

place of business in Texas at 4001 Fair Drive, Pasadena, Texas 77507. Upon information and belief, JCI is the parent company of and controls JCPS.

4. John Crane Production Solutions, Inc. has a regular and established place of business in this judicial district at 6308 West Interstate 20, Midland, Texas 79706. JCPS may be served with process through its registered agent, CT Corporation System at 1999 Bryan St., Suite 900, Dallas, TX 75201.

5. Endurance Lift Solutions, Inc. is a Delaware Corporation, having a place of business at 201 West California St., Gainesville, TX 76240. Endurance may be served with process through its registered agent, Capitol Corporate Services, Inc. at 800 Brazos, Ste. 400, Austin, TX 78701.

II. JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35, Section 1, *et. seq.* of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, Defendants, either directly or through intermediaries, make, use, sell or offer to sell products in this judicial district that infringe the '757 patent and/or the '951 patent, identified below.

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

III. FACTS

9. Plaintiff, Finalrod, is the owner of United States Patent No. 9,181,757 ("the '757 patent"), titled "Sucker Rod Apparatus and Method." A true and correct copy of the '757 patent, issued by the United States Patent and Trademark Office on November 10, 2015, is attached

hereto as Exhibit A. Pursuant to 35 U.S.C. § 282, the '757 patent is presumed valid and enforceable. Plaintiff Superod is the exclusive licensee of the '757 patent.

10. Plaintiff, Finalrod, is the owner of United States Patent No. 9,045,951 ("the '951 patent"), titled "Sucker Rod Apparatus and Method." A true and correct copy of the '951 patent, issued by the United States Patent and Trademark Office on June 2, 2015, is attached hereto as Exhibit B. Pursuant to 35 U.S.C. § 282, the '951 patent is presumed valid and enforceable. Plaintiff Superod is the exclusive licensee of the '951 patent.

11. The '757 Patent relates generally to a novel design for a fiberglass sucker rod. A sucker rod is used to increase the efficacy of sub-surface pumps in instances where the pressure in an oil reservoir is not sufficient to lift the oil to the surface. Individual sucker rods are grouped together to form a rod string, and the connection of successive rods has been the source of continued developmental efforts in the industry. The '757 patent discloses a fiberglass rod with connectors on each end that is an improvement over prior designs and methods. Specifically, each connector has a rod-receiving receptacle with an open end, a closed end, and axially spaced annular wedge shaped surfaces such that the compressive forces between the rod and the respective connector are defined by the shape of the wedged surfaces.

12. The '951 patent also relates generally to a novel design for a fiberglass sucker rod. Specifically, the '951 patent discloses end fitting with a wedge system formed in the interior, the wedge system comprising an outer wedge portion and an inner wedge portion. The outer wedge portion has a triangular configuration and is configured to distribute compressive force in the sucker rod proximate the open end. The inner wedge portion also has a triangular configuration and is configured to distribute compressive force in the sucker rod proximate the closed end. The inner wedge triangular configuration differs from the outer wedge triangular

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

configuration in order to distribute compressive force in the sucker rod at the end fitting, wherein relatively more compressive force is distributed proximate the closed end than proximate the open end.

DEFENDANTS' DIRECT AND INDIRECT INFRINGEMENT OF THE '757 PATENT

13. Defendants have, and continue to, directly and/or indirectly infringe Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the '757 Patent, either literally or under the doctrine of equivalents. A representative claim of the '757 Patent is as follows:

