

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

FHE USA LLC,

Plaintiff,

v.

EXPRESS SUPPLY & RENTAL LLC,

Defendant.

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Case No.: 6:18-cv-00913-UDJ-CBW

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff FHE USA LLC ("FHE"), by and through its undersigned counsel, brings this Amended Complaint for patent infringement against Defendant Express Supply & Rental LLC ("ESR"), within twenty-one (21) days after service of FHE's original Complaint, and in support thereof alleges as follows, upon personal knowledge as to itself and upon information and belief as to all others:

NATURE OF ACTION

1. This action seeks legal and equitable relief against ESR's unlawful infringement of FHE's United States Patent Nos. 9,879,496 and 10,030,461, generally relating to high pressure seals for wellhead pressure control fittings.

PARTIES

2. Plaintiff FHE is a Delaware limited liability company with its principal place of business at 1597 Cipolla Road, Fruita, CO 81521. FHE also has facilities in San Antonio, TX, Marietta, OH, and Yukon, OK. FHE is the owner of the patents at issue in the instant action.

3. Upon information and belief, Defendant ESR is a Louisiana limited liability company with its principal place of business at 120 Kol Drive, Broussard, LA 70518.

JURISDICTION AND VENUE

4. This is a civil action for patent infringement pursuant to 35 U.S.C. § 271.

5. This Court has subject matter jurisdiction in this action under 28 U.S.C. §§ 1331 and 1338(a) and 35 U.S.C. § 281 because this is a matter arising under the United States patent statutes, 35 U.S.C. § 1 *et seq.*

6. This Court has personal jurisdiction over ESR because it resides and conducts business in the State of Louisiana. Upon information and belief, ESR has established minimum contacts with this forum such that the exercise of jurisdiction over ESR will not offend traditional notions of fair play and substantial justice. Upon information and belief, ESR maintains its headquarters in Broussard, Louisiana and transacts business in the State of Louisiana. In addition, upon information and belief, ESR has committed substantial acts of infringement giving rise to this action and regularly conducts business within this judicial district.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because ESR: is subject to personal jurisdiction in this District; maintains its principle place of business in this District; regularly conducts business in this District; and committed and continues to commit acts of patent infringement in this District.

FACTS GIVING RISE TO THE ACTION

8. FHE is a leading manufacturer of pressure control equipment for the oil and gas industry. FHE designs, manufactures, and services customized pressure control equipment, grease injection systems, perforating products, lube trailers, and wireline sheaves and accessories. Originally known as Frank Henry Equipment USA, FHE has been an innovator in

the oil and gas service industry since the company's founding in 2007. FHE began as a small company of five employees, and has grown into a leader in the industry, with four U.S. locations employing 131 people. FHE has twice been ranked on Inc. magazine's "Inc. 5000" ranking of the nation's fastest-growing private companies.

9. Among other areas of work, FHE creates solutions to address the dangerous conditions faced by wellhead operators when manually connecting or disconnecting pressure control equipment. Operators in this field traditionally were required to engage and disengage wellhead connections manually. This procedure left operators vulnerable to significant harm, such as collision with suspended equipment or crushed extremities.

10. In order to protect workers from the hazards of wellhead site injury, FHE expended substantial time and resources inventing an assembly that reduces the risk of injury to the operator and still retains a high pressure seal. This technology not only improves the safety of wellhead operations, but also provides efficiency gains by speeding up the process of wellhead connection and disconnection. FHE has diligently protected its wellhead connection technology with a suite of issued patents and pending patent applications, including U.S. Patent Nos. 9,879,496 ("the '496 patent") and 10,030,461 ("the '461 patent"). These patents cover mechanisms by which pressure control equipment may be remotely connected to wellhead machinery.

11. FHE's marquee pressure control product is the RigLock®. The RigLock® employs FHE's patented innovative design to quickly secure tools and equipment to the wellhead, improving the safety and efficiency of wellhead operations.



12. FHE introduced the RigLock® in 2016, and it became an instant commercial success. The RigLock® has been a significant contributor to FHE's growth and success.



https://www.gjsentinel.com/news/business/under-pressure-due-to-a-dip-in-the-oil-and/article_33ee4b1c-3aed-11e8-a1b8-10604b9ffe60.html

13. However, following the success of RigLock® in the market, ESR began to market a competing product, the Quad Safety Latch, depicted below. Upon information and belief, the Quad Safety Latch infringes the '496 and '461 patents.



14. On July 13, 2018, FHE sent a letter to Mr. Shazam Rahim, Registered Agent of ESR, notifying ESR of the original Complaint in this action, as well as the pending issuance of the '461 patent and the potential for infringement by the Quad Safety Latch.

