

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

OneSubsea IP UK Limited and  
OneSubsea UK Limited,

Plaintiffs,

v.

FMC Technologies, Inc.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 2-15-cv-445-JRG

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT**

Plaintiffs OneSubsea IP UK Limited and OneSubsea UK Limited (collectively, “OneSubsea”) file this First Amended Complaint against Defendant FMC Technologies, Inc., as set forth below.

**I. PARTIES**

1. Plaintiff OneSubsea IP UK Limited is a company incorporated in England and Wales with a registered address at 100 New Bridge Street, London EC4V 6JA.

2. Plaintiff OneSubsea UK Limited is a company incorporated in England and Wales with a registered address at 100 New Bridge Street, London EC4V 6JA.

3. Defendant FMC Technologies, Inc. (“FMC”) is a Delaware corporation with its principal place of business located at 5875 North Sam Houston Parkway West, Houston, Texas 77086.

## **II. NATURE OF THIS ACTION**

4. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. §§ 101 et seq., and particularly 35 U.S.C. §§ 271-287.

## **III. JURISDICTION AND VENUE**

5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. Defendant FMC is subject to personal jurisdiction by virtue of its contacts with the State of Texas, and with the Eastern District of Texas in particular. FMC voluntarily does business in this district.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

## **IV. FACTS**

8. On October 28, 2003, **U.S. Patent No. 6,637,514** (“the ‘514 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to recovery of production fluids from an oil or gas well. A true and correct copy of the ‘514 Patent is attached hereto as Exhibit A. The ‘514 Patent is presumed valid pursuant to 35 U.S.C. § 282.

9. On September 26, 2006, **U.S. Patent No. 7,111,687** (“the ‘687 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to recovery of production fluids from an oil or gas well. A true and correct copy of the ‘687 Patent is attached hereto as Exhibit B. The ‘687 Patent is presumed valid pursuant to 35 U.S.C. § 282.

10. On November 29, 2011, **U.S. Patent No. 8,066,076** (“the ‘076 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to a connection system for subsea flow interface equipment. A true and correct copy of

the '076 Patent is attached hereto as Exhibit C. The '076 Patent is presumed valid pursuant to 35 U.S.C. § 282.

11. On February 28, 2012, **U.S. Patent No. 8,122,948** ("the '948 Patent") was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the '948 Patent is attached hereto as Exhibit D. The '948 Patent is presumed valid pursuant to 35 U.S.C. § 282.

12. On September 25, 2012, **U.S. Patent No. 8,272,435** ("the '435 Patent") was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the '435 Patent is attached hereto as Exhibit E. The '435 Patent is presumed valid pursuant to 35 U.S.C. § 282.

13. On October 9, 2012, **U.S. Patent No. 8,281,864** ("the '864 Patent") was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the '864 Patent is attached hereto as Exhibit F. The '864 Patent is presumed valid pursuant to 35 U.S.C. § 282.

14. On September 24, 2013, **U.S. Patent No. 8,540,018** ("the '018 Patent") was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the '018 Patent is attached hereto as Exhibit G. The '018 Patent is presumed valid pursuant to 35 U.S.C. § 282.

15. On November 5, 2013, **U.S. Patent No. 8,573,306** (“the ‘306 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the ‘306 Patent is attached hereto as Exhibit H. The ‘306 Patent is presumed valid pursuant to 35 U.S.C. § 282.

16. On June 10, 2014, **U.S. Patent No. 8,746,332** (“the ‘332 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for recovering fluids from a well and/or injecting fluids into a well. A true and correct copy of the ‘332 Patent is attached hereto as Exhibit I. The ‘332 Patent is presumed valid pursuant to 35 U.S.C. § 282.

17. On July 15, 2014, **U.S. Patent No. 8,776,893** (“the ‘893 Patent”) was duly and legally issued by the U.S. Patent and Trademark Office to Donald et al. for an invention relating to an apparatus and method for processing fluids from a well. A true and correct copy of the ‘893 Patent is attached hereto as Exhibit J. The ‘893 Patent is presumed valid pursuant to 35 U.S.C. § 282.

18. Donald et al. assigned all right, title and interest in the ‘514, ‘687, ‘076, ‘948, ‘435, ‘864, ‘018, ‘306, ‘332, and ‘893 Patents (“the Asserted Patents”) to DES Enhanced Recovery Limited and/or DES Operations Limited, which assigned all right, title and interest in the Asserted Patents to Cameron Systems (Ireland) Limited, which through a series of transactions assigned all right, title and interest in the Asserted Patents to OneSubsea IP UK Limited. OneSubsea IP UK Limited has been at all times since at least June 30, 2013, and still is, the owner of the Asserted Patents. OneSubsea UK Limited is an exclusive licensee of the Asserted Patents.

