

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.

Cases IPR2016-00126 (Patent 9,048,000 B2)
IPR2016-00127 (Patent 8,969,841 B2)¹

Before SALLY C. MEDLEY, JONI Y. CHANG, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

¹ This Order addresses issues involving all of the above-identified cases. We exercise our discretion to issue one Order to be entered in each case. The parties, however, are not authorized to use this style caption for any subsequent papers.

IPR2016-00126 (Patent 9,048,000 B2)

IPR2016-00127 (Patent 8,969,841 B2)

Patent Owner filed Motions for *Pro Hac Vice* Admission of Mr. Safraz W. Ishmael (Paper 8²) and Ms. Jinnie L. Reed (Paper 9), supported by a Declaration of Mr. Ishmael (Ex. 2101) and a Declaration of Ms. Reed (Ex. 2102), in each of the above-identified proceedings. The Motions are unopposed. For the reasons provided below, Patent Owner's Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), we 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. In authorizing motions for *pro hac vice*, we require the moving party to provide a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in the proceedings.

In the proceedings at issue, lead counsel for Patent Owner, Mr. Steven M. Bauer, is a registered practitioner. Paper 8, 2; Paper 9, 2. Upon review of Patent Owner's Motions and supporting evidence, we determine that Patent Owner has demonstrated that Mr. Ishmael and Ms. Reed have sufficient legal and technical qualifications to represent Patent Owner in these proceedings. We also recognize that there is a need for Patent Owner to have Mr. Ishmael and Ms. Reed be involved in the proceedings at issue.

² All citations are to IPR2016-00126, as representative, unless otherwise noted.

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Accordingly, Patent Owner has established that there is good cause for admitting Mr. Ishmael and Ms. Reed.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Mr. Ishmael and Ms. Reed are *granted*; Mr. Ishmael and Ms. Reed are authorized to represent Patent Owner as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for these proceedings;

FURTHER ORDERED that Mr. Ishmael and Ms. Reed are to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and he is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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