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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD., Plaintiff, v. MICRON TECHNOLOGY, INC., et al., Defendants.	Case No. 3:23-cv-05792-RFL **MICRON'S PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE PURSUANT TO PATENT LOCAL RULE 4-2** Honorable Rita F. Lin
MICRON TECHNOLOGY, INC., Counterclaim Plaintiff, v. YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD., and YANGTZE MEMORY TECHNOLOGIES, INC., Counterclaim Defendants.	

Pursuant to Patent Local Rule 4-2 and the scheduling order entered by this Court on Sept. 18, 2024 (Dkt. 141), Defendant and Counterclaim Plaintiff Micron Technology, Inc., and Defendant Micron Consumer Products Group LLC (collectively "Micron") hereby provide the following preliminary constructions of claim terms, phrases, and clauses from U.S. Patent No. 10,950,623 ("the '623 patent"), U.S. Patent No. 11,501,822 ("the '822 patent"), U.S. Patent No. 10,658,378 ("the '378 patent"), U.S. Patent No. 10,937,806 ("the '806 patent"), U.S. Patent No. 10,861,872 ("the '872 patent"), U.S. Patent No. 11,468,957 ("the '957 patent"), U.S. Patent No. 11,600,342 ("the '342 patent"), and U.S. Patent No. 10,868,031 ("the '031 patent") (the "YMTC 1 Patents"), and U.S. Patent No. 8,945,996 ("the '996 patent"), and U.S. Patent No. 10,872,903 ("the '903 patent") (the "Micron Asserted Patents"), and U.S. Patent No. 10,879,254 ("the '254 patent"), U.S. Patent No. 11,581,322 ("the '322 patent"), U.S. Patent No. 10,886,291 ("the '291 patent"), U.S. Patent No. 11,482,532 ("the '532 patent"), U.S. Patent No. 11,145,666 ("the '666 patent"), U.S. Patent No. 12,010,838 ("the '838 patent"), U.S. Patent No. 11,450,604 ("the '604 patent"), U.S. Patent No. 10,672,711 ("the '711 patent"), U.S. Patent No. 11,101,276 ("the '276 patent"), U.S. Patent No. 11,568,941 ("the '941 patent"), and U.S. Patent No. 10,879,164 ("the '164 patent") (the "YMTC 2 Patents") that may warrant construction by the Court and identifies extrinsic evidence that may be used to support those proposed constructions.

Micron reserves the right to amend and supplement the preliminary constructions and the intrinsic and extrinsic evidence below in response to Plaintiff and Counterclaim Defendant Yangtze Memory Technologies Company, Ltd.'s and Counterclaim Defendant Yangtze Memory Technologies, Inc.'s (collectively "YMTC's") proposed constructions and intrinsic and extrinsic evidence and in response to the subsequent meet and confer, in a manner consistent with the Federal Rules of Civil Procedure and the Local Rules of this Court. In the event that YMTC is granted leave of Court to amend its infringement contentions, or should other claim terms, phrases, or clauses become relevant, Micron reserves the right to modify or supplement this disclosure.

Nothing in the lists below shall be construed to limit Micron's right to argue that any claim of the patents-in-suit is invalid. Further, the fact that Micron may have provided preliminary constructions of claim terms, phrases, or clauses below does not mean that it agrees that those terms,

phrases, or clauses are amenable to construction or are valid under 35 U.S.C. § 112.

Pursuant to P.R. 4-2(b), Micron identifies Dr. E. Fred Schubert (the '822, '957,'342, '996, and '903 patents), Dr. Jack C. Lee (the '623, '378, '806, '254, '666, '322, and '838 patents), Dr. Sanjay Banerjee (the '872, '031, '604, '711, '276, '291, and '532 patents), Dr. Daniel Foty (the '164 patent), and Dr. David Kuan-Yu Liu (the '941 patent) as experts in this case who may provide testimony regarding claim construction, the patents-in-suit and their respective file histories, and/or the understanding of a person of ordinary skill in the art at the time of the filing of the patents-in-suit. Drs. Schubert, Lee, Banerjee, Foty, and Liu may offer testimony regarding the technologies of the patents-in-suit. Micron reserves the right to rely upon additional rebuttal testimony from Drs. Schubert, Lee, Banerjee, Foty, and Liu with respect to the patents-in-suit.

