

Reorganization Claim Assessment Procedure  
(Related Reorganization Procedure: Heisei 24(Mi) 1<sup>st</sup>)

Parties

Petitioner:

Massachusetts Institute of Technology

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Vice President and General Counsel

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Attorneys Representing Petitioner

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Petitioned Parties:

Trustees of Micron Memory Japan, Inc. in Reorganization Procedure

Yoshitaka Kinoshita >&1-18-6,Jougawara-cho, Akishima-shi, Tokyo>'

Nobuaki Kobayashi>&Kioi-cho Building 14F, Kioi-cho, Chiyoda-ku,Tokyo>'

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Yoshimi Ohara

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Kou Matsui

Attorney Representing Petitioned Parties

Satoshi Miyamoto

Decision

1. Petitioner's claims shall be assessed at zero.
2. Costs for reorganization claim assessment procedure shall be burdened by the Petitioner.

Reason

1. The Petitioner filed in the corporate reorganization procedure of Micron Memory Japan, Inc. (formerly "Elpida Memory, Inc.") (i) the claims seeking for recovery of damages incurred by the asserted infringement of the Petitioner's patent (hereinafter referred to as the "Patent") as well as (ii) the claims seeking for recovery of damages

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arising from deferred payment of the above claims. The Trustees denied the claims filed by the Petitioner (hereinafter referred to as the “Reorganization Claims”) and thus the Petitioner filed the procedure for assessing the Reorganization Claims in accordance with Section 151(1) of the Corporate Reorganization Law of Japan.

2. As of this date, the court is unable to recognize facts supporting the Petitioner’s assertion that the Patent was infringed. The Petitioner stated to date that in light of technical nature of this matter the Petitioner has no objection to court’s issuing the decision at this stage in order to facilitate the reorganization claim assessment procedure being promptly finished as well as this matter being transferred to the objection procedure. The Petitioner also stated that the Petitioner will thereafter consider whether or not to file the assessment objection procedure. The Petitioned Party concurred with the Petitioner in stating that in light of technical nature of this matter the Petitioned Party has no objection to court’s issuing the decision at this stage to facilitate the reorganization claim assessment procedure being promptly finished as well as this matter being transferred to the objection procedure.

Given the technical and complex nature of this matter as well as the restraint nature of this claim assessment procedure, the court recognizes it appropriate to issue the decision at this moment without further urging the both parties to submit any court briefs or evidences regarding the issue of the Patent’s infringement.

3. In light of the above, the court determines that the Reorganization Claims should be denied in the claim assessment procedure at this court.

October 20, 2014

Tokyo District Court 8<sup>th</sup> Division

Chief Judge

Akihiko Otake

Judge

Shinya Onodera

Judge

Norihiro Kasai