

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**iBall Instruments LLC, an Oklahoma
limited liability company,**

Plaintiff,

v.

**RigRooster LLC, an Oklahoma limited
liability company,**

Defendant.

Case No. CIV-24-390-HE

COMPLAINT

Plaintiff iBall Instruments, LLC (“Plaintiff”) for its Complaint against Defendant RigRooster LLC (“Defendant”) states the following:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is an Oklahoma limited liability company with its principal place of business in Norman, Oklahoma.

2. Defendant is an Oklahoma limited liability company with its principal place of business in Oklahoma City, Oklahoma, and may be served through its registered agent, Randy Neal at 6309 Overcourt Manor, Oklahoma City, Oklahoma 73132, or wherever he may be found.

3. This Court has subject matter jurisdiction over Plaintiff’s claims under 28 U.S.C. §§ 1331 and 1338(a) because they arise under federal law and, more specifically, under the U.S. Patent Act, 35 U.S.C. § 1 *et seq.*

4. This Court has personal jurisdiction over Defendant because it is an Oklahoma limited liability company, its principal place of business is in Oklahoma, and a substantial portion of the acts that constitute the infringement in this Complaint took place in Oklahoma.

5. Pursuant to 28 U.S.C. § 1400(b), venue is proper in the Western District of Oklahoma because Defendant resides in this district, continues to commit acts of infringement in this district, and maintains its regular place of business in this district.

BACKGROUND FACTS

6. All preceding Paragraphs are incorporated herein.

7. Plaintiff is an Oklahoma-based company that has researched, developed, and patented several, unique methods and systems of detecting and extracting raw natural gases during the exploration of oil and gas in the drilling process.

8. Particular to this action, Plaintiff is the owner/assignee of U.S. Patent No. 10,234,437 (the “**437 Patent**”, attached hereto as Exhibit 1), which covers a device and associated method that detects raw natural gases, including hydrocarbons, by utilizing multiple sensors and sensor technologies according to various predetermined logical algorithms to detect the types and amounts of gases present in a single sample of drilling “mud” during the drilling process.

9. Plaintiff has learned of a device made, sold, offered for sale, and used by Defendant that detects raw natural gases during the drilling process in the same or similar manner as detailed in the ‘437 Patent. Accordingly, on information and belief, Defendant’s

device and associated method (collectively referred to as the “**Rig Rooster**”) is infringing of the ‘437 Patent.

10. Despite Plaintiff’s prior notice to Defendant that the Rig Rooster is infringing of the ‘437 Patent, including but not limited to claim 1 thereto, Defendant nevertheless continues to make, sell, offer for sale, and use the Rig Rooster in the United States.

11. Therefore, to protect its patent rights and preserve the status quo, Plaintiff seeks preliminary and permanent injunctions ordering Defendant to refrain from making, using, selling, offering to sell any device and/or method, including the Rig Rooster, covered by any of the claims of the ‘437 Patent, as well as other relief set forth herein.

COUNT ONE
(Infringement of the ‘437 Patent)

12. All preceding Paragraphs are incorporated herein.

13. The ‘437 Patent was duly and legally issued on March 19, 2019.

14. The ‘437 Patent was duly and legally assigned to Plaintiff, and Plaintiff owns and has full rights to sue and recover for damages for infringement of the ‘437 Patent.

15. The ‘437 Patent is valid and enforceable.

16. The Rig Rooster is covered by one or more claims of the ‘437 Patent.

17. Defendant has directly infringed the ‘437 Patent under 35 U.S.C. § 271(a) at least by making, manufacturing, using, selling and/or offering to sell the Rig Rooster in the United States.

18. Defendant has induced infringement of the ‘437 Patent under 35 U.S.C. § 271(b) at least because, with knowledge of the ‘437 Patent, it has sold the Rig Rooster in

the United States for others to use in drilling operations, which are acts of direct infringement, with specific intent that they do so.

19. Plaintiff has been and will continue to be damaged by Defendant's infringement in an amount to be determined at trial.

20. Plaintiff has been suffering irreparable harm due to Defendant's infringement and will continue to suffer irreparable harm unless and until Defendant is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

A. A finding that Defendant has directly infringed one or more claims of the '437 Patent under 35 U.S.C. § 271(a).

B. A finding that Defendant has induced infringement of one or more claims of the '437 Patent under 35 U.S.C. § 271(b).

C. Preliminary and permanent injunctive relief enjoining Defendant and their officers, directors, managers, employees, affiliates, agents, representatives, parents, subsidiaries, successors, assigns, those in privity with them, and all others aiding, abetting, or acting in concert or active participation therewith, from making, using, selling, offering to sell, or importing in the U.S. any device or method, including the Rig Rooster, covered by the '437 Patent or otherwise directly or indirectly infringing the '437 Patent.

D. Compensatory damages under 35 U.S.C. § 284.

E. Treble damages under 35 U.S.C. § 284.

F. An order that Defendant account to Plaintiff for all sales, revenues, and profits derived from their infringing activities and that three times those profits be disgorged and paid to Plaintiff under 35 U.S.C. § 284.

G. A finding that Defendant's infringement was willful and exceptional and an award of attorneys' fees and litigation-related expenses under 35 U.S.C. § 285 and the Court's inherent authority.

H. Pre-judgment and post-judgment interest.

I. Costs of the action.

J. Such other and further relief as allowed at law or in equity that the Court deems appropriate.

Dated: April 16, 2024

Respectfully submitted,

/s/ Daniel V. Carsey

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