

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
(Eastern Division)

Case No. 1-08-CV-1101-DAP

RIT RESCUE & ESCAPE SYSTEMS, INC.  
(An Ohio Corporation)

Plaintiff,

vs.

FIRE INNOVATIONS, LLC.  
(A California Limited Liability Co.)

&

FIRE FORCE, INC.  
(A Pennsylvania Corporation)  
*dba* Eagle Emergency Systems

Defendants.

\_\_\_\_\_ /

FIRST AMENDED COMPLAINT

The Plaintiff, RIT Rescue & Escape Systems, Inc. (“RIT”), as and for its Complaint against the Defendants, Fire Innovations, LLC. (“FIRE INNOVATIONS”) and Fire Force, Inc. “FIRE FORCE”, by and through the undersigned counsel, hereby alleges as follows:

THE PARTIES

1. The Plaintiff, RIT Rescue & Escape Systems, Inc., is an Ohio Corporation, having its principle place of business at 1900 Enterprise Parkway, Suite H, Twinsburg, Cuyahoga County, Ohio 44087

2. The Defendant, Fire Innovations, LLC., is California chartered limited liability company, having its principle place of business at 2454 E. Washington Street, Petaluma, California 94954.

3. The Defendant, Fire Force, Inc., is a Pennsylvania Corporation, doing business in the State of Ohio, under the fictitious name of Eagle Emergency System; and, having its principle place of business in the State of Ohio at 225 McClurg Road, Suite 1, Boardman, Mahoning County, Ohio 44512.

#### JURISDICTION

4. The following claims arise under the Patent & Unfair Competition Laws of the United States, 35 USC 281 et seq and 15 USC 1125(a). The Court has subject matter jurisdiction over such patent infringement and unfair competition claims pursuant 28 USC 1331, 1338(a) and 35 USC 281 et seq.

#### VENUE

5. Venue is proper in this judicial district under 28 USC 1400(b) and 1391(c).

#### BACKGROUND FACTS

6. RIT is the developer of certain unique fire/safety systems for fire fighters, including certain unique “turn out gear”, a “pre-rigged egress system” and an “full body harness” for a self contained breathing apparatus (SCBD).

7. The unique fire/safety systems developed, manufactured and marketed by RIT are, by design, compatible within one another, in that each of these distinct RIT products can be purchased separately, at different times, and integrated with one another into an integrated system at a later date; or, purchased at the same time, as a fully integrated system.

8. RIT has applied for, and been awarded a series of United States Patent on the patentable features of these unique fire/safety systems, (“RIT Patent Rights”), including specifically,

(a) US 5,970,517 – “the ‘517 Patent”, issued October 26, 1999, entitled “ Safety Harness With Integral Support Line;

(b) US 6,487,725 – “the ‘725 Patent”, issued December 3, 2002, entitled “ Safety Harness With Integral Support Line; and

(c) US 7,086,091 – “the ‘091 Patent”, issued August 8, 2006, entitled “Full Body Harness”.

9. FIRE INNOVATIONS owns and operates the interactive web site, [www.fireinnovations.com](http://www.fireinnovations.com), upon which it offers for sale, one or more fire safety systems and products, Home Page of [www.fireinnovations.com](http://www.fireinnovations.com) annexed hereto **Exhibit “A”**.

10. The FIRE INNOVATIONS interactive web site, [www.fireinnovations.com](http://www.fireinnovations.com), is accesable to residents within the Northern District of Ohio; and, solicits sales of FIRE INNOVATIONS products from the residents within the Northern District of Ohio.

11. The FIRE INNOVATIONS interactive web site, [www.fireinnovations.com](http://www.fireinnovations.com), identifies FIRE FORCE, as its authorized sales representative and distributor, within the Northern District of Ohio; and, Finely Fire Equipment, Inc., as its authorized sales representative and distributor, within the Southern District of Ohio, FIRE INNOVATIONS Dealer Locator Page from [www.fireinnovations.com](http://www.fireinnovations.com), annexed hereto as **Exhibit “B”**

12. Upon information and belief, FIRE FORCE has and maintains an inventory of FIRE INNOVATIONS products within the Northern District of Ohio; and, solicits and sells FIRE INNOVATIONS products directly to residents within the Northern District of Ohio, FIRE

FORCE invoice for sale of a “Colorado Belt” and “Bailout System” to Mentor Fire Department (Attn: Dave Rancourt), annexed hereto as **Exhibit “C”**. FIRE FORCE also solicits orders for FIRE INNOVATIONS products from residents within the Northern District of Ohio, for fulfillment by FIRE INNOVATIONS from California, FIRE INNOVATIONS, FIRE INNOVATIONS “Thank you” letter from Steve Bishop (President, FIRE INNOVATIONS), to Dave Rancourt (Mentor Fire Department), annexed hereto as **Exhibit “D”**.

