

NATURE OF THE ACTION

3. This is an action for declaratory judgment of non-infringement and invalidity arising under the laws of the United States, 35 U.S.C. §§ 101 et seq., and particularly 35 U.S.C. §§ 271–287.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the entire action pursuant to 35 U.S.C. §§ 101 *et seq.* and 28 U.S.C. §2201(a) because Cactus’ claims arise under the patent laws and the Declaratory Judgment Act. An actual controversy exists because Cameron has accused Cactus of infringing the Asserted Patents by letter dated May 3, 2021 (received August 11, 2021) (attached as Exhibit A). Contrary to Cameron’s false assertions, Cactus has not infringed any of the Asserted Patents. Further, Cactus asserts that each of the Asserted Patents is invalid.

5. This Court has personal jurisdiction over Cameron. Cameron is a resident of the State of Texas. Cameron is a Texas corporation with its principal place of business in the State of Texas. Cameron continuously and systematically conducts business in the State of Texas and in this judicial district. This lawsuit arises from conduct of Cameron that occurred in Texas, including the accusation of infringement of the Asserted Patents. Exercising personal jurisdiction over Cameron in this lawsuit comports with due process and traditional notions of fair play and substantial justice.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) and § 1400(b) because Cameron resides in this district, is subject to personal jurisdiction in this district, has a regular and established place of business in this district, and has made accusations of infringement against Cactus in this district.

FACTS

7. Cactus received a letter from Cameron’s attorneys on August 15, 2019 (Exhibit V) regarding U.S. Patent Nos. 8,839,867 (“the ‘867 patent”) (Exhibit B), 8,978,763 (“the ‘763 patent”) (Exhibit C), 9,068,450 (“the ‘450 patent”) (Exhibit D), 9,222,345 (“the ‘345 patent”) (Exhibit E),

9,255,469 (“the ‘469 patent”) (Exhibit F), 9,518,430 (“the ‘430 patent”) (Exhibit G), 9,631,469 (“the ‘1469 patent”) (Exhibit H), 9,903,190 (“the ‘190 patent”) (Exhibit I), 9,915,132 (“the ‘132 patent”) (Exhibit J), 9,932,800 (“the ‘800 patent”) (Exhibit K), 10,094,195 (“the ‘195 patent”) (Exhibit L), 10,132,146 (“the ‘146 patent”) (Exhibit M), 10,385,645 (“the ‘645 patent”) (Exhibit N), 10,323,475 (“the ‘475 patent”) (Exhibit O), and 10,385,662 (“the ‘662 patent”) (Exhibit P). In the August 15, 2019, letter, Cameron demanded that:

If you are of the opinion that your fracturing systems and methods do not infringe these patents, please provide evidence of noninfringement in the form of photographs, schematics, drawings, etc. sufficient to disclose your systems and methods for fracturing multiple wells on a single pad site.

8. Cactus, through its attorney, responded on August 23, 2019, (Exhibit W) requesting that Cameron provide reasons as to why Cameron believed Cactus infringed any of the Cameron patents in the August 15, 2019, letter.

9. Cactus did not receive any further communications from Cameron regarding its patents until August 4, 2021, when Cactus received a letter from Cameron’s attorneys (Exhibit X) regarding the patents asserted August 14, 2019 letter, together with 10,385,643 (“the ‘643 patent”) (Exhibit Q), 10,487,637 (“the ‘637 patent”) (Exhibit R), 10,876,371 (“the ‘371 patent”) (Exhibit S), 10,787,879 (“the ‘879 patent”) (Exhibit T), and 10,934,816 (“the ‘816 patent”) (Exhibit U) collectively, “the Asserted Patents”). The August 4, 2021, letter referenced the May 3, 2021, letter (Exhibit A) allegedly sent but misaddressed by Cameron’s counsel. In both the May 3, 2021, letter and the August 4, 2021, letter Cameron asserted infringement of the Asserted Patents. The May 3, 2021, letter included a claims chart to the ‘879 Patent purporting to show infringement by a Cactus apparatus.

COUNT I

DECLARATION OF NON-INFRINGEMENT OF THE ASSERTED PATENTS

10. Cameron has accused Cactus of infringing the Asserted Patents.

11. As a result of the acts described in the foregoing Paragraphs, an actual and justiciable controversy exists between Cameron and Cactus regarding the alleged infringement of the Asserted Patents.

12. Cactus has not infringed and does not infringe (directly, indirectly, or in any other manner) any valid and enforceable claim of the Asserted Patents, either literally or under the doctrine of equivalents.

13. A judicial declaration of non-infringement is necessary and appropriate to resolve this controversy and prevent Cameron from continuing to allege infringement of the Asserted Patents.

COUNT II

DECLARATION OF INVALIDITY OF THE ASSERTED PATENTS

14. As a result of the acts described in the foregoing Paragraphs, there exists an actual and justiciable controversy between Cameron and Cactus regarding the validity of the Asserted Patents.

15. The claims of the Asserted Patents are invalid for failure to meet the conditions for patentability or otherwise comply with the requirements of 35 U.S.C. § 101 *et seq.*, including but not limited to §§ 101, 102, 103, and 112.

16. A judicial declaration of invalidity is necessary and appropriate to resolve this controversy and prevent Cameron from continuing to allege validity of the Asserted Patents.

CACTUS' PRAYER FOR RELIEF

WHEREFORE, Cactus requests that the Court enter a judgment in Cactus' favor and grant the following relief:

- (a) A declaration that Cactus has not infringed any claims of the Asserted Patents;
- (b) A declaration that the claims of the Asserted Patents are invalid for failure to meet

the conditions of patentability or otherwise comply with the requirements of 35 U.S.C. §§ 101, 102, 103, or 112;

(c) An order awarding Cactus its costs and expenses of litigation, including but not limited to disbursements and expert witness fees; and

(d) Granting such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure, Cactus demands a jury trial of all issues triable to a jury in this action.

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Respectfully submitted,

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