

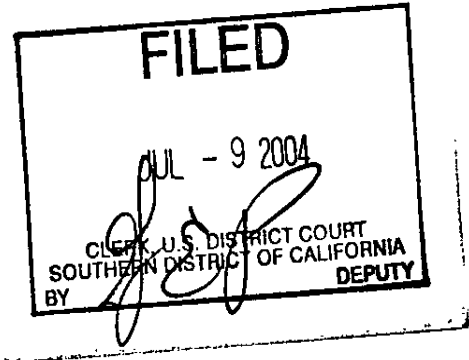
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OAKLEY, INC., a Washington
corporation,

Plaintiff,

vs.

JOSEPH FRANCIS WERB

Defendant.

Case No.:
'04 CV 1379 WQH (POR)
COMPLAINT FOR PATENT
INFRINGEMENT AND
TRADEMARK INFRINGEMENT
JURY TRIAL

Plaintiff OAKLEY, INC. (hereinafter referred to as "Oakley") hereby complains of Defendant JOSEPH FRANCIS WERB (hereinafter referred to as "Werb"), and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction over this action is founded upon 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338.

2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b). The Defendant sold infringing products in this district, attempted to pass

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1 off infringing products in this district, has directed sales and marketing efforts
2 toward this district, and has a regular and established place of business in this
3 district on the Internet.

4 THE PARTIES

5 3. Plaintiff Oakley is a corporation organized and existing under the laws
6 of the State of Washington, having its principal place of business at One Icon,
7 Foothill Ranch, California 92610 and doing business within this judicial district.

8 4. Oakley is informed and believes, and thereupon alleges that
9 Defendant Joseph Francis Werb is an individual, residing at 1436 Skyline Road,
10 Eagan, MN 55121, is doing business as Amazing-Replicas.com also located at
11 1463 Skyline Road, Eagan, MN 55121, and has done business within this judicial
12 district via the Internet.

13 FACTUAL BACKGROUND

14 5. As early as 1985, Oakley has been and continues to be actively
15 engaged in the manufacture and sale of high quality sport sunglasses under various
16 product lines. Oakley is the manufacturer and retailer of several lines of
17 sunglasses, including its "Eye Jacket®," "Half Jacket™," "Racing Jacket®,"
18 "Wire Tap™," "Pro M Frame®," "Straight Jacket®," "Twenty®," "Minute®,"
19 "Juliet®," "Scar®," "Romeo®," "Switch®," "A Wire®," "E Wire®," "C Wire®,"
20 "Ten®," "Penny®," "Fives®," "Square Wire® 2.0," "Splice®," sunglass lines. All
21 these products have enjoyed substantial success, which is expected to continue.
22 Also, as part of its routine sales practice, Oakley includes a black sunglass bag
23 bearing the stylized trademark "Oakley".

24 6. Oakley is the owner of U.S. Registered Trademark No. 1,521,599,
25 duly registered on January 24, 1989, claiming the trademark "Oakley" for use on
26 good in Class 9. A true and correct copy of this trademark registration is attached
27 hereto and incorporated by reference as Exhibit 1.
28

1 7. Oakley is the owner of U.S. Registered Trademark No. 1,990,262
2 duly registered on July 30, 1996 claiming the Oakley ellipsoid "o" for goods in
3 Class 9 and 25. A true and correct copy of such trademark registration is attached
4 hereto and incorporated herein by reference as Exhibit 2.

5 8. Oakley is the owner of U.S. Registered Trademark No. 1,519,596
6 duly registered on January 10, 1989, claiming the stylized, fanciful representation
7 of the trademark "Oakley" for goods in Class 9. A true and correct copy of such
8 trademark registration is attached hereto and incorporated herein by reference as
9 Exhibit 3.
10

11 9. The trademark registrations referred to above are in full force and
12 effect. The trademarks and the good will of the business of Plaintiff Oakley in
13 connection with which the trademarks have been used have never been abandoned.
14 Oakley continues to preserve and maintain its rights with respect to said trademark
15 registrations.

16 10. The trademarks above are inherently distinctive in appearance and
17 have become, through widespread public acceptance, a distinctive designation of
18 the source of origin of goods offered by Oakley and has acquired secondary
19 meaning in the marketplace and constitute an asset of incalculable value as a
20 symbol of Oakley and its quality goods and good will.

21 11. Plaintiff is informed and believes and based thereon alleges that
22 Defendant and his agents, employees, and servants have advertised and sold
23 products bearing one or more of the trademarks referred to above, which
24 advertisements and products sold are confusingly similar to that of the Oakley's
25 trademarks, and are, therefore, an infringement of Oakley's above described
26 trademarks.
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28 12. Defendant has received written notice of Oakley's proprietary rights in
its trademarks by way of actual written notice. Further, Defendants have received

1 constructive notice of Oakley's trademarks as Oakley caused said trademarks to be
2 placed plainly on the product and/or packaging. Despite said actual and
3 constructive knowledge, Defendants continued to infringe Oakley's trademark
4 rights until just recently. On information and belief, such infringement by
5 Defendants must have been willful and wanton.

6 13. Since 2003, Oakley has expended large sums of money in the
7 promotion of its "Half Jacket™" line of sunglasses. As a result of said
8 promotional efforts, said sunglass line have become and are now widely known
9 and recognized in this District and elsewhere as emanating from and authorized by
10 Oakley.
11

12 14. Oakley's product lines are inherently distinctive in appearance, and
13 have become, through widespread public acceptance, a distinctive designation of
14 the source of origin of goods offered by Oakley and an asset of incalculable value
15 as a symbol of Oakley and its quality goods and good will.

16 15. Oakley is informed and believes, and thereupon alleges, that
17 Defendant's copy sunglasses are inferior products to the authentic Oakley
18 sunglasses. Oakley is further informed and believes and thereupon alleges that as a
19 result of the inferior quality of the "Half Jacket™" sunglasses, they are sold in the
20 marketplace at a lower price than are the authentic Oakley sunglasses. As a result,
21 Oakley has been damaged significantly in the sunglass market.

22 16. Oakley is informed and believes and thereupon alleges that the
23 Defendant's "Half Jacket™" sunglass copies are designed, manufactured,
24 packaged, advertised, displayed and sold expressly to deceive customers desirous
25 of purchasing products authorized by Oakley or to profit from the demand created
26 by Oakley for the aesthetic distinctive features of the Oakley "Half Jacket™"
27 sunglasses.
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1 17. Oakley is further informed and believes and thereupon alleges that the
2 presence of Defendant's "Half Jacket™" sunglass copies in the marketplace
3 damages the value of Oakley's exclusive rights. The presence of the copies in the
4 marketplace are likely to diminish the apparent exclusivity of the genuine Oakley
5 products thereby dissuading potential customers who otherwise would have sought
6 the distinctive Oakley sunglass designs. Upon information and belief, Oakley
7 alleges that such deception has misled and continues to mislead and confuse many
8 of said purchasers to buy the products sold by Defendant and/or has misled non-
9 purchasers to believe the sunglass copies emanate from or are authorized by
10 Oakley.
11

12 18. Oakley is the owner by assignment of U.S. Design Patent No.
13 D408,048 duly and lawfully issued on April 13, 1999, describing and claiming the
14 invention entitled "EYEWEAR," protecting the sunglass design marketed by
15 Oakley under the name "Eye Jacket®". A correct copy of U.S. Design Patent No.
16 D408,048 is attached hereto as Exhibit 4.

17 19. Oakley is the owner by assignment of U.S. Design Patent No.
18 D369,375 duly and lawfully issued on April 30, 1996, describing and claiming the
19 invention entitled "EYEGLASSES," protecting the sunglass design marketed by
20 Oakley under the name "Eye Jacket®". A correct copy of U.S. Design Patent No.
21 D369,375 is attached hereto as Exhibit 5.

22 20. Oakley is the owner by assignment of U.S. Design Patent No.
23 D407,428 duly and lawfully issued on March 30, 1999, describing and claiming
24 the invention entitled "EYEGLASS FRONT," protecting the sunglass design
25 marketed by Oakley under the name "Racing Jacket®". A correct copy of U.S.
26 Design Patent No. D407,428 is attached hereto as Exhibit 6.
27

28 21. Oakley is the owner by assignment of U.S. Design Patent No.
D479,533 duly and lawfully issued on September 9, 2003, describing and claiming

1 the invention entitled "EYEGLASS AND EYEGLASS COMPONENTS,"
2 protecting the sunglass design marketed by Oakley under the name "Wire Tap™".
3 A correct copy of U.S. Design Patent No. D479,533 is attached hereto as Exhibit 7.

4 22. Oakley is the owner by assignment of U.S. Design Patent No.
5 D399,866 duly and lawfully issued on October 20, 1998, describing and claiming
6 the invention entitled "EYEGLASS COMPONENTS," protecting the sunglass
7 design marketed by Oakley under the name "Pro M Frame®". A correct copy of
8 U.S. Design Patent No. D399,866 is attached hereto as Exhibit 8.

9 23. Oakley is the owner by assignment of U.S. Design Patent No.
10 D441,390 duly and lawfully issued on May 1, 2001, describing and claiming the
11 invention entitled "EYEGLASS FRONT," protecting the sunglass design marketed
12 by Oakley under the name "Straight Jacket®". A correct copy of U.S. Design
13 Patent No. D441,390 is attached hereto as Exhibit 9.

14 24. Oakley is the owner by assignment of U.S. Design Patent No.
15 D446,803 duly and lawfully issued on August 21, 2001, describing and claiming
16 the invention entitled "EYEGLASS FRONT," protecting the sunglass design
17 marketed by Oakley under the name "Twenty®". A correct copy of U.S. Design
18 Patent No. D446,803 is attached hereto as Exhibit 10.

19 25. Oakley is the owner by assignment of U.S. Design Patent No.
20 D415,188 duly and lawfully issued on October 12, 1999, describing and claiming
21 the invention entitled "EYEGLASS," protecting the sunglass design marketed by
22 Oakley under the name "Minute®". A correct copy of U.S. Design Patent No.
23 D415,188 is attached hereto as Exhibit 11.

24 26. Oakley is the owner by assignment of U.S. Design Patent No.
25 D422,298 duly and lawfully issued on April 4, 2000, describing and claiming the
26 invention entitled "EYEGLASS COMPONENTS," protecting the sunglass design
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1 marketed by Oakley under the name "Juliet®". A correct copy of U.S. Design
2 Patent No. D422,298 is attached hereto as Exhibit 12.

3 27. Oakley is the owner by assignment of U.S. Design Patent No.
4 D463,478 duly and lawfully issued on September 24, 2002, describing and
5 claiming the invention entitled "EYEGLOSS AND EYEGLOSS
6 COMPONENTS," protecting the sunglass design marketed by Oakley under the
7 name "Scar®". A correct copy of U.S. Design Patent No. D463,478 is attached
8 hereto as Exhibit 13.

9 28. Oakley is the owner by assignment of U.S. Design Patent No.
10 D469,459 duly and lawfully issued on January 28, 2003, describing and claiming
11 the invention entitled "EYEGLOSS," protecting the sunglass design marketed by
12 Oakley under the name "Scar®". A correct copy of U.S. Design Patent No.
13 D469,459 is attached hereto as Exhibit 14.

14 29. Oakley is the owner by assignment of U.S. Design Patent No.
15 D398,326 duly and lawfully issued on September 15, 1998, describing and
16 claiming the invention entitled "EYEGLOSS FRONT," protecting the sunglass
17 design marketed by Oakley under the name "Romeo®". A correct copy of U.S.
18 Design Patent No. D398,326 is attached hereto as Exhibit 15.

19 30. Oakley is the owner by assignment of U.S. Design Patent No.
20 D464,669 duly and lawfully issued on October 22, 2002, describing and claiming
21 the invention entitled "EYEGLOSSES," protecting the sunglass design marketed
22 by Oakley under the name "Switch®". A correct copy of U.S. Design Patent No.
23 D464,669 is attached hereto as Exhibit 16.

24 31. Oakley is the owner by assignment of U.S. Design Patent No.
25 D473,583 duly and lawfully issued on April 22, 2003, describing and claiming the
26 invention entitled "EYEGLOSS FRONT," protecting the sunglass design marketed
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1 by Oakley under the name "Switch®". A correct copy of U.S. Design Patent No.
2 D473,583 is attached hereto as Exhibit 17.

3 32. Oakley is the owner by assignment of U.S. Design Patent No.
4 D420,036 duly and lawfully issued on February 01, 2000, describing and claiming
5 the invention entitled "EYEGLOSS COMPONENTS," protecting the sunglass
6 design marketed by Oakley under the name "A Wire®". A correct copy of U.S.
7 Design Patent No. D420,036 is attached hereto as Exhibit 18.

8 33. Oakley is the owner by assignment of U.S. Design Patent No.
9 D376,381 duly and lawfully issued on December 10, 1996, describing and
10 claiming the invention entitled "PAIR OR SPECTACLES WIHTOUT
11 EARSTEMS," protecting the sunglass design marketed by Oakley under the name
12 "E Wire®". A correct copy of U.S. Design Patent No. D376,381 is attached hereto
13 as Exhibit 19.

14 34. Oakley is the owner by assignment of U.S. Design Patent No.
15 D446,804 duly and lawfully issued on August 21, 2001, describing and claiming
16 the invention entitled "EYEGLOSS FRONT," protecting the sunglass design
17 marketed by Oakley under the name "C Wire®". A correct copy of U.S. Design
18 Patent No. D446,804 is attached hereto as Exhibit 20.

19 35. Oakley is the owner by assignment of U.S. Design Patent No.
20 D425,103 duly and lawfully issued on May 16, 2000, describing and claiming the
21 invention entitled "EYEGLASSES," protecting the sunglass design marketed by
22 Oakley under the name "Ten®". A correct copy of U.S. Design Patent No.
23 D425,103 is attached hereto as Exhibit 21.

24 36. Oakley is the owner by assignment of U.S. Design Patent No.
25 D470,166 duly and lawfully issued on February 11, 2003, describing and claiming
26 the invention entitled "EYEGLOSS COMPONENTS," protecting the sunglass
27
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1 design marketed by Oakley under the name "Penny®". A correct copy of U.S.
2 Design Patent No. D470,166 is attached hereto as Exhibit 22.

3 37. Oakley is the owner by assignment of U.S. Design Patent No.
4 D404,754 duly and lawfully issued on January 26, 1999, describing and claiming
5 the invention entitled "EYEGLASS FRONT," protecting the sunglass design
6 marketed by Oakley under the name "Fives®". A correct copy of U.S. Design
7 Patent No. D404,754 is attached hereto as Exhibit 23.

8 38. Oakley is the owner by assignment of U.S. Design Patent No.
9 D462,375 duly and lawfully issued on September 03, 2002, describing and
10 claiming the invention entitled "EYEGLASS AND EYEGLASS
11 COMPONENTS," protecting the sunglass design marketed by Oakley under the
12 name "Square Wire® 2.0". A correct copy of U.S. Design Patent No. D462,375 is
13 attached hereto as Exhibit 24.

14 39. Oakley is the owner by assignment of U.S. Design Patent No.
15 D469,458 duly and lawfully issued on January 29, 2003, describing and claiming
16 the invention entitled "EYEGLASS FRONT," protecting the sunglass design
17 marketed by Oakley under the name "Square Wire® 2.0". A correct copy of U.S.
18 Design Patent No. D469,458 is attached hereto as Exhibit 25.

19 40. Oakley is the owner by assignment of U.S. Design Patent No.
20 D477,623 duly and lawfully issued on January 22, 2003, describing and claiming
21 the invention entitled "EYEGLASS FRONT," protecting the sunglass design
22 marketed by Oakley under the name "Splice®". A correct copy of U.S. Design
23 Patent No. D477,623 is attached hereto as Exhibit 26.

24 41. Oakley is informed and believes, and thereupon alleges that the
25 Defendant is selling sunglasses that copy the design of the D408,048, D369,375,
26 D407,428, D479,533, D399,866, D441,390, D446,803, D415,188, D422,298,
27 D463,478, D469,459, D398,326, D464,669, D473,583, D420,036, D376,381,
28

1 D446,804, 425,103, D470,166, D404,754, D462,375, D469,458, and D477,623
2 patents of Oakley. The "Eye Jacket®," "Racing Jacket®," "Wire Tap™," "Pro M
3 Frame®," "Straight Jacket®," "Twenty®," "Minute®," "Juliet®," "Scar®,"
4 "Romeo®," "Switch®," "A Wire®," "E Wire®," "C Wire®," "Ten®," "Penny®,"
5 "Fives®," "Square Wire® 2.0," and "Splice®" copy sunglasses sold by Defendant
6 embody the subject matter claimed in Oakley's design patents referred to above
7 without any license thereunder and is thereby infringing said patents. Oakley is
8 informed and believes and based thereon alleges that Defendant supplied said
9 imitation Oakley sunglasses to various distributors, retailers, and retail customers.
10

11 42. Oakley is the owner by assignment of U.S. Patent No. 5,137,342 duly
12 and lawfully issued on August 11, 1992 describing and claiming the invention
13 entitled "EYEWEAR TRACTION DEVICE", protecting the sunglass design
14 marketed by Oakley under the name "Elastomeric Traction Device". A correct
15 copy of U.S. Patent No. 5,137,342 is attached hereto as Exhibit 27.

16 43. Oakley is informed and believes, and thereupon alleges that the
17 Defendant is selling sunglasses that employ the technology claimed by U.S. Patent
18 5,137,342. Such embodiments sold by Defendant are sold without any license from
19 Oakley under the 5,137,342 patent, and is thereby infringing said patent. Oakley is
20 informed and believes and based thereon alleges that Defendant supplied and
21 imitation Oakley sunglasses to various distributors, retailers, and retail customers.

22 44. Defendant has received written notice of Oakley's proprietary rights in
23 its patents by way of actual written notice. Further, Defendant has received
24 constructive notice of Oakley's trademarks as Oakley caused said patents to be
25 placed plainly on the product and/or packaging. Despite said actual and
26 constructive knowledge, Defendants continued to infringe Oakley's trademark
27 rights until just recently. On information and belief, such infringement by
28 Defendant must have been willful and wanton.

1 45. Oakley is informed and believes and thereupon alleges that the sale of
2 the copy sunglasses has resulted in lost sales, has reduced the business and profit of
3 Oakley, and has greatly injured the general reputation of Oakley due to the inferior
4 quality of the copies, all to Oakley's damage in an amount not yet fully determined.

5 46. The exact amount of profits realized by Defendant as a result of his
6 infringing activities, are presently unknown to Oakley, as are the exact amount of
7 damages suffered by Oakley as a result of said activities. These profits and
8 damages cannot be accurately ascertained without an accounting.

9
10 **FIRST CLAIM FOR RELIEF**

11 47. The allegations of paragraphs 1 through 46 are repled and realleged as
12 though fully set forth herein.

13 48. This is a claim for trademark infringement, and arises under 15 U.S.C.
14 § 1125(a) against Defendant Werb.

15 49. Jurisdiction is founded upon 15 U.S.C. § 1121.

16 50. Oakley is the owner of U.S. Registered Trademark No. 1,521,599,
17 which confer on Oakley the exclusive right to use this trademark in commerce. A
18 true and correct copy of U.S. registered Trademark No. 1,521,599 is attached
19 hereto as Exhibit 1.

20 51. The mark has been in use in commerce in connection with the sale of
21 Oakley products continuously since at least as early as their respective dates of
22 issue. The mark appears clearly on all packaging, advertisements, product
23 brochures, and on almost all Oakley sunglass products, in one way or another.

24 52. Defendant, through his agents, employees and servants, manufactured,
25 advertised, and sold products bearing Oakley's registered marks without authority
26 from Oakley for doing so.

27 53. Oakley is informed and believes, and thereupon alleges, that
28 Defendant's use of Oakley's registered trademarks in commerce constitutes

1 trademark infringement, false designation or origin, a false description or
2 representation of goods and wrongfully and falsely represents to the consuming
3 public that the Defendant's advertising and products bearing the Oakley trademark
4 originated from or somehow are authorized by Oakley.

5 54. Oakley is informed and believes, and thereupon alleges, that
6 Defendant's unauthorized use of Oakley's registered trademarks has caused
7 confusion in the marketplace as to the source of origin of Defendant Werb's
8 products.

9 55. Oakley is informed and believes, and thereupon alleges, that
10 Defendant willfully infringed upon Oakley's exclusive rights under its trademarks
11 with the intent to trade upon the good will of Oakley and to injure Oakley.

12 56. Oakley is informed and believes, and thereupon alleges, that
13 Defendant has derived, received, and will continue to derive and receive from the
14 aforesaid acts of infringement, gains, profits, and advantages in an amount not yet
15 ascertainable, but will be determined at the time of trial.

16 57. Oakley is informed and believes, and thereupon alleges, that
17 Defendant may continue to infringe Oakley's registered trademarks in the future, to
18 the great and irreparable injury of Oakley, for which Oakley has no adequate
19 remedy at law unless Defendant is enjoined by this court.
20

21 **SECOND CLAIM FOR RELIEF**

22 58. The allegations of paragraphs 1 through 46 are repled and realleged as
23 though fully set forth herein.

24 59. This is a claim for trademark infringement, and arises under 15 U.S.C.
25 § 1125(a) against Defendant Werb.

26 60. Jurisdiction is founded upon 15 U.S.C. § 1121.

27 61. Oakley is the owner of U.S. Registered Trademark No. 1,990,262,
28 which confer on Oakley the exclusive right to use this trademark in commerce. A

1 true and correct copy of U.S. registered Trademark No. 1,990,262 is attached
2 hereto as Exhibit 2.

3 62. The mark has been in use in commerce in connection with the sale of
4 Oakley products continuously since at least as early as their respective dates of
5 issue. The mark appears clearly on all packaging, advertisements, product
6 brochures, and on almost all Oakley sunglass products, in one way or another.

7 63. Defendant, through his agents, employees and servants, manufactured,
8 advertised, and sold products bearing Oakley's registered marks without authority
9 from Oakley for doing so.

10 64. Oakley is informed and believes, and thereupon alleges, that
11 Defendant's use of Oakley's registered trademarks in commerce constitutes
12 trademark infringement, false designation or origin, a false description or
13 representation of goods and wrongfully and falsely represents to the consuming
14 public that the Defendant's advertising and products bearing the Oakley trademark
15 originated from or somehow are authorized by Oakley.

16 65. Oakley is informed and believes, and thereupon alleges, that
17 Defendant's unauthorized use of Oakley's registered trademarks has caused
18 confusion in the marketplace as to the source of origin of Defendant Werb's
19 products.
20

21 66. Oakley is informed and believes, and thereupon alleges, that
22 Defendant willfully infringed upon Oakley's exclusive rights under its trademarks
23 with the intent to trade upon the good will of Oakley and to injure Oakley.

24 67. Oakley is informed and believes, and thereupon alleges, that
25 Defendant Werb has derived, received, and will continue to derive and receive
26 from the aforesaid acts of infringement, gains, profits, and advantages in an
27 amount not yet ascertainable, but will be determined at the time of trial.
28

1 68. Oakley is informed and believes, and thereupon alleges, that
2 Defendant Werb may continue to infringe Oakley's registered trademarks in the
3 future, to the great and irreparable injury of Oakley, for which Oakley has no
4 adequate remedy at law unless Defendant is enjoined by this court.

5 **THIRD CLAIM FOR RELIEF**

6 69. The allegations of paragraphs 1 through 46 are repled and realleged as
7 though fully set forth herein.

8 70. This is a claim for trademark infringement, and arises under 15 U.S.C.
9 § 1125(a) against Defendant Werb.

10 71. Jurisdiction is founded upon 15 U.S.C. § 1121.

11 72. Oakley is the owner of U.S. Registered Trademark No. 1,519,596,
12 which confer on Oakley the exclusive right to use this trademark in commerce. A
13 true and correct copy of U.S. registered Trademark No. 1,519,596 is attached
14 hereto as Exhibit 3, respectively.

15 73. The mark has been in use in commerce in connection with the sale of
16 Oakley products continuously since at least as early as their respective dates of
17 issue. The mark appears clearly on all packaging, advertisements, product
18 brochures, and on almost all Oakley sunglass products, in one way or another.

19 74. Defendant, through his agents, employees and servants, manufactured,
20 advertised, and sold products bearing Oakley's registered marks without authority
21 from Oakley for doing so.

22 75. Oakley is informed and believes, and thereupon alleges, that
23 Defendant's use of Oakley's registered trademarks in commerce constitutes
24 trademark infringement, false designation or origin, a false description or
25 representation of goods and wrongfully and falsely represents to the consuming
26 public that the Defendant's advertising and products bearing the Oakley trademark
27 originated from or somehow are authorized by Oakley.
28

1 76. Oakley is informed and believes, and thereupon alleges, that
2 Defendant's unauthorized use of Oakley's registered trademarks has caused
3 confusion in the marketplace as to the source of origin of Defendant Werb's
4 products.

5 77. Oakley is informed and believes, and thereupon alleges, that
6 Defendant willfully infringed upon Oakley's exclusive rights under its trademarks
7 with the intent to trade upon the good will of Oakley and to injure Oakley.

8 78. Oakley is informed and believes, and thereupon alleges, that
9 Defendant Werb has derived, received, and will continue to derive and receive
10 from the aforesaid acts of infringement, gains, profits, and advantages in an
11 amount not yet ascertainable, but will be determined at the time of trial.

12 79. Oakley is informed and believes, and thereupon alleges, that
13 Defendant Werb may continue to infringe Oakley's registered trademarks in the
14 future, to the great and irreparable injury of Oakley, for which Oakley has no
15 adequate remedy at law unless Defendant is enjoined by this court.

16
17 **FOURTH CLAIM FOR RELIEF**

18 80. The allegations of paragraphs 1 through 46 are repled and realleged as
19 though fully set forth herein.

20 81. This is a claim for patent infringement, and arises under 35 U.S.C.
21 Sections 271 and 281.

22 82. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

23 83. Oakley is the owner of U.S. Design Patent No. D408,048 which
24 protects the ornamental design of Oakley's "Eye Jacket®" Eyewear. A true and
25 correct copy of U.S. Design Patent No. D408,048 is attached hereto as Exhibit 4.
26 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
27 282.
28

1 84. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D408,048.

4 85. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 86. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 87. Defendant may continue to infringe U.S. Design Patent No. D408,048
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **FIFTH CLAIM FOR RELIEF**

17 88. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 89. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 90. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 91. Oakley is the owner of U.S. Design Patent No. D369,375, which
23 protects the ornamental design of Oakley's "Eye Jacket®" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D369,375 is attached hereto as Exhibit 5.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 92. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D369,375.

4 93. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 94. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 95. Defendant may continue to infringe U.S. Design Patent No. D369,375
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **SIXTH CLAIM FOR RELIEF**

17 96. The allegations of paragraphs 1 through 46 are repiled and realleged as
18 though fully set forth herein.

19 97. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 98. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 99. Oakley is the owner of U.S. Design Patent No. D407,428, which
23 protects the ornamental design of Oakley's "Racing Jacket®" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D407,428 is attached hereto as Exhibit 6.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 100. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D407,428.

4 101. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 102. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 103. Defendant may continue to infringe U.S. Design Patent No. D407,428
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.
15

16 **SEVENTH CLAIM FOR RELIEF**

17 104. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 105. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 106. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 107. Oakley is the owner of U.S. Design Patent No. D479,533, which
23 protects the ornamental design of Oakley's "Wire TapTM" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D479,533 is attached hereto as Exhibit 7.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 108. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D479,533.

4 109. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 110. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 111. Defendant may continue to infringe U.S. Design Patent No. D479,533
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **EIGHT CLAIM FOR RELIEF**

17 112. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 113. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 114. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 115. Oakley is the owner of U.S. Design Patent No. D399,866, which
23 protects the ornamental design of Oakley's "Pro M Frame®" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D399,866 is attached hereto as Exhibit 8.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 116. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D399,866.

4 117. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 118. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 119. Defendant may continue to infringe U.S. Design Patent No. D399,866
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **NINTH CLAIM FOR RELIEF**

17 120. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 121. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 122. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 123. Oakley is the owner of U.S. Design Patent No. D441,390, which
23 protects the ornamental design of Oakley's "Straight Jacket®" Eyewear. A true
24 and correct copy of U.S. Design Patent No. D441,390 is attached hereto as Exhibit
25 9. By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 124. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D441,390.

4 125. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 126. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 127. Defendant may continue to infringe U.S. Design Patent No. D441,390
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **TENTH CLAIM FOR RELIEF**

17 128. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 129. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 130. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 131. Oakley is the owner of U.S. Design Patent No. D446,803, which
23 protects the ornamental design of Oakley's "Twenty®" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D446,803 is attached hereto as Exhibit 10.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 132. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D446,803.

4 133. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 134. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 135. Defendant may continue to infringe U.S. Design Patent No. D446,803
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **ELEVENTH CLAIM FOR RELIEF**

17 136. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 137. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 138. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 139. Oakley is the owner of U.S. Design Patent No. D415,188, which
23 protects the ornamental design of Oakley's "Minute®" Eyewear. A true and
24 correct copy of U.S. Design Patent No. D415,188 is attached hereto as Exhibit 11.
25 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
26 282.
27
28

1 140. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D415,188.

4 141. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 142. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 143. Defendant may continue to infringe U.S. Design Patent No. D415,188
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **TWELTH CLAIM FOR RELIEF**

17 144. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 145. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 146. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 147. Oakley is the owner of U.S. Design Patent No. D422,298, which
23 protects the ornamental design of Oakley's "Juliet®" Eyewear. A true and correct
24 copy of U.S. Design Patent No. D422,298 is attached hereto as Exhibit 12. By
25 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.

26 148. Defendant, through his agents, employees and servants, manufactured,
27 imported, and sold, without any rights or license, sunglasses which fall within the
28 scope and claim contained in U.S. Design Patent No. D442,298.

1 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
2 been, and will continue to be, greatly damaged.

3 167. Defendant may continue to infringe U.S. Design Patent No. D469,459
4 to the great and irreparable injury of Oakley, for which Oakley has no adequate
5 remedy at law unless said Defendant is enjoined by this court.

6 **FIFTEENTH CLAIM FOR RELIEF**

7 168. The allegations of paragraphs 1 through 46 are repled and realleged as
8 though fully set forth herein.

9 169. This is a claim for patent infringement, and arises under 35 U.S.C.
10 Sections 271 and 281.

11 170. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

12 171. Oakley is the owner of U.S. Design Patent No. D398,326, which
13 protects the ornamental design of Oakley's "Romeo®" Eyewear. A true and
14 correct copy of U.S. Design Patent No. D398,326 is attached hereto as Exhibit 15.
15 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
16 282.
17

18 172. Defendant, through his agents, employees and servants, manufactured,
19 imported, and sold, without any rights or license, sunglasses which fall within the
20 scope and claim contained in U.S. Design Patent No. D398,326.

21 173. Oakley is informed and believes and thereupon alleges that Defendant
22 willfully infringed upon Oakley's exclusive rights under said patent, with full
23 notice and knowledge thereof.

24 174. Oakley is informed and believes and thereupon alleges that Defendant
25 has derived, received and will continue to derive and receive from the aforesaid
26 acts of infringement, gains, profits and advantages in an amount not presently
27 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
28 been, and will continue to be, greatly damaged.

1 175. Defendant may continue to infringe U.S. Design Patent No. D398,326
2 to the great and irreparable injury of Oakley, for which Oakley has no adequate
3 remedy at law unless said Defendant is enjoined by this court.

4 **SIXTEENTH CLAIM FOR RELIEF**

5 176. The allegations of paragraphs 1 through 46 are repled and realleged as
6 though fully set forth herein.

7 177. This is a claim for patent infringement, and arises under 35 U.S.C.
8 Sections 271 and 281.

9 178. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

10 179. Oakley is the owner of U.S. Design Patent No. D473,583, which
11 protects the ornamental design of Oakley's "Switch®" Eyewear. A true and correct
12 copy of U.S. Design Patent No. D473,583 is attached hereto as Exhibit 17. By
13 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.
14

15 180. Defendant, through his agents, employees and servants, manufactured,
16 imported, and sold, without any rights or license, sunglasses which fall within the
17 scope and claim contained in U.S. Design Patent No. D473,583.

18 181. Oakley is informed and believes and thereupon alleges that Defendant
19 willfully infringed upon Oakley's exclusive rights under said patent, with full
20 notice and knowledge thereof.

21 182. Oakley is informed and believes and thereupon alleges that Defendant
22 has derived, received and will continue to derive and receive from the aforesaid
23 acts of infringement, gains, profits and advantages in an amount not presently
24 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
25 been, and will continue to be, greatly damaged.

26 Defendant may continue to infringe U.S. Design Patent No. D473,583 to the great
27 and irreparable injury of Oakley, for which Oakley has no adequate remedy at law
28 unless said Defendant is enjoined by this court.

1 **SEVENTEENTH CLAIM FOR RELIEF**

2 183. The allegations of paragraphs 1 through 46 are repled and realleged as
3 though fully set forth herein.

4 184. This is a claim for patent infringement, and arises under 35 U.S.C.
5 Sections 271 and 281.

6 185. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

7 186. Oakley is the owner of U.S. Design Patent No. D464,669, which
8 protects the ornamental design of Oakley's "Switch®" Eyewear. A true and correct
9 copy of U.S. Design Patent Nos. D464,669 is attached hereto as Exhibit 16. By
10 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.
11

12 187. Defendant, through his agents, employees and servants, manufactured,
13 imported, and sold, without any rights or license, sunglasses which fall within the
14 scope and claim contained in U.S. Design Patent No. D464,669.

15 188. Oakley is informed and believes and thereupon alleges that Defendant
16 willfully infringed upon Oakley's exclusive rights under said patent, with full
17 notice and knowledge thereof.

18 189. Oakley is informed and believes and thereupon alleges that Defendant
19 has derived, received and will continue to derive and receive from the aforesaid
20 acts of infringement, gains, profits and advantages in an amount not presently
21 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
22 been, and will continue to be, greatly damaged.

23 190. Defendant may continue to infringe U.S. Design Patent No. D464,669
24 to the great and irreparable injury of Oakley, for which Oakley has no adequate
25 remedy at law unless said Defendant is enjoined by this court.
26

27 **EIGHTEENTH CLAIM FOR RELIEF**

28 191. The allegations of paragraphs 1 through 46 are repled and realleged as
though fully set forth herein.

1 192. This is a claim for patent infringement, and arises under 35 U.S.C.
2 Sections 271 and 281.

3 193. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

4 194. Oakley is the owner of U.S. Design Patent No. D420,036, which
5 protects the ornamental design of Oakley's "A Wire®" Eyewear. A true and
6 correct copy of U.S. Design Patent No. D420,036 is attached hereto as Exhibit 18.
7 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
8 282.

9 195. Defendant, through his agents, employees and servants, manufactured,
10 imported, and sold, without any rights or license, sunglasses which fall within the
11 scope and claim contained in U.S. Design Patent No. D420,036.

12 196. Oakley is informed and believes and thereupon alleges that Defendant
13 willfully infringed upon Oakley's exclusive rights under said patent, with full
14 notice and knowledge thereof.

15 197. Oakley is informed and believes and thereupon alleges that Defendant
16 has derived, received and will continue to derive and receive from the aforesaid
17 acts of infringement, gains, profits and advantages in an amount not presently
18 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
19 been, and will continue to be, greatly damaged.

20 198. Defendant may continue to infringe U.S. Design Patent No. D420,036
21 to the great and irreparable injury of Oakley, for which Oakley has no adequate
22 remedy at law unless said Defendant is enjoined by this court.

23
24 **NINETEENTH CLAIM FOR RELIEF**

25 199. The allegations of paragraphs 1 through 46 are repled and realleged as
26 though fully set forth herein.

27 200. This is a claim for patent infringement, and arises under 35 U.S.C.
28 Sections 271 and 281.

1 201. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

2 202. Oakley is the owner of U.S. Design Patent No. D376,381, which
3 protects the ornamental design of Oakley's "E Wire®" Eyewear. A true and
4 correct copy of U.S. Design Patent No. D376,381 is attached hereto as Exhibit 19.
5 By statute, the patent is presumed to be valid and enforceable under 35 U.S.C. §
6 282.

7 203. Defendant, through his agents, employees and servants, manufactured,
8 imported, and sold, without any rights or license, sunglasses which fall within the
9 scope and claim contained in U.S. Design Patent No. D376,381.

10 204. Oakley is informed and believes and thereupon alleges that Defendant
11 willfully infringed upon Oakley's exclusive rights under said patent, with full
12 notice and knowledge thereof.

13 205. Oakley is informed and believes and thereupon alleges that Defendant
14 has derived, received and will continue to derive and receive from the aforesaid
15 acts of infringement, gains, profits and advantages in an amount not presently
16 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
17 been, and will continue to be, greatly damaged.

18 206. Defendant may continue to infringe U.S. Design Patent No. D376,381
19 to the great and irreparable injury of Oakley, for which Oakley has no adequate
20 remedy at law unless said Defendant is enjoined by this court.

21
22 **TWENTIETH CLAIM FOR RELIEF**

23 207. The allegations of paragraphs 1 through 46 are repled and realleged as
24 though fully set forth herein.

25 208. This is a claim for patent infringement, and arises under 35 U.S.C.
26 Sections 271 and 281.

27 209. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.
28

1 copy of U.S. Design Patent No. D425,103 is attached hereto as Exhibit 21. By
2 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.

3 219. Defendant, through his agents, employees and servants, manufactured,
4 imported, and sold, without any rights or license, sunglasses which fall within the
5 scope and claim contained in U.S. Design Patent No. D425,103.

6 220. Oakley is informed and believes and thereupon alleges that Defendant
7 willfully infringed upon Oakley's exclusive rights under said patent, with full
8 notice and knowledge thereof.

9 221. Oakley is informed and believes and thereupon alleges that Defendant
10 has derived, received and will continue to derive and receive from the aforesaid
11 acts of infringement, gains, profits and advantages in an amount not presently
12 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
13 been, and will continue to be, greatly damaged.

14 222. Defendant may continue to infringe U.S. Design Patent No. D425,103
15 to the great and irreparable injury of Oakley, for which Oakley has no adequate
16 remedy at law unless said Defendant is enjoined by this court.

17
18 **TWENTY-SECOND CLAIM FOR RELIEF**

19 223. The allegations of paragraphs 1 through 46 are repled and realleged as
20 though fully set forth herein.

21 224. This is a claim for patent infringement, and arises under 35 U.S.C.
22 Sections 271 and 281.

23 225. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

24 226. Oakley is the owner of U.S. Design Patent No. D470,166, which
25 protects the ornamental design of Oakley's "Penny®" Eyewear. A true and correct
26 copy of U.S. Design Patent No. D470,166 is attached hereto as Exhibit 22. By
27 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.
28

1 227. Defendant, through his agents, employees and servants, manufactured,
2 imported, and sold, without any rights or license, sunglasses which fall within the
3 scope and claim contained in U.S. Design Patent No. D470,166.

4 228. Oakley is informed and believes and thereupon alleges that Defendant
5 willfully infringed upon Oakley's exclusive rights under said patent, with full
6 notice and knowledge thereof.

7 229. Oakley is informed and believes and thereupon alleges that Defendant
8 has derived, received and will continue to derive and receive from the aforesaid
9 acts of infringement, gains, profits and advantages in an amount not presently
10 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
11 been, and will continue to be, greatly damaged.

12 230. Defendant may continue to infringe U.S. Design Patent No. D470,166
13 to the great and irreparable injury of Oakley, for which Oakley has no adequate
14 remedy at law unless said Defendant is enjoined by this court.

15
16 **TWENTY-THIRD CLAIM FOR RELIEF**

17 231. The allegations of paragraphs 1 through 46 are repled and realleged as
18 though fully set forth herein.

19 232. This is a claim for patent infringement, and arises under 35 U.S.C.
20 Sections 271 and 281.

21 233. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

22 234. Oakley is the owner of U.S. Design Patent No. D404,754, which
23 protects the ornamental design of Oakley's "Fives®" Eyewear. A true and correct
24 copy of U.S. Design Patent No. D404,754 is attached hereto as Exhibit 23. By
25 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.

26 235. Defendant, through his agents, employees and servants, manufactured,
27 imported, and sold, without any rights or license, sunglasses which fall within the
28 scope and claim contained in U.S. Design Patent No. D404,754.

1 236. Oakley is informed and believes and thereupon alleges that Defendant
2 willfully infringed upon Oakley's exclusive rights under said patent, with full
3 notice and knowledge thereof.

4 237. Oakley is informed and believes and thereupon alleges that Defendant
5 has derived, received and will continue to derive and receive from the aforesaid
6 acts of infringement, gains, profits and advantages in an amount not presently
7 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
8 been, and will continue to be, greatly damaged.

9 238. Defendant may continue to infringe U.S. Design Patent No. D404,754
10 to the great and irreparable injury of Oakley, for which Oakley has no adequate
11 remedy at law unless said Defendant is enjoined by this court.

12 **TWENTY-FOURTH CLAIM FOR RELIEF**

13 239. The allegations of paragraphs 1 through 46 are repled and realleged as
14 though fully set forth herein.

15 240. This is a claim for patent infringement, and arises under 35 U.S.C.
16 Sections 271 and 281.

17 241. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

18 242. Oakley is the owner of U.S. Design Patent No. D462,375, which
19 protects the ornamental design of Oakley's "Square Wire® 2.0" Eyewear. A true
20 and correct copy of U.S. Design Patent No. D462,375 is attached hereto as Exhibit
21 24. By statute, the patent is presumed to be valid and enforceable under 35 U.S.C.
22 § 282.

23 243. Defendant, through his agents, employees and servants, manufactured,
24 imported, and sold, without any rights or license, sunglasses which fall within the
25 scope and claim contained in U.S. Design Patent No. D462,375.
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27
28

1 244. Oakley is informed and believes and thereupon alleges that Defendant
2 willfully infringed upon Oakley's exclusive rights under said patent, with full
3 notice and knowledge thereof.

4 245. Oakley is informed and believes and thereupon alleges that Defendant
5 has derived, received and will continue to derive and receive from the aforesaid
6 acts of infringement, gains, profits and advantages in an amount not presently
7 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
8 been, and will continue to be, greatly damaged.

9 246. Defendant may continue to infringe U.S. Design Patent No. D462,375
10 to the great and irreparable injury of Oakley, for which Oakley has no adequate
11 remedy at law unless said Defendant is enjoined by this court.
12

13 **TWENTY-FIFTH CLAIM FOR RELIEF**

14 247. The allegations of paragraphs 1 through 46 are repled and realleged as
15 though fully set forth herein.

16 248. This is a claim for patent infringement, and arises under 35 U.S.C.
17 Sections 271 and 281.

18 249. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

19 250. Oakley is the owner of U.S. Design Patent No. D469,458, which
20 protects the ornamental design of Oakley's "Square Wire® 2.0" Eyewear. A true
21 and correct copy of U.S. Design Patent No. D469,458 is attached hereto as Exhibit
22 25. By statute, the patent is presumed to be valid and enforceable under 35 U.S.C.
23 § 282.

24 251. Defendant, through his agents, employees and servants, manufactured,
25 imported, and sold, without any rights or license, sunglasses which fall within the
26 scope and claim contained in U.S. Design Patent No. D469,458.
27
28

1 252. Oakley is informed and believes and thereupon alleges that Defendant
2 willfully infringed upon Oakley's exclusive rights under said patent, with full
3 notice and knowledge thereof.

4 253. Oakley is informed and believes and thereupon alleges that Defendant
5 has derived, received and will continue to derive and receive from the aforesaid
6 acts of infringement, gains, profits and advantages in an amount not presently
7 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
8 been, and will continue to be, greatly damaged.

9 254. Defendant may continue to infringe U.S. Design Patent No. D469,458
10 to the great and irreparable injury of Oakley, for which Oakley has no adequate
11 remedy at law unless said Defendant is enjoined by this court.
12

13 **TWENTY-SIXTH CLAIM FOR RELIEF**

14 255. The allegations of paragraphs 1 through 46 are repled and realleged as
15 though fully set forth herein.

16 256. This is a claim for patent infringement, and arises under 35 U.S.C.
17 Sections 271 and 281.

18 257. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

19 258. Oakley is the owner of U.S. Design Patent No. D477,623, which
20 protects the ornamental design of Oakley's "Splice®" Eyewear. A true and correct
21 copy of U.S. Design Patent No. D477,623 is attached hereto as Exhibit 26. By
22 statute, the patent is presumed to be valid and enforceable under 35 U.S.C. § 282.

23 259. Defendant, through his agents, employees and servants, manufactured,
24 imported, and sold, without any rights or license, sunglasses which fall within the
25 scope and claim contained in U.S. Design Patent No. D477,623.
26

27 260. Oakley is informed and believes and thereupon alleges that Defendant
28 willfully infringed upon Oakley's exclusive rights under said patent, with full
notice and knowledge thereof.

1 261. Oakley is informed and believes and thereupon alleges that Defendant
2 has derived, received and will continue to derive and receive from the aforesaid
3 acts of infringement, gains, profits and advantages in an amount not presently
4 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
5 been, and will continue to be, greatly damaged.

6 262. Defendant may continue to infringe U.S. Design Patent No. D477,623
7 to the great and irreparable injury of Oakley, for which Oakley has no adequate
8 remedy at law unless said Defendant is enjoined by this court.

9
10 **TWENTY-SEVENTH CLAIM FOR RELIEF**

11 263. The allegations of paragraphs 1 through 46 are repled and realleged as
12 though fully set forth herein.

13 264. This is a claim for patent infringement, and arises under 35 U.S.C.
14 Sections 271 and 281.

15 265. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

16 266. Oakley is the owner of U.S. Patent No. 5,137,342 which protects
17 technology for an improved elastomeric traction device. A true and correct copy
18 of U.S. Patent No. 5,137,342 is attached hereto as Exhibit 27. By statute, the
19 patent is presumed to be valid and enforceable under 35 U.S.C. § 282.

20 267. Defendant, through his agents, employees and servants, manufactured,
21 imported, and sold, without any rights or license, sunglasses which fall within the
22 scope and claims contained in U.S. Patent No. 5,137,342.

23 268. Oakley is informed and believes and thereupon alleges that Defendant
24 willfully infringed upon Oakley's exclusive rights under said patent, with full
25 notice and knowledge thereof.

26 269. Oakley is informed and believes and thereupon alleges that Defendant
27 has derived, received and will continue to derive and receive from the aforesaid
28 acts of infringement, gains, profits and advantages in an amount not presently

1 known to Oakley. By reason of the aforesaid acts of infringement, Oakley has
2 been, and will continue to be, greatly damaged.

3 270. Defendant may continue to infringe U.S. Patent No. 5,137,342 to the
4 great and irreparable injury of Oakley, for which Oakley has no adequate remedy
5 at law unless said Defendant is enjoined by this court.

6 WHEREFORE, Plaintiff Oakley, Inc. prays as follows:

7 1. That Defendant Werb be adjudicated to have infringed Oakley's
8 Registered Trademark No. 1,521,599, and that said trademark is valid and
9 enforceable and is owned by Oakley;
10

11 2. That Defendant Werb be adjudicated to have infringed Oakley's
12 Registered Trademark No. 1,990,262, and that said trademark is valid and
13 enforceable and is owned by Oakley;

14 3. That Defendant Werb be adjudicated to have infringed Oakley's
15 Registered Trademark No. 1,519,596, and that said trademark is valid and
16 enforceable and is owned by Oakley;

17 4. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
18 Patent No. D408,048, and that said patent is valid and enforceable and is owned
19 by Oakley;

20 5. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
21 Patent No. D369,375, and that said patent is valid and enforceable and is owned
22 by Oakley;

23 6. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
24 Patent No. D407,428, and that said patent is valid and enforceable and is owned
25 by Oakley;

26 7. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
27 Patent No. D479,533, and that said patent is valid and enforceable and is owned
28 by Oakley;

1 8. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
2 Patent No. D399,866, and that said patent is valid and enforceable and is owned
3 by Oakley;

4 9. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
5 Patent No. D441,390, and that said patent is valid and enforceable and is owned
6 by Oakley;

7 10. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
8 Patent No. D446,803, and that said patent is valid and enforceable and is owned
9 by Oakley;

10 11. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
11 Patent No. D415,188, and that said patent is valid and enforceable and is owned
12 by Oakley;

13 12. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
14 Patent No. D422,298, and that said patent is valid and enforceable and is owned
15 by Oakley;

16 13. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
17 Patent No. D463,478, and that said patent is valid and enforceable and is owned
18 by Oakley;

19 14. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
20 Patent No. D469,459, and that said patent is valid and enforceable and is owned
21 by Oakley;

22 15. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
23 Patent No. D398,326, and that said patent is valid and enforceable and is owned
24 by Oakley;

25 16. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
26 Patent No. D464,669, and that said patent is valid and enforceable and is owned
27 by Oakley;
28

1 17. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
2 Patent No. D473,583, and that said patent is valid and enforceable and is owned
3 by Oakley;

4 18. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
5 Patent No. D420,036, and that said patent is valid and enforceable and is owned
6 by Oakley;

7 19. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
8 Patent No. D376,381, and that said patent is valid and enforceable and is owned
9 by Oakley;

10 20. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
11 Patent No. D446,804, and that said patent is valid and enforceable and is owned
12 by Oakley;

13 21. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
14 Patent No. D425,103, and that said patent is valid and enforceable and is owned
15 by Oakley;

16 22. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
17 Patent No. D470,166, and that said patent is valid and enforceable and is owned
18 by Oakley;

19 23. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
20 Patent No. D404,754, and that said patent is valid and enforceable and is owned
21 by Oakley;

22 24. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
23 Patent No. D462,375, and that said patent is valid and enforceable and is owned
24 by Oakley;

25 25. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
26 Patent No. D469,458, and that said patent is valid and enforceable and is owned
27 by Oakley;
28

1 26. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
2 Patent No. D477,623, and that said patent is valid and enforceable and is owned
3 by Oakley;

4 27. That Defendant Werb be adjudicated to have infringed Oakley's U.S.
5 Patent No. 5,137,342, and that said patent is valid and enforceable and is owned by
6 Oakley;

7 28. That Defendant Werb, and his agents, servants, employees, and
8 attorneys and all persons in active concert and participation with them, be
9 permanently enjoined and restrained from:

10 a. Using the Oakley's Registered Trademark Nos. 1,521,599,
11 1,990,262, and 1,519,596 and or any mark similar thereto in
12 connection with the sale of any goods;

13 b. Committing any acts which may cause purchasers to believe
14 that the Defendant or the products Defendant is selling are
15 sponsored or authorized by, or are in any way associated with
16 Plaintiff;

17 c. Selling, passing off, or inducing or enabling others to sell or
18 pass off any products as products produced by Plaintiff, which
19 products are not Plaintiff's or are not produced under
20 the control and supervision and approved by Plaintiff; and

21 d. Infringing Plaintiff's trademark rights;

22 29. That Defendant, its agents, servants, employees and attorneys and all
23 those persons in active concert or participation with them, be forthwith
24 preliminarily and thereafter permanently enjoined from making, using or selling
25 any sunglass which infringe United States Patent Nos. D408,048, D369,375,
26 D407,428, D479,533, D399,866, D441,390, D446,803, D415,188, D422,298,
27
28

.....

1 D463,478, D469,459, D398,326, D464,669, D473,583, D420,036, D376,381,
2 D446,804, 425,103, D470,166, D404,754, D462,375, D469,458, D477,623
3 5,137,342;

4 30. That Defendant be directed to file with this court and serve upon
5 Oakley within 30 days after the service of the injunction, a report in writing under
6 oath, setting forth in detail the manner and form in which Defendants have
7 complied with the injunction;

8 31. That Defendant Werb be required to account to Oakley for any and all
9 profits derived by him;

10 32. For an assessment of damages against Defendant Werb in an amount
11 no less than lost profits, reasonable royalty, or Defendant's profits derived from
12 their infringement of Plaintiff's patent and trademark rights, pursuant to 15 U.S.C.
13 § 1114 and 35 U.S.C. §§ 284, 289;

14 33. For an order requiring Defendants to deliver up and destroy all
15 infringing sunglasses;

16 34. That an award of reasonable costs, expenses, and attorney's fees be
17 awarded against Defendant pursuant to 15 U.S.C. § 1116(a) and 35 U.S.C. §285;
18 and
19

20 35. That Oakley have such other and further relief as the circumstances of
21 this case may require and as this court may deem just and proper.