13. At all time material hereto, RIT has placed actual and potential infringers upon constructive notice of the RIT Patent Rights by prominently displaying/marketing the patent numbers of the RIT Patent Rights, along with the corresponding patented products, on its electronic catalog of its products, on its own web site, Product Pages from [www.ritrescuesystems.com/products.php](http://www.ritrescuesystems.com/products.php), annexed hereto as **Exhibit “E”**.

14. At all time material hereto, RIT has placed actual and potential infringers upon actual notice of the RIT Patent Rights by sending copies of its patents to Defendant, FIRE INNOVATIONS, Correspondence for RIT to FIRE INNOVATIONS from July 2007 to December 2007, **Composite Exhibit “F”**

15. One or more fire safety systems and products offered for sale, and/or sold by the Defendants, to residents within the Northern District Of Ohio, incorporate one of more of the patented inventions encompassed by one or more of the RIT Patent Rights.

## COUNT I

(Patent Infringement – U.S. 5,979,517)

16. RIT herein incorporates paragraphs 1-15, as if restated herein, and further alleges as follows:

17. RIT states that to the best of its knowledge, information and belief, formed after reasonable inquiry under the circumstances, it will likely be able to prove, after reasonable opportunity for further investigation or discovery, that:

(a) In violation of 35 USC 271(a), (b) and (c), the Defendants have infringed and are continuing to infringe the RIT's '517 Patent, by making, using, selling or offering for sale the inventions protected by one or more of the claims of RIT's '517 Patent.

(b) Defendants infringement of the RIT '517 Patent, as set forth herein, has been and is deliberate and willful, making this an exceptional case within the meaning of 35 USC 285; and

(c) Defendants infringement of the RIT '517 Patent, has caused and will continue to cause RIT monetary damage and irreparable harm, for which it has no adequate remedy at law.

WHEREFORE RIT demands judgment against the Defendants as follows:

- Damages for Defendants' willful infringement to compensate RIT for its lost profits and not less than a reasonable royalty, which is believed to approximate more than \$150,000;
- A permanent injunction restraining the Defendants and all parties acting in concert with them from any further infringement of the RIT Patent Rights, specifically the '517 Patent; and
- RIT's reasonable attorney fees and costs.

## COUNT II

(Patent Infringement – U.S. 6,487,725)

18. RIT herein incorporates paragraphs 1-15, as if restated herein, and further alleges as follows:

19. RIT states that to the best of its knowledge, information and belief, formed after reasonable inquiry under the circumstances, it will likely be able to prove after reasonable opportunity for further investigation or discovery, that:

(a) In violation of 35 USC 271(a), (b) and (c), the Defendants have infringed and is continuing to infringe the RIT's '725 Patent, by making, using, selling or offering for sale the inventions protected by one or more of the claims of RIT's '725 Patent.

(b) Defendants infringement of the RIT '725 Patent, as set forth herein, has been and is deliberate and willful, making this an exceptional case within the meaning of 35 USC 285; and

(c) Defendants infringement of the RIT '725 Patent, has caused and will continue to cause RIT monetary damage and irreparable harm, for which it has no adequate remedy at law.

WHEREFORE RIT demands judgment against the Defendants as follows:

- Damages for Defendants' willful infringement to compensate RIT for its lost profits and not less than a reasonable royalty, which is believed to approximate more than \$150,000;
- A permanent injunction restraining the Defendants and all parties acting in concert with them from any further infringement of the RIT Patent Rights, specifically the '725 Patent; and
- RIT's reasonable attorney fees and costs.

### COUNT III

(Patent Infringement – U.S. 7,086,091)

20. RIT herein incorporates paragraphs 1-15, as if restated herein, and further alleges as follows:

21. RIT states that to the best of its knowledge, information and belief, formed after reasonable inquiry under the circumstances, it will likely be able to prove after reasonable opportunity for further investigation or discovery, that:

(a) In violation of 35 USC 271(a), (b) and (c), the Defendants have infringed and is continuing to infringe the RIT's '091 Patent, by making, using, selling or offering for sale the inventions protected by one or more of the claims of RIT's '091 Patent.

(b) Defendants infringement of the RIT '091 Patent, as set forth herein, has been and is deliberate and willful, making this an exceptional case within the meaning of 35 USC 285; and

(c) Defendants infringement of the RIT '091 Patent, has caused and will continue to cause RIT monetary damage and irreparable harm, for which it has no adequate remedy at law.

WHEREFORE RIT demands judgment against the Defendants as follows:

- Damages for Defendants' willful infringement to compensate RIT for its lost profits and not less than a reasonable royalty, which is believed to approximate more than \$150,000;
- A permanent injunction restraining the Defendants and all parties acting in concert with them from any further infringement of the RIT Patent Rights, specifically the '091 Patent; and
- RIT's reasonable attorney fees and costs.

