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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

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6 Attorneys for Plaintiff
MAG INSTRUMENT, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 MAG INSTRUMENT, INC., a
California corporation,

12 Plaintiff,

13 v.
14

15 TEKTITE INDUSTRIES, INC.,
INC., a New Jersey corporation,
16 and DOES 1-10,

17 Defendants.
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Case No.

CV 08-02778
**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

ODW

(CWx)

1 Plaintiff, Mag Instrument, Inc. ("Mag Instrument"), files this Complaint
2 against defendants, Tektite Industries, Inc. ("Tektite") and DOES 1-10, and
3 demanding a trial by jury, alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. The FIRST and SECOND causes of action are for patent infringement,
6 which arise under the patent laws of the United States, Title 35, United States Code.
7 This Court has original jurisdiction over the subject matter of these causes of action
8 pursuant to the provisions of 28 U.S.C. §§1331 and 1338(a).

9 2. Upon information and belief, venue is proper under 28 U.S.C.
10 §§1391(b) and 1391(c), as well as 28 U.S.C. §1400(b).

11 **THE PARTIES**

12 3. Mag Instrument is a corporation incorporated under the laws of the
13 State of California and has its principal place of business at 2001 South Hellman
14 Avenue, Ontario, California 91761.

15 4. Upon information and belief, Tektite is a corporation incorporated
16 under the laws of the State of New Jersey and has its principal place of business at
17 309 North Clinton Avenue, Trenton, New Jersey 08638.

18 5. Upon information and belief, Tektite resides in this district under 28
19 U.S.C. §1391. In particular, Tektite does business in this district and a substantial
20 part of the events giving rise to the claims in this case occurred in this district.

21 6. Mag Instrument is not fully informed regarding the involvement of the
22 defendants sued herein under the fictitious names DOES 1-10, inclusive (the "Doe
23 Defendants"). Upon information and belief, the Doe Defendants are involved with
24 Tektite and/or the activities alleged herein. Mag Instrument has thus sued the Doe
25 Defendants by their fictitious names. Mag Instrument will seek leave to amend this
26 Complaint to allege the true names, capacities, and residences of the Doe
27 Defendants when their involvement is ascertained. Tektite and the Doe Defendants
28 are hereinafter collectively referred to as the "Defendants."

1 7. Mag Instrument is informed and believes, and thereupon alleges, that
2 the Doe Defendants, and each of them, are responsible in some manner, by their
3 acts and/or omissions, for the matters alleged herein. Mag Instrument is further
4 informed and believes, and thereupon alleges, that the Doe Defendants, and each of
5 them, at all material times herein alleged, were the agents, servants, and/or
6 employees of the other Defendants, or otherwise participated in the improper
7 conduct herein alleged.

8 **FIRST CAUSE OF ACTION**

9 **(Patent Infringement – 35 U.S.C. §271, et seq.)**

10 **(United States Patent No. 5,165,782)**

11 8. Mag Instrument repeats, realleges, and incorporates by reference, as
12 though fully set forth herein, the allegations contained in paragraphs 1-7, above.

13 9. On November 24, 1992, United States Patent No. 5,165,782 ("the '782
14 patent"), entitled "Shock Absorbing Lens Holder and Anti-Roll Device," was duly
15 and legally issued in the names of Anthony Maglica and Fred R. McAlister. By
16 virtue of proper assignment, Mag Instrument has acquired and duly owns all right,
17 title, and interest in this patent, including the right to sue and recover for
18 infringement thereof. A copy of the '782 patent is attached hereto as **Exhibit 1**.

19 10. Upon information and belief, Defendants have notice of Mag
20 Instrument's rights in the '782 patent.

21 11. Defendants have infringed the '782 patent by manufacturing, using,
22 importing, offering to sell, and/or selling products embodying one or more of the
23 inventions claimed therein within the United States, or by supplying infringing
24 products to others to use, thereby inducing and/or contributing to the infringement
25 of the '782 patent.

26 12. Defendants' continuing infringement has inflicted and, unless
27 restrained by this Court, will continue to inflict great and irreparable harm upon
28 Mag Instrument. Mag Instrument has no adequate remedy at law. Mag Instrument

1 is entitled to preliminary and permanent injunctions enjoining Defendants from
2 engaging in further acts of infringement.

3 13. As a direct and proximate result of the foregoing acts of Defendants,
4 Mag Instrument has suffered, and is entitled to, monetary damages in an amount
5 not yet determined. Mag Instrument is also entitled to its costs of suit and interest.

6 14. Upon information and belief, Defendants' acts were in conscious and
7 willful disregard for Mag Instrument's rights, and the resulting damage to Mag
8 Instrument is such as to warrant the trebling of damages to provide just
9 compensation.

10 **SECOND CAUSE OF ACTION**

11 **(Patent Infringement – 35 U.S.C. §271, et seq.)**

12 **(United States Patent No. 5,267,131)**

13 15. Mag Instrument repeats, realleges, and incorporates by reference, as
14 though fully set forth herein, the allegations contained in paragraphs 1-7, above.

15 16. On November 30, 1993, United States Patent No. 5,267,131 ("the '131
16 patent"), entitled "Shock Absorbing Lens Holder and Anti-Roll Device," was duly
17 and legally issued in the names of Anthony Maglica and Fred R. McAlister. By
18 virtue of proper assignment, Mag Instrument has acquired and duly owns all right,
19 title, and interest in this patent, including the right to sue and recover for
20 infringement thereof. A copy of the '131 patent is attached hereto as **Exhibit 2**.

21 17. Upon information and belief, Defendants have notice of Mag
22 Instrument's rights in the '131 patent.

23 18. Defendants have infringed the '131 patent by manufacturing, using,
24 importing, offering to sell, and/or selling products embodying one or more of the
25 inventions claimed therein within the United States, or by supplying infringing
26 products to others to use, thereby inducing and/or contributing to the infringement
27 of the '131 patent.
28

19. Defendants' continuing infringement has inflicted and, unless restrained by this Court, will continue to inflict great and irreparable harm upon Mag Instrument. Mag Instrument has no adequate remedy at law. Mag Instrument is entitled to preliminary and permanent injunctions enjoining Defendants from engaging in further acts of infringement.

20. As a direct and proximate result of the foregoing acts of Defendants, Mag Instrument has suffered, and is entitled to, monetary damages in an amount not yet determined. Mag Instrument is also entitled to its costs of suit and interest.

