EXHIBIT 4



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC. Petitioner,

v.

DEMARAY LLC Patent Owner.

Case IPR2021-00103 Patent No. 7,544,276

PATENT OWNER'S PRELIMINARY RESPONSE

Mail Stop "PATENT BOARD" Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



Case IPR2021-00103 Patent No. 7,544,276

TABLE OF CONTENTS

			Page(s)		
I.	Intro	oduction	1		
II.	Fintiv Factors Favor Discretionary Denial Of Institution Under 35 U.S.C. § 314(a)				
	A.	Fintiv Factor #1: No Evidence That The District Court Would Grant A Stay If A Proceeding Is Instituted	5		
	B.	Fintiv Factor #2: Jury Trial Is Expected To Occur Well Before The Final Written Decision	5		
	C.	Fintiv Factor #3: There Has Been And Will Be Immense "Investment In The Parallel Proceeding By The Court And Parties"	6		
	D.	Fintiv Factor #4: There Is Substantial "Overlap Between Issues Raised In The Petition And In The Parallel Proceeding"	7		
	E.	Fintiv Factor #5: The Defendants In The Texas Litigations Are Real-Parties-In-Interest	8		
	F.	Fintiv Factor #6: "Other Circumstances That Impact The Board's Exercise Of Discretion, Including The Merits" Favor Non-Institution			
III.	Technology Background9				
	A.	The '276 invention describes a unique combination that solves a problem unique to reactive sputtering			
	B.	Prior art fails to teach the solution claimed by the '276 patent	. 14		
		1. Barber does not use any RF filter with its DC power supply	14		
		2. Hirose's filter operates at a frequency shifted from that of the RF bias power supply coupled to the substrate			



IV.	The Petition Fails To Show A Likelihood Of Success On At Least One Challenged Claim					
	A.	Hirose's filter is not a claimed filter (elements 1(f) and 6(g))21				
		1.	The operating frequency of Hirose's filter differs from that required by elements 1(f) and 6(g)	22		
		2.	Hirose's filter is not coupled to a bipolar pulsed DC power supply to a target as required by elements 1(f) and 6(g)	25		
	B.	None of the other references suggests using a narrow band rejection filter in the Barber system				
	C.	Petitioner has failed to articulate a competent reason why a POSITA would have included a claimed filter in Barber's system				
		1.	Petitioner has failed to articulate a competent reason why Barber would need an RF filter between its DC power supply and the target	48		
		2.	Hirose does not suggest using a filter that rejects or operates at a frequency of the RF bias power supply to the substrate	56		
		3.	Arguments regarding what a POSITA would have been able to do is legally insufficient	56		
	D.	Petitioner's analysis of other claims do not cure the deficiencies above		59		
V.	The Petition Should Be Denied Under 35 U.S.C. § 325(d)					
	A.	The Petition relies on the same or substantially arguments overcome during prosecution				
	В.	The Petition fails to show that the Office erred in a manner material to the patentability of the challenged claims				

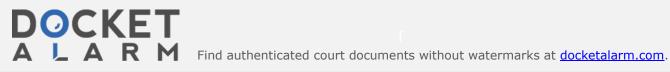


TABLE OF AUTHORITIES

	Page(s)
Cases	
Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH, IPR2019-01469, Paper 6 (Feb. 13, 2020)	60, 62
Apple Inc. v. Fintiv Inc., IPR2020-00019, Paper 11 (PTAB, March 20, 2020)	passim
Apple Inc. v. Fintiv, Inc., IPR2020-00019, Paper 15 (P.T.A.B. May 13, 2020)	6
Arendi S.A.R.L v. Apple Inc., 832 F.3d 1355 (Fed. Cir. 2016)	26, 27, 57
Becton, Dickinson & Co. v. B. Braun Melsungen AG, IPR2017-01586, Paper 8 (P.T.A.B. Dec. 15, 2017)	60
Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064 (Fed. Cir. 2015)	57
Bentley Motors Ltd. v. Jaguar Land Rover Ltd., IPR2019-01539, Paper 16 (P.T.A.B. Oct. 2, 2020)	7
Cisco Sys., Inc. v. C-Cation Techs., LLC, IPR2014-00454, Paper 12 (PTAB Aug. 29, 2014)	14
Cont'l Intermodal Grp. – Trucking LLC v. Sand Revolution LLC, Case No. 7:18-cv-00147-ADA (July 22, 2020)	5
KSR. ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc., 694 F.3d 1312 (Fed. Cir. 2012)	34, 57
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	37
Microsoft Corp. v. Enfish, LLC, 662 F. App'x 981 (Fed. Cir. 2016)	29, 48
Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877 (Fed. Cir. 1998)	49



DOCKET

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.

