

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**ABP PATENT HOLDINGS, LLC a
Florida Limited Liability Company,**

Plaintiff,

v.

**CONVERGENT LABEL TECHNOLOGY,
INC., a Florida corporation; and
MOORE NORTH AMERICA, INC. a
Delaware corporation.**

Defendants.

CASE NO. 6:00-cv-1087-Orl-22C

JURY TRIAL DEMANDED

CO SEP 26 PM 3:50
CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

FILED

AMENDED COMPLAINT

COMES NOW ABP Patent Holdings, LLC, a Florida Limited Liability Company, and for its Amended Complaint against Defendants Convergent Label Technology, Inc. and Moore North America, Inc. states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff ABP Patent Holdings, LLC ("Plaintiff") is a Florida Limited Liability company with offices in New Smyrna Beach, Florida.

2. Upon information and belief, Defendant Convergent Label Technology, Inc. ("Defendant Convergent") is a Florida corporation with a regular and established place of business at 620 Ware Blvd, Tampa, Florida, in this judicial district and division, and regularly conducts business with the Orlando Division.

3. Upon information and belief, Defendant Moore North America, Inc., ("Defendant Moore") is a Delaware corporation that is authorized to and does regularly and continuously conduct business throughout Florida, including within this judicial district and division. Defendant Moore has previously been known as Moore U.S.A., Inc., and, at an earlier time in its existence, Moore Business Forms Inc.

4. Counts One-Three assert that Defendants Convergent and Moore have infringed Plaintiff's United States patents by manufacturing, selling, distributing, and offering for sale infringing products in interstate commerce, including into Florida, and by contributing to and inducing infringements by third parties throughout the United States, including Florida.

5. This Honorable Court has jurisdiction over the subject matter under 28 U.S.C. §1338(a), and over the parties. Venue properly lies in this judicial district and division under 28 U.S.C. §1391(c).

STATEMENT OF FACTS

6. Prior to September 16, 1993, Plaintiff's predecessor in interest, and assignor, developed novel pharmacy labels and record systems and associated methods ("the Pharmacy Label Inventions").

7. On July 1, 1997, the United States Commissioner of Patents and Trademarks issued a first patent, U.S. Patent 5,642,906, for the Pharmacy Label Inventions.

8. A true and correct copy of U.S. Patent 5,642,906 is appended hereto as Exhibit 1.

9. On June 11, 1998 an entity which is presently unknown but which on information and belief is Defendant Moore, filed in the U.S. Patent and Trademark Office a request for the reexamination of U.S. Patent 5,642,906.

10. On July 20, 1999 the U.S. Commissioner of Patents and Trademarks issued Reexamination Certificate No. B1 5,632,906, reaffirming the validity of the claims of U.S. Patent 5,642,906.

11. A true and correct copy of Reexamination Certificate No. B1 5,632,906 is appended as Exhibit 2.

12. On January 5, 1999, the U.S. Commissioner of Patents and Trademarks issued a second patent, U.S. Patent 5,855,395, for the Pharmacy Label Inventions.

13. A true and correct copy of U.S. Patent 5,855,395 is appended as Exhibit 3.

14. On March 14, 2000, the U.S. Commissioner of Patents and Trademarks issued a third patent, U.S. Patent 6,036,231, for the Pharmacy Label Inventions.

15. A true and correct copy of U.S. Patent 6,036,231 is appended as Exhibit 4.

16. U.S. Patents 5,642,906; 5,855,395 and 6,036,231 are valid and subsisting.

17. On July 21, 2000, the owner of each of the aforesaid patents, Automatic Business Products Company, Inc., assigned to Plaintiff all of its right, title and interest in the patents together with all claims or choses - in- action associated with the use, sale or offer for sale of the inventions set forth therein, as more particularly set forth in the written assignment to Plaintiff, a true and correct copy of which is attached hereto as Exhibit 5. Plaintiff is accordingly the owner of U.S. Patents 5,642,906, 5,855,395 and 6,036,231 by assignment, in accordance with 35 U.S.C. §261.

COUNT ONE

Action For Infringement of
United States Patent 5,642,906

18. This Count One is an action by Plaintiff against Defendants Convergent and Moore for infringing U.S. Patent 5,642,906.

19. Plaintiff here restates and incorporates by reference into this Count One the allegations of ¶¶1-17 above, inclusive.

20. Upon information and belief, Defendants Convergent and Moore have infringed U.S. Patent 5,642,906 by (a) manufacturing, selling or offering for sale pharmacy label sets which contribute to or infringe one or more claims of U.S. Patent 5,642,906, or (b) inducing others to infringe the patent.

21. The actions of Defendants Convergent and Moore as alleged in this Count One are without authorization or license from Plaintiff.

22. Defendants' infringing activities have caused Plaintiff a compensable injury, and are likely to cause irreparable injury to Plaintiff unless Defendants' infringing activities are preliminarily and then permanently enjoined.

COUNT TWO

Action For Infringement of United States Patent 5,855,395

23. This Count Two is an action by Plaintiff against Defendants Convergent and Moore for infringing U.S. Patent 5,855,395.

24. Plaintiff here restates and incorporates by reference into this Count Two the allegations of ¶¶1-22 above, inclusive.

25. Upon information and belief, Defendants Convergent and Moore have infringed U.S. Patent 5,855,395 by (a) manufacturing, selling or offering for sale pharmacy label sets which contribute to or infringe one or more claims of U.S. Patent 5,855,395, or (b) inducing others to infringe the patent.

26. The actions of Defendants Convergent and Moore as alleged in this Count Two are without authorization or license from Plaintiff.

27. Defendants' infringing activities have caused Plaintiff a compensable injury, and are likely to cause irreparable injury to Plaintiff unless Defendants' infringing activities are preliminarily and then permanently enjoined.

COUNT THREE

**Action For Infringement of
United States Patent 6,036,231**

28. This Count Three is an action by Plaintiff against Defendants Convergent and Moore for infringing U.S. Patent 6,036,231.

29. Plaintiff here restates and incorporates by reference into this Count Three the allegations of ¶¶1-27 above, inclusive.

30. Upon information and belief, Defendants Convergent and Moore have infringed U.S. Patent 6,036,231 by (a) manufacturing, selling or offering for sale pharmacy label sets which contribute to or infringe one or more claims of U.S. Patent 6,036,231, or (b) inducing others to infringe the patent.

31. The actions of Defendants Convergent and Moore as alleged in this Count Three are without authorization or license from Plaintiff.

32. Defendants' infringing activities have caused Plaintiff a compensable injury, and are likely to cause irreparable injury to Plaintiff unless Defendants' infringing activities are preliminarily and then permanently enjoined.

JURY DEMAND

Plaintiff requests a trial by jury.

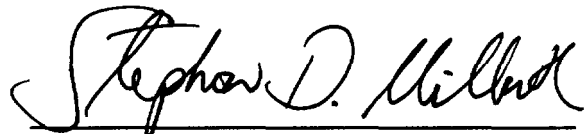
PRAYER FOR RELIEF

WHEREFORE, Plaintiff ABP Patent Holdings, LLC respectfully requests that this Honorable Court enter such preliminary and final Orders and Judgments as are necessary to provide the following relief:

- a. Under each of Counts One, Two and Three, a preliminary and then permanent injunction precluding the infringing activities of Defendants Convergent and Moore.
- b. Under each of Counts One, Two and Three, entry of a final money judgment in an amount sufficient to compensate Plaintiff for Defendants' infringing activities, but not less than a reasonable royalty.

- c. Under each of Counts One, Two and Three, entry of an Order finding this to be an exceptional case and awarding Plaintiff exemplary damages, attorneys' fees and costs.
- d. Such other relief as the Court deems appropriate.

Date: 9/26/00



HERBERT L. ALLEN, Trial Counsel
Florida Bar No. 114126
STEPHEN D. MILBRATH, Trial Counsel
Florida Bar No. 239194
BRIAN R. GILCHRIST, Trial Counsel
Florida Bar No. 774065
ALLEN, DYER, DOPPELT, MILBRATH
& GILCHRIST, P.A.
255 So. Orange Ave., Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Attorneys for Plaintiff
Tel: 407/841-2330
Fax: 407/841-2343

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 26 day of September, 2000 by Federal Express, Priority Overnight Delivery, to: **Jeffry H. Nelson, Esq.**, Nixon & Vanderhye, P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201-4714; and by U.S. First Class Mail, Postage Prepaid to: **R. Steven Ruta, Esq.**, Barrett, Chapman & Ruta, P.A., Post Office Box 3826, Orlando, Florida 32802-3826; and **James H. Beusse, Esq.**, Holland & Knight, LLP, P.O. Box 1526, Orlando, FL 32802-1526.



STEPHEN D. MILBRATH

EXHIBIT "1"

[45] **Date of Patent:** Jul. 1, 1997

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<p>Lab. Drug Company 512 East Street New Haven Conn. 06501 Bethel Big Box Tel: 268-855 Dr. Lunde PO BOX 999999 TAMM 016 11 Route 1, State R.P.N. Take One Tablet Every Other Day and Stay Close To The Next Room.</p>	<p>THIS MEDICATION IS USED</p> <p>To help remove excess fluid and salt, decrease swelling and treat high blood pressure.</p> <p>PROPER USE OF THIS MEDICATION</p> <p>Take this medicine at the same time every day. The best time is in the morning before breakfast.</p> <p>If stomach upset occurs, you may take this medicine with food without harm.</p> <p>The fluid level should be measured using the measuring device provided with your medication. If you have any questions on how to measure your dose ask your pharmacist.</p> <p>SPECIAL INSTRUCTIONS</p> <p>Proper control of your condition requires you to take this medicine as instructed at the same time every day. DO NOT skip a dose nor stop taking the medicine without telling your doctor.</p> <p>Since this medicine does not cure but helps to control your condition, you should continue to take it even if you are feeling well.</p> <p>This medicine may make you skin tests sensitive to sunlight or sunburn. Ask your pharmacist about a suitable sunblock product for at least SPF 15 to minimize problems during exposure.</p> <p>DO NOT take prescription equipment or food products without telling your doctor or pharmacist.</p> <p>If you miss a dose of this medicine, take it as soon as possible. But, if it is almost time for your next dose, skip the missed dose and go back to your regular dose. DO NOT take a double dose.</p> <p>DO NOT hop or use contact medication. Keep all medication out of the reach of children.</p> <p>POSSIBLE SIDE EFFECTS</p> <p>Be sure to tell your doctor if the following serious symptoms ever develop or worsen, unusual bleeding, stomach pain, yellow coloration of the eyes or skin, unusual weakness or dizziness, muscle cramps or muscle aches or vomiting.</p> <p>Copyright © 1998, 1999 Phoenix</p>	<p>Lab. Drug Company 512 East Street New Haven Conn. 06501 Bethel Big Box Tel: 268-855 Dr. Lunde PO BOX 999999 TAMM 016 11 Route 1, State R.P.N. Take One Tablet Every Other Day and Stay Close To The Next Room.</p>	<p>Lab. Drug Company 512 East Street New Haven Conn. 06501 Bethel Big Box Tel: 268-855 Dr. Lunde PO BOX 999999 TAMM 016 11 Route 1, State R.P.N. Take One Tablet Every Other Day and Stay Close To The Next Room.</p>
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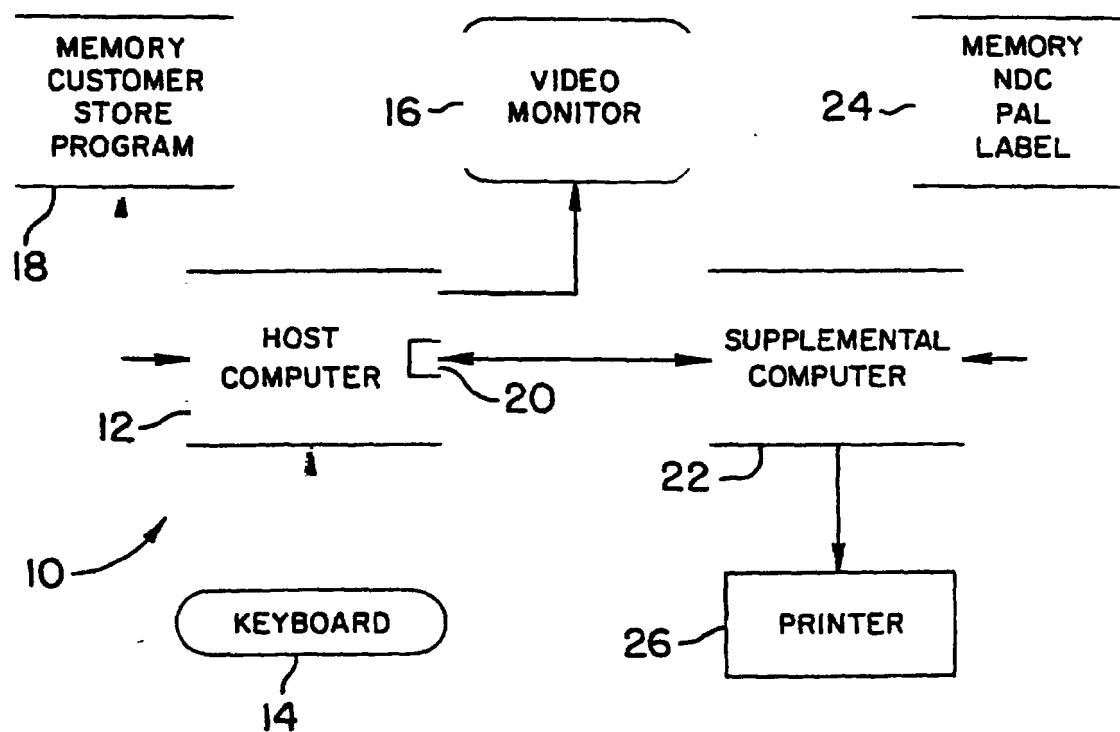