22. [omitted]

#### COUNT IV

##### (Unfair Competition – 15 USC 1125(a))

23. RIT herein incorporates paragraphs 1-15, as if restated herein, and further alleges as follows:

24. RIT and FIRE INNOVATIONS are competitors in the manufacture, marketing and sale of fire safety products and systems, including fire safety products and systems encompassed by one or more of the claims of the RIT Patent Rights.

25. RIT and FIRE INNOVATIONS compete for sales of fire fire safety products and systems, throughout the United States, including the Northern District of Ohio.

26. RIT products incorporate unique features and designs for which patent protection has been granted.

27. All products manufactured and sold by RIT and its authorized distributors, are manufactured in accordance with industry standards, and independently certified as in compliance with such standards.

28. Upon information and belief, the fire safety products and systems of FIRE INNOVATIONS that compete with the RIT fire safety products and systems, are not certified by an independent testing agency as compliant with industry standards for these competing products.

29. Upon information and belief, the fire safety products and systems of FIRE INNOVATIONS that compete with the RIT fire safety products and systems, are more expensive than the comparable RIT product.

30. On or about January 2008, RIT's authorized sales representative and distributor, for the rocky mountain sales territory, MES (Municipal Emergency Services, Inc.) obtained a



signed Purchase Order for approximately \$90,000, for RIT fire safety products and systems from the West Metro Fire Protection District in Lakewood, Colorado, signed West Metro Purchase Order annexed hereto as **Exhibit “G”**

31. Shortly after the signed West Metro signed Purchase Order had been obtained, it was unexpectedly cancelled, without comment or explanation; and, the contract for the essentially same equipment thereafter awarded to FIRE INNOVATIONS.

32. RIT states that to the best of its knowledge, information and belief, formed after reasonable inquiry under the circumstances, it will likely be able to prove after reasonable opportunity for further investigation or discovery, that the cancellation of the RIT signed Purchase Order, and the diversion of the sales from RIT to FIRE INNOVATIONS, was the direct and proximate result of

- the FIRE INNOVATIONS disparagement of RIT and/or the RIT products,
- the FIRE INNOVATIONS misrepresentation of its own products, and/or
- was the result of FIRE INNOVATIONS unfair business practices.

33. The FIRE INNOVATIONS actions, as set forth in Paragraph (32), comprise unfair competition in violation of Federal Law, including specifically, 15 USC 1125(a).

34. As a direct and proximate result of the actions of FIRE INNOVATIONS, as set forth in Paragraph (32), RIT has been injured of not less than \$90,000, or according to proof.

35. As a direct and proximate result of the actions of FIRE INNOVATIONS, as set forth in Paragraph (32), RIT has sustained irreparable harm, for which damages are inadequate.

WHEREFORE, RIT demands judgment against Defendants as follows:

(A) Monetary damages from the Defendants, jointly and severally, for the wrongful diversion of sales from the RIT existing customers, and potential customers to

FIRE INNOVATIONS, including without limitation, the aggregate, of an amount equivalent to RIT losses, the FIRE INNOVATIONS profits and reasonable attorney fees & costs;

(B) A permanent injunction against the Defendants, its agents, servants, employees, and attorneys and all persons acting on behalf of the Defendants, or in concert with them, from any further disparagement of RIT and the RIT products.

Respectfully,

/s/ John H. Faro  
John H. Faro, Esq.  
Ohio Bar No.  
Attorney For Plaintiff

Faro & Associates  
28 West Flagler Street, Suite 1000  
Miami, Florida 33130-1808  
phone 305, 761-6921  
fax 786, 235-1562

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document, filed through the ECF system, will be sent electronically to the registered participants, as identified in the Notice of Electronic Filing (NEF), and that paper copies will be sent to the individuals indicated as non-registered participants, as per the attached Distribution List, on August 11, 2008.

Respectfully,

/s/ John H. Faro  
Attorney For Plaintiff

This document was created with Win2PDF available at <http://www.win2pdf.com>.  
The unregistered version of Win2PDF is for evaluation or non-commercial use only.  
This page will not be added after purchasing Win2PDF.

**EXHIBIT "A"**  
(HOME PAGE - FIRE INNOVATIONS INTERACTIVE WEB SITE)



**Fire Innovations™**  
Inventive Technology for Fire & Rescue Services

[View Cart](#)

Cart items: 0 Total: \$0.00

Welcome! Please sign in or register here

[Product Catalog](#)  
[Firefighter Training](#)  
[Product Videos](#)  
[Documentation](#)  
[About Us](#)  
[Testimonials](#)  
[Dealer Locator](#)  
[Firehouse Recipes](#)

[Dealer Login](#)  
[New & On Sale](#)

[Home](#)  
[Manage Account](#)  
[Contact Us](#)  
[Press Room](#)  
[Site Map](#)  
[Search](#)  
[View Cart](#)  
[Web Conferencing](#)  
[Travel & Lodging](#)  
[Sales Rep](#)



### Hook-N-Go Bailout System **New! HOT!**

Hook-N-Go™, our quick-deploy bailout system, provides every firefighter with unsurpassed protection and reliability. Manufactured with fire resistant materials, this comfortable and ergonomic package is designed to be incorporated with our Colorado firefighter belts.

