

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Huzu, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:17-cv-01102-CMC
)	
Nine Line Apparel, Inc.,)	JURY TRIAL
)	
Defendant.)	
_____)	

COMPLAINT

PARTIES

1. Plaintiff Huzu, LLC (“Huzu”) is a limited liability company of the State of South Carolina having an address in South Carolina.

2. Defendant Nine Line Apparel, Inc. (“Nine Line”) is, upon information and belief, a corporation of the State of Georgia which maintains its principal place of business at 1732 E President St, Savannah, GA 31404.

JURISDICTION AND VENUE

3. This is a suit for infringement by Defendant of United States Patent No. 9,445,637 and involves garments made, sold, offered for sale and/or imported by Defendant. This action arises under the Act of Congress relating to Patents, 35 U.S.C. §§1 *et seq.*

4. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §§1331 and 1338 and 35 U.S.C. §281.

5. The Court has personal jurisdiction over the Defendant because

Defendant has purposefully availed itself of the privileges of conducting business in the State of South Carolina, and thus has enjoyed the privileges and protections of South Carolina law.

Upon information and belief, Defendant has committed acts of infringement of U.S. Patent No. 9,445,637 (“the ‘637 Patent”) in the State of South Carolina, in particular by selling and/or offering for sale the Accused Product in the State of South Carolina. Defendant maintains a fully interactive website having a “Shopping Cart” feature by which Accused Product may be purchased. Personal jurisdiction is thus invoked under the provisions of South Carolina Code §§36-2-802, 36-2-803 and 36-2-805.

6. Venue is proper under the provisions of 28 U.S.C. §§1391 and 1400.

7. Upon information and belief, Defendant makes, has made, sells, offers for sale and/or imports infringing garments in the United States (including sales in South Carolina). At least some of the infringing garments are sold under the name “Tailgater Hoodie” as shown on Defendant’s website.

COUNT

PATENT INFRINGEMENT

8. The allegations of paragraphs 1-7 are incorporated by reference as if fully set forth herein.

9. The ‘637 Patent, entitled “Apparel with Pocket,” was issued on September 20, 2016. A true and correct copy of the ‘637 Patent is attached hereto as Exhibit

A. In general, the ‘637 Patent relates to an article of apparel having a front panel, a pouch, and a pocket in a certain arrangement. The pocket may be adapted to receive a beverage container.

10. Bradley T. Buczkowski, Andrew J. Lehman, and William O. Lollis are the named inventors of the invention claimed in the '637 Patent. Huzu owns the '637 Patent by assignment.

11. Defendant's product sold under the name "Tailgater Hoodie" (and its variant "Tailgater Stout Hoodie") is a "hoodie" style sweatshirt that has a pouch on the front in which the wearer's hands may be inserted. In addition, a pocket is disposed within the interior of the pouch for containing a beverage. The "Tailgater Hoodie" and "Tailgater Stout Hoodie," individually and collectively referred to herein as "the Accused Product," are shown in the page of Defendant's website attached hereto as Exhibit B. In addition, photographs of an Accused Product are attached hereto as Exhibit C and Exhibit D.

12. The Accused Product is covered by at least independent claims 1 and 21 of the '637 patent. Huzu may later assert that the limitations of additional claims are also met and that other products also infringe, and Huzu reserves the right to assert such additional claims as well as infringement by additional products.

13. In this regard, independent claim 1 of the '637 Patent recites an article of apparel having a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion. As shown by axis "A" in Exhibit C, the Accused Product has a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion.

14. Claim 1 further recites a front panel. As shown in Exhibit C, the Accused Product has a front panel "F."

15. Claim 1 further recites a pouch defined by a pouch panel attached to an

exterior surface of the front panel, an interior surface of the pouch panel and the exterior surface of the front panel defining an interior area of the pouch. As shown in Exhibit C, the Accused Product has a pouch “PH” as claimed. An interior area of the pouch is defined by an interior surface of the pouch panel and the exterior surface of the front panel.

16. Claim 1 further recites that the pouch is closed along a bottom of the pouch and defines a first lateral opening and a second lateral opening opposite the first lateral opening so that the interior area of the pouch is accessible through both the first lateral opening and the second lateral opening to allow insertion of a wearer's hands, wherein the first lateral opening is located entirely within the left half portion and the second lateral opening is located entirely within the right half portion. As shown in Exhibit C, the Accused Product has a left lateral opening “LO” and a right lateral opening “RO” located entirely within the left half portion and the right half portion, respectively. The wearer’s hands may be inserted into the lateral openings LO and RO to access the interior area of the pouch. As indicated at “B,” the pouch in the Accused Product is closed along a bottom of the pouch.

17. Claim 1 further recites a pocket comprising an upper first end, a lower closed end opposite the first end, and a body joining the first end and the closed end, the pocket adjacent to the front panel and disposed within the interior area of the pouch, wherein a first side of the first end of the pocket is attached to the front panel and a second side of the first end of the pocket is attached to the pouch panel proximate to an uppermost edge of the pouch panel, and wherein the first and second sides of the first end of the pocket are removably attached to one another, and wherein the body of the pocket is accessible from both the first and second lateral openings. The Accused Product as a pocket PT having an openable

upper first end with first and second sides attached to the front panel and pouch panel, respectively, and a closed end joined to the first end by a body. The body of the pocket is accessible from both the first and second lateral openings.

18. Accordingly, the Accused Product is covered by at least independent claim 1 and therefore infringes the '637 Patent.

19. Independent claim 21 of the '637 Patent recites an article of apparel having a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion. As shown by axis "A" in Exhibit C, the Accused Product has a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion.

20. Claim 21 further recites a front panel. As shown in Exhibit C, the Accused Product has a front panel "F."

21. Claim 21 further recites a pouch defined by a pouch panel attached to an exterior surface of the front panel, wherein the pouch is closed along a bottom of the pouch and defines a first lateral opening and a second lateral opening opposite the first lateral opening so that an interior area of the pouch is accessible through both the first lateral opening and the second lateral opening to allow insertion of a wearer's hands, wherein the first lateral opening is located entirely within the left half portion and the second lateral opening is located entirely within the right half portion. As shown in Exhibit C, the Accused Product has a pouch "PH" defined by a pouch panel attached to the front panel. As indicated at "B," the pouch in the Accused Product is closed along a bottom of the pouch. The Accused Product has a left lateral opening "LO" and a right lateral opening "RO" lateral entirely within the left half portion and

the right half portion, respectively. The wearer's hands may be inserted into the lateral openings LO and RO to access an interior area of the pouch.

22. Claim 21 further recites a pocket comprising an upper first end, a lower second end opposite the first end, and a body joining the first and second ends. The Accused Product has a pocket PT having an upper first end and a lower second end opposite the first end. This can also be seen in the photograph of Exhibit D in which the upper first end of the pocket PT of the Accused Product is slightly open to show additional detail.

23. Claim 21 further recites means for selectively opening and closing the first end of the pocket, wherein the pocket is disposed between the pouch panel and the front panel and wherein the first end of the pocket is attached to the pouch panel and the front panel. The pocket PT of the Accused Product has hook and loop fastener for selectively opening and closing the first end of the pocket and the pocket is disposed between the pouch panel and the front panel. In the Accused Product, the first end of the pocket is attached to the pouch panel and the front panel.

24. Claim 21 further recites that the body of the pocket is accessible from both the first and second lateral openings. In the Accused Product, the wearer may access the body of the pocket from both the first and second lateral openings.

25. Accordingly, the Accused Product is covered by at least independent claim 21 and therefore infringes the '637 Patent.

26. Defendant has for a time past and continues to directly infringe the '637 Patent by making, using, selling, offering for sale, and/or importing Accused Product embodying the patented invention.

27. Defendant has knowledge of the '637 Patent. On September 20, 2016, Huzu, through its counsel, sent a letter advising Defendant that the Accused Product is a clear violation of the '637 Patent. A copy of this letter is attached hereto as **Exhibit E**. Defendant has continued to infringe the '637 Patent in blatant disregard of Huzu's patent rights.

