

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBALFOUNDRIES, INC.,

Petitioner,

v.

Godo Kaisha IP Bridge 1,
Patent Owner.

Case: *To be Assigned*

Patent 7,126,174 B1

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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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

GlobalFoundries, Inc. (“Global”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review of U.S. Patent No. 7,126,174 B1 (“the ’174 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. IPR2016-01246 (the “First TSMC IPR”), which was instituted on January 4, 2017.

Global submits that: (1) joinder is appropriate because it will promote efficient determination of the validity of the ’174 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 First TSMC IPR; (3) joinder would not affect the pending schedule in the First 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 First TSMC IPR, and joinder will have no impact on the existing schedule in the First 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 First TSMC IPR was instituted.

II. STATEMENT OF MATERIAL FACTS

1. Godo Kaisha IP Bridge 1 is the owner of the '174 Patent.
2. On June 24, 2016, TSMC filed its petition for *inter partes* review of claims 1-3, 5-7, 9-12, and 14-18 of the '174 Patent.
3. On January 4, 2017, a decision instituting *inter partes* review of claims 1-3, 5-7, and 9 of the '174 Patent was entered in the First TSMC IPR (Paper No. 10, IPR2016-01246) on the grounds that claims 1-3, 5-7, and 9 were unpatentable over U.S. Patent No. 5,153,145 (“the '145 patent” or “Lee”) in view of U.S. Patent No. 5,539,229 (“the '229 patent” or “Noble”) under 35 U.S.C. § 103 or unpatentable under 35 U.S.C. § 103 over Lee in view of U.S. Patent No. 4,506,434 (“the '434 patent” or “Ogawa”).
4. On January 4, 2017, a decision instituting *inter partes* review of claims 1, 4, 8-12, 14, and 16 of the '174 Patent was entered in a Second TSMC IPR (Paper No. 9, IPR2016-01247) on the grounds that claims 1, 4, 8-12, 14, and 16 were unpatentable over U.S. Patent No. 5,021,353 (“the '353 patent” or “Lowrey”) in view of Noble under 35 U.S.C. § 103 or unpatentable under 35 U.S.C. § 103 over Lowry in view of Ogawa.

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