FIG. 1

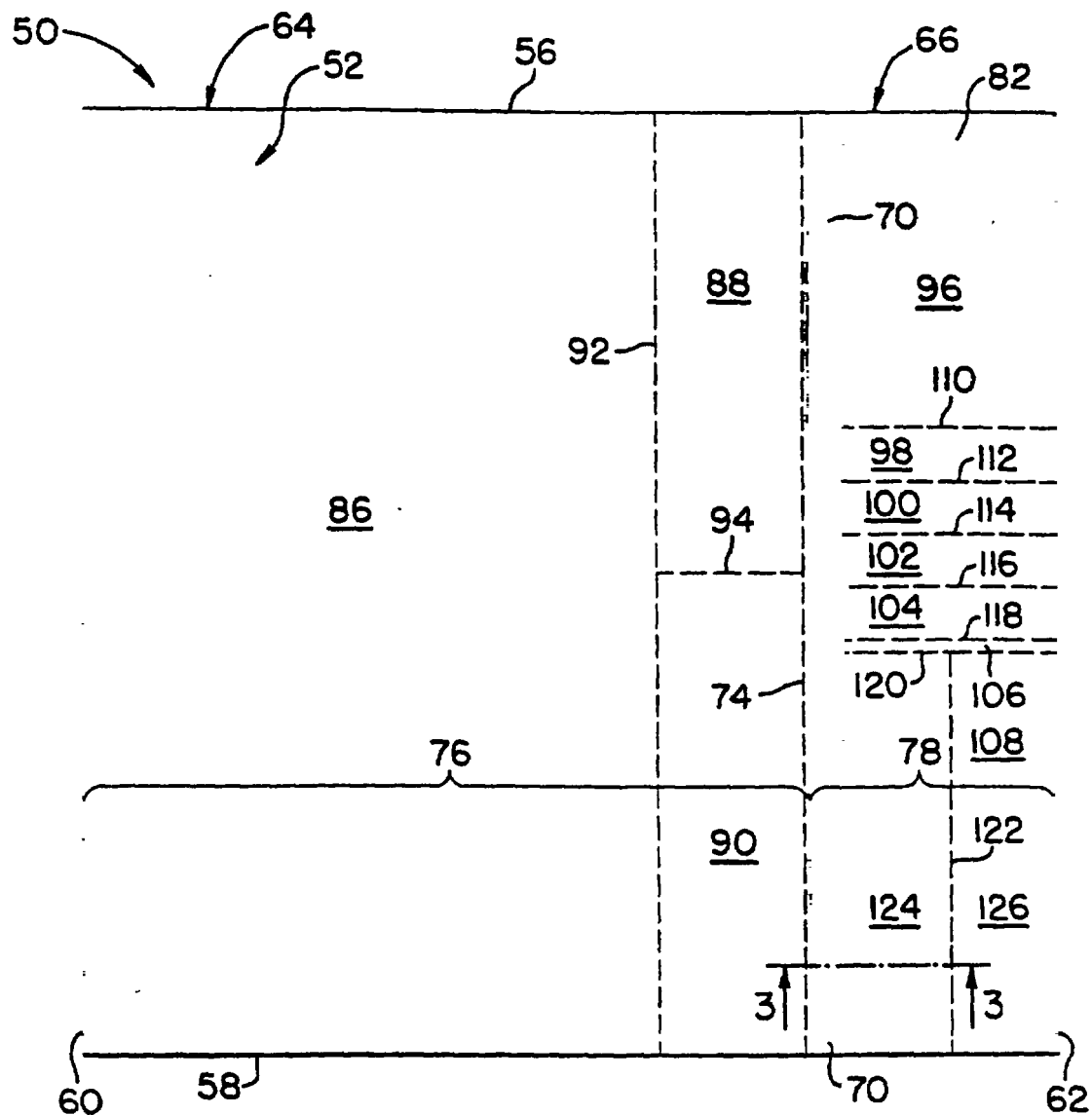


FIG. 2

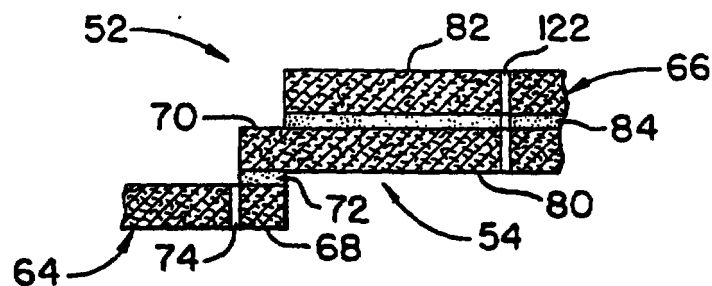


FIG. 3

Little Drug Company

412 Canal Street New Smyrna Beach, FL 32901

Bertha Big Date: Rx: 306868 Dr. Lewis
FUROSEMIDE 20MG TABS #15 11 Refills D. Shes R.Ph.

Take One Tablet Every Other Day And Stay Close To The Rest Room.

THIS MEDICATION IS USED

To help remove excess fluid and salt, decrease swelling and treat high blood pressure.

PROPER USE OF THIS MEDICATION

Take this medicine at the same time every day. The best time is in the morning before breakfast.

If stomach upset occurs, you may take this medicine with food unless told otherwise.

The liquid form should be measured using the measuring device provided with your medication. If you have any questions on how to measure your dose ask your pharmacist.

SPECIAL INSTRUCTIONS

Proper control of your condition requires you to take this medicine as instructed at the same time every day. DO NOT skip a dose nor stop taking the medicine without asking your doctor.

Since this medicine does not cure but helps to control your condition, you should continue to take it even if you are feeling well.

This medicine may make your skin more sensitive to sunlight or sunlamps. Ask your pharmacist about a suitable sunblock product (of at least SPF 15) to minimize problems during exposure.

DO NOT take nonprescription cough/cold or diet products without asking your doctor or pharmacist.

If you miss a dose of this medicine, take it as soon as possible. But, if it is almost time for your next dose, skip the missed dose and go back to your regular dose. DO NOT take a double dose.

DO NOT keep or use outdated medication. Keep all medication out of the reach of children.

POSSIBLE SIDE EFFECTS

Be sure to tell your doctor if the following occur: persistent sore throat or fever, unusual bleeding, stomach pain, yellow coloration of the eyes or skin, unusual weakness or tiredness, muscle cramps or nausea or vomiting.

Copyright 1990,1992 Pharmex

The information on this label may not cover all possible side effects, interaction with other drugs and foods, or precautions. It is intended to provide general information only and is not a substitute for medical advice in individual cases. If you suffer from chronic or have any questions about the drug you are taking, consult your physician or pharmacist.

Little Drug Company
412 Canal Street New Smyrna Beach, FL 32901
Bertha Big Date: Rx: 306868 Dr. Lewis
FUROSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-Pay

\$2.00

RECEIPT

Little Drug Company
412 Canal Street New Smyrna Beach, FL 32901
Bertha Big Date: Rx: 306868 Dr. Lewis
FUROSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-Pay

\$2.00

RECEIPT

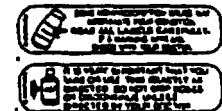
Little Drug Company
412 Canal Street New Smyrna Beach, FL 32901
Bertha Big Date: Rx: 306868 Dr. Lewis
Take One Tablet Every Other Day And Stay Close To The Rest Room.
FUROSEMIDE 20MG TABS #15
(Generic of LASIX 20MG TABS)
11 Refills D. Shes R.Ph.Bertha Big Date: Rx: 306868 Dr. Lewis
FUROSEMIDE 20MG TABS #15 NDC 00536-3840-10
PCS Co-Pay of \$2.00
Received By:

FIG. 4

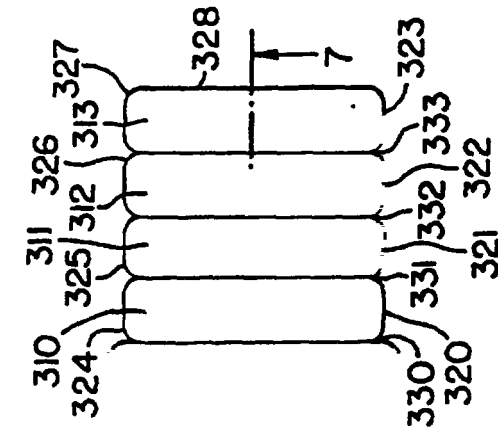


FIG. 6

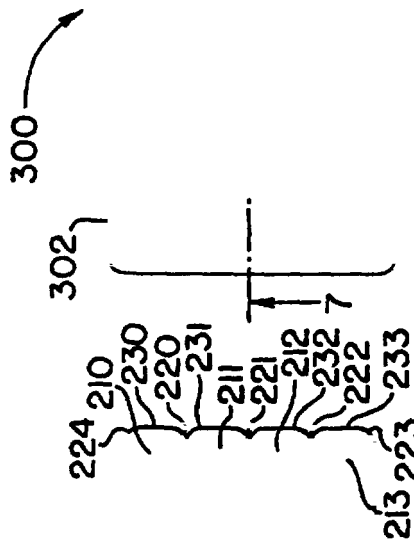


FIG. 5

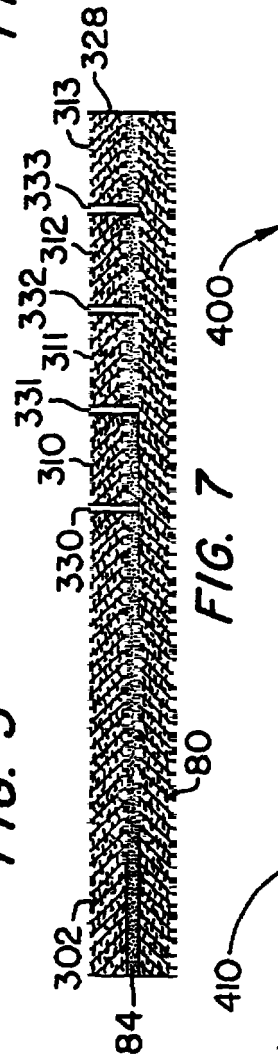


FIG. 7

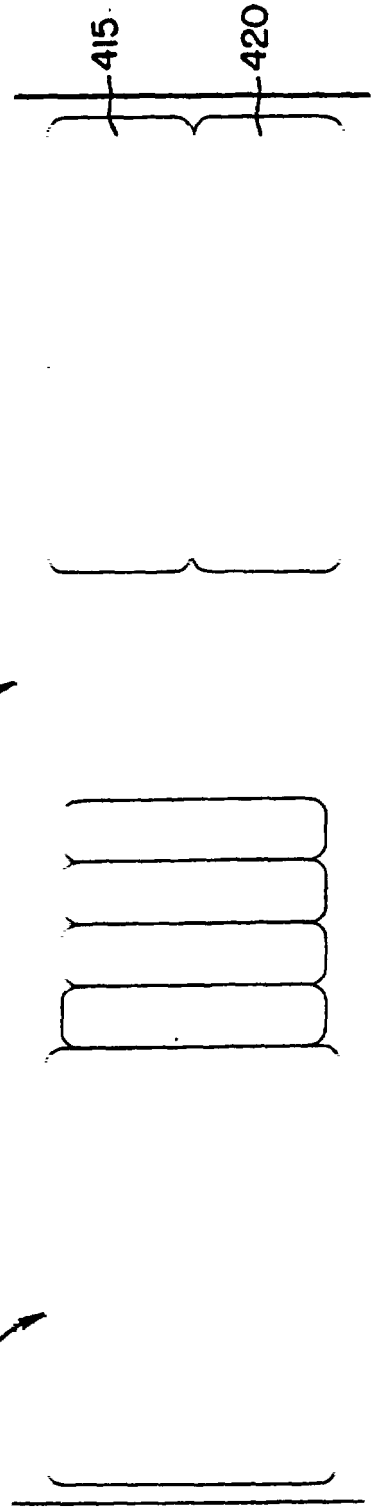


FIG. 8

5,642,906

1

METHOD OF LABELLING PRESCRIPTION CONTAINERS

This application is a continuation-in-part of application Ser. No. 08/121,415, filed Sep. 16, 1993, now abandoned, which is hereby fully incorporated by reference.

This invention relates to paper blanks for use with a printer in a computer system, and in particular relates to a compound paper blank to be printed on by a computer printer.

Labels having pressure sensitive adhesive have been applied to drug containers for a long time by the pharmaceutical industry to identify the customer, the doctor, the drug being dispensed, and the frequency of the dosage. These labels usually can be purchased in bundles that can be fed into a computer driven printer. The information to be printed on one of the labels is either typed into the computer using a conventional pharmacy computer program or is retrieved from a stored record having been previously typed into the computer memory using the pharmacy computer program. Such a computer program also has automatically printed out receipts for the customer and records for the pharmacy.

The pharmaceutical industry has also been applying oblong or rectangular warning labels to the drug containers for some time. These warning labels warn the customer about certain events or provide instructions involving the prescribed drug. For example, a warning label may carry the message:

**MAY CAUSE DROWSINESS; ALCOHOL MAY
INTENSIFY THIS EFFECT. USE CARE WHEN
OPERATING A CAR OR DANGEROUS MACHIN-
ERY.**

The warning labels have been supplied to the pharmaceutical industry for some time in rolls of the same message.

Pharmacies have also been supplying customers with an instruction sheet containing information about the drugs they are purchasing. One type of such labels carry the brand name PAL (Patient Advisory Leaflet).

The prior art also contains references which teach the use of a computer system to generate prescription labels printed by a computer driven printer. Such references include the following U.S. patents, which are incorporated herein by reference: Baum U.S. Pat. No. 4,918,604; Olodort et al. U.S. Pat. No. 4,875,174; and McKee U.S. Pat. No. 4,972,657. The prior art also contains references which disclose a manual form having an adhesive label portion used in combination for record keeping and generating a label to be applied to a drug container. Examples of U.S. patents, which are incorporated herein by reference, disclosing such forms are the Lockhart patents U.S. Pat. Nos. 4,277,089 and 4,159,129; and the Biava et al. patent U.S. Pat. No. 4,799, 712.

However, there is no known prior art reference which provides a blank for a computer printer that contains portions for both a removable prescription drug label and a removable warning label with portions for other printed information. Such a system would reduce package costs, provide greater flexibility, and be compatible with existing computer software used by pharmacies.

Accordingly the present invention is designed to provide a multi-part blank which can be fed in a computer driven printer and when printed, will contain all of the parts needed for a complete set. Such a set contains a peelable vial label having a pressure sensitive adhesive connected to removable strips of computer selected warning labels also having a pressure sensitive adhesive. The set also contains portions for printed information needed by both the pharmacy and the customer.

2

The present invention provides a printer blank which can cut expenses, reduce errors, and cut time in preparing records and drug containers for customers. In one particular embodiment of the invention, a single sheet of multisectional paper blank can be fed into a laser printer and on that one sheet there will be printed a drug advisory leaflet; no, one or more than one warning labels having a pressure sensitive adhesive on its back side for easy application to a drug container, and a drug container label containing drug, customer, and pharmacy information. This blank in one pass through the laser printer contains all of the necessary records and parts for the entire drug transaction.

According to one embodiment, the present invention comprises a blank for use with a printer for printing information and labels for drug containers. The blank comprises a sheet of a material having a front side that can be printed on with the printer, a back side, a top and bottom edge which together define a generally horizontal direction, and two side edges which together define a generally vertical direction. The sheet includes at least a first portion and a second portion divided by a first, generally vertically extending tear line or tear line that extends from the top edge to the bottom edge. In the first portion the printer prints text about the particular drug being prescribed, and in the second portion, which includes a label laminate divided into a first section and a second section by a generally horizontal, second tear line. The second section is further divided into a plurality of horizontal strips by at least two generally horizontal tear lines which extend from the first tear line to one of the side edges of the blank. The laminate is comprised of a backing sheet, a removable label sheet having a front side that can be printed on with the printer and a back side, and a pressure-type adhesive on the back side of said label sheet.

Other advantages, features, and details of the present invention will be set forth in or apparent from the detailed description thereof contained hereinbelow.

FIG. 1 is an electronic block diagram of a prototype computer system used to demonstrate the present invention;

FIG. 2 is a plan view of a blank in accordance with the present invention before it has been printed on;

FIG. 3 is an enlarged, not-to-scale, cross-sectional view taken along lines 3—3 of FIG. 2 in which certain layers have been shown thicker in order to depict the details of construction;

FIG. 4 is a plan view of a blank that has indicia printed on it by a computer driven laser printer;

FIGS. 5, 6 and 8 are plan views of other blanks in accordance with the present invention; and

FIG. 7 is an enlarged, not-to-scale, cross-sectional view taken along lines 7—7 of FIG. 6 in which certain layers have been shown thicker in order to depict the details of construction.

With reference now to the drawings in which like numerals are used to represent like elements throughout the several views, and in particular with reference to FIG. 1, a computer system 10 is depicted for generating a completed form such as shown in FIG. 4. Computer system 10 is comprised of a conventional host computer 12 having a conventional keyboard 14 for the manual input of information, a conventional computer monitor 16 for the output of information and a conventional external memory 18, which can be a conventional hard disk system. Host computer 12 has an input/output port 20 and can be an IBM compatible computer type using an INTEL brand 80486 DX microprocessor with 8 Mega-bytes of internal memory. Memory 18 holds a number of data bases, such as a customer data base containing customer information and a store data base containing the

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pharmacy's inventory control information. Memory 18 also holds a conventional pharmaceutical computer program. The program is used by pharmacies to generate the customer data base and store data base, and to extract information contained in these data bases and combine it with information entered from keyboard 14 by a pharmacist to produce an output to drive a printer to print a conventional drug label.

