IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RAPID COMPLETIONS LLC, Plaintiff, v. BAKER HUGHES INCORPORATED, BAKER HUGHES OILFIELD OPERATIONS, INC., WEATHERFORD INTERNATIONAL, LLC, WEATHERFORD/LAMB, INC., WEATHERFORD US, LP, WEATHERFORD ARTIFICIAL LIFT SYSTEMS, LLC, PEAK COMPLETION TECHNOLOGIES, INC., PEGASI ENERGY RESOURCES CORPORATION, PEGASI OPERATING, INC., AND TR RODESSA, INC., Defendants, v. PACKERS PLUS ENERGY SERVICES, INC., RAPID COMPLETIONS LLC, Counterclaim Defendants.	§ §	Case No. 6:15-cv-724-RWS-KNM

DEFENDANTS' INVALIDITY CONTENTIONS

Defendants Weatherford International, LLC, Weatherford/Lamb, Inc., Weatherford US, LP, Weatherford Artificial Lift Systems, LLC ("Weatherford"); Baker Hughes Incorporated and Baker Hughes Oilfield Operations, Inc. ("Baker Hughes"); Peak Completion Technologies, Inc. ("Peak") and Pegasi Energy Resources Corporation and Pegasi Operating, Inc. ("Pegasi") (collectively "Defendants") hereby disclose to Plaintiff Rapid Completions, LLC and Counterclaim Defendant Packers Plus Energy Services, Inc. ("Plaintiff") these Invalidity Contentions pursuant to Patent Local Rule 3-3 ("Invalidity Contentions"). The accompanying document production required by Patent Local Rule 3-4(b) is also provided contemporaneously with these Invalidity Contentions. Weatherford, Baker Hughes, Peak, and Pegasi each reserve

the right to select and/or rely on different prior art and/or invalidity contentions at trial or otherwise.

I. INTRODUCTION

Plaintiff has asserted against Defendants claims 14, 17-26 of U.S. Patent No. 6,907,936 ("the '936 Patent"); claims 1-7, 11, 14-27 of U.S. Patent No. 7,134,505 ("the '505 Patent"); claims 1, 2, 6, 9-17, 19-25 of U.S. Patent No. 7,543,634 ("the '634 Patent"); claims 1-16 of U.S. Patent No. 7,861,774 ("the '774 Patent"); claims 1-13 of U.S. Patent No. 8,657,009 ("the '009 patent"); claims 1-8 of U.S. Patent No. 9,074,451 ("the '451 patent") (collectively, "Asserted Claims" and "Asserted Patents"). Defendants are only providing Invalidity Contentions for the above identified Asserted Claims of the Asserted Patents. Should Plaintiff later attempt to assert additional claims, Defendants reserve the right to amend these Invalidity Contentions and contend that any additional claims are also invalid. Defendants' Invalidity Contentions are not an admission of validity as to any other claims of the Asserted Patents.

These contentions are based on Defendants' present understanding of the Asserted Claims, prior to any claim construction proceedings in this case. These Invalidity Contentions may reflect various alternative positions as to claim construction and scope. Defendants do not adopt, advocate, or acquiesce in any particular claim construction position by these Invalidity Contentions. Furthermore, these Invalidity Contentions are not an admission by Defendants that any accused products, including any current or past versions of these products, are covered by, or infringe the Asserted Claims, particularly when the Asserted Claims are properly construed.

Defendants' discovery and investigations in connection with this matter are continuing and thus, these Invalidity Contentions are based on information obtained to date and are necessarily preliminary in nature. In particular, these Invalidity Contentions are based in whole

or in part on Defendants' present understanding of Plaintiff's positions concerning the scope and construction of the asserted claims to the extent those positions can be deduced from Plaintiff's Infringement Contentions served on November 23, 2015. Defendants note that Plaintiff's Infringement Contentions as to each Defendant were severely deficient, which has hindered Defendants' ability to collect prior art and develop invalidity theories. Defendants also note that Plaintiff has taken the position that it need not provide any specificity with regard to its allegations of infringement until the discovery process plays out. Thus, Defendants expressly reserve the right to amend their invalidity contentions at such time as Plaintiff provides more specificity with regard to its allegations of infringement. Defendants further reserve the right to seek to modify, supplement, and/or amend these Invalidity Contentions and associated document production based on further investigation, analysis, and discovery, results of patent reexaminations, Defendants' consultation with experts and others, Plaintiff's contentions, and/ or Court rulings (including rulings in this and/or related cases) on relevant issues such as claim construction, validity, and priority dates. Because Defendants are continuing its search for and analyze relevant prior art, Defendants reserve the right to seek to revise, amend, and/or supplement the information provided herein, including identifying, charting, and/or relying upon additional prior art references, relevant disclosures, and bases for invalidity contentions. Additional prior art, disclosures, and invalidity defenses, whether or not cited in this disclosure and whether known or not known to Defendants, may become relevant as investigation, analysis, and discovery continue.

