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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 WEYERHAEUSER NR COMPANY,

12 Plaintiff,

13 v.

14 GEORGIA-PACIFIC LLC,

15 Defendant.
16

No. 2:13-cv-781

COMPLAINT

JURY DEMAND

17 Plaintiff Weyerhaeuser NR Company (“Weyerhaeuser” or “Plaintiff”), by and through
18 their undersigned counsel, file this Complaint against Georgia-Pacific LLC (“Defendant”) and
19 allege as follows:

20 **The Parties**

21
22 1. Weyerhaeuser is a corporation organized under the laws of the state of
23 Washington, having its principal place of business at 33663 Weyerhaeuser Way South,
24 Federal Way, Washington 98003.

25 2. Upon information and belief, Defendant is a corporation organized under the
26 laws of the state of Delaware with a principal place of business at 133 Peachtree Street, N.E.,
27 Atlanta, Georgia 30303.
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Complaint (2:13-cv-781) - 1

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Jurisdiction And Venue

3. This is an action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a).

5. This Court has personal jurisdiction over Defendant. Defendant is registered to conduct business in Washington state and Defendant's registered agent to receive service of process in Washington state is CT Corporation System, located at 505 Union Ave SE, Suite 120, Olympia, WA 98501. Further, upon information and belief, Defendant has engaged and currently engages in continuous and systematic contacts with the state of Washington. Specifically, Defendant has marketed, placed, and continues to place products into the stream of commerce via established distribution channels, with the knowledge and/or understanding that such products are marketed and/or sold within this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

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The Patents-In-Suit

7. Weyerhaeuser is the owner of all right, title and interest in U.S. Patent 6,210,801 (the "'801 patent'"), titled "Lyocell Fibers, And Compositions For Making Same." The inventors of the '801 patent are Mengkui Luo, Vincent A. Roscelli, Amar N. Neogi, James E. Sealey, II and Richard A. Jewell.

8. The United States Patent and Trademark Office duly and legally issued the '801 patent on April 3, 2001. A true and correct copy of the '801 patent is attached to this Complaint as EXHIBIT A.

1 9. Weyerhaeuser is the owner of all right, title and interest in U.S. Patent
2 6,331,354 (the “‘354 patent”), entitled “Alkaline Pulp Having Low Average Degree Of
3 Polymerization Values And Method Of Producing The Same.” The inventors of the ‘354
4 patent are James E. Sealey, II, W. Harvey Persinger, Jr., Mengkui Luo, Vincent A. Roscelli
5 and Amar N. Neogi.

7 10. The United States Patent and Trademark Office duly and legally issued the
8 ‘354 patent on December 18, 2001. A true and correct copy of the ‘354 patent is attached to
9 this Complaint as EXHIBIT B.

11 11. Weyerhaeuser is the owner of all right, title and interest in U.S. Patent
12 6,686,039 (the “‘039 patent”), entitled “Use Of Thinnings And Other Low Specific Gravity
13 Wood For Lyocell Pulps.” The inventors of the ‘039 patent are James E. Sealey, II,
14 W. Harvey Persinger, Jr., Kent Robarge and Mengkui Luo.

16 12. The United States Patent and Trademark Office duly and legally issued the
17 ‘039 patent on February 3, 2004. A true and correct copy of the ‘039 patent is attached to this
18 Complaint as EXHIBIT C.

20 **Factual Background**

21 13. Defendant manufactures converting grade dissolving pulp in the United States
22 that infringes one or more claims of the ‘801, ‘354 and ‘039 patents. The infringing pulp is a
23 modified pulp having specific properties that meet one or more claims of the ‘801, ‘354 and
24 ‘039 patents.

26 14. Since at least 2012, Defendant has been manufacturing this converting grade
27 dissolving pulp at its Leaf River pulp mill and shipping the infringing pulp outside the United
28 States into the viscose market for production into such products as, for example, textiles. For

1 example, Defendant has sold its converting grade dissolving pulp in China where it is
2 intended to and does directly compete with products manufactured and sold by Weyerhaeuser
3 in the viscose market.
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5 15. Upon information and belief, Defendant's converting grade dissolving pulp has
6 been incorporated into textiles in China by Defendant's customers and those textiles have
7 been imported back into, sold and used in the United States.
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9 **COUNT I**
10 **(INFRINGEMENT OF U.S. PATENT 6,210,801 BY DEFENDANT)**

11 16. Weyerhaeuser realleges and incorporates by reference paragraphs 1 through
12 15, inclusive, as if fully set forth in this paragraph.

