

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BACKOFF, LLC and NUTEC, INC.,	§	
Plaintiffs,	§	
v.	§	CIVIL ACTION NO. 4:19-CV-01072
	§	
SAMOCO OIL TOOLS, INC.,	§	
SAMOCO DOWNHOLE	§	
EQUIPMENT & ENGINEERING, LLC,	§	
SAMOCO HOLDINGS, LLC, PISC	§	
INTERNATIONAL, INC., and	§	DEMAND FOR JURY TRIAL
MOHAMMED SALEM HELLAIL,	§	
Defendants.	§	

PLAINTIFFS' FOURTH AMENDED COMPLAINT

Plaintiffs, Backoff, LLC (hereinafter “Backoff”) and NuTec, Inc. (“NuTec”) (collectively “Plaintiffs”), who hereby present this Complaint against Defendants, Samoco Oil Tools, Inc., (“Samoco”); Samoco Downhole Equipment & Engineering, LLC (“Downhole”); Samoco Holdings, LLC (“Holdings”); PISC International, Inc. (“PISC”); and Mohammed Salem Hellail, also known as Michael Jeremy or M.J. Hellail (“Hellail”) (collectively “Defendants”), and in support, alleges and avers the following:

NATURE OF THE LAWSUIT

1. This is a civil action to temporarily and permanently enjoin acts of the following: patent infringement under the U.S. Patent Act, as amended by the Leahy-Smith America Invents Act, 35 U.S.C. § 1 *et seq.*; an action for misappropriation of trade secrets under the common law of the State of Texas; and a Declaratory Judgment of invalidity of Defendants’ U.S. patent No. 9,841,343 (“343 Patent”), patent non-infringement, and unenforceability.

2. In remedy thereof, Plaintiffs seek recovery of damages, profits, treble damages, attorneys' fees, and costs, as well as a preliminary and permanent injunction to prevent further acts of infringement.

3. This case involves Defendants' continued production, promotion, and sale of a knock-off 3-in-1, one-trip, or universal blowout preventer ("BOP") test tool.

4. Plaintiff Backoff is the assignee and record owner of the right, title, and interest in U.S. Patent No. 9,506,312 (the "312 Patent").

5. The 343 Patent was issued by the United States Patent and Trademark Office ("USPTO") on December 12, 2017. Defendants claim to own all rights in and to the 343 Patent.

6. Defendants have infringed Plaintiffs' intellectual property rights developed and used by Plaintiffs. Defendants have also attempted to unfairly compete by the intentional and unauthorized use of Plaintiffs' designs. Finally, Defendants have copied, usurped, and misappropriated Plaintiffs' intellectual property rights, including Plaintiffs' 312 Patent and trade secrets, which are collectively referred to herein as its "Intellectual Property."

7. Defendants previously asserted that Plaintiffs have infringed Defendants' 343 Patent and that Plaintiffs cannot make, use, or sell the 3-in-1 BOP test tool disclosed in Defendants' 343 Patent.

PARTIES

8. Plaintiff Backoff is a limited liability company organized and existing under the laws of the State of Louisiana, registering its principal place of business at 3206 Dean Day Road, Sulphur, Louisiana 70663. Backoff owns all rights, title, and interest of its Intellectual Property described herein.

9. Plaintiff NuTec is a corporation organized and existing under the laws of the State of Alaska, registering its principal place of business in the State of Louisiana at 4800 Highway 90 East, Lake Charles, Louisiana 70615. NuTec is the exclusive licensee of all rights, title, and interest of Backoff's Intellectual Property described herein.

10. Defendant Samoco is a corporation organized and existing under the laws of the State of Texas, registering its principal place of business at 603 Century Plaza Drive, Houston, Texas 77073. Samoco has been served through its registered agent as follows, Mohammed Hellail, 603 Century Plaza Drive, Houston, Texas 77073, and has appeared in the case.

11. Defendant Downhole is a limited liability company organized and existing under the laws of the State of Texas, registering its principal place of business at 603 Century Plaza Drive, Houston, Texas 77073. Downhole has been served through its registered agent as follows, Samoco Holdings, LLC, 603 Century Plaza Drive, Houston, Texas 77073, and has appeared in the case.

12. Defendant Holdings is a limited liability company organized and existing under the laws of the State of Texas, registering its principal place of business at 603 Century Plaza Drive, Houston, Texas 77073. Holdings is the manager of Downhole and was added as a party and served by email, by agreement of the parties, through its attorneys of record, Brad E. Harrigan and Kenneth L. Tolar, TOLAR HARRIGAN & MORRIS LLC, 1055 St. Charles Avenue, Suite 208, New Orleans, Louisiana 70130, bharrigan@nolaipa.com and ktolar@nolaipa.com. Holdings has appeared in the case.

13. Defendant PISC is a corporation organized and existing under the laws of the State of Texas, registering its principal place of business at 500 Century Plaza Drive, Suite 100, Houston, Texas 77073. PISC can be served through its registered agent as follows: Mohammed Hellail, 500

Century Plaza Drive, Suite 100, Houston, Texas 77073. PISC may also be added as a party and served by email, by agreement of the parties, through its attorneys of record, Brad E. Harrigan and Kenneth L. Tolar, TOLAR HARRIGAN & MORRIS LLC, 1055 St. Charles Avenue, Suite 208, New Orleans, Louisiana 70130, bharrigan@nolaipa.com and ktolar@nolaipa.com.

14. Defendant Hellail is an individual citizen and resident of the state of Texas. Hellail has been served with process at his usual place of abode, 75 S. Fremont, Spring, Texas 77389, and has appeared in the case. Michael Jeremy Hellail and Mohammed Hellail are the same person. Michael Jeremy Hellail or M.J. Hellail are assumed names for Defendant Hellail.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), and 2201, as it arises under an Act of Congress relating to patents, and has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367(a).

16. The amount in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. Accordingly, this Court has jurisdiction pursuant also to 28 U.S.C. § 1332.

