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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

2009 FEB 13 P 1:41

CLERK OF DISTRICT COURT  
ALEXANDRIA, VIRGINIA

HUMANSIZE CORPORATION  
11 East 26<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, New York 10010

Plaintiff,

v.

COMPX INTERNATIONAL INC.  
5430 LBJ Freeway  
Suite 1700  
Dallas, TX 75240

COMPX WATERLOO  
501 Manitou Drive  
Kitchener, Ontario  
Canada, N2C 1L2

Defendants.

Civil Action No. *3:09cv86-JRS*

**COMPLAINT FOR PATENT INFRINGEMENT**

**I. INTRODUCTION**

1. This is a complaint for patent infringement against CompX International, Inc. ("CompX International") and CompX Waterloo ("Waterloo") (collectively "CompX" or "Defendants") regarding U.S. Patent No. 5,292,097 C1 ("the '097 patent").

2. Defendants (a) have used and continue to use Plaintiff's patented technology in products that they make, use, import, sell and offer to sell, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the '097 patent. Humansize

seeks, as relief, a declaration of infringement, an injunction against continued infringement, an accounting for damages, and an assessment of interest and costs against Defendants.

## **II. JURISDICTION AND PARTIES**

### **A. Jurisdiction**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§271 and 281, et. seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a).

4. Each of the Defendants has committed acts and continues to commit acts within this judicial district giving rise to this action. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

### **B. Plaintiff**

5. Plaintiff Humanscale is a New York corporation with its principal place of business located at 11 East 26<sup>th</sup> Street, 8<sup>th</sup> floor, New York, New York 10010.

6. Incorporated in 1986, Humanscale, formerly known as Softview Computer Products Corp., has been committed to designing and manufacturing products that create a healthier, more comfortable and more productive work environment. Products offered by Humanscale combine uncompromising function and honest aesthetics with ultimate ease-of-use. Due to its resolute commitment to excellence, Humanscale has gained recognition as the leading manufacturer of ergonomic office products.

7. Since entering the articulating keyboard support market in 1997, Humanscale has quickly seized the worldwide leadership in keyboard support sales. Humanscale retains this leadership today, with its fifth-generation keyboard support products. Several generations of Humanscale keyboard support systems have won praise for their revolutionary functionality and sleek design, as well as receiving numerous awards in the ergonomic manufacturing field.

**C. Defendants**

8. On information and belief, Defendant CompX International is a Delaware corporation with its principal place of business located at 5430 LBJ Freeway, Suite 1700, Dallas, Texas 75240.

9. On information and belief, CompX International is an importer and distributor of certain adjustable keyboard support systems and components thereof that infringe the patent at issue.

10. On information and belief, CompX International supplies a variety of products to at least four distributors within the jurisdiction of the Eastern District of Virginia.

11. On information and belief, Waterloo is a wholly-owned Canadian subsidiary of CompX International with its principal place of business located at 501 Manitou Drive, Kitchener, Ontario, Canada N2C 1L2.

12. On information and belief, Waterloo's facilities are part of CompX International's furniture components business segment. Waterloo is responsible for manufacturing, selling, distributing, and servicing the CompX ErgonomX line of products, which includes, among others, certain adjustable keyboard support systems and components thereof that infringe the patent at issue.

**III. FACTS AND BACKGROUND**

**A. The Products at Issue:**

13. The products at issue are adjustable keyboard support systems and components thereof that operate according to claims of the '097 patent, having a swing-link suspension for adjusting a support platform in a range of desired positions without the aid of knobs, levers, tightening screws or any other external holding devices.

14. Defendants manufacture multiple versions of their keyboard support systems, crafted with particular needs in mind, such as workspace, angle and customers' physical attributes.

15. Humanscale asserts that Defendants' product "Ovation Arm" practices, and therefore infringes the claimed invention.

16. Additionally, Humanscale asserts that Defendants' product "Momentum Arm" practices, and therefore infringes the claimed invention.

**B. The Asserted Patent**

17. The patent at issue is United States Patent No. 5,292,097 C1, as reexamined ("the '097 patent"), entitled Work Surface Support.

18. The original United States Patent No. 5,292,097 ("U.S. Patent No. 5,292,097") resulted from Application No. 907,483, filed July 1, 1992 as a continuation-in-part of Application No. 607,448, filed October 31, 1990, now abandoned. See attached Exhibit 1.

19. Edwin R. Russell is the named inventor of U.S. Patent No. 5,292,097. Humanscale (then Softview Computer Products Corp.) became the owner of U.S. Patent No. 5,292,097 by assignment from Russell and Trenton PTY Ltd., made on May 23, 1998, and recorded on June 3, 1998, (Reel/Frame 009214/0398)<sup>1</sup>. See attached Exhibit 2.

20. Plaintiff changed its name from Softview Computer Products Corp. to Humanscale Corporation on August 25, 2000. It subsequently filed the Certificate of Amendment of the Certificate of Incorporation to reflect its name change with the New York Department of State on January 3, 2001. See attached Exhibit 3.

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<sup>1</sup> In 1993 Russell assigned a partial interest in U.S. Patent No. 5,292,097 to Trenton PTY Ltd. (Reel/Frame 006800/0698).

21. U.S. Patent No. 5,292,097 has had one reexamination request entered, by Humanscale, with the U.S. Patent and Trademark Office ("USPTO") on October 13, 2004. As a result of the re-examination, Claims 1, 2, 5, 16, 19, 30-33, 39 and 46 were cancelled. Claims 3, 4, 6, 7, 10, 11, 14, 17, 18, 20, 21, 26, 34, 40-42 and 47 were determined to be patentable as amended. Dependent claims 8, 9, 12, 13, 15, 22-25, 27-29, 35-38, 43-45, and 48-52 were determined to be patentable. Reexamination Certificate No. 5,292,097 C1 issued on August 26, 2008. See attached Exhibit 4.

**C. Specific Instances Of Importation And Sale**

22. On information and belief, CompX International and/or Waterloo sell for importation, import, use, sell and/or offer for sale in the United States certain keyboard support systems and components thereof, that infringe the patent at issue.

23. Humanscale asserts that several of Defendants' customers may also sell for importation, import, use, sell and/or offer for sale in the United States keyboard support systems that infringe the patent at issue. Humanscale will pursue information early in the discovery period to verify this assertion and may move to amend this complaint to add Defendants' customers to this civil action if such information is forthcoming.

24. Defendants' manufacturing facility dedicated to the production of the accused keyboard support systems is located in Canada.

25. Consumers can purchase these products from either a website or any one of multiple U.S. based CompX ErgonomX sales and services representatives, including but not limited to a sales representative designated for sales to Virginia. See attached Exhibit 5.

26. On information and belief, adjustable keyboard support systems are also available through CompX distributors located in Virginia, including but not limited to Cabinetmakers

Supply, located at 22611 Markey Court, Suite 105, Sterling, VA, 20166-6903; (703) 406-3600.

*See* attached Exhibit 6.

27. Additionally, on information and belief, Defendants supply or will supply components for these infringing keyboard support systems.

#### **COUNT ONE - INFRINGEMENT**

28. Plaintiff incorporates each of the allegations in paragraphs 1-27 above as if fully restated herein.

29. On information and belief, Defendants' adjustable keyboard support systems and components thereof that are sold for importation, imported, used, sold and/or offered for sale in the United States directly infringe at least Claims 7, 10, 26, 27, 34, 37, 38 and 44 of the '097 patent.

#### **COUNT TWO – CONTRIBUTORY INFRINGEMENT**

30. Plaintiff incorporates each of the allegations in paragraphs 1-29 above as if fully restated herein.

31. On information and belief, Defendants' adjustable keyboard support systems and components thereof that are sold for importation, imported, used, sold and/or offered for sale in the United States also contribute to and/or induce the infringement of at least Claims 7, 10, 26, 27, 34, 37, 38 and 44 of the '097 patent. For example, Defendants contributorily infringe and/or induce infringement of the '097 patent when consumers operate Defendants' accused products in the United States.

**COUNT THREE – WILLFUL INFRINGEMENT**

32. Plaintiff incorporates each of the allegations in paragraphs 1-31 above as if fully restated herein.

33. Defendants have been aware of U.S. Patent No. 5,292,097 and its applicability to the accused products for over ten years. In September 1998, Humanscale (then known as Softview Computer Products) brought suit against Waterloo Furniture Components (now owned by CompX International), alleging patent infringement under 28 U.S.C. 1338(a) of U.S. Patent No. 5,292,097, in the U.S. District Court for the Southern District of New York. In October 1998, Humanscale brought a second suit against Waterloo Furniture Components (now owned by CompX International), alleging patent infringement under 28 U.S. C. 1338(a) in the U.S. District Court for the Southern District of New York. Each of these suits was voluntarily dismissed without prejudice, so that Humanscale could pursue the reexamination discussed *supra* at paragraph 21.

34. By service of this Complaint, Defendants are on further notice that the technology in their accused products is both patented and infringing and comprises a material part of the invention claimed in the '097 patent, as practiced. Their infringing keyboard support systems and components thereof are not staple articles or commodities of commerce suitable for substantial non-infringing use and, thus, are specially adapted for use in practicing the invention claimed in the '097 patent.

35. Further, Defendants intend for the accused products to be operated in a way which, when so operated, would infringe the '097 patent. On information and belief, Defendants provide operation manuals with their infringing keyboard support systems that offer explicit guidance as to how to use the products in a manner that infringes the '097 patent. On

information and belief, Defendants similarly encourage the infringing use of the accused products through the offering of other written guides, as well as through demonstrations and training. Defendants knew or should have known that such activities would induce infringement.

**IV. RELIEF**

**WHEREFORE**, by reason of the foregoing, Plaintiff requests that the United States District Court for the Eastern District of Virginia:


- (a) declare that Defendants have infringed the Humanscale patent-in-suit;
- (b) issue an injunction against Defendants' continued infringement of the Humanscale patent-in-suit pursuant to 35 U.S.C. § 283;
- (c) award Plaintiff compensatory damages for Defendants' infringement of U.S. Patent No. 5,292,097 C1;
- (d) treble the compensatory damages as consequence of Defendants' willful infringement;
- (e) order Defendants to pay costs and fees associated with the present litigation on



the basis that this patent infringement case is exceptional;

- f award Plaintiff pre-judgment interest; and
- g issue such other orders and further relief as the Court deems just and proper.

Respectfully submitted,

  
Munford Page Hall, II (Bar No. 34033)  
ADDUCI MASTRIANI & SCHAUMBERG LLP  
1200 Seventeenth Street, N.W., Fifth Floor  
Washington, DC 20036  
(202) 467-6300

Dated: 02-13-09  
HMN700309 (2).wps

*Counsel for Humanscale Corporation*

**EXHIBIT 1**

U 7157117



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

November 14, 2008

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM  
THE RECORDS OF THIS OFFICE OF:

U.S. PATENT: 5,292,097  
ISSUE DATE: *March 08, 1994*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



T. LAWRENCE  
Certifying Officer

Exhibit 1



US005292097A

**United States Patent** [19]  
**Russell**

[11] **Patent Number:** 5,292,097  
[45] **Date of Patent:** Mar. 8, 1994

[54] **WORK SURFACE SUPPORT**  
[76] **Inventor:** Edwin R. Russell, 414 Stirling Hwy.,  
Cottesloe, Australia  
[21] **Appl. No.:** 907,483  
[22] **Filed:** Jul. 1, 1992

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← 5,031,867 7/1991 Cotterill ..... 248/284  
← 5,037,054 8/1991 McConnell ..... 248/284

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**Related U.S. Application Data**

[63] Continuation-in-part of Ser. No. 607,448, Oct. 31, 1990,  
abandoned.

[30] **Foreign Application Priority Data**

Oct. 31, 1989 [AU] Australia ..... PJ7143

[51] **Int. Cl.<sup>5</sup>** ..... F16M 11/00

[52] **U.S. Cl.** ..... 248/281.1; 248/284;  
248/918

[58] **Field of Search** ..... 248/281.1, 284, 291,  
248/296, 581, 674, 918, 919; 400/682

[56] **References Cited**

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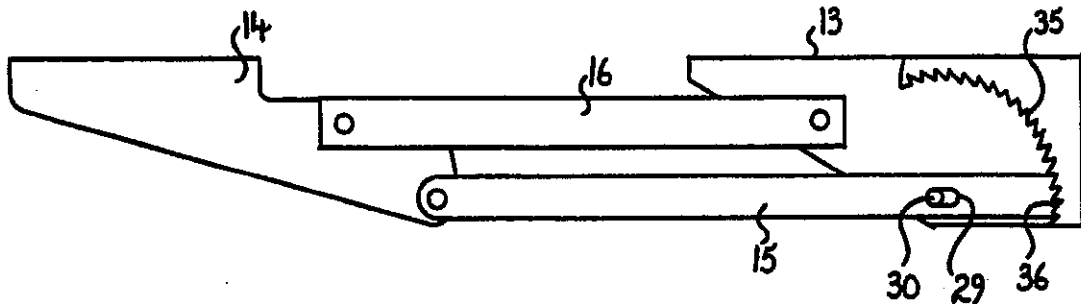
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← 4,691,888 9/1987 Cotterill ..... 248/284

*Primary Examiner*—Ramon O. Ramirez  
*Attorney, Agent, or Firm*—Harness, Dickey & Pierce

[57] **ABSTRACT**

A number of embodiments of supports for supporting a support platform for movement relative to a base in a generally parallel orientation through a plurality of positions. The support includes a pair of parallel lengths pivotally connected at their ends to the support platform and the base. A locking mechanism is provided for locking the support platform in any of a plurality of positions and this locking mechanism includes serration formed on one of the support lengths and a cooperating locking member carried by one of the other elements.

