

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD. and
TSMC NORTH AMERICA CORP.

Petitioner

v.

ZOND, INC.
Patent Owner

Case IPR2014-00802

U.S. PATENT NO. 7,811,421

CLAIMS 9, 14, 21, 26, 35, 37

Title: High deposition rate sputtering

PETITIONER'S MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c)
AND 37 C.F.R. § 42.22 AND § 42.122(b)

INTRODUCTION

Taiwan Semiconductor Manufacturing Co., Ltd and TSMC North America Corp. (“TSMC”) filed the present petition for *inter partes* review **IPR2014-00802** (the “TSMC IPR”) and hereby moves for joinder of the TSMC IPR with **IPR2014-00470**, filed by Intel Corporation (the “Intel IPR”). The TSMC IPR is identical to the Intel IPR in all substantive respects, includes identical exhibits, and relies upon the same expert declarant. Intel Corporation does not oppose this motion.

BACKGROUND AND RELATED PROCEEDINGS

The TSMC IPR and Intel IPR are among a family of *inter partes* review proceedings relating to seven patents that are being asserted by Zond, Inc. (“Zond”) against numerous defendants in the District of Massachusetts: 1:13-cv-11570-RGS (*Zond v. Intel Corp.*); 1:13-cv-11577-DPW (*Zond v. AMD, Inc., et al*); 1:13-cv-11581-DJC (*Zond v. Toshiba Am. Elec. Comp. Inc.*); 1:13-cv-11625-NMG (*Zond v. Renesas Elec. Corp.*); 1:13-cv-11634-WGY (*Zond v. Fujitsu¹ and TSMC*); and 1:13-cv-11567-DJC (*Zond v. Gillette, Co.*).

In particular, a first complaint in 1:13-cv-11570-RGS (*Zond v. Intel*) was served on defendant Intel Corporation on July 9, 2013, and a first complaint in 1:13-cv-11634-WGY (*Zond v. Fujitsu and TSMC*) was served on defendants

¹ “Fujitsu” as used herein refers to Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc., collectively.

Fujitsu and TSMC on July 9, 2013 and September 5, 2013, respectively. Accordingly, all petitions for inter partes review that have been filed by defendants Intel, TSMC, and Fujitsu are timely as prescribed by 35 U.S.C. § 315(b).

On April 18, 2014, in 1:13-cv-11570-RGS (*Zond v. Intel*), the Court entered an order granting Intel's Motion to Stay pending *inter partes* review, indicating the Court will benefit from the expert claim analysis of the PTO.

On June 2, 2014, as clarified on June 3, 2014, in 1:13-cv-11634-WGY (*Zond v. Fujitsu and TSMC*), the Court entered an order to administratively close the case pending conclusion of *inter partes* reviews or until May 9, 2016, whichever shall occur first.

Currently, the family of *inter partes* review proceedings relating to the seven Zond patents (the "Zond IPRs") consists of the following proceedings that involve Intel, TSMC, and Fujitsu:²

² Gillette Co. filed petitions for *inter partes* review of other patents asserted by Zond in 1:13-cv-11567-DJC (*Zond v. Gillette, Co.*), namely IPR2014-00477 and IPR2014-00479 (U.S. Patent No. 8,125,155); IPR2014-00580 and IPR2014-00726 (U.S. Patent No. 6,896,773); and IPR2014-00578 and IPR2014-00604 (U.S. Patent No. 6,896,775). Other Gillette filings are ongoing.

Patent	Intel IPRs		TSMC IPRs		Fujitsu IPRs		Claims
	Intel Ref	Intel Filed	TSMC Ref	TSMC Filed	Fujitsu Ref	Fujitsu Filed	Claims in IPR
6805779	2014-00765	5/16/14	2014-00828	5/28/14	2014-00856	5/30/14	30-37, 39-40
	2014-00820	5/27/14	2014-00829	5/28/14	2014-00859	5/30/14	16, 28, 41, 42, 45, 46
	2014-00598	4/9/14	n/a	n/a	n/a	n/a	1-4, 10-15, 17, 18, 24-27, 29
	2014-00686	4/24/14	n/a	n/a	n/a	n/a	5, 6, 8, 19, 22, 23, 43
	2014-00913	6/6/14	2014-00917	6/9/14	2014-00918	6/9/14	7, 9, 20, 21, 38, 44
6806652	2014-00843	5/29/14	2014-00861	5/30/14	2014-00864	5/30/14	18-34
	2014-00945	6/12/14	n/a	n/a	n/a	n/a	1-17
	2014-00923	6/10/14	n/a	n/a	n/a	n/a	35
6853142	2014-00494	3/13/14	2014-00818	5/27/14	2014-00866	5/30/14	1, 3-10, 12, 15, 17-20, 42
	2014-00495	3/13/14	2014-00821	5/27/14	2014-00863	5/30/14	2, 11, 13, 14, 16
	2014-00496	3/13/14	2014-00819	5/27/14	2014-00867	5/30/14	21, 24, 26-28, 31, 32, 37, 38
	2014-00497	3/13/14	2014-00827	5/28/14	2014-00865	5/30/14	22, 23, 25, 29, 30, 33-36, 39, 43
	2014-00498	3/13/14	n/a	n/a	n/a	n/a	40, 41

Patent	Intel IPRs		TSMC IPRs		Fujitsu IPRs		Claims
	Intel Ref	Intel Filed	TSMC Ref	TSMC Filed	Fujitsu Ref	Fujitsu Filed	Claims in IPR
7147759	2014-00445	3/6/14	2014-00781	5/19/14	2014-00845	5/29/14	20, 21, 34-36, 38, 39, 47, 49
	2014-00446	3/6/14	2014-00782	5/19/14	2014-00850	5/29/14	22-33, 37, 46, 48, 50
	2014-00443	3/6/14	n/a	n/a	n/a	n/a	1, 4, 10-12, 17, 18, 44
	2014-00444	3/6/14	n/a	n/a	n/a	n/a	2, 3, 5-9, 13-16, 19, 41-43, 45
	2014-00447	3/6/14	n/a	n/a	n/a	n/a	40
7604716	2014-00522	3/27/14	2014-00807	5/23/14	2014-00846	5/29/14	14-18, 25-32
	2014-00523	3/27/14	2014-00808	5/23/14	2014-00849	5/29/14	19-24
	2014-00520	3/27/14	n/a	n/a	n/a	n/a	1-11, 33
	2014-00521	3/27/14	n/a	n/a	n/a	n/a	12, 13
7808184	2014-00455	3/7/14	2014-00799	5/22/14	2014-00855	5/30/14	1-5, 11-15
	2014-00456	3/7/14	2014-00803	5/22/14	2014-00858	5/30/14	6-10, 16-20
7811421	2014-00468	3/7/14	2014-00800	5/22/14	2014-00844	5/29/14	1, 2, 8, 10-13, 15-17, 22-25, 27-30, 33, 34, 38, 39, 42, 43, 46-48
	2014-00470	3/7/14	2014-00802	5/22/14	2014-00848	5/29/14	9, 14, 21, 26, 35, 37
	2014-00473	3/7/14	2014-00805	5/23/14	2014-00851	5/30/14	3-7, 18-20, 31, 32, 36, 40, 41, 44, 45

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