By: Christopher Frerking (chris@ntknet.com)
      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 IPR2017-0406
U.S. Patent No. 5,711,849

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

<u>Mail Stop: PATENT BOARD</u>
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 | VLSI Technology (S.M. Sze ed., 1983) (excerpts) |

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

This Petition relies primarily on a combination of papers written by Alkire and Galewski. 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 Petitioners, lacks the basic elements of Dr. Flamm's invention. To overcome the shortcomings of Alkire, Petitioners introduce Galewski. Galewski relates to modeling a hot wall silicon epitaxial reactor, which is in a completely different area of technology from either Alkire or the '849 patent. That said, Alkire and Galewski, even if combined, lack the basic elements of the '849 patent. In fact, those references teach away from each other and, more particularly, from the '849 patent.

II.   Overview of the '849 Patent

The Background of the Invention in the '849 patent states the problems Dr.

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