UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TAIWAN SEMICONDUCTOR
MANUFACTURING COMPANY LTD. and APPLE INC.
Petitioners

v.

MYW SEMITECH, LLC,
Patent Owner

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U.S. Patent No. 11,894,306
Issue Date: February 6, 2024

Title: CHIP PACKAGE

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*Inter Partes* Review No. IPR2026-00067

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**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW UNDER 37 C.F.R. § 42.75**

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**PATENT OWNER'S EXHIBIT LIST**

| Exhibit No. | Description |
|---|---|
| 2001 | U.S. Patent No. 9,615,453 |
| 2002 | Information Disclosure Statement for U.S. Application No. 17/929,180 dated December 21, 2023 |
| 2003 | [SEALED] Email chain between Richard Juang, counsel for MYW Semitech, and Daniel Richards, counsel for Apple Inc., regarding production of materials |
| 2004 | [SEALED] Defendant Apple Inc.'s First Supplemental Responses to Plaintiff MYW Semitech, LLC's First Set of Interrogatories (Nos. 1-12) |
| 2005 | [SEALED] Email chain between Richard Juang, counsel for MYW Semitech, and Daniel Richards, counsel for Apple Inc., regarding availability of source code |
| 2006 | [SEALED] Email chain between Richard Juang and Peter Yang, counsel for TSMC, regarding inventorship. |
| 2007 | Oral Order for Motion to Stay Pending *Inter Partes* Review, *MYW Semitech, LLC v. Apple Inc.*, 1-25-cv-00504 (DDE) Dkt. 68 (January 21, 2026) |
| 2008 | Stipulation and [Proposed] Order to Amend Scheduling Order, *MYW Semitech, LLC v. Apple Inc.*, 1-25-cv-00504 (DDE) Dkt. 58 (December 3, 2025) |
| 2009 | Apple Inc.'s Infringement Contentions, *MYW Semitech, LLC v. Apple Inc.*, 1-25-cv-00504 (DDE) (January 9, 2026) |
| 2010 | Agreed Stipulation Regarding the Discovery of Electronically Stored Information, *MYW Semitech, LLC v. Apple Inc.*, 1-25-cv-00504 (DDE) Dkt. 39 (October 14, 2025) |
| 2011 | Revision to Rules of Practice Before the Patent Trial and Appeal |

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| | Board, 90 Fed. Reg. 48,335 (proposed Oct. 17, 2025) (to be codified at 37 C.F.R. pt. 42). |
| 2012 | Declaration of Richard Juang |
| 2013 | Default Protective Order |
| 2014 | Apple Inc's Proposed Constructions in *MYW Semitech, LLC v. Apple Inc.*, C.A. No. 25-504-RGA-EGT (Feb. 12, 2026) |
| 2015 | Joint Claim Construction Chart in *MYW Semitech, LLC v. Apple Inc.*, C.A. No. 25-504-RGA-EGT (Feb. 26, 2026) |
| 2016 | Defendant Apple Inc.'s Answering Claim Construction Brief |
| 2017 | Defendant Apple Inc.'s Initial Invalidity Contentions (Cover Document) |

Patent Owner MYW Semitech, LLC, ("Semitech" or "Patent Owner") respectfully requests Director Review of the decision granting institution of this *inter partes* review ("IPR") of claims 1-27 (the "challenged claims") of U.S. Patent No. 11,894,306 ("the '306 patent"), as requested by Taiwan Semiconductor Manufacturing Company Ltd. ("TSMC") and Apple Inc. ("Apple") (collectively, "Petitioners").

## I. INTRODUCTION

The decision instituting trial in the present IPR should be vacated and the Petition should be denied with no trial instituted because of inconsistent claim construction positions advanced by Apple in the district court and in this IPR. Indeed, what has become clear after Petitioner Apple now filed the first of its claim construction briefs in the Delaware district court is that the claim construction positions Apple has advanced in the district court and in this IPR have not only been contradictory and inconsistent but shifting as both the district court and IPR proceedings progressed. In the district court, Apple advances a narrowing construction for the term "semiconductor chip" and argues indefiniteness and makes other §112 arguments. But in this IPR, Petitioners take the position that claim construction is unnecessary and claim terms should be given their plain and ordinary meaning in view of the patent specification that Petitioner Apple finds fault within the district court under Section 112. Apple's inconsistent positions are

contrary to the Director's precedent and 37 C.F.R. § 42.104(b)(3).

