

Chad B. Walker
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Via Electronic Mail

Roger Fulghum
BAKER BOTTS L.L.P.
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David M. Genender
MCDERMOTT, WILL & EMERY LLP
2501 North Harwood Street, Suite 1900
Dallas, Texas 75201-1664
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Re: *Halliburton Energy Services, Inc. et al. v. U.S. Well Services, LLC and ProFrac Holding Corp.*, Case No. 6:22-cv-00906-ADA-DTG (W.D. Tex.)

Dear Roger and David:

I am writing regarding the petition for post-grant review (PGR) filed against the claims of U.S. Patent No. 11,373,058 (the “058 Patent”), which is asserted in the above-identified case (“the litigation”). Defendants U.S. Well Services, LLC and ProFrac Holding Corp. (collectively, “Profrac”) stipulate that:

If the Patent Trial and Appeal Board (PTAB) institutes trial in PGR2023-00023, then ProFrac will not pursue in the litigation, with respect to the 058 patent, invalidity of any of the challenged claims based on the grounds instituted in PGR2023-00023, or based on any 35 U.S.C. §§ 101, 102, 103, or 112 grounds that ProFrac raised or reasonably could have raised in the PGR.

In so stipulating, ProFrac seeks to avoid multiple proceedings addressing the validity of the 058 Patent based on the same grounds. Rather, consistent with Congressional intent, ProFrac wishes the patentability of the 058 Patent to be addressed at the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB declines institution of the PGR, this stipulation is not effective and ProFrac reserves the right to pursue the grounds identified in the PGR and any other invalidity grounds in the litigation.

Respectfully,

A handwritten signature in dark ink, appearing to read "Chad B. Walker", with a long, sweeping horizontal line extending to the right.

Chad B. Walker