

1 James R. Batchelder (CSB # 136347)
Andrew T. Radsch (CSB # 303665)
2 **ROPES & GRAY LLP**
1900 University Avenue, 6th Floor
3 East Palo Alto, CA 94303-2284
Telephone: (650) 617-4000
4 james.batchelder@ropesgray.com
andrew.radsch@ropesgray.com

5 *Additional counsel on signature page*

6 *Attorneys for Plaintiff/Counterclaim Defendant*
7 **YANGTZE MEMORY TECHNOLOGIES**
8 **COMPANY, LTD.**
and Counterclaim Defendant
9 **YANGTZE MEMORY**
TECHNOLOGIES, INC.

Jared Bobrow (CA State Bar No. 133712)
jbobrow@orrick.com
J. Jason Lang (CA State Bar No. 255642)
jlang@orrick.com
Diana Rutowski (CA State Bar No. 233878)
drutowski@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE
LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
Telephone: +1 650-614-7400
Facsimile: +1 650-614-7401

Attorneys for Defendant and Counterclaim
Plaintiff
MICRON TECHNOLOGY, INC., and Defendant
MICRON CONSUMER PRODUCTS GROUP,
LLC

11
12 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
13 **SAN FRANCISCO DIVISION**

14 _____)
15 YANGTZE MEMORY)
TECHNOLOGIES COMPANY, LTD.,)

16 Plaintiff)

17 v.)

18 MICRON TECHNOLOGY, INC., and)
19 MICRON CONSUMER PRODUCTS)
GROUP, LLC,)

20 Defendants.)

21 _____)
22 MICRON TECHNOLOGY, INC.,)

23 Counterclaim Plaintiff,)

24 v.)

25 YANGTZE MEMORY)
TECHNOLOGIES COMPANY, LTD)
and YANGTZE MEMORY)
26 TECHNOLOGIES, INC.,)

27 Counterclaim Defendants.)
28 _____)

Case No. 3:23-cv-05792-RFL

JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT (PATENT
LOCAL RULE 4-3)

DEMAND FOR JURY TRIAL

JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT

CASE NO. 3:23-CV-05792-RF

1 Pursuant to the Court’s Scheduling Order (Dkt. 42), Judge Lin’s Standing Order Governing
 2 Patent Cases, and Local Patent Rule 4-3, Plaintiff and Counterclaim Defendant Yangtze Memory
 3 Technologies Company, Ltd. and Counterclaim Defendant Yangtze Memory Technologies, Inc.
 4 (hereafter “YMTC”) and Defendant and Counterclaim Plaintiff Micron Technology, Inc., and
 5 Defendant Micron Consumer Products Group, LLC (hereafter “Micron” and together with YMTC,
 6 “the Parties”), having met and conferred, respectfully submit this Joint Claim Construction and
 7 Prehearing Statement concerning U.S. Patent Nos. 10,950,623 (the “’623 Patent”), 11,501,822 (the
 8 “’822 Patent”), 10,658,378 (the “’378 Patent”), 10,937,806 (the “’806 Patent”), 10,861,872 (the “’872
 9 Patent”), 11,468,957 (the “’957 Patent”), 11,600,342 (the “’342 Patent”), and 10,868,031 (the “’031
 10 Patent”) (collectively, the “YMTC Asserted Patents”) and U.S. Patent Nos. 8,945,996 (the “’996
 11 Patent”) and 10,872,903 (the “’903 Patent”) (collectively, the “Micron Asserted Patents”).

12 **I. Patent Local Rule 4-3 (a): Construction of Terms on Which the Parties Agree**

13 YMTC and Micron agree on the constructions of the following terms:

Term	Claims	Agreed Construction
“group of the plurality of word lines”	’822 Patent, Claims 1-2, 11-12	“at least one of the plurality of word lines”
“in [a/the] pre-verify stage”	’957 Patent, Claims 1, 4-5	Plain and ordinary meaning
“dielectric structure”	’378 Patent, Claims 1-2, 6-7, 15-17 ’806 Patent, Claims 8-9	Plain and ordinary meaning
“dummy channel structure[s]”	’872 Patent, Claims 7-10	Plain and ordinary meaning
“dummy structure”	’996 Patent, Claims 1-2, 11-12	“electrically inoperable structure that mimics a physical property of an operative structure”
“polysilicon”	’903 Patent, Claims 1, 4-5	Plain and ordinary meaning
“in [a/the] verify stage”	’957 Patent, Claims 1, 4-5	Plain and ordinary meaning

