

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: **02-80995**

CIV.-MIDDLEBROOKS

THEORY3, INC.,
a Florida corporation,

Plaintiff,

v.

LITEGLOW INDUSTRIES, INC., a
Florida corporation, and MEIJER, INC.,
a Michigan corporation,

Defendants.

**MAGISTRATE JUDGE
JOHNSON**

CLARENCE HADDOX
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FILED BY *[Signature]*

**COMPLAINT FOR INFRINGEMENT OF UNITED STATES
PATENT 6,467,939**

Plaintiff THEORY3, INC. ("Theory3") hereby files this Complaint, and
states as follows:

I. Parties, Jurisdiction and Venue

1. Plaintiff Theory3 is a corporation organized and existing under the
laws of the State of Florida, with its principal address at Post Office Box 22023,
Lake Buena Vista, Florida 32830.

2. Upon information and belief, Defendant LITEGLOW INDUSTRIES,
INC. ("Liteglow") is a corporation organized and existing under the laws of the
State of Florida, with a principal place of business at 2301 N.W. 33rd Court, Suite

[Handwritten mark]

104, Pompano Beach, Florida 33069.

3. Upon information and belief, Defendant MEIJER, INC. ("Meijer") is a corporation organized and existing under the laws of the State of Michigan with a principal place of business at 2929 Walker Avenue N.W., Grand Rapids, Michigan 49544.

4. This is an action for infringement of a United States utility patent under 35 U.S.C. §271.

5. Jurisdiction for infringement of a United States Patent is conferred on this Court pursuant to 28 U.S.C. §1440.

6. Defendant Liteglow resides in and has a regular and established place of business within this jurisdictional district.

7. Venue lies in this judicial district pursuant to 28 U.S.C. §1400(b).

II. Background

8. Motion activated tire valve stem lights are a new, novel and non-obvious invention invented by Daniel Deutsch, Jason Barber and Russell Rothan (the "Inventors").

9. On October 22, 2002, the United States Commissioner of Patents and Trademarks issued United States Patent 6,467,939 ("the '939 Patent") for "Light for Vehicle Wheels." A true and correct copy of the '939 Patent is attached as Exhibit A.

10. The Inventors, prior to the acts complained of herein, assigned

their rights in the '939 Patent to Theory3, and Theory3 is now the owner of the '939 Patent and all rights therein, including the right to pursue this claim.

11. Theory3 developed and now sells motion-activated tire valve stem lights that screw onto the tire valve stems of automobile, motorcycle and bicycle tires, so that when the wheel turns, the effect is that of a continuous ring of colored neon light. Theory3 sells these battery-operated devices under the brand names **TIREFLYS®**, **TIREFLYS® PRO**, and **TIREFLYS® UV**.

12. The **TIREFLYS®**, **TIREFLYS® PRO** and **TIREFLYS® UV** devices are an embodiment of the invention disclosed in the '939 Patent. A package of **TIREFLYS® PRO** devices is attached as Exhibit B.

13. Defendants are currently manufacturing, distributing and selling a product that infringes the '939 Patent.

14. Defendants are selling the infringing product under the brand name LITEGLOW TIRE VALVE CAP LIGHT (the "infringing device" or "LITEGLOW"). A representative sample of the infringing device is attached hereto as Exhibit C.

15. On July 22, 2002, Theory3 notified the Defendants that the infringing devices fall within the scope of Theory3's allowed patent claims as embodied in their published United States Patent Application Serial No. 2002/0089858.

16. Theory3's July 22, 2002 letter, which was sent via facsimile and received on that date, put Defendants on notice of Theory3's provisional patent

rights in its published patent application, pursuant to 35 U.S.C. §154(d), according to which damages for patent infringement are assessed from that date (the date of actual notice of the published patent application).

17. Theory3 has never given Defendants permission to make, use or sell the infringing devices.

18. The presence of the LITEGLOW infringing devices on the market has already had a negative impact on Theory3's sales of its **TIREFLYS®**, **TIREFLYS® PRO** and **TIREFLYS® UV** devices, and continues to adversely affect Plaintiff's market for its potential products.

19. Allowing Defendants to continue to sell the infringing devices will quickly destroy the market for Theory3's **TIREFLYS®**, **TIREFLYS® PRO** and **TIREFLYS® UV** devices, as well as for any other authorized embodiment of the '939 Patent.

20. Defendants' unlawful activities are causing irreparable harm to Theory3 by depriving Theory3 of its right determine how its patented invention is made, used and sold in the United States.

COUNT I
PATENT INFRINGEMENT
35 U.S.C. §271

21. Plaintiff repeats and realleges paragraphs 1 through 20 of this Complaint as though fully set forth herein.

22. Defendants' actions in making, using, offering for sale and selling tire valve stem lights which literally infringe the '939 Patent are in violation of 35 U.S.C. § 271.

23. Defendants have further contributed to and actively induced direct infringements of the '939 Patent in this judicial district and nationwide.

24. Plaintiff has no adequate remedy at law. Plaintiff has suffered damages by reason of Defendants' infringement of the '939 Patent, and Plaintiff is likely to continue to suffer irreparable injury unless Defendants' activities are preliminarily and then permanently enjoined.

25. Upon information and belief, Defendants' acts are intentional, willful, malicious and wanton, making this case exceptional.

