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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13

14 SEABOARD INTERNATIONAL, INC.,

15 Plaintiff,

16 v.

17 CAMERON INTERNATIONAL
CORPORATION,

18 Defendant.
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Case No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

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1 Seaboard International, Inc. (“Seaboard”), for its complaint against Cameron
2 International Corporation (“Cameron”), alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the patent laws of the United States, Title 35,
5 United States Code. The Court has subject matter jurisdiction over this action pursuant to
6 28 U.S.C. §§ 1331 and § 1338(a).

7 2. Venue is proper pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

8 3. This district has a strong interest in the resolution of this suit. The
9 invention claimed in the asserted patent—which is used during hydraulic fracturing or
10 “fracing” operations—was conceived, reduced to practice, and commercialized in this
11 district. The named inventors also reside in this district. According to published data on
12 fracing after January 1, 2011, there are at least 700 fracing sites in California; the vast
13 majority are located in this district.

14 **PARTIES**

15 4. Seaboard International, Inc. is a Texas corporation with a place of business
16 at 3912 Gilmore Avenue, Bakersfield, California.

17 5. Cameron International Corporation is a Delaware corporation with a
18 principal place of business at 1333 West Loop South, in Houston, Texas.

19 **GENERAL ALLEGATIONS**

20 6. Seaboard manufactures wellhead and pressure control equipment. In 2007,
21 Seaboard acquired Duhn Oil Tool, Inc., a family-owned, California company based in
22 Bakersfield, California since 1975. Duhn designed and manufactured wellhead devices
23 protected by a dozen patents, including several patents protecting a tool used to protect
24 wellhead equipment during fracing operations when abrasive material is introduced at
25 extremely high pressure to create new pathways for hydrocarbon extraction.

26 7. Cameron is a global supplier of flow equipment products, systems, and
27 services to oil, gas, and process industries. Among other products, Cameron sells and
28 installs products used in fracing operations.

1 **FIRST CLAIM FOR RELIEF**

2 8. On December 18, 2012, the United States Patent and Trademark Office
3 duly and legally issued United States Patent No. 8,333,237, entitled “Wellhead Isolation
4 Tool and Wellhead Assembly Incorporating the Same.” A true and correct copy of the
5 ‘237 patent is attached as Exhibit 1.

6 9. Seaboard is the owner by assignment of all rights, title and interest in and to
7 the ‘237 patent and possesses all rights of recovery under the ‘237 patent, including the
8 right to recover damages for past infringement.

9 10. Cameron has infringed and continues to directly infringe, literally or under
10 the doctrine of equivalents, the ‘237 patent by making, using, offering for sale, importing
11 and/or selling tools that fall within the scope of at least one claim of the ‘237 patent,
12 including its “Time Saver Wellhead” system.

13 11. Cameron has induced and/or contributed to infringement of the ‘237 patent
14 by others. In particular, with knowledge of the ‘237 patent and a specific intent to induce
15 infringement of the ‘237 patent, Cameron has encouraged and continues to encourage acts
16 that infringe the ‘237 patent.

17 12. Cameron has actual knowledge of the ‘237 patent and knows that its
18 activities constitute infringement of the ‘237 patent or has acted despite an objectively
19 high likelihood that its actions constitute infringement of the ‘237 patent. This risk is
20 either known or should have been known to Cameron. Moreover, Cameron willfully
21 copied the commercial embodiment of the invention claimed in the ‘237 patent. As such,
22 Cameron’s infringement has been and continues to be willful and deliberate.

23 13. Seaboard has no adequate remedy at law for the injury caused by Cameron’s
24 infringement of the ‘237 patent. As a result of Cameron’s infringement, Seaboard has
25 suffered and will continue to suffer irreparable harm unless an injunction is issued against
26 Cameron’s infringement.

27 14. As a result of Cameron’s infringement of the ‘237 patent, Seaboard has
28 suffered and will continue to suffer damage in an amount to be determined at trial.

1 Seaboard is entitled to compensation for such damage pursuant to 35 U.S.C. § 284.
2 Additionally, because Cameron knowingly and willfully infringed the ‘237 patent, any
3 damages awarded should be trebled pursuant to 35 U.S.C. § 284.

4 15. This is an exceptional case justifying an award of reasonable attorney fees
5 pursuant to 35 U.S.C. § 285.

6 PRAYER FOR RELIEF

7 WHEREFORE, Seaboard prays for the following relief:

8 A. for a judgment that Cameron has infringed the ‘237 patent;

9 B. for a judgment that Cameron’s infringement of the ‘237 has been willful;

10 C. for damages resulting from Defendant’s infringement, and the trebling of
11 such damages because of the willful nature of Cameron’s infringement;

12 D. for preliminary and permanent injunctive relief enjoining infringement of the
13 ‘237 patent by Cameron, its officers, directors, shareholders, agents, servants, employees,
14 and all other entities and individuals acting in concert with them or on their behalf;

15 E. for an order awarding prejudgment and postjudgment interest;

16 F. for a declaration that this is an exceptional case under 35 U.S.C. § 285 and
17 an award of reasonable attorney fees; and

18 G. for such other and further relief as the Court deems just and equitable.

19 DEMAND FOR JURY TRIAL

20 Seaboard demands a trial by jury of all issues triable of right before a jury.
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22 Dated: February 26, 2013

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