

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

TEAM OIL TOOLS, LP,

Plaintiff,

v.

**PEAK COMPLETION
TECHNOLOGIES, INC. and JET OIL
TOOLS, LLC,**

Defendants.

Civil Action No. 12-274

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff, TEAM Oil Tools, LP (“TEAM” or “Plaintiff”), complains against Defendants, Peak Completion Technologies, Inc. (“Peak”) and Jet Oil Tools, LLC (“Jet”) (collectively “Defendants”), as follows:

THE PARTIES

1. Plaintiff, TEAM Oil Tools, LP, is a Texas limited partnership, having a place of business at 1400 Woodloch Forest Dr. #500, The Woodlands, TX 77380.

2. On information and belief, Defendant, Peak Completions Technologies, Inc., is a Texas Corporation having a place of business at 631 SSE Loop 323, Tyler, TX 75702. Peak may be served with process by serving its registered agent Raymond Hofman, 7710 Highway 80 West, Midland, TX 79706¹.

¹ The zip code for Peak’s registered agent on the Texas Franchise Tax Certification is “79703”, but given that the agent has the same address as Peak’s facility in Midland, TX, which has a zip code of 79706, Plaintiff believes the correct zip code is “79706”. This was confirmed by an address search with the United States Postal Service.

3. On information and belief, Defendant, Jet Oil Tools, LLC is a Nevada limited liability corporation, having a place of business at 252 La Serena Loop, Horseshoe Bay, TX 78657. Jet may be served with process by serving its registered agent Johnny Cope, 252 La Serena Loop, Horseshoe Bay, TX 78657.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Peak because Peak is a resident of this judicial District, having places of business at 631 SSE Loop 323, Tyler, TX 75702 and 5600 Tennyson Pkwy, Plano, TX 75024. Furthermore, on information and belief, both Peak and Jet regularly sell a wide variety of goods and services into this judicial district and manufacture a wide variety of products intended to be sold into this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over both Peak and Jet because each has committed, aided, abetted, contributed to, and/or participated in the commission of acts giving rise to this action within this judicial district and has established minimum contacts within the forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. On information and belief, both Peak and Jet have sold, advertised, solicited customers, marketed and/or distributed their infringing products in this judicial district and have designed, made, or had made, on their behalf, and placed their infringing products and/or services into the stream of commerce with the reasonable expectation and/or knowledge that actual or potential ultimate purchasers and users for such products and/or services were located within this judicial district.

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

JOINDER

7. On information and belief, Peak and Jet are commonly-owned and managed. For example, Peak's web site lists Ray Hofman as President and CEO of Peak, and documents on file with the Nevada Secretary of State list Ray Hofman as an Officer/Manager for Jet. Furthermore, on information and belief, Defendants frequently offer to see and sell products, including the infringing products, that are manufactured by one another.

8. Joinder of Defendants is proper under 35 U.S.C. § 299. The allegations of patent infringement contained herein arise out of the same series of transactions or occurrences relating to the making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, the same accused products, including, but not limited to, Peak's P456 M-2 Shear Tension Packer, P601 ASI-XW HP Wireline Set Production Packer, P601 ASI-XW Wireline Set Production Packer, P603 ASI-X HP Production Packer, P603 ASI-X Production Packer, P611 AS-2 Compression Packer, P629 AS-6 Single Grip Compression Packer, P636 Snapset II Compress Set Isolation Packer, P650 HS-1 Hydrow Grip, P631 AS-3 Single Grip Packer, P727 TSW Bridge Plug and Jet's Jet Set 1-X, 4 ½" (for use in 13.5-15.1# well casing) x 2 3/8 DFW", with carbide slips and any other products that include Plaintiff's patented Slip Spring/Heel Notch.

9. Common questions of fact relating to Defendants' infringement will arise in this action.

INFRINGEMENT OF U.S. PATENT NO. 7,082,991

10. Plaintiff, TEAM, is the owner by assignment of United States Patent No. 7,082,991 ("the '991 patent"), entitled "Slip Spring with Heel Notch," and owns all rights to sue,

and collect damages, including past damages, for infringement of the '991 patent. A true and correct copy of the '991 patent, which was duly and legally issued by the United States Patent and Trademark Office on August 1, 2006, is attached hereto as Exhibit A.

