

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR AMERICA, INC., ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION, RENESAS ELECTRONICS AMERICA, INC., GLOBAL FOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA CORPORATION, and THE GILLETTE COMPANY
Petitioners

v.

ZOND, LLC,
Patent Owner

Case IPR2014-828, 829, 917, 1073, and 1076
U.S. Patent 6,805,779

**PATENT OWNER ZOND'S OBSERVATIONS ON
CROSS-EXAMINATION OF DR. KORTSHAGEN**

Patent Owner, Zond LLC (“Zond”), hereby files observations on the testimony given by Petitioners’ Declarant Dr. Kortshagen (Exhibit 2006) at a deposition held on May 5, 2015.

(1) Testimony From Dr. Kortshagen Indicating That Iwamura Does Not Teach A Magnetic Field: At the following transcript location (Exhibit 2006), when asked questions relating to Iwamura, Dr. Kortshagen testified that Iwamura does not teach a magnetic field. The testimony is relevant because many of the claims of U.S. patent 6,805,779 (“the ‘779 patent”) recite limitations requiring a magnetic field and therefore, the testimony indicates that Iwamura cannot possibly teach these limitations:

Q. Is it correct that Iwamura does not discuss the use of a magnetic field?

MR. TENNANT: Objection to form.

THE WITNESS: I believe it is correct that Iwamura does not discuss the use of a magnetic field.

(Exhibit 2006, p. 7, ll. 13-18)

(2) Testimony From Dr. Kortshagen Indicating That In Pinsley, The Magnetic Field Would Not Have Any Effect On The Motion Of Any Ground State Atoms In The Absence Of A Discharge: At the following transcript locations (Exhibit 2006), when

asked questions relating to the magnetic field in Pinsley, Dr. Kortshagen testified that the magnetic field would not have any effect on the motion of any ground state atoms in the absence of a discharge. This testimony is relevant because it indicates that the magnetic field in Pinsely does not effect the volume of ground state atoms and therefore, does not teach many of the claim limitations of the '779 patent that require generating a magnetic field proximate to a volume of ground state atoms:

Q. Are there any ground state atoms in that feed gas?

A. Commonly, the majority of atoms in a feed gas will likely be in the ground state.

Q. So what, if anything, would be the effect of the magnetic field in Pinsley on those ground state atoms?

A. Are you asking the question whether there is an effect on the ground state atoms by the magnetic field in the absence of a discharge?

Q. We could start there.

A. Okay.

Q. So let's say in the absence of a discharge, that would presume the absence of an electric field, right?

A. It would presume the absence of a current that could still be an electric field too weak to actually maintain or ignite a plasma.

Q. Okay. So under those conditions, what if anything would be the

effect of the magnetic field on the ground state atoms coming from the source?

A. ... part of my answer is that there is no effect on the ground state atoms that would in any way affect their motion. And I'm saying I'm thinking on a tangent because you could imagine a gas with ground state atoms which have some kind of a magnetic moment, but I don't think that this is what you're referring to, right?

Q. I'm sorry, what do you mean by a magnetic moment?

A. Well, I mean some kind of magnetic moment yeah, I mean, I cannot think of any kind of gas which would have something like this. A gas like argon, helium would not feel any effect by the magnetic field.

(Exhibit 2006, p. 21, l. 3 – p. 22, l. 16).

(3) Testimony From Dr. Kortshagen Indicating That Angelbeck Does Not Teach

A Feed Gas: At the following transcript location (Exhibit 2006), when asked questions relating to Iwamura, Dr. Kortshagen testified that Angelbeck does not teach a feed gas. The testimony is relevant because many of the claims of the '779 patent recite limitations requiring a feed gas and therefore, the testimony indicates that Angelbeck cannot possibly teach these limitations:

Q. Now, within the tube shown in Figure 1 there is a gas, correct?

A. Yes, that is correct.

Q. The ends of the tube are closed so the gas is not flowing, right?

A. In this particular configuration shown in Figure 1 the gas is not flowing, that is correct.

(Exhibit 2006, p. 29, l. 22, p. 30, l. 5)

(4) Testimony From Dr. Kortshagen Indicating That In Angelbeck, The Magnetic Field Would Not Have Any Effect On The Motion Of Any Ground State Atoms In The Absence Of A Current Flow: At the following transcript locations (Exhibit 2006), when asked questions relating to the magnetic field in Angelbeck, Dr. Kortshagen testified that the magnetic field would not have any effect on the motion of any ground state atoms in the absence of a current flow. This testimony is relevant because it indicates that the magnetic field in Angelbeck does not effect the volume of ground state atoms and therefore, does not teach many of the claim limitations of the '779 patent that require generating a magnetic field proximate to a volume of ground state atoms:

Q. In the absence of any current flow, what, if anything, would be the effect of the magnetic field on those ground state atoms?

MR. TENNANT: Objection to form.

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.