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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner

CASE IPR2015-01759
U.S. Patent No. RE40,264 E

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

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EXHIBIT LIST

Exhibit 2001	U.S Patent No. 5,294,778
Exhibit 2002	U.S. Patent No. 5,320,982
Exhibit 2003	U.S. Patent No. 5,939,831
Exhibit 2004	U.S. Patent Application Publication No. 2001/0003676

Daniel L. Flamm, Sc.D., the sole inventor and owner of the U.S. Patent No. RE40,264 (“the ‘264 patent”), through his counsel, submits this preliminary response pursuant to 37 C.F.R. § 42.107 and asks that the Patent Trial and Appeals Board decline to institute *inter partes* review on the instant petition because the petition fails to show a reasonable likelihood that any claim is unpatentable.

I. Introduction

Petitioner Lam Research Corp. has filed four petitions seeking to invalidate the claims of the ‘264 patent. The instant petition, denominated by Lam as the “First Petition,” is directed toward independent claim 13 and all of the claims that depend from that claim. Independent claims 27 and 37 and the claims that depend from those claims are the subject of both the Second Petition (IPR2015-01764) and the Third Petition (IPR2015-01766). Independent claim 51 and the claims that depend from that claim are the subject of both the Second Petition and the Fourth Petition (IPR2015-01768). Independent claims 56 and 60 and the claims that depend from those claims are also the subject of the Fourth Petition.¹ In all, Petitioner asserts 17 separate grounds to invalidate the claims of the ‘264 patent predicated on ten separate pieces of prior art in various combinations spread across 240 pages of argument.

¹ A chart summarizing the claims of the ‘264 patent to which the four petitions are directed is attached hereto as Appendix A.

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