

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

AMSTAR OF WESTERN NEW YORK, INC.

Plaintiffs,

COMPLAINT

vs.

Case No. _____

K&L MANUFACTURING, LTD.

Defendants.

**DEMAND FOR
JURY TRIAL**

Plaintiff, Amstar of Western New York, Inc. (“Plaintiff”), by its attorneys, Damon & Morey LLP, as and for its Complaint against defendant, K&L Manufacturing, Ltd. (“Defendant”), alleges:

NATURE OF THIS ACTION

1. This is a claim for a declaratory judgment of patent invalidity and non-infringement pursuant to 28 U.S.C. §§2201 and 2202.
2. As a result of the acts set forth herein, an actual justiciable controversy exists between Defendant and Plaintiff with respect to the validity of Defendant’s patent claims and Plaintiff’s alleged infringement of them.

JURISDICTION

3. Jurisdiction is predicated on 28 U.S.C. §§1331 and 1338.
4. This action arises under the patent laws of the United States, more particularly 35 U.S.C. §§ 271 and 281.

5. Any and all other non-patent claims arise under the same set of circumstances and are part of the same case or controversy as the patent claims, so that this court has supplemental jurisdiction of the non-patent claims under 28 U.S.C. § 1367(a).

VENUE

6. Venue for this action is proper in this court under 28 U.S.C. §§ 1391 and 1400(b) and alleged acts of infringement complained of have been committed in the Western District of New York.

PARTIES

7. Plaintiff is a corporation organized and existing under the laws of the State of New York, having its principal place of business at 825 Rein Road, Cheektowaga, New York 14225.

8. Defendant is a corporation organized and existing under the laws of the State of Michigan, having established a place of business at 6055 Jackson Road, Suite 5, Ann Arbor, Michigan 48103.

COUNT I

9. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth herein.

10. Defendant is the alleged owner by a purported assignment of U.S. Patent Number 5,033,240 (“the ‘240 patent”) entitled “Method and Apparatus to Enshroud Large Vertical Structures,” which was purportedly issued by the United States Patent and Trademark Office on July 23, 1991.

11. A copy of the '240 patent is attached hereto, marked **Exhibit "A"**, and incorporated by reference.

12. Defendant is the alleged owner by a purported assignment of U.S. Patent Number 5,285,603 ("the '603 patent") entitled "Method and Apparatus to Enshroud Large Vertical Structures," which was purportedly issued by the United States Patent and Trademark Office on February 15, 1994.

13. A copy of the '603 patent is attached hereto, marked **Exhibit "B"**, and incorporated by reference.

14. By a cease and desist letter, dated December 4, 2006, Defendant's attorney advised of a potential claim of infringement based on Plaintiff's use of an environmental containment system generally used in water tower resurfacing and painting. Defendant's attorney instructed Plaintiff to contact him regarding "K&L's patent infringement claim."

15. A true and correct copy of the December 4, 2006 letter is attached hereto, marked **Exhibit "C"**, and incorporated by reference.

16. On January 30, 2007, Plaintiff's attorney sent a letter advising that Plaintiff "respects the intellectual property rights of others" and has undertaken a review of the system that Plaintiff is using as well as Defendant's claims of infringement.

17. A true and correct copy of the January 30, 2007 letter is attached hereto, marked **Exhibit "D"**, and incorporated by reference.

18. On March 9, 2007, Plaintiff's attorney wrote a letter to Defendant's attorneys advising that after a thorough consideration of the of Defendant's alleged claim for patent infringement, it was determined that Plaintiff's shrouding apparatus and method of operation do not infringe the '240 and/or '603 Patents.

19. A true and correct copy of the March 9, 2007 letter is attached hereto, marked **Exhibit "E"**, and incorporated by reference.

20. On March 28, 2007, Defendant's attorney sent a reply letter dated March 9, 2007 to Plaintiff's attorney demanding that Defendant be allowed to review the containment system used by Plaintiff at its next containment project.

21. A true and correct copy of the March 28, 2007 letter is attached hereto, marked **Exhibit "F"**, and incorporated by reference.

22. Plaintiff's position has consistently been that its shrouding apparatus and method of operation infringes no valid claim of rights by Defendant.

23. By virtue of the exchange of letters outlined above, there is a substantial and continuing justiciable controversy between Plaintiff and Defendant as to Defendant's right to a patent monopoly covering Plaintiff's shrouding apparatus and method of operation, and as to the validity and scope of the Patents and as to Plaintiff's continuing right to make, inventory, ship, sell, use and warrant its shrouding apparatus and method of operation.

24. The '240 and the '603 Patents are invalid and void in that they lack patentable novelty and invention as required by 35 U.S.C. §§102 and 103 and fail to comply with 35 U.S.C. §112.

25. Plaintiff contends that the claims for the Patent Nos. '240 and '603 are invalid, unenforceable, and void because they have not and may not be duly or legally issued for many reasons including, without limitation, the reasons that:

- a. The subject matter claimed in the Patent Nos. '240 and '603 was known or used by others in this country, or patented or described in

printed publications in this or a foreign country prior to the alleged invention by the patentee;

b. The subject matter claimed in the Patent Nos. '240 and '603 was patented or described in printed publications in this or a foreign country, or in public use or on sale in this country more than one year prior to the date on which the applications of the Patent Nos. '240 and/or '603 were filed in the United States Patent and Trademark Office;

c. The subject matter claimed in the Patent Nos. '240 and '603 is a conjunction of known components that do not perform any new and unexpected function in aggregation;

d. The difference between the subject matter claimed in the Patents Nos. '240 and '603 and the prior art was such that the subject matter as a whole would have been obvious at the time the alleged invention was made to a person having ordinary skill in the art to which such subject matter pertains;

e. The patentee did not first make the alleged invention of the Patent Nos. '240 and/or '603;

f. The alleged invention of the Patent Nos. '240 and/or '603 was abandoned;

g. The specification of the Patent Nos. '240 and/or '603 do not contain a written description of the invention and of the manner and process of making and using them, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which they

pertain, or which they are most nearly connected, to make, construct, compound, or use the specifications, and the description does not adequately explain the principle or the best mode in which the patentee contemplated applying that principle so as to distinguish them from other inventions, as required by Title 35, United States Code;

g. The claims of the Patent Nos. '240 and/or '603 are functional, indefinite, and are broader than the alleged invention as set forth in the specifications of the Patents.

h. The claims of Defendant's Patents are fatally vague and indefinite, and therefore invalid and void, because they do not particularly point out and distinctly claim the subject matter of the alleged invention, as required by 35 U.S.C. §112.

i. Defendant's Patents do not adequately set forth the best mode contemplated by the inventor of carrying out the inventions purported to be covered thereby.

26. Other particulars with respect to the grounds of patent invalidity above set forth will be furnished to Defendant in writing by Plaintiffs at least thirty (30) days before the trial of this case in compliance with 35 U.S.C. §282. Any additional grounds of invalidity of said patents of which Plaintiff may hereinafter learn will be brought to Defendant's notice by appropriate pleadings.

27. Plaintiff contents that the Patents Nos. '240 and '603 are not infringed by Plaintiff by the making, using, or selling of any product.

28. Alternatively, Plaintiff contends that the claims for Patent Nos. '240 and/or '603 are invalid, unenforceable, and void because Defendant has not and may not be duly or legally issued Patents Nos. '240 and '603 for any legitimate reason.

29. Plaintiff, denying infringement of the Patents, aver that unless they are found to infringe same or the Patents are adjudged invalid, void and unenforceable, Plaintiffs and other members of the industry will have efforts to sell or use their products unfairly frustrated.

WHEREFORE, Plaintiffs demand relief against Defendants as follows:

(1) A judgment declaring that Patents Nos. '240 and '603 are totally invalid, void, and without force and effect;

(2) A judgment declaring that Plaintiff has not infringed any claim of Patents Nos. '240 and '603;

(3) A judgment for the costs, expenses and reasonable attorneys' fees incurred by Plaintiff;

(4) A judgment for a preliminary and permanent injunction enjoining Defendant, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with it who receive actual notice of the injunction from:

(a) Initiating infringement litigation or threatening Plaintiff or any of its customers, dealers, agents, servants, or employees, or any prospective or present sellers, dealers, or users of Plaintiff's shrouding apparatus and method of operation, with infringement litigation, or charging any of them either verbally or in writing with infringement of Patent Nos. '204 and/or '603 because of the manufacture, use, sale or

offering for sale of the shrouded apparatus and method of operation made by Plaintiff;
and


(4) A judgment for Plaintiff for all other relief this Court may deem proper.

JURY DEMAND

Plaintiff requests a trial by jury of any and all issues triable of right by a jury.

DATED: Buffalo, New York
August 9, 2007

DAMON & MOREY LLP

By: 
David S. Widenor, Esq.
Attorneys for Plaintiff
Amstar of Western New York, Inc.
1000 Cathedral Place
298 Main Street
Buffalo, New York 14202
(716) 856-5500

-#1106006

EX. A

United States Patent [19]

Richard et al.

[11] Patent Number: **5,033,240**

[45] Date of Patent: **Jul. 23, 1991**

[54] **METHOD AND APPARATUS TO ENSHROUD LARGE VERTICAL STRUCTURES**

[76] Inventors: **Louis J. Richard**, 2237 N. Parker, Dexter, Mich. 48130; **Kenneth M. Richard**, 6400 Conway, Chelsea, Mich. 48118

[21] Appl. No.: **531,845**

[22] Filed: **Jun. 1, 1990**

[51] Int. Cl.⁵ **E04B 1/12**

[52] U.S. Cl. **52/63; 52/747; 212/200; 212/204**

[58] Field of Search **52/71, 5, 747, 41, 29, 52/27, 63, DIG. 13; 212/199, 200, 204**

[56] **References Cited**
U.S. PATENT DOCUMENTS

- 1,759,628 5/1930 Pellegrino .
- 3,945,106 3/1976 Mayr et al. .
- 4,522,010 6/1985 Schrader .
- 4,787,173 11/1988 Lewis .
- 4,794,974 1/1989 Melino .

FOREIGN PATENT DOCUMENTS

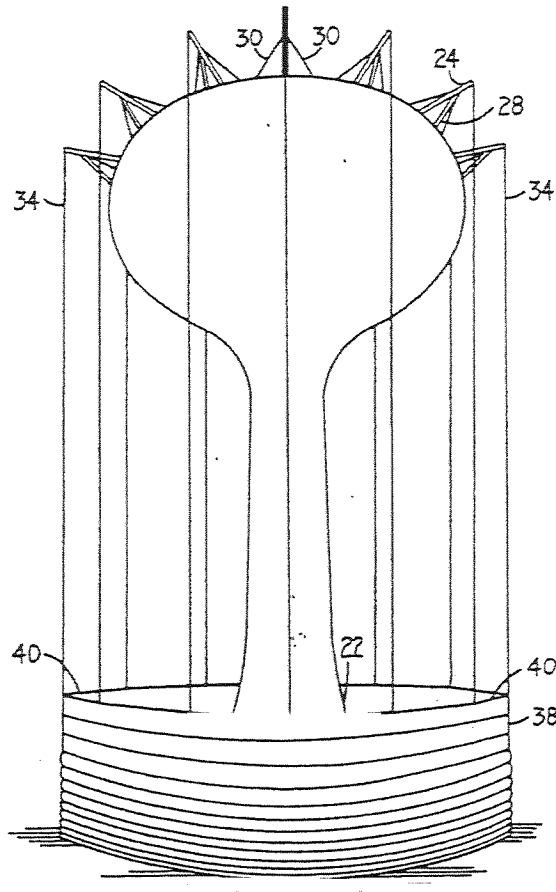
5231546 3/1977 Japan .

Primary Examiner—David A. Scherbel
Assistant Examiner—Creighton Smith
Attorney, Agent, or Firm—James M. Deiman

[57] **ABSTRACT**

Apparatus to temporarily enclose multi-story structures such as municipal water towers during sandblasting and painting to thereby contain the debris and overspray from the environment. A plurality of booms extending in an array outwardly from the top of the structure are temporarily attached to the structure. Hoisting and guide cables extend downwardly from the ends of the booms out beyond the outermost periphery of the structure. A plurality of fabric or plastic panels are supported on a framework in turn attached to guides on the guide cables and the guides are attached to the hoisting cables. The guide cables are anchored to ground. The hoisting cables are connected to a common hoisting engine. The entire assembly of panels can be raised in unison about the structure for daily activities and then lowered at night or quickly lowered in the event of high winds.

