

Judge Albright Grants Micron's Request To Amend Its Invalidity Contentions

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On May 20, 2024, Judge Albright issued an order granting Micron Technology, Inc.'s (Micron) request to amend its invalidity contentions "to include U.S. Patent No. 7,397,713; U.S. Patent No. 7,174,440; and U.S. Patent Publication No. 2003/0110343 as secondary references . . . to address [Sonrai Memory Limited's (Sonrai)] new infringement theory" in *Sonrai Memory Ltd. & Nera Innovations Ltd. v. Micron Technology, Inc.*, 1:23-cv-01407-ADA (W.D. Tex. May 20, 2024).

Micron contended that it needed the three prior-art references because Sonrai's revised infringement theory focused on a "caching" function. The "caching" function was never mentioned in Sonrai's Preliminary and Final Infringement Contentions. When Micron previously requested that Sonrai amend its contentions to further define the term "read flow process," Sonrai did so and added the previously unmentioned "caching" function. When Micron searched for prior art related to the "caching" function, the search returned the three patents. However, Sonrai denied Micron's request to consent to the amendment of Micron's invalidity contentions to include these three prior-art references.

In requesting leave to amend its contentions, Micron argued that (1) it "was diligent in seeking to amend[.]" (2) Sonrai would suffer no prejudice, and (3) the amendment would not violate Micron's *Sotera* stipulation. Sonrai argued that Micron's disclosure of the prior art so close to the deadline for opening expert reports would "unduly prejudice Sonrai." Further, Micron had yet to serve any new claim charts, "so Sonrai still ha[d] not received notice as to how Micron intend[ed] to apply the new prior art." Additionally, Sonrai argued that the "caching" function was not a change of its original theory, but only an addition to further define "read flow process" as Micron requested.

Ultimately, Judge Albright agreed with Micron's arguments and granted its request to amend its invalidity contentions.

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