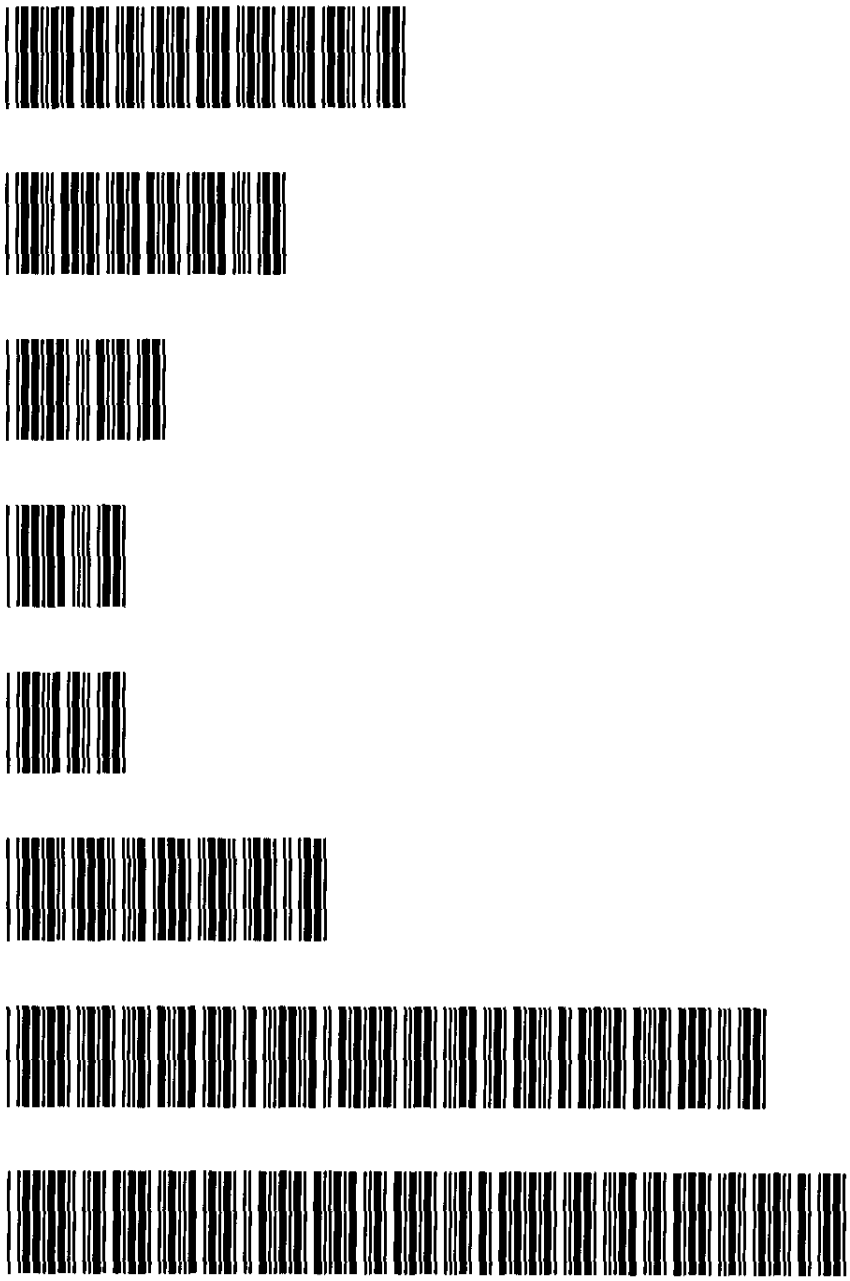

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3:01-CV-00683 CONTOUR OPTIK INC V. MICROVISION OPTICAL

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Filed By Fax & File

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CONTOUR OPTIK, INC., Plaintiff, v. MICROVISION OPTICAL, INC., and DOES 1 through 10, Defendants.	Case No. 01 CV 0683 L(POR) **AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT INVALIDITY AND NON-INFRINGEMENT, AMENDED COMPLAINT FOR INTENTIONAL AND AND NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE, AND DEMAND FOR JURY TRIAL**

Plaintiff CONTOUR Optik, Inc. ("CONTOUR"), for its amended complaint against defendant MicroVision Optical, Inc. ("Microvision"), alleges as follows:

THE PARTIES

1. CONTOUR is a corporation duly organized and existing under the laws of the Republic of China (Taiwan), having an office and principal place of business at 6 Industrial Fifth Road, Tou Chiau Industrial Park, Chiayi 621, Taiwan.

2. Upon information and belief, MicroVision is a corporation organized and existing under the laws of the State of California, having an office and a principal place of business at 7898 Ostrow Street, Suite A&B, San Diego, California 92111. Upon information and belief, MicroVision is a citizen of California within the meaning of 28 U.S.C. §1332.

3. The true names and capacities of defendants sued as DOES 1 through 10 are unknown to plaintiff. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 10, are unknown to the plaintiff, who therefore sues said defendants by said fictitious names. Plaintiff is informed and believes, and on that information and belief, alleges that each of the defendants sued herein under a fictitious name is responsible in some manner for the events and occurrences referred to herein. When the true names, capacities and involvements of said defendants are ascertained, plaintiff will seek to amend this complaint accordingly.

4. Counts I through IV of this Amended Complaint are brought under the Declaratory Judgment Act, 28 U.S.C. §2201, to obtain a judicial declaration that United States Patent Nos. 5,929,967 (the "967 patent") and 6,145,986 (the "986 patent") and are invalid, and have not been infringed by CONTOUR. Copies of the 967 patent and 986 patent are attached as Exhibits "1" and "2" respectively to this Amended Complaint.

5. Counts V and VI of this Amended Complaint are brought under California State law alleging intentional and negligent interference with CONTOUR's prospective economic advantage.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of Counts I through IV pursuant to 28 U.S.C. §§1331, 1332(a)(2) and 1338. An actual controversy exists between CONTOUR and MicroVision under 28 U.S.C. §2201 because: (a) MicroVision has made an actual charge that CONTOUR infringes the 986 and 967 patents so as to put CONTOUR under a reasonable apprehension that MicroVision will sue CONTOUR for patent infringement; and (b) CONTOUR has the immediate intention and ability to engage in the accused infringing activity.

7. The amount in controversy in this action exceeds the sum or value of $75,000.00, exclusive of interest and costs.

8. This Court has supplemental jurisdiction over the subject matter of Counts V and VI pursuant to 28 U.S.C. §1367.

9. Venue is proper in this judicial district under 28 U.S.C. §§1391(c).

NATURE OF THE ACTION

10. CONTOUR is in the business of optical products, including eyeglasses that can be stored in a container.

11. Upon information and belief, MicroVision is in the business of selling optical products, including eyeglasses that can be stored in a container having the shape of a writing instrument, but which containers do not have to be writing instruments.

12. Upon information and belief, U.S. Patent No. 5,929,967, entitled "Combination Glasses and Glass Case," issued on July 27, 1999 to William A. Connor.

13. Upon information and belief, U.S. Patent No. 6,145,986, entitled "Combination Glasses and Glass Case," issued on November 14, 2000 to MicroVision.

14. Contour has the immediate intention and ability to produce and distribute cases containing a small pair of glasses that have a writing instrument at one end.

15. It is Contour's belief and position that this product will not infringe upon any patent rights allegedly possessed by MicroVision.

16. On or about December 12, 2000, MicroVision notified Contour that "[w]e have sent your product to our patent attorneys for review, and they are of the opinion that your product infringes our patent rights." *See* Letter from David Johnson to David Chao, dated December 12, 2000, attached hereto as Exhibit "3." In that same letter, MicroVision also demanded that CONTOUR "immediately cease the development of this product, and not cause you and MicroVision the aggravation and expense of determining which party would prevail." *Id.*

17. On or about January 25, 2001, MicroVision further notified CONTOUR that MicroVision's attorneys are "willing to litigate their analysis of the infringements of your product." *See* Letter from David Johnson to David Chao, dated January 25, 2001, attached hereto as Exhibit "4."

18. The charges of infringement and threats of litigation referred to in paragraphs 16 and 17 constitute a grave and wrongful interference with the lawful business of CONTOUR.

COUNT ONE:

DECLARATORY JUDGMENT OF NON-INFRINGEMENT

(U.S. PATENT NO. 5,929,967)

19. CONTOUR repeats and realleges the allegations of paragraphs 1 - 18 as if fully set forth herein.

20. Upon information and belief, on July 27, 1999, the 967 patent, entitled "COMBINATION GLASSES AND GLASS CASE," was issued by the United States Patent and Trademark Office in the name of William A. Connor.

21. Upon information and belief, MicroVision is the owner of all rights, title and interest in and to the 967 patent by way of assignment.

22. CONTOUR has not and does not directly infringe, contributorily infringe, or infringe by inducement, any claim of the 967 patent either literally, or under the doctrine of equivalents.

COUNT TWO:

DECLARATORY JUDGMENT OF PATENT INVALIDITY

(U.S. PATENT NO. 5,929,967)

23. CONTOUR repeats and realleges the allegations of paragraphs 1- 22 as if fully set forth herein.

24. The 967 patent is invalid for failure to comply with one or more of the provisions of 35 U.S.C. §§102, 103 and/or 112.

COUNT THREE:

DECLARATORY JUDGMENT OF NON-INFRINGEMENT

(U.S. PATENT NO. 6,145,986)

25. CONTOUR repeats and realleges the allegations of paragraphs 1- 24 as if fully set forth herein.

26. Upon information and belief, on November 14, 2000, the 986 patent, entitled "COMBINATION GLASSES AND GLASS CASE," was issued by the United States Patent and Trademark Office in the name of William A. Connor.

27. Upon information and belief, MicroVision is the owner of all rights, title and interest in and to the 986 patent by way of assignment. A copy of the 986 patent is attached as Exhibit "2" to this Amended Complaint.

28. CONTOUR has not and does not directly infringe, contributorily infringe, or infringe by inducement, any claim of the 986 patent either literally, or under the doctrine of equivalents.

COUNT FOUR:

DECLARATORY JUDGMENT OF PATENT INVALIDITY

(U.S. PATENT NO. 6,145,986)

29. CONTOUR repeats and realleges the allegations of paragraphs 1- 28 as if fully set forth herein.

30. The 986 patent is invalid for failure to comply with one or more of the provisions of 35 U.S.C. §§102, 103 and/or 112.

COUNT FIVE:

INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

31. CONTOUR repeats and realleges the allegations contained in paragraphs 1- 30 as if fully set forth herein.

32. CONTOUR has an economic relationship between itself and third parties with the probability of future economic benefit to CONTOUR.

33. MicroVision has knowledge of those economic relationships.

34. MicroVision has intentionally sought to disrupt those economic relationships through, among other things, contacting CONTOUR customers and misrepresenting the scope of coverage of the 967 and 986 patents; and further misrepresenting that CONTOUR and/or said customers are infringing the 967 and 986 patents.

