

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**  
SENIOR DISTRICT JUDGE RICHARD P. MATSCH

Civil Action No. 1:03-CV-02579-RPM

VARCO, L.P.,

Plaintiffs,

vs.

JURY TRIAL DEMANDED

PASON SYSTEMS USA CORP.,

Defendant.

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**PLAINTIFF'S AMENDED COMPLAINT**

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Plaintiff, Varco, L.P. (hereinafter "Varco" or "Plaintiff"), through its counsel, files this Complaint against Defendant, Pason Systems USA Corp. (hereinafter "Pason" or "Defendant"), and for cause of action respectfully states and alleges as follows:

**PARTIES**

1. Plaintiff Varco, is a limited partnership organized under the laws of the State of Delaware.

2. Defendant Pason Systems USA Corp. is a Colorado corporation with its principal place of business at 16080 Table Mountain Parkway, Suite 500, Golden, Colorado 80403.

**JURISDICTION/VENUE**

3. This is an action for patent infringement under the patent laws of the United States of America pursuant to 35 U.S.C. § 271, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400 and 1391(b) because Defendant conducts business within this judicial district and has engaged in acts in this district which constitute infringement of U.S. Patent 5,474,142.

### **PATENT INFRINGEMENT**

5. The contents of the preceding paragraphs are included by reference as if fully set forth herein.

6. Plaintiff owns all right, title and interest to U.S. Patent 5,474,142, issued December 12, 2003 (hereinafter, the "'142 patent," attached hereto as Exhibit "A").

7. Plaintiff's '142 patent is valid and presumed valid under 35 U.S.C. § 282.

8. Defendant has had actual notice of the '142 patent.

9. Defendant has been, and is now, infringing the '142 patent by making, using, selling, and/or offering for sale, or inducing others to make, use, sell, or offer for sale the claimed subject matter of the '142 patent without the Plaintiff's consent and in violation of the '142 patent.

10. Because Defendant has made, used, sold, or offered for sale, or induced others to make, use, sell, or offer for sale, a device that infringes Plaintiff's '142 patent and/or has engaged in other acts that would constitute infringement of Plaintiff's '142 patent, either literally or under the doctrine of equivalents, Plaintiff's '142 patent is thereby infringed directly, contributorily or by inducement of others. Plaintiff is therefore entitled to actual damages, which, at a minimum, constitute a reasonable royalty.

11. Defendant's infringement of Plaintiff's '142 patent is willful, and Plaintiff is accordingly entitled, pursuant to 35 U.S.C. § 284, to enhanced damages in an amount equal to treble the actual damages.

12. This is an exceptional case so that Defendant should be required to pay Plaintiff's reasonable attorneys' fees in accordance with 35 U.S.C. § 285.

### **REQUEST FOR INJUNCTION**

13. The contents of the preceding paragraphs are included by reference as if fully set forth herein.

14. Due to Defendant's infringement of the Plaintiff's '142 patent, Plaintiff's ability to sell and/or lease its systems for practicing its patented invention and/or license others under the '142 patent is being impaired and Plaintiff is losing market share, reputation, and goodwill. Defendant's offer for sale, sale and/or use of its infringing system constitutes infringement of Plaintiff's '142 patent, either literally or under the doctrine of equivalents. The '142 Patent is infringed directly, contributorily, or through acts of inducement, irreparably injuring Plaintiff's reputation, goodwill and market share.

### **DEMAND FOR JURY**

15. Plaintiff hereby demands a jury trial of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief from the Court and Jury:

a. That the '142 patent be adjudged valid and infringed under all applicable provisions of Title 35, United States Code;

b. That the Defendant, its officers, directors, employees, agents and all those acting in concert with the Defendant be preliminarily and permanently enjoined, pursuant to 35 U.S.C. §283, from all future activities infringing the '142 patent, including making, using, selling or offering for sale (or inducing others to make, use, sell or offer for sale) the claimed subject matter of the '142 patent;

c. That Defendant be required to prepare and deliver to the Court a complete list of entities to whom Defendant has sold or offered for sale any product that infringes the '142 patent;

d. That Defendant be ordered to account to Plaintiff for all sales, revenues, and profits derived from its infringement of the '142 patent, pursuant to all applicable provisions of Title 35, United States Code;

e. That this Court award Plaintiff's actual and compensatory damages resulting from Defendant's infringing activities, together with prejudgment and post judgment interest and costs, as provided by 35 U.S.C. § 284;

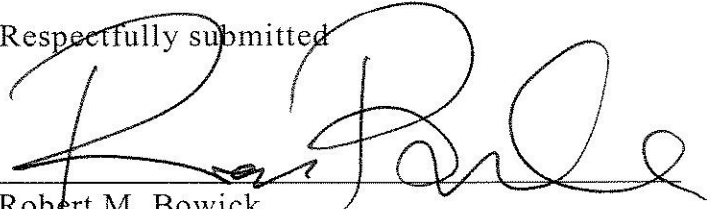
f. That this Court order that damages so found or assessed be trebled as a result of the willful, deliberate, wanton and reckless infringement by Defendant, as provided by 35 U.S.C. § 284;

g. That this Court order that, because this is an exceptional case, Plaintiff be awarded and Defendant be ordered to pay the reasonable attorneys' fees incurred by Plaintiff in connection with this action, as provided for by 35 U.S.C. § 285;

h. That Plaintiff be awarded such other and further relief as may be just and appropriate.

Dated May 1, 2006.

Respectfully submitted



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**CERTIFICATE OF SERVICE**

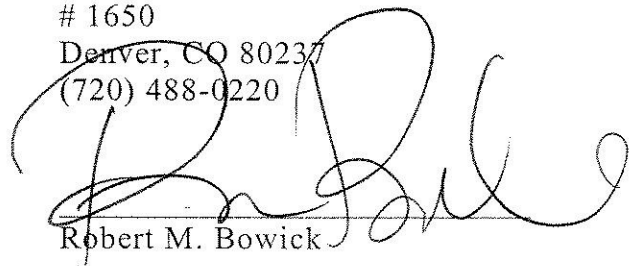
I certify that on May 1, 2006, I served a copy of the foregoing document to the following by



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