

Press Release

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Federal Court Denies DuPont's Request for Preliminary Injunction Against MacDermid

November 21, 2008: MacDermid announced today that for the second time the Federal District Court in New Jersey has denied DuPont's motion for a preliminary injunction.

This decision is part of a 2006 photopolymer plate patent infringement law suit in which DuPont sought preliminary injunction against certain MacDermid thermally developed flexographic printing products. MacDermid markets its thermal equipment under the LAVA trade name.

In its rulings, the court found:

MacDermid has raised substantial questions regarding whether the '859 patent (DuPont's US Patent No 6,773,859) is invalid as being obvious in light of cited references.

DuPont has failed to show that MacDermid's defense that the '859 patent is invalid for obviousness lacks substantial merit.

The court concluded that there are substantial questions regarding whether the '859 patent was an obvious combination of elements in the prior art.

The court concluded that DuPont has not overcome the substantial questions related to MacDermid's obviousness defense based on the present record. Thus, DuPont has not shown that it has a substantial likelihood of success on the merits.

Michael Siegmund, President MacDermid Printing Solutions, said, "MacDermid is a technology-based company that makes a considerable investment in R&D." He went on to say, "Our philosophy, culture and business practices are such that we would not, and do not, knowingly infringe any valid patent." Scot Benson, Vice President Sales added, "This has been our stance from the beginning. We were very confident that the court would continue to uphold our position; and they have."

MacDermid is committed to defending its proprietary technology and continues to invest in the development and support of new flexographic technologies so that its customers may have the fullest range of products from which to choose.

Founded in 1922, MacDermid is a global specialty chemicals company serving the diversified needs of the Electronics, Industrial, Offshore and Printing industries. It employs over 2,500 people and is headquartered in Denver, CO.

