

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICRON TECHNOLOGY, INC.,  
Petitioner

v.

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.,  
Patent Owner

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

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**PETITIONER’S OBJECTIONS TO PATENT OWNER’S EXHIBIT 2033,  
DECLARATION OF BENJAMIN SMITH IN RESPONSE TO  
PETITIONER’S OBJECTIONS TO EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to supplemental evidence served December 9, 2025 in this proceeding.

**Exhibit 2033** (Declaration of Benjamin Smith in Response to Petitioner's Objections to Evidence):

This declaration by Patent Owner's counsel Mr. Smith, acting as a fact witness, purports to authenticate Exhibits 2022–2030 through descriptions of how Patent Owner obtained these exhibits. These descriptions are insufficient to overcome Petitioner's objections to these exhibits as stated in Petitioner's Objections to Evidence filed on November 3, 2025 because they do not address the reasons for the objections under the Federal Rules of Evidence. *See* Paper 32. Petitioner maintains those objections and incorporates by reference Paper 32.

Moreover, this declaration by Patent Owner's counsel, acting as a fact witness, purports to authenticate Exhibits 2022–2030 as true and correct copies of what Patent Owner alleges these exhibits to be through statements regarding their public availability, creation date, or publication date. Petitioner objects to Exhibit 2033 as inadmissible hearsay under FRE 801 and 802 not falling under any exception. Petitioner further objects to Exhibit 2033 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 Mr. Smith's area of expertise or fails to properly provide the underlying facts, data, and other required disclosures.

Additionally, Petitioner objects to the appendices attached to the declaration that purportedly confirm the public availability, creation date, or publication date of Exhibits 2023 and 2025–2029, such as appendices taken from various archives on the Internet, as inadmissible hearsay under FRE 801 and 802 not falling under any exception. Petitioner further objects to Appendices A–N 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. Petitioner also objects to these appendices because each of them (except Exhibit D, which appears to be simply Ex. 2024 itself) is dated on the face of each document (on the “Page Vault” page) to dates in November and December 2025, which are dates well after the date that Patent Owner seeks to establish for Exhibits 2023 and 2025–2029.

Petitioner also objects to Mr. Smith’s statements regarding individual exhibits as follows:

As to Exhibit 2022, Mr. Smith states that this is a copy of “Micron’s submission in IPR2025-00034 as Exhibit 1008.” In IPR2025-00034, however, Patent Owner objected to Exhibit 1008 as “not properly authenticated” and as “inadmissible hearsay.” *See* IPR2025-00034, Paper 23 at 2 (June 2, 2025). Patent Owner cannot simultaneously object to the exhibit in IPR2025-00034 and rely on Petitioner’s production of the document as resolving its objections.

As to Exhibits 2023–2029, Mr. Smith fails to even identify who allegedly obtained the copies of these documents, stating only that it was an unknown “Latham staff member.” This indicates Mr. Smith’s lack of foundation and lack of personal knowledge.

Dated: December 15, 2025

Respectfully submitted,

/Jeremy Jason Lang/

Jeremy Jason Lang  
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## **CERTIFICATE OF SERVICE**

The undersigned hereby confirms that the foregoing paper was caused to be served on December 15, 2025 via electronic mail, upon the following attorneys of record for the Patent Owner:

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*/Valerie Cloyd/*

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