

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 IPR2014-00850  
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 22–33, 37, 46, 48, and 50 of U.S. Patent No. 7,147,759 B2 (Ex. 1301, “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 22–33, 37, 46, 48, and 50 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 22–33, 37, 46, 48, and 50 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 IPR2014-00446; *Taiwan Semiconductor Manuf. Co., Ltd. v. Zond, LLC.*, Case IPR2014-00782; *Fujitsu Semiconductor Ltd. v. Zond, LLC.*, Case IPR2014-00850; and *The Gillette Co. v Zond, LLC.*, Case IPR2014-00986.

In each of IPR2014-00446 and IPR2014-00782, we instituted an *inter partes* review of claims 22–33, 37, 46, 48, and 50 of the '759 patent, based on the following grounds of unpatentability (*see, e.g.*, IPR2014-00782, Paper 11, “'782 Dec.”):

Claims	Basis	References
22–26, 28–31, 37, 46, 48	§ 103	Wang and Kudryavtsev
27, 32, 33, 50	§ 103	Wang, Kudryavtsev, and Mozgrin

In IPR2014-00446, 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. IPR2014-00446, Papers 14, 15; IPR2014-00443, Ex. 1035.

Fujitsu filed a revised Motion for Joinder with with IPR2014-00782. Paper 9. In a separate decision, we grant Fujitsu’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00782, 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. 1305)

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. Skrebov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28(1) SOV. PHYS. TECH. PHYS. 30–35 (1983) (Ex. 1304, “Kudryavtsev”).

*D. Asserted Grounds of Unpatentability*

Fujitsu asserts the following grounds of unpatentability:

Claims	Basis	References
22–23, 37, 46, 48, 50	§ 103	Mozgrin and Kudryavtsev
22–26, 28–31, 37, 46, 48	§ 103	Wang and Kudryavtsev
27, 32, 33, 50	§ 103	Wang, Kudryavtsev, and Mozgrin

II. ANALYSIS

*A. Claim Construction*

The parties make the same claim interpretation arguments that TSMC and Zond made in IPR2014-00782. *Compare* Pet. 15–18, *with* ’782 Pet. 15–18; *compare* Prelim. Resp. 16–21, *with* ’782 Prelim. Resp. 16–21.

We construed the claim terms identified by TSMC and Zond in IPR2014-00782. *See* '782 Dec. 6–9. For the purposes of the instant 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 two grounds of unpatentability based on the combinations of Wang, Kudryavtsev, and Mozgrin, as those on which a trial was instituted in IPR2014-00782. *See* Pet. 38–59; '782 Dec. 26. Fujitsu's arguments are substantively identical to the arguments made by TSMC in IPR2014-00782. *Compare* Pet. 38–59, *with* '782 Pet. 38–59. Fujitsu also proffers the same Declaration of Dr. Uwe Kortshagen that TSMC submitted in support of its Petition. *Compare* Ex. 1302, *with* IPR2014-00782, Ex. 1302. Zond's arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00782. *Compare* Prelim. Resp. 21–53, *with* '782 Prelim. Resp. 21–53.

We incorporate our previous analysis regarding the asserted grounds of unpatentability based on the combinations of Wang, Kudryavtsev, and Mozgrin ('782 Dec. 9–25), and determine that Fujitsu has demonstrated a reasonable likelihood of prevailing on those two grounds of unpatentability.

*C. Other Asserted Ground of Unpatentability*

Fujitsu also asserts that claims 22–23, 37, 46, 48, and 50 are unpatentable under 35 U.S.C. § 103(a) over Mozgrin and Kudryavtsev. The Board's rules for *inter partes* review proceedings, including those pertaining

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