

From: Jensen, Travis <tjensen@orrick.com>

Sent: Thursday, August 29, 2024 10:09 PM

To: Trials <Trials@USPTO.GOV>

Cc: Bobrow, Jared <jbobrow@orrick.com>; Hsu, Johannes <johanneshsu@orrick.com>; Lang, Jason <jlang@orrick.com>; YMTC-Micron-IPRs-Ropes-Service <YMTC-Micron-IPRs-Ropes-Service@ropesgray.com>; Davis, James L., Jr. <James.L.Davis@ropesgray.com>; Radsch, Andrew <Andrew.Radsch@ropesgray.com>; Cross, Allen <Allen.Cross@ropesgray.com>; Bonny, Christopher M. <Christopher.Bonny@ropesgray.com>

Subject: IPR2024-00792 - Request for Preliminary Reply

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Your Honors:

Petitioner requests authorization in IPR2024-00792 to file a 5-page preliminary reply limited to one topic: Patent Owner's argument that discussions in the prior art of applying a voltage to a "wordline" would not be understood as applying the voltage to "gates" of memory cells. *E.g.*, Preliminary Response, 27-28. See 37 C.F.R. 42.108(c). There is good cause for a preliminary reply as Petitioner could not reasonably anticipate this argument because, as the Petition cites in the **background section**, POSITA's refer to the wordline (or "electrode plate") as the control gate. Petition, 11 (citing Ex. 1014, 295). In view of Patent Owner's argument, however, Petitioner respectfully requests to address this issue in the context of (1) disclosures in Hongtao at [0025], [0034] and (2) Figures 4-5 and accompanying text of the 957 patent versus the figures and accompanying text of Grounds 1 and 3.

Petitioner and Patent Owner met and conferred regarding this request. Patent Owner objects and states as follows:

Patent Owner objects to Petitioner's email as an improper attempt to raise substantive arguments with the Board via email. To the extent the Board intends to consider any of these arguments, Petitioner's citations and arguments regarding purported disclosures in Hongtao do not support its positions. Patent Owner opposes Petitioner's request for leave to submit a reply because both parties have been heard on the issue of what the references disclose, and Petitioner's desire to reframe its merits arguments to address the deficiencies in its Petition does not merit a reply. If Petitioner is granted leave to submit a reply, Patent Owner requests a sur-reply of the same length.

The parties are available for a telephone conference at the Board's convenience.

Respectfully submitted,

Travis M. Jensen
Partner, IP Litigation

Orrick
Silicon Valley 
T 650-614-7458
tjensen@orrick.com



NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.

In the course of our business relationship, we may collect, store and transfer information about you. Please see our privacy policy at <https://www.orrick.com/Privacy-Policy> to learn about how we use this information.