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17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**

20 SYMYX TECHNOLOGIES, INC.,
21 a Delaware Corporation,

22 Plaintiff,

23 v.

24 UOP LLC,
25 a Delaware Corporation,

26 Defendant.

Case No. _____

**COMPLAINT FOR PATENT
INFRINGEMENT**

27 Plaintiff Symyx Technologies, Inc. ("Symyx"), for its complaint against Defendant UOP
28 LLC ("UOP"), avers as follows:

JURISDICTION

1. This is an action for patent infringement arising under the patent laws of the
United States, 35 United States Code. Jurisdiction of this action is proper under 28 U.S.C.
§§ 1331 and 1338(a).

INTRADISTRICT ASSIGNMENT

2. Intradistrict assignment of this action to the San Jose Division of this Court is
appropriate because this action arose in Santa Clara County.

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PARTIES

3. Plaintiff Symyx is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in Santa Clara, California.

4. Upon information and belief, Defendant UOP is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in Des Plaines, Illinois.

BACKGROUND

5. On November 16, 1999, United States Patent No. 5,985,356, entitled “COMBINATORIAL SYNTHESIS OF NOVEL MATERIALS” (“the ‘356 patent”), was duly and legally issued. The entire right, title, and interest in and to the ‘356 patent is owned jointly by Symyx and the Regents of the University of California (“RUC”), an agency of the State of California. RUC has exclusively licensed any and all of its rights in and to the ‘356 patent to Symyx. Symyx has the right to sue and recover for past infringement of the ‘356 patent. A true and correct copy of the ‘356 patent is attached hereto as Exhibit A.

6. On December 21, 1999, United States Patent No. 6,004,617, entitled “COMBINATORIAL SYNTHESIS OF NOVEL MATERIALS” (“the ‘617 patent”), was duly and legally issued. The entire right, title, and interest in and to the ‘617 patent is owned jointly by Symyx and RUC. RUC has exclusively licensed any and all of its rights in and to the ‘617 patent to Symyx. Symyx has the right to sue and recover for past infringement of the ‘617 patent. A true and correct copy of the ‘617 patent is attached hereto as Exhibit B.

7. On December 3, 2002, United States Patent No. 6,489,168, entitled “ANALYSIS AND CONTROL OF PARALLEL CHEMICAL REACTIONS” (“the ‘168 patent”), was duly and legally issued. The entire right, title, and interest in and to the ‘168 patent is owned by Symyx. Symyx has the right to sue and recover for past infringement of the ‘168 patent. A true and correct copy of the ‘168 patent is attached hereto as Exhibit C.

8. On September 23, 2003, United States Patent No. 6,623,967, entitled “PROCESS FOR TESTING CATALYSTS USING CHROMATOGRAPHY” (“the ‘967 patent”), was duly and legally issued. The entire right, title, and interest in and to the ‘967 patent is owned by the

1 University of Houston. The University of Houston has exclusively licensed its rights in and to
2 the '967 patent to Technology Licensing Co., LLC ("TLC"), a Delaware limited liability
3 company having offices at 3205 Harvest Moon Drive, Suite 200, Palm Harbor, Florida. TLC
4 has exclusively sublicensed its rights in and to the '967 patent to Symyx. Symyx has the right to
5 sue and recover for past infringement of the '967 patent. A true and correct copy of the '967
6 patent is attached hereto as Exhibit D.

7 9. On November 18, 2003, United States Patent No. 6,649,413, entitled
8 "SYNTHESIS AND SCREENING COMBINATORIAL ARRAYS OF ZEOLITES" ("the '413
9 patent"), was duly and legally issued. The entire right, title, and interest in and to the '413
10 patent is owned jointly by Symyx and RUC. RUC has exclusively licensed any and all of its
11 rights in and to the '413 patent to Symyx. Symyx has the right to sue and recover for past
12 infringement of the '413 patent. A true and correct copy of the '413 patent is attached hereto as
13 Exhibit E.

14 **CLAIM FOR PATENT INFRINGEMENT**

15 10. Upon information and belief, Defendant UOP has been and still is directly
16 infringing, contributing to the infringement of, or actively inducing others to infringe one or
17 more claims of the '356 patent, the '617 patent, the '168 patent, the '967 patent, and the '413
18 patent ("the patents-in-suit"), with resultant irreparable injury to Symyx.

19 11. Upon information and belief, Defendant UOP will continue its infringing
20 conduct, and the conduct that contributes to or induces infringement, unless that conduct is
21 enjoined by this Court.

22 12. Upon information and belief, Defendant UOP, with actual knowledge of the
23 patents-in-suit, with knowledge of their infringement, and without lawful justification, has
24 willfully infringed each of the patents-in-suit.

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26 WHEREFORE, Symyx prays that the Court enter a judgment:

27 A. That Symyx owns the '356 patent, the '617 patent, the '168 patent, and the '413
28 patent, and is entitled to rights of recovery thereunder;

1 B. That Symyx is the exclusive licensee of the '967 patent and is entitled to rights of
2 recovery thereunder;

3 C. That each of the patents-in-suit has been infringed by UOP and that such
4 infringement has been willful;

5 D. Permanently enjoining UOP and its directors, officers, employees, attorneys,
6 agents, and all persons in active concert or participation with any of them from further acts of
7 infringement, contributory infringement, or inducing infringement by others of any of the
8 patents-in-suit;

9 E. Awarding to Symyx damages sufficient to compensate Symyx for past
10 infringement by UOP, together with interest;

11 F. Trebling the damages awarded to Symyx as a consequence of UOP's willful
12 infringement;

13 G. That this action constitutes an exceptional case under 35 U.S.C. § 285;

14 H. Awarding to Symyx its costs and attorneys' fees; and

15 I. Awarding to Symyx such other and further relief as this Court deems proper and
16 just.

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Respectfully submitted,

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Dated: January 23, 2004

By /s/ Terrence Kearney

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