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FILED VIA EDIS

March 1, 2022

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. INTERNATIONAL TRADE COMMISSION
500 E Street, SW., Room 112A
Washington, DC 20436

Re: *In the Matter of Core Orientation Systems, Products Containing Core Orientation Systems, Components Thereof, And Methods Of Using The Same; Inv. No. 337-TA-XXX*

Dear Secretary Barton:

Australian Mud Company Pty Ltd. (“AMC”) and Reflex USA LLC (“Reflex”) (collectively, “Complainants”) respectfully request that the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning core orientation systems, products containing core orientation systems, components thereof, and methods of using the same. In accordance with the Commission’s modified filing requirements, 85 Fed. Reg. 15,798 (dated Mar. 19, 2020), please find enclosed the documents in support of Complainants’ request, including the following:

1. One (1) electronic copy of Complainants’ Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i);
2. One (1) electronic copy of Complainants’ letter and certification requesting confidential treatment of several confidential exhibits, pursuant to Commission Rules 210.5(d) and 201.6(b);
3. One (1) electronic copy of Complainants’ Statement on the Public Interest, pursuant to Commission Rules 210.8(a)(1)(i) and 201.8(b);
4. One (1) electronic copy of the public exhibits to the Complaint, pursuant to Commission Rule 210.8(a)(1)(ii), including:
 - One (1) electronic, uncertified copy of U.S. Patent No. 7,584,055 (the “Asserted Patent”) with corresponding, certified copy to be subsequently provided when available for the uncertified copy currently being submitted;

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The Honorable Lisa R. Barton, Secretary
U.S. International Trade Commission
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- One (1) electronic, uncertified copy of the assignment records for each Asserted Patent with corresponding, certified copy to be subsequently provided when available for the uncertified copy currently being submitted; and
 - One (1) electronic, uncertified copy of the prosecution history for each Asserted Patent with corresponding, certified copy to be subsequently provided when available for the uncertified copy currently being submitted;
5. One (1) electronic copy of the confidential exhibits to the Complaint, pursuant to Commission Rule 210.8(a)(1)(ii); and
 6. One (1) electronic copy of a patent and applicable pages of each technical reference mentioned in the respective prosecution histories of the Asserted Patent, pursuant to Commission Rule 210.12(c)(2).

Complainants confirm that they will serve copies of the non-confidential versions of the Complaint and all associated exhibits and appendices upon the institution of this investigation on the proposed Respondents consistent with 19 C.F.R. part 201 (including 19 C.F.R. §201.16) and the Temporary Procedures.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions regarding this submission.

Respectfully submitted,

/s/ Jessica C. Hill

Jessica C. Hill

*Counsel for Complainants Australian Mud
Company Pty Ltd. ("AMC") and Reflex USA
LLC*

Enclosures

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The Honorable Lisa R. Barton
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500 E Street, SW., Room 112A
Washington, DC 20436

Re: *In the Matter of Core Orientation Systems, Products Containing Core Orientation Systems, Components Thereof, And Methods Of Using The Same; Inv. No. 337-TA-XX*

Dear Secretary Barton:

Pursuant to U.S. International Trade Commission's (the "Commission") Rules of Practice and Procedure (the "Rules") 201.6 and 210.5, 19 C.F.R. §§ 201.6, and 210.5, Australian Mud Company Pty Ltd. ("AMC") and Reflex USA LLC ("Reflex") (collectively, "Complainants") respectfully requests confidential treatment of certain confidential business information contained in Confidential exhibits 3C, 13C 21C, 22C, and 29C to the Verified Complaint.

The information for which confidential treatment is sought is proprietary commercial information not otherwise publicly available. Specifically, Confidential Exhibits 3C, 13C 21C, 22C, and 29C contain proprietary commercial information concerning Complainants' products, licensing of the patents at issue in this investigation, and investments in the domestic industry.

The information described above qualifies as confidential business information pursuant to Rule 201.6(a) because:

1. It is not available to the public;
2. Unauthorized disclosure of such information could cause substantial harm to the competitive position of Complainants; and
3. The disclosure of such information could impair the Commission's ability to obtain information necessary to perform its statutory function.

We therefore respectfully request that the Commission afford confidential treatment to Confidential Exhibits 3C, 13C 21C, 22C, and 29C.

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The Honorable Lisa R. Barton, Secretary
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If the Commission decides not to grant such confidential treatment to these Confidential Exhibits, we respectfully ask the Commission to contact us promptly so that we may have an opportunity to explain our request for confidential treatment to the Commission.

Complainants' filing of such Confidential Exhibits should not be construed as any waiver of any right to confidentiality that may otherwise be available. Complainants reserve the right to request the return of any confidential information to which the Commission decides not to afford confidential treatment.

Please contact me with any questions regarding this filing.

Respectfully submitted,

/s/ Jessica C. Hill

Jessica C. Hill

*Counsel for Complainants Australian Mud
Company Pty Ltd. ("AMC") and Reflex USA
LLC*

CERTIFICATION

I, Jessica C. Hill, counsel for Australian Mud Company Pty Ltd. (“AMC”) and Reflex USA LLC (“Reflex”) (collectively, “Complainants”), declare:

1. I am duly authorized by Complainants to execute this certification.
2. I have reviewed the Confidential Exhibits 3C, 13C 21C, 22C, and 29C to the Complaint, for which confidential treatment has been requested.
3. To the best of my knowledge, information, and belief, founded after reasonable inquiry, substantially-identical information is not available to the public, except potentially as noted in the accompanying submission letter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that the statement made upon information and belief are believed by me to be true.

Executed this 1st day of March 2022, in Washington, DC.

/s/ Jessica C. Hill
Jessica C. Hill

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In The Matter Of

**CORE ORIENTATION SYSTEMS,
PRODUCTS CONTAINING SAME, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-____

COMPLAINANTS' PUBLIC INTEREST STATEMENT

Australian Mud Company Pty Ltd. (“AMC”) and Reflex USA LLC (“Reflex”) (collectively, “Complainants”) respectfully submit this statement regarding the public interest pursuant to Commission Rule 210.8(b). 19 C.F.R. § 210.8(b).

In this Investigation, Complainants seek a limited exclusion order barring importation of certain core orientation systems, products containing the same, and components thereof that are used to determine the orientation of a core drilled from the earth in a manner that infringes one or more claims of the Asserted Patent as defined in the Complaint, and that are imported, sold for importation, and/or sold after importation by Proposed Respondents Boart Longyear Group Ltd., Boart Longyear Limited, Boart Longyear Company, Boart Longyear Manufacturing and Distribution Inc., Longyear TM, Inc., Globaltech Corporation Pty Ltd., Globaltech Pty Ltd., Granite Construction Incorporated, and International Directional Services LLC (the “Accused Products”). In addition, Complainants seek cease and desist orders prohibiting Proposed Respondents and their subsidiaries, related companies, distributors, and agents from engaging in further unfair acts relating to the Accused Products.

This Investigation does not present a situation in which the Commission, the parties, or the public should expend the time or resources to undertake discovery and trial on the public interest before the presiding Administrative Law Judge (“ALJ”). As detailed herein, issuance of the relief requested will not adversely impact the public health, safety, or welfare conditions in

the United States; competitive conditions in the U.S. economy; the production of like or directly competitive articles in the United States; or U.S. consumers. Moreover, the requested remedial orders will provide effective relief from the ongoing patent infringement by Proposed Respondents and will address Proposed Respondents' unfair competition. As the Commission has stated, "[T]he public interest favors the protection of U.S. intellectual property rights by excluding infringing imports."¹ Accordingly, issuing the requested remedies in this Investigation will serve, not impair, the public interest.

