

Federal Court



Cour fédérale

Date: 20090602

Docket: T-1236-01

Citation: 2009 FC 569

Toronto, Ontario, June 2, 2009

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

**WEATHERFORD CANADA LTD.,
WEATHERFORD CANADA PARTNERSHIP,
EDWARD GRENKE AND GRENCO INDUSTRIES LTD.**

**Plaintiffs
(Defendants by Counterclaim)**

and

**CORLAC INC., NATIONAL-OILWELL CANADA LTD.
AND NATIONAL OILWELL INCORPORATED**

**Defendants
(Plaintiffs by Counterclaim)**

REASONS FOR ORDER AND ORDER

[1] At the commencement of this trial several binders of documents were marked as Exhibit 10 on the basis that only those documents introduced through a witness would constitute evidence and form the final version of Exhibit 10. In hindsight, Exhibit 10 should have been marked for “identification”.

[2] The documents listed in the attached Schedule A are those which were introduced through a witness and as such constitute the final version of Exhibit 10.

[3] The Registry is to remove all the other documents in Exhibit 10 and shred them. New volumes will be created containing the documents described in Schedule A and these shall be retained as the Exhibit 10 documents.

[4] The Court shall remove from the Judge's Copy of the original Exhibit 10 volumes those documents not listed in Schedule A and such removed documents will not be read or referred to and shall be destroyed.

ORDER

THIS COURT ORDERS that the documents listed in Schedule A constitute the final version of Exhibit 10, and the Registry shall comply with paragraph 3 as soon as is practicable.

“Michael L. Phelan”

Judge

SCHEDULE A

Exhibit 10 List

Exhibit No.	Description	Date Filed/ Marked
10(P322)	Refer to Index page of Exhibit	April 20, 2009
10(P302)	Refer to Index page of Exhibit	April 20, 2009
10(P360)	Refer to Index page of Exhibit	April 20, 2009
10(P300)	Refer to Index page of Exhibit	April 20, 2009
10(P305)	Refer to Index page of Exhibit	April 20, 2009
10(P314)	Refer to Index page of Exhibit	April 20, 2009
10(301)	Refer to Index page of Exhibit	April 20, 2009
10(P316-317)	Refer to Index page of Exhibit	April 20, 2009
10(P297)	Refer to Index page of Exhibit	April 20, 2009
10(P299)	Refer to Index page of Exhibit	
10(D148)	Refer to Index page of Exhibit	April 21, 2009
10(P353), last two pages	Refer to Index page of Exhibit	April 24, 2009
10(P303)	Refer to Index of Exhibit	April 27, 2009
10(D123)	Refer to Index of Exhibit	April 27, 2009
10(D147)	Refer to Index of Exhibit	April 28, 2009
10(D341) pg.125	Refer to Index of Exhibit	April 28, 2009
10(D189)	Refer to Index of Exhibit	April 28, 2009
10(D311)	Refer to Index of Exhibit	April 28, 2009
10(P139)	Refer to Index of Exhibit	April 29, 2009
10(P141)	Refer to Index of Exhibit	April 29, 2009
10(P144)	Refer to Index of Exhibit	April 29, 2009
10(P154)	Refer to Index of Exhibit	April 29, 2009
10(P215)	Refer to Index of Exhibit	April 29, 2009
10(P207)	Refer to Index of Exhibit	April 29, 2009
10(P158)	Refer to Index of Exhibit	April 29, 2009
10(P161)	Refer to Index of Exhibit	April 29, 2009
10(P183)	Refer to Index of Exhibit	April 29, 2009
10(P188)	Refer to Index of Exhibit	April 29, 2009
10(P184)	Refer to Index of Exhibit	April 29, 2009
10(P179)	Refer to Index of Exhibit	April 29, 2009
10(P199)	Refer to Index of Exhibit	April 29, 2009
10(P201)	Refer to Index of Exhibit	April 29, 2009

