### UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

\_\_\_\_\_

# ENSIGN US SOUTHERN DRILLING LLC Petitioner v.

C&M OILFIELD RENTALS, LLC D/B/A C-MOR ENERGY SERVICES Patent Owner of Record

Inter Partes Review No.
IPR2023-00804
Patent No. 10,976,016
Filing Date: September 9, 2020
Issue Date: April 13, 2021

•

### PETITION FOR INTER PARTES REVIEW



## Petition for Inter Partes Review U.S. Patent No. 10,976,016

### TABLE OF CONTENTS

I.	Intro	roduction		
II.	IPR Requirements			
	A.	Standing	8	
	B.	Challenge	8	
III.	Background			
	A.	The '016 Patent	13	
	B.	The Relevant Prosecution History of the '016 Patent	14	
IV.	Expert Testimony, Level of Skill in the Art, Claim Construction			
	A.	Declaration Evidence	19	
	B.	Level of Skill in the Art	19	
	C.	Claim Construction	19	
V.	Prior Art			
	A.	PCT Publication WO 2018/0423348 ("Gowanlock")	23	
	B.	Swivelpole Product Catalogue NEC V2-4. Printed March 2014 ("Swivelpole catalog")	25	
	C.	Chinese Patent No. 203215413U ("Chinese '413")	27	
	D.	Larson Electronics / Magnalight YouTube video at https://www.youtube.com/watch?v=EWXJeKNRs00 (copyright 2004-2012) (Ex. 1006)	28	
	E.	Admitted Prior Art in the '016 Patent		
VI.	Motivation to Combine			
	A.	Gowanlock and Swivelpole catalog		
		·		



# Petition for *Inter Partes* Review U.S. Patent No. 10,976,016

	В.	Swivelpole catalog and Chinese '413 in light of Admitted prior art in '016 Background and Figure 1	38	
	C.	Larson Electronics / Magnalight YouTube video at https://www.youtube.com/watch?v=EWXJeKNRs00 in light of Admitted Prior Art in '016 Background and Figure 1	44	
VII.	Claims 1, 2, and 23 Are Invalid			
	A.	Ground 1: Claims 1, 2, and 23 are Anticipated by Gowanlock	51	
	B.	Ground 2: Claims 1, 2, and 23 are Obvious Over Gowanlock in view of Swivelpole catalog	58	
	C.	Ground 3: Claims 1, 2, and 23 are Obvious Over Swivelpole Catalog and Chinese '413 in light of Admitted Prior Art	70	
	D.	Ground 4: Claims 1, 2, and 23 are Obvious Magnalight YouTube Video in light of Admitted Prior Art	80	
VIII.		ndary Considerations Cannot Overcome the Strong Evidence of ousness	89	
IX.	This 1	s Petition Should Not Be Discretionarily Denied89		
X.	Conc	nclusion93		
XI.	Mandatory Notices9			
	A.	Real Parties in Interest (37 C.F.R. § 42.8(b)(1))	93	
	B.	Related Matters (37 C.F.R. § 42.8(b)(2))	93	
	C.	Designation of Lead and Backup Counsel (37 C.F.R. § 42.8(b)(3)) and Service Information (37 C.F.R. § 42.8(b)(4))	94	
	D.	Payment of Fees (37 C.F.R. § 42.103)	94	
	Ε.	Power of Attorney (37 C.F.R. § 42.10)	95	
CER	ΓIFICA	ATE OF SERVICE	97	



### **EXHIBIT LIST**

Exhibit No.	Description
1001	U.S. Patent No. 10,976,016 ("the '016 Patent")
1002	Prosecution History of U.S. Patent No. 10,976,016
1003	WO 2018/042348 ("Gowanlock")
1004	Swivelpole Product Catalogue NEC V2-4. Printed March 2014 (Swivelpole Catalog)
1005	Certified Translation of Chinese Patent No. 203215413U (Chinese '413)
1006	Larson Electronics / Magnalight YouTube video (copyright 2004-2012)
1006-A	Screenshot of Larson Electronics / Magnalight YouTube video (copyright 2004-2012) page
1007	Curriculum Vitae of Jake Hamdan
1008	Declaration of Jake Hamdan
1009	'016 Claim Construction Order in <i>C&amp;M Oilfield Rentals, LLC v. Apollo Lighting Solutions, Inc. and Cleantek Industries, Inc.</i> , Civil Action No. 6:21-CV-00544-ADA, Western District of Texas, Waco Division
1010	Docket sheet showing April 1, 2023 date of service of complaint
1011	June 9, 2022 K. Vidal Memo on Admissions
1012	Collection of Rig Photos referred to in Hamdan declaration; named as Ex. 1012-1, 1012-2, 1012-3, 1012-4, 1012-5, 1012-6, and 1012-7



E-bibit N	Degavintion
Exhibit No.	Description C. II. C. D.
1012-A	Collection of Rig Photos referred to in Hamdan declaration; names as Ex. 1012-A-1, 1012-A-2, and 1012-A-3
1013	Photos referred to in Hamdan declaration; named as Ex. 1013-1, 1013-2, and 1013-3
1014	Screen capture of 2017 Lighting Catalog referred to in Hamdan declaration from Wayback Machine link at Scaffold / Rail Mount Rig Lights - Larson Electronics (archive.org)
1015	Collection of YouTube Videos referred to in Hamdan declaration as Exhibits 1015-1 to 1015-4
1016	Patent Owner of Record March 27, 2023 Proposed Claim Terms
1017	Dkt. 35 C&M v. Ensign Scheduling Order
1018	Director Vidal Memorandum re: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, June 22, 2022
1019	US Publication 2015/0184840 (2015 Gowanlock '840)
1020	U.S. Pat. 181,613 to Woodward et al.
1021	U.S. Pat. 223,898 to Edison
1022	U.S. 2015/0138780 to Yoshizawa et al.
1023	U.S. Pat. 3,696,241 to Meyer et al.
1024	U.S. Pat. 3,856,639 to Rohn t al.
1025	U.S. Pat. 4,903,442 to Trommen
1026	U.S. Pat.4,937,717 to Betzvog, Jr.
1027	U.S. Pat. 5,272,611 to Lai



# DOCKET

# 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.