II. Patent Local Rule 4-3 (b): Proposed Construction of Disputed Terms

YMTC’s and Micron’s proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence currently known to the party on which it intends to rely either to support its proposed construction or oppose any other party’s proposed construction, including but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses, is provided in Appendix A for the YMTC Patents and Appendix B for the Micron Patents.

III. Patent Local Rule 4-3 (c): Identification of Most Significant Terms

Pursuant to Patent Local Rule 4-3(c) and the Court’s guidance at the Case Management Conference held on February 21, 2024, the Parties have identified the terms which the parties have proposed for construction, the ten terms whose construction are expected to be the most significant to the resolution of the case, and the Parties’ position on whether the terms are claim dispositive.

YMTC Asserted Patents

Term	Patent (claims)	Most Significant	Claim Dispositive (Micron)	Claim Dispositive (YMTC)
“word line pre-pulse signal”	’822 (1, 11)	X	X	
“dielectric trenches”	’623 (1-4, 8-9)			
“local contact[s]”	’378 (15, 18) ’806 (8, 10)	X	X	
“through array contact[s]”; “[through array contact[s]] (TAC[s])”; “TACs”	’378 (1, 2, 7, 15-17, 20) ’806 (8-9, 12)	X	X	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Term	Patent (claims)	Most Significant	Claim Dispositive (Micron)	Claim Dispositive (YMTC)
“epitaxial layer”	’378 (1, 18) ’806 (10)	X	X	
“one or more contact layers on the one or more TACs, the one or more channel structures, and the slit structures”	’378 (1)	X	X	
“local contacts disposed on the channel structures and the slit structures”	’378 (15)	X	X	
“local contacts disposed on the first and second channel structures and the slit structures”	’806 (8)	X	X	
“dummy source structure[s]”	’872 (1-6, 9, 11-13)	X	X	
“conductive contact”	’872 (1, 13)			
“filling structure surrounding the multiple staircase structure”	’031 (1)			

Micron Asserted Patents

Term	Patent (claims)			
“a cavity of the [first/second] control gate”	’903 (1)	X		X
“a [first/second/third/fourth] cavity of the [first/second] control gate.”	’903 (17)	X		X

IV. Patent Local Rule 4-3 (d): Anticipated Length of Claim Construction Hearing

YMTC anticipates that three hours will be sufficient for a hearing on claim construction, with the time divided equally between the parties. Micron anticipates that four hours will be sufficient for a hearing on claim construction, with the time divided equally between the parties.

1 **V. Patent Local Rule 4-3(e): Live Witnesses at the Claim Construction Hearing**

2 Neither YMTC nor Micron propose to call witnesses at the claim construction hearing.

3 **VI. Patent Local Rule 4-3(f): Factual Findings**

4 Neither party has identified any factual finding to be requested from the Court related to claim
5 construction.

6 Respectfully submitted,

7 Date: August 19, 2024

By: /s/ Andrew T Radsch

8 James R. Batchelder (CSB # 136347)

9 Andrew T. Radsch (CSB # 303665)

10 James F. Mack (CSB # 322056)

11 Nancy N. Attalla (CSB # 341070)

ROPES & GRAY LLP

12 1900 University Avenue, 6th Floor

13 East Palo Alto, CA 94303-2284

14 Telephone: (650) 617-4000

james.batchelder@ropesgray.com

andrew.radsch@ropesgray.com

james.mack@ropesgray.com

nancy.attalla@ropesgray.com

15 Rachael Bacha (NYB # 4817938)

16 1211 Avenue of the America

17 New York, NY 10036

Telephone: (212) 596-9062

rachael.bacha@ropesgray.com

18 Allen S. Cross (DCB# 252687)

19 Nicole S. L. Pobre (DCB # 1735421)

20 2099 Pennsylvania Avenue,

21 N.W. Washington, D.C. 20006

Telephone: (202) 508-4600

allen.cross@ropesgray.com

nicole.pobre@ropesgray.com

22 *Attorneys for Plaintiffs/Counterclaim Defendant*

23 ***YANGTZE MEMORY TECHNOLOGIES***

24 ***COMPANY, LTD.***

25 *and Counterclaim Defendant*

YANGTZE MEMORY TECHNOLOGIES, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: August 19, 2024

