

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.,
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,

Patent Owner.

Case IPR2016-01246¹
Patent 7,126,174 B2

**PETITIONER'S REPLY IN SUPPORT OF ITS
MOTION TO EXCLUDE EVIDENCE UNDER 37 C.F.R. § 42.64(c)**

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

TABLE OF CONTENTS

I. The Board Should Exclude Paragraphs 33-159 of Exhibit 2001, Paragraphs 33-149 of Exhibit 2011, and Paragraphs 4-10 and 35-458 of Exhibit 2012 as Unreliable Expert Testimony.....1

II. The Board Should Exclude Exhibits 2002-2010, 2013-2019, 2026-2030, 2032, and 2033 as Irrelevant.....2

A. Exhibits 2002, 2003, 2004, 2032, and 2033 are Irrelevant2

B. Exhibits 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 are Irrelevant3

C. Exhibit 2026, 2027, 2028, 2029, and 2030 are Irrelevant.....3

III. The Board Should Exclude Exhibits 2003, 2004, and 2026 as Hearsay4

IV. Conclusion5

I. The Board Should Exclude Paragraphs 33-159 of Exhibit 2001, Paragraphs 33-149 of Exhibit 2011, and Paragraphs 4-10 and 35-458 of Exhibit 2012 as Unreliable Expert Testimony

Patent Owner wrongly argues Petitioner originally objected to Dr. Schubert's qualifications as an expert only as to doping issues. Paper 39 at 1. Petitioner objected to Dr. Schubert because he lacked significant experience with "LDD Si MOSFET devices" and "designing and making LDD Si MOSFET devices," highlighting that the vast majority of his experience was "with III-V compound semiconductors and light-emitting devices." Paper 16 at 3. Petitioner's obviousness challenges focus on device-isolation structures for silicon MOSFETs, and do not implicate doping (nor do Dr. Schubert's opinions).

After Petitioner objected to Dr. Schubert's lack of relevant experience, Patent Owner imagined Dr. Schubert "would have . . . explained" his experience with STI had Petitioner asked different questions. Paper 39, at 5-7. Dr. Schubert had every opportunity to explain his alleged expertise during his deposition, but he could not articulate any experience with STI other than a general awareness of it. EX1056 at 67:18-71:14.

Patent Owner now tries to supplement the record (Paper 39, at 5-7), but it is too late to amend his CV, and Patent Owner has no right to invent testimony from its expert that Petitioner cannot explore while he is under oath. In addition, the "experience" Patent Owner seeks to add is noteworthy for its shallowness. Patent

IPR2016-01246, IPR2016-01247

Patent 7,126,174 B2

Owner points to two projects in Dr. Schubert's CV centered on "demonstration" of doping results, but the mere fact the ICs in these demonstrations included LOCOS or trench isolation does not mean Dr. Schubert had any expertise in device isolation. Even with Patent Owner's supplementation, Dr. Schubert is unqualified to opine on the substitutability of STI for LOCOS isolation in silicon MOSFET devices.²

II. The Board Should Exclude Exhibits 2002-2010, 2013-2019, 2026-2030, 2032, and 2033 as Irrelevant

A. Exhibits 2002, 2003, 2004, 2032, and 2033 are Irrelevant

Patent Owner argues that exhibits 2002, 2003, 2004, 2032, and 2033 are relevant to a particular method of polishing (CMP) (Paper 39, at 8-9), but the '174 patent explains how to use other planarization methods besides CMP to make the claimed structures, as Petitioner explained (Paper 29, at 7 n.4) and Patent Owner failed to address. Additionally, in the substantive briefing, Patent Owner never cited Exhibit 2002 or 2003, and efforts to explain their relevance now is improper

² Patent Owner's accusation that Petitioner misrepresented the record (*see* Paper 39, at 2) is baseless. Petitioner properly supported its statement by citing seven paragraphs of Petitioner's expert declaration (EX1057, at ¶¶ 83-89), as well as passages of the Petition (Paper 2, at 21, 70) defining an obviating structure that IPB failed to address in its Response.

IPR2016-01246, IPR2016-01247
Patent 7,126,174 B2

supplemental briefing the Board should ignore. Exhibits 2002, 2003, 2004, 2032, and 2033 should be excluded.

B. Exhibits 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 are Irrelevant

Patent Owner argues it cited Exhibits 2005-10 and 2013-19 to show “semiconductor manufacture is highly complex.” Paper 39 at 9-10. Petitioner, though, made a different point in its objections, which is that these exhibits have nothing to do with the central issue in this case, substituting STI for LOCOS isolation in the *Lee* and *Lowrey* device structures. *See, e.g.*, Paper 29, at 7-10. Whether semiconductor technology in all its manifold forms is “complex” has nothing to do with Petitioner’s specific obviousness combinations. Exhibits 2005-10 and 2013-19 provide no evidence a POSITA would have had difficulty making a straight-forward substitution of STI for LOCOS isolation, and Patent Owner does not argue they do. These exhibits are more likely to waste the Board’s time and confuse issues than assist the Board in deciding the salient issues, so the Board should exclude them.

C. Exhibit 2026, 2027, 2028, 2029, and 2030 are Irrelevant

Patent Owner submitted Exhibits 2026-30 to show SEM was a standard technique in 1995. Paper 39 at 10-12. This is irrelevant because even Patent Owner does not argue the claims require or are limited to any particular visualization technique. *See* Paper 21 at 40-41.

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.