

Filed on behalf of Godo Kaisha IP Bridge 1

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LIMITED,  
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,  
Patent Owner.

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Case IPR2016-01249  
U.S. Patent No. 6,538,324

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**PATENT OWNER'S OBJECTIONS TO PETITIONER'S  
EXHIBITS PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Mail Stop PATENT BOARD, PTAB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects to the following

Petitioner exhibits:

<b>Exhibit No.</b>	<b>Description</b>
1025	U.K. Patent No. 2,298,657 to Cho.
1026	U.S. Patent No. 5,780,908 to Sekiguchi et al.
1027	U.S. Patent No. 5,869,902 to Lee et al.
1028	U.S. Patent No. 5,882,399 to Ngan et al.
1029	U.S. Patent No. 6,057,237 to Ding et al.
1030	U.S. Patent No. 6,136,682 to Hegde et al.
1031	U.S. Patent No. 6,242,804 to Inoue et al.
1032	Annotated FIG. 4 of U.S. Patent No. 5,893,752 to Zhang et al.
1033	U.S. Patent No. 6,458,255 to Chiang et al.
1035	U.S. Patent No. 5,281,485 to Colgan et al.
1037	Invalidity Contentions, <i>Godo Kaisha IP Bridge 1 v. Broadcom Limited, et al.</i> , Case No. 2:16-cv-134
1038	Declaration of Dr. Sanjay K. Banerjee.

### **I. Exhibits 1025-1031**

Patent Owner objects to Exhibits 1025-1031 as irrelevant. FRE 401-403.

None of these Exhibits were identified alone, or in combination to modify another reference, as a ground of invalidity in the expert reports filed in *Godo Kaisha IP Bridge 1 v. Broadcom Limited, et al.*, Case No. 2:16-cv-134. Moreover, neither declaration of Petitioner's expert, Dr. Sanjay K. Banerjee (Exhibits 1003 & 1038), discuss these Exhibits (other than to mention that they were reviewed (Exhibit

1038, pp. 3-4)), or how any of these Exhibits, alone or in combination, would render any of the proposed Substitute Claims 11-13 unpatentable. Thus, Exhibits 1025-1031 are irrelevant under FRE 401-403.

Furthermore, Exhibits 1025-1031 are irrelevant because they needlessly present cumulative information. FRE 401-403.

Additionally, Exhibits 1025-1031 are objected to as new evidence attempting to support a *prima facie* case for the unpatentability of an original claim, or that could have been presented in a prior filing. Such new evidence is improperly raised in a reply.

## **II. Exhibit 1033**

Exhibit 1033 is objected to as new evidence attempting to support a *prima facie* case for the unpatentability of an original claim, or that could have been presented in a prior filing. Such new evidence is improperly raised in a reply.

## **III. Exhibit 1035**

Exhibit 1035 is objected to as new evidence attempting to support a *prima facie* case for the unpatentability of an original claim, or that could have been presented in a prior filing. Such new evidence is improperly raised in a reply.

## **IV. Exhibit 1037**

Patent Owner objects to this exhibit for lack of authentication under FRE 901, as irrelevant under FRE 401-403, and to the extent Petitioner relies on this

Exhibit for the truth of the statements set forth therein, Patent Owner objects to it as inadmissible hearsay under FRE 802. Moreover, all of the prior art cited in Exhibit 1037 was available to Petitioner prior to the filing date of the Petition.

Exhibit 1037 is further objected to as new evidence attempting to support a *prima facie* case for the unpatentability of an original claim, or that could have been presented in a prior filing. Such new evidence is improperly raised in a reply.

#### **V. Exhibit 1038**

Patent Owner objects to Exhibit 1038 to the extent relied upon to support Petitioner's Reply To Patent Owner's Response. All of the "Opinions" set forth in Exhibit 1038 are directed to the Substitute Claims proposed in Patent Owner's Contingent Motion To Amend Pursuant To 37 C.F.R. § 42.121. As such, the statements set forth Exhibit 1038 must be limited to Petitioner's Opposition To Patent Owner's Contingent Motion To Amend, and are not relevant to Petitioner's Reply. FRE 401-403. For example, paragraphs 17-20 of Exhibit 1038 which discuss *Nogami* (Exhibit 2039, raised by Patent Owner only with respect to the Substitute Claims) do not appear to address only the Substitute Claims.

Patent Owner additionally objects to Exhibit 1038, paragraphs 15 and 16, as not related to a challenged ground, and therefore irrelevant. The Board previously rejected Petitioner's argument that *Ding* discloses a top barrier layer containing nitrogen.

Additionally, to the extent that Exhibit 1038 refers to Exhibits 1025-1031, 1033, 1035, and/or 2039, such references cannot support Petitioner's Reply To Patent Owner's Response because they would be new evidence attempting to support a *prima facie* case for the unpatentability of an original claim, or that could have been presented in a prior filing. Such new evidence is improperly raised in a reply.

Dated: May 26, 2017

Respectfully Submitted by:

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*Attorney for Patent Owner,  
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