22 DATED: 7/2/04

WEEKS, KAUFMAN, NELSON & JOHNSON

24 

25 _____
26 GREGORY K. NELSON
27 Attorney for Plaintiff
28

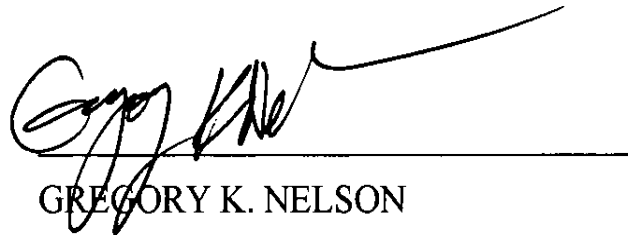
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JURY DEMAND

Plaintiff Oakley, Inc. hereby requests a trial by jury in this matter.

DATED: 7/2/04

WEEKS, KAUFMAN, NELSON & JOHNSON



GREGORY K. NELSON

Attorney for Plaintiff

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office **Reg. No. 1,521,599**
Registered Jan. 24, 1989

**TRADEMARK
PRINCIPAL REGISTER**

OAKLEY

OAKLEY, INC. (CALIFORNIA CORPORATION)
11 MARCONI
IRVINE, CA 92718

FOR: SUNGLASSES AND ACCESSORIES
FOR SUNGLASSES, NAMELY, REPLACEMENT
LENSES, EAR STEMS AND NOSE
PIECES, IN CLASS 9 (U.S. CL. 26).

FIRST USE 3-0-1984; IN COMMERCE
3-0-1984.

OWNER OF U.S. REG. NOS. 1,169,945 AND
1,356,297.

SER. NO. 685,035, FILED 9-18-1987.

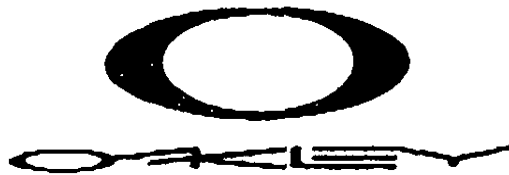
MARIA SOLOMON, EXAMINING ATTORNEY

Int. Cls.: 9 and 25

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, and 39

United States Patent and Trademark Office Reg. No. 1,990,262
Registered July 30, 1996

**TRADEMARK
PRINCIPAL REGISTER**



OAKLEY, INC. (CALIFORNIA CORPORATION)
10 HOLLAND
IRVINE, CA 92718

FOR: PROTECTIVE AND/OR ANTI-GLARE EYEWEAR, NAMELY SUNGLASSES, GOGGLES, SPECTACLES AND THEIR PARTS AND ACCESSORIES, NAMELY REPLACEMENT LENSES, EARSTEMS, FRAMES, NOSE PIECES AND FOAM STRIPS; CASES SPECIALLY ADAPTED FOR PROTECTIVE AND/OR ANTI-GLARE EYEWEAR AND THEIR PARTS AND ACCESSORIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-1993; IN COMMERCE 11-0-1993.

FOR: CLOTHING, HEADWEAR AND FOOTWEAR, NAMELY T-SHIRTS, SWEATSHIRTS, BLOUSES, SWEATERS, SPORT SHIRTS, JERSEYS, SWEATPANTS, SKI PANTS, RACING PANTS, JEANS, COATS, VESTS, JACKETS, HATS, VISORS, CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-1994; IN COMMERCE 8-0-1994.

OWNER OF U.S. REG. NOS. 1,169,945, 1,552,583, AND OTHERS.

SN 74-485,536, FILED 2-2-1994.

DAVID H. STINE, EXAMINING ATTORNEY

EXHIBIT 2, PAGE 1 OF 1

307



Int. Cl.: 9

Prior U.S. Cl.: 26

Reg. No. 1,519,596

Registered Jan. 10, 1989

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

OAKLEY, INC. (CALIFORNIA CORPORATION)
11 MARCONI
IRVINE, CA 92718

FIRST USE 3-0-1984; IN COMMERCE
3-0-1984.

OWNER OF U.S. REG. NOS. 1,169,945 AND
1,356,297.
SEC. 2(F).

FOR: SUNGLASSES AND ACCESSORIES
FOR SUNGLASSES, NAMELY, REPLACE-
MENT LENSES, EAR STEMS AND NOSE
PIECES, IN CLASS 9 (U.S. CL. 26).

SER. NO. 685,036, FILED 9-18-1987.

MARIA SOLOMON, EXAMINING ATTORNEY



USOOD408048S

United States Patent [19]

[11] **Patent Number:** Des. 408,048

Jannard et al.

[45] **Date of Patent:** **Apr. 13, 1999

[54] **EYEWEAR**

[75] **Inventors:** James H. Jannard, Eastsound, Wash.;
Peter Yee, Huntington Beach; M. Neil
Houston, Foothill Ranch, both of Calif.

[73] **Assignee:** Oakley, Inc., Foothill Ranch, Calif.

[**] **Term:** 14 Years

[21] **Appl. No.:** 29/053,675

[22] **Filed:** Apr. 29, 1996

Related U.S. Application Data

[62] Division of application No. 29/030,825, Nov. 9, 1994, Pat. No. Des. 369,375.

[51] **LOC (6) CL** 16-06

[52] **U.S. CL** D16/326

[58] **Field of Search** D16/300, 101,
D16/301-330; 351/41, 44, 51, 52, 158;
2/447, 448

[56] **References Cited**

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D. 167,704	9/1952	McCardel	D16/326
D. 193,028	6/1962	Peituo	D16/326
D. 196,000	8/1963	McNeill	D16/315
D. 199,150	9/1964	Carmichael et al.	
D. 200,391	2/1965	Baravelli	
D. 202,129	8/1965	Marchi	
D. 204,418	4/1966	Ramp	D16/329
D. 205,419	8/1966	Griss	D16/326
D. 206,353	11/1966	Bloch	D16/326
D. 209,095	10/1967	Ramp	D16/328
D. 268,663	4/1983	Tenny	
D. 320,402	10/1991	Jannard et al.	

D. 347,014	5/1994	Amecac	D16/326
D. 358,600	5/1995	Jannard	
D. 365,591	12/1995	Jannard et al.	
D. 369,375	4/1996	Jannard et al.	
836,796	11/1906	Anderson	
1,338,880	5/1920	Stevens	
2,511,329	6/1950	Craig	
3,526,449	9/1970	Bolle et al.	
3,531,189	9/1970	Petito	
3,689,136	9/1972	Atamian	

FOREIGN PATENT DOCUMENTS

PCTUS9107761 10/1991 WIPO.

OTHER PUBLICATIONS

American Bicyclist & Motorcyclist, p. 41, Mar. 1988.

Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

[57] **CLAIM**

The ornamental design for eyewear, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyewear of the present invention;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

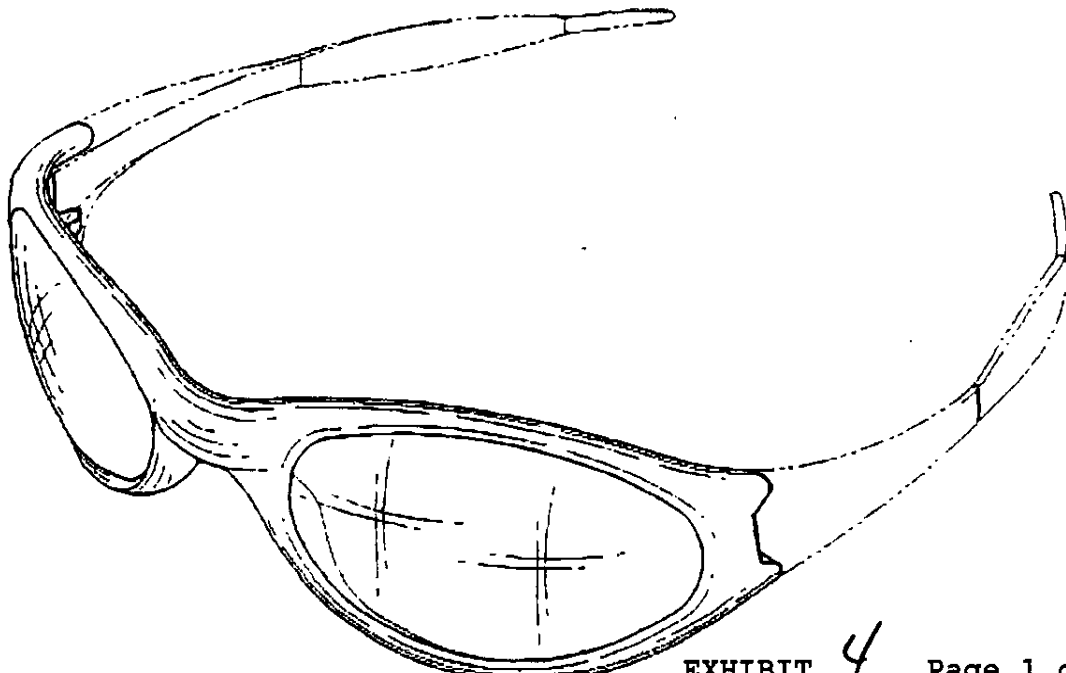
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

The broken line showing of the eyewear temple in FIG. 1 is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



U.S. Patent

Apr. 13, 1999

Sheet 1 of 3

Des. 408,048

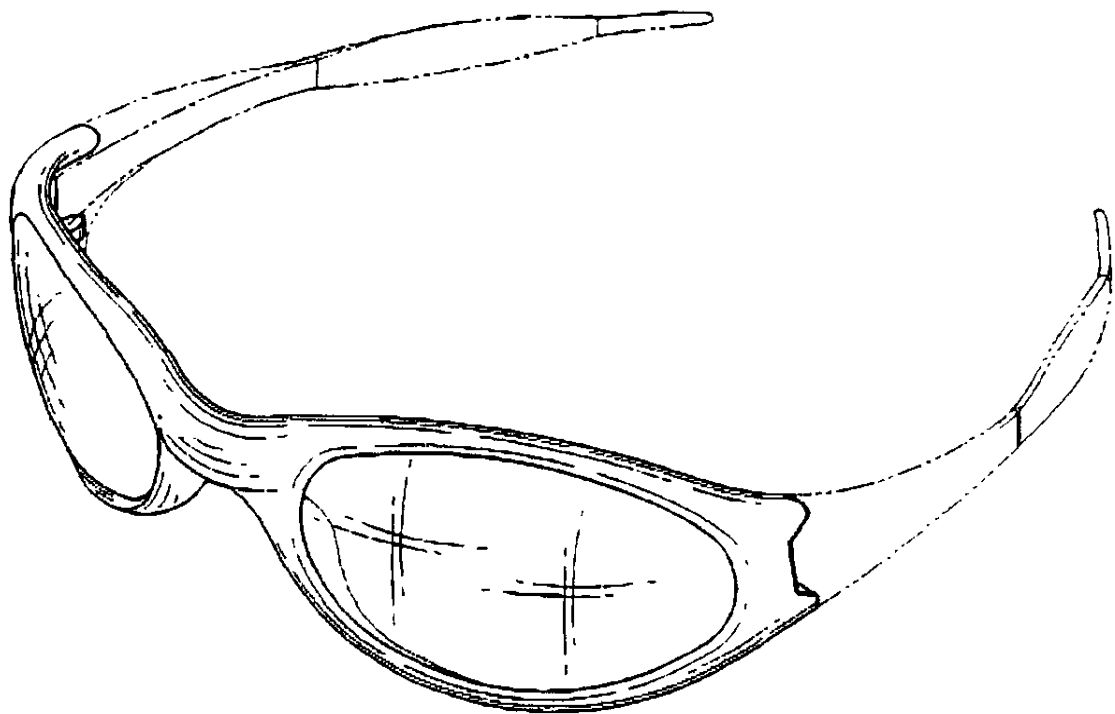


Fig. 1

U.S. Patent

Apr. 13, 1999

Sheet 2 of 3

Des. 408,048

Fig. 2

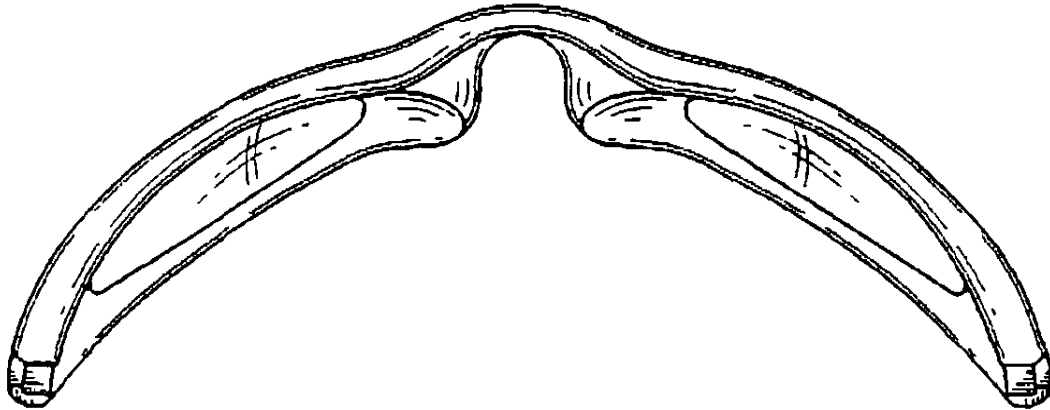
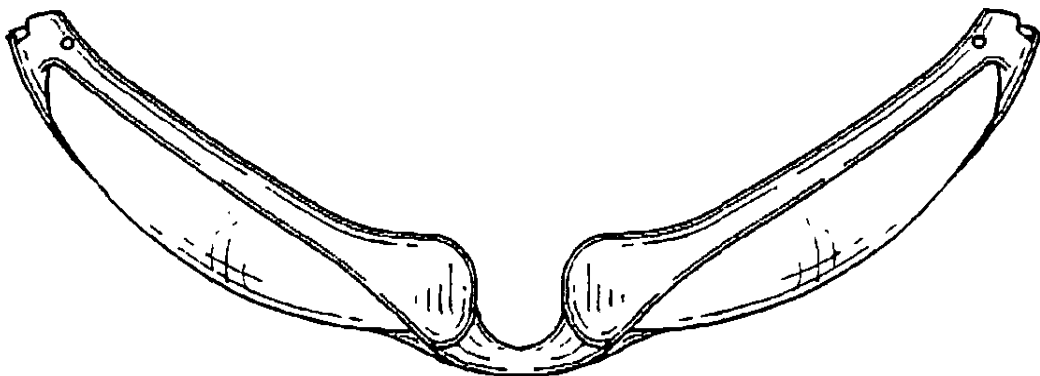


Fig. 3



U.S. Patent

Apr. 13, 1999

Sheet 3 of 3

Des. 408,048

Fig. 4

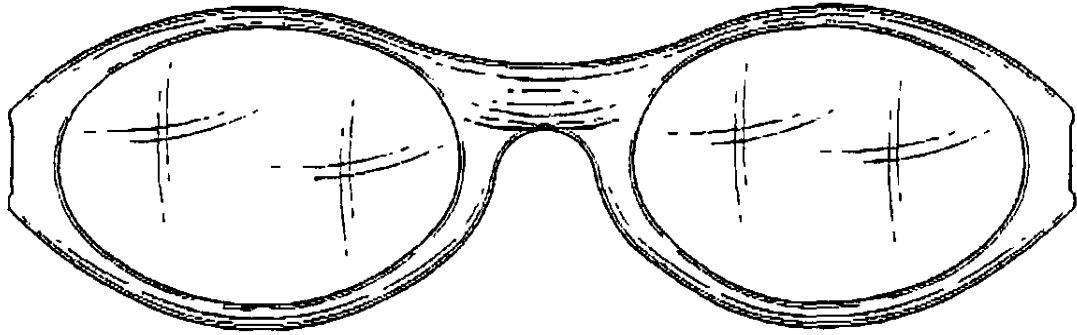


Fig. 5

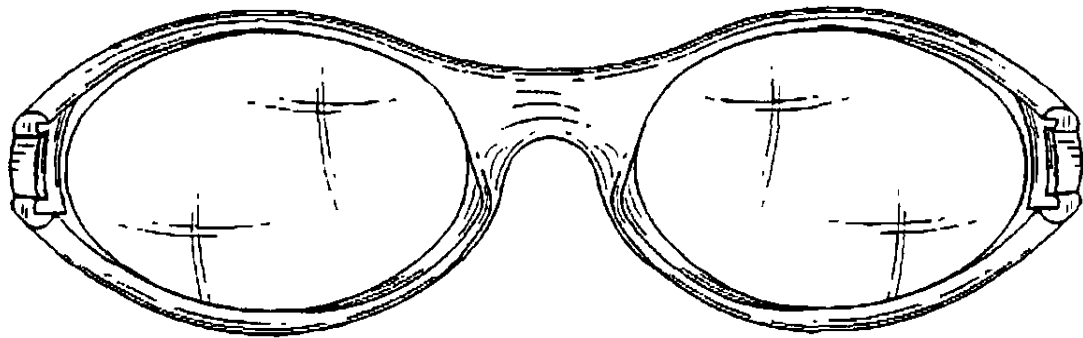
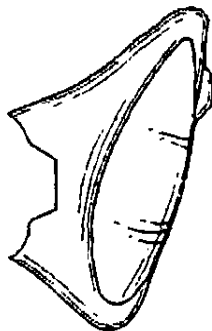


Fig. 6





US00D369375S

United States Patent [19]

[11] **Patent Number:** Des. 369,375

Jannard et al.

[45] **Date of Patent:** **Apr. 30, 1996

[54] **EYEGLASSES**

[75] **Inventors:** James H. Jannard, Eastsound, Wash.;
Peter Yee, Huntington Beach; M. Neil
Houston, Foothill Ranch, both of Calif.

[73] **Assignee:** Oakley, Inc., Irvine, Calif.

[**] **Term:** 14 Years

[21] **Appl. No.:** 30,825

[22] **Filed:** Nov. 9, 1994

[52] **U.S. Cl.** D16/326

[58] **Field of Search** D16/300, 306,
D16/309-311, 315-317, 323-330, 340,
341; 351/44, 50, 51, 103-110, 158

[56] **References Cited**

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D. 204,418	4/1966	Ramp	D16/329
D. 205,419	8/1966	Griis	D16/326

D. 206,353	11/1966	Bloch	D16/326
D. 209,095	10/1967	Ramp	D16/328
D. 347,014	5/1994	Arneuc	D16/326

Primary Examiner—Ted Shoorman
Assistant Examiner—R. Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear

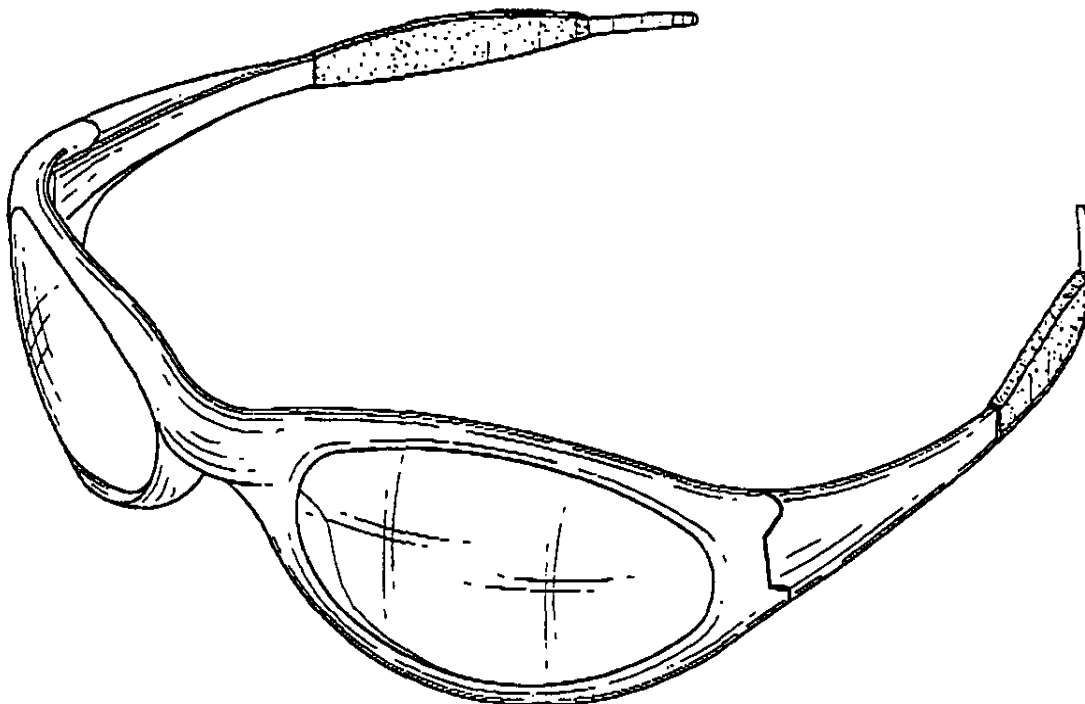
[57] **CLAIM**

The ornamental design for eyeglasses, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglasses of the present invention;
FIG. 2 is a front elevational view of the eyeglasses of FIG. 1;
FIG. 3 is a rear elevational view of the eyeglasses of FIG. 1;
FIG. 4 is a left side elevational view of the eyeglasses of FIG. 1, the right side elevational view being a mirror image thereof;
FIG. 5 is a top plan view of the eyeglasses of FIG. 1; and
FIG. 6 is a bottom plan view of the eyeglasses of FIG. 1.

1 Claim, 3 Drawing Sheets



U.S. Patent

Apr. 30, 1996

Sheet 1 of 3

Des. 369,375

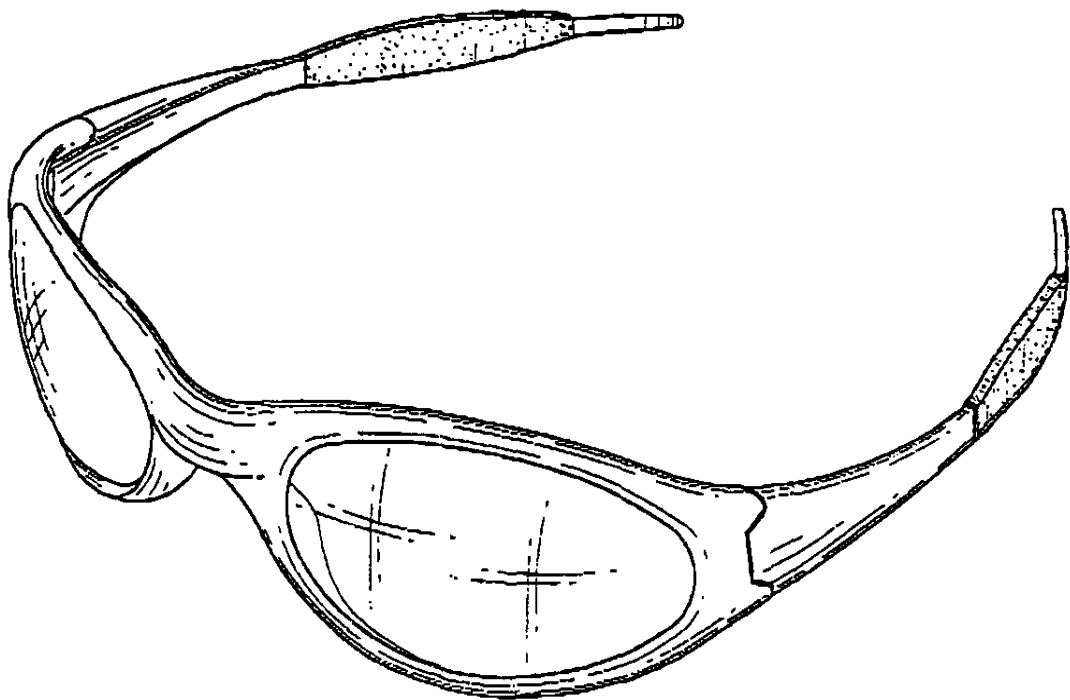


Fig. 1

U.S. Patent

Apr. 30, 1996

Sheet 2 of 3

Des. 369,375

Fig. 2

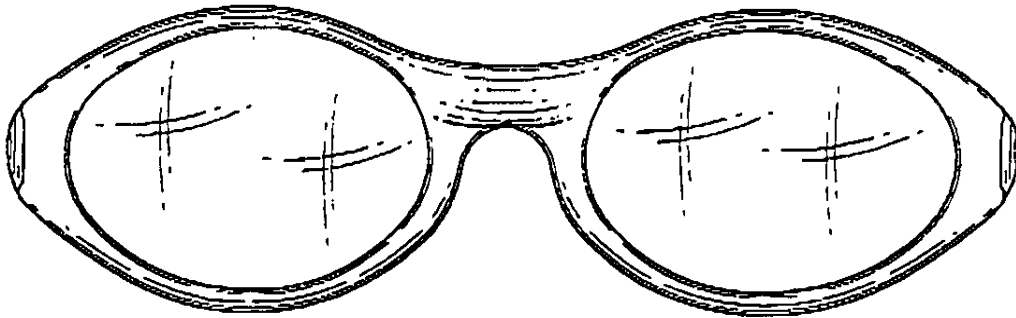


Fig. 3

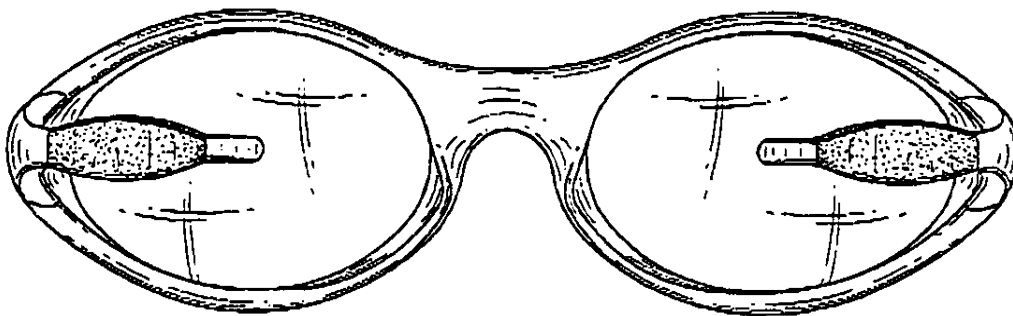
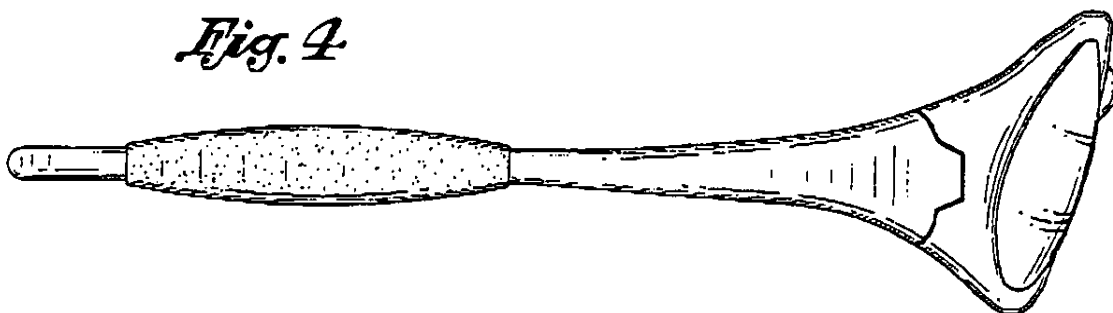


Fig. 4



U.S. Patent

Apr. 30, 1996

Sheet 3 of 3

Des. 369,375

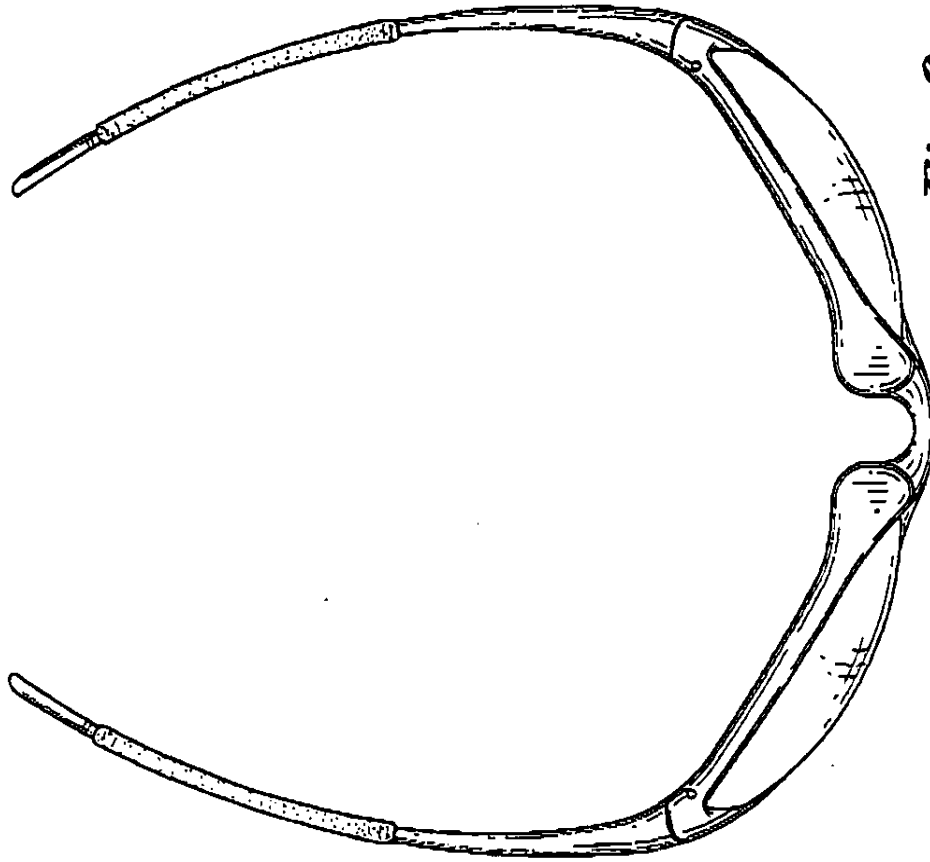


Fig. 6

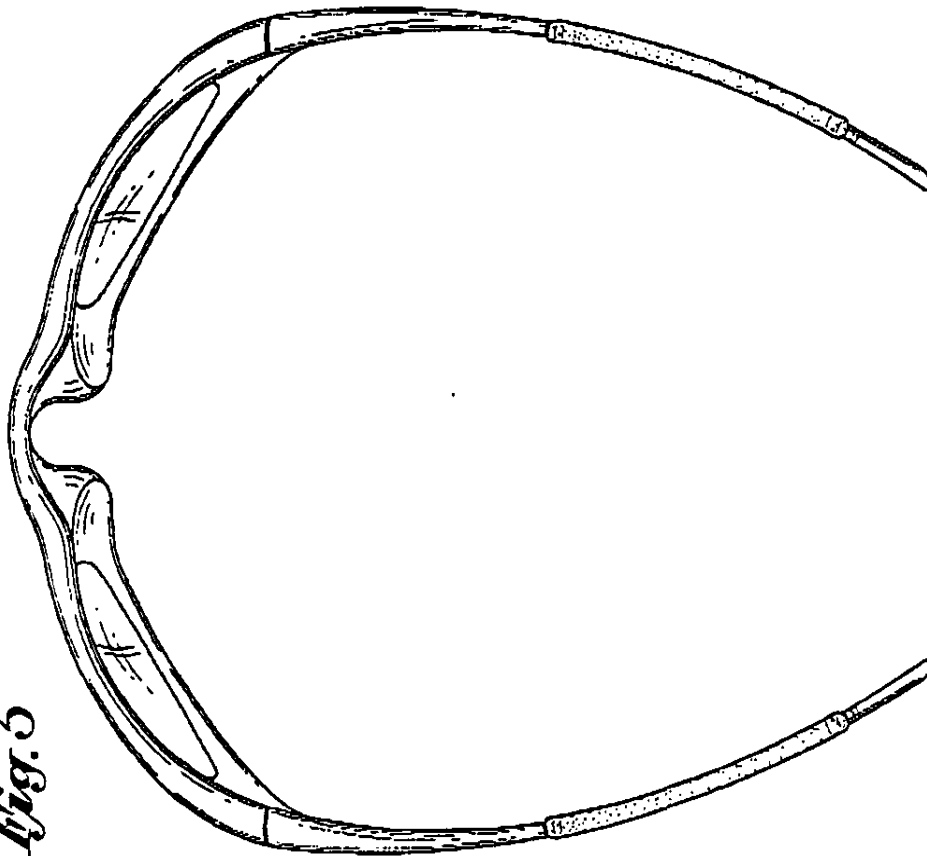


Fig. 5



US00D407428S

United States Patent [19]

[11] **Patent Number:** Des. 407,428

Jannard et al.

[45] **Date of Patent:** **Mar. 30, 1999

[54] **EYEGLASS FRONT**

[75] **Inventors:** James H. Jannard, Eastsound, Wash.;
Peter Yee, Irvine, Calif.; Lek H.
Thirton, Eastsound, Wash.

[73] **Assignee:** Oakley, Inc., Foothill Ranch, Calif.

[**] **Term:** 14 Years

[21] **Appl. No.:** 82,627

[22] **Filed:** Jan. 20, 1998

[51] **LOC (6) Cl.** 16-06

[52] **U.S. Cl.** D16/319; D16/319

[58] **Field of Search** D16/101, 300-330;
351/41, 44, 51, 52, 158; 2/447, 448, 436,
437, 426

[56] **References Cited**

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D. 202,130	8/1965	Mitchell .	
D. 204,418	4/1966	Ramp .	
D. 205,093	6/1966	Gaboriant .	
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Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

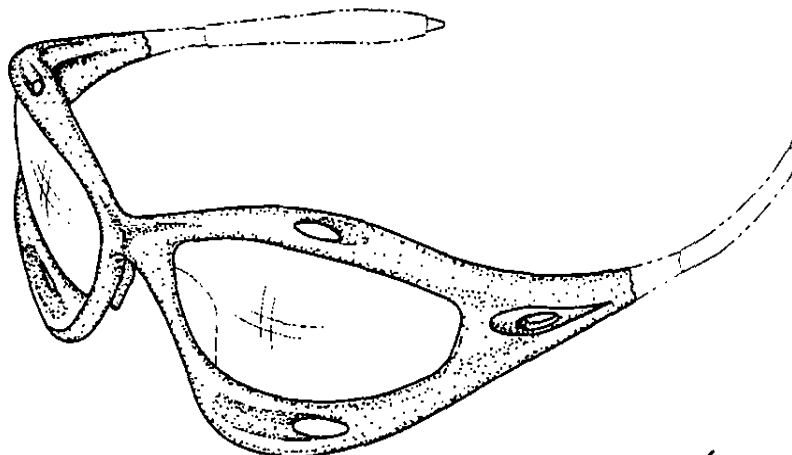
[57] **CLAIM**

The ornamental design for eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass front of the present invention;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a right-side elevational view thereof, the left-side elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof;
FIG. 6 is a bottom plan view thereof;
FIG. 7 is a front perspective view of an alternative embodiment of the eyeglass front of the present invention;
FIG. 8 is a front elevational view of the eyeglass front of FIG. 7;
FIG. 9 is a rear elevational view of the eyeglass front of FIG. 7;
FIG. 10 is a right-side elevational view of the eyeglass front of FIG. 7, the left-side elevational view being a mirror image thereof;
FIG. 11 is a top plan view of the eyeglass front of FIG. 7; and
FIG. 12 is a bottom plan view of the eyeglass front of FIG. 7.

1 Claim, 8 Drawing Sheets



U.S. Patent

Mar. 30, 1999

Sheet 1 of 8

Des. 407,428

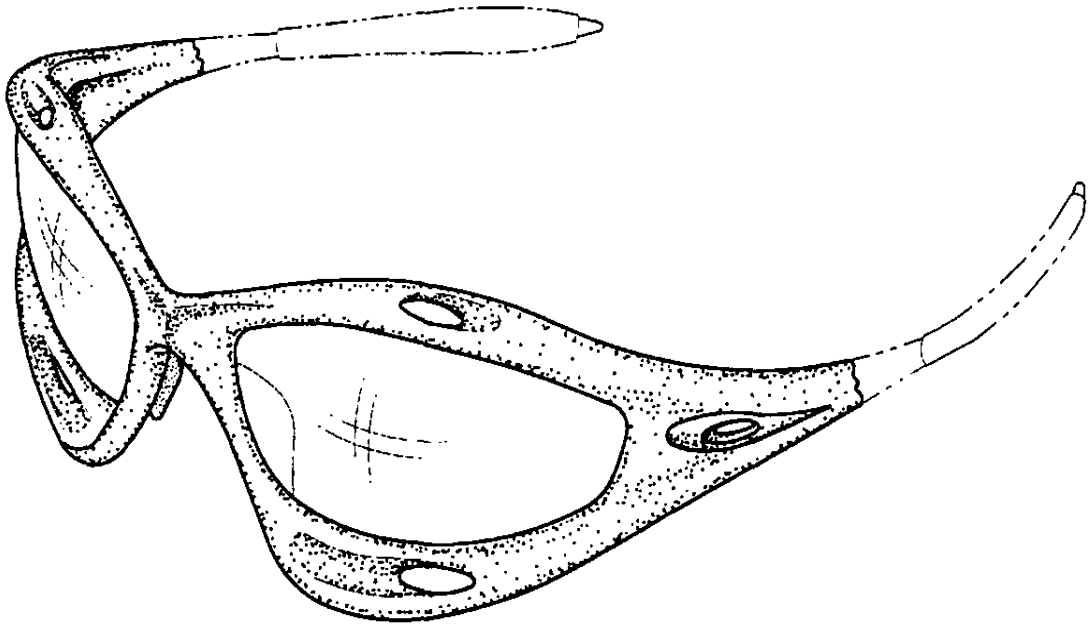


FIG. 1

U.S. Patent

Mar. 30, 1999

Sheet 2 of 8

Des. 407,428

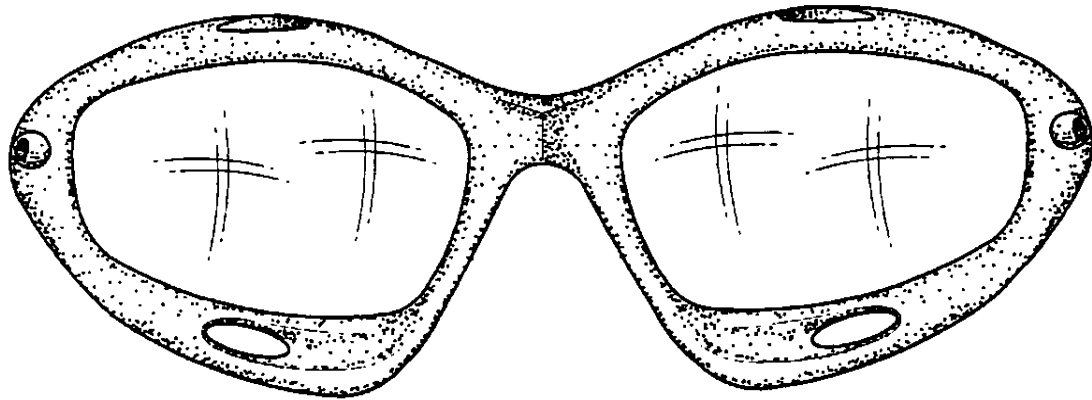


FIG. 2

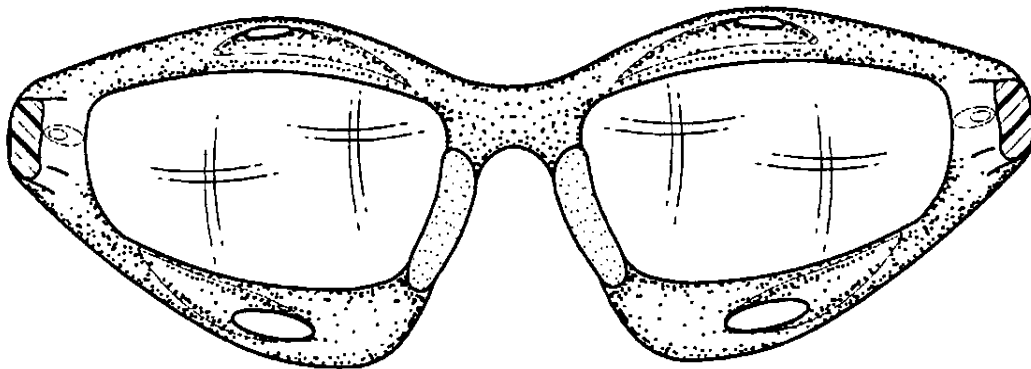


FIG. 3

U.S. Patent

Mar. 30, 1999

Sheet 3 of 8

Des. 407,428

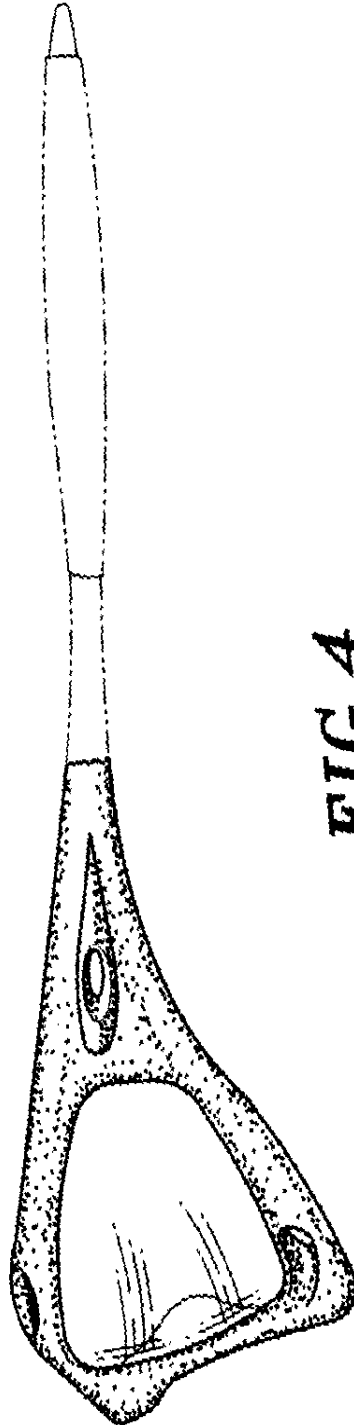


FIG. 4

U.S. Patent

Mar. 30, 1999

Sheet 4 of 8

Des. 407,428

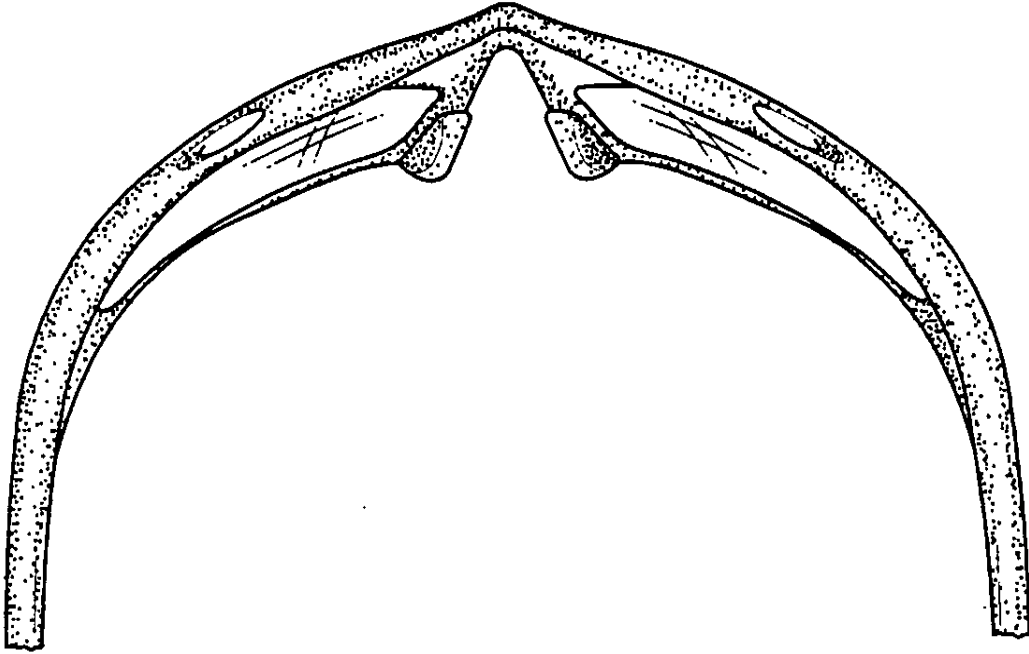


FIG. 5

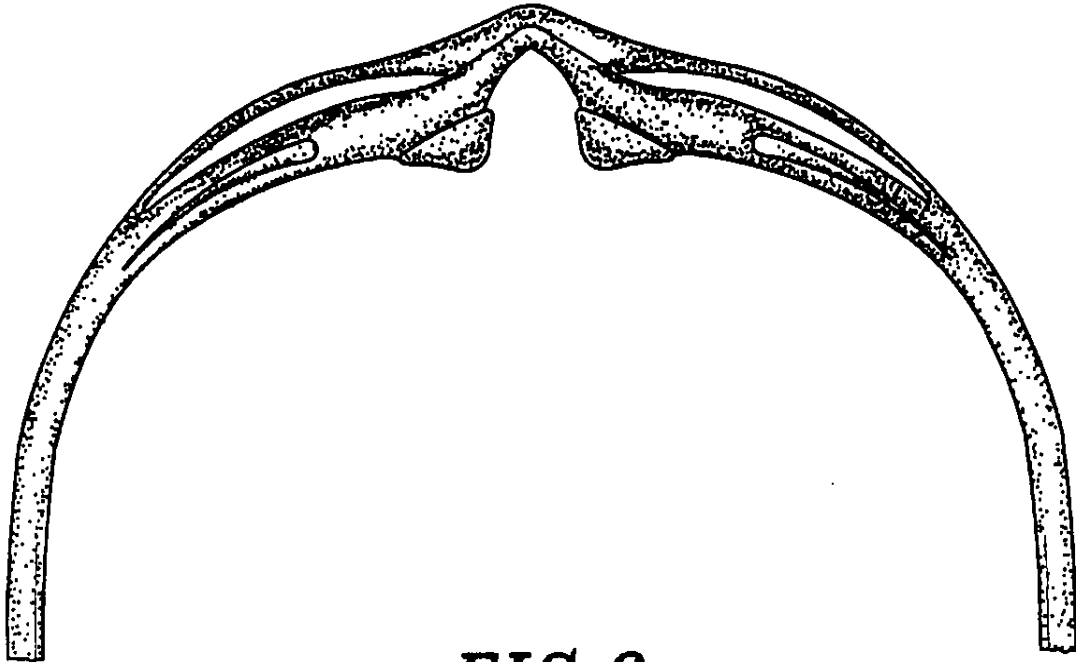


FIG. 6

U.S. Patent

Mar. 30, 1999

Sheet 5 of 8

Des. 407,428

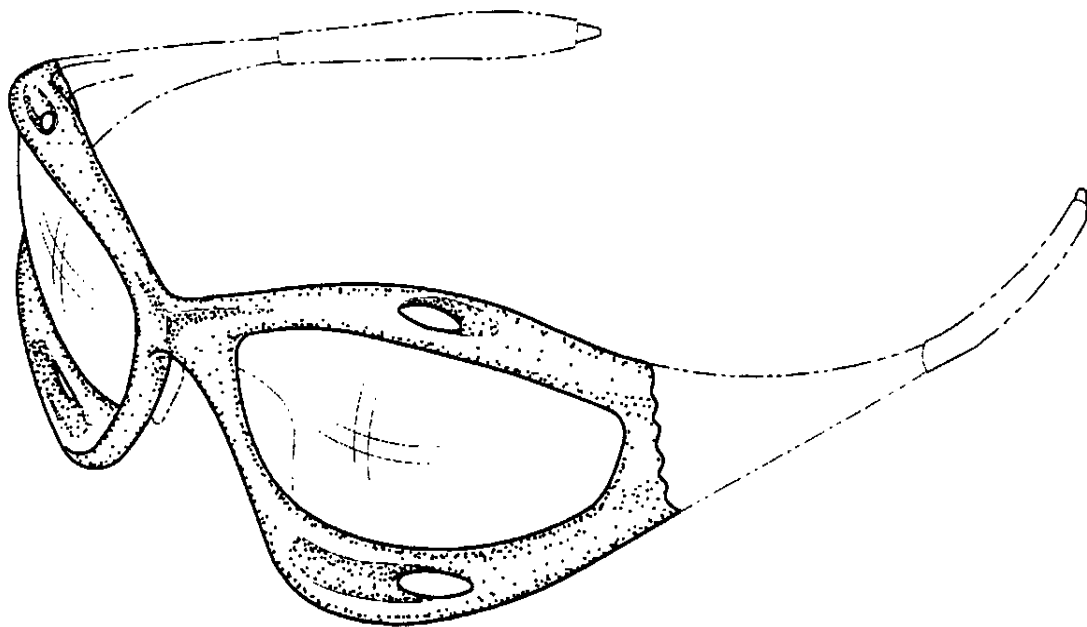


FIG. 7

U.S. Patent

Mar. 30, 1999

Sheet 6 of 8

Des. 407,428

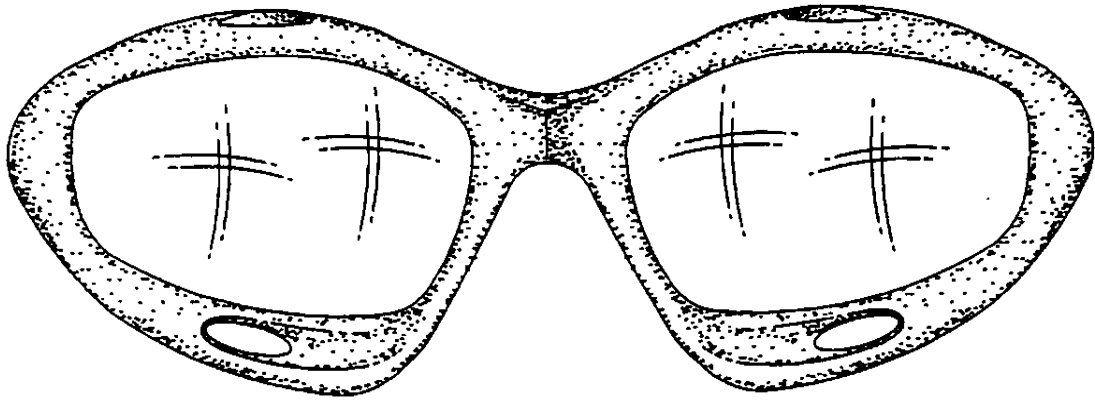


FIG. 8

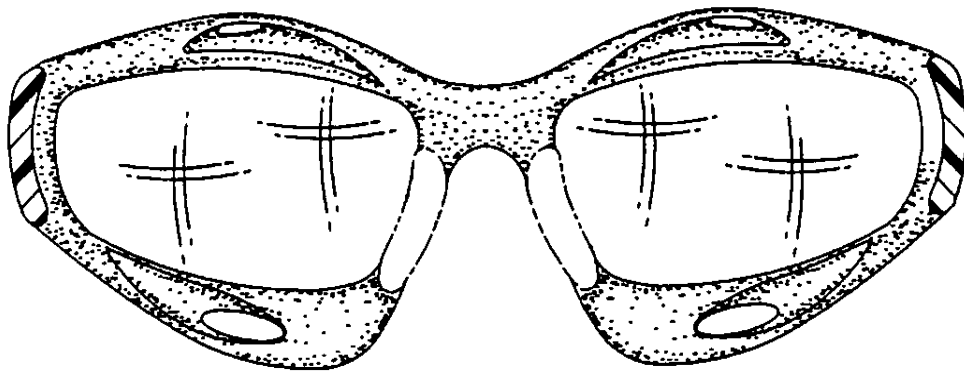


FIG. 9

U.S. Patent

Mar. 30, 1999

Sheet 8 of 8

Des. 407,428

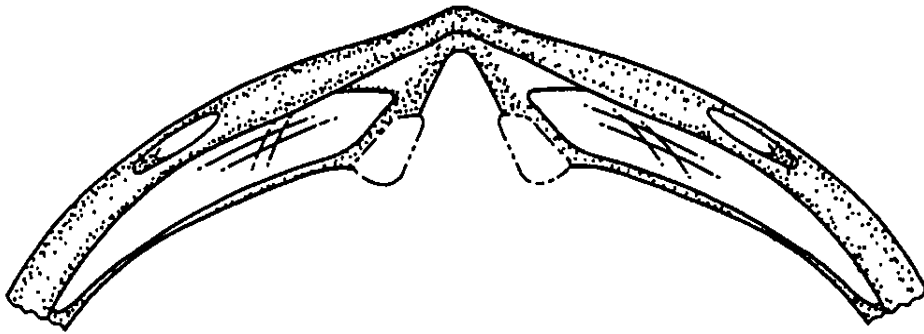


FIG. 11

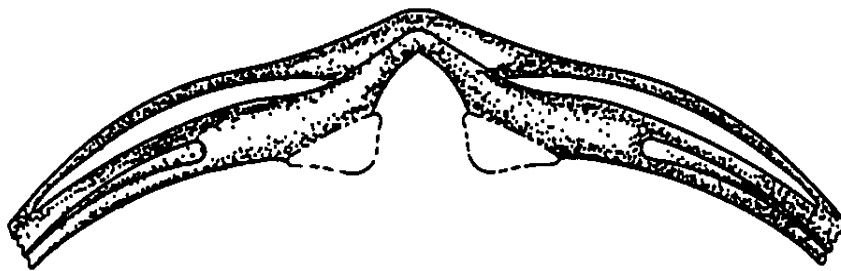


FIG. 12



US00D479553S

(12) **United States Design Patent** (10) **Patent No.:** **US D479,553 S**
Jannard et al. (45) **Date of Patent:** **** Sep. 9, 2003**

(54) **EYEGLASS AND EYEGLASS COMPONENTS** D399,240 S 10/1998 Jannard et al.
 D399,865 S 10/1998 Jannard et al.
 (75) **Inventors:** **James H. Jannard**, Spieden Island, WA D410,667 S 6/1999 Arnette
 (US); **Hans Karsten Moritz**, Foothill D413,916 S * 9/1999 Flanagan D16/326
 Ranch, CA (US) D420,036 S 2/2000 Yee et al.
 D422,011 S 3/2000 Conway
 (73) **Assignee:** **Oakley, Inc.**, Foothill Ranch, CA (US) D423,035 S 4/2000 Yee et al.
 D433,437 S 11/2000 Yee et al.
 (**) **Term:** **14 Years** D436,982 S 1/2001 Jannard et al.
 D446,804 S 8/2001 Thixton et al.
 D450,745 S 11/2001 Thixton et al.
 D462,375 S 9/2002 Baden et al.

