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CLARENCE MADDOX
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Case No.: _____ **07-61091**

ASPEX EYEWEAR, INC.; AND)
CONTOUR OPTIK, INC.)
)
Plaintiffs,)
)
Vs.)
)
VALUE EYEWEAR, INC)
)
Defendant.)

CIV-ZLOCH

MAGISTRATE JUDGE
SNOW

COMPLAINT

The Plaintiffs, Aspex Eyewear, Inc. ("Aspex"), and Contour Optik, Inc. ("Contour"), (collectively referred to as "Plaintiffs"), by their attorneys, as and for their Complaint herein against Value Eyewear, Inc. ("Defendant"), allege the following:

Jurisdiction and Venue

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281, and 283.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1338 (a), as this action arises under an Act of Congress relating to patents.

3. Venue is properly established in this Court pursuant to 28 U.S.C. §§1391(b) and/or (c) and/or §1400, as, upon information and belief, the Defendant has engaged in acts of infringement within the jurisdiction of this Court, including this Judicial District, which acts are the subject of this Complaint.

Parties

4. Aspex is a corporation duly organized and existing under the laws of the state of Delaware having its principal place of business at: 2755 S.W. 32nd Avenue, Pembroke Park, Florida 33023.

5. Contour is a corporation of Taiwan, whose post office address is 6 Industrial Fifth Road, Tou Chiau Industrial Park, Chiayl 621, Taiwan.

6. Upon information and belief, Defendant is a corporation organized and existing under the laws of New Jersey, with a principal place of business at 1454 Main Avenue, Clifton, New Jersey 07011.

COUNT I - PATENT INFRINGEMENT - THE '545 PATENT

7. Plaintiffs incorporate by reference the allegations of

paragraphs 1 through 6, inclusive, as if fully repeated herein.

8. On February 12, 2002, the United States Patent and Trademark Office issued United States Patent No. US RE37,545E, entitled "Auxiliary Lenses for Eyeglasses," incorporated herein by reference and attached hereto as Exhibit A (the "'545 Patent"). The '545 patent is a reissue of United States Patent No. 5,568,207 (which issued on October 22, 1996, the "'207 Patent") to inventor Richard Chao.

9. The '207 Patent was the subject of a prior law suit by Plaintiff Aspex Eyewear, Inc. against the Defendant Value Eyewear in the Central District of California. The Defendant consented to judgment, admitting and acknowledging that it offered to sell and sold eyeglass frames made according to the '207 Patent. Value Eyewear admitted infringement and agreed to be permanently enjoined and restrained from the importation, sale, offering for sale, distribution, exhibition, display or advertisement of the accused eyewear. The Consent Judgment, including an order of permanent injunction, was entered by Judge Richard A. Paez on April 9, 1999. A copy is attached hereto as Exhibit B.

10. Contour and Aspex are the assignees of record of the '545 Patent, each owning a one half undivided interest, and thereby establishing joint ownership by Contour and Aspex over

the '545 Patent.

11. The invention described and claimed in the '545 Patent has been accepted by the eyewear and fashion eyewear industries and is of great utility and value.

12. Upon information and belief, Defendant, well knowing of the '545 patent, has been infringing the '545 Patent by offering for sale and selling magnetic eyeglass frames and clip-on attachments as claimed in the '545 Patent, including without limitation those styles sold under its "Mag Clip" designations, within this district and elsewhere as well.

13. These infringing articles, as alleged above, have not been manufactured or authorized in any manner by Aspex or Contour, nor has the Defendant ever been authorized or otherwise granted the right to manufacture, offer for sale, sell or otherwise distribute devices made according to the '545 Patent.

14. Defendant has notice of their infringement, as prescribed in 35 U.S.C. § 287. Defendant's infringement of the '545 Patent has been willful and deliberate.

15. Upon information and belief, Defendant will continue to infringe upon the '545 Patent, to the irreparable damage of Plaintiffs, unless enjoined by this Court. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs request that this Court grant Judgment in their favor, and award them the following relief:

1. Declare that Defendant's acts and conduct infringe the '545 Patent and the exclusive rights in said patent held by the Plaintiffs;

2. Declare that such infringements are willful;

3. Pursuant to 35 U.S.C. §283, enter a permanent injunction which:

a. Enjoins the Defendant, its officers, agents, employees, privies, subsidiaries, successors, and assigns and all holding by, through or under them, and all those acting for them or in their behalf, from infringing upon the '545 Patent;

b. Enjoins the Defendant, its directors, officers, agents, employees, representatives, and all other persons in active participation with them, to recall from all distributors, wholesalers, retailers and all others known to Defendant, all products which infringe upon the '545 Patent and requires Defendant to file with this court and to serve upon the Plaintiffs, within 30 days after service of the Court's Order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Court's order;

4. Require the Defendant to account to Plaintiffs for all

profits and expenses realized by Defendant and any subsidiary of Defendant;

5. Pursuant to 35 U.S.C. §284, award the Plaintiffs damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, together with interest and costs, taking account of Plaintiffs' actual damages and Defendant's profits as a result of the infringement;

6. Pursuant to 35 U.S.C. §284, order that any award of damages be trebled;

7. Pursuant to 35 U.S.C. §285, find that this case is exceptional and award the Plaintiffs' reasonable attorney fees as the prevailing party;

8. Grant such other and further relief as the equity of the case may require and as this Court may deem just and proper, together with costs and disbursements of this action, including attorneys' fees.