Taking contrary claim construction positions in district court proceedings versus an IPR proceeding, without a sufficient explanation, is improper. *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 5 (PTAB Nov. 3, 2025) (precedential) ("*Revvo*"). And asserting that claims are indefinite in the district court contradicts the assertion in an IPR that the claims should be given their plain and ordinary meaning. *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 4 (PTAB Nov. 5, 2025) (informative) ("*Tesla*"); *Terumo BCT Inc. v. Haemonetics Corp.*, IPR2025-01374, Paper 20 at 4 (PTAB May 12, 2026). Petitioner Apple violates both tenets here. Accordingly, institution should be denied.

## II. ARGUMENT

### A. Apple has proposed a narrower construction for the claim term "semiconductor chip" in district court.

Parties are required to take consistent claim construction positions to promote "the Office's goal of providing greater predictability and certainty in the patent system." *Magnolia Medical Techs., Inc. v. Kurin, Inc.*, IPR2026-00097, Paper 17 at 8 (PTAB May 14, 2026) (precedential) ("*Magnolia*"). Petitioner Apple's claim construction positions do the opposite. Apple's claim construction positions have shifted and been inconsistent in the district court and in the PTAB,

as it has adopted the "wait and see" gamesmanship approach this Office rejects. *Id*.

At the outset, in its November 21, 2025 Petition, Apple stated that "claim construction is unnecessary because, as set forth herein, the prior art falls within the indisputable scope of the Challenged Claims under any reasonable construction." Pet. at 2. Importantly, with this statement, Apple was *not* saying that the claim terms should be construed according to their plain and ordinary meaning. This is what Apple dances around later in its Paper 13. Instead, Apple took the position that *any* construction, whatever that construction may be/could be, is of no consequence and is essentially irrelevant. That is a problem for Petitioners because under black-letter law, invalidity must be examined in the context of construed patent claims. *See Aspex Eyewear, Inc. v. Concepts in Optics, Inc.*, 111 F. App'x 582, 587 (Fed. Cir. 2004) ("We have held repeatedly that [claim construction] is an indispensable first step in any invalidity analysis."); *Akamai Techs., Inc. v. Cable & Wireless Internet Servs., Inc.*, 344 F.3d 1186, 1195 n.4 (Fed. Cir. 2003). And further, it is axiomatic that "claim terms must be 'construed the same way for both invalidity and infringement.'" *01 Communique Lab., Inc. v. Citrix Sys.*, 889 F.3d 735, 743 (Fed. Cir. 2018). Apple's non-committal "who cares" statement masked its intention to wait and see whether it would need to advance a different position in litigation vis á vis this IPR.

And sure enough, in the Delaware district court on February 12, 2026, Apple

took the position that "semiconductor chip" *requires construction* and it vigorously argued against Patent Owner's position that no construction is required. *See* Ex. 2014, and Ex. 2016 at 4 ("Among the claims asserted by Plaintiff MYW Semitech, LLC . . . there is one term's plain and ordinary meaning *that requires construction*.") (emphasis added). This was Petitioner Apple's first inconsistent position—Apple asked the district court to spend its time construing "semiconductor chip" but in its Petition, Petitioner Apple said *any* construction would be fine, whatever that construction may be, and so claim construction is simply not required.

Still, Apple knows the Director has made clear that conflicting positions on claim construction are grounds for a discretionary denial. So on March 16, 2026, shortly after seeking a specific and narrowing construction for "semiconductor chip" in the district court, Apple argued in Paper 13 that its construction of "semiconductor chip" in the district court is consistent with its claim construction position here. Paper 13 at 1. At that time, Petitioner Apple offered no explanation of what it considered to be the plain and ordinary meaning or how its now-changed position from its Petition was acceptable in this IPR *and* against the contrary positions it advanced in the district court.

Instead, Petitioner Apple doubled-down on its shifting and inconsistent positions when it served its responsive claim construction brief in the Delaware

district court on April 16, 2026. Ex. 2016. There, Apple's brief reveals that the "plain and ordinary meaning" was merely a mask for its proposed narrow claim construction. If Petitioners truly agreed with Plaintiff/Patent Owner Semitech that the plain and ordinary meaning applied here and in the district court, there would have been no need for Apple to file an *eleven-page* responsive claim construction brief arguing that "semiconductor chip" should be construed to mean "a semiconductor device comprising an IC (integrated circuit)."[1] Ex. 2016 at 4, 14. Rather, hidden with the brief was Apple's attempts to avoid discretionary denial while still seeking claim construction at the district court. Apple suggests that its "proposed plain and ordinary meaning stays true to the intrinsic record and provides clear guidance to a jury what a semiconductor chip is: a semiconductor device that 'comprises' an IC (integrated circuit) and may (but is not required to) include other components as well." Ex. 2016 at 10. But obviously, Apple recognizes the difference between "semiconductor chip" and "a semiconductor device comprising an IC (integrated circuit)."

