

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.

Petitioner

v.

MICRON TECHNOLOGY, INC.

Patent Owner

IPR2025-00498

U.S. PATENT 8,803,214

**PETITIONER'S NOTICE RANKING PETITIONS AND
EXPLAINING MATERIAL DIFFERENCES**

I. INTRODUCTION

Yangtze Memory Technologies Company, Ltd. (“Petitioner”) is filing two parallel petitions for *inter partes review* (“IPR”) against U.S. Patent No. 8,803,214 (“’214 patent,” EX1001) assigned to Micron Technology, Inc. (“PO”): IPR2025-00498 (“’498 petition”) challenging claims 1-7, 9-12, and 14-20 and IPR2025-00499 (“’499 petition”) challenging claims 8, 13, and 21.

Pursuant to the Board’s Consolidated Trial Practice Guide (November 2019) (“TPG”) at 59-60, Petitioner submits this notice to (1) provide a succinct explanation of the differences between the petitions, why issues addressed by the differences are material, and why the Board should use its discretion to institute all petitions; and (2) to the extent still necessary, identify a ranking of the petitions.

II. DIFFERENCES BETWEEN PETITIONS

There is little overlap between the two petitions, and they both are necessary.

First, the two petitions address non-overlapping claims. In fact, the two sets of claims addressed in the two petitions encompass two distinct embodiments for memory devices disclosed by the ’214 patent. The two embodiments are each summarized in Section V.A of the respective petition, describing the distinct memory devices of FIG. 31 (the ’498 petition) and FIG. 3 (the ’499 petition). Specifically, the embodiment of FIG. 31 is the subject matter of claims 1-7, 9-12, and 14-20, challenged in the ’498 petition, while the embodiment of FIG. 3 is the

subject matter of claims 8, 13, and 21, challenged in the '499 petition. PO's infringement assertion in *Yangtze Memory Technologies Co. Ltd. v. Micron Technology, Inc. et al.*, No. 3:23-cv- 05792-RFL (N.D. Cal.) ("NDCA case"), asserting all the claims challenged by the '498 petition while no claims challenged by the '499 petition, confirms the two groups of claims are directed to distinct subject matter. EX1028, Ex. B at 17. Although claim 13, challenged by the '499 petition, is a dependent claim of claim 9, challenged by the '498 petition, claim 13 is directed to the same embodiment as claims 8 and 21 (represented by FIG. 3 of the '214 patent). Despite this required analysis of claim 9's subject matter, Petitioner does not request institution on claim 9 in the '499 petition.

Second, there is no overlap in the asserted grounds of invalidity between the two petitions. Based on the distinct structures and claimed subject matter, challenging the two groups of the '214 patent claims requires separate grounds with different prior art. Specifically, between the three prior art references relied on by the '498 petition and the four references relied on by the '499 petition, only one reference overlaps.

As such, to challenge the two groups of claims directed to distinct subject matter under grounds relying on different sets of references, two petitions are necessary solely to comply with the word limit requirements, and the Board should not exercise discretion to deny any of the petitions directed to the '214 patent. *See*,

e.g., *Samsung Elecs. Co. Ltd. v. Mojo Mobility Inc.*, IPR2023-01090, Paper 11 at 25-26 (PTAB Jan. 11, 2024) (granting institution and declining to deny a parallel petition where, “in effect, the two petitions were filed instead of one merely because [PTAB] Rules have page limit restrictions”); *Roku, Inc. v. VideoLabs, Inc.* IPR2024-01025, Paper 12 at 2-3 (PTAB Dec. 9, 2024) (instituting three parallel IPRs filed separately “solely for word count purposes that preclude all claims from being challenged in [a] single petition,” where “there is no duplicative overlap of the same claims across petitions,”).

III. RANKING OF PETITIONS

Petitioner does not believe a ranking of petitions to be appropriate here, as there is no duplication of the challenged claims or grounds in the two petitions, as explained above. Nevertheless, to the extent ranking is necessary, Petitioner ranks the petitions as follows:

IPR No.	Rank
IPR2015-00498	1
IPR2025-00499	2

Petitioner respectfully requests that the Board institute each petition.

Respectfully submitted,

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