



Transcript of **John P. Hughett, P.E.**

Wednesday, November 20, 2024

Intelligent Wellhead Systems, Inc. v. Downing Wellhead Equipment, Inc.

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Reference Number: 147553

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3 INTELLIGENT WELLHEAD SYSTEMS,
4 INC.,
5 Petitioner, Case IPR2024-00300
6 V. Patent No. 11,560,770
7 DOWNING WELLHEAD EQUIPMENT,
8 LLC,
9 Patent Owner.

9 ORAL AND VIDEOTAPED DEPOSITION OF
10 JOHN P. HUGHETT, P.E.
11 NOVEMBER 20, 2024

15 ORAL AND VIDEOTAPED DEPOSITION OF JOHN HUGHETT,
16 P.E., produced as a witness at the instance of the
17 Petitioner, taken in the above-styled and -numbered cause
18 on the 20th day of November, 2024, A.D., beginning at
19 9:02 a.m. to 1:12 p.m., before Kelly Hassell, RPR, CLR,
20 CSR, in and for the State of Texas, at the offices of
21 Haynes and Boone, LLP, located at 2801 North Harwood
22 Street, Suite 2300, Dallas, Texas, in accordance with the
23 Federal Rules of Civil Procedure and the agreement
24 hereinafter set forth.

25

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24 MR. ROBERT DURHAM - Theway Labs

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**IWS Exhibit 1043****IWS v. Downing, IPR2024-00300**Scheduling@TP.One
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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are now on the
3 record in the matter of Intelligent Wellhead Systems
4 Incorporated versus Downing Wellhead Equipment, LLC.
5 Today's date is November 20th, 2024, and the time is
6 9:02 a.m. This is the video-recorded deposition of John
7 Hughett, P.E., taken at 2801 North Harwood Street,
8 Suite 2300, Dallas, Texas. I am the camera operator. My
9 name is Nathaniel Avila in association with TP One. The
10 court reporter is Kelly Hassell, also in association with
11 TP One.

12 Will all attorneys please identify
13 themselves and the parties they represent, beginning with
14 the party noticing this proceeding.

15 MS. MARGONIS: I'm Lisa Margonis with Osha
16 Bergman Watanabe & Burton. I'm here with my colleague
17 Tammy Terry and also with Dr. Durham.

18 MS. COOKE: My name is Tiffany Cooke with
19 Haynes and Boone on behalf of Downing Wellhead, and I'm
20 joined with my colleague Scott Jarratt.

21 THE VIDEOGRAPHER: The court reporter,
22 please administer the oath.

23 (The witness was duly sworn.)

24 THE COURT REPORTER: Thank you. You may
25 proceed.



IWS Exhibit 1043

IWS v. Downing, IPR2024-00300

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EX_1043_006

1 JOHN P. HUGHETT, P.E.

2 having been first duly cautioned and sworn to testify the
3 truth, the whole truth and nothing but the truth,
4 testified on his oath as follows:

5 DIRECT EXAMINATION

6 BY MS. MARGONIS:

7 Q Can you please state your full name for the
8 record.

9 A John Paul Hughett.

10 Q And have you ever given a deposition before?

11 A Yes, ma'am.

12 Q How many times?

13 A Honestly I don't know. Quite a few.

14 Q More than 10?

15 A More than 10.

16 Q More than 20?

17 A More than 20.

18 Q More than 50?

19 A Probably 50-ish.

20 Q Okay. And have they all been patent-related?

21 A No.

22 Q About how many have been patent-related?

23 A Maybe 10 or 12.

24 Q And even though you have had your deposition
25 taken before, I am going to go over some ground rules

1 first.

2 Do you understand you're under oath today
3 just as though you were in court and that you must give
4 truthful answers to the questions I ask?

5 A I do.

6 Q Is there any reason you may not be able to give
7 truthful testimony today?

8 A No, ma'am.

9 Q Are you under the influence of any kind of
10 medication, substance, or any other health issue that
11 could interfere with your ability to understand my
12 questions and give truthful and accurate answers?

13 A No, ma'am.

14 Q If you do not understand any of my questions,
15 you can ask me to rephrase them.

16 Do you understand that?

17 A Yes, ma'am.

18 Q And there's a court reporter here today taking
19 down everything we say to keep an accurate transcript.

20 Do you understand that?

21 A Yes, ma'am.

22 Q And so we need to not talk over each other so
23 that that transcript is clear.

24 Do you understand that?

25 A I will certainly try.

1 Q Thank you. Also, your answers must be audible.
2 No head nods or shakes or other sounds that are not
3 words.

4 Do you understand that?

5 A Likewise, I will try.

6 Q Okay. Thank you.

7 I usually try to take a break about every
8 hour or so. If you need a break, just please let me
9 know. I just ask that you answer any pending question at
10 that time before we take a break.

11 Do you understand that?

12 A Yes, ma'am.

13 Q Do you have any questions about these grounds?

14 A No, ma'am.

15 Q Have you ever testified at trial?

16 A Yes, ma'am.

17 Q How many times have you testified at trial?

18 A Again, quite a few, perhaps 30, 35.

19 Q Were any of those trial testimonies
20 patent-related?

21 A Yes, ma'am.

22 Q About how many?

23 A Probably about a half a dozen.

24 Q And have you ever testified in a deposition
25 related to an IPR proceeding?

1 A Yes, ma'am.

2 Q How many depositions have you done related to
3 an IPR?

4 A Probably seven or eight.

5 Q And how many cases have you handled as an
6 expert in IPR proceedings? Is that the same seven or
7 eight?

8 A That would be the same seven or eight. I think
9 I was deposed in all of them.

10 Q What was the technology at issue those IPRs?

11 A Mostly it was sort of related -- several of
12 them it regard perforating technology, which is -- a
13 perforator is a device we use to put a hole through
14 casing and cement into the reservoir. And several -- a
15 number of them were regarding that technology. Also, I
16 have had a couple of them regarding downhole tools.

17 Q What kind of downhole tools?

18 A Well, one of them was -- involved setting
19 tools. Well, both of them, I guess, involved setting
20 tools, that I was thinking about.

21 Q And what is your current position and place of
22 employment?

23 A I'm the president of Hughett Engineering, Inc.,
24 and I've been in that position for 30 -- I guess 34 years
25 now.

1 Q How many employees are at Hughett Engineering,
2 Inc.?

3 A Well, today I've only got six but at the peak I
4 had about 65.

5 Q What did you do to prepare for today's
6 deposition?

7 A Looked at the patent, the -- at issue here and
8 the -- and reviewed prior art and reviewed my
9 declaration.

10 Q Did you meet with anybody?

11 A I did. I met with counsel yesterday.

12 Q Which attorneys did you meet with?

13 A I met with Tiffany Cooke and Scott Jarratt.

14 Q How long did you spend preparing for today's
15 deposition?

16 A About five or six hours yesterday, I would
17 assume.

18 Q And what is your hourly rate for your work in
19 this case?

20 A \$550 an hour.

21 Q Is it different for testifying at deposition?

22 A No. It's for anything done, prep, trial work,
23 any of that.

24 Q Okay.

25 (Exhibit 1037 marked.)

1 Q (BY MS. MARGONIS) I'm going to show you what's
2 been marked as Exhibit 1037.

3 MS. COOKE: Thanks.

4 Q (BY MS. MARGONIS) This is a notice for your
5 deposition, correct?

6 A Yes, ma'am.

7 Q And do you understand that you're here today to
8 testify as an expert in an inter partes review proceeding
9 that is pending before the Patent Trial and Appeal Board
10 in the United States Patent Office?

11 A I do. Yes, ma'am.

12 Q And can we agree that we may refer to this as
13 "the board" during this proceeding?

14 A That would be fine, yes, ma'am.

15 Q And you understand that this proceeding is
16 titled Intelligent Wellhead Systems, Inc. versus Downing
17 Wellhead Equipment, LLC, correct?

18 A That's correct, yes, ma'am.

19 Q And you understand this proceeding has been
20 given a case number IPR 2024-00300, right?

21 A Yes, ma'am.

22 Q And you understand that Intelligent Wellhead
23 Systems, Inc., is the Petitioner in this proceeding?

24 A Yes, ma'am.

25 Q And you understand that Downing Wellhead

1 Equipment, LLC, is the Patent Owner in this proceeding?

2 A Yes, ma'am.

3 Q And you understand that when I refer to Downing
4 or Patent Owner, I'm referring to Downing Wellhead
5 Equipment, LLC?

6 A Yes, ma'am.

7 Q And you understand that Downing Wellhead
8 Equipment, LLC, owns U.S. Patent Number 11,560,770?

9 A Yes, ma'am.

10 Q And you understand that when I refer to the
11 '770 patent, I'm referring to this U.S. Patent
12 11,560,770?

13 A Yes, ma'am.

14 Q And when I refer to POSITA, you understand that
15 I am referring to a person of ordinary skill in the art?
16 Is that okay?

17 A Yes, ma'am.

18 Q You have been retained by the Patent Owner in
19 this proceeding; is that correct?

20 A Yes, ma'am.

21 Q Have you met anyone from Downing, the company?

22 A In regard to this, I haven't met with anybody
23 in person. I did have one phone call.

24 Q And who was that with?

25 A Tim, I can't recall the last name.

1 Q Is that Tim Marvel?

2 A Tim Marvel. Thank you.

3 Q You're welcome. You've provided testimony in
4 this proceeding in the form of two declarations?

5 A Yes, ma'am.

6 MS. COOKE: Object to the --

7 Q (BY MS. MARGONIS) When did you prepare these
8 two declarations?

9 MS. COOKE: Object to the form.

10 A I don't have the exact dates, but one of them I
11 think was in perhaps March, and then one of them in
12 August.

13 Q (BY MS. MARGONIS) And the first declaration
14 was submitted along with the Patent Owner's preliminary
15 response, correct?

16 A That's my understanding, yes, ma'am.

17 Q And the second declaration was submitted with
18 Patent Owner's response?

19 A Yes, ma'am.

20 Q How long did you spend preparing these
21 declarations?

22 A I would have to look back at the records, but I
23 did spend a considerable amount of time on it.

24 Q What's a considerable amount of time?

25 A I --



1 Q 10 hours?

2 A No, no, it was several days.

3 Q Several days of time for each declaration?

4 A For each declaration, yes, ma'am.

5 Q Did you personally draft all the text in these
6 declarations?

7 A All the substance I did. There are some legal
8 descriptions in there which counsel drafted.

9 Q And are you referring to like the legal
10 standards sections?

11 A Those kinds of things were -- and I think
12 mostly I referred to them in there I have been instructed
13 by counsel in whatever the language is.

14 Q But the rest of the declarations, you prepared
15 yourself?

16 A Yes, ma'am.

17 Q Which lawyers did you work with to prepare the
18 declarations?

19 A I have worked with both counsel here
20 (indicating) and Andrew Drott.

21 Q Anyone else?

22 A That's it.

23 Q When I ask questions about topics where you're
24 declarations overlap and the text is nearly identical,
25 will your answers be the same with respect to the other

1 declaration?

2 MS. COOKE: Form.

3 A You're going to have to repeat that.

4 Q (BY MS. MARGONIS) When I ask questions about
5 topics in your declarations --

6 A Uh-huh.

7 Q -- where there is overlap or the text is nearly
8 identical, will your answers be applicable to both
9 declarations?

10 MS. COOKE: Form.

11 A If the text is the same they will be, yes,
12 ma'am.

13 Q (BY MS. MARGONIS) When was the last time you
14 were on a well site?

15 A Week before last.

16 Q What type of well site was that?

17 A It was an oil well -- it was a multiwell pad
18 site with eight wells on the location.

19 Q Was it related to this case?

20 A No, ma'am.

21 Q When was the --

22 A Related to engineering work.

23 Q When is the last time you observed a fracking
24 operation?

25 A Probably eight weeks ago or so.

1 Q Whose was it?

2 A It was for a company called Merkaz Operating.

3 Q And where was that?

4 A It was in West Texas.

5 Q Hydraulic fracturing is simply pumping a fluid
6 into a well to help create fractures in the formation,
7 correct?

8 MS. COOKE: Form.

9 A It's sort of. I don't think it's exactly that
10 simple but, yes, that's what it is.

11 Q (BY MS. MARGONIS) And these fractures are to
12 help produce fluid from the well, correct?

13 A Not just fluid. They -- they produce
14 hydrocarbons so we get gases, and gas can be in a liquid
15 state in a reservoir so...