52 Claims, 19 Drawing Sheets



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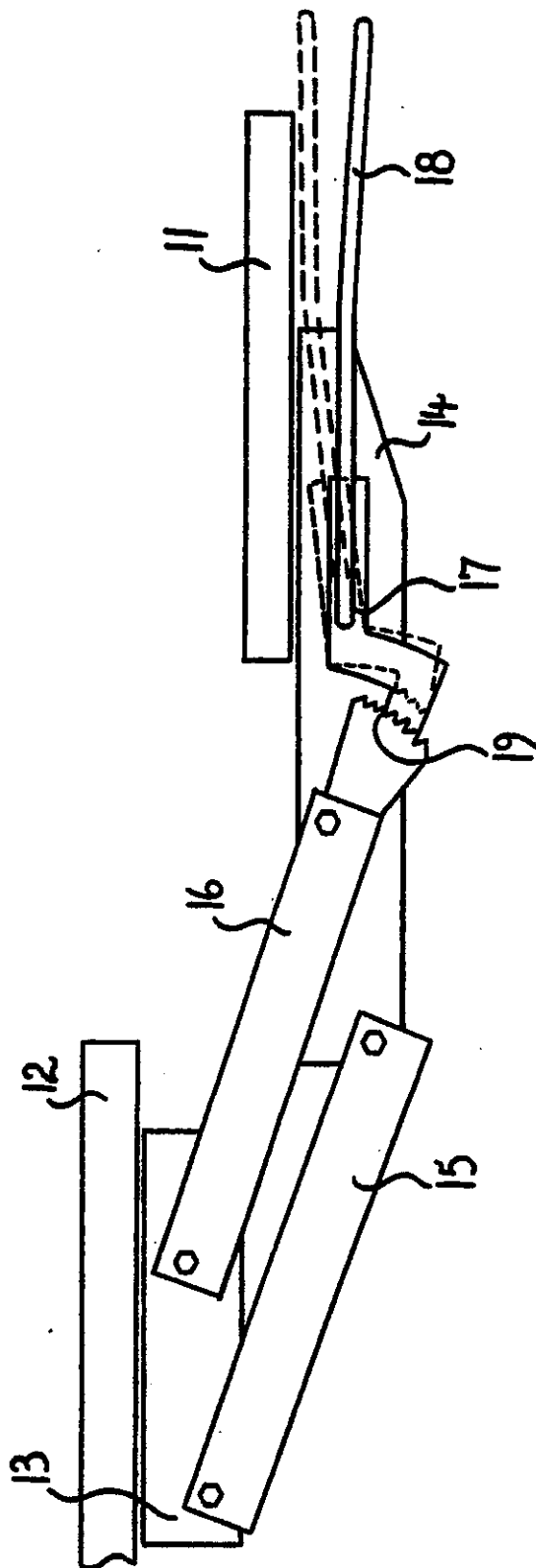


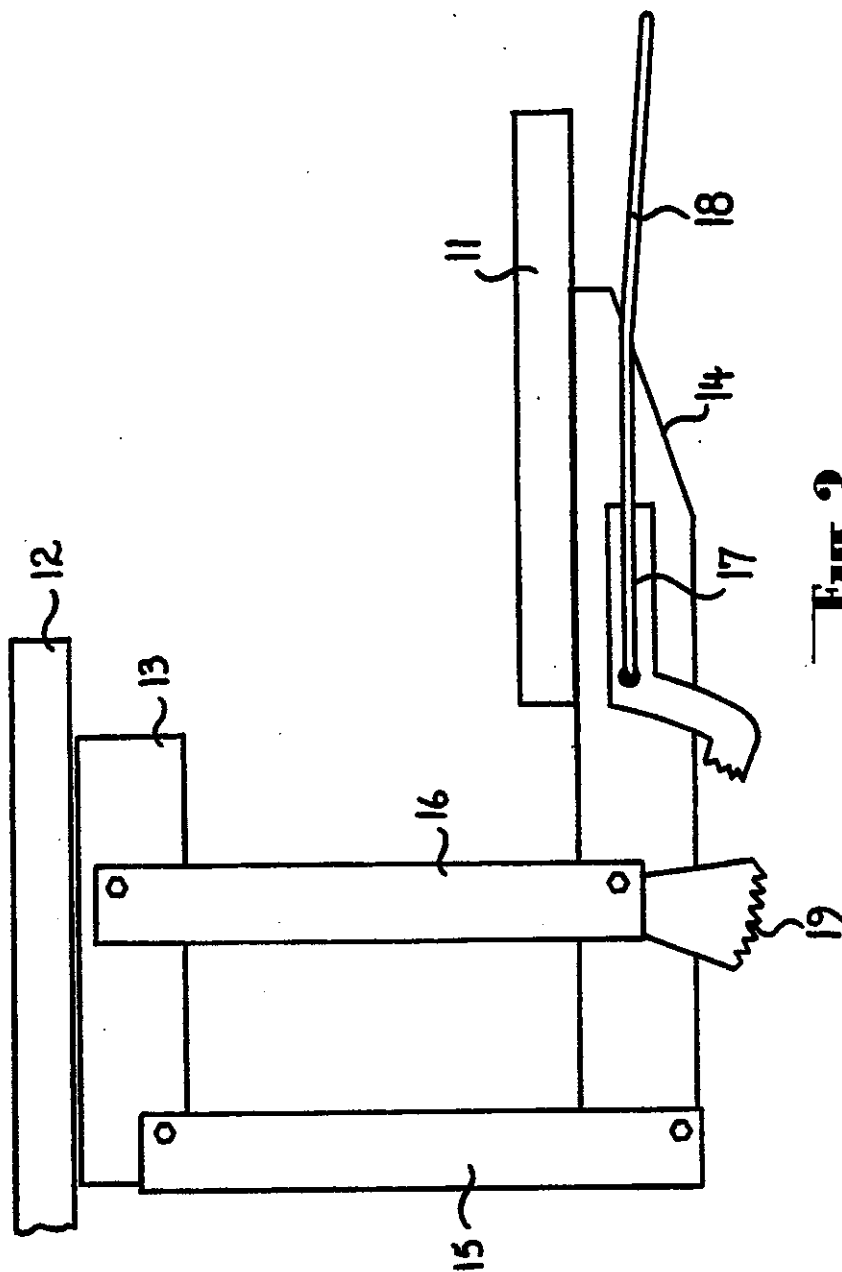
FIG. 1

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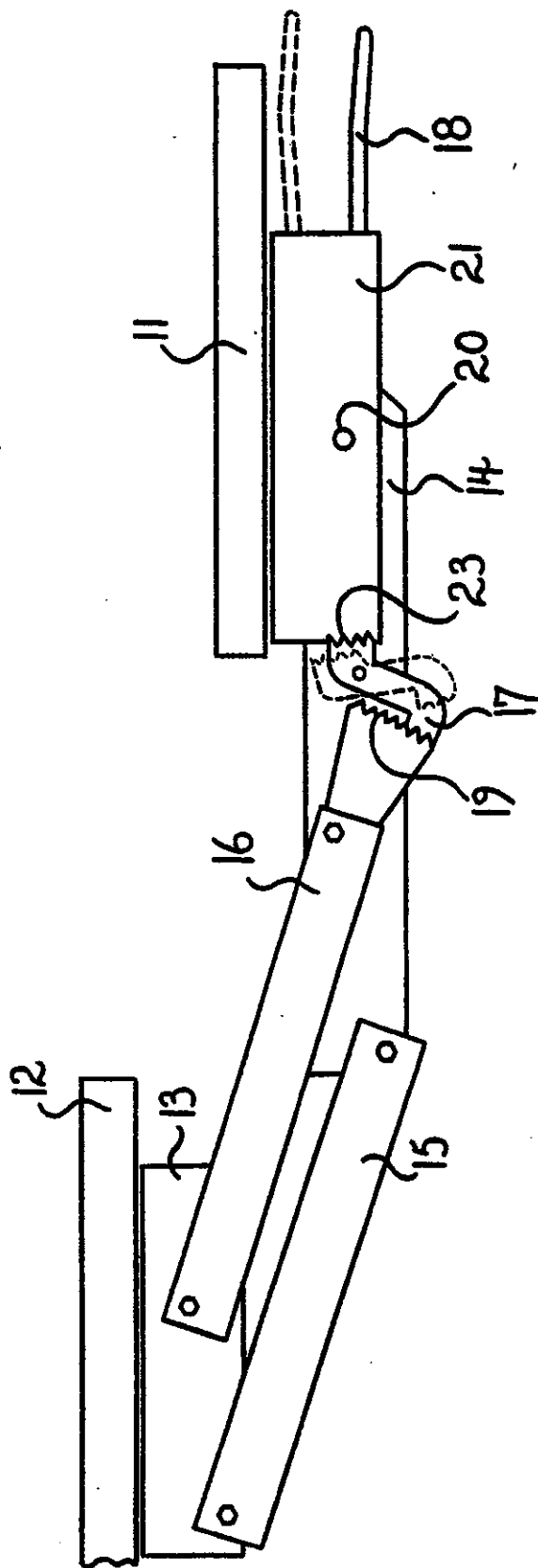


Fig. 3

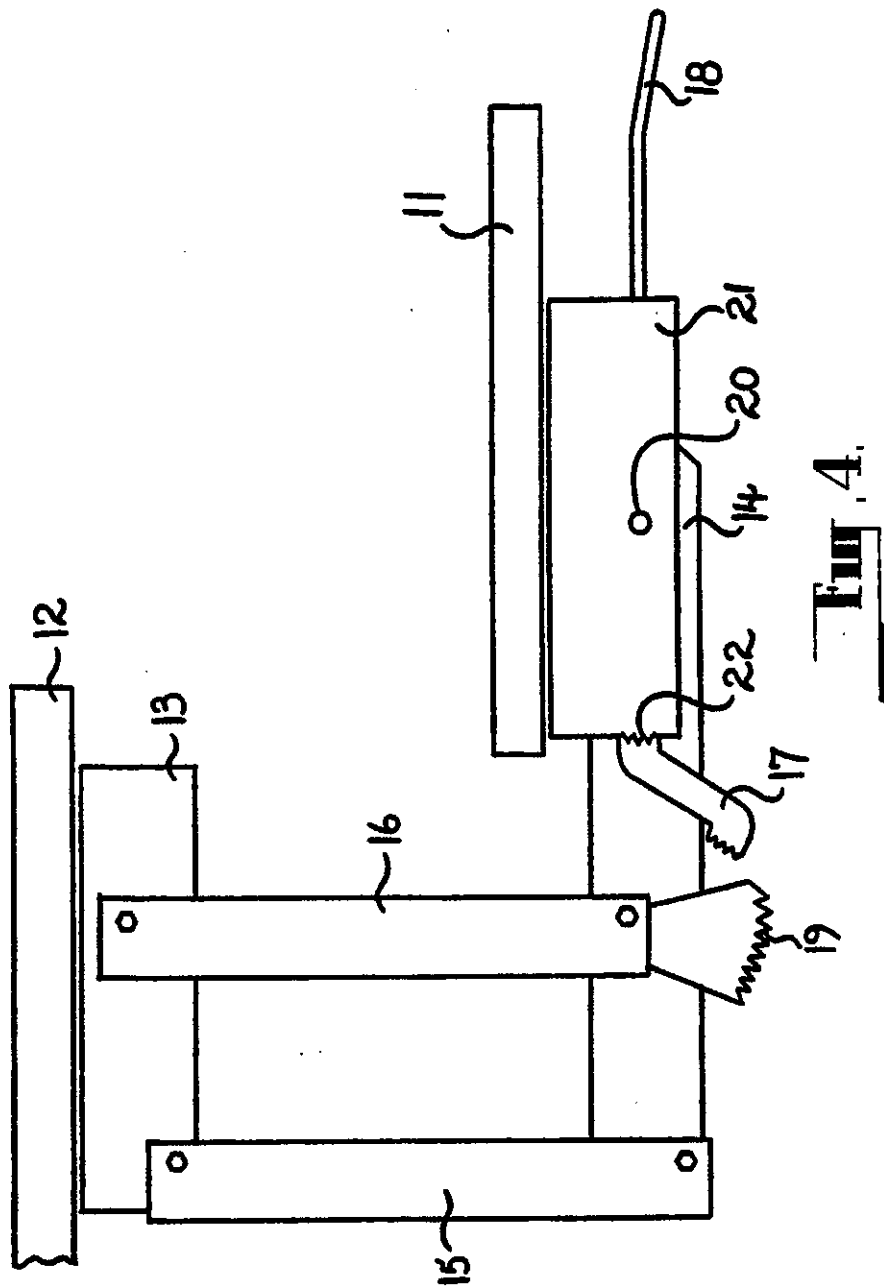
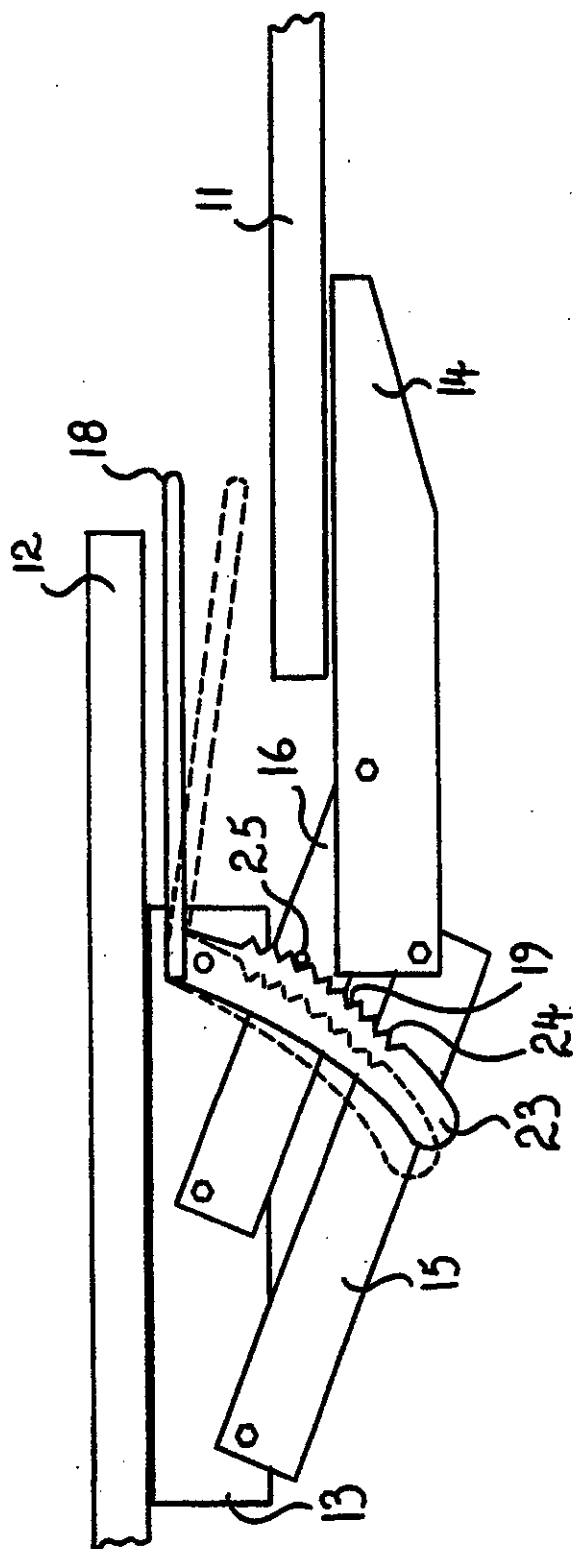


Fig. 4.





