

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. IPR2025-00139
Patent 11,208,878

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 11,208,878 to Jared Oehring <i>et al.</i> , “Modular switchgear system and power distribution for electric oilfield equipment” (the “’878 Patent”), filed October 9, 2019, issued on December 28, 2021.
1002	File History for U.S. Patent No. 11,208,878.
1003	Declaration of Dr. Robert Durham
1004	U.S. Patent Publication No. 2020/0040705 to Morris <i>et al.</i> , “Switch gear transport that distributes electric power for fracturing operations” (“ <i>Morris</i> ”), filed July 24, 2019, published on June 14, 2022, and claiming priority to a <i>Morris Provisional</i> filed on August 1, 2018.
1005	U.S. Provisional Application No. 62/713,393 to Morris <i>et al.</i> , “Electric Drive Pump for Well Stimulation,” (“ <i>Morris Provisional</i> ”) filed August 1, 2018.
1006	U.S. Patent Publication No. 2017/0222409 to Oehring <i>et al.</i> , “Switch gear load sharing for oil field equipment” (“ <i>Oehring IV</i> ”), filed April 4, 2017, published August 3, 2017.
1007	Schneider Premset Catalog (“ <i>Premset Catalog</i> ”), available May 3, 2017.
1008	Schneider Premset Brochure (“ <i>Premset Brochure</i> ”), available May 4, 2014.
1009	NFPA 70 ®, The National Electric Code®, issued July 16, 2004.
1010	PCT International Patent Publication No. WO 2018/201118 to Orban <i>et al.</i> , “Integrated power and electronics unit for drilling machine” (“ <i>Orban</i> ”), filed April 30, 2018, published November 1, 2018.
1011	U.S. Patent No. 5,042,756 to Robert Pratt, “Flip-flop cable tray walkway” (“ <i>Pratt</i> ”), filed March 20, 1990, issued on August 27, 1991.
1012	U.S. Patent Publication No. 2016/0273328 to Jared Oehring, “Cable Management of Electric Powered Hydraulic Fracturing

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	Pump Unit” (“ <i>Oehring II</i> ”), filed May 3, 2016, and published on September 22, 2016.
1013	U.S. Patent Publication No. 2016/0258267 to Payne <i>et al.</i> , “Well Fracturing Systems with Electrical Motors and Methods of Use,” filed Mar. 3, 2016, published September 8, 2016.
1014	U.S. Patent Publication No. 2016/0105022 to Jared Oehring, “System and Method for Parallel Power and Blackout Protection for Electric Powered Hydraulic Fracturing” (“ <i>Oehring III</i> ”), filed October 13, 2015, and published on April 14, 2016.
1015	U.S. Provisional Patent Application 62/743,360, Jared Oehring et al., “Automated Fracturing Pump System”, filed October 9, 2018.
1016	U.S. Provisional Patent Application 62/743,299, Jared Oehring et al., “Modular Switchgear System and Power Distribution for Electric Oilfield Equipment”, filed October 9, 2018.
1017	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)
1018	Plaintiff’s Motion for Leave to File the Second Amended Complaint, <i>U.S. Well Services et al. v. Liberty Energy Inc. et al.</i> , No. 4:24-cv-00839, Dkt. No. 46 (S.D. Tex. Sept. 19, 2024).
1019	<i>Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation</i> (June 21, 2022)
1020	Federal Court Management Statistics (June 30, 2024), available at < https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_appprofile0630.2024.pdf >
1021	NFPA 70 Trademark Specimen filed October 10, 2007, Trademark Reg. No. 78913310.
1022	Michael Eves, <i>SF6 Alternatives: A Literature Review on SF6 Gas Alternatives for use on the Distribution Network</i> , April 11, 2018.

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1023	Affidavit of Christopher Butler, Internet Archive, regarding EX1007 and EX1008
1024	Affidavit of Christopher Butler, Internet Archive, regarding ABB URLs.
1025	Declaration of Michael Eves.
1026	Intentionally Omitted
1027	PREMSET Trademark Registration No. 87032738, Statement of Use and Specimen, dated February 14, 2018.
1028	Claim Listing for Claims of U.S. Patent No. 11,208,878 to Jared Oehring <i>et al.</i> , “Modular switchgear system and power distribution for electric oilfield equipment” (the “’878 Patent”), filed October 9, 2019, issued on December 28, 2021.
1029	Lionel B. Roe, PRACTICES AND PROCEDURES OF INDUSTRIAL ELECTRICAL DESIGN (McGraw-Hill: 1972), ISBN: 0-07-053390-3 (“ <i>Roe</i> ”)
1030	John A. Camara, ELECTRICAL ENGINEERING REFERENCE MANUAL FOR THE ELECTRICAL AND COMPUTER PE EXAM, 6 th ed. (Professional Publications, Inc.: 2002), ISBN: 1-888577-56-8 (“EE-Reference”)
1031	U.S. Patent No. 1,743,771 to Hall <i>et al.</i> , entitled “System of Electric Distribution” (filed March 25, 1926 and issued January 14, 1930) (“ <i>Hall</i> ”)
1032	IEEE100: THE AUTHORITATIVE DICTIONARY OF IEEE STANDARDS TERMS, 7 th ed. (IEEE Press: 2000), ISBN: 0-7381-2601-2 (“IEEE Standards Dictionary”)
1033	Donald G. Fink, STANDARD HANDBOOK FOR ELECTRICAL ENGINEERS, 13 th ed. (McGraw-Hill, New York: 1993), ISBN: 0-07-020984-7 (“Fink”)
1034	U.S. Patent Publication No. 2011/0241590 to Horikoshi <i>et al.</i> , entitled “Motor Driving Apparatus Having Fault Diagnostic Function” (filed Feb. 11, 2011 and published Oct. 6, 2011) (“ <i>Horikoshi</i> ”).

