

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD.,
Petitioner,

v.

PROMOS TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01417
Patent 7,375,027 B2

Held: August 16, 2018

Before JAMESON LEE, KEVIN F. TURNER, and JOHN A. HUDALLA,
Administrative Patent Judges.

Case IPR2017-01417
Patent 7,375,027 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Thursday, August 16, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

P R O C E E D I N G S

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JUDGE LEE: Welcome to the Board. This is the oral hearing for IPR2017-01417. The parties are Samsung Electronics Company, LTD, as petitioner, and ProMOS Technologies, Inc., as patent owner. May I please have counsel introduce themselves, starting with the petitioner.

MR. MODI: Good afternoon, Your Honors. Naveen Modi from Paul Hastings on behalf of petitioner, Samsung. With me I have Paul Anderson and Chetan Bansal.

JUDGE LEE: Thank you.

MR. KAUFMAN: Good afternoon, Your Honors. Craig Kaufman on behalf of Promos. With me is Mike Ting and Jerry Chen. Mr. Ting will be arguing.

JUDGE LEE: Thank you so much. Each side has 30 minutes of argument time. And I have learned how to operate the timer, so you can watch the clock behind me. Any time you are ready, Mr. Modi. Do you want to reserve some for rebuttal?

MR. MODI: I would like to reserve 10 minutes, Your Honor.

JUDGE LEE: Right now you have 20 and the two-minute yellow warning light.

MR. MODI: Thank you, Your Honors. Again, good afternoon. May it please the Board, based on the petition and supporting evidence, the Board instituted review of all claims of the '027 patent. The record now includes even more evidence than before and that supports the Board's

1 institution decision. The Board should now issue a final decision cancelling
2 all the claims. Let me explain why.

3 If I can go to slide 2, please, so as the Board is aware, this
4 proceeding includes two sets of grounds based on two primary references.
5 One set is based on Ono. The other set is based on Koyama. For purposes
6 of my opening presentation, I plan to focus on the anticipation grounds
7 based on Ono and Koyama. I'm, of course, happy to answer any questions
8 the Board may have.

9 JUDGE LEE: Can you move the mic closer to you.

10 MR. MODI: I can, Your Honor. Is that better?

11 JUDGE LEE: Yes.

12 MR. MODI: And actually, I do have a hard copy of the
13 demonstratives. May I approach?

14 JUDGE LEE: Please.

15 MR. MODI: So like I said, for purposes of my opening
16 presentation, I will be focusing on the anticipation grounds, unless the Board
17 has any questions on the obviousness grounds.

18 And with respect to the two anticipation grounds, I would actually
19 like to start with Koyama. And the reason for that is simple. There's really
20 only one issue that the Board needs to resolve in Koyama to rule in
21 petitioner's favor. So if that's okay, I would like to start there.

22 If I could go to slide 23, so again, slide 23 shows the anticipation
23 ground based on Koyama. It shows the claims that are at issue. And if we
24 can go to slide 24, please, so if you look at this claim, this claim is directed -

1 - claim 1, which is the only independent claim in the '027 patent, it's a
2 method of providing a contact via to a surface of a substrate. And it recites a
3 number of steps. The first one is forming a first dielectric layer on the
4 substrate, forming a second dielectric layer providing a first aperture,
5 providing a third dielectric layer and removing a portion of the third
6 dielectric layer.

7 With respect to the Koyama-based anticipation ground, patent
8 owner has raised issues with respect to the limitations that are highlighted in
9 slide 24, the first, forming a first dielectric layer and removing a portion of
10 the third dielectric layer limitations. But both of these arguments really stem
11 down to one issue. And let me go to next slide and frame the issue for the
12 Board.

13 So now we are at slide 25. So as the Board may recall, with
14 respect to Koyama, petitioner pointed to the etching stopper film 43 that's
15 highlighted in blue here on the screen on the bottom and as the first
16 dielectric layer. And petitioner showed with supporting evidence from its
17 expert, Dr. Rubloff, that the etching stopper film 43 is formed on the
18 substrate and how it's removed, how a portion of it is removed from the
19 substrate.

20 Now, patent owner asserts that Koyama does not anticipate
21 because layer 43, the blue layer that's highlighted here, is not formed on the
22 surface of the substrate, but rather it is formed on the silicide layer 21 which
23 you can see is right below the highlighted portion, right in the middle of the
24 screen here.

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