WHEREFORE, Plaintiff respectfully prays that this Court grant the following relief:

1. The Court issue a Preliminary Injunction, and ultimately a permanent injunction, restraining, enjoining and prohibiting Defendants, their employees, agents, attorneys, anyone acting in concert with them, or anyone who receives actual notice of any order of this Court, from making, using, selling, distributing, advertising or promoting, in any manner, devices that infringe United States Patent 6,467,939, including, without limitation, the LITEGLOW infringing

products currently made and sold by Defendants;

2. An award of damages under 35 U.S.C. §284 in an amount adequate to compensate Plaintiff for Defendants' infringement, but in no event less than a reasonable royalty for the use made by Defendants of the invention set out in Plaintiff's patent Nos. 6,467,939;
3. An order requiring Defendants to impound and recall all infringing devices from manufacturers, wholesale and retail sellers, intermediaries, and distributors, and to deliver them to Theory3 or its counsel;
4. That Defendants be required to provide an accounting of their sales to determine the amount of their profits and other unjust enrichment sums attributable to their unlawful acts;
5. That the Court order judgment for three times Defendants' profits or three times the damages suffered by Plaintiff, whichever is greater, punitive or exemplary damages, and reasonable attorneys fees and the costs of the action, as provided for in 35 U.S.C. §§284, 285;
6. That the Court order Defendants to file written a report with this Court within thirty (30) days setting forth in detail the manner and form in which Defendant has complied with this

Order: and

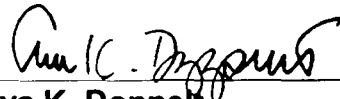
7. Such other and further relief which this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury for all claims so triable.

Respectfully submitted,

Dated: October 22, 2002



Ava K. Doppelt

Florida Bar No. 393738

Trial Counsel

Brian R. Gilchrist

Florida Bar No. 774065

ALLEN, DYER, DOPPELT, MILBRATH
& GILCHRIST, P.A.

255 South Orange Avenue,
Suite 1401

Orlando, Florida 32802

Telephone: (407) 841-2330

Facsimile: (407) 841-2343

E-mail: adoppelt@addmg.com

Attorneys for Plaintiff

THEORY3, INC.



US006467939B2

(12) **United States Patent**
Deutsch et al.

(10) **Patent No.:** US 6,467,939 B2
(45) **Date of Patent:** Oct. 22, 2002

(54) **LIGHT FOR VEHICLE WHEELS**
(75) Inventors: **Daniel J. Deutsch; Jason M. Barber; Russell R. Rothan**, all of Orlando, FL, (US)
(73) Assignee: **Theory 3, Inc.**, Lake Buena Vista, FL (US)
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 58 days.

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(21) Appl. No.: **09/756,458**
(22) Filed: **Jan. 9, 2001**
(65) **Prior Publication Data**
US 2002/0089858 A1 Jul. 11, 2002

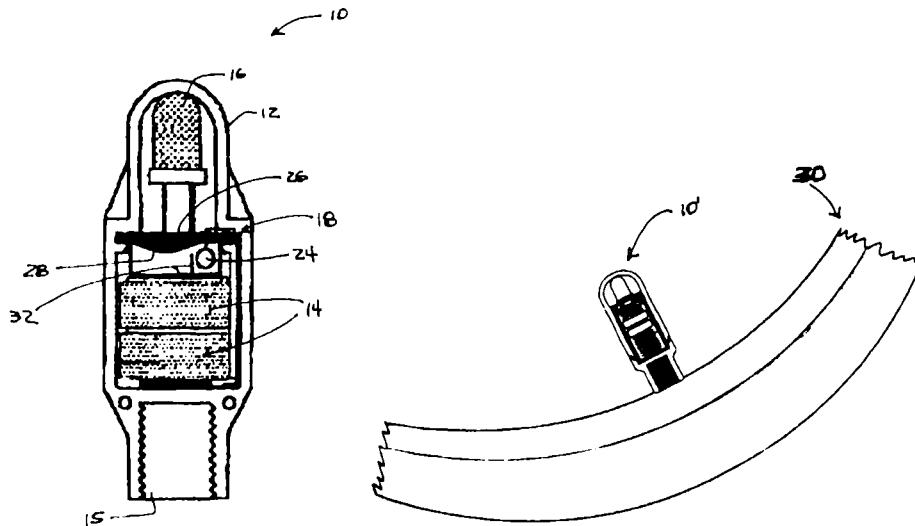
* cited by examiner
Primary Examiner—Laura K. Tso
(74) *Attorney, Agent, or Firm*—Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

(51) **Int. Cl.**⁷ **F21W 101/02**
(52) **U.S. Cl.** **362/500; 362/802**
(58) **Field of Search** **362/802, 500, 362/205; 73/146**

(57) **ABSTRACT**
An apparatus and method for a motion activated wheel light for a vehicle wheel having an air valve stem. A housing connects the light to the wheel's air valve stem. A power source is positioned within the housing for energizing a light source. A switch is connected to the power source and to the light source so as to energize the light source responsive to rotational motion of the wheel. The housing comprises a material which allows light from the light source to shine through so that it may be seen by a person observing the moving vehicle. The wheel light may comprise a shape for forming a visually perceptible light image when the light source is energized by the motion of the vehicle wheel.

