

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

DOWNING WELLHEAD
EQUIPMENT, LLC,

Plaintiff,

v.

INTELLIGENT WELLHEAD
SYSTEMS, INC., INTELLIGENT
WELLHEAD SYSTEMS, CORP.,
and
IWS USA CORP.,

Defendants.

CA No.: 1:23-cv-01180-RMR-SP

**PLAINTIFF DOWNING’S ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS TO DEFENDANTS
INTELLIGENT WELLHEAD SYSTEMS, INC., INTELLIGENT
WELLHEAD SYSTEMS, CORP., AND IWS USA CORP.**

Pursuant to the Court’s Scheduling Order (Dkt 38) and
D.C.COLO.LPtR 4(a)-(c), Downing Wellhead Systems, Inc. (“Plaintiff” or
“Downing”) hereby submits its Disclosure of Asserted Claims and
Infringement Contentions to Defendants Intelligent Wellhead Systems, Inc.,
Intelligent Wellhead Systems, Corp., and IWS USA Corp. (collectively,
“Defendants” or “IWS”). This disclosure is based on the information available
to Downing as of the date of this disclosure. Downing’s investigation is
ongoing and Downing reserves the right to modify, amend, and/or
supplement its asserted claims and/or infringement contentions in light of
the Defendants’ contentions and/or any reason permitted under the Federal

Rules of Civil Procedure and/or the Local Rules of this Court:

I. D.C.COLO.LPTR 4 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

(a) Identification of Each Accused Instrumentality

Presently, Downing contends that IWS's technology solutions for hydraulic fracturing operations and digital valve control that enables continuous pumping, including but not limited to IWS's inVision Technology Platform and/or software that is materially similar, infringes one or more claims of U.S. Patent No. 11,401,779 ("the '779 Patent") and U.S. Patent No. 11,560,770 ("the '770 Patent").

(b) A Claim Chart for Each Accused Instrumentality

See Exhibits A and B.

II. D.C.COLO.LPTR 5 DOCUMENT PRODUCTION ACCOMPANYING INFRINGEMENT CONTENTIONS

Downing identifies the following documents produced pursuant to D.C.COLO.LPtR 5:

5(a): All documents demonstrating each disclosure, sale (or offer to sell), or any public use, of the claimed invention before the application date or the priority date (whichever is earlier) for each patent in suit.

While Downing continues to investigate the matter, Downing is not aware of any documents in its possession that match the description under this rule.

5(b): All documents created on or before the application date or the priority date (whichever is earlier) for each patent in suit that demonstrate each claimed invention's conception and earliest reduction to practice.

Downing produced documents DOWNING003674–DOWNING003886 to Defendants.

5(c): A copy of the patent(s) in suit and all communications with the United States Patent and Trademark Office regarding the patent(s) in suit and any related application(s).

Downing produced documents DOWNING000001–DOWNING003673 to Defendants.

5(d): All documents demonstrating ownership of the patent rights by the party claiming patent infringement.

Downing produced documents DOWNING000001–DOWNING000008; DOWNING000330–DOWNING000337 to Defendants.

As noted above, Downing's investigation is ongoing. Downing reserves the right to produce additional documents responsive to D.C.COLO.LPtR 5 to the extent such documents are discovered or become available. Downing reserves the right amend, and/or supplement its response D.C.COLO.LPtR 5 to identify any such documents.

Respectfully submitted,

Dated: September 27, 2023

/s/Tiffany M. Cooke

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**ATTORNEYS FOR DOWNING
WELLHEAD EQUIPMENT, LLC**

CERTIFICATE OF SERVICE

Pursuant to D.C.Colo. Local Patent Rules 17(c), I hereby certify that this document is being served upon counsel of record for Defendant on September 27, 2023, via e-mail.

/s/ [Tiffany M. Cooke
Tiffany M. Cooke