

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,  
Petitioners,

v.

ZOND, LLC,  
Patent Owner.

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Case IPR2014-01067  
Patent 7,604,716 B2

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

MEYER, *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 19–24 (“the challenged claims”) of U.S. Patent No. 7,604,716 B2 (Ex. 1301, “the ’716 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 7 (“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 19–24. 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

The parties indicate that the ’716 patent was asserted in *Zond, LLC v. Advanced Micro Devices, Inc.*, No.1:13-cv-11577-DPW (D. Mass.). Pet. 1; Paper 5. They also identify other proceedings in which Zond asserted the ’716 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 IPR2014-00523; *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00808;

*Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00849; and *The Gillette Co. v Zond, LLC*, Case IPR2014-00975.

In IPR2014-00523, 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). IPR2014-00523, Paper 7; IPR2014-00520, Ex. 1023.

In each of IPR2014-00808 and IPR2014-00849, we instituted *inter partes* review of claims 19–24 of the '716 patent, based on the following ground of unpatentability:

Claims	Basis	References
21	§ 103	Wang and Kudryavtsev
19 and 20	§ 103	Wang, Kudryavtsev, and Lantsman
22–24	§ 103	Wang, Kudryavtsev, and Mozgrin

We joined IPR2014-00849 with IPR2014-00808, and terminated IPR2014-00849. *See* IPR2014-00849, Paper 12.

AMD filed a revised Motion for Joinder with IPR2014-00808. Paper 9. In a separate Decision, we grant AMD's revised Motion, joining the instant proceeding with IPR2014-00808, and terminating the instant proceeding.

### *C. Prior Art Relied Upon*

AMD relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1304)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1306)

D.V. Mozgrin, et al., *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, 21 PLASMA PHYSICS REPORTS 400–409 (1995) (Ex. 1303) (“Mozgrin”).

A.A. Kudryavtsev and V.N. Skerbov, *Ionization Relaxation in a Plasma Produced by a Pulsed Inert-Gas Discharge*, 28 SOV. PHYS. TECH. PHYS. 30–35 (Jan. 1983) (Ex. 1305) (“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. 1307) (“Mozgrin Thesis”).<sup>1</sup>

#### D. Asserted Grounds of Unpatentability

AMD asserts the following grounds of unpatentability:

Claims	Basis	References
22–24	§ 103	Mozgrin and Kudryavtsev
19, 20	§ 103	Mozgrin, Kudryavtsev, and Lantsman
21	§ 103	Mozgrin, Kudryavtsev, and Mozgrin Thesis
21	§ 103	Wang and Kudryavtsev
19, 20	§ 103	Wang, Kudryavtsev, and Lantsman
22–24	§ 103	Wang, Kudryavtsev, and Mozgrin

## II. ANALYSIS

### A. Claim Construction

The parties make the same claim construction arguments that Taiwan Semiconductor Manufacturing Company, Ltd. and TSMC North America

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<sup>1</sup> The Mozgrin Thesis is a Russian-language reference. Petitioner has also submitted a certified English-language translation (Ex. 1308).

Corp. (collectively, “TSMC”) and Zond made in IPR2014-00808. *Compare* Pet. 14–16, *with* ’808 Pet. 13–15; *compare* Prelim. Resp. 15–20, *with* ’808 Prelim. Resp. 15–20.

We construed several claim terms identified by TSMC and Zond in IPR2014-00808. *See* ’808 Dec. 6–11. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

*B. Obviousness over Wang in Combination with  
Other Cited Prior Art References*

In its Petition, AMD asserts the same three grounds of unpatentability based on the combinations of Wang, Kudryavtsev, Lantsman, and Mozgrin as those on which a trial was instituted in IPR2014-00808. *See* Pet. 40–57; ’808 Dec. 31. AMD’s arguments are substantively identical to the arguments made by TSMC in IPR2014-00808. *Compare* Pet. 40–57, *with* ’808 Pet. 39–56. AMD also proffers the same Declaration of Dr. Uwe Kortshagen that TSMC submitted in support of its Petition. *Compare* Ex. 1302, *with* IPR2014-00808 Ex. 1302. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00808. *Compare* Prelim. Resp. 20–59, *with* ’808 Prelim. Resp. 20–59.

We incorporate our previous analysis regarding the asserted grounds of unpatentability based on the combination of Wang, Kudryavtsev, Lantsman, and Mozgrin (’808 Dec. 12–30), and determine that AMD has demonstrated a reasonable likelihood of prevailing on this ground of unpatentability.

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