- Patent Pending design
- Unique quick-deploy system
- Fire resistant
- 50' 7.5mm Technora™ rope
- Choice of descenders
- Comfortable and ergonomic

**See it in action!**

email

password

☐ remember me[sign in](#) [register](#)[password help](#)

[Product Catalog](#) • [Firefighter Training](#) • [Product Videos](#) • [Documentation](#) • [About Us](#) • [Testimonials](#) • [Dealer Locator](#)  
[Firehouse Recipes](#)  
[Home](#) | [Manage Account](#) | [Contact Us](#) | [Press Room](#) | [Site Map](#) | [Search](#) | [View Cart](#) | [Web Conferencing](#) | [Travel & Lodging](#) | [Sales Rep](#)

© 2008 Fire Innovations, LLC all rights reserved

131561

**EXHIBIT “B”**  
(DEALER LOCATOR PAGE - FIRE INNOVATIONS WEB SITE)

[View Cart](#)

Cart Items: 0 Total: \$0.00

[Home](#) » [Dealer Locator](#) » [Dealers - Ohio](#)[Product Catalog](#)  
[Firefighter Training](#)  
[Product Videos](#)  
[Documentation](#)  
[About Us](#)  
[Testimonials](#)  
[Dealer Locator](#)  
[Firehouse Recipes](#)[Dealer Login](#)  
[New & On Sale](#)[Home](#)  
[Manage Account](#)  
[Contact Us](#)  
[Press Room](#)  
[Site Map](#)  
[Search](#)  
[View Cart](#)  
[Web Conferencing](#)  
[Travel & Lodging](#)  
[Sales Rep](#)

## Dealers - Ohio

**Finley Fire Equipment**  
20 So. 5th St.  
McConnelsville, OH 43756  
**800-545-3280**  
[webinfo@finleyfire.com](mailto:webinfo@finleyfire.com)

**Fire Force**  
225 McClurg Dr.  
Boardman, OH 44512  
Phone: **330-965-8300**  
Fax: **330-965-8302**  
[fforce@zoominternet.net](mailto:fforce@zoominternet.net)

email

password

☐ remember me[sign in](#) [register](#)[password help](#)

[Product Catalog](#) • [Firefighter Training](#) • [Product Videos](#) • [Documentation](#) • [About Us](#) • [Testimonials](#) • [Dealer Locator](#) •  
[Firehouse Recipes](#)  
[Home](#) | [Manage Account](#) | [Contact Us](#) | [Press Room](#) | [Site Map](#) | [Search](#) | [View Cart](#) | [Web Conferencing](#) | [Travel & Lodging](#) | [Sales Rep](#)  
© 2008 Fire Innovations, LLC all rights reserved

131567



**EXHIBIT “C”**  
(FIRE FORCE INVOICE TO MENTOR FIRE DEPARTMENT FOR “BAIL SYSTEM”)

**Fire Force Inc.**

225 McClurg Rd. Suite 1  
Boardman, Ohio 44512  
330-965-8300 Fax: 330-965-8302  
WWW.FFORCE.COM

Order

**PAID**

TO: Mentor Fire

Fax:  
Pages: 1

SHIP TO: 8233 Midland Rd. Mentor 44060

Quoted By: Joe Alexander 330-603-0401

NUMBER:

DATE: 4/18/08

REQUISITIONED BY: David Rancourt

SHIP BY:

SHIP VIA:

F.O.B.: Included

TERMS: 15 Days

lr

Attn: Dave

QTY.	UNIT	DESCRIPTION	EACH	AMOUNT
1		Colorado Belt	\$242.00	\$242.00
1		Bailout System	\$198.00	\$198.00
1		Shipping Direct		\$20.00
<div>XXXXXXXXXXXX96132 0980 DATE 04/23/08 TIME 02:13 PM FIRE FORCE INC 225 MCCLURG RD STE 1 BOARDMAN OH 44512 330.965.8300 ITEM: 003 UTS SALE OP: 00 ACCT: XXXXXXXXXXXXXXX9772 RESP: AUTH/TKT 413258 TID: 16814693298033 NCT: N C002 RESP: P TOTAL: \$ 460.00 I AGREE TO PAY ABOVE TOTAL AMOUNT ACCORDING TO CARD ISSUER AGREEMENT (MERCHANT AGREEMENT) SIGNATURE TOP COPY - MERCHANT BOTTOM COPY - CUSTOMER</div>				
Sub Total				\$460.00
Shipping and Handling ("Yes" or "No")				Y
Taxable ("Yes" or "No")				no
Tax Rate %				7.00
Tax				\$0.00

Authorized by

Date

Thank you for your business.