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32 Claims, 7 Drawing Sheets



ATTACHMENT / EXHIBIT A

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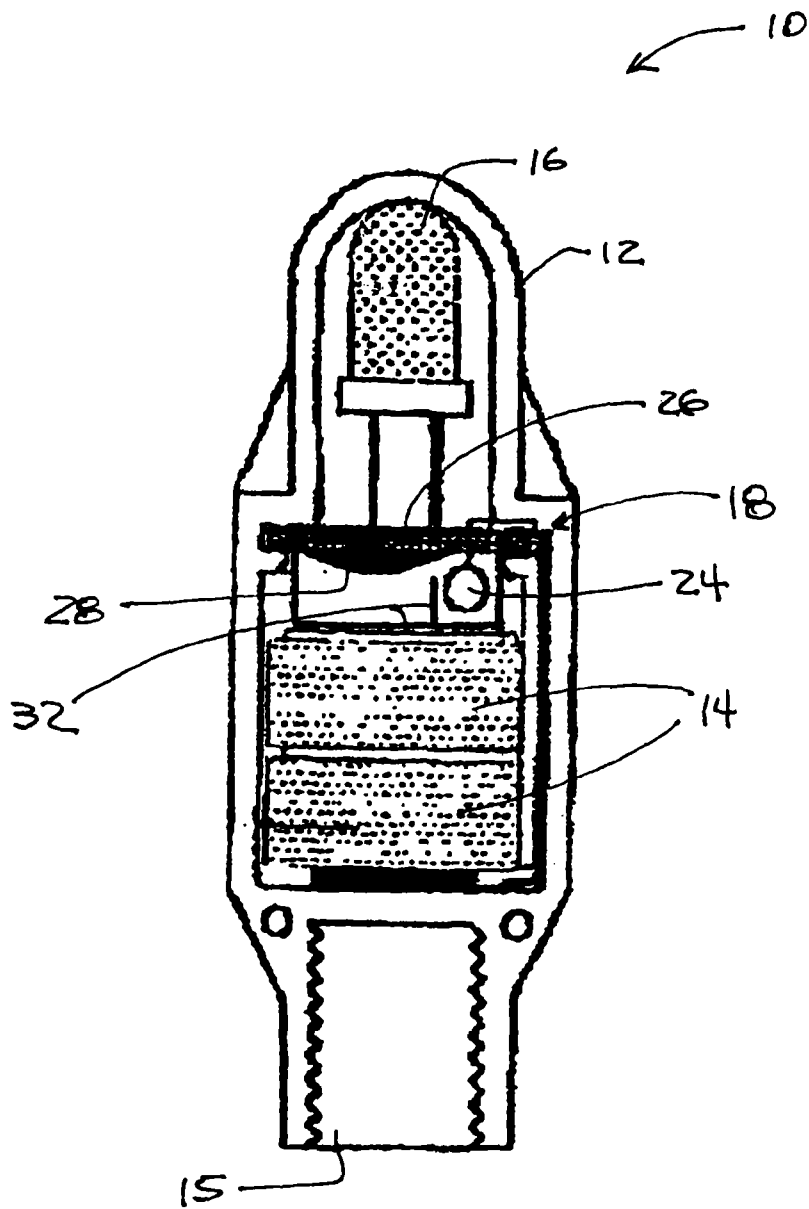


Fig. 1

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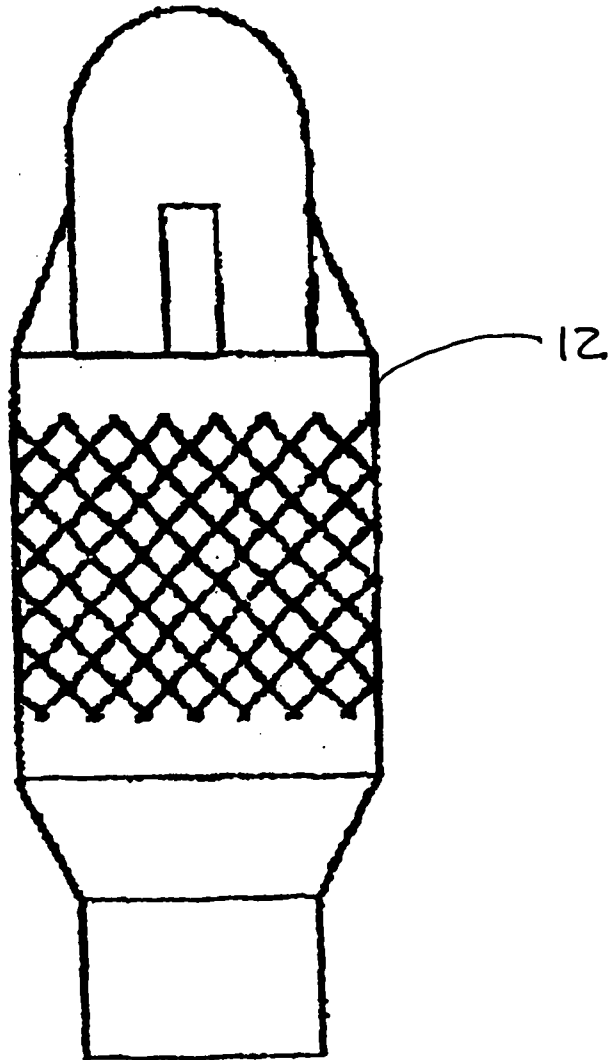


Fig. 2

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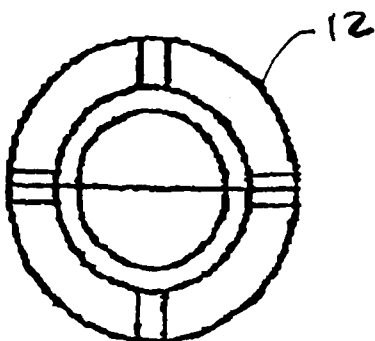
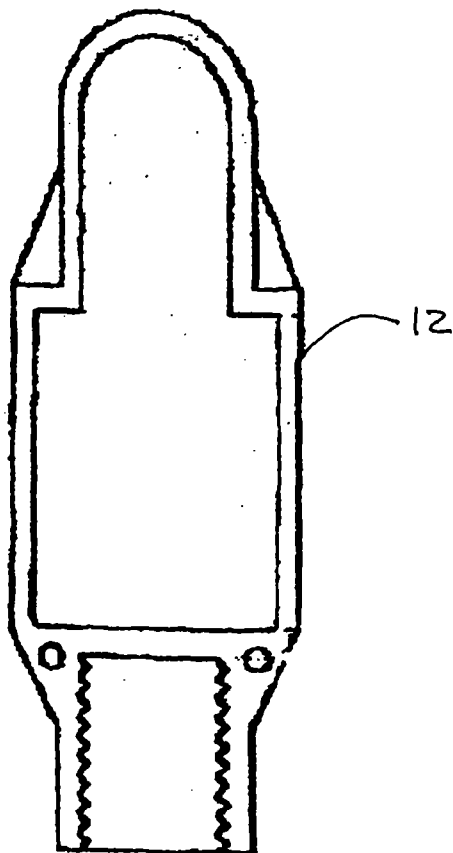


