

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

CERTAIN LASER-DRIVEN LIGHT
SOURCES, SUBSYSTEMS CONTAINING
LASER-DRIVEN LIGHT SOURCES, AND
PRODUCTS CONTAINING SAME

Investigation No. _____

**COMPLAINT OF ENERGETIQ TECHNOLOGY, INC. UNDER SECTION 337 OF THE
TARIFF ACT OF 1930, AS AMENDED**

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TABLE OF SUPPORTING MATERIALS

EXHIBITS

Exhibit No.	Description
1.	Certified Copy of U.S. Patent No. 8,969,841.
2.	Certified Copy of Assignment Records for U.S. Patent No. 8,969,841.
3.	Certified Copy of U.S. Patent No. 9,048,000.
4.	Certified Copy of Assignment Records for U.S. Patent No. 9,048,000.
5.	Certified Copy of U.S. Patent No. 9,185,786.
6.	Certified Copy of Assignment Records for U.S. Patent No. 9,185,786.
7.	“About Energetiq,” Energetiq website, available at: http://www.energetiq.com/about-energetiq-laser-driven-light-sources.php , accessed November 19, 2015.
8.	“Energetiq’s Laser-Driven Light Source Technology Enables Continuous Spectrum Light Sources, from Visible to Deep Ultraviolet,” Energetiq website, available at: http://www.energetiq.com/energetiqs-laser-driven-light-source-technology-enables-continuous-spectrum-light-sources-from-visible-to-deep-ultraviolet.php , dated June 17, 2008.
9.	Declaration of Paul Blackborow. (CONFIDENTIAL) .
10.	ASML Netherlands B.V. Capital IQ Report, accessed November 18, 2015.
11.	“ASML confirms full-year sales guidance, supported by solid backlog,” Euro Investor, dated October 15, 2014.
12.	2014 ASML Annual Report.
13.	YieldStar S-250D, ASML Product Catalog, dated January 20, 2014.
14.	YieldStar T-250D, ASML Product Catalog, dated January 20, 2014.
15.	YieldStar T-250D, ASML website, available at: https://www.asml.com/asml/show.do?lang=EN&ctx=46772&dfp_product_id=9130 , accessed December 4, 2015.
16.	YieldStar S-250D, ASML website, available at: https://www.asml.com/asml/show.do?lang=EN&ctx=46772&dfp_product_id=9129 , accessed December 4, 2015.
17.	Public Version of Hearing Transcript Excerpts, dated April 30, 2015.
18.	Defendants’ Memorandum in Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction, dated November 3, 2015, Dkt. No. 211.
19.	Order on Motions for Restraining Orders, dated October 29, 2015, Dkt. No. 204.
20.	Memorandum in Support of Defendants’ Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The “LS2,” dated November 3, 2015, Dkt. No. 207.

21.	Defendants' Statement of Undisputed Material Facts In Support of Their Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The "LS2," dated November 3, 2015, Dkt. No. 209.
22.	ASML US, Inc. Capital IQ Report, accessed November 18, 2015.
23.	Qioptiq's Bloomberg Company Report, accessed December 4 2015.
24.	Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order, dated July 9, 2015, Dkt. No. 120.
25.	"XWS Laser Pumped Plasma Broadband Light Source," RnD ISAN, accessed March 2014.
26.	Declaration of Donald K. Smith. (CONFIDENTIAL) .
27.	Defendant's Reply In Support of Defendants' Motion to Stay Pending Resolution of <i>Inter Partes</i> Review (Dkt. 107), dated July 7, 2015, Dkt. No. 118.
28.	Martin van den Brink, "Many ways to shrink: The right moves to 10 nanometer and beyond," ASML, dated November 24, 2014.
29.	"A faster route to better overlay, Product lifecycle management: added-value across the industry, Focus on a new star," <i>Images</i> , ASML's customer magazine, dated 2014.
30.	Infringement claim chart for U.S. Patent No. 8,969,841.
31.	Infringement claim chart for U.S. Patent No. 9,048,000.
32.	Infringement claim chart for U.S. Patent No. 9,185,786.
33.	Energetiq Domestic Industry claim chart for U.S. Patent No. 8,969,841 – claim 1.
34.	Energetiq Domestic Industry claim chart for U.S. Patent No. 9,048,000 – claim 15.
35.	Energetiq Domestic Industry claim chart for U.S. Patent No. 9,185,786 – claim 15.
36.	Energetiq Laser-Driven Light Sources.
37.	Energetiq EQ-99 Laser-Driven Light Source. (CONFIDENTIAL) .
38.	Energetiq EQ-99 LDLS Laser-Driven Light Source Operation and Maintenance Manual.
39.	"Energetiq Technology Implements Clean Manufacturing," Energetiq website, available at: http://www.energetiq.com/energetiq-technology-implements-clean-manufacturing.php , accessed November 23, 2015.
40.	"ASML reports Q2 results in line with guidance on track for record 2015 sales," dated July 15, 2015.
41.	"ASML's Holding's CEO on Q2 2015 Results," Seeking Alpha, dated July 15, 2015.
42.	List of Licensee. (CONFIDENTIAL) .

APPENDICES

Appendix Item	Description
A.	Technical References cited in file wrapper for U.S. Patent No. 8,969,841.
B.	Technical References cited in file wrapper for U.S. Patent No. 9,048,000.
C.	Technical References cited in file wrapper for U.S. Patent No. 9,185,786.
D.	Certified copy of file wrapper for U.S. Patent No. 8,969,841.
E.	Certified copy of file wrapper for U.S. Patent No. 9,048,000.
F.	Certified copy of file wrapper for U.S. Patent No. 9,185,786.

I. INTRODUCTION

1. This Complaint is filed by Energetiq Technology, Inc. (“Energetiq”) under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation into the United States, and the sale within the United States after importation, by the proposed Respondents, of certain laser-driven light sources, subsystems containing laser-driven light sources, and products containing the same that infringe claims 1, 2, 3, 6, 7, 10, 11, 13, 26, and 29 of United States Patent No. 8,969,841 (“the ’841 patent”), claims 1-6 and 15-18 of United States Patent No. 9,048,000 (“the ’000 patent”), and claims 1, 6, 8, 13, 15, 20, 21, and 25 of United States Patent No. 9,185,786 (“the ’786 patent”) (collectively, the “Asserted Patents”). Respondents have infringed the Asserted Patents directly, either literally or under the doctrine of equivalents, and indirectly through inducing infringement and/or contributory infringement.

