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19 *Attorneys for Plaintiff ArcelorMittal*

20 IN THE UNITED STATES DISTRICT COURT

21 FOR THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

22 ARCELORMITTAL,

23 Plaintiff,

24 v.

25 VINFAST AUTO, LLC; VINFAST USA
26 DISTRIBUTION, LLC; VINGROUP USA,
LLC; VINFAST TRADING AND
27 PRODUCTION JSC; and VINFAST AUTO
LTD.,

CASE NO.

**PLAINTIFF ARCELORMITTAL'S
COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Defendants.

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3
4 Plaintiff ArcelorMittal (“ArcelorMittal” or “Plaintiff”), by and through its undersigned counsel,
5 complains and alleges against Defendants VinFast Auto, LLC; VinFast USA Distribution, LLC;
6 Vingroup USA, LLC; VinFast Trading and Production JSC; and VinFast Auto Ltd. (collectively,
7 “Defendants” or “VinFast”) as follows:

8 **NATURE OF ACTION**

9 1. For decades, the automotive industry has debated: steel or aluminum? Steel is
10 inexpensive and strong, which has made all-steel car bodies an industry standard for almost a century.¹
11 But with the increase in the price of gasoline in the 1970s came demand for fuel-efficient cars made of
12 a lighter metal—aluminum (“Al”). There were other benefits to aluminum; unlike steel, aluminum is
13 rust-resistant. Given these and other benefits, the steel industry, and particularly ArcelorMittal, has
14 innovated ways to combine the rust-resistance of aluminum-based coating with the strength of
15 automotive steel and thereby produce thinner, stronger steel products that can compete in the
16 automotive industry.²

17 2. Starting in the 1990s, ArcelorMittal pioneered the use of Al-coated³ steel to shape parts
18 for the automotive industry. Hot stamping the Al-coated steel led to a process called austenitizing and
19 quenching that results in a high-strength steel. The car parts thus formed were also thin, light, and rust-
20 resistant, which resulted in a product that incorporated the advantages of both metals.

21 3. But the first iteration of this steel still required improvement. Once on the market,
22 ArcelorMittal began to identify additional challenges for automobile frames and other steel automotive

23
24 ¹ See, e.g., Paul Nieuwenhuis & Peter Wells, *The All-Steel Body as a Cornerstone to the Foundations*
of the Mass Production Car Industry, 16 *Indus. & Corp. Change* 183 (2007).

25 ² *U.S. Car Maker Adding More Aluminum*, Plastic, N.Y. Times, Feb. 5, 1981,
26 <https://www.nytimes.com/1981/02/05/business/us-car-makers-adding-more-aluminum-plastic.html>
(last visited Apr. 2, 2024); Jaclyn Trop, *Steel Industry Feeling Stress as Automakers Turn to Aluminum*,
27 N.Y. Times, Feb. 24, 2014, [https://www.nytimes.com/2014/02/25/business/detroits-aluminum-](https://www.nytimes.com/2014/02/25/business/detroits-aluminum-diet.html)
[diet.html](https://www.nytimes.com/2014/02/25/business/detroits-aluminum-diet.html) (last visited Apr. 2, 2024).

28 ³ As used in this Complaint, the term “Al-coated” includes aluminum alloys.

1 products, such as a need for improved weldability, variable strength and reliability, manufacturing
2 inefficiencies, and cost. For example, it is critical that steel have high weldability given the steel's
3 structural applications within the automobile. High weldability means that a welding operation of the
4 steel can be performed in a wide range of operating conditions, including welding current intensity and
5 the force applied to the steel parts during welding. It is important that the welding operation results in
6 a weld that is durable and has a high mechanical resistance. To address these issues, ArcelorMittal
7 invested substantial amounts of time and money to research and develop new generations of Al-coated
8 steel for use in automotive products and automobiles, and to commercialize these new generations of
9 Al-coated steel. ArcelorMittal also invested in a joint venture in the United States that produces Al-
10 coated steel used in automotive products and automobiles.

