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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

13 VOLCOM, INC., a Delaware
 14 corporation,

15 Plaintiff,

16 vs.

17 K-2 CORPORATION, an Indiana
 18 corporation,

19 Defendant.

Case No. SACV 13 - 00929 JVS (ANx)

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

COPY

20 Plaintiff, VOLCOM, INC. ("Volcom"), a Delaware corporation, brings this
 21 action against K-2 CORPORATION, an Indiana corporation, and for its cause of
 22 action alleges:

23 **JURISDICTION**

24 1. This is an action for patent infringement in violation of the patent
 25 laws of the United States, 35 U.S.C. § 1, et seq. This Court has jurisdiction under
 26 28 U.S.C. §§ 1331 and 1338(a).

27 2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400 (b) in
 28 that Defendant offers for sale, and has sold infringing products in this judicial

1 district, and has offered infringing products to others for resale within this judicial
2 district.

3 **PARTIES**

4 3. Plaintiff Volcom, Inc. is a corporation organized and existing under
5 the laws of the State of Delaware, having a principal place of business at 1740
6 Monrovia Avenue, Costa Mesa, California, 92627.

7 4. Defendant K-2 Corporation (hereinafter referred to as “Ride”) is a
8 corporation organized and existing under the laws of the State of Indiana, having
9 a place of business located at 4201 6th Avenue South, Seattle, Washington 98108,
10 and on information and belief, sells certain products under the assumed names of
11 Ride Snowboard Company and/or Ride Snowboards.

12 **FACTUAL BACKGROUND**

13 5. Volcom is the owner of U.S. Pat. No. 7,874,019 entitled “Powder
14 Skirt Zipper System” (a copy of which is attached as Exhibit 1) (“the ‘019
15 patent”) and holds all rights under the patent, including the right to sue for past
16 and present infringement.

17 6. Volcom became aware that Ride was selling jackets and pants that
18 infringe the ‘019 patent.

19 7. Volcom previously communicated with defendant regarding the ‘019
20 patent, and requested that Ride cease its infringement. Ride did not cease its
21 infringement.

22 **TORTIOUS ACTIVITIES OF DEFENDANTS**

23 8. Defendant Ride has made, used, offered for sale, sold, and continues
24 to sell products that infringe, either directly, or indirectly through inducing
25 infringement or contributory infringement, one or more claims of the ‘019 patent,
26 including without limitation its Lincoln jacket, in combination with the Harbor
27 pants designed to mate with such jacket.

28 9. Ride is selling and offering for sale various pants and jackets

1 designed specifically to connect with each other in the manner described in the
2 '019 patent, and is instructing users how to connect the pants and jackets in such
3 garment sets.

4 10. On its website located at [www.ridesnowbards.com/product/lincoln-](http://www.ridesnowbards.com/product/lincoln-jacket-1213?category=jackets#technology)
5 [jacket-1213?category=jackets#technology](http://www.ridesnowbards.com/product/lincoln-jacket-1213?category=jackets#technology), Defendant Ride illustrates its “jacket-
6 to-pant zip connector with lycra stretch panel for extra mobility” that allows the
7 powder skirt of the jacket and the top of the pant to be zipped together.

8 11. On information and belief, Ride sells garment sets comprising
9 various pants and jackets which feature the “jacket-to-pant zip connector” and
10 which can be combined together, including but not limited to combinations of any
11 of the Harbor or Alki pants, combined with any of the Lincoln, Admiral or
12 Delridge jackets, to form an infringing garment set including a jacket and pants.

13 12. On information and belief, Ride is and has been aware of the '019
14 patent, and has knowingly induced others to infringe the patent, providing jackets
15 and pants to be combined to form a garment set including all of the required
16 limitations of at least one claim of the '019 patent, and instructing users how to
17 combine the jacket and pants, knowing that combining the jacket and pants into
18 such a garment set constitutes patent infringement.

19 13. On information and belief, Ride is and has been aware of the '019
20 patent and has contributed to the infringement of the '019 patent by importing,
21 selling and/or offering to sell a component of a patented combination, including
22 the zipper powder skirt, which component is material to practicing the invention,
23 and is known by Ride to be especially made or especially adapted for use in an
24 infringement of the '019 patent, and which component is not a staple article or
25 commodity of commerce suitable for substantial noninfringing use.

26 14. Defendant Ride's actions infringing the '019 patent have been and
27 are without the consent or authorization of Plaintiff Volcom.
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FIRST CAUSE OF ACTION

PATENT INFRINGEMENT IN VIOLATION OF 35 U.S.C. §271

15. Plaintiff refers to and incorporates in this Cause Paragraphs 1 through 14, above, as though restated herein in full.

16. Defendant Ride has made, used, offered for sale, sold, and continues to sell devices that infringe one or more claims of the '019 patent.

17. By its aforesaid acts, Defendant Ride has violated 35 U.S.C. § 271(a) by its infringement of the '019 patent.

18. On information and belief, Defendant's infringement of the '019 patent, both presently, and in the past, has been willful.

19. On information and belief, the acts of infringement of Defendant will continue unless enjoined by this Court.

20. Plaintiff is being damaged by Defendant's infringement of the '019 patent and is being and will continue to be irreparably damaged unless Defendant's infringement is enjoined by this Court. Plaintiff, therefore, does not have an adequate remedy at law.

21. This is an "exceptional case" within the meaning of 35 U.S.C. § 285.

SECOND CAUSE OF ACTION

CONTRIBUTORY/INDUCING PATENT INFRINGEMENT IN VIOLATION OF 35 U.S.C. §271

22. Plaintiff refers to and incorporates in this Cause, Paragraphs 1 through 21, above, as though restated herein in full.

23. On information and belief, Defendant has in the past, and continues to presently supply infringing devices to others for resale.

24. On information and belief, Defendant has in the past, and continues to presently offer for sale and sell individual jackets and pants designed to be

1 combined into garment sets.

2 25. On information and belief, Defendant has in the past, and continues
3 to presently offer for sale and sell individual jackets and pants each including a
4 powder skirt with “jacket-to-pant zip connector” designed to attach the pants and
5 jacket.

6 26. On information and belief, customers are following the instruction
7 provided by Ride and combining the pants and jackets with the “jacket-to-pant
8 zip connector” into a garment set.

9 27. Through such activities, Defendant is inducing infringement of the
10 ‘019 patent.

11 28. Through such activities, Defendant is contributorily infringing the
12 ‘019 patent.

13 29. On information and belief, Defendant’s inducement of infringement
14 and contributory infringement of the ‘019 patent, both presently, and in the past,
15 has been willful.

