

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

VICTOR J. CAPONEY

Plaintiff,

vs.

**PORTA-JON OF THE PIEDMONT, INC.
& NED P. CARPENTER**

Defendants.

**FIRST AMENDED
VERIFIED COMPLAINT**
(Jury Trial Requested)

Civil Action No. 3:03CV392-H

Plaintiff, complaining of Defendants, would respectfully show unto this Court that:

JURISDICTION

1. Plaintiff, Victor J. Caponey ("Caponey"), is an individual residing in Greenville, South Carolina.
2. Defendant, Porta-jon of the Piedmont, Inc. ("Porta-jon"), is a corporation organized and existing under the laws of the State of North Carolina, having a principal place of business at 712 W. Airline Ave., Gastonia, NC 28052.
3. Defendant, Ned P. Carpenter ("Carpenter"), is an individual residing in North Carolina.
4. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §1338(a) in that this action states claims for patent infringement whereby venue is appropriate in this district pursuant to 28 U.S.C. §1391(b) and 28 U.S.C. §1400(b).
5. This Court has personal jurisdiction over Porta-jon and Ned Carpenter.

GENERAL ALLEGATIONS

6. Caponey is in the business of refuse removal.

7. A unique Stackable Container for refuse was invented by Caponey, and he has sought protection for the novel design of the Stackable Container by filing for and receiving Letters Patent for the same in U.S. Patent No. Des. 475,854, herein referred to as the “854 Patent”. The 854 Patent has an issue date of June 17, 2003, and a copy of the Letters Patent for the 854 Patent is attached to and made a part of this complaint as Exhibit A.

8. A novel method for refuse removal from a collection site was invented by Caponey, and he has sought protection for the method by filing for and receiving Letters Patent for the same in U.S. Patent No. 6,616,400, herein referred to as the “400 Patent”. The 400 Patent has an issue date of September 9, 2003, and a copy of the Letters Patent for the 400 Patent is attached to and made a part of this complaint as Exhibit B.

9. Upon information and belief, Carpenter is the President of Porta-jon.

10. Upon information and belief, defendants are in the business of refuse removal services.

11. On or about July 1, 2003, containers identical to or substantially similar to the design of the 854 Patent were used by defendants. Upon information and belief, on a website owned and/or operated by Porta-jon, such containers, labeled as the “Mini-Bins”, were offered for use and sale or sold.

12. On or about July 1, 2003, Porta-jon provided refuse removal services to construction sites in and around the Charlotte area using the Mini-Bin containers in conjunction with rotating fork lift trucks. These services included transporting Mini-Bin containers to such construction sites, unloading and dispensing the Mini-Bin containers around the construction

sites using the rotating fork lift trucks, collecting refuse in the Mini-Bin containers, and retrieving the Mini-Bin containers and unloading the contents of the Mini-Bin containers using the rotating fork lift trucks.

13. On or about July 2, 2003, defendants were contacted by Caponey regarding Porta-jon's Mini-Bin containers and notified that he owned the 854 Patent relating to an ornamental design for a Stackable Container. At this time, on information and belief, defendants were provided a copy of the 854 Patent. Caponey further indicated to defendants that he had a good faith belief that Porta-jon's Mini-Bin containers were within the scope of the 854 Patent.

FIRST CLAIM FOR RELIEF

(Patent Infringement against Porta-jon - U.S. Patent No. D475,854)

14. The allegations of paragraphs 1 through 13 of this Complaint are realleged and incorporated by reference herein.

15. Caponey is the inventor and owner of the 854 Patent and utilizes Stackable Containers within the design of the 854 Patent.

16. The 854 Patent was duly and legally issued and is still in full force and effect.

17. Numerous business relationships have been developed by Caponey with a number of customers based on licensing of the 854 Patent. Additionally, Caponey uses and continues to use the Stackable Container design in his refuse removal business and plans to continue developing business relationships by licensing the 854 Patent to potential customers.

18. Upon information and belief, the overall design of Porta-jon's Mini-Bin containers are identical or, in the alternative, substantially similar to the ornamental features of the 854 Patent as determined by an ordinary observer. This substantial similarity is clear upon a first-time comparison by an ordinary observer of the overall design of Porta-jon's Mini-Bin

container with the ornamental features of the 854 Patent.

19. Upon information and belief, Porta-jon continues to use containers incorporating the ornamental design of the 854 Patent. By using, manufacturing, offering for sale, and/or selling containers incorporating the ornamental design of the 854 Patent, Porta-jon has infringed and is now infringing the 854 Patent within this district and will continue to do so to Caponey's grave and irreparable damage unless Porta-jon is enjoined by this Court. Porta-jon's wrongful activities, as described above, constitute violations of 35 U.S.C. §271.

20. Porta-jon has been given actual notice of the 854 Patent and of its infringement thereof prior to commencement of this action and, upon information and belief, has made unlawful gains and profits from that infringement.

21. Porta-jon's activities have caused and will continue to cause irreparable harm to Caponey, for which he has no adequate remedy at law, in that: (i) if Porta-jon's wrongful conduct is permitted to continue, the ability to license the 854 Patent to potential licensees and develop business relationships with the same is severely limited and constitutes an interference with Caponey's licensee relationships and customer relationships; (ii) if Porta-jon's wrongful conduct is permitted to continue, the value in the 854 Patent is substantially diminished; (iii) Porta-jon's wrongful conduct, and the damages resulting to Caponey, are continuing; and (iv) if Porta-jon's wrongful conduct is permitted to continue, his ability to license the 854 Patent for a reasonable royalty and develop future business relationships is substantially diminished.

22. Upon information and belief, alternative containers to containers incorporating the design of the 854 Patent are available to Porta-jon to make, use, offer to sell, or sell. If Porta-jon's wrongful conduct is permitted to continue, Caponey's business, including the ability to maintain existing licensee relationships and develop future business relationships based on the

Stackable Container, will be minimized.

23. Porta-jon's infringement has been deliberate, willful, intentional and with full knowledge of the existence of the 854 Patent.

24. Caponey is entitled to a preliminary injunction enjoining Porta-jon from making, using, offering for sale and selling Mini Bin containers, pursuant to 35 U.S.C. §283.

25. Caponey is entitled to a permanent injunction, pursuant to 35 U.S.C. §283, enjoining Porta-jon from making, using, offering for sale, and selling containers incorporating the ornamental design of the 854 Patent.

26. As a direct and proximate result of Porta-jon's infringement, as alleged above, Caponey has suffered and continues to suffer substantial monetary damage, including without limitation loss of sales, profits and damages, in an amount not yet determined. Caponey is entitled to damages, including interest and costs, adequate to compensate for Porta-jon's misconduct, pursuant to 35 U.S.C. §284.

SECOND CLAIM FOR RELIEF

(Patent Infringement against Porta-jon - U.S. Patent No. 6,616,400)

27. The allegations of paragraphs 1 through 26 of this Complaint are realleged and incorporated by reference herein.

28. The 400 Patent discloses and claims a method for refuse removal from a collection site.

29. Caponey holds all right, title, and interest in the 400 Patent.

30. The 400 Patent was duly and legally issued and is still in full force and effect.

31. A refuse removal or recycling service business has been developed by Caponey that is based on a refuse removal process covered by the 400 Patent.

32. Porta-jon offers and provides refuse removal services using the Mini-Bin containers and rotating fork lift trucks as a part of Porta-jon's business.

33. Upon information and belief, Porta-jon removes refuse from a construction site by transporting containers in an inverted stack to the construction site, lifting a container from the stack with a rotating fork lift truck, rotating the container with the rotating fork lift truck, lowering the container to the ground, collecting refuse in the container, lifting the container with the rotating fork lift truck, and inverting the container such that refuse enters a collection bin of a collection truck.

34. Porta-jon's activities have caused and will continue to cause irreparable harm to Caponey, for which he has no adequate remedy at law, in that: (i) if Porta-jon's wrongful conduct is permitted to continue, the ability to license the 400 Patent to potential licensees and develop business relationships with the same is severely limited and constitutes an interference with his licensee relationships and customer relationships; (ii) if Porta-jon's wrongful conduct is permitted to continue, the value in the 400 Patent is substantially diminished; (iii) Porta-jon's wrongful conduct, and the damages resulting to Caponey, are continuing; and (iv) if Porta-jon's wrongful conduct is permitted to continue, his ability to license the 400 Patent for a reasonable royalty and develop future business relationships is substantially diminished.

35. Upon information and belief, alternative methods of refuse removal are available to Porta-jon to use. If Porta-jon's wrongful conduct is permitted to continue, Caponey's business, including the ability to maintain existing licensee relationships and develop future business relationships based on the refuse removal process, will be minimized.

36. Porta-jon's infringement has been deliberate, willful, intentional and with full knowledge of the existence of the 400 Patent.

37. By offering for sale, selling, and providing refuse removal services using the Mini-Bin containers and rotating fork lift trucks to remove refuse in the aforementioned manner, Porta-jon has infringed and is now infringing claims 1-8 of the 400 Patent within this district pursuant to 35 U.S.C. §271(a).

38. Upon information and belief, Porta-jon has made unlawful gains and profits from that infringement.

39. Caponey is entitled to a preliminary injunction enjoining Porta-jon from using, offering for sale and selling refuse removal services using the Mini-Bin containers and rotating fork lift trucks in the aforementioned manner, pursuant to 35 U.S.C. §283.

40. Caponey is entitled to a permanent injunction, pursuant to 35 U.S.C. §283, enjoining Porta-jon from using, offering for sale, and selling refuse removal services using the Mini-Bin containers and rotating fork lift trucks in the aforementioned manner.

41. As a direct and proximate result of Porta-jon's infringement, as alleged above, Caponey has suffered and continues to suffer substantial monetary damage, including without limitation loss of sales, profits and damages, in an amount not yet determined. Caponey is entitled to damages, including interest and costs, adequate to compensate for Porta-jon's misconduct, pursuant to 35 U.S.C. §284.

THIRD CLAIM FOR RELIEF

(Patent Infringement against Ned Carpenter - U.S. Patent No. D475,854)

42. The allegations of paragraphs 1 through 41 of this Complaint are realleged and incorporated by reference herein.

43. Upon information and belief, Carpenter directed Porta-jon to make, use, offer for sale, and/or sell the Mini-Bin containers and/or containers incorporating the ornamental design

of the 854 Patent.

44. Upon information and belief, Carpenter has been given actual notice of the 854 Patent and of its infringement thereof prior to commencement of this action.

45. Upon information and belief, Porta-jon continues to use the Mini-Bin containers and/or containers incorporating the ornamental design of the 854 Patent and has infringed and is now infringing the 854 Patent within this district and will continue to do so to Caponey's grave and irreparable damage. Carpenter's active and knowing inducement of Porta-jon's wrongful activities, as described above, constitutes violations of 35 U.S.C. §271(b).