2. Energetiq is a technology leader in developing and manufacturing innovative high brightness light sources that are used in semiconductor manufacturing equipment to fabricate nano-scale structures. Energetiq makes laser-driven light sources, which are frequently used for advanced measurement and inspection applications in semiconductor chip fabrication and for a diverse array of applications in the life sciences and material sciences.

3. On information and belief, the proposed Respondents ASML Netherlands B.V. and ASML US, Inc. (collectively, “ASML”) manufacture, import, sell for importation, and sell after importation, service, and repair, among other things, products with subsystems containing laser-driven light sources for the semiconductor industry.

4. On information and belief, the proposed Respondent Qioptiq Photonics GmbH & Co. KG (“Qioptiq”) manufactures and sells for importation laser-driven light sources and/or

subsystems containing laser-driven light sources. Qioptiq is a subsidiary of its parent corporation, Excelitas Technologies Corp.

5. The Accused Products include Qioptiq's laser-driven light source, subsystems containing a laser-driven light source, and ASML's products containing same. The Accused Products incorporate, without license, technology protected by the Asserted Patents. The Asserted Patents and their asserted claims (independent claims in bold) are listed below:

Patent Number	Asserted Claims
'841	1 , 2, 3, 6, 7, 10 , 11, 13, 26, and 29
'000	1 , 2, 3, 4, 5, 6, 15 , 16, 17, and 18
'786	1 , 6, 8 , 13, 15 , 20, 21, and 25

6. A certified copy of the '841 patent is included as Ex. 1. A certified copy of the assignment record for the '841 patent is included as Ex. 2. A certified copy of the '000 patent is included as Ex. 3. A certified copy of the assignment record for the '000 patent is included as Ex. 4. A certified copy of the '786 patent is included as Ex. 5. A certified copy of the assignment record for the '786 patent is included as Ex. 6.

7. A domestic industry, as required by 19 U.S.C. § 1337(a)(2) and (3), exists in the United States relating to the technology protected by the Asserted Patents, including significant investment and expenditures by Energetiq in the manufacture of laser-driven light sources, for which a domestic industry exists, and substantial investment in the exploitation of the inventions claimed in the Asserted Patents, including through engineering, research and development.

8. Complainant seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States directly-infringing laser-driven light sources,

subsystems containing laser-driven light sources, and products containing same manufactured or sold by or on behalf of Respondents. Complainant also seeks as relief a permanent limited exclusion order under 19 U.S.C. § 1337(d) barring from entry into the United States indirectly-infringing laser-driven light sources and subsystems containing laser-driven light sources manufactured or sold by or on behalf of Respondent Qioptiq. Complainant further seeks as relief a permanent cease and desist order under 19 U.S.C. § 1337(f) prohibiting Respondents from marketing, distributing, selling, offering for sale, warehousing inventory for distribution, or otherwise transferring or bringing into the United States, infringing laser-driven light sources, subsystems containing laser-driven light sources, and products containing same.

II. COMPLAINANT

9. Complainant Energetiq is a Delaware corporation with its corporate headquarters and sole facility located at 7 Constitution Way, Woburn, Massachusetts 01801.

10. Energetiq is a small high-technology company that specializes in making and developing advanced light sources for scientific and technical applications in the semiconductor, life science, and material science markets. *See* Ex. 7 (“About Energetiq”); Ex. 8 (“Energetiq’s Laser-Driven Light Source Technology Enables Continuous Spectrum Light Sources, from Visible to Deep Ultraviolet”). Energetiq’s products enable the manufacture and analysis of nano-scale structures and products. *Id.* The inventions disclosed in the Asserted Patents were developed by Energetiq co-founder and president Donald K. Smith, Ph.D.

11. Complainant has substantial operations in the United States dedicated to developing and supporting the technology covered by the Asserted Patents. Complainant has a facility for research and development, testing and engineering, manufacturing, sales and marketing, and a business office in Woburn, Massachusetts. Confidential Ex. 9 at ¶¶ 1, 10 (Declaration of Paul Blackborow).

12. Complainant has made and continues to make significant investments in the design and development of products protected by the Asserted Patents. In the United States, Complainant exploits the technology covered by the Asserted Patents via various activities, including research and development, engineering, manufacturing, and sales, as discussed more fully below. In connection with the exploitation of these technologies, Complainant has made significant investments in the United States in equipment, labor, capital, and research and development as described in Section X below.

III. THE PROPOSED RESPONDENTS

13. On information and belief, ASML Netherlands B.V. is a Netherlands company, with its headquarters at De Run 6501, 5504 DR Veldhoven, The Netherlands. Ex. 10 (ASML Netherlands B.V. Capital IQ Report). On information and belief, ASML Netherlands B.V. manufactures, designs, develops, markets, offers for sale, sells for importation into the United States, and exports to the United States infringing products containing subsystems that contain laser-driven light sources or products that contain laser-driven light sources. *See* Ex. 11 (“ASML confirms full-year sales guidance, supported by solid backlog”); Ex. 12 (2014 ASML Annual Report); Ex. 13 (YieldStar S-250D, ASML Product Catalog); Ex. 14 (YieldStar T-250D, ASML Product Catalog); Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction); Ex. 19 at 3 (Order on Motions for Restraining Orders); Ex. 20 at 5 (Memorandum In Support of Defendants’ Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The “LS2”); Ex. 21 at ¶ 15 (Defendants’ Statement of Undisputed Material Facts, dated November 3, 2015); Ex. 40 at slides 8, 24 (“ASML reports Q2 results in line with guidance on track for record 2015 sales” stating that 22% of overall

shipments coming into the United States and slide 24 stating that ASML has shipped 250 YieldStar systems overall and that one or several of their Holistic Lithography products—which include YieldStar—have been shipped with every immersion system); Ex. 41 at 4, 10 (“ASML’s Holding’s CEO on Q2 2015 Results” stating that the Holistic Lithography products, which include a YieldStar, are attached to 100% of ASML’s Lithography systems).

