

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NVIDIA CORPORATION,  
Petitioner,

v.

POLARIS INNOVATIONS LIMITED,  
Patent Owner.

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Case IPR2017-01819  
Patent 7,124,325 B2

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Before SALLY C. MEDLEY, BARBARA A. PARVIS, and  
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314(a); 37 C.F.R. § 42.108

## I. INTRODUCTION

NVIDIA Corporation (“Petitioner”) filed a Petition for *inter partes* review of claims 14, 16–18, and 20 (“the challenged claims”) of U.S. Patent No. 7,124,325 B2 (Ex. 1001, “the ’325 Patent”). Paper 2 (“Pet.”). Polaris Innovations Limited (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Upon consideration of the Petition, the Preliminary Response and the supporting evidence, we exercise our discretion to deny institution of trial on this Petition under 35 U.S.C. § 314(a) and 37 C.F.R. § 42.108(a). Accordingly, we do not institute an *inter partes* review as to any of the challenged claims of the ’325 Patent.

### A. *Related Matters*

The parties state that the ’325 Patent is the subject of a pending lawsuit that includes assertions against Petitioner. Pet. 74; Paper 3 (“Patent Owner’s Initial Mandatory Notices”), 2–3. Patent Owner identifies a lawsuit pending in the Northern District of California, i.e., *Polaris Innovations Ltd. v. Dell Inc.*, Case No. 4:16-cv-07005 (N.D. Cal.).<sup>1</sup> Patent Owner’s Initial Mandatory Notices, 2–3.

Petitioner previously challenged claims 1–20 of the ’325 Patent in IPR2017-00382 (“the 382 IPR”). Pet. 74. Institution was denied in the 382

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<sup>1</sup> This lawsuit is referred to herein as the “companion district court lawsuit.” The companion district court lawsuit was transferred from the United States District Court for the Western District of Texas on December 5, 2016. *Id.* That case was *Polaris Innovations Ltd. v. Dell Inc.*, Case No. 5:16-cv-00451 (W.D. Tex.). Pet. 74; Patent Owner’s Initial Mandatory Notices, 2.

IPR on June 23, 2017. See Ex. 1006 (Decision denying institution of *inter partes* review in the 382 IPR).

*B. The '325 Patent*

The '325 Patent is directed to trimming interface devices on semiconductor devices. Ex. 1001, 1:10–12. Figure 3 of the '325 Patent is reproduced below.