**COMPOSITE EXHIBIT “D”**  
(FIRE INNOVATIONS “PACKING SLIP” & “THANK YOU” LETTER TO  
DAVE RANCOURT, MENTOR FIRE DEPARTMENT)



## Fire Innovations Packing Slip

P.O. Box 2111  
Petaluma, CA 94953

Date	Invoice #
4/19/2008	08-2342

### Ship To

Dave Rancort  
8233 Midland Rd.  
Mentor, OH 44060

Rep	P.O. No.	Terms	Ship Date	Ship Via
SB		Net 30	4/19/2008	Federal Express

Item	Description	Qty	Received	Back order
FI-CT24-R11101-C3233	SR3 Custom Size; (32-33) NFPA Escape/Ladder Belt; Right Short Pouch; Attachment D-Ring next to Short Pouch with Attached Multi-Use Strap; 1-Kevlar Gear Loop Set; Positioning Ring; Axe Loop	1	1	
Discount 25% FI-BSYJB5075-8	25% Dealer Discount Yellow Jacket™ Bailout System - 50' 7.5mm Kevlar Rope - 8 Plate	1	1	
Discount 25% Shipping & Packaging	25% Dealer Discount Shipping and Packaging USPS			

Thank you for your order.

Phone #	Fax #	E-mail	Web Site
866-FIREINNOVATIONS (347-3466)	707-763-9996	info@fireinnovations.com	www.fireinnovations.com



**Fire Innovations, LLC**  
P.O. Box 2111  
2456 Washington Street  
Petaluma, CA 94953  
866-347-3466  
Fax 707-763-9996

4-19-08

Dear Dave,

Thank you for your purchase of the Colorado Firefighter belt and bailout system.

I took the liberty of setting the system up for you, as it seemed like this had to get done in a hurry. I have included the instruction sheet on how to pack the bailout system. If you should have any questions I can be reached on my cell phone at 707-338-3001.

There is also a cd that has the specific belt instructions. Additional information is available on our website at [www.fireinnovations.com](http://www.fireinnovations.com)

Good luck and stay safe.

Sincerely,  
Steve Bishop  
Fire Innovations

[www.fireinnovations.com](http://www.fireinnovations.com)

**COMPOSITE EXHIBIT “E”**  
(RIT “PATENT MARKING NOTICE” ON PAGES OF RIT WEB SITE )



**RIT**

RESCUE + ESCAPE SYSTEMS FOR EMERGENCY SERVICE PROFESSIONALS

**ABOUT PRODUCTS VIDEOS DISTRIBUTORS EVENTS FAQS LINKS CONTACT**

### SCBA FFRED Rescue System

A safe and effective system for emergency egress, the FFRED is self contained and pre-rigged with 50' of Kevlar tubular webbing, a carabiner and a friction device. UL certified to NFPA standards, this emergency egress system weighs less than 4 pounds. this system requires limited skill and no extensive training to provide a safe controlled descent. Designed to fit virtually any SCBA, this FFRED converts your non certified SCBA waist strap into a UL certified NFPA approved emergency egress system. SCBA FFRED's are constructed with a Kevlar harness and an Advance sleeve in order to meet the SCBA flame test requirements. The FFRED system can be easily retrofitted to your air pack without affecting the operation or the integrity of the SCBA.



- CERTIFIED TO: NFPA 1983, STANDARD ON LIFE SAFETY ROPE AND EQUIPMENT FOR EMERGENCY SERVICES, 2006 EDITION
- Designed to fit virtually any SCBA. Easily retrofittable.
- Weighs less than 4 lbs.
- 50' of Kevlar tubular webbing standard, other lengths on request
- 5,500 LBS. tensile strength.
- 863 degree F. temperature rating.
- Pull out carabiner, find a safe anchor and bail!!
- PAT. #5,970,517
- PAT. #6,487,725
- Patents pending

[VIEW VIDEO](#)[FIND DISTRIBUTOR](#)

© 2008 **RIT Rescue & Escape Systems, Inc.** 1900 Enterprise Parkway, Suite H Twinsburg, OH 44087  
Phone: 800-254-2990 (330-405-5444 Cleveland/Akron area)

**COMPOSITE EXHIBIT “F”**  
 (“PATENT NOTICE” CORRESPONDENCE BETWEEN RIT AND FIRE INNOVATIONS)  
 (Only first page of forwarded RIT patents included in this Exhibit)



**Omar Jordan**

---

**From:** Omar Jordan [omar.jordan@ritrescuesystems.com]  
**Sent:** Saturday, July 21, 2007 8:46 AM  
**To:** Robert F. Bodi; Dave Mooney  
**Subject:** FW: Steve From Fire Innovations

Bob this is the response that I received from fire innovations. Thanks Omar

Omar Jordan  
President  
RIT Rescue and Escape Systems, Inc.  
1-800-254-2990  
330-405-5444  
Fax: 330-487-5521  
[www.ritrescuesystems.com](http://www.ritrescuesystems.com)

Information in this email and any attachments is confidential and intended solely for the use of the individual(s) to whom it is addressed or otherwise directed. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Company.

