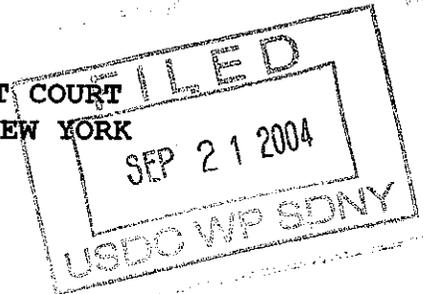


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ASPEX EYEWEAR, INC., )  
CHIC OPTIC INC., and )  
CONTOUR OPTIK, INC., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
SAFILO USA, INC., )  
 )  
Defendant. )

Case No.:

Judge

**04 CIV. 7473**

**JUDGE STEIN**

COMPLAINT

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

Jurisdiction and Venue

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

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

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

**Parties**

4. Aspex is a corporation duly organized and existing under the laws of the state of Delaware having its principal place of business at: 3950 Executive Way, Miramar, Florida 33025.

5. Chic is a corporation organized and existing under the laws of Canada, having its principal place of business at: 600 Peel Street, Suite 300, Montreal, Quebec H3C 2H1, Canada.

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

7. Upon information and belief, Defendant is a corporation organized and existing under the laws of New Jersey, and registered

with New York State, Department of State, Division of Corporations, as a foreign entity doing business in the State of New York with a registered process address care of: Allan D. Goodridge, Esq., Schnader, Harrison, Segal & Lewis LLP, 140 Broadway, Suite 3100, New York, New York 10001; upon information and belief, Defendant maintains a showroom for its products, including those products which are the subject of this lawsuit, at: 404 Fifth Avenue, New York, New York.

**Count I**  
**Patent Infringement (against all Defendants)**

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

9. Contour and Aspex are the assignees of record of the '545 Patent, each owning a one half undivided interest, and thereby establishing joint ownership by Contour and Aspex over the '545 Patent. See Exhibit B hereto which is a copy of the Notice of Recordation of Assignment Document, recorded with the United States Patent and Trademark Office on February 11, 2003, which shows Aspex

acquisition of its ownership interest to be shared jointly with Contour. Contour's exclusive US licensee is Aspex, by means of an exclusive license agreement to its sister company Chic Optic Inc., which in turn granted such exclusive rights to Aspex. Thus, Aspex maintains exclusive rights to the '545 Patent in the United States; half by virtue of its ownership interest, and half by virtue of its exclusive license from Chic. Aspex has the right to sue for past and present infringements of the '545 Patent in the United States.

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

11. The Defendant has notice of its infringement, as prescribed in 35 U.S.C. §287.

12. The Defendant, well knowing of certain claims of the '545 patent, has been infringing the '545 Patent by offering for sale and selling magnetic eyeglass frames and auxiliary frames that can function as a sunglass attachment to the primary frame as described and claimed in the '545 Patent, including without limitation those styles sold under its CHESTERFIELD® and TEAM® designations, within this district and on information and belief, elsewhere as well. The auxiliary frames can function as a sunglass attachment to the

primary frames.

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

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

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

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

2. Declare that such infringement was willful;

3. Pursuant to 35 U.S.C. §283, enter preliminary and permanent injunctive relief against Defendant which:

a. Enjoins the Defendant, its officers, agents, employees, privies, subsidiaries, successors, and assigns and all

holding by, through or under them, and all those acting for them or in their behalf, from infringing upon United States Patent No. US RE37,545 E; and

b. Enjoins the Defendant, their directors, officers, agents, employees, representatives, and all other persons in active participation with them, to recall from all distributors, wholesalers, retailers and all others known to Defendant, all products which infringe upon United States Patent No. US RE37,545 E, and requires Defendant to file with this Court and to serve upon the Plaintiffs, within 30 days after service of the Court's Order as herein prayed, a report in writing under oath setting forth in detail the manner and form in which Defendant have complied with the Court's Order;

4. Require the Defendant to account to Plaintiffs for all profits and expenses realized by Defendant and any subsidiary of Defendant;

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

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

7. Pursuant to 35 U.S.C. §285, find that this case is

exceptional and award the Plaintiffs reasonable attorney fees as the prevailing party.

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

An early trial is respectfully requested.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38, a jury trial is hereby requested on all issues triable of right by jury.