By: /s/ Jared Bobrow

Jared Bobrow (CA State Bar No. 133712)
jbobrow@orrick.com
J. Jason Lang (CA State Bar No. 255642)
jlang@orrick.com
Diana Rutowski (CA State Bar No. 233878)
drutowski@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
Telephone: +1 650-614-7400
Facsimile: +1 650-614-7401

*Attorneys for Defendant and Counterclaim Plaintiff
MICRON TECHNOLOGY, INC., and Defendant
MICRON CONSUMER PRODUCTS GROUP, LLC*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

I, Andrew T. Radsch, am the ECF user whose identification and password are being used to file this Joint Case Management Conference Statement. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that all signatories to this document have concurred in this filing.

Date: August 19, 2024

By: /s/ Andrew T Radsch

Term	Patent (claims)	YMTC ¹	Micron
<p>“word line pre-pulse signal”</p>	<p>’822 (1, 11)</p>	<p>YMTC’s Proposed Construction: “pulse signal to prepare word lines for a programming step”</p> <p>YMTC’s Evidence: ’822, Abstract, 1:15-48, 1:52-55, 1:56-2:27, 3:43-65, 3:66-4:38, 4:39-59, 4:60-65, 5:35-64, 5:65-6:29, 6:30-60, 6:61-7:18, 7:19-36, 7:37-47, Figs. 4-5, Claims 1, 4, 7-11, 14, 16-20.</p> <p>Plaintiff may rely on testimony from Dr. Paul Min to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the ’822 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: “a signal that increases in value and then decreases in value (or vice versa) before a programming step”</p> <p>Micron’s Evidence: Claims 1, 10, 11, Figs. 4 and 5, 3:43-59, 5:35-64, 6:30-7:18, 7:21-35, Preliminary response, IPR2024-00795, pp. 17-19.</p> <p>Aritome, NAND Flash Memory Technologies (2016) (MYM0027804 - 8234), pp. 96-97; Cappelletti, Flash Memories (1999) (MYM0030071 - 614), p. 345; Newton’s Telecom Dictionary (26th ed. 2011) (MYM0068599 - 602); Comprehensive Dictionary of Electrical Engineering (2d ed. 2005) (MYM0068593 - 595); The New Penguin Dictionary of Computing (2001) (MYM0068596 - MYM0068598); Webster’s II New College Dictionary (2001) (MYM0068603 - 605); IEEE Standard Dictionary of Electrical and Electronics Terms (1996) (MYM0069160 - 170); The New Oxford American Dictionary (2010) (MYM0069171 - 174); Wiley Electrical and Electronics Engineers Dictionary (2004) (MYM0069175 - 180).</p> <p>Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of</p>

¹ The ’378 and ’806 patents share the same specification. Where the identified term applies to both the ’378 and ’806 patents, YMTC’s identification of support from the ’378 specification and figures also includes corresponding support from the ’806 patent.