11 4. The two patents at issue in this complaint—U.S. Patent Nos. 10,961,602 (“the ‘602
12 Patent”) and 11,326,227 (“the ‘227 Patent”) (collectively, the “Asserted Patents”), true and correct
13 copies of which are attached to this complaint as Exhibits A and B, respectively—describe and claim
14 a novel, high-strength Al-coated steel that provides the strength, weldability, and reliability required
15 for high-stress automotive uses. The Asserted Patents claim a steel product containing a coating that
16 has a thickness of greater than 30 micrometers and includes four layers that are created through a
17 process in which the steel is heated and press-hardened through die quenching, which is referred to as
18 “hot stamping.”⁴ The four-layer, hot-stamped steel product “makes it possible to obtain a mechanical
19 resistance in excess of 1000 MPa,⁵ a substantial resistance to shocks, fatigue, abrasion, and wear, while
20 retaining a good resistance to corrosion as well as a good capacity for welding, painting and gluing.”⁶
21 These features are important for the shaping of parts for automotive industry applications such as
22 vehicle frames.⁷ The Asserted Patents thus satisfy “a need for coated steels which may be used to
23 prepare shaped parts by a stamping process which are suitable for welding.”⁸

24
25 _____
26 ⁴ See, e.g., Ex. A (‘602 Patent) at 14:59–15:15.

27 ⁵ “MPa” is an abbreviation for megapascal.

28 ⁶ Ex. A (‘602 Patent) at 11:32–39.

⁷ *Id.*

⁸ *Id.* at 2:29–31.

1 5. ArcelorMittal’s inventive high-strength Al-coated steel has facilitated substantial safety
2 improvements in the automotive industry.⁹ Additionally, while ArcelorMittal’s inventive steel is
3 widely used in and has improved the safety of gasoline-powered automobiles, it is also important in
4 the growing electric vehicle market to ensure that vehicle bodies are strong enough to hold batteries.¹⁰

5 6. Recognizing the importance of ArcelorMittal’s solution, VinFast has also turned to
6 high-strength Al-coated steel covered by the claims of the Asserted Patents. But VinFast does not buy
7 ArcelorMittal’s high-strength Al-coated steel from authorized providers. VinFast—through its
8 subsidiary VinFast Commercial and Services Trading—is aware of the Asserted Patents at least
9 because ArcelorMittal sent VinFast Commercial and Services Trading a letter on November 25, 2022,
10 notifying it of the Asserted Patents and infringement thereof. *See* Ex. E (Nov. 25, 2022 Letter). Despite
11 this knowledge of ArcelorMittal’s patents, VinFast has not sought a license. Instead, VinFast infringes.
12 This complaint is directed to VinFast’s manufacturing, use, offer for sale, sale and/or import into the
13 United States of high-strength Al-coated steel for use in automotive products, e.g., components used in
14 VinFast’s automobile products and VinFast’s automobiles (the “Accused Products”). The Accused
15 Products—including, but not limited to, the VF 8—each infringe, either literally or under the doctrine
16 of equivalents, at least Claim 1 of each Asserted Patent. Additionally, ArcelorMittal believes that
17 further discovery will show that the VF 3, VF 6, VF 7, and VF 9 also infringe the Asserted Patents.

THE PARTIES

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19 7. Plaintiff ArcelorMittal is a public limited company organized under the laws of the
20 Grand Duchy of Luxembourg, with its principal place of business at 24–26, Boulevard d’Avranches L-
21 1160 Luxembourg, Grand Duchy of Luxembourg.

22 8. Defendant VinFast Auto, LLC is a corporation organized under the laws of Delaware,
23 with its principal place of business at 12777 West Jefferson Boulevard, Suite A-101, Los Angeles,
24 California 90066. VinFast Auto, LLC is a subsidiary of, or otherwise controlled by, Defendant

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26 ⁹ *See, e.g.*, ArcelorMittal, “ArcelorMittal and the Honda Acura MDX door ring,” YouTube (July 8, 2014), <https://www.youtube.com/watch?v=1dCNTOEArFk> (last visited Apr. 15, 2024).

27 ¹⁰ ArcelorMittal, *The Impact of Electric Vehicles on Steel and ArcelorMittal*, https://automotive.arcelormittal.com/news_and_stories/cases/2017ElectricVehiclesImpactOnSteel
28 (last visited Apr. 2, 2024).

1 Vingroup USA, LLC. *See* Ex. F (VinFast Auto Ltd., Registration Statement at 27 (Form F-1) (Oct. 23,
2 2023)).

3 9. Defendant VinFast USA Distribution, LLC is a corporation organized under the laws of
4 Delaware, with its principal place of business at 12777 West Jefferson Boulevard, Suite A-101, Los
5 Angeles, California 90066. VinFast USA Distribution, LLC is a subsidiary of, or otherwise controlled
6 by, Defendant Vingroup USA, LLC. *See* Ex. F (VinFast Auto Ltd., Registration Statement at 27 (Form
7 F-1) (Oct. 23, 2023)).