46. Carpenter's infringement has been deliberate, willful, intentional and with full knowledge of the existence of the 854 Patent.

47. As a direct and proximate result of Carpenter's infringement, as alleged above, Caponey has suffered and continues to suffer substantial monetary damage, including without limitation loss of sales, profits and damages, in an amount not yet determined. Caponey is entitled to damages, including interest and costs, adequate to compensate for Carpenter's misconduct, pursuant to 35 U.S.C. §284.

FOURTH CLAIM FOR RELIEF

(Patent Infringement against Ned Carpenter - U.S. Patent No. 6,616,400)

48. The allegations of paragraphs 1 through 47 of this Complaint are realleged and incorporated by reference herein.

49. Upon information and belief, Carpenter directed Porta-jon to use, offer for sale, and/or sell refuse removal services using the Mini-Bin containers and rotating fork lift trucks whereby refuse is removed from a construction site by transporting containers in an inverted stack to the construction site, lifting a container from the stack with a rotating fork lift truck,

rotating the container with the rotating fork lift truck, lowering the container to the ground, collecting refuse in the container, lifting the container with the rotating fork lift truck, and inverting the container such that refuse enters a collection bin of a collection truck..

50. Upon information and belief, Porta-jon continues to use the Mini-Bin containers and rotating fork lift trucks in the aforementioned manner and has infringed and is now infringing the 400 Patent within this district and will continue to do so to Caponey's grave and irreparable damage. Carpenter's active and knowing inducement of Porta-jon's wrongful activities, as described above, constitutes violations of 35 U.S.C. §271(b).

51. As a direct and proximate result of Carpenter's infringement, as alleged above, Caponey has suffered and continues to suffer substantial monetary damage, including without limitation loss of sales, profits and damages, in an amount not yet determined. Caponey is entitled to damages, including interest and costs, adequate to compensate for Carpenter's misconduct, pursuant to 35 U.S.C. §284.

FIFTH CLAIM FOR RELIEF

(Accounting)

52. The allegations of paragraphs 1 through 51 of this Complaint are realleged and incorporated by reference herein.

53. Pursuant to 35 U.S.C. §289, Caponey is entitled to recover total profits of the defendants' from any article of manufacture to which the patented design, or any colorable imitation thereof, of the 854 Patent is applied for the purpose of sale or sells or exposes for sale.

54. Pursuant to 35 U.S.C. §284, Caponey is entitled to recover damages, but not less than a reasonable royalty for the use made of the refuse removal method of the 400 Patent, including interest and costs, adequate to compensate for defendants' misconduct.

55. The amount of money due from defendants to Caponey is unknown and cannot be ascertained without an accounting of the amount of Mini-Bin containers and substantially similar containers that were used or sold by Porta-jon and the extent of use by Porta-jon of the aforementioned refuse removal method.

SIXTH CLAIM FOR RELIEF

(Exceptional Case)

56. The allegations of paragraphs 1 through 55 of this Complaint are realleged and incorporated by reference herein.

57. Defendants have committed acts, and will continue to commit acts, that make this case exceptional under 35 U.S.C. §285.

WHEREFORE, Caponey prays:

- (1) That the Court treat this Verified Complaint as an affidavit;
- (2) That the Court issue an Order requiring defendants to appear and show cause why Caponey's Motion for Preliminary Injunction should not be granted;
- (3) That following a hearing the Court issue a Preliminary Injunction, pending trial of this action on the merits, enjoining, restraining and prohibiting Porta-jon, its officers, directors, employees and other agents or representatives, and all others acting in concert with them or at their direction from:
 - i) making, using, offering for sale, or selling Mini-Bin containers or substantially similar containers;
 - ii) engaging in any other activity constituting an infringement of Caponey's 854 Patent;
 - iii) providing refuse removal services using the aforementioned refuse

removal method;

iv) engaging in any other activity constituting an infringement of Caponey's 400 Patent;

v) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities prohibited in subparagraphs (i) through (iv) above;

(4) That the Court enters an order requiring Porta-jon to provide Caponey with a full and complete accounting of all amounts due and owing to him as Porta-jon's profits from its infringing sales of the Mini-Bin containers and substantially similar containers;

(5) That the Court enters judgment declaring that defendants have infringed Caponey's rights in U.S. Patent Nos. D475,854 and 6,616,400 under 35 U.S.C. §271;

(6) That the Court enters judgment awarding to Caponey general, special, actual, and statutory damages from defendants, as follows: Caponey's damages adequate to compensate plaintiff for defendants' infringement, in an amount not less than a reasonable royalty, pursuant to 35 U.S.C. §284 and 35 U.S.C. §289;

(7) That the Court enters judgment awarding to Caponey increased damages in an amount of not less than three times the amount of damages found by the jury or assessed by this Court, for defendants' willful infringement of the 854 Patent, pursuant to 35 U.S.C. §284;

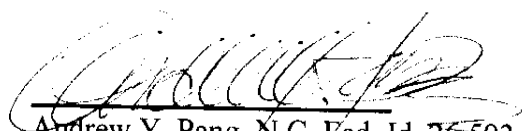
(8) That Caponey recovers from defendants the costs of this action pursuant to 35 U.S.C. §284 and Caponey's reasonable attorneys' fees incurred in prosecuting this action, pursuant to 35 U.S.C. §285;

(9) That, following the conclusion of the trial of this action on the merits, the Court issues a Permanent Injunction, enjoining, restraining, and prohibiting Porta-jon, its officers,

directors, employees, and other agents or representatives, and all others acting in concert with them or at their direction, from:

- i) making, using, offering for sale, and selling Mini Bin containers and substantially similar containers;
 - ii) engaging in any other activity constituting an infringement of Caponey's 854 Patent;
 - iii) providing refuse removal services using the aforementioned refuse removal method;
 - iv) engaging in any other activity constituting an infringement of Caponey's 400 Patent; and
 - v) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities prohibited in subparagraphs (i) through (iv) above;
- (10) That Caponey have a trial by jury of all issues so triable of right; and
- (11) That the Court award such other and further relief as the Court deems appropriate.

Respectfully submitted,



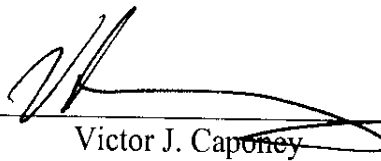
Andrew Y. Pang, N.C. Fed. Id. 26,593
Michael S. Pitts, N.C. Fed. Id. 24,979
John B. Hardaway, III, S.C. Fed. Id. 1710
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Attorneys for Plaintiff

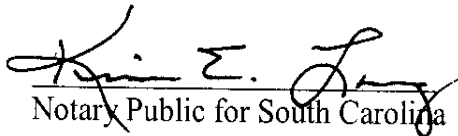
Greenville, South Carolina
Date: October 2, 2003

VERIFICATION

Victor J. Caponey, personally appearing before me being duly sworn, deposes and says that he is the plaintiff in the foregoing action; that he has read the foregoing First Amended Verified Complaint and knows the contents thereof; and that the same are true of his own knowledge, except as to those matters therein stated to be on information and belief, and as to those matters, he believes them to be true.


Victor J. Caponey

Sworn to and subscribed
before me this 22nd day
of September 2003.


Notary Public for South Carolina

My commission expires: 3-30-10



(12) **United States Design Patent**
Caponey

(10) Patent No.: **US D475,854 S**
(45) Date of Patent: **Jun. 17, 2003**

(54) **STACKABLE CONTAINER**

(76) Inventor **Victor J. Caponey**, 176 Berry Dr.,
Greenville, SC (US) 29607

(**) Term **14 Years**

(21) Appl. No.: **29/161,827**

(22) Filed: **May 22, 2002**

(51) LOC (7) Cl. **03-01**

(52) U.S. Cl. **D3/314**

(58) Field of Search **D3/304, 307-314,**
206/596, 598, 599, 503, 505-507, 515,
518, 519, 511-513; D9/424, 425, 526;
220/630, 675, 234, 2383, DIG 12, DIG 13;
D34/1; D6/396; D7/601, 602, 612

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,462,693 A • 2/1949 Wabshaw 206/505
3,654,875 A • 4/1972 Vik 206/599
D232,812 S • 9/1974 Ogle et al D3/314
D289,105 S • 4/1987 Sussman D3/302

D322,699 S • 12/1991 Noe et al D34/1
D424,117 S • 5/2000 Steinbeck et al D3/307
D436,728 S • 1/2001 Harding D3/304

* cited by examiner

Primary Examiner—**Louis S. Zarfas**

Assistant Examiner—**Deanne Levy**

(74) Attorney, Agent, or Firm—**Joseph T. Guy; Nexsen**
Pruett Jacobs & Pollard, LLC

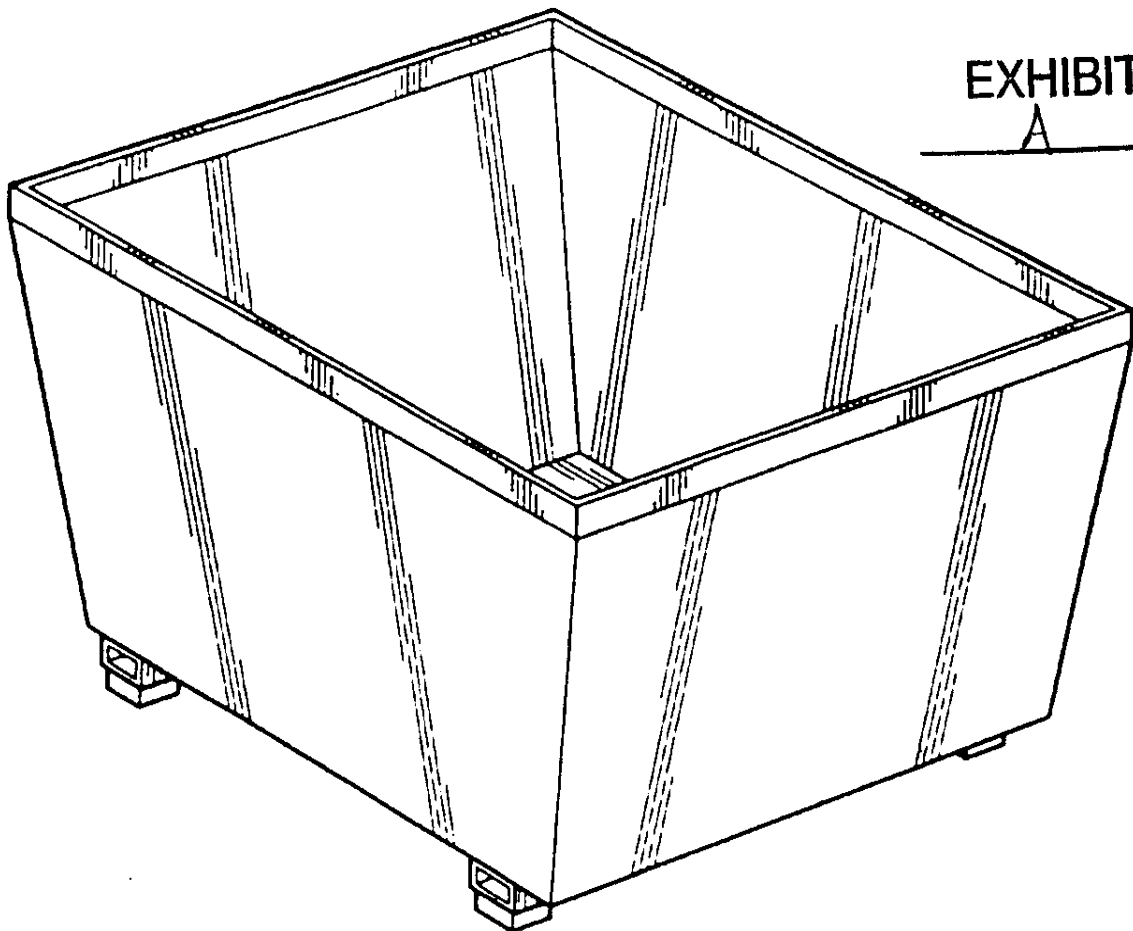
(57) **CLAIM**

The ornamental design for an stackable container, as shown
and described.

