

Paper No. __

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.
(TSMC) and SAMSUNG ELECTRONICS, CO. LTD.
Petitioner

v.

DSS TECHNOLOGY MANAGEMENT, INC.
Patent Owner

Patent 5,652,084
IPR2014-01030¹

Title: METHOD FOR REDUCED PITCH LITHOGRAPHY

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S
DEMONSTRATIVES**

¹ Case IPR2014-01493 has been joined with this proceeding.

Pursuant to the Order for Oral Hearing (Paper 25, p. 3), Petitioners respectfully object to slides 35-40, 45-46, and 48 of the Patent Owner's demonstratives proposed for the upcoming oral hearing on August 12, 2015 (Paper 8, Scheduling Order). In the Order for Oral Hearing, the Board has directed the parties to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstratives. The present objections are provided in accordance with the Board's Order for Oral Hearing and the guidance from *St. Jude*.

Slides 35-40, 45-46, and 48 are objected to because they present new arguments and argumentative characterizations, including previously un-cited deposition testimony and/or new figures, that have never been previously presented or discussed in any Paper of record, specifically:

Slides 35 and 40. Petitioners object to slides 35 and 40 because they present new arguments based on previously un-cited deposition testimony of Patent Owner's expert Dr. Mack, regarding alleged differences between shifting a wafer versus shifting a mask.

Slides 36-39. Petitioners object to slides 36-39 because they present new arguments based on newly drafted figures (and for slides 37 and 39, previously un-cited deposition testimony from Dr. Mack's deposition), regarding alleged

differences between shifting a wafer versus shifting a mask.

Slide 45. Petitioners object to slide 45 because it presents new argumentative characterizations based on previously un-cited deposition testimony from Dr. Mack's deposition, regarding the teachings of Jinbo.

Slide 46. Petitioners object to slide 46 because it presents new argumentative characterizations based on previously un-cited deposition testimony from Dr. Mack's deposition, regarding the description of the '084 patent abstract and other embodiments described in the specification.

Slides 48 and 50. Petitioners object to slides 48 and 50 because they present new arguments based on the file history of a patent related to the 084 Patent that was not previously discussed or argued in any Paper of record.

The Petitioners request that the Board not consider or rely on any arguments based on slides 35-40, 45-46, and 48, and further that the Board prohibit the Patent Owner from using these slides, as well as verbally arguing the content thereof, at the oral hearing on August 12, 2015.

Dated: August 10, 2015

Respectfully submitted,

/David M. O'Dell/
David M. O'Dell
Lead Counsel for Petitioner TSMC
Registration No. 42,044

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that I caused to be served a true and correct copy of the foregoing "PETITIONERS' OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVES", as detailed below:

Date of service August 10, 2015

Manner of service Email: andriy.lytvyn@smithhopen.com

anton.hopen@smithhopen.com; IPR@smithhopen.com

christopher.marando@weil.com; brian.ferguson@weil.com;

jason.lang@weil.com

Persons Served Andriy Lytvyn and Anton Hopen

Christopher Marando, Jason Lang, and Brian Ferguson

/David M. O'Dell/

David M. O'Dell

Registration No. 42,044