Micron's counsel is prepared to meet and confer with YMTC's counsel at a mutually agreeable time for the purposes of finalizing this list of proposed claim terms for construction, narrowing and/or resolving differences, and facilitating the ultimate preparation of a Joint Claim Construction and Prehearing Statement:

I. THE '623 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
dielectric trenches (Micron term)	1-2	The plain and ordinary meaning is "trenches with dielectric material inside the trench openings"	Claim 1, 7:39-44, 9:46-49, 12:7-9, 14:63-66, 16:5-20, 16:43-45	Cappelletti, Flash Memories (1999) (MYM0030071 - MYM0030614), p. 73; Brown, Nonvolatile Semiconductor Memory Technology (1998) (MYM0029449 - MYM0030066), p. 253; Jaeger, Introduction to Microelectronic Fabrication, Vol. V (1988) (MYM0032249 - MYM0032494), p. 216; Prince, Semiconductor Memories (2d ed. 1991) (MYM0067758 - MYM0068592), p. 117.

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

II. THE '822 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
word line pre-pulse signal (Micron and YMTC term)	1, 11	a signal that increases in value and then decreases in value (or vice versa) before a programming step	Claims 1, 10, 11, Figs. 4 and 5, 3:43-59, 5:35-64, 6:30-7:18, 7:21-35, Preliminary response, IPR2024-00795, pp. 17-19	Aritome, NAND Flash Memory Technologies (2016) (MYM0027804 - MYM0028234), pp. 96-97; Cappelletti, Flash Memories (1999) (MYM0030071 - MYM0030614), p. 345; Newton's Telecom Dictionary (26th ed. 2011) (MYM0068599 - MYM0068602); Comprehensive Dictionary of Electrical Engineering (2d ed. 2005) (MYM0068593 - MYM0068595); The New Penguin Dictionary of Computing (2001) (MYM0068596 - MYM0068598);

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				Webster's II New College Dictionary (2001) (MYM0068603 - MYM0068605); IEEE Standard Dictionary of Electrical and Electronics Terms (1996) [MYM0069160 - MYM0069170]; The New Oxford American Dictionary (2010) [MYM0069171 - MYM0069174]; Wiley Electrical and Electronics Engineers Dictionary (2004) [MYM0069175 - MYM0069180]. Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

III. THE '378 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
epitaxial layer (Micron term)	1, 18	a layer that is grown on the substrate and has the same crystalline orientation as the substrate	9:31-39, 20:49-51	Microsoft Computer Dictionary (2002) (definition of "epitaxial layer") (MYM0067601 - MYM0067603); Wiley Electrical and Electronics Engineers Dictionary (2004) (definition of "epitaxial layer", "epitaxial growth," and "epitaxy") (MYM0067604 - MYM0067607); American Heritage Dictionary of the English Language (2016) (definition of "epitaxy") (MYM0067608 - MYM0067610); Merriam-Webster's Collegiate Dictionary (2014) (definition of "epitaxy") (MYM0067613 - MYM0067615); Encyclopaedia Britannica (2014) (definition of "epitaxy") (MYM0067611 - MYM0067612). Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s);

