

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00849
Patent 7,604,716 B2

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

MEYER, *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 *inter partes* review of claims 19–24 (“the challenged claims”) of U.S. Patent No. 7,604,716 B2 (Ex. 1301, “the ’716 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Upon consideration of the information presented in the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioner would prevail in challenging claims 19–24. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to the challenged claims.

A. Related District Court Proceedings

Fujitsu indicates that the ’716 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 ’716 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 IPR2014-00523; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00808;

The Gillette Co. v Zond, LLC, Case IPR2014-00975; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01067.

In IPR2014-00523, we terminated the proceeding, prior to institution, in light of the Joint Motion to Terminate and Written Settlement Agreement filed by Intel and Zond in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). IPR2014-00523, Paper 7; IPR2014-00520, Ex. 1023.

In IPR2014-00808, we instituted *inter partes* review of claims 19–24 of the ’716 patent, based on the following grounds of unpatentability:

Claims	Basis	References
21	§ 103	Wang and Kudryavtsev
19 and 20	§ 103	Wang, Kudryavtsev, and Lantsman
22–24	§ 103	Wang, Kudryavtsev, and Mozgrin

Fujitsu filed a revised Motion for Joinder with IPR2014-00808. Paper 9. In a separate Decision, we grant Fujitsu’s revised Motion, joining the instant proceeding with IPR2014-00808, 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. 1304)

Lantsman US 6,190,512 B1 Feb. 20, 2001 (Ex. 1306)

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. 1303) (“Mozgrin”).

A.A. Kudryavtsev and V.N. Skerbov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28 SOV. PHYS. TECH. PHYS. 30–35 (Jan. 1983) (Ex. 1305) (“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. 1307) (“Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

Fujitsu asserts the following grounds of unpatentability:

Claims	Basis	References
22–24	§ 103	Mozgrin and Kudryavtsev
19, 20	§ 103	Mozgrin, Kudryavtsev, and Lantsman
21	§ 103	Mozgrin, Kudryavtsev, and Mozgrin Thesis
21	§ 103	Wang and Kudryavtsev
19, 20	§ 103	Wang, Kudryavtsev, and Lantsman
22–24	§ 103	Wang, Kudryavtsev, and Mozgrin

II. ANALYSIS

A. Claim Construction

The parties make the same claim construction arguments that Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corp. (collectively, “TSMC”) and Zond made in IPR2014-00808. *Compare* Pet. 13–15, *with* ’808 Pet. 13–15; *compare* Prelim. Resp. 15–20, *with* ’808 Prelim. Resp. 15–20.

We construed several claim terms identified by TSMC and Zond in IPR2014-00808. *See* ’808 Dec. 6–11. For the purposes of the instant

¹ The Mozgrin Thesis is a Russian-language reference. Petitioner has also submitted a certified English-language translation (Ex. 1308).

decision, we incorporate our previous analysis and apply those claim constructions here.

B. Obviousness over Wang in Combination with Other Cited Prior Art References

In its Petition, Fujitsu asserts the same three grounds of unpatentability based on the combinations of Wang, Kudryavtsev, Lantsman, and Mozgrin as those on which a trial was instituted in IPR2014-00808. *See* Pet. 39–56; ’808 Dec. 31. Fujitsu’s arguments are substantively identical to the arguments made by TSMC in IPR2014-00808. *Compare* Pet. 39–56, *with* ’808 Pet. 39–56. Fujitsu also proffers the same Declaration of Dr. Uwe Kortshagen that TSMC submitted in support of its Petition. *Compare* Ex. 1302, *with* IPR2014-00808 Ex. 1302. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00808. *Compare* Prelim. Resp. 20–59, *with* ’808 Prelim. Resp. 20–59.

We incorporate our previous analysis regarding the asserted grounds of unpatentability based on the combination of Wang, Kudryavtsev, Lantsman, and Mozgrin (’808 Dec. 12–30), and determine that Fujitsu has demonstrated a reasonable likelihood of prevailing on this ground of unpatentability.

C. Other Asserted Grounds of Unpatentability

Fujitsu also asserts that claims 19 and 20 are unpatentable under 35 U.S.C. § 103 as obvious over Mozgrin, Kudryavtsev, and Lantsman; claim 21 is unpatentable under 35 U.S.C. § 103 as obvious over Mozgrin, Kudryavtsev, and Mozgrin Thesis; and claims 22–24 are unpatentable under

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