

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

01-8798

CIV - FERGUSON

DEPARTMENT OF JUDICIAL ADMINISTRATION
CLERK

FILED

SEP 31 2001



CLERK, USDC / SDFL / WEST

ROY McFARLAND,

Plaintiff,

v.

JUPITER FISHING PRODUCTS, INC.,

Defendant.

**COMPLAINT FOR DECLARATORY JUDGMENT
AS TO PATENT INFRINGEMENT**

Plaintiff, ROY McFARLAND, sues the Defendant, JUPITER FISHING PRODUCTS, INC.,
for relief under the Declaratory Judgment Act and complains as follows:

JURISDICTION AND VENUE

1. This is an action to declare the rights of the parties pursuant to the Federal
Declaratory Judgment Act, 28 USC § 2201, and the patent laws of the United States, 35 USC § 271
et seq.

2. This Court has original subject matter jurisdiction of this cause pursuant to 28 USC
§ 1338(a).

3. This Court has personal jurisdiction over the Defendant, JUPITER FISHING
PRODUCTS, INC., in that it is a Florida corporation doing business in Palm Beach County, Florida.

4. Venue is proper in this district pursuant to 28 USC § 1391(b).

THE PARTIES

5. Roy McFarland is an individual residing in Palm Beach County, Florida, and sells his Bait Fish Fishing Rod under the mark McFarland Custom Rods.

6. The Defendant, JUPITER FISHING PRODUCTS, INC., is a Florida corporation having a regular place of business located at 1648 Jupiter Cove Dr., Jupiter, Florida. It has asserted ownership of U.S. Patent Nos. 5,241,773 and 5,930,939 which are the subject of this cause.

BACKGROUND

7. The Plaintiff, ROY McFARLAND, originated and distributes his own Bait Fish Fishing Rod (Exhibit "A" attached).

8. The Bait Fish Fishing Rod is used to catch small fish for later use as bait with conventional fishing rods. It differs in design by incorporating a series of fish hooks along the length of a fishing line, and providing a hollow tube in which the line may be reeled, to prevent tangling of the numerous hooks and to facilitate safe storage and handling.

9. A number of companies are presently selling such devices and their popularity has meant the competition has become keen.

10. On August 10, 2001, the Plaintiff received a letter from counsel for the Defendant, which advised of the Defendant's ownership of U.S. Patent Nos. 5,241,773 and 5,930,939, and demanded that the Plaintiff immediately cease and desist from selling his Bait Fish Fishing Rod.

11. This letter (Exhibit "B" attached) constitutes a clear threat of infringement litigation.

12. The Plaintiff believes that this threat of infringement litigation is designed for anti-competitive purposes rather than the legitimate enforcement of patents. The Plaintiff believes that his Bait Fish Fishing Rod does not infringe the '773 or '939 Patents (Exhibit "C" attached).

COUNT I

DECLARATION OF RIGHTS

13. The Plaintiff seeks a declaration of the rights of the parties under 28 USC § 2201, and realleges paragraphs 1 through 12 above.

14. An actual controversy exists between the parties, who are direct competitors in the sale of Bait Fish Fishing Rods, as the Defendant has threatened patent infringement litigation.

15. The threat of litigation is clear and, because of the significant investment in time and money made by the Plaintiff, this litigation threat must be addressed in order to prevent the Defendant from creating a lack of confidence in the Plaintiff's dealer network.

16. The Plaintiff is entitled to be able to conduct his business in an atmosphere free of litigation threats and therefore chooses to establish the rights of the parties through the Declaratory Judgment Act.

WHEREFORE, the Plaintiff prays:

a. That this Court declare that the Plaintiff's Bait Fish Fishing Rod does not infringe the claims contained in U.S. Patent Nos. 5,241,773 or 5,930,939; and

- b. That this Court permit related discovery as to the validity of the above patents.

Respectfully submitted,

McHALE & SLAVIN, P.A.
4440 PGA Boulevard, Suite 402
Palm Beach Gardens, FL 33410
Tel: (561) 625-6575
Fax: (561) 625-6572

BY: 

EDWARD F. McHALE
Fla. Bar No. 190300

EXHIBIT "A"

EXHIBIT "B"

Malloy & Malloy, P.A.

Patent, Trademark & Copyright Law

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June 20, 2001

VIA FACSIMILE and CERTIFIED
MAIL, R.R.R.

Michael A. Slavin, Esq.
McHALE & SLAVIN, P.A.
First Union Center
Suite 402, 4440 PGA Boulevard
Palm Beach Gardens, Florida 33410

Re: Patent Infringement - Bait Fish Fishing Rod -
Jupiter Fishing Products, Inc. v. Roy McFarland
U.S. Patent Nos. 5,930,939 and 5,241,773
Our Ref.: 7.363.00

Dear Mr. Slavin:

This law firm represents Jupiter Fishing Products, Inc. in connection with its intellectual property matters. Our client is the owner of U.S. Patent Nos. 5,930,939 and 5,241,773 (the '939 and '773 patents respectively) for a fishing rod. Enclosed are a copies of the patents.

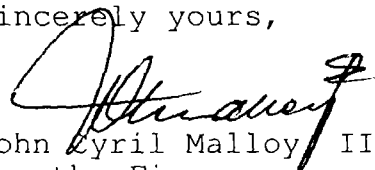
Several months ago, on behalf of your client Roy McFarland, you had been in communication with our client's prior legal representatives regarding the alleged infringement of the '939 patent. In your communications you expressed your opinion that your client's fishing rod does not infringe the '939 patent, pointing to the '773 patent as a prior art reference that you believe limits the scope of the '939 patent. Since those communications, however, our client has acquired all right title and interest in and to the '773 patent, including the right to sue for past and present infringement.

It is our considered opinion that Mr. McFarland's product is covered by at least one, or both, of the '939 and '773 patents. Accordingly, we have been asked to re-affirm our client's demand that Mr. McFarland immediately and permanently cease and desist from further manufacture, importation, distribution, sale, or offer for sale of the accused products, and that he provide a complete accounting of all infringing fishing rods sold to date.

