

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

_____)	
APLIX, INC.,)	
a Delaware Corporation,)	
)	
Plaintiff,)	
)	Civ. A. No. 3:07cv323
v.)	
)	
VELCRO USA, INC.,)	
a Delaware Corporation)	
)	
Defendant.)	
_____)	

COMPLAINT
(Jury Trial Demanded)

PARTIES

1. Plaintiff Aplix, Inc. (“Aplix”), is a corporation duly organized under the laws of the State of North Carolina having a principal place of business at 12300 Steele Creek Road Charlotte, NC 28241.

2. Defendant Velcro USA, Inc. (“Velcro”) is a corporation duly organized under the laws of the State of Delaware, and having a principal place of business at 406 Brown Ave., Manchester, NH 03103.

3. This civil action arises under the Patent Laws of the United States, United States Code, Title 35, Section 1 et seq., and in particular, 35 U.S.C. § 271.

4. Jurisdiction is proper in this Court under the provisions of 28 U.S.C. § 1338(a) in that the claims of the Complaint arise under the Patent Laws of the United States.

5. Venue is proper in this Court as to the Defendant under 28 U.S.C. § 1391(b)(1), (b)(2), and (c), and 28 U.S.C. § 1400(b).

6. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

7. Velcro has sufficient contacts with North Carolina to satisfy the assertion of personal jurisdiction over it by this Court.

FACTUAL BACKGROUND

8. Aplix and Velcro both design and manufacture various types of fasteners, including fasteners commonly known as “hook and loop” or “touch” fasteners.

9. Aplix is the exclusive licensee, with the sole and exclusive right to sue for and recover for all acts of infringement, of U.S. Pat. Nos. RE 37,338 (“the 338 Patent”), and 5,656,226 (“the 226 Patent”).

10. Aplix is informed and believes that Velcro is manufacturing, having manufactured, selling and and/or offering for sale fasteners that infringe one or more claims of the ‘338 and ‘226 Patents.

CLAIM FOR RELIEF

PATENT INFRINGEMENT

11. Velcro has infringed and continues to infringe one or more claims of the ‘338 and ‘226 Patents in this District and elsewhere by manufacturing, having manufactured, selling and

and/or offering for sale products and/or practicing methods that are within the scope of the '338 and '226 Patents, all in violation of the Patent Laws of the United States, including, inter alia, 35 U.S.C. § 271.

12. Velcro has knowledge of the '338 and '226 Patents; despite that knowledge, Velcro continues to make, use, sell, or offer for sale infringing products and/or practice infringing methods, and therefore willfully infringes the '338 and '226 Patents.

13. These acts of infringement are irreparably harming and causing damage to Aplix and will continue to do so unless and until restrained by this Court.

PRAYER FOR RELIEF

WHEREFORE, Aplix prays:

A. That this Court, in accordance with 35 U.S.C. § 283, preliminarily and permanently enjoin Velcro from infringing the '338 and '226 Patents and engaging in any advertising or sales of its infringing products and/or methods;

B. That Aplix be awarded judgment against Velcro for damages resulting from Velcro's infringement of the '338 and '226 Patents, and that such damages be trebled in accordance with provisions of 35 U.S.C. § 284, and that Aplix be awarded its reasonable attorneys' fees in accordance with 35 U.S.C. § 285;

C. That this Court award Aplix interest, costs, attorney's fees and such further relief that this Court deems just and equitable;

D. That this Court order Velcro to pay Aplix all its reasonable taxable costs in a sum and manner deemed appropriate by this Court based on the deliberate and willful infringement by Velcro as set forth in this Complaint; and

E. That all triable issues be tried by jury.

This is the 9th day of August, 2007.

Respectfully submitted,


ADAMS EVANS P.A.

s/ Stephen S. Ashley, Jr.
W. Thad Adams, III (NC Bar No. 0020)
Stephen S. Ashley, Jr. (NC Bar No. 27,649)
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VERIFICATION OF COMPLAINT

Quresh Sachee, being first duly sworn, deposes and says that he is the Vice President/Global Sales and Marketing/Inter-Mold of Plaintiff Aplix Inc., that he has read the attached Complaint, and that the statements made therein are true except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

This, the 3RD day of August, 2007

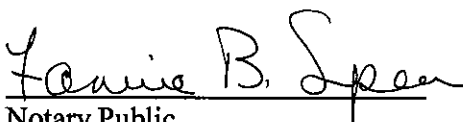


Quresh Sachee
Vice President/Global Sales and Marketing/Inter-Mold
Aplix Inc.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, FANNIE B. SPEER, hereby certify and acknowledge that Quresh Sachee, Vice President/Global Sales and Marketing/Inter-Mold, after being duly sworn, appeared before me this day and executed the foregoing Verification of Complaint.

This, the 3RD day of August, 2007.



Notary Public

My Commission Expires: _____

MY COMMISSION
EXPIRES JUNE 28, 2011

SEAL