14. On information and belief, ASML US, Inc. is a Delaware corporation with a principal place of business at 2650 West Geronimo Place, Chandler, Arizona 85224. Ex. 22 (ASML US, Inc. Capital IQ Report). On information and belief, ASML US, Inc. designs, manufactures, develops, markets, offers for sale, imports into the United States, and sells products containing subsystems that contain laser-driven light sources or products that contain laser-driven light sources. Ex. 22 (ASML US, Inc. Capital IQ Report); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction).

15. On information and belief, Qioptiq Photonics GmbH & Co. KG (“Qioptiq”) is a German corporation with offices at Königsallee 23, 37081 Göttingen, Germany. Ex. 23 at ¶ 1 (Qioptiq’s Bloomberg Company Report). On information and belief, Qioptiq designs, manufactures, develops, markets, sells for importation into the United States, and/or offers for sale laser-driven light sources and subsystems containing laser-driven light sources. Ex. 24 at 1 (Memorandum and Order on Defendants’ Renewed Motion to Dismiss, Defendants’ Motion to Stay, Plaintiff’s Motion for Preliminary Injunction, and the Court’s Scheduling Order).

16. On information and belief, Respondents design, develop, manufacture, sell for importation, export, import into the United States, sell after importation into the United States, Qioptiq’s laser-driven light sources, subsystems containing laser-driven light sources, and ASML’s products containing same, as further described below.

IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

17. The technology at issue relates generally to certain laser-driven light sources used in equipment for the semiconductor industry.

18. Wafer manufacturing equipment is used in the manufacturing of semiconductor chips. Specifically, wafer manufacturing equipment helps to improve the overall accuracy of the wafer manufacturing process by enabling the correct printing of a chip's circuit pattern on a silicon wafer. The quality and efficiency of the wafer manufacturing process are directly related to, and fundamentally constrained by, the brightness of the light source used.

19. Energetiq's proprietary laser-driven light sources enable the production of light that is brighter than the next best alternative by an order of magnitude. For decades, the brightest broadband (white) light source for semiconductor wafer manufacturing was the Xenon or Mercury arc lamp. The brightness of these sources was fundamentally limited by the basic principles of physics that they employed. Moreover, the brightness failed to progress over time, even as the semiconductor industry demanded constant improvements in, for instance, the throughput of wafer manufacturing.

20. For many years the necessary improvements in these tools had to come through steady improvements in the ability to detect and measure light, rather than from the ability to deliver more light into smaller places, because the arc lamp sources of light were not subject to improvement. This situation eventually led to an ever-growing pent-up demand for a fundamentally new light source in the deep ultra-violet (DUV), visible and infrared wavelength ranges.

21. The technology of the Asserted Patents provides significant advances in the art, including a light source with ten times increased brightness, ten times increased useful life, and as a result, wafer manufacturing equipment that achieves higher throughput (*e.g.*, more wafers

per hour), better sensitivity (*e.g.*, the ability to detect small features) and resolution (*e.g.*, the ability to see and measure small features). Confidential Ex. 9 at ¶ 2 (Declaration of Paul Blackborow).

22. As discussed above, the Accused Products are Qioptiq's laser-driven light sources, subsystems containing laser-driven light sources, and ASML's products containing same (*e.g.*, ASML's YieldStar S-250D and YieldStar T-250D; and ASML's YieldStar 200C Upgrade Kit). Ex. 13 (YieldStar S-250D, ASML Product Catalog); Ex. 14 (YieldStar T-250D, ASML Product Catalog); Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction); Ex. 29, Images, ASML's Customer Magazine, at 18 ("All installed YieldStar 200C systems can be fully upgraded to the new YieldStar 250D in the field. Several field upgrades have already been successfully performed, and customer demand for such upgrades remains strong."). On information and belief, ASML has developed the next generation YieldStar for importation into the United States, which will be identified as the YieldStar 350 and that Complainant expects will fall within the scope of the Asserted Claims. Ex. 19 at 3 (Order on Motions for Restraining Orders).

23. On information and belief, Qioptiq developed a laser-driven light source (the Qioptiq Light Source 1, or "Qioptiq LS1," as it has been labeled for convenience by Energetiq) for incorporation into a subsystem for inclusion into several ASML systems. Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"). On information and belief, ASML's products contain subsystems which contain laser-driven light sources supplied by Qioptiq. Ex. 24 at 1 (Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to

Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Confidential Ex. 26 at ¶¶ 18-19, 21-24 (Declaration of Donald K. Smith); Ex. 27 at 3 and n.1 ("Defendants' Reply In Support of Defendants' Motion to Stay Pending Resolution of *Inter Partes* Review).

24. The Accused Products are sold for importation into the United States, imported into the United States, sold after importation into the United States, and used within the United States by or on behalf of Respondents.

V. THE ASSERTED PATENTS AND NONTECHNICAL DESCRIPTIONS OF THE INVENTIONS

25. As set forth below, Energetiq owns by assignment the entire right, title, and interest in and to each of the Asserted Patents. *See* Exs. 2, 4, and 6 (Certified copies of assignment records for Asserted Patents).

26. Pursuant to Commission Rule 210.12(c), the cited references for each of the Asserted Patents also have been submitted with this Complaint as Appendices A, B, and C. Pursuant to Commission Rule 210.12(c), four copies of the certified prosecution histories of each of the Asserted Patents have been submitted with this Complaint as Appendices D, E, and F.

A. Nontechnical Description of the '841 Patent¹

27. U.S. Patent No. 8,969,841, entitled "Light Source for Generating Light From a Laser Sustained Plasma in an Above-Atmospheric Pressure Chamber," was duly and legally issued on March 3, 2015, to inventor Donald K. Smith. The '841 patent expires on March 31, 2026. The '841 patent issued from U.S. Patent App. Ser. No. 14/510,959 filed on October 9,

¹ These descriptions and other non-technical descriptions within this Complaint are for illustrative purposes only. Nothing contained within this Complaint is intended to, either implicitly or explicitly, express any position regarding the proper construction of any claim of the Asserted Patents.