16 Q And fracturing is done in isolated stages of
17 the well, right?

18 A It depends upon the type of frac job.

19 Q So you can do fracturing without isolating
20 stages?

21 A Yes.

22 Q In most fracturing jobs, the fracturing is done
23 in segments, correct?

24 A You're going to have to elaborate a little bit
25 on that so I can properly answer that.

1 Q In most fracturing jobs, you don't fracture the
2 whole well at once, correct?

3 A In today's time, that would be correct. We
4 still do.

5 Q For the past five years, would that be correct?

6 A Well, we -- we do both. That's the reason I'm
7 having a little difficulty with the question. So we
8 still do some vertical wells; although, that's only a
9 small percentage of the wells that we produce today, 5 to
10 8 percent depending upon the exact time. And a lot of
11 those wells we don't -- we are fracking a particular
12 zone, and so we frac the entire interval at one time.

13 The shale-type plays or non-conventional
14 plays that we have today where we're drilling horizontal
15 sections in there, we isolate those, and so we have a
16 number of stages in that. And so we have basically
17 separate frac jobs. And it may be -- 50 of them would be
18 probably an average today, 50 to 60 per well.

19 Q But in most fracturing jobs, you would not frac
20 the entire well at once, correct?

21 MS. COOKE: Form.

22 A Well, it depends upon the type of well. If
23 it's a vertical well, you may frac the whole thing.
24 Again, if it's a horizontal well, you would not frac
25 whole thing.

1 Q (BY MS. MARGONIS) When they talk about
2 different segments of the wells, those are called stages?

3 A Those are often referred to as stages, yes,
4 ma'am.

5 Q And for each stage, you perforate the well,
6 correct?

7 A Yes, ma'am.

8 Q Then for each stage, you inject the fluid into
9 the well, correct?

10 A We do.

11 Q And generally for each well, you complete each
12 stage sequentially, correct?

13 A Yes, ma'am.

14 Q In between stages, you isolate stages using a
15 packer or other equipment, correct?

16 A We -- we typically use a frac plug, yes.

17 Q So when you were pumping into Stage 2, you are
18 not flowing fluid into Stage 1, correct?

19 A Hopefully that would be correct.

20 Q And those stages can be different segments
21 across the same well, correct?

22 A Pardon?

23 Q Those stages can be within one well, correct?

24 A Yes.

25 Q Or the stages could be different segments

1 across different wells, correct?

2 A I don't think I understood that one. You're
3 going to have to rephrase it.

4 Q So in fracturing, you can have Stage 1 on
5 Well 1 and stage well [sic] on Well 2?

6 MS. COOKE: Form.

7 A Each well has a stage, and we do number them,
8 so -- and starting with the toe section. So you would
9 have Stage 1 in each well, yes, if that's your question.

10 Q (BY MS. MARGONIS) So in multiple wells, you
11 could do Stage 1 on Well 1 and then Stage 1 on Well 2,
12 and then come back to Well 1 to do Stage 2, correct?

13 A You could, yes, ma'am.

14 Q This is zipper fracturing, correct?

15 MS. COOKE: Form.

16 A It doesn't have to be zipper frac to be able to
17 do that, but yes, that is done using zipper fracking.

18 Q (BY MS. MARGONIS) And an operator knows that
19 fracturing is complete when no additional fractures are
20 being formed, right?

21 MS. COOKE: Form.

22 A Well, fracturing is complete when you've
23 completed your program, whatever your pumping schedule
24 is, your design, frac design.

25 Q (BY MS. MARGONIS) Would the design usually

1 include creating fractures until no more fractures are
2 being formed?

3 MS. COOKE: Form.

4 A No. So when we frac a stage, it depends upon
5 the design and what we're trying to accomplish. If you
6 were to continue to pump on that particular stage, you
7 could continue to create fractures. But it -- it -- the
8 design is predicated on what the formation -- the
9 reservoir formation will let you do. And you try to get
10 out to the point, the maximum distance from the well that
11 we can achieve fracture system.

12 Sometimes we have other constraints.
13 We're trying to frac because we have parallel
14 horizontals, and we space them such we want to control
15 where the fracture runs. So we could continue to create
16 a fracture, but it might interfere with another well.

17 Q (BY MS. MARGONIS) And in a stage, that's a
18 point in time where there are no more additional
19 fractures being formed, correct?

20 A When you stop pumping, yes, ma'am.

21 Q So if you if you continue to pump, additional
22 fractures will continue to just be formed?

23 A They -- they could. Perhaps not in all cases,
24 but I mean, we have done some very, very large frac jobs,
25 you know, in the industry. I've done some really large

1 ones. And even though they're record-setting frac jobs
2 as far as the amount of profit and that sort of thing,
3 there was still probably room to pump even more. It's
4 just a matter of the design and how much horsepower you
5 put on it.

6 Q And so when pressure readings show
7 stabilization of the pressure and increase in pressure,
8 that does not indicate that fractures are not being
9 formed?

10 MS. COOKE: Form. Form.

11 A So the fractures, once we have established a
12 fracture and we're pumping on a job, the pressure is
13 relatively -- and that's an important part of it --
14 relatively stable, as we are fracking. And as long as we
15 have the proper amount of fluid that is carrying the
16 proppant and leak-off does not exceed the amount of fluid
17 we're putting in there, you can continue to frac. You
18 can continue to create fractures.

19 Q (BY MS. MARGONIS) So when fractures are being
20 formed, the pressure is slowly decreasing, correct?

21 A Decreasing?

22 Q Uh-huh.

23 A So when we initiate the fracture, the pressure
24 comes up. Then the pressure declines some. And then the
25 pressure as we're pumping remains somewhat stable.

1 Although it may start to increase slightly. If we get an
2 increase in pressure, that could be a sign that we don't
3 have enough fluid with the proppant, and we could be
4 headed for a -- what we call a screen-out.

5 You just have to look at each -- each
6 reservoir, I might add, each area, each well, you could
7 have two wells that are parallel. And they're going to
8 have slightly different treating properties.

9 Q And as fluid flows into the fractures, the
10 pressure would decrease, correct?

11 MS. COOKE: Form.

12 A Not -- not necessarily. It just depends upon
13 the rock, and -- and so we look at the combustibility of
14 the rock and the overburden, and that determines how much
15 horsepower it takes to create the fracture. So again, it
16 could do a variety of things. It just depends upon the
17 actual rock that's being worked.

18 Q (BY MS. MARGONIS) Okay. So each operator
19 looks at all of those parameters to make its decisions as
20 to what's going on?

21 A I would hope that's what we do.

22 Q And so you would look at the pressure and the
23 flow rate and these parameters to make a determination
24 whether to move to the next step or stage your procedure?

25 A Well, we -- we typically don't do a lot of that

1 on the fly. Sometimes I do it when I'm out there, but --
2 so we come with a pumping schedule. And in the pumping
3 schedule, we've designed how much proppant ultimately we
4 want to deliver, and how can we get into the fracture
5 system. And that's dependent upon the size of the
6 proppant and a bunch of things.

7 So we figure that out, and then we pump
8 whatever is on our schedule. So we will quit at some
9 design point. You could continue to frac, as I point
10 out, quite often and continue the fracture. There's a --
11 I guess I would have to say expense reward for it. So do
12 we want to spend the time and the money while we're
13 trying to increase that fracture? Is that going to make
14 the well better and by how much and that sort of thing.
15 So but that's all done prior to -- prior to actually
16 starting the job.

17 Q And so the operator would use this pump
18 schedule to determine when to move to that next stage --

19 A Correct.

20 Q -- or step?

21 A Correct.

22 MS. COOKE: Form.

23 Q (BY MS. MARGONIS) So the operator would
24 monitor the various parameters in order to see if it met
25 the goals of the pumping schedule?

1 MS. COOKE: Form.

2 A They -- they would. They would be monitoring
3 that, and it's not uncommon to get in an area you have a
4 pump schedule, pump a couple of stages, and you may
5 change subsequent stages based on what you've seen in the
6 prior stages.

7 Q (BY MS. MARGONIS) And you said you could also
8 deviate from that pumping schedule if you decided to pump
9 more?

10 A I've been known to be guilty of that myself,
11 yes.

12 Q And so moving to a subsequent stage can also be
13 performed based on flow rate thresholds, correct?

14 MS. COOKE: Form.

15 A Typically you wouldn't. It would just be the
16 pumping schedule that would be delivered to proppant.

17 Q (BY MS. MARGONIS) But you have testified in
18 this case that at least one reference, Jackson, describes
19 moving between fracking stages based on flow rate
20 thresholds, correct?

21 A Well, yes, that's what that particular -- but I
22 thought we were not talking about a specific issue but
23 about what we do real world, so.

24 Q Well, yeah. And Jackson describes the state of
25 art or at least part of the art, correct?

1 MS. COOKE: Form.

2 A It does.

3 Q (BY MS. MARGONIS) Zipper fracturing is
4 performing wire line operations in one well while pumping
5 fracturing fluid into a second well, correct?

6 MS. COOKE: Form.

7 A It -- it really is the use of a zipper manifold
8 which allows that to happen, yes.

9 Q (BY MS. MARGONIS) And so for a two-well zipper
10 fracture operation, you could fracture the first stage on
11 one well, then fracture the first stage on a second well,
12 and then come back and fracture your second stage on the
13 first well, essentially alternating back and forth,
14 correct?

15 A That would be customary.

16 Q You fracture the second stage, for example, on
17 a second well after the first stage and the second well
18 is done being fractured, correct?

19 MS. COOKE: Form.

20 A Yes.

21 Q (BY MS. MARGONIS) And you start at the end of
22 the well, and then each subsequent stage is closer to the
23 surface along the wellbore, correct?

24 A Yes we refer to that as the toe, and then the
25 other area closest would be at the heel. So we start at

1 the toe and move to the heel.

2 Q And this process is true for zipper fracture
3 operations by at least as early as 2010, correct?

4 A We weren't doing zipper fracking, I don't
5 believe, in 2010. Zipper fracking didn't really get
6 traction until probably about 2015 roughly in widespread
7 use.

8 Q So you say zipper fracturing was used wide --
9 in widespread form in 2015, but it was used before that
10 as well?

11 A Somewhere in there. I'm calling that off the
12 top. I would have to look to get a hard date.

13 Q I'm going to hand you what is labeled as
14 Exhibit 2006 in very small font on the bottom.

15 A I presume you want me to go to the page?

16 Q I was trying to make it easy for you. Do you
17 recognize this --

18 A I greatly appreciate that.

19 Q Do you recognize this document?

20 A I -- I do.

21 Q What is this document?

22 A It's the dec- -- preliminary response
23 declaration that I prepared.

24 Q And can you go to the last page real quickly on
25 that document?

1 A The one that you --

2 Q Well, the very last page first.

3 A Okay. Yes, ma'am.

4 Q And that page is signed by you, correct?

5 A It is.

6 Q And what is that date?

7 A Would have been March 8th of this year.

8 Q Thank you.

9 A Actually I got the date right, the month
10 anyway.

11 Q Okay. So if you will turn to Paragraph 99.

12 A Yes, ma'am.

13 Q Here would be the second or third -- I think
14 it's the second line there. You say, "After 2010, this
15 changed slightly in that the discharge of the missile
16 manifold goes to an intermediate manifold, referred to as
17 a zipper stack" --

18 A Right.

19 Q -- "and from there to the individual well frac
20 trees," correct?

21 A Yes, that -- and that's properly correct
22 because I looked it up when I wrote this, so...

23 Q Okay. I'm going to pass you what's been marked
24 as Exhibit 2012, also in small font on the bottom right.

25 Do you recognize this document?



IWS Exhibit 1043

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EX_1043_028

1 A Yes, ma'am.

2 Q Is this your declaration for the Patent Owner's
3 response, correct?

4 A It is, yes, ma'am.

5 Q And can you turn to the last page, please.
6 This document is signed by you, correct?

7 A Yes, ma'am.

8 Q And what is it dated?

9 A September 19 of this year.

10 Q Thank you. And if you could turn to
11 Paragraph 12.

12 A Yes, ma'am.

13 Q In the first sentence in that paragraph, you
14 say, "As time progressed and shale became economically
15 viable, about 2005, frac jobs changed due to the advent
16 of horizontal completions."

17 Did I read that correctly?

18 A Yes, ma'am.

19 Q And then if you skip to three sentences
20 starting with "Yet," do you see that?

21 A Yes, ma'am.

22 Q You say, "Yet later another improvement which,
23 again, I was involved in heavily was the use of zipper
24 manifolds, which allowed rapid change from pumping
25 operations on one well to another," correct?

1 A Yes, ma'am.

2 Q And an operator knows the first stage is
3 complete by looking at the various data that they're
4 collecting and monitoring, correct?

5 MS. COOKE: Form.

6 A Yes, ma'am. When the data gathered matches the
7 amount of fluid and proppant that was in the pumping
8 schedule, then you've completed that stage.