16 30. On information and belief, the acts of inducement of infringement
17 and contributory infringement of Defendant will continue unless enjoined by this
18 Court.

19 31. Plaintiff is being damaged by Defendant’s inducement of
20 infringement and contributory infringement of the ‘019 patent, and is currently
21 being and will continue to be irreparably damaged unless Defendant’s actions are
22 enjoined by this Court. Plaintiff, therefore, does not have an adequate remedy at
23 law.

24 32. This is an “exceptional case” within the meaning of 35 U.S.C. § 285.

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26 **RELIEF REQUESTED**

27 WHEREFORE, Plaintiff Volcom demands judgment against Defendant
28 Ride as follows:

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1. That this Court adjudge and declare:
 - a. That it has jurisdiction of the parties and of the subject matter of this action;
 - b. That United States Patent No. 7,874,019 (“the ‘019 patent) is valid;
 - c. That Defendant Ride has committed acts of patent infringement by its manufacture, use, offer for sale, and sale of products which infringe the ‘019 patent;
 - d. That Defendant Ride has induced infringement of the ‘019 patent;
 - e. That Defendant Ride has contributorily infringed the ‘019 patent;
2. That Defendant Ride, its officers, directors, owners, agents, representatives, employees, assigns and suppliers, and all persons acting in concert or privity with any of them be preliminarily and permanently enjoined from making, using, importing, offering for sale or selling any device which infringes, either directly or indirectly through inducement or contributorily, the ‘019 patent;
3. That Plaintiff be awarded damages covered by the acts of patent infringement of Defendant in the amount of Plaintiff’s lost profits to be determined at trial, but in any event, an amount not less than a reasonable royalty pursuant to 25 U.S.C. § 284;
4. That the damage award be trebled due to Defendant’s willful infringement;
5. That Defendant pay Plaintiff prejudgment interest;
6. That Plaintiff have and recover its costs in this action, including attorneys’ fees; and
7. That Plaintiff have such other and further relief as the court may

1 deem just and proper.

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4 DATED: June 19, 2013

Respectfully submitted,

KAUTH, POMEROY, PECK & BAILEY LLP

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By 

Joel A. Kauth

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Attorneys for Plaintiff, VOLCOM, INC.

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure Rule 38(b), Plaintiff, VOLCOM, INC., hereby demands a trial by jury of all issues in its Complaint so triable.

DATED: June 19, 2013

Respectfully submitted,
KAUTH, POMEROY, PECK & BAILEY LLP

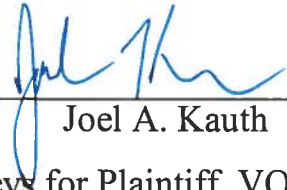
By  _____
Joel A. Kauth
Attorneys for Plaintiff, VOLCOM, INC.

EXHIBIT 1



US007874019B2

(12) **United States Patent**
Woolcott et al.

(10) **Patent No.:** US 7,874,019 B2
 (45) **Date of Patent:** *Jan. 25, 2011

(54) **POWDER SKIRT ZIPPER SYSTEM**

See application file for complete search history.

(75) **Inventors:** Richard Woolcott, Laguna Beach, CA (US); Abran Abeyta, Newport Beach, CA (US); Arriana Padron, Laguna Beach, CA (US); Jay Twitty, Dana Point, CA (US); William Anderson, Mammoth Lakes, CA (US)

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Primary Examiner—Alissa L Hoey

(74) *Attorney, Agent, or Firm*—Kauth, Pomeroy, Peck & Bailey LLP

(73) **Assignee:** Volcom, Inc., Costa Mesa, CA (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) **Appl. No.:** 12/168,316

(22) **Filed:** Jul. 7, 2008

(65) **Prior Publication Data**

US 2008/0276344 A1 Nov. 13, 2008

US 2010/0043118 A2 Feb. 25, 2010

Related U.S. Application Data

(62) Division of application No. 10/984,074, filed on Nov. 8, 2004, now Pat. No. 7,404,214.

(60) Provisional application No. 60/518,120, filed on Nov. 6, 2003.

(51) **Int. Cl.**
A41D 3/04 (2006.01)
A41D 3/02 (2006.01)

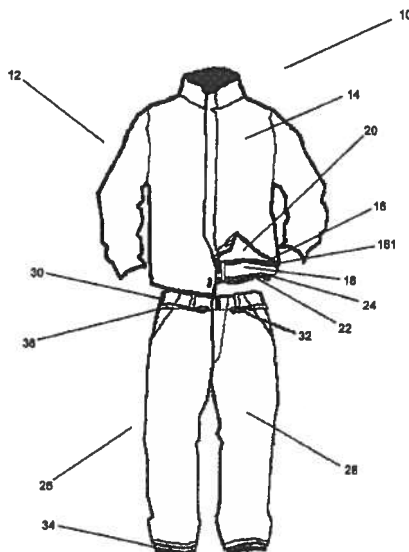
(52) **U.S. Cl.** 2/87; 2/93

(58) **Field of Classification Search** 2/69,
 2/82, 85, 86, 87, 93, 94, 108, 71, 72, 70,
 2/75, 80

(57) **ABSTRACT**

Garments and garment sets are described that include a jacket having a powder skirt and trousers that can be attached to the powder skirt via at least one fastener. One embodiment of the invention includes a water resistant jacket, an elasticized powder skirt having at least two edges, the first of which is attached to the water resistant jacket, at least one fastener connected to the second edge of the powder skirt, water resistant trousers including a waist opening and two leg openings and at least one corresponding mating fastener connected to the trousers. The fastener and the corresponding mating fastener are constructed to detachably fix the powder skirt to the water resistant trousers. In several embodiments, the fastener and corresponding mating fastener are two mating zipper portions of standard length that can be combined to form a zipper irrespective of the garment size.

