ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

INTERMARK FABRIC CORPORATION,
Plaintiff,

v.

MICROFIBRES, INC.
Defendant.

Civil Action No. 3:02 CV 1267 (AVC)

PLAINTIFF'S MOTION FOR LEAVE TO CORRECT THE RECORD IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT UNDER §§ 102 AND 103

Plaintiff, Intermark Fabric Corporation ("Intermark") hereby moves this Honorable Court for leave to correct the record in support of Intermark's Motion for Summary Judgment Under §§ 102 and 103. As grounds therefore, Intermark states as follows:

1. On September 22, 2003, Intermark filed a Motion for Summary Judgment Under §§102 and 103 ("Motion").

2. In conjunction with said Motion, and specifically in connection with its Local Rule 56(a)1 Statement, Intermark referenced and relied upon deposition testimony from Defendant's expert, Dr. David S. Brookstein, taken on September 10, 2003.

3. In preparing said Motion, counsel for Intermark used a rough draft version of the deposition transcript of Dr. Brookstein. The pinpoint references to the deposition transcript in Intermark's Local Rule 56(a)1 Statement inadvertently refer to the rough draft rather than the final version of the deposition transcript. The pages of the transcript that were attached as Exhibit W to the Declaration of Charles F. O'Brien in support of the Motion were taken from the final version of the deposition transcript and thus, as they reflect the page numbers from the

November 6, 2003. GRANTED.
SO ORDERED.
Alfred V. Covello, U.S.D.J.