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1 GLYNN & FINLEY, LLP  
CLEMENT L. GLYNN, Bar No. 57117  
2 JONATHAN A. ELDREDGE, Bar No. 238559  
One Walnut Creek Center  
3 100 Pringle Avenue, Suite 500  
Walnut Creek, CA 94596  
4 Telephone: (925) 210-2800  
Facsimile: (925) 945-1975

5 MORRIS JAMES LLP  
6 P. Clarkson Collins, Jr., *Pro Hac Vice Pending*  
Jason C. Jowers, *Pro Hac Vice Pending*  
7 500 Delaware Avenue, Suite 1500  
Wilmington, Delaware 19801  
8 Telephone: (302) 888-6800  
Facsimile: (302) 571-1750  
9 E-mail: pcollins@morrisjames.com  
jjowers@morrisjames.com

10 Attorneys for E. I. du Pont de Nemours and Company

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RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

ADR

13 Case No. **C11-01665**

MEJ

14 E. I. DU PONT DE NEMOURS AND  
15 COMPANY,

COMPLAINT FOR:

16 Plaintiff,

1. Misappropriation of Trade Secrets

17 v.

DEMAND FOR JURY TRIAL

18 USA PERFORMANCE TECHNOLOGY,  
19 INC., PERFORMANCE GROUP (USA),  
20 INC., WALTER LIEW, and JOHN LIU,

21 Defendants.  
22

23  
24 Plaintiff E. I. du Pont de Nemours and Company ("DuPont") hereby complains against  
25 Defendants USA Performance Technology, Inc. ("USA PTI"), Performance Group (USA), Inc.  
26 ("Performance Group"), Walter Liew, and John Liu as follows:

27 ///

28 ///

1 NATURE OF ACTION

2 1. Defendants have wrongfully obtained and possess confidential, proprietary, trade  
3 secret materials providing detailed specifications for DuPont's chloride-route titanium dioxide  
4 ("TiO<sub>2</sub>") pigment manufacturing process. TiO<sub>2</sub> is a white pigment used in materials ranging  
5 from paints to plastics to paper. Because of its wide ranging applications, global sales of TiO<sub>2</sub>  
6 pigment annually exceed an estimated 5 million tonnes. DuPont's sales of TiO<sub>2</sub> pigment amount  
7 to approximately one-fifth of all TiO<sub>2</sub> pigment sales, which makes DuPont the world's largest  
8 producer of TiO<sub>2</sub> pigment.

9 2. DuPont's process is superior to all comparable TiO<sub>2</sub> pigment manufacturing  
10 processes. Because of the continued technical innovations that DuPont has incorporated into its  
11 process, it can safely and reliably produce TiO<sub>2</sub> pigment at a far greater capacity than its  
12 competitors. DuPont's innovations have also allowed it to create a process that produces TiO<sub>2</sub>  
13 pigment at significantly lower cost than other TiO<sub>2</sub> pigment manufacturers and of consistently  
14 higher quality.

15 3. Rather than investing the funds, effort, and years, if not decades, necessary to  
16 create an efficient, safe, and profitable TiO<sub>2</sub> pigment manufacturing process, Defendants  
17 misappropriated DuPont's proprietary, secret technology. On information and belief, Defendants  
18 are in the process of providing or have provided the specifications for DuPont's TiO<sub>2</sub> pigment  
19 process to one or more of DuPont's competitors in China. DuPont seeks preliminary and  
20 permanent injunctions to prevent Defendants from using or disseminating DuPont's trade  
21 secrets, an order requiring Defendants to return DuPont's TiO<sub>2</sub> pigment manufacturing process  
22 information, and damages.

23 PARTIES, JURISDICTION AND INTRADISTRICT ASSIGNMENT

24 4. Plaintiff DuPont is a Delaware corporation that maintains its headquarters in  
25 Wilmington, Delaware, and is a leading innovator in the business of the research, development,  
26 and manufacture of chemicals and other substances.

27 5. Defendant USA PTI is a California corporation, which identifies its address as  
28 1300 Clay St., Suite 600, Oakland, California 94612.