DESCRIPTION

FIG. 1 is a front perspective view of the stackable container
of the present invention;
FIG. 2 is a front view;
FIG. 3 is a rear view;
FIG. 4 is a right side view;
FIG. 5 is a left side view;
FIG. 6 is a top view; and,
FIG. 7 is a bottom view

1 Claim, 4 Drawing Sheets



EXHIBIT

A

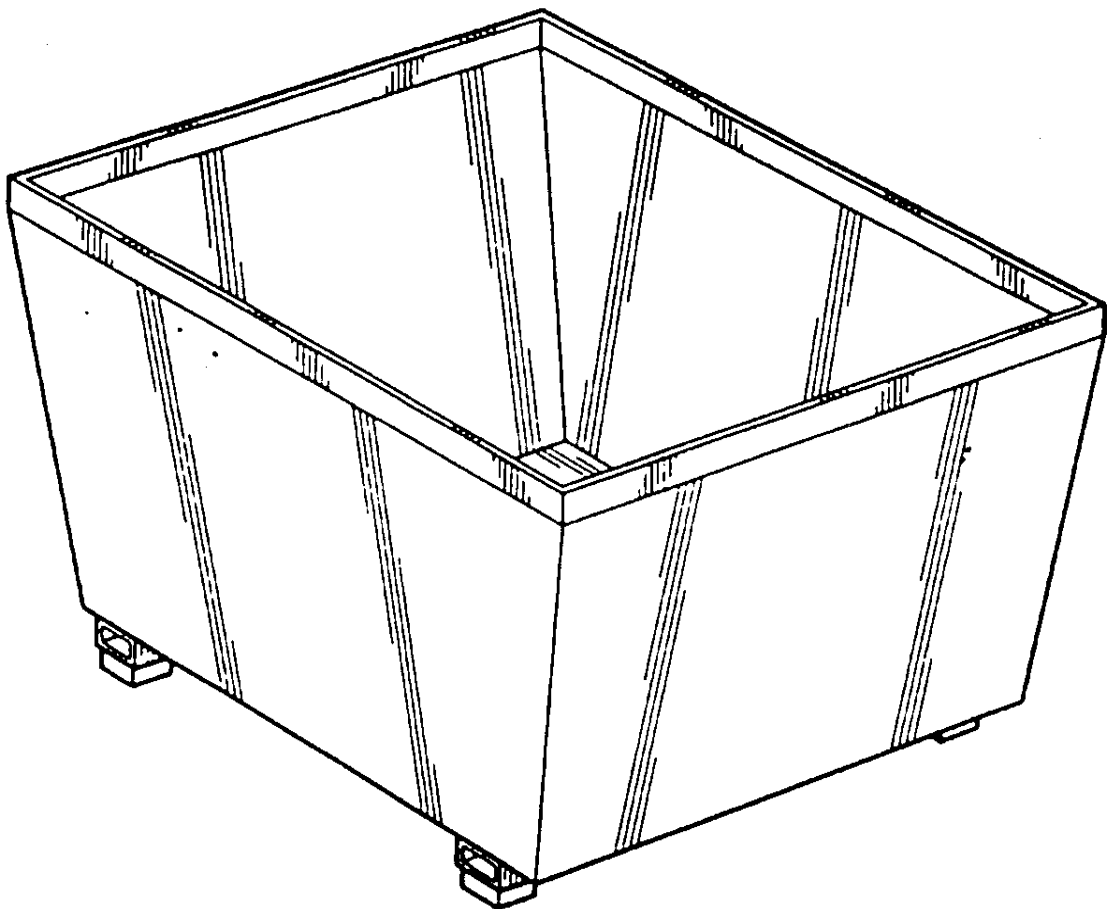


FIG. 1

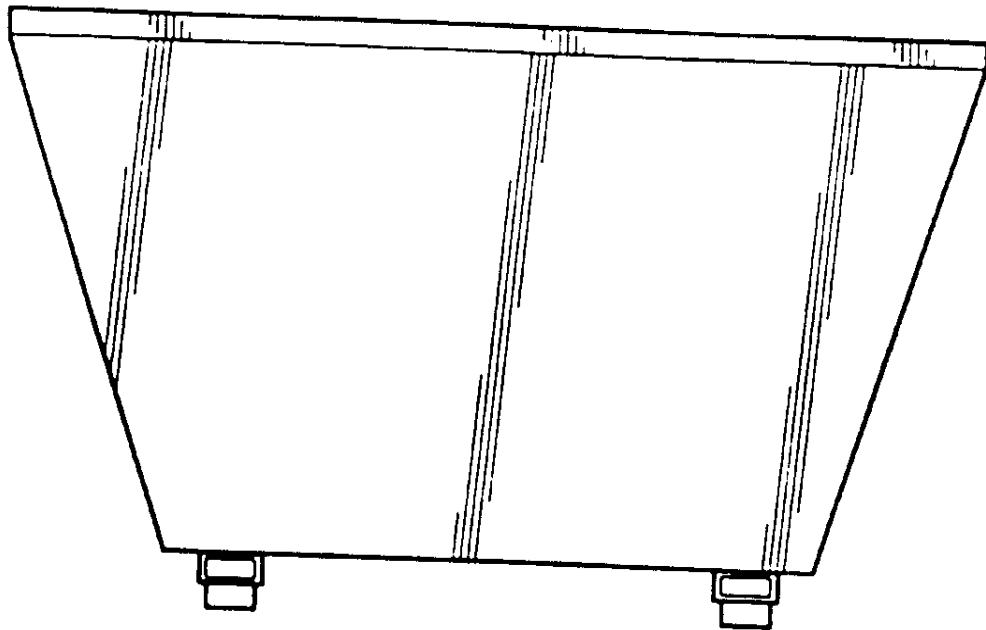


FIG. 2

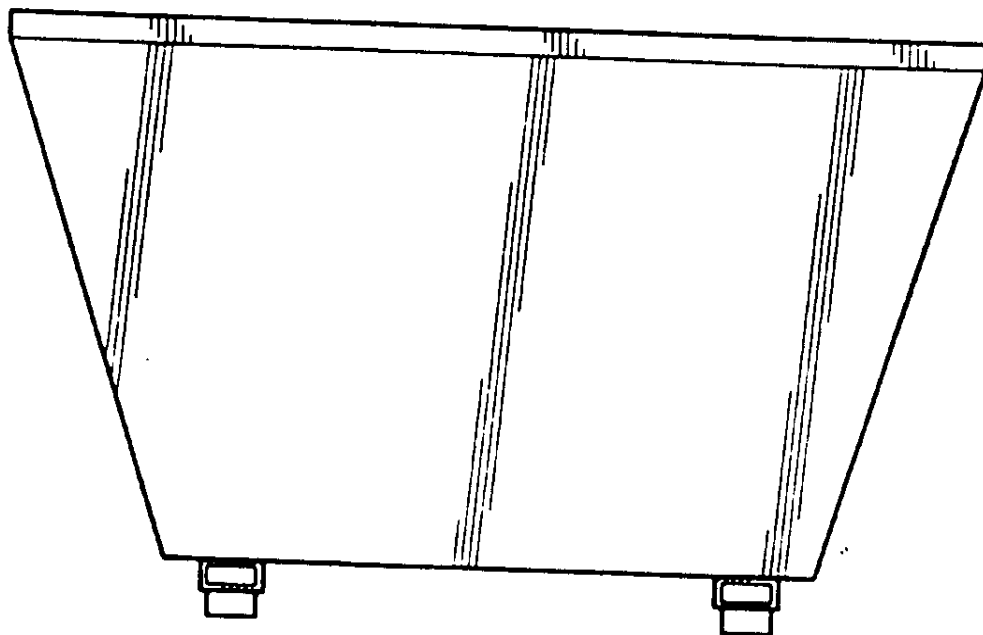


FIG. 3

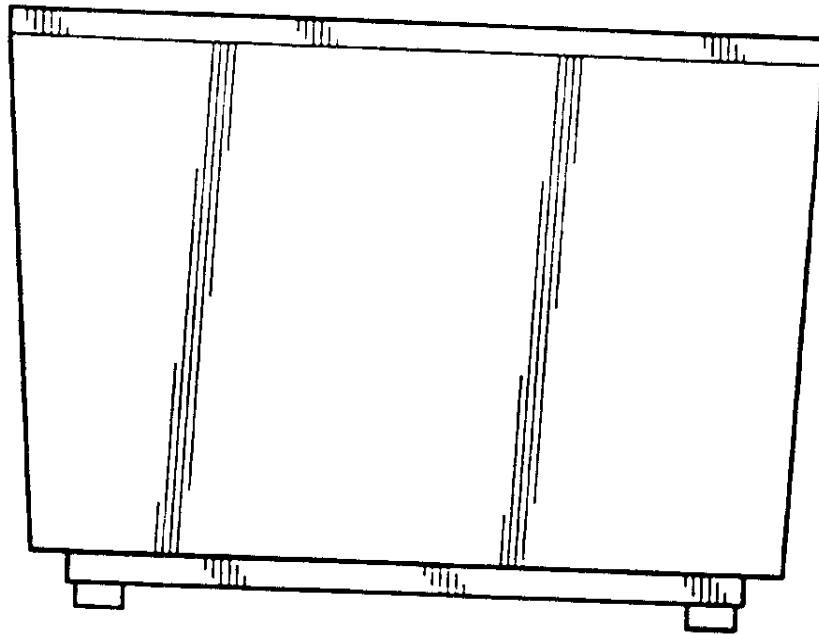


FIG. 4

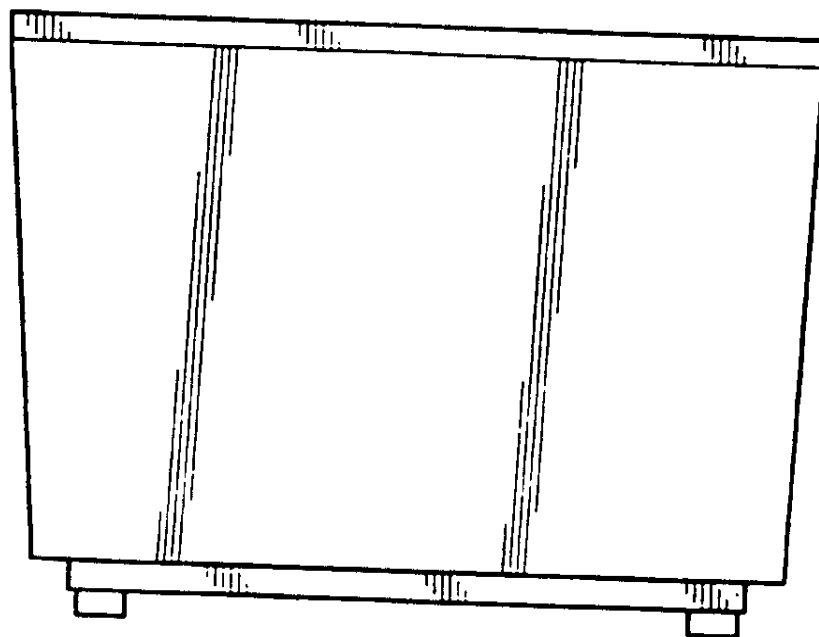


FIG. 5

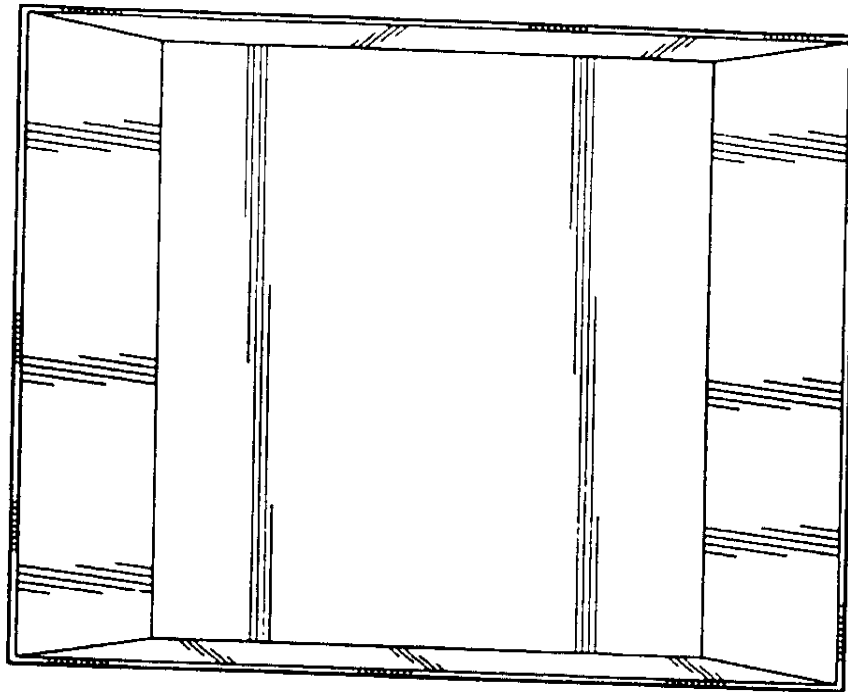


FIG. 6

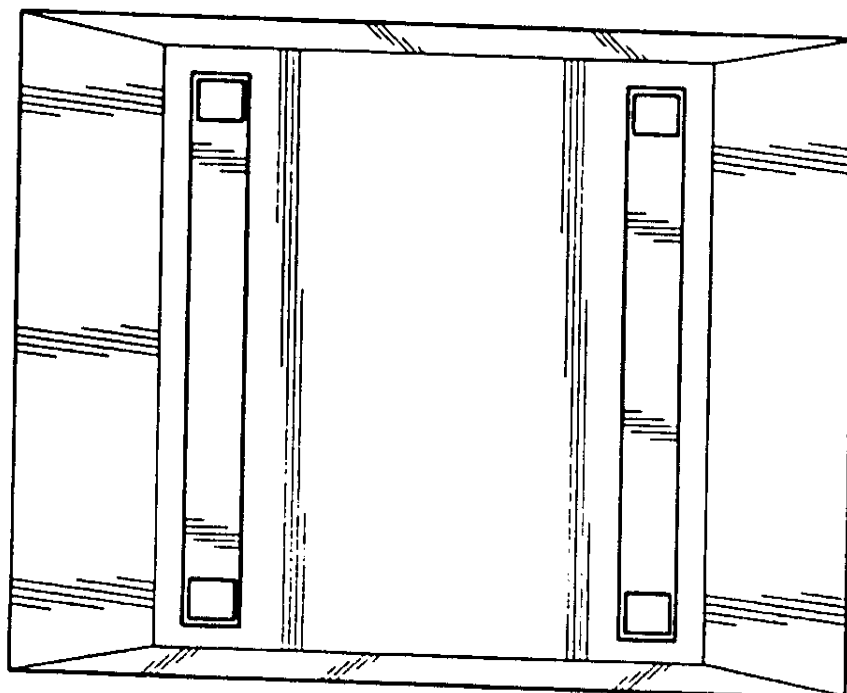


FIG. 7

(12) **United States Patent**
Caponey

(10) **Patent No.:** **US 6,616,400 B1**
 (45) **Date of Patent:** **Sep. 9, 2003**

(54) **METHOD FOR HIGHLY EFFICIENT
 REFUSE REMOVAL FROM A
 CONSTRUCTION SITE**

(76) **Inventor:** **Victor J. Caponey, 176 Berry Dr.,
 Greenville, SC (US) 29607**

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

(21) **Appl. No.:** **10/144,660**

(22) **Filed:** **May 22, 2002**

(51) **Int. CL⁷** **B65F 9/00**

(52) **U.S. Cl.** **414/809; 414/341; 414/332**

(58) **Field of Search** **414/332, 389,