			the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.
“dielectric trenches”	’623 (1-4, 8-9)	<p>YMTC’s Proposed Construction: Plain and ordinary meaning</p> <p>’623, Abstract, 1:61-2:45, 3:30-65, 4:35-37, 7:17-58, 7:67-8:3, 8:65-9:57, 11:37-12:12, 12:62-13:38, 14:62-66, 15:58-16:30, 17:31-18:9, 19:1-5, 20:9-27, 21:10-33, 12:45-54, 22:6-18, 22:40-43, 23:12-15, 23:26-33, Figs. 1A-B, 2, 3A, 5A, 5C, 6, 7A, 8A, 8C, 9A-B, 10A-B, 11A-C, 12, Claims 1-4, 8-11.</p> <p>YMTC’s Evidence: Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the ’623 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: The plain and ordinary meaning is “trenches with dielectric material inside the trench openings”</p> <p>Micron’s Evidence: Claim 1, 7:39-44, 9:46-49, 12:7-9, 14:63-66, 16:5-20, 16:43-45.</p> <p>Cappelletti, Flash Memories (1999) (MYM0030071 - 614), p. 73; Brown, Nonvolatile Semiconductor Memory Technology (1998) (MYM0029449 - 30066), p. 253; Jaeger, Introduction to Microelectronic Fabrication, Vol. V (1988) (MYM0032249 - 494), p. 216; Prince, Semiconductor Memories (2d ed. 1991) (MYM0067758 - 8592), p. 117.</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
“local contact[s]”	’378 (15, 18)	<p>YMTC’s Proposed Construction:</p>	<p>Micron’s Proposed Construction:</p>

	'806 (8, 10)	<p>Plain and ordinary meaning</p> <p>YMTC's Evidence: '378, 4:20-29, 11:16-30, 11:31-47, 11:48-59, 11:60-64, 12:4-19, 17:7-22, 17:23-43, 17:44-57, 17:58-18:7, 18:8-26, 18:27-41, 18:42-58, 18:59-19:3, 19:4-24, 19:25-34, 19:55-67, 20:1-8; Figs. 2, 7-13; Claims 9, 15, 18. '806, Claims 8, 10. '378FH, 12/23/2019 Reply to Office Action, p. 8. '378FH, 01/13/2020 Notice of Allowance, pp. 2-3.</p> <p>Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '378 and '806 patents in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>“contacts that are in direct contact with the memory array structures”</p> <p>Micron's Evidence: Figures 2, 13, 11:16-31, 11:48-59, 17:10-22, 20:11-17. U.S. Pat. Pub. No. 2021/0225863 (MYM006887 - 909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - 950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - 557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211.</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>“through array contact[s]”; “[through array contact[s]] (TAC[s])”; “TACs”</p>	<p>'378 (1, 2, 7, 15-17, 20) '806 (8-9, 12)</p>	<p>YMTC's Proposed Construction: Plain and ordinary meaning which means a contact that goes through an array</p> <p>YMTC's Evidence: '378, Abstract, 1:38-55, 2:52-58, 5:46-59, 5:60-6:10, 6:11-29, 6:30-50, 6:51-7:4, 10:18-43, 10:44-56, 10:57-11:2, 11:3-15, 11:16-30, 11:31-59, 15:42-56, 17:7-22, 18:8-26, 18:27-41, 18:42-58, 18:59-19:3, 19:25-34, 20:24-37, 20:38-48, 20:49-55, 20:57-58, 21:3-4, 21:7-25, 21:26-35, 21:56-22:3, 22:4-19, 22:25-26, 22:27-38, 22:46-47,</p>	<p>Micron's Proposed Construction: Plain and ordinary meaning.</p> <p>Micron's Evidence: Abstract, 1:38-55, 2:31-32, 52-55, 5:46-59, 6:14-16, 6:34-40, 6:51-62, 10:18-24, 10:57-59, 10:67-11:2, 11:3-15, 18:27-28, 20:24-27, 20:45-47, Fig. 2. Micheloni, 3D Flash Memories (2016) (MYM0033167 - 557), p. 122; U.S. Pat. Pub. No. 2021/0126005A1 (YMTC) (MYM0068863</p>

