

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DEMARAY LLC,

Plaintiff,

v.

INTEL CORPORATION

Defendant.

Case No. 6:20-CV-00634-ADA

JURY TRIAL DEMANDED

DEMARAY LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR, LLC

Defendants.

Case No. 6:20-CV-00636-ADA

JURY TRIAL DEMANDED

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

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*unless otherwise noted, internal citations and subsequent history are omitted, and emphasis is added.

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I. BACKGROUND OF THE ASSERTED PATENTS

The Asserted Patents generally concern physical vapor deposition (PVD) reactors and methods for film deposition. By the patentee’s own admission, they “do not cover all PVD reactor configurations” but are directed to “a particular PVD configuration” for “reactive magnetron sputtering” (Ex. 1 at ¶¶ 12, 9) comprising three specific elements in all claims:

- a *pulsed DC power* coupled to the target area,
- an *RF bias* coupled to the substrate, and
- a *narrow band rejection filter* that rejects at a frequency of the RF bias coupled between the pulsed DC power and the target area

See e.g., Ex. 2 (IPR POPR) at 9. These three elements are highly “interrelated” as the extensive prosecution record shows. The issued claims, in fact, are materially different from those first presented to the PTO in the parent application. None of the original claims recited an *RF bias* or a *narrow band rejection filter*. Ex. 3 (’356 FH) at 36-39. Most original claims did not even recite any filter. *Id.* In its very first Office Action (“OA”) Response, the patentee amended the claims so that thenceforth, all required a *filter* (*id.* at 185-87). In its next Response, the patentee added an *RF bias* requirement for every claim. *Id.*, 659-661. The patentee then amended claims to recite “a *band rejection filter* at a frequency of the bias power” (*id.* at 1126), and stated that the claimed “*filter* protect[s] the *pulsed DC* power supply from the *RF power* of the bias” and “must pass the *pulsed DC* signal without unduly affecting the shape of that signal.” *Id.*, 1130. That Response included a declaration from Plaintiff’s principal and named inventor, Dr. Demaray, attesting to the band rejection filter, the frequencies it rejects and those it passes, the pulsed DC power supply and its waveform shape, and the interrelatedness of these elements:

My co-inventors and I developed the band-rejection filter described in the specification and claimed in U.S. Application Serial No. 10/101, 863 to overcome the problem of catastrophic failure of the pulsed-DC power supply output electrometer circuit during operation. We discovered that a *band-rejection filter*, which is a *filter that passes all of the frequencies of the square wave power supply except within a narrow band centered on the RF frequency of the RF bias*, protected the *pulsed-DC*

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