

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 REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT TO
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

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(b) and 37 C.F.R. § 42.74(c), and the Board's authorization via email on March 23, 2026, Petitioners Liberty Energy, Inc. and Liberty Oilfield Services LLC ("Petitioners" and Patent Owner U.S. Well Services LLC ("Patent Owner") hereby jointly request that the true copy of their Confidential Settlement Agreement, filed concurrently herewith as Exhibit 1036, be treated as business confidential information and be kept separate from the file of the involved patent. Pursuant to 37 C.F.R. § 42.74(b), Exhibit 1036 is the entire agreement or understanding between the parties made in connection with, or in contemplation of, the termination of this proceeding, and further, Exhibit 1036 is a true and accurate copy of the agreement between the parties that resolves the present proceeding. Concurrently with the filing of this Request, the parties are filing a Joint Motion to Terminate the above-captioned *inter partes* review.

The parties consider the Confidential Settlement Agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the parties hereby jointly request that the Confidential Settlement Agreement be treated as business confidential information, be kept as a separate paper 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. § 317(b) and 37 C.F.R. § 42.74(c). The parties further jointly request that in the event a person or entity makes

a request for access to the Confidential Settlement Agreement, that such written request be served upon the parties on the day the request is provided to the Board.

Date: March 23, 2026

Respectfully submitted,
BAKER BOTTS L.L.P.



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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 REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION and Exhibit 1036 were served in their entirety on Patent Owner via electronic mail at the following addresses:

bferguson@kslaw.com

tboyce@kslaw.com

Date: March 23, 2026

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