

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.,
TSMC NORTH AMERICA CORPORATION, FUJITSU
SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR
AMERICA, INC., ADVANCED MICRO DEVICES, INC., RENESAS
ELECTRONICS CORPORATION, RENESAS ELECTRONICS
AMERICA, INC., GLOBAL FOUNDRIES 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

Inter Partes Review Case No. IPR2014-00802¹

Claims 9, 14, 21, 26, 35, 37

**PATENT OWNER RESPONSE
UNDER 37 CFR § 42.220**

¹ Cases IPR2014-00848, IPR2014-00992, and IPR2014-01071 have been joined with the instant proceeding

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Patent No. 7,811,421
IPR2014-00802

I. Introduction

The Petitioners' entire challenge to the '421 patent is built on a flawed theory that Wang² anticipates the independent claims – a theory that requires an unnatural and absurdly broad “interpretation” of the word “pulse” and the related phrase “creates a weakly ionized plasma.” The theory is reminiscent of “Alice In Wonderland,” where one can make words mean whatever one chooses them to mean.³ In fact, the Petitioner's expert Dr. Kortshagen essentially admits that this is what he did with these claim terms.⁴

² Ex. 1004, Wang patent No. 6,413,382 (“Wang”).

³ "I don't know what you mean by 'glory,'" Alice said. Humpty Dumpty smiled contemptuously. "Of course you don't—till I tell you. ... When *I* use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether you *can* make words mean so many different things." "The question is," said Humpty Dumpty, "which is to be master—that's all." (Lewis Carroll “*Through The Looking Glass and What Alice Found There*,” Barnes & Noble Classics, page 219).

⁴ Ex. 2017, Kortshagen Deposition of 12.23.14, page 23, lines 11 – 20; page 45, line 24 – page 46, line 6.

The Petition and the supporting Declaration of Dr. Kortshagen both cite to Wang's figure 6 as purportedly depicting the claimed voltage pulse for creating a weakly ionized plasma and then a strongly ionized plasma from the weak without an occurrence of arcing. But these papers are strategically vague as to how the power waveform of figure 6 (and the pair of power supplies that provide it) correspond to the claimed power supply for generating the claimed "voltage pulse." When pressed for clarification, Dr. Kortshagen shamelessly admitted that the word "pulse" and the related phrase "creates a weakly-ionized plasma" could mean essentially whatever he chooses them to mean.

For example, when considered the meaning of the word "pulse," Dr. Kortshagen said he could assign any meaning:

- "If we go to Wang's patent, Figure 6, so I think we discussed this yesterday, and I think I mentioned at that time that **the definition of what is the pulse may be a little bit arbitrary, and in a sense, semantics** whether one says there is a background power to which pulses are applied or whether there is a pulse which includes both the background power part and the peak power part."⁵
- "I mean, in this particular case (Fig. 4) where this is no power in between pulses, I think **you could have multiple definitions of what constitutes a pulse, and depending on which definition you adopt, I**

⁵ Ex. 2017, Kortshagen Deposition of 12.23.14, page 23, lines 11 – 20.

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