FIG. 3

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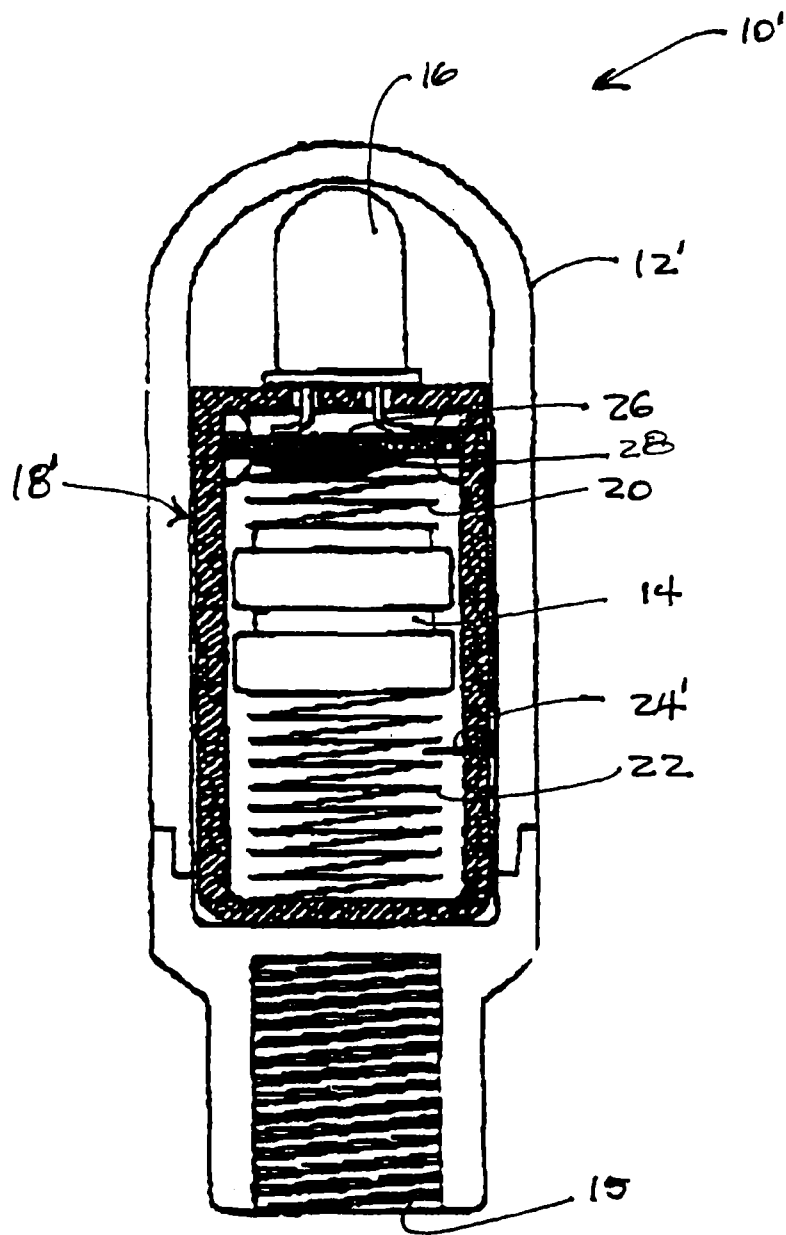


