

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: October 14, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 03-cv-02579-RPM

NATIONAL OILWELL VARCO, L.P.,

Plaintiff,

v.

PASON SYSTEMS USA CORPORATION,

Defendant.

John W. Raley
Robert M. Bowick, Jr.
Jane Michaels
Christopher L. Larson

Timothy G. Atkinson
Mark E. Haynes
Mark Lacis
Kelly A. Duke

COURTROOM MINUTES

Pretrial Conference

10:00 a.m. Court in session.

Discussion regarding motion to dismiss [312].

ORDERED: Defendant's Motion to Dismiss [312] is denied based lack of jurisdiction and laches.

Discussion regarding inequitable conduct (standards of practice and credibility of testimony).

Court states no experts permitted on the law and industry practice (Mr. Gordon and Mr. Bushman). Defendant permitted to submit a written proffer at trial.

Discussion regarding presentation of evidence (injunction claim and supplemental damages).

Court and counsel agree plaintiff will proceed first with its presentation of evidence and that Mr. Bowden will be called first in defendant's case in chief.

Discussion regarding auto-driller's algorithm program.

Mr. Atkinson explains new algorithm program implemented Feb./March 2009, "PET" program tracks downloading and use of new algorithm and operations tracked by a central data unit/facility via satellite. Plaintiff's "push button switch-back" contention by Mr. Raley.

Counsel agree to confer regarding stipulation to injunction.

Discussion regarding witnesses.

Counsel agree to call and examine common witnesses once.

Court states it may permit leading questions pursuant to the rules.

Counsel state there are no read depositions.

Counsel agree to play the entire video deposition of Marcus Bates Junior and Senior and to edit counsel colloquies.

Court states it may request counsel to submit post trial briefings.

ORDERED: Revised final pretrial order to be submitted October 21, 2011.

10:45 a.m. Court in recess. Hearing Concluded. Total time: 45 min.