UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

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2004 DEC 27 P 4:38

P&M SERVICES, INC., Plaintiff	Civil Action No.:
v.	04-40173FDS
ANDRE LAVALLEE, Defendant	(Our Docket No. 5270-01)

COMPLAINT AND JURY DEMAND

Plaintiff, P&M Services, Inc. ("P&M"), through its attorneys, states as follows for its Complaint against Defendant Andre Lavallee ("Lavallee"):

Parties

1. P&M is a corporation organized under the laws of the State of Tennessee.

2. Lavallee is an individual who is a resident of Charlton, Massachusetts.

Jurisdiction and Venue

3. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

RECEIPT # 404390
AMOUNT $ 150-
SUMMONS ISSUED ✓
LOCAL RULE 4.1 ✓
WAIVER FORM ✓
MCF ISSUED ✓
BY DPTY. CLK. KM
DATE 12-27-04

5. Venue in this action is proper in this district pursuant to 28 U.S.C. §1400(b) because Lavallee resides in this district.

Patents-in-Suit

6. P & M is the owner by assignment of U.S. Patent No. 5,964,024 (the '024 patent) and U.S. Patent No. 6,282,766 (the '766 patent) (collectively the "Patents-in-Suit"). Copies of the patents are attached as **Exhibits 1 and 2**, respectively.

7. The '024 patent practices a method of cutting a cylindrical roll of paper.

8. The '766 patent comprises a device for cutting a cylindrical roll of paper.

Cause of Action for Patent Infringement

9. Subsequent to the issuance date of the '024 patent, Lavallee has infringed at least one of the claims of the '024 patent by manufacturing, using, offering for sale, and selling roll cutters or paper sizing machines that infringe at least one of the claims of the '024 patent.

10. Subsequent to the issuance date of the '766 patent, Lavallee has infringed at least one of the claims of the '766 patent by manufacturing, using, offering for sale, and selling roll cutters or paper sizing machines that infringe at least one of the claims of the '766 patent.

11. Lavallee's infringement of the Patents-in-Suit was willful.

12. Lavallee's actions were and are without authority from P&M or its predecessors.

13. Lavallee has benefited from his infringement of the Patents-in-Suit.

14. P&M has suffered substantial monetary injury and loss as a result of Lavallee's infringements of the Patents-in-Suit.

15. In addition to the activities described above, Lavallee has filed a fraudulent patent application and obtained a patent based on that fraudulent application (Patent No. 6,405,623).

16. Lavallee has been involved in attempts to enforce that patent against P&M in the present lawsuit.

17. As a result of Lavallee's attempts to enforce his fraudulent patent, P&M has been forced to incur substantial expenses, including, but not limited to, attorney's fees and costs, and substantial expenses to develop alternative technologies in order to protect P&M business in the event that Lavallee's fraudulent patent was held to be enforceable.

Cause of Action for Inducement of Patent Infringement

18. Lavallee has actively and knowingly induced infringement of at least one of the claims of the Patents-in-Suit.

19. Lavallee by offering and soliciting the use of roll cutters or paper sizing machines has actively and knowingly induced infringement of at least one of the claims of the Patents-in-Suit.

20. Lavallee actively and knowingly assisted Martin Gubb, Sterling and/or L&P in the sale of a roll cutter or paper sizing machine to Quad Graphics.

21. Lavallee's inducement of infringement of the Patents-in-Suit was willful.

22. Lavallee's actions were and are without authority from P&M or its predecessors.

23. Lavallee has benefited from his inducement of infringement of the Patents-in-Suit.

24. P&M has suffered substantial monetary injury and loss as a result of Lavallee's inducement of infringements of the Patents-in-Suit.

WHEREFORE, P&M requests that the Court grant the following relief:

A. That it be decreed that the Patents-in-Suit are valid and enforceable.

B. That it be decreed that Lavallee has infringed the Patents-in-Suit.

C. That it be decreed that Lavallee has induced infringement of the Patents-in-Suit.

D. That Lavallee be ordered to account for and pay damages adequate to compensate P&M for its damages caused by Lavallee's infringement of the Patents-in-Suit.

E. That Lavallee be ordered to account for and pay damages adequate to compensate P&M for its damages caused by Lavallee's inducement of infringement of the Patents-in-Suit.

F. That these damages be increased, pursuant to 35 U.S.C. §284, up to three times the actual damages found or assessed by the Court, and interest be paid by Lavallee from the date of his initial infringement (or inducement of infringement).

G. That P&M be awarded its attorneys' fees, pursuant to 35 U.S.C. §285, and assessment of interest, costs and expenses for this suit.

H. That P&M be granted such other and further relief as the Court may deem proper under the circumstances.

Dated: 8/27/04

By _____

J. Kevin Grogan (MA No. BBO635089)
Arthur F. Dionne (MA No. BBO125760)
John A. Kramer (MA No. BBO643421)
McCormick, Paulding & Huber LLP
1350 Main Street, 5th Floor
Springfield, MA 01103-1628
Tel: (413) 736-5401
Fax: (413) 733-4543

Of Counsel:

Wm. Tucker Griffith
McCormick, Paulding & Huber LLP
185 Asylum Street
CityPlace II
Hartford, CT 06103-3402
Tel: (860) 549-5290
Fax (860) 527-0464

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

P&M SERVICES, INC., Plaintiff	Civil Action No.
v.	
ANDRE LAVALLEE, Defendant	(Our Docket No. 5270-01)

PLAINTIFF'S RULE 7.3 DISCLOSURE STATEMENT

Pursuant to Local Rule 7.3, Plaintiff P&M Services, Inc. hereby states that it has no parent corporation. P&M Services, Inc. further states that no publicly held corporation holds 10% or more of its stock.

Respectfully submitted,

P&M SERVICES, INC.
By Its Attorney

Dated: 8/27/04

By _____

J. Kevin Grogan (MA No. BBO635089)
Arthur F. Dionne (MA No. BBO125760)
John A. Kramer (MA No. BBO643421)
McCormick, Paulding & Huber
1350 Main Street
5th Floor
Springfield, MA 01103-1628
Tel: (413) 736-5401
Fax: (413) 733-4543

US005964024A

United States Patent [19]

Wallace

[11] Patent Number: 5,964,024

[45] Date of Patent: Oct. 12, 1999

[54] ROLL CUTTER

[75] Inventor: Marcus T. Wallace, Smyrna, Tenn.

[73] Assignee: Norkol/Fibercore, Inc., Ill.

[21] Appl. No.: 08/896,504

[22] Filed: Jun. 25, 1997

[51] Int. Cl.[6] B23P 23/00; B26D 3/16

[52] U.S. Cl. 29/558; 82/47; 82/122; 83/56; 83/924

[58] Field of Search ..... 29/27 R, 27 C; 82/101, 122, 47; 83/801, 466.1, 924, 516, 54, 56

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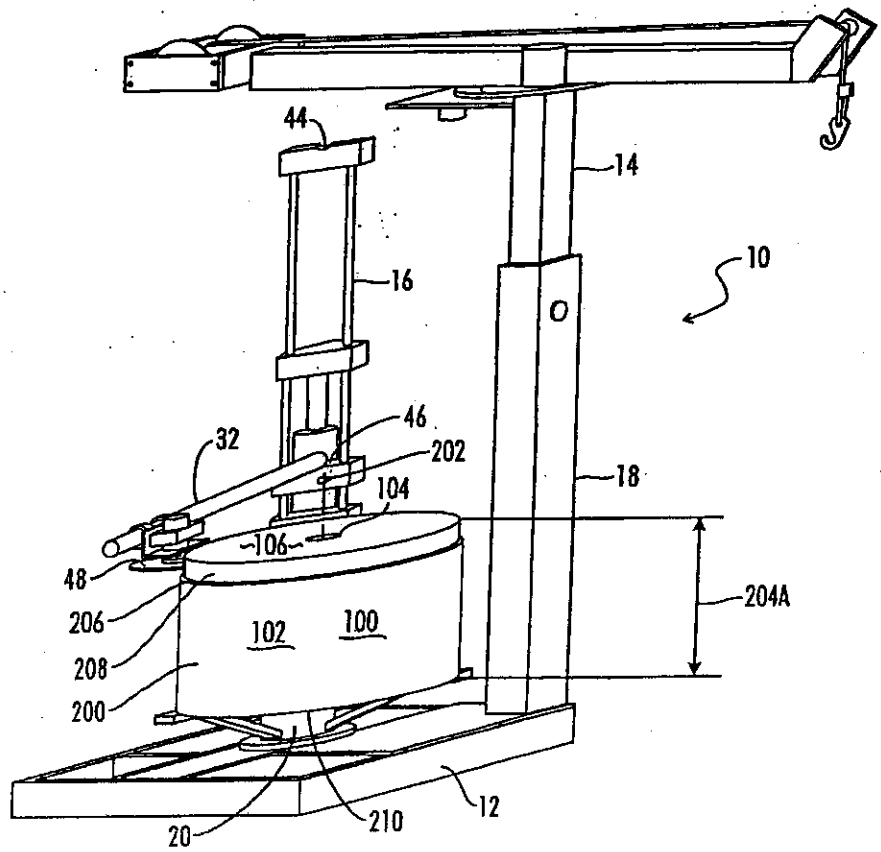
Primary Examiner—William Briggs

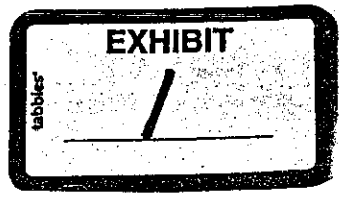
Attorney, Agent, or Firm—Waddey & Patterson; Lucian Wayne Beavers

[57] ABSTRACT

The present invention discloses a roll cutter. The roll cutter has a housing. To the housing, there is attached a base, a cutter assembly, and an optional hoist assembly. The hoist assembly is a telescoping tower that allows the user to engage a roll using a hoist. The hoist can then pick up the roll and move it onto the stand. Once on the stand, the cutting assembly having a cutting tower, a cutting arm, and a saw can be placed at the desired level of cut. A saw can then be used to cut away the roll until it is the desired width. A sanding blade can be used to sand the edge of the roll.