Apple's "plain and ordinary meaning" is nothing more than clever wording and a sleight of hand that introduces ambiguity and narrowing limitations to the

[1] Apple will also file a sur-reply claim construction brief in the district court on June 11, 2026. Thus, Apple's total district court briefing for its alleged "plain and ordinary meaning" of "semiconductor chip" will be well over the current eleven pages of briefing yet it says no claim construction is required in the IPRs.

claim term. The Director is encouraged to look behind the "plain and ordinary meaning" label that Apple applies to its district court construction to see how Apple is actually construing "semiconductor chip." Apple is reading an embodiment into the claims; it is seeking to change the scope of the claims by arguing that an "integrated circuit" must be a limitation of the claimed "semiconductor chip." Apple is not arguing in the district court that "semiconductor chip" and "integrated circuit" are the same thing. Instead, under the guise of "plain and ordinary meaning," Apple is arguing for a specific construction, that "semiconductor chip" should be construed to mean a "semiconductor *device* that *comprises an IC (integrated circuit)* and may (but is not required to) include other components as well." Ex 2016 at 10. A "semiconductor chip," however, is not limited to an "integrated circuit." A semiconductor chip can be made of individual components (*e.g.*, resistors, capacitors, diodes, inductors, switches, etc.) that are passive or not connected together (*i.e.*, "integrated") to form a circuit. And while Apple argues its district court construction is "consistent with" the patent's specification (*e.g.*, Ex. 2016 at 8, 10), that is always true when a proposed construction imports narrowing limitations from the specification into the claims or when a proposed construction is limited to particular embodiments. What is important is that Apple's district court construction is narrower than the plain meaning sought here.

In fact, multiple courts have found that "semiconductor chip" is a well-understood claim term that does not need any additional construction when by itself or part of an additional disputed phrase. *See Advanced Video Tech. LLC v. HTC Corp.*, No. 1:11-cv-06604-CM, at 1 (S.D.N.Y. Feb. 1, 2013) (Markman order) (construing the term "[a] single semiconductor chip" as "one and no more than one semiconductor chip" finding that, "I see no need to construe the term 'semiconductor chip'"); *Samsung Elecs. Co. v. Matsushita Elec. Indus. Co.,* No. 06-CV-154, 2007 U.S. Dist. LEXIS 84758, at *29 (E.D. Tex. Nov. 14, 2007) (defining "peripheral region of the semiconductor chip" as "[r]egion outside the area of the semiconductor chip in which the internal circuit is formed.").

In the district court, claim construction is being contested and briefed because it is Petitioner Apple who seeks a specific and narrower construction of "semiconductor chip" in the parallel litigation. But in the IPR, Petitioners are saying claim construction is not necessary; "semiconductor chip" has its plain and ordinary meaning and there is no need to construe it. That should be disqualifying. *See, e.g., Revvo,* Paper 20 at 4. ("[T]he rules discourage petitioners from seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability.") Moreover, those are improper inconsistent positions that could result in conflicting and inconsistent decisions from the Delaware district court and the PTAB. And

because of Petitioner Apple's shifting and contradictory positions, the records in the district court and the PTAB will differ, so on appeal, the Federal Circuit will face these conflicting and inconsistent positions from different tribunals with different burdens of proof.

Over the course of three months, Apple has gone from stating: (1) in its Petition that any construction whatsoever is fine and no construction is necessary (2) to suggesting vaguely in Paper 13 that "plain and ordinary meaning" is sufficient; (3) to then revealing its hidden proposed construction in the district court that introduces a narrowing limitation where "semiconductor chip" must comprise an IC. As a result, Semitech has been forced to argue against Petitioners' pivoting and inconsistent claim construction arguments in the papers/briefs filed here and in the Delaware district court. Allowing Petitioner Apple to proceed with its IPR and further develop conflicting records here and the district court (and for appellate purposes too) runs contrary to this Office's goals of "ensur[ing] fairness, efficiency, and predictability in patent disputes in a focused inter partes context." *Magnolia*, Paper 17 at 7.

The situation here is like that in *Revvo*. In *Revvo*, the Petitioner accepted the Patent Owner's district court constructions for purposes of the IPR. *Revvo* at 2. But Petitioner had advanced different constructions in the district court. *Id*. The Director found that Revvo's differing constructions warranted vacatur of the

Institution Decision. *Id*. at 6. In the present IPR, Petitioner Apple now claims to adopt Semitech's district court construction, which is that "semiconductor chip" has a plain and ordinary meaning and no construction of "semiconductor chip" is needed. But in the district court, Apple argues that "semiconductor chip" is narrow and specific, and should be construed to mean "a semiconductor device comprising an IC (integrated circuit)." Ex. 2014 at 1.

