

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.
TSMC NORTH AMERICA CORP., FUJITSU SEMICONDUCTOR
LIMITED, and FUJITSU SEMICONDUCTOR AMERICA, INC.,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-01481
Patent 6,896,773 B2

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

TURNER, *Administrative Patent Judge*.

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

I. INTRODUCTION

Taiwan Semiconductor Manufacturing Company, Ltd., TSMC North America Corp., Fujitsu Semiconductor Limited, and Fujitsu Semiconductor America (collectively, “Petitioner”) filed a Petition requesting an *inter partes* review of claims 21–33 and 40 of U.S. Patent No. 6,896,773 B2 (Ex. 1101, “the ’773 Patent”). Paper 3 (“Pet.”). Zond, LLC (“Zond”), filed a Preliminary Response. Paper 10 (“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.

Upon consideration of the Petition and Preliminary Response, we conclude that the information presented in the Petition demonstrates that there is a reasonable likelihood that Petitioner would prevail in challenging claims 21–33 and 40 as unpatentable under 35 U.S.C. § 103(a). Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review to be instituted as to claims 21–33 and 40 of the ’773 Patent.

A. Related District Court Proceedings

Petitioner indicates that the ’773 Patent was asserted in *TSMC Tech., Inc. v. Zond LLC*, No. 1:14-cv-00721 (D. Del.) and *Zond, LLC v. Fujitsu*

Semiconductor Ltd., No. 1-14-cv-12438 (D. Mass.). Pet. 1. Petitioner also identifies other proceedings in which Zond asserted the '773 Patent. *Id.*

B. Related Inter Partes Reviews

The following Petition for *inter partes* review also challenges the same claims, based on the same grounds of unpatentability as those in the instant proceeding: *The Gillette Co. v Zond, LLC*, Case IPR2014-00726.

In IPR2014-00726, we instituted *inter partes* review of claims 21–33 and 40 of the '773 Patent, based on the following grounds of unpatentability:

Claim(s)	Basis	References
21, 22, 26–33, and 40	§ 103(a)	Mozgrin and Fortov
24 and 25	§ 103(a)	Mozgrin, Fortov, and Lantsman
23	§ 103(a)	Mozgrin, Kudryavtsev, and Fortov

See IPR2014-00726, Paper 8, “’726 Dec.”

Petitioner filed a Motion for Joinder, seeking to join with IPR2014-00726. Paper 5. In a separate decision, we grant Petitioner’s Motion for Joinder, joining the instant proceeding with IPR2014-00726, and terminating the instant proceeding.

C. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1103)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1108)

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. 1102) (hereinafter “Mozgrin”).

Interaction of Low-Temperature Plasma With Condensed Matter, Gas, and Electromagnetic Field in (III) ENCYCLOPEDIA OF LOW-TEMPERATURE PLASMA, (V.E. Fortov ed., 2000) (Ex. 1104) (hereinafter “Fortov”)¹

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 (Jan. 1983) (Ex. 1106) (hereinafter “Kudryavtsev”).

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claim(s)	Basis	References
21, 22, 26–33, and 40	§ 103(a)	Mozgrin and Fortov
21, 22, 26–33, and 40	§ 103(a)	Wang and Fortov
24 and 25	§ 103(a)	Mozgrin, Fortov, and Lantsman
24 and 25	§ 103(a)	Wang, Fortov, and Lantsman
23	§ 103(a)	Mozgrin, Kudryavtsev, and Fortov
23	§ 103(a)	Wang, Mozgrin, Kudryavtsev, and Fortov

¹ Fortov is a Russian-language reference (Ex. 1110). The citations to Fortov are to the certified English-language translation submitted by Petitioner (Ex. 1104).

II. ANALYSIS

A. *Claim Construction*

The parties make the same claim construction arguments The Gillette Company (“Gillette”) and Zond made in IPR2014-00726. *Compare* Pet. 4–6, *with* ’726 Pet. 4–6; *compare* Prelim. Resp. 17–23, *with* ’726 Prelim. Resp. 17–23.

We construed several claim terms identified by Gillette and Zond in IPR2014-00726. *See* ’726 Dec. 8–15. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. *Obviousness over Mozgrin and Fortov, Together or in Combination with Lantsman and Kudryavtsev*

In its Petition, Petitioner asserts the same grounds of unpatentability based on the combinations of Mozgrin and Fortov with Lantsman and Kudryavtsev, as the grounds on which a trial was instituted in IPR2014-00726. *See* Pet. 22–35, 47–50, 54–58; ’726 Dec. 39. Petitioner’s arguments are substantively identical to the arguments made by Gillette in IPR2014-00726. *Compare* Pet. 22–35, 47–50, 54–58, *with* ’726 Pet. 23–36, 47–50, 55–59. Petitioner also proffers the same Declaration of Mr. DeVito that Gillette submitted in support of its Petition. *Compare* Ex. 1105, *with* IPR2014-00726 Ex. 1105. Zond’s arguments in the Preliminary Response are essentially identical to those arguments that it made in IPR2014-00726. *Compare* Prelim. Resp. 23–57, *with* IPR2014-00726, Paper 10 (“’726 Prelim. Resp.”), 24–58.

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