

Filed on behalf of Advanced Micro Devices, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

REALTEK SEMICONDUCTOR CORPORATION,
Patent Owner.

Case No. IPR2023-00920
U.S. Patent No. 8,006,218

**PETITIONER'S MOTION TO SUBMIT
SUPPLEMENTAL INFORMATION**

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TABLE OF EXHIBITS

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1001	U.S. Patent No. 8,006,218 (“’218 Patent” or “’218”)
1002	File History for U.S. Patent No. 8,006,218
1003	Declaration of Dr. Vivek Subramanian (“Subramanian Decl.”)
1004	Hailin Jiang et al., <i>Benefits and Costs of Power-Gating Technique</i> , Proceedings of the 2005 International Conference on Computer Design (ICCD 2005) (“Jiang”)
1005	Wei Li et al., <i>LVS Verification across Multiple Power Domains for a Quad-Core Microprocessor</i> , ACM Transactions on Design Automation of Electronic Systems, Vol. 11, No. 2, pp. 490-500, (April 2006) (“Li”)
1006	U.S. Patent No. 7,948,292 (“Chiu”)
1007	Hailin Jiang et al., <i>Power/Ground Supply Network Optimization for Power-Gating</i> , Proceedings of the 2006 International Conference on Computer Design (ICCD 2006) (“Jiang2”)
1008	Hailin Jiang et al., <i>Power-Gating Aware Floorplanning</i> , Proceedings of the 8th International Symposium on Quality Electronic Design (ISQED 2007) (“Jiang3”)
1009	Suhwan Kim et al., <i>Minimizing Inductive Noise in System-On-a-Chip with Multiple Power Gating Structures</i> , ESSCIRC 2004 - 29th European Solid-State Circuits Conference (IEEE Cat. No.03EX705), pp. 635-638 (2003) (“Kim”)
1010	U.S. Patent No. 7,705,486 (“Lee”)
1011	U.S. Patent Application 60/976,181 (“Chiu Provisional”)
1012	Michael Keating et al., <i>Low Power Methodology Manual</i> , Springer (2007) (excerpts) (“LPMM”)
1013	A. Bertolet et al., <i>A Pseudo-Hierarchical Methodology for High Performance Microprocessor Design</i> , Proceedings of the 1997 International Symposium on Physical Design, pp. 124–129 (April 1997) (“Bertolet”)

Exhibit No.	Description
1014	Luca Benini et al., <i>Advanced power management techniques: going beyond intelligent shutdown</i> , Proceedings of the 2003 Asia and South Pacific Design Automation Conference, pp. 385–389 (January 2003) (“Benini”)
1015	Yajun Ran et al., <i>Via-Configurable Routing Architectures and Fast Design Mappability Estimation for Regular Fabrics</i> , IEEE/ACM International Conference on Computer-Aided Design (2005) (“Ran”)
1016	U.S. Patent No. 7,671,623 (“Blisson”)
1017	Screen shot of AMD Innovation Timeline, (available at https://www.amd.com/en/corporate/innovations)
1018	U.S. Patent No. 6,925,627 (“Longway”)
1019	U.S. Patent No. 7,260,805 (“Yan”)
1020	Kimiyoshi Usami et al., <i>Low-power Design Methodology and Applications utilizing Dual Supply Voltages</i> , Proceedings of the ASP-DAC 2000: Asia and South Pacific Design Automation Conference (2000) (“Usami”)
1021	Declaration of Dr. Sylvia Hall-Ellis (“Hall Ellis Decl.”)
1022	Curriculum Vitae of Sylvia Dr. Sylvia Hall-Ellis
1023	Order Granting Motion to Stay, <i>Realtek Semiconductor Corp., v. Advanced Micro Devices, Inc.</i> , Case No. 4:22-cv-04769-JSW, Dkt. 61 (N.D. Cal. Apr. 24, 2023)
1024	U.S. Patent No. 6,903,389 (“Tai”)
1025	Synopsys Press Release, <i>Synopsys Galaxy Platform Reduces Power Consumption of Industry-Leading Multi-Voltage Designs</i> , Jul. 19, 2006 (available at https://news.synopsys.com/index.php?s=20295&item=122684)
1026	Synopsys Press Release Index, July 18, 2006 through July 26, 2006 (available at https://news.synopsys.com/index.php?s=20295&l=10&year=2006&o=50)

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Exhibit No.	Description
1027	Synopsys Press Release, <i>New Low Power Methodology Manual Demystifies Advanced Power Management</i> , May 29, 2007 (available at https://news.synopsys.com/index.php?s=20295&item=122821)
1028	Synopsys Press Release Index, May 24, 2007 through May 29, 2007 (available at https://news.synopsys.com/index.php?s=20295&year=2007&o=60)
1029	Complainant’s Proposed Claim Constructions, In the Matter Of Certain Integrated Circuits, Components Thereof, And Products Containing The Same, Investigation No. 337-TA-1350 (May 1, 2023)
1030	Respondent Advanced Micro Devices, Inc.’s Proposed Claim Constructions, In the Matter Of Certain Integrated Circuits, Components Thereof, And Products Containing The Same, Investigation No. 337-TA-1350 (May 2, 2023)
1031	Order No. 25 Denying Complainant Realtek Semiconductor Corp.’s Motion for Summary Determination, In the Matter of Certain Integrated Circuits, Components Thereof, and Products Containing Same, Inv. No. 337-TA-1350 (USITC Sept. 7, 2023) (excerpts)
1032	E-mail from PTAB authorizing submission of ITC Order and limited briefing in IPR2023-00920 (Sept. 14, 2023)
1033	E-mail from PTAB authorizing Petitioner’s motion to submit supplemental information in IPR2023-00920 (Dec. 27, 2023)

I. INTRODUCTION

Petitioner Advanced Micro Devices, Inc. moves to submit supplemental information pursuant to 37 C.F.R. § 42.123(a) and the Board’s e-mail authorization on December 27, 2023. EX1033.

