

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BAKER HUGHES OILFIELD
OPERATIONS, INC.,

Plaintiff,

v.

TEAM OIL TOOLS, LP,

Defendant.

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CIVIL ACTION NO. 4:16-cv-275

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Baker Hughes Oilfield Operations, Inc. ("Baker" or "Plaintiff") files this Original Complaint against Defendant, Team Oil Tools, LP ("TEAM" or "Defendant").

PARTIES

1. Plaintiff Baker is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 2929 Allen Parkway, Suite 2100, Houston, TX 77019.

2. Defendant is a limited partnership organized and existing under the laws of the State of Texas, having a place of business at 1400 Woodloch Dr. #400, The Woodlands, Texas 77380. Defendant may be served with process by serving its registered agent David Fleming at 1400 Woodloch Dr. #400, The Woodlands, Texas 77380. Defendant advertises that it designs, manufactures, and supplies downhole completion solutions for the oil and gas industry.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction pursuant to the

provisions of 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§ 271 *et seq.*

4. This Court has personal jurisdiction over Defendant because Defendant has sufficient contacts with the State of Texas and this judicial district to permit the exercise of personal jurisdiction. Personal jurisdiction over Defendant comports with the United States Constitution because Defendant has its principal place of business in this judicial district, does business in this judicial district, has committed and continues to commit, or has induced and continues to induce, or has contributed and continues to contribute to, acts of patent infringement in this judicial district as alleged in this Complaint.

5. Venue is proper in this judicial district pursuant to the provisions of 28 U.S.C. §§ 1391 and 1400(b). Defendant has transacted business in this judicial district, continues to transact business in this judicial district, has committed and/or induced acts of infringement in this judicial district, and continues to commit and/or induce acts of infringement in this judicial district.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,848,505

6. On February 1, 2005, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 6,848,505 (“the ’505 Patent”) titled “Alternative Method to Cementing Casing and Liners.” A true and correct copy of the ’505 Patent is attached hereto as Exhibit A.

7. Baker is the assignee of the ’505 Patent, and holds all rights, title and interest in the ’505 Patent.

8. The ’505 Patent is valid and enforceable.

9. The '505 Patent relates to a method of sealing casing or liners in a wellbore with a rubber compound jacket bounded to the outer surface that swells under predetermined conditions.

10. Defendant makes, uses, offers to rent or sell, rents or sells, and/or imports or exports products, systems and/or services, including, but not limited to the T-Swell Packer that infringe at least claims 1 and 2 of the '505 Patent directly, indirectly and/or under the doctrine of equivalents.

11. Defendant offers to rent or sell, or rents or sells a component for use in practicing the patented invention of at least claims 1 and 2 of the '505 Patent, and that component is material to practicing the invention, is not a staple article of commerce, and has no substantial non-infringing uses. Upon information and belief, Defendant knows that use of the component by third parties results in infringement of at least claims 1 and 2 of the '505 Patent.

12. Defendant has had knowledge of and notice of the '505 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit the aforementioned infringing acts. Defendant's knowledge of the '505 Patent in advance of the filing and service of the Complaint will be a subject of discovery.

13. Defendant has induced, and continues to induce, infringement of the '505 Patent by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 2 of the '505 Patent.

14. Defendant has committed, and continues to commit, acts of contributory infringement of the '505 Patent, including, but not limited to, by making, using, renting, selling,

importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 2 of the '505 Patent.

15. Defendant's past and continued acts of infringement of the '505 Patent have caused damages to Baker. Thus, Baker is entitled to recover damages from Defendant in an amount to be determined at trial, but in no event less than a reasonable royalty for Defendant's infringement together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284.

16. Defendant's infringement of the '505 Patent will continue to damage Baker, causing irreparable harm for which there is no adequate remedy at law, unless Defendant is enjoined by this Court from further acts of infringement.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,634,428

17. On October 21, 2003, the USPTO duly and legally issued U.S. Patent No. 6,634,428 ("the '428 Patent") titled "Delayed Opening Ball Seat." A true and correct copy of the '428 Patent is attached hereto as Exhibit B.

18. Baker is the assignee of the '428 Patent, and holds all rights, title and interest in the '428 Patent.

19. The '428 Patent is valid and enforceable.

20. The '428 Patent relates to a downhole removable ball seat assembly.

21. Defendant makes, uses, offers to rent or sell, rents or sells, and/or imports or exports products, systems and/or services including, but not limited to the ORIO XL Frac Sleeve that infringes at least claims 1, 9 and 17 of the '428 Patent directly, indirectly and/or under the doctrine of equivalents.

