

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

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

Table of Contents

	Page
I. Introduction.....	1
II. Claim Construction.....	4
A. “using the [first resist pattern [step g]/second resist pattern and the mask pattern [step i]/patterned fourth insulating film [step j]] as a mask” (claim 10).....	5
III. Petitioner Fails to Show That Grill Is Prior Art	9
A. The ’696 patent is entitled to its claimed priority date of March 26, 1998	10
1. Step 10(h) – “removing the first resist pattern and then forming a second resist pattern on the fourth insulating film and the mask pattern, the second resist pattern having openings for forming contact holes”	11
2. Step 10(i) – “dry-etching the fourth insulating film using the second resist pattern and the mask pattern as a mask, thereby patterning the fourth insulating film to have the openings for forming contact holes”	12
3. Step 10(j) – “dry-etching the third insulating film using the patterned fourth insulating film as a mask, thereby patterning the third insulating film to have the openings for forming contact holes”	16
4. Step 10(l) – “dry-etching the patterned third insulating film and the first insulating film using the mask pattern and the patterned second insulating film as respective masks, thereby forming the wiring grooves and the contact holes in the patterned third insulating film and the first insulating film, respectively”	19
B. Petitioner has not shown, and cannot show, that Grill is entitled to the priority date of the ’628 application.....	22
1. Petitioner never attempts to argue that Grill is entitled to the priority date of the ’628 application in the Petition.....	22
2. The ’628 application does not provide written description support for the claims of Grill because it does not disclose “transferring the via pattern in the patterned first hard mask	

Table of Contents (continued)

	Page
layer into the second dielectric layer, while concurrently removing said via patterned second layer of resist”	28
(a) Dr. Smith’s reliance on a disclosure relating to etch characteristics in the Background of the ’628 application is misplaced	30
(b) Dr. Smith’s opinion that concurrent etching of the photoresist layer and the dielectric layer is the only possibility is unsupported by and contradictory to the ’628 application	32
(c) Dr. Smith’s opinions are not credible because they are based on problems inapplicable to the relevant embodiments	35
3. Petitioner fails to show that the ’628 patent application provides written description support for the Grill subject matter alleged to disclose claim 10 of the ’696 patent	39
IV. Petitioner fails to demonstrate that Grill discloses or renders obvious “using the second resist pattern and the mask pattern as a mask”	40
V. Petitioner fails to demonstrate that Grill discloses or renders obvious “dry-etching the third insulating film”	47
VI. Petitioner fails to demonstrate that it would have been obvious to combine Grill, Aoyama, and Wetzel	49
VII. Conclusion	55

LIST OF EXHIBITS

Exhibit	Description
EX2001	N. Sclater & J. Markus, McGraw-Hill Electronics Dictionary (6th ed. 1997) (excerpted)
EX2002	R. F. Graf, Modern Dictionary of Electronics (6th ed. 1984) (excerpted)
EX2003	R. F. Graf, Modern Dictionary of Electronics (7th ed. 1999) (excerpted)
EX2004	S. M. Kaplan, Wiley Electrical and Electronics Engineering Dictionary (2004) (excerpted)
EX2005	October 7, 2016 Preliminary Constructions, <i>Godo Kaisha IP Bridge 1 v. Broadcom Ltd., et al.</i> , Case. No. 2:16-cv-134
EX2006	Declaration of Seung Woo Hur

Pursuant to 37 C.F.R. § 42.107,¹ Patent Owner Godo Kaisha IP Bridge 1 (“IP Bridge”) submits this Preliminary Response to the above-captioned Petition for *Inter Partes* Review of U.S. Patent No. 6,197,696 challenging independent claim 10 and its dependent claim 12 (“Pet.,” Paper 2), which should be denied in its entirety.

I. Introduction

On its face, Petitioner Taiwan Semiconductor Manufacturing Company, Ltd.’s (“Petitioner’s”) submission fails to provide the Board with the basic evidence required to institute any *inter partes* review. If the Board nonetheless institutes trial on any of the challenged claims, Patent Owner will address in detail in its § 42.120 Response the numerous substantive errors and shortcomings that underlie each of Petitioner’s arguments and its purported evidence. In this paper, however, where any testimonial evidence raising an issue of material fact “will be viewed in the light most favorable to the petitioner” (Rule §42.108), Patent Owner addresses only the meaning of one of the challenged claims’ pertinent terms and the single issue made pertinent by Rule 42.107: Petitioner’s failure to demonstrate, as to *any* of the challenged claims, a reasonable likelihood of success on any

¹ All emphasis herein is added, and all statutory and regulatory citations are to either 35 U.S.C. or 37 C.F.R., as the context indicates, unless otherwise stated.

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.