In view of the circumstances here and the Director's precedent, Patent Owner respectfully requests the Director to deny institution of this IPR.

### B. Apple advances inconsistent indefiniteness, written description, and enablement arguments.

In the district court Apple takes the position that *none* of the claims satisfy Section 112. In Apple's invalidity contentions, Apple argues that "[t]he Asserted Claims of the Asserted Patents are invalid under 35 U.S.C. § 112 because (1) the claims are indefinite, (2) the claims lack adequate written description; and/or (3) the claims are not enabled." Ex. 2017 at 54. But Apple cannot argue the plain and ordinary meaning applies in this IPR (which it did not say in its Petition but then tried to suggest in Paper 13) but take the position in the district court that all claims are indefinite, lack enablement, and lack written description.

#### 1. Apple's inconsistent indefiniteness arguments detract from the purpose of IPRs.

"Allowing a petitioner to advance a claim construction before the Board

when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office's goal of 'providing greater predictability and certainty in the patent system.'" *Tesla*, 4 (*quoting Revvo* at 4-5). Apple cannot reconcile its argument in the Delaware district court that every claim of the '763 Patent is indefinite while arguing in this IPR that plain and ordinary meaning applies.

Under similar circumstances, the Director recently clarified that "it is appropriate to deny institution when a Petitioner's conduct demonstrates that the dispute 'is less about a litigation alternative and more about inconsistent positions to gain an upper hand in the overall litigation.'" *Ford Motor Co. v. AutoConnect Holdings, LLC*, IPR2025-01342, Paper 27 at 3 (PTAB May 12, 2026) ("*Ford*") (quoting *Terumo BCT Inc. v. Haemonetics Corp.*, IPR2025-01374, Paper 20 (Director May 12, 2026)). *See also Magnolia*, Paper 17 at 2. ("The purpose of AIA reviews was, and is, to provide a quick and cost-effective alternative to district court patent litigation for resolving disputes over patent validity."). Apple's invalidity contentions demonstrate that its indefiniteness arguments are more about gaining an upper hand in the litigation than providing a litigation alternative. In the Delaware district court, invalidity contentions may be amended late in discovery. Instead of providing specific arguments regarding indefiniteness, Apple broadly alleged that all challenged claims are indefinite without any explanation, well

aware that it could amend its contentions to provide specifics later in the litigation and after institution of the IPRs had been decided.[2] Just like in *Ford*¸ Apple's contentions "argu[ing] all the challenged claims are indefinite" "are unexplained and contrary to *Revvo* and *Tesla.*" *Ford*, 2. Under these circumstances, institution should be denied.

Further, Petitioners cannot explain how their indefiniteness contentions are consistent with their position in this IPR that all challenged claims should be interpreted according to their plain and ordinary meaning. The Director explained in *Tesla* that "Petitioner's explanation may have risen to a sufficient level, for example, if Petitioner had shown that, notwithstanding the alleged indefiniteness of the claim term, an ordinarily skilled artisan would understand that the asserted art satisfies the claim limitation (such as if the limitation prescribed a range and only the outer bounds of the range were unclear)." *Tesla*, Paper 18 at 3-4. But by generically alleging all claims are indefinite without providing any specific argument to that effect, Petitioners have no way to explain how the positions are consistent.

**2. Apple's inconsistent written description and enablement arguments detract from the purpose of IPRs.**

[2] In the *Semitech v. Apple* district court case, discovery closes on November 13, 2026, and thus, Apple can amend its contentions later this Fall.

If, as Apple argues in the district court, the full scope of the claims is not enabled and is not supported by a sufficient description, then the plain and ordinary meaning of the claims cannot be ascertained. But Petitioners argue in this IPR that the scope of the challenged claims can be reasonably ascertained. Pet. at 2. ("the prior art falls within the scope of the Challenged Claims under any reasonable construction (including any proposed in litigation.")

To satisfy the enablement requirement, the specification must provide sufficient disclosure to a person of skill in the art to enable them to practice the scope of the claims. *Idenix Pharms. LLC v. Gilead Scis. Inc*., 941 F.3d 1149, 1160 (Fed. Cir. 2019) ("An enabling disclosure must 'be commensurate in scope with the claim.'") (quoting *In re Hyatt*, 708 F.2d 712, 714 (Fed. Cir. 1983)). In the litigation, Apple argues that the claims are not enabled by the specification because the scope of the claims is broader than those that would be enabled by the specification. Ex. 2017 at 61 ("The specifications of the Asserted Patents also do not enable a POSITA to practice the full scope of these limitations. This broader scope thus now encompasses a much broader genus of materials including all glass, polymer, or 'solid' materials comprising silicon and oxygen. . . .").