28. Despite Defendant's knowledge of the '637 Patent and that its actions constitute infringement of the '637 Patent, Defendant has continued and, upon and belief, intends to continue its infringing activities. For example, Defendant continues to advertise and promote the Accused Product on its website.

29. Defendant's customers and end users of the Accused Product are also direct infringers of the '637 Patent. Thus, Huzu has also been damaged as a result of direct infringement by others due to Defendant inducing infringement of the '637 Patent.

30. Regarding inducing infringement, Defendant has knowledge of the '637 Patent as set forth above. By selling the Accused Product with the intent that the Accused Product be resold or used, Defendant is inducing the infringement of the '637 Patent by at least, but not limited to, its customers and end users of the Accused Product.

31. Upon information and belief, the aforementioned actions of infringement of the '637 Patent have been and are being willfully and deliberately committed by Defendant.

32. Defendant's acts of infringement have caused and will continue to cause substantial and irreparable harm to Huzu for which there is no adequate remedy at law, unless enjoined by this Court.

33. As a result of the infringement of the '637 Patent by Defendant, Huzu has been damaged. Huzu is therefore entitled to such damages pursuant to 35 U.S.C. §284 in

an amount that presently cannot be pleaded but that will be determined at trial.

Prayer For Relief

WHEREFORE, Plaintiff prays for entry of judgment:

- a) Holding that Defendant Nine Line has infringed and induced the infringement of U.S. Patent No. 9,445,637;
- b) Preliminarily and permanently enjoining Defendant Nine Line, its officers, agents, employees, representatives, and all others acting in concert therewith, from further infringing or inducing the infringement of U.S. Patent No. 9,445,637;
- c) Awarding Plaintiff damages pursuant to 35 U.S.C. §284, and increasing the award three (3) times by reason of the willful and deliberate nature of such infringement, together with interest and costs;
- d) Finding, under 35 U.S.C. §285, that this is an exceptional case and awarding Plaintiff its reasonable attorneys' fees incurred in prosecuting this action; and
- e) Affording such further and other relief as this Court may deem just and proper.

Respectfully submitted,

s/ Craig N. Killen

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Dated: April 27, 2017

PLAINTIFF REQUESTS A JURY TRIAL



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

(10) **Patent No.:** **US 9,445,637 B2**
(45) **Date of Patent:** **Sep. 20, 2016**

(54) **APPAREL WITH POCKET**

(75) Inventors: **Bradley T. Buczkowski**, Simpsonville, SC (US); **Andrew J. Lehman**, Simpsonville, SC (US); **William O. Lollis**, Greenville, SC (US)

(73) Assignee: **Huzu, LLC**, Columbia, SC (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1354 days.

(21) Appl. No.: **13/016,605**

(22) Filed: **Jan. 28, 2011**

(65) **Prior Publication Data**

US 2011/0185471 A1 Aug. 4, 2011

Related U.S. Application Data

(60) Provisional application No. 61/299,593, filed on Jan. 29, 2010.

(51) **Int. Cl.**

A41D 1/00 (2006.01)

A41D 3/02 (2006.01)

A41D 27/20 (2006.01)

A41D 3/00 (2006.01)

(52) **U.S. Cl.**

CPC **A41D 27/20** (2013.01); **A41D 3/00** (2013.01); **A41D 27/201** (2013.01)

(58) **Field of Classification Search**

CPC .. **A41D 27/20**; **A41D 27/201**; **A41D 27/205**; **A41D 3/00**; **A41D 3/005**; **A41D 13/012**; **A41D 1/04**; **A41D 2400/48**; **A01K 1/029**; **A47D 13/02**; **A47D 13/08**

USPC **2/1, 84, 85, 90, 93, 94, 96, 108, 247, 2/248, 250, 253; 224/191, 576, 587**

See application file for complete search history.

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Primary Examiner — Anna Kinsaul

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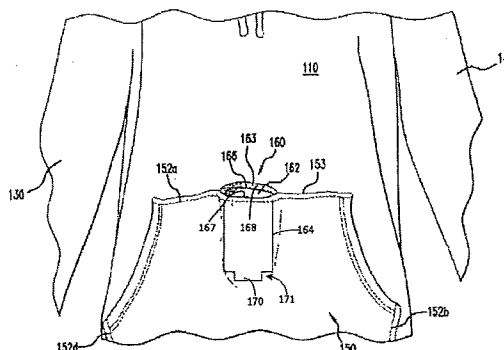
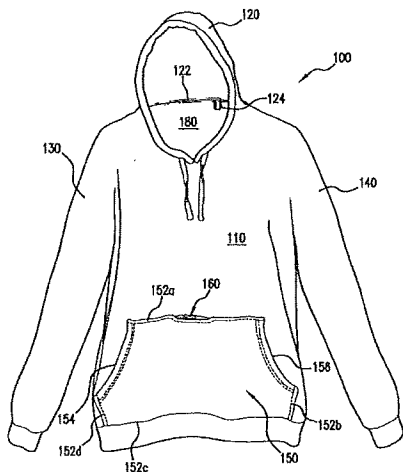
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(57)

ABSTRACT

An article of apparel is disclosed. In one embodiment, an article of apparel includes a front panel, a pouch attached to the front panel, a pocket disposed between the pouch and the front panel, and a closure that allows a first end of the pocket to be selectively opened and closed. The pocket includes a second end opposite the first end and a body joining the first and second ends. The pocket is attached to the pouch and the front panel.