19 Claims, 10 Drawing Sheets



U.S. Patent

July 23, 1991

Sheet 1 of 10

5,033,240

FIG. 1

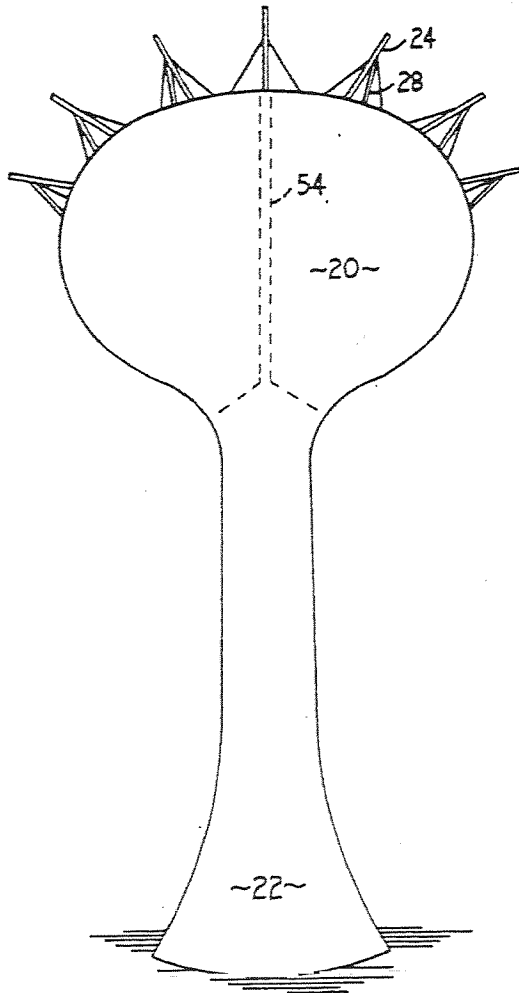


FIG. 2

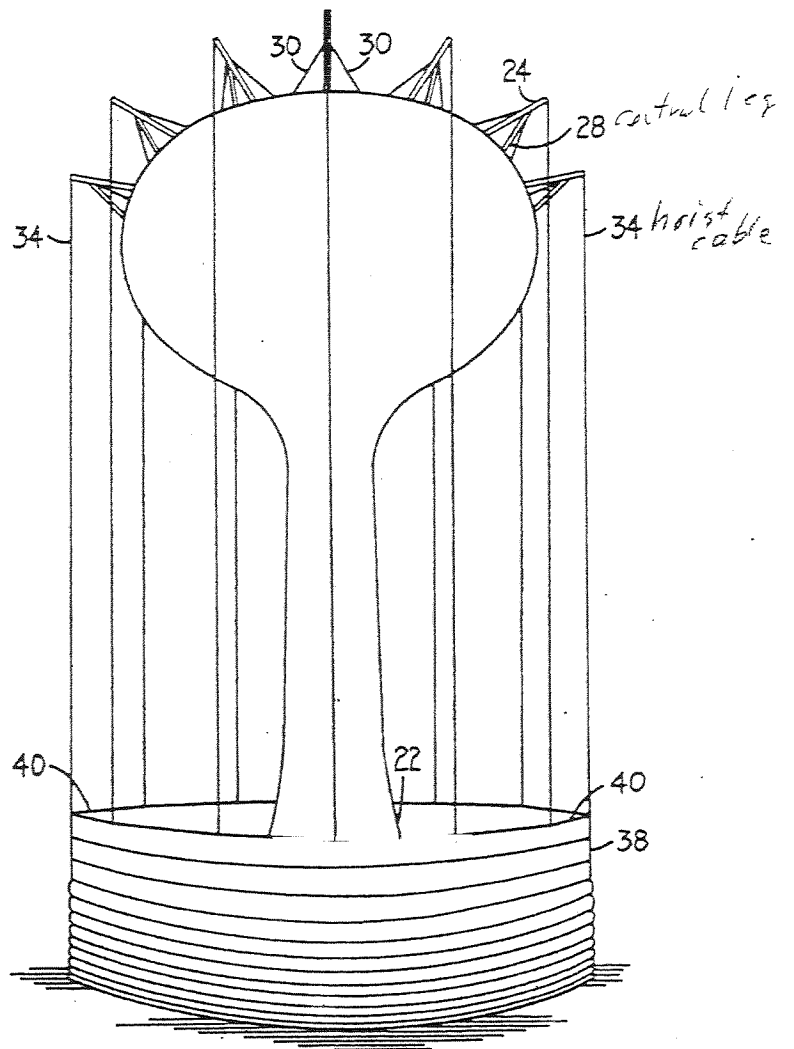


FIG. 3

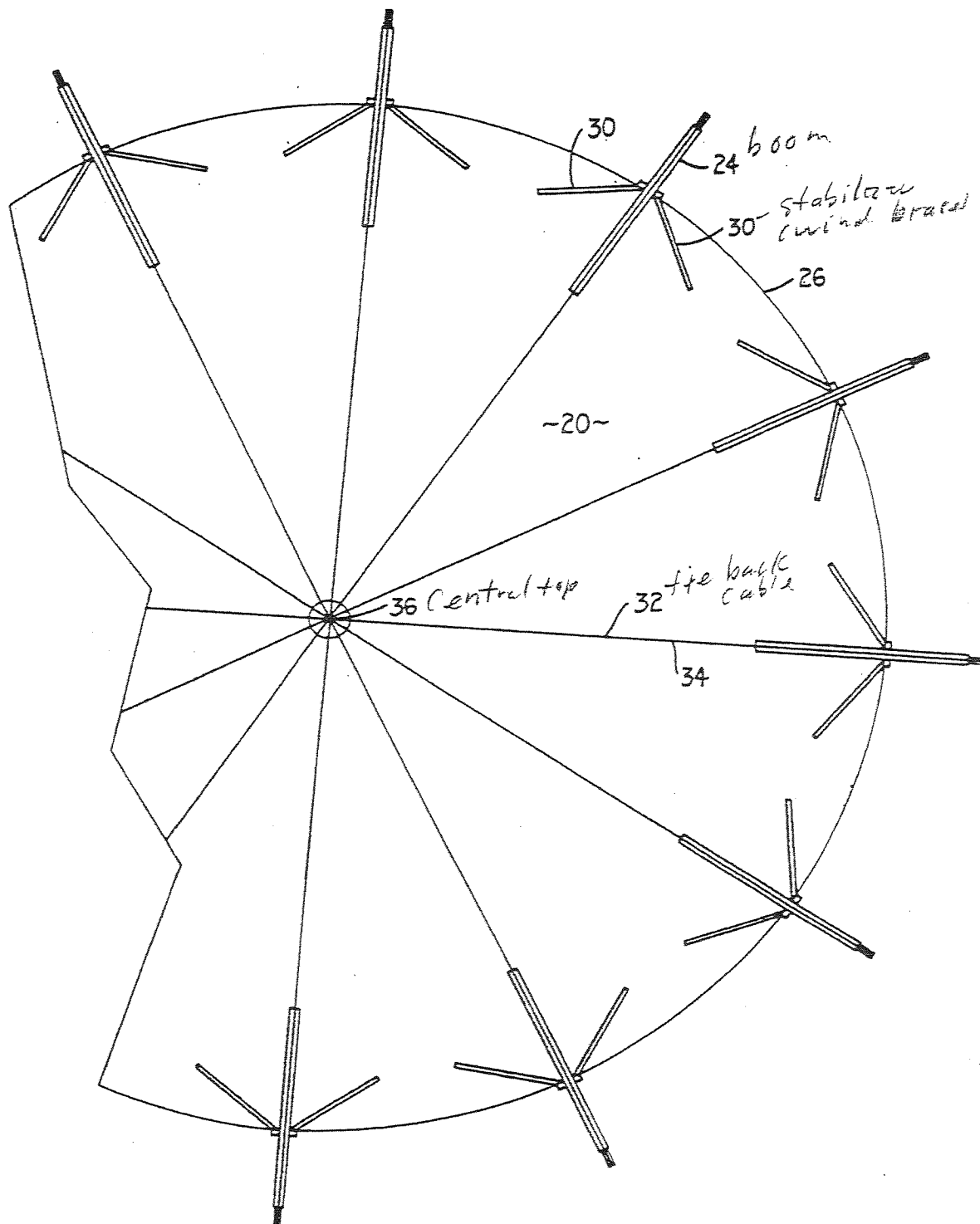


FIG. 4

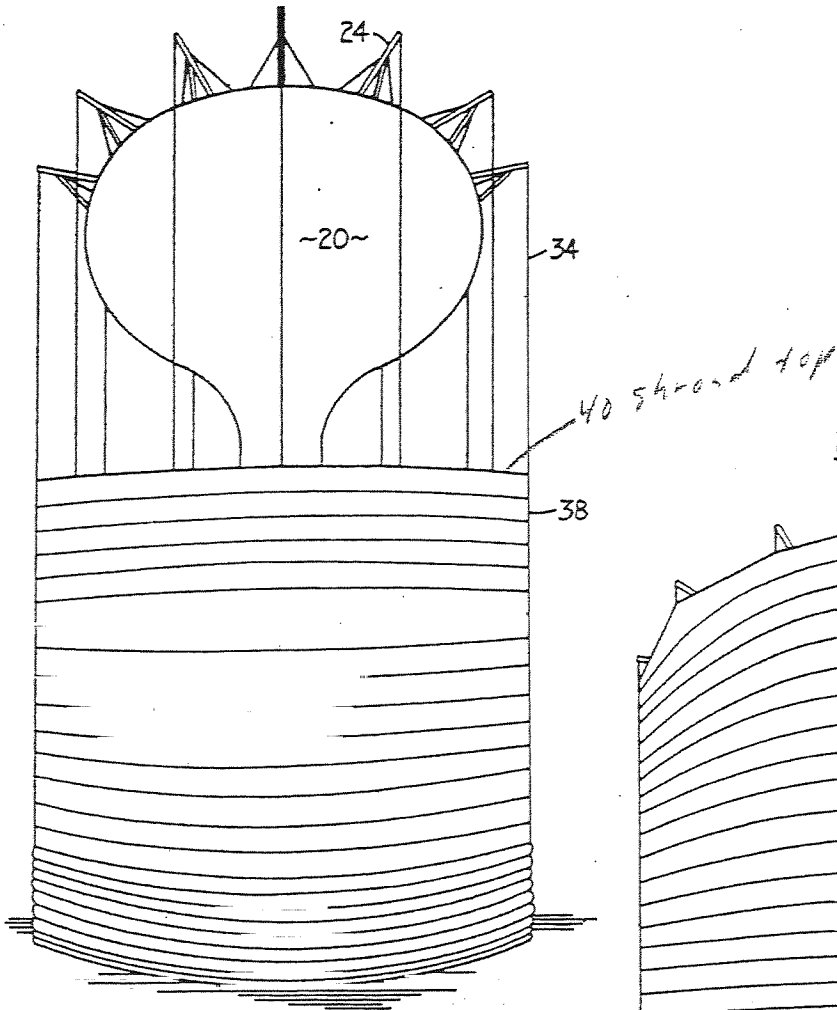
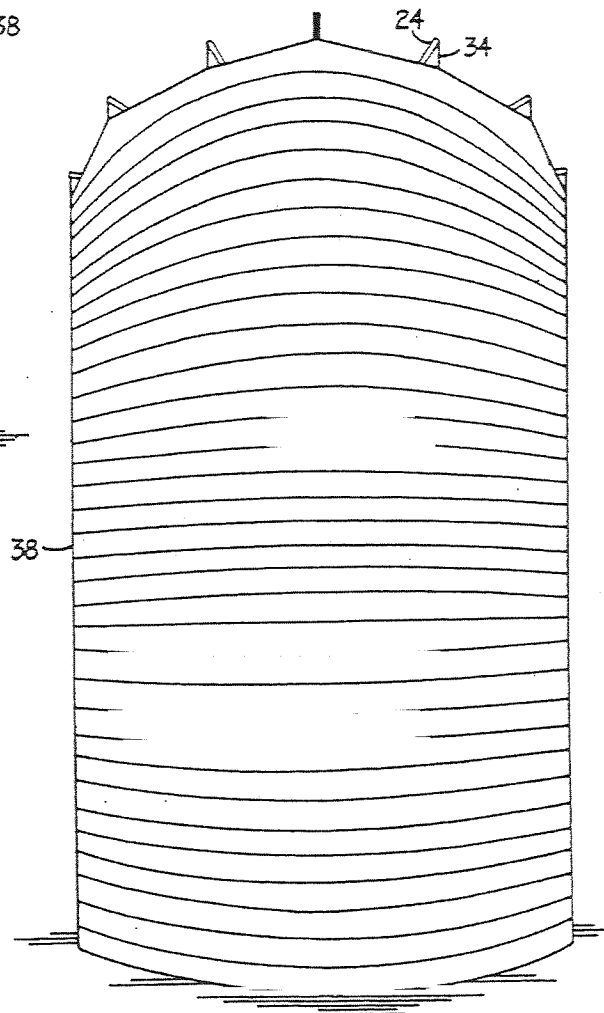
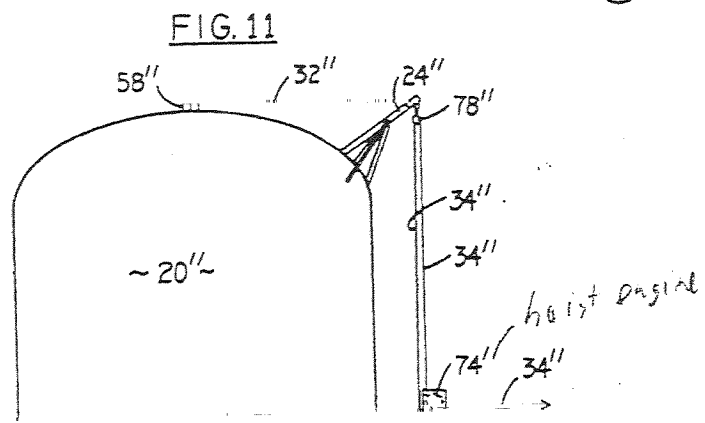
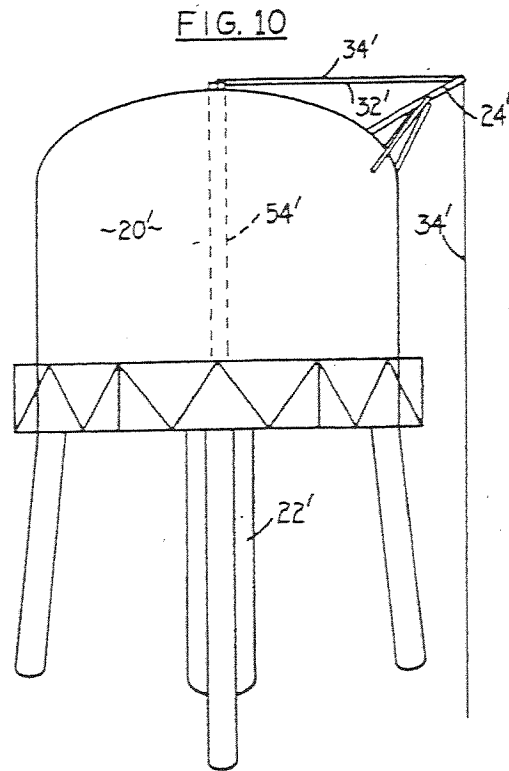
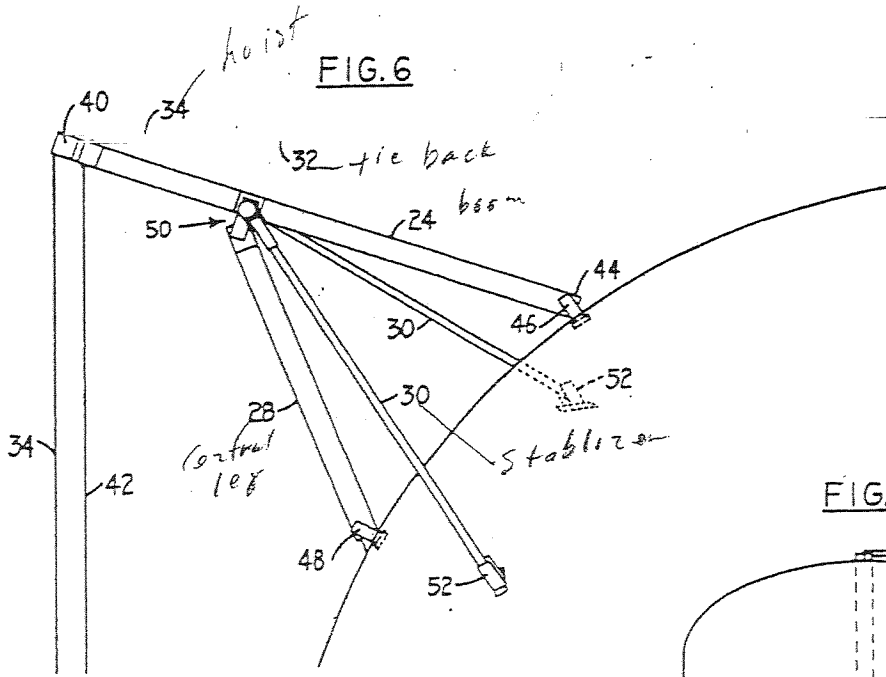


FIG. 5



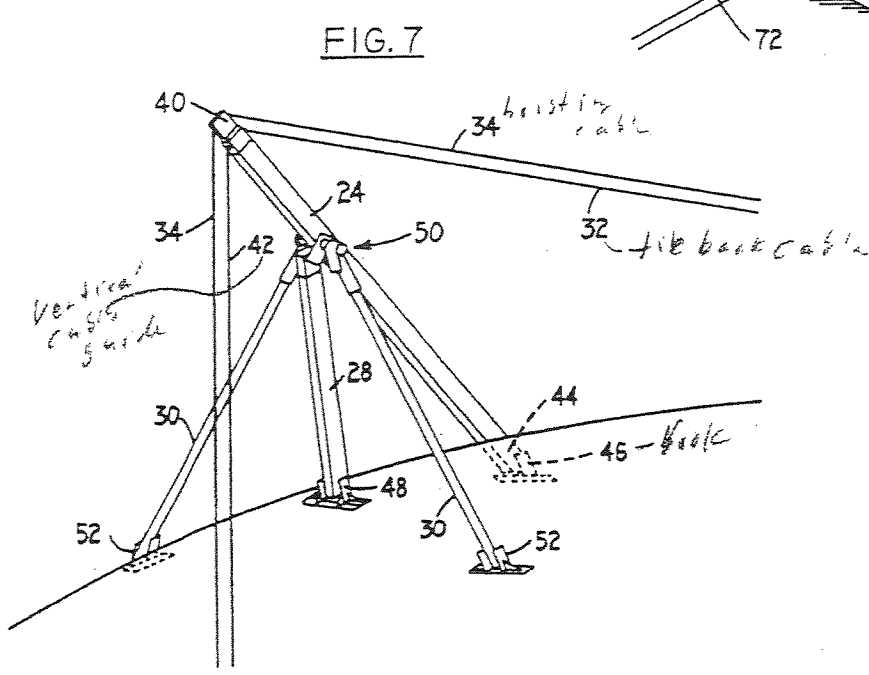
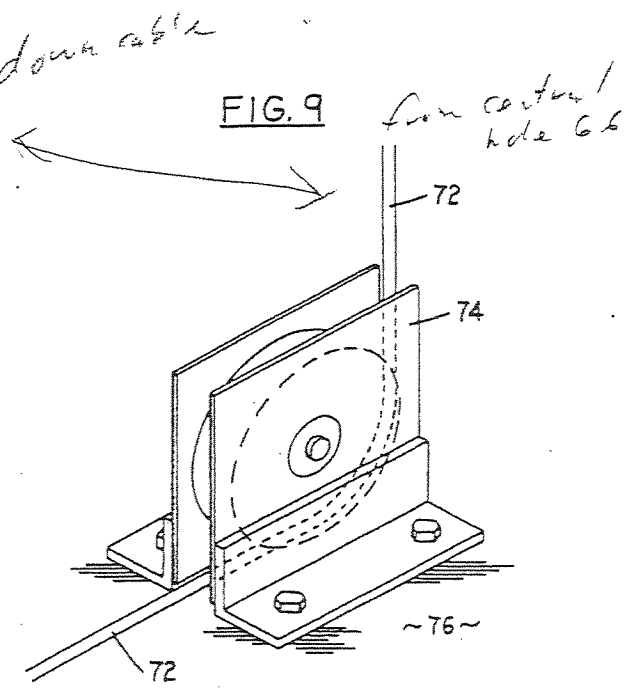
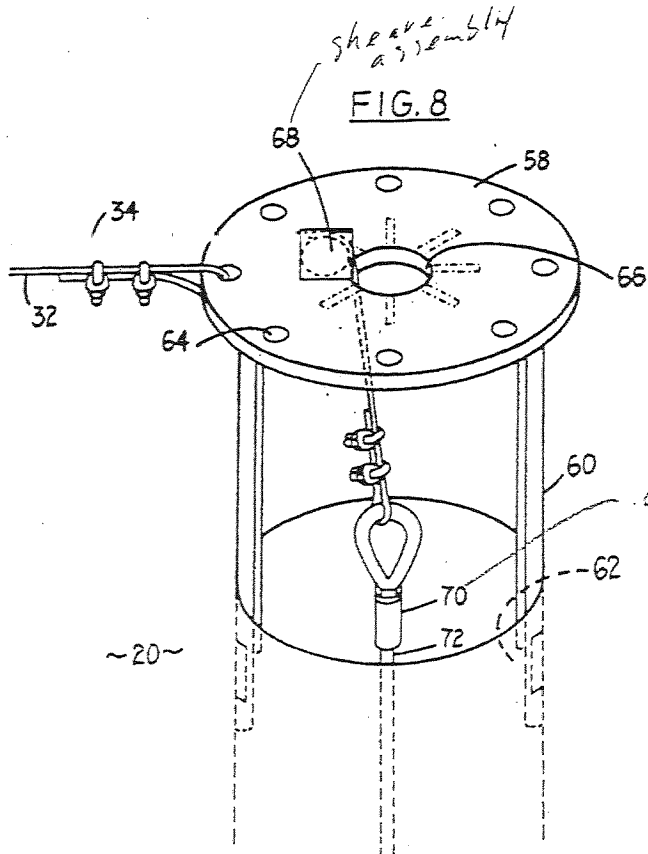


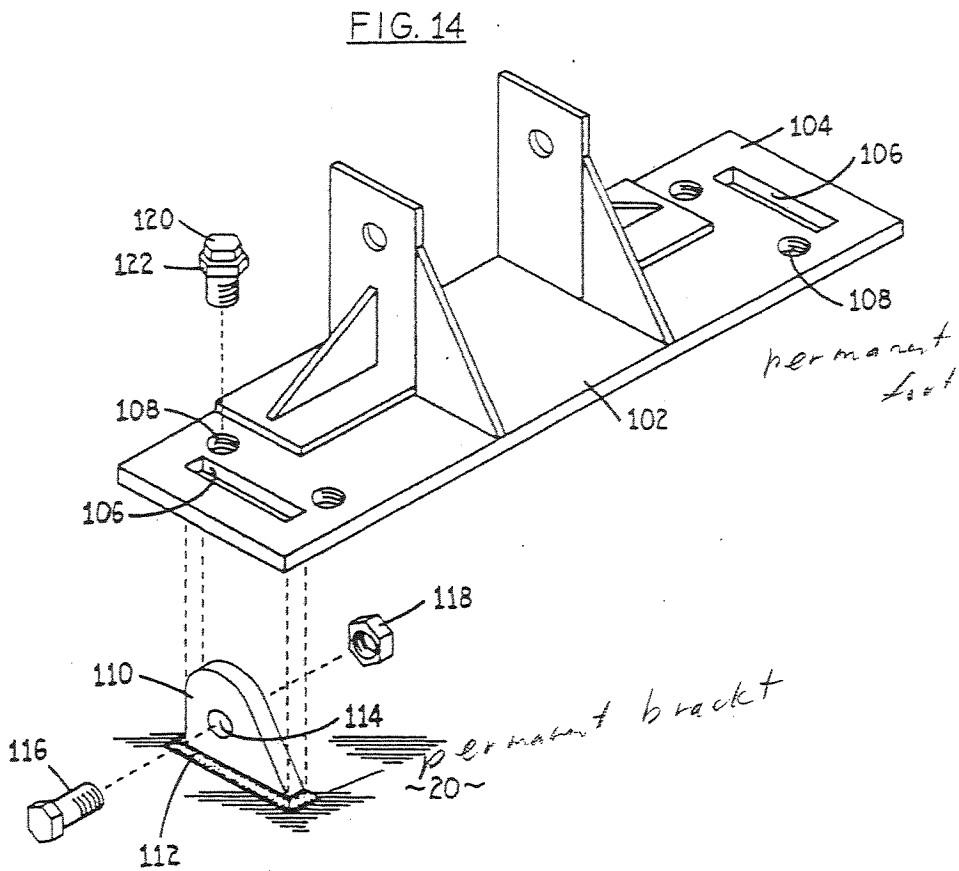
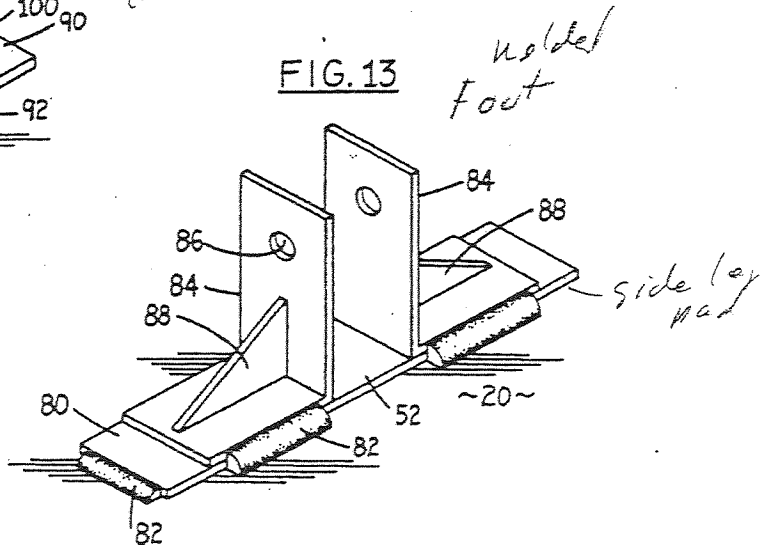
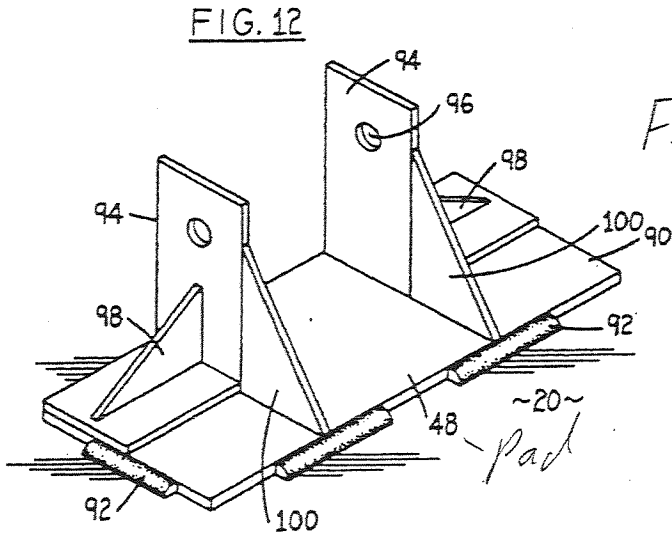
U.S. Patent

