

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**C&M OILFIELD RENTALS, LLC
D/B/A C-MOR ENERGY SERVICES,**

Plaintiff,

VS.

**APOLLO LIGHTING SOLUTIONS INC.
and CLEANTEK INDUSTRIES, INC.**

Defendants.

[illegible]

Civil Action No. 6:21-cv-544

JURY TRIAL DEMANDED

**DECLARATION OF GREGG S. PERKIN, PE REGARDING INFRINGEMENT OF US
PATENT NO. 10,976,016 B2**

I, Gregg S. Perkin, PE declare, and state as follows:

1. My name is Gregg Steven Perkin. I am of legal age and competent to testify as to the matters set forth below.

I. INTRODUCTION

A. Engagement

2. Counsel for C&M Oilfield Rentals, LLC (“Plaintiff”) has requested that I serve as a Professional Engineering Expert in the discipline of Mechanical Engineering regarding the above-referenced proceeding. More specifically, I have been asked to render an expert opinion as to whether Defendants Apollo Lighting Solutions Inc. and CleanTek Industries, Inc.’s (“Defendants”) HALO product infringes independent claim 23 of U.S. Patent No. 10,976,016 (“the ’016 Patent”). This **Declaration** contains my opinions on that matter.

33. Conversely, if any element of the claim is not found within the accused device, the accused device would not literally infringe. I understand that even if literal infringement is not found, direct infringement may still be found based on a principle known as the “Doctrine of Equivalents.” Counsel for C&M has only asked me to provide my opinion regarding direct, literal infringement for purposes of this **Declaration**.

C. Person of Ordinary Skill in the Art (“POSITA”)

34. In my opinion a Person of Ordinary Skill in the Art as to the ’016 Patent would have at least a bachelor’s degree in Mechanical and/or Electrical Engineering with at least one (1) year of experience working on Rotary Drilling Rigs¹ such as a Rotary Rig² (“Rig”), i.e., either a Drilling Rig³ or a Well Servicing Rig (“Workover Rig”⁴) and their associated lighting systems

¹ https://glossary.oilfield.slb.com/en/terms/d/drilling_rig or the machine used to drill a Wellbore. For onshore Rotary Drilling Operations, the Rig includes virtually everything except the Living Quarters. The major components of the Rig include the Mud Tanks, the Mud Pumps, the Derrick or Mast (Jackknife Derrick), the Drawworks, the Rotary Table or Top Drive, the Drillstring, the Power Generation Equipment, and Auxiliary Equipment.

² <https://collinsdictionary.com> or a **Rotary Rig** is the equipment used for drilling in most wells, which includes an engine and a hoisting, rotating and mud circulating system. The operating equipment of a **Rotary Rig** can be divided into three systems: hoisting, rotating, and circulation.

³ <https://www.petropedia.com/definition/1278/drilling-rig> or a **Drilling Rig** is a piece of equipment that is used to create holes or wellbores in the earth's surface. **Drilling Rigs** are massive structures that house all the drilling equipment on board. Some of the major components of a drilling rig are:

- Mud Tanks
- Mud Pumps
- Mast (Jackknife Derrick)/ Derrick
- Top Drive also known as rotary table
- Drill string
- Draw works
- Primary power generation equipment & auxiliary power generation equipment.

⁴ <https://www.petropedia.com/definition/7111/workover-rig> or a **Workover Rig** are portable structures that is used to perform workover operations in a Well. Once the economic life of a Well is over, the rate of production starts to decline. Also, if there is a mechanical failure in the Well, its production may drop, thus, to boost up the production from these offline Wells, **Workover Rigs** are used. These are mobile and portable Rigs and can be easily moved from one location to another to perform Well repair, servicing and/or production enhancement work.

and/or the installation and application of lighting systems used to illuminate Wellsites where Rotary Drilling or Well Servicing Operations are occurring. Refer to Figure 2.

