

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.

IPR2024-00910
Patent 10,861,872 B2

Before JO-ANNE M. KOKOSKI, KIMBERLY McGRAW, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Expunge
Confidential Information
37 C.F.R. § 42.56

Micron Technology, Inc. (“Petitioner” or “Micron”) and Yangtze Memory Technologies Company, Ltd. (“Patent Owner” or “YMTC”) filed a Joint Motion to Expunge Confidential Information filed under seal in this proceeding. Paper 17 (“Mot.”). The parties request that Exhibits 1015–1017 and 1026 be expunged. *Id.* at 2.

Rule 42.56 provides that, “[a]fter denial of a petition to institute trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” 37 C.F.R. § 42.56. The Board’s Consolidated Trial Practice Guide (“CTPG”)¹ explains that “[t]he rule balances the need of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history for public notice purposes,” and “[t]here is an expectation that information will be made public where the existence of the information is referred to in a decision to grant or deny a request to institute a review or is identified in a final written decision following trial.” CTPG at 22.

The parties state:

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* [Paper 4] 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.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>

Mot. 1. The parties argue that “[t]he 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.” *Id.* at 2. In particular, the parties note that “the Board has not relied on these confidential documents” and “[t]he record is therefore understandable even if these confidential documents are expunged.” *Id.* at 3–4.

Because we did not rely on any information in Exhibits 1015–1017 and 1026 in rendering any decisions or orders in this proceeding, we find that the public’s interest in having access to that information does not outweigh the parties’ need to protect their confidential information. We also find that the public has sufficient information from public documents, including the Petition (Paper 1), the Institution Decision (Paper 13), and the Decision Denying Petitioner’s Request for Rehearing (Paper 15), to sufficiently understand the record in this case.

Accordingly, we grant the parties’ joint request to expunge Exhibits 1015–1017 and 1026 from this proceeding.

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Expunge Confidential Information (Paper 17) is *granted*; and

FURTHER ORDERED that Exhibits 1015–1017 and 1026 be expunged from the record in this proceeding.

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