

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00996
Patent 7,808,184 B2

Before KEVIN F. TURNER, DEBRA K. STEPHENS, 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

The Gillette Company (“Gillette”) filed a Petition requesting an *inter partes* review of claims 6–10 and 16–20 of U.S. Patent No. 7,808,184 B2 (Ex. 1101, “the ’184 patent”). Paper 3 (“Pet.”). Zond, LLC (“Zond”), filed a 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.

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 Gillette would prevail in challenging claims 6–10 and 16–20 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 6–10 and 16–20 of the ’184 patent.

A. *Related District Court Proceedings*

Gillette indicates that the ’184 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 ’184 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 *Intel Corp. v. Zond, LLC*, Case IPR2014-00456, Paper 4, and in the instant proceeding: *Taiwan Semiconductor Mfg. Co. v. Zond, LLC*, Case IPR2014-00803, Paper 2; *Fujitsu Semiconductor Ltd. v Zond, LLC*, Case IPR2014-00858, Paper 1; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01061, Paper 2.

In each of IPR2014-00456, IPR2014-00803, and IPR2014-00858, we instituted an *inter partes* review of claims 6–10 and 16–20 based on the grounds that claims 6, 7, 9, 10, 16, 17, 19, and 20 are unpatentable as obvious over the combination of Wang and Kudryavtsev, and that claims 8 and 18 are unpatentable as obvious over the combination of Wang, Kudryavtsev, and Mozgrin. IPR2014-00456 (Paper 12); IPR2014-00803 (Paper 9); IPR2014-00858 (Paper 12). In IPR2014-00456, we terminated the proceeding 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. *Intel Corp. v. Zond, LLC*, Case IPR 2014-00456 (PTAB) (Papers 14, 15); *Intel Corp. v. Zond, LLC*, Case IPR2014-00455 (PTAB) (Ex. 1025).

Gillette also filed a revised Motion for Joinder, seeking to join the instant proceeding with IPR2014-00803. Paper 10 (“Mot.”). In a separate decision, we grant Gillette’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00803, and terminating the instant proceeding.

C. Prior Art Relied Upon

Gillette relies upon the following prior art references:

Wang US 6,413,382 B1 July 2, 2002 (Ex. 1105)

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. 1104) (“Kudryavtsev”).

D.V. Mozgrin, *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, Thesis at Moscow Engineering Physics Institute (1994) (Ex. 1107) (“Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

Gillette asserts the following grounds of unpatentability:

| Claims | Basis | References |
|---------------------------------|--------------|--------------------------------|
| 6–10 and 16–20 | § 103(a) | Mozgrin and Kudryavtsev |
| 6–10 and 16–20 | § 103(a) | Mozgrin and the Mozgrin Thesis |
| 6, 7, 9, 10, 16, 17, 19, and 20 | § 103(a) | Wang and Kudryavtsev |
| 8 and 18 | § 103(a) | Wang, Kudryavtsev, and Mozgrin |

¹ The Mozgrin Thesis is a Russian-language reference. Gillette provided a certified English-language translation (Ex. 1106).

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 IPR2014-00803 (“’803”). *Compare* Pet. 13–15, *with* ’803 Pet. 13–15; *compare* Prelim. Resp. 11–16, *with* ’803 Prelim. Resp. 11–16.

We construed the claim terms identified by TSMC and Zond in IPR2014-00803. *See* ’803 Dec. 8–12. 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 two grounds of unpatentability based on various combinations of Wang, Kudryavtsev, and Mozgrin, as that on which a trial was instituted in IPR2014-00803. *See* Pet. 44–59; ’803 Dec. 31–32. Gillette’s arguments are substantively identical to the arguments made by TSMC in IPR2014-00803. *Compare* Pet. 44–59, *with* ’803 Pet. 44–59. Gillette also proffers the same Declaration of Mr. Richard DeVito that TSMC submitted in support of its Petition. *Compare* Ex. 1102, *with* IPR2014-00803, Ex. 1102. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00803. *Compare* Prelim. Resp. 44–51, *with* ’803 Prelim. Resp. 44–51.

We incorporate our previous analysis regarding the two asserted grounds of unpatentability based on various combinations of Wang and

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