We must have your response to this letter no later than the close of business on June 27, 2001. If we do not have an answer from you prior to that date, please rest assured that our client will likely proceed directly with an action for patent infringement.

Kindest regards,

Sincerely yours,



John Cyril Malloy III
For the Firm

JC3/mc
Enclosure
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August 10, 2001

VIA FACSIMILE and
CERTIFIED MAIL - R.R.R.

Michael A. Slavin, Esq.
MCHALE & SLAVIN, P.A.
First Union Center
Suite 402, 4440 PGA Boulevard
Palm Beach Gardens, Florida 33410

Re: Patent Infringement - Bait Fish Fishing Rod -
Jupiter Fishing Products, Inc. v. Roy McFarland
U.S. Patent Nos. 5,241,773 and 5,930,939
Our Ref.: 7.363.01

Dear Mr. Slavin:

We are writing further to our correspondence of June 20, 2001, regarding the above-referenced matter. We are in receipt of the June 27, 2001, correspondence from your office indicating that a response to our concerns would be forthcoming, however, we have received no further communication to date. As you are aware, our client, Jupiter Fishing Products, Inc., is the owner of U.S. Patent Nos. 5,241,773 and 5,930,939 (the '773 and '939 patents respectively) for a bait fish fishing rod, copies of which have previously been provided to your office.

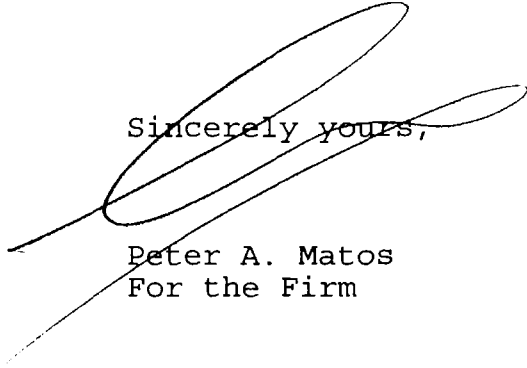
It remains our considered opinion that Mr. McFarland's product is covered by at least one, or both, of the '773 and '939 patents. As such, on behalf of our client we reiterate our demand that Mr. McFarland immediately and permanently cease and desist from further manufacture, importation, distribution, sale, or offer for sale of the accused products, and that he immediately provide a complete accounting of all infringing fishing rods sold to date. Furthermore, based on the previous notice to Mr. McFarland of his infringement, continued infringing activities may be deemed willful violations of our client's patent rights subjecting him to treble damages and attorneys fees.

Given the lack of response to our prior correspondence, please be advised that failure to respond to this letter no later than the close of business on August 17, 2001, will likely precipitate an action for patent infringement by our client.

August 10, 2001
Page 2

Kindest regards,

Sincerely yours,



Peter A. Matos
For the Firm

PM/jfj

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cc: Roy McFarland

McHALE & SLAVIN, P.A.

ATTORNEYS AT LAW

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August 16, 2001

VIA FACSIMILE: 305/858-0008

Peter A. Matos, Esq.
Malloy & Malloy, P.A.
2800 S.W. Third Avenue
Miami, FL 33129

RE: **JUPITER FISHING PRODUCTS**
Your Ref. No. 7.363.01
Our Ref. No. 2121.000

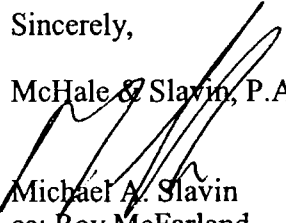
Dear Mr. Matos:

Responsive to your cease and desist letter, these matters were addressed with your client's previous counsel. Thus, we are now confused if new issues have been raised or different opinions have been reached. In any event, you have not described which product of Mr. McFarland's is now at issue and you state that it is now covered by at least one or both of the patents. You know such a stance is not possible and in view of your accusation letter, we hereby demand a copy of your claim chart so we may understand which product of McFarland's is now at issue and what element is deemed to be infringing. As you threaten an immediate lawsuit, we expect this work is complete and we will receive it today.

We will await for your prompt response on this matter, so we may counsel our client accordingly.

Sincerely,

McHale & Slavin, P.A.


Michael A. Slavin
cc: Roy McFarland

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Malloy & Malloy, P.A.

Patent, Trademark & Copyright Law

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August 28, 2001

VIA FACSIMILE and
CERTIFIED MAIL - R.R.R.
(561) 625-6572

Michael A. Slavin, Esq.
McHALE & SLAVIN, P.A.
First Union Center
Suite 402, 4440 PGA Boulevard
Palm Beach Gardens, Florida 33410

Re: Patent Infringement - Bait Fish Fishing Rod -
Jupiter Fishing Products, Inc. v. Roy McFarland
U.S. Patent Nos. 5,241,773 and 5,930,939
Our Ref.: 7.363.01

Dear Mr. Slavin:

We are writing in response to your correspondence of August 16, 2001, regarding the above-referenced matter. As previously indicated, our client, Jupiter Fishing Products, Inc., is the owner of U.S. Patent Nos. 5,241,773 and 5,930,939 (the '773 and '939 patents respectively) for a bait fish fishing rod, copies of which have been provided to your office.

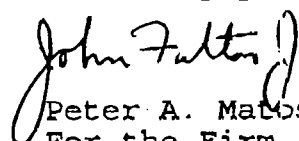
It remains our considered opinion that Mr. McFarland's product, the "Bait-Stik", known to be on sale at numerous sporting goods establishments, including Outdoor Sports World in West Palm Beach, Florida, is covered by at least one, if not both, the '773 and '939 patents. Specifically, we direct your attention to independent claims 13 and 15 of the '773 patent. In light of these claims, we once again reiterate our demand on behalf of our client that Mr. McFarland immediately and permanently cease and desist from further manufacture, importation, distribution, sale, or offer for sale of the accused products, and that he immediately provide a complete accounting of all infringing fishing rods sold to date. Furthermore, based on the repeated notice given to Mr. McFarland of his infringement, and the continued delay in providing any substantive response, continued infringing activities may likely be deemed willful violations of our client's patent rights subjecting him to treble damages and attorneys fees.