21. Upon information and belief, Defendants' acts were in conscious and willful disregard for Mag Instrument's rights, and the resulting damage to Mag Instrument is such as to warrant the trebling of damages to provide just compensation.

PRAYER FOR RELIEF

WHEREFORE, Mag Instrument respectfully demands judgment:

1. That Defendants, their officers, directors, agents, servants, employees, attorneys, confederates, and all persons and/or entities acting for, with, by, through, or in concert with them, or any of them, be enjoined preliminarily and permanently:

- (a) from infringing the '782 patent, either directly or contributorily;
- (b) from inducing others to infringe the '782 patent;
- (c) from infringing the '131 patent, either directly or contributorily;
- and
- (d) from inducing others to infringe the '131 patent.

2. That Defendants be required to deliver up to the Court any and all products in their possession, custody, and/or control that infringe the '782 patent and/or the '131 patent.

3. That Defendants be required to prepare and deliver to the Court a complete list of entities from whom Defendants purchased, and to whom they distributed and/or sold, products that infringe the '782 patent and/or the '131 patent.

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. 38(b) and Local Rule 38-1, Mag Instrument, Inc.
hereby demands a trial by jury on all issues triable in this action.

Dated: April 29, 2008

JONES DAY

By: 
Charles A. Kertell

Attorneys for Plaintiff
MAG INSTRUMENT, INC.

1 4. That Defendants be required to deliver to the Court any and all
2 documents reflecting or relating to the purchase, sale, and/or distribution of any
3 products that infringe the '782 patent and/or the '131 patent.

4 5. That Defendants, within thirty (30) days after service of judgment with
5 notice of entry thereof upon them, be required to file with the Court and serve upon
6 Mag Instrument's attorneys a written report, under oath, setting forth in detail the
7 manner in which Defendants have complied with paragraphs 1-4, above.

8 6. That Defendants be required to account for and pay over to Mag
9 Instrument cumulative damages sustained by Mag Instrument by reason of
10 Defendants' unlawful acts of patent infringement herein alleged, that the amount of
11 recovery be increased as provided by law, up to three times, and that interest and
12 costs be awarded to Mag Instrument.

13 7. That Mag Instrument be awarded its reasonable costs and attorneys'
14 fees.

15 8. That the present case be found exceptional and that attorneys' fees be
16 awarded to Mag Instrument under 35 U.S.C. §285.

17 9. That Mag Instrument have such other and further relief as the Court
18 may deem equitable.

19
20 Dated: April 29, 2008

JONES DAY

21
22
23 By: 
Charles A. Kertell

24 Attorneys for Plaintiff
25 MAG INSTRUMENT, INC.
26
27
28

EXHIBIT 1



US005165782A

United States Patent [19]

[11] Patent Number: 5,165,782

Maglica et al.

[45] **Date of Patent:** Nov. 24, 1992

[54] SHOCK ABSORBING LENS HOLDER AND ANTI-ROLL DEVICE

[56]

References Cited

U.S. PATENT DOCUMENTS

[75] Inventors: Anthony Maglica, Anaheim; Fred R. McAlister, Riverside, both of Calif.

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| 1,834,214 | 11/1933 | Stinson | 362/208 |
| 2,309,687 | 2/1943 | Wood | 362/208 |
| 3,114,143 | 12/1963 | Robinson | 362/186 |
| 3,258,589 | 6/1966 | Doring | 362/208 |
| 3,368,069 | 2/1968 | Trott | 362/186 |

[73] Assignee: Mag Instrument, Inc., Ontario, Calif.

Primary Examiner—Richard R. Cole
Attorney, Agent, or Firm—Lyon & Lyon

[21] Appl. No.: 818,751

[57]

ABSTRACT

[22]. Filed: Jan. 8, 1992

A molded thermal plastic accessory cover attaching to the head assembly of a flashlight provides inwardly extending ribs to seat on the flashlight and to provide shock absorbing characteristics. A seat is provided for an auxiliary lens and the outside of the cover includes flat surfaces to inhibit rolling of the assembled cover and flashlight.

