

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DYNAENERGETICS EUROPE GMBH, and)
DYNAENERGETICS US, INC.,)
)
Plaintiffs,)
)
v.)
)
HUNTING TITAN, INC.,)
)
Defendant.)

Civil Action No: 6:20-cv-00069-ADA

JURY TRIAL DEMANDED

PLAINTIFFS' PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Order Governing Proceedings (Dkt. 24), Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, “DynaEnergetics” or “Plaintiffs”) provide the following Preliminary Infringement Contentions to Defendant Hunting Titan, Inc. (“Hunting” or “Defendant”). Plaintiffs’ contentions are preliminary in that they reflect Plaintiffs’ knowledge and contentions as of this date in the present action. Plaintiffs reserve the right to revise, amend, and/or supplement their infringement contentions as appropriate, including after Defendant provides additional discovery of the infringing products and after the Court provides its claim construction ruling. Plaintiffs also reserve the right to submit amended and final infringement contentions pursuant to the Order Governing Proceedings. These disclosures are made with respect to United States Patent Nos. 10,429,161 (“the ’161 Patent”) and 10,472,938 (“the ’938 Patent”) (collectively, “Asserted Patents” or “Patents-in-Suit”).

I. Asserted Claims and Accused Products

DynaEnergetics asserts the following claims against Hunting (collectively, “Asserted Claims”):

- '161 Patent: Claims 1, 4, and 20
- '938 Patent: Claims, 1, 5, and 7-12

Based on information reasonably available to Plaintiffs at this time and in view of Plaintiffs’ present understanding of the proper construction of these claims, Plaintiffs identify the following Accused Products for the Asserted Claims: the Hunting H-1™ Perforating Gun System accused of infringement in Plaintiff’s Amended Complaint, and any other products or systems made or sold by Defendant that are comparable in structure or function to the H-1™ Perforating Gun System. Plaintiffs expressly reserve the right to identify additional Accused Products if they learn through discovery or otherwise that additional instrumentalities infringe the Asserted Claims.

The exhibits enumerated below include claim charts showing how the identified Accused Products meet each element of the Asserted Claims:

- Ex. A: the '161 Patent versus Hunting H-1™ Perforating Gun System
- Ex. B: the '938 Patent versus Hunting H-1™ Perforating Gun System

Based on information reasonably available to Plaintiffs at this time and in view of Plaintiffs’ present understanding of the proper construction of the Asserted Claims, each element of the Asserted Claims is literally present in the Accused Products, as set forth in Exhibits A and B. Plaintiffs reserve the right to assert infringement under the doctrine of equivalents after Defendant provides additional discovery and produces the Accused Products for inspection, and after the Court provides its claim construction ruling. Plaintiffs further reserve the right to revise, amend, and/or supplement these disclosures, including the attached claim charts, as appropriate, including

after Defendant provides additional discovery and produces the Accused Products for inspection, after the Court provides its claim construction ruling, and as contemplated by the Court's Order Governing Proceedings.

II. Priority Dates

U.S. Patent No. 10,429,161 ("the '161 Patent") is a division of U.S. Patent App. No. 15/287,309, filed on October 6, 2016, now U.S. Patent No. 9,702,680, which is a division of U.S. Patent App. No. 14/904,788, filed as App. No. PCT/CA2014/050673 on July 16, 2014 and now U.S. Patent No. 9,424,021, which claims priority to foreign application CA 2821506, filed July 18, 2013. Internal documents produced with these contentions demonstrate that the priority date of the '161 Patent is no later than June 19, 2012.

U.S. Patent No. 10,472,938 ("the '938 Patent") is a continuation of U.S. Patent App. No. 15/920,812, filed on March 14, 2018, which is a continuation of U.S. Patent App. No. 15/617,344, filed on June 8, 2017, which is a division of U.S. Patent App. No. 15/287,309, filed on October 6, 2016, now U.S. Patent No. 9,702,680, which is a division of U.S. Patent App. No. 14/904,788, filed as App. No. PCT/CA2014/050673 on July 16, 2014 and now U.S. Patent No. 9,949,021, which claims priority to foreign application CA 2821506, filed July 18, 2013. Internal documents produced with these contentions demonstrate that the priority date of the '938 Patent is no later than October 30, 2012.

III. Document Production

DynaEnergetics is producing (1) documents evidencing conception and reduction to practice for each claimed invention; and (2) a copy of the file history for each Patent-in-Suit with production numbers DYNA_WDTX_0000001 to DYNA_WDTX_0000999.

Dated: April 22, 2020

Respectfully submitted,

By: /s/Eric H. Findlay
Eric H. Findlay
Texas Bar No. 00789886
Roger Brian Craft
Texas Bar No. 04972020
FINDLAY CRAFT P.C.
102 N. College Avenue, Suite 900
Tyler, TX 83402
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
Email: efindlay@findlaycraft.com
Email: bcraft@findlaycraft.com

Barry J. Herman (admitted *pro hac vice*)
Maryland Federal Bar No. 26061
Julie C. Giardina (admitted *pro hac vice*)
Maryland Federal Bar No. 21085
WOMBLE BOND DICKINSON (US) LLP
100 Light St, 26th Floor
Baltimore, MD 21202
Telephone: (410) 545-5830
Email: Barry.Herman@wbd-us.com
Telephone: (410) 545-5802
Email: Julie.Giardina@wbd-us.com

Preston H. Heard (admitted *pro hac vice*)
Georgia Bar No. 476319
WOMBLE BOND DICKINSON (US) LLP
271 17th Street, NW, Suite 2400
Atlanta, GA 30363
Telephone: (404) 888-7366
Email: Preston.Heard@wbd-us.com

Ana J. Friedman (admitted *pro hac vice*)
North Carolina Bar No. 53117
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 747-6622
Email: Ana.Friedman@wbd-us.com

Lisa J. Moyles (admitted *pro hac vice*)
Connecticut State Bar No. 425652
Jason M. Rockman (admitted *pro hac vice*)
New York Bar No. 4450953
MOYLES IP, LLC
One Enterprise Drive, Suite 428
Shelton, CT 06484
Telephone: (203) 428-4420
Email: lmoyles@moylesip.com
Email: jrockman@moylesip.com

*Attorneys for Plaintiffs DynaEnergetics Europe
GmbH and DynaEnergetics US, Inc.*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.