

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

W. Lynn Frazier

Plaintiff

v.

Wireline Solutions, LLC

Defendant

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Civil Action No. \_\_\_\_\_

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff W. Lynn Frazier (hereinafter, "Plaintiff") files this Original Complaint against Defendant Wireline Solutions, LLC (hereinafter, "Defendant") as set forth below.

**I. PARTIES**

1. Plaintiff is a citizen of the State of Texas, and resides at 713 Snug Harbor, Corpus Christi, Texas, 78402.

2. Defendant is a limited liability corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 403 Acker Street, Sanger, Texas, 76266. Defendant may be served with process by serving its registered agent, Louis W. Chenault Jr , at 6335 FM 1830, Argyle, TX 76226.

**II. CAUSE OF ACTION**

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

### III. JURISDICTION AND VENUE

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Defendant is subject to personal jurisdiction by virtue of its contacts with the State of Texas, and with the Southern District of Texas in particular. Defendant is organized under the laws of the State of Texas, has its principal place of business located within this district, and voluntarily does business in this district.

6. Venue is proper in the Southern District of Texas pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b), because Defendant has committed acts of direct and indirect infringement in the Southern District of Texas, has transacted business in the Southern District of Texas, and has established minimum contacts with the Southern District of Texas.

### IV. FACTS

7. On September 28, 2004, U.S. Patent No. 6,796,376 ("the '376 patent") was duly and legally issued by the U.S. Patent and Trademark Office to W. Lynn Frazier for an invention relating to a composite bridge plug system. A true and correct copy of the '376 patent is attached hereto as Exhibit A. The '376 patent is presumed valid pursuant to 35 U.S.C. § 282.

8. Defendant makes, uses, sells, and/or offers to sell composite bridge plug systems under the name PRODRILL COMPOSITE PLUGS<sup>®</sup>.

9. Defendant has been, and still is, infringing, inducing infringement of, and/or contributorily infringing the '376 patent by making, using, selling, and/or offering to sell PRODRILL COMPOSITE PLUGS<sup>®</sup> and/or other products.

10. Defendant has been notified of its infringement of the '376 patent in a letter mailed November 6, 2009, which is attached hereto as Exhibit B.

11. Upon information and belief, Defendant will continue to infringe the '376 patent unless enjoined by this Court.

12. Upon information and belief, Defendant's infringement has been willful and deliberate, entitling Plaintiff to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

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

#### **V. DAMAGES AND ATTORNEY'S FEES**

14. Plaintiff realleges and incorporates by reference for all purposes the preceding paragraphs of this Complaint as if fully set forth herein.

15. In addition to the injunctive relief requested, Plaintiff is entitled to money damages in excess of \$75,000.00. Plaintiff's damages are currently unliquidated and continuing. Plaintiff seeks its actual and punitive/exemplary damages. Plaintiff also seeks the recovery of its reasonable and necessary attorneys' fees, costs, and all pre-and post-judgment interest as allowed by law.

#### **VI. JURY DEMAND**

16. Plaintiff hereby demands trial by jury.

## VII. PRAYER FOR RELIEF

For the foregoing reasons, Plaintiff prays for judgment and seeks relief against Defendant as follows:

- (a) Judgment that the '376 patent is valid and enforceable;
- (b) Judgment that the '376 patent has been and continues to be infringed by Defendant;
- (c) Judgment that Defendant's patent infringement has been and continues to be willful;
- (d) Preliminary and permanent injunctions enjoining Defendant, its officers, agents, servants, employees, and those acting in privity with it, from further infringement, contributory infringement, and/or inducing infringement of the '376 patent;
- (e) Requiring Defendant to file with this Court, within thirty (30) days after entry of final judgment, a written statement under oath setting forth in detail the manner in which it has complied with the permanent injunction;
- (f) Awarding Plaintiff damages adequate to compensate Plaintiff for the infringement by Defendant, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed;
- (g) Trebling the aforesaid damages due to Defendant's willful infringement, pursuant to 35 U.S.C. § 284;
- (h) Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding Plaintiff attorneys' fees;
- (i) An award of all interest and costs; and
- (j) An award of such other and further relief as the Court may deem just and proper.

DATED: January 5, 2010

Respectfully Submitted,

/s/ Finley L. Edmonds  
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