

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, LLC
Patent Owner

Case IPR2014-00829
Patent 6,805,779

ZOND LLC'S PATENT OWNER PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107(a)

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I. INTRODUCTION

The Board should deny the present request for *inter partes* review of U.S. Patent No. 6,805,779 (“the ’779 patent”) because there is not a reasonable likelihood that the Petitioner will prevail at trial with respect to at least one claim of the ’779 patent.¹

Indeed, there are five different and independent groups of reasons why the Petitioner cannot prevail. First, the reference that is primarily relied upon by the Petitioner (*i.e.*, Mozgrin) was already considered by the Examiner and overcome during the prosecution of the application that led to the issuance of the ’779 patent. Indeed, Mozgrin was considered by 6 different examiners and overcome during the prosecution of 9 other patents that are related to the ’779 patent over nearly a 10 year period.²

¹ 35 U.S.C. § 314(a).

² Examiners Douglas Owens, Tung X. Le, Rodney McDonald, Wilson Lee, Don Wong, and Tuyet T. Vo allowed U.S. Patents 7,147,759, 7,808,184, 7,811,421, 8,125,155, 6,853,142, 7,604,716, 6,896,775, 6,896,773, 6,805,779, and 6,806,652 over Mozgrin and Wang over nearly a decade from the time that the application for the ’759 patent was filed on 9/30/2002 to the time that the ’155 patent issued on 2/28/2012.

Second, the Petitioner's obviousness rejections are all predicated on the false assumption that a skilled artisan could have achieved the combination of (i) a feed gas source comprising ground state atoms; (ii) an excited atom source that generates excited atoms from the ground state atoms and has a magnet that traps electrons near the ground state atoms; (iii) a plasma chamber that confines excited atoms; and (iv) an energy source that ionizes the confined excited atoms in a multi-step ionization process, as required by independent claims 1, 41, 45 and 46 of the '779 patent by combining the teachings of Mozgrin with Kudryavtsev and Pinsley.³

But these three references disclose very different structures and processes. Mozgrin teaches two different “[d]ischarge device configurations: (a) planar magnetron and (b) shaped-electrode configuration.”⁴ Mozgrin further discloses a “square voltage pulse application to the gap.”⁵ Kudryavtsev teaches a third type of discharge device configuration in which the “discharge occurred inside a cylindrical tube of diameter $2R = 2.5$ cm and the distance

³ Petition at pp. 20-42.

⁴ Mozgrin, Ex. 1303 at Fig. 1 caption.

⁵ *Id.* at p. 402, col. 2, ¶ 2.

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