

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FILED

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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

CHEMTURA CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 ALBEMARLE CORPORATION,)
)
 Defendant.)
 _____)

Civil Action No. : 3:09cv143-HEH

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Chemtura Corporation ("Plaintiff"), complains against Defendant, Albemarle Corporation ("Defendant"), as follows:

PARTIES, JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. The Court has federal question jurisdiction under 28 U.S.C. § 1331 and exclusive original jurisdiction under 28 U.S.C. § 1338(a).

2. Plaintiff, Chemtura Corporation, is a corporation organized and existing under the laws of the State of Delaware, with its headquarters and principal place of business in Middlebury, Connecticut.

3. On information and belief, Defendant, Albemarle Corporation, is a corporation organized and existing under the laws of Virginia and having a place of business in Richmond, Virginia, which is within this judicial district.

4. This Court has personal jurisdiction over Defendant because Defendant is incorporated in Virginia, and has a regular and established place of business in this District.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 1400(b).

COUNT I - INFRINGEMENT OF U.S. PATENT NO. 5,457,248 BY DEFENDANT

6. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 5 as if set forth herein.

7. U.S. Patent No. 5,457,248 (“the ‘248 Patent”), entitled “BROMINATED DIPHENYLALKANE PRODUCTS AND PROCESSES,” was duly and legally issued on October 10, 1995 by the United States Patent and Trademark Office to Great Lakes Chemical Corporation, then the assignee of the named inventors Arthur G. Mack, Rastko I. Mamuzic, David C. Sanders, Richard S. Rose and Mary G. Harscher. Chemtura Corporation is the owner and assignee of the ‘248 patent as duly recorded in the assignment records of the US Patent & Trademark Office. A true and correct copy of the ‘248 Patent is attached hereto as Exhibit A.

8. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the ‘248 Patent by making, using, selling and/or offering to sell in this country decabromodiphenylethane products, including but not limited to Saytex™ 8010, in violation of 35 U.S.C. § 271(a).

9. Defendant has had actual knowledge of the ‘248 Patent. After a reasonable opportunity for discovery, there is likely to be evidence that Defendant’s infringement has been and is willful and deliberate.

10. Plaintiff has been and will continue to be damaged by Defendant’s infringement and will be irreparably harmed unless that infringement is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment against Defendant as follows:

- A. That the Court find that Defendant has infringed the '248 patent;
- B. That the Court grant a preliminary and permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant and its officers, agents, attorneys and employees, and those acting in privity or concert with them, from infringement of the '248 Patent for the full term thereof;
- C. That the Court award damages to Plaintiff, including pre-judgment and post-judgment interest, in an amount adequate to compensate for Defendant's infringement of the '248 Patent, and increase such damages by up to three times pursuant to 35 U.S.C. § 284;
- D. That the Court award Plaintiff the costs and expenses in this action;
- E. That the Court find that this is an exceptional case and award Plaintiff its reasonable attorney's fees pursuant to 35 U.S.C. § 285; and,
- F. That the Court award such other and further relief as the Court may deem just and proper.

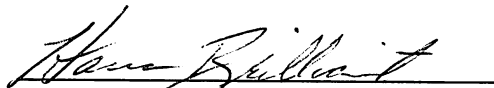
DEMAND FOR JURY TRIAL

Pursuant to Federal Rules of Civil Procedure 38(b), Plaintiff respectfully demands a jury trial on all issues triable by right of jury.

Respectfully submitted,

CHEMTURA CORPORATION

DATE: March 12, 2009



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