

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner

U.S. Patent No. RE40,264 E

Issued: April 29, 2008

Named Inventor: Daniel L. Flamm

Title: MULTI-TEMPERATURE PROCESSING

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. RE40,264 E

FOURTH PETITION

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

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8	3
A. Notice of Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))	3
B. Notice of Related Matters (37 C.F.R. § 42.8(b)(2)).....	3
C. Designation of Lead and Back-up Counsel (37 C.F.R. § 42.8(b)(3))	3
D. Service Information (37 C.F.R. § 42.8(b)(4))	3
E. Payment of Fees (37 C.F.R. § 42.103).....	3
F. Certification of Grounds for Standing (37 C.F.R. § 42.104(a))	4
III. CHALLENGE AND RELIEF REQUESTED.....	4
A. Specific Art and Statutory Ground(s) on Which the Challenges Are Based	4
IV. THE '264 PATENT	6
A. Representative Claim 51	7
B. The '264 Patent Disclosure.....	7
1. Multi-Temperature Etching	7
2. Substrate Holder and Heat Transfer Device	7
3. Temperature Sensor	8
4. Control System.....	8
V. PERSON HAVING ORDINARY SKILL IN THE ART	8

	<u>Page</u>
VI. CLAIM CONSTRUCTION	9
A. "portion of the film" and "portions of . . . layer"	9
B. "preselected time period," "preselected time," and "selected period of time"	11
VII. THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '264 PATENT IS UNPATENTABLE.....	12
A. Ground 1: Claims 56-58 Are Rendered Obvious by Tegal, Matsumura, Narita, Thomas, and '485 Wang Under 35 U.S.C. § 103(a).....	12
1. Tegal in View of Matsumura, Narita, Thomas, and '485 Wang Teaches All the Limitations of Independent Claim 56	13
2. Chart for Claim 56	21
3. Tegal in View of Matsumura, Narita, Thomas, and '485 Wang Teaches All the Limitations of Claims 57 and 58	23
4. Chart for Claims 57 and 58	25
5. Reasons for Combinability for Claims 56, 57, and 58	25
B. Ground 2: Claims 60, 62, 63, and 71 Are Rendered Obvious by Tegal, Matsumura, Narita, Thomas, and Fischl Under 35 U.S.C. § 103(a).....	29
1. Tegal in View of Matsumura, Narita, Thomas, and Fischl Teaches All the Limitations of Claim 60.....	30
2. Chart for Claim 60	36
3. Tegal in View of Matsumura, Narita, Thomas, and Fischl Teaches All the Limitations of Claims 62, 63, and 71	39

	<u>Page</u>
4. Chart for Claims 62, 63, and 71	40
5. Reasons for Combinability for Claims 60, 62, and 71	40
6. Reasons for Combinability for Claim 63	42
C. Ground 3: Claims 51, 55, and 68 Are Rendered Obvious by Tegal, Matsumura, Narita, and Thomas Under 35 U.S.C. § 103(a).....	43
1. Tegal in View of, Matsumura, Narita, and Thomas Teaches All the Limitations of Independent Claim 51	44
2. Chart for Claim 51	46
3. Tegal in View of Matsumura, Narita, and Thomas Teaches All the Limitations of Claims 55 and 68	47
4. Chart for Claims 55 and 68.....	48
5. Reasons for Combinability for Claims 51, 55, and 68	48
D. Ground 4: Claims 56 and 59 Are Rendered Obvious by Tegal, Matsumura, Narita, '391 Wang, Thomas, and '485 Wang Under 35 U.S.C. § 103(a).....	48
1. Tegal in View of Matsumura, Narita, '391 Wang, Thomas, and '485 Wang Teaches All the Limitations of Independent Claim 56.....	49
2. Chart for Claim 56	51
3. Tegal in View of Matsumura, Narita, '391 Wang, Thomas, and '485 Wang Teaches All the Limitations of Claim 59.....	52
4. Chart for Claim 59	53
5. Reasons for Combinability for Claim 59.....	54

Page

E.	Ground 5: Claim 61 is Rendered Obvious by Tegal in View of Matsumura, Narita, Thomas, Fischl, and Ooshio Under 35 U.S.C. § 103(a).....	55
1.	Chart for Claim 61	56
2.	Reasons for Combinability for Claim 61	56
F.	Ground 6: Claim 70 is Rendered Obvious by Tegal in view of Matsumura, Narita, Thomas, Fischl and Hwang Under 35 U.S.C. § 103(a).....	57
1.	Chart for Claim 70	58
2.	Reasons for Combinability for Claim 70.....	59

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.