I. How the Accused Products Are Used in the United States

The Accused Products are core orientation systems, components thereof, and products containing the same that are used to determine the orientation of a core drilled from the earth in a manner that infringes one or more claims of U.S. Patent No. 7,584,055 (the "'055 Patent" or the "Asserted Patent"), as further defined in the Complaint herein. Subject to further discovery, the Accused Products at least the TruCore core orientation system, including without limitation the TruCore V5 (also referred to as the Orifinder V5) and the TruCore UPIX (also referred to as the Orifinder UPIX), components thereof (e.g., the TruCore tool, the TruCore handheld, and other components included within the TruCore kit), and products containing the same (e.g., core drills and inner tube assemblies containing a TruCore tool).² The Accused Products are used by U.S. consumers for geological surveying and mining operations. As explained herein, none of these consumer uses raises a public interest concern should remedial orders be issued, including

¹ *Certain Electrical Connectors & Prods. Containing Same*, Inv. No. 337-TA-374, USITC Pub. 2981, Comm'n Op. on Remedy, Public Interest, and Bonding, at 19 (July 1996).

² This identification of an exemplary model of Accused Product is intended purely for illustration and is not intended to limit the scope of the Investigation. Any remedy should extend to all present and future infringing products of each Respondent, including products made by any named Respondent for third parties and sold under third party brand names, regardless of model number or type of product.

because Complainant Reflex and other providers of like or directly competitive products could amply fill any shortfall in supply.

II. No Public Health, Safety, or Welfare concerns Relating to the Requested Remedy

The requested remedial orders would not adversely affect public health, safety, or welfare in the United States. Specifically, the Accused Products are not medical or health devices, are not otherwise health-related, and are not essential for public health or welfare. Moreover, as explained below, there are alternative sources of like and directly competitive products in the United States and, on information and belief, no health or safety features are unique to the Proposed Respondents' Accused Products.

III. Complainant Reflex and Third Parties Make Like or Directly Competitive Products that Could Readily Replace the Accused Products

Complainant Reflex and other third parties provide like or directly competitive articles that could replace the Accused Products following the issuance of remedial orders. Reflex currently provides its proprietary core orientation systems—the Reflex ACT III—in the U.S. market. Reflex is one of the largest market suppliers thereof and has the capacity to expand accordingly.³ Moreover, companies such as Devico⁴, Axis Mining Technology⁵, and Stockholm Precision Tools⁶, could provide core orientation systems in the U.S.

³ Confidential Exhibit 22C to Complaint (Hinkley Decl.), ¶ 7.

⁴ <https://www.devico.com/product/devicore-bbt/>

⁵ <https://axisminetech.com/instrumentation/champ-ori/>

⁶ <https://sptab.com/core-retriever/>

IV. Complainant Reflex Has the Capacity to Replace the Volume of Articles Subject to Remedial Orders within Commercially Reasonable Time

Complainant Reflex has the capacity to replace, within a commercially reasonable period of time, the volume of products potentially subject to remedial orders in this Investigation. As explained above, Reflex is market leader in core orientation systems, including in the U.S. market.⁷ And Reflex have the capacity to expand to supply 100% of the U.S. market for driller-operated core orientation systems.⁸ Finally, Reflex is currently expanding its U.S. facilities.⁹ Complainants therefore could adequately fill the volume of Accused Products subject to a remedy within a commercially reasonable period of time.

V. The Requested Remedial Orders Would Not Adversely Impact Consumers

As stated above, if Proposed Respondents' infringing products were excluded from the U.S. market, consumers would not be adversely impacted, as entities entitled to practice the Asserted Patent and other manufacturers could readily supply like and directly competitive alternatives to replace the Accused Products. Therefore, the proposed remedial orders will not have a significant negative impact on U.S. consumers.

In light of the "strong public interest in enforcing intellectual property rights,"¹⁰ and the lack of significant public interest concerns to the contrary, Complainants respectfully submit that the requested Investigation does not present an instance where the Commission should delegate public interest to the presiding ALJ.

⁷ See Section III, *supra*.

⁸ Confidential Exhibit 22C to Complaint, ¶ 7.

⁹ *Id.*, ¶¶ 37–40.

¹⁰ *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, Comm'n Op., at 136–37 (June 19, 2007).

Dated: March 1, 2022

Respectfully submitted,

/s/ Jessica C. Hill

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*Counsel for Complainants Australian Mud
Company Pty Ltd. and Reflex USA LLC*

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In The Matter Of

**CORE ORIENTATION SYSTEMS,
PRODUCTS CONTAINING CORE
ORIENTATION SYSTEMS,
COMPONENTS THEREOF, AND
METHODS OF USING THE SAME**

Investigation No. 337-TA-____

**COMPLAINT OF AUSTRALIAN MUD COMPANY PTY LTD. AND REFLEX USA
LLC UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

COMPLAINANTS:

Australian Mud Company Pty Ltd.
216 Balcatta Road
Balcatta, Western Australia 6021
Telephone: +61 (0) 8 9445 4020

Reflex USA LLC
2250 E Germann Road
Suite 3
Chandler, Arizona 85286
Telephone: 480-550-4656

COUNSEL FOR COMPLAINANTS:

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3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306
Telephone: 650-632-4700

PROPOSED RESPONDENTS:

Boart Longyear Group Ltd.
2455 South 3600 West
West Valley City, UT 84119
Telephone: 801-972-6430

Boart Longyear Limited
26 Butler Boulevard
Burbridge Business Park
Adelaide Airport
South Australia 5950
Australia
Telephone: +61 8 8375 8375

Boart Longyear Company
2455 South 3600 West
West Valley City, Utah 84119
Telephone: 801-972-6430

Boart Longyear Manufacturing and
Distribution Inc.
2455 South 3600 West
West Valley City, UT 84119
Telephone: 801-972-6430

Longyear TM, Inc.
2455 South 3600 West
West Valley City, UT 84119
Telephone: 801-972-6430

Globaltech Corporation Pty Ltd.
833 Abernethy Road
Forrestfield
Western Australia 6058

Australia
Telephone: +61 8 6454 1200

Globaltech Pty Ltd.
833 Abernethy Road
Forrestfield
Western Australia 6058
Australia
Telephone: +61 8 6454 1200

Granite Construction Incorporated
585 West Beach Street
Watsonville, California 95076
Telephone: 831-724-1011

International Directional Services LLC
12030 East Riggs Road
Chandler, Arizona 85249
Telephone: 480-824-7100