 414/406, 419, 809, 340, 341**

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,878,994 A	9/1932	Abbe	
2,411,263 A	11/1946	Guern et al.	214/113
2,468,326 A	4/1949	Gleason	214/113
2,522,128 A	9/1950	Lehmann	214/113
2,623,654 A	12/1952	Dunham	214/701
2,822,949 A	2/1958	Sinclair	214/701
2,968,411 A	1/1961	Jegge	214/315
2,979,217 A	4/1961	Tomasovich	214/701
3,318,486 A	5/1967	Felix	410/31
3,613,924 A	10/1971	Monson	414/420

3,701,443 A	• 10/1972	Lely	414/546
3,876,100 A	4/1975	Brudi et al.	214/652
4,095,714 A	6/1978	Schuster	214/620
4,143,782 A	3/1979	Dengler	414/672
4,243,355 A	1/1981	Brudi et al.	414/620
4,540,330 A	• 9/1985	Taylor	414/641
4,913,301 A	• 4/1990	Pickler	220/1 T
4,921,389 A	5/1990	O'Daniel	414/420
5,228,822 A	7/1993	Schrader	414/421
5,281,073 A	• 1/1994	Gesuale	414/421
5,335,789 A	• 8/1994	Taravella et al.	206/518
5,586,616 A	• 12/1996	Ksenych	182/222
5,730,576 A	3/1998	O'Daniel	414/421
5,888,043 A	• 3/1999	Jaicko	414/459
5,938,399 A	8/1999	Knutson	414/722

• cited by examiner

Primary Examiner—Kathy Matecki

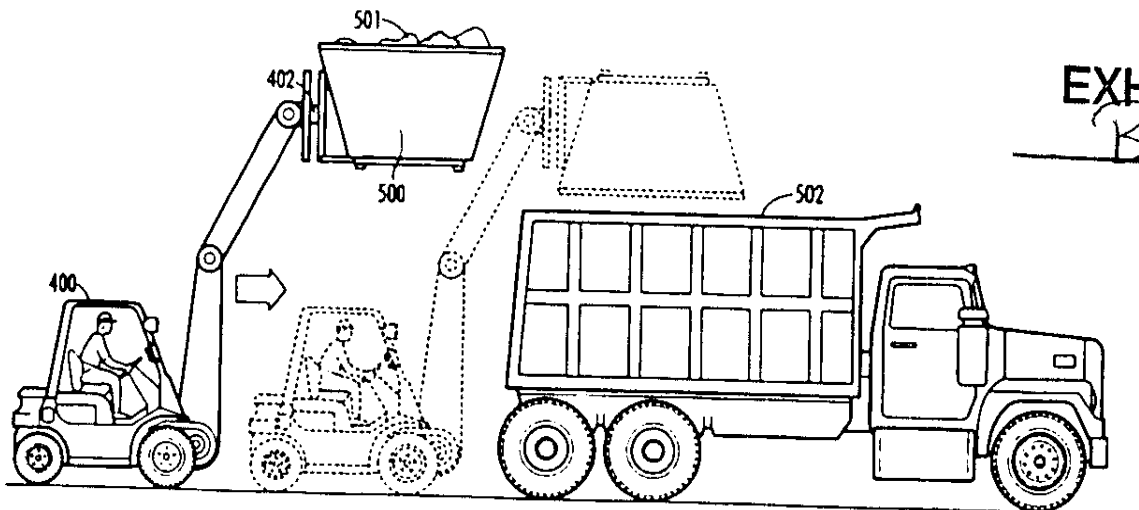
Assistant Examiner—Charles A. Fox

(74) **Attorney, Agent, or Firm**—Joseph T. Guy; Nexsen
 Pruet Jacobs & Pollard, LLC

