

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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,
Petitioners,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-01057
Patent 6,853,142 B2

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

Petitioners (collectively, “AMD”) filed a Petition requesting *inter partes* review of claims 2, 11, 13, 14, and 16 of U.S. Patent No. 6,853,142 B2 (“the ’142 Patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Upon consideration of the information presented in the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioner would prevail in challenging claims 2, 11, 13, 14, and 16. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to the challenged claims.

A. Related District Court Proceedings

AMD indicates that the ’142 Patent was asserted in *Zond, LLC v. Advanced Micro Devices, Inc.*, No.1:13-cv-11577-DPW (D. Mass.). Pet. 1. AMD 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 IPR2014-00495; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00821;

Fujitsu Semiconductor, Ltd. v Zond, LLC, Case IPR2014-00863; and *The Gillette Co. v. Zond, LLC*, Case IPR2014-01013.

In IPR2014-00495, we terminated the proceeding, prior to institution, in light of the Joint Motion to Terminate and Written Settlement Agreement filed by Intel and Zond in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). IPR2014-00495, Paper 7; IPR2014-00494, Ex. 1018.

In IPR2014-00821, we instituted *inter partes* review of claims 2, 11, 13, 14, and 16 of the '142 Patent, based on the following grounds of unpatentability:

Claim(s)	Basis	References
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

AMD filed a revised Motion for Joinder with IPR2014-00821. Paper 10. In a separate Decision, we grant AMD's revised Motion, joining the instant proceeding with IPR2014-00821, and terminating the instant proceeding.

C. Prior Art Relied Upon

AMD relies upon the following prior art references:

Lantsman	US 6,190,512	Feb. 20, 2001	(Ex. 1104)
Wang	US 6,413,382	July 2, 2002	(Ex. 1105)

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. 1103) (hereinafter “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 (Jan. 1983) (Ex. 1106) (hereinafter “Kudryavtsev”).

D.V. Mozgrin, *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, Thesis at Moscow Engineering Physics Institute (1994) (Ex. 1119) (hereinafter “Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

AMD asserts the following grounds of unpatentability:

Claim(s)	Basis	References
14	§ 103(a)	Mozgrin and Lantsman
13 and 14	§ 103(a)	Wang and Lantsman
2 and 11	§ 103(a)	Mozgrin, Lantsman, and Kudryavtsev
2 and 11	§ 103(a)	Wang, Lantsman, and Kudryavtsev
13 and 16	§ 103(a)	Mozgrin, Lantsman, and Mozgrin Thesis
16	§ 103(a)	Wang, Lantsman, and Mozgrin Thesis

II. ANALYSIS

A. Claim Construction

The parties make the same claim construction arguments that Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America Corp. (collectively, “TSMC”) and Zond made in IPR2014-00821. *Compare*

¹ The Mozgrin Thesis is a Russian-language reference. The citations to the Mozgrin Thesis are to the certified English-language translation submitted by TSMC (Ex. 1118).

Pet. 14–16, *with* ’821 Pet. 13–15; *compare* Prelim. Resp. 19–22, *with* ’821 Prelim. Resp. 19–22.

We construed several claim terms identified by TSMC and Zond in IPR2014-00821. *See* ’821 Dec. 8–10. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. Status of Mozgrin Thesis

In its Petition, AMD asserts that the Mozgrin Thesis is a doctoral thesis at Moscow Engineering Physics Institute, published in 1994, and it is prior art under 35 U.S.C. § 102(b). Pet. 4. As support, AMD proffers a copy of the catalogue entry for the Mozgrin Thesis at the Russian State Library. Ex. 1120. Zond responds that AMD fails to demonstrate the Mozgrin Thesis is prior art under 35 U.S.C. § 102. Prelim. Resp. 56–58.

AMD’s assertions and Zond’s arguments are substantively identical to the arguments made by TSMC and Zond in IPR2014-00821. *Compare* Pet. 4, *with* ’821 Pet. 4. *Compare* Prelim. Resp. 56–58, *with* ’821 Prelim. Resp. 56–58. *Compare* Ex. 1120, *with* IPR2014-00821 Ex. 1120.

We incorporate our previous analysis regarding the prior art status of Mozgrin Thesis (’821 Dec. 5–7), and determine that AMD has shown sufficiently that Mozgrin Thesis is a “printed publication” within the meaning of 35 U.S.C. § 102(b).

C. Obviousness over Wang and Lantsman

In its Petition, AMD asserts the same ground of unpatentability based on the combination of Wang and Lantsman, as that on which a trial was

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.