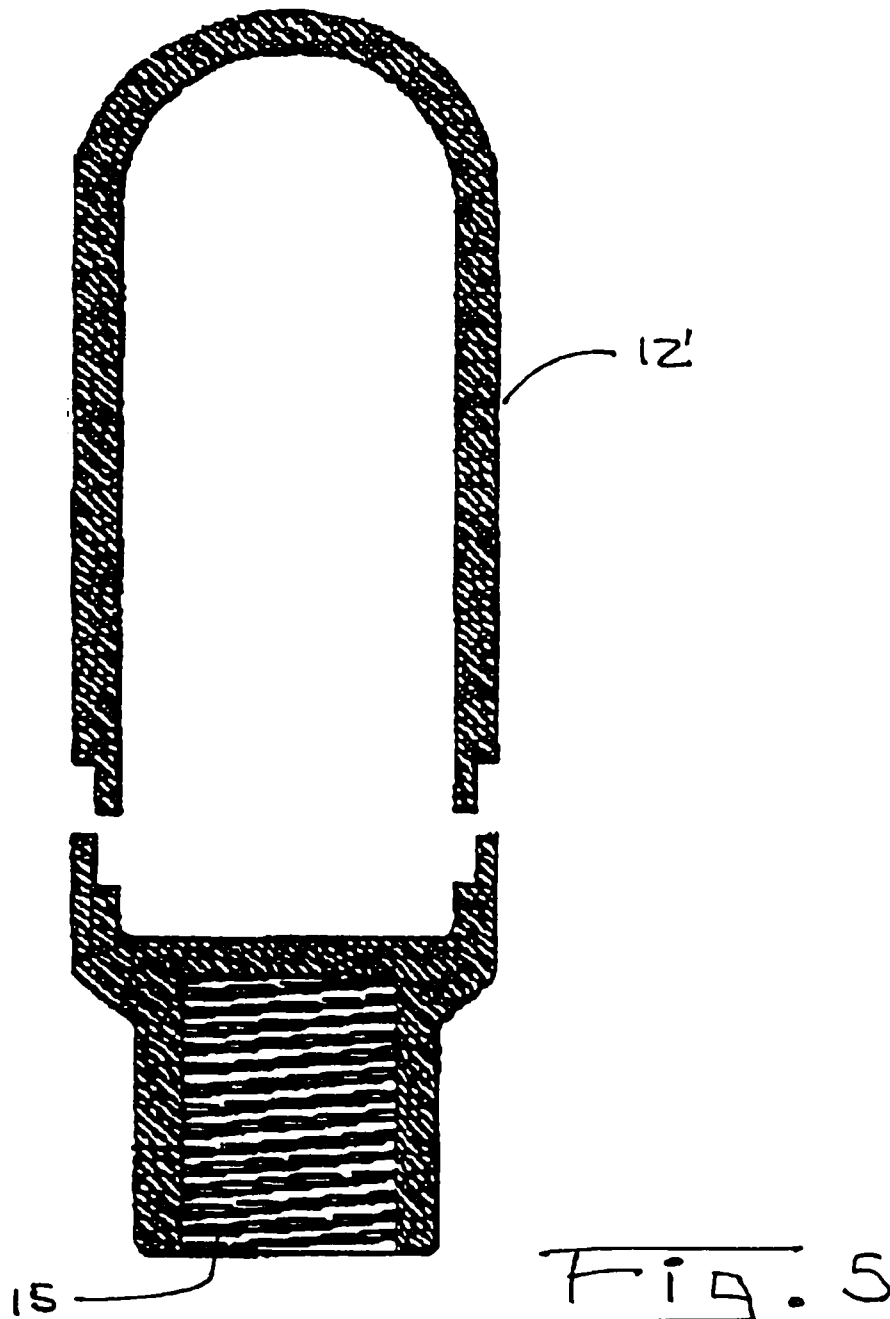
Fig. 4

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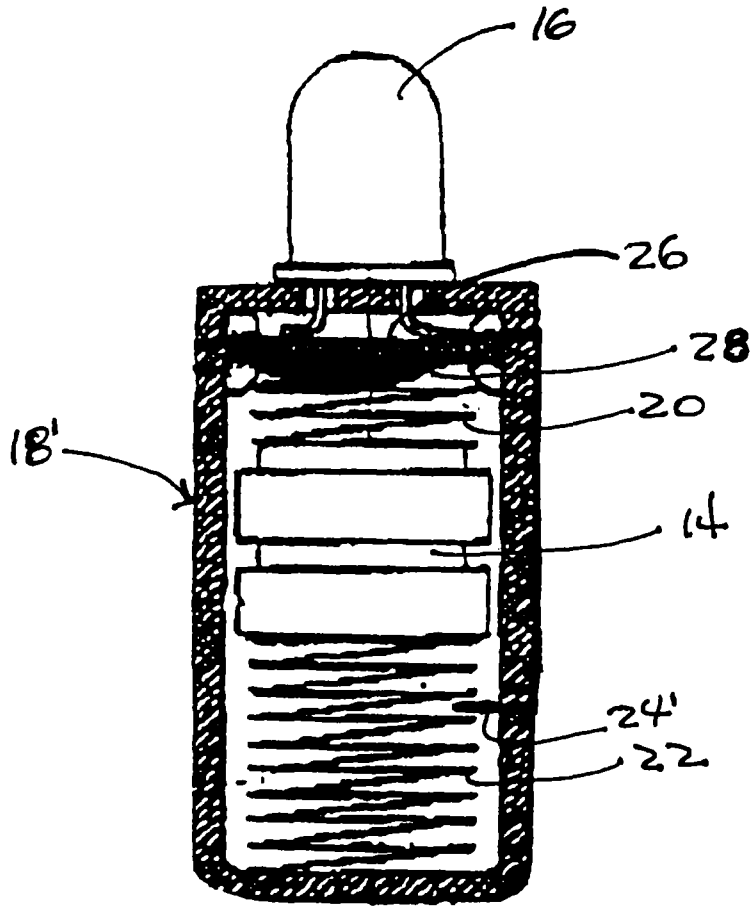


Fig. 6

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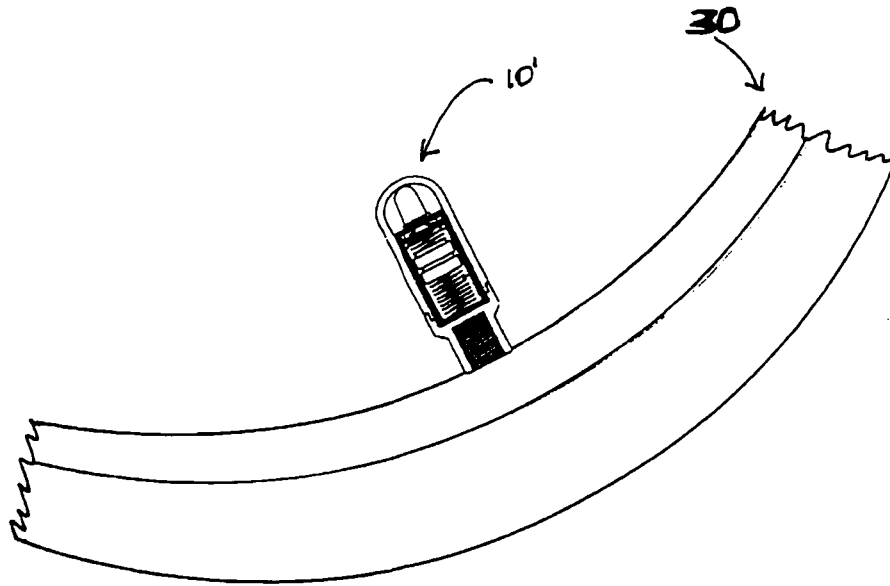


Fig. 7

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LIGHT FOR VEHICLE WHEELS

FIELD OF THE INVENTION

The present invention relates to the field of accessory lights for vehicles and, more particularly, to a motion activated wheel light for vehicle wheels.

