

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED
STATES PATENT AND TRADEMARK OFFICE

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.,
Patent Owner.

IPR2025-00034
Patent 10,879,254 B2

Before MICHELLE N. ANKENBRAND,¹ *Senior Lead Administrative
Patent Judge, performing the duties of Director Review Executive.*

ORDER

Granting Director Review, Vacating the Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

¹ Coke Morgan Stewart, Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office, is recused and took no part in this decision. The Acting Director delegated her authority in a Notice of Delegation entered in this case. *See* Paper 27.

Yangtze Memory Technologies Company, Ltd. (“Patent Owner”) filed a request for Director Review of the Decision granting institution (“Decision,” Paper 19) in the above-captioned case, and Micron Technology, Inc. (“Petitioner”) filed an authorized response to the request. See Paper 22 (“DR Request”); Paper 26.

In the request, Patent Owner argues that the Board erred in its analysis of the now disclaimed claims, see DR Request 6–14, and that it would be a waste of Office resources to maintain the *inter partes* review (“IPR”) after the Board has found it unlikely that Petitioner will succeed in its challenge of the remaining claims. DR Request 14–15. Petitioner responds that the Decision “should not be disturbed,” Paper 26, 5, because Patent Owner fails to present evidence that the Board misapprehended or overlooked anything in the Decision. *Id.* at 1–5.

The Board determined that Petitioner had shown a reasonable likelihood that claims 3, 4, 9, 10, 18, and 20 of the challenged patent were unpatentable, but that Petitioner was not likely to succeed in showing the remaining challenged claims were unpatentable. Decision 19, 22–23, 27. After institution, Patent Owner disclaimed claims 3, 4, 9, 10, 18, and 20. See DR Request 4. As such, “the patent is viewed as though the disclaimed claims had never existed in the patent.” *Guinn v. Kopf*, 96 F.3d 1419, 1422 (Fed. Cir. 1996).

Under these circumstances, where claims 3, 4, 9, 10, 18, and 20 are treated as though they never existed, and the Board has determined that Petitioner failed to show a reasonable likelihood that any remaining, non-disclaimed claim is unpatentable, maintaining this IPR is an inefficient use

of Office resources. Accordingly, the Decision is vacated, and institution is denied.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Decision granting institution of *inter partes* review (Paper 19) is vacated; and

FURTHER ORDERED that the petition is denied, and no trial is instituted.

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