

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

APOLLO LIGHTING SOLUTIONS INC.	§	
	§	
Plaintiff,	§	Civil Action No. 6:22-cv-800
	§	
v.	§	
	§	JURY TRIAL DEMANDED
C&M OILFIELD RENTALS, LLC	§	
D/B/A C-MOR ENERGY SERVICES,	§	
	§	
Defendant.	§	

**PLAINTIFF APOLLO LIGHTING SOLUTIONS INC.’S COMPLAINT FOR
PATENT INFRINGEMENT AND REQUEST FOR PRELIMINARY INJUNCTION**

Plaintiff Apollo Lighting Solutions Inc. (“Apollo”), by and through its undersigned counsel, files this Complaint for Patent Infringement and Request for Preliminary Injunction against C&M Oilfield Rentals, LLC d/b/a C-MOR Energy Services (“C&M”) and alleges as follows:

NATURE OF THE ACTION

1. This action seeks legal and equitable relief based on C&M’s unlawful infringement of U.S. Patent No. 11,391,121 which generally relates to lighting systems that may be used on the crown of a rig, such as a drilling rig.

PARTIES

2. Apollo is a Delaware corporation with a principal place of business at 7903 W. Industrial Avenue, Midland, TX, USA 79706.

3. C&M is a Wyoming limited liability company with its principal place of business located at 519 Circle Dr., Cody, WY USA 82414.

JURISDICTION AND VENUE

4. This is a civil action that arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, but not limited to, 35 U.S.C. §§ 271 and 281. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. The Court has both general and specific personal jurisdiction over C&M because C&M has principal places of business in the State of Texas and in this judicial district, and continuously and systematically conducts business in the State of Texas and in this judicial district. As disclosed on C&M's web site (<https://cmorenergy.com/contact-us/>), C&M has a "Texas Location" in Odessa, Texas and a "Texas Satellite Sales/Service Facility" in Midland, Texas. Additionally, C&M has recently submitted itself to this Court's jurisdiction by filing two actions, *C&M Oilfield Rentals, LLC D/B/A C-Mor Energy Services, v. Apollo Lighting Solutions Inc. and Cleantek Industries, Inc.*, Civil Action No. 6:21-cv-1113 (dismissed); and *C&M Oilfield Rentals, LLC D/B/A C-Mor Energy Services, v. Apollo Lighting Solutions Inc. and Cleantek Industries, Inc.*, Civil Action No. 6:21-cv-544 (pending). Exercising personal jurisdiction over C&M in this lawsuit comports with due process and traditional notions of fair play and substantial justice.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b), in that C&M resides in this district and is subject to personal jurisdiction in this district, and has committed acts of infringement and has a regular and established place of business.

FACTS

Apollo's HALO™ Crown-Mounted Lighting Systems

7. Apollo is the inventor of the HALO™ Crown-Mounted Lighting Systems, lighting systems which are attached to the crown of a rig designed to illuminate a well site.

