

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 IPR2014-00863
Patent 6,853,142 B2

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

TURNER, *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 2, 11, 13, 14, and 16 of U.S. Patent No. 6,853,142 B2 (“the ’142 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 2, 11, 13, 14, and 16. 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 ’142 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 ’142 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 IPR2014-00495; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00821;

The Gillette Co. v Zond, LLC, Case IPR2014-01013; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01057.

In IPR2014-00495, 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). IPR2014-00495, Paper 7; IPR2014-00494, Ex. 1018.

In IPR2014-00821, we instituted *inter partes* review of claims 2, 11, 13, 14, and 16 of the '142 Patent, based on the following grounds of unpatentability:

Claim(s)	Basis	References
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

Fujitsu filed a revised Motion for Joinder with IPR2014-00821. Paper 9. In a separate Decision, we grant Fujitsu's revised Motion, joining the instant proceeding with IPR2014-00821, and terminating the instant proceeding.

C. Prior Art Relied Upon

Fujitsu relies upon the following prior art references:

Lantsman	US 6,190,512	Feb. 20, 2001	(Ex. 1104)
Wang	US 6,413,382	July 2, 2002	(Ex. 1105)

D.V. Mozgrin, et al., *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, 21 PLASMA PHYSICS REPORTS, NO. 5, 400–409 (1995) (Ex. 1103) (hereinafter “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. 1106) (hereinafter “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. 1119) (hereinafter “Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

Fujitsu asserts the following grounds of unpatentability:

Claim(s)	Basis	References
14	§ 103(a)	Mozgrin and Lantsman
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Mozgrin, Lantsman, and Kudryavtsev
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
13 and 16	§ 103(a)	Mozgrin, Lantsman, and Mozgrin Thesis
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

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 IPR2014-00821. *Compare*

¹ The Mozgrin Thesis is a Russian-language reference. The citations to the Mozgrin Thesis are to the certified English-language translation submitted by TSMC (Ex. 1118).

Pet. 13–15, *with* ’821 Pet. 13–15; *compare* Prelim. Resp. 19–22, *with* ’821 Prelim. Resp. 19–22.

We construed several claim terms identified by TSMC and Zond in IPR2014-00821. *See* ’821 Dec. 8–10. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. Status of Mozgrin Thesis

In its Petition, Fujitsu asserts that the Mozgrin Thesis is a doctoral thesis at Moscow Engineering Physics Institute, published in 1994, and it is prior art under 35 U.S.C. § 102(b). Pet. 3–4. As support, Fujitsu proffers a copy of the catalogue entry for the Mozgrin Thesis at the Russian State Library. Ex. 1120. Zond responds that Fujitsu fails to demonstrate the Mozgrin Thesis is prior art under 35 U.S.C. § 102. Prelim. Resp. 56–58.

Fujitsu’s assertions and Zond’s arguments are substantively identical to the arguments made by TSMC and Zond in IPR2014-00821. *Compare* Pet. 3–4, *with* ’821 Pet. 4. *Compare* Prelim. Resp. 56–58, *with* ’821 Prelim. Resp. 56–58. *Compare* Ex. 1120, *with* IPR2014-00821 Ex. 1120.

We incorporate our previous analysis regarding the prior art status of Mozgrin Thesis (’821 Dec. 5–7), and determine that Fujitsu has shown sufficiently that Mozgrin Thesis is a “printed publication” within the meaning of 35 U.S.C. § 102(b).

C. Obviousness over Wang and Lantsman

In its Petition, Fujitsu asserts the same ground of unpatentability based on the combination of Wang and Lantsman, as that on which a trial

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