

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NATIONAL OILWELL DHT, L.P.

*Plaintiff,*

v.

AMEGA WEST SERVICES, LLC

*Defendant.*

CASE NO. 2:14cv01020

**JURY DEMANDED**

**AMENDED COMPLAINT**

For its complaint against Amega West Services, LLC (“Amega”), plaintiff National Oilwell DHT, L.P, (“NOV”) alleges:

**PARTIES**

1. NOV is a Delaware limited partnership with its principal place of business in Houston, Texas.
2. Amega is a Texas limited liability corporation with a place of business at 8044 CR 313 East, Tyler Texas 75706.

**NATURE OF ACTION, JURISDICTION AND VENUE**

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. This Court has subject matter jurisdiction under 28 U.S.C. §1331 (Federal Question) and §1338 (Patents).
5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, among other things, Amega has a place of business in this district.

**COUNT 1**

**INFRINGEMENT OF U.S. Patent No. 6,279,670**

6. NOV is the owner of U.S. Patent No. 6,279,670 issued August 28, 2001 (“the ’670 Patent”), which was duly and legally issued. The ’670 Patent is entitled “Downhole Flow Pulsing Apparatus.” A true and correct copy of the ’670 Patent is attached as Exhibit A.

7. Amega has infringed and continues to infringe the ’670 patent, both directly and indirectly. The infringing acts of Amega include at least the manufacture, use, sale, lease and/or offer for sale or lease of an infringing downhole flow pulsing apparatus, for example the AmegaVIBE vibration tool.

8. Amega has been aware of the ’670 patent at least as early as February 20, 2013

9. Amega’s acts of infringement have caused damage to Plaintiff and Plaintiff is entitled to recover the damages. Amega’s infringement of Plaintiff’s rights under the ’670 patent will continue to damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at law, unless Amega is enjoined by this Court.

**COUNT 2**

**INFRINGEMENT OF U.S. Patent No. 6,431,294**

10. NOV is the owner of U.S. Patent No. 6,431,294 issued August 13, 2002 (“the ’294 Patent”), which was duly and legally issued. The ’294 Patent is entitled “Percussive Tool.” A true and correct copy of the ’294 Patent is attached as Exhibit B.

11. Amega has infringed and continues to infringe the ’294 patent, both directly and indirectly. The infringing acts of Amega include at least the manufacture, use, sale, lease and or offer for sale or lease of infringing percussive tools, for example the AmegaVIBE vibration tool.

12. Amega has been aware of the ’294 patent at least as early as February 20, 2013.

13. Amega's acts of infringement have caused damage to Plaintiff and Plaintiff is entitled to recover the damages. Amega's infringement of Plaintiff's rights under the '294 patent will continue to damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at law, unless Amega is enjoined by this Court.

### **COUNT 3**

#### **INFRINGEMENT OF U.S. Patent No. 6,508,317**

14. NOV is the owner of U.S. Patent No. 6,508,317 issued January 21, 2003 ("the '317 Patent"), which was duly and legally issued. The '317 Patent is entitled "Downhole Apparatus and Method of Use." A true and correct copy of the '317 Patent is attached as Exhibit C.

15. Amega has infringed and continues to infringe the '317 patent, both directly and indirectly. The infringing acts of Amega include at least the manufacture, use, sale, lease and or offer for sale or lease of an infringing downhole flow pulsing apparatus, for example the AmegaVIBE vibration tool.

16. Amega has been aware of the '317 patent at least as early as February 20, 2013.

17. Amega's acts of infringement have caused damage to Plaintiff and Plaintiff is entitled to recover the damages. Amega's infringement of Plaintiff's rights under the '317 patent will continue to damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at law, unless Amega is enjoined by this Court.

#### **PRAYER**

**WHEREFORE**, NOV requests the Court to:

1. Enter a judgment that one or more claims of United States Patent No. 6,279,670 have been infringed, either literally and/or under the doctrine of equivalents, by Amega;

2. Enter a judgment that one or more claims of United States Patent No. 6,431,294 have been infringed, either literally and/or under the doctrine of equivalents, by Amega;

3. Enter a judgment that one or more claims of United States Patent No. 6,508,317 have been infringed, either literally and/or under the doctrine of equivalents, by Amega;

4. Enter a preliminary and permanent injunction against continued patent infringement in such form as the Court deems just;

5. Award NOV damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for use made of the invention, together with interest and costs as fixed by the Court;

6. Declare this case to be exceptional under the patent laws and award NOV enhanced damages under 35 U.S.C. § 284; and attorney fees and costs under 35 U.S.C. § 285 or other applicable statute;

7. Award NOV of prejudgment interest and costs of the action; and

8. Grant NOV such other and further relief as the Court may deem just and proper.

**Demand for Jury Trial**

NOV demands a trial by jury of all issues so triable.

November 7, 2014

Respectfully submitted,

/s/ Robert J. McAughan, Jr.

Robert J. McAughan, Jr.

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