

Filed on behalf of: Invensas Bonding Technologies, Inc.

Entered: October 31, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.; AND  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioner,

v.

INVENSAS BONDING TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2019-00020  
U.S. Patent No. 9,391,143

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**PATENT OWNER'S MOTION FOR DISTRICT COURT  
(*PHILLIPS*) PATENT CLAIM CONSTRUCTION  
UNDER 37 C.F.R. § 42.100(b)**

**A. Notice of Request for Relief**

Pursuant to 37 C.F.R. § 42.20 and Board authorization granted on October 29, 2018, Patent Owner Invensas Bonding Technologies, Inc. ("Patent Owner") moves under 37 C.F.R. § 42.100(b)<sup>1</sup> for district court-type claim construction (*i.e.*, the standard provided by *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005)). Petitioner has indicated to Patent Owner that it does not oppose this motion.<sup>2</sup>

Rule 37 C.F.R. § 42.100 (b) provides:

\* \* \* \*

(b) A claim in an unexpired patent that will not expire before a final written decision is issued shall be given its broadest reasonable construction in light of the specification of the patent in which it appears. A party may request a district court-type claim construction approach to be applied if a party certifies that the involved patent will expire within 18 months from the entry of the Notice of Filing Date Accorded to Petition.

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<sup>1</sup> As Amended, effective May 2, 2016 (81 Fed. Reg. 18766 (April 1, 2016)).

<sup>2</sup> Email communication on October 28, 2018.

The request, accompanied by a party's certification, must be made in the form of a motion under §42.20, within 30 days from the filing of the petition.

**B. Material Facts**

1. The petition in this IPR was filed on October 2, 2018.
2. The patent subject to this proceeding, U.S. Patent No. 9,391,143 ('143 patent), will expire on February 16, 2020, less than 18 months from the date the petition was filed. *See* Certification *infra*.
3. The expiration date of the '143 patent is not disputed by Petitioner and this motion is unopposed.
4. Patent Owner requested authorization to file this unopposed motion under 37 C.F.R. § 42.100(b) on October 29, 2018.
5. The Board authorized, via email communication, the filing of this motion on October 29, 2018.
6. This motion is timely filed within 30 days from the filing of the petition. 37 C.F.R. § 42.100(b).

**C. Certification**

Patent Owner hereby certifies, through the undersigned signature of its counsel, that the '143 patent will expire on February 16, 2020.

**D. Requested Relief**

The requirements of 37 C.F.R. § 42.100(b) are met. Petitioner does not dispute that the '143 patent will expire within 18 months from the date the petition was filed in this proceeding, or that this request is timely. Patent Owner therefore respectfully requests that the Board apply to the claims in this proceeding a district court-type claim construction standard as provided in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005).

Respectfully submitted,

Dated: October 31, 2018

By: / Robert Steinberg /

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*Invensas Bonding Technologies, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 31st day of October, 2018, a true and correct copy of the foregoing **PATENT OWNER'S MOTION FOR DISTRICT COURT (*PHILLIPS*) PATENT CLAIM CONSTRUCTION UNDER 37 C.F.R. § 42.100(b)** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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IPR2019-00020 (USP 9,391,143)

PO's Motion for District Court  
Patent Claim Construction

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