

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ION GEOPHYSICAL CORPORATION

Plaintiff,

v.

SERCEL, INC.

Defendant.

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Case No. 5:06-CV-236-DF/CMC

PLAINTIFF’S FIRST AMENDED COMPLAINT

PARTIES

1. Plaintiff, ION Geophysical Corporation (“ION”), is a Delaware corporation.

2. Defendant, Sercel, Inc., (“Sercel”), on information and belief, is a French corporation with a principal place of business at 17200 Park Row, Houston, Texas 77084. Defendant may be served with process by serving its registered agent, Kenneth Fitts, 17200 Park Row, Houston, Texas 77082.

JURISDICTION

3. The Court has jurisdiction over the lawsuit because the action arises under the Patent laws of the United States. This Court has jurisdiction of this action under 28 U.S.C. § 1331 and 1338(a), and has personal jurisdiction over the Defendant. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

FACTS

4. ION is the owner by assignment of U.S. Patent No. 5,852,242 issued December 22, 1998 (the “242” patent), which is valid and enforceable. The ‘242 patent

concerns, among other things, an apparatus and method for sensing the displacement of a mass, which is particularly useful in connection with micro-electromechanical (“MEMS”) based accelerometers.

5. A true and correct copy of the ‘242 patent is attached to this Complaint as Exhibit A.

6. Defendant, Sercel is in the business of providing equipment and services relating to seismic data acquisition. Among other things, Sercel designs, manufactures, uses, imports, and sells seismic data acquisition products, including its models 408 UL, 408 ULS, 428 XL, and DSU. On information and belief, each of these products employs a digital sensor unit with a MEMS-based digital accelerometer. Sercel has been and still is infringing the ‘242 patent by making, using, importing, selling and offering to sell seismic data acquisition products using MEMS-based accelerometers that fall within the scope of at least one claim in the ‘242 patent.

7. ION has suffered damage by reason of Sercel’s infringement of the ‘242 patent and will suffer additional damage unless this Court enjoins Sercel from continuing such acts and initiating such acts in the future.

COUNT ONE – PATENT INFRINGEMENT

8. Sercel has committed acts of patent infringement by making, using, selling, offering to sell and importing seismic data acquisition products using MEMS-based accelerometers that infringe one or more claims of the ‘242 patent.

COUNT TWO – REQUEST FOR PERMANENT INJUNCTION

9. ION asks the Court to issue a permanent injunction against Sercel prohibiting Sercel from making, using, selling, offering to sell or importing seismic data acquisition products

using MEMS-based accelerometers or any other apparatus or method that infringes one or more claims of the '242 patent.

JURY REQUESTED

10. Pursuant to FRCP 38(b), ION requests a trial by jury.

PRAYER

For these reasons, ION asks this Court to:

- (a) Permanently enjoin Sercel from infringement of the '242 patent;
- (b) Award damages for infringement of the '242 patent, including an assessment of interest;
- (c) Award reasonable attorney fees and costs;
- (d) Award all other relief the Court deems just and proper.

Respectfully submitted,

Date: November 25, 2009

By: /s/ Michael O. Sutton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 25th day of November, 2009.

/s/ Tanya L. Chaney _____