

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.,  
Petitioner,

v.

ZOND, LLC,  
Patent Owner

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Case IPR2014-00848  
Patent 7,811,421 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.*

STEPHENS, *Administrative Patent Judge.*

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

## I. INTRODUCTION

On May 29, 2014, Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively, “Fujitsu”) filed a Petition requesting an *inter partes* review of claims 9, 14, 21, 26, 35, and 37 of U.S. Patent No. 7,811,421 B2 (“the ’421 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) filed a Patent Owner Preliminary Response. Paper 8 (“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.

Taking into account Zond’s Patent Owner Preliminary Response, we conclude that the information presented in the Petition demonstrates there is a reasonable likelihood that Fujitsu would prevail in challenging claims 9, 14, 21, 26, 35, and 37 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 9, 14, 21, 26, 35, and 37 of the ’421 patent.

### A. *Related District Court Proceedings*

Fujitsu indicates the ’421 patent was asserted in *Zond, LLC v. Fujitsu Semiconductor Ltd*, No.1:13-cv-11634-WGY (D. Mass.). Pet. 1 and Paper

5. Fujitsu also identifies other matters where Zond asserted the claims of the '421 patent against third parties. *Id.*

*B. Related Inter Partes Reviews*

Intel Corporation (“Intel”) filed a Petition to institute an *inter partes* review in IPR2014-00470, challenging the same claims based on the same grounds of unpatentability as those in the instant proceeding. *Compare* IPR2014-00470, Paper 1 (“’470 Pet.”), 2–58, *with* Pet. 3–58. On September 2, 2014, we instituted an *inter partes* review of claims 9, 14, 21, 26, 35, and 37 of the '421 patent in IPR2014-00470 (Paper 11, “’470 Dec.”), based on the following grounds of unpatentability:

| Claims         | Basis | References              |
|----------------|-------|-------------------------|
| 9, 21, and 35  | § 103 | Wang and Kudryavtsev    |
| 14, 26, and 37 | § 103 | Wang and Mozgrin Thesis |

The trial, however, was terminated 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 TSMC and Zond. IPR2014-00470, Papers 13, 14. Fujitsu has filed a Motion for Joinder, seeking to join the instant proceeding with *Intel Corp. v. Zond, LLC.*, Case IPR2014-00470 (PTAB) (“IPR2014-00470”). Paper 6 (“Mot.”). In view of the termination of the Intel Proceeding, however, TSMC’s Motion for Joinder is dismissed as moot in a separate decision.

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The following Petitions for *inter partes* review also challenge the same claims based on the same grounds of unpatentability as those in those in IPR2014-00470 and in the instant proceeding: *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00802 (PTAB), Paper 1; *The Gillette Company v. Zond, LLC.*, Case IPR2014-00992 (PTAB), Paper 3; and *Advanced Micro Devices, Inc. v. Zond, LLC.*, Case IPR2014-01071 (PTAB), Paper 1.

Fujitsu filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC.*, Case IPR2014-00802 (PTAB) (“IPR2014-00802”). Paper 9. In a separate Decision, we grant Fujitsu’s revised Motion, joining the instant proceeding with IPR2014-00802, and terminating the instant proceeding.

### C. The Prior Art Relied Upon

Fujitsu relies upon the following prior art references:

|          |                 |               |            |
|----------|-----------------|---------------|------------|
| Wang     | US 6,413,382 B1 | July 2, 2002  | (Ex. 1204) |
| Lantsman | US 6,190,512 B1 | Feb. 20, 2001 | (Ex. 1205) |

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) (hereinafter “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 (January 1983) (Ex. 1206) (hereinafter “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. 1207) (hereinafter “Mozgrin Thesis”).<sup>1</sup>

*D. The Asserted Grounds of Unpatentability*

Fujitsu asserts the following grounds of unpatentability:

| <b>Claim</b>   | <b>Basis</b> | <b>References</b>                     |
|----------------|--------------|---------------------------------------|
| 9 and 35       | § 103        | Mozgrin and Kudryavtsev               |
| 14 and 37      | § 103        | Mozgrin and Mozgrin Thesis            |
| 21             | § 103        | Mozgrin, Lantsman, and Kudryavtsev    |
| 26             | § 103        | Mozgrin, Lantsman, and Mozgrin Thesis |
| 9, 21, and 35  | § 103        | Wang and Kudryavtsev                  |
| 14, 26, and 37 | § 103        | Wang and Mozgrin Thesis               |

II. DISCUSSION

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

In its Petition, Fujitsu makes the same assertion that TSMC made in IPR2014-00802 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*

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<sup>1</sup> Mozgrin Thesis is a Russian-language reference (Ex. 1208). The citations to Mozgrin Thesis are to a certified English-language translation by Fujitsu (Ex. 1207).

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