

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GLOBALFOUNDRIES U.S. INC.,

Petitioner,

v.

Godo Kaisha IP Bridge 1,  
Patent Owner.

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Case: *IPR2017-00919*

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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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

GlobalFoundries U.S. 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. IPR2016-01249 (the “First 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 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 filed after the one month date on which the First TSMC IPR was instituted under 37 C.F.R. §§ 42.22 and 42.122(b).

## 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 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.
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 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>.
5. Oral argument is currently scheduled for August 8, 2017 in the First TSMC IPR.
6. Concurrently with this Motion for Joinder, Global is filing a

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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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