

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 PRELIMINARY  
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> Preliminary Response exhibits.

| Ex. Number and Patent Owner Description   | Objections  |
|---|---|
| 2004. Seale, "Effective Stimulation of Horizontal Wells—A New Completion Method," SPE 106357 (2006) | <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>, at 3 ("What has been witnessed in the field is when the horizontal wellbore is partitioned, each compartment has a unique pressure signature for fracturing or stimulating. (Figure 2) This unique pressure signature for each stage provides real time evidence that the packers are providing the mechanical diversion for which they were designed."); and that the StackFRAC system utilizes solid body packers to provide zonal isolation in open hole portions of a wellbore and ball activated sliding sleeves to provide fracturing fluid in the segments shown in Figure 1 of Ex. 2004 (<i>see</i> POPR at 19). 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</p> |

<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 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 system in the exhibit on which it relies, or any activity involving such system, is covered by any Challenged Claim, and/or (3) Patent Owner has not proven that any system in the exhibit on which it relies, or any activity involving such system, is not already known or readily available in the prior art.</p>   |
| <p>2005. "Exploration and Development," Alberta Oil Magazine</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; <i>e.g.</i>, that "StackFRAC, the company's prize product and primary innovation, is an open hole ball drop completion system that's widely credited with unlocking old resource plays that were thought to be too expensive or too technically challenging to tap." <i>See</i> POPR at 21-22. 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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|   | <p>inadmissible under FRE 801, 802, and 901 as explained above, (2) Patent Owner has not proven that any system in the exhibit on which it relies, or any activity involving such system, is covered by any Challenged Claim, and/or (3) Patent Owner has not proven that any system in the exhibit on which it relies, or any activity involving such system, is not already known or readily available in the prior art.</p>   |
| <p>2006. “Leading the Way: Multistage fracking pioneer Packers Plus plays major role in cracking the tight oil code,” Canadian OilPatch Technology Guidebook (2012)</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; <i>e.g.</i>, that Packers Plus is a “multistage fracking pioneer,” that “[w]hen the history of all the business success stories emerging from the development of the tight oil and gas reservoirs in western Canada and the western United States is chronicled, the story of a 12-year-old Calgary-based company that specializes in an area of oilfield technology unheard of until the last few years might be the most remarkable,” and that “StackFRAC technology . . . revolutionized the completions section by introducing multistage fracturing systems in horizontal wells, [and is] credited with unlocking the potential of tight and shale oil and natural gas.” <i>See</i> POPR at 20-21. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exception to the rule against hearsay.</p> |

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|--|---|
|  | <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 system in the exhibit on which it relies, or any activity involving such system, is covered by any Challenged Claim, and/or (3) Patent Owner has not proven that any system in the exhibit on which it relies, or any activity involving such system, is not already known or readily available in the prior art.</p>   |
| <p>2007. “Entrepreneur of the Year: National Winner,” Financial Post</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: <i>e.g.</i>, that in 2009, Ernst &amp; Young awarded Packers Plug and Dan Themig its entrepreneur of the year award and highlighted Packers Plus’s StackFRAC system (<i>see</i> POPR at 19), and that “[w]ith Packers Plus technology, the Bakken oilfield went from producing 100 barrels of oil a day in 2006 to 60,000 now” (<i>see 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</p> |

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