

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORPORATION

Petitioner

v.

ZOND, LLC  
Patent Owner

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Case IPR2014-00498  
Patent 6,853,142

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ZOND LLC'S PATENT OWNER PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.107(a)

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## I. INTRODUCTION

The Board should deny the present request for *inter partes* review of U.S. Patent No. 6,853,142 (“the ’142 patent”) because there is not a reasonable likelihood that the Petitioner will prevail at trial with respect to at least one claim of the ’142 patent.<sup>1</sup>

Indeed, there are four different and independent groups of reasons why the Petitioner cannot prevail. First, the references that are primarily relied upon by the Petitioner (*i.e.*, Mozgrin and Wang) were already considered by the Examiner and overcome during the prosecution of the application that led to the issuance of the ’142 patent. These references were considered by 6 different examiners and overcome during the prosecution of 9 other patents that are related to the ’142 patent over nearly a 10 year period.<sup>2</sup>

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<sup>1</sup> 35 U.S.C. § 314(a).

<sup>2</sup> Examiners Douglas Owens, Tung X. Le, Rodney McDonald, Wilson Lee, Don Wong, and Tuyet T. Vo allowed U.S. Patents 7,147,759, 7,808,184, 7,811,421, 8,125,155, 6,853,142, 7,604,716, 6,896,775, 6,896,773, 6,805,779, and 6,806,652 over Mozgrin and Wang over nearly a decade from the time that the application for the ’759 patent was filed on 9/30/2002 to the time that the ’155 patent issued on 2/28/2012.

Second, the Petitioner's obviousness rejections are all predicated on the false assumption that a skilled artisan could have achieved the combination of i) means for ionizing a feed gas to form a weakly-ionized plasma, ii) means for supplying power to the weakly-ionized plasma by applying an electrical pulse across the weakly ionized plasma, the electrical pulse having a magnitude and a rise-time that is sufficient to increase the density of the weakly-ionized plasma to generate a strongly ionized plasma, and iii) means for diffusing the strongly-ionized plasma with additional feed gas to allow additional power to be absorbed by the strongly-ionized plasma, as required by independent claim 40 of the '142 patent by combining the teachings of either Mozgrin or Wang with either Kudryavtsev or Lantsman.<sup>3</sup>

But these four references disclose very different structures and processes. Mozgrin teaches two different “[d]ischarge device configurations: (a) planar magnetron and (b) shaped-electrode configuration.”<sup>4</sup> Mozgrin further discloses a “square voltage pulse application to the gap.”<sup>5</sup> Wang discloses that

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<sup>3</sup> Petition at pp. 14-60.

<sup>4</sup> Mozgrin, Ex. 1403 at Fig. 1 caption.

<sup>5</sup> *Id.* at p. 402, col. 2, ¶ 2.

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