

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.,
Petitioner,

v.

MICRON TECHNOLOGY, INC.,
Patent Owner.

IPR2025-00098 (Patent 8,945,996 B2)
IPR2025-00099 (Patent 10,872,903 B2)¹

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

McGRAW, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order applies to both listed cases. The cases are not consolidated and the parties may not use this style heading unless authorized.

In each of the above proceedings, Petitioner filed an authorized motion to update its mandatory notices to add Yangtze Memory Technologies, Inc. (“YMTI”) as a real party-in-interest without altering the filing dates of the proceedings. Paper 7 (“Motion” or “Mot.”), 1.² Petitioner states that it is identifying YMTI as a potential real party-in-interest in each proceeding solely because YMTI is a co-defendant with Petitioner in a related litigation involving the challenged patents and because YMTI is a subsidiary of Petitioner. Mot. 3. Petitioner asserts that “YMTI exercises no control over the daily operations” of Petitioner and Petitioner has “no obligation to consult with YMTI or obtain its permission to file the present Petition.” Mot. 3. Petitioner also argues that there is no prejudice to Patent Owner and that “any delay in identifying YMTI has no negative effect on Patent Owner’s ability to challenge the Petition.” Mot. 4–5.

Patent Owner does not oppose Petitioner’s Motions. *See* Mot. 1.

Analysis

If a petition fails to identify all real parties-in-interest under 35 U.S.C. § 312(a)(2), the Director can, and does, allow the petitioner to add a real party in interest. *Mayne Pharma Int’l Pty. Ltd. v. Merck Sharp & Dohme Corp.*, 927 F.3d 1232, 1240 (Fed. Cir. 2019); *see also Proppant Express Invs., LLC v. Oren Techs., LLC*, IPR2017-01917, Paper 86 at 6–7 (PTAB Feb. 13, 2019) (precedential) (granting motion to amend mandatory notices to add a real party-in-interest); *Adello Biologics LLC v. Amgen Inc.*,

² For purposes of expediency, we cite to the Motion filed in IPR2025-00098. Petitioner filed a similar Motion in IPR2025-00099, which was also assigned the same paper number (i.e., Paper 7).

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PGR2019-00001, Paper 11 at 3 (PTAB Feb. 14, 2019) (precedential) (granting motions to amend mandatory notices to add a real party-in-interest).

The Board considers the following factors when deciding whether to allow a petitioner to amend its identification of real parties-in-interest while maintaining the filing date: (1) attempts to circumvent the 35 U.S.C. § 315(b) bar or estoppel rules, (2) prejudice to the patent owner caused by the delay, (3) bad faith by the petitioner, and (4) gamesmanship by the petitioner. *Proppant Express*, IPR2017-01917, Paper 86 at 6–7.

Having considered these factors in view of Petitioner’s unopposed arguments, and finding that none of the factors exist here, we grant Petitioner’s unopposed motion to amend its mandatory notices in each of the captioned proceedings to include YMTI as a real party-in-interest while maintaining the original filing date.

In view of the foregoing, it is:

ORDERED that Petitioner’s request to add Yangtze Memory Technologies, Inc. as a real party-in-interest in each proceeding is *granted*; and

FURTHER ORDERED that Petitioner’s Updated Mandatory Notice reflecting the addition of Yangtze Memory Technologies, Inc. as a real party-in-interest is to be filed in each proceeding no later than April 11, 2025.

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