Connected to host computer through input/output port 20 is a supplemental computer 22. Supplemental computer 22 can be identical in configuration to host computer 12. Connected to supplemental computer 22 is a conventional external memory 24 and a conventional laser printer 26, such as a Hewlett-Packard model Series 2 laser printer. Stored in memory 24 are an NDC (National Drug Code) data base containing a standardized drug code list, a data base containing information for the customer about each prescribed drug, such as the commercially available C-PAL® data base, and a data base of warning labels, including unique logos and icons (see, for example, FIG. 4). Also contained in memory 24 is a program which permits supplemental computer to intercept the printer information from host computer 12, to reformat the information, to enter the C-PAL® and warning label data bases to get the related information, and to regenerate the printer information with the incorporated C-PAL® and warning label information.

Computer system 10 is depicted in FIG. 1 as having two computers and it is so configured because it has been designed to complement, upgrade and modify an existing pharmacy computer system that has been using commercially available software. However, an alternative embodiment of the invention (not depicted) is implemented on, or includes, a single computer system in which supplemental computer 22 is combined with host computer 12, supplemental computer memory 24 is combined with host computer memory 18, and a single computer program is used both for the conventional pharmacy inventory control, accounting and report generating tasks and for the printing of a completed form, such as depicted in FIG. 4.

A blank or form 50 in accordance with the present invention is depicted in FIGS. 2 and 3. Blank 50 is preferably made from a flexible, conventional stock material. Blank 50 has a front side 52 which can receive and retain "ink" or print from printer 26 and a back side 54 (FIG. 3). As shown in FIG. 2, blank 50 has a top edge 56 and a bottom edge 58 parallel thereto which are arbitrarily used to define the horizontal direction in blank 50. Blank 50 also has a left side 60 and a right side 62 parallel thereto which are arbitrarily used to define the vertical direction in blank 50. In a presently preferred embodiment, blank 50 is made of paper and is essentially a square with each side having a length of 8.5 inches (21.59 cm). Alternatively, blank 50 can be made from a plastic or other thin sheet material which can be printed on.

Blank 50 is comprised of a first sheet 64 and a second sheet 66 which have respective overlapping strips 68 and 70 that are adhered to one another with a conventional heat set adhesive 72, as shown in FIG. 3.

Strip 68 is defined not only by its overlapping strip 70, but also by a vertically extending tear line 74 that extends from top edge 56 to bottom edge 58. Tear line 74 can be a score line, but preferably is a perforation line with the perforations extending completely through first sheet 64. Thus, as seen on front side 52 of blank 50, it can also be said that tear line 74 divides blank 50 into a first portion 76, which is coextensive with first sheet 64 less strip 68, and a second portion 78 which is coextensive with second sheet 66 including strip 70.

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As depicted in FIG. 3, second sheet 66 is comprised of a laminate and has a backing 80 and a paper top layer 82. Backing 80 in the presently preferred embodiment is a paper product having an embedded plastic top portion or coated with a plastic film (not shown). Attached to the underside of top layer 82 is a conventional pressure adhesive 84. By appropriately selecting top layer 82, adhesive 84 and backing 80, adhesive 84 removably adheres top layer 82 to backing 80, and after top layer 82 is removed from said backing sheet is able to adhere more permanently top layer 82 to a container (not shown), which can be a conventional plastic bottle in which drugs are dispensed.

As seen in FIG. 2, when viewed together with FIG. 4, first portion 76 is much larger in the horizontal direction than second portion 78. In a presently preferred embodiment, first sheet has a width of 6³/₄ inches (16.83 cm) and first portion 76 has a width of 6¹/₂ inches (16.19 cm). First portion 76 is divided into three sections, 86, 88 and 90 by a vertical tear line 92 and by a short horizontal tear line 94. Tear line 92 is a perpendicular bisector of tear line 94, which is parallel to tear line 74 and similarly extends from top edge 56 to bottom edge 58. In a preferred embodiment of the invention, tear lines 92 and 94 are perforation lines with the perforation extending completely through first sheet 64. As shown in FIG. 4, section 86 is the largest section and is used to contain the text of a Patient Advisory Leaflet. Sections 88 and 90 are obviously of equal size and they are each used to contain the text of a customer receipt which can be used for financial records.

Second portion 78 is divided into a plurality of vertically arranged portions by a plurality of horizontal tear lines. In the present embodiment there are seven such portions denoted 96, 98, 100, 102, 104, 106 and 108 created by six tear lines 110, 112, 114, 116, 118, and 120. In a preferred embodiment, tear lines 110, 112, 114, 116 and 120 extend only through top layer 82 and attached layer of adhesive 84 and are perforation lines. On the other hand, tear line 118 in a preferred embodiment is a perforation line with the perforations extending completely through second sheet 66. Portion 96 is a wrap-around label to be applied to a drug container. Portions 98, 100, 102 and 104 are four blanks, none, some or all of which may be used to contain design and word indicia representing warning labels to be applied to a drug container. Portion 106 is unused filler.

Portion 108 is vertically bisected by a vertical tear line 122 to create vertically extending parts 124 and 126. In a preferred embodiment, tear line 122 is a perforation line with the perforations extending completely through second sheet 66. Part 124 is used to obtain a third party signature and also to contain information about the particular prescription. Part 126 can be used as an adhesive pharmacy record label to be applied to an appropriate ledger page (not shown).

The advantages to having tear lines 74, 92, 94, 118 and 122 extend completely through their respective sheets 64 and 66 is that blank 50 can be easily and quickly divided into five portions, each with an entirely different purpose. Portions 86 (the patient advisory leaflet), 88 and 90 are adhesive free and are given to the customer. Combined portions 96, 98, 100, 102, 104 contain indicia having the information necessary for the container of the drug being dispensed, and the adhesive top layer 82 can be removed as one piece from backing 80, the unused warning label portions removed, and the remaining piece applied to the drug container. Finally, adhesive parts 124 and 126 can be selectively removed from their piece of backing 80 and applied to the appropriate pharmacy ledger.

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The number of warning label blanks provided is somewhat arbitrary, except that based upon prior experience most druggist do not select more than four such labels for any particular drug. Obviously, the number of blanks could be larger or smaller if necessary, and the unused blanks would be separated and discarded before the drug label, portion 98, and used warning labels, portions 98, 100, 102 and 104 are applied.

In an alternative embodiment, portion 108 could be divided into three vertically extending parts by two tear lines so that the signature section could be separated from the pharmacy record label.

The further embodiments depicted in FIGS. 5-8 may be used alone as illustrated or as alternative portions of the particular embodiment described above.

The FIG. 5 embodiment comprises a main label 200 and auxiliary labels 210 to 213. Auxiliary labels 210 to 213, which are horizontally disposed with respect to main label 200, are horizontally separated from each other and from other portions of the blank by way of knife or die cuts 220 to 224 and vertically from other portions of the blank by way of knife or die cuts 230 to 233, which knife or die cuts extend through the adhesive layer but not through the backing layer. At least one of lines 240 to 243 is a perforation line extending to but not through the backing sheet, such that at least one of auxiliary labels 210 to 213 is separated from the backing sheet simultaneously with the removal of main label 200 from the backing sheet. Any of lines 240 to 243 which are not perforation lines, if any, are knife or die cuts extending to the backing sheet, such that the respective auxiliary labels are completely separated from each other as well as from any other portions of the blank.

The embodiment of FIGS. 6 and 7 differs from the FIG. 5 embodiment in that auxiliary labels 310 to 313 are vertically rather than horizontally disposed with respect to the main label 300. Thus each of lines 320 to 328 is a knife or die cut extending through adhesive 84 to but not through backing sheet 80, at least line 330 of lines 330 to 333 is a perforation line extending to but not through back sheet 80, and any of lines 331 to 333 which are not perforation lines, if any, are knife or die cuts extending to but not through the backing sheet, such that any respective auxiliary label is completely separated, and therefore separately removable, from any other portion of the blank. With such a construction, at least one but optionally up to all of the auxiliary labels may be removed from the backing sheet simultaneously with the main label and any unused but removed auxiliary labels, if any, may be subsequently and easily separated from the main and/or used auxiliary label (s). In a preferred embodiment of the FIGS. 6 and 7 embodiment, lines 330 and 331 are perforated lines and lines 332 and 333 are die cuts, such that two auxiliary labels 310 and 311 are simultaneously removed from back sheet 80 with main label 302.

The embodiment of FIG. 8 illustrates a blank 400 of which the blank of the FIG. 6 embodiment is one component 410. Additional components 415 and 420 of the FIG. 8 embodiment are additional separately removable adhesive labels.

As described in detail above, in carrying out a method of labeling utilizing blank forms according to the invention, the user causes the desired information to be printed on the main label and, optionally, on one or more auxiliary labels, simultaneously removes the printed main label and at least one auxiliary label from the backing sheet, separates any simultaneously removed but unused auxiliary label(s), and simultaneously applies the main label and any remaining, i.e., used, auxiliary label(s) to another surface. When used in a pharmacy application as a labeling system for prescription

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drugs, any used auxiliary labels comprise warning labels to the user of the drug dispensed in the container to which the labels are affixed.

Thus, the present invention has been described with reference to the drawings with respect to presently preferred embodiments. As such, the present invention permits, for example, the existing computer system of a pharmacy to execute a label set as usual while the software of the present invention adds information by which laser printer 26 will print any warning labels and an advisory leaflet corresponding to the drug being dispensed. The one piece wrap-around pressure sensitive label for the drug container optionally combines the main drug container label with one or more selected warning labels.

Other modifications and enhancements of the present invention would be obvious to those skilled in the art.

We claim:

1. A method for use by a pharmacist in labeling a container for a prescription drug to be dispensed to a customer, comprising the steps of:

- I. providing blank form for printing on at least one label to be affixed to the container, the form comprising:
 - (a) at least two labels releasably adhered to a backing sheet, each of said labels being provided with a printable surface upon which may be printed information relating to the prescription drug;
 - (b) adhesive means on the surface of each of said labels that is opposite the printable surface for affixing said labels to said container; and
 - (c) means for connecting said labels such that:
 - (1) the removal of one of the labels from the backing sheet will simultaneously remove from the backing sheet the other label to which it is connected; and
 - (2) the two removed labels optionally may be readily separated from each other prior to affixing any of said labels to said container;

II. printing information concerning a prescription on at least one of said labels;

III. simultaneously removing from the backing sheet at least said two labels; and

IV. affixing at least one of said two labels to said prescription drug container.

2. The method of claim 1, wherein the provided blank form includes a label adapted to receive printed information identifying at least the customer and the prescription drug.

3. The method of claim 2, in which one of said two connected labels is adapted to receive printed information identifying at least the customer and the prescription drug.

4. The method of claim 3, in which the other of said two connected labels is adapted to receive printed information comprising a warning relating to the prescription drug.

5. The method of claim 1, in which said at least one of said two connected labels is adapted to receive printed information comprising a warning relating to the prescription drug.

6. The method of claim 1, including the step of simultaneously affixing at least two labels removed from the backing sheet to the container.

7. The method of claim 1, including the step of separating at least one connected label from at least one remaining connected label prior to affixing said at least one remaining label to the container.

8. The method of claim 1, including the step of affixing all of the connected labels simultaneously removed from the backing sheet to the container.

* * * * *

EXHIBIT "2"



US005642906B1

REEXAMINATION CERTIFICATE (3817th)

United States Patent [19]

[11] B1 5,642,906

Footo et al.

[45] Certificate Issued

Jul. 20, 1999

[54] METHOD OF LABELLING PRESCRIPTION CONTAINERS

[75] Inventors: Richard W. Footo, Daytona Beach;
Richard Young, Bradenton, both of Fla.

[73] Assignee: Automatic Business Products Co.,
Inc., New Smyrna Beach, Fla.

Reexamination Request

No. 90/005,014, Jun. 11, 1998

Reexamination Certificate for:

Patent No.: 5,642,906
Issued: Jul. 1, 1997
Appl. No.: 08/504,765
Filed: Jul. 20, 1995

Related U.S. Application Data

[63] Continuation-in-part of application No. 08/121,415, Sep. 16, 1993, abandoned.

[51] Int. Cl.⁶ B42D 15/00

[52] U.S. Cl. 283/67; 283/70; 283/81;
283/101; 283/105; 283/900; 281/2; 281/5;
428/43

[58] Field of Search 283/67, 70, 81,
283/101, 105, 900, 79, 74; 428/43, 42.1;
40/310, 306, 638, 299; 281/2, 5; 206/570

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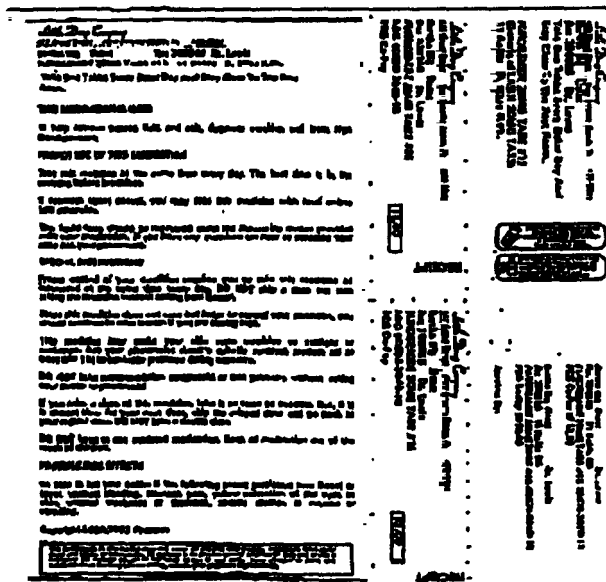
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Primary Examiner—Frances Han

[57] ABSTRACT

A printer blank for a computer system printer is disclosed. The blank has a contiguous pressure adhesive backed label section and may also have a larger plain paper section separated from the label section by a perforation line. The label section is comprised of a plurality of adhesive backed labels and a backing sheet, including a main label portion and at least one smaller auxiliary label. A preferred blank comprises a plurality of auxiliary labels. In use, at least one, but preferably not all, of the auxiliary labels on such a preferred blank are simultaneously removed from the backing sheet with the main label portion. Any auxiliary label(s) simultaneously removed with the main label but not printed upon are readily separated from the main label.



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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, 4 and 6 are determined to be patentable as amended.

Claims 2, 3, 5, 7 and 8, dependent on an amended claim, are determined to be patentable.

New claims 9, 10 and 11 are added and determined to be patentable.

1. A method for use by a pharmacist in labeling a container for a prescription drug to be dispensed to a customer, comprising the steps of:

I. providing a blank form for printing on at least one label to be affixed to the container, the form comprising:

(a) at least two labels releasably adhered to a backing sheet, each of said labels being provided with a printable surface upon which may be printed information relating to the prescription drug;

(b) adhesive means on the surface of each of said labels that is opposite the printable surface for affixing each of said labels to said container; and

(c) means for connecting said labels such that:

(1) the removal of one of the labels from the backing sheet will simultaneously remove from the backing sheet [the] another label to which it is connected; and

(2) the two removed labels optionally may be readily separated from each other prior to affixing any of said labels to said container;

II. printing information concerning a prescription on at least one of said labels;

III. simultaneously removing from the backing sheet at least said two labels; and

IV. affixing at least one of said two labels to said prescription drug container.

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4. [The] A method [of claim 3, in which the other of said two connected labels is adapted to receive printed information comprising a warning relating to the prescription drug] for use by a pharmacist in labeling a container for a prescription drug to be dispensed to a customer, comprising the steps of:

providing a blank form for printing on at least one label to be affixed to the container, the form comprising:

(a) *at least two labels releasably adhered to a backing sheet, each of said labels being provided with a printable surface upon which may be printed information relating to the prescription drug;*

(b) *adhesive means on the surface of each of said labels that is opposite the printable surface for affixing each of said labels to said container; and*

(c) *means for connecting said labels such that:*

(1) *the removal of one of the labels from the backing sheet will simultaneously remove from the backing sheet another label to which it is connected; and*

(2) *the removed labels optionally may be readily separated from each other prior to affixing any of said labels to said container;*

printing information identifying the customer and the prescription drug on one of said connected labels;

printing information comprising a warning relating to the prescription drug on at least one of the other connected labels;

simultaneously removing from the backing sheet at least one of said connected labels; and

affixing at least one of said two labels to said prescription drug container.

