

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

DSS Technology Management, Inc.,
Patent Owner

Case No. IPR2016-00287
U.S. Patent 6,784,552

**PATENT OWNER PRELIMINARY RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. § 42.107**

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

I. INTRODUCTION

DSS Technology Management, Inc., (“Patent Owner”) hereby submits its preliminary response (“Preliminary Response”) to the Petition for Inter Partes Review of U.S. Patent No. 6,784,552 (the “Petition”) (Paper 2) in IPR2016-00287 filed by Intel Corporation (“Petitioner”).

The PTAB should deny the Petition’s request to institute an *inter partes* review (“IPR”) of U.S. Patent No. 6,784,552 (the “‘552 Patent”) because the grounds in the petition do not demonstrate a reasonable likelihood that the Petitioner would prevail with respect to any of the claims challenged in the Petition. None of the prior art cited in this Petition suggests the solution to lateral spacer erosion invented and claimed by the inventors of the ‘552 patent. Petitioner attempts to rely upon simplified and misleading figures in the cited references which are at best, merely cumulative of the prior-art figures included in the Background of the Invention portion of the ‘552 patent specification.

This filing is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is filed within three months of the December 14, 2015, date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 4). Patent Owner has limited its identification of deficiencies in Petitioner’s

argument in this Preliminary Response, but does not waive any additional arguments by not addressing them herein.

In consideration of the evidence and arguments below, Patent Owner submits that Petitioner has failed to demonstrate a reasonable likelihood of success with respect to any of the challenged claims. A trial should not be instituted.

A. Grounds in Petition

The Petition challenges claims 1-7 of the '552 Patent on the following grounds:

1. Claims 1-2 and 4-7 are allegedly anticipated by U.S. Patent No. 4,686,000 (“Heath”) (Ex. 1003);
2. Claim 3 is allegedly obvious over Heath in view of European Patent Publ. No. 0592078 (“Hawley”) (Ex. 1004), and U.S. Patent No. 5,541,427 (“Chappell”) (Ex. 1005);
3. Claims 1-2 and 4-7 are allegedly obvious over Heath in view of U.S. Patent No. 5,338,700 (“Dennison”) (Ex. 1006);
4. Claim 3 is allegedly obvious over Heath in view of Dennison, Hawley and Chappell.

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