8 10. Defendant Vingroup USA, LLC is a corporation organized under the laws of Delaware,
9 with its principal place of business at 12777 West Jefferson Boulevard, Suite A-101, Los Angeles,
10 California 90066. Vingroup USA, LLC is a parent of, or otherwise controls, Defendants VinFast Auto,
11 LLC and VinFast USA Distribution, LLC. *See* Ex. F (VinFast Auto Ltd., Registration Statement at 27
12 (Form F-1) (Oct. 23, 2023)). Vingroup USA, LLC is a subsidiary of, or otherwise controlled by,
13 Defendant VinFast Auto Ltd. *See id.*

14 11. Defendant VinFast Trading and Production JSC is a corporation organized under the
15 laws of Vietnam, with its principal place of business at Dinh Vu – Cat Hai Economic Zone Cat Hai
16 Islands, Cat Hai Town, Cat Hai District Hai Phong City, Vietnam. VinFast Trading and Production
17 JSC is a subsidiary of, or otherwise controlled by, Defendant VinFast Auto Ltd. *See* Ex. F (VinFast
18 Auto Ltd., Registration Statement at 27 (Form F-1) (Oct. 23, 2023)).

19 12. Defendant VinFast Auto Ltd. is a corporation organized under the laws of Singapore,
20 with its principal place of business at Dinh Vu – Cat Hai Economic Zone Cat Hai Islands, Cat Hai
21 Town, Cat Hai District Hai Phong City, Vietnam. VinFast Auto Ltd. is a parent of, or otherwise
22 controls, Defendants Vingroup USA, LLC and VinFast Trading and Production JSC. *See* Ex. F
23 (VinFast Auto Ltd., Registration Statement at 27 (Form F-1) (Oct. 23, 2023)).

24 **JURISDICTION AND VENUE**

25 13. This Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331 and
26 1338 because this action arises under the patent laws of the United States, Title 35, United States Code.

1 14. This Court has personal jurisdiction over VinFast because, *inter alia*: (1) VinFast Auto,
2 LLC, VinFast USA Distribution, LLC, and Vingroup USA, LLC have their principal place of business
3 in California, *see* Ex. G (VinFast, VinFast Officially Announces US Headquarters in Los Angeles
4 (Nov. 16, 2021))¹¹ (announcement of VinFast US headquarters in Los Angeles); (2) Defendants have
5 substantial, continuous, and systematic contacts with California; (3) Defendants have committed and
6 continue to commit purposeful actions in California that infringe the Patents-in-Suit; and (4)
7 Defendants have purposefully availed themselves of the California market by placing infringing
8 products in the stream of commerce with the expectation that they will be purchased in California.

9 15. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b) because (1) VinFast
10 Auto, LLC, VinFast USA Distribution, LLC, and Vingroup USA, LLC maintain a regular and
11 established place of business in this District, and have committed acts of infringement in this District;
12 and (2) VinFast Trading and Production JSC and VinFast Auto Ltd. are not resident in the United
13 States.

14 **THE PATENTS-IN-SUIT**

15 16. ArcelorMittal is the owner of the entire, right, title, and interest in and to United States
16 Patent No. 10,961,602, entitled “Coated Steel Strips, Coated Stamped Products and Methods.”
17 The ’602 Patent names Pascal Drillet, Dominique Spehner, and Ronald Kefferstein as inventors.

18 17. The ’602 Patent generally relates to a steel product with a strip of base steel and a coating
19 greater than 30 micrometers thick. The coating is derived from a base steel and a precoating of
20 aluminum or aluminum alloy. Starting from the base steel, the coating includes four layers: (1) an
21 interdiffusion layer, (2) an intermediate layer, (3) an intermetallic layer, and (4) a superficial layer. The
22 interdiffusion, intermediate, and intermetallic layers each have different mean iron compositions, and
23 the intermetallic layer has a different iron composition than the superficial layer. The four layers are
24 shown in Figure 1 from the ’602 Patent:

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26
27 ¹¹ Available at: <https://www.prnewswire.com/news-releases/vinfast-officially-announces-us-headquarters-in-los-angeles-301426252.html> (last visited Apr. 2, 2024).
28