Claim 32. An end fitting for a sucker rod comprising:

an exterior surface, a closed end, an open end, and an interior surface, wherein the interior surface comprises a wedge system defining a cavity, wherein the wedge system comprises three wedge shaped portions each having a leading edge nearest the open end and a trailing edge nearest the closed end, wherein the leading edge is longer than the trailing edge,

wherein the three wedge shaped portions comprising a first wedge shaped portion proximate the closed end, a second wedge shaped portion proximate the first wedge shaped portion, and a third wedge shaped portion proximate the open end,

wherein the leading edge is shortest in the first wedge portion and increases progressively from the closed end to the open end thereby compensating for the compression of the sucker rod in the end fitting, and

wherein the first wedge shaped portion receives compressive forces that are greater than the compressive forces which the second wedge shaped portion receives, and the second wedge shaped portion receives compressive forces that are greater than the compressive forces which the third wedge shaped portion receives, such that the compressive forces create a force differential along the wedge system greater at the closed end of the fitting and decreasing toward the open end of the fitting, and wherein the angle between the leading edge and the trailing edge of each concaved surface is obtuse.

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

14. Each and every limitation of Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the '757 Patent are present either literally or under the doctrine of equivalents in at least Defendants' Series 200 sucker rod end fitting. *See* Exhibit C.



15. The following chart identifies each limitation of Claim 32 of the '757 Patent in Defendants' Series 200 sucker rod end fitting.

Claim 32:	Location of Element
An end fitting for a sucker rod , the end fitting comprising:	
an exterior surface (1), a closed end (3), an open end (4), and an interior surface (2), wherein the interior surface (2) comprises a wedge system defining a cavity (5), wherein the wedge system comprises three	

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

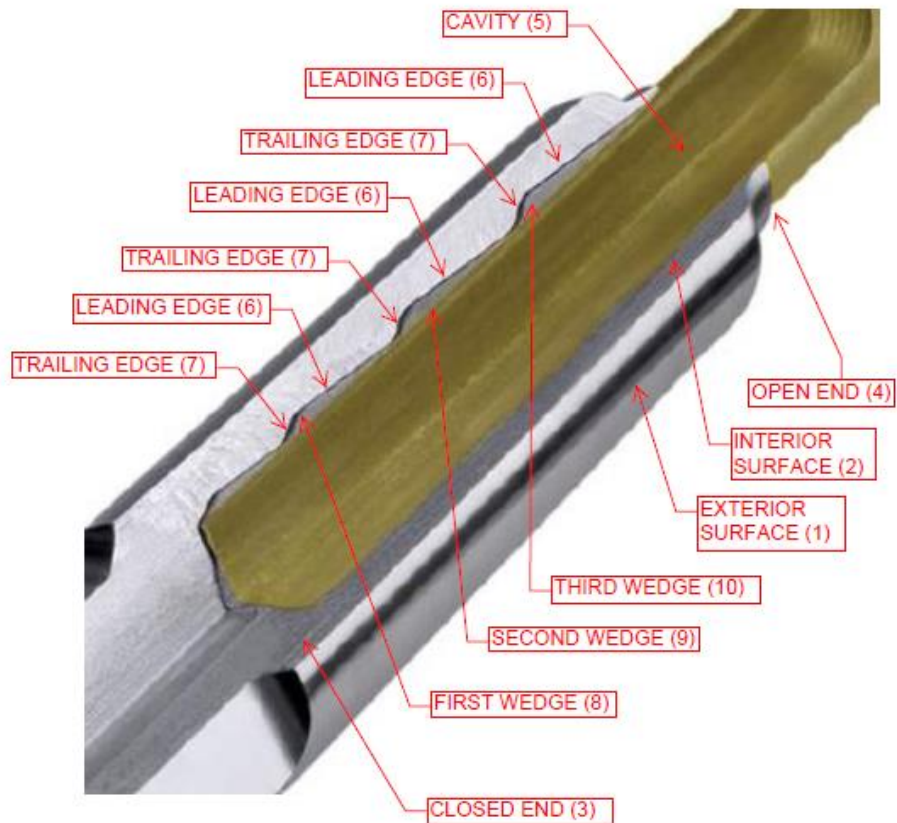
U.S. District Court for the Western District of Texas – Midland Division

