

IBEX OUTDOOR CLOTHING	§
INCORPORATED	§
J.C. PENNEY CORPORATION, INC.	§
K-2 CORPORATION	§
LAFUMA AMERICA, INC.	§
L.L. BEAN, INC.	§
MARKER VOLKL USA, INC.	§
MARMOT MOUNTAIN, LLC	§
NIKE, INC.	§
NIKITA CLOTHING USA INC.	§
POLO RALPH LAUREN	§
CORPORATION	§
QUIKSILVER AMERICAS, INC.	§
ROSSIGNOL SKI COMPANY, INC.	§
SPORT OBERMEYER LTD.	§
SPYDER ACTIVE SPORTS, INC.	§
TAHSIN INDUSTRIAL CORP. U.S.A.	§
THE TIMBERLAND COMPANY	§
UNDER ARMOUR, INC.	§
V. F. CORPORATION	§
	§
Defendants.	§

COMPLAINT FOR PATENT INFRINGEMENT

TEC-TECHNOLOGY ENABLED CLOTHING, INC. (“TEC”) files this Complaint against Defendants, AMERICAN RECREATION PRODUCTS, INC., BANANA REPUBLIC, INC., BERGAN NORTH AMERICA, LLC, BOGNER OF AMERICA, INC., BONFIRE SNOWBOARDING, INC., THE BURTON CORPORATION, CALVIN KLEIN, INC., CMW, INC., COALISION U.S.A. INC., COLLECTIVE LICENSING INTERNATIONAL, LLC, COLUMBIA SPORTSWEAR USA CORPORATION, COUPONAS, LLC, DAVID PEYSER SPORTSWEAR, INC., EDDIE BAUER, INC., FNC KOLON USA CORP., HELLY HANSEN (U.S.) INC., HUGO BOSS FASHIONS, INC., IBEX OUTDOOR CLOTHING INCORPORATED, J.C. PENNEY CORPORATION, INC., K-2 CORPORATION, LAFUMA AMERICA, INC., L.L. BEAN, INC., MARKER VOLKL USA, INC., MARMOT MOUNTAIN, LLC, NIKE, INC., NIKITA CLOTHING

USA INC., POLO RALPH LAUREN CORPORATION, QUIKSILVER AMERICAS, INC., ROSSIGNOL SKI COMPANY, INC., SPORT OBERMEYER LTD., SPYDER ACTIVE SPORTS, INC., TAHSIN INDUSTRIAL CORP. U.S.A., THE TIMBERLAND COMPANY, UNDER ARMOUR, INC., and V. F. CORPORATION and allege as follows:

THE PARTIES

1. TEC is an Idaho corporation with its principal place of business located at 511 E. Fourth Street, Units 2 and 3, with a mailing address of P.O. Box 2626, Ketchum, Idaho 83340-2626.

2. With respect to the defendants, TEC alleges the following upon information and belief:

a. AMERICAN RECREATION PRODUCTS, INC. (“ARP”) is a corporation organized under the laws of the State of Delaware. ARP, on information and belief, is doing business in Idaho, including business within this judicial district. ARP may be served with process by serving its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

b. BANANA REPUBLIC INC. (“BANANA REPUBLIC”) is a corporation organized under the laws of the State of Delaware. BANANA REPUBLIC, on information and belief, is doing business in Idaho, including business within this judicial district. BANANA REPUBLIC may be served with process by serving its registered agent, CT Corporation System, located at 1111 W. Jefferson St. Ste 500, Boise, Idaho 83702-5393.

c. BERGAN NORTH AMERICA, LLC (“BERGAN”) is a limited liability company organized under the laws of the State of Washington. BERGAN, on information and belief, is doing business in Idaho, including business within this judicial district. BERGAN may be

served with process by serving its registered agent, Jon P. Bakken, located at 1934 E. Lynn St., Seattle, Washington, 98112-2618.

d. BOGNER OF AMERICA, INC. (“BOGNER”) is a corporation organized under the laws of the State of Delaware. BOGNER, on information and belief, is doing business in Idaho, including business within this judicial district. BOGNER may be served with process by serving its registered agent, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

e. BONFIRE SNOWBOARDING, INC. (“BONFIRE”) is a corporation organized under the laws of the State of Delaware. BONFIRE, on information and belief, is doing business in Idaho, including business within this judicial district. BONFIRE may be served with process by serving its registered agent, the Corporation Trust Company, located at Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

f. THE BURTON CORPORATION (“BURTON”) is a corporation organized under the laws of the State of Vermont. BURTON, on information and belief, is doing business in Idaho, including business within this judicial district. BURTON may be served with process by serving its registered agent, Scott Barrett, located at 80 Industrial Pkwy, Burlington, Vermont 05401-5434.

