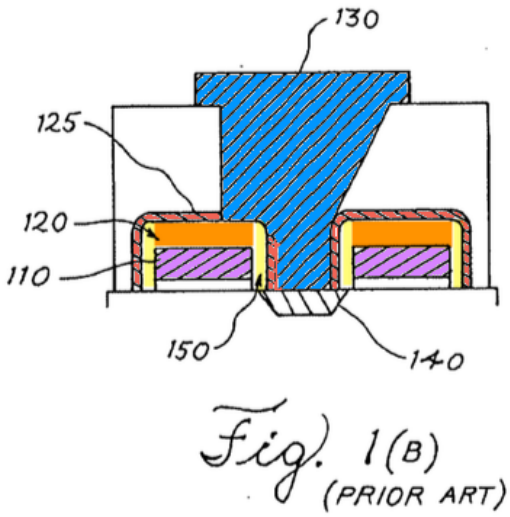
The Admitted Prior Art of U.S. Patent No. 6,784,552, Nulty et al. ("the '552 Patent") anticipates claims 1, 4, and 5 of the '552 Patent under 35 U.S.C. § 102

Prior Art Cited in this Chart:
The Admitted Prior Art of the '552 Patent ("APA")

Claim Language	APA
Claim 1	
A structure, comprising:	"The etch stop layer 125 permits subsequent etching of the substrate without risk of exposing the device structures and layers because the device structuring and layers are protected from excessive etching by the etch stop layer 125." **Column 4, lines 13-17.** **Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)
a conductive layer disposed over a substrate;	"The self-aligned contact 130 is separated from a conducting polysilicon layer 110 by an encapsulating dielectric layer 120 such that the contact 130 can also overlap the polysilicon layer 110 without making electrical contact to the layer 110 or gate." **Column 4, lines 3-7.** **Figure 1(B) (Prior Art)**

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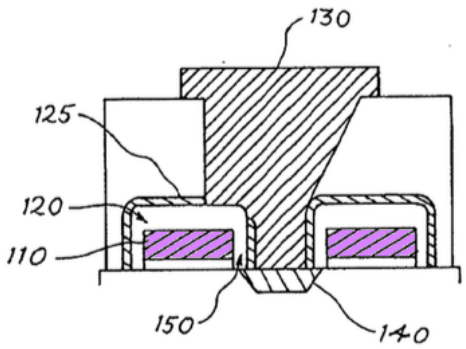
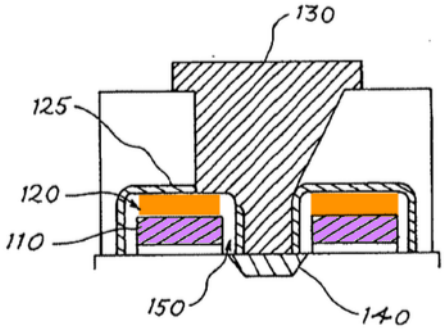
	 Fig. 1(B) (PRIOR ART)
a first insulating layer on the conductive layer:	"The self-aligned contact 130 is separated from a conducting polysilicon layer 110 by an encapsulating dielectric layer 120 such that the contact 130 can also overlap the polysilicon layer 110 without making electrical contact to the layer 110 or gate." **Column 4, lines 3-7.** **Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)
a contact region in said first insulating layer;	"The self-aligned contact 130 is separated from a conducting polysilicon layer 110 by an encapsulating dielectric layer 120 such that the contact 130 can also overlap the polysilicon layer 110 without making electrical contact to the layer 110 or gate." **Column 4, lines 3-7.** **Figure 1(B) (Prior Art)**