35. MicroVision's actions in interfering with CONTOUR's customers were willful, wanton, malicious and oppressive.

36. On account of the actions of MicroVision, CONTOUR's economic relationship with certain of its potential customers has been disrupted.

37. As a direct and proximate result of such acts and conduct by MicroVision, CONTOUR has suffered and sustained losses, and injuries, the total of which has not been

determined, not including other losses which will be proved before this Court.

COUNT SIX:

NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

38. CONTOUR repeats and alleges the allegations contained in paragraphs 1- 37 as if fully set forth herein.

39. CONTOUR has an economic relationship between itself and third parties with the probability of future economic benefit to CONTOUR.

40. MicroVision has knowledge of those economic relationships.

41. MicroVision has intentionally sought to disrupt those economic relationships through, among other things, contacting CONTOUR's customers and misrepresenting the scope of coverage of the 967 and 986 patents; and further misrepresenting that CONTOUR and/or said customers are infringing the 967 and 986 patents.

42. On account of the actions of MicroVision, CONTOUR's economic relationship with certain of its potential customers has been disrupted.

43. As a direct and proximate result of such acts and conduct by MicroVision, CONTOUR has suffered and sustained losses, and injuries, the total of which has not been determined, not including other losses which will be proved before this Court.

DEMAND FOR JURY TRIAL

44. Pursuant to Fed. R. Civ. P. 38(b), CONTOUR demands a trial by jury of any issue triable of right by a jury.

PRAYER FOR RELIEF

WHEREFORE, CONTOUR prays that judgment be entered by this Honorable Court in its favor and against MicroVision granting CONTOUR the following:

A. A declaration that CONTOUR does not infringe and has not infringed any claim of

the 967 patent, directly, contributorily, or by inducement;

B. A declaration that CONTOUR does not infringe and has not infringed any claim of the 986 patent, directly, contributorily, or by inducement;

C. A declaration that the 967 patent is invalid and unenforceable;

D. A declaration that the 986 patent is invalid and unenforceable;

E. An adjudication that MicroVision is liable for intentional and negligent interference with CONTOUR's business relationships and/or business expectancies;

F. An injunction enjoining MicroVision, its officer, agents, servants, employees, and attorneys and those persons in active concert or participation with them who receives actual notice of this judgment, from directly or indirectly charging infringement, or instituting any action for infringement, of the 967 patent against CONTOUR for any of its customers, licensees, or suppliers;

G. An injunction enjoining MicroVision, its officer, agents, servants, employees, and attorneys and those persons in active concert or participation with them who receives actual notice of this judgment, from directly or indirectly charging infringement, or instituting any action for infringement, of the 986 patent against CONTOUR for any of its customers, licensees, or suppliers;

H. An injunction enjoining MicroVision, their officers, agents, servants, employees, successors, assigns, and those persons in active concert or participation with them, from interfering with CONTOUR's business relationships and/or business expectancies;

I. An award to CONTOUR of damages sustained by CONTOUR as a result of MicroVision's wrongful acts of interference with CONTOUR's business relationships and/or business expectancies;

J. An adjudication that this is an exceptional case under 35 U.S.C. §285, and that CONTOUR shall recover from MicroVision costs, expenses and attorneys' fees; and

K. An award to CONTOUR of such other and further relief as the Court deems just and proper.

Dated: June 15, 2001

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By: _____
David J. Miclean
Susan E. Emrich

Attorneys for Plaintiff
CONTOUR OPTIK, INC.

US005929967A

United States Patent [19]

Conner

[11] Patent Number: 5,929,967

[45] Date of Patent: Jul. 27, 1999

[54] COMBINATION GLASSES AND GLASS CASE

[76] Inventor: William A. Conner, 2694 Bayside Walk, San Diego, Calif. 92100

[21] Appl. No.: 09/130,550

[22] Filed: Aug. 6, 1998

[51] Int. Cl.[6] G02C 1/00

[52] U.S. Cl. 351/158; 206/5

[58] Field of Search 351/63, 158; 206/5

[56] References Cited

U.S. PATENT DOCUMENTS

4,887,896 12/1989 Akagi 351/63

Primary Examiner—Huy Mai

Attorney, Agent, or Firm—Frank D. Gilliam

[57] ABSTRACT

A case for glasses in the shape of a writing instrument having a hollow barrel portion for receiving a pair of small glasses. The case can take a plurality of different cross-sectional configurations. The writing instrument can be a pen or pencil at one end of the hollow barrel with an opening with a removable cover at the opposite end. The glasses for use therewith can be small conventional glasses or specially designed glasses that can have both telescopic frames and telescopic temples.

35 Claims, 3 Drawing Sheets

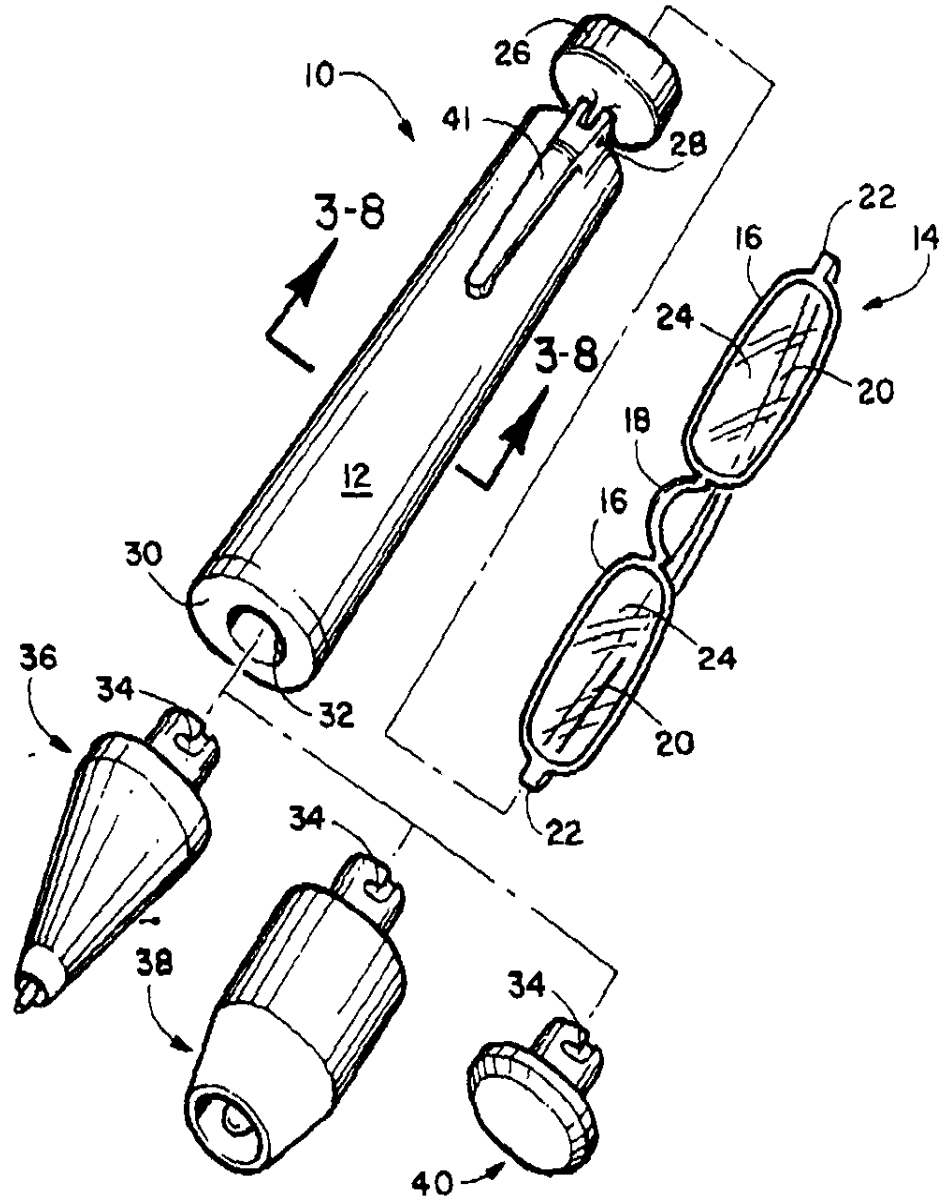

EXHIBIT 1

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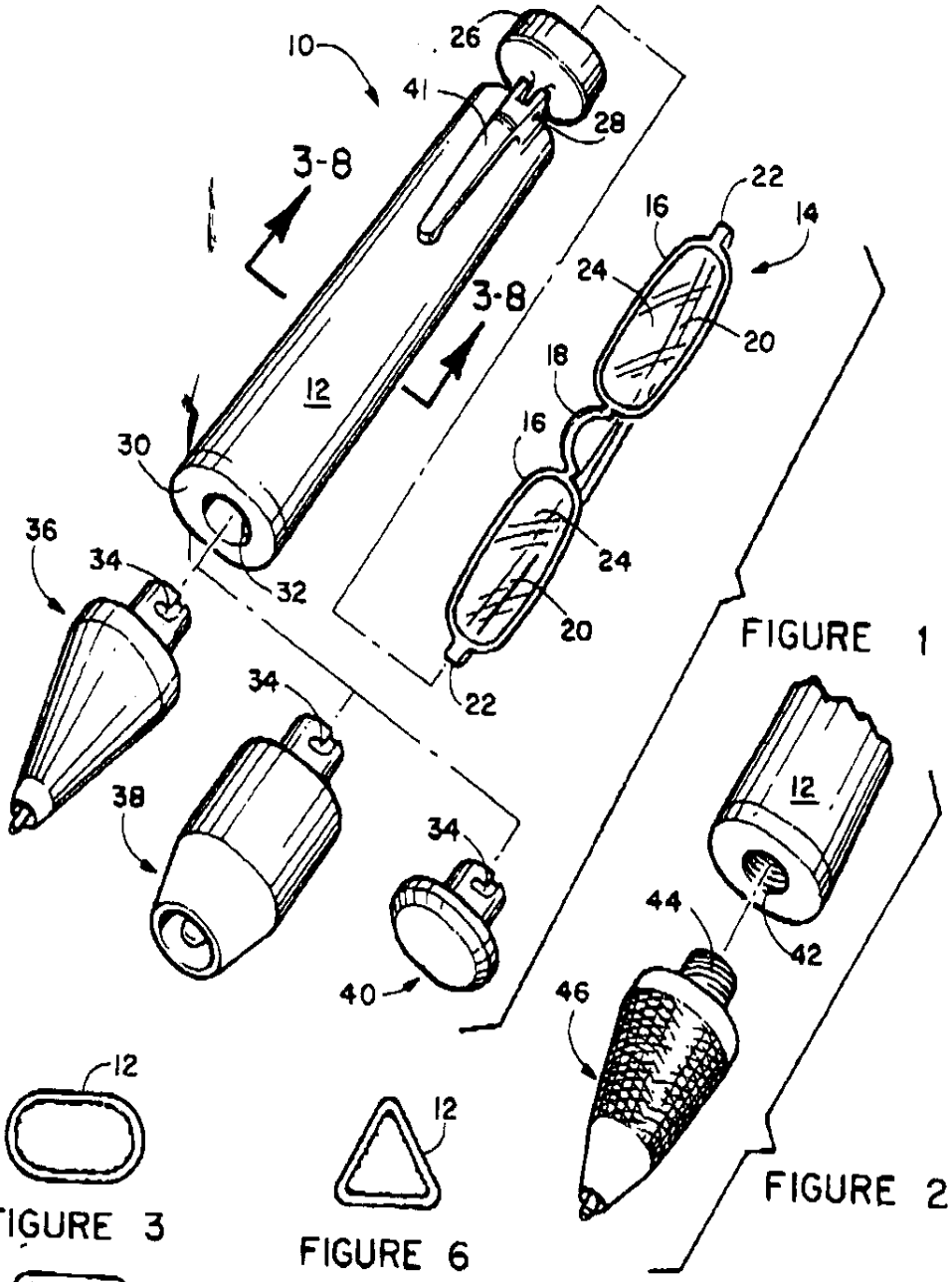