Dated: September 21, 2004

Respectfully Submitted,  
The Plaintiffs,

By:



Jess M. Collen (JC2875)  
Matthew C. Wagner (MW 9432)  
Jeffrey Lindenbaum (JL )  
COLLEN IP

The Holyoke-Manhattan Building  
80 South Highland Avenue  
Town of Ossining  
Westchester County, NY 10562  
(914) 941-5668 Tel.  
(914) 941-6091 Fax.

*Counsel for Aspex Eyewear, Inc.,  
Chic Optic Inc., and  
Contour Optik, Inc.*

91225 (complaint '545)

# **EXHIBIT A**



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

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

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

CN	107096	4/1985
CN	1117593	2/1996
DE	1797366	1/1971
DE	G 85 07 761.5	6/1985
DE	G 88 06 898.6	10/1988
DE	3905041	8/1990
DE	3919489	12/1990
DE	3920879	1/1991
DE	3921987	1/1991
DE	3933310	1/1991
DE	9216919	2/1993
DE	43 16 698	11/1994
EP	0469699	2/1992

**Related U.S. Patent Documents**

Reissue of:

- (64) **Patent No.:** 5,568,207
- Issued:** Oct. 22, 1996
- Appl. No.:** 08/334,834
- Filed:** Nov. 7, 1995

(List continued on next page.)

**OTHER PUBLICATIONS**

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

- English language abstract of Japanese Publication No. 55-50217.
- English language abstract of Japanese Publication No. 54-111842.
- English language abstract of Japanese Publication No. 54-111841.
- English language abstract of Japanese Publication No. 1-136114.

(List continued on next page.)

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,679,233 A	7/1928	Strauss	351/47
2,737,847 A	3/1956	Tesaro	351/41
2,770,168 A	11/1956	Tesaro	351/41
3,498,701 A	3/1970	Miller	351/57
3,531,188 A	9/1970	LeBlanc et al.	351/48
3,531,190 A	9/1970	LeBlanc	351/113
3,536,385 A	10/1970	Jobaston	351/47
3,565,517 A	2/1971	Gilkin et al.	351/106
3,582,192 A	6/1971	Gilkin et al.	351/52
3,838,914 A	10/1974	Fernandez	351/106
4,070,103 A	1/1978	Mecker	351/52
4,070,105 A	1/1978	Marzouk	351/159
4,196,981 A	4/1980	Waldrop	351/59
4,217,037 A	8/1980	Lemelson	351/47
4,547,909 A	10/1985	Bell	2/431
4,888,181 A	1/1991	Riach	351/52

(List continued on next page.)

**FOREIGN PATENT DOCUMENTS**

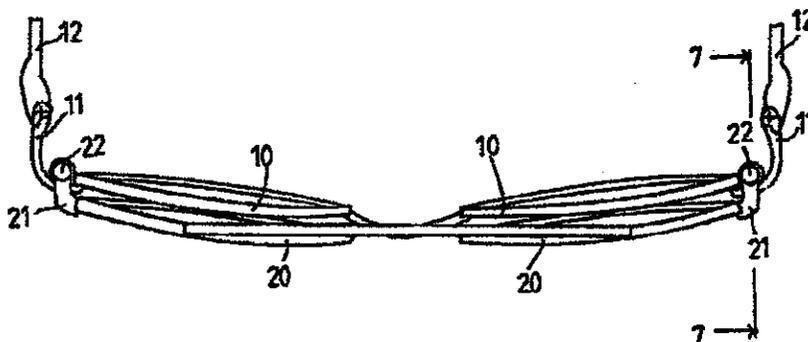
CH	572222	1/1976
CN	75209045	9/1976

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

(57) **ABSTRACT**

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

34 Claims, 2 Drawing Sheets



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## U.S. PATENT DOCUMENTS

5,181,051 A	1/1993	Townsend et al.	351/52
5,243,366 A	9/1993	Bicvins	351/57
5,321,442 A	6/1994	Albanese	351/44
5,389,981 A	2/1995	Riach	351/158
5,410,763 A	5/1995	Bolle	2/436
5,416,537 A *	5/1995	Sadler	351/47
5,642,177 A	6/1997	Nishioka	351/47
5,682,222 A	10/1997	Chao	351/111
5,696,571 A	12/1997	Spencer et al.	351/47
5,737,054 A	4/1998	Chao	351/47
5,877,838 A	3/1999	Chao	351/47
5,882,101 A	3/1999	Chao	351/47
5,883,688 A	3/1999	Chao	351/47
5,883,689 A	3/1999	Chao	351/47
5,929,964 A	7/1999	Chao	351/47
6,012,811 A	6/2000	Chao et al.	351/47
6,092,896 A	7/2000	Chao et al.	351/47
6,109,747 A	8/2000	Chao	351/47
6,170,948 B1	1/2001	Chao	351/47

