

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.

Case No. IPR2023-00804

Patent 10,976,016

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner C&M Oilfield Rentals, LLC d/b/a C-MOR Energy Services (“C&M”) submits the following objections to certain exhibits submitted with the Petition. Patent Owner’s objections apply equally to Petitioner’s reliance on these exhibits in any subsequently filed documents.

Ex. 1004 – “Swivelpole”

To the extent Petitioner relies on the contents of Ex. 1004 for the truth of the matter asserted, including any attempt to rely on any date that may appear in Ex. 1004 to establish public accessibility as a printed publication, Patent Owner objects to Ex. 1004 as hearsay under FRE 801, inadmissible under FRE 802, and not subject to any exception, including any under FRE 803, 804, 805, and 807.

Patent Owner further objects to Ex. 1004 under FRE 901 because it has not authenticated.

Because of at least these deficiencies, Petitioner has failed to establish that Ex. 1004 is a prior art printed publication. As such, Patent Owner also objects to Ex. 1004 as not relevant under FRE 401 and inadmissible under FRE 402. For the same reasons, Patent Owner objects to Ex. 1004 under FRE 403 because its probative value is substantially outweighed by a danger of one or more of unfair prejudice, confusing the issues, undue delay, and wasting time.

Ex. 1006 – “YouTube video”

To the extent Petitioner relies on the contents of Ex. 1006 for the truth of the matter asserted, including any attempt to rely on any date that may appear in Ex. 1006 to establish public accessibility as a printed publication, Patent Owner objects to Ex. 1006 as hearsay under FRE 801, inadmissible under FRE 802, and not subject to any exception, including any under FRE 803, 804, 805, and 807.

Patent Owner further objects to Ex. 1006 under FRE 901 because it has not been authenticated.

Because of at least these deficiencies, Petitioner has failed to establish that Ex. 1006 is a prior art printed publication. As such, Patent Owner also objects to Ex. 1006 as not relevant under FRE 401 and inadmissible under FRE 402. For the same reasons, Patent Owner objects to Ex. 1006 under FRE 403 because its probative value is substantially outweighed by a danger of one or more of unfair prejudice, confusing the issues, undue delay, and wasting time.

Ex. 1006-A – “Screenshot”

To the extent Petitioner relies on the contents of Ex. 1006-A for the truth of the matter asserted, including any attempt to rely on any date that may appear in Ex. 1006-A to establish public accessibility as a printed publication, Patent Owner objects to Ex. 1006-A as hearsay under FRE 801, inadmissible under FRE 802, and not subject to any exception, including any under FRE 803, 804, 805, and 807.

Patent Owner further objects to Ex. 1006-A under FRE 901 because it has not been authenticated.

Because of at least these deficiencies, Petitioner has failed to establish that Ex. 1006-A is a prior art printed publication. As such, Patent Owner also objects to Ex. 1006-A as not relevant under FRE 401 and inadmissible under FRE 402. For the same reasons, Patent Owner objects to Ex. 1004 under FRE 403 because its probative value is substantially outweighed by a danger of one or more of unfair prejudice, confusing the issues, undue delay, and wasting time.

Ex. 1007 – CV of Jake Hamdan

To the extent Petitioner relies on the contents of Ex. 1007 for the truth of the matter asserted, Patent Owner objects to Ex. 1007 as hearsay under FRE 801, inadmissible under FRE 802, and not subject to any exception, including any under FRE 803, 804, 805, and 807.

Patent Owner further objects to Ex. 1007 under FRE 401, FRE 402, and FRE 403 as containing information that is irrelevant and for which any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, or wasting time.

Ex. 1008 – Declaration of Jake Hamdan

Patent Owner objects to Ex. 1008 under FRE 702 because Mr. Hamdan does not have scientific, technical, or other specialized knowledge that will help the trier

of fact to understand the evidence or to determine a fact in issue.

Patent Owner further objects to Ex. 1008 under FRE 702 because Mr. Hamdan's opinions are conclusory, not based on sufficient facts or data, do not sufficiently disclose underlying facts or data in support, and are unreliable.

Patent Owner objects to Ex. 1008 under FRE 701 as containing improper opinion of a lay witness. Mr. Hamdan's opinions are not rationally based on his perception and not helpful to clearly understanding his testimony or determining a fact in issue.

Patent Owner objects to Ex. 1008 under FRE 602 because evidence is not introduced sufficient to support a finding that the witness has personal knowledge of the matters addressed.

Patent Owner objects to Ex. 1008 under FRE 401, FRE 402, and FRE 403 because Mr. Hamdan's opinions are irrelevant and any probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, or wasting time.

Patent Owner further objects to any portion of Mr. Hamdan's Declaration that relies on Exhibits otherwise addressed herein for the reasons discussed herein.

Ex. 1012 (including Ex. 1012-1 – 1012-7) – “Collection of Rig Photos”

To the extent Petitioner relies on the contents of Ex. 1012 (including Ex. 1012-1 – 1012-7) for the truth of the matter asserted, Patent Owner objects to Ex. 1012

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