

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CANRIG DRILLING TECHNOLOGY
LTD**

Plaintiff,

vs.

**OMRON OILFIELD AND MARINE
INC.,
et al.**

Defendants.

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**CASE NO. 6:09-CV-414
PATENT CASE**

ORDER

Defendants' Joint Motion to Amend Invalidity Contentions (Docket No. 102) is before the Court. Having considered the parties' written submissions, the Court rules as follows. The Court **GRANTS** leave to amend as to the prior art witnesses and the Canrig Top Drive Product as Canrig does not oppose these amendments. The Court also **GRANTS** leave as to Defendants' best mode defense as this defense did not become apparent until the inventor's deposition. Consistent with its previous order to meet and confer, the Court **ORDERS** the parties to meet and confer as to the Tru Vu and Inglis book references and whether claim 3 is still at issue in this litigation. The Court **DENIES** leave as to the Tesco product, the Warren Article, and the Drives and Servos Yearbook 1990 as Defendants did not provide reasonable explanations for their delays as to these items. Specifically, Defendants do not explain when they discovered the Tesco product, when they engaged Tesco's founder as their invalidity expert, or why it took them so long to discover the Tesco Product. Similarly, Defendants offer no explanation for why it took them so long to discover the Warren

Article when they had retained its author as an expert over one year ago. Finally, Defendants did not provide any explanation for why it took them so long to find the Drives and Seros Yearbook 1990 or any description of their diligence in looking for it.

So ORDERED and SIGNED this 2nd day of May, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**