25 Claims, 5 Drawing Sheets



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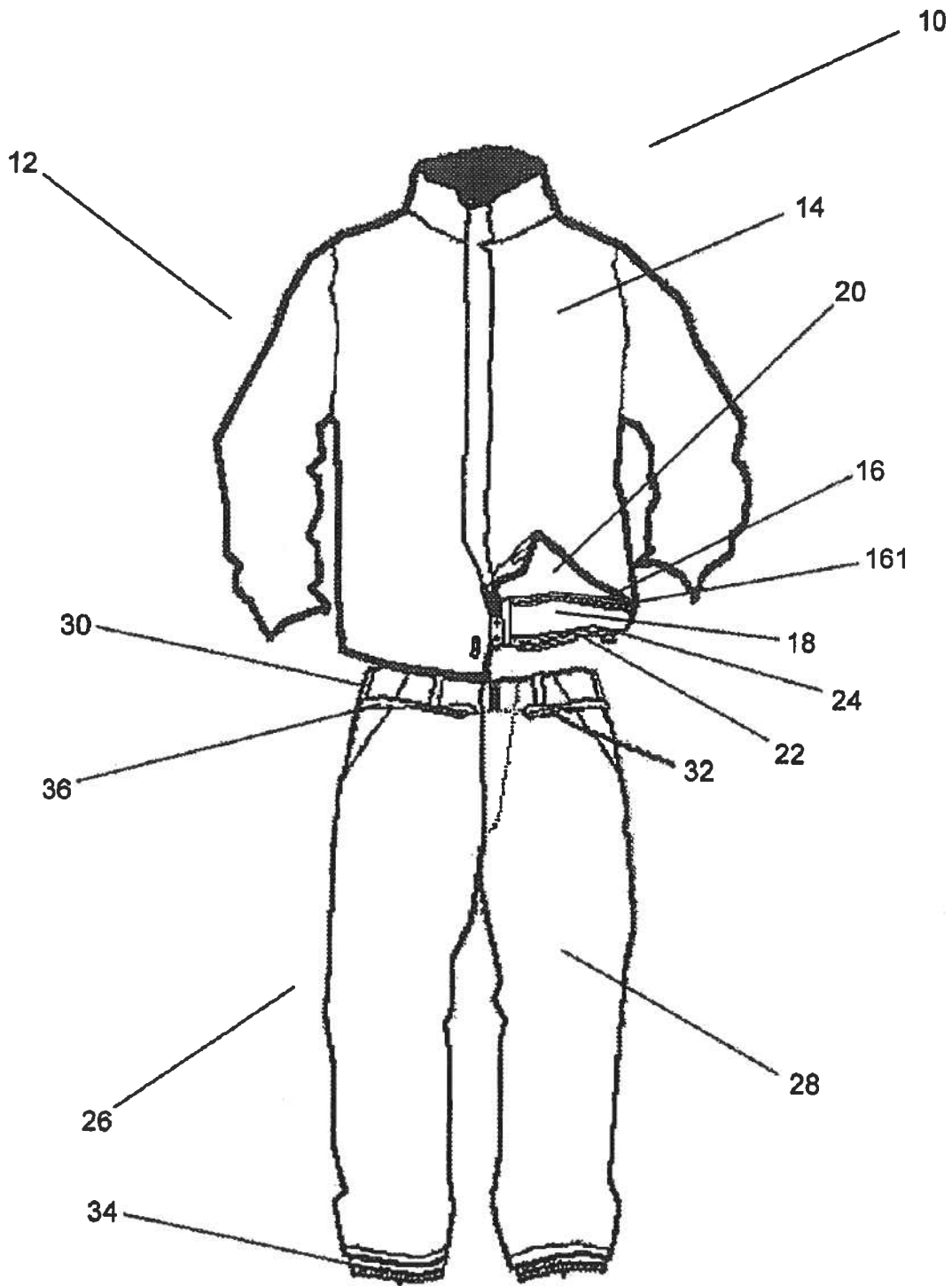
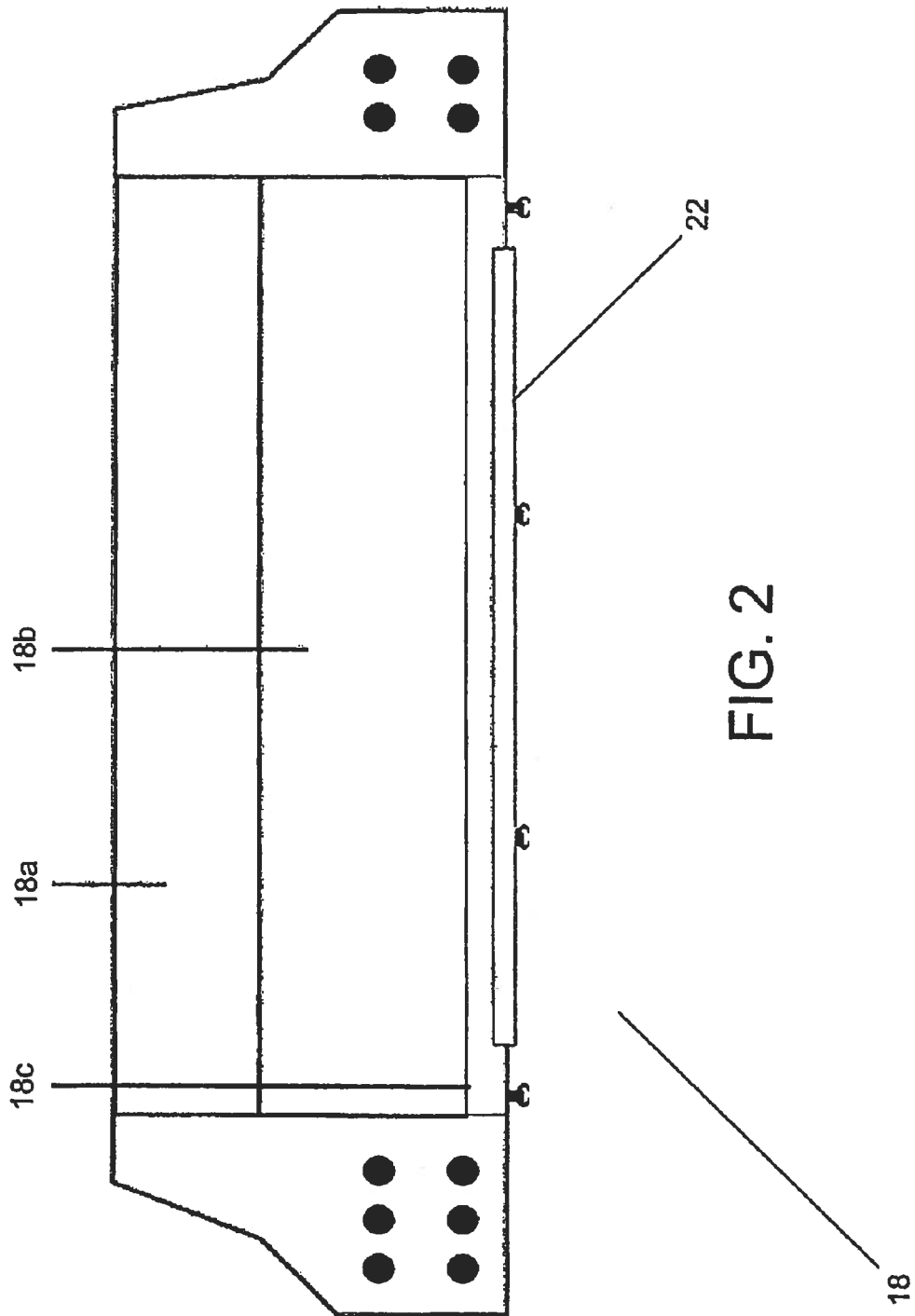


