

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MACRONIX INTERNATIONAL CO., LTD., MACRONIX ASIA LIMITED,
MACRONIX (HONG KONG) CO., LTD. and MACRONIX AMERICA, INC.
Petitioners

v.

SPANSION LLC
Patent Owner

Case: IPR2014-00898

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,151,027**

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Submitted Electronically via the Patent Review Processing System

TABLE OF CONTENTS

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8.....	1
II. PAYMENT OF FEES – 37 C.F.R. § 42.103.....	3
III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104.....	3
IV. Summary of the '027 Patent.....	6
V. ANalysis of ground for trial.....	9
VI. CONCLUSION.....	24

EXHIBITS

Exhibit No.	Description
MX027II-1001	U.S. Patent No. 7,151,027
MX027II-1002	Declaration of Dhaval J. Brahmbhatt
MX027II-1003	U.S. Patent No. 6,458,655 to Yuzuriha, <i>et al.</i>
MX027II-1004	U.S. Patent Application Publication No. 2003/0042520 to Tsukamoto <i>et al.</i>
MX027II-1005	Decision: Institution of <i>Inter Partes</i> Review in IPR2014-00108, Paper No. 16 (May 8, 2014)
MX027II-1006	Second Joint Submission Regarding Proposed Constructions of Disputed Claim Terms, 337-TA-893 (Feb. 12, 2014).
MX027II-1007	C.-F. Lin, <i>et al.</i> , <i>A ULSI shallow trench isolation process through the integration of multilayered dielectric process and chemical-mechanical planarization</i> , Thin Solid Films, 249-252 (1999).
MX027II-1008	S. Wolf & R.N. Tauber, <i>Silicon Processing for the VLSI Era: Vol. 1 – Process Technology</i> 2d Ed. (Lattice Press 2000).
MX027II-1009	CV of Dhaval J. Brahmbhatt
MX027II-1010	U.S. Patent No. 5,371,030 to Bergemont
MX027II-1011	U.S. Patent No. 4,571,819 to Rogers <i>et al.</i>

Macronix International Co., Ltd., Macronix Asia Limited, Macronix (Hong Kong) Co., Ltd., and Macronix America, Inc. (collectively “Petitioners”) petition for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311-319 and 37 C.F.R., Part 42 of claims 7 and 14 of U.S. Patent No. 7,151,027 (“the ’027 Patent”) (MX027II-1001). As shown below, there is a reasonable likelihood that Petitioners will prevail with respect to each of the challenged claims.

A motion for joinder of this proceeding with IPR2014-00108 accompanies this Petition.

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

A. Real Parties-in-Interest

Macronix International Co., Ltd., Macronix Asia Limited, Macronix (Hong Kong) Co., Ltd., and Macronix America, Inc. are real parties-in-interest.

B. Related Matters under 37 C.F.R. § 42.8(b)(2)

1. Pending Actions

The ’027 Patent is asserted in actions styled: (1) *Spansion LLC v. Macronix International Co., Ltd., et. al.*, Case No. 3:13-cv-03566, filed August 1, 2013, in the United States District Court for the Northern District of California; and (2) *In re Flash Memory Chips and Products Containing Same*, Inv. No. 337-TA-893, filed August 1, 2013, before the U.S. International Trade Commission.

The '027 Patent is also involved in IPR2014-00108 filed by Petitioners against Patent Owner. Trial has been instituted on claims 1-6 and 8-13 in connection with that proceeding.

2. Prior Action

The '027 Patent was asserted by Spansion LLC against various Samsung entities in an action styled *Spansion LLC v. Samsung Electronics Co., Ltd., et al.*, Case No. 1:10-cv-00881 (E.D. Va.). That action is no longer pending.

C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)

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D. Service Information

Documents may be delivered by hand to the addresses of lead and back-up counsel above. Petitioner consents to electronic service by e-mail at the above listed e-mail addresses of Lead and Back-Up Counsel.

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