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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DUHN OIL TOOL, INC.,)	1:05-cv-1411 OWW GSA
)	
Plaintiff,)	SCHEDULING ORDER FOLLOWING
)	PRETRIAL CONFERENCE
v.)	
)	
COOPER CAMERON CORPORATION,)	
)	
Defendant.)	
)	
)	

A. DISCOVERY.

1. Corporate Affiliates. Cameron will present to Duhn, by September 30, 2010, a schedule of the following information for its frac mandrel sales and rentals since August 1, 2007:

- a. Date of sale/rental (and installation date, if known, from the Installation Checklists);
- b. Location;
- c. Whether: i) New Style/Original design; or ii) Old Style;
- d. Whether: i) sale; or ii) rental;
- e. Whether there is a continuing service relationship with the customer;
- f. Revenue; and
- g. Customer name (may be coded).

1 2. In the event that the information called for by 1.a. is
2 incomplete, Cameron shall produce a 30(b)(6) witness by October
3 11, 2010, to provide testimony regarding Cameron's response and
4 documents identified in Duhn's interrogatory numbers 44, 49, and
5 50.

6 3. The Cameron 30(b)(6) witness shall provide an
7 explanation of such data and documents to complete the
8 information as to each well site.

9 4. Duhn shall supplement its response to Cameron's
10 interrogatory number 40 by September 30, 2010, to identify and
11 describe any failure incidents or other manufacturing defects or
12 adverse operational incidents involving any of Plaintiff's
13 patented ('925 Patent) wellhead system (QDF) and patented and
14 other products for which Duhn is seeking recovery of lost
15 profits, from the date of first sale, including any manufacturing
16 defects and service complaints. Duhn will supplement its
17 response to Cameron's Request for Production No. 58, as now
18 clarified, by September 30, 2010, and present a Rule 30(b)(6)
19 corporate representative to be deposed only on these supplemental
20 matters by November 10, 2010.

21 5. Each party shall have the right to depose a 30(b)(6)
22 witness designated by the opposing party on issues listed in
23 paragraphs 1.a.- 1.g., on or before November 15, 2010.

24 6. For any remaining expert witness depositions taken
25 after September 15, 2010, including Duhn's damages expert, each
26 party shall pay for the other party's experts for the actual time
27 spent at deposition, at the expert's stated hourly rate, as
28 required by the Federal Rules of Civil Procedure. The deposing

1 party shall receive all documents and information relied upon by
2 the expert in reaching any opinions and report at least five
3 business days before any expert deposition. The deposing party
4 shall receive any preparation documents or other information that
5 the expert created or used in preparing for the deposition or
6 which will be presented at trial at least two business days in
7 advance of the deposition.

8 7. Duhn shall make Mr. Rex Duhn available for deposition
9 in Houston, Texas at a time when Mr. Duhn is in Houston,
10 preferably by September 30, 2010, but at the latest, by November
11 10, 2010. The deposition will be concluded in no more than two
12 hours of question/answer time, which does not include breaks.

13 8. By September 30, 2010, Cameron will prepare a chart of
14 the information it has requested regarding ownership and control
15 of Duhn, and the number of employees, for the entities which
16 Cameron asserts are affiliates of Duhn (see paragraphs D.(1)-(15)
17 at pages 2-7 of the Joint Pretrial Statement). Cameron's counsel
18 will fill in this chart to identify (by Bates numbers) the
19 supporting documents it can locate in the discovery it has
20 received. By October 14, 2010, Duhn's counsel will complete the
21 chart, including Bates numbers, to confirm that the supporting
22 documents have been produced, and shall produce any remaining
23 documents which have not already been produced. If Duhn's
24 counsel needs the assistance of its affiliates' outside counsel
25 to complete the chart, it will do so itself and not require
26 Cameron to conduct any further third party discovery.

27 9. Duhn has been acquired by IGP. Duhn does not deny its
28 affiliation with IGP's corporate structure and holdings. Duhn

1 shall fully disclose the corporate chain of ownership and control
2 over Duhn by its parent corporations (entities). All affiliated
3 corporations (entities) which hold any ownership or control of
4 Duhn and/or in which IGP or any other entity holding ownership
5 and/or control of Duhn, shall be identified with a description of
6 the number of employees of each such affiliated entity and will
7 include a further statement as to the total number of employees
8 of all entities affiliated with Duhn, within the meaning of the
9 Small Business Administration rules for determination of the
10 office fee payable for large or small entities to the United
11 States Patent & Trademark Office.