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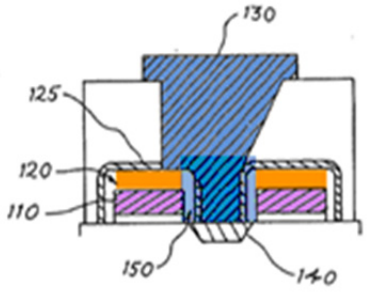
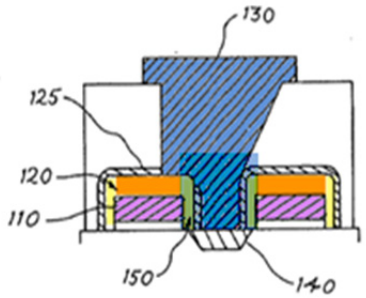
	 Fig. 1(B) (PRIOR ART)
at least one insulating spacer in the contact region adjacent to the first insulating layer; and	"The polysilicon layer 110 is separated from the source/drain diffusion region 140 by a dielectric spacer or shoulder 150 of the same or different dielectric material as the dielectric layer 120 directly above the conducting polysilicon layer 110." **Column 4, lines 7-11.** **Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)
an etch stop material over said first insulating layer and adjacent to the insulating spacer, the etch stop material being a different material from the insulating spacer,	"A distinct dielectric etch stop layer 125 overlies the encapsulating dielectric layer 120. The etch stop layer 125 permits subsequent etching of the substrate without risk of exposing the device structures and layers because the device structuring and layers are protected from excessive etching by the etch stop layer 125." **Column 4, lines 12-17.** The APA also discloses that the dielectric spacer or should 150 can be "the same or different dielectric material as the

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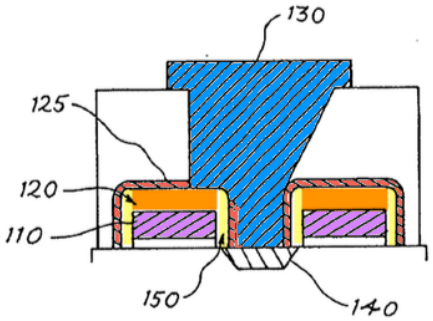
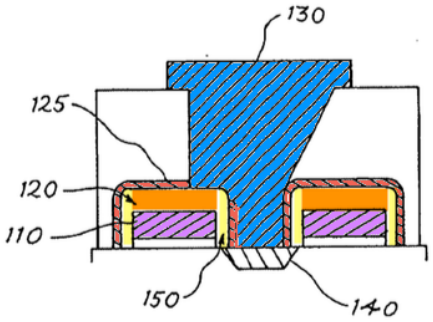
	dielectric layer 120 directly above the conducting polysilicon layer 110." **Col. 4, lines 8-11.** **Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)
wherein a side of the insulating spacer has an angle relative to the substrate surface that is either a right angle or an acute angle of more than 85°.	**Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)
Claim 4	
The structure of claim 1, wherein the insulating spacer has a surface portion in the contact region without overlying etch stop material.	**Figure 1(B) (Prior Art)**

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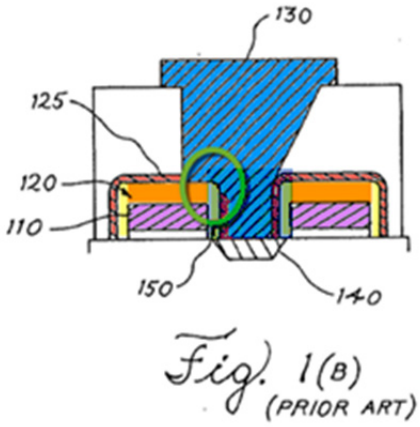
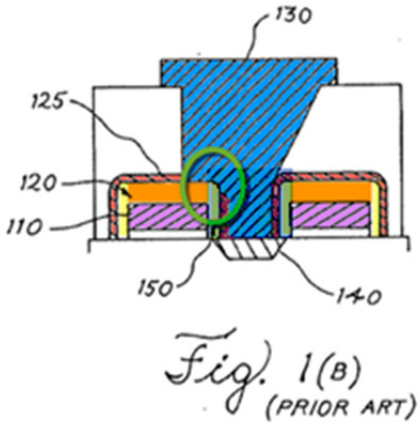
	 Fig. 1(B) (PRIOR ART)
Claim 5	
The structure of claim 4, wherein the insulating spacer surface portion without overlying etch stop material comprises an insulating spacer surface portion most distant from said substrate.	**Figure 1(B) (Prior Art)**  Fig. 1(B) (PRIOR ART)