9 Q (BY MS. MARGONIS) And an operator monitors
10 flow rate, correct?

11 MS. COOKE: Form.

12 A We monitor a whole lot of things, flow rate
13 being one of them.

14 Q (BY MS. MARGONIS) And an operator monitors
15 pressures, correct?

16 A Yes, ma'ma.

17 Q At the beginning of a fracturing stage, a
18 prepad fluid is pumped into the well, correct?

19 A Yes, ma'am.

20 Q And the prepad fluid does not have proppants,
21 correct?

22 A It does not.

23 Q So a prepad fluid is just slick water, correct?

24 A It depends upon the media that we're using. We
25 do use other medias for fracking, but it very commonly

1 could be slick water.

2 Q And a prepad fluid is water with maybe some
3 chemicals but no proppant; is that correct?

4 A Well, that's the definition of slick water. So
5 slick water would have -- does have chemicals in it.
6 Primarily we want to have surfactants and bactericides in
7 it. So that's really about it.

8 Q But a prepad fluid doesn't usually have acid
9 either, correct?

10 A Well, it -- it may be initiated with acid. We
11 very commonly start with acid and then go to the pad
12 section of the well.

13 Q But you testified that after the prepad fluid
14 is injected, an acid is pumped --

15 A Right.

16 Q -- into the well, correct?

17 A Right.

18 Q So the acid is added after the prepad fluid?

19 MS. COOKE: Form.

20 A Yes, ma'am. And it -- again, it depends upon
21 the actual reservoir, but that would be customary.

22 Q (BY MS. MARGONIS) And after the acid, a pad
23 fluid is pumped, correct?

24 A Correct.

25 Q And a pad fluid is just slick water, right?

1 MS. COOKE: Form.

2 A It -- it may be. Sometimes we put, again,
3 depending upon the reservoir, we put some really, really
4 fine sand in there. And part of the reason for that is
5 to stop leak-off in the near wellbore area to allow the
6 fracture to continue on.

7 Q (BY MS. MARGONIS) So a pad fluid is typically
8 slick water, correct?

9 A Typically it is, yes, ma'am.

10 Q And the pumps of running the whole time these
11 fluids are being pumped into the well, correct?

12 A Yes, ma'am.

13 Q And an operator is just changing the
14 composition of the fluid being pumped, correct?

15 A Yes, ma'am.

16 Q After the pad fluid, the proppant is then added
17 to the fluid being pumped into the well, correct?

18 A Typically, yes, ma'am.

19 Q And then at the end of a fracturing stage, you
20 stop introducing a proppant into the well, correct?

21 A Yes. Once we have achieved -- so typically the
22 proppant ramps up, so we start out with a lighter load of
23 proppant, and then we increase that during that pump
24 schedule. And when we get out to the end, then we stop
25 adding proppant, yes.

1 Q And you continue to pump the slick water into
2 the well?

3 A We do. And that would be in the flush section,
4 yes, ma'am.

5 Q So that slick water is a flush fluid, correct?

6 A It would be, yes, ma'am.

7 Q And that flush fluid is designed to displace
8 the proppant that may be in the wellbore into the
9 formation being stimulated, correct?

10 A Hopefully, yes, ma'am.

11 Q And when switching between wells, you still
12 perform these steps at the beginning and end of the
13 stages, right?

14 A Yes. Whatever we've designed, we're going to
15 pump that, yes, ma'am.

16 Q So -- right. So the prepad fluid, the acid,
17 the pad fluid, you would do those before each stage?

18 MS. COOKE: Form.

19 A Before each stage, yes, ma'am.

20 Q (BY MS. MARGONIS) And at the end of each
21 stage, you would do the flush fluid?

22 A Yes. But that whole thing would be considered
23 our schedule for that stage.

24 Q Understood.

25 And you testified to these steps in your

1 declaration in support of Patent Owner's preliminary
2 response, correct?

3 A Yes, ma'am.

4 Q You were involved in developing missile
5 manifolds and zipper manifolds, correct?

6 A Yes, ma'am.

7 Q And this was around the 2005 time frame,
8 correct?

9 A The missile manifold was, yes, ma'am.

10 Q And the zipper manifolds was around the 2010
11 time frame?

12 A Yes, ma'am.

13 Q And the improvements you were making in these
14 manifolds were to provide rapid change from pumping
15 operations on one well to another well, correct?

16 A Well, the missile manifold was actually -- at
17 that time we weren't doing, you know, zipper fracking.
18 And we were doing very little multiwell pad sites where
19 we had multiple wells on one pad side.

20 They were doing some of that primarily in
21 the Barnett shale. It had moved. It started on the west
22 and moved into actually Dallas County. Once we got into
23 urban drilling, we had to put well -- multiple wells on a
24 common location just because there weren't enough places
25 to put well sites. And it's more -- it's more efficient.



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EX_1043_034

1 Environmentally you use only a small amount more of land
2 for each -- each location.

3 But the missile manifold came about from
4 rig-ups at the well site. Prior to that, basically the
5 plumbing, the hard iron, was rigged from the pressure
6 pumping trucks to the wellhead, and there wasn't any. So
7 basically you had a lot of plumbing that you had to rig
8 up.

9 The missile manifold got rid of that
10 plumbing because it's a trailer in and of itself that can
11 be pulled behind a truck, and that was really the driver
12 for that. It saved time on rig-up. It didn't -- it
13 really didn't have anything to do with multi-wells.

14 Q And in 2010, when you were working on
15 improvements to the missile manifold, that you were
16 referred to as a zipper stack -- sorry. Strike that.

17 And in 2010, when you were working on
18 zipper manifolds, your improvements there were to allow
19 for rapid change from pumping operations on one well to
20 another well, correct?

21 MS. COOKE: Form.

22 A And that was the zipper stack starting, yes,
23 ma'am.

24 Q (BY MS. MARGONIS) Yes. And you testified to
25 that in your declaration, correct?

1 A Yes, ma'am.

2 Q So your goal was reduce nonproductive time,
3 correct?

4 MS. COOKE: Form.

5 A Yes, ma'am.

6 Q (BY MS. MARGONIS) And to increase pumping
7 time, correct?

8 A Well, increase in pumping time decreases NPT,
9 nonproductive time.

10 THE COURT REPORTER: I'm sorry.
11 Decreases?

12 THE WITNESS: Decreases -- if you increase
13 pumping time, you decrease NPT, which is nonproductive
14 time. If you have any of those, let me know, and I'll
15 fix them later.

16 Q (BY MS. MARGONIS) So your goal was to reduce
17 nonproductive time by increasing pumping time?

18 A Yes, ma'am.

19 Q Was it common for operators to try to move to a
20 next well stage as fast as possible to reduce
21 nonproductive time?

22 A Well, yes, you are -- you're always trying to
23 be as productive as you can be at the well site, yes,
24 ma'am.

25 Q And for continuous pumping, it is your

1 understanding that every pump has to be running 24 hours
2 a day, seven days a week?

3 MS. COOKE: Form.

4 A If it's truly continuous pumping, yes, ma'am.

5 Q (BY MS. MARGONIS) So there's -- so truly
6 continuous pumping means it has to be running 24 hours a
7 day, seven days a week?

8 MS. COOKE: Form.

9 A Yes, ma'am.

10 Q (BY MS. MARGONIS) And if you need to take
11 breaks for maintenance, that would not be -- that would
12 not be truly continuous pumping?

13 MS. COOKE: Form.

14 A If you -- if you had a maintenance issue that
15 required shutting down, then you have an NPT event, a
16 nonproductive time event.

17 Q (BY MS. MARGONIS) So that would be nearly
18 continuous pumping?

19 MS. COOKE: Form.

20 A It wouldn't be -- it wouldn't be continuous at
21 that point, no, ma'am.

22 Q (BY MS. MARGONIS) And for your -- for
23 continuous pumping, it is your understanding that every
24 pump has to be running 24 hours a day, seven days a week?

25 MS. COOKE: Form.

1 A No, not every pump runs all the time because we
2 have a -- during these jobs, we have additional
3 horsepower available, additional pumps. And those pumps
4 are on standby in the event that we have a pump failure
5 that we can change from a failed pump to a working pump.

6 The only time the job would shut down
7 would be if we've run out of standby pumps. There are
8 methods to be able to hot swap pumps, so you could take a
9 failed pump offline and your job still going on and
10 change it for a new pump, of one that's working.

11 Q (BY MS. MARGONIS) And those hot-swap
12 operations are what provide continuous pumping 24 hours a
13 day, seven days a week?

14 A They --

15 MS. COOKE: Form.

16 You've got to give me time to pop in with
17 an objection. Thanks.

18 A They could.

19 Q (BY MS. MARGONIS) So to you continuous pumping
20 means it -- so to you truly -- well, strike that. Sorry.

21 So it is your understanding that
22 continuous pumping means pumps have to be running 24
23 hours a day, seven days a week.

24 MS. COOKE: Object to the form.

25 A Again, to be truly continuous, that would be

1 true.

2 Q (BY MS. MARGONIS) So continuous pumping does
3 not include taking breaks for maintenance?

4 MS. COOKE: Form.

5 A Well, no, not if you -- if you have a failure,
6 you may have to stop working, as I point out. And in
7 that case, that would be an NPT event. But continuous
8 pumping, if you have a hot-swap system where you have
9 enough standby horsepower, you can keep pumping.

10 Q (BY MS. MARGONIS) And it's the opening and
11 closing of valves that allow for continuous pumping?

12 MS. COOKE: Form.

13 A In the case of this, you get to truly -- the
14 '770 patent, you get to closer to true continuous
15 pumping. At the time that zipper manifolds started to be
16 used, we referred to that in the industry as continuous
17 pumping. Although it cut a lot of NPT out, there was
18 still the NPT to switch from one well to the other well.

19 Q (BY MS. MARGONIS) And hot swapping pumps
20 allows you to remove pumps that aren't working and put in
21 a new pump that is working, correct?

22 A It -- it can, yes, ma'am.

23 Q And is that all while still continuously
24 pumping?

25 A Yes, ma'am.

1 Q Fractures on one well can affect the fractures
2 on another well, correct?

3 MS. COOKE: Form.

4 A You're going to have to elaborate so I can
5 properly answer that.

6 Q (BY MS. MARGONIS) Yeah. If you were
7 performing a fracturing operation on one well, the
8 fractures on that well can affect an adjacent fracture --
9 an adjacent well, correct?

10 MS. COOKE: Form.

11 A It can, but that's typically not by design.

12 Q (BY MS. MARGONIS) So it is your understanding
13 that zipper fractures do not take into consideration the
14 effect of fractures on one well on the other well?

15 MS. COOKE: Form.

16 A So you're referring to zipper fractures?

17 Q (BY MS. MARGONIS) Correct.

18 A The -- the idea of that type system is to reach
19 out with the -- what is called simul-fracking, actually,
20 at the time. So your fracking like Stage 1 on Well 1 and
21 Stage 1 on Well 2 at the same time, and planning the --
22 by design, the plan is that the fracture tips approach
23 each other and just about touch each other so you can
24 achieve maximum drainage in the reservoir.

25 Q And the fractures on one well can affect the

1 production of another well?

2 MS. COOKE: Form.

3 A It -- they can if you have a poor design, yes.

4 Q (BY MS. MARGONIS) For example, a frac hit
5 would be an example of where fractures on one well affect
6 the fractures on another well, correct?

7 A That's the term of art that we use when we
8 screw up, yes, ma'am.

9 Q And a frac hit is when a fracture on one well
10 affects the production on another well, correct?

11 A Yes, either positively or negatively.

12 Q And depending on your results on one well, you
13 may change what you do on a second adjacent well,
14 correct?

15 MS. COOKE: Form.

16 A That may be true. We're always adjusting.

17 Q (BY MS. MARGONIS) Now, if you divide flow
18 between two lines, it affects the flow rate, correct?

19 MS. COOKE: Form.

20 A The same amount of flow, you're talking about?

21 Q (BY MS. MARGONIS) Yeah. If you have a
22 constant flow initially and you divide that, it affects
23 the flow rate?

24 MS. COOKE: Form.

25 A It -- it would.

1 Q (BY MS. MARGONIS) So if you split that flow
2 between two streams, each stream would have a reduced
3 flow rate compared to the initial stream, wouldn't it?

4 MS. COOKE: Form.

5 A Well, you only have a finite amount to work
6 with. So just as a -- just as a hypothetical, if you had
7 a 100 barrels a minute going in something and you were --
8 split it somehow with a piping system, the maximum you're
9 still going to get out's a hundred barrels a minute.
10 Ever how you split it, it would still only be a hundred
11 barrels a minute.

12 Q (BY MS. MARGONIS) You're saying at the end,
13 you're getting a hundred barrels per minute. I'm saying
14 if you are under -- if you have one stream of flow and
15 you --

16 A Uh-huh.

17 Q --- split that stream --

18 A Uh-huh.

19 Q -- into two flows, each stream is going to have
20 a reduced flow rate compared to the initial stream?

21 A I think we're --

22 MS. COOKE: Form.

23 A -- saying the same thing. But I'm saying it
24 can't exceed the amount that you start with.

25 Q (BY MS. MARGONIS) Correct. But so you agree

1 with me that each stream would have a reduced flow rate
2 compared to the initial stream?