wedge shaped portions (8, 9, 10) each having a leading edge (6) nearest the open end (4) and a trailing edge (7) nearest the closed end (3), wherein the leading edge (6) is longer than the trailing edge (7),

wherein the three wedge shaped portions (8, 9, 10) comprising a first wedge shaped portion (8) proximate the closed end (3), a second wedge shaped portion (9) proximate the first wedge shaped portion (8), and a third wedge shaped portion (10) proximate the open end (4),

wherein the leading edge (6) is shortest in the first wedge portion (8) and increases progressively from the closed end (3) to the open end (4) thereby compensating for the compression of the sucker rod in the end fitting, and

wherein the first wedge shaped portion (8) receives



PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

<p>compressive forces that are greater than the compressive forces which the second wedge shaped portion (9) receives, and the second wedge shaped portion (9) receives compressive forces that are greater than the compressive forces which the third wedge shaped portion (10) receives, such that the compressive forces create a force differential along the wedge system greater at the closed end of the fitting and decreasing toward the open end of the fitting, and wherein the angle between the leading edge and the trailing edge of each concaved surface is obtuse.</p>	
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16. Each and every limitation of Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the '757 Patent are present either literally or under the doctrine of equivalents in at least Defendants' Series 300 sucker rod end fitting. Defendants' Series 300 is depicted below. See also attached Exhibits E and F.

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division



17. The above claim chart is in no way limiting to the amount of materials available to show that each and every limitation of Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the '757 Patent is present in at least Defendants' Series 200 and 300 sucker rod end fittings, either literally or under the doctrine of equivalents. In addition, the above chart lacks any analysis or opinion on the material or information from an expert. Plaintiffs reserve the right to utilize additional material and information, including expert opinions, in determining Plaintiffs' final infringement contentions.

DEFENDANTS' DIRECT AND INDIRECT INFRINGEMENT OF THE '951 PATENT

18. Defendants have, and continue to, directly and/or indirectly infringe at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the '951 Patent, either literally or under the doctrine of equivalents. A representative claim of the '951 Patent is set forth below:

Claim 14. An end fitting for a sucker rod, the end fitting comprising:

a body having an interior, a closed end, and an open end;

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

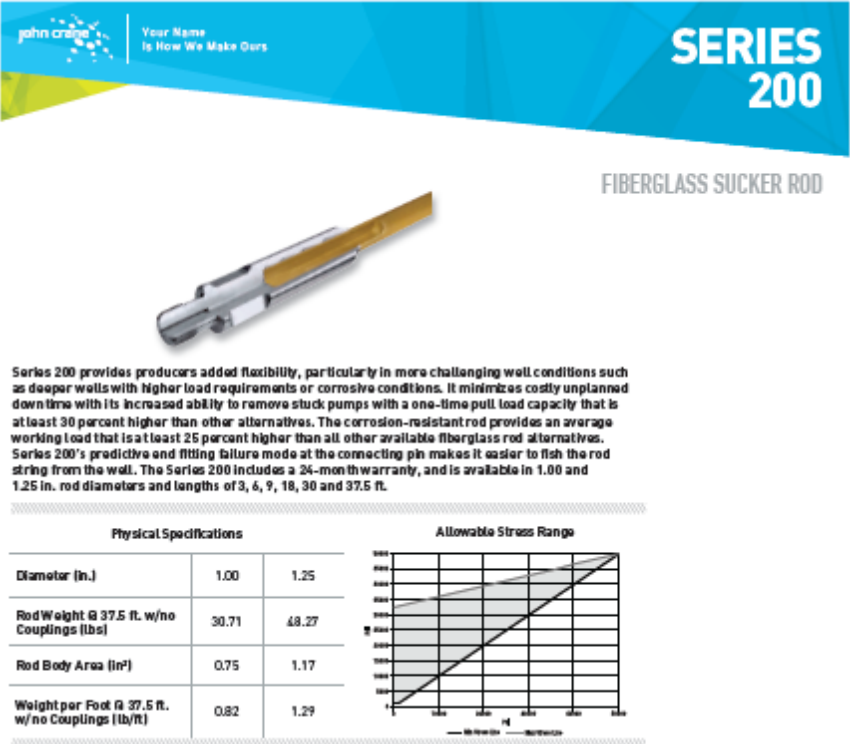
U.S. District Court for the Western District of Texas – Midland Division