Exhibit No.	Description
1035	U.S. Patent Publication No. 2012/0255734 to Coli et al., entitled “Mobile, Modular, Electrically Powered System for Use in Fracturing Underground Formations” (filed April 6, 2012 and published Oct. 11, 2012).
1036	U.S. Patent No. 9,410,410 to Broussard et al., entitled “System for Pumping Hydraulic Fracturing Fluid using Electric Pumps” (filed Nov. 16, 2012 and issued Aug. 9, 2016)
1037	“Adjustable Frequency Drives,” <i>Eaton</i> , archived at https://web.archive.org/web/20171114050055/http://www.eaton.com/ecm/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=LatestReleased&noSaveAs=0&Rendition=Primary&dDocName=PCT_1317113 (November 14, 2017).
1038	“Header” definition. Norman J. Hyne, <i>Dictionary of Petroleum, Exploration, Drilling, and Production</i> (1991).
1039	U.S. Patent No. 2,533,001 to Everett Eberhard, “Flip-Flop Counter Circuit” (“ <i>Eberhard</i> ”), filed April 30, 1949, issued December 5, 1950.
1040	C. M. Chang, “An N-P-N high power fast germanium core driver transistor,” <i>1957 International Electron Devices Meeting</i> , Washington, DC, USA, 1957, pp. 114-114, doi: 10.1109/IEDM.1957.187057 (“ <i>Chang</i> ”).
1041	F. B. Golden, “Liquid Cooling of Power Thyristors,” <i>IEEE Transactions on Industry Applications</i> , vol. IA-8, no. 5, pp. 601-606, Sept. 1972, doi: 10.1109/TIA.1972.349789 (“ <i>Golden</i> ”).
1042	A. H. Iversen and S. Whitaker, “A uniform temperature, ultra high heat flux liquid cooled, power semiconductor package,” <i>Conference Record of the IEEE Industry Applications Society Annual Meeting</i> , San Diego, CA, USA, 1989, pp. 1340-1347 vol.2, doi: 10.1109/IAS.1989.96817 (“ <i>Iverson and Whitaker</i> ”).
1043	Hefner, A. R. 1992. “A dynamic electro-thermal model for the IGBT.” In <i>Conference Record of the 1992 IEEE Industry Applications Society Annual Meeting</i> , 1094-104 vol.1 (“ <i>Hefner</i> ”).

Exhibit No.	Description
1044	Guidance on USPTO’s Recission of “Interim Procedure for Discretionary Denials in AIA Post-Grand Proceedings with Parallel District Court Litigation” (March 24, 2025)
1045	Defendants’ Motion to Stay Pending <i>Inter Partes</i> Review, <i>U.S. Well Services, LLC et al. v. Liberty Energy, Inc. et al.</i> , No. 4:24-cv-00839 (S.D. Tex. March 19, 2025)
1046	Notice of Hearing, Doc. 84, <i>U.S. Well Services, LLC et al. v. Liberty Energy, Inc. et al.</i> , No. 4:24-cv-00839 (S.D. Tex. Apr. 1, 2025)
1047	Federal Court Management Statistics (December 31, 2024), available at < https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf >
1048	USWS v. Liberty (SDTX) - Email Production and Schedule
1049	Deposition Transcript of Dr. Michael Nikolaou (December 5, 2025)
1050	“Module.” The American Heritage Dictionary (2012).

I. INTRODUCTION

PO has not raised any reason to find the challenged claims nonobvious.

The Response's arguments regarding the "common support structure" limitation attack each reference in isolation and fail to address the Petition's obviousness theories. The Response even completely ignores references that are both used in Petitioners' combinations and that include disclosure copied into the '878 Patent. PO also argues that the Examiner previously considered the prior art in the Petition; but Section 325(d) does not apply after institution, and the Petition presents new art and arguments never before the Examiner. And PO's arguments that the references teach away merely describe alternative embodiments, not a clear discouragement of the claimed invention.

The Response also argues that *Morris* does not disclose a VFD. But PO's own exhibit establishes that *Morris*'s disclosure of "drives" includes VFDs, and PO's remaining arguments against the combination of *Morris* and *Oehring IV* merely rehash arguments from its POPR without offering any new evidence that merits reconsideration.

PO's arguments that *Pratt* is not analogous art are also deficient in law and fact. PO attempts to require a recitation of magic words articulating a field of endeavor, a standard expressly rejected by the Federal Circuit. And a close comparison of *Pratt* and the '878 Patent establishes that *Pratt* is both in the '878

Patent's field of endeavor and reasonably pertinent to cabling problems raised in the '878 Patent. PO also overlooks multiple motivations, clearly laid out in the Petition, for combining *Pratt* and *Morris*.

For these reasons, Petitioners respectfully submit the Board should find the challenged claims obvious in each of Grounds 1-10.

II. IT WAS OBVIOUS TO MOUNT SWITCHGEAR ON THE PUMP TRAILER

PO's Response first challenges the obviousness of claim element 1[g], which recites a pump, VFD, switchgear, and transformer "mounted on a common support structure." Resp., §VI.A. But PO's Response attacks each reference in isolation, ignoring the Petition's combination of references and related obviousness theories. Absent a response to what the Petition actually pleads, PO pivots to a 325(d) argument, claiming the Examiner already addressed the Petition's primary prior art references. But PO's Section 325(d) argument does not apply after institution, and several of the Petition's prior art references and arguments were never before the Examiner. PO's Response also claims that the *Morris*, *Oehring IV*, and *Payne* references teach away from the "common support structure" limitation by describing "advantages" of alternative configurations. But PO's arguments that the references disclose alternative configurations fall far short of the legal standard for establishing a teach away.

