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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

UNITED STATES DISTRICT COURT AUG - 4 2000
WESTERN DISTRICT OF LOUISIANA BY *[Signature]* ROBERT H. SIMMONS, CLERK
DEPUTY
LAFAYETTE-OPELOUSAS DIVISION

PAR-A-SOL CHEMICALS, INC.

CV00-1817 L-0 CIVIL ACTION NO.

Plaintiff,

JUDGE

VERSUS

JUDGE DOHERTY

SCHLUMBERGER TECHNOLOGY CORPORATION

MAGISTRATE JUDGE
MAGISTRATE JUDGE TYNES

Defendant.

JURY TRIAL DEMANDED

**COMPLAINT FOR DECLARATORY JUDGMENT
OF PATENT INVALIDITY AND NONINFRINGEMENT**

NOW INTO COURT, through undersigned counsel, comes plaintiff Par-A-Sol
Chemicals, Inc. and respectfully alleges as follows:

THE PARTIES

1. Plaintiff Par-A-Sol Chemicals, Inc. ("Par-A-Sol") is a Louisiana corporation having a principal place of business at 2135 Arlington Avenue, Baton Rouge, Louisiana 70808.

2. On information and belief, defendant Schlumberger Technology Corporation ("Schlumberger") is a foreign corporation licensed to do business and doing business in the State of Louisiana and in this judicial district who may be served through its registered agent for service of process, National Registered Agents, Inc., 225 St. Ann Drive, Mandeville, Louisiana 70471-3219.

①

JURISDICTION AND VENUE

3. The Court has jurisdiction over this matter pursuant to 28 USC §§ 1338, 2201 and 2202, because this matter arises out of an actual controversy between the parties as to the validity and infringement of defendant Schlumberger's US Patent No. 5,964,295.

4. Venue in this judicial district is proper pursuant to 28 USC § 1391 and 1400.

BACKGROUND AND GENERAL ALLEGATIONS

5. Plaintiff Par-A-Sol manufactures, markets and sells in this judicial district and elsewhere a fluid that can be used to fracture subterranean formations penetrated by a wellbore ("Fracturing Fluid").

6. On information and belief, defendant Schlumberger is the owner of US Patent No. 5,964,295 ("the '295 patent"), issued on October 12, 1999, and entitled "Methods and Compositions for Testing Subterranean Formations." A true and accurate copy of the '295 patent is attached as Exhibit A.

7. Defendant Schlumberger has accused plaintiff Par-A-Sol and its customers of infringing one or more claims of the '295 patent thereby giving rise to a case of actual controversy within the jurisdiction of the Court.

8. As a result of defendant Schlumberger's accusations, plaintiff Par-A-Sol's efforts to market and sell the Fracturing Fluid have been impeded.

9. Plaintiff Par-A-Sol categorically denies that the use of its Fracturing Fluid infringes the '295 patent and further asserts that the '295 patent is invalid and not enforceable against plaintiff Par-A-Sol or its customers.

10. Defendant Schlumberger's accusations that plaintiff Par-A-Sol or its customers are infringing the '295 patent irreparably injures plaintiff Par-A-Sol and adversely affects and, unless enjoined by the Court, will continue to so affect plaintiff Par-A-Sol's business and the immense investment it has made in the development of the Fracturing Fluid. To resolve the legal and factual questions raised by defendant Schlumberger and to afford relief from the uncertainty and controversy which defendant Schlumberger's accusations have caused, plaintiff Par-A-Sol is entitled to a declaratory judgment of its rights pertaining to the Fracturing Fluid and the '295 patent.

COUNT I

11. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 10 of this Complaint.

12. On information and belief, the '295 patent, and each claim thereof, is invalid by reason of its failure to comply with the provisions of Title 35 of the United States Code, including §§ 101, 102, 103, and 112.

COUNT II

13. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 10 of this Complaint.

14. On information and belief, the '295 patent, and each claim thereof, has not been infringed and is not being infringed under 28 USC §§ 271(a)(b) or (c) by any act of plaintiff Par-A-Sol or its customers.

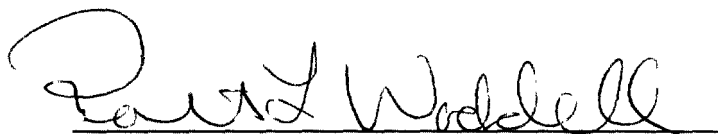
JURY DEMAND

15. Plaintiff Par-A-Sol demands a trial by jury of all issues so triable.

WHEREFORE, plaintiff Par-A-Sol Chemicals, Inc. prays that defendant Schlumberger Technology Corporation be served with a copy of this Complaint and duly summoned to appear and answer same and that, after all legal delays and proceedings are had, there be judgment in favor of Par-A-Sol Chemicals, Inc. and against the defendant as follows:

1. For judgment decreeing that US Patent No. 5,964,295, and each claim thereof, is invalid.
2. For judgment decreeing that US Patent No. 5,964,295, and each claim thereof, has not been infringed and is not being infringed by any act of plaintiff or its customers.
3. For judgment permanently enjoining defendant Schlumberger Technology Corporation, its officers, agents, servants, employees, attorneys, representatives, successors and assigns, and any and all persons acting in active concert or participation with or under authority from defendant, either separately or jointly, from interfering with or threatening to interfere with, the manufacture, use, offer for sale or sale of the Fracturing Fluid by plaintiff or its customers, through the enforcement or threatened enforcement of US Patent No. 5,964,295.
4. For all general and equitable relief to which plaintiff may be entitled.
5. For reasonable attorneys' fees and all costs.

Dated this 4th day of August 2000.


A handwritten signature in black ink, appearing to read "Robert L. Waddell", written over a horizontal line.

Robert L. Waddell, Bar # 23586
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(337) 266-2304
Attorneys for Par-A-Sol Chemicals, Inc.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

ROBERT H. SHAWWELL, CLERK
BY  DEPUTY

PAR-A-SOL CHEMICALS, INC.

Plaintiff,

VERSUS

SCHLUMBERGER TECHNOLOGY
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Defendant.

CIVIL ACTION NO.

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JURY TRIAL DEMANDED


VERIFICATION

STATE OF LOUISIANA


PARISH OF LAFAYETTE

BE IT KNOWN that before me, the undersigned authority duly commissioned in the Parish of Lafayette, State of Louisiana, personally came and appeared: **ROBERT T. WHALEN**, who, after being duly sworn, did depose and say:

That he is president of plaintiff Par-A-Sol Chemicals, Inc., that he has read the foregoing Complaint and that all facts alleged in the Complaint are true to the best of his knowledge, information and belief.


Robert T. Whalen

SWORN TO AND SUBSCRIBED before me this 4th day of August 2000.


NOTARY PUBLIC

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

NOTICE OF DOCUMENTS NOT FILED IN RECORD

CIVIL CASE # 6:00cv1817

PAR-A-SOL CHEMICALS INC

VS.

SCHLUMBERGER TECHNOLOGY CORP

ATTACHMENTS TO:

DOCUMENT #: 1

DESCRIPTION: Complaint

FILED BY: Plaintiff

FILE DATE: 08/04/00

HAVE BEEN PLACE IN AN ACCORDIAN FOLDER.

**Sandra J. Dean
DEPUTY CLERK**