[51] Int. Cl.⁵ F21L 15/00

[52] U.S. Cl. 362/208; 362/202;
362/390; 362/457

[58] Field of Search 362/157, 186, 189, 190,
362/202, 208, 390, 457

6 Claims, 2 Drawing Sheets

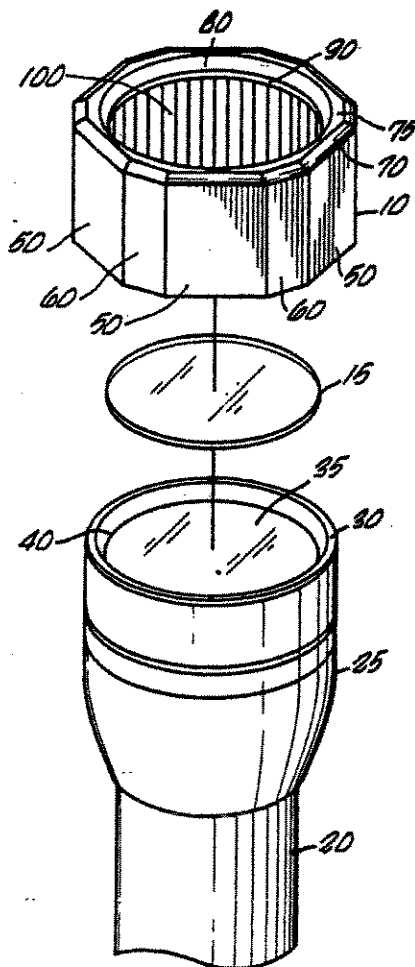


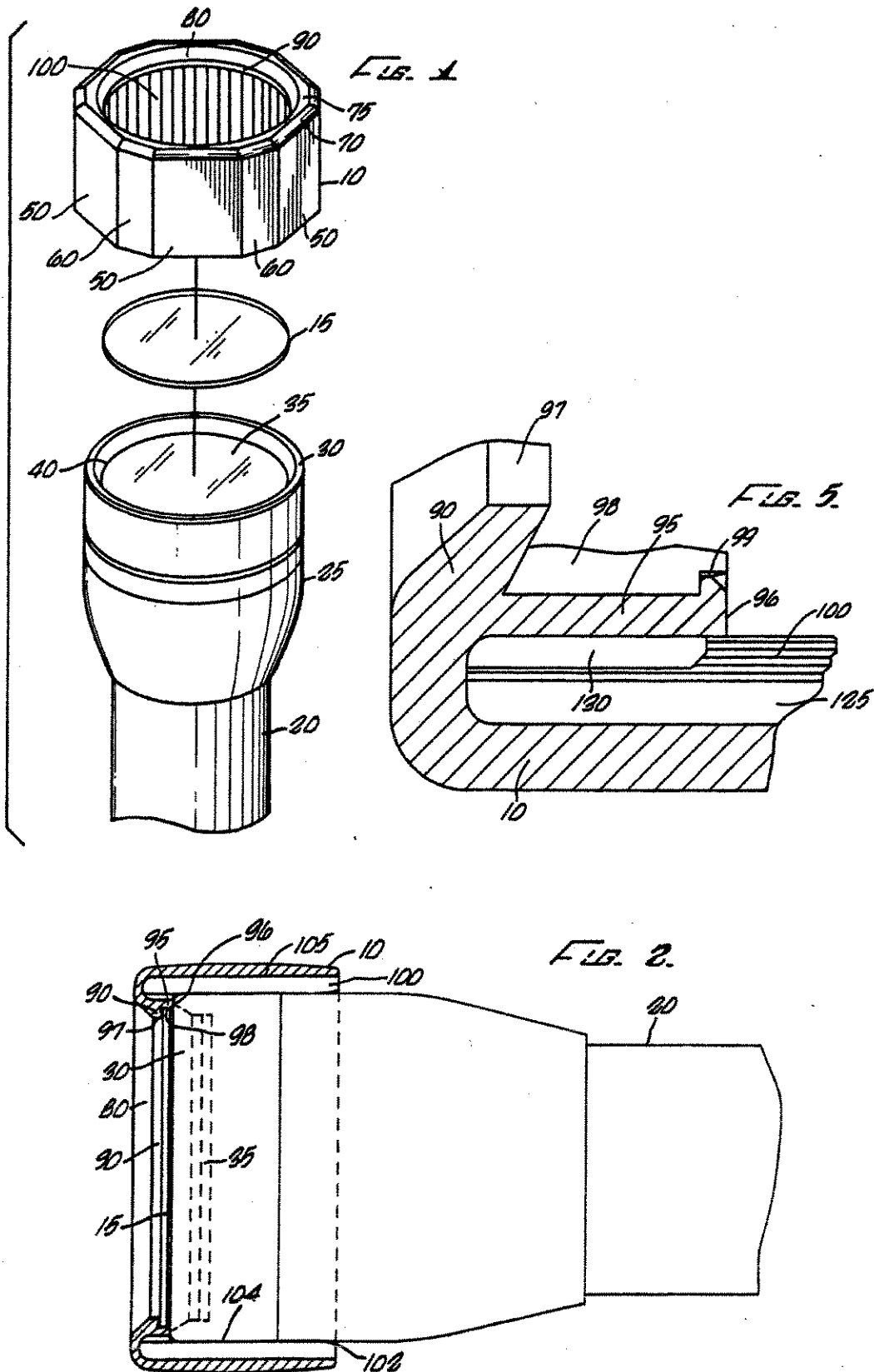
EXHIBIT 1
PAGE 8

U.S. Patent

Nov. 24, 1992

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U.S. Patent

Nov. 24, 1992

Sheet 2 of 2

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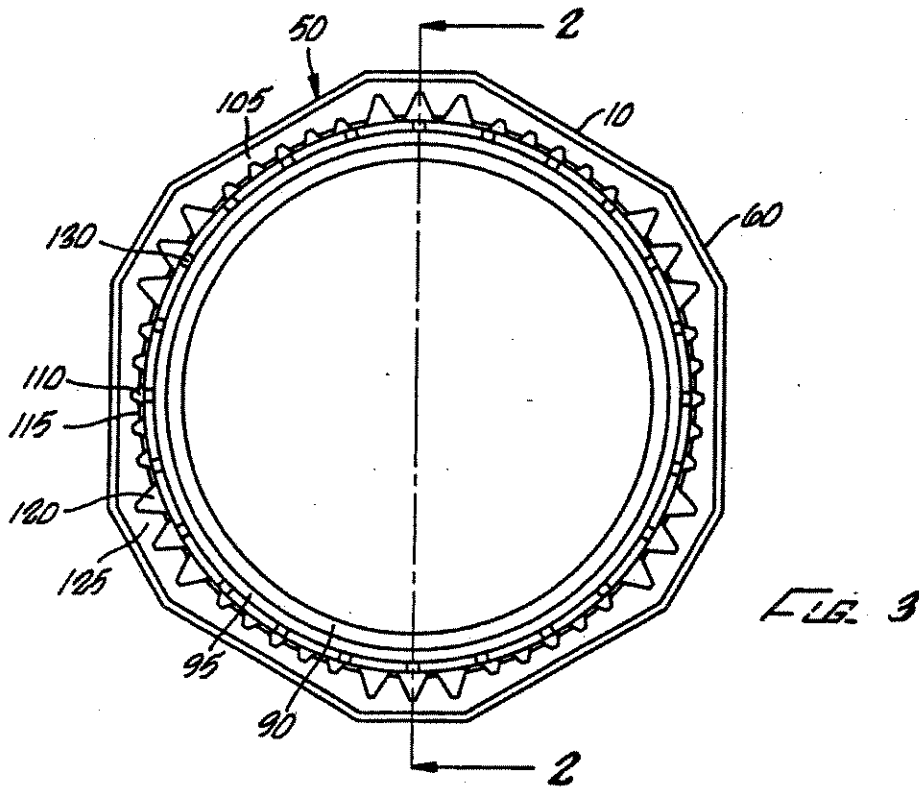