A. PO's Response improperly addresses each reference in isolation, ignoring key aspects of the Petition's obviousness theories

PO's first argument on the merits is that each of the Petition's "primary references explicitly disclose" mounting components on separate support structures rather than on a "common support structure," as claimed. Resp., §VI.A.3. But "[t]he test for obviousness is not ... that the claimed invention must be expressly suggested in any one or all of the references." See *In re Keller*, 642 F.2d 413, 425 (C.C.P.A. 1981); *In re Sovish*, 769 F.2d 738, 742 (Fed. Cir. 1985); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415 (2007) (applying "expansive and flexible approach" to obviousness).

Moreover, PO addresses the explicit disclosure of each reference in isolation. Resp., 25-27 (addressing *Morris* alone), 27-29 (addressing *Oehring IV* alone), 29-31 (addressing *Payne* alone). This is insufficient to overcome the Petition's showing of obviousness. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (requiring that prior art reference "must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole.").¹

¹ PO's focus on each reference in isolation repeatedly leads it astray. For example, PO argues *Oehring IV*'s transformer is not on the pump trailer (Resp., 28), but the Petition relies on *Morris*'s transformer on the pump trailer (Pet., 36-37). As another example, PO asserts that *Payne* offers "no motivation" for combining components

In addressing each reference individually, PO fails to engage with three obviousness theories presented in the Petition. These obviousness theories remain wholly unrebutted.

First, PO limits its arguments to what it deems the “primary references,” “Morris, Oehring IV, and Payne,” ignoring the *Premset Catalog* and *Premset Brochure* (the “Premset references”). Resp., 25. Dr. Nikolaou also did not offer any opinions regarding the Premset references.² EX2013. As the ’878 Patent copies

onto a common support structure.” Resp., 36. Not only is this untrue, as *Payne* teaches components may be moved to different structures (Pet., 70; EX1013, [0045]), the Petition also relies on numerous undisputed motivations in the *Morris*, *Oehring IV*, and Premset references for mounting components on a common support structure (Pet., 26-28, 71-73).

² Dr. Nikolaou’s declaration only mentions the Premset references in footnote 3, which does not offer any substantive analysis of their disclosure. EX2013, 38 n.3. At his deposition, Dr. Nikolaou identified paragraph 78 of his declaration as analyzing the motivation to combine the Premset references with the other references. EX1049, 36:21-37:3, 38:6-10. But this paragraph only addresses *Payne* and nowhere mentions Premset. EX2013, ¶78. At one point in his deposition, Dr.

from the *Premset Catalog* (Pet., 10-13), and even recites a “[m]odular switchgear system” in its title based on the copied Premset disclosures (EX1001, Title, 15:1-7, 15:28-37), PO’s silence on the Premset references is remarkable. The Petition explains how the Premset references’ “modular,” medium-voltage switchgear motivates mounting switchgear on *Morris*’s pump trailer. Pet., 26-28, 36-37, 39; *see also* EX1050 (defining “module” as “a standardized component ... designed for easy assembly or flexible use”). Dr. Durham also elaborates on the motivations to use “compact, modular” SSIS (or “2SIS”) switchgear, such as that disclosed in the Premset references, on *Morris*’s pump trailer. EX1003, ¶¶158-61, 227. The Petition’s and Dr. Durham’s analysis regarding the Premset references remains un rebutted.

Second, PO argues each of the “primary” references “explicitly disclose[s]” switchgear on “separate support structures.” Resp., 25-31. But Dr. Durham explains it would have also been obvious to locate switchgear on *Morris*’s pump trailer because switchgear were commonly used *at multiple locations* in a power distribution system. EX1003, ¶¶156, 178-79, 198, §IX.F. The Petition similarly explains that a “hierarchy of switchgear units” included switchgear on *Morris*’s

Nikolaou seemed unaware that the Petition relied on the Premset references. EX1049, 23:21-24:18.

pump trailer. Pet., 38-39. PO's Response does not address multiple switchgear at various locations in a power distribution system, and Dr. Nikolaou offers no disagreement with Dr. Durham's analysis. Resp.; EX2013; EX1049, 16:11-14, 20:19-21:21 (agreeing that switchgear may include single breaker or multiple breakers). The Petition's and Dr. Durham's analysis of multiple sets of switchgear in *Morris*'s power distribution system also remains unrebutted.

Third, PO's Response argues that *Payne* "fails to meet ... the Common Support Structure limitation" because *Payne*'s "switchgear trailers" 80a-80b are "separate" from its fracturing pump trailers. Resp., 30-31. But *Payne* discloses multiple sets of switchgear beyond those on trailers 80a-80b. EX1013, Figs. 2-3. Dr. Durham explained that *Payne* discloses switchgear located with transformers and switchgear on its pump trailer and that *Payne* explains its components (i.e., switchgear) can be reconfigured onto different trailers. EX1003, ¶¶317-18, 324-27; EX1013, [0045]. So did the Petition. Pet., 70, 71-73 ("*Payne* also illustrates switchgear ... co-located with each transformer" and "*Payne* also discloses additional switchgear on the pump transport"). PO's Response overlooks these arguments. Resp., 30-31. And Dr. Nikolaou admitted that he considered only *Payne*'s switchgear trailers 80a-80b, not *Payne*'s other teachings of switchgear. EX1049, 49:16-51:9. The Petition and Dr. Durham explained that *Payne* teaches

multiple sets of switchgear, and the motivation to mount switchgear on the pump trailer in light of that teaching also remains unrebutted.

PO's Response improperly addresses each prior art reference in isolation and fails to respond to no less than three obviousness theories presented in the Petition.