FIGURE 1

FIGURE 2

FIGURE 3

FIGURE 6

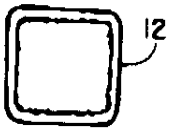

FIGURE 4

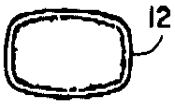

FIGURE 7

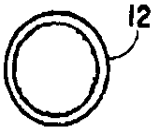

FIGURE 5

FIGURE 8

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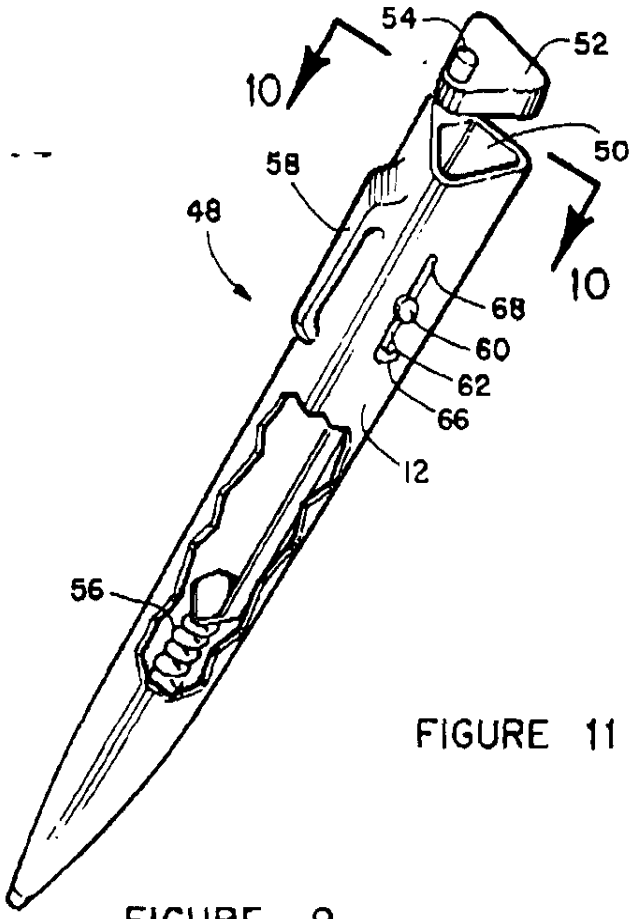
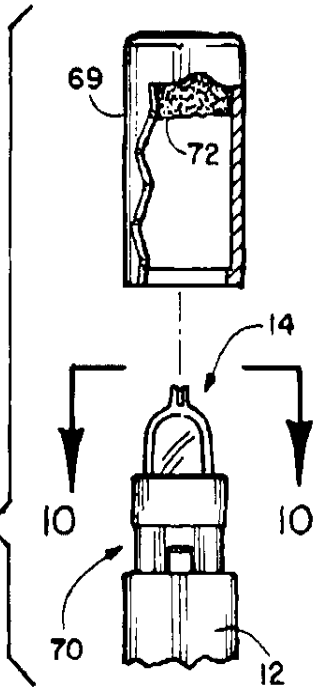


FIGURE 9



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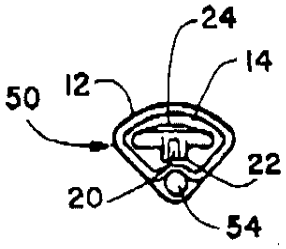

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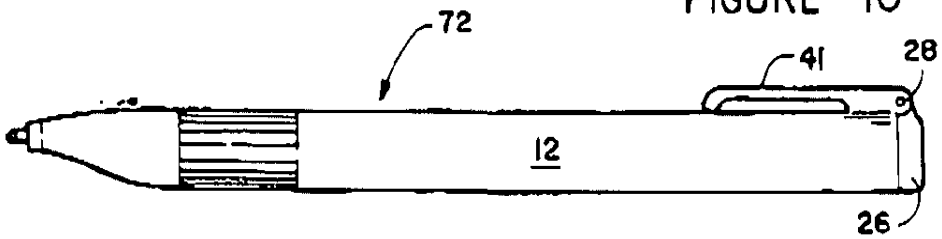

FIGURE 12

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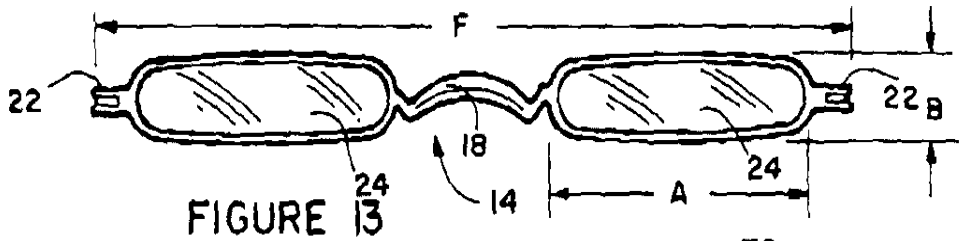

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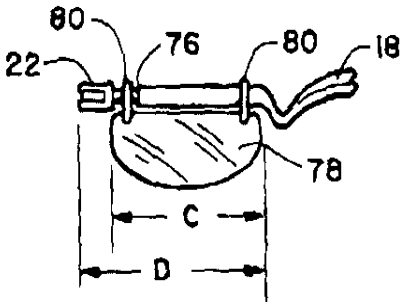

FIGURE 14

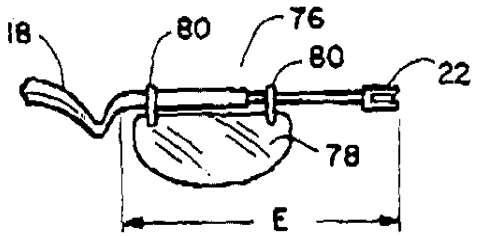

FIGURE 15

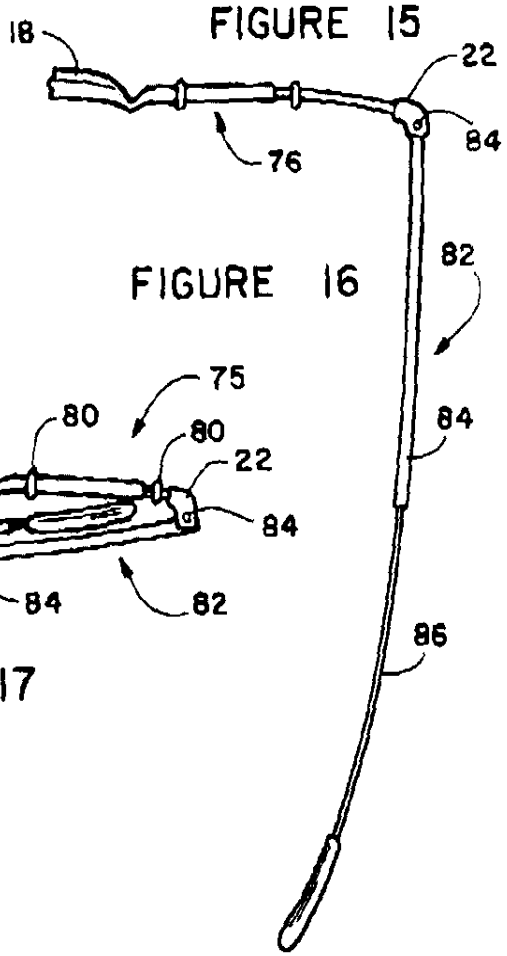

FIGURE 16

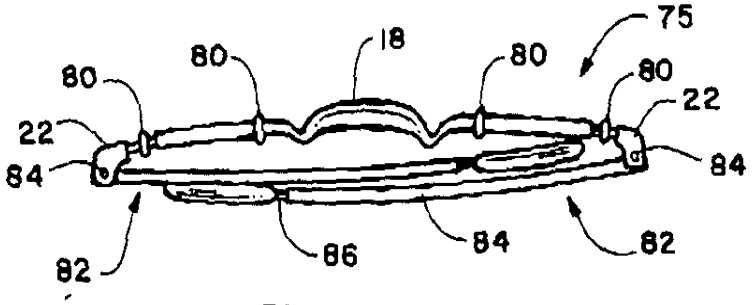

FIGURE 17

EXHIBIT 1

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COMBINATION GLASSES AND GLASS CASE

FIELD OF THE INVENTION

The instant invention is directed to compact cases for conventional and foldable glasses, and more particularly to a case that is non-intrusive and easy to carry on the person.

BACKGROUND OF THE INVENTION

Spectacles or as commonly referred to as glasses have been around for a considerable length of time for the visually impaired. Glasses have been made as small as practical or have various foldable elements to reduce the physical size for carry around convince.

Foldable glasses include frames that fold in the middle and temples that fold at one or more locations along their length to reduce the physical size of the glasses for transport.

Typical state of the art compact folding glasses can be found in the following United States Patents: U.S. Pat. No. 2,419,303 issued to inventor W. G. Vasey on Apr. 22, 1947 which includes folding frames and temples; U.S. Pat. No Des. 165,721 issued to M. Rand on Jan. 22, 1952 which shows folding frames and temples; U.S. Pat. No. 2,814,968 issued to W. S. Dixon, Jr. on Dec. 3, 1957 which shows foldable frames and temples; U.S. Pat. No. 4,681,410 issued to Al W. Paulsen on Jul. 21, 1987 which teaches a foldable frame and a showing of a different type folding temples; U.S. Pat. No. 4,768,872 by Michael Frasile et al. On Sep. 6, 1988 which teaches a temple with an extendable length; U.S. Pat. No. 5,384,604 by Chang which teaches collapsible glasses which has foldable frames and fold along the temples at various locations; and U.S. Pat. No. 5,532,766 by David G. Maleer et al. which teaches foldable frames and temples.