The supplemental information Petitioner seeks to submit is a supplemental declaration from its expert, Dr. Vivek Subramanian, explaining that the Chiu reference (EX1006) can claim priority to its provisional application (EX1011) because the provisional application provides support for at least one claim in Chiu, as well as the disclosures in Chiu relied upon in Dr. Subramanian’s previous declaration (EX1003).

II. STATEMENT OF FACTS

1. On May 8, 2023, Petitioner filed the Petition in this IPR, including Grounds 2 and 3 which list the Chiu reference as an alternate secondary reference. Paper 1 (Petition) at 4-5.

2. On August 30, 2023, Patent Owner challenged Chiu’s prior art status in its POPR. Paper 7 (Preliminary Response) at 11-13.

3. On November 28, 2023, the Board granted institution of the Petition, including Grounds 2 and 3. Paper 10 (Institution Decision) at 42.

4. On December 20, 2023, Petitioner met and conferred with Patent Owner via e-mail regarding its request to submit supplemental information and provided Patent Owner with a copy of Dr. Subramanian's supplemental declaration.

III. ARGUMENT

Under 37 C.F.R. § 42.123(a), a party may file a motion to submit supplemental information subject to the following requirements: (1) the request for authorization to file a motion to submit supplemental information is made within one month of the date the trial is instituted, and (2) the supplemental information must be relevant to a claim for which the trial has been instituted.

Both requirements are met. Petitioner timely requested the Board's authorization via e-mail on December 26, 2023, less than one month after the Board instituted review in this IPR. EX1033. Additionally, the supplemental information is relevant to Grounds 2 and 3 at issue in this IPR trial because Chiu forms part of the basis for those grounds. Paper 10 (Institution Decision) at 42; Paper 1 (Petition) at 4-5. In particular, Dr. Subramanian's supplemental declaration is relevant to Chiu's prior art status, an issue Patent Owner raised in its POPR. Paper 7 (Preliminary Response) at 11-13.

The Board has previously granted motions for supplemental information when faced with the issue of a prior art patent's ability to claim priority to a provisional application. *See Innovative Growers Equip., Inc. v. Pipp Mobile Storage Sys., Inc.*,

IPR2022-00893, Paper 22 at 12-13 (P.T.A.B. Mar. 6, 2023) (permitting the filing of a provisional application in support of a prior art priority claim even though “Petitioner’s opportunity to meet its evidentiary burden regarding [the prior art reference] Hutto is in its Reply”); *see also Innovative Growers Equip., Inc. v. Pipp Mobile Storage Sys., Inc.*, IPR2022-00893, Paper 38 at 42-44 (P.T.A.B. Oct. 27, 2023) (holding that petitioner’s provision of a comparison of the asserted prior art patent claim to its provisional application in petitioner’s reply brief was proper because “[t]he petitioner in an *inter partes* review does not have the burden of producing evidence that the effective date of an asserted reference patent relates back to its claimed provisional application until after a patentee challenges the prior art status of the asserted reference”).

Indeed, according to the Board, “the Federal Circuit has said that once trial was instituted, a petitioner is permitted to supplement the record. ... If the situation were otherwise, 37 C.F.R. § 42.123 would be useless to petitioners.” *Seabery N. Am. Inc., v. Lincoln Global, Inc.*, IPR2016-00840, Paper 40 at 6-7 (P.T.A.B. Mar. 15, 2017); *see also Genzyme Therapeutic Prods. Ltd. P’ship v. Biomarin Pharm. Inc.*, 825 F.3d 1360, 1367 (Fed. Cir. 2016) (“The purpose of the trial in an *inter partes* review proceeding is to give the parties an opportunity to build a record by introducing evidence—not simply to weigh evidence of which the Board is already aware.”).

Moreover, granting leave for Petitioner to submit its evidence as supplemental information is in the interests of justice. Patent Owner will not be prejudiced by the requested submission, particularly as it was Patent Owner who raised the issue of Chiu’s prior art status. *See Nevro Corp. v. Boston Sci. Neuromodulation Corp.*, IPR2019-01315, Paper 20 at 4-5 (P.T.A.B. Mar. 25, 2020) (“Having now challenged the prior art status of these references, Patent Owner cannot complain that Petitioner seeks to rebut its assertions with additional evidence.”). By allowing submission of Petitioner’s evidence as supplemental information at this early stage in the trial, Patent Owner will be able to decide whether it will maintain its argument on Chiu’s prior art status in its Patent Owner Response including potentially challenging Petitioner’s evidence with its own evidence. *See id.* at 5 (“Admitting supplemental information will allow for development of the record on the issue of public accessibility and prior art effect [of the asserted reference] Hitzelberger. ... Patent Owner will have a full and fair opportunity to challenge, and respond to, this newly submitted evidence in the Patent Owner Response.”).

Additionally, Petitioner’s requested submission of evidence will not delay the proceeding as the evidence has already been prepared and Patent Owner has been in possession of the evidence since December 20, 2023.

For at least these reasons, Petitioner requests that the Board grant leave to file the supplemental Subramanian declaration.

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Respectfully submitted,

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Date: January 4, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a true copy of the foregoing **PETITIONER’S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION** and **EXHIBIT 1033** are being served electronically on January 4, 2024 to the following lead and backup counsel for Patent Owner to the following email addresses:

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