

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.

IPR2025-00117
Patent 10,672,711 B2

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

CYGAN, *Administrative Patent Judge.*

ORDER SETTING FURTHER CONDUCT OF THE PROCEEDING
37 C.F.R. § 42.5(a)

On November 24, 2025, Patent Owner, Yangtze Memory Technologies Company, Ltd., submitted a request for authorization to file an errata to the transcript of Dr. Campbell's deposition of November 7, 2025. Ex. 3001. Petitioner Micron Technology opposed this request. *Id.* In the emailed request, the parties differed on whether such an errata was permitted under PTAB practice. On January 6, 2026, we held a conference with the parties to discuss this request for authorization.

During the conference, the parties disagreed as to whether substantive changes are permitted, citing to prior nonprecedential PTAB decisions (e.g., *Samsung Elec. Am., Inc. v. Neonode Smartphone LLC*, IPR2021-00145, Paper 54 at 3–4 (PTAB Jan. 25, 2022) (collecting cases)). We need not determine this legal issue because we determine, for the following reason, that the proposed errata would not further the resolution of any issue in the proceeding.

Patent Owner's proposed errata would modify numerous instances in which Dr. Campbell stated that he was not an expert in "design" to instead state that he was not an expert in "circuit design." For example, the transcript of Dr. Campbell's deposition at page 134 would be altered (by the italicized, underscored language) to read:

"[Q] Do you consider yourself qualified to offer an opinion on the semiconductor design aspects that you've discussed in your declaration?

A The circuit design aspects, no. As I've said before, I've talked to circuit designers, but I'm not a circuit designer. I'm a processing person."

Patent Owner stated that such language was needed to inoculate Dr. Campbell's testimony against a misreading in which the testimony would be interpreted incorrectly. Patent Owner emphasized that the errata

language did not correct any mis-statement, and did not alter any facts presented by Dr. Campbell. Petitioner argued that preserving the original language is necessary because it undermines Dr. Campbell's qualifications as they relate to his overall testimony.

The parties' briefs confirm that the underlying issue sought to be addressed by the errata is whether Dr. Campbell meets the qualifications of a person having ordinary skill in the art, which Petitioner has described as "2–3 years of professional experience working with (*e.g.*, researching, designing, or teaching) monolithic 3D structures and NAND memory devices. . . ." Petitioner's Reply Brief (Paper 36), 27–28. Patent Owner argues, in its Sur-Reply that was discussed during, and filed subsequent to, our conference, that Petitioner's definition of a person having ordinary skill in the art considers not merely design experience, but also knowledge and training, such that Dr. Campbell's experience with fabrication and processing of semiconductors would meet that definition. Patent Owner's Sur-Reply Brief (Paper 45), 24–25.

We note that the specific statements at issue in Dr. Campbell's deposition testimony are those in which Dr. Campbell specifically describes the limits of his knowledge. For example, Dr. Campbell's statements on pages 32-33, cited by Petitioner, describe that the step heights are not part of his expertise, such that he could only make a rough estimate. Petitioner's Reply Brief 27–28; Ex. 1027, 32–33. This is not a situation in which Dr. Campbell professes knowledge on a certain fact that Petitioner disputes. Dr. Campbell is, in the statements identified by Petitioner, explaining the specific contours of his experience.

We find an errata to be an unsuitable course of action here because (1) no actual error is present in the text, (2) Patent Owner had the opportunity to

treat (although not “inoculate”) the effects of a misinterpretation of the type of design being discussed by Dr. Campbell in his deposition in Patent Owner’s Sur-Reply, (3) Patent Owner contends in its Sur-Reply that whether Dr. Campbell has design experience is not determinative to the issue of whether he is a person having ordinary skill in the art. Moreover, the proposed errata, by restating Dr. Campbell’s area of non-expertise to “circuit” design, would not provide a fair evaluation of that fact. Petitioner has not had an opportunity to probe the distinction between design and circuit design in its deposition. Nor would such errata provide a clear factual source for such a revised statement.

We recognize that Dr. Campbell’s qualifications are, however, important to determining the weight given to his testimony. Therefore, Patent Owner may request an additional opportunity to provide evidence on Dr. Campbell’s qualifications with respect to the issue presented in Petitioner’s Reply Brief. Patent Owner previously indicated that it “would not object if Petitioner wishes to conduct a brief follow-up deposition limited to Dr. Campbell’s errata” (Ex. 3001), and such a follow-up deposition would be a necessary condition of any further submission by Patent Owner.

ORDER

It is therefore

ORDERED that Patent Owner’s request for authorization to file an errata is DENIED, and

FURTHER ORDERED Patent Owner may seek authorization to submit further evidence regarding Dr. Campbell’s qualifications as a person of ordinary skill in the art, limited to the issues raised in Petitioner’s Reply

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Brief, and that Petitioner shall have an opportunity to conduct a limited follow-up deposition if such authorization for further evidence is granted.

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