

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

INVENSAS BONDING TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2019-00001 (Patent 7,553,744 B2),
Cases IPR2019-00004 and IPR2019-00005 (Patent 7,807,549 B2), and
Case IPR2019-00006 (Patent 7,871,898 B2)

Before KEN B. BARRETT, FRANCES L. IPPOLITO, and
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's
Motions for a District Court-Type Claim Construction Approach
37 C.F.R. § 42.100(b)

IPR2019-00001 (Patent 7,553,744 B2)
IPR2019-00004, IPR2019-00005 (Patent 7,807,549 B2)
IPR2019-00006 (Patent 7,871,898 B2)

Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Petitioner”) filed on October 1, 2018, Petitions requesting *inter partes* review of U.S. Patent No. 7,553,744 B2 (“the ’744 patent,” Ex. 1001¹), U.S. Patent No. 7,807,549 B2 (“the ’549 patent”), and U.S. Patent 7,871,898 B2 (“the ’898 patent”). IPR2019-00001, Paper 1²; IPR2019-00004, Paper 1; IPR2019-00005, Paper 1; IPR2019-00006, Paper 1. Invensas Bonding Technologies, Inc. (“Patent Owner”) filed in each case on October 31, 2018, “Patent Owner’s Motion for District Court (*Phillips*^[3]) Patent Claim Construction Under 37 C.F.R. § 42.100(b).” Paper 7. Patent Owner represents that Petitioner does not oppose the motions. *Id.* at 1.

“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.” 37 C.F.R. § 42.100(b) (2018).⁴ The Notices of Filing Date Accorded were entered on October 17, 2018, in IPR2019-00001, IPR2019-00004, and IPR2019-00005 and on October 26, 2018, in IPR2019-00006. Patent Owner certifies that the ’744 patent, the ’549 patent, and the ’898 patent will expire

¹ Each subject patent is filed as Exhibit 1001 in the respective case.

² Unless otherwise noted, citations herein are to papers filed in IPR2019-00001. Similar motions were filed in IPR2019-00004, IPR2019-00005, and IPR2019-00006.

³ *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005)

⁴ Because the Petitions were filed prior to November 13, 2018, the effective date of Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340 (Oct. 11, 2018), the previous version of § 42.100(b) is applicable to these cases.

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within 18 months of the entry of the Notice of Filing Date Accorded, and specifically certifies that those three patents will expire on February 16, 2020. Paper 7, 2–3. That date is twenty years after the earliest application filing date referenced in each of the three patents. *See, e.g.*, the '744 patent (Ex. 1001), 1:4–13.

On this record, we are persuaded that Rule 42.100(b) applies to this case, that Patent Owner has complied with the requirements of that rule, and that the '744 patent, the '549 patent, and the '898 patent will expire within 18 months of the entry of the Notices of Filing Date Accorded to Petition. Therefore, we grant Patent Owner's unopposed motions.

In granting these motions, we merely are identifying the claim construction approach that will be applied in this case. We have not conducted yet, in the cases before us, a claim construction analysis, and this order should not be construed as an adoption at this time of any claim construction that may have been issued by a district court.

Accordingly, it is

ORDERED that Patent Owner's motions for a district court-type claim construction approach is *granted*.

IPR2019-00001 (Patent 7,553,744 B2)
IPR2019-00004, IPR2019-00005 (Patent 7,807,549 B2)
IPR2019-00006 (Patent 7,871,898 B2)

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