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.

Case IPR2016-01376
Patent 6,197,696

Before the Honorable JUSTIN T. ARBES, MICHAEL J. FITZPATRICK, and JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

PATENT OWNER'S SECOND SET OF OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Patent Owner Godo Kaisha IP Bridge 1 ("Patent Owner"), hereby submits the following objections to Petitioner Taiwan Semiconductor Manufacturing Company, Ltd.'s ("Petitioner") Exhibits as indicated below, and any reference thereto/reliance thereon, without limitation. Patent Owner's objections below apply the Federal Rules of Evidence ("F.R.E.") as required by 37 C.F.R § 42.62.

These objections address evidentiary deficiencies in the evidence submitted by Petitioner in its Petition.

The following objections apply to the Exhibits indicated below as they are actually presented by Petitioner, in the context of the Petition and not in the context of any other substantive argument on the merits of the instituted grounds in this proceeding. Patent Owner expressly objects to any other purported use of these Exhibits, including as substantive evidence in this proceeding, which would be improper under the applicable rules, and Patent Owner expressly asserts, reserves and does not waive any other objections that would be applicable in such a context.

I. Objections to Exhibit 1049 and Any Reference to/Reliance Thereon

Evidence objected to: Exhibit 1049 to the Petition, titled "Expert Declaration of Dr. Bruce W. Smith, Ph.D. in Support of Petitioner's Reply"

Grounds for objection: F.R.E. 401-402 (Relevance); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 702 ("Testimony by Expert Witnesses"); F.R.E. 703 ("Bases of an Expert's Opinion Testimony); and 37 C.F.R. § 42.61 ("Admissibility").

Patent Owner objects to Exhibit 1049 under F.R.E. 702 and 703, and 37 C.F.R. § 42.61. The declarant of Exhibit 1049, Bruce W. Smith, Ph.D., fails to provide sufficient underlying facts or data upon which the statements contained therein could legitimately be based, in violation of F.R.E. 702. Dr. Smith has also

not "reliably applied the principles and methods to the facts of the case," and his opinions in Exhibit 1049 are not "the product of reliable principles and methods," in violation of F.R.E. 702. Furthermore, there is no indication that Dr. Smith based his opinions on facts or data upon which an expert in the relevant field would reasonably rely in violation of F.R.E. 703.

Patent Owner further objects to Exhibit 1049 under F.R.E. 401 and 402 (relevance) and F.R.E. 403 (probative value outweighed by prejudice, confusing of issues, wasting time).

II. Objections to Exhibits 1030, 1031, 1032, and Any Reference to/Reliance Thereon

Evidence objected to: Exhibits 1030, 1031, and 1032, titled, "James D. Plummer et al., 'Silicon VLSI Technology: Fundamentals, Practice, and Modeling' (2000)," "C.Y. Chang & S. M. Sze, 'ULSI Technology' (1996)," and "S. Wolf & R.N. Tauber, 'Silicon Processing for the VLSI Era: Volume 1: Process Technology' (1986)," respectively.

Grounds for objection: F.R.E. 901 ("Authenticating or Identifying Evidence"); F.R.E. 106 ("Remainder of or Related Writings or Recorded Statements"); F.R.E. 801, 802 (Impermissible Hearsay); 37 C.F.R. § 42.61 ("Admissibility").

Petitioner fails to provide any evidence of authenticity of Exhibits 1030, 1031, and 1032, or any evidence of the date on which any of these exhibits were published or made available, in violation of, *inter alia*, F.R.E. 901.

Further, Exhibits 1030, 1031, and 1032 appear to be incomplete excerpts of documents. To the extent the Reply or any other submission of Petitioner purports to refer to or rely on any of the exhibits, Patent Owner objects to such reference to or reliance on an isolated portion as incomplete (F.R.E. 403, 106).

