

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
Petitioner

v.

ZOND, INC.
Patent Owner

Case IPR2014-00800¹
U.S. PATENT NO. 7,811,421
Title: HIGH DEPOSITION RATE SPUTTERING

PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C)

¹ Cases IPR2014-01037, IPR2014-00991, and IPR2014-00844 have been joined with the instant proceeding.

I. Relief Requested

This Motion for *Pro Hac Vice* admission is filed solely on behalf of Petitioner GLOBALFOUNDRIES U.S., Inc., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, and GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG (collectively, "GlobalFoundries" or "Petitioner"). GlobalFoundries respectfully requests that the Board recognize Mr. Brett C. Rismiller as counsel *pro hac vice* during this proceeding.

II. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. IPR2013-00639, Paper No. 7.

III. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceedings

Petitioner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. 42.10(c). (Paper No. 3). Petitioner's lead and back-up counsel are registered practitioners.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions that the Board may impose. The facts here establish good cause for the Board to recognize Brett C. Rismiller *pro hac vice* on behalf of Petitioner during this

proceeding.

In summary, Mr. Rismiller is an experienced litigator, has established familiarity with the subject matter at issue in this proceeding from his participation in co-pending litigation involving the subject patent, and, if admitted, will be involved in the depositions that occur in this proceeding. Specifically, U.S. Patent No. 7,811,421 is currently asserted against Petitioner in co-pending litigation, in the District of Massachusetts, 1:13-cv-11577-LTS (*Zond v. AMD, et al.*) (“the co-pending litigation”). Mr. Rismiller is a member of the California bar in good standing and works closely with the team representing the Petitioner in the co-pending litigation.

Mr. Rismiller has analyzed prior art references and claim charts in connection with invalidity contentions and has been involved in forming claim construction positions related to the claimed inventions, all of which are relevant to the petition requesting *inter partes* review of U.S. Patent No. 7,811,421. Petitioner wishes to apply Mr. Rismiller's knowledge of the patent by employing him as counsel in this proceeding. Admission of Mr. Rismiller *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

Petitioner's lead and backup counsel are registered practitioners and Mr. Rismiller is an experienced litigation attorney having familiarity with the subject

matter at issue in this proceeding. Therefore, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Rismiller as counsel *pro hac vice* during this proceeding.

IV. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is supported by an Affidavit of Mr. Rismiller (Ex. 1026).

Respectfully submitted,

Date: April 7, 2015

/s/ David M. Tennant
David M. Tennant
Lead Counsel for Petitioner
GlobalFoundries
Registration No. 48,362

Petitioner's Updated Exhibit List
December 15, 2014

Exhibit	Description
1001	U.S. Patent No. 7,811,421
1002	Kortshagen Declaration
1003	D.V. Mozgrin, <i>et al</i> , <u>High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research</u> , Plasma Physics Reports, Vol. 21, No. 5, pp. 400-409, 1995 ("Mozgrin")
1004	U.S. Patent No. 6,413,382 ("Wang")
1005	U.S. Patent No. 6,190,512 ("Lantsman")
1006	WO 02/103078 A1 ("Kouznetsov")
1007	U.S. Patent No. 7,147,759 (the "759 Patent")
1008	Plasma Etching: An Introduction, by Manos and Flamm, Academic Press (1989) ("Manos")
1009	U. S. Patent No. 6,398,929 ("Chiang")
1010	The Materials Science of Thin Films, by Ohring M., Academic Press (1992) ("Ohring")
1011	Thin-Film Deposition: Principles & Practice by Smith, D.L., McGraw Hill (1995) ("Smith")
1012	File History for U.S. Pat. No. 7,811,421, Office Action dated April 21, 2010 ("04/21/10 Office Action")
1013	File History for U.S. Pat. No. 7,811,421, Response dated June 23, 2010 ("06/23/10 Response")
1014	File History for U.S. Pat. No. 7,811,421, Notice of Allowance dated August 19, 2010 ("08/19/10 Notice of Allowance")
1015	File History for U.S. Pat. No. 7,811,421, Originally Filed

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