

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Mexichem Amanco Holding, SA de CV,

Plaintiff,

v.

**The Chemours Company and The Chemours
Company FC, LLC,**

Defendants.

Case No. 4:20-cv-01960

Jury Trial Demanded

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Mexichem Amanco Holding, SA de CV (“Mexichem”), for its First Amended Complaint against Defendants, The Chemours Company (“Chemours I”) and The Chemours Company FC, LLC (“Chemours II”) (collectively, “Chemours”), alleges as follows:

The Parties

1. Mexichem is a company organized and existing under the laws of Mexico, with a principal place of business at Boulevard Manuel Avila Camacho 2610, Torre B – Pisos 12, 14 y 15, Colonia Valle de los Pinos, C.P. 54040, Tlalnepantla de Baz, Estado de Mexico, Mexico.
2. Chemours I is a company organized and existing under the laws of the State of Delaware, with a principal place of business at 1007 Market Street, Wilmington, DE 19899.
3. Chemours II is a company organized and existing under the laws of the State of Delaware, with a principal place of business at 1007 Market Street, Wilmington, DE 19899.

Jurisdiction and Venue

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over this action pursuant to at least 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Chemours because, *inter alia*, Chemours are purposefully and intentionally availing themselves of the privileges of doing business in the State of Texas, including in this District, and because Chemours have committed acts of patent infringement in the state of Texas, including in this District. Chemours operate a facility for production of HFO-1234yf in Ingleside, Texas, which is in the State of Texas and in this District. Chemours are infringing the asserted patent in this District at least at their Ingleside production facility.

6. Venue is proper in this District pursuant to at least 28 U.S.C. § 1400(b) at least because Chemours have committed acts of patent infringement in this District and because Chemours have regular and established places of business in this District.

Factual Background

Mexichem's '340 Patent

7. U.S. Patent 8,633,340 (“the ‘340 Patent”) is titled “Process for the Production of Chlorinated and Fluorinated Alkanes and Alkenes in the Presence of a Catalyst.” On January 21, 2014, the ‘340 Patent was duly and legally issued by the U.S. Patent Office. Mexichem is the assignee of the entire right, title, and interest in and to the ‘340 Patent. A true and correct copy of the ‘340 Patent is attached as Exhibit A.

Chemours' Knowledge of Mexichem's 340 Patent

8. On November 25, 2014, Chemours II's predecessor in interest filed for a reissue patent application to amend the claims of U.S. Patent No. 8,318,992. This reissue application was assigned Application No. 14/552,613, and it was assigned to Chemours II on September 14, 2015.

9. The reissue application copied the patent claims of the '340 Patent (the asserted patent in this lawsuit) in order to start an Interference proceeding at the U.S. Patent Office against the '340 Patent.

10. The U.S. Patent Office declared an Interference for the '340 Patent on June 20, 2018, and Chemours II was identified as a real party-in-interest in the Interference on July 3, 2018.

11. The Patent Office entered judgment against Chemours II in the Interference.

12. As a result of at least the Interference, Chemours had knowledge of the '340 Patent before Mexichem filed this lawsuit.

13. More specifically, as a result of at least the Interference, Chemours had knowledge of the '340 Patent since at least September 14, 2015, when Reissue Application No. 14/552,613 was assigned to Chemours II, and further had knowledge of the '340 Patent since at least July 3, 2018, when Chemours II was identified as a real party-in-interest in the Interference.

Chemours I Announces the Production of 1234yf at its Ingleside, Texas Production Facility

14. Chemours I announced in a press release dated February 12, 2019: "The Chemours Company (Chemours) (NYSE: CC), a global chemistry company ... today announced the startup of the new Opteon™ YF (HFO-1234yf) low global-warming-potential (GWP) refrigerant production facility at its Corpus Christi manufacturing plant in Ingleside, Texas. This facility will enable Chemours to triple the global capacity of its hydrofluoroolefin (HFO) 1234yf-based products to meet increasing market demands for more environmentally sustainable refrigerants

and blends.” This production facility shall be referred to herein as the “Chemours Ingleside 1234yf Production Facility.” A true and correct copy of Chemours I’s press release is attached as Exhibit B (“Chemours I Press Release”).