**Fig. 5.**

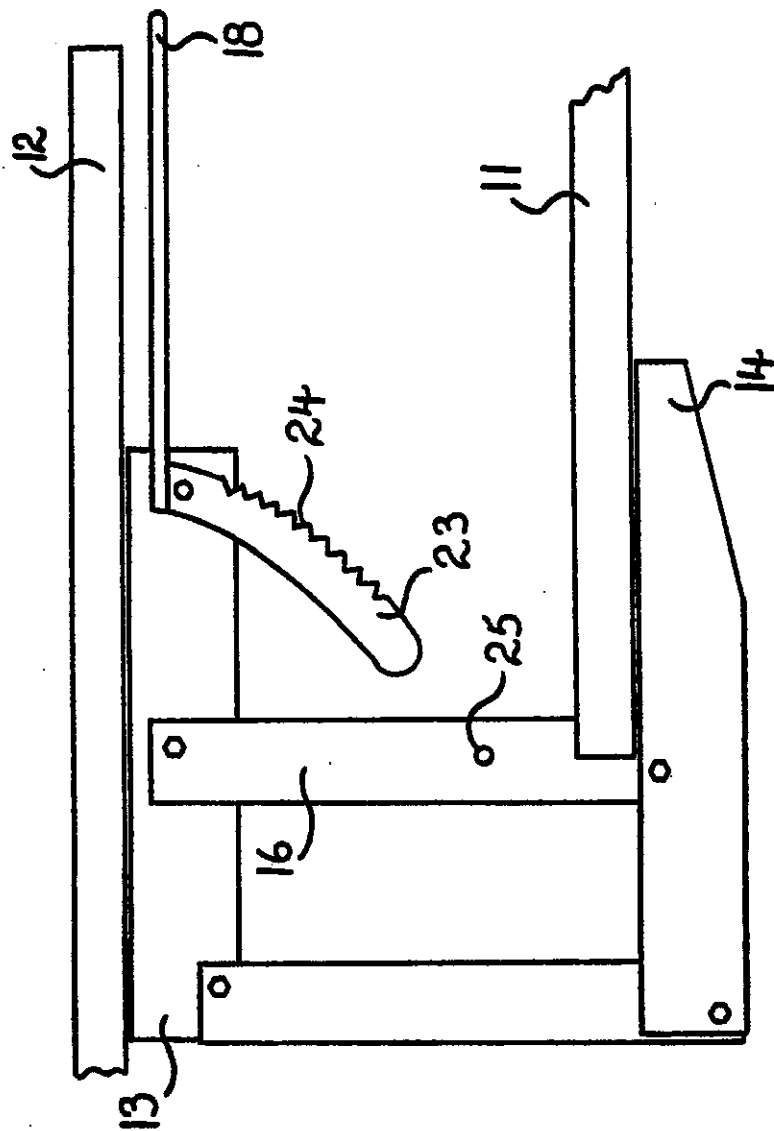


Fig. 6

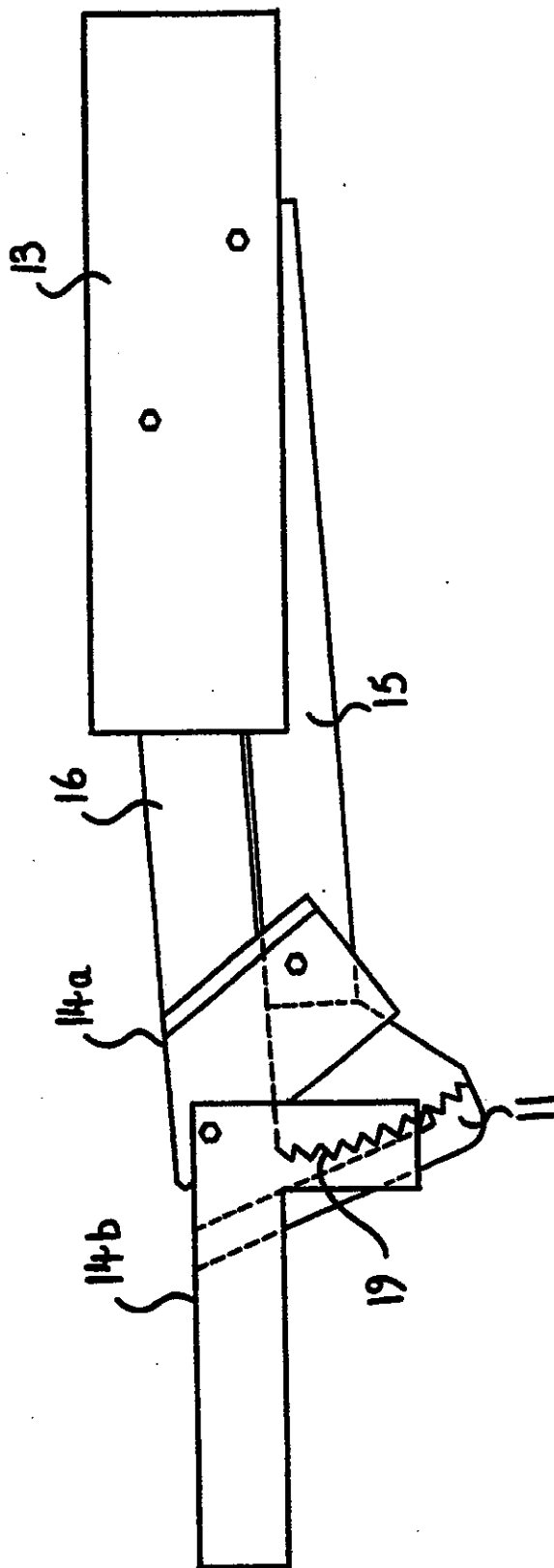


Fig. 7

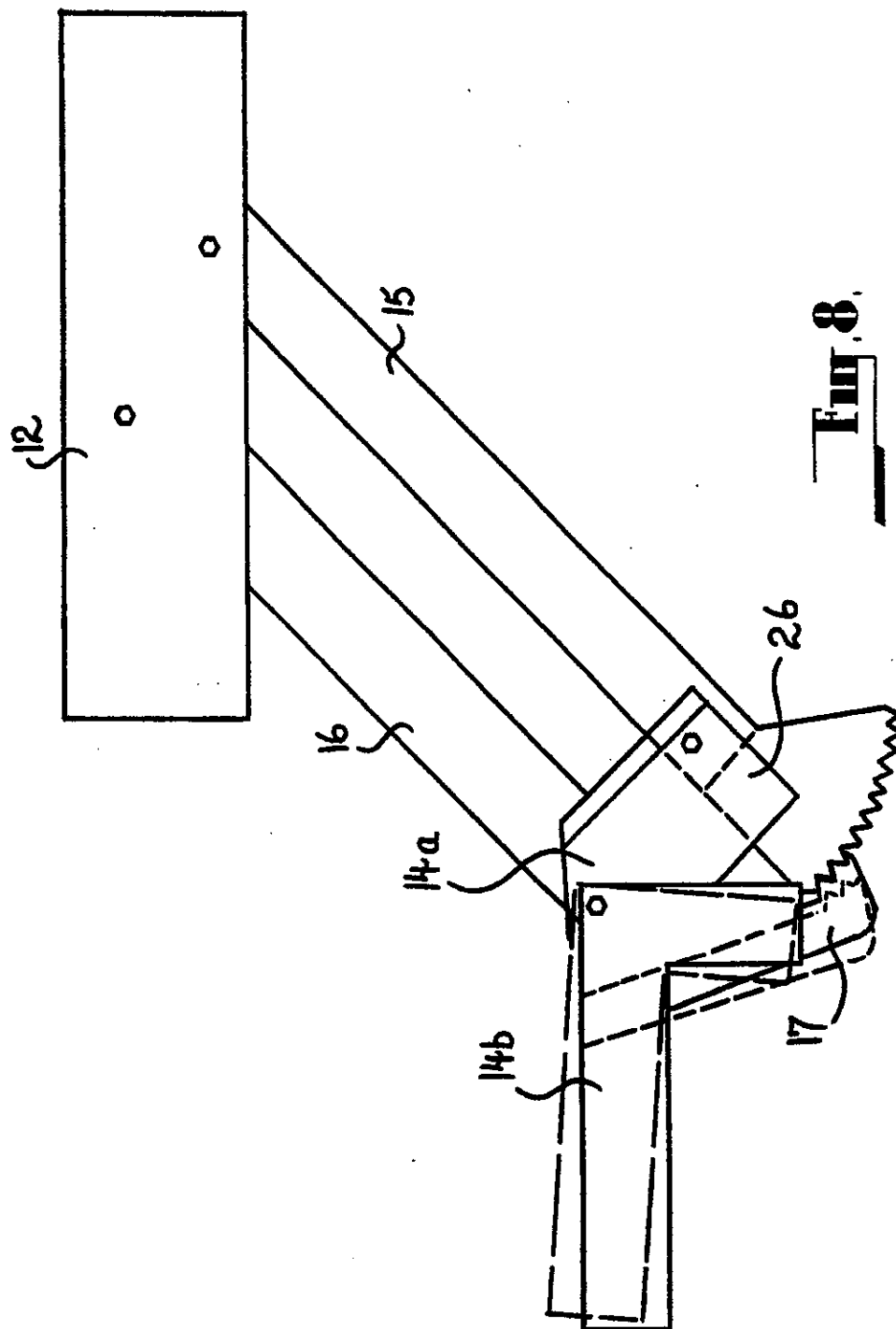


Fig. 8

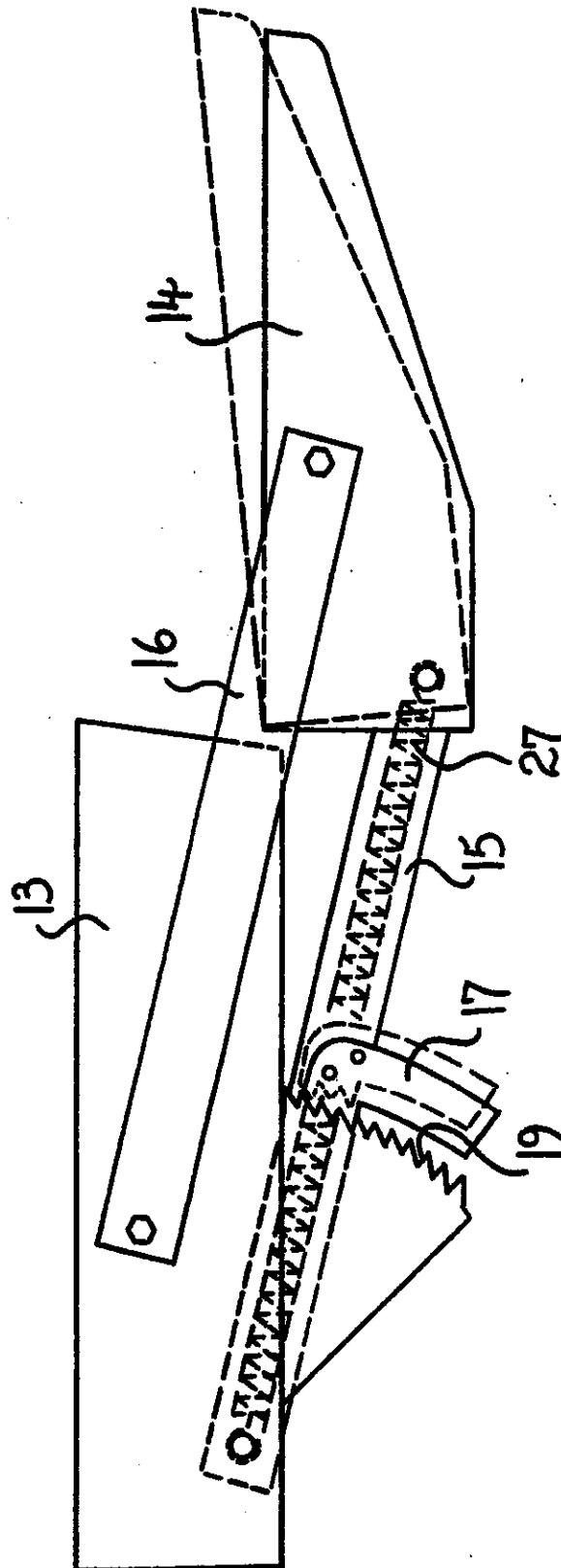


Fig. 9.

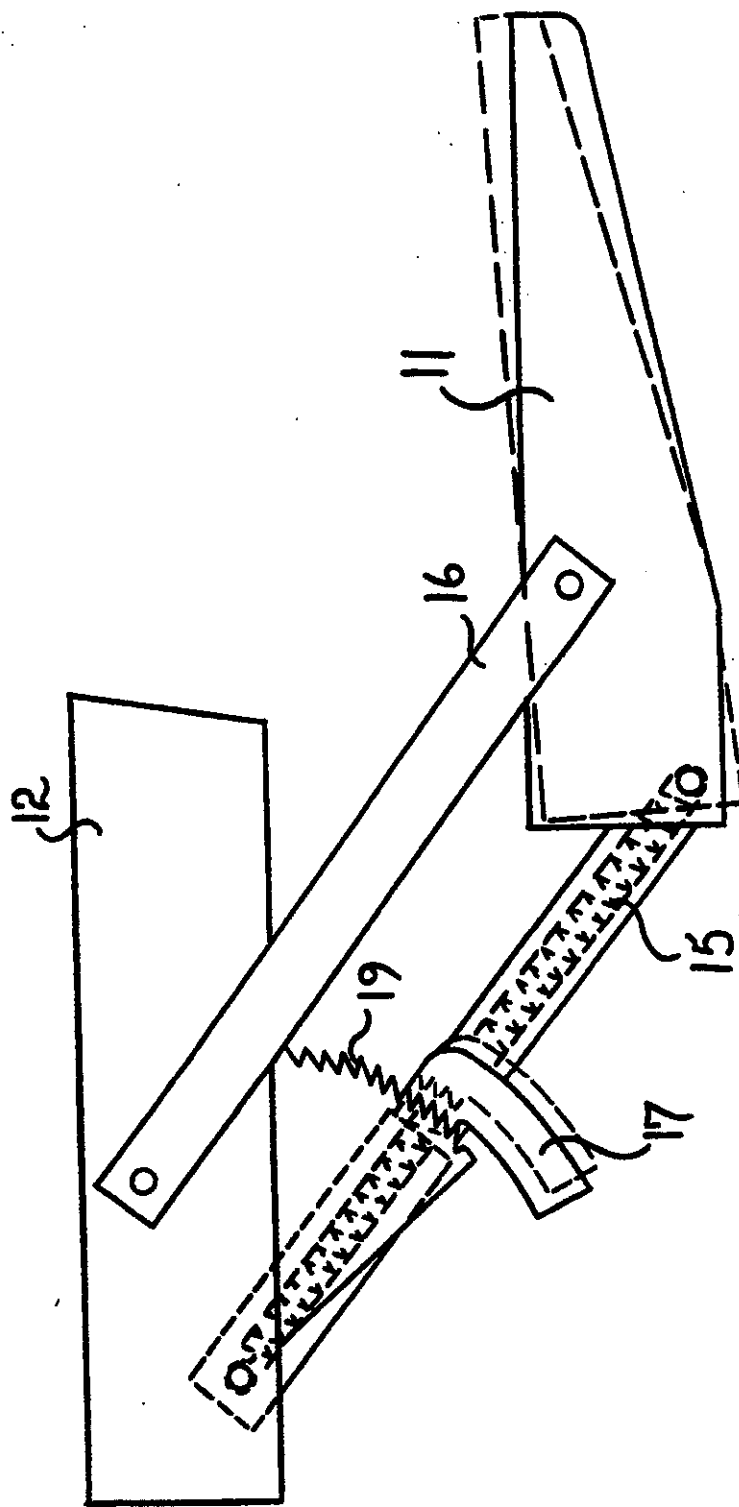
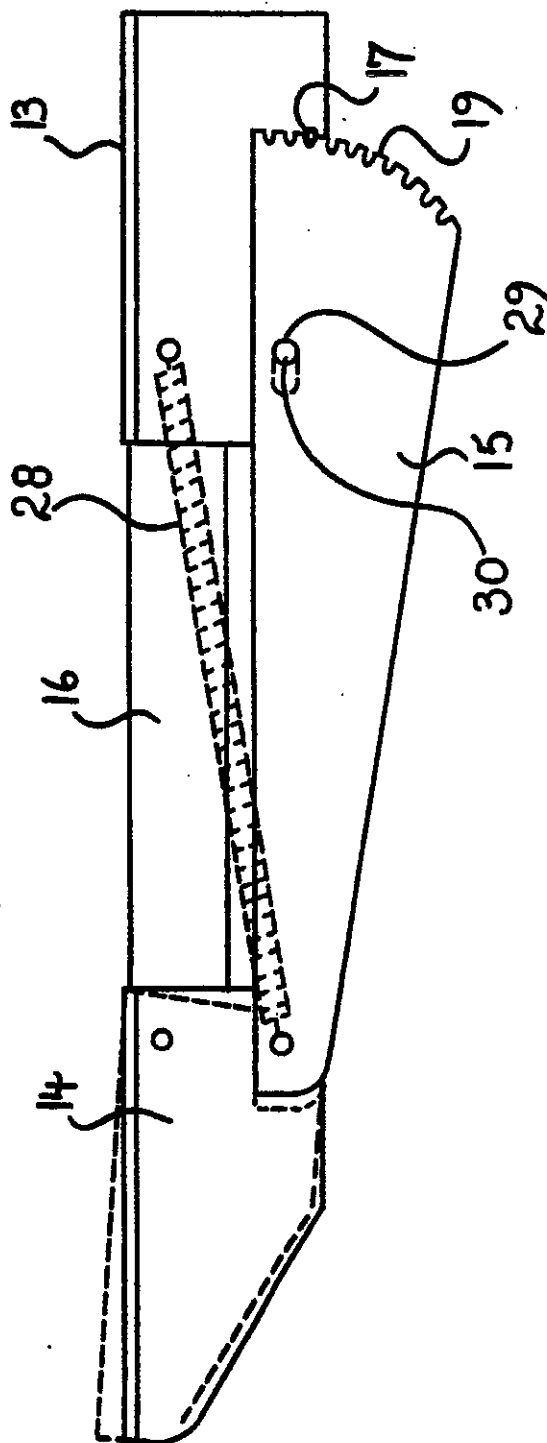