		<p>22:48-49; Figs. 1A-C, 2-13; Claims 1-2, 7, 9, 15-17, 20. '806, Claims 1-2, 6, 8-9, 12-13, 18-20. '378FH, 01/13/2020 Notice of Allowance, pp. 2-3. '806FH, 10/21/2020 Reply to Office Action, pp. 7-8. '806FH, 12/16/2020 Notice of Allowance, pp. 2-3. Xiao, "3D IC Devices, Technologies, and Manufacturing" (2016), Ch. 2. Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '378 and '806 patents in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>-886), [0052]-[0053]; U.S. Pat. No. 10,879,264 (Sandisk) (MYM0068614 - 732). Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>"epitaxial layer"</p>	<p>'378 (1, 18) '806 (10)</p>	<p>YMTC's Proposed Construction: Plain and ordinary meaning YMTC's Evidence: '378, 9:31-48, 20:38-48, Figs. 2, 6-13; Claims 1, 18. Plaintiff may rely on testimony from Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '378 and '806 patents in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron's Proposed Construction: "a layer that is grown on the substrate and has the same crystalline orientation as the substrate" Micron's Evidence: 9:31-39, 20:49-51 Microsoft Computer Dictionary (2002) (definition of "epitaxial layer") (MYM0067601 - 603); Wiley Electrical and Electronics Engineers Dictionary (2004) (definition of "epitaxial layer", "epitaxial growth," and "epitaxy") (MYM0067604 - 607); American Heritage Dictionary of the English Language (2016) (definition of "epitaxy") (MYM0067608 - 610); Merriam-Webster's Collegiate Dictionary (2014) (definition of "epitaxy") (MYM0067613</p>

<p>- 615); Encyclopaedia Britannica (2014) (definition of “epitaxy”) (MYM0067611 - 612).</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>		
<p>Micron’s Proposed Construction: “one or more layers that include contacts to form electrical connections to the one or more TACs, the one or more channel structures, and the slit structures”</p> <p>Micron’s Evidence: Figures 2, 3, 1:56-58, 2:9-13, 2:42-48, 5:6-10, 11:48-59, 19:4-8. U.S. Pat. Pub. No. 2021/0225863 (MYM0068887 - 909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - 950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - 557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211.</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning, where “on” not only means “directly on” something but also includes the meaning of “on” something with an intermediate feature or a layer therebetween</p> <p>YMTC’s Evidence: ’378, 1:56-63, 2:9-21, 2:33-51, 2:52-58, 2:59-62, 2:63-3:3, 4:20-29, 4:51-5:10, 11:48-59, 19:4-24, 19:25-34, 19:35-54, 19:55-67, 20:49-55, 22:4-19; Figs. 2, 7-13; Claim 1. ’806, Claim 1.</p> <p>Plaintiff may rely on testimony from Dr. Keln Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the ’378 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>“one or more contact layers on the one or more TACs, the one or more channel structures, and the slit structures”</p> <p>’378 (1)</p>

			<p>meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>“local contacts disposed on the channel structures and the slit structures”</p>	<p>*378 (15)</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning, where “on” not only means “directly on” something but also includes the meaning of “on” something with an intermediate feature or a layer therebetween</p> <p>YMTC’s Evidence: ’378, 4:20-29, 11:16-30, 11:31-47, 11:48-59, 11:60-64, 12:4-19, 17:7-22, 17:23-43, 17:44-57, 17:58-18:7, 18:8-26, 18:27-41, 18:42-58, 18:59-19:3, 19:4-24, 19:25-34, 19:55-67, 20:1-8; Figs. 2, 7-13; Claims 9, 15, 18. ’806, Claims 8, 10. ’378FH, 12/23/2019 Reply to Office Action, p. 8. ’378FH, 01/13/2020 Notice of Allowance, pp. 2-3.</p> <p>Plaintiff may rely on testimony from Dr. Keln Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the ’378 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: “contacts that are in direct contact with the channel structures and contacts that are in direct contact with the slit structures”</p> <p>Micron’s Evidence: Figures 2, 13, 11:16-31, 20:11-17. U.S. Pat. Pub. No. 2021/0225863 (MYM006887 - 909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - 950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - 557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211.</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>“local contacts disposed on the first and second channel structures and the slit structures”</p>	<p>*806 (8)</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning, where “on” not only means “directly on” something but also includes the meaning of “on” something with an intermediate feature or a layer therebetween</p> <p>YMTC’s Evidence: ’378, Claims 9, 15, 18.</p>	<p>Micron’s Proposed Construction: “contacts that are in direct contact with first and second channel structures and contacts that are in direct contact with the slit structures”</p> <p>Micron’s Evidence: Figures 2, 13, 11:16-31, 20:11-17.</p>

