

Sheppard Mullin Represents Cameron International Corp. in \$8.9 Million Fracking Patent Infringement Verdict

Verdict subject to treble damages

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A jury in the U.S. District Court for the Southern District of Texas today awarded Sheppard Mullin client Cameron International Corp. (“Cameron”) \$8.9 million in damages after finding that Nitro Fluids LLC (“Nitro”) willfully infringed two of its patents covering aspects of certain fracking systems used in oil and gas production. The award included \$5.5 million in lost profits and \$3.4 million in royalties. Because the jurors found Nitro Fluids’ infringement was willful, the damages are subject to trebling in further proceedings.

Cameron developed the “Monoline Fluid Delivery System” to simplify and make the fracking process safer and more efficient and has been awarded a family of patents that protect its innovative technology. Two of the patents were at issue in the trial. Prior to trial, Cameron obtained a summary judgment ruling that Nitro infringed one claim, which caused Nitro to later concede infringement of the remaining claims. Earlier in the case, Cameron successfully defeated two *Inter Partes Review* petitions filed by Nitro attempting to invalidate patents before the Patent Trial and Appeal Board, and in a third *IPR* Nitro succeeded in invalidating some claims in the ‘800 patent, one of the patents that was ultimately at issue in the trial. However, at trial, the jury rejected Nitro’s attempts to show the prior art rendered a single claim in either patent invalid, and awarded Cameron lost profits for some of the infringing sales and a royalty for the remainder.

“Nitro claimed there was nothing new in the Cameron patents, bringing several witnesses who were involved in prior art systems plus a technical expert—and the jury rejected them across the board. After choosing not to take a license, unlike some others in the industry, twelve jurors unanimously told Nitro its infringement was willful, subjecting Nitro to enhanced damages,” said Sheppard Mullin partner John Keville, who represented Cameron in the litigation. He noted that several other companies in the fracking technology space had attorneys sitting in during every day of trial. “Today’s unanimous verdict should make clear that Cameron was and is an innovator in the market for this technology.”

Cameron is a subsidiary of Schlumberger NV, a global technology company.

The case is Cameron International Corp. v. Nitro Fluids LLC, S.D. Tex., 4:18-cv-02533.

The Sheppard Mullin trial team included John Keville and Michael Krill.

Attorneys

John Keville

Michael C. Krill

Practice Areas

Intellectual Property

Litigation

Patent Litigation