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.
one or more contact layers on the one or more TACs, the one or more channel structures, and the slit structures (Micron term)	1	one or more layers that include contacts to form electrical connections to the one or more TACs, the one or more channel structures, and the slit structures	Figures 2, 3, 1:56-58, 2:9-13, 2:42-48, 5:6-10, 11:48-59, 19:4-8	U.S. Pat. Pub. No. 2021/0225863 (MYM0068887 - MYM0068909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - MYM0068950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - MYM0033557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211. Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
local contacts disposed on the channel structures and the slit structures (Micron term)	15	contacts that are in direct contact with the channel structures and contacts that are in direct contact with the slit structures	Figures 2, 13, 11:16-31, 20:11-17	U.S. Pat. Pub. No. 2021/0225863 (MYM0068887 - MYM0068909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - MYM0068950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - MYM0033557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211. Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

IV. THE ’806 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence[1]	Extrinsic Evidence
local contacts disposed on the first and second channel structures and the slit structures (Micron term)	8	“contacts that are in direct contact with first and second channel structures and contacts that are in direct contact with the slit structures	Figures 2, 13, 11:16-31, 20:11-17	U.S. Pat. Pub. No. 2021/0225863 (MYM0068887 - MYM0068909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - MYM0068950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - MYM0033557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211. Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence..

[1] For consistency, citations are to the specification of the ’378 patent, which shares the same specification as that of the ’806 patent.

V. THE '872 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
dummy source structures (Micron term) dummy source structure[s] (YMTC term)	1-6, 9, 11-13	structure that occupies a void used for a gate replacement process In the alternative, the term is indefinite under YMTC's interpretation because a POSITA would not have understood the outbounds of the claim scope with reasonable certainty.	4:44-55, 4:65-67, 5:17-28, 5:31-34, 5:37-58. 8/8/20 Amendment/ Response in App. 16/402,202, 514.	Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.
conductive contact (Micron term)	1, 13	a conductive material that fills the dummy source hole	11:35-39, 16:23-31, 16:63-66, Figure 2L	*See* extrinsic evidence for "dummy channel structure" U.S. Pat. No. 10,381,369 (MYM0035748 - MYM0035787), e.g., Figures 4B and 5 and corresponding description thereof; U.S. Pat. Pub. No. 2017/0179026 (MYM0036789 - MYM0036966), e.g., [0287]-[0288], Fig. 26A; U.S. Pat. No. 9,859,297 (MYM0039159 - MYM0039204), e.g., 6:9-67, 19:65-20:2; McGraw-Hill Dictionary of Electric & Computer Engineering (2003) (defining "electric contact") (MYM0067598 - MYM0067600).

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

VI. THE '903 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
a cavity of the [first/second] control gate (YMTC term)	1	Plain and ordinary meaning	Abstract, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 4, 11-14.	The American Heritage Dictionary (2009) (defining "cavity") (MYM0067565 - MYM0067567); Merriam-Webster's Collegiate Dictionary (2006) (defining "cavity") (MYM0067568 - MYM0067570); Webster's Third New International Dictionary (2002) (defining "cavity") (MYM0067571 - MYM0067573). Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.
a [first/second/third/fourth] cavity of the [first/second] control gate (YMTC term)	17	Plain and ordinary meaning	Abstract, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 4, 11-14.	The American Heritage Dictionary (2009) (defining "cavity") (MYM0067565 - MYM0067567); Merriam-Webster's Collegiate Dictionary (2006) (defining "cavity") (MYM0067568 - MYM0067570); Webster's Third New International Dictionary (2002) (defining "cavity") (MYM0067571 - MYM0067573). Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

VII. THE '322 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
buried into the substrate (Micron term)	1, 8, 14	The plain and ordinary meaning is extending into and terminating in the substrate	Figs 1, 3B-F, 4A-C, 5A-B, 8:34-38, 13:20-22, 16:44-48	U.S. Patent Publication No. 2011/0027988 (MYM0090915 - MYM0090934), Abstract, [0035], [0042], [0049], [0056], [0063], [0069], [0077], [0085], Figs. 2A-5F; Concise Oxford English Dictionary, 2011, (MYM0090909 - MYM0090911); Merriam-Webster's Collegiate Dictionary, 2014, (MYM0090912 - MYM0090914). Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of these patents; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention; and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