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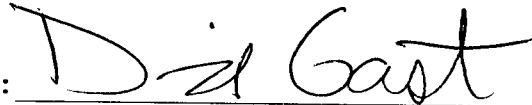
JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs demand a jury trial as to all issues triable at law, and respectfully request an early trial.

Respectfully submitted,

Dated: August 3, 2007
Miami, Florida

By:



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EXHIBIT A



US00RE37545E

(19) **United States**
 (12) **Reissued Patent**
Chao

(10) **Patent Number:** **US RE37,545 E**
 (45) **Date of Reissued Patent:** **Feb. 12, 2002**

- (54) **AUXILIARY LENSES FOR EYEGLASSES**
- (75) **Inventor:** **Richard Chao, Chia Yi Hsien (TW)**
- (73) **Assignees:** **Contour Optik, Inc., Chiayi (TW); Asahi Optical Co., Ltd.**
- (21) **Appl. No.:** **09/182,862**
- (22) **Filed:** **Oct. 21, 1998**

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Related U.S. Patent Documents

- Reissue of:
 (64) **Patent No.:** **5,568,207**
Issued: **Oct. 22, 1996**
Appl. No.: **08/554,854**
Filed: **Nov. 7, 1995**

(List continued on next page.)

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- (51) **Int. Cl.⁷** **G02C 7/08; G02C 9/00**
- (52) **U.S. Cl.** **351/57; 351/47**
- (58) **Field of Search** **351/47, 57, 41, 351/44; 2/441, 443**

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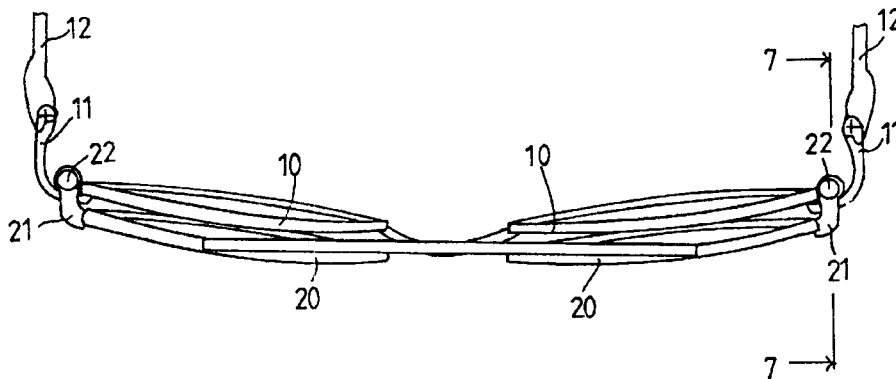
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Primary Examiner—Huy Mai
 (74) *Attorney, Agent, or Firm*—Morgan & Finnegan, L.L.P.

(57) **ABSTRACT**

An eyeglass device includes a primary and an auxiliary spectacle frames for supporting lenses. The primary spectacle frame includes two legs pivotally coupled to two side extensions and includes two magnetic members secured in the rear and side portions. The auxiliary spectacle frame includes two legs engaged on the primary spectacle frame and each having a magnetic member for engaging with the magnetic members of the primary spectacle frame so as to secure the spectacle frames together and so as to prevent the auxiliary spectacle frame from moving downward relative to the primary spectacle frame.

34 Claims, 2 Drawing Sheets



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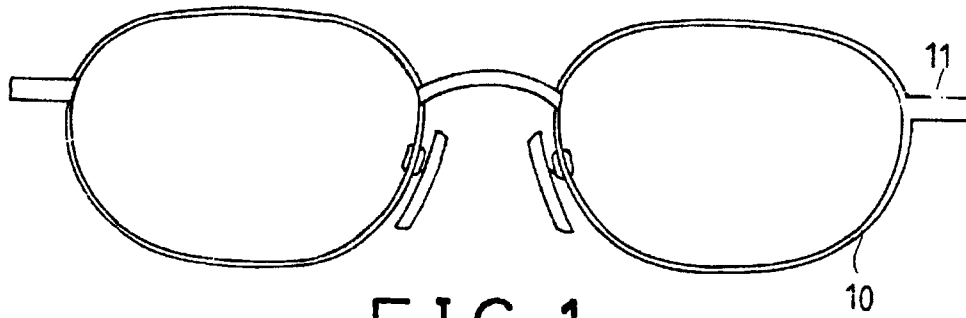