FIG. 3

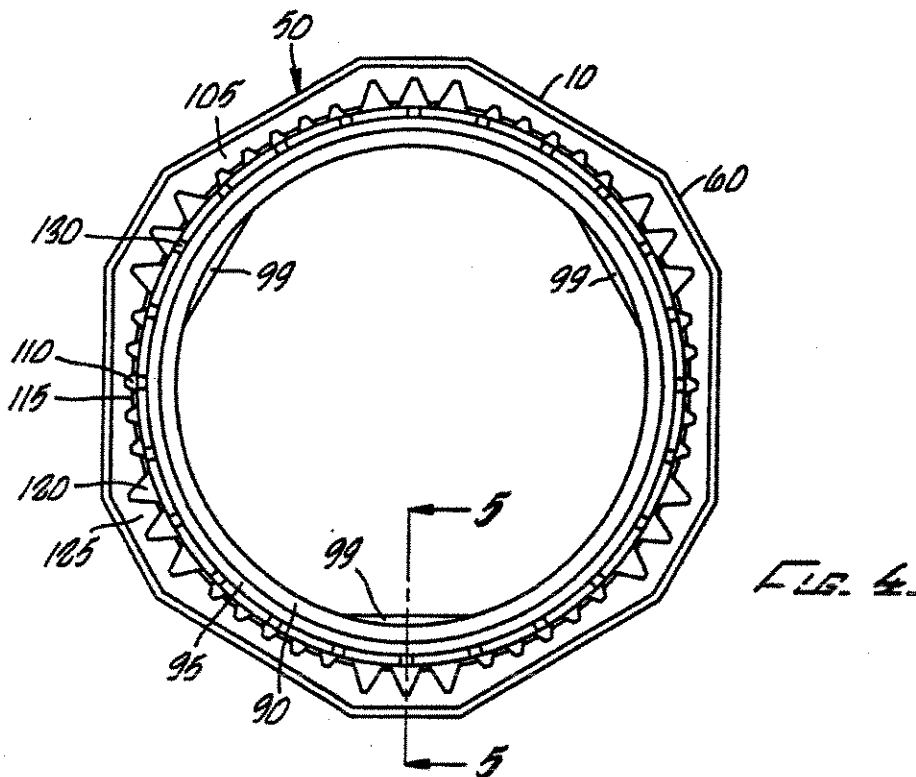


FIG. 4

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SHOCK ABSORBING LENS HOLDER AND ANTI-ROLL DEVICE

BACKGROUND OF THE INVENTION

The field of the present invention is accessory devices for flashlights.

Flashlights come in a variety of shapes and sizes. A common design in the art comprises a barrel-shaped body with a cylindrical head assembly. This design best accommodates standard, cylindrical batteries as the power source of the flashlight. The head assembly typically contains a lamp covered by a clear lens, the lens being recessed from the outermost end of the head assembly to help protect it by reducing its exposure to contact with foreign objects.

It is often desirable to change the color or intensity of the light emitting from a flashlight. A known method of accomplishing this is to remove the clear lens from the head assembly and insert a particular colored lens in its place. However, this method can be cumbersome and time consuming. Another method is known whereby a colored, accessory lens is placed over the existing lens at the end of the head assembly and secured by a "lens holder" device.

It is also desirable to prevent a flashlight from rolling along a surface. A known method of accomplishing this is to equip the head assembly with an attachment accessory having a plurality of flat sides which inhibit the flashlight from rolling. This attachment, or "anti-roll" device is typically made of molded plastic or rubber material and is designed to fit over a cylindrical flashlight head assembly.

It is further known to combine the utility features of a lens holder with those of an anti-roll attachment in a single flashlight accessory device.

SUMMARY OF THE INVENTION

The present invention is directed to combining the features of an anti-roll accessory device with means for absorbing shock caused by dropping or other impact, thereby providing protection to the lamp lens and other components of the head assembly, but doing so with minimum material requirements and complexity.

According to a first aspect of the present invention, a flashlight accessory device is provided which forms a cover for the head of a flashlight. A hollow cylindrical body open at each end is provided with multiple flat sides and ribs extending inwardly about the inner periphery of the body. The ribs extend to receive the flashlight head and provide energy absorbing characteristics to protect against physical shock.

In a second aspect of the present invention, such a flashlight head cover includes an inwardly extending flange having a first shoulder for abutting against one end of the flashlight head, a second shoulder for receiving a secondary lens such as a colored lens and an annular seat having an interlocking structure spaced from the second shoulder so as to be capable of retaining a secondary lens in position.

Thus, it is an object of the present invention to provide an improved head cover for a flashlight. Other objects and advantages will appear hereinafter.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an exploded perspective view of a flashlight and a flashlight head cover of the present invention.

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FIG. 2 is a cross-sectional side view of the cover with a flashlight shown in place taken along line 2—2 of FIG. 3.

FIG. 3 is a bottom view of the flashlight head cover.

FIG. 4 is a bottom view of the flashlight head cover illustrating locking members to retain a secondary lens.

FIG. 5 is a cross-sectional side detail view taken along line 5—5 of FIG. 4.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Turning in detail to the drawings, a flashlight head cover 10 is shown retaining a color lens 15 on a flashlight 20. The flashlight has a cylindrical head assembly 25 with an outer wall 30 and a clear lens 35. The lens 35 is mounted within a recess 40 of the head assembly. Other components within the head assembly, such as a lamp and reflector, are not illustrated. The cover is integrally formed of molded resilient plastic or rubber. The resilience and softness of the material employed are preferably selected to improve shock characteristics and durability.

The cover 10 has multiple flat, rectangular external sides to form a ring-like structure. The sides include wide sides 50 and narrow sides 60 in an alternating pattern to form a cylindrical multi-faceted body 65. The body is hollow, being open at each end. There are six wide sides 50 giving the cover a hexagonal look. The narrow sides are provided at the corners of this hexagon. The sides are useful in inhibiting the rolling of a flashlight when positioned on a flat surface.

The cover 10 has a first end defined by inwardly sloping portions 70 adjacent to each flat side 50 and 60. Inwardly of the sloping portions there is a uniform flat top surface 75. Inwardly therefrom is an inwardly concave surface 80. This end extends inwardly as a flange 90. The flange 90 includes a stop 95 which is substantially cylindrical, extending to a first shoulder 96 against which the head assembly wall 30 abuts to locate the cover 10. The flange 90 also includes a second shoulder 97 for receiving an accessory lens 15. The second shoulder 97 is angled inwardly as can best be seen in FIG. 5. This angle creates a lip seal for sealing the accessory lens 15 to prevent moisture and dirt from entering into the area between the accessory lens 15 and the primary lens 35.

In between the first shoulder 96 and the second shoulder 97 is an annular seat 98. The annular seat 98 extends from the outer end of the first shoulder 96 to the inner end of the second shoulder 97. This seat 98 is arranged such that the end adjacent to the first shoulder has an interlocking configuration. In the embodiment illustrated in FIG. 2, the seat is tapered inwardly away from the second shoulder 97. This results in an undercut seat retain the lens 15 abutting against the second shoulder 97. In FIG. 5, the seat 98 is cylindrical with retainers 99 extending inwardly and spaced from the second shoulder 97.

