

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

JUN 15 11 05 AM '00

BY MS CLERK
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THE BURTON CORPORATION,

Plaintiff,

v.

VANS, INC., AND NORTHWAVE
NORTH AMERICA INC.

Defendants.

CIVIL ACTION NO.

1:00-CV-206

COMPLAINT AND JURY DEMAND

1. Plaintiff, The Burton Corporation ("Burton"), is a corporation organized and existing under the laws of the State of Vermont, with a principal place of business at 80 Industrial Parkway, Burlington, Vermont 05401.

2. Defendant Vans, Inc. ("Vans") is a corporation organized and existing under the laws of the State of Delaware, with a principle place of business at 15700 Shoemaker Avenue, Santa Fe Springs, California.

3. Defendant Northwave North America Inc. ("Northwave") is a corporation organized and existing under the laws of the State of Washington, with a principle place of business at 5000 1st Avenue South, Seattle, Washington.

4. This action arises under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).

6. Venue in this district is proper pursuant to 28 U.S.C. § 1400(b). Each of the Defendants has transacted business, committed acts of infringement and induced and contributed to acts of infringement in the District of Vermont and this action arises from the transaction of that business and that infringement. Each Defendant also systematically and continuously conducts substantial business in the District of Vermont.

COUNT I

7. Burton is the owner of United States Patent No. 6,050,005 (the "Burton patent") issued on April 18, 2000. A copy of the Burton patent is attached at Exhibit A. Burton has the right to sue for infringement of the Burton patent.

8. Defendant Vans is marketing goods covered by the Burton patent.

9. Defendant Vans has infringed, and is continuing to infringe, the Burton patent by making, selling, offering to sell and using within the United States, goods covered by one or more of the claims of the Burton patent.

10. Defendant Vans is inducing and contributing to infringement by others of the Burton patent, by causing others to make, use, sell and offer to sell goods covered by the Burton patent within the United States.

11. Defendant Vans' infringement of the Burton patent is and has been willful, has caused and will continue to cause the plaintiff to suffer substantial damages, and has caused and will continue to cause the plaintiff to suffer irreparable harm for which there is no adequate

remedy at law.

12. Defendant Northwave is marketing goods covered by the Burton patent.

13. Defendant Northwave has infringed, and is continuing to infringe, the Burton patent by making, selling, offering to sell and using within the United States, goods covered by one or more of the claims of the Burton patent.

14. Defendant Northwave is inducing and contributing to infringement by others of the Burton patent, by causing others to make, use, sell and offer to sell goods covered by the Burton patent within the United States.

15. Defendant Northwave's infringement of the Burton patent is and has been willful, has caused and will continue to cause the plaintiff to suffer substantial damages, and has caused and will continue to cause the plaintiff to suffer irreparable harm for which there is no adequate remedy at law.

WHEREFORE, the plaintiff requests that this Court:

1. Enter a preliminary and permanent injunction enjoining each of the Defendants and their affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for either of them or on either's behalf, or acting in concert with either of them, from further infringement of the Burton patent;

2. Award the plaintiff compensatory damages and its costs and interest;

3. Award the plaintiff treble damages for Defendants' willful infringement of the Burton patent;

4. Award the plaintiff its reasonable attorneys' fees under 35 U.S.C. § 285; and
5. Award the plaintiff such other relief as the Court deems just and proper.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully submitted,

THE BURTON CORPORATION

June 14, 2000

by:



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US006050005A

United States Patent [19]

Dodge

[11] **Patent Number:** **6,050,005**

[45] **Date of Patent:** ***Apr. 18, 2000**

[54] **SNOWBOARD BOOT BINDING MECHANISM** 3,900,204 8/1975 Weber 280/11.13 S
 3,957,280 5/1976 Turnheim et al. 280/613

(List continued on next page.)

[75] **Inventor:** David J. Dodge, Shelburne, Vt.

[73] **Assignee:** The Burton Corporation, Burlington, Vt.

[*] **Notice:** This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).
 This patent is subject to a terminal disclaimer.

