

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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

v.

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

IPR2025-00778
Patent 11,959,533 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION

Denying Institution of *Inter Partes* Review

U.S. Well Services, LLC (“Patent Owner”) filed a request for discretionary denial (Paper 7, “DD Req.”) in the above-captioned case, and Liberty Energy Inc. and Liberty Energy Services LLC (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceeding is in October 2026. *See* DD Req. 14. The district court’s scheduled trial date is March 30, 2026, and the time-to-trial statistics suggest trial will begin May 2026. *Id.* at 13; DD Opp. 10. As such, it is unlikely that a final written decision in this proceeding will issue before district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Furthermore, the Board has already denied institution on the merits in an *inter partes* review proceeding addressing the parent of the challenged patent. *Liberty Energy Inc. v. U.S. Well Services, LLC*, IPR2025-00066, Paper 10 (PTAB Apr. 29, 2025) (denying institution of *inter partes* review of Patent 10,598,258 B2). DD Req. 18–24; DD Opp. 12–16. In this proceeding, Petitioner relies on grounds and issues similar to those raised in the earlier proceeding which the Board denied on the merits. This further weighs in favor discretionary denial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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