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

18. The Court has personal jurisdiction over Defendant Samoco because Defendant Samoco is incorporated in Texas, resides in Texas; has committed acts of infringement, inducing infringement, and contributory infringement; has a regular and established place of business in Houston, Texas; and has committed, and continues to commit, acts of infringement, inducing infringement, contributory infringement, and trade secret misappropriation in this District in Houston, Texas.

19. The Court has personal jurisdiction over Defendant Downhole because Defendant Downhole is a limited liability company organized and existing under the laws of the State of Texas; has its principal place of business in Texas; and has committed, and continues to commit, acts of infringement, inducing infringement, contributory infringement, and trade secret misappropriation in in this District in Houston, Texas.

20. The Court has personal jurisdiction over Defendant Holdings because it is a limited liability company organized and existing under the laws of the State of Texas; has its principal place of business in Houston, Texas; is the manager of Downhole and has committed, and continues to commit, acts of infringement, inducing infringement, contributory infringement, and trade secret misappropriation in in this District in Houston, Texas.

21. The Court has personal jurisdiction over Defendant PISC because Defendant PISC is incorporated and resides in Texas; has a regular and established place of business in Houston, Texas; and has committed, and continues to commit, acts of infringement, inducing infringement, contributory infringement, and trade secret misappropriation in in this District in Houston, Texas.

22. The Court has personal jurisdiction over Defendant Hellail because Defendant Hellail is a citizen and resident of the state of Texas and because Defendant Hellail has committed, and continues to commit, acts of infringement, inducing infringement, contributory infringement and trade secret misappropriation in in this District in Houston, Texas.

23. At all relevant times, Defendant Hellail controlled and directed all of the acts of the other Defendants, including all of the acts of Defendants complained of herein. Because all of the acts of Defendants complained of herein are business torts, Defendant Hellail is personally liable for directing Defendants to commit those acts.

24. At all relevant times, Defendant PISC controlled and directed all of the acts of the other Defendants, including all of the acts of Defendants complained of herein.

25. Furthermore, Defendant Downhole has absorbed Defendant Samoco, including all of Defendant Samoco's assets and has continued the acts of Defendant Samoco. Accordingly, Defendant Downhole is also liable for all of the acts of Defendant Samoco complained of herein and its continued acts of infringement, inducing infringement, and contributory infringement.

26. Furthermore, Defendant Holdings is the manager of and has absorbed Defendant Samoco, including all of Defendant Samoco's assets and has continued the acts of Defendant Samoco. Accordingly, Defendant Downhole is also liable for all of the acts of Defendant Samoco complained of herein and its continued acts of infringement, inducing infringement, and contributory infringement.

27. Furthermore, Defendant PISC has engaged in the acts of infringement and is also liable for all of the acts of complained of herein and its continued acts of infringement, inducing infringement, contributory infringement, and misappropriation of trade secrets.

28. PISC does business as Samoco Oil Tools.

29. PISC rented, sold, or otherwise offered for sale the Samoco 3-in-1 BOP test tool that is the subject of this lawsuit.

30. PISC intermingles its finances with the other Defendants in this lawsuit.

31. PISC is controlled and directed by Defendant Hellail.

32. PISC received revenue for renting and/or selling the Samoco 3-in-1 BOP test tool that is the subject of this lawsuit.

33. Through its allegations of patent infringement against Plaintiffs as previously filed in this Court, Defendants have consented to personal jurisdiction in this Court.

FACTUAL ALLEGATIONS

34. Plaintiffs' 3-in-1 BOP test tool is first disclosed and claimed in the Provisional Patent Application for the 312 Patent, Serial No. 14/613,089, filed February 3, 2015 and entitled "BLOWOUT PREVENTER TEST JOINT ASSEMBLY, FOR TESTING VARIABLE BORE RAMS, SHEAR RAMS, AND ANNULARS". A 3-in-1 BOP test tool tests ram and annular BOPs on different sizes of pipe and blind shear ram BOPs in a single run of the tool to the well head.

35. The named inventors of the 312 Patent are Brian Williams and Gregory LaFleur.

36. The 312 Patent Application was published August 4, 2016, Publication No. 2016/0222750.

37. U.S. Patent Application No. 2017/0009548, filed June 30, 2016 and entitled "BLOWOUT PREVENTER TEST JOINT ASSEMBLY FOR TESTING VARIABLE BORE RAMS, SHEAR RAMS AND ANNULARS," was published January 12, 2017 as a continuation of Plaintiffs' co-pending application for the 312 Patent at the time.

38. Backoff is the record owner of all rights, title, and interest in the 312 Patent and confidential and proprietary information.

39. NuTec is the exclusive licensee of all rights, title, and interest in Backoff's 312 Patent and confidential and proprietary information.

40. All rights arising from the 312 Patent are in full force and effect under federal law.

41. On November 29, 2016, Plaintiffs' 312 Patent was issued by the USPTO.

42. A BOP is a large, specialized valve or similar mechanical device used to seal, control and monitor oil and gas wells to prevent blowouts, the uncontrolled release of crude oil and/or natural gas from a well.

43. BOPs are usually installed in stacks of other valves. BOP were developed to cope with extreme erratic pressures and uncontrolled flow (formation kick) emanating from a well reservoir during drilling. Kicks can lead to a potentially catastrophic event known as a blowout.

44. In addition to controlling the downhole (occurring in the drilled hole) pressure and the flow of oil and gas, BOP are intended to prevent tubing (e.g. drill pipe and well casing), tools, and drilling fluid from being blown out of the wellbore (also known as bore hole, the hole leading to the reservoir) when a blowout threatens.

45. BOPs are critical to the safety of crew, rig (the equipment system used to drill a wellbore) and environment, and to the monitoring and maintenance of well integrity; thus, BOPs are intended to provide fail-safety to the systems that include them.

46. A well blowout can be a catastrophic event and result in loss of life; long lasting, if not permanent, damage to the environment; and hundreds of billions of dollars in damages, especially on offshore rigs and subsea wells.

47. Periodic testing of the BOP stacks is required to make sure they are functioning properly and will prevent well blowouts.

