

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Preciseley Microtechnology Corp.,
Petitioner

v.

Dicon Fiberoptics, Inc., Patent Owner

U.S. Patent No.: 6,838,738

Filed: February 20, 2002

Issued: January 4, 2005

Inventors: Benedict J. Costello, Peter T. Jones,
and Ho-Shang Lee

Assignee: Dicon Fiberoptics, Inc.

Title: ELECTROSTATIC CONTROL OF MICROOPTICAL COMPONENTS

Inter Partes Review No. IPR2015-01728

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PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 6,838,738

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EXHIBIT LIST

Exhibit #	Description
1001	U.S. Patent No. 6,838,738 (“the ’738 patent”)
1002	U.S. Patent No. 6,593,677 to Behin et al. (“Behin ’677”)
1003	U.S. Patent No. 6,000,280 to Miller et al. (“Miller”)
1004	U.S. Patent No. 7,079,299 to Conant et al. (“Conant”)
1005	U.S. Patent No. 6,386,716 to Hagelin et al. (“Hagelin”)
1006	U.S. Patent No. 6,744,173 to Behin et al. (“Behin ’173”)
1007	U.S. Patent Application Publication No. 2002/0118850 to Yeh et al. (“Yeh”)
1008	U.S. Patent No. 6,178,069 to Suzuki (“Suzuki”)
1009	A. Selvakumar, K. Najafi, W. H. Juan, and S. Page, “Vertical Comb Array Microactuators”, IEEE Micro Electro Mechanical Systems, 1995, MEMS '95, Proceedings, Amsterdam, Netherlands, 29 January – 2 February, 1995
1010	William C. Tang, "Electrostatically Balanced Comb Drive for Controlled Levitation", IEEE Solid-State Sensor and Actuator Workshop, 1990, 4th Technical Digest, Hilton Head Island, SC, USA, 4-6 June, 1990
1011	Kevin A. Shaw, "SCREAM I: a single mask, single-crystal silicon, reactive ion etching process for microelectromechanical structures", Sensors and Actuators A, 40 (1994) 63-70
1012	Zhimin Yao etc., "Single crystal silicon supported thin film micromirrors for optical applications", Opt. Eng. 36(5) 1408–1413 (May 1997)
1013	Expert Declaration of Dr. Ezekiel J. Kruglick, Ph.D., with Attachments

I. INTRODUCTION

Petitioner Preciseley Microtechnology Corp. (“Preciseley” or “Petitioner”) respectfully requests *inter partes* review for claims 1-50 (“the Challenged Claims”) of U.S. Patent No. 6,838,738 (“the ’738 patent,” attached as Ex. 1001) in accordance with 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.100 *et seq.*

The claimed inventions of the ’738 patent are directed generally to MEMS electrostatic comb drive actuators for controlling micro-optical components. Ex. 1001 at Title, Abstract, and 1:40-46.¹ As demonstrated by various prior art references (*e.g.*, Exhibits 1002-1008), each and every feature claimed in the ’738 patent was well-known in the art prior to the patent’s earliest effective filing date. The ’738 patent merely combined certain well-known features in an obvious and predictable way, as discussed in further detail in this Petition.

The claim charts and arguments presented in Section VII of this Petition, supported by the Declaration of Dr. Ezekiel J. Kruglick (Ex. 1013), demonstrate by a preponderance of the evidence that the identified prior art references render unpatentable each and every one of the Challenged Claims of the ’738 patent.

II. MANDATORY NOTICES

¹This petition cites to various exhibits by citing page (or column) and line number references, as follows: “Ex. [No.] at [page/column]:[lines].”

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