

## Haynes and Boone Secures Win in Barnett Shale Natural Gas Well Patent Dispute

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November 30, 2017 Russ Emerson, Stephanie Sivinski

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**PRACTICES** Intellectual Property Litigation, Patent Litigation, Patents, Litigation

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Haynes Boone lawyers secured a summary judgment of noninfringement for client BlueStone Natural Resources II, LLC in an Eastern District of Texas patent-infringement case.

Effective Exploration LLC claimed that natural gas wells BlueStone operates in the Barnett Shale infringed a patent for a system of drilling multiple wells from a single drilling pad. However, the Haynes Boone team —Partner [Russ Emerson](#) and Associates [Stephanie Sivinski](#) and Matthew Chiarizio — successfully argued that Effective Exploration had not proven that BlueStone’s wells met a required element of the patent.

U.S. District Judge Rodney Gilstrap’s summary judgment order on Nov. 29 was a notable defense victory in the Eastern District of Texas, which traditionally grants summary judgment very sparingly. The summary judgment followed U.S. Magistrate Judge Roy Payne’s Nov. 13 recommendation that concluded Effective Exploration had not presented evidence that BlueStone’s wells satisfied the patent’s “subterranean zone of shale” limitation.

The case also involved creative lawyering by the Haynes Boone team. In an August brief opposing Effective Exploration’s attempt to impose sanctions on BlueStone, the Haynes Boone lawyers quoted the Rudyard Kipling poem, “Dane-Geld (A.D. 980-1016),” which warns against paying Vikings a ransom. The implication was that Effective Exploration was trying to force BlueStone to settle the case, as other defendants had.

“This summary-judgment decision vindicates BlueStone’s decision to continue fighting a lawsuit that it always believed was without merit, said Emerson, the lead counsel. “We are proud of the result and pleased to get this win for our client.”

The case is No. 2:16-cv-607 in the Eastern District of Texas, Marshall Division.