

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

(1) National Oilwell DHT, L.P.,

Plaintiff,

v.

(1) Cougar Drilling Solutions,
(2) Cougar Drilling Solutions USA Inc., and
(3) Cougar Drilling Solutions Holdings Houston Inc.,

Defendants.

Civil Action No. _____

JURY DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff National Oilwell DHT, L.P. (“NOV”) for its Complaint against Defendants Cougar Drilling Solutions (“CDS”), Cougar Drilling Solutions USA Inc. (“CDSA”) and Cougar Drilling Solutions Holdings Houston Inc. (“CDSH”) (collectively “Defendants”) alleges as follows:

THE PARTIES

1. Plaintiff NOV is a Delaware limited partnership with its principal place of business located at 7909 Parkwood Circle Dr., Houston, TX, 77036.

2. Defendant Cougar Drilling Solutions is a Canadian Company with its principal place of business located at 7319 17 Street Edmonton, AB Canada T6P 1P1.

3. Defendant Cougar Drilling Solutions USA, Inc., is a Foreign For-Profit Corporation registered in Delaware with its principal place of business located at 7319 17 Street Edmonton, AB Canada T6P 1P1.

4. Defendant Cougar Drilling Solutions Holdings Houston Inc. is a Domestic For-Profit Corporation Registered in Texas with its principal place of business located at 350 N. Saint Paul Street, Dallas, TX 75201-4240.

5. On information and belief, Defendants manufacture, use, sell and/or rent downhole percussion/agitation tools and services including the LEX tool.

JURISDICTION

6. 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 Defendants because Defendants have established minimum contacts with the forum. Upon information and belief, Defendants have manufactured, leased, sold and/or offered for sale infringing downhole percussion/agitation tools including the LEX tool to entities in Texas, including entities in this judicial district. Moreover, on information and belief, Defendants' infringing downhole percussion/agitation tools and service are used and/or sold or offered for sale in this judicial district. The exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice.

VENUE

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

INFRINGEMENT OF U.S. PATENT NO. 6,508,317

8. On January 21, 2003, United States Patent No. 6,508,317 ("the '317 patent") was duly and legally issued to inventors, Alan Martyn Eddison and Ronnie Hardie, for a Downhole Apparatus and Method of Use. All rights and interest in the '317 patent have been assigned to NOV. A true and correct copy of the '317 patent is attached hereto as Exhibit A.

9. Upon information and belief, Defendants have infringed and continue to infringe the '317 patent. Defendants are liable for infringement of the '317 patent pursuant to at least 35

U.S.C. § 271(a). Defendants' infringing acts include at least the manufacture, use, sell and/or rental of downhole percussion/agitation tools and services including the LEX tool.

10. Defendants' acts of infringement have caused damage to NOV, and NOV is entitled to recover from Defendants the damages sustained by NOV as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of NOV's rights under the '317 patent will continue to damage NOV's business, causing irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined by this Court.

11. Upon information and belief, Defendants' infringement of the '317 patent is willful and deliberate, entitling NOV 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. 6,279,670

12. On March 1, 2005, United States Patent No. 6,279,670 ("the '670 patent") was duly and legally issued to inventors, Alan Martyn Eddison and Ronnie Hardie, for a Downhole Flow Pulsing Apparatus. All rights and interest in the '670 patent have been assigned to NOV. A true and correct copy of the '670 patent is attached hereto as Exhibit B.

13. Upon information and belief, Defendants have infringed and continue to infringe the '670 patent. Defendants are liable for infringement of the '670 patent pursuant to 35 U.S.C. § 271(a). Defendants' infringing acts include at least the manufacture, use, sell and/or rental of downhole percussion/agitation tools and services including the LEX tool.

14. Defendants' acts of infringement have caused damage to NOV, and NOV is entitled to recover from Defendants the damages sustained by NOV as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' infringement of NOV's rights under the '670 patent will continue to damage NOV's business, causing irreparable harm, for which there is no adequate remedy at law, unless Defendants are enjoined by this Court.

15. Upon information and belief, Defendants' infringement of the '670 patent is willful and deliberate, entitling NOV 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.

JURY DEMAND

16. NOV hereby demands a jury trial on all issues and claims so triable.

PRAYER FOR RELIEF

WHEREFORE, NOV prays for judgment and seek the following relief:

- (a) For judgment that the '317 and '670 patents have been and/or continue to be infringed by Defendants;
- (b) For an accounting of all damages sustained by NOV as the result of Defendants' acts of infringement;
- (c) For a permanent injunction enjoining the aforesaid acts of infringement by Defendants, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with Defendants, 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: February 13, 2013

Respectfully submitted,

By: /s/ Matt Rodgers

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