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 IPR2015-01375
U.S. Patent No. 9,048,000

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107

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I. INTRODUCTION

Pursuant to § 42.107, Patent Owner Energetiq Technology, Inc. ("Energetiq" or "Patent Owner") hereby files this preliminary response ("Preliminary Response") to the Petition for *Inter Partes* Review of U.S. Patent No. 9,048,000 (the "Petition") in IPR2015-01375 filed by ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG, ("ASML" or "Petitioner").

Patent Owner, by submitting this Preliminary Response, does not waive its rights to add or modify arguments should the Patent Trial and Appeal Board (the Board") decide to institute a trial on this matter. Patent Owner has limited its identification of only certain deficiencies in Petitioner's argument in this Preliminary Response. The absence of any subject matter addressing or rebutting any arguments or other material presented in the Petition should not be deemed a waiver or admission by Patent Owner, nor should it be deemed to be a concession that the Petitioner has satisfied the heavy burden it must meet for the Board to institute a trial. Additionally, Patent Owner's discussion or emphasis on any particular claim elements or features of the '000 Patent in this Preliminary Response, unless otherwise noted herein, is intended to relate only to this IPR proceeding and in no way is a concession regarding other patentable features or aspects of claims in any related proceedings.

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