48. With offshore drilling, the wellhead at the ocean floor contains the BOP stack and is connected to a platform with a string of pipe so a BOP test tool must be attached to a string of pipes that are connected together to run the BOP test tool down to the BOP stack at the wellhead. To test the BOPs in a subsea well, it is necessary to pull the entire pipe string out of the well, run the BOP test tool to the BOP stack on the ocean floor to test the BOPs.

49. This stops production and can take several hours depending on the depth of the well head, which is very costly.

50. Because several sizes and types of blowout preventors are used, testing them all in one run saves considerable time and money. A BOP test tool that would allow testing of multi-gage pipe with ram and bag BOPs, as well as blind ram shear BOPs, in a single run would provide considerable savings to the well operator.

51. Plaintiffs have been in the business of testing BOPs for over two decades. An example of Plaintiffs' early BOP test tools is shown in U.S. Patent No. 6,032,736 issued to Plaintiffs' founder, Mr. J. Terrell Williams.

52. Shell Oil Company ("Shell Oil") uses Plaintiffs' BOP test tools and has done so for over the last twenty (20) years.

53. In 2013, Plaintiffs began working on a new BOP test tool that would allow testing of multi-gage pipe with ram and bag BOPs and blind ram shear BOPs in a single run.

54. Plaintiffs had a complete conception of their 3-in-1 BOP testing tool disclosed in the 312 Patent by March of 2014.

55. In March 2014, Plaintiffs began confidential discussions with Shell Oil in New Orleans, Louisiana to discuss whether NuTec could make a BOP testing tool that would test several sizes and types of BOPs, including blind and shear rams, with a single run down to the BOP stack at the wellhead. These confidential discussions included Stena Drilling, Ltd ("Stena"), because Shell Oil contracted with Stena IceMAX, a drillship, for its billion-dollar offshore exploration program located approximately 150 miles from Nova Scotia, Canada.

56. In July 2014, Plaintiffs met with Shell Oil and discussed NuTec's design of its BOP testing tool that would test several sizes and types of blowout preventors and blind and shear rams with a single run down to the BOP stack at the wellhead.

57. On October 31, 2014, Plaintiffs disclosed and offered for rent to Shell Oil its 3-in-1 BOP test tool and identified the information as proprietary as follows:

This drawing is the property of NuTec and all information is to be considered confidential and for reference only. This drawing may not be duplicated or issued without written consent of NuTec.

58. On January 5, 2015, Plaintiffs made a confidential presentation to Shell Oil showing engineering drawings marked confidential of NuTec's new 3-in-1 BOP testing tool and how the tool would operate.

59. In January of 2016 Defendants acknowledged to Shell that they were aware of Plaintiffs' prior art 3-in-1 BOP testing tool.

60. On February 3, 2015, Plaintiffs filed the Patent Application Serial No. 14/613,089 for its groundbreaking 3-in-1 BOP testing tool in the USPTO.

61. In July 2015, until recently, Plaintiff NuTec had on display on its webpage at www.nutecinc.com the following announcement:

LATEST ANNOUNCEMENT

**NUTECS '3-1' BOP TEST TOOL HAS
SUCCESSFUL RUNS. THIS TOOL
ALLOWS BOP TO BE TESTED
AGAINST MULTIPLE PIPE SIZES AND
BLIND/SHEAR RAMS IN A SINGLE RUN.**

62. On May 26, 2015, NuTec entered into a confidential contract with Shell Oil to use its 3-in-1 BOP test tool on an offshore drilling rig.

63. On July 14, 2015 a "CONFIDENTIAL" proposal with Plaintiffs was signed by Shell Oil.

64. Plaintiffs have been in the BOP testing tool business for over twenty (20) years.

65. Defendants only started their BOP testing tool business in 2014 and first got into the BOP testing tool business in 2015.

66. On May 20, 2015, Samoco filed its first Provisional Patent Application Serial No. 62/164,472 (“472 Provisional Application”) on its 3-in-1 BOP test tool in the USPTO, entitled BLOWOUT PREVENTER (BOP) TEST TOOL AND METHODS, listing Gregory James Alexander Andrigo (“Andrigo”), Ranfis Miguel Ramirez (“Ramirez”), and Mahammad Aloudat (“Aloudat”) as inventors in that respective order.

67. Andrigo is a mechanical engineer by profession and runs an engineering consulting company, Emrye Building Solutions.

68. Hellail is not an engineer.

69. Hellail attended the 2015 Offshore Technology Conference in Houston, Texas.

70. Hellail did not make an inventive contribution to the 343 Patent.

71. Andrigo was hired by Samoco and was instrumental to the design of Defendants’ 3-in-1 tool.

72. Andrigo was initially named as an inventor of the provision patent application for the design of Defendants’ 3-in-1 tool.

73. The inventorship was later changed to delete Andrigo as an inventor.

74. Andrigo was removed as an inventor for the 343 Patent with deceptive intent.

75. Defendants engaged in deceptive intent in removing Andrigo as an inventor of the 343 Patent.

76. Defendants sent Andrigo a confidential drawing of the invention of the 312 Patent in March of 2015.

77. Defendants used the confidential NuTec drawing of the NuTec 3-in-1 BOP test tool

to get a headstart on making a 3-in-1 BOP test tool.

78. Alternatively, the current named inventors of the 343 Patents were included as inventors with deceptive intent.

79. Miguel Amengual conceived the invention of the 343 Patent on or before May 25, 2014 and disclosed it to Shell.

80. Defendants derived and misappropriated the invention in the 343 Patent from the conception of Miguel Amengual, an employee of Stena.

81. Alternatively, Defendant derived and misappropriated the invention in the 343 Patent from the conception of Plaintiffs.

82. The 472 Provisional Application was filed to preserve foreign patent rights because of imminent offers to sale and public disclosure of the 3-in-1 BOP test tool.