B. PO's Response raises an untimely and irrelevant 325(d) argument

Lacking any response on the merits, PO's Response instead claims the Examiner "already considered" the Petition's "primary references" during prosecution. Resp., §VI.A.1-2. This 325(d) argument is not relevant after institution. See 35 U.S.C. §325(d) ("*In determining whether to institute*, the Director may take into account whether ... the same prior art or arguments previously were presented to the Office"). And even if Section 325(d) was applicable (it is not), the Examiner did not consider art and arguments presented in the Petition.

PO has not established that the Examiner already considered (much less dismissed) the Petition's art or arguments. The Petition relies on new art, the *Premset Catalog* and *Premset Brochure*, that the Examiner did not consider during prosecution. Pet.; EX1001, (56). The '878 Patent copies nearly verbatim from the *Premset Catalog* and includes the copied elements in various challenged claims. Pet., 9-12; EX1001, Claims 1, 6-7. The Petition relies on the *Premset Catalog* or *Premset Brochure* in every ground, including for the "common support structure"

limitation that PO alleges is the point of novelty meriting allowance. Pet., 27-28, 36-37, 39 (explaining that *Premset Catalog*'s disclosure of "modular" switchgear motivated a POSITA to "naturally place switchgear on the pump transport"); Resp., 12.

Oehring IV was also not considered in allowing the claims. EX1002, 451-67. Even had the Examiner considered *Oehring IV*, the '878 Patent copies verbatim from *Oehring IV*'s disclosure (Pet., 8-9), and the copied elements are again recited in various challenged claims (EX1001, Claims 1-3). The Petition relies on the copied portions of *Oehring IV* in its motivation to combine the references and for Claims 1-3. Pet., 21-25 (citing *Oehring IV* paragraph [0041]), 34, 42-43. Nor did the Examiner consider *Payne*'s teachings related to mounting switchgear on the "common support structure" (EX1002, 451-67), as in the Petition (Pet., 70, §VIII.K).

The Petition also relies on new arguments not considered during prosecution. Dr. Durham's testimony regarding the knowledge of a POSITA and the motivation to combine the references was not before the Examiner when the challenged claims were allowed. EX1002, 451-67; *see generally* EX1003. Nor were the Petition's arguments based on the *Premset* references, *Oehring IV*, and *Payne*, as summarized above. EX1002, 451-67.

PO's 325(d) argument also focuses heavily on overlapping disclosure between *Morris* and the *Morris*329 and *Morris*572 patents. Resp., §VI.A.2. But the

Examiner only considered *Morris572* in allowing the claims, not *Morris329* (EX1002, 451-67), and *Morris572* does not contain significant disclosures of *Morris*. For example, the Petition explains how *Morris*'s teachings of "autonomous," "scalable and flexible" transports and connection with a single, medium-voltage cable support various obviousness theories. Pet., 21, 25, 27-28, 38-40, 70; EX1004, [0027], [0034]. These disclosures are not in *Morris572* (Resp., 17-20; EX2010).

The Examiner did not consider, or even have available, significant portions of the Petition's art and arguments. PO's belated and irrelevant 325(d) arguments only signal the weakness of its arguments on the merits.

C. The references do not teach away from a combination

Finally, PO argues that each of *Morris*, *Oehring IV*, and *Payne* teaches away from the "common support structure" limitation. Resp., §VI.A.4. But PO's arguments merely pertain to alternative embodiments rather than clear discouragement of the claimed invention, and are thus insufficient to establish teaching away. *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004) ("The prior art's mere disclosure of more than one alternative does not constitute a teaching away").

First, PO argues that *Morris* teaches away because it discloses a "switch gear transport" that can "act as a hub" for control and monitoring operations, providing

an “advantage” of a standalone switchgear transport. Resp., 32. But *Morris* clearly states its switchgear transport “***could also be*** setup to act as a hub.” EX1004, [0037]. Dr. Nikolaou confirmed that *Morris*’s hub embodiment is just “another possibility.” EX1049, 54:3-12; *see id.*, 51:18-52:10. *Morris*’s disclosure of an alternative is not teaching away. *See In re Fulton*, 391 F.3d at 1201. PO never states that *Morris*’s “hub” embodiment discourages placing switchgear on the pump trailer, because it does not. Resp., 32-34. Accordingly, *Morris* does not teach away. *See In re ICON Health & Fitness, Inc.*, 496 F.3d 1374, 1381 (Fed. Cir. 2007) (finding no teach away where reference “does not indicate the undesirability of” pursuing the claimed invention).

Second, PO argues that *Oehring IV* teaches away from the claimed “common support structure” because it teaches “a transformer on a separate support structure.” Resp., 34. PO alleges this provides the “advantage” of allowing “multiple pumps” on the pump trailer. Resp., 34. As for *Morris*, this disclosure of an alternate embodiment, absent any discouragement of a transformer on the pump trailer, is not teaching away. *See supra*. And PO’s argument that *Oehring IV*’s separate transformer teaches away is contradicted by *Morris*’s clear disclosure of transformers on the pump trailer, as explained in the Petition. EX1004, [0030], Fig. 1; Pet., 37.

Finally, PO argues *Payne* teaches away because, like *Oehring IV*, it discloses components on separate support structures. Resp., 35-36. PO overlooks *Payne*'s clear teaching that "the position of a unit on a particular trailer truck, or skid is not limited to the position(s) described herein." EX1013, [0045]. As with *Morris* and *Oehring IV*, mere disclosure of an alternative embodiment does not teach away. See *supra*. If had *Payne* preferred locating components on other structures (it does not), even that would not be a "clear discouragement" sufficient to establish teaching away. See *Syntex (U.S.A.) LLC v. Apotex, Inc.*, 407 F.3d 1371, 1380 (Fed. Cir. 2005). And as noted in Section II.A, PO ignores *Payne*'s disclosure of additional switchgear, other than in "switchgear trailers" 80a-80b.

