

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK**

ANCHOR SALES & MARKETING, INC.,

Plaintiff,

Civil Action No. 15-CV-04442 (RA)

v.

RICHLOOM FABRICS GROUP, INC.,

TRIAL BY JURY DEMANDED

Defendant.

PATENT NO. 7,213,633

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is a civil action for patent infringement wherein Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, Anchor Sales & Marketing, Inc., is a domestic corporation organized and existing under the laws of the State of New Jersey, having offices at 755 Macopin Road, West Milford, New Jersey 07480.

2. Upon information and belief, Defendant, Richloom Fabrics Group, Inc., is a domestic corporation organized and existing under the laws of the State of New York, having offices at 261 Fifth Avenue, New York, New York 10016, is authorized to do business and does business in this district and elsewhere.

JURISDICTION

3. The action arises under the Patent Laws of the United States, Title 35 United States Code, Section 1, *et.seq.* Jurisdiction is proper under Title 28 United States Code, Section 1400(b).

STATEMENT OF CLAIMS

4. Plaintiff is the owner of the entire, right, title and interest in United States Patent No. 7,213,633 duly issued May 8, 2007, for "Method of Forming Scalloped Configuration in Curtains", a true and correct copy of which is annexed hereto as Exhibit "A".

5. Upon information and belief, Defendant has manufactured, used, offered for sale and/or sold within the United States, in this district and elsewhere, products which infringe Plaintiff's United States Patent No. 7,213,633 and is continuing to manufacture, use, sell and offer to sell such infringing products in the United States, in this district and elsewhere. Attached hereto as Exhibit "B" is a copy of an advertisement by Bed, Bath and Beyond of one of Defendant's products, "Risa Window Curtain Tier Pair and Valance", which is offered for sale on its website, www.bedbathbeyond.com, and which constitutes infringement of said patent. Also, attached hereto as Exhibit "C" is a copy of an advertisement by Bed, Bath and Beyond of Plaintiff's product, "Versa-Tie® Lisa Stripe Valance", which is offered for sale on its website, www.jcpenny.com, showing Plaintiff's product and Defendant's infringing product.

6. Upon information and belief, Defendant has manufactured, used, offered for sale and/or sold within the United States, in this district and elsewhere, products which infringe Plaintiff's United States Patent No. 7,213,633 and is continuing to manufacture, use, sell and offer to sell such infringing products in the United States, in this district and elsewhere. Attached hereto as Exhibit D is a copy of an advertisement by JC Penny of one of Defendant's products, "Bijoux Soiree Rod-Pocket Tie-Up Tailored Valance", which is offered for sale on its website, www.jcpenny.com, and which constitutes infringement of said patent. Attached hereto as Exhibit E is a copy of an advertisement by JC Penny of Plaintiff's products, "Versa-Tie® Lisa Stripe Valance", which is offered for sale on its website, www.jcpenny.com, showing Plaintiff's product and Defendant's infringing product.

7. Upon information and belief, Defendant has manufactured, used, offered for sale and/or sold within the United States, in this district and elsewhere, products which infringe Plaintiff's United States Patent No. 7,213,633 and is continuing to manufacture, use, sell and offer to sell such infringing products in the United States, in this district and elsewhere. Attached hereto as Exhibit F is a copy of a package insert of one of Defendant's products, "1 Rod Rock Tie Up Valance", which constitutes infringement of said patent.

8. Defendant's acts of infringement, including sale and/or offer to sell the patented product has caused and will continue to cause injury to the Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against the Defendant:

A) A declaration that Defendant's manufacture, use, offer to sell or sale in the United States, such infringing products constitutes infringement of United States Patent No. 7,213,633;

B) A permanent injunction against infringement of United States Patent No. 7,213,633 by the Defendant, its officers, agents, attorneys and employees, and those acting in privity or concert with the Defendant;

C) An award of actual damages sustained by the Plaintiff, together with interest and costs as fixed by the Court, as a result of infringement of United States Patent No. 7,213,633;

D) A judgment of treble damages under 35 U.S.C. §284 because of the willful, wanton and deliberate nature of Defendant's infringement of said United States Patent No. 7,213,622.

E) A judgment that this is an "exceptional" case within the meaning of 35 U.S.C. §285, and an award of Plaintiff's attorney's fees incurred in prosecution of this action; and

F) Such other and further relief as this Court may deem just and equitable under the circumstances.

JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues in this Complaint.

LAW OFFICES OF JAMES W. BADIE

Dated: August 25, 2015

/s/ James W. Badie

James W. Badie #6961

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