

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00855
Patent 7,808,184 B2

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

MITCHELL, *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 1–5 and 11–15 of U.S. Patent No. 7,808,184 B2 (Ex. 1001, “the ’184 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 1–5 and 11–15 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 1–5 and 11–15 of the ’184 patent.

A. *Related District Court Proceedings*

Fujitsu indicates that the ’184 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 ’184 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 *Intel Corp. v. Zond, LLC.*, Case IPR2014-00455 and in the instant proceeding: *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC*, Case IPR2014-00799, Paper 1; *The Gillette Co. v Zond, LLC*, Case IPR2014-00995, Paper 2; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01042, Paper 1.

In each of IPR2014-00455 and IPR2014-00799, we instituted an *inter partes* review of claims 1–5 and 11–15 based on the ground that these claims are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of Wang and Kudryavtsev. IPR2014-00455 (Paper 12); IPR2014-00799 (Paper 10). In IPR2014-00455, 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. *Intel Corp. v. Zond*, IPR2014-00455 (PTAB) (Papers 14, 15; Ex. 1025).

Fujitsu also filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Company, Ltd. v. Zond, LLC.*, Case IPR2014-00799 (PTAB) (“IPR2014-00799”). Paper 9 (“Mot.”). In a separate decision, we grant Fujitsu’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00799, 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. 1005)

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. 1003) (“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 (Jan. 1983) (Ex. 1004) (“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. 1007) (“Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

Fujitsu asserts the following grounds of unpatentability:

Claims	Basis	References
1, 2, 4, 5, 11, 12, 14, and 15	§ 103(a)	Mozgrin and Kudryavtsev
1, 2, 4, 5, 11, 12, 14, and 15	§ 103(a)	Mozgrin and the Mozgrin Thesis
3 and 13	§ 103(a)	Mozgrin, Kudryavtsev, and Wang
3 and 13	§ 103(a)	Mozgrin, Mozgrin Thesis, and Wang
1–5 and 11–15	§ 103(a)	Wang and Kudryavtsev

¹ The Mozgrin Thesis is a Russian-language reference. Fujitsu provided a certified English-language translation (Ex. 1006).

II. ANALYSIS

A. *Claim Construction*

The parties make the same claim interpretation arguments that Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corporation (collectively, “TSMC”) and Zond made in IPR2014-00799. *Compare* Pet. 13–15, *with* ’799 Pet. 13–15; *compare* Prelim. Resp. 10–16, *with* ’799 Prelim. Resp. 10–16; *see also* Prelim. Resp. 1 (stating Patent Owner repeated in this Preliminary Response the bases upon which it opposed the Petitioner in IPR2014-00455).

We construed the claim terms identified by Intel and Zond in IPR2014-00799. *See* ’799 Dec. 8–12. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. *Obviousness over Wang and Kudryavtsev*

In its Petition, Fujitsu asserts the same ground of unpatentability based on Wang and Kudryavtsev, as that on which a trial was instituted in IPR2014-00799. *See* Pet. 43–60; ’799 Dec. 28. Fujitsu’s arguments are substantively identical to the arguments made by TSMC in IPR2014-00799. *Compare* Pet. 42–58, *with* ’799 Pet. 42–58. Fujitsu also proffers the same Declaration of Dr. Richard DeVito that Intel submitted in support of its Petition. *Compare* Ex. 1002, *with* IPR2014-00799, Ex. 1002; Pet. 4, n.3 (stating “attached declaration at Ex. 1002 is a copy of Dr. DeVito’s declaration filed in IPR2014-00455”). Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in

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