

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.
U.S. Patent No. 7,147,759¹
IPR Case No. IPR2014-01086

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

¹ Case No. IPR2014-00981 has been joined with this proceeding.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	RESPONSES TO OBSERVATIONS ON DR. OVERZET'S TESTIMONY	1
A.	Response to Observation 1	1
B.	Response to Observation 2	3
C.	Response to Observation 3	4
D.	Response to Observation 4	5
E.	Response to Observation 5	6
F.	Response to Observation 6	9
G.	Response to Observation 7	10
H.	Response to Observation 8	11
I.	Response to Observation 9	13

I. INTRODUCTION

Petitioner submits this response to Patent Owner Zond's Observations on Cross-Examination of Dr. Overzet, Paper No. 30 ("Observation"). Patent Owner presents nine observations on Dr. Overzet'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. Overzet, as specified below, and therefore are not probative of any material issue before the Board.

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

A. Response to Observation 1

Patent Owner contends that Dr. Overzet's testimony indicates that his field of expertise is inadequate to support Petitioner's positions with respect to "gas laser references" such as Müller-Horsche. Observation at 2. Patent Owner misdirects the proper inquiry. Dr. Overzet's testimony demonstrates his expertise in the relevant field of plasma generation.

The testimony cited by Patent Owner merely indicates that Dr. Overzet is not an expert in all aspects of "gas laser design." On the other hand, Dr. Overzet testified that "I am an expert in the generation of plasma; furthermore all of the articles that we've gone through with respect to the '759 patent involve the generation of plasma." Overzet Dep. at 109:14-18 (Ex. 2012). In other words, Dr.

Overzet is an expert in the relevant field for the patent at issue and he applies his expert opinion when concluding that it would be obvious to substitute a well-known UV radiation source – such as that disclosed in Müller-Horsche – for the electrodes of Wang to perform Wang's preionization step. *See* Overzet Dec. at ¶¶ 104-105 (Ex. 1036).

Dr. Overzet testified that aspects of Müller-Horsche that do not relate to preionization are irrelevant to his opinion regarding the combination of Müller-Horsche's UV source with Wang's system:

A. In a pulsed -- in a gas laser, in a pulsed gas laser, Müller-Horsche -- actually I believe this is also covered in my declaration. In paragraph 106, page 63 where I write, "To be clear, I have referred to Müller-Horsche with respect to preionization. Whether the main electrode at Müller-Horsche (which is not used for preionization) has advantages directed to erosion does not change the fact that it would be obvious to use a UV source for preionization."

Overzet Dep. at 106:11-21. (Ex. 2012); Overzet Dec. at ¶106 (Ex. 1036).

Dr. Overzet relies on aspects of Müller-Horsche that are directly in his field of expertise. As a result, it is irrelevant whether Dr. Overzet considers himself to be an expert in "gas laser design."

B. Response to Observation 2

Patent Owner contends that Dr. Overzet's testimony related to Kudryavtsev establishes that he does not understand Kudryavtsev because "Dr. Overzet stated that Kudryatsev did not disclose a gas laser even though Kudryavsev explicitly does so." Observation at 2. Patent Owner mischaracterizes Dr. Overzet's testimony, which demonstrates the opposite.

In fact, Dr. Overzet specifically testified that Kudryavtsev mentions gas lasers, gas breakdown and laser sparks. Dr. Overzet further testified that Kudryavtsev's model can be used to study emission mechanisms in those devices. Dr. Overzet never testified that Kudryavtsev fails to disclose gas lasers. Instead, he testified that Kudryavtsev does not expressly disclose *the mechanisms of emission in those devices*.

Q. Earlier you answered a question in the negative, and I'll read you the question: "Is it your opinion that Kudryavtsev discloses emission mechanisms in pulsed gas lasers, gas breakdown and laser sparks." Do you recall answering that question?

A. I do.

Q. Can you explain your answer to that question, please?

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.