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7 **YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.**
and Counterclaim Defendant
8 **YANGTZE MEMORY TECHNOLOGIES, INC.**

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

11 YANGTZE MEMORY TECHNOLOGIES
12 COMPANY, LTD.,

13 Plaintiff,

14 v.

15 MICRON TECHNOLOGY, INC., and
16 MICRON CONSUMER PRODUCTS
GROUP, LLC,

17 Defendants.

18 MICRON TECHNOLOGY, INC.,

19 Counterclaim Plaintiff,

20 v.

21 YANGTZE MEMORY TECHNOLOGIES
22 COMPANY, LTD., and YANGTZE
MEMORY TECHNOLOGIES, INC.,

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

**YMTC’S STATEMENT OF NON-OPPOSITION TO
MTI’S UNOPPOSED MOTION TO MODIFY THE
CASE SCHEDULE TO PERMIT MTI TO
REASSERT COUNTERCLAIMS**

Date: March 4, 2025
Time: 10:00 a.m. PT
Judge: Hon. Rita F. Lin
Courtroom: 15, 18th Floor



1 On January 29, 2025, Micron filed its Unopposed Motion to Modify the Case Schedule to Permit
2 MTI to Reassert Counterclaims. Dkts. 212-1 (sealed), 213 (redacted). Although YMTC does not oppose
3 the relief sought in Micron’s Motion, YMTC is compelled to respond because Micron’s Motion is fraught
4 with misstatements of the record. YMTC therefore submits this statement to correct these
5 mischaracterizations.

6 **First**, Micron’s assertions that YMTC made “misstatements about [its] infringing activity” is false.
7 *Contra* Dkt. 212-1, at 2, 8. As Micron notes, YMTC stated that YMTC does not “sell[] the accused 3D
8 NAND products in the U.S.,” and does not “undertak[e] U.S.-based commercial activity”—both of which
9 are true. Dkt. 212-1, at 3 (quoting Dkt. 53 (YMTC’s Reply ISO Motion to Dismiss Counterclaims), at 1,
10 2). What Micron now points to are a handful of non-revenue generating alleged importations of accused
11 products into the United States—something which does not plausibly result in harm to Micron. *Cf.* Dkt.
12 212-1, at 3-4 (identifying only alleged importation—but no sales). Further, the Court’s finding that
13 **Micron’s** factual allegations “do not provide a sufficient basis for the Court to plausibly infer that [YMTC]
14 was selling, offering to sell, importing, or using” accused products reflects deficiencies in Micron’s
15 pleading, not misstatements by YMTC.

16 **Second**, Micron’s assertions that YMTC made an “incomplete Patent L.R. 3-4(d) production” or
17 incomplete production of “sales and importation” information (Dkt. 212-1, at 2, 5, 8) are also false. Patent
18 L.R. 3-4(d) obligates YMTC to produce “[d]ocuments sufficient to show the **sales, revenue, cost, and**
19 **profits** for accused instrumentalities identified pursuant to Patent L.R. 3-1(b) for any period of alleged
20 infringement.” Patent L.R. 3-4(d) (emphasis added). YMTC made a complete production of that
21 information. Micron does not dispute that YMTC produced documentation of its sales in response to this
22 Rule, including a spreadsheet identifying all responsive YMTC sales. *See* Dkt. 212-1 (citing YMTC-
23 MICRON_0009683). YMTC’s production of documents showed YMTC’s “sales, revenue, cost, and
24 profits” of YMTC’s accused products during the period of alleged infringement. Indeed, Micron has not
25 identified any alleged importation that needed to be disclosed under Patent L.R. 3-4(d), nor did Micron
26 produce evidence of its own non-sales importations in its Patent L.R. 3-4(d) disclosures. The documents
27 and information YMTC produced after its Patent L.R. 3-4(d) disclosures that Micron identifies in its
28 Motion show only **non-revenue-generating** shipments to the United States for, e.g., a mere [redacted] units

1 between [REDACTED] and the [REDACTED] for testing and
 2 compliance checking, and are not subject to YMTC's disclosure requirements under the Local Rules. *See*,
 3 *e.g.*, Dkt. 212-1, at 5-6. As to Micron's discovery requests relating to importation, the parties primarily
 4 disputed the relevance and proportionality of Micron's requests for *non-U.S.* sales information, resulting
 5 in the Court denying Micron's motion to compel several of these requests, and granting others only in
 6 part. *See* Dkt. 163. YMTC's subsequent compliance with the Court's order is not "belated" discovery
 7 and does not reflect that its compliance with the Local Rules was "incomplete." *Contra* Dkt. 212-1, at 5.

8 **Third**, YMTC did not "withhold" any discovery or make any "belated" production. *Contra* Dkt.
 9 212-1, at 2-3, 5. YMTC never resisted or delayed discovery into U.S.-related sales transactions or other
 10 alleged U.S.-based activities. *See* Dkt. 147, at 3 ("YMTC is not withholding discovery about its alleged
 11 infringing activities in the United States. It has produced responsive information; continues to search for
 12 additional responsive information; and informed Micron it will be supplementing its interrogatory
 13 responses by October 11.").

14 Notwithstanding the foregoing, YMTC does not oppose Micron's motion and modify the case
 15 schedule to permit Micron to file its Second Amended Counterclaims.¹

16 Dated: February 6, 2025

17 Respectfully submitted,

18 /s/ Andrew T. Radsch

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27 _____
 28 ¹ YMTC reserves all rights, including to oppose any future motions by Micron to modify the case schedule,
 or amend its counterclaims.



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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2025, I caused the foregoing document and all attachments thereto to be served via the Court’s ECF system upon all counsel of record per Civil L.R. 5-1(h).

DATED: February 6, 2025

/s/ Andrew T. Radsch
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