

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00981
Patent 7,147,759 B2¹

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

CHANG, *Administrative Patent Judge.*

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ This Order addresses similar issues in the *inter partes* reviews, involving the following patents: U.S. Patent Nos. 6,805,779 B2, 6,806,652 B1, 6,853,142 B2, 7,147,759 B2, 7,604,716 B2, 7,808,184 B2, and 7,811,421 B2. For efficiency, we file this Order in this case as representative. The parties, however, are not authorized to use this style of filing in subsequent papers.

Patent Owner, Zond, LLC (“Zond”), jointly requested the conference call with the following Petitioners:

- (1) Intel Corporation (“Intel”);
- (2) Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corporation (collectively, “TSMC”);
- (3) Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively, “Fujitsu”);
- (4) The Gillette Company (“Gillette”);
- (5) Advanced Micro Devices, Inc., Renesas Electronics Corporation, Renesas Electronics America, Inc., GLOBALFOUNDRIES 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., and Toshiba Corporation (collectively, “AMD”); and
- (6) GLOBALFOUNDRIES U.S., Inc., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG (collectively, “Global”).

Intel filed twenty-five petitions (“Intel Petitions”) to institute an *inter partes* review, challenging the following Zond Patents: U.S. Patent Nos. 6,805,779 B2, 6,806,652 B1, 6,853,142 B2, 7,147,759 B2, 7,604,716 B2, 7,808,184 B2, and 7,811,421 B2. Other aforementioned Petitioners also filed petitions, requesting review of those patents (“Joinder Petitions”), and indicated the intent to seek joinder with Intel’s proceedings. *See, e.g.*, IPR2014-00981, Paper 3, 1. A list of *inter partes* reviews involving those Zond Patents is provided in the Appendix of this Order. TSMC and Fujitsu

filed their Motions for Joinder, and Zond filed its Oppositions to those Motions for Joinder. *See, e.g.*, IPR2014-00781, Papers 8, 10. However, Gillette, AMD, and Global have not filed their Motions for Joinder.

A conference call was held on August 4, 2014, between Judges Turner, Stephens, Chang, Mitchell, and Meyer, and respective counsel for Zond and each of the aforementioned Petitioners, except Global. The purpose of the conference call was to discuss joinder issues.

During the conference call, Zond indicated that the parties have been engaged in discussions regarding joinders of the proceedings to minimize the burden on the Board and parties, and to help streamline the proceedings. The parties confirmed that the Joinder Petitions are substantively identical to the Intel Petitions, including the same asserted grounds of unpatentability and the same declarations from the same expert witness. *Compare, e.g.*, IPR2014-00781, Paper 2, 19–59, *with* IPR2014-00445, Paper 4, 19–60; *compare, e.g.*, IPR2014-00781, Ex. 1202 *with* IPR2014-00445, Ex. 1202.

The Petitioners also agreed to consolidated filings and discovery—subject to the rules for one party on page limits and deposition time. *See, e.g.*, IPR2014-00781, Paper 8, 8–9. TSMC clarified that, although its Motions for Joinder (*see, e.g.*, IPR2014-00781, Paper 8, 9) request a similar order as that issued in *Motorola Mobility LLC v. Softview LLC*, IPR2013-00256 (PTAB June 20, 2013) (Paper 10), “separate filings” directed only to points of disagreement with Intel would not be necessary. Intel indicated that it does not oppose joinder, and it is willing to work with other Petitioners and coordinate the consolidated filings and discovery.

During the conference call, Zond further expressed concerns with a large number of petitions, and requested a restriction be placed on the

Petitioners, specifically barring them from filing additional petitions against the above-identified Zond Patents. Although the Petitioners indicated that, at this time, they do not intend to file additional petitions involving those Zond Patents, they opposed such a restriction. The Petitioners noted that the statute and rules do not provide for such a restriction in a joinder situation.

Upon consideration of the parties' contentions, we determined that the current situation does not require us to impose such a restriction. We also observed that Zond already has made such a request and has presented arguments in its Oppositions to the Motions for Joinder filed by TSMC and Fujitsu. *See, e.g.*, IPR2014-00781, Paper 10, 1–6. Zond also may submit that request in its Oppositions when Gillette, AMD, and Global file their Motions for Joinder. We, therefore, decline to authorize any additional briefing on this matter.

As we articulated previously, having all of the Motions for Joinder at the time we decide the Intel Petitions would help streamline the proceedings, in that we could decide the Joinder Petitions near the same timeframe. Therefore, we requested Gillette and AMD to file their Motions for Joinder within ten business days from this Order. Global also subsequently contacted the Board's administrative staff and indicated that it will file its Motions for Joinder within this time period. We also authorized Zond to file Oppositions to those Motions for Joinder.

In consideration of the foregoing, it is hereby:

ORDERED that Gillette, AMD, and Global should file a Motion for Joinder, within ten business days from this Order, in each of the proceedings in which they seek joinder with Intel's proceedings;

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FURTHER ORDERED that should Gillette, AMD, or Global file a Motion for Joinder, Zond is authorized to file an Opposition to the Motion for Joinder within ten business days, limited to ten pages; and

FURTHER ORDERED that no reply is authorized.

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