

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

(1) REEDHYCALOG UK, LTD., and  
(2) REEDHYCALOG, LP,

Plaintiffs,

v.

(1) DIAMOND INNOVATIONS, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

JURY DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, ReedHycalog UK, Ltd. and ReedHycalog, LP (collectively “ReedHycalog” or “Plaintiffs”) for their Complaint against Defendant Diamond Innovations, Inc (“DI”) alleges as follows:

**THE PARTIES**

1. Plaintiff ReedHycalog UK, Ltd. is a United Kingdom corporation with its principal place of business in Stonehouse, Gloucestershire, England.
2. Plaintiff ReedHycalog, LP is a Delaware limited partnership with its principal place of business in Houston, Texas.
3. On information and belief, Defendant DI is a Delaware corporation with a place of business in Weatherford, Ohio. DI is engaged in the business of manufacturing and distributing various products employing synthetic diamonds.

### **JURISDICTION**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§. 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over DI because DI has established minimum contacts with the forum. DI has sold and/or offered for sale infringing partially leached cutters to entities in Texas, including entities in this district. Moreover, DI's infringing partially leached cutters are used in this judicial district. DI has committed acts of infringement or induced or contributed others to commit acts of infringement in this judicial district. The exercise of jurisdiction over DI will not offend traditional notions of fair play and substantial justice.

### **VENUE**

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391(b), (c) and (d) and 1400(b).

### **GENERAL ALLEGATIONS**

6. On information and belief, within the six years prior to the filing of this Complaint, DI has manufactured and sold partially leached polycrystalline diamond compact ("PDC") cutters and inserts (individually and collectively "PDCs") wherein at least a portion of the catalyzing material from the polycrystalline diamond matrix is removed by a leaching process. On information and belief, DI sells such partially leached cutters to various drill bit manufacturers. On information and belief, DI continues to manufacture and sell the cutters described in this paragraph.

7. On information and belief, within the six years prior to the filing of this Complaint, DI has manufactured and sold partially leached polycrystalline diamond cutters having a diamond table in which at least a portion of the catalyzing material has been removed from a first region of the diamond table while the catalyzing material is present in another second region of the diamond table, and wherein the depth of the first region is greater than 0.1 mm as

measured normal to a plane containing the top planar surface of the partially leached polycrystalline diamond cutter. On information and belief, DI continues to manufacture and sell the cutters described in this paragraph.

8. On information and belief, within the six years prior to the filing of this Complaint, DI has performed one or more leaching processes to remove cobalt from a portion of the diamond table of the partially leached polycrystalline diamond cutters it has manufactured and sold during this period. On information and belief, DI continues to perform the leaching processes described in this paragraph.

### **INFRINGEMENT OF U.S. PATENT NO. 6,861,098**

9. On March 1, 2005, United States Patent No. 6,861,098 (“the ‘098 patent”) was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for a Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the ‘098 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the ‘098 patent. A true and correct copy of the ‘098 patent is attached hereto as Exhibit A. The ‘098 patent was the subject of a Markman order issued by the United States District Court for the Eastern District of Texas. A copy of the Markman order is attached as Exhibit B.

10. Upon information and belief, DI has infringed and continues to infringe the ‘098 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the ‘098 patent. Defendant DI is liable for infringement of the ‘098 patent pursuant to 35 U.S.C. § 271.

11. DI’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI’s wrongful acts in an amount subject to proof at trial. DI’s infringement of Plaintiffs’ rights under the ‘098 patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

12. Upon information and belief, DI's infringement of the '098 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,861,137**

13. On March 1, 2005, United States Patent No. 6,861,137 ("the '137 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for a High Volume Density Polycrystalline Diamond with Working Surfaces Depleted of Catalyzing Material. All rights and interest in the '137 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '137 patent. A true and correct copy of the '137 patent is attached hereto as Exhibit C. The '137 patent was the subject of a Markman order issued by the United States District Court for the Eastern District of Texas. A copy of the Markman order is attached as Exhibit B.