2014, and was previously published as U.S. Patent Pub. No. 2015/0021500 on January 22, 2015. The '841 patent claims priority to U.S. Pat. App. No. 13/964,938, filed on August 12, 2013, now the '000 patent, U.S. Pat. App. No. 13/024,027, filed on February 9, 2011, now U.S. Pat. No. 8,525,138, U.S. Pat. App. No. 12/166,918, filed on July 2, 2008, now U.S. Pat. No. 7,989,786, U.S. Pat. App. No. 11/695,348, filed on April 2, 2007, now U.S. Pat. No. 7,786,455, U.S. Pat. App. No. 11/395,523, filed on March 31, 2006, now U.S. Pat. No. 7,435,982, and U.S. Provisional App. No. 61/302,797, filed on February 9, 2010.

28. The '841 patent contains 30 claims, including 3 independent claims and 27 dependent claims. Complainant asserts that Qioptiq's laser-driven light sources, subsystems containing laser-driven light sources, ASML's products containing the same, and activities relating thereto infringe at least claims 1, 2, 3, 6, 7, 10, 11, 13, 26, and 29 of the '841 patent. Respondents have infringed the Asserted Patents directly, either literally or under the doctrine of equivalents, and indirectly through inducing infringement and/or contributory infringement.

29. Two petitions for *Inter Partes* Review of the '841 patent have been filed: No. IPR2015-01362, which was filed on June 12, 2015, and No. IPR2016-00127, which was filed on November 4, 2015. *Inter Partes* Review was instituted for IPR2015-01362 on November 30, 2015; no institution has occurred for IPR2016-00127.

30. The '841 patent is directed to Energetiq's innovative laser-driven light source technology. As claimed in the '841 patent, Energetiq's inventive technology provides at least substantially continuous laser energy to an ionized gas within a sealed pressurized chamber. The novel light source of the '841 patent offers significant improvements over earlier light sources, enabling brighter plasma-generated light and longer bulb lifetime that have led to significant advances in the wafer manufacturing process.

B. Nontechnical Description of the '000 Patent

31. U.S. Patent No. 9,048,000 entitled “High Brightness Laser-Driven Light Source” issued on June 2, 2015, to inventor Donald K. Smith. The '000 patent expires on March 31, 2026. The '000 patent issued from U.S. Patent App. Ser. No. 13/964,938, filed on August 12, 2013, and was previously published as U.S. Patent Pub. No. 2014/0117258 on May 1, 2014. The '000 patent claims priority to U.S. Pat. App. No. 13/024,027, filed on February 9, 2011, now U.S. Pat. No. 8,525,138, U.S. Pat. App. No. 12/166,918, filed on July 2, 2008, now U.S. Pat. No. 7,989,786, U.S. Pat. App. No. 11/695,348, filed on April 2, 2007, now U.S. Pat. No. 7,786,455, U.S. Pat. App. No. 11/395,523, filed on March 31, 2006, now U.S. Pat. No. 7,435,982, and U.S. Provisional App. No. 61/302,797, filed on February 9, 2010.

32. The '000 patent contains 26 claims, including 4 independent claims and 22 dependent claims. Complainant asserts that Qioptiq's laser-driven light sources, subsystems containing laser-driven light sources, ASML's products containing the same, and activities relating thereto infringe at least claims 1-6 and 15-18 of the '000 patent. Respondents have infringed the Asserted Patents directly, either literally or under the doctrine of equivalents, and indirectly through inducing infringement and/or contributory infringement.

33. Two petitions for *Inter Partes* Review of the '000 patent have been filed: No. IPR2015-01375, which was filed on June 12, 2015, and No. IPR2016-00126, which was filed on November 4, 2015. *Inter Partes* Review was instituted for IPR2015-01375 on November 30, 2015; no institution has occurred for IPR2016-00126.

34. The '000 patent is directed to Energetiq's innovative laser-driven light source technology and method for producing light. Energetiq's inventive technology, as claimed in the '000 patent, provides substantially continuous laser energy to an ionized gas within a sealed pressurized plasma chamber to produce plasma-generated light that is used, for example, to

illuminate the features of a semiconductor wafer. The innovative technology of the '000 patent offers significant improvements over earlier light sources, enabling brighter plasma-generated light and longer bulb lifetime that have led to significant advances in the wafer manufacturing process.

C. Nontechnical Description of the '786 Patent

35. U.S. Patent No. 9,185,786 entitled "Laser-Driven Light Source" issued on November 10, 2015, to inventor Donald K. Smith. The '786 patent expires on March 31, 2026. The '786 patent issued from U.S. Patent App. Ser. No. 14/448,258, filed on July 31, 2014, and was previously published as U.S. Patent Pub. No. 2015/0289353 on October 8, 2015. The '786 patent claims priority to U.S. Pat. App. No. 13/964,938, filed on August 12, 2013, now the '000 patent, U.S. Pat. App. No. 13/024,027, filed on February 9, 2011, now U.S. Pat. No. 8,525,138, U.S. Pat. App. No. 12/166,918, filed on July 2, 2008, now U.S. Pat. No. 7,989,786, U.S. Pat. App. No. 11/695,348, filed on April 2, 2007, now U.S. Pat. No. 7,786,455, U.S. Pat. No. 11/395,523, filed on March 31, 2006, now U.S. Pat. No. 7,435,982, and U.S. Provisional App. No. 61/302,797, filed on February 9, 2010.

36. The '786 patent contains 25 claims, including 3 independent claims and 22 dependent claims. Complainant asserts that Qioptiq's laser-driven light sources, subsystems containing laser-driven light sources, ASML's products containing the same, and activities relating thereto infringe at least claims 1, 6, 8, 13, 15, 20, 21, and 25 of the '786 patent. Respondents have infringed the Asserted Patents directly, either literally or under the doctrine of equivalents, and indirectly through inducing infringement and/or contributory infringement.

37. The '786 patent is directed to an innovative laser-driven light source and method for producing light. Energetiq's inventive technology, as claimed in the '786 patent, provides substantially continuous laser energy to an ionized gas within a pressurized chamber in such a

manner as to maintain the plasma in an elongated form. The novel laser-driven light source of the '786 offers significant improvements over earlier light sources, enabling brighter plasma-generated light and longer bulb lifetime that provide significant advances in the wafer manufacturing process.

