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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CANATEX COMPLETION SOLUTIONS, INC., .
Plaintiff, . Civil Action
VS. . No. H-22-CV-3306
WELLMATICS, LLC, et. al., . Houston, Texas
September 26, 2023
9:58 a.m.
Defendants. .
.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE ALFRED H. BENNETT
MARKMAN HEARING

APPEARANCES:

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ALSO PRESENT:

Mr. Louis Belzil
Mr. Jeremy Kinslow

PROCEEDINGS RECORDED BY STENOGRAPHIC MEANS,
TRANSCRIPT PRODUCED FROM COMPUTER-AIDED TRANSCRIPTION

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(continued)

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1 PROCEEDINGS

2 September 26, 2023

3 THE COURT: Cause Number 4:22-CV-3306, Canatex
4 Completion Solutions, Inc., versus Wellmatics, LLC, et al.

09:59:35 5 Counsel, your appearances for the record.

6 MR. CABELLO: Good morning, your Honor. David Cabello
7 for Canatex Completion Solutions, Inc. I'm joined by my
8 colleague, Stephen Zinda. We're joined by the corporate
9 representative for Canatex and Tier 1, Jeremy Kinslow, who is on
09:59:55 10 your far right; and then, we're joined by Canatex's Canadian
11 counsel, Louis Belzil, who is a king's counsel. He's a
12 barrister, but he's not admitted to this court or any court in
13 the United States.

14 THE COURT: Very well.

10:00:12 15 MR. AURENTZ: Good morning, your Honor. Phillip
16 Aurentz on behalf of the Wellmatics and the GR entities here
17 with my colleague, Morgan Mendicino, and our corporate
18 representative, Billy Anthony.

19 THE COURT: Very well.

10:00:25 20 Counsel, this is your Markman hearing. The Court
21 notes the receipt of the joint claim construction chart that was
22 filed September the 15th.23 So, with that being said, are we ready to
24 proceed?

10:00:47 25 MR. CABELLO: Yes, your Honor.

1 construction say start with the intrinsic evidence, the claims
2 specification, and the prosecution history -- those are the best
3 sources -- and give less credit to extrinsic evidence.

4 This is what *Phillips* said: We view extrinsic
01:34:45 5 evidence in general as less reliable than the patent and its
6 prosecution history in determining how to read the claims.

7 And what we just heard from my colleague is let's
8 look at dictionary definitions. Let's look at unrelated
9 irrelevant patents to construe this claim term. And we
01:35:02 10 completely disagree with that, your Honor. We want to stay
11 consistent with the case law and the proper way to construe
12 claims consistent with *Phillips*, which is start with the
13 intrinsic record, see what that tells you; and if you get to a
14 point where you get a definition, you don't have to look beyond
01:35:18 15 that.

16 You don't look to the extrinsic evidence because
17 you have everything you need in the intrinsic record because
18 undue reliance on extrinsic evidence poses the risk that it will
19 be used to change the meanings of the claims in derogation of
01:35:33 20 the public record.

21 THE COURT: In regards to claim construction, we all
22 start from the common denominator of the English language,
23 source, fluid, pressure. All of those things are pretty
24 straightforward, meaning if you were to go out and use the term
01:36:00 25 "source," most folks in hearing that would think origin.

1 You know, you say source of a river, they would
2 think headwaters. You say source, they would think the
3 beginning of something. So, source has a meaning in the English
4 language. So, going through all of these other claim
01:36:20 5 construction principles in my view occurs when you are unclear
6 as to the meaning of a word. Source, fluid pressure, I mean,
7 these are pretty common words, are they not?

8 MR. AURENTZ: I don't disagree with you that they are
9 common words. But the way we do claim construction is not what
01:36:36 10 words mean out in the ether or in a vacuum. Claim construction
11 is done based on what the words mean to a person of ordinary
12 skill in the art reading the patent in context.

13 THE COURT: A person of ordinary skill I don't think
14 would see the words "source" or "fluid" or "pressure" and then
01:36:56 15 be so confused in that that they think that they would need to
16 go through a particular analysis. And I'm asking that in a way
17 that would invite argument back as to why that's incorrect.

18 MR. AURENTZ: Yeah. I believe, respectfully, your
19 Honor, that that is incorrect. Because what is supposed to
01:37:13 20 occur is the person of ordinary skill in the art with all their
21 training and understanding of what words do mean in the art
22 reads the specification to determine is that word being used
23 consistently with how it is understood or is there another
24 meaning that can be interpreted looking at the specification in
01:37:31 25 context. Does the patentee use that word in a way that