

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 No. IPR2016-01377
Patent Number 6,197,696

Before JUSTIN T. ARBES, MICHAEL J. FITZPATRICK, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

PATENT OWNER'S RESPONSE
UNDER 37 C.F.R. §42.120

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. '696 Overview.....	6
III. Claim Construction	7
A. “Using the [first resist pattern/second resist pattern and the mask pattern/patterned third insulating film] as a mask” (Claim 10)	8
1. The additional negative limitation impermissibly excludes preferred embodiments of the '696.....	10
2. The additional negative limitation is impermissibly narrower than the <i>Phillips</i> Standard.....	14
3. The additional negative limitation is inconsistent with the plain and ordinary meaning, understanding of a person of ordinary skill in the art and Petitioner’s Expert’s prior publication.....	15
IV. Grill Is Not Prior Art.....	18
A. '696 Claim 10 is entitled to the claimed March 26, 1998 priority date.....	20
B. '696 Claim 11 is entitled to its claimed priority date of March 26, 1998	33
C. Petitioner has not shown, and cannot show, that Grill is entitled to the priority date of '628	34
1. Legal Standard	35
2. Petitioner has failed to demonstrate that '628 provides §112¶1 support for the claimed invention of Grill	35
3. Dr. Smith has failed to show that '628 provides §112¶1 support for the claims of Grill.....	38
V. Claims 10-12 Are Not Rendered Obvious By Grill in View of Aoyama	50
A. Modifying Grill by Aoyama would render Grill unsatisfactory for its intended purpose of forming a dual relief pattern	53
B. Petitioner’s Modification of Grill using Aoyama would cause premature and undesirable degradation of Grill’s hard mask	58

that changes Grill's principle of operation by eliminating Grill's control over wire dimension.....57

C. Grill teaches away from a combination with Aoyama because it would interfere with Grill's goal of controlling critical dimension.....68

1. Grill teaches away from the combination with Aoyama because its rework problem would result in damage to Aoyama's carbon-based etch stop layer69

2. Grill warns against layers of resist that are thicker over certain areas, which would be required by Aoyama's approach75

VI. Conclusion77

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>AK Steel Corp. v. Sollac & Ugine</i> , 344 F.3d 1234 (Fed.Cir. 2003)	20
<i>Ariad Pharms. v. Eli Lilly</i> , 598 F.3d 1336 (Fed.Cir. 2010) (<i>en banc</i>)	45
<i>DePuy Spine v. Medtronic Sofamor Danek</i> , 567 F.3d 1314 (Fed.Cir. 2009)	5, 52, 68, 75
<i>Dynamic Drinkware v. National Graphics</i> , 800 F.3d 1375 (Fed.Cir. 2015)	35-37, 50
<i>Facebook v. Pragmaus AV</i> , 582 Fed.App'x 864 (Fed.Cir. 2014)	14
<i>Harris v. Fed. Express</i> , 502 F.App'x 957 (Fed.Cir. 2013)	68
<i>In re Gordon</i> , 733 F.2d 900 (Fed.Cir. 1984)	3, 53
<i>In re Robertson</i> , 169 F.3d 743 (Fed.Cir. 1999)	38, 45
<i>Intelligent Bio-System v. Illumina Cambridge</i> , 821 F.3d 1359 (Fed.Cir. 2016)	passim
<i>InTouch Techs. v. VGO Commc'ns</i> , 751 F.3d 1327 (Fed.Cir. 2014)	57
<i>KSR Int'l v. Teleflex</i> , 550 U.S. 398 (2007).....	77
<i>McGinley v. Franklin Sports</i> , 262 F.3d 1339 (Fed.Cir. 2001)	53, 68
<i>Microsoft v. Proxyconn</i> , 789 F.3d 1292 (Fed.Cir. 2015)	14

...

<i>Moba, B.V. v. Diamond Automation</i> , 325 F.3d 1306 (Fed.Cir. 2003)	20
<i>Motorola Mobility v. Int’l Trade Comm’n</i> , 737 F.3d 1345 (Fed.Cir. 2013)	45
<i>Omega Eng’g v. Raytek</i> , 334 F.3d 1314 (Fed.Cir. 2003)	15
<i>On–Line Techs. v. Bodenseewerk Perkin–Elmer GmbH</i> , 386 F.3d 1133 (Fed.Cir. 2004)	10
<i>Plas-Pak Indus. v. Sulzer Mixpac</i> , 600 F.App’x 755 (Fed.Cir. 2015)	52, 56, 68
<i>Purdue Pharma v. Depomed</i> , 643 F.App’x 960 (Fed.Cir. 2016)	3
<i>Star Sci., Inc. v. R.J. Reynolds Tobacco Co.</i> , 655 F.3d 1364 (Fed.Cir. 2011)	20
<i>Thorner v. Sony Computer Entm’t Am.</i> , 669 F.3d 1362 (Fed.Cir. 2012)	29
<i>Uniroyal v. Rudkin-Wiley</i> , 837 F.2d 1044 (Fed.Cir. 1988)	4
<i>W.L. Gore v. Garlock</i> , 721 F.2d 1540 (Fed.Cir. 1983)	76
PTAB Authorities	
<i>Apple v. Immersion</i> , IPR2016-01371, Pap.7	12
<i>Cisco v. Capella Photonics</i> , IPR2014-01276, Pap.40	37
<i>Enfora v. M2M Solutions</i> , IPR2015-01672, Pap.14	45
<i>Gen. Plastic Indus. v. Canon</i> , IPR2015-01954, Pap.9	4
<i>Heart Failure Techs. v. Cardiokinetix</i> , IPR2013-00183, Pap.12	50
<i>Liberty Mutual v. Progressive</i> , CBM2012-00002, Pap.66	18

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.