

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.

IPR2025-00190 (11,568,941 B2)
IPR2025-00191 (11,581,322 B2)
IPR2025-00228 (11,101,276 B2)
IPR2025-00244 (10,886,291 B2)
IPR2025-00245 (11,482,532 B2)
PGR2025-00021 (12,010,838 B2)

Before KALYAN K. DESHPANDE,¹ *Acting Deputy Chief Administrative
Patent Judge.*

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 has delegated her authority in a Notice of Delegation. *See* <https://www.uspto.gov/sites/default/files/documents/deshpande-delegation-letter.pdf>.

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DECISION

Denying Patent Owner's Request for Discretionary Denial

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Yangtze Memory Technologies Company, Ltd. (“Patent Owner”) filed a request for discretionary denial (Paper 10, “DD Req.”) in the above-captioned cases, and Micron Technology, Inc. (“Petitioner”) filed an opposition (Paper 18, “DD Opp.”).²

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the district court proceeding involving the challenged patents has been stayed. DD Req. 16. Although the parties appear to have invested some resources into the district court proceeding prior to being stayed (DD Req. 17–19; DD Opp. 21–23), that consideration is outweighed by the early challenges to the patents at issue. The challenged patents were issued recently, from 2021 through 2024. Early challenges favor robust, predictable patent rights and weigh against discretionary denial.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is referred to the Board to handle the case in the normal course, including by

² Citations are to papers in IPR2025-00190. The parties filed similar papers in IPR2025-00191, IPR2025-00228, IPR2025-00244, IPR2025-00245, and PGR2025-00021.

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issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *denied*;

FURTHER ORDERED that the Petition is referred to the Board; and

FURTHER ORDERED that neither party shall file a request for rehearing or Director Review of this decision until the Board issues a decision on institution.

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