

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  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (collectively, “Petitioner”) filed a Petition requesting an *inter partes* review of claims 1, 15, and 18 of U.S. Patent No. 9,048,000 B2 (Ex. 1001, “the ’000 patent”). Paper 4 (“Pet.”). Energetiq Technology, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 10 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a).

For the reasons set forth below, we institute an *inter partes* review as to claims 1, 15, and 18 of the ’000 patent.

### A. Related Matter

The parties indicate that the ’000 patent is asserted in *Energetiq Technology, Inc. v. ASML Netherlands B.V.*, No. 1:15-cv-10240-LTS (D. Mass.), and identify related proceedings. Pet. 1; Paper 11, 2–3.

### B. The ’000 Patent

The ’000 patent claims under 35 U.S.C. § 120, through a series of continuation and continuation-in-part applications, the benefit of the filing date of an application filed March 31, 2006. Ex. 1001, at [63]; Ex. 1002. The ’000 patent discloses a light source comprising a laser that ionizes a gas within a chamber to produce a plasma-generated light. *Id.* at Abs. According to the ’000 patent, such a light source can be used as a source of illumination in a semiconductor photolithographic system. *Id.* at 1:27–37.



*wavelength range of up to about 2000 nm* through a region of material of the sealed pressurized chamber that is transparent to the substantially continuous laser energy to the ionized gas to sustain a plasma within the sealed pressurized plasma chamber to produce plasma generated *light having wavelengths greater than 50 nm*; and

illuminating the wafer with plasma-generated light having wavelengths greater than 50 nm that exits the sealed pressurized chamber.

Ex. 1001, 48:45–59 (emphases added).

#### *D. Prior Art Relied Upon*

Petitioner relies upon the following prior art references<sup>1</sup>:

Gärtner	FR 2554302 A1	May 3, 1985	(Ex. 1004)
Kensuke	JP 2006010675 A	Jan. 12, 2006	(Ex. 1005)
Mourou	WO 2004/097520 A2	Nov. 11, 2004	(Ex. 1014)

WILLIAM T. SILFVAST, LASER FUNDAMENTALS 1–6, 199–222, 565–68 (2d ed. 2004). Ex. 1006 (“Silfvast”).

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<sup>1</sup> The citations to Gärtner and Kensuke in this Decision are to their certified English-language translations in Exhibits 1004 and 1005, respectively.

*E. Asserted Grounds of Unpatentability*

Petitioner asserts the following grounds (Pet. 18, 42):

Claims	Basis	References
1, 15, and 18	§ 103(a)	Gärtner in view of Mourou and Silfvast <sup>2</sup>
1, 15, and 18	§ 103(a)	Gärtner in view of Kensuke and Silfvast

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1275–79 (Fed. Cir. 2015). Here, Petitioner proposes construction for “light,” which is recited in all of the challenged claims. Pet. 8–11. At this juncture, Patent Owner does not challenge Petitioner’s proposed construction. *See generally* Prelim. Resp.

Upon review of the present record, we determine that Petitioner’s construction is consistent with the broadest reasonable construction. For purposes of this Decision, we adopt the following claim construction:

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<sup>2</sup> Silfvast is omitted inadvertently from each statement of the asserted grounds, although discussed in the Petitioner’s analysis. Pet. 14–18, 26–39, 45–54. Therefore, we treat the statements of the asserted grounds as mere harmless error and presume that Petitioner intended to assert that the challenged claims are unpatentable based, in part, on Silfvast.

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