

**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,

vs.

**LIBERTY ENERGY, INC., LIBERTY
OILFIELD SERVICES LLC, LIBERTY
ADVANCED EQUIPMENT TECHNOLOGIES
LLC, ST9 GAS AND OIL LLC, ST9, INC.,
CHRIS BUCKLEY, and PAUL LIGHTFOOT,**

Defendants.

**Civil Action No. 4:24-CV-00839-
KPE**

JOINT MOTION TO AMEND PATENT CASE SCHEDULING ORDER

Plaintiffs U.S. Well Services, LLC, U.S. Well Services Holdings, LLC, ProFrac Manufacturing, LLC, and ProFrac Services, LLC (together, “Plaintiffs”) and Defendants Liberty Energy, Inc., Liberty Oilfield Services LLC, Liberty Advanced Equipment Technologies LLC, ST9 Gas and Oil LLC, ST9, Inc., and Chris Buckley (collectively, “Defendants”)¹ (together with Plaintiffs, the “Parties”) respectfully request the Court amend the Patent Case Scheduling Order (Doc. 30), to extend all deadlines through and including the “Dispositive and Non-Dispositive Motions Deadlines (Including *Daubert* Motions)” by approximately 30 days, as shown in the attached Proposed Amended Patent Case Scheduling Order. This extension does not impact the trial date.

¹ Counsel for Defendants Liberty Energy, Inc., Liberty Oilfield Services LLC, Liberty Advanced Equipment Technologies LLC, ST9 Gas and Oil LLC, and Chris Buckley does not currently represent ST9, Inc. or Paul Lightfoot.

The Parties, therefore, respectfully request that the Court extend the deadlines for items 16-22 as shown in the attached Proposed Amended Patent Case Scheduling Order.

Dated: May 13, 2025

Respectfully submitted,

WINSTON & STRAWN LLP

By : /s/ Ahtoosa A. Dale
Thomas M. Melsheimer
Texas Bar No. 13922550
S.D. Bar No. 23709
TMelsheimer@winston.com
WINSTON & STRAWN LLP
2121 North Pearl Street, Suite 900
Dallas, TX 75201
Telephone: (214) 453-6500
Facsimile: (214) 453-6400

ATTORNEY IN CHARGE

Rex A. Mann
Texas Bar No. 24075509
S.D. Bar No. 1750609
RMann@winston.com
Ahtoosa A. Dale
Texas Bar No. 24101443
S.D. Texas Bar No. 3889540
adale@winston.com
Alexander M. Nowakowski
Texas. Bar No. 24139851
S.D. Texas Bar No. 3886746
anowakowski@winston.com
WINSTON & STRAWN LLP
2121 North Pearl Street, Suite 900
Dallas, TX 75201
Telephone: (214) 453-6500
Facsimile: (214) 453-6400

E. Danielle T. Williams (*pro hac vice*)
DWilliams@winston.com
WINSTON & STRAWN LLP
300 S. Tryon Street, 16th Floor
Charlotte, NC 28202

SHOOK, HARDY & BACON L.L.P.

By : /s/ Robert H. Reckers
Robert H. Reckers
SHOOK, HARDY & BACON L.L.P.
Texas Bar No. 24039520
SDTX ID No. 35685
600 Travis Street, Suite 3400
Houston, TX 77002
(713) 227-8008
Fax: 713-227-9508
rreckers@shb.com

B. Trent Webb
SHOOK, HARDY & BACON, LLP
KS Bar No. 15965
2555 Grand Boulevard
Kansas City, Missouri 64108-2613
Telephone: 816.474-6550
Facsimile: 816.421.5547
bwebb@shb.com

Tanya L. Chaney
SHOOK, HARDY & BACON, LLP
Texas Bar No. 24036375
SDTX ID No. 33555
600 Travis Street, Suite 3400
Houston, TX 77002
Telephone: (713) 227-8008
Facsimile: (713) 227-9508
tchaney@shb.com

David W. Morehan
SHOOK, HARDY & BACON, LLP
Texas Bar No. 24065790
SDTX ID No. 2228627
600 Travis Street, Suite 3400
Houston, TX 77002

Telephone: (704) 350-7790
Facsimile: (704) 350-7800

J. Tyler Boyce

Texas Bar No. 24127214
S.D. Texas Bar No. 3877314
TBoyce@winston.com
WINSTON & STRAWN LLP
800 Capitol Street, Suite 2400
Houston, TX 77002
Telephone: (713) 651-2600
Facsimile: (713) 651-2700

Telephone: (713) 227-8008
Facsimile: (713) 227-9508
dmorehan@shb.com

ATTORNEYS FOR DEFENDANTS
LIBERTY ENERGY, INC., LIBERTY
OILFIELD SERVICES LLC, LIBERTY
ADVANCED EQUIPMENT
TECHNOLOGIES LLC, ST9 GAS AND
OIL LLC, AND CHRIS BUCKLEY

Courtney Samantha Block (*pro hac vice*)

Illinois Bar No. 6332468
cblock@winston.com
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-8135

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule 5.3, I hereby certify that, on May 13, 2025, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Robert H. Reckers
Robert H. Reckers

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U.S. WELL SERVICES, LLC, U.S. WELL
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v.

LIBERTY ENERGY, INC., LIBERTY
OILFIELD SERVICES LLC, LIBERTY
ADVANCED EQUIPMENT
TECHNOLOGIES LLC, ST9 GAS AND
OIL LLC, CHRIS BUCKLEY, AND PAUL
LIGHTFOOT

Defendants.

Case No. 4:24-CV-00839-KPE
JURY TRIAL DEMANDED

[PROPOSED] AMENDED 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~~
±	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. <i>After this date</i>, 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 21, 2024 [9 weeks after # 2]	~~JOINT CLAIM CONSTRUCTION AND PREHEARING-STATEMENT~~ Comply with P.R. 4-3.
6	November 14, 2024	~~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 <i>before</i> Markman Hearing]	JOINT CLAIM CONSTRUCTION CHART Comply with P.R. 4-5(b) and (c).
13	April 30, 2025	CLAIM CONSTRUCTION (MARKMAN) HEARING At 10:00 a.m. at the United States District Court, Courtroom 7, Houston, Texas.
14	June 11, 2025 (tentative) [Markman ruling within 6 weeks after Markman hearing]	Court's Decision on Claim Construction (Markman Ruling) <u>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</u>
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	June 6, 2025 [1 week after # 15]	PRIVILEGE LOGS/WILLFULNESS Comply with P.R.3-8 All parties furnish privilege logs by this date.
17	June 13, 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	August 8, 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	August 21, 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	September 18, 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	October 17, 2025 [4 weeks after # 20]	COMPLETION OF EXPERT DISCOVERY
22	November 13, 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	DOCKET CALL/ FINAL PRETRIAL CONFERENCE at the United States District Court, Courtroom _____, 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, subject to Court's criminal docket

SIGNED at Houston, Texas, this _____ day of _____, 2025.

Keith P. Ellison
UNITED STATES DISTRICT JUDGE