ORIGINAL

IN THE 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)

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U.S. DISTRICT COURT
HARTFORD, CT

PLAINTIFF INTERMARK FABRIC CORPORATION'S
MOTION FOR SUMMARY JUDGMENT UNDER 35 U.S.C §§102 AND 103

Now comes the Plaintiff, Intermark Fabric Corporation and moves this Honorable Court to enter a judgment that United States Patent No. 5,981,021 entitled Transfer Printing Flocked Fabric (the "'021 patent") is (1) invalid as anticipated under 35 U.S.C. §102, (2) obvious under 35 U.S.C. §103, and (3) unenforceable due to the inequitable conduct that took place before the Patent Office during the prosecution of the '021 patent. Intermark Fabric Corporation further moves this Honorable Court to enter a judgment that Intermark is entitled to its attorneys fees under 35 U.S.C. § 285.

As grounds therefore, Intermark Fabric Corporation relies on its accompanying Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment Under 35 U.S.C §§102 and 103.

ORAL ARGUMENT REQUESTED

August 19, 2004. There being multiple genuine issues of material fact, the motion for summary judgment is DENIED.
SO ORDERED.
Alfred V. Covello, U.S.D.J.

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U.S. DISTRICT COURT
HARTFORD CT.