9 Claims, 5 Drawing Sheets





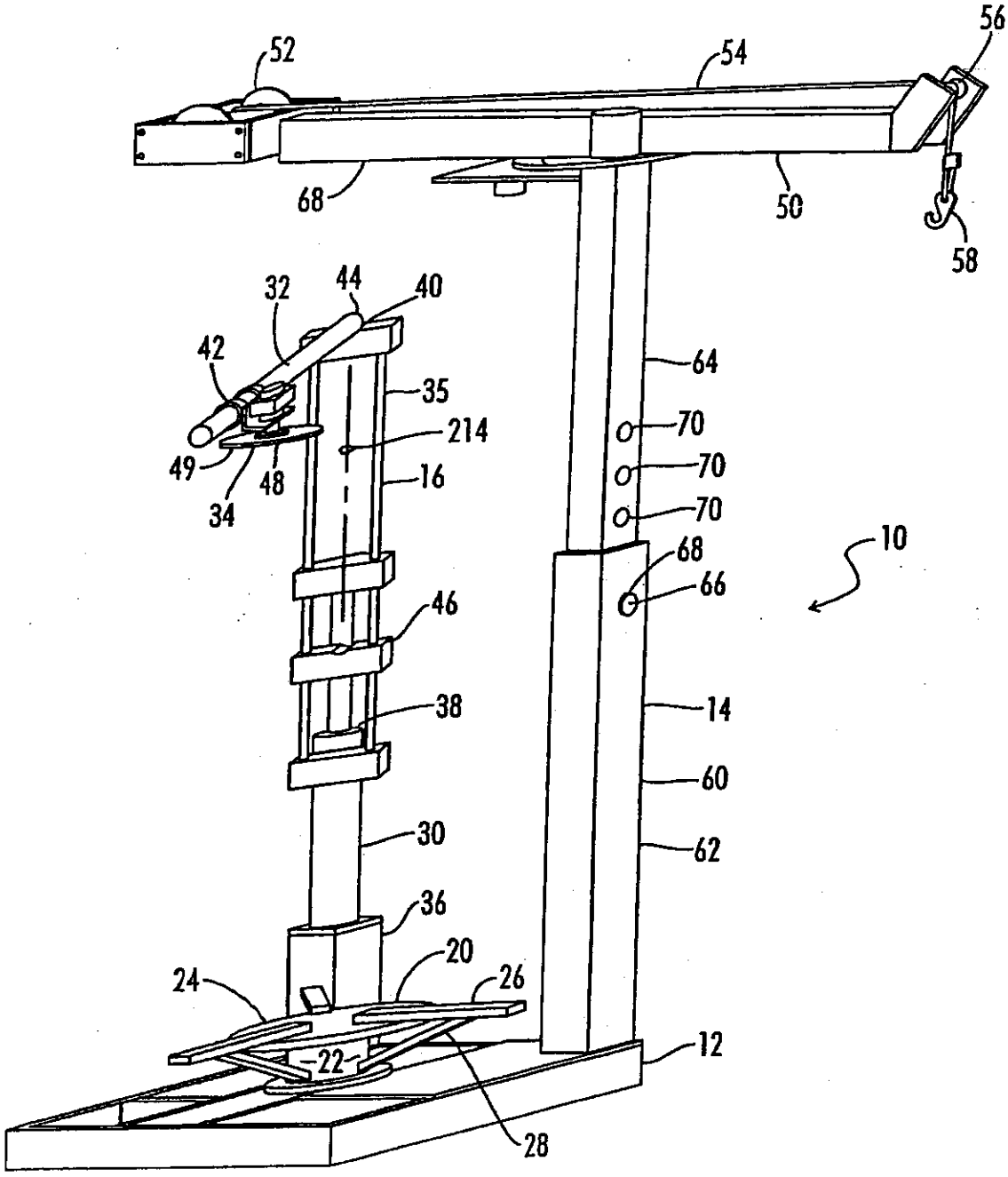

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FIG. 1

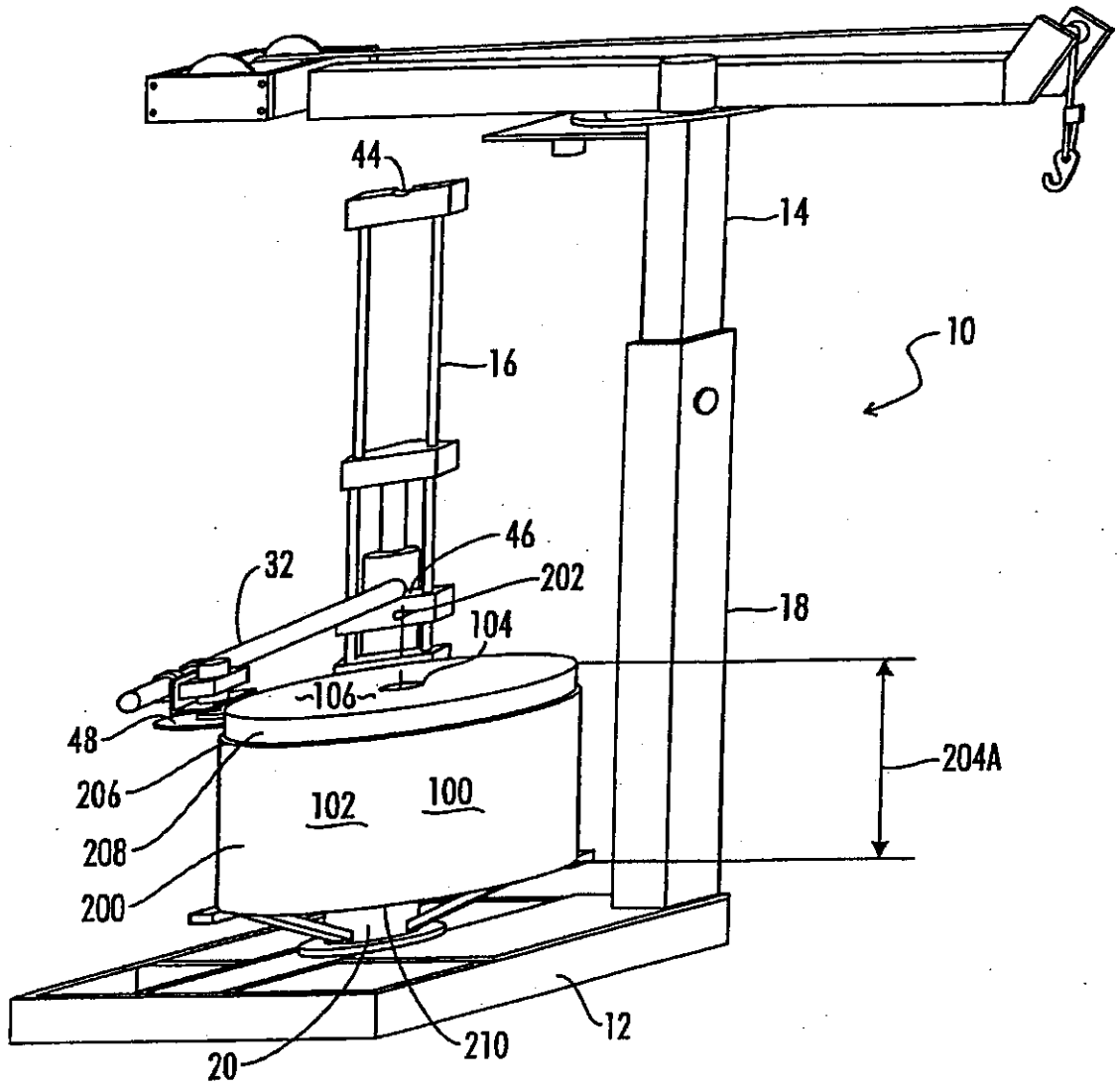
44
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FIG. 2

