

THE 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 IPR2016-00596
Patent 7,134,505

PETITIONERS' REPLY IN SUPPORT OF MOTION TO EXCLUDE

Petitioner's Exhibit List

Exhibit	Description
1001	U.S. Patent No. 7,134,505 (the "'505 Patent")
1002	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")
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 ("Kilgore")
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) ("Lagrone")

Exhibit	Description
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)
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 Ex. 1002 at 12/26-23/26) – NOT FILED
1021	Declaration of Rebekah Stacha regarding SPE 37482 (including Ex. 1002 at Ex. A) – NOT FILED
1022	Declaration of Rebekah Stacha regarding SPE 49523 (referencing Ex. 1002 at p. 605, fn.28) – NOT FILED
1023	9/21/2016 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 102/253-110/253 and 228/253-236/253) – NOT FILED
1024	Declaration of Rebekah Stacha regarding SPE 29553 (including Ex. 1018 at Ex. A) – NOT FILED
1025	Affidavit of Nancy Chaffin Hunter regarding the proceedings of the Joint Rocky Mountain Meeting/Low-Permeability Reservoirs Symposium and Exhibition (Denver, CO March 19-22, 1995) (including Ex. 1018 at 11/24-21/24) – NOT FILED
1026	Affidavit of Rodolfo Diaz regarding July 1963 Journal of Petroleum Technology (including Ex. 1017 at 695-702) – NOT FILED
1027	Table Associated with qrySumNetValuebyFamily from Ex. 2051 (contains PROTECTIVE ORDER MATERIAL)

Exhibit	Description
1028	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”)
1029	March 1, 2017 email from Justin Nemunaitis, confirming RE Packer revenue in Ex. 1027 was included in revenue figure reported at Ex. 2034 at 42:9.
1030	Transcript of February 28, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen”)
1031	Second Declaration of Ali Daneshy, Ph.D. (“Daneshy2”)
1032	P.D. Ellis, <i>et al.</i> , <i>Application of Hydraulic Fractures in Openhole Horizontal Wells</i> , SPE/Petroleum Society of CIM 65464 (2000) (“Ellis”)
1033	M.J. Rees, <i>et al.</i> , <i>Successful Hydrajet Acid Squeeze and Multifracture Acid Treatments in Horizontal Open Holes Using Dynamic Diversion Process and Downhole Mixing</i> , SPE 71692 (Sep. 30, 2001) (citing Ex. 1032 at fn. 1)
1034	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”)
1035	January 30, 2017 Letter and Responses to Ex. 1034
1036	Excerpt from February 16, 2017 transcript of Related Canadian Litigation

Ex. 2021 – Authentication: 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. 2021. 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). While Ex. 2021 does contain “Rystad Energy” markings throughout, those markings are sponsored solely by attorney argument.

Hearsay: Authenticity aside, RC’s reliance on hearsay exception (18) fails because RC cites directly to Ex. 2021 in its POR (Paper 31 at 36), rather than to Mr. McGowen’s citation to Ex. 2021 (on Ex. 2034 page 45/49). Nor does hearsay exception (17) apply; regardless of whether Ex. 2021 is a “market report,” RC has not shown that Ex. 2021 is “**generally** relied on by the **public** or by **persons** in particular occupations.” *See Fed. R. Evid.* 803(17) (emphasis added). Mr. McGowen’s **specialized** reliance (uncited by RC in its POR) does not fit the rule. Finally, RC’s purported non-truth-of-the-matter purpose for Ex. 2021 page 10—

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