

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00974
Patent 7,604,716 B2

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

MEYER, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

The Gillette Company (“Gillette”) filed a Petition requesting *inter partes* review of claims 14–18 and 25–32 (“the challenged claims”) of U.S. Patent No. 7,604,716 B2 (Ex. 1201, “the ’716 patent”). Paper 3 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 7 (“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 14–18 and 25–32. 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

Gillette indicates that the ’716 patent was asserted in *Zond, LLC v. Gillette, Co.*, No.1:13-cv-11567-DJC (D. Mass.). Pet. 1. Gillette also identifies other proceedings in which Zond asserted the ’716 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 IPR2014-00522; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00807; *Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00846; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01065.

In IPR2014-00522, 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). IPR2014-00522, Paper 7; IPR2014-00520, Ex. 1023.

In each of IPR2014-00807, IPR2014-00846, and IPR2014-01065, we instituted *inter partes* review of claims 14–18 and 25–32 of the ’716 patent, based on the following ground of unpatentability:

Claims	Basis	References
14–18, 25–32	§ 103	Wang and Kudryavtsev

We joined IPR2014-00846 and IPR2014-01065 with IPR2014-00807, and terminated IPR2014-00846 and IPR2014-01065. *See* IPR2014-00846, Paper 12; IPR2014-01065, Paper 12.

Gillette filed a revised Motion for Joinder with IPR2014-00807. Paper 10. In a separate Decision, we grant Gillette’s revised Motion, joining the instant proceeding with IPR2014-00807, and terminating the instant proceeding. Consequently, once that Decision is entered, IPR2014-00807 will be the only pending *inter partes* review for reviewing claims 14–18 and 25–32 of the ’716 patent.

C. Prior Art Relied Upon

Gillette relies upon the following prior art references:

Wang US 6,413,382 B1 July 2, 2002 (Ex. 1204)

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. 1203) (“Mozgrin”).

A.A. Kudryavtsev and V.N. Skerbov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28 SOV. PHYS. TECH. PHYS. 30–35 (Jan. 1983) (Ex. 1205) (“Kudryavtsev”).

D. Asserted Grounds of Unpatentability

Gillette asserts the following grounds of unpatentability:

Claims	Basis	References
14–18, 25–32	§ 103	Mozgrin and Kudryavtsev
14–18, 25–32	§ 103	Wang and Kudryavtsev

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 IPR2014-00807. *Compare* Pet. 12–14, *with* ’807 Pet. 12–14; *compare* Prelim. Resp. 15–20, *with* ’807 Prelim. Resp. 15–20.

We construed several claim terms identified by TSMC and Zond in IPR2014-00807. *See* ’807 Dec. 6–11. 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, Gillette asserts the same ground of unpatentability based on the combination of Wang and Kudryavtsev, as that on which a trial was instituted in IPR2014-00807. *See* Pet. 41–60; ’807 Dec. 24. Gillette’s arguments are substantively identical to the arguments made by TSMC in

IPR2014-00807. *Compare* Pet. 41–60, *with* ’807 Pet. 40–59. Gillette also proffers the same Declaration of Dr. Uwe Kortshagen that TSMC submitted in support of its Petition. *Compare* Ex. 1202, *with* IPR2014-00807 Ex. 1202. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00807. *Compare* Prelim. Resp. 20–55, *with* ’807 Prelim. Resp. 20–55.

We incorporate our previous analysis regarding the asserted ground of unpatentability based on the combination of Wang and Kudryavtsev (’807 Dec. 12–24), and determine that Gillette has demonstrated a reasonable likelihood of prevailing on this ground of unpatentability.

C. Other Asserted Ground of Unpatentability

Gillette also asserts that claims 14–18 and 25–32 are unpatentable under 35 U.S.C. § 103 as obvious over Mozgrin and Kudryavtsev. The Board’s rules for *inter partes* review proceedings, including those pertaining to institution, are “construed to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b); *see also* 35 U.S.C. § 316(b) (regulations for *inter partes* review proceedings take into account “the efficient administration of the Office” and “the ability of the Office to timely complete [instituted] proceedings”). Therefore, we exercise our discretion and do not institute a review based on these other asserted grounds for reasons of administrative necessity to ensure timely completion of the instituted proceeding. *See* 37 C.F.R. § 42.108(a).

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition shows that there is a reasonable likelihood that

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