3 MS. COOKE: Form.

4 A It would. And two depend upon the design how
5 much each split would have.

6 Q (BY MS. MARGONIS) So if you have flow through
7 a first flow path and you divert some of that flow to a
8 second flow path, the flow rate of the first flow path
9 will be impacted, won't it?

10 MS. COOKE: Form.

11 A It would be.

12 Q (BY MS. MARGONIS) And you've heard the
13 simultaneous fracking, correct?

14 A I think we just talked about it.

15 Q Yeah. And during simultaneous fracking, you
16 have both wells open, don't you?

17 A Yes, of necessity.

18 Q Which means you have the valves to each well
19 open at the same time, correct?

20 MS. COOKE: Form.

21 A You have the valves at the wellhead open, and
22 you have obviously the valves on the pumping equipment
23 open, yes, ma'am.

24 Q (BY MS. MARGONIS) So the valves between the
25 pump and the well would be open for both wells?

1 A Yes, ma'am.

2 Q Do you recall the reference Beuterbaugh?

3 A Yes, ma'am.

4 Q And Beuterbaugh discloses the manifold, doesn't
5 it?

6 MS. COOKE: Form.

7 A It does.

8 Q (BY MS. MARGONIS) And in Beuterbaugh, fluid is
9 pumped through a manifold to two wells, correct?

10 A Yes, ma'am.

11 Q And the fluid flows to both wells at the same
12 time for at least a portion of time, correct?

13 A A portion of time. If you would like to -- if
14 you have Beuterbaugh, I would like to look at it if we're
15 going to talk about.

16 Q I'm handing you what's been marked
17 Exhibit 1005.

18 MS. MARGONIS: Your table is even larger
19 than ours.

20 Q (BY MS. MARGONIS) Okay. So in Beuterbaugh,
21 fluid flows to both wells at the same time for at least a
22 portion of the time, correct?

23 MS. COOKE: Form.

24 A Yes, ma'am.

25 Q (BY MS. MARGONIS) If you look at Figure 3B, in

1 that example, one valve is closing while another valve is
2 opening, correct?

3 A Yes, ma'am.

4 Q So that means the valves on each of the two
5 wells are open at the same time?

6 MS. COOKE: Form.

7 A Yes, ma'am.

8 Q (BY MS. MARGONIS) And it was known to have
9 simultaneous fracturing in a zipper fracturing operation
10 at least as early as 2015, correct?

11 A Yes, ma'am.

12 MS. COOKE: I don't know if you guys are
13 getting close to a potty break time, but I could probably
14 use one whenever you're -- next question or so.

15 MS. MARGONIS: Yeah, we can go ahead and
16 pause here.

17 THE VIDEOGRAPHER: The time is 9:55 a.m.,
18 and we're going off the record.

19 (Break taken.)

20 THE VIDEOGRAPHER: The time is 10:12 a.m.,
21 and we're back on the record.

22 Q (BY MS. MARGONIS) Okay. Mr. Hughett, did you
23 discuss your testimony with your attorneys during the
24 break?

25 A I did not.

1 Q I'm going to hand you what's been marked as
2 Exhibit 1001. This is a copy of the '770 patent,
3 correct?

4 A Yes, ma'am.

5 Q And if you can turn, please, to Figure 2A.

6 A Pardon me, which one?

7 Q 2A. Figure 2A shows the Well 105A, correct?

8 A Yes, ma'am.

9 Q And the Frac Leg 150A, correct?

10 A Yes, ma'am.

11 Q And frac leg is also commonly referred to as a
12 frac tree, correct?

13 A Yes, ma'am.

14 Q A zipper manifold is marked as 145 on the
15 right-hand side of the image, correct?

16 A Yes, ma'am.

17 Q And Frac Leg 150A includes a wellhead with
18 Master Valves 165A and 165B, correct?

19 A Yes, ma'am.

20 Q Pump down valves are shown at 160A and 160B,
21 correct?

22 A Yes, ma'am.

23 Q And zipper valves are shown at 170a and 170b,
24 correct?

25 A Yes, ma'am.



1 Q The zipper valves, the pump down valves, and
2 the master valves are part of the Frac Leg 150A, correct?

3 A Yes, ma'am.

4 Q So looking at this figure, fluid is pumped from
5 the zipper manifold through the Zipper Valves 170a, 170b,
6 through Flow Block 205, through Master Valves 165A and
7 165B, and into Well 105A, correct?

8 A Yes, ma'am.

9 Q In order to communicate fluid from the zipper
10 manifold to the well, the Zipper Valves 170a and 107B and
11 Master Valves 165A and 165B all have to be open, correct?

12 A Yes, ma'am.

13 Q So on the flip side, if any one of those four
14 valves, the Two Zipper Valves 170a, 170b, or the Master
15 Valves 165A, 165B is closed, there's no flow from the
16 zipper manifold to the well, correct?

17 A That would be correct, yes, ma'am.

18 Q And the master valve controls all flow from the
19 wellbore, correct?

20 MS. COOKE: Form.

21 A Yes, ma'am.

22 Q (BY MS. MARGONIS) So any flow into or out of
23 the wellbore flows through the master valve, correct?

24 A Yes, ma'am.

25 Q And to shut in a well, one or more master

1 valves is closed, right?

2 A Yes, ma'am.

3 Q And so as shown in Figure 2A, all the other
4 valves -- the Pump Down Valves 106A and 106B, the Zipper
5 Valves 170a and 170b -- are above the master valves,
6 correct?

7 A Yes, ma'am.

8 Q So this means the master valve is the ultimate
9 valve for allowing or preventing flow into or out of the
10 well, correct?

11 MS. COOKE: Form.

12 A Yes, ma'am.

13 Q (BY MS. MARGONIS) And these valves are all
14 standard components, correct?

15 MS. COOKE: Form.

16 A Yes, ma'am.

17 Q (BY MS. MARGONIS) These valves were used well
18 before the '770 patent was filed, correct?

19 A Yes, ma'am.

20 Q And isn't it true that every frac tree has a
21 lower master valve and upper master valve and a cross?

22 A Some of them may not have a cross; but the bulk
23 of them do, yes, ma'am.

24 Q And you've testified as much in this case,
25 haven't you?

1 A Yes, ma'am.

2 Q If you will pull up your Exhibit 2006. And can
3 you turn to Page 47, please.

4 Are you there?

5 A Yes, ma'am.

6 Q And on this page is Figure 15, correct?

7 A Yes, ma'am.

8 Q This is a frac tree, right?

9 A Yes, ma'am.

10 Q I'm going to hand you a pen. Can you mark the
11 lower master valve on -- actually, here, I'm going to
12 label this as a new exhibit, which is just a copy of the
13 figure.

14 (Exhibit 1038 marked.)

15 Q (BY MS. MARGONIS) I'm handing you what's been
16 marked as Exhibit 1038. Is that the same page as what's
17 shown at 47 in Exhibit 2006?

18 A Yes, ma'am.

19 Q I'm going to hand you a pen. Can you mark on
20 that frac tree the lower master valve and label it?

21 A (Witness complies.)

22 Q And can you tell me what you marked there?

23 A The lower master valve as requested.

24 Q And is that the lower valve on that stack
25 there?

1 A It's below the block. It's this valve right
2 there (indicating).

3 Q Okay. And can you mark the upper master valve?

4 A (Witness complies.) That is the valve above
5 the lower master valve.

6 Q So the lower master valve in this figure is
7 that lower-most component that's kind of behind the
8 angled red hose? At the very bottom is the lower master
9 valve.

10 A Yes. That's -- that's actually hard piping.
11 That's fine.

12 Q Red hard piping?

13 A Yeah.

14 Q And then above that one is the upper master
15 valve?

16 A Yes, ma'am.

17 Q Okay. Can you mark the cross?

18 A (Witness complies.) It is above the upper
19 master valve, the device there that looks like a block.

20 Q So the cross is the element there where that
21 red piping is connected to on the left-hand side of the
22 image?

23 A It -- the piping is actually connected to a
24 wing that is attached to the cross, yes.

25 Q Okay. And so that piping is attached to a wing

1 that's attached to the cross that goes kind of horizontal
2 across the frac tree?

3 A Yes, ma'am.

4 Q And below that is the upper master valve?

5 A Yes, ma'am.

6 Q And right below that is the lower master valve?

7 A Yes, ma'am.

8 Q Can you mark the goat head?

9 A (Witness complies.) It's the device that is
10 above the two hydraulically operated valves here that are
11 on top of the cross.

12 Q So there's the cross that you've identified,
13 then there's two hydraulically actuated valves above
14 that, and above those two hydraulically actuated valves
15 is the goat head?

16 A Yes, ma'am.

17 Q And that has the -- it looks like maybe three
18 flow lines connected to the goat head?

19 A It probably has four. There's one you can't
20 see behind there, I believe.

21 Q Are there any other goat heads?

22 A There's one on top of it, so there are two
23 here. The upper one only appears to have two -- two
24 lines.

25 Q And the upper master valve is hydraulically



1 operated, correct?

2 A The upper master valve is hydraulically
3 operated so you can operate it remotely. And the lower,
4 as you can see, has a hand wheel on it. It's a manual
5 valve.

6 Q And when you shut in the well, you would close
7 at least one of these master valves, correct?

8 A Traditionally, we only shut in the upper master
9 valve.

10 Q And you explain all of this in your declaration
11 for the patent owner preliminary response, correct?

12 A Yes, ma'am.

13 Q If you'll look in Exhibit 2006 at Page 98 -- or
14 Paragraph 98 rather.

15 A 98?

16 Q It's the next page right after that figure.

17 A Next page?

18 Q Yeah.

19 A Yes, ma'am.

20 Q And you say, "Fracturing trees are conventional
21 structures that have long been known and used in the
22 industry."

23 Did I read that correctly?

24 A Yes, ma'am.

25 Q And you say, "Once the frac valve was

1 developed, the frac tree became the standard," correct?

2 A Yes, ma'am.

3 Q And the frac valve was developed in east Texas
4 during the Cotton Valley Boom of the 1980s, correct?

5 A Yes, ma'am.

6 Q You say, "The first frac valves were operated
7 manually," correct?

8 A Yes, ma'am.

9 Q And you say, "By the 1990s the standard had
10 become one manual frac valve (lower master) below a
11 hydraulic operated frac valve (upper master)," correct?

12 A Yes, ma'am.

13 Q This is the same valve sequence utilized on
14 frac trees today, correct?

15 A Yes, ma'am.

16 Q "On top of these two valves there's typically a
17 cross with two valves on each wing and a goat's head on
18 top of the cross," correct?

19 A Yes, ma'am.

20 Q And you say, "On top of the goat's head is a
21 swab valve," correct?

22 A Yes, ma'am.

23 Q "The goat's head was developed in the early
24 stages of the Barnett Shale Boom approximately late
25 2005," correct?



1 A Yes, ma'am.

2 Q And you say, "This assembly, which is referred
3 to as a frac tree, is typically utilized while performing
4 hydraulic fracture treatments on wells," correct?

5 A Yes, ma'am.

6 Q And you say, "Generally, once the hydraulic
7 fracture treatments are completed, the frac tree is
8 removed and a production Christmas tree is placed on the
9 well," correct?

10 A Yes, ma'am.

11 Q "Virtually every well that I have been involved
12 with since the development of the frac tree has utilized
13 this device," according to you, correct?

14 A Yes, ma'am.

15 Q And you were telling the truth when you made
16 these statements, right?

17 A That -- pardon?

18 Q You were telling the truth when you made these
19 statements, correct?

20 A Absolutely, yes, ma'am.

21 Q In order to frac, both master valves have to be
22 open, correct?

23 A Yes, ma'am.

24 Q And any valve between the fracturing pumps and
25 the well also have to be open in order to frac, correct?

1 A Yes, ma'am.

2 Q During pump down operations, is part of the
3 master valves open?

4 A Are you talking about during waterline
5 operations?

6 Q Yes.

7 A Yes.

8 Q During flowback is the master valve open?

9 A Yes, ma'am.

10 Q All right. Looking back at the '770 patent --
11 you can move those aside for now -- Exhibit Number 1001.

12 A Yes, ma'am.

13 Q If you look at Figure 2A again.

14 MS. COOKE: What figure?

15 MS. MARGONIS: 2A.

16 Q (BY MS. MARGONIS) There's a double break line
17 here on the right side of the figure between 170b and
18 Zipper Manifold 145, correct?

19 A Yes, ma'am.

20 Q And these lines indicate that a section or
21 object has been removed from the figure so it can all be
22 drawn to fit onto a single page, correct?

