

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

LUFKIN INDUSTRIES, INC.,  
Plaintiff,

v.

WEATHERFORD INTERNATIONAL, LTD.,  
Defendant

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 11-299

**JURY TRIAL DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff LUFKIN INDUSTRIES, INC. files this Original Complaint against Defendant WEATHERFORD INTERNATIONAL, LTD., alleging as follows:

**I. THE PARTIES**

1. Plaintiff LUFKIN INDUSTRIES, INC. (“LUFKIN”) is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in this judicial district at 601 S. Raguet Street, Lufkin, Texas 75902-0849.

2. WEATHERFORD INTERNATIONAL LTD. (“WEATHERFORD”), is a corporation organized and existing under the laws of the state of Delaware, with a principal place of business located at 515 Post Oak Blvd., Suite 600, Houston, Texas 77027. Defendant WEATHERFORD has engaged, and is engaging, in business in Texas and in this judicial district.

## **II. JURISDICTION AND VENUE**

3. This is an action for infringement of a United States patent, and arises under the patent laws of the United States, 35 U.S.C. § 271, et. seq. This Court has exclusive subject matter jurisdiction of such action under Title 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over WEATHERFORD.

5. Venue is proper before this court pursuant to 28 U.S.C. §§ 1391(b), (c) and 28 U.S.C. § 1400(b).

## **III. PATENT INFRINGEMENT**

6. On October 12, 1993, United States Patent No. 5,252,031 (“the ‘031 patent”) was duly and legally issued for “*Monitoring and Pump-Off Control with Downhole Pump-Cards.*” A true and correct copy of the ‘031 patent is attached hereto as Exhibit “A” and made a part hereof.

7. On February 22, 2005, United States Patent No. 6,857,474 B2 (“the ‘474 patent”) was duly and legally issued for “*Methods, Apparatus, and Products Useful in the Operation of a Sucker Rod Pump During the Production of Hydrocarbons.*” A true and correct copy of the ‘474 patent is attached hereto as Exhibit “B” and made a part hereof.

8. Through assignments from the inventors, LUFKIN acquired all rights and title to the ‘031 and the ‘474 patents, with the exclusive right to enforce the patents against infringers and to sue for and collect damages for all relevant times, including the right to assert the present cause of action.

9. The ‘031 patent and the ‘474 patent are referred to collectively as “the patents-in-suit.”

10. Defendant WEATHERFORD manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products and/or systems that directly infringe one or more claims in the '031 patent;

11. Defendant WEATHERFORD manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products and/or systems that directly infringe one or more claims in the '474 patent;

12. Defendant WEATHERFORD induces and/or contributes to the infringement of one or more claims of the '031 patent;

13. Defendant WEATHERFORD induces and/or contributes to the infringement of one or more claims of the '474 patent by others.

14. Defendant WEATHERFORD's actions, at a minimum, constitute patent infringement under 35 U.S.C. § 271.

15. At all relevant times, LUFKIN has complied with any marking and/or notice provisions of 35 U.S.C. § 287.

16. LUFKIN has been damaged as a result of Defendant WEATHERFORD's infringing conduct. Defendant is, thus, liable to LUFKIN in an amount that adequately compensates it for Defendant WEATHERFORD's infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs, including lost profits, as affixed by this Court under 35 U.S.C. § 284.

17. Defendant WEATHERFORD's infringement is willful. The allegations contained in this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

18. Defendant WEATHERFORD will continue its infringement of the patents-in-suit unless enjoined by the Court. Defendant WEATHERFORD's infringing conduct causes Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

#### **IV. JURY DEMAND**

LUFKIN hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

LUFKIN requests that the Court find in its favor against Defendant, and that the Court grants LUFKIN the following relief:

- a. Judgment that one or more claims of United States Patent No. 5,252,031 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- b. Judgment that one or more claims of United States Patent No. 6,857,474 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- c. That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its products, which is the time of filing of Plaintiff's Complaint at the latest, and that the Court treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. That LUFKIN be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award LUFKIN its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- f. That Defendant be enjoined from any further activity or conduct that infringes one or more claims of the patents-in-suit; and

g. That LUFKIN be granted such other and further relief as the Court may deem just and proper under the circumstances.

Date: **June 9, 2011**

Respectfully submitted,

By: /s/ Robert J. McAughan, Jr.  
Robert J. McAughan, Jr.  
State Bar No. 00786096  
LOCKE LORD BISSELL & LIDDELL LLP  
600 Travis Street, Suite 2800  
Houston, Texas 77002  
(713) 226-1200 (telephone)  
(713) 223-3717 (facsimile)  
bmcaughan@lockelord.com

*Attorney for Plaintiff*  
**LUFKIN INDUSTRIES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served electronically this June 9<sup>th</sup> 2011, with a true and correct copy of:

**LUFKIN INDUSTRIES ORIGINAL COMPLAINT.**

Any other known counsel of record are being served by First Class U.S. mail on this same date.

By: /s/ Jill Senn  
Jill Senn