

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

BETTER HALF INDUSTRIES, L.L.C.	*	CIVIL ACTION NO.
	*	
Plaintiff,	*	
	*	SECTION:
VERSUS	*	
	*	JUDGE:
OILFIELD INNOVATORS LIMITED, L.L.C. and PERRY J. GUIDROZ, individually	*	
	*	
Defendants	*	
	*	

COMPLAINT FOR DECLARATORY JUDGMENT

For its Complaint for Declaratory Judgment against Oilfield Innovators Limited, L.L.C. and Perry J. Guidroz, plaintiff Better Half Industries, L.L.C. alleges as follows:

THE PARTIES

1. Plaintiff Better Half Industries, L.L.C. is a limited liability company organized and existing under the laws of the State of Mississippi having a domicile address at 48 Boone Ryals Lane, Laurel, Mississippi 39443 (hereinafter “BHI”).
2. William L. Jenkins is Chairman of the Board and Operations Manager of BHI.
3. Defendant Oilfield Innovators Limited, L.L.C. is, on information and belief, a limited liability company organized and existing under the laws of the State of Louisiana and having a domicile address at 315 S. College Road, Suite 285, Lafayette, Louisiana 70503.
4. Defendant Perry J. Guidroz (“Guidroz”) is a member of Oilfield Innovators Limited, L.L.C. and has the domicile address at 1060 Julie St., Breaux Bridge, Louisiana 70517.

JURISDICTION AND VENUE

5. The claims herein arise under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.
6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patents).
7. Personal jurisdiction over Defendants is established in this district because both entities reside in Louisiana and have made and continue to have continuous and systematic general business contacts in this district.
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c).

BACKGROUND

9. Upon information and belief, Perry J. Guidroz is the owner of United States patent No. 7,665,944 (the “Patent-in-Suit” or “the ‘944 Patent”). This patent generally relates to a pipe pick-up and laydown apparatus and method for manipulating a joint of pipe in an oilfield setting. A copy of the ‘944 Patent is attached hereto as Exhibit 1.
10. On information and belief, Oilfield Innovators Limited, L.L.C. is the exclusive licensee of the ‘944 Patent.
11. BHI is the exclusive licensee of a certain invention made by inventor Thomas Dale Hilton related to a pipe handling apparatus and method, an application for which is currently pending in the U.S. Patent Office (“BHI Property”).

Events and Activities Establishing A Real And Immediate Controversy

12. Sometime in early 2012, inventor Thomas Dale Hilton developed a pipe handling system, which Plaintiff BHI exclusively licenses from the inventor. Several units of the BHI pipe handling system were manufactured and leased for use by oilfield companies. One of

such leasing companies was Superior Pressure Control, L.L.C. or SPC Rentals, which was a division of Warrior Energy Services Corporation.

13. Warrior Energy Services Corporation of Mississippi (hereinafter “Warrior”) was engaged to manufacturer at least one of the pipe handling systems according to the Hilton invention.
14. William L. Jenkins is one of the managers of Warrior Energy Services Corporation.
15. On March 12, 2012, one of the units of the BHI Property identified as WJ101 unit was leased, through SPC Rentals, to the Denbury Resources, Inc., an oilfield company operating in the Tinsley Field in Yazoo County, Mississippi.
16. On or about April 2, 2012, William A. Stagg, an attorney with Durio, McGoffin, Stagg & Ackermann of Lafayette, Louisiana, sent a letter to SPC Rentals on behalf of Oilfield Innovators Limited, L.L.C. (the “Stagg Letter”). A copy of the Stagg letter is attached hereto as Exhibit 2.
17. The Stagg Letter advised SPC Rentals that “SPC Rentals is using a pickup and laydown device in a manner that may read upon one or more of the claims” of the ‘944 patent.
18. Upon receipt of the letter, being concerned with an imminent lawsuit, SPC Rentals stopped the rental to Denbury Resources, Inc. and the WJ101 unit was returned to BHI.
19. On April 19, 2012, William L. Jenkins, Samuel Hardy (President of Warrior) and Ronald Edge (VP of Operations of SPC Rentals) met with the owners of Oilfield Innovators Limited, L.L.C Messrs. Donald R. Harrington, Alfred J. Thomas, III, and Perry J. Guidroz at the Defendants’ offices in Lafayette, Louisiana.
20. During the April 19, 2012 meeting, Jenkins was interrogated as to the source of the drawings for the pipe pick-up and laydown machine of Oilfield Innovators Limited,

L.L.C. After Jenkins denied ever having the drawings for the Defendants' equipment, the Defendants demanded to know what revenue was generated from the use of the pipe handling system, or BHI Property.

21. During the April 12, 2012 meeting, Defendants accused BHI of infringing on the '944 patent through the manufacture and use of the pipe handling system, subject of the BHI Property.
22. During the April 12, 2012 meeting, Jenkins was pressured to surrender the unit to the Defendants.
23. On April 30, 2012, Mr. Donald Harrington and Mr. Alfred J. Thomas, owners of Oilfield Innovators, came to Warrior's manufacturing facility at 339 Avenue A., Laurel, Mississippi and demanded to see the machines manufactured according to Hilton's invention. Mr. Jenkins was not at that facility at the time.
24. Nevertheless, Mr. Jenkins instructed one of the mechanics with Warrior, Mr. Aaron Langley, to show the equipment to Messrs. Harrington and Thomas.
25. Mr. Langley allowed Harrington and Thomas to inspect the equipment in question.
26. Sometime in June 2012, upon the demand from the Defendants, Jenkins had WJ101 unit delivered to the Defendants' yard in Lafayette, Louisiana. Upon information and belief, WJ101 unit is still at the Defendants' yard in Lafayette, Louisiana.
27. Plaintiff BHI made significant investments of time, money, and resources to further the commercialization of the BHI Property.
28. As a result of Defendants' activities, BHI was forced to terminate rental of its units to the oilfield companies in Mississippi and other states and suffered a substantial commercial loss.