(21) **Appl. No.:** **29/174,570**
 (22) **Filed:** **Jan. 17, 2003**

(51) **LOC (7) Cl.** **16-06**
 (52) **U.S. Cl.** **D16/326; D16/335; D16/327**
 (58) **Field of Search** **D16/101, 300-330,**
D16/335; D29/109, 110; 351/41, 44, 51,
52, 111, 158; 2/447, 448

(56) **References Cited**
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- D205,419 S 8/1966 Griss
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 Macy's Catalog, p. 26, Mar. 1997.

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Primary Examiner—Raphael Barkai
 (74) *Attorney, Agent, or Firm*—Gregory K. Nelson

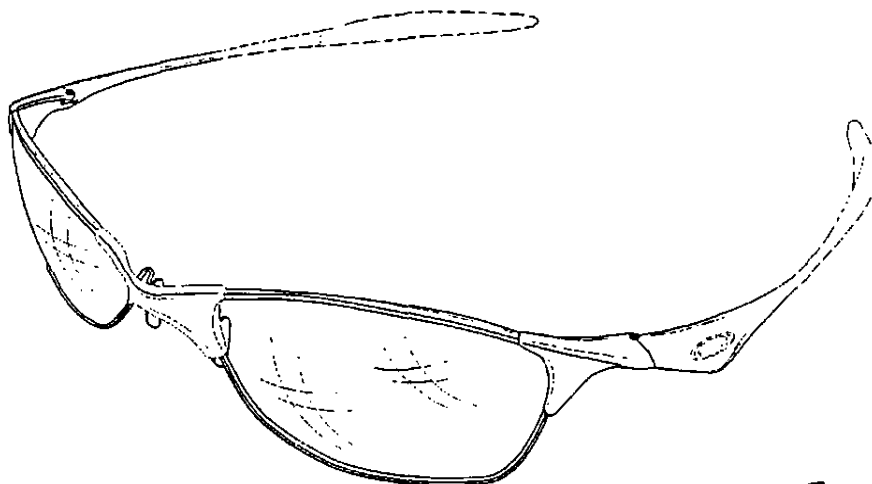
(57) **CLAIM**

The ornamental design for an eyeglass and eyeglass components, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass and the eyeglass component of the present invention;
 FIG. 2 is a front elevational view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a right-side elevational view thereof, the left-side elevational view being a mirror-image thereof;
 FIG. 5 is a top plan view thereof; and,
 FIG. 6 is a bottom plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets



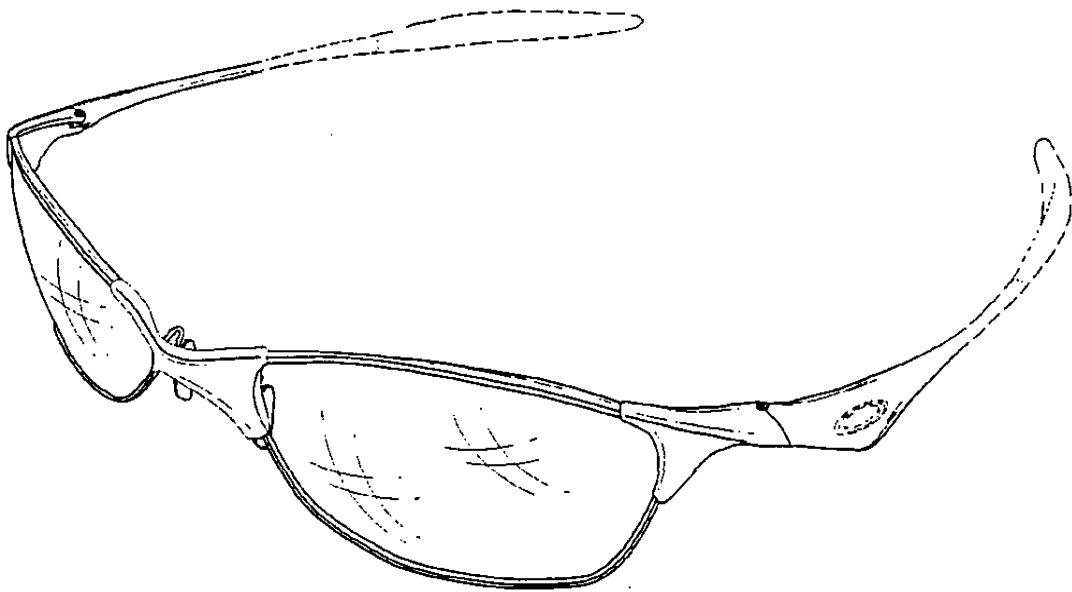


FIG. 1

FIG. 2

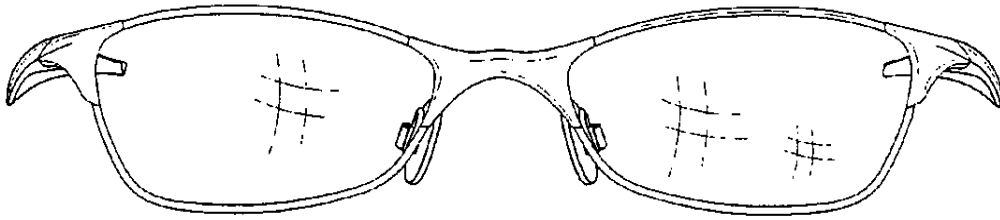


FIG. 3

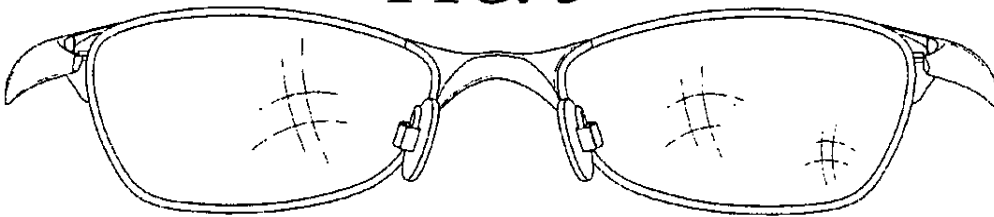
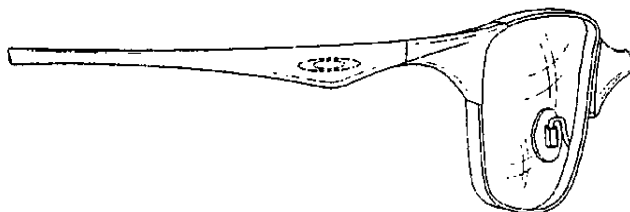


FIG. 4



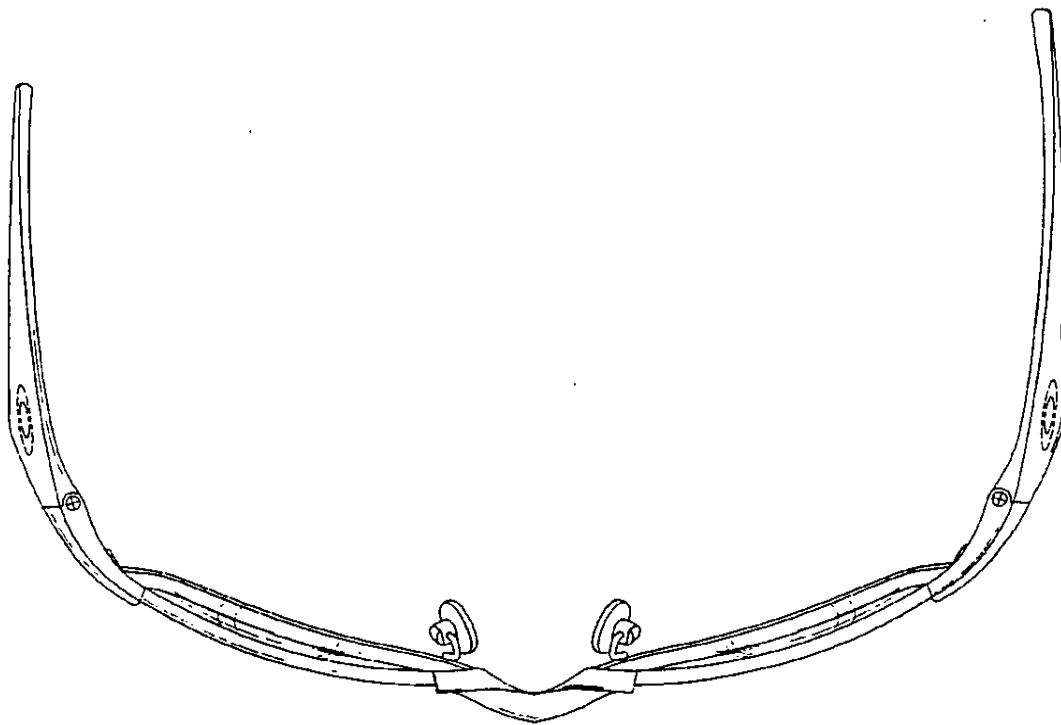


FIG. 5

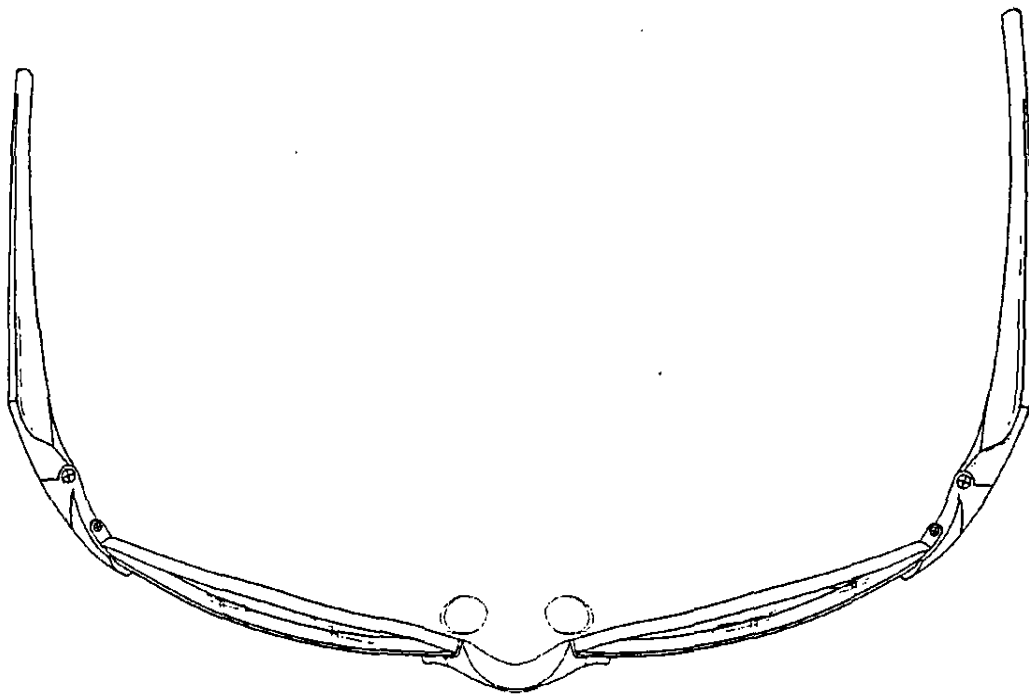


FIG. 6



US00D399866S

United States Patent [19]

[11] **Patent Number:** Des. 399,866

Yee

[45] **Date of Patent:** **Oct. 20, 1998

[54] **EYEGLOSS COMPONENT**
 [75] **Inventor:** Peter Yee, Irvine, Calif.
 [73] **Assignee:** Oakley, Inc., Foothill Ranch, Calif.
 [**] **Term:** 14 Years

D. 371,383 7/1996 Goldman D16/327
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 5,412,438 5/1995 Bolle 351/44

[21] **Appl. No.:** 75,379
 [22] **Filed:** Aug. 12, 1997

Related U.S. Application Data

[62] **Division of Ser. No. 55,504, Jun. 6, 1996, Pat. No. Des. 384,364.**
 [51] **LOC (6) CL** 16-06
 [52] **U.S. Cl.** D16/330
 [58] **Field of Search** D16/100, 300, D16/306, 304, 309, 311-317, 319, 325-330, 335; 351/41, 44, 51-52, 103, 105, 106, 109, 111, 118, 119, 124; 2/447, 448

[56] **References Cited**

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Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

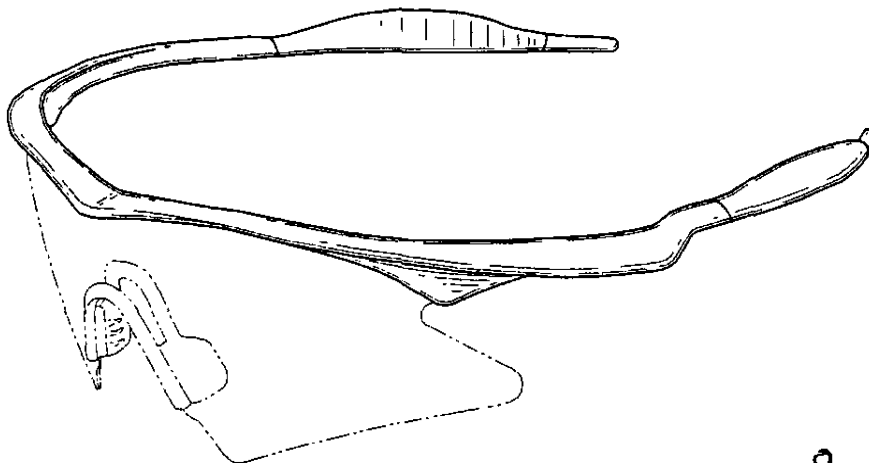
[57] **CLAIM**

The ornamental design for eyeglass component, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass component of the present invention;
 FIG. 2 is a front elevational view of the eyeglass component of FIG. 1;
 FIG. 3 is a rear elevational view of the eyeglass component of FIG. 1;
 FIG. 4 is a right-side elevational view of the eyeglass component of FIG. 1, the left-side elevational view being a mirror image thereof;
 FIG. 5 is a top plan view of the eyeglass component of FIG. 1; and,
 FIG. 6 is a bottom plan view of the eyeglass component of FIG. 1.
 The broken lines shown in FIG. 1 are for illustrative purposes only and form no part of the claimed design.

1 Claim, 4 Drawing Sheets



U.S. Patent

Oct. 20, 1998

Sheet 1 of 4

Des. 399,866

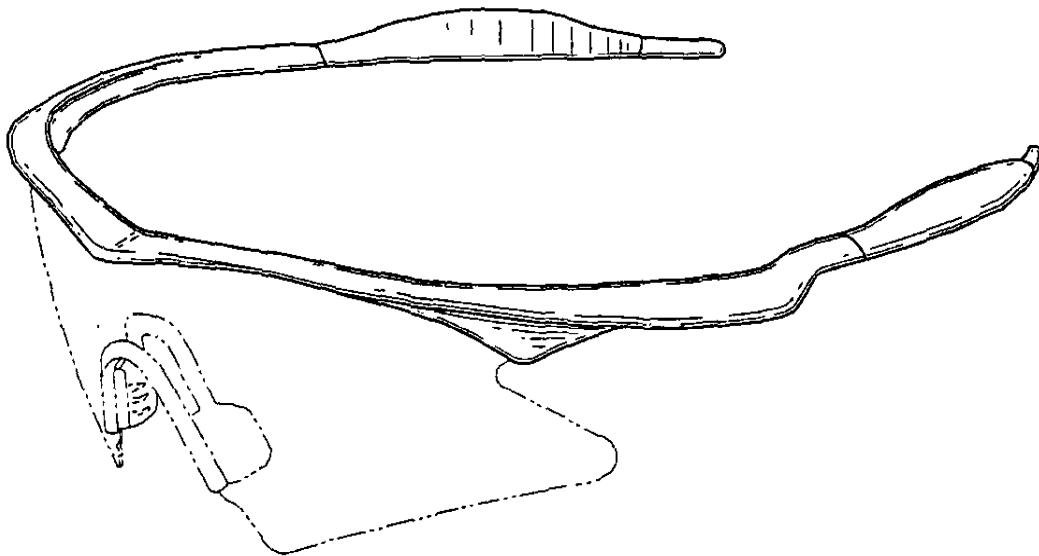


FIG. 1

U.S. Patent

Oct. 20, 1998

Sheet 2 of 4

Des. 399,866

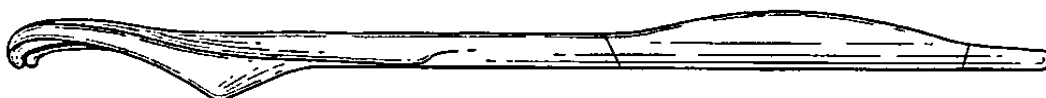
FIG. 2



FIG. 3



FIG. 4



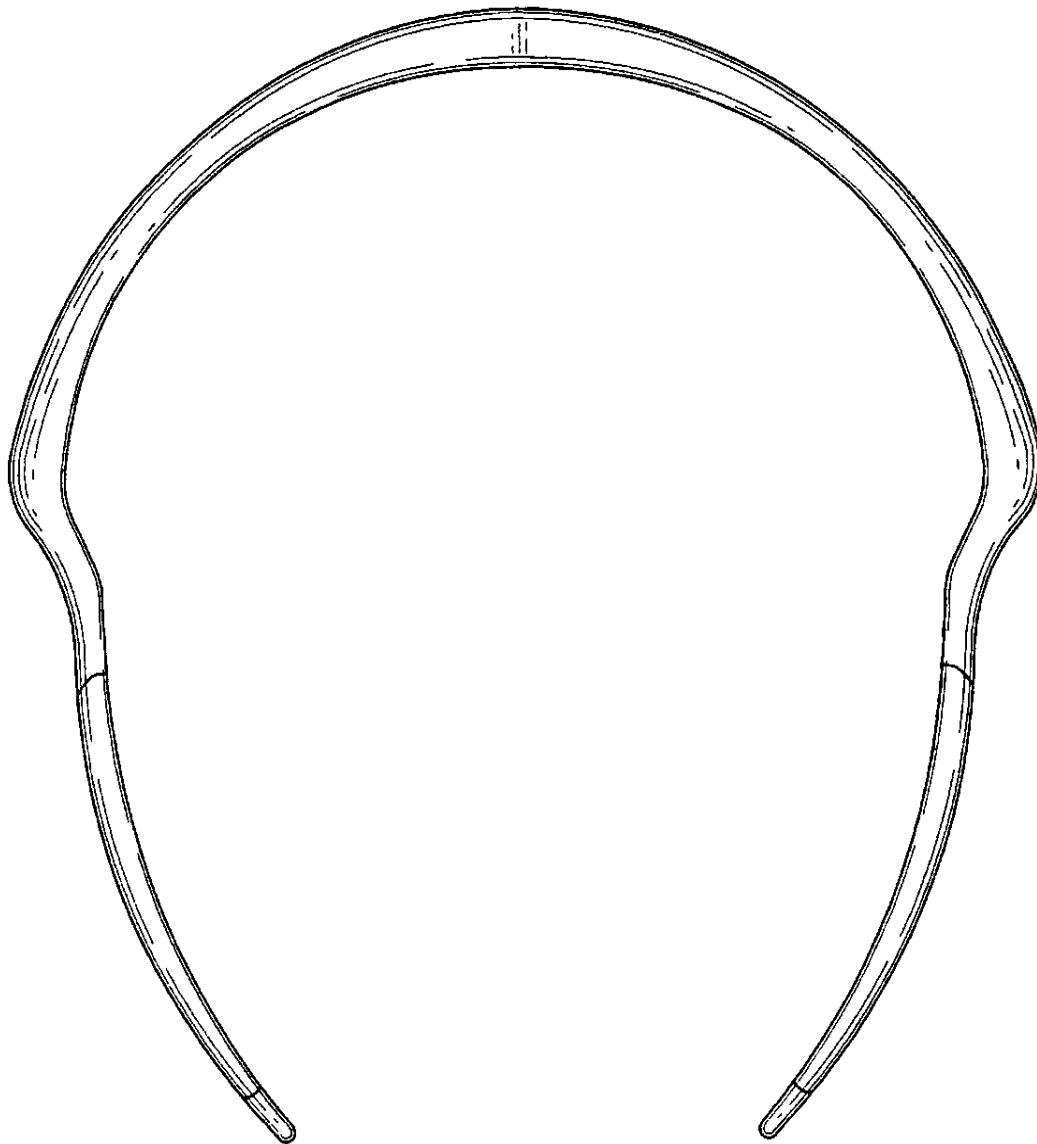
U.S. Patent

Oct. 20, 1998

Sheet 3 of 4

Des. 399,866

FIG. 5



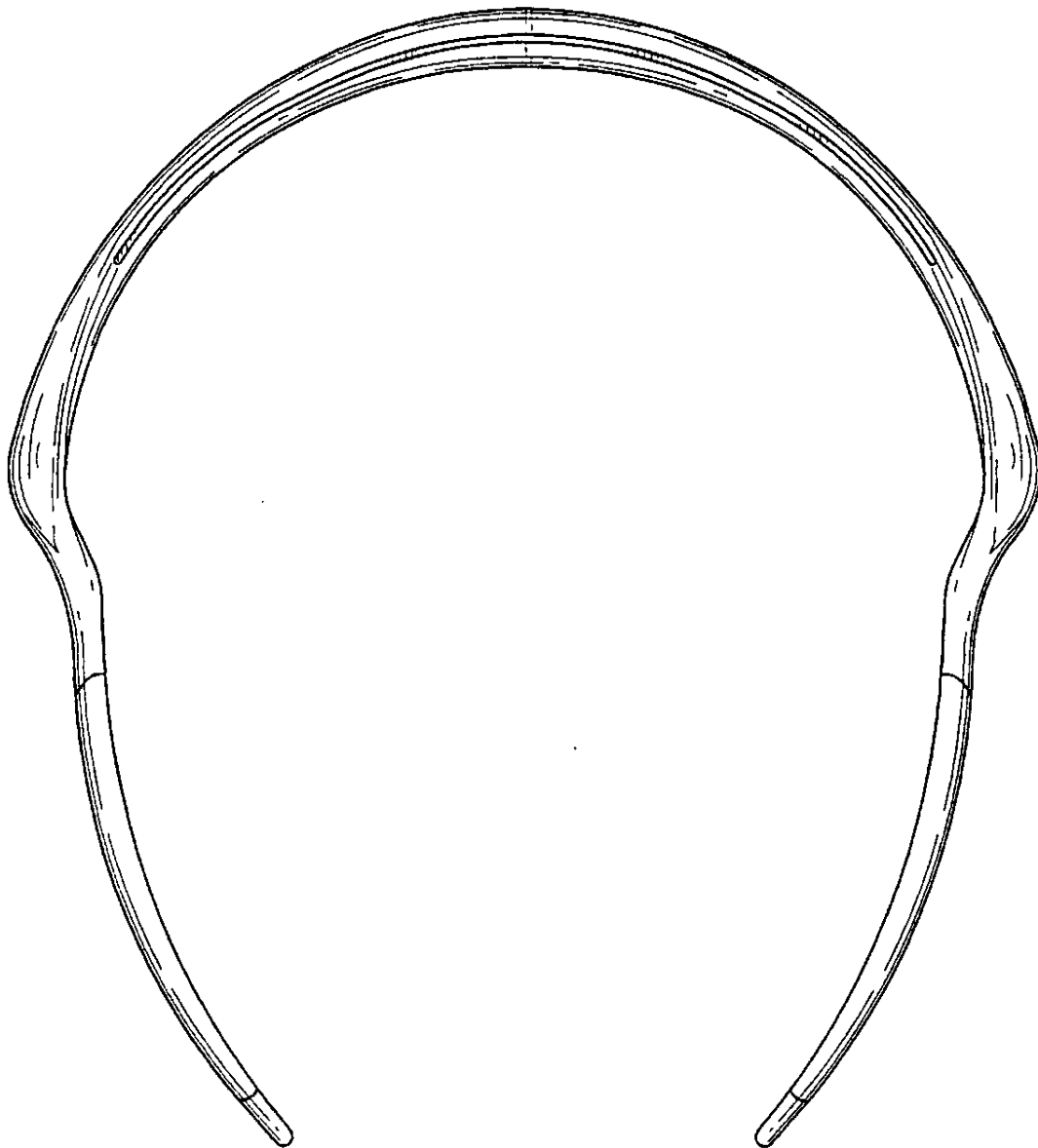
U.S. Patent

Oct. 20, 1998

Sheet 4 of 4

Des. 399,866

FIG. 6





US00D441390S

(12) **United States Design Patent** (10) **Patent No.:** **US D441,390 S**
Jannard et al. (45) **Date of Patent:** **** May 1, 2001**

(54) **EYEGLASS FRONT**

(75) Inventors: **James H. Jannard**, East Sound, WA (US); **Peter K. Yee**, Irvine, CA (US)

(73) Assignee: **Oakley Inc.**, Irvine, CA (US)

(**) **Term:** **14 Years**

(21) Appl. No.: **29/055,614**

(22) Filed: **Jun. 10, 1996**

(51) **LOC (7) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326**

(58) **Field of Search** **D16/300, 101, D16/306, 309, 311, 313-317, 319-321, 325-330, 334, 335; 351/41, 44, 51, 52, 83, 111, 116, 121, 124; 2/447, 448, 450**

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- D. 189,436 * 12/1960 Carmichael D16/326
- D. 193,028 * 6/1962 Petitto D16/326
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- D. 347,014 * 5/1994 Arnette D16/326
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Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Knobbe, Martens, Olson & Bear, L.L.P.

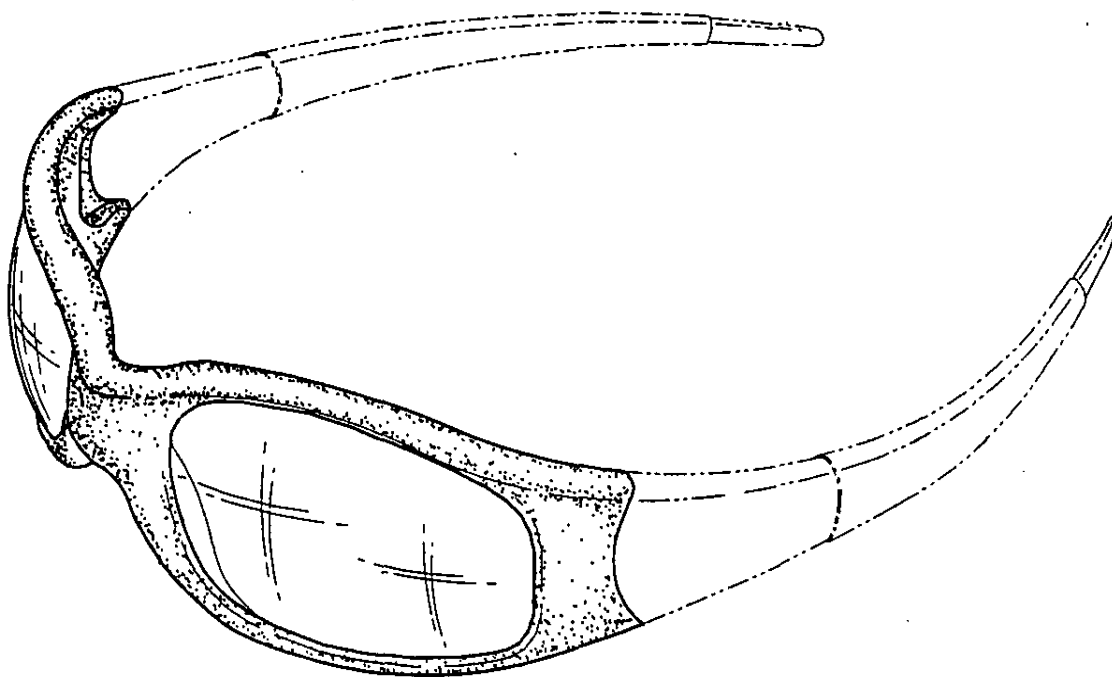
(57) **CLAIM**

The ornamental design for eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass front of the present invention;
 FIG. 2 is a front elevational view of the eyeglasses of FIG. 1;
 FIG. 3 is a rear elevational view of the eyeglasses of FIG. 1;
 FIG. 4 is a right side elevational view of the eyeglasses of FIG. 1, the left side elevational view being a mirror image thereof;
 FIG. 5 is a bottom plan view of the eyeglasses of FIG. 1; and,
 FIG. 6 is a top plan view of the eyeglasses of FIG. 1.
 The broken line showing of the earstems in FIG. 1 is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 3 Drawing Sheets



U.S. Patent

May 1, 2001

Sheet 1 of 3

US D441,390 S

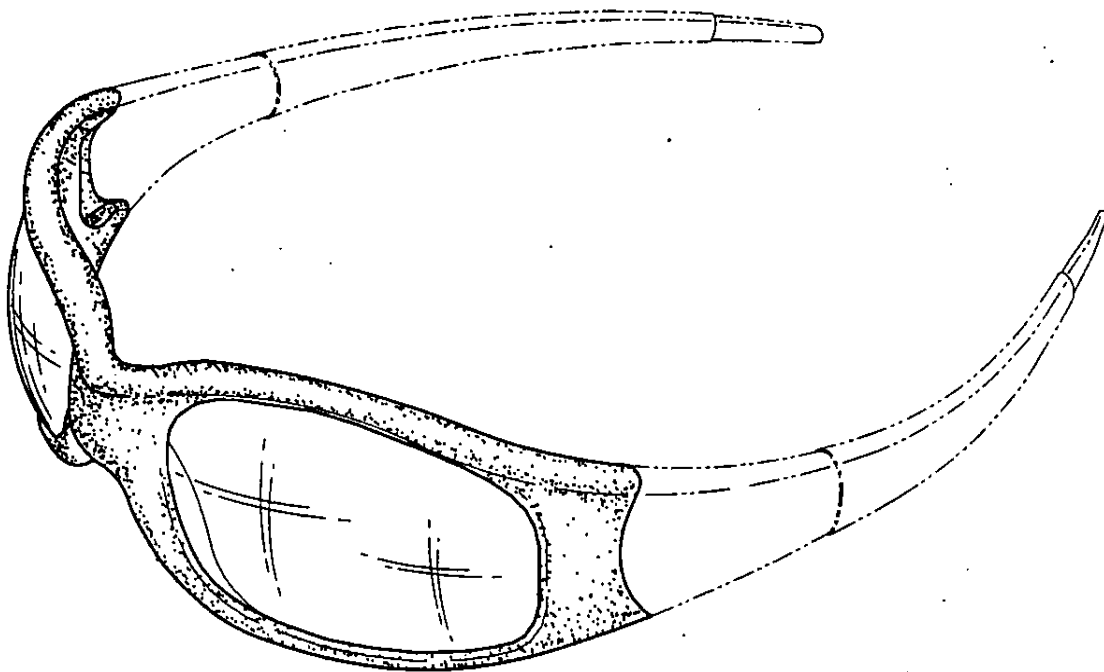


Fig. 1

U.S. Patent

May 1, 2001

Sheet 2 of 3

US D441,390 S

Fig. 2

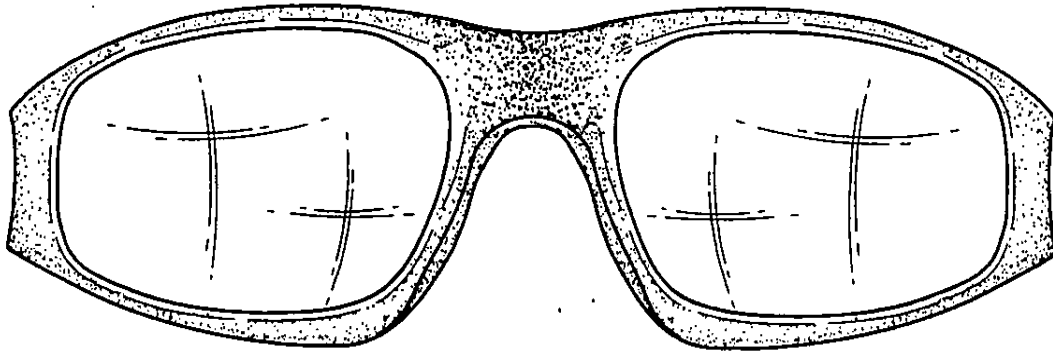


Fig. 3

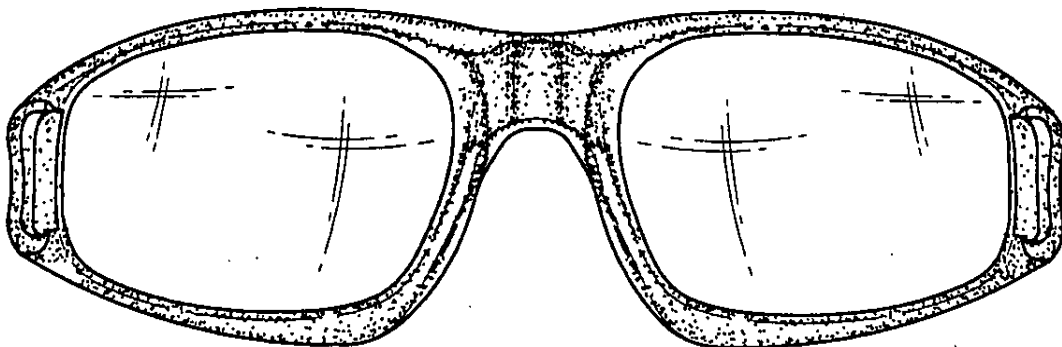


Fig. 4

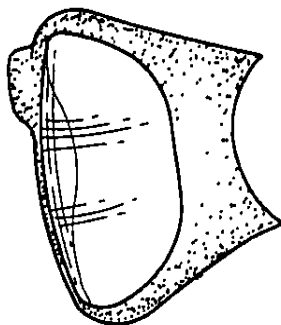


Fig. 5

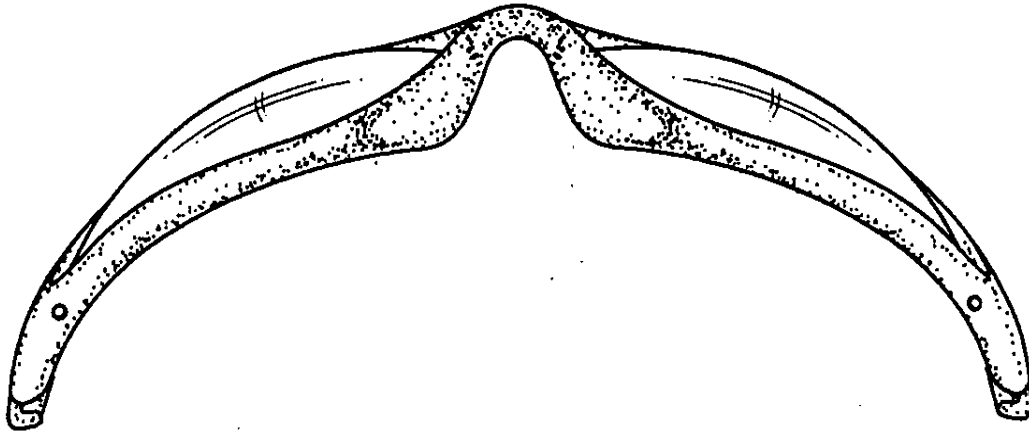
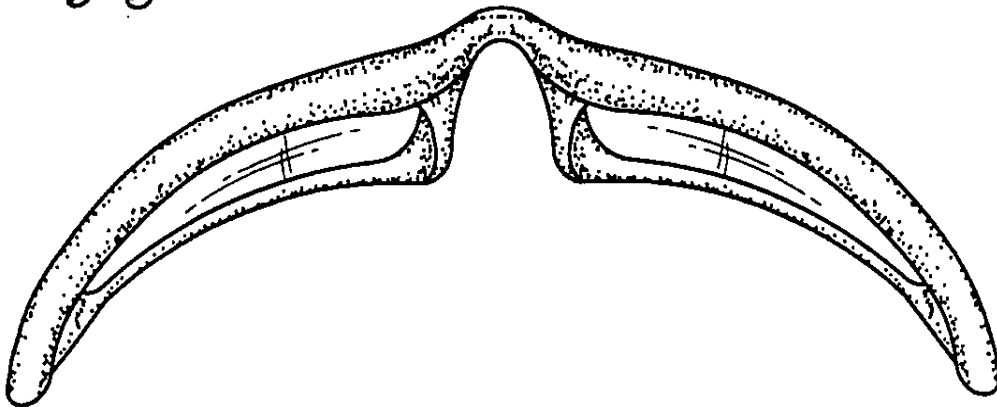


Fig. 6





US00D446803B1

(12) **United States Design Patent** (10) Patent No.: **US D446,803 S**
Jannard et al. (45) Date of Patent: **Aug. 21, 2001**

(54) **EYEGLOSS FRONT**

(75) Inventors: **James H. Jannard**, Spieden Island, WA (US); **Colin Baden**, Irvine, CA (US); **Lek Thixton**, Eastsound, WA (US)

(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/134,638**

(22) Filed: **Dec. 21, 2000**

(51) LOC (7) Cl. **16-06**

(52) U.S. Cl. **D16/326**

(58) Field of Search **D16/101, 300-330;**
351/41, 44, 51, 52, 158; 2/447, 448

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Primary Examiner—Raphael Barkai
 (74) Attorney, Agent, or Firm—Gregory Nelson

(57) **CLAIM**

The ornamental design for an eyeglass front, as shown and described.

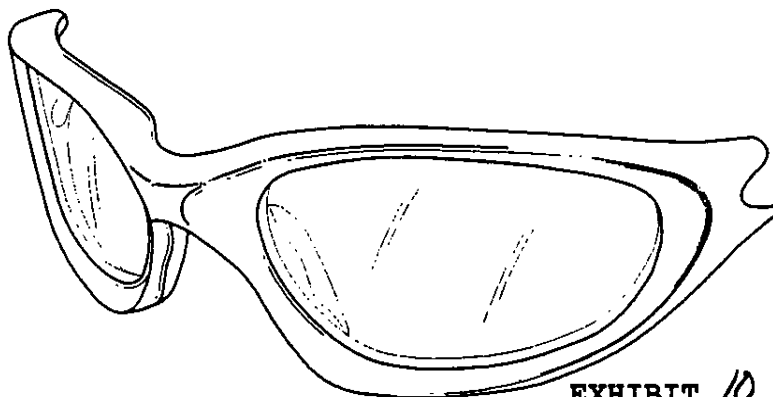
DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass front of the present invention;
 FIG. 2 is a frontal elevational view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a left-side elevational view thereof, the right side elevational view being a mirror image thereof;
 FIG. 5 is a bottom plan view thereof; and,
 FIG. 6 is a top plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

(56) **References Cited**

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 D. 193,028 6/1962 Petitto .
 D. 198,939 8/1964 Huggins .
 D. 204,417 4/1966 Shindler .
 D. 204,418 4/1966 Ramp .
 D. 205,419 8/1966 Griss .
 D. 209,095 10/1967 Ramp .
 D. 300,226 3/1989 Ramp .
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 D. 354,501 1/1995 Jannard .
 D. 366,667 1/1996 Arnette .
 D. 366,892 2/1996 Arnette .
 D. 368,732 4/1996 Lei .
 D. 369,375 4/1996 Jannard et al. .
 D. 371,383 7/1996 Goldman .
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 D. 378,375 3/1997 Tsai .
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 D. 385,291 10/1997 Jannard et al. .
 D. 387,794 * 12/1997 Mage D16/326



U.S. Patent

Aug. 21, 2001

Sheet 1 of 4

US D446,803 S

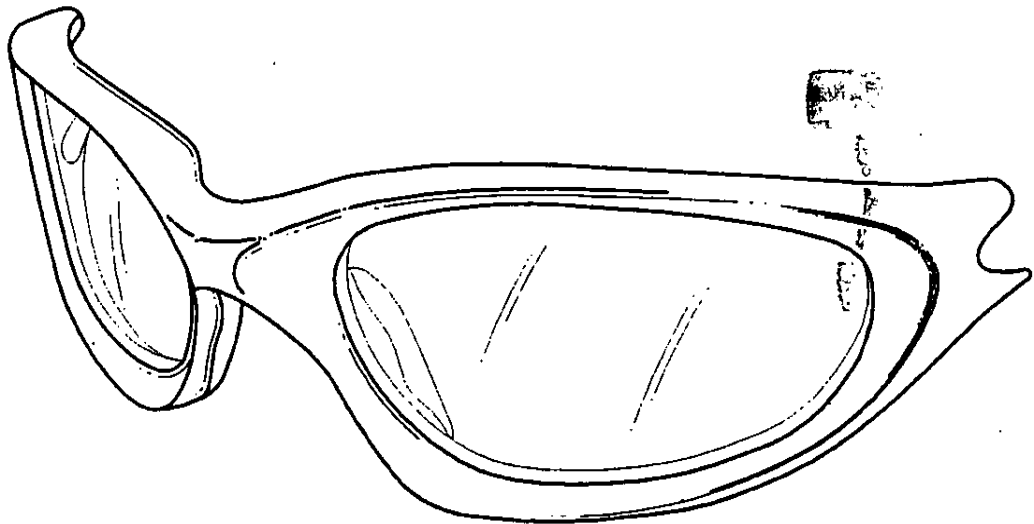


Fig. 1

U.S. Patent

Aug. 21, 2001

Sheet 3 of 4

US D446,803 S

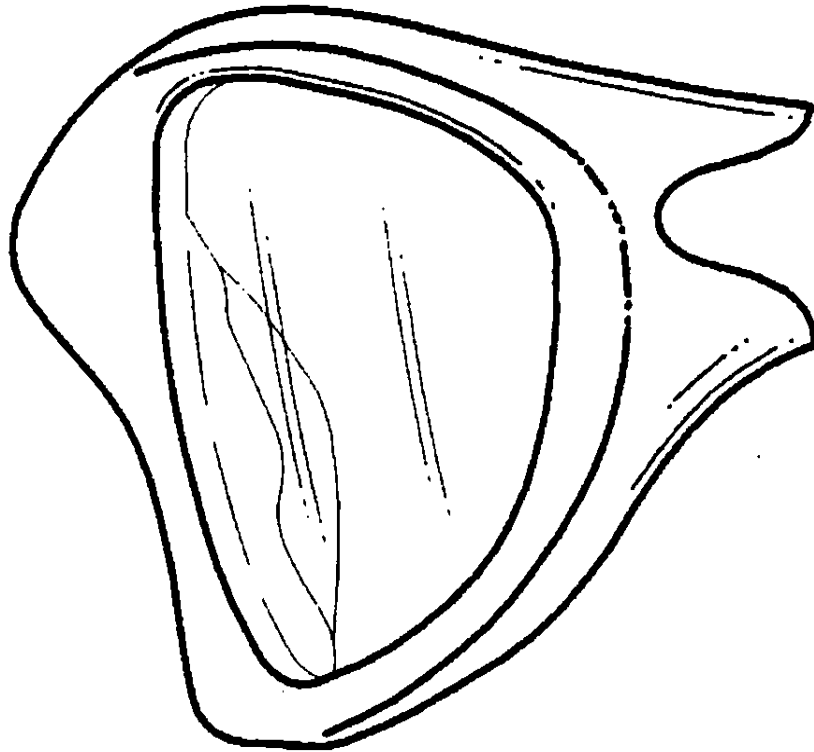


Fig. 4



US00D415188S

United States Patent [19]

[11] Patent Number: Des. 415,188

Thixton et al.

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

[54] EYEGLASSES

[75] Inventors: Lek H. Thixton, Eastsound, Wash.;
Colin Baden, Irvine, Calif.; James H.
Jannard, Eastsound, Wash.; Peter Yee,
Irvine, Calif.

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[73] Assignee: Oakley, Inc., Foothill Ranch, Calif.

[**] Term: 14 Years

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[21] Appl. No.: 29/087 390

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[22] Filed: May 1, 1998

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[51] LOC (6) CL 16-06

[52] U.S. Cl. D16/326; D16/321

[58] Field of Search D16/101, 300-330,
D16/335; 351/41, 44, 51, 52, 111, 121,
158, 2/428, 430, 432, 447-449

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Primary Examiner—Raphael Barini
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear,
LLP

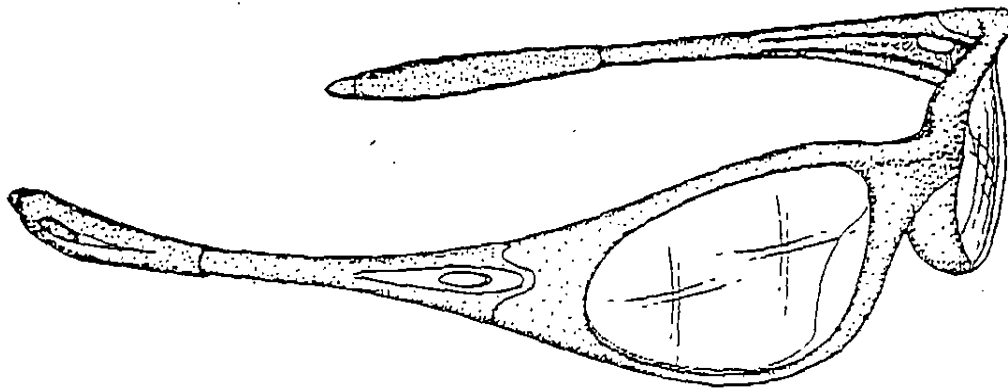
[57] CLAIM

The ornamental design for eyeglasses, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the eyeglasses of the present invention;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof; and
FIG. 6 is a bottom plan view thereof.