FIG. 1

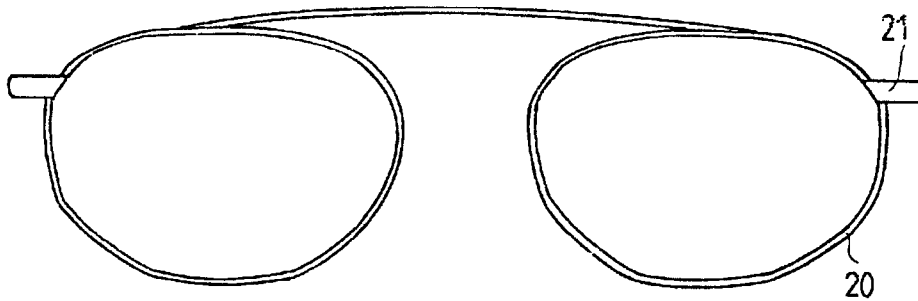


FIG. 2

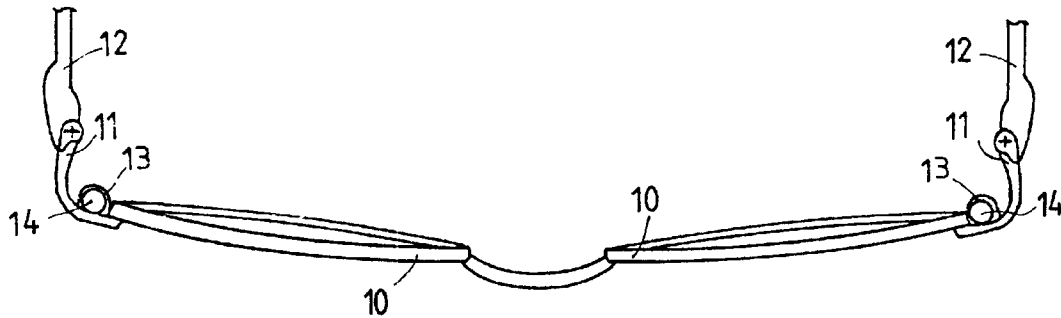


FIG. 3

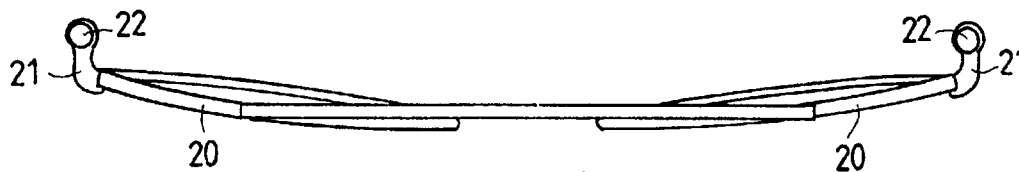


FIG. 4

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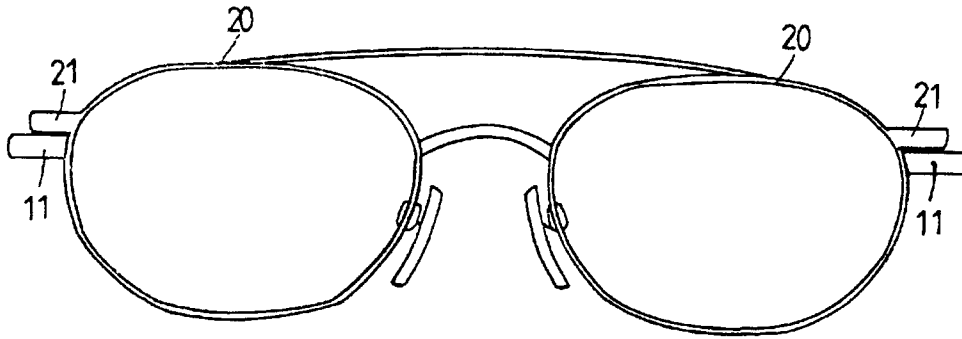


FIG. 5

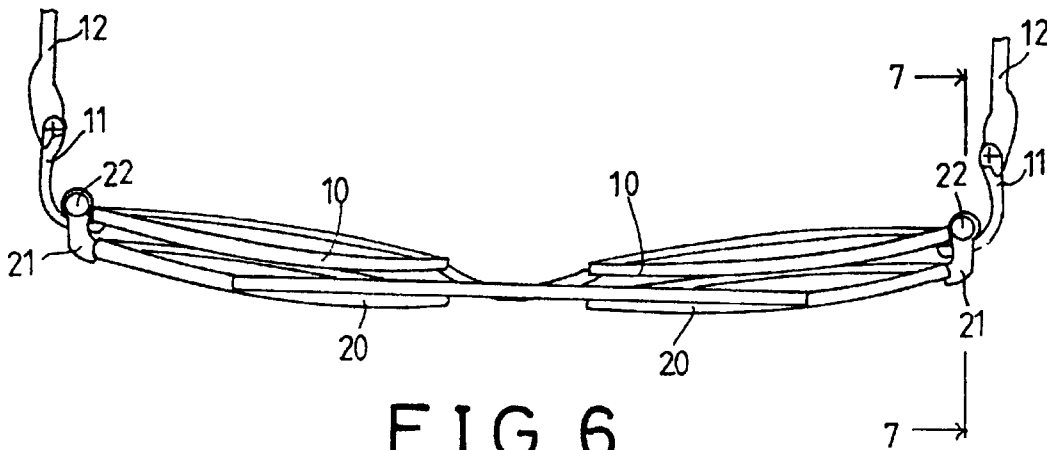


FIG. 6

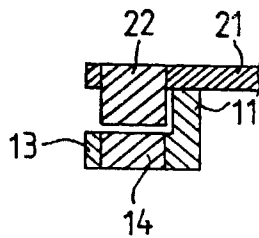


FIG. 7

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AUXILIARY LENSES FOR EYEGLASSES

Matter enclosed in heavy brackets [] appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions made by reissue.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to auxiliary lenses, and more particularly to auxiliary lenses for eyeglasses.

2. Description of the Prior Art

A typical spectacle frame having an attachable one-piece slide-on rim is disclosed in U.S. Pat. No. 4,070,103 to Meeker. In Meeker, a spectacle frame includes a magnetic material secured to the peripheral portion thereof for facilitating attachment of the auxiliary lens rim cover to the spectacle frame. The lens rim cover also includes a magnetic strip for engaging with the magnetic material of the spectacle frame.

Another typical eyeglasses are disclosed in U.S. Pat. No. 5,416,537 to Sadler and comprise first magnetic members secured to the temporal portions of the frames and second magnetic members secured to the corresponding temporal portions of the auxiliary lenses.

