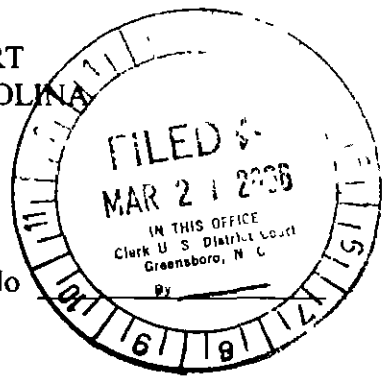
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



HANCOCK & MOORE, INC.,

Plaintiff,

v

MARK ANTHONY, INC , d/b/a DINO MARK ANTHONY AND FRANK CORELLA,

Defendants

Civil Action No

COMPLAINT

1:06CV00258

Plaintiff Hancock & Moore, Inc ("Hancock & Moore"), complaining of defendants, alleges as follows

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a corporation organized and existing under the laws of the State of North Carolina, having its principal place of business in Hickory, North Carolina

2 Upon information and belief, defendant Mark Anthony, Inc is a corporation organized and existing under the laws of California, having a place of business in High Point, North Carolina Upon further information and belief, Mark Anthony, Inc operates under the business name of Dino Mark Anthony

3 Upon information and belief, defendant Frank Corella is the named inventor on U S Patent No. D439,760, is the President of defendant Mark Anthony, Inc , and is a shareholder of Mark Anthony, Inc.

4 The Court has jurisdiction over this action pursuant to 28 U S.C §§ 1331 and 1338

5. The Court has personal jurisdiction over pursuant to N C Gen. Stat. 1-75 4 Venue is proper in the Middle District of North Carolina pursuant to 28 U.S C §1391

CLAIM I
(Declaratory Judgment)

5. Upon information and belief, Defendants claim to be the owners or licensees of United States Patent No D439,760 ("the Patent"), and claim to have rights in the Patent sufficient to bring infringement actions against third parties.

6 Hancock & Moore manufactures, markets and sells furniture, including sofas.

7 Defendants have charged and continue to charge that Hancock & Moore's manufacture, use, marketing, offering for sale, and sale of certain sofas infringes the Patent and that, if Hancock & Moore does not cease such conduct, Defendants will institute litigation and seek damages under the patent laws Defendants first charged Hancock & Moore with patent infringement on or about February 22, 2006 in a letter from Defendants' legal counsel, a copy of which is attached hereto as Exhibit A.

8 Hancock & Moore has not infringed, either literally or under the doctrine of equivalents, contributed to infringement of, or induced infringement of the Patent as a result of its manufacture, use, offer for sale or sale of its sofa lines. The alleged design claimed in the Patent is not substantially similar to Hancock & Moore's furniture in the eyes of ordinary observers, and Hancock & Moore's furniture does not deceive or induce customers in believing they are purchasing products of the defendants Furthermore, the Patent fails to particularly point out and distinctly claim the points of novelty that allegedly constitute the design thereof. Upon information and belief, defendants are attempting to expand the scope of the Patent to improperly cover functional features of furniture lines

9 Upon information and belief, the Patent is invalid, void and/or unenforceable under the United States patent laws, including but not limited to provisions of 35 U S C §§ 102, 112, 171, and/or 172, for at least one or more of the following reasons

a The alleged design claimed in the Patent was known or used by others in this country, or was patented or described in printed publications in this or a foreign country, before the alleged design thereof by the person named as the inventor of the Patent

b The alleged design claimed in the Patent was patented or described in printed publications in this or a foreign country, or was in public use or on sale in this country, more than one year prior to the first date of the application for the Patent in the United States

c The alleged design claimed in the Patent is described in patents granted on applications filed in the United States by third persons prior to the alleged design thereof by the person named as the inventor of the Patent, and

d. Any differences between the alleged design claimed in the Patent and the prior art are such that the alleged design of the Patent would have been obvious at the time of the alleged design by persons of ordinary skill in the arts to which the subject matter pertains.

10. By virtue of the matters alleged above, there is a substantial and continuing justiciable controversy between Hancock & Moore and Defendants with respect to the infringement, validity and/or enforceability of the Patent

PRAYER FOR RELIEF

WHEREFORE, Hancock & Moore prays that.

1 The Court enter judgment in favor of Hancock & Moore and declare that the Patent is not infringed by Hancock & Moore, and that the Patent is invalid and unenforceable

2 The Court grant preliminary and permanent injunctions enjoining and restraining Sense and its agents, servants, and employees, and all persons in active concert or participation with them, from stating or representing, directly or indirectly, to any person that Hancock & Moore has infringed any of the Patent

3 The Court declare this matter an exceptional case pursuant to 35 U S C § 285,

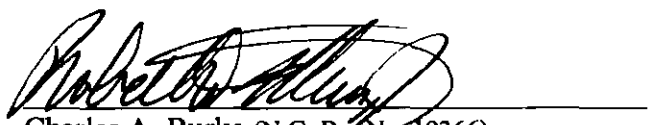
4 The Court require defendants to pay to Hancock & Moore its reasonable costs and expenses, including attorneys' fees, incurred in the preparation and prosecution of this action;

5 Hancock & Moore have such other and further relief as this Court may deem just; and

6 That all matters so triable be tried by a jury

This the 21st day of March, 2006

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC



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