

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

**PATENT OWNER'S REQUEST UNDER 37 C.F.R. § 42.73(b)(2) FOR
CANCELLATION OF THE CHALLENGED CLAIMS AND HENCE
ADVERSE JUDGMENT**

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313

ARGUMENT

Under 37 C.F.R. § 42.73(b)(2), Patent Owner elects to cancel the challenged claims on which trial was instituted, i.e., claims 3, 4, 6–8, 13–15, 17, 18, and 21–30 of U.S. Patent No. 6,057,221 (“the ’221 patent”), which are all of the claims that emerged from reexamination pursuant to Reexamination Request No. 90/011,607, and hence, all of the claims involved in this Review. Petitioners do not oppose this request.

Patent Owner’s decision to cancel the challenged claims is not an admission regarding the merits of the Petition or Petitioner’s arguments that the claims are invalid. Patent Owner respectfully stands by the arguments made to the contrary in its Preliminary Response. However, Patent Owner is cognizant of the statistics weighing against it once a decision instituting proceedings has been issued. In light of this, Patent Owner requests cancellation of the challenged claims.

Patent Owner reserves the right to file a Response, pursuant to 37 C.F.R. § 42.120, in the event cancellation is denied.

RELIEF REQUESTED

In view of the requested cancellation of claims, Patent Owner procedurally requests under 37 C.F.R. 42.73(b)(2) that the PTAB accordingly enter an adverse judgment against it in this proceeding.

Date: December 21, 2015

Respectfully submitted,

by: /Steven J. Pollinger/
Steven J. Pollinger
Registration No. 35,326
Ramzi R. Khazen
Registration No. 55,810

Counsel for Massachusetts Institute of
Technology

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **PATENT OWNER'S REQUEST UNDER 37 C.F.R. § 42.73(b)(2) FOR CANCELLATION OF THE CHALLENGED CLAIMS AND HENCE ADVERSE JUDGMENT** as been served on Petitioner via electronic mail at the following correspondence address:

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