g. CALVIN KLEIN, INC. (“CALVIN KLEIN”) is a corporation organized under the laws of the State of New York. CALVIN KLEIN, on information and belief, is doing business in Idaho, including business within this judicial district. CALVIN KLEIN may be served with process by serving its registered agent, the Prentice Hall Corporation System, Inc., located at 80 State St., Albany, New York 12207-2543.

h. CMW, INC. (“CMW”) is a corporation organized under the laws of the State of Wyoming. CMW, on information and belief, is doing business in Idaho, including business within this judicial district. CMW may be served with process by serving its registered agent, Stephen S. Sullivan, located at 155 E. Pearl Ave., Jackson, Wyoming 83001.

i. COALISION U.S.A. INC. (“COALISION”) is a corporation organized under the laws of the state of Delaware. COALISION, on information and belief, is doing business in Idaho, including business within this judicial district. COALISION may be served with process by serving its registered agent, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

j. COLLECTIVE LICENSING INTERNATIONAL, LLC (“COLLECTIVE LICENSING”) is a limited liability company organized under the laws of the state of Delaware. COLLECTIVE LICENSING, on information and belief, is doing business in Idaho, including business within this judicial district. COLLECTIVE LICENSING may be served with process by serving its registered agent, the Corporation Trust Company, Corporation Trust Center, located at 1209 Orange Street, Wilmington, Delaware 19801.

k. COLUMBIA SPORTSWEAR USA CORPORATION (“COLUMBIA”) is a corporation organized under the laws of the State of Oregon. COLUMBIA, on information and belief, is doing business in Idaho, including business within this judicial district. COLUMBIA may be served with process by serving its registered agent, Corporation Service Company, located at 1401 Shoreline Drive, Ste 2, Boise, Idaho 83702-6878.

l. COUPOUNAS, LLC (“COUPOUNAS”) is a limited liability company organized under the laws of the State of Colorado. COUPOUNAS, on information and belief, is

doing business in Idaho, including business within this judicial district. COUPOUNAS may be served with process by serving its registered agent, Demetrios G.C. Coupounas, located at 6325 Gunpark Drive, Ste 102, Boulder, Colorado 80301-3593.

m. DAVID PEYSER SPORTSWEAR, INC. (“DPS”) is a corporation organized under the laws of the State of New York. DPS, on information and belief, is doing business in Idaho, including business within this judicial district. DPS may be served with process by serving its Chairman or Chief Executive Officer, located at 90 Spence Street, Bayshore, New York 11706.

n. EDDIE BAUER, INC. (“EDDIE BAUER”) is a corporation organized under the laws of the State of Delaware. EDDIE BAUER, on information and belief, is doing business in Idaho, including business within this judicial district. EDDIE BAUER may be served with process by serving its registered agent, Prentice-Hall Corporation System, located at 1401 Shoreline Drive, Ste 2, Boise, Idaho 83702-6878.

o. FNC KOLON USA CORP (“FNC KOLON”) is a corporation organized under the laws of the State of California. FNC KOLON, on information and belief, is doing business in Idaho, including business with this judicial district. FNC KOLON may be served with process by serving its registered agent, Andrew B. Lee, located at 660 S. Figueroa St., Ste 2300, Los Angeles, California 90017-3473.

p. HELLY HANSEN (U.S.) INC. (“HELLY HANSEN”) is a corporation organized under the laws of the State of Washington. HELLY HANSEN, on information and belief, is doing business in Idaho, including business within this judicial district. HELLY HANSEN may be served with process by serving its registered agent, PTSGE Corp, located at 925 4th Avenue, Ste 2900, Seattle, Washington, 98104-1158.

q. HUGO BOSS FASHIONS, INC. (“HUGO BOSS”) is a corporation organized under the laws of the State of Delaware. HUGO BOSS, on information and belief, is doing business in Idaho, including business within this judicial district. HUGO BOSS may be served with process by serving its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange St., Wilmington, Delaware 19801.

r. IBEX OUTDOOR CLOTHING, INCORPORATED (“IBEX”) is a corporation organized under the laws of the State of Vermont. IBEX, on information and belief, is doing business in Idaho, including business within this judicial district. IBEX may be served with process by serving its registered agent, John C. Fernsell, located at 2800 Westerdale Cutoff Road, Woodstock, Vermont 05091-9656.

