

ORIGINAL



CV 01-1814 #1

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CLERK U S DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

C01 -1814 ✓

K-2 CORPORATION,

Plaintiff,

v

SKIS ROSSIGNOL S A and ROSSIGNOL SKI
COMPANY, INC ,

Defendants.

Civil Action No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiff K-2 Corporation, ("K2") hereby alleges as follows against Defendants Skis
Rossignol S A. and Rossignol Ski Company, Inc (collectively, "Rossignol")

I. PARTIES

1 K2 is a corporation organized and existing under the laws of the state of Indiana,
2 having its principal place of business at 19215 Vashon Highway S.W , Vashon, Washington 98070

3 2 Upon information and belief, Skis Rossignol S A. is a French corporation having a
4 principal place of business at 38509 Voiron Cedex, France

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2 10 Rossignol has imported, made, used, offered for sale, or sold ski boots that infringe
3 one or more claims in U.S. Patent No. 6,226,898. Rossignol's infringing offers for sale and sales
4 have been to consumers in Western Washington

5 11 The importation, manufacture, use, sale, and offer for sale of infringing ski boots by
6 Rossignol is without license or authority from K2. Accordingly, these activities constitute direct
7 infringement of U.S. Patent No. 6,226,898 pursuant to 35 U.S.C. § 271

8 12 Rossignol is further actively inducing infringement of U.S. Patent No. 6,226,898 by
9 encouraging and soliciting others to purchase and use Rossignol's infringing ski boots without
10 authority from K2. These activities constitute inducement of infringement pursuant to
11 35 U.S.C. §271(b)

12 13 K2 informed Rossignol in writing that its ski boots would infringe K2's U.S. Patent
14 No. 6,226,898. Accordingly, Rossignol had actual knowledge of K2's patent rights and Rossignol's
15 infringing activities at the time such infringing activities occurred. Rossignol has continued to
16 import, manufacture, use, sell, or offer for sale infringing ski boots despite actual knowledge of its
17 infringing activities. The infringement by Rossignol is therefore willful and deliberate and will
18 continue unless enjoined by this court.

19 14 As a result of Rossignol's infringement of K2's patent, K2 has suffered, and will
20 continue to suffer, damages in an amount to be established at trial. In addition, Plaintiff K2 has
21 suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law

22 **V. DECLARATORY JUDGMENT OF PATENT NON-INFRINGEMENT**

23 15 K2 reasserts the allegations in each of the preceding paragraphs.

24 16 On or about June 15, 2001, K2 sent a letter to Rossignol alleging infringement of
25 K2's U.S. Patent No. 6,226,898. Outside patent counsel for Rossignol responded on or about
August 27, 2001, disputing the allegation of infringement and asserting that Rossignol would not
cease making and selling the accused boots.

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7. Such other and further relief as the court may deem just and proper

VI. JURY DEMAND

K2 demands a jury trial on all issues triable by jury.

Dated this 9th day of November, 2001

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