IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARCELORMITTAL FRANCE, ARCELORMITTAL ATLANTIQUE ET LORRAINE, and ARCELORMITTAL USA LLC,	)	
Plaintiffs,	)	
v.	)	C.A. No. _____
AK STEEL CORPORATION,	)	**DEMAND FOR JURY TRIAL**
Defendant.	)	

PLAINTIFFS ARCELORMITTAL FRANCE, ARCELORMITTAL ATLANTIQUE ET LORRAINE, AND ARCELORMITTAL USA LLC'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs ArcelorMittal France, ArcelorMittal Atlantique et Lorraine, and ArcelorMittal USA LLC (collectively, "ArcelorMittal," where appropriate), by their undersigned attorneys, bring this complaint for patent infringement against Defendant AK Steel Corporation and, in support thereof, allege as follows:

PARTIES

1. Plaintiff ArcelorMittal France is a corporation duly organized and existing under the laws of France, with its principal place of business at Immeuble Le Cézanne, 6 Rue André Campra, 93200 Saint-Denis, France.

2. Plaintiff ArcelorMittal Atlantique et Lorraine is a corporation duly organized and existing under the laws of France, with its principal place of business at Immeuble Le Cézanne, 6 Rue André Campra, 93200 Saint-Denis, France.

3. Plaintiff ArcelorMittal USA LLC is a corporation duly organized and existing under the laws of Delaware, with its principal place of business at 1 South Dearborn, Chicago, IL 60603.

4. On information and belief, AK Steel Corporation ("AK Steel") is a Delaware corporation having its principal place of business at 9227 Centre Point Drive, West Chester, Ohio 45069.

THE PATENT-IN-SUIT

5. United States Patent No. 6,296,805 (the " '805 patent") entitled "COATED HOT- AND COLD-ROLLED STEEL SHEET COMPRISING A VERY HIGH RESISTANCE AFTER THERMAL TREATMENT" was duly and legally issued by the United States Patent and Trademark Office on October 2, 2001. ArcelorMittal France and ArcelorMittal Atlantique et Lorraine jointly own by assignment all right, title and interest in the '805 patent.

6. On August 8, 2011, ArcelorMittal filed a petition with the U.S. Patent and Trademark Office for the reissuance of the '805 patent.

7. On April 16, 2013, the U.S. Patent and Trademark Office duly and legally reissued the '805 patent as U.S. Reissue Patent RE44,153 (the "RE153 patent"). ArcelorMittal France and ArcelorMittal Atlantique et Lorraine jointly own by assignment all right, title and interest in the RE153 patent. In accordance with Local Rule 3.2, a true and correct copy of the RE153 patent is attached hereto as Exhibit A.

8. The RE153 patent contains claims 1-16, which originally appeared in the '805 patent, as well as new claims 17-25.

9. ArcelorMittal USA LLC has the sole and exclusive right and license under the RE153 patent to manufacture in the United States product made under the RE153 patent.

JURISDICTION AND VENUE

10. This action for patent infringement arises under 35 U.S.C. §§ 101 *et seq.*

11. This Court has subject matter jurisdiction over this action based on 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over AK Steel because, on information and belief, AK Steel is incorporated under the laws of Delaware. Moreover, in related proceedings, C.A. No. 10-050-SLR, AK Steel has not contested personal jurisdiction, C.A. No. 10-050-SLR, D.I. 146 at ¶ 8, and availed itself of this Court in filing counterclaims. D.I. 146, at ¶¶ 30-48.

13. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400. Moreover, in related proceedings, C.A. No. 10-050-SLR, AK Steel has not contested venue. *See* C.A. No. 10-050-SLR, D.I. 146 at ¶ 9.

