

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE GILLETTE COMPANY and  
FUJITSU SEMICONDUCTOR AMERICA, INC.,  
Petitioner,

v.

ZOND, LLC,  
Patent Owner.

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IPR2014-00580  
IPR2014-00726  
Patent 6,896,773 B

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Held: June 16, 2015

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BEFORE: KEVIN F. TURNER, DEBRA K. STEPHENS,  
JONI Y. CHANG, SUSAN L. C. MITCHELL, and  
JENNIFER MEYER CHAGNON, Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday, June 16, 2015,  
commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600  
Dulany Street, Alexandria, Virginia.

IPR2014-00580, IPR2014-00726  
Patent 6,896,773 B

APPEARANCES:

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P R O C E E D I N G S

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JUDGE CHANG: Good afternoon. At this time, we would like to have the counsel to introduce yourselves and also your colleagues, beginning with Petitioner.

MR. CAVANAUGH: I'm Dave Cavanaugh, with me is Sam Ha and Cosmin Maier, we're from Wilmer Hale representing Gillette. Also with me is Kevin Johnson, also with Gillette, and the other Petitioner, Gregory Huh for Fujitsu.

JUDGE CHANG: Welcome. Thank you.

MR. GONSALVES: My name is Dr. Gregory Gonsalves and I will be representing the Patent Owner Zond.

JUDGE CHANG: Thank you. This is the oral hearing for cases IPR2014-00580 and -00726, involving patent 6,896,773. The transcript of this consolidated oral hearing will be entered in each of the proceedings. Consistent with our previous order, each party has one hour to present. We will start with the Petitioner, because the Petitioner bears the burden of proof that the claims at issue are unpatentable.

Petitioner may reserve rebuttal time, thereafter Patent Owner will respond to the Petitioners' case.

Counsel, do you have a copy of the demonstratives for the court reporter?

MR. CAVANAUGH: We do, Your Honor.

1 JUDGE CHANG: Okay, great, thank you.

2 MR. CAVANAUGH: May we approach?

3 JUDGE CHANG: Yes. Thank you.

4 I would like to check to see if things are working in California.  
5 Judge Turner? Good afternoon.

6 JUDGE TURNER: Good afternoon, Judge Chang, or good  
7 morning, as I would say. I think that we also have many, many visitors in  
8 the gallery. Is that correct?

9 JUDGE CHANG: It looks that way, welcome, everyone.

10 And Judge Stephens?

11 JUDGE STEPHENS: Yes, I'm here.

12 JUDGE CHANG: Good afternoon.

13 JUDGE STEPHENS: Thank you.

14 JUDGE CHANG: Petitioner, you may start any time.

15 MR. CAVANAUGH: Great, thank you. May it please the Board,  
16 good afternoon, I'm Dave Cavanaugh, and with me is Sam Ha and Cosmin  
17 Maier and together we represent the Petitioner, Gillette.

18 Today I'll be presenting on the '773 patent, which is one of the  
19 Zond patents that is the subject of a number of *inter partes* review --

20 JUDGE CHANG: Can I interrupt? Would you like to reserve  
21 rebuttal time?

22 MR. CAVANAUGH: Yes, I'm sorry, Your Honor, I should have  
23 mentioned that first thing. I would like to reserve 10 minutes of rebuttal  
24 time.

25 JUDGE CHANG: Okay.

1 MR. CAVANAUGH: Thank you, Your Honor.

2 Because the '773 patent, the Zond patent, is related to the other  
3 patents that are subject to the *inter partes* review proceedings, we'll go over  
4 the '773 patent, mindful of the subject matter that's already been discussed.  
5 We'll describe the grounds instituted by the Board. I'll provide an overview  
6 of the prior art, as well as kind of address the issues raised by the Patent  
7 Owner.

8 And the Patent Owner has characterized some of the Petitioners'  
9 positions as fanciful, and I would like to assure the Board, they are not  
10 fanciful, that we believe quite earnestly that our positions are sound,  
11 well-founded in both fact and law, and I would like to describe both the  
12 issues that the Patent Owner has raised, as well as our response to those  
13 particular issues.

14 So, the '773 patent relates to a high deposition rate sputtering, and,  
15 you know, moving from the technology that's already been described in the  
16 other proceedings, there's a low-density ionization that occurs, there's a  
17 voltage pulse that's applied to the -- to the low -- the kind of low-density  
18 ions that creates high-density ions that produces a kind of characteristic  
19 sputtering capability, and this patent relates to how to increase the yield or  
20 describes a technique to increase the yield of sputtering.

21 And, so, we'll talk about each of those features as they are  
22 represented in the claims. So, the '773 patent relates to a sputtering --  
23 pardon me -- relates to the sputtering source, some of the characteristics and  
24 components are well familiar to the Board. There's a cathode assembly, an  
25 anode, in green and red, respectively, right now I'm on slide 4. There's a

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