

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

Cases IPR2015-01300 and
IPR2015-01303
Patent No. 7,435,982

**PATENT OWNER'S OBJECTION TO EVIDENCE PURSUANT TO
37 C.F.R. § 42.64(b)(1)**

IPR2015-01300 and IPR2015-01303
Patent No. 7,435,982

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Energetiq Technology, Inc. objects to the admissibility of Petitioner's Exhibit 1002 and 1102. The bases of the objection are:

- a. The exhibits are incomplete and may result in unfair prejudice, confusing the issues, misleading the factfinder, undue delay, and/or wasting time under Fed. R. Evid. 403.
- b. The exhibits are hearsay under Fed. R. Evid. 802.
- c. The exhibits are not authenticated under Fed. R. Evid. 901.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1004 and 1104 ("Gärtner"). The bases of the objection are:

- a. The English Translations in these exhibits are inaccurate and may result in unfair prejudice, confusing the issues and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1005 and 1105. The bases of the objection are:

- a. The exhibits are hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibits are not authenticated under Fed. R. Evid. 901.

- c. There is no admissible evidence regarding the date or the manner in which the exhibits were made available to the public, if ever, and therefore do not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1006 and 1106. The bases of the objection are:

- a. The exhibits are hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibits are not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibits were made available to the public, if ever, and therefore do not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1008 and 1108. The bases of the objection are:

- a. The exhibits are hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibits are not authenticated under Fed. R. Evid. 901.

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Patent Owner also objects to the admissibility of Petitioner's Exhibit 1009 and 1109. The bases of the objection are:

- a. The exhibits are hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibits are not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibits were made available to the public, if ever, and therefore do not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1011 and 1111. The bases of the objection are:

- a. The exhibits are redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1012 and 1112. The bases of the objection are:

- a. The exhibits are redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

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Patent Owner also objects to the admissibility of Petitioner's Exhibit 1013 and 1113. The bases of the objection are:

- a. The exhibits are redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1014 and 1114. The bases of the objection are:

- a. The exhibits are hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibits are not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibits were made available to the public, if ever, and therefore do not constitute prior art.

This objection is made within 10 business days from the November 30, 2015 institution of trial. Patent Owner expressly reserves the right to file a motion to exclude portions of, or the entirety of, the exhibits referenced herein.

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