s. J.C. PENNEY CORPORATION, INC. (“J.C. PENNEY”) is a corporation organized under the laws of the State of Delaware. J.C. PENNEY, on information and belief, is doing business in Idaho, including business with this judicial district. J.C. PENNEY may be served with process by serving its registered agent, C T Corporation System, located at 1111 W. Jefferson St. Ste 530, Boise, Idaho 83702-5393.

t. K-2 CORPORATION (“K-2”) is a corporation organized under the laws of the State of Indiana. K-2, on information and belief, is doing business in Idaho, including business with this judicial district. K-2 may be served with process by serving its registered agent, C T Corporation, located at 36 S. Pennsylvania Street, Ste 700, Indianapolis, Indiana 46204-3719.

u. LAFUMA AMERICA INC. (“LAFUMA”) is a corporation organized under the laws of the State of Colorado. LAFUMA, on information and belief, is doing business in Idaho, including business within this judicial district. LAFUMA may be served with process by serving its

registered agent, Corporation Service Company, located at 1560 Broadway, Ste 2090, Denver, Colorado 80202-5180.

v. L.L. BEAN, INC. (“L.L. BEAN”) is a corporation organized under the laws of the State of Maine. L.L. BEAN, on information and belief, is doing business in Idaho, including business within this judicial district. L.L. BEAN may be served with process by serving its registered agent, John T. Gorman, Jr., located at Casco Street, Freeport, Maine, 04033.

w. MARKER VOLKL USA, INC. (“VOLKL”) is a corporation organized under the laws of the State of New Hampshire. VOLKL, on information and belief, is doing business in Idaho, including business within this judicial district. VOLKL may be served with process by serving its registered agent, C T Corporation, located at 9 Capitol Street, Concord, New Hampshire 03301-6310.

x. MARMOT MOUNTAIN, LLC (“MARMOT”) is a limited liability company organized under the laws of the State of Delaware. MARMOT, on information and belief, is doing business in Idaho, including business within this judicial district. MARMOT may be served with process by serving its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE, 19801.

y. NIKE, INC. (“NIKE”) is a corporation organized under the laws of the State of Oregon. NIKE, on information and belief, is doing business in Idaho, including business within this judicial district. NIKE may be served with process by serving its registered agent, National Registered Agents Inc., located at 1423 Tyrell Lane, Boise, Idaho 83706-4044.

z. NIKITA CLOTHING USA INC. (“NIKITA”) is a corporation organized under the laws of the State of California. NIKITA, on information and belief, is doing business in

Idaho, including business within this judicial district. NIKITA may be served with process by serving its registered agent, Jennifer McViz, located at 765 Portola Street, #C, San Francisco, California 94129-2234.

aa. POLO RALPH LAUREN CORPORATION (“RALPH LAUREN”) is a corporation organized under the laws of the State of Delaware. RALPH LAUREN, on information and belief, is doing business in Idaho, including within this judicial district. RALPH LAUREN may be served with process by serving its registered agent, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

bb. QUIKSILVER AMERICAS, INC. (“QUIKSILVER”) is a corporation organized under the laws of the State of California. QUIKSILVER, on information and belief, is doing business in Idaho, including business within this judicial district. QUIKSILVER may be served with process by serving its registered agent, Charles Exor, located at 15202 Graham Street, Huntington Beach, California 92649.

cc. ROSSIGNOL SKI COMPANY INCORPORATED (“ROSSIGNOL”) is a corporation organized under the laws of the State of Delaware. ROSSIGNOL, on information and belief, is doing business in Idaho, including business within this judicial district. ROSSIGNOL may be served with process by serving its registered agent, the Corporation Trust Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

dd. SPORT OBERMEYER LTD. (“OBERMEYER”) is a corporation organized under the laws of the State of Colorado. OBERMEYER, on information and belief, is doing business in Idaho, including business within this judicial district. OBERMEYER may be served

with process by serving its registered agent, Klaus F. Obermeyer, located at 115 Aspen Airport Business Center, Aspen, Colorado 81611-2502.

ee. SPYDER ACTIVE SPORTS, INC. (“SPYDER”) is a corporation organized under the laws of the State of Colorado. SPYDER, on information and belief, is doing business in Idaho, including within this judicial district. SPYDER may be served with process by serving its registered agent, David Jacobs, located at 4725 Walnut Street, Boulder, Colorado 80301-2537.

