

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.,
Patent Owner.

IPR2024-00789
Patent 10,861,872 B2

Before JO-ANNE M. KOKOSKI and KIMBERLY McGRAW,
Administrative Patent Judges.

KOKOSKI, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

On August 7, 2024, Micron Technology, Inc. (“Petitioner”) requested a conference call with the Board seeking authorization to file a reply brief to the Patent Owner Preliminary Response filed by Yangtze Memory Technologies Company, Ltd. (“Patent Owner”). Ex. 3001. Petitioner indicated that Patent Owner opposed Petitioner’s request. *Id.*

A telephone conference was held on August 15, 2024 between the parties and Judges Kokoski and McGraw. During the call, Petitioner argued that a reply was warranted to allow Petitioner to respond to Patent Owner’s proposed construction of the claim terms “dummy source structure” and “conductive contact.” Petitioner argued that it could not have anticipated Patent Owner’s arguments. Patent Owner opposed Petitioner’s request because, according to Patent Owner, the parties’ dispute is not an issue of claim construction, but one of whether the asserted prior art meets the claim limitations. Patent Owner requested a sur-reply of equal length should we grant Petitioner’s request for a reply.

After considering the parties’ arguments, we determined that additional briefing on the identified claim construction issues would be beneficial in this proceeding. Accordingly, we granted Petitioner’s requested relief and authorized a reply of seven (7) pages limited to addressing the claim construction issues identified by Petitioner in its email to the Board. *See* Ex. 3001. We further authorized Patent Owner’s filing of a sur-reply of seven (7) pages, limited to responding to the issues raised by Petitioner in its reply.

ORDER

Accordingly, it is

ORDERED that Petitioner is authorized to file a Reply to Patent Owner's Preliminary Response, not to exceed seven pages, limited to addressing Patent Owner's arguments regarding claim construction as set forth above, by August 22, 2024;

FURTHER ORDERED that Patent Owner is authorized to file a Sur-reply to Petitioner's Reply, not to exceed seven pages, limited to responding to the arguments in Petitioner's Reply, by August 29, 2024; and

FURTHER ORDERED that the parties shall not file any additional evidence with the Reply or Sur-reply.

IPR2024-00789
Patent 10,861,872 B2

For PETITIONER:

Jeremy Jason Lang
Jared Bobrow
K. Patrick Herman
ORRICK, HERRINGTON & SUTCLIFFE LLP
jlang@orrick.com
jbobrow@orrick.com
pherman@orrick.com

For PATENT OWNER:

James L. Davis, Jr.
Christopher M. Bonny
Allen S. Cross
ROPES & GRAY LLP
James.L.Davis@ropesgray.com
Christopher.Bonny@ropesgray.com
Allen.Cross@ropesgray.com