Fig. 10.



**Fig. 11**

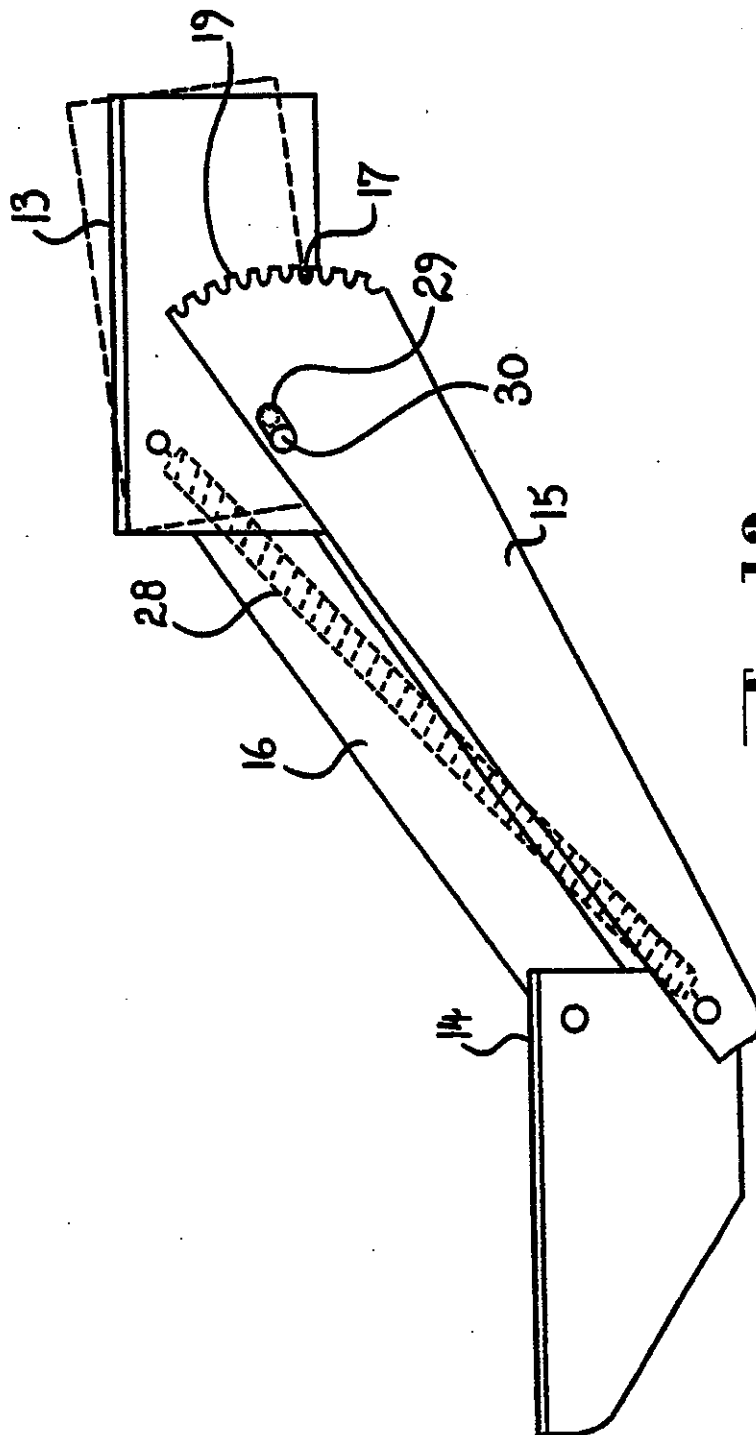
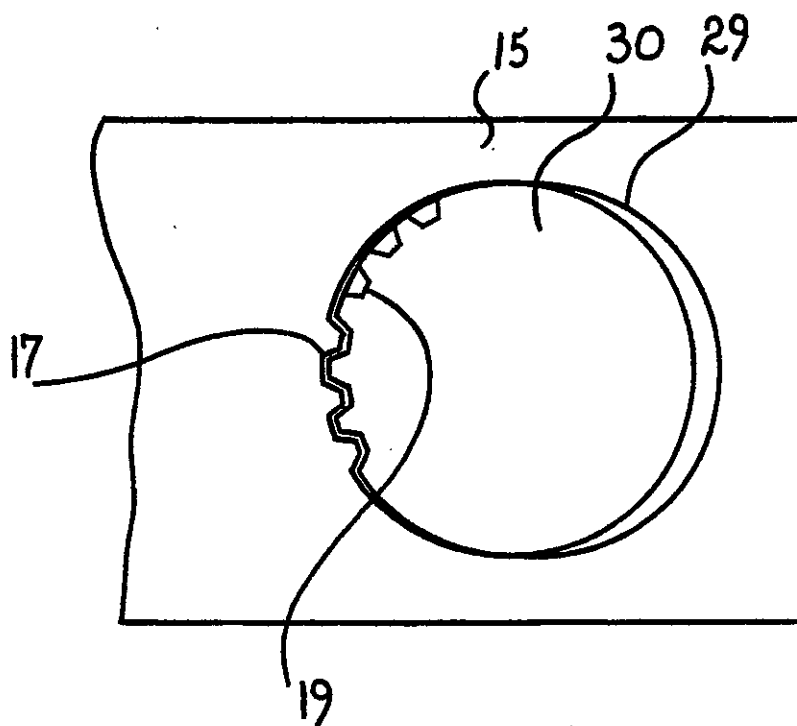
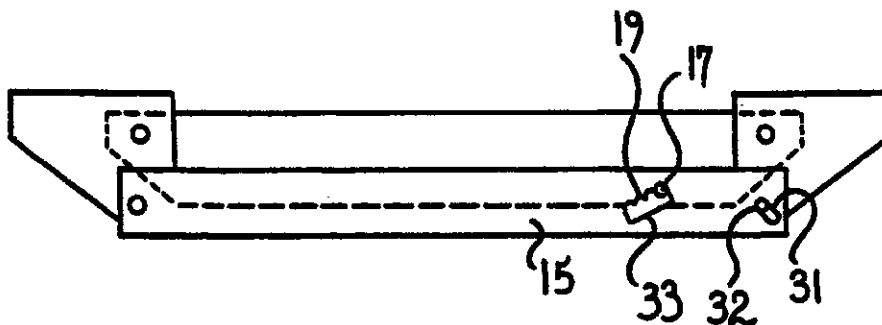


Fig. 12

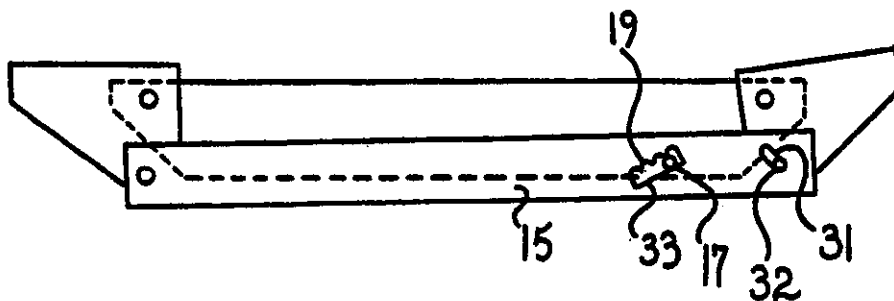




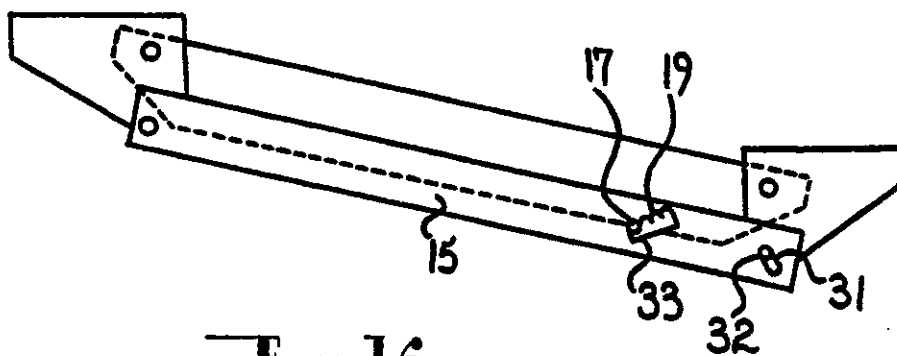
**Fig. 13.**



**Fig. 14.**



**Fig. 15.**



**Fig. 16.**

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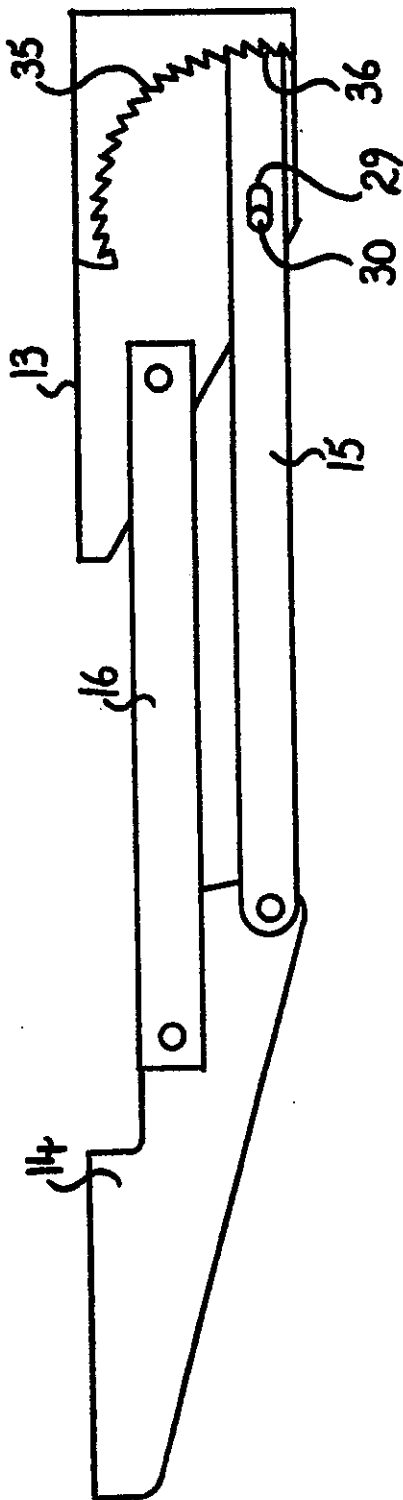


FIG. 17.