## FOREIGN PATENT DOCUMENTS

EP	0743545	11/1996
FR	915421	11/1946
FR	1037755	9/1953
FR	1061253	4/1954
FR	2483632	4/1981
FR	1266652	12/1981
FR	2657436	7/1991
GB	846425	8/1960
GB	855268	11/1960
JP	44-15392	7/1969
JP	54-111841	9/1979
JP	54-111842	9/1979
JP	55-50217	4/1980
JP	56-29209	3/1981
JP	57-184910	11/1982
JP	612621	1/1986
JP	1-136114	5/1989
JP	2-109325	8/1990
JP	5-157997	6/1993
JP	5-40493	10/1993
JP	3011174	* 5/1995
JP	7-128620	5/1995
RU	220885	6/1968
TW	274588	4/1996
WO	WO 90/09611	8/1990
WO	WO 96/23241	8/1996

## OTHER PUBLICATIONS

English language abstract of Japanese Publication No. 56-29209.

English language abstract of Japanese Publication No. 44-15392.

English language abstract of Japanese Publication No. 5-157997.

English language abstract of Japanese Publication No. 612621.

English language abstract of Japanese Publication No. 5-40493.

English language abstract of German Publication No. 9216919.

English language abstract of German Publication No. 1797366.

English language abstract of German Publication No.43 16 698.

English language abstract of German Publication No.3933310.

English language abstract of German Publication No.3921987.

English language abstract of German Publication No.3920879.

English language abstract of German Publication No.3919489.

English language abstract of German Publication No.3905041.

English language abstract of French Publication No.1266652.

English language abstract of French Publication No.1037755.

English language abstract of French Publication No.2,657, 436.

English language abstract of French Publication No.2,483, 632.

English language abstract of French Publication No.915, 421.

English language abstract of Switzerland Publication No.572,222.

English language abstract of Russian Publication No.220885.

English language abstract of Taiwan Publication No.274588.

English language abstract of Chinese Publication No.1117593.

Documents describing Twincome in a Patent Opposition Proceeding in Germany initiated by Pentax, on or around Apr. 30, 1997.

\* cited by examiner

U.S. Patent

Feb. 12, 2002

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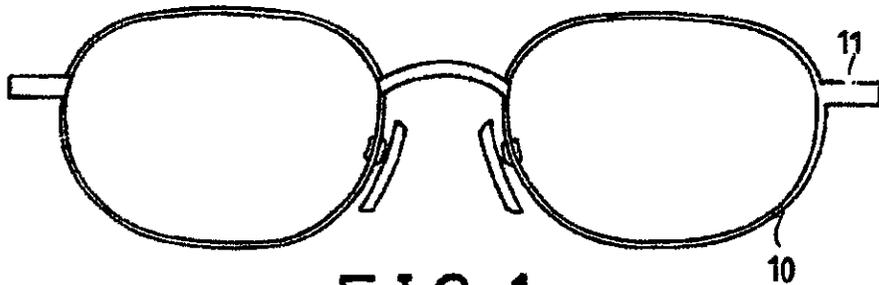