Finally, the recipient should check this email and any attachments for the presence of viruses. The Company accepts no liability for any damage caused by any virus transmitted by this email.

-----Original Message-----

**From:** Steve Bishop [mailto:sbishop@fireinnovations.com]  
**Sent:** Friday, July 20, 2007 10:04 PM  
**To:** omar.jordan@ritrescuesystems.com  
**Subject:** Steve From Fire Innovations

Dear Omar,

Thank you very much for forwarding the patent information. I just got back Wednesday from Boston and JC is away in LA so we haven't had an opportunity to discuss your concerns at any depth. Just eye balling the text and the drawings I don't think there will be any concerns with patent infringement from our products. We will have our patent attorney review the information as well to ensure there are no issues.

Thanks,

Sincerely,

Steve Bishop  
Fire Innovations  
866-347-3466  
707-338-3001 cell  
707-763-9996  
[www.fireinnovations.com](http://www.fireinnovations.com)  
[www.tsafe.net](http://www.tsafe.net)

4/24/2008



US005970517A

**United States Patent** [19][11] **Patent Number:** 5,970,517

Jordan

[45] **Date of Patent:** Oct. 26, 1999[54] **SAFETY HARNESS WITH INTEGRAL SUPPORT LINE**[75] **Inventor:** Omar P. Jordan, Twinsburg, Ohio[73] **Assignee:** Rapid Intervention Technologies, Inc.,  
Twinsburg, Ohio[21] **Appl. No.:** 09/149,945[22] **Filed:** Sep. 9, 1998[51] **Int. Cl.** A41D 13/00; A47L 3/04[52] **U.S. Cl.** 2/69; 2/81; 2/94; 2/227;  
2/305; 2/310; 2/338; 2/97; 182/3; 244/143;  
244/151 R[58] **Field of Search** 2/93, 69, 79, 81,  
2/108, 227, 229, 236, 338, 230, 44, 92,  
102, 300, 94, 97, 301, 305, 307-310, 312,  
319-321, 69.5, 70; 182/3-6, 11, 231; 244/138 R,  
142, 143, 151 R[56] **References Cited****U.S. PATENT DOCUMENTS**

2,156,210	4/1939	Upson	244/143
2,290,218	7/1942	Vosseller	244/143
2,729,425	1/1956	Gschwind	254/157
3,074,074	1/1963	Lovering	
3,880,255	4/1975	Huntley	182/5
3,973,643	8/1976	Hutchinson	
4,161,266	7/1979	Howarth, Jr.	
4,273,216	6/1981	Weissmann	
4,302,847	12/1981	Miles	2/2
4,449,253	5/1984	Hettinger	
4,625,335	12/1986	Vinai	
4,674,599	6/1987	Nelson	182/231
4,706,858	11/1987	Whatley	
4,714,135	12/1987	Bell et al.	182/6
4,731,882	3/1988	Ekman	2/69
4,802,264	2/1989	Isenhardt	24/241
4,850,554	7/1989	Strong	244/151 R
4,854,418	8/1989	Hengstenberger et al.	
4,938,435	7/1990	Varner et al.	244/142
4,955,456	9/1990	Mulkey	

5,024,360	6/1991	Rodriguez	224/218
5,036,548	8/1991	Grilliot et al.	
5,136,724	8/1992	Grilliot et al.	
5,351,340	10/1994	Aldridge	
5,450,627	9/1995	Grilliot et al.	
5,487,444	1/1996	Dennington	182/6
5,542,124	8/1996	Grilliot et al.	
5,548,842	8/1996	Wiseman, Sr.	
5,581,901	12/1996	Takahashi	33/756
5,611,085	3/1997	Rasmussen	
5,671,822	9/1997	Phillips	182/5
5,815,834	10/1998	Bronson	2/102
5,842,542	12/1998	Tien	182/231

**FOREIGN PATENT DOCUMENTS**

862431	12/1940	France	244/142
859964	1/1941	France	244/148
316581	3/1918	Germany	244/143

**OTHER PUBLICATIONS**

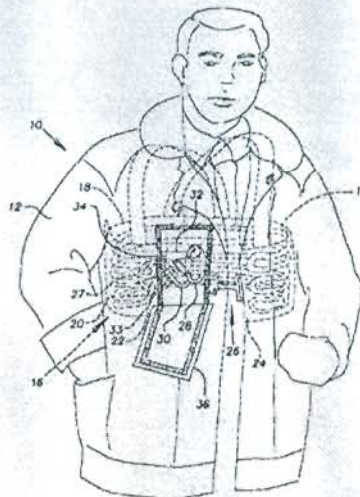
Firehouse, Mar. 1998, Firehouse Marketplace.  
CMC Rescue Equipment, Catalog 119, pp. 13, 47, 65, and 80-81.