29 Claims, 5 Drawing Sheets



EXHIBIT

A

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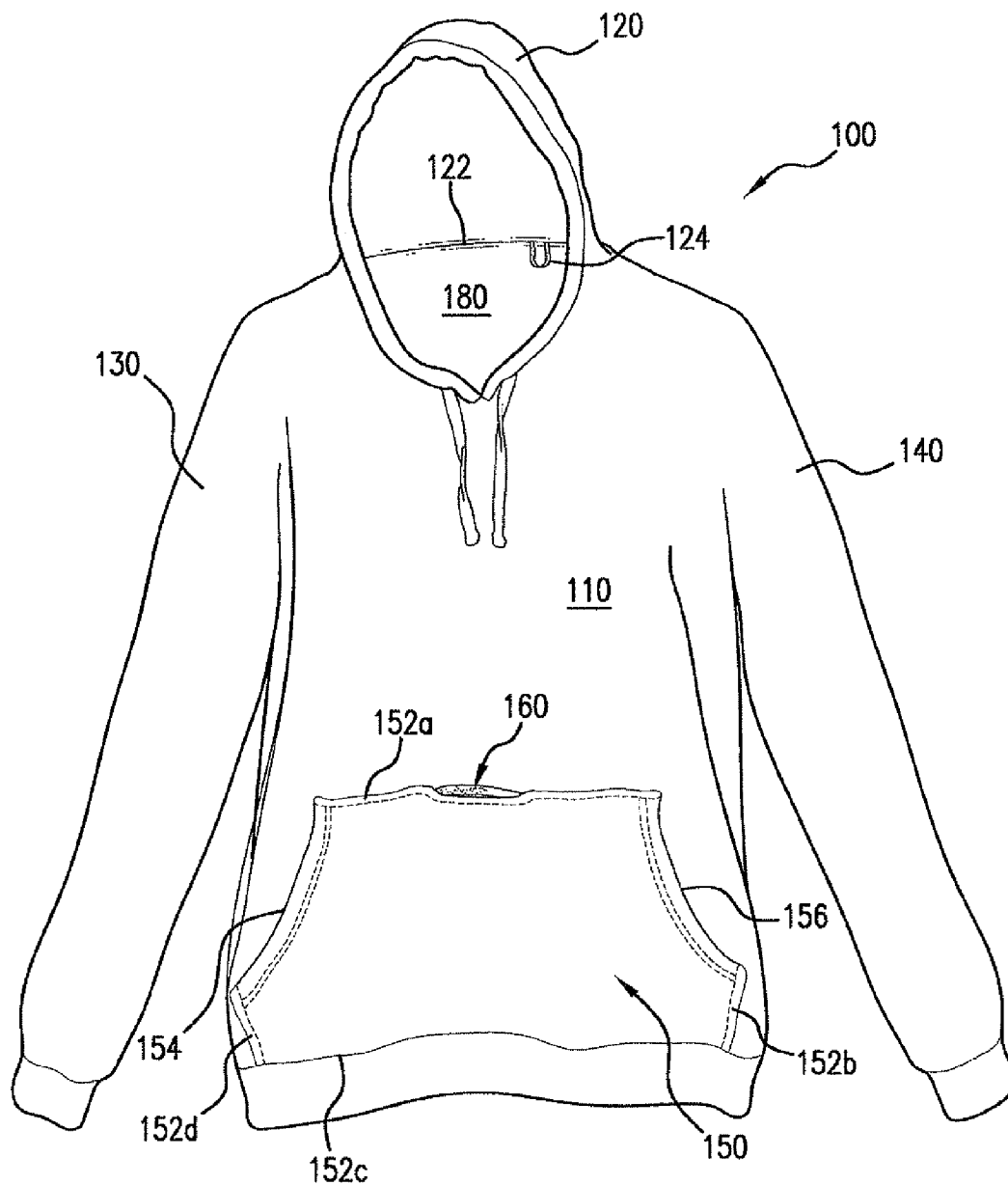
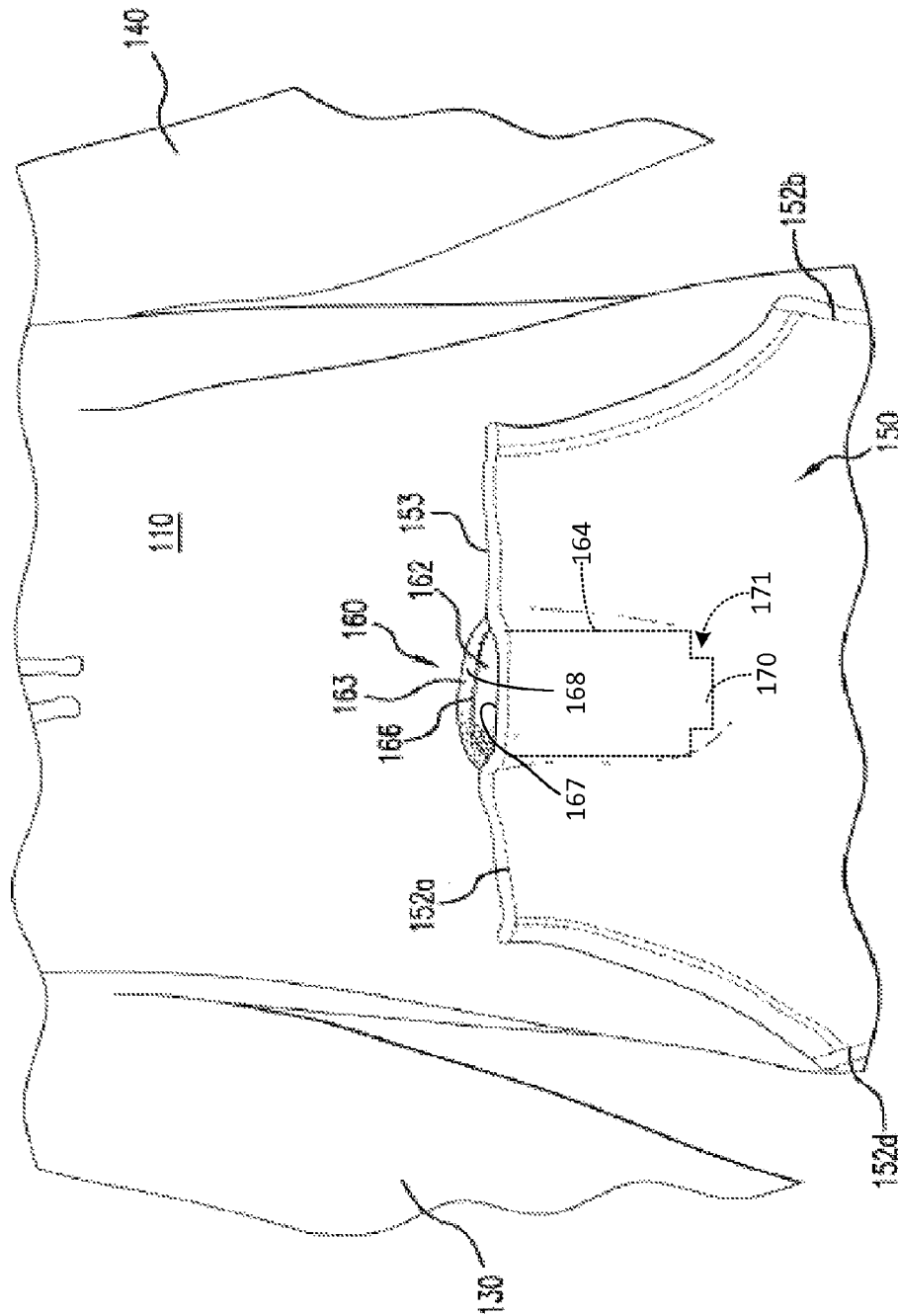