Therefore, please be advised that we hereby demand a response to this letter no later than the close of business on September 4, 2001. Failure to comply will likely precipitate immediate legal action for patent infringement by our client.

August 28, 2001

Page 2

Sincerely yours,

 For
Peter A. Matos
For the Firm

cc: Roy McFarland

PM/jfj

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EXHIBIT "C"

U.S. Patent

Sep. 7, 1993

Sheet 3 of 3

5,241,773

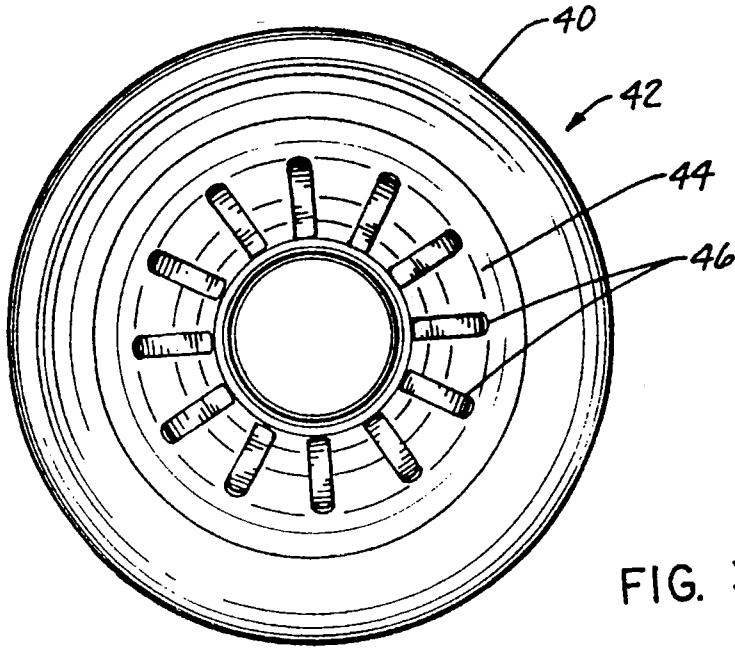


FIG. 3.

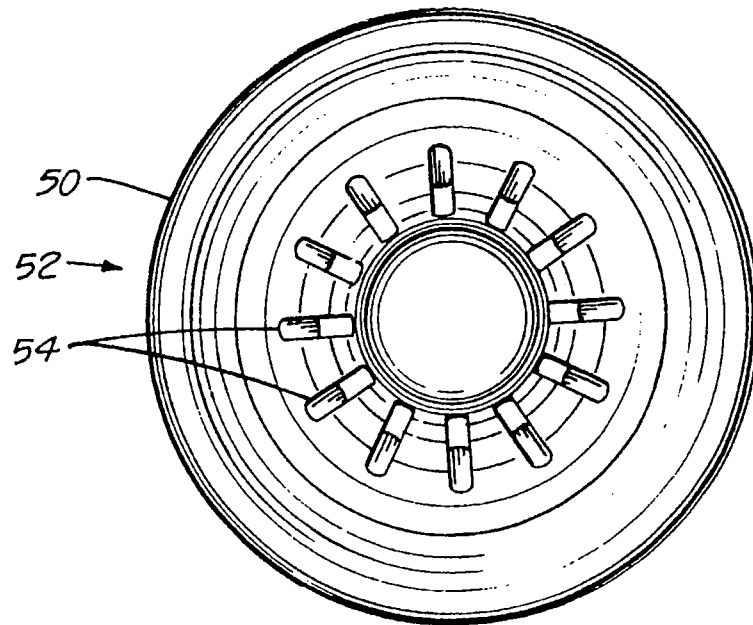


FIG. 4.

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FISHING ROD FOR BAIT FISH AND THE LIKE

FIELD OF THE INVENTION

This invention relates generally to fishing rods and, more particularly, to a fishing rod useful for catching small fish such as bait fish.

BACKGROUND OF THE INVENTION

Often before a fisherman attempts to catch large fish, such as salmon or halibut, he will first catch smaller fish, called bait fish. The bait fish, one such example being herring, is placed on the hooks used to capture the desired prey in order to lure the prey to the hook. Some small fish, such as herring and smelt, are also commonly caught for food. Small fish are traditionally caught with the aid of a jig line, which is attached to the fisherman's pole. A jig line is comprised of a fishing line to which a number of small, spaced-apart hooks are attached by gangion lines. Once placed in the water, the jig line is jigged (moved up and down rapidly) by the fisherman when a school of small fish is located. The rapid movement of the unbaited hooks attracts fish to the hooks where they are captured.

A problem with the use of a jig line is that the line can only be rewound on a pole to which it is attached to the point where the first gangion line reaches the end of the pole. The remainder of the gangion lines and the hooks dangle from the end of the fishing line. This leaves the hooks free to become tangled among themselves and/or to catch on adjacent gear or articles of clothing. The time spent having to untangle the hooks so that they can be placed back in the water can detract from a fisherman's ability to rapidly place a jig line in the water so that he can catch fish in a rapidly moving school. Moreover, the task of having to untangle the hooks or having to properly stow them to prevent their entanglement can depreciate the fisherman's overall enjoyment of the sport.

SUMMARY OF THE INVENTION

This invention relates to a new fishing rod assembly useful for catching small fish, such as bait fish, using a plurality of hooks, that prevents the entanglement of the hooks used to catch the fish.

The fishing rod assembly of this invention includes a fishing rod that includes a handle to which a tubular shaft is attached. A reel on which the fishing line is stored is secured to the handle. The main line extends through the shaft. A jig line to which a number of spaced-apart hooks are attached is secured to the free end of the main line. A weight having a selected diameter is attached to the free end of the jig line. A flute is located on the end of the shaft opposite the handle. The mouth of the flute and the bore defined by the shaft have diameters that are larger than the width of the hooks but smaller than the diameter of the weight. The mouth of the flute is sized to receive the end of the weight.