6. The method of claim 1, including the step of simultaneously affixing [at least] the two connected labels [removed from the backing sheet] to the container after removal from the backing sheet.

9. The method recited in claim 4, wherein the blank form further comprises means indicating a separation line between each connected label.

10. The method recited in claim 9, wherein the separation line comprises a perforation line between the connected labels.

11. The method recited in claim 10 further comprising the step of extending the perforation line between the connected label so as to permit removing of the connected labels together from the backing sheet and thereafter separating of the connected labels following removal from the backing sheet and prior to affixing any label to the container.

* * * * *

EXHIBIT "3"



US005855395A

United States Patent [19]

Foote et al.

[11] Patent Number: 5,855,395

[45] Date of Patent: *Jan. 5, 1999

[54] **PHARMACY LABEL AND RECORD SYSTEM AND METHOD**

[75] Inventors: Richard W. Foote, New Smyrna Beach; Richard Young, Bradenton, both of Fla.

[73] Assignee: Automatic Business Products, Inc., New Smyrna Beach, Fla.

[7] [*] Notice: The term of this patent shall not extend beyond the expiration date of Pat. No. 5,642,906.

[21] Appl. No.: 867,965

[22] Filed: Jun. 3, 1997

Related U.S. Application Data

[63] Continuation of Ser. No. 504,765, Jul. 20, 1995, Pat. No. 5,642,906, which is a continuation-in-part of Ser. No. 121,415, Sep. 16, 1993, abandoned.

[51] Int. Cl.⁶ B42D 15/00

[52] U.S. Cl. 283/67; 283/70; 283/81; 283/101; 283/105; 283/900; 281/2; 281/5; 428/43

[58] Field of Search 283/67, 70, 74, 283/79, 81, 101, 105, 900; 428/42.1, 43; 40/310, 306, 638, 299; 281/2, 5; 206/570

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5,147,699 9/1992 Browning et al.,**OTHER PUBLICATIONS**

CVS Pharmacy Label and Apr. 14, 1997 invoice from Moore Business Forms.

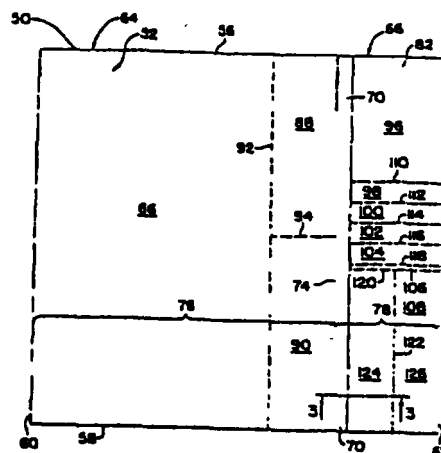
Primary Examiner—Frances Han

Attorney, Agent, or Firm—Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

[57] **ABSTRACT**

A printer blank for a computer system printer is disclosed. The blank has a contiguous pressure adhesive backed label section and may also have a larger plain paper section separated from the label section by a perforation line. The label section is comprised of a plurality of adhesive backed labels and a backing sheet, including a main label portion and at least one smaller auxiliary label. A preferred blank comprises a plurality of auxiliary labels. In use, at least one, but preferably not all, of the auxiliary labels on such a preferred blank are simultaneously removed from the backing sheet with the main label portion. Any auxiliary label(s) simultaneously removed with the main label but not printed upon are readily separated from the main label.

23 Claims, 4 Drawing Sheets



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Sheet 1 of 4

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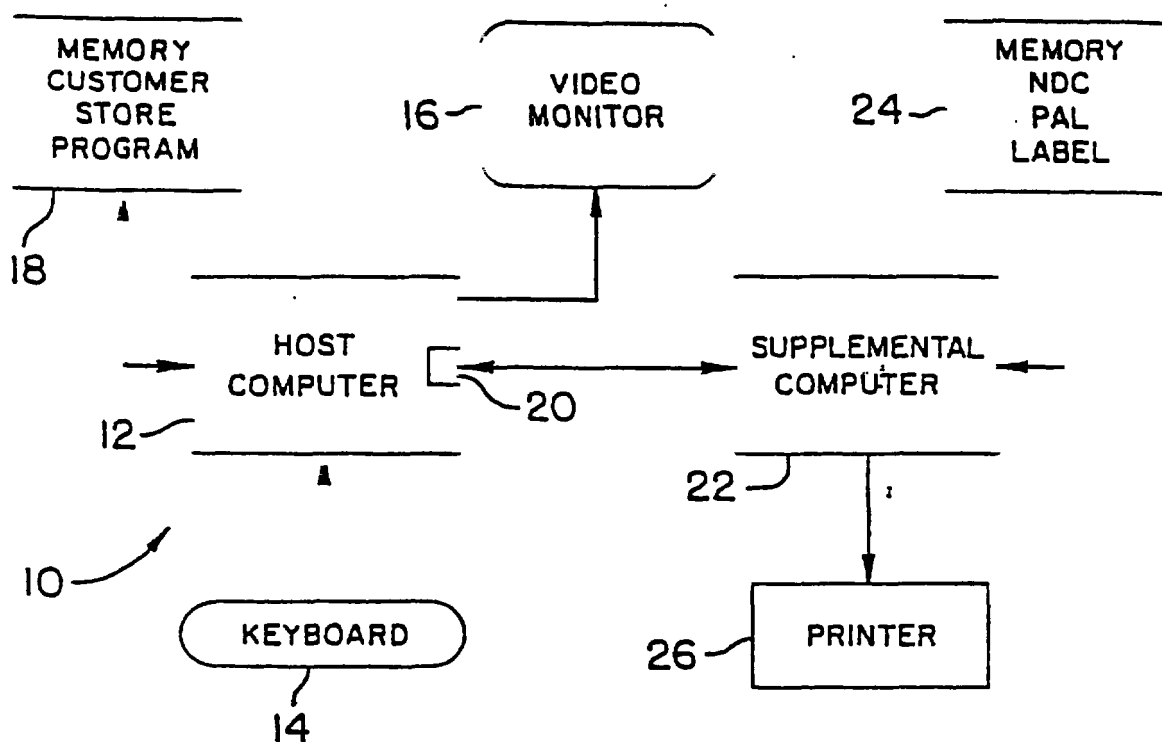


FIG. 1

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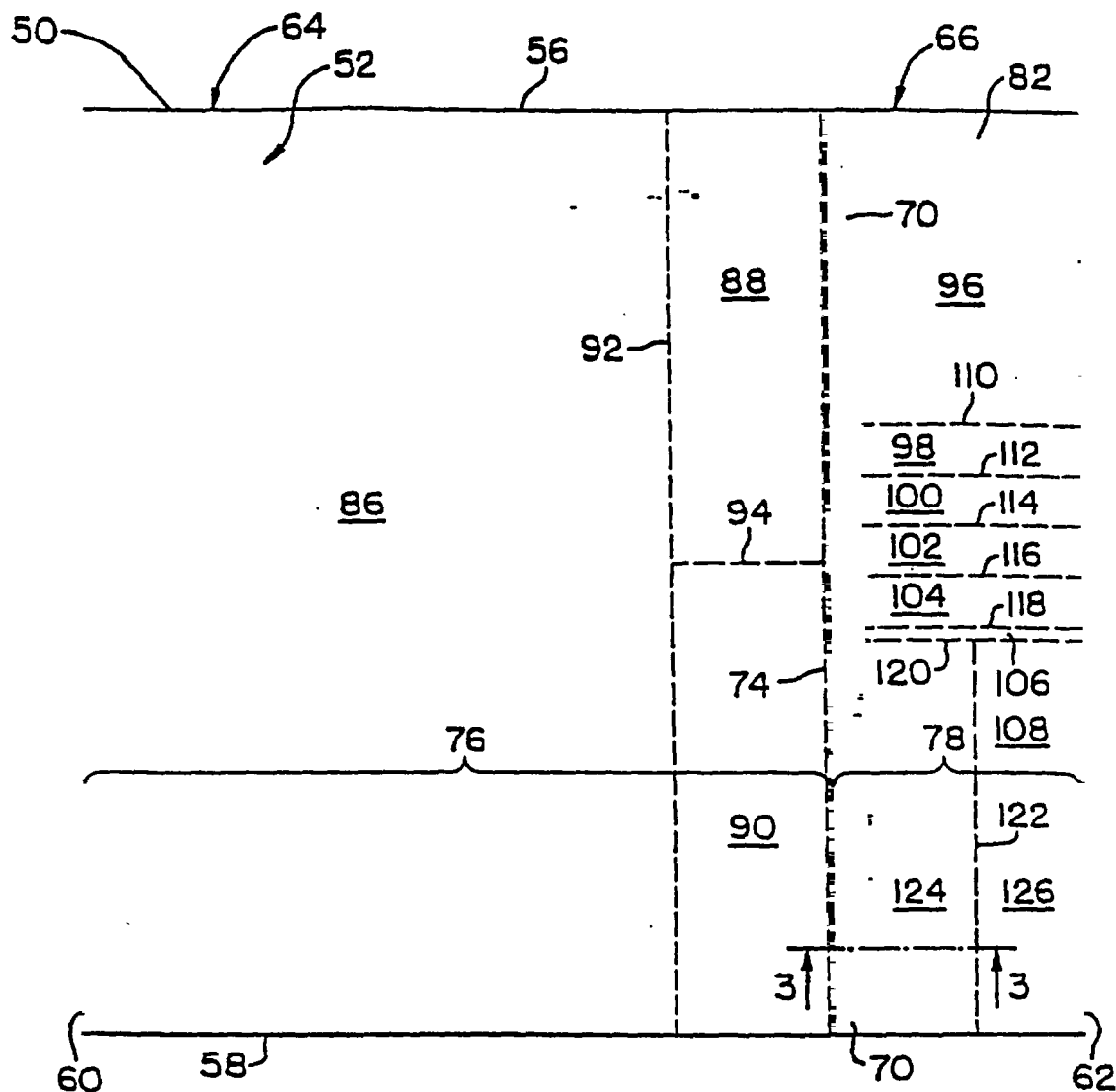


FIG. 2

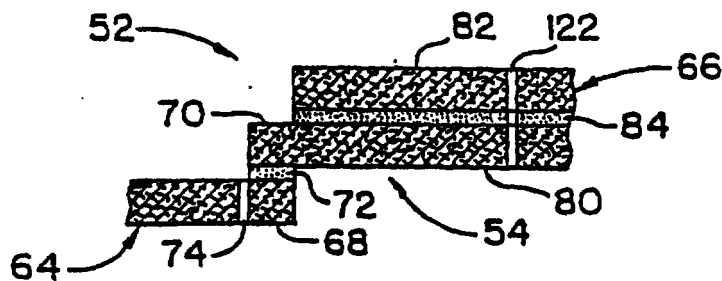


FIG. 3

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Lid. Dry Company
 417 East Street, New Haven, Conn. 06501
 Bertha Big Date: Rec 304888 Dr. Lewis
 FURSELMIDE 20MG TABS #15 11 Rmbs Dr. Lewis R.Ph.
 Take One Tablet Every Other Day And Stay Close To The Rest Room.

THIS MEDICATION IS USED

To help remove excess fluid and salt, decrease swelling and treat high blood pressure.

PROPER USE OF THIS MEDICATION

Take this medicine at the same time every day. The best time is in the morning before breakfast.

If stomach upset occurs, you may take this medicine with food unless told otherwise.

The Squid form should be measured using the measuring device provided with your medication. If you have any questions on how to measure your dose ask your pharmacist.

SPECIAL INSTRUCTIONS

Proper control of your condition requires you to take this medicine as instructed at the same time every day. DO NOT skip a dose nor stop taking the medicine without asking your doctor.

Since this medicine does not cure but helps to control your condition, you should continue to take it even if you are feeling well.

This medicine may make your skin more sensitive to sunlight or tanning. Ask your pharmacist about a suitable sunblock product (at least SPF 15) to minimize problems during exposure.

DO NOT take nonprescription cough/cold or diet products without asking your doctor or pharmacist.

If you miss a dose of this medicine, take it as soon as possible. But, if it is almost time for your next dose, skip the missed dose and go back to your regular dose. DO NOT take a double dose.

DO NOT loop or use outdated medication. Keep all medication out of the reach of children.

POSSIBLE SIDE EFFECTS

Be sure to tell your doctor if the following occur: persistent sore throat or fever, unusual bleeding, stomach pain, yellow coloration of the eyes or skin, unusual weakness or tiredness, muscle cramps or numbness or vomiting.

Copyright 1990, 1992 Pharmacia

The Pharmacia name and logo are registered trademarks of Pharmacia Corporation. The name of this medicine is a trademark of Pharmacia Corporation. The name of this medicine is a trademark of Pharmacia Corporation. The name of this medicine is a trademark of Pharmacia Corporation.

Lid. Dry Company
 417 East Street, New Haven, Conn. 06501
 Bertha Big Date: Rec 304888 Dr. Lewis
 FURSELMIDE 20MG TABS #15 11 Rmbs Dr. Lewis R.Ph.
 Take One Tablet Every Other Day And Stay Close To The Rest Room.

RECEIPT

417 East Street, New Haven, Conn. 06501
 Bertha Big Date: Rec 304888 Dr. Lewis
 FURSELMIDE 20MG TABS #15 11 Rmbs Dr. Lewis R.Ph.
 Take One Tablet Every Other Day And Stay Close To The Rest Room.

RECEIPT

417 East Street, New Haven, Conn. 06501
 Bertha Big Date: Rec 304888 Dr. Lewis
 FURSELMIDE 20MG TABS #15 11 Rmbs Dr. Lewis R.Ph.
 Take One Tablet Every Other Day And Stay Close To The Rest Room.