In both of the eyeglasses, the auxiliary lenses are simply attached to the frames by magnetic materials and have no supporting members for preventing the auxiliary lenses from moving downward relative to the frames such that the auxiliary lenses may easily move downward relative to the frames and may be easily disengaged from the frames when the users conduct jogging or jumping exercises. In addition, the magnetic materials are embedded in the frames of the primary lenses and of the auxiliary lenses such that the frames should be excavated with four or more cavities for engaging with the magnetic members and such that the strength of the frames is greatly decreased.

The present invention has arisen to mitigate and/or obviate the afore-described disadvantages of the conventional spectacle frames.

SUMMARY OF THE INVENTION

The primary objective of the present invention is to provide auxiliary lenses which may be stably secured and supported on the frames.

In accordance with one aspect of the invention, there is provided an eyeglass device comprising a primary spectacle frame for supporting primary lenses therein, the primary spectacle frame including two side portions each having an extension extended therefrom for pivotally coupling a leg means thereto, the primary spectacle frame including two rear and side portions each having a projection secured thereto, the primary spectacle frame including an upper portion, a pair of first magnetic members secured in the projections respectively, an auxiliary spectacle frame for supporting auxiliary lenses therein, the auxiliary spectacle frame including two side portions each having an arm extended therefrom for extending over and for engaging with the upper portion of the primary spectacle frame, and a pair of second magnetic members secured to the arms respectively for engaging with the first magnetic members of the primary spectacle frame so as to secure the auxiliary spectacle frame to the primary spectacle frame. The arms are engaged with and supported on the upper portion of the primary spectacle frame so as to allow the auxiliary spectacle frame to be stably supported on the primary spectacle frame and so as to prevent the auxiliary spectacle frame from moving downward relative to and so as to prevent the

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auxiliary spectacle frame from being disengaged from the primary spectacle frame.

The projections and the first magnetic members are arranged lower than the upper portion of the primary spectacle frame, the second magnetic members are extended downward toward the projections for hooking on the primary spectacle frame so as to further secure the auxiliary spectacle frame to the primary spectacle frame. The auxiliary spectacle frame may be prevented from disengaging from the primary spectacle frame.

Further objectives and advantages of the present invention will become apparent from a careful reading of a detailed description provided hereinbelow, with appropriate reference to accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1 and 2 are front views of a spectacle frame and of auxiliary lenses in accordance with the present invention respectively;

FIGS. 3 and 4 are top views of the spectacle frame and of the auxiliary lenses respectively;

FIG. 5 is a front view of the spectacle frame and the auxiliary lenses combination;

FIG. 6 is a top view of the spectacle frame and the auxiliary lenses combination; and

FIG. 7 is a cross sectional view taken along lines 7—7 of FIG. 6.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to the drawings, and initially to FIGS. 1 to 4, an eyeglass device in accordance with the present invention comprises a primary spectacle frame 10 for supporting primary lenses therein. The primary spectacle frame 10 includes two side portions each having an extension 11 extended rearward therefrom for pivotally coupling leg 12 thereto. The primary spectacle frame 10 includes two projections 13 secured to the rear and side portions thereof for supporting magnetic members 14 therein. An auxiliary spectacle frame 20 is provided for supporting the auxiliary lenses therein and includes two side portions each having an arm 21 extended rearward therefrom for extending over and for engaging with the upper portion of the primary spectacle frame 10 (FIGS. 5 and 6). The auxiliary spectacle frame 20 also includes two magnetic members 22 secured to the arms 21 therefor for engaging with the magnetic members 14 of the primary spectacle frame 10 such that the auxiliary spectacle frame 20 may be stably supported on the primary spectacle frame 10, best shown in FIGS. 5 and 6.

It is to be noted that the arms 21 are engaged with and are supported on the upper portion of the primary spectacle frame 10 such that the auxiliary spectacle frame 20 may be stably supported and secured to the primary spectacle frame 10. The auxiliary spectacle frame 20 will not move downward relative to the primary spectacle frame and will not be easily disengaged from the primary spectacle frame when the users conduct jogging or jumping exercises.

It is further to be noted that the projections 13 and the magnetic members 14 are secured to the primary spectacle frame 10 and the magnetic members 22 are secured in the arms 21. The magnetic members 14, 22 are not embedded in the frames 10, 20 such that the frames 10, 20 are not required to be formed with cavities therein and such that the strength of the frames 10, 20 will not be decreased.

As shown in FIGS. 3-7, the engaging surfaces between magnetic members 14 in primary spectacle frame 10 and the magnetic members 22 in the auxiliary spectacle frame 20 lie in a plane that is substantially horizontal when the eyeglass device is worn.

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Referring next to FIG. 7, it is preferable that the projections 13 and the magnetic members 14 are located slightly lower than the upper portion of the primary spectacle frame 10; and the end portions of the arms 21 and/or the magnetic members 22 are slightly extended downward toward the projections 13 such that the arms 21 and the magnetic members 22 may hook on the primary spectacle frame 10 and such that the auxiliary spectacle frame 20 may further be stably supported and secured to the primary spectacle frame 10.

In one embodiment, as shown in FIG. 7, magnetic members 14 and 22 are not in contact with each other; magnetic members 14 and 22 are engaged with, but not supported on, each other. Instead, the arm 21 securing the magnetic member 22 is supported on an upper side portion of the primary spectacle frame 10. As shown in FIG. 7, the upper side portion can be an upper part of the side portion securing the projection 13.

Accordingly, the eyeglass device in accordance with the present invention includes an auxiliary spectacle frame that may be stably secured to the primary spectacle frame and will not move downward relative to the primary spectacle frame and will not be easily disengaged from the primary spectacle frame when the users conduct jogging or jumping exercises. In addition, the magnetic members are not embedded in the frames such that the strength of the frames will not be decreased.