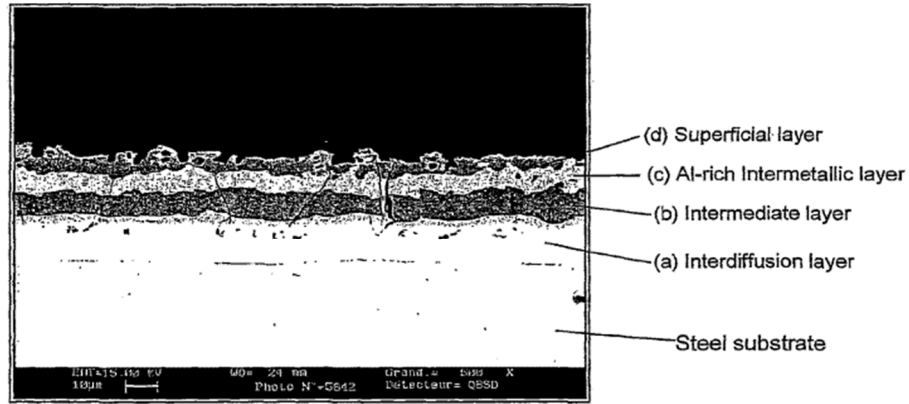


Fig. 1 10µm

18. ArcelorMittal is the owner of the entire, right, title, and interest in and to United States Patent No. 11,326,227, also entitled “Coated Steel Strips, Coated Stamped Products and Methods.” The ’227 Patent names Pascal Drillet, Dominique Spehner, and Ronald Kefferstein as inventors. The ’227 Patent is a continuation of the ’602 Patent.

19. The ’227 Patent generally relates to a precoated steel product with a strip of base steel and a coating greater than 30 micrometers thick. The coating is derived from a base steel and a precoating of aluminum or aluminum alloy. Starting from the base steel, the coating includes four layers: (1) an interdiffusion layer, (2) an intermediate layer, (3) an intermetallic layer, and (4) a superficial layer. Each layer has a different mean composition. The four layers are shown in Figure 1 from the ’227 Patent:

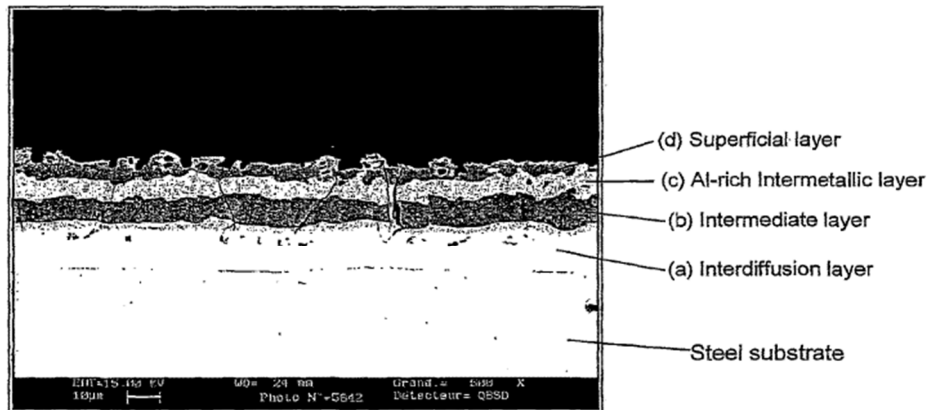


Fig. 1 10µm

VINFAST'S INFRINGING CONDUCT

20. On information and belief, VinFast makes, uses, offers for sale, sells, and/or imports into the United States Accused Products that infringe one or more claims of the Asserted Patents. The VinFast VF 8 is an exemplary Accused Product.

21. VinFast has been selling and importing the VF 8 vehicle into the United States since at least 2022. For example, as early as August 2022, VinFast announced that it had received an order for more than 2,500 VF 8 and VF 9 automobiles.¹² On March 1, 2023, VinFast announced that it delivered “the first 45 VF 8 City Edition all-electric SUVs to U.S. customers at its 9 stores across California,” which “signal[ed] the company’s official entry into the North American market.”¹³ According to that press release, “[t]he VF 8 City Edition includes 999 vehicles which were imported to the U.S. last December [in 2022].”¹⁴ In January 2024, VinFast announced that it was opening numerous dealerships in the United States, with an anticipated network of 125 points of sale across the country.¹⁵ As of March 28, 2024, Leith VinFast, located in Cary, North Carolina, has 43 new VinFast VF 8 vehicles available for sale.¹⁶ VinFast has also publicized how it broke ground on a manufacturing site in North Carolina that is set to open in 2025 and will build up to 150,000 VF 7, VF 8, and VF 9 vehicles per year.¹⁷