	<p>'806, 4:26-35, 11:20-34, 11:35-50, 11:51-62, 11:63-67, 12:8-23, 17:11-27, 17:28-48, 17:49-62, 17:63-18:12, 18:13-31, 18:32-46, 18:47-63, 18:66-19:8, 19:9-28, 19:29-38, 19:59-20:4, 20:5-12; Figs. 2, 7-13; Claims 8, 10, 13.</p> <p>'378FH, 12/23/2019 Reply to Office Action, p. 8.</p> <p>'378FH, 01/13/2020 Notice of Allowance, pp. 2-3.</p> <p>Plaintiff may rely on testimony from Dr. Keln Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '806 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>U.S. Pat. Pub. No. 2021/0225863 (MYM0068887 - 909), [0038]; U.S. Pat. Pub. No. 2024/0172429 (MYM0068910 - 950), [0111]; Micheloni, 3D Flash Memories (2016) (MYM0033167 - 557), pp. 69-70, 77-80, 93-95, 115-120, 170-172, 211.</p> <p>Micron may offer expert testimony from Dr. Lee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence..</p>
<p>“dummy source structure[s]”</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning</p> <p>YMTC’s Evidence: '872, Abstract, 1:39-54, 5:31-58, 6:31-59, 7:9-8:53, 11:34-60, 16:14-18:23, Figs. 1A-D, 2A-L, 3-5, Claims 1-20.</p> <p>'872FH, 05/21/2020 Office Action Summary, pp. 2-4.</p> <p>'872FH, 05/22/2020 Response To Restriction Requirement, pp. 1-2.</p> <p>'872FH, 06/03/2020 Office Action Summary, pp. 3, 9-10.</p> <p>'872FH, 08/18/2020 Amendments to the Claims, pp. 2-3, 5-8</p> <p>'872FH, 10/17/2020 Notice of Allowability, pp. 2-4.</p>	<p>Micron’s Proposed Construction: “structures that occupy voids used for a gate replacement process”</p> <p>Micron’s Evidence: 4:44-55, 4:65-67, 5:17-28, 5:31-34, 5:37-58.</p> <p>8/8/20 Amendment/Response in Appl. 16/402,202, 514.</p> <p>Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>

		<p>Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '872 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	
<p>“conductive contact”</p>	<p>'872 (1, 13)</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning</p> <p>YMTC’s Evidence: '872, 5:37-47, Claims 1, 13-14. '872FH, 08/18/2020 Amendments to the Claims, pp. 2-3, 5-8 '872FH, 10/17/2020 Notice of Allowability, pp. 2-4. Shur, “Introduction to Electronic Devices” (1996); Streetman, “Solid State Electronic Devices” (1995); US Patent No. 8,766,336.</p> <p>Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the '872 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: “a conductive material that fills a dummy source hole”</p> <p>Micron’s Evidence: 11:35-39, 16:23-31, 16:63-66, Figure 2L.</p> <p>See extrinsic evidence for “dummy channel structure” (U.S. Pat. No. 10,559,583 (MYM0035919 - 967), e.g., 5:33-36, 13:57-59; KR20180061554 (MYM0067683 - 750), e.g., [0008], [0055], [0114]; U.S. Pat. No. 9,893,082 (MYM0069093 - 154), e.g., 15:22-23, 21:7-8; U.S. Pat. Pub. No. 2018/0026047 (MYM0068733 - 781), e.g., [0039], [0094]; U.S. Pat. Pub. No. 2018/0122819 (MYM0068782 - 812), e.g., [0026], [0084]).</p> <p>U.S. Pat. No. 10,381,369 (MYM0035748 - 787), e.g., Figures 4B and 5 and corresponding description thereof; U.S. Pat. Pub. No. 2017/0179026 (MYM0036789 - 966), e.g., [0287]-[0288], Fig. 26A; U.S. Pat. No. 9,859,297 (MYM0039159 - 204), e.g., 6:9-67, 19:65-20:2; McGraw-Hill Dictionary of Electric & Computer Engineering (2003) (defining “electric contact”) (MYM0067598 - 600).</p>