(57) **ABSTRACT**

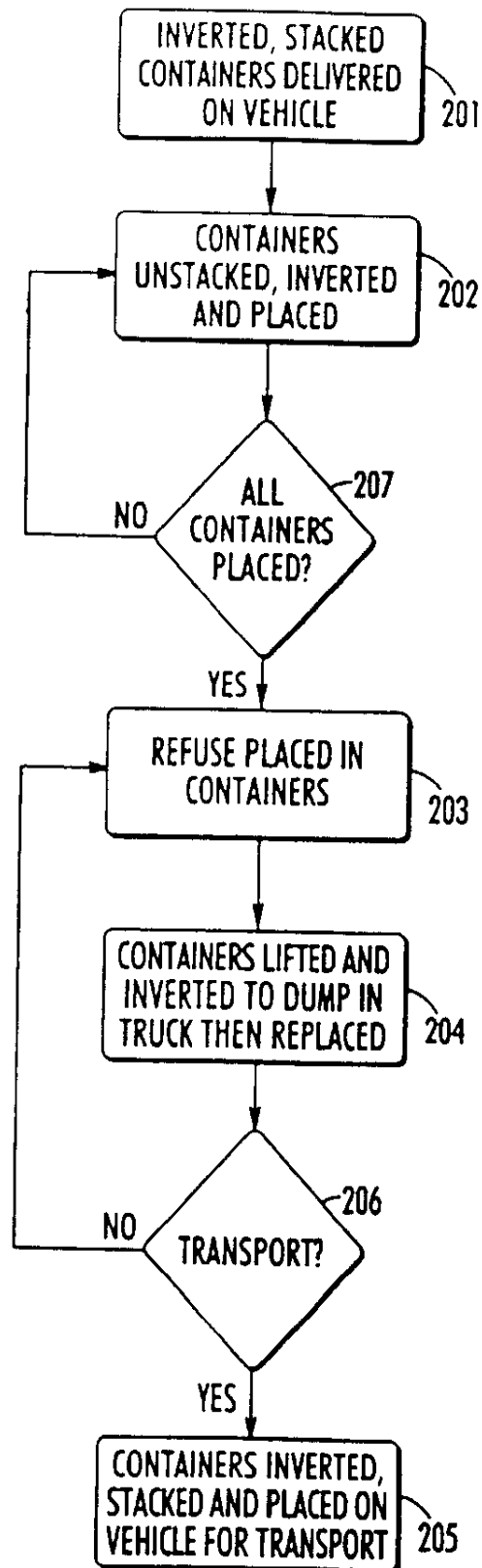
A method, and system, for refuse removal from a collection site. The method comprises transporting multiple containers in an inverted stack to the collection site. Engaging a first container of the multiple containers with a rotating fork lift truck. Lifting the first container from the inverted stack with the rotating fork lift truck. Rotating the first container with the rotating fork lift truck.

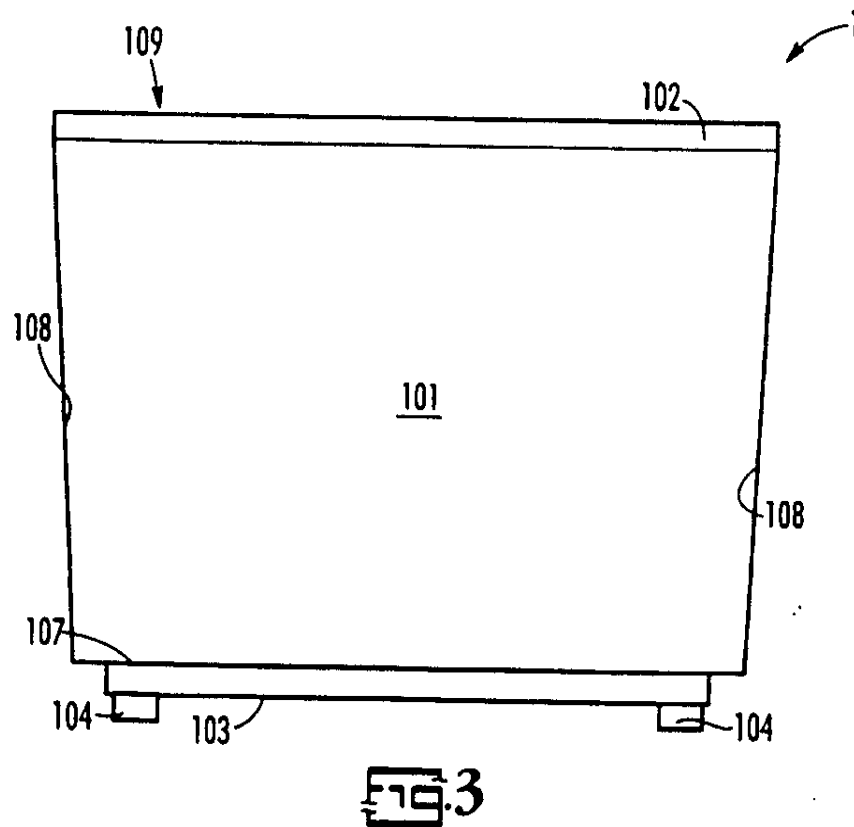
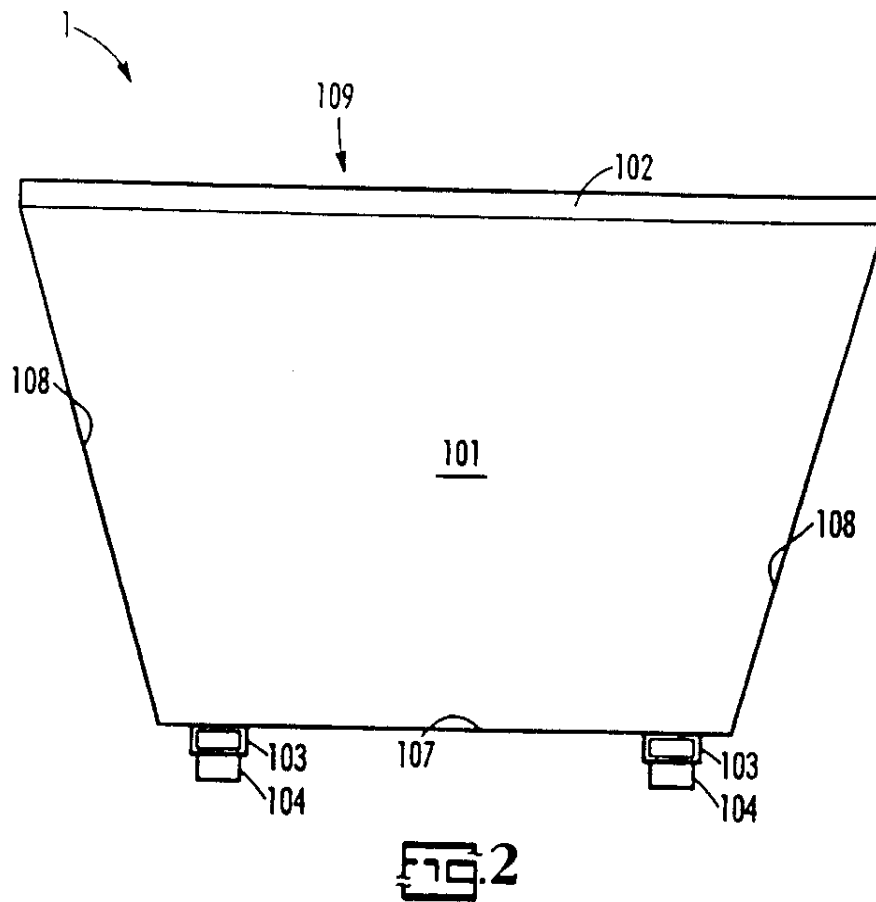
8 Claims, 7 Drawing Sheets