BACKGROUND OF THE INVENTION

Accessory lights of various kinds have become popular for enhancing the appearance of a vehicle. Some such accessory lights may additionally provide added visibility to the vehicle in low light conditions, thereby aiding to increase safety.

Colored lights for lighting the undercarriage of a motor vehicle have also become popular, particularly with younger drivers. Similarly, other known accessory lights for vehicles may be connected to a vehicle wheel for producing a lighting effect on the wheel. Some of these lights, for example, may be suitable for mounting onto wheels on bicycles, motorcycles, automobiles and other motor vehicles.

Accessory lights for mounting on vehicle wheels have been known. Some wheel lights mount onto the spokes of a bicycle wheel. Some lights mount onto the air valve stem of a wheel, but are only reflectors not producing emitted light, or require that they be manually switched on and off. Yet other similar lights for mounting on a tire's air valve stem are energized on contact with the valve stem and remain energized for as long as the battery lasts.

The present invention advantageously provides an automatic wheel light for connecting onto the wheel's air valve stem. The wheel light energizes responsive to the rotational movement of the wheel, so that the light is off when the vehicle is standing still and turns on when the vehicle is moving. Such operation provides for extended battery life, and avoids the inconvenience of having to manually turn the wheel light on and off. In addition, the wheel light is inexpensive to manufacture and is useful for enhancing the appearance and visibility of the moving vehicle.

SUMMARY OF THE INVENTION

With the foregoing in mind, the present invention advantageously provides a motion activated wheel light for a vehicle wheel having an air valve stem. The light comprises a housing for connecting the light to the air valve stem; a power source positioned within the housing; a light source positioned within the housing and connected to the power source; and a switch positioned within the housing and connected to the power source and to the light source so as to energize the light source responsive to motion of the wheel.

The housing provides an enclosure for protecting the other components of the wheel light and, preferably, also serves to connect the wheel light to the wheel. The housing comprises a material which allows light emitted by the light source to shine through so that it may be seen by a person observing the moving vehicle.

The switch is motion activated, and is responsive to a centrifugal force generated when the vehicle wheel rotates. The light source is energized when the switch is activated, thereby lighting the vehicle wheel.

The wheel light may comprise a shape for forming a visually perceptible light image when the light source is energized by the motion of the vehicle wheel.

BRIEF DESCRIPTION OF THE DRAWINGS

Some of the features, advantages, and benefits of the present invention having been stated, others will become

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apparent as the description proceeds when taken in conjunction with the accompanying drawings in which:

FIG. 1 is a cross section view showing the wheel light according to a preferred embodiment of the present invention;

FIG. 2 is a side elevation of the wheel light shown in FIG. 1;

FIG. 3 is a cross section view of the housing of the wheel light of FIG. 1;

FIG. 4 is a cross section view of an additional embodiment of the invention;

FIG. 5 is a cross sectional view of a housing for the wheel light of FIG. 4;

FIG. 6 is a view of the light source, power source and switch of the wheel light shown in FIG. 4; and

FIG. 7 shows the wheel light of FIG. 4 in place on a vehicle wheel.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The present invention will now be described more fully hereinafter with reference to the accompanying drawings, in which preferred embodiments of the invention are shown. This invention may, however, be embodied in many different forms and should not be construed as limited to the illustrated embodiments set forth herein. Rather, these illustrated embodiments are provided so that this disclosure will be thorough and complete, and will fully convey the scope of the invention to those skilled in the art. Like numbers refer to like elements throughout, and prime notation when used indicates similar elements in alternative embodiments.

FIGS. 1 through 7 illustrate the present invention, a motion activated wheel light 10 for a vehicle wheel 30 having an air valve stem. The wheel light 10 comprises a housing 12, a power source 14, a light source 16, and a motion activated switch 18 connected in a circuit together with the other electrical components. The housing 12, preferred embodiments of which are shown in FIGS. 2-5, serves to enclose the electrical components, including the light source 16 and power source 14. The housing 12 serves to connect the wheel light 10 to the air valve stem of a vehicle wheel 30, as shown in FIG. 7. The power source 14, at least one battery, but preferably two, is positioned within the housing 12 connected to an electrical circuit, as shown in FIGS. 1, 4 and 6. A light source 16, which those skilled in the art will know may be any suitable light, but preferably a light emitting diode, is positioned within the housing 12 and is connected to the power source 14 through the electrical circuit. A motion activated switch 18 is connected to the power source 14 and to the light source 16 through the electrical circuit so as to close the circuit and energize the light source 16 responsive to movement of the wheel 30, the movement being preferably rotational motion when the vehicle is moving.

The skilled artisan will know that vehicle wheels 30, particularly in modern vehicles having tubeless pneumatic tires, comprise air valves wherein the valve stem is connected directly to the wheel rim. Alternatively, in a vehicle whose tires include an inner tube, for example, in many bicycles, the air valve stem is part of the inner tube and protrudes from the wheel rim by fitting through an opening therein. The present invention is intended to connect to any such type of air valve stem, whether the pneumatic tire includes an inner tube or not.

