

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBALFOUNDRIES U.S. INC.,
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner.

Case IPR2017-00923
Patent 6,197,696

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

Table of Contents

	Page
I. Introduction.....	2
II. Claim Construction.....	4
A. “using the [first resist pattern [step f]/second resist pattern and the mask pattern [step h]/patterned third insulating film [step i]] as a mask” (claim 13).....	5
III. Petitioner Fails to Show That Grill Is Prior Art	10
A. The ’696 patent is entitled to its claimed priority date of March 26, 1998	10
1. Step 13(g) – “removing the first resist pattern and then forming a second resist pattern on the third insulating film and the mask pattern, the second resist pattern having openings for forming contact holes”	12
2. Step 13(h) – “dry-etching the third insulating film using the second resist pattern and the mask pattern as a mask, thereby patterning the third insulating film to have the openings for forming contact holes”	12
3. Step 13(i) – “dry-etching the second insulating film using the patterned third insulating film as a mask, thereby patterning the second insulating film to have the openings for forming contact holes”	17
B. Petitioner has not shown, and cannot show, that Grill is entitled to the priority date of the ’628 application.....	20
1. Petitioner never attempts to argue that Grill is entitled to the priority date of the ’628 application in the Petition.....	20
2. The ’628 application does not provide written description support for the claims of Grill because it does not disclose “transferring the via pattern in the patterned first hard mask layer into the second dielectric layer, while concurrently removing said via patterned second layer of resist”	26
(a) Dr. Smith’s reliance on a disclosure relating to etch characteristics in the Background of the ’628 application is misplaced	29

Table of Contents (continued)

	Page
(b) Dr. Smith’s opinion that concurrent etching of the photoresist layer and the dielectric layer is the only possibility is unsupported by and contradictory to the ’628 application	30
(c) Dr. Smith’s opinions are not credible because they are based on problems inapplicable to the relevant embodiments.....	33
3. Petitioner fails to show that the ’628 patent application provides written description support for the Grill subject matter alleged to disclose claim 13 of the ’696 patent	37
IV. Petitioner fails to demonstrate that Grill anticipates or renders obvious “using the second resist pattern and the mask pattern as a mask”	38
V. Petitioner fails to demonstrate that Grill anticipates or renders obvious “dry-etching the second insulating film”	46
VI. Petitioner fails to demonstrate that it would have been obvious to combine Grill and Aoyama	48
VII. Petitioner fails to demonstrate that it would have been obvious to combine Grill and Wetzel.....	53
VIII. Petitioner fails to demonstrate that it would have been obvious to combine Grill, Aoyama and Wetzel	55
IX. Conclusion	55

LIST OF EXHIBITS

Exhibit	Description
EX2001	N. Sclater & J. Markus, McGraw-Hill Electronics Dictionary (6th ed. 1997) (excerpted)
EX2002	R. F. Graf, Modern Dictionary of Electronics (6th ed. 1984) (excerpted)
EX2003	R. F. Graf, Modern Dictionary of Electronics (7th ed. 1999) (excerpted)
EX2004	S. M. Kaplan, Wiley Electrical and Electronics Engineering Dictionary (2004) (excerpted)
EX2005	October 7, 2016 Preliminary Constructions, <i>Godo Kaisha IP Bridge 1 v. Broadcom Ltd., et al.</i> , Case. No. 2:16-cv-134
EX2006	Hans Domininghaus, <i>Plastics for Engineers: Materials, Properties, Applications</i> (1993) (excerpted)
EX2007	U.S. Patent No. 6,147,009 to Grill et. al.
EX2008	Declaration of Jordan M. Rossen

Pursuant to 37 C.F.R. § 42.107,¹ Patent Owner Godo Kaisha IP Bridge 1 (“IP Bridge,” “Patent Owner”) submits this Preliminary Response to the above-captioned Petition for *Inter Partes* Review of U.S. Patent No. 6,197,696 challenging independent claim 13 and its dependent claim 14 (“Pet.,” Paper 1), which should be denied in its entirety. Petitioner GlobalFoundries U.S. Inc. (“Petitioner”) has filed a Motion for Joinder (Paper 2) requesting that this proceeding be joined with IPR2016-01378 (“Third TSMC IPR”), which Patent Owner has opposed (Paper 7). In the Motion, Petitioner indicates that the Petition “includes grounds that are essentially the same as the ground instituted in the Third TSMC IPR” and that “Petitioner does not seek to alter the grounds upon which the Board has already found support in instituting the Third TSMC IPR.” Paper 2 at 1; *see also* Pet. at 54 (“This petition includes the same grounds and exhibits against the ’696 patent as asserted in ... IPR2016-01378, filed by Taiwan Semiconductor Manufacturing Company Limited (“TSMC”) on July 12, 2016.”). With the exception of this paragraph, references herein to Petitioner, citations herein to Petition page numbers, and an updated attorney declaration for this proceeding (Exhibit 2008), ***this Preliminary Response and the exhibits attached hereto are***

¹ All emphasis herein is added, and all statutory and regulatory citations are to either 35 U.S.C. or 37 C.F.R., as the context indicates, unless otherwise stated.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.