

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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CORE LABORATORIES LP

Plaintiff,

v.

GRAY WIRELINE SERVICE, INC.

Defendant.

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Judge

Case No.

A09CA596 LY

PLAINTIFF'S ORIGINAL COMPLAINT

This is an action for patent infringement in which Core Laboratories LP makes the following allegations against Gray Wireline Inc.

PARTIES

1. Plaintiff, Core Laboratories LP ("Core"), is a Delaware limited partnership with its principal place of business at 6316 Windfern Rd., Houston, TX 77040-4950.

2. On information and belief, Defendant, Gray Wireline Service, Inc., ("GWS") is a Texas corporation with a principal place of business at 1400 Everman Parkway, Fort Worth, Texas 76140. Service of process will be effected pursuant to Fed. R. Civ. P. 4. Further, GWS has a place of business at 5400 Hwy 290, Giddings, TX 78942 and conducts business at several other locations within the Western District of Texas.

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.

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because GWS is deemed to reside in the Western District of Texas.

FACTS

5. Plaintiff Core is the owner by assignment of U.S. Patent No. 7,032,662 issued April 25, 2006 (the “‘662” patent), which is valid and enforceable. The ‘662 patent concerns, among other things, a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production.

6. A true and correct copy of the ‘662 patent is attached to this Complaint as Exhibit A.

7. Plaintiff Core is the owner by assignment of U.S. Patent No. 6,659,175 issued December 9, 2003 (the “‘175” patent), which is valid and enforceable. The ‘175 patent concerns, among other things, a method for determining the extent of recovery of materials injected into oil wells during oil and gas exploration and production

8. A true and correct copy of the ‘175 patent is attached to this Complaint as Exhibit B.

9. Defendant GWS is in the business of providing oilfield services. On information and belief, Gray provides a variety of well site services including: logging services, pipe recovery, perforating, slickline services, snubbing and tagging. In addition, and of particular relevance, GWS also provides tracing services. GWS has been and still is infringing the ‘175 and ‘662 patents by providing these tracing services that fall within the scope of at least one claim in the ‘175 and ‘662 patents.

10. Plaintiff has suffered damage by reason of GWS's infringement of the '175 and '662 patents and will suffer additional damage unless this Court enjoins GWS from continuing such acts and initiating such acts in the future.

11. GWS has carried out various acts of infringement in deliberate and willful disregard of Plaintiffs' rights in the '175 and '662 patents.

COUNT ONE – PATENT INFRINGEMENT OF THE '175 PATENT

12. GWS has committed acts of patent infringement by making, using, selling, offering to sell and/or importing a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production that infringes one or more claims of the '175 patent. Upon information and belief, Defendant GWS has been and now is directly infringing the '175 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, practicing methods for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production. Defendant GWS is thus liable for infringement of the '175 Patent pursuant to 35 U.S.C. § 271.

13. GWS has had knowledge of the '175 patent since at least about April 29, 2009. Since that time, GWS has actively induced infringement of the '175 patent by intending to cause the direct infringement. GWS has continued to provide services that perform a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production that infringes one or more claims of the '175 patent.

14. GWS's infringement of the '175 patent has been and continues to be willful.

COUNT TWO – PATENT INFRINGEMENT OF THE ‘662 PATENT

15. GWS has committed acts of patent infringement by making, using, selling, offering to sell and/or importing a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production that infringes one or more claims of the ‘662 patent. Upon information and belief, Defendant GWS has been and now is directly infringing the ‘175 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, practicing methods for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production. Defendant GWS is thus liable for infringement of the ‘662 Patent pursuant to 35 U.S.C. § 271.

16. GWS has had knowledge of the ‘662 patent since at least about April 29, 2009. Since that time, GWS has actively induced infringement of the ‘662 patent by intending to cause the direct infringement. GWS has continued to provide services that perform a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production that infringes one or more claims of the ‘662 patent.

17. GWS’s infringement of the ‘662 patent has been and continues to be willful.

COUNT THREE – REQUEST FOR INJUNCTION

18. Plaintiff asks the Court to issue a preliminary and permanent injunction against GWS prohibiting them from making, using, selling, offering to sell or importing a method for determining the extent of recovery of materials injected into oil wells or subsurface formations

during oil and gas exploration and production or any other method that infringes one or more claims of the '175 patent.

COUNT FOUR – REQUEST FOR INJUNCTION

19. Plaintiff asks the Court to issue a preliminary and permanent injunction against GWS prohibiting them from making, using, selling, offering to sell or importing a method for determining the extent of recovery of materials injected into oil wells or subsurface formations during oil and gas exploration and production or any other method that infringes one or more claims of the '662 patent.

JURY REQUESTED

20. Pursuant to FRCP 38(b), Plaintiffs request a trial by jury.

PRAYER

For these reasons, Plaintiffs ask this Court to:

- (a) Enjoin GWS from infringement of the '175 patent;
- (b) Enjoin GWS from infringement of the '662 patent;
- (c) Award damages for infringement of the '175 patent, including an assessment of interest;
- (d) Award damages for infringement of the '662 patent, including an assessment of interest;
- (e) That this case be declared an exceptional case under the patent laws;
- (f) Award enhanced damages under 35 U.S.C. 284;
- (g) Award reasonable attorney fees and costs under 35 U.S.C. 285 or other applicable statute;
- (h) Award all other relief the Court deems just and proper.

Respectfully submitted,

By: 

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