Although this invention has been described with a certain degree of particularity, it is to be understood that the present disclosure has been made by way of example only and that numerous changes in the detailed construction and the combination and arrangement of parts may be resorted to without departing from the spirit and scope of the invention as hereinafter claimed.

I claim:

1. An eyeglass device comprising:
 - a primary spectacle frame for supporting primary lenses therein, said primary spectacle frame including two side portions each having an extension extended therefrom for pivotally coupling a leg means thereto, said primary spectacle frame including two rear and side portions each having a projection secured thereto, said primary spectacle frame including an upper side portion,
 - a pair of first magnetic members secured in said projections respectively,
 - an auxiliary spectacle frame for supporting auxiliary lenses therein, said auxiliary spectacle frame including two side portions each having an arm extended therefrom for extending over and for engaging with said upper side portion of said primary spectacle frame, and
 - a pair of second magnetic members secured to said arms respectively for engaging with said first magnetic members of said primary spectacle frame so as to secure said auxiliary spectacle frame to said primary spectacle frame,
 - said arms being engaged with and supported on said upper side portion of said primary spectacle frame so as to allow said auxiliary spectacle frame to be stably supported on said primary spectacle frame and so as to prevent said auxiliary spectacle frame from moving downward relative to said primary spectacle frame and so as to prevent said auxiliary spectacle frame from being disengaged from said primary spectacle frame.
2. An eyeglass device according to claim 1, wherein said projections and said first magnetic members are arranged lower than said upper side portion of said primary spectacle frame, said second magnetic members are extended down-

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ward toward said projections for hooking on said primary spectacle frame so as to further secure said auxiliary spectacle frame to said primary spectacle frame.

3. An eyeglass device as recited in claim 1 wherein the first and the second magnetic members are magnets.

4. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein with the lenses defining a vertical plane, the primary spectacle frame including two side portion extensions extended therefrom for pivotally coupling a leg thereto and a first magnet having a horizontal surface and secured to said side portion extensions of the primary spectacle frame, and

an auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary spectacle frame, the auxiliary spectacle frame including two auxiliary side portions, the auxiliary spectacle frame including two second magnets, each secured to one of the auxiliary side portions for respectively engaging the horizontal surface of one of the first magnets so as to secure the auxiliary spectacle frame to the primary spectacle frame.

5. An eyeglass device as recited in claim 4 wherein at least an end portion of one auxiliary side portion extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.

6. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

the primary spectacle frame including two side portion extensions extended therefrom for pivotally coupling a leg thereto; and

the primary spectacle frame including two first magnetic members respectively having a horizontal surface and being secured to one of the side portions extensions of the primary spectacle frame; and

an auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary spectacle frame, the auxiliary spectacle frame including two auxiliary side portions, wherein the auxiliary spectacle frame further includes two second magnetic members each secured to one of the auxiliary side portions and having a horizontal surface for coupling a corresponding horizontal surface of one of the first magnetic members so as to secure the auxiliary spectacle frame to the primary spectacle frame.

7. An eyeglass device as recited in claim 6 wherein the second magnetic members are magnets.

8. An eyeglass device as recited in claim 6 wherein the first magnetic members are magnets.

9. An eyeglass device as recited in claim 6 wherein the first and the second magnetic members are magnets.

10. An eyeglass device as recited in claim 9 wherein the auxiliary side portions are respectively supported on a corresponding extension and the first magnetic members are not in contact with the second magnetic members.

11. An eyeglass device as recited in claim 6 wherein the auxiliary side portions are respectively supported on a corresponding extension and the first magnetic members are not in contact with the second magnetic members.

12. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions, each of said extensions having a front side, a rear side and a first magnetic member secured to said rear side,

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an auxiliary spectacle frame including two side portions each having an arm extended therefrom for extending toward and beyond said rear side, each of said arms containing a second magnetic member, and said arms and said first and second magnetic members cooperating to stably support said auxiliary spectacle frame on said primary spectacle frame.

13. The eyeglass device according to claim 12, wherein said first and second magnetic members are magnets.

14. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein, said primary spectacle frame including two side portion extensions extended therefrom for pivotally coupling a leg, each of said extensions also including an outer side, an inner side, and a top side with a projection secured to said inner side, each of said projections respectively securing a first magnetic member, and

an auxiliary spectacle frame for supporting auxiliary lenses therein, said auxiliary spectacle frame including two side portions each having an arm extended therefrom, said auxiliary spectacle frame further including a pair of second magnetic members secured to said arms respectively for engaging said first magnetic members of said primary spectacle, each of said arms adapted to extend over one of said top sides.

15. The eyeglass device according to claim 14, wherein said first and second magnetic members are magnets.

16. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions, each of said extensions having a front side and a rear side with a first magnetic member secured to said rear side, and

an auxiliary spectacle frame including two side portions, each of said side portions having an arm extended therefrom for extending beyond said rear side, said arms containing corresponding second magnetic members, said arms and said first and second magnetic members supporting said auxiliary spectacle frame on said primary spectacle frame.

17. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions, each of said extensions extending laterally away from one another and rearwardly of said frame, each of said extensions having a top side, a front side and a rear side with a first magnetic member secured to said rear side, and

an auxiliary spectacle frame including two side portions each having an arm extending from said front side over said top side, said arms containing corresponding second magnetic members, said arms and said first and second magnetic members supporting said auxiliary spectacle frame on said primary spectacle frame.

18. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions extending rearwardly therefrom having a top side and a rear side with a first magnetic member secured thereto, and

an auxiliary spectacle frame including two arms for extending over a corresponding top side of said extensions, said arms respectively containing second magnetic members for cooperation with said first magnetic members and downwardly extended end portions for hooking said auxiliary spectacle frame to said primary spectacle frame, said arms and said first and second magnetic members supporting said auxiliary spectacle frame on said primary spectacle frame.

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19. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein having two side portion extensions, said side portion extensions each having a top side and a projection attached to a rear side thereof, each of said projections securing a first magnetic member, and

an auxiliary spectacle frame including two arms for extending over and engaging a corresponding top side of said side portion extensions, said arms respectively containing second magnetic members and downwardly extended end portions, at least said arms and said first and second magnetic members supporting said auxiliary spectacle frame on said primary spectacle frame.

20. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein having two side portion extensions having a top side and a rear side with a first magnetic member secured to said rear side, and

an auxiliary spectacle frame including two arms for extending over and engaging a corresponding top side of said extensions, said arms respectively containing downwardly extended second magnetic members for hooking said auxiliary spectacle frame to said primary spectacle frame, said arms and said first and second magnetic members cooperating to support said auxiliary spectacle frame on said primary spectacle frame.

21. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein having an extension at each side for pivotal coupling to a leg, each of said extensions having a front side, a rear side, a top side and a projection attached to said rear side, each of said projections securing first magnetic members, and

an auxiliary spectacle frame for supporting auxiliary lenses therein and including two side portions, each of said side portions having an arm extended therefrom and adapted to extend from said front side to beyond said rear side of said extension of said primary spectacle frame, said arms each containing corresponding second magnetic members, said arms locating each of said second magnetic members in an engagement position to engage respective first magnetic members of said primary spectacle frame and inhibit relative vertical movement therebetween.

22. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein and having two side portion extensions extending rearwardly therefrom and having a front side, a rear side, a top side, and a rear end, each of said rear ends pivotally coupling a leg configured to conform to a user at a distal end thereof, each of said extensions of said primary spectacle frame further having a projection attached to each of said rear sides, and a pair of first magnetic members respectively secured in said projections, said first magnetic members capable of engaging second magnetic members of an auxiliary spectacle frame so that lenses of an auxiliary spectacle frame are located in front of said primary lenses.

23. An eyeglass device comprising:

an auxiliary spectacle frame for supporting auxiliary lenses therein, said frame including a front side, a rear side, and oppositely positioned side portions, each of said side portions having an arm extended therefrom, each of said arms having a rearwardly directed free end for securing a magnetic member, and a pair of magnetic members respectively secured in the free ends of

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said arms, said arms and said pair of magnetic members adapted to extend across respective side portions of a primary spectacle frame so that said pair of magnetic members can vertically engage corresponding magnetic members on a primary spectacle frame.

24. An eyeglass device comprising:
 an auxiliary spectacle frame for supporting auxiliary lenses therein, said frame including a front side, a rear side, and oppositely positioned side portions, each of said side portions having an arm extended therefrom, each of said arms having a rearwardly directed end for securing a magnetic member, a pair of magnetic members respectively located at said ends of said arms, each of said ends further including a downwardly extended end portion for hooking onto a primary spectacle, said arms and said pair of magnetic members adapted to extend across respective side portions of a primary spectacle frame so that said pair of magnetic members can engage corresponding magnetic members on a primary spectacle frame.

25. An eyeglass device comprising:
 a primary spectacle frame having two side portion extensions extending therefrom and adapted to pivotally couple a leg thereto, said extensions each having a front side, a rear side, a top side and a projection extending from said rear side, each of said projections securing a first magnetic member, and
 an auxiliary spectacle frame including two side portions each having an arm extended therefrom for extending over said top side, said arms containing corresponding second magnetic members, said arms with said second magnetic members engaging said first magnetic members thereby securing said auxiliary frame to said primary spectacle frame to prevent said auxiliary spectacle frame from moving downward relative to and/or disengaging from said primary spectacle frame.

26. An eyeglass device, comprising:
 a primary spectacle frame for supporting primary lenses therein;
 a pair of extensions mounted to said primary spectacle frame at laterally spaced locations and each projecting toward a wearer when the eyeglass device is worn;
 a first pair of magnetic members, each affixed to a respective one of a pair of projections attached to a rear side of said extensions so as to be concealed by said extensions when said eyeglass is worn, said first pair of magnetic members each having a first surface;
 an auxiliary spectacle frame for supporting auxiliary lenses therein;
 a pair of spaced apart arms mounted to said auxiliary spectacle frame and projecting toward the wearer when the eyeglass device is worn; and
 a second pair of magnetic members, each affixed to said pair of arms, said second pair of magnetic members each having a second surface, said auxiliary spectacle frame capable of being supported by said primary spectacle frame by mounting said second pair of magnetic members to said first pair of magnetic members, said first and second surfaces being oppositely directed so that said surfaces are juxtaposed.

27. An eyeglass device according to claim 26 wherein said auxiliary frame includes an abutment surface for engagement with an oppositely directed surface on said primary frame to inhibit relative movement therebetween.

28. An eyeglass device according to claim 27 wherein said abutment surface is provided on each of said arms on said auxiliary frame.

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29. An eyeglass device according to claim 27 wherein said extensions are located adjacent respective ones of said arms.

30. An eyeglass device according to claim 29 wherein said auxiliary frame includes an abutment surface for engagement with an oppositely directed surface on said primary frame to inhibit relative movement therebetween.

