

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE GILLETTE COMPANY,  
Petitioner,

v.

ZOND, LLC,  
Patent Owner.

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Case IPR2014-01013  
Patent 6,853,142 B2

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

TURNER, *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 2, 11, 13, 14, and 16 of U.S. Patent No. 6,853,142 B2 (“the ’142 Patent”). Paper 3 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 8 (“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 2, 11, 13, 14, and 16. 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 ’142 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 ’142 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 IPR2014-00495; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00821;

*Fujitsu Semiconductor, Ltd. v Zond, LLC*, Case IPR2014-00863; and  
*Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01057.

In IPR2014-00495, 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). IPR2014-00495, Paper 7; IPR2014-00494, Ex. 1018.

In IPR2014-00821, we instituted *inter partes* review of claims 2, 11, 13, 14, and 16 of the '142 Patent, based on the following grounds of unpatentability:

Claim(s)	Basis	References
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

Gillette filed a renewed Motion for Joinder with IPR2014-00821. Paper 10. In a separate Decision, we grant Gillette's renewed Motion, joining the instant proceeding with IPR2014-00821, and terminating the instant proceeding.

### *C. Prior Art Relied Upon*

Gillette relies upon the following prior art references:

Lantsman	US 6,190,512	Feb. 20, 2001	(Ex. 1104)
Wang	US 6,413,382	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, No. 5, 400–409 (1995) (Ex. 1103) (hereinafter “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. 1106) (hereinafter “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. 1119) (hereinafter “Mozgrin Thesis”).<sup>1</sup>

#### *D. Asserted Grounds of Unpatentability*

Gillette asserts the following grounds of unpatentability:

<b>Claim(s)</b>	<b>Basis</b>	<b>References</b>
14	§ 103(a)	Mozgrin and Lantsman
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Mozgrin, Lantsman, and Kudryavtsev
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
13 and 16	§ 103(a)	Mozgrin, Lantsman, and Mozgrin Thesis
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

## II. ANALYSIS

### *A. Claim Construction*

The parties make the same claim construction arguments that Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America

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<sup>1</sup> The Mozgrin Thesis is a Russian-language reference. The citations to the Mozgrin Thesis are to the certified English-language translation submitted by TSMC (Ex. 1118).

Corp. (collectively, “TSMC”) and Zond made in IPR2014-00821. *Compare* Pet. 13–15, *with* ’821 Pet. 13–15; *compare* Prelim. Resp. 19–22, *with* ’821 Prelim. Resp. 19–22.

We construed several claim terms identified by TSMC and Zond in IPR2014-00821. *See* ’821 Dec. 8–10. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

### *B. Status of Mozgrin Thesis*

In its Petition, Gillette asserts that the Mozgrin Thesis is a doctoral thesis at Moscow Engineering Physics Institute, published in 1994, and it is prior art under 35 U.S.C. § 102(b). Pet. 3. As support, Gillette proffers a copy of the catalogue entry for the Mozgrin Thesis at the Russian State Library. Ex. 1120. Zond responds that Gillette fails to demonstrate the Mozgrin Thesis is prior art under 35 U.S.C. § 102. Prelim. Resp. 56–58.

Gillette’s assertions and Zond’s arguments are substantively identical to the arguments made by TSMC and Zond in IPR2014-00821. *Compare* Pet. 3, *with* ’821 Pet. 4. *Compare* Prelim. Resp. 56–58, *with* ’821 Prelim. Resp. 56–58. *Compare* Ex. 1120, *with* IPR2014-00821 Ex. 1120.

We incorporate our previous analysis regarding the prior art status of Mozgrin Thesis (’821 Dec. 5–7), and determine that Gillette has shown sufficiently that Mozgrin Thesis is a “printed publication” within the meaning of 35 U.S.C. § 102(b).

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