UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TESCO CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**CIVIL ACTION NO. H-08-2531**
	§	
WEATHERFORD INTERNATIONAL, INC., NATIONAL OILWELL VARCO, L.P., OFFSHORE ENERGY SERVICES, INC., and FRANK'S CASING CREW & RENTAL TOOLS, INC.,	§	
	§	
Defendants.	§	
	§	

ORDER

In a series of wide-ranging hearings, and through lengthy written submissions from the parties, the Court has considered post-trial issues raised by the litigants and the Court. The Court now finds and holds that Tesco's Motion for Entry of Judgment on the Verdict as a Matter of Law, or Alternatively, Motion for Summary Judgment (Doc. No. 711); and National Oilwell Varco, L.P. ("NOV") and Offshore Energy Services, Inc.'s ("OES") Motion for Summary Judgment of Patent Invalidity Pursuant to 35 U.S.C. § 102(b) (Prior Printed Publication) Re: Tesco's August 2002 "Vision" Brochure (Doc. No. 716) must be **DENIED**.

NOV and OES's Motion for Summary Judgment of Patent Invalidity Pursuant to 35 U.S.C. § 103(a) Obviousness (Doc. No. 723); Frank's Post-Trial Motion for Summary Judgment on Obviousness Based Upon Tesco Prior Art Brochures (Doc. No. 713); and Frank's Sealed Motion for Attorney's Fees for Post-Trial Discovery and New Trial (if Granted) (Doc. No. 633) remain pending. In order to further resolution of Doc. Nos. 713 and 723, the parties are ordered to file with the Court excerpts of trial and deposition testimony relevant to the first two *Graham* factors: (1) the scope and content of the prior art and (2) the difference between the prior art and the

claimed invention, *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966), by November 16th, 2012.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 8th day of November, 2012.

KEITH P. ELLISON
US DISTRICT COURT JUDGE