

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GLOBALFOUNDRIES, INC.,

Petitioner,

v.

Godo Kaisha IP Bridge 1,  
Patent Owner.

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Case: *To be Assigned*

Patent 6,538,324 B1

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**MOTION FOR JOINDER PURSUANT TO**

**35 U.S.C. § 315 (c) 37 C.F.R. §§ 42.22 AND 42.122(b)**

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**TABLE OF CONTENTS**

	<u>Page</u>
I. STATEMENT OF THE PRECISE RELIEF REQUESTED .....	1
II. STATEMENT OF MATERIAL FACTS .....	2
III. STATEMENT OF REASONS FOR RELIEF REQUESTED .....	3
A. Joinder will not impact the Board’s ability to complete the review in a timely manner .....	4
B. Joinder will promote efficiency by consolidating issues, avoiding duplicate efforts, and preventing inconsistencies .....	5
C. Joinder will not prejudice IP Bridge.....	5
IV. CONCLUSION.....	6

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>CASES</b>	
<i>Dell, Inc. v. Network-1 Security Solutions, Inc.</i> , IPR2013-00385 .....	4
<b>STATUTES</b>	
35 U.S.C. § 103 .....	2
35 U.S.C. § 315(c) .....	1, 3
35 U.S.C. § 316(a)(1).....	6
35 U.S.C. § 316(a)(11).....	4
<b>OTHER AUTHORITIES</b>	
37 C.F.R. § 42.22 .....	1, 2
37 C.F.R. § 42.100(c).....	4, 6
37 C.F.R. § 42.122(a).....	3
37 C.F.R. § 42.122(b) .....	1, 2

## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

GlobalFoundaries, Inc. (“Global”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review of U.S. Patent No. 6,538,324 B1 (“the ’324 Patent”) (“Petition”). Pursuant to 35 U.S.C. § 315(c), 37 C.F.R. §§ 42.22 and 42.122(b), Global requests institution of an *inter partes* review and joinder with the *inter partes* review concerning the same patent in *Taiwan Semiconductor Manufacturing Company Limited (“TSMC”) v. Godo Kaisha IP Bridge 1*, Case No. IPR2016-01264 (the “Second TSMC IPR”), which was instituted on December 21, 2016.

Global submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the ’324 Patent without prejudice to Godo Kaisha IP Bridge 1 (“IP Bridge”); (2) Global’s Petition includes grounds that are essentially the same as the ground instituted in the Second TSMC IPR; (3) joinder would not affect the pending schedule in the Second TSMC IPR nor increase the complexity of that proceeding, minimizing costs; and (4) Global is willing to act as an “understudy” to TSMC, only assuming an active role in the event TSMC settles with IP Bridge. Thus, Petitioner does not seek to alter the grounds upon which the Board has already found support in instituting the Second TSMC IPR, and joinder will have no impact on the existing schedule in the Second

TSMC IPR.

This Motion for Joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b), as it is submitted within one month of the date on which the Second TSMC IPR was instituted.

## II. STATEMENT OF MATERIAL FACTS

1. Godo Kaisha IP Bridge 1 is the owner of the '324 Patent.
2. On June 24, 2016, TSMC filed its petition for *inter partes* review of claims 1-3, 5-7, and 9 of the '324 Patent.
3. On December 21, 2016, a decision instituting *inter partes* review of claims 1-3, 5-7, and 9 of the '324 Patent was entered in the Second TSMC IPR (Paper No. 7, IPR2016-01264) on the grounds that claims 1-3, 5-7, and 9 were unpatentable over U.S. Patent No. 5,893,752 ("the '752 patent" or "Zhang") in view of U.S. Patent No. 6,887,353 ("the '353 patent" or "Ding") under 35 U.S.C. § 103 or unpatentable under 35 U.S.C. § 103 over Zhang in view of Ding and Sun<sup>1</sup>.
4. On December 21, 2016, a decision instituting *inter partes* review of claims 1-3, 5-7, and 9 of the '324 Patent was entered in a First TSMC IPR (Paper No. 7, IPR2016-01249) on the grounds that claims 1-3, 5-7, and 9 were unpatentable over Ding in view of Zhang under 35 U.S.C. § 103.

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<sup>1</sup> Sun et al., "Properties of reactively sputter-deposited Ta – N thin films," *Thin Solid Films*, Vol. 236 (1993), pp. 347–351.

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