

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

WELLWORX ENERGY SOLUTIONS,LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 7:22-cv-00059
	§	
v.	§	JURY TRIAL DEMANDED
	§	
OILIFY NEW-TECH SOLUTIONS,INC.,	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT**

Plaintiff WellWorx Energy Solutions,LLC (“WellWorx” or “Plaintiff”) files this complaint against Defendant Oilify New-Tech Solutions,Inc. (“Oilify” or “Defendant”), and in support thereof, would respectfully allege as follows:

**I. PARTIES**

1. Plaintiff WellWorx Energy Solutions,LLC (“WellWorx” or “Plaintiff”) is a corporation organized and existing under the laws of the State of Texas with a principal place of business at 1004 Manor Street, Midland Texas 79703.

2. Oilify New-Tech Solutions, Inc. (“Oilify”) is a corporation organized and existing under the laws of Canada with a principal place of business at 144 Greenbriar Way NW, Calgary, Alberta T3B 6J1.

**II. JURISDICTION AND VENUE**

3. This Complaint includes claims for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338.

4. Defendant Oilify is subject to personal jurisdiction due to its contacts with the State of Texas, and in particular with the Western District of Texas. Oilify regularly transacts business within this district.

5. Defendant Oilify has committed acts of infringement in this district, including but not limited to manufacturing, importing, selling, and offering to sell infringing products in this district.

6. Venue is proper pursuant to 28 U.S.C. §§1391(b)-(c) and 28 U.S.C. §1400.

### **III. WELLWORX'S REVOLUTIONARY SAND DRAIN TECHNOLOGY**

7. When an oil well no longer has enough energy to flow naturally, some form of artificial lift is chosen to assist in delivering hydrocarbons to surface. Matt Raglin, WellWorx's founder and the inventor of the revolutionary sand drain technology, has been studying, improving, and designing products that aid in improving artificial lift practices and processes since 1985. He has taught artificial lift schools and conducted trainings for the last 25 years. These efforts have resulted in 14 issued patents and multiple patent applications currently pending in the realm of artificial lift.

8. Sand mitigation in oil wells is an old problem, but was never that detrimental until around 2010, when the explosion in the use of hydraulic fracturing resulted in an extraordinary increase in the amount of sand placed into these modern wells. The increased sand flowing back into the wellbore caused an increase in wear to the artificial lift systems, greatly reducing production time and increasing failure and maintenance costs.

9. Recognizing this and the fact that the industry lacked products effective at sand mitigation and control, Matt Raglin and his team set out to study and attempt to build more effective mitigation products. After much designing and testing, Matt Raglin invented the most

effective sand separator of the time. Although an improvement, the new separator only improved efficiency to around 60 to 65 percent. This was not good enough and so the team set out to find an even more efficient solution. The “eureka” moment came when Matt Raglin moved the sand discharge away from the pump suction. Testing revealed efficiencies of 95 to 99 percent, improving the separation ability to almost perfect. The patent application for this new technology was filed on June 11, 2019.

10. WellWorx has spent over 11 years, thousands of man hours, and hundreds of thousands of dollars perfecting and patenting this revolutionary technology.

#### **IV. WELLWORX’S PATENTS**

11. United States Patent No. 10,605,064 (“the ’064 Patent”) entitled “Sand and Solids Bypass Separator” issued on March 31, 2020 after fair and full examination by the United States Patent and Trademark Office (“Patent Office”). A true and correct copy of the ’064 Patent is attached hereto as **Exhibit A**.

12. United States Patent No. 11,199,080 (“the ’080 Patent”) entitled “Sand and Solids Bypass Separator” issued on December 14, 2021 after fair and full examination by the Patent Office. A true and correct copy of the ’080 Patent is attached hereto as **Exhibit B**.

