

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROFRAC HOLDING CORPORATION and
U.S. WELL SERVICES, LLC,
Petitioner,

v.

HALLIBURTON ENERGY SERVICES, INC.,
Patent Owner.

IPR2023-01318
Patent 7,931,082 B2

JOINT AGREEMENT TO TREAT SETTLEMENT AGREEMENT AS

BUSINESS CONFIDENTIAL INFORMATION

PETITIONER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 7,931,082
1002	File History of U.S. Patent No. 7,931,082
1003	Declaration of Dr. Michael Nikolaou
1004	Curriculum Vitae of Dr. Michael Nikolaou
1005	U.S. Patent Application Publication No. 2009/0114392 to Tolman et al. ("Tolman")
1006	U.S. Patent Application Publication No. 2005/0166961 to Means et al. ("Means")
1007	U.S. Patent No. 6,236,894 to Stoisits et al. ("Crawford")
1008	U.S. Patent Application Publication No. 2004/0050550 to Lehman et al. ("Lehman")
1009	U.S. Patent No. 9,410,410 to Broussard et al.
1010	U.S. Patent App. Pub. No. 2012/0255734 to Coli et al.
1011	U.S. Patent App. Pub. No. 2013/0306322 to Sanborn et al.
1012	S. Dalvi, Fundamentals of Oil & Gas Industry for Beginners (Notion Press 2015) (excerpts)
1013	RESERVED
1014	U.S. Patent No. 3,560,053 to Ortloff
1015	U.S. Patent No. 3,664,422 to Bullen
1016	International Publication Number WO 2005/111369 to Crossley et al.
1017	WD Texas Statistics

Exhibit No.	Description
1018 NEW	Confidential Settlement and License Agreement

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, and the authorization provided in the Board's email of October 9, 2024, Petitioners ProFrac Holding Corporation and U.S. Well Services, LLC, and Patent Owner Halliburton Energy Services, Inc., by and through their respective counsel of record, have reached a settlement and jointly move to terminate the above-captioned proceeding. As permitted by statute, Petitioners and Patent Owner request that the Board treat as business confidential information, the true and complete copy of the settlement agreement (Confidential Exhibit 1018) between the parties, as referenced in the parties' Joint Motion to Terminate Proceeding, filed concurrently herewith.

35 U.S.C. § 317(b) provides in relevant part that:

[a]t the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

Similarly, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the

settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or
- (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed contemporaneously with the settlement agreement, is timely and complies with the foregoing authority. The parties therefore respectfully request that the settlement agreement (Confidential Exhibit 1018: (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties further jointly request that the Board order that, in the event a written request is made to the Board to make the settlement agreement available pursuant to 37 C.F.R. §§ 42.74(c)(1)-(2), any such written request be served upon the parties on the day the written request is provided to the Board and the parties be afforded an opportunity to address whether such request is supported by good cause.

Date: October 9, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, October 9, 2024, I caused a true and correct copy of the foregoing to be served on the following counsel for Patent Owner by electronic mail to the following email addresses:

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