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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

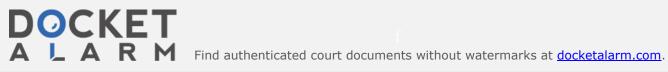
PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107 Claims 56-63 & 70-71

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TABLE OF CONTENTS

	Paget	<u>(s)</u>
TABLE	OF CONTENTSi	
TABLE	OF AUTHORITIES iii	į
I.	Introduction1	
II.	Overview of the '264 Patent	
III.	The Prior Art	
	A. Kadomura	
	B. Matsumura4	
IV.	Ground 15	
	C. Claim Element 56[b]5	
	D. Claim Element 56[e]6	
V.	Ground 2	
VI.	Ground 3	
	A. Claim 56	
	B. Claim Element 60[b] 8	
	C. Claim Element 60[f]8	
VII.	Grounds 4 & 5	
VIII.	Ground 6	
	A. Claim Element 56[b] 9	
	B. Claim Element 56[e]9	



Inter Partes Review of U.S. Patent No. RE40,264 IPR2017-00282

IX.	There Would Be No Motivation to Combine	
	Kadomura and Matsumura or Kikuchi and Matsumura	11
	A. There Would Be No Benefit	
	from Such a Combination	11
	B. Matsumura Could Only Come Into Play	
	Through Hindsight	12
X.	Dependent Claims	13
XI.	Conclusion	14



TABLE OF AUTHORITIES

<u>Cases</u>	Page(s)
Hartness Int'l Inc. v. Simplimatic Eng. Co., 819 F.2d 1100 (Fed. Cir. 1987)	13
Kimberly Clark Corp. v. Johnson & Johnson, 745 F.2d 1437 (Fed. Cir. 1984)	14
<u>Statutes</u>	Page(s)
37 C.F.R. § 42.107	1
MPEP § 2142	13
MPEP § 2143.03	14



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

² IPR2016-01510 and IPR2016-0512.



1

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

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