83. On May 18, 2016, Samoco filed its Provisional Patent Application Serial No. 62/338,207 (“207 Provisional Application”) on its 3-in-1 BOP test tool in the USPTO, entitled BLOWOUT PREVENTER (BOP) TEST TOOL AND METHODS, listing Hellail and Aloudat as inventors and Samoco as assignee. The 207 Provisional Application states, “This application is related to U.S. application number 62/164,472, filed May 20, 2015, the entire disclosure of which is hereby incorporated herein by reference.” The incorporation by reference of the 472 Application in the 207 Application makes it a public document as of the public disclosure of the 207 Application at the time the 343 Patent issued.

84. Defendants’ complete application, Serial No. 15/343,467 (“467 Application”) for the 343 Patent, was filed November 4, 2016 and entitled BLOWOUT PREVENTER (BOP) TEST TOOL AND METHODS, listing inventors Hellail, Aloudat, and Ramirez. The 343 Patent was issued by the USPTO on December 12, 2017.

85. Defendants shipped their 3-in-1 BOP test tool to its customer Shell Oil in July of 2015.

86. As of May of 2015, Plaintiffs' 3-in-1 BOP test tool was confidential and had only been disclosed to Shell Oil and Stena under a confidentiality agreement.

87. In July of 2015, Defendants delivered its 3-in-1 BOP test tool to Shell Oil for rental of the PISC 3-in-1 BOP test tool to Shell Oil.

88. Defendants delivered their first 3-in-1 BOP test tool for testing to the same persons at Shell Oil as Plaintiffs.

89. On September 25, 2015, PISC entered into a contract with Shell Oil for rental of the 3-in-1 BOP test tool to Shell Oil.

90. Defendants were aware of Plaintiffs' 3-in-1 BOP test tool before Defendants conceived their 3-in-1 BOP test tool.

91. Defendants were aware of Plaintiffs' 3-in-1 BOP test tool before Defendants reduced to practice their 3-in-1 BOP test tool.

92. At the time Defendants became aware of Plaintiffs' 3-in-1 BOP test tool, Plaintiffs' 3-in-1 BOP test tool was confidential.

93. Defendants' 3-in-1 BOP test tool was on sale prior to May 18 of 2015.

94. Defendants' 3-in-1 BOP test tool was shipped to Shell no later than July 2015.

95. Any testing that Defendants did after July of 2015 was market testing and not experimental use.

96. Companies like Shell Oil do not do first-time experimental use of oil tools on their offshore wells when there is a tried and tested oil tool available.

97. No later than May 7 of 2015, Defendants knew that Plaintiffs' 3-in-1 BOP test tool was prior art to Defendants' 3-in-1 BOP test tool.

98. In March of 2015, Defendants emailed a Confidential drawing of the Plaintiffs' new and novel 3-in-1 BOP test tool to Andrigo.

99. In March of 2015, Defendants surreptitiously obtained Confidential information and drawings of the Plaintiffs' new and novel Confidential 3-in-1 BOP test tool.

100. Defendants viewed Plaintiff NuTec's website, www.nutecinc.com, and the materials regarding Plaintiffs' universal 3-in-1 BOP test tool prior to at least January 19, 2016.

101. Defendants viewed Plaintiff NuTec's website, www.nutecinc.com, and the materials regarding Plaintiffs' universal 3-in-1 BOP test tool again on August 24, 2016.

102. Defendants' 467 Application differed from the 472 and 207 Provisional Applications in that the seals described in the specification were changed as exemplified by Claim 3, which recites:

“first and second generally frusto-conical surfaces of the first sub are engaged, or nearly engaged, by first and second generally frusto-conical surfaces of the first pipe; and one or more sealing elements extending within one or more annular grooves in the first surface of the first pipe to sealingly engage the first surface of the first sub.”

103. The use of frusto-conical sealing surfaces with sealing elements in annular grooves were a well-known mechanical expedient and well-known in the prior art to the 343 Patent.

104. Defendants are the exclusive licensee of the 343 Patent.

105. Samoco is the record owner of the 343 Patent by assignment, recorded November 29, 2016 at Reel/Frame:040453/0912, in the USPTO.

106. Defendants 3-in-1 BOP test tool was ready to patent no later than May 18, 2015.

107. Defendants offered a 3-in-1 BOP test tool for sale more than one year before May 18, 2016.

108. Defendants shipped their 3-in-1 BOP test tool to a customer in July of 2015.

109. The inventors named in the 343 Patent are not the sole and original inventors of Defendants' 3-in-1 BOP test tool.

110. Plaintiffs' 312 Patent, filed February 3, 2015, application published August 4, 2016 and patent issued November 29, 2016, was material prior art to Defendants' 3-in-1 BOP test tool.

111. Plaintiffs' Patent Application No. 2016/0222750, published August 4, 2016, on their 3-in-1 BOP test tool, that issued as the 312 Patent, is prior art to the Defendants 343 Patent.

112. Plaintiffs' Patent Application No. 2016/0222750, published August 4, 2016, on their 3-in-1 BOP test tool, that issued as the 312 Patent, is material prior art to the Defendants 343 Patent.

113. Defendants knew that Plaintiffs' 3-in-1 BOP test tool was material prior art to the Defendants' 343 Patent.

114. Defendants knew that Plaintiffs' 312 Patent was material prior art to the Defendants' 343 Patent.

115. Defendants knew about Plaintiffs' prior art 3-in-1 BOP test tool during the pendency of the 343 Patent.

116. Defendants knew about Plaintiffs' Patent Application No. 2016/0222750, published August 4, 2016, on their 3-in-1 BOP test tool, that issued as the 312 Patent, during the pendency of the 343 Patent.

117. Defendants knew about the Plaintiffs' 312 Patent during the pendency of the 343 Patent.

118. Defendants knew about the Plaintiffs' Patent Application No. 2017/0009548 during the pendency of the 343 Patent.

119. All applicants for patents must file an information disclosure statement in compliance with 37 C.F.R. §§ 1.97–1.98 containing a list of all known relevant and material patents, publications, applications, or other information submitted for consideration by the USPTO.

120. Applicants have a duty of disclosure, candor, and good faith in disclosing information material to patentability under 37 C.F.R. § 1.56.