a first wedge portion formed in the interior proximate the open end, wherein the first wedge portion comprises a first leading edge, a first trailing edge, and a first angle between the first leading edge and the first trailing edge, wherein the first leading edge faces the open end and the first trailing edge faces the closed end, and wherein the length of the first leading edge, the length of the first trailing edge, and the size of the first angle define a first distribution of force in the first wedge portion; and

a second wedge portion formed in the interior proximate the closed end, between the first wedge portion and the closed end, wherein the second wedge portion comprises a second leading edge, a second trailing edge, and a second angle between the second leading edge and the second trailing edge, wherein the second leading edge faces the open end and the second trailing edge faces the closed end, and wherein the length of the second leading edge, the length of the second trailing edge, and the size of the second angle define a second distribution of force in the second wedge portion,

wherein the length of the first trailing edge and the length of the second trailing edge differ, and wherein the first distribution of force and the second distribution of force vary such that during use a compressive load applied to the sucker rod at second wedge portion is greater than a compressive load applied to the sucker rod at first wedge portion, such that compressive forces in the sucker rod at the closed end of the body exceed compressive forces in the sucker rod at the open end of the body.

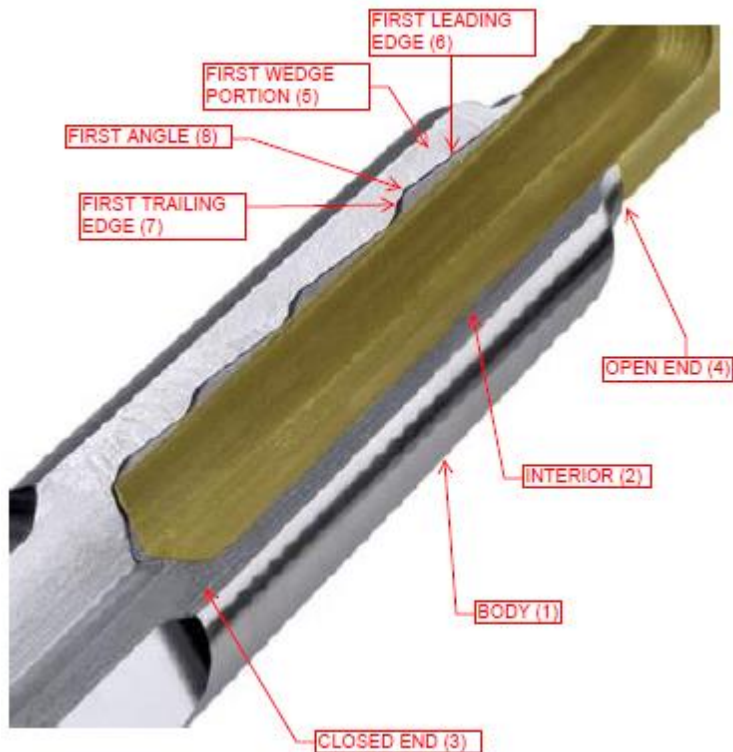
19. Each and every limitation of at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the '951 Patent are present either literally or under the doctrine of equivalents in at least Defendants' Series 200 sucker rod end fitting. *See* Exhibit C.



