

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

DEL CORPORATION,

Plaintiff,

v.

OSC RENTALS, LLC f/k/a  
OSC ENERGY, LLC,

Defendant.

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Civil Action No. 2:24-cv-152

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff DEL CORPORATION (“Plaintiff” or “DEL”), by its attorneys, for its Complaint against Defendant OSC RENTALS, LLC f/k/a OSC ENERGY, LLC (“Defendant” or “OSC”) alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for infringement of United States Patent No. 11,173,425 (the “Asserted Patent”) arising under the patent laws of the United States, Title 35, United States Code, Sections 100 *et seq.* This action relates to OSC’s unauthorized manufacture, use, and commercialization of vertical degassers falling within the scope of the Asserted Patent (the “Accused Degassers”). OSC uses the Accused Degassers in conjunction with DEL’s separately patented flowback separation system known as the Sandcat™ system.

**THE PARTIES**

2. DEL is a corporation organized and existing under the laws of the State of Louisiana, having a principal place of business at 436 HWY 93, Scott, Louisiana 70583. DEL is engaged in the manufacture and supply of customized tank systems and equipment for a variety of

applications including dredging, dewatering, solids separation (including flowback operations), solids control, and solids handling.

3. Upon information and belief, OSC is a limited liability company organized and existing under the laws of the State of Texas, having a principal place of business at 952 FM 99, Whitsett, Texas 78075. Upon information and belief, OSC is engaged in the rental of equipment used in oil and gas operations, including solids separation equipment for flowback operations.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent infringement).

5. This Court has personal jurisdiction over OSC because, among other things, OSC has purposely availed itself of the rights and benefits of the laws of the State of Texas by engaging in systematic and continuous contacts with the state such that it should reasonably anticipate being hauled into court here. For example, OSC is registered to conduct business in Texas, under Filing Number 801899363, and has a regular and established place of business in this district at 952 FM 99, Whitsett, Texas 78075. Additionally, this Court has personal jurisdiction over OSC because OSC, on information and belief, has purposefully availed itself of the rights and benefits of the law of the State of Texas by engaging in acts of infringement of the Asserted Patent by manufacturing, using, offering for rental or sale, and/or renting or selling the Accused Degassers in this district.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b). On information and belief, OSC resides in this district at 952 FM 99, Whitsett, Texas 78075, has committed acts of infringement of the Asserted Patent in this district by manufacturing, using,

offering for rental or sale, and/or renting or selling the Accused Degassers, and has a regular and established place of business in this district at 952 FM 99, Whitsett, Texas 78075.

**COUNT 1: PATENT INFRINGEMENT**

7. DEL repeats and incorporates by reference the allegations of paragraphs 1-6 above.

8. On November 16, 2021, the U.S. Patent and Trademark Office duly and legally issued the Asserted Patent, titled “Vertical Gas Diffusing Device.” A true and correct copy of the Asserted Patent is attached as Exhibit A. The claims of the Asserted Patent are drawn to an assembly for and method of diffusing gas from a first slurry recovered from a hydrocarbon well. The claims of the Asserted Patent carry a presumption of validity under 35 U.S.C. § 282(a) and are enforceable.

9. DEL is the owner of the entire right, title, and interest in the Asserted Patent by assignment, and possesses the right to sue for and obtain equitable relief and damages for infringement of the Asserted Patent.

10. On information and belief, OSC has directly infringed and continues to directly infringe the Asserted Patent by making, using, selling, and offering for sale in the United States (and in this district), and/or importing into the United States the Accused Degassers (an example of which is shown in the photographs attached as Exhibit B) embodying the invention defined by one or more claims of the Asserted Patent, without authority or license from DEL. More particularly, on information and belief and after a reasonable investigation, OSC has infringed and continues to infringe at least Claim 1 of the Asserted Patent because the Accused Degassers include every limitation of Claim 1.

11. Claim 1 of the Asserted Patent recites (wherein the bracketed letter/numbers are included for ease of reference):

[P]	1. An assembly for diffusing gas from a first slurry recovered from a hydrocarbon well, comprising:
[1]	an open-bottomed housing having a top portion, a mid-portion, and a bottom portion, wherein the bottom portion includes an opening configured for conveying a second slurry from inside of the housing to outside of the housing;
[2]	one or more intake conduits extending through the mid-portion of the housing, the one or more intake conduits being configured to receive the first slurry recovered from the hydrocarbon well via an outer portion of each of the one or more intake conduits located outside of the housing and to convey the first slurry to an inner portion of each of the one or more intake conduits located inside of the housing;
[3]	a gas diffusing channel formed in the housing and extending vertically through the top-portion of the housing, wherein the gas diffusing channel is configured to convey diffused gas from the first slurry from inside of the housing to outside of the housing; and
[4]	a dumping assembly comprising: a port located at the mid-portion of the housing; and a dump valve coupled to the port at the mid-portion.

