

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

DANIEL L. FLAMM,
Patent Owner.

IPR2017-00406
Patent 5,711,849

Mailed: December 14, 2016

Before Alexander C. Levy, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for “*inter partes* review” in the above proceeding has
been accorded the filing date of December 4, 2016.

A review of the petition identified the following defect:

Petitioner failed to label all exhibits with Petitioner's name. *See* 37 C.F.R. § 42.63(d). Correction is required. Petitioner may submit a written request to trials@uspto.gov to have the incorrectly labelled exhibits expunged specifically identifying the exhibits to be expunged (e.g., by the name given to the exhibit in Patent Trial and Appeal Board End to End (PTAB E2E) and/or by the date the exhibit was filed).

Petitioner must correct this defect within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R.

IPR2017-00406
Patent 5,711,849

§ 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in Patent Trial and Appeal Board End to End (PTAB E2E), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users must register with PTAB E2E. Information regarding how to register with and use PTAB E2E is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Alexander C. Levy at 571-272-0382 or the Patent Trial and Appeal Board at 571-272-7822.

IPR2017-00406
Patent 5,711,849

PETITIONER:

Jeremy Jason Lang
Robert Stephen Magee
Jared Bobrow
WEIL, GOTSHAL & MANGES LLP
jason.lang@weil.com
robert.magee@weil.com
jared.bobrow@weil.com
micron.flamm.service@weil.com

Chad Campbell
Jonathan McFarland
Philip A. Morin
PERKINS COIE LLP
Intel-Flamm-Service-IPR@perkinscoie.com
jmcfarland@perkinscoie.com
pmorin@perkinscoie.com

David M. Tennant
Nathan Zhang
WHITE & CASE LLP
dtennant@whitecase.com
nathan.zhang@whitecase.com
WCGlobalFoundriesFlammTeam@whitecase.com

PATENT OWNER:

Daniel L. Flamm
476 Green View Drive
Walnut Creek CA 94596

George C. Summerfield
Rolf O. Stadheim
Robert M. Spalding
STANDHEIM & GREAR, LTD.
400 N. Michigan Avenue, Suite 2200
Chicago, IL 60611

**NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION
(ADR)**

The Patent Trial and Appeal Board (PTAB) strongly encourages parties who are considering settlement to consider alternative dispute resolution as a means of settling the issues that may be raised in an AIA trial proceeding. Many AIA trials are settled prior to a Final Written Decision. Those considering settlement may wish to consider alternative dispute resolution techniques early in a proceeding to produce a quicker, mutually agreeable resolution of a dispute or to at least narrow the scope of matters in dispute. Alternative dispute resolution has the potential to save parties time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of several such organizations. The listings are provided for the convenience of parties involved in cases before the PTAB; the PTAB does not sponsor or endorse any particular organization's alternative dispute resolution services. In addition, consideration may be given to utilizing independent alternative dispute resolution firms. Such firms may be located through a standard keyword Internet search.

CPR INSTITUTE FOR DISPUTE RESOLUTION	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION (AIPLA)	AMERICAN ARBITRATIO N ASSOCIATIO N (AAA)	WORLD INTELLECTUA L PROPERTY ORGANIZATI ON (WIPO)	AMERICAN BAR ASSOCIATION (ABA)
Telephone: (212) 949-6490	Telephone: (703) 415-0780	Telephone: (212) 484-3266	Telephone: 41 22 338 9111	Telephone : (202) 662-1000
Fax: (212) 949-8859	Fax: (703) 415-0786	Fax: (212) 307-4387	Fax: 41 22 733 5428	N/A
575 Lexington Ave New York, NY 10022	241 18th Street, South, Suite 700 Arlington, VA 22202	140 West 51st Street New York, NY 10020	34, chemin des Colombettes CH-1211 Geneva 20, Switzerland	1050 Connecticut Ave, NW Washington D.C. 20036
www.cpradr.org	www.aipla.org	www.adr.org	www.wipo.int	www.americanbar.org

If parties to an AIA trial proceeding consider using alternative dispute resolution, the PTAB would like to know whether the parties ultimately decided to engage in alternative dispute resolution and the reasons why or why not. If the parties actually engage in alternative dispute resolution, the PTAB would be interested to learn what mechanism (e.g., arbitration,

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.