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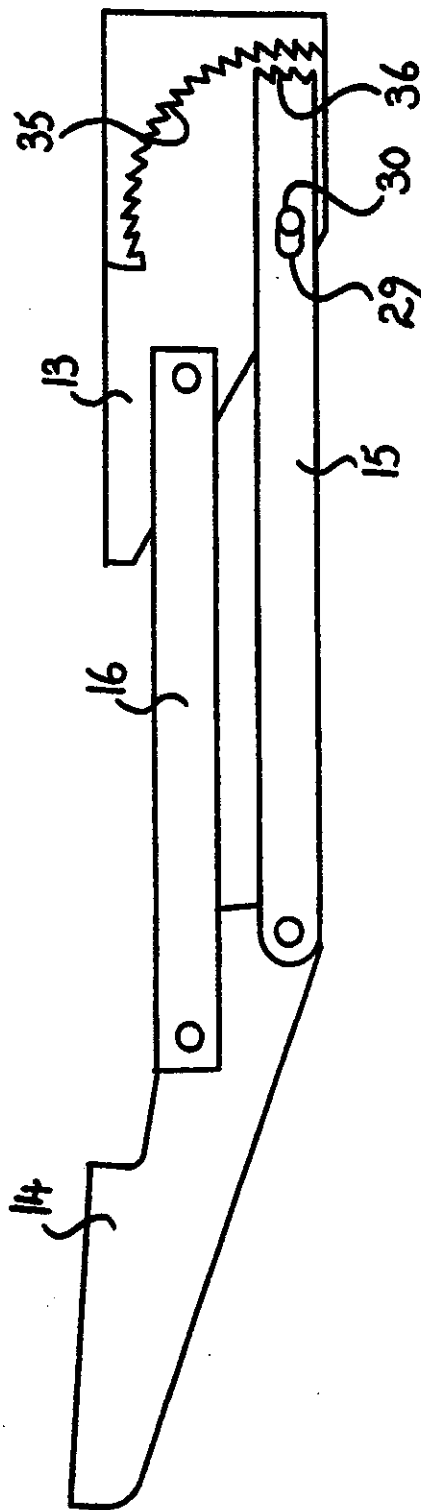
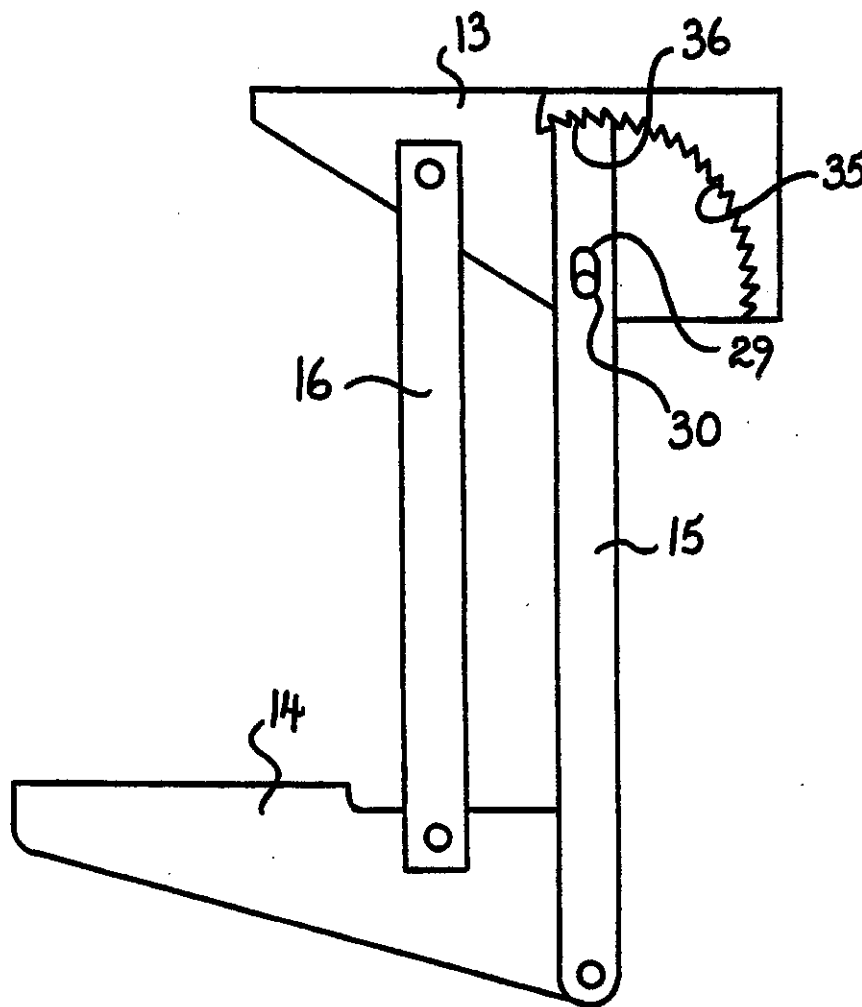


Fig. 18.



**Fig. 19.**

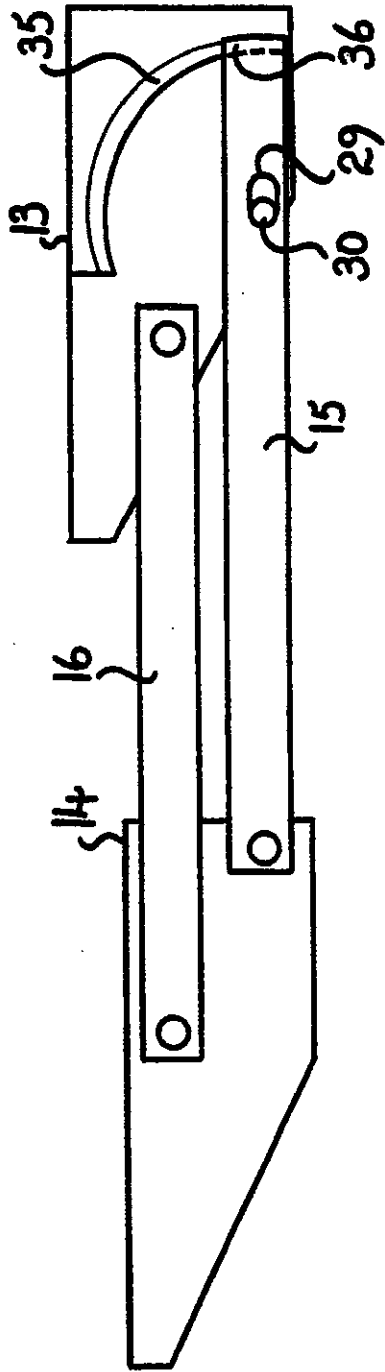


Fig. 20

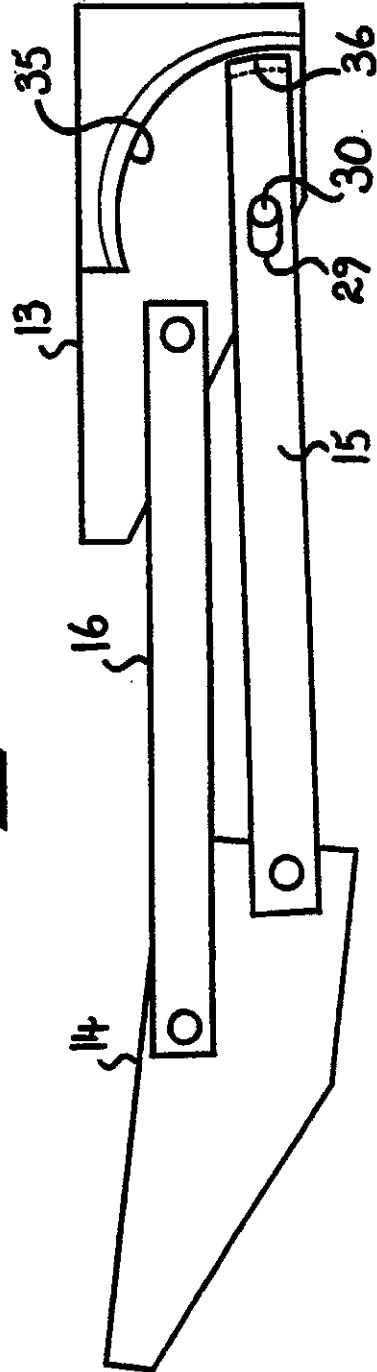
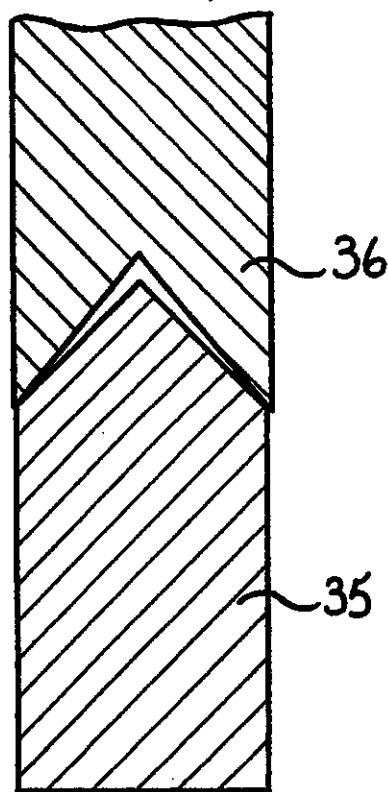


Fig. 21



**Fig. 22.**

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## WORK SURFACE SUPPORT

This invention relates to a work surface support, and is a continuation-in-part of Ser. No. 07/607,448, now abandoned, filed Oct. 31, 1990.

A particular application of the invention relates to the support for a keyboard for a computer work station.

In one form, the invention resides in a support means for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations on said second element to enable movement of the support platform between the first and second positions whereby throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said linkage elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements said locking members being relatively moveable between a released position at which the engagable faces are disengaged to allow movement of said support platform relative to said base and a plurality of locking positions at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions.

According to a preferred feature the pawl member and locking surface are gravitationally biased into locking inter-engagement.

The invention will be more fully understood in the light of the following description of several specific embodiments. The description is made with reference to the accompany drawings in which:

FIG. 1 is a side elevation of the first embodiment in the region of the second position;

FIG. 2 is a side elevation of the first embodiment in the first position;

FIG. 3 is a side elevation of the second embodiment in the region of the second position;

FIG. 4 is a side elevation of the second embodiment in the first position;

FIG. 5 is a side elevation of the third embodiment in the region of the second position;

FIG. 6 is a side elevation of the third embodiment in the first position;

FIG. 7 is a side elevation of a fourth embodiment of the invention in its second position;

FIG. 8 is a side elevation of the fourth embodiment at an intermediate position between its first and second position;

FIG. 9 is a side elevation of a fifth embodiment at or near its second position;

FIG. 10 is a side elevation of the fifth embodiment intermediate of the first and second position;

FIG. 11 is a side elevation of the sixth embodiment at its second position;

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FIG. 12 is a side elevation of the sixth embodiment at a position intermediate its first and second position;

FIG. 13 is an enlarged view of an alternative arrangement between the pawl member and locking surface to be utilized with the sixth embodiment;

FIGS. 14, 15 and 16 are side elevations of the seventh embodiment in its first position; an adjusting position and second position respectively;

FIGS. 17, 18 and 19 are side elevations of the eighth embodiment in various positions;

FIGS. 20 and 21 are side elevations of the ninth embodiment with the elements in the locked and unlocked positions respectively; and

FIG. 22 is a part sectional view of the locking members of the ninth embodiment.

The first embodiment shown at FIG. 1 comprises a support for a support platform 11 to facilitate movement of the support platform 11 relative to a fixed member 12 whereby the support platform 11 is movable between a position in front of the fixed member 12 as shown at FIG. 1, and a position below the fixed member 12 as shown at FIG. 2.

The support comprises a first member 13 which is adapted to be fixed underneath the fixed member 12 and a second member 14 which is adapted to be fixed under the support platform and which extends rearwardly from the rear edge of the support platform 11. The first and second members 13 and 14 are interconnected by a pair of substantially parallel link elements 15 and 16 which are pivotally connected at their ends to the first member 13 and second member 14 respectively at spaced positions of the respective members. The result of the presence of the parallelogram linkage provided by link elements 15 and 16 and their pivotal interconnection with the first and second members at 13 and 14 is such that support platform 11 is capable of movement from a position in front of the fixed member 12 to a position below the fixed member 12 as shown as FIGS. 1 and 2 whereby throughout such movement the attitude of the support platform 11 remains substantially constant.

The second member 14 pivotally supports a pawl member 17 which has a general configuration of a bell-crank where one arm extends forwardly and is provided with a forwardly directed handle 18 which is accessible from the front of the support platform 11. The other arm of the pawl member 17 is provided with a set of serrations or teeth which are engagable with a serrated curved locking surface, which is provided at one end of one of the link elements 16 where the mounting of the one link element 16 to the first member is the centre of curvature of the curved locking surface.

On inter-engagement of the respective serrated formations of the pawl member 17 and locking surface 19 the support platform 11 is retained in position. The pawl 17 is engagable with the locking surface 19 for a range of positions including the second position at which the support platform 11 is located forward of the fixed member 12. As a result the support platform can be adjusted to a height satisfactory to the user. In addition the effect of the counterweighting action provided by the handle 18 causes the pawl member 17 to be biased under the influence of the gravity into engagement with the locking surface 19.

In the second embodiment shown at FIGS. 3 and 4 the support platform 11 is supported from a fixed member 12 in a similar manner to that of the first embodiment, the only difference between the embodiments



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relates to the locking means. In the case of the second embodiment, the locking means further controls the attitude of the support platform 11. In the case of the second embodiment, the support platform 11 is supported from the second member 14 through a transverse pivot axis 20 such that it is pivotable on the second member 14 about said transverse axis. The pivotal movement of the support platform 11 is controlled through the pawl member 17 which is formed as a bell-crank member of similar form to that of the first embodiment and which is engagable with a first locking surface 19 provided at the end of the first link element 16. The engagement between the pawl member 17 and the first locking surface is similar to that of the first embodiment and the pawl member 17 is operated through a handle 18 in a similar manner to that of first embodiment.

The difference between the first and second embodiments however, resides in the presence of a serrated formation at the other end of the other arm of the pawl member 17 which is engagable with a second locking surface 22 which has a serrated configuration and is provided on the support 21 of the support platform 11. On disengagement of the pawl member 17 from engagement with the first locking surface 19 provided on the first link element 16 and also with the second locking surface 22 provided on the support 21 the support platform is not only capable of being raised or lowered with respect to the fixed member 12 but is also capable of pivotal movement about said transverse axis 19.

The third embodiment shown at FIGS. 5 and 6 again comprises a support platform 11 and a fixed member 12 of a similar form to that of the first and second embodiments. The locking means however, comprises an arcuate element 23 which is fixed at one end to the first member 13 to be pivotal thereon and is associated with a handle 18 which extends forwardly from the locking member underneath the fixed member 12 to be accessible from the front of the fixed member 12. The arcuate member 23 is formed along its curved surface with a serrated locking surface 19 and acts as a counterweight such that under the influence of gravity it will pivot forwardly (i.e. the handle will pivot upwardly) whereby the handle 18, unless otherwise restrained, will bear against the underneath of the fixed surface 16. The locking element 23 is associated with a fixed pawl member 25 in the form of a stop or abutment divided on the first link element 16 whereby for a range of positions including the second position of the support platform 11 the pawl member 25 is engagable with one of the notches 24 provided on the locking surface of the arcuate member 23. Due to the gravitational biasing provided by the counterweighting effect of the arcuate member 22 the locking member 23 is maintained in engagement with the pawl member 25. To effect disengagement therebetween, the operating handle 18 is pushed downwardly to bring the arcuate member 25 out of engagement with the pawl member.

The configuration of the teeth provided on the pawl member 17 and the locking surface 19 in each of the embodiments described above may be such that the support platform 11 can be raised from a locked position without the need to manipulate the locking member 18. When raised to a fresh position the support platform will be locked in that position. To the lower the support platform 11 it is necessary to raise the handle 18 to effect disengagement between the pawl member 17 and the locking surface 19.

