

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRON TECHNOLOGY, INC.,  
Petitioner,

v.

VERVAIN, LLC,  
Patent Owner.

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IPR2021-01547 (Patent 8,891,298 B2)  
IPR2021-01548 (Patent 9,196,385 B2)  
IPR2021-01549 (Patent 9,997,240 B2)<sup>1</sup>

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Before SALLY C. MEDLEY, STACEY G. WHITE, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

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<sup>1</sup> These cases have not been joined or consolidated. Rather, this Order governs each case based on common issues. The parties shall not employ this heading style.

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## I. INTRODUCTION

On February 3, 2022, Judges Medley, White, and Weinschenk held a telephone conference call with counsel for Micron Technology, Inc. (“Petitioner”) and counsel for Vervain, LLC (“Patent Owner”). This Order summarizes statements made during the conference call.

## II. ANALYSIS

Petitioner requested authorization to file a reply to Patent Owner’s Preliminary Response to address Patent Owner’s construction of the term “blocks.” Petitioner argued that because Patent Owner’s construction is not consistent with the claims or the written description, Petitioner could not have reasonably anticipated Patent Owner’s construction. Patent Owner responded that the Preliminary Response simply applies the plain and ordinary meaning of the term “blocks” and is consistent with how Petitioner uses that term in the Petition.

After hearing the respective positions of the parties, we denied Petitioner’s request for authorization to file a reply to the Preliminary Response. We explained that at this time the current record is sufficient for us to address the parties’ dispute about the term “blocks.” Nonetheless, if we later determine that additional briefing is necessary, we will schedule another conference call with the parties.

## III. ORDER

It is hereby

ORDERED that Petitioner’s request for authorization to file a reply to the Preliminary Response is *denied*.

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