

AM 7718

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Attorneys For Plaintiff  
Comfortex Corp.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

COMFORTEX CORP.

Plaintiff,

v.

SPRINGS WINDOW FASHIONS DIVISION, INC.

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT AND  
DEMAND FOR JURY  
TRIAL**

Plaintiff Comfortex Corp., by its attorneys, Pitney Hardin LLP, complaining of  
defendant Springs Window Fashions Division, Inc. says:

**The Parties**

1. COMFORTEX CORP. ("Comfortex") is a corporation organized and  
existing under the laws of the state of Delaware, with a principal place of business at 21  
Elm Street, Maplewood, New York 12189.

2. Upon information and belief, SPRINGS WINDOW FASHIONS DIVISION, INC. ("Springs") is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 7549 Graber Road Middleton, Wisconsin 53562.

**Jurisdiction and Venue**

3. This action arises under the patent laws of the United States 35 U.S.C. § 101 *et seq.*

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Defendant by virtue of, among other things, Spring's sales of its products in this District.

6. Venue is proper in this District pursuant to 28 U.S.C §§ 1391(d) and 1400.

**Factual Background**

7. Comfortex is a leading manufacturer and fabricator of custom window treatments, offering a complete line of cellular and pleated shades, wood blinds and shutters, sheer window shadings and innovative cellular vertical blinds.

8. Comfortex distributes its window covering products throughout the United states and in more than 50 countries, and has numerous patents that embody the fruits of its innovations.

9. Upon information and belief, Defendant Springs manufactures, fabricates and distributes an assortment of window covering products, including its Maestro and Bali Solitaire shades, among others.

10. Upon information and belief, Defendant Springs distributes its products through national outlets such as Wal-Mart, Bed Bath & Beyond and JC Penney, and through other retailers of window covering products.

**COUNT ONE (Patent Infringement)**

11. Plaintiffs repeat and reallege ¶¶ 1-10, as if fully set forth herein.

12. Comfortex is the lawful owner of all right, title and interest in United States Patent Number 5,837,084 (the "'084 Patent"), which issued on November 17, 1998 and matured from an application filed with the United States Patent and Trademark Office on September 14, 1995. A copy of the '084 Patent is attached hereto as Exhibit A.

13. Upon information and belief, Defendant Springs manufactures, fabricates and offers to sell products in this District and elsewhere in the United States, including its Maestro and Bali Solitaire shade products, that infringe at least Claim 1 of the '084 Patent.

14. Upon information and belief, Defendant Springs has willfully and deliberately infringed the '084 Patent in that it has had notice of the '084 Patent and knowingly infringed it without justification, entitling Comfortex to increased damages pursuant to 35 U.S.C. § 284 and attorneys' fees and costs pursuant to 35 U.S.C. § 285.

15. Unless enjoined by the Court, Defendant Springs will continue to infringe the '084 Patent.

16. As a direct and proximate result of Defendant Springs' conduct, Comfortex has suffered, and will continue to suffer, irreparable harm, for which it has no adequate remedy at law.

17. Unless this Court preliminarily and permanently enjoins Defendant's infringing conduct, Comfortex will continue to be irreparably harmed by Defendant's conduct.

WHEREFORE, Plaintiff prays:

(a) For an injunction permanently restraining and enjoining Defendant (and its officers, directors, employees, agents, licenses, servants, successors and assigns affiliates, subsidiaries, and any and all persons in privity or in concert with it) from infringing any of the claims of the '084 Patent in any manner;

(b) For judgment that one or more of the claims of the '084 Patent has been infringed by Defendant;

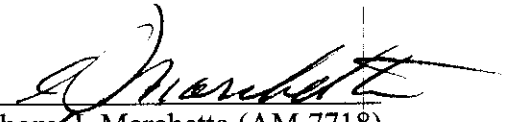
(c) For damages adequate to compensate Plaintiff for Defendant's infringement, but in no event less than a reasonable royalty, together with interest thereon;

(d) For a threefold increase in damages as a result of willful infringement by Defendant;

(e) For an assessment and award of interest, costs and attorneys fees against Defendant; and

(f) For such other and further relief as the Court deems just and proper.

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By:   
Anthony J. Marchetta (AM 7718)

Date: February 13, 2006