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
SIXTH 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>rage</u>			
I.	INT	TRODUCTION			
II.	MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8 1				
	A.	Notice of Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))			
	B.	Notice of Related Matters (37 C.F.R. § 42.8(b)(2))			
	C.	Designation of Lead and Back-up Counsel (37 C.F.R. § 42.8(b)(3))			
	D.	Service Information (37 C.F.R. § 42.8(b)(4))			
	E.	Payment of Fees (37 C.F.R. § 42.103)			
	F.	Certification of Grounds for Standing (37 C.F.R. § 42.104(a))			
III.	PRIORITY DATE OF THE '264 PATENT				
	A.	Independent Claim 27			
	B.	Independent Claim 37			
	C.	The Continuation-In-Part Provisional Application No. 60/058,650 Disclosure Filed September 11, 1997			
		1. Etching the Film (cl. 27) or Film Treatment (cl. 37) at the Selected First Temperature, Changing to a Selected Second Temperature, and Etching (cl. 27) or Film Treatment (cl. 37) at the Selected Second Temperature			
		 Using a Measured Substrate Temperature (cl. 27) or a Control Circuit and Substrate Temperature Sensor (cl. 37)			



				Page	
	D.		losure of Parent Application No. 09/151,163 Filed Dec.	8	
	E.		ns 27-50, 66, and 67Are Only Entitled to a Priority Date eptember 11, 1997	12	
IV.	CH	ALLE	NGE AND RELIEF REQUESTED	12	
	A.		ific Art and Statutory Ground(s) on which the lenges are Based	13	
V.	PEF	RSON	HAVING ORDINARY SKILL IN THE ART	14	
VI.	THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '264 PATENT IS UNPATENTABLE 15				
	A.	Obvi	and 1: Claims 27-29, 31-46, 50, 66, and 67 are Rendered tous by Kadomura in View of '485 Wang and Kawamura er 35 U.S.C. § 103(a)	15	
		1.	Kadomura in View of '485 Wang and Kawamura Teaches All the Limitations of Independent Claim 27	15	
		2.	Chart for Claim 27	22	
		3.	Kadomura in view of '485 Wang and Kawamura Teaches All the Limitations of Dependent Claims 28- 29, 31-36, 66	26	
		4.	Chart for Claims 28-29, 31-36, and 66	31	
		5.	Kadomura in View of '485 Wang and Kawamura Teaches All the Limitations of Independent Claim 37	33	
		6.	Chart for Claim 37	39	
		7.	Kadomura in View of '485 Wang and Kawamura Teaches All the Limitations of Dependent Claims 38- 46, 50, and 67	41	



			<u>Page</u>		
	8.	Chart for Claims 38-46, 50, and 67	49		
	9.	Reasons for Combinability for Claims 27-29, 31-46, 50, 66, and 67	50		
B.	Tegal	nd 2: Kadomura in View of '485 Wang, Kawamura, and Teaches All the Limitations of Dependent Claims 30	53		
	1.	Chart for Claims 30 and 49	53		
	2.	Reasons for Combinability for claims 30 and 49	53		
C.		Ground 3: Kadomura in View of EP Wang and Kawamura Teaches All the Limitations of Claims 37, 47, and 48			
	1.	Chart for Claims 37, 47, and 48	57		
	2.	Reasons for Combinability for claims 37, 47, and 48	58		



TABLE OF AUTHORITIES

Page(s) Cases Ariosa Diagnostics v. Isis Innovation Ltd. Patent Owner, IPR2012-00022 (MPT), 2013 WL 2181162 Augustine Med., Inc. v. Gaymar Indus., Inc., Baldwin Graphic Systems, Inc. v. Siebert, Inc., Hollmer v. Harari. In re Alappat, In re Freeman, In re Noll, In re Prater. KSR Int'l. Co. v. Teleflex Inc., **Statutes**



DOCKET

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.