15. In the Chemours I Press Release, the Chemours I President and CEO, Mark Vergnano, stated: “The startup completes the final phase of the \$300 million project we started in 2016, which triples supply capacity of Opteon™ YF across multiple industries and applications.” The Chemours I President and CEO also stated: “This milestone is a tangible example of our steadfast commitment to providing the world with low GWP refrigerant products that are better for the environment.”

16. In the Chemours I Press Release, the President of Chemours I Fluoroproducts, Paul Kirsch, stated: “Our U.S. facility reinforces our commitment to meet the needs of our mobile and stationary refrigerant customers through unmatched capacity, capability and quality.”

17. Furthermore, a May 2, 2016 article about the expansion of the Chemours Ingleside 1234yf Production Facility—which Chemours I attached to its motion to dismiss—states that “[t]he Chemours Co. [i.e., Chemours I] will spend \$230 million the next three years to expand its facility in Ingleside to produce a refrigerant.” (Exhibit C; also attached as Exhibit 4 to Chemours I’s Motion to dismiss, ECF No. 21-4). In this article, the Ingleside plant manager also states that “expanding the plant’s the [sic] capacity now will enable Chemours to meet growing customer demand.” (*Id.*) The Ingleside plant manager further states that “[t]he demand [for 1234yf] is about to skyrocket...[and w]e want to be ready when it does.” (*Id.*)

Chemours Ingleside 1234yf Production Facility

18. Chemours make 1234yf at the Chemours Ingleside 1234yf Production Facility.

19. Chemours advised the Texas Commission on Environmental Quality (“TCEQ”) that the Chemours Ingleside 1234yf Production Facility produces and/or uses each of the halocarbons recited in claims 1, 4, 5, 28, 31, and 45 of the ‘340 Patent.

20. Chemours advised the TCEQ that the Chemours Ingleside 1234yf Production Facility produces and/or uses 250fb, 1243zf, 243db, 1233xf, 244bb, and 1234yf, which are recited in claims 1, 4, 5, 28, 31, and/or 45 of the ‘340 Patent.

21. Chemours advised the TCEQ that the Chemours Ingleside 1234yf Production Facility uses each of the non-halocarbon compounds recited in claims 1, 4, 5, 28, 31, and 45 of the ‘340 Patent.

22. Chemours advised the TCEQ that the Chemours Ingleside 1234yf Production Facility uses ethylene, carbon tetrachloride (CCl₄), chlorine, a fluorinating agent, and catalyst materials recited in claims 1, 4, 5, 28, 31, and 45 of the ‘340 Patent.

Chemours Understand Mexichem’s Allegations

23. Chemours understand the processes that are accused of infringement. For example, in its Motion to Dismiss (“MTD”) (ECF No. 21), Chemours I stated: “Chemours itself [Chemours I] does not perform any of the manufacturing steps described in the complaint...The manufacturing steps occur at a facility operated by a limited liability Chemours subsidiary [Chemours II].” (MTD at 7.) As another example, Chemours I also stated “The manufacturing steps discussed in the complaint are performed by a limited liability subsidiary of Chemours [Chemours II].” (MTD at 1.)

24. Chemours also understand that the Chemours Ingleside 1234yf Production Facility is where the accused infringing activity takes place. For example, in its MTD, Chemours I stated: “Mexichem alleges that all the infringing activity occurs in ‘the Chemours Facility.’...The Ingleside manufacturing plant, however, is owned and operated by a Chemours subsidiary, The Chemours Company FC, LLC [Chemours II].” (MTD at 4.) As another example, Chemours I also stated: “The Opteon™ production facility was ‘start[ed] up’ in February 2019.” (MTD at 4.)

25. Chemours also understand the patent and patent claims they are accused of infringing. For example, in its MTD, Chemours I stated: “Mexichem alleges Chemours infringes claims 1, 4, 5, 28, 31, and 45 of the ‘340 patent by manufacturing certain chemicals that are either refrigerants or precursors of refrigerants.” (MTD at 3.)

Count I:
Chemours’ Infringement of U.S. Patent No. 8,633,340

26. Mexichem realleges and incorporates the allegations set forth in paragraphs 1 through 25 as though fully set forth herein.