FIG. 1

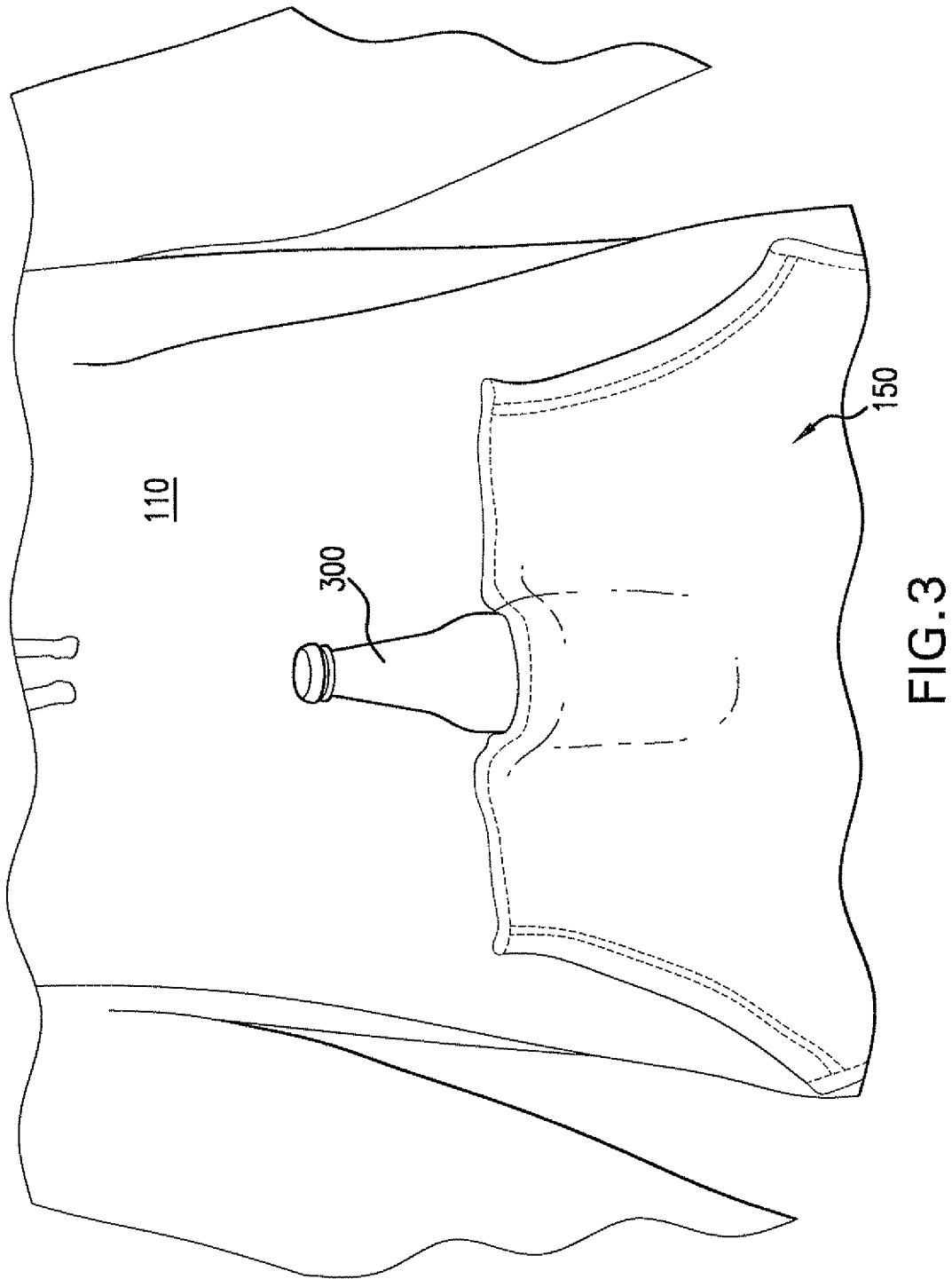


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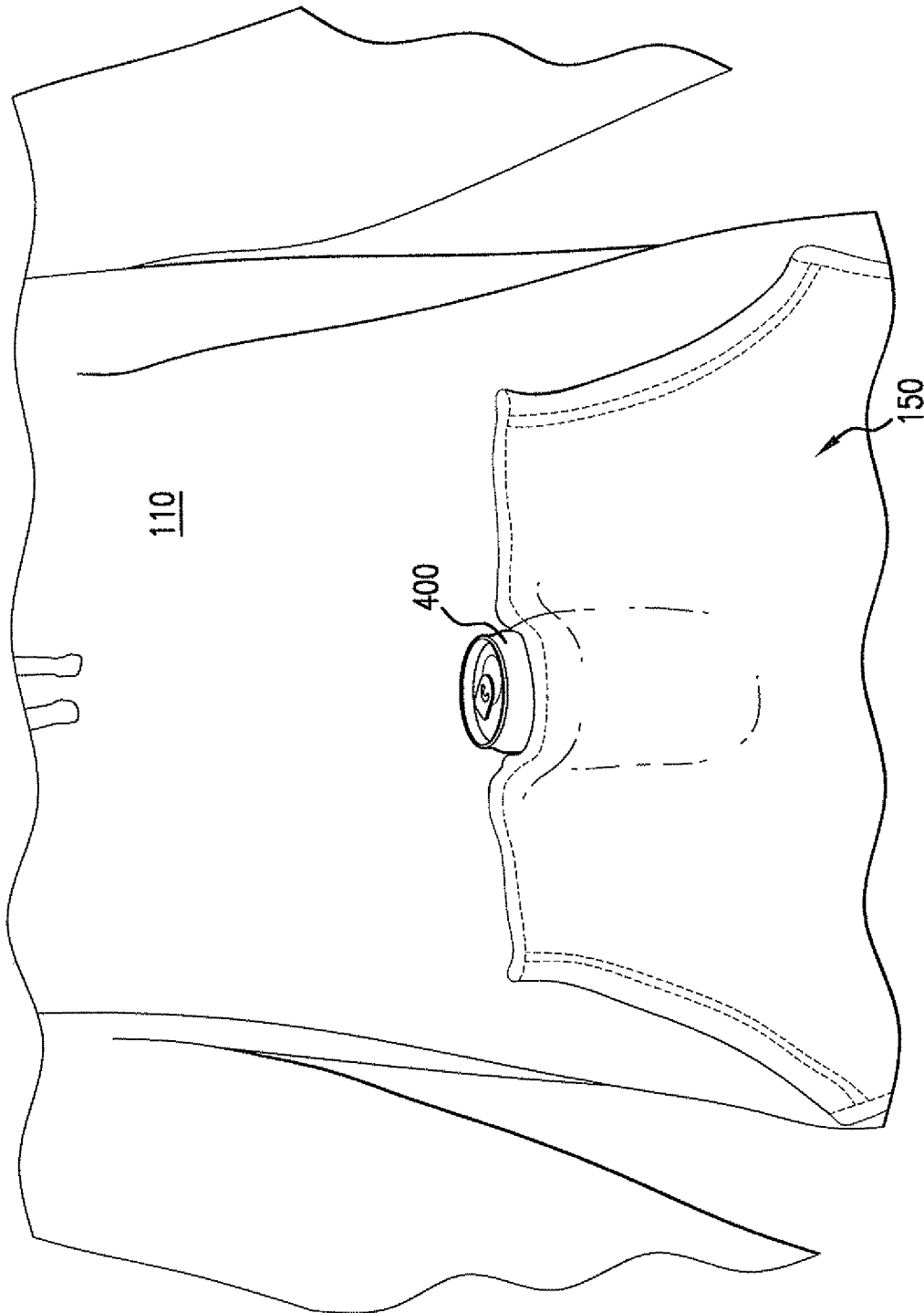


FIG. 4

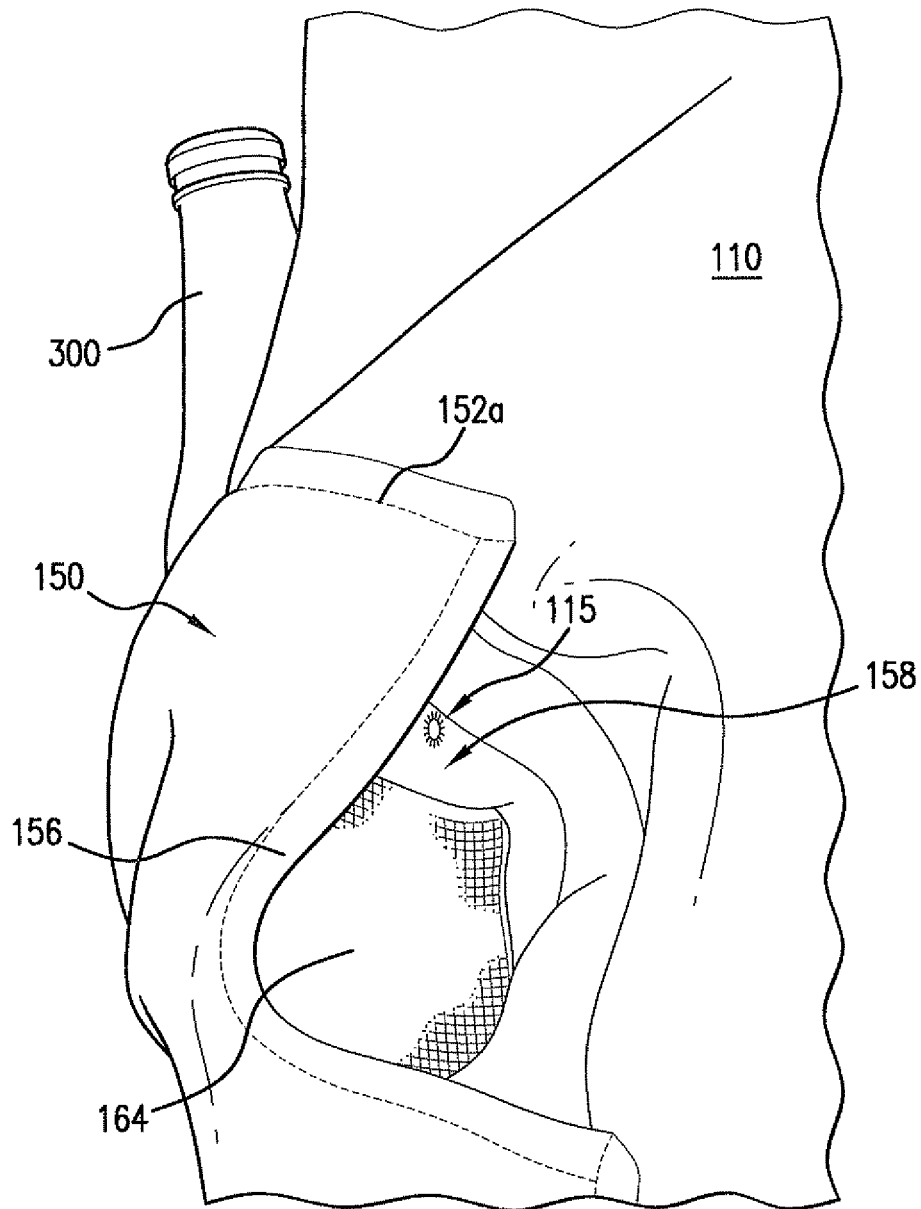


FIG. 5

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APPAREL WITH POCKET**RELATED APPLICATION AND CLAIM FOR
PRIORITY**

This application claims priority to U.S. Provisional Patent Application No. 61/299,593, entitled, "Apparel With Integrated Pocket," filed Jan. 29, 2010, the priority benefit of which is claimed by this application and which is incorporated in its entirety herein by reference.

