

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

NATIONAL OILWELL VARCO, L.P.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	1:03-cv-02579-RPM
	)	
PASON SYSTEMS USA, CORP.,	)	
	)	
Defendants.	)	

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TRIAL TO JURY - DAY 8  
TRANSCRIPT OF PROCEEDINGS

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Proceedings held before the HONORABLE RICHARD P. MATSCH, U. S. District Judge for the District of Colorado, beginning at 9:06 a.m. on the 5th day of November, 2008, in Courtroom A, United States Courthouse, Denver, Colorado.

APPEARANCES

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1           Now, the language of the claims must be considered  
2 in the context of the art in which the invention is used.  
3 Some of the terms used have meanings that have been the  
4 subject of dispute between the parties. I have resolved  
5 their dispute and modified some of the claim language.

6           You must accept the meanings I give you and use  
7 them when you decide whether any claim of the patent has been  
8 infringed and whether any claim is invalid. My  
9 interpretation of the language should not be taken as any  
10 indication that I have a view regarding the issues of  
11 infringement and invalidity. The decisions regarding  
12 infringement and invalidity are yours to make.

13           Now, in Claim 1, the invention described in Claim 1  
14 is an automatic drilling system for automatically regulating  
15 the release of a drill string of a drilling rig drill during  
16 the drilling of a borehole. This is an apparatus claim.

17           I will now explain certain words and phrases found  
18 in Claim 1.

19           "A drilling fluid pressure sensor" is a device that  
20 senses drilling fluid pressure.

21           The word "couples" as used throughout Claim 1 means  
22 connected. The phrase "a drilling fluid pressure regulator  
23 coupled to said drilling fluid sensor" means that the  
24 drilling fluid pressure regulator is connected to the  
25 drilling fluid pressure sensor.

1           In the phrase "said drilling fluid pressure  
2 regulator measuring changes in drilling fluid pressure and  
3 outputting a signal representing those changes," the words  
4 "drilling fluid pressure regulator" mean a device that  
5 measures only changes in drilling fluid pressure, over time  
6 and which will also be compared to a set reference point.  
7 the drilling fluid pressure regulator generates a signal  
8 representing only those changes in drilling fluid pressure.

9           In the phrase "a relay coupled to said drilling  
10 fluid pressure regulator, said relay responsive to the output  
11 signal of said drilling fluid pressure regulator," the word  
12 "relay" means a device connected to the drilling fluid  
13 pressure regulator, that communicates an electric, mechanical  
14 or pneumatic signal.

15           The phrase "said relay responsive to the output  
16 signal of said drilling fluid pressure regulator to supply a  
17 drill string control signal at an output thereof" requires no  
18 interpretation by the Court.

19           "A drill string controller coupled to said relay"  
20 means a drill string controller connected to a relay.

21           The phrase "wherein a decrease in drilling fluid  
22 pressure results in said relay supplying a drill string  
23 control signal that operates said drill string controller to  
24 effect an increase in the rate of release of said drill  
25 string" requires no interpretation by the Court.

1           The phrase "an increase in drilling fluid pressure  
2 results in said relay supplying a drill string control signal  
3 that operates said drill string controller to effect a  
4 decrease in the rate of release of the drill string" requires  
5 no interpretation by the Court.

6           That's Claim 1. And, I realize this is confusing  
7 to you when you don't have the language of the claim in front  
8 of you at this time. But, of course, during the  
9 deliberations, you will have that language in front of you  
10 and you will have this language in this instruction in front  
11 of you, and, therefore, you can read the two together, which  
12 is what you must do.

13           So, in Claim 11, the invention of Claim 11 is a  
14 method for automatically controlling the release of the drill  
15 string of a drilling rig drill. It is a process claim.

16           I will now explain the meaning of certain words and  
17 phrases in Claim 11.

18           The phrase "measuring drilling fluid pressure"  
19 requires no explanation.

20           The phrase "producing a signal in response to  
21 changes in the drilling fluid pressure" means producing a  
22 signal in response to changes in drilling fluid pressure,  
23 over time, which will also be compared to a set reference  
24 point.

25           The phrase "said signal representing the changes in

1 drilling fluid pressure" means that same signal representing  
2 only those changes in drilling fluid pressure.

3           The phrase "relaying said signal to a drill string  
4 controller" means passing along that same signal to the drill  
5 string controller.