19. FMC makes, uses, sells, offers to sell, and/or imports Enhanced Vertical Deepwater Tree and/or Retrievable Choke and Flow Module products and/or methods, and/or exports a substantial portion of components or an especially made or adapted component for non-U.S. combination into Enhanced Vertical Deepwater Tree and/or Retrievable Choke and Flow Module products and/or methods.

20. FMC has been, and still is, infringing, inducing infringement of, and/or contributorily infringing one or more claim(s) of the Asserted Patents by making, using, selling, offering to sell, and/or importing Enhanced Vertical Deepwater Tree and/or Retrievable Choke and Flow Module products and/or methods, and/or by exporting a substantial portion of components or an especially made or adapted component for non-U.S. combination into Enhanced Vertical Deepwater Tree and/or Retrievable Choke and Flow Module products and/or methods.

21. At least since the filing date of the Original Complaint, FMC has had knowledge of all the Asserted Patents except perhaps the '893 Patent, and at least since the filing date of this First Amended Complaint has had knowledge of the '893 Patent, and at least from those respective dates FMC has been on notice of its infringement of one or more claims(s) of the Asserted Patents.

22. Upon information and belief, FMC will continue to infringe one or more claim(s) of the Asserted Patents unless enjoined by this Court.

23. At least since the filing date of the Original Complaint (as it concerns all the Asserted Patents except the '893 Patent) and at least since the filing date of this First Amended Complaint (as it concerns the '893 Patent), FMC's infringement of one or more claim(s) of the Asserted Patents has been willful and deliberate.

24. As a result of FMC's infringement, OneSubsea has suffered and will continue to suffer damages in an amount to be proven at trial and irreparable harm.

25. OneSubsea is entitled to an award of its reasonable attorneys' fees, as provided by 35 U.S.C. § 285.

## **V. PRAYER FOR RELIEF**

WHEREFORE, OneSubsea prays for judgment and seeks relief against FMC as follows:

- (a) For a judgment that one or more claim(s) of the Asserted Patents have been and continue to be infringed by FMC;
- (b) For a judgment and an award of all damages sustained by OneSubsea as the result of FMC's acts of infringement, including supplemental damages for any continuing post-verdict infringement up until entry of the final Judgment with an accounting as needed;
- (c) For preliminary and permanent injunctions enjoining FMC from infringing the Asserted Patents;
- (d) For a judgment and an award of enhanced damages pursuant to 35 U.S.C. § 284;
- (e) For a judgment and an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (f) For a judgment and an award of all interest and costs; and
- (g) For a judgment and an award of such other and further relief as the Court may deem just and proper.

## **VI. JURY DEMAND**

OneSubsea demands a trial by jury.

DATED: April 6, 2015

Respectfully submitted,

/s/ Joe W. Redden, Jr.  
(with permission by Jennifer P. Ainsworth)

**BECK REDDEN LLP**

Joe W. Redden, Jr. – Lead Attorney  
Texas State Bar No. 16660600  
jredden@beckredden.com  
Fields Alexander  
Texas State Bar No. 00783528  
falexander@beckredden.com  
Leslie Honey Tronche  
Texas State Bar No. 24078681  
ltronche@beckredden.com  
1221 McKinney Street, Suite 4500  
Houston, Texas 77010-2010  
Telephone: (713) 951-3700  
Facsimile: (713) 951-3720

**PARK, VAUGHAN, FLEMING & DOWLER  
LLP**

Michael S. Dowler  
Texas State Bar No. 000783979  
mike@parklegal.com  
5847 San Felipe, Suite 1700  
Houston, TX 77057  
Telephone: (713) 821-1540  
Facsimile: (713) 821-1401

**WILSON, ROBERTSON & CORNELIUS, P.C.**

Jennifer Parker Ainsworth  
Texas State Bar No. 00784720  
jainsworth@wilsonlawfirm.com  
909 ESE Loop 323, Suite 400  
P.O. Box 7339 [75711]  
Tyler, Texas 75701  
Telephone: (903) 509-5000  
Facsimile: (903) 509-5092

**ATTORNEYS FOR PLAINTIFFS  
ONESUBSEA IP UK LIMITED AND  
ONESUBSEA UK LIMITED**