

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, LLC,  
Patent Owner.

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Case IPR2014-01071  
Patent 7,811,421 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.*

STEPHENS, *Administrative Patent Judge.*

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

On June 30, 2014, 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, “AMD”) filed a Petition requesting an *inter partes* review of claims 9, 14, 21, 26, 35, and 37 of U.S. Patent No. 7,811,421 B2 (“the ’421 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) filed a Patent Owner Preliminary Response. Paper 8 (“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.

Taking into account Zond’s Patent Owner Preliminary Response, we conclude that the information presented in the Petition demonstrates there is a reasonable likelihood that AMD would prevail in challenging claims 9, 14, 21, 26, 35, and 37 as unpatentable under 35 U.S.C. § 103(a). Pursuant to 35

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U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to claims 9, 14, 21, 26, 35, and 37 of the '421 patent.

*A. Related District Court Proceedings*

AMD indicates that the '421 patent was asserted in *Zond, LLC v. AMD, Inc.*, No.1:13-cv-11577-DPW (D. Mass.); *Zond, LLC v. Toshiba Am. Elec. Comp. Inc.*, No.1:13-cv-11581-DJC (D. Mass.); *Zond, LLC v. Renesas Elec. Corp.*, No.1:13-cv-11625-NMG (D. Mass.) . Pet. 1; Paper 6. AMD also identifies other matters where Zond asserted the claims of the '421 patent against third parties. *Id.*

*B. Related Inter Partes Reviews*

Intel Corporation (“Intel”) filed a Petition to institute an *inter partes* review in *Intel Corp. v. Zond, LLC.*, Case IPR2014-00470 (PTAB) (“IPR2014-00468”), challenging the same claims based on the same grounds of unpatentability as those in the instant proceeding. *Compare* IPR2014-00470, Paper 1 (“’470 Pet.”), 2–58, *with* Pet. 3–59. On September 2, 2014, we instituted an *inter partes* review of claims 9, 14, 21, 26, 35, and 37 of the '421 patent in IPR2014-00470 (Paper 11, “’470 Dec.”), based on the following grounds of unpatentability:

<b>Claims</b>	<b>Basis</b>	<b>References</b>
9, 21, and 35	§ 103	Wang and Kudryavtsev
14, 26, and 37	§ 103	Wang and Mozgrin Thesis

The trial, however, was terminated in light of the Written Settlement

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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 TSMC and Zond. IPR2014-00470, Papers 13, 14. AMD has filed a Motion for Joinder, seeking to join the instant proceeding with IPR2014-00470. Paper 7 (“Mot.”).

The following Petitions for *inter partes* review also challenge the same claims based on the same grounds of unpatentability as those in those in IPR2014-00470 and in the instant proceeding: *Taiwan Semiconductor Manuf. Co., v. Zond, LLC.*, Case IPR2014-00802; *Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00848; and *The Gillette Company v. Zond, LLC.*, Case IPR2014-00992.

AMD filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC*, Case IPR2014-00802 (PTAB) (“IPR2014-00802”). Paper 10. In a separate Decision, we grant AMD’s revised Motion, joining the instant proceeding with IPR2014-00802, and terminating the instant proceeding.

### C. The Prior Art Relied Upon

AMD relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1204)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1205)

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. 1203) (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 (January 1983) (Ex. 1206) (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. 1207) (hereinafter “Mozgrin Thesis”).<sup>1</sup>

*D. The Asserted Grounds of Unpatentability*

AMD asserts the following grounds of unpatentability:

<b>Claim(s)</b>	<b>Basis</b>	<b>References</b>
9 and 35	§ 103	Mozgrin and Kudryavtsev
14 and 37	§ 103	Mozgrin and Mozgrin Thesis
21	§ 103	Mozgrin, Lantsman, and Kudryavtsev
26	§ 103	Mozgrin, Lantsman, and Mozgrin Thesis
9, 21, and 35	§ 103	Wang and Kudryavtsev
14, 26, and 37	§ 103	Wang and Mozgrin Thesis

II. DISCUSSION

*A. Printed Publication under 35 U.S.C. § 102*

In its Petition, AMD makes the same assertion that TSMC made in IPR2014-00802 concerning the Mozgrin Thesis—namely, the Mozgrin

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<sup>1</sup> Mozgrin Thesis is a Russian-language reference (Ex. 1208). The citations to Mozgrin Thesis are to a certified English-language translation by Fujitsu (Ex. 1207).

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