*Primary Examiner*—John J. Calvert*Assistant Examiner*—Tejash D Patel*Attorney, Agent, or Firm*—Pearne, Gordon, McCoy & Granger LLP

[57]

**ABSTRACT**

A harness assembly having an integral support line. The harness assembly includes a harness body having first and second ends and a hollow interior which receives the support line. The support line has first and second ends that extend from the harness body. The harness is secured within a garment. The garment has a front opening which is normally covered by a releasable flap. The first and second ends of the support line extend through the front opening and are accessible when the flap is moved to an open position. The first end of the support line may be pulled away from the harness to extend the support line therefrom. The second end of the support line is secured to the harness.

**25 Claims, 4 Drawing Sheets**



(12) **United States Patent**  
**Jordan**

(10) Patent No.: **US 6,487,725 B1**  
(45) Date of Patent: **\*Dec. 3, 2002**

(54) **SAFETY HARNESS WITH INTEGRAL SUPPORT LINE**

(56) **References Cited**

(75) Inventor: **Omar P. Jordan, Twinsburg, OH (US)**

**U.S. PATENT DOCUMENTS**

(73) Assignee: **Rapid Intervention Technologies, Inc., Twinsburg, OH (US)**

2,290,218 A \* 7/1942 Vosseller ..... 244/143  
4,714,135 A \* 12/1987 Bell et al. .... 182/6  
4,731,882 A \* 3/1988 Ekman ..... 2/69  
5,351,340 A \* 10/1994 Aldridge ..... 2/108  
5,611,085 A \* 3/1997 Rasmussen ..... 2/102

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

\* cited by examiner

This patent is subject to a terminal disclaimer.

*Primary Examiner*—John J. Calvert

*Assistant Examiner*—Tejash Patel

(74) *Attorney, Agent, or Firm*—Pearne & Gordon LLP

(21) Appl. No.: **09/786,828**

(22) PCT Filed: **Sep. 8, 1999**

(86) PCT No.: **PCT/US99/20519**

§ 371 (c)(1),  
(2), (4) Date: **Jul. 27, 2001**

(87) PCT Pub. No.: **WO00/13536**

PCT Pub. Date: **Mar. 16, 2000**

(57) **ABSTRACT**

A harness assembly (16) having an integral support line (20). The harness assembly (16) includes a harness body (18) having first and second ends (22, 24) and a hollow interior which receives the support line (20). The support line (20) has first and second ends (22, 24) that extend from the harness body (18). The harness (16) is secured within a garment (10). The garment (10) has a front opening (34) which is normally covered by a releasable flap (36). The first and second ends (22, 24) of the support line (20) extend through the front opening (34) and are accessible when the flap (36) is moved to an open position. The first end (22) of the support line (20) may be pulled away from the harness (16) to extend the support line therefrom. The second end (24) of the support line is secured to the harness (16).

**Related U.S. Application Data**

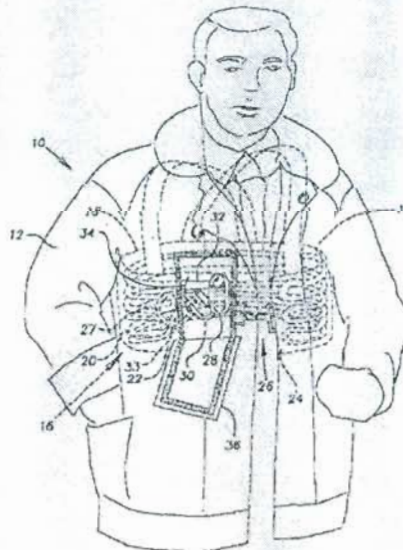
(63) Continuation of application No. 09/149,945, filed as application No. PCT/US99/20519 on Sep. 8, 1999.  
(60) Provisional application No. 60/116,818, filed on Jan. 21, 1999.

(51) Int. Cl.<sup>7</sup> ..... **A41D 13/00; A47L 3/04**

(52) U.S. Cl. .... **2/94; 2/69; 2/81; 2/97; 2/227; 2/305; 2/310; 182/3; 244/143; 244/151 R**

(58) Field of Search ..... **2/69, 79, 93, 94, 2/81, 108, 227, 229, 236, 338, 230, 44, 92, 97, 102, 300, 301, 305, 307-310, 319-321, 69.5, 70; 182/3-6, 11, 231; 244/142, 143, 138 R, 151 R**

**30 Claims, 7 Drawing Sheets**





(10) Patent No.: US 7,086,091 B2  
(45) Date of Patent: Aug. 8, 2006

4,161,266 A 7/1979 Howarth, Jr.