D. Licenses under Asserted Patents

38. Complainant licensed its patents relating to laser-driven light sources to a United States manufacturer of semiconductor manufacturing equipment. That licensee has made a significant investment in the United States in products that practice the patents for related applications in semiconductor manufacturing. The licensee to the Asserted Patents is included in Confidential Ex. 42.

E. Foreign Counterparts

39. In accordance with Commission Rule 210.12(a)(9)(v), the following chart lists each foreign counterpart patent and/or application corresponding to the Asserted Patents and U.S. patent applications from which the Asserted Patents claim priority, with an indication of the type of filing and the status of each:

Jurisdiction	Serial No.	Title	Filing Date	Status
EPO	11709819.4	Laser-Driven Light Source	02/09/2011	Published
Germany	DE 11 2007 000 821.0	Laser-Driven Light Source	04/02/2007	Published
Great Britain	GB 0817788.3	Laser-Driven Light Source	04/02/2007	Issued – GB 2450045
Japan	JP 2009-503066	Laser-Driven Light Source	04/02/2007	Issued – JP 5410958
Japan	JP 2012-188275	Laser-Driven Light Source	04/02/2007	Issued – JP 5628253
Japan	JP 2012-552158	Laser-Driven Light Source	02/09/2011	Abandoned
Korea	KR 2008-7023908	Laser-Driven Light Source	04/02/2007	Issued – KR

				10-1507617
Korea	KR 2013-7030553	Laser-Driven Light Source	04/02/2007	Pending
Korea	KR 2015-7020571	Laser-Driven Light Source	04/02/2007	Pending
Korea	KR 2012-7023501	Laser-Driven Light Source	02/09/2011	Pending
WO/PCT	PCT/US07/008175	Lazer-Driven Light Source	04/02/2007	Published 10/25/2007
WO/PCT	PCT/US09/049016	Energy-Driven, e.g. Laser-Driven, Light Source	06/29/2009	Published 01/07/2010
WO/PCT	PCT/US11/024191	Laser-Driven Light Source	02/09/2011	Published 08/18/2011

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENTS - PATENT INFRINGEMENT

40. Respondents have engaged in unlawful and unfair acts including the sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of the Accused Products that infringe one or more of the following claims:

Patent Number	Asserted Claims
'841	1, 2, 3, 6, 7, 10, 11, 13, 26, and 29
'000	1, 2, 3, 4, 5, 6, 15, 16, 17, and 18
'786	1, 6, 8, 13, 15, 20, 21, and 25

A. Infringement Of The '841 Patent

41. On information and belief, Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the '841 patent.

42. On information and belief, the Accused Products infringe at least claims 1, 2, 3, 6, 7, 10, 11, 13, 26, and 29 of the '841 patent. On information and belief, Respondent ASML directly infringes at least claims 1, 2, 3, 6, 7, 10, 11, 13, 26, and 29 of the '841 patent by making, using, selling, offering for sale within the United States and/or importing into the United States, Accused Products. *See* Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction); Ex. 19 at 3 (Order on Motions for Restraining Orders); Ex. 20 at 5 (Memorandum In Support of Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The "LS2"); Ex. 21 at ¶ 15 (Defendants' Statement of Undisputed Material Facts, dated November 3, 2015); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Ex. 28 at slide 40 ("Many ways to shrink: The right moves to 10 nanometer and beyond"); Ex. 29 at 17-19 ("A faster route to better overlay..." *Images*, ASML's customer magazine); Ex. 40 at slides 8, 24 ("ASML reports Q2 results in line with guidance on track for record 2015 sales" stating that 22% of overall shipments coming into the United States and slide 24 stating that ASML has shipped 250 YieldStar systems overall and that one or several of their Holistic Lithography products—which include YieldStar—have been shipped with every immersion system); Ex. 41 at 4, 10 ("ASML's Holding's CEO on Q2 2015 Results" stating that the Holistic Lithography products, which include a YieldStar, are attached to 100% of ASML's Lithography systems).

43. Energetiq informed ASML about Energetiq's patented laser-driven technology. *See Confidential Ex. 26 at ¶¶ 14, 18 (Declaration of Donald K. Smith).*²

44. On information and belief, Respondent Qioptiq has been and is indirectly infringing the '841 patent by inducing infringement and/or contributing to the infringement of the '841 patent by others. Energetiq informed Qioptiq about Energetiq's patented laser-driven technology. *See Confidential Ex. 26 at ¶ 16, 21 (Declaration of Donald K. Smith); supra note 2.* Qioptiq markets and sells its laser-driven light sources and subsystems containing laser-driven light sources for use in infringing products, and encourages such infringement. Qioptiq's laser-driven light sources are specially made to infringe the '841 patent, and they have no substantial non-infringing use. Thus, on information and belief, Respondent Qioptiq is aware of Energetiq's patented laser-driven light source technology and the Asserted Patents. *See id.* On information and belief, Respondent Qioptiq knows and intends that its conduct is inducing infringement and/or contributing to the direct infringement of the '841 patent by others. *See id.* Qioptiq is inducing and/or contributing to the infringement of at least claims 1, 2, 3, 6, 7, 10, 11, 13, 26, and 29 of the '841 patent by others, including manufacturers, distributors, and customers. On information and belief, Respondent Qioptiq has induced infringement of the '841 patent by selling and providing laser-driven light sources and/or subsystems containing laser-driven light sources to Respondent ASML, without license or authority, for the manufacture of and for the purpose of incorporation into equipment for importation and sale in the United States.

45. Exemplary claim charts comparing independent claims 1 and 10 of the '841 patent to the laser-driven light source designed, manufactured, developed, sold for importation

² In addition, Energetiq alleged infringement of the '841 patent by Respondents ASML Netherlands B.V. and Qioptiq in its amended complaint filed in the District of Massachusetts on May 11, 2015.

into the United States, imported into the United States, offered for sale, sold, and/or used in the United States after importation by ASML are attached as Ex. 30. On information and belief, the laser-driven light sources in ASML's products contain Qioptiq laser-driven light sources. *See* Ex. 24 at 1 (Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order); Ex. 25 (XWS Laser Pumped Plasma Broadband Light Source"); Confidential Ex. 26 at ¶¶ 18-19, 21-24 (Declaration of Donald K. Smith).