Exhibit No.	Description	Date Filed/ Marked
10(D362)	Refer to Index of Exhibit	April 30, 2009
10(D151)	Refer to Index of Exhibit	April 30, 2009
10(D162)	Refer to Index of Exhibit	April 30, 2009
10(D193)	Refer to Index of Exhibit	April 30, 2009
10(D208)	Refer to Index of Exhibit	April 30, 2009
10(D205)	Refer to Index of Exhibit	April 30, 2009
10(P149)	Refer to Index of Exhibit (corrected reference from Tab 159 on May 14, 2009 in hearing)	April 30, 2009
10(D341) pg.200-202	Refer to Index of Exhibit	April 30, 2009
10(P203)	Refer to Index of Exhibit	May 4, 2009
10(P143)	Refer to Index of Exhibit	May 4, 2009
10(P145- P146)	Refer to Index of Exhibit	May 4, 2009
10(P136)	Refer to Index of Exhibit	May 4, 2009
10(P147- P148)	Refer to Index of Exhibit	May 4, 2009
10(P150)	Refer to Index of Exhibit	May 4, 2009
10(P153)	Refer to Index of Exhibit	May 4, 2009
10(P341) pg.407	Refer to Index of Exhibit	May 4, 2009
10(P168)	Refer to Index of Exhibit	May 4, 2009
10(P163)	Refer to Index of Exhibit	May 4, 2009
10(P171- P172)	Refer to Index of Exhibit	May 4, 2009
10(P185)	Refer to Index of Exhibit	May 4, 2009
10(P192)	Refer to Index of Exhibit	May 4, 2009
10(P177)	Refer to Index of Exhibit	May 4, 2009
10(P197) pg.64,65	Refer to Index of Exhibit	May 4, 2009
10(P191)	Refer to Index of Exhibit	May 4, 2009
10(P197) pg.90-92	Refer to Index of Exhibit	May 4, 2009
10(P341) pg.275-276	Refer to Index of Exhibit	May 4, 2009
10(P134) pg.39-41	Refer to Index of Exhibit	May 4, 2009
10(D134)	Refer to Index of Exhibit	May 4, 2009
10(D204)	Refer to Index of Exhibit	May 4, 2009
10(D204) pg.1 - 2	Refer to Index of Exhibit	May 4, 2009
10(D156)	Refer to Index of Exhibit	May 5, 2009
10(D157)	Refer to Index of Exhibit	May 5, 2009

Exhibit No.	Description	Date Filed/ Marked
10(D152)	Refer to Index of Exhibit	May 5, 2009
10(D341) pg.963,964, 976,993, 413,82, 1008,271, 273,232, 233,234, 8-9,5-7, 34-37,382	Refer to Index of Exhibit	May 5, 2009
10(D197) pg.23	Refer to Index of Exhibit	May 5, 2009
10(D134) pg.39	Refer to Index of Exhibit	May 5, 2009
10(D276)	Refer to Index of Exhibit	May 5, 2009
10(D277)	Refer to Index of Exhibit	May 5, 2009
10(D194)	Confidential – Licence Agreement	May 6, 2009
10(D204)	Invoices & related documentation in its entirety	May 6, 2009
10(P132)	File history of CA Patent 2,095,473	May 6, 2009
10(P135)	File history of CA Patent 2,098,324	May 6, 2009
10(P353)	Refer to Index of Exhibit (filed in its entirety)	May 6, 2009
10(D196) page 129	Figure 1 of 932 Patent	May 6, 2009
10(D348) pg.200	Note outlining Rotating Stuffing Box Idea; Mr Britton testifies the note is in his hand writing and the idea is his	May 11, 2009
10(D196) pg.117-130	CA Patent 2088932, filed in entirety	May 12, 2009
10(P357)	Memo and notes in its entirety	May 12, 2009
10(P344)	Memo from Wellhead drive optimization team	May 12, 2009
10(P356) pg.240	Diagram of a GrenCo drive head (stuffing box)	May 12, 2009
10(D341)	Drawings and hand writing identified as W.Torfs by Magda Torfs on pgs. 944, 969, 981-984, 989, 1001-1004, 1006-1013, 1040, 1041, 1043, 1044, 934, 935, 958	May 13, 2009
10(D346)	Refer to Index page of Exhibit	May 19, 2009

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1236-01

STYLE OF CAUSE: WEATHERFORD CANADA LTD., WEATHERFORD CANADA PARTNERSHIP, EDWARD GRENKE and GRENCO INDUSTRIES LTD.

and

CORLAC INC., NATIONAL-OILWELL CANADA LTD. and NATIONAL OILWELL INCORPORATED

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: April 20-24 and 27-30, 2009
May 4-7, 11-14, 19-22 and 27-29, 2009
June 1, 2009

REASONS FOR ORDER AND ORDER: PHELAN J.

DATED: June 2, 2009

APPEARANCES:

Mr. Robert MacFarlane
Mr. Adam Bobker
Mr. Joshua Spicer

FOR THE PLAINTIFFS,
WEATHERFORD CANADA LTD. and
WEATHERFORD CANADA
PARTNERSHIP

Mr. Bruce Stratton
Mr. Vincent Man

FOR THE PLAINTIFFS,
EDWARD GRENKE and
GRENCO INDUSTRIES LTD.

Mr. Christopher Kvas
Mr. William Regan
Ms. Mala Joshi

FOR THE DEFENDANTS

SOLICITORS OF RECORD:

BERESKIN & PARR
Barristers & Solicitors
Toronto, Ontario

FOR THE PLAINTIFFS,
WEATHERFORD CANADA LTD. and
WEATHERFORD CANADA
PARTNERSHIP

DIMOCK STRATTON LLP
Barristers & Solicitors
Toronto, Ontario

FOR THE PLAINTIFFS,
EDWARD GRENKE and
GRENCO INDUSTRIES LTD.

RIDOUT & MAYBEE LLP
Barristers & Solicitors
Toronto, Ontario

FOR THE DEFENDANTS