1 Claim, 4 Drawing Sheets



Des. 415,188

Page 2

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U.S. Patent

Oct. 12, 1999

Sheet 1 of 4

Des. 415,188

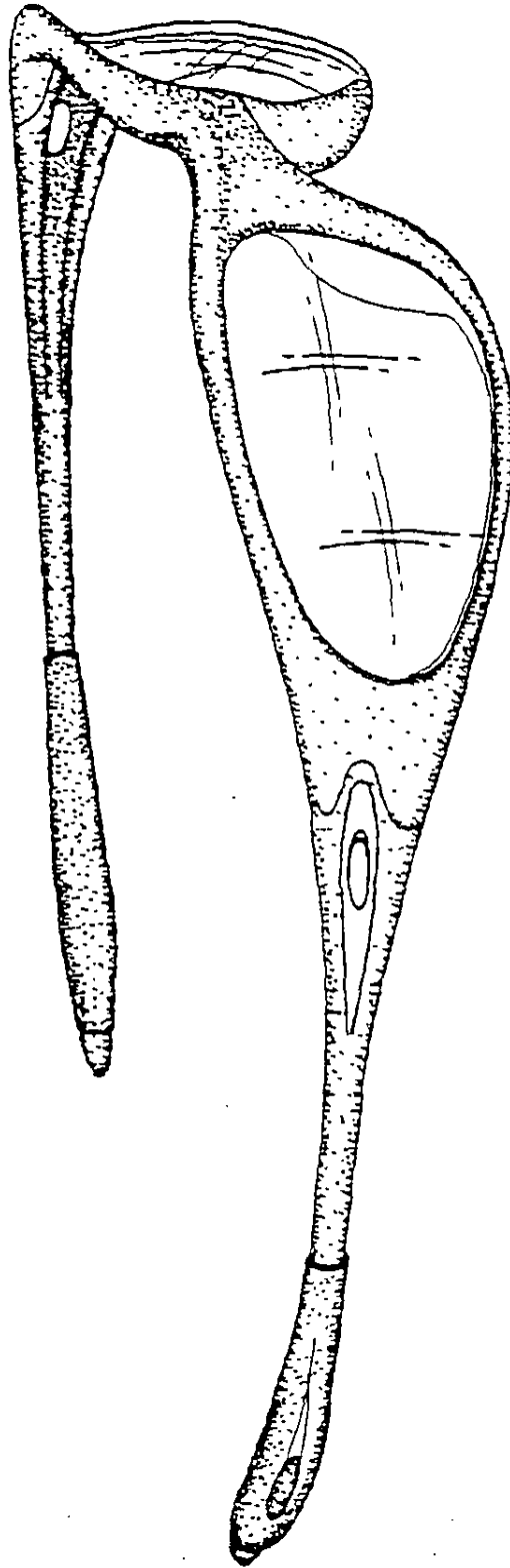


FIG. 1

U.S. Patent

Oct. 12, 1999

Sheet 2 of 4

Des. 415,188

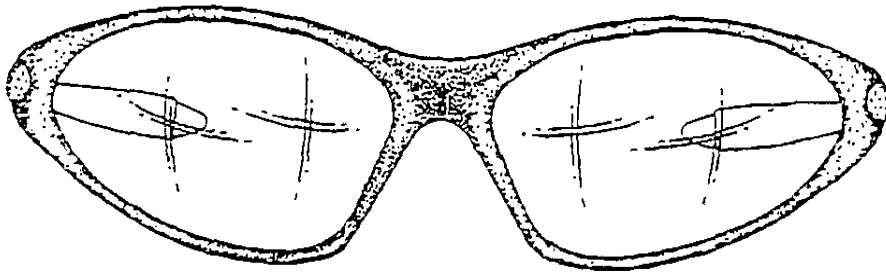


FIG. 2

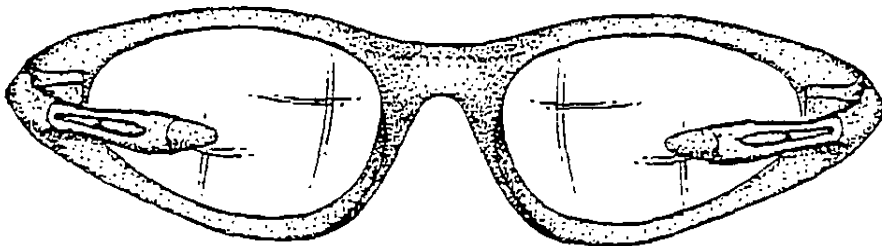


FIG. 3

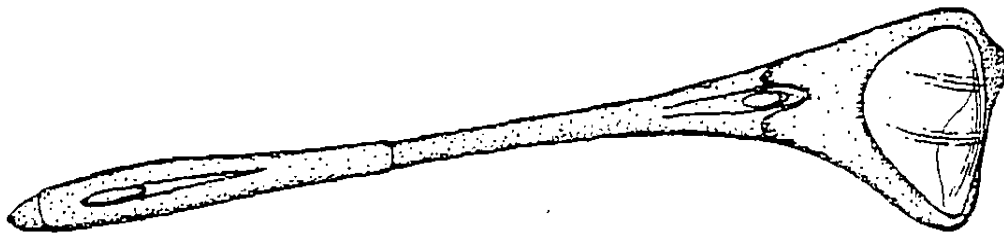


FIG. 4

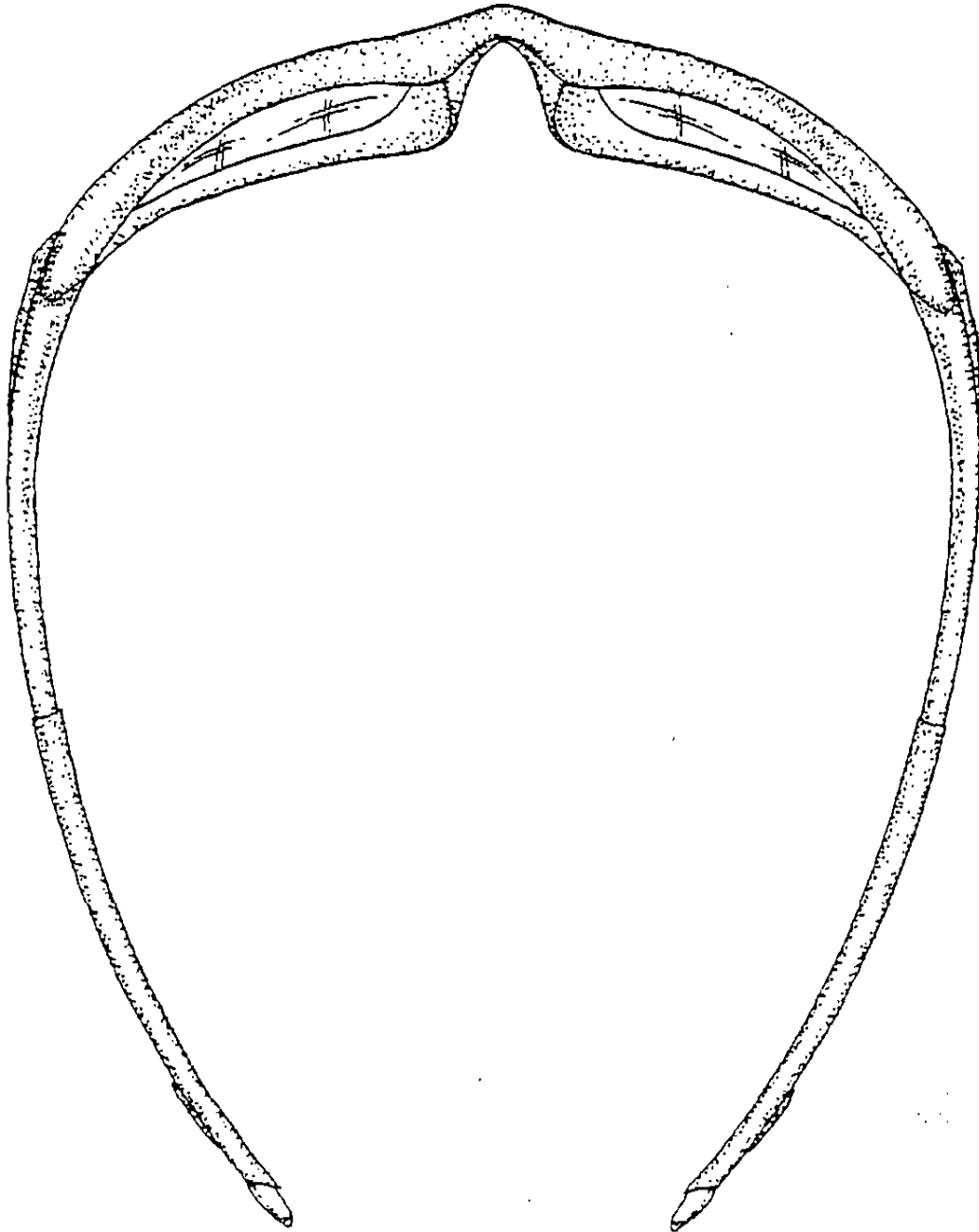
U.S. Patent

Oct. 12, 1999

Sheet 3 of 4

Des. 415,188

FIG. 5



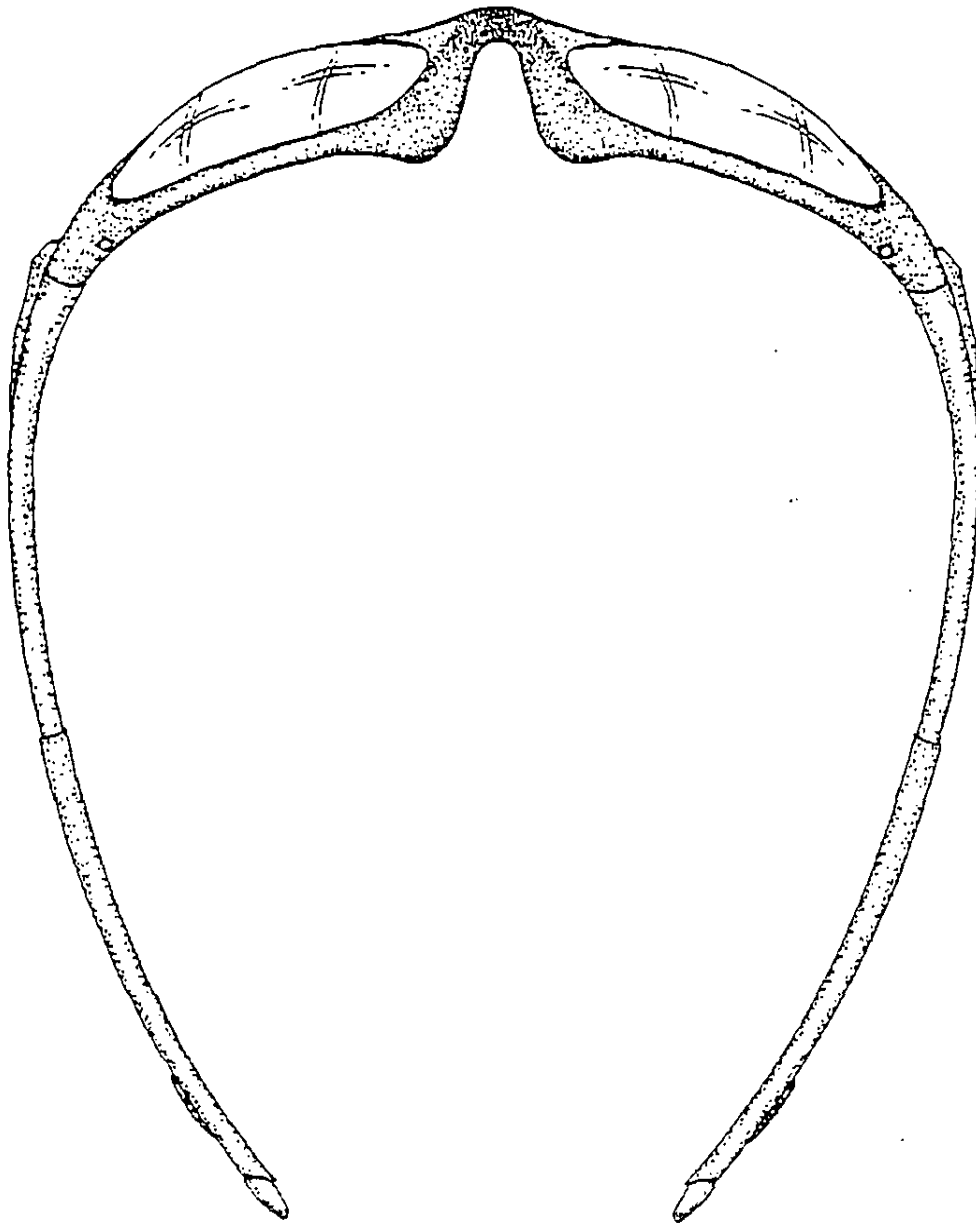
U.S. Patent

Oct. 12, 1999

Sheet 4 of 4

Des. 415,188

FIG. 6





US00D422298S

United States Patent [19]

[11] Patent Number: **Des. 422,298**

Jannard et al.

[45] Date of Patent: **** Apr. 4, 2000**

[54] EYEGLASS COMPONENTS

FOREIGN PATENT DOCUMENTS

[75] Inventors: James H. Jannard, Spieden Island, Wash.; Colin Baden, Irvine; Hans Moritz, San Clemente, both of Calif.

1184347 2/1968 United Kingdom .

[73] Assignee: Oakley, Inc., Foothill Ranch, Calif.

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[**] Term: 14 Years

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B.B. sol—Lunettes de Soleil (1986).

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Solex Quality Optics (Skiing Sep. 1992).

[21] Appl. No.: 29/096,508

Primary Examiner—Raphael Barkai

[22] Filed: Nov. 13, 1998

Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

[51] LOC (6) Cl. 16-06

[52] U.S. Cl. D16/326; D16/319

[58] Field of Search D16/101, 300-330;
351/41, 44, 51, 52, 158, 90, 96, 124, 132;
2/447, 448

[57] CLAIM

The ornamental design for eyeglass components, as shown and described.

[56] References Cited

DESCRIPTION

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D. 400,230	10/1998	Arnette	D16/326
D. 407,099	3/1999	Wang	D16/326
D. 407,428	3/1999	Jannard	D16/319
3,684,356	8/1972	Bates .	

FIG. 1 is a front perspective view of the eyeglass components of the present invention;

FIG. 2 is a front elevational view thereof;

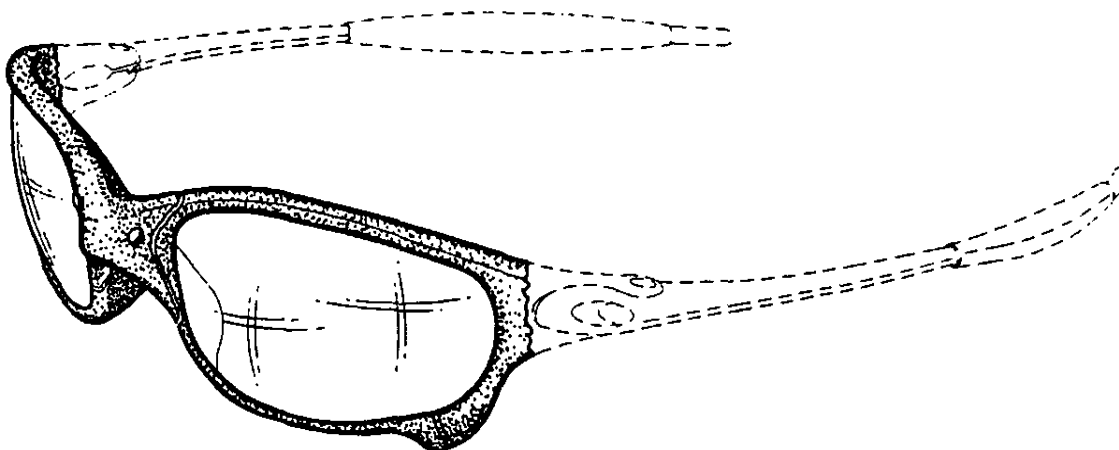
FIG. 3 is a rear elevational view thereof;

FIG. 4 is a right-side elevational view thereof, the left-side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

1 Claim, 3 Drawing Sheets



U.S. Patent

Apr. 4, 2000

Sheet 1 of 3

Des. 422,298

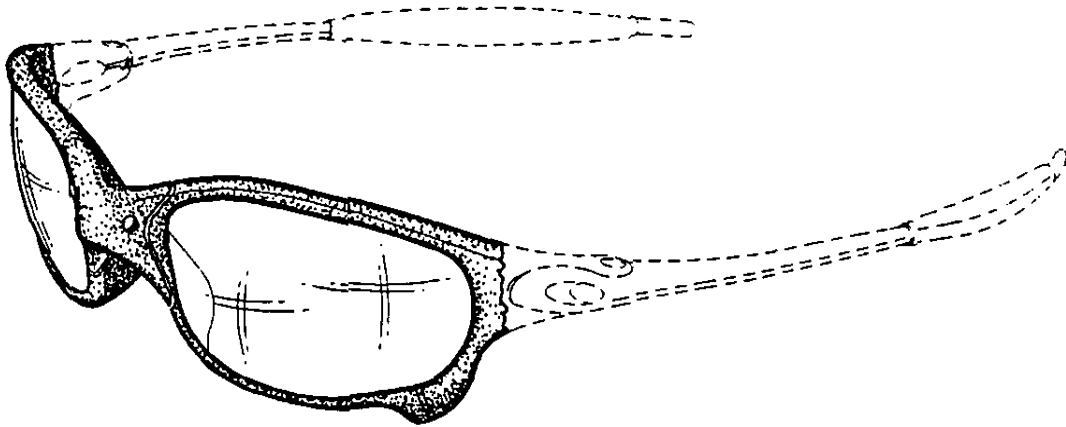


FIG. 1

U.S. Patent

Apr. 4, 2000

Sheet 2 of 3

Des. 422,298

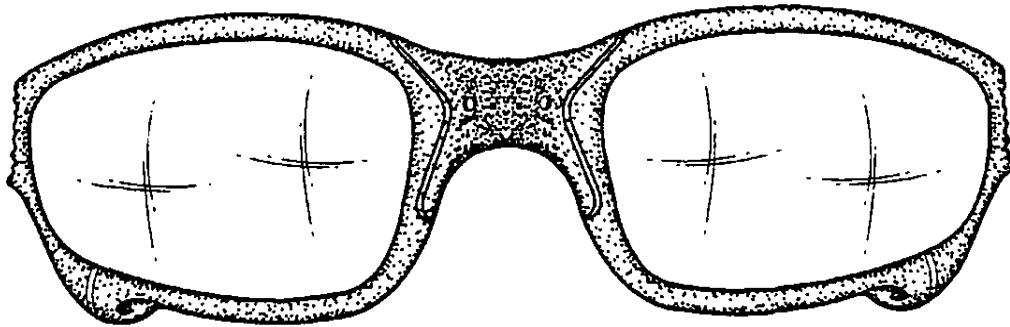


FIG. 2

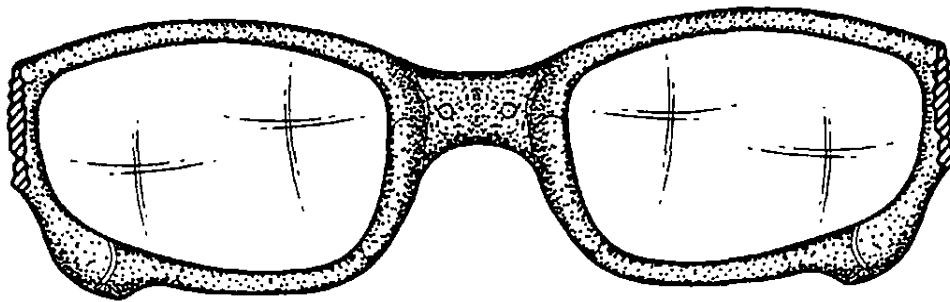


FIG. 3

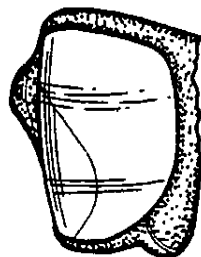


FIG. 4

U.S. Patent

Apr. 4, 2000

Sheet 3 of 3

Des. 422,298

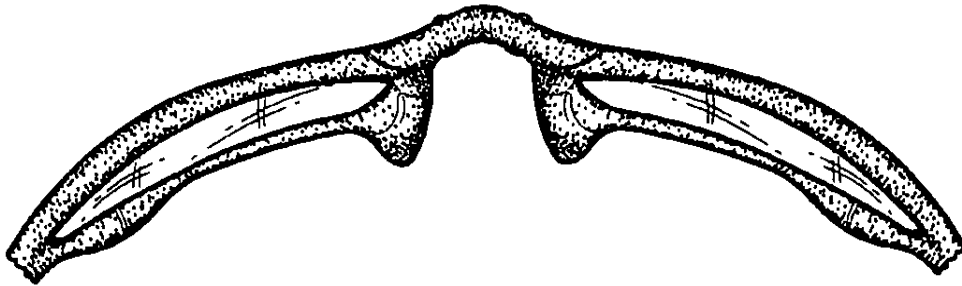


FIG. 5

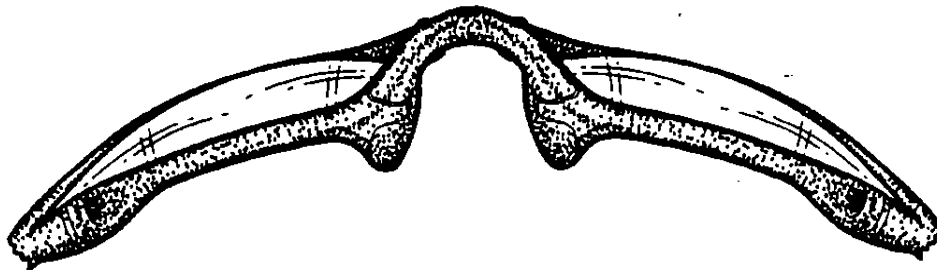


FIG. 6



US00D463478S

(12) **United States Design Patent** (10) **Patent No.:** **US D463,478 S**
Moritz (45) **Date of Patent:** ***** Sep. 24, 2002**

(54) **EYEGLASS AND EYEGLASS COMPONENTS**

(75) **Inventor:** **Hans Karsten Moritz, Foothill Ranch, CA (US)**

(73) **Assignee:** **Oakley, Inc., Foothill Ranch, CA (US)**

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/142,084**

(22) **Filed:** **May 16, 2001**

(51) **LOC (7) Cl. 16-06**

(52) **U.S. Cl. D16/326**

(58) **Field of Search D16/101, 300-330;**
D29/109, 110; 350/41, 44, 51, 52, 158;
2/447, 448

(56) **References Cited**

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D189.436 S	12/1960	Carmichael
D192.884 S	5/1962	Petitto
D193.028 S	6/1962	Petitto
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D204.418 S	4/1966	Ramp
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D209.095 S	10/1967	Ramp
3.552.840 A	1/1971	Braget
D300.226 S	3/1989	Ramp
D347.014 S	5/1994	Arnette
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D378.375 S	3/1997	Tsai
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Primary Examiner—Raphael Barkai
 (74) *Attorney, Agent, or Firm*—Gregory K. Nelson

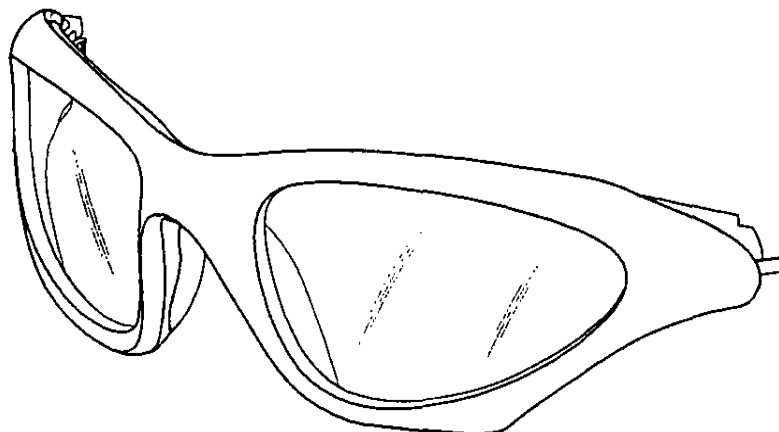
(57) **CLAIM**

The ornamental design for an eyeglass and eyeglass components, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass and the eyeglass components of the present invention;
 FIG. 2 is a front elevational view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a top plan view thereof;
 FIG. 5 is a bottom plan view thereof; and
 FIG. 6 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 3 Drawing Sheets



US D463,478 S

Page 2

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D400.908 S	11/1998	Arnette	D423.035 S	4/2000	Yee et al.
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			D432.157 S	10/2000	Simioni

U.S. Patent

Sep. 24, 2002

Sheet 1 of 3

US D463,478 S

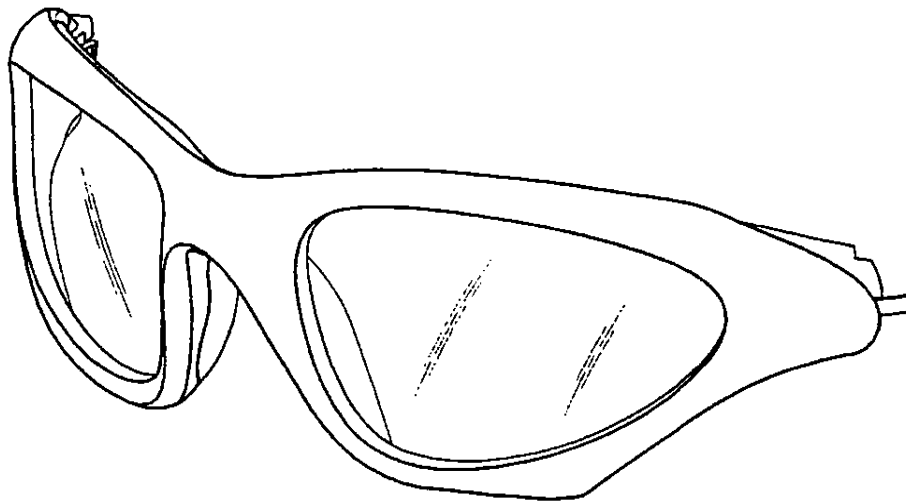


FIG. 1

Sep. 24, 2002

Sheet 2 of 3

US D463,478 S

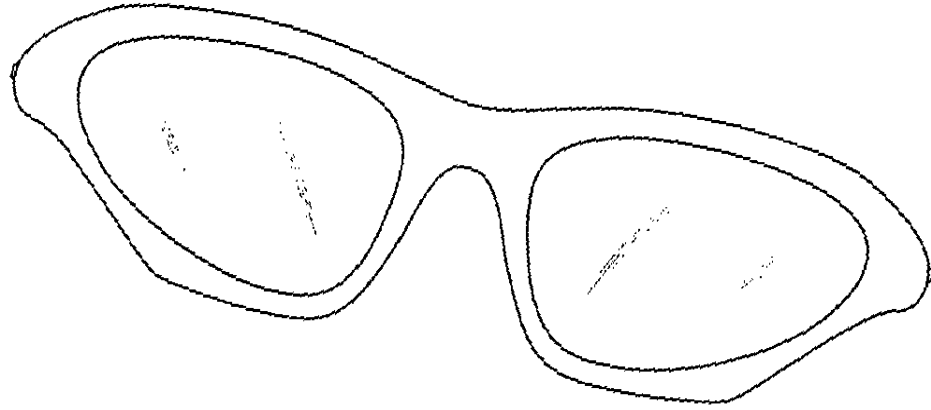


FIG. 2

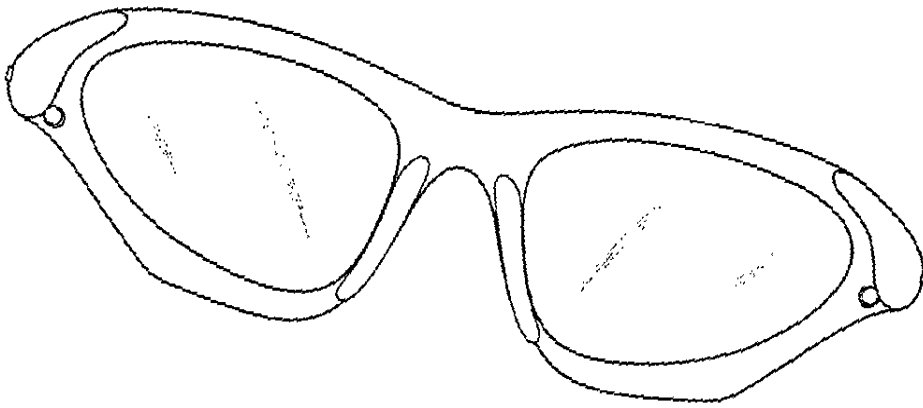
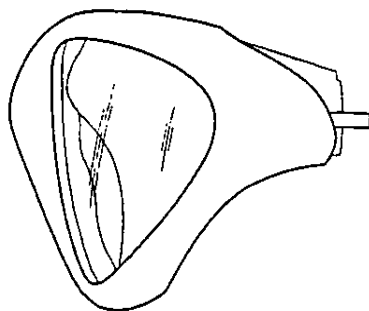
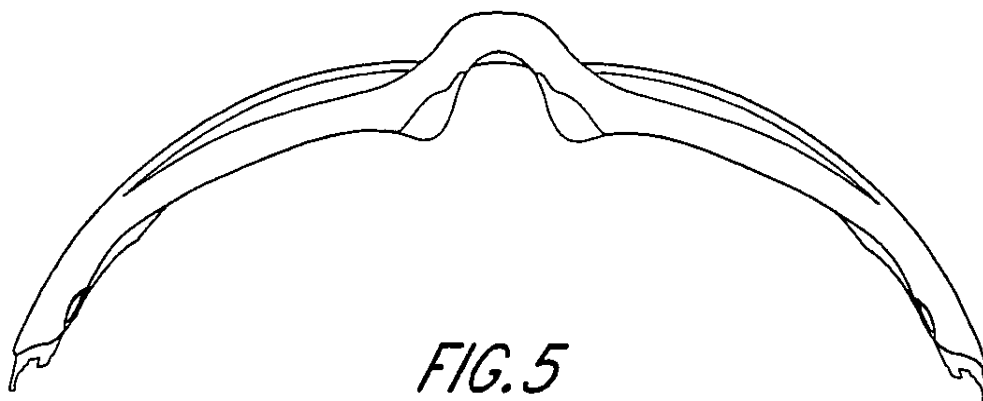
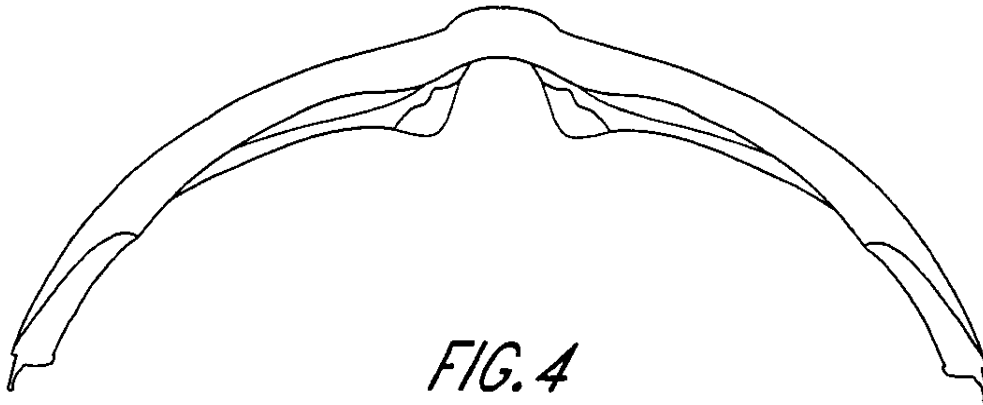


FIG. 3





US00D469459S

(12) **United States Design Patent** (10) **Patent No.:** **US D469,459 S**
Moritz (45) **Date of Patent:** **** Jan. 28, 2003**

(54) **EYEGLASS**

(75) **Inventor:** **Hans Karsten Moritz**, Foothill Ranch, CA (US)

(73) **Assignee:** **Oakley, Inc.**, Foothill Ranch, CA (US)

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/162,863**

(22) **Filed:** **Jun. 20, 2002**

Related U.S. Application Data

(62) Division of application No. 29/142,084, filed on May 16, 2001.

(51) **LOC (7) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326**

(58) **Field of Search** **D16/101, 300-330, D16/335; D29/109, 110; 351/41, 44, 51, 52, 83, 111; 2/447, 448, 450**

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D187.299 S	2/1960	Behr
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Pending U.S. patent application Ser. No. 29/134,462, Jan-nard et al., filed Dec. 20, 2000.

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Pending U.S. patent application Ser. No. 29/133,945, Jan-nard et al., filed Dec. 11, 2000.

Pending U.S. patent application Ser. No. 29/142,308, Jan-nard et al., filed May 23, 2001.

Co-Pending U.S. parent patent application Ser. No. 29/142,084, Moritz, filed May 16, 2001.

Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Gregory Nelson

(57) **CLAIM**

The ornamental design for an eyeglass, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass of the present invention;

FIG. 2 is a front elevational view;

FIG. 3 is a rear elevational view thereof;

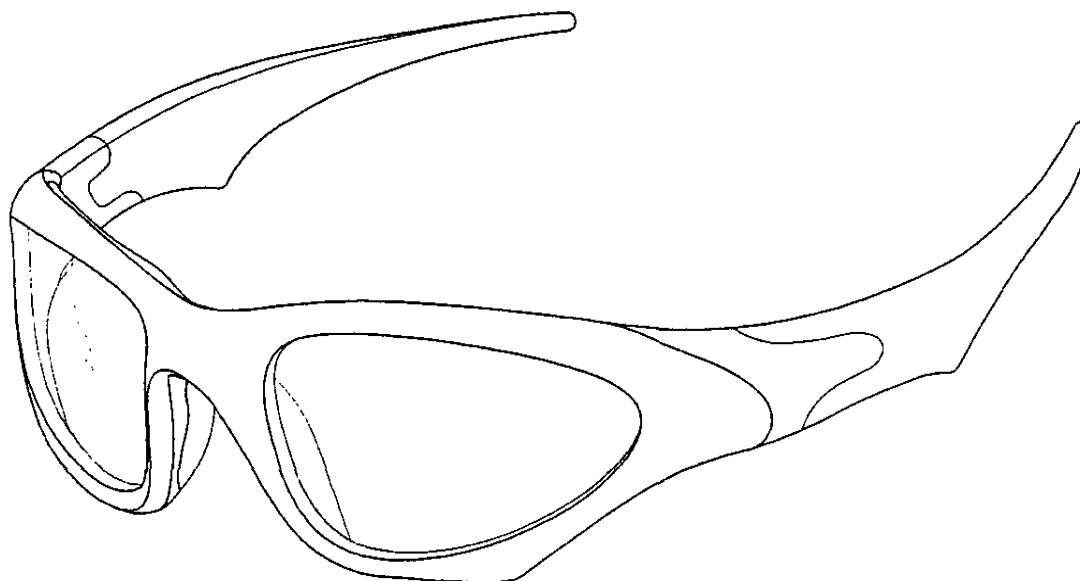
FIG. 4 is a top plan view thereof;

FIG. 5 is a bottom plan view thereof; and,

FIG. 6 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 5 Drawing Sheets



US D469,459 S

Page 2

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D204,417 S	4/1966	Shindler	D387,794 S	12/1997	Mage	
D204,418 S	4/1966	Ramp	D389,504 S	1/1998	Simioni	
D205,419 S	8/1966	Griss	D390,589 S	2/1998	Simioni	
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D347,014 S	5/1994	Arnette	D399,238 S	10/1998	Simioni	
D354,501 S	1/1995	Jannard	D422,298 S	* 4/2000	Jannard et al.	D16/319
D366,667 S	1/1996	Arnette	D423,548 S	4/2000	Yee et al.	
D366,892 S	2/1996	Arnette	D426,258 S	* 6/2000	Jannard et al.	D16/326
D368,732 S	4/1996	Lei	D426,568 S	6/2000	Conway	
D369,375 S	4/1996	Jannard et al.	D430,589 S	* 9/2000	Markovitz	D16/326
D371,383 S	7/1996	Goldman	D432,157 S	10/2000	Simioni	
D376,810 S	12/1996	Ohie	D441,390 S	* 5/2001	Jannard et al.	D16/326
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U.S. Patent

Jan. 28, 2003

Sheet 1 of 5

US D469,459 S

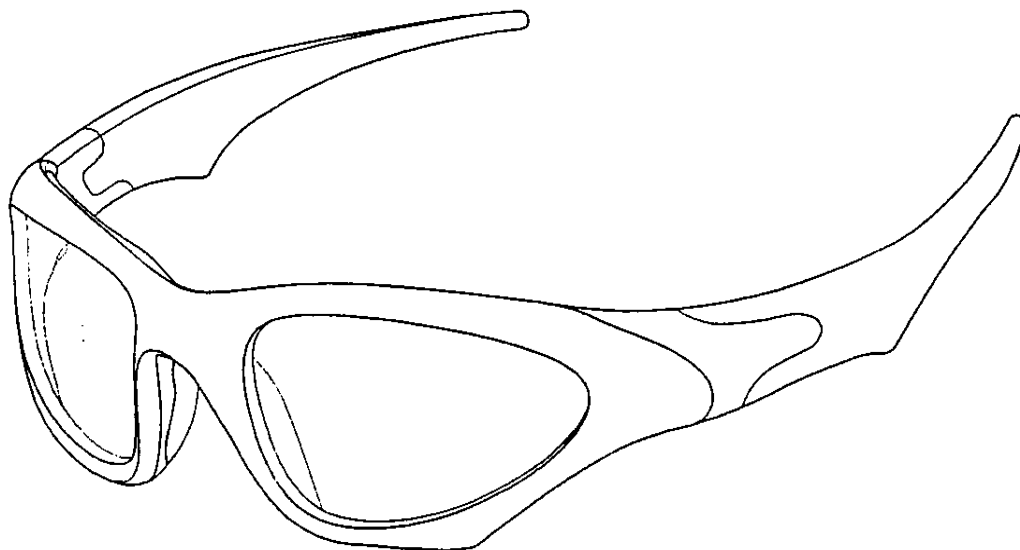


FIG. 1

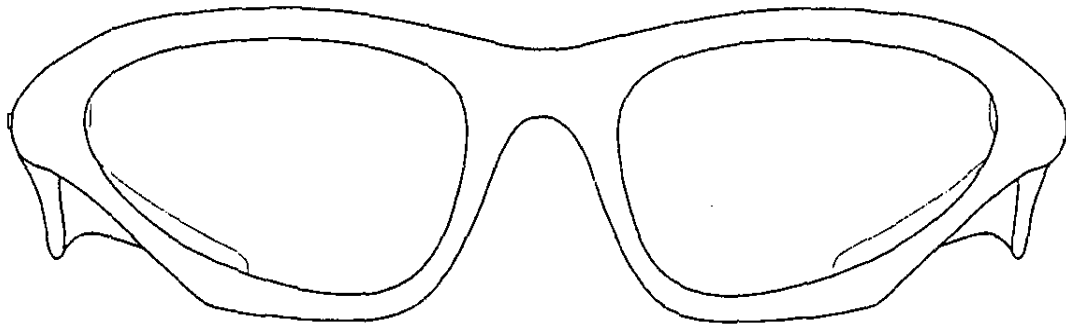


FIG. 2

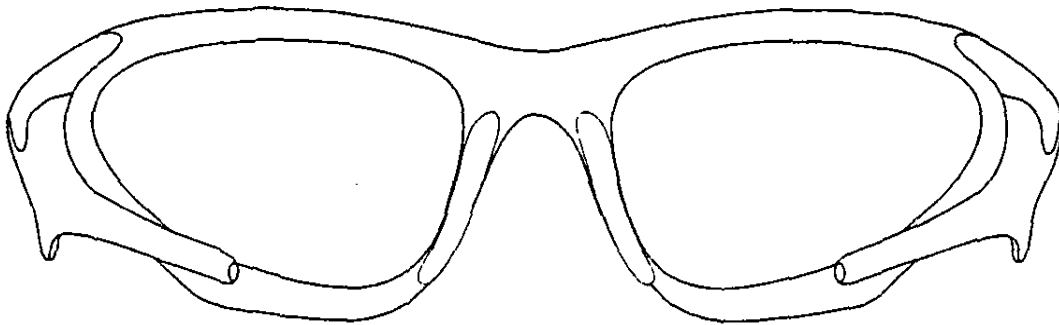


FIG. 3

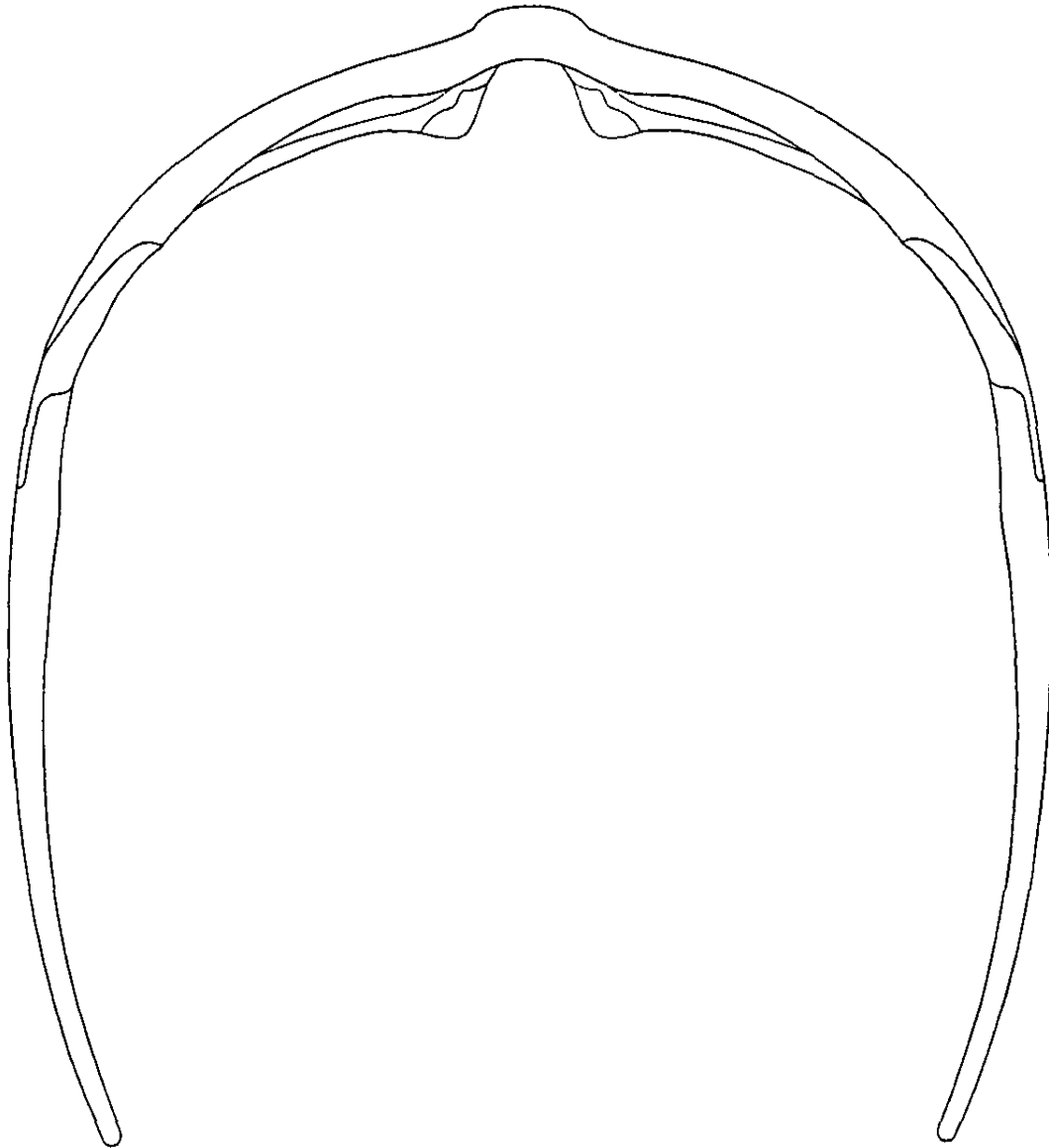


FIG. 4

U.S. Patent

Jan. 28, 2003

Sheet 4 of 5

US D469,459 S

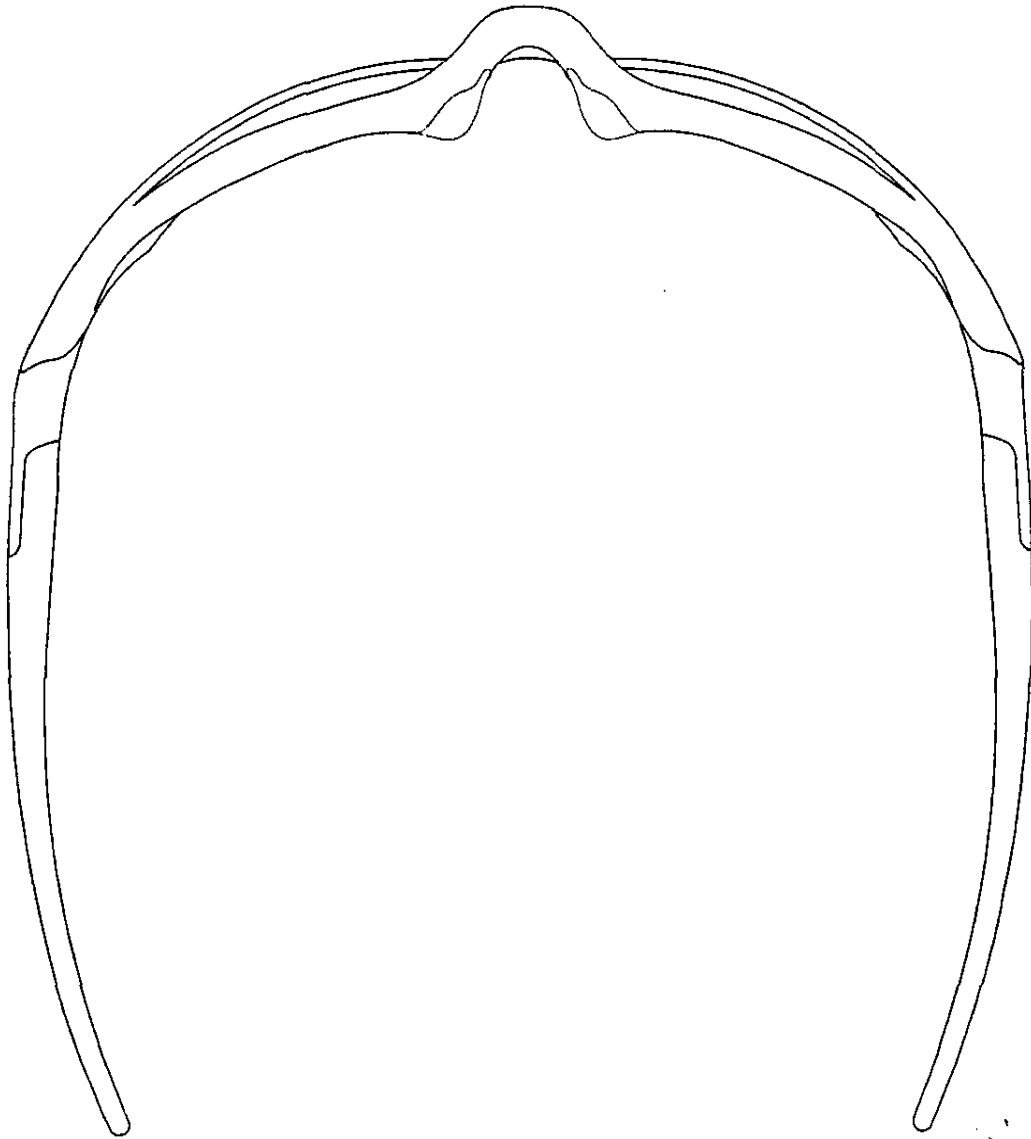


FIG. 5

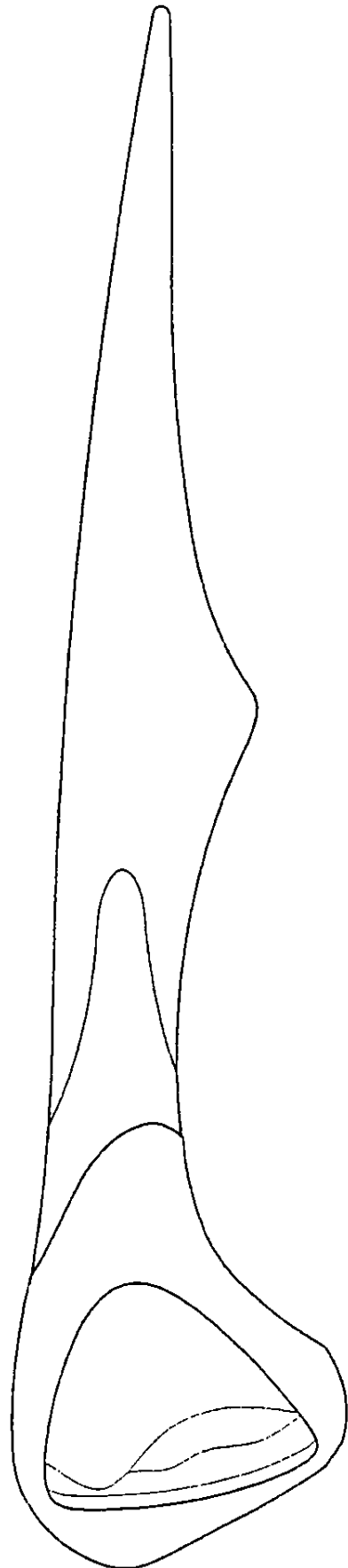


FIG. 6

101



US00D398326S

United States Patent [19]

[11] Patent Number: Des. 398,326

Jannard et al.

[45] Date of Patent: **Sep. 15, 1998

[54] EYEGLOSS FRONT

[75] Inventors: James H. Jannard, Eastsound, Wash.; Peter Yee, Irvine, Calif.; Toby Rohrbach, Mission Viejo, Calif.; Hanz Moritz, South Pasadena, Calif.

[73] Assignee: Oakley, Inc., Foothill Ranch, Calif.

[**] Term: 14 Years

[21] Appl. No.: 66,770

[22] Filed: Feb. 18, 1997

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 54,494, May 2, 1996.

[51] LOC (6) CL 16-06

[52] U.S. CL D16/326

[58] Field of Search D16/101, 300, D16/304, 309, 311-312, 313-317, 319, 321, 325-330; 351/41, 44, 51, 158; 2/428, 430, 432, 447, 449

[56] References Cited

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- D. 209,095 10/1967 Ramp .
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Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

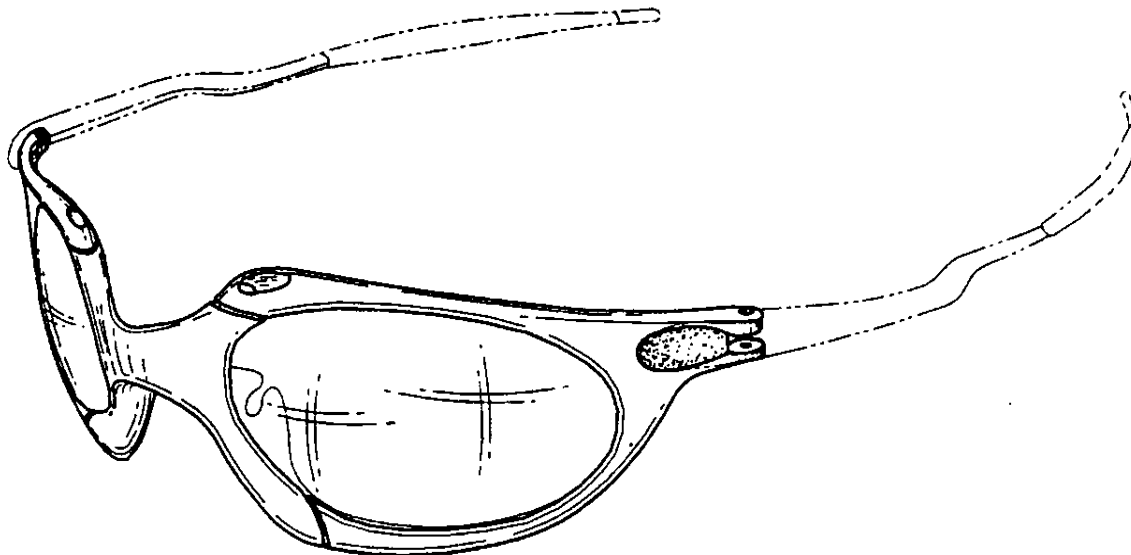
[57] CLAIM

The ornamental design for eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass front of the present invention;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof; and
FIG. 6 is a bottom plan view thereof.

1 Claim, 3 Drawing Sheets



U.S. Patent

Sep. 15, 1998

Sheet 1 of 3

Des. 398,326

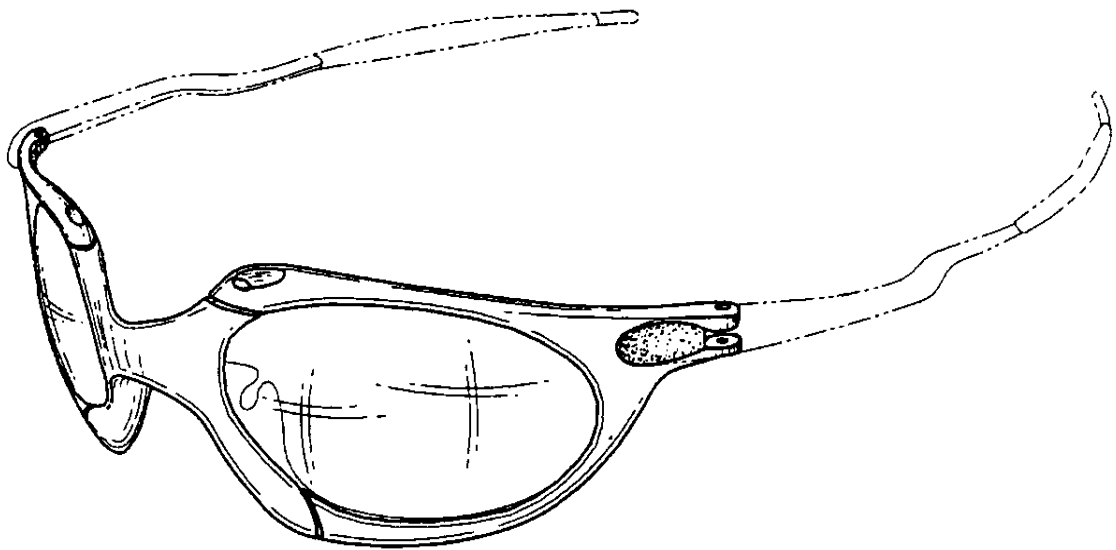


Fig. 1

U.S. Patent

Sep. 15, 1998

Sheet 2 of 3

Des. 398,326

Fig. 2

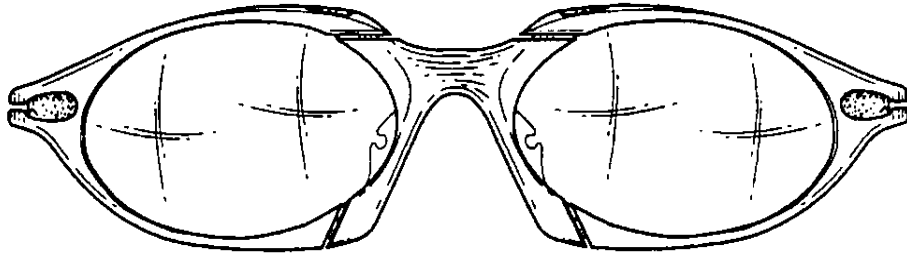


Fig. 3

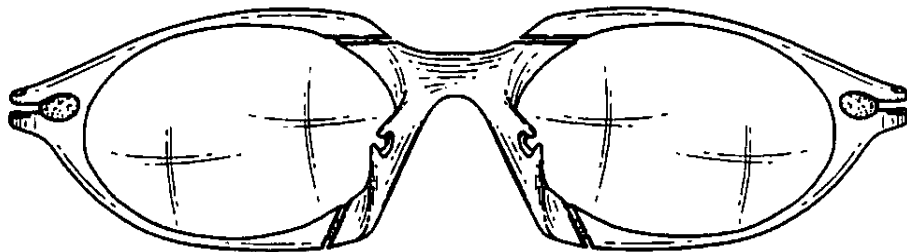
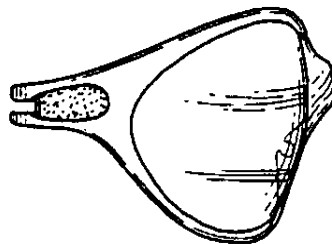


Fig. 4



U.S. Patent

Sep. 15, 1998

Sheet 3 of 3

Des. 398,326

Fig. 5

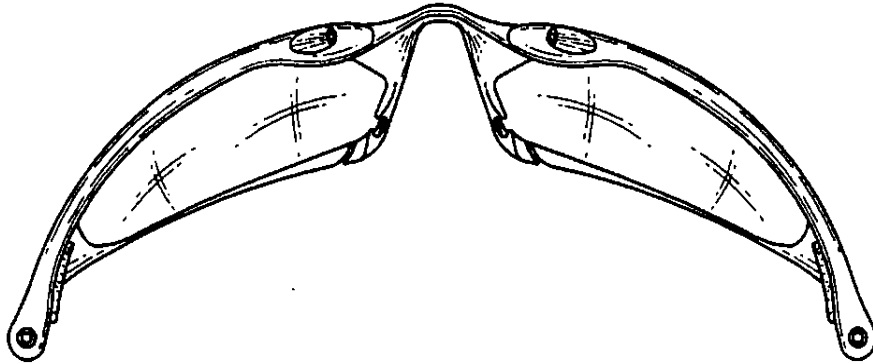
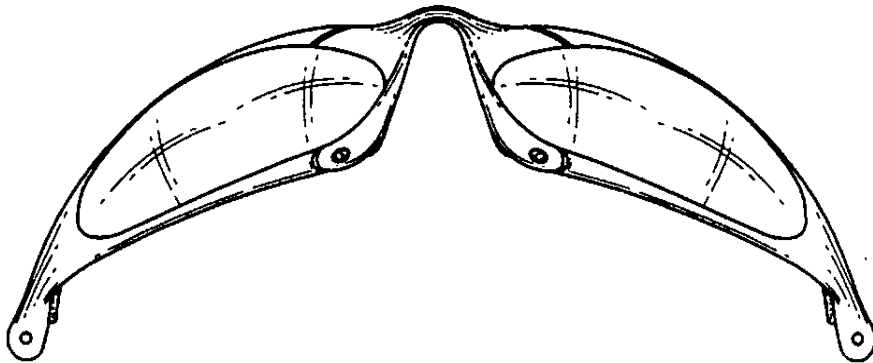


Fig. 6





US00D464669S

(12) **United States Design Patent** (10) Patent No.: **US D464,669 S**
 Thixton et al. (45) Date of Patent: **** Oct. 22, 2002**

(54) **EYEGLASSES**

(75) Inventors: **Lek Thixton**, Eastsound, WA (US);
Colin Baden, Irvine, CA (US); **James H. Jannard**, Spieden Island, WA (US)

(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/154,706**

(22) Filed: **Jan. 28, 2002**

(51) **LOC (7) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326; D16/335; D16/327**

(58) **Field of Search** **D16/101, 300-330, D16/335; D29/109, 110; 351/41, 44, 51, 52, 158, 111; 2/446-448**

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B.B. Sol—Lunetes de Soleil (1986).

