

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 IPR2016-00126  
Patent 9,048,000

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

**ENERGETIQ TECHNOLOGY, INC.'S MOTION FOR  
*PRO HAC VICE* ADMISSION OF SAFRAZ W. ISHMAEL**

## **I. Statement of Precise Relief Requested**

Pursuant to 37 C.F.R. § 42.10, Patent Owner Energetiq Technology, Inc. (“Energetiq”) requests that the Board admit Safraz W. Ishmael *pro hac vice* in this proceeding.

## **II. Good Cause Exists for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding**

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. More specifically, 37 C.F.R. § 42.10(c) indicates that “where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Safraz W. Ishmael *pro hac vice* during this proceeding.

Lead Counsel, Steven M. Bauer, is a registered practitioner, having USPTO Registration No. 31,481.

Counsel, Safraz W. Ishmael, is an experienced patent litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion is the Declaration of Safraz W. Ishmael in Support of Motion for Admission *Pro Hac Vice* (Ex. 2101). Mr. Ishmael is a litigating

attorney with over 12 years of patent litigation experience. Ex. 2101 at ¶ 9-10. He is a member in good standing with the Bar of the Commonwealth of Massachusetts. *Id.* at ¶ 2. He has never been suspended, disbarred, sanctioned, denied admission to practice, or cited for contempt by any court or administrative body. *Id.* at ¶ 3-5. Mr. Ishmael is familiar with the subject matter at issue, and his technical experience will aid Energetiq in this proceeding. *Id.* at ¶ 11. He also satisfies the remaining conditions for admissibility identified by the Board. *See Id.* at ¶¶ 6-8.

### **III. Conclusion**

For the foregoing reasons, Energetiq respectfully requests that the Board admit Safraz W. Ishmael *pro hac vice* in this proceeding.

Respectfully submitted,  
**Proskauer Rose LLP**

/ Steven M. Bauer /  
Steven M. Bauer, Reg. No. 31,481  
Attorney for Patent Owner

Date: February 5, 2016  
PROSKAUER ROSE LLP  
One International Place  
Boston, Massachusetts 02110

## EXHIBIT LIST

Exhibit	Reference
2101	Declaration of Safraz W. Ishmael in Support of Motion for Admission <i>Pro Hac Vice</i>

## CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2016 copies of this Motion for *Pro Hac Vice* Admission of Safraz W. Ishmael, the Declaration of Safraz W. Ishmael in Support of Motion for Admission *Pro Hac Vice*, and Exhibit list are being served pursuant to 37 C.F.R. § 42.6 via Priority Mail Express to the following address for Petitioner:

Donald R. Steinberg  
WilmerHale  
60 State Street  
Boston, MA 02109

Respectfully submitted,  
**Proskauer Rose LLP**

/ Gerald E. Worth /  
Gerald E. Worth, Reg. No. 45,238  
Attorney for Patent Owner

Date: February 5, 2016  
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