

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION**

Finalrod IP, LLC and R2R and D, LLC d/b/a Superod,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 7:15-cv-00097
	§	
v.	§	JURY TRIAL DEMANDED
	§	
John Crane, Inc. and John Crane Production Solutions, Inc.,	§	
	§	
Defendants.	§	

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

Plaintiffs, Finalrod IP, LLC (“Finalrod”) and R2R and D, LLC, d/b/a Superod (“Superod,” collectively “Plaintiffs”), bring this action against Defendants John Crane, Inc. (“JCI”) and John Crane Production Solutions, Inc. (“JCPS,” collectively “Defendants”) and through this Original Complaint show the following:

**I. THE PARTIES**

1. Plaintiff, Finalrod IP, LLC, is a Texas limited liability company, having a place of business at 610 South Main Street, Big Spring, Texas 79720.
2. Plaintiff R2R and D, LLC d/b/a Superod is also a Texas limited liability company, having a place of business at 610 South Main Street, Big Spring, Texas 79720.
3. John Crane, Inc. is a Delaware corporation, headquartered at 6400 W. Oakton Street, Morton Grove, IL and which may be served with process through its registered agent, CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. JCI has a registered place of business in Texas at 4001 Fair Drive, Pasadena, Texas 77507. Upon information and belief, JCI is the parent company of and controls JCPS.

Petitioners' Exhibit 1025

4. John Crane Production Solutions, Inc. has a regular and established place of business in this judicial district at 6308 West Interstate 20, Midland, Texas 79706. JCPS may be served with process through its registered agent, CT Corporation System at 1999 Bryan St., Suite 900, Dallas, TX 75201.

## **II. JURISDICTION AND VENUE**

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

6. On information and belief, Defendants, either directly or through intermediaries, make, use, sell or offer to sell products in this judicial district that infringe the '162 patent and/or the '951 patent, identified below.

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

## **III. PATENT INFRINGEMENT**

8. Plaintiff, Finalrod, is the owner of United States Patent No. 8,851,162 (“the '162 patent”), titled “Sucker Rod Apparatus and Method.” A true and correct copy of the '162 patent, issued by the United States Patent and Trademark Office on October 7, 2014, is attached hereto as Exhibit A. Pursuant to 35 U.S.C. § 282, the '162 patent is presumed valid and enforceable.

9. Plaintiff Superod is the exclusive licensee of the '162 patent.

10. The '162 Patent relates generally to a novel design for a fiberglass sucker rod. A sucker rod is used to increase the efficacy of sub-surface pumps in instances where the pressure in an oil reservoir is not sufficient to lift the oil to the surface. Individual sucker rods are grouped together to form a rod string, and the connection of successive rods has been the source of continued developmental efforts in the industry. The '162 patent discloses a fiberglass rod with

connectors on each end that is an improvement over prior designs and methods. Specifically, each connector has a rod-receiving receptacle with an open end, a closed end, and axially spaced annular wedge shaped surfaces such that the compressive forces between the rod and the respective connector are defined by the shape of the wedged surfaces.

11. On information and belief, Defendants are and have been making, using, offering for sale and/or selling within the United States, products and/or methods that fall within the scope of one or more of the claims of the '162 patent. Specifically, Defendants have promoted, through a video presentation and white paper, their "standard design of an end fitting" that infringes one or more of the claims in the '162 patent. A true and correct copy of the Defendants' paper is attached hereto as Exhibit B. On information and belief, Defendants have been making, using, selling, and offering for sale products based upon the same content detailed in the paper and video.

12. Accordingly, on information and belief, Defendants are infringing the '162 patent and are thus liable for infringement pursuant to 35 U.S.C. § 271(a).

13. Plaintiff, Finalrod, is the owner of United States Patent No. 9,045,951 ("the '951 patent"), titled "Sucker Rod Apparatus and Method." A true and correct copy of the '951 patent, issued by the United States Patent and Trademark Office on June 2, 2015, is attached hereto as Exhibit C. Pursuant to 35 U.S.C. § 282, the '951 patent is presumed valid and enforceable.

14. Plaintiff Superod is the exclusive licensee of the '951 patent.

15. The '951 patent also relates generally to a novel design for a fiberglass sucker rod. Specifically, the '951 patent discloses end fitting with a wedge system formed in the interior, the wedge system comprising an outer wedge portion and an inner wedge portion. The outer wedge portion has a triangular configuration and is configured to distribute compressive

force in the sucker rod proximate the open end. The inner wedge portion also has a triangular configuration and is configured to distribute compressive force in the sucker rod proximate the closed end. The inner wedge triangular configuration differs from the outer wedge triangular configuration in order to distribute compressive force in the sucker rod at the end fitting, wherein relatively more compressive force is distributed proximate the closed end than proximate the open end.

16. On information and belief, Defendants are and have been making, using, offering for sale and/or selling within the United States, products and/or methods that fall within the scope of one or more of the claims of the '951 patent. Specifically, Defendants have promoted, through a video presentation and white paper, their "standard design of an end fitting" that infringes one or more of the claims in the '951 patent. A true and correct copy of the Defendants' paper is attached hereto as Exhibit B. On information and belief, Defendants have been making, using, selling, and offering for sale products based upon the same content detailed in the paper and video.

17. Accordingly, on information and belief, Defendants are infringing the '951 patent and are thus liable for infringement pursuant to 35 U.S.C. § 271(a).

18. Defendants are liable to Plaintiffs for damages that are adequate to compensate for the infringement, under 35 U.S.C. § 284, which shall in no event be less than a reasonable royalty.

19. Defendants and Superod are direct competitors in the fiberglass sucker rod market. On information and belief, Defendants have had knowledge of the claims of the '162 patent since February 14, 2013, the publication date of the application which became the '162 patent.

20. On information and belief, Defendants have had knowledge of the claims of the '951 patent since April 17, 2014, the publication date of the application which became the '951 patent.

21. Defendants' infringement is done with knowledge of both the '162 patent and the '951 patent and Plaintiffs' interests therein. Defendants' infringement has therefore been willful, entitling Plaintiffs to enhanced damages and attorneys' fees under 35 U.S.C. § 285.

22. Because Defendants' and Superod compete directly in the fiberglass sucker rod market, Defendants' infringement of the '162 and '951 patents has caused and will continue to cause irreparable damage to Superod's business, including but not limited to a loss of goodwill and reputation and a loss of market share and price erosion. There is no adequate remedy at law for Superod's irreparable damage, and it will continue unless Defendants' infringement is preliminarily and permanently enjoined by this Court.

#### **IV. JURY DEMAND**

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

#### **V. PRAYER FOR RELIEF**

24. WHEREFORE, Plaintiffs pray for judgment and seek the following relief:
- a) judgment in Plaintiffs' favor that Defendants have infringed the '162 patent;
  - b) judgment in Plaintiffs' favor that Defendants have infringed the '951 patent;
  - c) a preliminary 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/or importers;

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