6           The phrase "controlling said drill string  
7 controller to increase the rate of release of said drill  
8 string when said signal represents a decrease in drilling  
9 fluid pressure" requires no interpretation by the Court.

10           And, the phrase "and to decrease the rate of  
11 release of said drill string when said signal represents an  
12 increase in drilling fluid pressure" requires no  
13 interpretation by the Court.

14           Claim 14. The invention of Claim 14 is a method  
15 for automatically regulating the release of the drill string  
16 of a drilling rig drill. It is a process or method claim.

17           I will now explain certain words and phrases found  
18 in Claim 14.

19           The phrase "measuring drilling fluid pressure and  
20 bit weight" requires no explanation.

21           The phrase "producing a first signal in response to  
22 changes in drill fluid pressure" means producing a first  
23 signal in response to changes in drilling fluid pressure,  
24 over time, which will also be compared to a set referent  
25 point.

1           The phrase "said first signal representing changes  
2 in drilling fluid pressure" means that same first signal  
3 representing only those changes in drilling fluid pressure.

4           The phrase "producing a second signal in response  
5 to changes in bit weight" means producing a second signal  
6 that represents changes in bit weight, over time, which will  
7 also be compared to a set reference point.

8           The phrase "said second signal representing changes  
9 in bit weight" means that same second signal representing  
10 only those changes in bit weight.

11           The phrase "selecting any one of said first signal,  
12 said second signal, and both said first and second signals to  
13 control the release of the drill string" means automatically  
14 choosing the first signal, or the second signal, or both the  
15 first and second signals to control the release of the drill  
16 string.

17           The phrase "relaying said selected signal or  
18 signals to a drill string controller which regulates the  
19 release of said drill string in response to said selected  
20 signal or signals" means passing along the selected signal or  
21 signals to a drill string controller which regulates the rate  
22 of release of the drill string in response to the selected  
23 signal or signals.

24           Now, as I told you earlier, the claims of the  
25 Bowden '142 patent are at the end of the document following a

1 written description of the invention. This written  
2 description is also known as the "specification" of the  
3 patent.

4           The specification of the Bowden '142 patent begins  
5 with an abstract on the cover page of the patent, and  
6 includes the drawings labeled as Figures 1 to 14, and the  
7 claims of the Bowden '142 patent begin at Column 24, Line 37,  
8 as I've said.

9           Although the specification of a patent may describe  
10 specific examples of the invention defined by the claims of  
11 the patent, the invention is not limited to the examples  
12 included in the specification. Thus, the disclosure and  
13 corresponding figures of the '142 patent do not limit the  
14 invention to the pneumatic control system depicted, but  
15 rather merely indicate that this is but one example of a  
16 system incorporating the invention. It is the claims, not  
17 the specification, that define the scope of a patent.

18           The beginning portion, or preamble, of all of the  
19 claims of the Bowden '142 patent uses the word "comprising."  
20 "Comprising" means "including" or "containing." A claim  
21 that uses the word "comprising" is not limited to products or  
22 processes having only the elements or steps that are recited  
23 in the claim, but also covers products or processes that add  
24 additional elements or steps.

25           For example, say a patent describes a table in

1 which the legs are glued to the tabletop. If the claim  
2 recites a table "comprising" a tabletop, legs and glue, the  
3 claim will cover any table that contains these structures,  
4 even if the table also contains other structures, such as a  
5 leaf or wheels on the legs.

6           A patent owner has the right to stop others from  
7 using the invention covered by its patent claims during the  
8 life of the patent. If any person makes, uses, offers to  
9 sell, or imports what is covered by the patent claims without  
10 the patent owner's permission, the person is said to infringe  
11 the patent. This type of infringement is called "direct  
12 infringement."

13           In reaching your decision on infringement, keep in  
14 mind that only the claims of a patent can be infringed. You  
15 must compare patent Claims 1, 11 and 14 of the Bowden '142  
16 patent, as I have defined them, to the accused Pason  
17 AutoDriller system, and determine whether or not there is  
18 infringement. You should not compare Pason's AutoDriller  
19 system with any specific example set out in the Bowden '142  
20 patent, or with Varco's products or processes. The only  
21 correct comparison is with the language of the claim itself,  
22 as I have explained its meaning to you.

23           You must consider each claim individually and must  
24 reach your decision as to each assertion of infringement  
25 based on my instructions about the meaning and scope of the