

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**Mark L. Becnel and
Jason M. Becnel,
Plaintiffs,**

versus

**Southland Rental Tools, Inc. and
Oil States Energy Services, L.L.C.
Defendants.**

**Civil Action
No. 13-00044 c/w 13-04711
Applies To 13-00044 Only**

Section “N” (2)

Judge Engelhardt

Magistrate Judge Wilkinson

SECOND SUPPLEMENTAL COMPLAINT

The plaintiffs Mark Becnel and Jason Becnel (collectively, “the Becnells”) bring this Complaint for patent infringement of U.S. Patent No. 6,354,380 (“the ‘380 patent”) against the defendants Southland Rental Tools, Inc. (“Southland”) and Oil States Energy Services, L.L.C. (collectively, “Defendants”). The ‘380 patent is attached as an exhibit.

The Parties and Venue

70.

The Becnells hereby incorporate by reference paragraphs 1-69 of their First Amended and Supplemental Complaint.

71.

Oil States Energy Services, L.L.C. is organized under the laws of Delaware and is the successor by merger to Specialty Rental Tools & Supply, L.L.C. (collectively, “Oil States”). Oil States’ principal place of business is Houston, Texas.

72.

Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and 1400 because at least one

Defendant resides in, and because a substantial part of the events giving rise to the claims, including acts of direct and indirect patent infringement, occurred in, the Eastern District of Louisiana.

73.

The Becnells seek relief against Southland and Oil States jointly and severally. Moreover, the Becnells' allegations of infringement arise out of the same transaction, occurrence, and/or series of transactions and/or occurrences relating to making, using, renting, offering for sale and/or rent the same accused product and/or process. As such, question of fact common to both Defendants will arise in this action.

The Defendants' and Third Parties' Infringement of the '380 Patent

74.

Insert bowls having a substantially vertical groove formed in an interior surface thereof (collectively, "Patented Apparatus") have been under the Defendants' possession, custody, and/or control. Southland has manufactured some of the Patented Apparatuses in Oil States' possession, custody, and/or control. Oil States has also made, and/or caused to be made, Patented Apparatuses.

75.

Oil States leases and/or sells Patented Apparatuses to third parties.

76.

Oil States has paid patent royalties on revenue earned by Patented Apparatuses.

77.

Thirty-five percent of revenue earned by leased Patented Apparatuses is a reasonable royalty for the '380 patent.

78.

On information and belief, since March 1, 2012, Southland has authorized, and/or continued to authorize, Oil States to lease and/or sell Patented Apparatuses to third parties.

79.

On information and belief, Oil States has paid to Southland patent royalties for revenue earned on the Patented Apparatuses since March 1, 2012.

80.

On information and belief, Southland has agreed to indemnify Oil States for the Becnells' patent infringement claims against it.

81.

On information and belief, Southland and Oil States did not form a joint defense agreement in 2012.

82.

On information and belief, Southland and Oil States have never formed a joint defense agreement and they are represented by separate counsel.

Count X: Patent Infringement

83.

The preceding paragraphs are hereby incorporated by reference.

84.

The Defendants have had actual notice of the '380 patent since 2002.

85.

The Becnells are the listed inventors of the '380 patent. The Becnells have owned the '380 patent since it issued in March 2002, and continue to own it. The Becnells have never assigned or

otherwise transferred their exclusive rights in the '380 patent. No assignment of the '380 patent has been recorded with the United States Patent and Trademark Office.

86.

Oil States has actual notice that the Becnells are not affiliated with Southland, and that Southland has no written assignment of the '380 patent.

87.

On information and belief, Defendants have infringed and are still infringing the '380 patent by making, selling, renting, offering for sale or rent, and/ or using apparatuses and methods covered by the '380 patent, and they will continue to do so unless enjoined by this court.

88.

The apparatus covered by the claims of the '380 patent have no substantial non-infringing uses, and is known by Defendants to be especially made or especially adapted for use in an infringement of one or more claims of the '380 patent. Patented Apparatuses are used for practicing methods covered by one or more claims of the '380 patent, and Defendants know that they have no substantial non-infringing uses.

89.

The Defendants are liable for contributory infringement by, *inter alia*, selling, renting, and/ or otherwise providing apparatuses to third parties that infringe one or more claims of the '380 patent.

90.

The Defendants have aided and abetted acts of infringement by third parties with the specific intent to cause infringement of one or more claims of the '380 patent. The Defendants

inducements include renting and/or providing the Patented Apparatus to third parties, and directly and indirectly soliciting and inviting third parties to use apparatuses and methods covered by one or more claims of the '380 patent. Specifically, the Defendants knew of the existence of the '380 patent, they acted with specific intent to induce its customers to engage in acts that infringe one or more claims of the '380 patent, and their customers actually infringed one or more claims of the '380 patent.

91.

The Defendants knew of the existence of the '380 patent, knowingly engaged in acts that directly and indirectly infringed the claims of the '380 Patent, and continued to engage in such infringing acts anyway. The Defendants acted despite an objectively high likelihood that their actions constituted infringement of the '380 patent.

Prayer for Relief

92.

WHEREFORE, the plaintiffs, Mark Becnel and Jason Becnel, respectfully pray that after due proceedings are had, there be judgment herein in its favor and against the Defendants as follows:

- 1) the Court award all patent royalties paid by Oil States due to the Becnells that were collected by Southland;
- 2) the Court award a preliminary and final injunction against the Defendants' continuing patent infringement;
- 3) an accounting for damages for patent infringement in an amount not to be less than a reasonable royalty;

- 4) the Court hold Southland and Oil States jointly and severally liable for Oil States' acts of direct and indirect infringement;
- 5) treble damages for willful patent infringement and a declaration that the case is exceptional;
- 6) the Court award Plaintiffs' costs and expenses, including attorneys' fees;
- 7) the Court award pre- and post-judgment interest; and
- 8) the Court award all other relief as the Court deems necessary and just.

Respectfully submitted,

/s/ Joseph Lavigne

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