

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES INCORPORATED AND BAKER HUGHES OILFIELD
OPERATIONS, INC.,
Petitioners

v.

PACKERS PLUS ENERGY SERVICES INC.
Patent Owner

Case IPR2016-00598
U.S. Patent No. 7,861,774

**PETITIONERS' REPLACEMENT OBJECTIONS TO PATENT OWNER'S
RESPONSE EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), and the Board's April 5, 2017 authorization, Baker Hughes Incorporated and Baker Hughes Oilfield Operations, Inc. ("Petitioners") serve the following replacement objections to Patent Owner's Response exhibits.

Ex. Number and Patent Owner Description	Objections
2017. Packers Plus advertising brochure (2010)	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p><u>Relevance</u>. Fed. R. Evid. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice and a waste of time, particularly because there are no particular portions of this exhibit cited in Patent Owner's Response.</p>
2018. Baker Hughes, "Fracpoint Completion System Isolated Openhole Horizontal Well in Lower Huron Shale" (2011)	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this</p>

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	exhibit to prove the truth of matters described therein, the statements are hearsay; e.g., that FracPoint “eliminated the need for cementing the liner, coiled tubing operations, and wireline operations, while significantly reducing overall pumping time.” Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.
2019. Baker Hughes, “Enhancing Well Performance Through Innovative Completion Technologies,” presentation, (Sept. 10-12, 2012)	<u>Authentication.</u> Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be. <u>Hearsay.</u> Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay; e.g., that FracPoint “employs the same components as shown below.” <i>See</i> POR at 33-34. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.
2020. Canadian Society for Unconventional Resources, Press Release, “Unconventional Industry Awards Innovative Thinking” (Oct. 3, 2012)	<u>Authentication.</u> Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be. <u>Hearsay.</u> Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay; e.g., that “Dan Themig, President of Packers Plus, was an early innovator in the development of modern hydraulic fracturing technologies, enabling the

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	recovery of oil and gas from shale and similarly challenging hydrocarbon reservoirs, particularly using horizontal wells.” Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.
2021. BH00364675, CONFIDENTIAL Ball activated sliding sleeves report	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay: e.g., at 6 (shown over the year 2001, “Packer Plus [<i>sic</i>] introduces the StackFrac”); at 10 (graph). Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p>
2022. Rigzone, Schlumberger Acquires Stake in Packers Plus (Nov. 22, 2005)	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay: e.g., at ¶ 1 (“Schlumberger has acquired a minority share in Packers Plus Energy Services” and “Mark Corrigan, president, Well Services, Schlumberger said ‘The Packers Plus technology will enable Schlumberger to tailor stage treatment designs to yield better production</p>

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	<p>results for our customers while also making significant improvements in operational efficiencies”); at ¶ 2 (stating that Mark Corrigan stated “Packers Plus has established an industry leading reputation with their systems, which when combined with our services, offers a powerful solution”). Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p>
<p>2023. Britt, L. and Smith, M., <i>Horizontal Well Completion, Stimulation Optimization, and Risk Mitigation</i>, SPE 125526 (2009)</p>	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay: e.g., at 9 (“Many open hole horizontal wellbores utilize external casing packers (Packers Plus and Frac Point) to exert some, albeit limited, control over the completion and stimulation staging.”). Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p>
<p>2024. BH00363808, CONFIDENTIAL Baker Hughes Engineering Materials</p>	<p><u>Authentication</u>. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p><u>Hearsay</u>. Fed. R. Evid. 801(c) and Fed. R. Evid. 802. To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay: e.g., at</p>

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