

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS COMPANY, LTD.

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner.

Patent No. RE40,264 E

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. RE40,264 E**

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Mandatory notices	2
A. Real party in interest.....	2
B. Related matters	2
C. Notice of counsel and service information.....	4
III. Requirements for inter partes review	5
A. Ground for standing	5
B. Identification of challenge.....	5
IV. Overview of the '264 patent	6
A. The specification describes multi-temperature etch processes	6
B. The claims recite two-temperature etch processes and add only conventional features.....	8
C. The earliest priority date for the '264 patent is September 1997.....	10
V. Overview of the prior art	11
A. Kadomura (Ex.1005).....	12
B. Matsumura (Ex.1003).....	13
C. Kikuchi (Ex.1004).....	16
D. Muller (Ex.1002).....	19
E. Level of ordinary skill in the art.....	21
VI. Claims 27-36, 51-55, 66, and 68-69 of the '264 patent are unpatentable.....	22
A. Ground 1: Claims 27, 29, 32, 34, 36, and 66 are obvious over Kadomura and Matsumura	22
1. Claim 27	22
2. Claim 29	36
3. Claim 32	36
4. Claim 34	37
5. Claim 36	37

TABLE OF CONTENTS
(continued)

	Page
6. Claim 66	38
B. Ground 2: Claims 31 and 35 are obvious over Kadomura, Matusmura, and Kikuchi	38
1. Claim 27	38
2. Claim 31	39
3. Claim 35	42
C. Ground 3	42
1. Claim 27	42
2. Claim 28	42
3. Claim 30	44
4. Claim 33	47
5. Claim 51	47
6. Claim 52	52
7. Claim 53	53
8. Claim 54	54
9. Claim 55	54
10. Claim 68	57
11. Claim 69	57
D. Ground 4	58
1. Claim 27	58
2. Claim 28	70
3. Claim 31	71
4. Claim 32	73
5. Claim 33	73
6. Claim 34	74
7. Claim 35	75
8. Claim 36	75

TABLE OF CONTENTS
(continued)

	Page
9. Claim 51	75
10. Claim 52	79
11. Claim 53	80
12. Claim 54	81
13. Claim 66	81
14. Claim 68	81
15. Claim 69	82
E. Ground 5: Claims 29-30, 34, 55, and 68 are obvious over Kikuchi, Matsumura, and Muller	82
1. Claim 27	82
2. Claim 29	82
3. Claim 30	84
4. Claim 34	86
5. Claim 51	88
6. Claim 55	88
7. Claim 68	90
VII. 35 U.S.C. § 325(d) & 35 U.S.C. § 314(a)	90
VIII. Conclusion	91

Exhibit List	
Exhibit	Description
Ex.1001	U.S. Patent No. RE40,264 (“’264 patent”)
Ex.1002	U.S. Patent No. 5,605,600 (“Muller”)
Ex.1003	U.S. Patent No. 5,151,871 (“Matsumura”)
Ex.1004	U.S. Patent No. 5,226,056 (“Kikuchi”)
Ex.1005	U.S. Patent No. 6,063,710 (“Kadomura”)
Ex.1006	Declaration of Dr. John Bravman in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. RE40,264
Ex.1007	U.S. Patent Application No. 08/567,224 (“’224 application”)
Ex.1008	Wright, D.R. et al., <i>A Closed Loop Temperature Control System for a Low-Temperature Etch Chuck</i> , <i>Advanced Techniques for Integrated Processing II</i> , Vol. 1803 (1992), pp. 321–329 (“Wright”)
Ex.1009	U.S. Patent No. 5,711,849 (“’849 patent”)
Ex.1010	U.S. Patent No. 4,331,485 (“Gat”)
Ex.1011	U.S. Patent No. 5,393,374 (“Sato”)
Ex.1012	PTAB Decision Denying Institution of <i>Inter Partes</i> Review, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2016-00470, Paper 6 (July 1, 2016)
Ex.1013	PTAB Institution of <i>Inter Partes</i> Review, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2015-01768, Paper 7 (February 24, 2016)
Ex.1014	Petition for <i>Inter Partes</i> Review of U.S. Patent No. RE40,264 E Fourth Petition, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2015-01768, Paper 1 (August 18, 2015)
Ex.1015	PTAB Decision Denying Institution of <i>Inter Partes</i> Review, <i>Lam Research Corp. v. Daniel L. Flamm</i> , IPR2016-00469, Paper 6 (July 1, 2016)

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.