VIII. THE ’291 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
forming a first storage layer on the surface of the first tunneling layer (Micron term)	4	The plain and ordinary meaning requires the first tunneling layer to be in existence before the first storage layer is formed	Figs. 3-4, 2:11-29, 10:40-11:17, Figs. 26-27, 18:39-19:20, Figs. 53-54, 27:44-28:13, Figs. 77-78, 34:63-35:43 Claim 4	Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention; and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

IX. THE ’666 AND ’838 PATENTS

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
a first conductive material a second conductive material (Micron term)	20 (‘666 patent) 7, 17 (’838 patent)	The plain and ordinary meaning is “a first and second conductive material, which may be the same or different”	1:55-59, 10:1-5	Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of these patents; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention; and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

X. THE '604 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
dielectric pair[s] (Micron term)	1, 3, 11	Plain and ordinary meaning is a pair of dielectric layers consisting of a sacrificial dielectric layer and a dielectric layer	Abstract, 2:19-38, 5:25-62, 6:8-25, 13:37-54, 14:33-39, 14:53-15:16, 16:4-46, 18:27-46, 19:14-16, 20:4-6, 20:55-57 Figs. 4A-4F Claims 1, 3, 11	U.S. Pat. No. 12,002,757 (MYM0090944 - MYM0090972), Figs. 4A-4E, 1:37-2:7, 5:41-6:18, 15:13-49, 18:6-26. Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.
[at a/of the] same level (Micron term)	1, 9, 15	at the same height in the vertical (z-) axis	4:50-5:1, 5:50-53, 7:49-55, 9:25-56, 10:7-11:6, 12:29-64, 13:37-54 Figs. 1B, 2A-2C, 3A-4F Claims 1, 9, 15	U.S. Pat. No. 12,002,757 (MYM0090944 - MYM0090972), 5:7-17, 6:7-30, 8:12-28, 9:30-10:18, 10:36-62, 11:18-40, 12:59-13:33, 14:47-64; The American Heritage Dictionary of the English Language, 5th Edition (2016) (describing level) (MYM0090935 - MYM0090937); Concise Oxford English Dictionary, 12th (2011) (describing level)

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				(MYM0090938 - MYM0090940). Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

XI. THE ’711 AND ’276 PATENTS

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
high-k dielectric (Micron term)	1, 2, 5, 11-13, 16, 18-19 (’711 patent) 1, 5, 13-14 (’276 patent)	Plain and ordinary meaning is a dielectric whose dielectric constant is higher than that of silicon nitride.	Certified translation of the CN priority application (201710774754.6) (MYM0090985 - MYM0090997), [0051]. 2:16–19, 8:16–20, 9:11–14 of the ’276 patent (and/or counterpart passages in the ’711 patent)	U.S. Pat No. 9,449,985 (MYM0091051 - MYM0091105), 2:59-3:9, 11:21-47, 15:52-54, 16:4-5, 28:22-23, 31:28-30, 31:46-55, 33:21-23, 33:35-38; U.S. Pat. Pub. No. 2016/0126248A1 (MYM0091692 - MYM0091728), [0046], [0108]; U.S. Pat No. 9,721,963 (MYM0091167 - MYM0091202), 10:29-33; U.S. Pat. Pub. No.

