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1 PROCEEDINGS

2 (10:03 a.m.)

3 JUDGE MEDLEY: Please be seated. Good morning.

4 This is the hearing for IPR2013-00231, between Petitioner,  
5 McClinton Energy Group, and Patent Owner, Magnum Oil Tools  
6 International.

7 Before we proceed we would like to memorialize on  
8 the record that a conference call was held on May 7th between  
9 counsel for the respective parties and the Panel.

10 The purpose of the conference call was to discuss  
11 certain objections that Petitioner had with respect to Patent  
12 Owner's demonstratives that were filed May 6.

13 Based on the guidance provided by the Panel,  
14 Patent Owner sought authorization to expunge the May 6  
15 demonstratives and to replace them with the corrected  
16 demonstrative set.

17 That request was granted. And so just to let the  
18 parties know, the May 6 demonstratives were expunged this  
19 morning.

20 Are there any questions regarding demonstratives  
21 before we begin?

22 MR. EDMONDS: No.

23 MR. ENGEL: No.

24 JUDGE MEDLEY: Okay. We will proceed then with  
25 the hearing. At this time we would like the parties to

1 please introduce counsel, beginning with Petitioner.

2 MR. ENGEL: Good morning, Your Honor. Jason Engel  
3 on behalf of the Petitioner.

4 JUDGE MEDLEY: Thank you. And then for Patent  
5 Owner.

6 MR. EDMONDS: Good morning, Your Honor. I am Robb  
7 Edmonds on behalf of the Patent Owner.

8 JUDGE MEDLEY: And you have with you?

9 MR. HOLMAN: John Holman on behalf of the Patent  
10 Owner.

11 JUDGE MEDLEY: And who will be arguing today?

12 MR. EDMONDS: I will, Your Honor.

13 JUDGE MEDLEY: Okay. Great. And do you have  
14 anybody else with you? Okay. Great.

15 So each party will have 30 minutes of total time  
16 to present arguments. Petitioner will begin with the  
17 presentation of its case with regard to the challenged claims  
18 on which basis the Board instituted trial.

19 Thereafter, Patent Owner, you will have a chance  
20 to respond to Petitioner's presentation. And then,  
21 Petitioner, you may reserve rebuttal time to respond to  
22 Patent Owner's presentation.

23 Petitioner, you may begin. And would you like to  
24 reserve rebuttal time?

25 MR. ENGEL: Yes, Your Honor. I would like to

1 reserve 15 minutes.

2 JUDGE MEDLEY: Okay.

3 MR. ENGEL: And I do have paper copies of the  
4 demonstratives.

5 JUDGE MEDLEY: Yes, you may approach the bench,  
6 please.

7 MR. ENGEL: I would like to start today with a  
8 summary of where we are in the proceedings.

9 The petition as filed by the Petitioner, McClinton  
10 Energy, set forth a prima facie case of obviousness with  
11 respect to all the challenged claims, claims 1 through 20.

12 That petition was supported by the declaration of  
13 Dr. Gary Wooley, an industry expert with decades of  
14 experience with downhole tools.

15 Notably, Dr. Wooley was not cross-examined by the  
16 Patent Owner. So a lot of his testimony stands largely  
17 unchallenged in this proceeding.

18 The Board instituted a review on all of the  
19 claims. And the dispute here really centers around the  
20 combination of three references, Lehr, Cockrell and  
21 Kristiansen. Lehr being the primary reference and Cockrell  
22 and Kristiansen being the base reference.

23 One thing to note is that the institution decision  
24 here addressed all of the arguments that were made in the  
25 preliminary response that the Patent Owner filed. And the

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