

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Halliburton Energy Services, Inc.,	)	
Halliburton US Technologies, Inc.,	)	
Halliburton Group Technologies, Inc.,	)	Case No. 6:22-cv-00906-ADA-DTG
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	Related Case to 6:21-cv-00367-ADA-DTG
	)	
U.S. Well Services, LLC,	)	Related Case to 6:22-cv-00905-ADA-DTG
ProFrac Holding Corporation,	)	
	)	
Defendants.	)	

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiffs/Counter-Defendants Halliburton Energy Services, Inc., Halliburton US Technologies, Inc., and Halliburton Group Technologies, Inc. (collectively, “Halliburton”) and Defendants/Counter-Plaintiffs U.S. Well Services, LLC (“USWS”) and ProFrac Holding Corporation (“ProFrac”) (together with USWS, “Defendants”) submit this Joint Claim Construction Statement for disputed terms in Halliburton’s Asserted Patents¹ and Defendants’ Asserted Patent.²

The following table includes a row for each disputed construction. The first column identifies the claim term (or set of claim terms) disputed, and the next two columns identify each party's proposed construction. Each disputed claim term is contained in at least one independent claim of the asserted claims. The table below also indicates the dependent claims in which that

¹ Halliburton asserts U.S. Patent No. 7,574,325 (the “325 Patent”), U.S. Patent 11,035,213 (the “213 Patent”), U.S. Patent No. 7,836,949 (the “949 Patent”), U.S. Patent No. 7,841,394 (the “394 Patent”), U.S. Patent No. 11,373,058 (the “058 Patent”), U.S. Patent No. 11,085,282 (the “282 Patent”), and U.S. Patent No. 11,377,943 (the “943 Patent”).

² Defendants assert U.S. Patent No. 11,136,870 (the “’870 Patent”).

term expressly appears. Further, a table for “Agreed Constructions” as to Halliburton’s Asserted Patents is included below.

I. DISPUTED TERMS FOR CONSTRUCTION IN HALLIBURTON’S ASSERTED PATENTS

Claim Term / Asserted Claim(s)	Defendants’ Proposed Constructions	Halliburton’s Proposed Constructions
a) “comparing at least some of the signals” ’325 Patent: Claim 1	a) “comparison of at least some of the signals by the computer-based monitoring system” ’325 Patent: Claim 1	Plain and ordinary meaning; no further construction required.
b) “comparing said first and second estimates” ’325 Patent: Claim 16	b) “comparing of the said first and second estimates by the computer-based monitoring system” ’325 Patent: Claim 16	
“comparing” ’213 Patent: Claims: 1	“comparison of the one or more measurements to the one or more operational constraints by the processor”	Plain and ordinary meaning; no further construction required.
“switching from a first mode of operation to a second mode of operation” ’325 Patent: Claim 18	“switching from a first mode of operation using the node to a second mode of operation using a different node”	Plain and ordinary meaning; no further construction required.
a) “sensing an output rate from a pumping system” ’949 Patent: Claim 1	a) “measuring or detecting an output rate from hydraulic fracturing pump(s)” ’949 Patent: Claim 1	Plain and ordinary meaning; no further construction required.
b) “a pumping system with an output rate sensor” ’949 Patent: Claim 8	b) “hydraulic fracturing pump(s) with an output rate measuring or detecting device”	
c) “producing a drive signal to the pumping system” ’949 Patent: Claims 1, 2	’949 Patent: Claim 8	

d) “produce a drive signal to the pumping system” ’949 Patent: Claim 8	c) “producing a drive signal to the hydraulic fracturing pump(s)” ’949 Patent: Claim 1, 2 d) “produce a drive signal to the hydraulic fracturing pump(s)” ’949 Patent: Claim 8	
“manufactures” ’394 Patent Claims: 1, 23, 24, 25, 26 “manufacturing” ’394 Patent Claim: 27	Indefinite	Plain and ordinary meaning; no further construction required.
a) “generating a sequence of stimuli” ’058 Patent Claim: 1 b) “generate a sequence of stimuli” ’058 Patent Claims: 9, 16	a) “automatically generating, via a computer system, a sequence of stimuli” ’058 Patent Claim: 1 b) “automatically generate, via a computer system, sequence of stimuli” ’058 Patent Claims: 9, 16	Plain and ordinary meaning; no further construction required.

II. AGREED CONSTRUCTIONS IN HALLIBURTON’S ASSERTED PATENTS

Claim Term / Asserted Claim(s)	Agreed Constructions
“means for simultaneously flowing” ’394 Patent: Claims 1, 24–27	Subject to 35 U.S.C. 112 ¶ 6 (pre-AIA) <u>Function</u> : simultaneously flowing <u>Corresponding Structure</u> : a manifold and equivalents thereof
“means for determining an output rate of the sand system” ’949 Patent: Claim 8	Subject to 35 U.S.C. 112 ¶ 6 (pre-AIA). <u>Function</u> : determining an output rate of the sand system <u>Corresponding Structure</u> : a densometer,

	speed sensor, weight sensor, tub height sensor, or combination thereof, and equivalents thereof
“virtual rate control system” / “virtual rate control” '949 Patent: Claims 1, 2, 8, 9, 12, 14	“computer-implemented rate control system”

III. DISPUTED TERMS FOR CONSTRUCTION IN DEFENDANTS' ASSERTED PATENT

Claim Term / Asserted Claim(s)	Defendants' Proposed Constructions	Haliburton's Proposed Constructions
“excessive heat” '870 Patent: Claim 7	No construction needed. Not indefinite. To the extent the term is construed, it should have its plain and ordinary meaning. In the alternative, the term may be construed as heat that would be damaging to the system. To the extent Plaintiffs argue that the term is indefinite under 35 U.S.C. § 112, Defendants contend that the term is not indefinite.	Indefinite.

