

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,
Petitioner,

v.

ENERGETIQ TECHNOLOGY, INC.,
Patent Owner.

Case IPR2016-00126
Patent 9,048,000

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

**DECLARATION OF SAFRAZ W. ISHMAEL
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

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I, Safraz W. Ishmael, declare as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am also admitted to practice before the U.S. District Court for the District of Massachusetts, the Eastern District of Texas, and the Western District of Wisconsin, as well as in the U.S. Court of Appeals for the First and Federal Circuits.

2. I am a member in good standing of the Bar of the Commonwealth of Massachusetts.

3. I have never been suspended or disbarred from practice before any court or administrative body.

4. I have never been denied admission to practice before any court or administrative body.

5. I have never been subject to sanctions or contempt citations imposed by any court or administrative body.

6. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in title 37, part 42 of the Code of Federal Regulations (C.F.R.).

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7. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Responsibility set forth in part 11 of 37 C.F.R. and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

8. I currently appear *pro hac vice* as back-up counsel in the following proceedings before the United States Patent and Trademark Office: IPR2015-01277, -01279, -01300, -01303, -01362, -01368, -01375, and -01377. I am applying to appear *pro hac vice* before the United States Patent and Trademark Office in the following proceeding: IPR2016-00127. Each of these proceedings is related to this matter, as indicated in the Patent Owner's Mandatory Notices. IPR2016-00126, Paper 6.

9. I am Senior Counsel at the law firm of Proskauer Rose LLP ("Proskauer"). I joined Proskauer as an associate in 2011. I previously practiced law as an attorney at the law firms of Testa, Hurwitz & Thibault LLP from 2003 – 2005 and at Goodwin Procter LLP from 2005 – 2011.

10. I am an experienced litigating attorney and have specific experience in patent law and patent law litigation. I have represented clients in numerous patent infringement actions across the country in various technical fields, including actions concerning optical transmitter devices, applied physics

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devices, semiconductor manufacturing devices, mechanical devices, electronics, and computer software, among other technologies.

11. I have an established familiarity with the subject matter at issue in IPR2016-00126. Specifically, I have reviewed the challenged patent, the Petition, and the accompanying exhibits. I represent Energetiq Technology, Inc. (“Energetiq”) in matters relating to its patents, including U.S. Patent No. 9,048,000, which is the patent at issue in this IPR. For example, I represent Energetiq in *Energetiq Technology, Inc. v. ASML Netherlands B.V., Excelitas Technologies Corp. and Qioptiq Photonics GMBH & Co. KG*, 1:15-cv-10240-LTS, (the “Litigation”) filed on January 30, 2015 and pending in the U.S. District Court for the District of Massachusetts, which involves the patent at issue in this IPR. I have been involved in preparing Energetiq’s patent infringement arguments and patent validity arguments, including such arguments as they relate to U.S. Patent No. 9,048,000, in the Litigation. I have been involved in the preliminary injunction proceedings in the Litigation, and as a result, I have reviewed and am familiar with the invalidity positions and prior art raised therein, and raised in this proceeding.

12. Through my representation of Energetiq for at least over the last nine months, and by working with Energetiq during that time to understand the

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technologies at issue, I have acquired substantial understanding of the technology at issue in this IPR, which pertains to laser-driven light sources and applied physics. My knowledge of this technology has been enhanced by my educational background: in addition to holding a juris doctor degree, I hold bachelor of science degrees in physics and computer science, and a master of science degree in physics.

13. I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with full knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on February 5, 2016

Respectfully submitted,
Proskauer Rose LLP

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/ Safraz W. Ishmael /
Safraz W. Ishmael, Esq.

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