Once a fisherman has finished fishing with the rod of this invention and the fish are removed from the hooks, the fishing line is reeled into the shaft. The hooks move with the fishing line through the mouth of the flute into the bore of the shaft. The further reeling in of the fishing line forces the weight against the mouth of the flute. A lock mechanism integral with the reel then prevents

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the fishing line from unwinding and keeps the fishing line taut inside the shaft.

Once the hooks of the fishing rod of this invention are reeled into the shaft, they are shielded from the outside environment. This prevents the hooks from becoming caught on any object adjacent the rod assembly such as other gear or the fisherman's clothing. Since the line to which the hooks are attached becomes taut when it is reeled into the shaft, the hooks stay spaced apart from each other and do not tangle. Consequently, once the fishing line is reeled into the shaft, little additional care needs to be taken in stowing the rod assembly. The hooks can be readily placed in the water again by simply unlatching the reel to unreel the fishing line. This ability to rapidly get the hooks into the water increases the fisherman's ability to catch fish that are in a rapidly moving school.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention is pointed out with particularity in the appended claims. The above and further advantages of the invention may be better understood by referring to the following description, taken in conjunction with the accompanying drawings, in which:

FIG. 1 is a side view illustrating the fishing rod of this invention;

FIG. 2 is a cross-sectional view illustrating a portion of the shaft, the flute, the hooks, and the weight of the fishing rod of this invention;

FIG. 3 is a plan view of the front face of an alternative flute of the fishing rod of this invention; and

FIG. 4 is a plan view of the front face of an alternative flute of the fishing rod of this invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

FIGS. 1 and 2 illustrate a fishing rod assembly 10 of this invention. The fishing rod assembly 10 includes a tubular shaft 12 to which a handle 14 is attached at one end. A reel 16 on which fishing line 18 is stored is attached to the handle 14. A flute 20 is attached to the end of the shaft 12 distal from the end to which handle 14 is attached. The fishing line 18 extends through the shaft 12 and out through the flute 20.

A jig line 21 is attached to the free end of the fishing line 18 by a small swivel connector 23 or other suitable coupling mechanism. A set of hooks 24 is attached to the jig line 21 by a set of relatively short gangion lines 26. A weight 22 is attached to the end of the free end of the jig line 21 by a swivel connector 23.

The shaft 12 is formed of plastic, composite material, wood, or any other material capable of withstanding the loads to which a fishing rod is exposed. The shaft has a bore 28 with a diameter greater than the width across a hook 24 from its stem to its barb. For example, if the hooks 24 are 0.25 inch in width, the minimum diameter of the bore 28 should be at least 0.38 inch. In the illustrated version of the invention, the bore 28 has a tapered profile such that its narrowest diameter is adjacent the flute 20.

The handle 14 may be a separate piece or formed integrally with the shaft 12. In the depicted version of the invention, the handle is a separate element and is attached to the shaft by a metallic band 30. The end of the handle 14, distal from the reel 16, is provided with a tapered surface 32 to facilitate fitting the band 30 over the shaft and the handle 14. Alternatively, any other conventional means may be used to secure the handle 14

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to the shaft 12. The reel 16 is any conventional reel on which the fishing line 18 can be wound. A locking mechanism with a releasable lever (not illustrated) built into the reel 16 controls the winding and unwinding of the fishing line 18. A reel seat 27 integral with the reel 16 is positioned on top of the handle 14. The reel 16 is held in position by a pair of eccentrically shaped rings 29a and 29b that extend over the handle 14. Ring 29a is fixed in position over the end of the handle 14. Ring 29b is compression fitted over the reel seat 27 to facilitate the removal of the reel 16. In other versions of the invention, alternative means may be used to secure the reel 16 to the rod assembly 12. For example, in some versions of the invention, the reel seat 27 may be snap fitted, screw secured, or molded to the handle 14.

The fishing line 18 is any conventional fishing line. In versions of the invention employed to catch herring or similarly sized bait fish, it is recommended that line of approximately 5- to 30-lb. test strength be used. In versions of the invention that employ hooks 24 of approximately 0.5 inch top-to-bottom length, the gangion lines 26 that connect the hooks 24 to the fishing line 18 are approximately two inches in length and are connected to the fishing line 18 approximately six to eight inches apart from each other. The jig line 21 is of approximately 5- to 15-lb. test strength and the gangion lines 26 have a test strength of approximately 4 to 10 lb.

The flute 20 may be a separate part of the fishing rod assembly 10 of this invention or it may be formed integrally with the shaft 12. The flute 20 has a body that defines an outwardly tapered mouth 36 that is of narrow diameter adjacent where the flute is coupled with the shaft 12 and widest at the open end of the flute. The flute body is further shaped so that the weight 22 can be seated in the mouth 36 of the flute 20. For example, versions of the invention that employ hooks of 0.25 inch in width may have a weight 22 that is ball-shaped and approximately 0.75 inch in diameter. In these versions of the invention, the flute body is shaped so that the narrowest section of the mouth 36 is 0.38 inch in diameter and the widest portion is 1.0 inch in diameter. The portion of the flute body defining the mouth 36 is further formed to have an outwardly curved profile; this facilitates the movement of the hooks 24 into the shaft 12. The flute 20 also has an outwardly curved lip 38 that extends outward from the open end of the mouth 36. The lip 38 has a circular profile and a radius of curvature greater than the width of the hooks 24 with which the rod assembly 10 is used. This profile minimizes the possibility that the hooks 24 will become caught on the flute 20 as they are reeled into the shaft 12.