[21] **Appl. No.:** 08/753,343

[22] **Filed:** Nov. 25, 1996

Related U.S. Application Data

[63] Continuation of application No. 08/674,976, Jul. 3, 1996, which is a continuation of application No. 08/375,971, Jan. 20, 1995, abandoned.

[51] **Int. Cl.⁷** **A43B 5/04**

[52] **U.S. Cl.** **36/117.3; 36/113; 280/613**

[58] **Field of Search** **36/113, 75 R, 36/73, 72 A, 131, 132, 136, 1, 107, 148, 103, 117.3; 280/613**

[56] **References Cited**

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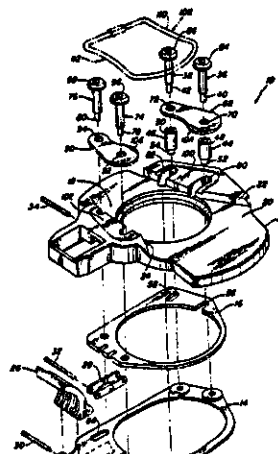
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Primary Examiner—M. D. Patterson
Assistant Examiner—J. Mohandesi
Attorney, Agent, or Firm—Wolf, Greenfield & Sacks, P.C.

[57] **ABSTRACT**

A snowboard boot binding mechanism includes a base member having a recessed channel. A first plate is slidably attached to the base member. A first pair of engagement rods are fixedly attached to the first plate. Each of the first pair of engagement rods has a head disposed at an axial end of the rod for selectively engaging and locking a first bar attached to a first side of the snowboard boot. A second plate is fixedly attached to the base member. A second pair of engagement rods are fixedly attached to the second plate. Each of the second pair of engagement rods have a head disposed at an axial end of the rod for engaging and locking a second bar attached to a second side of the snowboard boot which is disposed opposite to the first side.

124 Claims, 3 Drawing Sheets



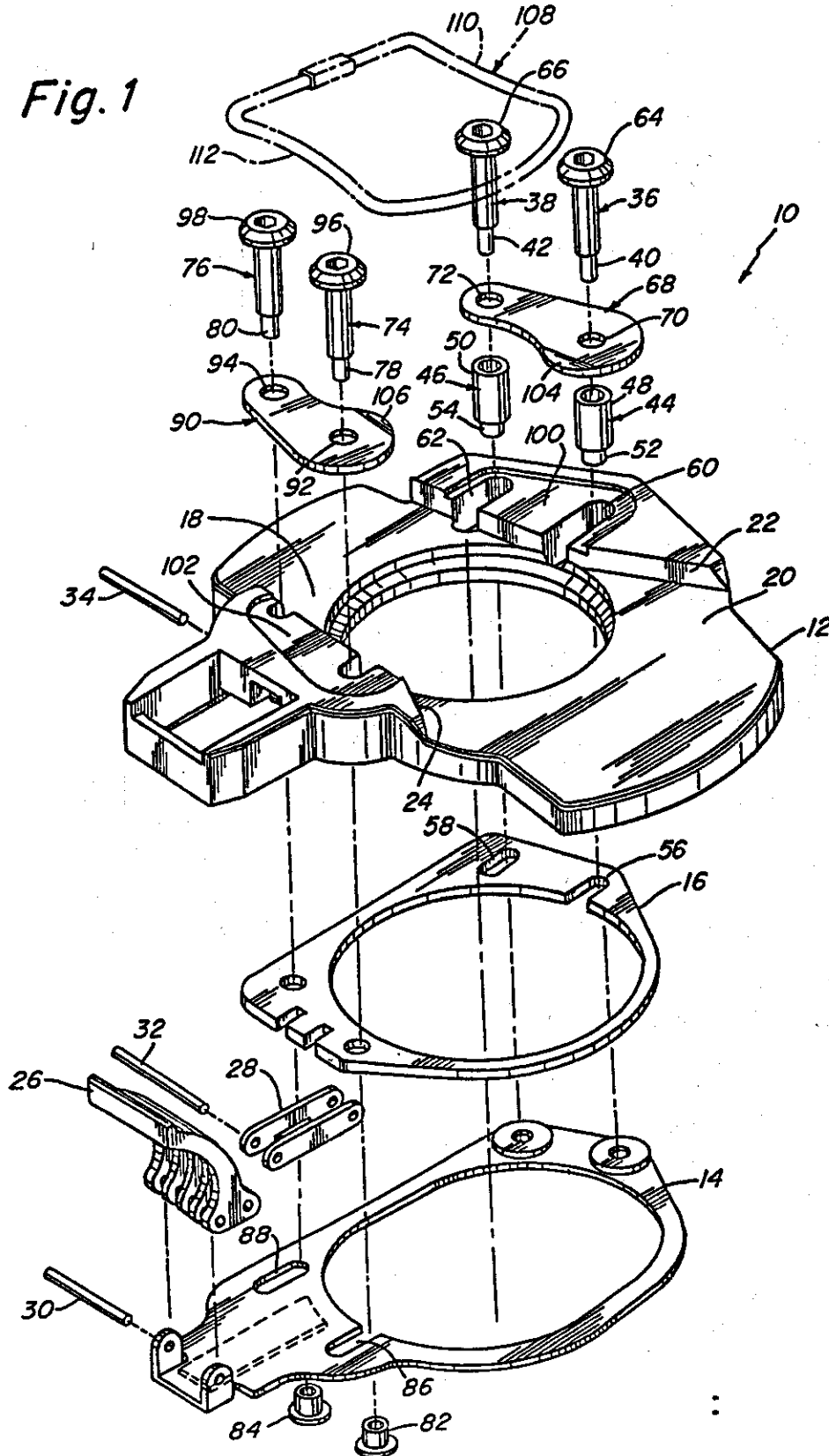
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Fig. 1