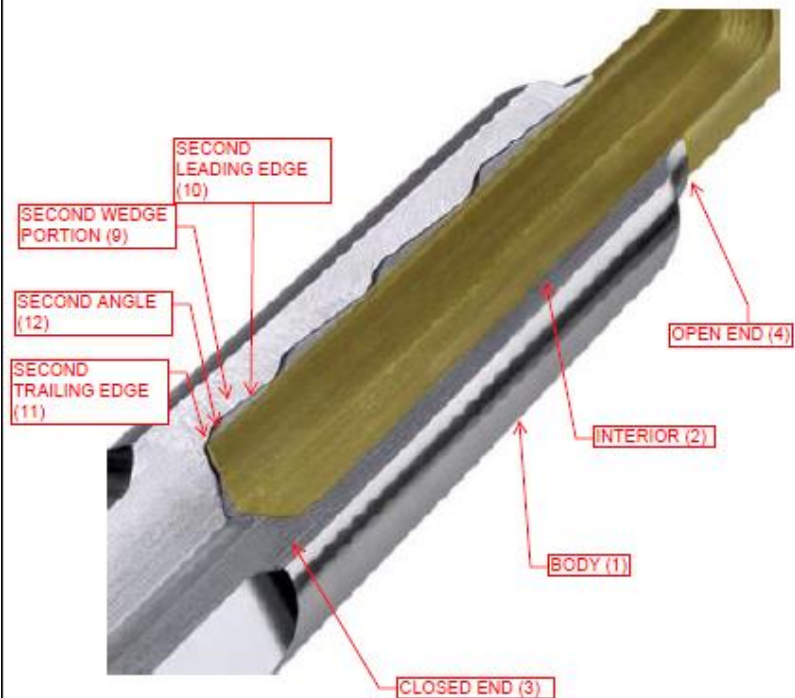
20. The following chart identifies each limitation of Claim 14 of the ‘951 Patent in Defendants’ Series 200 sucker rod end fitting.

Claim 14:	Location of Element
An end fitting for a sucker rod , the end fitting comprising:	
a body (1) having an interior (2), a closed end (3), and an open end (4);	
a first wedge portion (5) formed in the interior (2) proximate the open end (4), wherein the first wedge portion (5) comprises a first leading edge (6), a first trailing edge (7), and a first angle (8) between the first leading edge (6) and the first trailing edge (7), wherein the first leading edge (6) faces the open end (4) and the first trailing edge (7) faces the closed	

end (3), and wherein the length of the first leading edge, the length of the first trailing edge, and the size of the first angle define a first distribution of force in the first wedge portion; and



a second wedge portion (9) formed in the interior (2) proximate the closed end (3), between the first wedge portion (5) and the closed end (3), wherein the second wedge portion (9) comprises a second leading edge (10), a second trailing edge (11) and a second angle (12) between the second leading edge (10) and the second trailing edge (11), wherein the second leading edge faces the open end and the second trailing edge faces the closed end, and wherein the length of the second leading edge, the length of the second trailing edge, and the size of the second angle define a second distribution of



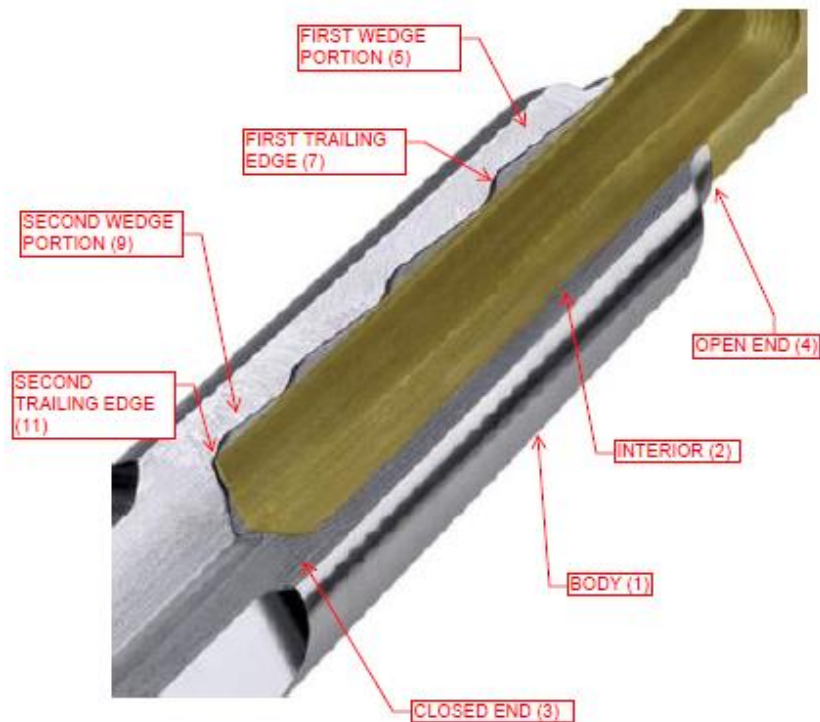
PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