Berther—Bonder (1995).

Pending U.S. patent application Ser. No. 29,134,462, Jannard et al., filed Dec. 20, 2000.

Pending U.S. patent application Ser. No. 29,142,084, Moritz, filed May 16, 2001.

Pending U.S. patent application Ser. No. 29,142,308, Jannard et al., filed May 23, 2001.

Pending U.S. patent application Ser. No. 29,146,178, Yee et al., filed Aug. 3, 2001.

* cited by examiner

Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Gregory K. Nelson

(57) **CLAIM**

The ornamental design for an eyeglasses, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglasses components of the present invention;

FIG. 2 is a rear elevational view thereof;

FIG. 3 is a front elevational view thereof;

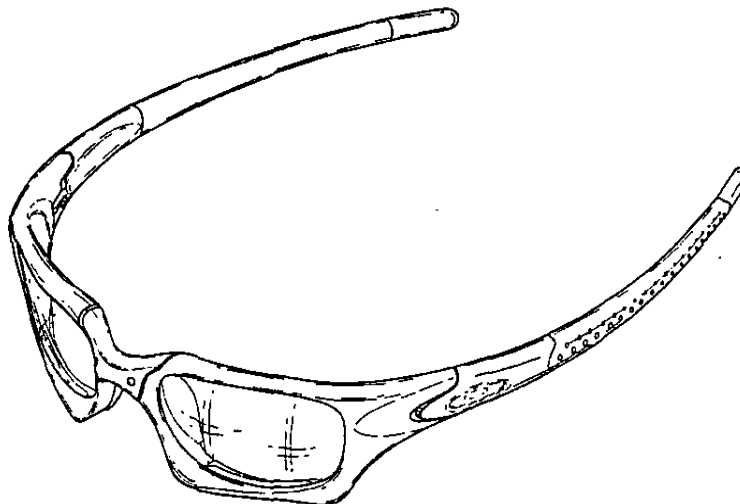
FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets



U.S. Patent

Oct. 22, 2002

Sheet 1 of 4

US D464,669 S

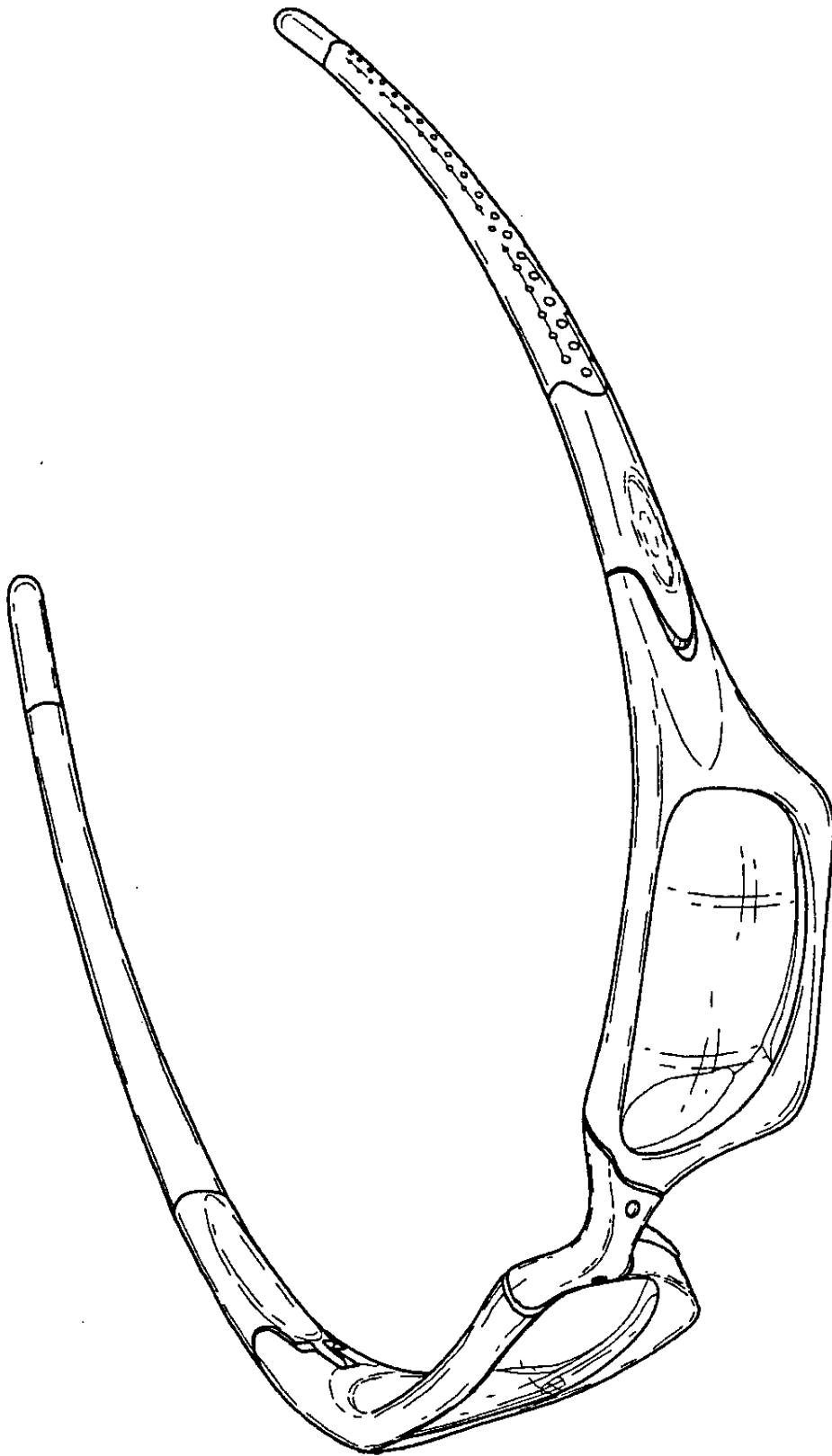


FIG. 1

U.S. Patent

Oct. 22, 2002

Sheet 2 of 4

US D464,669 S

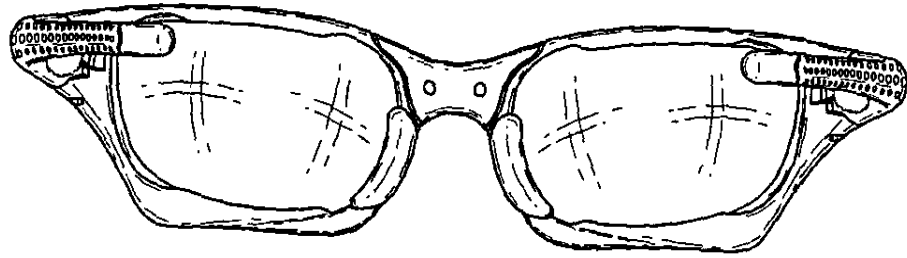


FIG. 2

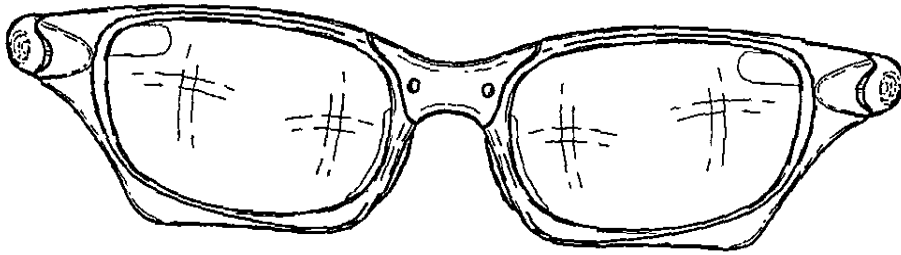


FIG. 3

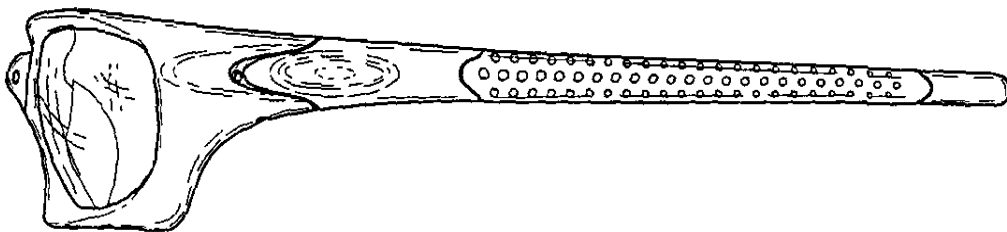


FIG. 4

U.S. Patent

Oct. 22, 2002

Sheet 3 of 4

US D464,669 S

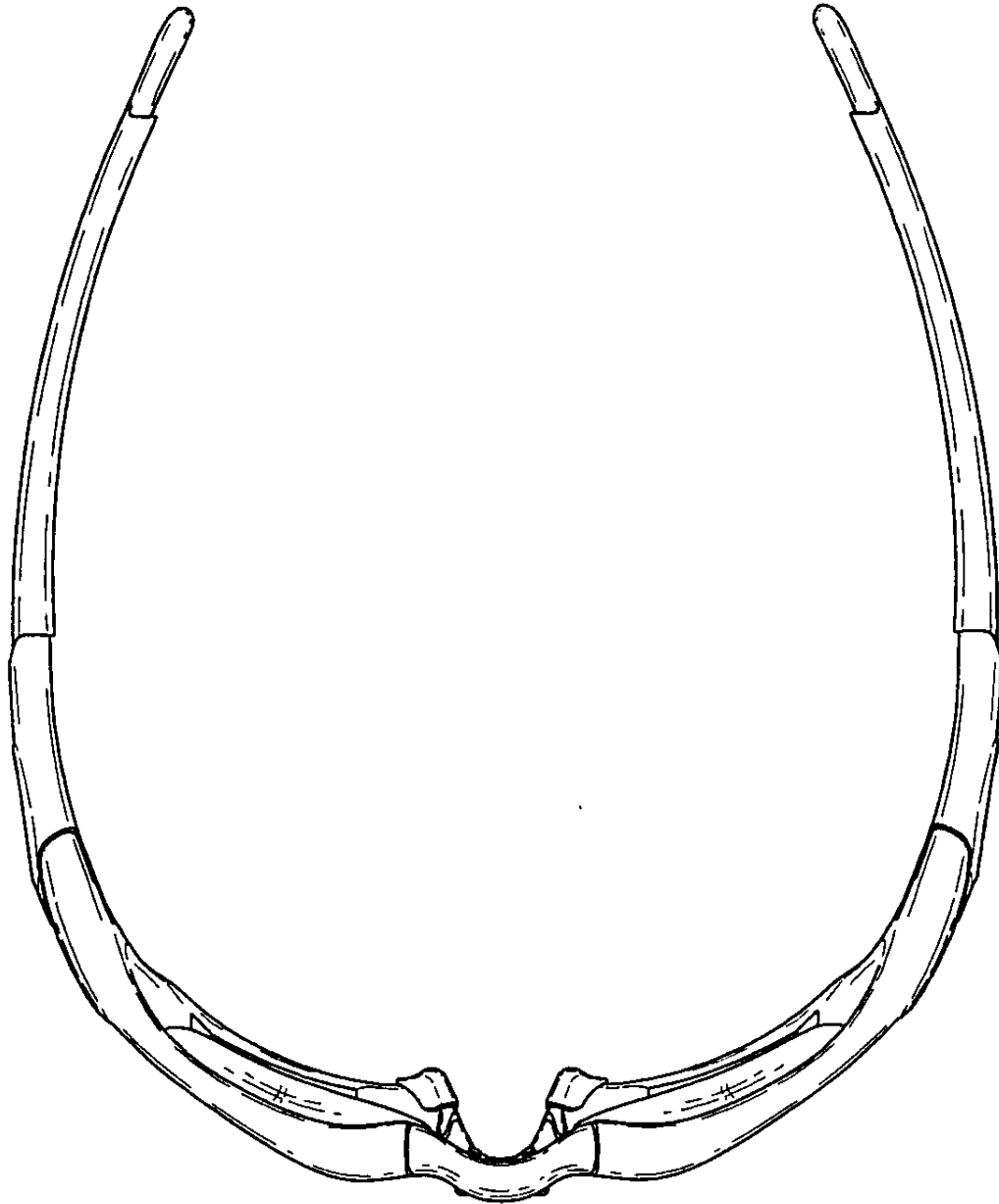


FIG. 5

U.S. Patent

Oct. 22, 2002

Sheet 4 of 4

US D464,669 S

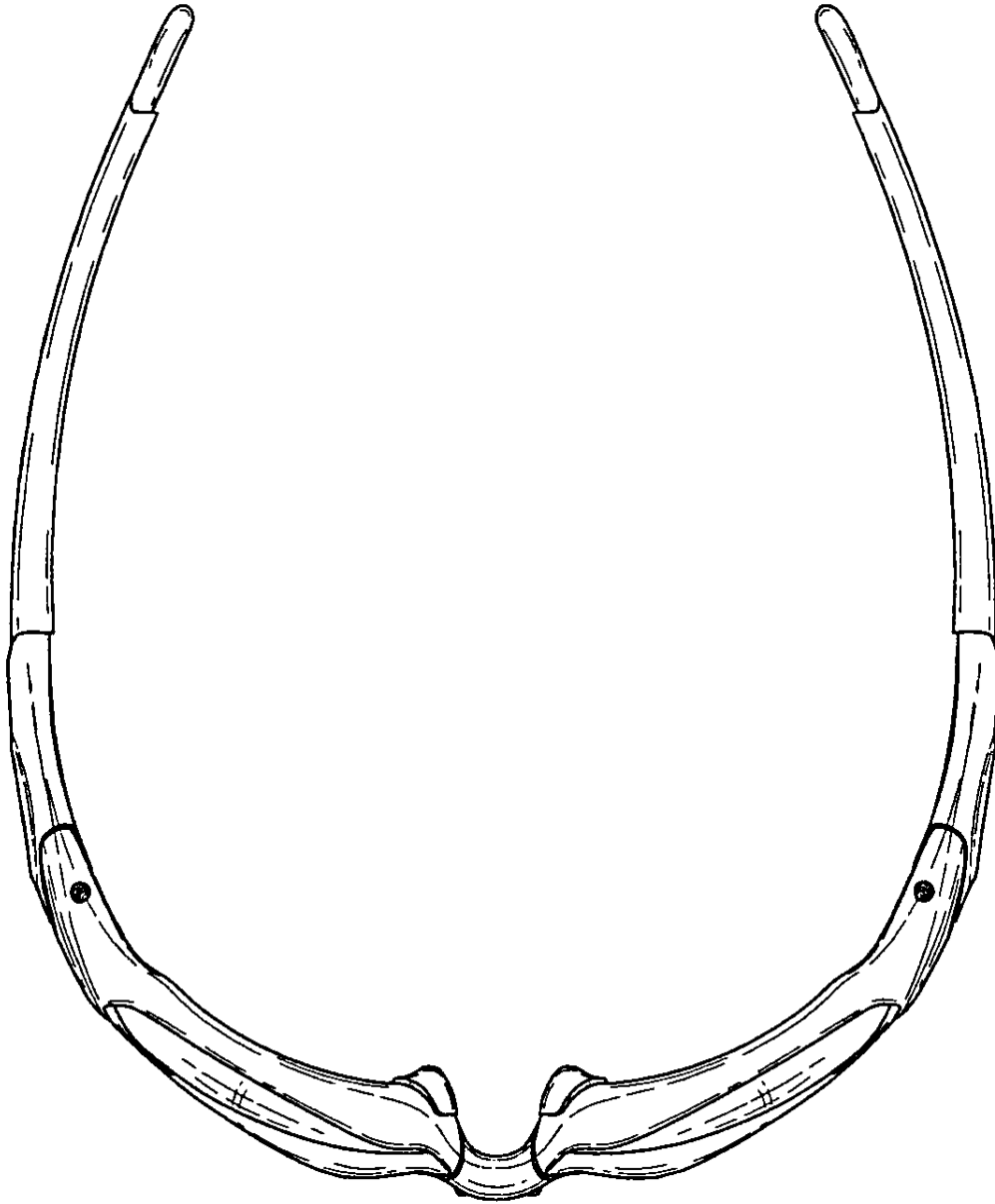


FIG. 6



US00D473583S

(12) **United States Design Patent** (10) **Patent No.:** **US D473,583 S**
Thixton et al. (45) **Date of Patent:** **** Apr. 22, 2003**

- (54) **EYEGLASS FRONT**
- (75) **Inventors:** **Lek Thixton, Eastsound, WA (US);**
Colin Baden, Irvine, CA (US); James
H. Jannard, Spieden Island, WA (US)
- (73) **Assignee:** **Oakley, Inc., Foothill Ranch, CA (US)**
- (**) **Term:** **14 Years**
- (21) **Appl. No.:** **29/162,874**
- (22) **Filed:** **Jun. 20, 2002**

D425,103 S 5/2000 Yee et al.
 D446,803 S 8/2001 Jannard et al.

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 Berther—Bonder (1995).
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 U.S. pending patent application Ser. No. 29/142,084, Moritz filed May 16, 2001.
 U.S. pending patent application Ser. No. 29/142,308, Jannard, et al. filed May. 23, 2001.
 U.S. pending patent application Ser. No. 29/146,178, Yee, et al. filed Aug. 3, 2001.
 U.S. co-pending patent application Ser. No. 29/154,706, Thixton et al. filed Jan. 28, 2002.

Related U.S. Application Data

- (62) Division of application No. 29/154,706, filed on Jan. 28, 2002.
- (51) **LOC (7) Cl.** **16-06**
- (52) **U.S. Cl.** **D16/326**
- (58) **Field of Search** **D16/101, 300-330;**
D29/109, 110; 351/41, 44, 51, 52, 158,
90; 2/447, 448

Primary Examiner—Raphael Barkai
 (74) *Attorney, Agent, or Firm*—Gregory K. Nelson

(56) **References Cited**

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- D392,662 S 3/1998 Jannard et al.
- D397,350 S 8/1998 Jannard et al.
- D397,351 S 8/1998 Simioni
- D398,326 S 9/1998 Jannard et al.
- D400,230 S 10/1998 Arnette
- D404,754 S 1/1999 Yee et al.
- D407,099 S 3/1999 Wang
- D407,428 S 3/1999 Jannard et al.
- D408,049 S 4/1999 Jannard et al.
- D410,484 S 6/1999 Jannard et al.
- D410,485 S 6/1999 Jannard et al.
- D415,188 S 10/1999 Thixton et al.
- D422,298 S 4/2000 Jannard et al.
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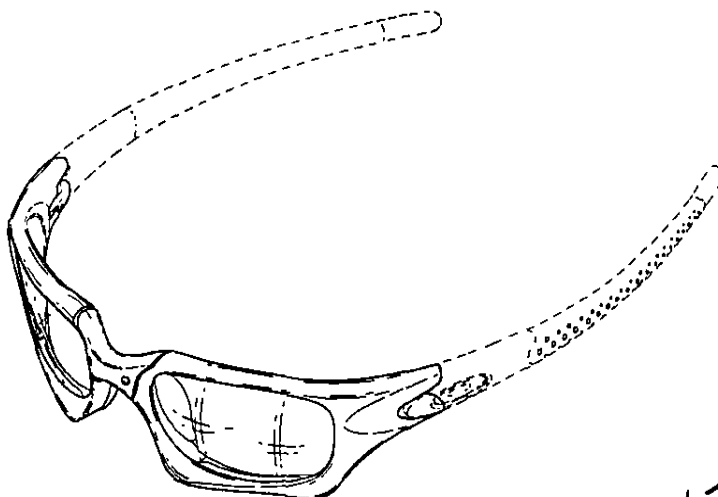
(57) **CLAIM**

The ornamental design for an eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass of the present invention;
 FIG. 2 is a rear elevational view;
 FIG. 3 is a front elevational view thereof;
 FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;
 FIG. 5 is a top plan view thereof; and,
 FIG. 6 is a bottom plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 3 Drawing Sheets



U.S. Patent

Apr. 22, 2003

Sheet 1 of 3

US D473,583 S

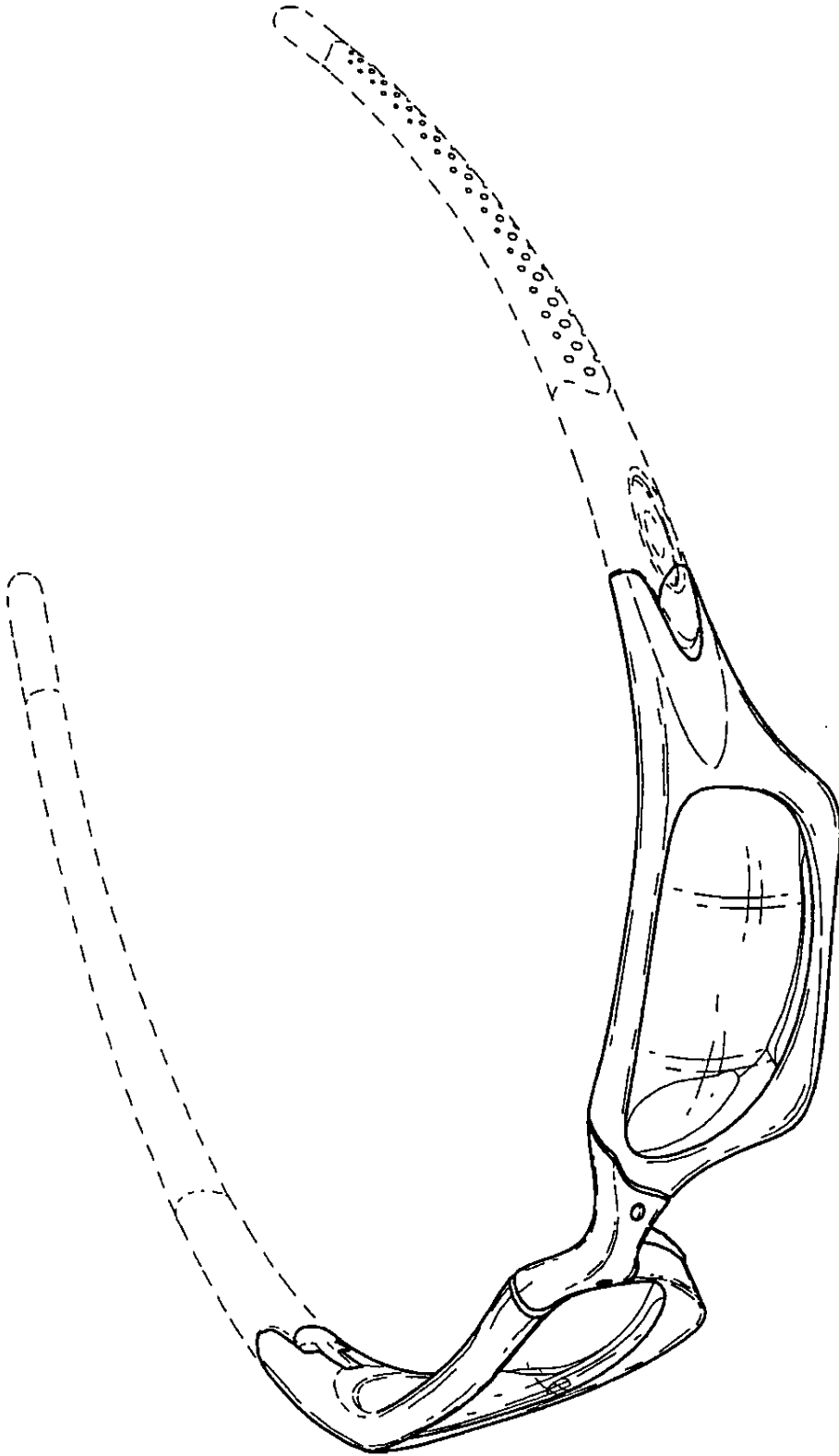


FIG. 1

U.S. Patent

Apr. 22, 2003

Sheet 2 of 3

US D473,583 S

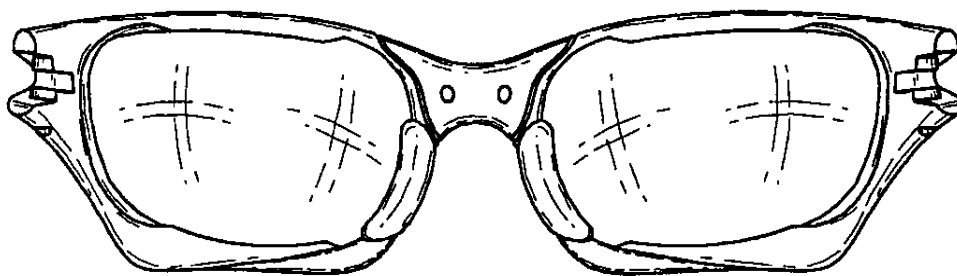


FIG. 2

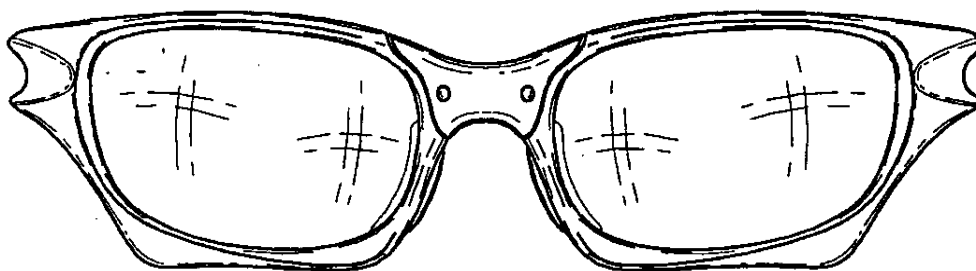


FIG. 3

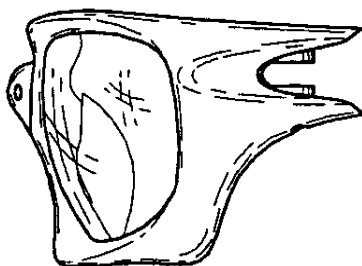


FIG. 4

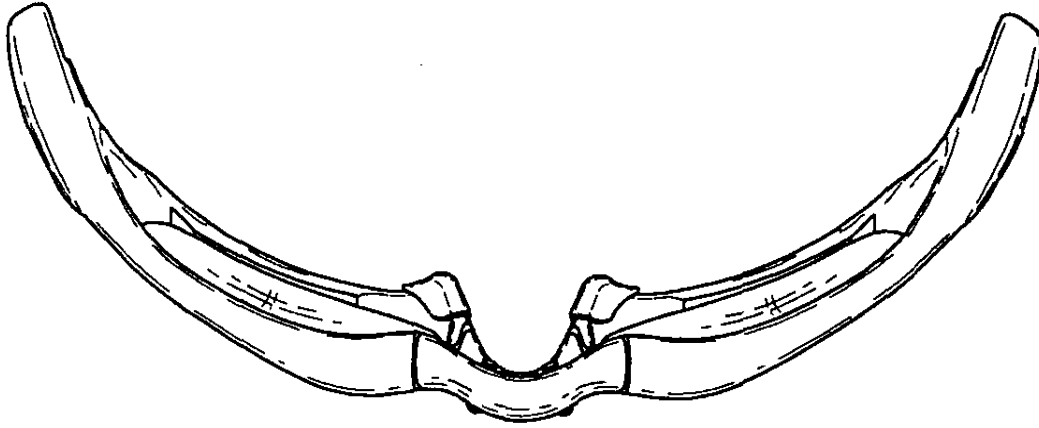


FIG. 5

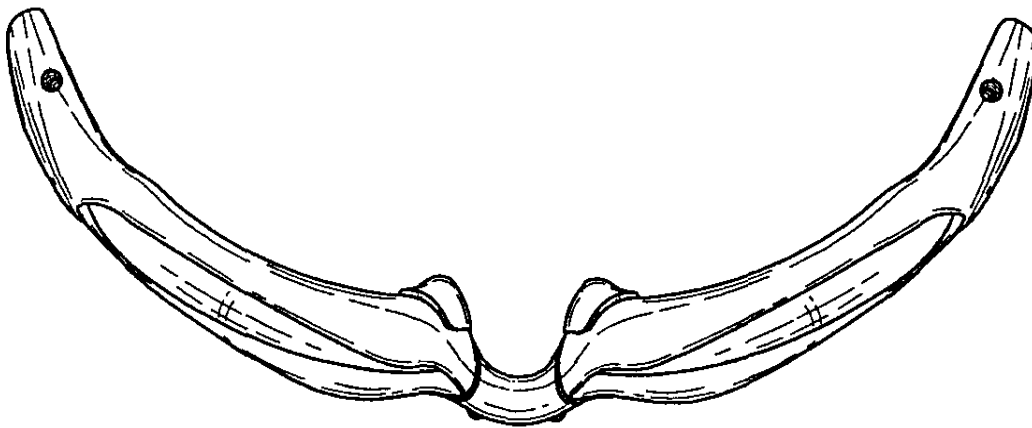


FIG. 6

EXHIBIT 17, PAGE 4 OF 4



US00D420036S

United States Patent [19]

[11] Patent Number: Des. 420,036

Yee et al.

[45] Date of Patent: ** Feb. 1, 2000

[54] **EYEGLASS COMPONENTS**

[75] Inventors: Peter Yee, Irvine, Calif.; Koji Nagayoshi, Sabac, Japan

[73] Assignee: Oakley, Inc., Foothill Ranch, Calif.

[**] Term: 14 Years

[21] Appl. No.: 29/087,188

[22] Filed: Apr. 28, 1993

[51] LOC (7) CL 16-06

[52] U.S. CL D16/326

[58] Field of Search D16/101, 300-330;
D29/109, 110; 351/41, 44, 51, 52, 158;
2/447, 448

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Primary Examiner—Raphael Barkai

Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

[57] **CLAIM**

The ornamental design for eyeglass components, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of eyeglass components showing our new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is top plan view thereof;

FIG. 6 is a bottom plan view thereof;

FIG. 7 is a perspective view of a modified embodiment of the design shown in FIGS. 1-6;

FIG. 8 is a front elevational view thereof;

FIG. 9 is a rear elevational view thereof;

FIG. 10 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 11 is top plan view thereof;

FIG. 12 is a bottom plan view thereof;

FIG. 13 is a perspective view of a second modified embodiment of the design shown in FIGS. 1-6;

FIG. 14 is a front elevational view thereof;

FIG. 15 is a rear elevational view thereof;

FIG. 16 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 17 is top plan view thereof;

FIG. 18 is a bottom plan view thereof;

FIG. 19 is a perspective view of a third modified embodiment of the design shown in FIGS. 1-6;

FIG. 20 is a front elevational view thereof;

FIG. 21 is a rear elevational view thereof;

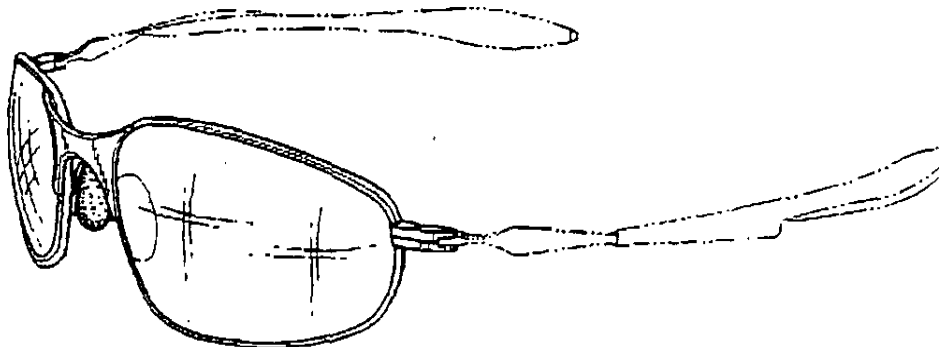
FIG. 22 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 23 is top plan view thereof; and

FIG. 24 is a bottom plan view thereof.

The broken lines shown in FIGS. 1, 7, 13 and 19 are for illustrative purposes only and forms no part of the claimed design.

1 Claim, 12 Drawing Sheets



Des. 420,036

Page 2

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U.S. Patent

Feb. 1, 2000

Sheet 1 of 12

Des. 420,036

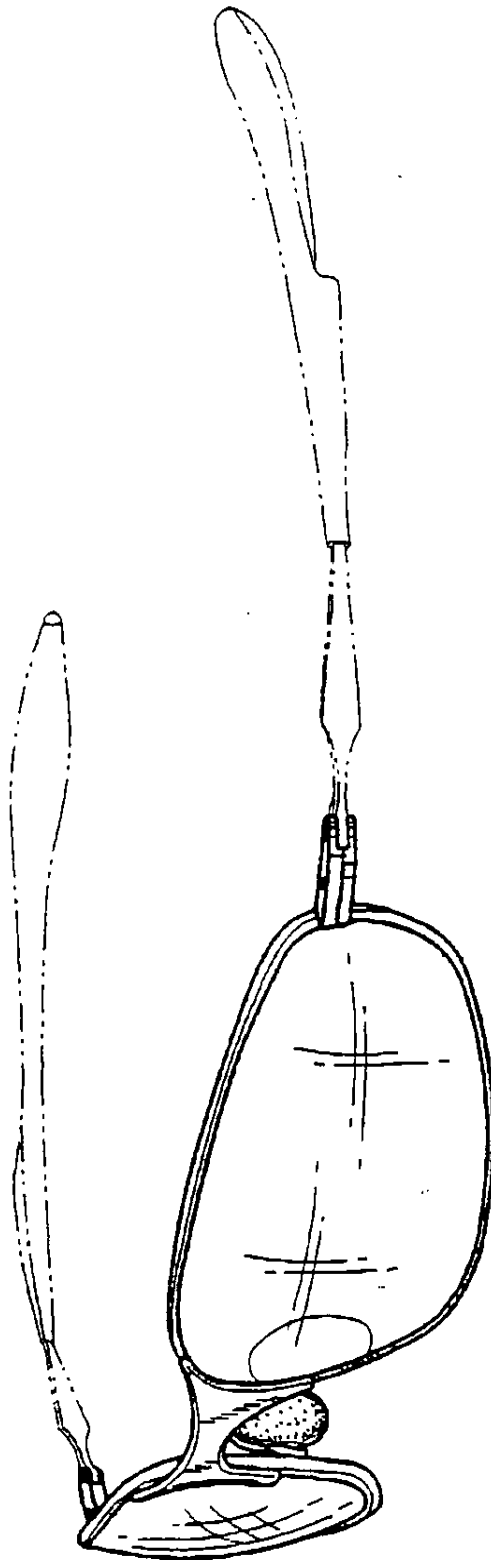


FIG. 1

U.S. Patent

Feb. 1, 2000

Sheet 2 of 12

Des. 420,036

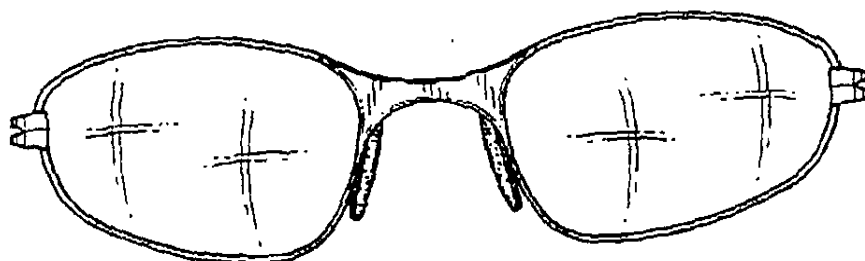


FIG. 2

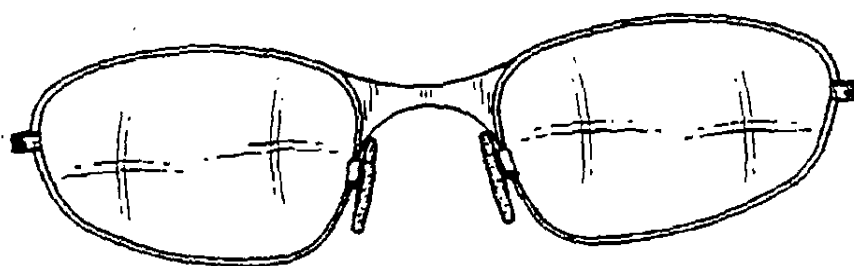


FIG. 3

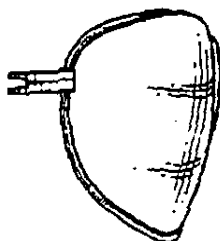


FIG. 4

U.S. Patent

Feb. 1, 2000

Sheet 3 of 12

Des. 420,036

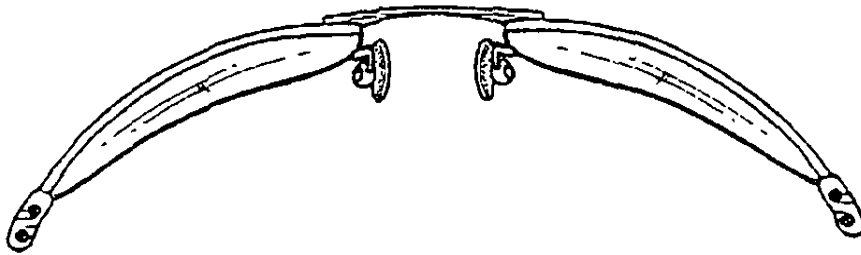


FIG. 5

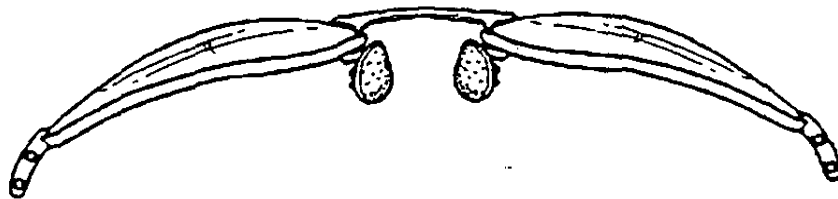


FIG. 6

U.S. Patent

Feb. 1, 2000

Sheet 4 of 12

Des. 420,036

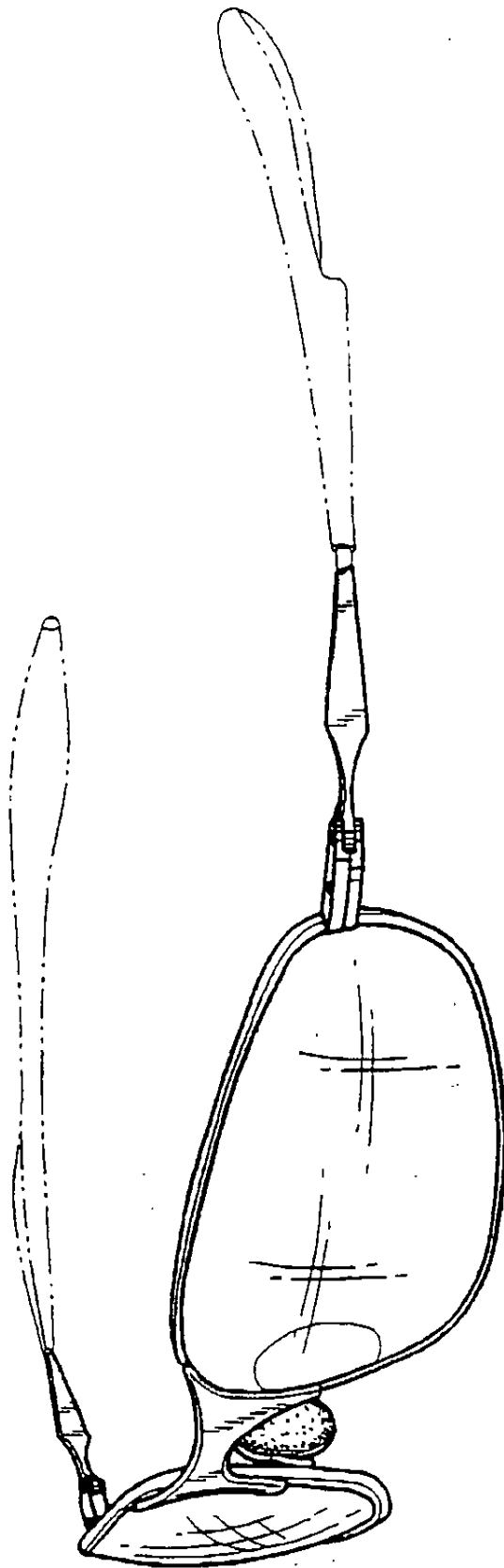


FIG. 7

U.S. Patent

Feb. 1, 2000

Sheet 5 of 12

Des. 420,036

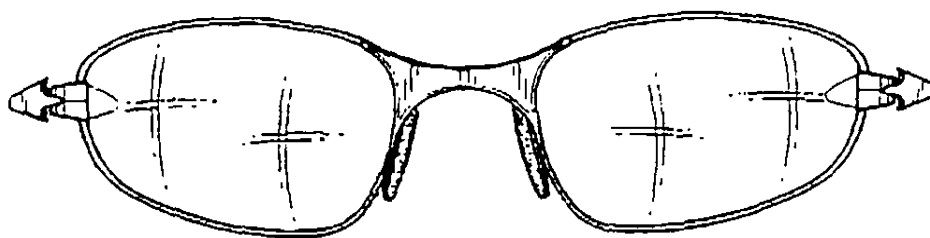


FIG. 8

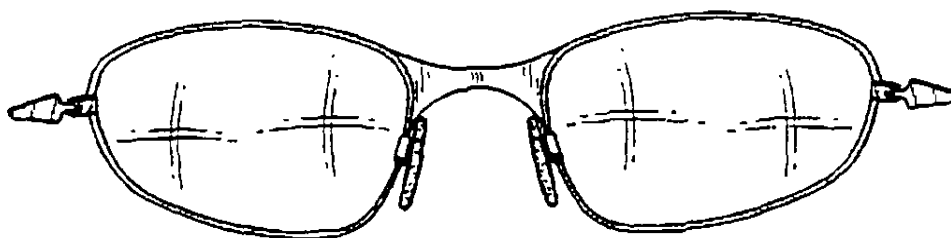


FIG. 9

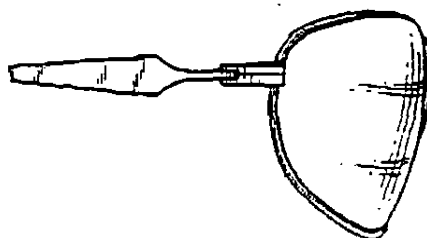


FIG. 10

U.S. Patent

Feb. 1, 2000

Sheet 6 of 12

Des. 420,036

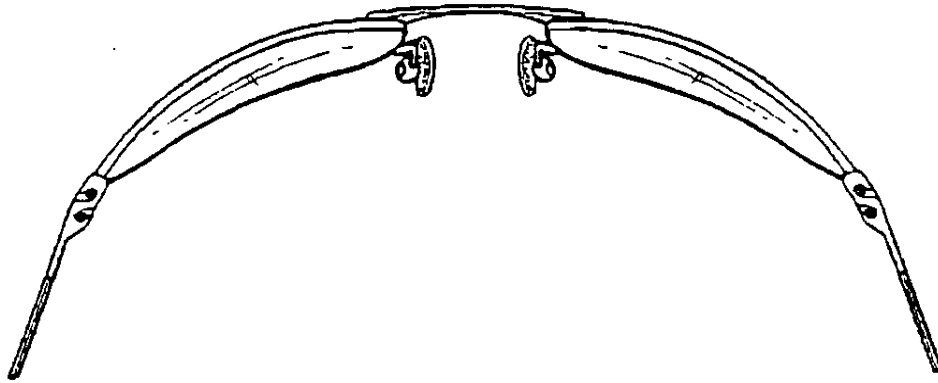


FIG. 11

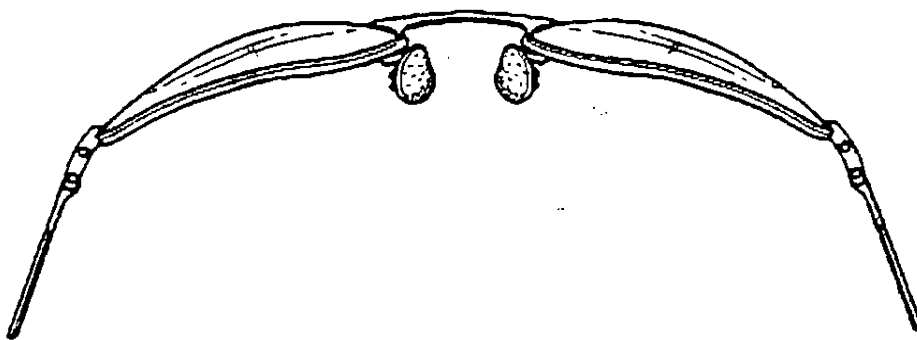


FIG. 12

U.S. Patent

Feb. 1, 2000

Sheet 7 of 12

Des. 420,036

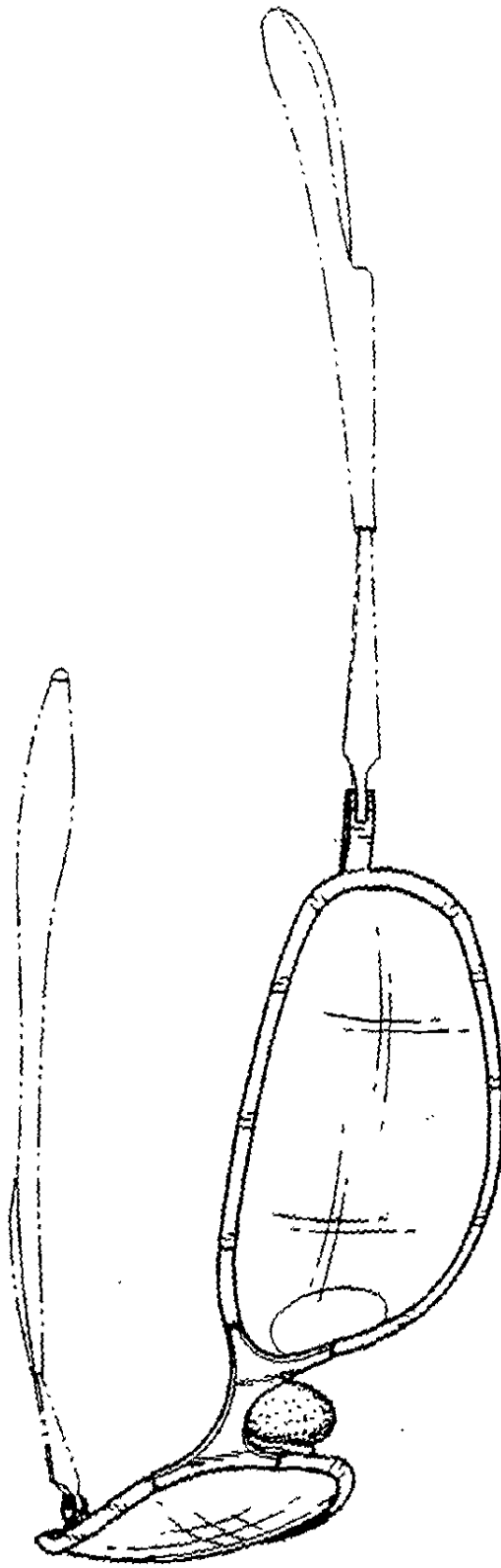


FIG. 13

U.S. Patent

Feb. 1, 2000

Sheet 8 of 12

Des. 420,036

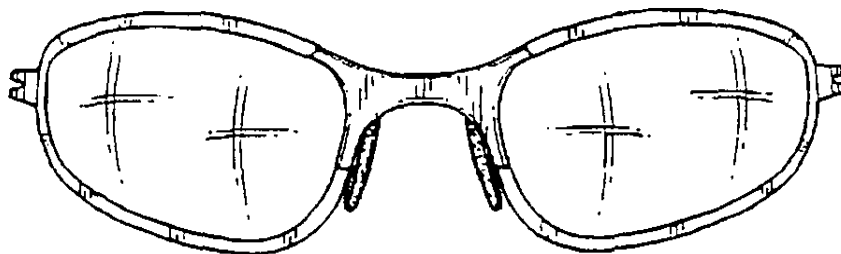


FIG. 14

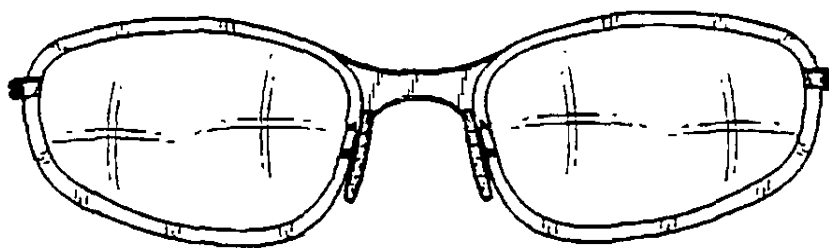


FIG. 15

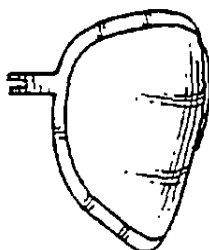


FIG. 16

U.S. Patent

Feb. 1, 2000

Sheet 9 of 12

Des. 420,036

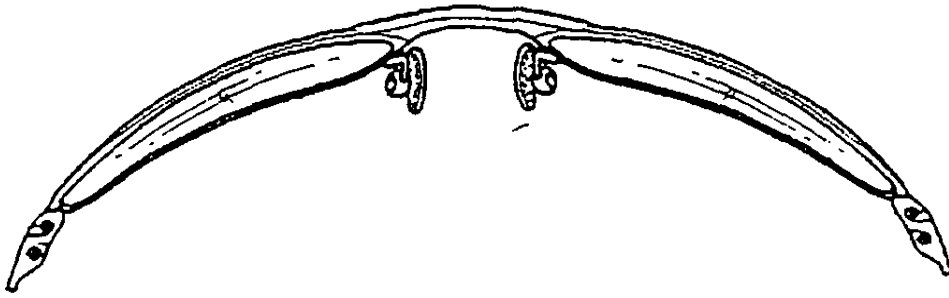


FIG. 17

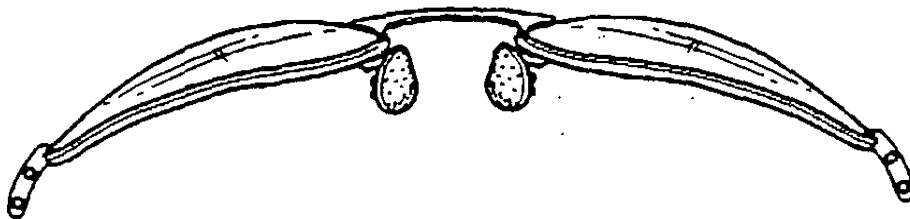


FIG. 18

U.S. Patent

Feb. 1, 2000

Sheet 10 of 12

Des. 420,036

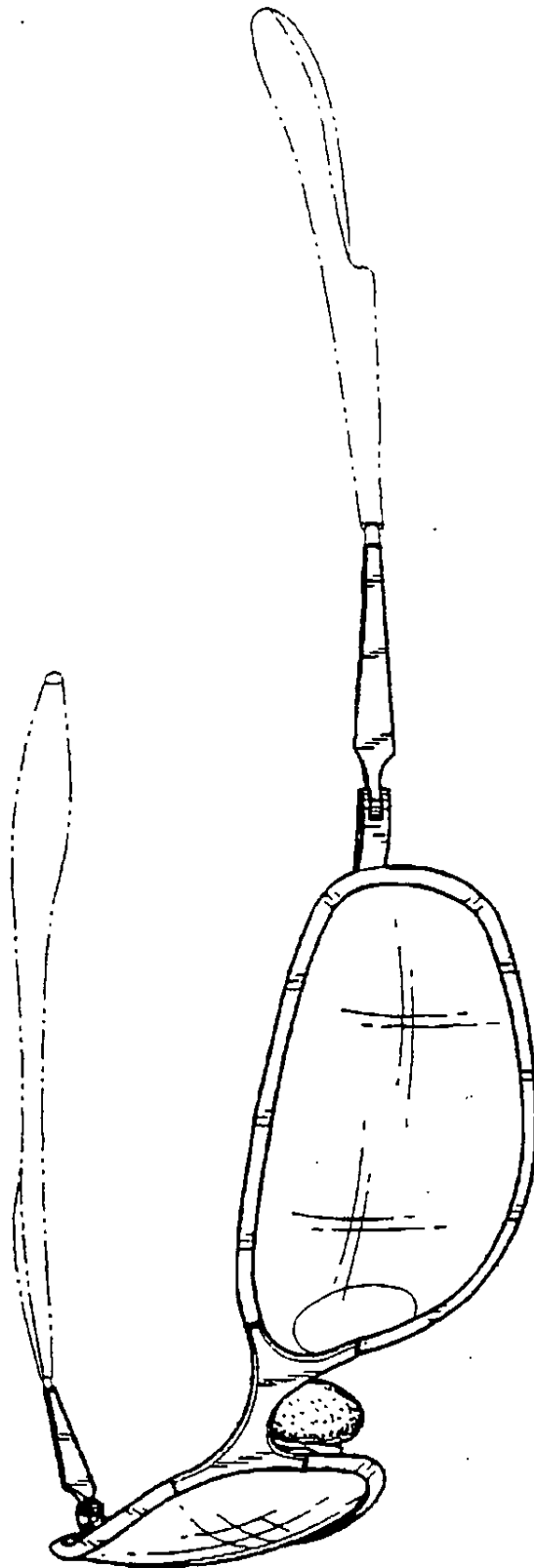


FIG. 19

U.S. Patent

Feb. 1, 2000

Sheet 11 of 12

Des. 420,036

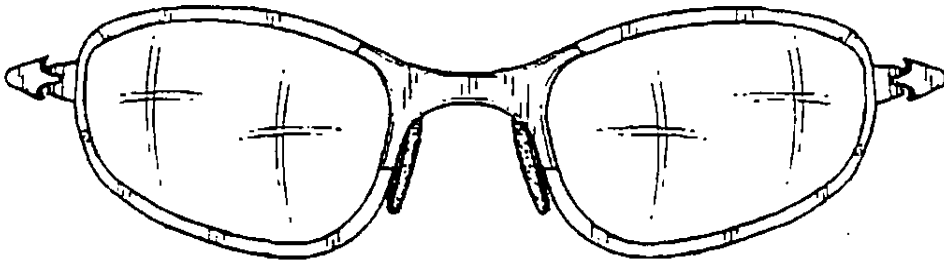


FIG. 20

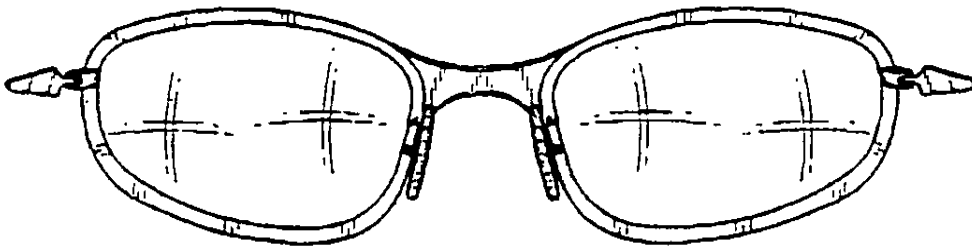


FIG. 21

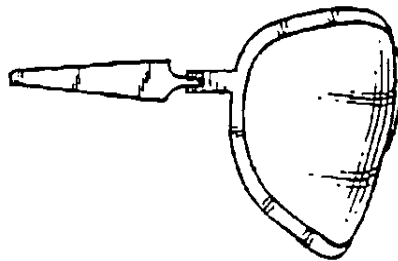


FIG. 22

U.S. Patent

Feb. 1, 2000

Sheet 12 of 12

Des. 420,036

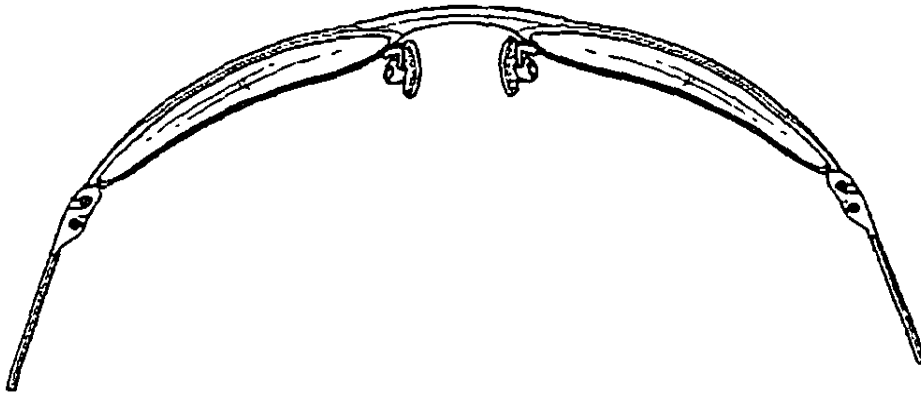


FIG. 23

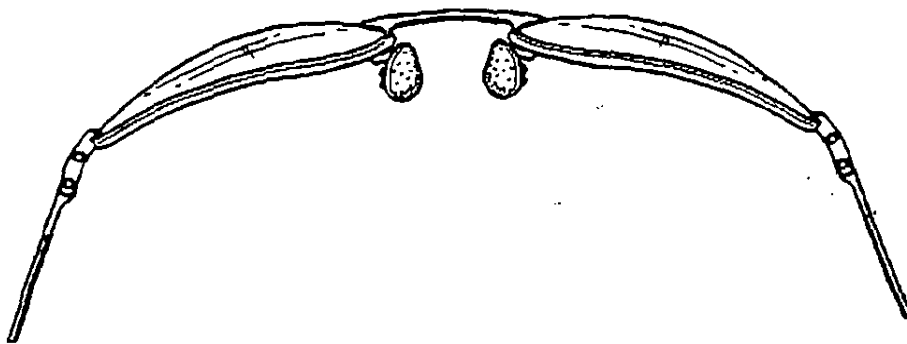


FIG. 24



United States Patent [19]
Jannard et al.