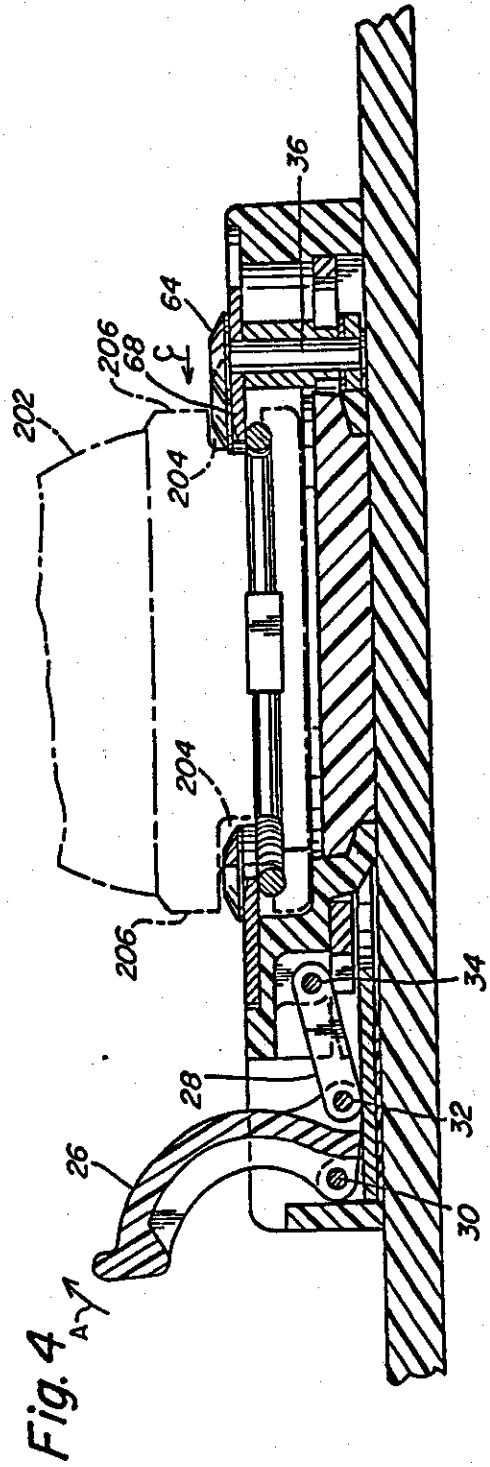
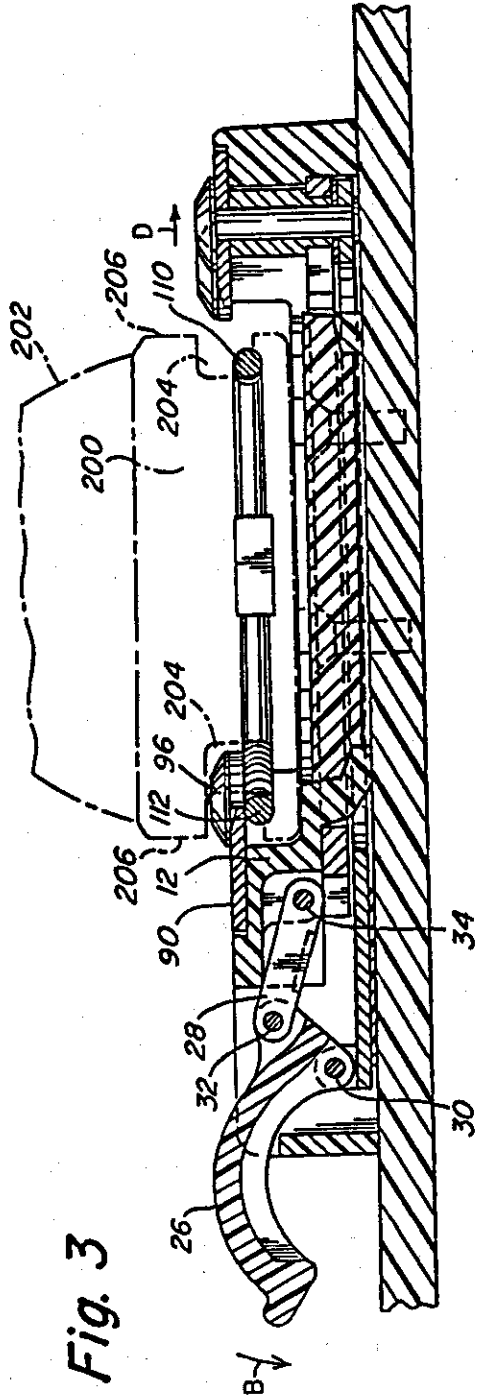