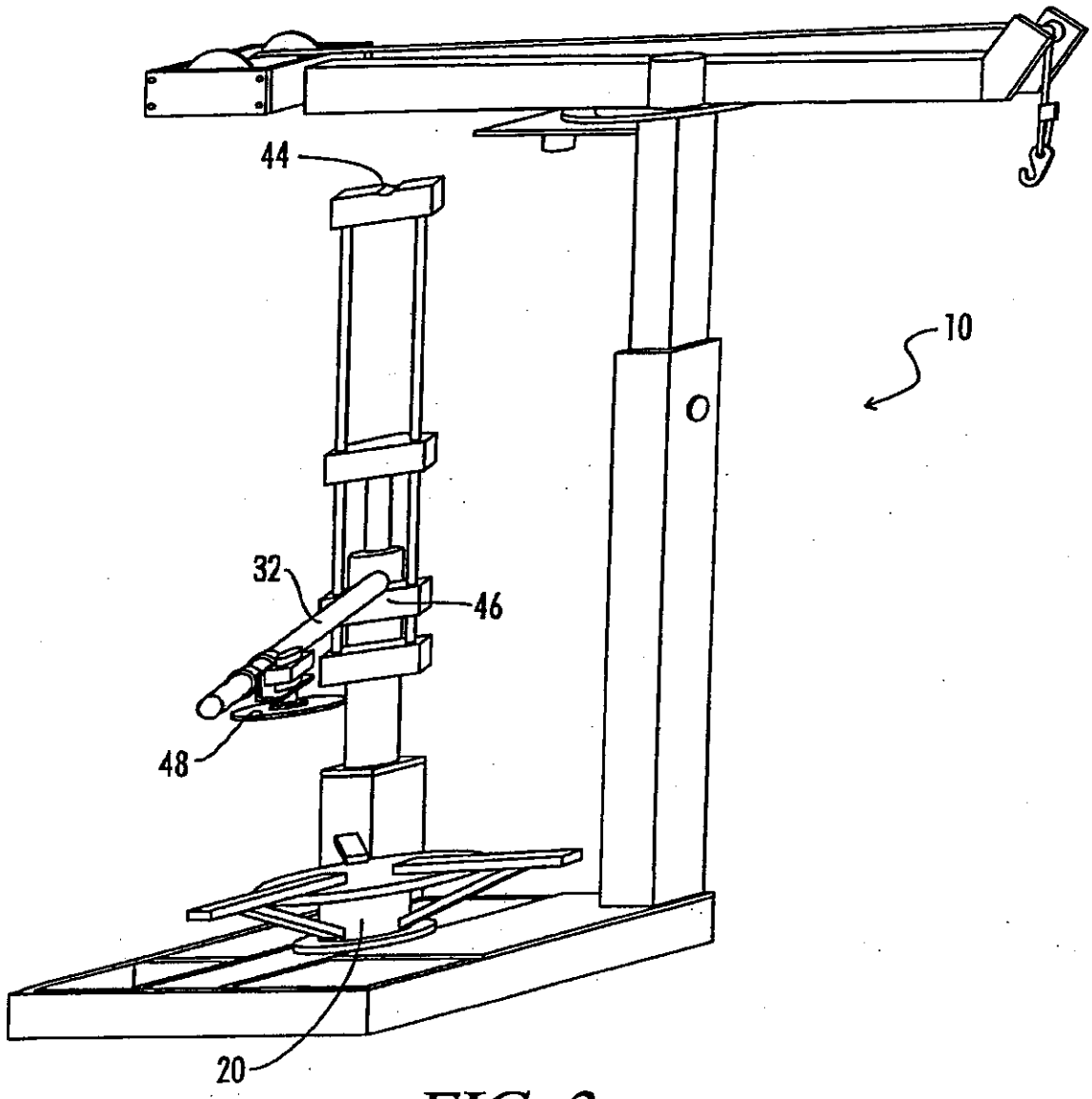

FIG. 3

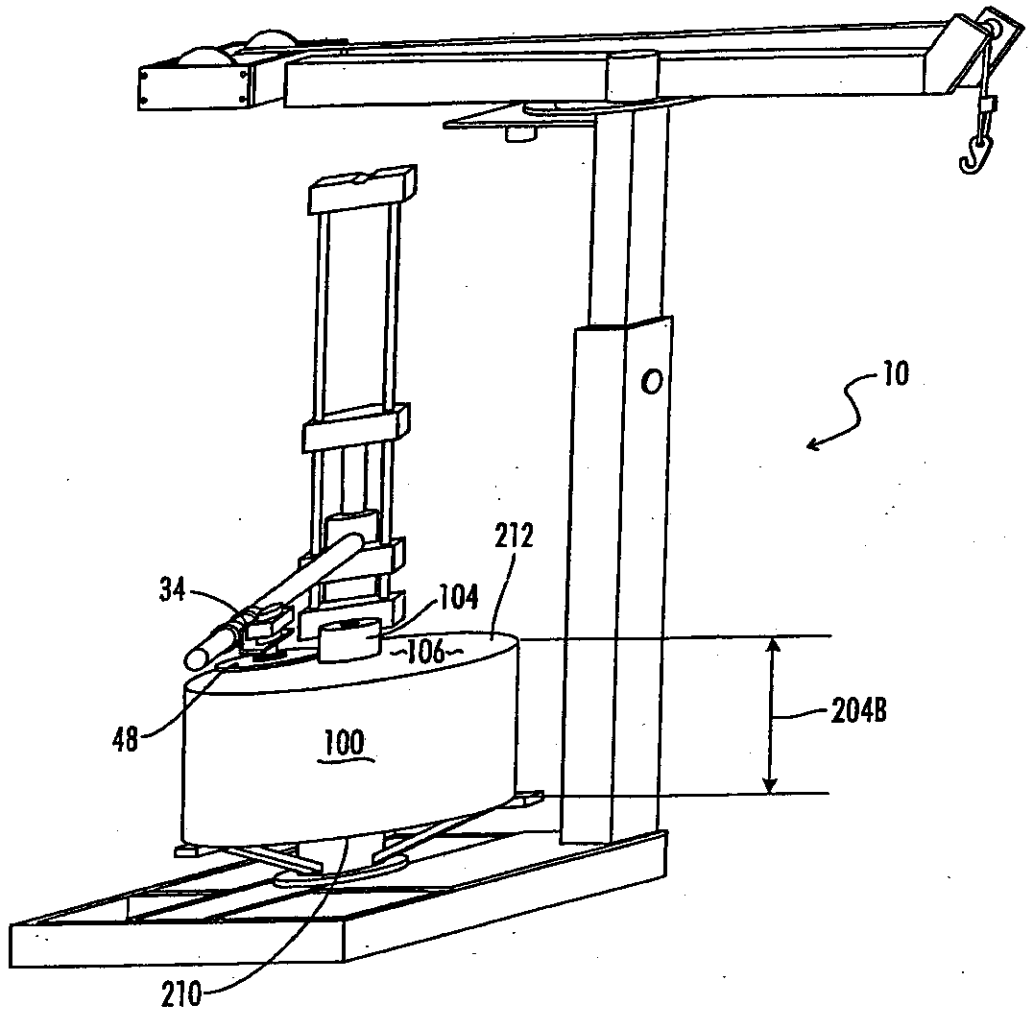

FIG. 4

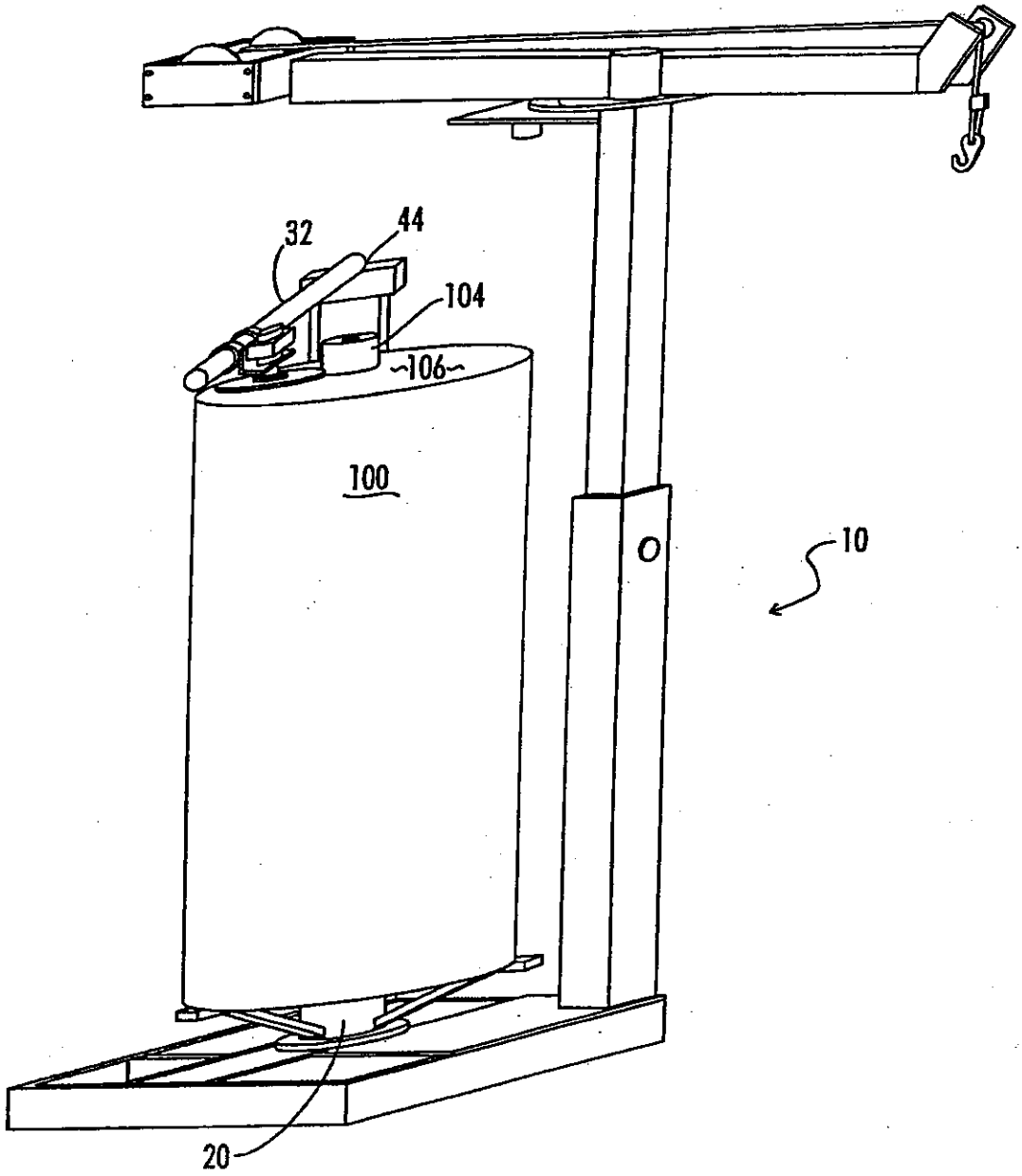

FIG. 5

ROLL CUTTER

BACKGROUND OF THE INVENTION

The present invention relates generally to a paper roll machine and more particularly to a device for cutting a paper roll.