29. These circumstances have given Plaintiff a reasonable apprehension of an imminent infringement suit by either Guidroz or Oilfield Innovators Limited, L.L.C.
30. The foregoing facts demonstrate that there is an actual and substantial controversy between the parties having adverse legal interest, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment of noninfringement and/or invalidity of the '944 patent-specifically, that BHI's development, manufacture, use, and/or rental of pipe handling system invented by Hilton does not infringe, either literally or under the doctrine of equivalents, any valid claim of the '944 Patent.
31. Plaintiff believes that one or more of the claims of the '944 patent are invalid and unenforceable under 35 U.S.C. §§ 102, and/or 103, and/or 112.

COUNT I

Declaratory Judgment of Noninfringement and/or Invalidity of U.S. Patent No. 7,665,944

32. Plaintiff adopts by reference the allegations of the foregoing paragraphs as if fully restated herein.
33. Defendants have created an actual and justiciable controversy between themselves and Plaintiff regarding whether Plaintiff and its agents or sublicensees have infringed any valid claim of U.S. Patent No. 7,665,944.
34. Plaintiff does not infringe, and has not infringed directly, indirectly, willfully or otherwise, any valid claim of the '944 patent.
35. One or more of the claims of the '944 patent are invalid for failure to comply with one or more of the conditions of patentability and/or requirements specified in 35 U.S.C. §§ 102 and/or 103 and/or 112.

36. A judicial declaration of noninfringement of the '944 patent is necessary and appropriate to resolve this controversy.

37. A judicial declaration of invalidity of the '944 patent claims is necessary and appropriate to resolve this controversy.

COUNT II

INTENTIONAL INTERFERENCE WITH CONTRACT

38. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1-34 as though fully set forth herein.

39. On information and belief, Defendants intentionally and improperly interfered with contracts between Plaintiff and its customers by, *inter alia*, contacting these customers and making unfounded accusations of infringement.

40. Defendants' illegal and improper acts in interfering have caused and continue to cause damages to Plaintiff for which Defendants are liable. Defendants' interference is taking away Plaintiff's customer opportunities, and has caused damage to Plaintiff's relationships with its customers.

COUNT III

DEMAND FOR RETURN OF PROPERTY

41. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1-37 as though fully set forth herein.

42. Plaintiff demands an immediate return of its property, WJ101 unit of the pipe handling system that is now under Defendants physical control.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgment:

43. a. Declaring that neither Plaintiff, nor its agents, employees or sublicensees have infringed any valid claim of the Guidroz Patent;
- b. Declaring that one or more claims of the Guidroz Patent are invalid;
- c. Enjoining Defendants, their officers, agents, servants, employees and attorneys, and all persons in active concert or participation with any of them, and their parents, successors, and assigns, from directly or indirectly charging infringement, or instituting any action for infringement of the '944 Patent against Plaintiff and/or any of its affiliates, customers, agents, licensees, or potential customers or licensees, in connection with any product accused of infringement in this action;
- d. Declaring this case to be exceptional within the meaning of 35 U.S.C. § 285 and awarding Plaintiff its attorneys' fees, costs, and expenses that he incurs in connection with this action;
- e. That this Court enter a final judgment and order in Plaintiff's favor and against Defendants; and
- f. Awarding Plaintiffs such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff respectfully requests that all issues so triable be tried by and before a jury.

Respectfully submitted,

/s/Thomas S. Keaty
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UNITED STATES DISTRICT COURT
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BETTER HALF INDUSTRIES, L.L.C.

Plaintiff,

VERSUS

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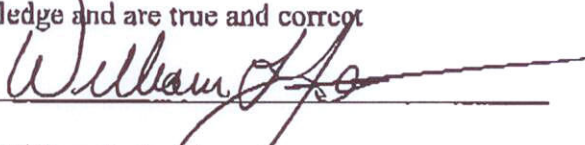
SECTION:

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MAG. JUDGE:

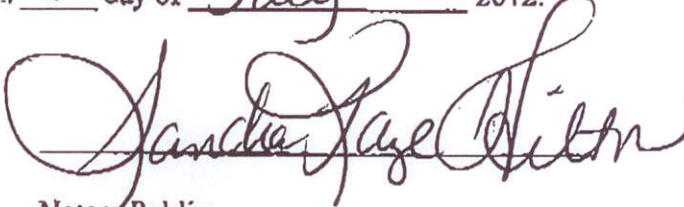
STATE OF *Mississippi*
COUNTY OF *JONES*

On this day, appeared before me, William L. Jenkins, Chairman of the Board and Operations Manager of Plaintiff, Better Half Industries, L.L.C., the undersigned notary public, and after I administered an oath to him, upon his oath, he said he read the Complaint, and the facts stated in it are within his personal knowledge and are true and correct


William L. Jenkins

Sworn to and subscribed before me on this 6 day of July 2012.




Notary Public