

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIBERTY ENERGY, INC. AND LIBERTY OILFIELD SERVICES LLC,
Petitioners,

v.

U.S. WELL SERVICES, LLC,
Patent Owner.

IPR2024-01274
U.S. Patent No. 11,091,992

DECLARATION OF MATTHEW HOPKINS

Pursuant to 37 C.F.R. § 1.68, I, Matthew Hopkins, attest to the following:

1. I am counsel of record for Patent Owner U.S. Well Services, LLC (“U.S. Well”) in the above captioned proceeding. I am above the age of 18 and am a registered practitioner before the U.S. Patent and Trademark Office, having Registration No. 76,273. I am a member in good standing of the Bars of the State of New Jersey and the District of Columbia.

2. I make this declaration in support of Patent Owner’s Motion to Amend in the pending *inter partes* review of U.S. Patent No. 11,091,992 (“the 992 patent”). The proposed substitute claims in the Motion to Amend include limitations that were also found in claims 15–16 of U.S. Patent No. 11,136,870 (“the 870 patent”), which was the subject of IPR2023-00558. Claims 15-16 of the 870 patent were found not invalid by the Board in IPR2023-00558 (Paper 27). The 992 and 870 patents are also related in that both claim priority to U.S. Patent No. 9,410,410.

3. The 992 patent was at one time asserted in following litigation: *U.S. Well Services, LLC, et al. v. Liberty Energy, Inc., et al.*, Case No. 4:24-cv-00839-KPE (S.D.Tex.) (“the Liberty Litigation”). U.S. Well has since dropped the 992 patent from that litigation.

4. The 870 patent was previously asserted in the following litigation:

Halliburton Energy Services, Inc. v. U.S. Well Services, LLC, Case No. 6:22- cv- 00906-ADA (W.D. Tex.) (“the Halliburton Litigation”).

5. The defendants in the Liberty Litigation and the Halliburton Litigation identified prior art and served invalidity contentions against the 992 and 870 patents, respectively. Some of the contentions were marked “Confidential” under the Protective Orders entered in the Liberty and Halliburton Litigations.

6. Regarding the non-confidential invalidity contentions and prior art identified in the Liberty and Halliburton Litigations, the prior art has been submitted as exhibits in the current IPR proceeding, to make the Board aware of any references that might be material to patentability of the proposed substitute claims.

7. Regarding the invalidity contentions that were marked “Confidential,” any publicly available documents identified in the “Confidential” invalidity contentions have also been submitted as exhibits in the pending IPR. Any references or other documents that were labeled as “Confidential” have not be submitted because doing so would potentially violate the Protective Orders in the Liberty and Halliburton Litigations. Marking such references or documents as “Confidential” would appear to be contrary to any assertion by Petitioners in the pending IPR that those references or documents qualify as “prior art” under 35

U.S.C. § 102.

8. Should the Board request to review any of the “Confidential” materials from the Liberty or Halliburton Litigations, U.S. Well respectfully requests that the Board so indicate in an Order or email correspondence and U.S. Well will provide that Order or email correspondence to the defendants in the Liberty or Halliburton Litigations and request that they provide publicly-available copies of any such materials.

I declare under penalty of perjury that the foregoing is true and correct.

Date: June 23, 2025

/Matthew A Hopkins/

Matthew Hopkins

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