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The fourth, fifth, sixth and seventh embodiments which are shown at FIGS. 7 to 16 incorporate a locking means which does not necessitate the utilisation of a handle to effect disengagement or engagement between the pawl member and the locking surface. In each case the activation of the pawl member is effected through pivotal movement of the support platform with respect to the link elements. In each case by the upward pivotal movement of the support platform with respect to the fixed surface 12 the pawl member is disengaged from a locking surface which then allows for the adjustment of the height of the platform while the support platform is in the raised position and on return of the platform under the influence of gravity to its at rest position the pawl member is re-engaged with the locking surface over a range of movements.

In the fourth embodiment shown at FIGS. 7 and 8 the support platform 11 is supported from the fixed member 12 through a pair of pivotal links 15 and 16 as is the case in each of the previous embodiments. The second member however comprises a first portion 14a, which pivotally supports the ends of the link members and a second portion 14b is pivotally supported from the second member 14. As in the case of the first and second embodiments the serrated locking surface 19 is provided on the end of one of the link members 15 and the serrated pawl member 17 is supported from underneath the platform 11 and is engagable with the teeth of the locking surface 19. Under the influence of gravity the second portion 14b of the second member which supports the platform 11 will pivot on the first portion 14a of the second member to a position at which the teeth of the pawl member 17 and the locking surface 19 are inter-engaged. To effect disengagement between the pawl member 17 and the locking surface 19 the platform 11 is lifted at its outer edge to cause pivotal movement between the portions 14a and 14b of the second member and while in that position the platform 11 may be transposed vertically to the desired position. On lowering the outer edge of the platform the pawl member 17 is re-engaged with the locking surface 19 to retain the support platform in position. Any additional weight supported by the support platform 11 will only serve to enhance such engagement.

In the case of the fifth embodiment shown at FIGS. 9 and 10 the pivotal interconnection between the first member and the support platform 11 is similar to that of the first embodiment with the exception that the one link member 15 is telescopic in nature and is provided with a biasing means which can take the form of a spring 27 accommodated within the one link element between the pivotal mountings of the one link element to the first and second members 13 and 14. The spring 27 biases the one link member to its minimum length. The locking surface 19 is mounted to the first member 13 and it is provided intermediate of the length of the one link member 15. The pawl member 17 is mounted to the one link member 15 such that it is biased into engagement with the locking surface 19 as a result of the action of the spring 27. To effect disengagement between the pawl member 17 and the locking surface 19 the support platform 11 which is supported on the second member 14 is lifted at its outer edge to effect pivotal movement about the mounting of the second member to the other link member 16 which serves to extend the length of the one link member 15 and thus disengage the pawl member 17 from the locking surface 19. When the platform has been moved to its desired position with

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respect to the fixed support the outer edge of the support platform 11 is then lowered to effect re-engagement between the pawl member 17 and the locking surface 19.

In the case of the sixth embodiment which is shown at FIGS. 11 and 12 the locking arrangement comprises a serrated locking surface 19 which is provided on the end of the one link element 15 adjacent the first member 13 while the pawl member comprises a fixed stop 17 which is provided on the first member 13. The pivot for the one link element 15 on the first member 13 comprises a pivot pin 30 which is receivable in an elongate slot 29. The axis of the elongate slot 29 is substantially parallel to the main axis of the one link member 15 and as a result of the engagement between the pivot pin 30 and the elongate slot 29 the second member 14 is capable of some relative pivotal movement on the other link member 16 which is independent of pivotal movement of the second member on the one link member 15. Therefore the one link member 15 is caused to move longitudinally on the pivot pin 30 by virtue of the elongate slot 29. A biasing spring 28 is provided between the first and second members 13 and 14 to extend between the pivot for the one link member 15 on the second member 14 and the pivot of the other link member 16 on the first member 13. As a result the one link member 15 is biased to a position at which the pivot pin engages the end of the elongate slot closest to the second member 14 and as a result the locking surface 19 is biased into engagement with the pawl member 17. On pivotal movement of the second member 14 about the pivot provided on the other link member 16, the one link member 15 is transposed with respect to the pivot pin 30 and as a result of such the locking surface 19 is brought out of engagement with the pawl member 17 which then allows for a height adjustment of the second member 14 relative to the first member 13.

FIG. 13 discloses an alternative pivotal locking arrangement to that shown with respect to the sixth embodiment shown in FIGS. 11 and 12. As shown at FIG. 13 the pivot pin is of enlarged dimensions and is received in an elliptical aperture 29. The surfaces of the pivot pin 30 and elliptical slot 29 which are most adjacent to the second member 14 are formed with a complementary locking surface 19 and pawl member 17 respectively. The pivot pin is capable of radial transposition within the elliptical slot 29 and as a result of such transposition the locking surface 19 on the pivot pin 30 is disengaged from the pawl member.

The seventh embodiment as shown at FIGS. 14, 15 and 16 provides a locking arrangement whereby the one and other link elements 15 and 16 are lockingly inter-engaged. The locking arrangement comprises an elongate slot 33 formed in the one link element 15 where the central axis of the slot is oblique to the central axis of the one link element 15. A notched locking surface 19 is provided along the length of one side of the slot. The slot 33 receives a pin supported from the other link element 16 and which comprises the fixed pawl member 17 and which is translatable along the length of the slot but which is engagable with each of the notches provided in the locking surface 19. The location of the fixed pawl member 17 along the notched locking surface 19 determines the position of the second member 14 relative to the first member 13.

The second member 14 is supported from the link elements by means of a fixed pivot provided on the one link element 16 and a translatable pivot provided on the

other link element 15. The translatable pivot comprises a second elongate slot 31 formed in the end of the one link element 15. The central axis of which is oblique to the central axis of the other link element 15 and in opposed orientation to that of the first slot 33 accommodating the locking surface 19. The translatable pivot further comprises a pivot pin 32 which is provided on the second member 14 and is translatable along the length of the second slot 31. When the second member 14 is pivoted on the other link element 16 without corresponding pivotal movement on the one link element 15 there is a transposition of the one link element 15 with respect to the other link member 16 which causes disengagement of the fixed pawl member 17 provided on the other link member 16 from the locking surface 19 provided in the first slot 33. As a result the second member 14 is then capable of vertical translation with respect to the first member 13 whereby the pawl 17 can move for the length of the first slot 11. A suitable biasing means is provided between the link members to bias the pawl member 17 into engagement with the locking surface 19. The biasing means can also serve to bias the platform towards an uppermost position whereby the biasing force may partially or completely overcome the influence of gravity.

The eighth embodiment as shown at FIGS. 17, 18 and 19 is generally of a similar form to that of the sixth embodiment shown at FIGS. 11 and 12. The exception is that locking of the support platform is effected by an arcuate concave serrated surface 35 which is supported on the first member and a serrated formation 36 on the end of the one link member 15 most adjacent the serrated surface 35. In addition there is no need for spring biasing to retain the locking surfaces in engagement since the weight of the second member 14 and the support platform will bias the surfaces into engagement.

The ninth embodiment shown at FIGS. 20, 21 and 22 is of very similar form to the eighth embodiment of FIGS. 19, 20 and 21. The exception provided by the ninth embodiment however relates to the nature of the locking inter-engagement between the locking surfaces. In previous embodiments the locking inter-engagement is effected through complementary serrated formation provided on the opposed locking surfaces. In the case of the ninth embodiment the locking surfaces are frictionally inter-engaged.

As shown at FIG. 22 the arcuate locking surface 35 has a convex V-shaped profile while the adjacent end 36 of the one link member is formed with a V shaped groove which is receivable over the arcuate locking surface. In addition the degree of divergence of the convex surface of the arcuate locking surface 35 is greater than that of the groove on the one link element 15. On inter-engagement between the surfaces as a result of the weight of the links 15 and 16 beyond their pivotal connection to the first member 15, the weight of the second member 14 and the weight of the support platform and its contents, the surfaces become intimately interengaged and the groove at the one link member 15 is wedged over the locking surface. This wedging action increases as the weight on the support platform is increased and thus the retention of the support platform in position is enhanced. However by lifting the outer edge of the support platform the locking surfaces are readily disengaged.

In each of the fourth, fifth, sixth, seventh and eighth embodiments the teeth may be formed such that the platform can be raised without positive disengagement

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of the teeth resulting from movement of the outer edge of the platform upwardly but such that positive disengagement is required to move the platform downwardly. In addition the locking engagement between the locking surfaces may be associated with any of the elements to effect the desired locking action. Furthermore the locking interengagement between the locking member may take any form appropriate to the circumstances and need not be restricted to the two particular forms of locking inter engagement described in relation to the above embodiments.

It should be appreciated that the scope of the present invention need not be limited to the particular scope of the embodiments described above.

The claims defining the invention are as follows; I claim:

1. A support means for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element for movement of the support platform between the first and second positions and throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being moveable relative to each other upon the exertion of a force to one of these two elements for moving said locking members to a released position at which the engagable faces are disengaged for subsequent movement of said support platform relative to said base to any of a plurality of desired positions, release of the force being effective to cause said engagement faces to re-engage to retain said second element relative to said first element in the desired positions.

2. A support means as claimed in claim 1 wherein the locking members are gravitationally biased into locking engagement with each other.

3. A support means as claimed in claim 1 wherein one of the locking members is serrated.

4. A support means as claimed in claim 2 wherein one of the locking members is serrated.

5. A support means as claimed in claim 1 wherein locking members are adapted to be frictionally interengagable when engaged with each other.

6. A support means as claimed in claim 2 wherein the locking members are adapted to be frictionally interengagable when engaged with each other.

7. A support means as claimed in claim 1 wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being

effective to move said locking members between their released and locked positions.

8. A support means as claimed at claim 7 wherein said one link member is telescopic in length.

9. A support means as claimed at claim 7 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element which is slidably and pivotally received in the elliptical or elongate slot.

10. A support means as claimed in claim 1 wherein said second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

11. A support means as claimed at claim 2 wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

12. A support means as claimed at claim 11 wherein said one link member is telescopic in length.

13. A support means as claimed at claim 11 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

14. A support means as claimed at claim 2 wherein one of said first element and said second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

15. A support means as claimed at claim 14 wherein the other of the locking members is affixed to the one of the link elements.

16. A support means as claimed at claim 4 wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

17. A support means as claimed at claim 16 wherein said one link member is telescopic in length.

18. A support means as claimed at claim 16 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

19. A support means as claimed at claim 6 wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

20. A support means as claimed at claim 19 wherein said one link member is telescopic in length.

21. A support means as claimed at claim 19 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

22. A support means as claimed at claim 6 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

23. A support means as claimed at claim 22 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

24. A support means as claimed at claim 11 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

25. A support means as claimed at claim 24 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

26. A support means as claimed at claim 5 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

27. A support means as claimed at claim 26 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

28. A support means as claimed at claim 13 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

29. A support means as claimed at claim 28 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

30. A support means as claimed at claim 19 wherein the one engagement face has a convex V shaped profile and the other engagement face has a concave V-shaped profile.

31. A support means as claimed at claim 30 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

32. A support means as claimed at claim 21 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

33. A support means as claimed at claim 32 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V shaped profile of the other face.

34. A support means as claimed at claim 5 wherein the first locking member is provided on one link element and the second locking member is provided on one of the first or second elements, the pivotal connection of one link element to the one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said first or second elements.

35. A support means as claimed at claim 34 wherein said one link member is telescopic in length.

36. A support means as claimed at claim 35 wherein the pivotal mounting of the one link element to the one of the first or second elements is provided by an ellipti-

cal or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

37. A support means as claimed at claim 34 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

38. A support means as claimed at claim 37 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

39. A support means as claimed at claim 3 wherein the first locking member is provided on one link element and the second locking member is provided on one of the first or second elements, the pivotal connection of one link element to the one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said first or second elements.

40. A support means as claimed at claim 39 wherein one link member is telescopic in length.

41. A support means as claimed at claim 39 wherein the pivotal mounting of the one link element to the one of the first or second elements is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

42. A support means as claimed at claim 39 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

43. A support means as claimed at claim 42 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

44. A support means as claimed at claim 10 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

45. A support means as claimed at claim 44 wherein the divergence of the V-shaped profile of the one face is less than the divergence of the V-shaped profile of the other face.

46. A support means for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element to enable movement of the support platform between the first and second positions whereby throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said linkage elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements said locking members being relatively moveable between a released position at which the engagable faces are disengaged to allow movement of said support

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platform relative to said base and gravitationally biased into a plurality of locking positions at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions, at least one of said locking members being serrated.

47. A support means as claimed at claim 46 wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements such longitudinal displacement being effective to move said locking members between their released and locked positions.

48. A support means as claimed at claim 47 wherein said one link member is telescopic in length.

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49. A support means as claimed at claim 47 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

50. A support means as claimed at claim 47 wherein the one locking member is affixed to the one link element.

51. A support means as claimed at claim 50 wherein the other locking member is fixed to one of the first and second elements.

52. A support means as claimed at claim 51 wherein the one of the first and second elements comprises the element to which the longitudinally displaceable pivotal connection is provided.

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(12) **EX PARTE REEXAMINATION CERTIFICATE** (6393rd)

**United States Patent**  
**Russell**

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(45) **Certificate Issued:** **Aug. 26, 2008**

(54) **WORK SURFACE SUPPORT**

(75) **Inventor:** **Edwin R. Russell, Cottesloe (AU)**

(73) **Assignee:** **Softview Computer Products Corp.,  
New York, NY (US)**

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**Related U.S. Application Data**

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(30) **Foreign Application Priority Data**

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**F16M 11/00** (2006.01)

(52) **U.S. Cl.** ..... 248/281.11; 248/918

(58) **Field of Classification Search** ..... 211/172-174;  
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248/918, 919; 312/27, 319.2, 319.4, 324,  
312/325; 400/682

See application file for complete search history.

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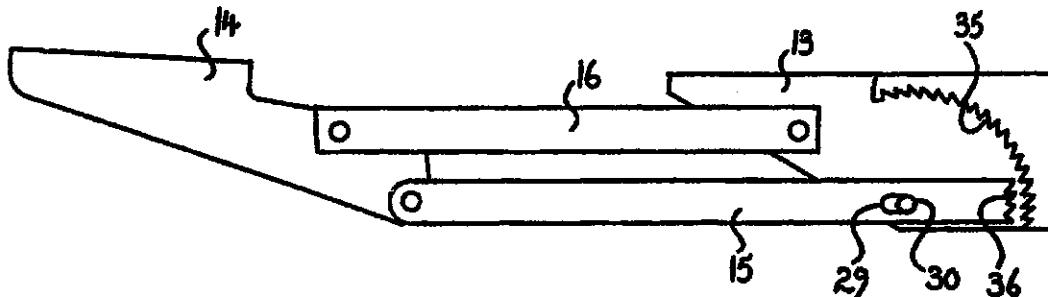
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*Primary Examiner*—Jimmy G. Foster

(57) **ABSTRACT**

A number of embodiments of supports for supporting a support platform for movement relative to a base in a generally parallel orientation through a plurality of positions. The support includes a pair of parallel lengths pivotally connected at their ends to the support platform and the base. A locking mechanism is provided for locking the support platform in any of a plurality of positions and this locking mechanism includes serration formed on one of the support lengths and a cooperating locking member carried by one of the other elements.