III. IT WAS OBVIOUS TO MOUNT A VARIABLE FREQUENCY DRIVE ON THE PUMP TRAILER

PO's Response offers no reason to find the VFD limitations nonobvious. PO's first argument, that *Morris* does not disclose a VFD, is contradicted by the *Morris*³²⁹ reference that PO introduces. Second, PO's attacks on the *Morris* reference in isolation fail to consider the obviousness combination presented in the Petition. And PO's remaining arguments against combining *Morris* and *Oehring IV* merely reiterate arguments the Board already found unpersuasive, without presenting any evidence meriting a different result now.

A. PO's own arguments confirm that *Morris* discloses VFDs

PO's Response disputes that *Morris*'s disclosure of "drives and/or other control instrumentation" includes VFDs. Resp., 36-39. But the *Morris*329 reference that PO introduces reveals that *Morris*'s disclosure of "drives" includes VFDs.

*Morris*329 repeatedly states that fracturing pump transport(s) include "***drives (e.g., variable frequency drives (VFDs))*** to control and monitor the electric prime movers." EX2011, [0032]; *see id.*, [0049], [0051], [0053]. *Morris*329 also describes "drives and/or other control instrumentation mounted on the fracturing pump transport." EX2011, [0056], [0058]. So does *Morris*. EX1004, [0031]. *Morris*329 makes clear that, as explained in the Petition, a POSITA would have understood *Morris*'s disclosure of "drives" to include VFDs. Pet., 30-31; *see id.*, 20-22.

PO's Response also casually dismisses Dr. Durham's testimony—that a POSITA would have understood "drives" includes VFDs—as *ipse dixit*. Resp., 38-39; EX1003, ¶¶153, 161, 168-72. But *Morris*329's description of "drives" as "VFDs" confirms Dr. Durham's testimony. And Dr. Durham cites multiple teachings in the art that corroborate his testimony. EX1003, ¶¶153, 161, 168-72, (citing *Oehring IV*'s use of "variable frequency drives" in fracturing operations), §IX.L (citing various teachings in the art to use VFDs).

The art of record and Dr. Durham's testimony clearly demonstrate *Morris* discloses a VFD.

B. PO improperly addresses the *Morris* reference in isolation

PO's Response also addresses *Morris* in isolation. Resp., §VI.B.1, 41 ("Morris does not explicitly disclose a VFD"). PO's attacks on *Morris* in isolation are not sufficient to defeat a showing of obviousness based on a combination of prior art references. *Bradium Techs. LLC v. Iancu*, 923 F.3d 1032, 1050 (Fed. Cir. 2019) ("A finding of obviousness ... cannot be overcome 'by attacking references individually where the rejection is based upon the teachings of a combination of references.'"); *see also In re Kavanagh*, 851 Fed. App'x 1028, 1034 (Fed. Cir. 2021).

The Petition clearly relies on a combination of *Morris* and *Oehring IV* to render obvious the VFD limitations. Pet., 20-22; *see also* EX1003, ¶¶151-53, 161, 168-72. The Petition also relies on knowledge in the art of VFDs, dating back to the 1960s, to motivate using VFDs to control motors in a fracturing operation. Pet., 30-31; *see also* EX1003, ¶¶161, 168-72. Accordingly, the Board may discount PO's arguments about *Morris* standing alone and instead consider obviousness of the claimed VFD based on the combination of *Morris* and *Oehring IV* in view of common knowledge of VFDs in the art.

In addition, *Payne* teaches controlling motor speed with VFDs mounted on the pump trailer. EX1013, [0046-0047], Fig. 3. This disclosure further demonstrates that, contrary to PO's arguments, a POSITA knew to use VFDs on the pump trailer,

and would have done so, to control motor speed. EX1003, ¶¶142-43, 151-53, 161, 168-72, 317-318, 320; EX1013, [0046-0047], Fig. 3.

C. PO's Response reiterates arguments that the Board already found unpersuasive

PO's Response reiterates the arguments previously presented in its POPR. The Board already considered these arguments and found them unpersuasive. Paper 14, 25-27.

First, PO's Response reiterates the POPR's argument that fixed frequency drives (FFDs) were used in the industry, claiming a VFD is not inherent in *Morris's* disclosure of "drives." Resp., 39-42; POPR, 17-18. The Board found this argument unavailing, as the Petition relies on the combination of *Morris* and *Oehring IV*. Paper 14, 24-25. And rightly so. The availability of an alternative option in FFDs in no way demonstrates that it was not obvious to use a VFD. *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004) ("[M]ere disclosure of alternative designs does not teach away.")

Second, PO's Response reiterates the POPR argument that the Petition merely presents "evidence that a POSITA *could* combine" the references, "not evidence that a POSITA *would*" have done so. Resp., 42; POPR, 19. PO makes much of the Petition's statement that a VFD "*can* control the speed of an electric motor." Resp., 42; Pet., 22. The Petition merely tracks the language in *Oehring IV*, which states a

VFD “*can* be utilized to control the speed of an electric motor.” EX1006, [0043].

The Board already considered PO’s “could/would” argument and found “Petitioner has set forth reasoning based on a rational underpinning explaining why an ordinarily skilled artisan *would* employ *Oehring IV*’s [VFD] in *Morris*’s system.” Paper 14, 25-26; *see also* Pet., 21-22.