There is a continuing need for small un-abstruse cases for small conventional and the small folding glasses mentioned above.

SUMMARY OF THE INVENTION

The present invention is directed to small cases for small glasses that can be easily carried on the person of the user. The glass case of the invention is directed to a case having the general appearance of a writing instrument such as, a pen or pencil.

One embodiment of the invention includes removable accessories that can be adapted to one end of the case. These accessories comprise a pen, a pencil, flash light and a end cap any one of which can be removably attached to one end of the case. The other end of the case has an end cap that can be removed to have access to the small glasses within the hollow center of the case. Other glass accessible end caps can be hinged or pivotally attache to the end of the case to allow removal and storage for the small glasses.

Another embodiment the glass case of the invention is in the general form of a conventional pen or pencil including a writing instrument with a hollow barrel portion above the writing instrument mechanism. The pen configured glass case includes a conventional pocket clip at the glasses receiving end of the hollow barrel portion. In this embodiment the writing instrument mechanism is offset from the longitudinal center line of the pen configured glass case as is the hollow portion for containing the glasses.

In one of the pen configured glass case the writing mechanism is translatable from a deployed for writing position and a stowed non writing position.

In one embodiment of the glass case of the invention the bottom surface of the hollow glass case containing portion includes a biasing means that elevates the glasses for easily removable when the restraining cap closing the hollowing opening is cleared from the opening.

The general cross-sectional appearance of the case takes many forms, namely, oblong, rectangular, circular, triangular, square, oval and first opposing curvilinear opposing sides and second curvilinear opposing side normal to the first opposing sides.

In one embodiment of the small glasses that fit in the above described case includes telescoping frame sections on each side of the nose piece and telescoping temples. In this embodiment, the lens are translatable to conform to the distance between the eyes of the user and are rotatable about their frame attachment so as to provide for user lens tilt adjustment or can be in a fixed position.

The principal object of this invention is to provide a glass case for holding a pair of small glasses that is convenient to carry on the person and is non-obtrusive in appearance.

Another object of this invention is to provide a case for small glasses in the form of a writing instrument.

Another object of this invention is to provide a compact pair of glasses that fit in a small cross-sectional housing.

Yet another object of this invention is to provide a glass case in the general form of a either a writing instrument that includes either a pen, pencil, flashlight or end closure.

Yet another object of this invention is to provide a glass case in the form of a writing instrument that includes an interchangeable pen, pencil or flashlight tip at one end.

Still another object of this invention is to provide a pair of glasses that will fit into a case having the general appearance of a writing instrument such as a pen or pencil that has telescoping frame portions on each side of the nose piece of the glasses and has telescoping temples for length adjustment.

These and other objects and features will become apparent when the specifications are read in view of the following drawing Figures.

BRIEF DESCRIPTION OF THE DRAWING FIGURES

FIG. 1 is an exploded perspective showing of one embodiment of the glass case of the invention including various interchangeable elements with bayonet attachment means and small glasses to fit into the case;

FIG. 2 is a partial showing of the glass case of FIG. 1 with threaded attachment means;

FIG. 3 is a first embodiment showing of FIG. 1 taken along line 3-8;

FIG. 4 is a second embodiment showing of FIG. 1 taken along line 3-8;

FIG. 5 is a third embodiment showing of FIG. 1 taken along line 3-8;

FIG. 6 is a fourth embodiment showing of FIG. 1 taken along line 3-8;

FIG. 7 is a fifth embodiment showing of FIG. 1 taken along line 3-8;

FIG. 8 is a sixth embodiment showing of FIG. 1 taken along line 3-8;

FIG. 9 is a partial cutaway showing of a third embodiment of the glass case of the invention with the housing having a cap to enclose the hollow portion of the housing;

FIG. 10 is a top plan view showing of the FIG. 9 and 11 embodiment with the top of the barrel housing removed showing glasses in the hollow portion;

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FIG. 11 is a patrial showing in cutaway of a fourth embodiment of the glass case of the invention.

FIG. 12 is a side view of a fifth embodiment of the glass case of the invention;

FIG. 13 is a partial showing of a second embodiment of glasses designed to fit in the glass case of the invention;

FIG. 14 is a partial showing of a third embodiment of glasses designed to fit in the glass case of the invention with the telescoping frame in a stowed minimum length position;

FIG. 15 is a partial showing of the third embodiment of glasses designed to fit in the glass case of the invention with the telescoping frame in a deployed maximum length position;

FIG. 16 is a partial showing of the temples of glasses designed to fit into the glass case of the invention in a fully telescoped maximum length position; and

FIG. 17 is a showing of the second embodiment of the glasses designed to fit into the glass case of the invention with telescoping portions of both the frame and temple in a stowed minimum length position.

DETAILED DESCRIPTION OF THE FIRST PREFERRED EMBODIMENT OF THE INVENTION

Referring now specifically to drawing FIGS. 1, 2, 7 and 12 the glass case 10 depicted in drawing FIGS. 1, 2 and 12 is shown having a hollow housing 12 with an oval cross-section as depicted in drawing FIG. 2. The hollow housing 12 has suitable area for receiving a pair of small glasses 14. The small glasses 14 have the usual frame 16, interconnecting nose piece 18, a pair of temples 20 hinged at each end 22 of the frame 16 and a pair of lens 24.

One end of the hollow housing includes a first embodiment of a closure member in the form of a cap 26 that encloses the open of the hollow barrel when the glasses 14 are stored for non use and pivot to an end open hollow barrel about the pivot 28 for selective access to the small glasses within. The cap 26 is slightly elevated with a hollow center so that the glasses can extend beyond the end of the hollow barrel for ease of removal for use.

The end 30 of the hollow body includes a pin 32 means for connecting to a bayonet locking means 34 of one of a plurality of different removable tips, also see drawing FIG. 2, a writing instrument 36, flashlight 38 or end cap 40. A clip 41 is a conventional means for clipping the case 10 to the pocket of the user for transport.

Referring now specifically to drawing FIG. 2, The hollow barrel includes threads 42 which mate with threads 44 of a second embodiment of a writing instrument. The writing instrument 46 is of the type that when knurled surface 48 is rotated the writing instrument is exposed for use or retracted for storage.

Referring now specifically to drawing FIGS. 3–8, various configured cross-sections of the hollow barrel are shown.

FIG. 3 has an oval configuration.

FIG. 4 has a square configuration.

FIG. 5 has a tubular configuration.

FIG. 6 has a triangular configuration.

FIG. 7 has a curvilinear edged rectangular configuration.

FIG. 8 has a oval configuration.

Referring now specifically to drawing FIGS. 9, 10 and 11, a second and third embodiment of the glass case 48 of the invention is shown in partial cutaway. The hollow portion 50 of the case has a modified triangular configuration as shown

in drawing FIG. 6. The end closure 52 for retaining the small glasses 14, see drawing FIG. 10, within the hollow barrel pivots about pivot 54 for exposing the inner hollow barrel which is a of modified triangular configuration. At the bottom of the hollow barrel is a bias means shown as a spring 56 that is compressed by the frame of the small glasses 14 when they are inserted and forced inward against the bias if the spring as shown in the drawing FIG 10 and the cap 52 is then rotated over the hollow barrel 12. It should be understood that any bias means such as, foam rubber or the like could be employed as the bias means. When the cap is rotated with the small glasses within the hollow barrel the spring bias 56 elevates the small glasses so that they can be removed from the hollow barrel with ease. A user garment attachment clip 58 is shown molded into the hollow barrel. When the button 60 translatable along a channel 62 and lockable in the maximum down position in offset channel 66. The button is in a maximum upward position at location 68 the writing instrument is in a stowed position wherein it is concealed within the hollow barrel and when the bottom is translated and locked into offset channel 66 the writing instrument is locked into a use position extending from the hollow barrel.

Drawing FIG. 11 depicts a different cap 68 for covering the opening in hollow barrel 12 when in place over the end of the hollow barrel portion. The cap 68 makes a friction fit with the distal end 70 of the hollowing housing 12 for maintaining the small glasses within the hollow barrel. The cap has a resilient bias means 72 for engaging the surface of the small glasses extending from the hollow barrel section to prevent movement of the small glasses within the hollow barrel when being transported to prevent breakage. Drawing FIG. 10 depicts a plan view of the glasses within the hollow portion of the case taken along line 10—10 of drawing FIG. 11.

Drawing FIG. 12 depicts a side view showing of a fourth embodiment 72 of the glass case of the invention. This showing is similar to that shown in drawing FIG. 1 except the writing instrument 74 is offset from the center line through the length of the hollow barrel 12 of the glass case and can be retractable as depicted in drawing FIG. 9 or can be retractable in any other conventional manner.

Referring now specifically to drawing FIG. 13, the small glasses 14 are shown in detail. The width A of the glasses have a range of 12.7 mm to 57.00 mm (mm=millimeters). The width A being ideally about 43 mm. The height B of the lens and frame portion surrounding the lens has a width of from 10 mm to 32 mm. The B width being ideally about 15 mm. The overall length F of the small glasses is in the range of 76 mm to 152 mm. Ideally the overall length of the small glasses of the invention will be approximately 127 mm.

Drawing FIGS. 14–17 depict on side of a second embodiment of small glasses 75 of this invention. Drawing FIGS. 14–16 depict only one side of the small glasses 75 of drawing FIG. 17. It should be understood that the opposite side of the small glasses 75 are identical in detail to that side shown in drawing FIG. 17.

Drawing FIGS. 14 and 15 depicts a telescoping frame portion 76 that translates from the FIG. 14 stowed position to the drawing FIG. 15 maximum deployed position. It should that the frame portion can be translated to an infinite number of positions between the drawing FIG. 14 stowed position and the drawing FIG. 15 fully deployed position. The width C of the lens 78 can be from 12.7 mm to 30 mm. Ideally the width will be approximately 25.5 mm. The distance D is in the range of from 30 mm to 35 mm and

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distance E can be in the range of 31.5 mm to 51 mm. Ideally distance D will be approximately 28.5 and distance E will be approximately 45 mm.

The lens 78 of the embodiment of the small glasses of drawing FIGS. 14–17 are pivot able through 360 degrees relative to the frame to which their are attached for user selected angular positioning for use. The lens 72 are attached via an "O" ring type connector 80 which allows the telescoping portion of the frame to freely translate relative to the lens connection to allow frame extension. The "O" type connector 80 can be a close tolerance fit to the frame or can be constructed of resilient material such as a conventional rubber type "O" ring used for compression sealing.

Referring now specifically to drawing FIG. 16, the temples 82 pivotally attach to the frame 76 at pivot 84. The temples include telescopic portions 84, 86 for decreasing the over all length of the temple for storage as seen in drawing FIG. 17 and extendable for various required temple lengths between the drawing FIG. 17 stowed position to the drawing FIG 16 deployed position. The temples extend approximately 60 mm between minimum length and maximum length positions.

