IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:22-cv-02142-NYW

CRUSOE ENERGY SYSTEMS LLC, a Delaware limited liability company,

Plaintiff,

v.

ALKANE MIDSTREAM LLC, a Delaware limited liability company,

Defendant.

MOTION FOR LEAVE TO FILE SUR-REPLY

COMES NOW Defendant Alkane Midstream LLC ("Alkane") and requests leave of the Court to file a five-page Sur-reply to Crusoe Energy Systems LLC's ("Crusoe ") Reply in Support of its Emergency Motion for a Temporary Restraining Order and Preliminary Injunction ("Reply"), which is attached hereto as Exhibit A.

CONFERRAL CERTIFICATION

Alkane's counsel conferred with Crusoe's counsel concerning this motion for leave. Crusoe opposes the motion.

MOTION

Crusoe recognizes that before this Court, Sur-Replies are permitted only in extraordinary circumstances. The present circumstances are indeed extraordinary. This Court is being asked to enter a drastic, prohibitive remedy that would potentially result in an irreversible alteration of the status quo. Crusoe sought this extraordinary remedy based on an inadequate pre-suit investigation and now shifting—and still inadequate—infringement theories.

Critically, Crusoe's Reply improperly attempts to shift the burden of showing/disproving the likelihood of success onto Alkane, relies on conclusory technical arguments that are contrary to the state of technology, mischaracterizations of the law and legal precedent. In order to rebut Crusoe's shifting legal theory for infringement and misstatements as to the fact and the law, Alkane requests leave to file the attached Proposed Sur-Reply and supporting exhibit (an article explaining the technology).

WHEREFORE, Crusoe respectively requests leave to file the attached Proposed Sur-Reply and its supporting exhibit.

Respectfully submitted this 16th day of September, 2022.

/s/ *John R. Schroeder*
John R. Schroeder
STINSON LLP
7700 Forsyth Boulevard, Suite 1100
St. Louis, Missouri 63105
Phone: 314.345.7023
Fax No.: 314.863.9388
Email: john.schroeder@stinson.com

Ryan M. Sugden
STINSON LLP
1144 Fifteenth St., Suite 2400
Denver, Colorado 80202
Phone: 303.376.8405
Fax No.: 303.578.7985
Email: ryan.sugden@stinson.com

Attorneys for Defendant Alkane Midstream LLC