And PO’s expert presents no evidence meriting a different result after institution. Instead, he agrees with the Petition’s logic motivating use of *Oehring IV*’s VFDs in *Morris*. The table below compares Dr. Nikolaou’s testimony, at right, with the Petition’s and Dr. Durham’s explanation of the motivation to use VFDs on *Morris*’s pump trailers:

Petition and Dr. Durham’s Declaration	Dr. Nikolaou’s Testimony
“Fracturing systems have varying flow rates and the electrical load constantly changes, requiring more or less torque from a variable frequency drive.” Pet., 21-22. EX1003, ¶¶151-53, 161, 168-72 (explaining use of VFD on <i>Morris</i> ’s pump trailer to handle varying load).	“Q Do you agree that varying flow rates and pressures in a fracturing operation can cause the electrical load to change? A Yes, I agree.” EX1049, 41:15-18.
“As taught in <i>Oehring IV</i> , a variable frequency drive (VFD) can control the speed of an electric motor.” Pet., 22.	“And to adjust the pump, you may use a variable frequency drive, because that would adjust the motor of the pump.” EX1049, 42:8-43:1; <i>see also id.</i> , 40:1-7.
“[A] POSITA would have known that controlling motor speed copes with varying loads and prevents damage.	Q Do you agree with <i>Oehring</i> that a variable frequency drive operates as

<p><i>See</i> EX1006, [0009], [0028] (explaining VFDs can “prevent damage”).” Pet., 22.</p>	<p>described in paragraph 9? A Yes.” EX1049, 43:4-20, 44:11-17.</p> <p><i>See also</i> EX1006, [0009] (“In hydraulic fracturing, by contrast, the electrical load constantly changes and can be unpredictable. ... In order to maintain a consistent pump rate, the pump motors are required to “throttle’ up or “throttle’ down (applying more or less torque from a variable frequency drive) ...”).</p>
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Dr. Nikolaou agrees with every statement in the Petition motivating use of *Oehring IV*’s VFDs in *Morris*’s fracturing system. PO’s Response, and its expert’s testimony, only confirm it was obvious to use a VFD on *Morris*’s pump trailer.

IV. ***PRATT* IS ANALOGOUS ART THAT WOULD HAVE BEEN COMBINED WITH *MORRIS***

PO claims *Pratt* is not analogous art. But PO’s argument requires the Petition to formulaically articulate a field of endeavor using magic words, a standard the Federal Circuit has expressly rejected. The ’878 Patent, *Pratt*, and the Petition demonstrate *Pratt* is both in the ’878 Patent’s field of endeavor—electric power distribution for fracturing operations—and reasonably pertinent to the ’878 Patent’s cable management problem. PO’s Response also fails to rebut, or in some cases even address, the Petition’s multiple motivations for combining *Pratt*’s cable trays with *Morris*’s pump trailer.

A. PO introduces a “magic words” test rejected by the Federal Circuit

As an initial matter, PO’s Response repeatedly faults Petitioner for not stating *Pratt* is in the “field of endeavor” of “fracking operations.” Resp., 49 (“*Pratt* contains no mention of fracking operations”), 50 (same). But the Federal Circuit has made clear that a Petitioner need not “formulaically articulate a field of endeavor” or “use ... magic words” to show a reference is in the patent’s field of endeavor. *Netflix, Inc. v. DivX, LLC*, 80 F.4th 1352, 1360 (Fed. Cir. 2023). PO’s blinkered focus on *Pratt*’s failure to “mention” a particular set of magic words is irrelevant to whether *Pratt* is analogous art.

B. *Pratt* and the ’878 Patent are in the same field of endeavor

And applying the proper test, *Pratt* is in the same field of endeavor as the ’878 Patent. The field of endeavor is “not limited to the specific point of novelty.” *Netflix*, 80 F.4th 1352, 1359. A patent’s field of endeavor is determined “by reference to explanations of the invention’s subject matter in the patent application, including the embodiments, function, and structure of the claimed invention.” *In re Bigio*, 381 F.3d 1320, 1325 (Fed. Cir. 2004).

The ’878 Patent describes its “technical field” as “hydraulic fracturing and more particularly ... module switchgear and *power distribution systems*.” EX1001, 1:24-26. From the outset, the ’878 Patent’s field includes “power distribution systems” in fracturing operations. *Id.* By comparison, *Pratt*’s “cable racks or trays

are used *in various industries* to support a plurality of cables ... *for transmitting ... electrical power* to various locations, both indoors and outdoors, in a building, plant, refinery, or other facility.” EX1011, 1:14-18. And Dr. Nikolaou confirmed it was “common in 2018 to use cables to distribute electrical power in a hydraulic fracturing facility.” EX1049, 44:18-21; *see also id.*, 47:11-48:10. Both *Pratt* and the ’878 Patent clearly relate to the field of power distribution, including for industries such as fracturing operations.

Consistent with Dr. Nikolaou’s testimony, the embodiments, function, and structure described in the ’878 Patent include managing cabling for distributing electrical power. The ’878 “[e]mbodiments” include “different pieces of equipment mounted on a common trailer, thereby simplifying layouts at the well site and reducing a number of *cables run between different pieces of equipment.*” EX1001, 6:28-32. One pump trailer embodiment “includes cable trays 1302 arranged below hinged covers 1304 within the floor of the platform 900 ... to reduce the likelihood of damage” to cables placed in the trays. EX1001, 14:24-28. Elsewhere the ’878 Patent describes cable spooling, cable gland protection, specific cable types for connecting equipment, and a system “to smoothly pull cables” onto the trailer “without damaging the cables.” EX1001, 2:50-52, 11:15-20, 12:27-30, 16:37-40. Cable management may not be ’878 Patent’s alleged point of novelty, but it is enough that the ’878 invention includes functions and structures for cable

management, cable protection, and cable installation—including cable trays specifically—as part of power distribution systems for fracturing operations. *See Netflix*, 80 F.4th 1352, 1359 (“It is enough that the prior art reference falls within the relevant field of endeavor of the patent-in-suit.”).

