

United States Court of Appeals for the Federal Circuit

July 19, 2018
ERRATA

Appeal Nos. 2016-1559, 2016-1893, 2016-1894

**ENERGY HEATING, LLC, AN IDAHO LIMITED
LIABILITY COMPANY, ROCKY MOUNTAIN
OILFIELD SERVICES, LLC, AN IDAHO LIMITED
LIABILITY COMPANY,**
Plaintiffs-Cross-Appellants

**MARATHON OIL CORPORATION, MARATHON OIL
COMPANY,**
Third-Party Defendants-Cross-Appellants

v.

**HEAT ON-THE-FLY, LLC, A LOUISIANA LIMITED
LIABILITY COMPANY, SUPER HEATERS NORTH
DAKOTA, LLC, A NORTH DAKOTA LIMITED
LIABILITY COMPANY,**
Defendants-Appellants

Decided: May 4, 2018
Precedential Opinion

Please make the following changes:

On page 16, lines 34–35, delete:

HOTF did not object

Replace the deleted language with:

no one objected

On page 17, lines 24–27, delete:

Energy, however, also called Mr. Lind, who testified that, according to Mr. Kelley, Mr. Lyles had mentioned the patent to Mr. Kelley. HOTF did not object to Mr. Lind’s testimony.

Replace the deleted language with:

HOTF, however, subsequently called Mr. Lind as an adverse witness. HOTF elicited from him the same allegedly hearsay statements to which Mr. Powell had earlier testified and to which HOTF had previously objected. No one objected to Mr. Lind’s testimony.

On page 17, lines 29–30, delete:

On this unusual record where HOTF did not object to Mr. Lind’s testimony,

Replace the deleted language with:

On this unusual record, where HOTF itself elicited Mr. Lind’s testimony,