The interior of the hollow cylindrical body 65 includes a plurality of ribs 100 extending inwardly. The ribs 100 have a tapered portion 102 to facilitate insertion of the head assembly 25 into the cover 10. The ends of the ribs 100 terminate at a surface of rotation which, in the preferred embodiment, is a circular cylinder. This surface of rotation approximates the surface of the flashlight head and is preferably slightly smaller than the flashlight head to insure an interference fit between the cover 10 and the flashlight head 25. As the hollow

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cylindrical body 65 may be considered to have a substantially uniform wall thickness 105, the ribs 100 are of varying heights so as to extend to the surface of rotation defined above. On the wide sides 50, small pitch serrations 110 define the ribs 115 while the narrow sides 60 have large pitch serrations 120 to define larger ribs 125.

The inwardly extending flange 90 is shown to extend downwardly with rectangular bosses 130 extending outwardly from the flange. These bosses 130 assist in insuring proper location of the flashlight head 25, help rigidify the cylindrical stop 95 and provide shock absorbing properties to the structure against impact.

When the cover 10 is placed over the head assembly 25 of a flashlight 20, that portion of the wall 30 which extends beyond the flashlight lens 35 extends through and abuts against the inwardly extending flange 90 and the stops 130. The head 25 is retained in interference fit by the ribs 100. If the flashlight is dropped on the head assembly or otherwise struck, the cover provides means for reducing the force that translates to the components of the head assembly. This protection is provided about the periphery of the head and on the end of the head assembly.

Thus, a cover capable of protecting the head of a flashlight, providing anti-roll characteristics and providing a seat for an auxiliary lens is disclosed. While embodiments and applications of this invention have been shown and described, it would be apparent to those skilled in the art that many more modifications are possible without departing from the inventive concepts herein. The invention, therefore is not to be restricted except in the spirit of the appended claims.

What is claimed is:

1. A cover for a head of a flashlight, comprising a hollow cylindrical body open at each end to receive a flashlight head and having multiple flat sides about an outer periphery thereof;
ribs extending inwardly from an inner periphery of said hollow cylindrical body, an inner extent of said ribs terminating at a surface of rotation approximating an outer surface of a flashlight head to be received in said hollow cylindrical body;
an inwardly extending flange at one end of said hollow cylindrical body to receive an end of a flashlight head positioned in said hollow cylindrical body.

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2. The cover of claim 1 wherein said inwardly extending flange is circular about its inner periphery and includes a first shoulder on one side thereof to receive a flashlight head, a second shoulder extending inwardly from said first shoulder and an annular seat extending from a first end at said first shoulder to a second end at said second shoulder, said annular seat providing means displaced from said second shoulder for retaining a lens in said annular seat abutting against said second shoulder.

3. The cover of claim 2 wherein said means for retaining a lens in said annular seat includes retainers extending inwardly from said annular seat and displaced from said second shoulder.

4. The cover of claim 1 wherein said hollow cylindrical body is of substantially uniform wall thickness, said ribs being of varying heights.

5. The cover of claim 1 wherein said multiple flat sides include six wide sides alternating with six narrow sides.

6. A cover for a head of a flashlight, comprising a hollow cylindrical body open at each end to receive a flashlight head and having multiple flat sides about an outer periphery thereof, said hollow cylindrical body being of substantially uniform wall thickness;

ribs extending inwardly from an inner periphery of said hollow cylindrical body, an inner extent of said ribs terminating at a surface of rotation approximating an outer surface of a flashlight head to be received in said hollow cylindrical body said ribs being of varying heights;

an inwardly extending flange at one end of said hollow cylindrical body to receive an end of a flashlight head positioned in said hollow cylindrical body, said inwardly extending flange being circular about its inner periphery and including a first shoulder on one side thereof to receive a flashlight head, a second shoulder extending inwardly from said first shoulder and an annular seat extending from a first end at said first shoulder to a second end at said second shoulder, said annular seat providing means displaced from said second shoulder for retaining a lens in said annular seat abutting against said second shoulder.

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EXHIBIT 2



US005267131A

United States Patent [19][11] **Patent Number:** **5,267,131**

Anthony et al.

[45] **Date of Patent:** * **Nov. 30, 1993****[54] SHOCK ABSORBING LENS HOLDER AND ANTI-ROLL DEVICE**[75] **Inventors:** Maglica Anthony, Anaheim; Fred R. McAlister, Riverside, both of Calif.[73] **Assignee:** MAG Instrument, Inc., Ontario, Calif.[*] **Notice:** The portion of the term of this patent subsequent to Nov. 24, 2009 has been disclaimed.[21] **Appl. No.:** 947,348[22] **Filed:** Sep. 18, 1992**Related U.S. Application Data**

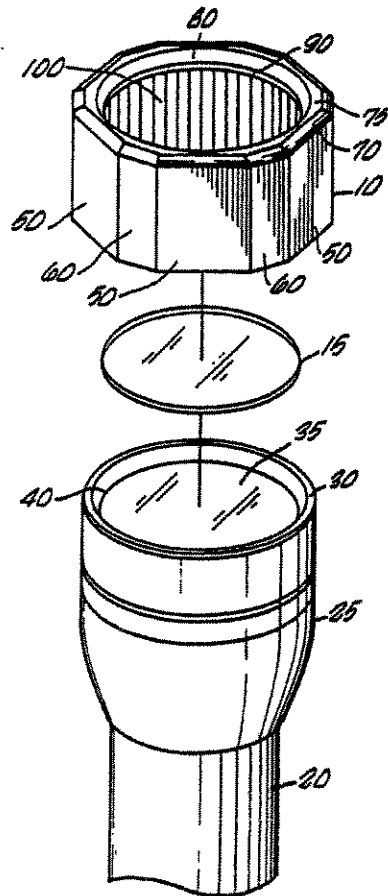
[63] Continuation of Ser. No. 818,751, Jan. 8, 1992, Pat. No. 5,165,782.

