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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner

CASE IPR2016-01512
U.S. Patent No. RE40,264

PATENT OWNER'S DEMONSTRATIVE EXHIBIT

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
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Petitioner's Reply, from pages 7-8

In sum, Patent Owner's argument that "the specific time interval to change the temperature between etches is of no importance" (Response at 5, 19-20) is contradicted by Dr. Flamm's own testimony and *Kadomura*. Moreover, Patent Owner's assertion that the time interval to change temperature does "not constitute a factor in the process," (*id.* at 9, citing, *inter alia*, Ex. 1006 at 6:55-62) misreads *Kadomura*'s disclosure, which simply states that the time interval does "not constitute a factor of **delaying**" (Ex. 1006 at 6:55-62, emphasis added) the etch process.⁴ The time interval to change the temperature is a "factor" affecting the process and must be controlled as evidenced by Dr. Flamm's testimony. (Ex. 1011 at 101:20-25; *see also* Ex. 1013 at ¶¶ 6-7.)

Unedited Quotations from Patent Owner's Response

In sum, Patent Owner's argument that "the specific time interval to change the temperature between etches is of no importance, **since the time interval to change the temperature is equal or less than time interval to change the gas.**" (Response at 5, 19-20) is contradicted by Dr. Flamm's own testimony and *Kadomura*. Moreover, Patent Owner's assertion that the time interval to change temperature does "**2. Accordingly, the time period for changing the temperature 'does not constitute a factor' in the process,**" (*id.* at 9, citing, *inter alia*, Ex. 1006 at 6:55-62) misreads *Kadomura*'s disclosure, which simply states that the time interval does "not constitute a factor of **delaying**" (Ex. 1006 at 6:55-62, emphasis added) the etch process.⁴ The time interval to change the temperature is a "factor" affecting the process and must be controlled as evidenced by Dr. Flamm's testimony. (Ex. 1011 at 101:20-25; *see also* Ex. 1013 at ¶¶ 6-7.)

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Kadomura's specification teaches:

- 1. The time interval for changing the gas is "equal with or more" than the time interval to change the temperature;**
- 2. Accordingly, the time period for changing the temperature "does not constitute a factor" in the process. Ex. 1006 6:55-62, 7:22-30, 8:43-50, 10:13-16, (Ex. 2001, ¶16)**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S DEMONSTRATIVE EXHIBIT** was served by electronic mail on this day, October 11, 2017, on the following individuals:

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