23 A Yes, ma'am.

24 Q So that can be, like, piping that is not shown,
25 correct?

1 A Yes, ma'am.

2 Q So 170a and 170b are not part of the zipper
3 manifold, correct?

4 MS. COOKE: Form.

5 A They are not.

6 Q (BY MS. MARGONIS) But they are part of the
7 Frac Leg 150A, correct?

8 A Yes, ma'am.

9 Q And 170a and 170b are associated with the
10 zipper manifold, correct?

11 A Pardon?

12 Q Valves 170a and 170b are associated with the
13 zipper manifold, correct?

14 A They -- they're not attached to -- to the
15 zipper manifold, no, ma'am.

16 Q But 170a and 170b are in fluid communication
17 with the zipper manifold, correct?

18 A They are, yes, ma'am.

19 Q I'm going to hand you what has been marked as
20 Exhibit 1006. This is the Tolman patent, U.S. Patent
21 Number 8,490,685, correct?

22 A Yes, ma'am.

23 Q You would agree that this shows a well system
24 with three wells, correct? If you'll flip to Figure 2.
25 Sorry.

1 A Oh, Figure 2 does have that, yes.

2 Q You would agree -- you would agree that
3 Figure 2 shows a well system with three wells, correct?

4 A Yes, ma'am.

5 Q And you would agree that Tolman has a Manifold
6 206, correct?

7 A Yes, ma'am.

8 Q And that manifold includes a set of pipes to
9 208?

10 A Yes, ma'am.

11 Q Each well has a Manifold Well Valve 214, 216,
12 and 218, correct?

13 A Yes, ma'am.

14 Q And those Valves 214, 216, and 218 are part of
15 the Manifold 206?

16 A Yes, ma'am.

17 Q You would agree with me that Tolman describes
18 pumping fluid through the Manifold 206, through the first
19 valve, 214, through tree valves on Tree 106a, and into
20 the first well, correct?

21 A Yes, ma'am.

22 Q And Tolman also describes pumping fluid from
23 the Manifold 206 through a second valve, 216, through the
24 tree valves of the second tree, 106b, and into a second
25 well, correct?

1 A Yes, ma'am.

2 Q And you would agree in order for fluid to be
3 communicated from the manifold to the first well, Valves
4 214 and the tree valves of the Tree 106a are all open
5 when that fluid is communicated, correct?

6 MS. COOKE: Form.

7 A Yes, ma'am.

8 Q (BY MS. MARGONIS) And for fluid to be
9 communicated from the Manifold 206 to the second well,
10 Valve 216 and the tree valves of the Tree 106b are open,
11 correct?

12 A Yes, ma'am.

13 Q You would agree that Tolman describes
14 communicating fluid to the second well while the flowback
15 operation is performed on the first well, correct?

16 A Yes, ma'am, I believe that's correct.

17 Q Do you want to flip to Column 11, Line 8, it
18 says, "In Figure 5 the first well, 104a, is being flowed
19 back after the placement of proppant fractures 404, 406,
20 502, 504, and 506 in the region 110a of the subsurface
21 formation 112 to force close the proppant fractures 404,
22 406, 502, 504, 506 and recover the stimulation fluid used
23 to place the proppant fractures 404, 406, 502, 504, and
24 506 and produce hydrocarbons to the sales lines,"
25 correct?

1 A Yes, ma'am.

2 Q And then Column 11, Line 15, it says,
3 "Concurrently, the second well, 104b, may be receiving
4 the five-stage JITP hydraulic proppant fracture
5 treatment," correct?

6 A Yes, ma'am.

7 Q So Tolman describes communicating fluid to the
8 second well while the flowback operation is performed on
9 the first well, correct?

10 MS. COOKE: Object to the form.

11 A Yes, ma'am.

12 Q (BY MS. MARGONIS) And after the flowback
13 operation has been completed, the first well is shut in,
14 correct?

15 MS. COOKE: Form.

16 A Yes, ma'am.

17 Q (BY MS. MARGONIS) And you would agree, as
18 we've discussed earlier, that shut in means at least one
19 master valve is closed, correct?

20 MS. COOKE: Form.

21 A Typically, that be would correct, yes, ma'am.

22 Q (BY MS. MARGONIS) If you will go to Exhibit
23 2006. That's your first declaration. And if you can
24 turn to Page 50, Paragraph 101.

25 Are you there?

1 A Yes, ma'am.

2 Q And you say, "Valves are commonly used to
3 control the flow of fluid during fracturing operations,
4 and using two valves in series in a similarly common
5 practice," in the header there, correct?

6 A Yes, ma'am.

7 Q And in Paragraph 101 you say, "A tenet of
8 engineering design principles for the flow of
9 high-pressure fluids particular dictates that there be
10 two valves in series," correct?

11 A Yes, ma'am.

12 Q And you say, "This can easily be seen in the
13 Christmas tree utilized while producing a well, correct?

14 A Yes, ma'am.

15 Q "For a high-pressure well, there is universally
16 a lower master valve and an upper master valve," correct?

17 A Yes, ma'am.

18 Q "On the wing of the same Christmas tree there
19 is an inner wing valve and an outer wing valve," correct?

20 A That's correct, yes, ma'am.

21 Q And you say, "The same principles and safety
22 precautions are commonplace in hydraulic fracture
23 treatment plumbing," correct?

24 A Yes, ma'am.

25 Q "To put it another way, it is most common

1 practice to utilizes two valves in series for any
2 application that calls for a valve to be exposed to
3 high-pressure fluids," correct?

4 MS. COOKE: Form.

5 A Yes, ma'am.

6 Q (BY MS. MARGONIS) You also say, "The reasoning
7 behind two valves in series is one valve is the one
8 commonly used and the other is the backup in the event of
9 damage to the primary valve," correct?

10 A Yes, ma'am.

11 Q And in Paragraph 102 you say, "This principle
12 is very well understood in the industry. This is a
13 primary tenet of good engineering design," correct?

14 A That's correct, yes, ma'am.

15 Q And you were telling the truth when you made
16 these statements, correct?

17 A Yes, ma'am.

18 Q If we can look at your declaration, that's
19 Exhibit 2012, your second declaration, on Page 5.

20 A Yes, ma'am.

21 Q And here you list the materials you considered
22 in a table, correct?

23 A Yes, ma'am.

24 Q And these are the materials you considered in
25 preparation of this declaration?



1 A Yes, ma'am.

2 Q And you list, among other things, Exhibit 1002,
3 the declaration of Dr. Robert Durham, correct?

4 A Yes, ma'am.

5 Q So you testified that you considered
6 Dr. Durham's declaration. Did you consider all of
7 Dr. Durham's declaration?

8 MS. COOKE: Form.

9 A Yes, ma'am.

10 Q (BY MS. MARGONIS) What about his section on
11 technology background? Did you consider that portion of
12 Dr. Durham's declaration?

13 MS. COOKE: Form.

14 A Yes, ma'am.

15 Q (BY MS. MARGONIS) But in this table in your
16 declaration, Exhibit 2012, you did not list any of the
17 documents he cites in the technology background, did you?

18 MS. COOKE: Form.

19 A No, ma'am.

20 Q (BY MS. MARGONIS) That includes all of the
21 Exhibits 1015 through 1035. Those are not cited here,
22 correct?

23 A They're not, no, ma'am.

24 Q Did you consider those exhibits?

25 A To be honest, I don't recall.

1 Q So let's look at...

2 (Exhibit 1039 marked.)

3 Q (BY MS. MARGONIS) All right. I'm handing you
4 what's been labeled as Exhibit 1039. This is the table
5 of exhibits from the IPR petition in this IPR.

6 A Yes, ma'am.

7 Q So Exhibit 15, that's Exhibit 1015 by Michael
8 Morton, is titled, "Unlocking the Earth: A Short History
9 of Hydraulic Fracturing."

10 Did you review that exhibit?

11 A I -- I don't recall. I think I've seen that,
12 but I just don't absolutely recall.

13 Q But you did not list that in your table in your
14 declaration as an exhibit that you considered, correct?

15 A No, I didn't.

16 Q Exhibit 1016, if you're looking at the table of
17 exhibits still, that is by B.A. Wells and is titled,
18 "Shooters - A 'Fracking' History."

19 Did you review that exhibit?

20 A Again, I've seen that. I don't recall whether
21 I -- I reviewed that. I do know that publication.

22 Q But you did not list that here in your table in
23 your declaration as an exhibit --

24 A No.

25 Q -- that you considered?

1 A No, I did not.

2 Q And Exhibit 1000 -- sorry, 1017 by Carl
3 Montgomery entitled, "Hydraulic Fracturing: History of
4 an Enduring Technology," did you consider that exhibit?

5 A I did not, no, ma'am.

6 Q Exhibit 1018 by -- I will spell the name,
7 B-O-U-R-G-O-Y-N-E, and it's an "Applied Drilling
8 Engineering, Society of Petroleum Engineers" article, did
9 you consider that document?

10 A I did not.

11 Q Exhibit 1019, Vassiliou, titled, "Historical
12 Dictionary of the Petroleum Industry," did you consider
13 that document?

14 A No, ma'am.

15 Q Exhibit 1020, U.S. Patent Application
16 Publication Number 2013/0306322, did you consider that
17 exhibit?

18 A That -- I don't believe I did, no, ma'am.

19 Q And Exhibit 1021, U.S. Patent Publication
20 Number 2012/0255734, did you consider that exhibit?

21 A No, ma'am.

22 Q Exhibit 1022 by Waters titled, "Simultaneous
23 Hydraulic Fracturing of Adjacent Horizontal Wells in the
24 Woodford Shale," did you consider that exhibit?

25 A No, ma'am.



1 Q Exhibit 23 by Pearson titled, "Results of
2 Stress-Oriented and Aligned Perforating in Fracturing
3 Deviated Wells," did you consider that exhibit?

4 A No, ma'am.

5 Q Exhibit 1024 by Mutalik titled, "Case History
6 of Sequential and Simultaneous Fracturing of the Barnett
7 Shale in Parker County," did you consider that exhibit?

8 A No, ma'am.

9 Q Exhibit 1025 by Mayerhofer titled, "What is
10 Stimulated Reservoir Volume?" Did you consider that
11 exhibit?

12 A No, ma'am.

13 Q Exhibit 1026 by Roussel titled, "Optimizing
14 Fracture Spacing and Sequencing in Horizontal-Well
15 Fracturing," did you consider that exhibit?

16 A No, ma'am.

17 Q Exhibit 1027 by K.R. Webster titled, "A
18 Continuous Multistage Tracing Technique," did you
19 consider that exhibit?

20 A No, ma'am.

21 Q Exhibit 1028 by A. Casero titled, "Continuous
22 Pumping, Multistage, Hydraulic Fracturing in Kitina
23 Field, Offshore Congo, West Africa," did you consider
24 that exhibit?

25 A No, ma'am.

1 Q Exhibit 1029 by S. Rassenfoss titled, "A Look
2 Into What Fractures Really Look Like," did you consider
3 that exhibit?

4 A I'm familiar with the article; but no, I didn't
5 consider it.

6 Q Exhibit 1030 by R. Oberhofer titled,
7 "Application of Ball-Drop Technology to Improve
8 Efficiency and Stimulation of Limited Entry Completion
9 Systems," did you consider that exhibit?

10 A No, I did not.

11 Q Exhibit 1031 by Tolman titled, "Method and
12 Apparatus for Simultaneous Stimulation of Multi-Well
13 Pads," did you consider that article?

14 A I -- I did look at that article, I believe.

15 Q But you're not sure?

16 A No, I'm pretty sure I looked at that.

17 Q But you did not list that in your table --

18 A No.

19 Q -- of considered evidence?

20 Exhibit 1032 by G.R. Holzhausen titled,
21 "Impedance of Hydraulic Fractures: Its Measurement and
22 Use for Estimating Fracture Closure Pressure and
23 Dimensions," did you consider this exhibit?

24 A It -- no, I did not.

25 Q Exhibit 1033 by R.W. Paige titled, "Field

1 Application of Hydraulic Impedance Testing for Fracture
2 Measurement," did you consider this exhibit?

3 A No, ma'am.

4 Q Exhibit 1034 by L.V. Massaras titled, "Enhanced
5 Fracture Entry Friction Analysis of the Rate Step-Down
6 Test," did you consider this exhibit?

7 A No, ma'am.

8 Q Exhibit 1035 by S. Mondal titled, "Pressure
9 transients in wellbores: Water hammer effects and
10 implications for fracture diagnostics," did you consider
11 this exhibit?

12 A No, I did not.

13 Q So you chose to ignore all of these exhibits
14 Dr. Durham cited in his declaration, correct?

15 A Well, I didn't -- I didn't do -- I didn't study
16 the -- the things that he cited, but I did read his
17 declaration.

18 Q So you were basing your opinions solely on your
19 knowledge and memory, correct, not based on any of these
20 articles or exhibits?