FIELD OF THE INVENTION

The present invention relates generally to apparel. More particularly, the present invention relates to an article of apparel with a pocket.

BACKGROUND

Apparel satisfies many various requirements. Apparel may be functional. For example, apparel provides warmth and protection from the elements. Apparel may also be aesthetically pleasing to the wearer as well as to those who come in contact with the wearer. In addition, apparel may serve to convey a message or advertisement or outwardly demonstrate association or affiliation with a cause or an organization, such as for example, a university or a professional athletic team.

Pockets are, of course, known. Generally, the purpose and placement of pockets tend to be incidental to that of the apparel in which the pocket is placed or sewn. Moreover, when a typical pocket is used for a specific purpose, such as for example, the storage or placement of a beverage, known pockets can be unsatisfactory. For example, pockets may not be of the proper size to accommodate an item—in this example, a beverage container—to be placed in the pocket. Pockets may not provide proper or adequate thermal insulation of the beverage inside the beverage container or a barrier to moisture or condensation from the container. Improper positioning of a pocket may contribute to spilling the beverage inside the beverage container.

Additionally, when a beverage container is placed inside the pocket, the beverage container may obscure a logo or design displayed on the article of apparel. Furthermore, a pocket may be obtrusive or detract from the overall appearance of the article of apparel.

SUMMARY

The present invention recognizes and addresses disadvantages of prior art constructions and methods. Embodiments of the present invention provide an article of apparel with a pocket. In one aspect, the present invention provides an article of apparel comprising a front panel, a pouch attached to the front panel, and a pocket adjacent to the front panel and disposed within an interior area of the pouch. The interior area of the pouch can be defined by an interior surface of the pouch and the front panel. The pocket can comprise a first end, a closed end opposite the first end, and a body joining the first end and the closed end. In one embodiment, a first side of the first end of the pocket can be attached to the front panel and a second side of the first end of the pocket can be attached to the pouch proximate to an uppermost edge of the pouch. The first and second sides of the first end of the pocket can be removably attached to one another.

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In another aspect, the present invention provides an article of apparel comprising a front panel, a pouch attached to the front panel, a pocket disposed between the pouch and the front panel, and means for selectively opening and closing a first end of the pocket. The pocket comprises a second end opposite the first end and a body joining the first and second ends. The first end of the pocket can be attached to the pouch and the front panel.

In yet another aspect, the present invention provides a method of making an article of apparel comprising a front panel, a pouch attached to the front panel, and a pocket disposed between the pouch and the front panel. The method comprises attaching a first side of a first end of the pocket to the front panel and attaching a second side of the first end of the pocket to an uppermost edge of the pouch. The first and second sides of the first end of the pocket are disposed in facing opposition to one another.

The method can comprise positioning the pocket within an interior area of the pouch. The interior area of the pouch can be defined by an interior surface of the pouch and the front panel. The method can comprise removing a portion of the pouch from the front panel and aligning the first end of the pocket with the uppermost edge of the pouch.

In still another aspect, the present invention provides a method of making an article of apparel comprising a panel comprising an interior surface and an exterior surface. The method comprises forming a seam in the panel, aligning a first end of the pocket with the seam, and attaching a first end of the pocket to the interior surface of the panel. The pocket may comprise a closed end opposite the first end and a body joining the first and the closed end. The body of the pocket may be disposed adjacent to the interior surface of the panel. In one embodiment, the method may comprise attaching the first end of the pocket below the seam.

Those skilled in the art will appreciate the scope of the present invention and realize additional aspects thereof after reading the following detailed description of the preferred embodiments in association with the accompanying drawing figures.

BRIEF DESCRIPTION OF THE DRAWINGS

A full and enabling disclosure of the present invention, including the best mode thereof, directed to one of ordinary skill in the art, is set forth in the specification, which makes reference to the appended drawings, in which:

FIG. 1 is a front view of an article of apparel with an embodiment of a pocket in accordance with the present invention;

FIG. 2 is an enlarged view of the pocket shown in FIG. 1; FIG. 3 is an enlarged view of the pocket shown in FIG. 1 with a beverage container in the pocket;

FIG. 4 is an enlarged view of the pocket shown in FIG. 1 with another beverage container in the pocket; and

FIG. 5 is a side view of the pocket with the beverage container shown in FIG. 3.

Repeat use of reference characters in the present specification and drawings is intended to represent same or analogous figures or elements of the invention.

**DETAILED DESCRIPTION OF THE
PREFERRED EMBODIMENTS**

Reference will now be made in detail to presently preferred embodiments of the invention, one or more examples of which are illustrated in the accompanying drawings. Each example is provided by way of explanation, not limitation,

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of the invention. In fact, it will be apparent to those skilled in the art that modifications and variations can be made in the present invention without departing from the scope or spirit thereof. For instance, features illustrated or described as part of one embodiment may be used on another embodiment to yield a still further embodiment. Thus, it is intended that the present invention covers such modifications and variations as come within the scope of the appended claims and their equivalents.

Referring now to FIG. 1, a preferred embodiment of an article of apparel **100** in accordance with the present invention is shown. The article of apparel **100** shown is commonly referred to as a sweatshirt, and will be referred to hereinafter as such. Other suitable articles of apparel can be used, however, such as for example, tee-shirts, casual or dress shirts, jackets, sport coats, suit coats, blazers, trench coats, overcoats, windbreakers, parkas, aprons, ponchos, and water shirts. The article of apparel has a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion.

As shown, the sweatshirt **100** includes a front panel **110** and a back panel **180**.

The back panel **180** is disposed opposite the front panel **110**, and the front panel **110** and the back panel **180** can be joined together by panel seams (not shown). Alternatively, the sweatshirt **100** can be formed of a single or unitary piece of material in which the term front panel refers to the front side of the sweatshirt **100**. A decorative logo or design (not shown) can be sewn onto, or otherwise affixed or adhered to, the front panel **110**. The sweatshirt **100** can include a hood **120**. In an alternate embodiment, the sweatshirt **100** can be hoodless. As shown, the hood **120** is pulled over.

The hood **120** can be joined or attached to the front panel **110** and the back panel **180** of the sweatshirt **100** by hood seam **122**. In one embodiment, a loop **124** can be coupled with the hood **120**. The loop **124** can be fixedly attached to the hood seam **122**. The loop **124** can be sewn or adhered to or proximate to the hood seam **122**. Alternatively, the loop **124** can be removably attached to or proximate to the hood seam **122** by, for example, buttons or snaps. The loop **124** can be adapted or configured to retain or secure earphones or other devices, such as electrical cords, cables, wires, or flexible drinking tubes or straws. The loop **124** can be placed in other suitable locations within or proximate to the hood **120** in which the loop **124** is generally inconspicuous, does not interfere with the intended use of the sweatshirt **100**, and is not uncomfortable, distracting, or otherwise annoying to an individual wearing the sweatshirt **100**. The loop **124** can be formed of fabric or other suitable materials, and can further include snaps, buttons, or drawstrings.