When use of the fishing rod assembly 10 of this invention is desired, the locking mechanism on the reel 16 is released and the fishing line is lowered in a normal manner. Once the desired fish have been caught, the fishing line 18 is wound back onto the reel 16. After the fish are removed from the hooks 24, the fisherman continues to wind the fishing line 18 onto the reel 16. The hooks 24 slide over the inside surface of the flute body, pass through the mouth 36 of the flute, and into the bore 28 of the reel body 12. The winding of the fishing line 18 onto the reel 16 is stopped by the action of the weight 22 abutting the inner surface of the body of the flute 20. Once the fishing line is initially held taut inside the reel body 12, the locking mechanism on the reel 16 prevents the fishing line from unwinding; this maintains the fishing line 18 in a taut state inside the shaft 12.

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Once the fishing line 18 is locked into position, the hooks 24 are held in place inside the shaft 12. The shaft 12 shields the hooks 24 from the outside environment so they do not become caught on adjacent fishing gear or on the fisherman's clothing. Since the diameter of the bore 28 of the shaft is not much greater than the width of the hooks 24, the hooks are restricted from significant lateral movement relative to the fishing line 18. The hook-gangion line spacing is greater than the overall hook-gangion line length. This prevents a hook from catching on the adjacent gangion lines. This restriction on hook 24 movement and the relative spacing of the hooks prevent the hooks from becoming caught on each other or on their own gangion lines. Thus, when use of the rod assembly 10 is again desired, the hooks 24 are in a ready, untangled state. All that is necessary to release the hooks 24 is to simply unlock the reel 16 so that the fishing line can be unwound.

Moreover, since the open end of the mouth 36 of the flute 20 is larger than the weight 22, once the fishing line 18 is wound up, the weight is substantially seated inside the mouth of the flute. This reduces the likelihood that the weight 22 could somehow become separated from the rest of the assembly in the event that the end of the rod to which the weight is attached is inadvertently bumped against another object.

FIG. 3 illustrates an alternative flute 40 that can be used with the rod assembly of this invention. Flute 40 includes a flute body 42 that defines a flute mouth 44 similar to the previously described flute 20. The flute body 42, in addition to having an outwardly curved profile, has a number of outwardly extending tabs 46 that extend radially outward from the center of the mouth. The tabs 46, which are disposed circumferentially around the flute body, serve as members upon which the weight 22 (FIG. 1) rests when the fishing line is wound into position. By providing the flute 40 with the tabs 46, the surface contact between the weight 22 and the flute 40 is reduced. This minimizes the surface friction between the weight 22 and the flute 40. Consequently, when the fishing line 18 is released, the weight will readily fall out of the flute 40 to facilitate the quick lowering of the hooks 24 into the water. In preferred versions of this embodiment of the invention, the tabs 46 have tapered surfaces that merge into the outer surface of the body of the flute 40. The slope nature of these surfaces prevents the hooks 24 from becoming caught on the tabs as they are drawn into the flute 40 and the shaft 12 (FIG. 1).

An alternative flute 50 is depicted by FIG. 4. Flute 50 is formed with a flute body 52 that defines a number of slits 54 that extend radially outward from the center of mouth of the flute. The slits 54 are positioned so that, when the weight 22 (FIG. 2) is disposed in the flute, the weight is seated over the slits. The slits 54 minimize the surface contact between the weight 22 and the flute 50 to facilitate the rapid movement of the weight, the lines, and hook when the locking mechanism is released. The slits are relatively narrow, typically less than a $\frac{1}{4}$ inch in width and often less than $\frac{1}{8}$ inch in width. The small width of the slits 54 minimizes the possibility that a hook 24 can become caught in a slit as it is retracted into the rod shaft 12. Moreover, in most preferred embodiments of the invention, the slits 54 do not extend through the flute 50. This further minimizes the chance that the hooks 24 will become caught in the slits 54.

It should be understood that the foregoing description is for the purposes of illustration only and alterna-

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tive embodiments are possible without departing from the scope of the claims. For example, in some versions of the invention, it may be desirable to form the basic flute integrally with the shaft and to provide a metal layer over the basic flute body structure that functions as the actual surface of the flute upon which the fishing line 18 and hooks 24 travel and the weight 22 rests. The shape of the tabs 46 formed on the flute or of the slits 54 formed in the flute may vary significantly from what has been shown. It should also be similarly clear that in other versions of the invention it may be an advantage to have hooks of different size and that one version of the rod assembly of this invention may be used with various sized hooks. It may also be desirable to attach the hooks directly to the fishing line or to attach the gangion lines directly to the fishing line. In these embodiments of the invention, the weight will be attached to the free end of the fishing line. Therefore, it is the object of the appended claims to cover all such variations and modifications that come within the true spirit and scope of the invention.

The embodiments of the invention in which an exclusive property or privilege is claimed are defined as follows:

1. A fishing rod comprising
 - a handle;
 - a reel assembly, including a reel attached to said handle and a line wound on said reel, wherein said reel is used to selectively wind and unwind said fishing line and said fishing line has a free end distal from said reel;
 - a weight attached to said free end of said fishing line, said weight having a selected maximum diameter;
 - a hook and a gangion line pair, wherein said gangion line extends between said hook and said fishing line, said gangion line is attached to said fishing line adjacent said weight, and said hook has a width less than said maximum diameter of said weight;
 - a shaft attached to said handle and having a free end distal from said end to which said handle is attached, said shaft having a bore extending longitudinally therethrough, wherein said fishing line, said gangion line, and said hook are releasably disposed in said shaft; and
 - a flute attached to said free end of said shaft, said flute defining a mouth having a narrow end adjacent and coaxial with said bore of said shaft and an open end distal from said narrow end wherein said narrow end of said flute mouth has a diameter greater than the width of said hook and less than the maximum diameter of said weight.
2. The fishing rod of claim 1, wherein said open end of said mouth of said flute has a diameter greater than the maximum diameter of said weight.
3. The fishing rod of claim 1, wherein said flute is formed with a lip extending from said open end of said mouth of said flute to around an outer surface of said flute, wherein said lip has a radius greater than the width of said hook.
4. The fishing rod of claim 2, wherein said flute is formed with a lip extending from said open end of said mouth of said flute to around an outer surface of said flute, wherein said lip has a radius greater than the width of said hook.
5. The fishing rod of claim 1, further including a plurality of hook-and-gangion lines attached to said fishing line, wherein said hook-and-gangion line pairs are attached to said fishing line at a sufficient distance

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spaced apart from each other so that said hook attached to a first gangion line will be spaced distal from the adjacent gangion line.