1           12.     In the areas of residential, commercial, and industrial construction and  
2 remodeling, TiO<sub>2</sub> white pigment is used in architectural paint, providing paint manufacturers the  
3 ability to offer a wide variety of colors, with superior coverage ability. More TiO<sub>2</sub> pigment in  
4 paint results in better coverage from the paint. For exterior paints, TiO<sub>2</sub> provides durability and  
5 protection to the painted surface from ultraviolet rays from the sun.

6           13.     Many components of automobiles, both interior and exterior, contain TiO<sub>2</sub>  
7 pigment. Exterior automotive paint has become more durable, with more color variations  
8 becoming available because of the inclusion of TiO<sub>2</sub> pigment into the paint. An increasing  
9 number of exterior automotive parts are being replaced with lighter weight, scratch and dent  
10 resistant high value plastic materials. DuPont's TiO<sub>2</sub> pigment plays a critical role in these plastic  
11 parts, providing weather-resistant durability and color opacity. Inside the vehicle, many of the  
12 parts are made of high value plastic materials, including dashboards, interior moldings and trim,  
13 flooring and seat cushions to name a few. TiO<sub>2</sub> white pigment makes these features possible at a  
14 cost efficient price.

15           14.     Pleasure boats, cruise ships, shipping vessels, rail cars and airplanes utilize TiO<sub>2</sub>  
16 white pigment. Similar to its uses in the automotive industry, TiO<sub>2</sub> pigment is used in various  
17 paint and coatings for these vehicles as well as for many higher value plastic materials.

18           15.     DuPont also provides TiO<sub>2</sub> pigmentation for the plastics industry. TiO<sub>2</sub> pigment  
19 enables plastics manufacturers to solve color, opacity and weatherability design issues. For  
20 example, acrylic polymers are commonly pigmented with TiO<sub>2</sub> for both opaque and semi-opaque  
21 applications. Opaque whites are used for appliances, communication, industrial and construction  
22 end-uses, while translucent formulations are commonly used for back-illuminated advertising  
23 and signboards.

24           16.     TiO<sub>2</sub> pigments are also widely used for residential and commercial building  
25 materials. Almost all vinyl building products, including siding, windows, decks and fencing,  
26 contain TiO<sub>2</sub> pigment. PVC pipe for plumbing and other uses also contains TiO<sub>2</sub> pigment. In  
27 these products, TiO<sub>2</sub> pigment provides protection to the vinyl by absorbing the ultraviolet rays  
28 from the sun. This prevents degradation of the vinyl, providing long lasting new appearance for

1 the lifetime of these products. Both vinyl and laminate flooring contain TiO<sub>2</sub> pigment.

2 17. DuPont also supplies TiO<sub>2</sub> to the paper and paperboard industry. DuPont's  
3 chloride-route continuous process allows rapid and tight particle size control, which results in  
4 the most consistent mean particle size and consistent distribution in the industry. Ultimately, the  
5 TiO<sub>2</sub> pigment allows the paper and paperboard industry to achieve opacity targets.

6 18. TiO<sub>2</sub> pigment is also used in a variety of other products, including plastic bags,  
7 outdoor furniture, laminate products, inks, rubber, and elastomers.

8 19. Because of the wide variety of applications, the global market for premium TiO<sub>2</sub>  
9 pigment annually amounts to approximately 4 million tonnes.

#### 10 **DuPont's TiO<sub>2</sub> Chloride-Route Process Leads the Industry**

11 20. Since 1948 when DuPont developed the original chloride-route TiO<sub>2</sub> process,  
12 DuPont has been a pioneer in the area of manufacturing TiO<sub>2</sub> pigments. DuPont is currently the  
13 largest provider and the lowest cost producer of TiO<sub>2</sub> pigments. Annually, DuPont sells  
14 approximately 1 million tonnes of the total 5 million tonnes of TiO<sub>2</sub> pigment sold in the world.  
15 Furthermore, DuPont has repeatedly been honored for the safety and health standards of its TiO<sub>2</sub>  
16 operations. DuPont maintains its advantages in the area of TiO<sub>2</sub> pigment production, in part,  
17 through its industry-leading process, the secrecy of which it carefully maintains.

