

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00990
Patent 7,811,421 B2

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

STEPHENS, *Administrative Patent Judge.*

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

I. INTRODUCTION

On June 19, 2014, The Gillette Company (“Gillette”) filed a Petition requesting *inter partes* review of claims 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 of U.S. Patent No. 7,811,421 B2 (“the ’421 patent”). Paper 2 (“Pet.”). Zond, LLC (“Zond”) filed a Patent Owner Preliminary Response. Paper 8 (“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.

Taking into account Zond’s Patent Owner Preliminary Response, we conclude that the information presented in the Petition demonstrates there is a reasonable likelihood that Gillette would prevail in challenging claims 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 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 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 of the ’421 patent.

A. *Related District Court Proceedings*

Gillette indicates the ’421 patent was asserted in *Zond, LLC v. The Gillette Company*, No.1:13-cv-11567-DJC (D. Mass.). Pet. 1; Paper 6.

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Gillette also identifies other matters where Zond asserted the claims of the '421 patent against third parties. *Id.*

B. Related Inter Partes Reviews

Intel Corporation (“Intel”) filed a Petition to institute an *inter partes* review in *Intel Corp. v. Zond, LLC.*, Case IPR2014-00473 (PTAB) (“IPR2014-00473”), challenging the same claims based on the same grounds of unpatentability as those in the instant proceeding. *Compare* IPR2014-00473, Paper 2 (“’473 Pet.”), 3–60, *with* Pet. 3–60. On September 2, 2014, we instituted an *inter partes* review of claims 3–7, 18–20, 31, 32, 36, 40, 41, 44, and 45 of the '421 patent in IPR2014-00473 (Paper 11, “’473 Dec.”), based on the following grounds of unpatentability:

Claims	Basis	References
3–5, 18–20, 36, 40, 41	§ 103	Wang and Kawamata
6, 31, 44, and 45	§ 103	Wang and Lantsman
7 and 32	§ 103	Wang, Lantsman, and Kawamata

The trial, however, was terminated in light of the 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 and Zond. IPR2014-00473, Papers 13, 14. Gillette has filed a Motion for Joinder, seeking to join the instant proceeding with IPR2014-00473. Paper 7 (“Mot.”).

The following Petitions for *inter partes* review also challenge the

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same claims based on the same grounds of unpatentability as those in IPR2014-00473 and in the instant proceeding: *Taiwan Semiconductor Manuf. Co., Ltd. v. Zond, LLC.*, Case IPR2014-00805; *Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00851; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01069.

Gillette also filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC.*, Case IPR2014-00805 (PTAB) (“IPR2014-00805”). Paper 9 (“Mot.”). In a separate decision, we grant Gillette’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00805, and terminating the instant proceeding.

C. The Prior Art Relied Upon

Gillette relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1104)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1105)
Kawamata	US 5,958,155	Sep. 28, 1999	(Ex. 1109)

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) (hereinafter “Mozgrin”).

D. The Asserted Grounds of Unpatentability

Gillette asserts the following grounds of unpatentability:

Claims	Basis	References
3–5, 36, 40, and 41	§ 103	Mozgrin and Kawamata
3–5, 18–20, 36, 40, and 41	§ 103	Wang and Kawamata
6, 31, 44, and 45	§ 103	Mozgrin and Lantsman
7, 18–20, and 32	§ 103	Mozgrin, Lantsman, and Kawamata
6, 31, 44, and 45	§ 103	Wang and Lantsman
7 and 32	§ 103	Wang, Lantsman, and Kawamata

II. DISCUSSION

A. Claim Interpretation

The parties make the same claim interpretation arguments that TSMC and Zond made in IPR2014-00805. *Compare* Pet. 12–15, *with* ’805 Pet. 11–13; *compare* Prelim. Resp. 17–19, *with* ’805 Prelim. Resp. 17–19.

We construed the claim terms identified by TSMC and Zond in IPR2014-00805. *See* ’805 Dec. 7–10. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. Obviousness over Wang in Combination with Other Cited Prior Art References

In its Petition, Gillette asserts the same grounds of unpatentability based on the combinations of Wang, Lantsman, and Kawanata, as those on which a trial was instituted in IPR2014-00805. *See* Pet. 30–42, 55–60; ’805 Dec. 26–27. Gillette’s arguments are substantively identical to the

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