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LIST OF EXHIBITS

Exhibit No.	Document Description
1	Copy of U.S. Patent No. 7,584,055
2A	Copy of Recorded Assignment 1 for U.S. Patent No. 7,584,055
2B	Copy of Recorded Assignment 2 for U.S. Patent No. 7,584,055
3C	AMC-Reflex License Agreement (CONFIDENTIAL)
4	Board Longyear Annual Report 2020
5	ASX Announcement, Boart Longyear Re-Domiciliation Scheme Becomes Effective (dated Sept. 29, 2021)
6	Boart Longyear (Utah) - Registered Principals
7	Boart Longyear Manufacturing and Distribution Inc. – Utah Business Search
8	Longyear TM – S&P Capital IQ Profile
9	Globaltech About
10	Our Brands – Granite Construction
11	TruCore UPIX Core Orientation System – Boart Longyear
12	Infringement Claim Chart for U.S. Patent No. 7,584,055
13C	Letter to Boart Longyear Ltd (dated Feb. 27, 2019) (CONFIDENTIAL)
14	<i>Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.</i> , No. NSD 1040 of 2019, Amended Defence (Jan. 29, 2021)
15	<i>Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.</i> , No. NSD 1089 of 2016, Defence and Cross-Claim (Aug. 24, 2016)
16	TruCore UPIX Core Orientation Kit, User Guide
17	TruCore UPIX Core Orientation System – Boart Longyear
18	TruCore UPIX Core Orientation System – Boart Longyear
19	Globaltech Products
20	IDS Instrument Rentals – Granite Construction
21C	Domestic Industry Technical Prong Claim Chart for U.S. Patent No. 7,584,055 and the Reflex ACT III (CONFIDENTIAL)
22C	Declaration of Russell Hinkley Regarding Domestic Industry (CONFIDENTIAL)
23	<i>Australian Mud Co. Pty Ltd. v. Globaltech Corp. Pty Ltd</i> [2018] FCA 1839 (Nov. 26, 2018)

Exhibit No.	Document Description
24	<i>Australian Mud Co. Pty Ltd. v. Globaltech Corp. Pty Ltd</i> [2018] FCA 162 (Sept. 13, 2019)
25	<i>Boart Longyear Ltd. v. Australian Mud Co. Pty Ltd.</i> , No. IPR 2019-01129, Paper 26, (P.T.A.B. Nov. 20, 2020)
26	REFLEX ACT III™ Quick User Guide
27	REFLEX ACT III™ Brochure
28	TruCore Product Guide
29C	Licensees to the Asserted Patent (CONFIDENTIAL)

LIST OF APPENDICES

Appendix No.	Document Description
A.	Prosecution History of U.S. Patent No. 7,584,055
B.	Technical References Cited in Prosecution History of U.S. Patent No. 7,584,055

I. INTRODUCTION

1. Australian Mud Company Pty Ltd. (“AMC”) and Reflex USA LLC (“Reflex”) (collectively, “Complainants”) request that the United States International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), to remedy the unlawful importation, sale for importation, and/or sale after importation of certain core orientation systems, components thereof, and products containing the same that are used to determine the orientation of a core drilled from the earth in a manner that infringes U.S. Patent No. 7,584,055 (the “’055 Patent” or the “Asserted Patent”). Such systems, components, and products are hereinafter referred to as the “Accused Products.”

2. The proposed Respondents are Boart Longyear Group Ltd., Boart Longyear Limited, Boart Longyear Company, Boart Longyear Manufacturing and Distribution Inc., Longyear TM, Inc., Globaltech Corporation Pty Ltd., Globaltech Pty Ltd., Granite Construction Incorporated, and International Directional Services LLC (collectively, “Proposed Respondents”).

3. On information and belief, the Proposed Respondents have engaged in unfair acts in violation of Section 337 through and in connection with the unlicensed importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of the Accused Products.

4. Complainants assert that the use of the Accused Products infringes, either literally or under the doctrine of equivalents, the following claims of the ’055 Patent (collectively, the “Asserted Claims”) (independent claims in **bold**):

Asserted Patent	Asserted Claims
U.S. Patent No. 7,584,055	16, 17, 18, 22, 23

5. Based on rulings in litigation in Australia and the United States, at least certain of the Proposed Respondents have known they infringe the Asserted Patent.¹ As detailed in the Related Litigation section below (§ X), the Australian Federal Court ruled that certain Proposed Respondents infringe an Australian patent that is in the same family as the Asserted Patent. After that ruling and after attempting (unsuccessfully) to re-design its infringing product, certain Proposed Respondents sought, but failed, to invalidate the Asserted Claims in an *inter partes* review (“IPR”) before the United States Patent Trial and Appeals Board (“PTAB”). The Proposed Respondents are estopped from further challenging the validity of the Asserted Claims on any grounds that were raised or reasonably could have been raised in the IPR.

6. AMC owns by assignment the entire right, title, and interest in and to the Asserted Patent.² AMC has licensed the Asserted Patent to Reflex.

7. As required by Sections 337(a)(2) and 337(a)(3), an industry exists in the United States relating to the Asserted Patent and/or is in the process of being established.

8. Complainants seek, as relief, a permanent limited exclusion order, pursuant to Section 337(d), excluding from entry into the United States all infringing Accused Products. Complainants also seek a permanent cease and desist order, pursuant to Section 337(f), directing

¹ The Asserted Patent accompanies this Complaint as Exhibit No. 1. Complainants have ordered but not yet received a certified copy of the Asserted Patent. Complainants will file the certified copies of the Asserted Patent once it is received.

Because the Commission is not currently accepting paper filings due to the COVID-19 pandemic, Complainants are not required to submit the three additional copies of the Asserted Patent pursuant to Rule 210.12(c). *See* https://usitc.gov/frequently_asked_questions?f%5B0%5D=field_faq_section%3A2786.

² The recorded assignments for the Asserted Patent accompany this Complaint as Exhibit Nos. 2A and 2B. Complainants have ordered but not yet received certified copies of the recorded assignments for the Asserted Patent. Complainants will file the certified copies of the recorded assignments for the Asserted Patent once they are received.

all Proposed Respondents, their subsidiaries, related companies, distributors, and agents to cease and desist from activities that include, but are not limited to, offering for sale, selling, importing, transferring, distributing, renting, leasing, warehousing inventory for distribution, using, making, assembling, advertising, marketing, demonstrating, repairing, supporting, qualifying for use in the products of others, testing, servicing, and installing the infringing Accused Products.

Complainants further request that the Commission impose a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(e)(1) and (f)(1) covering any importation of infringing Accused Products.

II. COMPLAINANTS

A. Australian Mud Company Pty Ltd.

9. Complainant AMC is a company organized and existing under the laws of Australia, with an address located at 216 Balcatta Road, Balcatta, Western Australia, 6021.

10. AMC is a wholly owned subsidiary of Imdex Limited (“Imdex”), which is a leading mining technology company with locations across the globe. AMC develops, manufactures, and supplies a comprehensive range of quality drilling fluids and specialty products to the mining, water well, horizontal directional drilling, coalbed methane, civil construction and tunneling industries worldwide.

B. Reflex USA LLC

11. Complainant Reflex is a limited liability company organized and existing under the laws of Arizona, United States, with an address located at 2250 E Germann Road, Suite 3, Chandler, Arizona, United States, 85286.

12. Reflex is a wholly owned subsidiary of Imdex. Reflex is one of the largest market suppliers of structural geological systems and tools. Together with AMC, including AMC USA LLC, Reflex offers unique end-to-end solutions for the mining value chain that integrate Imdex’s

leading AMC and Reflex brands. Reflex's essential technologies enable drilling contractors and resource companies to drill faster and smarter, obtain accurate subsurface data, and receive real-time information for critical decision making.

13. Reflex provides these tools primarily to its clients through rental agreements. Once Reflex has agreed to rent a tool to a customer, Reflex and its affiliates also provide U.S. customers complex on-site technical training as well as technical support. The training and technical support provided by Reflex and its affiliates to its U.S. customers is critical to Reflex's business, as well as to its customers' needs. Without such technical assistance and support, customers would not be able to use Reflex's core orientation systems to obtain the high quality data they are seeking. This technical assistance and support is key to Reflex's success.

