UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLIED MATERIALS, INC.

Petitioner

v.

DEMARAY LLC
Patent Owner

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Patent No. 7,381,657
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**PETITIONER'S NOTICE
REGARDING MULTIPLE PETITIONS**

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I.   INTRODUCTION

Petitioner is concurrently filing two petitions challenging different claims of U.S. Patent No. 7,381,657 (the "'657 patent"). "To aid the Board in determining" why "more than one petition is necessary," Petitioner provides the information below. *See* PTAB Consolidated Trial Practice Guide ("TPG") (November 2019) at 59-60. As explained below, the Board should institute both petitions.

II.   RANKING

While both petitions are meritorious and justified as explained below, Petitioner requests that the Board consider the petitions in the following order:[1]

Rank	Petition	Challenged Claims	Grounds
1	Petition 1	1-21	Grounds based on Barber and Hirose and other references (Dogheche, Safi, Aokura, Segal, Sakawaki, Sill, Sellers, and Belkind)
2	Petition 2	1-8 and 10-17	Grounds based on Licata, Kelly, and Collins and other references (Aokura, Dogheche, Doessel)

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[1] While Petitioner provides this ranking in accordance with the TPG guidance, Petitioner believes ranking in this instance is inappropriate and/or unnecessary since each petition addresses different claims and different prior art and combinations.

III. DIFFERENCES AND REASONS FOR INSTITUTION

Circumstances may arise "in which more than one petition may be necessary." PTAB Consolidated TPG at 59-60. This is especially true here where Patent Owner, Demaray, has asserted claims of the '657 patent against Intel and Samsung in separate cases. (*Demaray LLC v. Samsung Electronics Co., Ltd.* et al., Case No. 6-20-cv-00636 (W.D. Tex.) ("Samsung Litigation"), *Demaray LLC v. Intel Corporation*, Case No. 6-20-cv-00634 (W.D. Tex.) ("Intel Litigation") (collectively "Texas Litigations").) Demaray's assertions focus on products from Petitioner (*e.g.,* Ex. 1075, ¶¶25, 32, 38, 53-56, 60-61; Ex. 1076, ¶¶28-43, 35-41, 54-62), motivating Petitioner to pursue declaratory judgment of noninfringement against the patent (*Applied Materials, Inc. v. Demaray LLC*, Case No. 5-20-cv-05676 (N.D. Cal.); Ex. 1077, ¶1). In fact, Petitioner has moved to enjoin the Texas Litigations from proceeding. (Ex. 1078.) A hearing on the injunction is set for November 12. (Ex. 1079, 3.) Meanwhile, these litigations remain in their infancy, with currently no ordered case schedules.

Respecting the Board's concerns regarding parallel petitions, Petitioner and its RPI's, which include Samsung and Intel, have invested substantial resources to coordinate efforts to present the **two** IPR petitions against the '657 patent. Such collaboration should not go unnoticed as it resulted in minimizing issues from these multiple parties for the Board, despite the wealth of prior art against the '657 patent's

broad claims. Aside from this, there are material differences between the petitions that warrant institution of both petitions.

(1) *New Prior Art*: Petition 1 relies on prior art references not of record during prosecution, such as Barber, Licata, Hirose, and others. Petition 2 relies on Kelly that was of record during prosecution, though not applied by the Examiner. Also unique to Petition 1 are grounds 9-16 in light of Belkind (of record and unapplied during prosecution of the parent application), which further show how the claimed bipolar pulse DC aspects were obvious. (Petition 1 § IX.I.)

(2) *Different Approaches to the Claim Limitations*: The prior art combinations used in the two petitions teach the claim limitations in different ways.

(a) *bipolar pulse DC power / RF filter:* Petition 1 presents grounds based on Barber, which discloses the bipolar pulse DC power features added during prosecution to procure allowance. (Ex. 1004, Ex. 1004, 975-977, 992.) Barber, however, does not expressly disclose the filter features likewise added during prosecution. (*Id.*; *e.g.,* Petition 1, § IX.A.1.) In contrast, Petition 2 presents grounds based on Licata, which expressly describes an RF filter between an RF power source and a pulse DC power source but does not expressly disclose the bipolar aspects of the DC power source. (*e.g.,* Petition 2, § IX.A.1.)

(b) *RF Filter Details*: Petition 1 relies on Hirose to disclose the claimed filter aspects, whereas Petition 2 relies on Collins. (*e.g.,* Petition 1, § A.1(c)(2); Petition

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