FIG. 1



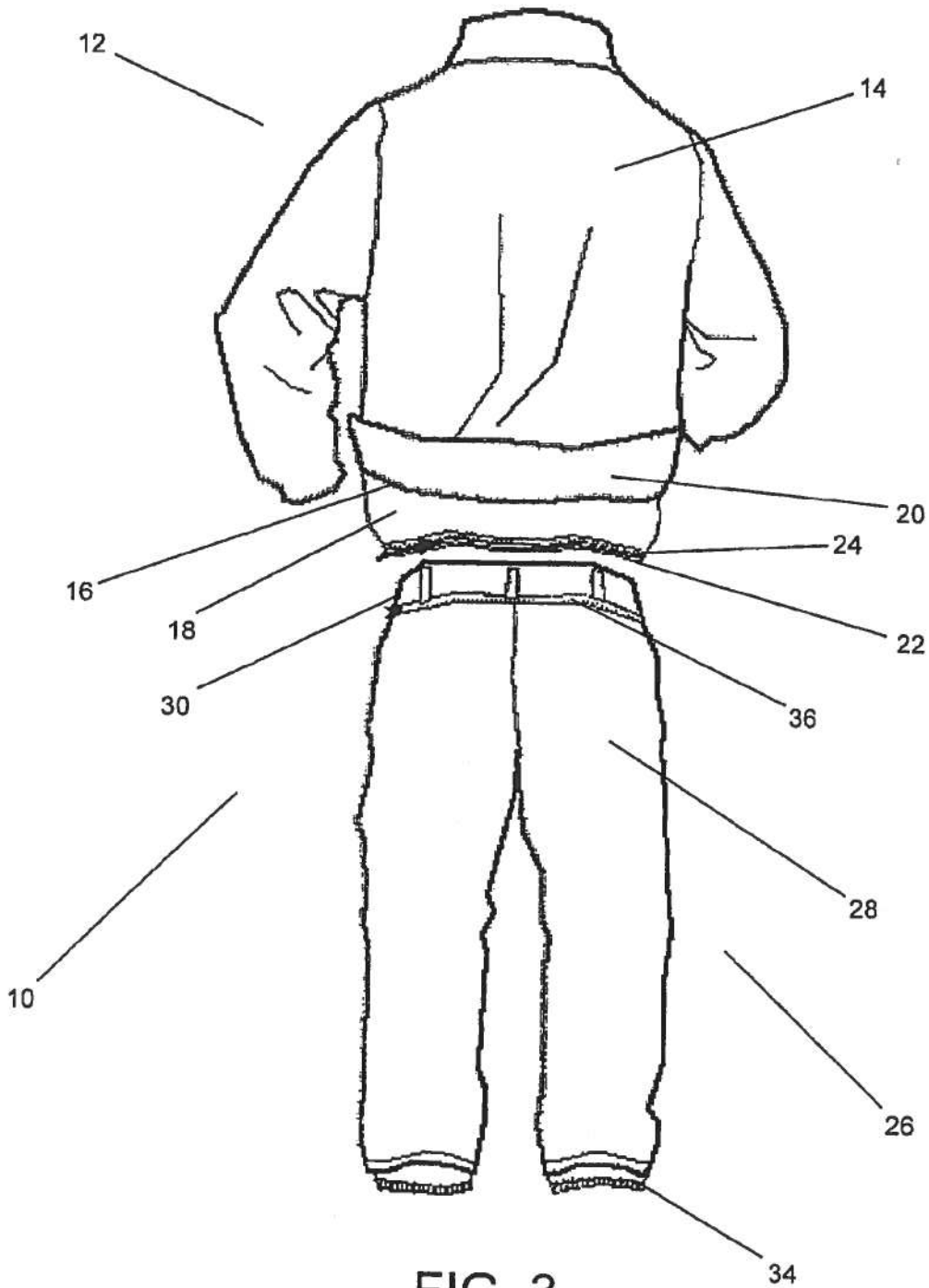


FIG. 3

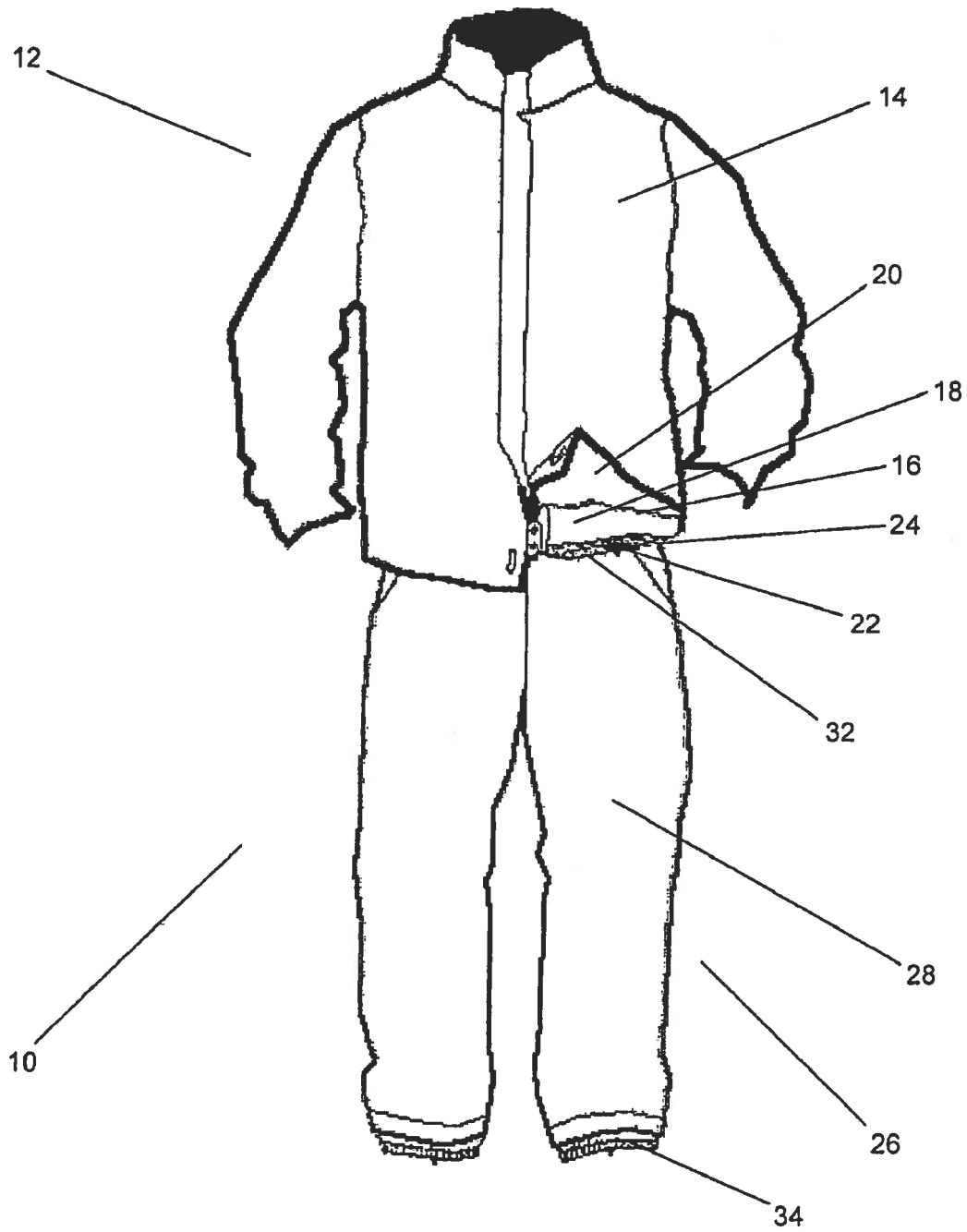


FIG. 4

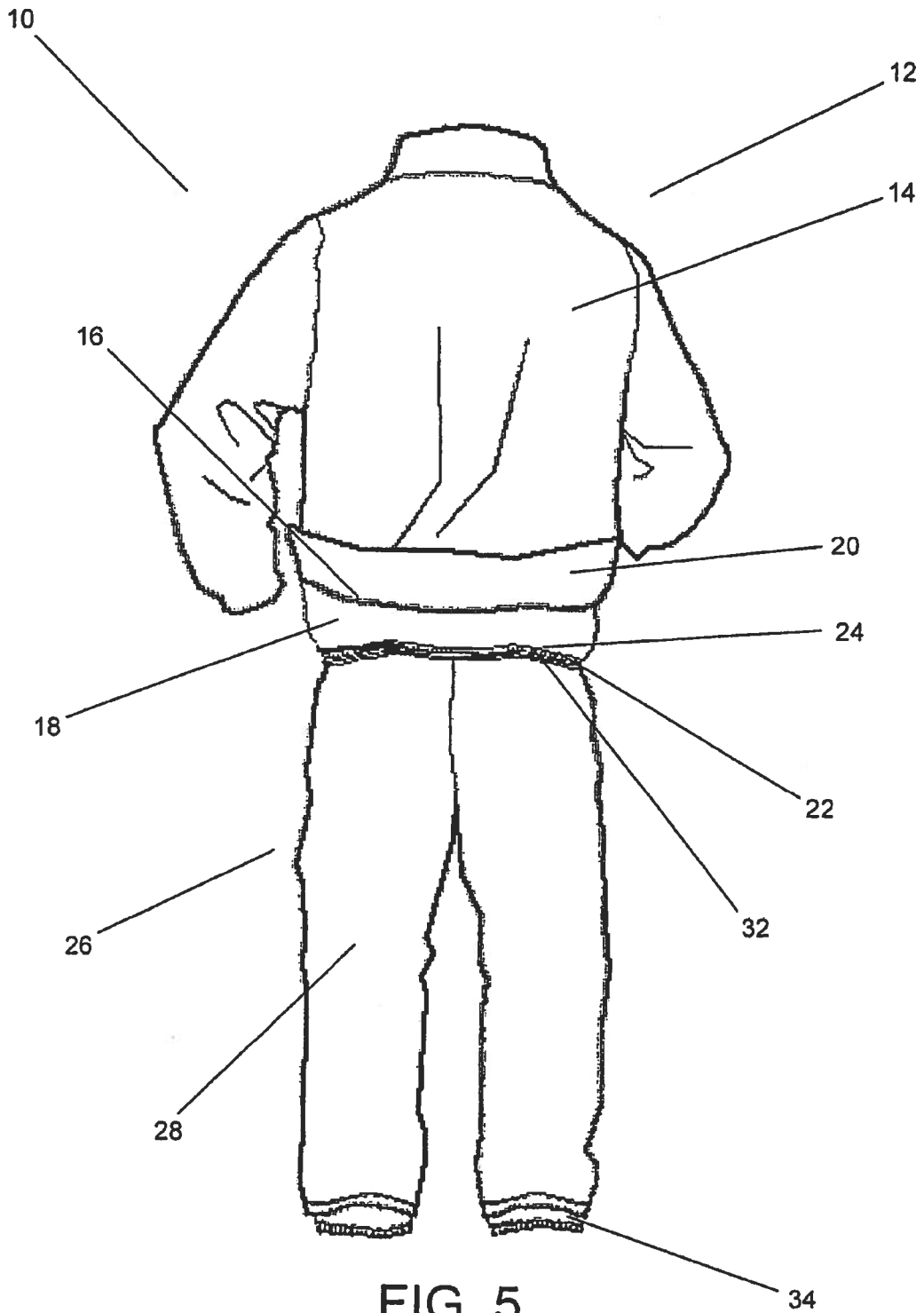


FIG. 5

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POWDER SKIRT ZIPPER SYSTEM**CROSS-REFERENCE TO RELATED APPLICATION**

This application is a divisional of application Ser. No. 10/984,074, filed Nov. 8, 2004 now U.S. Pat.No. 7,404,214 and claims priority to U.S. provisional application No. 60/518,120, filed on Nov. 6, 2003, the contents of which are incorporated herein by reference.

BACKGROUND OF THE INVENTION

Numerous winter sports are performed outdoors in snow conditions. Skiing and snowboarding are examples of two such sports. Falling in snow is a hazard of many winter sports. Therefore, a variety of garments have been developed to keep participants as warm and dry as possible.

