

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.: IPR2025-00119
U.S. Patent No. 10,879,254
Issue Date: December 29, 2020

Title: THREE - DIMENSIONAL MEMORY DEVICES HAVING THROUGH
ARRAY CONTACTS AND METHODS FOR FORMING THE SAME

**PETITIONER'S EXPLANATION OF MULTIPLE PETITIONS
CHALLENGING U.S. PATENT NO. 10,879,254 AND RANKING OF
PETITIONS**

As required by the Board’s Trial Practice Guide, Petitioner Micron Technology, Inc. (“Micron”) submits this paper explaining the need for two parallel petitions requesting *inter partes* review (“IPR”) of the claims of U.S. Patent No. 10,879,254 (“the ’254 patent”). Yangtze Memory Technologies Company, Ltd. (“YMTC”) owns the ’254 patent. Micron has filed two IPR petitions relating to the ’254 patent: IPR2025-00034 (filed October 11, 2024) and IPR2025-00119 (filed on November 7, 2024). Each Petition challenges all 18 claims that YMTC has asserted against Micron in the parallel District Court litigation. Each Petition presents only a single ground, and each advances a different primary prior art reference. Unlike IPR2025-00034, which relies on Nakajima, IPR2025-00119 relies on a U.S. Patent Application (Fujiki) that is entitled to a foreign application priority date, and that priority date is necessary to establish that Fujiki is prior art to the ’254 patent.

I. THE CIRCUMSTANCES HERE JUSTIFY TWO PETITIONS

Based on the number and nature of the claims, and the need to establish priority to a foreign application for the Fujiki reference, it was not possible to include a Nakajima ground and a Fujiki ground in a single petition.

The Board has explained that multiple, parallel petitions are justified when a Patent Owner “has asserted a large number of claims in litigation.” Nov. 2019 Consolidated Trial Practice Guide, 59. Here, YMTC asserted 18 claims in the litigation. And that large number doesn’t tell the whole story. Many of these claims

recite fabrication details, e.g., claims 3 (simultaneous etching), 5 (removing bottom oxide in forming dielectric liner), 6 (atomic layer deposition and anisotropic etching), and 8 (isotropic etching). Although these details add virtually nothing to the alleged invention of the '254 patent, and were well known in the art, the Petitions had to thoroughly demonstrate that each such detail was well within the knowledge of a POSITA.

The Board also has explained that multiple, parallel petitions are justified when “there is a dispute about priority date requiring arguments under multiple prior art references.” *Id.* IPR2025-00119 relies on a U.S. Patent Application (Fujiki) that is entitled to a foreign application priority date. That entitlement is what makes Fujiki prior art to the '254 patent. IPR2025-00119 spends a considerable number of words (over 700) establishing that Fujiki is entitled to its foreign priority application date.

Micron also submits that any additional burden on either the Board or Patent Owner resulting from multiple petitions in this case should be negligible. Neither Petition approaches the limit of 14,000 words. IPR2025-00034, Paper 1, 68 (9,596 words); IPR2025-00119, Paper 1, 85 (12,083 words). Each petition presents a single ground, and Micron has employed the same expert witness to support both petitions. This will maximize the efficiency of depositions, briefing, and oral argument and avoid duplication of effort. This further supports institution.

II. PETITION RANKING

For the reasons discussed above and in the Petitions themselves, the Board should institute both Petitions. Under the circumstances, Micron submits that a ranking of petitions is not appropriate, as Patent Owner may challenge IPR2024-00119 on the procedural priority issue and each Petition advances only one ground. In the event, however, that the Board determines that only one petition should be instituted, Micron requests that the Board consider the petitions in the following order:

Rank	Petition	Challenged Claims
1	IPR2025-00034	1-15, 17-18, and 20
2	IPR2025-00119	1-15, 17-18, and 20

Respectfully submitted,

Dated: November 7, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on November 7, 2024 via overnight courier upon the following counsel of record for Patent Owner:

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Copies of this paper 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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