13 17. Upon information and belief, Defendant directly infringes, either literally or
14 under the doctrine of equivalents, one or more claims of the '801 patent, by making, using,
15 selling, offering to sell, and/or importing one or more converting grade dissolving pulps in the
16 United States.
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18 18. Upon information and belief, Defendant has actively induced the infringement
19 of one or more claims of the '801 patent by selling it's infringing pulp to customers, who
20 incorporate the pulp into products, such as textiles, that are sold, offered for sale and/or
21 imported into the United States.
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23 19. Upon information and belief, after a reasonable opportunity for discovery,
24 Weyerhaeuser will discover facts demonstrating that Defendant knew or should have known
25 of the '801 patent as of at least April 3, 2001, and that Defendant has acted with intent to
26 cause others to infringe. In any event, the filing of this Complaint constitutes actual notice of
27 the '801 patent to Defendant under 35 U.S.C. § 287.
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1 20. Defendant's acts of infringement of the '801 patent have caused and will
2 continue to cause Weyerhaeuser damages for which Weyerhaeuser is entitled to compensation
3 pursuant to 35 U.S.C. § 284.
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5 21. Defendant's acts of infringement of the '801 patent have caused and will
6 continue to cause Weyerhaeuser irreparable harm unless such infringing activities are
7 enjoined by this Court pursuant to 35 U.S.C. § 283.
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9 **COUNT II**
10 **(INFRINGEMENT OF U.S. PATENT 6,331,354 BY DEFENDANT)**

11 22. Weyerhaeuser realleges and incorporates by reference paragraphs 1 through
12 21, inclusive, as if fully set forth in this paragraph.

13 23. Upon information and belief, Defendant directly infringes, either literally or
14 under the doctrine of equivalents, one or more claims of the '354 patent, by making, using,
15 selling, offering to sell, and/or importing one or more converting grade dissolving pulps in the
16 United States.
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18 24. Upon information and belief, Defendant has actively induced the infringement
19 of one or more claims of the '354 patent, by selling it's infringing pulp to customers, who
20 incorporate the pulp into products, such as textiles, that are sold, offered for sale and/or
21 imported into the United States.
22

23 25. Upon information and belief, after a reasonable opportunity for discovery,
24 Weyerhaeuser will discover facts demonstrating that Defendant knew or should have known
25 of the '354 patent as of at least December 18, 2001, and that Defendant has acted with intent
26 to cause others to infringe. In any event, the filing of this Complaint constitutes actual notice
27 of the '354 patent to Defendant under 35 U.S.C. § 287.
28

1 26. Defendant's acts of infringement of the '354 patent have caused and will
2 continue to cause Weyerhaeuser damages for which Weyerhaeuser is entitled to compensation
3 pursuant to 35 U.S.C. § 284.
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5 27. Defendant's acts of infringement of the '354 patent have caused and will
6 continue to cause Weyerhaeuser irreparable harm unless such infringing activities are
7 enjoined by this Court pursuant to 35 U.S.C. § 283.
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9 **COUNT III**
10 **(INFRINGEMENT OF U.S. PATENT 6,686,039 BY DEFENDANT)**

11 28. Weyerhaeuser realleges and incorporates by reference paragraphs 1
12 through 27, inclusive, as if fully set forth in this paragraph.

13 29. Upon information and belief, Defendant directly infringes, either
14 literally or under the doctrine of equivalents, one or more claims of the '039 patent, by
15 making, using, selling, offering to sell, and/or importing one or more converting grade
16 dissolving pulps in the United States.
17

18 30. Upon information and belief, Defendant has actively induced the
19 infringement of one or more claims of the '039 patent, by selling it's infringing pulp to
20 customers, who incorporate the pulp into products, such as textiles, that are sold, offered for
21 sale and/or imported into the United States.
22

23 31. Upon information and belief, after a reasonable opportunity for
24 discovery, Weyerhaeuser will discover facts demonstrating that Defendant knew or should
25 have known of the '039 patent as of at least February 3, 2004, and that Defendant has acted
26 with intent to cause others to infringe. In any event, the filing of this Complaint constitutes
27 actual notice of the '039 patent to Defendant under 35 U.S.C. § 287.
28

1 32. Defendant's acts of infringement of the '039 patent have caused and
2 will continue to cause Weyerhaeuser damages for which Weyerhaeuser is entitled to
3 compensation pursuant to 35 U.S.C. § 284.
4

5 33. Defendant's acts of infringement of the '039 patent have caused and
6 will continue to cause Weyerhaeuser irreparable harm unless such infringing activities are
7 enjoined by this Court pursuant to 35 U.S.C. § 283.
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9 **Prayer For Relief**

10 WHEREFORE, Weyerhaeuser requests the Court to enter judgment as follows:

11 (a) that Defendant directly infringes and actively induces the infringement of the
12 '801, '354 and '039 patents;

13 (b) that Defendant and its directors, officers, agents, servants, employees,
14 attorneys, parents, subsidiaries, divisions, affiliate corporations, other related business entities,
15 and all persons in active concert or privity with them, and their successors and assigns, be
16 permanently enjoined from further acts of infringement of the '801, '354 and '039 patents;
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18 (c) that Defendant pay all available and legally permissible damages sufficient to
19 compensate Weyerhaeuser for Defendant's infringing acts;
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21 (d) that this case is exceptional under 35 U.S.C. § 285, warranting an award to
22 Weyerhaeuser of its costs, including attorney fees and other expenses incurred in connection
23 with this action;

24 (e) that Defendant pay Weyerhaeuser pre-judgment interest and post-judgment
25 interest on all damages awarded; and
26

27 (f) that Weyerhaeuser be awarded such further relief as this Court deems just and
28 appropriate.

1 **Demand For Jury Trial**

2 Pursuant to Fed. R. Civ. P. 38, Weyerhaeuser demands a trial by jury of all issues so
3 triable.
4

5 DATED this 3rd day of May, 2013.

6 HILLIS CLARK MARTIN & PETERSON P.S.

7 By s/ Michael R. Scott

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