27. Chemours make 1234yf at the Chemours Ingleside 1234yf Production Facility using processes that are covered by at least claims 1, 4, 5, 28, 31, and 45 of the ‘340 Patent. Chemours have infringed and continue to infringe the ‘340 Patent at least by making and/or using 1,1,1,3-tetrachloropropane (250fb), 3,3,3-trifluoropropene (1243zf), 1,1,1-trifluoro-2,3-dichloropropane (HCFC-243db), 3,3,3-trifluoro-2-chloroprop-1-ene (HCFO-1233xf), 2-chloro-1,1,1,2-tetrafluoropropane (HCFC-244bb), and 2,3,3,3-tetrafluoropropene (HFO-1234yf) according to processes claimed in the ‘340 Patent, either literally or through the doctrine of equivalents, including at least patent claims 1, 4, 5, 28, 31, and 45.

28. Claim 1 of the ‘340 Patent recites: “[a] process for preparing 1,1,1-trifluoro-2,3-dichloropropane (243db), which process comprises (i) contacting 3,3,3-trifluoropropene (1243zf)

with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal.”

29. Chemours infringe claim 1 of the ‘340 Patent.

30. Chemours make and use 3,3,3-trifluoropropene (1243zf) at the Chemours Ingleside 1234yf Production Facility.

31. Chemours make and use 1,1,1-trifluoro-2,3-dichloropropane (243db) at the Chemours Ingleside 1234yf Production Facility.

32. Chemours use chlorine at the Chemours Ingleside 1234yf Production Facility.

33. Chemours use one or more catalysts containing alumina, oxidized chromium or iron, and/or activated carbon at the Chemours Ingleside 1234yf Production Facility.

34. On information and belief, Chemours contact 1243zf with chlorine (Cl_2) in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal) to prepare (243db) (which differs in structure from 1243zf by the presence of two additional chlorine atoms and no double bond) at the Chemours Ingleside 1234yf Production Facility.

35. Publicly available documents describe aspects of Chemours’ process at the Chemours Ingleside 1234yf Production Facility. For example, Chemours requested an Environmental Screening Level (“ESL”) from the TCEQ for 243db at the Chemours Ingleside 1234yf Production Facility.

36. As another example, a TCEQ Notice of Registration of Industrial and Hazardous Waste (“Notice”) identified 1243zf that was generated on-site by Chemours at the Chemours Ingleside 1234yf Production Facility.

37. As yet another example, Chemours represented to the TCEQ Wastewater Permitting Section that Chemours would use chlorine as a raw material at the Chemours Ingleside 1234yf Production Facility.

38. As still another example, Chemours represented to the TCEQ Wastewater Permitting Section that Chemours would use transition metal catalysts, specifically catalysts containing chromium and iron, at the Chemours Ingleside 1234yf Production Facility.

39. As yet further examples, a TCEQ Notice indicated that spent carbon catalyst was generated by Chemours at the Chemours Ingleside 1234yf Production Facility, and a TCEQ permit describes Chemours using “new activated carbon” to “replace spent carbon” at the Chemours Ingleside 1234yf Production Facility.

40. Claim 4 of the ‘340 Patent recites: “[a] process for preparing 1,1,1-trifluoro-2,3-dichloropropane (243db) comprising the step of converting 1,1,1,3-tetrachloropropane (250fb) to produce 3,3,3-trifluoropropene (1243zf), and contacting the 1243zf with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal.”

41. Chemours infringe claim 4 of the ‘340 Patent.

42. On information and belief, Chemours practice a “process for preparing 1,1,1-trifluoro-2,3-dichloropropane (243db)” and “contacting the 1243zf with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal,” for at least the reasons described above in paragraphs 29-39.

43. Chemours make and use 1,1,1,3-tetrachloropropane (250fb) at the Chemours Ingleside 1234yf Production Facility.

44. On information and belief, Chemours produce 243db at the Chemours Ingleside 1234yf Production Facility by converting 250fb to produce 1243zf and contacting the 1243zf with chlorine in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal).