During a fall, snow will often work its way inside waterproof garments through openings in the garment. Where a separate jacket and trousers are worn, snow can often work its way inside the jacket through the opening in the base of the jacket. Snow can be prevented from finding its way inside a jacket by using an inner skirt of water resistant material inside and near the base of the jacket, referred to as a "powder skirt." The skirt is typically elasticized in order to hug the waist of the wearer and form a barrier extending from the trousers to the inside lining of the jacket.

SUMMARY OF THE INVENTION

A garment set is disclosed that includes a jacket and a pair of trousers, where the jacket includes a powder skirt that can attach to the trousers. In one aspect of the invention the jacket is attached to the trousers via a zipper, and the zipper is standardized so that a jacket in accordance with the present invention can be used in conjunction with a variety of different sized trousers. In another aspect, the mating portion of the zipper on the trousers can be at least partially concealed beneath a welt flap when not attached. One embodiment of the invention includes a water resistant jacket, an elasticized powder skirt having at least two edges, the first of which is attached to the water resistant jacket, at least one fastener connected to the second edge of the powder skirt, water resistant trousers including a waist opening and two leg openings and at least one corresponding mating fastener connected to the trousers. The fastener and the corresponding mating fastener are constructed to detachably fix the powder skirt to the water resistant trousers.

In a further embodiment, the fastener is a mating portion of a zipper, the corresponding mating fastener is a corresponding mating portion of a zipper and the mating portion of a zipper and the corresponding mating portion of a zipper are constructed to combine to form a zipper.

In another embodiment, the water resistant jacket includes an interior surface and an exterior surface and the first edge of the powder skirt is attached to the interior surface of the jacket.

In a further embodiment again, the first edge of the powder skirt is stitched to the interior surface of the jacket.

In yet another embodiment, the water resistant trousers include an interior surface and an exterior surface and the at least one corresponding mating fastener is attached to the exterior surface of the trousers.

In a still further embodiment, the corresponding mating fastener is a mating portion of a zipper that is permanently attached to the trousers.

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In still another embodiment, the water resistant trousers include two powder skirts, each powder skirt is attached to the interior surface of the trousers and each powder skirt extends at least partially from one of the trouser leg openings.

In a still further embodiment again, the water resistant jacket and water resistant trousers are constructed from materials having water resistance and thermal insulation sufficient to perform activity in snow conditions.

In still yet another embodiment, the powder skirt is attached to the water resistant jacket and the trousers with sufficient strength to act as a barrier to water and snow in the event of a fall by the wearer in snow conditions.

Another aspect of the invention includes an interior surface and an exterior surface, an elasticized powder skirt having at least two edges, the first of which is attached to the jacket and at least one standard fastener connected to the powder skirt. In addition, the powder skirt can be attached to the interior surface of the jacket. Furthermore, the fastener can be a mating zipper portion of a standard length that is attached to the second edge of the powder skirt.

An additional further embodiment is constructed from at least one material having water resistance and thermal insulation sufficient for use in snow conditions.

Another aspect of the invention again includes a waist opening, two leg openings, an interior surface and an exterior surface and at least one fastener permanently attached to the trousers. The fastener is of a type and located to combine with corresponding fasteners on any of a number of different sized jackets. In addition, the fastener can be attached to the exterior surface of the trousers. Furthermore, the fastener can be a mating portion of a zipper of a predetermined standard length.

In another additional embodiment, the mating portion of a zipper is at least partially concealed beneath a welt flap.

A still further additional embodiment includes two powder skirts, where each powder skirt is attached to the interior surface of the trousers and each powder skirt is located at least partially within the trouser leg openings.

In another additional embodiment again, the trousers are constructed from a material having water resistance and thermal insulation sufficient for use in snow conditions.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a front schematic view of a jacket and trousers in accordance with the present invention, where the jacket includes a powder skirt possessing a mating portion of a zipper and the trousers include a corresponding mating portion of the zipper;

FIG. 2 is a schematic view of materials that can be used in the construction of a powder skirt in accordance with the present invention;

FIG. 3 is a rear schematic view of a jacket and trousers in accordance with the present invention;

FIG. 4 is a front schematic view of the jacket and trousers in accordance with the present invention, where a portion of the jacket is raised to reveal the attachment in accordance with the present invention of the mating portion of a zipper on the powder skirt to the corresponding mating portion of a zipper on the trousers; and

FIG. 5 is a rear schematic view that shows a jacket and trousers in accordance with the present invention, where the jacket is raised to reveal the attachment in accordance with the present invention of the mating portion of the zipper on the powder skirt to the corresponding mating portion of the zipper on the trousers.

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DETAILED DESCRIPTION OF THE INVENTION

Turning to the figures, a garment set 10 is illustrated that includes a water resistant jacket 12 and pair of trousers 26 that are capable of keeping a wearer warm and dry in hospitable snow conditions. The jacket includes a powder skirt 18 that can be fastened to the trousers. In one embodiment the powder skirt includes a mating portion of a zipper 22 as a fastener, and the trousers include the corresponding mating portion of the zipper 32 as a fastener. When the garment set is worn and the powder skirt is fastened to the trousers, the powder skirt extends from the exterior of the trousers 28 to the interior of the jacket 20, which seals an opening between the jacket and the trousers that would otherwise exist. By sealing the opening, the powder skirt can create a barrier to rain and snow that remains intact during a fall by the wearer. In some instances, the mating zipper portions conform to predetermined specifications so that the zipper portions can be combined irrespective of the size of the jacket and trousers that form the garment set. In addition, the trousers can also include a welt flap 36 over the corresponding mating portion of the zipper to prevent injury when the corresponding mating portion of the zipper is unattached.

A garment set in accordance with the present invention is illustrated in FIG. 1. The garment set 10 includes a jacket 12. The exterior of the jacket 14 is constructed from a water resistant material. One edge 16 of a powder skirt 18 is attached to the interior surface 20 of the jacket. The powder skirt extends some distance from the interior surface of the jacket and a mating portion of a zipper 22 is connected to the other edge 24 of the powder skirt. The garment set 10 also includes trousers 26. The exterior 28 of the trousers is also constructed from a water resistant material. Attached near the waist 30 of the trousers is a corresponding mating portion of a zipper 32 that is designed to be combined with the mating portion of the zipper 22 connected to the powder skirt 18.

