Trials@uspto.gov
571-272-7822

Paper 7
Date Entered: August 29, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED, GLOBALFOUNDRIES INC., GLOBALFOUNDRIES U.S. INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG,
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,
Patent Owner.

Case IPR2016-01313
Patent 5,965,924

Before BRYAN F. MOORE, BRIAN J. McNAMARA, and MINN CHUNG, *Administrative Patent Judges.*

McNAMARA, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

BACKGROUND

Qualcomm Incorporated, Globalfoundries Inc., Globalfoundries U.S. Inc., Globalfoundries Dresden Module One LLC & Co. KG, Globalfoundries Dresden Module Two LLC & Co. KG (collectively, "Petitioner") filed a petition, Paper 3 ("Pet."), to institute an *inter partes* review of claims 1–6, 13, 14, and 16 (the "challenged claims") of U.S. Patent No. 5,965,924 ("the '924 Patent"). 35 U.S.C. § 311. Petitioner also timely filed a Motion for Joinder (Paper 4 ("Motion for Joinder")) of this proceeding with *Intel Corporation v. DSS Technology Management, Inc.*, IPR2016-00289 ("Intel IPR2016-00289"), which is the subject of a Decision to Institute entered on June 8, 2016 . Petitioner represents that the instant Petition "is identical to the petition in Intel IPR2016-00289."[1] Mot. for Joinder 6. We have jurisdiction under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition "shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Having considered the arguments and the associated evidence presented in the Petition, for the reasons described below, we institute *inter partes* review of claims 1–6, 13, 14, and 16.

[1] We understand Petitioner to mean identical in all substantive matters, as the identity of the parties is different. Petitioner also acknowledges that it relies on the testimony of a different expert than the expert witness in Intel IPR2016-00289, but states that the testimony is essentially the same. Mot. for Joinder 7.

REAL PARTIES IN INTEREST

Petitioner Qualcomm Incorporated, Globalfoundries Inc., Globalfoundries U.S. Inc., Globalfoundries Dresden Module One LLC & Co. KG, Globalfoundries Dresden Module Two LLC & Co. KG identifies itself as real parties-in-interest. Pet. 7.

PENDING LITIGATION

The parties state that Patent Owner has asserted '924 Patent in the following litigation: (1) *DSS Technology Management, Inc. v. Intel Corp.*, No. 6:15-CV-130-RWS (E.D. Tex. 2015); and (2) *DSS Technology Management, Inc. v. Qualcomm Inc.*, No. 6:15-CV-692-JRG (E.D. Tex. 2015). Pet. 7;

Petitioner notes that it has filed a separate petition for *inter partes* review of claims 7–12, 15, and 17 of the '924 Patent. Pet. 8. That proceeding has been designated IPR2016-01312.

THE '924 PATENT (EXHIBIT 1001)

The '924 Patent relates to semiconductor fabrication in general, and in particular concerns a metal plug local interconnect that is formed in the same process of forming metal plugs that are already designed as sub-metal plugged contacts. Ex. 1001, col. 1, ll. 9–11. The '924 Patent discloses that in semiconductor fabrication, it is often necessary to make a local interconnect between a gate polysilicon layer to N+ or P+ diffusion regions. *Id.* at col. 1, ll. 16–17. According to the '924 Patent, conventionally such local interconnects were fabricated using buried contacts, as shown in Figures 1A and 1B of the '924 Patent (*id.* at col. 1, l. 25–col. 2, l. 11) or with

a metallic local interconnect strap to shunt from a gate polysilicon to a diffusion region, as illustrated in Figures 2A and 2B of the '924 Patent (*id.* at col. 2, l. 12–41).

The '924 Patent discloses a semiconductor structure in which a diffusion region is formed in a silicon substrate and a polysilicon gate is formed on the top surface of the silicon substrate adjacent to, but not contacting, the diffusion region. Ex. 1001, col. 3, ll. 1–6, 14–18. A layer of insulating material is then deposited on top of the polysilicon gate and the diffusion region. *Id.* at col. 3, ll. 6–7, 19–20. A via opening is formed in the insulating material to expose a portion of the polysilicon gate and a portion of the diffusion region. *Id.* at col. 3, ll. 7–8, 20–22. An electrically conducting material is deposited to at least partially fill via opening to provide an electrical connection between the polysilicon gate and the diffusion region. *Id.* at col. 3, ll. 8–11, 23–27.

ILLUSTRATIVE CLAIM

1. A semiconductor structure comprising:
a silicon substrate having a top surface,
a diffusion region formed in said substrate adjacent to said top surface,
a gate formed on the top surface of said substrate juxtaposed to but not contacting said diffusion region,
a sidewall spacer adjacent to said gate and disposed above said diffusion region,
an insulator layer substantially covering said gate and said diffusion region, and
a conducting plug at least partially filling a via in said insulation layer that exposes said sidewall spacer in the absence of said conducting plug, said conducting plug providing direct electrical communication between said gate and said diffusion region

ART CITED IN PETITIONER'S CHALLENGES

Petitioner cites the following references in its challenges to patentability:

Sakamoto, U.S. Patent No. 5,475,240 issued Dec. 12, 1995, Ex. 1003 ("Sakamoto"); and

Cederbaum et al., U.S. Patent No. 5,100,817 issued Mar. 31, 1992, Ex. 1004 ("Cederbaum").

CHALLENGES ASSERTED IN PETITION

Claims	Statutory Basis	Challenge
1–3, 14, and 16	35 U.S.C. § 102(e)	Anticipation by Sakamoto
4–6, and 13	35 U.S.C. § 103	Obviousness over the combination of Sakamoto and Cederbaum

ANALYSIS OF PETITIONER'S PRIOR ART CHALLENGES

Petitioner states that the instant Petition is substantially identical to the petition in *Intel Corporation v. DSS Technology Management, Inc*., which was filed December 8, 2015 and assigned Case No. IPR2016-00289 (Intel IPR2016-00289). Pet. 1. Petitioner also acknowledges that it relies on the testimony of a different expert than the expert witness in Intel IPR2016-00289, but states that the testimony is essentially the same. *Id.* at 7. Thus, we understand that Petitioner challenges the same claims of the '924 Patent on the same grounds on which we instituted *inter partes* review in Intel IPR2016-00289.

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