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9 *Attorney for Plaintiffs Zhejiang Fluorine*
10 *Chemical New Material Co., Ltd. and*
11 *Hubei Fluorine New Materials Co., Ltd.*

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 ZHEJIANG FLUORINE CHEMICAL NEW
15 MATERIAL CO., LTD.; HUBEI FLUORINE
16 NEW MATERIALS CO., LTD.,

17 Plaintiffs,

18 v.

19 SOLVAY SPECIALTY POLYMERS ITALY
20 S.P.A.,

21 Defendant.

Case No. 25-cv-01664

**COMPLAINT FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

COMPLAINT FOR DECLARATORY JUDGMENT

22 Plaintiffs Zhejiang Fluorine Chemical New Material Co., Ltd. and Hubei Fluorine New
23 Materials Co., Ltd. (collectively, "Plaintiffs"), for their Complaint for Declaratory Judgment against
24 Defendant Solvay Specialty Polymers Italy S.P.A. ("Defendant"), allege as follows:

NATURE OF THE ACTION

25 1. This action arises under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202,
26 and the patent laws of the United States of America.

THE PARTIES

27 2. Plaintiff Zhejiang Fluorine Chemical New Material Co., Ltd. ("Zhejiang Fluorine")
28 is a Chinese corporation having a principal place of business at No. 5, Weiyi Road, Shangyu
Hangzhou Economic and Technological Development Zone, Zhejiang Province, China 312369.

1 8. Venue is proper as to Defendant at least because it is a foreign company incorporated
2 outside the United States, and thus may be sued in any judicial district in the United States, including
3 this judicial district.

4 **DIVISIONAL ASSIGNMENT**

5 9. This case is a patent matter that is appropriate for district-wide assignment.

6 **STATEMENT OF FACTS**

7 10. On January 10, 2025, Defendant along with two other entities in its corporate family
8 filed a complaint with the U.S. International Trade Commission (“ITC”) under Section 337 of the
9 Tariff Act of 1930, as amended, 19 U.S.C. §1337, alleging that the Plaintiffs infringed the
10 Defendant’s U.S. Patent No. 8,337,725 (the “’725 Patent”).

11 11. A copy of the ’725 Patent is attached hereto as Exhibit 5. The ’725 Patent is entitled
12 “Vinylidene Fluorine Copolymers.” The face of the ’725 Patent lists Julio Abusleme, Riccardo Pieri,
13 and Emma Barchiesi as the named inventors. According to the ITC complaint (Ex. 6 at ¶ 14),
14 Defendant claims to be the sole owner of the ’725 Patent.

15 12. Subsequently, on February 14, 2025, the ITC instituted the investigation as to all
16 respondents proposed in the ITC complaint, including Plaintiffs. The instituted ITC investigation is
17 numbered as Inv. No. 337-TA-1439. (Ex. 7.)

18 **FIRST CAUSE OF ACTION**

19 **(DECLARATORY JUDGEMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 8,337,725)**

20 13. Plaintiffs hereby repeat, re-allege and incorporate by reference each and every
21 allegation contained in the preceding paragraphs above as though fully stated herein.

22 14. There is an actual controversy between Plaintiffs on the one hand, and Defendant on
23 the other, as to whether Plaintiffs infringe any claim of the ’725 Patent.

24 15. Plaintiffs do not import, make, use, offer to sell, or sell any patented invention of
25 the ’725 Patent within the United States.

26 16. Plaintiffs have not infringed and do not infringe any claim of the ’725 Patent.

27 17. Accordingly, Plaintiffs seek a judgment declaring that they do not infringe and have
28 not infringed, directly or indirectly, contributorily or by inducement, any claim of the ’725 Patent.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for a judgment in their favor, including:

- A. A declaration that Plaintiffs have not infringed, and are not infringing, any claim of the '725 Patent;
- B. An injunction prohibiting Defendant and its officers, agents, employees and attorneys, and all persons in active concert or participation with it, from alleging infringement of the '725 Patent by Plaintiffs and their customers and distributors;
- C. A declaration that this case is an exceptional case pursuant to 35 U.S.C. § 285;
- D. An award of Plaintiffs' reasonable attorneys' fees, costs and expenses; and
- E. Such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand a jury trial on all issues and claims so triable.

Dated: February 18, 2025

Respectfully submitted,

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

By: /s/ Jack Shaw
Jack Shaw

*Attorney for Plaintiffs Zhejiang Fluorine
Chemical New Material Co., Ltd. and
Hubei Fluorine New Materials Co., Ltd.*