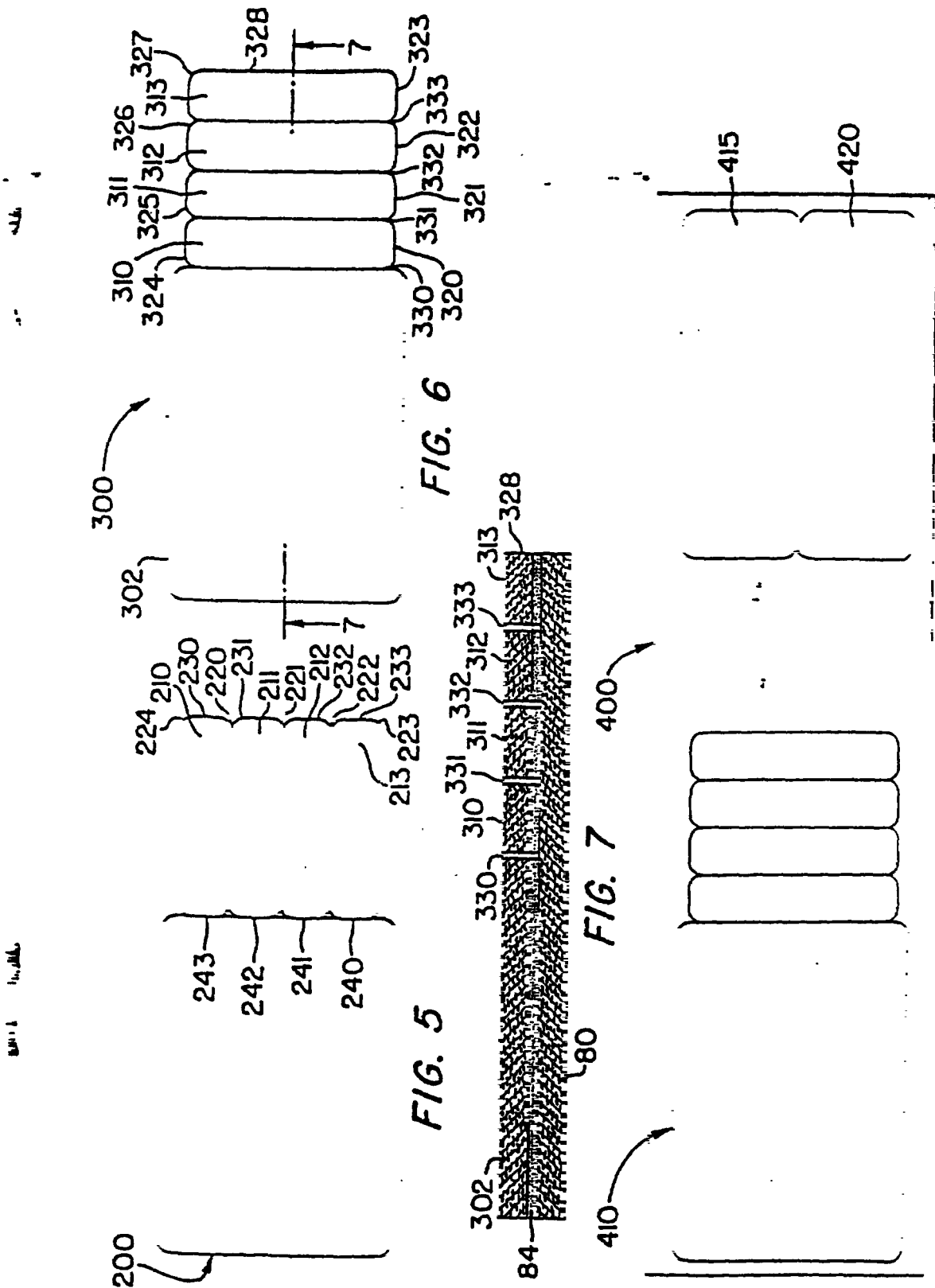
FIG. 4

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Sheet 4 of 4

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PHARMACY LABEL AND RECORD SYSTEM AND METHOD

This application is a continuation of application Ser. No. 08/504,765 filed Jul. 20, 1995, now U.S. Pat. No. 5,642,906 which is a continuation-in-part of Application Ser. No. 08/121,415 filed Sep. 16, 1993, now abandoned.

FIELD OF THE INVENTION

This invention relates to paper blanks for use with a printer in a computer system, and in particular relates to a compound paper blank to be printed on by a computer printer.

BACKGROUND OF THE INVENTION

Labels having pressure sensitive adhesive have been applied to drug containers for a long time by the pharmaceutical industry to identify the customer, the drug, the drug being dispensed, and the frequency of the dosage. These labels usually can be purchased in bundles that can be fed into a computer driven printer. The information to be printed on one of the labels is either typed into the computer using a conventional pharmacy computer program or is retrieved from a stored record having been previously typed into the computer memory using the pharmacy computer program. Such a computer program also has automatically printed out receipts for the customer and records for the pharmacy.

The pharmaceutical industry has also been applying oblong or rectangular warning labels to the drug containers for some time. These warning labels warn the customer about certain events or provide instructions involving the prescribed drug. For example, a warning label may carry the message:

**MAY CAUSE DROWSINESS; ALCOHOL MAY
INTENSIFY THIS EFFECT. USE CARE WHEN
OPERATING A CAR OR DANGEROUS MACHIN-
ERY.**

The warning labels have been supplied to the pharmaceutical industry for some time in rolls of the same message.

Pharmacies have also been supplying customers with an instruction sheet containing information about the drugs they are purchasing. One type of such labels carry the brand name PAL (Patient Advisory Leaflet).

The prior art also contains references which teach the use of a computer system to generate prescription labels printed by a computer driven printer. Such references include the following U.S. patents, which are incorporated herein by reference: Baum U.S. Pat. No. 4,918,604; Olodort et al. U.S. Pat. No. 4,875,174; and McKee U.S. Pat. No. 4,972,657. The prior art also contains references which disclose a manual form having an adhesive label portion used in combination for record keeping and generating a label to be applied to a drug container. Examples of U.S. patents, which are incorporated herein by reference, disclosing such forms are the Lockhart patents U.S. Pat. No. 4,277,089 and U.S. Pat. No. 4,159,129; and the Biava et al. patent U.S. Pat. No. 4,799,712.

However, there is no known prior art reference which provides a blank for a computer printer that contains portions for both a removable prescription drug label and a removable warning label with portions for other printed information. Such a system would reduce package costs, provide greater flexibility, and be compatible with existing computer software used by pharmacies.

SUMMARY OF THE INVENTION

Accordingly the present invention is designed to provide a multi-part blank which can be fed in a computer driven

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printer and when printed, will contain all of the parts needed for a complete set. Such a set contains a peelable vial label having a pressure sensitive adhesive connected to removable strips of computer selected warning labels also having a pressure sensitive adhesive. The set also contains portions for printed information needed by both the pharmacy and the customer.

The present invention provides a printer blank which can cut expenses, reduce errors, and cut time in preparing records and drug containers for customers. In one particular embodiment of the invention, a single sheet of multisectional paper blank can be fed into a laser printer and on that one sheet there will be printed a drug advisory leaflet; no, one or more than one warning labels having a pressure sensitive adhesive on its back side for easy application to a drug container, and a drug container label containing drug, customer, and pharmacy information. This blank in one pass through the laser printer contains all of the necessary records and parts for the entire drug transaction.

According to one embodiment, the present invention comprises a blank for use with a printer for printing information and labels for drug containers. The blank comprises a sheet of a material having a front side that can be printed on with the printer, a back side, a top and bottom edge which together define a generally horizontal direction, and two side edges which together define a generally vertical direction. The sheet includes at least a first portion and a second portion divided by a first, generally vertically extending tear line or tear line that extends from the top edge to the bottom edge. In the first portion the printer prints text about the particular drug being prescribed, and in the second portion, which includes a label laminate divided into a first section and a second section by a generally horizontal, second tear line. The second section is further divided into a plurality of horizontal strips by at least two generally horizontal tear lines which extend from the first tear line to one of the side edges of the blank. The laminate is comprised of a backing sheet, a removable label sheet having a front side that can be printed on with the printer and a back side, and a pressure-type adhesive on the back side of said label sheet.

Other advantages, features, and details of the present invention will be set forth in or apparent from the detailed description thereof contained hereinbelow.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an electronic block diagram of a prototype computer system used to demonstrate the present invention;

FIG. 2 is a plan view of a blank in accordance with the present invention before it has been printed on;

FIG. 3 is an enlarged, not-to-scale, cross-sectional view taken along lines 3—3 of FIG. 2 in which certain layers have been shown thicker in order to depict the details of construction;

FIG. 4 is a plan view of a blank that has indicia printed on it by a computer driven laser printer;

FIGS. 5, 6 and 8 are plan views of other blanks in accordance with the present invention; and

FIG. 7 is an enlarged, not-to-scale, cross-sectional view taken along lines 7—7 of FIG. 6 in which certain layers have been shown thicker in order to depict the details of construction.

DESCRIPTION OF THE PREFERRED EMBODIMENT

With reference now to the drawings in which like numerals are used to represent like elements throughout the several

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views, and in particular with reference to FIG. 1, a computer system 10 is depicted for generating a completed form such as shown in FIG. 4. Computer system 10 is comprised of a conventional host computer 12 having a conventional keyboard 14 for the manual input of information, a conventional computer monitor 16 for the output of information and a conventional external memory 18, which can be a conventional hard disk system. Host computer 12 has an input/output port 20 and can be an IBM compatible computer type using an INTEL brand 80486 DX microprocessor with 8 Mega-bytes of internal memory. Memory 18 holds a number of data bases, such as a customer data base containing customer information and a store data base containing the pharmacy's inventory control information. Memory 18 also holds a conventional pharmaceutical computer program. The program is used by pharmacies to generate the customer data base and store data base, and to extract information contained in these data bases and combine it with information entered from keyboard 14 by a pharmacist to produce an output to drive a printer to print a conventional drug label.

Connected to host computer through input/output port 20 is a supplemental computer 22. Supplemental computer 22 can be identical in configuration to host computer 12. Connected to supplemental computer 22 is a conventional external memory 24 and a conventional laser printer 26, such as a Hewlett-Packard model Series 2 laser printer. Stored in memory 24 are an NDC (National Drug Code) data base containing a standardized drug code list, a data base containing information for the customer about each prescribed drug, such as the commercially available C-PAL® data base, and a data base of warning labels, including unique logos and icons (see, for example, FIG. 4). Also contained in memory 24 is a program which permits supplemental computer to intercept the printer information from host computer 12, to reformat the information, to enter the C-PAL® and warning label data bases to get the related information, and to regenerate the printer information with the incorporated C-PAL® and warning label information.

Computer system 10 is depicted in FIG. 1 as having two computers and it is so configured because it has been designed to complement, upgrade and modify an existing pharmacy computer system that has been using commercially available software. However, an alternative embodiment of the invention (not depicted) is implemented on, or includes, a single computer system in which supplemental computer 22 is combined with host computer 12, supplemental computer memory 24 is combined with host computer memory 18, and a single computer program is used both for the conventional pharmacy inventory control, accounting and report generating tasks and for the printing of a completed form, such as depicted in FIG. 4.

A blank or form 50 in accordance with the present invention is depicted in FIGS. 2 and 3. Blank 50 is preferably made from a flexible, conventional stock material. Blank 50 has a front side 52 which can receive and retain "ink" or print from printer 26 and a back side 54 (FIG. 3). As shown in FIG. 2, blank 50 has a top edge 56 and a bottom edge 58 parallel thereto which are arbitrarily used to define the horizontal direction in blank 50. Blank 50 also has a left side 60 and a right side 62 parallel thereto which are arbitrarily used to define the vertical direction in blank 50. In a presently preferred embodiment, blank 50 is made of paper and is essentially a square with each side having a length of 8.5 inches (21.59 cm). Alternatively, blank 50 can be made from a plastic or other thin sheet material which can be printed on.

Blank 50 is comprised of a first sheet 64 and a second sheet 66 which have respective overlapping strips 68 and 70

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that are adhered to one another with a conventional heat set adhesive 72, as shown in FIG. 3.

Strip 68 is defined not only by its overlapping strip 70, but also by a vertically extending tear line 74 that extends from top edge 56 to bottom edge 58. Tear line 74 can be a score line, but preferably is a perforation line with the perforations extending completely through first sheet 64. Thus, as seen on front side 52 of blank 50, it can also be said that tear line 74 divides blank 50 into a first portion 76, which is coextensive with first sheet 64 less strip 68, and a second portion 78 which is-coextensive with second sheet 66 including strip 70.

As depicted in FIG. 3, second sheet 66 is comprised of a laminate and has a backing 80 and a paper top layer 82. Backing 80 in the presently preferred embodiment is a paper product having an embedded plastic top portion or coated with a plastic film (not shown). Attached to the underside of top layer 82 is a conventional pressure adhesive 84. By appropriately selecting top layer 82, adhesive 84 and backing 80, adhesive 84 removably adheres top layer 82 to backing 80, and after top layer 82 is removed from said backing sheet is able to adhere more permanently top layer 82 to a container (not shown), which can be a conventional plastic bottle in which drugs are dispensed.

As seen in FIG. 2, when viewed together with FIG. 4, first portion 76 is much larger in the horizontal direction than second portion 78. In a presently preferred embodiment, first sheet has a width of 6 1/2 inches (16.83 cm) and first portion 76 has a width of 6 1/4 inches (16.19 cm). First portion 76 is divided into three sections, 86, 88 and 90 by a vertical tear line 92 and by a short horizontal tear line 94. Tear line 94 is a perpendicular bisector of tear line 92, which is parallel to tear line 74 and similarly extends from top edge 56 to bottom edge 58. In a preferred embodiment of the invention, tear lines 92 and 94 are perforation lines with the perforation extending completely through first sheet 64. As shown in FIG. 4, section 86 is the largest section and is used to contain the text of a Patient Advisory Leaflet. Sections 88 and 90 are obvioustly of equal size and they are each used to contain the text of a customer receipt which can be used for financial records.

Second portion 78 is divided into a plurality of vertically arranged portions by a plurality of horizontal tear lines. In the present embodiment there are seven such portions denoted 96, 98, 100, 102, 104, 106 and 108 created by six tear lines 110, 112, 114, 116, 118, and 120. In a preferred embodiment, tear lines 110, 112, 114, 116 and 120 extend only through top layer 82 and attached layer of adhesive 84 and are perforation lines. On the other hand, tear line 118 in a preferred embodiment is a perforation line with the perforations extending completely through second sheet 66. Portion 96 is a wrap-around label to be applied to a drug container. Portions 98, 100, 102 and 104 are four blanks, none, some or all of which may be used to contain design and word indicia representing warning labels to be applied to a drug container. Portion 106 is unused filler.

Portion 108 is vertically bisected by a vertical tear line 122 to create vertically extending parts 124 and 126. In a preferred embodiment, tear line 122 is a perforation line with the perforations extending completely through second sheet 66. Part 124 is used to obtain a third party signature and also to contain information about the particular prescription. Part 126 can be used as an adhesive pharmacy record label to be applied to an appropriate ledger page (not shown).

The advantages to having tear lines 74, 92, 94, 118 and 122 extend completely through their respective sheets 64

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and 66 is that blank 50 can be easily and quickly divided into five portions, each with an entirely different purpose. Portions 86 (the patient advisory leaflet), 88 and 90 are adhesive free and are given to the customer. Combined portions 96, 98, 100, 102 104 contain indicia having the information necessary for the container of the drug being dispensed, and the adhesive top layer 82 can be removed as one piece from backing 80, the unused warning label portions removed, and the remaining piece applied to the drug container. Finally, adhesive parts 124 and 126 can be selectively removed from their piece of backing 80 and applied to the appropriate pharmacy ledger.

The number of warning label blanks provided is somewhat arbitrary, except that based upon prior experience most druggist do not select more than four such labels for any particular drug. Obviously, the number of blanks could be larger or smaller if necessary, and the unused blanks would be separated and discarded before the drug label, portion 96, and used warning labels, portions 98, 100, 102 and 104 are applied.

In an alternative embodiment, portion 108 could be divided into three vertically extending parts by two tear lines so that the signature section could be separated from the pharmacy record label.

The further embodiments depicted in FIGS. 5-8 may be used alone as illustrated or as alternative portions of the particular embodiment described above.

The FIG. 5 embodiment comprises a main label 200 and auxiliary labels 210 to 213. Auxiliary labels 210 to 213, which are horizontally disposed with respect to main label 200, are horizontally separated from each other and from other portions of the blank by way of knife or die cuts 220 to 224 and vertically from other portions of the blank by way of knife or die cuts 230 to 233, which knife or die cuts extend through the adhesive layer but not through the backing layer. At least one of lines 240 to 243 is a perforation line extending to but not through the backing sheet, such that at least one of auxiliary labels 210 to 213 is separated from the backing sheet simultaneously with the removal of main label 200 from the backing sheet. Any of lines 240 to 243 which are not perforation lines, if any, are knife or die cuts extending to the backing sheet, such that the respective auxiliary labels are completely separated from each other as well as from any other portions of the blank.

The embodiment of FIGS. 6 and 7 differs from the FIG. 5 embodiment in that auxiliary labels 310 to 313 are vertically rather than horizontally disposed with respect to the main label 300. Thus each of lines 320 to 328 is a knife or die cut extending through adhesive 84 to but not through backing sheet 80, at least line 330 of lines 330 to 333 is a perforation line extending to but not through back sheet 80, and any of lines 331 to 333 which are not perforation lines, if any, are knife or die cuts extending to but not through the backing sheet, such that any respective auxiliary label is completely separated, and therefore separately removable, from any other portion of the blank. With such a construction, at least one but optionally up to all of the auxiliary labels may be removed from the backing sheet simultaneously with the main label and any unused but removed auxiliary labels, if any, may be subsequently and easily separated from the main and/or used auxiliary label(s). In a preferred embodiment of the FIGS. 6 and 7 embodiment, lines 330 and 331 are perforated lines and lines 332 and 333 are die cuts, such that two auxiliary labels 310 and 311 are simultaneously removed from back sheet 80 with main label 302.

