

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELLIGENT WELLHEAD SYSTEMS, INC.,
Petitioner,

v.

DOWNING WELLHEAD EQUIPMENT, LLC,
Patent Owner.

IPR2024-00256
U.S. Patent 11,401,779

DECLARATION OF TIMOTHY MARVEL

I, Timothy K. Marvel, hereby declare as follows:

I. INTRODUCTION

1. I submit this declaration in connection with Downing Wellhead Equipment, LLC's (Downing) Preliminary Patent Owner Response to IWS's Petition for *Inter Partes* Review of U.S. Patent No. 11,401,779 (the '779 patent). I understand that the '779 patent relates to continuously pumping fluid in a well and was invented by Jordan Kuehn, Austin Johnson, Ronnie Beason, and Nicholas Cannon. I have been asked to prepare this declaration to provide information regarding Downing's public disclosure of this continuous pumping invention through a webpage on Downing's public-facing website, published on October 12, 2020. I base this declaration on my personal knowledge.

2. I am a licensed professional engineer in the state of Texas. I completed my undergraduate studies at the Colorado School of Mines, where I received a Bachelor of Science in Mechanical Engineering in 1995. I have since spent my career working in the oil and gas industry. I started in the oil and gas industry at Baker Hughes in 1995, where I was employed for over 18 years. I held various roles at Baker Hughes, including Product Development Engineer, Research Engineer, District Manager, Director of Product Development, Director of Technology, Drilling, and Evaluation, and Director of Business Development and Marketing for Completions Services.

3. In 2014, I left Baker Hughes to join Alcoa as Managing Director. I remained there until 2016, when I moved to Dover Energy Automation as Vice President and General Manager of Production Optimization.

4. In 2017, I joined SEF Energy as Vice President of Business Development and Technology. I have remained there since. Although I officially work for SEF Energy, I am involved in Downing's business because Downing is a subsidiary of SEF Energy.

II. DOWNING'S PUBLIC DISCLOSURE

5. On October 12, 2020, Downing published a webpage describing continuous pumping on its public-facing internet website. This webpage was publicly accessible at <https://downingusa.com/freedomseries/continuouspumping>. The Internet Archive Wayback Machine archived a copy of this webpage on October 20, 2020, eight days after I published it. This archived version is accessible at <https://web.archive.org/web/20201020115107/https://downingusa.com/freedomseries/continuouspumping>, which is accurately reflected in exhibit Ex.2001. I have reviewed the October 20, 2020 archived version of Downing's continuous pumping webpage captured in Ex.2001 and it is the same as the version I originally posted on October 12, 2020 via WordPress. Ex.2002 is a true and correct copy of the WordPress version of the webpage I posted on October 12, 2020. Ex.2002

correctly indicates in the header that the WordPress version is from “Oct 12, 2020 @ 3:13 pm.” Ex.2002, 1.

6. I was responsible for drafting, revising, and publishing Downing’s continuous pumping webpage. The information about continuous pumping that I included on the webpage I learned directly from Mr. Johnson, one of the co-inventors of the ’779 patent.

7. In 2020, in my role as Vice President of Business Development and Technology, I communicated with Mr. Johnson frequently. It was common for Mr. Johnson and me to communicate several times per week.

8. Through these direct communications with Mr. Johnson, I learned that Mr. Johnson and Mr. Kuehn, two of the inventors of the ’779 patent, were attempting to perform a new continuous pumping invention in fracking systems. In September 2020, I learned that the Downing team successfully performed continuous pumping via Downing’s commercial fracking system, the Freedom Series Completion System. I again learned this information from Mr. Johnson. Shortly thereafter, I began working on materials to promote and advertise Downing’s ability to perform continuous pumping with the Freedom Series Completion System. At the time, no one else in the industry knew of or could perform continuous pumping. I believed it was critical to get information on

Downing's new continuous pumping capability out to the public as quickly as possible to help Downing gain a competitive advantage.

9. As noted above, one of the materials I created to promote the continuous pumping invention was a webpage for Downing's public-facing website. Ex.2001; Ex.2002. I used the information I obtained from Mr. Johnson about continuous pumping to draft the webpage.

10. On October 9, 2020, I emailed a draft of the continuous pumping webpage to Mr. Johnson and Brian Wiesner, Downing's President and Chief Operating Officer. The reason I did this was to confirm that I had accurately represented on the webpage the information about continuous pumping that I had received from Mr. Johnson. Ex.2003 is a true and correct copy of the email I sent to Mr. Johnson and Mr. Wiesner. In response to my email, Mr. Johnson provided me feedback on the draft webpage and I incorporated the feedback to create a final version. In other words, the subject matter related to continuous pumping on the final version of the webpage was obtained directly from Mr. Johnson, including the text-based information on pages 1-2 and the example graph on page 2 of Ex.2001.

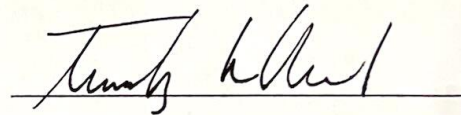
11. On October 12, 2020, I posted the final version of the continuous pumping webpage on Downing's public-facing website. Ex.2002. It is my understanding that anyone with an internet connection could search for and visit Downing's website and view the continuous pumping webpage.

12. The same day I published Downing's continuous pumping web page on the company website, I promoted this webpage in a LinkedIn post on my account. Ex.2004. Ex.2004 is a true and correct screen capture of my LinkedIn post. In my LinkedIn post, I provided a link to Downing's continuous pumping webpage. My goal with the LinkedIn post was to reach as wide of an audience as possible to advertise Downing's innovative new technology.

III. CONCLUSION

13. I declare that all statements made in this declaration upon my knowledge are true and that all statements made upon information and belief are believed to be true, and further declare that these statements were made knowing that willful false statements and the like are made punishable by fine, imprisonment, or both, under 18 U.S.C. § 1001.

Date: March 4, 2024

A handwritten signature in black ink, appearing to read "Timothy K. Marvel", is written over a horizontal line.

Timothy K. Marvel