It will be appreciated by those skilled in the art that paper rolls tend to be very large, heavy, and bulky. These rolls, such as paper rolls, are not very easy to maneuver and to handle. It will further be appreciated by those skilled in the art that often times, these paper rolls may obtain damage at the end. Other times, rolls, such as paper rolls, may be too wide to be fed into a press to create the desired size and product. For example, the user may wish to have a 32" wide sheet when the only roll available is 36". As a result, at the end of many runs, paper is wasted that can not otherwise be used.

Presently, the only known method of cutting paper is to lug the paper roll onto a band saw and let the band saw slowly work its way through the paper. Unfortunately, this causes the roll to be placed on its side for a long period of time thereby possibly warping the roll out of circle.

What is needed, then, is a system for cutting rolls of materials such as paper. This needed device must be capable of cutting rolls very efficiently and easily. This device must be capable of easily handling the bulky and heavy paper roll. This device must be capable of converting wide rolls into narrower rolls. This needed device must also be capable of sanding the edge of a roll. This device is presently lacking in the prior art.

SUMMARY OF THE INVENTION

The present invention discloses a roll cutter. The roll cutter has a housing. To the housing, there is attached a base, a cutter assembly, and, possibly, a hoist assembly. The optional hoist assembly is a telescoping tower that allows the user to engage a roll using a hoist. The hoist can then pick up the roll and move it onto the stand. Otherwise, the roll may be put in place using external moving devices such as fork lifts. Once on the stand, the cutting assembly having a cutting tower, a cutting arm, and a saw can be placed at the desired level of cut. A saw can then be used to cut away the roll until it is the desired width. The saw blade can have a sanding face, or a sanding wheel can replace the saw blade to sand the surface of the roll.

What is needed, then, is a system for cutting a roll such as paper.

Another object of the present invention is to provide a cutter that has a stand which can easily receive the roll.

Another object of the present invention is to provide a system for moving the roll and handling the roll.

Another object of the present invention is to provide a device which can be adjusted to cut the roll to the desired width.

Another object of the present invention is to provide a system which is economical, easy to use, and easy to manufacture.

Another object of the present invention is to provide a system for sanding the edge of a roll.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of the roll cutter of the present invention.

FIG. 2 is a perspective view showing the roll cutter cutting a roll from the lower saw mount.

FIG. 3 is a perspective view of the roll cutter of the present invention showing the saw arm mounted to the lower mount.

FIG. 4 is a perspective view showing the saw being mounted to the lower mount and cutting the core of the roll.

FIG. 5 is a perspective view of the roll cutter of the present invention showing the cutter arm attached to the upper saw mount and cutting the core of a roll.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to FIG. 1, there is shown generally at **10** the roll cutter of the present invention. Roller cutter **10** has housing **12** which is preferably mounted to or placed on ground (not shown). Roll (**100** in later Figures) is received by stand **20** which is attached to housing **12**. Stand **20** has pier **22** which attaches to housing **12**. On top of pier **22**, there is placed base **24**. Preferably extending from base **24** there are arms **26** which are supported by joist **28**. In the preferred embodiment, pier **22** can rotate with respect to housing **12**. Preferably, stand **20** lies proximate middle section of housing **12**.

Still referring to FIG. 1, in order to move roll (**100** in later drawings), there is provided optional hoist assembly **14**. Hoist assembly **14** has hoist tower **60** preferably attached to housing **12**. Hoist tower **60** preferably consists of lower section **62** and upper section **64** which preferably telescopes with respect to one another. Preferably, upper section **64** is raised with respect to lower section **62** and held in place by pin **60** placed in hole **68** in lower section **62** and orifice **70** in upper section **64**. Multiple orifices **70** are provided for adjustment purposes. Proximal upper end of upper section **64** there is placed hoist **50** which has winch **52** which controls cable **54**. Cable **54** then runs over pulley **56** and raises and lowers hook **58**. Cable **54** can be placed around roll (**100** in later drawings) or can be placed through core (**104** in later drawings). If no hoist assembly **14** is provided, a fork lift or other external mechanism is used to place roll **100**.

Still referring to FIG. 1, there is shown generally at **16** the cutting assembly of the present invention. Cutting assembly **16** has lower portion **36** which preferably attaches to housing **12**. Preferably, cutter tower **30** raises upper portion **35** with respect to lower portion **36**. This movement is performed by cutter tower piston **38**. Upper portion **35** preferably has upper saw mount **44** and lower saw mount **46**. Cutter arm **32** is releasibly attached at either upper saw mount **44** or lower saw mount **46** using standard means of attachment such as screws, brackets, and the like. Cutter arm **32** uses slide bracket **42** to attach saw **34** to cutter arm **32**. Bracket **42** can either be a fixed bracket or it can be a slide bracket. Blade **48** is a standard saw blade. However, in the preferred embodiment, blade **48** is also provided with sanding edge. If conventional saw blade is used for blade **48**, a sanding blade can replace the cutting blade for sanding edge **106**.

Referring now to FIG. 2, there is shown generally at **10** the roll cutter of the present invention. In this embodiment, cutter arm **32** is attached to lower saw mount **46** as opposed to upper saw mount **44**. This allows device **10** to cut a narrower roll. In this particular embodiment, device **10** is cutting material or paper **102** from roll **100**.

Referring now to FIG. 3, there is shown generally at **10** the device of the present invention. This figure shows more clearly cutter arm **32** attached to lower saw mount **46** as opposed to upper saw mount **44**.

Referring now to FIG. 4, there is shown generally at **10** the device of the present invention. In this particular embodiment, saw **34** is cutting core **104** of roll **100**.

Referring now to FIG. 5, there is shown generally at **10** still another view of the device of the present invention. In this particular view, cutter arm **32** is attached to upper saw mount **44** and is cutting core **104** of roll **100**.

In the preferred embodiment, cutter tower piston **38** is either a hydraulic or pneumatic piston. In the preferred embodiment, saw **34** is a hydraulic or pneumatic rotary saw. In the preferred embodiment, winch **52** is a pneumatic or hydraulic winch such as of the type manufactured by Braiden. In the preferred embodiment, hoist bracket **68** pivots about upper section **64**.

METHODS OF OPERATION

The methods of utilizing the apparatus **10** to cut the paper roll **100** may be described as follows.

The paper roll **100** may be described as a cylindrical paper roll having a cylindrical outer surface **200** and having a longitudinal central axis **202** along which an initial width **204A** of the paper roll is defined. The methods of the present invention may be described as methods of cutting the paper roll **100** to a narrower width.

The method begins with the step of placing the roll **100** on the rotatable stand **20**. The rotatable stand **20** may also be referred to as a turntable **20**. The longitudinal central axis **202** of roll **100** extends vertically as seen in FIGS. **2**, **4** and **5**, when the roll **100** is placed upon the rotatable stand **20**.

Then, as seen in FIG. **2**, the saw blade **48** is engaged with the outer cylindrical surface **200** of the roll **100**. It is noted that the saw blade **48** is oriented horizontally in FIG. **2** and is there shown making a horizontal cut into the roll **100**. In FIG. **1**, the saw blade **48** has cut partially into the roll **100** thus creating a step **206** in the roll. As is apparent in FIG. **2**, the roll **100** has been rotated upon rotatable stand **20** while cutting with the saw blade **48** thus cutting the step **206** around the entire periphery of the roll **100**. As is seen in comparing FIGS. **2** and **4**, the saw blade **48** continues to cut as the roll **100** rotates thus cutting the entire upper end portion **208** off of the roll **100** thus resulting in a roll as shown in FIG. **4** having a narrower width **204B** than did the original roll in FIG. **2**.

As described above, the rotary saw blade **48** is mounted upon the cutter arm **32** which extends laterally from the vertical cutter tower **30**. The cutter arm **32** pivots relative to the vertical longitudinal axis **214** of tower **30**, between the positions shown in FIG. **2** and **4**, as the saw blade **48** moves inwardly toward the central longitudinal axis **202** of the paper roll **100** to cut the upper end portion **208** off of the roll **100**.

As shown in FIG. **4**, and as described above, the saw blade **48** continues its inward motion to cut the core **104** of the paper roll **100**.

The method can generally be described as standing the roll **100** on its lower end **210** with its longitudinal axis **202** extending vertically, thereby avoiding warping of the cylindrical shape of the roll, and then cutting off the upper end portion **208** of the roll **100**.

While the roll remains standing on its lower end, a newly cut upper end surface **212** (see FIG. **4**) is sanded. As previously discussed, this is accomplished by replacing the standard cutting blade **48** with a sander.

Thus, although there have been described particular embodiments of the present invention of a new and useful roll cutter, it is not intended that such references be construed as limitations upon the scope of this invention except as set forth in the following claims. Further, although there have been described certain dimensions used in the preferred embodiment, it is not intended that such dimensions be construed as limitations upon the scope of this invention except as set forth in the following claims.

