

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

Case No. IPR2024-00910
U.S. Patent No. 10,861,872

**JOINT MOTION TO EXPUNGE
CONFIDENTIAL INFORMATION**

Pursuant to 37 C.F.R. § 42.56, Petitioner Micron Technology, Inc. (“Micron”) and Patent Owner Yangtze Memory Technologies Company, Ltd. (“YMTC”) respectfully file this Joint Motion to Expunge confidential documents filed under seal in this proceeding.

I. Background

On May 17, 2024, in connection with its Petition for *Inter Partes* Review of U.S. Patent No. 10,861,872, Petitioner filed a motion to file confidential documents under seal and entry of the Board’s default Protective Order to seal Exhibits 1015-1017, and 1026. *See* Paper 4. Exhibits 1015-1017 are excerpts from YMTC’s Exemplary Infringement Claim Charts for U.S. Patent No. 10,861,872, dated February 2, 2024, in the related district court litigation. *See id.* at 2-3. Exhibit 1026 is YMTC’s Exemplary Infringement Claim Chart for U.S. Patent No. 10,861,872, dated May 6, 2024. *See id.* at 3-4. Exhibits 1015-1017 and 1026 contain highly detailed, sensitive, confidential, and non-public information concerning the design, development, functionality, and operation of Micron’s Accused Products. In addition, Patent Owner has argued that these exhibits should not be made public because they contain third-party, TechInsights, confidential and proprietary information.

On December 10, 2024, the Board issued a Decision Denying Institution of *Inter Partes* Review (Paper 13). On January 9, 2025, Petitioner filed a Motion for

Rehearing (Paper 14), which was denied on April 22, 2025 (Paper 15). *Inter Partes* Review was thus not instituted. On April 23, 2025, Petitioner submitted a request for refund of post-institution fees (Paper 16).

II. The Confidential Documents Filed Under Seal In This Proceeding Should Be Expunged

Petitioner and Patent Owner request that Exhibits 1015-1017 and 1026 be expunged from the record. The confidential nature of the documents and the minimal impact expungement would have on the public's understanding of the file history weigh in favor of granting this motion.

According to Patent Trial and Appeal Board practice, and as noted by the Board, “[c]onfidential information that is subject to a protective order ordinarily would become public 45 days after” the Final Written Decision. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) (“CTPG”) at 21-22. However, “[a] party seeking to maintain the confidentiality of information ... may file a motion to expunge the information from the record prior to the information becoming public.” CTPG, 22; *see also* 37 C.F.R. § 42.56. In deciding whether to expunge confidential information, the Board must balance “the needs of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history.” CTPG, 22.

For reasons stated in its motion to seal (Paper 4), the information sought to be expunged constitutes confidential information.

There is “an expectation that [confidential] information will be made public” only when “the existence of the information is referred to in a decision to grant or deny a request to institute review or is identified in a final written decision following a trial.” CTPG, 22. The Board has previously granted motions to expunge confidential documents where the expunged documents were not necessary to understand the Board’s decisions. *See Unverferth Mfg. Co., Inc. v. J&M Mfg. Co., Inc.*, IPR2014-00758, Paper 29, 2 (P.T.A.B. Sept. 30, 2015) (granting motion to expunge because the final written decision did not rely on the expunged document and “the file and decision remain understandable in the absence of” the expunged document); *Apple Inc. v. Rembrandt Wireless Techs., LP*, IPR2020-00033, Paper 18, 5-6 (P.T.A.B. Apr. 1, 2020) (granting motion to expunge because “no decision relied on the documents containing confidential information” and “the record would not be less understandable if the requested documents were expunged”); *RPX Corp. v. VirnetX Inc.*, IPR2014-00171, Paper 62 (P.T.A.B. Sept. 9, 2014) (granting motion to expunge because the final written decision did not rely on the expunged documents). In these situations, the “public interest in maintaining a complete and understandable file history” is not compromised. CTPG, 22.

Exhibits 1015-1017 and 1026 were not relied on by the Board when reaching its Final Written Decision, and the Board has not relied on these confidential

documents anywhere else in this proceeding. *See* Papers 13 and 15. The record is therefore understandable even if these confidential documents are expunged.

In fact, these documents have been sealed from the public for the duration of this proceeding. Additionally, Exhibits 1015-1017 and 1026 are designated HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY and are under protective orders in both this proceeding and the district court litigation between the parties. Thus, there is equally good cause to keep these exhibits from the public record, especially where the documents were not relied on by the Board in its decisions.

Furthermore, the public’s understanding of the parties’ arguments is not hindered simply because they cannot access these documents. Importantly, the Petition, which cites to Exhibits 1015-1017 and 1026, is not redacted, and therefore, the public’s understanding of the parties’ arguments is not hindered simply because they cannot read the confidential technical information contained in Exhibits 1015-1017 and 1026. *See* Paper 1.

Accordingly, Petitioner and Patent Owner respectfully submit that good cause exists here and requests the Board expunge from the record Exhibits 1015-1017 and 1026.

III. Conclusion

For the reasons set forth above, Petitioner and Patent Owner respectfully request that the Joint Motion to Expunge Confidential Information be granted.

Respectfully submitted,

Dated: May 6, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on May 6, 2025 via electronic mail, upon the following attorneys of record for the Patent Owner:

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