45. Public documents describe aspects of Chemours' process at the Chemours Ingleside 1234yf Production Facility. For example, Chemours requested an ESL from the TCEQ for 250fb at the Chemours Ingleside 1234yf Production Facility.

46. Claim 5 of the '340 Patent recites: “[a] process for preparing 1,1,1-trifluoro-2,3-dichloropropane (243db)—comprising the steps (a) of telomerising ethylene and carbon tetrachloride (CCl_4) to produce 1,1,1,3-tetrachloropropane (250fb), (b) converting the 250fb to produce 3,3,3-trifluoropropene (1243zf), and contacting the (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal.”

47. Chemours infringe claim 5 of the '340 Patent.

48. On information and belief, Chemours practice a “process for preparing 1,1,1-trifluoro-2,3-dichloropropane (243db),” “contacting the (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal,” and “converting the 250fb to produce 3,3,3-trifluoropropene (1243zf),” for at least the reasons described above in paragraphs 29-45.

49. Chemours use ethylene at the Chemours Ingleside 1234yf Production Facility.

50. Chemours use carbon tetrachloride (CCl_4) at the Chemours Ingleside 1234yf Production Facility.

51. On information and belief, Chemours telomerize ethylene and carbon tetrachloride (CCl_4) to produce 250fb at the Chemours Ingleside 1234yf Production Facility and Chemours convert 250fb to produce 1243zf, and contact the 1243zf with chlorine in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal) to prepare 243db at the Chemours Ingleside 1234yf Production Facility.

52. Publicly available documents describe aspects of Chemours' process at the Chemours Ingleside 1234yf Production Facility. For example, a TCEQ permit amendment document describes storage of carbon tetrachloride at the Chemours Ingleside 1234yf Production Facility.

53. As another example, a TCEQ report document describes storage of carbon tetrachloride at the Chemours Ingleside 1234yf Production Facility.

54. As yet another example, a TCEQ report document describes ethylene and carbon tetrachloride, together, as vented materials at the Chemours Ingleside 1234yf Production Facility.

55. Claim 28 of the '340 Patent recites: “[a] process comprising the steps of: (w) contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst comprising activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db); and (x) converting the 243db to 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, 1233xf).”

56. Chemours infringe claim 28 of the '340 Patent.

57. On information and belief, Chemours practice step (w) of claim 28, “contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst comprising activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db),” for at least the reasons described above in paragraphs 29-39.

58. Chemours make and use 3,3,3-trifluoro-2-chloroprop-1-ene (1233xf) at the Chemours Ingleside 1234yf Production Facility.

59. On information and belief, Chemours convert 243db to produce 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, 1233xf) at the Chemours Ingleside 1234yf Production Facility.

60. On information and belief, Chemours perform a process at the Chemours Ingleside 1234yf Production Facility including at least the steps of: (1) contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal) to produce 1,1,1-trifluoro-2,3-dichloropropane (243db); and (2) converting the 243db to 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, 1233xf).

61. Public documents describe aspects of Chemours' process at the Chemours Ingleside 1234yf Production Facility. For example, Chemours requested an ESL from the TCEQ for 1233xf at the Chemours Ingleside 1234yf Production Facility.

62. Claim 31 of the '340 Patent recites: “[a] process comprising the steps of (w) contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db); (x) converting 243db to 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, 1233xf); and (y) contacting the 1233xf with a fluorinating agent to produce a compound of formula $\text{CF}_3\text{CFXCH}_3$, wherein $\text{X}=\text{Cl}$ or F .”

63. Chemours infringe claim 31 of the '340 Patent.

64. On information and belief, Chemours practice step (w) of claim 31, “contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db),” and step (x) of claim 31, “converting 243db to 3,3,3-

trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, (1233xf),” for at least the reasons described above in paragraphs 29-39 and 57-61.

65. Chemours make and use 244bb, a compound which has the formula $\text{CF}_3\text{CFCICH}_3$, at the Chemours Ingleside 1234yf Production Facility.