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However, any other suitable means for fixedly attaching the rods to the plate may be used. Each rod 36, 38 passes through a spacer sleeve 44, 46, respectively. Each spacer sleeve 44, 46 has a stepped outer diameter portion including a larger diameter portion 48, 50 and a smaller diameter portion 52, 54, respectively. The smaller diameter portions 52, 54 are received in elongated slots 56, 58, respectively in second plate 16, whereas the larger diameter portions 44, 46 are received in elongated slots 60, 62, respectively, in the base member 12. The upper axially ends of the rods 36, 38 have a head or plate-shaped portion 64, 66. An engagement plate 68 has a pair of throughholes 70, 72 to receive the larger diameter portion of rods 36, 38. Thus, engagement plate 68 is disposed about engagement rods 36, 38 and between head portions 64, 66 and spacer sleeves 44, 46. The spacer sleeves are utilized to help absorb some of the bending forces that may be applied against rods 36, 38. Additionally, engagement plate 68 is used to help transfer some of the bending forces that may be applied to rods 36, 38 into tensile forces. Of course, axial forces in rods 36, 38 are preferred over bending forces.

A second pair of engagement rods 74, 76 are fixedly attached to second plate 16 in a similar manner in which the first pair of engagement rods 36, 38 are fixedly attached to the first plate 14. The pairs of engagement rods are preferably fixedly attached to the plates by a press fit. However, any suitable manner of fixedly attaching these two members together such as welding, shrink-fitting, etc. may be used. The lower ends 78, 80, respectively of the second pair of engagement rods 74, 76 have a reduced diameter portion which are sized to fit within a pair of shoulder bushings 82, 84. The shoulder bushings 82, 84 help guide a sliding motion of the first plate 14 because they are received in elongated slots 86, 88, respectively. A second engagement plate 90 is mounted about the second pair of engagement rods 74, 76 via their respective throughholes 92, 94. Engagement plate 90 is mounted just below the heads 96, 98 of the engagement rods 74, 76, respectively. Engagement plate 68 is slidably supported on a slightly recessed, substantially planer surface 100 in base member 12. Likewise, engagement plate 90 is slidably supported on a slightly recessed, substantially planer support surface 102. Plates 68, 90, also have bevelled edge portions 104, 106 to permit a bar member 108, which is in the form of a closed loop and is embedded in a sole 200 of snowboard boot, to more easily engage into a position below plate 68 90. Bar member 108 has at least two exposed side portions 110, 112, which correspond to the in-step area of the user's foot. The side portions 110, 112 of the bar member 108 are exposed by a pair of recesses 204. In the embodiment of the invention shown in the drawings, the recesses 204 are disposed in the in-step area of the sole 200 of the boot, and extend only partially across the width of the boot as shown in FIGS. 3-4. Bar member 108 may alternatively not be embedded in the sole, but may be connected to the sole of the snowboard boot, with or without a reinforcing plate depending on the stresses that will be applied to the bar. Side portions 110, 112 are exposed at least along their upper surface, as illustrated in FIGS. 3 and 4 so that the upper portion of the side 110 can be selectively engaged with the first pair of engagement rods 36 and 38 such that the head portions 64, 66 and the engagement plate 68 lock the boot in the binding mechanism as illustrated in FIG. 4. The opposite side 112 of the bar member 108 is exposed along its upper surface to permit head portions 96, 98 of the second pair of engagement rods 74, 76 and

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locked position as illustrated in FIG. 4. As shown from FIGS. 2-4, the bar member 108 is disposed between the heel and ball areas of the boot, and does not extend beyond the lateral sidewalls 206 of the boot, such that the bar 108 is contained within the boundaries of the boot without extending beyond its lateral sides.

The operation of the boot binding mechanism will be described below with reference to FIGS. 2-4. A user wearing a snowboard boot 120 having an upper portion 202 and a closed loop bar member 108 embedded in its sole steps within the open binding mechanism and positions the second side 112 of the bar member 108 into the engaged position below heads 96, 98 and below engagement plate 90 as illustrated in FIGS. 2 and 3.

The lock the boot within the binding mechanism the user then pulls upwardly on handle member 26 in the direction indicated by arrow A in FIG. 4. This upper movement of handle member 26 causes handle member 26 to rotate in the direction indicated by arrow A and to translate in a direction indicated by arrow C in FIG. 4. At the same time, link member 28 pivots about fixed pin 34 in the direction indicated by arrow B, which is opposite to the direction of arrow A. Additionally, simultaneously with the pivoting movements, first plate 14 is slidably moved in the direction indicated by arrow C from the open position as illustrated in FIG. 3 to the closed position as illustrated in FIG. 4. As can be seen in FIGS. 3 and 4, as handle member 26 is pivoted in the upward position, pivot pin 30 slides in the direction indicated by arrow C. When pin 32 passes over an imaginary line extending between pins 30, 34, the handle reaches what is known as a centered position. In this centered position the handle is instable and the handle will then tend to snap into the closed position as illustrated in FIG. 4. In the closed position, the handle is in what is known as an over-centered position. The first set of engagement rods 36, 38 are moved from the open position as illustrated in FIG. 3 to the closed position as illustrated in FIG. 4, such that the heads 64, 66 and the engagement plate 68 selectively engage and lock the first side 110 of the bar member 108 in the boot binding mechanism. If desired, a conventional latch (not shown) may be placed onto handle member 26 to further prevent an inadvertent pivoting of the handle member. However, in most cases the pressure applied from the boot and the base member will be sufficient to maintain the handle in the stable, over-centered position illustrated in FIG. 4.