ff. TAHSIN INDUSTRIAL CORP. U.S.A. (“TAHSIN”) is a corporation organized under the laws of the State of New Jersey. TAHSIN, on information and belief, is doing business in Idaho, including within this judicial district. TAHSIN may be served with process by serving its registered agent, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

gg. THE TIMBERLAND COMPANY (“TIMBERLAND”) is a corporation organized under the laws of the State of Delaware. TIMBERLAND, on information and belief, is doing business in Idaho, including within this judicial district. TIMBERLAND may be served with process by serving its registered agent, Corporation Service Company, located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

hh. UNDER ARMOUR, INC. (“UNDER ARMOUR”) is a corporation organized under the laws of the State of Maryland. UNDER ARMOUR, on information and belief, is doing business in Idaho, including within this judicial district. UNDER ARMOUR may be served with process by serving its registered agent, The Corporation Trust Incorporated, located at 300 3. Lombard Street, Baltimore, Maryland 21202.

ii. V.F. CORPORATION (“VFC”) is a corporation organized under the laws of the State of Pennsylvania. VFC, on information and belief, is doing business in Idaho, including business within this judicial district. VFC may be served with process by serving its registered agent, Corporation Service Company, located at 327 Hillsborough St., Raleigh, NC 27603-1725.

JURISDICTION & VENUE

3. This is an action for infringement of a United States patent and arises under the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.*, particularly 35 U.S.C. §§ 271 and 281.

4. This Court has original jurisdiction over this dispute pursuant to 28 U.S.C. § 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, each Defendant named herein transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

CLAIMS OF PATENT INFRINGEMENT

6. On January 6, 2009, United States Patent No. RE40,613 entitled “Personal Assistant Garment” (“the ‘613 patent”) was duly and lawfully issued. A true and correct copy of the ‘613 patent is attached as Exhibit A.

7. The ‘613 patent is a reissue of United States Patent No. 6,826,782 entitled “Personal Assistant Garment” (“the ‘782 patent”). The ‘782 patent was duly and lawfully issued on December 7, 2004. A true and correct copy of the ‘782 patent is attached as Exhibit B.

8. Pursuant to 35 U.S.C. § 282, the ‘613 patent is presumed valid.

9. TEC is the assignee of all rights, title and interest under the ‘613 patent, including the right to sue for past, current and future infringement.

10. Independent Claim 48 of the ‘613 patent provides as follows:

A garment comprising:

- a) a shell having an interior surface and an exterior surface and including at least one opening adapted to receive a portion of a wearer's body therein;
- b) a pocket exposed at least partially on the interior surface of the shell and including an aperture allowing items to be inserted into the pocket, the pocket further including a slit spaced from the aperture and adapted to enable a wire extending from an item positioned within the pocket to pass therethrough; and
- c) a wire holding member secured to the shell adjacent the at least one opening and adapted to hold the wire extending from the slit in the pocket.

11. TEC is informed and believes that each and every defendant named herein infringes, at a minimum, Claim 48 of the '613 patent either directly or indirectly.

12. Each and every defendant named herein makes, uses, sells and/or imports at least one clothing product, including one or more jackets, which incorporate every limitation of Claim 48.

13. Specifically, each and every defendant named herein makes, uses, sells and/or imports at least one jacket and/or model of jacket that is designed to provide the wearer with wire management capabilities for portable electronic devices, including, for example, cellular telephones, mp3 players, iPods™, and the like, that facilitates the management of wires running from the electronic device to the user.

14. Each and every defendant named herein makes, uses, sells and/or imports at least one jacket and/or model of jacket that includes:

- (i) at least an opening allowing a wearer to put on the jacket;
- (ii) an interior pocket capable of retaining items, including electronic devices,

with at least one primary opening for insertion of an item or items;

(iii) an additional opening (separate from the primary and larger opening of the pocket) that allows a wire running from an electronic device retained within the pocket to exit the pocket; and

(iv) a wire holding member (*e.g.*, and without limitation, an elastic or non-elastic loop, rubber or plastic “tube,” clip or the like) secured to the jacket, which is capable of guiding and/or holding a wire running from the electronic device and through the additional opening separate from the primary and larger opening of the pocket.

15. Many of the defendants make, use, sell and/or import clothing products that also incorporate the limitations found in dependent Claims 49 and/or 50, which provide:

(i) a wire holding member secured to the interior surface of the jacket (Claim 49); and/or

(ii) a wire holding member made of a loop of elastic material (Claim 50).

