

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 IPR2016-01506
Patent 7,861,774

PETITIONERS' REPLY IN SUPPORT OF MOTION TO EXCLUDE

Petitioners' Exhibit List

Exhibit	Description
1001	U.S. Patent No. 7,861,774 (the "'774 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	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")
1004	U.S. Patent No. 5,449,039 ("Hartley")
1005	Declaration of Ali Daneshy, Ph.D. ("Daneshy1")
1006	Kate Van Dyke, FUNDAMENTALS OF PETROLEUM ENGINEERING (4th ed. 1997)
1007	Ron Baker, A PRIMER OF OIL WELL DRILLING (5th ed. (revised) 1996)
1008	U.S. Patent No. 4,099,563 ("Hutchison")
1009	U.S. Patent No. 5,375,662 ("Echols")
1010	U.S. Patent No. 6,257,338
1011	Excerpts of Prosecution History of the '774 Patent
1012	U.S. Provisional Application No. 60/404,783
1013	Excerpts of Prosecution History of U.S. Patent No. 7,134,505 ("the '505 Patent")
1014	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. 1003 at 102-110)
1015	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
1016	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”)
1017	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”)
1018	Howard, G. C. & Fast, C. R., HYDRAULIC FRACTURING (AIMMPE 1970)
1019	Hyne, Norman J., DICTIONARY OF PETROLEUM EXPLORATION, DRILLING, & PRODUCTION (1991)
1020	U.S. Patent 4,018,272 (“Brown”)
1021	U.S. Patent No. 4,279,306
1022	K.W. Lagrone, <i>et al.</i> , <i>A New Development in Completion Methods</i> , SOCIETY OF PETROLEUM ENGINEERING, Paper 530-PA (1963)
1123	Affidavit of Velma J’Nette Davis-Nichols, regarding Lane-Wells (see Ex. 1002) (including Lane-Wells at Appendix A)
1124	Affidavit of Debbie Caples, regarding Ex. 1006 and Ex. 1007 (including Ex. 1006 at Appendix B and Ex. 1007 at Appendix D) – NOT FILED
1125	Affidavit of Rodolfo Diaz, regarding Ex. 1022 (including Ex. 1022 at Appendix A and related materials at Appendix B) – NOT FILED
1126	Declaration of Rebekah Stacha, regarding Ex. 1015 (including Ex. 1015 at Exhibit A) – NOT FILED
1127	Affidavit of Troy Price, regarding Ex. 1018 (including Ex. 1018 at Appendix A) – NOT FILED
1128	Affidavit of Troy Price, regarding Ex. 1019 (including Ex. 1019 at Appendix A) – NOT FILED
1129	Table Associated with qrySumNetValuebyFamily from Ex. 2051 (contains PROTECTIVE ORDER MATERIAL)

Exhibit	Description
1130	March 1, 2017 email from Justin Nemunaitis, confirming RE Packer revenue in Ex. 1129 was included in revenue figure reported at Ex. 2050 at 42:9
1131	Transcript of February 28, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen1”)
1132	Second Declaration of Ali Daneshy, Ph.D. (“Daneshy2”)
1133	UNREDACTED Transcript of July 27, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen2”) (contains PROTECTIVE ORDER MATERIAL)
1134	U.S. Patent No. 5,360,066 (“Venditto”)
1135	U.S. Patent No. 5,499,678 (“Surjaatmadja”)
1136	U.S. Patent No. 6,508,307 (“Almaguer”)
1137	U.S. Patent No. 2,689,009 (“Brainerd”)
1138	REDACTED Transcript of July 27, 2017 Deposition Testimony of Harold R. McGowen III (“McGowen2”)
1139	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”)
1140	January 30, 2017 Letter and Responses to Ex. 1139
1141	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 70 at 1-2. RC’s Rule 703 argument is inapplicable because RC cites to Ex. 2039 (POR at 23, 28-29), and not to a McGowen opinion it underlies.

Ex. 2044 – Dr. Rao’s testimony is not in the form of an affidavit (*see* 37 C.F.R. § 42.53(a) (“Uncompelled direct testimony *must* be submitted in the form of an affidavit.”) (emphasis added)), and Petitioners were not notified of his deposition (37 C.F.R. § 42.53(d)(1)). Because there was no direct testimony within the scope of Rule 53, there was no opportunity for cross. *See* 37 C.F.R. § 42.53(d)(5)(ii).

RC has not shown Dr. Rao is unavailable under any of the criteria of Rule 804(a). Regardless, Rule 804(b)(1) does not apply for the same reasons above. Patent Owner has not shown that the Federal Rules of Civil Procedure related to unavailability of witnesses apply or that the asserted facts related to unavailability are true. Nor has Patent Owner established that Rule 807 applies. It has not explained—beyond a conclusory assertion—how any of the three objected-to portions of testimony is offered as evidence of a material fact, and its assertion

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