The housing 12 for the wheel light 10, best shown in FIGS. 2-3 and 5, preferably comprises a translucent or

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transparent material so as to allow emitted light to shine through the housing 12. In addition, the housing 12 preferably is fabricated from ultrasonically sealed plastic material, thereby comprising a substantially waterproof enclosure for the other components of the wheel light 10. The housing 12 additionally comprises a connector to connect the wheel light 10 to the air valve stem of a vehicle wheel. As shown in FIGS. 3-5 and 7, the housing 12 preferably has threads 15 complementary to those found on a standard air valve stem and connects the wheel light 10 to the wheel 30 by screwing onto the valve stem. Alternatively, the housing 12 may connect to the valve stem substantially by a pressure coupling, or by other methods of connecting as known to those skilled in the art. As illustrated in FIG. 2, the housing 12 may be provided with striations to help scatter light emitted by the light source.

An aspect of the present invention includes the ability to form a visually perceptible image when the light source 16 is energized. For example, the light source 16 itself may comprise a shape which lights up as the wheel 30 is rotating to form the visually perceptible light image, or design. To enhance the light image, the wheel light 10 may be configured to emit light in one or more colors. The light source 16 itself may emit colored light, or the housing 12 may comprise material having one or more colors to thereby produce a visually perceptible image in color as the wheel 30 rotates. Particularly useful and aesthetic applications of this aspect of the invention include forming emblem images which appear perceptible to the eye as the vehicle begins to move. The image may advantageously form an advertisement which is displayed as the vehicle moves. Such an advertisement may include a team logo, for example, for a professional or school athletic team.

A preferred embodiment of the invention is shown in FIGS. 1-3. In this embodiment, the motion sensitive switch 18 comprises a switch contact 24 electrically connected to a pole of the power source 14. The switch contact 24 is positioned suspended adjacent a contact plate 32. Movement of the wheel light 10 causes the switch contact 24 to vibrate sufficiently to touch the contact plate 32, thereby closing the electrical circuit and energizing the light source 16. When movement of wheel light 10 ceases, vibration of the switch contact 24 is reduced and eventually stops, the switch contact moves away from the contact plate 32, and the electrical circuit is opened, turning off the light source 16.

In this embodiment the switch contact 24 is preferably a spring coil formed from a wire which is electrically connected to the lower pole of the power source, as shown in FIG. 1. The vibrational characteristics of switch contact 24 depend on factors known in the art, such as the gauge of wire used to make the spring coil, the number of coils in the spring, the tensile strength of the wire and, therefore, its bendability. Careful control of such characteristics will allow fabrication of a switch contact 24 of predetermined sensitivity to motion, and of predetermined residual contact after motion stops. An integrated circuit 28 positioned on circuit board 26 may also be configured for controlling the rate at which the light source 16 is energized. For example, the integrated circuit 28 can minimize the energizing of the light source 16 due to random movement such as experienced during shipment of the wheel light 10. Additionally, the integrated circuit 28 could be configured to provide a low power use mode responsive to random movement of the wheel light, thereby helping conserve energy in the power source.

In another embodiment of the wheel light 10, as shown in FIGS. 4-7, the wheel light includes a motion sensitive

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switch 18 connected to the power source 14 and to the light source 16 to thereby control power flow energizing the light source 16. As illustrated in FIG. 7, the switch 18 is motion activated, and more specifically, is responsive to a centrifugal force generated when the vehicle wheel 30 is moving in a rotational motion. Those skilled in the art will know how to construct a mechanism as shown in FIGS. 4 and 6, comprising a biasing member, preferably a spring, calibrated to respond to an applied force so as to close an electrical contact and energize the light source 16. An embodiment of the switch 18 shown in FIGS. 4 and 6 includes a first biasing member 20, a second biasing member 22, a switch contact 24, and a circuit board 26 having an integrated circuit 28. When the wheel light 10 is connected to an air valve stem, the applied force will be a centrifugal force generated when the wheel 30 rotates. This force will act on the wheel light 10 in a downward direction, the lower end of the wheel light being at that end of the housing 12 comprising the connector for the air valve stem, preferably threads 15 as shown in FIG. 7. The force moves the power source 14 toward the lower end of the housing, thereby also moving the biasing member to touch switch contact 24 to thereby close the electrical circuit and energize the light source.

Those skilled in the art will realize that the switch 18 preferably comprises a known integrated circuit providing functions related to controlling power flow to the light source 16. For example, the switch 18 may intermittently energize the light source 16 responsive to rotational motion of the vehicle wheel 30 to thereby create visual effects with the emitted light. In addition, intermittent energizing of the light source 16 may be accomplished at predetermined timed intervals to create further light effects. For example, wheel lights 10 having different predetermined energizing intervals could be connected to the four wheels of a car, so that each wheel 30 flashes at asynchronous times relative to the other wheels.

Another aspect of the present invention includes a method of lighting a vehicle wheel 30 having an air valve stem. The method comprises connecting a motion activated light source 16 to the air valve stem of the wheel 30, and moving the wheel 30 to activate the light source 16 to emit light. As described above, moving the wheel 30 preferably comprises a rotational motion, as when the vehicle is moving.

An additional method aspect of the invention includes forming a visually perceptible light image on a vehicle wheel 30 having an air valve stem by connecting a motion activated wheel light 10 to the air valve stem of the wheel 30, the wheel light comprising a predetermined shape so that when energized the light source 16 emits light forming the image; and moving the wheel 30 to activate the light source 16 to emit light for forming the image.

In the drawings and specification, there have been disclosed a typical preferred embodiment of the invention, and although specific terms are employed, the terms are used in a descriptive sense only and not for purposes of limitation. The invention has been described in considerable detail with specific reference to these illustrated embodiments. It will be apparent, however, that various modifications and changes can be made within the spirit and scope of the invention as described in the foregoing specification and as defined in the appended claims.

