

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-01020
Patent 6,805,779 B2

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

CHANG, *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 16, 28, 41, 42, 45, and 46 of U.S. Patent No. 6,805,779 B2 (Ex. 1301, “the ’779 patent”). Paper 3 (“Pet.”). Zond, LLC (“Zond”), filed a Preliminary Response. Paper 11 (“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 claim 46 as unpatentable under 35 U.S.C. 102(b), and claims 16, 28, 41, 42, and 45 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 16, 28, 41, 42, 45, and 46 of the ’779 patent.

A. *Related District Court Proceedings*

Gillette indicates that the ’779 patent was asserted in *Zond, LLC v. Gillette*, No.1:13-cv-11567-DJC (D. Mass.). Pet. 1. Gillette also identifies other proceedings in which Zond asserted the ’779 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 IPR2014-00820; *Taiwan Semiconductor Mfg. Co., Ltd. v. Zond, LLC*, Case IPR2014-00829; *Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00859; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01072.

In IPR2014-00820, we terminated the proceeding, prior to institution, in light of the Joint Motion to Terminate 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. IPR2014-00820, Papers 6, 7; IPR2014-00598, Ex. 1013.

In each of IPR2014-0829, IPR2014-00859, and IPR2014-01072, we instituted an *inter partes* review of claims 16, 28, 41, 42, 45, and 46 of the '779 patent, based on the following grounds of unpatentability (*see, e.g.*, IPR2014-00829, Paper 9 (“’829 Dec.”), 31):

Claims	Basis	References
46	§ 102(b)	Iwamura
16, 28, 41, 42, and 45	§ 103(a)	Iwamura, Angelbeck, and Pinsley

We further joined IPR2014-00859 and IPR2014-01072 with IPR2014-00829, and terminated both IPR2014-00859 and IPR2014-01072. *See, e.g.*, IPR2014-00859, Paper 12.

Gillette filed a revised Motion for Joinder, seeking to join with IPR2014-00829, and Zond filed an Opposition to Gillette’s Motion.

Papers 9, 10. In a separate decision, we grant Gillette’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00829, and terminating the instant proceeding. Once that Decision is entered, IPR2014-00829 will be the only *inter partes* review pending before us for reviewing claims 16, 28, 41, 42, 45, and 46 of the ’779 patent.

C. Prior Art Relied Upon

Gillette relies upon the following prior art references:

Pinsley	US 3,761,836	Sept. 25, 1973	(Ex. 1305)
Angelbeck	US 3,514,714	May 26, 1970	(Ex. 1306)
Iwamura	US 5,753,886	May 19, 1998	(Ex. 1307)

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. 1303, “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 (1983) (Ex. 1304, “Kudryavtsev”).

D. Asserted Grounds of Unpatentability

Gillette asserts the following grounds of unpatentability:

Claims	Basis	References
46	§ 102(b)	Iwamura
16, 28, 41, 42, 45	§ 103(a)	Iwamura, Angelbeck, and Pinsley ¹
41	§ 103(a)	Mozgrin, Kudryavtsev, and Pinsley
16, 28, 42, 45, 46	§ 103(a)	Mozgrin, Kudryavtsev, Pinsley, and Iwamura

II. ANALYSIS

A. Claim Construction

Gillette makes the same claim interpretation arguments that TSMC made in IPR2014-00829. *Compare* Pet. 18–19, *with* IPR2014-00829, Paper 2 (“’829 Pet.”), 19–20. We construed several claim terms in the Decision on Institution for IPR2014-00829. *See* ’829 Dec. 6–13. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

¹ Pinsley is omitted inadvertently from the statement of this asserted ground of unpatentability, although included in the corresponding analysis. *See* Pet. 42, 44. Therefore, we treat the statement as harmless error and presume that Gillette intended to assert that claims 16, 28, 41, 42, and 45 are unpatentable under § 103(a) based on the combination of Iwamura, Angelbeck, and Pinsley.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.