14. Reflex is licensed to the Asserted Patent pursuant to a patent license agreement between AMC and Reflex (the "AMC-Reflex License Agreement"). Ex. 3C, AMC-Reflex License Agreement.

III. PROPOSED RESPONDENTS

15. With regard to the Proposed Respondents, Complainants allege the following upon information and belief:

A. Boart Longyear Parties

16. Boart Longyear Group Ltd. is a corporation organized and existing under the laws of Canada with global headquarters at 2455 South 3600 West, West Valley City, UT 84119. Boart Longyear Group Ltd. is the parent company of, or otherwise controls, Respondents Boart Longyear Limited, Boart Longyear Company, Boart Longyear Manufacturing and Distribution Inc., Longyear TM, Inc., Globaltech Corporation Pty Ltd., and Globaltech Pty Ltd. *See* Ex. 4.

17. Boart Longyear Limited is a corporation organized and existing under the laws of Australia with a place of business at 26 Butler Boulevard, Burbridge Business Park, Adelaide

Airport, South Australia 5950, Australia. Prior to October 5, 2021, Boart Longyear Limited was the parent company of, or otherwise controlled, Respondents Boart Longyear Limited, Boart Longyear Company, Boart Longyear Manufacturing and Distribution Inc., Longyear TM, Inc., Globaltech Corporation Pty Ltd., Globaltech Pty Ltd. Boart Longyear Limited is a subsidiary of Boart Longyear Group Ltd. *See* Exs. 4–5.

18. Boart Longyear Company is a corporation organized and existing under the laws of Utah with a place of business at 2455 South 3600 West, West Valley City, Utah 84119. Boart Longyear Company is a subsidiary of Boart Longyear Group Ltd. *See* Exs. 4, 6.

19. Boart Longyear Manufacturing and Distribution Inc. is a corporation organized and existing under the laws of Utah with a place of business at 2455 South 3600 West, West Valley City, Utah 84119. Boart Longyear Manufacturing and Distribution Inc. is a subsidiary of Boart Longyear Group Ltd. *See* Exs. 4, 7.

20. Longyear TM, Inc. is a corporation organized and existing under the laws of Delaware with a place of business at 2570 West 1700 South, Salt Lake City, UT 54104. Longyear TM, Inc. is a subsidiary of Boart Longyear Group Ltd. *See* Exs. 4, 8.

21. Globaltech Corporation Pty Ltd. is a foreign corporation organized and existing under the laws of Australia with a place of business at 833 Abernethy Road Forrestfield, Western Australia 6058. Globaltech Corporation Pty Ltd has been a subsidiary of Boart Longyear Group Ltd. since 2018. *See* Exs. 4, 9.

22. Globaltech Pty Ltd. is a foreign corporation organized and existing under the laws of Australia with a place of business at 833 Abernethy Road Forrestfield, Western Australia 6058. Globaltech Pty Ltd has been a subsidiary of Boart Longyear Group Ltd. since 2018. *See id.*

23. Boart Longyear Group Ltd., Boart Longyear Limited, Boart Longyear Company, Boart Longyear Manufacturing and Distribution Inc., Longyear TM, Inc., Globaltech Corporation Pty Ltd., and Globaltech Pty Ltd. will hereinafter be referred to collectively as “Boart Longyear” or the “Proposed Boart Longyear Respondents.”

24. Boart Longyear is in the business of developing, making, offering for sale, selling, importing, using, renting, servicing, repairing, and/or supporting the Accused Products, which are manufactured outside of the United States and imported into the United States, where they are available to rent.

B. IDS Parties

25. Granite Construction Incorporated is a corporation organized and existing under the laws of Delaware with a place of business at 585 West Beach Street, Watsonville, California 95076.

26. International Directional Services LLC is a limited liability company organized and existing under the laws of Delaware with a place of business at 12030 East Riggs Road, Chandler, Arizona 85249. IDS has been a wholly owned subsidiary of Granite since June 2018. *See Ex. 10.*

27. Granite Construction Incorporated and International Directional Services LLC will hereinafter be referred to collectively as “IDS” or the “Proposed IDS Respondents.”

28. IDS is in the business of distributing drilling services and devices and, on information and belief, is a distributor of the Accused Products in the United States. *See Ex. 10.*

IV. THE ACCUSED PRODUCTS

29. Pursuant to 19 C.F.R. §§ 210.12(a)(12) and 210.10(b)(1), the category of the Accused Products may be plainly described as products and systems for determining the orientation of a core that is drilled from the earth, components thereof (*e.g.*, down hole tools and

devices, handheld devices, and other components included in core orientation kits), and products containing the same (*e.g.*, core drills and inner tube assemblies).

30. The Accused Products include at least the TruCore core orientation system, including without limitation the TruCore V5 (also referred to as the Orifinder V5) and the TruCore UPIX (also referred to as the Orifinder UPIX), components thereof (*e.g.*, the TruCore tool, the TruCore handheld, and other components included within the TruCore kit), and products containing the same (*e.g.*, core drills and inner tube assemblies containing a TruCore tool).

31. This identification of exemplary models of Accused Products is intended purely for illustration and is not intended to limit the scope of the investigation. Any remedy should extend to all present and future infringing products of each Respondent, including products made by any named Respondent for third parties and sold under third-party brand names, regardless of model number or type of product.

V. THE ASSERTED PATENT

A. Identification of the Patent and Ownership by AMC

32. The '055 Patent is entitled "Core Sample Orientation." The '055 Patent issued from U.S. Patent Application No. 10/594,355, filed on September 5, 2005. The '055 Patent claims the benefit of Australian Patent Application No. 2004905021, filed on September 3, 2004. The '055 Patent identifies Richard Parfitt as the inventor.

33. AMC is the sole owner by assignment of all right, title, and interest in the '055 Patent. Exs. 2A and 2B. The asserted claims of the '055 Patent are valid, enforceable, and currently in full force and effect until the expiration of the '055 Patent on September 5, 2025.

34. As required by Rule 210.12(c), Appendix A to this Complaint is a copy of the prosecution history of the '055 Patent³, and Appendix B to this Complaint is a copy of each technical reference cited in the prosecution history of the '055 Patent.

B. Non-Technical Description of the Patented Invention

35. The '055 Patent relates to, *inter alia*, apparatuses and methods for determining the physical orientation of a core sample that has been drilled from the earth. An inner tube assembly of a core drill includes a core orientation device. During the drilling of the core, the core orientation device takes measurements of its orientation. Once the core has been drilled, the inner tube assembly (including the core orientation device and the core itself) is retrieved. The orientation measurements taken by the core orientation device are used to determine the orientation of the core before it was separated from the earth. The core orientation device may provide an indication of the measured orientation such that a user can position the core in the proper orientation for marking.

C. Foreign Counterparts to the '055 Patent

36. The following is a list of each foreign patent and patent application that has been granted corresponding to the '055 Patent:

Patent Application / Patent No.	Country / Organization
AP 2007003943 / 2142	African Regional Intellectual Property Organization
AU 2011101041 (B4)	Australia
AU 2010200162 (C1)	Australia
AU 2010101356 (B4)	Australia
AU 2006100113 (B4)	Australia

³ Complainants have ordered but not yet received a certified copy of the prosecution history for the Asserted Patent. Complainants will file the certified copy of the prosecution history for the Asserted Patent once it is received.

