

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.,

Petitioner,

v.

GODO KAISHA IP BRIDGE 1,

Patent Owner.

IPR2017-01841^a
Patent 7,893,501 B2

Record of Oral Hearing
Held: September 6, 2018

Before JUSTIN T. ARBES, JENNIFER MEYER CHAGNON, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

^a Case IPR2017-01842 has been consolidated with this proceeding.

IPR2017-01841
Patent 7,893,501 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Thursday,
September 6, 2018, commencing at 1 p.m., at the U.S. Patent and Trademark
Office, 600 Dulany Street, Alexandria, Virginia, before Julie Souza, Notary
Public.

P R O C E E D I N G S

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2 JUDGE CHAGNON: Please be seated. Good afternoon everyone. I
3 am Judge Chagnon and Judge Arbes is joining us here in the room, and we
4 also have Judge Haapala joining us remotely on the screen over there.
5 Today we will be having the final hearings for IPR2017-01841 and
6 IPR2017-01843, both related to U.S. patent 7,893,501 and involving
7 Petitioner Taiwan Semiconductor Manufacturing Company, Ltd., and Patent
8 Owner Godo Kaisha IP Bridge 1.

9 We'll start today with the hearing for IPR2017-01841 and I'll note that
10 case IPR2017-01842 has been consolidated with that case. After the first
11 hearing we'll have a short break and then we'll proceed to the second hearing
12 for today. Counsel, can I just have you go ahead and step to the microphone
13 and introduce yourselves, and let us know who will be presenting today.
14 Let's start with Petitioner.

15 MR. CAVANAUGH: Sure. Good afternoon, Your Honor. I'm Dave
16 Cavanaugh, I'm with Wilmer Hale representing Taiwan Semiconductor.
17 With me is Mike Smith, also from Wilmer Hale and Scott Bertulli, also from
18 Wilmer Hale.

19 JUDGE CHAGNON: Thank you.

20 MR. GIUNTA: Good afternoon, Your Honors. I'm Rich Giunta from
21 Wolf Greenfield for the Patent Owner IP Bridge. With me is Gerry
22 Hrycyszyn and Josh Miller. I'm going to argue the 841 case and Mr.
23 Hrycyszyn is going to argue the 843 case.

1 JUDGE CHAGNON: Thank you so much, and just a reminder during
2 your presentations today because Judge Haapala is not joining us here in the
3 room she is not able to see the screen, so please just make sure to identify
4 the slide number when you're referring to demonstratives so she can follow
5 along.

6 Per our Trial Hearing Order each party has 60 minutes today to
7 present arguments for this first hearing. Petitioner will present first followed
8 by Patent Owner and Petitioner you may reserve up to 30 minutes of time
9 for rebuttal of any issues raised during Patent Owner's presentation and
10 Patent Owner may reserve up to ten minutes to address Petitioner's rebuttal
11 at the end. And we also just ask that the parties not interrupt each other
12 during the presentations today. If you have any objections you may address
13 them during your own presentations and if something comes up during the
14 final presentation, please let me know at the end of that. Do you have any
15 questions before we get started?

16 MR. GIUNTA: No, Your Honor.

17 MR. CAVANAUGH: No, Your Honor.

18 JUDGE CHAGNON: All right, great. So go ahead whenever you're
19 ready. Did you want me to set the clock to reserve any time for you?

20 MR. CAVANAUGH: Yes, Your Honor. I'd like to reserve 15
21 minutes for rebuttal.

22 JUDGE CHAGNON: Fifteen minutes? Okay. Whenever you're set
23 I'll go ahead and start the clock for you.

24 MR. CAVANAUGH: Thank you, Your Honor. Good afternoon.
25 May it please the Board. The issues today in these proceedings boil down to

1 a few simple points or issues. The challenged patent, which I'll shorten to
2 the 501 patent, was issued after many rejections by the original examiner
3 because the Applicant added a single limitation at the end of the independent
4 claim. The examiner in the Notice of Allowance said that the claim was
5 allowed because the references then in front of the examiner didn't present a
6 teaching for that last limitation that was added to gain allowance and the
7 Patent Owner doesn't dispute that the last limitation is in the prior art,
8 indeed, the prior art that is currently in this particular proceeding. It disputes
9 the presence of a limitation that was in the independent claim from the
10 beginning of prosecution and during the repeated rejections and the
11 limitation disputed by the Patent Owner in this proceeding is not the same as
12 what the examiner provided in the reasons for allowance.

13 The petition in the 1841 and 1842 IPRs presented a reference,
14 Igarashi, and the petition carefully identified the elements in the reference
15 and the limitations of the claim. But this wasn't an anticipation ground
16 though. Igarashi was combined with Woerlee and together the references
17 render obvious the challenged claims.

18 The presence of all the limitations of the challenged claims in the
19 prior art combination is not or cannot be in substantial dispute. The issues
20 boil down to whether the combination discloses a feature which is common
21 in all transistors called an active region that is recited in the independent
22 claim and in order to address the issues, if we can go to slide 2, I'd like to
23 talk a little bit about the patent technology as a background, an overview of
24 the 501 patent, describe a little bit about the prior art and then address some
25 issues that are undisputed between the parties and a little bit about the

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