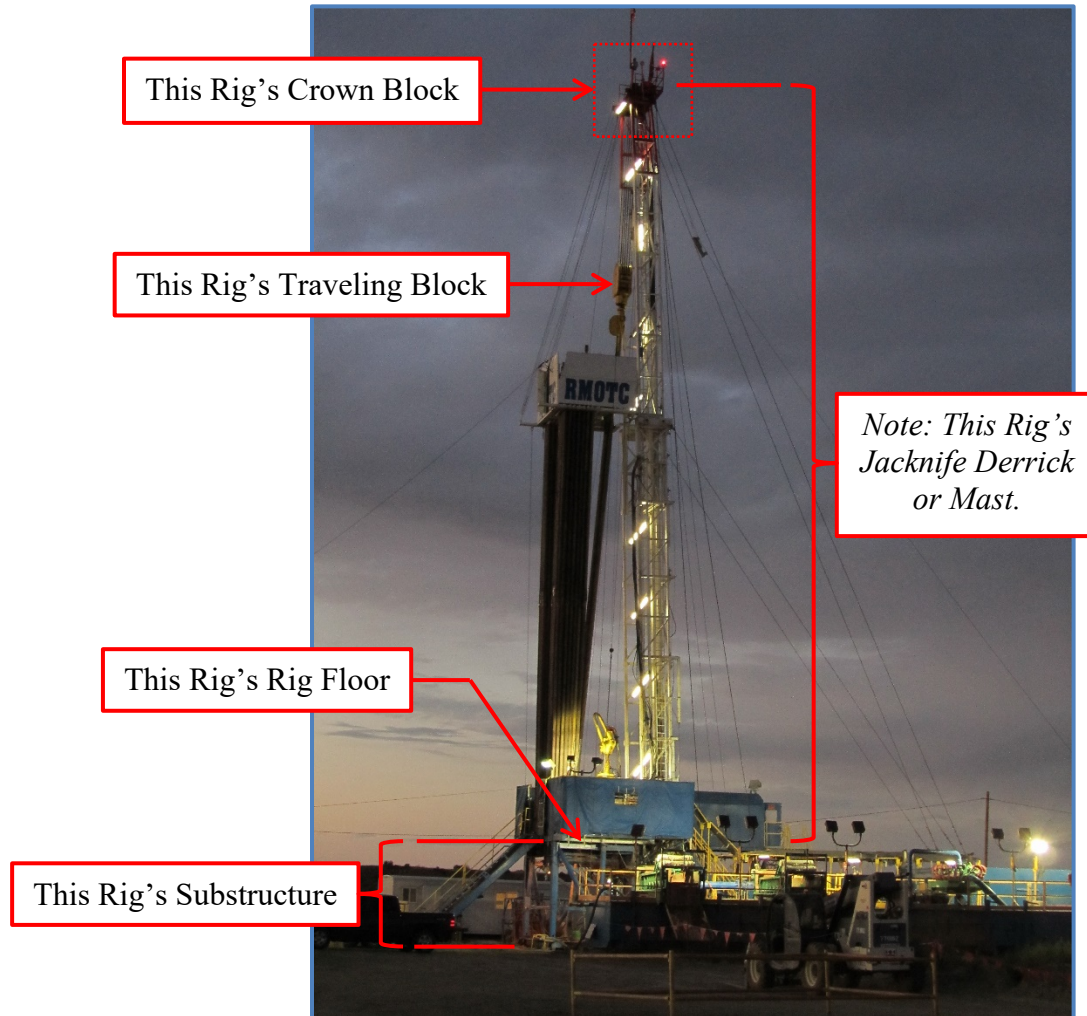


Figure 2: Illuminated Wellsite at dusk where Rotary Drilling Operations were underway.
*Note: Photograph provided from EPI's Library with notations in **Red** by the Declarant.*

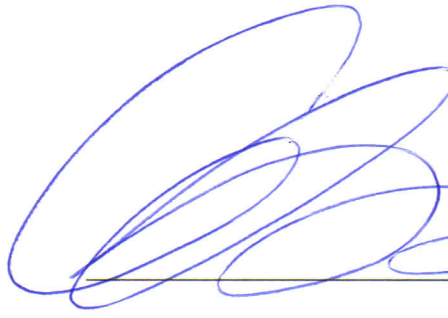
35. Alternatively, one of ordinary skill in the art would have at least a high school diploma and 5 years of hands-on or design experience on Rotary Drilling Rigs and their associated lighting systems and/or the installation and application of lighting systems used to illuminate Rotary Drilling Operations. I meet the requirements of a person having ordinary skill in the art under either of these alternatives.

Declaration of Gregg S. Perkin, PE regarding Infringement of US 10,976,016 B2

By: Gregg S. Perkin, PE. Engineering Partners International, LLC

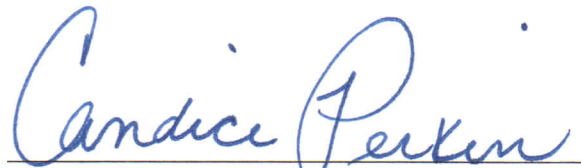
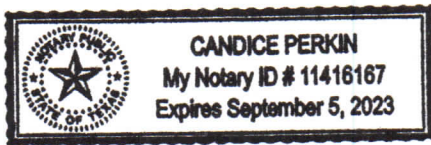
EPI File No. 210654, July 26, 2021

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 26th day of July 2021 in Houston, TX.



Gregg S. Perkin, PE
President and Principal Mechanical Engineer
Engineering Partners International, LLC
Texas License No. 51881
Texas Registered Engineering Firm F8373
Wyoming License No. 11135

SUBSCRIBED AND SWORN TO before me by the said Affiant, on this the 26th day of July 2021 to certify which witness my hand and seal of office.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

Sept. 5, 2023