRG

JURY TRIAL DEMANDED

**DEFENDANTS' NOTICE OF FINAL ELECTION OF INVALIDITY THEORIES, PRIOR
ART REFERENCES/COMBINATIONS, AND EQUITABLE DEFENSES**

Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, "Micron" or "Defendants") hereby provide the following list of invalidity theories, prior art references and combinations, and equitable defenses that they continue to assert against Netlist, Inc. ("Plaintiff"). Micron stipulates that, based on the Patent Trial and Appeal Board's institution of IPR2023-00203 for U.S. Patent No. 7,619,912 and IPR2023-01141 for U.S. Patent No. 11,093,417, Micron will no longer pursue invalidity defenses in this action (C.A. No. 2:22-CV-00294-JRG) that the patent claims subject to the instituted IPRs are invalid based on grounds that were raised or reasonably could have been raised in the IPRs. Micron and its experts may use prior art references mentioned in their reports at trial for background, state of the art, damages, incremental value of the claimed inventions, or other legal issues.

Dated: April 22, 2024

Respectfully submitted,

/s/ Michael R. Rueckheim

Thomas M. Melsheimer
State Bar No. 13922550
TMelsheimer@winston.com
Natalie Arbaugh
State Bar No. 24033378
NArbaugh@winston.com
WINSTON & STRAWN LLP
2121 N. Pearl Street, Suite 900
Dallas, TX 75201
Telephone: (214) 453-6500
Facsimile: (214) 453-6400

David P. Enzminger (*pro hac vice*)
denzminger@winston.com
WINSTON & STRAWN LLP
333 South Grand Avenue, 38th Floor
Los Angeles, CA 90071-1543
Telephone: (213) 615-1700
Facsimile: (213) 615-1750

Michael R. Rueckheim
State Bar No. 24081129
MRueckheim@winston.com
Ryuk Park (*pro hac vice*)
RPark@winston.com
Matthew R. McCullough
MRMcCullough@winston.com
WINSTON & STRAWN LLP
255 Shoreline Drive, Suite 520
Redwood City, CA 94065
Telephone: (650) 858-6500
Facsimile: (650) 858-6559

Matthew Hopkins (*pro hac vice*)
State Bar No. 1500598
mhopkins@winston.com
WINSTON & STRAWN LLP
1901 L Street, N.W.
Washington, D.C. 20036
Telephone: (202) 282-5000
Facsimile: (202) 282-5100

William M. Logan
State Bar No. 24106214
wlogan@winston.com
Juan C. Yaquian (*pro hac vice*)
State Bar No. 24110559
JYaquian@winston.com
WINSTON & STRAWN LLP
800 Capital Street, Suite 2400

Houston, TX 77002
Telephone: (713) 651-2600
Facsimile: (713) 651-2700

Wesley Hill
State Bar No. 24032294
wh@wsfirm.com
Andrea Fair
State Bar No. 24078488
andrea@wsfirm.com
Charles Everingham IV
State Bar No. 00787447
ce@wsfirm.com
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway
Longview, TX 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

**ATTORNEYS FOR DEFENDANTS
MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR PRODUCTS,
INC., MICRON TECHNOLOGY TEXAS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that, on April 22, 2024, a copy of the foregoing was served on all counsel of record via the Court's ECF system.

/s/ Michael R. Rueckheim
Michael R. Rueckheim