21 A No, I did not review the articles for that.

22 Q When did Downing's counsel hire you to be an
23 expert in this case?

24 A Honestly, I don't know the date. I -- I have
25 records on that, but I -- I couldn't tell you the date.

1 Q Was it this year?

2 A It would have been very early this year or late
3 last year.

4 Q After June of 2023?

5 A It would have been after that, yes, ma'am.

6 Q How did you learn that Downing's counsel was
7 looking to hire a technical expert in this case?

8 A I was -- I was contacted and -- and then
9 ultimately retained.

10 Q Who were you contacted by?

11 A I don't remember who I talked to initially with
12 the law firm here. I may have talked first to Andrew
13 Drott, but I'm not sure.

14 Q So an attorney for Downing reached out to you
15 directly to hire you as a technical expert in this case?

16 A No. They -- there was a referral from a
17 company Teklicon, but I think Mr. Drott called me and we
18 chatted.

19 MS. COOKE: I'm going to object just to
20 caution you not to reveal the contents of any of the
21 conversations, but you can --

22 THE WITNESS: Right.

23 MS. COOKE: -- definitely testify who
24 contacted you.

25 THE WITNESS: Yeah, I'm trying to just

1 give the name.

2 Q (BY MS. MARGONIS) Did you submit any documents
3 to Downing's counsel to help them evaluate you as a
4 candidate for the job?

5 A I would have to look, but customarily we do,
6 yes.

7 Q Do you have copies of those documents?

8 A I would have to assume that we probably do.

9 MS. MARGONIS: We'd like to request a copy
10 of those documents, please.

11 MS. COOKE: Counsel, I think you've
12 received them, including his résumé.

13 Q (BY MS. MARGONIS) Did you send anything other
14 than your résumé to them as the documents?

15 A No. It's just the -- the résumé is -- is
16 really it.

17 Q Did you provide any written comments --

18 MS. COOKE: Form.

19 Q -- when they hired you?

20 A No, ma'am.

21 Q (BY MS. MARGONIS) Were you interviewed prior
22 to accepting the job of being Downing's technical expert
23 in this case?

24 A Yes, ma'am.

25 Q Who interviewed you?

1 A Again, I -- I don't recall. It seems to me
2 that there were a couple of people on -- on the phone
3 call. I -- I didn't have an in-person interview.

4 Q Did you prepare for that interview?

5 A No, ma'am.

6 Q Did you review the patent before you were
7 interviewed?

8 A Yes, ma'am.

9 Q Did you have any preliminary impressions of the
10 patent prior to meeting with the attorneys for Haynes and
11 Boone?

12 A No, ma'am.

13 Q That wasn't the first time you saw the '770
14 patent, though, correct?

15 MS. COOKE: Form.

16 A The -- sometime after -- well, somewhere along
17 the path I -- I was given the '770 patent.

18 Q (BY MS. MARGONIS) You submitted your name for
19 consideration by IWS before you were hired by Downing's
20 counsel, didn't you?

21 A Oh, yeah, I had forgotten about it. Yeah.
22 They -- that had -- so IWS had contacted at some point
23 also.

24 Q Do you remember when that was?

25 A No, I do not.

1 Q Would it surprise you to learn that was in
2 around June of 2023?

3 A No.

4 Q Do you recall reviewing the '770 patent back
5 then?

6 A I don't recall specifically doing it, but I
7 very probably did.

8 Q Do you recall having any initial impressions of
9 the '770 patent back then?

10 A I don't have any recollections of that, no.

11 Q Do you recall saying, quote, I have drilled and
12 completed more than 4,000 wells in my career?

13 A That's true.

14 Q Do you recall saying, "Virtually every one of
15 these wells has been fracked"?

16 A That also is true.

17 Q Do you recall saying, "With the advent of
18 horizontal wells, each well has as many as 55 jobs or
19 stages per well"?

20 A That also is true.

21 Q Do you recall saying, "I spent thousands of
22 days in the oil field doing completions"?

23 A That also is true.

24 Q Do you recall saying, "Additionally, I have
25 done a case similar to this that involved zipper stack

1 patent infringement claim"?

2 A That also is true.

3 Q Do you recall saying, "I have done six IP
4 jobs"?

5 A That sounds about right at that point.

6 Q Do you recall saying, "I was deposed in all six
7 and went to trial and testified in five"?

8 A Yes. Some -- some of those actually went to
9 the district court or it involved not only the IPR but
10 there were some infringement matters, so...

11 Q There were some infringement matters that were
12 in the district court?

13 A Yes, ma'am.

14 Q Do you recall saying, "If it's of any
15 consequence, my side prevailed in all five"?

16 A That also is true.

17 Q Let me hand you what is marked as Exhibit 1040.

18 (Exhibit 1040 marked.)

19 MS. TERRY: I'm running out of staples.

20 Sorry.

21 MS. MARGONIS: Was this the whole
22 document, Tammy? Sorry.

23 MS. TERRY: The attachments.

24 Q (BY MS. MARGONIS) What I've handed you is
25 labeled as Exhibit 1040.

1 A Yes, ma'am.

2 MS. COOKE: I'm going to object for a
3 second that we've never seen this document. So if we can
4 have a minute to review it, please.

5 Q (BY MS. MARGONIS) Mr. Hughett, do you know
6 Gina White --

7 MS. COOKE: I'm still reviewing the
8 document. Give us a second. You haven't provided this
9 previously. Give us an opportunity to review it, please.

10 MS. MARGONIS: It's just a one-page email.
11 I think we can --

12 MS. COOKE: I'll represent that it has an
13 attachment to it that's about 10 more pages. I'm just
14 taking a look at it.

15 MS. MARGONIS: A copy of Mr. Hughett's
16 CV --

17 MS. COOKE: I'm just taking a look at it.
18 I've never seen this before. All right. Thank you.

19 MS. MARGONIS: Uh-huh.

20 Q (BY MS. MARGONIS) Mr. Hughett, I'm going to --

21 MS. COOKE: Like I said, I'm going to
22 object, before you ask any questions, to the entry of the
23 exhibit as being -- lacking authentication, lacking
24 relevance, and not having been previously provided in
25 this case, including as part of Petitioner's petition.

1 It's also hearsay.

2 Q (BY MS. MARGONIS) Mr. Hughett, do you know
3 Gina White?

4 A No, I do not. I mean, I have no recollection
5 of her. Apparently, I just must have talked to her or
6 somebody in my office talked to her.

7 Q She's an expert witness recruiter, correct?

8 MS. COOKE: Form.

9 A Apparently, yes, ma'am.

10 Q (BY MS. MARGONIS) You've not been working with
11 her before in any other case?

12 A No, ma'am. I'm -- I'm not familiar with the
13 firm or any of that.

14 Q So do you -- so you do not recall that she
15 proposed you as a potential expert candidate for this
16 case for IWS?

17 A Yeah, I -- I don't recall that. I do recall
18 having a telephone call with somebody, but I thought it
19 was an attorney. Somebody probably from your -- your
20 firm.

21 Q Earlier you testified you do recall that there
22 was some contact with IWS regarding this case?

23 MS. COOKE: Object to the form.

24 A Yes, ma'am.

25 Q (BY MS. MARGONIS) You see in this exhibit that

1 I handed you, Exhibit 1040, it's an email from Gina
2 White, correct?

3 A Yes, ma'am.

4 Q And it's dated June 12th, 2023, correct?

5 A Yes, ma'am.

6 Q And it's addressed to Tammy Terry and myself,
7 Lisa Margonis.

8 Do you see that?

9 A Yes, ma'am.

10 Q And the subject line says, "Expert Witness
11 Candidate - Intelligent Wellhead Systems - John Hughett,
12 P.E.," correct?

13 A Yes, ma'am.

14 Q That John Hughett, P.E. is referring to you,
15 isn't it?

16 A Well, if it's spelled that way, it's got to be
17 me or some relative, so...

18 Q And do you see here that Ms. White says,
19 "Mr. Hughett has reviewed the patent and provided the
20 following statement"?

21 A Yes.

22 Q And that paragraph starting "I have drilled and
23 completed," we just discussed that was your understanding
24 of what you provided to IWS, correct?

25 MS. COOKE: Object to the form.

1 A Yes, ma'am.

2 Q (BY MS. MARGONIS) Do you specifically remember
3 reviewing the '770 patent at that time?

4 A I do not.

5 Q You describe a case similar to this that
6 involved a zipper stack patent infringement claim. What
7 case was that?

8 A I'm not sure of the exact -- said it was an
9 infringement case, and it was Cameron v. Butch's, so --
10 and that's Butch's Rat Hole and Mouse Hole Service.

11 Q What was the result of that case?

12 A That case settled.

13 Q You also say you've done six IP jobs.

14 A Yes.

15 Q Was the case you just described one of those
16 six IP jobs?

17 A No. It -- it -- well, it may have been at that
18 time. Yes, it probably was.

19 Q What were those six IP jobs?

20 A I think we talked earlier about them. So
21 there -- they involved -- and again, I've done with this
22 one particular client IPRs and infringement matters a
23 couple of times, and it's mostly on either down hole
24 tools or explosives. They're primarily an explosives
25 company.

1 Q And you said several --

2 A Energetics. Pardon me.

3 Q And you said one or more were district court
4 cases?

5 A Yes, ma'am.

6 Q What were those?

7 A Those were -- those were the same -- same
8 matters, involved -- one of them involved a reactive
9 perforating charge. Another one involved a setting tool.

10 Q You say that you were deposed in all six and
11 went to trial and testified in five. Which were those
12 five?

13 A Right. That -- those were -- the setting tool
14 trial, that was in Judge Albright's court. And then in
15 Marshall, the rest -- I think all the rest of them were,
16 I think -- no. Most of them were in Marshall, and then
17 one of them was in Houston.

18 Q And then you say, "If it's of any consequence,
19 my side prevailed in all five," correct?

20 A That's true, yes, ma'am.

21 Q But that's not true, is it?

22 A Yeah, it is.

23 Q Let's take a look at what we're marking as
24 Exhibit 1038. Actually --

25 A I mean, to my knowledge, unless something --

1 MS. TERRY: The email. The attachment.

2 MS. MARGONIS: Oh, sorry.

3 MS. TERRY: The second attachment.

4 Q (BY MS. MARGONIS) If you can look at
5 Exhibit 1040.

6 A Okay. I'm there.

7 Q Towards the next-to-last page, it says, "Page 3
8 of 4."

9 A Okay.

10 Q This is part of your litigation summary --

11 A Yes, ma'am.

12 Q -- that you provided with your CV, correct?

13 A Yes, ma'am.

14 Q And under "United States Federal Court" you
15 have a list of cases there, correct?

16 A Yes, ma'am.

17 Q If you can go to the sixth case from the
18 bottom, you see that case number 4:18-60 -- sorry --
19 cv --

20 A Oh, okay.

21 Q -- 48 in the Southern District of Texas?

22 A You're -- you're correct. That one was a loss.

23 Q Titled, "Deep Fix versus Marine Well
24 Containment"?

25 A Yes, ma'am.

1 Q That one was in Houston?

2 A Yes, ma'am, that's the one that was in Houston
3 as I explained.

4 Q And you mentioned earlier that one of the five
5 cases was in Houston. Was there another Houston case?

6 A No. That was a case that I had in mind.
7 However, I had forgotten we -- we had lost that one.

8 Q So you were a testifying expert in that case,
9 right?

10 A Yes, ma'am.

11 Q And you testified as a technical expert, right?

12 A Yes, ma'am.

13 Q What was the patented technology in that case?

14 A Essentially, it was a wellhead containment
15 system for subsea drilling, and it came about via the
16 BP Macando blowout. It's a -- that's what the motivator
17 to generate that system was.

18 Q So it was a case involving a patent for a cap
19 valve, correct?

20 A Yes, ma'am.

21 Q Do you recall what party you testified for in
22 that case?

23 A I can't think of the name of it, but it's here.
24 Deep Fix.

25 Q And Deep Fix was the plaintiff and patent owner

1 in that case, correct?

2 A Yes, ma'am.

3 Q Do you recall testifying at a bench trial in
4 that case?

5 A Yes, ma'am.

6 Q Do you recall why there was a bench trial as
7 opposed to a jury trial?

8 A That, I don't -- I'm not aware of that.

9 Q So that trial was on the issue of inequitable
10 conduct, correct?

11 MS. COOKE: Form.

12 A You know, I -- I don't remember the basis of
13 it, to be honest.

14 Q (BY MS. MARGONIS) You don't remember the basis
15 of the trial or your work?

16 A No, I remember what I did, but I don't remember
17 what prompted the case.

18 Q You testified on behalf of the patent owner in
19 that case, correct?

20 A Yes, ma'am.

21 Q Do you recall what you were called on to
22 testify about?

23 A Not specifically I don't.

24 Q You testified on the issue of whether prior art
25 that was not disclosed to the patent office was material

1 to the patentability of the patent at issue; isn't that
2 right?

