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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 IPR2016-0469
U.S. Patent No. RE40,264 E

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

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EXHIBIT LIST

Ex. 2001	Lam Research Corp. v. Daniel L. Flamm, Case No. IPR2015-01759, DECISION Denying Institution of <i>Inter Partes</i> Review, Paper 7 (Feb. 24, 2016)
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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 challenged claim is unpatentable.

I. Introduction

This is Lam’s seventh petition for an IPR on the ‘264 patent. Lam filed the first four petitions in August, 2015, and filed the next three in January, 2016. Trials were instituted on two of the first four petitions (Case Nos. IPR2015-01764 and IPR2015-01766) and denied on the other two (Case Nos. IPR2015-01759 and IPR2015-01766). A scorecard reflecting the rulings on the various patent claims is attached hereto as Appendix A.

Of the claims addressed by the present petition, claim 51 was addressed in IPR2015-01764 and IPR2015-01766; claims 52-54 and 66-67 were addressed in IPR2015-01764; and claims 55-63, 68, and 70-71 were addressed in IPR2015-01766. In its earlier petitions, Lam variously relied on fourteen prior art references, all of which are either not cited or play only a minor role in the present petition.

II. Ground 1 (Claims 51-55 and 68-69)

Lam relies on Kadomura (Ex. 1002), ‘485 Wang (Ex. 1003), and Kawamura

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