6. The fishing rod of claim 2, further including a plurality of hook-and-gangion lines attached to said fishing line, wherein said hook-and-gangion line pairs are attached to said fishing line at a sufficient distance spaced apart from each other so that said hook attached to a first gangion line will be spaced distal from the adjacent gangion line.

7. The fishing rod of claim 6, wherein said flute is formed with a lip extending from said open end of said mouth of said flute to around an outer surface of said flute, wherein said lip has a radius greater than the width of said hook.

8. The fishing rod of claim 1, wherein said flute is formed from a piece separate from said shaft.

9. The fishing rod of claim 2, wherein said flute is formed with a plurality of inwardly extending tabs that extend into the mouth of said flute so that, when said weight is disposed in the mouth of said flute, said weight abuts said tabs.

10. The fishing rod of claim 3, wherein said flute is formed with a plurality of inwardly extending tabs that extend into the mouth of said flute so that, when said weight is disposed in the mouth of said flute, said weight abuts said tabs.

11. The fishing rod of claim 2, wherein said flute has a body that defines a plurality of slits such that, when said weight is disposed in the mouth of said flute, said weight is seated over said slits.

12. The fishing rod of claim 3, wherein said flute has a body that defines a plurality of slits such that, when said weight is disposed in the mouth of said flute, said weight is seated over said slits.

13. A fishing rod comprising

- a handle;
- a shaft having a first end attached to said handle, a free end distal from said end attached to said handle, and a bore extending longitudinally therethrough, wherein said bore is dimensioned to receive a fishing line, the fishing line including a jig line to which a plurality of hooks having a selected width are attached and a free end to which a weight having a diameter greater than the width of the hooks is attached; and
- a flute attached to said free end of said shaft, said flute defining a mouth having a narrow end adjacent and coaxial with said bore of said shaft and an open end distal from said narrow end wherein said narrow end of said flute mouth has a diameter sufficient to allow the jig line hooks to pass into said bore of said shaft and is further sized to receive the weight at the end of the jig line and prevent movement of the weight into said bore of said shaft.

14. The fishing rod of claim 13, wherein said flute is formed with a plurality of inwardly extending tabs that extend into the mouth of said flute so that, when said weight is received in the mouth of said flute, said weight abuts said tabs.

15. A fishing rod for use with a jig line having a plurality of hooks attached thereto, the hooks having a selected width, the jig line also having a free end to which a weight is attached, the weight having a diameter greater than the width of the hooks, comprising:

- a handle;
- a shaft having a first end attached to said handle, a free end distal from said end attached to said han-

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die, and a bore extending longitudinally there-
through, wherein said bore is dimensioned to re-
ceive the jig line including the jig line hooks; and
a flute attached to said free end of said shaft, said flute
defining a mouth having a narrow end adjacent and
coaxial with said bore of said shaft and an open end
distal from said narrow end wherein said narrow
end of said flute mouth has a diameter sufficient to
allow the jig line hooks to pass into said bore of
said shaft and is further sized to receive the weight
at the end of the jig line and prevent movement of
the weight into said bore of said shaft.

16. The fishing rod of claim 15, wherein said flute is
formed with a lip extending from said open end of said
mouth of said flute to around an outer surface of said
flute, wherein said lip has a radius greater than the
width of the jig line hooks.

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17. The fishing rod of claim 15, wherein said flute is
formed with a plurality of inwardly extending tabs that
extend into the mouth of said flute so that when said
weight is received in the mouth of said flute, said weight
abuts said tabs.

18. The fishing rod of claim 15 wherein said flute has
a body that defines a plurality of slits such that, when
said weight is disposed in the mouth of said flute, said
weight is seated over said slits.

19. The fishing rod of claim 16, wherein said flute is
formed with a plurality of inwardly extending tabs that
extend into the mouth of said flute so that, when said
weight is received in the mouth of said flute, said weight
abuts said tabs.

20. The fishing rod of claim 16, wherein said flute has
a body that defines a plurality of slits such that, when
said weight is disposed in the mouth of said flute, said
weight is seated over said slits.

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TAPERED FISHING ROD**CROSS-REFERENCE TO RELATED APPLICATION**

This is a continuation-in-part of application Ser. No. 08/976,765, filed Nov. 24, 1997, still pending.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH AND DEVELOPMENT

Not Applicable

FIELD OF THE INVENTION

This invention relates to fishing equipment. More specifically, the invention relates to a novel tubular fishing pole capable of casting and housing a rig with multiple hooks.

BACKGROUND OF THE INVENTION

Fishing with a rig having two or more hooks has long been considered a more efficient way to fish. When large numbers of fish need to be caught, for example, with commercial fishing or with bait fish, a greater number of hooks on a rig gives the person fishing more chances to catch more fish. As such, rigs with multiple hooks are popular with bait fishing and commercial fishing.

However, fishing with multiple hooks does present several problems. One such problem with a rig having multiple hooks is that the hooks tend to snag each other or tangle with the line of the rig. This phenomena is also known as fouling. Once fouling has occurred with a rig, the rig is likely incapable of being casted and is also less likely to be effective in catching fish. Once fouled, undesirable options are available to remedy the condition. These remedies include the time-consuming process of untangling the rig or replacing the fouled rig with a new rig. With the first remedy, time is wasted, and with the second remedy both time and a rig is wasted. Because efficiency of fishing is a major benefit of the multiple hook rig, fouling inherent with the multiple hook rig decreases the benefit of that efficiency.

