

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES, A GE COMPANY, LLC
and
BAKER HUGHES OILFIELD OPERATIONS, LLC,
Petitioners

v.

PACKERS PLUS ENERGY SERVICES, INC.
Patent Owner

Case IPR2016-01496
Patent 7,134,505

PETITIONERS' REPLY IN SUPPORT OF MOTION TO EXCLUDE

Petitioners' Exhibit List

| Exhibit | Description |
|----------------|---|
| 1001 | U.S. Patent No. 7,134,505 (the "'505 Patent") |
| 1002 | Affidavit of Margaret Kieckhefer, of the Library of Congress, regarding excerpts from COMPOSITE CATALOG OF OIL FIELD AND PIPE LINE EQUIPMENT, Vol. 2 (21st ed. World Oil 1955) ("Lane-Wells") |
| 1003 | U.S. Patent No. 5,449,039 ("Hartley") |
| 1004 | B. Ellsworth, <i>et al.</i> , <i>Production Control of Horizontal Wells in a Carbonate Reef Structure</i> , 1999 Canadian Institute of Mining, Metallurgy, and Petroleum Horizontal Well Conference ("Ellsworth") |
| 1005 | U.S. Patent No. 5,375,662 ("Echols") |
| 1006 | U.S. Patent 4,018,272 ("Brown") |
| 1007 | Declaration of Ali Daneshy, Ph.D. ("Daneshy1") |
| 1008 | KATE VAN DYKE, FUNDAMENTALS OF PETROLEUM ENGINEERING (4th ed. 1997) |
| 1009 | RON BAKER, A PRIMER OF OIL WELL DRILLING (5th ed. (revised) 1996) |
| 1010 | U.S. Patent No. 4,099,563 ("Hutchison") |
| 1011 | U.S. Patent No. 6,257,338 |
| 1012 | Excerpts of Prosecution History of U.S. Patent No. 7,861,774, a continuation of the '505 Patent |
| 1013 | Excerpts of Prosecution History of the '505 Patent |
| 1014 | U.S. Provisional Application No. 60/404,783 |
| 1015 | Dictionary Definition from WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE UNABRIDGED (1986) |
| 1016 | U.S. Patent No. 4,279,306 |
| 1017 | K.W. Lagrone, <i>et al.</i> , <i>A New Development in Completion Methods</i> , SOCIETY OF PETROLEUM ENGINEERING, Paper 530-PA (1963) |
| 1018 | M.J. Eberhard, <i>et al.</i> , <i>Current Use of Limited-Entry Hydraulic Fracturing in the Codell/Niobrara Formations—DJ Basin</i> , SPE (Society for Petroleum Engineering) 29553 (1995) |