11. On information and belief, Defendants have had knowledge of the '991 patent since before the filing of this Complaint. At a minimum, Defendants have knowledge of the '991 based upon the filing of this Complaint. On information and belief, Defendants have been and are infringing the '991 patent in this judicial district, and elsewhere in the United States. Defendants' infringements include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, products that include Plaintiff's patented Slip Spring/ Heel Notch, including at least Peak's P456 M-2 Shear Tension Packer, P601 ASI-XW HP Wireline Set Production Packer, P601 ASI-XW Wireline Set Production Packer, P603 ASI-X HP Production Packer, P603 ASI-X Production Packer, P611 AS-2 Compression Packer, P629 AS-6 Single Grip Compression Packer, P636 Snapset II Compress Set Isolation Packer, P650 HS-1 Hydrow Grip, P631 AS-3 Single Grip Packer, P727 TSW Bridge Plug and Jet's Jet Set 1-X, 4 1/2" (for use in 13.5-15.1# well casing) x 2 3/8 DFW", with carbide slips and any other products that include Plaintiff's patented Slip Spring/Heel Notch (collectively hereinafter referred to as "Defendants' Products"). Defendants are thus liable for infringement of the '991 patent pursuant to 35 U.S.C. § 271(a).

12. On information and belief, Defendants have had knowledge of the '991 patent since before the filing of this Complaint. At a minimum, Defendants have knowledge of the '991 based upon the filing of this Complaint. On information and belief, Defendants have been and are, in this judicial district and elsewhere in the United States, actively inducing infringement of the '991 patent. Defendants' inducements include, without limitation and with specific intent to encourage infringement, knowingly inducing others, including at least each other and their

respective customers, to use, offer for sale, and/or sell within the United States, and/or import into the United States, Defendants' Products, which Defendants know infringe one or more claims of the '991 patent. Defendants have actively induced infringement, in part, by making, using, selling, importing, and/or distributing to others Defendants' Products. Defendant is thus liable for infringement of the '991 patent pursuant to 35 U.S.C. § 271(b).

13. On information and belief, Defendants have had knowledge of the '991 patent since before the filing of this Complaint. At a minimum, Defendants have knowledge of the '991 based upon the filing of this Complaint. On information and belief, Defendants have been and are, in this judicial district and elsewhere in the United States, actively contributing to the infringement of the '991 patent by selling, offering to sell, and/or importing into the United States Defendant's Products, which are used by others, such as each other and their respective customers, to infringe one or more claims of the '991 patent. Defendants sell components of Defendants' Products that constitute a material part of the invention recited in one or more claims of the '991 patent and Defendants know that such components are especially made or especially adapted for use in infringing the '991 patent and that such components are not staple articles or commodities of commerce suitable for substantial non-infringing use. Defendants are thus liable for infringement of the '991 Patent pursuant to 35 U.S.C. § 271(c).

14. Defendants have profited through the infringement of the '991 patent. As a result of Defendants' unlawful infringement of the '991 patent, Plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover from Defendants damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

15. Defendants have continued to infringe one or more claims of the '991 patent despite an objectively high likelihood that Defendants' actions constitute infringement of a valid

patent. For example, on information and belief, Defendants have copied TEAM's patented slip and incorporated that copied slip into products imported, manufactured, sold, and/or offered for sale by Defendants, despite an objectively high likelihood that such actions constitute infringement of a valid patent. Accordingly, Defendants' infringement has been willful and deliberate, making this an exceptional case and entitling Plaintiff to enhanced damages, reasonable attorney fees, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment and seeks the following relief:

- (a) For judgment in favor of Plaintiff that Defendants have infringed the '991 patent;
- (b) For judgment and an order requiring Defendants to pay Plaintiff its damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Defendants' infringement of the '991 patent, as provided under 35 U.S.C. § 284;
- (c) For judgment that Defendants have willfully infringed the '991 patent and enhancement of Plaintiff's damages by reason of the nature of Defendants' infringement;
- (d) For judgment and an order that this case is exceptional under 35 U.S.C. § 285 and requiring Defendants to pay Plaintiff's reasonable attorneys' fees; and
- (e) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and claims so triable.

DATED: April 18, 2012

Respectfully submitted,

By: /s/ James A. Jorgensen
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**ATTORNEYS FOR TEAM OIL
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