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Reg. No. 42,557

UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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MICRON TECHNOLOGY, INC., INTEL CORPORATION

AND GLOBALFOUNDRIES U.S., INC.

Petitioners

v.

DANIEL L. FLAMM,

Patent Owner

CASE IPR2017-0392
U.S. Patent No. 5,711,849

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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TABLE OF AUTHORITIES

EXHIBIT LIST

Ex. 2001	David Edelson and Daniel L. Flamm, *Computer Simulation of a CF₄ Plasma Etching Silicon*, 56 J. APPLIED PHYSICS 1522 (1984)
Ex. 2002	I.C. Plumb and K.R. Ryan, *A Model of the Chemical Processes Occurring in CF₄/O₂ Discharges Used in Plasma Etching*, 6 Plasma Chem. and Plasma Processing 205 (1986)

Daniel L. Flamm, Sc.D., the co-inventor and sole owner of the U.S. Patent No. 5,711,849 ("the '849 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

The Petition relies primarily on a combination of papers written by Alkire and Kao, and Flamm. Alkire relates specifically to a "mathematical model" formulated to analyze transient behavior during film removal for closely spaced wafers in a barrel plasma etching reactor. Alkire, however, even by the admission of the Petitioners, lacks the basic elements of Dr. Flamm's invention. To overcome the shortcomings of Alkire, Petitioners introduce Kao. Kao relates to analysis of non-uniformities in plasma etching of silicon with CF_4/O_2, which still fails to teach basic elements of Dr. Flamm's invention. That is, Kao is no more relevant than what has been disclosed as prior art by Dr. Flamm, and no PHOSITA would ever use the data from Kao for any model or application, especially since Kao could not get the data to fit his own model. A further combination of Flamm still lacks the basic elements of the '849 patent.

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