

# Exhibit E

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SIPCO, LLC, and IP CO, LLC  
(d/b/a INTUS IQ),

Plaintiffs,

v.

Civil Action No. 6:15-cv-907

EMERSON ELECTRIC CO., EMERSON  
PROCESS MANAGEMENT LLLP, FISHER-  
ROSEMOUNT SYSTEMS, INC.,  
ROSEMOUNT INC., BP, p.l.c., BP  
AMERICA, INC., and BP AMERICA  
PRODUCTION COMPANY,

Defendants.

**OBJECTIONS AND RESPONSES OF BP P.L.C,  
BP AMERICA, INC., AND BP AMERICA PRODUCTION COMPANY  
TO PLAINTIFFS' REQUESTS FOR ENTRY UPON LAND**

Defendants BP p.l.c., appearing specially to submit this discovery response pursuant to local rule, BP America, Inc., and BP America Production Company (the "BP Defendants") object and respond to the Plaintiffs' Requests for Entry Upon Land under Rule 34(a)(2) of the Federal Rules of Civil Procedure as follows:

1. The BP Defendants object to the use of the term "BP" as defined in the Notice as including any person or entity other than the "BP Defendants" as defined above. The BP Defendants further object to the extent that Plaintiffs' Notice identifies properties and locations not owned or operated by the BP Defendants. The BP Defendants do not have authority to control access to the facilities vaguely identified in that Notice, other than those facilities owned and operated by BP America Production Company in East Texas;

2. The BP Defendants object to the Notice because the facilities identified for entry

and inspection lack specificity sufficient to determine their location.

3. The BP Defendants object to the scope of the Notice as overly broad, unduly burdensome, and out of proportion to the value of what can be learned from such an inspection in several respects. First, even the facilities identified in Texas are in widely dispersed geographic locations and very few of the accused Emerson products are utilized at any such location. Nor is it clear that the same information is not available from an alternate source with much less effort;

4. The BP Defendants object to the requested inspection as burdensome on the further grounds that the Texas facilities owned and operated by BP America Production Company impose safety restrictions in the field that require the use of, among other things, fire retardant clothing, steel toed safety boots, safety glasses, hearing protection and hard hats. Further, the use of electronic equipment, including photography and video recording equipment, is restricted at those facilities due to safety reasons; and

5. The BP Defendants further object to the dates identified for the inspection. The inspection dates were unilaterally set by Plaintiffs without consultation as to scheduling.

Dated: July 20, 2016

Respectfully Submitted,

/s/ James D. Berquist

Melissa R. Smith

**GILLAM & SMITH LLP**

303 South Washington Ave.

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Email: [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

Donald L. Jackson [djackson@dbjg.com](mailto:djackson@dbjg.com)

James D. Berquist [jberquist@dbjg.com](mailto:jberquist@dbjg.com)

J. Scott Davidson [sdavidson@dbjg.com](mailto:sdavidson@dbjg.com)

**DAVIDSON BERQUIST JACKSON  
& GOWDEY, LLP**

8300 Greensboro Dr., Suite 500

McLean, Virginia 22102

Telephone: (571) 765-7700

Facsimile: (571) 765-7200

*Attorneys for Defendants BP p.l.c., BP America,  
Inc., and BP America Production Company*

**CERTIFICATE OF SERVICE**

I, James Berquist, hereby certify that on July 20, 2016 the foregoing document was served upon counsel of record for Defendants via first-class mail and electronic mail.

/s/ James D. Berquist

James Berquist