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 Nos.: IPR2025-00244
U.S. Patent No. 10,886,291
Issue Date: January 5, 2021

Title: JOINT OPENING STRUCTURES OF THREE-DIMENSIONAL MEMORY DEVICES AND METHODS FOR FORMING THE SAME

PETITIONER'S EXPLANATION FOR AND RANKING OF TWO PETITIONS CHALLENGING U.S. PATENT NO. 10,886,291

I. INTRODUCTION

Pursuant to the November 2019 Consolidated Trial Practice Guide ("Guide"), Petitioner, Micron Technology Inc. ("Micron") provides this explanation of multiple petitions challenging U.S. Pat. 10,886,291 (the "'291 Patent"). Micron presents two petitions: IPR2025-00244 (filed December 13, 2024) challenging claims 1-5, 8-9, 11-12, and 14-19; and IPR2025-00294 (filed December 13, 2024) challenging claims 6-7, 10, and 20. Both petitions rely on overlapping prior art, including Costa (Ex. 1005) as the primary reference. The petitions differ in respect to the particular claims challenged in each. The multiple petitions are justified by the number of claims Patent Owner has asserted in the related district court litigation (*i.e.*, 19 of 20 claims of the '291 patent), the depth of analysis presented in the petitions, and the petition word limit.

II. EXPLANATION OF MATERIAL DIFFERENCES AND REASONS WHY MORE THAN ONE PETITION SHOULD BE INSTITUTED

Each of the petitions is materially distinguishable from the other by virtue of challenging a unique claim set. The petition in IPR2025-00244 challenges claims 1-5, 8-9, 11-12, and 14-19. The petition in IPR2025-00294 challenges claims 6-7, 10, and 20. Claims 1, 11 and 20 are the independent claims in the '291 Patent. Micron demonstrates unpatentability of claim 1 in IPR2025-00294 solely because doing so in necessary for purposes of challenging the underlying dependent claims and

because its limitations mirror many of those in independent claim 20. Micron's analysis of claim 1 is identical in both petitions. Thus, except for the unavoidable necessity of repeating the claim 1 analysis, there are no overlapping claims in these petitions. Therefore, the petitions present materially different challenges, each to a unique subset of '291 Patent claims.

Micron notes that Patent Owner has asserted multiple claims from each of nineteen patents in the district court litigation, for a total of 228 asserted claims. Of the eighteen asserted patents for which Micron has filed IPRs, Micron filed just one IPR each for twelve patents. But for six of the patents, including the '291 patent, the number of claims and issues necessitated two IPRs each. Challenging all claims in a single petition would significantly reduce the amount of analysis provided, prejudicing Micron's ability to explain the basis of unpatentability in view of the subject matter at issue.

Accordingly, two petitions are necessary in order to address each of the challenged claims in sufficient detail. Guide, 59 ("[T]here may be circumstances in which more than one petition may be necessary, including, for example, when the patent owner has asserted a large number of claims in litigation."). The second petition has been filed due to the word count limit for petitions, the number of asserted claims, and the need to address each challenged claim in sufficient detail. Indeed, the claim language alone for the '291 patent challenged claims totals over 1,800

words, increasing the word count of the petitions due to the need to analyze all recited claim elements.

The second petition is not submitted to present additional grounds or unpatentability theories for the same dependent claims addressed in first petition.

III. ORDERING OF PETITIONS

For the reasons discussed above, the Board should grant institution for both petitions. Under the circumstances, a ranking of petitions is not appropriate given that they challenge unique claim sets with no overlap. However, in view of the guidance in the consolidated trial practice guide (Guide, 60), Micron requests that the Board consider the petitions in the following order.

Order	IPR Case No.	Challenged Claims
1	IPR2024-00244	1-5, 8-9, 11-12, and 14-19
2	IPR2025-00294	6-7, 10, and 20

IV. CONCLUSION

Micron requests that the Board grant institution for both petitions.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 13, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing PETITIONER'S EXPLANATION FOR AND RANKING OF TWO PETITIONS CHALLENGING U.S. PATENT NO. 10,886,291 were caused to be served on December 13, 2024 via overnight courier upon the following counsel of record for Patent Owner:

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A copy of this Notice was also served via electronic mail on Patent Owner's counsel of record for related PTAB proceedings and in the related district court litigation – ROPES & GRAY LLP and LATHAM & WATKINS::

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