What I claim is:

1. A method of cutting a cylindrical paper roll to a narrower width, the cylindrical paper roll having an outer cylindrical surface and having a longitudinal central axis along which the width of the paper roll is defined, said method comprising the steps of:

(a) providing a rotatable stand with a horizontal support surface comprising the primary support for the roll and placing the roll on said rotatable stand with the longitudinal central axis of the roll extending vertically thereby avoiding warping of the cylindrical shape of the roll;

(b) engaging the outer cylindrical surface of the roll with a horizontally oriented rotary saw blade to make a horizontal cut into the roll; and

(c) rotating the stand and thereby rotating the roll while sawing the roll with the saw blade thereby cutting an upper end portion off of the roll resulting in a paper roll of narrower width.

2. The method of claim 1, wherein:

in step (b), the horizontally oriented rotary saw blade is mounted upon a cutter arm which extends laterally from a vertical cutter tower; and

during step (c), pivoting the cutter arm and the attached saw blade about the cutter tower so that the saw blade moves inwardly toward the longitudinal central axis of the paper roll as the upper end portion is cut off the roll.

3. The method of claim 2, further comprising:

during step (c), cutting a core of the paper roll.

4. A method of cutting an end off of a cylindrical paper roll to provide a roll of narrower width, comprising:

(a) providing a rotatable stand with a horizontal support surface and standing the roll on its lower end upon the horizontal support surface with its longitudinal axis extending vertically, so that the horizontal support surface comprises the primary support for the roll thereby avoiding warping of the cylindrical shape of the roll; and

(b) cutting off the upper end of the roll.

5. The method of claim 4, further comprising:

after step (b) and while the roll remains standing on its lower end, sanding the newly cut upper end of the roll.

6. The method of claim 4, wherein:

step (b) includes cutting off an upper end portion of a core of the roll.

7. The method of claim 4, wherein step (b) further comprises:

engaging an outer cylindrical surface of the roll with a saw blade; and

advancing the saw blade radially inward from the outer cylindrical surface of the roll toward a core of the roll, while rotating the roll.

8. The method of claim 7 wherein:

the saw blade is a horizontally oriented rotary disc saw blade.

9. The method of claim 7, wherein:

the saw blade is mounted upon a pivotal arm; and

the advancing step includes pivoting the pivotal arm toward the core of the roll.

* * * * *

US006282766B1

(12) **United States Patent**
Wallace

(10) **Patent No.: US 6,282,766 B1**
(45) **Date of Patent: *Sep. 4, 2001**

(54) **ROLL CUTTER**

(75) Inventor: **Marcus T. Wallace**, Smyrna, TN (US)

(73) Assignee: **Fibercore Equipment Co.**, Murfreesboro, TN (US)

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

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/306,138**

(22) Filed: **May 6, 1999**

Related U.S. Application Data

(62) Division of application No. 08/896,504, filed on Jun. 25, 1997, now Pat. No. 5,964,024.

(51) **Int. Cl.**[7] **B23P 23/02**; B23B 5/14; B26D 5/34

(52) **U.S. Cl.** ..... **29/27 C**; 29/38 A; 82/122; 83/411.1; 83/924; 409/166

(58) **Field of Search** ..... 29/27 R, 27 C, 29/33 R, 38 A; 409/165, 166; 82/101, 122, 47, 99.2; 83/801, 466.1, 924, 796, 54, 56, 614, 425.4, 733, 411.1, 411.3, 411.7

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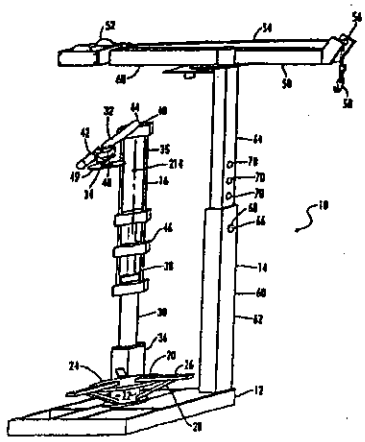
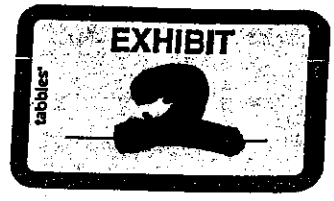
Primary Examiner—William Briggs
(74) *Attorney, Agent, or Firm*—Waddey & Patterson; Lucian Wayne Beavers

(57) **ABSTRACT**

The present invention discloses a roll cutter. The roll cutter has a housing. To the housing, there is attached a base, a cutter assembly, and an optional hoist assembly. The hoist assembly is a telescoping tower that allows the user to engage a roll using a hoist. The hoist can then pick up the roll and move it onto the stand. Once on the stand, the cutting assembly having a cutting tower, a cutting arm, and a saw can be placed at the desired level of cut. A saw can then be used to cut away the roll until it is the desired width. A sanding blade can be used to sand the edge of the roll.

