

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
U.S. Patent No. 8,309,943

**MANDATORY NOTICES OF PATENT OWNER PURSUANT TO 37 C.F.R.
§ 42.8(a)(2)**

Pursuant to 37 C.F.R. § 42.8(a)(2), the Patent Owner of U.S. Patent No. 8,309,943 hereby files the following Mandatory Notices. These Mandatory Notices are filed within 21 days of service of the Petition for Inter Partes Review for this Case IPR2015-01277, purportedly mailed on May 29, 2015. The Notice of Filing Date Accorded (paper 06) mailed by the Patent Trial and Appeal Board on June 12, 2015 in connection with this proceeding indicates on page one that the Petition was filed on May 26, 2015, although the information entered into PRPS

indicates a filing date of May 29, 2015. The Patent Owner has contacted the PTAB requesting resolution of this filing date conflict.

I. 37 C.F.R. § 42.8(b)(1) – Real Party in interest:

The real party in interest for the Patent Owner is:

Energetiq Technology, Inc.

7 Constitution Way

Woburn, Massachusetts 01801

USA

II. 37 C.F.R. § 42.8(b)(2) – Related Matters:

U.S. Patent No. 8,309,943 is currently involved in the following litigation:

Energetiq Technology, Inc. v. ASML Netherlands B.V., Excelitas Technologies Corp. and Qioptiq Photonics GMBH & Co. KG, 1:15-cv-10240-LTS (D. Mass.), filed January 30, 2015.

Certain patents and pending patent applications claim priority under 35 U.S.C. § 120 to application serial no. 11/395,523, which issued as U.S. Patent No. 7,435,982, to which U.S. Patent No. 8,309,943 claims priority. Although the following patents and pending patent applications do not claim priority to U.S. Patent No. 8,309,943 they are identified below because they may be affected by a decision in this proceeding:

- (a) U.S. Patent No. 7,435,982

- (b) U.S. Patent No. 7,786,455
- (c) U.S. Patent No. 7,989,786
- (d) U.S. Patent No. 8,525,138
- (e) U.S. Patent No. 8,969,841
- (f) U.S. Patent No. 9,048,000
- (g) U.S. Patent Application No. 14/448,258

The following Inter Partes Review petitions have been filed for patents that relate to U.S. Patent No. 8,309,943:

- (a) IPR2015-01279 (U.S. Patent No. 7,786,455)
- (b) IPR2015-01300 (U.S. Patent No. 7,435,982)
- (c) IPR2015-01303 (U.S. Patent No. 7,435,982)
- (d) IPR2015-01362 (U.S. Patent No. 8,969,841)
- (e) IPR2015-01368 (U.S. Patent No. 8,525,138)
- (f) IPR2015-01375 (U.S. Patent No. 9,048,000)
- (g) IPR2015-01377 (U.S. Patent No. 7,435,982)

III. 37 C.F.R. § 42.8(b)(3) – Lead and backup counsel:

- (a) Lead counsel: Steven M. Bauer, Registration No. 31,481
- (b) Backup counsel: Joseph A. Capraro Jr., Registration No. 36,471

IV. 37 C.F.R. § 42.8(b)(4) – Service information:

(a) Electronic mail address: PTABMattersBoston@proskauer.com

The Patent Owner hereby consents to electronic service to the electronic email address indicated above.

(b) Postal mailing address:

PROSKAUER ROSE LLP

One International Place

Boston, Massachusetts 02110

(c) Hand delivery address: same as the postal mailing address

(d) Telephone number:

Lead counsel: (617) 526-9700

Backup counsel: (617) 526-9800

(e) Facsimile number: (617) 526-9899

Please address all correspondence to both the lead and backup counsel shown above.

V. Power of Attorney:

A power of attorney appointing Proskauer Rose LLP (Customer No. 42,532) was filed with the Board on June 5, 2015 (paper no. 5). Lead and backup counsel are partners at Proskauer Rose and are associated with Customer Number 42,532.

The Patent Trial and Appeal Board is authorized to charge any fees incurred by the Patent Owner in this Case IPR2015-01277 to Deposit Account No. 50-3081.

Respectfully submitted,
Proskauer Rose LLP

/ Joseph A. Capraro Jr. /
Joseph A. Capraro Jr., Reg. No. 36,471
Attorney for Patent Owner

Date: June 17, 2015
PROSKAUER ROSE LLP
One International Place
Boston, Massachusetts 02110

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