121. On December 12, 2016, Defendants knew about Plaintiffs' prior art 3-in-1 BOP test tool.

122. On December 12, 2016, Defendants knew about the 312 Patent.

123. On December 12, 2017, Defendants knew about Plaintiffs' Provisional Patent Application Serial No. 14/613,089, dated February 3, 2015.

124. On December 12, 2017, Defendants knew about Plaintiffs' published patent application, Publication No. 2016/0222750, dated August 4, 2016.

125. On December 12, 2016, Defendants knew about Plaintiff's U.S. Patent Application No. 2017/0009548, filed June 30, 2016 and published January 12, 2017, as a continuation of Plaintiffs' co-pending application for the 312 Patent.

126. On December 12, 2016, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 3-in-1 BOP test tool was prior art to Defendants' 3-in-1 BOP test tool.

127. On December 12, 2016, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 3-

in-1 BOP test tool disclosed in the 312 Patent was prior art to Defendant's 3-in-1 BOP test tool and patent applications.

128. On December 12, 2016, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 312 Patent, filed February 3, 2015 and issued November 29, 2016, was prior art to Defendants' 3-in-1 BOP test tool.

129. On March 9, 2017, Defendants knew about Plaintiffs' prior art 3-in-1 BOP test tool.

130. On March 9, 2017, Defendants knew about the 312 Patent.

131. On March 9, 2017, Defendants knew about Plaintiffs' Provisional Patent Application Serial No. 14/613,089, dated February 3, 2015.

132. On March 9, 2017, Defendants knew about Plaintiffs' published patent application, Publication No. 2016/0222750, dated August 4, 2016.

133. On March 9, 2017, Defendants knew about Plaintiff's U.S. Patent Application No. 2017/0009548, filed June 30, 2016 and published January 12, 2017, as a continuation of Plaintiffs' co-pending application for the 312 Patent.

134. On March 9, 2017, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 3-in-1 BOP test tool was prior art to Defendants' 3-in-1 BOP test tool.

135. On March 9, 2017, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 3-in-1 BOP test tool disclosed in the 312 Patent was prior art to Defendant's 3-in-1 BOP test tool, patent applications, and 343 Patent, claiming a filing date of May 18, 2016 on the basis of the 207 Application and issued December 12, 2017.

136. On March 9, 2017, Defendants failed to disclose and intentionally omitted from their statutorily required information disclosure statement to the USPTO that Plaintiffs' 312 Patent, filed February 3, 2015 and issued November 29, 2016, was prior art to Defendants' 3-in-1 BOP test tool.

137. Defendants failed to disclose U.S. Patent Application No. 2016/0222750, published August 4, 2016, in their statutorily required disclosure to the USPTO.

138. Defendants failed to disclose U.S. Patent Application No. 2017/0009548, published January 12, 2017, in their statutorily required disclosure to the USPTO.

139. Plaintiffs' 312 Patent is highly material prior art to the 343 Patent.

140. Plaintiffs' published patent applications based on the 312 Patent were highly material prior art to the 343 Patent.

141. Defendants' 3-in-1 BOP test tool was highly material prior art to the 343 Patent.

142. Defendants' 3-in-1 BOP test tool performs the identical functions as the Plaintiffs' 3-in-1 BOP test tool.

143. Defendants' 3-in-1 BOP test tool uses substantially the same means to perform substantially the same functions in substantially the same way to obtain the same result.

144. Defendants derived their 3-in-1 BOP test tool from Plaintiffs' 3-in-1 BOP test tool.

145. Defendants copied Plaintiffs' 3-in-1 BOP test tool.

146. Defendants derived their 3-in-one BOP test tool from third parties.

147. Defendants' 343 Patent would not have issued but for Defendants' failure to disclose the Plaintiffs' Patent Application No. 2016/0222750, dated August 4, 2016 that issued as the 312 Patent, to the USPTO on their 3-in-1 BOP test tool,.

148. Defendants' 343 Patent would not have issued but for Defendants' failure to disclose the Plaintiffs' prior art 3-in-1 BOP test tool to the USPTO.

149. Defendants' 343 Patent would not have issued but for Defendants' failure to disclose the Plaintiffs' prior art 312 Patent to the USPTO.

150. Defendants' 343 Patent would not have issued but for Defendants' failure to disclose the Plaintiffs' prior art Patent Application No. 2017/0009548 to the USPTO.

151. Plaintiffs' 3-in-1 BOP testing tool is not cumulative to information already of record or being made of record in the Defendants' 343 patent application.

152. Plaintiffs' Patent Application No. 2016/0222750 is not cumulative to information already of record or being made of record in the Defendants' 343 patent application.

153. Plaintiffs' 312 Patent is not cumulative to information already of record or being made of record in the Defendants' 343 patent application.

154. Plaintiffs' Patent Application No. 2017/0009548 is not cumulative to information already of record or being made of record in the Defendants' 343 patent application.

155. Plaintiffs' 3-in-1 BOP testing tool establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim in the Defendants' 343 patent application.

156. Plaintiffs' Patent Application No. 2016/0222750 establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim in the Defendants' 343 patent application.

157. Plaintiffs' 312 Patent establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim in the Defendants' 343 patent application.

158. Plaintiff's Patent Application No. 2017/0009548, establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim in the Defendants' 343 patent application.

159. Plaintiffs' 3-in-1 BOP testing tool refutes, or is inconsistent with, a position the applicant takes in opposing an argument of unpatentability relied on by the Office in the Defendants' 343 patent application.

160. Plaintiffs' Patent Application No. 2016/0222750 refutes, or is inconsistent with, a position the applicant takes in opposing an argument of unpatentability relied on by the Office in the Defendants' 343 patent application.

161. Plaintiffs' 312 Patent refutes, or is inconsistent with, a position the applicant takes in opposing an argument of unpatentability relied on by the Office in the Defendants' 343 patent application.

162. Plaintiff's Patent Application No. 2017/0009548, refutes, or is inconsistent with, a position the applicant takes in opposing an argument of unpatentability relied on by the Office in the Defendants' 343 patent application.

