

UNITED STATES PATENT AND TRADEMARK OFFICE

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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

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Case IPR2016-01506  
Patent 7,861,774

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**PETITIONERS' 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), Petitioners serve the following objections to Patent Owner's<sup>1</sup> Response exhibits.

Ex. Number and Patent Owner Description	Objections
2039. Weatherford presentation titled, "Openhole Completion Systems"	<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: <i>e.g.</i>, that Weatherford sells and markets open hole drop ball technology as shown in a figure of Ex. 2039 (<i>see</i> POR at 37); and that Weatherford "specifically advertises that [its] system employ[s] the claimed invention using solid body packer isolation, ball-activated sliding sleeves, and open hole fracturing in horizontal wells, i.e., the specific combination of elements covered by the claims" (<i>see</i> POR at 42-43). Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exception to the rule against hearsay.</p> <p><u>Relevance.</u> Fed. R. Evid. 401-403. This exhibit is irrelevant under FRE 401, and thus inadmissible under FRE 402, or inadmissible as unfairly prejudicial, confusing, and/or a waste of time under FRE 403, because: (1) it is</p>

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<sup>1</sup> All references to Patent Owner are to be understood as referring also to its Exclusive Licensee.

Ex. Number and Patent Owner Description	Objections
	<p>inadmissible under FRE 801, 802, and 901 as explained above, (2) Patent Owner has not proven that any technology in the exhibit on which it relies, or any activity involving such technology, is covered by any Challenged Claim, and/or (3) Patent Owner has not proven that any technology in the exhibit on which it relies, or any activity involving such technology, is not already known or readily available in the prior art.</p>
<p>2040. <i>Halliburton v. Packers Plus</i>, Fourth Amended Petition</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>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/or a waste of time, particularly because this exhibit is not cited in Patent Owner's Response or in any declaration paragraph cited in Patent Owner's Response.</p>
<p>2041. Baker Hughes' and Peak Completions' Subpoena to Halliburton</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>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/or a waste of time, particularly because this exhibit is not cited in Patent Owner's Response or in any declaration</p>

Ex. Number and Patent Owner Description	Objections
	paragraph cited in Patent Owner's Response.
2042. <i>Rapid Completions v. Baker Hughes</i> , et al. Order dismissing Pegasi	<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>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/or a waste of time, particularly because this exhibit is not cited in Patent Owner's Response or in any declaration paragraph cited in Patent Owner's Response.</p>
2044. Vikram Rao Deposition Transcript	<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: <i>see, e.g.</i>, POR at 6, 51, and 66.</p> <p><u>Relevance</u>. Fed. R. Evid. 401-403. This exhibit concerns testimony by an expert pertaining to a declaration that is not an exhibit in this proceeding, and is therefore irrelevant under FRE 401, and thus inadmissible under FRE 402, or inadmissible as unfairly prejudicial, confusing, and/or a waste of time under FRE 403. Independently, to the extent Patent Owner relies on testimony in this exhibit concerning an opinion not rendered in Ex. 1007 of IPR2016-</p>

Ex. Number and Patent Owner Description	Objections
	01509, such testimony is irrelevant under FRE 401, and thus inadmissible under FRE 402, or inadmissible as unfairly prejudicial, confusing, and/or a waste of time under FRE 403.
2045. Westin, Scott, <i>Private Property</i> , PwC, (Jan. 2, 2013)	<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: <i>e.g.</i>, that “StackFRAC was the first ball drop system created for open hole horizontal wells” (<i>see</i> POR at 29); that the StackFRAC technology “is partly responsible for creating access to vast reservoirs of oil and natural gas in North America that were previously considered uneconomic to produce” (<i>see</i> POR at <i>id.</i>); and that Packers Plus “has become almost a generic term for ball drop systems” (<i>see</i> POR at <i>id.</i>). Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exception to the rule against hearsay.</p> <p><u>Relevance</u>. Fed. R. Evid. 401-403. This exhibit is irrelevant under FRE 401, and thus inadmissible under FRE 402, or inadmissible as unfairly prejudicial, confusing, and/or a waste of time under FRE 403, because: (1) it is inadmissible under FRE 801, 802, and 901 as explained above, (2) Patent Owner has not proven that any technology in the exhibit on which it relies, or any activity involving such technology, is covered by any Challenged</p>

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