B. Infringement Of The '000 Patent

46. On information and belief, Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the '000 patent.

47. On information and belief, the Accused Products infringe at least claims 1-6 and 15-18 of the '000 patent. On information and belief, Respondent ASML directly infringes at least claims 1-6 and 15-18 of the '000 patent by making, using, selling, offering for sale within the United States and/or importing into the United States, Accused Products. *See* Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction); Ex. 19 at 3 (Order on Motions for Restraining Orders); Ex. 20 at 5 (Memorandum In Support of Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The "LS2"); Ex. 21 at ¶ 15 (Defendants' Statement of Undisputed Material Facts, dated November 3, 2015); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Ex. 28 at slide 40 ("Many ways to shrink: The right moves to 10 nanometer and beyond"); Ex. 29 at 17-19 ("A faster route to better overlay..." *Images*, ASML's customer magazine); Ex. 40 at slides 8, 24 ("ASML reports Q2 results in line with guidance on track for record 2015 sales" stating that 22%

of overall shipments coming into the United States and slide 24 stating that ASML has shipped 250 YieldStar systems overall and that one or several of their Holistic Lithography products—which include YieldStar—have been shipped with every immersion system); Ex. 41 at 4, 10 (“ASML’s Holding’s CEO on Q2 2015 Results” stating that the Holistic Lithography products, which include a YieldStar, are attached to 100% of ASML’s Lithography systems).

48. Energetiq informed ASML about Energetiq’s patented laser-driven technology. *See Confidential Ex. 26 at ¶¶ 14, 18 (Declaration of Donald K. Smith).*³

49. On information and belief, Respondent Qioptiq has been and is indirectly infringing the ’000 patent by inducing infringement and/or contributing to the infringement of the ’000 patent by others. Energetiq informed Qioptiq about Energetiq’s patented laser-driven technology. *See Confidential Ex. 26 at ¶ 16, 21 (Declaration of Donald K. Smith); supra* note 3. Qioptiq markets and sells its laser-driven light sources and subsystems containing laser-driven light sources for use in infringing products, and encourages such infringement. Qioptiq’s laser-driven light sources and subsystems containing laser-driven light sources are specially made to infringe the ’000 patent, and they have no substantial non-infringing use. Thus, on information and belief, Respondent Qioptiq is aware of Energetiq’s patented laser-driven light source technology and the Asserted Patents. *See id.* On information and belief, Respondent Qioptiq knows and intends that its conduct is inducing infringement and/or contributing to the direct infringement of the ’000 patent by others. *See id.* Qioptiq is inducing and/or contributing to the infringement of at least claims 1-6 and 15-18 of the ’000 patent by others, including manufacturers, distributors, and customers. On information and belief, Respondent Qioptiq has

³ In addition, Energetiq alleged infringement of U.S. Patent Pub. No. 2014/0117258A1, which issued as the ’000 patent, by Respondents ASML Netherlands B.V. and Qioptiq in its amended complaint filed in the District of Massachusetts on May 11, 2015. *See infra* note 4.

induced infringement of the '000 patent by selling and providing laser-driven light sources and/or subsystems containing laser-driven light sources to Respondent ASML, without license or authority, for the manufacture of and for the purpose of incorporation into equipment for importation and sale in the United States.

50. Exemplary claim charts comparing independent claims 1 and 15 of the '000 patent to the laser-driven light source designed, manufactured, developed, sold for importation into the United States, imported into the United States, offered for sale, sold, and/or used in the United States after importation by ASML are attached as Ex. 31. On information and belief, the laser-driven light sources in ASML's products contain Qioptiq laser-driven light sources or subsystems containing laser-driven light sources. *See* Ex. 24 at 1 (Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Confidential Ex. 26 at ¶¶ 18-19, 21-24 (Declaration of Donald K. Smith).

C. Infringement Of The '786 Patent

51. On information and belief, Respondents import, sell for importation, and/or sell after importation into the United States, Accused Products that infringe the '786 patent.

52. On information and belief, the Accused Products infringe at least claims 1, 6, 8, 13, 15, 20, 21, and 25 of the '786 patent. On information and belief, Respondent ASML directly infringes at least claims 1, 6, 8, 13, 15, 20, 21, and 25 of the '786 patent by making, using, selling, offering for sale within the United States and/or importing into the United States, Accused Products. *See* Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack

of Personal Jurisdiction); Ex. 19 at 3 (Order on Motions for Restraining Orders); Ex. 20 at 5 (Memorandum In Support of Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The "LS2"); Ex. 21 at ¶ 15 (Defendants' Statement of Undisputed Material Facts, dated November 3, 2015); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Ex. 28 at slide 40 ("Many ways to shrink: The right moves to 10 nanometer and beyond"); Ex. 29 at 17-19 ("A faster route to better overlay..." *Images*, ASML's customer magazine); Ex. 40 at slides 8, 24 ("ASML reports Q2 results in line with guidance on track for record 2015 sales" stating that 22% of overall shipments coming into the United States and slide 24 stating that ASML has shipped 250 YieldStar systems overall and that one or several of their Holistic Lithography products—which include YieldStar—have been shipped with every immersion system); Ex. 41 at 4, 10 ("ASML's Holding's CEO on Q2 2015 Results" stating that the Holistic Lithography products, which include a YieldStar, are attached to 100% of ASML's Lithography systems).

53. Energetiq informed ASML about Energetiq's patented laser-driven technology. *See Confidential Ex. 26 at ¶¶ 14, 18 (Declaration of Donald K. Smith).*

54. On information and belief, Respondent Qioptiq has been and is indirectly infringing the '786 patent by inducing infringement and/or contributing to the infringement of the '786 patent by others. Energetiq informed Qioptiq about Energetiq's patented laser-driven technology. *See Confidential Ex. 26 at ¶ 16, 21 (Declaration of Donald K. Smith).* Qioptiq markets and sells its laser-driven light sources and subsystems containing laser-driven light sources for use in infringing products, and encourages such infringement. Qioptiq's laser-driven light sources and subsystems containing laser-driven light sources are specially made to infringe the '786 patent, and they have no substantial non-infringing use. Thus, on information and

belief, Respondent Qioptiq is aware of Energetiq's patented laser-driven light source technology. *See id.* On information and belief, Respondent Qioptiq knows and intends that its conduct is inducing infringement and/or contributing to the direct infringement of the '786 patent by others. *See id.* Qioptiq is inducing and/or contributing to the infringement of at least claims 1, 6, 8, 13, 15, 20, 21, and 25 of the '786 patent by others, including manufacturers, distributors, and customers. On information and belief, Respondent Qioptiq has induced infringement of the '786 patent by selling and providing laser-driven light sources and/or subsystems containing laser-driven light sources to Respondent ASML, without license or authority, for the manufacture of and for the purpose of incorporation into equipment for importation and sale in the United States.