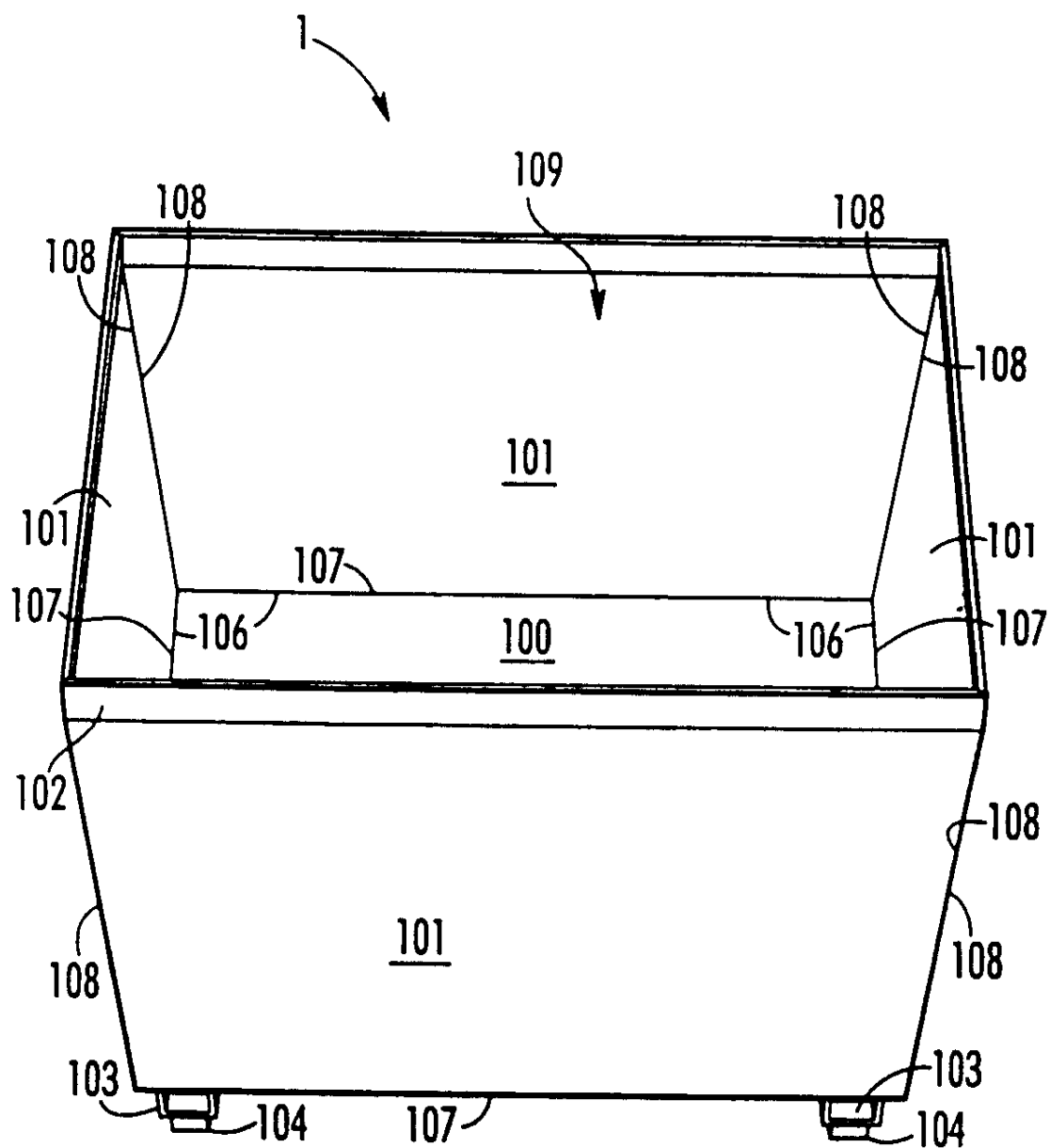


EXHIBIT

B

**FIG. 1**



**Fig. 4**

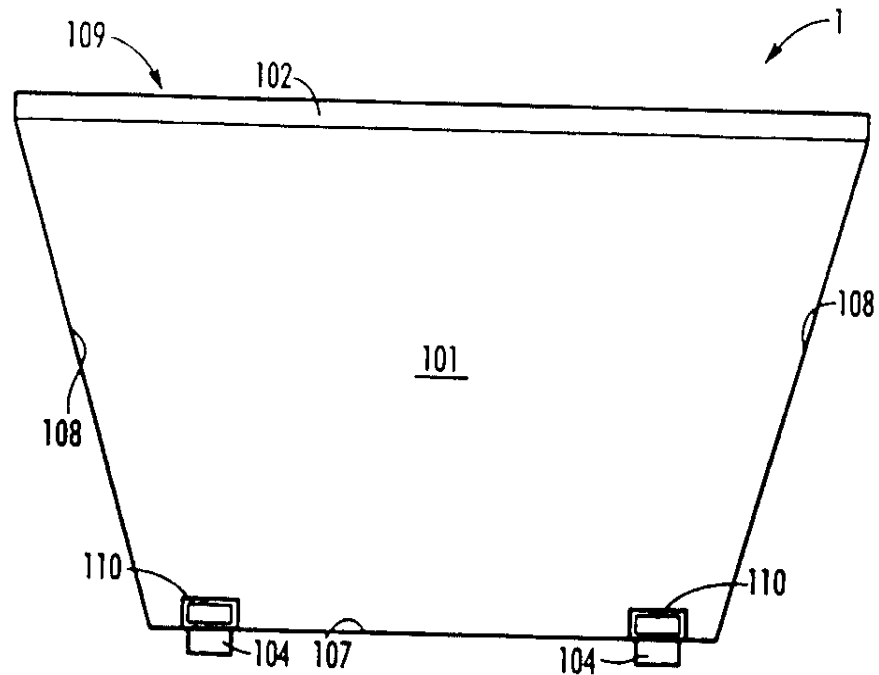


FIG. 5

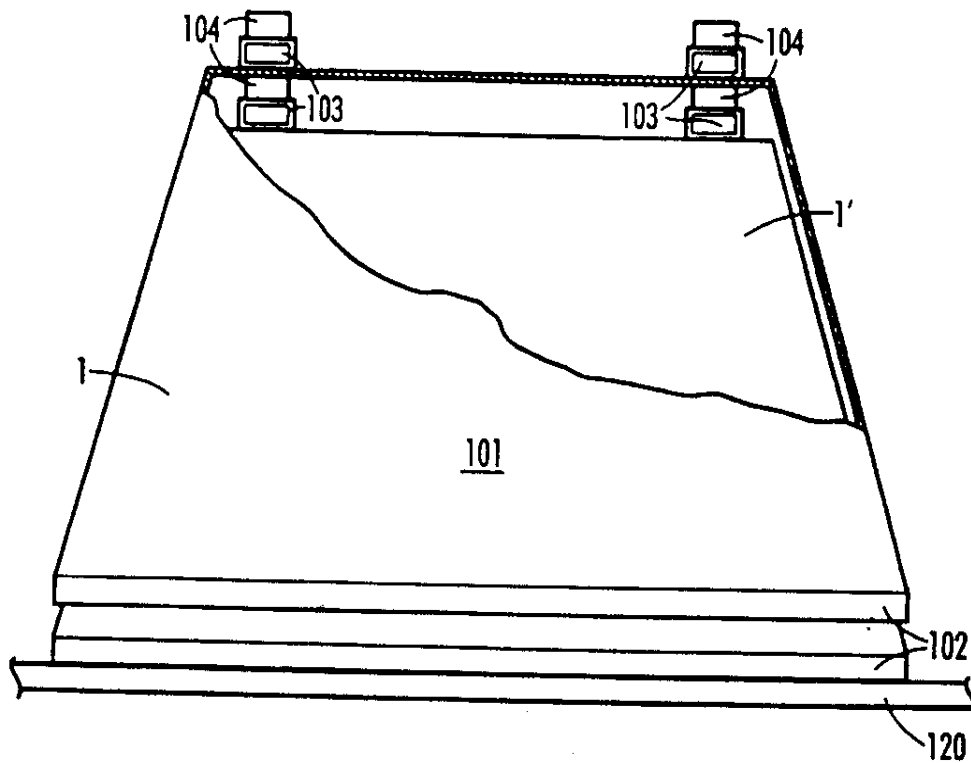


FIG. 6

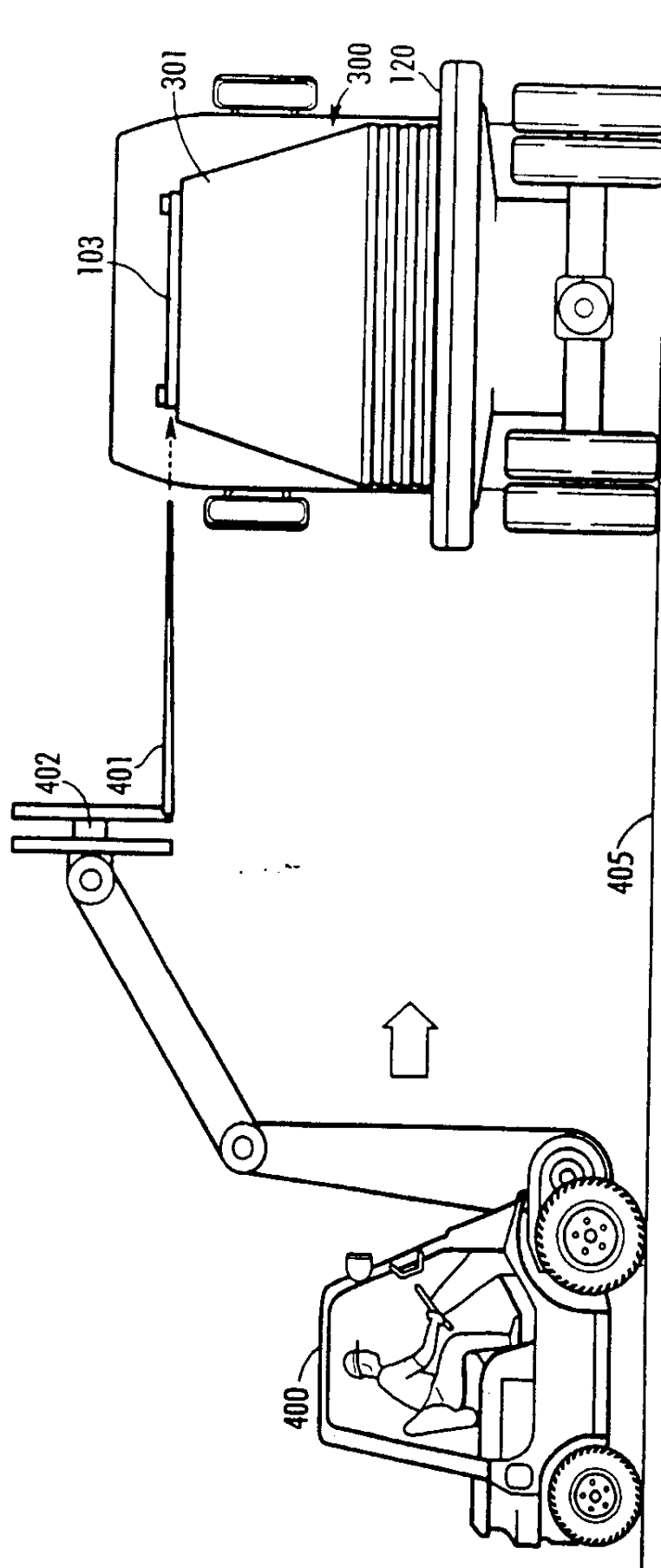


FIG. 7

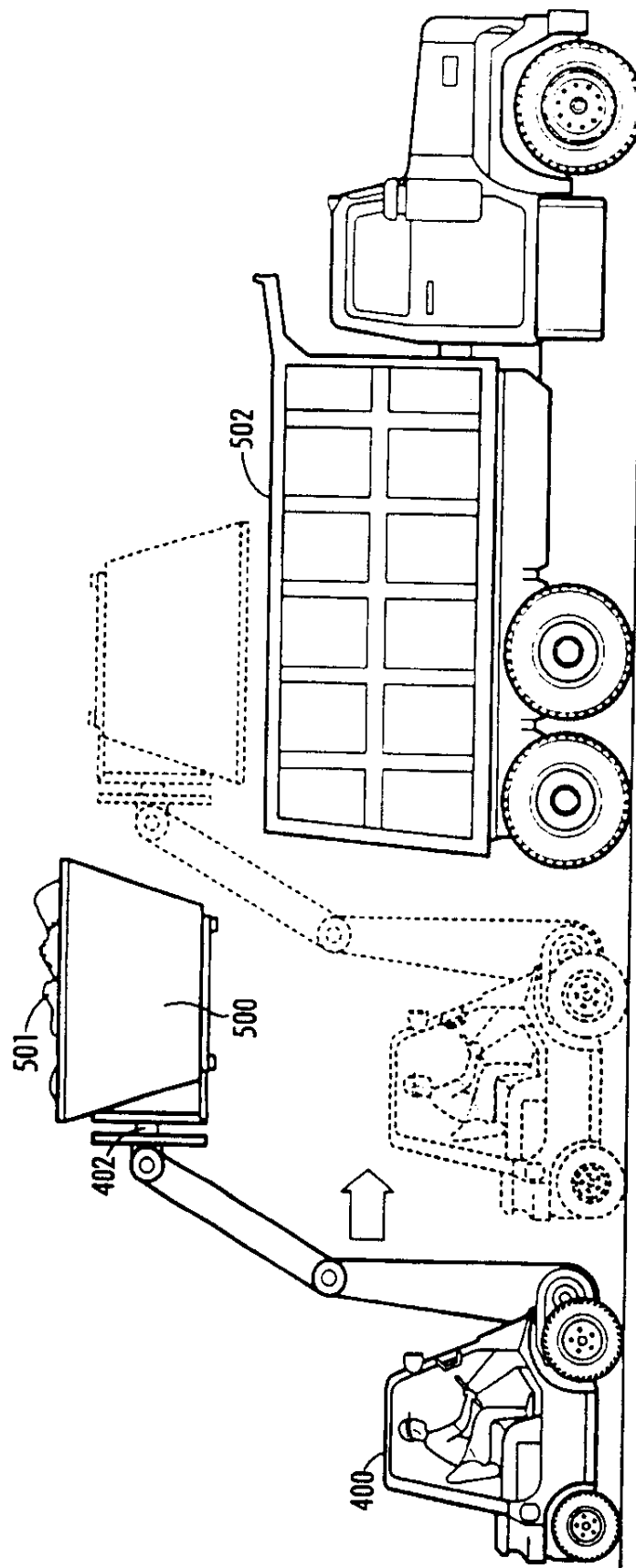


FIG. 8

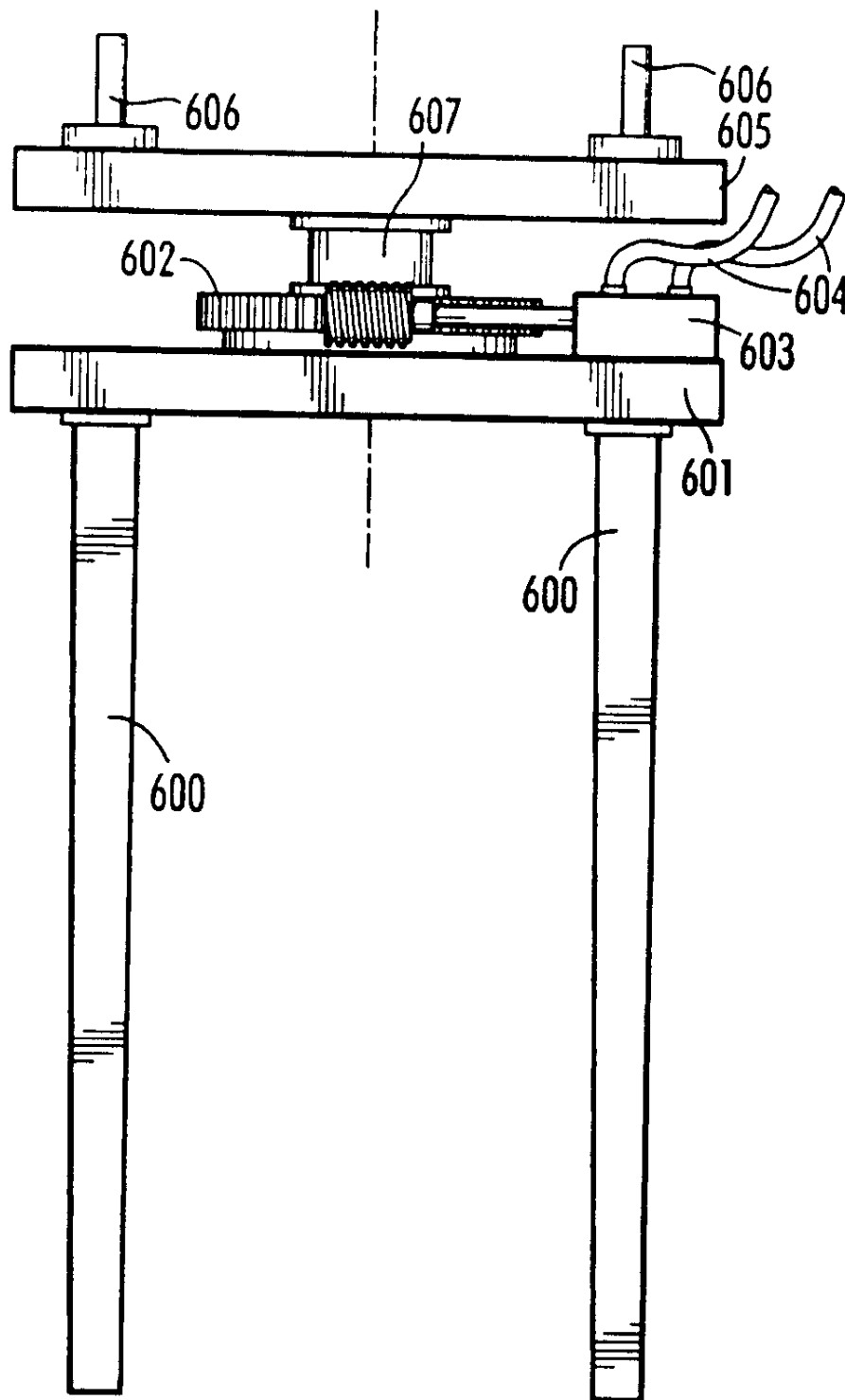


FIG. 9

1

METHOD FOR HIGHLY EFFICIENT REFUSE REMOVAL FROM A CONSTRUCTION SITE

BACKGROUND OF THE INVENTION

The present invention relates to a method for efficiently removing refuse from a construction site, or other site of refuse generation, and to a system for accomplishing the method.

It is well known that refuse generation at a construction site is a burden. The expense associated with collecting the refuse at the construction site and transporting the refuse to a dumping site must be included in the total cost of construction. There is an ongoing effort to decrease the cost associated with removing refuse from a construction site.

The refuse is also unsightly during construction. The unsightly appearance is a particular problem in tract developments where multiple homes, or units, are being constructed during a short time frame. It is most common for a developer of a tract to desire initiating sales agreements prior to completion of the project and to allow units to be occupied prior to the completion of all of the housing units in the development. The unsightly accumulation of refuse is a detriment to the early sales, and early occupation, of tract homes.

There are presently two approaches to refuse collection and removal. One approach is the use of large containers, such as about 30 feet long, wherein the refuse is collected for removal. This approach has the advantage of being able to accumulate large amounts of refuse prior to being transported for dumping. The disadvantage of this method is the inability to locate the large containers in suitable locations. Tract developments, for example, may involve multiple homes, or units, being constructed at any given time. With large containers the location is always inconvenient for at least some of the homes being constructed. This requires the refuse to be collected and transported to the large container thereby creating a manpower burden. The transporting of refuse also greatly increases the likelihood of the refuse becoming scattered due to wind, or for other reasons. This increases the unsightly accumulation of refuse throughout the development.

The large containers are also a burden due to the weight. The large containers typically scar the roadbed upon which they are placed. This creates an additional repair item for the developer thereby increasing the total cost of the development.

In use, the large containers are delivered individually to a construction site. When full the large container is either hauled to a dumpsite by truck, leaving the construction site without a refuse container for a period of time, or an empty container is delivered and the full container removed. One disadvantage to the large containers is the inability to transport multiple containers. Each time the container is to be relocated a dedicated vehicle is required. It is well known that large vehicles, such as those used for transporting large containers, utilize large volumes of fuel. It is therefore desirable to limit the distance and number of trips for these large vehicles.

An alternate approach to the large containers is the use of a multiplicity of small containers. These containers are frequently referred to as dumpsters. The small containers have the advantage of being more easily located in convenient locations. The use of multiple locations reduces the burden associated with transporting refuse to a centrally

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located large container. The small containers also are less harmful to the roadbed upon which they rest even though scarring still occurs. Small containers have disadvantages that have not yet been resolved.

Small containers contain less refuse than a large container and therefore must be dumped more frequently. It would be obvious that a given construction site would require multiple small containers to contain the refuse of one large container. Therefore, the burden of dumping the containers is magnified. The time required to dump each small container is not substantially less than the time required to deliver an empty large container and remove a full large container. In practice, small containers are dumped by a dedicated vehicle capable of lifting the small container upward and in an arc towards the rear of the vehicle wherein the refuse is dumped in a covered truck bed. When the truck bed is full the vehicle then drives to a dumpsite. The dedicated vehicle is typically not suitable for other uses in a construction site. The requirement of a dedicated vehicle is an obvious burden to a developer. Therefore, the benefit of having conveniently located containers is obliterated by the cost associated with dumping the multiple small containers.