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The embodiment of FIG. 8 illustrates a blank 400 of which the blank of the FIG. 6 embodiment is one component 410. Additional components 415 and 420 of the FIG. 8 embodiment are additional separately removable adhesive labels.

As described in detail above, in carrying out a method of labeling utilizing blank forms according to the invention, the user causes the desired information to be printed on the main label and, optionally, on one or more auxiliary labels, simultaneously removes the printed main label and at least one auxiliary label from the backing sheet, separates any simultaneously removed but unused auxiliary label(s), and simultaneously applies the main label and any remaining, i.e., used, auxiliary label(s) to another surface. When used in a pharmacy application as a labeling system for prescription drugs, any used auxiliary labels comprise warning labels to the user of the drug dispensed in the container to which the labels are affixed.

Thus, the present invention has been described with reference to the drawings with respect to presently preferred embodiments. As such, the present invention permits, for example, the existing computer system of a pharmacy to execute a label set as usual while the software of the present invention adds information by which laser printer 26 will print any warning labels and an advisory leaflet corresponding to the drug being dispensed. The one piece wrap-around pressure sensitive label for the drug container optionally combines the main drug container label with one or more selected warning labels.

Other modifications and enhancements of the present invention would be obvious to those skilled in the art.

We claim:

1. A pharmacy form for use with a printer for printing drug-related information and labels, said blank comprising:
 - a sheet having a front side that can be printed on with the printer and having a back side, said sheet having a top edge and a bottom edge which together define a generally horizontal direction, and having two side edges which together define a generally vertical direction;
 - said sheet comprising a first portion and a second portion divided by a first, generally vertically extending tear line that extends from said top edge to said bottom edge;
 - said first portion comprising plain paper for receiving printed text,
 - said second portion comprising
 - a backing sheet;
 - a removable label sheet having a front side that can be printed on with the printer and a back side;
 - a pressure-type adhesive on said back side of said label sheet, said adhesive removable adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;
 - said removable label sheet comprising a main label and a plurality of elongated auxiliary labels smaller than said main label with the direction of elongation of the auxiliary labels extending lateral to the first tear line, and means permitting said auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label; and
 - at least one further label in addition to said main label and said auxiliary labels, said further label being substantially completely separated from all other portions of said label sheet by die cuts substantially

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surrounding said further label and extending through said label sheet and said adhesive to said backing sheet.

2. A printed pharmacy form containing printed drug information and printed main and warning labels for a drug container, said form comprising:

a sheet having a front side a back side, said sheet having a top edge and a bottom edge which together define a generally horizontal direction, and having two side edges which together define a generally vertical direction;

said sheet comprising a first portion and a second portion divided by a first, generally vertically extending tear line that extends from said top edge to said bottom edge;

said first portion comprising plain paper having text printed thereon about a particular drug being prescribed,

said second portion comprising

a backing sheet attached to and extending away from an edge of said first portion in a plane generally parallel to the plane of the first portion;

a removable label sheet having a front side printed on with the printer and a back side; and

a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet so that after said label sheet is removed from said backing sheet a pharmacy worker is able to adhere said label sheet to a drug container;

said second portion divided into a first section and a second section by a generally horizontal, second tear line, said first section comprising a printed main label for a drug container and a plurality of elongated auxiliary label strips with the direction of elongation lateral to the first tear line, at least one of the elongated auxiliary label strips having drug warning text printed thereon, and means permitting the elongated auxiliary label strips to be simultaneously removed from said backing sheet with said main drug container label and subsequently readily separated from said main label.

3. A form according to claim 2, wherein said means comprises a perforated-line tear line extending through said label sheet and said adhesive to said backing sheet and separating said main drug container label and at least a first drug warning label.

4. A form according to claim 3, comprising four drug warning labels.

5. A form according to claim 4 wherein said means permit more than one of said drug warning labels to be simultaneously removable with and subsequently readily separable from said main drug container label, and said means are perforated-line tear lines between said main drug container label and a first drug warning label and between said first warning label and a second warning label, said perforated-line tear lines extending through said label sheet and said adhesive to said backing sheet.

6. A form according to claim 2, wherein at least one drug warning label not simultaneously removable with said main drug container label is substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said drug warning label and extending through said label sheet and said adhesive to said backing sheet.

7. A form according to claim 2 in which said label laminate further comprises at least one further label in

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addition to said main drug container label and said drug warning labels, said further label being substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said further label and extending through said label sheet and said adhesive to said backing sheet.

8. A method of labeling a drug container comprising the steps of causing desired drug information to be printed on a blank having a main label with printing thereon alone a first direction and plural smaller auxiliary labels removably attached to the main label and with printing on at least one of the auxiliary labels along a second direction generally lateral to the first direction, said labels being releasably adhered to a backing sheet; carrying out the printing in the first and second directions during one pass through a printer; simultaneously removing said main label and at least one auxiliary label from said backing sheet; and separating any simultaneously removed but unused auxiliary labels without printing from said main label and any used auxiliary labels, then simultaneously affixing said main label and any used auxiliary labels with printing to a surface of a drug container.

9. A method according to claim 8, wherein said blank comprises a plurality of said smaller auxiliary labels and less than all of said auxiliary labels are simultaneously removed from said backing sheet with said main label.

10. A method of labeling a container for a drug dispensed by a pharmacist, comprising the steps of causing desired prescription-specific information to be printed in a first direction on a main label of a blank comprising said main label and plural smaller auxiliary labels removably attached with the main label said main and auxiliary labels being releasably adhered to a backing sheet; printing any warning label applicable to said drug on said auxiliary labels in a second direction lateral to the first direction; carrying out the printing in the first and second directions during one pass through a printer; simultaneously removing from said backing sheet said printed main label and at least one of the auxiliary labels; separating from said removed portion any simultaneously removed but unused auxiliary labels; and simultaneously affixing said main label and any printed warning label to said container.

11. A method according to claim 10, wherein less than all of said auxiliary labels are simultaneously removed from said backing sheet with said main label.

12. A method for use by a pharmacist in labeling a container for a prescription drug to be dispensed to a customer comprising the steps of:

providing a blank form having a drug container label and warning labels releasably adhered to a backing sheet, each of the labels being provided with a surface upon which may be printed information relating to the prescription drug;

connecting the drug container and warning labels such that the removal of one of the labels from the backing sheet will simultaneously remove from the backing sheet the other label to which it is connected and with the two removed labels separable from each other prior to affixing any of the labels to the container;

attaching an edge of the backing sheet to an edge of a sheet of plain paper having a printing surface;

then printing in a single pass through a printer drug-related information on the printing surface of the plain paper sheet, drug-related information in a first direction on the drug container label and warning label information in a second direction lateral to the first direction onto at least one of the warning labels;

simultaneously removing the drug container and at least the ones of the warning labels with printing thereon from the backing sheet; and

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affixing the drug container label and the ones of the warning labels having printing thereon to the prescription drug container.

13. A method of forming a composite label for a container useful in dispensing drugs by a pharmacist in which the composite label includes both a main label portion with specific drug or patient information and at least one warning label portion containing warning information, and in which the main and warning label portions may be rapidly and efficiently printed and affixed to the container, the method comprising the steps of:

providing a blank form having the main label portion and plural warning label portions releasably adhered to a backing sheet, both the main label portion and the warning label portions having respective outer surfaces for receiving printed information thereon;

connecting the main label portion and the warning label portions such that the removal of the main label portion permits the simultaneous removal of the warning label portions together therewith;

printing drug or patient specific information onto the outer surface of the main label portion in a first direction;

printing warning information onto the outer surface of at least one of the warning label portions in a second direction which is generally lateral to the first printing direction on the main label portion;

after completing the printing steps, removing from the backing sheet a composite label including the printed main label portion and any of the warning label portions containing printing thereon;

separating from the composite label any remaining warning label portions without printing, if any; and then affixing the composite label to the drug container.

14. The method of forming a label as recited in claim 13, further comprising the step of carrying out the printing of the main label portion and the printing of the warning label portions during one printing pass.

15. The method recited in claim 13 further comprising the steps of:

removably affixing a patient advisory form alongside the main label portion; and

printing patient advisory information onto an outer surface of the patient advisory form in either the first or second printing directions.

16. The method recited in claim 15 further comprising the step of printing the main label portion, the warning label portions and the advisory patient form during one printing pass.

17. A method of forming a composite label for a container useful in dispensing drugs by a pharmacist in which the composite label includes both a main label portion with specific drug or patient information and at least one warning label portion containing warning information, and in which the main and warning label portions may be rapidly and efficiently printed and affixed to the container, the method comprising the steps of:

providing a blank form having the main label portion and plural warning label portions releasably adhered to a backing sheet, both the main label portion and the warning label portions having respective outer surfaces for receiving printed information thereon;

printing drug or patient specific information onto the outer surface of the main label portion in a first direction; and

printing warning information onto the outer surface of at least one of the warning label portions in a second

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direction which is generally lateral to the first printing direction on the main label portion.

18. The method recited in claim 17 further comprising the steps of:

removably affixing a patient advisory form alongside the main label portion; and

printing patient advisory information onto an outer surface of the patient advisory form in either the first or second printing directions.

19. The method recited in claim 18 further comprising the step of printing the main label portion, the warning label portions and the advisory patient form during one printing pass.

20. A method of forming a composite label for a container useful in dispensing drugs by a pharmacist in which the composite label includes both a main label portion with specific drug or patient information and at least one warning label portion containing warning information, and in which the main and warning label portions may be rapidly and efficiently printed and affixed to the container, the method comprising the steps of:

providing a blank form having the main label portion and plural warning label portions releasably adhered to a backing sheet, both the main label portion and the warning label portions having respective outer surfaces for receiving printed information thereon;

connecting the main label portion and the warning label portions such that the removal of the main label portion permits the simultaneous removal of the warning label portions together therewith;

printing drug or patient specific information onto the outer surface of the main label portion;

printing warning information onto the outer surface of at least one of the warning label portions;

after completing the printing steps, removing from the backing sheet a composite label including the printed main label portion and any of the warning label portions containing printing thereon;

separating from the composite label any remaining warning label portions without printing, if any; and then affixing the composite label to the drug container.

21. A method for forming a label for a container useful in dispensing prescription drugs and in which both patient/drug specific information and warning information may be printed and then rapidly affixed to the container, the method comprising the steps of:

providing a blank form having a main label and a plurality of elongated warning label strips releasably adhered to a backing sheet, both the main label and the elongated warning label strips having respective outer surfaces for receiving printed information thereon;

connecting the main label and the plurality of elongated warning label strips such that at least one of the warning label strips is alongside the main label, the main label and the plurality of elongated warning strips being connected together so that the removal of the main label permits the simultaneous removal of the elongated warning label strips;

printing drug/patient specific information onto the outer surface of the main label;

printing warning information onto an outer surface of at least one of the plurality of elongated warning label strips;

after completing the printing steps, removing from the backing sheet the printed main label and at least the

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ones of the plurality of elongated warning label strips containing printing thereon;

separating from the printed main label and any printed warning label strips any remaining warning label strips without printing thereon, if any; and then

affixing to the drug container the printed main label and any of the elongated printed warning label strips attached thereto.

22. The method recited in claim 21 further comprising the step of positioning the warning label strips so that the

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direction of elongation is parallel to the side of the main label to which the warning label strips are adjacent.

23. The method recited in claim 22 further comprising the step of printing warning label information onto the outer surface of at least one of the plurality of elongated warning label strips in a direction which is generally lateral to the direction of printing on the main label.

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EXHIBIT "4"

United States Patent [19][11] Patent Number: **6,036,231**

Foote et al.

[45] Date of Patent: ***Mar. 14, 2000****[54] PHARMACY LABEL AND RECORD SYSTEM AND METHOD****[75] Inventors:** Richard W. Foote, New Smyrna Beach; Richard Young, Bradenton, both of Fla.**[73] Assignee:** Automatic Business Products Company, Inc., New Smyrna Beach, Fla.**[*] Notice:** This patent is subject to a terminal disclaimer.**[21] Appl. No.:** 09/224,329**[22] Filed:** Dec. 31, 1998**Related U.S. Application Data****[63]** Continuation of application No. 08/867,965, Jun. 3, 1997, Pat. No. 5,855,395, which is a continuation of application No. 08/504,765, Jul. 20, 1995, Pat. No. 5,642,906.**[51] Int. Cl.⁷** **B42D 15/00****[52] U.S. Cl.** **283/67; 40/299; 40/310; 40/638; 206/570; 281/2; 281/5; 283/81; 283/900; 428/42.1; 428/43****[58] Field of Search** **283/81, 67, 70, 283/74, 79, 101, 105, 900; 428/42.1, 43; 40/310, 306, 638, 299; 281/2, 5; 206/570****[56] References Cited****U.S. PATENT DOCUMENTS**

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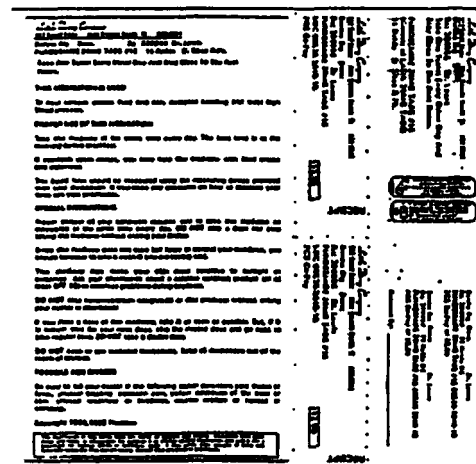
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Primary Examiner—Andrea L. Pitts**Assistant Examiner**—Monica Smith**Attorney, Agent, or Firm**—Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.**[57] ABSTRACT**

A printer blank for a computer system printer is disclosed. The blank has a contiguous pressure adhesive backed label section and may also have a larger plain paper section separated from the label section by a perforation line. The label section is comprised of a plurality of adhesive backed labels and a backing sheet, including a main label portion and at least one smaller auxiliary label. A preferred blank comprises a plurality of auxiliary labels. In use, at least one, but preferably not all, of the auxiliary labels on such a preferred blank are simultaneously removed from the backing sheet with the main label portion. Any auxiliary label(s) simultaneously removed with the main label but not printed upon are readily separated from the main label.

