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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,  
Petitioners

v.

ENERGETIQ TECHNOLOGY, INC.,  
Patent Owner.

Case IPR2016-00566

JOINT MOTION TO TERMINATE PROCEEDING  
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.72 AND  
JOINT REQUEST TO KEEP PAPER SEPARATE  
AS BUSINESS CONFIDENTIAL INFORMATION

Pursuant to 35 U.S.C. §317 and 37 C.F.R. § 42.72, Patent Owner Energetiq Technology, Inc. (“Patent Owner”) and Petitioners ASML Netherlands B.V., Excelitas Technologies Corp., and Qioptiq Photonics GmbH & Co. KG (“Petitioners”) (collectively, “the Parties”) jointly request termination of *Inter Partes* Review No. IPR2016-00566, involving claims 21, 25, and 27 of U.S. Patent 8,525,138.

The Parties have settled all of their disputes involving the following patents U.S. Patents Nos. 7,435,982 (“the ’982 patent”); 7,786,455 (“the ’455 patent”); 8,309,943 (“the ’943 patent”); 8,525,138 (“the ’138 patent”); 8,969,841 (“the ’841 patent”); 9,048,000 (“the ’000 patent”); and 9,185,786 (“the ’786 patent”). More specifically, the Parties have agreed to settle and dismiss their related district court litigation (*Energetiq Tech., Inc. v. ASML Netherlands B.V.*, No. 1:15-cv-10240-LTS (D. Mass.)) and International Trade Commission litigation (*In the Matter of Certain Laser-Driven Light Sources, Subsystems Containing Laser-Driven Light Sources, and Products Containing Same*, Inv. 337-TA-983 (U.S. International Trade Commission)). The Parties have also agreed to jointly request termination of this proceeding and all IPRs filed by Petitioners for the above listed patents<sup>1</sup>.

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<sup>1</sup> The Parties are submitting a Joint Motion to Terminate Proceeding in each of the IPRs filed by Petitioners in the above identified patents.

| <i>Energetiq patent</i> | <i>IPRs relating to patent</i>   |
|-------------------------|--|
| 7,435,982               | IPR2015-01300 & -01303<br>IPR2015-01377<br>IPR2016-00583<br>IPR2016-00584<br>IPR2016-00585         |
| 7,786,455               | IPR2015-01279<br>IPR2016-00570<br>IPR2016-00575<br>IPR2016-00576<br>IPR2016-00578<br>IPR2016-00579 |
| 8,309,943               | IPR2015-01277<br>IPR2016-00554<br>IPR2016-00555<br>IPR2016-00556                                   |
| 8,525,138               | IPR2015-01368<br>IPR2016-00565<br>IPR2016-00566  |
| 8,969,841               | IPR2015-01362<br>IPR2016-00127<br>IPR2016-00688<br>IPR2016-00689                                   |
| 9,048,000               | IPR2015-01375<br>IPR2016-00126<br>IPR2016-00774<br>IPR2016-00775                                   |
| 9,185,786               | IPR2016-00771<br>IPR2016-00776   |

Pursuant to 37 C.F.R. § 42.74(b), the Parties' settlement agreement and any collateral agreements made in contemplation of termination of the proceeding are in writing, and true and correct copies of such documents are being filed herewith

as Exhibit 1229. No other such agreements, written or oral, exist between or among the parties.

The Parties hereby jointly request that the settlement related agreement be treated as business confidential information and be kept separate from the files of the above captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

**I. Background**

Petitioners filed several requests for *Inter Partes* Review of the above identified patents. The Board has instituted *Inter Partes* Review on all challenged claims of the first ten IPRs Petitioners filed, and has not issued a decision on institution regarding the remaining IPRs. Specifically, a trial was instituted in the following IPRs:

| <b><i>Energetiq patent</i></b> | <b><i>IPRs relating to patent</i></b>   |
|--------------------------------|---|
| 7,435,982                      | IPR2015-01300 & -01303<br>IPR2015-01377 |
| 7,786,455                      | IPR2015-01279                           |
| 8,309,943                      | IPR2015-01277                           |
| 8,525,138                      | IPR2015-01368                           |
| 8,969,841                      | IPR2015-01362<br>IPR2016-00127          |
| 9,048,000                      | IPR2015-01375<br>IPR2016-00126          |

Decisions on institution have not yet been ordered for the following IPRs:

| <b><i>Energetiq patent</i></b> | <b><i>IPRs relating to patent</i></b> |
|--------------------------------|---------------------------------------|
| 7,435,982                      | IPR2016-00583<br>IPR2016-00584        |

|           |   |
|-----------|---|
|           | IPR2016-00585   |
| 7,786,455 | IPR2016-00570<br>IPR2016-00575<br>IPR2016-00576<br>IPR2016-00578<br>IPR2016-00579 |
| 8,309,943 | IPR2016-00554<br>IPR2016-00555<br>IPR2016-00556                                   |
| 8,525,138 | IPR2016-00565<br>IPR2016-00566  |
| 8,969,841 | IPR2016-00688<br>IPR2016-00689  |
| 9,048,000 | IPR2016-00774<br>IPR2016-00775  |
| 9,185,786 | IPR2016-00771<br>IPR2016-00776  |

On May 5, 2016, the Parties agreed to settle all of their disputes involving U.S. Patent Nos. 7,435,982; 7,786,455; 8,309,943; 8,525,138; 8,969,841; 9,048,000; and 9,185,786, including all litigation and Patent Office proceedings related thereto.

On May 25, 2016, the Parties informed the Board of the settlement and requested authorization to file a joint motion to terminate the proceeding with respect to both the Patent Owner and the Petitioners. In a conference call with the Board on May 31, 2016, the Parties confirmed that settlement had been reached and the Board authorized the filing, on or before June 14, 2016, of the requested joint motion to terminate this proceeding as to both parties. The Board additionally

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