IV. AGREED CONSTRUCTIONS IN DEFENDANTS' ASSERTED PATENT

There are no agreed constructions for Defendants' Asserted Patent.

Dated: June 14, 2023

By: /s/ David Genender

Roger Fulghum
Texas Bar No. 00790724
Michael A. Hawes (*pro hac vice*)
Texas Bar No. 24010761
Jennifer Carter
Texas State Bar No. 24105580
BAKER BOTTS L.L.P.
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: (713) 229-1234
Facsimile: (713) 229-1522
roger.fulghum@bakerbotts.com
michael.hawes@bakerbotts.com
jennifer.carter@bakerbotts.com

David M. Genender (*pro hac vice*)

Texas Bar No. 00790757
David J. Tobin
Texas Bar No. 24060735
MCDERMOTT WILL & EMERY LLP
2501 North Harwood Street, Suite 1900
Dallas, Texas 75201-1664
Telephone: (214) 210-2804
dgenender@mwe.com
dtobin@mwe.com

Syed K. Fareed

Texas Bar No. 24065216
MCDERMOTT WILL & EMERY LLP
303 Colorado Street, Suite 2200
Austin, Texas 78701-4078
Telephone: (512) 726-2579
sfareed@mwe.com

Christian Taylor Tatum (*pro hac vice*)

Texas Bar No. 24125429
MCDERMOTT WILL & EMERY LLP
1 Vanderbilt Ave, Suite 4446
New York, NY 10017
Telephone: (212) 547-5651
ctatum@mwe.com

Dated: June 14, 2023

By: /s/ Thomas M. Melsheimer

Thomas M. Melsheimer
Texas Bar No. 13922550
Rex A. Mann
Texas Bar No. 24075509
WINSTON & STRAWN LLP
2121 N. Pearl St., Suite 900
Dallas, TX 75201
Tel: (214) 453-6500
Fax: (214) 453-6400
TMelsheimer@winston.com
rmann@winston.com

Elizabeth Danielle T. Williams
North Carolina State Bar No. 23283
WINSTON & STRAWN LLP
300 South Tryon Street, 16th Fl.
Charlotte, NC 28202
Telephone: (704) 350-7790
Facsimile: (704) 350-7800
dwilliams@winston.com

Richard T. McCarty
Texas Bar No. 24074675
John Tyler Boyce
Texas Bar No. 24127214
WINSTON & STRAWN LLP
800 Capitol Street
Suite 2400
Houston, Texas 77002
Telephone: (713) 651-2600
Facsimile: (713) 651-2700
RMcCarty@winston.com
tboyce@winston.com

John A. Yates
Texas State Bar No. 24056569
jyates@pattersonsheridan.com
B. Todd Patterson
Texas State Bar No. 00789537
tpatterson@pattersonsheridan.com
Kyrie K. Cameron
Texas State Bar No. 24097450
kcameron@pattersonsheridan.com

Jordan A. Kazlow (*pro hac vice*)
Texas Bar No. 24101994
MCDERMOTT WILL & EMERY LLP
845 Texas Avenue, Ste 4000
Houston, Texas 77002-1656
Telephone: (713) 653-1700
Facsimile: (713) 739-7592
jkazlow@mwe.com

Susan Cannon Kennedy (*pro hac vice*)
Texas Bar No. 24051663
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, Texas 75201-2980
Telephone: (214) 953-6500
Facsimile: (214) 661-4816
susan.kennedy@bakerbotts.com

Mark D. Siegmund
Texas Bar No. 24117055
**CHERRY JOHNSON SIEGMUND JAMES,
PLLC**
400 Austin Ave., 9th Floor
Waco, Texas 76701
Telephone: (254) 732-2242
Facsimile: (866) 627-3509
msiegmund@cjsjlaw.com

**ATTORNEYS FOR
PLAINTIFFS/COUNTER-DEFENDANTS,
HALLIBURTON ENERGY SERVICES,
INC., HALLIBURTON US
TECHNOLOGIES, INC., AND
HALLIBURTON GROUP
TECHNOLOGIES, INC.**

Edgar N. Gonzalez
Texas State Bar No. 24092431
egonzalez@pattersonsheridan.com
PATTERSON + SHERIDAN LLP
24 Greenway Plaza, Suite 1600
Houston, Texas 77046
(Tel): 713-623-4844
(Fax): 713-623-4846

Abelino “Abel” Reyna
Texas Bar No. 24000087
areyna@pattersonsheridan.com
PATTERSON + SHERIDAN LLP
729 Washington Avenue, Suite 200
Waco, Texas 76701
(Tel): 254-777-5248
(Fax): 877-777-8071

**ATTORNEYS FOR DEFENDANTS U.S.
WELL SERVICES, LLC AND PROFRAC
HOLDING CORPORATION**

CERTIFICATE OF SERVICE

I certify that on June 14, 2023, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Thomas M. Melsheimer

Thomas M. Melsheimer