July 23, 1991

Sheet 5 of 10

5,033,240





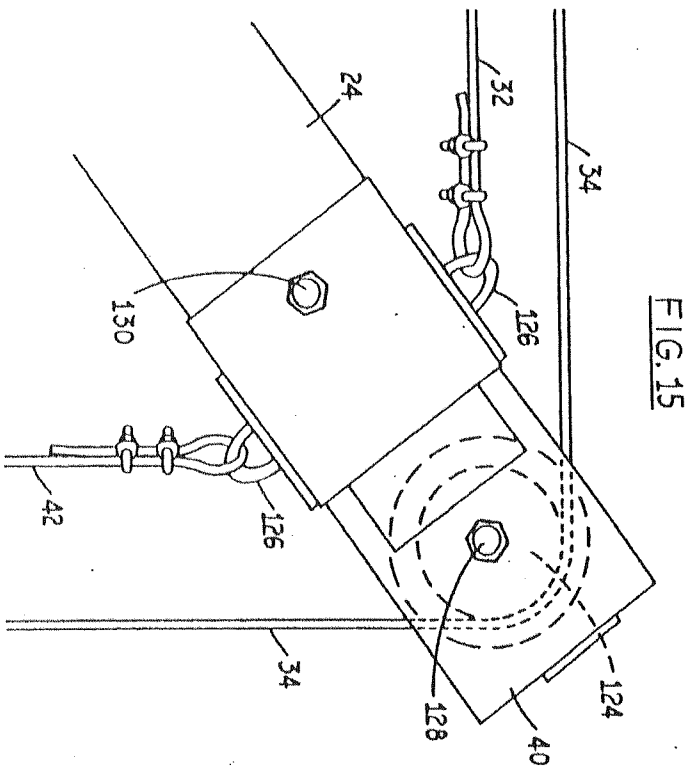


FIG. 15

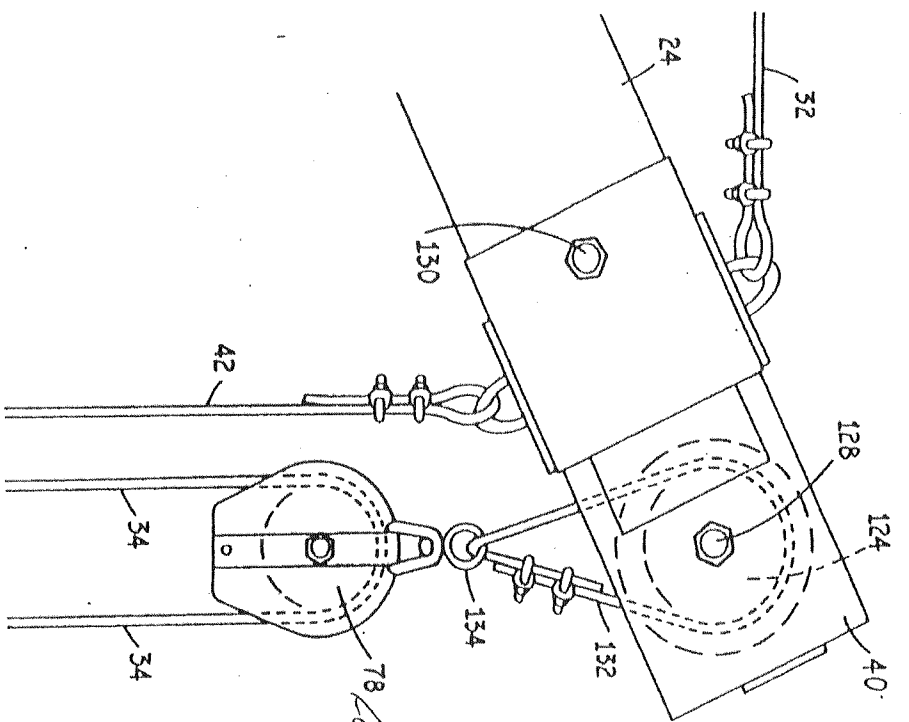


FIG. 16

boom for no control top

78 for hole in cable

FIG. 17

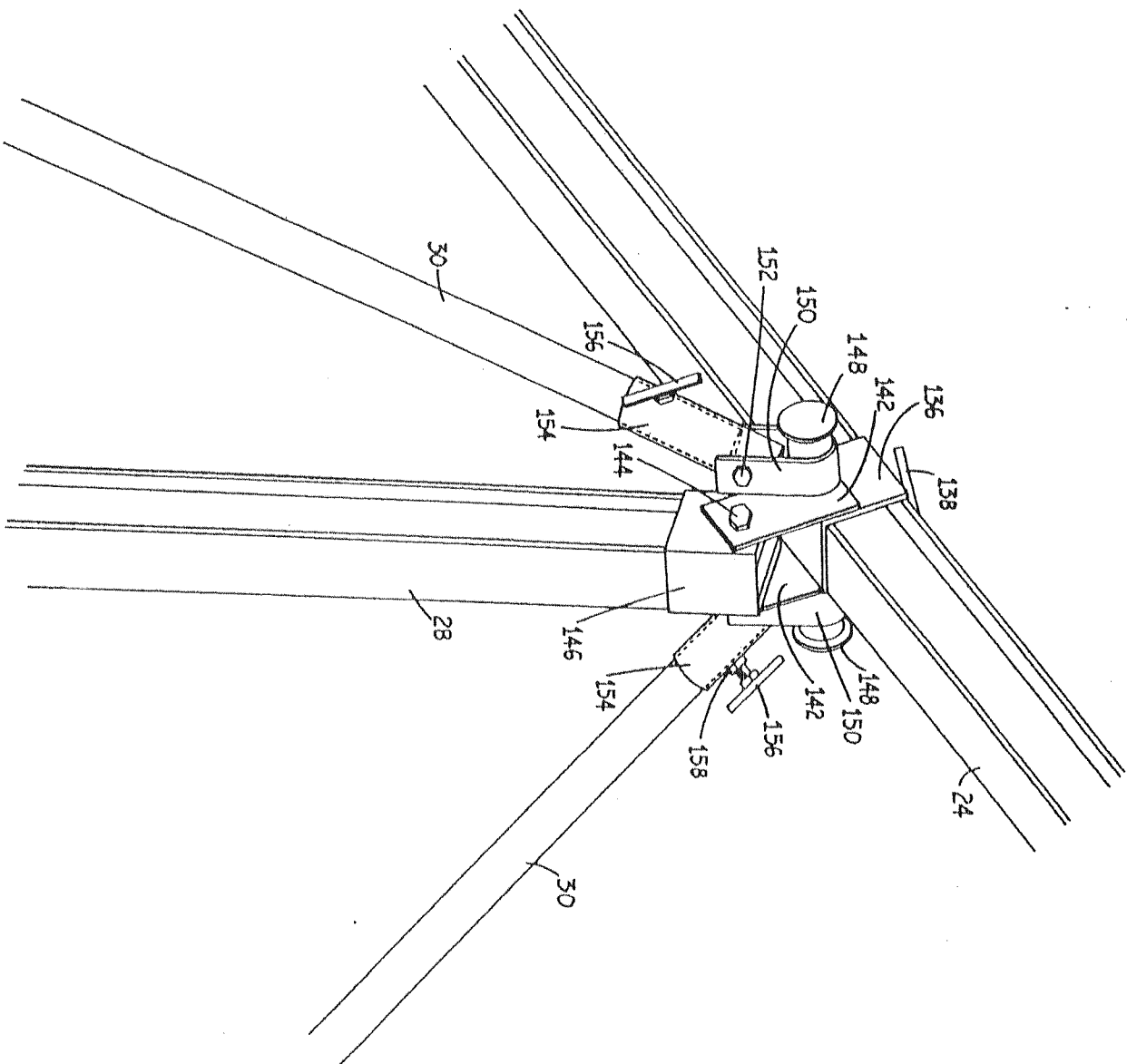


FIG. 18

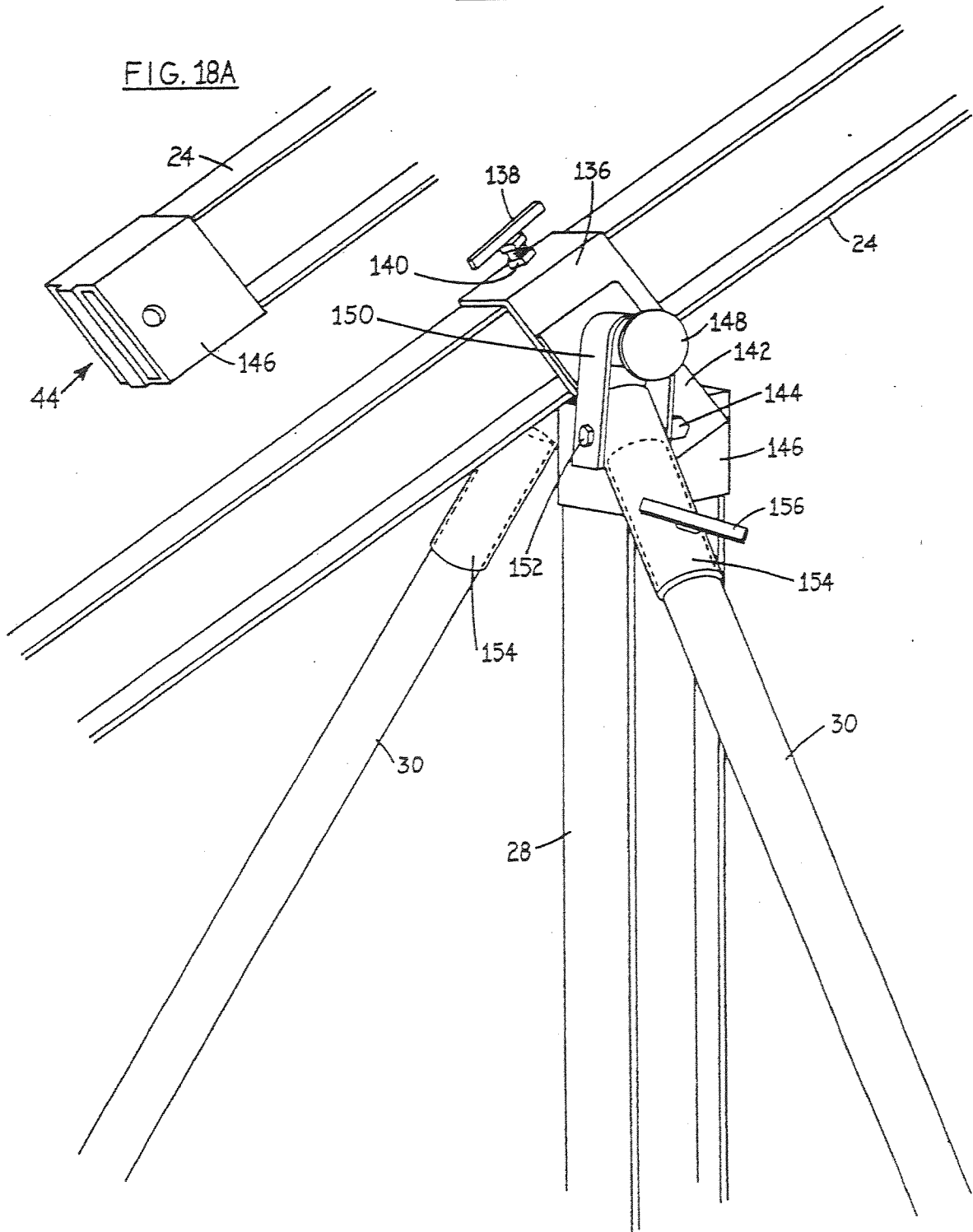
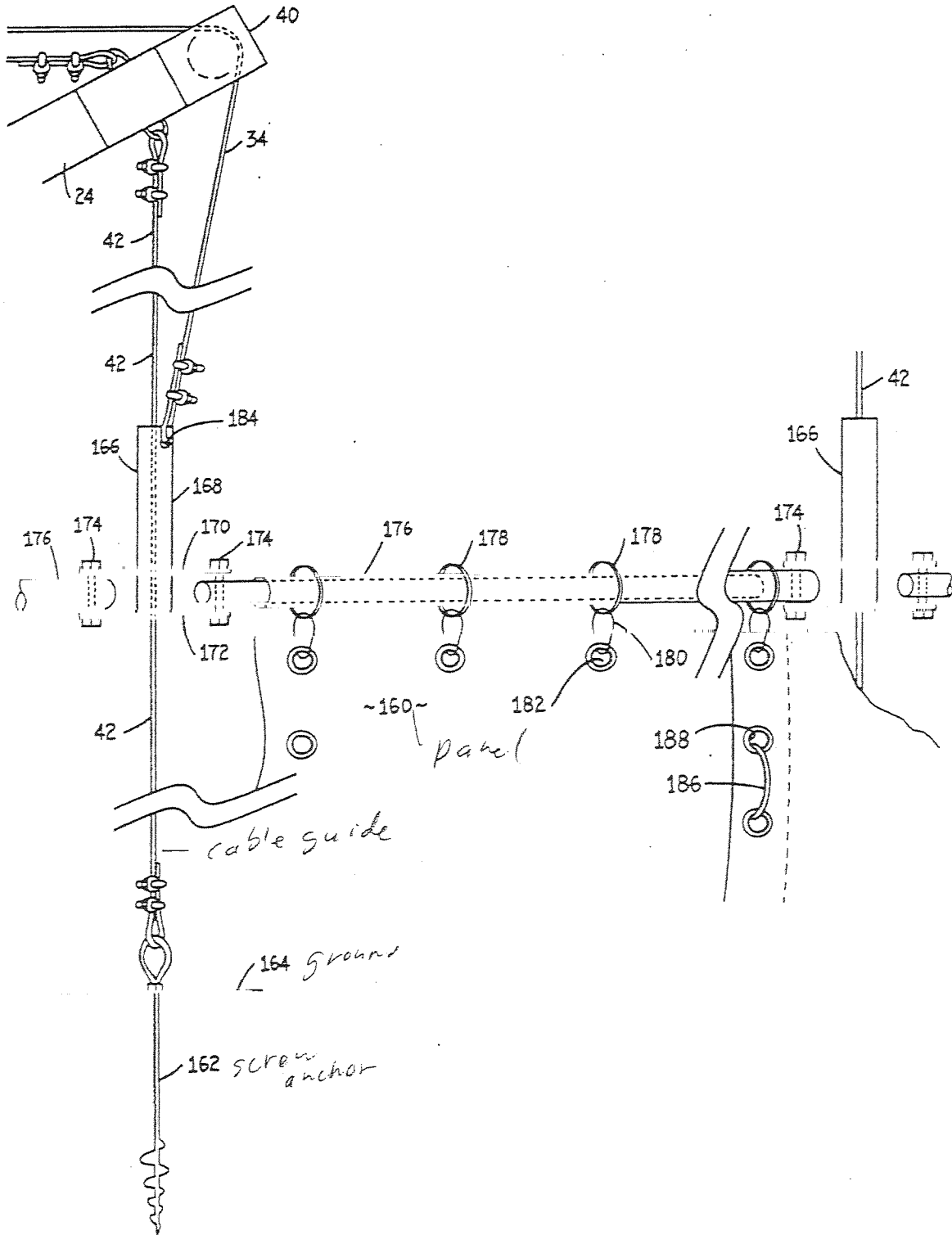


FIG. 19



5,033,240

1

METHOD AND APPARATUS TO ENSHROUD LARGE VERTICAL STRUCTURES

BACKGROUND OF THE INVENTION

The field of the invention pertains to the field of temporarily covering or enclosing objects and structures of large size during treatment or processing and, in particular, to enclosing such objects in a manner that contains and retains materials that otherwise would be released to the environment. Only recently a significant demand for means to cover large objects and structures has arisen because of new rules to prevent the release of old paint, sand blasting materials, new paint overspray and asbestos to the environment.

Means to quickly cover or uncover a large object have been available for many years in a variety of forms such as that disclosed in U.S. Pat. No. 1,759,628 wherein an automobile may be quickly covered and uncovered. More recently U.S. Pat. No. 4,787,173 discloses a means to quickly cover and uncover fruit trees with minimal damage to the trees.

U.S. Pat. No. 4,794,974 discloses a dust curtain for interior protection from dust generated in a portion of an interior room. U.S. Pat. No. 3,945,106 discloses a means of constructing a natural draft cooling tower by raising a ring on a central tube, the ring having a cable assembly suspended therefrom. The cable assembly supports a larger ring to provide a fixed upper diameter for the tower. The cable configuration provides the proper geometric shape for the cooling tower and a support upon which are attached panels of plastic, metal or asbestos cloth.

the above approaches to enshrouding an object or structure do not suggest means to enshroud structure as large as municipal water towers and petroleum storage tanks. Under new rules being mandated for environmental protection, enshrouding is being required for the sand blasting and painting of such large structures to prevent contamination of the environment with dust, paint chips and paint spray.

SUMMARY OF THE INVENTION

The invention comprises apparatus and method for enshrouding or enclosing multistory structures or buildings such as municipal water towers and large petroleum storage tanks that may be 50 to 250 feet, in height. Recent environmental regulations require that sand-blasting debris and paint over-spray be contained and prevented from release to the environment. In practicing the invention a plurality of booms are temporarily attached to the top of the structure so as to extend out beyond the periphery of the structure. Extending downwardly from the boom ends are guide cables and hoisting cables to guide and raise a frame work having a plurality of fabric or plastic panels attached thereto. The guide cables are fastened to the ground and the hoisting cables are fastened to sleeves on the cables, the sleeves serving as the guides. Horizontal telescopic tubes serve to support the panels and extend between the guides and guide cables.

The ends of the booms are equipped with sheaves or pulleys over which the hoisting cables pass. The hoisting cables either extend downwardly from the sheaves directly to one or more hoisting engines or, where the structure is equipped with a central riser, or shaft from ground to roof, the hoisting cables extend generally horizontally to a central multiple sheave assembly and

2

then downwardly to a common down haul cable. The common downhaul cable in turn is connected to a hoisting engine near the base of the structure. When not in use the panels are collapsed and folded at the base of the structure. The entire assembly of panels can be raised in unison about the structure for daily activities and then lowered at night or quickly lowered in the event of high winds.

The booms are fitted with a main or central support and wind braces or stabilizers having both telescoping and rotational adjustments in the fittings that attach to the booms and to the structure. The particular adjustability permits the boom assemblies including the central supports and wind braces to accommodate the compound curvature tops of contemporary single leg water towers and traditional multiple leg waters towers. The boom assemblies are equipped with pads or feet that are temporarily welded to the steel plate tops of the towers. After the repainting of the tower is otherwise completed the pads are cut free from the tower and the weld locations spot painted. In an alternative embodiment special upright flanges or brackets are permanently welded to the top or roof so that the boom assemblies can be easily pinned or bolted in place when the structure is to be sand blasted and repainted.

DESCRIPTION OF THE DRAWINGS

FIG. 1 illustrates a single column water tower equipped with temporary booms;

FIG. 2 illustrates the water tower of FIG. 1 with hoisting cables and folded shroud;

FIG. 3 schematically illustrates in broken away plan view the top of the water tower of FIG. 1 equipped with temporary booms and hoisting cables;

FIG. 4 illustrates the shroud partially raised about the water tower of FIG. 1;

FIG. 5 illustrates the shroud fully raised about the water tower of FIG. 1;

FIG. 6 is a perspective view of a boom assembly mounted on a water tower;

FIG. 7 is a second perspective view of a boom assembly mounted on a water tower;

FIG. 8 is a detail of the hoisting pulley assembly at the top center of a water tower;

FIG. 9 is a detail of the pulley assembly at the base of a water tower;

FIG. 10 illustrates a boom mounted on a multiple leg water tower;

FIG. 11 illustrates a boom mounted on a large ground supported petroleum storage tank;

FIG. 12 is a center foot pad for the boom assembly;

FIG. 13 is a peripheral foot pad for the boom assembly;

FIG. 14 is an alternate form of the foot pad of FIG. 12;

FIG. 15 is a side view detail of the boom tip;

FIG. 16 is a side view detail alternate configuration of the boom tip;

FIG. 17 is a front quarter perspective of the boom and leg adjustable joint;

FIG. 18 is a rear quarter perspective of the boom and leg adjustable joint of FIG. 17;

FIG. 18-A is a detail of the boom; and

FIG. 19 is a broken away detail of the shroud panel assembly and connection to the hoisting cables.

needs central shaft

5,033,240

3

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Illustrated in FIG. 1 is a contemporary water tower 20 commonly in use in the United States. Typically such water towers are 150 to 200 feet in height, constructed of steel plates with welded joints and supported on a flared base 22. The towers are painted to reduce corrosion and improve appearance. The initial painting and periodic repainting requires an initial sand blasting to clean the outer surface prior to spray painting. Considerable debris is released to the air and surrounding ground by the sand blasting and spray painting. The following method and apparatus vertically encloses structures such as a water tower to thereby capture and contain the sandblasting debris and the overspraying of paint.

In practicing the invention a plurality of booms 24 are temporarily attached about the upper portion of the tower 20, each boom extending out beyond the periphery 26 of the tower 20 as shown in the top view, FIG. 3. Each boom is supported on a central leg 28 as shown in FIGS. 1 and 2 and stabilized by a pair of wind braces or stabilizers 30, all of which are fastened to the top of the tower 20. Tieback cables 32 and hoisting cables 34 extend from the booms 24 to the central top 36 of the tower 20.

FIGS. 2, 4, and 5 illustrate the collapsible enclosure or shroud 38 in various positions about the tower 20. In FIG. 2 the shroud 38 is shown substantially folded or collapsed about the base 22 of the tower. A plurality of hoisting cables 34 are attached to the shroud 38 adjacent the top 40 of the shroud and extend vertically to the booms 24, engaging the booms at the boom outer ends.

The shroud 38 is raised by simultaneously raising the plurality of hoisting cables 34. As the hoisting cables 34 raise the shroud 38 the shroud unfolds at the base 22 of the tower 20 as shown in FIG. 4. The shroud 38 is shown fully raised about the tower in FIG. 5. In his manner the shroud 38 which comprises multiple panels of cloth or plastic may be raised and lowered on a daily basis as work on the tower progresses or the shroud can be quickly lowered in the event the wind velocity about the tower becomes too large to safely work on the tower within the raised shroud.

Illustrated in perspective in FIGS. 6 and 7 is a typical boom 24 shown with a hoisting cable 34 passing over the outboard end 40 of the boom. Also attached to the boom 24 at the outboard end is a tie back cable 32 and a vertical guide cable 42. The inboard end 44 of the boom 24 is attached to the ellipsoidal steel plate surface of the tower 20 by a metal foot 46. As best shown in FIG. 6 the outboard end 40 of the boom 24 extends out beyond the maximum periphery of the tower 20 with sufficient clearance for the skyhook platform of the sandblast and spray paint crews. The central leg 28 supports the boom 24 downward thrust and is attached by a foot 48 to the surface of the tower 20. A pair of side wind braces 30 are connected to the boom 24 by the same attachment generally denoted by 50 as the central leg 28. Each of the wind braces 30 is similarly attached to the tower surface by feet 52.

The contemporary ellipsoidal water tower 20 of FIG. 1 and the more traditional multileg water tower 20' of FIG. 10 typically are equipped with a central riser 54 that extends to a covered opening at the center top 36 (FIG. 3) of the tower. The central riser 54 provides access to the top of the tower 20 without the need for an

4

external ladder or lifting means. As shown in FIG. 8 the opening 56 to the central riser 54 is used to support a circular plate 58 attached by legs 60 to the opening 56 sides 62. The circular plate 58 includes a plurality of holes 64 to engage a plurality of tie back cables 32 one of which is shown in FIG. 8.

Mounted about a central hole 66 in the circular plate 58 are a plurality of sheave assemblies 68 one of which is shown and the others of which indicated by dot-dash outline. The hoisting cables 34 pass over the sheave assemblies 68 and down through the hole 66. The plurality of hoisting cables 34 are joined by fittings at 70 to a single down cable 72. The single down cable 72 extends to the base 22 of the tower 20 where the down cable 72 passes under a sheave assembly 74 in turn anchored to the floor 76 as shown or otherwise lashed in place. The sheave assembly 74 is inside the central leg of the tower 20. The down cable 72 then extends horizontally to a hoisting engine (not shown).

FIGS. 10 and 11 illustrate alternate forms of water towers and liquid storage tanks to which the method and apparatus for enshrouding a large vertical structure may be applied. FIG. 10 illustrates a multileg tower 20' having a central riser 54' through the tank and a central column 22' therebelow. As illustrated by the single boom 24', tie back 32' and hoisting cable 34' the boom assemblies disclosed above can be applied to this traditional form of water tower 20' in the same manner as with the contemporary tower.

FIG. 11 illustrates a large ground based storage tank 20'' not equipped with a central riser. The booms 24'' and tie backs 32'' are mounted as disclosed above, however, the circular plate 58'' is merely welded to the top of the tank 20''. Each hoisting cable 34'' passes around a secondary block 78'' and down to a pulley assembly 74'' attached firmly to the ground. The hoisting cables 34'' are then led to one or more hoisting engines (not shown). With very large diameter tanks only a portion of the periphery may be enshrouded and the tank need not be simultaneously equipped with booms 24'' all around.

FIGS. 12 through 19 illustrate detailed features of the apparatus for enshrouding to be particularly effective. FIGS. 12 and 13 illustrate attachment feet or pads (46, 48 and 52 in FIGS. 6 and 7) for the boom assemblies. The pad 52 of FIG. 13 comprises a horizontal plate 80 that is temporarily welded 82 to the surface of the tower 20. Permanently welded to the plate 80 are a pair of brackets 84 perforated at 86 for bolt or pin attachment to the wind braces 30. Gussets 88 are permanently welded inside the brackets 84 for added stiffness. The pad of FIG. 13 may also be used to attach the inboard end 44 of the boom 24 to the tower surface.

The pad 48 of FIG. 12 comprises a wider horizontal plate 90 also temporarily welded 92 to the tower surface. Permanently welded to the plate 90 are a pair of brackets 94 perforated at 96 for bolt or pin attachment to the central leg 28. Gussets 98 are permanently welded inside the brackets 94 for added stiffness. Because of the major thrust load on the central leg 28, the horizontal plate 90 is extended in width to accommodate a second pair of gussets 100 permanently welded to the brackets 94 and plate 90. The pad of FIG. 12 may also be used to attach the inboard end 44 of the boom 24 to the tower.

The pads 48 and 52 (FIG. 8) are welded to the tower surface prior to mounting of the boom assemblies on the tower and removed after completion of and blasting and

*Another do
4657*

5,033,240

5

spray painting by cutting the welds 82 and 92. The weld points are then spot painted. As an alternative to the welding and removal FIG. 14 illustrates a pad 102 similar to the pad 48 in FIG. 12. Pad 102 horizontal plate 104, however, is larger and equipped with slots 106 at the ends thereof and a pair of threaded holes 108 adjacent each slot 106. The pair of slots 106 are adapted to engage a pair of brackets 110 permanently welded 112 to the tower surface. The brackets 110 are perforated 114 for a bolt 116 and nut 118 or pin inserted after the plate 104 is engaged on the brackets 110. The bolt 116 and nut 118 prevent the removal of the pad 102 from the tower surface. To provide necessary tightness and rigidity the bolts 120 are threaded through holes 108 and into tight engagement with the tower surface. The lock nuts 122 then are threaded down against the plate 104 to prevent inadvertent loosening. The brackets 110 remain a permanent part of the water tower 20 and are painted with the tower. With the alternate pad 102 of FIG. 14 the boom assemblies may be attached or removed from the tower without welding. Since sandblasting and spray painting of water towers is a periodic maintenance activity, the alternate pads 102 represent a substantial saving of time to install and remove the boom assemblies.