Patent Application / Patent No.	Country / Organization
CA 2949848 (C)	Canada
CA 2819532 (C)	Canada
CA 2559030 (C)	Canada
ZA 200701750	South Africa
MX 2015004862 (A) / 353937 (B)	Mexico
WO 2006024111 (A1)	World Intellectual Property Organization

37. The following is a list of each foreign patent application corresponding to the '055 Patent that has not been granted:

Patent Application No. (Status)	Country / Organization
AU 2018204008 (A1) (Refused)	Australia
AU 2016201893 (A1) (Lapsed)	Australia
AU 2013201201 (A1) (Lapsed)	Australia
AU 2010249163 (A1) (Lapsed)	Australia
AU 2010249163 (A1) (Lapsed)	Australia
AU 2004905021 (Lapsed)	Australia
PI 0515621 (A) (Rejected)	Brazil
MX 2011003614 (A) (Abandoned)	Mexico
MX 2007002643 (A) (Abandoned)	Mexico

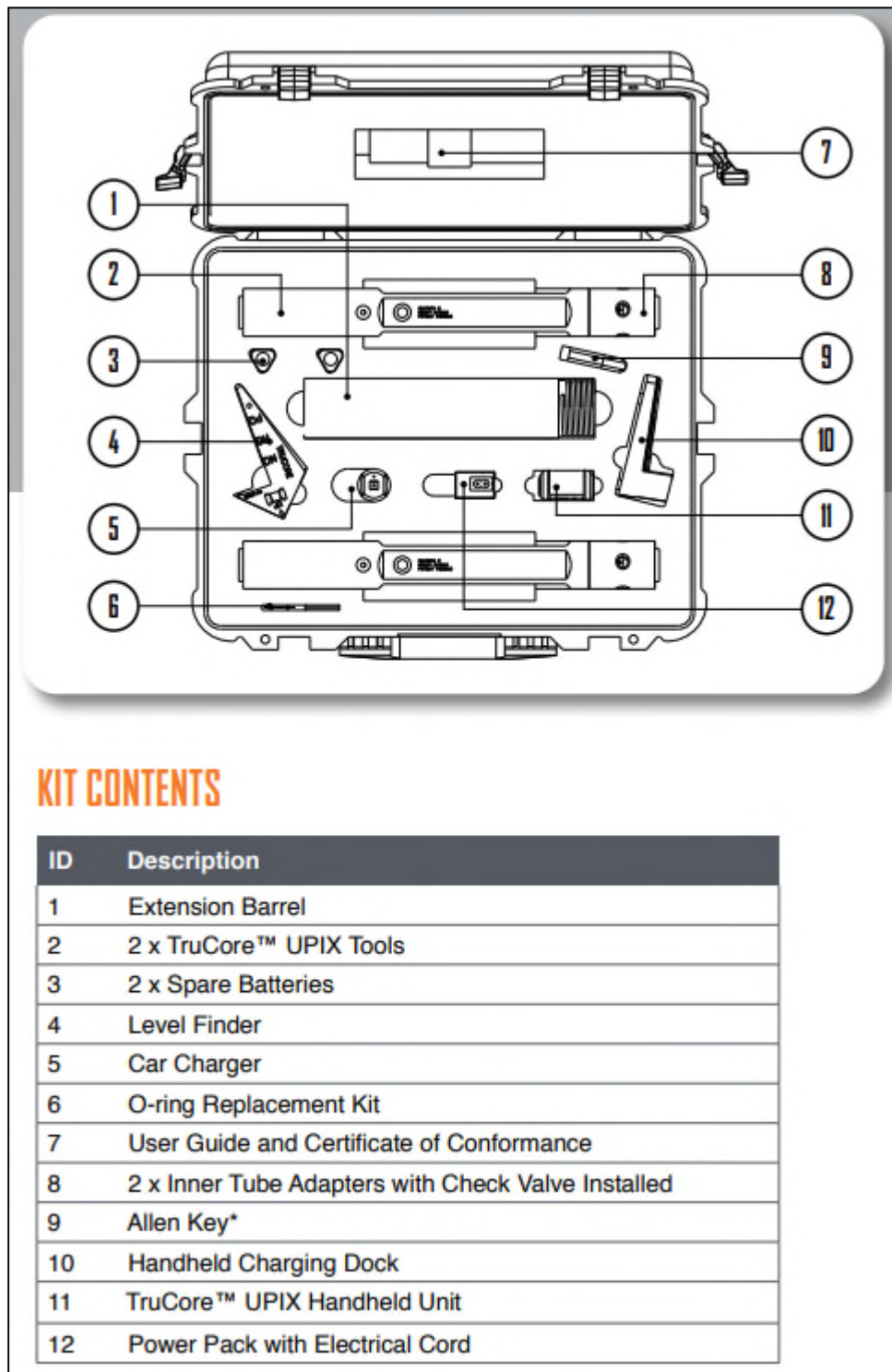
VI. UNLAWFUL AND UNFAIR ACTS – PATENT INFRINGEMENT

A. Representative Involved Article

38. Proposed Respondents have engaged in unfair trade practices, including the sale for importation, importation, and/or sale within the United States after importation of Accused Products, the use of which infringes the Asserted Claims of the Asserted Patent.

39. An exemplary Accused Product, the TruCore UPIX core orientation system, is depicted below in Figure 1. An exemplary TruCore UPIX handheld and TruCore UPIX tool (two

components of the TruCore UPIX core orientation system) are depicted below in Figures 2 and 3, respectively. See Ex. 26 at 2, 4–5.



KIT CONTENTS

ID	Description
1	Extension Barrel
2	2 x TruCore™ UPIX Tools
3	2 x Spare Batteries
4	Level Finder
5	Car Charger
6	O-ring Replacement Kit
7	User Guide and Certificate of Conformance
8	2 x Inner Tube Adapters with Check Valve Installed
9	Allen Key*
10	Handheld Charging Dock
11	TruCore™ UPIX Handheld Unit
12	Power Pack with Electrical Cord

