

IN THE 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.

Case No. IPR2025-00031
Patent 10,655,435

**JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW OF U.S.
PATENT NO. 10,655,435 UNDER 35 U.S.C. § 317 AND 37 C.F.R. § 42.72**

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 10,655,435, Jared Oehring et al., “Smart Fracturing System and Method” (the “’435 Patent”), filed October 25, 2018, issued on May 19, 2020.
1002	File History for U.S. Patent No. 10,655,435.
1003	Declaration of Dr. Robert Durham
1004	PCT International Patent Publication No. 2017/040921 to Norris et al., “Pump Synchronization and Method” (“Norris”), filed September 2, 2016 and published on March 9, 2017.
1005	PCT International Patent Publication No. 2016/019219 to Omont et al., “Monitoring Health of Additive Systems” (“Omont”), filed July 31, 2015, published February 4, 2016.
1006	U.S. Patent Publication No. 2009/0053072 to Borgstadt et al., “Integrated ‘One Pump’ Control of Pumping Equipment” (“Borgstadt”), filed on August 21, 2007 and published on February 26, 2009.
1007	U.S. Patent Publication No. 2008/0236818 to Dykstra, “Method and Apparatus for Controlling the Manufacture of Well Treatment Fluid” (“Dykstra”), filed March 27, 2007, published October 11, 2012.
1008	U.S. Provisional Patent Application 62/577,056, Jared Oehring et al., “Automated Fracturing Pump System”, filed October 25, 2017.
1009	Complaint, <i>U.S. Well Services, LLC et al. v. Liberty Energy, Inc. et al.</i> , No. 4:24-cv-00839 (S.D. Tex. March 6, 2024)
1010	Plaintiff’s Motion for Leave to File the Second Amended Complaint, <i>U.S. Well Services, LLC et al. v. Liberty Energy, Inc. et al.</i> , No. 4:24-cv-00839 (S.D. Tex. September 19, 2024)
1011	<i>Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation</i> (June 21, 2022)

Exhibit No.	Description
1012	Federal Court Management Statistics (Mar. 31, 2022), available at < https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_appprofile1231.2023.pdf >
1013	PCT International Patent Publication No. 2014/0379300 to Devine et al., “Pump Efficiency Determining System and Related Method for Determining Pump Efficiency,” filed February 1, 2013 and published on December 25, 2014.
1014	Claim Listing for Claims of U.S. Patent No. 10,655,435, Jared Oehring et al., “Smart Fracturing System and Method” (the “435 Patent”), filed October 25, 2018, issued on May 19, 2020.
1015	Michael Morton, “Unlocking the Earth: A Short History of Hydraulic Fracturing,” GEO ExPro, Vol. 10, No. 6, December 2013 (https://geoexpro.com/unlocking-the-earth-a-short-history-of-hydraulic-fracturing/) (last accessed November 30, 2023)
1016	B.A. Wells and K.L. Wells. “Shooters – A “Fracking” History.” American Oil & Gas Historical Society, (https://aoghs.org/technology/hydraulic-fracturing) (last accessed November 30, 2023)
1017	Carl T. Montgomery and Michael B. Smith, “Hydraulic Fracturing: History of an Enduring Technology,” <i>Journal of Petroleum Technology</i> , Vol. 62, Issue 12 (Dec. 2010)
1018	Bourgoyne, A. T., Jr., K. K. Millheim, M. E. Chenevert and F. S. Young, Jr. (1986). <u>Applied Drilling Engineering</u> , Society of Petroleum Engineers,
1019	Vassiliou, M. S. (2018), <u>Historical Dictionary of the Petroleum Industry</u> , Rowman & Littlefield,
1020	U.S. Patent Application Publication No. 2013/0306322 to Sanborn <i>et al.</i> entitled “System and Process for Extracting Oil and Gas by Hydraulic Fracturing” (“ <i>Sanborn</i> ”),
1021	U.S. Patent Publication No. 2012/0255734 to Coli <i>et al.</i> entitled “Mobile, Modular, Electrically Powered System for Use in Fracturing Underground Formations” (“ <i>Coli</i> ”),

Exhibit No.	Description
1022	Tomlinson, HI, Ac Byrd, And Cf Vanberg. 1988. Spe 17315 "Fracturing Process Control And Automation." In Permian Basin Oil And Gas Recovery Conference, Onepetro.
1023	Stephenson, SV, EL Woodall, CD Donaghe, and RE Dant. 1993. "Fracturing process control and automation: Phase 2." In Petroleum Computer Conference. OnePetro.
1024	U.S. Patent Application Publication No. 2008/0236818 to Dykstra <i>et al.</i> entitled "Method and Apparatus for Controlling the Manufacture of Well Treatment Fluid." ("Dykstra 818")
1025	U.S. Patent Application Publication No. 2008/0183415 to Dykstra <i>et al.</i> entitled "methods to Monitor System Sensor and Actuator Health and Performance." ("Dykstra 415")
1026	<i>Modbus over Serial Line Specification and Implementation Guide V1.02</i> , Dec. 20, 2006, available at https://www.modbus.org/docs/Modbus_over_serial_line_V1_02.pdf
1027	<i>IEEE Standard for Ethernet</i> , IEEE Std 802.3™-2018, IEEE Computer Society, approved June 14, 2018 (excerpted).
1028	Federal Court Management Statistics (December 31, 2024), available at < https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf >
1029	Email from Case Manager to Counsel regarding Claim Construction Hearing in <i>U.S. Well Services, LLC et al. v. Liberty Energy, Inc. et al.</i> , No. 4:24-cv-00839 (February 12, 2025)
1030	Block Diagram Relating to Claim Element 1[e][i]
1031	Deposition Transcript of Dr. Michael Nikolaou, October 31, 2025.
1032	<i>Variation</i> , New Oxford American Dictionary (3 rd Ed. 2010).
1033	<i>Variation</i> , Merriam-Webster's Collegiate Dictionary (11 th Ed. 2014).

