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November 23, 2026

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street S.W.
Washington, D.C. 20436

Via EDIS

Re: *Certain Dynamic Random Access Memory (DRAM) Devices and NAND Flash Memory Devices, Products Containing the Same, and Components Thereof,* Docket No. 3946 – Supplemental Information to Complaint

Dear Secretary Barton:

On behalf of Netlist, Inc. ("Netlist" or "Complainant"), we write to provide the following supplemental information regarding the Complaint filed on November 5, 2026, in Investigation Docket No. 337-3946. Enclosed with this letter as supplemental information are revised public Exhibits 46 and 146 and Exhibits S-1 to S-9.

1. Exhibits 46C and 146C

Complainant provides amended copies of public versions of Exhibits 46 and 146. Exhibit 46 has been de-designated and made public in its entirety. Exhibit 146C remains confidential, but a public copy with redactions has been provided with this letter.

2. Accused Products are imported into the United States by Proposed Respondents CDW, Ingram Micro, Insight, and Zones

Complainant amends paragraphs 152, 161, 168, and 172 of the Complaint by adding the following:

152.1: Since the filing of the Complaint, Netlist has confirmed receipt of a representative Kingston Accused Product that was purchased directly from CDW. *See* Exhibit S-1 (annotated). The packing list and shipping label of the CDW shipment indicate that the Accused Product was sold by Kingston to CDW before being sold to Netlist. *Id.* at 1–2. The product received from CDW is labeled as having been assembled in Taiwan. *Id.* at 5–7. On information and belief, this product was imported into the United States by or on behalf of the Proposed Respondents. It was subsequently sold to Netlist within the United States by CDW. The product received from CDW is available for inspection upon request.

161.1: Since the filing of the Complaint, Netlist has confirmed receipt of a representative Kingston Accused Product from Ingram Micro. *See* Exhibit S-2 (annotated). The packing list and shipping label of the Ingram Micro shipment indicate that the Accused Product was shipped to Netlist from Ingram Micro's facility in Mira Loma, California. *Id.* at 1–2. The product received from Ingram Micro is labeled as having been assembled in Taiwan. *Id.* at 5. On information and belief, this product was imported into the United States by or on behalf of the Proposed Respondents. It was subsequently sold to Netlist within the United States by Ingram Micro. The product received from Ingram Micro is available for inspection upon request.

168.1: Since the filing of the Complaint, Netlist has confirmed receipt of a representative Kingston Accused Product from Insight. *See* Exhibit S-3 (annotated). The packing list and shipping label of the Insight shipment indicate that the Accused Products was shipped to Netlist by Insight. *Id.* at 1–2. The product received from Insight is labeled as having been assembled in Taiwan. *Id.* at 4. On information and belief, this product was imported into the United States by or on behalf of the Proposed Respondents. It was subsequently sold to Netlist within the United States by Insight. The product received from Insight is available for inspection upon request.

172.1: Since the filing of the Complaint, Netlist has confirmed receipt of a representative Kingston Accused Product from Zones. *See* Exhibit S-4 (annotated). The packaging label associated with the Zones shipment indicates that the Accused Product was shipped from Kingston through a "Bill 3rd Party" arrangement. *Id.* at 1–2. According to the picking ticket, delivery of the product was overseen by D&H Distributing Co., in Harrisburg, Pennsylvania—an authorized distributor of Kingston. *Id.* at 2; *see also* Exhibit 19. D&H also has demonstrated connections with Zones, having been recognized as Zones' Distributor of the Year in 2024. *See* Exhibit S-5. The product received from Zones is labeled as having been assembled in Taiwan. *See* Exhibit S-4 at 5–7. On information and belief, this product was imported into the United States by or on behalf of the Proposed Respondents. It was subsequently sold to Netlist within the United States by Zones. The product received from Zones is available for inspection upon request.

3. Domestic Industry

Complainant amends paragraphs 185, 191, 192, 206, 207, 209, 218, 219, 221, 236, and 237 of the Complaint by adding the following (additions to existing paragraphs are indicated in ***emphasized*** font):

185.1: The investments identified in Exhibit 146C are investments made in U.S. facilities and labor. While Netlist has some staff based overseas, the vast majority—more than 80%—of the engineering and sales and marketing personnel that work on the DI Products are based in the United States. And together, the Netlist Domestic Industry Products represent a majority of Netlist's product offerings. *See* Exhibit S-6. Moreover, a majority of Netlist's U.S.-based sales and marketing staff have contributed labor for products that practice the Asserted Patents, and a near majority of the engineering staff have contributed to work for products that practice the '731 and '407 patents. Netlist's domestic activities also add significant value to the industry. For example, Netlist serves smaller customers who lack the purchasing power to buy from larger suppliers, and who are therefore a different customer base from those larger suppliers' customers.