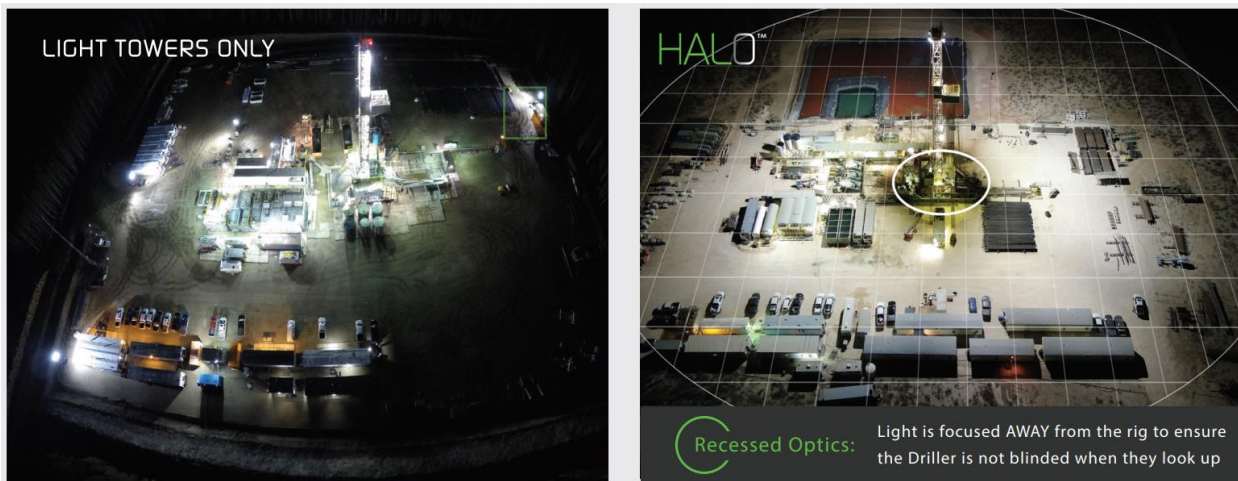
8. Apollo was the first company to provide a crown-mounted lighting system designed to illuminate an entire well site.

9. Prior to Apollo's HALO™ Crown-Mounted Lighting Systems, light towers, typically powered by dedicated diesel engines, were used to provide light at specific locations around a well site. These light towers could not be centrally located on the rig, and an operator would need to use multiple light towers spaced around the rig. This was inefficient and created inconsistent lighting.

10. Apollo's HALO™ Crown-Mounted Lighting Systems are more efficient and provide superior lighting than light towers.

11. Apollo's HALO™ Crown-Mounted Lighting Systems replace the light towers at a well site, which significantly decreases diesel consumption and eliminates the risk of spills of oil, diesel and coolant used by light towers.

12. The photos below show the superior well site illumination provided by Apollo's HALO™ Crown-Mounted Lighting Systems compared to light towers:



13. Apollo markets and leases the HALO™ Crown-Mounted Lighting Systems to customers nationwide.

14. Apollo has devoted substantial time, effort, and resources to the development and promotion of its HALO™ Crown-Mounted Lighting Systems and related patents. As a result, the HALO™ Crown-Mounted Lighting Systems are well known in the oil rig market and have achieved commercial success.

15. Apollo currently offers for lease both the frame based and frameless configurations of its HALO™ Crown-Mounted Lighting Systems.

C&M's Crown Jewel Crown-Mounted Lighting Systems

16. C&M is a company that offers and leases the Crown Jewel lighting system for installation and operation for rigs in the United States.

17. On information and belief, C&M began offering the Crown Jewel lighting system in 2018.

18. On information and belief, C&M markets, leases, and sells its Crown Jewel lighting systems to customers nationwide.

19. C&M's Crown Jewel lighting system competes directly with Apollo's HALO™ Crown-Mounted Lighting Systems.

20. C&M is Apollo's biggest competitor in the market of crown-mounted lighting systems.

21. C&M's Crown Jewel lighting system is designed to be installed on the crown of a rig.

22. C&M's Crown Jewel lighting system has been installed on many rigs in the United States.

23. C&M's web site depicts a photo of its Crown Jewel lighting system attached to the crown of a rig and illuminating the well site:

