

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 No.: IPR2025-00228
U.S. Patent No. 11,101,276

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to evidence associated with Patent Owner's Response (Paper 31) in this proceeding.

Patent Owner, in its Objections to Petitioner's Evidence, submitted objections to Petitioner's evidence for allegedly being inadmissible hearsay, lacking authentication, lacking foundation and personal knowledge, or constituting improper lay testimony. *See generally* Papers 25 and 27. Patent Owner's objections are overbroad and do not provide Petitioner enough information to inform it of the alleged deficiencies. Further, Patent Owner improperly objects with no belief and without providing any rationale that any document is not what it purports to be, including its publication date. Petitioner similarly applies that standard here. Should the Board sustain Patent Owner's overbroad and improper objections, Petitioner provides similar objections below to Patent Owner's evidence. Further, Petitioner provides additional objections below tailored to Patent Owner's evidence.

Exhibit 2019 (Declaration of Steve Campbell in Support of Patent Owner's Response ("Campbell2")):

Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent it impermissibly acts as a conduit for hearsay, including the hearsay objected to herein, and does not rely on the kinds of facts or data that

experts in the relevant fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioner further objects to this exhibit for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent it offers testimony in areas outside of Dr. Campbell's area of expertise or fails to properly provide the underlying facts, data, and other required disclosures.

Exhibit 2022 (*3D Flash Memories* (Rino Micheloni ed., 2016)):

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this document for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2023 (Harmeet Singh, *Overcoming Challenges in 3D NAND Volume Manufacturing*, 60 Solid State Tech. 18 (July 2017) (excerpt)):

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2024 (Thermo Fisher Scientific, *White Paper: The Challenge of Measuring Buried Critical Dimensions in High-Aspect-Ratio Structures: How Busy Fab Process Owners Can Reduce Time-to-Data in 3D NAND Metrology*, <https://assets.thermofisher.com/TFS-Assets/MSD/Reference-Materials/helios-5-pxl-3d-nand-whitepaper-wp0025.pdf> (last visited Aug. 5, 2025)):

Petitioner objects to this exhibit as causing unfair prejudice, confusing the issues, misleading the Board, wasting time, and needlessly presenting cumulative evidence under FRE 403. This exhibit postdates the asserted priority date of the '276 patent and thus cannot be used to explain the disclosure of the '276 patent for purposes of prior-art invalidity. Patent Owner's attempt to use the irrelevant evidence unfairly prejudices Petitioner, confuses the issues presented in the Petition, and misleads the Board. Further, this exhibit is used to support the same argument as other exhibits in the ranges of Exhibits 2022–26 and 2028–29 and wastes time and is used to needlessly present cumulative evidence.

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2025 (Mark Lapedus, *What's Next for NAND?: Vendors Pin Hopes on 3D Memory, Raising Specter of 2D NAND Shortages; Other Memory Types Add to Uncertainty*, Semiconductor Eng'g (May 19, 2016), <https://web.archive.org/web/20161127122539/https://semiengineering.com/whats-next-for-nand/> (last visited Aug. 15, 2025)):

Petitioner objects to this exhibit as wasting time and needlessly presenting cumulative evidence under FRE 403. This exhibit is used to support the same argument as other exhibits in the ranges of Exhibits 2022–26 and 2028–29 and wastes time and is used to needlessly present cumulative evidence.

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2026 (Mark Shirey & Janay Camp, *Digging Deep Into High Aspect Ratio Process Control for Memory Technology*, Semiconductor Eng'g (Oct. 18, 2018), <https://web.archive.org/web/20250621011306/https://semiengineering.com/digging-deep-into-high-aspect-ratio-processcontrol-formemory-technology/> (last visited Aug. 15, 2025)), **Exhibit 2028** (Mark Lapedus, *3D NAND Metrology Challenges Growing: Rising Costs and Gaps in Equipment Emerge as Technology Scales; New Tools Under Development*, Semiconductor Eng'g (Apr. 9, 2019), <https://semiengineering.com/3d-nand-metrology-challenges-growing/>), and **Exhibit 2029** (2029 Mark Lapedus, *3D NAND's Vertical Scaling Race: More Competition, Business Uncertainty, and Much More Difficult Manufacturing Processes*, Semiconductor Eng'g (Dec. 17, 2020), <https://semiengineering.com/3d-nands-vertical-scaling-race/>):

Petitioner objects to these exhibits as causing unfair prejudice, confusing the issues, misleading the Board, wasting time, and needlessly presenting cumulative evidence under FRE 403. These exhibits, as Patent Owner acknowledges, postdate the asserted priority date of the '276 patent and thus cannot be used to explain the

disclosure of the '276 patent for purposes of prior-art invalidity. Patent Owner's attempt to use the irrelevant evidence unfairly prejudices Petitioner, confuses the issues presented in the Petition, and misleads the Board. Further, these exhibits are used to support the same argument as other exhibits in the ranges of Exhibits 2022–26 and 2028–29 and waste time and are used to needlessly present cumulative evidence.

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on these exhibits for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2027 (Mark Lapedus, *3D NAND Flash Wars Begin: Market Overcrowding, More Efficient Manufacturing, and Growing List of Scaling Issues Create a Challenging Competitive Landscape*, Semiconductor Eng'g (Aug. 20, 2018), <https://web.archive.org/web/20180822030129/https://semiengineering.com/3d-nand-flash-wars-begin/> (last visited Aug. 15, 2025)):

Petitioner objects to this exhibit as causing unfair prejudice, confusing the issues, misleading the Board, wasting time, and needlessly presenting cumulative

evidence under FRE 403. This exhibit, as Patent Owner acknowledges, postdates the asserted priority date of the '276 patent and thus cannot be used to explain the disclosure of the '276 patent for purposes of prior-art invalidity. Patent Owner's attempt to use the irrelevant evidence unfairly prejudices Petitioner, confuses the issues presented in the Petition, and misleads the Board. Further, to the extent Patent Owner may use this exhibit to support the same argument as exhibits in the ranges of Exhibits 2022–26 and 2028–29, this exhibit would waste time and would be used to needlessly present cumulative evidence.

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2030 (Stephen A. Campbell, Fabrication Engineering at the Micro- and Nanoscale 297 (Adel S. Sedra ed., 4th ed. 2013) (excerpt)):

Petitioner objects to this exhibit under FRE 106 and 1001 because, as Patent Owner acknowledges, this exhibit is an incomplete excerpt of the purported book

from which this exhibit was generated and does not accurately reproduce the original.

Petitioner further objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902.

And to the extent Patent Owner relies on this document for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Dated: November 3, 2025

Respectfully submitted,

/Jeremy Jason Lang/

Jeremy Jason Lang
Lead Counsel for Petitioner
Reg. No. 73,604
ORRICK, HERRINGTON &
SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 614-7400
Facsimile: (650) 614-7401
Email: PTABDocketJJL2@orrick.com

*Attorneys for Petitioner Micron
Technology, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on November 3, 2025 via electronic mail, upon the following attorneys of record for the Patent Owner:

Inge A. Osman (inge.osman@lw.com)
Kevin Wheeler (kevin.wheeler@lw.com)
Brenda L. Danek (brenda.danek@lw.com)
Charles H. Sanders (charles.sanders@lw.com)
Amit Makker (amit.makker@lw.com)
Richard A. Lowry (richard.lowry@lw.com)
B. Thomas Watson (thomas.watson@lw.com)
Alex Grabowski (alex.grabowski@lw.com)
Ben Smith (ben.smith@lw.com)
LATHAM & WATKINS LLP

/Karen Johnson/

Karen Johnson