

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

CELANESE INTERNATIONAL CORPORATION,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-2981
)	
OXYDE CHEMICALS, INC.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Celanese International Corporation (“Celanese”), states and alleges for its Complaint against Defendant Oxyde Chemicals, Inc. (“Oxyde”), as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the Patent Laws, Title 35, U.S. Code.
2. This Court has original jurisdiction over the subject matter under 28 U.S.C. §§ 1331 and 1338(a) (2000).
3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b). Oxyde is registered to do business in Texas, and is actively engaged in business in Texas, including this district. Further, upon information and belief, the patent infringement hereinafter complained of has occurred and taken place in Texas, including this district.

THE PARTIES

4. Celanese is a Delaware corporation with its principal place of business at 1601 West LBJ Freeway, Dallas, Texas 75234.

5. Upon information and belief, Oxyde is a Texas corporation having its principal place of business in Houston, Texas.

CLAIM

6. On September 1, 1992, United States Patent Number 5,144,068 (“the ‘068 Patent”), entitled “Methanol Carbonylation Process,” was duly and legally issued by the United States Patent and Trademark Office. The ‘068 Patent is a patent for a process and method for producing acetic acid with a high catalyst stability. A copy of the ‘068 Patent is attached hereto as Exhibit A.

7. Celanese is the sole owner of all rights, title, and interest to the ‘068 Patent, including full rights to recover past and future damages thereunder.

8. Celanese manufactures and sells in the United States acetic acid manufactured by a process that embodies the ‘068 Patent’s claimed process, methods, and inventions.

9. Oxyde trades, buys, sells, distributes, and imports chemicals and solvents, including acetic acid. Upon information and belief, Oxyde is buying, selling, distributing, and importing one or more parcels of acetic acid manufactured by a method embodying the claims of the ‘068 Patent (the “infringing acid”) into the United States, including this district, from an overseas location in China.

10. The producer of the infringing acid is Chinese manufacturer Jiangsu Sopo Corporation (“Sopo”). Oxyde has purchased the infringing acid from Sopo, and is offering to sell, selling, importing, or aiding and abetting others in importing, 4,000 metric tons of the

infringing acid. This acid is currently being shipped on board a packet tanker ship—the M/T NCC Jubail—which is bound for the Port of Houston, and is due to arrive between October 1st and October 10, 2007.

11. Bringing the infringing acid within the Port of Houston would constitute an infringing importation of a product of a patented process manufactured overseas under 35 U.S.C. § 271(a) and (g).

12. In the alternative, Oxyde has sold or offered for sale within the United States the infringing acid that is the product of a patented process manufactured overseas, which constitutes an infringement under 35 U.S.C. § 271(a).

13. Oxyde has induced and continues to induce the direct infringement of the '068 Patent under 35 U.S.C. §§ 271(a) and (g), and such inducement and continued inducement constitutes an infringement under 35 U.S.C. § 271(b).

14. By letter dated September 14, 2007, Celanese gave written notice to Oxyde that the Sopo acetic acid is made by a process embodying the process claimed in the '068 Patent, and that the present shipment of the infringing acid aboard the M/T NCC Jubail will be a direct infringement of the '068 Patent when important.

15. Upon information and belief, Oxyde will continue to infringe this patent unless enjoined by the Court under 35 U.S.C. § 283.

16. As a direct and proximate result of Oxyde's infringement of the '068 Patent, Celanese has suffered and continues to suffer injury and is entitled to recover damages from Oxyde under 35 U.S.C. § 284.

WHEREFORE:

Celanese requests the Court to enter its judgment:

A. Permanently enjoining and restraining Oxyde, its officers, directors, agents, dealers, representatives, servants, employees, and all parties acting in concert with Oxyde, from directly or indirectly infringing, or inducing infringement of United States Patent 5,144,068;

B. Granting to Celanese a damages award under 35 U.S.C. § 284, including prejudgment interest, for the damages Celanese has suffered as a result of Oxyde's infringement of Celanese's patent.

C. Awarding Celanese its costs and attorneys' fees under 35 U.S.C. § 285; and

D. Granting Celanese any further relief that justice requires.

JURY DEMAND

Plaintiff Celanese demands a trial by jury in this matter.

Respectfully submitted,

/s/ Stephen E. Edwards

Stephen E. Edwards – Attorney in Charge

State Bar No. 00784008

Southern District of Texas Bar Number: 15840

WILLIAMS, MORGAN & AMERSON

10333 Richmond Avenue, Suite 1100

Houston, Texas 77042

Telephone: (713) 934-7000

Facsimile: (713) 934-7011

sedwards@wmalaw.com

Alan E. Popkin
Robert C. Haldiman
Dutro E. Campbell
Richard M. Elias
Steven M. Berezney
HUSCH & EPPENBERGER, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone: (314) 480-1500
Facsimile: (314) 480-1505
alan.popkin@husch.com
bob.haldiman@husch.com
bruce.campbell@husch.com
richard.elias@husch.com
steven.berezney@husch.com