66. Chemours use hydrogen fluoride, a fluorinating agent, at the Chemours Ingleside 1234yf Production Facility.

67. On information and belief, Chemours contact 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, (1233xf) with hydrogen fluoride, a fluorinating agent, to produce 244bb ($\text{CF}_3\text{CFCICH}_3$) (which differs in structure from 1233xf by the presence of an additional hydrogen atom and an additional fluorine atom and no double bond) at the Chemours Ingleside 1234yf Production Facility.

68. On information and belief, Chemours perform a process at the Chemours Ingleside 1234yf Production Facility including at least the steps of: (1) contacting 1243zf with chlorine in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal) to produce 243db; (2) converting 243db to 1233xf; and (3) contacting the 1233xf with a fluorinating agent to produce 244bb, a compound of formula $\text{CF}_3\text{CFXCH}_3$, wherein $\text{X}=\text{Cl}$ or F .

69. Public documents describe aspects of Chemours’ process at the Chemours Ingleside 1234yf Production Facility. For example, Chemours requested an ESL from the TCEQ for 244bb at the Chemours Ingleside 1234yf Production Facility.

70. As another example, TCEQ Air Emission Event Reports related to the Chemours Ingleside 1234yf Production Facility describe emission of 244bb.

71. As yet another example, Chemours represented to the TCEQ Wastewater Permitting Section that Chemours would use hydrogen fluoride, a fluorinating agent, as a raw material at the Chemours Ingleside 1234yf Production Facility.

72. Claim 45 of the '340 Patent recites: “[a] process comprising the steps of (w) contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db); (x) converting 243db to 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, (1233xf); (y) contacting the 1233xf with a fluorinating agent to produce a compound of formula $\text{CF}_3\text{CFXCH}_3$, wherein $\text{X}=\text{Cl}$ or F ; and (z) dehydrohalogenating the compound of formula $\text{CF}_3\text{CFXCH}_3$ to produce 1234yf.”

73. Chemours infringe claim 45 of the '340 Patent.

74. On information and belief, Chemours practice step (w) of claim 45, “contacting 3,3,3-trifluoropropene (1243zf) with chlorine in the presence of a catalyst, wherein the catalyst comprises activated carbon, alumina and/or an oxide of a transition metal to produce 1,1,1-trifluoro-2,3-dichloropropane (243db),” step (x) of claim 45, “converting 243db to 3,3,3-trifluoro-2-chloroprop-1-ene ($\text{CF}_3\text{CCl}=\text{CH}_2$, (1233xf),” and step (y) of claim 45, “contacting the 1233xf with a fluorinating agent to produce a compound of formula $\text{CF}_3\text{CFXCH}_3$, wherein $\text{X}=\text{Cl}$ or F ,” for at least the reasons described above in paragraphs 29-39, 57-61, and 64-71.

75. Chemours make 1234yf at the Chemours Ingleside 1234yf Production Facility.

76. On information and belief, Chemours dehydrohalogenate 244bb ($\text{CF}_3\text{CFCICH}_3$) to produce 1234yf (which differs in structure from 244bb by the absence of a hydrogen atom and a chlorine (halogen) atom that are present in 244bb and the addition of a double bond) at the Chemours Ingleside 1234yf Production Facility.

77. On information and belief, Chemours perform a process at the Chemours Ingleside 1234yf Production Facility including at least the steps of: (1) contacting 1243zf with chlorine in the presence of a catalyst (that comprises activated carbon, alumina and/or an oxide of a transition metal) to produce 243db; (2) converting 243db to 1233xf; (3) contacting the 1233xf with a fluorinating agent to produce 244bb, a compound of formula CF_3CFXCH_3 , wherein X=Cl or F; and (4) dehydrohalogenating the 244bb to produce 1234yf.

78. Public documents describe aspects of Chemours' process at the Chemours Ingleside 1234yf Production Facility. For example, TCEQ Air Emission Event Reports related to the Chemours Ingleside 1234yf Production Facility describe emission of 1234yf.

79. As another example, a TCEQ Air Emission Event Report described an emission of 244bb and 1234yf from a leak in a single reactor part at the Chemours Ingleside 1234yf Production Facility.

