

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELLECTUAL VENTURES MANAGEMENT, LLC

Petitioner

v.

XILINX, INC.

Patent Owner

Case IPR2012-00023

Patent 7,994,609

**PETITIONER INTELLECTUAL VENTURES MANAGEMENT, LLC'S
REPLY TO PATENT OWNER'S RESPONSE**

Table of Contents

I.	Statement of relief requested	1
II.	Original claims 1-19 are obvious over the art cited in the Petition.....	1
A.	<i>Claim 2 is obvious over Paul and Anthony</i>	1
1.	The combination of Paul and Anthony discloses the limitations of claim 2.2	
2.	The combination of Paul and Anthony disclose a shield plate that is part of the second node of the capacitor.	3
3.	The combination of Paul and Anthony disclose a shield plate formed in a poly layer.	4
4.	A person of ordinary skill in the art would have combined Paul and Anthony as set forth in the Petition.....	5
B.	<i>Claim 8 is obvious over Paul and Brennan</i>	6
1.	Claim 8 does not require the “second conductive layer” to be a so-called plate layer.	8
2.	The distinction that Xilinx draws between “balanced” and “unbalanced” capacitors would not prevent one skilled in the art from combining Paul and Brennan as provided in the Petition.	9
C.	<i>Claim 18 is obvious over Anthony in view of Marotta</i>	12
D.	<i>Claim 19 is obvious over Anthony in view of Marotta</i>	13
IV.	Conclusion	15

Table of Authorities

Cases

See In re Keller, 642 F.2d 413 (CCPA 1981)..... 3

Petitioner Intellectual Ventures Management, LLC (“IVM”) provides this reply under 37 C.F.R. § 42.23 to Patent Owner Xilinx’s Patent Owner’s Response dated May 7, 2013. *Inter partes* review of claims 1-19 of U.S. Patent No. 7,994,609 was instituted on February 12, 2013.

I. Statement of relief requested

IVM seeks cancellation of claims 1-19 of the ’609 patent and denial of Xilinx’s First Motion to Amend filed May 7, 2013 (First Motion to Amend, Paper No. 17). An opposition to the Motion to Amend is being filed concurrently.

II. Original claims 1-19 are obvious over the art cited in the Petition.

In its Patent Owner’s Response, Xilinx does not separately address any grounds of patentability instituted for independent claims 1 and 13 and their dependent claims 3-7, 9-12, and 14-17. Thus, Xilinx concedes that these claims are unpatentable over the instituted grounds. Xilinx, instead, focuses its reply solely on independent claim 18 and dependent claims 2, 8, and 19. But, as described below, the arguments presented by Xilinx are contradicted by the evidence of record, including the deposition testimony of its own expert, Dr. Blanchard.

A. Claim 2 is obvious over Paul¹ and Anthony²

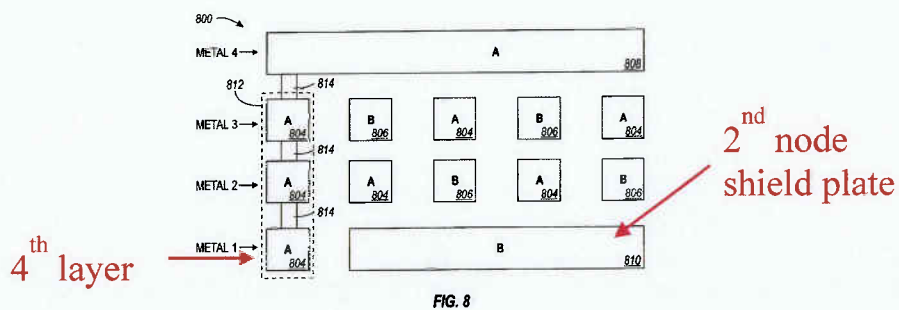
¹ U.S. Patent No. 6,737,698 (IVM1006).

² U.S. Patent No. 7,439,570 (IVM1007).

1. The combination of Paul and Anthony discloses the limitations of claim 2.

Claim 2 recites “*wherein the third conductive layer is a metal layer of the IC and the fourth conductive layer is a poly layer of the IC, the shield capacitor portion including a first node shield plate formed in the metal layer from a plurality of metal stripes and a second node shield plate formed in the poly layer.*”

As explained in the Petition metal layer 1 and bottom shield plate 810, shown in FIG. 8 of Paul which is reproduced below with annotations in red, disclose a “fourth layer” and a “second node shield plate,” respectively. (Petition, Paper No. 3, p. 24.)



Although Paul’s metal layer 1 is not a poly layer, Anthony teaches that the bottom layer of a capacitor can be formed in a poly layer instead of a metal layer: “[a]s an alternative to the use of a metal layer as shown in FIG. 3B...the bottom shield plate 36 can be implemented with a polysilicon or diffusion layer.” (IVM 1007, 4:49-52.) Petitioner’s expert, Mr. Johnson, further explained in his First Declaration that one of ordinary skill in the art would have been motivated to

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.