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	BEFOR	RE THE P	ATENT T	RIAL AN	ND APPI	EAL BC	OARD	
			IONAL CO NG) CO., I Peti					,

v.

SPANSION LLC
Patent Owner

Case No. IPR2014-00108 Patent Number 7,151,027

Before KRISTEN L. DROESCH, JUSTIN T. ARBES, and RICHARD E. RICE, *Administrative Patent Judges*.

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107



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## **TABLE OF AUTHORITIES**

CASES	Page(s)
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Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)	7
STATUTES	
35 U.S.C. § 314	2, 4, 27
OTHER AUTHORITIES	
37 C.F.R. § 42.100(b)	7
37 C.F.R. § 42.107	1
37 C.F.R. § 42.107(c)	8
37 C.F.R. § 42.108(c)	2
77 Fed. Reg. 48680, 48694 (Aug. 14, 2012)	2



## **EXHIBITS**

EX2001	Second Joint Submission Regarding Proposed Construction of
	Disputed Terms, In re Flash Memory Chips and Products Containing
	Same, Inv. No. 337-TA-893



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