16 Claims, 5 Drawing Sheets





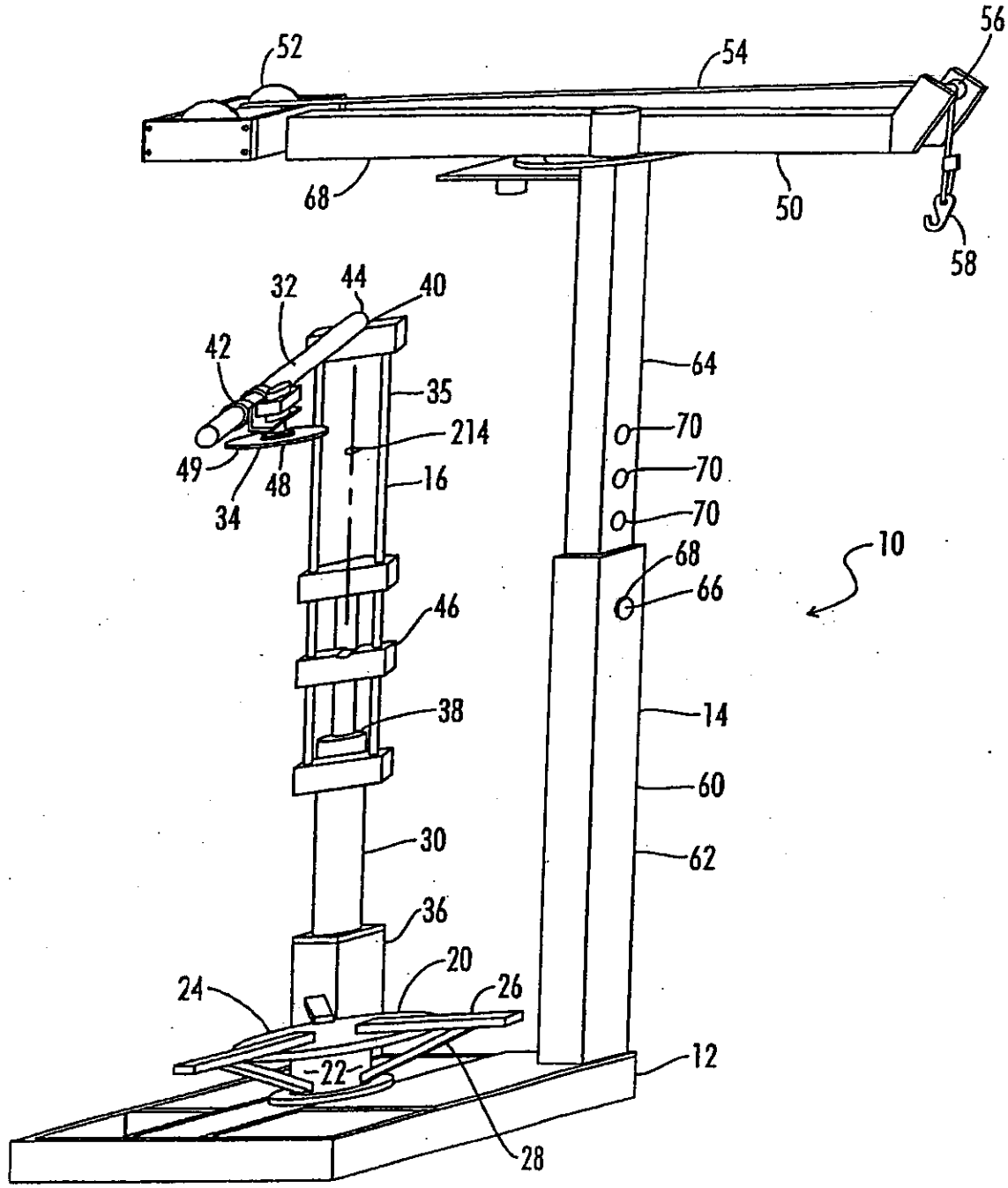

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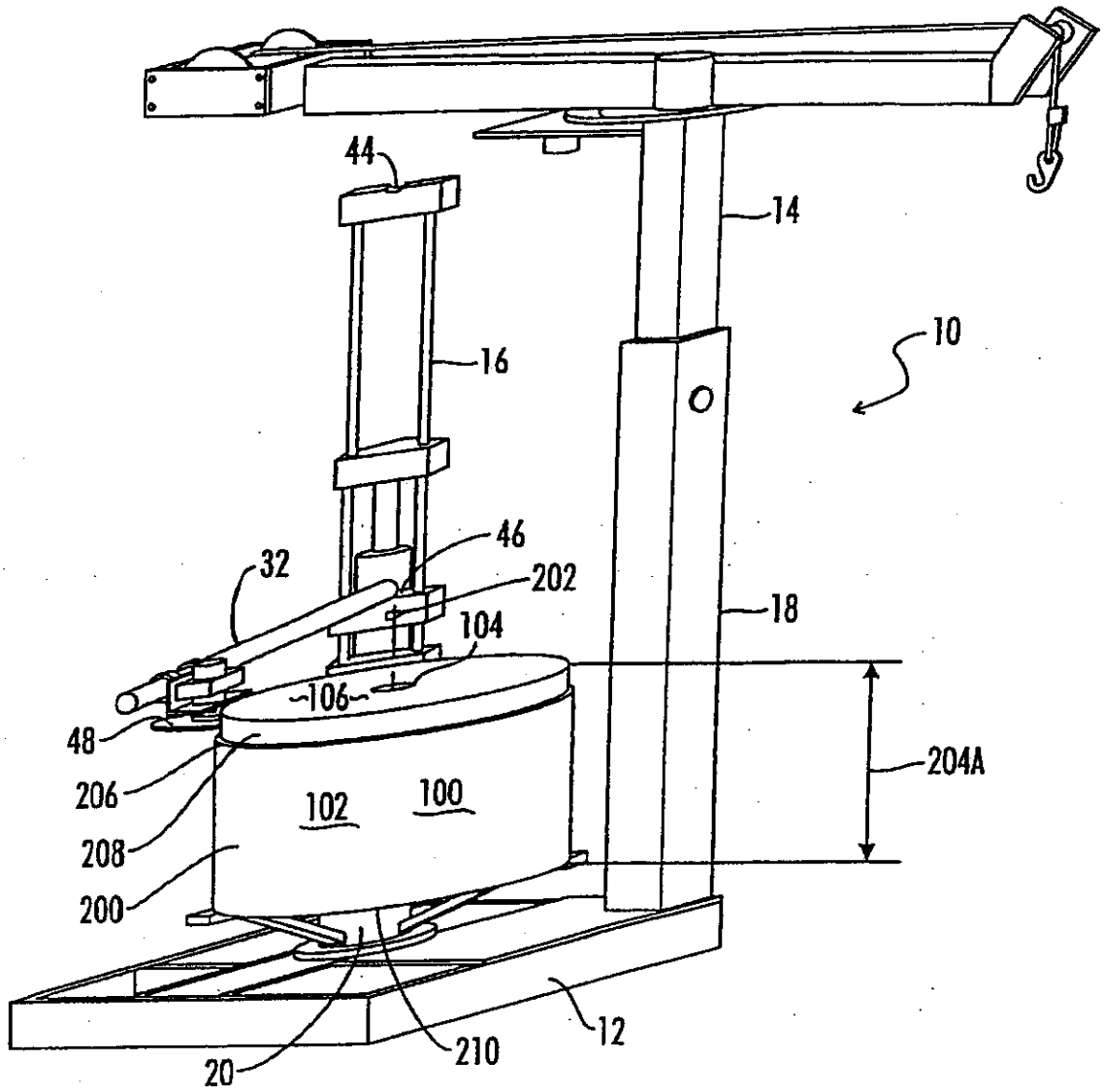
FIG. 1


44
14
16
10
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204A
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100
208
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210
20

