

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES INCORPORATED and)	
BAKER HUGHES OILFIELD)	
OPERATIONS, INC.)	
)	
Petitioners,)	IPR2016-00596
)	Patent
vs.)	7,134,505 and
)	other patents
PACKERS PLUS ENERGY SERVICES,)	
INC.,)	
)	
Patent Owner.)	

ORAL AND VIDEOTAPED DEPOSITION OF

HAROLD E. MCGOWEN III

February 28, 2017

ORAL DEPOSITION of HAROLD E. MCGOWEN III, produced as a witness the instance of the Petitioners, and duly sworn, was taken in the above styled and numbered cause on February 28, 2017, from 8:42 a.m. to 4:50 p.m. before Jeff L. Foster, a Certified Shorthand Reporter in and for the State of Texas, at the offices of Caldwell, Cassady, Curry, 2101 Cedar Springs, Road, Suite 1000, Dallas, Texas 75201, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

THE PETITIONERS:

Mr. Mark T. Garrett
NORTON, ROSE, FULBRIGHT US, LLP
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701-4255
(512) 474-5201
mark.garrett@nortonrosefulbright.com

FOR THE PATENT OWNER:

Mr. Justin Nemunaitis
CALDWELL, CASSADY, CURRY
2101 Cedar Springs Road, Suite 1000
Dallas, Texas 75201
(241) 888-4853
jnemunaitis@caldwellcc.com

ALSO APPEARING

Mr. David Guerra, videographer
Mr. Darin Duphorne, by telephone

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE

Appearances.....	2
HAROLD E. MCGOWEN III	
Examination by Mr. Garrett	4
Signature Page.....	196
Reporter's Certificate.....	198

EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit 1018.....		120
qrySumNetValuebyFamily table		
Exhibit 1027.....		120
qrySumNetValuebyFamily for IPR2016-00596		
Exhibit 1027.....		120
qrySumNetValuebyFamily for IPR2016-00597		
Exhibit 1032.....		178
Drawing for IPR2016-00657		
Exhibit 1032.....		178
Drawing for IPR2016-00656		
Exhibit 1033.....		180
Sketch made by witness regarding IPR2016-00656		

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: On the record at
3 8:42 a.m., February 28th, 2017 for the deposition of
4 Harold -- for the deposition of Harold E. McGowen, III,
5 in the matter of Baker Hughes, Incorporated versus
6 Packers Plus Energy Services. Counsel, please state
7 your appearances and then the court reporter will
8 administer the oath.

9 MR. GARRETT: This is Mark Garrett for
10 the petitioners. With us on the phone is Darin
11 Duphorne, in-house counsel for the petitioners, and I'm
12 from Norton, Rose, Fulbright.

13 MR. NEMUNAITIS: And Justin Nemunaitis
14 with Caldwell, Cassady, Curry for the respondent.

15 HAROLD E. MCGOWEN, III,
16 having been first duly sworn, testified as follows:

17 EXAMINATION

18 BY MR. GARRETT:

19 Q. Mr. McGowen, this deposition is going to cover
20 six different proceedings pertaining to six different
21 patents. I'll name them so that we're all square on
22 that. The first is IPR2016-00596, which corresponds to
23 the '505 patent. The next is IPR2016-00597, which
24 corresponds to the '634 Patent. Next is
25 IPR2016-00598, which corresponds to the '774 Patent.

1 Next is IPR2016-00650, which corresponds to the
2 '936 Patent. Next is IPR2016-00656, which corresponds
3 to the '009 Patent. And, finally, IPR2016-00657, which
4 corresponds to the '451 Patent.

5 Are we on the same page about that?

6 A. Well, I haven't memorized all those numbers,
7 so just have to -- have to proceed from here, I guess.

8 Q. Understood. Let's start with Ellsworth. I'll
9 hand you a copy. And this is Exhibit 1004 from the 596
10 proceeding. And for your understanding, when I refer
11 to the proceeding, the three numbers that I'm using are
12 the 596, the 597, the 598, any of the last three
13 numbers of the IPR.

14 A. I'm sorry, could you say that one more time?

15 Q. Yeah. So if I refer to a proceeding, like the
16 596 proceeding, I'm referring to that IPR number that's
17 IPR2016-00596. But I'm also talking about the patent
18 in that proceeding.

19 A. Okay.

20 Q. Which for the 596 is the '505 Patent.

21 A. Okay.

22 Q. Would it help to refer to just the patent
23 numbers as opposed to --

24 A. Actually, it would, yes.

25 Q. That's what I'll do. You've read and are

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.