

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC., AND MICRON MEMORY JAPAN, INC.,
Petitioners

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
Patent Owner

Case: IPR2015-01087
U.S. Patent No. 6,057,221

PETITIONERS' FIRST SET OF OBJECTIONS
TO PATENT OWNER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Micron Technology, Inc. (“Micron”) and Micron Memory Japan, Inc. (“Micron Memory Japan” or “MMJ”) submit the following objections to the below listed Exhibits submitted by Patent Owner Massachusetts Institute of Technology (“MIT”), and any reference to or reliance on the foregoing.

Exhibit #	Description given by Patent Owner (see Paper No. 11)
2001	Submission of Reorganization Claim to Tokyo District Court (October 31, 2012)
2001ET	English Translation of Submission of Reorganization Claim to Tokyo District Court (October 31, 2012)
2002	Reorganization Claim Certificate of Receipt from Tokyo District Court (August 10, 2015)
2002ET	English Translation of Reorganization Claim Certificate of Receipt from Tokyo District Court (August 10, 2015)
2003	English Translation of Reorganization Claim Certification of Receipt Request (August 10, 2015)
2004	Petition to Tokyo District Court for Claim Assessment (December 22, 2012)
2004ET	English Translation of Petition to Tokyo District Court for Claim Assessment (December 22, 2012)
2005	Trustee/MMJ Acknowledgement of Formal Service of the Petition for Claim Assessment (December 26, 2012) (and translations)
2006	Tokyo District Court Certificate of Receipt of Petition for Claim Assessment (August 10, 2015)
2007	English Translation of Certificate of Receipt of Petition for Claim Assessment Request (August 10, 2015)
2009	Elpida News Release: Notice on Petition for Commencement of Corporate Reorganization Proceedings and Uncollectibility of Debts of Our Subsidiary (February 27, 2012)

2010	Opinion Staying Litigation in the United States, <i>In re Elpida Memory, Inc.</i> , Case No. 12-10947 (Bankr. D. Del.)(November 20, 2012)
2011	Tokyo District Court Notice of Result of Investigation (November 14, 2012)
2012	Tokyo District Court Decision Regarding Corporate Reorganization (October 20, 2014)
2012ET	English Translation of Tokyo District Court Decision Regarding Corporate Reorganization (October 20, 2014)
2013	Micron Memory Japan, Inc's Answer to Amended Complaint, <i>MIT v. Micron</i> , Case No. 1:15cv10374 FDS (U.S.D.M) (May 14, 2015)
2014	R.G. Sterne et al., "Reexamination Practice with Concurrent District Court Litigation or Section 337 USITC Investigations," 2011
2025	Affidavit of Takayasu Koga Pursuant to C.F.R. § 42.63(b)

Petitioners' specific objections are as follows:

I. OBJECTION TO EXHIBITS 2001ET, 2002ET, 2004ET AND 2012ET

Exhibits 2001ET, 2002ET, 2004ET and 2012ET are objected to for failing to be filed with an affidavit conforming to 37 CFR § 42.2 attesting to accuracy as required under 37 CFR § 42.63(b), and as untimely under 37 CFR § 42.107(b) and the Board's Notice (Paper No. 3 at 1) setting August 13, 2015 as the deadline for MIT's preliminary response, and under 37 CFR § 42.6(c) requiring that each exhibit be filed with the first document in which it is cited. Exhibits 2001ET, 2002ET, 2004ET and 2012ET are also objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

II. OBJECTION TO EXHIBITS 2001, 2002, 2004, 2005, 2006 AND 2012

Exhibits 2001, 2002, 2004-2006 and 2012 are objected for failing to be timely filed with an English translation accompanied by an affidavit conforming to 37 CFR § 42.2 attesting to the accuracy of the translation as required under 37 CFR § 42.63(b). Exhibits 2001, 2002, 2004-2006 and 2012 are also objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401(b), and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

III. OBJECTION TO EXHIBITS 2003 AND 2007

Exhibits 2003 and 2007 are objected to for failing to be timely filed with an affidavit conforming to 37 CFR § 42.2 attesting to accuracy as required under 37 CFR § 42.63(b). Exhibits 2003 and 2007 are also objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

IV. OBJECTION TO EXHIBITS 2009, 2010, 2013 AND 2014

Exhibits 2009, 2010, 2013 and 2014 are objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

V. OBJECTION TO EXHIBIT 2011

Exhibit 2011 is objected to for failing to be filed with an affidavit conforming to 37 CFR § 42.2 attesting to accuracy of translation as required

under 37 CFR § 42.63(b). Exhibit 2011 is also objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

VI. OBJECTION TO EXHIBIT 2025

Exhibit 2025 is objected to for failing to conform to 37 CFR § 42.2, and as untimely under 37 CFR § 42.107(b) and the Board's Notice (Paper No. 3 at 1) setting August 13, 2015 as the deadline for MIT's preliminary response, and under 37 CFR § 42.6(c) requiring that each exhibit be filed with the first document in which it is cited. Exhibit 2025 is also objected to as irrelevant in view of the Board's Decision (Paper No. 12 at 12) pursuant to Fed. R. Evid. 401, and therefore inadmissible under Fed. R. Evid. 402 and/or Fed. R. Evid. 403.

Respectfully submitted,

/ David J. Cooperberg /

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