18 21. TiO<sub>2</sub> pigment may be produced through either a sulfate-route process or a  
19 chloride-route process. DuPont first invented the chloride-route process for the production of  
20 TiO<sub>2</sub> in 1948, which it has modified and significantly improved over time.

21 22. The TiO<sub>2</sub> pigment production process, whether sulfate or chloride, begins with  
22 feedstock ores containing titanium. The feedstock ores can range from ilmenite, which contains  
23 approximately 50% TiO<sub>2</sub>, to ores such as rutile, which contain more than 90% TiO<sub>2</sub>.

24 23. In DuPont's chloride-route process, in very general terms, the ore goes through  
25 chlorination that produces titanium tetrachloride, which can be sold as a separate product or that  
26 can be purified and oxidized to create the "pigment base." The pigment base then goes through a  
27 finishing process consisting of wet treatment, filtration, washing, drying, and grinding to produce  
28 the TiO<sub>2</sub> pigment product.

1           24.     DuPont's chloride-route process has a variety of advantages over the sulfate-route  
2 process used by more conventional manufacturers. For example, the chloride-route process is a  
3 continuous process, while the sulfate-route process is a batch process. Additionally, it is a  
4 cleaner process that produces substantially less waste than the sulfate-route process. Finally, the  
5 chloride-route process produces TiO<sub>2</sub> pigment in the rutile crystalline form, which is the  
6 preferred form. The sulfate-route process inherently produces the anatase crystalline form,  
7 which requires additional processing to convert to a rutile crystalline form.

8           25.     Significantly, the vast majority of TiO<sub>2</sub> manufactured in China comes from the  
9 sulfate-route process. The current five-year economic plan for China calls for the development  
10 of chloride-route TiO<sub>2</sub> technology.

11           26.     Because DuPont's process is so superior to that of its competitors and because of  
12 the economic advantages DuPont enjoys due to that superiority, DuPont carefully safeguards its  
13 investment. DuPont transmits, receives, and destroys confidential information in a secure  
14 manner. DuPont employees are required to sign contracts agreeing to protect the secrecy of  
15 DuPont's confidential information.

16           27.     As for DuPont's TiO<sub>2</sub> process specifically, all electronic data systems that contain  
17 DuPont Titanium Technology documentation (drawings, equipment specs, instrument specs,  
18 logic diagrams, standard operating procedures, maintenance work practices, technology reports,  
19 etc.) require granted access.

20           28.     Within DuPont's Titanium Technologies division, the company further protects  
21 the information by compartmentalizing both it and access to it.

22           29.     In order to further protect the TiO<sub>2</sub> process, DuPont provides access to technology  
23 documentation for the *entire* TiO<sub>2</sub> process to only a few DuPont employees. These individuals  
24 have access on a business need or need-to-know basis.

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1 **DuPont Establishes and Later Expands TiO<sub>2</sub>**

2 **Pigment Plant in Kuan Yin, Taiwan**

3 30. DuPont currently has TiO<sub>2</sub> plants in Edge Moor, DE, New Johnsonville, TN,  
4 DeLisle, MS, Altamira, Mexico, and Kuan Yin, Taiwan. The Kuan Yin facility is DuPont's  
5 newest and most modern TiO<sub>2</sub> pigment manufacturing facility.

6 31. DuPont opened Kuan Yin in 1994 and expanded it in 2008. During both the  
7 construction and expansion projects, DuPont established strict protocols to prevent the  
8 possibility of contractors learning or transmitting any proprietary information in the Kuan Yin  
9 Plant.

10 32. Despite the many protections at the Kuan Yin facility and in the DuPont Titanium  
11 Technologies business generally, DuPont's TiO<sub>2</sub> process used at the Kuan Yin facility has  
12 become the target of misappropriation.

13 **USA PTI Misappropriates DuPont's TiO<sub>2</sub> Process**

14 33. In August 2010, DuPont received an anonymous letter indicating that a Walter  
15 Liew of USA PTI and John Liu had embezzled TiO<sub>2</sub> pigment technologies from DuPont. The  
16 anonymous letter also stated that Liew, Liu, and USA PTI had then sold the technologies to a  
17 company in China.

