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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

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,435,982
CLAIMS 23 AND 60**

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| I. MANDATORY NOTICES | 1 |
| A. Real Parties-in-Interest | 1 |
| B. Related Matters | 1 |
| C. Counsel | 1 |
| D. Service Information | 2 |
| II. CERTIFICATION OF GROUNDS FOR STANDING | 2 |
| III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED | 2 |
| A. Grounds for Challenge | 2 |
| B. Prior Art Patents and Printed Publications Relied Upon | 3 |
| C. Relief Requested | 3 |
| IV. PERSON OF ORDINARY SKILL IN THE ART | 3 |
| V. OVERVIEW OF THE '982 PATENT | 4 |
| A. Summary of the Prosecution History | 6 |
| VI. CLAIM CONSTRUCTION | 7 |
| A. "Light source" | 8 |
| B. "High brightness light" | 10 |
| VII. THE CHALLENGED CLAIMS ARE INVALID | 13 |
| A. Laser Sustained Plasma Light Sources Were Known Long Before the Priority Date of the '982 Patent | 13 |
| B. Sustaining a plasma with a laser emitting at least one wavelength of electromagnetic energy that is strongly absorbed by the ionized medium was well known in the art | 14 |
| VIII. GROUNDS FOR FINDING THE CHALLENGED CLAIMS INVALID | 20 |
| A. Ground 1: Claims 23 and 60 Are Obvious Over Gärtner in View of Beterov | 20 |
| 1. Gärtner and Beterov are prior art references that were not considered by the Patent Office during examination | 20 |
| 2. Overview of Gärtner | 21 |
| 3. Overview of Beterov | 24 |

| | | |
|-----|--|----|
| 4. | Claim 23 | 28 |
| 5. | Claim 60 | 40 |
| B. | Ground 2: Claims 23 and 60 Are Obvious Over Gärtner in View of Wolfram..... | 43 |
| 1. | Gärtner and Wolfram are prior art references that were not considered by the Patent Office during examination | 43 |
| 2. | Claim 23 | 44 |
| 3. | Claim 60 | 51 |
| IX. | RESPONSE TO ARGUMENTS RAISED BY PATENT OWNER IN ITS PRELIMINARY INJUNCTION MOTION | 53 |
| A. | Patent Owner’s Arguments Regarding ”High Brightness Light” | 53 |
| B. | Patent Owner’s Arguments Regarding Objective Indicia of Non-Obviousness | 58 |
| X. | CONCLUSION..... | 60 |

I. MANDATORY NOTICES

A. Real Parties-in-Interest

ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (“Petitioners”) are the real parties-in-interest.

B. Related Matters

U.S. Patent No. 7,435,982 (“the ’982 patent,” Ex. 1201) is one member of a patent family of continuation and continuation in part applications. Exhibit 1202 shows the members of this patent family and the relationships among them. Petitioners are also seeking *inter partes* review of additional claims of the ’982 patent and of related U.S. Patent Nos. 7,786,455 (“the ’455 patent”); 8,309,943 (“the ’943 patent”); 8,525,138 (“the ’138 patent”); 8,969,841 (“the ’841 patent”); and 9,048,000 (“the ’000 patent”). Petitioners request that the *inter partes* reviews of the ’982, ’455, ’943, ’138, ’841, and ’000 patents be assigned to the same Panel for administrative efficiency.

The following litigation matter would affect or be affected by a decision in this proceeding: *Energetiq Technology, Inc. v. ASML Netherlands B.V., et al*, Civil Action No. 1:15-cv-10240-LTS (D. Mass.).

C. Counsel

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II. CERTIFICATION OF GROUNDS FOR STANDING

Petitioners certify pursuant to Rule 42.104(a) that the patent for which review is sought is available for *inter partes* review and that Petitioners are not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

Pursuant to Rules 42.22(a)(1) and 42.104(b)(1)-(2), Petitioners challenge claims 23 and 60 of the '982 patent ("the challenged claims") and request that each challenged claim be cancelled. Petitioners have separately challenged claims 1 and 37, from which claims 23 and 60 depend, in IPR Nos. 2015-01300 and 2015-01303.

A. Grounds for Challenge

This Petition, supported by the declaration of Dr. J. Gary Eden, a Professor of Electrical Engineering at the University of Illinois ("Eden Decl.," Ex. 1203), demonstrates that there is a reasonable likelihood that Petitioners will prevail with respect to at least one of the challenged claims and that each of the challenged claims is unpatentable for the reasons cited in this petition. *See* 35 U.S.C. §

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