

## **Nobel Prize Winning, Metathesis Technology may be cause for Patent Infringement**

*German based, Evonik is going after ERS and Materia.*

**March 17, 2010** - [PRLog](#) -- Evonik Degussa GMBH, a German based company filed a complaint against American companies Elevance Renewable Sciences, Inc. (ERS) and their commercial partner and investor Materia Inc. for patent infringement last week. The complaint, filed March 11, 2010 claims patent infringement on US Patents 7,378,528 and 7,652,145.

The complaint, filed in the US District Court of Delaware pertains to patents involving olefin metathesis. In the complaint Evonik accuses ERS and Materia of using metathesis in their processes to make such things as biofuels, specialty chemicals, chemical streams, lubricants, and personal care products like lotions and lipsticks.

They also accuse ERS of using metathesis-based processes to modify the chemical structure of natural oils to make its popular wax, sold under the name NatureWax.

According to Materia's blog "All Things Metathesis" olefin metathesis is, "a chemical reaction in which two carbon-carbon double bonds (olefins) come together and exchange with one another, forming new olefinic products in the process."

Evonik states that they have been the owner of both patents since their issuance, one in 2006 and the other in 2010.

Materia teamed with Cargill in November 2007 to develop Elevance Renewable Sciences. ERS secured more than \$40 million in venture capital by investments from TPG Star, L.P. and TPG Biotechnology Partners II, L.P.

Materia and Professor Robert H. Grubbs of the California Institute of Technology won the Nobel Peace Prize in Chemistry for their work in Metathesis Technology in 2005. Materia has 350 issued and pending patents.

Evonik has been around, under several different names since the 1930's and specializes in three different fields including chemicals, energy and real estate. The company also owns production plants in 28 countries. In 2008 CVC Capital Partners, a British company acquired 25% of Evonik for 2.4 billion Euros.

In June 2007 several interferences were declared during the processing of applications of Evonik's '528 and '145 patents. The interferences were between Evonik's patent application and the US patents naming Professor Grubbs as the inventor, those patents are 6,426,419 and 6,624,265. The claim states that the overlapping and patentable subject matter included claims directed to metathesis catalysts. The PTO Board of Patent Appeals and Interferences concluded that Professor Grubbs was not the first to invent the subject matter in the interferences and that Evonik was entitled to the patents.

According to the claim, the June 2007 interference ruling "provided notice to anyone who practices metathesis technology that Evonik held certain rights."

Prior to the recent complaint Materia was already defending their technology against Evonik. In August 2009 Evonik filed suit against Materia for patent infringement of the '528 patent. The complaint states this as called the "Original Suit". The case was assigned in the District of Delaware but because of a vacant

judgeship has been moved to the District of New Jersey.

Evonik, ERS and Materia were all contacted for comment, none replied by press time.

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