

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

McCLINTON ENERGY GROUP, LLC
Petitioner

v.

MAGNUM OIL TOOLS INTERNATIONAL, Ltd.
Patent Owner

Patent No. 8,079,413
Issue Date: December 20, 2011
Title: BOTTOM SET DOWNHOLE PLUG

Inter Partes Review No. IPR2013-00231

DECLARATION OF EXPERT KEVIN TRAHAN
UNDER 37 C.F.R. § 1.68

DECLARATION OF KEVIN TRAHAN

I, Kevin Trahan, hereby declare as follows:

1. I am President of Trahan Oilfield Consulting LLC. I have a B.S. in Mechanical Engineering from Texas A&M University. I have considerable experience and expertise in the area of designing down-hole tools including, but not limited to packers, bridge plugs and frac plugs. I have experience and expertise in dealing with patented inventions. Additionally, I am a named inventor on 10 U.S. Patents. My resume is attached describing in more detail my qualifications to provide an opinion in this matter.

2. By my education, training, and experience, I am qualified to provide testimony on the understanding of persons of ordinary skill in the art regarding U.S. Patent No. 8,079,413 (the '413 patent), the challenges asserted in this patent, the prior art being asserted against the '413 Patent, and the prosecution history of this patent.

3. I am being compensated for my work in this matter, but my compensation in no way effects my opinion or depends on the outcome of this proceeding.

4. I have reviewed the following in preparation of this declaration:

- 1) The Petition for *Inter Partes* Review filed by MEGCO on April 2, 2013, Paper 3.
- 2) The Declaration of Dr. Gary R. Wooley, Exhibit MEGCO [1020].

- 3) The Decision, Institution of *Inter Partes* Review entered on September 23, 2013, Paper 16.
- 4) Preliminary Response by Patent Owner Under 37 C.F.R. § 42.108 filed July 11, 2013, Paper 14.
- 5) *Markman* Order; *Magnum Oil Tools Int'l v. McClinton, et al*, 2:12-cv-00099, U.S. District Court – Southern District of Texas, Corpus Christi Division; Honorable Judge Ramos Presiding, Exhibit MOTI [2001].
- 6) Opening Expert Report of Dr. Gary R. Wooley dated September 13, 2013; *Magnum Oil Tools Int'l v. McClinton, et al*, 2:12-cv-00099, U.S. District Court – Southern District of Texas, Corpus Christi Division; Honorable Judge Ramos Presiding, Exhibit MOTI [3011].
- 7) My Rebuttal Report to Opening Expert Report of Dr. Gary R. Wooley dated October 11, 2013; *Magnum Oil Tools Int'l v. McClinton, et al*, 2:12-cv-00099, U.S. District Court – Southern District of Texas, Corpus Christi Division; Honorable Judge Ramos Presiding.
- 8) U.S. Patent No. 8,079,413 ("the '413 Patent").
- 9) The file history of the '413 Patent.
- 10) U.S. Patent Application Publication No. 2007/0151722 ("*Lehr*").
- 11) U.S. Patent No. 4,437,516 ("*Cockrell*").
- 12) U.S. Patent No. 4,595,052 ("*Kristiansen*").
- 13) U.S. Patent No. 5,224,540 ("*Streich*").

14) U.S. Patent No. 6,708,768 ("*Slup*").

15) U.S. Patent No. 7,350,582 ("*McKeachnie*").

5. In forming my opinions expressed in this declaration, I have considered:

1) The documents listed above;

2) The standard for obviousness as set forth in *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007), including the basis for supporting a *prima facie* showing of obviousness; and

3) My education, training, and experience in the subject matter as described above.

I. Qualifications and Experience

6. My career began in 1992 following graduation from Texas A&M University. I was immediately employed by Baker Service Tools, a division of Baker Hughes, Inc., as design engineer trainee. In this capacity, I was involved in design reviews, drafting, and testing of many types of down-hole tools, including many types of packers and bridge plugs. During my first year with Baker Hughes, Inc. the divisional operating structure was reorganized by merging Baker Service Tools with Baker Oil Tools. The newly merged division retained the name of

Baker Oil Tools. The new division included all of the production packers and all of the service packers and plugs.¹ During this time, I designed and tested both production and service type packers and plugs.

7. I was then transferred to Lafayette, Louisiana in order to gain experience with servicing and installing packers and plugs, as well as other types of down-hole tools. Within 3 months of arriving in the Lafayette operation I was installing packers and plugs in the field with no on-site supervision. Eventually, I was transferred back to the engineering department in Houston, Texas where I managed projects and designed and tested various types of liner hanger², packer and plugging equipment. During this time it was important that I had thorough knowledge of how to research existing patents to ensure that any designs we planned to manufacture were not infringing existing patent claims.

8. Within two years, I was promoted to the position of region engineer in New Orleans, Louisiana. In this capacity, I performed the function of technical support for the operations and sales departments. Tasks performed included trouble-shooting problem jobs, supporting salespeople in selling new technology

¹ A plug is a tool that most commonly utilizes a packer element for isolating an annular gap while providing a core that may be solid, or open to provide a flow path, which may incorporate a check valve or other obstruction. Plugs are typically utilized in the remediation or stimulation of a well.

² Liner hangers are tools that are utilized to hang and cement well casings inside of previously set casings. Liner hanger systems typically use slip, cone arrangements, and annular sealing arrangements similar to those used in service and production packers as well as bridge plug and frac plugs.

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