force in the second wedge portion,

wherein the length of the first trailing edge (7) and the length of the second trailing edge (11) differ, and wherein the first distribution of force and the second distribution of force vary such that during use a compressive load applied to the sucker rod at second wedge portion is greater than a compressive load applied to the sucker rod at the first wedge portion, such that compressive forces in the sucker rod at the closed end of the body exceed compressive forces in the sucker rod at the open end of the body.



21. In addition, each and every limitation of at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the '951 Patent are present either literally or under the doctrine of equivalents in at least Defendants' Series 300 sucker rod end fitting. Defendants' Series 300 is depicted below.

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division



22. The above claim chart is in no way limiting to the amount of materials available to show that each and every limitation of at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the ‘951 Patent is present in at least Defendants’ Series 200 and 300 sucker rod end fittings, either literally or under the doctrine of equivalents. In addition, the above chart lacks any analysis or opinion on the material or information from an expert. Plaintiffs reserve the right to utilize additional material and information, including expert opinions, in determining Plaintiffs’ final infringement contentions.

IV. CAUSES OF ACTION

COUNT I – PATENT INFRINGEMENT

23. Plaintiffs re-alleges, as if fully set forth herein, each allegation contained in the previous paragraphs.

24. As specifically set forth in paragraphs 13-17 above, Defendants have, and continues to, directly infringe Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the ‘757 Patent by making, using, offering for sale and/or selling within the United States,

PLAINTIFFS’ THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

products and/or methods covered by the claimed inventions of the '757 patent. Specifically, Defendants have promoted, through a video presentation and white paper, their "standard design of an end fitting" covered by one or more of the claims in the '757 patent. A true and correct copy of the Defendants' paper is attached hereto as Exhibit D. On information and belief, Defendants have been making, using, selling, and offering for sale products based upon the same content detailed in the paper and video.

25. In addition to, or alternatively, Defendants have, and continue to, indirectly infringe Claims 1, 2, 7, 8, 9, 11, 13, 15, 16, 32-36, 49, 53, 54, 56, 57, and 77 of the '757 Patent by inducing or contributing to the manufacture, use, sale, or offer for sale of the claimed inventions of the '757 Patent by Defendants' customers or potential customers in Texas, or elsewhere, one or more of which have directly infringed the '757 Patent. Defendants' customers purchased, operated, or sought for purchase the sucker rods and sucker rod end fittings supplied by or offered by Defendants.

26. Plaintiffs reserve the right to assert each and every claim of the '757 Patent, including the dependent claims not specifically address herein. As discovery is ongoing, Plaintiff is presently seeking additional information relating to all claims of the '757 Patent.

27. On information and belief, Defendants' sucker rod and sucker rod end fittings have no substantial non-infringing uses or was supplied or provided by Defendants with knowledge that the same was made adapted, configured, used or to be used so as to infringe the '757 Patent.

