

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN
MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN
MODULE TWO LLC & CO. KG, and
THE GILLETTE COMPANY,
Petitioners,

v.

Zond, LLC.
Patent Owner of U.S. Patent No. 6,805,779
Trial No. IPR2014-01073¹

**PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR
OBSERVATION ON CROSS-EXAMINATION OF PETITIONER'S REPLY
WITNESS DR. UWE KORTSHAGEN**

¹ Case IPR2014-01017 has been joined with the instant proceeding.

TABLE OF CONTENTS

| | | |
|-----|------------------------------------------------------------------|---|
| I. | INTRODUCTION | 1 |
| II. | RESPONSES TO OBSERVATIONS ON DR. KORTSHAGEN'S TESTIMONY | 1 |
| A. | Response to Observation 1 | 1 |
| B. | Response to Observation 2 | 2 |
| C. | Response to Observation 3 | 5 |
| D. | Response to Observation 4 | 6 |

I. INTRODUCTION

Petitioner submits this response to Patent Owner Zond's Observations on Cross-Examination of Dr. Kortshagen, Paper No. 35 ("Observation"). Patent Owner presents four observations on Dr. Kortshagen's testimony. While Petitioner believes that the testimony will be appropriately viewed and weighed by the Board, the specific observations presented by Patent Owner are irrelevant and mischaracterize the testimony of Dr. Kortshagen, as specified below, and therefore are not probative of any material issue before the Board.

II. RESPONSES TO OBSERVATIONS ON DR. KORTSHAGEN'S TESTIMONY

A. Response to Observation 1

Patent Owner contends that Dr. Kortshagen's testimony indicates "Iwamura does not teach a magnetic field." Observation at 2. More specifically, the Patent Owner contends that "many of the claims of U.S. patent 6,805,779 ('the '779 patent') recite limitations requiring a magnetic field and therefore, the testimony indicates that Iwamura cannot possibly teach these limitations." Observation at 2. Patent Owner's observation is irrelevant to the proceeding.

The questioning on whether Iwamura discloses a magnetic field is wholly irrelevant in light of the grounds of unpatentability relied upon by Petitioner and instituted by the Board. The instituted grounds are not based upon Iwamura alone to disclose the use of magnetic field, but rather upon the combined teachings of

Iwamura in view of Angelbeck and Pinsley. *See, e.g.*, IPR2014-00828 Petition for *Inter Partes* Review at 47-50 (Paper No. 2); IPR2014-00828 Institution Decision at 15-19 (Paper No. 11). Thus, Dr. Kortshagen's testimony is consistent with the grounds instituted in this proceeding. Accordingly, Patent Owner's observation is irrelevant to the instant proceeding.

B. Response to Observation 2

Patent Owner contends that Dr. Kortshagen's testimony indicates that the magnetic field in Pinsley "would not have any effect on the motion of any ground state atoms in the absence of a discharge." Observation at 3. More specifically, the Patent Owner contends that "the magnetic field in Pinsley does not effect [sic] the volume of ground state atoms and therefore, does not teach many of the claim limitations of the '779 patent that require generating a magnetic field proximate to a volume of ground state atoms." Observation at 3. Patent Owner's observation mischaracterizes the claim language and is irrelevant to the proceeding.

The questioning on whether Pinsley discloses a magnetic field affecting ground state atoms is irrelevant in light of both the claim language of the '779 patent and the grounds of unpatentability relied upon by Petitioner and instituted by the Board. All claims of the '779 patent that refer to the use of a magnetic field require that the magnetic field "*substantially trap[] electrons proximate to the ground state atoms.*" *See* '779 Patent at claims 1, 18, 30, and 41 (emphasis added).

Put another way, the claims require that the magnetic field affect **the electrons**, **but there is no requirement that the magnetic field affect the ground state atoms as Zond suggests**. This is the proper read of the claims that Dr. Kortshagen applied when asked questions regarding the magnetic field's effect on electrons and ground state atoms.

Q: So now let's consider the case where there is a current, and it's still true that ground state atoms would exist from the source 12; is that right?

A. That is correct, yes.

Q. And in the case where there is a current, the plasma would exist between the anode and the cathode, correct?

A. Yeah, roughly between the anode and the cathode. Yes, that is correct.

Q. And there may still be ground state atoms present in that situation, correct?

A. There will certainly be some ground state atoms present in that situation, that is correct, yes.

Q. So considering that situation, what if anything would be the effect of the magnetic field on the ground state atoms?

A. So I believe you can actually distinguish between a direct effect and an indirect effect.

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.