The glass cases of the invention have a maximum width in the range of 16 to 64 mm and a preferred width of 27 mm. The length of the glass cases of the invention have a maximum length in the range of 76 to 178 mm and a preferred length of 127 mm.

Therefore, it should be understood that the particular embodiments shown in the drawings and described within the specifications are for the purpose of example and should not be construed to limit the invention which will be described in the claims below. Now that a number of examples of the apparatus of the invention have been given, numerous other applications should be evident to one skilled in the art. Further, it is evident that those skilled in the art may now make numerous uses and modifications of the specific embodiments described herein. It should be obvious that the various members described may be made from a variety of materials and using a wide combination of dimensions. Consequently, the invention is to be construed as embracing each and every novel feature and novel combination of the features present in or possessed by the apparatus described herein.

What is claimed is:

1. A kit having in combination a pair of glasses and a case for containing said glasses comprising:

a pair of small glasses;

said case having a first and second end with a hollow portion therebetween for receiving said glasses;

said first end consisting being of a configuration selected from one of the following elements a writing instrument, a flashlight and a flat end closure; and

said second end having a closure means associated therewith for concealing said small glasses within said hollow portion when said closure means is closed and allowing removal of said glasses when said closure means is open.

2. The invention as defined in claim 1 wherein said case has a maximum width in the range of 16 to 64 mm.

3. The invention as defined in claim 1 wherein said case has a maximum width of approximately 27 mm.

4. The invention as defined in claim 1 wherein said case has a length in the range of 76 to 178 mm.

5. The invention as defined in claim 4 wherein said case has a length of approximately 127 mm.

6. the invention as defined in claim 1 wherein said writing element , flashlight, flat end closure and said second end have the same cross-sectional configuration as said case.

7. The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end surface are removable from said case and selectively interchangeable on said first end.

8. The invention as defined in claim 1 wherein said writing instrument is a pen

9. The invention as defined in claim 1 wherein said writing instrument is a pencil.

10. The invention as defined in claim 1 wherein the cross-section of said case is oval.

11. The invention as defined in claim 1 wherein the cross-section of said case is substantially rectilinear.

12. The invention as defined in claim 1 wherein the cross-section of said case is substantially square.

13. The invention as defined in claim 1 wherein the cross-section of said case is curvilinear.

14. The invention as defined in claim 13 wherein the cross-section of said case is substantially circular.

15. The invention as defined in claim 1 wherein the cross-section of said case is substantially circular.

16. The invention as defined in claim 1 wherein the cross-section of said case is substantially triangular.

17. The invention as defined in claim 1 wherein the writing instrument is translatable between a use and a non-use position.

18. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a pivotal cover over said hollow portion.

19. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a rotatable cover over said hollow portion.

20. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a removable cover over said hollow portion.

21. The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end closure are removable from and attachable to said case by a threaded connection.

22 The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end surface are removable from and attachable to said case by a bayonet connection.

23. The invention as defined in claim 1 wherein the longest dimension of said glasses is in the range of 76 mm to 152 mm.

24. The invention as defined in claim 1 wherein the longest dimension of said glasses is approximately 127 mm.

25. The invention as defined in claim 1 wherein said glasses have two lens each lens having a height in the range of 9.5 to 31.75 mm.

26. The invention as defined in claim 1 wherein said glasses have two lens the width of each lens has an ideal height of 15 mm.

27. The invention as defined in claim 1 wherein said glasses have two lens each lens being rotatable about the frame.

28. The invention as defined in claim 1 wherein said glasses have two lens each lens being translatable along the frame of said glasses.

29. The invention as defined in claim 1 wherein the frame of said glasses is telescopic at each end thereof between a stowed minimum length position and a deployed maximum length position.

30. The invention as defined in claim 29 wherein the frame of said glasses is telescopic at side of the nose piece a distance of approximately 19.5 mm between a stowed minimum length position and a deployed maximum length position.

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31. The invention as defined in claim 1 wherein said temples are telescopic between a stowed minimum length position and a deployed maximum position.

32. The invention as defined in claim 31 wherein said temples telescope a distance of approximately 60 mm between stowed and deployed.

33. A case for containing small glasses comprising:

a first and second end with a hollow portion therebetween for receiving said glasses;

said first end consisting of a writing instrument; and

said second end having a closure means for concealing said small glasses within said hollow portion when said closure means is closed and allowing removal of said glasses when said closure means is open.

34. The case for small glasses as defined in claim 33 wherein said writing instrument is a pen.

35. A case having internal storage space for small glasses comprising:

said case having the configuration of a writing instrument;

said case having a first and second end with a hollow portion therebetween for receiving said small glasses;

said first end consisting being of a configuration selected from one of the following elements a writing instrument, a flashlight and a flat end closure, and

said second end having a closure means for concealing said glasses in said hollow portion when said closure means is closed and allowing removal of said glasses when said closure means is open.

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US006145986A

United States Patent [19]

Conner

[11] Patent Number: 6,145,986

[45] Date of Patent: *Nov. 14, 2000

[54] **COMBINATION GLASSES AND GLASS CASE**

[75] Inventor: William A. Conner, San Diego, Calif.

[73] Assignee: Microvision Optical, Inc., San Diego, Calif.

[*] Notice: This patent is subject to a terminal disclaimer.

[21] Appl. No : 09/351,245

[22] Filed: Jul. 12, 1999

Related U.S. Application Data

[62] Division of application No. 09/130,550, Aug. 6, 1998, Pat. No. 5,929,967.

[51] Int. Cl.' G02C 1/00

[52] U.S. Cl. 351/158; 206/5

[58] Field of Search 351/41, 158; 206/5

[56] **References Cited**

U.S. PATENT DOCUMENTS

5,929,967	7/1999	Conner	351/158
5,949,515	9/1999	Hoshino	351/158

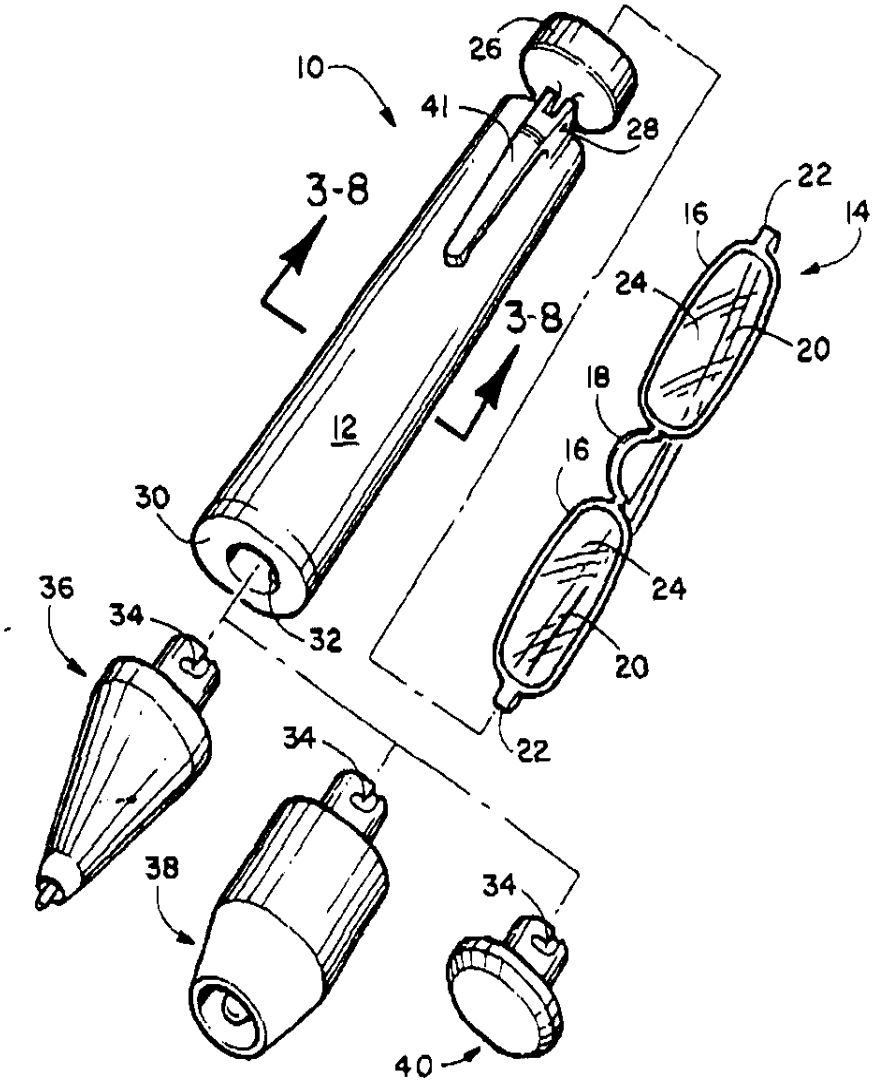
Primary Examiner—Huy Mai

Attorney, Agent, or Firm—Frank D. Gilliam

[57] **ABSTRACT**

A case for glasses in the shape of a writing instrument having a hollow barrel portion for receiving a pair of small glasses. The case can take a plurality of different cross-sectional configurations. The writing instrument can be a pen or pencil at one end of the hollow barrel with an opening with a removable cover at the opposite end. The glasses for use therewith can be small conventional glasses or specially designed glasses that can have both telescopic frames and telescopic temples.