22. On or about May 2, 2023, ArcelorMittal’s agent purchased a VinFast VF 8 vehicle with VIN No. RLLV1AFA2PH001614 in the United States from VinFast Marina Del Rey. Photographs of the tested part from the purchased VinFast VF 8 are attached as Exhibit H.

¹² See VinFast, VinFast Receives Order For More Than 2,500 VF 8 and VF 9 Vehicles from Autonomy™, <https://vinfastauto.us/newsroom/press-release/vinfast-receives-order-for-more-than-2500-vf-8-and-vf-9-vehicles-from> (last visited Apr. 2, 2024).

¹³ Vinfast, VinFast Officially Delivers First VF 8 City Edition Vehicles to U.S. Customers, <https://vinfastauto.us/newsroom/press-release/vinfast-officially-delivers-first-vf-8-city-edition-vehicles-to-us-customers> (last visited Apr. 2, 2024).

¹⁴ *Id.*

¹⁵ <https://vinfastauto.us/newsroom/press-release/vinfast-announces-signing-of-initial-independent-dealers-in-the-us> (last visited Apr. 2, 2024).

¹⁶ See Leith VinFast, Inventory, <https://www.leithvinfast.com/new-inventory/index.htm> (last visited Apr. 2, 2024).

¹⁷ VinFast, VinFast Breaks Ground at North Carolina Electric Vehicle Facility, <https://vinfastauto.us/newsroom/press-release/vinfast-breaks-ground-at-north-carolina-electric-vehicle-facility> (last visited Apr. 2, 2024).

1 23. VinFast continues to make, use, offer for sale, sell and/or import into the United States
2 the VF 8 vehicle. For example, VinFast provides an “Order Now” option for the VF 8 through its
3 website.¹⁸ As shown below, the website explains that VinFast “currently offer[s] vehicle delivery and
4 services in specific states.”¹⁹

Choose Delivery State

We currently offer vehicle delivery and services in specific states.
Please choose the state where you plan to register and receive
your new VinFast vehicle from the drop-down menu below. If you
don't see your desired state, unfortunately, you won't be able to
place an order, but you can make a reservation instead. Please
contact 1-833-503-0600 for further assistance.

11 24. Customers visiting the VinFast website can order for purchase and purchase the VF 8
12 vehicle and reserve for purchase the VF 9 vehicle.²⁰ Upon information and belief, VinFast also plans
13 to release the VF 3, VF 6, and VF 7 in the United States.²¹ For example, VinFast recently announced
14 that its first group of VinFast dealers, which consists of dealers in North Carolina, New York, Texas,
15 and Kansas, will “begin selling the VinFast VF 8 all-electric SUV, with plans to add the VF 6, VF 7,
16 and VF 9 models when they launch in the US market.”²²

17 25. Additionally, Vingroup USA, LLC had a permit from the State of California to test
18 autonomous vehicles with a driver.²³ Vingroup USA, LLC have added autonomous vehicle technology
19
20

21 ¹⁸ VinFast VF-8, <https://vinfastauto.us/vehicles/vf-8> (last visited Apr. 2, 2024).

22 ¹⁹ *Id.*

23 ²⁰ NextShark, Vietnamese EV maker VinFast to import new crossovers for US market, <https://nextshark.com/vinfast-new-crossovers-us-market> (last visited Apr. 2, 2024).

24 ²¹ *Id.*

25 ²² VinFast, VinFast Announces Signing of Initial Independent Dealers in the US, <https://vinfastauto.us/newsroom/press-release/vinfast-announces-signing-of-initial-independent-dealers-in-the-us> (last visited Apr. 2, 2024).

26 ²³ California Department of Motor Vehicles, Autonomous Vehicle Testing Permit Holders (Mar. 9,
27 2023), <https://web.archive.org/web/20230309003937/https://www.dmv.ca.gov/portal/vehicle-industry-services/autonomous-vehicles/autonomous-vehicle-testing-permit-holders/> (last visited Apr.
28 2, 2024).