[51] **Int. Cl.⁵** F21C 15/00[52] **U.S. Cl.** 362/208; 362/202; 362/390; 362/457[58] **Field of Search** 362/157, 186, 189, 190, 362/202, 208, 390, 457, 376**[56] References Cited****U.S. PATENT DOCUMENTS**

| | | | |
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| 3,258,589 | 3/1964 | Doring | 240/10.6 |
| 3,368,069 | 9/1967 | Trott | 240/6.4 |
| 4,800,472 | 1/1989 | Burton et al. | 362/158 |

Primary Examiner—Richard R. Cole*Attorney, Agent, or Firm*—Lyon & Lyon**[57] ABSTRACT**

A molded thermal plastic accessory cover attaching to the head assembly of a flashlight provides inwardly extending ribs to seat on the flashlight and to provide shock absorbing characteristics. A seat is provided for an auxiliary lens and the outside of the cover includes flat surfaces to inhibit rolling of the assembled cover and flashlight.

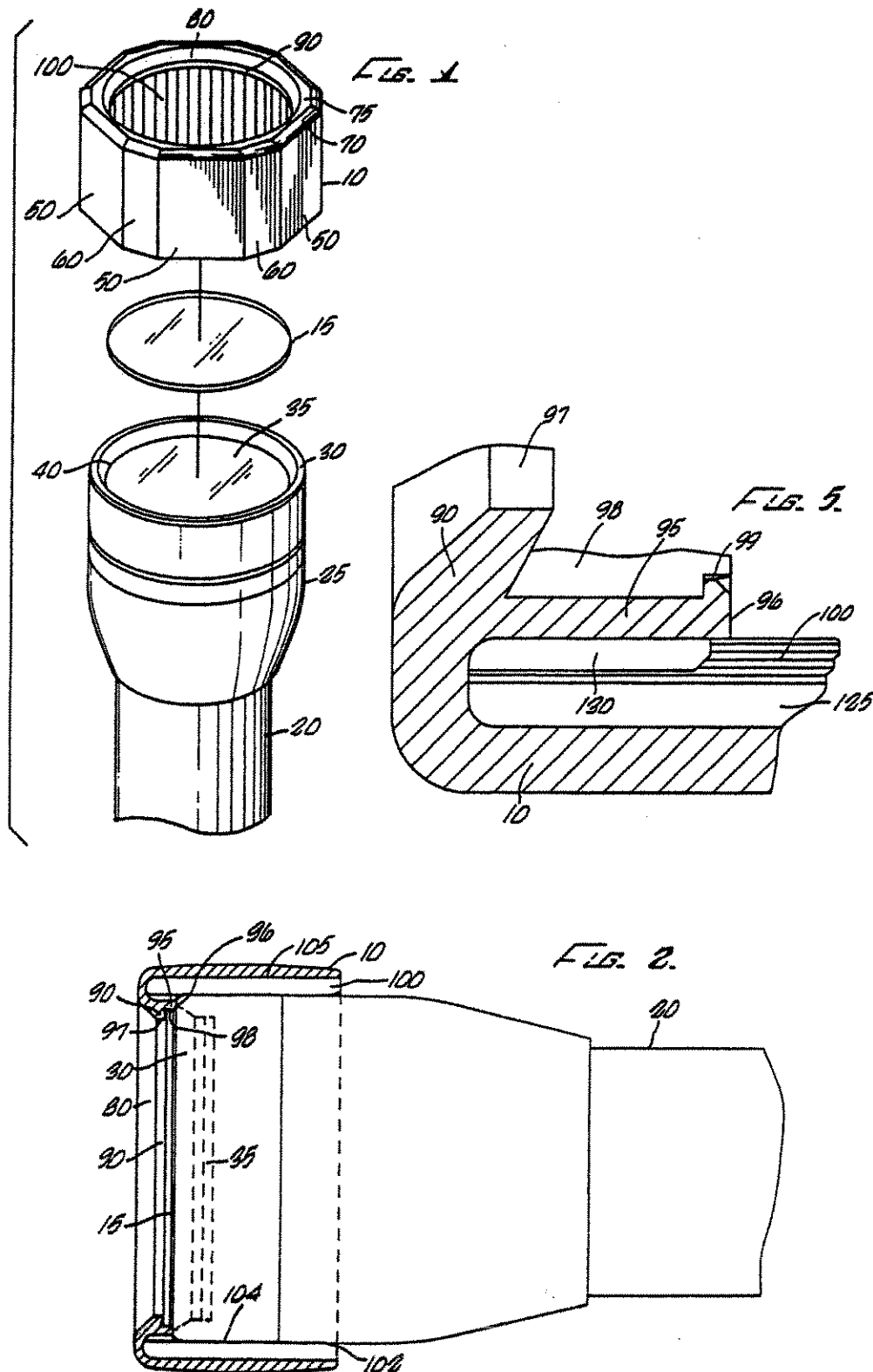
7 Claims, 2 Drawing Sheets

U.S. Patent

Nov. 30, 1993

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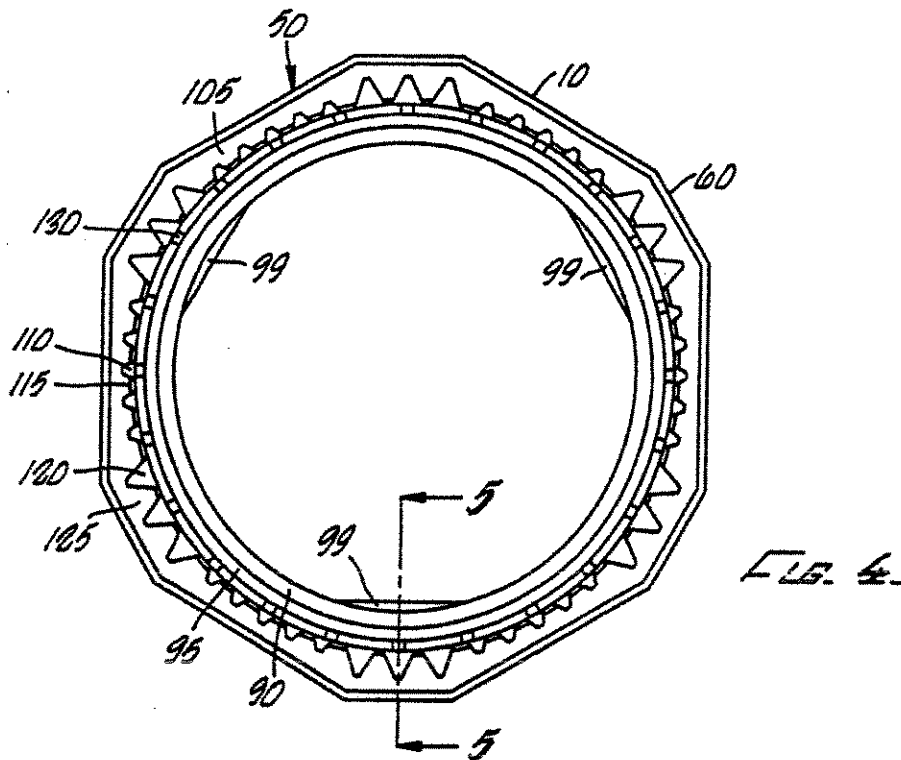
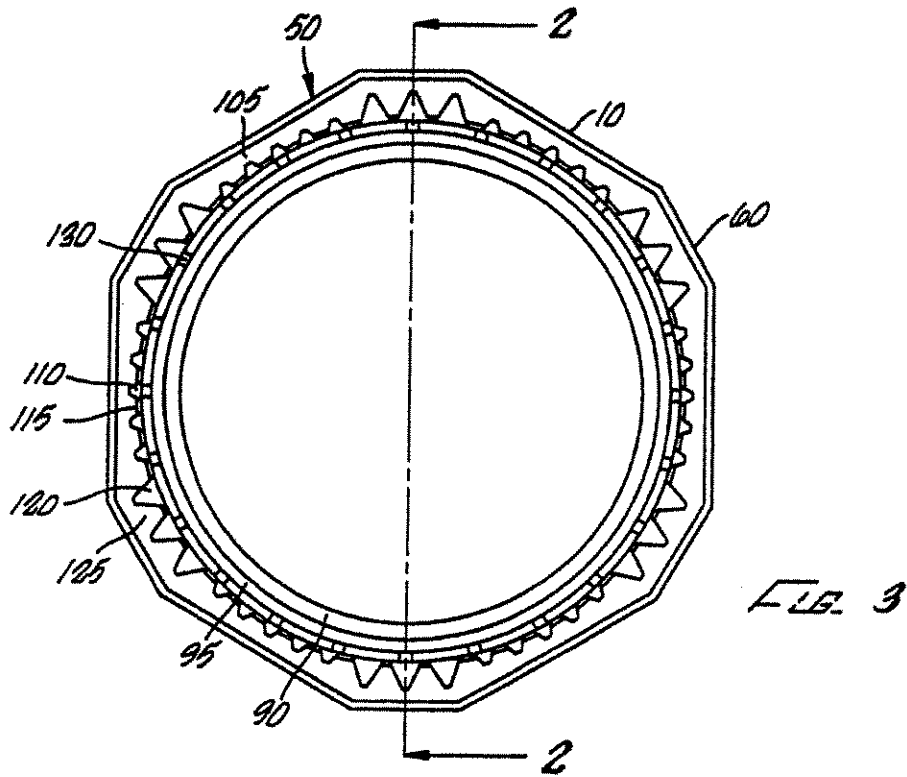


U.S. Patent

Nov. 30, 1993

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SHOCK ABSORBING LENS HOLDER AND ANTI-ROLL DEVICE

This application is a continuation of application Ser. No. 07/818,751, filed Jan. 8, 1992, now U.S. Pat. No. 5,165,782.

BACKGROUND OF THE INVENTION

The field of the present invention is accessory devices for flashlights.

Flashlights come in a variety of shapes and sizes. A common design in the art comprises a barrel-shaped body with a cylindrical head assembly. This design best accommodates standard, cylindrical batteries as the power source of the flashlight. The head assembly typically contains a lamp covered by a clear lens, the lens being recessed from the outermost end of the head assembly to help protect it by reducing its exposure to contact with foreign objects.

It is often desirable to change the color or intensity of the light emitting from a flashlight. A known method of accomplishing this is to remove the clear lens from the head assembly and insert a particular colored lens in its place. However, this method can be cumbersome and time consuming. Another method is known whereby a colored, accessory lens is placed over the existing lens at the end of the head assembly and secured by a "lens holder" device.

It is also desirable to prevent a flashlight from rolling along a surface. A known method of accomplishing this is to equip the head assembly with an attachment accessory having a plurality of flat sides which inhibit the flashlight from rolling. This attachment, or "anti-roll" device is typically made of molded plastic or rubber material and is designed to fit over a cylindrical flashlight head assembly.