Yet another burden is encountered when the small containers are to be relocated. Relocation occurs at the start and completion of a development project but also during the project as housing units are started and completed in an ongoing fashion. The size of the small containers still requires a dedicated vehicle for transport. In some cases, a truck and trailer may be able to transport two or three small containers but this is still an unnecessary burden.

There has been a long felt desire for a method, and system, of removing refuse from a construction site which is efficient, with respect to manpower and cost, and convenient yet does not require dedicated vehicles. This desire has not been met prior to the present invention. A novel and unique approach to a long felt problem is described herein.

BRIEF SUMMARY OF THE INVENTION

Hence, it is object of the present invention to provide a method for removing refuse from a construction site using small localized containers while mitigating the burden associated with dumping many small containers.

It is another object of the present invention to provide a method, and system, for removing refuse from a construction site. The method, and system, utilizes containers optimized for increased productivity at the both construction site and in the dumping operation.

These and other advantages, as would be realized to one of ordinary skill in the art, are provided in a method for refuse removal from a collection site. The method comprises transporting multiple containers in an inverted stack to the collection site. Engaging a first container of the multiple containers with a rotating fork lift truck. Lifting the first container from the inverted stack with the rotating fork lift truck. Rotating the first container with the rotating fork lift truck. Lowering the first container to a collection surface and collecting the refuse in the first container;

lifting said first container with said rotating fork lift truck and inverting said first container such that said refuse enters a collection bin of a collection truck.

Yet another advantage is provided in a system for refuse removal from a collection site. The system comprises stackable containers wherein each stackable container of the stackable containers comprises a base comprising multiple sides. A Trapezoidal wall is provided for each side of the base wherein the trapezoidal wall comprises a first face, a

second face parallel to and longer than the first face and two side faces wherein the side faces are not parallel. The first face is attached to one side of the base. Adjacent side faces are attached to each other to form a truncated pyramidal structure. The container has at least one fork channel attached to the base. A rotating fork lift truck, comprising at least one fork capable of being received by the fork channel, is provided for lifting and inverting the container for stacking.

Yet another advantage is provided in an invertably stackable refuse container. The container comprises a base comprising multiple sides and a trapezoidal wall for each side of the base. Each trapezoidal wall comprises a first face, a second face parallel to and longer than the first face and two side faces. The side faces are not parallel. Each first face is attached to one side of the base. Adjacent side faces are attached to each other to form a truncated pyramidal structure. A fork channel is attached to said base.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a flow chart illustrating the steps of a preferred embodiment of the present invention.

FIG. 2 is a side view of a preferred container of the present invention.

FIG. 3 is a front view of the preferred container of FIG. 2.

FIG. 4 is a perspective view of the preferred container of FIGS. 1-3.

FIG. 5 is a side view of an alternate preferred container of the present invention.

FIG. 6 is a partial cutaway view illustrating a particular feature of the present invention.

FIG. 7 is a diagrammatic representation of a particular advantage of the present invention.

FIG. 8 is a diagrammatic representation of a particular advantage of the present invention.

FIG. 9 is a preferred embodiment illustrated in partial view.

