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UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

Petitioners,

v.

Zond, Inc.

Patent Owner of U.S. Patent No. 6,896,773  
Trial No. IPR2014-00580<sup>1</sup>

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

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<sup>1</sup> Case IPR2014-01479 has been joined with the instant proceeding.

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## **I. INTRODUCTION**

Petitioner submits this response to Patent Owner Zond's Motion for Observation on Cross-Examination of Dr. Bravman, Paper No. 43 ("Observation"). Patent Owner presents ten 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 mischaracterize 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 1**

Patent Owner contends that Dr. Bravman's testimony indicates "that it would not have been obvious to combined either Lantsman or Kawamata with the other asserted prior art. . . ." Observation at 2. Patent Owner alleges that the cited testimony is relevant because "it shows that the Petitioners did not identify objective evidence tending to establish that the teachings of Lantsman's dual power supply or Kawamata could have been used in a system that uses a pulsed power supply and generates a strongly-ionized plasma. . . ." Observation at 2. These observations are not accurate.

Dr. Bravman does not contend that Lantsman or Kawamata should be modified to apply voltage pulses and to generate a "strongly-ionized plasma," as

the selected portions of the testimony misleadingly implies. Dr. Bravman's declaration states that it would have been obvious to use Lantsman's "continuous gas flow" and Kawamata's "cooling" mechanisms with Mozgrin. *See* Bravman Decl. ¶¶ 104-105 ("Mozgrin does, in fact, teach a continuous flow of gas. . . . Use of Lantsman's continuous gas flow within Mozgrin is a combination of old elements in which each element behaved as expected."; *id.* ¶ 91 ("Kawamata and Mozgrin both avoid increasing the average temperature of the sputtering target by cooling the target and . . . one of ordinary skill would have been motivated to combine the teachings of Kawamata and Mozgrin.")). There is nothing inconsistent in his deposition testimony. For example, he testified that "in these proceedings what is strong and weak are relative terms, there is nothing to compare qualitatively in Lantsman's description, but it is also true that what a worker of skill would understand by strongly ionized is the type of plasma that's typically used but Lantsman does not call that out." Bravman '773 Dep. at 12:15-13:2 (Ex. 1032). Similarly, he testified: "Again, strongly ionized is, in these proceedings, is a relative term. It [Kawamata] does talk about specifically and successfully ejecting material from sputtering and elsewhere in this matter that's often associated with strongly-ionized plasma." Bravman '773 Dep. at 18:3-13 (Ex. 1032). Thus, the testimony the Patent Owner identifies, both by itself and also when viewed in context of his other testimony, does not support the argument made by the Patent

Owner.

**B. Observation 2**

Patent Owner contends that Dr. Bravman's testimony indicates "that Fortov, Mozgrin, and Kudryavtsev do not teach" the claim limitation "choosing an amplitude and rise time of a voltage pulse to cause a sputtering yield to be nonlinearly related to a temperature of a sputtering target. . . ." Observation at 4. Patent Owner alleges that the cited testimony is relevant because "it undermines the Petitioners' position that this claim limitation is taught by the combination of these references. . . ." Observation at 4. Patent Owner is incorrect.

Patent Owner cites testimony showing that neither Mozgrin nor Fortov *alone* teaches the limitation "choosing an amplitude and rise time of a voltage pulse to cause a sputtering yield to be nonlinearly related to a temperature of a sputtering target." Observation at 4. This issue has already been addressed by the Board, and the Board rejected the approach. Decision at 21 ("[O]ne cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.").

Dr. Bravman has testified throughout this proceeding that it is the *combination* of Mozgrin and Fortov that render this limitation obvious. First, Dr. Bravman testified that Mozgrin discloses controlling voltage pulses:

Q. Does -- does Mozgrin describe the control of voltage pulses?

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