The boom 24 outboard end 40 is depicted in FIG. 15. The hoisting cable 34 passes over a pulley 124 at the end of the boom. Eyes 126 just inside the hoisting cable 34 are attached to the boom 24 end to provide attachment locations for the tie back cable 32 and the guide cable 42. In the preferred embodiment the boom 24 is extruded structural aluminum I-section. The boom end 40 is constructed of steel plates to retain the pulley 124 with a bolt axle 128 and is attached to the boom by a bolt at 130. Aluminum is used for the boom 24 and central leg 28 to eliminate a substantial portion of the boom assembly weight.

FIG. 16 illustrates the boom end 40 modified for use with the tank illustrated in FIG. 11. In particular a separate block 78 supports the hoisting cable there-around adjacent the guide cable 42. The block 78 in turn is supported by a short length of cable 132 looped through the block ring 134 and about pulley 124. This assembly prevents chafing of the hoisting cable 34 if the hoisting cable is wrapped directly around the pulley 124 and the boom 24 is positioned at a relatively steep angle to horizontal.

FIGS. 17 and 18 illustrate the multiple adjustable attachment generally denoted by 50 wherein the central leg 28 and wind braces 30 are connected to the boom 24. A rectangular steel sleeve 136 engages the boom I-shape 24 with the boom slideable through the sleeve. To retain the boom 24 at a set position in the sleeve 136 a T-handle bolt 138 extends through a welded nut 140 and hole in the sleeve into contact with the boom 24. Attached to the sides of the sleeve 136 are a pair of steel plates 142. The steel 142 are perforated for a bolt connection 144 with a second sleeve or pocket 146. The second sleeve or pocket 146 is affixed to the upper end of the central leg 28 by the bolt 144. As illustrated in FIG. 18A the inward end 44 of the boom is also fitted with a sleeve or pocket 146 as is the lower end of the central support 28. The steel sleeve or pocket 146 reinforces the rotatably free mechanically fastened attachments because the boom and central support are I-section aluminum and additional load bearing support is required at the engagement of the fasteners.

6

On each side of the attachment 50 is a trunnion 148 welded to each plate 142 and extending outwardly. The trunnions 148 in turn are engaged by steel straps 150 which in turn are perforated to accept bolts 152. The bolts 152 engage steel cylindrical sleeves 154 in turn adjustably connected to the wind braces 30. Each sleeve 154 includes a T-handle bolt 156 and welded nut 158 for engagement with the wind braces 30. Thus, the wind braces 30 are rotatable about both the trunnions 148 and the bolts 152 and lengthwise adjustable in the sleeves 154. The central leg 28 is rotatable about the bolt 144. With this combination a wide variety of surface curvatures of water towers can be accommodated with the boom assemblies and the boom assemblies can easily be adjusted on site.

Illustrated in FIG. 19 are details of the connection or shroud panels 160 to the hoisting cables 34 and a vertical guide cables 42. A screw anchor 162 is placed in the ground 164 to retain the lower end of each guide cable 42. One or more cable guides 166 are positioned on the guide cables 42. The cable guides comprise a steel tube 168 welded to a pair of parallel steel plates 170 and 172 to form an inverted "T" through which the guide cable 42 passes. The ends of the plates 170 and 172 are perforated to accept bolts 174 in turn connected to horizontal telescopeable rod and tube assemblies 176. The rod and tube assemblies extend between cable guides 166 on adjacent guide cables 42.

A plurality of rings 178 are placed on each rod and tube assembly 176 and latching hooks 180 connect the rings 178 to reinforced eyelets 182 in the upper edge of each panel 160. The hoisting cables 34, being attached to the cable guides 166 at 184, simultaneously raise the panels 160 with the panels evenly supported on the rod and tube assemblies 176. The adjacent vertical panels are fastened together 186 through the eyelets 188 along the adjacent vertical edges as shown in FIG. 19.

With the apparatus disclosed above, the individual panels can extend the full height of a water tower. The experimentally tested apparatus raises panels 180 feet long to reach from ground to just below the booms 24. Although full height panels have proven successful, shorter panels may be utilized by adding parallel cable guide, rod and tube assemblies about the structure between upper and lower panels. The added cable guides are also installed on the vertical guide cables 42 and connected to the hoisting cables 34 by supplemental vertical hoist cables joined to the cable guides there-above.

Although the boom assemblies have been described in terms of their application to the compound curvature tops of water towers, it may be appreciated that the boom assemblies can be applied to flat roofs, roofs of multiple flat surfaces, and the flat or curved side walls of multi-story water towers and other structures. In the latter side wall applications the boom assembly is turned over and the pads for the stabilizers attached to the flat or curved sides well above the pad for the inboard end of the boom. Thus, the boom assemblies can be moved from structure to structure and merely readjusted for each structure as the roof or side walls require.

We claim:

1. Apparatus to temporarily enclose multi-story structures comprising a plurality of booms extending outwardly about at least a portion of the structure adjacent the top of the structure, said booms extending beyond the periphery of the structure,

7

a sheave attached at the outboard end of each boom and a vertically extending hoisting cable supported by each sheave to form a plurality of downwardly extending hoisting cables, a plurality of flexible panels, means on the panels to attach the panels together to form a panel assembly and means to attach the panel assembly to the plurality of downwardly extending hoisting cables whereby upon raising the hoisting cables substantially simultaneously, the panel assembly forms an enclosure about at least a portion of the structure.

guide cables each attached to the outboard ends of the booms, said guide cables extending downwardly to anchorage means, said anchorage means located at the bottom of the enclosure, and guide means on said panel assemblies, said guide means in engagement with the plurality of guide cables.

2. The apparatus of claim 1 including a central support attached to each boom, the inward end of each boom and lower end of each central support being temporarily attachable to the structure.

3. The apparatus of claim 2 including at least one stabilizer attached to each boom, the lower end of each stabilizer being temporarily attachable to the structure.

4. The apparatus of claim 3 wherein the attachments of the boom, central support and stabilizer to the structure comprise pads temporarily weldable to the structure and rotatably free means to attach the pads to the boom inboard end and the central support and stabilizer lower ends.

5. The apparatus of claim 3 wherein the attachments of the boom, central support and stabilizer to the structure comprise brackets permanently attached to the structure and pads temporarily attachable to the brackets with mechanical fasteners, and rotatably free means to attach the pads to the boom inboard end and the central support and stabilizer lower ends.

6. The apparatus of claim 3 wherein the attachment of the central support to the boom includes translational adjustability of the boom relative to the central support.

7. The apparatus of claim 6 wherein the attachment of the stabilizer to the boom includes translational adjustability of the boom relative to the stabilizer.

8

8. The apparatus of claim 6 wherein the attachment of the central support to the boom and the attachment of the stabilizer to the boom both include rotational freedom relative to the boom.

9. The apparatus of claim 8 wherein the attachment of the stabilizer to the boom includes a trunnion.

10. The apparatus of claim 1 including a plate, a central hole in said plate and a plurality of sheaves attached to said plate, said sheaves so located on the plate as to guide hoisting cables over said sheaves and through said central hole.

11. The apparatus of claim 10 including means on said plate to attach tie back cables and a plurality of tie back cables extending from the booms to said plate.

12. The apparatus of claim 10 wherein said hoisting cables are jointed together below said central hole and wherein a single cable attached to said hoisting cables extends to a hoisting engine.

13. The apparatus of claim 10 wherein said plate includes means to attach the plate to the top of the structure.

14. The apparatus of claim 1 wherein said panel assemblies comprise horizontal members that extend between guide means on adjacent guide cables and a plurality of attachments on said horizontal members from which hang the individual flexible panels.

15. The apparatus of claim 14 wherein said horizontal members include telescoping means to adjust the member length between adjacent guides cables.

16. The apparatus of claim 14 wherein the means to attach the panel assemblies to the hoisting cables comprises the guide means.

17. The apparatus of claim 16 wherein the guide means comprise tubular sleeves engaging the guide cables.

18. The apparatus of claim 14 wherein adjacent panels are joined together by a plurality of fastening means along the vertical edges of the panels and individual panels extend the full height of the raised enclosure.

19. The apparatus of claim 1 wherein a short cable and block are suspended from the boom outboard end sheave and the hoisting cable extends downwardly from both sides of the block, one end of each hoisting cable extending to a hoisting engine.

* * * * *

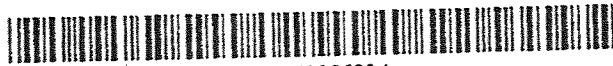
50

55

60

65

EX. B



US005285603A

United States Patent [19]
Richard et al.

[11] **Patent Number:** 5,285,603
 [45] **Date of Patent:** * Feb. 15, 1994

[54] **METHOD AND APPARATUS TO ENSHROUD LARGE VERTICAL STRUCTURES**

[75] **Inventors:** Louis J. Richard, Dexter; Kenneth M. Richard, Chelsea, both of Mich.

[73] **Assignee:** K & L Manufacturing, Ltd., Ann Arbor, Mich.

[*] **Notice:** The portion of the term of this patent subsequent to Jul. 23, 2008 has been disclaimed.

[21] **Appl. No.:** 733,038

[22] **Filed:** Jul. 22, 1991

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 531,845, Jun. 1, 1990, Pat. No. 5,033,240.

[51] **Int. Cl.⁵** E04B 1/343

[52] **U.S. Cl.** 52/63; 52/5; 52/29; 52/71; 52/745.01; 52/DIG. 12; 52/741.3

[58] **Field of Search** 52/63, DIG. 13, 71, 52/5, 747, 41, 27, 29, 741, 745.01, DIG. 12; 212/199-200, 204

[56] **References Cited**

U.S. PATENT DOCUMENTS

1,322,149	11/1919	Swain	52/63
1,748,085	2/1930	Shorey	52/63
1,759,628	5/1930	Pelleanho	52/63
2,768,432	10/1956	Hines	29/431
3,140,563	7/1964	Allen	52/63
3,556,252	1/1972	Alkins et al.	212/57
3,673,754	7/1972	Myrashige	52/747
3,715,843	2/1973	Ballinger	52/DIG. 12

3,945,106	3/1976	Mays et al.	52/741
3,994,108	11/1976	Johnson	52/63
4,033,367	7/1977	Johnston	135/8
4,106,244	8/1978	Kessler et al.	52/63
4,122,648	10/1978	Godwin	52/749
4,199,906	4/1980	Jasch et al.	52/63
4,364,205	12/1982	Scott	52/63
4,683,902	8/1987	Wilson	52/63
4,787,173	11/1988	Lewis	47/21
4,798,220	1/1989	Smoljo	52/3
5,033,240	7/1991	Richard et al.	52/63
5,072,553	12/1991	Bozetto et al.	52/63

Primary Examiner—Carl D. Friedman
Assistant Examiner—Christopher J. Kent
Attorney, Agent, or Firm—James M. Deimen

[57] **ABSTRACT**

Apparatus to temporarily enclose multi-story structures such as municipal water towers during sandblasting and painting to thereby contain the debris and overspray from the environment. A plurality of booms extending in an array outwardly from the top of the structure are temporarily attached to the structure. Hoisting and guide cables extend downwardly from the ends of the booms out beyond the outermost periphery of the structure. A plurality of fabric or plastic panels are supported on a framework in turn attached to guides on the guide cables and the guides are attached to the hoisting cables. The guide cables are anchored to ground. The hoisting cables are connected to a common hoisting engine. The entire assembly of panels can be raised in unison about the structure for daily activities and then lowered at night or quickly lowered in the event of high winds. Apparatus and panels are provided to enclose the top of the structure, to provide adjustable locations for the booms and to cable stay the booms together.

22 Claims, 15 Drawing Sheets

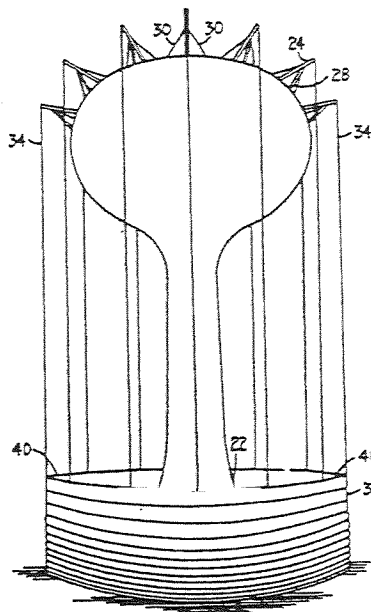


FIG. 1

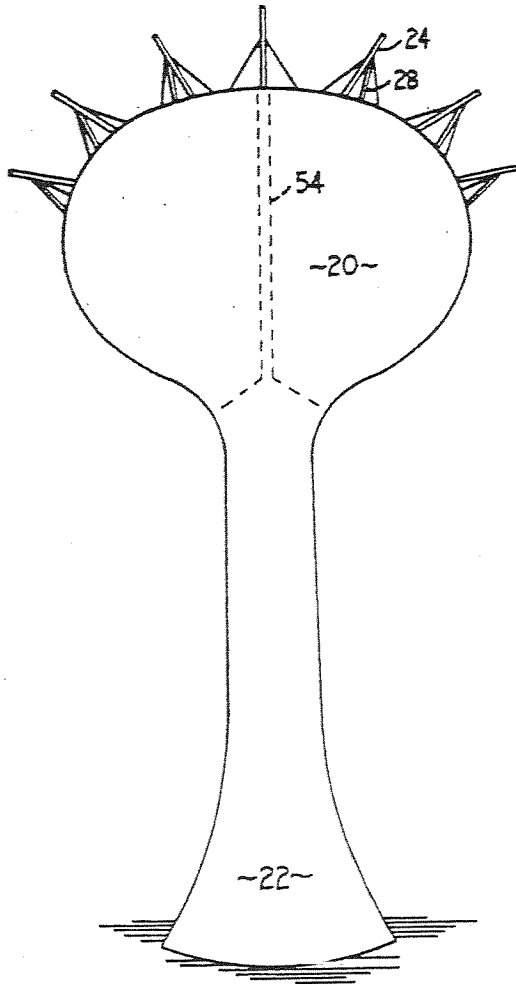


FIG. 2

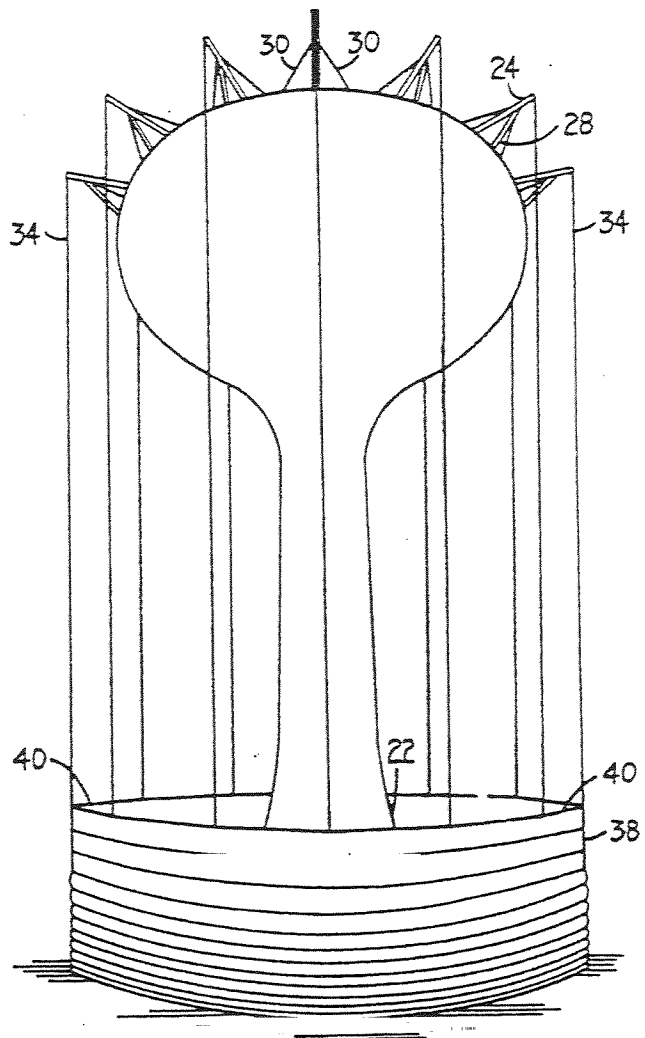
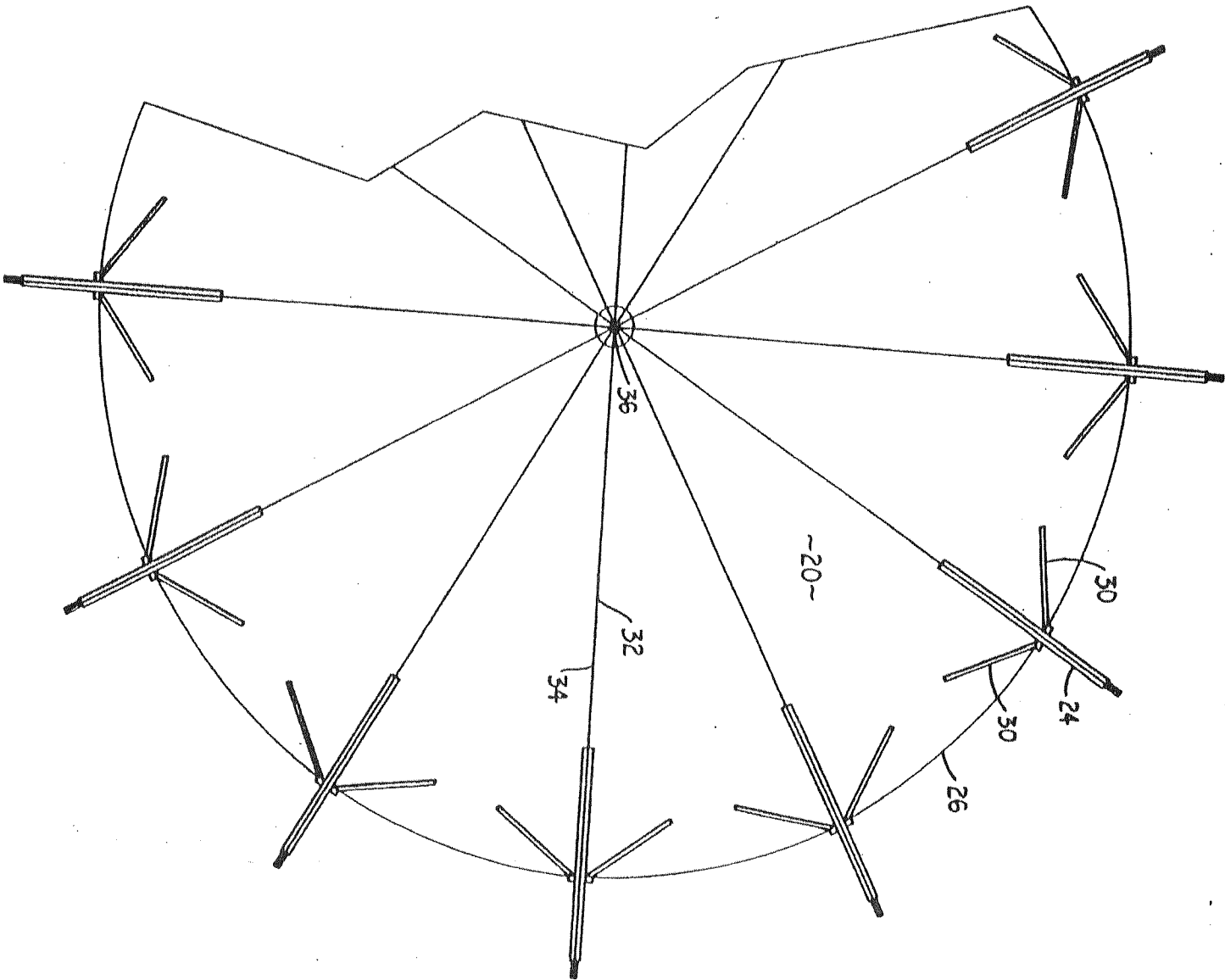


