

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SK HYNIX INC. and SK HYNIX AMERICA INC.,
Petitioners,

v.

NETLIST, INC.
Patent Owner.

Case No. IPR2020-01044
U.S. Patent No. 9,858,218

**JOINT MOTION TO WITHDRAW PETITION FOR
INTER PARTES REVIEW**

Pursuant to 37 C.F.R. § 42.74 and the authorization provided by the Board email of April 26, 2021, Petitioners SK hynix Inc. and SK hynix America Inc. (“Petitioners”) and Patent Owner Netlist, Inc. (“Patent Owner”) jointly request withdrawal of the Petition filed in this proceeding, IPR2020-01044, directed to U.S. Patent No. 9,858,218 (the “’218 Patent”).

I. CERTIFICATION

Petitioners and Patent Owner submit a true copy of any agreement or understanding (Exhibit 2035) between Petitioners and Patent Owner made in connection with, or in contemplation of, the withdrawal of the Petition for the proceeding under 37 CFR § 42.74(b) with this joint motion.

II. STATUS OF RELATED PROCEEDINGS

Petitioners and Patent Owner have resolved their disputes regarding the ’218 Patent, including Patent Owner’s assertion of the ’218 Patent in the related district court litigation, 8:20-cv-00194-ADA, United States District Court, Western District of Texas. Petitioners and Patent Owner have filed a joint motion to dismiss with prejudice the litigation therein. The parties do not anticipate further litigation between them concerning the ’218 Patent.

III. RELIEF REQUESTED

As authorized by the Board, the parties are jointly and contemporaneously filing: (i) this joint motion to withdraw the Petition; (ii) a true copy of any.

agreement or understanding (Exhibit 2035) between Petitioners and Patent Owner made in connection with, or in contemplation of, the requested withdrawal of the Petition; and (iii) a joint request to treat the agreement as business confidential information and keep the agreement (Exhibit 2035) separate from the file of the involved patent, pursuant to 37 C.F.R. § 42.74(c). Petitioners and Patent Owner jointly request that the Board terminate this proceeding in its entirety.

Dated: April 26, 2021

Respectfully submitted,

/ William A. Meunier /

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CERTIFICATE OF COMPLIANCE

This paper complies with the type-volume limitation of 15 pages, excluding those parts exempted by 37 CFR §42.24. This motion complies with the general formatting requirements of 37 CFR §42.6 and has been prepared using Microsoft Word 2016 in 14 point Times New Roman font.

Dated: April 26, 2021

/William A. Meunier/

William A. Meunier (Reg. No. 41,193)

CERTIFICATE OF SERVICE

I certify that a copy of the Joint Motion to Withdraw the Petition for *Inter Partes* Review is being served by electronic mail on the following counsel of record:

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