(11) Patent Number: Des. 376,381
(45) Date of Patent: **Dec: 10, 1996

[54] PAIR OF SPECTACLES WITHOUT
EARSTEMS

Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear

[75] Inventors: James H. Jannard, Eastsound, Wash.;
Hirofumi Nakano, Fukui, Japan

[57] CLAIM

The ornamental design for a pair of spectacles without
earstems, as shown and described.

[73] Assignee: Oakley, Inc., Irvine, Calif.

[**] Term: 14 Years

DESCRIPTION

[21] Appl. No.: 30,568

[22] Filed: Nov. 2, 1994

[52] U.S. Cl. D16/326; D16/330

[58] Field of Search D16/304, 306,
D16/307, 309, 310, 312, 314, 322-330,
332, 333, 335, 900; 351/44, 47, 51, 57,
58, 59, 158

FIG. 1 is a front perspective view of a pair of spectacles
without earstems showing our new design, the broken line
showing of the earstems is for illustrative purposes only and
forms no part of the claimed design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left-side elevational view thereof, the right-side
elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

[56] References Cited

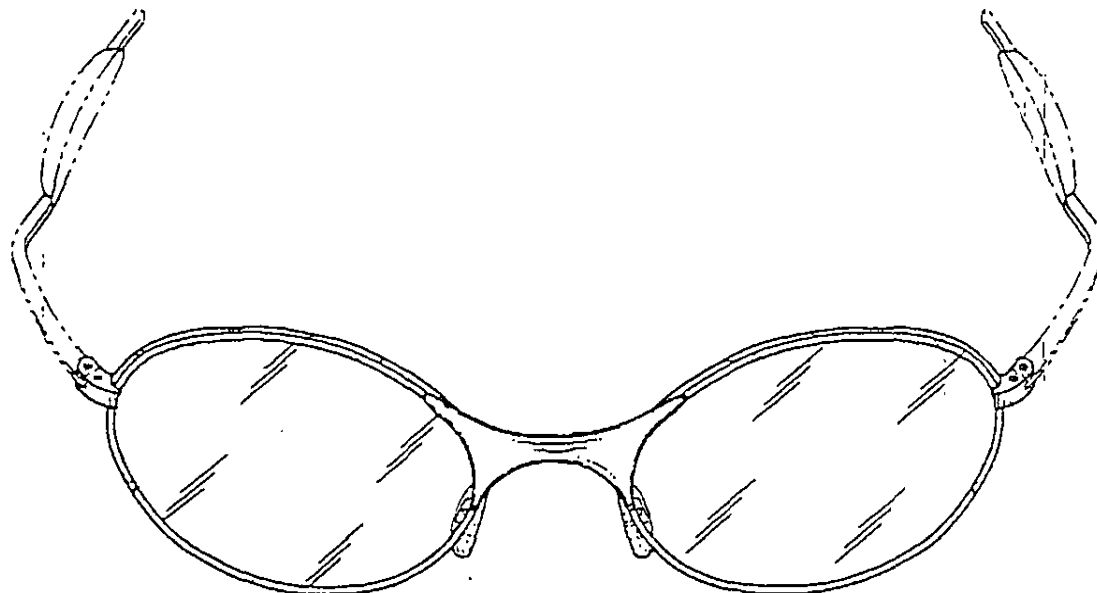
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D. 214,292 5/1969 Mitchell D16/326
D. 228,026 7/1973 Shindler D16/324

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Optometric Weekly Jun. 13, 1994, p. 23.
Optometric Weekly Jul. 5, 1973 p. 25.

1 Claim, 3 Drawing Sheets



U.S. Patent

Dec. 10, 1996

Sheet 1 of 3

Des. 376,381

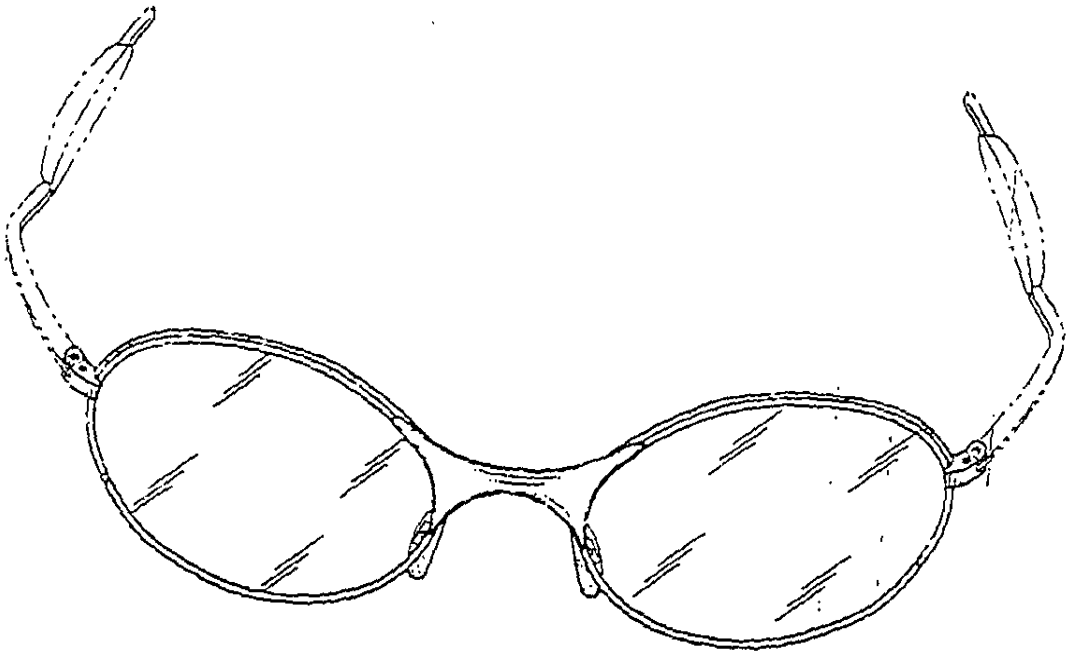


FIG. 1

130

U.S. Patent

Dec. 10, 1996

Sheet 2 of 3

Des. 376,381

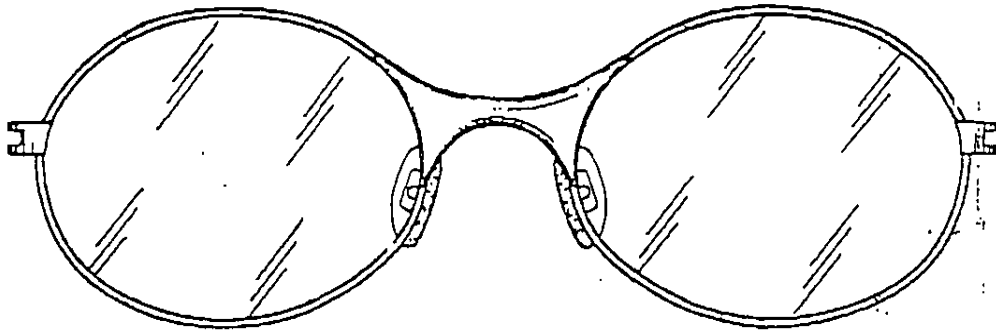


FIG. 2

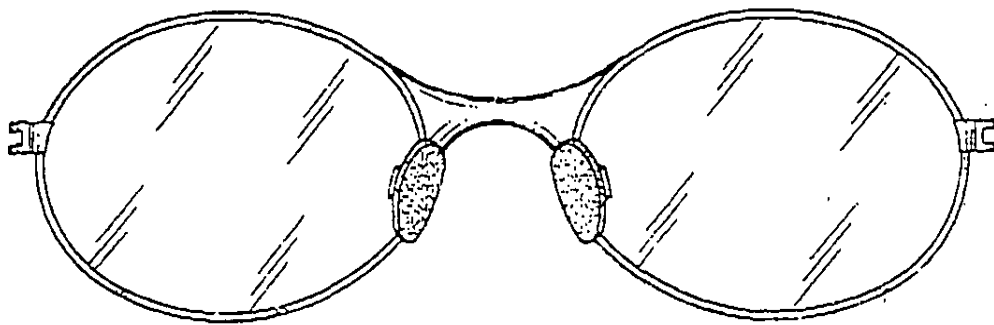


FIG. 3

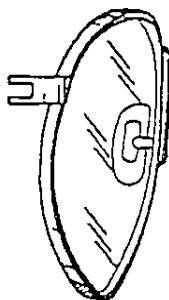


FIG. 4
131

U.S. Patent

Dec. 10, 1996

Sheet 3 of 3

Des. 376,381

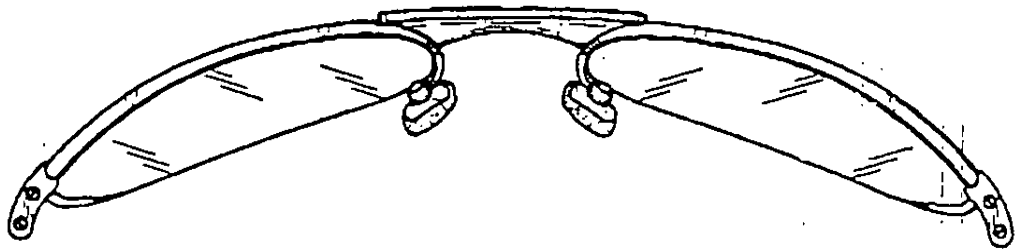


FIG. 5

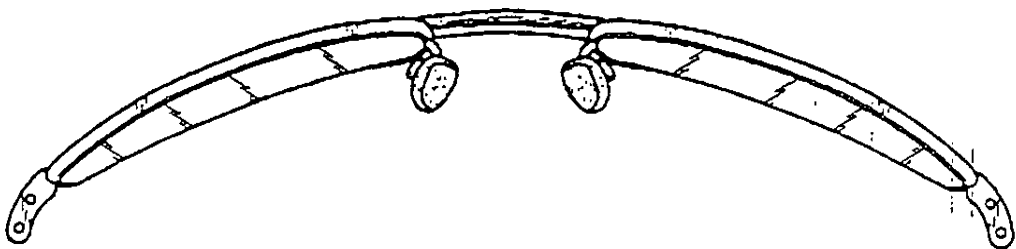


FIG. 6



US00D446804B1

(12) **United States Design Patent**
Thixton et al.

(10) Patent No.: **US D446,804 S**

(45) Date of Patent: **Aug. 21, 2001**

- (54) **EYEGLASS FRONT**
- (75) Inventors: **Lek Thixton, Eastsound, WA (US);
 Peter Yee, Irvine, CA (US)**
- (73) Assignee: **Oakley, Inc., Foothill Ranch, CA (US)**
- (**) Term: **14 Years**
- (21) Appl. No.: **29/134,653**
- (22) Filed: **Dec. 21, 2000**
- (51) LOC (7) Cl. **16-06**
- (52) U.S. Cl. **D16/326**
- (58) Field of Search **D16/101, 300-330;
 D29/109, 110; 351/41, 44, 51, 52, 158;
 2/447, 448**

- D. 371.152 6/1996 Simioni et al. .
- D. 371.383 7/1996 Goldman .
- D. 373.781 9/1996 Simioni et al. .
- D. 376.381 12/1996 Jannard et al. .
- D. 388.816 1/1998 Jannard et al. .
- D. 392.662 3/1998 Jannard et al. .
- D. 397.132 8/1998 Yee .
- D. 399.240 10/1998 Jannard et al. .
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(List continued on next page.)

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Macy's Catalog, P26, Jul. 1997*
 Asia Pacific Trading Company, Inc., "Asia Pacific 1999-2000", p. 2 (model in middle of second row), p. 21 (model on right of third row), p. 22 (model on right of fourth row), p. 23 (model on left of bottom row), p. 25 (model on right of sixth row), unknown publisher and publishing date. Photograph of Foster Grant sunglass ("Malibu" model), obtained by Oakley in Aug. 2000. (2 photographs total). Unknown advertisement, sunglass model 258.

Primary Examiner—Raphael Barkai
 (74) *Attorney, Agent, or Firm*—Gregory Nelson

(57) **CLAIM**

The ornamental design for an eyeglass front, as shown and described.

DESCRIPTION

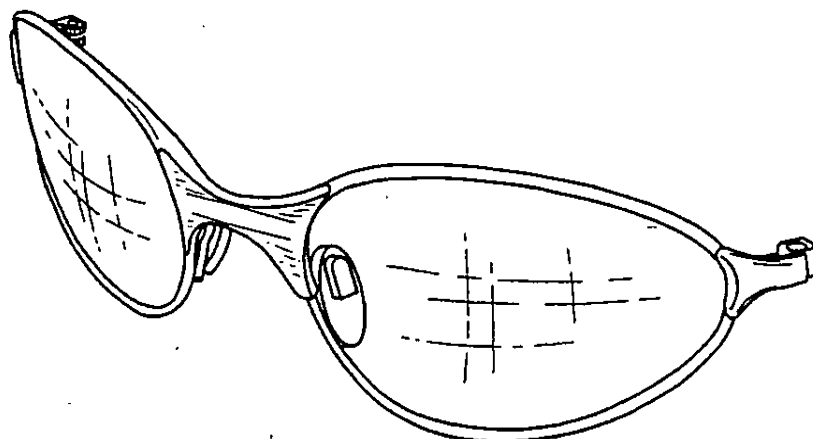
FIG. 1 is a front perspective view of the eyeglass front of the present invention;
 FIG. 2 is a left-side elevational view thereof;
 FIG. 3 is a right-side elevational view thereof;
 FIG. 4 is a front elevational view thereof;
 FIG. 5 is a rear elevational view thereof;
 FIG. 6 is a top plan view thereof; and,
 FIG. 7 is a bottom plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets

(56) **References Cited**

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- D. 116.259 8/1939 Cook .
- D. 145.288 7/1946 DiCicco .
- D. 158.987 6/1950 Lowres .
- D. 167.704 9/1952 McCardell .
- D. 168.903 2/1953 Neary .
- D. 169.724 6/1953 Bauer et al. .
- D. 189.436 12/1960 Carmichael .
- D. 198.719 7/1964 McCulloch .
- D. 198.939 8/1964 Huggins .
- D. 200.391 2/1965 Baratelli .
- D. 204.417 4/1966 Shindler .
- D. 204.418 4/1966 Ramp .
- D. 204.496 4/1966 McCulloch .
- D. 205.419 8/1966 Griss .
- D. 209.095 10/1967 Ramp .
- D. 214.292 5/1969 Mitchell .
- D. 228.026 7/1973 Schindler .
- D. 300.226 3/1989 Ramp .
- D. 342.534 12/1993 Jannard et al. .
- D. 343.182 1/1994 Jannard .
- D. 344.281 2/1994 Jannard et al. .
- D. 365.591 12/1995 Jannard et al. .
- D. 366.890 2/1996 Arnette .
- D. 366.891 2/1996 Arnette .
- D. 369.614 5/1996 Fukachi .



U.S. Patent

Aug. 21, 2001

Sheet 1 of 4

US D446,804 S

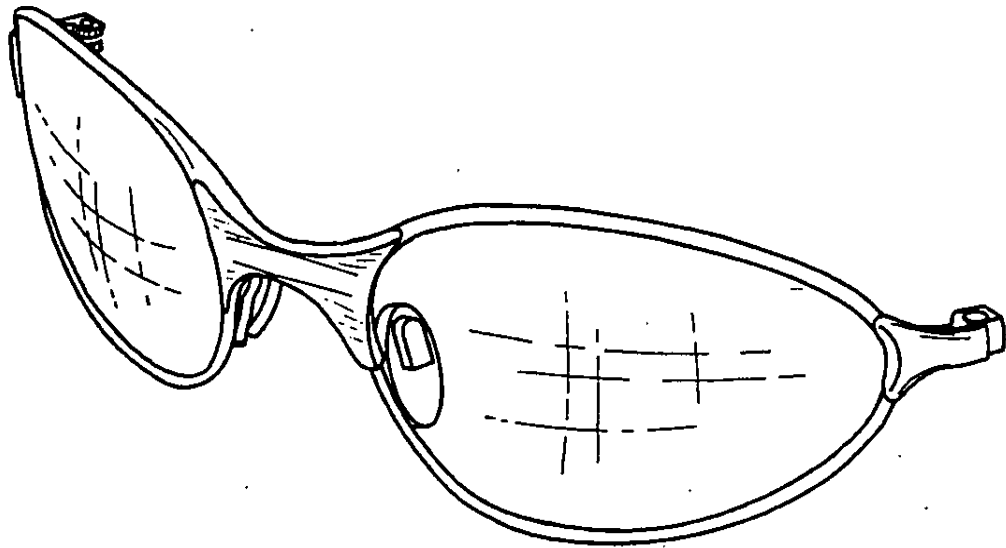


Fig. 1

U.S. Patent

Aug. 21, 2001

Sheet 3 of 4

US D446,804 S

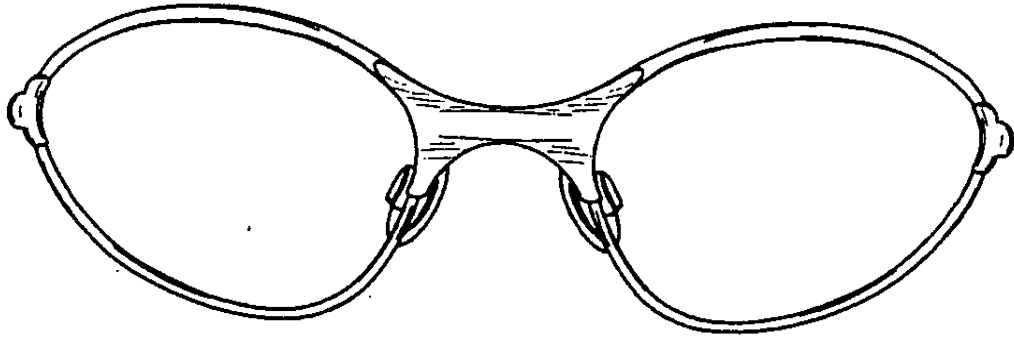


Fig. 4

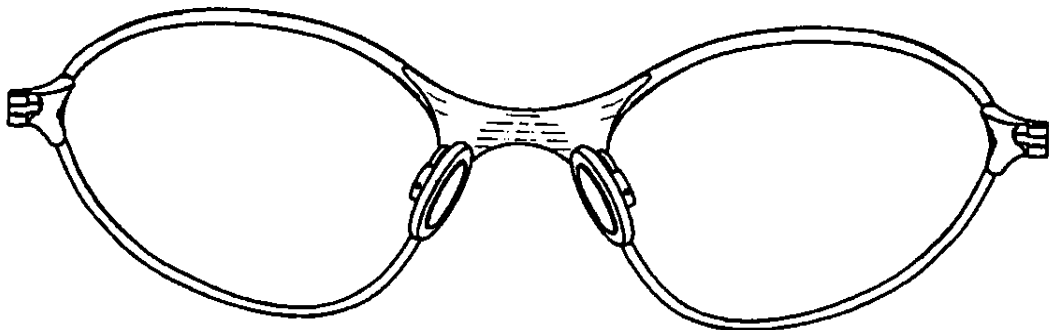


Fig. 5



US00D425103S

United States Patent [19]
Yee et al.

[11] **Patent Number:** **Des. 425,103**
 [45] **Date of Patent:** **** May 16, 2000**

[54] **EYEGLASSES**

[75] **Inventors:** Peter Yee, Irvine, Calif.; James H. Jannard, Eastsound, Wash.

[73] **Assignee:** Oakley, Inc., Foothill Ranch, Calif.

[**] **Term:** 14 Years

[21] **Appl. No.:** 29/096,524

[22] **Filed:** Nov. 13, 1998

[51] **LOC (7) Cl. 16-06**

[52] **U.S. Cl. D16/326**

[58] **Field of Search D16/101, 300-330;**
 D29/109, 110; 351/41, 44, 51, 52, 158;
 2/447, 448

3,552,640 1/1971 Bruger .
 3,684,356 8/1972 Baes .
 5,541,674 7/1996 Jannard .

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 B.B. sol. "Lunettes de Soleil." 1989.
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 B.B. sol. "Protege Vos Yeux." 1993.
 Magazine, "Surfing." Aug. 1993.
 Berthet-Bondet, "Protege Vos Yeux." 1994.
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 Catalogue, Frames, Summer 1996.
 Frames. "Sun & Sport Eyewear." Fall 1996.
 Alpina. "High Impact." Ski & Sport Glasses by Alpina.
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 Catalogue, "Frames-Winter 1997".
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 Catalogue, B.B. Sol. "Lunetterie Berthet-Bondet." pp.
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 Catalogue, Sunglass Hut International. "Revo Miracles Hap-
 pen . . ." pp. 1-7.
 Optical Journal Review, p. 52, Apr. 1, 1964.
 Advertisement, Baby 1, Baby 2, 536.
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Primary Examiner—Raphael Barkai
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear,
 LLP

[57] **CLAIM**

The ornamental design for eyeglasses, as shown and described.

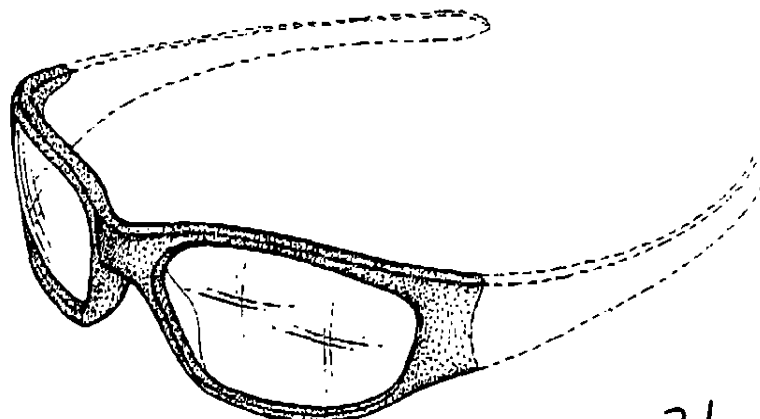
DESCRIPTION

FIG. 1 is a front perspective view of eyeglasses of the present invention:

[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 116,259 4/1939 Cook .
- D. 167,704 9/1952 McCardell .
- D. 196,000 8/1963 McNeill et al. .
- D. 198,939 8/1964 Higgins .
- D. 202,129 8/1965 Mitchell .
- D. 204,418 4/1966 Ramp .
- D. 205,419 8/1966 Griss .
- D. 206,353 11/1966 Bloch .
- D. 323,516 1/1992 Mikirarian .
- D. 347,014 5/1994 Arnette .
- D. 369,375 4/1996 Jannard et al. .
- D. 371,383 7/1996 Goldman .
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- D. 380,766 7/1997 Simioni .
- D. 384,686 10/1997 Jannard et al. .
- D. 385,291 10/1997 Jannard et al. .
- D. 389,504 1/1998 Simioni .
- D. 392,307 3/1998 Wilson .
- D. 397,350 8/1998 Jannard et al. D16/326
- D. 399,239 10/1998 Jannard et al. D16/326
- D. 404,754 1/1999 Yee et al. D16/326
- 2,442,283 6/1948 Blasi .
- 2,561,402 7/1951 Nelson .
- 2,901,752 9/1959 Granger .
- 3,155,982 11/1964 Baratelli .
- 3,156,756 11/1964 Seaver .
- 3,476,466 11/1969 Hopkins .
- 3,526,449 9/1970 Belle et al. .



Des. 425,103

Page 2

FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left-side elevational view thereof, the right-side
elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof;
FIG. 6 is a bottom plan view thereof;
FIG. 7 is a front perspective view of a modified embodiment
of the design shown in FIGS. 1-6;

FIG. 8 is a front elevational view thereof;
FIG. 9 is a rear elevational view thereof;
FIG. 10 is a left-side elevational view thereof, the right-side
elevational view being a mirror image thereof;
FIG. 11 is a top plan view thereof; and,
FIG. 12 is a bottom plan view thereof.

1 Claim, 6 Drawing Sheets

U.S. Patent

May 16, 2000

Sheet 1 of 6

Des. 425,103

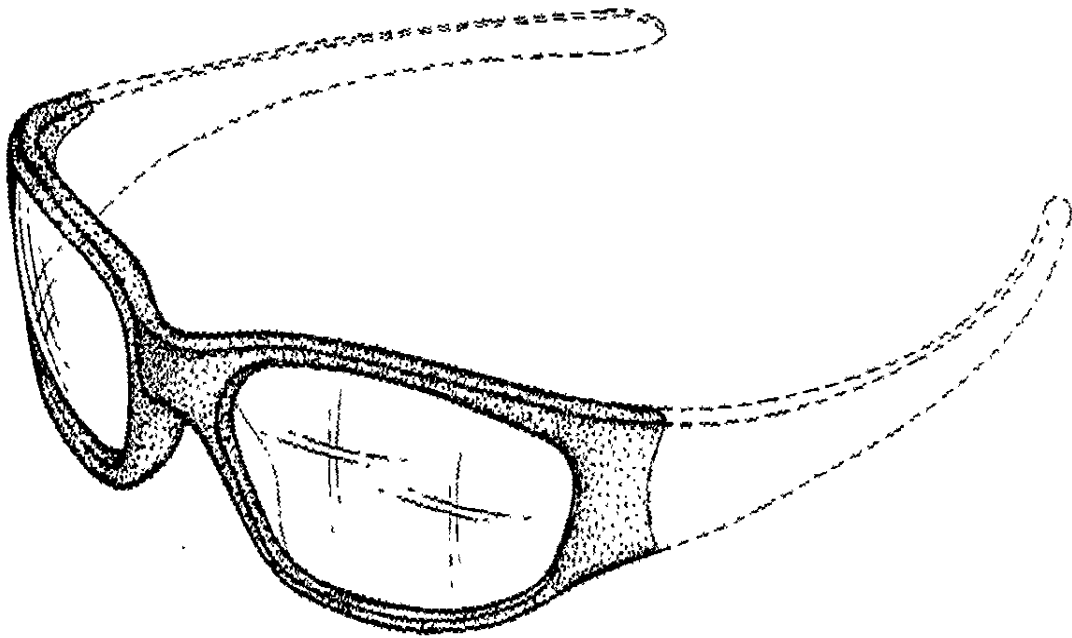


FIG. 1

U.S. Patent

May 16, 2000

Sheet 2 of 6

Des. 425,103

FIG. 2

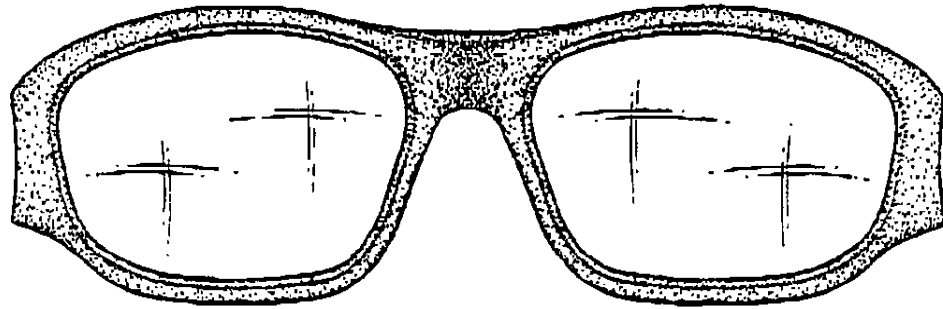


FIG. 3

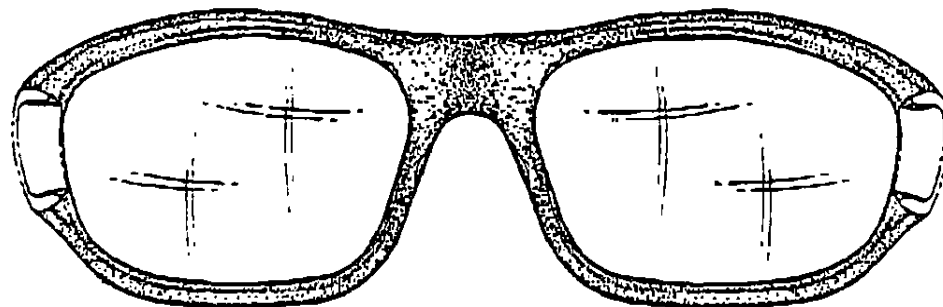
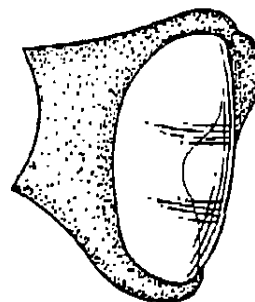


FIG. 4



U.S. Patent

May 16, 2000

Sheet 3 of 6

Des. 425,103

FIG. 5

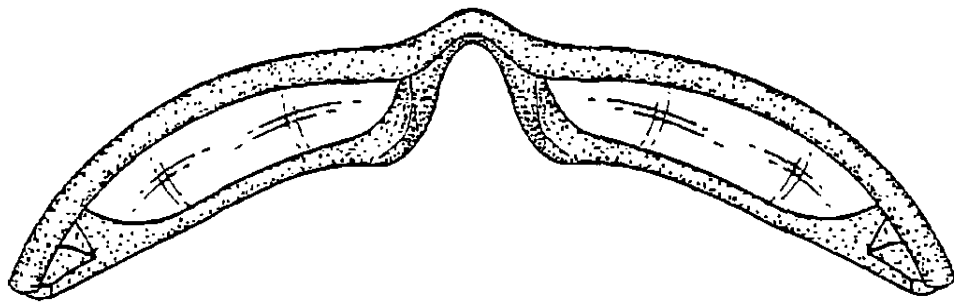
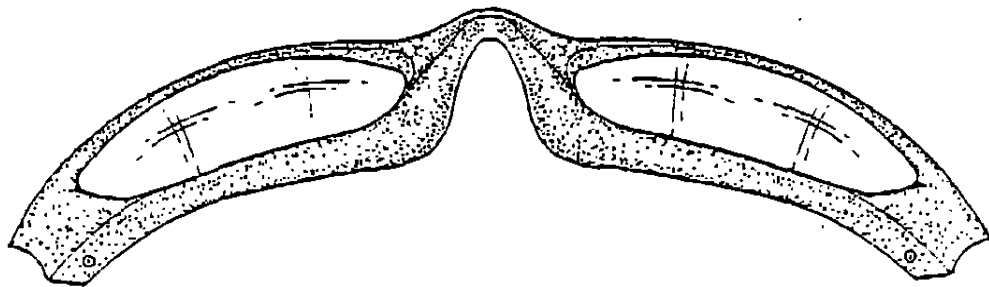


FIG. 6



U.S. Patent

May 16, 2000

Sheet 4 of 6

Des. 425,103

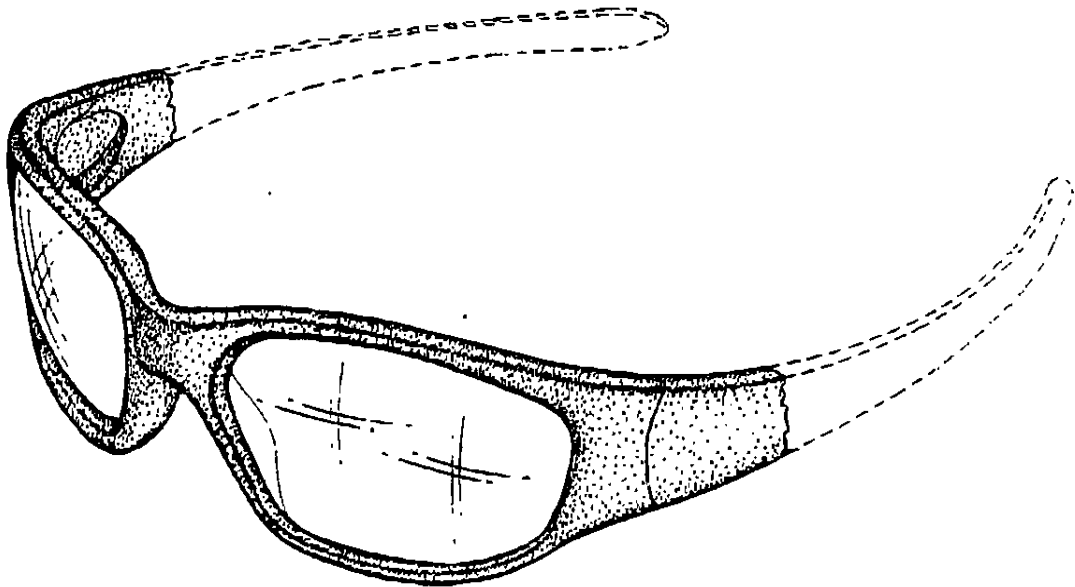


FIG. 7

U.S. Patent

May 16, 2000

Sheet 5 of 6

Des. 425,103

FIG. 8

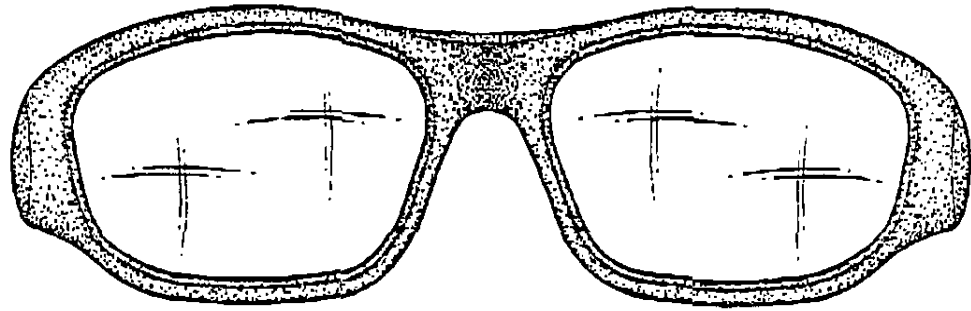


FIG. 9

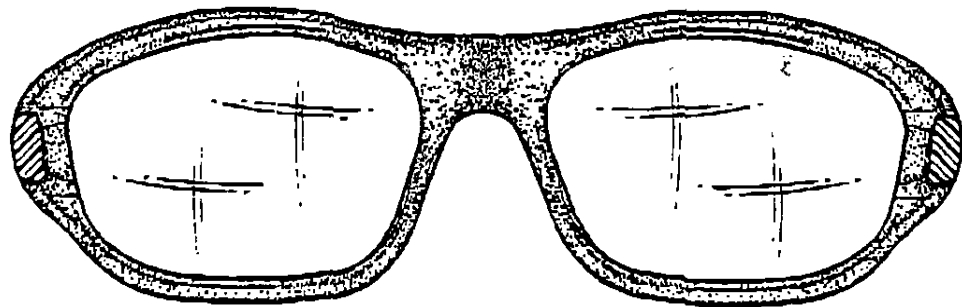
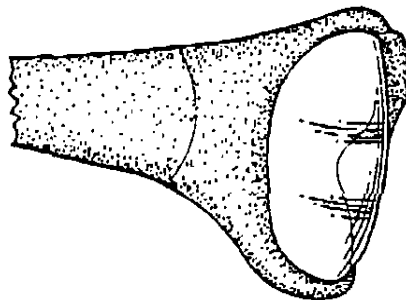


FIG. 10



U.S. Patent

May 16, 2000

Sheet 6 of 6

Des. 425,103

FIG. 11

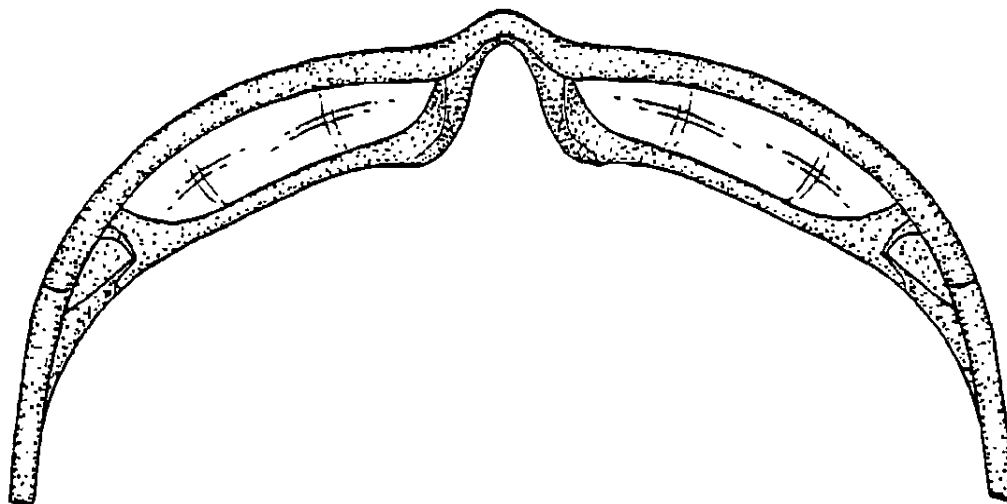
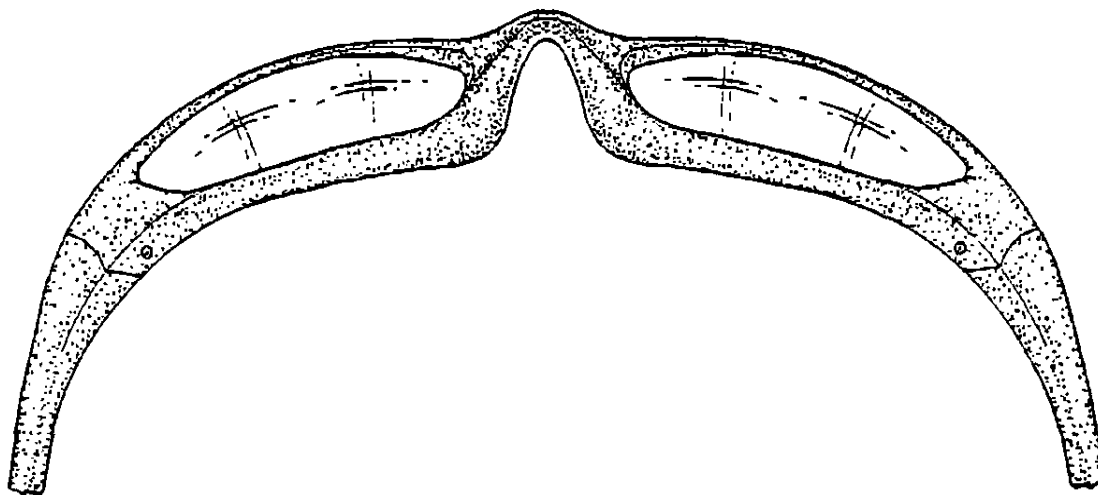


FIG. 12





US00D470166S

(12) **United States Design Patent** (10) Patent No.: **US D470,166 S**
 Yee et al. (45) Date of Patent: **Feb. 11, 2003**

(54) **EYEGLOSS COMPONENTS**

FOREIGN PATENT DOCUMENTS

(75) Inventors: **Peter Yee**, Irvine, CA (US); **Colin Baden**, Irvine, CA (US); **James H. Jannard**, Spieden Island, WA (US)

GB 1184347 2/1968

OTHER PUBLICATIONS

(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)

B.B. Sol—Les lunettes/sonr equipees de verres SOVIREL (1971).

(**) Term: **14 Years**

B.B. Sol—Lunetes de Soleil (1986).

Berther—Bonder (1995).

(21) Appl. No.: **29/146,178**

U.S. patent application Ser. No. 29/134,653, Thixton et al., filed Dec. 21, 2000, pending.

(22) Filed: **Aug. 3, 2001**

U.S. patent application Ser. No. 29/142,309, Thixton et al., filed May 23, 2001, pending.

(51) **LOC (7) Cl.** **16-06**

* cited by examiner

(52) **U.S. Cl.** **D16/326; D16/327**

Primary Examiner—Raphael Barkai

(58) **Field of Search** **D16/300–330, D16/101; 351/41, 44, 51, 52, 90, 158; 2/447, 448**

(74) Attorney, Agent, or Firm—Gregory Nelson

(57) **CLAIM**

(56) **References Cited**

The ornamental design for eyeglass components, as shown and described.