1 to the VF 8 and driven those modified VF 8 vehicles in the Central District of California, including in
2 Long Beach.²⁴

3 26. VinFast has also announced that it will open its first North American manufacturing
4 plant in North Carolina, which will produce the VF 8 and VF 9 models.²⁵ Production is expected to
5 start in July 2024 with an initial capacity of 150,000 vehicles per year.²⁶

6 27. Given these recent developments, discovery will likely reveal additional specific acts of
7 VinFast's infringing conduct.

8 **COUNT 1 – INFRINGEMENT OF THE '602 Patent**

9 28. ArcelorMittal reallege the foregoing paragraphs as if fully set forth herein.

10 29. The United States Patent and Trademark Office ("USPTO") duly and legally issued
11 the '602 Patent on March 30, 2021. The '602 Patent is valid and enforceable.

12 30. VinFast is not licensed or otherwise authorized to practice the '602 Patent.

13 31. VinFast has directly infringed, and continues to directly infringe the '602 Patent, in
14 connection with the Accused Products. VinFast makes, uses, offers for sale, sells, and/or imports into
15 the United States Accused Products that directly infringe, literally, and/or under the doctrine of
16 equivalents, one or more claims of the '602 Patent. By making, using, offering for sale, selling, and/or
17 importing into the United States the Accused Products, VinFast has injured ArcelorMittal and is liable
18 for infringement of the '602 Patent pursuant to 35 U.S.C. § 271(a).

19 32. The Accused Products satisfy all claim limitations of one or more claims of the '602
20 Patent. A claim chart attached as Exhibit C shows how the Accused Products infringe at least Claim 1
21 of the '602 Patent.

22 33. VinFast had knowledge of or was willfully blind to the '602 Patent and that its actions
23 constitute infringement of the '602 Patent. VinFast has knowledge of the '602 Patent and its actions

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25 ²⁴ machspeedhero, "Spotted a Pair of Autonomous Vinfast Test Vehicles Charging here in Southern
26 California," Reddit (Mar. 16, 2023),
https://www.reddit.com/r/electricvehicles/comments/11tibx3/spotted_a_pair_of_autonomous_vinfast_test/
(last visited Apr. 2, 2024).

27 ²⁵ VinFast, VinFast North Carolina Manufacturing Plant, <https://vinfastauto.us/newsroom/press-kit/vinfast-north-carolina-manufacturing-plant> (last visited Apr. 2, 2024).

28 ²⁶ *See id.*

1 constitute willful infringement thereof since at least November 25, 2022 or, alternatively, as of the
2 filing of this complaint. ArcelorMittal sent VinFast a letter on November 25, 2022 notifying VinFast
3 of, *inter alia*, the '602 Patent and VinFast's infringement thereof. Although VinFast knew or
4 reasonably should have known that it infringed the '602 Patent, VinFast refused to seek a license or
5 seek licensed products for incorporation into its vehicles, and instead continued to use infringing parts.

6 34. VinFast's infringement of the '602 Patent has been and continues to be willful. VinFast
7 has acted with knowledge of the '602 Patent and without a reasonable basis for a good-faith belief that
8 it would not be liable for infringement of the '602 Patent. VinFast has disregarded and continues to
9 disregard its infringement and/or an objectively high likelihood that its actions constitute infringement
10 of the '602 Patent. This objectively-defined risk was known or is so obvious that it should have been
11 known to VinFast.

12 35. As a result of VinFast's direct infringement of the '602 Patent, ArcelorMittal is entitled
13 to monetary damages (past, present, and future) in an amount adequate to compensate for VinFast's
14 infringement, but in no event less than a reasonable royalty for the use made of the invention by Vinfast,
15 together with interest and costs as fixed by the Court.

16 36. As a result of VinFast's willful infringement of the '602 Patent, ArcelorMittal is entitled
17 to enhanced damages under 35 U.S.C. § 284.

18 37. VinFast's infringement has caused, and unless restrained and enjoined, will continue to
19 cause, irreparable injury and damage to ArcelorMittal for which there is no adequate remedy at law.

20 38. This case is exceptional, entitling ArcelorMittal to an award of attorneys' fees and costs
21 incurred in prosecuting this action under 35 U.S.C. § 285.

22 **COUNT 2 – INFRINGEMENT OF THE '227 Patent**

23 39. ArcelorMittal reallege the foregoing paragraphs as if fully set forth herein.