163. During a meeting between representatives of Plaintiffs and Defendants on December 13, 2017, in Lake Charles, Louisiana requested by Defendants one day after Defendants' 343 Patent issued, Defendants represented to Plaintiffs that Samoco is a company that engineers and manufactures, and thereafter markets, licenses, rents, sells, uses, and distributes, tools for the oil and gas industry, particularly in relation to offshore drilling operations, throughout the world.

164. In the meeting, Defendants outlined, among other things, their company, product lineup, marketing, and growth strategy, as presented to representatives of Plaintiffs during said

December 13, 2017 meeting in Lake Charles, Louisiana and proposed selling their 343 Patent to Plaintiffs for several million dollars, so Plaintiffs could enjoin competitors from infringing the 343 Patent.

165. During this meeting, Defendants asserted that their 3-in-1 BOP test tool did not infringe Plaintiffs' 082 Patent, 312 Patent, and 771 Patent.

166. Based on representations made by the Defendants' representatives, Defendants' product lineup included a BOP test tool, entitled the "Blow Out Preventer (BOP) OneTrip Test Tool," the "OneTrip Universal BOP Test Tool", "UBTT", "OneTrip", among other similar variations, that enables the testing of three types of BOPs including two sizes of pipes and blind shear ram BOPs, with only one trip into a wellbore.

167. Defendants have disclosed details of their 3-in-1 BOP test tool product lineup, marketing, and growth strategy, to numerous companies and proposed selling their 343 Patent for several million dollars.

168. Defendants have publicly disclosed details of their 3-in-1 BOP test tool product lineup, marketing, and growth strategy.

169. Plaintiffs' 3-in-1 BOP test tool was on sale and in public use more than one year prior to the effective filing date of seal claims for the 343 Patent.

170. Plaintiffs' 3-in-1 BOP test tool was on sale and in public use more than one year prior to the effective filing date of the 343 Patent.

171. Defendants' 343 Patent was initially assigned to Art Unit 2586 in the USPTO.

172. Defendants requested accelerated examination of their application for the 343 Patent in the USPTO.

173. For accelerated examination, a patent applicant must “Conduct a pre-examination search” and “Provide an accelerated examination support document.”

174. The “Guidelines for Applicants under the Accelerated Examination Procedure” were “merely supplemental to the program requirements as set forth in the Federal Register notice dated June 26, 2006. *See* <http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf>, as modified by the Changes in Accelerated Examination Practice (<https://www.gpo.gov/fdsys/pkg/FR-2016-08-16/pdf/2016-19527.pdf>) dated August 16, 2016.

175. Defendants’ application for the 343 Patent was transferred to Examiner Robert R. Raevis in Art Unit 2856 the USPTO because of the request for Track One accelerated examination.

176. Art Unit 2856 in the USPTO handles Class 177 for WEIGHING SCALES and Class 968 for HOROLOGY.

177. Examiner Robert R. Raevis was not skilled in oil well tools.

178. Because Examiner Robert R. Raevis was not skilled in oil well tool art, it was essential that Defendants fully comply with their uncompromising duty of candor to disclose all known prior art to the USPTO during the examination on the 343 Patent application.

179. Plaintiffs’ 312 Patent was examined by Art Unit 3674 which handles class 166 for WELLS, subclasses 245–249.

180. Defendants filed and paid extra for Track 1 prioritized examination in the USPTO of the application for the 343 Patent.

181. For a prioritized application granted special status under the prioritized examination program, the goal of the USPTO is to provide a final disposition within twelve months, on average, of the date that prioritized status was granted.

182. To prioritize its patent application, Defendants paid an extra government fee of \$2,000.

183. These fees are in addition to the usual government fees for non-prioritized applications.

184. The advantage of Track 1 applications is that the chances of approval are higher than conventional non-prioritized patent applications.

185. However, such an approval comes with an unwritten caveat. In order to get an allowance, the claims need to be sufficiently narrow enough to convince the examiner that no related prior art exists that could bar patentability of the claims.

186. This is because Track 1 applications impose a deadline on patent examiners, and thus, they have to rush through the examination process.

187. Plaintiffs' 082 Patent does not describe or disclose the locking mechanism of the Plaintiffs' 3-in-1 BOP test tool.

188. Plaintiffs' 3-in-1 BOP test tool is substantially identical to the device disclosed in the 343 Patent.

189. Plaintiffs' 3-in-1 BOP test tool disclosed in Plaintiffs' 312 Patent is substantially the same as the device disclosed in the 343 Patent.

190. Plaintiffs' 3-in-1 BOP test tool disclosed in Plaintiffs' 312 Patent is substantially the same as the device disclosed in the 343 Patent.

191. Plaintiffs' 3-in-1 BOP test tool disclosed in Plaintiffs' 312 Patent anticipates the claims in Defendants' 343 Patent under 35 U.S.C. § 102.

192. Any differences in the claims in Defendants' 343 Patent and Plaintiffs' 3-in-1 BOP test tool disclosed in the Plaintiffs' 312 Patent are obvious.

193. Defendants' 343 Patent was obvious in view of Plaintiffs' Patent Application, No. 2016/0222750, published August 4, 2016, on their 3-in-1 BOP test tool, that issued as the 312 Patent.

194. Defendants knew about the Plaintiffs' 3-in-1 BOP test tool during the pendency of the 343 Patent.

195. Defendants knew about the Plaintiffs' Patent Application No. 2016/0222750, published August 4, 2016, on their 3-in-1 BOP test tool, that issued as the 312 Patent, during the pendency of the 343 Patent.

196. Defendants knew about the Plaintiffs' 312 Patent during the pendency of the 343 Patent.

197. Defendants knew about the Plaintiffs' Patent Application No. 2017/0009548 during the pendency of the 343 Patent.

198. Defendants misappropriated Plaintiffs' confidential business information and trade secrets for Plaintiffs' 3-in-1 BOP test tool.

199. Defendants misappropriated Plaintiffs' confidential business information and trade secrets for Plaintiffs' 3-in-1 BOP test tool.