FIG. 3



U.S. Patent

Feb. 15, 1994

Sheet 3 of 15

5,285,603

FIG. 4

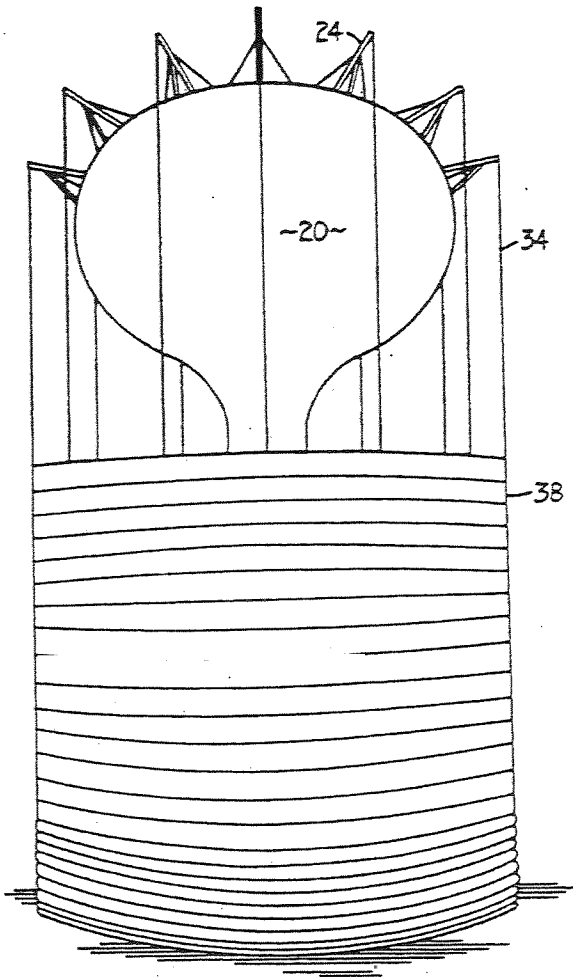


FIG. 5

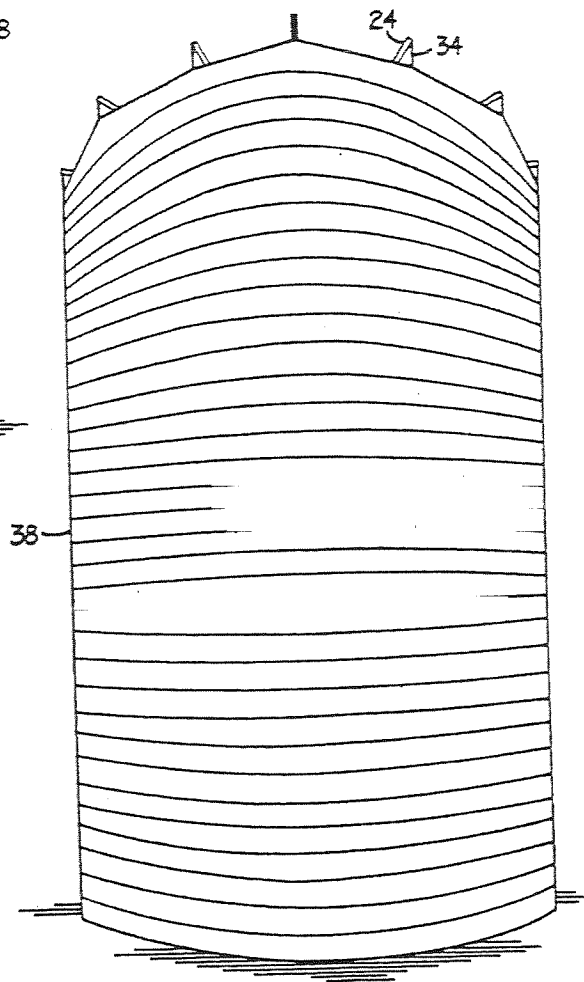


FIG. 6

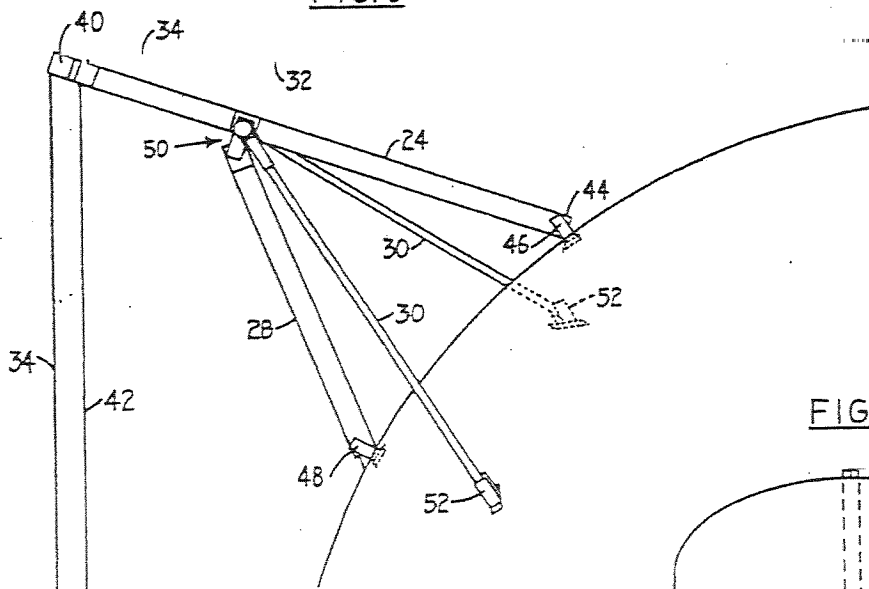


FIG. 10

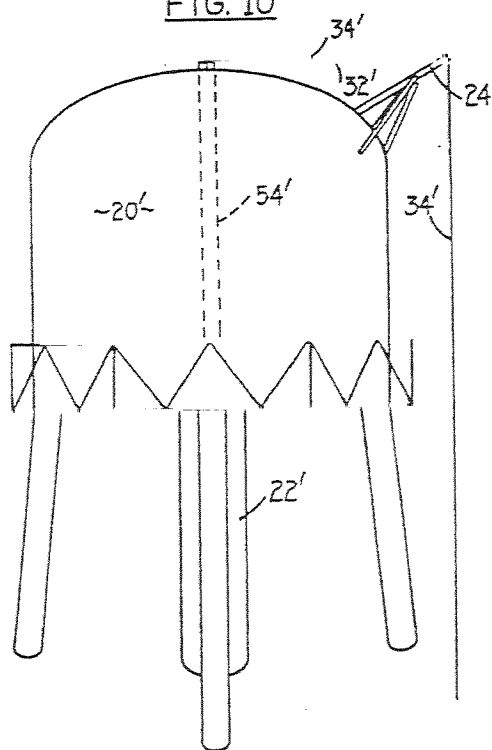


FIG. 11

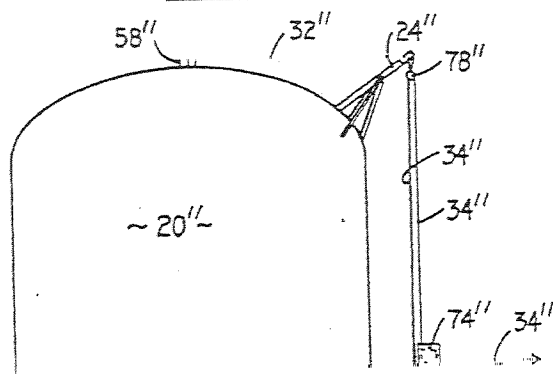


FIG. 8

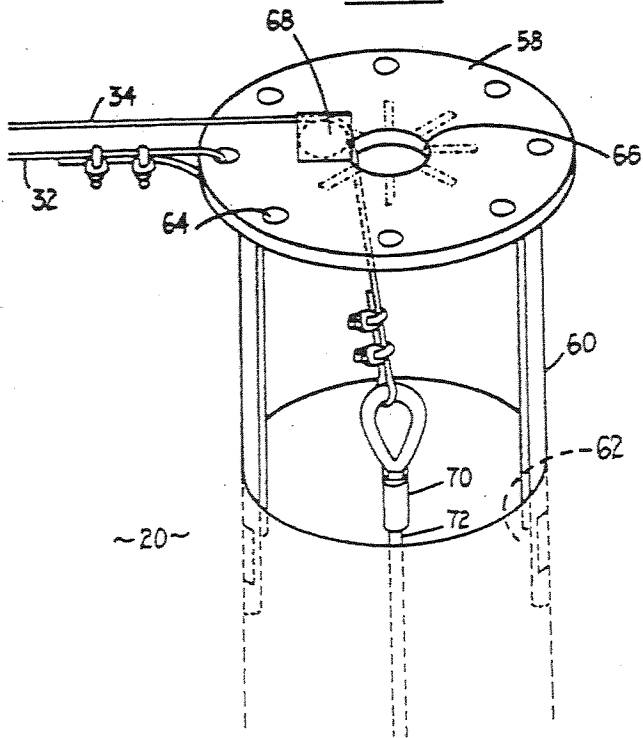


FIG. 9

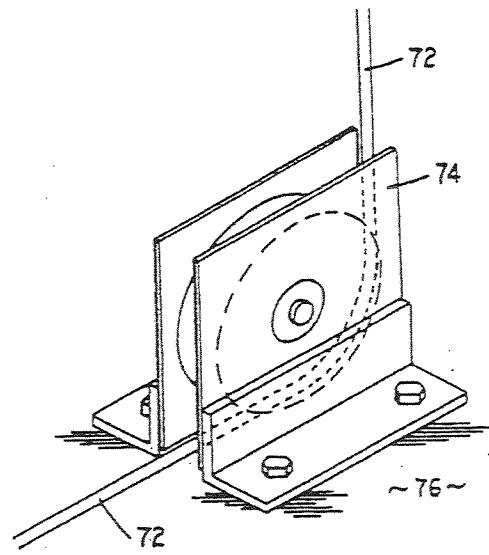


FIG. 7

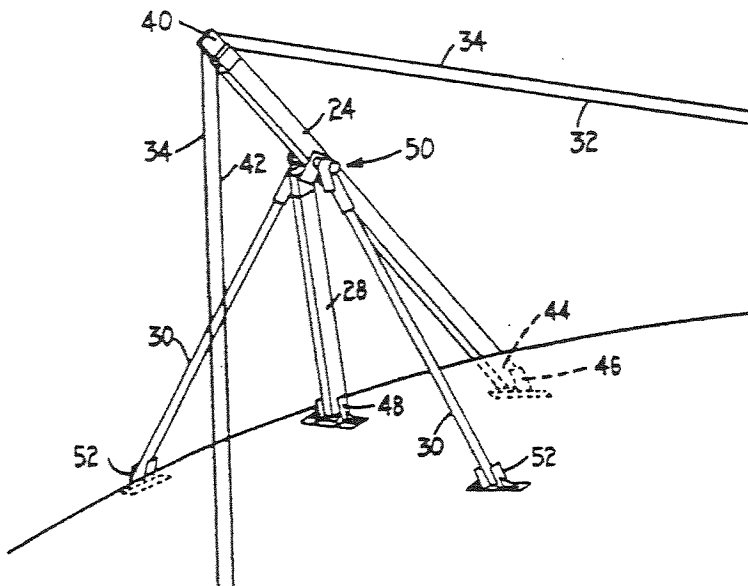


FIG. 12

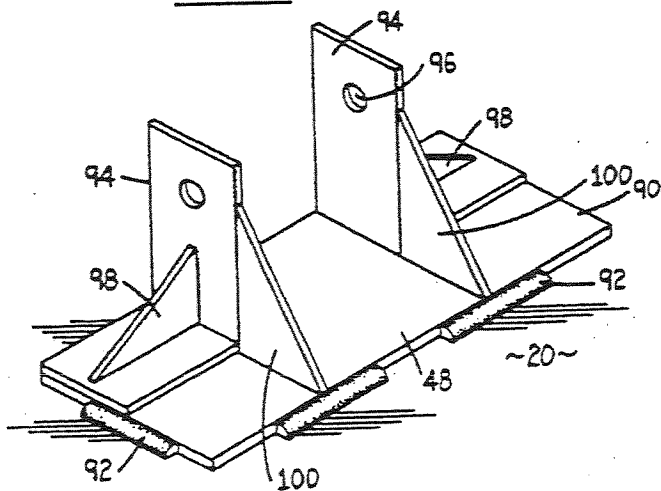


FIG. 13

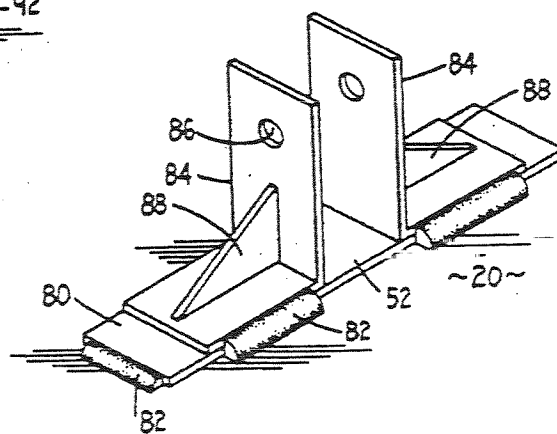


FIG. 14

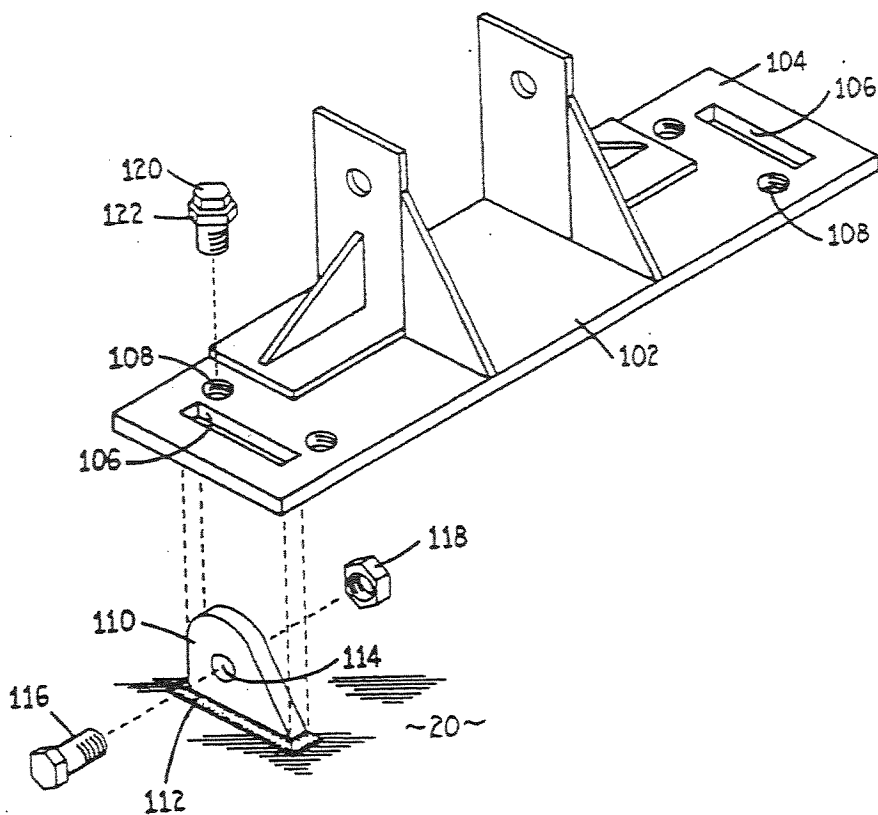


FIG. 15

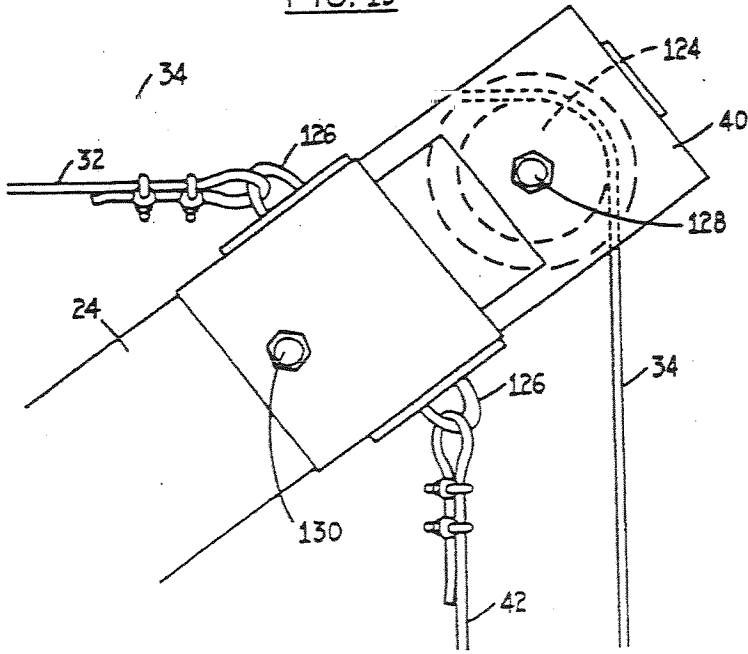


FIG. 16

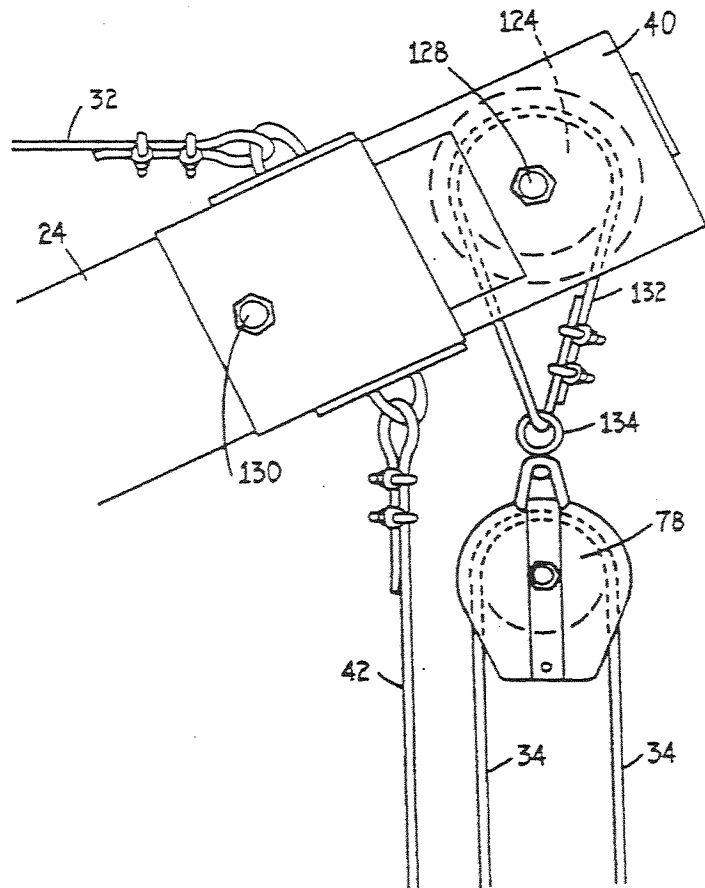


FIG. 17

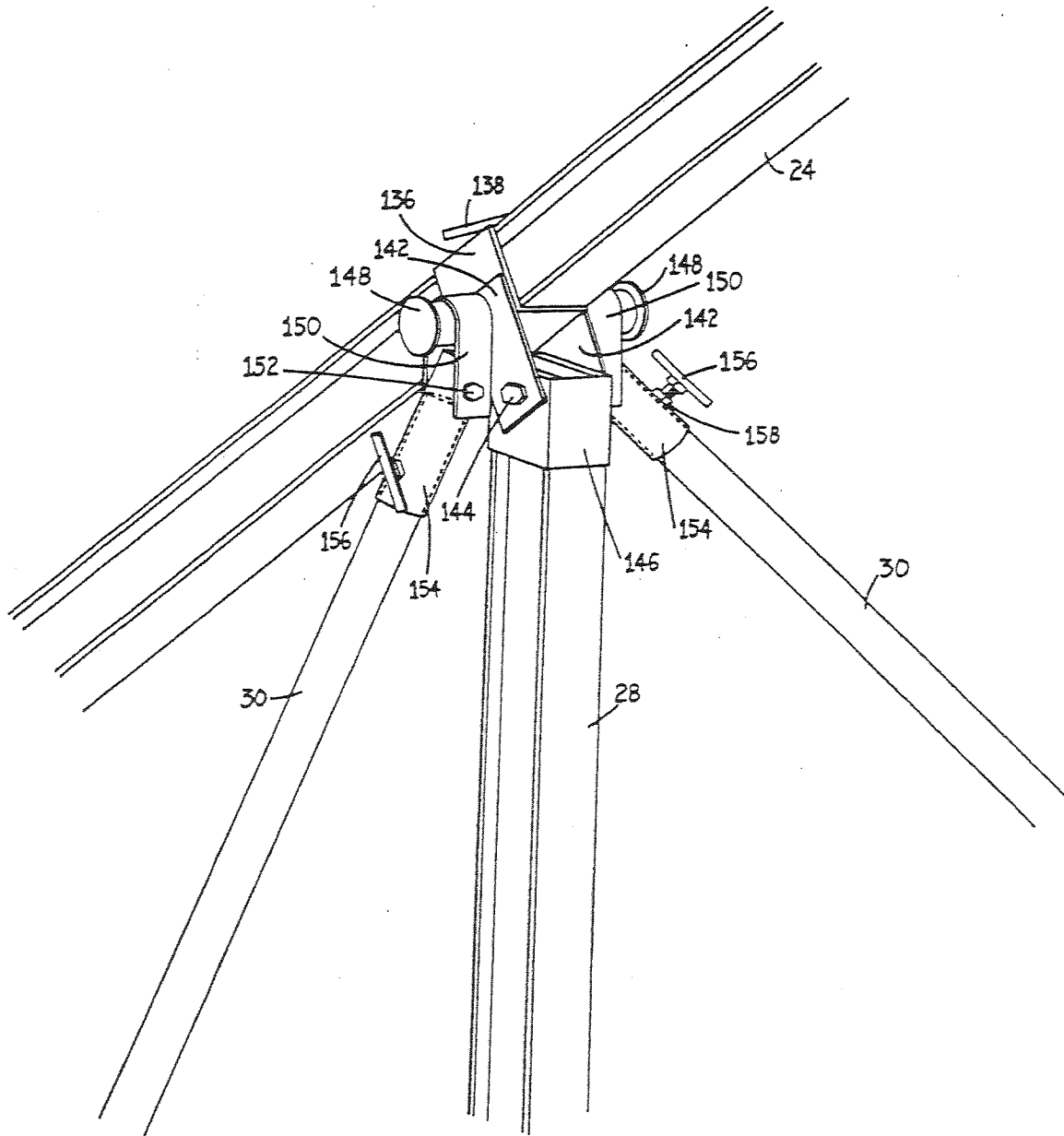


FIG. 18