19 Claims, 3 Drawing Sheets



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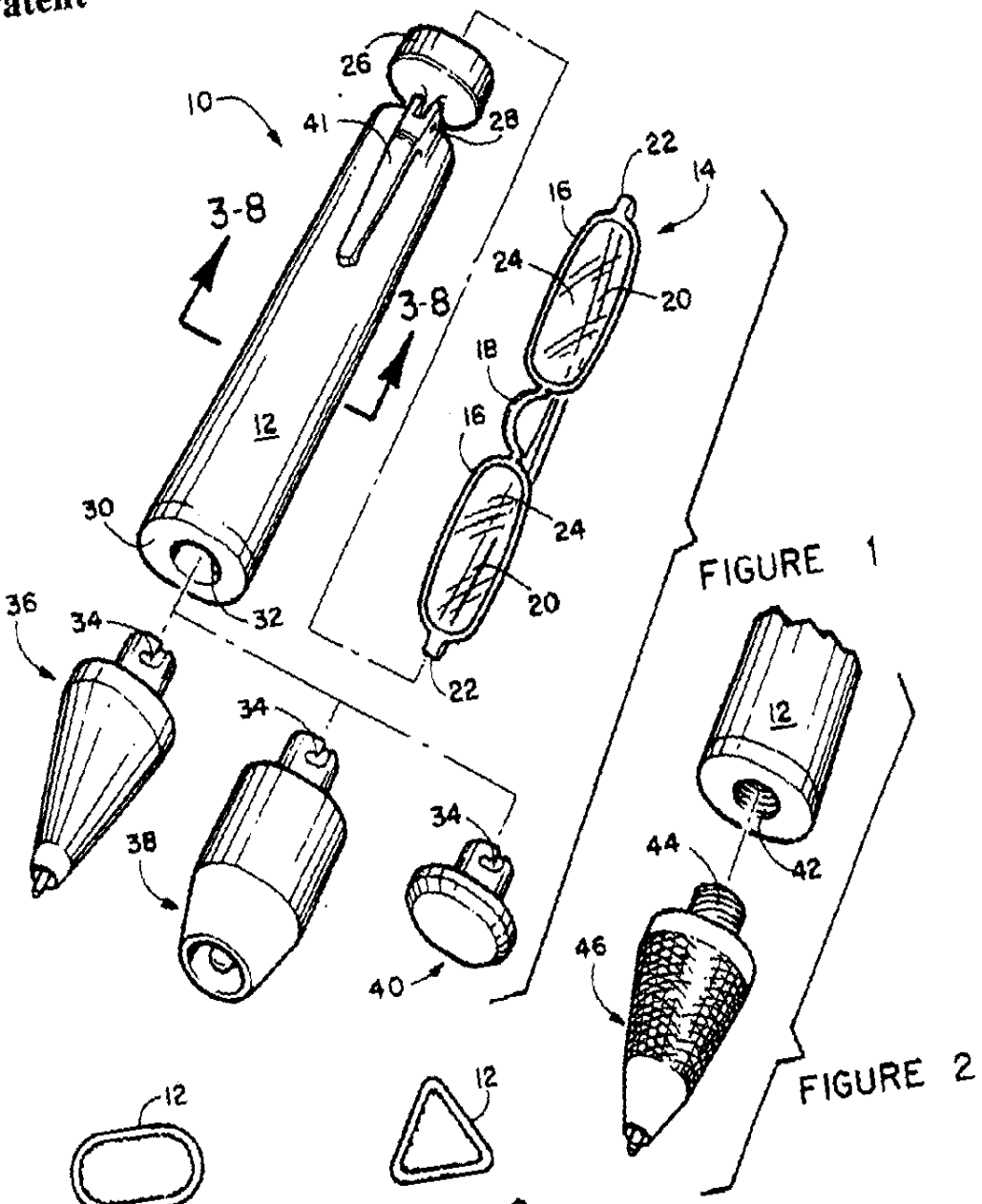

FIGURE 1

FIGURE 2

FIGURE 3

FIGURE 6

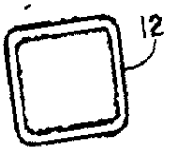

FIGURE 4

FIGURE 7

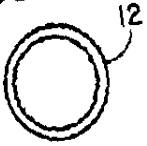

FIGURE 5

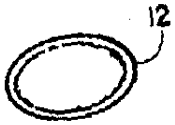

FIGURE 8

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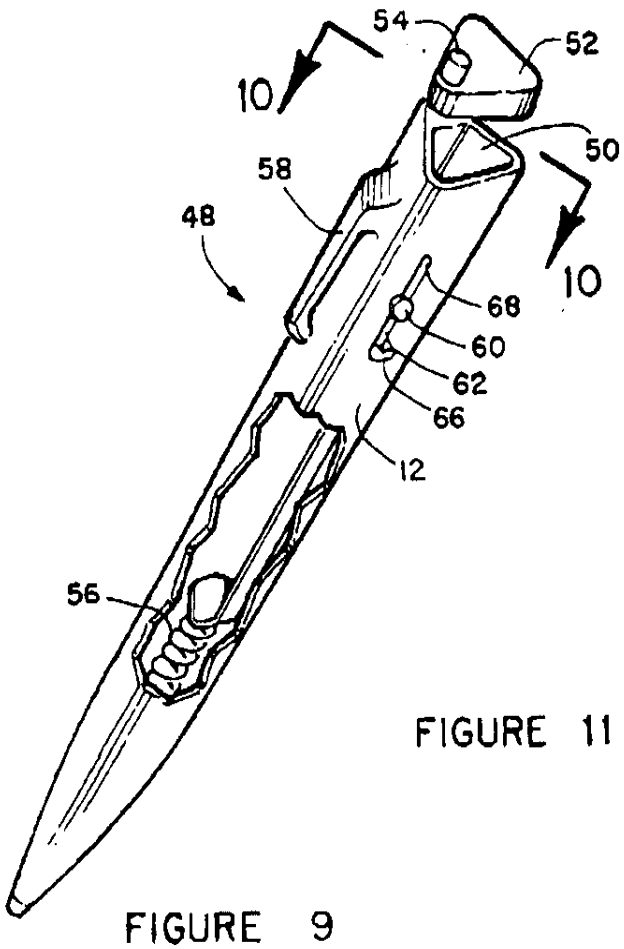

FIGURE 9

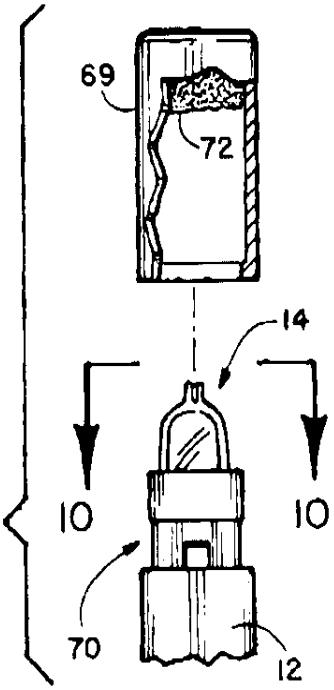

FIGURE 11

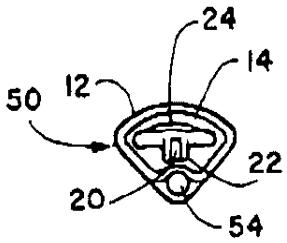

FIGURE 10

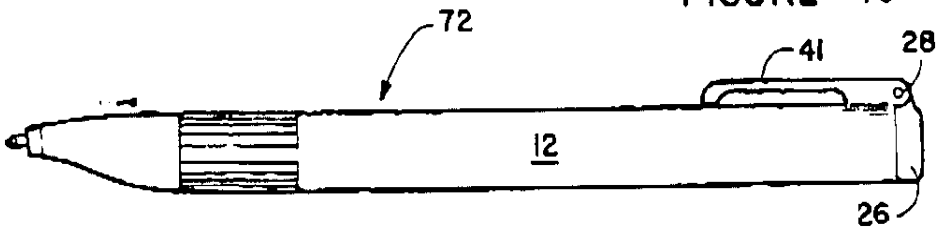

FIGURE 12

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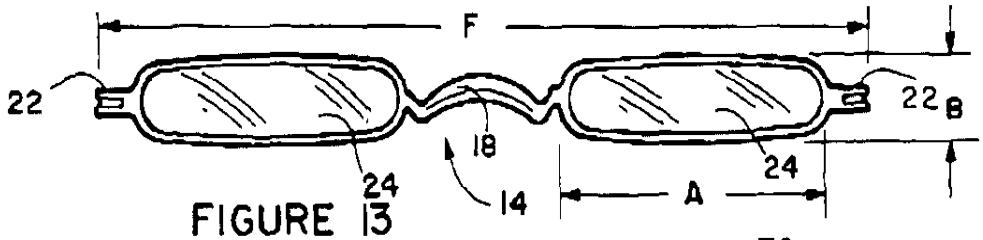

FIGURE 13

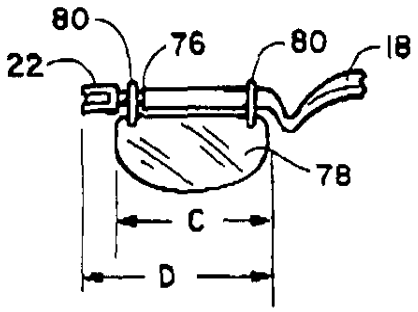

FIGURE 14

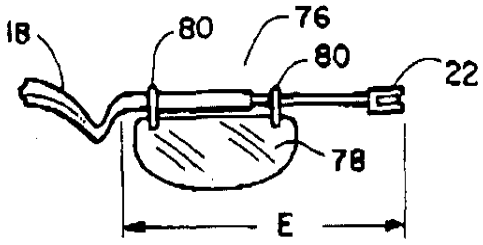

FIGURE 15

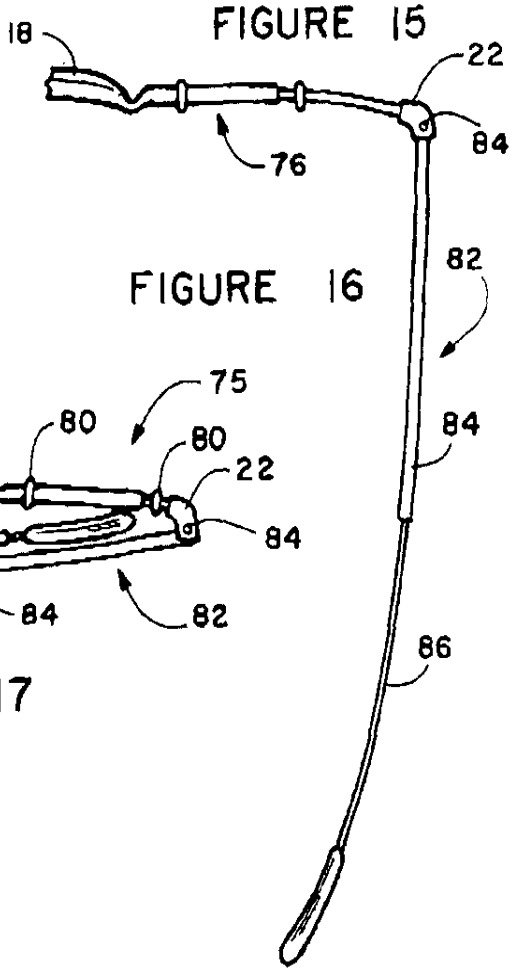

FIGURE 16

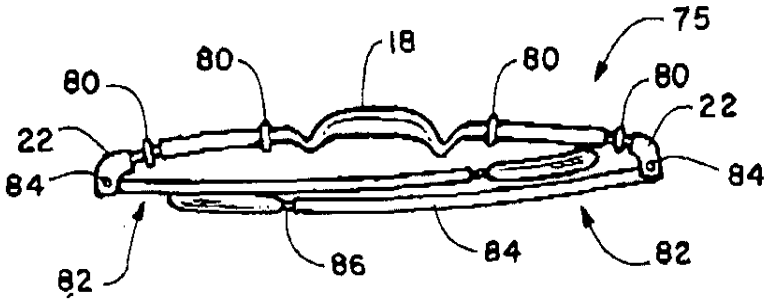

FIGURE 17

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COMBINATION GLASSES AND GLASS CASE

This application is a divisional of application Ser. No. 09/130,550 filed on Aug. 6, 1998, now U.S. Pat. No. 5,929,967.

