

Filed on behalf of Godo Kaisha IP Bridge 1

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LIMITED,
and GLOBALFOUNDRIES U.S. INC.,
Petitioners,

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner.

Case IPR2016-01246¹
U.S. Patent No. 7,126,174

**PATENT OWNER'S OPPOSITION TO
PETITIONER'S MOTION TO EXCLUDE EVIDENCE**

¹ Case IPR2016-01247 has been consolidated with this proceeding.

GlobalFoundries U.S. Inc.'s motions for joinder in Cases IPR2017-00925 and IPR2017-00926 were granted.

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Petitioner's Motion To Exclude Evidence ("Motion") seeks to exclude Exhibits 2001-2019, 2021-2033. For the reasons set forth herein, none of these exhibits should be excluded.

I. PARAGRAPHS 33-159 OF EXHIBIT 2001, PARAGRAPHS 33-149 OF EXHIBIT 2011, AND PARAGRAPHS 4-10 AND 35-458 OF EXHIBIT 2012 ARE NOT UNRELIABLE EXPERT TESTIMONY

Petitioner's entire basis for its objection to Dr. Schubert now is that he is not an expert in LOCOS isolation or STI in STI MOSFET devices. This challenge should be summarily dismissed because it was not raised in Petitioner's earlier objections (Paper 13 and Paper 16) in accordance with 37 C.F.R. § 42.64 (b).

Petitioner's previous objections were based solely on Dr. Schubert's lack of expertise with LDD (lightly doped drain) MOSFETs. Paper 13, pp. 2-3; Paper 16, pp. 3-4. Patent Owner responded pursuant to 37 C.F.R. § 42.64 (b)(2) by serving supplemental evidence, and then including this evidence as part of its Response (Exhibit 2012, pp. 213-273). In view of the supplementation, and possibly convinced that Dr. Schubert is indeed an expert about doping matters, including LDD, Petitioner has now entirely shifted to a new objection which Patent Owner has never had a chance to address by supplementation, i. e., Petitioner now asserts that Dr. Schubert is now not an expert and even has no experience with LOCOS isolation or STI with MOSFET devices. Motion to Exclude, Paper 29, p. 5.

Petitioner's shift in position has given Patent Owner no opportunity to supplement as per 37 C.F.R § 42.64 (b)(2) and for this reason alone the Motion should be denied as to Dr. Schubert.

A. Dr. Schubert's Expertise As To Doping Is Highly Relevant To Petitioner's *Lee V. Noble/Ogawa* Rejections

Petitioner previously objected based only upon Dr. Schubert's alleged inexperience with doping, which they now say is not a "focus" of this case. Paper 29, p. 5. As such, it is impossible to know whether this objection is maintained.

On pages 19-20 of the Reply (Paper 21), TSMC stated that the rejection based upon *Lee* is premised on the fact that after a trench is imported into *Lee*, and "gate oxide **115**, polysilicon **117**, and silicon nitride/silicon oxynitride layer **118** are successively deposited (cite omitted)," that "the remainder of the process would have proceeded as *Lee* teaches resulting in the obviating structure below (Fig. 15'), which IPB ignored." (citing to Paper 2 in '1246 proceeding, at 21,70). These are two false cites. Neither page says this.

Petitioner's Reply was the first time that TSMC ever stated that an "unembedded"² trench from *somewhere* was to be imported into *Lee*, after which the remainder of the process would proceed according to *Lee*. The remainder of

² Unembedded – A trench which is formed by embedding it within a gate electrode/conductor and gate dielectric as per *Noble/Ogawa*.

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