Filed on behalf of The Petitioners
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY, FUJITSU SEMICONDUCTOR LIMITED, 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., and TOSHIBA CORPORATION

Petitioners

v.

ZOND, LLC

Patent Owner of
U.S. Patent No. 7,808,184
IPR Trial No. IPR2014-00799[1]

PETITIONER'S REPLY

Claims 1-5 and 11-15

[1] Cases IPR 2014-00855, IPR 2014-00995, and IPR 2014-01042 have been joined with the instant proceeding.

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I. INTRODUCTION

In its Decision on Institution ("DI"), the Board recognized there is a reasonable likelihood that the challenged claims 1-5 and 11-15 are unpatentable. *See* IPR2014-799 DI at p. 14. The Board reached its conclusion after adopting the constructions proposed by Zond. Belatedly recognizing that the Board correctly reached its conclusion even under Zond's earlier proposed construction, Zond now attempts to distinguish the prior art by proposing a new, but flawed, construction. In fact, Zond failed to even address why the challenged claims are valid under the previous construction adopted by the Board, effectively conceding that the challenged claims are unpatentable under the construction adopted by the Board.

None of the arguments raised by Zond is sufficient to alter the determination of the Board in its Decision on Institution. First, Zond's newly proposed construction is not supported by the patent specification itself and therefore should not be adopted. Even if the newly proposed construction were adopted, the cited prior art nevertheless render the claims unpatentable.

The Petition, supported by Mr. DeVito's declaration, demonstrates why one of ordinary skill in the art would have combined the teachings of the cited references. The cross examination testimony of Dr.Hartsough, Zond's declarant, further confirms that the references were in the same art and would have been combined. Petitioner also provides the declaration of Dr. John Bravman, who reached the same

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conclusion: that the references would have been combined by one of ordinary skill in the art and that the challenged claims are unpatentable.[2]

II. ZOND CONCEDES THAT INDEPENDENT CLAIMS 1 AND 11 ARE TAUGHT BY THE PRIOR ART

The only dispute remaining as to independent claim 1 is whether the cited references "teach the claimed control of voltage amplitude or rise time to avoid arc when rapidly forming a strongly ionized plasma." IPR2014-799, Patent Owner Response ("PO Resp.") at p. 25. However, it is clear from Dr. Hartsough's concessions that this was well-known.

Avoiding Arcing

Wang teaches that "the chamber ***impedance changes relatively little*** between the two power levels P_B, P_P since a plasma always exist in the chamber." Ex. 1005 ("Wang") at 7:49-51. Dr. Hartsough conceded as follows:

> Q: But if ***impedance changes relatively little*** during the transition from a low-to a high-density plasma, then it's ***indicative of no short circuit or arcing***, right?
>
> …
>
> A: ***That's indicative of no – certainly no unipolar arc…***")

Ex. 1028 ("'775 Hartsough Depo.") at 89:8-24 (emphases added). Accordingly, Wang, which explicitly teaches that impedance changes relatively little between P_B and

[2] Mr. DeVito is no longer available to provide testimony.

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