

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

SIPCO, LLC, and IP CO, LLC
(d/b/a INTUS IQ),

Plaintiffs,

v.

EMERSON ELECTRIC CO., EMERSON
PROCESS MANAGEMENT LLLP, FISHER-
ROSEMOUNT SYSTEMS, INC.,
ROSEMOUNT INC., BP, p.l.c., BP
AMERICA, INC. and BP AMERICA
PRODUCTION COMPANY,

Defendants.

Civil Action No. 6:15-cv-907

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

SIPCO, LLC and IP CO, LLC (d/b/a INTUS IQ) (“Plaintiffs” or “SIPCO”), by and through their counsel Nutter, McClennen & Fish LLP, hereby file this First Amended Complaint for Patent Infringement against Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemont Systems, Inc., and Rosemount Inc. (collectively “Emerson”) and against BP, p.l.c., BP America, Inc., and BP America Production Company (collectively “BP”), as follows:

THE PARTIES

1. SIPCO, LLC is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 8215 Roswell Road, Building 900, Suite 950, Atlanta, Georgia 30350.
2. IP CO, LLC (d/b/a INTUS IQ) is a limited liability company organized and existing under the laws of the State of Georgia, having its principal office at 8215 Roswell Road, Building 900, Suite 950, Atlanta, Georgia 30350.

3. Emerson Electric Co. (“EEC”) is a corporation organized and existing under the laws of the State of Missouri, having a place of business at 1300 East Whaley Street, Suite B, Longview, Texas 75601.

4. Emerson Process Management LLLP (“Emerson Process Management”) is a wholly-owned subsidiary of Emerson Electric Co., and is an entity organized and existing under the laws of the State of Delaware, having a place of business at 1100 W. Louis Henna Blvd., Bldg. 2, Round Rock, Texas 78681 and, upon information and belief, a place of business at 12301 Research Blvd., Research Park Plaza, Bldg. III, Austin, Texas 78759. Emerson Process Management’s branded products and services include those made, used, sold and/or offered for sale by and through Defendant Fisher-Rosemount Systems, Inc. and Defendant Rosemount, Inc.

5. Fisher-Rosemount Systems, Inc. (“Fisher Rosemount”) is a wholly-owned subsidiary of Emerson Electric Co., and is a corporation incorporated under the laws of the State of Delaware, having its principal place of business at 1100 W. Louis Henna Blvd., Bldg. 1, Round Rock, Texas 78681.

6. Rosemount, Inc. (“Rosemount”) is a wholly-owned subsidiary of Emerson Electric Co., and is a corporation organized and existing under the laws of the State of Minnesota, having its principal place of business at 8200 Market Blvd., Chanhassen, Minnesota 55317.

7. BP America, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 501 Westlake Park Boulevard, Houston, TX 77079. BP America, Inc. does substantial business in Texas, including within this judicial district, and may be served with process through its registered agent CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201.

8. BP America Production Company is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 501 Westlake Park Boulevard,

Houston, TX 77079. BP America Production Company does substantial business in Texas, including within this judicial district, and may be served with process through its registered agent CT Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, TX 75201.

9. BP p.l.c. is a British public limited company with its corporate headquarters in London, England, SW1Y 4PD. BP p.l.c. is the global parent company of the world-wide business operating under the “BP” logo. Defendants BP America, Inc. and BP America Production Company are wholly-owned subsidiaries of BP p.l.c. and are sufficiently controlled by BP p.l.c. so as to be BP p.l.c.’s agents in Texas. BP p.l.c. does substantial business in Texas, including within this judicial district, and may be served with process by serving its registered agent, C.T. Corporation System, at 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.

JURISDICTION AND VENUE

10. Plaintiffs’ First Amended Complaint is for patent infringement arising under the patent statutes, 35 U.S.C. § 101 *et seq.*, in particular 35 U.S.C. § 271.

11. This Court has subject matter jurisdiction over Plaintiffs’ claims under 28 U.S.C. §§ 1331 and 1338(a).

12. On information and belief, BP p.l.c., BP America, Inc., and BP America Production Company are subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district. For example, Houston is home to BP’s largest number of employees anywhere in the world, and BP America, Inc.’s Texas-based activities include oil and gas exploration and production, research and innovation, natural gas power and trading, petrochemical production

and wind power generation. BP America, Inc. has over 6000 Texas-based employees and supports over 28,000 Texas-based jobs. In 2014 BP America, Inc. paid over \$160 million in Texas-based royalty, property, production and state and federal income taxes, and spent over \$9 billion with Texas-based vendors. BP America, Inc., on its own and/or by and through BP America Production Company, owns and operates an East Texas Campus located at 886 Finklea Road in Hallsville, Texas. The Harrison County Campus supports BP's oil and natural gas operations in East Texas, including over 800 wells with associated compression, production and flow lines at and within Greg, Harrison, Panola, Rusk, Shelby and Upshur Counties. The Campus also supports drilling operations at and within the Haynesville Shale, with Texas-based operations at and within Angelina, Cass, Harrison, Marion, Nacogdoches, Panola, Rusk, Sabine, San Augustine and Shelby Counties. In addition, BP p.l.c., BP America, Inc., and/or BP America Production Company own, operate and/or license BP-branded service stations at and within this judicial district. BP p.l.c., BP America, Inc., and BP America Production Company have also purposefully availed themselves of jurisdiction by voluntarily and purposefully committing and continuing to commit acts of infringement in Texas and in this jurisdiction, including using infringing products sold by Emerson Electric, Emerson Process Management, Fisher Rosemount Systems, and/or Rosemount, including, upon information and belief, at and within the greater than 800 wells and associated compression, production and flow lines operated at and within Greg, Harrison, Panola, Rusk, Shelby and Upshur Counties.

13. On information and belief, Emerson Electric, Emerson Process Management, Rosemount, and Fisher-Rosemount Systems are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statue, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of

conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district. For example, Emerson Electric, Emerson Process Management LLP, Rosemount, and Fisher-Rosemount Systems conduct substantial business in Texas and in this judicial district, and have purposefully availed themselves of jurisdiction in this state and judicial district, including by voluntarily and purposefully committing and continuing to commit acts of infringement in this state and judicial district. In particular, Emerson Process Management has two places of business in Texas and has purposefully availed itself of the laws and benefits of doing business here by selling infringing products in Texas and in this judicial district. Rosemount has its principal place of business in Texas and has purposefully availed itself of the laws and benefits of doing business here by selling infringing products in Texas and in this judicial district. Emerson Electric maintains an office in this judicial district and thus has purposefully availed itself of the laws and benefits of doing business here, as well as by selling infringing products in Texas and in this judicial district. Fisher-Rosemount has purposefully availed itself of the laws and benefits of doing business here by selling infringing products in Texas and in this judicial district.

14. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and 1400(b) at least because a substantial part of the infringing acts of each Defendant have occurred and are occurring in this judicial district.

THE PATENTS-IN-SUIT

15. U.S. Patent No. 7,697,492 (“the ‘492 patent”) was duly and legally issued on April 13, 2010.

16. The ‘492 patent is entitled “Systems and Methods for Monitoring and Controlling Remote Devices.”

17. SIPCO owns the ‘492 patent.

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