

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 IPR2014-01016  
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 an *inter partes* review of claims 40 and 41 of U.S. Patent No. 6,853,142 B2 (Ex. 1401, “the ’142 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 40 and 41 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 40 and 41 of the ’142 Patent.

### A. Related District Court Proceedings

Gillette indicates that the ’142 Patent was asserted in *Zond, LLC v. The 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 IPR2014-00498; and *GLOBALFOUNDRIES U.S., Inc. v. Zond, LLC*, Case IPR2014-01098.

In IPR2014-00498, we terminated the proceeding, prior to institution, in light of the Joint Motion to Termination and 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 Corp. and Zond. IPR2014-00498, Papers 7, 8; IPR2014-00494, Ex. 1018.

In IPR2014-01098, we instituted an *inter partes* review as to claims 40 and 41 as unpatentable under the following grounds:

<b>Claim</b>	<b>Basis</b>	<b>References</b>
40	§ 103(a)	Wang and Lantsman
41	§ 103(a)	Wang and Kudryavtsev

*See* IPR2014-01098, Paper 9 (“1098 Dec.”).

Gillette filed a renewed Motion for Joinder, seeking to join with IPR2014-01098. Paper 10. In a separate decision, we grant Gillette’s renewed Motion for Joinder, joining the instant proceeding with IPR2014-01098, and terminating the instant proceeding.

*C. Prior Art Relied Upon*

Gillette relies upon the following prior art references:

Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1406)
Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1405)

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. 1403) (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. 1404) (hereinafter “Kudryavtsev”).

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

Gillette asserts the following grounds of unpatentability:

<b>Claim</b>	<b>Basis</b>	<b>References</b>
40	§ 103(a)	Mozgrin and Lantsman
40	§ 103(a)	Wang and Lantsman
41	§ 103(a)	Mozgrin and Kudryavtsev
41	§ 103(a)	Wang and Kudryavtsev

## II. ANALYSIS

### *A. Claim Construction*

Gillette makes the same claim interpretation arguments that GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, and GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG (collectively, “GF”) made in IPR2014-01098.

*Compare* Pet. 12–17, with IPR2014-01098, Paper 2 (“’1098 Pet.”), 12–16.

We construed several claim terms in the Decision on Institution for IPR2014-01098. *See* '1098 Dec. 6–14. 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 Kudryavtsev and Lantsman*

In its Petition, Gillette asserts the same grounds of unpatentability based on the combinations of Wang with Kudryavtsev and Lantsman, as the ground on which a trial was instituted in IPR2014-01098. *See* Pet. 33–44, 53–60; '1098 Dec. 29. Gillette's arguments are substantively identical to the arguments made by GF in IPR2014-01098. *Compare* Pet. 33–44, 53–60, *with* '1098 Pet. 33–43, 53–60. Gillette also proffers the same Declaration of Dr. Uwe Kortshagen that GF submitted in support of its Petition. *Compare* Ex. 1402, *with* IPR2014-01098 Ex. 1402. Zond's arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-01098. *Compare* Prelim. Resp. 27–53, *with* IPR2014-01098, Paper 7 ("'1098 Prelim. Resp."), 27–53.

We incorporate our previous analysis regarding the asserted ground of unpatentability over the combinations of Wang with Kudryavtsev and Lantsman ('1098 Dec. 15–28), and determine that Gillette has demonstrated a reasonable likelihood of prevailing on those grounds of unpatentability.

*C. Other Asserted Grounds of Unpatentability*

Gillette also asserts that claims 40 and 41 are unpatentable on other grounds. The Board's rules for *inter partes* review proceedings, including

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