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Paper 7
Date: April 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIBERTY ENERGY INC. and LIBERTY ENERGY SERVICES LLC,
Petitioner,

v.

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

IPR2025-00105
Patent 11,959,533 B2

Before MEREDITH C. PETRAVICK, GEORGE R. HOSKINS, and SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

ORDER
Dismissing Petition for *Inter Partes* Review as Premature
35 U.S.C. § 311(c)

I. INTRODUCTION

On November 5, 2024, Liberty Energy Inc. and Liberty Energy Services LLC (collectively, "Petitioner") filed a Petition (Paper 1) for *inter partes* review of claims 1–25 of U.S. Patent No. 11,959,533 B2 (Ex. 1001, "the '533 patent"). For the reasons stated below, the Petition is dismissed because it was filed prematurely.

II. ANALYSIS

"A petition for inter partes review shall be filed after the later of either—(1) the date that is 9 months after the grant of a patent; or (2) if a post-grant review is instituted under chapter 32, the date of the termination of such post-grant review." 35 U.S.C. § 311(c). Similarly, our rules require that, for patents described in section 3(n)(1) of the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284 (Sept. 16, 2011) ("AIA"), a petition for *inter partes* review must be filed no earlier than nine months after the date of the grant of the patent. 37 C.F.R. § 42.102(a)(1). Patents subject to the AIA first-inventor-to file provisions are those that issue from an application "that contains or contained at any time—

> (A) a claim to a claimed invention that has an effective filing date as defined in section 100(i) of title 35, United States Code, that is on or after [March 16, 2013]; or
>
> (B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

AIA § 3(n)(1).

The '533 patent was filed as Patent Application No. 18/357,271 on July 24, 2023, and claims priority through two continuation patent

applications and a provision patent application to December 5, 2017. Ex. 1001, codes (21), (22), (60), (63). Thus, the ’533 patent is a patent described in § 3(n)(1)(A) of the AIA.

Applying 35 U.S.C. § 311(c)(1) and 37 C.F.R. § 42.102, a petition challenging the ’533 patent must be filed no earlier than nine months after the date of the grant of the ’533 patent. The ’533 patent was granted on April 16, 2024. Ex. 1001, code (45). Thus, any petition for *inter partes* review of the ’533 patent must be filed after January 16, 2025. Petitioner, however, prematurely filed the Petition on November 5, 2024, as Petitioner notified the Board in an email communication entered into the record as Exhibit 3001 with this Order.

III. ORDER

In consideration of the foregoing, it is hereby ordered that the Petition is *dismissed*.

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