

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FUJITSU SEMICONDUCTOR LIMITED and  
FUJITSU SEMICONDUCTOR AMERICA, INC.,  
Petitioners,

v.

ZOND, LLC,  
Patent Owner.

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Case IPR2014-00845  
Patent 7,147,759 B2

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Before KEVIN F. TURNER, DEBRA K. STEPHENS, JONI Y. CHANG,  
SUSAN L.C. MITCHELL, and JENNIFER M. MEYER,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively, “Fujitsu”) filed a Petition requesting an *inter partes* review of claims 20, 21, 34–36, 38, 39, 47, and 49 of U.S. Patent No. 7,147,759 B2 (Ex. 1201, “the ’759 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”), filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314. The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

**THRESHOLD.**—The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition and Preliminary Response, we conclude that the information presented in the Petition demonstrates that there is a reasonable likelihood that Fujitsu would prevail in challenging claims 20, 21, 34–36, 38, 39, 47, and 49 as unpatentable under 35 U.S.C. § 103(a). Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to claims 20, 21, 34–36, 38, 39, 47, and 49 of the ’759 patent.

### A. *Related District Court Proceedings*

Fujitsu indicates that the ’759 patent was asserted in *Zond, LLC v. Fujitsu*, No.1:13-cv-11634-WGY (D. Mass.). Pet. 1. Fujitsu also identifies other proceedings in which Zond asserted the ’759 patent. *Id.*

*B. Related Inter Partes Reviews*

The following Petitions for *inter partes* review also challenge the same claims based on the same grounds of unpatentability as those in the instant proceeding: *Intel Corp. v. Zond, LLC*, Case IPR2014-00445; *Taiwan Semiconductor Manuf. Co., Ltd. v. Zond, LLC*, Case IPR2014-00781; *The Gillette Co. v Zond, LLC*, Case IPR2014-00985; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01047.

In each of IPR2014-00445 and IPR2014-00781, we instituted an *inter partes* review of claims 20, 21, 34–36, 38, 39, 47, and 49 of the '759 patent, based on the following grounds of unpatentability (*see, e.g.*, IPR2014-00781, Paper 13, “'781 Dec.”):

Claims	Basis	References
20, 21, 34, 36, 47	§ 103	Wang and Kudryavtsev
35	§ 103	Wang, Kudryavtsev, and Li
38	§ 103	Wang, Kudryavtsev, and Yamaguchi
39	§ 103	Wang, Kudryavtsev, and Müller-Horsche
49	§ 103	Wang, Kudryavtsev, and the Mozgrin Thesis

In IPR2014-00445, we terminated the proceeding in light of the Written Settlement Agreement, made in connection with the termination of the proceeding in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), between Intel and Zond. IPR2014-00445, Papers 14, 15; IPR2014-00443, Ex. 1035.

Fujitsu filed a revised Motion for Joinder with IPR2014-00781. Paper 11. In a separate decision, we grant Fujitsu’s revised Motion for

Joinder, joining the instant proceeding with IPR2014-00781, and terminating the instant proceeding.

*C. Prior Art Relied Upon*

Fujitsu relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1205)
Müller-Horsche	US 5,247,531	Sep. 21, 1993	(Ex. 1221)
Yamaguchi	EP 1 113 088 A1	July 4, 2001	(Ex. 1222)

D.V. Mozgrin, et al., *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, 21 PLASMA PHYSICS REPORTS 400–409 (1995) (Ex. 1203, “Mozgrin”).

A.A. Kudryavtsev and V.N. Skrebov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28(1) SOV. PHYS. TECH. PHYS. 30–35 (1983) (Ex. 1204, “Kudryavtsev”).

D.V. Mozgrin, *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, Thesis at Moscow Engineering Physics Institute (1994) (Ex. 1218, “Mozgrin Thesis”).<sup>1</sup>

Li et al., *Low-Temperature Magnetron Sputter-Deposition, Hardness, and Electrical Resistivity of Amorphous and Crystalline Alumina Thin Films*, 18 J. VAC. SCI. TECH. A 2333–38 (2000) (Ex. 1220, “Li”).

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<sup>1</sup> The Mozgrin Thesis is a Russian-language reference. The citations to the Mozgrin Thesis are to the certified English-language translation (Ex. 1217).

*D. Asserted Grounds of Unpatentability*

Fujitsu asserts the following grounds of unpatentability:

<b>Claims</b>	<b>Basis</b>	<b>References</b>
20, 34	§ 103	Mozgrin and Kudryavtsev
21, 47, 49	§ 103	Mozgrin, Kudryavtsev, and the Mozgrin Thesis
34–36	§ 103	Mozgrin, Kudryavtsev, and Li
38	§ 103	Mozgrin, Kudryavtsev, and Yamaguchi
39	§ 103	Mozgrin, Kudryavtsev, and Müller-Horsche
20, 21, 34, 36, 47	§ 103	Wang and Kudryavtsev
35	§ 103	Wang, Kudryavtsev, and Li
38	§ 103	Wang, Kudryavtsev, and Yamaguchi
39	§ 103	Wang, Kudryavtsev, and Müller-Horsche
49	§ 103	Wang, Kudryavtsev, and the Mozgrin Thesis

II. ANALYSIS

*A. Printed Publication under 35 U.S.C. § 102*

In its Petition, Fujitsu makes the same assertion that TSMC made in IPR2014-00781 concerning the Mozgrin Thesis—namely, the Mozgrin Thesis is a doctoral thesis at Moscow Engineering Physics Institute, published in 1994, and it is prior art under 35 U.S.C. § 102(b). *Compare* Pet. 4, *with* '781 Pet. 4. Fujitsu also proffers the same catalog entry for the Mozgrin Thesis at the Russian State Library. *Compare* Ex. 1219, *with* IPR2014-00781, Ex. 1219.

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