Filed on behalf of The Petitioners
By: David L. Cavanaugh, Reg. No. 36,476
Yung-Hoon Ha, Reg. No. 56,368
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Ave., NW
Washington, DC 20006
Tel: (202) 663-6000
Email: David.Cavanaugh@wilmerhale.com
Yung-Hoon.Ha@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

The Gillette Company, Fujitsu Semiconductor Limited, and Fujitsu Semiconductor America, Inc.

Petitioners,

v.

Zond, Inc.
Patent Owner of U.S. Patent No. 6,896,775

Trial No. IPR2014-00578[1]

PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR OBSERVATION ON CROSS-EXAMINATION OF PETITIONER'S REPLY WITNESS DR. JOHN C. BRAVMAN

[1] Case IPR2014-01494 has been joined with the instant proceeding.

TABLE OF CONTENTS

I. INTRODUCTION

Petitioner submits this response to Patent Owner's Motion for Observation on Cross-Examination of Reply Witness Dr. John C. Bravman (Paper No. 50). Patent Owner presents two observations on Dr. Bravman's testimony. While Petitioner believes that the testimony will be appropriately viewed and weighed by the Board, the specific observations presented by Patent Owner misstate the testimony of Dr. Bravman, as specified below and therefore are not probative of any material issue before the Board.

II. RESPONSES TO OBSERVATIONS ON DR. BRAVMAN'S TESTIMONY

A. Observation A

Patent Owner contends that Dr. Bravman testified at his deposition that "Wang fails to teach a strongly-ionized plasma in an area adjacent to the surface of the ***substrate***." Petitioner's Motion for Observation ("Observation") at 2-3, Paper No. 50, citing Bravman Tr. 45:4-12 (emphasis added), Ex. 2012. Patent Owner, however, mischaracterizes Dr. Bravman's testimony.

Dr. Bravman's answer was in response to Patent Owner's question about the plasma densities near the cathode and the ***anode***, ***not the substrate***.

> Q: With the higher densities being near the cathode, and the lower densities being ***near the anode***; is that correct?
>
> A: The end goal is to have the high density near the cathode

target, yes.

Bravman Tr. 45:4-12, Ex. 2012

Dr. Bravman was shown Figure 1 of Exhibit 1008, the Wang patent. Figure 1 shows a cathode 14, area of high density plasma 42, and substrate (wafer 20 on pedestal electrode 18) below the cathode. Dr. Bravman testified that the high-density plasma 42 shown in Wang would expand downward toward the substrate.

Q: Do you recall being asked about the high-density plasma region marked as Number 42?

A: Yes.

Q: What would one of ordinary skill understand to happen to the location of that plasma?

MR. FAHMI: Objection. Beyond the scope of cross-examination.

THE WITNESS: During the application of higher voltages, the development of higher power, in addition to the rotation that was already there, it also would expand.

BY MR. MAIER:

Q Where would it expand?

MR. FAHMI: Objection. Beyond the scope of cross-examination.

THE WITNESS: It -- it would have to expand downward.

Bravman Tr. 55:24 – 56:19, Ex. 2012.

B. Observation B

Patent Owner contends that "Dr. Bravman admitted that Kudravetsev's *[sic]* model does not permit a solution for volume between the anode and the cathode." Observation at 3-4, Paper No. 50, citing Bravman Tr. 48:14-23, Ex. 2012. The Petitioner's further contends that "[t]his testimony is relevant because it is inconsistent with the Petitioner's contention that the combined teachings of Wang, Mozgrin and Kudryavtsev somehow suggest choosing a volume between an anode and a cathode to increase an ionization rate of excited atoms and molecules in a weakly-ionized plasma, as required by claim 9." Observation at 3. Patent Owner, however, mischaracterizes Dr. Bravman's testimony.

Dr. Bravman explained that Kudryavtsev's equation is a behavior model which can be applied to a variety of situations, including the volume which was chosen by Wang and Mozgrin. The Petition clearly noted that "both Wang and Mozgrin carried out their ionization within a volume in which the ionization rate of excited atoms was increased." Revised Petition at p. 50, Paper No. 9. Dr. Bravman testified consistent with the statements in the petition in his deposition:

Q And these equations that actually define the model don't permit a solution for the volume between an anode and a cathode, do

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.