

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 IPR2014-01014  
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 21, 24, 26–28, 31, 32, 37, and 38 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 21, 24, 26–28, 31, 32, 37, and 38. 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 IPR2014-00496; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00819;

*Fujitsu Semiconductor, Ltd. v Zond, LLC*, Case IPR2014-00867; and  
*Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01046.

In IPR2014-00496, 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). IPR2014-00496, Paper 7; IPR2014-00494, Ex. 1018.

In IPR2014-00819, we instituted *inter partes* review of claims 21, 24, 26–28, 31, 32, 37, and 38 of the '142 Patent, based on the following ground of unpatentability:

Claims	Basis	References
21, 24, 26–28, 31, 32, 37, and 38	§ 103(a)	Wang and Kudryavtsev

Gillette filed a renewed Motion for Joinder with IPR2014-00819. Paper 10. In a separate Decision, we grant Gillette's renewed Motion, joining the instant proceeding with IPR2014-00819, and terminating the instant proceeding.

### *C. Prior Art Relied Upon*

Gillette relies upon the following prior art references:

Wang                      US 6,413,382              July 2, 2002              (Ex. 1205)

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) (hereinafter "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. 1204) (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. 1207) (hereinafter “Mozgrin Thesis”).

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

Gillette asserts the following grounds of unpatentability:

<b>Claim(s)</b>	<b>Basis</b>	<b>References</b>
21, 26–28, 31, 37, and 38	§ 103(a)	Mozgrin and Kudryavtsev
24 and 32	§ 103(a)	Mozgrin, Kudryavtsev, and Mozgrin Thesis
21, 24, 26–28, 31, 32, 37, and 38	§ 103(a)	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 IPR2014-00819. *Compare* Pet. 12–14, *with* ’819 Pet. 13–15; *compare* Prelim. Resp. 17–19, *with* ’819 Prelim. Resp. 17–19.

We construed several claim terms identified by TSMC and Zond in IPR2014-00819. *See* ’819 Dec. 6–8. 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 IPR2014-00819. *See* Pet. 39–56; ’819 Dec. 22. Gillette’s arguments are substantively identical to the arguments made by TSMC in IPR2014-00819. *Compare* Pet. 39–56, *with* ’819 Pet. 39–56. Gillette also proffers the same Declaration of Dr. Uwe Kortshagen that TSMC submitted in support of its Petition. *Compare* Ex. 1202, *with* IPR2014-00819 Ex. 1202. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00819. *Compare* Prelim. Resp. 21–47, *with* ’819 Prelim. Resp. 21–47.

We incorporate our previous analysis regarding the asserted ground of unpatentability based on the combination of Wang and Lantsman (’819 Dec. 9–20), 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 21, 24, 26–28, 31, 32, 37, and 38 are unpatentable on other grounds. 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

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