

Filed on behalf of: Yangtze Memory Technologies Company, Ltd.

Entered: November 5, 2025

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 IPR2025-00117
Patent 10,672,711

**PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF BENJAMIN SMITH
UNDER 37 C.F.R. § 42.10(c)**

Exhibit List

Ex.	Description
2001	Micron's Motion to Stay the Case Pending Inter Partes Review and Post Grant Review Proceedings, <i>Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc.</i> , No. 3:23-cv-05792-RFL (N.D. Cal. Jan. 16, 2025), ECF No. 200
2002	Plaintiff/Counterclaim Defendant Yangtze Memory Technologies Company, Ltd.'s and Counterclaim Defendant Yangtze Memory Technologies, Inc.'s Opposition to Micron's Motion to Stay Case Pending Inter Partes Review and Post-Grant Proceedings, <i>Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc.</i> , No. 3:23-cv-05792-RFL (N.D. Cal. Feb. 3, 2025), ECF No. 221
2003	Docket Entry Order (issuing temporary stay), <i>Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc.</i> , No. 3:23-cv-05792-RFL (N.D. Cal. Mar. 3, 2025), ECF No. 242
2004	U.S. District Courts—Time Intervals from Filing Date to Beginning Date for Completed Civil Trials, by District, During the 12-Month Period Ending September 30, 2024 (https://www.uscourts.gov/sites/default/files/2025-01/jb_t3_0930.2024.pdf)
2005	RESERVED
2006	Curriculum Vitae of Stephen Campbell, Ph.D.
2007	Declaration of Dr. Campbell ("Campbell")
2008	Transcript of the deposition Sanjay Banerjee, Ph.D., taken August 13, 2025
2009	Declaration of Dr. Campbell, Ph.D. in Support of Patent Owner's Response ("Campbell2")
2010	Declaration of Benjamin Smith Pursuant to 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5), Patent Owner Yangtze Memory Technologies Company, Ltd. (“Patent Owner”) respectfully requests the *pro hac vice* admission of attorney Benjamin Smith, Esq., in this proceeding. Patent Owner has conferred with counsel for Micron Technology, Inc. (“Petitioner”), and Petitioner does not oppose this motion.

II. LEGAL STANDARD

Under 37 C.F.R. § 42.10(c):

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5) further instructs that a motion for *pro hac vice* must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding; and
- b. Be accompanied by an affidavit or declaration in which the individual seeking *pro hac vice* recognition attests to the following:
 - i. Membership in good standing of the Bar of at least one State or the District of Columbia;
 - ii. No suspensions or disbarments from practice before any court or administrative body;
 - iii. No application for admission to practice before any court or administrative body ever denied;
 - iv. No sanctions or contempt citations imposed by any court or administrative body;
 - v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and Board's Rules of Practice for Trials set forth in 37 C.F.R. part 42;
 - vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
 - vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

Paper No. 5 at 3-4 (footnote omitted). As set forth below, and in the accompanying Declaration of Benjamin Smith ("Smith Decl.," Ex. 2010), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE BENJAMIN SMITH ESQ. *PRO HAC VICE* IN THIS PROCEEDING

Mr. Smith is a member in good standing of the District of Columbia (Bar No. 90010233) and the Utah State Bar (Bar No. 17695) and admitted to practice before the United States District Court for the District of Utah and the United States District Court for the Eastern District of Michigan. Smith Decl. ¶ 2. Mr. Smith has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 3. No application of Mr. Smith for admission to practice before any court or administrative body has ever been denied. *Id.* Nor has any court or administrative body imposed sanctions or contempt citations against Mr. Smith. *Id.* Mr. Smith has read, fully understands, and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of title 37 of the Code of Federal Regulations. *Id.* ¶ 4. Mr. Smith acknowledges and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*

Patent Owner's lead counsel in this proceeding, Inge A. Osman, is a registered practitioner (Reg. No. 74,480). Moreover, as set forth below (and in his accompanying declaration), Mr. Smith is both an experienced and technically-trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Mr. Smith received a Bachelor of Science degree in Electrical Engineering from Brigham Young University in 2014. Smith Decl. ¶ 5. Mr. Smith earned a law degree from the University of Virginia School of Law in 2020. *Id.* Mr. Smith joined Latham & Watkins LLP ("Latham") as an associate in 2022. *See id.* ¶ 6.

Mr. Smith is currently a member of Latham's intellectual property group, with a focus on patent litigation. *Id.* Mr. Smith has practiced in this group for nearly four years. *Id.*

Mr. Smith also has an established familiarity with the subject matter at issue in this proceeding. Mr. Smith has been actively involved in the related district court litigation between the Petitioner and Patent Owner, *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc. and Micron Consumer Products Group, LLC*, No. 3:23-cv-05792-RFL (N.D. Cal.). *Id.* ¶ 7. U.S. Patent No. 10,672,711 ("711 patent"), which is at issue in this proceeding, is one of the patents asserted by the Patent Owner in the district court litigation. *Id.* ¶ 8. Mr. Smith has been actively involved in Patent Owner's factual investigation and development of its claim

construction, validity, and infringement positions regarding the claims of the '711 patent at issue here. *Id.*

Mr. Smith has been actively involved in analyzing and assisting with responding to the Petition for *Inter Partes* Review submitted in this proceeding. *Id.* ¶ 9.

In view of Mr. Smith's extensive knowledge of the subject matter at issue in this proceeding, and in view of the interrelatedness of this proceeding and the related district court litigation, Patent Owner has a substantial need for Mr. Smith's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding. In addition, admission of Mr. Smith *pro hac vice* will enable Patent Owner's to avoid unnecessary expense and duplication of work between this proceeding and the district court litigation. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel litigation).

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Mr. Smith be admitted *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: November 5, 2025

By: / Inge A. Osman /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 5th day of November, 2025, a true and correct copy of the foregoing **Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Benjamin Smith Under 37 C.F.R. § 42.10(c) and Exhibit 2010** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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