To unlock the boot, the user simply pushes down and rotates handle member 26 in the direction indicated by arrow B in FIG. 3. Because of the linkage mechanism, this movement will cause handle member 26 to rotate in the direction indicated by arrow B and to translate in the direction indicated by arrow D. Thus, because of the link between the first plate 14 and the handle member 26, the second plate 14 is slidably moved in the direction indicated by arrow D to the open position as illustrated in FIG. 3. The user can now simply step out of the boot binding mechanism.

Having described the presently preferred exemplary embodiment of a new and improved snowboard boot binding mechanism, in accordance with the present invention, it is believed that other modifications, variations and changes will be suggested to those skilled in the art in view of the teachings set forth herein. It is, therefore, to be understood that all such variations, modifications, and changes are

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exposed by the at least one recess and is engageable with a snowboard binding to secure the snowboard boot to a snowboard;

wherein the snowboard boot includes a heel-to-toe direction and a side-to-side direction, wherein the portion of the at least one binding engagement member that is engageable with the snowboard binding extends in the heel-to-toe direction, and wherein the binding engagement member is contained within the boundaries of the snowboard boot without extending beyond the lateral side of the snowboard boot.

25. The apparatus recited in claim 24, wherein the snowboard boot includes an in-step region, and wherein the at least one recess is disposed in the in-step region of the snowboard boot.

26. The apparatus recited in claim 25, wherein the at least one engagement member is a bar.

27. An apparatus, comprising:

a snowboard boot including at least one recess disposed on a lateral side of the snowboard boot; and

at least one binding engagement member, supported by the snowboard boot, having a portion thereof that is exposed by the at least one recess and is engageable with a snowboard binding to secure the snowboard boot to a snowboard;

wherein the at least one recess includes first and second recesses respectively disposed on first and second lateral sides of the snowboard boot, and wherein the at least one binding engagement member includes first and second engagement members that are respectively exposed by the first and second recesses, the first and second engagement members being formed from a single unitary member;

wherein the single unitary member is a closed loop.

28. The apparatus recited in claim 27, wherein the closed loop is a bar.

29. An apparatus, comprising:

a snowboard boot including at least one recess disposed on a lateral side of the snowboard boot; and

at least one binding engagement member, supported by the snowboard boot, having a portion thereof that is exposed by the at least one recess and is engageable with a snowboard binding to secure the snowboard boot to a snowboard;

wherein the snowboard boot has an upper portion and a sole, and wherein the at least one binding engagement member is embedded in the sole of the snowboard boot; and

wherein the snowboard boot includes a heel-to-toe direction and a side-to-side direction, and wherein the portion of the at least one binding engagement member extends in the heel-to-toe direction and is circular in a cross-section taken in the side-to-side direction.

30. The apparatus recited in claim 29, wherein the snowboard boot includes an in-step region, and wherein the at least one recess is disposed in the in-step region of the snowboard boot.

31. An apparatus, comprising:

a snowboard boot including at least one recess disposed on a lateral side of the snowboard boot; and

at least one binding engagement member, supported by the snowboard boot, having a portion thereof that is exposed by the at least one recess and is engageable with a snowboard binding to secure the snowboard boot

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wherein the at least one recess includes first and second recesses respectively disposed on first and second lateral sides of the snowboard boot, and wherein the at least one binding engagement member includes first and second engagement members that are respectively exposed by the first and second recesses;

wherein the snowboard boot includes an in-step region, and wherein the at least one recess is disposed in the in-step region of the snowboard boot; and

wherein the snowboard boot includes a heel-to-toe direction and a side-to-side direction, and wherein the portion of the at least one binding engagement member extends in the heel-to-toe direction and is circular in a cross-section taken in the side-to-side direction.

32. An apparatus, comprising:

a snowboard boot including at least one recess disposed on a lateral side of the snowboard boot; and

at least one binding engagement member, supported by the snowboard boot, having a portion thereof that is exposed by the at least one recess and is engageable with a snowboard binding to secure the snowboard boot to a snowboard;

wherein the at least one recess includes first and second recesses respectively disposed on first and second lateral sides of the snowboard boot, and wherein the at least one binding engagement member includes first and second engagement members that are respectively exposed by the first and second recesses, the first and second engagement members being formed from a single unitary member; and

wherein the single unitary member is a closed loop.

