

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

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U.S. DISTRICT COURT  
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EASTERN-MARSHALL

POLYMER SOLVENTS, LLC

*Plaintiff,*

vs.

REICHHOLD, INC., RPM WOOD  
FINISHES GROUP, INC., THE  
EUCLID CHEMICAL COMPANY, and  
RUST-OLEUM CORPORATION

*Defendants.*

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BY \_\_\_\_\_

Case No. **2-07 CV-483** DF

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Polymer Solvents, LLC ("Polymer Solvents") brings this action against defendants Reichhold, Inc. ("Reichhold"), RPM Wood Finishes Group, Inc. ("RPM"), The Euclid Chemical Company ("Euclid") and Rust-Oleum Corporation ("Rust-Oleum"), and alleges:

**THE PARTIES**

1. Polymer Solvents is a limited liability company organized under the laws of the State of Ohio and has its principal place of business at 26945 Amherst Circle, Beachwood, Ohio 44120.

2. On information and belief, Reichhold is a corporation organized and existing under the laws of the State of Delaware, has a principal place of business at 2400 Ellis Road, Durham, North Carolina 27703, has designated its registered agent and office for purposes of service of process in Texas as CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

3. On information and belief, RPM is a corporation organized and existing under the laws of the State of Nevada, has a principal place of business at 22 South Center Street, Hickory, North Carolina 28602, has designated its registered agent and office for purposes of service of process as Corporation Service Company, 327 Hillsborough Street, Raleigh, North Carolina 27603, and is doing business in this judicial district.

4. On information and belief, Euclid is a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 19218 Redwood Road, Cleveland, Ohio 44111, has designated its registered agent and office in Texas for purposes of service of process as Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

5. On information and belief, Rust-Oleum is a corporation organized and existing under the laws of the State of Illinois, having a principal place of business at 11 Hawthorn Parkway, Vernon Hills, Illinois 60061, has designated its registered agent and office for purposes of service of process as Prentice Hall Corporation, 33 North LaSalle Street, Chicago, Illinois 60602, and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

7. Subject-matter jurisdiction over Polymer Solvents' claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

8. On information and belief, the defendants have solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from

residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

9. On information and belief, the defendants have placed their infringing compositions into the stream of commerce throughout the United States, which compositions have been offered for sale, sold and/or used in the State of Texas and/or in the Eastern District of Texas.

10. The defendants, directly or through their subsidiaries, divisions, groups or distributors have committed acts of infringement in this judicial district, are subject to personal jurisdiction in this judicial district, and/or are doing business in this judicial district.

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and/or 1400(b).

#### **PATENT INFRINGEMENT**

12. On October 23, 2001, U.S. Patent No. 6,306,943 ("the '943 patent"), entitled "Zero Volatile Organic Solvent Compositions" a copy of which is attached as Exhibit A, was duly and legally issued to the inventor, Richard Henry. Polymer Solvents is the owner of all right, title and interest in and to the '943 patent, including the right to sue for and recover all past, present and future damages for infringement of the '943 patent.

13. Upon information and belief, each defendant, directly or through its subsidiaries, divisions, groups or distributors, has infringed and continues to infringe the '943 patent by making, using, selling and/or offering to sell, in the United States, Texas and/or this judicial district, compositions that are covered by one or more of the claims of the '943 patent. Each defendant is liable for infringement of the '943 patent pursuant to 35 U.S.C. § 271.

14. The defendants' acts of infringement have caused damage to Polymer Solvents, and Polymer Solvents is entitled to recover from the defendants the damages sustained by Polymer Solvents as a result of the defendants' wrongful acts in an amount subject to proof at trial.

15. As a consequence of the infringement complained of herein, Polymer Solvents has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless the defendants are enjoined by this Court from committing further acts of infringement

**PRAYER FOR RELIEF**

**WHEREFORE**, Polymer Solvents prays for entry of judgment that:

- A. Each defendant has infringed the '943 patent;
- B. The defendants account for and pay to Polymer Solvents all damages caused by their infringement of the '943 patent, and to enhance such damages by three times based upon any finding of willful infringement, all in accordance with 35 U.S.C. § 284;
- C. Polymer Solvents be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining defendants, their officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D. Polymer Solvents be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendants' patent infringement;
- E. The Court declare this an exceptional case and that Polymer Solvents be granted its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Polymer Solvents; and,


G. Polymer Solvents be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Polymer Solvents demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: November 5, 2007

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