

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 PETITIONERS' REPLY**

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 Petitioners’ Reply (Paper 16). These objections are timely, as they are being made within five business days of service of the evidence (May 10, 2024).

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

Objected to Exhibit	Basis for Objection
Exhibit 1032 - A. Shchipanov et al., Step Rate Test as a Way to Understand Well Performance in Fractured Carbonates, SPE-185795-MS (June 2017)	FRE 801, 802: To the extent Petitioner relies on the contents of Exhibit 1032 for the truth of the matter asserted, Patent Owner objects to Exhibit 1032 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. FRE 901, 902: Patent Owner objects to Exhibit 1032 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question is

Objected to Exhibit	Basis for Objection
	what Petitioner claims. There is no evidence that the document is self-authenticating under FRE 902.
Exhibit 1033 – United States Environmental Protection Agency, Region VIII, Step Rate Test Procedure (Jan. 12, 1999)	FRE 801, 802: To the extent Petitioner relies on the contents of Exhibit 1033 for the truth of the matter asserted, Patent Owner objects to Exhibit 1033 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. FRE 901, 902: Patent Owner objects to Exhibit 1033 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 1046 - M. Van Domelen, A Practical Guide to Modern Diversion Technology, SPE-185120-MS (March 2017)	FRE 801, 802: To the extent Petitioner relies on the contents of Exhibit 1046 for the truth of the matter asserted, Patent Owner objects to Exhibit 1046 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 1046 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 1047 - Reservoir Modeling, Wikipedia Webpage from Internet Archive (April 1, 2019)	FRE 401, 402, 403: Patent Owner objects to Exhibit 1047 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 1047 for the truth of the matter

Objected to Exhibit	Basis for Objection
	asserted, Patent Owner objects to Exhibit 1047 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception. FRE 901, 902: Patent Owner objects to Exhibit 1047 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 1050 - Supplemental Declaration of Dr. Michael Nikolaou	Patent Owner objects to Exhibit 1050 to the extent it relies on Exhibits 1032, 1033, 1046, and 1047, including at least ¶¶ 8, 9, 10, 11, 13, 15, 16, 21, 22, 23, 47, 50, and 52, for the same reasons Patent Owner objects to Exhibits 1032, 1033, 1046, and 1047 as provided herein. FRE 702 and 703: Patent Owner objects to Exhibit 1050, including at least ¶¶ 4, 10, 11, 15, 16, 18-30, 41, 43, 45, 60, 62, 63 as improper testimony under FRE 702 and 703. The testimony is based on

Objected to Exhibit	Basis for Objection
	insufficient facts or data, is not the product of reliable 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: May 17, 2024

/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 17th day of May 2024 a complete and entire copy of this **PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(B) TO PETITIONERS' EVIDENCE SUBMITTED WITH PETITIONERS' REPLY** was served on Petitioners via email at the following correspondence address:

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Dated: May 17, 2024

/Chad C. Walters/

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