33. The apparatus recited in claim 32, wherein the snowboard boot includes a heel region and a ball region, and wherein the entire closed loop is disposed between the heel and ball regions of the snowboard boot.

34. The apparatus of claim 33, in combination with the snowboard binding.

35. The apparatus recited in claim 33, wherein the snowboard boot includes a heel-to-toe direction and a side-to-side direction, wherein the portion of the first binding engagement member that is engageable with the snowboard binding extends in the heel-to-toe direction and is circular in a cross-section taken in the side-to-side direction, and wherein the portion of the first binding engagement member that is engageable with the snowboard binding extends in the heel-to-toe direction and is circular in a cross-section taken in the side-to-side direction.

36. An apparatus, comprising:

a snowboard boot having an upper portion and a sole, the snowboard boot having a ball region and a heel region, the snowboard boot including first and second recesses respectively disposed on first and second lateral sides of the snowboard boot, each of the first and second recesses being disposed between the ball and heel regions of the snowboard boot;

a first binding engagement member, embedded in the sole of the snowboard boot, having a portion thereof that is exposed by the first recess and is engageable with a snowboard binding to secure the snowboard boot to a snowboard; and

a second binding engagement member, embedded in the sole of the snowboard boot, having a portion thereof that is exposed by the second recess and is engageable with the snowboard binding to secure the snowboard boot to the snowboard;

wherein the first and second engagement members are

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66. The apparatus recited in claim 62, wherein the at least one engagement member is connected to the sole of the snowboard boot without being embedded therein.

67. The apparatus recited in claim 62, wherein the at least one engagement member is integrated into the snowboard boot.

68. The apparatus recited in claim 62, wherein the at least one binding engagement member includes first and second binding engagement members that respectively have engageable portions that are disposed substantially in-line with the first and second lateral sidewalls of the snowboard boot and that each extends in the heel-to-toe direction, the engageable portions of each of the first and second binding engagement members being exposed by the at least one recess.

69. The apparatus recited in claim 68, wherein the engageable portions of the first and second binding engagement members each is circular in cross-section.

70. The apparatus of claim 62, in combination with the snowboard binding.

71. An apparatus, comprising:

a snowboard boot having an upper portion and a sole, the snowboard boot having first and second lateral sidewalls, a heel area and a toe area, the snowboard boot having a heel-to-toe direction and a side-to-side direction; and

at least one binding engagement member, connected to the snowboard boot, having a portion thereof that is engageable with a snowboard binding to secure the snowboard boot to a snowboard, the engageable portion of the at least one engagement member being disposed substantially in-line with one of the first and second lateral sidewalls of the snowboard boot;

wherein the apparatus includes at least one recess that is adapted to expose the engageable portion of the at least one engagement member, the engageable portion of the at least one engagement member being disposed within the recess;

wherein the at least one binding engagement member includes first and second binding engagement members that respectively have engageable portions that are disposed substantially in-line with the first and second lateral sidewalls of the snowboard boot and that each extends in the heel-to-toe direction, the engageable portions of each of the first and second binding engagement members being exposed by the at least one recess;

wherein the engageable portions of the first and second binding engagement members each is circular in cross-section; and

wherein each of the first and second binding engagement members is connected to the sole of the snowboard boot without being embedded therein.

72. The apparatus recited in claim 41, wherein the engageable portions of the first and second binding engagement members each is a bar.

73. The apparatus recited in claim 72, wherein the snowboard boot includes an in-step region, and wherein the engageable portions of the first and second binding engagement members each is disposed in the in-step region of the snowboard boot.

74. The apparatus recited in claim 73, wherein the engageable portions of the first and second binding engagement members each extends in the heel-to-toe direction.

75. An apparatus, comprising:

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at least one binding engagement member, connected to the sole, having a portion thereof that is engageable with a snowboard binding to secure the snowboard boot to a snowboard, the engageable portion of the at least one binding engagement member being a bar that is circular in cross-section and is contained between the first and second lateral sidewalls of the boot without extending beyond either of the first and second lateral sidewalls;

wherein the engageable portion of the at least one binding engagement member extends in a heel-to-toe direction of the snowboard boot, and wherein the bar is circular in a cross-section taken in a side-to-side direction of the snowboard boot.