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
			Claims 5, 11, 16 and 18 of the ’711 patent Claim 14 of the ’276 patent	2009/0200612A1 (MYM0091278 - MYM0091395), [0089], [0105]; U.S. Pat. Pub. No. 2009/0146219A1 (MYM0091227 - MYM0091277), [0075]; U.S. Pat. Pub. No. 2016/0056170A1 (MYM0091627 - MYM0091691), [0152]; U.S. Pat No. 9,515,086 (MYM0091106 - MYM0091166), 9:53-55, 11:44-46; U.S. Pat. Pub. No. 2013/0065369A1 (MYM0091438 - MYM0091484), claim 16; European Patent Application No. EP3229276A1 (MYM0090998 - MYM0091042), [0031], [0039], [0100], [0113], [0118]; U.S. Pat. Pub. No. 2016/0019963A1 (MYM0091533 - MYM0091626), [0207]; U.S. Pat. Pub. No. 2010/0127358A1 (MYM0091396 - MYM0091407), [0019]; U.S. Pat. Pub. No. 2013/0223124A1 (MYM0091485 - MYM0091532), [0071]; U.S. Pat. Pub. No. 2012/0181599A1 (MYM0091408 - MYM0091437), [0032]; U.S. Pat No.

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				10,283,700 (MYM0091203 - MYM0091226), 2:66-3:1; Kittl et al., "High-k dielectrics for future generation memory devices," Microelectronic Engineering 86 (2009), 1789-95 ("Kittl") (MYM0091043 - MYM0091050), Figs. 1, 8, Summary Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of these patents; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention; and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

XII. THE '941 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
from bottom to top (YMTC term)	1-2, 5, 7, 11-12	Plain and ordinary meaning	1:45-2:27, 2:63-3:3, 3:46-52, 4:29-36, 5:4-14, 5:24-37 Figs. 1-11 Claims 1-2, 5, 7, 11-12	Micheloni, 3D Flash Memories (2016) (MYM0033167 - MYM0033557), 149-150; Aritome, NAND Flash Memory Technologies (2016) (MYM0027804 - MYM0028234), 278, 290; Micheloni, Inside NAND Flash Memories, 1st Edition (2010) (MYM0033558 - MYM0034140), 115-116; Prince, Vertical 3D Memory Technologies (MYM0091817 - MYM0092183), 127, 142,-143; U.S. Pat. Pub. No. 2021/0158880 (MYM0091776 - MYM0091787), ¶¶18, 20-21. Micron may offer expert testimony from Dr. Liu concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

XIII. THE '164 PATENT

Claim Term, Phrase, or Clause	Claim(s)	Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
at least one saved area is ***adjacent to*** two respective ESD buses of the plurality of ESD buses and respective pads of two respective pad groups of the plurality of pad groups (Micron term)	1, 6, 8, 12	The plain and ordinary meaning of "adjacent to" in this claim element means immediately next to with no intervening components, such as buses or pads	Applicant Reply, dated May 4, 2020, Abstract, 2:47-3:5, 3:27-60 Figs. 2-3 Claims 1, 6, 8, 12	Concise Oxford English Dictionary, 12th Edition (2011) (defining adjacent) (MYM0090903 - MYM0090905); Merriam-Webster's Collegiate Dictionary, 11th Edition (2014) (defining adjacent) (MYM0090906 - MYM0090908). Micron may offer expert testimony from Dr. Foty concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.

Dated: January 8, 2025

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Jason Lang
Jason Lang

Attorneys for Defendant and Counterclaim Plaintiff Micron Technology, Inc. and Defendant Micron Consumer Products Group, LLC

CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025-1015. On January 8, 2025, I served the **MICRON TECHNOLOGY, INC.'S PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE PURSUANT TO PATENT LOCAL RULE 4-2** on all interested parties to this action in the manner described as follows:

☐ **(VIA U.S. MAIL)** On January 8, 2025, by placing a true copy of the document(s) listed above in an envelope, with postage thereon fully prepaid, addressed as set forth below and then sealing the envelope and depositing it in the U.S. mail at Menlo Park, California.

☒ **(VIA EMAIL)** On January 8, 2025, via electronic mail in Adobe PDF format the document(s) listed above to the electronic address(es) set forth below.

☐ **(VIA OVERNIGHT-FED EX)** I caused the within document(s) to be delivered by overnight courier to the address(es) set forth below.

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I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed on January 8, 2025, at Menlo Park, California.

/s/ Matthew Bonini
Matthew Bonini