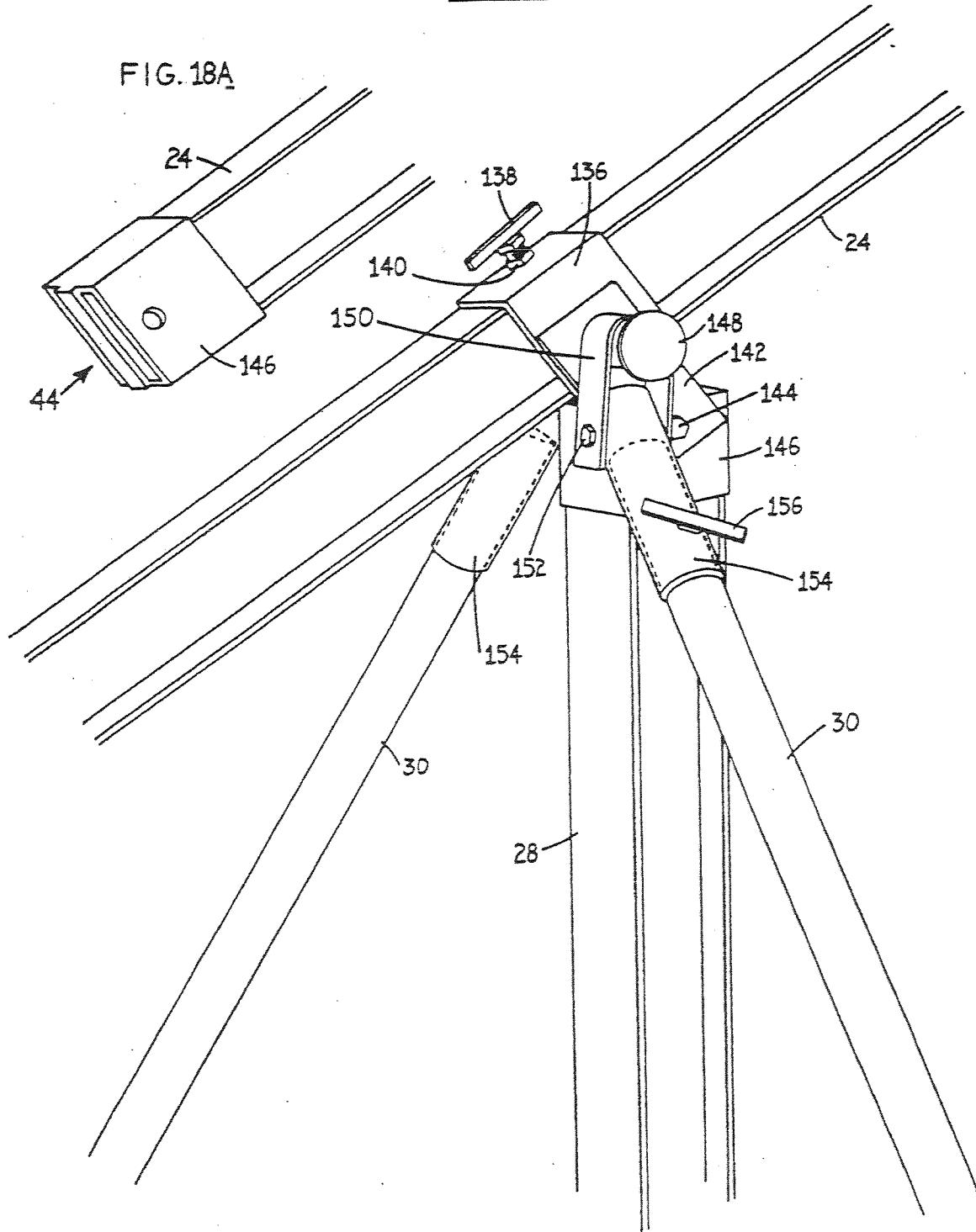
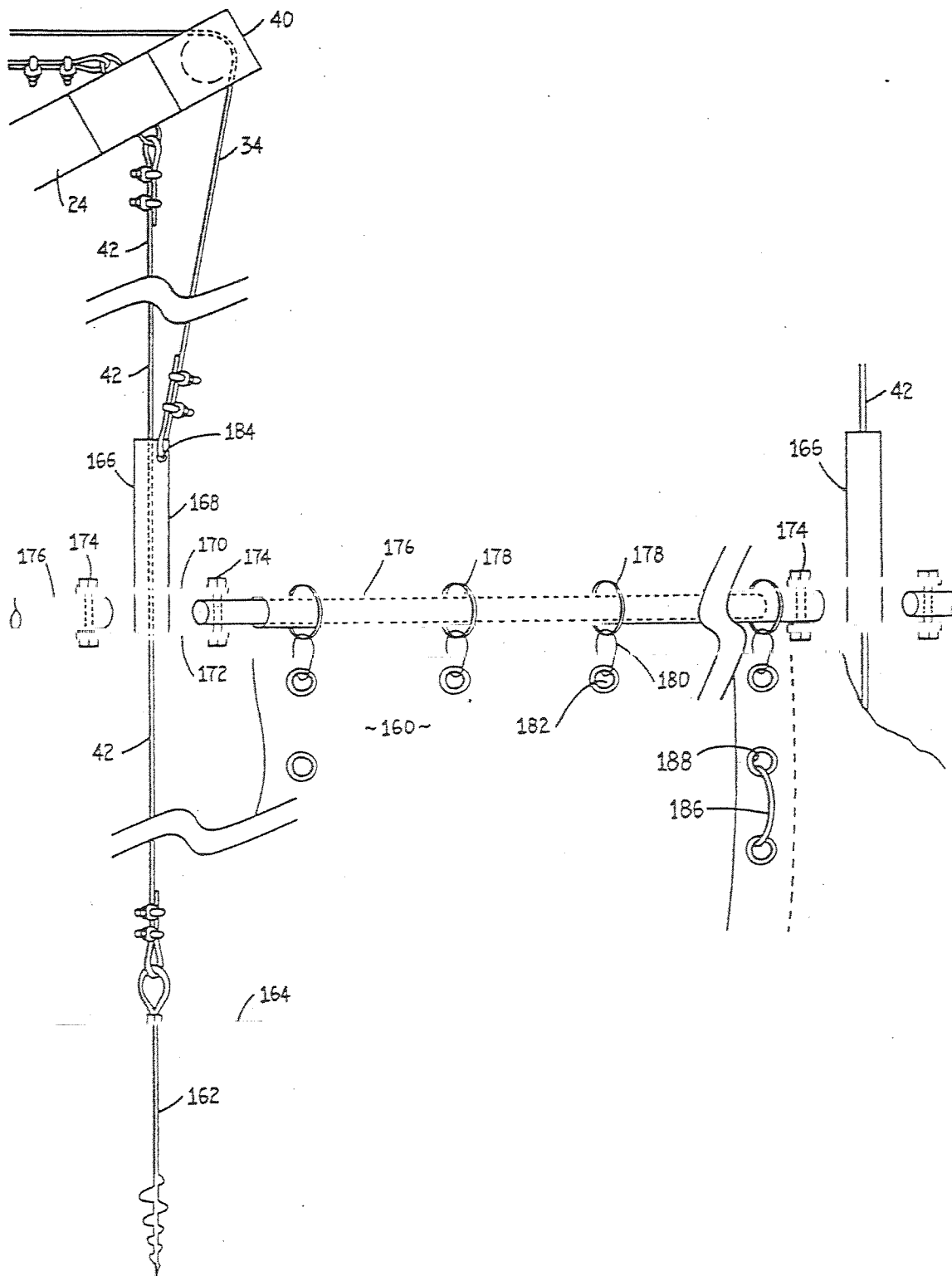


FIG. 19

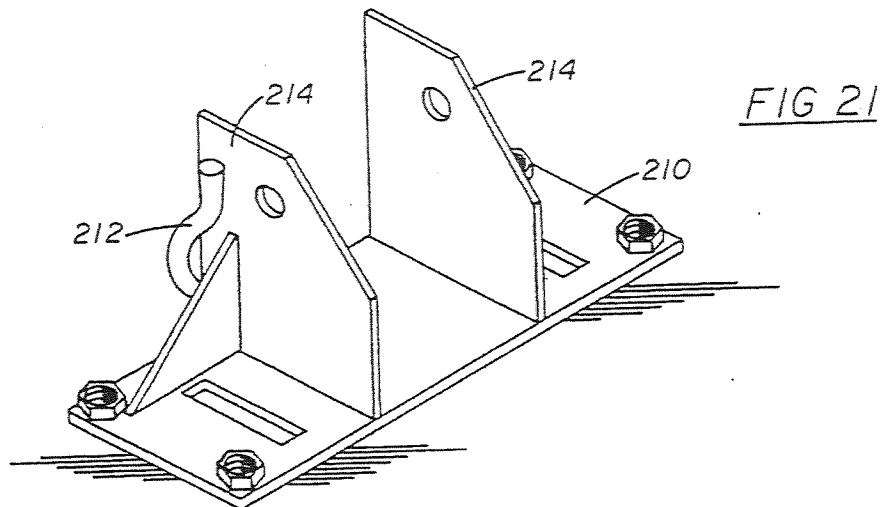
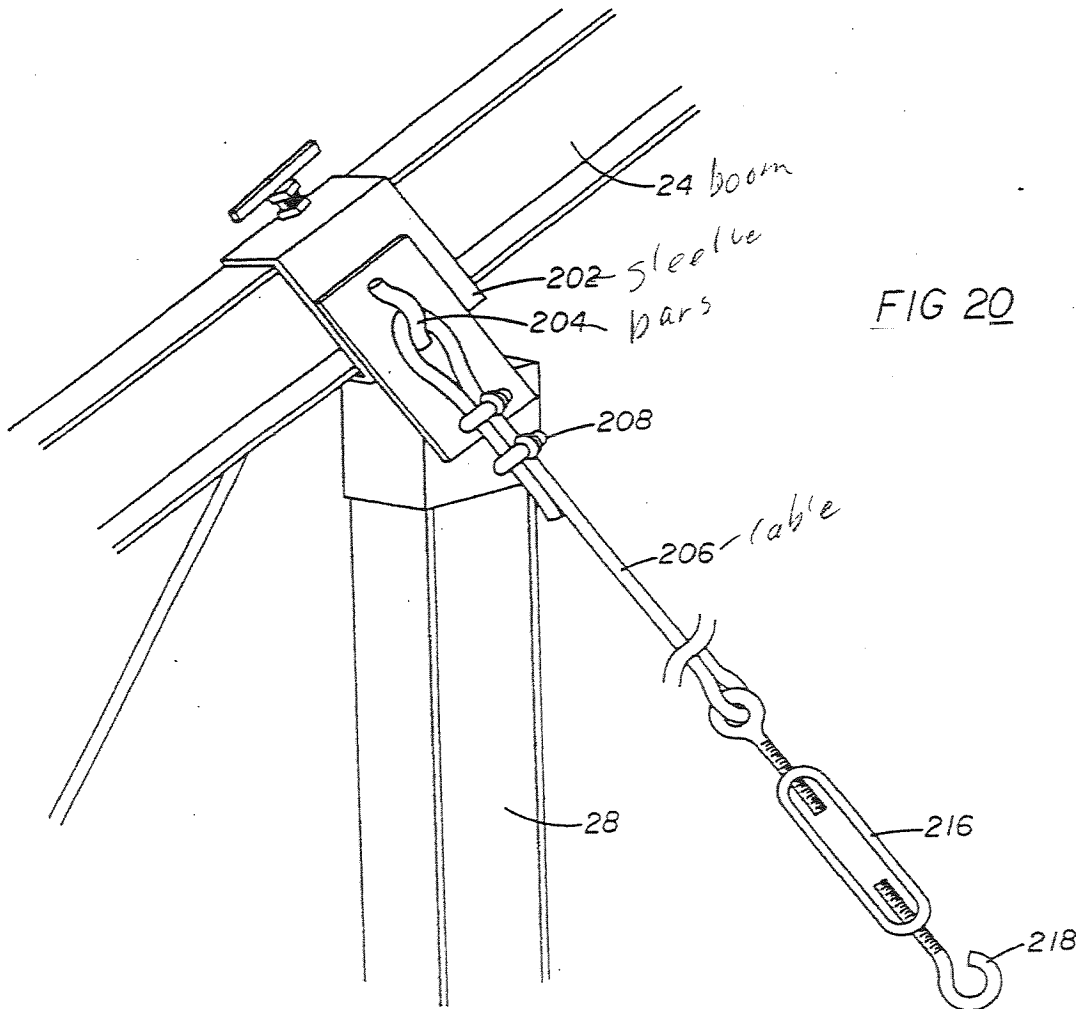


U.S. Patent

Feb. 15, 1994

Sheet 11 of 15

5,285,603



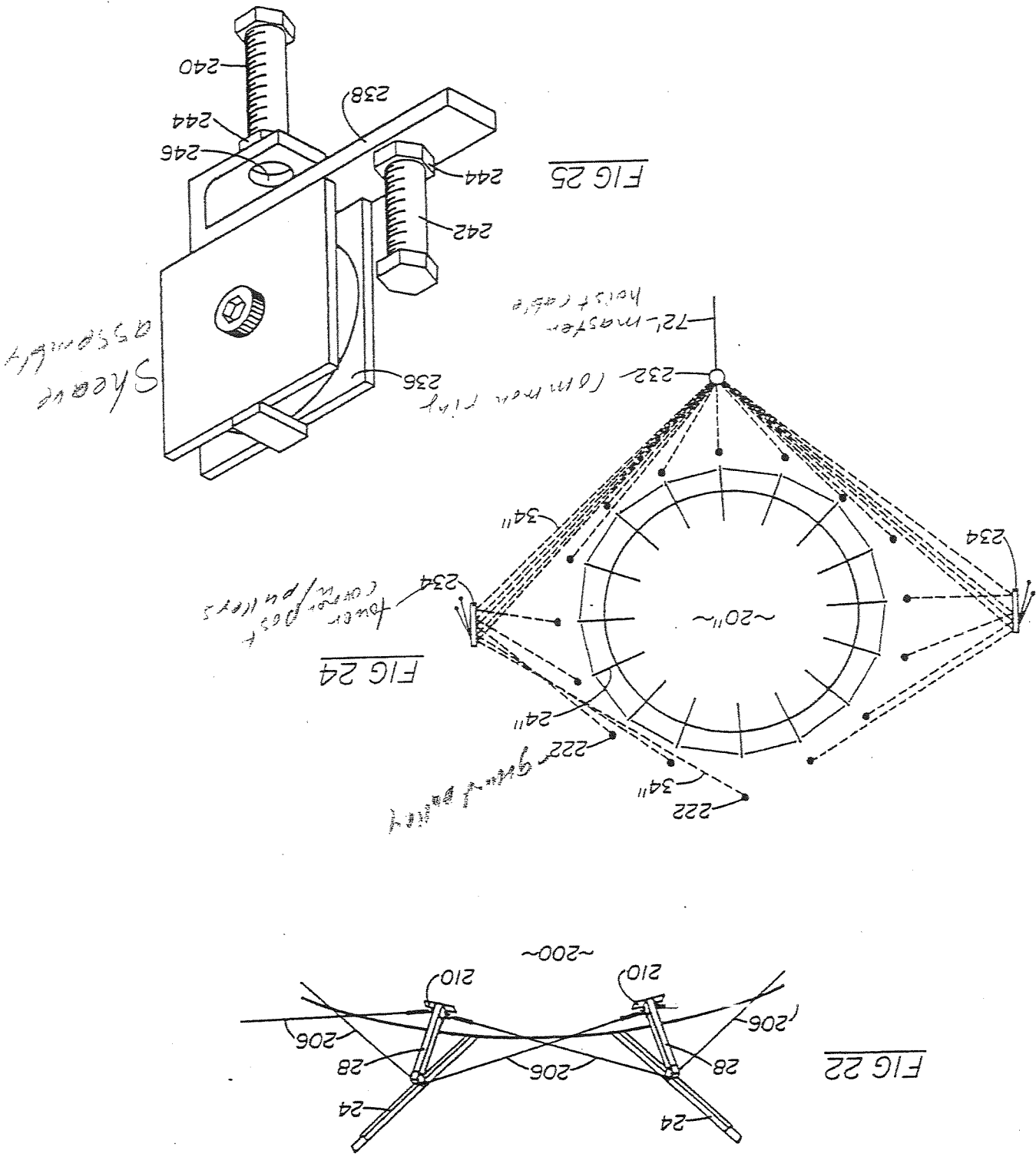


FIG 23

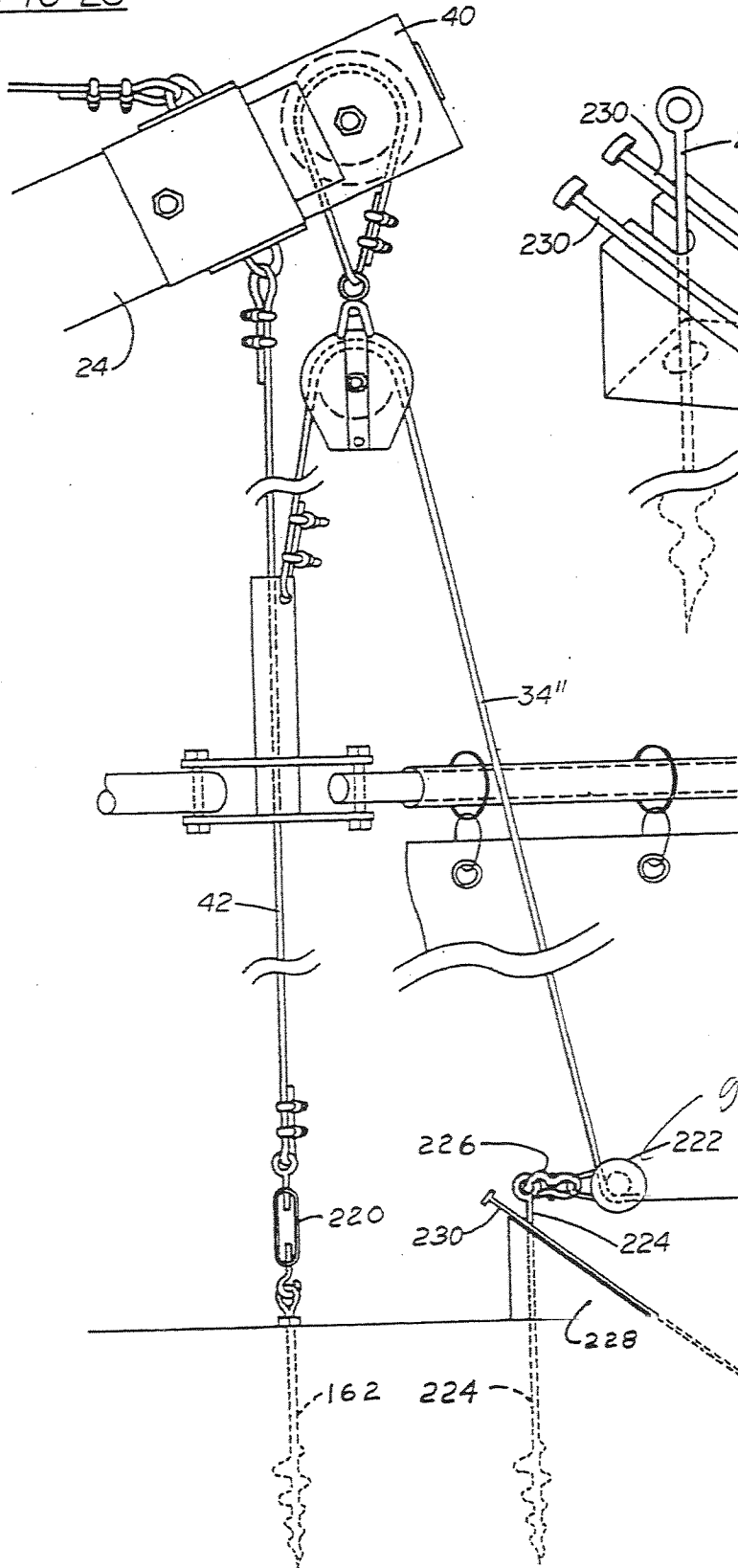
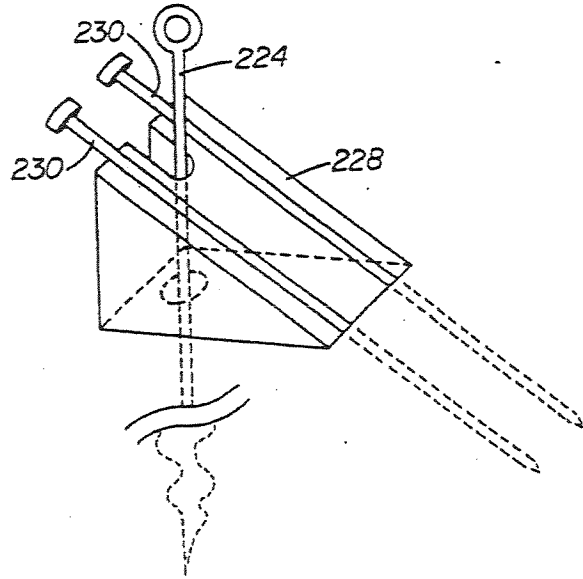


FIG 23A



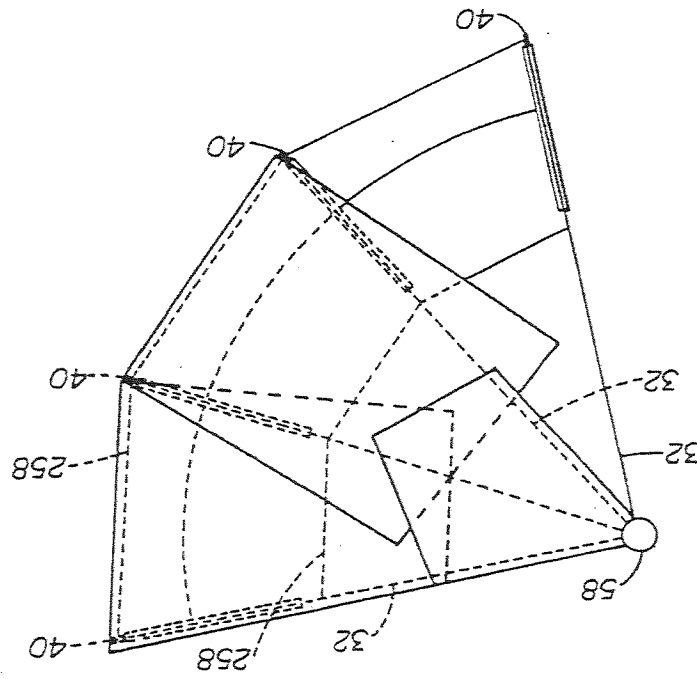


FIG 28

*Shows where
Holds handles 236*

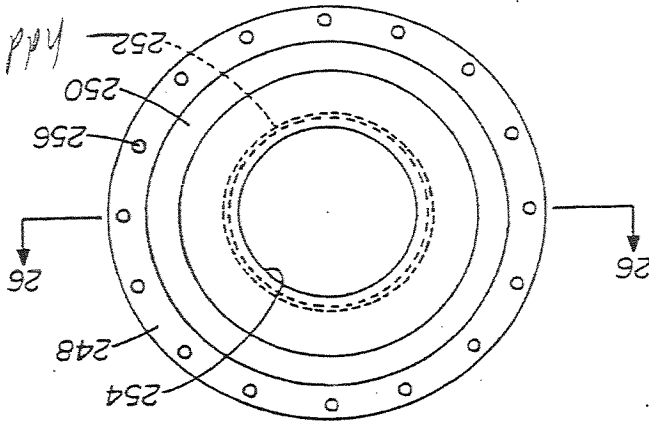


FIG 27

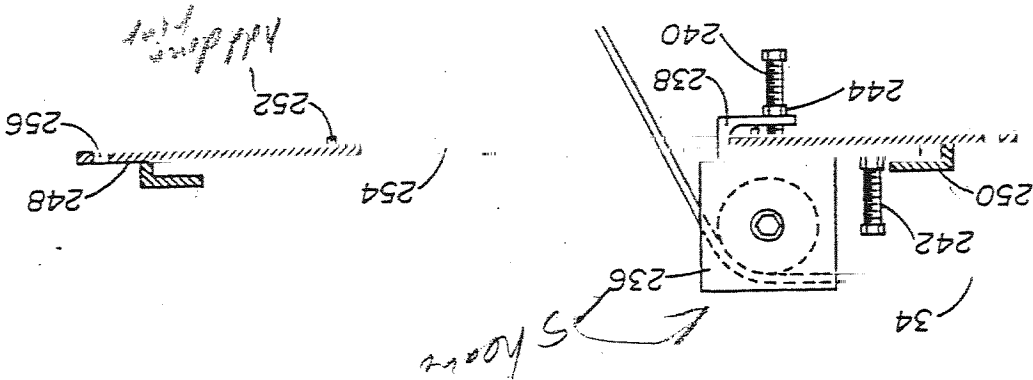
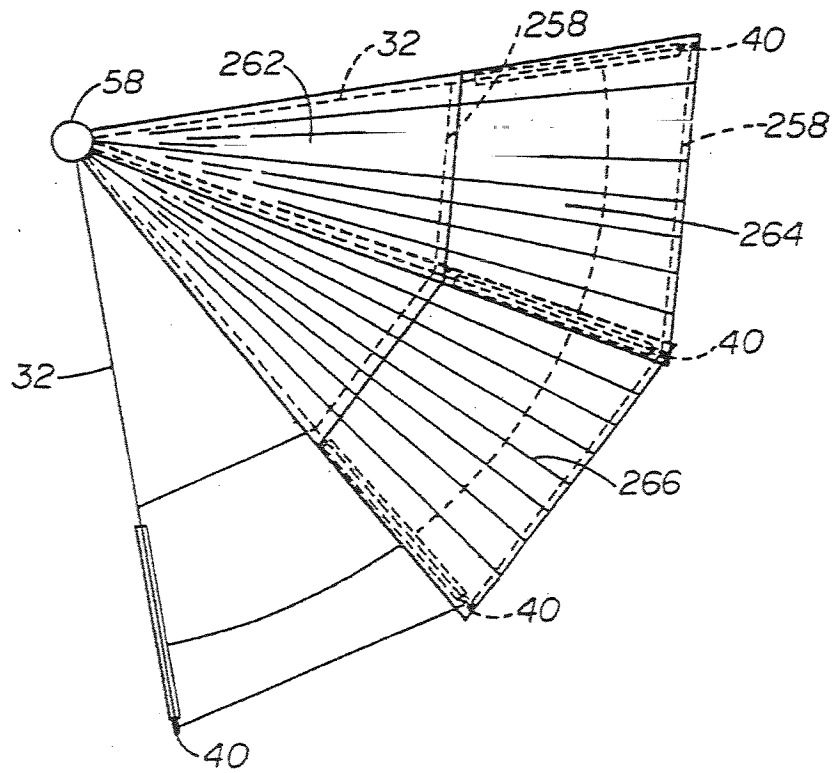


FIG 26

FIG 29



5,285,603

1

METHOD AND APPARATUS TO ENSHROUD LARGE VERTICAL STRUCTURES

This application is a continuation in part from appli- 5
cation Ser. No. 07/531,845, filed Jun. 1, 1990, patented
U.S. Pat. No. 5,033,240.