24 40. The United States Patent and Trademark Office ("USPTO") duly and legally issued
25 the '227 Patent on May 10, 2022. The '227 Patent is valid and enforceable.

26 41. VinFast is not licensed or otherwise authorized to practice the '227 Patent.
27
28

1 42. VinFast has directly infringed, and continues to directly infringe the '227 Patent, in
2 connection with the Accused Products. VinFast makes, uses, offers for sale, sells, and/or imports into
3 the United States Accused Products that directly infringe, literally and/or under the doctrine of
4 equivalents, one or more claims of the '227 Patent. By making, using, offering for sale, selling, and/or
5 importing into the United States the Accused Products, VinFast has injured ArcelorMittal and is liable
6 for infringement of the '227 Patent pursuant to 35 U.S.C. § 271(a).

7 43. The Accused Products satisfy all claim limitations of one or more claims of the '602
8 Patent. A claim chart attached as Exhibit D shows how the Accused Products infringe at least Claim
9 1 of the '227 Patent.

10 44. VinFast had knowledge of or was willfully blind to the '227 Patent and that its actions
11 constitute infringement of the '227 Patent. VinFast has knowledge of the '227 Patent and its actions
12 constitute willful infringement thereof since at least November 25, 2022 or, alternatively, as of the
13 filing of this complaint. ArcelorMittal sent VinFast a letter on November 25, 2022 notifying VinFast
14 of, *inter alia*, the '227 Patent and VinFast's infringement thereof. Although VinFast knew or
15 reasonably should have known that it infringed the '227 Patent, VinFast refused to seek a license or
16 seek licensed products for incorporation into its vehicles, and instead continued to use infringing parts.

17 45. VinFast's infringement of the '227 Patent has been and continues to be willful. VinFast
18 has acted with knowledge of the '227 Patent and without a reasonable basis for a good-faith belief that
19 it would not be liable for infringement of the '227 Patent. VinFast has disregarded and continues to
20 disregard its infringement and/or an objectively high likelihood that its actions constitute infringement
21 of the '227 Patent. This objectively-defined risk was known or is so obvious that it should have been
22 known to VinFast.

23 46. As a result of VinFast's direct infringement of the '227 Patent, ArcelorMittal is entitled
24 to monetary damages (past, present, and future) in an amount adequate to compensate for VinFast's
25 infringement, but in no event less than a reasonable royalty for the use made of the invention by Vinfast,
26 together with interest and costs as fixed by the Court.

1 47. As a result of VinFast's willful infringement of the '227 Patent, ArcelorMittal is entitled
2 to enhanced damages under 35 U.S.C. § 284.

3 48. VinFast's infringement has caused, and unless restrained and enjoined, will continue to
4 cause, irreparable injury and damage to ArcelorMittal for which there is no adequate remedy at law.

5 49. This case is exceptional, entitling ArcelorMittal to an award of attorneys' fees and costs
6 incurred in prosecuting this action under 35 U.S.C. § 285.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, ArcelorMittal respectfully prays for the following relief:

9 a. A judgment that VinFast has infringed the '602 and '227 Patents;

10 b. A permanent injunction enjoining VinFast, together with its employees, agents, officers,
11 directors, attorneys, successors, affiliates, subsidiaries, and assigns, and those persons in active concert
12 or participation with VinFast, from infringing the '602 and '227 Patents;

13 c. Alternatively, in the event that an injunction does not issue, a compulsory ongoing
14 future royalty;

15 d. An award of damages adequate to compensate ArcelorMittal for VinFast's infringement
16 of the '602 and '227 Patents pursuant to 35 U.S.C. § 284;

17 e. A declaration that VinFast's infringement is willful and an award of increased damages
18 in an amount no less than three times the damages assessed for VinFast's infringement to ArcelorMittal
19 for the period of willful infringement under 35 U.S.C. § 284.

20 f. An award of pre-judgment and post-judgment interest;

21 g. An award of attorneys' fees pursuant to 35 U.S.C. § 285;

22 h. That ArcelorMittal be awarded costs of court; and

23 i. Such other relief as the Court deems just and appropriate.

24 **DEMAND FOR JURY TRIAL**

25 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, ArcelorMittal hereby demands a
26 trial by jury as to all issues so triable.

1 DATED: April 16, 2024

Respectfully submitted,

2 GIBSON, DUNN & CRUTCHER LLP

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