INFRINGEMENT OF THE RE153 PATENT

14. ArcelorMittal incorporates each of the preceding paragraphs 1-13 as if fully stated herein.

15. On information and belief, AK Steel makes, offers to sell and/or sells aluminum coated, boron-containing steel sheet products in the United States. On information and belief, the aluminum coated, boron-containing steel sheet products are formed by a process involving, among other things, hot rolling, cold rolling, and coating the steel with aluminum. On information and belief, the aluminum coated, boron-containing steel sheet products are intended

for further processing, including heat treatment and stamping, to form, *inter alia*, components for use in automobiles.

16. On information and belief, when the aluminum coated, boron-containing steel sheet products are further processed, including by heat treatment and stamping, they have an ultimate tensile strength greater than 1000 MPa, and at least some of the products have an ultimate tensile strength greater than 1500 MPa.

17. On information and belief, automotive parts suppliers, among others, directly infringe one or more of the claims of the RE153 patent when they make, use, offer to sell and/or sell steel meeting the limitations of those claims, or products incorporating steel meeting the limitations of those claims. On information and belief, companies that process steel manufactured by AK Steel, for example by heat treating and stamping, directly infringe one or more of the claims of the RE153 patent when they make, offer to sell and/or sell steel meeting the limitations of those claims. On information and belief, to the extent that AK Steel makes, offers to sell and/or sells steel meeting the limitations of one or more of the claims of the RE153 patent, it also directly infringes those claims.

18. On information and belief, AK Steel induces infringement of one or more of the claims of the RE153 patent by direct infringers. AK Steel is aware of the claims of the RE153 patent and that steel made, used, offered for sale and/or sold by the direct infringers constitutes infringement of such claims. Specifically, AK Steel was informed through its counsel via an email on April 15, 2013 of the impending issuance of the RE153 patent. On information and belief, in supplying steel to direct infringers that upon further processing meets the limitations of one or more of the claims of the RE153 patent, AK Steel specifically intends that the direct infringers will make, use, offer to sell and/or sell infringing products. Among

other things, AK Steel is aware of one or more automotive product specifications requiring steel having an ultimate tensile strength of greater than 1000 MPa and/or greater than 1500 MPa and has designed its product, including its carbon content, so that upon further processing, it will meet such specifications. On information and belief, AK Steel is aware that at least some of its product, upon further processing, achieves an ultimate tensile strength of greater than 1500 MPa.

19. On information and belief, AK Steel contributorily infringes one or more of the claims of the RE153 patent by offering to sell and/or selling within the United States, coated steel that upon further processing meets the limitations of one or more of the claims of the RE153 patent. On information and belief, the coated steel sold by AK Steel has a carbon content suited to the desired ultimate tensile strength achieved through further processing, and is not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, AK Steel specifically intends that the direct infringers will make, use, offer to sell and/or sell infringing product. Among other things, AK Steel is aware of automotive product specifications requiring steel having an ultimate tensile strength of greater than 1000 MPa and/or greater than 1500 MPa and has designed its product, including its carbon content, so that upon further processing, it will meet such specifications. On information and belief, AK Steel knows that its aluminum coated boron steel sheet products are especially made or especially adapted for use in an infringement of the RE153 patent. On information and belief, AK Steel is aware that at least some of its product, upon further processing, achieves an ultimate tensile strength of greater than 1500 MPa.

20. ArcelorMittal has been damaged by such infringement and will continue to be damaged by such infringement unless AK Steel is enjoined from infringing by this Court.

PRAYER FOR RELIEF

WHEREFORE**,** ArcelorMittal respectfully requests:

(1) an injunction against continued infringement (35 U.S.C. § 283);

(2) an award of damages adequate to compensate ArcelorMittal for AK Steel's infringement of the RE153 patent after its issuance on April 16, 2013, together with interest and costs as fixed by the Court (35 U.S.C. § 284);

(3) its costs (Fed. R. Civ. P. 54(d)); and

(4) any other relief appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs ArcelorMittal France, ArcelorMittal Atlantique et Lorraine, and ArcelorMittal USA LLC hereby demand a trial by jury of all issues so triable in this action.

RESPECTFULLY SUBMITTED,

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