3 A That's correct, yes, ma'am.

4 Q And the court in that case ruled on that issue,
5 didn't it?

6 A It did, yes, ma'am.

7 Q And the court found against your side, didn't
8 it?

9 A Yes, ma'am.

10 Q The court found that the patent that belonged
11 to the client you represented had been obtained by
12 inequitable conduct, isn't that true?

13 MS. COOKE: Form.

14 A I wasn't aware of the terminology, but yes.

15 Q (BY MS. MARGONIS) And specifically the court
16 found that "from the foregoing persuasive evidence that
17 MWCC has proven 'but for' materiality to support its
18 inequitable conduct affirmative defense"?

19 MS. COOKE: Form.

20 A Again, I didn't see that. I'll have to take
21 your word for that.

22 Q (BY MS. MARGONIS) Do you recall -- do you
23 recall MWCC was the defendant in that case?

24 A Yes, ma'am.

25 Q So when you told Ms. White for purposes of

1 getting a chance to be considered as a testifying expert
2 by IWS's counsel, quote, If it's of any consequence, my
3 side prevailed in all five, end quote, that wasn't
4 actually true, correct?

5 MS. COOKE: Form.

6 A No, ma'am. That -- that was an oversight.

7 Q (BY MS. MARGONIS) Yet you want the board to
8 believe everything you say in this proceeding, correct?

9 MS. COOKE: Object to the form.

10 A Well, yes.

11 MS. MARGONIS: Okay. All right. I think
12 we're going to go ahead and take a break here.

13 THE VIDEOGRAPHER: All right. The time is
14 11:04 a.m., and we're going off the record.

15 (Break taken.)

16 THE VIDEOGRAPHER: The time is 11:22
17 p.- -- 11:22 a.m., and we're back on the record.

18 Q (BY MS. MARGONIS) Mr. Hughett, did you discuss
19 your testimony with your attorneys during the break?

20 A No, ma'am.

21 Q I'm going to hand you what's been marked as
22 Exhibit 1041.

23 (Exhibit 1041 marked.)

24 MS. MARGONIS: Sorry. The staple broke on
25 that.

1 Q (BY MS. MARGONIS) And if you can look at the
2 first page.

3 A Oh, okay.

4 Q This is the findings of fact and conclusions of
5 law in the Deep Fix, LLC versus Marine Well Containment
6 Company case we --

7 MS. COOKE: All right. I'm going to --

8 Q (BY MS. MARGONIS) -- just discussed, correct?

9 MS. COOKE: I'm going to object to this
10 exhibit. Again, this is something that was not included
11 in Petitioner's petition nor something we've ever seen in
12 this case, so I need a few minutes to look at this
13 please.

14 A I have never seen it.

15 MS. COOKE: Okay. Just one second. Take
16 your time then.

17 MS. MARGONIS: I just read from this
18 earlier. It's being used as impeachment evidence.

19 MS. COOKE: I don't care. I would like to
20 look at it, please.

21 MS. MARGONIS: If it helps, Page 16 is
22 where I read from earlier regarding the court's
23 conclusion.

24 MS. COOKE: We're still reviewing.

25 Okay. I'm going to object to the exhibit

1 on a couple grounds; the first being relevance, second
2 being that this was never previously provided or part of
3 Petitioner's petition.

4 I also want to object that I think it's
5 improper impeachment testimony. I guess that's what's
6 being offered. So maybe if you can provide some
7 explanation of how this is impeachment testimony, we can
8 get past that.

9 MS. MARGONIS: I just went through that
10 entire series of questions before the break.

11 MS. COOKE: And what's -- what exactly --

12 MS. MARGONIS: Where he said all of his
13 cases he's won and this is one where he has not, so
14 I'm --

15 MS. COOKE: And --

16 MS. MARGONIS: -- showing where in his
17 statements previously made --

18 MS. COOKE: And we got an admission on it.
19 Is there a statement in here that's inconsistent with
20 that?

21 MS. MARGONIS: Well, if you'd let me get
22 to my questioning, then we can get to it.

23 MS. COOKE: Well, we can go off the record
24 then.

25 MS. MARGONIS: No.

1 MS. COOKE: Because I'm not going to let
2 you introduce improper impeachment testimony or ask
3 questions that are improper to --

4 MS. MARGONIS: Well, I've already
5 introduced it.

6 MS. COOKE: Well, I'm objecting to it --

7 MS. MARGONIS: And --

8 MS. COOKE: -- and I get the right to
9 object to it.

10 MS. MARGONIS: You can object to it and
11 put it on the record, that's fine.

12 MS. COOKE: Well, we can go off the
13 record, and we can call the board about it if you'd like.

14 MS. MARGONIS: Okay.

15 MS. COOKE: Great. Let's go off the
16 board -- off the record.

17 THE VIDEOGRAPHER: All right. The time is
18 11:26 a.m., and we're going off the record.

19 (Break taken.)

20 THE VIDEOGRAPHER: The time is 11:28 a.m.
21 And we're back on the record.

22 Q (BY MS. MARGONIS) Mr. Hughett, you have in
23 front of you what's been marked as Exhibit 1041, correct?

24 A Yes, ma'am.

25 Q Can you look at the cover page of that

1 document, please?

2 MS. COOKE: Form.

3 A Yes, ma'am.

4 Q (BY MS. MARGONIS) Exhibit 1041 is the findings
5 of fact and conclusions of law in Deep Fix, LLC versus
6 Marine Well Containment Company LLC, correct?

7 MS. COOKE: Form.

8 A That's correct.

9 Q (BY MS. MARGONIS) And that is in Civil Action
10 Number H-18-0948, correct?

11 MS. COOKE: Form.

12 A Yes, ma'am.

13 Q (BY MS. MARGONIS) And at the top of that page,
14 do you see where it says, Case 4:18-cv-00948?

15 MS. COOKE: Form.

16 A Yes, ma'am.

17 Q (BY MS. MARGONIS) Did I read that correctly?

18 A Yes, ma'am.

19 Q And at the top of that document, does it also
20 say filed on February 18th, 2020?

21 MS. COOKE: Form.

22 A Yes, ma'am.

23 Q (BY MS. MARGONIS) If you'll flip to Page 16,
24 please, the first full sentence at the top of the page.

25 A Yes, ma'am.

1 Q That says, "The Court concludes from the
2 foregoing persuasive evidence that MWCC has proven 'but
3 for' materiality to support its inequitable conduct
4 affirmative defense."

5 Did I read that correctly?

6 MS. COOKE: Form.

7 A You did.

8 Q (BY MS. MARGONIS) Thank you.

9 MS. MARGONIS: No further questions.

10 MS. COOKE: Are you passing the witness?

11 MS. MARGONIS: I pass the witness.

12 MS. COOKE: Okay. We'll take a break.

13 THE VIDEOGRAPHER: All right. The time is
14 11:30 a.m., and we're going off the record.

15 (Lunch break taken.)

16 THE VIDEOGRAPHER: The time is 12:30 p.m.,
17 and we're back on the record.

18 CROSS-EXAMINATION

19 BY MS. COOKE:

20 Q All right. Mr. Hughett, can you please pull
21 out the Tolman reference, which is Exhibit 1006, and let
22 me know when you have that in front of you.

23 And then I also want you to get your
24 declaration in front of you that is Exhibit 1012. Let me
25 know when you also have that in front of you.

1 A I got that. It's back behind there.

2 Which one are we looking for? Okay.

3 Q Okay. Let's start with your declaration that's
4 the Exhibit 1012. Do you have that there?

5 A I do.

6 Q Okay.

7 A Yes, ma'am.

8 Q Do you recall today when Ms. Margolis [sic] was
9 asking you questions about continuous pumping and hot
10 swapping?

11 A Yes, ma'am.

12 Q Okay. I want you to turn in your declaration,
13 Exhibit 1012, to Paragraphs 240 and 241. Let me know
14 when you're there.

15 A Yes, ma'am, I'm there.

16 Q Do you still agree with the opinions that you
17 have written in Paragraph 240 and 241 of your
18 declaration?

19 A Yes, ma'am.

20 Q Do you see the first part of the sentence in
21 240 where it says, "CP swap feature that enables
22 continuous pumping in the Freedom Series"?

23 A Yes, ma'am.

24 Q What do you mean by that?

25 A Well, the continuous pumping is the CP swap,

1 and the Freedom Series is their -- is Downing's marketed
2 system which utilizes the -- or embodies, really, the
3 '770 patent.

4 Q And so when you say "continuous pumping in the
5 Freedom Series," specifically what do you mean?

6 A It takes the fluid flow through the manifold
7 through -- through a manifold and then goes to the first
8 valve. And then upon reaching a predetermined set of
9 conditions, then it opens the second valve to a second
10 well and then closes the valve on the first well.

11 Q In your opinion, does continuous pumping or the
12 CP swap have anything to do with switching between one
13 well and the next well?

14 A Pardon?

15 Q In your opinion, does continuous pumping or the
16 CP swap that's claimed in the '770 patent have to do with
17 switching between one well and the next well?

18 A That -- that's what it does, yes, ma'am.

19 Q Okay. Is it necessary to pump 24 hours a day,
20 seven days a week in order to perform the continuous
21 pumping that's described in the patent and implemented in
22 the Freedom Series?

23 MS. MARGONIS: Objection; scope.

24 A No, ma'am. It -- it could be a side benefit,
25 but as long as you move from one well to the other well,

1 utilizing the claims in the patent, that complies with
2 that.

3 Q (BY MS. COOKE) And using the claims in the
4 patent, what do you mean by that?

5 It -- it's not shutting down the pumps,
6 correct?

7 A It's not shutting down the pumps while you're
8 changing from Well 1 to Well 2 with the operation of the
9 valves.

10 Q Is it your opinion that the Freedom Series
11 practices the claimed CP swap?

12 MS. MARGONIS: Objection; scope.

13 A It -- it doesn't. I say that in the
14 declaration.

15 Q (BY MS. COOKE) You agree with that statement?

16 A I do.

17 MS. MARGONIS: Objection; scope.

18 Q (BY MS. COOKE) Could you continuously run the
19 pumps in the Freedom Series when switching from one well
20 to the next without performing a CP swap?

21 MS. MARGONIS: Objection; outside the
22 scope of cross.

23 A No.

24 Q (BY MS. COOKE) Could you continuously run the
25 pumps in any system when switching from one well to the

1 next without performing the CP swap?

2 A No, ma'am.

3 Q And you had mentioned a second ago, but do you
4 recall your discussion today regarding hot swapping?

5 A Yes, I do.

6 Q Okay. Can you describe what the difference is
7 between hot swapping and the claimed CP swap?

8 A Well, they -- they don't necessarily impact
9 each other. Hot swapping is where a pump has some sort
10 of a failure, a pressure pump, and so it can be removed.
11 It -- it's hooked up to the missile manifold. And then
12 it can be removed from the missile manifold without
13 having to shut down other operations.

14 And the -- a new pump can be installed and
15 you can do that without shutting down the operation. It
16 doesn't change the fracturing operation, whereas the CP
17 swap moves the fracturing operation from one well to
18 another well.

19 Q And that's without shutting the pumps down?

20 A Without shutting the pumps down, yes, ma'am.

21 Q Does hot swapping have anything to do with the
22 claimed CP swap?

23 A No, ma'am.

24 Q So assuming that you are not performing the
25 claimed CP swap, does performing a hot swap enable you to

1 switch from one well to the next well without stopping
2 the pumps?

3 A No, ma'am.

4 Q Okay. And in the Freedom Series, if you just
5 performed only hot swapping without the claimed CP swap,
6 would you be able to switch between one well to the next
7 without shutting the pumps down?

8 MS. MARGONIS: Objection; scope.

9 A You could not, no, ma'am.

10 Q (BY MS. COOKE) Okay. And if you per- -- or I
11 mean, a hydraulic fracturing -- strike that.

12 If you were performing a hydraulic
13 fracturing operation on any system, and you were just
14 performing hot swapping, but you were not performing the
15 claimed CP swap, could you switch between one well and
16 the next well without shutting the wells down?

17 MS. MARGONIS: Objection; form.

18 A No, ma'am.

19 Q (BY MS. COOKE) I want you to look back at your
20 declaration, and look for the sentence that says,
21 "Performing the traditional method of transitioning
22 between wells by opening and then closing a first valve
23 and then opening and closing a second valve requires
24 shutting down the pumps for safety and equipment
25 preservation reasons."

1 Do you see that? 240.

2 A Yes, I'm -- I'm getting there.

3 Yes, ma'am.

4 Q Why would you shut down a pump for safety
5 reasons when switching between wells traditionally?

6 A Well, you -- you have to. You -- you would
7 have a -- you would have a valve that's closed, and if
8 you didn't do some sort of a swap, such as contemplated
9 in this patent, you would probably blow something up, and
10 that's the reason for the term "safety."

