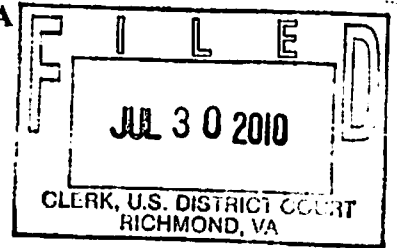


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



_____)
 STRETCHLINE INTELLECTUAL)
 PROPERTIES LTD.,)
)
 Plaintiff,)
)
 v.)
)
 H & M HENNES & MAURITZ LP,)
)
 Defendant.)
)
 Serve:)
 R/A: CT Corporation System)
 4701 Cox Road, Suite 301)
 Glen Allen, Virginia 23060-6802)
 _____)

Civil Action No. 2:10CV371

COMPLAINT

Plaintiff Stretchline Intellectual Properties Ltd. ("Stretchline" or "Plaintiff"), for its complaint against Defendant H&M Hennes & Mauritz LP ("H&M" or "Defendant"), states as follows:

INTRODUCTION

1. Plaintiff Stretchline is in the business of manufacturing and distributing textiles and is the leading manufacturer of reinforced tubular fabrics for garments employing underwire support, including fabrics marketed under the Fortitube® brand. As such, part of Stretchline's business is directed to the manufacture and distribution of underwire casings for brassieres, swimwear, athletic wear, etc.

2. Stretchline is the owner of U.S. Patent No. 6,071,578 entitled "TUBULAR FABRIC AND METHOD OF MAKING THE SAME" ("the '578 patent"), which was issued on June 6, 2000. The '578 patent is directed to tubular fabric having durable linings that are resistant to penetration by underwires and methods of making such a tubular fabric. A copy of the '578 patent is attached as Exhibit A.

3. Defendant H&M is in the business of distributing and retailing finished articles of clothing.

4. On information and belief, H&M distributes and retails garments having tubular reinforced fabrics. On information and belief, H&M has distributed and retailed these garments throughout the United States and maintains department stores throughout the United States, particularly along the East coast in the Mid-Atlantic and Northeast regions, including in this district.

THE PARTIES

5. Plaintiff Stretchline is a corporation organized under the laws of The British Virgin Islands and maintains its principal place of business at Offshore Incorporation Centre, Road Town, Tortola, British Virgin Islands.

6. Plaintiff Stretchline is in the business of manufacturing and distributing textiles with a portion of its business being focused on manufacturing and distributing reinforced underwire casings for articles of clothing products including brassieres, swimwear and athletic wear.

7. Defendant H&M is a corporation existing under the laws of the State of New York with its headquarters at 215 Park Avenue, Floor 15, New York, NY, 10003-1612 and is in

the business of distributing and retailing finished articles of clothing throughout the United States including in this district.

8. On information and belief, Defendant H&M conducts business in the Commonwealth of Virginia, including in this district, by distributing, offering for sale, selling and/or providing women's clothing including garments having tubular reinforced fabrics in the Commonwealth of Virginia. On information and belief, H&M causes these garments to enter into the stream of commerce in the Commonwealth of Virginia, including in this district.

JURISDICTION AND VENUE

9. The Court has subject matter jurisdiction over this controversy under 28 U.S.C. §§ 1331 and 1338(a), as this is a civil action involving a federal question related to claims for patent infringement arising under the Patent Act, Title 35 of the United States Code.

10. The Court has personal jurisdiction over Defendant H&M because H&M has substantial contacts with this jurisdiction sufficient to subject it to personal jurisdiction in this district, including H&M's acts of infringement giving rise to the above-captioned litigation.

11. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§ 1391(b)(c) and 1400(b) and Local Civ. R. 3(C) (E.D. Va., 2010) because a substantial part of the events giving rise to Stretchline's claims occurred in this district and Defendant H&M is subject to personal jurisdiction in this district.

COUNT I

(Infringement of U.S. Patent No. 6,071,578)

12. Plaintiff Stretchline repeats and realleges the allegations contained in Paragraphs 1 through 11 as if fully set forth herein.

