

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  
Patent No. 7,435,982

---

**PATENT OWNER'S OBJECTION TO EVIDENCE PURSUANT TO  
37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Energetiq Technology, Inc. objects to the admissibility of Petitioner's Exhibit 1202. The bases of the objection are:

- a. The exhibit is incomplete and may result in unfair prejudice, confusing the issues, misleading the factfinder, undue delay, and/or wasting time under Fed. R. Evid. 403.
- b. The exhibit is hearsay under Fed. R. Evid. 802.
- c. The exhibit is not authenticated under Fed. R. Evid. 901.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1204 ("Gärtner"). The bases of the objection are:

- a. The English Translation in the exhibit is inaccurate and may result in unfair prejudice, confusing the issues and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1205. The bases of the objection are:

- a. The exhibit is hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibit is not authenticated under Fed. R. Evid. 901.

IPR2015-01377

Patent No. 7,435,982

- c. There is no admissible evidence regarding the date or the manner in which the exhibit was made available to the public, if ever, and it therefore does not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1206.

The bases of the objection are:

- a. The exhibit is hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibit is not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibit was made available to the public, if ever, and it therefore does not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1208.

The bases of the objection are:

- a. The exhibit is hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibit is not authenticated under Fed. R. Evid. 901.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1209.

The bases of the objection are:

- a. The exhibit is hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibit is not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibit was made available to the public, if ever, and it therefore does not constitute prior art.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1211.

The bases of the objection are:

- a. The exhibit is redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1212.

The bases of the objection are:

- a. The exhibit is redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1213.

The bases of the objection are:

- a. The exhibit is redacted and incomplete, which may result in unfair prejudice, confusing the issues, and/or misleading the factfinder under Fed. R. Evid. 403.

Patent Owner also objects to the admissibility of Petitioner's Exhibit 1214.

The bases of the objection are:

- a. The exhibit is hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.
- b. The exhibit is not authenticated under Fed. R. Evid. 901.
- c. There is no admissible evidence regarding the date or the manner in which the exhibit was made available to the public, if ever, and it therefore does not constitute prior art.

Patent Owner further objects to the admissibility of Petitioner's Exhibit 1215

("Wolfram"). The bases of the objection are:

- a. The exhibit is not relevant to this proceeding under Fed. R. Evid. 401 and 402. Any facts within Exhibit 1215 are not "of consequence in determining

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.