

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBALFOUNDRIES, INC.,
Petitioner

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner

IPR2017-00757
U.S. Patent No. 6,538,324

**PETITIONER'S UNOPPOSED MOTION TO DISMISS PETITION
FOR *INTER PARTES* REVIEW**

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Patent Trial and Appeal Board
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I. INTRODUCTION

The Board authorized Petitioner GlobalFoundries, Inc. (“Global”) to file a motion to dismiss the petition for IPR2017-00757 regarding U.S. Patent No. 6,538,324 (“the ‘324 patent”) in an Order issued on February 23, 2017. Global now so moves. IPR2017-00757 is in its preliminary phase. Patent Owner Godo Kaisha IP Bridge 1 (“IP Bridge”) has not yet filed a Preliminary Response and the Board has yet to reach the merits and issue a decision on institution. Global has filed a new petition for IPR2017-00920 that includes the same invalidity challenges as in the petition for IPR2017-00757, but also includes a second real party-in-interest GlobalFoundries U.S. Inc. Therefore, Global requests the Board to dismiss the petition for IPR2017-00757, as the same invalidity challenges are included in the petition for IPR2017-00920, to preserve the Board’s and parties’ resources and to achieve a just, speedy, and inexpensive resolution to this dispute. Furthermore, counsel for Petitioner has conferred with counsel for Patent Owner, and Patent Owner does not oppose the relief sought by this Motion.

II. FACTS

1. IP Bridge is the owner of the ‘324 Patent.
2. On January 23, 2017, Global filed a petition for *inter partes* review of claims 1-3, 5-7, and 9 of the ‘324 Patent. The petition, being assigned IPR2017-00757, includes the same invalidity challenges as in IPR2016-01264. The petitioner also concurrently filed a motion for joinder of IPR2017-00757 with IPR2016-01264.

IPR2017-00757 was filed with GlobalFoundries, Inc. as the real party-in-interest. *See* IPR-2017-00757, Petition, p. 40.

3. On February 16, 2017, Global filed a new petition for *inter partes* review of the '324 Patent including the same invalidity challenges as in IPR2017-00757, but with a second real party-in-interest GlobalFoundries U.S. Inc. (designated IPR2017-00920). The petition for IPR2017-00920 indicated the Petitioner's intent to withdraw IPR2017-00757. *See* IPR-2017-00920, Petition, p. 40, Footnote 9.

4. The petition in IPR2017-00920 presents the same invalidity challenges and relies on the same evidence as the petition in IPR2017-00757.

5. On February 21, 2017, counsel for the Patent Owner requested a conference call with the Board. On February 22, 2017, the Board held a conference call with the Petitioner and Patent Owner regarding IPR2017-00753, IPR2017-00757, IPR2017-00919, and IPR2017-00920 (pursuant to the '324 Patent) and IPR2017-00849, IPR2017-00850, IPR2017-00925, and IPR2017-00926 (pursuant to U.S. Patent No. 7,126,174). During the call, the Patent Owner requested an extension of time to file any oppositions to the motion for joinder and mandatory disclosures for IPR2017-00757. The Petitioner had no objection to extending the deadlines for Patent Owner's oppositions to the motion for joinder. The Petitioner sought authorization to file motions to dismiss the original petitions once the new petitions were accorded filing dates. The Patent Owner had no objections to Petitioner filing motions to dismiss. *See* IPR2017-00757, Order, Paper 13 at p. 2.

6. On February 23, 2017, the Board issued an Order authorizing the Petitioner to file a motion to dismiss the petition in each of the original cases according to 37 C.F.R. § 42.71(a) within one week of notice according a filing date for the new petitions. *See* IPR2017-00757, Order, Paper 13.

7. On February 23, 2017, the Board accorded a filing date for IPR2017-00920. *See* IPR2017-00920, Notice of Filing Date Accorded to Petitioner, Paper 5.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

Good cause exists to dismiss Global’s petition in IPR2017-00757. Dismissal would preserve the Board’s and the parties’ resources, and would expeditiously resolve Global’s request, furthering the purpose of IPR challenges. 37 C.F.R. § 42.1(b). IPR2017-00757 is in its preliminary stage as the Board has not yet reached the merits and issued a decision on institution. IP Bridge would not be prejudiced by dismissal.

The Board “may take up petitions or motions for decisions in any order, may grant, deny, or dismiss any petition or motion, and may enter any appropriate order.” 37 C.F.R. § 42.71 (a). The Rules governing IPR proceedings “shall be construed to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b). The Board has previously granted motions to dismiss using its authority under at least 37 C.F.R. §§ 42.5(a) and 42.71(a). *See, e.g., Samsung Electronics Co. LTD v. Nvidia Corporation*, IPR2015-01270, Paper 11 at p. 3 (PTAB Dec. 9, 2015) (“Nonetheless, the rules provide us the discretion to ‘take up

petitions or motions for decisions in any order’ and to ‘grant, deny, or dismiss any petition or motion’ or enter any appropriate order.”).

Given that the petition in IPR2017-00920 includes the same challenges and relies on the same evidence as the petition in IPR2017-00757, the Board should grant Global’s motion because dismissal would further the purpose of the rules by justly and expeditiously resolving this dispute without subjecting the Board and the parties to unnecessary expense involved in further proceedings related to IPR2017-00757. Dismissal is also a just resolution, as IP Bridge will not be prejudiced by this Board dismissing IPR2017-00757, but rather will preserve its own resources.

IV. CONCLUSION

The Petitioner respectfully requests that the Board dismiss the petition and terminate proceedings for IPR2017-00757.

Date: March 1, 2017

Respectfully submitted,

/Christopher Carroll/

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