13. Plaintiff Stretchline is the owner of the '578 patent, a copy of which is attached hereto as Exhibit A.

14. Plaintiff Stretchline has not licensed any of its rights in the '578 patent to Defendant H&M.

15. On information and belief, Defendant H&M makes, uses, sells, or offers to sell in, or imports into, the United States, including this district, one or more products claimed in one or more claims of the '578 patent or made by a process claimed in one or more claims of the '578 patent, including without limitation, H&M "Beauty" Underwire Lace brassiere and H&M "Beauty" Underwire Light Padding brassiere. On information and belief, Defendant H&M, with knowledge of the '578 patent and with knowledge of Stretchline's infringement allegations with respect to that patent, has been, and continues to infringe, the '578 patent under 35 U.S.C. § 271, *et seq.*

16. On information and belief, Defendant H&M has been and continues to literally infringe one or more claims of the '578 patent under 35 U.S.C. § 271. Moreover, on information and belief, Defendant H&M has infringed, and continues to infringe, one or more claims of the '578 patent under the doctrine of equivalents.

17. On information and belief, Defendant H&M, with knowledge of Stretchline's '578 patent and with knowledge of Stretchline's infringement allegations with respect to that patent, have been and are infringing the '578 patent under 35 U.S.C. § 271(b) and/or 35 U.S.C. § 271(c) by inducing others, including its customers, partner organizations and affiliates, to infringe claims of the '578 patent and/or contributing to the infringement of the '578 patent.

18. On information and belief, Defendant H&M has been and is intentionally and willfully infringing the '578 patent and this case is exceptional under 35 U.S.C. § 285.

19. The infringing acts of Defendant H&M have been the actual and proximate cause of damage to Plaintiff Stretchline. Stretchline has sustained substantial damages and will continue to sustain damages as a result of Defendant's infringement of the '578 patent.

20. Plaintiff Stretchline has no adequate remedy at law.

21. Defendant H&M has caused Stretchline irreparable harm. Unless enjoined, Defendant's acts will continue to cause Stretchline irreparable harm, loss, and injury.

JURY DEMAND

22. Plaintiff Stretchline demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Stretchline requests that this Court enter judgment:

- a. finding that Defendant H&M has infringed and is infringing the '578 patent in violation of 35 U.S.C. § 271, including direct infringement, inducement of infringement and/or contributory infringement;
- b. finding that Defendant H&M's infringement is willful and that this case is exceptional under 35 U.S.C. § 285;
- c. requiring Defendant H&M to pay damages pursuant to 35 U.S.C. § 284 in an amount to be determined at trial;
- d. ordering Defendant H&M to pay damages for any post-trial, pre-judgment infringement in an amount determined by the Court in accordance with 35 U.S.C. §§ 284 and 285;
- e. ordering Defendant H&M to pay pre-judgment interest to plaintiff Stretchline on all amounts awarded and post-judgment interest until paid at the maximum lawful rate;

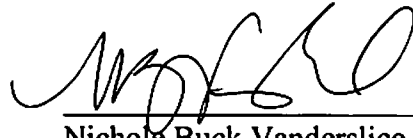
- f. ordering Defendant H&M to pay costs, disbursements and attorneys' fees to Plaintiff Stretchline as provided by 35 U.S.C. § 285;
- g. awarding enhanced damages against Defendant H&M in accordance with 35 U.S.C. § 285;
- h. requiring that Defendant H&M, its officers, agents, servants, employees, attorneys and all persons acting in concert or participation with it who receive actual notice of the Court's order, be preliminarily and permanently enjoined from:
 - (1) directly or indirectly making, using, selling, offering to sell in or importing into, the United States any product or any product prepared by a method that embodies the invention claimed in one or more of the claims of the '578 patent; and/or,
 - (2) attempting, causing, or assisting any of the above-described acts;
- i. retaining jurisdiction of this action for the purpose of enabling Plaintiff Stretchline to apply to the Court at any time for such further orders and interpretation or execution of that order entered in this action; for the modification of any such order; for the enforcement or compliance therewith; and for the punishment of any violations thereof; and
- j. awarding Plaintiff Stretchline such other relief as the Court deems just and equitable.

Dated: July 30, 2010

Respectfully submitted,

STRETCHLINE INTELLECTUAL
PROPERTIES LTD.

By Counsel



Nichole Buck Vanderslice (VSB #42637)

nvanderslice@cblaw.com

R. Braxton Hill, IV (#41539)

bhill@cblaw.com

CHRISTIAN & BARTON, L.L.P.

909 East Main Street, Suite 1200

Richmond, VA 23219

Telephone: (804) 697-4100

Facsimile: (804) 697-4112

W. Jackson Matney, Jr. (VSB #38998)

jmatney@morganlewis.com

Robert W. Busby, Jr. (VSB #41312)

rbusby@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

ATTORNEYS FOR PLAINTIFF
STRETCHLINE INTELLECTUAL
PROPERTIES LTD.