FIG. 1

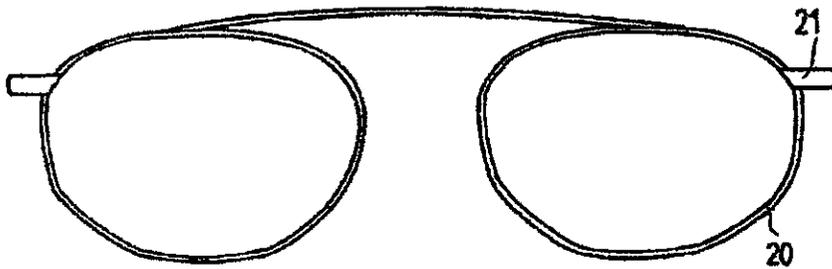


FIG. 2

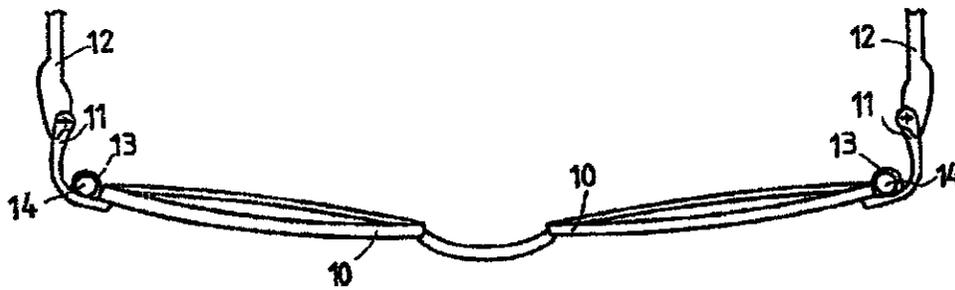


FIG. 3



FIG. 4

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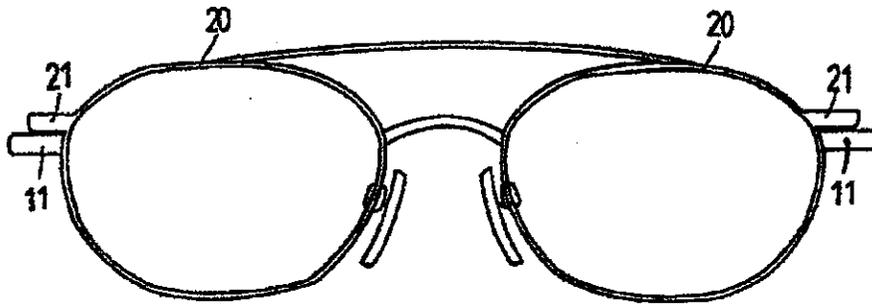


FIG. 5

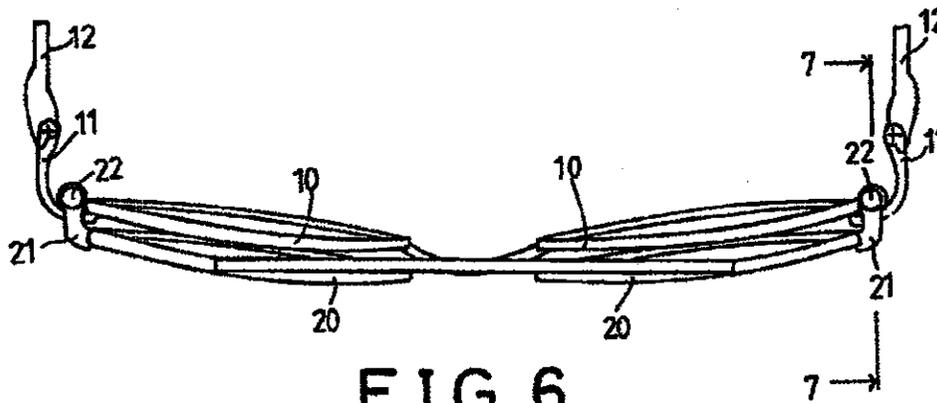


FIG. 6

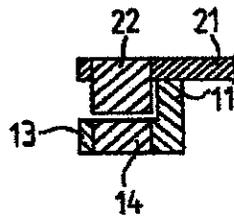


FIG. 7

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## AUXILIARY LENSES FOR EYEGLASSES

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

## BACKGROUND OF THE INVENTION

## 1. Field of the Invention

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

## 2. Description of the Prior Art

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

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

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

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

## SUMMARY OF THE INVENTION

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

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

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

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

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

## BRIEF DESCRIPTION OF THE DRAWINGS

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

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

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

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

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

## DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

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

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

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

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

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

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

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

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

I claim:

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

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

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

4. An eyeglass device comprising:

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

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

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

6. An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

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

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

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

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

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

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

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

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

12. An eyeglass device comprising:

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

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

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

14. An eyeglass device comprising:

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

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

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

16. An eyeglass device comprising:

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

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

17. An eyeglass device comprising:

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

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

18. An eyeglass device comprising:

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

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

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19. An eyeglass device comprising:

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

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

20. An eyeglass device comprising:

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

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

21. An eyeglass device comprising:

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

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

22. An eyeglass device comprising:

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

23. An eyeglass device comprising:

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

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

24. An eyeglass device comprising:

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

25. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions extending therefrom and adapted to pivotally couple a leg thereto, said extensions each having a front side, a rear side, a top side and a projection extending from said rear side, each of said projections securing a first magnetic member, and

an auxiliary spectacle frame including two side portions each having an arm extended therefrom for extending over said top side, said arms containing corresponding second magnetic members, said arms with said second magnetic members engaging said first magnetic members thereby securing said auxiliary frame to said primary spectacle frame to prevent said auxiliary spectacle frame from moving downward relative to and/or disengaging from said primary spectacle frame.

26. An eyeglass device, comprising:

a primary spectacle frame for supporting primary lenses therein;

a pair of extensions mounted to said primary spectacle frame at laterally spaced locations and each projecting toward a wearer when the eyeglass device is worn;

a first pair of magnetic members, each affixed to a respective one of a pair of projections attached to a rear side of said extensions so as to be concealed by said extensions when said eyeglass is worn, said first pair of magnetic members each having a first surface;

an auxiliary spectacle frame for supporting auxiliary lenses therein;

a pair of spaced apart arms mounted to said auxiliary spectacle frame and projecting toward the wearer when the eyeglass device is worn; and

a second pair of magnetic members, each affixed to said pair of arms, said second pair of magnetic members each having a second surface, said auxiliary spectacle frame capable of being supported by said primary spectacle frame by mounting said second pair of magnetic members to said first pair of magnetic members, said first and second surfaces being oppositely directed so that said surfaces are juxtaposed.

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

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

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

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

31. An eyeglass device comprising:

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

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

32. An eyeglass device comprising:

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

an auxiliary spectacle frame including two side portions each having an arm extended therefrom and traversing said extension from said front side to said rear side, each of said arms containing a second magnetic member, and

said first and second magnetic members engaging one another to support said auxiliary spectacle frame on said primary spectacle frame.

33. An eyeglass device comprising:

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

an auxiliary spectacle frame including two side portions each having an arm extended therefrom, each of said arms containing a second magnetic member, said arms extending across said extension from said front side to said rear side, and

said arms and said first and second magnetic members stably support said auxiliary spectacle frame on said primary spectacle frame.

34. An eyeglass device comprising:

a primary spectacle frame having two side portion extensions with a front side, a rear side and a first magnetic member

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

\* \* \* \* \*

# **EXHIBIT B**



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE  
★★★★

71694166

JUNE 24, 2003

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
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BRUCE H. BERNSTEIN  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

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RECORDATION DATE: 02/11/2003

REEL/FRAME: 013751/0137  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
PENTAX CORPORATION

DOC DATE: 02/03/2003

ASSIGNEE:  
ASPEX EYEWEAR, INC.  
3950 EXECUTIVE WAY  
MIRAMAR, FLORIDA 33025

SERIAL NUMBER: 09182862  
PATENT NUMBER: RE37545

FILING DATE: 10/21/1998  
ISSUE DATE: 02/12/2002

SERIAL NUMBER: 08554854  
PATENT NUMBER: 5568207

FILING DATE: 11/07/1995  
ISSUE DATE: 10/22/1996

THERESA FREDERICK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

02-19-2003

FORM PTO-1595  
J1694166.P01

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE



To the Honorable Commissioner of P

iginal documents or copy thereof.

102366911

1. Name of Conveying party(ies):  
PENTAX Corporation

2. Name and address of receiving party(ies)

Name: Aspex Eyewear, Inc.

Additional name(s) of conveying party(ies) attached?  Yes  No

Internal Address: 2-11-03

3. Nature of conveyance:

Assignment  Merger

Security Agreement  Change of Name

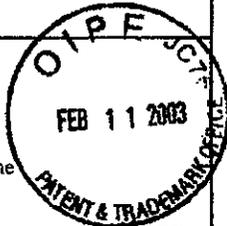
Other

Street Address: 3950 Executive Way

City: Miramar State: Florida ZIP 33025

Additional name(s) and address(es) attached?  Yes  No

Execution Date: February 3, 2003



4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

RE37,545

5,568,207

Additional numbers attached:  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bruce H. Bernstein

Internal Address: J1694166

Street Address: GREENBLUM & BERNSTEIN, P.L.C.