12. The Accused Degassers include an open-bottomed housing; the opened-bottom housing has a top portion, a mid-portion, and a bottom portion; and the bottom portion includes an opening configured for conveying a second slurry from inside of the housing to outside of the housing, all of which corresponds to element [1] as recited in Claim 1. *See*, Exhibit B.

13. The Accused Degassers include one or more intake conduits extending through the mid-portion of the housing; the one or more intake conduits are configured to receive the first slurry recovered from the hydrocarbon well via an outer portion of each of the one or more intake conduits located outside of the housing and to convey the first slurry to an inner portion of each of the one or more intake conduits located inside of the housing, all of which corresponds to element [2] as recited in Claim 1. *See*, Exhibit B.

14. The Accused Degassers include a gas diffusing channel formed in the housing and extending vertically through the top-portion of the housing; the gas diffusing channel is configured to convey diffused gas from the first slurry from inside of the housing to outside of the housing, all of which corresponds to element [3] as recited in Claim 1. *See*, Exhibit B.

15. The Accused Degassers include a dumping assembly comprising a port located at the mid-portion of the housing and a dump valve coupled to the port at the mid-portion, all of which corresponds to element [4] as recited in Claim 1. *See*, Exhibit B.

16. Upon a reasonable opportunity for discovery, it is anticipated that DEL will identify additional claims of the Asserted Patent infringed by the Accused Degassers and/or identify additional products made, used, offered for sale, or sold by OSC that infringe the Asserted Patent.

17. DEL has complied with the marking and notice requirements of 35 U.S.C. § 287.

18. OSC has had knowledge of the Asserted Patent and its infringement thereof at least since receiving a notice letter from DEL dated March 15, 2024.

19. DEL has suffered and continues to suffer injury, including irreparable injury, as a result of OSC's infringement. DEL is therefore entitled to preliminary and permanent injunctive relief restraining and enjoining OSC from infringing the Asserted Patent in accordance with 35 U.S.C. § 283.

20. By reason of OSC's infringement, DEL is suffering and will continue to suffer substantial damages in an amount to be determined at trial. In accordance with 35 U.S.C. § 284, DEL is entitled to recover damages adequate to compensate it for OSC's infringement, together with interest and costs as fixed by the Court.

21. OSC's infringement of the Asserted Patent is willful and deliberate, entitling DEL to enhanced damages under 35 U.S.C. § 284.

22. OSC's infringement of the Asserted Patent is exceptional, entitling DEL to attorney's fees incurred in prosecuting this action under 35 U.S.C. § 285.

### **PRAYER FOR RELIEF**

WHEREFORE, DEL respectfully prays that this Court enter judgment in its favor against OSC and grant the following relief:

1. A judgment that OSC has infringed one or more claims of the Asserted Patent;
2. An order preliminarily and permanently restraining and enjoining OSC, its officers, directors, agents, attorneys, members, managers, employees, affiliates, representatives, parents, subsidiaries, successors, and assigns, and those acting in privity or concert with OSC, from engaging in the manufacture, use, offer for sale or sale within the United States, or importation into the United States, of any product covered by the Asserted Patent, including but not limited to the Accused Degassers, or otherwise infringing the Asserted Patent, until after the expiration date of the Asserted Patent;
3. An award of pre- and post- judgment interest as allowed by law;
4. Damages or other monetary relief to DEL, including an award of damages to DEL in an amount adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no event shall be less than a reasonable royalty, together with costs and trebled damages;
4. Reasonable attorney's fees relating to this action pursuant to 35 U.S.C. § 285; and
5. Such other and further relief as the Court may deem just and proper.

### **DEMAND FOR TRIAL BY JURY**

DEL demands a trial by jury on all issues that are so triable.

Respectfully submitted,

Dated: July 3, 2024

/Michael K. Leachman/

Michael K. Leachman, Attorney-In-Charge  
La. Bar No. 30158, SDTX No. 3567423  
JONES WALKER LLP  
445 North Boulevard, Suite 800  
Baton Rouge, LA 70802  
Tel.: (225) 248-2000  
Fax: (225) 248-2010  
Email: mleachman@joneswalker.com

Robert L. Waddell  
La. Bar No. 23585, SDTX No. 21282  
Sara I. Grasch  
La. Bar No. 40376, SDTX No. 3887100  
JONES WALKER LLP  
600 Jefferson Street, Suite 1600  
Lafayette, Louisiana 70501  
Tel.: (337) 593-7600  
Fax: (337) 593-7601  
Email: rwaddell@joneswalker.com  
sgrasch@joneswalker.com

***Attorneys for Plaintiff DEL Corporation***