Exhibit No.	Description
1034	Langewis, Jr., C. and Gleeson, C. W., “Practical Hydraulics of Positive Displacement Pumps for High-Pressure Waterflood Installations,” Society of Petroleum Engineers, February 1971.
1035	Petitioners’ Demonstratives for Oral Argument
1036	Confidential Settlement Agreement

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.72, and 37 C.F.R. § 42.74, Liberty Energy, Inc. and Liberty Oilfield Services LLC (“Petitioners”), and U.S. Well Services LLC (“Patent Owner”) (collectively, the “Parties”) jointly move to terminate the above-captioned *inter partes* review proceeding pursuant to the Parties’ settlement of their dispute related to the challenged patent, U.S. Patent No. 10,655,435 (the “’435 Patent”). This joint motion was authorized by the Board in its email dated March 23, 2026.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), Petitioners and Patent Owner submit concurrently herewith a true and correct copy of the Confidential Settlement Agreement governing the resolution of this *inter partes* review and the underlying litigation. *See* Exhibit 1036. There are no other agreements, written or oral, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

The parties are concurrently filing a joint request that the Confidential Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 42.74(c). In view of that request, Exhibit 1036 has been filed as available to “Parties and Board Only.”

I. ARGUMENT

A joint motion to terminate generally must “(1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding.” *Heartland Tanning, Inc. v. Sunless, Inc.*, IPR2014-00018, Paper 26 at 2 (P.T.A.B. July 28, 2014).

A. Brief Explanation as to Why Termination Is Appropriate

Good cause exists to terminate this proceeding. “The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) at 86; *see also id.* (“There are strong public policy reasons to favor settlement between the parties to a proceeding.”); 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed”). Here, the Parties respectfully submit that termination is appropriate because they have reached an agreement that resolves all disputes between the Parties involving the ’435 Patent at issue in the above-

captioned *inter partes* review and the Board has not issued an institution decision on remand, a final written decision, or decided the merits of the proceeding. The Parties agree that neither Petitioners nor Patent Owner will be prejudiced by termination of this proceeding. Terminating the proceeding now would serve the interests of judicial economy as well as the mutual interest of the parties.

Pursuant to 37 C.F.R. § 42.74(b), the Parties acknowledge that, as of the filing of this Motion, Exhibit 1036 represents the entire agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of this proceeding, and further, that Exhibit 1036 is a true and accurate copy of the agreement between the Parties that resolves the present proceeding. The Parties certify that there are no other written or oral agreements or understandings, including any collateral agreements, between them, including but not limited to licenses, covenants not to sue, confidentiality agreements, payment agreements, or other agreements of any kind that have been made in connection with or in contemplation of the termination of the instant proceeding.

B. Identification of Parties and Status of Litigation

The underlying district court litigation between the Parties, captioned *U.S. Well Services, LLC, et al v. Liberty Energy, Inc. et al*, 4:24-cv-00839-KPE (S.D. Tex.), will be dismissed pursuant to the Parties' Confidential Settlement Agreement. Patent Owner is the plaintiff in the district court litigation. Petitioners are named

defendants in the district court litigation and the only Petitioners in this proceeding, meaning that this proceeding can be terminated in its entirety pursuant to this motion.

C. Identification and Status of Proceedings Before the USPTO

The Parties have now resolved their dispute and reached agreement to terminate this proceeding as well as *inter partes* review proceeding IPR2024-01274 (concerning U.S. Patent No. 11,091,992) and IPR2025-00139 (concerning U.S. Patent No. 11,208,878). The Parties have also jointly moved to terminate IPR2024-01274 and will jointly move to terminate IPR2025-00139. The USPTO can conserve its resources by terminating now, removing the need for the Board to further consider the arguments and to render a Final Written Decision.

Therefore, for the foregoing reasons, the parties jointly and respectfully request termination of the present proceeding, IPR2025-00031, without prejudice to either party.

Date: March 23, 2026

Respectfully submitted,

BAKER BOTTS L.L.P.



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U.S. Patent No. 10,655,435

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 23rd day of March, 2026, that true and correct copies of the foregoing JOINT MOTION TO TERMINATE and Exhibit 1036 were served in their entirety on Patent Owner via electronic mail at the following addresses:

bferguson@kslaw.com

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Date: March 23, 2026

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