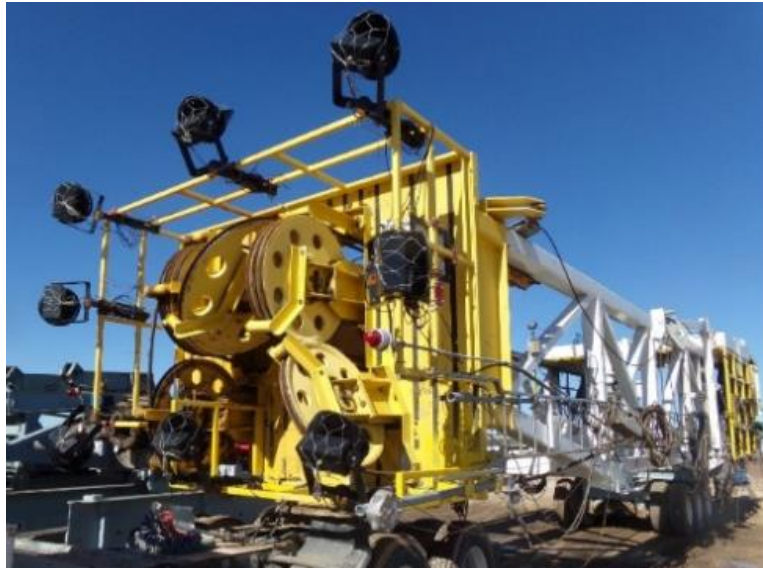


See <https://cmorenergy.com/crown-jewel-lights/> (June 28, 2022).

24. An example of a C&M Crown Jewel lighting system installed on a rig (depicted in a rig down position) is shown in the photo below:



25. Another example of a C&M Crown Jewel lighting system installed on a rig (depicted in a rig down position) is shown in the photo below:



26. C&M's Crown Jewel lighting systems utilize a plurality of light fixtures and a plurality of light fixture attachments. A light fixture is attached to each light fixture attachment.

27. C&M's Crown Jewel lighting systems utilize a plurality of light fixture attachments, and each light fixture attachment is separately attached to a rail of the crown of the rig.

28. The light fixture attachments of C&M's Crown Jewel lighting systems are separately attached to the crown on each of at least two sides.

29. C&M's Crown Jewel lighting systems utilize a bracket to attach a light fixture to each light fixture attachment.

30. Upon information and belief, C&M's Crown Jewel lighting systems utilize secondary containment to prevent the light unit from falling from the rig, and the secondary containment comprises a safety net and/or safety cable.

31. During installation of a C&M Crown Jewel lighting system on a rig, a light fixture is attached to a light fixture attachment.

32. During installation of a C&M Crown Jewel lighting system on a rig, a plurality of light fixture attachments are separately attached to the crown of the rig.

33. During installation of a C&M Crown Jewel lighting system to a rig, a plurality of light fixture attachments are removably attached to the crown of the rig.

34. During installation of a C&M Crown Jewel lighting system to a rig, a plurality of light fixture attachments are attached on each of at least two sides of the crown of the rig.

35. Upon information and belief, when installed on the crown of a rig and turned on, a C&M Crown Jewel lighting system provides lighting to more than 180 degrees around the site.

36. Upon information and belief, when installed on the crown of a drilling rig and turned on, a C&M Crown Jewel lighting system provides lighting to approximately 360 degrees around the drilling site.

Patent-In-Suit

37. On July 19, 2022, U.S. Patent No. 11,391,121 (“the ’121 Patent”) entitled “Drilling Rig With Attached Lighting System And Method,” was duly and legally issued by the U.S. Patent and Trademark Office to Matthew Gowanlock. A true and correct copy of the ’121 Patent is attached hereto as Exhibit 1.

38. Apollo is the assignee of the ’121 Patent and has all substantial rights to sue for infringement.

39. The ’121 Patent claims priority to U.S. Provisional Patent Application No. 62/381,941 filed on August 31, 2016, and the ’121 Patent published as U.S Patent Application Publication U.S. 2021/0381344 on December 9, 2021.

40. Claim 1 of the '121 Patent recites:

1. A lighting system for a rig comprising:

a plurality of light fixtures, and

a plurality of light fixture attachments;

wherein

one or more light fixtures are attached to each light fixture attachment;

each light fixture attachment is separately attached to a crown of the rig; and

one or more of the light fixture attachments are separately attached on each of

at least two sides of the crown.