It is further known to combine the utility features of a lens holder with those of an anti-roll attachment in a single flashlight accessory device.

SUMMARY OF THE INVENTION

The present invention is directed to combining the features of an anti-roll accessory device with means for absorbing shock caused by dropping or other impact, thereby providing protection to the lamp, lens and other components of the head assembly, but doing so with minimum material requirements and complexity.

According to a first aspect of the present invention, a flashlight accessory device is provided which forms a cover for the head of a flashlight. A hollow cylindrical body open at each end is provided with multiple flat sides and ribs extending inwardly about the inner periphery of the body. The ribs extend to receive the flashlight head and provide energy absorbing characteristics to protect against physical shock.

In a second aspect of the present invention, such a flashlight head cover includes an inwardly extending flange having a first shoulder for abutting against one end of the flashlight head, a second shoulder for receiving a secondary lens such as a colored lens and an annular seat having an interlocking structure spaced from the second shoulder so as to be capable of retaining a secondary lens in position.

Thus, it is an object of the present invention to provide an improved head cover for a flashlight. Other objects and advantages will appear hereinafter.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an exploded perspective view of a flashlight and a flashlight head cover of the present invention.

FIG. 2 is a cross-sectional side view of the cover with a flashlight shown in place taken along line 2—2 of FIG. 3.

FIG. 3 is a bottom view of the flashlight head cover.

FIG. 4 is a bottom view of the flashlight head cover illustrating locking members to retain a secondary lens.

FIG. 5 is a cross-sectional side detail view taken along line 5—5 of FIG. 4.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Turning in detail to the drawings, a flashlight head cover 10 is shown retaining a color lens 15 on a flashlight 20. The flashlight has a cylindrical head assembly 25 with an outer wall 30 and a clear lens 35. The lens 35 is mounted within a recess 40 of the head assembly. Other components within the head assembly, such as a lamp and reflector, are not illustrated. The cover is integrally formed of molded resilient plastic or rubber. The resilience and softness of the material employed are preferably selected to improve shock characteristics and durability.

