

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,
Petitioner,

v.

ENERGETIQ TECHNOLOGY, INC.,
Patent Owner.

Case IPR2015-01362
Patent 8,969,841

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

**ENERGETIQ TECHNOLOGY, INC.'S MOTION FOR
PRO HAC VICE ADMISSION OF FABIO E. TARUD**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10, Patent Owner Energetiq Technology, Inc. (“Energetiq”) requests that the Board admit Fabio E. Tarud *pro hac vice* in this proceeding.

II. Good Cause Exists for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. More specifically, 37 C.F.R. § 42.10(c) indicates that “where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Fabio E. Tarud *pro hac vice* during this proceeding.

Lead Counsel, Steven M. Bauer, is a registered practitioner, having USPTO Registration No. 31,481.

Counsel, Fabio E. Tarud, is an experienced patent litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion is the Declaration of Fabio E. Tarud in Support of Motion for Admission *Pro Hac Vice* (Ex. 2075). Mr. Tarud is a litigating attorney

with over 5 years of patent litigation experience. Ex. 2075 at ¶¶ 9-10. He is a member in good standing with the Bar of the State of New York. *Id.* at ¶ 2. He has never been suspended, disbarred, sanctioned, denied admission to practice, or cited for contempt by any court or administrative body. *Id.* at ¶¶ 3-5. Mr. Tarud is familiar with the subject matter at issue, and his technical experience will aid Energetiq in this proceeding. *Id.* at ¶ 11. He also satisfies the remaining conditions for admissibility identified by the Board. *See Id.* at ¶¶ 6-8.

III. Conclusion

For the foregoing reasons, Energetiq respectfully requests that the Board admit Fabio E. Tarud *pro hac vice* in this proceeding.

Respectfully submitted,
Proskauer Rose LLP

/ Steven M. Bauer /
Steven M. Bauer, Reg. No. 31,481
Attorney for Patent Owner

Date: April 1, 2016
PROSKAUER ROSE LLP
One International Place
Boston, Massachusetts 02110

PATENT OWNER'S EXHIBIT LIST

Exhibit #	Document
2001	Declaration of Safraz W. Ishmael in Support of Motion for Admission <i>Pro Hac Vice</i>
2002	Cremers et al., " <u>Evaluation of the continuous optical discharge for spectrochemical analysis</u> ," <i>Spectrochimica Acta</i> , Vol. 40B, No. 4, pp. 665-679 (1985) ("Cremers")
2003	Declaration of Jinnie L. Reed in Support of Motion for Admission <i>Pro Hac Vice</i>
2004	<Reserved>
2005	<i>Images</i> , ASML's Customer Magazine, (2014)
2006	J. Gary Eden Dep. Transcript Excerpts
2007	Raizer, <i>Gas Discharge Physics</i> , pp. 35-51, 306-310 (1st ed. 1991)
2008	" <i>A Novel Electrodeless Light Source for Wafer Inspection Applications</i> ," (January 4, 2006) PROTECTIVE ORDER MATERIAL
2009	" <i>Photon Source, Metrology Apparatus, Lithographic System and Device Manufacturing Method</i> ," U.S. Pub. No. US 2013/0329204 A1 (December 12, 2013)
2010	Bucksbaum Declaration PROTECTIVE ORDER MATERIAL
2011	Raizer, <i>Gas Discharge Physics</i> , pp. 35-51, 306-310 (Corrected 2nd Printing 1997)
2012	Eden's ECE 523 Syllabus (Spring 2016)
2013	Zimakov et al., " <u>Interaction of Near-IR Laser Radiation with Plasma of a Continuous Optical Discharge</u> ," <i>Plasma Physics Reports</i> , Vol. 42, No. 1 (2016)
2014	Bezel et al, "High Power Laser-Sustained Plasma Light Sources for KLA-Tencor Broadband Inspection Tools" (undated)
2015	"LDLS™ Laser-Driven Light Source EQ-1000 High Brightness DUV Light Source" (2008) ("LDLS Advertisement")
2016	Smith Declaration PROTECTIVE ORDER MATERIAL

PATENT OWNER'S EXHIBIT LIST

Exhibit #	Document
2017	Letter from Semrock, Inc. to R&D 100 Awards, dated February 28, 2011
2018	M. Rose, "Winners of 2010 Prism Awards Announced", January 27, 2011, http://www.photonics.com/Article.aspx?AID=45757 (Accessed January 15, 2015)
2019	R&D Magazine, "2011 R&D 100 Winner," http://www.rdmag.com/awardwinners/2011/08/lightsourcelifetimeliftedlasertech (Accessed January 7, 2016)
2020	Rudoy et al., " <u>Xenon Plasma Sustained by Pulse-Periodic Laser Radiation</u> ," Plasma Physics Reports Vol. 41, No. 10 (2015) ("Rudoy")
2021	Eden Depo Ex. 5 (Knecht et al., " <u>Optical pumping of the XeF(C+ A) and iodine 1.315-μm lasers by a compact surface discharge system</u> ," Optical Engineering, Vol. 42, No. 12 (2003))
2022	Fridman et al., <i>Plasma Physics and Engineering</i> , pp. 404-419, 618-619 (1st ed. 2004)
2023	Webster's Third New International Dictionary of the English Language, Unabridged, "Sustain," p. 2304 (2002)
2024	Merriam-Webster Dictionary, "Sustain," pp. 722-23 (2004)
2025	The American Heritage Dictionary of the English Language, "Sustain," p. 1744 (4th ed. 2006)
2026	Curriculum vitae of Donald K. Smith
2027	"Light Source Proposal..." (12/15/2005) PROTECTIVE ORDER MATERIAL
2028	2007 ASML/Energetiq Email PROTECTIVE ORDER MATERIAL
2029	Zimakov et al., "Bistable behavior of a continuous optical discharge as a laser beam propagation effect" (2013)
2030	Project Agreement for Feasibility Study (May 3, 2006) PROTECTIVE ORDER MATERIAL

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.