

DOCKET NO.: 0107945.00235US1

Filed By: Donald R. Steinberg, Reg. No. 37,241
David L. Cavanaugh, Reg. No. 36,476
Michael H. Smith, Reg. No. 71,190
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6000
Email: Don.Steinberg@wilmerhale.com
David.Cavanaugh@wilmerhale.com
MichaelH.Smith@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASML NETHERLANDS B.V., EXCELITAS TECHNOLOGIES CORP., AND QIOPTIQ
PHOTONICS GMBH & CO. KG,
Petitioners

v.

ENERGETIQ TECHNOLOGY, INC.,
Patent Owner.

Case IPR2015-01277

JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.72 AND
JOINT REQUEST TO KEEP PAPER SEPARATE
AS BUSINESS CONFIDENTIAL INFORMATION

Pursuant to 35 U.S.C. §317 and 37 C.F.R. § 42.72, Patent Owner Energetiq Technology, Inc. (“Patent Owner”) and Petitioners ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (“Petitioners”) (collectively, “the Parties”) jointly request termination of *Inter Partes* Review No. IPR2015-01277, involving claims 1, 3, 13 and 16 of U.S. Patent 8,309,943.

The Parties have settled all of their disputes involving the following patents U.S. Patents Nos. 7,435,982 (“the ’982 patent”); 7,786,455 (“the ’455 patent”); 8,309,943 (“the ’943 patent”); 8,525,138 (“the ’138 patent”); 8,969,841 (“the ’841 patent”); 9,048,000 (“the ’000 patent”); and 9,185,786 (“the ’786 patent”). More specifically, the Parties have agreed to settle and dismiss their related district court litigation (*Energetiq Tech., Inc. v. ASML Netherlands B.V.*, No. 1:15-cv-10240-LTS (D. Mass.)) and International Trade Commission litigation (*In the Matter of Certain Laser-Driven Light Sources, Subsystems Containing Laser-Driven Light Sources, and Products Containing Same*, Inv. 337-TA-983 (U.S. International Trade Commission)). The Parties have also agreed to jointly request termination of this proceeding and all IPRs filed by Petitioners for the above listed patents¹.

¹ The Parties are submitting a Joint Motion to Terminate Proceeding in each of the IPRs filed by Petitioners in the above identified patents.

<i>Energetiq patent</i>	<i>IPRs relating to patent</i>
7,435,982	IPR2015-01300 & -01303 IPR2015-01377 IPR2016-00583 IPR2016-00584 IPR2016-00585
7,786,455	IPR2015-01279 IPR2016-00570 IPR2016-00575 IPR2016-00576 IPR2016-00578 IPR2016-00579
8,309,943	IPR2015-01277 IPR2016-00554 IPR2016-00555 IPR2016-00556
8,525,138	IPR2015-01368 IPR2016-00565 IPR2016-00566
8,969,841	IPR2015-01362 IPR2016-00127 IPR2016-00688 IPR2016-00689
9,048,000	IPR2015-01375 IPR2016-00126 IPR2016-00774 IPR2016-00775
9,185,786	IPR2016-00771 IPR2016-00776

Pursuant to 37 C.F.R. § 42.74(b), the Parties' settlement agreement and any collateral agreements made in contemplation of termination of the proceeding are in writing, and true and correct copies of such documents are being filed herewith

as Exhibit 1021. No other such agreements, written or oral, exist between or among the parties.

The Parties hereby jointly request that the settlement related agreement be treated as business confidential information and be kept separate from the files of the above captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

I. Background

Petitioners filed several requests for *Inter Partes* Review of the above identified patents. The Board has instituted *Inter Partes* Review on all challenged claims of the first ten IPRs Petitioners filed, and has not issued a decision on institution regarding the remaining IPRs. Specifically, a trial was instituted in the following IPRs:

<i>Energetiq patent</i>	<i>IPRs relating to patent</i>
7,435,982	IPR2015-01300 & -01303 IPR2015-01377
7,786,455	IPR2015-01279
8,309,943	IPR2015-01277
8,525,138	IPR2015-01368
8,969,841	IPR2015-01362 IPR2016-00127
9,048,000	IPR2015-01375 IPR2016-00126

Decisions on institution have not yet been ordered for the following IPRs:

<i>Energetiq patent</i>	<i>IPRs relating to patent</i>
7,435,982	IPR2016-00583 IPR2016-00584

	IPR2016-00585
7,786,455	IPR2016-00570 IPR2016-00575 IPR2016-00576 IPR2016-00578 IPR2016-00579
8,309,943	IPR2016-00554 IPR2016-00555 IPR2016-00556
8,525,138	IPR2016-00565 IPR2016-00566
8,969,841	IPR2016-00688 IPR2016-00689
9,048,000	IPR2016-00774 IPR2016-00775
9,185,786	IPR2016-00771 IPR2016-00776

On May 5, 2016, the Parties agreed to settle all of their disputes involving U.S. Patent Nos. 7,435,982; 7,786,455; 8,309,943; 8,525,138; 8,969,841; 9,048,000; and 9,185,786, including all litigation and Patent Office proceedings related thereto.

On May 25, 2016, the Parties informed the Board of the settlement and requested authorization to file a joint motion to terminate the proceeding with respect to both the Patent Owner and the Petitioners. In a conference call with the Board on May 31, 2016, the Parties confirmed that settlement had been reached and the Board authorized the filing, on or before June 14, 2016, of the requested joint motion to terminate this proceeding as to both parties. The Board additionally

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.