

From: [Hopkins, Matt](#)
To: [Director PTABDecision Review](#)
Cc: [Lindsay, Jonathan](#); [Zhong, Annita](#); [Sheasby, Jason](#); [Winston-IPR-NetList](#); [#NetlistIPR \[Int\]](#)
Subject: IPR2024-00370 - Petitioners' Request for Director Review
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Attachments: [PTAB-IPR2024-00370-9.pdf](#)

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Dear Director Vidal,

Pursuant to the Revised Interim Director Review Process, Petitioners (collectively, "Micron") respectfully notify the USPTO and parties of their filing of the attached Request for Director Review ("Request") of the Institution Decision (Paper 8) by the Board in IPR2024-00370, denying institution of IPR. A brief summary of the issues is provided below:

1. **Important Issue of Law or Policy**: Whether the *General Plastic* discretionary denial factors should apply to me-too petitions that seek to join IPR challenges filed by unrelated parties—given me-too petitions do not raise the *General Plastic* patent-owner harassment concern of strategically staging prior art and arguments using PTAB decisions as a roadmap, and given the AIA's clear driving policy to improve patent quality to restore confidence in the presumption of validity and strengthen the U.S. economy. This issue is especially prominent in view of the Director's recent *Videndum* decision, that reversed a discretionary denial of, like here, an unrelated party's me-too petition. See *Videndum Prod. Sols., Inc. v. Rotolight Ltd.*, IPR2023-01218, Paper 12 (PTAB Apr. 19, 2024) (Director Review). A Director resolution of this issue is important and can affect the public's ability to challenge low-quality patents and confidence in the validity of patents.
2. **Abuse of Discretion (Erring in the *General Plastic* Analysis)**: The Board abused its discretion by erring in the *General Plastic* discretionary denial analysis, including: (1) erring in finding that Factor 1 favors discretionary denial (by improperly comparing the wrong petitioners), (2) erring in finding that Factor 3 favors discretionary denial (by improperly applying Samsung's potential "road-mapping" to Micron), (3) erring in finding that Factor 4 favors discretionary denial (by improperly examining Micron's potential awareness of prior art during an irrelevant time), and (4) failing to weigh the Board's finding that the challenged claims are likely unpatentable in favor of institution.

Respectfully submitted,

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Micron Technology Texas LLC

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IPR2024-00370
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Pronouns: He, Him, His

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