55. Exemplary claim charts comparing independent claims 1, 8, and 15 of the '786 patent to the laser-driven light source designed, manufactured, developed, sold for importation into the United States, imported into the United States, offered for sale, sold, and/or used in the United States after importation by ASML are attached as Ex. 32. On information and belief, the laser-driven light sources in ASML's products contain Qioptiq laser-driven light sources or subsystems containing laser-driven light sources. *See* Ex. 24 at 1 (Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Confidential Ex. 26 at ¶¶ 18-19, 21-24 (Declaration of Donald K. Smith).

VII. IMPORTATION OF THE ACCUSED PRODUCTS

56. On information and belief, Respondents, either themselves or through subsidiaries or third parties acting on behalf of Respondents, are engaged in the design, manufacture, development, importation, sale for importation, offer for sale after importation, sale and/or use

after importation into the United States of Accused Products. On information and belief, the Accused Products are manufactured abroad and imported for sale into the United States.

57. On information and belief, Qioptiq's products, including laser-driven light sources, and subsystems containing a laser-driven light source, have been and are being imported into the United States for use in the Accused Products. *See* Ex. 24 at 1 (Memorandum and Order on Defendants' Renewed Motion to Dismiss, Defendants' Motion to Stay, Plaintiff's Motion for Preliminary Injunction, and the Court's Scheduling Order); Ex. 25 ("XWS Laser Pumped Plasma Broadband Light Source"); Confidential Ex. 26 at ¶¶ 18-19, 21-24 (Declaration of Donald K. Smith); Ex. 27 at 3 and n.1 (Defendants' Reply In Support of Defendants' Motion to Stay Pending Resolution of *Inter Partes* Review).

58. On information and belief, ASML designs, manufactures, develops, sells for importation into the United States, imports into the United States, offers for sale, sells, and/or uses in the United States after importation products containing laser-driven light sources and/or subsystems which contain laser-driven light sources. *See* Confidential Ex. 9 at ¶¶ 8-9 (Declaration of Paul Blackborow); Ex. 11 ("ASML confirms full-year sales guidance, supported by solid backlog"); Ex. 12 (2014 ASML Annual Report); Ex. 15 (YieldStar T-250D, ASML website); Ex. 16 (YieldStar S-250D, ASML website); Ex. 17 at 51:2-13 (Transcript of April 30, 2015 Hearing before the District of Massachusetts); Ex. 18 at 5 (Memorandum In Support of Renewed Motion to Dismiss for Lack of Personal Jurisdiction); Ex. 19 at 3 (Order on Motions for Restraining Orders); Ex. 20 at 5 (Memorandum In Support of Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,048,000 As To The "LS2"); Ex. 21 at ¶ 15 (Defendants' Statement of Undisputed Material Facts, dated November 3, 2015); Ex. 40 at slides 8, 24 ("ASML reports Q2 results in line with guidance on track for record 2015

sales” stating that 22% of overall shipments coming into the United States and slide 24 stating that ASML has shipped 250 YieldStar systems overall and that one or several of their Holistic Lithography products—which include YieldStar—have been shipped with every immersion system); Ex. 41 at 4, 10 (“ASML’s Holding’s CEO on Q2 2015 Results” stating that the Holistic Lithography products, which include a YieldStar, are attached to 100% of ASML’s Lithography systems).

59. Complainant believes that further discovery likely will reveal other specific acts of Respondents’ importation, sale for importation, and sale after importation, of Accused Products that infringe the Asserted Patents, including, but not limited to, additional models of products.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

60. On information and belief, the Accused Products fall within at least the following classifications of the Harmonized Tariff Schedule (“HTS”) of the United States: 8539.49.00 (Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof: Ultraviolet or infrared lamps; arc lamps: Other); 8539.90.00 (Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof: Parts); 9031.41.00 (Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this chapter; profile projectors; parts and accessories thereof: Other optical instruments and appliances: For inspecting semiconductor wafers or devices or for inspecting photomasks or reticles used in manufacturing semiconductor devices); 9031.90.54 (Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this chapter; profile projectors; parts and accessories thereof: Parts and accessories: Of optical instruments and appliances of subheading 9031.41 or 9031.49.70). The identified HTS numbers are intended to be for

illustration only and are not exhaustive of the products accused of infringement in this Complaint. The HTS numbers are not intended to limit the scope of the Investigation.

IX. RELATED LITIGATION

61. Energetiq filed an action against Respondents ASML Netherlands B.V. (“ASML”) and Qioptiq Photonics GmbH & Co. KG (“Qioptiq”), as well as Excelitas Technologies Corp. (“Excelitas”), in the United States District Court for the District of Massachusetts, alleging patent infringement of U.S. Patent Nos. 7,435,982, 7,786,455, 8,309,943, and 8,525,138. by ASML Netherlands B.V., Qioptiq, and Excelitas on January 30, 2015. Energetiq filed an amended complaint on May 11, 2015, adding allegations of infringement of U.S. Patent Nos. 8,969,841 and U.S. Patent Pub. No. 2014/0117258A1.⁴ Energetiq also alleges other claims against Qioptiq relating to Qioptiq’s misrepresentations to Energetiq and Qioptiq’s intentional, unfair, and deceptive business practices. Energetiq further alleges claims against ASML and Qioptiq for breach of contract and the implied covenant of good faith and fair dealing. Energetiq also alleges unjust enrichment claims against ASML, Excelitas, and Qioptiq. ASML, Excelitas, and Qioptiq filed an answer and counterclaims on July 31, 2015 seeking declaratory judgments of unenforceability, invalidity, and non-infringement of Energetiq’s patents. On November 5, 2015, Judge Leo T. Sorokin of the United States District Court for the District of Massachusetts adopted a scheduling order setting forth remaining dates for the pendency of the action, with fact discovery set to close on October 17, 2016 and expert discovery set to close on March 6, 2017. Trial in the district court case is set to begin on July 10, 2017.

