

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 IPR2014-00864
Patent 6,806,652 B1

Before KEVIN F. TURNER, 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 18–34 of U.S. Patent No. 6,806,652 B1 (Ex. 1101, “the ’652 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”), filed a Preliminary Response. Paper 9 (“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 18–34 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 18–34 of the ’652 patent.

A. *Related District Court Proceedings*

Fujitsu indicates that the ’652 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 ’652 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 IPR2014-00843; *Taiwan Semiconductor Mfg. Co., Ltd. v. Zond, LLC*, Case IPR2014-00861; *Gillette Company v. Zond, LLC*, Case IPR2014-01003; and *Renesas Electronics Corp. v. Zond, LLC*, Case IPR2014-01066.

In IPR2014-00843, we terminated the proceeding, prior to institution, in light of the Joint Motion to Terminate and 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 Corp. and Zond. *Intel Corp. v. Zond*, Case IPR2014-00843 (Papers 7, 8; Ex. 1115).

Fujitsu also filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Company, Ltd. v. Zond, LLC*, Case IPR2014-00861 (“IPR2014-00861”). Paper 11 (“Mot.”). In a separate decision, we grant Fujitsu’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00861, and terminating the instant proceeding.

C. Prior Art Relied Upon

Fujitsu relies upon the following prior art references:

Iwamura et al.	US 5,753,886	May 19, 1998	(Ex. 1108)
Campbell et al.	US 5,429,070	July 4, 1995	(Ex. 1114)

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) (“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) (“Kudryavtsev”).

D. W. Fahey, W. F. Parks, and L. D. Schearer, *High Flux Beam Source of Thermal Rare-Gas Metastable Atoms*, 13 J. PHYS. E: SCI. INSTRUM. 381–383 (1980) (Ex. 1105) (“Fahey”).

D. Asserted Grounds of Unpatentability

Fujitsu asserts the following grounds of unpatentability:

Claims	Basis	References
18–30, 33, and 34	§ 103(a)	Mozgrin, Kudryavtsev, and Fahey
31 and 32	§ 103(a)	Mozgrin, Kudryavtsev, Fahey, and Campbell
18–30, 33, and 34	§ 103(a)	Mozgrin, Kudryavtsev, Fahey, and Iwamura
31 and 32	§ 103(a)	Mozgrin, Kudryavtsev, Fahey, Campbell, and Iwamura
18–30	§ 103(a)	Mozgrin and Iwamura
31 and 32	§ 103(a)	Mozgrin, Iwamura, and Campbell
33 and 34	§ 103(a)	Mozgrin, Iwamura, and Fahey

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 IPR2014-00861. *Compare* Pet. 11–12, *with* ’861 Pet. 11–12; *compare* Prelim. Resp. 8–11, *with* ’861 Prelim. Resp. 8–11.

We addressed the proposed constructions of the claim terms identified by TSMC and Zond in IPR2014-00861. *See* ’861 Dec. 9–13. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. Obviousness over Mozgrin in Combination with Other Cited References

In its Petition, Fujitsu asserts the same grounds of unpatentability as those on which a trial was instituted in IPR2014-00861. *See* Pet. 45–60; ’861 Dec. 31. These grounds are set forth in the table below.

Claims	Basis	References
18–30, 33, and 34	§ 103(a)	Mozgrin, Kudryavtsev, Fahey, and Iwamura
31 and 32	§ 103(a)	Mozgrin, Kudryavtsev, Fahey, Campbell, and Iwamura
18–30	§ 103(a)	Mozgrin and Iwamura
31 and 32	§ 103(a)	Mozgrin, Iwamura, and Campbell
33 and 34	§ 103(a)	Mozgrin, Iwamura, and Fahey

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