

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

Case No. IPR2014-01087¹
Patent 7,147,759 B2

PATENT OWNER'S NOTICE OF APPEAL
35 U.S.C. § 142 & 37 C.F.R. § 90.2

¹ Case IPR2014-00984 has been joined with the instant proceeding.

Pursuant to 37 C.F.R. § 90.2(a), Patent Owner, Zond, LLC, hereby provides notice of its appeal to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision of the United States Patent and Trademark Office (“USPTO”) Patent Trial and Appeals Board (“PTAB”) in *Inter Partes* Review 2014-00781, concerning U.S. Patent 7,147,759 (“the ’759 patent”), entered on August 14, 2015, attached hereto as Appendix A.

ISSUES TO BE ADDRESSED ON APPEAL

- A. Whether the PTAB erred when construing, according to its broadest reasonable interpretation in light of the specification of the ’759 patent as understood by one of ordinary skill in the art at the time of the invention, the term “without forming an arc discharge,” as recited in the claims of the ’759 patent, as “substantially eliminating the possibility of arcing?”
- B. Whether the PTAB erred in finding claims 2, 3, 5-9, 13-15, 19, and 41-43 unpatentable as being obvious under 35 U.S.C. § 103(a) in view of U.S. Pat. 6,413,382 to Wang (“Wang”) and 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 (1983) (“Kudryavtsev”)?
- C. Whether the PTAB erred in finding claims 16 and 45 unpatentable as

being obvious under 35 U.S.C. § 103(a) in view of Wang, Kudryavtsev and 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) (“Mozgrin”)?

Simultaneous with submission of this Notice of Appeal to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along with the required docketing fees, is being filed with the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: October 12, 2015

/Tarek N. Fahmi/

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APPENDIX A

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

CHANG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

¹ Case IPR2014-00984 has been joined with the instant *inter partes* review.

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