

From: [Walters, Chad](#)
To: [Trials](#)
Cc: [Ferguson, Brian E.](#); [Border, Scott](#); [Hopkins, Matt](#); [Boyce, Tyler](#); [IPR-Profrac-USWell](#); [Grado, Andrew](#)
Subject: IPR2025-00105 - Request to Terminate
Date: Wednesday, April 2, 2025 11:01:06 AM

Dear Patent and Trial Appeal Board,

Petitioners recently discovered that IPR2025-00105 involving U.S. Patent No. 11,959,533 (the “’533 patent”) was filed prematurely under 35 USC 311(c). As a result, Petitioners seek authorization to file a motion to terminate the proceeding. There is no settlement or other agreement between the parties with respect to the ‘533 patent or the IPR proceeding, and the patent remains asserted in the parallel district court litigation.

On March 28 Petitioners filed a new IPR on the ‘533 patent (IPR2025-00778) that is compliant with 35 USC 311(c) and with identical grounds and analysis as in IPR2025-00105 (other than updating the *Fintiv*-discretionary denial section).

Patent Owner opposes Petitioners’ request to move to terminate. Petitioners certified in the Petition that the ‘533 patent was “eligible for inter partes review” (Pet. at 2) when in fact it was not. Patent Owner has expended substantial resources as a result, and Patent Owner therefore believes that this matter should proceed to an Institution Decision. Patent Owner also reserves the right to seek sanctions under 37 C.F.R. §§ 42.11, 42.12.

Regards,

Chad Walters
Lead Counsel for Petitioners

Baker Botts L.L.P.
chad.walters@bakerbotts.com
T +1.214.953.6511
F +1.214.661.4511
M +1.214.557.2423
2001 Ross Avenue, Suite 900
Dallas, TX 75201
USA