41. Claim 14 of the '121 Patent recites:

14. A method of providing lighting to a drilling site comprising:

attaching at least one light fixture to a light fixture attachment; and

separately attaching a plurality of light fixture attachments to the crown of a rig,

wherein the light fixture attachments are removably attached on each of at least two

sides of the crown.

COUNT I – PATENT INFRINGEMENT

42. Apollo incorporates by reference and realleges Paragraphs 1–41 of its Complaint, as though fully set forth herein.

43. As the owner of the '121 Patent, Apollo is authorized and has standing to bring legal action to enforce all rights arising under the '121 Patent.

44. The '121 Patent is presumed valid pursuant to 35 U.S.C. § 282.

45. C&M had knowledge of U.S Patent Application Publication U.S. 2021/0381344 no later than June 13, 2022, when Apollo's counsel sent a copy of the publication to C&M's counsel.

The email sent to C&M's counsel stated: "Apollo asserts the claims of U.S. Patent Application Pub. No.: US 2021/0381344 read on C&M's Crown Jewel lighting systems."

46. C&M is not licensed or authorized to make, use, sell, offer to sell, or import any product or service that is covered by the claims of the '121 Patent.

47. On information and belief, either alone or in concert with others and without authorization or license from Apollo, C&M has directly infringed and will continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '121 Patent in violation of 35 U.S.C. § 271(a), including but not limited to Claims 1 and 14, every time C&M makes, uses, offers to sell, or sells a C&M Crown Jewel lighting system.

48. On information and belief, C&M has actual knowledge of the '121 Patent.

49. On information and belief, C&M has actual knowledge that their activities constitute direct, indirect, or joint infringement of the '121 Patent, or have willfully blinded themselves to the infringing nature of their activities, and yet continue their infringing activities.

50. On information and belief, C&M is actively inducing customers to directly infringe one or more claims of the '121 Patent and/or are contributing to others' infringement of one or more claims of the '121 Patent.

51. On information and belief, C&M's ongoing infringement of the '121 Patent will be willful, deliberate and intentional.

52. C&M's infringement of the '121 Patent is causing Apollo to suffer and will continue to suffer irreparable harm for which there is no adequate remedy at law, unless C&M is preliminarily and permanently enjoined by this Court.

53. C&M's infringing activities are damaging Apollo in an amount to be determined at trial. Additionally, the willful and deliberate nature of C&M's infringing activities entitles Apollo to recover trebled actual damages and to recover its attorneys' fees and costs incurred in this action.

JURY DEMAND

54. Apollo demands a trial by jury on all issues presented in Complaint so triable.

PRAYER FOR RELIEF

WHEREFORE, Apollo asks this Court to enter judgment against C&M, C&M's subsidiaries, affiliates, agents, servants, employees, and all persons in active concert or participation with C&M, and grant the following relief:

- (A) A finding that C&M has directly and indirectly infringed the '121 Patent;
- (B) A preliminary and permanent injunction enjoining C&M, its owners, affiliates, officers, directors, managers, agents, servants, employees, trainees, and all persons in active concert or participation with them, from continuing to infringe the '121 Patent, including but not limited to under 35 U.S.C. § 283;
- (C) An award of damages adequate to compensate Apollo for C&M's infringement of the '121 Patent under 35 U.S.C. § 284;
- (D) A determination that C&M's infringement of the '121 Patent has been willful and deliberate;
- (E) A determination that this case is "exceptional" under 35 U.S.C. § 285, thereby entitling Apollo to an award of its reasonable attorneys' fees and costs incurred in prosecuting this action;
- (F) An award of enhanced damages under 35 U.S.C. § 284 of treble damages based on the willful and deliberate nature of C&M's infringement;

- (G) An award of pre-issuance damages under 35 U.S.C. § 154(d);
- (H) An award of pre-judgment and post-judgment interest on all damages computed;
- (I) An award of court costs and attorneys' fees as allowed by applicable law; and
- (J) Such other relief as this Court deems fair, just, and appropriate.

Dated: July 19, 2022

Respectfully submitted,



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