

INTEL CORPORATION, GLOBALFOUNDRIES U.S., INC., AND MICRON TECHNOLOGY, INC.,

Petitioners,

v.

DANIEL L. FLAMM,

Patent Owner.

PTAB Case No. IPR2017-00280

Patent No. RE40,264 E

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. RE40,264 E

Claims 27-36, 51-55, 66 & 68-69



TABLE OF CONTENTS

Page

I.	Intro	luction	1			
II.	Mandatory notices					
	A.	Real party in interest				
	B.	Related matters	2			
	C.	Notice of counsel and service information	2			
III.	Requirements for <i>inter partes</i> review					
	A.	Ground for standing	4			
	B.	Identification of challenge	4			
IV.	Overview of the '264 patent5					
	A.	The specification describes multi-temperature etch processes	5			
	B.	The claims recite two-temperature etch processes and add only conventional features	7			
	C.	The earliest priority date for the '264 patent is September 1997	9			
V.	Ove	Overview of the prior art10				
	A.	Kadomura (Ex. 1005)	11			
	B.	Matsumura (Ex. 1003)	12			
	C.	Kikuchi (Ex. 1004)	16			
	D.	Muller (Ex. 1002)	18			
	E.	Level of ordinary skill in the art	20			
VI.		ns 27-36, 51-55, 66, and 68-69 of the '264 patent are entable				
	A.	Ground 1: Claims 27, 29, 32, 34, 36, and 66 are obvious over Kadomura and Matsumura	21			
		1. Claim 27	21			
		2. Claim 29	36			
		3. Claim 32	36			
		1 Claim 34	37			



TABLE OF CONTENTS

(continued)

Page

	5.	Claim 36	38	
	6.	Claim 66	38	
B.		und 2: Claims 31 and 35 are obvious over Kadomura, usmura, and Kikuchi	39	
	1.	Claim 27	39	
	2.	Claim 31	39	
	3.	Claim 35	42	
C.	Grou	Ground 3		
	1.	Claim 27	42	
	2.	Claim 28	42	
	3.	Claim 30	44	
	4.	Claim 33	47	
	5.	Claim 51	47	
	6.	Claim 52	53	
	7.	Claim 53	54	
	8.	Claim 54	55	
	9.	Claim 55	55	
	10.	Claim 68	58	
	11.	Claim 69	58	
D.	Grou	Ground 4		
	1.	Claim 27	59	
	2.	Claim 28	71	
	3.	Claim 31	72	
	4.	Claim 32	74	
	5.	Claim 33	74	
	6.	Claim 34	75	



TABLE OF CONTENTS

(continued)

Page

		7.	Claim 35	76
		8.	Claim 36	76
		9.	Claim 51	76
		10.	Claim 52	80
		11.	Claim 53	81
		12.	Claim 54	82
		13.	Claim 66	82
		14.	Claim 68	83
		15.	Claim 69	83
	E.		and 5: Claims 29-30, 34, 55, and 68 are obvious over achi, Matsumura, and Muller	83
		1.	Claim 27	83
		2.	Claim 29	83
		3.	Claim 30	85
		4.	Claim 34	87
		5.	Claim 51	89
		6.	Claim 55	89
		7.	Claim 68	91
VII.	Conc	lusion		91



EXHIBIT LIST AND TABLE OF ABBREVIATIONS AND CONVENTIONS

Petitioner's Exhibits				
Exhibit	Description			
Ex. 1001	U.S. Patent No. RE40,264 ("'264 patent")			
Ex. 1002	U.S. Patent No. 5,605,600 ("Muller")			
Ex. 1003	U.S. Patent No. 5,151,871 ("Matsumura")			
Ex. 1004	U.S. Patent No. 5,226,056 ("Kikuchi")			
Ex. 1005	U.S. Patent No. 6,063,710 ("Kadomura")			
Ex. 1006	Declaration of Dr. John Bravman in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. RE40,264			
Ex. 1007	U.S. Patent Application No. 08/567,224 ("'224 application")			
Ex. 1008	Wright, D.R. et al., A Closed Loop Temperature Control System for a Low-Temperature Etch Chuck, Advanced Techniques for Integrated Processing II, Vol. 1803 (1992), pp. 321–329 ("Wright")			
Ex. 1009	U.S. Patent No. 5,711,849 ("'849 patent")			
Ex. 1010	U.S. Patent No. 4,331,485 ("Gat")			
Ex. 1011	U.S. Patent No. 5,393,374 ("Sato")			
Ex. 1012	PTAB Decision Denying Institution of <i>Inter Partes</i> Review, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2016-00470, Paper 6 (July 1, 2016)			
Ex. 1013	PTAB Institution of <i>Inter Partes</i> Review, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2015-01768, Paper 7 (February 24, 2016)			



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.