31. An eyeglass device comprising:
 a primary spectacle frame having two side portion extensions extending rearwardly therefrom with a top side and a rear side with a first magnetic member secured thereto, and
 an auxiliary spectacle frame including two arms for extending over a corresponding top side of said extensions, said arms respectively containing second magnetic members for cooperation with said first magnetic members and downwardly extended end portions for hooking said auxiliary spectacle frame to said primary spectacle frame, said arms and said first and second magnetic members supporting said auxiliary spectacle frame on said primary spectacle frame, wherein at least one of said first magnetic members and said second magnetic members are magnets.

32. An eyeglass device comprising:
 a primary spectacle frame having two side portion extensions, each of said extensions having a front side, a rear side and a first magnetic member secured to said rear side,
 an auxiliary spectacle frame including two side portions each having an arm extended therefrom and traversing said extension from said front side to said rear side, each of said arms containing a second magnetic member, and
 said first and second magnetic members engaging one another to support said auxiliary spectacle frame on said primary spectacle frame.

33. An eyeglass device comprising:
 a primary spectacle frame having two side portion extensions, each of said extensions having a front side, a rear side and a first magnetic member secured to said rear side,
 an auxiliary spectacle frame including two side portions each having an arm extended therefrom, each of said arms containing a second magnetic member, said arms extending across said extension from said front side to said rear side, and
 said arms and said first and second magnetic members stably support said auxiliary spectacle frame on said primary spectacle frame.

34. An eyeglass device comprising:
 a primary spectacle frame having two side portion extensions with a front side, a rear side and a first magnetic member
 an auxiliary spectacle frame including two side portions each having an arm extended therefrom, each of said arms containing a second magnetic member, said arms extending across a respective extension from said front side to said rear side so that said first and second magnetic members engage one another whereby said auxiliary spectacle frame is supported by said primary spectacle frame.

* * * * *

EXHIBIT B

ORIGINAL

Quoted 56

1 JON E. HOKANSON (State Bar No. 118,829)
2 KENNETH L. WILTON (State Bar No. 126,557)
3 SMALL LARKIN, LLP
4 Eighteenth Floor
5 10940 Wilshire Boulevard
6 Los Angeles, California 90024-3945
7 Telephone: (310) 209-4400
8 Facsimile: (310) 209-4450

ENTERED
CLERK, U.S. DISTRICT COURT
APR 12 1999
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

9 JESS M. COLLEN
10 COLLEN LAW ASSOCIATES, PC
11 1 Scarborough Station Plaza
12 Scarborough, New York 10510-0806
13 Telephone: (914) 941-5668
14 Facsimile: (914) 941-6091

FILED
CLERK, U.S. DISTRICT COURT
APR 9 1999
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

15 Attorneys for Plaintiff
16 Aspex Eyewear, Inc.

17 LODGED *500*
18 CLERK, U.S. DISTRICT COURT
19 APR - 7 1999
20 CENTRAL DISTRICT OF CALIFORNIA
21 BY DEPUTY

22 UNITED STATES DISTRICT COURT
23 CENTRAL DISTRICT OF CALIFORNIA

24 ASPEX EYEWEAR, INC., a Delaware
25 corporation,

26 Plaintiff,

27 v.

28 ASIA PACIFIC TRADING CO., INC.;
NANJING JINGZE OPTICAL;
SPECTACULAR SPECS; WELLING
EYEWEAR; SEE SUN CORPORATION;
CONTINENTAL OPTICAL IMPORTS a
Division of Ben-Glo Optical, Ltd.; and
VALUE EYEWEAR, INC.,

Defendants.

) CASE NO. CV-98-7790 RAP(BQRX)
)
) STIPULATED JUDGMENT;
) CALENDAR TRANSFER STATEMENT
) RE DEFENDANT VALUE EYEWEAR,
) INC.

/// Docketed
/// Mid copy Plys
/// Mid Notice Plys
AJ 8-6

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In recognition of the transfer of the captioned action to U.S. District Court Judge Richard A. Paez, the initials of Judge Paez are included in this cover page in order to facilitate the proper forwarding of documents at the District Court.

Following is the fully executed Stipulated Judgement as to Defendant Value Eyewear, Inc., for approval by the District Court.

02/01/99 22:39 FAX 1 274286

M J PRUSIK JR

002

1 JON E. HOKANSON (State Bar No. 118,829)
 2 KENNETH L. WILTON (State Bar No. 126,557)
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 12 Scarborough, New York 10510-0806
 13 Telephone: (914) 941-5668
 14 Facsimile: (914) 941-6091

15 Attorneys for Plaintiff
 16 Aspex Eyewear, Inc.

17 UNITED STATES DISTRICT COURT
 18 CENTRAL DISTRICT OF CALIFORNIA

19 ASPEX EYEWEAR, INC., a Delaware
 20 corporation,

21 Plaintiff,

22 v.

23 VALUE EYEWEAR, INC.
 24 1454 Main Avenue
 25 Clifton, New Jersey

26 Defendant.

27 CASE NO. CV-98-7790 ^{RAP} AAH(BQRX)

28 FINAL STIPULATION ON CONSENT
VALUE EYEWEAR, INC.

29 Upon consent of the Plaintiff and the Defendant, VALUE EYEWEAR, INC, this matter
 30 having been submitted to the Court, it is hereby ordered and decreed as follows, the Court making
 31 the following findings of fact and conclusions of law:

32 1. This Court has jurisdiction over the parties and the subject matter of the above-
 33 captioned action. Venue is proper within this judicial district.

