

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 IPR2014-01025  
Patent 6,805,779

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

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## I. INTRODUCTION

The Petitioner has represented in a motion for joinder that this petition “is identical to the Intel IPR2014-00913 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. IPR2014-00913, 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.<sup>1</sup>

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

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<sup>1</sup> 35 U.S.C. § 314(a).

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