# Information on ITC patent case

**25 April 2017 -** Umicore has reached a resolution with BASF and Argonne over NMC patent infringement claims

Umicore reached a business resolution of its pending patent disputes with BASF and Argonne National Laboratory. Umicore is now licensed to make, use, sell, offer to sell, distribute and import nickel-manganese-cobalt (NMC) cathode material for lithium ion batteries in the United States under Argonne's and BASF's U.S. Patent Nos. 6,677,082; 6,680,143; 7,135,252; and 7,468,223. BASF and Argonne are dismissing their pending action in the United States District Court for the District of Delaware against Umicore. The parties are filing a petition for rescission of the existing limited exclusion order with the International Trade Commission (ITC).

**14 April 2017 -** Umicore has lodged its appeal to the United States Court of Appeals for the Federal Circuit.

**16 December 2016** - The U.S. International Trade Commission (ITC) today issued notice of its decision relating to the patent infringement complaint brought against Umicore by BASF and University of Chicago Argonne National Laboratory. Umicore strongly disputes the findings of infringement of two U.S. patents relating to certain battery cathode materials. The decision to issue a limited exclusion order is subject to automatic review by the United States Trade Representative. If the decision is upheld, Umicore intends to appeal to the United States Court of Appeals for the Federal Circuit.

Kurt Vandeputte, Vice President of Umicore's Rechargeable Battery Materials business unit, said: "We believe that the ITC's decision is wrong on the science and the law. We intend to appeal the decision in the interest of Umicore, its customers and U.S. battery innovation and research."

**04 October 2016** - the date for the ITC hearing has been set for 17 November 2016 with a final determination expected in mid-December.

**12 May 2016** - The United States International Trade Commission (ITC) has decided to review elements of the preliminary ruling made by an administrative law judge on February 29, 2016, regarding Umicore's alleged infringement of patents licensed by the German chemical company BASF. Umicore is pleased that the ITC will review key aspects including infringement findings and furthermore that Umicore's request for a Commission hearing has been granted. Umicore looks forward to presenting its arguments before the full Commission and firmly believes that, when all aspects of the case are fully and thoroughly considered, Umicore will prevail.

**18 March 2016** - Science sheds new light on long-standing debate about NMC cathode materials f

**15 March 2016** - Umicore has petitioned the U.S. International Trade Commission to review an initial determination made by an administrative law judge on February 29, 2016, regarding Umicore's alleged infringement of patents licensed by the German chemical company BASF. Umicore believes that fundamental scientific and legal elements require review, and when the Commissioners take these elements into consideration, no infringement of the patents will be found.

## Umicore statement on ITC judge's initial determination in patent case

**29 February 2016** - In a mixed initial determination by an administrative law judge at the U.S. International Trade Commission (ITC) earlier today, it was confirmed that Umicore did not directly infringe or induce infringement of patents asserted against it by BASF, a German chemical company. The initial determination did, however, find that Umicore contributed to the infringement of these patents with respect to certain activities, including testing and evaluation, solely in the United States.

"We remain steadfast in our view that the scientific evidence presented in court precludes the possibility of any patent infringement and we very much intend on presenting our view to the Commission," commented Kurt

Vandeputte, Vice President of Umicore's Rechargeable Battery Materials business unit. Indeed, additional scientific evidence published by disinterested third parties after the conclusion of the hearing further confirmed Umicore's view of the science and resolved the industry debate concerning the nature of the pertinent cathode materials.

As a next step, the case will be subject to review by the full Commission, which is expected to issue a final determination in June of this year.

In parallel to the ITC proceedings, Umicore is challenging the validity of the related patents at the U.S. Patent and Trademark Office (USPTO).

## Umicore denies infringement in US patent case

**24 April 2015** - Umicore today filed its response to the complaint filed by BASF / University of Chicago Argonne in the United States International Trade Commission (ITC). The complaint alleges that some Umicore NMC-type cathode materials used to fabricate cathode electrodes for power tool batteries infringe Argonne patents. Umicore's response firmly denies the claims made in the complaint and sets forth Umicore's defenses to the allegations.

The complaint filed by BASF/Argonne is flawed in fundamental ways. Umicore will establish that its products do not infringe the asserted patents not least because Umicore's products have a different material structure than that claimed in the patents. Additionally, Umicore has alleged that the Argonne patents are not valid because of the existence of numerous disclosures by others that constitute prior art to what Argonne claims to have invented.

It is also Umicore's view that the complaint was not professionally researched prior to filing. For example, it appears that the assertions in the complaint are based on an analysis of battery cells that do not contain any of Umicore's cathode material.

Over the past 20 years, Umicore has developed a unique range of innovative materials for its battery customers backed by a strong portfolio of intellectual property rights. Umicore intends to aggressively defend its products and innovations against these unwarranted claims. Umicore has retained Fish & Richardson P.C., the leading ITC and patent litigation firm in the U.S., and looks forward to demonstrating that the allegations of BASF and Argonne are erroneous.

A copy of Umicore's response to the complaint can be obtained through the ITC website at www.usitc.gov.

## About Umicore

Umicore is a global materials technology and recycling group. It focuses on application areas in which its expertise in materials science, chemistry and metallurgy makes a real difference. Its activities are organised in three business groups: Catalysis, Energy & Surface Technologies and Recycling. Each business group is divided into market-focused business units offering materials and solutions that are at the cutting edge of new technological developments and essential to everyday life.

The Rechargeable Battery Materials business unit of Umicore has been a global leader in the development and production of cathode materials for lithium ion rechargeable batteries since the mid-1990s. Its products are at the heart of advances in its customers' technology that drive ever-improving range and performance for electrified vehicles and improved durability and functionality in consumer electronics.

## For more information


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