UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

PROFRAC HOLDING CORPORATION
and
U.S. WELL SERVICES, LLC,
Petitioners,

v.

HALLIBURTON ENERGY SERVICES, INC.,
Patent Owner.

_____

Case PGR2023-00023
Patent No. 11,373,058

_____

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Submitted Electronically via P-TACTS

PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(B) TO PETITIONERS' EVIDENCE SUBMITTED WITH THE PETITION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Halliburton Energy Services, Inc. ("Patent Owner") respectfully submits the following objections to evidence filed by Petitioners ProFrac Holding Corporation and U.S. Well Services, LLC ("Petitioners") with the Petition (Paper 2). These objections are timely, as they are being made within ten business days of the institution of the trial (November 1, 2023).

The following chart lists Patent Owner's objections to the admissibility of certain evidence (identified below) that is included within or accompanies the Petition and the basis for those objections:

Objected to Exhibit	Basis for Objection
Exhibit 1007	**FRE 106**: Patent Owner objects to Exhibit 1007 because it is incomplete. **FRE 401, 402, 403**: Patent Owner objects to Exhibit 1007 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the

Objected to Exhibit	Basis for Objection
	danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1007 for the truth of the matter asserted, Patent Owner objects to Exhibit 1007 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1007 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1016	**FRE 401, 402, 403**: Patent Owner objects to Exhibit 1016 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which

Objected to Exhibit	Basis for Objection
	trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1016 for the truth of the matter asserted, Patent Owner objects to Exhibit 1016 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1016 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1025	**FRE 401, 402, 403**: Patent Owner objects to Exhibit 1025 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this

Objected to Exhibit	Basis for Objection
	document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1025 for the truth of the matter asserted, Patent Owner objects to Exhibit 1025 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1025 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1026	**FRE 401, 402, 403**: Patent Owner objects to Exhibit 1026 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be

Objected to Exhibit	Basis for Objection
	without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1026 for the truth of the matter asserted, Patent Owner objects to Exhibit 1026 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1026 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1028	**FRE 106:** Patent Owner objects to Exhibit 1028 because it is incomplete.

Objected to Exhibit	Basis for Objection
	FRE 401, 402, 403: Patent Owner objects to Exhibit 1028 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1028 for the truth of the matter asserted, Patent Owner objects to Exhibit 1028 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1028 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no

Objected to Exhibit	Basis for Objection
	evidence that the document is self-authenticating under FRE 902.
Exhibit 1029	**FRE 401, 402, 403**: Patent Owner objects to Exhibit 1029 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1029 for the truth of the matter asserted, Patent Owner objects to Exhibit 1029 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. **FRE 901, 902**: Patent Owner objects to Exhibit 1029 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the

Objected to Exhibit	Basis for Objection
	document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1030	**FRE 106**: Patent Owner objects to Exhibit 1030 because it is incomplete. **FRE 401, 402, 403**: Patent Owner objects to Exhibit 1030 for including information that is irrelevant. This document lacks any tendency to make a fact that is of consequence in determining the action more or less probable than it would be without this document. In addition, to the extent this document has any probative value to any ground upon which trial was instituted, it is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. **FRE 801, 802**: To the extent Petitioner relies on the contents of Exhibit 1030 for the truth of the matter asserted, Patent Owner objects to Exhibit 1030 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.

Objected to Exhibit	Basis for Objection
	FRE 901, 902: Patent Owner objects to Exhibit 1030 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1003	Patent Owner objects to Exhibit 1003 to the extent it relies on Exhibits 1007, 1016, 1025, 1026, 1028, 1029, and 1030, including at least ¶¶ 2, 30–34, 76, 167, 192–193, for the same reasons Patent Owner objects to Exhibits 1007, 1016, 1025, 1026, 1028, 1029, and 1030 as provided herein. **FRE 702 and 703**: Patent Owner objects to Exhibit 1003, including at least ¶¶ 4, 52, 61, 67–99, 101–103, 105–115, 117–124, 126–128, 130, 132, 134, 136, 138, 140, 142, 144–145, 149, 151–161, 163, 165–174, 176–179, 183–190, 192–193 as improper testimony under FRE 702 and 703. The testimony is based on insufficient facts or data, is not the product of reliable

Objected to Exhibit	Basis for Objection
	principles and methods, and does not reliably apply the appropriate principles and methods to the fact of the case.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Patent Owner

Dated: November 16, 2023

/Chad C. Walters/
Chad C. Walters
Reg. No. 48,022
Lead Counsel for Patent Owner
Halliburton Energy Services, Inc.

Certificate of Service

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 16th day of November 2023 a complete and entire copy of this **PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(B) TO PETITIONERS' EVIDENCE SUBMITTED WITH THE PETITION** was served on Petitioners via email at the following correspondence address:

Brian E. Ferguson (Reg. No. 36,801)
Email: beferguson@winston.com; PGR-Profrac-USWell@winston.com

Matthew Hopkins (Reg. No. 76,273)
Email: mhopkins@winston.com

J. Tyler Boyce (Reg. No. 77,570)
Email: tboyce@winston.com

BAKER BOTTS L.L.P.
Attorneys for Patent Owner

Dated: November 16, 2023

/Chad C. Walters/
Chad C. Walters
Reg. No. 48,022
Lead Counsel for Patent Owner
Halliburton Energy Services, Inc.