

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ZOND, LLC,
Patent Owner.

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

Held: June 16, 2015

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:

ON BEHALF OF THE PETITIONER (GILLETTE):

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2 PROCEEDINGS

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

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

11 JUDGE CHANG: Welcome. Thank you.

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

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

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

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

24 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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