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**EX PARTE**  
**REEXAMINATION CERTIFICATE**  
**ISSUED UNDER 35 U.S.C. 307**

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

Matter enclosed in heavy brackets [ ] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

Claims 1, 2, 5, 16, 19, 30-33, 39 and 46 are cancelled.

Claims 3, 4, 6, 7, 10, 11, 14, 17, 18, 20, 21, 26, 34, 40-42 and 47 are determined to be patentable as amended.

Claims 8, 9, 12, 13, 15, 22-25, 27-29, 35-38, 43-45 and 48-52 dependent on an amended claim, are determined to be patentable.

3. A support means as claimed at claim [1] 11 wherein one of the locking members is serrated.

4. A support means as claimed at claim [2] 7 wherein one of the locking members is serrated.

6. A support means as claimed at claim [2] 11 wherein the locking members are adapted to be frictionally interengagable when engaged with each other.

7. A support means [as claimed at claim 1] for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element for movement of the support platform between the first and second positions and throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being movable relative to each other upon the exertion of a force to one of these two elements for moving said locking members to a released position at which the engagable faces are disengaged for subsequent movement of said support platform relative to said base to any of a plurality of desired positions, release of the force being effective to cause said engagement faces to re-engage to retain said second element relative to said first element in the desired positions wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said

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one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

10. A support means as claimed in claim [1] 7 wherein said second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

11. A support means [as claimed in claim 2] for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element for movement of the support platform between the first and second positions and throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being movable relative to each other upon the exertion of a force to one of these two elements for moving said locking members to a released position at which the engagable faces are disengaged for subsequent movement of said support platform relative to said base and gravitationally biased to any of a plurality of desired positions, at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

14. A support means as claimed at claim [2] 11 wherein one of said first element and second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

17. A support means as claimed at claim [16] 3 wherein one of said link member is telescopic in length.

18. A support means as claimed at claim [16] 3 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

20. A support means as claimed at claim [19] 6 wherein said one link member is telescopic in length.

21. A support means as claimed at claim [19] 6 wherein the pivotal mounting of the one link element to the first element is provide by an elliptical or elongate aperture in



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one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

26. A support means as claimed at claim [5] 7 wherein the one engagement face has convex V-shaped profile and the other engagement face has a concave V-shaped profile.

34. A support means as claimed at claim [5] 7 wherein [the first ] locking [member is provided on one link element and the second locking member is provided on one of the first or second elements, the pivotal connection of one link element to the one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said first or second elements] members are adapted to be frictionally interengagable when engaged with each other.

40. A support means as claimed at claim [39] 4 wherein one link member is telescopic in length.

41. A support means as claimed at claim [39] 4 wherein the pivotal mounting of the one link element to the one of the first or second elements is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

42. A support means as claimed at claim [39] 4 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

47. A support means [as claimed at claim 46] for supporting a support platform from a fixed base wherein the support platform is movable between a first position at least partially below the fixed base and a second position in front of the

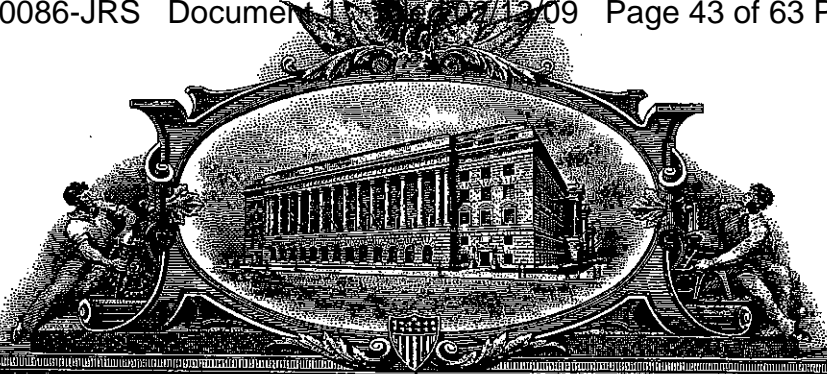
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fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element to enable movement of the support platform between the first and second positions whereby throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said linkage elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being relatively movable between a released position at which the engagable faces are disengaged to allow movement of said support platform relative to said base and gravitationally biased into a plurality of locking positions at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions, at least one of said locking members being serrated and wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements such longitudinal displacement being effective to move said locking members between their released and locked positions.

\* \* \* \* \*

**EXHIBIT 2**

A 7160501



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

**December 08, 2008**

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE  
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON  
JUNE 03, 1998.**

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

  
**M. K. CARTER  
Certifying Officer**



**Exhibit 2**



MAY. 23. 1998 5:53PM BRYAN CAVE

NO. 812 P. 2

U.S. PATENT NO. 5,292,097  
DOCKET NO. 29545/103698

AGREEMENT

This Agreement is effective as of the \_\_\_ day of May, 1998, by and between on the one hand Softview Computer Products Corp., a New York corporation with its principal place of business at 535 Fifth Avenue, New York, New York, USA (hereinafter referred to as

RC  
3RN

"Softview"), and on the other hand, TRENTON PTY LTD, an Australian Company with its principal place of business at \_\_\_\_\_ and Edwin R. Russell of <sup>3/20 SHENTON ROAD.</sup> 414 Stirling Highway, <sup>3RN</sup> CLAREMONT, 6011 Cottestoe, Australia (hereinafter collectively referred to as "TRENTON").

WHEREAS TRENTON owns the right, title and interest in and to patent applications and/or patents directed to an improvement in WORK SURFACE SUPPORT that matured from, or claim priority from, Australian Patent Application No. PJ7143 filed October 31, 1989, including United States Patent No. 5,292,097 including all divisional, renewal, substitute, continuation and reissue applications based in whole or in part upon said improvement (hereinafter the "Patents"); and

RK

3RN  
RK  
3RN

WHEREAS Edwin R. Russell is the sole inventor of the Patents; and is the Chief executive + principal shareholder of Trenton Pty Ltd.

WHEREAS Softview desires to acquire the entire right, title and interest in and to

the Patents; <sup>WHEREAS Trenton is supplying product (Kaele Products) to Kaele made under the Patents. The Kaele Products are those of Applicant.</sup>

NOW THEREFORE, in consideration of the sum of One Hundred Thousand Dollars (\$100,000) lawful money of the United States, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, TRENTON hereby sells, assigns, transfers, and conveys unto Softview, its successors <sup>3RN?</sup> and assigns, the entire right, title and interest in and to the Patents. This sale, assignment, transfer and conveyance includes

RK  
3RN

but shall not affect Trenton's pre-existing arrangement to supply to Kaele Product to Kaele, TRENTON to Hereta with no associated right to sublicense, provided however, that licensed

4/4/98

MAY. 23. 1998 5:53PM BRYAN CAVE

NO. 812 P. 3

sales by Heffela are limited to Heffela's three current commercial design as of the date of this Assignment Of Patent (see Exhibit A hereto).

This assignment is to be held and enjoyed by Softview, its successors and assigns, to the full ends of terms for which all Letters Patent therefor may have been, or be, granted, as fully and entirely as the same would have been held and enjoyed by TRENTON if this assignment and sale had not been made.

TRENTON hereby authorizes the empowered officials of all governments to issue or transfer any and all of the Patents to Softview, its successors and assigns, as assignee of the entire right, title and interest therein or otherwise as Softview, its successors and assigns, may direct, in accordance with this Assignment Of Patent.

TRENTON further covenants that it will execute or procure any further reasonably necessary assurance of title to said invention and Letters Patent; and at any time, upon the request and at the expense of Softview, its successors and assigns, will execute and deliver any and all papers that may be necessary or desirable to perfect the title to said improvement or any Letters Patents which may be granted therefor in said Softview, its successors and assigns, and upon the request and at the expense of said Softview, its successors and assigns, will execute any additional or divisional applications for patents for said improvement, or any part or parts of the Patents, and for the reissue of any Letters Patents to be granted therefor, and will make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, without further compensation, but at the expense of Softview, its successors and assigns.

TRENTON represents and warrants to Softview, its successors and assigns, that other than said above-mentioned license to <sup>Heffela</sup> ~~Heffela~~ there are no rights or interests outstanding inconsistent with the rights and interests granted herein and that TRENTON has not executed any

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PATENT  
REEL: 9214 FRAME: 0400

MAY.23.1998 5:54PM BRYAN CAVE

NO.812 P.4

*RL* instrument or granted or transferred any rights or interests inconsistent with the rights and interests granted herein. *Softview shall pay 50% of the above sum within 10 days and 50% before the end of July 1998.* *RL*

TRENTON further agrees that it will not execute any instrument or grant or transfer any rights or interests inconsistent herewith; and TRENTON binds itself, successors, heirs, and assigns, and TRENTON hereby irrevocably appoints Softview, its successors and assigns, as his true and lawful attorney-in-fact on TRENTON's behalf, or in TRENTON's name, place and stead, to execute any further documents or instruments and to do any and all further acts that may be deemed necessary or desirable by Softview, its successors and assigns, to support the title and right whose conveyance is made hereby, and to enable such title to be recorded in the United States and all foreign countries, and to enable Softview, its successors and assigns, to sustain or reissue any of the Patents granted and to maintain, perfect, support, protect, assert and defend the right, title and interest of Softview, its successors and assigns, in and to the Patents, for particular example, in cases of interference and litigation.

TRENTON warrants that it has not done any acts that would undermine the validity of any of the Patents and that he is not aware of any reason to doubt the validity of any of the Patents and that any and all annuities, maintenance fees or any other fee necessary to maintain the Patents in force and effect which is due on or before July 1, 1998 has been paid.

TRENTON further covenants and agrees, that in consideration of the premises, that TRENTON will at any time upon the request of Softview, its successors and assigns, and at its expense, communicate to Softview, its successors and assigns, any facts relating to said improvement, the history thereof, and the Patents known to TRENTON, and TRENTON further covenants and agrees that TRENTON will upon the request of Softview, its successors and assigns, without further compensation, but at the expense of Softview, its successors and assigns,

MAY. 23. 1998 5:54PM BRYAN CAVE

NO. 812 P. 5

testify as to the same in any interference, litigation or other proceeding involving the Patents or

said improvement.

*ERR*

*OK*

*A\**

in accordance with and governed by the laws of the State of New York applicable to contracts

made and to be wholly performed within the State of New York.

Dated: 5/23/98

By: *E.R. Russell*

Edwin R. Russell

414 Stirling Highway  
Cottesloe, Australia

*title and interest  
in & to the Patents  
shall revert to  
Trenton forthwith.*

*3/20 SHENTON Road  
CHAREMONT  
WEST AUSTRALIA*

Dated: 5/23/98

TRENTON PTY LTD

By: *E.R. Russell*

Name: Edwin R. Russell

Title: CHIEF EXECUTIVE

Dated: 5/23/98

SOFTVIEW COMPUTER PRODUCTS CORP.

By: *Ret. King*

Name:

Title: President

*ERR  
OK*

*(A)*

*Softview agrees to use its best efforts to maintain  
and defend the Patents*



**EXHIBIT 3**

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the  
Department of State, at the City of Albany, on  
December 8, 2008.

*Paul LaPointe*

Paul LaPointe  
Special Deputy Secretary of State

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF

F010103000239

SOFVIEW COMPUTER PRODUCTS CORP.

UNDER SECTION 805 OF THE BUSINESS CORPORATION LAW

The undersigned, being the President and the Secretary of SOFVIEW COMPUTER PRODUCTS CORP. does hereby certify and set forth:

1. The name of the corporation is

SOFVIEW COMPUTER PRODUCTS CORP.

2. The Certificate of Incorporation of SOFVIEW COMPUTER PRODUCTS CORP.

was filed by the Department of State on April 2, 1986.

3. The Certificate of Incorporation of SOFVIEW COMPUTER PRODUCTS CORP.

is hereby amended in the following respects:

(a) Paragraph "1" of said Certificate of Incorporation which sets forth the name of the corporation is hereby amended to read as follows:

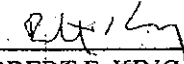
1. The name of the corporation is "HUMANS SCALE CORPORATION".

4. This amendment to the Certificate of Incorporation of SOFVIEW COMPUTER

PRODUCTS CORP. was authorized, pursuant to Section 803 (a) of the Business Corporation Law,

by vote of the board, followed by the vote of the holders of a majority of all outstanding shares entitled to vote thereon at a meeting of the shareholders.

IN WITNESS WHEREOF, the undersigned have executed and signed this certificate this 25<sup>th</sup> day of August, 2000, and have affirmed it as true under the penalties of perjury.

  
ROBERT F. KING, PRESIDENT

  
PAUL LEVY, SECRETARY

F010103000 239

CERTIFICATE OF AMENDMENT

OF

SOFT/VIEW COMPUTER PRODUCTS CORP.

PURSUANT TO SECTION 805 OF THE BUSINESS CORPORATION LAW

FILED BY: SOFT/VIEW COMPUTER PRODUCTS  
11 EAST 26TH ST 8TH FL  
NEW YORK, NY 10010

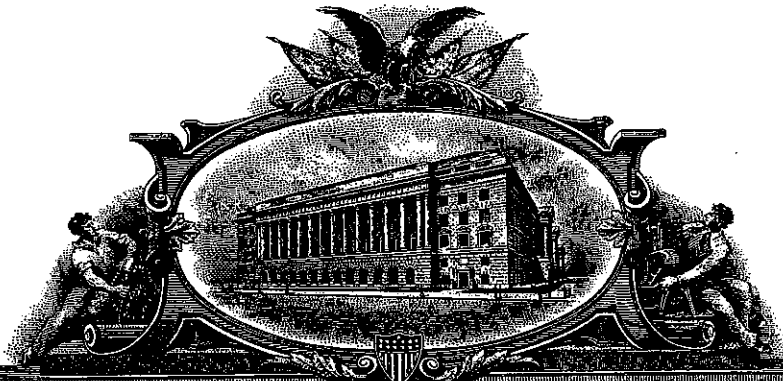
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JAN 0-3 2001  
TAXS  
BY: *per [signature]*  
*newyork*

2

010103000 242

**EXHIBIT 4**

1728631



**THE UNITED STATES OF AMERICA**

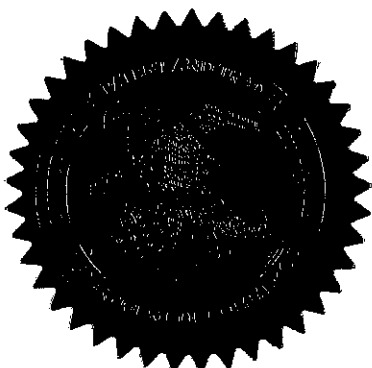
**TO ALL TO WHOM THESE PRESENTS SHALL COME:  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

November 20, 2008

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY OF**

**REEXAMINATION CERTIFICATE (6393<sup>rd</sup>)  
ISSUE DATE AUGUST 26, 2008**

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**



*N. Williams*  
**N. WILLIAMS**  
Certifying Officer

Exhibit 4



US005292097C1

(12) **EX PARTE REEXAMINATION CERTIFICATE** (6393rd)  
**United States Patent**  
**Russell**

(10) Number: **US 5,292,097 C1**  
 (45) Certificate Issued: **Aug. 26, 2008**

- (54) **WORK SURFACE SUPPORT**
- (75) Inventor: **Edwin R. Russell, Cottesloe (AU)**
- (73) Assignee: **Softview Computer Products Corp., New York, NY (US)**

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**Reexamination Request:**  
 No. 90/007,256, Oct. 13, 2004

**Reexamination Certificate for:**  
 Patent No.: **5,292,097**  
 Issued: **Mar. 8, 1994**  
 Appl. No.: **07/907,483**  
 Filed: **Jul. 1, 1992**

**Related U.S. Application Data**

(63) Continuation-in-part of application No. 07/607,448, filed on Oct. 31, 1990, now abandoned.