FIG. 2

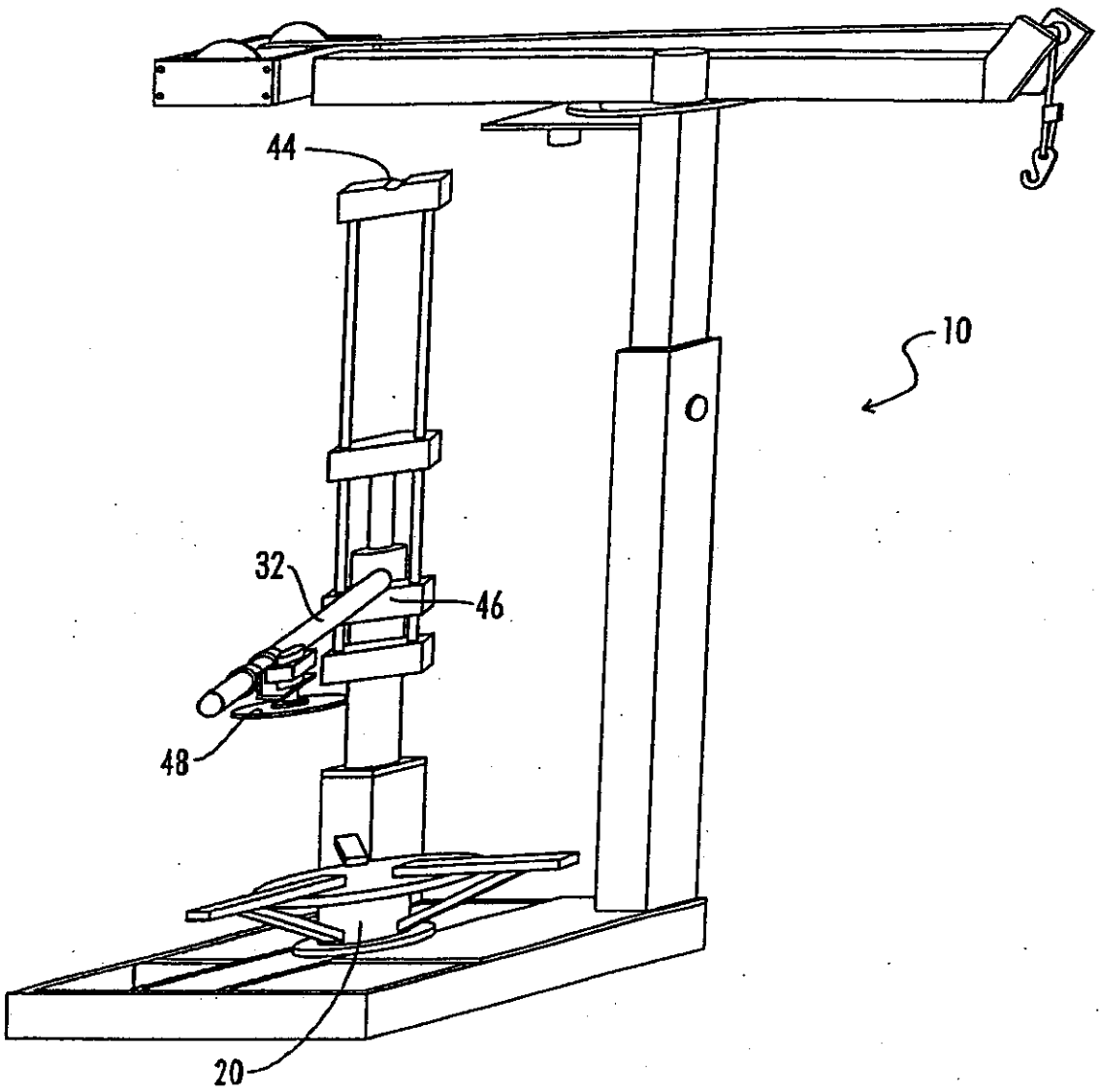

FIG. 3

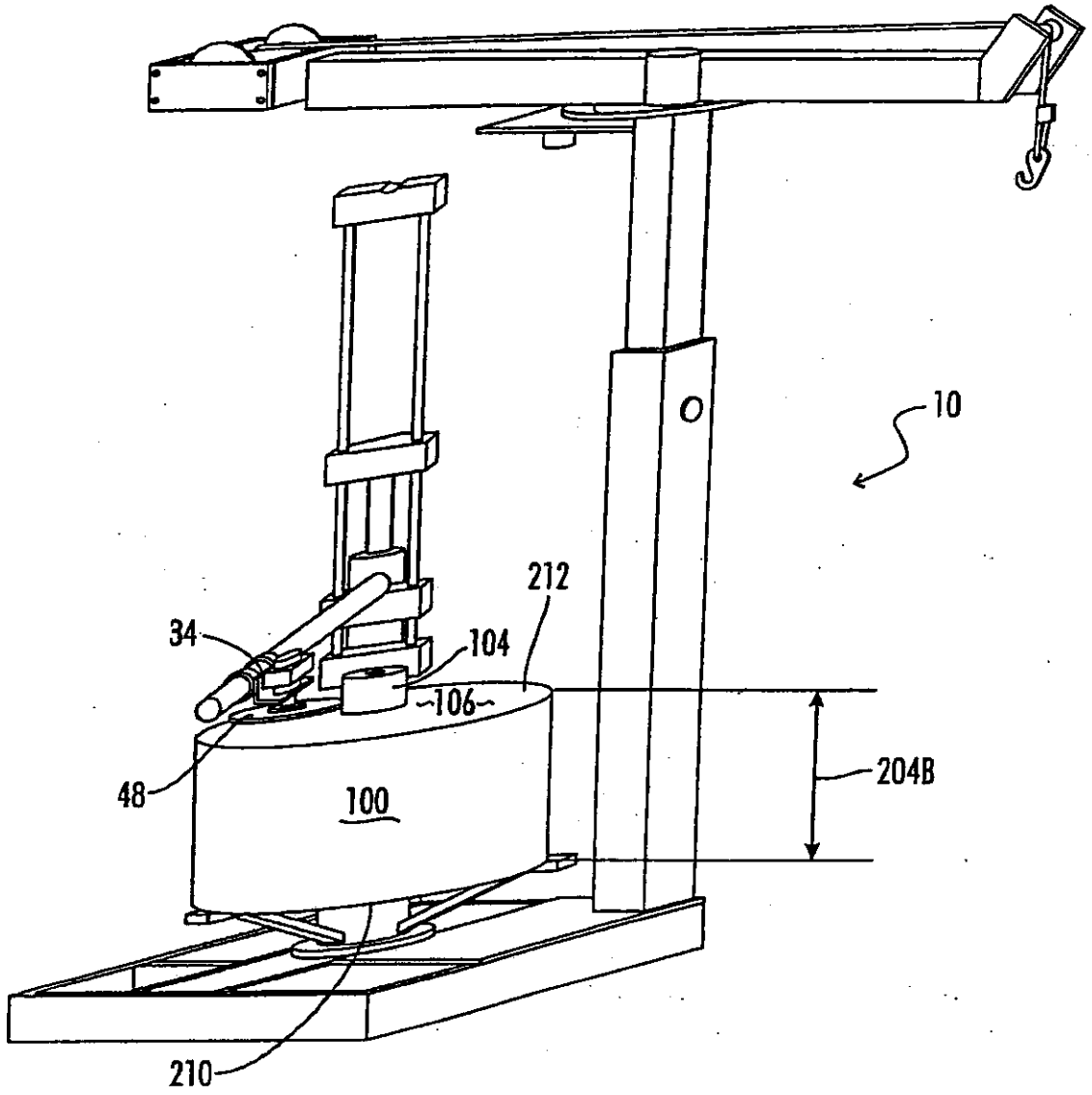

FIG. 4

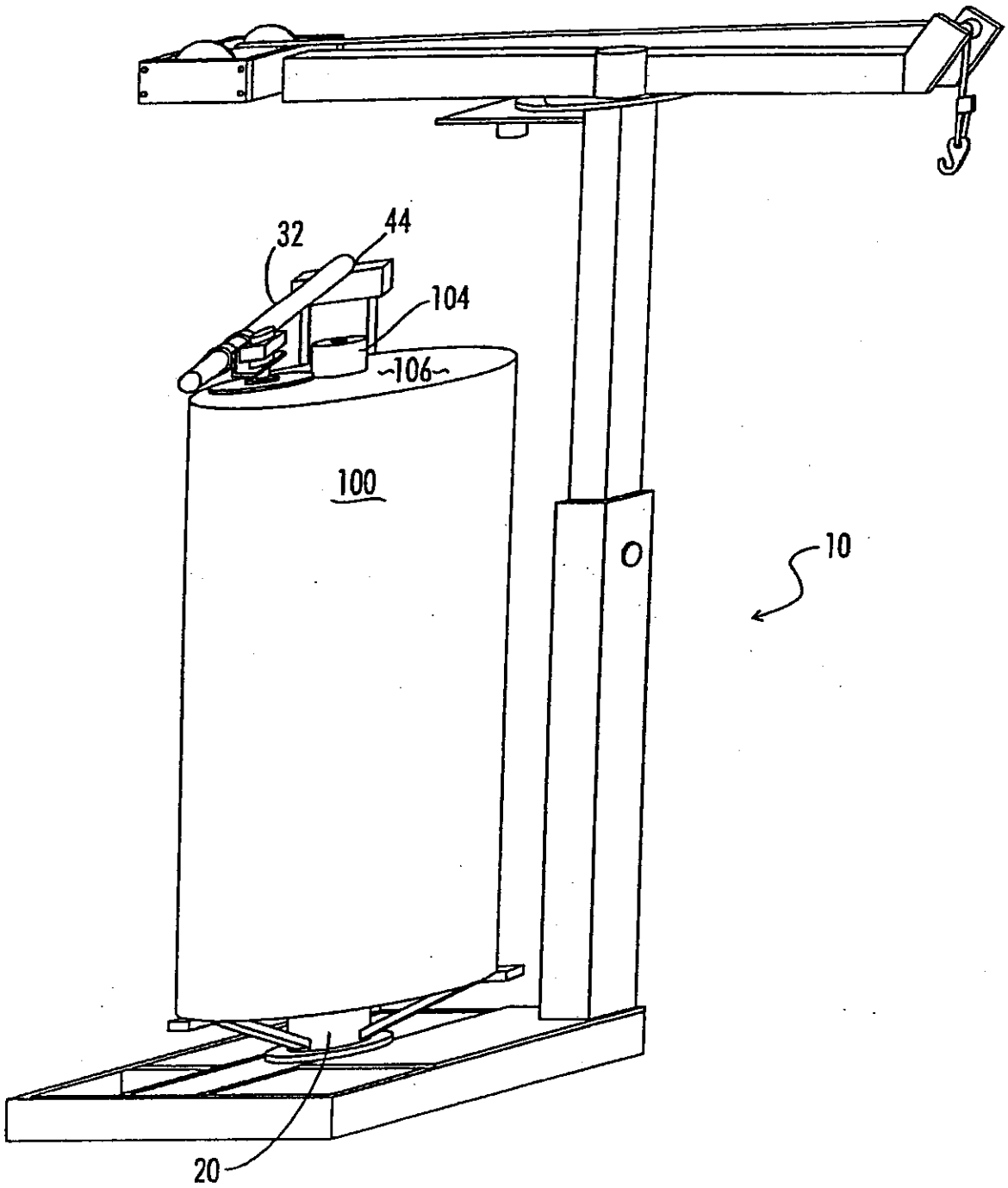

FIG. 5

ROLL CUTTER

This is a division of my prior U.S. patent Application Ser. No. 08/896,504 titled ROLL CUTTER filed Jun. 25, 1997, now U.S. Pat. No. 5,964,024.

Be it known that I, Marcus T. Wallace, a citizen of the United States, residing at 530 Carter Lane, Smyrna, Tenn., have invented a new and useful "Roll Cutter."

BACKGROUND OF THE INVENTION

The present invention relates generally to a paper roll machine and more particularly to a device for cutting a paper roll.

It will be appreciated by those skilled in the art that paper rolls tend to be very large, heavy, and bulky. These rolls, such as paper rolls, are not very easy to maneuver and to handle. It will further be appreciated by those skilled in the art that often times, these paper rolls may obtain damage at the end. Other times, rolls, such as paper rolls, may be too wide to be fed into a press to create the desired size and product. For example, the user may wish to have a 32", wide sheet when the only roll available is 36". As a result, at the end of many runs, paper is wasted that can not otherwise be used.

Presently, the only known method of cutting paper is to lug the paper roll onto a band saw and let the band saw slowly work its way through the paper. Unfortunately, this causes the roll to be placed on its side for a long period of time thereby possibly warping the roll out of circle.

What is needed, then, is a system for cutting rolls of materials such as paper. This needed device must be capable of cutting rolls very efficiently and easily. This device must be capable of easily handling the bulky and heavy paper roll. This device must be capable of converting wide rolls into narrower rolls. This needed device must also be capable of sanding the edge of a roll. This device is presently lacking in the prior art.

SUMMARY OF THE INVENTION

The present invention discloses a roll cutter. The roll cutter has a housing. To the housing, there is attached a base, a cutter assembly, and, possibly, a hoist assembly. The optional hoist assembly is a telescoping tower that allows the user to engage a roll using a hoist. The hoist can then pick up the roll and move it onto the stand. Otherwise, the roll may be put in place using external moving devices such as fork lifts. Once on the stand, the cutting assembly having a cutting tower, a cutting arm, and a saw can be placed at the desired level of cut. A saw can then be used to cut away the roll until it is the desired width. The saw blade can have a sanding face, or a sanding wheel can replace the saw blade to sand the surface of the roll.

What is needed, then, is a system for cutting a roll such as paper.

Another object of the present invention is to provide a cutter that has a stand which can easily receive the roll.

Another object of the present invention is to provide a system for moving the roll and handling the roll.

Another object of the present invention is to provide a device which can be adjusted to cut the roll to the desired width.

Another object of the present invention is to provide a system which is economical, easy to use, and easy to manufacture.

Another object of the present invention is to provide a system for sanding the edge of a roll.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of the roll cutter of the present invention.

FIG. 2 is a perspective view showing the roll cutter cutting a roll from the lower saw mount.

FIG. 3 is a perspective view of the roll cutter of the present invention showing the saw arm mounted to the lower mount.

FIG. 4 is a perspective view showing the saw being mounted to the lower mount and cutting the core of the roll.

FIG. 5 is a perspective view of the roll cutter of the present invention showing the cutter arm attached to the upper saw mount and cutting the core of a roll.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to FIG. 1, there is shown generally at **10** the roll cutter of the present invention. Roller cutter **10** has housing **12** which is preferably mounted to or placed on ground (not shown). Roll (**100** in later Figures) is received by stand **20** which is attached to housing **12**. Stand **20** has pier **22** which attaches to housing **12**. On top of pier **22**, there is placed base **24**. Preferably extending from base **24** there are arms **26** which are supported by joist **28**. In the preferred embodiment, pier **22** can rotate with respect to housing **12**. Preferably, stand **20** lies proximate middle section of housing **12**.

Still referring to FIG. 1, in order to move roll (**100** in later drawings), there is provided optional hoist assembly **14**. Hoist assembly **14** has hoist tower **60** preferably attached to housing **12**. Hoist tower **60** preferably consists of lower section **62** and upper section **64** which preferably telescopes with respect to one another. Preferably, upper section **64** is raised with respect to lower section **62** and held in place by pin **60** placed in hole **68** in lower section **62** and orifice **70** in upper section **64**. Multiple orifices **70** are provided for adjustment purposes. Proximal upper end of upper section **64** there is placed hoist **50** which has winch **52** which controls cable **54**. Cable **54** then runs over pulley **56** and raises and lowers hook **58**. Cable **54** can be placed around roll (**100** in later drawings) or can be placed through core (**104** in later drawings). If no hoist assembly **14** is provided, a fork lift or other external mechanism is used to place roll **100**.