To satisfy the written description requirement, the specification must convey to a person of ordinary skill in the art that the inventor possessed the claimed subject matter at the time of the invention. *Juno Therapeutics, Inc. v. Kite Pharma,*

*Inc.*, 10 F.4th 1330, 1336 (Fed. Cir. 2021). In its written description defense, Apple argues that in "reciting a device comprising a 'glass substrate,' the claims now recite a broader genus of structures comprising, e.g., a 'polymer layer,' a 'solid layer,' or a layer that comprises a 'compound of silicon and oxygen.' The specifications …, and the patents to which they claim priority, do not contain sufficient written description support for these limitations. . . ." Ex. 2017 at 60.

Apple's invalidity contentions in the district court identify *four pages* of claim terms/phrases that are allegedly not enabled and allegedly not supported sufficiently by the written description. Ex. 2017 at 55-59. Essentially, Apple is arguing that each of those claim terms/phrases are broader than the description in the specification and that the specification does not enable those claim elements.

That is *not* consistent with Petitioners' position in the present IPR, where Petitioners argue that the claims should be given their plain and ordinary meaning. Paper 13 at 2-3. Specifically, Petitioners state:

> Like in *Samsung*, the Parties in this IPR agree that no terms need to be construed. . . . The Parties also agree that "semiconductor chip" should be given its P&O meaning.

Paper 13 at 2-3. The plain and ordinary meaning is the meaning that a person of ordinary skill in the art would give a term in the context of the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (*en banc*) ("the

person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification."); *see also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) ("[W]e must look at the ordinary meaning in the context of the [intrinsic evidence].").

If, as Apple argues in the district court, the full scope of the claims is not enabled and is not supported by a sufficient description, then the plain and ordinary meaning of the claims is not known because they lack a fulsome specification from which the claim terms' meanings can be ascertained. Accordingly, institution should be denied in view of Petitioner Apple's inconsistent positions on Section 112 in the litigation against its position in this IPR that the claims are well understood and have their ordinary meaning.

## III. CONCLUSION

Semitech respectfully requests Director Review of the Institution Decision in this IPR. The Institution Decision should be vacated and the Petition should be denied with no trial instituted. Petitioner Apple has advanced contradictory and inconsistent claim construction positions in the Delaware district court and in its Petition and in Paper 13. First, Apple seeks to alter the meaning of "semiconductor chip" in the district court compared to the plain and ordinary meaning here. Second, in the district court, Apple affirmatively argues that all asserted claims of

the ’306 patent are invalid for indefiniteness, lack of written description and lack of enablement. That position is inconsistent with Apple’s position here that all claim terms are well understood and should be given their plain and ordinary meaning. Apple’s inconsistent positions are contrary to the Director’s precedent in *Revvo* and *Tesla* (and other decisions[3]) and the continued application of that precedent under the Administrative Procedure Act. Moreover, denial of the Petition here is consistent with the purpose of AIA reviews. The factors Congress requires the Director to consider when fashioning its rules for AIA reviews “sound in the public interest rather than the private interests of the parties before the Board.” *Magnolia* at 6. Apple just wants to win, whether in the district court or in the PTAB, so it took a “wait and see” approach and advanced shifting and inconsistent positions in the district court and here to manipulate the proceedings in both fora. Those inconsistent positions are improper and problematic for both the district court and the Board, and at some point, on appeal. The Institution Decision should be vacated and institution should be denied.

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[3] *See Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 12 at 8-9 (PTAB Dec. 13, 2024) (informative)*; Sun Pharm. Indus. Inc. v. Nivagen Pharm., Inc.,* IPR2025-00893, Paper 18 at 3 (PTAB Sept. 19, 2025); *Infineon Technologies Americas Corp., v. Mosaid Technologies Inc.*, IPR2025-001171, Paper 27 (PTAB Feb., 19, 2026), and *Carbyne, Inc., v. Tritech Software Sys.,* IPR2025-00959, Paper 20 (PTAB Feb. 19, 2026).

Dated: May 21, 2026

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.75(c)(2) and § 42.24(a)(1)(v), the undersigned certifies that this Brief in Support of Discretionary Denial complies with the type-volume limitations of those sections because it contains no more than 15 pages.

Dated: May 21, 2026

Respectfully Submitted,

By: */ Donald L. Jackson /*
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW was served electronically via email on May 21, 2026, on the following counsel of record for Petitioners:

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