(30) **Foreign Application Priority Data**  
 Oct. 31, 1989 (AU) ..... PJ7143

(51) **Int. Cl.**  
**F16M 11/00** (2006.01)

(52) **U.S. Cl.** ..... 248/281.11; 248/918

(58) **Field of Classification Search** ..... 211/172-174;  
 248/276.1, 281.11, 282.1-287.1, 581, 674,  
 248/918, 919; 312/27, 319.2, 319.4, 324,  
 312/325; 400/682

See application file for complete search history.

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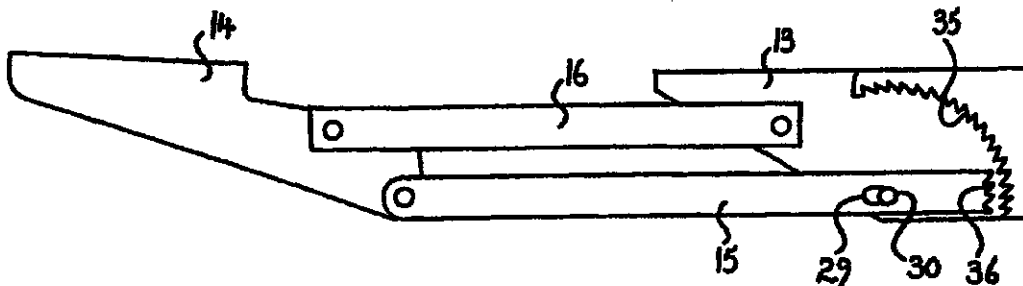
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*Primary Examiner*—Jimmy G. Foster

(57) **ABSTRACT**

A number of embodiments of supports for supporting a support platform for movement relative to a base in a generally parallel orientation through a plurality of positions. The support includes a pair of parallel lengths pivotally connected at their ends to the support platform and the base. A locking mechanism is provided for locking the support platform in any of a plurality of positions and this locking mechanism includes serration formed on one of the support lengths and a cooperating locking member carried by one of the other elements.



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US 5,292,097 C1

1

**EX PARTE  
REEXAMINATION CERTIFICATE  
ISSUED UNDER 35 U.S.C. 307**

THE PATENT IS HEREBY AMENDED AS  
INDICATED BELOW.

Matter enclosed in heavy brackets [ ] appeared in the patent, but has been deleted and is no longer a part of the patent; matter printed in italics indicates additions made to the patent.

AS A RESULT OF REEXAMINATION, IT HAS BEEN DETERMINED THAT:

Claims 1, 2, 5, 16, 19, 30-33, 39 and 46 are cancelled.

Claims 3, 4, 6, 7, 10, 11, 14, 17, 18, 20, 21, 26, 34, 40-42 and 47 are determined to be patentable as amended.

Claims 8, 9, 12, 13, 15, 22-25, 27-29, 35-38, 43-45 and 48-52 dependent on an amended claim, are determined to be patentable.

3. A support means as claimed at claim [1] 11 wherein one of the locking members is serrated.

4. A support means as claimed at claim [2] 7 wherein one of the locking members is serrated.

6. A support means as claimed at claim [2] 11 wherein the locking members are adapted to be frictionally interengagable when engaged with each other.

7. A support means [as claimed at claim 1] for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element for movement of the support platform between the first and second positions and throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being movable relative to each other upon the exertion of a force to one of these two elements for moving said locking members to a released position at which the engagable faces are disengaged for subsequent movement of said support platform relative to said base to any of a plurality of desired positions, release of the force being effective to cause said engagement faces to re-engage to retain said second element relative to said first element in the desired positions wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said

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one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

10. A support means as claimed in claim [1] 7 wherein said second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

11. A support means [as claimed in claim 2] for supporting a support platform from a fixed base whereby the support platform is movable between a first position at least partially below the fixed base and a second position in front of the fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element for movement of the support platform between the first and second positions and throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being movable relative to each other upon the exertion of a force to one of these two elements for moving said locking members to a released position at which the engagable faces are disengaged for subsequent movement of said support platform relative to said base and gravitationally biased to any of a plurality of desired positions, at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements, said first locking member being provided on said one link element and said second locking member being provided on the other of said elements, such longitudinal displacement being effective to move said locking members between their released and locked positions.

14. A support means as claimed at claim [2] 11 wherein one of said first element and second element comprises a first portion interconnecting the other end of the link elements and a second portion pivotally supported from the first portion and supporting one of the locking members.

17. A support means as claimed at claim [16] 3 wherein one of said link member is telescopic in length.

18. A support means as claimed at claim [16] 3 wherein the pivotal mounting of the one link element to the first element is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

20. A support means as claimed at claim [19] 6 wherein said one link member is telescopic in length.

21. A support means as claimed at claim [19] 6 wherein the pivotal mounting of the one link element to the first element is provide by an elliptical or elongate aperture in

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one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

26. A support means as claimed at claim [5] 7 wherein the one engagement face has convex V-shaped profile and the other engagement face has a concave V-shaped profile.

34. A support means as claimed at claim [5] 7 wherein [the first ] locking [member is provided on one link element and the second locking member is provided on one of the first or second elements, the pivotal connection of one link element to the one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said first or second elements] members are adapted to be frictionally interengagable when engaged with each other.

40. A support means as claimed at claim [39] 4 wherein one link member is telescopic in length.

41. A support means as claimed at claim [39] 4 wherein the pivotal mounting of the one link element to the one of the first or second elements is provided by an elliptical or elongate aperture in one element and a pivot pin of the other element slidably received in the elliptical or elongate slot.

42. A support means as claimed at claim [39] 4 wherein the one engagement face has a convex V-shaped profile and the other engagement face has a concave V-shaped profile.

47. A support means [as claimed at claim 46] for supporting a support platform from a fixed base wherein the support platform is movable between a first position at least partially below the fixed base and a second position in front of the

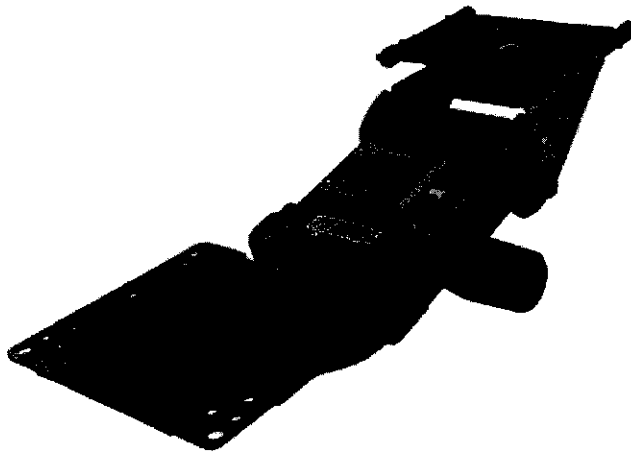
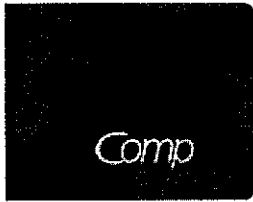
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fixed base, said support means comprising a first element adapted to be mounted to the support platform, a second element adapted to be affixed to said fixed base, a pair of linkage elements each pivotally fixed at one end to said first element at spaced intervals on said first element and each pivotally mounted at the other end to said second element at spaced locations spaced on said second element to enable movement of the support platform between the first and second positions whereby throughout such movement the attitude of said support platform remains substantially constant, said support means further comprising a locking means for locking said support platform in a range of positions including said second position, said locking means comprising a first locking member supported on one of said linkage elements and having a first engagement face engagable with a second engagement face provided on a second locking member provided on another of said elements, said locking members being relatively movable between a released position at which the engagable faces are disengaged to allow movement of said support platform relative to said base and gravitationally biased into a plurality of locking positions at which the engagement faces are engaged to retain said second element relative to said first element in one of said range of positions, at least one of said locking members being serrated and wherein the pivotal connection of one link element to one of said first and second elements is displaceable longitudinally from the pivotal connection of the one link element with the other of said elements such longitudinal displacement being effective to move said locking members between their released and locked positions.

\* \* \* \* \*

EXHIBIT 5

[KEYBOARD ARMS](#) | [KEYBOARD TRAYS](#) | [FLAT PANEL MOUNTS](#) | [CPU HOLDERS](#) | [SPECIALTY PRODUCTS](#) | [SALES & SERVICE](#) | [COMPX ADVANTAGE](#)



**KEYBOARD ARMS**

- Maestro
- Ovation
- Momentum
- Duet
- Classic
- Fixed Sit/Stand
- Echo

**Ovation Keyboard Arm**

**Standard Length**

Ovation is a lever-less arm that provides independent height and tilt adjustment. It comes in two different versions for maximum flexibility. All include the following:

**Features**

- New - height indicator gauge; patent pending
- Patented dial tilt adjustment
- Molded head tray constructed of durable engineered resin
- Ergonomic styling, low profile design
- Patented spring-assisted Lift-n-Lock(TM) counter balancing system (no knobs or levers)
- 5 1/2" extended length neck
- Dual swivel option
- 360 degree swivel
- Available with either glide or low-profile ball bearing storage tracks
- Positive tilt lockout option

**Benefits**

- Allows users to easily adjust the height of their keyboard for maximum comfort, productivity and greater ADA compliance
- Tilt dial shows the angle of the tray as you turn the knob; also easy to use and provides greater ADA compliance
- Lighter weight; added stability design allows higher height range; superior ergonomic form
- Maximum comfort and leg room
- Precise adjustments are quick and easy
- Added neck length is ideal for corner locations
- Allows keyboard tray to be parallel to the desk even when corner-mounted
- User can move keyboard freely from side to side
- Fully retractable when not in use; choose the one that fits your budget
- Promotes healthier negative tilt of keyboard, reducing risk of repetitive stress injury

**Ovation 8424**

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**Ovation 8434**

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**Ovation 7454**

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**8434 series 8634 series 5.5" Neck**

Model	Height Range	Tilt	Length	Track		Weight
				Travel	Style	
8434D17	2.25" / -6.13"	-15°/+10°	14.7"	12.0"	17.00"	plastic glide 10.5 lbs
8434D21	2.25" / -6.13"	-15°/+10°	14.7"	16.8"	21.75"	plastic glide 11.3 lbs
8634D17	2.13" / -6.25"	-15°/+10°	15.0"	12.0"	17.00"	ball bearing 10.5 lbs
8634D21	2.13" / -6.25"	-15°/+10°	15.0"	16.8"	21.75"	ball bearing 11.3 lbs

**Extended Length**

One of our most popular models, Ovation features a patented dial tilt adjustment that changes the angle of the tray and shows the precise angle as

you turn the knob.

**Features**

- New - height indicator gauge; patent pending
- Patented dial tilt adjustment
- Molded head tray constructed of durable engineered resin
- Ergonomic styling, low profile design
- Patented spring-assisted Lift-n-Lock™ counter balancing system (no knobs or levers)
- 7 1/2" extended length neck
- Dual swivel option
- 360 degree swivel
- Available with either glide or low-profile ball bearing storage tracks
- Positive tilt lockout option

**Benefits**

- Allows users to easily adjust the height of their keyboard for maximum comfort, productivity and greater ADA compliance
- Tilt dial shows the angle of the tray as you turn the knob; also easy to use and provides greater ADA compliance
- Lighter weight; added stability design allows higher height range; superior ergonomic form
- Maximum comfort and leg room
- Precise adjustments are quick and easy
- Added neck length is ideal for corner locations
- Allows keyboard tray to be parallel to the desk even when corner-mounted
- User can move keyboard freely from side to side
- Fully retractable when not in use; choose the one that fits your budget
- Promotes healthier negative tilt of keyboard, reducing risk of repetitive stress injury

**8424 series 8624 series 7.5" Neck**

Model	Height Range	Tilt	Length	Travel	Track Size	Track Style	Weight
8424D21	2.75" / -8.0"	-15°/+10°	16.1"	16.8"	21.75"	plastic glide	11.3 lbs
8424D23	2.75" / -8.0"	-15°/+10°	16.1"	18.1"	23.00"	plastic glide	11.5 lbs
8624D21	2.63" / -8.13"	-15°/+10°	16.5"	16.8"	21.75"	ball bearing	11.3 lbs
8624D23	2.63" / -8.13"	-15°/+10°	16.5"	18.1"	23.00"	ball bearing	11.5 lbs

**Sit/Stand Length**

This is a truly flexible choice for those who like to vary their working positions from sitting to standing. The Ovation Sit/Stand offers a range of positions from 7 inches below to 4:25 inches above the desk surface.

**Features**

- Range of Sit/Stand positions

**Benefits**

- Maximum flexibility in working positions for optimum comfort

**7454 series 7654 series**

Model	Height Range	Tilt	Length	Travel	Track Size	Track Style	Weight
7454D23	+4.25" / -7.0"	-15°/+10°	22.5"	17.88"	23.00"	plastic glide	14 lbs
7654D23	+4.06" / -7.0"	-15°/+10°	22.8"	17.25"	22.50"	ball bearing	19 lbs

Keyboard Arms | Keyboard Trays | Flat Panels Mounts | CPU Holders | Specialty Products | Dealers | CompX Advantage | Terms of Use | Privacy Policy  
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**EXHIBIT 6**



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**Phone :** 757-490-1185

**Name :** CABINETMAKERS SUPPLY  
**Address 1 :** 22611 MARKEY COURT  
**Address 2 :** SUITE 105  
**City :** STERLING **State :** VA **Zip :** 20166-6903  
**Phone :** 703-406-3600

**Name :** COLONIAL LOCK SUPPLY, INC.  
**Address 1 :** 7000-G NEWINGTON RD.  
**Address 2 :** P. O. BOX 1417  
**City :** NEWINGTON **State :** VA **Zip :** 22122-1417  
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**City :** PORTSMOUTH **State :** VA **Zip :** 23704  
**Phone :** 757-399-2180

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