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U.S. DISTRICT COURT  
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TX EASTERN-MARSHALL

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

FILED-CLERK  
U.S. DISTRICT COURT  
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TX EASTERN-MARSHALL

POLYMER SOLVENTS, LLC

*Plaintiff,*

vs

PPG INDUSTRIES, INC and BASF  
CORPORATION

*Defendants*

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BY \_\_\_\_\_

Case No. 2-07CV-049DF

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Polymer Solvents, LLC ("Polymer Solvents") brings this action against defendants PPG Industries, Inc. ("PPG") and BASF Corporation ("BASF"), and alleges:

**THE PARTIES**

1. Polymer Solvents is a corporation 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, PPG is a corporation with headquarters in Pittsburgh Pennsylvania, organized and existing under the laws of the State of Pennsylvania, has designated its registered agent and office for purposes of service of process as Prentice Hall Corp. System, 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district
3. On information and belief, BASF is a corporation with headquarters in New Jersey, organized and existing under the laws of the State of Delaware, has designated its registered agent and office for purposes of service of process as CI Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201 and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

4. 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.

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

6. 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.

7. 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.

8. 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.

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

#### **PATENT INFRINGEMENT**

10. On April 11, 2000, U.S. Patent No. 6,048,471 ("the '471 patent"), entitled "Zero Volatile Organic Compositions based upon Organic Solvents which are Negligibly Reactive with Hydroxyl Radical and do not Contribute Appreciably to the Formation of Ground Based Ozone" 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 '471 patent, including the right to sue for and recover all past, present and future damages for infringement of the '471 patent.

11. 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 B, was duly and legally issued to the inventor, Richard Henry. The application leading to the issuance of the ‘943 patent was a “continuation in part” of the application that issued as the ‘471 patent. 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.

12. Upon information and belief, PPG, directly or through its subsidiaries, divisions or groups, has infringed and continues to infringe the ‘943 patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, 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. PPG is liable for infringement of the ‘943 patent pursuant to 35 U.S.C. § 271.

13. Upon information and belief, BASF, directly or through its subsidiaries, divisions or groups, has infringed and continues to infringe the ‘471 patent by making, using, selling and/or offering to sell, or allowing others to make, use, sell and/or offer for sale, in the United States, Texas and/or this judicial district, compositions that are covered by one or more of the claims of the ‘471 patent. BASF is liable for infringement of the ‘471 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. The defendant PPG has infringed the '943 patent;
- B. The defendant BASF has infringed the '471 patent;
- C. The defendants account for and pay to Polymer Solvents all damages caused by their infringement of the '471 and '943 patents;
- D. 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;
- E. Polymer Solvents be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendants' patent infringement;
- F. That Polymer Solvents be granted its reasonable attorneys' fees;
- G. Costs be awarded to Polymer Solvents; and,
- H. Polymer Solvents be granted such other and further relief as the Court may deem just and proper under the circumstances

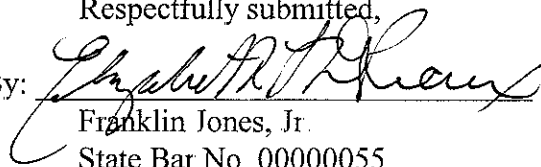
**DEMAND FOR JURY TRIAL**

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

Dated: February 9, 2007

Respectfully submitted,

By:



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