

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBALFOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN
MODULE ONE LLC & CO. KG, and GLOBALFOUNDRIES DRESDEN
MODULE TWO LLC & CO. KG.

Petitioner

v.

ZOND, INC.
Patent Owner

Case IPR2014-01086¹
U.S. PATENT NO. 7,147,759
Title: HIGH-POWER PULSED MAGNETRON SPUTTERING

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

PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C)

¹ Case IPR2014-00981 has been joined with the instant proceeding.

I. Relief Requested

This Motion for *Pro Hac Vice* admission is filed solely on behalf of Petitioner GLOBALFOUNDRIES U.S., Inc., GLOBALFOUNDRIES Dresden Module One LLC & Co. KG, and GLOBALFOUNDRIES Dresden Module Two LLC & Co. KG (collectively, “GlobalFoundries” or “Petitioner”). GlobalFoundries respectfully requests that the Board recognize Mr. Brett C. Rismiller as counsel *pro hac vice* during this proceeding.

II. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. IPR2014-01086, Paper No. 12.

III. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceedings

Petitioner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. 42.10(c). (Paper No. 3). Petitioner's lead and back-up counsel are registered practitioners:

Lead Counsel: David M. Tennant, USPTO Reg. No. 48,362; and

Backup Counsel: Dohm Chankong, USPTO Reg. No. 70,524

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions

that the Board may impose. The facts here establish good cause for the Board to recognize Brett C. Rismiller *pro hac vice* on behalf of Petitioner during this proceeding.

In summary, Mr. Rismiller is an experienced litigator, has established familiarity with the subject matter at issue in this proceeding from his participation in co-pending litigation involving the subject patent, and, if admitted, will be involved in the depositions that occur in this proceeding. Specifically, U.S. Patent No. 7,147,759 is currently asserted against Petitioner in co-pending litigation, in the District of Massachusetts, 1:13-cv-11577-LTS (*Zond v. AMD, et al.*) (“the co-pending litigation”). Mr. Rismiller is a member of the California bar in good standing and works closely with the team representing the Petitioner in the co-pending litigation.

Mr. Rismiller has analyzed prior art references and claim charts in connection with invalidity contentions and has been involved in forming claim construction positions related to the claimed inventions, all of which are relevant to the petition requesting *inter partes* review of U.S. Patent No. 7,147,759. Petitioner wishes to apply Mr. Rismiller's knowledge of the patent by employing him as counsel in this proceeding. Admission of Mr. Rismiller *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

Petitioner's lead and backup counsel are registered practitioners and Mr. Rismiller is an experienced litigation attorney having familiarity with the subject matter at issue in this proceeding. Therefore, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Rismiller as counsel *pro hac vice* during this proceeding.

IV. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is supported by an Affidavit of Mr. Rismiller (Ex. 1035).

Respectfully submitted,

Date: November 21, 2014

/s/ David M. Tennant
David M. Tennant
Lead Counsel for Petitioner
GlobalFoundries
Registration No. 48,362

Petitioner's Updated Exhibit List
November 21, 2014

Exhibit	Description
1001	U.S. Patent No. 7,147,759
1002	Kortshagen Declaration
1003	D.V. Mozgrin et al, High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research, Plasma Physics Reports- Vol. 21, No. 5- pp. 400-409- 1995 - Mozgrin
1004	A. A. Kudryavtsev and V.N. Skerbov, <u>Ionization relaxation in a plasma produced by a pulsed inert-gas discharge</u> , Sov. Phys. Tech. Phys. 28(1), pp. 30-35, January 1983 ("Kudryavtsev")
1005	U.S. Pat. No. 6,413,382 ("Wang")
1006	Plasma Etching: An Introduction, by Manos and Flamm, pp. 185-258, Academic Press (1989) ("Manos")
1007	File History for U.S. Pat. No. 7,147,759, Response of June 14, 2004 ("06/14/04 Response")
1008	File History for U.S. Pat. No. 7,147,759, Office Action of August 30, 2004 ("08/30/04 Office Action")
1009	File History for U.S. Pat. No. 7,147,759, Response of February 24, 2005 ("02/24/05 Response")
1010	File History for U.S. Pat. No. 7,147,759, Office Action of May 27, 2005, ("05/27/05 Office Action")
1011	File History for U.S. Pat. No. 7,147,759, Request for Continued Examination of October 27, 2005 ("10/27/05 RCE")

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