18 34. After receiving the anonymous letter, DuPont notified John Liu's alleged  
19 employer of its investigation and to determine his employment status. That employer confirmed  
20 that John Liu was an employee and stated that his responsibilities did not include working on  
21 TiO<sub>2</sub>, nor did that company engage in the manufacture of TiO<sub>2</sub>.

22 35. DuPont requested that the employer ascertain whether John Liu or others at the  
23 company had communicated with Walter Liew of USA PTI on company computer assets. After  
24 examining John Liu's computer records, the company confirmed that he had corresponded with  
25 Walter Liew at USA PTI via email from his work computer. Additionally, the company  
26 indicated that John Liu had conducted background research on TiO<sub>2</sub> on his work computer.

27 36. In March 2011, the company provided DuPont with documents on Liu's company  
28 computer relating to TiO<sub>2</sub> technology. In addition, the company provided documents that appear

1 to be related to TiO<sub>2</sub> technology and that were found on the company computers of two other  
2 company employees that had interacted with Liu.

3 **Documents in Liu's Possession Reflect**

4 **DuPont's Proprietary and Confidential Information**

5 37. The documents in the possession of Liu reflect detailed knowledge of DuPont's  
6 proprietary and confidential TiO<sub>2</sub> pigment process and access to DuPont's process flow diagrams  
7 detailing the TiO<sub>2</sub> pigment process.

8 38. After analyzing the documents provided by Liu's employer, DuPont identified  
9 numerous pieces of information that are identical to the confidential, proprietary components of  
10 DuPont's process. Although the information is not identified as DuPont information in the  
11 documents, the information matches DuPont's confidential process exactly in a variety of  
12 respects. The very specific technical details to DuPont's TiO<sub>2</sub> process in the documents are not  
13 available from any public source, and DuPont has not authorized the disclosure of such  
14 information to them. These documents are evidence that Liu unlawfully possessed DuPont's  
15 proprietary and secret information regarding its TiO<sub>2</sub> process.

16 39. The misappropriated information includes details of DuPont's chlorine flows. In  
17 DuPont's TiO<sub>2</sub> chloride process, chlorine flows to the chlorine vaporizers to convert liquid  
18 chlorine into vapor. The materials in the possession of Liu identify DuPont's specific chlorine  
19 flows as well as the number of vaporizers.

20 40. Liu also obtained the location of control valves in DuPont's TiO<sub>2</sub> process. The  
21 location of control valves in DuPont's TiO<sub>2</sub> process is neither obvious nor available from any  
22 public source.

23 41. Liu misappropriated specifications on the sizing of over a hundred pieces of  
24 equipment and instrumentation used in the manufacturing process. DuPont developed the  
25 specifications for the sizing of equipment intended for use in the handling and processing of  
26 material of the type required for DuPont's TiO<sub>2</sub> chloride process over the course of many years,  
27 and this information is unavailable through public sources.

28 ///

1           42.     Liu also obtained the specifications for the process flows to the aluminum  
2 chloride generator used in DuPont's TiO<sub>2</sub> process. DuPont uses aluminum chloride generators to  
3 produce material *in situ* for consumption in the oxidation step of the process. Aluminum  
4 chloride generators are not commonly used across the industry for the production of TiO<sub>2</sub>.  
5 Because of its use of an aluminum chloride generator, DuPont is able to avoid the use of  
6 anhydrous aluminum chloride as a feedstock, which provides a significant cost savings. DuPont  
7 based the specifications for the process flows to its aluminum chloride generator on the specific  
8 design of its material and years of experimentation and experience with that generator. The only  
9 way Liu could obtain the details on the process flows to the aluminum chloride generator is from  
10 misappropriated confidential DuPont information.

11           43.     DuPont's TiO<sub>2</sub> pigment process utilizes a chlorine catch tank. This is unique to  
12 the DuPont process. Not even The Chlorine Institute, the most respected public source of  
13 information on chlorine handling, suggests the use of a chlorine catch tank. Liu could only  
14 obtain this information through DuPont's confidential, proprietary materials.