DETAILED DESCRIPTION OF THE INVENTION

The inventors of the present application have developed, through diligent research, a method, and system, for efficiently removing refuse from a construction site.

The invention will be described with reference to the figures forming a part of the present application. In the various figures similar elements are numbered accordingly.

FIG. 1 is a representative flow diagram detailing the steps of the present invention. The containers are delivered, preferably in an inverted stack, at 201. The advantages of delivering the containers in an inverted stack will be more apparent upon further detailed descriptions provided herein. Upon delivery the uppermost container is lifted from the stack, rotated and placed in the desired location as indicated at 202. This is repeated, at 207, until the desired number of containers is placed in the desired locations. Refuse is then added to the container, at 203, at a frequency determined by the location and work occurring at the location.

When it is desirable to empty the containers, the containers are lifted by a rotating fork lift truck and inverted to dump the contents into a conventional dump truck for transport at 204. It would be apparent that rotating fork lift trucks and dump trucks are commonly employed in construction and therefore a dedicated vehicle is not necessary. This represents an improvement over the art in both cost and convenience.

After being dumped the container is returned to the collection site or designated for transport at 206. Refuse can again be added to the container at 203. If the use of the container at the site is discontinued the container is then relocated wherein a particularly advantage of the present invention is realized. In transporting, the container is inverted and stacked on a transport vehicle at 205. A particular feature of the present invention is the ability to stack inverted containers for transport. The transport vehicle can be a flat bed truck or trailer both of which are commonly employed in construction. This ability to invert and stack the containers eliminates the need for a dedicated vehicle and greatly increases the number of containers transported at a given time. The ability to utilize rotating fork lift trucks, dump trucks and flat bed trucks or trailers, greatly increases the efficiency associated with refuse removal from a construction site or other site of refuse generation or collection.

A preferred container is illustrated in FIGS. 2-4. FIG. 2 is a side view of a preferred container. FIG. 3 is a front view and FIG. 4 is a perspective view. The preferred container, 1, is a truncated pyramidal in shape and most preferably truncated rectangular pyramidal in shape. Most preferably the container is truncated square pyramidal in shape. The term "truncated pyramidal" is defined, for the purposes of the present invention, to indicate a shape comprising a closed base, 100. Each face, 106, of the base, 100, is attached to the shorter face, 107, of the parallel faces of a trapezoidal wall, 101. The wall is most preferably in the shape of a trapezoid with two parallel faces and two non-parallel faces. More preferably the wall is in the shape of an isosceles trapezoid. The non-parallel faces, 108, of adjacent trapezoidal walls, 101, are attached to each other such that the container forms an outwardly diverging encasement with an open end, 109. The open end, 109, is larger in size than the base, 100, and preferably substantially the same geometric shape. The trapezoidal walls may all be the same size or they may be different. Most preferably, opposite trapezoidal walls are substantially identical in shape and size.

Attached to the base, 100, preferably outside the container, 1, is at least one fork channel, 103, which receives the forks of a rotating fork lift truck. It is most preferred that the rotating fork lift truck have two forks and that the container have two fork channels wherein each fork channel receives one fork. A single fork channel of sufficient width to receive two forks is suitable but less desirable. The translation of the container from side to side during rotation is minimized with two forks being received by two fork channels. A fork channel can be within the container as illustrated at 110 of FIG. 5. While an internal fork channel, 110, is within the scope of the present invention they are less desired due to the increased cost of manufacture. Spacers, 104, are preferably secured to the bottom of the container to prohibit scarring of the surface upon which the container is placed. The spacers also insure adequate separation between stacked containers as will be realized after further discussion. The spacers are preferably manufactured from hard vulcanised rubber or a cellulose product such as wood. A spacer formed from vulcanised rubber is preferred.

Circumventing the open end, 109, is a preferred support ring, 102. The support ring strengthens the walls at the opening and provides structural stability to the container. The support ring, 102, also provides a rest when the containers are inverted and stacked.

The container size is chosen through diligent research to optimise the amount of material which can be contained therein while still offering the advantages of optimum transport. The open end of the container is preferably the largest

is realized from the descriptions herein. A particularly preferred container is rectangular with sides of at least about 4 feet long to no more than about 7 feet long. A particularly preferred container is a rectangular shape at the open end with a width of about 5 feet long and a length of about 6 feet long. It is most preferred that the front, defined as the side which faces the rotating fork lift truck is longer than the side. The base is preferably rectangular and at least about 3 feet long on each side to no more than about 5 feet long on each side. In a particularly preferred embodiment the base is about 4 feet wide by about 4 feet 8 inches wide. The height of the container is chosen to optimize the material the container can hold while still allowing the container to be small enough to be easily transported. The height is preferably at least about 3 feet high to no more than about 6 feet high. A container which is about 4 feet in height is most preferred.

A partial cutaway side-view of stacked containers is provided in FIG. 6. In FIG. 6, the outermost container, 1, is shown in partial cutaway view. An inner container, 1', is shown as received by the outermost container. For the purposes of transport, or storage, an inner container, 1', is inverted and placed on the open end upon a surface, 120. The surface can be a transport bed, such as a truck bed or trailer, or a storage pad. An outermost container, 1, is lifted, inverted, and lowered onto the inner container, 1', with the inner container being received by the outermost container. Additional containers can then be lifted, inverted and placed on the stack of containers to form a nested stack of containers. This allows multiple containers to be shipped or stored while utilizing a foot print of a single container. The outer container, 1, preferably rests on the spacer, 104, of the inner container. In a particularly preferred embodiment each subsequent container in a nested stack rest on the spacer of the container received therein. In a particularly preferred embodiment the support ring, 102, of each subsequent container forms a stop prohibiting the inner container from entering far enough into the outer container to become lodged. This eliminates problems associated with jamming in the event of a catastrophic loss of a spacer or in the event of a spacer compressing under the weight of stacked containers. In a preferred embodiment, the support ring of each subsequent container is in contact and the spacer is slightly compressed between containers and biased towards expanding to separate the containers. This preferred embodiment decreases the movement during transport and decreases the noise associated with containers vibrating and contacting each other during transport.

The removal of the containers from a stack will be described with reference to FIG. 7. In FIG. 7, a rotating fork lift truck, 400, moves towards a surface, 120, such as a truck bed. The forks, 401, are aligned with and slidably received by the fork channels, 103, of the outermost container, 301, of the stack of nested containers, 300. After the forks, 401, are received by the fork channels, 103, the actuators of the rotating fork lift truck are manipulated to lift the uppermost container, 301, from the stack of nested containers, 300. The rotating fork lift truck, 400, then reverses until the uppermost container, 301, is clear of any obstacle. The forks, 401, are then rotated by a rotation mechanism, 402, until the container is inverted with the fork channels down. The forks are lowered until the container is placed on the ground, or alternate surface, 405. The rotating fork lift truck then reverses thereby slidably disengaging the forks from the fork channels.

Dumping of the containers will be described with reference to FIG. 8. In FIG. 8 a container, 500, comprising refuse,

501, is lifted by the forks of a rotating fork lift truck, 400. The rotating fork lift truck then moves to a position wherein the container, 500, is over the bed, 502, of a dump truck. The rotating mechanism, 402, is actuated to rotate the container to an inverted position wherein the refuse, 501, falls into the bed, 502. After the refuse has been dumped the container is inverted, the rotatable fork lift truck reverses and the container is lowered and placed in the desired position.

The walls, and base, are preferably manufactured from metal. The walls, and base may be substantially planar or they may be corrugated to increase the strength of the container. Support ribs may also be incorporated in regions of the container without departing from the scope of the present invention as would be readily apparent to one of ordinary skill in the art.

Rotating fork lift trucks are available commercially. For the purposes of the present invention the axis of rotation is parallel to the forks and the rotation involves minimal translation, such as less than 6 inches, of the forks. A particularly preferred embodiment utilizes a hydraulically activated worm gear rotatably engaged with a round gear secured to the forks. A preferred embodiment is illustrated in partial view in FIG. 9. In FIG. 9, the forks, 600, are attached to a fork plate, 601. A round gear, 602, is secured to the fork plate, 601, and engaged with a hydraulically activated worm gear mechanism, 603. The hydraulically activated worm gear rotates clockwise, or counter-clockwise depending on the direction of hydraulic fluid flow in the hydraulic lines, 604. The hydraulically activated worm gear is secured to a lift mechanism, 605, which is raised and lowered by lift arms, 606, of the lift truck. The round gear, 602, and fork plate, 601, are rotatably attached to the lift mechanism, 605. It is preferred that the fork plate be attached to the lift mechanism by an axle, 607, or suitable rotatable attachment. The rotating fork mechanism can involve gears as described in U.S. Pat. Nos. 3,876,100, 2,979,217 and 1,878,994; chain and sprocket mechanisms as described in U.S. Pat. Nos. 4,921,389 and 2,411,263; bearing hub assemblies as described in U.S. Pat. No. 4,143,782; actuator piston mechanisms as described in U.S. Pat. Nos. 5,730,576 and 4,095,714 and combinations thereof such as described in U.S. Pat. Nos. 4,243,355 and 2,822,949 all of which are incorporated herein by reference thereto.

The invention has been described with particular emphasis on the preferred embodiments. It would be realized from the teachings herein that other embodiments, alterations, and configurations could be employed without departing from the scope of the invention which is more specifically set forth in the claims which are appended hereto.

What is claimed is:

1. A method for refuse removal from a collection site comprising:

transporting multiple containers in an inverted stack to said collection site;

engaging a first container of said multiple containers with a rotating fork lift truck;

lifting said first container from said inverted stack with said rotating fork lift truck;

rotating said first container with said rotating fork lift truck;

lowering said first container to a collection surface;

collecting said refuse in said first container;

lifting said first container with said rotating fork lift truck and inverting said first container such that said refuse enters a collection bin of a collection truck.

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2 The method for refuse removal from a collection site of claim 1 further comprising:

inverting said first container and placing said first container on said inverted stack.

3. The method for refuse removal from a collection site of claim 1 wherein said first container comprises fork channels.

4. The method for refuse removal of claim 1 wherein said first container comprises spacers.

5. The method for refuse removal of claim 1 wherein said first container comprises a base.

6. The method for refuse removal of claim 5 wherein said first container comprises a trapezoidal wall for each side of said base wherein said trapezoidal wall comprises a first

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face, a second face parallel to and longer than said first face and two side faces wherein said side faces are not parallel and wherein each said first face is attached to one said side of said base and adjacent said side faces are attached to each other to form a truncated pyramidal structure.

7. The method for refuse removal of claim 1 wherein said rotating fork lift truck comprises a hydraulically actuated rotation mechanism.

8. The method for refuse removal of claim 7 wherein said hydraulically actuated rotation mechanism comprises a worm gear in rotatable communication with a round gear.

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