

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR AMERICA, INC., ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION, RENESAS ELECTRONICS AMERICA, INC., GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA CORPORATION, and THE GILLETTE COMPANY,

Petitioners

v.

ZOND, LLC,
Patent Owner

Case No. IPR2014-00781¹
Patent 7,147,759 B2

PATENT OWNER'S NOTICE OF APPEAL
35 U.S.C. § 142 & 37 C.F.R. § 90.2

¹ Cases IPR2014-00845, IPR2014-00985, and IPR2014-01047 have been joined with the instant proceeding.

Pursuant to 37 C.F.R. § 90.2(a), Patent Owner, Zond, LLC, hereby provides notice of its appeal to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision of the United States Patent and Trademark Office (“USPTO”) Patent Trial and Appeals Board (“PTAB”) in *Inter Partes* Review 2014-00781, concerning U.S. Patent 7,147,759 (“the ’759 patent”), entered on August 14, 2015, attached hereto as Appendix A.

ISSUES TO BE ADDRESSED ON APPEAL

- A. Whether the PTAB erred when construing, according to its broadest reasonable interpretation in light of the specification of the ’759 patent as understood by one of ordinary skill in the art at the time of the invention, the term “without forming an arc discharge,” as recited in the claims of the ’759 patent, as “substantially eliminating the possibility of arcing?”
- B. Whether the PTAB erred in concluding that D.V. Mozgrin, *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, Thesis at Moscow Engineering Physics Institute (1994) (the “Mozgrin Thesis”) qualifies as a prior art “printed publication” under 35 U.S.C. § 102(b)?
- C. Whether the PTAB erred in finding claims 20, 21, 34, 36, and 47 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of U.S.

- Pat. 6,413,382 to Wang (“Wang”) and A. A. Kudryavtsev and V.N. Skrebov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28(1) SOV. PHYS. TECH. PHYS. 30–35 (1983) (“Kudryavtsev”)?
- D. Whether the PTAB erred in finding claim 35 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of Wang, Kudryavtsev and Li et al., *Low-Temperature Magnetron Sputter-Deposition, Hardness, and Electrical Resistivity of Amorphous and Crystalline Alumina Thin Films*, 18 J. VAC. SCI. TECH. A 2333–38 (2000) (“Li”)?
- E. Whether the PTAB erred in finding claim 38 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of Wang, Kudryavtsev and EP 1113088 to Yamaguchi (“Yamaguchi”)?
- F. Whether the PTAB erred in finding claim 39 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of Wang, Kudryavtsev and U.S. Pat. 5,247,531 to Müller-Horsche (“Müller-Horsche”)?
- G. Whether the PTAB erred in finding claim 49 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of Wang, Kudryavtsev and the Mozgrin Thesis?

Simultaneous with submission of this Notice of Appeal to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along with the required docketing fees, is being filed with the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

/Tarek N. Fahmi/

Tarek N. Fahmi, Reg. No. 41,402

Dated: October 12, 2015

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APPENDIX A

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