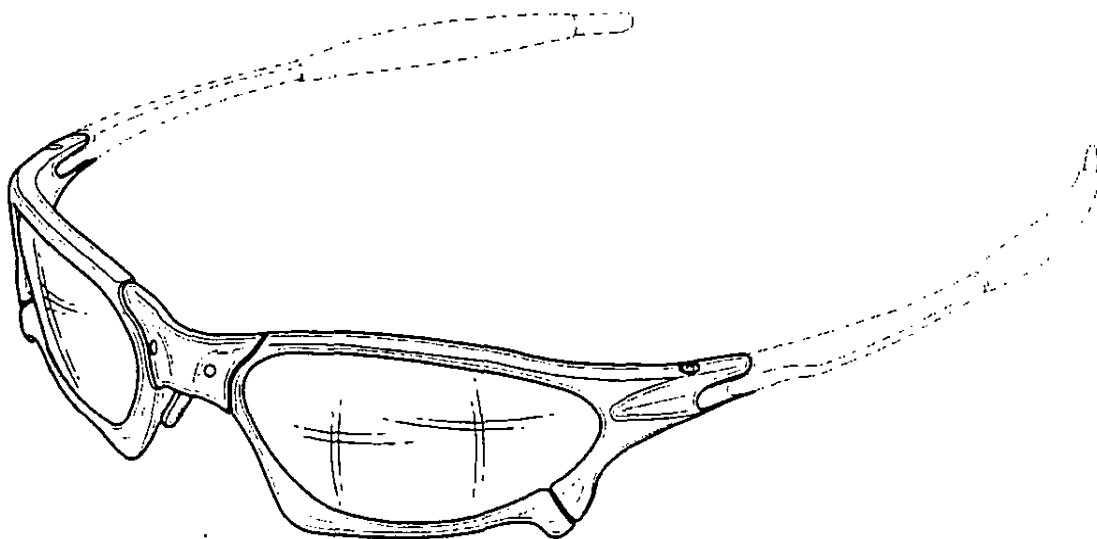
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D446,803 S	* 8/2001	Jannard et al.	D16/326

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass components of the present invention;
 FIG. 2 is a front elevational view thereof;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;
 FIG. 5 is a top plan view thereof; and
 FIG. 6 is a bottom plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 3 Drawing Sheets



U.S. Patent

Feb. 11, 2003

Sheet 1 of 3

US D470,166 S

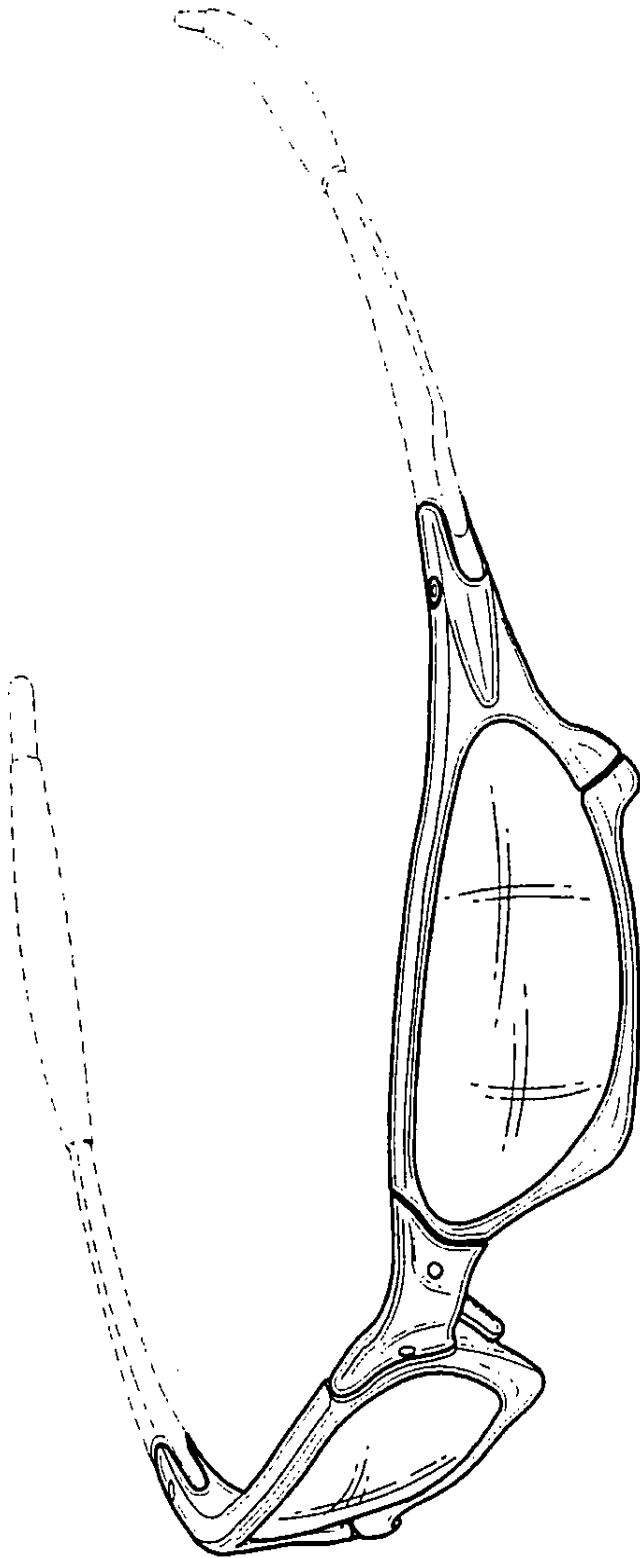


FIG. 1

U.S. Patent

Feb. 11, 2003

Sheet 2 of 3

US D470,166 S

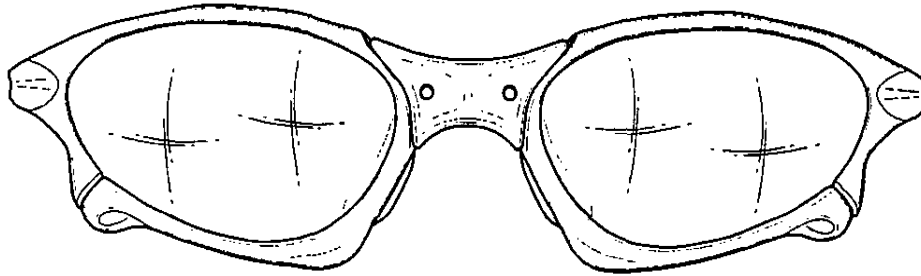


FIG. 2

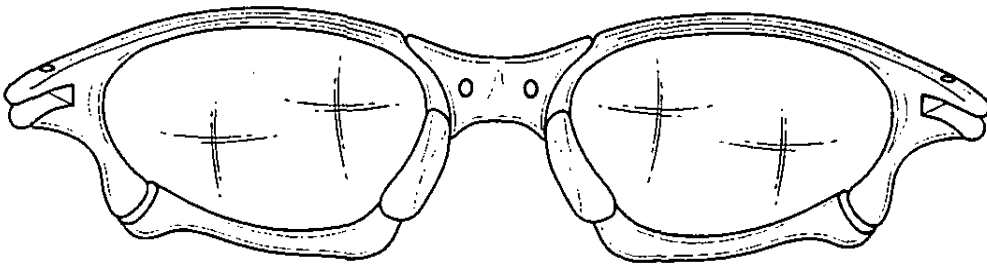


FIG. 3

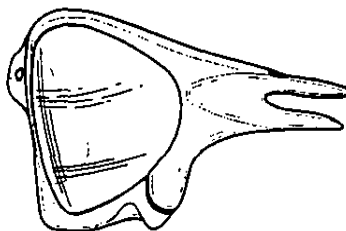


FIG. 4

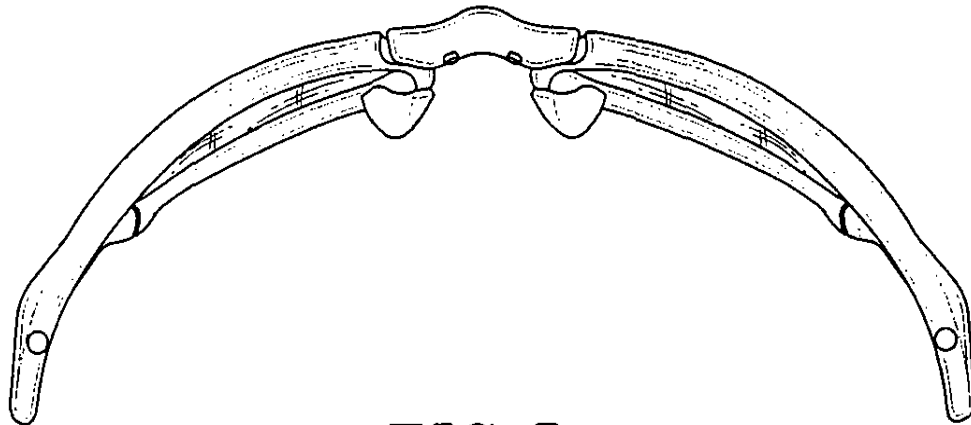


FIG. 5

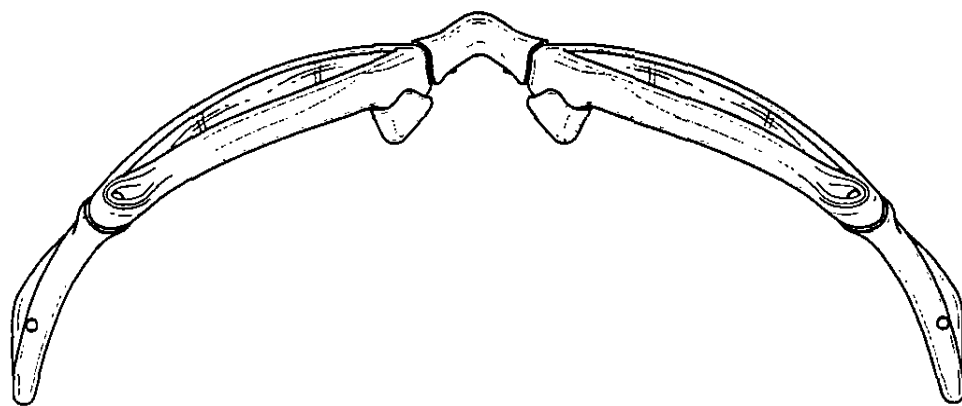


FIG. 6



US00D404754S

United States Patent [19]

[11] **Patent Number:** Des. 404,754

Yee et al.

[45] **Date of Patent:** **Jan. 26, 1999

[54] **EYEGLASS FRONT**

[75] **Inventors:** Peter Yee, Irvine, Calif.; James H. Jannard, Eastsound, Wash.

[73] **Assignee:** Oakley, Inc., Foothill Ranch, Calif.

[**] **Term:** 14 Years

[21] **Appl. No.:** 84,911

[22] **Filed:** Mar. 12, 1998

[51] **LOC (6) Cl.** 16-06

[52] **U.S. Cl.** D16/326

[58] **Field of Search** D16/101, 300-330;
351/41, 44, 51, 52, 158, 83; 2/447, 448

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Primary Examiner—Raphael Barkai
Attorney Agent, or Firm—Knobbe, Martens, Olson & Bear, LLP

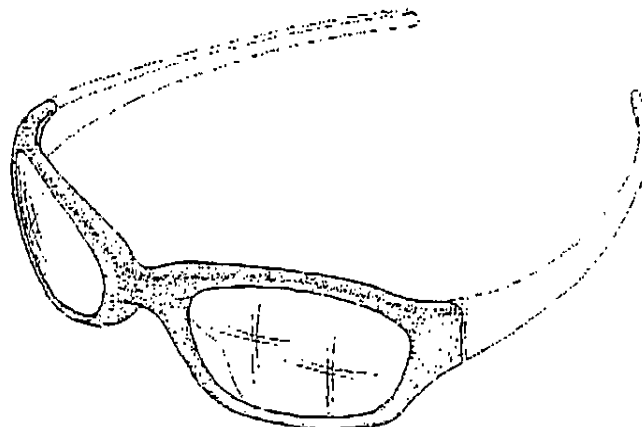
[57] **CLAIM**

The ornamental design for eyeglass front, as shown and described.

DESCRIPTION

- FIG. 1 is perspective view of eyeglass front of the present invention;
- FIG. 2 is a front elevational view thereof;
- FIG. 3 is a rear elevational view thereof;
- FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
- FIG. 5 is a top plan view thereof;
- FIG. 6 is a bottom plan view thereof;
- FIG. 7 is a perspective view of a modified embodiment of the design shown in FIGS. 1-16.
- FIG. 8 is an front elevational view thereof;
- FIG. 9 is a rear elevational view thereof;
- FIG. 10 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
- FIG. 11 is a top plan view thereof; and
- FIG. 12 is a bottom plan view thereof.

1 Claim, 6 Drawing Sheets



U.S. Patent

Jan. 26, 1999

Sheet 1 of 6

Des. 404,754

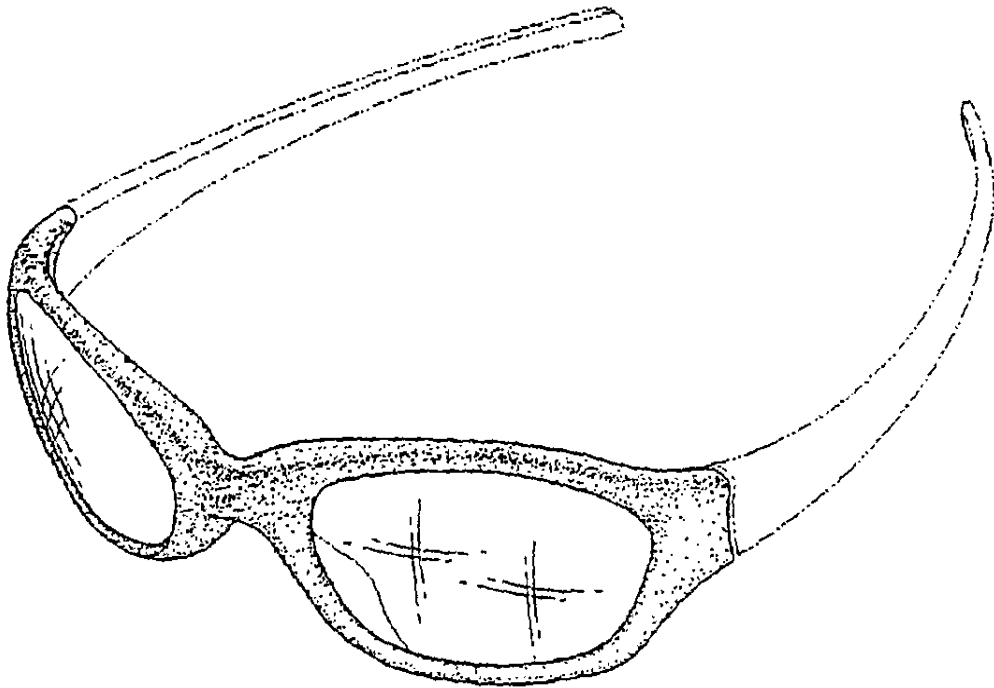


FIG. 1

U.S. Patent

Jan. 26, 1999

Sheet 2 of 6

Des. 404,754

FIG. 2

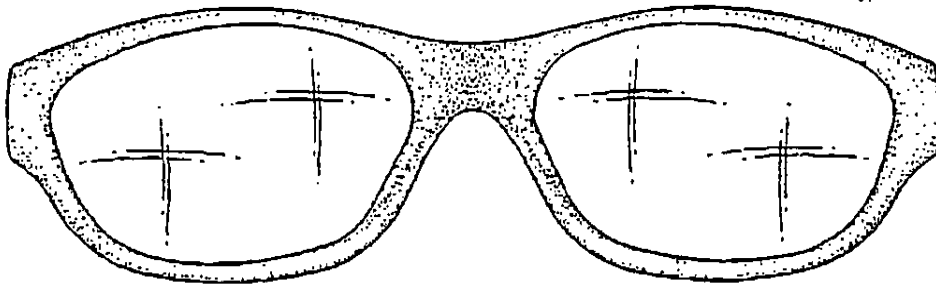


FIG. 3

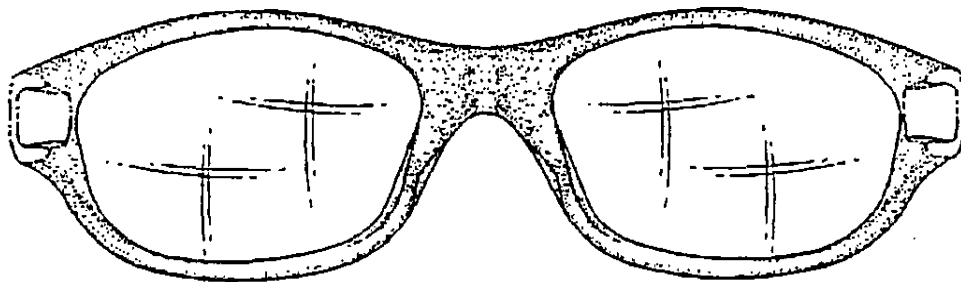
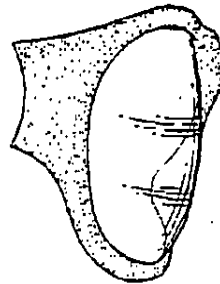


FIG. 4



U.S. Patent

Jan. 26, 1999

Sheet 3 of 6

Des. 404,754

FIG. 5

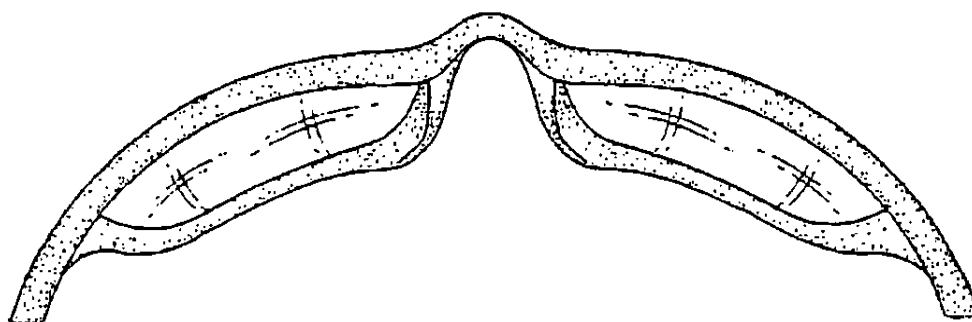
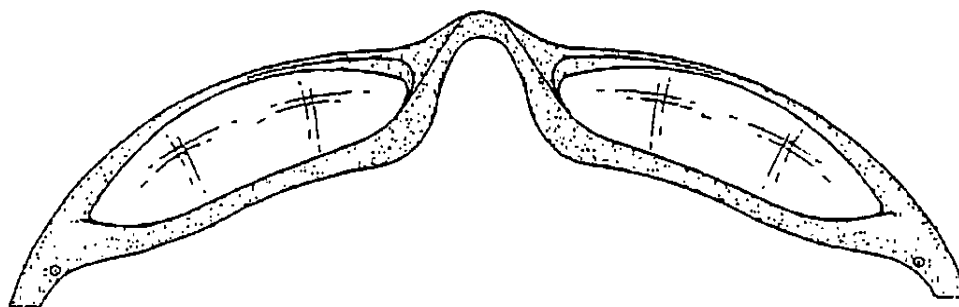


FIG. 6



U.S. Patent

Jan. 26, 1999

Sheet 4 of 6

Des. 404,754

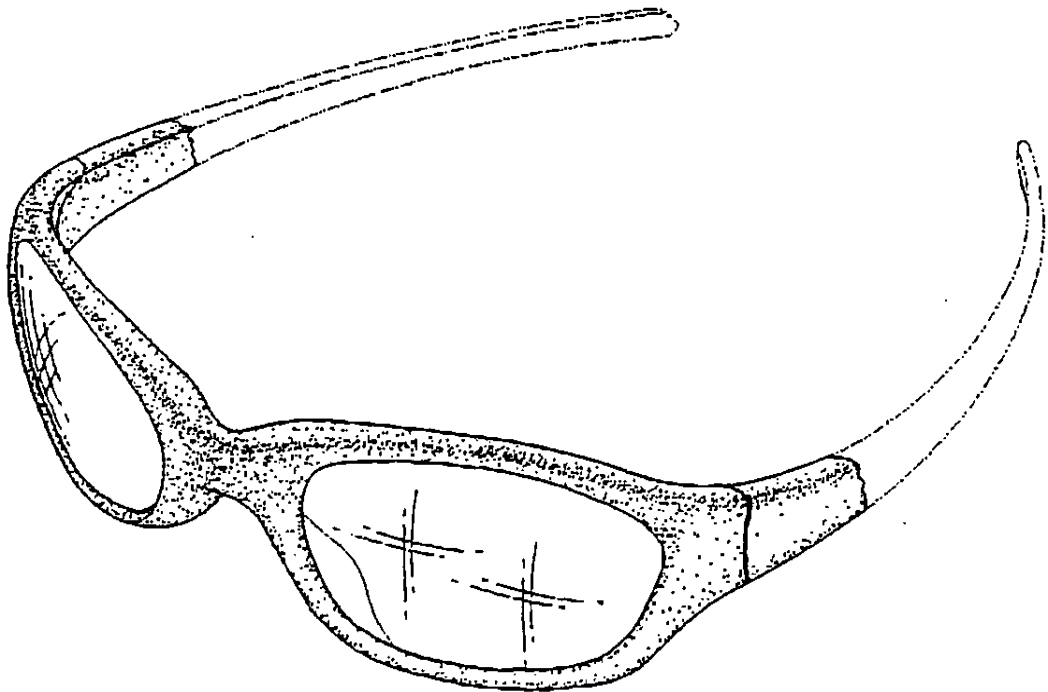


FIG. 7

U.S. Patent

Jan. 26, 1999

Sheet 5 of 6

Des. 404,754

FIG. 8

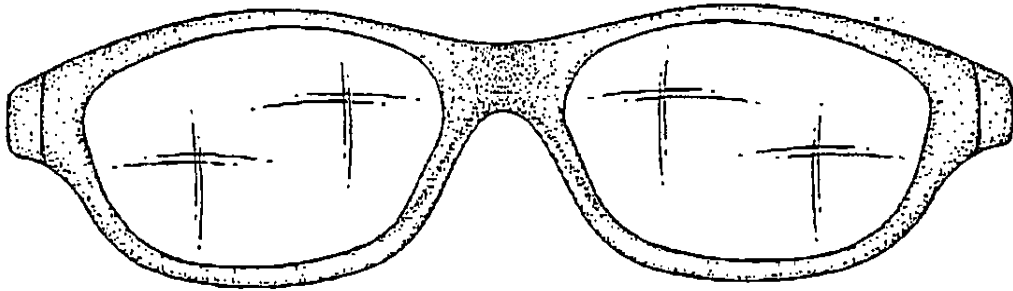


FIG. 9

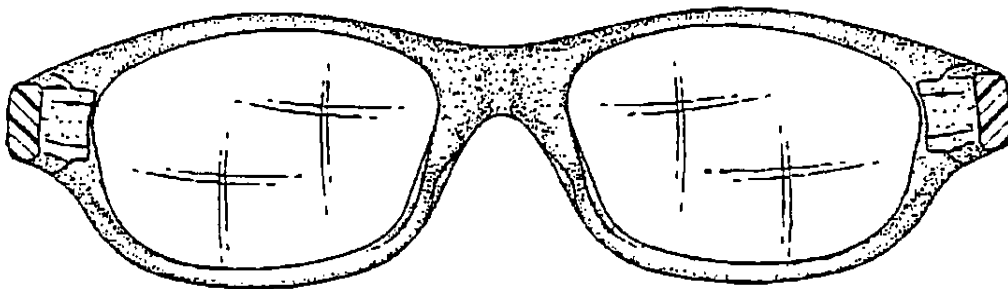
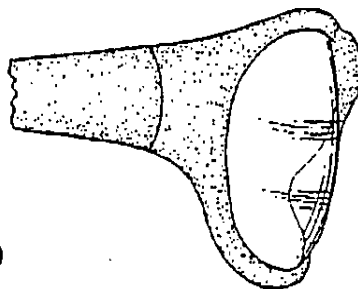


FIG. 10



U.S. Patent

Jan. 26, 1999

Sheet 6 of 6

Des. 404,754

FIG. 11

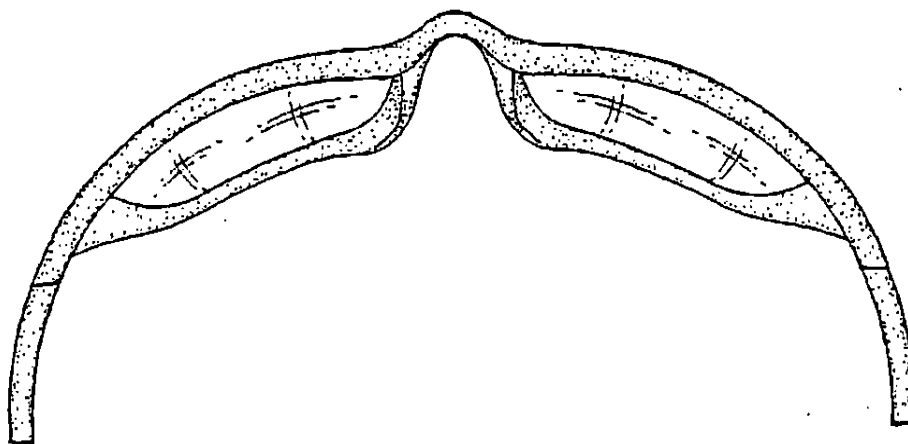
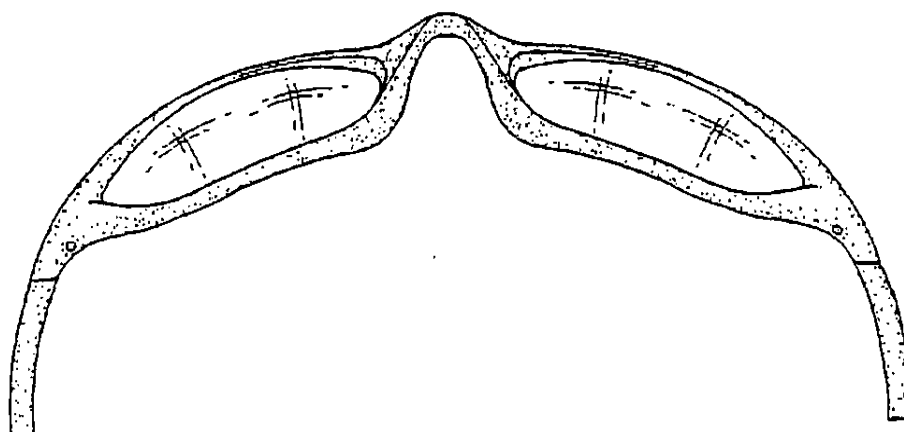


FIG. 12





US00D462375S

(12) **United States Design Patent** (10) Patent No.: **US D462,375 S**
 Baden et al. (45) Date of Patent: ***** Sep. 3, 2002**

(54) **EYEGLASS AND EYEGLASS COMPONENTS**

(75) Inventors: **Colin Baden; Peter Yee**, both of Irvine, CA (US)

(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/134,388**

(22) Filed: **Dec. 20, 2000**

(51) LOC (7) CL **16-06**

(52) U.S. CL **D16/326; D16/327**

(58) Field of Search **D16/101, 300-330, D16/335, 338; D29/109, 110; 351/41, 44, 51, 52, 111, 119, 158; 2/447, 448**

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 Sunglass Hut International, page stamped G00298, model B, unknown publisher and publishing date.
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(List continued on next page.)

Primary Examiner—Raphael Barkai

(74) Attorney, Agent, or Firm—Gregory Nelson

(57) **CLAIM**

The ornamental design for an eyeglass and eyeglass component, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass and the eyeglass components of the present invention;

FIG. 2 is a front elevation view thereof;

FIG. 3 is a rear elevation view thereof;

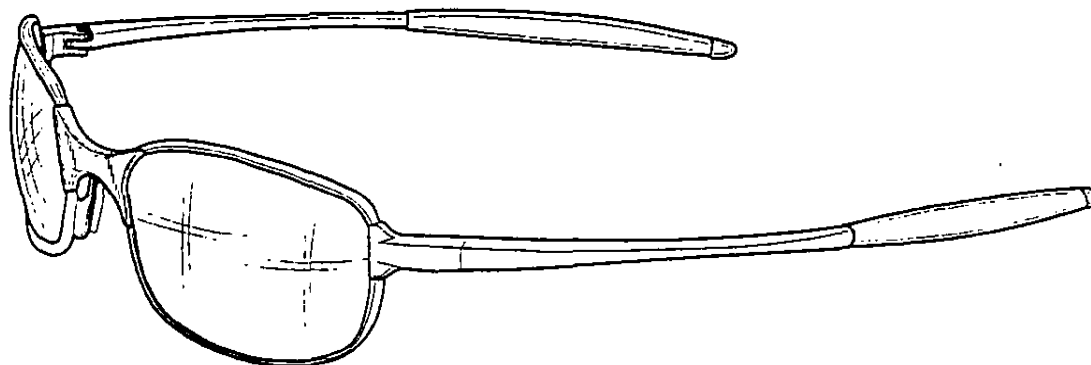
FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;

FIG. 5 is a top view thereof; and

FIG. 6 is a bottom plan view thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets



US D462,375 S

Page 2

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D204,812 S	5/1966	Shindler	D410,667 S	6/1999	Arnette
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Unknown source, pp. 90 (model Z5469), 93 (model Z554), 97 (models Z586, Z590, Z585, Z591), 100 (model Z604, Z605, Z606, Z607, Z608) unnumbered page (models B632, B630), 133 (models Z847, Z848), 136 (model Z873), and 328 (both models).

* cited by examiner

U.S. Patent

Sep. 3, 2002

Sheet 1 of 4

US D462,375 S

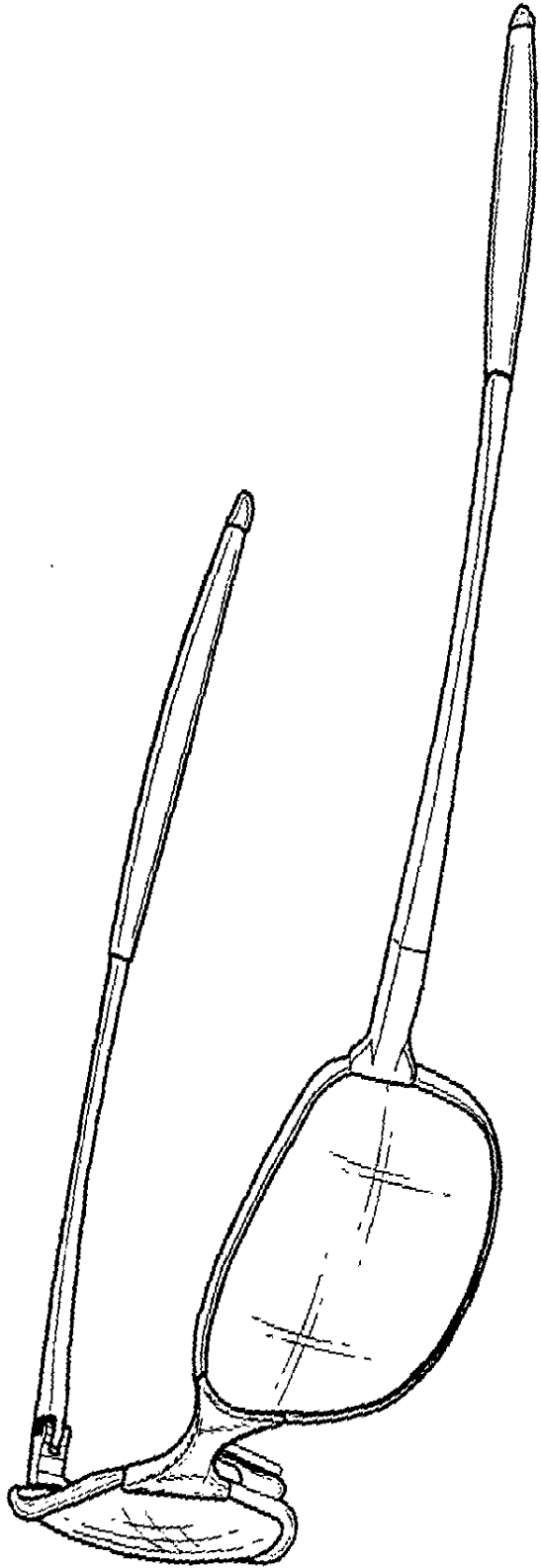


FIG. 1

U.S. Patent

Sep. 3, 2002

Sheet 2 of 4

US D462,375 S

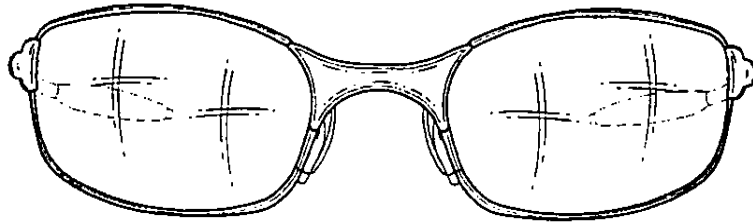


FIG. 2

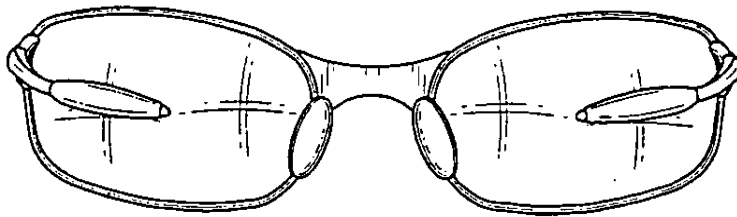


FIG. 3

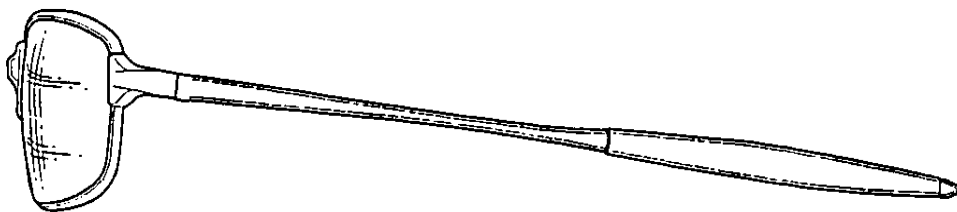


FIG. 4

U.S. Patent

Sep. 3, 2002

Sheet 3 of 4

US D462,375 S

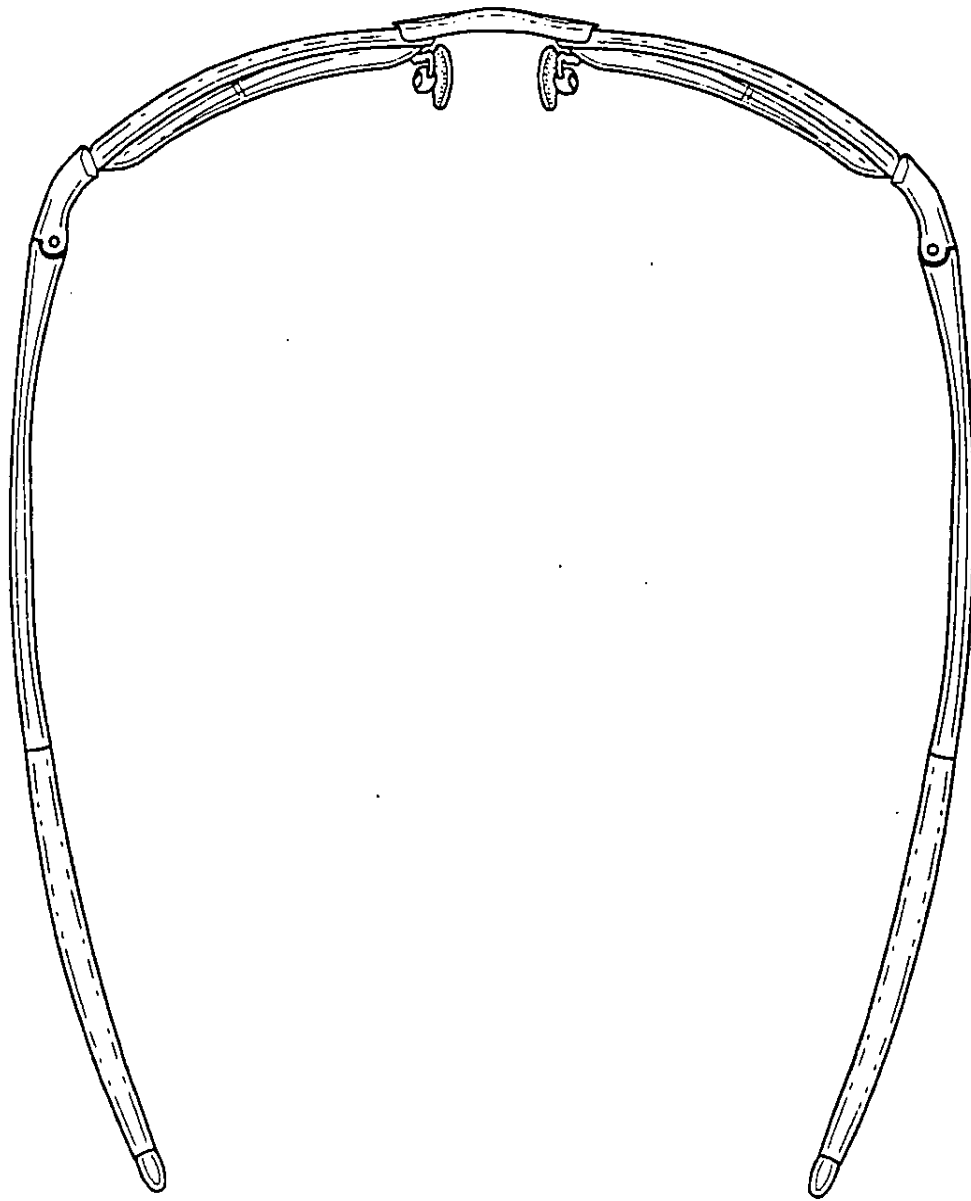


FIG. 5

U.S. Patent

Sep. 3, 2002

Sheet 4 of 4

US D462,375 S

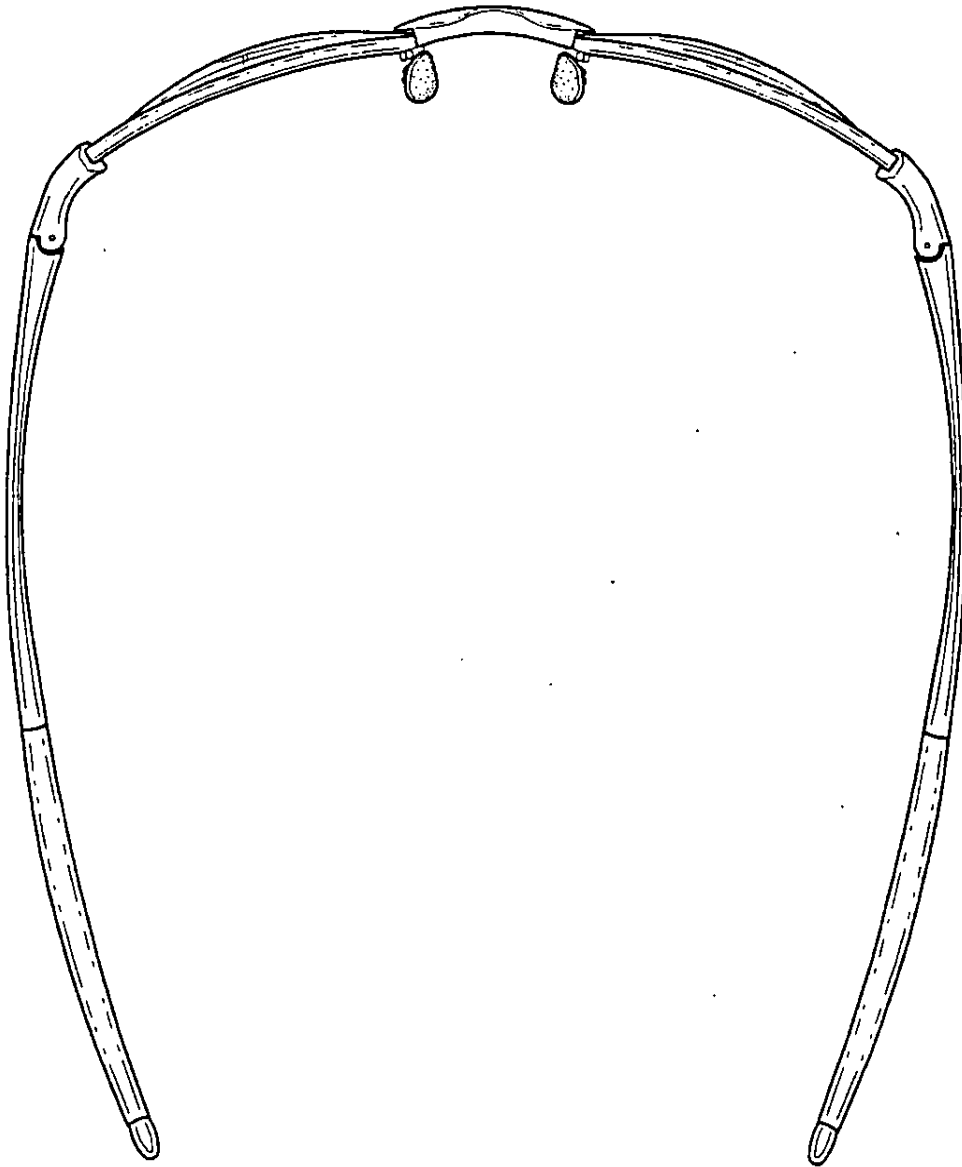


FIG. 6



US00D469458S

(12) **United States Design Patent**
Baden et al.

(10) **Patent No.:** **US D469,458 S**
(45) **Date of Patent:** **** Jan. 28, 2003**

- (54) **EYEGLOSS FRONT**
- (75) **Inventors:** Colin Baden, Irvine, CA (US); Peter Yee, Irvine, CA (US)
- (73) **Assignee:** Oakley, Inc., Foothill Ranch, CA (US)
- (**) **Term:** 14 Years

- D366.890 S 2/1996 Arnette
- D366.891 S 2/1996 Arnette
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- D371.152 S 6/1996 Simioni et al.
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(List continued on next page.)

- (21) **Appl. No.:** **29/162,825**
- (22) **Filed:** **Jun. 17, 2002**

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(List continued on next page.)

Related U.S. Application Data

- (62) **Division of application No.** 29/134,388, filed on Dec. 20, 2000.
- (51) **LOC (7) Cl.** **16-06**
- (52) **U.S. Cl.** **D16/326**
- (58) **Field of Search** **D16/101, 300-330;**
D29/109, 110; 351/41, 44, 51, 52, 158;
2/447, 448

Primary Examiner—Raphael Barkai
(74) *Attorney, Agent, or Firm*—Gregory Nelson

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- D365.591 S 12/1995 Jannard et al.

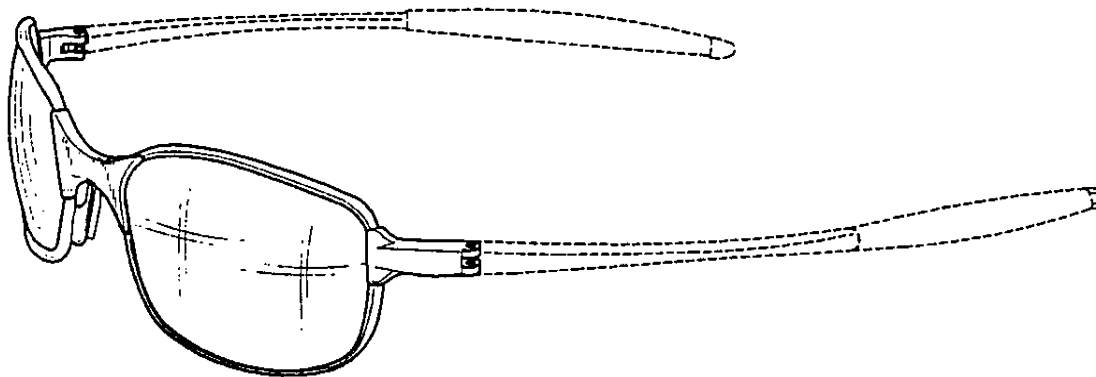
(57) **CLAIM**

The ornamental design for an eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass of the present invention;
 FIG. 2 is a front elevational view;
 FIG. 3 is a rear elevational view thereof;
 FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;
 FIG. 5 is a top plan view thereof; and
 FIG. 6 is a bottom plan view thereof.
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 3 Drawing Sheets



US D469,458 S

Page 2

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M7920SD), 4 (models M88155SD/PM, M88205SD/PM, M95005PM, M95007SD/PM), 9 (models M98001MSG, M971MSG), unknown publisher and publishing date. Sunglass Hut International, page stamped G00298, Model B, unknown publisher and publishing date. Alpina, "Serious, Perfect Eye Protection", Tatoo model—top right corner of third page, unknown publisher and publishing date. Frames, "Winter 1997", p. 1151, bottom right corner (Revolt model), unknown publisher and publishing date. Frames, "Summer 1996", p. 1225, second to bottom in right column (model GU 5003 Sun), unknown publisher and publishing date. Unknown source, p. 90 (model Z5469), 93 (model Z554), 97 (models Z586, Z590, Z585, Z591), 100 (model Z604, Z605, Z606, Z607, Z608) unnumbered page (models B632, B630), 133 (models Z847, Z848), 136 (Model Z873), and 328 (both models). U.S. patent application Ser. No. 29/134388. Baden et al., filed Dec. 20, 2000.

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U.S. Patent

Jan. 28, 2003

Sheet 1 of 3

US D469,458 S

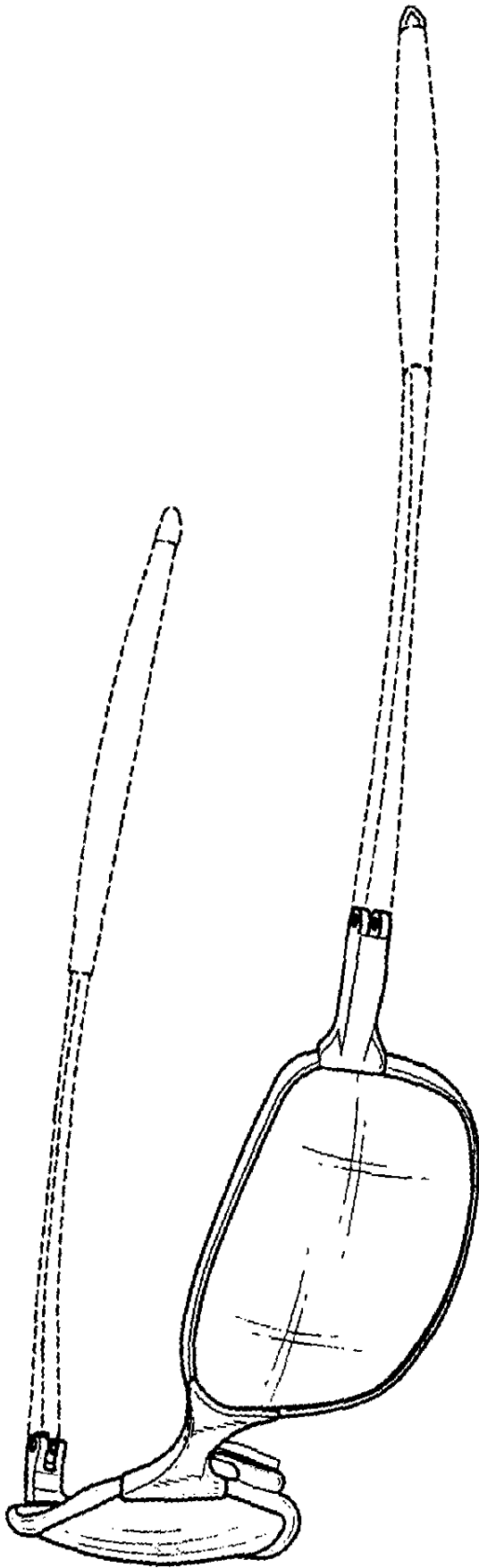


FIG. 1

U.S. Patent

Jan. 28, 2003

Sheet 2 of 3

US D469,458 S

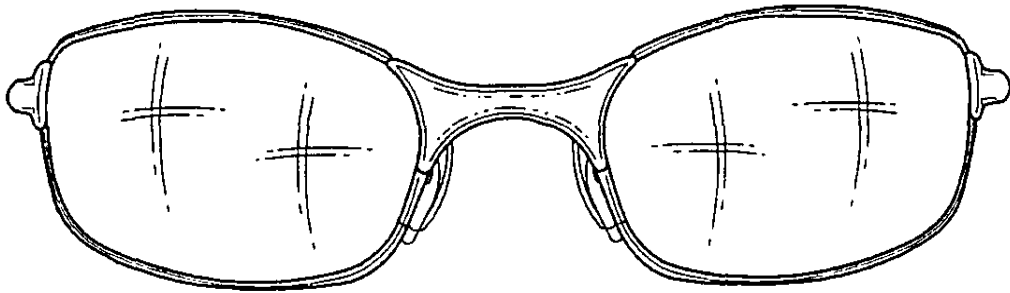


FIG. 2

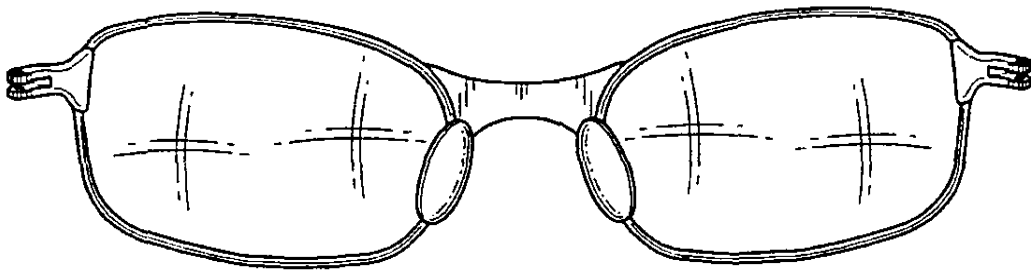


FIG. 3

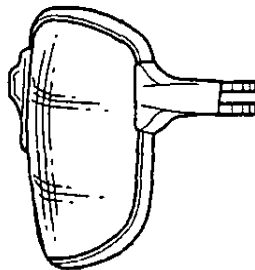


FIG. 4

U.S. Patent

Jan. 28, 2003

Sheet 3 of 3

US D469,458 S

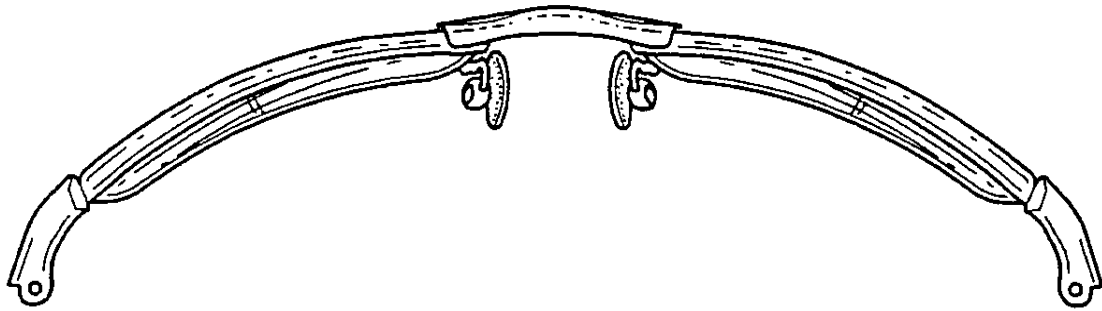


FIG. 5

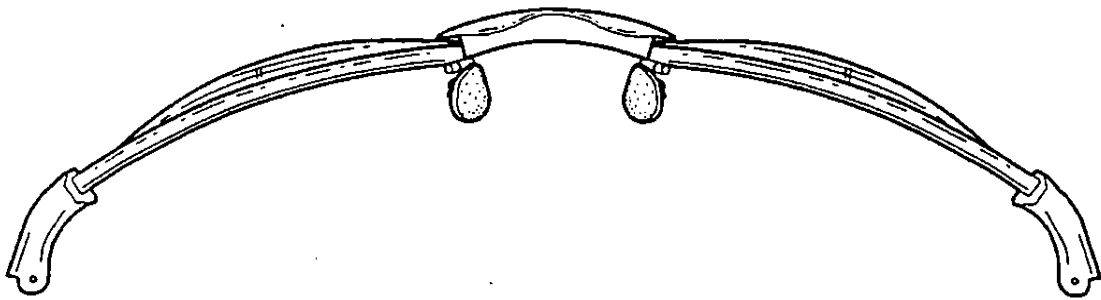


FIG. 6



US00477623S

(12) **United States Design Patent** (10) Patent No.: **US D477,623 S**
 Thixton et al. (45) Date of Patent: **** Jul. 22, 2003**

(54) **EYEGLASS FRONT**

(75) Inventors: **Lek Thixton, Eastsound, WA (US); Peter Yee, Irvine, CA (US); James H. Jannard, Spieden Island, WA (US); Colin Baden, Irvine, CA (US)**

(73) Assignee: **Oakley, Inc., Foothill Ranch, CA (US)**

(**) Term: **14 Years**

(21) Appl. No.: **29/170,955**

(22) Filed: **Nov. 13, 2002**

(51) LOC (7) Cl. **16-06**

(52) U.S. Cl. **D16/326**

(58) Field of Search **D16/101, 300-330; D29/109, 110; 351/41, 44, 51, 52, 158, 90; 2/447, 448**

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(List continued on next page.)