28. As specifically set forth in paragraphs 18-22 above, Defendants have, and continues to, directly infringe at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the '951 Patent by making, using, offering for sale and/or selling within the United States, products and/or

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

methods covered by the claimed inventions of the '951 patent. Specifically, Defendants have promoted, through a video presentation and white paper, their "standard design of an end fitting" covered by one or more of the claims in the '951 patent. *See* Exhibit D. On information and belief, Defendants have been making, using, selling, and offering for sale products based upon the same content detailed in the paper and video.

29. In addition to, or alternatively, Defendants have, and continue to, indirectly infringe at least Claims 7, 8, 14, 15, 17, 21, 22, 35, and 47 of the '951 Patent by inducing or contributing to the manufacture, use, sale, or offer for sale of the claimed inventions of the '951 Patent by Defendants' customers or potential customers in Texas, or elsewhere, one or more of which have directly infringed the '951 Patent. Defendants' customers purchased, operated, or sought for purchase the sucker rods and sucker rod end fittings supplied by or offered by Defendants.

30. Plaintiffs reserve the right to assert each and every claim of the '951 Patent, including the dependent claims not specifically address herein. As discovery is ongoing, Plaintiff is presently seeking additional information relating to all claims of the '951 Patent.

31. On information and belief, Defendants' sucker rod and sucker rod end fittings have no substantial non-infringing uses or was supplied or provided by Defendants with knowledge that the same was made adapted, configured, used or to be used so as to infringe the '951 Patent.

32. Upon information and belief, Defendants' infringing activities have been willful, and this is an exceptional case.

33. As a result of Defendants' infringing activities in direct competition with Superod, Plaintiffs have suffered irreparable damages, detriment, and harm for which a monetary

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

award is an insufficient remedy. Additionally, as a result of the willful and deliberate nature of Defendants' infringing activities, Plaintiffs are entitled to enhanced damages and are entitled to recover attorneys' fees and costs. 35 U.S.C. § 284-285.

V. JURY DEMAND

34. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a jury trial on all issues and claims so triable.

VI. PRAAYER FOR RELIEF

35. WHEREFORE, Plaintiffs pray for judgment and seek the following relief:

- a) judgment in Plaintiffs' favor that Defendants' Series 200 has infringed, and continues to infringe, the '757 patent;
- b) judgment in Plaintiffs' favor that Defendants' Series 300 has infringed, and continues to infringe, the '757 patent;
- c) judgment in Plaintiffs' favor that Defendants' Series 200 has infringed, and continues to infringe, the '951 patent;
- d) judgment in Plaintiffs' favor that Defendants' Series 300 has infringed, and continues to infringe, the '757 patent;
- e) a preliminary injunction enjoining the aforesaid acts of infringement by Defendants, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with Defendants, including related individuals and entities, customers, representatives, OEMs, dealers, distributors and/or importers;
- f) a permanent injunction enjoining the aforesaid acts of infringement by Defendants, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with Defendants, including related individuals and entities, customers, representatives, OEMs, dealers, distributors and/or importers;
- g) judgment and an order requiring Defendants to pay Plaintiffs their damages, costs, expenses, pre-judgment interest, and post-judgment interest for Defendants' infringement of the '757 patent, as provided under 35 U.S.C. § 284;
- h) judgment and an order requiring Defendants to pay Plaintiffs their damages, costs, expenses, pre-judgment interest, and post-judgment

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division

interest for Defendants' infringement of the '951 patent, as provided under 35 U.S.C. § 284;

- i) judgment and an order that this case is exceptional under 35 U.S.C. § 285 and requiring Defendants to pay Plaintiffs' reasonable attorneys' fees; and
- j) for any such other and further relief as the Court may deem just and proper.

DATED: July 26, 2018

RESPECTFULLY SUBMITTED,

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COUNTERCLAIM DEFENDANTS*

PLAINTIFFS' THIRD AMENDED COMPLAINT

Civil Action No. 7:15-cv-97

U.S. District Court for the Western District of Texas – Midland Division