

Docket No. 0008346-00237 IPR1

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION, RENESAS ELECTRONICS AMERICA, INC., GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., AND TOSHIBA CORPORATION.

Petitioner

v.

ZOND, INC.  
Patent Owner

Case No. IPR2014-01037  
U.S. PATENT NO. 7,811,421  
CLAIMS 1, 2, 8, 10-13, 15-17, 22-25, 27-30, 33, 34, 38, 39, 42, 43, AND 46-48  
TITLE: HIGH DEPOSITION RATE SPUTTERING

**PETITIONER'S REVISED MOTION FOR JOINDER UNDER 35 U.S.C.  
§315(c) AND 37 C.F.R. § 42.22 AND § 42.122(b)**

## INTRODUCTION

Advanced Micro Devices, Inc., Renesas Electronics Corporation, Renesas Electronics America, Inc., GLOBALFOUNDRIES U.S., Inc., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG, Toshiba America Electronic Components, Inc., Toshiba America Inc., Toshiba America Information Systems, Inc., and Toshiba Corporation (collectively, "Petitioner") filed the present petition for *inter partes* review IPR2014-01037 (the "Joint IPR") and hereby move for joinder of the Joint IPR with IPR2014-00800, filed by Taiwan Semiconductor Manufacturing Company (the "TSMC IPR"). The Joint IPR is identical to the TSMC IPR in all substantive respects, includes identical exhibits, and relies upon the same expert declarant. Fujitsu Semiconductor Limited and Fujitsu Semiconductor America, Inc. (collectively "Fujitsu") and The Gillette Company and Proctor & Gamble, Inc. (collectively, "Gillette") have filed petitions identical to the TSMC IPR and will likewise move for joinder with the TSMC IPR concurrent with the present motion. TSMC, Fujitsu, and Gillette do not oppose this motion while Zond declined to take a position at this time.

## BACKGROUND AND RELATED PROCEEDINGS

The Joint IPR and TSMC IPR are among a family of *inter partes* review proceedings relating to seven patents that are being asserted by Zond, Inc.

("Zond") against numerous defendants in the District of Massachusetts: 1:13-cv-11577-DPW (*Zond v. AMD, Inc., et al.*); 1:13-cv-11581-DJC (*Zond v. Toshiba Am. Elec. Comp. Inc.*); 1:13-cv-11625-NMG (*Zond v. Renesas Elec. Corp.*); 1:13-cv-11634-WGY (*Zond v. Fujitsu and TSMC*); and 1:13-cv-11567-DJC (*Zond v. Gillette, Co.*).

The following table summarizes the dates on which a first complaint was served on Petitioner.

| <b>Defendant Group</b> | <b>Case</b>  | <b>Service Date of First Complaint</b> |
|------------------------|--|--|
| AMD                    | <i>Zond v. AMD, Inc., et al.</i> , Case No. 1:13-cv-11577-DPW            | July 2, 2013                           |
| GlobalFoundries        | <i>Zond v. AMD, Inc., et al.</i> , Case No. 1:13-cv-11577-DPW            | December 5, 2013                       |
| Renesas                | <i>Zond v. Renesas Elec. Corp.</i> , Case No. 1:13-cv-11625-NMG          | July 8, 2013                           |
| Toshiba                | <i>Zond v. Toshiba Am. Elec. Comp. Inc.</i> , Case No. 1:13-cv-11581-DJC | July 3, 2013                           |

Accordingly, all petitions for *inter partes* review that have been filed by defendants AMD, GlobalFoundries, Renesas, and Toshiba are timely as prescribed by 35 U.S.C. § 315(b).

On June 6, 2014, as clarified on July 22, 2014, in 11:13-cv-11577-DPW (*Zond v. AMD, Inc., et al.*), the Court entered an order to administratively stay the case pending conclusion of *inter partes* reviews.

Currently, the family of *inter partes* review proceedings relating to the seven Zond patents (the “Zond IPRs”) consists of the following proceedings initiated by TSMC and later by only the GlobalFoundries entities or jointly by AMD, GlobalFoundries, Renesas, and Toshiba:

| Patent    | TSMC IPRs     |            | Joint IPRs    |             | GlobalFoundries IPRs |          | Claims                           |
|-----------|---------------|------------|---------------|-------------|----------------------|----------|----------------------------------|
|           | TSMC Ref      | TSMC Filed | Joint Ref     | Joint Filed | GF Ref               | GF Filed | Claims Challenged                |
| 6,805,779 | n/a           | n/a        | n/a           | n/a         | IPR2014-01073        | 06/30/14 | 1-4, 10-15, 17, 18, 24-27 and 29 |
|           | n/a           | n/a        | n/a           | n/a         | IPR2014-01076        | 06/30/14 | 5, 6, 8, 19, 22, 23, and 43      |
|           | IPR2014-00828 | 05/28/14   | n/a           | n/a         | n/a                  | n/a      | 30-40                            |
|           | n/a           | n/a        | IPR2014-01070 | 06/30/14    | n/a                  | n/a      | 30-37, 39, 40                    |
|           | IPR2014-00829 | 05/28/14   | IPR2014-01072 | 06/30/14    | n/a                  | n/a      | 16, 28, 41, 42, 45 and 46        |
|           | IPR2014-00917 | 06/09/14   | IPR2014-01074 | 06/30/14    | n/a                  | n/a      | 7, 9, 20, 21, 38, and 44         |
| 6,806,652 | n/a           | n/a        | n/a           | n/a         | IPR2014-01089        | 07/01/14 | 35                               |
|           | n/a           | n/a        | n/a           | n/a         | IPR2014-01088        | 07/01/14 | 1-17                             |
|           | IPR2014-00861 | 05/30/14   | IPR2014-01066 | 06/30/14    | n/a                  | n/a      | 18-34                            |
| 6,853,142 | n/a           | n/a        | n/a           | n/a         | IPR2014-01098        | 07/01/14 | 40, 41                           |
|           | IPR2014-00818 | 05/27/14   | IPR2014-01075 | 06/30/14    | n/a                  | n/a      | 1, 3-10, 12, 15, 17-20, 42       |
|           | IPR2014-00821 | 05/27/14   | IPR2014-01057 | 06/27/14    | n/a                  | n/a      | 2, 11, 13, 14, 16                |
|           | IPR2014-00819 | 05/27/14   | IPR2014-01046 | 06/27/14    | n/a                  | n/a      | 21, 24, 26-28, 31, 32, 37, 38    |

Petitioner's Revised Motion for Joinder (IPR2014-01037)

|           |               |          |               |          |               |          |  |
|-----------|---------------|----------|---------------|----------|---------------|----------|--|
|           | IPR2014-00827 | 05/28/14 | IPR2014-01063 | 06/30/14 | n/a           | n/a      | 22, 23, 25, 29, 30, 33-36, 39, 43                                  |
| 7,147,759 | n/a           | n/a      | n/a           | n/a      | IPR2014-01086 | 06/30/14 | 1, 4, 10-12, 17, 18, 44  |
|           | n/a           | n/a      | n/a           | n/a      | IPR2014-01087 | 06/30/14 | 2, 3, 5-9, 13-16, 19, 41-43, 45                                    |
|           | n/a           | n/a      | n/a           | n/a      | IPR2014-01083 | 06/30/14 | 40   |
|           | IPR2014-00781 | 05/19/14 | IPR2014-01047 | 06/27/14 | n/a           | n/a      | 20, 21, 34-36, 38, 39, 47, 49                                      |
|           | IPR2014-00782 | 05/19/14 | IPR2014-01059 | 06/27/14 | n/a           | n/a      | 22-33, 37, 46, 48, 50  |
| 7,604,716 | n/a           | n/a      | n/a           | n/a      | IPR2014-01099 | 07/01/14 | 1-11 and 33  |
|           | n/a           | n/a      | n/a           | n/a      | IPR2014-01100 | 07/01/14 | 12 and 13  |
|           | IPR2014-00807 | 05/23/14 | IPR2014-01065 | 06/30/14 | n/a           | n/a      | 14-18 and 25-32  |
|           | IPR2014-00808 | 05/23/14 | IPR2014-01067 | 06/30/14 | n/a           | n/a      | 19-24  |
| 7,808,184 | IPR2014-00799 | 05/22/14 | IPR2014-01042 | 06/27/14 | n/a           | n/a      | 1-5, 11-15   |
|           | IPR2014-00803 | 05/22/14 | IPR2014-01061 | 06/30/14 | n/a           | n/a      | 6-10, 16-20  |
| 7,811,421 | IPR2014-00800 | 05/22/14 | IPR2014-01037 | 06/30/14 | n/a           | n/a      | 1, 2, 8, 10-13, 15-17, 22-25, 27-30, 33, 34, 38, 39, 42, 43, 46-48 |
|           | IPR2014-00802 | 05/22/14 | IPR2014-01071 | 06/30/14 | n/a           | n/a      | 9, 14, 21, 26, 35, 37  |
|           | IPR2014-00805 | 05/23/14 | IPR2014-01069 | 06/30/14 | n/a           | n/a      | 3-7, 18-20, 31, 32, 36, 40, 41, 44, 45                             |

Similar to the above petitions, Fujitsu and/or Gillette also filed petitions that address the same patent claims as the Joint IPR and the TSMC IPR. For the Joint

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