

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 IPR2016-01379
Patent 6,197,696

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

**PATENT OWNER'S FIRST SET OF OBJECTIONS TO PETITIONER'S
EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Patent Owner Godo Kaisha IP Bridge 1 (“Patent Owner”), hereby submits the following objections to Petitioner Taiwan Semiconductor Manufacturing Company, Ltd.’s (“Petitioner”) Exhibits as indicated below, and any reference thereto/reliance thereon, without limitation. Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”) as required by 37 C.F.R § 42.62.

These objections address evidentiary deficiencies in the evidence submitted by Petitioner in its Petition.

The following objections apply to the Exhibits indicated below as they are actually presented by Petitioner, in the context of the Petition and not in the context of any other substantive argument on the merits of the instituted grounds in this proceeding. Patent Owner expressly objects to any other purported use of these Exhibits, including as substantive evidence in this proceeding, which would be improper under the applicable rules, and Patent Owner expressly asserts, reserves and does not waive any other objections that would be applicable in such a context.

I. Objections to Exhibit 1002 and Any Reference to/Reliance Thereon

Evidence objected to: Exhibit 1002 to the Petition, titled “Expert Declaration of Dr. Bruce W. Smith, Ph.D.”

Grounds for objection: F.R.E. 401-402 (Relevance); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 702 (“Testimony by Expert Witnesses”); F.R.E. 703 (“Bases of an Expert’s Opinion Testimony”); and 37 C.F.R. § 42.61 (“Admissibility”).

Patent Owner objects to Exhibit 1002 under F.R.E. 702 and 703, and 37 C.F.R. § 42.61. The declarant of Exhibit 1002, Bruce W. Smith, Ph.D., fails to provide sufficient underlying facts or data upon which the statements contained therein could legitimately be based, in violation of F.R.E. 702. Dr. Smith has also

not “reliably applied the principles and methods to the facts of the case,” and his opinions in Exhibit 1002 are not “the product of reliable principles and methods,” in violation of F.R.E. 702. Furthermore, there is no indication that Dr. Smith based his opinions on facts or data upon which an expert in the relevant field would reasonably rely in violation of F.R.E. 703.

Patent Owner further objects to Exhibit 1002 under F.R.E. 401 and 402 (relevance) and F.R.E. 403 (probative value outweighed by prejudice, confusing of issues, wasting time).

II. Objections to Exhibits 1008 and 1009, and Any Reference to/Reliance Thereon

Evidence objected to: Exhibits 1008 and 1009 of the Petition, titled, “C. Akrouf et al., “A 480-MHz Microprocessor in a 0.12 μ m L_{eff} CMOS Technology with Copper Interconnects,” IEEE J. of Solid-State Circuits, Vol. 33, no. 11 (November 1998)” and “J.N. Burghartz et al., “Monolithic Spiral Inductors Fabricated Using a VLSI Cu-Damascene Interconnect Technology and Low-Loss Substrates,” International Electron Devices Meeting (December 1996),” respectively.

Grounds for objection: F.R.E. 901 (“Authenticating or Identifying Evidence”); F.R.E. 801, 802 (Impermissible Hearsay); 37 C.F.R. § 42.61 (“Admissibility”).

Petitioner fails to provide any evidence of authenticity of Exhibits 1008 and 1009, or any evidence of the date on which any of these exhibits were published or made available, in violation of, *inter alia*, F.R.E. 901.

Also, to the extent Petitioner and Dr. Smith rely on Exhibits 1008 and 1009 for the purpose of proving the truth of the matter asserted without demonstrating that any hearsay exception applies, this violates Rules 801 and 802. *See, e.g.*, Petition at 3.

Respectfully submitted,

Dated: February 1, 2017

By: /Andrew N. Thomases/
Andrew N. Thomases
Reg. No. 40,841
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
P: 650-617-4712
F: 650-566-4275
andrew.thomases@ropesgray.com

Mailing Address for all PTAB
Correspondence:
ROPES & GRAY LLP
IPRM Docketing – Floor 43
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600

Attorneys/Agents For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of PATENT OWNER'S FIRST SET OF OBJECTIONS TO PETITIONER'S EXHIBITS has been served in its entirety by causing the aforementioned document to be electronically mailed, pursuant to Petitioner's agreement (Paper 2 at 82), to the following attorneys of record for the Petitioner listed below:

Petitioner's
Counsel of
Record: Darren M. Jiron (Reg. No. 45,777)
darren.jiron@finnegan.com
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Two Freedom Square,
11955 Freedom Drive, Reston, VA 20190-5675

E. Robert Yoches (Reg. No. 30,120)
bob.yoches@finnegan.com
J.P. Long (Reg. No. 65,125)
jp.long@finnegan.com
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

TSMC-IPB-PTAB@finnegan.com

Dated: February 1, 2017

Respectfully submitted,

By: /Bridget McAuliffe/
Name: Bridget McAuliffe

ROPES & GRAY LLP