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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners

v.

DANIEL L. FLAMM,

Patent Owner

CASE IPR2017-0282
U.S. Patent No. RE40,264 E

PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107
Claims 56-63 & 70-71

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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 not the first challenge to the validity of the ‘264 patent through *inter partes* review. Lam Research Corp. sells tools used in semiconductor manufacturing to entities such as the Petitioners and Samsung Electronics Co., Ltd. Lam filed seven IPRs directed toward the ‘264 patent.¹ Lam also commenced an action in the Northern District of California seeking a declaration that neither it nor its products infringe the ‘264 patent. For its part, Samsung Electronics Co., Ltd. filed two more petitions for *inter partes* review² and Petitioners have now filed a total of four more petitions directed toward the ‘264 patent. That makes a total of thirteen petitions for *inter partes* review directed toward one patent, invented and owned by an individual, Dr. Daniel Flamm.

The Board either declined to institute or instituted and then terminated, on a

¹ IPR2015-01759; IPR2015-01764; IPR2015-01766; IPR2015-01768; IPR2016-0468; IPR2016-0469; and IPR2016-0470

² IPR2016-01510 and IPR2016-0512.

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