

Winston Defeats Halliburton Patent-Infringement Lawsuit Over Electric Fracking Technology at Trial in Waco

AUGUST 24, 2023

After a week-long trial that featured damaging admissions and changed stories from opposing party Halliburton's fact and expert witnesses, a Waco jury took less than three hours to clear client U.S. Well Services of competitor Halliburton's claims that it infringed certain patents involving use of hydraulic fracturing software as well as methods related to the operation and powering of U.S. Well Services' fracturing sites, rejecting Halliburton's position that U.S. Well Services' commercial success arose from Halliburton technology. The jury also went a step further to invalidate two of the three asserted patents. During his opening statement, Tom Melsheimer told the jury Halliburton was not going to deliver on its burden of proof. Winston's trial team then established, largely from Halliburton's expert testimony, that Halliburton had no evidence to prove performance of the steps of the asserted method claims. With this testimony firmly established, Tom threw down the gauntlet in closing argument with the catchphrase, "Where's the beef?" And the jury agreed. What's more, the Winston team debunked Halliburton's willful infringement allegations so effectively the judge granted judgment as a matter of law of no willful infringement in the middle of trial, so the jury never had to reach that issue. The consistent messaging of Halliburton's failure to bring evidence to make good on its burden of proof, spanning from jury selection to closing argument, put the team in the position to win this first of three patent infringement cases with Halliburton and soundly reject Halliburton's narrative that Halliburton, not U.S. Well Services, was the market innovator in electric fracking.

This impressive win earned the team [Am Law's "Litigator of the Week" first runner-up](#) recognition.

U.S. Well Services won the first battle in the war over ownership of electric fracking technology, protecting its position as a market innovator with respect to its first-ever commercialization of e-fracking in 2014.

(Halliburton Energy Services, Inc., et al. v. U.S. Well Services, LLC (Case No. 6:21-cv-00367, U.S. District Court for the Western District of Texas))

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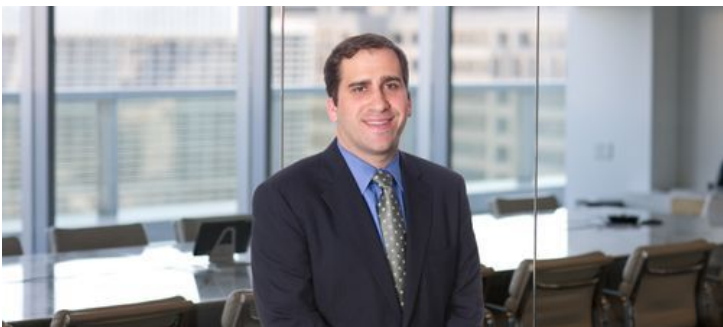
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