A first sleeve **130** and a second sleeve **140** depend from the front panel **110** and the back panel **180**. The first sleeve **130** can be joined with the front panel **110** and the back panel **180** by first sleeve seams (not shown). The second sleeve **140** can be joined with the front panel **110** and the back panel **180** by second sleeve seams (not shown). In an alternate embodiment, the sweatshirt **100** can be short-sleeved. In another embodiment, the sweatshirt **100** can be sleeveless.

Attached to the front panel **110** of the sweatshirt **100** is a pouch **150**. The pouch **150** is attached to the front panel **110**. The pouch **150** can be attached to an exterior surface of the front panel **110** by a plurality of pouch seams **152a-d**. Alternatively, the pouch **150** can be adhered to the front panel **110**. The pouch **150** includes a lateral first opening **154** and a lateral second opening **156**. The first opening **154** and the second opening **156** are disposed on opposing ends of the pouch **150**. The first lateral opening **154** is located entirely

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within a left half portion of the sweatshirt and the second lateral opening **156** is located entirely within a right half portion of the sweatshirt. The first opening **154** provides sufficient room for a portion of the first sleeve **130** and a wearer's hand (not shown) to rest in or retrieve items from the pouch **150**. Likewise, the second opening **156** provides sufficient room for a portion of the second sleeve **140** and a wearer's other hand (not shown) to rest in or retrieve items from the pouch **150**. The pouch **150** is sufficiently sized and adapted to conveniently store and carry items. In alternative embodiments, the term pouch can refer to a pocket, a different or additional panel of fabric or clothing, or an exterior or interior portion of a panel of a garment or article of apparel.

As best shown in FIG. 2, a pocket **160** is disposed within the pouch **150** and adjacent to the front panel **110** of the sweatshirt **100**. The pocket **160** includes an upper first end **162** and a lower second end (not shown) disposed opposite the first end **162**. The first end **162** of the pocket **160** may be open or closed. The second end can be closed partially or completely, and will be referred to hereinafter as the closed end. Disposed between and joining the first end **162** and the closed end is a body **164** (see FIG. 5).

The first end **162** includes a first side **163** and a second side (indicated at **167**) in facing opposition to the first side **163**. The first end **162** is adapted to receive or accept an item to be placed in the pocket **160**, such as those items described below. The closed end **170** of the pocket **160** is adapted to support the item placed in the pocket **160**. There may be a gap **171** between the closed end of the pocket **160** and the body **164**, such that the closed end is substantially closed yet sufficient to permit the pocket **160** to collapse when there is no item in the pocket **160**. In another embodiment, there may be no obvious gap between the closed end of the pocket **160** and the body **164** in order to retain smaller items within the pocket **160**. In yet another embodiment, there may be a hole or orifice formed in the closed end of the pocket **160**, which may facilitate the removal of an item from the pocket **160**. The hole or orifice may also facilitate the routing of a cable, cord, or drinking straw from the pocket **160**.

When the first side **163** and the second side of the first end **162** of the pocket **160** are coupled or joined together, the first end **162** of the pocket **160** is in a closed position. The body **164** of the pocket **160** is generally flat when the pocket **160** is in the closed position. The pocket **160** is thus further concealed and unobtrusive, and therefore, does not detract from the appearance of the sweatshirt **100**. When the first side **163** and the second side of the first end **162** of the pocket **160** are apart, the first end **162** of the pocket **160** is in an open position. The wearer of the sweatshirt **100** can insert an item into the pocket **160** when the first end **162** of the pocket **160** is in the open position.

The pocket **160** can be adapted to support a beverage container such as a bottle **300** (shown in FIGS. 3 and 5) or a can **400** (shown in FIG. 4). In other embodiments, the pocket **160** can be adapted to accommodate other items, such as for example, portable electronic devices including smartphones, personal digital assistants and hand-held video games, cosmetics, books, calendars, passports, wallets, hunting or sporting equipment and gear, and the like. The size and configuration of the pocket can vary depending on the particular characteristics of the item to be placed in the pocket **160**.

The pocket **160** can be made of a flexible, thermally-insulating material, such as for example, neoprene, foam (including closed-cell foam), or fabric. The pocket **160** material may also act as a moisture barrier keeping the

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sweatshirt 100 and the user dry. In one embodiment, the pocket 160 may be a commercially available bottle or can holder, commonly referred to as a koozie, coosie, hugger, huggie, can cooler, or sleeve. Other suitable materials can be used for the pocket 160. Where the pocket 160 is intended to protect electronic equipment, a more rigid material may be used. In another embodiment, a water-proof container or pocket liner can be used.

The pocket 160 is attached to or integrated with the sweatshirt 100 by a pocket seam 166 that attaches the first side 163 of the first end 162 of the pocket 160 to the front panel 110 of the sweatshirt 100 while the second side of the first end 162 of the pocket 160 is attached to the pouch 150 by the pouch seam 152a. The pocket seam 166 and the pouch seam 152a are different seams. The pocket 160 may be fixedly attached to the sweatshirt 100 using other suitable alternatives. For example, the pocket 160 may be adhered to the front panel 110 and the pouch 150. Alternatively, the pocket 160 can be releasably attached to the sweatshirt 100 by, for example, snaps, hooks, zippers or buttons, in which case the pocket 160 may be interchangeable or removable with the sweatshirt 100. In another embodiment, a flexible or semi-rigid frame that is adapted to accept a reusable or disposable pocket or liner may be secured or affixed to the front panel 110 and the pouch 150.

The pocket 160 resides within an interior area 158 (see FIG. 5) of the pouch 150, and is therefore accessible by the wearer's hands from the first opening 154 or the second opening 156. The interior area 158 of the pouch 150 is defined by an interior surface (not shown) of the pouch 150 and the front panel 110. The placement and positioning of the pocket 160 coincides generally with the natural position in which an individual typically holds a beverage, i.e., front and center and toward the mid-section. By disposing the pocket 160 within the interior area 158 of the pouch 150 and aligning the first side 163 and the second side of the first end 162 of the pocket 160 with or proximate to the pouch seam 152a, the pocket 160 can be concealed and unobtrusive.

The first end 162 of the pocket 160 can be aligned with the pouch seam 152a. The pouch seam 152a and the pocket seam 166 are substantially aligned with one another when the first end 162 of the pocket 160 is in a closed position, that is, when the first side 163 and the second side of the first end 162 of the pocket 160 are coupled together. When the pocket 160 is closed in this aligned configuration, the first side 163 and the second side of the first end 162 of the pocket 160 are substantially aligned with the uppermost edge 153 of the pouch 150. In another embodiment, the first side 163 and the second side of the first end 162 of the pocket 160 can be disposed below the uppermost edge 153 of the pouch 150 or the pouch seam 152a such that the pocket 160 is further concealed in the closed position.

The first end 162 of the pocket 160 can thus be placed such that the pocket 160 does not detract from the appearance of the sweatshirt 100. Moreover, this placement of the pocket 160 provides additional space on the front panel 110 of the sweatshirt 100 for placement of logos and designs. Alternatively, the pocket 160 may be placed in one or more other suitable locations in the sweatshirt 100, such as for example, in a breast-pocket (not shown). Additionally, the pocket 160 may be placed in other suitable positions within the pouch 150, such as for example, off-center (not shown). An off-center placement of the pocket 160 may permit the placement of a plurality of pockets (not shown), such as proximate to the first opening 154 and the second opening 156 of the pouch 150. Off-center placement of the pocket 160 also may be advantageous where the garment is zip-

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pered (not shown). Furthermore, the pocket 160 may be placed in a hip-holster position (not shown), or a dual-hip-holster arrangement (not shown).

In one embodiment, the first side 163 and the opposite second side of the first end 162 of the pocket 160 can include means for selectively opening and closing the first end 162 of the pocket 160. Opening and closing means can be used to removably attach the first side 163 and the second side of the first end 162 of the pocket 160 and can include a reclosable fastener 168, such as hook and loop fasteners commercially available from VELCRO® or 3M™ such that the first end 162 of the pocket 160 can be opened and closed selectively and repeatedly. Other suitable reclosable fasteners can be attached to the first side 163 and the second side and can include snaps, buttons, zippers, drawstrings, and elastic bands.

