

**IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE**

IMPOSSIBLE FOODS INC.,)	CASE NO.: 1:22-cv-00311-CFC
)	
Plaintiff,)	FIRST AMENDED
)	COMPLAINT FOR DAMAGES
v.)	AND INJUNCTIVE RELIEF
)	
MOTIF FOODWORKS, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

Plaintiff Impossible Foods Inc. (“Impossible Foods”) brings this First Amended Complaint against defendant Motif FoodWorks, Inc. (“Motif” or “Defendant”) and alleges, on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

THE PARTIES

1. Plaintiff Impossible Foods is a Delaware corporation with its principal place of business at 400 Saginaw Drive, Redwood City, California. Impossible Foods develops and distributes plant-based meat products, including the well-known IMPOSSIBLE BURGER, IMPOSSIBLE SAUSAGE and IMPOSSIBLE MEATBALLS (“IMPOSSIBLE Products”).

2. Defendant Motif is a Delaware corporation with its principal place of business at 27 Drydock Avenue, Boston, Massachusetts. Defendant advertises

itself as a provider of plant-based food ingredients, ingredient systems, and finished formulations of plant-based food.

3. Founded in 2011, Impossible Foods seeks to restore biodiversity and reduce the impact of climate change by transforming the global food system. To do this, it makes delicious, nutritious, affordable, and sustainable meat from plants. Impossible Foods' innovative approach to food science, powered by proprietary research and patent-protected technology, has allowed it to develop plant-based foods, including the award-winning IMPOSSIBLE BURGER, that recreates the entire sensory experience of eating meat despite being made from plants, without any animal meat or animal meat-derived ingredients. Impossible Foods has invested hundreds of millions of dollars in the research and development of these market-leading meat alternatives and has secured patents covering its innovative ingredients, food products and manufacturing processes.

4. Defendant has sought to compete with Impossible Foods with ingredients that make meat alternative products that allegedly taste, smell and feel like animal meat.

5. Impossible Foods brings this action for damages and injunctive relief to protect its innovative technology and products against Defendant's patent infringement.

NATURE OF THE ACTION

6. This is an action for patent infringement under title 35 of the United States Code.

7. As set forth in more detail below, Defendant has been infringing Impossible Foods' patents, including at least United States Patent Nos. 9,934,096 ("the '096 Patent"), 10,039,306 ("the '306 Patent"), 10,863,761 ("the '761 Patent"), 11,013,250 ("the '250 Patent"), and 11,224,241 ("the '241 Patent") (collectively, the "patents-in-suit"), and continues to do so through the present date.

8. Impossible Foods thus seeks injunctive relief against Defendant's infringement of its patents, as well as damages for Defendant's past and ongoing patent infringement.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction of this suit for patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Defendant because Defendant is incorporated in the State of Delaware.

11. Venue is proper in this District under 28 U.S.C. § 1400(b), because Defendant is incorporated in, and thus resides in, this District.

BACKGROUND

A. Impossible Foods' Innovative Technology and Patents

12. Founded in 2011 by Dr. Patrick O. Brown, Impossible Foods is a food innovator and seeks to develop and sell delicious, nutritious, affordable, and sustainable meat made from plants.

13. Early in its history, Impossible Foods assembled a team of scientists for an ambitious research investigation: determining which biological molecules make meat look, cook, and taste the way it does. The company discovered that heme, a biological molecule involved in oxygen transport, is a central component of meat's appeal, leading to meat's savory flavor and aroma and influencing how meat cooks. Specifically, heme is "the molecule that gives meat its bloody taste when raw and creates the intense, meaty flavors and aromas when it's cooked."¹ Impossible Foods set out to make plant-based foods that incorporate heme to replicate the taste, aroma, and overall sensory experience of meat. The IMPOSSIBLE Products include heme.

14. The heme in the IMPOSSIBLE Products is part of a hemoprotein molecule called soy leghemoglobin, or LegH. LegH occurs naturally in the root nodules of soy plants and, on information and belief, is not naturally produced in

¹ <https://impossiblefoods.com/blog/how-gmos-can-save-civilization-and-probably-already-have>

the body of any animal species. Impossible Foods discovered that the inclusion of leghemoglobin “transformed what would otherwise have been a dull tasting veggie burger into [] meat! And the meat cooked, smelled and tasted like meat from a cow.”²

15. LegH can be produced by growing soy plants, harvesting the root nodules, and isolating the hemoprotein—but Impossible Foods discovered that this process was too inefficient for commercial production. Impossible Foods thus developed a proprietary strain of genetically modified *Pichia* yeast that produces LegH through a fermentation process.

16. Impossible Foods released IMPOSSIBLE BURGER in 2016 and reformulated it in 2019. IMPOSSIBLE BURGER is a meat replica product that replicates the flavor and texture of ground beef and can be used as a hamburger meat replacement for multiple applications. IMPOSSIBLE BURGER has won numerous awards, including “Best of the Best” at the 2019 Consumer Electronics Show, and is available in thousands of restaurants and grocery stores nationwide.

17. Impossible Foods has applied for, and has been awarded, patents regarding many elements and aspects of the manufacturing and composition of heme-containing meat replica products.

² <https://impossiblefoods.com/blog/heme-health-the-essentials>

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