

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

NOVOZYMES A/S and NOVOZYMES NORTH  
AMERICA, INC.,

Plaintiffs,

v.

DANISCO A/S, GENENCOR INTERNATIONAL  
WISCONSIN, INC., DANISCO US INC., and  
DANISCO USA INC.,

Defendants.

Case No. 10-cv-251

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs Novozymes A/S and Novozymes North America, Inc. (collectively “Novozyymes”) for their Complaint against defendants Danisco A/S, Genencor International Wisconsin, Inc., Danisco US Inc., and Danisco USA Inc. (collectively, “Danisco”) aver the following:

**NATURE OF THE ACTION**

1. This is a civil action for infringement of United States Patent No. 7,713,723 (“the ’723 patent”).

**PARTIES**

2. Plaintiff Novozymes A/S is a Danish corporation with its principal place of business at Krogshoejvej 36, DK-2880 Bagsvaerd, Denmark. Novozymes A/S is a global bio-innovation company that develops and sells a variety of products including industrial enzymes, microorganisms and biopharmaceutical ingredients. Novozymes A/S owns, by valid assignment, all rights, title and interest in the ’723 patent.

3. Plaintiff Novozymes North America, Inc. is a New York corporation with its principal place of business at 77 Perry Chapel Church Road, Franklinton, North Carolina.

Novozymes North America, Inc. is an indirect subsidiary of Novozymes A/S.

Novozymes North America, Inc. is the exclusive licensee of the '723 patent.

4. On information and belief, defendant Danisco A/S is a Danish corporation with its principal place of business at Langebrogade 1, P.O. Box 17, DK-1001 Copenhagen, Denmark. Danisco A/S conducts business in more than forty countries worldwide, including in the United States, and including within the boundaries of this district through its Genencor Division. The Genencor Division of Danisco A/S produces enzymes for industrial applications, including GC358, at a manufacturing facility located at 2600 Kennedy Drive, Beloit, Wisconsin. Danisco A/S also conducts business in the United States and within the boundaries of this district through its Cultures Division. The Cultures Division of Danisco A/S maintains research and production facilities at 3326 and 3329 Agriculture Drive, Madison, Wisconsin.

5. On information and belief, defendant Genencor International Wisconsin, Inc. is a Delaware corporation. Genencor International Wisconsin, Inc. operates a manufacturing facility located at 2600 Kennedy Drive, Beloit, Wisconsin that produces GC358. Genencor International Wisconsin, Inc. also maintains a registered agent at CT Corporation System, 8040 Excelsior Dr., Suite 200, Madison, Wisconsin. Genencor International Wisconsin, Inc. is wholly owned by defendant Danisco A/S.

6. On information and belief, defendant Danisco US Inc. is a Delaware corporation and was previously known as Genencor International, Inc. Danisco US Inc. operates a manufacturing facility located at 2600 Kennedy Drive, Beloit, Wisconsin that produces GC358. Danisco US Inc. maintains a registered agent at National Registered Agents, Inc., 901 S. Whitney Way, Madison, Wisconsin. Danisco US Inc. is a subsidiary of defendant Danisco A/S.

7. On information and belief, defendant Danisco USA Inc. is a Missouri corporation. Danisco USA Inc. operates research and production facilities at 3325, 3326 and/or 3329 Agriculture Drive, Madison, Wisconsin, and at 2802 Walton Commons West,

Madison, Wisconsin. Danisco USA Inc. maintains a registered agent at National Registered Agents, Inc., 901 S. Whitney Way, Madison, Wisconsin. Danisco USA Inc. is a subsidiary of Danisco A/S.

### **JURISDICTION**

8. This action arises under the patent laws of the United States, Title 35 of the United States Code. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and has personal jurisdiction over defendants under Wis. Stats. § 801.05.

### **VENUE**

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

### **FIRST CLAIM FOR RELIEF** **(INFRINGEMENT OF U.S. PATENT NO. 7,713,723)**

10. Plaintiffs Novozymes A/S and Novozymes North America, Inc. incorporate by reference paragraphs 1 through 9 above as if fully set forth herein.

11. On May 11, 2010, United States Patent No. 7,713,723, titled “Alpha Amylase Mutants with Altered Properties,” was duly and legally issued to Novozymes A/S. A copy of the ’723 patent is attached to this Complaint as Exhibit A. Plaintiff Novozymes A/S owns the ’723 patent. Plaintiff Novozymes North America, Inc. is the exclusive licensee of the ’723 patent.

12. Defendants Danisco A/S, Genencor International Wisconsin, Inc., Danisco US Inc., and Danisco USA Inc. have been, are currently, and will continue to directly infringe one or more claims of the ’723 patent by making, using, offering to sell, and selling within the United States and/or importing into the United States one or more alpha amylase products that embody the patented invention including, but not limited to, GC358.

13. As a direct and proximate consequence of defendants’ infringement of the ’723 patent, Novozymes A/S and Novozymes North America, Inc. have suffered and will continue to suffer irreparable injury and damages, in an amount not yet determined, for

which Novozymes A/S and Novozymes North America, Inc. are entitled to relief.

Novozymes A/S and Novozymes North America, Inc. seek damages, as well as preliminary and permanent injunctive relief against further infringement.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs Novozymes A/S and Novozymes North America, Inc. demand the following relief against defendants Danisco A/S, Genencor International Wisconsin, Inc., Danisco US Inc., and Danisco USA Inc.:

- a) entry of a judgment declaring that defendants Danisco A/S, Genencor International Wisconsin, Inc., Danisco US Inc., and Danisco USA Inc. have infringed one or more claims of the '723 patent;
- b) a preliminary and permanent injunction against the continuing infringement of the '723 patent;
- c) an award of damages to compensate Novozymes A/S and Novozymes North America, Inc. for Danisco's infringement, pursuant to 35 U.S.C. § 284;
- d) an award of pre-judgment and post-judgment interest and costs to Novozymes A/S and Novozymes North America, Inc.;
- e) entry of a judgment that the actions of defendants have made this an exceptional case and an award of reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- f) such other and further relief as the Court may deem just and fair.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38, Plaintiffs Novozymes A/S and Novozymes North America, Inc. demand a jury trial as to all matters triable of right by a jury.

Dated: May 11, 2010

RESPECTFULLY SUBMITTED,

By: s/ Allen A. Arntsen  
Allen A. Arntsen  
FOLEY & LARDNER LLP  
Verex Plaza  
150 East Gilman Street  
Madison, WI 53703  
Telephone: (608) 257-5035  
Facsimile: (608) 258-4258

Kimberly K. Dodd  
FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 271-2400  
Facsimile: (414) 297-4900

Attorneys for Plaintiffs  
NOVOZYMES A/S AND  
NOVOZYMES NORTH  
AMERICA, INC.

OF COUNSEL:

David K. Tellekson  
Robert Jacobson  
Melanie L. Mayer  
Ewa M. Davison  
FENWICK & WEST LLP  
1191 Second Avenue, 10<sup>th</sup> Floor  
Seattle, Washington 98101  
Telephone: (206) 389-4510  
Facsimile: (206) 389-4511

Virginia K. DeMarchi  
FENWICK & WEST LLP  
Silicon Valley Center  
801 California Street  
Mountain View, California 94041  
Telephone: (650) 988-8500  
Facsimile: (650) 938-5200