15. Due to the extensive labor and assets that are devoted to the production of each individual RigLock® product, each sale that FHE loses to an infringing ESR product is a significant harm to FHE. Moreover, FHE has invested significant resources in expanding to meet the demand for its patent-protected niche of the market. ESR's theft of a portion of those sales threatens to warp the market for these products, and to harm FHE's reputation as the leader in remote pressure control technology.

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 9,879,496)

16. FHE incorporates by reference the allegations in the preceding paragraphs of this Amended Complaint.

17. FHE is the assignee of the '496 patent, entitled "Remotely-Actuated High Pressure Seals for Wellhead Pressure Control Fittings." The '496 patent was duly and legally issued by the United States Patent and Trademark Office on January 30, 2018. A copy of the '496 patent is attached hereto as **Exhibit "A"**.

18. Upon information and belief, ESR has infringed and continues to infringe at least claims 10, 11, 15, and 16 of the '496 patent either literally or under the Doctrine of Equivalents in violation of 35 U.S.C. § 271 by making, using, selling, offering to sell, or importing into the United States its Quad Safety Latch.

19. Upon information and belief, each and every element of claims 10, 11, 15, and 16 of the '496 patent is present in ESR's Quad Safety Latch. Upon information and belief, the Quad Safety Latch employs a pressure control assembly that connects, via remote actuation, with an adapter through the formation of a pressure seal and the locking action of a constricting wedge assembly.

20. As a result of ESR's infringement of the '496 patent, FHE has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for ESR's infringement, but in no event less than a reasonable royalty and/or lost profits to which FHE would have been entitled but for the use made of the invention by ESR.

21. Upon information and belief, ESR's infringement has been willful.

22. FHE has suffered and will continue to suffer damages and irreparable injuries unless ESR's infringement of the '496 patent is enjoined.

SECOND CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 10,030,461)

23. FHE incorporates by reference the allegations in the preceding paragraphs of this Amended Complaint.

24. FHE is the assignee of the '461 patent, entitled "Constricting Wedge Design for Pressure-Retaining Seal." The '461 patent was duly and legally issued by the United States Patent and Trademark Office on July 24, 2018. A copy of the '461 patent is attached hereto as **Exhibit "B"**.

25. Upon information and belief, ESR has infringed and continues to infringe claims 1-10 of the '461 patent either literally or under the Doctrine of Equivalents in violation of 35 U.S.C. § 271 by making, using, selling, offering to sell, or importing into the United States its Quad Safety Latch.

26. Upon information and belief, each and every element of claims 1-10 of the '461 patent is present in ESR's Quad Safety Latch. Upon information and belief, the Quad Safety Latch employs a pressure control assembly that connects, via remote actuation, with an adapter through the formation of a pressure seal and the locking action of a constricting wedge assembly.

27. As a result of ESR's infringement of the '461 patent, FHE has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for ESR's infringement, but in no event less than a reasonable royalty and/or lost profits to which FHE would have been entitled but for the use made of the invention by ESR.

28. Upon information and belief, ESR's infringement has been willful.

29. FHE has suffered and will continue to suffer damages and irreparable injuries unless ESR's infringement of the '461 patent is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff FHE respectfully requests the following relief:

1. Judgment entered in favor of FHE and against ESR for infringement of the '496 and '461 patents, and awarding FHE damages adequate to compensate it for such infringement.
2. An order preliminarily enjoining ESR from making, using, selling, or offering for sale the claimed subject matter of the '496 and '461 patents.
3. An order permanently enjoining ESR from making, using, selling, or offering for sale the claimed subject matter of the '496 and '461 patents, or such other equitable relief the Court deems warranted.
4. A judgment and order requiring ESR pay to FHE its damages, costs, expenses, and prejudgment and post-judgment interest for ESR's infringement of the '496 and '461 patents as provided under 35 U.S.C. §§ 154 and 284, and an accounting of ongoing post-judgment infringement.
5. Any and all other relief, at law or equity, to which FHE may show itself to be entitled and this Court deems just and proper.

DEMAND FOR JURY TRIAL

FHE, pursuant to Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38.1, requests a trial by jury.

Dated: July 25, 2018

Respectfully submitted,

/s/ John P. Murrill

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(motions for *pro hac vice* admission of the
foregoing attorneys forthcoming)

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CERTIFICATE OF SERVICE

I, John P. Murrill, an attorney, certify that on July 25, 2018, I caused a copy of the foregoing **AMENDED COMPLAINT** to be served on Express Supply and Rental, LLC via Federal Express to the following addresses:

Shazam Rahim
Registered Agent for Express Supply and Rental, LLC
312 Turtle dove Trail
Lafayette, Louisiana 70508

Express Supply and Rental, LLC
Attn: Shazam Rahim
120 Kol Drive
Broussard, Louisiana 70518

/s/ John P. Murrill

John P. Murrill