Moreover, the cable trays in the ’878 Patent and *Pratt* have essentially the same function and structure. The ’878 Patent describes (and claims) cable trays “arranged below hinged covers 1304 within the floor of the platform 900.” EX1001, 14:24-28. *Pratt*’s cable trays have an identical structure: placing “hinged walkway members” above “cable tray[s].” EX1011, 2:21-53, 2:59-63. The function of the ’878 cable trays is “to reduce the likelihood of damage.” EX1001, 14:24-28. *Pratt*’s cable trays have an identical function, as “walking on the cables can damage them.” EX1011, 1:45-48; *see id.*, 2:11-14, 2:44-51. Identical structure and function shows *Pratt* falls within the ’878 Patent’s field of endeavor.³ *See In re Deminski*, 796 F.2d

³ PO’s argument that *Pratt*’s cable trays are not analogous is belied by its failure to challenge *Premset Catalog*’s switchgear as not analogous art. *See* Resp. Dr. Nikolaou admitted that both switchgear and cables were relevant components in power distribution systems. EX1049, 47:9-48:10. Both switchgear and cables are pertinent to power distribution, but PO could not challenge the *Premset Catalog* because the ’878 Patent copies from it nearly verbatim. Pet., 10-13.

436, 442 (Fed. Cir. 1986) (finding same field of endeavor because the references and the invention “have essentially the same function and structure”).

C. *Pratt* is reasonably pertinent to cabling problems in the ’878 Patent

Pratt is also reasonably pertinent to cabling problems raised in the ’878 Patent. “[W]hen addressing whether a reference is analogous art with respect to a claimed invention under a reasonable-pertinence theory, the problems to which both relate must be identified and compared.” *Donner Tech., LLC v. Pro Stage Gear, LLC*, 979 F.3d 1353, 1359 (Fed. Cir. 2020). The background of the ’878 Patent describes three challenges relating to the “large number of hoses, cables and the like” during fracturing operations: (1) “traffic or congestion” due to routes that are “restricted or blocked off”; (2) confusion connecting numerous cables to desired locations; and (3) “space at the well site is at a premium.” EX1001, 2:15-27.

Pratt identifies and resolves similar problems and challenges. *Pratt* states cables must be accessed “for originally laying cable, for inspecting and repairing it, and for removing it.” EX1011, 1:42-45. *Pratt* explains that “walkways have been constructed next to cable trays,” “occupy[ing] space which might be used more beneficially.” EX1011, 1:49-52. *Pratt* addresses these problems by placing cable trays under “hinged walkway members,” which would save space by placing a walkway over cables rather than next to them and also ease congestion by permitting foot traffic over the walkway. *See* EX1011, 2:21-53.

The '878 Patent also provides cable trays “to reduce the likelihood of damage” to cables. EX1001, 14:19-28. *Pratt* describes the same problem, as “walking on the cables can damage them.” EX1011, 1:45-48. To avoid damage, *Pratt*’s cable trays are covered by a “hinged walkway,” such that “a worker can stand on the grating” of the walkway “while working on the cables.” EX1011, 2:30-53. *Pratt* is pertinent not only to avoiding damage, but also to related safety concerns in power distribution systems. Dr. Nikolaou agreed “protect[ing] the cables” was “standard” practice in power distribution systems for “safety reasons.” EX1049, 44:18-45:6. “Standard” protections included “cable trays.” EX1049, 45:7-46:8. *Pratt* similarly identifies the “need for safe and easy access to the cables” and its trays resolve “[p]rior unsafe practices” like walking on cables. EX1011, 1:45-48, 2:11-14.

Pratt is thus pertinent to cable management problems—traffic and congestion, space constraints, cable damage, and safe access—expressly identified in the '878 Patent and left unaddressed by PO’s Response. Resp.

Moreover, the Petition presents evidence cable trays were pertinent to cable management challenges in electrically powered fracturing operations. The Petition cites *Oehring II*, a patent issued to the '878 Patent’s inventor entitled “***Cable Management of Electric Powered Hydraulic Fracturing Pump Unit.***” EX1012; EX1001, (72). *Oehring II* explains that electrically powered fracturing “***require[s] numerous cables that occupy valuable space.***” EX1012, [0006]. *Oehring II*

summarizes its field of endeavor as relating to “electrical ... connections connected to an electric hydraulic fracturing pump ... to minimize space and time requirements for rig up and rig down.” EX1012, [0003]. Like the ’878 Patent, *Oehring II* informs a POSITA that configuring, connecting (“rig up” and “rig down”), and managing numerous cables was a challenge in fracturing operations. EX1012.

The Petition also cites *Oehring III*—again issued to the ’878 Patent’s inventor—which describes “[a] system for powering equipment used in a hydraulic fracturing operation” and includes “***cable trays*** for running cables ***on the [pump] trailer.***” EX1014, [0007], [0041]. Thus, the ’878 Patent’s own inventor had identified cable trays, including on the pump trailer, as a solution to cable management problems described in the ’878 Patent.

PO’s Response states *Pratt* “would not have logically commended itself to the attention of the 878 Patent’s inventor or a POSITA.” Resp., 50. But the ’878 inventor, Mr. Oehring, in fact looked to cable trays to solve cable management problems in fracturing operations. *See Netflix*, 80 F.4th 1352, 1361–62 (“In order to determine whether a reference is ‘reasonably pertinent,’ ... consider record evidence cited by the parties to demonstrate the knowledge and perspective of a [POSITA] at the time of the invention.”). PO’s Response does not address *Oehring II* or *Oehring III*. Nor does Dr. Nikolaou. EX2013.