Based upon available information, the presently known defendants that infringe Claims 49 and/or 50, in addition to Claim 48, are specifically identified in the following paragraphs:

ALLEGATIONS AS TO SPECIFIC DEFENDANTS

16. Paragraphs 1 - 15 are specifically incorporated herein as set forth above.

17. ARP has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Sierra Designs", that infringe one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, ARP has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

18. Accordingly, ARP's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for ARP's acts of infringement, which in no event can be less than a reasonable royalty.

19. BANANA REPUBLIC has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, BANANA REPUBLIC has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

20. Accordingly, BANANA REPUBLIC's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for BANANA REPUBLIC's acts of infringement, which in no event can be less than a reasonable royalty.

21. BERGAN has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, BERGAN has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

22. Accordingly, BERGAN'S infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for BERGAN'S acts of infringement, which in no event can be less than a reasonable royalty.

23. BOGNER has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, BOGNER has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

24. Accordingly, BOGNER's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for BOGNER's acts of infringement, which in no event can be less than a reasonable royalty.

25. BONFIRE has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, BONFIRE has infringed and continues to infringe, contribute to the

infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

26. Accordingly, BONFIRE's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for BONFIRE's acts of infringement, which in no event can be less than a reasonable royalty.

27. BURTON has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand names of "Burton", "ANALOG", and "Special Blend", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, BURTON has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

28. Accordingly, BURTON's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for BURTON's acts of infringement, which in no event can be less than a reasonable royalty.

29. CALVIN KLEIN has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, CALVIN KLEIN has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

30. Accordingly, CALVIN KLEIN's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for CALVIN KLEIN's acts of infringement, which in no event can be less than a reasonable royalty.

31. CMW has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Cloudveil", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, CMW has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

32. Accordingly, CMW's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for CMW's acts of infringement, which in no event can be less than a reasonable royalty.

33. COALISION has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand names "lolo" and "orage", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, COALISION has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

34. Accordingly, COALISION's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for CMW's acts of infringement, which in no event can be less than a reasonable royalty.

35. COLLECTIVE LICENSING has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "SIMS", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, COLLECTIVE LICENSING has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

36. Accordingly, COLLECTIVE LICENSING's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for COLLECTIVE LICENSING's acts of infringement, which in no event can be less than a reasonable royalty.

37. COLUMBIA has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, COLUMBIA has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

38. Accordingly, COLUMBIA's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for COLUMBIA's acts of infringement, which in no event can be less than a reasonable royalty.

39. COUPOUNAS has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Go Lite", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, COUPOUNAS has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

40. Accordingly, COUPOUNAS' infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for COUPOUNAS' acts of infringement, which in no event can be less than a reasonable royalty.

41. DPS has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Weatherproof", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, DPS has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

42. Accordingly, DPS' infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for DPS' acts of infringement, which in no event can be less than a reasonable royalty.

43. EDDIE BAUER has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, EDDIE BAUER has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

44. Accordingly, EDDIE BAUER's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for EDDIE BAUER's acts of infringement, which in no event can be less than a reasonable royalty.

45. FNC KOLON has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Kolon Sport", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, FNC KOLON, has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

46. Accordingly, FNC KOLON's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for FNC KOLON's acts of infringement, which in no event can be less than a reasonable royalty

47. HELLY HANSEN has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, HELLY HANSEN has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

48. Accordingly, HELLY HANSEN's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for HELLY HANSEN's acts of infringement, which in no event can be less than a reasonable royalty.

49. HUGO BOSS has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, HUGO BOSS has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

50. Accordingly, HUGO BOSS' infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for HUGO BOSS' acts of infringement, which in no event can be less than a reasonable royalty.

51. IBEX has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, IBEX has infringed and continues to infringe, contribute to the

infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

52. Accordingly, IBEX's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for IBEX's acts of infringement, which in no event can be less than a reasonable royalty.

53. J.C. PENNEY has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "St. John's Bay", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, J.C. PENNEY has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

54. Accordingly, J.C. PENNEY's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for J.C. PENNEY's acts of infringement, which in no event can be less than a reasonable royalty.

55. K-2 has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Ride Snowboards", that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, K-2 has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

56. Accordingly, K-2's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for K-2's acts of infringement, which in no event can be less than a reasonable royalty.