15           44.     Additionally, Liu obtained data identifying the specific pressure DuPont uses to  
16 unload chlorine. This pressure is not available from public sources and cannot be readily  
17 determined through engineering calculations.

18           45.     DuPont spent years determining the specifications for piping, types of piping, and  
19 insulation of piping used in its TiO<sub>2</sub> process. Specifically, the piping for the chlorine vaporizer  
20 header, piping for the fuel header feeding the oxidation building, piping of vapor flow meters,  
21 piping for the oxygen flow meter, and the pipeline branching off from the oxidation area found  
22 in the materials provided by Liu's employers match that used by DuPont's Kuan Yin Plant. The  
23 use of electric heat tracing in the chlorine piping in found in the documents also corresponds  
24 with the same practice at DuPont's Kuan Yin Plant.

25           46.     Liu similarly misappropriated the specifications for the recycle gas temperature  
26 and composition. Recycle gas temperature is limited by the type of bag filter used in the  
27 oxidation process. Knowledge of bag filter technology as applied to the oxidation of titanium  
28 tetrachloride would be required to specify the values. Again, this information is non-public and

1 information contained in the documents provided by Liu's employer contains detailed  
2 specifications matching DuPont's specifications.

3 47. Although the materials in the possession of Liu are not labeled "DuPont," the fact  
4 that all of the non-public specifications discussed above unique to the DuPont process cannot be  
5 a coincidence. Furthermore, other details of the process in the possession of Liu indicate it is  
6 DuPont's TiO<sub>2</sub> process:

7 a) The documents reflect the use of four micronizers, which are pigment grinding  
8 systems, in support of a particular throughput. Only DuPont's process is efficient  
9 enough to operate at the level of throughput identified. Furthermore, no grinding  
10 systems are available from publicly available information that could support this  
11 level of throughput with only four units.

12 b) Similarly, a process model in the documents suggests an upper operating rate of  
13 20 tons per hour, and only DuPont's process is capable of operating at this rate.  
14 DuPont's Kuan Yin Plant operates at this precise rate.

15 c) The documents specify the use of fatty acid as a purification treating agent. Only  
16 DuPont uses tallow based fatty acid for purification in the TiO<sub>2</sub> process.

17 d) The documents include the pressure transmitter specification for conveying  
18 cement in a cementation process. Cementation of process solids is practiced by  
19 the Kuan Yin Plant.

20 48. In summary, Liu, an engineer who did not work on the TiO<sub>2</sub> process in his role at  
21 his employer, could not have independently and lawfully generated a TiO<sub>2</sub> process that exactly  
22 matched the specifications of the DuPont's industry-leading process and the particular  
23 specifications used at the Kuan Yin Plant. After examining these documents, DuPont's own  
24 engineers concluded that Liu and/or others working with him must have had access to DuPont's  
25 confidential engineering documents. A recent interview with Liu confirmed that he and his two  
26 associates had been provided with TiO<sub>2</sub> process flow charts by Walter Liew of USA PTI.

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**DuPont Interviews John Liu and His Co-Workers**

1  
2 49. In late March 2011, DuPont interviewed Liu and several of his co-workers. They  
3 confirmed that they had been approached by Walter Liew and USA PTI approximately one year  
4 earlier. USA PTI requested assistance in filling in the gaps to a TiO<sub>2</sub> process.

5 50. Mr. Liew first approached John Liu and showed him TiO<sub>2</sub> process flow diagrams  
6 that he needed assistance in completing. John Liu then contacted his co-workers, both of whom  
7 also held doctorates in engineering, and introduced them to Walter Liew.

8 51. In his interview, one of Liu's co-workers claimed that he told Walter Liew and  
9 John Liu that he was unable to help because TiO<sub>2</sub> was outside of his field of expertise.

