

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAC-FAST SYSTEMS INC. and
TAC-FAST GEORGIA, L.L.C.,

Plaintiffs,

V.

METROFLOR CORP. and,
HALSTEAD NEW ENGLAND
CORPORATION.

Defendants.

Civil Action No. 08-865-GMS

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiffs Tac-Fast Systems Inc. and Tac-Fast Georgia, L.L.C. (collectively “Tac-Fast”) for their Complaint against Defendants Metroflor Corp. (“Metroflor”) and Halstead New England Corporation (“Halstead”) hereby allege as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of United States Patent Nos. 6,306,477 (“the ‘477 patent”) and 6,797,353 (“the ‘353 patent”) (collectively “Patents-in-Suit”). This action is based upon the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Tac-Fast Systems Inc. (“Tac-Fast Systems”) is a corporation organized under the laws of the State of Georgia having a place of business at 4515 Chamblee Dunwoody Road, Box No. 282, Atlanta, Georgia 30338.

3. Plaintiff Tac-Fast Georgia, L.L.C. (“Tac-Fast Georgia”) is a limited liability company organized under the laws of the State of Georgia having a place of business at 4515 Chamblee Dunwoody Road, Box No. 282, Atlanta, Georgia 30338. Tac-Fast Georgia has been

and still is the owner of the rights in the '477 and '353 patents. Tac-Fast Georgia has granted an exclusive license to the '477 and '353 patents to Tac-Fast Systems.

4. On information and belief, Defendant Metroflor is a corporation organized under the laws of the State of Delaware, with its principal place of business at 1120 Boston Post Road, Darien, CT 06820.

5. On information and belief, Defendant Halstead is a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business at 29 Oakwood Ave., Norwalk, CT 06850.

JURISDICTION AND VENUE

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

7. This Court has personal jurisdiction over Metroflor because, *inter alia*, Tac-Fast is informed and believes that Metroflor is a corporation organized under the laws of the State of Delaware. On information and belief, Metroflor has also conducted business and sells its products in this District. On information and belief, Metroflor has committed acts of infringement in this District by advertising, marketing, offering for sale, and selling floor coverings, including floor coverings marketed under the name Konecto®, that infringe the Patents-in-Suit in this District.

8. This Court has personal jurisdiction over Halstead because, *inter alia*, it has conducted business in this District. On information and belief, Halstead has committed acts of infringement in this District by advertising, marketing, offering for sale, and selling floor coverings, including floor coverings marketed under the name Allure®, that infringe the Patents-in-Suit in this District.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because, *inter alia*, Metroflor and Halstead are subject to personal jurisdiction in this District.

THE PATENTS

10. On October 23, 2001, the '477 patent, entitled "Covering Module and Anchor Sheet," was duly and legally issued to Tac-Fast Georgia, L.L.C. as assignee. A copy of the '477 patent is attached hereto as Exhibit A.

11. On September 28, 2004, the '353 patent, entitled "Covering Module and Anchor Sheet," was duly and legally issued to Tac-Fast Georgia, L.L.C. as assignee. A copy of the '353 patent is attached hereto as Exhibit B.

12. Tac-Fast has been and continues to be the sole owner of the Patents-in-Suit and the sole owner of the right to sue and to recover for any infringement of those patents.

COUNT I
(Infringement of U.S. Patent No. 6,306,477)

13. Paragraphs 1 through 13 are incorporated by reference as if restated fully herein.

14. Metroflor has infringed and continues to infringe at least one claim of the '477 patent by making, using, offering for sale, selling, and/or importing into the United States certain floor coverings, including but not limited to floor coverings marketed under the name Konecto®.

15. Halstead has infringed and continues to infringe at least one claim of the '477 patent by making, using, offering for sale, selling, and/or importing into the United States certain floor coverings, including but not limited to floor coverings marketed under the name Allure®.

16. Metroflor and Halstead also contribute to and/or induce the infringement of at least one claim of the '477 patent.

17. On or about July 3, 2008, Metroflor received actual notice that at least its Konecto® product infringes the '477 patent.

18. On information and belief, Halstead also has notice that its product(s) infringe the '477 patent.

19. Metroflor's and Halstead's infringements of the '477 patent have been and continue to be willful.

20. Tac-Fast has been damaged by Metroflor's and Halstead's infringements of the '477 patent and has suffered and will continue to suffer irreparable injury unless and until this Court enjoins the infringement.

COUNT II
(Infringement of U.S. Patent No. 6,797,353)

21. Paragraphs 1 through 21 are incorporated by reference as if restated fully herein.

22. Metroflor has infringed and continues to infringe at least one claim of the '353 patent by making, using, offering for sale, selling, and/or importing into the United States certain floor coverings, including but not limited to floor coverings marketed under the name Konecto®.

23. Halstead has infringed and continues to infringe at least one claim of the '353 patent by making, using, offering for sale, selling, and/or importing into the United States certain floor coverings, including but not limited to floor coverings marketed under the name Allure®.

24. Metroflor and Halstead also contribute to and/or induce the infringement of at least one claim of the '353 patent.

25. On or about July 3, 2008, Metroflor received actual notice that at least its Konecto® product infringes the '353 patent.

26. On information and belief, Halstead also has notice that its product(s) infringe the '353 patent.

27. Metroflor's and Halstead's infringements of the '353 patent have been and continue to be willful.

28. Tac-Fast has been damaged by Metroflor's and Halstead's infringements of the '353 patent and has suffered and will continue to suffer irreparable injury unless and until this Court enjoins the infringement.

JURY DEMAND

Tac-Fast hereby respectfully demands a jury trial on all issues and claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

A. That Metroflor and Halstead directly, contributorily, and through inducement infringed and continue to infringe the '477 and '353 patents;

B. That Metroflor's and Halstead's infringements of the '477 and '353 patents were and continue to be willful;

C. That Metroflor and Halstead, their officers, directors, consultants, managers, agents, servants, employees, attorneys, affiliates, subsidiaries, and all persons in active concert or participation with any of them, and their successors and assigns, be permanently enjoined from infringement, inducement of infringement, and contributory infringement of the '477 and '353 patents, including, but not limited to, making, using, offering for sale, selling, or importing any products that infringe the '477 and '353 patents;

D. That Tac-Fast be awarded all damages adequate to compensate it for Metroflor's and Halstead's infringements, such damages to be determined by a jury and, if necessary to adequately compensate Tac-Fast for the infringement, an accounting of all damages, and that all awarded damages be trebled pursuant to 35 U.S.C. § 284;

E. That Tac-Fast be awarded pre-judgment and post-judgment interest pursuant to 35 U.S.C. § 284;

F. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Tac-Fast be awarded the attorneys' fees, costs, and expenses incurred in prosecuting this action; and

G. That Tac-Fast be awarded such other and further relief as this Court deems just and proper.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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Dated: April 3, 2009

*Attorneys for Tac-Fast Systems Inc. and
Tac-Fast Georgia, L.L.C.*

CERTIFICATE OF SERVICE

I, Melanie K. Sharp, Esquire, hereby certify that on April 23, 2009, I caused to be electronically filed a true and correct copy of First Amended Complaint with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Jack B. Blumenfeld
Rodger D. Smith II
Morris, Nichols, Arsht & Tunnell LLP
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I further certify that on April 23, 2009, I caused a copy of the foregoing document, to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated.

BY E-MAIL:

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