14. Upon information and belief, DI has infringed and continues to infringe the '137 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '137 patent. DI is liable for infringement of the '137 patent pursuant to 35 U.S.C. § 271.

15. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '137 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

16. Upon information and belief, DI's infringement of the '137 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,878,447**

17. On April 12, 2005, United States Patent No. 6,878,447 (“the ‘447 patent”) was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for a Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the ‘447 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the ‘447 patent. A true and correct copy of the ‘447 patent is attached hereto as Exhibit D. The ‘447 patent was the subject of a Markman order issued by the United States District Court for the Eastern District of Texas. A copy of the Markman order is attached as Exhibit B.

18. Upon information and belief, DI has infringed and continues to infringe the ‘447 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the ‘447 patent. DI is liable for infringement of the ‘447 patent pursuant to 35 U.S.C. § 271.

19. DI’s acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI’s wrongful acts in an amount subject to proof at trial. DI’s infringement of Plaintiffs’ rights under the ‘447 patent will continue to damage Plaintiffs’ business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

20. Upon information and belief, DI’s infringement of the ‘447 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,601,662**

21. On August 5, 2003, United States Patent No. 6,601,662 (“the ‘662 patent”) was duly and legally issued to inventors Terry R. Matthias, Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Cutters With Working Surfaces Having Varied Wear Resistance While Maintaining Impact Strength. All rights and interest in the ‘662 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the ‘662

patent. A true and correct copy of the '662 patent is attached hereto as Exhibit E. The '662 patent was the subject of a Markman order issued by the United States District Court for the Eastern District of Texas. A copy of the Markman order is attached as Exhibit B.

22. Upon information and belief, DI has infringed and continues to infringe the '662 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '662 patent. DI is liable for infringement of the '662 patent pursuant to 35 U.S.C. § 271.

23. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '662 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

24. Upon information and belief, DI's infringement of the '662 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,544,308**

25. On April 8, 2003, United States Patent No. 6,544,308 ("the '308 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for High Volume Density Polycrystalline Diamond With Working Surfaces Depleted of Catalyzing Material. All rights and interest in the '308 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '308 patent. A true and correct copy of the '308 patent is attached hereto as Exhibit F.

26. Upon information and belief, DI has infringed and continues to infringe the '308 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '308 patent. DI is liable for infringement of the '308 patent pursuant to 35 U.S.C. § 271.

27. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '308 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

28. Upon information and belief, DI's infringement of the '308 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **INFRINGEMENT OF U.S. PATENT NO. 6,562,462**

29. On May 13, 2003, United States Patent No. 6,562,462 ("the '462 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for High Volume Density Polycrystalline Diamond With Working Surfaces Depleted of Catalyzing Material. All rights and interest in the '462 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '462 patent. A true and correct copy of the '462 patent is attached hereto as Exhibit G.

30. Upon information and belief, DI has infringed and continues to infringe the '462 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '462 patent. DI is liable for infringement of the '462 patent pursuant to 35 U.S.C. § 271.

31. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '462 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

32. Upon information and belief, DI's infringement of the '462 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,585,064**

33. On July 1, 2003, United States Patent No. 6,585,064 ("the '064 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the '064 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '064 patent. A true and correct copy of the '064 patent is attached hereto as Exhibit H.

34. Upon information and belief, DI has infringed and continues to infringe the '064 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '064 patent. DI is liable for infringement of the '064 patent pursuant to 35 U.S.C. § 271.

35. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '064 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

36. Upon information and belief, DI's infringement of the '064 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,589,640**

37. On July 8, 2003, United States Patent No. 6,589,640 ("the '640 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the



'640 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '640 patent. A true and correct copy of the '640 patent is attached hereto as Exhibit I.

38. Upon information and belief, DI has infringed and continues to infringe the '640 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '640 patent. DI is liable for infringement of the '640 patent pursuant to 35 U.S.C. § 271.

39. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '640 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

40. Upon information and belief, DI's infringement of the '640 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,592,985**

41. On July 15, 2003, United States Patent No. 6,592,985 ("the '985 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the '985 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '985 patent. A true and correct copy of the '985 patent is attached hereto as Exhibit J.