22. Defendant offers to rent or sell, or rents or sells a component for use in practicing the patented invention of at least claims 1, 9 and 17 of the '428 Patent, and that component is material to practicing the invention, is not a staple article of commerce, and has no substantial

non-infringing uses. Upon information and belief, Defendant knows that use of the component by third parties results in infringement of least claims 1, 9 and 17 of the '428 Patent.

23. Defendant has had knowledge of and notice of the '428 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit the aforementioned infringing acts. Defendant's knowledge of the '428 Patent in advance of the filing and service of the Complaint will be a subject of discovery.

24. Defendant has induced, and continues to induce, infringement of the '428 Patent by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1, 9 and 17 of the '428 Patent.

25. Defendant has committed, and continues to commit, acts of contributory infringement of the '428 Patent, including, but not limited to, by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1, 9, and 17 of the '428 Patent.

26. Defendant's past and continued acts of infringement of the '428 Patent have caused damages to Baker. Thus, Baker is entitled to recover damages from Defendant in an amount to be determined at trial, but in no event less than a reasonable royalty for Defendant's infringement together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284.

27. Defendant's infringement of the '428 Patent will continue to damage Baker, causing irreparable harm for which there is no adequate remedy at law, unless Defendant is enjoined by this Court from further acts of infringement.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,661,478

28. On February 16, 2010, the USPTO duly and legally issued U.S. Patent No. 7,661,478 (“the ’478 Patent”) titled “Ball Drop Circulation Valve.” A true and correct copy of the ’478 Patent is attached hereto as Exhibit C.

29. Baker is the assignee of the ’478 Patent, and holds all rights, title and interest in the ’478 Patent.

30. The ’478 Patent is valid and enforceable.

31. The ’478 Patent relates to a downhole tool that can perform a series of operations with balls of the same size.

32. Defendant makes, uses, offers to rent or sell, rents or sells, and/or imports or exports products, systems and/or services including, but not limited to the ORIO XL Frac Sleeve that infringes at least claims 1 and 5 of the ’478 Patent directly, indirectly and/or under the doctrine of equivalents.

33. Defendant offers to rent or sell, or rents or sells a component for use in practicing the patented invention of at least claims 1 and 5 of the ’478 Patent, and that component is material to practicing the invention, is not a staple article of commerce, and has no substantial non-infringing uses. Upon information and belief, Defendant knows that use of the component by third parties results in infringement of least claims 1 and 5 of the ’478 Patent.

34. Defendant has had knowledge of and notice of the ’478 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit the aforementioned infringing acts. Defendant’s knowledge of the ’478 Patent in advance of the filing and service of the Complaint will be a subject of discovery.

35. Defendant has induced, and continues to induce, infringement of the '478 Patent by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 5 of the '478 Patent.

36. Defendant has committed, and continues to commit, acts of contributory infringement of the '478 Patent, including, but not limited to, by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 5 of the '478 Patent.

37. Defendant's past and continued acts of infringement of the '478 Patent have caused damages to Baker. Thus, Baker is entitled to recover damages from Defendant in an amount to be determined at trial, but in no event less than a reasonable royalty for Defendant's infringement together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284.

38. Defendant's infringement of the '478 Patent will continue to damage Baker, causing irreparable harm for which there is no adequate remedy at law, unless Defendant is enjoined by this Court from further acts of infringement.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,261,761

39. On September 11, 2012, the USPTO duly and legally issued U.S. Patent No. 8,261,761 ("the '761 Patent") titled "Selectively Moveable Seat Arrangement and Method." A true and correct copy of the '761 Patent is attached hereto as Exhibit D.

40. Baker is the assignee of the '761 Patent, and holds all rights, title and interest in the '761 Patent.

41. The '761 Patent is valid and enforceable.

42. The '761 Patent relates to a selectively movable seat arrangement for downhole tools.

43. Defendant makes, uses, offers to rent or sell, rents or sells, and/or imports or exports products, systems and/or services including, but not limited to the ORIO XL Frac Sleeve that infringes at least claims 1 and 14 of the '761 Patent directly, indirectly and/or under the doctrine of equivalents.

44. Defendant offers to rent or sells, or rents or sells a component for use in practicing the patented invention of at least claims 1 and 14 of the '761 Patent, and that component is material to practicing the invention, is not a staple article of commerce, and has no substantial non-infringing uses. Upon information and belief, Defendant knows that use of the component by third parties results in infringement of least claims 1 and 14 of the '761 Patent.