13. WellWorx is the sole owner of the ’064 Patent and the ’080 Patent (together, the “Patents-in-Suit”).

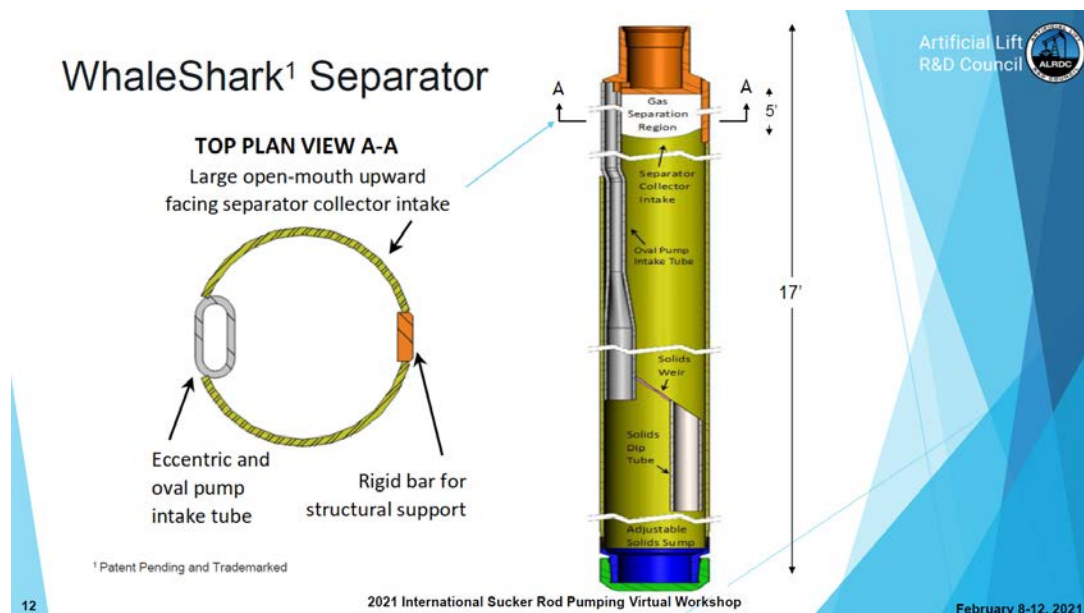
14. No other entity is licensed under the Patents-in-Suit, which means WellWorx is the only entity in the United States with the right to make, use, sell/rent, offer for sale/rent, or import any product, or to practice any method, embodying the inventions of the Patents-in-Suit.

15. The structure and use of WellWorx’s Helix™ sand and solids bypass separator tool is covered by claims in each of the Patents-in-Suit.

**V. DEFENDANT OILIFY’S INFRINGEMENT**

16. Defendant Oilify manufactures, imports, uses, sells and offers for sale a product line it calls the WhaleShark™ (hereinafter “Accused Product”). As of March 15, 2022, the Accused Product was being prominently advertised on the homepage of Oilify’s website (<http://www.oilify.com>), as shown below. A true and correct copy of that page as publicly available on March 15, 2022 is attached hereto as **Exhibit C**.

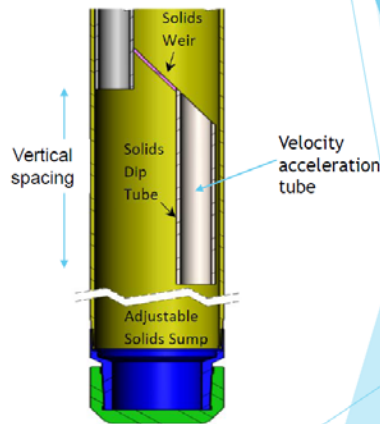
17. As of March 15, 2022, the Oilify website included a product page specific to the Accused Product ([https://img1.wsimg.com/blobby/go/12db4a0f-3537-4552-a081-37961d827895/Q2ALS\\_WhaleShark%20Sales%20Talking%20Points\\_v4.pdf](https://img1.wsimg.com/blobby/go/12db4a0f-3537-4552-a081-37961d827895/Q2ALS_WhaleShark%20Sales%20Talking%20Points_v4.pdf)), which purports to show its structure and benefits. A true and correct copy of that page as publicly available on March 15, 2022 is attached hereto as **Exhibit D**. On information and belief, Defendant Oilify gave a presentation at the 2021 International Sucker Rod Pumping Virtual Workshop, which contained further depictions of its purported structure. A true and correct copy of the presentation is attached hereto as **Exhibit E**. The depiction of the structure from the presentation has been reproduced below:



18. The Oilify presentation also contained a description of the benefits of WellWorx’s patented sand drain technology:

## Solids Separation and Containment

- ▶ Process sequence is of critical importance for solids separation– must separate gas before attempting to separate solids
  - Limitation of packer separators, as challenging to separate solids under high multiphase fluid velocities before gas is separated
- ▶ WhaleShark uses proven surface separator technology – a weir and a velocity acceleration tube
  - Velocity tube speeds up the fall rate of the solids and therefore making it more difficult for solids to turn upwards towards the pump intake tube
- ▶ Adjustable and retrievable solids collection sump uses standard mud joints



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2021 International Sucker Rod Pumping Virtual Workshop

February 8-12, 2021

19. The structure and operation of the Accused Product results in infringement of each of the Patents-in-Suit.

## VI. CAUSES OF ACTION

### COUNT 1 (INFRINGEMENT OF U.S. PATENT NO. 10,605,064)

20. WellWorx re-alleges the facts recited in Paragraphs 1 through 19, inclusive, as if fully set forth herein.

21. The '064 Patent is valid and is presumed valid under 35 U.S.C. § 282.

22. Oilify is not licensed under the '064 Patent.

23. Oilify infringes, and has infringed, literally or under the doctrine of equivalents, one or more claims of the '064 Patent by importing, making, using, offering to sell/rent and/or selling/renting the Accused Products.

24. WellWorx is suffering irreparable harm from Oilify's infringement of the '064 Patent. WellWorx has no adequate remedy at law and is entitled to an injunction against Oilify's continuing infringement of the '064 Patent.

25. WellWorx has suffered, and will continue to suffer, monetary damages as a result of Oilify's infringement of the '064 Patent. Each sale or rental of the Accused Product displaces WellWorx's sales of its patented Helix™ sand and solids bypass separator and, therefore, WellWorx is entitled to lost profits or at minimum a reasonable royalty.

**COUNT 2**  
**(INFRINGEMENT OF U.S. PATENT NO. 11,199,080)**

26. WellWorx re-alleges the facts recited in Paragraphs 1 through 25, inclusive, as if fully set forth herein.

27. The '080 Patent is valid and is presumed valid under 35 U.S.C. § 282.

28. Oilify is not licensed under the '080 Patent.

29. Oilify infringes, and has infringed, literally or under the doctrine of equivalents, one or more claims of the '064 Patent by importing, making, using, offering to sell/rent and/or selling/renting the Accused Products.

30. WellWorx is suffering irreparable harm from Oilify's infringement of the '080 Patent. WellWorx has no adequate remedy at law and is entitled to an injunction against Oilify's continuing infringement of the '080 Patent.

31. WellWorx has suffered, and will continue to suffer, monetary damages as a result of Oilify's infringement of the '080 Patent. Each sale or rental of the Accused Product displaces WellWorx's sales of its patented Helix™ sand and solids bypass separator and, therefore, WellWorx is entitled to lost profits or at minimum a reasonable royalty.

## **VII. JURY DEMAND**

32. WellWorx asserts its right under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues so triable.

## **PRAYER FOR RELIEF**

WellWorx prays for the following relief:

- a. A judgment that Defendant Oilify has infringed all Patents-in-Suit under all applicable provisions of Title 35, United States Code;
- b. An award of damages adequate to compensate WellWorx for Oilify's infringement and in no event less than a reasonable royalty, together with prejudgment interest;
- c. A permanent injunction prohibiting further infringement of the Patents-in-Suit;
- d. A judgment and order for increased damages in an amount not less than three times the damages assessed for Oilify's infringement of the Patents-in-Suit, in accordance with 34 U.S.C. § 284;
- e. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award to WellWorx for reasonable attorneys' fees, expenses, and costs incurred in this action;

- f. A judgment and order for increased damages in an amount not less than three times the damages assessed for OSI's infringement of the '081 Patent, in accordance with 34 U.S.C. § 284;
- g. An award of pre-judgment and post-judgment interest; and
- h. Such other relief as this Court or a jury may deem proper and just.

Dated: March 16, 2022

Respectfully submitted,

By: /s/ Christopher B. Trowbridge

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