1950 Roland Clarke Place

City: Reston State: VA ZIP: 20191

6. Total number of applications and patents involved: 2

7. Total Fee (37 CFR 3.41).....\$ 80.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

19-0089

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Bruce H. Bernstein, Reg. No. 29,027

Name of Person Signing

by Leslie J. Depierre Reg No 33,329  
Signature

2/11/03  
Date

Total number of pages including cover sheet, attachments and document: 3

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Washington, D.C. 20231

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**ASSIGNMENT**

WHEREAS, **PENTAX Corporation**, formerly known as Asahi Kogaku Kogyo Kabushiki Kaisha (a.k.a. Asahi Optical Co., Ltd.), a corporation organized and existing pursuant to the laws of Japan and having its principal place of business at 36-9 Maeno-cho 2-chome, Itabashi-ku, Tokyo, 174-8639, Japan, hereinafter referred to as the ASSIGNOR, is the record co-owner with **Contour Optik, Inc.**, a corporation of Taiwan, whose post office address is 6 Industrial Fifth Road, Tou Chiau Industrial Park, Chiayi 621, Taiwan, of U.S. Reissue Patent No. RE37,545, and its corresponding U.S. Letters Patent No. 5,568,207, entitled **AUXILIARY LENSES FOR EYEGLASSES** by means of assignments recorded on May 24, 2000 at Reel 010848, Frame 0278 and February 7, 1997 at Reel 8334, Frame 0766 of the U.S. Patent and Trademark Office assignment records;

AND WHEREAS, **Aspex Eyewear, Inc.**, a corporation organized and existing pursuant to the laws of Delaware and having its principal office at 3950 Executive Way, Miramar, Florida 33025, USA, hereinafter referred to as the ASSIGNEE, has acquired from ASSIGNOR a one-half interest for the United States in and to U.S. Reissue Patent No. RE37,545, and its corresponding U.S. Letters Patent No. 5,568,207, including any and all divisions, continuations and reissues thereof, and any and all Letters Patent which may be granted thereon, including any and all renewals, reissues, and prolongations thereof (hereinafter referred to as "Patents"), thereby becoming a co-owner of the Patents with **Contour Optik, Inc.**;

AND FURTHER WHEREAS, **Contour Optik, Inc.**, and ASSIGNEE are, and desire to be, joint owners of the Patents.

NOW, THIS WITNESSETH that for good and valuable consideration, the receipt whereof is hereby acknowledged, ASSIGNOR confirms that it has assigned and transferred its entire one-half interest in and to the Patents to ASSIGNEE, and its permitted assigns and legal representatives, to have, hold, exercise and enjoy joint ownership together with **Contour Optik, Inc.**, and its permitted assigns and legal representatives, with all the rights, powers, privileges, and advantages in any way arising from or pertaining thereto, for and during the term or terms of any and all such Letters Patent when granted, for the use and benefit of ASSIGNEE and its permitted assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute all papers necessary to transfer or assign ownership in the United States, as set forth above, and to assign its one-half interest in the same to ASSIGNEE, or any permitted assignee acquiring said one-half of the title to said Patents, and to execute any other papers that may be needed in connection with obtaining said Patents and/or applications and securing or maintaining Letters Patent thereon.

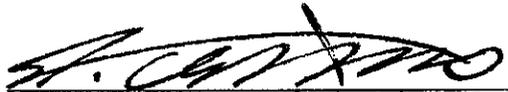
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PAGE -2-

AND **PENTAX Corporation** authorizes and requests the Commissioner of Patents to issue any and all Letters Patents as set forth above, based on any and all divisions, continuations, renewals, reissues and prolongations thereof, to **Contour Optik, Inc.** and **Aspex Eyewear, Inc.**, as joint owners, in accordance herewith.

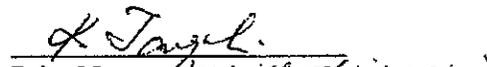
IN TESTIMONY WHEREOF, this assignment is executed by said ASSIGNOR on the date indicated below.

PENTAX Corporation

  
Print Name: FUMIO URANO  
Title: President  
Date: 03.27.2003

Witnessed by:

  
Print Name: AKIRA SUZUKI  
Date: Feb. 4, 2003

  
Print Name: KAZUYA TANIGUCHI  
Date: Feb 4, 2003