

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 MOTION TO FILE CONFIDENTIAL DOCUMENT
UNDER SEAL PURSUANT TO 37 C.F.R. §§42.14 & 42.55**

Pursuant to 37 C.F.R. §§42.14 and 42.55, Petitioner Micron Technology, Inc. (“Micron” or “Petitioner”) respectfully submits this Motion to Seal and to enter the Default Protective Order found in Appendix B of the Trial Practice Guide. Pursuant to the Default Protective Order, Petitioner moves to seal Exhibit 1029, which is being filed concurrently with Petitioner’s Petition for *Inter Partes* Review of U.S. Patent No. 10,658,378, in its entirety.

I. GOOD CAUSE EXISTS FOR SEALING EXHIBIT 1029

“Under 35 U.S.C. §316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public.” But a party may file a motion with the Board to seal confidential information that is protected from disclosure. *Garmin v. Cuozzo*, IPR2012-00001, Paper 37, at 3 (PTAB Apr. 5, 2013). Only “confidential information” is protected from public disclosure. 35 U.S.C. §316(a)(7); Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

As detailed below, good cause exists for sealing Exhibit 1029 because the information is the confidential and proprietary business information of a third party, TechInsights, Inc. (“TechInsights”).

A. Exhibit 1029 – YMTC’s Exemplary Infringement Claim Chart for U.S. Patent No. 10,879,254, dated October 2, 2024

Exhibit 1029 is a document that contains confidential and proprietary business information of TechInsights. Petitioner asserts that the entirety of this excerpted

document contains confidential information, and as such, a redacted public version has not been submitted.

More specifically, Exhibit 1029 is a single-page excerpted from Yangtze Memory Technologies Company, Ltd.'s ("Patent Owner" or "YMTC") Exemplary Infringement Claim Chart from its Disclosure of Asserted Claims and Infringement Contentions in the co-pending district court action, in which Patent Owner purports to read claim limitations of U.S. Patent No. 10,879,254 against the Micron Accused Product. The excerpt contains information obtained from a highly detailed, confidential, and non-public reverse engineering report and analysis concerning the functionality and operation of the Micron Accused Product. In particular, Exhibit 1029 includes a TEM or SEM image of the Micron Accused Product (*i.e.*, 176L 3D NAND flash memory chip), the disclosure of which could harm TechInsights' competitive standing with regards to its competitors. TechInsights considers the analysis, including microscopy contained in Exhibit 1029 to be its confidential and proprietary information and work product, and access to such information can only be obtained by payment or license. TechInsights is in the business of selling access to this type of information and not making it publicly available. *See Fed. Trade Comm'n v. Qualcomm, Inc.*, No. 17-cv-00220, 2019 WL 95922, at *3 (N.D. Cal. Jan. 3, 2019) (finding compelling reasons for "information that, if published, may harm [a party's] or third parties' competitive standing"); *see also Jam Cellars, Inc.*

v. Wine Grp. LLC, No. 19-cv-01878, 2020 WL 5576346, at *2 (N.D. Cal. Sept. 17, 2020) (finding compelling reasons for “confidential business and proprietary information”); *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (finding sealable “business information that might harm a party’s competitive standing”). In addition, Exhibit 1029 has been designated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the currently-governing protective order in the district court action *Yangtze Memory Technologies Co., Ltd. v. Micron Technology, Inc. & Micron Consumer Products Group, LLC*, Case No. 3:23-cv-05792-RFL (N.D. Cal., filed Nov. 9, 2023) (“Co-Pending Litigation”).

Exhibit 1029 accordingly should be sealed in its entirety pursuant to 37 C.F.R. §42.55.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Petitioner’s knowledge, the information sought to be sealed by this Motion has not been published or otherwise made publicly available.

III. PROPOSED PROTECTIVE ORDER

Petitioner respectfully requests entry of the Default Protective Order found in Appendix B of the Trial Practice Guide. Upon entry of the Default Protective Order, Petitioner designates Exhibit 1029 in its entirety, as **“PROTECTIVE ORDER MATERIAL.”**

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board enter the Default Protective Order and seal and protect third-party TechInsight's confidential information contained in Exhibit 1029 for the duration of this proceeding (and thereafter). Petitioner further requests that the Board provisionally seal and protect the confidential information in this document until such time as it receives and rules on this Motion.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 7, 2024

/Jeremy Jason Lang/

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing PETITIONER’S MOTION TO FILE CONFIDENTIAL DOCUMENT UNDER SEAL PURSUANT TO 37 C.F.R. §§42.14 & 42.55 were caused to be served on November 7, 2024 via overnight courier upon the following counsel of record for Patent Owner:

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A copy of this Motion 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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