Figure 1: Exemplary TruCore UPIX Core Orientation System



Figure 2: Exemplary TruCore UPIX HandHeld

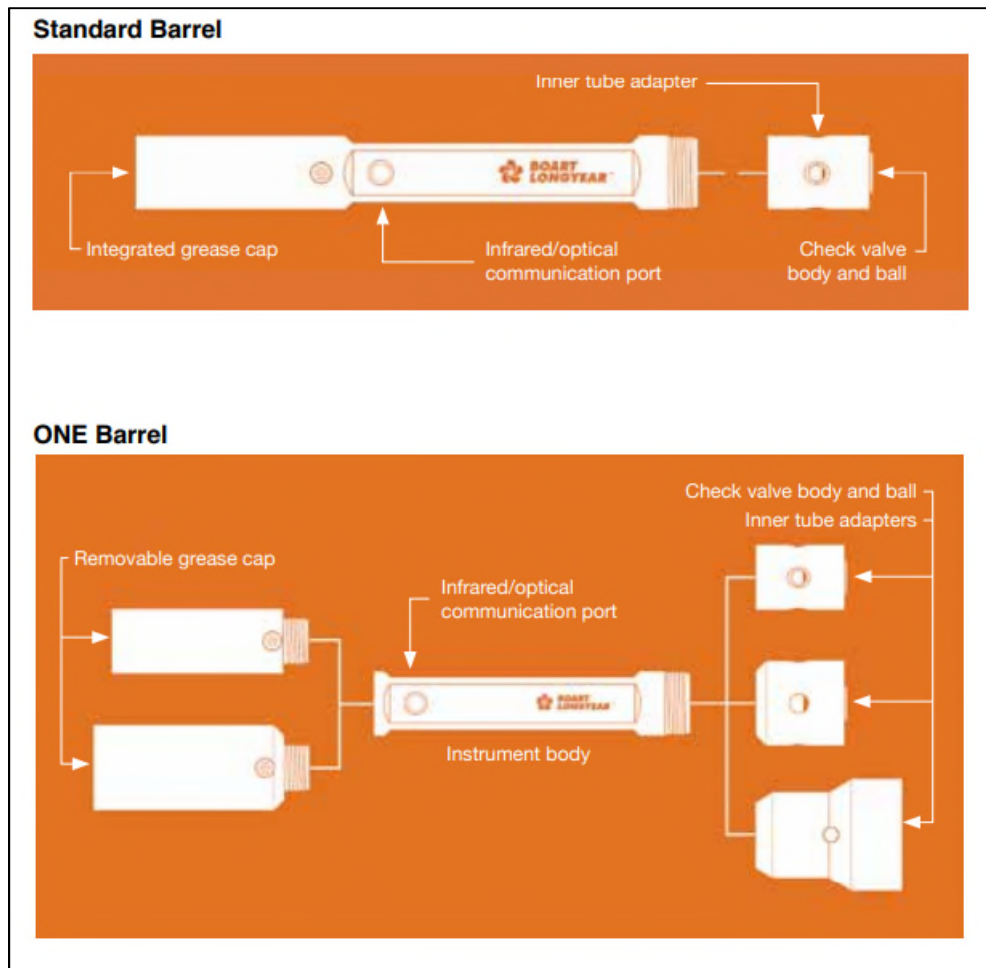


Figure 3: Exemplary TruCore UPIX Tools

40. The use of the Accused Products infringes, either literally or under the doctrine of equivalents, at least claims 16–18 and 22–23 (the “Asserted Claims”) of the Asserted Patent.

41. On information and belief, the Accused Products are available to rent, but not for purchase, in the United States. *See* Ex. 11. Thus, Complainants were not able to purchase an exemplary sample. Complainants’ allegations herein rely on, *inter alia*, documentation associated with the Accused Products. *See* Ex. 12.

B. Infringement of the ’055 Patent

42. The Proposed Respondents directly or indirectly infringe the Asserted Patent as follows.

43. On information and belief, one or more Proposed Respondents, including Boart Longyear, manufactures for importation into the United States, imports into the United States, sells for importation into the United States, and/or sells within the United States after importation, one or more of the Accused Products, including the TruCore core orientation system and/or components of the TruCore core orientation system that are further assembled in the United States.

Direct Infringement

44. Upon information and belief, one or more Proposed Respondents, including Boart Longyear and/or IDS, directly infringe the Asserted Patent by using one or more of the Accused Products, including the TruCore UPIX core orientation system, after those products are imported in the United States.

45. A chart that demonstrates how the use of the TruCore UPIX core orientation system infringes independent claims 16 and 22 of the Asserted Patent is attached to the Complaint as Exhibit 12.

Induced Infringement

46. On information and belief, at least as of the filing date of this Complaint and with knowledge of the Asserted Patent, the Proposed Respondents are infringing the Asserted Patent under 35 U.S.C. § 271(b) by knowingly and intentionally inducing others to directly infringe the Asserted Patent.

47. The Proposed Respondents have had knowledge of the Asserted Patent at least since the filing of this Complaint, and at least certain Proposed Respondents have had knowledge of the Asserted Patent prior to the filing of this Complaint. For example, since July 4, 2016, Proposed Respondents Globaltech Corporation Pty Ltd and Globaltech Pty Ltd. have been involved in litigation in Australia with AMC and Reflex Instruments Asia Pacific Pty Ltd.

(“RIAP”) over a foreign counterpart to the Asserted Patent. *See infra* § X. In addition, in a letter dated February 27, 2019, AMC and RIAP provided Boart Longyear a “[n]otification of patent rights US 7,584,055” and specifically highlighted “the close similarity in wording between [Asserted Claim] 22 of US 7,584,055 (**US Patent**) and claim 1 of the Australian Patent,” which was found valid and infringed in the Australian proceedings. Ex. 13C, Feb. 27, 2019 Letter, at 1. Furthermore, Proposed Respondent Boart Longyear Ltd. pursued an IPR proceeding challenging the Asserted Claims of the Asserted Patent, from filing on May 24, 2019, through the judgment upholding the challenged claims on November 20, 2020. The IPR petition identified Proposed Respondents Boart Longyear Company and Globaltech Corporation Pty Ltd. as real parties-in-interest.

48. On information and belief, the Proposed Respondents induce end users (including certain Proposed Respondents) to directly infringe (literally and/or under the doctrine of equivalents) at least the Asserted Claims of the Asserted Patent in connection with the use of the Accused Products, including the TruCore UPIX core orientation system, in the United States. On information and belief, Proposed Respondents’ affirmative actions have caused end users to use the Accused Products in a manner that directly infringes at least the Asserted Claims. *See* Ex. 12.

49. On information and belief, the Proposed Respondents are aware that the normal and customary use of the Accused Products, including the TruCore UPIX core orientation system, infringes at least the Asserted Claims of the Asserted Patent. *See, e.g., infra* § X. The Accused Products, including the TruCore UPIX core orientation system, are specially designed and have special features that result in infringing use and have no substantial uses other than ones that infringe the Asserted Claims. The purpose of the Accused Products is to be used (whether alone or after further assembly) in a manner that infringes the Asserted Claims under

normal circumstances. The Asserted Claims cover, *inter alia*, the use of a core orientation system that uses orientation measurements to determine the orientation of a core sample. The Accused Products are core orientation systems that use orientation measurements to determine the orientation of a core sample.

50. In a pleading filed on January 29, 2021 in connection with the Australian litigation brought by AMC and RIAP, Proposed Respondents Globaltech Pty Ltd. and Globaltech Corporation Pty Ltd. admitted that “the Orifinder UPIX Tools are capable of only one reasonable use having regard to their nature or design” and that “the Orifinder UPIX Tools are not staple commercial products, within the meaning of that term as it appears in s117(2)(b) of the Patents Act” of Australia. Ex. 14, *Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.*, No. NSD 1040 of 2019, Amended Defence, ¶¶ 17–18 (Jan. 29, 2021); *see also* Ex. 15, *Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.*, No. NSD 1089 of 2016, Defence and Cross-Claim, ¶¶ 5, 15–16 (Aug. 24, 2016) (with respect to the Orifinder v3A, v3B and v5, admitting that “the Orifinder Tools are products which are capable of only one reasonable use having regard to their nature and design, within the meaning of that requirement in s 117(2)(a) of the Patents Act” and that “the Orifinder Tools are not staple commercial products, within the meaning of that term as it appears in s 117(2)(b) of the Patents Act”).

51. On information and belief, the Proposed Respondents take active steps, directly and/or through contractual relationships with others, with the specific intent to cause end users to use the Accused Products in a manner that infringes the Asserted Claims. These steps include, without limitation, intentionally marketing infringing products, including the TruCore UPIX core orientation system; making recommendations for such products to customers or end users; providing technical training to resellers and distributors; and/or providing product support and

technical assistance to customers or end users in connection with their infringing use. On information and belief, through these actions, the Proposed Respondents have actively encouraged, and continue to actively encourage direct infringement, of the Asserted Patent by their affiliates, distributors, resellers, customers or other end users.