10 52. Another co-worker, on the other hand, began consulting for John Liu in an  
11 attempt to complete the process flow chart. John Liu paid this co-worker for this work. As will  
12 be discussed below, Walter Liew and John Liu conspired to provide this misappropriated  
13 information to DuPont's competitors in China for their own profit. All of the activities alleged  
14 above occurred outside the scope of the employment of John Liu and his co-workers and were  
15 not authorized by their employer. That employer is not implicated in any of the conduct alleged  
16 in this complaint.

**John Liu Joins Walter Liew and USA PTI to Market**

**DuPont's Proprietary Information**

17  
18  
19 53. Prior to March 2011, John Liu submitted his letter of resignation to his employer.  
20 He stated that he was leaving the company, where he earned a six-figure salary, to join USA  
21 PTI. Liu agreed to manage USA PTI's project to consult on the manufacture of a TiO<sub>2</sub> chloride  
22 plant in China.

23 54. On information and belief, Walter Liew and John Liu traveled to China together  
24 on two occasions in the past year to market their misappropriated information on DuPont's TiO<sub>2</sub>  
25 process.

26 55. On information and belief, on one of these two trips, Walter Liew and John Liu  
27 met with the CEO of a company in China that manufactures titanium products. On information  
28 and belief, Walter Liew has a long-standing relationship with this company.



1 TiO<sub>2</sub> pigment at a far greater capacity than its competitors. DuPont's innovations have also  
2 allowed it to create a process that produces TiO<sub>2</sub> pigment at significantly lower cost than other  
3 TiO<sub>2</sub> pigment manufacturers. Moreover, DuPont's superior process permits it to produce  
4 consistently high quality pigment for a wide range of practical applications.

5 62. DuPont has also taken reasonable efforts to maintain the secrecy of its TiO<sub>2</sub>  
6 process. DuPont transmits, receives, and destroys confidential information in a secure manner.  
7 DuPont employees are required to sign contracts agreeing to protect the secrecy of DuPont's  
8 confidential information.

9 63. As for DuPont's TiO<sub>2</sub> process specifically, all electronic data systems that contain  
10 DuPont Titanium Technology documentation (drawings, equipment specs, instrument specs,  
11 logic diagrams, standard operating procedures, maintenance work practices, technology reports,  
12 etc.) require granted access. The company further protects the information by  
13 compartmentalizing both it and access to it.

14 64. Additionally, DuPont restricts access to technology documentation for the *entire*  
15 TiO<sub>2</sub> process to only a few DuPont employees. These individuals have access on a business  
16 need or need-to-know basis.

17 65. Defendants have misappropriated DuPont's TiO<sub>2</sub> trade secrets. The documents  
18 on the computers provided by Liu's employer confirm that they possess DuPont's proprietary  
19 and confidential process. There is no legitimate reason that DuPont's proprietary and  
20 confidential information would be in the Defendants' possession. Walter Liew, John Liu, and  
21 USA PTI have used, are using, or intend to use this misappropriated information to construct  
22 TiO<sub>2</sub> plants in China. Liew, Liu, and USA PTI are aware that their possession of DuPont's  
23 materials is unauthorized.

24 66. As a result of the wrongful misappropriation by Defendants, DuPont has been  
25 damaged in an amount in excess of the jurisdictional minimum of this Court. Moreover, DuPont  
26 will be irreparably harmed by further dissemination of its industry-leading TiO<sub>2</sub> process to its  
27 competitors. Accordingly, Defendants seek to enjoin Defendants from using or disseminating  
28 DuPont's TiO<sub>2</sub> process. DuPont also seeks an order requiring Defendants to return all materials

1 relating to DuPont's TiO<sub>2</sub> process.

2 67. Because Defendants have acted willfully and maliciously, DuPont is entitled to  
3 exemplary damages, in an amount equal to double actual damages.

4 68. Because Defendants have acted willfully and maliciously, DuPont is entitled to an  
5 award of attorneys' fees.

