

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 FABIO E. TARUD
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

Energetiq
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I, Fabio E. Tarud, declare as follows:

1. I am an attorney licensed to practice law in the state of New York. I am also admitted to practice before the U.S. District Court for the Eastern District of New York and the United States Court of Appeals for the Federal Circuit.

2. I am a member in good standing of the Bar of the State of New York.

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.).

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 am applying to appear *pro hac vice* before the United States Patent and Trademark Office in the following proceedings: IPR2015-01277, -01279, -01300, -01303, -01362, -01368, -01375, and -01377, as well as IPR2016-00126 and -00127. Each of these proceedings is related to this matter, as indicated in the Patent Owner's Mandatory Notices. IPR2016-00126, Papers 6 and 12. I was previously admitted *pro hac vice* in the following unrelated matters: IPR2015-00570, -00571, -00572, and -00573.

9. I am an associate at the law firm of Proskauer Rose LLP ("Proskauer"). I joined Proskauer as an associate in November 2010.

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 relating to mechanical engineering, electrical engineering, and computer science.

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. 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 ITC matter (*i.e.*, *Certain Laser-Driven Light Sources, Subsystems Containing Laser-Driven Light Sources, and Products Containing Same*, Inv. No. 337-TA-983, filed on December 15, 2015). Furthermore, I am familiar with the subject matter and technology at issue in this IPR based on my interactions with the listed inventor regarding the subject matter of this patent.

12. Through my representation of Energetiq and by working with Energetiq during that time to understand the 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.

13. I declare that all statements made herein 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 April 1, 2016

Respectfully submitted,
Proskauer Rose LLP

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/ Fabio E. Tarud /

Fabio Tarud, Esq.

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