

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**INTELLECTUAL VENTURES MANAGEMENT, LLC**  
Petitioner

v.

**Patent of XILINX, INC.**  
Patent Owner

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Case IPR2012-00023  
Patent 7,994,609  
Issue Date: August 9, 2011  
Title: SHIELDING FOR INTEGRATED CAPACITORS

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Before Sally C. Medley, Karl D. Easthom, and Justin T. Arbes  
Administrative Patent Judges

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Patent Owner Xilinx, Inc. ("Xilinx") provides this response under 35 U.S.C. § 316(a)(8) and 37 C.F.R. § 42.220. The Petition filed by Intellectual Ventures Management ("IVM") on September 17, 2012 requesting *inter partes* review of claims 1-19 of U.S. Patent No. 7,994,609 (the "'609 Patent," Ex. IVM1001) proposed six different Grounds of rejections, which were granted by the Board on February 12, 2013.

Concurrently with this filing, Xilinx files a separate Motion to Amend that presents reasons why the proposed substitute claims are still further distinguished from the prior art of record. Since the proposed substitute claims recite all of the limitations of the original independent claims, the arguments presented in this Response apply equally to the proposed substitute claims. Nevertheless, Xilinx requests that the Board consider the substitute claims only if it determines that the original claims are invalid.

The next section below is directed to original claims, and explains why the identified claims are valid over the prior art. The following section is directed to the claims for which an amendment has been proposed, and explains why the amended claims are valid over the prior art.

**I. Original Claims 2, 8-9, and 18-19 Are Valid**

The following discussion shows why original claims 2, 8-9, and 18-19 are valid.

**A. Original claim 2 is valid**

IVM-asserts, as to Ground 2, that original claim 2 is obvious over Paul in view of Anthony. Xilinx will show that this proposed rejection does not meet the legal requirements for obviousness under 35 U.S.C. § 103, especially under the requirements under 35 U.S.C. § 311(b) that a ground for *inter partes* review be “only on the basis of prior art consisting of patents or printed publications.”

Original claim 2 recites:

wherein the fourth conductive layer is a poly layer of the IC, the shield capacitor portion including ... a second node shield plate formed in the poly layer.

This claim draws support from, e.g., Figure 2B of the '609 patent (reproduced below). As shown below, the capacitor includes two nodes T and B. Node B includes shield plate B', which is made of polysilicon. A reference shield 224/225 is also provided in addition to (and separate from) the nodes of the capacitor and the shield plate B'. The reference shield 224/225 is annotated in the figure, and in this example is connected to the reference voltage  $V_{DD}$ . IVM-1001 at 6:45-46 and 7:31-32.

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