FIELD OF THE INVENTION

The instant invention is directed to compact cases for conventional and foldable glasses, and more particularly to a case that is non-intrusive and easy to carry on the person.

BACKGROUND OF THE INVENTION

Spectacles or as commonly referred to as glasses have been around for a considerable length of time for the visually impaired. Glasses have been made as small as practical or have various foldable elements to reduce the physical size for carry around convince.

Foldable glasses include frames that fold in the middle and temples that fold at one or more locations along their length to reduce the physical size of the glasses for transport.

Typical state of the art compact folding glasses can be found in the following United States Patents: U.S. Pat. No. 2,419,303 issued to inventor W. G. Vasey on Apr. 22, 1947 which includes folding frames and temples; U.S. Pat. No. Des. 165,721 issued to M. Rand on Jan. 22, 1952 which shows folding frames and temples; U.S. Pat. No. 2,814,968 issued to W. S. Dixon, Jr. on Dec. 3, 1957 which shows foldable frames and temples; U.S. Pat. No. 4,681,410 issued to Al W. Paulsen on Jul. 21, 1987 which teaches a foldable frame and a showing of a different type folding temples; U.S. Pat. No. 4,768,872 by Michael Frasile et al. On Sep 6, 1988 which teaches a temple with an extendable length; U.S. Pat. No. 5,384,604 by Chang which teaches collapsible glasses which has foldable frames and fold along the temples at various locations; and U.S. Pat. No. 5,532,766 by David G. Maleer et al. which teaches foldable frames and temples.

There is a continuing need for small-un-abstruse cases for small conventional and the small folding glasses mentioned above.

SUMMARY OF THE INVENTION

The present invention is directed to small cases for small glasses that can be easily carried on the person of the user. The glass case of the invention is directed to a case having the general appearance of a writing instrument such as, a pen or pencil.

One embodiment of the invention includes removable accessories that can be adapted to one end of the case. These accessories comprise a pen, a pencil, flash light and a end cap any one of which can be removably attached to one end of the case. The other end of the case has an end cap that can be removed to have access to the small glasses within the hollow center of the case. Other glass accessible end caps can be hinged or pivotally attache to the end of the case to allow removal and storage for the small glasses.

Another embodiment the glass case of the invention is in the general form of a conventional pen or pencil including a writing instrument with a hollow barrel portion above the writing instrument mechanism. The pen configured glass case includes a conventional pocket clip at the glasses receiving end of the hollow barrel portion. In this embodiment the writing instrument mechanism is offset from the longitudinal center line of the pen configured glass case as is the hollow portion for containing the glasses.

In one of the pen configured glass case the writing mechanism is translatable from a deployed for writing position and a stowed non writing position.

In one embodiment of the glass case of the invention the bottom surface of the hollow glass case containing portion includes a biasing means that elevates the glasses for easily removable when the restraining cap closing the hollowing opening is cleared from the opening.

The general cross-sectional appearance of the case takes many forms, namely, oblong, rectangular, circular, triangular, square, oval and first opposing curvilinear opposing sides and second curvilinear opposing side normal to the first opposing sides.

In one embodiment of the small glasses that fit in the above described case includes telescoping frame sections on each side of the nose piece and telescoping temples. In this embodiment, the lens are translatable to conform to the distance between the eyes of the user and are rotatable about their frame attachment so as to provide for user lens tilt adjustment or can be in a fixed position.

The principal object of this invention is to provide a glass case for holding a pair of small glasses that is convenient to carry on the person and is non-obtrusive in appearance.

Another object of this invention is to provide a case for small glasses in the form of a writing instrument.

Another object of this invention is to provide a compact pair of glasses that fit in a small cross-sectional housing.

Yet another object of this invention is to provide a glass case in the general form of a either a writing instrument that includes either a pen, pencil, flashlight or end closure.

Yet another object of this invention is to provide a glass case in the form of a writing instrument that includes an interchangeable pen, pencil or flashlight tip at one end.

Still another object of this invention is to provide a pair of glasses that will fit into a case having the general appearance of a writing instrument such as a pen or pencil that has telescoping frame portions on each side of the nose piece of the glasses and has telescoping temples for length adjustment.

These and other objects and features will become apparent when the specifications are read in view of the following drawing Figures.

BRIEF DESCRIPTION OF THE DRAWING FIGURES

FIG. 1 is an exploded perspective showing of one embodiment of the glass case of the invention including various interchangeable elements with bayonet attachment means and small glasses to fit into the case;

FIG 2 is a partial showing of the glass case of FIG. 1 with threaded attachment means;

FIG. 3 is a first embodiment showing of FIG. 1 taken along line 3–8;

FIG. 4 is a second embodiment showing of FIG. 1 taken along line 3–8;

FIG. 5 is a third embodiment showing of FIG. 1 taken along line 3–8;

FIG. 6 is a fourth embodiment showing of FIG. 1 taken along line 3–8;

FIG. 7 is a fifth embodiment showing of FIG. 1 taken along line 3–8;

FIG. 8 is a sixth embodiment showing of FIG. 1 taken along line 3–8;

FIG. 9 is a partial cutaway showing of a third embodiment of the glass case of the invention with the housing having a cap to enclose the hollow portion of the housing;

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FIG. 10 is a top plan view showing of the FIGS. 9 and 11 embodiment with the top of the barrel housing removed showing glasses in the hollow portion;

FIG. 11 is a patrial showing in cutaway of a fourth embodiment of the glass case of the invention.

FIG. 12 is a side view of a fifth embodiment of the glass case of the invention;

FIG. 13 is a partial showing of a second embodiment of glasses designed to fit in the glass case of the invention;

FIG. 14 is a partial showing of a third embodiment of glasses designed to fit in the glass case of the invention with the telescoping frame is a stowed minimum length position;

FIG. 15 is a partial showing of the third embodiment of glasses designed to fit in the glass case of the invention with the telescoping frame in a deployed maximum length position;

FIG. 16 is a partial showing of the temples of glasses designed to fit into the glass case of the invention in a fully telescoped maximum length position; and

FIG. 17 is a showing of the second embodiment of the glasses designed to fit into the glass case of the invention with telescoping portions of both the frame and temple in a stowed minimum length position.

DETAILED DESCRIPTION OF THE FIRST PREFERRED EMBODIMENT OF THE INVENTION

Referring now specifically to drawing FIGS. 1, 2, 7 and 12 the glass case 10 depicted in drawing FIGS. 1, 2 and 12 is shown having a hollow housing 12 with an oval cross-section as depicted in drawing FIG. 2. The hollow housing 12 has suitable area for receiving a pair of small glasses 14. The small glasses 14 have the usual frame 16, interconnecting nose piece 18, a pair of temples 20 hinged at each end 22 of the frame 16 and a pair of lens 24.

One end of the hollow housing includes a first embodiment of a closure member in the form of a cap 26 that encloses the open of the hollow barrel when the glasses 14 are stored for non use and pivot to an end open hollow barrel about the pivot 28 for selective access to the small glasses within. The cap 26 is slightly elevated with a hollow center so that the glasses can extend beyond the end of the hollow barrel for ease of removal for use.

The end 30 of the hollow body includes a pin 32 means for connecting to a bayonet locking means 34 of one of a plurality of different removable tips, also see drawing FIG. 2, a writing instrument 36, flashlight 38 or end cap 40. A clip 41 is a conventional means for clipping the case 10 to the pocket of the user for transport.

Referring now specifically to drawing FIG. 2, the hollow barrel includes threads 42 which mate with threads 44 of a second embodiment of a writing instrument. The writing instrument 46 is of the type that when knurled surface 48 is rotated the writing instrument is exposed for use or retracted for storage.

Referring now specifically to drawing FIGS. 3–8, various configured cross-sections of the hollow barrel are shown.

FIG. 3 has an oval configuration.

FIG. 4 has a square configuration.

FIG. 5 has a tubular configuration.

FIG. 6 has a triangular configuration.

FIG. 7 has a curvilinear edged rectangular configuration.

FIG. 8 has a oval configuration.

Referring now specifically to drawing FIGS. 9, 10 and 11, a second and third embodiment of the glass case 48 of the

invention is shown in partial cutaway. The hollow portion 50 of the case has a modified triangular configuration as shown in drawing FIG. 6. The end closure 52 for retaining the small glasses 14, see drawing FIG. 10, within the hollow barrel pivots about pivot 54 for exposing the inner hollow barrel which is a of modified triangular configuration. At the bottom of the hollow barrel is a bias means shown as a spring 56 that is compressed by the frame of the small glasses 14 when they are inserted and forced inward against the bias if the spring as shown in the drawing FIG. 10 and the cap 52 is then rotated over the hollow barrel 12. It should be understood that any bias means such as, foam rubber or the like could be employed as the bias means. When the cap is rotated with the small glasses within the hollow barrel the spring bias 56 elevates the small glasses so that they can be removed from the hollow barrel with ease. A user garment attachment clip 58 is shown molded into the hollow barrel. When the button 60 translatable along a channel 62 and lockable in the maximum down position in offset channel 66. The button is in a maximum upward position at location 68 the writing instrument is in a stowed position wherein it is concealed within the hollow barrel and when the button is translated and locked into offset channel 66 the writing instrument is locked into a use position extending from the hollow barrel.

Drawing FIG. 11 depicts a different cap 68 for covering the opening in hollow barrel 12 when in place over the end of the hollow barrel portion. The cap 68 makes a friction fit with the distal end 70 of the hollowing housing 12 for maintaining the small glasses within the hollow barrel. The cap has a resilient bias means 72 for engaging the surface of the small glasses extending from the hollow barrel section to prevent movement of the small glasses within the hollow barrel when being transported to prevent breakage. Drawing FIG. 10 depicts a plan view of the glasses within the hollow portion of the case taken along line 10—10 of drawing FIG. 11.

Drawing FIG. 12 depicts a side view showing of a fourth embodiment 72 of the glass case of the invention. This showing is similar to that shown in drawing FIG. 1 except the writing instrument 74 is offset from the center line through the length of the hollow barrel 12 of the glass case and can be retractable as depicted in drawing FIG. 9 or can be retractable in any other conventional manner.

Referring now specifically to drawing FIG. 13, the small glasses 14 are shown in detail. The width A of the glasses have a range of 12.7 mm to 57.00 mm (mm=millimeters). The width A being ideally about 43 mm. The height B of the lens and frame portion surrounding the lens has a width of from 10 mm to 32 mm. The width being ideally about 15 mm. The overall length F of the small glasses is in the range of 76 mm to 152 mm. Ideally the overall length of the small glasses of the invention will be approximately 127 mm.