In one embodiment, the front panel 110 can include an eyelet 115 formed or sewn into the front panel 110. An eyelet is a small hole for a cord or tube to be passed through. Although not shown, a cord, wire, cable or flexible drinking straw or tube can be routed from the pocket 160, through the eyelet 115, underneath the front panel 110, up to the hood 120, and secured to the loop 124. The eyelet 115 may include stitching or may be surrounded by a small metal ring for reinforcement and to prevent tears in the fabric surrounding the eyelet 115. Where concealment or unobtrusiveness is desired, the eyelet 115 can be placed behind the pouch 150. As shown in FIG. 5, the eyelet can be positioned proximate to the pocket 160 and proximate to the second opening 156 of the pouch 150. The eyelet 115 can be positioned in other areas of the sweatshirt 100.

The pocket 160 can be incorporated into the sweatshirt 100 when the sweatshirt 100 is being sewn or afterwards. The pocket 160 can be incorporated into the sweatshirt 100 by sewing the pocket seam 166 into the first side 163 of the first end 162 of the pocket 160 and the front panel 110. The second side of the first end 162 of the pocket 160 is sewn into the pouch 150 with pouch seam 152a. If the sweatshirt 100 has been sewn prior to incorporating the pocket 160, a portion of the pouch seam 152a must be removed from the front panel 110. The pocket 160 is positioned within the interior area 158 of the pouch 150. The first end 162 of the pocket 160 is aligned or placed slightly below the uppermost edge 153 of the pouch 150. The pocket 160 is attached to the sweatshirt 100 by sewing the first side 163 of the first end 162 of the pocket 160 to the front panel 110 with the pocket seam 166 and sewing the second side of the first end 162 of the pocket 160 proximate to the uppermost edge 153 of the pouch 150 along the portion of the pouch seam 152a that was removed. As described above, other suitable methods can be used to integrate the pocket 160 with the sweatshirt 100.

A method of making an article of apparel with a pocket, such as the pocket 160 described above, may include forming a seam in a panel. In one embodiment a slit can be cut into the panel. A first end of the pocket may be aligned with the seam or the slit. The first end of the pocket can be attached to an interior surface of the panel. In another embodiment, the first end of the pocket can be attached to an exterior surface of the panel. The first end of the pocket can be attached below the seam or the slit. The body of the pocket can be disposed adjacent to the interior surface of the panel. Alternatively, the pocket can be disposed adjacent to the exterior surface of the panel. In one embodiment the body of the pocket can be juxtaposed with the interior

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surface of the panel. In another embodiment, the body of the pocket can be juxtaposed with the exterior surface of the panel.

While one or more preferred embodiments of the invention have been described above, it should be understood that any and all equivalent realizations of the present invention are included within the scope and spirit thereof. The embodiments depicted are presented by way of example only and are not intended as limitations upon the present invention. Thus, it should be understood by those of ordinary skill in this art that the present invention is not limited to these embodiments as modifications can be made. Therefore, it is contemplated that any and all such embodiments are included in the present invention as may fall within the scope and spirit thereof.

What is claimed is:

1. An article of apparel having a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion, said article of apparel comprising:

a front panel;

a pouch defined by a pouch panel attached to an exterior surface of the front panel, an interior surface of the pouch panel and the exterior surface of the front panel defining an interior area of the pouch, wherein the pouch is closed along a bottom of the pouch and defines a first lateral opening and a second lateral opening opposite the first lateral opening so that said interior area of the pouch is accessible through both the first lateral opening and the second lateral opening to allow insertion of a wearer's hands, wherein the first lateral opening is located entirely within the left half portion and the second lateral opening is located entirely within the right half portion; and

a pocket comprising an upper first end, a lower closed end opposite the first end, and a body joining the first end and the closed end, the pocket adjacent to the front panel and disposed within the interior area of the pouch, wherein a first side of the first end of the pocket is attached to the front panel and a second side of the first end of the pocket is attached to the pouch panel proximate to an uppermost edge of the pouch panel, and wherein the first and second sides of the first end of the pocket are removably attached to one another, and wherein the body of the pocket is accessible from both the first and second lateral openings.

2. The article of apparel of claim 1, wherein the second side of the first end of the pocket is disposed in facing opposition to the first side of the first end of the pocket.

3. The article of apparel of claim 1, wherein the first and second sides of the first end of the pocket comprise a reclosable fastener.

4. The article of apparel of claim 3, wherein the reclosable fastener comprises a hook and loop fastener.

5. The article of apparel of claim 1, wherein the first side of the first end of the pocket is fixedly attached to the front panel by a pocket seam and the second side of the first end of the pocket is fixedly attached to the pouch panel by a pouch seam.

6. The article of apparel of claim 5, wherein the pouch seam is substantially aligned with the pocket seam when the first end of the pocket is in a closed position.

7. The article of apparel of claim 6, wherein the first end of the pocket is aligned with the uppermost edge of the pouch panel.

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8. The article of apparel of claim 6, wherein the first side of the first end of the pocket is substantially aligned with the uppermost edge of the pouch panel in the closed position.

9. The article of apparel of claim 6, wherein the body of the pocket is flat in the closed position.

10. The article of apparel of claim 1, wherein the second side of the first end of the pocket is substantially aligned with the uppermost edge of the pouch panel.

11. The article of apparel of claim 1, wherein the first end of the pocket is adapted to receive a beverage container.

12. The article of apparel of claim 11, wherein the second end of the pocket is adapted to support the beverage container.

13. The article of apparel of claim 1, wherein the closed end comprises a gap.

14. The article of apparel of claim 1, wherein the pocket is collapsible.

15. The article of apparel of claim 1, wherein the body comprises a thermally-insulating material.

16. The article of apparel of claim 1 further comprising: a back panel opposite the front panel; and a hood attached to the front and back panels.

17. The article of apparel of claim 16, wherein a loop is coupled with the hood.

18. The article of apparel of claim 17, wherein the hood is attached to the front and back panels by a hood seam and the loop is attached to the hood seam.

19. The article of apparel of claim 17, wherein the loop is adapted to retain earphones.

20. The article of apparel of claim 1, wherein an eyelet is disposed in the front panel behind the pouch panel.

21. An article of apparel having a vertical longitudinal axis that bisects the article of apparel into a left half portion and a right half portion, said article of apparel comprising: a front panel;

a pouch defined by a pouch panel attached to an exterior surface of the front panel, wherein the pouch is closed along a bottom of the pouch and defines a first lateral opening and a second lateral opening opposite the first lateral opening so that an interior area of the pouch is accessible through both the first lateral opening and the second lateral opening to allow insertion of a wearer's hands, wherein the first lateral opening is located entirely within the left half portion and the second lateral opening is located entirely within the right half portion;

a pocket comprising an upper first end, a lower second end opposite the first end, and a body joining the first and second ends; and

means for selectively opening and closing the first end of the pocket, wherein the pocket is disposed between the pouch panel and the front panel and wherein the first end of the pocket is attached to the pouch panel and the front panel, and

wherein the body of the pocket is accessible from both the first and second lateral openings.

22. The article of apparel of claim 21, wherein the first end of the pocket is aligned with an uppermost edge of the pouch panel.

23. The article of apparel of claim 21, wherein the first end of the pocket comprises a first side and a second side opposite the first side.

24. The article of apparel of claim 23, wherein the means for selectively opening and closing is attached to the first and second sides of the first end of the pocket.

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25. The article of apparel of claim 24, wherein the means for selectively opening and closing comprises a hook and loop fastener.

