

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 07-CV-144**

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ARYSTA LIFESCIENCE  
NORTH AMERICA CORPORATION

Plaintiff,

v.

THE HIDE GROUP

Defendant.

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**COMPLAINT**

Plaintiff, ARYSTA LIFESCIENCE NORTH AMERICA CORPORATION, by way of  
Complaint against defendant, THE HIDE GROUP alleges and states:

**THE PARTIES**

1. Plaintiff, ARYSTA LIFESCIENCE NORTH AMERICA CORPORATION (“ARYSTA”), is a corporation organized and existing under the laws of the State of California, having a place of business at 15401 Weston Parkway, Suite 150, Cary, North Carolina 27513.

2. Upon information and belief defendant THE HIDE GROUP (“HIDE”) is a corporation organized and existing under the laws of the State of Mississippi, having a place of business at 2509 South Frontage Road, Sardis, MS 38666.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Jurisdiction is conferred pursuant to 28 U.S.C. §1338(a).

4. Venue is proper in this Judicial District pursuant to 28 U.S.C. §1391(b) and §1400(b), because HIDE does and/or offers to do business in this district thereby becoming

subject to personal jurisdiction here, a substantial part of the events or omissions giving rise to the claims occurred here, and the alleged infringement is occurring here because HIDE sells and/or offers to sell infringing products in this Judicial District in violation of 35 U.S.C. § 271.

**COUNT FOR  
PATENT INFRINGEMENT**

5. ARYSTA is the owner by assignment of all right, title and interest in and to United States Letters Patent No. 5,705,648, which is entitled “Mepiquat Chloride” and which was duly and legally issued on January 6, 1998 (hereinafter referred to as “the ‘648 Patent”). ARYSTA became the owner of the ‘648 Patent by assignment from Micro Flo Company. A copy of the ‘648 Patent is attached hereto as Exhibit A. The assignment is Exhibit B.

6. On information and belief, defendant, HIDE makes, uses, imports, offers for sale and/or sells mepiquat chloride covered by the claims of the ‘648 Patent. The HIDE products that incorporate the infringing mepiquat chloride include MEP 42. HIDE offers for sale and sells infringing mepiquat chloride products in this Judicial District and throughout the United States. A photocopy of promotional materials illustrating the HIDE mepiquat chloride products is attached hereto as Exhibit C.

7. The offer for sale and/or sale of the HIDE mepiquat chloride by HIDE in this Judicial District and elsewhere in the United States constitutes direct and/or contributory infringement of, and/or active inducement to infringe the ‘648 Patent under 35 U.S.C. §271.

8. HIDE’s infringement of the ‘648 Patent has been and is in violation of ARYSTA’s patent rights, and it is believed that HIDE will continue to infringe ARYSTA’s patent rights unless enjoined by this Court.

9. On information and belief, HIDE’s acts of infringement have been and are willful and deliberate, with full knowledge of ARYSTA’s rights in the ‘648 Patent.

10. As a result of HIDE’s infringement of the ‘648 Patent, ARYSTA has been damaged by loss of royalties or in other respects, and will continue to be damaged in an amount yet to be determined. ARYSTA has suffered and will continue to suffer irreparable injury unless the infringing activities of HIDE are enjoined.

11. By virtue of HIDE's willful and deliberate infringement, this is an "exceptional case" within the meaning of 35 U.S.C. §285 and warrants an award of treble damages pursuant to 35 U.S.C. §284.

WHEREFORE, Plaintiff ARYSTA prays for the following relief:

A. Judgment for ARYSTA on its cause of action for patent infringement under 35 U.S.C. §271 against HIDE.

B. Preliminary and permanent injunction enjoining HIDE, its officers, directors, agents and employees and all those in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise, from making, using, importing, offering for sale, and selling in the United States any product embodying the invention of the '648 Patent and from any further acts of infringement, contributory infringement and inducement of infringement of the '648 Patent.

C. An award of compensatory and punitive damages, including, but not limited to royalties, to ARYSTA by reason of the wrongs committed by HIDE, including an award of increased damages pursuant to 35 U.S.C. §284, for HIDE's willful and deliberate patent infringement.

D. An award of interest, including pre- and post-judgment interest, and costs of this action together with ARYSTA's attorneys' fees pursuant to 35 U.S.C. §285.

E. Such other and further relief as this Court deems just and proper.

Respectfully submitted,

ARYSTA LIFESCIENCE NORTH AMERICA CORPORATION

Dated: April 19, 2007

/s/Robert C. Van Arnam

Robert C. Van Arnam

N.C. State Bar No. 28838

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