BACKGROUND OF THE INVENTION

The field of the invention pertains to the field of 10
temporarily covering or enclosing objects and struc-
tures of large size during treatment or processing and, in
particular, to enclosing such objects in a manner that
contains and retains materials that otherwise would be
released to the environment. Only recently a significant 15
demand for means to cover large objects and structures
has arisen because of new rules to prevent the release of
old paint, sand blasting materials, new paint overspray
and asbestos to the environment.

Means to quickly cover or uncover a large object 20
have been available for many years in a variety of forms
such as that disclosed in U.S. Pat. No. 1,759,628
wherein an automobile may be quickly covered and
uncovered. More recently U.S. Pat. No. 4,787,173 dis-
closes a means to quickly cover and uncover fruit trees 25
with minimal damage to the trees.

U.S. Pat. No. 4,794,974 discloses a dust curtain for
interior protection from dust generated in a portion of
an interior room. U.S. Pat. 3,945,106 discloses a means
of constructing a natural draft cooling tower by raising 30
a ring on a central tube, the ring having a cable assem-
bly suspended therefrom. The cable assembly supports
a larger ring to provide a fixed upper diameter for the
tower. The cable configuration provides the proper
geometric shape for the cooling tower and a support 35
upon which are attached panels of plastic, metal or
asbestos cloth.

The above approaches to enshrouding an object or
structure do not suggest means to enshroud structure as
large as municipal water towers and petroleum storage 40
tanks. Under new rules being mandated for environ-
mental protection, enshrouding is being required for the
sand blasting and painting of such large structures to
prevent contamination of the environment with dust,
paint chips and paint spray. 45

SUMMARY OF THE INVENTION

The invention comprises apparatus and method for
enshrouding or enclosing multistory structures or build-
ings such as municipal water towers and large petro-
leum storage tanks that may be 50 to 250 feet, in height.
Recent environmental regulations require that sand-
blasting debris and paint over-spray be contained and
prevented from release to the environment. In practic-
ing the invention a plurality of booms are temporarily 55
attached to the top of the structure so as to extend out
beyond the periphery of the structure. Extending down-
wardly from the boom ends are guide cables and hoist-
ing cables to guide and raise a frame work having a
plurality of fabric or plastic panels attached thereto. 60
The guide cables are fastened to the ground and the
hoisting cables are fastened to sleeves on the cables, the
sleeves serving as the guides. Horizontal telescopic
tubes serve to support the panels and extend between
the guides and guide cables.

The ends of the booms are equipped with sheaves or
pulleys over which the hoisting cables pass. The hoist-
ing cables either extend downwardly from the sheaves

2

directly to one or more hoisting engines or, where the
structure is equipped with a central riser, or shaft from
ground to roof, the hoisting cables extend generally
horizontally to a central multiple sheave assembly and
then downwardly to a common down haul cable. The
common downhaul cable in turn is connected to a hoist-
ing engine near the base of the structure. When not in
use the panels are collapsed and folded at the base of the
structure. The entire assembly of panels can be raised in
unison about the structure for daily activities and then
lowered at night or quickly lowered in the event of high
winds. In an alternate embodiment the central multiple
sheave assembly permits differing numbers of sheaves
to be attached at all points of the compass.

The booms are fitted with a main or central support
and wind braces or stabilizers having both telescoping
and rotational adjustments in the fittings that attach
to the booms and to the structure. The particular adjust-
ability permits the boom assemblies including the cen-
tral supports and wind braces to accommodate the com-
pound curvature tops of contemporary single leg water
towers and traditional multiple leg water towers. The
boom assemblies are equipped with pads or feet that are
temporarily welded to the steel plate tops of the towers.
After the repainting of the tower is otherwise com-
pleted the pads are cut free from the tower and the weld
locations spot painted. In an alternative embodiment
special upright flanges or brackets are permanently
welded to the top or roof so that the boom assemblies
can be easily pinned or bolted in place when the struc-
ture is to be sand blasted and repainted. In another
alternative embodiment the booms are cable stayed to
adjoining boom foot pads.

At the top of the structure back stay cables connect-
ing the boom ends to the central sheave assembly are
used to support fabric or plastic panels. Rectangular
panels may be overlapped or radially pleated panels
fitted to extend back stay to back stay.

DESCRIPTION OF THE DRAWINGS

FIG. 1 illustrates a single column water tower
equipped with temporary booms;

FIG. 2 illustrates the water tower of FIG. 1 with
hoisting cables and folded shroud;

FIG. 3 schematically illustrates in broken away plan
view the top of the water tower of FIG. 1 equipped
with temporary booms and hoisting cables;

FIG. 4 illustrates the shroud partially raised about the
water tower of FIG. 1;

FIG. 5 illustrates the shroud fully raised about the
water tower of FIG. 1;

FIG. 6 is a perspective view of a boom assembly
mounted on a water tower;

FIG. 7 is a second perspective view of a boom assem-
bly mounted on a water tower;

FIG. 8 is a detail of the hoisting pulley assembly at the
top center of a water tower;

FIG. 9 is a detail of the pulley assembly at the base of
a water tower;

FIG. 10 illustrates a boom mounted on a multiple leg
water tower;

FIG. 11 illustrates a boom mounted on a large ground
supported petroleum storage tank;

FIG. 12 is a center foot pad for the boom assembly;

FIG. 13 is a peripheral foot pad for the boom assem-
bly;

FIG. 14 is an alternate form of the foot pad of FIG.
12;

5,285,603

3

FIG. 15 is a side view detail of the boom tip;
 FIG. 16 is a side view detail alternate configuration of the boom tip;
 FIG. 17 is a front quarter perspective of the boom and leg adjustable joint;
 FIG. 18 is a rear quarter perspective of the boom and leg adjustable joint of FIG. 17;
 FIG. 18-A is a detail of the boom;
 FIG. 19 is a broken away detail of the shroud panel assembly and connection to the hoisting cables;
 FIG. 20 is a detail in perspective of a boom assembly modified for cable stays;
 FIG. 21 is a detail in perspective of a pad modified for cable stays;
 FIG. 22 is a partial perspective of cable stayed booms installed at the top of a water tower;
 FIG. 23 is a detail of a thrust block modification for the external hoisting cables shown in FIGS. 11 and 16;
 FIG. 23A is a detail in perspective of the thrust block;
 FIG. 24 is a perspective schematic of an external hoisting arrangement;
 FIG. 25 is a perspective view of an adjustable sheave for the central sheave assembly at the top of a water tower (FIG. 8);
 FIG. 26 is a cross-section of a modified sheave plate taken along the line 26—26 of FIG. 27;
 FIG. 27 is a top view of the modified sheave plate of FIG. 26;

FIG. 28 shows a means of covering the top of a water tower with rectangular pieces of cloth or plastic; and
 FIG. 29 shows an alternate means of covering the top of the water tower with radially pleated panels of cloth or plastic.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Illustrated in FIG. 1 is a contemporary water tower 20 commonly in use in the United States. Typically such water towers are 150 to 200 feet in height, constructed of steel plates with welded joints and supported on a flared base 22. The towers are painted to reduce corrosion and improve appearance. The initial painting and periodic repainting requires an initial sand blasting to clean the outer surface prior to spray painting. Considerable debris is released to the air and surrounding ground by the sand blasting and spray painting. The following method and apparatus vertically encloses structures such as a water tower to thereby capture and contain the sandblasting debris and the overspraying of paint.

In practicing the invention a plurality of booms 24 are temporarily attached about the upper portion of the tower 20, each boom extending out beyond the periphery 26 of the tower 20 as shown in the top view, FIG. 3. Each boom is supported on a central leg 28 as shown in FIGS. 1 and 2 and stabilized by a pair of wind braces or stabilizers 30, all of which are fastened to the top of the tower 20. Tieback cables 32 and hoisting cables 34 extend from the booms 24 to the center top 36 of the tower 20.

FIGS. 2, 4 and 5 illustrate the collapsible enclosure or shroud 38 in various positions about the tower 20. In FIG. 2 the shroud 38 is shown substantially folded or collapsed about the base 22 of the tower. A plurality of hoisting cables 34 are attached to the shroud 38 adjacent the top 40 of the shroud and extend vertically to the booms 24, engaging the booms at the boom outer ends.

4

The shroud 38 is raised by simultaneously raising the plurality of hoisting cables 34. As the hoisting cables 34 raise the shroud 38 the shroud unfolds at the base 22 of the tower 20 as shown in FIG. 4. The shroud 38 is shown fully raised about the tower in FIG. 5. In this manner the shroud 38 which comprises multiple panels of cloth or plastic may be raised and lowered on a daily basis as work on the tower progresses or the shroud can be quickly lowered in the event the wind velocity about the tower becomes too large to safely work on the tower within the raised shroud.

Illustrated in perspective in FIGS. 6 and 7 is a typical boom 24 shown with a hoisting cable 34 passing over the outboard end 40 of the boom. Also attached to the boom 24 at the outboard end is a tie back cable 32 and a vertical guide cable 42. The inboard end 44 of the boom 24 is attached to the ellipsoidal steel plate surface of the tower 20 by a metal foot 46. As best shown in FIG. 6 the outboard end 40 of the boom 24 extends out beyond the maximum periphery of the tower 20 with sufficient clearance for the skyhook platform of the sandblast and spray paint crews. The central leg 28 supports the boom 24 downward thrust and is attached by a foot 48 to the surface of the tower 20. A pair of side wind braces 30 are connected to the boom 24 by the same attachment generally denoted by 50 as the central leg 28. Each of the wind braces 30 is similarly attached to the tower surface by feet 52.

The contemporary ellipsoidal water tower 20 of FIG. 1 and the more traditional multileg water tower 20' of FIG. 10 typically are equipped with a central riser 54' that extends to a covered opening at the center top 36 (FIG. 3) of the tower. The central riser 54 provides access to the top of the tower 20 without the need for an external ladder or lifting means. As shown in FIG. 8 the opening 56 to the central riser 54 is used to support a circular plate 58 attached by legs 60 to the opening 56 sides 62. The circular plate 58 includes a plurality of holes 64 to engage a plurality of the tie back cables 32 one of which is shown in FIG. 8.

Mounted about a central hole 66 in the circular plate 58 are a plurality of sheave assemblies 68 one of which is shown and the others of which indicated by dot-dash outline. The hoisting cables 34 pass over the sheave assemblies 68 and down through the hole 66. The plurality of hoisting cables 34 are joined by fittings at 70 to a single down cable 72. The single down cable 72 extends to the base 22 of the tower 20 where the down cable 72 passes under a sheave assembly 74 in turn anchored to the floor 76 as shown or otherwise lashed in place. The sheave assembly 74 is inside the central leg of the tower 20. The down cable 72 then extends horizontally to a hoisting engine (not shown).

FIGS. 10 and 11 illustrate alternate forms of water towers and liquid storage tanks to which the method and apparatus for enshrouding a large vertical structure may be applied. FIG. 10 illustrates a multileg tower 20' having a central riser 54' through the tank and a central column 22' therebelow. As illustrated by the single boom 24', tie back 32' and hoisting cable 34' the boom assemblies disclosed above can be applied to this traditional form of water tower 20' in the same manner as with the contemporary tower.

FIG. 11 illustrates a large ground based storage tank 20'' not equipped with a central riser. The booms 24'' and tie backs 32'' are mounted as disclosed above, however, the circular plate 58'' is merely welded to the top of the tank 20''. Each hoisting cable 34'' passes around a

5,285,603

5

secondary block 78" and down to a pulley assembly 74" attached firmly to the ground. The hoisting cables 34" are then led to one or more hoisting engines (not shown). With very large diameter tanks only a portion of the periphery may be enshrouded and the tank need not be simultaneously equipped with booms 24" all around.

FIGS. 12 through 19 illustrate detailed features of the apparatus for enshrouding to be particularly effective. FIGS. 12 and 13 illustrate attachment feet or pads (46, 48 and 52 in FIGS. 6 and 7) for the boom assemblies. The pad 52 of FIG. 13 comprises a horizontal plate 80 that is temporarily welded 82 to the surface of the tower 20. Permanently welded to the plate 80 are a pair of brackets 84 perforated at 86 for bolt or pin attachment to the wind braces 30. Gussets 88 are permanently welded inside the brackets 84 for added stiffness. The pad of FIG. 13 may also be used to attach the inboard end 44 of the boom 24 to the tower surface.

The pad 48 of FIG. 12 comprises a wider horizontal plate 90 also temporarily welded 92 to the tower surface. Permanently welded to the plate 90 are a pair of brackets 94 perforated at 96 for bolt or pin attachment to the central leg 28. Gussets 98 are permanently welded inside the brackets 94 for added stiffness. Because of the major thrust load on the central leg 28, the horizontal plate 90 is extended in width to accommodate a second pair of gussets 100 permanently welded to the brackets 94 and plate 90. The pad of FIG. 12 may also be used to attach the inboard end 44 of the boom 24 to the tower.

The pads 48 and 52 (FIG. 8) are welded to the tower surface prior to mounting of the boom assemblies on the tower and removed after completion of sand blasting and spray painting by cutting the welds 82 and 92. The weld points are then spot painted. As an alternative to the welding and removal FIG. 14 illustrates a pad 102 similar to the pad 48 in FIG. 12. Pad 102 horizontal plate 104, however, is larger and equipped with slots 106 at the ends thereof and a pair of threaded holes 108 adjacent each slot 106. The pair of slots 106 are adapted to engage a pair of brackets 110 permanently welded 112 to the tower surface. The brackets 110 are perforated 114 for a bolt 116 and nut 118 or pin inserted after the plate 104 is engaged on the brackets 110. The bolt 116 and nut 118 prevent the removal of the pad 102 from the tower surface. To provide necessary tightness and rigidity the bolts 120 are threaded through holes 108 and into tight engagement with the tower surface. The lock nuts 122 then are threaded down against the plate 104 to prevent inadvertent loosening. The brackets 110 remain a permanent part of the water tower 20 and are painted with the tower. With the alternate pad 102 of FIG. 14 the boom assemblies may be attached or removed from the tower without welding. Since sand-blasting and spray painting of water towers is a periodic maintenance activity, the alternate pads 102 represent a substantial saving of time to install and remove the boom assemblies.

The boom 24 outboard end 40 is depicted in FIG. 15. The hoisting cable 34 passes over a pulley 124 at the end of the boom. Eyes 126 just inside the hoisting cable 34 are attached to the boom 24 end to provide attachment locations for the tie back cable 32 and the guide cable 42. In the preferred embodiment the boom 24 is extruded structural aluminum I-section. The boom end 40 is constructed of steel plates to retain the pulley 124 with a bolt axle 128 and is attached to the boom by a

6

bolt at 130. Aluminum is used for the boom 24 and central leg 28 to eliminate a substantial portion of the boom assembly weight.

FIG. 16 illustrates the boom end 40 modified for used with the tank illustrated in FIG. 11. In particular a separate block 78 supports the hoisting cable there-around adjacent the guide cable 42. The block 78 in turn is supported by a short length of cable 132 looped through the block ring 134 and about pulley 124. This assembly prevents chafing of the hoisting cable 34 if the hoisting cable is wrapped directly around the pulley 124 and the boom 24 is positioned at a relatively steep angle to horizontal.

FIGS. 17 and 18 illustrate the multiple adjustable attachment generally denoted by 50 wherein the central leg 28 and wind braces 30 are connected to the boom 24. A rectangular steel sleeve 136 engages the boom I-shape 24 with the boom slidable through the sleeve. To retain the boom 24 at a set position in the sleeve 136 a T-handle bolt 138 extends through a welded nut 140 and hole in the sleeve into contact with the boom 24. Attached to the sides of the sleeve 136 are a pair of steel plates 142. The steel plates 142 are perforated for a bolt connection 144 with a second sleeve or pocket 146. The second sleeve or pocket 146 is affixed to the upper end of the central leg 28 by the bolt 144. As illustrated in FIG. 18A the inward end 44 of the boom is also fitted with a sleeve or pocket 146 as is the lower end of the central support 28. The steel sleeve or pocket 146 reinforces the rotatably free mechanically fastened attachments because the boom and central support are I-section aluminum and additional load bearing support is required at the engagement of the fasteners.

On each side of the attachment 50 is a trunnion 148 welded to each plate 142 and extending outwardly. The trunnions 148 in turn are engaged by steel straps 150 which in turn are perforated to accept bolts 152. The bolts 152 engage steel cylindrical sleeves 154 in turn adjustably connected to the wind braces 30. Each sleeve 154 includes a T-handle bolt 156 and welded nut 158 for engagement with the wind braces 30. Thus, the wind braces 30 are rotatable about both the trunnions 148 and the bolts 152 and lengthwise adjustable in the sleeves 154. The central leg 28 is rotatable about the bolt 144. With this combination a wide variety of surface curvatures of water towers can be accommodated with the boom assemblies and the boom assemblies can easily be adjusted on site.

Illustrated in FIG. 19 are details of the connection of shroud panels 160 to the hoisting cables 34 and a vertical guide cables 42. A screw anchor 162 is placed in the ground 164 to retain the lower end of each guide cable 42. One or more cable guides 166 are positioned on the guide cables 42. The cable guides comprise a steel tube 168 welded to a pair of parallel steel plates 170 and 172 to form an inverted "T" through which the guide cable 42 passes. The ends of the plates 170 and 172 are perforated to accept bolts 174 in turn connected to horizontal telescopeable rod and tube assemblies 176. The rod and tube assemblies extend between cable guides 166 on adjacent guide cables 42.

A plurality of rings 178 are placed on each rod and tube assembly 176 and latching hooks 180 connect the rings 178 to reinforced eyelets 182 in the upper edge of each panel 160. The hoisting cables 34, being attached to the cable guides 166 at 184, simultaneously raise the panels 160 with the panels evenly supported on the rod and tube assemblies 176. The adjacent vertical panels

5,285,603

7

are fastened together 186 through the eyelets 188 along the adjacent vertical edges as shown in FIG. 19.

With the apparatus disclosed above, the individual panels can extend the full height of a water tower. The experimentally tested apparatus raises panels 180 feet long to reach from ground to just below the booms 24. Although full height panels have proven successful, shorter panels may be utilized by adding parallel cable guide, rod and tube assemblies about the structure between upper and lower panels. The added cable guides are also installed on the vertical guide cables 42 and connected to the hoisting cables 34 by supplemental vertical hoist cables joined to the cable guides thereabove.

Although the boom assemblies have been described in terms of their application to the compound curvature tops of water towers, it may be appreciated that the boom assemblies can be applied to flat roofs, roofs of multiple flat surfaces, and the flat or curved side walls of multi-story water towers and other structures. In the latter side wall applications the boom assembly is turned over and the pads for the stabilizers attached to the flat or curved sides well above the pad for the inboard end of the boom. Thus, the boom assemblies can be moved from structure to structure and merely readjusted for each structure as the roof or side walls require.

In FIGS. 20, 21 and 22 modified boom assemblies and their attachment to the top 200 of a water tower are illustrated. The booms 24 are supported on central legs 28 as above shown in FIGS. 6 and 7. The rectangular steel sleeve 202, however, is modified with bars 204 welded thereto on either side. The bars 204 provide for attachment of a cable 206 with cable clamps 208. The cables 206 extend to the feet or pads 210 under the central legs 28 of immediately adjacent booms 24. The feet or pads 210 are modified with curved bars 212 welded thereto on each upright plate 214 of the pads 210. Turnbuckles 216 with hooks 218 attach the cables 206 to the bars 212 and pads 210.

Illustrated in FIGS. 23, 23A and 24 are modifications to enable a single hoisting engine to simultaneously raise a plurality of outside cables 34". Beneath each boom 24 end 40 is a ground anchor 162 to which is attached the guide cable 42 by a turnbuckle 220. The ground pulley 222 is attached to a second ground anchor 224 by a link 226. The ground anchor 224 passes through a thrust block 228 as best shown in FIG. 23A and the thrust block 228 is further retained to the ground by a pair of large spikes 230 driven into the ground. The thrust block 228 and large spikes 230 accommodate the horizontal thrust applied to the ground anchor 224 by the outside hoisting cable 34".