Defendants are aware that Plaintiff has asserted a foreign counterpart patent against other defendants and some Defendants in other lawsuits. Defendants hereby rely on and incorporate by reference and expressly reserve the right to rely upon all invalidity contentions, including all

invalidity positions and all prior art cited therein, that have been or will be served by other defendants in cases pending in other courts in which Plaintiff asserts related patents.

Defendants are currently unaware of the extent, if any, to which Plaintiff will contend that limitations of the Asserted Claims are not disclosed in the prior art identified by Defendants. To the extent that Plaintiff makes such contentions, Defendants reserve the right to identify and rely upon other references or portions of identified or unidentified references regarding the allegedly missing limitation(s).

Additionally, because discovery has only recently commenced and third-party discovery has not yet begun, Defendants reserve the right to present additional prior art references and/or disclosures under 35 U.S.C. §§ 102(a), (b), (e), (f), and/or (g), and/or § 103, located during the course of such discovery or further investigation, and to assert invalidity under 35 U.S.C. §§ 102 and/or 103 to the extent that such discovery or investigation yields information forming the basis for such invalidity. Further, Defendants have included anticipatory and obviousness prior art references based on Plaintiff's asserted priority dates. Accordingly, Defendants reserve the right, as permitted, to modify, amend, and/or supplement these Invalidity Contentions as additional information regarding the proper priority dates become available, and as their discovery and investigations proceed. Each disclosed item of prior art is evidence of a prior invention by another under 35 U.S.C. § 102(g), as evidenced by the named inventors, authors, organizations, and publishers involved with each such reference.

II. P.R. 3-3(A) – IDENTIFICATION OF PRIOR ART REFERENCES.

In addition to the references cited on the face of the Asserted Patents, the admitted prior art references in the Asserted Patent specifications, the prosecution histories of the Asserted Patents, the references cited in any reexaminations or *inter partes* reviews of the Asserted

Patents, and the references cited in any invalidity contentions in any action or proceeding or in a future action or proceeding involving the Asserted Patents, Defendants identify the prior art listed below.

Defendants contend that at least some of the systems, services, and products disclosed in one or more of the prior art references identified below are prior art under 25 U.S.C. §§ 102(a), (b), and/or (g), and/or 103. Defendants may not have complete information regarding the dates by which some of the systems, services, and products described in the prior art references were publicly disclosed, used, made, sold, or offered for sale, the circumstances under which the research, design, development activities were conducted, and the identities of the particular individuals involved in such activities through publicly available patents, publications, and product literature. Defendants anticipate that the actual dates, circumstances, and identities of individuals will be the subject of discovery, including third-party discovery, during this case.

To the extent the inventions identified in the patents, publications, systems, and other prior art to the Asserted Patents identified in these Invalidity Contentions were conceived by another and diligently reduced to practice before the alleged conception and reduction to practice of the Asserted Claims of the Asserted Patents by the named inventors of those patents, Defendants allege that such prior art inventions invalidate the Plaintiff's Asserted Patents under 35 U.S.C § 102(g).

The following patents and publications are prior art under one or more of pre-AIA 35 U.S.C. §§ 102(a), (b), and/or (e) or pre-AIA 35 U.S.C. § 103.

Prior Art Patents/Published Applications	
1.	U.S. Patent No. 4,279,306 ("Weitz '306 Patent")(filed August 10, 1979)(issued July 21, 1981) is prior art under §§ 102(a), 102(b), and/or 102(e).
2.	U.S. Patent No. 4,484,625 ("Barbee '625 Patent")(filed April 20, 1982)(issued November 27, 1984) is prior art under §§ 102(a), 102(b), and/or 102(e).
3.	U.S. Patent No. 3,122,205 ("Brown, et al, '205 Patent")(filed November 4, 1960)(issued

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