Another problem associated with the multiple hook rig is safety. Safety is of particular concern when children are using a multiple hook rig to catch bait fish. More hooks on a rig increases the likelihood of a hook snagging on clothing or even puncturing the skin. This can occur when the rod is being stored, being transported, being cast, or being reeled in. In addition to being a safety problem, removing a hook from the object in which the hook was embedded is a time-consuming process that also decreases the efficiency of the multiple hook rig.

Several types of fishing rods have been developed to handle multiple hook rigs. One example is disclosed in U.S. Pat. No. 5,241,773 to Burgh. Burgh discloses a hollow shaft that inwardly tapers from the reel to the distal end of the shaft. At the distal end of a shaft is an open-mouth flute for receiving a weight. The rod of Burgh acts to prevent some fouling of the hooks and to cover the hooks when reeled into the shaft. However, because the shaft is at its narrowest at the distal end of the shaft, the narrow opening limits the size of a hook that can be placed within the shaft. Also, the narrowing of the shaft as it approaches the distal end tends to restrict the outward progress of the rig from the shaft which can lead to fouling.

Rods similar to Burgh are also shown in U.S. Pat. No. 5,575,103 to Hare, U.S. Pat. No. 5,381,619 to Watkins, and

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U.S. Pat. No. 5,806,231 to Okada et al. Hare, Watkins and Okada also disclose hollow shafts that prevent some fouling of hooks and can cover the hooks when reeled into the shaft. However, Hare, Watkins and Okada disclose shafts that taper inwardly from reels to the distal ends of the shafts. The narrow opening at the distal end of the shaft restricts the size of a hook that can be reeled into the shaft and restricts the movement of hooks out of the shaft.

BRIEF SUMMARY OF THE INVENTION

It is an object of the invention to provide a fishing apparatus that reduces fouling associated with the use of multiple hook rigs.

It is another object of the invention to provide a fishing apparatus that can use multiple hook rigs and be safely stored, transported, handled, cast or reeled in.

It is a still another object of the invention to provide a fishing apparatus that can safely be used with children.

These and other objects of the invention are achieved by a fishing apparatus which comprises a reel, a reel butt, an elongated member, and a hook guard. The reel butt has a reel seat for holding the reel. The elongated member has an open distal end and is connected to the reel seat opposite the open distal end. The elongated member defines an internal truncated conical chamber tapering outward from the reel butt to the open distal end. The diameter of the chamber expands from the reel seat to the open distal end which prevents the fouling of a rig being cast from the elongated member.

The elongated member can also define an opening adjacent the reel seat that communicates line between the reel and the chamber. The open distal end can be dimensioned to prevent a weight from entering the chamber. This enables the rig to be safely stored within the chamber. A hook guard can also be included to prevent hooks from hooking onto the elongated member.

BRIEF DESCRIPTION OF THE DRAWINGS

There are shown in the drawings embodiments of the invention that are presently preferred, it being understood, however, that the invention is not limited to the precise arrangements and instrumentalities shown, wherein:

FIG. 1 is a perspective view of the fishing apparatus and rig according to the invention; and,

FIG. 2 is a partial cross-section taken along the line 2—2 of FIG. 1.

DETAILED DESCRIPTION OF THE INVENTION

FIG. 1 illustrates a fishing apparatus according to an inventive arrangement. The fishing apparatus 10 comprises a reel 12, a reel seat 14, an elongated member 16, and a reel butt 18. The reel 12 holds fishing line 26 that can be connected to a fishing rig 20 via a swivel 28. Although the fishing apparatus 10 can be used with any type of fishing rig 20, the fishing apparatus 10 is particularly adapted for use with a multiple-hook fishing rig 20. A multiple-hook fishing rig 20 typically comprises separate hooks 22 spaced along the line 24 of the rig 20.

The invention is not limited as to the type of reel 12 that can be used with the fishing apparatus 10. Any type of reel 12 that can store, retrieve and let out fishing line 26 is acceptable. The presently preferred reel 12 is a closed faced spinning reel.

The invention is also not limited as to the type of reel butt 18 that is used to hold the reel 12. Any type of reel butt 18

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that can hold the reel 12 and that can be connected to the elongated member 16 is acceptable. The presently preferred reel butt 18 includes a reel seat 14 for holding the reel 12.

FIG. 2 illustrates an elongated member 16 according to the invention. The elongated member 16 has a wall 40 with an inner surface 42 that defines a truncated conical chamber 30 that is internal to the elongated member 16 and also tapers outwardly from the reel butt 18 to an open distal end 32 of the elongated member 16 such that the diameter of the chamber 30 nearer the open distal end 32 is greater than the diameter of the chamber 30 nearer the reel butt 18. The elongated member 16 can include an opening 38 through which the fishing line 26 can pass from the reel 12 through the chamber 30 to an open distal end 32 of the elongated member 16. Although the opening 38 can be positioned anywhere along the elongated member 16, the presently preferred opening 38 is positioned adjacent the reel 12. Advantageously, this positioning maximizes the length of fishing line 26 within the chamber 30.

Although the inner surface 42 of the wall 40 of the elongated member 16 tapers outwardly, from the reel butt 18 to the open distal end 32, the outer surface 44 is not so limited. The outer surface 44 can be any shape, for example cylindrical, tapering outward, or tapering inward. However, because the presently preferred wall 42 has a constant thickness, the outer surface 44 of the wall approximates the shape of the inner surface 42 of the wall.

Although the open distal end 32 is not limited as to size, the presently preferred open distal end 32 is dimensioned to prevent a weight 34 positioned on the rig 20 from passing through the open distal end 32 into the chamber 30. Once the weight 34 is prevented from entering the chamber 30, the fishing line 24, along with the accompanying rig 20, can be reeled in with the reel 12 into the chamber 30 until the fishing line 24 and rig 20 are taut. Once so positioned, the rig 20 can be stored within the chamber 30. Advantageously, because the rig 20 is stored within an enclosed chamber 30, the risk of the hooks 22 snagging a foreign object is minimized. Thus, a person, especially a child, using the fishing apparatus 10 would less likely be exposed to the hooks 22. Also, because the rig 20 is stored taut, the hooks 22 will not have the opportunity to bunch up and snag each other. Thus, the rig 20 can safely be stored within the chamber 30 in a manner that prevents fouling of the rig 20.