42. Upon information and belief, DI has infringed and continues to infringe the '985 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '985 patent. DI is liable for infringement of the '985 patent pursuant to 35 U.S.C. § 271.

43. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '985 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

44. Upon information and belief, DI's infringement of the '985 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **INFRINGEMENT OF U.S. PATENT NO. 6,739,214**

45. On May 25, 2004, United States Patent No. 6,739,214 ("the '214 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the '214 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '214 patent. A true and correct copy of the '214 patent is attached hereto as Exhibit K.

46. Upon information and belief, DI has infringed and continues to infringe the '214 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '214 patent. DI is liable for infringement of the '214 patent pursuant to 35 U.S.C. § 271.

47. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '214 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

48. Upon information and belief, DI's infringement of the '214 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,749,033**

49. On June 15, 2004, United States Patent No. 6,749,033 ("the '033 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Polycrystalline Diamond Partially Depleted of Catalyzing Material. All rights and interest in the '033 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '033 patent. A true and correct copy of the '033 patent is attached hereto as Exhibit L.

50. Upon information and belief, DI has infringed and continues to infringe the '033 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '033 patent. DI is liable for infringement of the '033 patent pursuant to 35 U.S.C. § 271.

51. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '033 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

52. Upon information and belief, DI's infringement of the '033 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**INFRINGEMENT OF U.S. PATENT NO. 6,797,326**

53. On September 28, 2004, United States Patent No. 6,797,326 ("the '326 patent") was duly and legally issued to inventors Nigel Dennis Griffin and Peter Raymond Hughes for Method of Making Polycrystalline Diamond with Working Surfaces Depleted of Catalyzing

Material. All rights and interest in the '326 patent have been assigned to the plaintiff ReedHycalog UK, Ltd. ReedHycalog, LP is a licensee of the '326 patent. A true and correct copy of the '326 patent is attached hereto as Exhibit M.

54. Upon information and belief, DI has infringed and continues to infringe the '326 patent, both directly and indirectly. The infringing acts of DI include, but are not limited to, direct infringement, inducing infringement and contributory infringement of the '326 patent. DI is liable for infringement of the '326 patent pursuant to 35 U.S.C. § 271.

55. DI's acts of infringement have caused damage to Plaintiffs, and Plaintiffs are entitled to recover from DI the damages sustained by Plaintiffs as a result of DI's wrongful acts in an amount subject to proof at trial. DI's infringement of Plaintiffs' rights under the '326 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy at law, unless DI is enjoined by this Court.

56. Upon information and belief, DI's infringement of the '326 patent is willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

#### **MARKING**

57. To the extent marking was required by 35 U.S.C. § 287, Plaintiffs have complied with such marking requirements for the '098 patent, the '137 patent, the '447 patent, the '662 patent, the '308 patent, the '462 patent, the '064 patent, the '640 patent, the '985 patent, the '214 patent, the '033 patent and the '326 patent. Plaintiffs are entitled to recover damages for acts of infringement occurring prior to the filing of the lawsuit.

#### **JURY DEMAND**

58. Plaintiffs hereby demand a jury trial on all issues and claims so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment and seek the following relief:

- (a) For judgment that the '098 patent, the '137 patent, the '447 patent, the '662 patent, the '308 patent, the '462 patent, the '064 patent, the '640 patent, the '985 patent, the '214 patent, the '033 patent and the '326 patent have been and/or continue to be infringed by DI;
- (b) For an accounting of all damages sustained by Plaintiffs as the result of DI's acts of infringement;
- (c) For a permanent injunction enjoining the aforesaid acts of infringement by DI, its officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with DI, including related individuals and entities, customers, representatives, OEMs, dealers, distributors and importers;
- (d) For actual damages together with prejudgment interest, according to proof,
- (e) For enhanced damages pursuant to 35 U.S.C. § 284;
- (f) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (g) For all costs of suit; and
- (h) For such other and further relief as the Court may deem just and proper.

DATED: August 15, 2008

Respectfully submitted,

By: 

Danny L. Williams

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