

Sheppard Mullin Houston Team Secures Permanent Injunction for M-I LLC

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Sheppard Mullin Houston partners John Keville, Michelle Replogle and Rob Green secured a permanent injunction for Schlumberger Limited subsidiary M-I LLC against competitor FPUSA, in a final judgment issued by U.S. District Court Judge David Ezra in San Antonio, Texas, on July 15, 2022. Judge Ezra also denied FPUSA's two remaining equitable defenses, the latest win in a yearslong patent fight.

Background on the case:

M-I LLC brought the case in 2015, shortly after its patent on vacuum-assisted drilling equipment issued. The team secured a rare preliminary injunction for the client, which was affirmed on appeal by the Court of Appeals for the Federal Circuit. After delays caused by the defendant's bankruptcy filed in Houston and ultimately dismissed as a delay tactic, and further delays due to COVID-19, the case was finally tried in late 2021.

On July 15, the jury returned a complete verdict in M-I's favor, finding M-I's patent valid and infringed, rejecting a myriad of FPUSA's defenses and awarding the full lost profits damages M-I incurred before the preliminary injunction. The jury also found FPUSA induced infringement, a finding of intent that opens the door for M-I to recover enhanced damages. After trial, M-I moved for a permanent injunction. The district court found M-I was irreparably harmed by continued infringement and entered the injunction, precluding the defendant from offering its competing product for the life of M-I's patent. Invaluable support was provided by Maria Rodriguez, Sydney Lopez and Jasmine Zelaya.

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Practice Areas

Intellectual Property

Industries

Energy, Infrastructure and Project Finance