A hook guard 36 can also be positioned adjacent the distal end 32. Any hook guard 36 that acts to prevent a hook 22 on the rig 20 from being caught on the elongated member 16 is acceptable. The presently preferred hook guard 36 is a donut-shaped ferrule.

The outward taper of the chamber 30 advantageously allows hooks 22 of several sizes to pass through the open distal end 32. Larger hooks 22 can be positioned on the rig 20 closer to the weight 34 and smaller hooks 22 can be positioned farther away from the weight 34. In contrast, an inwardly tapering chamber would limit the size of the hooks to that of the size of the distal end. Thus, to use the same size hooks 22, an elongated member with an inwardly tapering chamber would have to be larger than the elongated member 16 of the present invention.

Also, the outward taper of the chamber 30 tends to prevent fouling of the rig 20 and hooks 22. The locations of a chamber 30 in which fouling is most like to occur is at the open distal end 32 and at the most restricted diameter of the chamber 30. In an inwardly tapering chamber, the most

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restricted diameter is at the open distal end thereby further increasing the likelihood of fouling at the open distal end. However, with an outwardly-tapering chamber 30, the open distal end 32 is the least restricted diameter. This feature negates the fouling potential of the open distal end 32 by providing a large diameter at the open distal end 32.

This feature is particularly important when the fishing apparatus 10 is used to cast a rig 20. In comparison, an inwardly tapering chamber restricts the space a hook 22 must travel before exiting the chamber. This restricting of a hook 22 by the walls 40 of the elongated member 16 can slow down the hook and allow following hooks 22 to catch up with the first hook 22 and become entangled with each other. However, an outwardly tapering chamber 30 gives each hook 22 more space and less resistance as the hook 22 travels down the chamber 30. Thus, the risk of hooks 22 becoming fouled is decreased.

The outward taper of the chamber 30 also facilitates the reeling in of a rig 20. As the diameter of the open distal end 32 becomes larger, the risk of a hook 22 being snagged by the distal end 32 is lessened. For example, if at one extreme the open distal end 32 has a diameter the same size as a width of a hook 22, the hook 22 passes through the open distal end 32 with considerable friction. However, if at the other extreme the open distal end 32 has a diameter many times larger than the width of the hook 22, the hook 22 passes through the open distal end 32 with considerably less friction. Thus, with an outwardly tapering chamber 30, a rig 20 is subjected to less friction by the open distal end 32 when the rig 20 is reeled in.

What is claimed is:

1. A fishing apparatus, comprising:

a reel butt adapted for holding a reel; and

an elongated member connected to said reel butt and defining an internal truncated conical chamber tapering with continuously increasing diameter outwardly from a proximal end of said elongated member adjacent to said reel butt, said conical chamber having an open distal end opposing said reel butt, said elongated member defining an opening for communicating a line from said reel into said chamber and out said open distal end.

2. A fishing apparatus according to claim 1, further comprising a hook guard for preventing hooks from snagging said elongated member, said hook guard attached to said elongated member adjacent said open distal end.

3. A fishing apparatus according to claim 1, wherein said opening is positioned substantially adjacent said reel butt.

4. A fishing apparatus according to claim 1, wherein said reel butt includes a reel seat adapted for holding said reel.

5. A fishing apparatus, comprising:

a reel butt having a reel seat adapted for holding a reel;

an elongated member connected to said reel butt and defining an internal truncated conical chamber tapering with continuously increasing diameter outwardly from a proximal end of said elongated member adjacent to said reel butt, said conical chamber having an open distal end opposing said reel butt, said elongated member defining an opening for communicating a line from said reel into said chamber and out said open distal end, said opening substantially adjacent said reel seat; and, a hook guard attached to said elongated member adjacent said open distal end.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,930,939
DATED : August 3, 1999
INVENTOR(S) : William M. Vazquez and Donald Toth

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, item [76] Inventors:
The inventor name of "William M. Vazquez" should read
--William Vazquez--.

Signed and Sealed this
Twenty-third Day of November, 1999

Attest:



Q. TODD DICKINSON

Attesting Officer

Acting Commissioner of Patents and Trademarks

FILED
01-8798

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

I (a) PLAINTIFFS

ROY McFARLAND
CLERK, USDC / SDFL /

DEFENDANTS

JUPITER FISHING PRODUCTS, INC.
MAGISTRATE JUDGE
SNOW

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

PALM BEACH

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

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

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

MICHAEL E. SHAW, P.A.
4440 PGA BLVD STE 402
PALM BEACH GARDENS FLA 33410

ATTORNEYS (IF KNOWN)

MALLOY & MALLOY P.A.
280 SW 3RD AVE.
MIAMI FLA. 33129

(d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

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

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

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated or Principal Place of Business in This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY: 28 USC 2201, 35 USC 271 DECLARATORY JUDGEMENT AS TO PATENT INFRINGEMENT.

IVa. 3 days estimated (for both sides) to try entire case.

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

A CONTRACT	A TORTS	B FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Responsible Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Delinquent Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Flights <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DHC/DHWC (405(g)) <input type="checkbox"/> 864 SSIO Title XVI <input type="checkbox"/> 865 RSI (405(g)) A FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	B PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence/Mandamus/Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions

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

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Refiled
- 5 Transferred from another district (Specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER FRCP 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions)

JUDGE

DOCKET NUMBER

DATE: 8/31/01

SIGNATURE OF ATTORNEY OF RECORD

(Handwritten signatures and scribbles)

UNITED STATES DISTRICT COURT

FOR OFFICE USE ONLY: Receipt No.

715 001

Amount:

6,500.00

FILED

9/4/01