

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INFINEUM INTERNATIONAL LTD. and
INFINEUM USA L.P.,

Plaintiffs,

v.

AFTON CHEMICAL CORP.,

Defendant.

Civil Action No. _____

TRIAL BY JURY DEMANDED

COMPLAINT AND JURY DEMAND

Infineum International Ltd. and Infineum USA L.P., plaintiffs, by way of Complaint against defendant, Afton Chemical Corp., demand a trial by jury on all issues so triable and respectfully allege the following:

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent No. 6,723,685 (“the ‘685 patent”) arising under the patent laws of the United States, Title 35, United States Code.

PARTIES

2. Plaintiff Infineum International Ltd. (“Infineum International”) is a foreign corporation with a registered office at the Milton Hill Business & Technology Centre, PO Box 1, Abbingdon, Oxfordshire OX13 6BB, United Kingdom.

3. Plaintiff Infineum USA L.P. (“Infineum USA”) is a limited partnership organized and existing under the laws of State of Delaware and headquartered at 1900 East Linden Avenue, Linden, New Jersey 07036.

4. Upon information and belief, defendant Afton Chemical Corp. (“Afton”) is a corporation organized and existing under the laws of the State of Delaware with a place of business at 500 Spring Street, Richmond, Virginia 23219.

JURISDICTION AND VENUE

5. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that it involves substantial claims arising under the patent laws of the United States.

6. Afton is subject to personal jurisdiction in this judicial district because, upon information and belief, it is a Delaware corporation.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, as a Delaware corporation, Afton resides in and is subject to personal jurisdiction in this district.

FIRST COUNT – ’685 PATENT INFRINGEMENT

8. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 7 as if set forth herein.

9. The ’685 patent, entitled “Lubricating Oil Composition,” was duly and legally issued on April 20, 2004 by the United States Patent and Trademark Office (“USPTO”). A true and correct copy of the ’685 patent is attached hereto as Exhibit A. The claims of the ’685 patent are valid and enforceable.

10. Infineum USA is the owner of the ’685 patent by virtue of an assignment, dated October 6, 2005, from Infineum International. Infineum USA owns all right and title to the ’685 patent.

11. Infineum International was the previous owner of the '685 patent by virtue of an assignment, recorded December 8, 2003, from the '685 patent's named inventors.

12. The '685 patent is generally directed to a lubricating oil containing a number of components and exhibiting improved low temperature valve train wear performance, fluoroelastomer material compatibility, and improved fuel economy performance when used in an internal combustion engine.

13. Upon information and belief, Afton has infringed and continues to infringe one or more claims of the '685 patent, directly, contributorily, and/or by inducement, by making, using, selling and/or offering to sell in this country, and/or importing into this country, petroleum additives, including, inter alia, GF-4 lubricant additive packages, in violation of 35 U.S.C §271.

14. Upon information and belief, defendant's infringement of the '685 patent has been and continues to be willful, without license, and carried out with full knowledge of the '685 patent.

15. Infineum International and Infineum USA have been and will continue to be damaged by defendants' infringement and will be irreparably injured unless that infringement is enjoined.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs Infineum International and Infineum USA request entry of judgment in their favor and against defendant Afton that:

- (a) the '685 patent is valid and enforceable;
- (b) Afton has infringed one or more claims of the '685 patent;
- (c) Afton's infringement of the '685 patent is willful;

(d) Afton, its officers, directors, agents, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with any one of them, be permanently enjoined from infringing the '685 patent;

(e) Infineum International and Infineum USA be awarded damages, including pre-judgment and post-judgment interest, in an amount adequate to compensate for Afton's infringement of the '685 patent, and that the damages be trebled pursuant to 35 U.S.C §284;

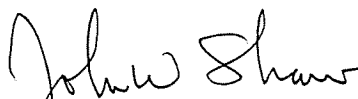
(f) Infineum International and Infineum USA be awarded their costs, expenses and attorneys fees in this action pursuant to 35 U.S.C. § 285; and

(g) Infineum International and Infineum USA be awarded such other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs Infineum International and Infineum USA hereby demand a trial by jury on all issues so triable.

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Dated: December 22, 2005