191: In the alternative, Netlist is in the process of establishing a domestic industry for the Domestic Industry Products. Netlist has taken the necessary tangible steps to establish a domestic industry in the United States ***by finalizing supply agreements that will increase*** its domestic manufacturing and procuring supply of DRAM and NAND devices from its licensees. ***See. e.g., Exhibit 147C at 1.*** There is a significant likelihood that the domestic industry requirement will be satisfied in the future through these activities as well. ***For example,*** in light of Netlist's Supply Agreement with Samsung, Confidential Exhibit 147C, Netlist expects that it will be able to increase sales of the Domestic Industry Products which will, in turn, increase Netlist's domestic expenditures and investments such that a domestic industry will be established. ***Netlist has already hired a new employee to help with the anticipated increase in work and has job openings pending for five additional employees. Netlist has also taken steps to market its DDR5 MRDIMM product, including the expenditures identified in Exhibit 146C. DDR5 MRDIMMs commercially launched in the last few years to support AI and high-performance computing workloads, and adoption is still in early stages. Because MRDIMMs have higher bandwidth as compared to RDIMMs, they are predicted to become an increasingly attractive option for memory-intensive workloads. Exhibit S-7 at 2 (projecting that "MRDIMMs are expected to record the highest projected CAGR [compound annual growth rate] of 19.18% through 2031").***

192: SK hynix is a Korean corporation with a principal place of business at 2091, Gyeongchung-daero, Bubal-eup, Icheon-si, Gyeonggi-do, Korea. Exhibit 148. SK hynix sells memory semiconductor products, including DRAM and SSD technologies. Exhibit 149. ***SK hynix's investments in the United States include costs to bring DDR5 DIMMs and SSDs that practice the Asserted Patents to U.S. customers, including finished DIMMs that utilize DRAM chips.***

206: In the alternative, SK hynix is in the process of establishing a domestic industry for the Domestic Industry Products. ***In its most recent Quarterly Earnings Presentation, SK hynix announced a strategy for the upcoming quarter to "[e]xpand sales" of DDR5 server products and to "[e]xpand" supply of enterprise SSDs. Exhibit 163 at 11. To ensure that it is able to increase its production and sale of its cutting-edge memory technology, SK hynix has worked to negotiate and sign Long Term Agreements ("LTAs") with major cloud service providers. Id. at 12. In 2026, SK hynix negotiated 14 five-year LTAs with its key customers—many of whom are American companies—to help reduce price volatility and enhance longer term demand visibility. Exhibit 159 at 10. The security brought by the finalization of these agreements within the past year should enhance SK hynix's ability to manufacture, market, and sell its DDR5 DIMMs and SSDs within the United States. The increased potential for growth can already be observed—***SK hynix is currently in talks with Intel regarding a potential deal to jointly produce memory chips in Ohio. Exhibit 176. ***Discovery will show that SK hynix has already taken tangible steps to investigate and assess the possibility of producing memory chips in Ohio.*** There have also been reports that Solidigm is considering building a NAND flash memory chip factory in the United States. Exhibit 177. ***Both efforts will significantly increase SK hynix's investment in the United States related to DDR5 DIMMs and SSDs.***

207: The foregoing domestic investments of SK hynix are significant and substantial under Section 337, in both absolute terms and relative to SK hynix's overall operations. ***While SK hynix has manufacturing costs overseas,*** SK hynix's investments in the United States enable the collaboration with and sale of its products to customers in the United States. The domestic

investments and activities are also vital to SK hynix's domestic business with respect to the Domestic Industry Products and represent significant added value***. For example, SK hynix's acquisition of Solidigm, which is centered in the United States and has large domestic operations, has helped SK hynix nearly double its market share of NAND bit shipments. Exhibit S-8 at 2. Solidigm has also grown its operations significantly in recent years, achieving a 40% quarter-over-quarter NAND bit shipment increase in Q2 2026 because of SK hynix's investments. Id.*** SK hynix's sales of products to U.S. customers are only possible through its facility investments, engineering, and sales and marketing activities in the United States.

209: Samsung Electronics Co., Ltd. is a Korean corporation with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 16677, Korea. Exhibit 178 at 4 (2026 H1 SEC Business Report). Samsung Electronics Co., Ltd. sells memory semiconductor products, including DDR5 DIMM modules, Exhibit 179, and SSDs—both enterprise and nonenterprise. Exhibit 180. ***Samsung's investments in the United States include costs to bring DDR5 DIMMs and SSDs that practice the Asserted Patents to U.S. customers, including finished DIMMs that utilize DRAM chips.***

218.1: In the alternative, Samsung is in the process of establishing a domestic industry for the Domestic Industry Products. In its most recent Quarterly Earnings Presentation, Samsung announced it intends to "[f]urther increase sales of . . . DRAM and SSDs" and "[i]ncrease supply of high-speed Server DDR5 and QLC" products in the upcoming quarter. Exhibit 190 at 7. Like SK hynix, Samsung has turned to a strategy of securing long-term purchase commitments to receive advanced contract payments and establish reliable sources of future capital, executing LTAs with American tech giants like Amazon, Microsoft, and Google. Exhibit 184. Marketing, selling, and developing these products at such a scale within the United States will require meaningful levels of investment in the United States. Signing of these LTAs amounts to a set of tangible steps in furtherance of a domestic industry—Samsung will now be obligated to sell its most advanced products, including the Domestic Industry Products, in the United States for several years to come.

