

DOCKET NO.: 0110198-00194US2

Filed on behalf of The Gillette Company

By: Michael A. Diener, Reg. No. 37,122
Andrej Barbic, Ph.D., Reg. No. 61,908
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Tel: (6172) 526-6000
Email: michael.diener@wilmerhale.com
andrej.barbic@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY
Petitioner

v.

Patent Owner of
U.S. Patent No. 6,896,773 to Roman Chistyakov

IPR Trial No. TBD

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,896,773
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

TABLE OF CONTENTS

I.	MANDATORY NOTICES	1
A.	Real Party-in-Interest	1
B.	Related Matters.....	1
C.	Counsel.....	1
D.	Service Information.....	1
II.	CERTIFICATION OF GROUNDS FOR STANDING	2
III.	OVERVIEW OF CHALLENGE AND RELIEF REQUESTED.....	2
A.	Prior Art Patents and Printed Publications.....	2
B.	Grounds for Challenge	3
IV.	CLAIM CONSTRUCTION	4
A.	“means for ionizing a feed gas ...” (claim 40).....	5
B.	“means for increasing the density of the weakly-ionized plasma...” (claim 40)	5
V.	OVERVIEW OF THE ‘773 PATENT	6
A.	Overview of Sputtering	6
B.	Sputtering Yield	7
C.	Temperature Dependence of the Sputtering Yield.....	8
D.	Summary of Alleged Invention of the ‘773 Patent	13
E.	Prosecution History	14
F.	Summary of the prior art	15
G.	References Are Not Cumulative	16
H.	Overview of Mozgrin (Ex. 1102).....	16
I.	Overview of Wang (Ex. 1103)	17
J.	Overview of Fortov (Ex. 1104).....	19
K.	Overview of Kawamata.....	20
VI.	SPECIFIC GROUNDS FOR PETITION.....	22
A.	Ground I: Claims 21-22, 26-33 and 40 would have been obvious in view of Mozgrin and Fortov.....	23
B.	Ground II: Claims 21-22, 26-33 and 40 would have been obvious in view of Wang and Fortov	36

C.	Ground III: Claims 24 and 25 would have been obvious in view of Mozgrin, Fortov and Lantsman.....	47
D.	Ground IV: Claims 24 and 25 would have been obvious in view of Wang, Fortov and Lantsman.....	50
E.	Ground V: Claim 23 would have been obvious in view of Mozgrin, Kudryavtsev and Fortov	55
F.	Ground VI: Claim 23 would have been obvious in view of Wang, Mozgrin, Kudryavtsev and Fortov.....	59
VII.	CONCLUSION.....	60

TABLE OF AUTHORITIES

In re ICON Health & Fitness, Inc., 496 F.3d 1374, 1379 (Fed. Cir. 2007).

37 C.F.R. §42.22(a)(1)

37 C.F.R. § 42.100(b)

37 C.F.R. §42.104(a)

37 C.F.R. §42.104(b)(1)-(5)

77 Fed. Reg. 48764 (Aug. 14, 2012).

I. MANDATORY NOTICES

A. Real Party-in-Interest

The Gillette Company (“Petitioner”), a wholly-owned subsidiary of the Procter & Gamble Co., is the real party-in-interest.

B. Related Matters

Zond, Inc. v. The Gillette Co. and the Procter and Gamble Co., Civil Action No. 1:13-CV. 11567-DJC (D. Mass. 2013), would affect or be affected by a decision in the proceeding. Additionally, the Patent Owner is suing Petitioner and/or other parties under one or more of U.S. Patent Nos. 7,147,759; 6,896,775; 6,853,142; 7,604,716; 8,125,155; 7,811,421; 6,805,779; 7,808,184; and 6,806,652, all of which have generally similar subject matter. IPR 2014-00580, with a filing date of 4/4/2014 is pending on claims 1-20 and 34-39 of the same patent.

C. Counsel

Lead Counsel: Michael A. Diener (Registration No. 37,122)

Backup Counsel: Andrej Barbic, Ph.D. (Registration No. 61,908)

D. Service Information

E-mail: michael.diener@wilmerhale.com

andrej.barbic@wilmerhale.com

Post and hand delivery: Wilmer, Cutler, Pickering, Hale and Dorr, LLP

60 State Street

Boston, MA 02109

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.