52. For example, Boart Longyear publishes a user guide for the TruCore UPIX core orientation system. *See* Ex. 16. This user guide, along with TruCore materials available on the Boart Longyear and IDS websites, instructs end users to use the TruCore system in an infringing manner. *See* Exs. 16–18.

53. On information and belief, these steps are taken with the knowledge of the Asserted Patent and with the knowledge that the induced acts constitute infringement. For example, Proposed Respondents Globaltech Corporation Pty Ltd. and Globaltech Pty Ltd. were found to infringe an Australian patent in the same family as the Asserted Patent in connection with TruCore core orientation systems. *See infra* § X. In addition, Proposed Respondent Boart Longyear Ltd. pursued an IPR proceeding challenging the Asserted Claims, to which Proposed Respondents Boart Longyear Company and Globaltech Corporation Pty Ltd. were identified as real parties-in-interest. *See infra* § X. Accordingly, on information and belief, the Proposed Respondents understand that the use of the TruCore core orientation system infringes the Asserted Claims.

54. On information and belief, the Proposed Respondents' inducement is ongoing.

Contributory Infringement

55. On information and belief, at least as of the filing date of this Complaint and with knowledge of the Asserted Patent, the Proposed Respondents are contributorily infringing the Asserted Patent under 35 U.S.C. § 271(c).

56. On information and belief, the Proposed Respondents have been knowingly importing into the United States, and offering for sale and selling within the United States, one or more Accused Products, including the TruCore core orientation system and/or components of the TruCore core orientation system that are further assembled in the United States. For at least the reasons set forth in Exhibit 12, such Accused Products are a material or apparatus for use in practicing the process of the Asserted Claims of the Asserted Patent and constitute a material part of the invention of the Asserted Claims of the Asserted Patent.

57. For at least the reasons set forth in Exhibit 12, the Accused Products are not a staple article or commodity of commerce suitable for substantial non-infringing uses. The Asserted Claims cover, *inter alia*, the use of a core orientation system that uses orientation measurements to determine the orientation of a core sample. The Accused Products are core orientation systems that use orientation measurements to determine the orientation of a core sample. Moreover, in a pleading filed on January 29, 2021 in connection with the Australian litigation brought by AMC and RIAP, Proposed Respondents Globaltech Pty Ltd. and Globaltech Corporation Pty Ltd. admitted that “the Orifinder UPIX Tools are capable of only one reasonable use having regard to their nature or design” and that “the Orifinder UPIX Tools are not staple commercial products, within the meaning of that term as it appears in s117(2)(b) of the Patents Act” of Australia. Ex. 14, *Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.*, No. NSD 1040 of 2019, Amended Defence, ¶¶ 17–18 (Jan. 29, 2021); *see also* Ex. 15, *Australian Mud Co. Pty Ltd. et al. v. Globaltech Corporation Pty Ltd. et al.*, No. NSD 1089 of 2016, Defence and Cross-Claim, ¶¶ 5, 15–16 (Aug. 24, 2016) (with respect to the Orifinder v3A, v3B and v5, admitting that “the Orifinder Tools are products which are capable of only one reasonable use having regard to their nature and design, within the meaning of that requirement

in s 117(2)(a) of the Patents Act” and that “the Orifinder Tools are not staple commercial products, within the meaning of that term as it appears in s 117(2)(b) of the Patents Act”).

58. On information and belief, the Proposed Respondents know that such Accused Products are especially made or especially adapted for use in infringing the Asserted Claims of the Asserted Patent. *See infra* § X. As explained above, on information and belief, the Proposed Respondents have had knowledge of the Asserted Patent at least since the filing of this Complaint or earlier, and they know that the use of the Accused Products infringes the Asserted Claims. *Supra* ¶ 47.

59. Through such actions, which are ongoing, the Proposed Respondents are infringing the Asserted Claims of the Asserted Patent under 35 U.S.C. § 271(c).

C. Specific Instances of Sale and/or Importation

60. On information and belief, the Accused Products are manufactured at facilities outside of the United States. The Accused Products are then sold for importation into the United States, imported into the United States, and/or sold within the United States after importation.

61. On information and belief, Boart Longyear manufactures the Accused Products outside of the United States. *See* Ex. 19 (linking to Ex. 11 (Boart Longyear product page, TruCore UPIX Core Orientation System)); Ex. 9 (“Most of [Globaltech’s] products are manufactured in Australia and some are manufactured in Singapore. Products are available globally through distribution network.”); Ex. 28 (“All TruCore™ tools are built at Boart Longyear’s facility in Perth, WA in a brand new workshop.”).

62. On information and belief, Boart Longyear, by and through itself or a distributor, *e.g.*, the Proposed IDS Respondents, uses and/or rents the Accused Products after importation to the United States. Exs. 11 and 20 (linking to Ex. 18 (Boart Longyear TruCore UPIX product

guide)). Moreover, Reflex employees have seen TruCore UPIX core orientation systems in the United States. Ex. 22C, ¶ 41.

63. On information and belief, Complainants expect discovery to confirm additional instances of sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of infringing core orientation systems, as well as components thereof and products incorporating the same, that are used to determine the orientation of a core that is drilled from the earth.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

64. The Accused Products are believed to fall within at least the following classifications of the Harmonized Tariff Schedule of the United States: HTSUS codes 9015.80.80 and 9015.90.01. These classifications are intended for illustration only and are not intended to be restrictive of the Accused Products.

VIII. LICENSEES

65. Attached as Confidential Exhibit 29C is the identification of licensees to the Asserted Patent. Attached as Confidential Exhibit 3C is a license relating to the Asserted Patent granted by AMC.

IX. COMPLAINANTS SATISFY THE DOMESTIC INDUSTRY REQUIREMENT

66. As required by Section 337(a)(2) and defined by Section 337(a)(3), an industry in the United States exists in connection with the Asserted Patent. Complainants and licensees have made significant investments in plant and equipment, have employed significant labor and capital, and have made substantial investments in its exploitation, including engineering, research and development related to products and services that embody the Asserted Patent.

A. The Technical Prong of the Domestic Industry Requirement Is Satisfied.

67. For purposes of this Complaint, Complainants submit that the use of various core orientation systems designed and sold by Complainants or their affiliates, including at least the ACT III and ACT IQ core orientation systems, practice at least the Asserted Claims of the Asserted Patent (“Domestic Industry Products”).

68. Confidential Exhibit 21C is a claim chart showing that the Act III practices at least one claim of the Asserted Patent. The ACT IQ is the same as or substantially similar to the ACT III with respect to the limitations of the Asserted Claims.

B. The Economic Prong of the Domestic Industry Requirement Is Satisfied.

69. An industry, as defined in Section 337(a)(3)(A)–(C), exists or is in the process of being established by virtue of significant and substantial activities by Complainant Reflex and its affiliates in the United States with respect to the Domestic Industry Products.⁴ *See* Confidential Ex. 22C. As set forth in the accompanying declaration, these investments include, but are not limited to, significant investments in plant and equipment, and the significant employment of labor and capital in the United States. Complainant Reflex and its affiliates further make substantial investments exploiting the Asserted Patent and Domestic Industry Products, including in engineering and research and development.

70. Specifically, Complainant Reflex and its affiliates have made and continue to make significant and substantial investments in the final assembly, training, and support of the Domestic Industry Products. *See* Confidential Ex. 22C ¶¶ 19–40. Moreover, Reflex and its affiliates are imminently making additional significant and substantial investments in the initial

⁴ As set forth above, the Asserted Patent is licensed to Reflex.

assembly, calibration, re-calibration, and other technical repair work of the Domestic Industry Products. *Id.*, ¶¶ 37–40.

X. RELATED LITIGATION

71. The parties have been litigating the Asserted Patent and its Australian counterpart for years. At least certain Proposed Respondents' infringement is willful.

72. In 2016, AMC and RIAP (collectively “AMC Australian Plaintiffs”) brought an action against Proposed Respondents Globaltech Corporation Pty Ltd. and Globaltech Pty Ltd. (collectively, the “Globaltech Australian Defendants”) in the Federal Court of Australia seeking relief for the Globaltech Australian Defendants' infringement of Australian Standard Patent No. 2010200162 (“AU '162”). The AU '162 is in the same family as the Asserted Patent. The infringing products included the Orifinder V3A, Orifinder V3B, and Orifinder V5 (also referred to as TruCore V3 and TruCore V5).

73. In 2018, the court concluded that “[t]he claims in suit are valid” and that “[e]ach of the respondents has infringed the claims in suit.” Ex. 23, *Australian Mud Co. Pty Ltd. v. Globaltech Corp. Pty Ltd* [2018] FCA 1839, at 131 (Nov. 26, 2018). The Globaltech Australian Defendants appealed to the Full Court of the Federal Court of Australia, and in 2019, the Full Court concluded that the trial judge did not err and, accordingly, dismissed the appeal. Ex. 24, *Australian Mud Co. Pty Ltd. v. Globaltech Corp. Pty Ltd* [2019] FCAFC 162 (Sept. 13, 2019).⁵

⁵ To ensure complete relief, the AMC Australian Plaintiffs filed a subsequent infringement lawsuit naming Boart Longyear entities, which were formed after an acquisition of the Globaltech Australian Defendants. Specifically, in 2021, the AMC Australian Plaintiffs sued Boart Longyear Australia Pty Ltd. and Boart Longyear Limited in the Federal Court of Australia for infringement of AU '162 between January 2016 and January 2019 for activities relating to the TruCore. This lawsuit remains pending.

74. Determined to continue selling the TruCore, Respondents purportedly implemented a design change to the products found to infringe. But that change does not avoid infringement of the Australian patent or the Asserted Claims in this case.

75. With that understanding, Respondents hoped, but failed, to invalidate the claims asserted in this Complaint. Specifically, on May 24, 2019, Proposed Respondent Boart Longyear Ltd. filed an IPR petition challenging the Asserted Claims based on four grounds of unpatentability. The petition named Boart Longyear Company and Globaltech Corporation Pty Ltd. as real parties-in-interest to the IPR. Although the PTAB instituted proceedings, the PTAB rejected all four grounds, concluding that Boart Longyear Ltd. had “not proven by a preponderance of the evidence that any of the challenged claims is unpatentable.” Ex. 25, *Boart Longyear Ltd. v. Australian Mud Co. Pty Ltd.*, No. IPR2019-01129, Paper 26, at 2, 6–7 (P.T.A.B. Nov. 20, 2020).

76. Also in 2019, AMC filed a second suit in Australia to prevent continued infringement by Globaltech’s re-designed core orientation product. The AMC Australian Plaintiffs sued Globaltech Corporation Pty Ltd., Globaltech Pty Ltd., Boart Longyear Limited, and Boart Longyear Australia Pty Ltd. (“Boart Australian Defendants”) for patent infringement in the Federal Court of Australia. The AMC Australian Plaintiffs assert the Boart Australian Defendants’ alleged redesign (the Orifinder UPIX) infringes the same AU ’162 patent found infringed in the first trial. Trial is scheduled for March 2022.

77. In 2019, Proposed Respondent Globaltech Corporation Pty Ltd. commenced patent infringement proceedings against Reflex Instruments Asia Pacific Pty Ltd. in the Federal Court of Australia (Proceeding No. NSD1745 of 2019) alleging breach of Australian Standard Patent No. AU 2012297564, entitled “Optical device for use with downhole equipment” (the

“AU ’564 Patent”). Reflex has cross-claimed to invalidate the AU ’564 Patent. A trial took place beginning on December 6, 2021. The court has not issued a ruling.

78. To Complainants’ knowledge, apart from the above-listed proceedings, the alleged unfair methods of competition, unfair acts, and subject matter thereof as set forth in this Complaint are not and have not been the subject of any court or agency litigation.

XI. REQUESTED RELIEF

WHEREFORE, by reason of the foregoing, Complainants request that the United States International Trade Commission:

(a) institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents’ violations of Section 337 based on the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of core orientation systems, components thereof, and products containing the same, that are used to determine the orientation of a core drilled from the earth in a manner that infringes one or more claims of United States Patent No. 7,584,055;

(b) schedule and conduct a hearing on the unlawful acts and, following the hearing, determine whether there has been a violation of Section 337;

(c) issue a permanent limited exclusion order, pursuant to Section 337(d) of the Tariff Act of 1930, as amended, excluding from entry into the United States all of Respondents’ core orientation systems, components thereof, and products containing the same, that are used to determine the orientation of a core drilled from the earth in a manner that infringes one or more claims of United States Patent No. 7,584,055;

(d) issue a permanent cease and desist order, pursuant to Section 337(f) of the Tariff Act of 1930, as amended, prohibiting Respondents, their subsidiaries, related companies, distributors,

and agents from at least offering for sale, selling for importation, importing, selling after importation, transferring, distributing, renting, leasing, warehousing inventory for distribution, using, making assembling, advertising, marketing, demonstrating, qualifying for use in the products of others, testing, servicing, repairing, and installing core orientation systems, components thereof, and products containing same that are used to determine the orientation of a core drilled from the earth in a manner that infringes one or more claims of United States Patent No. 7,584,055;

(e) impose a bond during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(e)(1) and (f)(1) to prevent further injury to Complainants relating to United States Patent No. 7,584,055; and

(f) grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: March 1, 2022

Respectfully submitted,

/s/ Jessica C. Hill

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Company Pty Ltd. and Reflex USA LLC*

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In The Matter Of

**CORE ORIENTATION SYSTEMS,
PRODUCTS CONTAINING CORE
ORIENTATION SYSTEMS,
COMPONENTS THEREOF, AND
METHODS OF USING THE SAME**

Investigation No. 337-TA-____

**VERIFICATION OF COMPLAINT
OF AUSTRALIAN MUD COMPANY PTY LTD. AND REFLEX USA LLC UNDER
SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED**

I, Michael Tomasz, hereby declare and state, in accordance with as 19 C.F.R. §§ 210.4 and 210.12(a) and under penalty of perjury, that the following statements are true:

1. I am Company Secretary at IMDEX Limited, and I am duly authorized to verify this Complaint of Australian Mud Company Pty Ltd. and Reflex USA LLC under Section 337 of the Tariff Act of 1930, as Amended (“the Complaint”);

2. I have read the Complaint and I am aware of its contents;

3. To the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, (a) the claims and other legal contentions in the Complaint are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law, and (b) the allegations and other factual contentions in the Complaint have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

4. The Complaint is not being presented for any improper purpose; such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that the statement made upon information and belief are believed by me to be true.

Executed this 25 day of February 2022, in Perth, Australia



Michael Tomasz