

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORPORATION, GLOBALFOUNDRIES U.S., INC.,  
MICRON TECHNOLOGY, INC. and  
SAMSUNG ELECTRONICS COMPANY, LTD.,  
Petitioners,

v.

DANIEL L. FLAMM,  
Patent Owner.

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PTAB Case No. IPR2017-00279<sup>1</sup>

Patent No. RE40,264 E

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**REPLY DECLARATION OF DR. JOHN BRAVMAN IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. RE40,264 (Claims 13-26 and 64-65)**

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<sup>1</sup> Samsung Electronics Company, Ltd. was joined as a party to this proceeding via a Motion for Joinder in IPR2017-01749.

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## I. Introduction

1. My name is John Bravman. I have been retained in the above-referenced *inter partes* review proceeding by Petitioners to evaluate United States Patent No. RE40,264 (the “’264 patent”) against certain prior art references, including U.S. Patent Nos. 6,063,710, 5,151,871, 5,226,056, 5,605,600, 5,192,849, and 3,863,049, and Invention Registration No. H1145, as well as the knowledge of a person of ordinary skill in the art at the time of the purported invention, including as demonstrated by various state of the art references. I submitted the Declaration of Dr. John Bravman in Support of Petition for *Inter Partes* Review of U.S. Patent No. RE40,264 in this matter (“Opening Declaration,” Ex. 1006) in connection with Petitioners’ Petition for *Inter Partes* Review of U.S. Patent No. RE40,264 (“Petition”) seeking review of claims 13-26 and 64-65 of the ’264 patent. Since then, the Patent Trial and Appeal Board (“PTAB” or “Board”) has instituted review of all challenged claims.

2. Patent Owner Daniel L. Flamm (“Dr. Flamm”) recently filed a Patent Owner’s Response to the Petition (“Response,” Paper No. 13). I have reviewed the Response and its exhibits. I have also reviewed documents relating to IPR2016-01510, IPR2016-01512, and IPR2017-01072, which concern claims in the ’264 patent. I now submit this Reply Declaration in support of Petitioners’ Reply to address arguments raised by Dr. Flamm in the Response and in the Declaration of

Daniel L. Flamm in Support of Patent Owner's Response ("Flamm Declaration," Ex. 2001). As described below, it remains my opinion that each of the challenged claims is rendered obvious by prior art references that predate the priority date of the '264 patent. I am prepared to testify about my opinions expressed in my Opening Declaration and in this Reply Declaration.

3. My Opening Declaration describes my qualifications, materials I reviewed for this matter, and my opinions on issues such as background relating to the '264 patent and the challenged claims, the level of ordinary skill in the relevant technical art at the time of the alleged invention, the priority date of the '264 patent, the state of the prior art at the time of the alleged invention, and claim construction issues relating to the '264 patent. (Opening Declaration at ¶¶ 2-66 (Ex. 1006)) It is my understanding that the Response does not challenge my qualifications or my opinions relating to the level of ordinary skill in the relevant technical art at the time of the alleged invention and the priority date of the '264 patent. I also discussed in my Opening Declaration my understanding of the legal standards relating to invalidity, background relating to prior art references, how the prior art disclosed what is claimed in the '264 patent, and why a person of ordinary skill in the art at the time of the alleged invention would have combined different prior art references. (Opening Declaration at ¶¶ 67-342 (Ex. 1006))

4. My Opening Declaration expressed my opinion that a person of ordi-

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