57. LAFUMA has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand name "Killy", "eider", and "Millet" that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, LAFUMA has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

58. Accordingly, LAFUMA's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for LAFUMA's acts of infringement, which in no event can be less than a reasonable royalty

59. L.L. BEAN has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, L.L. BEAN has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

60. Accordingly, L.L. BEANS's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for L.L. BEAN's acts of infringement, which in no event can be less than a reasonable royalty

61. VOLKL has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, VOLKL has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

62. Accordingly, VOLKL's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for VOLKL's acts of infringement, which in no event can be less than a reasonable royalty.

63. MARMOT has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, MARMOT has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

64. Accordingly, MARMOT's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for MARMOT's acts of infringement, which in no event can be less than a reasonable royalty.

65. NIKE has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand names "Nike" and "Nike ACG", that are covered by one or more claims of the '613 patent. By making, using, selling, offering to sell, and/or importing these

products, NIKE has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

66. Accordingly, NIKE's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for NIKE's acts of infringement, which in no event can be less than a reasonable royalty.

67. NIKITA has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, NIKITA has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

68. Accordingly, NIKITA's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for NIKITA's acts of infringement, which in no event can be less than a reasonable royalty.

69. RALPH LAUREN has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, RALPH LAUREN has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

70. Accordingly, RALPH LAUREN's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for RALPH LAUREN's acts of infringement, which in no event can be less than a reasonable royalty.

71. QUICKSILVER has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, QUICKSILVER has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

72. Accordingly, QUICKSILVER's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for QUICKSILVER's acts of infringement, which in no event can be less than a reasonable royalty.

73. ROSSIGNOL has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, ROSSIGNOL has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

74. Accordingly, ROSSIGNOL's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for ROSSIGNOL's acts of infringement, which in no event can be less than a reasonable royalty.

75. OBERMEYER has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, OBERMEYER has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

76. Accordingly, OBERMEYER's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for OBERMEYER's acts of infringement, which in no event can be less than a reasonable royalty.

77. SPYDER has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, SPYDER has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

78. Accordingly, SPYDER's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for SPYDER's acts of infringement, which in no event can be less than a reasonable royalty.

79. TAHSIN has infringed and continues to infringe the '613 patent by making, using, selling and/or importing articles of clothing, including but not limited to, one or more jackets under at least the brand names "Red Ledge", that are covered by one or more claims of the '613 patent. By making, using, selling, offering to sell, and/or importing these products, TAHSIN has infringed and

continues to infringe, contribute to the infringement of, or induce the infringement of at least claim 48 of the '613 patent, either literally or under the doctrine of equivalents.

80. Accordingly, TAHSIN's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for TAHSIN's acts of infringement, which in no event can be less than a reasonable royalty.

81. TIMBERLAND has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, TIMBERLAND has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

82. Accordingly, TIMBERLAND's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for TIMBERLAND's acts of infringement, which in no event can be less than a reasonable royalty.

83. UNDER ARMOR has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing that are covered by one or more claims of the '613 patent (see paragraphs 10 - 15 above). By making, using, selling, offering to sell, and/or importing these products, UNDER ARMOR has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48 and 49 of the '613 patent, either literally or under the doctrine of equivalents.

84. Accordingly, UNDER ARMOR's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for UNDER ARMOR's acts of infringement, which in no event can be less than a reasonable royalty.

85. VFC has infringed and continues to infringe the '613 patent by making, using, selling, offering to sell, and/or importing articles of clothing , including but not limited to, one or more jackets under at least the brand names "The North Face", that are covered by one or more claims of the '613 patent. By making, using, selling, offering to sell, and/or importing these products, VFC has infringed and continues to infringe, contribute to the infringement of, or induce the infringement of at least claims 48, 49 and 50 of the '613 patent, either literally or under the doctrine of equivalents.

86. Accordingly, VFC's infringement of the '613 patent has injured TEC and thus, TEC is entitled to recover damages adequate to compensate it for VFC's acts of infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

87. TEC hereby demands a jury trial on all claims and issues.

PRAYER FOR RELIEF

Wherefore, TEC prays for entry of judgment:

- A. that Defendants have infringed one or more claims of the '613 patent;
- B. that Defendants account for and pay to TEC all damages caused by the infringement of the '613 patent, which by statute can be no less than a reasonable royalty;
- C. that TEC be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendants' infringement of the '613 patent;

d. that TEC be granted such other and further relief as the Court may deem just and proper under the current circumstances.

March 27, 2009

Respectfully submitted,

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