

DOCKET NO.: 0107945.00235US7

Filed By: Donald R. Steinberg, Reg. No. 37,241
David L. Cavanaugh, Reg. No. 36,476
Michael H. Smith, Reg. No. 71,190
60 State Street,
Boston, Massachusetts 02109
Tel: (617) 526-6000
Email: Don.Steinberg@wilmerhale.com
David.Cavanaugh@wilmerhale.com
MichaelH.Smith@wilmerhale.com

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 IPR2015-01377

PETITIONERS' OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64, ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (collectively, "Petitioners") serve the following objections to evidence served with the Patent Owner's Response of Energetiq Technology, Inc. ("Patent Owner").

Petitioners object to Exhibit 2006, J. Gary Eden's Deposition Transcript Excerpts, as incomplete (FRE 106).

Petitioners object to Exhibit 2016, Declaration of Donald K. Smith, Ph.D. Specifically, Petitioners object to ¶¶ 9-10, 16-26, 28-38, 41-43, 46-51, 53-54, 56-57, 59-61, 63-64, 66-67, 69, 71-73, 75, 77, 79-80, 83, 85, 87, 89-97 as lacking personal knowledge/foundation (FRE 602) and being improper expert testimony by a lay witness (FRE 701). Petitioners further object to ¶ 48 as hearsay (FRE 802).

Petitioners object to Exhibit 2022, Fridman et al., Plasma Physics and Engineering, pp. 404-419, 618-619 (1st ed. 2004), as incomplete (FRE 106).

Petitioners object to Exhibit 2045, I.N. Toumanov, "General Analysis of Plasma Technique in Chemical Technology and Metallurgy," Plasma and High Frequency Processes for Obtaining and Processing Materials in the Nuclear Fuel Cycle, p. 60 (2003), as incomplete (FRE 106).

Petitioners object to Exhibit 2046, Fridman et al., Plasma Physics and Engineering, pp. 409-424, 639-640 (2nd ed. 2011), as incomplete (FRE 106).

Petitioners object to Exhibit 2050, Schöne et al., "Diode-Pumped High-Power cw Nd:YAG Lasers," Laser in Forschung und Technik (1996), as incomplete (FRE 106) and as lacking authentication (FRE 901).

Petitioners object to Exhibit 2051, Optics & Photonics News, January 1999, as incomplete (FRE 106).

Petitioners objection to Exhibit 2076, LuxteL, Ceralux Xenon Arc Lamps (2003-2004), as lacking authentication (FRE 901).

Respectfully Submitted,

Date: March 8, 2016

/Donald R Steinberg/
Donald R. Steinberg
Registration No. 37,241
Lead Counsel for Petitioners
Wilmer Cutler Pickering
Hale & Dorr LLP
Tel: 617-526-6453
Fax: 617-526-5000

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2016, I caused a true and correct copy of the following materials:

- Petitioners' Objections to Evidence

to be served by electronic mail to the following address:

PTABMattersBoston@proskauer.com.

Respectfully Submitted,

_____/Michael Smith/_____
Michael H. Smith
Registration No. 71,190
Wilmer Cutler Pickering
Hale & Dorr LLP
Tel: 202-663-6055
Fax: 202-663-6363