Still referring to FIG. 1, there is shown generally at **16** the cutting assembly of the present invention. Cutting assembly **16** has lower portion **36** which preferably attaches to housing **12**. Preferably, cutter tower **30** raises upper portion **35** with respect to lower portion **36**. This movement is performed by cutter tower piston **38**. Upper portion **35** preferably has upper saw mount **44** and lower saw mount **46**. Cutter arm **32** is releasibly attached at either upper saw mount **44** or lower saw mount **46** using standard means of attachment such as screws, brackets, and the like. Cutter arm **32** uses slide bracket **42** to attach saw **34** to cutter arm **32**. Bracket **42** can either be a fixed bracket or it can be a slide bracket. Blade **48** is a standard saw blade. However, in the preferred embodiment, blade **48** is also provided with sanding edge. If conventional saw blade is used for blade **48**, a sanding blade can replace the cutting blade for sanding edge **106**.

Referring now to FIG. 2, there is shown generally at **10** the roll cutter of the present invention. In this embodiment, cutter arm **32** is attached to lower saw mount **46** as opposed to upper saw mount **44**. This allows device **10** to cut a

narrower roll. In this particular embodiment, device **10** is cutting material or paper **102** from roll **100**.

Referring now to FIG. 3, there is shown generally at **10** the device of the present invention. This figure shows more clearly cutter arm **32** attached to lower saw mount **46** as opposed to upper saw mount **44**.

Referring now to FIG. 4, there is shown generally at **10** the device of the present invention. In this particular embodiment, saw **34** is cutting core **104** of roll **100**.

Referring now to FIG. **5**, there is shown generally at **10** still another view of the device of the present invention. In this particular view, cutter arm **32** is attached to upper saw mount **44** and is cutting core **104** of roll **100**.

In the preferred embodiment, cutter tower piston **38** is either a hydraulic or pneumatic piston. In the preferred embodiment, saw **34** is a hydraulic or pneumatic rotary saw. In the preferred embodiment, winch **52** is a pneumatic or hydraulic winch such as of the type manufactured by Braiden. In the preferred embodiment, hoist bracket **68** pivots about upper section **64**.

METHODS OF OPERATION

The methods of utilizing the apparatus **10** to cut the paper roll **100** may be described as follows.

The paper roll **100** may be described as a cylindrical paper roll having a cylindrical outer surface **200** and having a longitudinal central axis **202** along which an initial width **204A** of the paper roll is defined. The methods of the present invention may be described as methods of cutting the paper roll **100** to a narrower width.

The method begins with the step of placing the roll **100** on the rotatable stand **20**. The rotatable stand **20** may also be referred to as a turntable **20**. The longitudinal central axis **202** of roll **100** extends vertically as seen in FIGS. **2, 4** and **5**, when the roll **100** is placed upon the rotatable stand **20**.

Then, as seen in FIG. **2**, the saw blade **48** is engaged with the outer cylindrical surface **200** of the roll **100**. It is noted that the saw blade **48** is oriented horizontally in FIG. **2** and is there shown making a horizontal cut into the roll **100**. In FIG. **1**, the saw blade **48** has cut partially into the roll **100** thus creating a step **206** in the roll. As is apparent in FIG. **2**, the roll **100** has been rotated upon rotatable stand **20** while cutting with the saw blade **48** thus cutting the step **206** around the entire periphery of the roll **100**. As is seen in comparing FIGS. **2** and **4**, the saw blade **48** continues to cut as the roll **100** rotates thus cutting the entire upper end portion **208** off of the roll **100** thus resulting in a roll as shown in FIG. **4** having a narrower width **204B** than did the original roll in FIG. **2**.

As described above, the rotary saw blade **48** is mounted upon the cutter arm **32** which extends laterally from the vertical cutter tower **30**. The cutter arm **32** pivots relative to the vertical longitudinal axis **214** of tower **30**, between the positions shown in FIG. **2** and **4**, as the saw blade **48** moves inwardly toward the central longitudinal axis **202** of the paper roll **100** to cut the upper end portion **208** off of the roll **100**.

As shown in FIG. **4**, and as described above, the saw blade **48** continues its inward motion to cut the core **104** of the paper roll **100**.

The method can generally be described as standing the roll **100** on its lower end **210** with its longitudinal axis **202** extending vertically, thereby avoiding warping of the cylindrical shape of the roll, and then cutting off the upper end portion **208** of the roll **100**.

While the roll remains standing on its lower end, a newly cut upper end surface **212** (see FIG. **4**) is sanded. As previously discussed, this is accomplished by replacing the standard cutting blade **48** with a sander.

Thus, although there have been described particular embodiments of the present invention of a new and useful roll cutter, it is not intended that such references be construed as limitations upon the scope of this invention except as set forth in the following claims. Further, although there have been described certain dimensions used in the preferred embodiment, it is not intended that such dimensions be construed as limitations upon the scope of this invention except as set forth in the following claims.

What I claim is:

1. A device for cutting a roll on a core comprising:

a housing;

means attached to said housing for receiving said roll, the core being aligned vertically;

a cutter assembly attached to said housing for cutting said roll, said cutter assembly including:

a cutter tower extending from said housing; and

a cutter arm carrying a power saw, said cutter arm being pivotally supported from said cutter tower to be selectively infed toward the means attached to said housing for receiving said roll.

2. Cutter support column mounted upon the base;

a laterally extending cutter arm support from the support column, the cutter arm being pivotal about a vertical axis and vertically adjustable in elevation relative to the base; and

a power saw mounted on the cutter arm, the saw having a rotary saw blade mounted in a horizontal plane.

3. The device of claim **1** wherein said means attached to said housing for receiving said roll comprises a stand attached to said housing.

4. The device of claim **3** wherein said stand comprises:

a. a pier attached to said housing;

b. a base attached to said pier;

c. arms attached to said base; and

d. supports attached to said arms.

5. The device of claim **1** further comprising means for sanding an edge of said roll.

6. The device of claim **5** wherein said means for sanding said edge of said roll comprises a blade having a sanding edge.

7. The device of claim **1** wherein said cutter tower is a telescoping tower.

8. The device of claim **1** wherein said cutter tower comprises:

a. a lower portion attached to said housing;

b. an upper portion slidably attached to said lower portion; and

c. means attached to said lower portion for raising said upper portion.

9. The device of claim **8** wherein said means attached to said lower portion for raising said upper portion comprises a cutter tower piston.

10. A roll cutter apparatus; comprising:

a base;

a turntable having a horizontal support surface for supporting a lower end of a cylindrical paper roll with a longitudinal axis of the paper roll extending vertically

upward, the turntable being mounted upon the base to rotate about a vertical axis.

11. The device of claim 1 wherein said saw is slidably attached to said cutter arm.

12. The device of claim 1 wherein said cutter tower has an upper saw mount and a lower saw mount.

13. The device of claim 2 wherein said means attached to said housing for moving said roll comprises a hoist assembly.

14. The device of claim 13 wherein said hoist assembly comprises a hoist.

15. The device of claim 14 wherein said hoist assembly comprises means attached to said housing for raising said hoist.

16. The device of claim 14, wherein said means attached to said housing for raising said hoist comprises a hoist tower.

* * * * *

04-40173

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) P & M SERVICES, INC. v. ANDRE LAVALLEE

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

____ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. * Also complete AO 120 or AO 121 for patent, trademark or copyright cases

____ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

____ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

____ V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)). ____

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
YES ☐ NO ☒

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403) YES ☐ NO ☒
IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
YES ☐ NO ☒

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES ☐ NO ☒

7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL DIVISION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)). YES ☐ NO ☒
OR IN THE WESTERN DIVISION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)?(SEE LOCAL RULE 40.1(D)).
YES ☐ NO ☒

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN DIVISIONS OF THE DISTRICT?
YES ☒ NO ☐
(a) IF YES, IN WHICH DIVISION DOES THE PLAINTIFF RESIDE? PLAINTIFF IN CORPORATION

9. IN WHICH DIVISION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? CENTRAL

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE
CENTRAL DIVISION; YES ☐ NO ☐ OR WESTERN DIVISION; YES ☐ NO ☐

11. ALTERNATIVE DISPUTE RESOLUTION - IS THIS CASE SUITABLE FOR ADR? IF SO, BY WHICH ADR?
EARLY NEUTRAL EVALUATION ☐ MEDIATION ☐ SUMMARY JURY/BENCH TRIAL ☐
MINI-TRIAL ☐ OTHER ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME J. KEVIN GROGAN
ADDRESS McCORMICK, PAULDING & HUBER LLP, 1350 MAIN STREET, SPRINGFIELD, MA 01103
TELEPHONE NO. (413) 736-5401

(Category Form.wpd - 3/28/2000)

04-40173

*JS 44 (Rev. 3/99)

CIVIL COVER SHEET

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.)

I. (a) PLAINTIFFS

P & M SERVICES, INC.

DEFENDANTS

ANDRE LAVALLEE

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

County of Residence of First Listed WORCESTER
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
McCORMICK, PAULDING & HUBER LLP
1350 Main Street, 5th Floor
Springfield, MA 01103 (413)7365401

Attorneys (If Known)

Unknown

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)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal of Business In Another State	☒ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

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

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury Med. Malpractice
- ☐ 365 Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing: Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☒ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

V. 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 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent laws of the United States 35 U.S.C. 1 et seq...Patent Infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____