80. Alternatively, Chemours I is actively inducing infringement of the '340 Patent under 35 U.S.C. § 271(b). Chemours I started up the Chemours Ingleside 1234yf Production Facility and did so in a manner such that its wholly owned subsidiary, Chemours II, directly infringes at least patent claims 1, 4, 5, 28, 31, and 45 of the '340 Patent. Chemours I was involved in the ramp up of the Chemours Ingleside 1234yf Production Facility and the operating performance of the Chemours Ingleside 1234yf Production Facility. Chemours I benefits from Chemours II's direct infringement, including that Chemours II's revenue for the 1234yf made at the Ingleside 1234yf Production Facility is consolidated and reported as part of the operations of Chemours I. Further, and on information and belief, Chemours II's infringing acts were done at the direction of, with the authorization of, and/or with the cooperation, participation, encouragement, and assistance of, Chemours I. Chemours I announced, for example, that in the

first quarter of 2020, Chemours I received \$61 million in contribution to its earnings driven by better operational performance and ramp up of the Chemours Ingleside 1234yf Production Facility. Finally, Chemours I's acts were done with knowledge of Mexichem's '340 Patent, as evidenced at least by the Interference proceeding. In short, Chemours I specifically intended for Chemours II to infringe the '340 Patent and knew that Chemours II's acts constituted infringement of the '340 Patent.

81. Chemours' acts of infringement have been without express or implied license by Mexichem, are in violation of Mexichem's rights, and will continue unless enjoined by this Court.

82. Chemours' infringement of the '340 Patent have been, and continue to be, intentional, willful, and malicious. Chemours' bad faith is evidenced at least by Chemours' use of Mexichem's patented technology, Chemours' knowledge of Mexichem's '340 Patent prior to the filing of this lawsuit, Chemours' knowledge of Mexichem's '340 Patent prior to, for example, Chemours I's announcement about "the startup of the new Opteon™ YF (HFO-1234yf) low global-warming-potential (GWP) refrigerant production facility at its Corpus Christi manufacturing plant in Ingleside, Texas" that "will enable Chemours to triple the global capacity of its hydrofluoroolefin (HFO) 1234yf-based products," Chemours' knowledge of the '340 Patent since at least September 14, 2015 when Reissue Application No. 14/552,613 was assigned to Chemours II, Chemours' further knowledge of the '340 Patent since at least July 3, 2018 when Chemours II was identified as a real party-in-interest in the Interference, and Chemours' continuing disregard for Mexichem's rights at least by opening its facility in Ingleside, Texas five years after the '340 Patent issued and continuing to operate the facility.

83. This is an exceptional case in view of Chemours' unlawful activities, including Chemours' intentional, willful, and malicious infringement.

84. Mexichem has been, is being, and will continue to be injured and has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under at least 35 U.S.C. §§ 281, 284, and 285.

85. Chemours also have caused, are causing, and will continue to cause irreparable harm to Mexichem for which there is no adequate remedy at law and for which Mexichem is entitled to injunctive relief under at least 35 U.S.C. § 283.

Demand for Jury Trial

Mexichem hereby demands a jury trial on all issues so triable.

Relief Sought

WHEREFORE, Plaintiff Mexichem respectfully prays for:

1. Judgment that The Chemours Company and The Chemours Company FC, LLC have infringed the '340 Patent, and that such infringement was willful;
2. An injunction against further infringement of the '340 Patent by The Chemours Company and The Chemours Company FC, LLC, and each of their agents, employees, servants, attorneys, successors and assigns, and all others in privity or acting in concert with any of them;
3. An award of damages adequate to compensate Mexichem for the patent infringements that have occurred pursuant to 35 U.S.C. § 284, together with prejudgment interest and costs and reasonable attorney fees, pursuant to 35 U.S.C. §§ 284 and 285;
4. That Mexichem be awarded enhanced damages pursuant to 35 U.S.C. § 284 at least because of The Chemours Company's and The Chemours Company FC, LLC's intentional, willful, and malicious infringement; and
5. Such other and further relief as this Court deems just and proper.

Dated: September 8, 2020

Respectfully submitted,

By: /s/ Joseph J. Berghammer
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ATTORNEYS FOR PLAINTIFF MEXICHEM

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on September 8, 2020.

/s/ Joseph J. Berghammer
Attorney for Mexichem Amanco Holding, SA
de CV