

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

GLEN RAVEN, INC.

Plaintiff,

v.

ABEL UNLIMITED, INC. D/B/A  
IRONWEAR,

Defendant.

Civil Action No. 1:12 - cv - 692

**COMPLAINT  
(JURY TRIAL DEMANDED)**

Plaintiff Glen Raven, Inc. complains of defendant Abel Unlimited, Inc. d/b/a Ironwear as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Glen Raven, Inc. (“Glen Raven”) is a corporation organized under the laws of the State of North Carolina, with its principal place of business in Glen Raven, North Carolina.

2. Upon information and belief, Abel Unlimited, Inc. d/b/a Ironwear (“Ironwear”) is a corporation organized under the laws of the State of Florida, with its principal place of business located at 2020 Seabird Way, Riviera Beach, Florida 33404, and having as its registered agent for service of process an individual named Marvin Maltz located at 2020 Seabird Way, Riviera Beach, Florida 33404.

3. Upon information and belief, Ironwear manufactures, imports, markets, and/or sells various performance fabrics that compete directly with products offered by Glen Raven.

4. Upon information and belief, Ironwear advertises its products on a website, [www.ironwear.com](http://www.ironwear.com), as well as in widely distributed product literature and marketing materials.

5. Upon information and belief, Ironwear sells and distributes its products, including the infringing products described herein, throughout the United States, throughout North Carolina, and in this judicial district.

6. This is an action for patent infringement arising under the United States patent laws. This Court has federal question jurisdiction over Glen Raven's patent infringement claims under 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over Ironwear pursuant to N.C. GEN. STAT. § 1-75.4, in that, upon information and belief, Ironwear conducts substantial business activity in the State of North Carolina and in this judicial district and, in the course of such business activity, Ironwear has engaged in the infringing and wrongful conduct described herein. Upon information and belief, Ironwear has contracted with authorized dealers to sell Ironwear's infringing products in North Carolina, and Ironwear's products are presently offered for sale and are being sold throughout North Carolina. Glen Raven has purchased Ironwear's infringing products from a distributor located in North Carolina, such products being delivered from a North Carolina warehouse to a North Carolina addressee. Furthermore, Ironwear maintains a web site that promotes its infringing products for sale to consumers, including customers in North Carolina.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

### **STATEMENT OF THE FACTS**

9. Glen Raven is the owner of all rights, title and interest in United States Patent No. 6,706,650 ("650 Patent"), entitled "Flame-resistant and high visibility fabric and apparel formed therefrom," which was duly and lawfully issued by the United States Patent and Trademark Office on September 7, 2004. A copy of the '650 Patent is attached hereto and incorporated

herein by reference as Exhibit A.

10. Glen Raven recently discovered that high-visibility safety vests constructed of fabric that infringes the '650 Patent were being circulated in the marketplace (herein "Infringing Vest(s)"), and these vests were constructed of infringing fabric originating from Ironwear. The Infringing Vests are designated by Ironwear in its literature as Item Nos. 1280 and 1282.

11. A sample Infringing Vest was acquired and inspected by Glen Raven. The sample Infringing Vest was constructed of fabric infringing the claims of the '650 Patent, including, but not limited to at least Claim 1 and Claim 9 of the '650 Patent.

12. The infringing fabric used in the construction of the Infringing Vest was imported, manufactured, offered for sale, used and/or sold by Ironwear.

13. Glen Raven offers fabrics covered by the '650 Patent which compete directly with Ironwear's infringing fabrics in the marketplace, including in North Carolina and this judicial district.

14. Ironwear's unauthorized acts of importing, making, using, offering for sale, and/or selling the infringing fabric used in the Infringing Vests constitutes infringement of the '650 Patent.

15. Ironwear's unauthorized acts of importing, making, using, offering for sale, and/or selling the fabric used in the Infringing Vests have already damaged Glen Raven, and upon information and belief, have already cost Glen Raven sales. Glen Raven will continue to be damaged unless Ironwear's infringement is stopped.

**COUNT I**  
**PATENT INFRINGEMENT – U.S. PATENT NO. 6,706,650**

16. Glen Raven incorporates herein by reference the allegations in the above paragraphs, as if alleged fully herein.

17. Ironwear has imported, made, used, offered for sale, and/or sold in interstate commerce, without the authorization, consent or permission of Glen Raven, fabric and apparel that infringes the '650 Patent.

18. Upon information and belief, at all times relevant to this action, Ironwear has possessed actual knowledge of Glen Raven's '650 Patent. Despite knowledge of the '650 Patent, Ironwear nevertheless engaged in the infringing activities as described herein.

19. Upon information and belief, Ironwear has actively induced and contributed to infringement of the '650 Patent by encouraging actual and potential customers to evaluate and use infringing fabric covered by claims in the '650 Patent and to offer for sale and sell products that infringe the '650 Patent.

20. Upon information and belief, Ironwear's infringement has been willful, intentional and deliberate, with knowledge of and in conscious disregard of the '650 Patent.

21. Ironwear's infringement of the '650 Patent has caused, and will continue to cause, damage and irreparable harm to Glen Raven unless Ironwear's continuing infringing activities are enjoined by this Court.

22. Glen Raven has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Glen Raven respectfully prays that this Court grant the following relief:

1. That the Court preliminarily and permanently enjoin Ironwear from making, using, assembling, importing, selling or offering for sale, or inducing others to make, use, sell or

offer for sale, fabric and/or products that infringe the '650 Patent;

2. That Glen Raven have and recover damages from Ironwear pursuant to 35 U.S.C. § 284, including interest from the date of first infringement;
3. For an award of enhanced damages up to three times the amount of the compensatory damage award pursuant to 35 U.S.C. § 284;
4. That the Court tax Ironwear with Glen Raven's reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
5. That the Court tax Ironwear with all costs of this action;
6. That the Court order the impounding and destruction of all products in Ironwear's possession, custody or control that infringe the '650 Patent, and of all products that can be used to make or advertise the infringing products;
7. A jury trial on all matters so triable; and
8. Such other and further relief as the Court deems just and proper.

This the 10<sup>th</sup> day of July, 2012.

/s/ Stephen F. Shaw  
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