Primary Examiner—Raphael Barkai

(74) Attorney, Agent, or Firm—Gregory K. Nelson

(57) **CLAIM**

The ornamental design for an eyeglass front, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass front; FIG. 2 is a front elevational view of the eyeglass front of FIG. 1;

FIG. 3 is a rear elevational view of the eyeglass front of FIG. 1;

FIG. 4 is a left side elevational view of the eyeglass front of FIG. 1, the right-side elevational view being a mirror image thereof;

FIG. 5 is a top plan view of the eyeglass front of FIG. 1; FIG. 6 is a bottom plan view of the eyeglass front of FIG. 1;

FIG. 7 is a front perspective view of an alternate embodiment of the eyeglass front;

FIG. 8 is a front elevational view of the eyeglass front of FIG. 7;

FIG. 9 is a rear elevational view of the eyeglass front of FIG. 7;

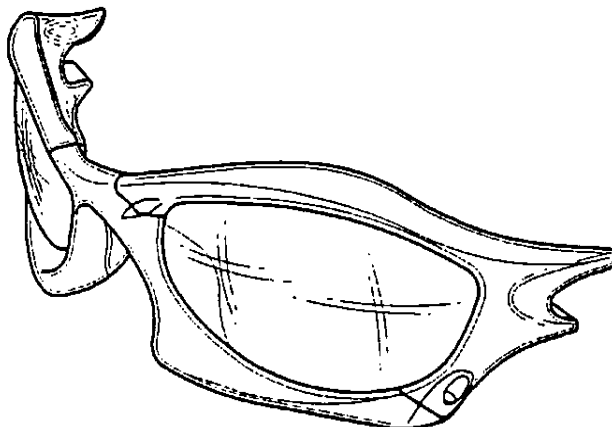
FIG. 10 is a left-side elevational view of the eyeglass front of FIG. 7, the right-side elevational view being a mirror image thereof;

FIG. 11 is a top plan view of the eyeglass front of FIG. 7; and

FIG. 12 is a bottom plan view of the eyeglass front of FIG. 7.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 6 Drawing Sheets



US D477,623 S

Page 2

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U.S. Patent

Jul. 22, 2003

Sheet 1 of 6

US D477,623 S

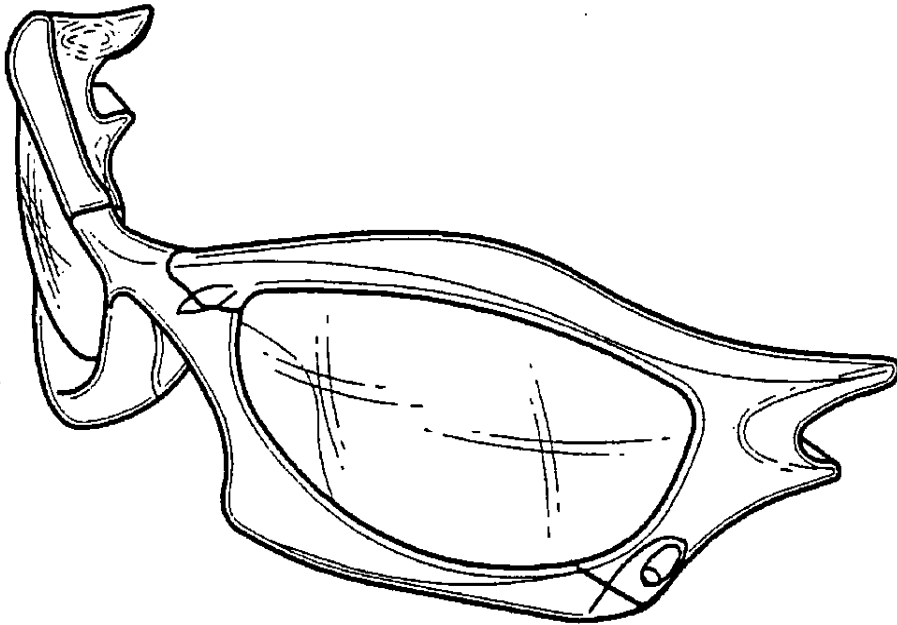


FIG. 1

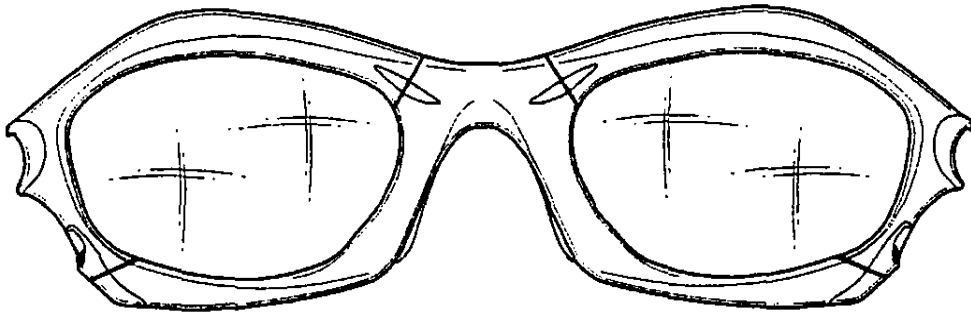


FIG. 2

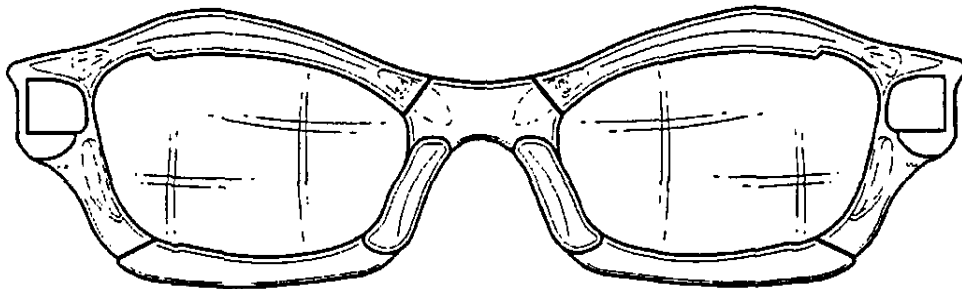


FIG. 3

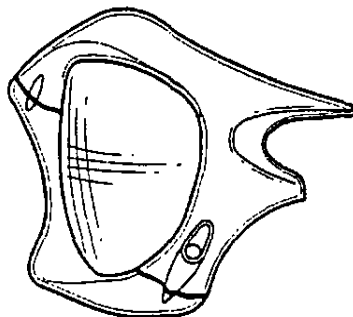


FIG. 4

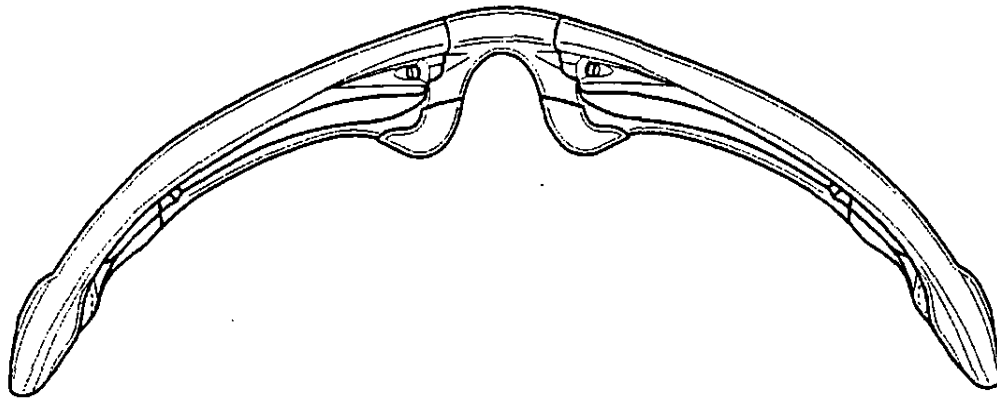


FIG. 5

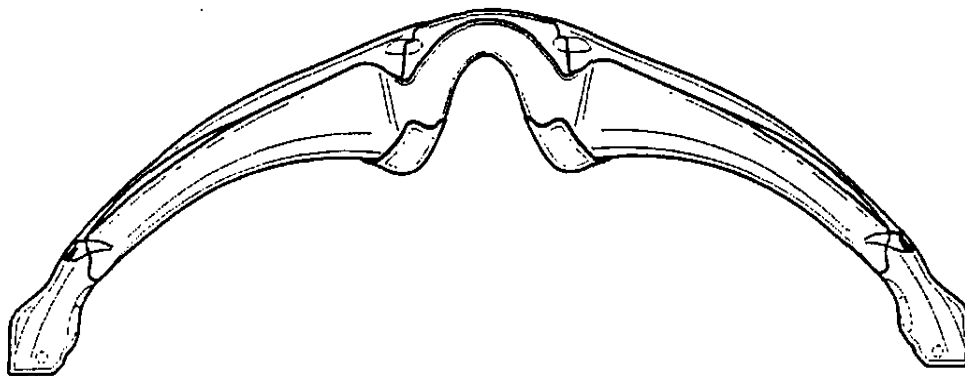


FIG. 6

U.S. Patent

Jul. 22, 2003

Sheet 4 of 6

US D477,623 S

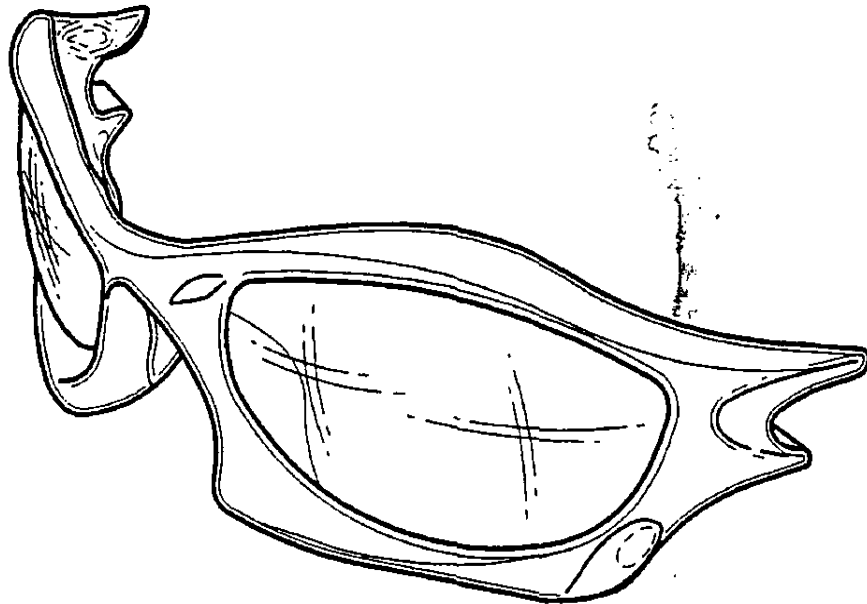


FIG. 7

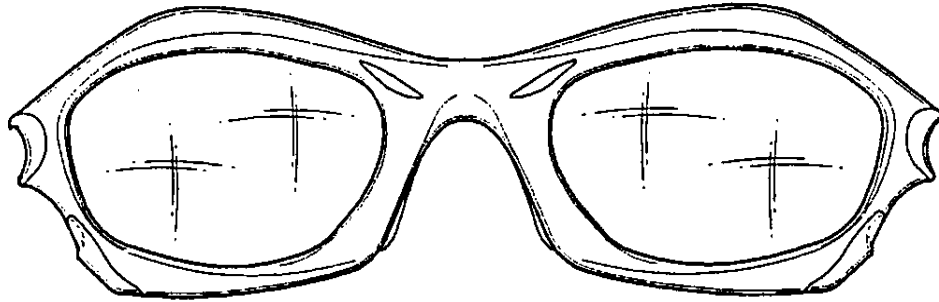


FIG. 8

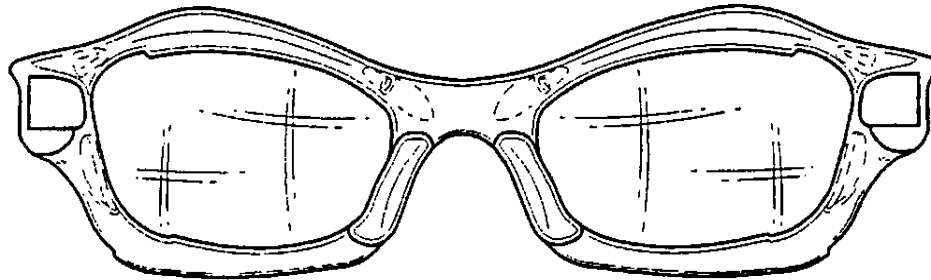


FIG. 9

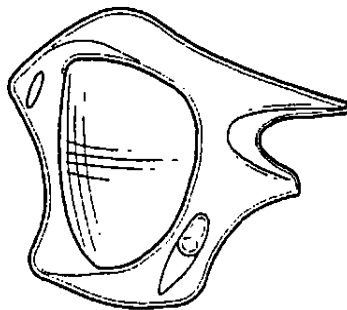


FIG. 10

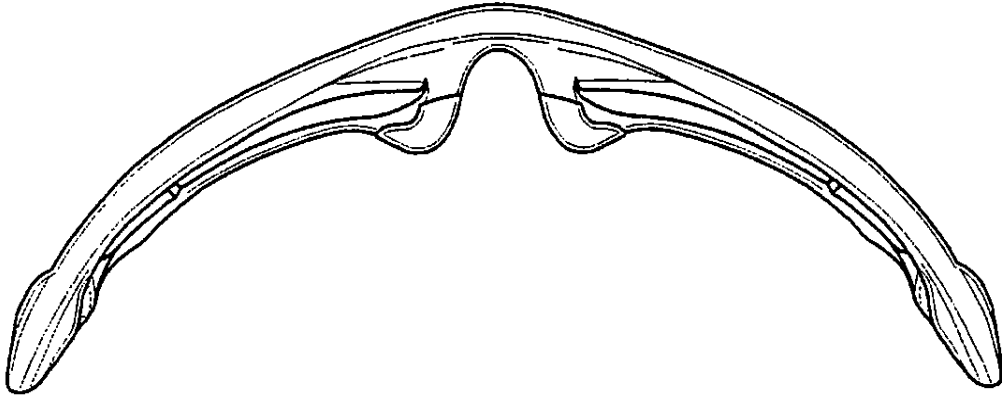


FIG. 11

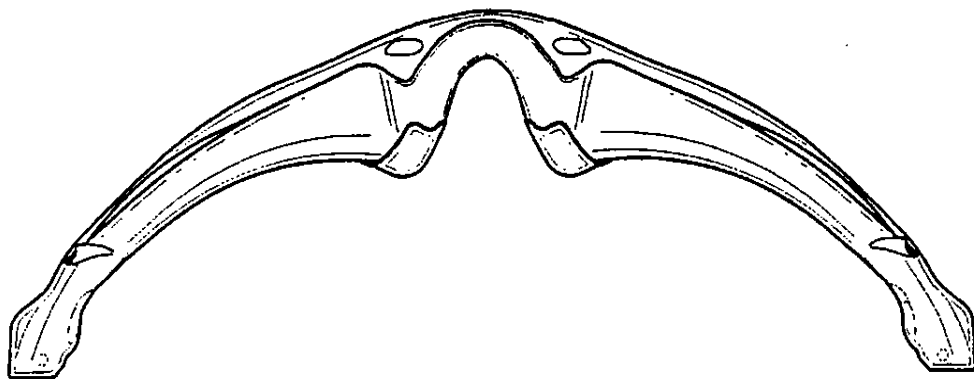


FIG. 12



US005137342A

United States Patent [19]

[11] Patent Number: **5,137,342**

Jannard et al.

[45] Date of Patent: * **Aug. 11, 1992**

[54] **EYEWEAR TRACTION DEVICE**
 [75] Inventors: James H. Jannard, San Juan Capistrano; Gregory F. Arnette, South Laguna Beach, both of Calif.
 [73] Assignee: Oakley, Inc., Irvine, Calif.
 [*] Notice: The portion of the term of this patent subsequent to Oct. 8, 2008 has been disclaimed.

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[21] Appl. No.: 695,683
 [22] Filed: May 3, 1991

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Primary Examiner—Paul M. Dzierzynski
Attorney, Agent, or Firm—Knobbe, Martens, Olson & Bear

Related U.S. Application Data

[63] Continuation of Ser. No. 436,474, Nov. 20, 1989, Pat. No. 5,054,903.
 [51] Int. Cl.⁵ G02S 5/14
 [52] U.S. Cl. 351/123; 351/122; 351/111
 [58] Field of Search 351/122, 123, 111, 119, 351/121

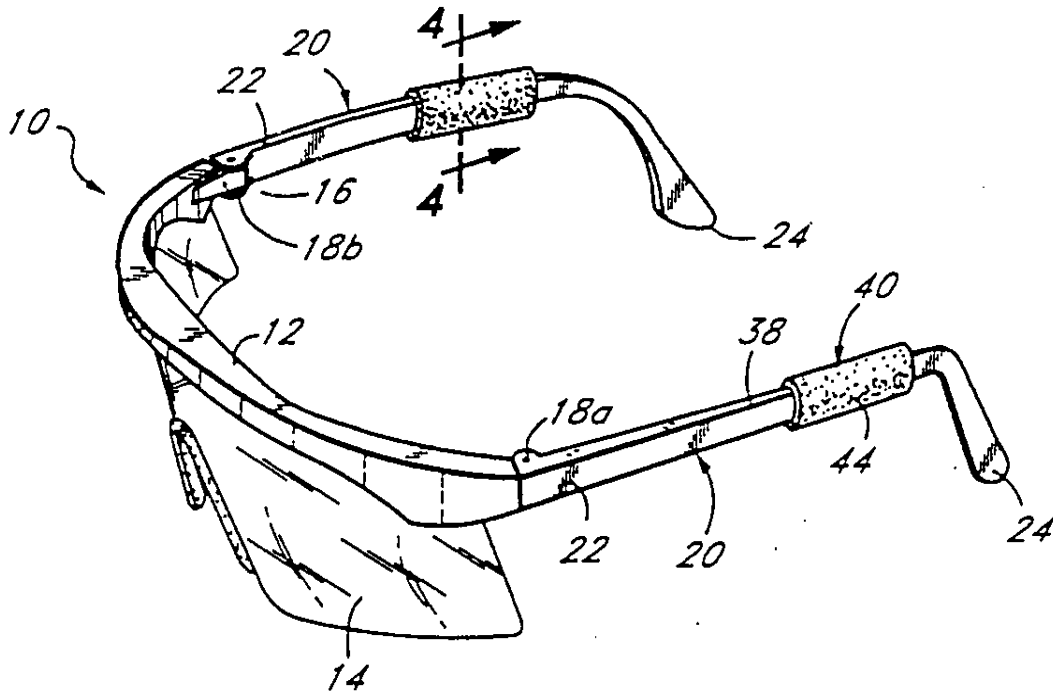
[57] **ABSTRACT**

In eyewear employing temples, a substantially cylindrical elastomeric traction member is disposed in a recessed seat which extends along a length of each temple to provide a contact area between the temple and the head. The traction member and seat may be sized so that the traction member is substantially flush with the adjacent temple or alternatively, the traction member may extend beyond the periphery of the temple. In either configuration, the traction device extends substantially parallel to the length of the temple.

[56] **References Cited**
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32 Claims, 1 Drawing Sheet



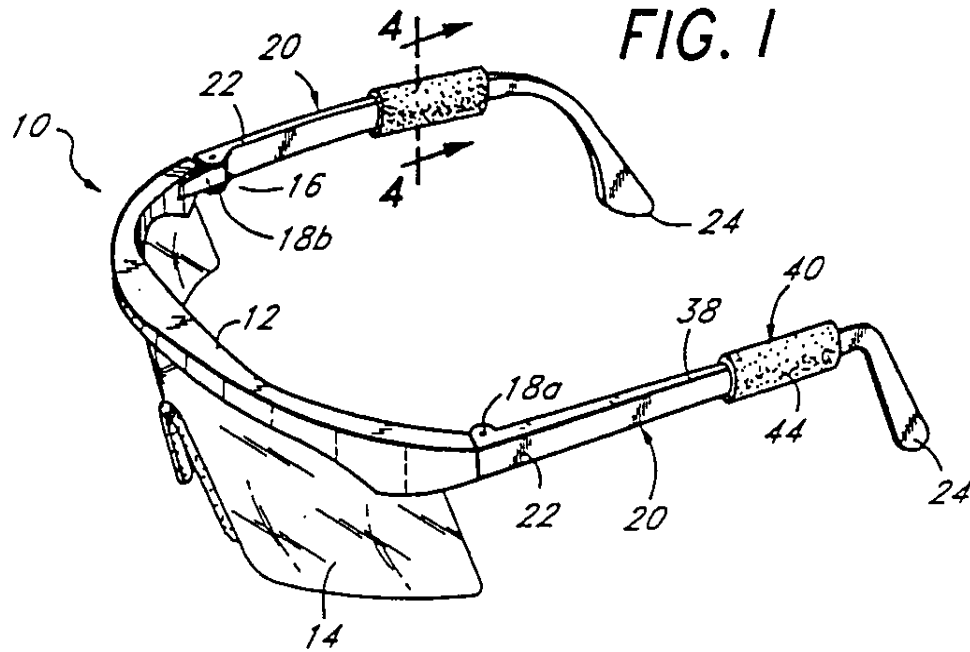


FIG. 1

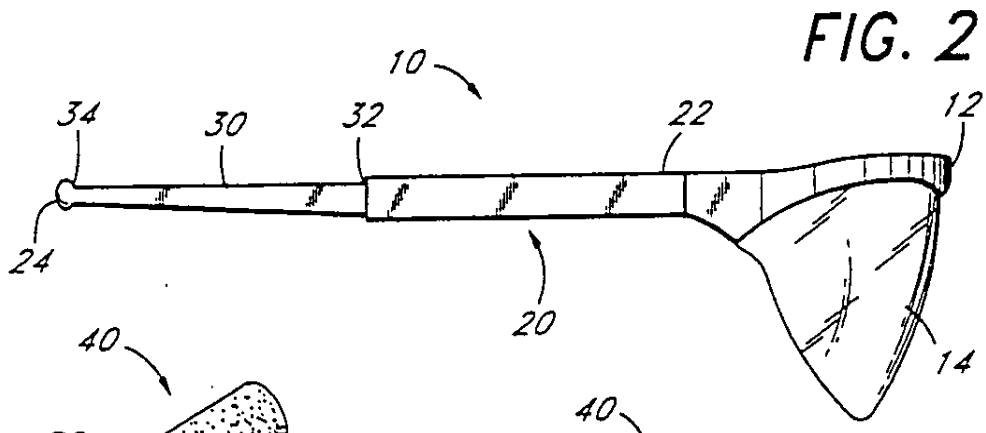


FIG. 2

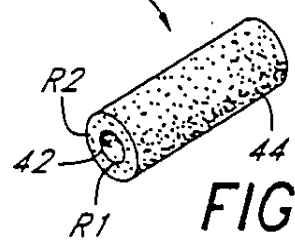


FIG. 3

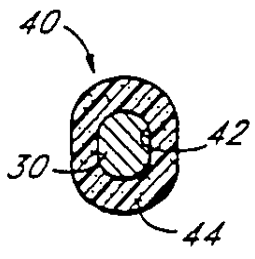


FIG. 4

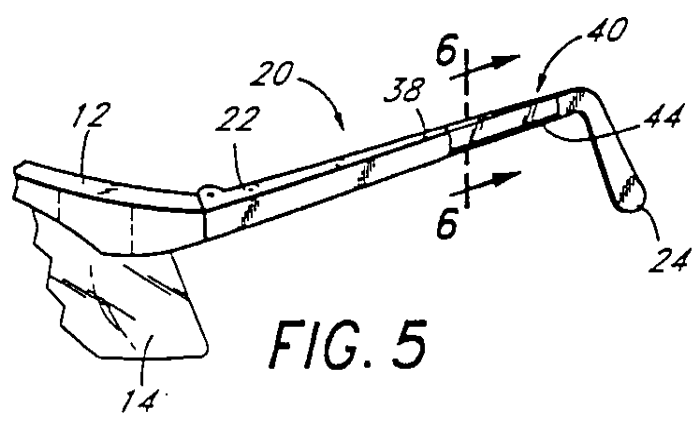


FIG. 5

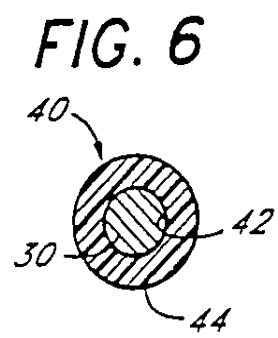


FIG. 6

5,137,342

1

EYEWEAR TRACTION DEVICE

This application is a continuation of application Ser. No. 436,474 filed Nov. 20, 1989, now U.S. Pat. No. 5,054,90.

BACKGROUND OF THE INVENTION

The present invention relates to eyewear and, more particularly, to a selectively attachable traction device for improving the retention of the eyewear about the head and a method for using the same.

While corrective lenses are specifically crafted to accommodate the unique vision defects of an individual, the frames used to retain the lenses are typically a standard size and not crafted to conform to the particular contours of an individual's head. Lenses which are employed in filtering eyewear such as sunglasses are also typically retained in stock frames. However, it is virtually impossible to mass produce stock frames which fit every individual's head; therefore, stock frames are constructed to conform to an idealized "standard" adult head.

As a result, such frames often result in a fit which is either too tight or too loose about the head of an individual. A tight fitting frame may cause localized pain and headaches, while a loose fitting frame may allow the eyewear to fall from the head and damage the frame or the lens. This is particularly disadvantageous for protective eyewear such as sunglasses which are to be used in active sports, such as bicycle racing or skiing. Additionally, in the event that corrective lenses vary in weight between the lenses, the uneven weight distribution may cause frames to locally abrade the skin.

A variety of means have been employed to improve the securing of eyewear to the head. These devices have included the use of loose strings which connect the temples of the eyewear around the back of the wearer's head, thereby preventing the glasses from becoming completely displaced from the body. Alternatively, an elastic strap connecting the temples has been employed to engage the wearer's head and secure the eyewear in the desired position.

Perhaps most frequently used, temples have been provided with a hook at the posterior end for engaging the wearer behind the ears. However, due to the significant variation among individuals in the distance from the appropriate position of an eyeglass lens and the back of the ear, the traditional ear hook is frequently either too far back or too far forward of the appropriate position on the wearer's ear. This causes either a painful or irritating friction if the hook is too far forward, or a loose fit if too far back.

The prior attempts to improve the retention of eyewear about the wearer's head have also included the use of rubber or rubber-like plastic boots applied to the free ends of the temples for increasing the friction between the eyeglasses and the head, such as shown in Bates U.S. Pat. No. 3,684,356. The Bates device, however, appears somewhat clumsy and awkward and, therefore, detracts from the appearance of the eyewear. In addition, the Bates device is limited in that it may not be adjusted relative to the eyewear; that is, the closed end of the boot prevents forward adjustment to a more anterior point of contact between the temples and the head, while an unsupported length of boot extending beyond the earpiece is undesirable.

2

Another prior attempt to improve eyewear retention is disclosed in the Nelson patent (U.S. Pat. No. 2,561,402), which discloses use of relatively complicated fluid chambers at the interface of the free end of the temples and the head. Nelson uses the fluid chambers in an effort to evenly distribute pressure between the temple and the head. As the fluid chambers of Nelson are permanently affixed to the temple in a predetermined orientation, modification for specific individuals is unavailable. In addition, the fluid retained within the chambers adds an undesired weight to the eyewear. Further, even if the fluid chambers were removable, such removal would substantially alter the fit of the eyewear, rendering the eyewear substantially unwearable.

Notwithstanding the foregoing, there remains a need for providing a means of improving the compatibility of eyewear and the wearer so as to improve retention of the eyewear. Preferably, the eyewear retention means will enable one size to comfortably and securely fit a much larger population than can one size eyewear having the traditional ear hook.

A need also exists for a device which improves retention of eyewear without permanently altering the configuration of the eyewear. A further need exists for a retaining device which may be easily disengaged or recombined with the eyewear without drastically changing the functioning or the appearance of the eyewear. In addition to the functional requirements of the traction device, an aesthetic requirement exists so that the device may be employed as a portion of eye wear in either an unobtrusive or distinctive, but attractive, mode.

SUMMARY OF THE INVENTION

There is provided in accordance with one aspect of the present invention an improved eyewear temple of the type for retaining a pair of eyeglasses on the head of the wearer, by extending from the eyeglass frame in a posterior, i.e., distal, direction over the top of the ears of the wearer. The improved eyeglass temple of the present invention permits the elimination of the traditional hook on the posterior end of traditional temples, and allows a single size set of eyewear temples to comfortably and securely fit on a broader cross section of anatomical variations.

The eyeglass temple comprises an elongate eyeglass temple body, having a first proximal end for attaching the temple to the frame of the eyeglasses, and a second end, distal from the first end, for engaging the head of the wearer. Optionally, the first end of the temple is adapted for securing directly to the lens, such as in a single lens eyeglass system. Preferably, the first end on the temple is provided with a means for releasably pivotably engaging the eyeglass lens or eyeglass frame.

A recessed seat is disposed on the elongate temple body, in between the first and second ends, the recessed seat having a smaller cross-sectional area than the cross-sectional area of the temple body adjacent to the seat. Preferably, the recessed seat comprises an annular recess having first and second shoulders at the first and second axial ends thereof. Preferably, the axial length of the annular recess is less than about one-half of the axial length of the temple, and most preferably, less than about one-third the axial length of the temple.

The eyeglass temple is preferably additionally provided with at least one tubular traction member disposed within the recessed seat. The traction member

5,137,342

3

preferably comprises an elastomeric material which enables radial expansion to fit over the distal end of the temple body, and relaxation back to provide a snug fit within the recess on the temple. The traction member is preferably made from an elastomeric material which exhibits improved retention properties when the material is wet, and, most preferably, the exterior surface of the traction member is provided with friction enhancing structures, such as annular ridges or other patterned textures.

There is provided in accordance with another aspect of the present invention, an improved eyeglass having at least one lens, and a frame for supporting the lens in front of the eyes of the wearer. The eyeglass is further provided with a first and a second temple produced in accordance with the present invention. Preferably, the distal end of the temple is substantially straight, so that the temple does not wrap around behind the ear of the wearer.

Further features and advantages of the present invention will become apparent from the detailed description of preferred embodiments which follow, when taken together with the appended figures and claims.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of eyewear in accordance with one embodiment of the present invention.

FIG. 2 is a side elevational view of a second embodiment of eyewear in accordance with the present invention, with the traction member removed.

FIG. 3 is a perspective view of a traction member in accordance with the present invention.

FIG. 4 is a cross-sectional view taken along line 4—4 of FIG. 1.

FIG. 5 is a perspective view showing an alternative embodiment of the traction member.

FIG. 6 is a cross-sectional view taken along line 6—6 of FIG. 5.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

As used in the present application, "eyewear" is a general term intended to embrace optical devices containing corrective lenses for defects in vision or lenses for such special purposes as filters for absorbing or blocking portions of the electromagnetic spectrum, providing physical shields for the eyes or making available other physical or optical functions for protective or visual assisting purposes.

As shown in FIG. 1, eyewear 10 adapted to position a lens in a predetermined orientation relative to the eyes includes a frame 12, lens 14 and temples 20. Preferably, the lens 14 is joined to the frame 12 so as to position the lens 14 before the eyes. As shown in FIGS. 1, 2 and 6, the temples 20 may be pivotally affixed or joined to the frame 12. Although the temples 20 are shown in FIG. 1 as pivotally affixed to the frame 12, the temples 20 may be permanently attached in a predetermined orientation or selectively engageable with the frame 12 without circumventing the scope of the present invention. Alternatively, the frame 12 may be eliminated entirely by securing the temples 20 with or without temple hinges directly to the lens 14 by thermoplastic bonding, adhesives screws or other known fastening means which are suitable for the material of the lens and temples.

As is well known in the art, the frame 12 and temples 20 may be conveniently made of molded plastic or a variety of other materials. The lens 14 may take any of

4

a number of configurations and may be formed of sheet plastic, molded plastic or glass as determined by the application of the lens.

Each temple 20 is defined by a proximal end 22 and a distal end 24 wherein the proximal end 22 is affixed either permanently or detachably to the frame 12. The permanent attachment of the temples to the frame 12 may be accomplished through molding or thermoplastic bonding. The detachable engagement of the temples 20 and the frame 12 is provided by the use of a snap fit or fasteners including screws or pins, as are known in the art.

Although the earstems shown in FIG. 1 are affixed to the frame 12, the earstem 20 may be attached directly to the lens 14. Preferably, the earstems 20 are hingeably attached to the frame 12 or lens 14 and most preferably, hingeably and removably attached, as well known in the art.

As shown in FIG. 1, in a typical hingeable connection, the frame 12 or lens 14 includes a hinge aperture (not illustrated) extending through a protruding flange 16. The earstem 20 includes a pair of parallel apertured flanges 18a, 18b spaced so as to receive the flange 16 of the frame 12 or lens 14 therebetween. The apertures in the earstem 20 are aligned with the apertures of the frame 12 or lens 14 and a pin is inserted so as to permit rotation of the frame 12 or lens 14 relative to the earstem 20, thereby providing a hingeable connection. In a typically readily detachable hinge, the aperture in the flange 16 of the frame 12 or lens 14 is replaced by an integral pin (not illustrated) which extends away from the flange 16 in opposite directions along the same axis as the aperture. The pinned flange 16 is inserted by deformation between the opposing flanges 18a, 18b and the integral pin snaps into the aperture on the flanges 18a, 18b, thereby providing a readily detachable hinge.

As shown in FIGS. 1 and 5, the distal end 24 may be curved so as to provide loops which are disposed behind the ears when the eyewear is worn. However, as the looped temples shown in FIGS. 1 and 5 may impinge upon the head in undesired locations when employed on heads of different sizes, the looped temples are not well suited to accommodate a wide variety of head sizes. Thus, the preferred embodiment shown in FIG. 2 includes a straight temple which, when used in conjunction with the present invention, provides more universally fitting eyewear and eliminates the traditional ear hook which can cause discomfort or distraction for many wearers.

As shown in FIG. 2, a recessed seat 30 is disposed intermediate of the proximal and distal ends 22, 24. As shown in FIG. 2, the seat 30 is preferably located adjacent the distal end 24 of the temple 20, so that the posterior shoulder 34 is substantially coincident with the distal end 24. However, as will be apparent, if it is desired to extend the temples in a posterior direction well beyond the ears, the distance between posterior shoulder 34 and distal end 24 can be proportionately increased to maintain seat 30 near the ear.

The recessed seat 30 is defined by posterior shoulder 34 and preferably an anterior shoulder 32, such that the anterior shoulder 32 is disposed between the posterior shoulder 34 and the proximal end 22. Preferably the cross-sectional dimension of the seat 30 between the anterior and posterior shoulders 32, 34 is smaller than the cross-sectional dimension of the adjacent temple 20.

Preferably, the posterior shoulder 34 is a sufficient distance from the anterior shoulder 32 so that at least

one traction member 40 may be retained therebetween. However, the seat 30 may be configured so as to extend substantially the entire length of the temple or alternatively, may extend only a portion of the overall length of the temple. Typically, the seat extends less than about one-half or one-third the length of the temple and is disposed on the posterior portion of the temple.

Although the seat is shown as defined by an anterior shoulder 32 and a posterior shoulder 34, the present invention may be practiced with a seat 30 defined only by a posterior shoulder 34 for preventing unintended axial displacement of the traction member in the posterior direction.

When the seat 30 is defined by only the posterior shoulder 34, the cross-sectional area of the seat may taper from being substantially coincident with an anterior cross-sectional area of the temple to the reduced cross-sectional area at the posterior shoulder 34. The posterior shoulder thereby prevents unintentional axial displacement of the traction member in the posterior direction. Axial displacement of the traction member in the anterior direction is inhibited by the expanding cross-sectional area of the seat in a tapered embodiment, as the seat extends in the anterior direction, or simply by a friction fit in the absence of a taper or an anterior shoulder.

Preferably, the seat 30 is located so that upon operable engagement of the traction member 40 within the seat 30, the traction member 40 provides an interface between the eyewear and the head. That is, the traction member 40 contacts the head.

Referring to FIG. 3, an elongate tubular traction member 40 is shown. In the preferred embodiment, the traction member 40 is formed substantially in the shape of a hollow cylinder having an inner surface 42 of radius R1 and outer surface 44 of radius R2, wherein radius R1 is less than radius R2. Preferably, radius R1 is expandable to permit passage of the distal end 24 of the temple 20 through the interior of the traction member 40 without exceeding the elastic limits of deformation of the traction member 40.

As shown in FIG. 4, the traction member 40 is preferably comprised of a material having sufficient elasticity that the inner surface 42 of the traction member 40 snugly contacts the surface of a seat 30 having an oblong or rectangular cross-section with a cross-sectional area greater than that of R1 in the unexpanded state. Referring to FIG. 6, the inner surface 42 will also preferably conform snugly to the surface of a seat 30 having a substantially circular cross-section.

Other embodiments of the traction member 40 may be employed, such as one having an open rectangular or triangular cross-sectional configuration having a bias so that the open legs of the triangle or rectangle are biased towards one another to tend to form a tubular element. Thus, traction devices can take the form of an elongate body which is split axially along one wall so that it does not form a complete tube. The bias should be sufficient so that the opposing inner surfaces 42 of the traction member 40 cooperatively engage the periphery of the recessed seat 30.

The traction member 40 may be formed by molding or extruding processes, as well known in the art. Preferably, the outer surface 42 is configured to enhance the coefficient of static friction between the eyewear and the head. The outer surface 44 may be formed to exhibit a variety of static friction coefficient enhancing configurations, such as a grid, waffle, or ribbed pattern (not

shown). Typically, the outer surface 42 produced by extrusion will exhibit axially oriented patterns, while molded outer surfaces may exhibit axially and/or radially oriented patterns.

As discussed infra, the traction member 40 is preferably formed of an elastomeric material exhibiting sufficient flexibility or elasticity to allow the traction member 40 to expand while being slipped over the temple distal end 24 and to contract back within seat 30 after passing over the distal end.

In a particularly preferred embodiment, the traction member 40 is formed of a relatively soft elastomeric material having a coefficient of sliding friction that increases when the material is wetted. Such a material, sometimes referred to as hydrophilic, tends to enhance retention of the traction member 40 in position on the wearer's head as the wearer perspires or encounters moisture, as during skiing. One suitable material which can be readily molded by conventional techniques is marketed under the name KROTON G™, a product of the Shell Oil Company.

The traction member 40 may comprise a resilient sponge-like elastomeric material, having a relatively high porosity, as shown in FIGS. 3 and 4. Alternatively, as shown in FIG. 6, the traction member 40 may comprise a substantially solid, i.e., fine or no porosity, yet flexible material. In addition, the traction member 40 may be made of materials having different densities, thereby providing traction members 40 having different weights, which may be employed to counterbalance lenses of differing weights, so as to distribute the weight of the eyewear 10 more evenly about the head.

The length of the traction member 40 is preferably no greater than and most preferably substantially equal to the distance between the anterior and posterior shoulders 32, 34. Although the traction member 40 is illustrated as extending roughly one-third or one-half the overall length of the temple, the traction members 40 within the present invention can extend anywhere from substantially the entire length of the temple 20 to only a relatively small portion thereof, as depending upon the configuration of the seat 30. Alternatively, a plurality of traction members 40 may be axially aligned within the seat 30. The traction members 40 may be selected so that a combined length of the members 40 substantially equals the distance between the anterior and the posterior shoulders 32, 34 or alternatively, the combined axial length of the members 40 may be such that an axial space separates adjacent traction members 40 within the seat.

In assembling the present invention, the traction member 40 is engaged with a temple 20 by passing the distal end 24 of the temple 20 through the tubular passageway within traction member 40. Alternatively, the temple 20 may be detached from the frame 12 or lens 14 and the proximal end 22 may be passed through the tubular passageway of the traction member 40. Therefore, the preferred construction of the traction member 40 which elastically passes over the distal end may be obviated. The traction member 40 is then moved along the temple 20 until the inner surface 42 engages the seat 30. In an embodiment in which the seat 30 has a length substantially equal to the length of the traction member 40, as the traction member 40 is received within the seat 30, further unintended motion along the temple 20 is prevented by engagement of the anterior and posterior shoulders 32, 34 with the traction member 40.

5,137,342

7

Alternatively, the seat 30 may have a sufficient axial length so as to retain a plurality of traction members 40 between the anterior and posterior shoulders 32, 34. The use of multiple traction members 40 allows for accommodating fashion considerations as well as high retaining forces for active uses, such as volleyball or basketball. Upon engagement of the traction member 40 within the seat 30, the outer surface 44 of the traction member 40 may be disposed outside of the periphery of the temple 20, as shown in FIG. 1 or, alternatively, may be substantially flush with the periphery 38 of the adjacent temple 20, as shown in FIG. 5. Traction members are preferably provided having a variety of wall thicknesses, i.e., the difference between R1 and R2. Thus, the wearer can select a flush fitting traction member as illustrated in FIG. 5 or a radially enlarged traction member as illustrated in FIG. 1, depending upon that wearer's perception of the need for enhanced traction or sleek appearance.

As the majority of the length of the temple 20 in the preferred embodiment is dominated by the periphery of the temple 20 rather than the seat 30, if the traction members 40 are removed from the temples 20, the fitting of the eyewear 10 will not be substantially denigrated. However, the length of the traction member 40; when engaged in the seat 30, provides a sufficient contact area to increase the resistance to movement of the eyewear 10 relative to the head.

This present invention has been described in detail in connection with the preferred embodiments, but these are examples only and the present invention is not restricted thereto. It will be easily understood by those skilled in the art that other variations and modifications can be easily made within the scope of this invention, which is defined by the following claims.

It is claimed:

1. Improved eyewear, comprising:

at least one temple piece having a recessed seat along a length thereof such that the seat defines a periphery which is smaller than the periphery of the adjacent temple portion, said seat having an axial length of less than about one-half the axial length of the temple; and

at least one substantially tubular traction member disposed within the recessed seat having an inner surface, an outer surface, and a central passageway running axially therethrough, said inner surface removably engaging the periphery of the seat, and said outer surface adapted to provide a contact surface with the head of the wearer.

2. Improved eyewear, comprising:

a frame;

at least one temple having proximal and distal ends and being joined to the frame at the proximal end thereof, having a recessed seat interposed between said proximal and distal ends, said seat having a smaller cross-sectional area than the cross-sectional area of said temple portion adjacent said seat, and said seat having an axial length of less than about one-half of the axial length of the temple; and

a substantially tubular elastomeric traction member having an inner surface and an outer surface, such that the inner surface is adapted to circumferentially contact the temple, and the outer surface is adapted to engage the head of a wearer, wherein the traction member is disposed in the recessed seat region on the temple.

8

3. An improved eyewear temple for retaining eyeglasses on the head of the wearer and reducing abrasion caused by movement of said eyewear, comprising:

an elongate eyewear temple body;

a first end on the temple for attaching the temple to the frame of the eyeglasses;

a second end on the temple, distal said first end, for engaging the head of the wearer; and

a recessed seat interposed between said first and second ends having a smaller cross-sectional area than that of said temple portion adjacent said seat, said seat being separated from the remainder of said temple by first and second shoulders, such that the axial length of the recessed seat between the first and second shoulders is less than about one-half of the axial length of the temple, said recessed seat being situated toward the distal end of the temple such that at least one substantially tubular traction member removably disposed within the recessed seat can engage the head of the wearer.

4. An eyewear temple as in claim 3, wherein at least one substantially tubular traction member is disposed within the recessed seat between the first and second shoulders, said member having an inner surface, an outer surface, and a central passageway running axially therethrough, said inner surface removably engaging the periphery of the seat, and said outer surface adapted to provide a contact surface with the head of the wearer.

5. An eyewear temple as in claim 4, wherein the tubular traction member comprises a resilient elastomeric material.

6. An improved eyewear temple as in claim 5, wherein said elastomeric material exhibits a coefficient of sliding friction that increases when the material is wetted.

7. An eyewear temple as in claim 5, wherein the thickness of the traction member is such that the outer surface of the traction member is substantially flush with the periphery of the adjacent portion of the temple.

8. An eyewear temple as in claim 7, wherein the outer cross-sectional shape of the traction member approximates the outer cross-sectional shape of the adjacent portion of the temple.

9. An eyewear temple as in claim 5, wherein the traction member extends radially outward beyond the surface of the adjacent portion of the temple.

10. An eyewear temple as in claim 5, wherein at least one tubular traction member disposed within the recessed seat extends substantially the entire distance between said first and second shoulders of the temple.

11. An eyewear temple as in claim 5, wherein the traction member is removable and comprises a hollow, elastomeric member adapted to allow elastic radial expansion for sliding over the distal end of said temples and into engagement with said recessed seat.

12. An eyewear temple as in claim 3, wherein the shoulders extend substantially perpendicularly from the seat.

13. An eyewear temple as in claim 3, wherein the recessed seat consists of a tapering that extends axially and radially from the distal end of the recessed seat to the proximal end, wherein the cross-sectional area of the seat tapers from the smaller periphery at the distal end to being substantially coincident with the cross-sectional area of the temple at the proximal end of the recessed seat.

14. An eyewear temple as in claim 3, wherein the axial length of the recessed seat extends no more than about one-third the length of the temple.

15. An eyewear temple as in claim 3 further comprising an attachment means on the first end thereof for pivotably removably attaching the temple to an eyeglass frame.

16. An improved eyewear temple for retaining eyeglasses on the head of the wearer and reducing abrasion caused by movement of said eyewear, comprising:

- a elongate eyewear temple body, wherein the body is substantially linear through the axial length of the temple;
- a first end on the temple for attaching the temple to the frame of the eyeglasses;
- a second end on the temple, distal said first end, for engaging the head of the wearer;
- a recessed seat interposed between said first and second ends having a smaller cross-sectional area than that of said temple portion adjacent said seat, said seat being separated from the remainder of said temple by first and second shoulders; and
- at least one tubular traction member disposed within the recessed seat.

17. An eyewear temple as in claim 16, wherein at least one substantially tubular traction member is disposed within the recessed seat between the first and second shoulders, said member having in inner surface, an outer surface, and a central passageway running axially therethrough, said inner surface removably engaging the periphery of the seat, and said outer surface adapted to provide a contact surface with the head of the wearer.

18. An eyewear temple as in claim 17, wherein the tubular traction member comprises a resilient elastomeric material.

19. An improved eyewear temple as in claim 18, wherein said elastomeric material exhibits a coefficient of sliding friction that increases when the material is wetted.

20. An eyewear temple as in claim 18, wherein the thickness of the traction member is such that the outer surface of the traction member is substantially flush with the periphery of the adjacent portion of the temple.

21. An eyewear temple as in claim 20, wherein the outer cross-sectional shape of the traction member approximates the outer cross-sectional shape of the adjacent portion of the temple.

22. An eyewear temple as in claim 18, wherein the traction member extends radially outward beyond the surface of the adjacent portion of the temple.

23. An eyewear temple as in claim 16, wherein the shoulders extend substantially perpendicularly from the seat.

24. An eyewear temple as in claim 16, wherein the recessed seat consists of a tapering that extends axially and radially from the distal end of the recessed seat to the proximal end, wherein the cross-sectional area of the seat tapers from the smaller periphery at the distal end to being substantially coincident with the cross-sectional area of the temple at the proximal end of the recessed seat.

25. An eyewear temple as in claim 16, wherein the axial length of the recessed seat extends no more than about one-third the length of the temple.

26. An eyewear temple as in claim 16, wherein the axial length of the recessed seat extends no more than about one-half the length of the temple.

27. An eyewear temple as in claim 16, wherein at least one tubular traction member disposed within the recessed seat extends substantially the entire distance between said first and second shoulders of the temple.

28. An eyewear temple as in claim 16, wherein the traction member is removable and comprises a hollow, elastomeric member adapted to allow elastic radial expansion for sliding over the distal end of said temples and into engagement with said recessed seat.

29. An eyewear temple as in claim 16, further comprising an attachment means on the first end thereof for pivotably removably attaching the temple to an eyeglass frame.

30. Improved eyewear, comprising:

- at least one temple piece being substantially linear throughout the axial length of the temple and having a recessed seat along a length thereof such that the seat defines a periphery which is smaller than the periphery of the adjacent temple portion; and
- at least one substantially tubular traction member disposed within the recessed seat having an inner surface, an outer surface, and a central passageway running axially therethrough said inner surface removably engaging the periphery of the seat, and said outer surface adapted to provide a contact surface with the head of the wearer.

31. Improved eyewear, comprising:

- a frame;
- at least one temple having proximal and distal ends and being joined to the frame at the proximal end thereof, said temple being substantially linear throughout the axial length of the temple, said temple having a recessed seat interposed between said proximal and distal ends, said seat having a smaller cross-sectional area than that of said temple portion adjacent said seat; and
- a substantially tubular elastomeric traction member having an inner surface and an outer surface, such that the inner surface is adapted to circumferentially contact the temple, and the outer surface is adapted to engage the head of a wearer, wherein the traction member is disposed in the recessed seat region on the temple.

32. Improved eyewear having a lens, a frame supporting said lens for positioning the lens before the eyes of a wearer, and first and second temples for securing said eyewear to the head of the wearer, said temples having a proximal end joined to said frame and a distal end spaced from said proximal end, the improvement comprising:

- said first and second temples being substantially linear throughout the axial length of the temple member, said temples having disposed between said proximal and distal ends a radially recessed seat having a smaller cross-sectional area than that of said temple portion adjacent said seat; and
- at least one traction member releasably secured on said first and second temples within the seat, whereby said traction member frictionally engages the wearer's head.

AO 120 (3/85)

TO: Commissioner of Patents and Trademarks Washington, D.C. 20231	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT
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In compliance with the Act of July 19, 1952 (66 Stat. 814; 35 U.S.C. 290) you are hereby advised
that a court action has been filed on the following patent(s) in the U.S. District Court:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
04CV1379 WQH (POR)	July 9, 2004	United States District Court, Southern District of California
PLAINTIFF		DEFENDANT
Oakley, Incorporated		Joseph Francis Werb
PATENT NO.	DATE OF PATENT	PATENTEE
1 1,521,599	January 24, 1989	Oakley
2 1,990,262	July 30, 1996	Oakley
3 1,519,596	January 10, 1989	Oakley
4 408,048	April 13, 1999	Oakley
5 369,375	April 30, 1996	Oakley
6 407,428	March 30, 1999	Oakley
7 479,553	September 9, 2003	Oakley
8 399,866	October 20, 1998	Oakley
9 441,390	May 1, 2001	Oakley
10 D446,803	August 21, 2001	Oakley
11 415,188	October 12, 1999	Oakley
12 422,298	April 4, 2004	Oakley
13 D463,478	September 24, 2002	Oakley
14 D469,459	January 28, 2003	Oakley
15 398,326	September 15, 1998	Oakley
16 D464,669	October 22, 2002	Oakley
17 D473,583	April 22, 2003	Oakley
18 420, 036	February 1, 2000	Oakley
19 376,381	December 10, 1996	Oakley
20 D446,804	August 21, 2001	Oakley
21 425,103	May 16, 2000	Oakley
22 D470,166	February 11, 2003	Oakley

23 404,754	January 26, 1999	Oakley
24 D462,375	September 3, 2002	Oakley
25 D469,458	January 28, 2003	Oakley
26 D477,623	July 22, 2003	Oakley
27 5,137,342	August 11, 1992	Oakley

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT NO.	DATE OF PATENT	PATENTEE		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Commissioner Copy 3 - Upon termination of action, mail this copy to Commissioner
 Copy 2 - Upon filing document adding patent(s), mail this copy to Commissioner Copy 4 - Case file copy

JS44

(Rev. 07/89)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

OAKLEY, INC., a Washington corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Orange, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

JOSEPH FRANCIS WERB

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT St. Paul, MN
(U.S. PLAINTIFF CASES ONLY)

DEPUTY
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

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WQH (POR)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Weeks, Kaufman, Nelson & Johnson
462 Stevens Ave., Suite 310
Solana Beach, CA 92075

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	• 1	• 1	Incorporated or Principal Place of Business in This State	• 4	• 4
Citizen of Another State	• 2	• 2	Incorporated and Principal Place of Business in Another State	• 5	• 5
Citizen or Subject of a Foreign Country	• 3	• 3	Foreign Nation	• 6	• 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> • 110 Insurance • 120 Marine • 130 Miller Act • 140 Negotiable Instrument • 150 Recovery of Overpayment & Enforcement of Judgment • 151 Medicare Act • 152 Recovery of Defaulted Student Loans (Excl. Veterans) • 153 Recovery of Overpayment of Veterans Benefits • 160 Stockholders Suits • 190 Other Contract • 195 Contract Product Liability 	<ul style="list-style-type: none"> • 310 Airplane • 315 Airplane Product Liability • 320 Assault, Libel & Slander • 330 Federal Employers' Liability • 340 Marine • 345 Marine Product Liability • 350 Motor Vehicle • 355 Motor Vehicle Product Liability • 360 Other Personal Injury 	<ul style="list-style-type: none"> • 362 Personal Injury-Medical Malpractice • 365 Personal Injury - Product Liability • 368 Asbestos Personal Injury Product Liability • 370 Other Fraud • 371 Truth in Lending • 380 Other Personal Property Damage • 385 Property Damage Product Liability 	<ul style="list-style-type: none"> • 422 Appeal 28 USC 158 • 423 Withdrawal 28 USC 157 • 820 Copyrights • 830 Patent • 840 Trademark • 861 HIA (13958) • 862 Black Lung (923) • 863 DIWC/DIWW (405(g)) • 864 SSID Title XVI • 865 RSI (405(g)) • 870 Taxes (U.S. Plaintiff or Defendant) • 871 IRS - Third Party 26 USC 7609 	<ul style="list-style-type: none"> • 400 State Reappointment • 410 Antitrust • 430 Banks and Banking • 450 Commerce/ICC Rates/etc. • 460 Deportation • 470 Racketeer Influenced and Corrupt Organizations • 810 Selective Service • 850 Securities/Commodities Exchange • 875 Customer Challenge 12 USC • 891 Agricultural Acts • 892 Economic Stabilization Act • 893 Environmental Matters • 894 Energy Allocation Act • 895 Freedom of Information Act • 900 Appeal of Fee Determination Under Equal Access to Justice • 950 Constitutionality of State • 890 Other Statutory Actions
<ul style="list-style-type: none"> • 210 Land Condemnation • 220 Foreclosure • 230 Rent Lease & Ejectment • 240 Tort to Land • 245 Tort Product Liability • 290 All Other Real Property 	<ul style="list-style-type: none"> • 441 Voting • 442 Employment • 443 Housing/Accommodations • 444 Welfare • 440 Other Civil Rights 	<ul style="list-style-type: none"> • 510 Motions to Vacate Sentence Habeas Corpus • 530 General • 535 Death Penalty • 540 Mandamus & Other • 550 Civil Rights • 555 Prisoner Conditions 	<ul style="list-style-type: none"> • 610 Agriculture • 620 Other Food & Drug • 625 Drug Related Seizure of Property 21 USC 881 • 630 Liquor Laws • 640 RR & Truck • 650 Airline Regs • 660 Occupational Safety/Health • 690 Other • 710 Fair Labor Standards Act • 720 Labor/Mgmt. Relations • 730 Labor/Mgmt. Reporting & Disclosure Act • 740 Railway Labor Act • 790 Other Labor Litigation • 791 Empl. Ret. Inc. Security Act 	<ul style="list-style-type: none"> • 430 Banks and Banking • 450 Commerce/ICC Rates/etc. • 460 Deportation • 470 Racketeer Influenced and Corrupt Organizations • 810 Selective Service • 850 Securities/Commodities Exchange • 875 Customer Challenge 12 USC • 891 Agricultural Acts • 892 Economic Stabilization Act • 893 Environmental Matters • 894 Energy Allocation Act • 895 Freedom of Information Act • 900 Appeal of Fee Determination Under Equal Access to Justice • 950 Constitutionality of State • 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removal from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER *fr.c.p.* 23 DEMAND \$ _____ Check YES only if demanded in complaint: JURY DEMAND: YES • NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE See attached Docket Number _____
DATE 7/8/04 SIGNATURE OF ATTORNEY OF RECORD

105281 150⁰⁰ 7/9/04