

UNITED STATES PATENT AND TRADEMARK OFFICE  
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 IPR2017-00921  
Patent 6,197,696

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**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION FOR  
JOINDER**

## I. INTRODUCTION

Patent Owner, Godo Kaisha IP Bridge 1 (“IP Bridge”) submits this Opposition To Petitioner’s Motion For Joinder in response to Petitioner GlobalFoundries, U.S. Inc.’s (“Global U.S.”) Motion for Joinder (Paper 2, “Mot.”) in IPR2017-00921. Global U.S. seeks to join IPR2017-00921 with IPR2016-01376, which was instituted on January 18, 2017. This Opposition To Petitioner’s Motion For Joinder is timely filed within one month of February 16, 2017, the date Petitioner served the Petition and Motion for Joinder on Patent Owner.

## II. ARGUMENT

If the Board were to grant the Motion for Joinder without certain conditions placed on Global U.S., Patent Owner would be prejudiced. Global U.S.’s proposal “to remain in a circumscribed ‘understudy’ role without a separate opportunity to actively participate,” (Mot. at 5) should be further limited. Global U.S. should be required to further agree that it will not file additional written submissions, pose questions at depositions, or argue at oral hearing without the prior permission of the Board, rather than permission of TSMC as Global U.S. proposes. Requiring permission from only TSMC would make it very easy for Global U.S. to take an active role, thereby circumventing its agreement to remain in an understudy role “without a separate opportunity to actively participate.” Moreover, Global U.S.

stated: “Only in the event that TSMC settles will Global seek to become active in the joined IPR.” Mot. at 5.

Furthermore, Global U.S. should be required to agree to abide by the following conditions which are consistent with its proposal:

1. Global U.S. agrees to proceed based solely on the arguments and evidence presented and maintained by TSMC in IPR2016-01376.
2. Global U.S. consents to being added to the case caption of IPR2016-01376 as a Petitioner without any active participation or involvement that is separate from TSMC.
3. Global U.S. agrees to remain in a circumscribed “understudy” role in IPR2016-01376 without any right to separate briefing or discovery. Global U.S. will not file additional written submissions, not pose questions at depositions and not argue at oral hearing without the prior authorization of the Board.
4. TSMC will conduct cross-examination and other discovery on behalf of TSMC and Global U.S., and Patent Owner is not required to provide separate discovery responses or additional deposition time as a result of any consolidation.
5. Global U.S. will seek authorization from the Board to become active in IPR2016-01376 only in the event that TSMC settles.

6. Global U.S. acknowledges that the estoppel provisions of 35 U.S.C. § 315(e) will be applicable to it even if it remains in a circumscribed “understudy” role.

In an attempt to limit the prejudice to Patent Owner, Global U.S. should be required to agree to abide by the above conditions before permitting it to join IPR2016-01376.

### III. CONCLUSION

For the foregoing reasons, Global U.S.'s motion for joinder should be denied unless Global U.S. will abide by the above conditions.

Respectfully submitted by:

Dated: March 16, 2017

/Andrew N. Thomases/  
Andrew N. Thomases (lead  
counsel) - Reg. No. 40,841  
ROPES & GRAY, LLP  
1900 University Ave., 6th Floor  
East Palo Alto, CA 94303  
P: 650-617-4712/F: 650-566-4275  
[andrew.thomases@ropesgray.com](mailto:andrew.thomases@ropesgray.com)

Jordan M. Rossen  
Reg. No. 74,064  
ROPES & GRAY LLP  
2099 Pennsylvania Ave., NW  
Washington D.C. 20006-6807  
P: 202-508-4759/F: 202-508-4650  
[jordan.rossen@ropesgray.com](mailto:jordan.rossen@ropesgray.com)

J. Steven Baughman  
Reg. No. 47,414  
Paul, Weiss, Rifkind, Wharton &  
Garrison LLP  
2001 K Street, NW  
Washington, DC 20006-1047  
P: 202-223-7340/F: 202-403-3740  
[sbaughman@paulweiss.com](mailto:sbaughman@paulweiss.com)

James L. Davis, Jr.  
Reg. No. 57,325  
ROPES & GRAY LLP  
1900 University Avenue, 6th  
Floor  
East Palo Alto, CA 94303-2284  
P: 650-617-4794/F: 650-566-4147  
[james.l.davis@ropesgray.com](mailto:james.l.davis@ropesgray.com)

*Attorneys For Patent Owner*

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