200. Defendants' misappropriation of Plaintiffs' confidential business information and trade secrets enabled it to get an earlier start on developing its 3-in-1 BOP test tool.

201. Defendants' misappropriation of Plaintiffs' confidential business information and trade secrets enabled it to obtain an unfair advantage to develop and market its 3-in-1 BOP test tool.

202. Defendants claim their 3-in-1 BOP test tool is covered by the Samoco 343 Patent.

203. Defendants claim their 3-in-1 BOP test tool performs the identical functions as the Plaintiffs' 3-in-1 BOP test tool and is a complete substitute for Plaintiffs' 3-in-1 BOP test tool.

204. The development and marketing of Defendants' 3-in-1 BOP test tool shortly after the development and marketing of Plaintiffs' 3-in-1 BOP test tool was not serendipity and independent creation.

205. Defendants derived their 3-in-1 BOP test tool and 343 Patent from Plaintiffs' prior 3-in-1 BOP test tool.

206. Defendants obtained and used Plaintiffs' confidential information in competition with the Plaintiffs, thereby gaining a special advantage in that competition (i.e., a 'free ride') because Defendants were burdened with little or none of the development expenses incurred by the Plaintiffs and Defendants' illegal use of that information allowed them to get a head start and caused commercial damage to the Plaintiffs.

207. Defendants hired a public relations firm to blitz the market with publicity about Defendants' three-in one BOP test tool, so it made it appear that upstart Defendants were the first inventor of a 3-in-1 BOP test tool and were the leader in that technology.

208. The confidential information of the information of Plaintiffs was created by Plaintiffs through the substantial expenditure of time, labor, skill, and money, and constitutes a unique pecuniary interest of Plaintiffs.

209. Defendants procured the above confidential information of Plaintiffs by improper means—specifically, by getting information from third parties or those in privity with Plaintiffs' that Defendants knew was proprietary and unauthorized.

210. Defendants misappropriated and used Plaintiffs' confidential information to get a head start, evaluate, and develop its own technology, to ascertain the state of the industry, to

determine the specific technological advantages Plaintiffs' equipment, protocols and methods possessed.

211. Defendants knew they were not authorized to receive Plaintiffs' confidential and proprietary business information from Plaintiffs' customer's employees.

212. Defendants improperly acquired Plaintiffs' confidential and proprietary business information by receiving information from individuals in privity with Plaintiffs.

213. Defendants used this confidential information in competition with Plaintiffs to obtain a special advantage and head start because Defendants were not burdened with significantly time, labor, skill or expenses than were incurred by Plaintiffs in developing this information.

214. In other words, by misappropriating the benefits of this information, Defendants have obtained a "free ride" in the development of its competing products and technology, including, but not limited to, the following: (i) the design of a 3-in-1 BOP test tool; (ii) the need for a 3-in-1 BOP test tool; (iii) the marketing of a 3-in-1 BOP test tool; (iv) the benefits of a 3-in-1 BOP test tool; and (v) a head start in introduction of a 3-in-1 BOP test tool.

215. Plaintiffs have been harmed by Defendants' possession, disclosure and use of Plaintiffs information because Plaintiffs' comparative advantage in this technological field has been eroded both generally and specifically vis-à-vis Defendants.

216. Plaintiffs have been harmed to the extent that Defendants have wrongfully gained from the possession, disclosure and use of Plaintiffs information for which Plaintiffs have received no compensation.

217. Defendants' improper procurement of Plaintiffs' information greatly increased the speed with which Defendants brought a competing product to the market, but also delayed Plaintiffs' development of a next generation 3-in-1 BOP test tool.

218. As a direct and proximate result of Defendants' misappropriation of Plaintiffs' proprietary information, Defendants have damaged Plaintiffs. Plaintiffs further seek from Defendants an award of its attorneys' fees, interest and court costs.

219. As a result of Defendants' misappropriation of Plaintiffs' proprietary information, Plaintiffs is entitled to permanent injunctions to protect against further use, disclosure, and transfer.

220. In addition, Defendants' conduct was willful and malicious, and in conscious disregard of the rights of Plaintiffs.

221. Defendants' misappropriation proximately caused significant damages to Plaintiffs. Plaintiffs were and are being damaged by loss of direct sales, loss of collateral sales from consumers because of Defendants' wrongful conduct.

222. Plaintiffs also seek injunctive relief for actual and/or threatened misappropriation and exemplary damages.

223. Consequently, Plaintiffs are entitled to actual damages and an award of exemplary damages sufficient to punish Defendants and serve as a deterrent to such tortious conduct in the future.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 9,506,312

224. Plaintiffs incorporate by reference the allegations of the foregoing paragraphs as though fully set forth herein.

225. Defendants have made, used, sold and offered for sale its 3-in-1 BOP test tools that directly infringe, either literally or under the doctrine of equivalents, at least claim 4 of the 312 Patent.

226. Plaintiffs' 3-in-1 BOP test tool and Defendants' 3-in-1 BOP test tool both engage teeth to lock two subs together after fully telescoping to their extended positions to lock the two subs together to allow them to be disconnected from the well plug to provide a 3-in-1 BOP test

tool and allow testing of the blind shear rams in additional to testing of the other BOPs on different diameter pipes..

227. Defendants' manufacture, use, importation, offer for sale, or sale of 3-in-1 BOP test tools infringes, either literally or under the doctrine of equivalents, at least claim 4 of the 312 Patent and contributing to and/or inducing infringement.

228. Plaintiffs have been damaged by Defendants' infringement, inducing infringement and contributory infringement and will continue to suffer damage and irreparable injury unless and until the infringement, inducing infringement and contributory infringement is enjoined by this Court.

229. Defendants are engaging in willful and deliberate infringement, inducing infringement and contributory infringement of the 312 Patent.

230. Such willful and deliberate infringement, inducing infringement and contributory infringement justifies an increase of three times the damages to be assessed pursuant to 35 U.S.C. § 284 and further qualifies this action as an exceptional case supporting an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285.

