

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY

Petitioner

v.

ZOND, LLC
Patent Owner

Case IPR2014-01019
Patent 6,805,779

ZOND LLC'S PATENT OWNER PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107(a)

TABLE OF CONTENTS

I. INTRODUCTION 1

II. TECHNOLOGY BACKGROUND 11

 A. Overview Of Plasma Generation 11

 B. The '779 patent: Dr. Chistyakov invents a new plasma generator containing a feed gas source, an excited atom source with a magnet that traps electrons, a plasma chamber that confines excited atoms, and an energy source that ionizes the confined excited atoms in a multi-step ionization process. 12

 C. The Petitioner Mischaracterized The File History..... 17

III. SUMMARY OF THE PETITIONER’S PROPOSED GROUNDS FOR REVIEW 19

IV. THERE IS NO REASONABLE LIKELIHOOD OF PETITIONER PREVAILING AS TO A CHALLENGED CLAIM OF THE '779 PATENT. 20

 A. The Petition failed to demonstrate any motivation to combine. 21

 1. Scope and content of prior art. 24

 a. Mozgrin..... 24

 b. Kudryavtsev 26

 c. Iwamura 30

 d. Pinsley and Angelbeck..... 31

 2. The Petitioner Fails To Show That It Would Have Been Obvious To Combine Either Kudryavtsev’s Cylindrical Device Without A Magnet or Pinsley’s Gas Laser With The Magnetron System Of Mozgrin. 32

 3. The Petitioner Failed To Show That It Would Have Been Obvious To Combine Angelbeck’s Gas Laser With The Plasma Treatment Apparatus Of Iwamura. 37

 B. The Petition failed to demonstrate how the alleged combinations teach every element of the challenged claims. 39

 1. The combination of Mozgrin, Kudryavtsev and Pinsley does not teach “an excited atom source that receives ground state atoms from the feed gas source” as recited in independent claim 1 and as similarly recited in independent claims 18 and 43. 39

2. The combination of Mozgrin, Kudryavtsev and Pinsley does not teach “the excited atom source comprising a magnet that generates a magnetic field for substantially trapping electrons proximate to the ground state atoms” as recited in independent claim 1 and as similarly recited in independent claim 18.....41
3. The combination of Mozgrin, Kudryavtsev and Pinsley does not teach “a plasma chamber that is coupled to the excited atom source, the plasma chamber confining a volume of excited atoms generated by the excited atom source” as recited in independent claim 1 and as similarly recited in independent claims 18 and 43.....41
4. The combination of Mozgrin, Kudryavtsev and Pinsley does not teach “an energy source that is coupled to the volume of excited atoms confined by the plasma chamber” as recited in independent claim 1 and as similarly recited in independent claims 18 and 43.....42
5. The combination of Mozgrin, Kudryavtsev and Pinsley does not teach that “a pressure differential exists between a pressure in the excited atom source and a pressure in the plasma chamber, the pressure differential increasing at least one of a rate at which the excited atoms are generated from the ground state atoms and a density of the excited atoms” as recited in independent claim 43 and as similarly recited in dependent claims 8 and 23.....43
6. The combination of Iwamura and Angelbeck does not teach a “plasma generator that generates a plasma with a multi-step ionization process,” as recited in independent claim 1 and as similarly recited in independent claims 18 and 43.43
7. The combination of Iwamura and Angelbeck does not teach “the excited atom source comprising a magnet that generates a magnetic field for substantially trapping electrons proximate to the ground state atoms,” as recited in independent claim 1 and as similarly recited in claim 18.45
8. The combination of Iwamura and Angelbeck does not teach “the energy source raising an energy of excited atoms in the volume of excited atoms so that at least a portion of the excited atoms in the volume of excited atoms is ionized,” as recited in independent claim 1 and as similarly recited in independent claims 18 and 43.....46
9. The combination of Iwamura and Angelbeck does not teach that “a pressure differential exists between a pressure in the excited atom source and a pressure in the plasma chamber, the pressure differential increasing at least one of a rate at which the excited atoms are generated from the ground state atoms and a density of the excited atoms” as recited in

independent claim 43 and as similarly recited in dependent claims 8 and
23.....47

10. The combination of Iwamura and Angelbeck does not teach “metastable
atoms,” as recited in claims 4, 19, 22, 23.48

C. The Petition failed to set forth a proper obviousness analysis.....49

D. Petitioner Failed To Demonstrate That Claim 43 Is Anticipated By Iwamura.....51

E. The Petition Failed to Identify Any Compelling Rationale for Adopting
Redundant Grounds of Rejection.....53

V. CONCLUSION.....57

I. INTRODUCTION

The Petitioner has represented in a motion for joinder that this petition “is identical to the Intel IPR2014-00686 in all substantive respects, includes identical exhibits, and relies upon the same expert declarant.” Accordingly, based upon that representation, the Patent Owner opposes review on the same basis presented in opposition to Intel’s request no. IPR2014-00686, which is repeated below:

The Board should deny the present request for *inter partes* review of U.S. Patent No. 6,805,779 (“the ’779 patent”) because there is not a reasonable likelihood that the Petitioner will prevail at trial with respect to at least one claim of the ’779 patent.¹

Indeed, there are five different and independent groups of reasons why the Petitioner cannot prevail. First, the reference that is primarily relied upon by the Petitioner (*i.e.*, Mozgrin) was already considered by the Examiner and overcome during the prosecution of the application that led to the issuance of the ’779 patent. Indeed, Mozgrin was considered by 6 different examiners and

¹ 35 U.S.C. § 314(a).

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