

IN THE 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.

U.S. Patent No. 12,010,838
Case No. IPR2025-00229

UNOPPOSED MOTION TO TERMINATE PROCEEDING

Pursuant to 35 U.S.C. § 327(a), 37 C.F.R. § 42.5, and the authorization provided by the Board in a May 2, 2025 email, Petitioner Micron Technology, Inc. (“Petitioner”) moves to terminate the *Inter Partes* Review of U.S. Patent No. 12,010,838 (“the ’838 patent”), Case No. IPR2025-00229 (“the ’838 IPR”). Patent Owner Yangtze Memory Technologies Company, Ltd. (“Patent Owner”) has advised that it does not oppose this motion. A separate proceeding that also addresses the ’838 patent—Case No. PGR2025-00021 (“the ’838 PGR”)—will remain pending.

The ’838 patent claims priority back to an August 6, 2018 PCT filing. *See* Ex. 1001, Cover. Thus, it is subject to the AIA. The patent issued on June 11, 2024. *See id.* Petitioner filed a petition in the ’838 IPR on November 29, 2024. *See* IPR2025-00229, Paper 1, Petition. Petitioner subsequently filed a petition in the ’838 PGR on January 6, 2025. *See* PGR2025-00021, Paper 1, Petition. Both petitions cite to and rely on the same prior art. Both address the same collection of ’838 patent claims and include the same grounds of unpatentability. The Board issued a Notice of Filing Date in the ’838 IPR on January 30, 2025. *See* IPR2025-00229, Paper 6. A Notice of Filing Date issued in the ’838 PGR on March 6, 2025. *See* PGR2025-00021, Paper 6.

Given the ’838 patent’s date of issuance—along with the filing dates afforded to the ’838 IPR and PGR—Petitioner submits that the ’838 PGR is the proper

proceeding in which to address the unpatentability of the '838 patent's claims. Thus, Petitioner respectfully requests that the Board terminate the '838 IPR in favor of the '838 PGR. The '838 PGR proceeding will remain pending.

Pursuant to 37 C.F.R. § 42.5, the Board may terminate a trial without rendering a final written decision where appropriate, including pursuant to a request under 35 U.S.C. § 327(a). A dismissal of the '838 IPR would promote efficiency and minimize unnecessary costs. This proceeding is still in its preliminary stages, as the Board has not issued an institution decision, conducted an oral hearing, decided the merits of this proceeding, or issued a final written decision. This weighs in favor of and supports termination here. *See, e.g., Winplus N. Am., Inc. v. Pilot, Inc.*, IPR2018-00488, Paper 13 (P.T.A.B. Oct. 24, 2018). Moreover, the Board has explained that “multiple petitions by a petitioner are not necessary in the vast majority of cases.” Nov. 2019 Trial Practice Guide, 59. Termination of the '838 IPR in favor of the still-pending '838 PGR is consistent with this goal: there will be only a single remaining proceeding addressing the '838 patent.

Petitioner certifies that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, termination of the proceeding. Both Petitioner and Patent Owner support termination of the IPR Proceeding.

CONCLUSION

For the foregoing reasons, Petitioner requests that the Board dismiss this IPR Proceeding.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 8, 2025

/K. Patrick Herman/

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CERTIFICATE OF SERVICE

The undersigned certifies that on May 8, 2025, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for the Patent Owner:

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