02/04/99 22:39 FAX 1 274288

M J PRUSIK JR

003

1 2. The Plaintiff ASPEX has rights pursuant to an exclusive license Agreement with
2 the owner of United States Patent 5,568,207 with regard to manufacture, use and sale of all
3 magnetic eyewear made according to this patent. Pursuant to such Agreement, ASPEX is also
4 vested with the right to enforce the patent against any acts of infringement.

5
6 3. The Defendant admits and acknowledges that it made, used, sold or offered for
7 sale eyeglass frames according to U.S. Patent 5,568,207.

8
9 4. Such sales, manufacturing, distribution or offering for sale were without the
10 authority of the patent owner or any entity licensed by the patent owner, and constitutes an
11 infringement of the exclusive right granted to the patent owner and its lawful successors and
12 assigns. The Defendant's infringing activities include those at the Vision Expo West in Los
13 Angeles, California on September 25-27, 1998.

14
15 5. The Defendant admits and acknowledges that the sale and offering of these goods
16 damages ASPEX.

17
18 6. Defendant, VALUE EYEWEAR, INC., and its officers, agents, employees,
19 representatives, and all persons in privity and active concert therewith, are permanently enjoined
20 and restrained from the importation, sale, offering for sale, distribution, exhibition, display or
21 advertising eyeglass frames or sunglass frames of the style shown in attached exhibit A attached
22 hereto, or any other styles made according to U.S. Patent 5,568,207.

23
24 7. Defendant, VALUE EYEWEAR, INC., and its officers, agents employees, or
25 representatives, have remitted Plaintiff the sum of three thousand (\$3000.00) dollars in full and
26 final settlement of this matter. In consideration therefor, Plaintiff hereby releases Defendant,
27 Value Eyewear, Inc., and its officers, agents employees, or representatives from any and all
28 claims which it has, or could have, asserted in this case.

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M J PRUSIK JR

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We hereby consent to the form and entry of this Order.

SMALL LARKIN, LLP

By: *Jon E. Hokanson*
Jon E. Hokanson
Kenneth L. Wilton
10940 Wilshire Boulevard
18th Floor
Los Angeles, California 90024-3945
(310) 209-4400

Jess M. Collen
COLLEN LAW ASSOCIATES, P.C.

Jess M. Collen
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Scarborough, New York 10510-0806
(914) 941-5868

ATTORNEYS FOR PLAINTIFFS

Dated: April 6, 1999

Richard Seidman
Richard Seidman
Ravin, Sarasohn, Cook, Baumgarten
Fisch & Rosen P.C.
103 Eisenhower Parkway
Roseland, New Jersey 07068
(973) 228-9600

Dated: _____

Value Eyewear, Inc. 2/22/99
ATTORNEYS FOR DEFENDANT
VALUE EYEWEAR, INC.

Dated: _____

Value Eyewear, Inc. President
VALUE EYEWEAR, INC.

Insert name and title of corporate officer

001650.gcls.wpd

02/02/99 22:39 FAX 18 274288

N J PRUSIK JR

004

1 8. This action is dismissed with prejudice, and without costs as to any party, with this
 2 court retaining jurisdiction over the parties and subject matter for the sole purpose of enforcing
 3 the terms and conditions of this settlement.

4

5 IT IS SO ORDERED:

6

7

Dated: 4-9-99

Richard A. Fay
United States District Judge

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SERVICE LIST
ASPEX EYEWEAR, INC. vs. ASIA PACIFIC TRADING CO., INC., et al
CASE NO. CV-98-7790 RAP (BQRx)

Asia Pacific Trading Co., Inc.
721 S. San Pedro Street
Los Angeles, CA 90014

Continental Optical Imports
A Division of Ben-Glo Optical Ltd.
3651 West Irving Park
Chicago, ILL 60618

Nanjing Jingze Optical
7239 Washington Avenue #101
Whittier, CA 90602

See Sun Corporation
240 Clary Avenue
San Gabriel, CA 91776

Spectacular Specs
178 Victoria Road
Bellevue Hill
Australia 2023

Value Eyewear, Inc.
1454 Main Avenue
Clifton, NJ 07011

William C. Rooklidge
Martha K. Gooding
HOWARD, RICE, NEMEROVSKI,
CANADY, FALK & RABKIN
610 Newport Center Drive, Suite 450
Newport Beach, CA 92660-6435

Attorneys for Defendant,
Welling International Corp.

Peter W. Peterson
DELIO & PETERSON, LLC
121 Whitney Avenue
New Haven, CT 06510-1241

Attorneys for Defendant,
Welling International Corp.

JS 44 (Rev. 11/05)

CIVIL COVER SHEET

07-61091

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

ASPEX EYEWEAR, INC.; AND CONTOUR OPTIK, INC.

DEFENDANTS

ASPEX EYEWEAR, INC.

CIV-ZLOCH

(b) County of Residence of First Listed Plaintiff Broward
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant New Jersey
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John Cyril Malloy, III, David A. Gast
MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue, Miami, Florida 33129, Tel. 305-858-8000

NOTE: IN LAND CONDEMNATION CASES, LIST THE LOCATION OF THE TRACT LAND INVOLVED.

MAGISTRATE JUDGE
SNOW

FILED by [Signature]
AUG 03 2007
CLARENCE MADDOX
CLERK U.S. DIST. COURT
FLA. - MIAMI

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

Broward 07-61091-Civ-Zloch/Snow

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act (Excl. Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed- (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):
 a) Re-filed Case YES NO
 b) Related Cases YES NO
 JUDGE DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. SS271, 281, and 283 Patent Infringement

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE August 3, 2007

[Signature]

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 AMOUNT \$350.00 RECEIPT # 964242

08/03/07