11 Q So on a traditional system not performing a CP
12 swap, could you keep the pumps running if both the first
13 valve and the second valve were closed?

14 A No, ma'am. As I point out, you're going to
15 trigger the PRV valve, pressure relief valve, and/or blow
16 up some piping.

17 Q Okay. Do you recall earlier today when
18 Ms. Margolis was asking you questions about a well system
19 and splitting a fluid flow?

20 A I -- I do.

21 Q Okay. And when you were answering
22 Ms. Margolis's questions, what type of system were you
23 referring to?

24 A I was thinking solely of a -- a piping system.
25 That was what I was asked, so a single pipe that splits

1 off into two parts.

2 Q Were you referring to the system in Carr when
3 answering Ms. Margolis's questions?

4 A I was not.

5 Q Okay. And would the answers you gave
6 Ms. Margolis apply to the system of Carr?

7 MS. MARGONIS: Objection; scope.

8 A Pardon?

9 Q (BY MS. COOKE) Would the answers that you had
10 given Ms. Margolis apply to the system of Carr?

11 A No, it would not.

12 MS. MARGONIS: Objection; scope.

13 And it's Margonis.

14 MS. COOKE: Margonis, my -- my apologies.

15 MS. MARGONIS: No worries.

16 Q (BY MS. COOKE) I am going to ask the question
17 again.

18 Would the answers that you gave
19 Ms. Margonis apply to the system of Carr?

20 MS. MARGONIS: Objection; scope.

21 A No, ma'am.

22 Q (BY MS. COOKE) Would your answers depend on
23 what specific type of system was being referred to in the
24 question?

25 A Yes, ma'am.

1 Q Okay. And your answer may change depending on
2 which system you were being asked to refer to?

3 A Not -- not only the system but at what point in
4 time, yes, ma'am.

5 Q Okay. So your answers could change if we were
6 talking about the system in Tolman?

7 A Yes, ma'am.

8 Q And your answers could change depending on if
9 you were talking about the system of Beuterbaugh?

10 A Yes, ma'am.

11 Q And your answers could change if you're
12 referring to the system of Carr?

13 MS. MARGONIS: Objection; scope.

14 A Yes, ma'am.

15 Q (BY MS. COOKE) Okay. I think you also have
16 Tolman in front of you. If you can get that back in
17 front of you, please.

18 A Yes, ma'am.

19 Q Do you recall Ms. Margonis asking you questions
20 about the frac tree?

21 A Yes, ma'am.

22 Q Do you recall Ms. Margonis also asking you the
23 question: When communicating fluid to the first well
24 106a, are all of the frac tree wells open, every single
25 one?

1 A Repeat the question again.

2 Q Sure.

3 Do you recall Ms. Margonis asking you
4 about whether all of the -- strike that.

5 Do you recall Ms. Margonis asking you
6 about when communicating fluid to the first well, 106a,
7 whether all of the frac tree well valves were open?

8 A Yes, ma'am.

9 Q And when stimulating wellhead 106a, are all
10 tree valves open?

11 A No. The wing valves would be closed, depending
12 upon the location of the crown valves, they -- they would
13 be closed. Could -- could be open, it just depends upon
14 the tree configuration.

15 Q Would the flowback valves be closed when
16 stimulating well 106a?

17 A They would be closed as would the pump
18 downside.

19 Q Is communicating fluid to a first well the same
20 thing as stimulating the first well?

21 A No, ma'am.

22 Q Can you communicate fluid to a first well
23 without stimulating the first well?

24 A Sure, yes, ma'am.

25 Q Okay. Do you also recall your testimony

1 earlier today about your expert witness experience?

2 A Yes, ma'am.

3 Q And I recall -- I think you testified that you
4 test -- you have been an expert witness somewhere on the
5 scale of 50 to 60 times?

6 A Yes, ma'am.

7 Q Okay. How many reports or declarations have
8 you written?

9 A You know, at least one for every -- every
10 matter that I've had.

11 Q So 60 plus?

12 A Yes, ma'am.

13 Q Okay. Has your testimony ever been the subject
14 of a successful Daubert motion?

15 A I've had Daubert motions, but I've never had a
16 successful one.

17 Q And has a court or a patent office ever found
18 your testimony to be not credible?

19 A No, ma'am.

20 Q When Downing retained you in this case, you
21 were provided a copy of the petition and all of the
22 exhibits, correct?

23 A Yes, ma'am.

24 Q And that included Dr. Durham's declaration?

25 A It did, yes, ma'am.

1 Q Okay. And that also included all of the
2 articles and publications listed off by Ms. Margolis --
3 Ms. Margolis today, correct?

4 MS. MARGONIS: Objection; form.

5 A Yes, ma'am.

6 Q (BY MS. COOKE) What was your answer?

7 A Yes, ma'am.

8 Q Okay. And in rendering your opinions, did you
9 review the petition?

10 A Yes, ma'am.

11 Q Okay. And in rendering your opinions, did you
12 also review Mr. Durham's declaration?

13 A I did, yes, ma'am.

14 Q And as part of reviewing the petition, did you
15 also consider any of the articles and references that
16 were cited or discussed within that petition?

17 MS. MARGONIS: Objection; form.

18 A To -- to the extent that they're discussed in
19 the -- in the declaration, I did. If I thought that a
20 particular reference would need to be examined, I would
21 have done that.

22 Q (BY MS. COOKE) And the same applies to the
23 declaration and the petition?

24 A Yes, ma'am.

25 MS. COOKE: Okay. I can pass the witness.

1 MS. MARGONIS: Can you just give us 10
2 minutes?

3 MS. COOKE: Yeah.

4 THE VIDEOGRAPHER: The time is 12:44 p.m.,
5 and we're going off the record.

6 (Break taken.)

7 THE VIDEOGRAPHER: The time is 1:09 p.m.,
8 and we're back on the record.

9 REDIRECT EXAMINATION

10 BY MS. MARGONIS:

11 Q Mr. Hughett, did you discuss your testimony
12 from before lunch with your attorneys before Ms. Cooke's
13 redirect?

14 A No, ma'am.

15 MS. COOKE: Form. And --

16 Q (BY MS. MARGONIS) So during lunch, you did not
17 discuss your testimony from earlier today that
18 Ms. Cooke --

19 MS. COOKE: And I'm going to object to the
20 extent that it -- the question asks Mr. Hughett to
21 divulge any conversations with counsel which are not
22 discoverable.

23 Q (BY MS. MARGONIS) Without divulging any
24 information about your discussions, did you discuss your
25 testimony with Ms. Cooke during the lunch break?

1 A No, I was eating, and they were talking with
2 each other.

3 Q So during none of your breaks today did you
4 discuss your testimony from today with Ms. Cooke?

5 A No, ma'am.

6 Q Do you recall your testimony in response to
7 Ms. Cooke's questions regarding Tolman, Exhibit 1006, and
8 valves on a frac tree?

9 A Yes, ma'am.

10 Q You testified that several of the valves would
11 have been closed during certain operations, right?

12 MS. COOKE: Form.

13 A Yes, ma'am.

14 Q (BY MS. MARGONIS) You agree that the master
15 valves on Tolman's frac tree would be open during
16 stimulation, correct?

17 A Yes, ma'am.

18 Q And you agree that the master valves on
19 Tolman's frac tree would be open during flowback,
20 correct?

21 A Yes, ma'am.

22 Q Do you recall your testimony regarding whether
23 communicating means stimulating?

24 MS. COOKE: Form.

25 A Yes, ma'am.

1 Q (BY MS. MARGONIS) You agree that Tolman is a
2 hydraulic fracturing reference, correct?

3 A Yes, ma'am.

4 Q And in terms of hydraulic fracturing, you can't
5 stimulate a well without communicating fluid to the well,
6 can you?

7 A That's correct.

8 Q So to stimulate the well, you pump the
9 treatment fluid into the well, correct?

10 A Yes. We do put other fluids into -- into a
11 well where we're not stimulating it, but --

12 Q And in --

13 A -- the purpose of that is stimulation.

14 Q And in Tolman, to stimulate the well, you pump
15 the treatment fluid into the well, correct?

16 MS. COOKE: Form.

17 A That's correct.

18 MS. MARGONIS: No further questions.

19 MS. COOKE: We'll read and sign.

20 THE VIDEOGRAPHER: All right. This
21 concludes today's deposition. The time is 1:12 p.m., and
22 we're going off the record.

23 (End of proceedings at 1:12 p.m.)

24

25

1 STATE OF TEXAS)

2 I, Kelly Hassell, RPR, CLR, CSR, in and for the
3 State of Texas, do hereby certify that, pursuant to the
4 agreement hereinbefore set forth, there came before me on
5 the 20th day of November, A.D., 2024, at 9:02 a.m., at
6 the offices of Haynes and Boone, LLP, located at 2801
7 North Harwood Street, Suite 2300, in the City of Dallas,
8 State of Texas, the following named person, to wit:

9 JOHN P. HUGHETT, P.E., who was by me duly cautioned and
10 sworn to testify the truth, the whole truth and nothing
11 but the truth, of his knowledge touching and concerning
12 the matters in controversy in this cause; and that he was
13 thereupon carefully examined upon his oath, and his her
14 examination was reduced to writing under my supervision;
15 that the deposition is a true record of the testimony
16 given by the witness, same to be sworn to and subscribed
17 by said witness before any Notary Public, pursuant to the
18 agreement of the parties; and that the amount of time
19 used by each party at the deposition is as follows:

20 Ms. Margonis - 1 hour, 54 minutes,

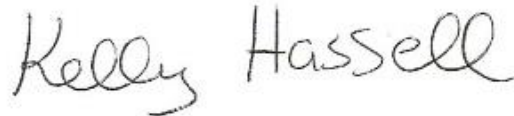
21 Ms. Cooke - 14 minutes;

22 I further certify that I am neither attorney or
23 counsel for, nor related to or employed by, any of the
24 parties to the action in which this deposition is taken,
25 and further that I am not a relative or employee of any

1 attorney or counsel employed by the parties hereto, or
2 financially interested in the action.

3 I further certify that, before completion of the
4 deposition, the Deponent and/or the Plaintiff/Defendant
5 did request to review the transcript.

6 In witness whereof, I have hereunto set my hand and
7 affixed my seal this 24th day of November, A.D., 2024.

8 
9

10 KELLY HASSELL, CSR No. 5729
11 Cert. Expires 10/31/26
12 TP One
13 1029 Vermont Ave NW
14 10th Floor,
15 Washington, D.C. 20005
16 (202) 336-8812
17
18
19
20
21
22
23
24
25

1 COUNTY OF _____)

2 THE STATE OF _____)

3

4

5 I hereby certify that the witness was notified on
6 _____ that the witness has 30 days
7 or (_____ days per agreement of counsel) after
8 being notified by the officer that the transcript is
9 available for review by the witness and if there are
10 changes in the form or substance to be made, then the
11 witness shall sign a statement reciting such changes and
12 the reasons given by the witness for making them:

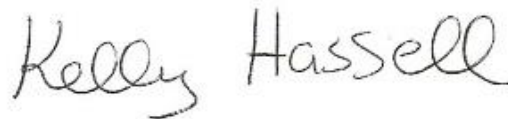
13 That the witness's signature was/was not returned as
14 of _____.

15 Subscribed and sworn to on this, the 24th day of
16 November, 2024.

17

18

19



20 KELLY HASSELL, CSR No. 5729
21 Cert. Expires 10/31/26
22 TP One
23 1029 Vermont Ave NW
24 10th Floor,
25 Washington, D.C. 20005
(202) 336-8812

Notice Date: Monday, 25. November 2024

Attention: John P. Hughett, P.E.

Re: Intelligent Wellhead Systems, Inc. v.
Downing Wellhead Equipment, Inc.
Deposition of John P. Hughett, P.E. (11/20/2024)

NOTICE REGARDING SIGNING DEPOSITION TRANSCRIPT

The above referenced transcript is available for review. Within 30 days, or the applicable timeframe of your legal jurisdiction, the witness may read the testimony to verify its accuracy. Any changes can be noted on the following errata page.

Once the transcript has been reviewed, the witness should sign and date the certificate of deponent page. The signed certificate, errata, and original transcript (if provided) must be returned to TP.One per the rules of civil procedure.

If the transcript and errata are not returned within the allotted time, the unsigned transcript may be used as if signed by the witness.

Thank you,

TP.One Production Department
Production@tp.one



Deponent Errata Page

Notice Date: 11/25/2024

Deposition Date: 11/20/2024

Deponent: John P. Hughett, P.E.

Case Name: Intelligent Wellhead Systems, Inc.
v. Downing Wellhead Equipment, Inc.

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this ____ day of _____, 20__, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

County Name

MY COMMISSION EXPIRES:

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IWS Exhibit 1043

IWS v. Downing, IPR2024-00300

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EX_1043_131