

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASML NETHERLANDS B.V., EXCELITAS TECHNOLOGIES CORP., AND  
QIOPTIQ PHOTONICS GMBH & CO. KG,  
Petitioner,

v.

ENERGETIQ TECHNOLOGY, INC.,  
Patent Owner.

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Case IPR2015-01375  
Patent 9,048,000

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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	PTAB email of July 28, 15 to Patent Owner re Certificate of Correction
2004	Declaration of Jinnie L. Reed in Support of Motion for Admission <i>Pro Hac Vice</i>
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) <b>PROTECTIVE ORDER MATERIAL</b>
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 <b>PROTECTIVE ORDER MATERIAL</b>
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")

## PATENT OWNER'S EXHIBIT LIST

Exhibit #	Document
2016	Smith Declaration <b>PROTECTIVE ORDER MATERIAL</b>
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, <a href="http://www.photonics.com/Article.aspx?AID=45757">http://www.photonics.com/Article.aspx?AID=45757</a> (Accessed January 15, 2015)
2019	R&D Magazine, "2011 R&D 100 Winner," <a href="http://www.rdmag.com/awardwinners/2011/08/lightsourcelifetimeliftedlasertech">http://www.rdmag.com/awardwinners/2011/08/lightsourcelifetimeliftedlasertech</a> (Accessed January 7, 2016)
2020	Rudoy et al., " <u>Xenon Plasma Sustained by Pulse-Periodic Laser Radiation</u> ," <i>Plasma Physics Reports</i> 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-<math>\mu</math>m lasers by a compact surface discharge system</u> ," <i>Optical Engineering</i> , 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) <b>PROTECTIVE ORDER MATERIAL</b>
2028	2007 ASML/Energetiq Email <b>PROTECTIVE ORDER MATERIAL</b>
2029	Zimakov et al., "Bistable behavior of a continuous optical discharge as a laser beam propagation effect" (2013)

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