

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
U.S. Patent No. 10,976,016

PATENT OWNER'S OBJECTIONS TO SUPPLEMENTAL EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), C&M Oilfield Rentals, LLC d/b/a C-MOR Energy Services (“Patent Owner”) submits the following objections to certain supplemental evidence served by Ensign US Southern Drilling LLC (“Petitioner”) on November 27, 2023. Patent Owner’s objections apply equally to Petitioner’s reliance on this evidence in any subsequently filed documents.

Evidence	Objections
“Business Records Declaration” from Sean Johnstone – Paragraph 2 discussing Exhibit B to the Declaration	<p>FRE 401 & 402: Patent Owner objects to this evidence as not relevant (FRE 401) and inadmissible (FRE 402) because it contains new evidence that is not relevant to any ground upon which this proceeding was instituted, and it is improperly submitted in response to Patent Owner’s objections as served on November 9, 2023. Specifically, Paragraph 2 discusses Exhibit B to the Declaration, and Exhibit B purports to be a catalog from 2017 on which Petitioner did not rely in its Petition or otherwise disclose in connection with its Petition and, thus, is irrelevant to both the instituted grounds and the admissibility objections lodged by Patent Owner against any Exhibits to the Petition.</p> <p>FRE 403: For the same reasons, Patent Owner further objects to this evidence because its probative value is substantially outweighed by a danger of one or more of unfair prejudice, confusion of the issues, undue delay, and waste of time.</p>

	<p>because it is untimely and does not support the admissibility of previously filed exhibits to which Patent Owner objected.</p>
<p>“Business Records Declaration” from Sean Johnstone – Exhibit B (“2017 Swivelpole Catalog”)</p>	<p>FRE 401 & 402: Patent Owner objects to this evidence as not relevant (FRE 401) and inadmissible (FRE 402) because it constitutes new evidence that is not relevant to any grounds upon which the proceeding was instituted, and it is improperly submitted in response to Patent Owner’s objections as served on November 9, 2023. Specifically, Exhibit B purports to be a catalog from 2017 on which Petitioner did not rely in its Petition or otherwise disclose in connection with its Petition and, thus, is irrelevant to both the instituted grounds and the admissibility objections lodged by Patent Owner against any Exhibits to the Petition.</p> <p>FRE 403: For the same reasons, Patent Owner further objects to this evidence because its probative value, if any, is substantially outweighed by a danger of one or more of unfair prejudice, confusion of the issues, undue delay, and waste of time.</p> <p>Patent Owner also objects to this evidence under 37 C.F.R. § 42.64 because it is untimely, new evidence and does not support the admissibility of previously filed exhibits to which Patent Owner objected.</p>
<p>“Certified File Wrapper of 17/409,055”</p>	<p>FRE 401 & 402: Patent Owner objects to this evidence as not relevant (FRE 401) and inadmissible (FRE 402) because it constitutes new evidence</p>

	<p>and it is improperly submitted in response to Patent Owner’s objections as served on November 9, 2023. Specifically, “Certified File Wrapper of 17/409,055” is for a patent on which Petitioner did not rely in its Petition or otherwise disclose in connection with its Petition and, thus, is irrelevant to both the instituted grounds and the admissibility objections lodged by Patent Owner against any Exhibits to the Petition.</p> <p>FRE 403: Patent Owner further objects to this evidence because its probative value, if any, is substantially outweighed by a danger of one or more of unfair prejudice, confusion of the issues, and undue delay, and waste of time.</p> <p>Patent Owner also objects to this evidence under 37 C.F.R. § 42.64 because it is untimely, new evidence and does not support the admissibility of previously filed exhibits to which Patent Owner objected.</p>
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Dated: December 4, 2023.

Respectfully Submitted,

/ Dion M. Bregman /

Dion M. Bregman, Reg. No. 45,645

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), lead counsel for Patent Owner hereby certifies that on December 4, 2023, a copy of this Patent Owner's Objections was served to the email correspondence address of record for Petitioner's counsel of record:

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Dated: December 4, 2023.

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645