Also, to the extent Petitioner and Dr. Smith rely on Exhibits 1030, 1031, and 1032 for the purpose of proving the truth of the matter asserted without demonstrating that any hearsay exception applies, this violates Rules 801 and 802. *See, e.g.*, Reply at 4.

III. Objections to Exhibits 1044, 1045, 1046, and Any Reference to/Reliance Thereon

Evidence objected to: Exhibits 1044, 1045, and 1046, titled, "J.M. Moran & D. Maydan, 'High Resolution, Steep Profile Resist Patterns,' J. Vac. Sci. & Tech., vol. 16, no. 6 (Nov./Dec. 1979)," "M.M. O'Toole et al., 'Linewidth Control in Projection Lithography Using a Multilayer Resist Process,' IEEE Transactions on Electron Devices, vol. ED-28, no. 11 (Nov. 1981)," and "E. Bassous et al., 'A Three-Layer Resist System for Deep U.V. and RIE Microlithography on

Nonplanar Surfaces,' J. Electrochem. Soc.: Solid-State Sci. & Tech. (Feb. 1983)," respectively.

Grounds for objection: F.R.E. 901 ("Authenticating or Identifying Evidence"); F.R.E. 801, 802 (Impermissible Hearsay); 37 C.F.R. § 42.61 ("Admissibility").

Petitioner fails to provide any evidence of authenticity of Exhibits 1044, 1045, and 1046, or any evidence of the date on which any of these exhibits were published or made available, in violation of, *inter alia*, F.R.E. 901.

Also, to the extent Petitioner and Dr. Smith rely on Exhibits 1044, 1045, and 1046 for the purpose of proving the truth of the matter asserted without demonstrating that any hearsay exception applies, this violates Rules 801 and 802. *See, e.g.*, Reply at 7.

Dated: July 28, 2017

Respectfully submitted,

By: */s/ James L. Davis, Jr.*
James L. Davis, Jr.

Andrew N. Thomases (Lead counsel)
Reg. No. 40,841
ROPES & GRAY, LLP
1900 University Ave., 6th Floor
East Palo Alto, CA 94303
(650) 617-4000
andrew.thomases@ropesgray.com

Jordan M. Rossen (Back-up counsel)
Reg. No. 74,064
ROPES & GRAY LLP
2099 Pennsylvania Ave., NW
Washington D.C. 20006-6807
P: 202-508-4759/F: 617-235-9492
jordan.rossen@ropesgray.com

J. Steven Baughman (Back-up counsel)
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

James L. Davis, Jr. (Back-up counsel)
Reg. No. 57,325
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
P: 650-617-4794/F: 617-235-9492
james.l.davis@ropesgray.com

Attorneys For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of PATENT OWNER'S SECOND SET OF OBJECTIONS TO PETITIONER'S EXHIBITS has been served in its entirety by causing the aforementioned document to be electronically mailed, pursuant to Petitioner's agreement (Paper 2 at 76 & Paper 23 at 2), to the following attorneys of record for the Petitioner listed below:

Petitioner's Counsel of Record:	Darren M. Jiron (Reg. No. 45,777) darren.jiron@finnegan.com Finnegan, Henderson, Farabow, Garrett & Dunner, LLP Two Freedom Square, 11955 Freedom Drive, Reston, VA 20190-5675 E. Robert Yoches (Reg. No. 30,120) bob.yoches@finnegan.com Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001-4413 J. Preston Long (Reg. No. 65,125) JP.Long@finnegan.com Finnegan , Henderson, Farabow, Garrett & Dunner , LLP 901 New York Avenue, NW Washington , DC 20001-4413

Joshua L. Goldberg (Reg. No. 59,369)
Joshua.Goldberg@finnegan.com
Finnegan , Henderson, Farabow,
Garrett & Dunner , LLP
901 New York Avenue, NW
Washington , DC 20001-4413

TSMC-IPB-PTAB@finnegan.com

Dated: July 28, 2017

Respectfully submitted,

By: */Crena Pacheco/*
Name: Crena Pacheco

ROPES & GRAY LLP