16 Claims, 4 Drawing Sheets

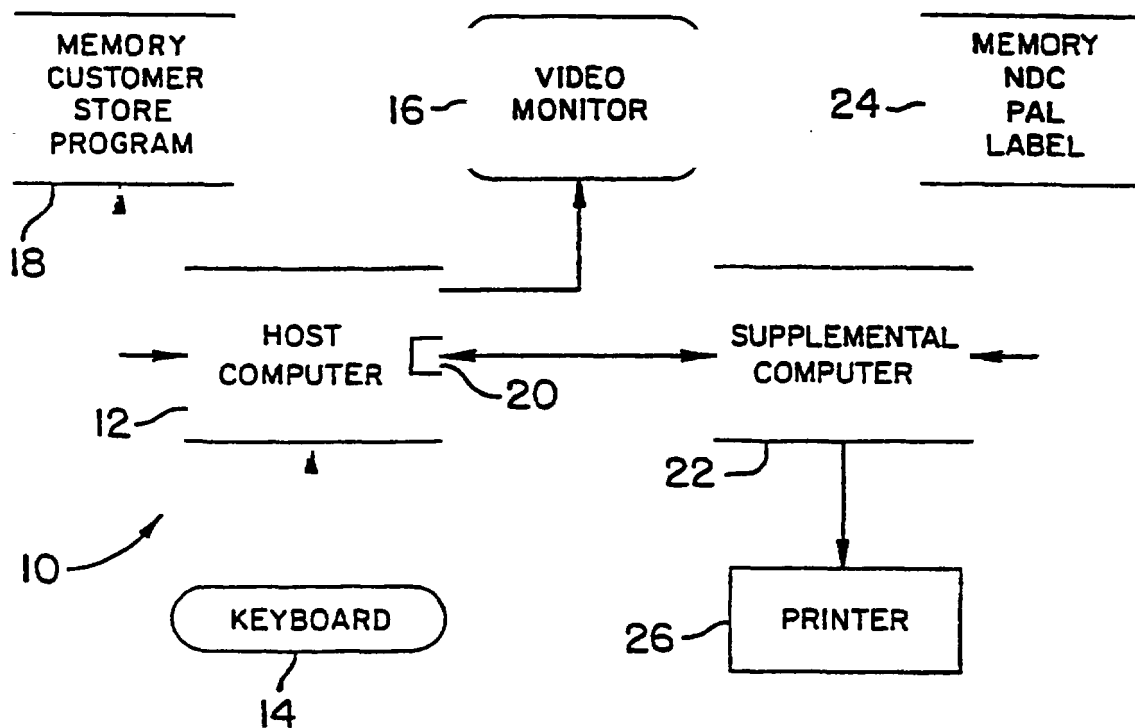


FIG. 1

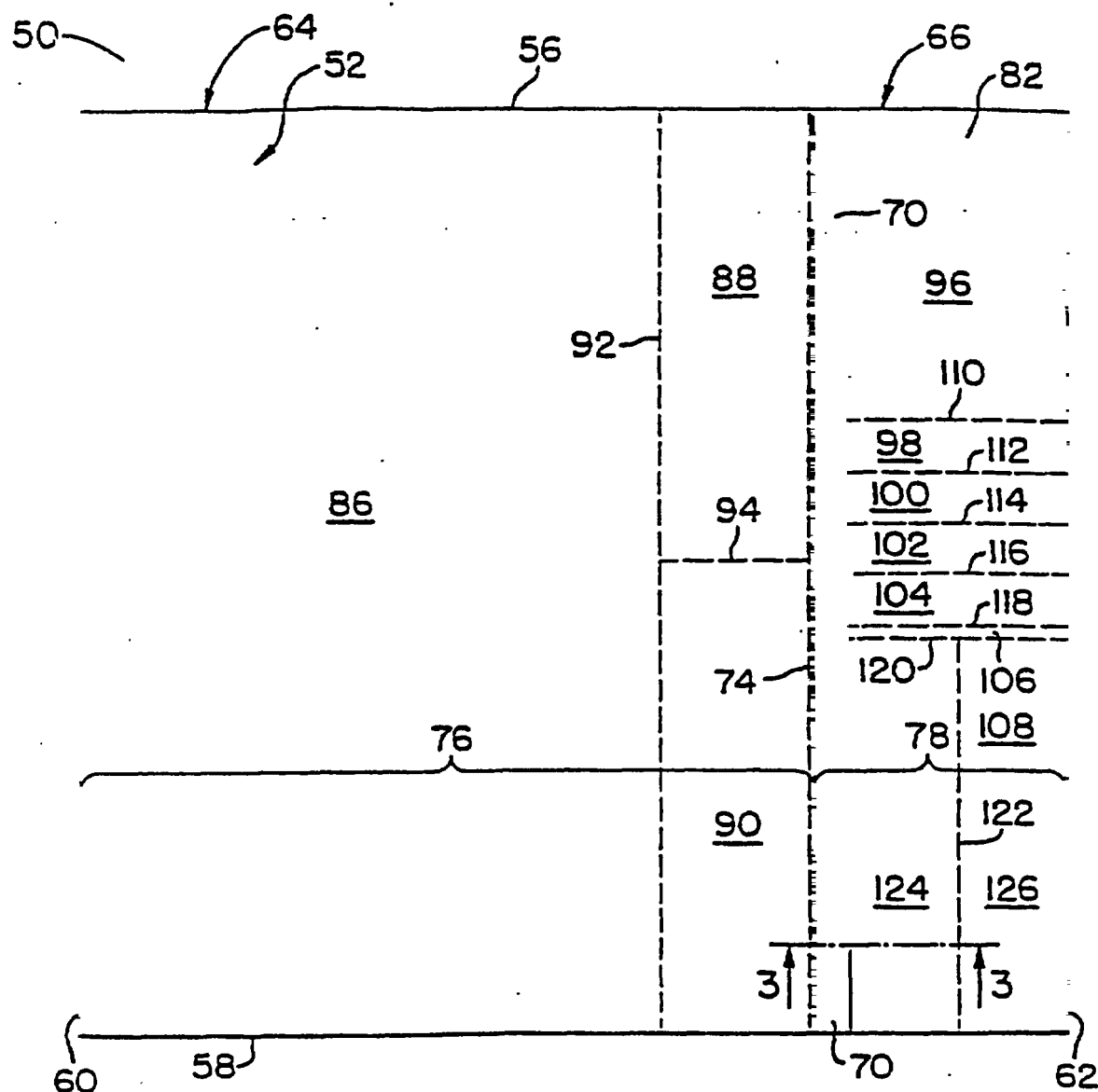


FIG. 2

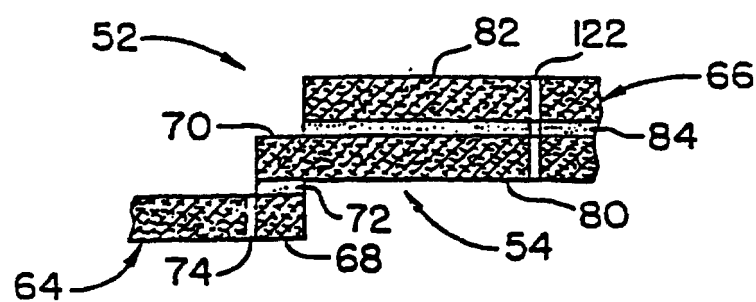


FIG. 3

U.S. Patent

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Sheet 3 of 4

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Lith Drug Company

412 Canal Street New Orleans, LA 70112-1041

Bertha Big Date: Rx: 306866 Dr. Lewis
FURSEMIDE 20MG TABS #15 11 Refills D. Shes R.Ph.

Take One Tablet Every Other Day And Stay Close To The Rest Room.

THIS MEDICATION IS USED

To help remove excess fluid and salt, decrease swelling and treat high blood pressure.

PROPER USE OF THIS MEDICATION

Take this medicine at the same time every day. The best time is in the morning before breakfast.

If stomach upset occurs, you may take this medicine with food unless told otherwise.

The fluid form should be measured using the measuring device provided with your medication. If you have any questions on how to measure your dose ask your pharmacist.

SPECIAL INSTRUCTIONS

Proper control of your condition requires you to take this medicine as instructed at the same time every day; DO NOT skip a dose nor stop taking the medicine without asking your doctor.

Since this medicine does not cure but helps to control your condition, you should continue to take it even if you are feeling well.

This medicine may make your skin more sensitive to sunlight or sunburns. Ask your pharmacist about a suitable sunblock product (of at least SPF 15) to minimize problems during exposure.

DO NOT take nonprescription cough/sore or diet products without asking your doctor or pharmacist.

If you miss a dose of this medicine, take it as soon as possible. But, if it is almost time for your next dose, skip the missed dose and go back to your regular dose. DO NOT take a double dose.

DO NOT keep or use outdated medication. Keep all medication out of the reach of children.

POSSIBLE SIDE EFFECTS

Be sure to tell your doctor if the following occur: persistent sore throat or fever, unusual bleeding, stomach pain, yellow coloration of the eyes or skin, unusual weakness or tiredness, muscle cramps or nerves or vomiting.

Copyright 1990,1992 Pharmex

The information in this notice may not cover all possible side effects. Information about other drugs and foods, or procedures, is subject to change without notice and is not a substitute for medical advice or treatment. Please call your doctor or pharmacist if you have any questions about the drug you are taking, or about your condition or treatment.

Lith Drug Company
412 Canal Street New Orleans, LA 70112-1041
Bertha Big Date: Rx: 306866 Dr. Lewis
FURSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-Fry

12.00

RECEIPT

Lith Drug Company
412 Canal Street New Orleans, LA 70112-1041
Bertha Big Date: Rx: 306866 Dr. Lewis
FURSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-Fry

12.00

RECEIPT

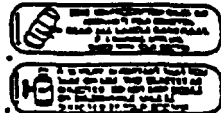
Lith Drug Company
412 Canal Street New Orleans, LA 70112-1041
Bertha Big Date: Rx: 306866 Dr. Lewis
FURSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-FryBertha Big Date: Rx: 306866 Dr. Lewis
FURSEMIDE 20MG TABS #15
NDC 00536-3840-10
PCS Co-Fry

FIG. 4

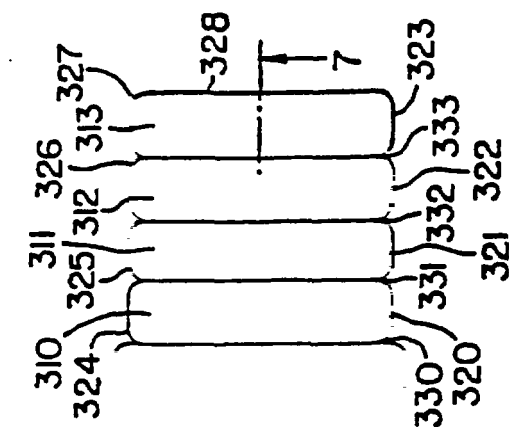


FIG. 6

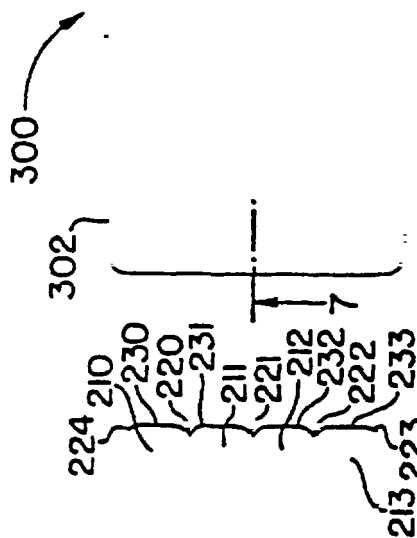


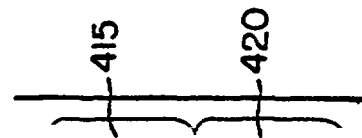
FIG. 5



FIG. 7



FIG. 8



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PHARMACY LABEL AND RECORD SYSTEM AND METHOD

This is a continuation of application Ser. No. 08/867,965 filed Jun. 3, 1997 which will issue as U.S. Pat. No. 5,855,395 on Jan. 5, 1999 which is a continuation of Ser. No. 08/504,765 filed Jul. 20, 1995 now U.S. Pat. No. 5,642,906.

FIELD OF THE INVENTION

This invention relates to paper blanks for use with a printer in a computer system, and in particular relates to a compound paper blank to be printed on by a computer printer.

BACKGROUND OF THE INVENTION

Labels having pressure sensitive adhesive have been applied to drug containers for a long time by the pharmaceutical industry to identify the customer, the doctor, the drug being dispensed, and the frequency of the dosage. These labels usually can be purchased in bundles that can be fed into a computer driven printer. The information to be printed on one of the labels is either typed into the computer using a conventional pharmacy computer program or is retrieved from a stored record having been previously typed into the computer memory using the pharmacy computer program. Such a computer program also has automatically printed out receipts for the customer and records for the pharmacy.

The pharmaceutical industry has also been applying oblong or rectangular warning labels to the drug containers for some time. These warning labels warn the customer about certain events or provide instructions involving the prescribed drug. For example, a warning label may carry the message:

MAY CAUSE DROWSINESS; ALCOHOL MAY
INTENSIFY THIS EFFECT. USE CARE WHEN
OPERATING A CAR OR DANGEROUS MACHIN-
ERY.

The warning labels have been supplied to the pharmaceutical industry for some time in rolls of the same message.

Pharmacies have also been supplying customers with an instruction sheet containing information about the drugs they are purchasing. One type of such labels carry the brand name PAL (Patient Advisory Leaflet).

The prior art also contains references which teach the use of a computer system to generate prescription labels printed by a computer driven printer. Such references include the following U.S. patents, which are incorporated herein by reference: Baum U.S. Pat. No. 4,918,604; Olodort et al. U.S. Pat. No. 4,875,174; and McKee U.S. Pat. No. 4,972,657. The prior art also contains references which disclose a manual form having an adhesive label portion used in combination for record keeping and generating a label to be applied to a drug container. Examples of U.S. patents, which are incorporated herein by reference, disclosing such forms are the Lockhart U.S. Pat. Nos. 4,277,089 and 4,159,129; and the Biava et al. U.S. Pat. No. 4,799,712.

However, there is no known prior art reference which provides a blank for a computer printer that contains portions for both a removable prescription drug label and a removable warning label with portions for other printed information. Such a system would reduce package costs, provide greater flexibility, and be compatible with existing computer software used by pharmacies.

SUMMARY OF THE INVENTION

Accordingly the present invention is designed to provide a multi-part blank which can be fed in a computer driven

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printer and when printed, will contain all of the parts needed for a complete set. Such a set contains a peelable vial label having a pressure sensitive adhesive connected to removable strips of computer selected warning labels also having a pressure sensitive adhesive. The set also contains portions for printed information needed by both the pharmacy and the customer.

The present invention provides a printer blank which can cut expenses, reduce errors, and cut time in preparing records and drug containers for customers. In one particular embodiment of the invention, a single sheet of multisectional paper blank can be fed into a laser printer and on that one sheet there will be printed a drug advisory leaflet; no, one or more than one warning labels having a pressure sensitive adhesive on its back side for easy application to a drug container, and a drug container label containing drug, customer, and pharmacy information. This blank in one pass through the laser printer contains all of the necessary records and parts for the entire drug transaction.

According to one embodiment, the present invention comprises a blank for use with a printer for printing information and labels for drug containers. The blank comprises a sheet of a material having a front side that can be printed on with the printer, a back side, a top and bottom edge which together define a generally horizontal direction, and two side edges which together define a generally vertical direction. The sheet includes at least a first portion and a second portion divided by a first, generally vertically extending tear line or tear line that extends from the top edge to the bottom edge. In the first portion the printer prints text about the particular drug being prescribed, and in the second portion, which includes a label laminate divided into a first section and a second section by a generally horizontal, second tear line. The second section is further divided into a plurality of horizontal strips by at least two generally horizontal tear lines which extend from the first tear line to one of the side edges of the blank. The laminate is comprised of a backing sheet, a removable label sheet having a front side that can be printed on with the printer and a back side, and a pressure-type adhesive on the back side of said label sheet.

Other advantages, features, and details of the present invention will be set forth in or apparent from the detailed description thereof contained hereinbelow.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an electronic block diagram of a prototype computer system used to demonstrate the present invention;

FIG. 2 is a plan view of a blank in accordance with the present invention before it has been printed on;

FIG. 3 is an enlarged, not-to-scale, cross-sectional view taken along lines 3—3 of FIG. 2 in which certain layers have been shown thicker in order to depict the details of construction;

FIG. 4 is a plan view of a blank that has indicia printed on it by a computer driven laser printer;

FIGS. 5, 6 and 8 are plan views of other blanks in accordance with the present invention; and

FIG. 7 is an enlarged, not-to-scale, cross-sectional view taken along lines 7—7 of FIG. 6 in which certain layers have been shown thicker in order to depict the details of construction.

