United States District Court
Southern District of Texas
ENTERED
May 23, 2024
Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

U.S. WELL SERVICES, LLC, U.S. WELL SERVICES HOLDINGS, LLC, PROFRAC MANUFACTURING, LLC, PROFRAC SERVICES, LLC, Plaintiffs, v. LIBERTY ENERGY, INC., LIBERTY OILFIELD SERVICES LLC, LIBERTY ADVANCED EQUIPMENT TECHNOLOGIES LLC, ST9 GAS AND OIL LLC, Defendants.	Case No. 4:24-CV-00839-KPE JURY TRIAL DEMANDED

PATENT CASE SCHEDULING ORDER

It is hereby **ORDERED** that the following schedule and the Rules of Practice for Patent Cases in the Southern District of Texas will apply in this case:

0	May 17, 2024	**Scheduling Conference** -
1	July 18, 2024	**PRELIMINARY INFRINGEMENT CONTENTIONS** Comply with P.R. 3-1 and P.R. 3-2. After this date, it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7. **JOIN ADDITIONAL PARTIES OR ADD NEW PATENTS AND/OR CLAIMS** It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court.
2	September 19, 2024	**PRELIMINARY INVALIDITY CONTENTIONS** Comply with P.R. 3-3 and 3-4. *After this date*, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R. 3-7.

		INEQUITABLE CONDUCT ALLEGATIONS Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations
3	October 3, 2024 [2 weeks after # 2]	**EXCHANGE PROPOSED TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION** Comply with P.R. 4-1.
4	October 24, 2024 [3 weeks after # 3]	**EXCHANGE PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE** Comply with P.R. 4-2.
5	November 14, 2024 [9 weeks after # 2]	**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT** Comply with P.R. 4-3.
6	November 14, 2024 [matches # 5]	**AMEND PLEADINGS** It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings.
7	December 19, 2024	**DISCOVERY DEADLINE ON CLAIM CONSTRUCTION ISSUES** *See* P.R. 4-4.
8	January 4, 2025 [1 week after # 7]	**TECHNOLOGY TUTORIAL DEADLINE** Provide Court with technology tutorials (optional).
9	January 16, 2025	**OPENING CLAIM CONSTRUCTION BRIEF** Comply with P.R. 4-5(a)(1).
10	January 30, 2025	**RESPONSIVE CLAIM CONSTRUCTION BRIEF** Comply with P.R. 4-5(a)(2).
11	February 6, 2025 [1 week after # 10]	**REPLY CLAIM CONSTRUCTION BRIEF** Comply with P.R. 4-5(a)(3).
12	February 13, 2025 [1 week ***before*** *Markman* Hearing]	**JOINT CLAIM CONSTRUCTION CHART** Comply with P.R. 4-5(b) and (c).

13	February 20, 2025	**CLAIM CONSTRUCTION (*MARKMAN*) HEARING** at 10:00 a.m. at the United States District Court, Courtroom 3A, Houston, Texas.
14	April 3, 2025 [*Markman* ruling within 6 weeks after *Markman* hearing]	**Court's Decision on Claim Construction** (*Markman* Ruling) ***(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)***
15	May 1, 2025 [4 weeks after *Markman* Ruling (# 14)]	**DEADLINE FOR FINAL INFRINGEMENT CONTENTIONS AND TO AMEND PLEADINGS ON INFRINGEMENT CLAIMS** **NOTE**: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
16	May 8, 2025 [1 week after # 15]	**PRIVILEGE LOGS/WILLFULNESS** Comply with P.R.3-8 All parties furnish privilege logs by this date.
17	May 15, 2025 [2 weeks after # 15]	**DEADLINE FOR FINAL INVALIDITY CONTENTIONS AND TO AMEND PLEADINGS ON INVALIDITY CLAIMS**. **NOTE**: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
18	July 10, 2025	**COMPLETION OF FACT DISCOVERY** Written discovery requests are NOT timely if they are served so close to this deadline that under the Fed. R. Civ. P. the response would not be due until after this deadline.
19	July 24, 2025	**DESIGNATION OF EXPERTS AND REQUIRED REPORTS OTHER THAN CLAIM CONSTRUCTION AND ATTORNEYS' FEES** Party with burden of proof ("BOP") on non-construction and fees issues shall comply with Fed. R. Civ. P.26(a)(2)(A-C).
20	August 21, 2025 [4 weeks after # 19]	**DESIGNATION OF RESPONSIVE EXPERTS AND REQUIRED REPORTS** Party not having BOP on non-construction and fees issues shall comply with Fed. R. Civ. P. 26(a)(2)(A-C).

21	September 18, 2025 [4 weeks after # 20]	**COMPLETION OF EXPERT DISCOVERY**
22	October 16, 2025 [4+ weeks after # 21]	**DISPOSITIVE AND NON-DISPOSITIVE MOTIONS DEADLINES (INCLUDING *DAUBERT* MOTIONS)**
23	January 16, 2026 [at least 2 weeks before Docket Call]	**JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE** The Joint Pretrial Order will contain the pretrial disclosures required by Fed. R. Civ. P. Rule 26(a)(3), Local Rules and this Court's procedures. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules.
24	January 29, 2026	**FINAL PRETRIAL CONFERENCE** at the United States District Court, Courtroom 3A, Houston, Texas.
25	**MEDIATION is REQUIRED prior to Docket Call**,	**MEDIATION TO BE COMPLETED BY THIS DATE** The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16.
26	February 2, 2026	**JURY SELECTION AND TRIAL** commences.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 22nd day of May, 2024.

Keith P. Ellison
UNITED STATES DISTRICT JUDGE