That which is claimed:

1. A motion activated light for a vehicle wheel having an air valve stem, said light comprising:
 - a connector complementary to the air valve stem for connecting said light thereto;

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a power source connected in an electrical circuit;
 a light source connected to said power source through the electrical circuit; and
 a switch connected to the electrical circuit, said switch responsive to movement of the wheel to thereby energize the light source.

2. The light of claim 1, wherein an inner tube comprises the air valve stem.

3. The light of claim 1, wherein the air valve stem has threads and the connector comprises complementary threads for connecting said light to the air valve stem.

4. The light of claim 1, wherein the connector comprises a pressure coupling for connecting to the air valve stem.

5. The light of claim 1, wherein said power source comprises a battery.

6. The light of claim 1, wherein said light source comprises a light emitting diode.

7. The light of claim 1, wherein said motion comprises a centrifugal force.

8. A motion activated light for a vehicle wheel having an air valve with a threaded stem, said light comprising:
 a housing having threads complementary to the threaded stem for connecting said light to the air valve stem;
 a power source connected to an electrical circuit;
 a light emitting diode connected to the electrical circuit; and
 a switch connected to close the electrical circuit responsive to movement of the wheel so as to energize the light emitting diode.

9. The light of claim 8, wherein an inner tube comprises the air valve stem.

10. The light of claim 8, wherein said motion activated light comprises at least one color.

11. The light of claim 8, wherein said housing comprises a substantially waterproof enclosure.

12. The light of claim 8, wherein said housing further comprises an ornamental shape.

13. The light of claim 8, wherein said light emitting diode emits light of a predetermined color.

14. The light of claim 8, wherein said motion sensitive switch intermittently closes said electrical circuit responsive to movement to thereby cause said light emitting diode to emit flashes of light.

15. The light of claim 8, wherein said motion sensitive switch energizes said light source for a predetermined time following movement of the wheel.

16. A lighted wheel for a vehicle, comprising:
 a pneumatic tire comprising an air valve having a stem; and
 a motion activated light connected to the air valve stem, wherein the motion activated light comprises an electrical circuit having a power source, a light source, and a switch sensitive to motion of the wheel and connected to close the circuit to thereby energize the light source responsive to motion of the wheel.

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17. The lighted wheel of claim 16, wherein the motion activated light further comprises a housing having a connector complementary to the air valve stem.

18. The lighted wheel of claim 16, wherein the motion activated light further comprises an ornamental shape.

19. The lighted wheel of claim 16, wherein said power source comprises at least one battery.

20. The lighted wheel of claim 16, wherein said light source comprises a light emitting diode.

21. The lighted wheel of claim 16, wherein said motion activated light comprises a color.

22. The lighted wheel of claim 16, wherein said motion sensitive switch intermittently energizes said light source responsive to motion to thereby cause said light source to emit flashes of light.

23. The lighted wheel of claim 16, wherein said motion sensitive switch energizes said light source for a predetermined time following movement of the wheel.

24. A method of lighting a vehicle wheel having an air valve stem, the method comprising:
 connecting a light source to the air valve stem of the wheel, said light source activated by sufficient wheel motion; and
 emitting light by causing the wheel to move sufficiently to activate the light source.

25. The method of claim 24, wherein the air valve stem comprises threads, the motion activated light comprises complementary threads, and connecting comprises screwing the motion activated light onto the air valve stem.

26. The method of claim 24, wherein causing the wheel to move comprises driving a vehicle having the lighted wheel attached thereto.

27. The method of claim 24, wherein emitting light comprises emitting light having a predetermined color.

28. A method of forming a visually perceptible light image adjacent a rotating wheel on a moving vehicle, the wheel having an air valve stem, comprising:
 connecting a light to the air valve stem of the wheel, the light capable of being activated by sufficient wheel rotation and comprising a predetermined shape for forming the light image; and
 causing the vehicle to move so as to impart sufficient rotation to the wheel to activate the light source to emit light, thereby forming the visually perceptible light image.

29. The method of claim 28, wherein the motion activated light comprises an electrical circuit having a power source, a light source, and a motion sensitive switch connected to close the circuit to thereby energize the light source responsive to motion of the wheel.

30. The method of claim 28, wherein the wheel comprises an inner tube having the air valve stem.

31. The method of claim 28, wherein the motion activated light comprises a light emitting diode.

32. The method of claim 28, further comprising emitting light having a color.

• • • • •

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

I. (a) PLAINTIFFS
 THEORY3, INC., a Florida corporation

(b) County of Residence of First Listed Plaintiff Orange
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Ava K. Doppelt, Esquire
 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
 POST OFFICE BOX 3791, ORLANDO, FL 32802-3791
 TEL: (407) 841-2330

DEFENDANTS
 LINEFLOW INDUSTRIES, INC., a Florida corporation
 MEIJER, INC., a Michigan corporation

County of Residence of First Listed Palm Beach County
 (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

MAGISTRATE JUDGE JOHNSON

CLARENCE HADDOCK S. D. OF FLA. 12 OCT 23 PM

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State 1 1 DEF

Incorporated or Principal Place of Business In This State 4 4 DEF

Citizen of Another State 2 2

Incorporated and Principal Place of Business In Another State 5 5

Citizen or Subject of a Foreign Country 3 3

Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. §101

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

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

JUDGE _____ DOCKET NUMBER _____

DATE October 22, 2002 SIGNATURE OF ATTORNEY OF RECORD Ava K. Doppelt

FOR OFFICE USE ONLY

RECEIPT # 871370 AMOUNT 150.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ATTACHMENTS NOT SCANNED

LEGAL SIZE DOCUMENTS - BSC

LARGE EXHIBITS

DOUBLE SIDED DOCUMENTS

EXTRADITION DOCUMENTS

OTHER _____

PLEASE REFER TO COURT FILE