Typically the powder skirt 18 is constructed from a water resistant material that can be elasticized. In several instances, the powder skirt is sewn to the interior surface of the jacket although in other cases the powder skirt can be attached via a zipper 161, buttons, a hook and loop fastening material or other attachment means. In addition, the powder skirt may be attached to the bottom edge of the jacket, be integrated into the bottom of the jacket or attached to the outside of the jacket. In embodiments where the jacket includes a front zipper to facilitate entry of the jacket, a gap in the powder skirt is required. When worn, the gap can be dosed by attaching a portion of the powder skirt on either side of the gap to either a portion of the jacket on the other side of the gap and/or to a portion of the powder skirt on the other side of the gap. Attachment can be achieved using buttons, press studs, a zipper or a hook and loop fastening material.

The trousers 26 typically include a method of fitting the waist 30 of the trousers to the waist of the person wearing the trousers. When fitted, the waist 30 of the trousers 26 can prevent the trousers from falling down. In some examples of the invention, a bib and brace or suspenders are used to prevent the trousers from falling down. The trousers can also include powder skirts 34 inside the openings of each leg. In some instances of the invention, the corresponding mating portion of the zipper is at least partially concealed below a welt flap 36 to prevent the teeth of the zipper portion from causing injury when the corresponding mating portion is unattached.

An embodiment of a powder skirt in accordance with the present invention is illustrated in FIG. 2. The powder skirt 18 is constructed using a Nylon Spandex Knit Stretch Panel 18a

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sewn above a Nylon Tafetta Panel 18b and Rubberized Elastic 18c is sewn at the bottom hem of the Nylon Tafetta Panel. In one embodiment, the mating portion of the zipper 22 and the corresponding mating portion of the zipper 32 are constructed using a YKK #5 Coil Separating Zipper. Although in other embodiments, variations in the number of panels and other combinations of elasticized and non-elasticized materials can be used in the construction of the powder skirt 18 and other zippers can be used in the construction of the mating portion of the zipper 22 and the corresponding mating portion of the zipper 32.

A rear view of the garment set 10 is shown in FIG. 3. The jacket 12 is raised to reveal the powder skirt 18 attached to the interior of the jacket 20. The corresponding mating portion of the zipper 32 is completely concealed beneath the welt flap 36.

A front view of the garment set 10, where the powder skirt is attached to trousers in accordance with the present invention, is shown in FIG. 4. The powder skirt 18 of a jacket 12 is attached to trousers 26 by combining the mating portion of the zipper 22 with the corresponding mating portion of the zipper 32. In embodiments where the powder skirt includes a band of elasticized material, some travel is accommodated to enable the jacket and the trousers an extent of independent movement. In embodiments that do not include elasticized material, upward movement of the jacket can cause the trousers to ride up in an uncomfortable manner. Typically, sufficient elastic travel is provided to minimize the extent to which the jacket can cause the trousers to ride up during activity or during a fall.

A rear view of the garment set 10, where the powder skirt is attached to trousers in accordance with the present invention, is shown in FIG. 5. When the zipper portions are combined, the welt flap is concealed inside the powder skirt.

In some examples of the invention, standard mating portions of zippers and corresponding mating portions of zippers are used in the construction of jackets and trousers in accordance with the present invention. Providing a selection of different sized jackets and trousers can enable individuals to choose a garment set that is most appropriate for their body shape. The use of standardized zipper portions ensures that, irrespective of the size of jacket and trousers chosen, the powder skirt of the jacket can be attached to the trousers using the zipper portions. In addition, a person may combine various jackets of the same size with a particular pair of trousers and vice versa.

Although the foregoing embodiments are disclosed as typical, it would be understood that additional variations, substitutions and modifications can be made to the system, as disclosed, without departing from the scope of the invention. For example, press studs, hook and loop fastening materials, buttons, permanent attachment such as stitching, or any other fasteners could be used to secure a powder skirt to a pair of trousers in accordance with the present invention. In addition, other configurations of the invention can include a powder skirt attached to trousers that is attachable to a jacket or another powder skirt attached to a jacket. Accordingly, the scope of the invention should be determined not by the embodiments illustrated, but by the appended claims and their equivalents.

What is claimed is:

1. A winter sport garment set, comprising:
 - a water resistant jacket;
 - an elasticized powder skirt having an upper edge and a lower edge and comprising an elasticized panel;
 - a first mating portion of a zipper connected to the lower edge of the elasticized powder skirt;

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a second mating portion of a zipper connected to the upper edge of the elasticized powder skirt;
 water resistant trousers including a waist opening and two leg openings;
 a first corresponding mating portion of a zipper stitched to the trousers; and
 a second corresponding mating portion of a zipper stitched to the water resistant jacket;
 wherein the first mating and corresponding mating portions of a zipper are constructed to detachably fix the elasticized powder skirt to the water resistant trousers;
 wherein the second mating and corresponding mating portions of a zipper are constructed to detachably fix the elasticized powder skirt to the interior surface of the water resistant jacket;
 wherein the water resistant trousers include two powder skirts, each powder skirt is attached to the interior surface of the trousers and each powder skirt is contained at least partially within one of the trouser leg openings;
 wherein the elasticized powder skirt further comprises:
 the elasticized panel being proximate the upper edge of the elasticized powder skirt;
 a panel of water resistant material attached to the elasticized panel along a seam that is located between the elasticized panel and the lower edge of the elasticized powder skirt; and
 a rubberized elastic panel is attached to the water resistant material along a seam that is located between the elasticized panel and the lower edge of the elasticized powder skirt.

2. The garment set of claim 1, wherein an edge of the elasticized panel forms the upper edge of the elasticized powder skirt.

3. The garment set of claim 1, wherein the upper edge of the elasticized powder skirt is substantially parallel to the lower edge.

4. The garment set of claim 3 wherein the lower edge of the elasticized powder skirt is longer than the upper edge of the elasticized powder skirt.

5. The garment set of claim 4 wherein the length of the first mating portion of a zipper is shorter than the length of the lower edge of the elasticized powder skirt.

6. The garment set of claim 1, wherein the trousers further comprise a welt flap having a first edge that is fixed to the exterior surface of the trousers between the first corresponding mating portion of a zipper and the waist opening, where the welt flap at least partially conceals the first corresponding mating portion of a zipper.

7. The garment set of claim 1, wherein the first mating and corresponding mating portions of a zipper conform to predetermined specifications so that the zipper portions can be combined irrespective of the size of the jacket and trousers.

8. The garment set of claim 1, wherein:
 the water resistant jacket includes an interior surface and an exterior surface; and
 the second corresponding mating portion of a zipper is stitched to the interior surface of the jacket.

9. The garment set of claim 1, wherein:
 the water resistant trousers include an interior surface and an exterior surface; and
 the first corresponding mating portion of a zipper is attached to the exterior surface of the trousers.