Pratt's cable tray solution is reasonably pertinent to multiple cabling problems described in the '878 Patent, as confirmed by PO's expert and related patents issued to '878 Patent's inventor.

D. PO's Response ignores the Petition's multiple motivations for combining *Pratt* and *Morris*

PO's Response also argues the Petition fails to motivate combining *Morris* and *Pratt*, because *Morris* does not disclose "intra-transport" cabling. Resp., §VI.C.2. Again, PO's arguments improperly address *Morris* in isolation and actively ignore the Petition's multiple motivations for combining *Morris* and *Pratt*.

As in its other arguments, PO addresses the *Morris* reference in isolation. Resp., §VI.C.2 (addressing the "Cited Morris Disclosures"). This is deficient as a matter of law. See *In re Keller*, 642 F.2d 413, 425 (C.C.P.A. 1981) (stating "test for obviousness" is based on "***combined*** teachings of the references"). The Petition clearly relies on both *Morris* and *Pratt* to motivate a combination, not on *Morris* standing alone. Pet., 60-62.

In focusing narrowly on isolated disclosures from *Morris*, PO's Response overlooks what is plain in the Petition. The Petition presents at least four motivations for using *Pratt*'s cable trays in *Morris*'s fracturing operation: (1) the need, as expressly taught in *Morris*, for numerous cables in a fracturing operation, alongside *Pratt*'s identifying cable trays as a solution for managing numerous cables; (2) the

desire to minimize cable wear and tear; (3) the need for mobile, repeatable cable management in support of “mobile and autonomous pump transports”; and (4) *Morris*’s goal of “reduc[ing] physical footprint” of fracturing operations. Pet., 60-62; *see also* EX1003, ¶¶280-88. PO’s Response addresses only the first and fourth motivations. Resp., 51 (addressing “express teachings” of references), 54 (addressing “physical footprint”). Petitioner’s second and third motivations for combining *Morris* and *Pratt*—stated plainly in the Petition—remain completely un rebutted.

And PO’s arguments against the Petition’s first and fourth motivations miss the point. For the first motivation, PO dismisses *Morris*’s teaching of numerous cables in a fracturing operation by arguing that “Petitioners cite no support from *Morris* regarding intra-transport cabling.” Resp., 54. This is false. The Petition cites *Morris* paragraph 31 and explains that “*Morris* describes numerous cable connections at various voltages.” Pet., 60-61. *Morris* paragraph 31 describes a “fracturing pump transport” containing power distribution equipment—a “transformer” powering “prime movers,” “drives, and/or other control instrumentation”—at “4.2 kV or 2.1 kV,” “480 V, 240 V, and 110 V.” EX1004, [0031]. And Dr. Durham explains “there would be multiple sets of cables on the fracturing pump transport” to power these multiple pieces of equipment at various voltages. EX1003, ¶281. PO’s expert agrees. EX1049, 48:8-10 (“Q: And the power

distribution equipment would include cables? A: Certainly.”); *see also id.*, 44:18-21.

The Petition clearly addresses *Morris*’s intra-transport cabling.

And for the Petition’s fourth motivation, PO argues that *Morris* reduces the fracturing operation “footprint” by reducing the number of trailers, not by reducing space for cabling on trailers. Resp., 54. But PO does not dispute that minimizing trailer area for cables would also have “minimiz[ed] the on-site area or ‘footprint’ of the fracturing operations,” as desired in *Morris*. EX1004, [0003]; *see id.*, [0034]; Pet., 62; EX1012, [0006]. And in support of *Morris*’s goal, *Pratt* recognizes “space ... might be used more beneficially” by placing cable trays under walkways. EX1011, 1:48-52.

The Petition’s motivation to combine *Morris* and *Pratt* further relies on teachings of *Oehring II* (EX1012) and *Oehring III* (EX1014) as motivating “cable trays ... *on the [pump] trailer.*” Pet., 62. The *Oehring II* and *Oehring III* patents describe using cable trays in fracturing operations both to “minimize space and time requirements for rig up and rig down” and to prevent “numerous cables” from “occupy[ing] valuable space.” Pet., 61-62; EX1012, [0003], [0006]; EX1014, [0041]. Dr. Durham explained the motivation, based on the teachings of *Oehring II* and *Pratt*, to “avoid[] repetitive, manual cable handling and connection.” EX1003, ¶¶198-99. PO’s Response says nothing about *Oehring II*, *Oehring III*, Dr. Durham’s

opinions, or the Petition's explanation of how cable trays would have facilitated rapid pump trailer setup and teardown. Resp., §VI.C.2; Pet. 61-62.

Claim 9 is obvious because PO's Response fails to rebut any of the Petition's multiple motivations to combine *Morris* and *Pratt*.

V. CONCLUSION

Petitioner respectfully submits the challenged claims are unpatentable for each of Grounds 1-10.

Respectfully submitted,
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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE
REQUIREMENTS**

1. This **Petitioners' Reply to Patent Owner's Response** complies with the type-volume limitation of 5,600 words, comprising 5586 words, excluding the parts exempted by 37 C.F.R. §42.24(a).

2. This **Petitioners' Reply to Patent Owner's Response** complies with the general format requirements of 37 C.F.R. §42.6(a) and has been prepared using Microsoft® Word in 14-point Times New Roman.

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Date: December 22, 2025

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §42.6(e), the undersigned certifies that on the 22nd day of December 2025, a complete and entire copy of this **PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE** and Exhibits 1049-1050 were served on Patent Owner via electronic mail at the following addresses:

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