COUNT 2: UNFAIR COMPETITION – MISAPPROPRIATION OF CONFIDENTIAL BUSINESS INFORMATION AND TRADE SECRETS

231. Plaintiffs incorporate by reference the allegations in the preceding paragraphs as though fully set forth herein.

232. Defendants knew those in privity with Plaintiffs had a confidential relationship with Plaintiffs.

233. Plaintiffs enjoyed a relationship of special trust and confidence with those in privity with Plaintiffs.

234. Defendants breached that confidential relationship by obtaining and using

Plaintiffs' confidential and proprietary business information, including Plaintiffs' trade secrets, which Defendants gained knowledge of through those in privity with Plaintiffs which gave Defendants an unfair advantage.

235. Defendants knew that the confidential and proprietary business information, including Plaintiffs' trade secrets, was presented to those in privity with Plaintiffs in confidence and that it was wrong for Defendants to misappropriate Plaintiffs' confidential and proprietary business information.

236. Consequently, Plaintiffs also request compensatory damages in an amount to be proven at trial and exemplary damages to deter such conduct in the future.

237. Plaintiffs have been damaged by Defendants' wrongful acts and misappropriation and will continue to suffer damage and irreparable injury unless and until the misappropriation and use is permanently enjoined by this Court.

COUNT 3: DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PATENT NO.
9,841,343

238. Plaintiffs repeat the factual allegations contained in the preceding paragraphs.

239. Each claim of the 343 Patent is invalid for failure to meet the requirements of the Patent Laws of the United States, particularly 35 U.S.C. §§ 101, 102, 103 and 112.

240. Defendants previously asserted infringement by Plaintiffs of the 343 Patent and after Plaintiffs' counterclaimed for invalidity and unenforceability dismissed the claim without prejudice.

241. Plaintiffs and the public are entitled to make a device exactly like the device disclosed and claimed in the 343 Patent because it is invalid.

242. An actual and justiciable controversy of sufficient immediacy exists between Plaintiffs and Defendants concerning the validity of the 343 Patent.

243. A judicial declaration of invalidity is necessary and appropriate to resolve this controversy.

COUNT 4: DECLARATORY JUDGMENT OF UNENFORCEABILITY OF U.S. PATENT NO. 9,841,343 BASED ON INEQUITABLE CONDUCT

244. Plaintiffs repeat the factual allegations contained in the preceding paragraphs.

245. Based on Defendants' Counterclaims, an actual and justiciable controversy of sufficient immediacy exists between Plaintiffs and Defendants concerning the enforceability of the 343 Patent based on inequitable conduct.

246. A judicial declaration of non-enforceability of the 343 Patent based on inequitable conduct is necessary and appropriate to resolve this controversy.

247. The 343 Patent is unenforceable based on the inequitable conduct of Defendants.

EXCEPTIONAL CASE

248. This case is exceptional under 35 U.S.C. § 285.

NOTICE OF LITIGATION HOLD REQUIREMENT

249. Defendants are hereby notified that they are legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereinafter collectively referred to as "Potential Evidence").

250. As used above, the phrase "electronically stored information" includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally

or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, Android-based smart phones, Windows-based smart phones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of all of Defendants' agents or employees if Defendants' electronically stored information resides there.

251. Defendants are hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Defendant's claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify their agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

JURY DEMAND

252. Plaintiffs demand a trial by jury on all issues triable as such.

PRAYER

WHEREFORE, Plaintiffs demand judgment for themselves and against Defendants as follows:

- A. An adjudication that Defendants have infringed the 312 Patent;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiffs for Defendants' past and ongoing infringement, inducing infringement and contributory infringement of the 312 Patent, and any continuing or future infringement, inducing infringement and contributory infringement through the date such judgment is entered, including pre-judgment and post-judgment interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial but not less than a reasonable royalty;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiffs' reasonable attorneys' fees;
- D. A preliminary and permanent injunction against Defendants and their respective officers, directors, agents, servants, employees, related companies, licensees, and all persons acting for, with, by, through, and under any of them, restraining them from:
 - 1) infringing Plaintiffs' 312 patent;
 - 2) misappropriating and use of Plaintiffs' trade secrets and confidential business information;
- E. Enter judgment in favor of Plaintiffs for Defendants' profits in an amount to be determined by the Court, where such profits are trebled due to Defendants' acts of willful and intentional disregard and violation of Plaintiffs' known rights, pursuant to at least 35 U.S.C. 281 et seq., and Texas law on trade secrets and unfair competition;
- F. A declaratory judgment that the 343 Patent is invalid;

- G. A declaratory judgment that Plaintiffs have not infringed the 343 Patent;
- H. A declaratory judgment that the 343 Patent is unenforceable based on inequitable conduct;
- I. A declaratory judgment that awards Plaintiffs any and all other relief to which they may be entitled, or which the Court deems just and proper.
- J. An Order that this is an exceptional case and that awards Plaintiffs their costs, expenses and reasonable attorney's fees pursuant to 35 U.S.C. § 285 and all other applicable statutes, rules, and common law;
- K. Award Plaintiffs all costs of the action and reasonable attorney fees;
- L. Defendants be ordered to file with this Court and to serve upon Plaintiffs, within thirty (30) days after the entry and service on Defendants of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunctions;
- M. An accounting be directed to determine Defendants' profits resulting from the activities complained of herein, and that such profits be paid over to Plaintiffs, increased as the Court finds to be just under the circumstances of the case;
- N. Actual and consequential damages incurred by Plaintiffs, as determined at a trial on the merits;
- O. Judgment against Defendants for exemplary damages as determined at trial on the merits;
- P. Costs of suit, including costs and reasonable legal expenses and attorney's fees and pre-judgment and post judgment interest;
- Q. Plaintiffs recover such other and further relief, at law or in equity, to which they

may show themselves justly entitled.

Dated: September 17, 2021.

Respectfully submitted,

/s/ Charles W. Hanor

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CERTIFICATE OF SERVICE

I certify that on September 17, 2021, a copy of the foregoing was served upon all known counsel of record via the Court's CM/ECF filing system and or electronic mail.

/s/ Charles W. Hanor

Charles W. Hanor