219: The foregoing domestic investments of Samsung are significant and substantial under Section 337, in both absolute terms and relative to Samsung's overall operations. The domestic investments and activities are also vital to Samsung's domestic business with respect to the Domestic Industry Products and represent significant added value. ***Investing in researching, developing, and selling the Domestic Industry Products within the United States grants Samsung access to the U.S. memory and storage markets and allows it to continue to build upon its recent record-breaking profits. Exhibit 190 ("We have reached new highs in both revenue and operating profit for the fourth consecutive quarter…"); Exhibit S-9 at 3. ("Industry sources point to expanded data center investments by U.S. big tech firms such as Nvidia, AMD, and Google as the main driver behind Samsung Electronics' increased semiconductor sales…. U.S. companies are building large-scale data centers, leading to simultaneous increases in demand for high bandwidth memory (HBM), server DRAM, and NAND flash."). And while discovery will show that Samsung has a large portion of its manufacturing investments overseas,*** Samsung's research, engineering, and sales activities in its U.S. offices are a critical part of providing the Domestic Industry Products to customers in the United States.

221: Micron Technology, Inc. is a United States corporation with a principal place of

business at 8000 South Federal Way, Boise, Idaho 83716. Exhibit 207 at 1. Micron Technology, Inc. sells memory semiconductor products, including DDR5 DIMM modules, Exhibit 208 (Micron 2026 10-K), and both enterprise and client SSDs, Exhibit 209. ***Micron's investments in the United States include costs to bring DDR5 DIMMs and SSDs that practice the Asserted Patents to U.S. customers, including finished DIMMs that utilize DRAM chips.***

236: There is also a significant likelihood that the domestic industry requirement will be met in the near future because of Micron's investments. ***The concrete tangible steps Micron has taken to develop new U.S. facilities demonstrate its commitment to expanding its domestic operations related to the Domestic Industry Products over the long term. For example, c***onstruction at Micron's United States facilities has been underway for years and has reached important milestones in the past several months. At Micron's ID1 facility in Boise, construction teams have completed a "blowdown"— the intensive cleaning and preparation of a cleanroom before equipment is installed—for one of the cleanrooms. Exhibit 229. For the New York fab site, permits were obtained in 2025 and 2026, Exhibit 230, and construction teams began pouring concrete at the New York fab in summer 2026. Exhibit 227. The significant progress at these facilities makes it unlikely that Micron will abandon its U.S. facilities after spending years finalizing construction plans, securing grants, obtaining necessary regulatory approvals, and engaging with community members in nearby towns. Micron has also taken steps to strengthen its supply chain for when these facilities begin production, agreeing to make $3 billion in strategic investments across the United States over the next decade to finance suppliers of manufacturing raw materials. Exhibit 231.

237: The foregoing domestic investments of Micron are significant and substantial under Section 337, in both absolute terms and relative to Micron's overall operations. The domestic investments and activities are also vital to Micron's domestic business with respect to the Domestic Industry Products and represent significant added value. ***Micron plays a significant role in the U.S. economy as the only U.S.-based manufacturer of DRAM and NAND chips used in memory and storage solutions. Exhibit 215. Additionally, Micron's recent investments in research and facilities associated with the Domestic Industry Products help build the U.S. supply chain resilience in a market traditionally dominated by foreign entities, thus "protecting our economic and national security." Exhibit 224 at 2.*** Micron's research, engineering, and sales activities in its U.S. offices are a critical part of providing the Domestic Industry Products to customers in the United States.

Please contact me if you have any questions.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Daniel E. Yonan

Counsel for Complainant Netlist, Inc.

Table of Exhibits

Exhibit No.	Description
46	List of Licensee(s) to One or More of the Asserted Patents (public version)
146	Public version of information about Netlist's investments related to Domestic Industry Products (redacted)
S-1	CDW Importation Supplement (Annotated)
S-2	Ingram Micro Importation Supplement (Annotated)
S-3	Insight Importation Supplement (Annotated)
S-4	Zones Importation Supplement (Annotated)
S-5	D&H Distributor of the Year LinkedIn Post
S-6	Netlist Products
S-7	Global Data Center Memory Market
S-8	Server-Led eSSDs Hit 48% of NAND Shipments
S-9	Samsung U.S. Semiconductor Sales Surpass Set Division for Second Year