12 10. Duhn will make Mr. Bob Meek available for deposition
13 in Irvine, California, at a date agreed by the parties,
14 preferably by October 15, 2010, but at the latest by November 10,
15 2010, on inventorship issues, Cameron's defense which alleges
16 that Duhn omitted Mr. John A. Rogers as an inventor on the '925
17 Patent, and any matters for which he was designated in response
18 to Cameron's 30(b)(6) notice.

19 11. Duhn may take an additional deposition of John Rogers
20 by November 15, 2010.

21 12. The Court will endeavor to complete its in-camera
22 review of the Vyas redacted documents. Duhn may take the
23 deposition of Mr. Vyas if the Court unredacts any documents and
24 the deposition will be limited to such documents.

25 13. Except as provided for in this order:

26 a. The parties shall conduct no further discovery
27 without leave of Court. Discovery is closed, except as specified
28 in this Order or a future order;

1 b. All written discovery and percipient depositions
2 shall be completed by November 10, 2010; and

3 c. All expert discovery and depositions, including
4 Duhn's damages expert, shall be completed by no later than
5 December 15, 2010. The parties understand that additional
6 supplemental reports may be needed prior to trial, but do not
7 expect that any additional depositions will be needed.

8 14. No further dispositive motions shall be filed by any
9 party.

10
11 **B. PENDING MOTIONS**

12 1. The issue of contributory infringement in Cameron's
13 Motion for Partial Judgment of No Infringement (Docket 446, filed
14 September 12, 2010), shall be limited to the issue of
15 contributory infringement after April 2009. The issues to be
16 addressed in this motion are not limited to only issues addressed
17 in Cameron's Argument Section III(C), but include the remaining
18 grounds of the motion, including, but not limited to, Duhn Oil's
19 allegations of direct infringement based on "use." This motion
20 shall be heard November 15, 2010 at 11:00 a.m. Opposition shall
21 be due November 1, 2010 and any reply is due November 8, 2010.

22 2. Cameron's pending Motion for Partial Summary Judgment
23 of No Lost Profits Damages (Docket 319) will be heard on October
24 4, 2010 at 11:00 a.m. regarding the issues raised in Cameron's
25 Supplemental Memorandum (Docket 430-1).

26 3. Duhn's Motion for Sanctions (Docket 434) regarding the
27 Bradley report will not be heard on September 20, 2010. Instead,
28 the Court has ruled on the admissibility of portions of the

1 Bradley report. Bradley shall prepare a new report in accordance
2 with the Court's rulings and shall not include any argumentative
3 statements, conclusions of law, determinations of credibility,
4 and other resolutions of disputed matters of fact. To the extent
5 Mr. Bradley will be permitted to opine on matters, including
6 practices and procedures at the United States Patent Office, Duhn
7 shall be granted leave to designate a counter-expert, and shall
8 serve the counter-expert's Rule 26(a) report by November 10,
9 2010. Mr. Bradley's new expert report shall be served before
10 October 20, 2010. Any deposition of Mr. Bradley and Duhn's
11 counter-expert shall be completed by December 15, 2010.

12 4. The November 30, 2010 trial date is continued to
13 January 11, 2011.

14 5. Motions in limine shall be filed by December 14, 2010.
15 Opposition to such motions shall be filed by December 30, 2010.
16 Motions in limine shall be heard in Courtroom 3 on January 7,
17 2011 at 12:00 p.m.

18 6. An exhibit marking conference shall be held by the
19 parties on December 10, 2010 and compliance with the Local Rules
20 of this Court concerning the preparation of the Joint Exhibit
21 List shall be effected by the parties.

22 7. Joint exhibits shall be designated by numbers JX1-
23 JX100. Plaintiff's exhibits shall be designated by numbers 101-
24 300. Defendant's exhibits shall be designated by numbers 301-
25 500.

26 IT IS SO ORDERED.

27 Dated: September 28, 2010

/s/ OLIVER W. WANGER

United States District Judge