The ground anchors 224 and thrust blocks 228 may be arranged about the base of a tank or water tower 20" as shown in FIG. 24. Each hoisting cable 34" as shown by a dotted line extends from the pulley 222 at a ground anchor-thrust block to a common ring 232. The common ring 232 is attached to a master hoisting cable 72' leading to a hoisting engine (not shown). To reach about the water tower 20" corner posts 234 with pulleys are provided. The pulleys 222 and ground anchor-thrust blocks are located below and just outside of the booms 24" as shown in FIG. 24. The cable 72' length from the ring 232 to the hoisting engine must be at least equal to the vertical height to the booms 24" of the vertical height of the shroud. Thus, the entire shroud may be raised and lowered simultaneously with a single hoist-

8

ing cable 72' and engine despite the multiple hoisting cables 34" about the outside of the water tower 20".

FIG. 25 illustrates a sheave assembly or pulley block 236 having a J-shaped bracket 238 welded thereto. Bolts 240 and 242 with lock nuts 244 are attached to the bracket 238 by threaded holes 246 and the entire assembly fitted to the ring shaped modified sheave plate 248 as shown in FIGS. 26 and 27. The modified sheave plate 248 includes a circumferential hold down ring 252 underneath. As required by the number of booms on the tower and their location, the corresponding number of pulley blocks 236 are positioned about the central hole 254 of the sheave plate 248 and the bolts 240 and 242 tightened to the sheave plate. Upon tightening of bolt 240 the pulley block 236 cannot slide past the stop ring 252 and upon tightening of the bolt 242 the end of the bracket 238 engages the underside of the hold down ring 250. Thus the pulley blocks 236 may be easily and securely positioned about the sheave plate 248.

Illustrated in FIGS. 28 and 29 are two means of covering the top of a water tower out to the boom ends adjacent the vertical shroud. The central sheave plate 58 is connected to the boom ends 40 by tie back cables 32 as disclosed above. The central sheave plate 58 is positioned about 5 feet above the top of the water tower thereby providing clearance for workmen underneath the tie back cables 32. A plurality of circumferential cables 258 are tied to the boom ends 40 and inwardly on the tie back cables 32 to form a spiderweb pattern and support a plurality of plastic or cloth panels that form the top covering. Although only three sectors of the assembly are shown the cable assembly and covering extend over the entire top of the tower.

In FIG. 28 standard or conventional rectangular panels 260 are overlapped and tied down to the supporting tie back cables 32 and circumferential cables 258. In FIG. 29, however, the panels are triangular 262, and trapezoidal 264 and formed with radial pleats 266. With the triangular 262 and trapezoidal 264 pleated panels only minimal overlap at the edges of the panels is required and the edges can all be tied down to the cables 32 and 258 through conventional grommets along the edges of the panels. The pleats 266 allow substantial variation in the angular spread between booms and tie back cables 32 depending upon the size and number of pleats 266 in the panels 262 and 264. Thus, the triangular and trapezoidal 264 panels can be reused from tower to tower even though the angular spread between booms and number of booms changes with the size of the tower.

We claim:

1. Apparatus to temporarily enclose multistory structures comprising a plurality of booms extending outwardly about at least a portion of the structure adjacent the top of the structure, said booms extending beyond the periphery of the structure,

a sheave attached at the outboard end of each boom and a vertically extending hoisting cable supported by each sheave to form a plurality of downwardly extending hoisting cables, a plurality of flexible panels, means on the panels to attach the panels together to form a panel assembly and means to attach the panel assembly to the plurality of downwardly extending hoisting cables whereby upon raising the hoisting cables, the panel assembly forms an enclosure about at least a portion of the structure, and

9

10

stabilization means attached to each boom, said stabilization means extending diagonally away from each boom and attached to the structure at a location spaced horizontally from the boom to which the stabilization means is attached.

2. The apparatus of claim 1 including a central support attached to each boom, the inward end of each boom and lower end of each central support being temporarily attachable to the structure, and the attachment of the stabilization means to the structure from an adjacent boom being attachable with the attachment of the lower end of the central support to the structure.

3. The apparatus of claim 2 wherein the stabilization means comprise cables extending from booms to the structure attachments of the central supports of adjacent booms.

4. The apparatus of claim 1 including a plate, a plurality of sheaves adjustably attachable to the plate whereby the sheaves can be positioned in alignment with corresponding booms.

5. The apparatus of claim 4 wherein the plate is circular and the sheaves can be angularly positioned circumferentially about the plate to correspond with the angular position of booms on the structure.

6. The apparatus of claim 1 including a plate, means on said plate to attach tie back cables and tie back cables extending from the booms to said plate, a plurality of support cables extending substantially transversely across the tie back cables and spaced apart from the boom ends to the plate.

7. The apparatus of claim 6 including flexible panels supported on the tie back cables and support cables and temporarily fastened thereto.

8. The apparatus of claim 7 wherein the flexible panels are pleated.

9. The apparatus of claim 8 wherein the plate is circular and at least some of the pleated panels are substantially trapezoidal in shape.

10. The apparatus of claim 1 wherein each hoisting cable extends downwardly from both sides of each sheave, one of the downwardly extending portions of each cable each passing through a ground sheave anchored adjacent the base of the structure and extending to an attachment ring for the plurality of hoisting cables whereby all the hoisting cables may be simultaneously actuated to raise and lower the panel assembly.

11. The apparatus of claim 10 wherein the ground sheave is anchored by a ground anchor extending through a thrust block.

12. As a part of an apparatus to temporarily enclose multi-story structures, an adjustable boom assembly for temporary attachment to multi-story structures having surfaces of compound curvature, said boom assembly comprising a boom, a sleeve on said boom and means to affix the sleeve at selectable locations on said boom, a central support rotatably attached to said sleeve, a pair of trunnions attached to opposite sides of said sleeve, a stabilizer rotatably attached to each trunnion, said stabilizer attachments also including means for rotation in a direction perpendicular to the rotational axis of said trunnions and means to adjustably lengthen said stabilizers.

13. The adjustable boom assembly apparatus of claim 12 including pads rotatably attached to the boom, central support and stabilizers, said pads temporarily attachable to the multi-story structure.

14. The adjustable boom assembly apparatus of claim 13 including brackets permanently attachable to the multi-story structure, said pads including mechanical

fastening means to temporarily attach the pads to the brackets.

15. As a part of an apparatus to temporarily enclose multi-story structures, an adjustable boom assembly for temporary attachment to multi-story structures, said boom assembly comprising a boom, a sleeve on said boom and means to affix the sleeve to the boom at selectable locations on said boom, a pair of stabilizers and stabilizer attachments attached to either side of said sleeve, said stabilizer attachments including means for two degrees of rotational freedom and telescopic extension means for each stabilizer, attachment pads rotatably connected to said boom and each stabilizer, said attachment pads temporarily attachable to the multi-story structure.

16. The adjustable boom assembly apparatus of claim 15 including brackets permanently attachable to the multi-story structure, said attachment pads including mechanical fastening means to temporarily connect the attachment pads to the brackets.

17. As a part of an apparatus to temporarily enclose multi-story structures, an adjustable attachment for a boom assembly comprising a sleeve, through which a boom may be positioned, and tightening means on the sleeve to selectably position a boom in the sleeve, a pair of trunnions extending to either side of said sleeve, means rotatably engaging each trunnion, and each means rotatably engaging each trunnion also including connection means to a pair of stabilizers, said connection means rotatable about an axis different from the trunnion axis and including means to engage and retain a stabilizer.

18. The adjustable attachment of claim 17 including a connection on said sleeve rotatable about an axis parallel to the trunnion rotational axis, said parallel rotatable axis connection including means to connect a central support.

19. The adjustable attachment of claim 17 including means to adjust the length of a stabilizer.

20. As a part of an apparatus to temporarily enclose multistory structures, an adjustable boom assembly for temporary attachment to multi-story structures, said boom assembly comprising a boom, a sleeve on said boom and means to affix the sleeve at selectable locations on said boom, adjustable stabilization means attached to the boom sleeve and extendable diagonally away from the boom for attachment to the structure and a central support attached to the sleeve, said central support rotatable relative to the sleeve about a transverse axis.

21. The adjustable boom assembly apparatus of claim 20 including a pad for attachment of the central support to the structure, the pad including means to attach stabilization means from adjacent boom assemblies.

22. A method to enshroud large multi-story structures comprising the steps of:

- attaching a plurality of booms at the top of the structure, the booms extending beyond the periphery of the structure,
- attaching a plurality of vertical guide cables and hoisting cables to the booms, the guide cables being anchored adjacent the base of the structure and the hoisting cables being attachable to a panel assembly,
- attaching a panel assembly to the guide cables and hoisting cables, and
- hoisting the panel assembly up toward the booms to enshroud the structure.

* * * * *

EX. C

DANIEL J. CRAMER
JOHN MINOCK
OF COUNSEL
PETER J. KELLEY

LAW OFFICES
CRAMER & MINOCK, P.L.C.
339 EAST LIBERTY STREET, SUITE 200
ANN ARBOR, MICHIGAN 48104
cmlaw@ic.net

TELEPHONE
(734) 668-2200
FAX
(734) 668-0416

December 4, 2006

*VIA CERTIFIED MAIL, RETURN
RECEIPT REQUESTED and
VIA REGULAR FIRST CLASS MAIL*
Amstar of Western New York, Inc.
Attn: Bruce Cozad
825 Rein Road
Cheektowaga, New York 14225

Re: K & L Manufacturing, Ltd.

Dear Mr. Cozad:

Please be advised that I represent K & L Manufacturing, Ltd., assignee of U.S. Patent Nos. 5,033,240 and 5,285,603, concerning a potential claim of infringement based on your use of an environmental containment system generally used in water tower resurfacing and painting.

It has come to the attention of my client that the system you are using may infringe upon the referenced patents. Representatives of K & L have become aware that you have been awarded a project in Mount Olive, New Jersey. I have enclosed a copy of the patents for your review. I am also requesting that you send me a schematic or diagram of your system.

After you or your engineer have had an opportunity to compare your containment system with the claims set forth in the referenced patents, please contact my office either directly or through your legal counsel regarding K & L's patent infringement claim. If your system infringes upon the patent claims, you must cease and desist use of the system immediately. You may also contact me regarding entering into a Non-Exclusive Patent License Agreement. For your convenience, I have enclosed a form License Agreement.

I look forward to hearing from you regarding resolution of this matter.

Very truly yours,

CRAMER & MINOCK, P.L.C.


Daniel J. Cramer

Enclosure

c: K & L Manufacturing, Ltd.

EX. D

SIMPSON & SIMPSON, PLLC
PATENTS, TRADEMARKS, COPYRIGHTS,
COMPUTER LAW, LICENSING & RELATED MATTERS

ROBERT P. SIMPSON *
ELLEN SWARTZ SIMPSON+

5555 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
WWW.IDEALAWYERS.COM

TELEPHONE: (716) 626-1564
FACSIMILE: (716) 626-0366

OF COUNSEL

HOWARD M. ELLIS **
MICHAEL L. DUNN**
THOMAS J. COLSON **

C. RICHARD LOHRMAN**

* Also admitted in Connecticut, Florida and before the
United States Patent and Trademark Office

+Also admitted in Florida, Certified Public Accountant

** Also admitted before the United States Patent and
Trademark Office

WRITERS E-MAIL: RSIMPSON@IDEALAWYERS.COM

REGISTERED PATENT AGENTS

C. PAUL MALISZEWSKI, P.E.
ROBERT C. ATKINSON
ANDREW E. MCLAUGHLIN
MARC A. ROBINSON

January 30, 2007

VIA FIRST CLASS MAIL

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
339 East Liberty Street, Suite 200
Ann Arbor, Michigan 48104

**RE: United States Patent No. 5,033,240
United States Patent No. 5,285,603
Our Ref. No.: DAMI:101US**

Dear Mr. Cramer:

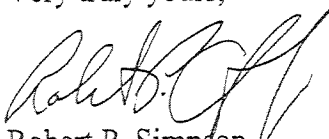
Please be advised that we have been retained to represent Amstar of Western New York, Inc. in intellectual property matters.

Your cease and desist letter dated December 4, 2006 has been referred to us for consideration. Please know at the outset that Amstar of Western New York, Inc. respects the intellectual property rights of others.

We are presently examining the system used by Amstar of Western New York, Inc. as well as the claims recited in the above-identified patents in order to assess any potential patent infringement claims K & L Manufacturing, Ltd. may have against our client.

We will send a more detailed reply in the near term.

Very truly yours,


Robert P. Simpson

RPS/AEM

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
January 30, 2007
Our Ref. No.: DAMI:101US
Page 2 of 1

bcc: Anthony Eugeni, Esq. ✓

EX. E

SIMPSON & SIMPSON, PLLC
PATENTS, TRADEMARKS, COPYRIGHTS,
COMPUTER LAW, LICENSING & RELATED MATTERS

ROBERT P. SIMPSON*
ELLEN SWARTZ SIMPSON+

C. RICHARD LOHRMAN**

* Also admitted in Connecticut, Florida and before the
United States Patent and Trademark Office

+ Also admitted in Florida, Certified Public Accountant

** Also admitted before The United States Patent and
Trademark Office

5555 MAIN STREET
WILLIAMSVILLE, NEW YORK 14221
WWW.IDEALAWYERS.COM

TELEPHONE: (716) 626-1564
FACSIMILE: (716) 626-0366

WRITER'S E-MAIL: RLOHRMAN@IDEALAWYERS.COM

OF COUNSEL

HOWARD M. ELLIS**
MICHAEL L. DUNN**
THOMAS J. COLSON**

REGISTERED PATENT AGENTS

C. PAUL MALISZEWSKI, P.E.
ROBERT C. ATKINSON
ANDREW E. McLAUGHLIN
MARC A. ROBINSON

March 9, 2007

VIA FIRST CLASS MAIL

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
339 East Liberty Street, Suite 200
Ann Arbor, Michigan 48104

Re: U.S. Patent No. 5,033,240
U.S. Patent No. 5,285,603
Your Ref.: K & L Manufacturing, Ltd.
Our Ref.: AMSL:101US

Dear Mr. Cramer:

We are writing in reply to your cease and desist letter of December 4, 2006 addressed to our client Amstar of Western New York, Inc., located in Cheektowaga, New York. We have reviewed and analyzed the asserted patents, U.S. Patent No. 5,033,240 ("the '240 patent") and U.S. Patent No. 5,285,603 ("the '603 patent") owned by your client K & L Manufacturing, Ltd. of Ann Arbor, Michigan, and compared the claims with our client's shrouding apparatus and method.

As you know, in order to infringe a patent, an alleged infringer must practice all the elements of at least one claim of the patent-at-issue. We focused our analysis on the independent claims of both the '240 and '603 patents. If an independent claim is not infringed, then its trailing dependent claims are also not infringed. As we discuss below, it is our opinion a court would likely not find that our client's shrouding apparatus and method of operation infringes any of the independent claims of either the '240 or '603 patents.

Claim 1 is the sole independent claim of the '240 patent. Claim 1 is directed to an apparatus to temporarily enclose a multi-story structure and includes in part the limitation in which a sheave is "...attached to an outboard end of each [of a plurality of] boom[s]" as well as "...a vertically extending hoisting cable supported by each sheave to form a

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
March 7, 2007
Your Ref.: K & L Manufacturing, Ltd.
Our Ref.: AMSL:101US
Page 2

plurality of downwardly extending hoisting cables..." Our client's apparatus lacks both a sheave (pulley) located on the outboard end of the booms (or anywhere else) and a hoisting cable used to hoist the shroud panels up toward the top of the subject multi-story structure. Unlike the hoisting method disclosed by the two patents, our client lifts the shroud panels up to the boom using a manlift, such as a cherry picker or fork truck, after which the panel is attached to at least one of the booms. At no time does our client utilize either a mechanical winch-type hoist and hoisting cable system or an associated sheave on the outboard end of the boom to lift a shroud panel to cover the subject structure. Therefore, it is our opinion that our client's apparatus does not infringe any of Claims 1-19 of the '240 patent as it does not practice each element of the sole independent claim, Claim 1 from which Claims 2-19 directly or indirectly depend.

The '603 patent was filed as a continuation-in-part (CIP) application that claims priority from the '240 patent. Like Claim 1 in the '240 patent, Claim 1 of the '603 patent is directed to an apparatus to temporarily enclose a multi-story structure and includes a sheave attached to the outboard end of each of a plurality of booms that extend beyond the periphery of the structure as well as a plurality of downwardly extending hoisting cables. As discussed above, our client's apparatus does not employ either a sheave at any location or even one hoisting cable, let alone a plurality of hoisting cables. Therefore, in our opinion, our client's apparatus does not infringe Claim 1 of your client's '603 patent.

Independent Claims 12, 15, 17, and 20 of the '603 patent are each directed to an adjustable boom assembly as part of an apparatus to temporarily enclose a multi-story structure. Each of these independent claims includes a sleeve on the boom and a means to affix the sleeve at selectable locations on the boom, as well as a central support that is rotatably attached to the sleeve. In contrast, the booms in our client's apparatus do not incorporate either an adjustable or nonadjustable sleeve nor do they include a rotatably attached central support. In fact, there is no adjustable element of any type incorporated into any of our client's booms. Therefore, for this first reason, the booms of our client's apparatus do not infringe any of Claims 12, 15, 17, and 20.

Regarding Claims 12 and 17, we note that they also include a stabilizer rotatably attached to each of a pair of trunnions that are located on each side of the sleeve. In contrast, our client's booms do not include any type of movable attachment between the boom and a stabilizer, let alone a specific rotating attachment that includes trunnions. In addition, specifically regarding Claim 12, the single stabilizer fixedly attached to our client's booms is not adjustable in length. Because these elements are not present in our client's boom arrangement, for this additional reason, in our opinion, our client's boom assembly is not likely to be found to infringe Claims 12 and 17 of the '603 patent.

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
March 7, 2007
Your Ref.: K & L Manufacturing, Ltd.
Our Ref.: AMSL:101US
Page 3

Similarly, the adjustable boom assembly claimed in Claim 15 includes a pair of stabilizers attached to the sleeve with attachments that allow for two degrees of rotational freedom. As noted above, our client's boom assembly does not include either a pair of stabilizers or any type of movable, including rotational, attachment to the boom itself. Thus, because these claim elements are absent from our client's boom assembly, in our opinion, Claim 15 of the '603 patent would not likely be found to be infringed by our client's boom assembly.

Claim 20 also includes adjustable stabilization means attached to the boom sleeve and extending diagonally away from the boom and attached to the shrouded structure. Claim 20 also includes a central support rotatable in relation to the sleeve. As noted above, our client's booms not only lack the adjustable sleeve claimed in Claim 20, but also any separate central support rotatably attached to the sleeve or boom itself. Moreover, our client's boom assembly lacks any sort of adjustable component at all, not to mention a specific adjustable stabilization means. Finally, our client's boom assembly does not incorporate a stabilization means that extends diagonally from the boom itself. Consequently, we believe that a court is not likely to find that our client's boom assembly infringes Claim 20.

Claim 22 is an independent claim claiming a method to enshroud a multi-story structure. In order to infringe Claim 22, our client would need to practice each step of that method. As discussed above, our client does not utilize a plurality of hoisting cables to hoist the separate panels of a shroud up to the booms located at or near the top of the multi-story structure. Therefore, our client does not practice either the second element of Claim 22, the step of attaching a hoisting cable to a boom, or the third step of attaching the hoisting cable to a panel assembly. Accordingly, in our opinion, a court would not likely find our client's method of erecting his shrouding apparatus infringes Claim 22 of the '603 patent.

We are of the opinion that our client would not be found to literally infringe any of the independent claims of either the '240 or '603 patents asserted by your client, K & L Manufacturing. In addition, we are also of the opinion that our client would not be found to infringe any of the independent claims of either the '240 patent or the '603 patent under the Doctrine of Equivalents. Under the function-way-result test, we believe a court would find that our client uses a different method to lift a shroud panel to a boom, namely a manlift such as a cherry picker, a forklift, or similar device. In addition, under the all elements rule, our client's system lacks an equivalent to a hoisting cable which would also likely preclude a finding of infringement under the Doctrine.

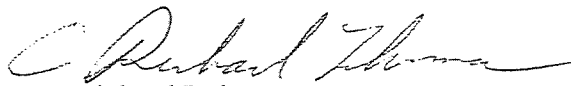
As a result of the above analysis, we find that our client is likely not infringing either the '240 or '603 patents. Thus, we are advising our client that it is not necessary to cease use of his shrouding apparatus and method. In addition, based on the above discussion, we

Daniel J. Cramer, Esq.
Cramer & Minock, P.L.C.
March 7, 2007
Your Ref.: K & L Manufacturing, Ltd.
Our Ref.: AMSL:101US
Page 4

have advised our client that is not necessary to enter into a license for either or both of the '240 and '603 patents to continue to utilize his apparatus and shrouding method.

We look forward to receiving confirmation that this matter has been finally resolved.

Very truly yours,



C. Richard Lohrman

EX. F

1666.AMSL:101US CRL

LAW OFFICES
CRAMER & MINOCK, P.L.C.
339 EAST LIBERTY STREET, SUITE 200
ANN ARBOR, MICHIGAN 48104

DANIEL J. CRAMER
JOHN MINOCK
OF COUNSEL
PETER J. KELLEY

cmlaw@ic.net

TELEPHONE
(734) 668-2200
FAX
(734) 668-0416

March 28, 2007

RECEIVED
MAR 30 2007
SIMPSON & SIMPSON

C. Richard Lohrman
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, New York 14221

Re: U.S. Patent No. 5,033,240
U.S. Patent No. 5,285,603
Our Client: K & L Manufacturing, Ltd.
Your Ref.: AMSL:101US

Dear Mr. Lohrman:

In reference to your correspondence of March 9, 2007, our review of the containment system used by Amstar of Western New York is not consistent with the statements made in your correspondence.

Accordingly, my client requests the opportunity to review the containment system used by your client at its next containment project. Please have your client contact my client directly regarding this matter or you may contact me to discuss arrangements for a review of your client's containment system in a manner that is convenient for both parties.

I appreciate your courtesy and cooperation in this regard.

Very truly yours,

CRAMER & MINOCK, P.L.C.


Daniel J. Cramer

c: K & L Manufacturing, Ltd.