			<p>Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>“filling structure surrounding the multiple staircase structure”</p>	<p>’031 (1)</p>	<p>YMTC’s Proposed Construction: Plain and ordinary meaning which means filling structure is all the way around the multiple staircase structure</p> <p>YMTC’s Evidence: ’031, Abstract, 1:5-64, 2:12-17, 2:40-45, 3:31-35, 4:13-17, 8:48-53, 9:1-28, 10:25-27, 13:27-64, 15:49-57, 18:25-26, 19:45-49, 22:27-32, 22:61-23:9, Figs. 3-6, 11-12.</p> <p>New Oxford American Dictionary, 3rd Ed., 2010; The American Heritage® College Dictionary, 3rd Ed., 2000; Webster’s II New College Dictionary, 3rd Ed., 2005; Merriam-Webster’s Dictionary and Thesaurus, 5th Printing, 2014</p> <p>Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain what a person of ordinary skill in the art would understand as to the plain and ordinary meaning of this term as it is used by the ’872 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: Plain and ordinary meaning</p> <p>To the extent the Court deems a construction appropriate, the plain and ordinary meaning is “material that fills areas surrounding the multiple staircase structure”</p> <p>Micron’s Evidence: Abstract, 13:39-44, 22:65-23:7, Figures 1-13. https://www.studycountry.com/wiki/what-is-a-piece-of-land-surrounded-by-water-on-2-sides (definition of isthmus) (MYM0069155 - 159); U.S. Pat. No. 9,530,492 (MYM0038652 - 728).</p> <p>Micron may offer expert testimony from Dr. Banerjee concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>

Term	Patent (claims)	YMTC	Micron
<p>“a cavity of the [first/second] control gate”</p>	<p>’903 (1)</p>	<p>YMTC’s Proposed Construction: “a hole with a larger diameter than holes in the layers immediately above and below the [first/second] control gate”</p> <p>YMTC’s Evidence: ’903, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 3-4, 11-16, 18, 20-29, 31, 38, Claims 1, 10, 17.</p> <p>Plaintiff may rely on testimony from Dr. Kelin Kuhn and/or Dr. Woodward Yang to explain how a person of ordinary skill in the art would understand this term as it is used by the ’903 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Micron’s Proposed Construction: Plain and ordinary meaning</p> <p>Micron’s Evidence: Abstract, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 4, 11-14.</p> <p>The American Heritage Dictionary (2009) (defining “cavity”) (MYM0067565 - 567); Merriam-Webster’s Collegiate Dictionary (2006) (defining “cavity”) (MYM0067568 - 570); Webster’s Third New International Dictionary (2002) (defining “cavity”) (MYM0067571 - 573).</p> <p>Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
<p>“a [first/second/third/fourth] cavity of the [first/second] control gate.”</p>	<p>’903 (17)</p>	<p>YMTC’s Proposed Construction: “a [first/second/third/fourth] hole with a larger diameter than holes in the layers immediately above and below [first/second] the control gate”</p> <p>YMTC’s Evidence: ’903, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 3-4, 11-16, 18, 20-29, 31, 38, Claims 1, 10, 17.</p>	<p>Micron’s Proposed Construction: Plain and ordinary meaning</p> <p>Micron’s Evidence: Abstract, 4:49-5:3, 7:26-8:50, 12:52-64, Figs. 4, 11-14.</p> <p>The American Heritage Dictionary (2009) (defining “cavity”) (MYM0067565 - 567);</p>

		<p>Plaintiff may rely on testimony from Dr. Kelvin Kuhn and/or Dr. Woodward Yang to explain how a person of ordinary skill in the art would understand this term as it is used by the '903 patent in light of the specification, the prosecution history, and extrinsic evidence.</p>	<p>Merriam-Webster's Collegiate Dictionary (2006) (defining "cavity") (MYM0067568 - 570); Webster's Third New International Dictionary (2002) (defining "cavity") (MYM0067571 - 573).</p> <p>Micron may offer expert testimony from Dr. Schubert concerning: 1) the technical background of this patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); and 3) the understanding of a person of ordinary skill in the art concerning the meaning of this term or phrase in view of the intrinsic and/or extrinsic evidence.</p>
--	--	---	---