

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GREENE'S ENERGY GROUP, LLC,

Petitioner,

v.

OIL STATES ENERGY SERVICES, LLC,

Patent Owner.

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Case IPR2014-00216

Patent No. 6,179,053

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**PATENT OWNER PRELIMINARY RESPONSE**  
**UNDER 37 C.F.R. § 42.107**

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**EXHIBIT B**

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RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

JUL 24 2007  
HOWREY LLP

STINGER WELLHEAD PROTECTION, INC.,

and

OIL STATES ENERGY SERVICES, INC.,

Plaintiffs,

v.

GUARDIAN WELLHEAD PROTECTION, INC.  
a/k/a GUARDIAN WELLHEAD SPECIALTIES

Defendant.

CIVIL ACTION NO. 2:06cv481 (TJW)

JURY DEMANDED

**DEFENDANT GUARDIAN WELLHEAD  
PROTECTION, INC.'S INVALIDITY CONTENTIONS**

Pursuant to the Court's May 23, 2007 Order and the Rules of Practice for Patent Cases before the Eastern District of Texas ("Patent Rules" or "P.R."), Defendant Guardian Wellhead Protection, Inc. ("Guardian") hereby discloses its Invalidation Contentions for U.S. Patent No. 6,289,993 ("the '993 Patent"), U.S. Patent No. 6,817,423 ("the '423 Patent"), and U.S. Patent No. 6,179,053 ("the '053 Patent") (collectively referred to as "the Patents-in-Suit") as follows:

Stinger Wellhead Protection, Inc.'s ("Stinger's") asserted patents are related to the wellhead isolation service industry and list L. Murray Dallas as the inventor. Stinger asserts claims 1, 2, 27, 30, and 32 of the '993 Patent, claims 1 and 14-15 of the '423 Patent, and claim 14 of the '053 Patent in the above-styled litigation. The Court has not yet construed any claim of the

Patents-in-Suit. Guardian's Invalidity Contentions are based in whole or in part on its present understanding of the asserted claims of the Patents-in-Suit and/or the constructions that Guardian believes Stinger to be asserting based on Stinger's Infringement Contentions, whether or not Guardian agrees with such claim constructions. It is noted that Stinger's Infringement Contentions are deficient in several key aspects, including, for example, the failure to specifically identify each accused apparatus and identify "specifically where each element of each asserted claim is found within each Accused Instrumentality" as required by P.R. 3-1(b)-(c). Instead, Stinger has grouped several different product designs under the broad label "Guardian Protector Tool." This is so despite that fact that all of Guardian's relevant designs have been disclosed to Stinger along with technical drawings and photographs of the accused Guardian tools. These deficiencies left Guardian unable to fully understand how Stinger is asserting Patents-in-Suit against Guardian.<sup>1</sup> Accordingly, Guardian's Invalidity Contentions set forth below and in the attached exhibits are subject to modification, amendment, or supplementation, to the full extent allowed by the Local Patent Rules.<sup>2</sup>

The references cited in Exhibits A, B, and C (claim charts) may disclose the elements of the asserted claims either explicitly and/or inherently and/or may be relied upon to show the state of the art in the relevant timeframes and/or may be relied upon to show a motivation to combine asserted references. The suggested obviousness combinations are in the alternative to Guardian's anticipation contentions and are not to be construed to suggest that any reference

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<sup>1</sup> In its Infringement Contentions, Stinger appears to mix and match elements from the several Guardian designs to manufacture a case for infringement. This failure to comply with the Local Patent Rules is enhanced by Stinger's failure to separate the Infringement Contentions relevant to each accused Guardian design.

<sup>2</sup> Stinger has also failed to provide a full copy of the file history for the '993 patent with its Infringement Contentions, as required by P.R. 3-2(c). Prior to filing its contentions, Stinger provided a limited portion of the '993 file history.

included in the combinations is not anticipatory. In particular, Guardian is currently unaware of the extent, if any, to which Stinger will contend that limitations of the claims at issue are not disclosed in the art identified by Guardian as anticipatory. To the extent that an issue arises with respect to any such limitation, Guardian reserves the right to identify other references and combinations, which may make obvious the addition of the allegedly missing limitation to the disclosed device or its characteristics.

Guardian provides citations to exemplary portions of the prior art for the purpose of fairly disclosing Guardian's invalidity contentions. Guardian reserves the right to supplement its contentions with additional citations and evidence. To the extent that the following contentions reflect constructions of claim limitations consistent with or implicit in Stinger's Infringement Contentions, no inference is intended nor should any be drawn that Guardian agrees with Stinger's claim constructions, and Guardian expressly reserves its right to contest such claim constructions. Further, no inference is intended nor should any be drawn that the claim limitations satisfy 35 U.S.C. § 112, and Guardian reserves the right to contend otherwise.

**I. U.S. Patent No. 6,289,993**

**A. P.R. 3-3(a), (b) and (c)**

**1. Anticipation**

Claims 1, 2, 27, 30, and 32 of the '993 Patent are invalid as anticipated under 35 U.S.C. § 102 in view of the prior art references listed in Table 2 of Exhibit A. Exhibit A is a chart identifying specific examples of where each limitation of claims 1, 2, 27, 30, and 32 is found in these references. The complete citation for each of these references is provided in Table 1 of Exhibit A. Table 1 of Exhibit A identifies each prior art patent by its number, country of origin, and date of issue.

## 2. Obviousness & Motivation to Combine

The alleged invention in the asserted claims of the '993 Patent is a simple combination of two prior art wellhead tool features: an annular seal at the bottom end of a mandrel for sealing engagement with a top of a well casing, and a “mechanical lockdown mechanism” for securing the mandrel in place once the above described sealing engagement occurred. Both features and their underlying concepts were well known in the art at the time of invention. One of skill would have been motivated to combine those concepts for all the reasons each is advantageous and complimentary.

The asserted '993 claims merely combine well-known elements from the prior art in an obvious manner. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739-40 (2007). Each reference contained in Exhibit A contains numerous disclosures regarding the known methods and systems that are identical to each and every limitation of the asserted claims. Further, these references are *all* directed to a common need and problem known in the field as of the filing date (invention date) of the Stinger Patents-In-Suit, the very same need and problem described in the Background of the Invention and Summary of the Invention portions of the Specification – efficient and safe equipment for servicing oil and gas wells and, in particular, an apparatus and method for isolating wellheads and wellhead components such as blowout protectors. *See KSR*, 127 S. Ct. at 1742. To a person of ordinary skill and creativity, the asserted claims represent solutions that would have been obvious to try with predictable results. *KSR*, 127 S. Ct. 1742. Thus, the interrelated teachings of the references combined in Exhibit A, the effects of demands present and known in the marketplace, and the knowledge of one of ordinary skill in the art as of the date of Stinger's alleged inventions all demonstrate multiple reasons for combining the asserted prior art references of Exhibit A in the manner claimed in the Stinger patents. *See KSR*,

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