10. A winter sport garment set, comprising:
 a water resistant jacket;
 an elasticized powder skirt having an upper edge and a lower edge and comprising an elasticized panel;

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a first mating portion of a zipper connected to the lower edge of the elasticized powder skirt;
 a second mating portion of a zipper connected to the upper edge of the elasticized powder skirt;
 water resistant trousers including a waist opening and two leg openings;
 a first corresponding mating portion of a zipper stitched to the trousers; and
 a second corresponding mating portion of a zipper stitched to the water resistant jacket;
 wherein the first mating and corresponding mating portions of a zipper are constructed to detachably fix the elasticized powder skirt to the water resistant trousers;
 wherein the second mating and corresponding mating portions of a zipper are constructed to detachably fix the elasticized powder skirt to the interior surface of the water resistant jacket;
 wherein the water resistant trousers include two powder skirts, each powder skirt is attached to the interior surface of the trousers and each powder skirt is contained at least partially within one of the trouser leg openings;
 wherein the elasticized powder skirt further comprises:
 a panel of water resistant material;
 wherein the elasticized panel is located within the elasticized powder skirt between the panel of water resistant material and the upper edge of the elasticized powder skirt.

11. The garment set of claim 10, wherein the elasticized panel and the water resistant panel are attached along a seam.

12. The garment set of claim 10, wherein an edge of the elasticized panel forms the upper edge of the elasticized powder skirt.

13. The garment set of claim 10, wherein an edge of the elasticized panel is attached along a seam to a panel of material, where an edge of the panel of material forms the upper edge of the elasticized powder skirt.

14. The garment set of claim 10, wherein the elasticized powder skirt further comprises:
 a rubberized elastic panel;
 wherein the rubberized elastic panel is attached to the panel of water resistant material and an edge of the rubberized elastic panel forms the lower edge of the elasticized powder skirt.

15. The garment set of claim 10, wherein the length of the first mating portion of a zipper is shorter than the length of the upper edge of the elasticized powder skirt.

16. A winter sport garment set, comprising:
 a water resistant jacket;
 an elasticized powder skirt having a first edge and a second edge and comprising an elasticized panel;
 a first mating portion of a zipper attached to the second edge of the elasticized powder skirt;
 water resistant trousers including a waist opening and two leg openings; and
 a first corresponding mating portion of a zipper attached to the trousers;
 wherein the first mating and corresponding mating portions of a zipper are constructed to detachably attach the elasticized powder skirt to the water resistant trousers;
 wherein the elasticized powder skirt is attached to the interior surface of the water resistant jacket;
 wherein the water resistant trousers include two powder skirts, each powder skirt is attached to the interior surface of the trousers and each powder skirt is contained at least partially within one of the trouser leg openings;
 wherein the elasticized powder skirt further comprises:
 a panel of water resistant material;

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wherein the elasticized panel is located within the elasticized powder skirt between the panel of water resistant material and the first edge of the elasticized powder skirt.

17. The garment set of claim 16, wherein the elasticized panel and the water resistant panel are attached along a seam.

18. The garment set of claim 17, wherein an edge of the elasticized panel forms the first edge of the elasticized powder skirt.

19. The garment set of claim 17, wherein an edge of the elasticized panel is attached along a seam to a panel of material, where an edge of the panel of material forms the first edge of the elasticized powder skirt.

20. The garment set of claim 16, wherein the elasticized powder skirt further comprises:
a rubberized elastic panel;

wherein the rubberized elastic panel is attached to the panel of water resistant material and an edge of the rubberized elastic panel forms the second edge of the elasticized powder skirt.

21. The garment set of claim 17, wherein the first edge of the elasticized powder skirt is substantially parallel to the second edge.

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22. The garment set of claim 17, wherein the length of the first mating portion of a zipper is shorter than the length of the first edge of the elasticized powder skirt.

23. The garment set of claim 16, wherein the elasticized powder skirt is removably attached to the interior of the water resistant jacket via a second mating portion of a zipper attached to the first edge of the powder skirt and a second corresponding mating portion of a zipper attached to the interior of the water resistant jacket.

24. The garment set of claim 16, wherein the trousers further comprise a welt flap having a first edge that is fixed to the exterior surface of the trousers between the first corresponding mating portion of a zipper and the waist opening, where the welt flap at least partially conceals the first corresponding mating portion of a zipper.

25. The garment set of claim 16, wherein the first mating and corresponding mating portions of a zipper conform to predetermined specifications so that the zipper portions can be combined irrespective of the size of the jacket and trousers.

* * * * *

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV13- 929 JVS (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Joel A. Kauth, CA Bar No. 186544
 KAUTH, POMEROY, PECK & BAILEY LLP
 2400 E. Katella Ave, Suite 1050
 Anaheim, CA 92806
 Email:joel.kauth@kppb.com
 Phone: (949) 852-0000

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

VOLCOM, INC, a Delaware Corporation

CASE NUMBER

SACV 13 - 00929 JVS (ANx)

PLAINTIFF(S)

v.

K-2 CORPORATION, an Indiana Corporation

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

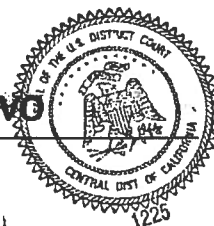
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Joel Kauth, whose address is 2400 E. Katella Ave, Ste. 1050 Anaheim, CA 92806. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 6/19/2013

By: Denise VO
 Denise VO
 Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

(a) PLAINTIFFS (Check box if you are representing yourself) VOLCOM, INC.
DEFENDANTS K-2 CORPORATION

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Joel A. Kauth, Cal Bar No 186544
KAUTH, POMEROY, PECK & BAILEY LLP
2400 E. Katella Ave, Ste. 1050, Anaheim, CA 92806 (949)852-0000
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)
III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)
Table with columns for PTF and DEF for various citizenship categories.

IV. ORIGIN (Place an X in one box only.)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify):
6 Multi-District Litigation
7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: Yes No
MONEY DEMANDED IN COMPLAINT: \$ To be determined at trial.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
35 U.S.C. § 1, et seq.

VII. NATURE OF SUIT (Place an X in one box only.)
Table with columns: OTHER STATUTES, CONTRACT, REAL PROPERTY, TORTS (PERSONAL INJURY, IMMIGRATION), TORTS (PERSONAL PROPERTY, CIVIL RIGHTS), PRISONER PETITIONS, FORFEITURE / PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS.

FOR OFFICE USE ONLY: Case Number: SACV 13 - 00929 JVS (ANx)
AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Indiana

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 6/19/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))