

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 IPR2014-01482
Patent 6,896,775 B2

Before KEVIN F. TURNER, DEBRA K. STEPHENS, 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 (“Petitioner”) filed a Petition requesting *inter partes* review of claims 30–37 of U.S. Patent No. 6,896,775 B2 (“the ’775 Patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) timely filed a Preliminary Response. Paper 10 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a).

Upon consideration of the information presented in the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioner would prevail in challenging claims 30–37. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to the challenged claims.

A. *Related District Court Proceedings*

Petitioner indicates that the ’775 Patent was asserted in *TSMC Tech., Inc. v. Zond LLC*, No.1:14-cv-00721 (D. Del.) and *Zond, LLC v. Fujitsu Semiconductor Limited*, No. 1-14-cv-12438 (D. Mass.). Pet. 1. Petitioner also identifies other proceedings in which Zond asserted the ’775 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 IPR2014-00604.

In IPR2014-00604, we instituted *inter partes* review of claims 30–37 of the '775 Patent, based on the following grounds of unpatentability:

Claim(s)	Basis	References
30–34 and 37	§ 103(a)	Wang, Mozgrin, and Lantsman
35	§ 103(a)	Wang, Mozgrin, Lantsman, and Kudryavtsev
36	§ 103(a)	Wang and Mozgrin

Petitioner filed a Motion for Joinder with IPR2014-00604. Paper 5. In a separate Decision, we grant Petitioner’s Motion, joining the instant proceeding with IPR2014-00604, and terminating the instant proceeding.

C. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Lantsman US 6,190,512 B1 Feb. 20, 2001 (Ex. 1104)
Wang US 6,413,382 B1 July 2, 2002 (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”).

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. 1103) (hereinafter “Kudryavtsev”).

D.V. Mozgrin, *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, Thesis at Moscow Engineering Physics Institute (1994) (Ex. 1106) (hereinafter “Mozgrin Thesis”).¹

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Claim(s)	Basis	References
30–34 and 37	§ 103(a)	Mozgrin, Mozgrin Thesis, and Lantsman
35	§ 103(a)	Mozgrin, Mozgrin Thesis, Lantsman, and Kudryavtsev
36	§ 103(a)	Mozgrin and Kudryavtsev
30–34 and 37 ²	§ 103(a)	Wang, Mozgrin, and Lantsman
35	§ 103(a)	Wang, Mozgrin, Lantsman, and Kudryavtsev
36	§ 103(a)	Wang and Mozgrin

¹ The Mozgrin Thesis is a Russian-language reference. The citations to the Mozgrin Thesis are to the certified English-language translation submitted by Gillette (Ex. 1105).

² Although “Ground 3” is recited in the Petition as being directed to “Claims 30–35 and 37,” Pet. 39 (emphasis added), there is no analysis or discussion of claim 35 in that ground. We take the reference to claim 35 as a typographical error and consider the ground as being applied to claims 30–34 and 37.

II. ANALYSIS

A. *Claim Construction*

Petitioner makes the same claim construction arguments The Gillette Company (collectively, “Gillette”) made in IPR2014-00604. *Compare* Pet. 12–16, *with* ’604 Pet. 12–15.

Zond, in its Preliminary Response, does not address the claim construction arguments raised by Petitioner. In fact, Zond’s Preliminary Response appears to respond to the grounds raised in IPR2014-00578, with respect to claims 1–29, as opposed to claims 30–37, the subject of the instant proceeding. Although this may be an unintended error, we find Zond’s Preliminary Response to be nonresponsive to the Petition.

We construed several claim terms identified by Gillette and Zond in IPR2014-00604. *See* ’604 Dec. 6–14. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. *Obviousness over Wang, Mozgrin, and Lantsman*

In its Petition, Petitioner asserts the same ground of unpatentability based on the combination of Wang, Mozgrin, and Lantsman, as that on which a trial was instituted in IPR2014-00604. *See* Pet. 39–51; ’604 Dec. 28. Petitioner’s arguments are substantively identical to the arguments made by Gillette in IPR2014-00604. *Compare* Pet. 39–51, *with* ’604 Pet. 38–51. Petitioner also proffers the same Declaration of Mr. DeVito that Gillette submitted in support of its Petition. *Compare* Ex. 1111, *with* IPR2014-00604, Ex. 1111.

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