26. The article of apparel of claim 23, wherein the first side of the first end of the pocket is attached to the front panel and the second side of the first end of the pocket is attached to the pouch panel. 5

27. The article of apparel of claim 21, wherein the second end is substantially closed.

28. The article of apparel of claim 21, wherein an interior surface of the pouch and an exterior surface of the front panel define said interior area of the pouch. 10

29. The article of apparel of claim 28, wherein the body of the pocket is disposed within the interior area of the pouch. 15

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 9,445,637 B2
APPLICATION NO. : 13/016605
DATED : September 20, 2016
INVENTOR(S) : Bradley T. Buczkowski et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

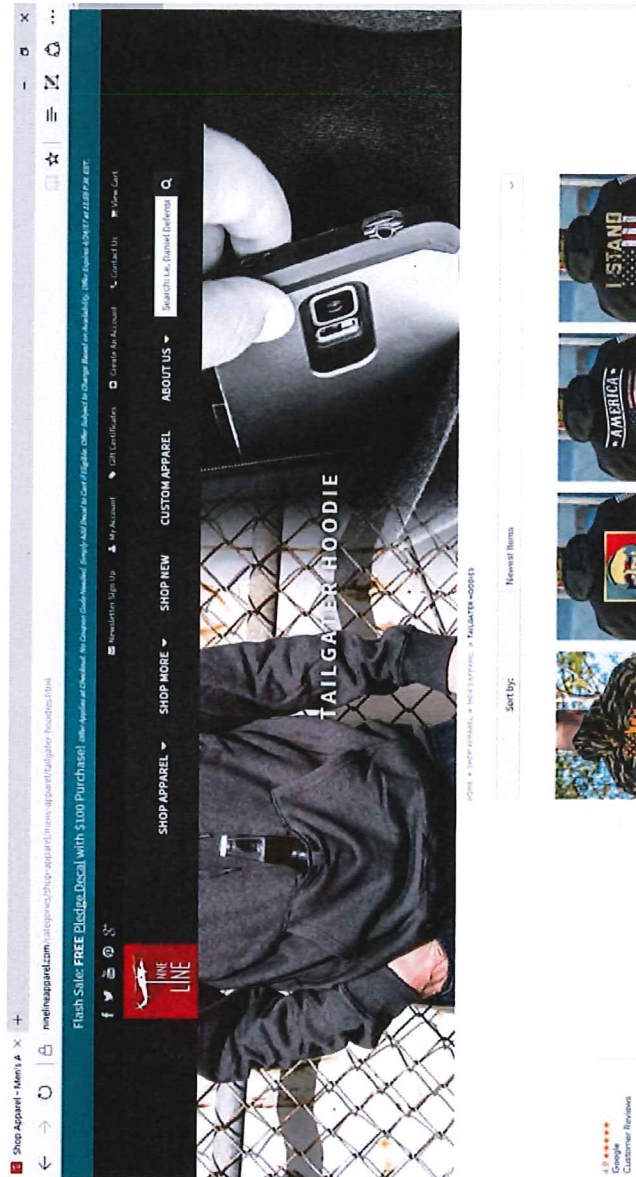
In the Claims

In Claim 1, Column 7, Line 20, please delete the word “appeal” and insert the word --apparel--.

Signed and Sealed this
Third Day of January, 2017

A handwritten signature in black ink, reading "Michelle K. Lee". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Michelle K. Lee
Director of the United States Patent and Trademark Office



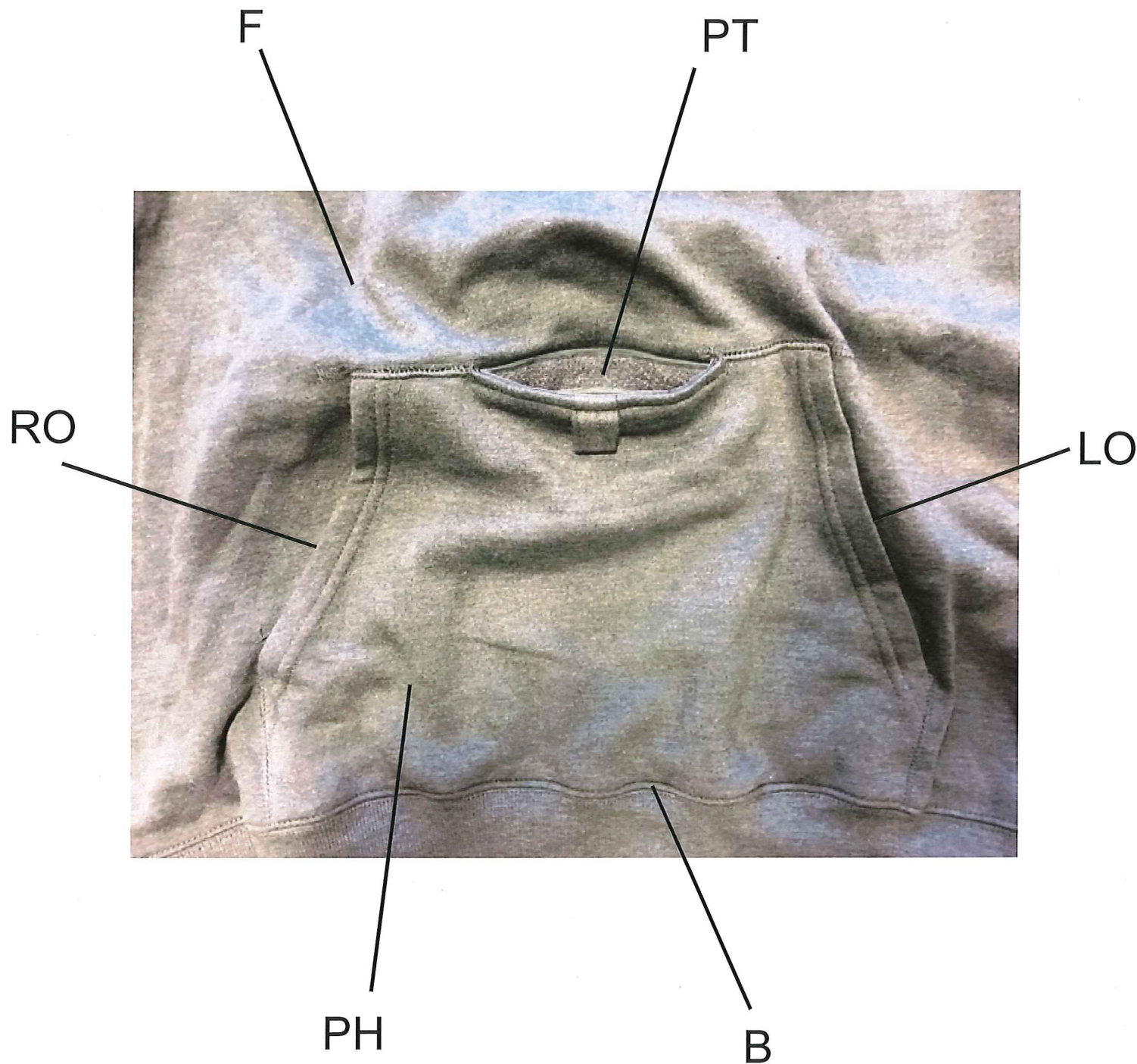
EXHIBIT

B



EXHIBIT

C



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September 20, 2016

Via Electronic Mail

Tyler Merritt, CEO
Nine-Line Apparel
1732 East President St.
Savannah, GA 31404

Re: U.S. Patent No. 9,445,637, entitled "Apparel with Pocket"

Dear Mr. Merritt:


Our firm represents Huzu, LLC in its intellectual property matters. Our client is the owner of U.S. Patent No. 9,445,637, a copy of which is enclosed.

It has come to our attention that your company is offering a garment known as the "Tailgater Hoodie." As I am sure you will recognize, this product is a clear violation of the Huzu patent. We request assurances that you will immediately cease and desist selling the "Tailgater Hoodie," or otherwise engaging in further infringement of our client's patent.

If you have only a small amount of inventory on hand, we are willing to discuss reasonable terms whereby that inventory could be sold, in an effort to limit your exposure to outstanding inventory liabilities. For future product needs, we would refer you to one of Huzu's authorized licensees who will gladly fill your orders.

We look forward to your substantive response within ten (10) days after receiving this letter. We are hopeful that you will do business with a licensed seller of our product, but if the requests are not met promptly Huzu will pursue any legal action necessary to protect its intellectual property.

Very truly yours,


Craig N. Killen

Enclosure