

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.

IPR2025-00294
Patent 10,886,291

Before JO-ANNE M. KOKOSKI, KIMBERLY McGRAW, and MICHAEL
T. CYGAN, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
Due to Disclaimer of All Challenged Claims
35 U.S.C. § 314; 37 C.F.R. § 42.107(e)

I. INTRODUCTION

Micron Technology, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of an *inter partes* review of claims 6, 7, 10, and 20 of U.S. Patent No. 10,886,291 (Ex. 1001, “the ’291 patent”). Yangtze Memory Technologies Co., (“Patent Owner”) filed a Preliminary Response, which includes a notice of patent disclaimer directed to all of the challenged claims. Paper 17 (“Prelim. Resp.”); Ex. 2001 (statutory disclaimer).

For reasons that follow, based on the information presented, we deny the Petition based on the disclaimer and, accordingly, do not institute an *inter partes* review.

II. DISCUSSION

A. Background

The ’291 patent relates to joint opening structures of three-dimensional (3D) memory devices and methods for forming the same. Ex. 1001, code (57), 1:17–20.

Petitioner identifies itself “and its subsidiaries, including Micron Consumer Products Group LLC” as the real parties-in-interest. Pet. 4. Patent Owner identifies itself as the real party-in-interest. Paper 6 (Mandatory Notice), 1.

The parties identify *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc. and Micron Consumer Products Group*, No. 3:24-cv-04223 (N.D. Cal.), which was consolidated with *Yangtze Memory Technologies Company, Ltd. v. Micron Technology, Inc. and Micron Consumer Products Group, LLC*, No. 3:23-cv-05792-RFL (N.D. Cal.) (“Co-Pending Litigation”) as related matters. Pet. 5; Paper 6, 1; Paper 9 (Patent Owner’s Updated Mandatory Notices), 1.

Concurrent with the present Petition, Petitioner filed an additional petition challenging claims 1–5, 8, 9, 11, 12, and 14–19 of the ’291 patent in IPR2025-00244. *See* Pet. 6; Paper 3 (Petitioner’s Explanation for and Ranking of Two Petitions Challenging U.S. Patent No. 10,886,291). Petitioner also identifies an additional 23 *inter partes* review proceedings challenging each asserted patent in the Co-Pending Litigation. Pet. 5–6.

B. Analysis

A “patent owner may file a statutory disclaimer under 35 U.S.C. [§] 253(a) in compliance with § 1.321(a) of this chapter, disclaiming one or more claims in the patent. No *inter partes* review will be instituted based on disclaimed claims.” 37 C.F.R. § 42.107(e) (2020).

A disclaimer under 35 U.S.C. § 253(a) is “considered as part of the original patent” as of the date on which it is “recorded” in the Office. 35 U.S.C. § 253(a). For a disclaimer to be “recorded” in the Office, the document filed by the patent owner must:

1. Be signed by the patentee, or an attorney or agent of record;
2. Identify the patent and complete claim or claims, or term being disclaimed. A disclaimer which is not a disclaimer of a complete claim or claims, or term will be refused recordation;
3. State the present extent of patentee’s ownership interest in the patent; and
4. Be accompanied by the fee set forth in 37 C.F.R. § 1.20(d).

37 C.F.R. § 1.321(a).

A disclaimer is “recorded” pursuant to 35 U.S.C. § 253(a) on the date that the Office receives a disclaimer meeting the above-listed requirements of 37 C.F.R. § 1.321(a) – no further action is required in the Office for a

disclaimer to be “recorded.” *Vectra Fitness, Inc. v. TNWK Corp.*, 162 F.3d 1379, 1382 (Fed. Cir. 1998).

Here, Patent Owner directs us to a statutory disclaimer of claims 6, 7, 10, and 20 of the ’291 patent and, further, avers that the disclaimer was effected in compliance with 37 C.F.R. § 1.321(a) on May 9, 2025. Prelim. Resp. 1 (citing Ex. 2001). Based on our review of Exhibit 2001 and Office public records (that is, the USPTO Patent Application Information Retrieval (PAIR) database, containing the image file wrapper and other information for the ’291 patent), we conclude that a disclaimer of claims 6, 7, 10, and 20 of the ’291 patent under 35 U.S.C. § 253(a) was recorded in the office on May 9, 2025. Based on the information presented, we find that the disclaimer complies with the above-listed requirements of 37 C.F.R. § 1.321(a). See Prelim. Resp. 2; Ex. 2001.

Because all the claims challenged in the present petition are disclaimed under 35 U.S.C. § 253(a) in compliance with 37 C.F.R. § 1.321(a), we decline to institute an *inter partes* review. 37 C.F.R. § 42.107(e); see *General Electric Co. v. United Techs. Corp.*, IPR2017-00491, Paper 9 (PTAB July 6, 2017) (precedential) (declining to institute review where all challenged claims are disclaimed under 35 U.S.C. § 253(a)).

III. CONCLUSION

For the above reasons, we *deny* the Petition and do not institute an *inter partes* review.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is *denied* and no *inter partes* review is instituted.

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