

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

**TECHNIP FRANCE, and  
TECHNIP USA HOLDINGS, INC.,  
Plaintiff**

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**CIVIL ACTION NO.:** \_\_\_\_\_

**vs.**

**JURY DEMANDED**

**SAIPEM AMERICA INC.,  
Defendant**

**COMPLAINT**

Plaintiffs Technip France and Technip USA Holdings, Inc. (sometimes collectively referred to as “Technip”) for their Complaint against Defendant Saipem America Inc. (“Saipem”), states as follows:

**NATURE OF THE ACTION**

1. In this action, Plaintiffs seek injunctive relief, damages and attorney fees for acts of patent infringement by the Defendant in violation of the laws of the United States.

**JURISDICTION AND VENUE**

2. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. Jurisdiction of the Court is founded on Title 35 United States Code and on Title 28 United States Code, particularly 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

**THE PARTIES**

4. Plaintiff Technip France is a corporation organized and existing under the laws of France, having its headquarters at 92973 Paris La Défense – Cedex – France.

5. Plaintiff Technip USA Holdings, Inc. is a corporation organized and existing under the laws of the State of Delaware, having a principal office at 11700 Old Katy Road, Suite 150, Houston, Texas, 77079.

6. Upon information and belief, Defendant Saipem is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 15950 Park Row, Houston, Texas 77084. Saipem may be served with process through its registered agent: CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

**PATENT INFRINGEMENT OF U.S. PATENT NO. 5,348,423**

7. Technip is a world-class organization providing engineering, technologies and construction services to the oil/gas and petrochemical industry worldwide.

8. On September 20, 1994, United States Patent No. 5,348,423 (“the ‘423 Patent”) was duly and legally issued to René Maloberti, Alain Coutarel, and Philippe Espinasse for an invention drawn to a Device and Process for Unrolling Flexible Tubular Conduits Essentially Vertically. All rights, title and interest in the ‘423 Patent, along with the right to sue for patent infringement, have been assigned to Technip, which presently owns the patent. A copy of the ‘423 Patent is attached as Exhibit A and incorporated herein.

9. On March 4, 1997, Reexamination Certificate No. B1 5,348,423 issued under 35 U.S.C. 307, amending the ‘423 Patent. A copy of Reexamination Certificate No. B1 5,348,423 is attached as Exhibit B and incorporated herein. As a result of the Reexamination Proceeding, that patentability of Claims 9 – 14 of the ‘423 Patent was confirmed. Claims 1 – 8 were cancelled.

10. Upon information and belief, Saipem has conducted and continues to conduct pipe installation operations in the Gulf of Mexico in connection with a project known as

Neptune. Upon information and belief, the pipe installation procedures Saipem is using in connection with the Neptune project directly infringe one or more claims of the '423 Patent. Technip has attempted to obtain detailed information regarding Saipem's pipe installation procedures, but Saipem has refused to cooperate and to provide the requested information. *See* March 12, 2008 letter from Mr. Gilles Degremont to Mr. Brian Fine, attached as Exhibit C and incorporated herein.

11. Upon information and belief, Saipem, with actual knowledge of the '423 Patent, has willfully and deliberately directly infringed the '423 Patent, has contributed to the inducement of said patent in the territorial waters of the United States and within this District, and has induced infringement of said patent in the territorial waters of the United States and within this District, and will continue to do so unless enjoined by this Court.

12. The acts of infringement by Saipem are causing irreparable injury to Technip.

13. The acts of infringement by Saipem have been willful and in deliberate disregard of the '423 Patent.

14. Technip has been damaged by Saipem's infringement and will be irreparably injured unless such infringement is enjoined by this Court.

15. As a result of such willful infringement, Saipem should be required to pay treble the amount of loss and damage that Technip has suffered as provided by 35 U.S.C. § 284.

16. This is an exceptional case and Saipem should also be required to pay Technip's reasonable attorney fees and costs as provided by 35 U.S.C. § 285.

**PRAYER**

WHEREFORE, Plaintiff Technip USA, Inc. prays that:

(a) Saipem be adjudged and decreed to have infringed the '423 Patent and that such infringement has been willful and deliberate;

(b) Saipem be ordered to pay actual damages to Technip, but not less than a reasonable royalty, by reason of Saipem's infringement of the '423 Patent together with prejudgment interest, costs and increased damages pursuant to 35 U.S.C. § 284;

(c) A preliminary injunction against Saipem, its officers, agents, servants and employees, and all entities and individuals acting in concert with it be entered to restrain any further infringement of the '423 Patent during the pendency of this case;

(d) A permanent injunction against Saipem, its officers, agents, servants and employees, and all entities and individuals acting in concert with it be entered to permanently restrain any further infringement of the '423 Patent;

(e) This case be declared an "exceptional case" within the meaning of 35 U.S.C. § 285 and reasonable attorney fees and costs be awarded to Technip;

(f) An award be granted of all reasonable attorney fees allowed by statute, costs, pre-judgment interest, post-judgment interest and any other further relief as may be just and proper; and

(g) Technip be granted such other and further relief as the Court may deem proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Technip, in accordance with Federal Rules of Civil Procedure Rule 38(b), demands a jury trial as to all issues properly triable by a jury.

Respectfully submitted,

Date: April 29, 2008

By: /s/ Michael O. Sutton

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