4,273,216	A	6/1981	Weissmann
-----------	---	--------	-----------

4,302,847	A	12/1981	Miles
-----------	---	---------	-------

4,449,253	A	5/1984	Hettinger
4,626,226	A	12/1986	Vinci

4,625,333	A	12/1986	Vinai
4,674,599	A	6/1987	Nelson

4,674,399	A	6/1987	Nelson
4,706,858	A	11/1987	Whatley

4,700,855	A	11/1987	Whalley
4,714,135	A	12/1987	Bell et al

4,731,882	A	3/1988	Ekman
-----------	---	--------	-------

4,802,264 A 2/1989 Isenhardt

4,850,554	A	7/1989	Strong
-----------	---	--------	--------

4,854,418	A	8/1989	Hengstenberg
4,938,436	A	7/1990	Vogel et al.

4,938,433	A	7/1990	Varner et
4,955,456	A	9/1990	Mulkey

4,933,430	A	9/1990	Mulkey
5,024,360	A	6/1991	Rodriguez

5,024,585	A	8/1991	Rouinguer
5,036,548	A	8/1991	Grilliot et

5,136,724	A	8/1992	Grilliot et al.
-----------	---	--------	-----------------

5,289,590 A 1/1994 Larson

(Continued)

(Continued)

FOREIGN PATENT DOCUMENTS

316581 3/1018

DE 316581 3/1918

(Continued)

### OTHER PUBLICATIONS

CMC Rescue Equipment, Catalog 119, pp. 13, 47, 65 and 80-81.

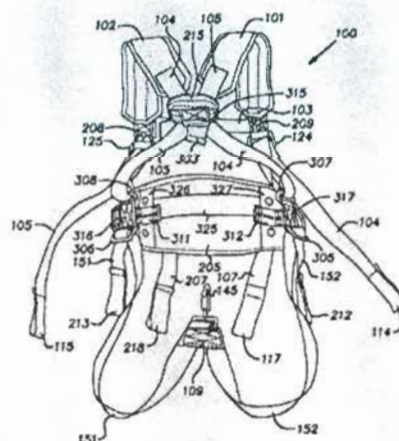
*Primary Examiner*—Tejash Patel

(74) *Attorney, Agent, or Firm*—Pearne & Gordon LLP

(57) ABSTRACT

A full-body harness, with or without an integral support line, with the harness being adaptable for class I, class II, and/or class III service, and for use by safety personnel (such as firefighters, for example) for situations that call for emergency activity in areas where falls from an unsafe height are possible.

**53 Claims, 10 Drawing Sheets**







**STAINBROOK &  
STAINBROOK, LLP**

NORTH BAY INTELLECTUAL PROPERTY LAW GROUP

412 Aviation Boulevard, Suite H Santa Rosa, CA 95403 t 707.578.9333 f 707.578.3133  
165 N. Redwood Drive, Suite 110 San Rafael, CA 94903 t 415.492.9333 f 415.499.3130

www.northbay-iplaw.com

December 19, 2007



Reply to Santa Rosa

Robert F. Bodi  
PEARNE & GORDON LLP  
1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, OH 44114-3108

*Via facsimile*  
216.579.6073  
*Original by regular mail*

Re: US Pat. Nos. 6,487,725; 5,970,517; and 7,086,091  
Our Ref. No. 00147.G1  
Our Client: Fire Innovations  
Your Client: Rapid Intervention Technologies, Inc. (RIT)  
Your Docket No. OMA.J2310

Dear Mr. Bodi:

As you may know from our earlier correspondence with your client, we represent Fire Innovations with respect to its intellectual property matters. We are in receipt of your letter to our client, dated December 10, 2007.

You may also know from our letter to RIT that we do not believe our clients products infringe the claims of the above-indicated patents, even when those claims are given a broad interpretation. However, we will be meeting with our client over the holiday break and propose to provide you a detailed response in writing in early January.

In the meantime, please feel free to call if you would like to discuss this matter.

Very truly yours,

**STAINBROOK & STAINBROOK, LLP**

Craig M. Stainbrook

CMS/mss  
cc: Fire Innovations

**EXHIBIT “G”**  
(WEST METRO PURCHASE ORDER)  
Not available at time of filing of Complaint

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document, filed through the ECF system, will be sent electronically to the registered participants, as identified in the Notice of Electronic Filing (NEF), and that paper copies will be sent to the individuals indicated as non-registered participants, as per the attached Distribution List, on August 11, 2008.

Respectfully,

/s/ John H. Faro  
Attorney For Plaintiff