

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KATCH KAN HOLDINGS USA, INC.;
KATCH KAN USA, LLC,

Plaintiffs,

v.

CAN-OK OIL FIELD SERVICES, INC.,

Defendant.

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CIVIL ACTION NO. 3:14-cv-2172

ORIGINAL COMPLAINT

Plaintiffs Katch Kan Holdings USA, Inc. and Katch Kan USA, LLC (collectively, “Katch Kan”) file this Original Complaint against Can-Ok Oil Field Services, Inc. as set forth below:

I. PARTIES

1. Plaintiff Katch Kan Holdings USA, Inc. (“Katch Kan Holdings”) is a Texas corporation with its registered agent for service at 1300 W. Sam Houston Parkway, Suite 340, Houston, Texas 77042.

2. Plaintiff Katch Kan USA, LLC (“Katch Kan USA”) is a Texas limited liability company with its principal place of business located at 1092 Old Hwy 105 W, Suite 102, Conroe, Texas 77304.

3. Defendant Can-Ok Oil Field Services, Inc. (“Can-Ok”) is a corporation organized under the laws of the State of Oklahoma, having a place of business located at 887 County Road 1405, Chickasha, Oklahoma 73018. Can-Ok is registered to do business in the State of Texas. Can-Ok may be served with a copy of this Original Complaint by serving its registered agent in the State of Texas, CT Corporation, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

II. NATURE OF THIS ACTION

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101, et seq., and particularly 35 U.S.C. §§ 271-287.

III. JURISDICTION AND VENUE

5. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. § 1338(a).

6. Defendant Can-Ok is subject to personal jurisdiction by virtue of its contacts with the State of Texas, and with the Northern District of Texas in particular. Can-Ok voluntarily does business in this district.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

IV. FACTS

8. On December 23, 2003, U.S. Patent No. 6,666,287 (“the ‘287 patent”) was duly and legally issued by the U.S. Patent and Trademark Office (“PTO”) to Mr. Quinn Holtby for an invention relating to a “Method And Apparatus For Enclosing An Oil Drilling Rig.” A true and correct copy of the ‘287 patent is attached hereto as Exhibit A. The ‘287 patent is presumed valid pursuant to 35 U.S.C. § 282.

9. On June 10, 2013, Mr. Quinn Holtby assigned the ‘287 patent to Katch Kan Holdings.

10. Katch Kan USA is the exclusive master dealer of Katch Kan products in the continental United States (lower 48 states). In Texas, Katch Kan USA rents to end users spill containment devices incorporating the technology of the ‘287 patent. These spill containment devices are marketed under Katch Kan’s “Zero Spill System” product line and have been very successful in the market since their introduction.

11. Can-Ok is an oil field services company providing drilling tool sales and rentals and inspection services related to the drilling of oil and gas wells. Can-Ok regularly provides equipment and services to drilling contractors and oilfield customers.

12. Can-Ok makes, uses, sells and/or offers to sell oil rig spill containment devices covered by the claims of the '287 patent when installed on an oil rig. Can-Ok has made, used, sold, or offered for sale the oil rig spill containment devices covered by the claims of the '287 patent in Wheeler County, Texas and Hemphill County, Texas. Can-Ok has used the oil rig spill containment devices and practiced the method claims of the '287 patent in Wheeler County, Texas and Hemphill County, Texas. Can-Ok's oil rig spill containment devices covered by the claims of the '287 patent have been used and installed on rigs operating in North Texas.

13. Can-Ok has also used and installed oil rig spill containment devices covered by the claims of the '287 patent in Western Oklahoma, including: Grady County, Oklahoma; Stephens County, Oklahoma; Washita County, Oklahoma; and Roger Mills County, Oklahoma. Can-Ok has also used and installed oil rig spill containment devices covered by the claims of the '287 patent in Western Louisiana, including in or around Shreveport, Louisiana.

14. Can-Ok has provided, installed, and used oil rig spill containment devices covered by the claims of the '287 patent for Continental Resources, Samson Resources, Unit Petroleum, EnerVest Operating, and Chesapeake Energy on rigs owned or operated by Nomac Drilling, L.L.C., Patterson UTI-Drilling Company LLC, Nabors Drilling USA LP, and Latshaw Drilling Company.

15. Can-Ok has provided, installed, and used oil rig spill containment devices covered by the claims of the '287 patent on the following rigs: Nomac 11, Nomac 10, Nomac 15, Nomac 51, Nomac 63, Nabors X06, Nabors X11, Nabors 270, Latshaw 9, Patterson 481, and Unit 327.

V. PATENT INFRINGEMENT CLAIMS

16. Paragraphs 1 – 15 are incorporated by reference.

17. Can-Ok has been, and still is, making, using, offering to sell, and/or selling products that infringe one or more valid claims of the ‘287 patent without authority or license from Katch Kan.

18. Upon information and belief, Can-Ok’s infringing activities have been willful and deliberate. Upon information and belief, Can-Ok was actually aware of the ‘287 patent and willfully committed acts of infringement.

19. As a result of Can-Ok’s infringing activities, Katch Kan has suffered actual damages in an amount to be determined at trial. Additionally, as a result of the willful and deliberate nature of Can-Ok’s infringing activities, Katch Kan is entitled to a trebling of its actual damages and is entitled to recover its attorney’s fees and costs incurred in prosecuting this action, as provided for in 35 U.S.C. §§ 284-285.

20. Can-Ok’s acts of infringement have caused irreparable harm to Katch Kan for which there is no adequate remedy at law, and will continue to cause irreparable harm to Katch Kan unless Can-Ok is preliminarily and permanently enjoined by this Court.

VI. PRAYER FOR RELIEF

Wherefore, Katch Kan respectfully requests that this Honorable Court enter judgment against Can-Ok, granting Katch Kan the following relief:

- A. a preliminary and permanent injunction enjoining Can-Ok, its owners, affiliates, officers, directors, managers, agents, servants, employees, trainees, and all persons in active concert or participation with it, from continuing to infringe United States Patent No. 6,666,287;
- B. a judgment that United States Patent No. 6,666,287 has been and continues to be directly infringed by Can-Ok;

- C. an award of damages adequate to compensate Katch Kan for Can-Ok's infringement of United States Patent No. 6,666,287;
- D. a determination that Can-Ok's infringement of United States Patent No. 6,666,287 has been willful and deliberate;
- E. an award of treble damages based on the willful and deliberate nature of Can-Ok's infringement;
- F. a determination that this case is "exceptional" under 35 U.S.C. § 285, thereby entitling Katch Kan to an award of its reasonable attorney's fees and costs incurred in prosecuting this action;
- G. an award of pre-judgment and post-judgment interest on all damages computed; and
- H. such other relief as this Court deems fair and appropriate.

DATED: June 12, 2014

Respectfully Submitted,

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