| Exhibit | Description |
|---------|--|
| 1019 | Declaration of Christopher D. Hawkes, Ph.D., P.Geo., regarding the proceedings of the 7th One-Day Conference On Horizontal Well Technology Operational Excellence (Canada November 3, 1999) (including Ex. 1004 at 102-110) |
| 1020 | Affidavit of Nancy Chaffin Hunter regarding the proceedings of the 10th Middle East Oil Show & Conference (Bahrain March 15-18, 1997) (including D.W. Thomson, <i>et al.</i> , <i>Design and Installation of a Cost-Effective Completion System for Horizontal Chalk Wells Where Multiple Zones Require Acid Stimulation</i> , SPE (Society for Petroleum Engineering) 37482 (1997)) (“Thomson”) |
| 1021 | Affidavit of Nancy Chaffin Hunter, regarding the proceedings of the Production Operation Symposium (Oklahoma City, OK April 2-4, 1995) (including R. Coon and D. Murray, <i>Single-Trip Completion Concept Replaces Multiple Packers and Sliding Sleeves in Selective Multi-Zone Production and Stimulation Operations</i> , SPE 29539 (1995)) (“Coon”) |
| 1022 | Howard, G. C. & Fast, C. R., HYDRAULIC FRACTURING (AIMMPE 1970) |
| 1023 | Hyne, Norman J., Dictionary of Petroleum Exploration, Drilling, & Production (1991) |
| 1124 | Affidavit of Velma J’Nette Davis-Nichols, regarding Lane-Wells (see Ex. 1002) (including Lane-Wells at Appendix A) |
| 1125 | Affidavit of Debbie Caples, regarding Ex. 1008 and Ex. 1009 (including Ex. 1008 at Appendix B and Ex. 1009 at Appendix D) – NOT FILED |
| 1126 | Affidavit of Rodolfo Diaz, regarding Ex. 1017 (including Ex. 1017 at Appendix A and related materials at Appendix B) – NOT FILED |
| 1127 | Declaration of Rebekah Stacha, regarding Ex. 1018 (including Ex. 1018 at Exhibit A) – NOT FILED |
| 1128 | Affidavit of Troy Price, regarding Ex. 1022 (including Ex. 1022 at Appendix A) – NOT FILED |
| 1129 | Affidavit of Troy Price, regarding Ex. 1023 (including Ex. 1023 at Appendix A) – NOT FILED |
| 1130 | Table Associated with qrySumNetValuebyFamily from Ex. 2051 (contains PROTECTIVE ORDER MATERIAL) |

| Exhibit | Description |
|----------------|--|
| 1131 | March 1, 2017 email from Justin Nemunaitis, confirming RE Packer revenue in Ex. 1130 was included in revenue figure reported at Ex. 2050 at 42:9. |
| 1132 | UNREDACTED Transcript of July 27, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen2”) (contains PROTECTIVE ORDER MATERIAL) |
| 1133 | REDACTED Transcript of July 27, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen2”) |
| 1134 | Transcript of February 28, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen1”) |
| 1135 | January 19, 2017 Letter and Written Interrogatories propounded by plaintiffs in <i>Rapid Completions LLC, et al. v. Baker Hughes Canada Co.</i> , Federal Court File No. T-1569-15) (Ottawa), regarding Canadian patent No. CA 2,412,072 (the “Related Canadian Litigation”) |
| 1136 | January 30, 2017 Letter and Responses to Ex. 1135 |
| 1137 | Excerpt from February 16, 2017 transcript of Related Canadian Litigation |

Ex. 2039 – Mr. Delaney’s testimony is irrelevant because he is neither the author of Ex. 2039 nor someone with personal knowledge of it. Ex. 2082 at ¶¶ 1, 2, 8. Weatherford’s failure to object to Ex. 2039 is irrelevant because Weatherford is not a party to this proceeding. The Weatherford logos and product marks are sponsored solely by attorney argument. RC admits that it relies on Ex. 2039 as evidence that Weatherford in fact sells the particular type of systems described therein. Paper 73 at 1-2. RC’s Rule 703 argument is inapplicable because RC cites to Ex. 2039 (POR at 23, 29), and not to a McGowen opinion it underlies.

Ex. 2047 – The *Lorraine* decision concerns admissibility of electronically-stored information (“ESI”). The disputed ESI appears to have been “e-mail correspondence between counsel” for an arbitration dispute between the parties (*Lorraine v. Markel American Ins. Co.*, 241 F.R.D. 534, 537 (D. Md. 2007)), not a document purportedly created by a *third party* that was produced by a party to the suit. And the page of the *Lorraine* decision cited by RC is mere *dicta*. *Id.* at 552. Regardless, Petitioners *did not create* Ex. 2047. Thus, there is no basis for the “presumption” of authenticity to which RC retreats. *See U.S. v. Brown*, 688 F.2d 1112, 1115-1116 (7th Cir. 1982) (rejecting defendant’s argument that business records *he* produced for a company of which he was president were not authentic). The “Rystad Energy” markings are sponsored solely by attorney argument.

Authenticity aside, RC’s reliance on hearsay exception (18) fails because RC

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