76. The apparatus recited in claim 75, wherein the at least one binding engagement member is embedded in the sole.

77. The apparatus recited in claim 75, wherein the sole includes a recess that exposes the engageable portion of the at least one binding engagement member.

78. The apparatus recited in claim 77, wherein the recess is disposed in the first lateral sidewall of the boot.

79. The apparatus of claim 75, in combination with the snowboard binding.

80. An apparatus comprising:

a snowboard boot having an upper portion and a sole, the snowboard boot having first and second lateral sidewalls, a heel area and a toe area, the snowboard boot having a heel-to-toe direction and a side-to-side direction; and

at least one binding engagement member, connected to the snowboard boot, having a portion thereof that is engageable with a snowboard binding to secure the snowboard boot to a snowboard, the engageable portion of the at least one engagement member being a bar that extends in the heel-to-toe direction and is circular in cross-section in the side-to-side direction;

in combination with the snowboard binding.

81. The apparatus recited in claim 80, wherein the apparatus has a recess that exposes the engageable portion of the at least one engagement member.

82. The apparatus recited in claim 80, wherein the at least one engagement member is connected to the sole of the snowboard boot without being embedded therein.

83. The apparatus recited in claim 80, wherein the apparatus includes first and second lateral sidewalls, and wherein the at least one binding engagement member is contained between the first and second lateral sidewalls of the apparatus without extending beyond either of the first and second lateral sidewalls.

84. The apparatus recited in claim 80, wherein the engageable portion of the at least one binding engagement member extends along at least one of the first and second lateral sidewalls.

85. The apparatus recited in claim 84, wherein the at least one binding engagement member is connected to the sole of the snowboard boot.

86. The apparatus recited in claim 85, wherein the at least one binding engagement member includes first and second binding engagement members each having an engageable portion, the engageable portions of the first and second binding engagement members respectively extending along the first and second lateral sidewalls of the snowboard boot.

87. The apparatus recited in claim 86, further including a closed loop that includes the engageable portions of the first and second binding engagement members.

88. The apparatus recited in claim 84, wherein the engage-

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snowboard boot to a snowboard, the engageable portion of the at least one engagement member being disposed substantially in-line with one of the first and second lateral sidewalls of the snowboard boot;

wherein the apparatus includes at least one recess that is adapted to expose the engageable portion of the at least one engagement member, the engageable portion of the at least one engagement member being disposed within the recess;

wherein the engageable portion of the at least one engagement member extends in the heel-to-toe direction; and wherein the engageable portion of the at least one engagement member extends in the heel-to-toe direction and is circular in a cross-section taken in the side-to-side direction.

121. An apparatus, comprising:

a snowboard boot having an upper portion and a sole, the sole having a heel-to-toe direction and a side-to-side direction; and

a binding engagement member supported within the sole and having a portion thereof extending in the heel-to-toe direction which is engageable with a snowboard binding to secure the snowboard boot to a snowboard;

wherein the apparatus includes at least one opening that is adapted to receive a portion of a snowboard binding,

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the opening exposing the engageable portion of the binding engagement member.

122. The apparatus recited in claim 121, wherein the engageable portion of the binding engagement member forms a bottom surface of the opening.

123. An apparatus, comprising:

a snowboard boot having an upper portion and a sole, the sole including a region corresponding to an in-step of a wearer of the snowboard boot, the snowboard boot having a heel-to-toe direction and a side-to-side direction; and

a bar embedded within the sole and having a portion thereof that is disposed in the in-step region, extends in the heel-to-toe direction and is constructed and arranged for engagement with a snowboard binding;

wherein the bar is circular in a cross-section taken in the side-to-side direction.

124. The apparatus recited in claim 123, wherein the binding engagement member further includes a second portion that extends in the side-to-side direction across a width of the snowboard boot.

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