

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CAT TECH LLC,	§	
	§	
Plaintiff,	§	Civil Action No. H-07-1163
	§	
v.	§	Judge Nancy Atlas
	§	
TUBEMASTER, INC.,	§	
	§	JURY DEMANDED
Defendant.	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cat Tech LLC (“Cat Tech”), by and through its attorneys, brings this action for patent infringement against Defendant TubeMaster, Inc. (“TubeMaster”), alleging as follows:

The Parties

1. Cat Tech is a limited liability company organized and existing under the laws of the State of Texas, with its principle place of business at 15200 Middlebrook, Pasadena, Texas 77058.

2. Upon information and belief, TubeMaster is a corporation organized and existing under the laws of the State of Kentucky, with a principal place of business at 8008 Vinecrest Avenue, Suite 1, Louisville, Kentucky 40222. Upon information and belief, TubeMaster is doing business in this judicial district and elsewhere. TubeMaster may be served with process by serving its registered agent, Cliff Johns, at 8008 Vinecrest Avenue, Suite 1, Louisville, Kentucky 40222.

Jurisdiction and Venue

3. This civil action for patent infringement, injunctive relief and damages arises under the patent laws of the United States, Title 35, United States Code, §§ 1, et seq. This Court has exclusive jurisdiction under Title 28, United States Code, particularly §§ 1331 and 1338(a).

4. Venue is proper under Title 28, United States Code §§ 1391(b) and (c), and 1400(b).

Cat Tech's Asserted Patent

5. On February 24, 2004, United States Patent No. 6,694,802 entitled "DELTA P TESTING SYSTEM FOR TUBE AND SHELL TYPE CATALYTIC REACTORS" ("the '802 patent"), was duly and legally issued. All substantial rights to, and interest in the '802 patent, including the right to sue and recover for past infringement thereof, are owned by Cat Tech. The '802 patent is valid and enforceable. A true and correct copy of the '802 patent is attached hereto as Exhibit A.

TubeMaster's Activities

6. TubeMaster makes, uses, offers to sell and sells catalytic reactor tube testing equipment and services that infringe the '802 patent.

7. TubeMaster has notice and actual knowledge of the '802 patent as is evidenced by citation of the '802 patent in TubeMaster's own patents and patent applications.

8. On information and belief, TubeMaster has infringed and is currently infringing the '802 patent by virtue of its activities relating to the pressure testing of multi-tube catalyst filled reactor vessels.

9. On information and belief, TubeMaster's infringement has been and continues to be willful and with knowledge.

10. On information and belief, TubeMaster's infringing conduct has caused and will continue to cause Cat Tech to suffer irreparable harm for which Cat Tech has no adequate remedy at law without the issuance of an injunction by this Court.

Demand For Jury Trial

11. Cat Tech demands a jury trial on all claims and issues triable of right by a jury.

Requested Relief

WHEREFORE, Cat Tech prays that this Court enter a judgment:

A. That the '802 patent has been infringed by TubeMaster, and that such infringement has been willful;

B. Preliminarily and permanently enjoining TubeMaster, its subsidiaries, affiliates, parents, successors, assigns, agents, officers and employees, its contractors and all others acting in concert with it, from infringing the '802 patent.

C. Ordering TubeMaster to pay Cat Tech an amount that adequately compensates Cat Tech for all damages attributable to TubeMaster's infringement, together with pre-judgment and post-judgment interest;

D. Trebling the damages award to Cat Tech as a consequence of TubeMaster's willful infringement;

E. That this case constitutes an exceptional case pursuant to 35 U.S.C. § 285;

F. Awarding Cat Tech its attorneys' fees, costs and expenses; and

G. Granting Cat Tech such other and further relief as this Court deems just and proper.

Respectfully Submitted,

Date: January 14, 2008

s/ B. Todd Patterson
B. Todd Patterson
Texas Bar No. 00789537
S.D.T. No. 17583
PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056
Tel (713) 623-4844
Fax (713) 623-4846

ATTORNEY-IN-CHARGE
FOR PLAINTIFF CAT TECH LLC

OF COUNSEL:

Henry M. Pogorzelski
Texas State Bar No. 24007852
S.D.T. No. 25382
Aaron D. Perkins
Texas State Bar No. 24048967
S.D.T. No. 595655
PATTERSON & SHERIDAN LLP
3040 Post Oak Blvd., Suite 1500
Houston, Texas 77056
Tel: (713) 623-4844
Fax: (713) 623-4846

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on January 14, 2008 in compliance with Local Rule 5.1. Accordingly, the foregoing was served on the following counsel of record via the Court's CM/ECF system:

Dennis D. Murrell, Esq.
Robert J. Theuerkauf, Esq.
Middleton Reutlinger
2500 Brown & Williamson Tower
Louisville, Kentucky 40202-3410
Telephone: (502) 584-1135
Facsimile: (502) 561-0442
E-mail: dmurrell@middreut.com
E-mail: rtheuerkauf@middreut.com

James R. Robinson, Esq.
King & Spalding, LLP
1100 Louisiana, Suite 4000
Houston, Texas 77002
Telephone: (713) 276-2376 – Direct
Facsimile: (713) 751-3290 – Fax
E-mail: jrobinson@kslaw.com

Attorneys for Defendant TubeMaster, Inc.

s/ Gina Slabbaert