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 IPR2014-00859
Patent 6,805,779

ZOND LLC'S PATENT OWNER PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107(a)

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I. INTRODUCTION

The Petitioner has represented in a motion for joinder that this petition "is identical to the Intel IPR2014-00829 in all substantive respects, includes identical exhibits, and relies upon the same expert declarant." Accordingly, based upon that representation, the Patent Owner opposes review on the same basis presented in opposition to Intel's request no. IPR2014-00829, which is repeated below:

The Board should deny the present request for *inter partes* review of U.S. Patent No. 6,805,779 ("the '779 patent") because there is not a reasonable likelihood that the Petitioner will prevail at trial with respect to at least one claim of the '779 patent.[1]

Indeed, there are five different and independent groups of reasons why the Petitioner cannot prevail. First, the reference that is primarily relied upon by the Petitioner (*i.e.*, Mozgrin) was already considered by the Examiner and overcome during the prosecution of the application that led to the issuance of the '779 patent. Indeed, Mozgrin was considered by 6 different examiners and

[1] 35 U.S.C. § 314(a).

overcome during the prosecution of 9 other patents that are related to the '779 patent over nearly a 10 year period.[2]

Second, the Petitioner's obviousness rejections are all predicated on the false assumption that a skilled artisan could have achieved the combination of (i) a feed gas source comprising ground state atoms; (ii) an excited atom source that generates excited atoms from the ground state atoms and has a magnet that traps electrons near the ground state atoms; (iii) a plasma chamber that confines excited atoms; and (iv) an energy source that ionizes the confined excited atoms in a multi-step ionization process, as required by independent claims 1, 41, 45 and 46 of the '779 patent by combining the teachings of Mozgrin with Kudryavtsev and Pinsley.[3]

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[2] Examiners Douglas Owens, Tung X. Le, Rodney McDonald, Wilson Lee, Don Wong, and Tuyet T. Vo allowed U.S. Patents 7,147,759, 7,808,184, 7,811,421, 8,125,155, 6,853,142, 7,604,716, 6,896,775, 6,896,773, 6,805,779, and 6,806,652 over Mozgrin and Wang over nearly a decade from the time that the application for the '759 patent was filed on 9/30/2002 to the time that the '155 patent issued on 2/28/2012.

[3] Petition at pp. 20-42.

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