

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 IPR2015-01362
Patent No. 8,969,841

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

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

- a. The exhibit is 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 exhibit is hearsay under Fed. R. Evid. 802.
- c. The exhibit is not authenticated under Fed. R. Evid. 901.

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

- a. The English Translation in the exhibit is 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 1006. The bases of the objection are:

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

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

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1007.

The bases of the objection are:

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

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1011.

The bases of the objection are:

- a. The exhibit is 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.

The bases of the objection are:

- a. The exhibit is 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 1013.

The bases of the objection are:

- a. The exhibit is 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 1016.

The bases of the objection are:

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

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1017.

The bases of the objection are:

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

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1022.

The bases of the objection are:

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

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1023.

The bases of the objection are:

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.

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Automate many repetitive legal tasks like conflict checks, document management, and marketing.

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Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.