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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 IPR2015-01368

**DECLARATION OF KEVIN S. PRUSSIA IN SUPPORT OF MOTION
FOR ADMISSION *PRO HAC VICE***

ASML v. Energetiq
IPR2015-01368
ASML 1026

I, Kevin S. Prussia, declare as follows:

1. I was admitted to the Massachusetts Bar in November of 2006 and have been practicing law for over 9 years. During the entire time that I have been practicing law, my practice has focused on the field of intellectual property, and particularly, patent litigation.

2. I am a member in good standing of the Bar of Massachusetts and the Bar of New York, and am admitted to practice before the U.S. District Court for the District of Massachusetts, the U.S. Court of Appeals for the First Circuit, and the U.S. Court of Appeals for the Federal Circuit. I am also admitted to practice before the Supreme Judicial Court for Suffolk County, Massachusetts, and the State of New York Supreme Court Appellate Division, Third Judicial Dept.

3. My New York Bar membership number is 4498539.

4. Over the course of my career, I have been counsel in dozens of patent litigations. Several of these cases have concerned Patent Office rules and regulations. For example, I have litigated a number of cases concerning the duty of candor to the Patent Office embodied in 37 C.F.R. § 1.56. Cases that I have been involved in which implicate this rule include *Energetiq Tech., Inc. v. ASML Netherlands B.V. et al.*, Civ. No.: 1:15-cv-10240-LTS (D. Mass.); *In the Matter of Certain Laser-Driven Light Sources, Subsystems Containing Laser-Driven Light*

Sources, and Products Containing Same, Inv. No. 337-TA-983 (U.S. International Trade Commission); *Summit 6 LLC v. Apple Inc.*, Civ. No.: 7:14-cv-00106 (N.D. Tex.); and *St. Clair Intellectual Property Consultants Inc. v. Research in Motion Ltd. et al.*, Civ. No: 1:08-cv-00371 (D. Del.). In addition, *Energetiq Tech., Inc. v. ASML Netherlands B.V. et al.*, Civ. No.: 1:15-cv-10240-LTS (D. Mass.) also concerned Patent Office rules and regulations embodied in 37 C.F.R. § 1.27 regarding the definition and treatment of small entities.

5. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never had a court or administrative body deny my application for admission to practice.

7. I have never had any sanctions or contempt citations imposed on me by any court or administrative body.

8. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37 C.F.R. Part 42.

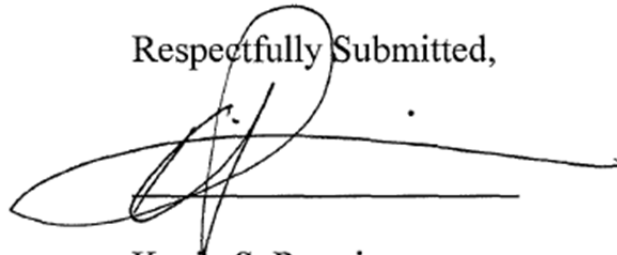
9. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

10. In the last three (3) years, I have not appeared *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

11. I am familiar with the subject matter at issue in this proceeding. I have reviewed U.S. Patent No. 8,525,138 (the “’138 patent”), which is being challenged in this proceeding, and I have reviewed the relevant prior art. Beginning in 2015 and continuing until the present, I have represented Petitioners ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG in *Energetiq Tech., Inc. v. ASML Netherlands B.V. et al.*, Civ. No.: 1:15-cv-10240-LTS (D. Mass.) (the “Energetiq litigation”), which is a related matter to this proceeding. The validity of the ’138 patent over the prior art raised in this proceeding is a contested issue in the Energetiq litigation. The validity of other patents in the same patent family as the ’138 patent over some of the prior art raised in this proceeding are also contested issues in the Energetiq litigation.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,



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