6 **PRAYER**

7 WHEREFORE, DuPont prays for judgment against Defendants as follows:

8 a. For a preliminary and permanent injunction requiring that Defendants, and any  
9 persons acting in concert with Defendants, return all misappropriated confidential or trade secret  
10 information;

11 b. For a preliminary and permanent injunction preventing Defendants, and any  
12 persons acting in concert with Defendants, from making any further actual or threatened release  
13 of any DuPont confidential or trade secret information;

14 c. For a preliminary and permanent injunction barring Defendants and any persons  
15 acting in concert with Defendants from using any DuPont trade secrets relating to its TiO<sub>2</sub>  
16 process;

17 d. For a preliminary and permanent injunction barring Defendants from working in,  
18 consulting for or working with the TiO<sub>2</sub> chloride process manufacturing industry;

19 e. For damages arising from Defendants' misappropriation of trade secrets;

20 f. For exemplary damages for Defendants' willful and malicious misappropriation  
21 of trade secrets;

22 g. For attorneys' fees and costs incurred by DuPont in this action; and

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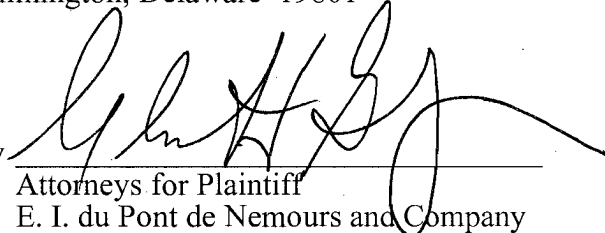
28 ///

1 h. For such other relief as this Court determines is just and proper.

2  
3  
4 Dated: April 6, 2011

5 GLYNN & FINLEY, LLP  
6 CLEMENT L. GLYNN  
7 JONATHAN A. ELDREDGE  
8 One Walnut Creek Center  
9 100 Pringle Avenue, Suite 500  
10 Walnut Creek, CA 94596

11 MORRIS JAMES LLP  
12 P. Clarkson Collins, Jr.  
13 Jason C. Jowers  
14 500 Delaware Avenue, Suite 1500  
15 Wilmington, Delaware 19801

16 By   
17 Attorneys for Plaintiff  
18 E. I. du Pont de Nemours and Company


19 **DEMAND FOR JURY TRIAL**

20 DuPont demands a jury trial on all claims so triable.

21  
22 Dated: April 6, 2011

23 GLYNN & FINLEY, LLP  
24 CLEMENT L. GLYNN  
25 JONATHAN A. ELDREDGE  
26 One Walnut Creek Center  
27 100 Pringle Avenue, Suite 500  
28 Walnut Creek, CA 94596

MORRIS JAMES LLP  
P. Clarkson Collins, Jr.  
Jason C. Jowers  
500 Delaware Avenue, Suite 1500  
Wilmington, Delaware 19801

By   
Attorneys for Plaintiff  
E. I. du Pont de Nemours and Company

CIVIL COVER SHEET

JS 44 (Rev. 12/07) (CAND Rev 1/10)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> E.I. DU PONT DE NEMOURS AND COMPANY	<b>DEFENDANTS</b> USA PERFORMANCE TECHNOLOGIES, INC., PERFORMANCE GROUP (USA), INC., WALTER LIEW, AND JOHN LIU
<b>(b) County of Residence of First Listed Plaintiff DELAWARE</b> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> Clement L. Glynn (Bar No. 57117) Tel: (925) 210-2800 Jonathan A. Eldredge (Bar No. 238559) Glynn & Finley, LLP 100 Pringle Avenue, Suite 500, Walnut Creek, CA 94596	<b>Attorneys (If Known)</b>

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																		
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	(For Diversity Cases Only) <table border="1"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> PTF 1</td> <td><input type="checkbox"/> DEF 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> PTF 4</td> <td><input checked="" type="checkbox"/> DEF 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input checked="" type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> PTF 4	<input checked="" type="checkbox"/> DEF 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> PTF 4	<input checked="" type="checkbox"/> DEF 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)				
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multidistrict Litigation  
  7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 28 U.S.C. §1332

Brief description of cause:  
 Misappropriation of Trade Secrets

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** \_\_\_\_\_

**CHECK YES only if demanded in complaint.**  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)**

SAN FRANCISCO/OAKLAND  
  SAN JOSE  
  EUREKA

DATE: April 6, 2011

SIGNATURE OF ATTORNEY OF RECORD: