

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 IPR2014-00851
Patent 7,811,421 B2

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 30, 2014, Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively, “Fujitsu”) filed a Petition requesting *inter partes* review of claims 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 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 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 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 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 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 IPR2014-00473, challenging the same claims based on the same grounds of unpatentability as those in the instant proceeding. *Compare* IPR2014-00473, Paper 2 (“’468 Pet.”), 3–60, *with* Pet. 2–60. On September 2, 2014, we instituted an *inter partes* review of claims 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 of the ’421 patent in IPR2014-00473 (Paper 11, “’473 Dec.”), based on the following grounds of unpatentability:

Claims	Basis	References
3–5, 36, 40, and 41	§ 103	Mozgrin and Kawamata
6, 31, 44, and 45	§ 103	Mozgrin and Lantsman
7, 18–20, and 32	§ 103	Mozgrin, Lantsman, and Kawamata

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 Intel and Zond. IPR2014-00473, Papers 13, 14. Fujitsu has filed a Motion for Joinder, seeking to join the instant proceeding with *Intel Corp. v. Zond, LLC.*, Case IPR2014-00473 (PTAB) (“IPR2014-00473”). 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.

IPR2014-00851
Patent 7,811,421 B2

The following Petitions for *inter partes* review also challenge the same claims based on the same grounds of unpatentability as those in IPR2014-00473 and in the instant proceeding: *Taiwan Semiconductor Manuf. Co., Ltd. v. Zond, LLC.*, Case IPR2014-00805; *The Gillette Company v. Zond, LLC.*, Case IPR2014-00990; and *Advanced Micro Devices, Inc. v. Zond, LLC.*, Case IPR2014-01069.

Fujitsu also filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC.*, Case IPR2014-00805 (PTAB) (“IPR2014-00805”). Paper 9 (“Mot.”). In a separate decision, we grant Fujitsu’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00805, 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. 1104)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1105)
Kawamata	US 5,958,155	Sep. 28, 1999	(Ex. 1109)

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. 1103) (hereinafter “Mozgrin”).

D. The Asserted Grounds of Unpatentability

Fujitsu asserts the following grounds of unpatentability:

Claims	Basis	References
3–5, 36, 40, and 41	§ 103	Mozgrin and Kawamata
3–5, 18–20, 36, 40, and 41	§ 103	Wang and Kawamata
6, 31, 44, and 45	§ 103	Mozgrin and Lantsman
7, 18–20, and 32	§ 103	Mozgrin, Lantsman, and Kawamata
6, 31, 44, and 45	§ 103	Wang and Lantsman
7 and 32	§ 103	Wang, Lantsman, and Kawamata

II. DISCUSSION

A. Claim Construction

The parties make the same claim interpretation arguments that TSMC and Zond made in IPR2014-00805. *Compare* Pet. 11–13, *with* ’805 Pet. 11–13; *compare* Prelim. Resp. 17–19, *with* ’805 Prelim. Resp. 17–19.

We construed the claim terms identified by TSMC and Zond in IPR2014-00805. *See* ’805 Dec. 7–9. 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 grounds of unpatentability based on the combinations of Wang, Lantsman, and Kawanata, as those on which a trial was instituted in IPR2014-00805. *See* Pet. 30–42, 55–59; ’805 Dec. 26–27. Fujitsu’s arguments are substantively identical to the

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.