

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.: PGR2025-00021
U.S. Patent No. 12,010,838 B2
Issue Date: June 11, 2024

Title: STAIRCASE STRUCTURE FOR MEMORY DEVICE

**PETITIONER'S EXPLANATION OF MULTIPLE PETITIONS
CHALLENGING U.S. PATENT 12,010,838 AND RANKING OF
PETITIONS**

As required by the Board's Trial Practice Guide, Petitioner Micron Technology, Inc. ("Micron") provides this paper addressing the filing of two parallel petitions respectively requesting *inter partes* review ("IPR") and post grant review ("PGR") of the claims of U.S. Patent No. 12,010,838 ("the '838 patent").

The '838 patent is owned by Yangtze Memory Technologies Company, Ltd. ("YMTC"). Micron has filed both an IPR petition and a PGR petition relating to the '838 patent: IPR2025-00229 (filed in November 2024) and PGR2025-00021 (filed in January 2025 along with this paper). Both the IPR and PGR address the same set of claims: 1, 3-7, and 12-20. Both include the same grounds.

The '838 patent issued June 11, 2024. Depending on the filing date accorded to the IPR petition, it is possible that Micron's IPR petition will be premature pursuant to 35 U.S.C. § 311(c)(1). That statutory provision provides that an IPR may only be filed "9 months after the grant of a patent." Thus, for IPR to be instituted, Micron's IPR petition would need to be accorded a filing date on or after March 11, 2025. The Board has not yet issued a filing date in the IPR. Regardless, to avoid possibility that the IPR petition is determined premature and to ensure consideration of the substance of Micron's meritorious prior art arguments, Micron filed a PGR petition challenging the same set of '838 patent claims on the same grounds.

While Micron intends to move to terminate the earlier filed IPR petition in

favor of the PGR petition, in the event both petitions remain pending when the Board issues its institution decision, Micron prioritizes its petitions as follows:

Rank	Petition	Challenged Claims
1	PGR2025-00021	1, 3-7, and 12-20
2	IPR2025-00229	1, 3-7, and 12-20

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: January 6, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on January 6, 2025 via overnight courier upon the following counsel of record for Patent Owner:

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Copies of this Petition and accompanying documents and exhibits were 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 LATHAW & WATKINS LLP:

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