Drawing FIGS. 14–17 depict on side of a second embodiment of small glasses 75 of this invention. Drawing FIGS. 14–16 depict only one side of the small glasses 75 of drawing FIG. 17. It should be understood that the opposite side of the small glasses 75 are identical in detail to that side shown in drawing FIG. 17.

Drawing FIGS. 14 and 15 depicts a telescoping frame portion 76 that translates from the FIG. 14 stowed position to the drawing FIG. 15 maximum deployed position. It should that the frame portion can be translated to an infinite number of positions between the drawing FIG. 14 stowed position and the drawing FIG. 15 fully deployed position. The width C of the lens 78 can be from 12.7 mm to 30 mm.

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Ideally the width will be approximately 25.5 mm. The distance D is in the range of from 30 mm to 35 mm and distance E can be in the range of 31.5 mm to 51 mm. Ideally distance D will be approximately 28.5 and distance E will be approximately 45 mm.

The lens 78 of the embodiment of the small glasses of drawing FIGS. 14–17are pivot able through 360 degrees relative to the frame to which their are attached for user selected angular positioning for use. The lens 72 are attached via an "O" ring type connector 80 which allows the telescoping portion of the frame to freely translate relative to the lens connection to allow frame extension. The "O" type connector 80 can be a close tolerance fit to the frame or can be constructed of resilient material such as a conventional rubber type "O" ring used for compression sealing.

Referring now specifically to drawing FIG. 16, the temples 82 pivotally attach to the frame 76 at pivot 84. The temples include telescopic portions 84, 86 for decreasing the over all length of the temple for storage as seen in drawing FIG. 17 and extendable for various required temple lengths between the drawing FIG. 17 stowed position to the drawing FIG. 16 deployed position. The temples extend approximately 60 mm between minimum length and maximum length positions.

The glass cases of the invention have a maximum width in the range of 16 to 64 mm and a preferred width of 27 mm. The length of the glass cases of the invention have a maximum length in the range of 76 to 178 mm and a preferred length of 127 mm.

Therefore, it should be understood that the particular embodiments shown in the drawings and described within the specifications are for the purpose of example and should not be construed to limit the invention which will be described in the claims below. Now that a number of examples of the apparatus of the invention have been given, numerous other applications should be evident to one skilled in the art. Further, it is evident that those skilled in the art may now make numerous uses and modifications of the specific embodiments described herein. It should be obvious that the various members described may be made from a variety of materials and using a wide combination of dimensions. Consequently, the invention is to be construed as embracing each and every novel feature and novel combination of the features present in or possessed by the apparatus described herein.

What is claimed is:

1. A case having internal storage space for storage of removable contents comprising:

said case having the configuration of a writing instrument;

said case having a first and second end with a hollow portion therebetween for receiving removable contents;

said first end consisting being of a configuration selected from one of the following elements a writing instrument, a flashlight and a flat end closure; and

said second end having a closure means for concealing said contents in said hollow portion when said closure means is closed and allowing removal of said contents when said closure means is open.

2. The invention as defined in claim 1 wherein said case has a length of approximately 127 mm.

3. The invention as defined in claim 1 wherein said writing instrument, flashlight, flat end closure and said second end have the same cross-sectional configuration as said case.

4. The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end surface are removable from said case and selectively interchangeable on said first end.

5. The invention as defined in claim 1 wherein said writing instrument is a pen.

6. The invention as defined in claim 1 wherein said writing instrument is a pencil.

7. The invention as defined in claim 1 wherein the cross-section of said case is oval.

8. The invention as defined in claim 1 wherein the cross-section of said case is substantially rectilinear.

9. The invention as defined in claim 1 wherein the cross-section of said case is substantially square.

10. The invention as defined in claim 1 wherein the cross-section of said case is curvilinear.

11. The invention as defined in claim 10 wherein the cross-section of said case is substantially circular.

12. The invention as defined in claim 1 wherein the cross-section of said case is substantially circular.

13. The invention as defined in claim 1 wherein the cross-section of said case is substantially triangular.

14. The invention as defined in claim 1 wherein the writing instrument is translatable between a use and a non-use position.

15. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a pivotal cover over said hollow portion.

16. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a rotatable cover over said hollow portion.

17. The invention as defined in claim 1 wherein the distal end of said case remote from said writing instrument has a removable cover over said hollow portion.

18. The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end closure are removable from and attachable to said case by a threaded connection.

19. The invention as defined in claim 1 wherein said writing instrument, flashlight and flat end surface are removable from and attachable to said case by a bayonet connection.

* * * * *

EXHIBIT 2

PAGE 22 OF 23

EXHIBIT 3

MICRO VISION
OPTICAL

December 12, 2000

David Chao, President
Contours
690 Saratoga Ave., Suite 201
San Jose, CA 95129

Dear David:

Mike Hundert of REM Eyewear was kind enough to bring back from the Hong Kong show, several samples of the pen reader that you are potentially going to try and manufacture/distribute.

We have sent your product to our patent attorneys for review, and they are of the opinion that your product infringes on our patent rights. Also, for your own information, we have another design patent on our MicroVision Reader™, which of course you also are infringing.

After speaking to Mr. Hundert about you and your reputation in the optical industry, we would like to not have to attempt any legal remedies to protect our patents, but to settle this as gentlemen.

We understand and have reviewed your contention that because your two models do not open at the top, you have considered that by manufacturing your product with an end that opens for the glasses, you do not violate our patent. However, our attorneys take a distinct opposite view of this contention.

Fortunately, we have been very successful in the past year, and are prepared to undertake whatever steps necessary to protect our business. We would ask that you immediately cease the development of this product, and not cause you and MicroVision the aggravation and expense of determining which party would prevail. We would call upon your good business sense, integrity, and sense of fair play, to not continue with this project.

/continued/

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EXHIBIT 3

I would like to reiterate my offer to speak or visit with you personally, or arrange a conference to settle this matter promptly and finally. I would enjoy meeting or speaking with you any time.

I understand from Michael that you will be returning from a trip around the 14th of December. I would ask that you kindly respond to this when you return. If we do not hear from you by December 18, 2000, we will have our attorneys contact you directly.

Best regards,

David Johnson
Executive Vice President and
Chief Operating Officer

EXHIBIT 4

MICRO VISION OPTICAL

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To: David Chao	From: David Johnson
Fax #: 1-408-615-7837	Fax #: 858-503-6766
Company: CONTOURS	Tel #: 858-503-6767
Subject: Your email message	
Date: 01/25/01	Number of Pages (including cover): 3

Dear David:

I am sorry that it has taken me a day to get back with a response to your email message, but our Board Meeting just concluded and required quite a bit of preparation beforehand.

Enclosed for your perusal is a letter from our Patent Attorney and, of course, you may interpret it however you wish.

Several items in your recent email need further clarification. First of all, there are not disputes among our attorneys as to the infringement issue. In fact, they are very clear and willing to litigate their analysis of the infringements of your product. Further, I would like to reiterate (as stated in paragraph 4) that we have a further patent currently pending that clearly will cover ALL of the possible questions surrounding the manufacture of our Pen Reader and pen container.

Also, the pen case concept is new, or we would not have received the existing patents that have been issued. To continue, we expect our PCT patents to be issued in the European countries very shortly, and I guess we will be back under the same conditions, as it appears your pen copy is now in Germany.

I am leaving tomorrow morning for a business trip to Florida, and will be returning to work on Wednesday, January 31. I would be able to make myself available to fly up and meet with you the week of February 5, or thereabouts. I hope that this meets with your approval.

I am also meeting with Mike Hundert at REM next Friday, and will bring him up-to-date on this situation.

Best regards,
David

EXHIBIT 4

EDWARD J. QUIRK
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January 23, 2001

David Johnson
Executive Vice President and
Chief Operating Officer
MicroVision Optical
7898 Ostrow Street, Suite A & B
San Diego, California 92111

Re: Infringement of U.S. 6,929,967
Our Reference: MICROVIS 00-28-PM

Dear David:

This is further to your request for our comments on the opinion of Harness, Dickey & Pierce that several "knock-off" products, samples of which you provided to us, do not infringe U.S. 5,929,967. I apologize for the delay in this response, occasioned by the holidays and travel.

As you know, in November we provided you with an opinion that these products probably infringe U.S. 5,929,967, as well as U.S. 6,145,986. The opinion indicates that a reasonable case can be made for literal infringement, under either of two analyses, or through application of the doctrine of equivalents, of the '967 and '986 patents. A third patent, Des. 423,555, is also infringed.

You have asked if it would be appropriate to provide a copy of our opinion to the infringer. Since releasing the opinion would vitiate the attorney-client privilege for the document, I recommend that you not provide it to any third party.

As you know, any controversy with respect to these patents may become moot upon the issuance of the application currently pending. The claims clearly cover all of the products which you sent, and appear to be patentable. We would expect the case to issue in the near future. Thus, it may be advisable to await issue of this case before pursuing infringers.

If you have any questions, please feel free to call.

Very truly yours,

Edward J. Quirk

PROOF OF SERVICE

I am employed in the County of San Mateo, my business address is Fish & Richardson P.C., 2200 Sand Hill Road, Suite 100, Menlo Park, California 94025. I am over the age of 18 and not a party to the foregoing action.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for personal delivery, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight service.

On June 15, 2001, I caused a copy of the following document(s):

AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT INVALIDITY AND NON-INFRINGEMENT, AMENDED COMPLAINT FOR INTENTIONAL AND NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE, AND DEMAND FOR JURY TRIAL

to be served on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, and addressed as follows:

Edward J. McIntyre Darci L. Dubreuil Solomon Ward Seidenwurm & Smith, LLP 401 B Street, Suite 1200 San Diego, California 92101 (619) 231-4755 (facsimile)	Attorneys for Defendant Microvision Optical, Inc.
Susan E. Emrich Fish & Richardson P.C. 4063 Hilldale Road San Diego, California 92116 (858) 678-5099 (facsimile)	Attorneys for Plaintiff CONTOUR OPTIK, INC.
Michael A. Nicodema Richard J. Danyko Dreier & Baritz 499 Park Avenue New York, New York 10022 (212) 328-6101 (facsimile)	Attorneys for Plaintiff CONTOUR OPTIK, INC.

[X] **MAIL:** Such correspondence was deposited, postage fully paid, with the United States Postal Service on the same day in the ordinary course of business.

[ ] **PERSONAL:** Such envelope was delivered by hand to the offices of the addressee.

[ ] **FACSIMILE:** Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.

☐ **FEDERAL EXPRESS:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by Federal Express.

☐ **EXPRESS MAIL:** Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by the United States Postal Service.

☐ **OVERNIGHT DELIVERY:** Such correspondence was given on the same day in the ordinary course of business to an authorized courier or a driver authorized by that courier to receive documents.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury that the above is true and correct. Executed on June 15, 2001, at Menlo Park, CA.

Diane M. Arceo

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