

Filed at 8:05 P.M.
1/30/06
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

AFTER SIX, INC.

Plaintiff

v.

LORD WEST and WEST MILL
CLOTHES, INC.

Defendant.

Civil Action File No.: 3:06-cv-6 (CDL)

**COMPLAINT FOR PATENT INFRINGEMENT AND
DEMAND FOR JURY TRIAL**

Plaintiff, After Six, Inc. (hereinafter "Plaintiff" or "After Six") for its complaint against Lord West and West Mill Clothes, Inc. (collectively "Defendant" or "Lord West") alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Letters Patent and arises under the Patent Laws of the United States, Title 35 of the United States Code. Plaintiff After Six is the owner of U.S. Letters Patent No. 6,871,358. Defendant Lord West has infringed directly upon the Letters Patent by making, using, selling and/or offering to sell preknotted adjustable neckties covered by such Letters Patent.

JURISDICTION AND VENUE

2. This Court has personal jurisdiction over Defendant Lord West, upon information and belief, by reason of its transaction of business in this District, and commission of tortious acts of infringement within this District.

3. Subject matter jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1331 and §1338(a), and 28 U.S.C. §1332. Venue is proper in this Court pursuant to 28 U.S.C. §1391 and §1400.

THE PARTIES

4. Plaintiff After Six is a Delaware corporation having its principal place of business at 240 Collins Industrial Drive, Athens Georgia, 30601. Plaintiff After Six is the owner of the United States Letters Patent here in suit.

5. Upon information and belief, Defendant Lord West is a Pennsylvania business or corporation having its principal place of business at 257 Rittenhouse Circle, Bristol Pennsylvania, 19007. Upon information and belief, Defendant West Mill Clothes, Inc. is a New York corporation having its principal place of business at 57-03 31st Avenue, Woodside, New York 11377.

THE ACTION FOR PATENT INFRINGEMENT

6. On March 29, 2005, United States Letters Patent No. 6,871,358 (hereinafter "the '358 Patent") entitled "Preknotted Adjustable Fabric Necktie" was duly and legally issued. A copy of the '358 Patent is attached hereto as Exhibit A and made a part hereof. After Six is the assignee of the '1358 Patent.

7. For over 100 years, After Six has remained the largest men's formalwear manufacturer in the United States.

8. After Six has practiced the invention claimed in the '358 Patent by making and selling a preknotted adjustable fabric necktie in accordance with the '358 Patent.

9. After Six recently became aware of Lord West's marketing in the United States, in direct competition with After Six, of preknotted adjustable fabric neckties in accordance with the '358 Patent.

10. About April 26, 2005, After Six demanded, *inter alia*, that Lord West cease marketing such preknotted adjustable fabric neckties.

11. Despite After Six's demand, and After Six's repeated efforts to resolve this matter, on information and belief, Lord West has ignored After Six's demands and efforts and has continued to manufacture, sell and offer to sell preknotted adjustable fabric neckties in accordance with the '358 Patent in the United States without authority from After Six and, therefore, directly or indirectly infringes the patent in violation of 35 U.S.C. §271.

12. After Six is permitted to recover damages in an amount to be determined at trial.

13. Lord West's actions constitute a willful and deliberate infringement of the '358 Patent.

14. Lord West's acts of infringement have caused and continue to cause After Six irreparable injury for which it has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff After Six prays as follows:

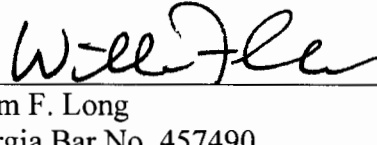
- a. that United States Letters Patent No. 6,871,358 be adjudged valid and enforceable;
- b. that Lord West be adjudged to have infringed United States Letters Patent No. 6,871,358;
- c. that Lord West's acts of patent infringement be adjudged to be willful and deliberate;
- d. that Lord West, its officers, agents, servants, employees and attorneys and any and all persons in active concert or participation with them be preliminarily and permanently enjoined and restrained from infringing United States Letters Patent No. 6,871,358;
- e. that Lord West be ordered to account for and pay to After Six the damage sustained by After Six due to Lord West's infringement of United States Letters Patent No. 6,871,358, but in no event less than a reasonable royalty pursuant to 35 U.S.C. §§284 and 289;
- f. that Lord West be ordered to pay pre-judgment and post-judgment interest on the damages awarded against it;
- g. that After Six be awarded its costs and attorney's fees pursuant to 35 U.S.C. §285; and
- h. that the court grant such other and further relief as it deems just and proper under the circumstances.

DEMAND FOR TRIAL BY JURY

After Six demands a trial by jury on all issues that are triable by a jury.

Respectfully submitted,

Dated: January 20, 2006



William F. Long
Georgia Bar No. 457490
Russ A. Korn
Georgia Bar No. 428492
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree St, NE
Atlanta, GA 30309
(404) 853-8000

Robert C. Faber
Douglas A. Miro
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036
(212) 382-0700

**Attorneys for Plaintiff
After Six, Inc.**