45. Defendant has had knowledge of and notice of the '761 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit the aforementioned infringing acts. Defendant's knowledge of the '761 Patent in advance of the filing and service of the Complaint will be a subject of discovery.

46. Defendant has induced, and continues to induce, infringement of the '761 Patent by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 14 of the '761 Patent.

47. Defendant has committed, and continues to commit, acts of contributory infringement of the '761 Patent, including, but not limited to, by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 14 of the '761 Patent.

48. Defendant's past and continued acts of infringement of the '761 Patent have caused damages to Baker. Thus, Baker is entitled to recover damages from Defendant in an amount to be determined at trial, but in no event less than a reasonable royalty for Defendant's infringement together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284.

49. Defendant's infringement of the '761 Patent will continue to damage Baker, causing irreparable harm for which there is no adequate remedy at law, unless Defendant is enjoined by this Court from further acts of infringement.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,789,600

50. On July 29, 2014, the USPTO duly and legally issued U.S. Patent No. 8,789,600 ("the '600 Patent") titled "Fracing System and Method." A true and correct copy of the '600 Patent is attached hereto as Exhibit E.

51. The '600 Patent is valid and enforceable.

52. The '600 Patent relates to fracing system that uses similarly sized plugs that can selectively pass or activate discrete sections of the borehole.

53. Defendant makes, uses, offers to rent or sell, rents or sells, and/or imports or exports products, systems and/or services including, but not limited to the ORIO XL Frac Sleeve that infringe at least claims 1 and 9 of the '600 Patent directly, indirectly and/or under the doctrine of equivalents.

54. Defendant offers to rent or sell, or rents or sells a component for use in practicing the patented invention of at least claims 1 and 9 of the '600 Patent, and that component is material to practicing the invention, is not a staple article of commerce, and has no substantial non-infringing uses. Upon information and belief, Defendant knows that use of the component by third parties results in infringement of at least claims 1 and 9 of the '600 Patent.

55. Defendant has had knowledge of and notice of the '600 Patent and its infringement since at least, and through, the filing and service of the Complaint and despite this knowledge continues to commit the aforementioned infringing acts. Defendant's knowledge of the '600 Patent in advance of the filing and service of the Complaint will be a subject of discovery.

56. Defendant has induced, and continues to induce, infringement of the '600 Patent by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 9 of the '600 Patent.

57. Defendant has committed, and continues to commit, acts of contributory infringement of the '600 Patent, including, but not limited to, by making, using, renting, selling, importing and/or exporting products, systems, and services embodying and/or for use in practicing the patented invention of at least claims 1 and 9 of the '600 Patent.

58. Defendant's past and continued acts of infringement of the '600 Patent have caused damages to Baker. Thus, Baker is entitled to recover damages from Defendant in an amount to be determined at trial, but in no event less than a reasonable royalty for Defendant's infringement together with interest and costs as fixed by the Court pursuant to 35 U.S.C. § 284.

59. Defendant's infringement of the '600 Patent will continue to damage Baker, causing irreparable harm for which there is no adequate remedy at law, unless Defendant is enjoined by this Court from further acts of infringement.

JURY DEMAND

60. Plaintiff hereby demands a trial by jury of any and all issues triable of right by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER

Baker respectfully prays for relief against Defendant as follows:

- a. a judgment that Defendant has in the past infringed, and continues to infringe one or more claims of the '505 Patent, the '428 Patent, the '478 Patent, the '761 Patent, and/or the '600 Patent either literally or under the doctrine of equivalents;
- b. an order and judgment permanently enjoining Defendant and its agents, servants, officers, directors, employees, and all persons acting in concert with them, directly or indirectly from infringing, inducing others to infringe, or contributing to the infringement of the claims of the '505 Patent, the '428 Patent, the '478 Patent, the '761 Patent, and/or the '600 Patent;
- c. a judgment awarding damages against Defendant in an amount to be proven at trial, but in no event less than a reasonable royalty;
- d. a judgment awarding costs and expenses incurred in prosecuting this action;
- e. a judgment awarding attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- f. for pre and post-judgement interest at the maximum allowable rate under the law; and
- g. for such other and further relief as this Court may deem just and appropriate either at law or in equity.

Respectfully submitted this 2nd day of February 2016.

/s/ Christopher A. Shield
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ATTORNEYS FOR PLAINTIFF BAKER
HUGHES OILFIELD OPERATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record electronically pursuant to the Federal Rules of Civil Procedure on the 2nd day of February 2016, and has been served on Defendants' registered agent.

/s/ Christopher A. Shield
Christopher A. Shield