⁴ A Notice of Allowance for the ’258 publication had been received at the time of the filing of the Amended Complaint; the ’258 publication issued as U.S. Patent No. 9,048,000 shortly thereafter. U.S. Patent No. 9,185,786, also asserted here, issued after the filing of the Complaint or Amended Complaint in the district court.

X. THE DOMESTIC INDUSTRY

62. There is a domestic industry, as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and (C), comprising significant investments in physical operations, employment of labor and capital, and exploitation of the Asserted Patents, including engineering, research and development. Complainant practices the Asserted Patents and has invested in domestic industry activities with respect to products protected by the Asserted Patents, as detailed below.

A. Technical Prong

63. Energetiq makes use of the inventions claimed in the Asserted Patents; Energetiq's laser-driven light sources are designed, developed, and manufactured by Energetiq. *See* Exs. 33-35, (Energetiq Domestic Industry Claim Charts for Asserted Patents and various Energetiq Laser-Driven Light Source Materials); Ex. 36 (Energetiq Laser-Driven Light Sources); Confidential Ex. 37 (Energetiq EQ-99 Laser-Driven Light Source); Ex. 38 (Energetiq EQ-99 LDLS Laser-Driven Light Source Operation and Maintenance Manual).

64. The EQ-99 meets the limitations in, for example, claim 1 of the '841 patent. An exemplary claim chart comparing the EQ-99 to a representative claim of the '841 is attached as Ex. 33.

65. The EQ-99 meets the limitations in, for example, claim 15 of the '000 patent. An exemplary claim chart comparing the EQ-99 to a representative claim of the '000 is attached as Ex. 34.

66. The EQ-99 meets the limitations in, for example, claim 15 of the '786 patent. An exemplary claim chart comparing the EQ-99 to a representative claim of the '786 is attached as Ex. 35.

B. Economic Prong

67. Energetiq's investments related to the invention of the Asserted Patents are discussed in the accompanying Confidential Ex. 9 ¶¶ 10-17 (Declaration of Paul Blackborow).

68. At its domestic facility, Energetiq has invested in plant and equipment, labor and capital, and engineering or research and development related to the production of laser-driven light sources that practice the Asserted Patents.

69. As part of this process, Energetiq purchases various components for making the laser-driven light sources. *See* Confidential Ex. 9 ¶ 17 (Declaration of Paul Blackborow). As a result of this process, Energetiq produces and sells in the United States various models of its laser-driven light source, including the EQ-99, as claimed in the Asserted Patents. *See id.* ¶ 17. Energetiq's investment and expenditures in its domestic industries related to the Asserted Patents are continuing and ongoing.

1. Energetiq's Investments in Plant and Equipment

70. Energetiq has significantly invested in plant and equipment at its Woburn facility. Specifically, a portion of the facility has been dedicated to a clean room for testing and manufacturing products that practice the Asserted Patents. Confidential Ex. 9 ¶ 15-16 (Declaration of Paul Blackborow); Ex. 39 ("Energetiq Technology Implements Clean Manufacturing"). Energetiq has also invested in the facility by purchasing equipment necessary for design, research and development, testing, and manufacturing the EQ-99. *Id.*

71. Energetiq's facility covers several thousand square feet, with the majority of the space dedicated to the design, research, development and manufacturing of laser-driven light sources. *See* Confidential Ex. 9 ¶¶ 11, 13, 15 (Declaration of Paul Blackborow).

2. Energetiq's Investments in Labor and Capital

72. Energetiq has invested, and continues to invest, in labor and capital at its facility. Specifically, Energetiq has significant investments related to the labor and capital costs necessary to employ personnel dedicated to the research and development, testing, and manufacturing of products that practice the Asserted Patents. Confidential Ex. 9 ¶ 10, 13 (Declaration of Paul Blackborow).

3. Energetiq's Investments in Exploitation, Including Engineering and Research and Development

73. Energetiq has invested substantially in the research and development related to the Asserted Patents. Confidential Ex. 9 ¶¶ 14-17 (Declaration of Paul Blackborow). Energetiq makes extensive use of the inventions claimed in the Asserted Patents by designing, researching, developing, and testing laser-driven light sources in the United States. *Id.*

XI. RELIEF REQUESTED

74. WHEREFORE, by reason of the foregoing, Complainant respectfully requests that the United States International Trade Commission:

a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (ii), with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation, into the United States of Respondents' infringing laser-driven light sources, subsystems containing laser-driven light sources, and ASML's products containing same that infringe one or more asserted claims of Complainant's '841, '000 and '786 patents;

b) Schedule and conduct a hearing pursuant to 19 U.S.C. § 1337 for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a violation of 19 U.S.C. § 1337, and (ii) following the hearing, determining that there has been a violation of 19 U.S.C. § 1337;

c) Issue a permanent exclusion order, pursuant to 19 U.S.C. § 1337(d)(1), barring from entry into the United States all infringing laser-driven light sources, subsystems containing laser-driven light sources, and ASML's products containing same, made by or on behalf of Respondents, that infringe one or more asserted claims of Complainant's '841, '000 and '786 patents;

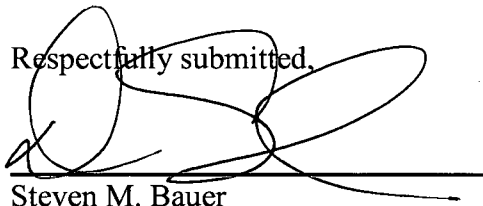
d) Issue a permanent cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting Respondents, and others acting on their behalf, from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, distributing, offering for sale, selling, licensing, using, or transferring outside the United States for sale in the United States any laser-driven light sources, subsystems containing laser-driven light sources, and ASML's products containing same, that infringe one or more asserted claims of Complainant's '841, '000 and '786 patents;

e) Impose a bond, pursuant to 19 U.S.C. § 1337(j), upon importation of any laser-driven light source, subsystems containing a laser-driven light source, and ASML's products containing the same, that infringe one or more asserted claims of Complainant's '841, '000 and '786 patents during any Presidential Review; and

f) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: December 15, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven M. Bauer', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

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