

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 B2

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Before SALLY C. MEDLEY, JONI Y. CHANG, and  
BARBARA A. PARVIS, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

DECISION

Motion to File a Request for a Certificate of Correction  
*37 C.F.R. §§ 42.20 and 1.322(a)*

Patent Owner seeks to correct typographical errors in claim 25 of U.S. Patent 9,048,000 B2 (“the ’000 patent”). Paper 10, 58. We consider Patent Owner’s request as a Motion to File a Request for a Certificate of Correction. For the reasons stated below, Patent Owner’s Motion is *granted*.

We observe that the Director has the authority to issue a certificate of correction for certain mistakes in a patent, pursuant to 35 U.S.C. § 254, which, in part, states:

Whenever a mistake in a patent, incurred through the fault of the Patent and Trademark Office, is clearly disclosed by the records of the Office, the Director may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents.

Furthermore, a patent owner may ask the Director to issue such a certificate under 37 C.F.R. § 1.322(a), which states:

(a)(1) The Director may issue a certificate of correction pursuant to 35 U.S.C. 254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office:

(i) At the request of the patentee or the patentee's assignee . . .

(3) If the request relates to a patent involved in an interference or trial before the Patent Trial and Appeal Board, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2), § 41.121(a)(3), or § 42.20 of this title.

Here, in particular, Patent Owner requests correction of the following typographical errors in clam 25 of the '000 patent (Paper 10, 58):

...emitted by the plasma and reflecting the plasma-generated ~~[[#]]~~ light toward the sapphire ~~[[window.]]~~ window, wherein the emitted light and laser ~~[[ever-y]]~~ energy pass through the window.

Patent Owner also indicates that the errors are disclosed clearly in the records of the application that issued as the '000 patent—e.g., on page 6 of

the Amendment and Response filed by the Patent Owner on March 6, 2015. *Id.* More importantly, Patent Owner confirms that claim 25 of the '000 patent is not involved in this *inter partes* review. *Id.* As such, a certificate of correction for the aforementioned typographical errors will not impact this review.

### ORDER

In consideration of the foregoing, it is  
ORDERED that Patent Owner's Motion to File a Request for a Certificate of Correction (Paper 10, 58) is *granted*; and  
FURTHER ORDERED that Patent Owner is authorized to file a request, under 37 C.F.R. § 1.322(a), for a certificate of correction as to the aforementioned typographical errors in claim 25 of the '000 patent, in accordance with § 1480 or § 1480.01 of the Manual of Patent Examining Procedure (9<sup>th</sup> ed. 2014).

IPR2015-01375  
Patent 9,048,000 B2

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