The cover 10 has multiple flat, rectangular external sides to form a ring-like structure. The sides include wide sides 50 and narrow sides 60 in an alternating pattern to form a cylindrical multi-faceted body 65. The body is hollow, being open at each end. There are six wide sides 50 giving the cover a hexagonal look. The narrow sides are provided at the corners of this hexagon. The sides are useful in inhibiting the rolling of a flashlight when positioned on a flat surface.

The cover 10 has a first end defined by inwardly sloping portions 70 adjacent to each flat side 50 and 60. Inwardly of the sloping portions there is a uniform flat top surface 75. Inwardly therefrom is an inwardly concave surface 80. This end extends inwardly as a flange 90. The flange 90 includes a stop 95 which is substantially cylindrical, extending to a first shoulder 96 against which the head assembly wall 30 abuts to locate the cover 10. The flange 90 also includes a second shoulder 97 for receiving an accessory lens 15. The second shoulder 97 is angled inwardly as can best be seen in FIG. 5. This angle creates a lip seal for sealing the accessory lens 15 to prevent moisture and dirt from entering into the area between the accessory lens 15 and the primary lens 35.

In between the first shoulder 96 and the second shoulder 97 is an annular seat 98. The annular seat 98 extends from the outer end of the first shoulder 96 to the inner end of the second shoulder 97. This seat 98 is arranged such that the end adjacent to the first shoulder has an interlocking configuration. In the embodiment illustrated in FIG. 2, the seat is tapered inwardly away from the second shoulder 97. This results in an undercut seat retain the lens 15 abutting against the second shoulder 97. In FIG. 5, the seat 98 is cylindrical with retainers 99 extending inwardly and spaced from the second shoulder 97.

The interior of the hollow cylindrical body 65 includes a plurality of ribs 100 extending inwardly. The ribs 100 have a tapered portion 102 to facilitate insertion of the head assembly 25 into the cover 10. The ends of the ribs 100 terminate at a surface of rotation which, in the preferred embodiment, is a circular cylinder. This

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surface of rotation approximates the surface of the flashlight head and is preferably slightly smaller than the flashlight head to insure an interference fit between the cover 10 and the flashlight head 25. As the hollow cylindrical body 65 may be considered to have a substantially uniform wall thickness 105, the ribs 100 are of varying heights so as to extend to the surface of rotation defined above. On the wide sides 50, small pitch serrations 110 define the ribs 115 while the narrow sides 60 have large pitch serrations 120 to define larger ribs 125.

The inwardly extending flange 90 is shown to extend downwardly with rectangular bosses 130 extending outwardly from the flange. These bosses 130 assist in insuring proper location of the flashlight head 25, help rigidify the cylindrical stop 95 and provide shock absorbing properties to the structure against impact.

When the cover 10 is placed over the head assembly 25 of a flashlight 20, that portion of the wall 30 which extends beyond the flashlight lens 35 extends through and abuts against the inwardly extending flange 90 and the stops 130. The head 25 is retained in interference fit by the ribs 100. If the flashlight is dropped on the head assembly or otherwise struck, the cover provides means for reducing the force that translates to the components of the head assembly. This protection is provided about the periphery of the head and on the end of the head assembly.

Thus, a cover capable of protecting the head of a flashlight, providing anti-roll characteristics and providing a seat for an auxiliary lens is disclosed. While embodiments and applications of this invention have been shown and described, it would be apparent to those skilled in the art that many more modifications are possible without departing from the inventive concepts herein. The invention, therefore is not to be restricted except in the spirit of the appended claims.

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What is claimed is:

1. A cover for a flashlight, comprising a hollow body open at each end to receive at least a portion of a flashlight therein and having an outer surface with multiple surface portions, which portions are not outwardly convex and an inner side within the hollow body; elements extending inwardly from said inner side and being mutually displaced, said elements terminating at a surface of rotation approximating an outer surface of a portion of a flashlight to be received in said hollow body.
2. The cover of claim 7 further comprising an inwardly extending flange at one end of said hollow body to receive an end of a flashlight positioned in said hollow body.
3. The cover of claim 2 wherein said inwardly extending flange is circular about its inner periphery and includes a first shoulder on one side thereof to receive a flashlight, a second shoulder extending inwardly from said first shoulder and an annular seat extending from a first end at said first shoulder to a second end at said second shoulder.
4. The cover of claim 3 wherein said annular seat includes means displaced from said second shoulder for retaining a lens in said annular seat abutting against said second shoulder.
5. The cover of claim 4 wherein said means for retaining a lens in said annular seat includes retainers extending inwardly from said annular seat and displaced from said second shoulder.
6. The cover of claim 1 wherein said hollow body is of substantially uniform wall thickness, said elements being of varying heights.
7. The cover of claim 6 wherein said hollow body and said elements are integrally formed.

* * * * *

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV08 - 2778 ODW (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAG INSTRUMENT, INC., a California
corporation,

v. PLAINTIFF,

TEKTITE INDUSTRIES, INC., a New Jersey
corporation, and DOES 1-10,

DEFENDANTS.

CASE NUMBER

CV 08-02778 ODW (CWK)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney

Robert C. Weiss, whose address is:

JONES DAY
555 South Flower Street, 50th Floor
Los Angeles, CA 90071
(213) 489-3939

An answer to the ☒ COMPLAINT, ☐ AMENDED COMPLAINT,
(1st, 2nd, etc.)

☐ COUNTERCLAIM, ☐ CROSS-CLAIM which is herewith served upon you within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will
be taken against you for the relief demanded in the complaint.

CLERK, U. S. DISTRICT COURT

DATE: APR 29 2008

By LA'REE HORN
Deputy Clerk

(SEAL OF THE COURT)



1192

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)

MAG INSTRUMENT, INC., a California corporation

DEFENDANTS

TEKTITE INDUSTRIES, INC., a New Jersey corporation, and
DOES 1-10(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
San Bernardino

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Robert C. Weiss
JONES DAY
555 South Flower Street, 50th Floor
Los Angeles, CA 90071
(213) 489-3939

Attorneys (If Known)

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 - For Diversity Cases Only
(Place an X in one box for plaintiff and one 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 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☒ MONEY DEMANDED IN COMPLAINT: \$ To be determinedVI. 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.)
Patent Infringement -- 35 United States Code, Section 271, et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

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

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number:

CV08-02778

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
☐ B. Involve the same or substantially the same parties or property;
☐ C. Involve the same patent, trademark or copyright;
☐ D. Call for determination of the same or substantially identical questions of law, or
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

San Bernardino

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Los Angeles

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date April 29, 2008

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |