

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

TRIANAFYLLOS TAFAS,
Plaintiff,

v.

JON W. DUDAS, et al.,
Defendants.

Civil Action No. 1:07cv846(L) (JCC/TRJ)

CONSOLIDATED WITH

SMITHKLINE BEECHAM
CORPORATION, et al.,
Plaintiffs,

v.

JON W. DUDAS, et al.,
Defendants.

Civil Action No. 1:07cv1008 (JCC/TRJ)

**MEMORANDUM IN SUPPORT OF MOTION OF *AMICUS CURIAE*
MICRON TECHNOLOGY, INC.
FOR LEAVE TO FILE ITS BRIEF IN SUPPORT OF THE DEFENDANT'S
ANTICIPATED MOTION FOR SUMMARY JUDGMENT**

Micron Technology, Inc. ("Micron"), by counsel, states as follows as its Memorandum in Support of its Motion as Amicus Curiae for Leave to File its Brief in Support of the Defendant's Anticipated Motion for Summary Judgment:

Micron is one of the world's leading providers of advanced semiconductor solutions. Micron's DRAM and Flash memory components are used in today's most advanced computing, networking, and communications products, including computers, workstations, servers, cell phones, wireless devices, digital cameras, and gaming systems. Micron also provides CMOS image sensor solutions to the handset camera, digital still camera, and PC video camera markets.

Micron is driven by an unwavering commitment to be the most efficient and innovative global provider of semiconductor solutions.

Micron is also a significant stakeholder in the patent system and, accordingly, has a keen interest in its improvement. Micron's investment in research and development, and the company's focus on innovation, has led to a portfolio of over 18,000 issued U.S. patents and pending applications.

Micron wishes to submit a brief in support of the US Patent and Trademark Office's authority to issue the Final Rules. Micron recognizes that the current rules permit applicants to file broad disclosures in an initial application and then tailor claims after monitoring the industry's development and adoption of the disclosed technology. This practice is inconsistent with sound public policy, informed by the Constitutional purpose of the patent system to promote the progress of useful arts, and creates public uncertainty as to the territory staked out by the inventor as her own. Micron believes any rules that attempt to encourage earlier public awareness of the metes and bounds of that territory are not only justified, but also well within USPTO's rule-making authority.

WHEREFORE, Micron respectfully requests that the Court grant its Motion and allow the filing of its *Amicus Curiae* Brief and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

MICRON TECHNOLOGY INC.

Dated: December 20, 2007

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I will electronically file the foregoing document with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to the following:

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