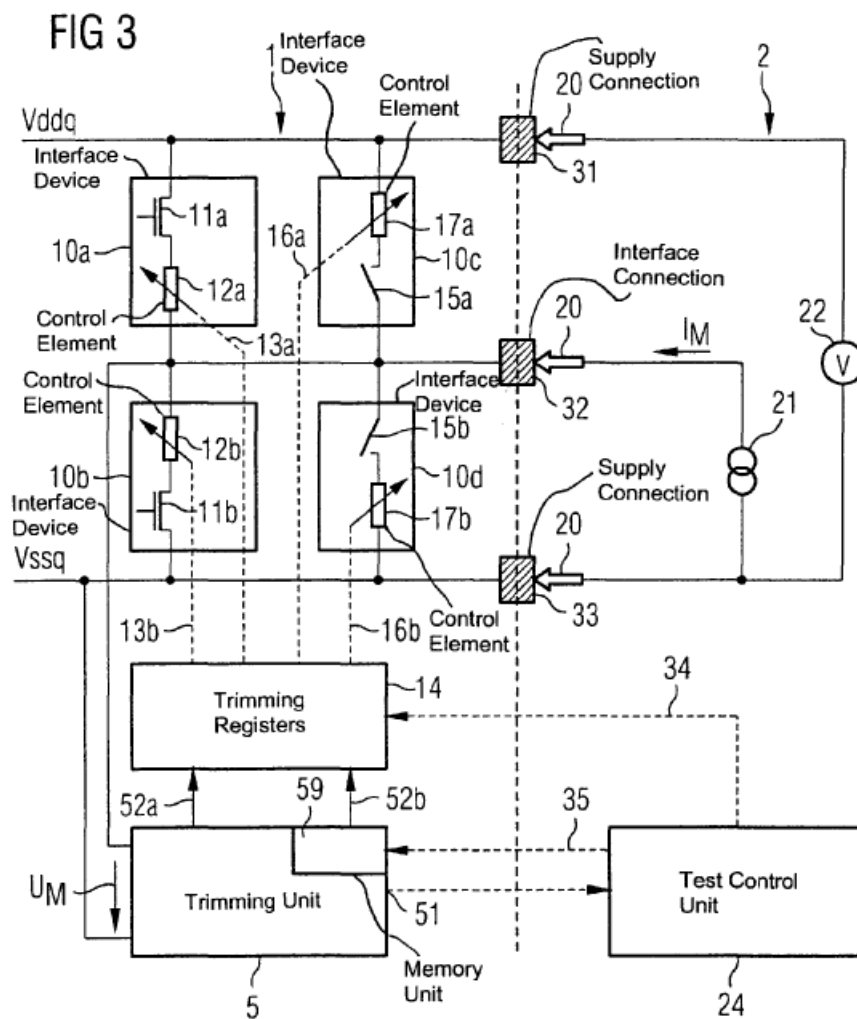


Figure 3 illustrates a schematic diagram of a configuration for trimming interface devices in a semiconductor device.

As shown in Figure 3 above, semiconductor device 1 includes trimming unit 5 that is connected to interface devices 10a–10d in a driver device. *Id.* at 7:61–8:6. Trimming unit 5 is connected to test control unit 24 in test apparatus 2. *Id.* at 8:8–9. Control path 34 connects test apparatus 2 to trimming register 14. *Id.* at 8:10–11.

### *C. Illustrative Claim*

Petitioner challenges claims 14, 16–18, and 20 of the '325 Patent. Pet. 1. Claim 14 is an independent claim. Claims 16–18 and 20 depend, directly or indirectly, from claim 14. Independent claim 14, reproduced below, is illustrative of the claimed subject matter:

14. A semiconductor device comprising:  
at least one interface device having a settable control element;  
a trimming register connected to said control element; and  
a trimming unit for writing to said trimming register based on a measured variable detected on said interface device;  
said trimming unit connected to said interface device and said trimming register.

*Id.* at 10:26–34.

### *D. Asserted Grounds of Unpatentability*

Petitioner asserts that claims 14, 16–18, and 20 are unpatentable, under 35 U.S.C. § 103(a), based on the following grounds (Pet. 1–2):

Reference(s)	Basis	Challenged Claims
Volk 450 <sup>2</sup>	§ 102(e)	14 and 16–18
Volk 105 <sup>3</sup>	§ 102(b), (e), (a)	14, 16, and 17
Volk 450 and Hiraki <sup>4</sup>	§ 103(a)	14, 16–18, and 20
Volk 105 and Hiraki	§ 103(a)	14, 16–18, and 20

## II. ANALYSIS

### A. *Discretionary Non-Institution*

Patent Owner argues Petitioner used the Preliminary Response in the 382 IPR<sup>5</sup> and the Decision Denying Institution from the 382 IPR<sup>6</sup> “as a roadmap to mount new challenges to the same claims and has done so without offering any reasonable explanation or justification for why it deserves to have a second chance to attack the ’325 Patent.” Prelim. Resp. 16–17. Patent Owner characterizes the Petition in the instant proceeding as a “follow-on” Petition and argues it poses an inequity to Patent Owner. *Id.* at 22. Consistent with Patent Owner’s contentions (*id.* at 1–2), the 382 IPR petition presented two challenges to each of claims 1–20 of the ’325 Patent (382 Pet. 1) and the instant Petition presents four additional challenges to

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<sup>2</sup> U.S. Patent No. 6,693,450 B1, issued Feb. 17, 2004 (Ex. 1004) (“Volk 450”).

<sup>3</sup> U.S. Patent No. 6,356,105 B1, issued Mar. 12, 2002 (Ex. 1005) (“Volk 105”).

<sup>4</sup> U.S. Patent No. 6,201,733 B1, issued Mar. 13, 2001 (Ex. 1008) (“Hiraki”).

<sup>5</sup> IPR2017-00382, Paper 7 and submitted as Exhibit 1007 in the instant proceeding.

<sup>6</sup> IPR2017-00382, Paper 10 and submitted as Exhibit 1006 in the instant proceeding.

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