DESCRIPTION OF THE PREFERRED EMBODIMENT

With reference now to the drawings in which like numerals are used to represent like elements throughout the several

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views, and in particular with reference to FIG. 1, a computer system 10 is depicted for generating a completed form such as shown in FIG. 4. Computer system 10 is comprised of a conventional host computer 12 having a conventional keyboard 14 for the manual input of information, a conventional computer monitor 16 for the output of information and a conventional external memory 18, which can be a conventional hard disk system. Host computer 12 has an input/output port 20 and can be an IBM compatible computer type using an INTEL brand 80486 DX microprocessor with 8 Mega-bytes of internal memory. Memory 18 holds a number of data bases, such as a customer data base containing customer information and a store data base containing the pharmacy's inventory control information. Memory 18 also holds a conventional pharmaceutical computer program. The program is used by pharmacies to generate the customer data base and store data base, and to extract information contained in these data bases and combine it with information entered from keyboard 14 by a pharmacist to produce an output to drive a printer to print a conventional drug label.

Connected to host computer through input/output port 20 is a supplemental computer 22. Supplemental computer 22 can be identical in configuration to host computer 12. Connected to supplemental computer 22 is a conventional external memory 24 and a conventional laser printer 26, such as a Hewlett-Packard model Series 2 laser printer. Stored in memory 24 are an NDC (National Drug Code) data base containing a standardized drug code list, a data base containing information for the customer about each prescribed drug, such as the commercially available C-PAL® data base, and a data base of warning labels, including unique logos and icons (see, for example, FIG. 4). Also contained in memory 24 is a program which permits supplemental computer to intercept the printer information from host computer 12, to reformat the information, to enter the C-PAL® and warning label data bases to get the related information, and to regenerate the printer information with the incorporated C-PAL® and warning label information.

Computer system 10 is depicted in FIG. 1 as having two computers and it is so configured because it has been designed to complement, upgrade and modify an existing pharmacy computer system that has been using commercially available software. However, an alternative embodiment of the invention (not depicted) is implemented on, or includes, a single computer system in which supplemental computer 22 is combined with host computer 12, supplemental computer memory 24 is combined with host computer memory 18, and a single computer program is used both for the conventional pharmacy inventory control, accounting and report generating tasks and for the printing of a completed form, such as depicted in FIG. 4.

A blank or form 50 in accordance with the present invention is depicted in FIGS. 2 and 3. Blank 50 is preferably made from a flexible, conventional stock material. Blank 50 has a front side 52 which can receive and retain "ink" or print from printer 26 and a back side 54 (FIG. 3). As shown in FIG. 2, blank 50 has a top edge 56 and a bottom edge 58 parallel thereto which are arbitrarily used to define the horizontal direction in blank 50. Blank 50 also has a left side 60 and a right side 62 parallel thereto which are arbitrarily used to define the vertical direction in blank 50. In a presently preferred embodiment, blank 50 is made of paper and is essentially a square with each side having a length of 8.5 inches (21.59 cm). Alternatively, blank 50 can be made from a plastic or other thin sheet material which can be printed on.

Blank 50 is comprised of a first sheet 64 and a second sheet 66 which have respective overlapping strips 68 and 70

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that are adhered to one another with a conventional heat set adhesive 72, as shown in FIG. 3.

Strip 68 is defined not only by its overlapping strip 70, but also by a vertically extending tear line 74 that extends from top edge 56 to bottom edge 58. Tear line 74 can be a score line, but preferably is a perforation line with the perforations extending completely through first sheet 64. Thus, as seen on front side 52 of blank 50, it can also be said that tear line 74 divides blank 50 into a first portion 76, which is coextensive with first sheet 64 less strip 68, and a second portion 78 which is coextensive with second sheet 66 including strip 70.

As depicted in FIG. 3, second sheet 66 is comprised of a laminate and has a backing 80 and a paper top layer 82. Backing 80 in the presently preferred embodiment is a paper product having an embedded plastic top portion or coated with a plastic film (not shown). Attached to the underside of top layer 82 is a conventional pressure adhesive 84. By appropriately selecting top layer 82, adhesive 84 and backing 80, adhesive 84 removably adheres top layer 82 to backing 80, and after top layer 82 is removed from said backing sheet is able to adhere more permanently top layer 82 to a container (not shown), which can be a conventional plastic bottle in which drugs are dispensed.

As seen in FIG. 2, when viewed together with FIG. 4, first portion 76 is much larger in the horizontal direction than second portion 78. In a presently preferred embodiment, first sheet has a width of 6 $\frac{1}{4}$ inches (16.83 cm) and first portion 76 has a width of 6 $\frac{1}{4}$ inches (16.19 cm). First portion 76 is divided into three sections, 86, 88 and 90 by a vertical tear line 92 and by a short horizontal tear line 94. Tear line 92 is a perpendicular bisector of tear line 94, which is parallel to tear line 74 and similarly extends from top edge 56 to bottom edge 58. In a preferred embodiment of the invention, tear lines 92 and 94 are perforation lines with the perforation extending completely through first sheet 64. As shown in FIG. 4, section 86 is the largest section and is used to contain the text of a Patient Advisory Leaflet. Sections 88 and 90 are obviously of equal size and they are each used to contain the text of a customer receipt which can be used for financial records.

Second portion 78 is divided into a plurality of vertically arranged portions by a plurality of horizontal tear lines. In the present embodiment there are seven such portions denoted 96, 98, 100, 102, 104, 106 and 108 created by six tear lines 110, 112, 114, 116, 118, and 120. In a preferred embodiment, tear lines 110, 112, 114, 116 and 120 extend only through top layer 82 and attached layer of adhesive 84 and are perforation lines. On the other hand, tear line 118 in a preferred embodiment is a perforation line with the perforations extending completely through second sheet 66. Portion 96 is a wrap-around label to be applied to a drug container. Portions 98, 100, 102 and 104 are four blanks, none, some or all of which may be used to contain design and word indicia representing warning labels to be applied to a drug container. Portion 106 is unused filler.

Portion 108 is vertically bisected by a vertical tear line 122 to create vertically extending parts 124 and 126. In a preferred embodiment, tear line 122 is a perforation line with the perforations extending completely through second sheet 66. Part 124 is used to obtain a third party signature and also to contain information about the particular prescription. Part 126 can be used as an adhesive pharmacy record label to be applied to an appropriate ledger page (not shown).

The advantages to having tear lines 74, 92, 94, 118 and 122 extend completely through their respective sheets 64

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and 66 is that blank 50 can be easily and quickly divided into five portions, each with an entirely different purpose. Portions 86 (the patient advisory leaflet), 88 and 90 are adhesive free and are given to the customer. Combined portions 96, 98, 100, 102 104 contain indicia having the information necessary for the container of the drug being dispensed, and the adhesive top layer 82 can be removed as one piece from backing 80, the unused warning label portions removed, and the remaining piece applied to the drug container. Finally, adhesive parts 124 and 126 can be selectively removed from their piece of backing 80 and applied to the appropriate pharmacy ledger.

The number of warning label blanks provided is somewhat arbitrary, except that based upon prior experience most druggist do not select more than four such labels for any particular drug. Obviously, the number of blanks could be larger or smaller if necessary, and the unused blanks would be separated and discarded before the drug label, portion 98, and used warning labels, portions 98, 100, 102 and 104 are applied.

In an alternative embodiment, portion 108 could be divided into three vertically extending parts by two tear lines so that the signature section could be separated from the pharmacy record label.

The further embodiments depicted in FIGS. 5-8 may be used alone as illustrated or as alternative portions of the particular embodiment described above.

The FIG. 5 embodiment comprises a main label 200 and auxiliary labels 210 to 213. Auxiliary labels 210 to 213, which are horizontally disposed with respect to main label 200, are horizontally separated from each other and from other portions of the blank by way of knife or die cuts 220 to 224 and vertically from other portions of the blank by way of knife or die cuts 230 to 233, which knife or die cuts extend through the adhesive layer but not through the backing layer. At least one of lines 240 to 243 is a perforation line extending to but not through the backing sheet, such that at least one of auxiliary labels 210 to 213 is separated from the backing sheet simultaneously with the removal of main label 200 from the backing sheet. Any of lines 240 to 243 which are not perforation lines, if any, are knife or die cuts extending to the backing sheet, such that the respective auxiliary labels are completely separated from each other as well as from any other portions of the blank.

The embodiment of FIGS. 6 and 7 differs from the FIG. 5 embodiment in that auxiliary labels 310 to 313 are vertically rather than horizontally disposed with respect to the main label 300. Thus each of lines 320 to 328 is a knife or die cut extending through adhesive 84 to but not through backing sheet 80, at least line 330 of lines 330 to 333 is a perforation line extending to but not through back sheet 80, and any of lines 331 to 333 which are not perforation lines, if any, are knife or die cuts extending to but not through the backing sheet, such that any respective auxiliary label is completely separated, and therefore separately removable, from any other portion of the blank. With such a construction, at least one but optionally up to all of the auxiliary labels may be removed from the backing sheet simultaneously with the main label and any unused but removed auxiliary labels, if any, may be subsequently and easily separated from the main and/or used auxiliary label (s). In a preferred embodiment of the FIGS. 6 and 7 embodiment, lines 330 and 331 are perforated lines and lines 332 and 333 are die cuts, such that two auxiliary labels 310 and 311 are simultaneously removed from back sheet 80 with main label 302.

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The embodiment of FIG. 8 illustrates a blank 400 of which the blank of the FIG. 6 embodiment is one component 410. Additional components 415 and 420 of the FIG. 8 embodiment are 5 additional separately removable adhesive labels.

As described in detail above, in carrying out a method of labeling utilizing blank forms according to the invention, the user causes the desired information to be printed on the main label and, optionally, on one or more auxiliary labels, simultaneously removes the printed main label and at least one auxiliary label from the backing sheet, separates any simultaneously removed but unused auxiliary label(s), and simultaneously applies the main label and any remaining, i.e., used, auxiliary label(s) to another surface. When used in a pharmacy application as a labeling system for prescription drugs, any used auxiliary labels comprise warning labels to the user of the drug dispensed in the container to which the labels are affixed.

Thus, the present invention has been described with reference to the drawings with respect to presently preferred embodiments. As such, the present invention permits, for example, the existing computer system of a pharmacy to execute a label set as usual while the software of the present invention adds information by which laser printer 26 will print any warning labels and an advisory leaflet corresponding to the drug being dispensed. The one piece wrap-around pressure sensitive label for the drug container optionally combines the main drug container label with one or more selected warning labels.

Other modifications and enhancements of the present invention would be obvious to those skilled in the art.

We claim:

1. A blank for use with a printer for printing labels, said blank comprising:

a label laminate comprising

a backing sheet;

a removable label sheet having a front side that is printed on with the printer and a back side;

a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;

said removable label sheet comprising a main label and a plurality of auxiliary labels smaller than said main label and means permitting at least one but less than all of said auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label; and

at least one further label in addition to said main label and said auxiliary labels, said further label being substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said further label and extending through said label sheet and said adhesive to said backing sheet.

2. A blank according to claim 1 wherein said means comprises a perforated-line tear line extending through said label sheet and said adhesive to said backing sheet and separating said main label and at least a first auxiliary label.

3. A blank according to claim 2 comprising four auxiliary labels.

4. A blank according to claim 3 wherein said means permit more than one of said auxiliary labels to be simultaneously removable with and subsequently readily separable from said main label, and said means are perforated-

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line tear lines between said main label and a first auxiliary label and between said first auxiliary label and a second auxiliary label, said perforated-line tear lines extending through said label sheet and said adhesive to said backing sheet.

5. A blank for use with a printer for printing labels, said blank comprising:

a label laminate comprising

a backing sheet;

a removable label sheet having a front side that is printed on with the printer and a back side;

a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;

said removable label sheet comprising a main label having a surface for receiving printing thereon in a first direction and a plurality of blank auxiliary labels smaller than said main label, and said auxiliary labels being elongated in a second direction lateral to the first direction and each having a surface for receiving printing thereon in the second direction; means permitting at least one but less than all of said auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label; and

wherein at least one auxiliary label not simultaneously removable with said main label is substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said auxiliary label and extending through said label sheet and said adhesive to said backing sheet.

6. A blank according to claim 5 in which said label further comprises at least one further label in addition to said main label and said auxiliary labels, said further label being substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said further label and extending through said label sheet and said adhesive to said backing sheet.

7. A blank for use with a printer for printing information and labels, said blank comprising:

a sheet having a front side that is printed on with the printer and having a back side, said sheet having a top edge and a bottom edge which together define a generally horizontal direction, and having two side edges which together define a generally vertical direction;

said sheet comprising a first portion and a second portion divided by a first, generally vertically extending tear line that extends from said top edge to said bottom edge;

said first portion comprising plain paper for receiving printed text,

said second portion comprising

a backing sheet;

a removable label sheet having a front side that is printed on with the printer and a back side;

a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;

said removable label sheet comprising a main label and a plurality of auxiliary labels smaller than said main label and means permitting at least one but less than

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all of said auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label; and

wherein at least one auxiliary label not simultaneously removable with said main label is substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said auxiliary label and extending through said label sheet and said adhesive to said backing sheet.

8. A blank according to claim 7, wherein said means comprises a perforated-line tear line extending through said label sheet and said adhesive to said backing sheet and separating said main label and at least a first auxiliary label.

9. A blank according to claim 8 comprising four auxiliary labels.

10. A blank according to claim 9 wherein said means permit more than one of said auxiliary labels to be simultaneously removable with and subsequently readily separable from said main label, and said means are perforated-line tear lines between said main label and a first auxiliary label and between said first auxiliary label and a second auxiliary label, said perforated-line tear lines extending through said label sheet and said adhesive to said backing sheet.

11. A blank according to claim 7, wherein at least one auxiliary label not simultaneously removable with said main label is substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said auxiliary label and extending through said label sheet and said adhesive to said backing sheet.

12. A form according to claim 10 in which said label laminate further comprises at least one further label in addition to said main drug container label and said drug warning labels, said further label being substantially completely separated from all other portions of said label sheet by die cuts substantially surrounding said further label and extending through said label sheet and said adhesive to said backing sheet.

13. A blank for use with a printer for printing labels, said blank comprising:

a label laminate comprising

a backing sheet;

a removable label sheet having a front side that can be printed on with the printer and back side; and

a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;

said removable label sheet comprising a main label and four auxiliary labels smaller than said main label and means permitting two of said four auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label and from each other.

14. A blank according to claim 13, wherein said main label and said two simultaneously removable auxiliary labels are each separated from each other by perforated lines.

15. A blank for use with a printer for the simultaneous printing both a main container label and drug-specific warning labels for use on containers for drugs dispensed by a pharmacist, said blank comprising:

a label laminate comprising

a backing sheet;

a removable label sheet having a front side that is printed on with the printer and back side;

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a pressure-type adhesive on said back side of said label sheet, said adhesive removably adhering said label sheet to said backing sheet and after said label sheet is removed from said backing sheet being able to adhere said label sheet to another surface;

said removable label sheet comprising a main label for said container for accepting prescription-specific information relating to the contained drug, multiple auxiliary labels smaller than said main label for accepting drug-warning information specifically

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relating to the contained drug, and means permitting at least two of said auxiliary labels to be simultaneously removable from said backing sheet with said main label and subsequently readily separable from said main label and from each other.

16. A blank according to claim 15, wherein said main label and said two subsequently removable auxiliary labels are each separated from each other by perforated lines.

* * * * *

EXHIBIT "5"

ASSIGNMENT OF U.S. PATENT PROPERTIES

Effective June 26, 2000, Automatic Business Products Company, Inc. ("Company") herewith assigns and transfers all right, title and interest in the patent properties listed in Attachment A to ABP Patent Holdings, LLC ("LLC").

Company further assigns and transfers to LLC (a) any and all choses-in-action for infringements of the Attachment A patents arising since the issuance of each patent, and (b) any and all other claims or choses-in-actions associated with the use, sale or offer for sale of the inventions which are the subject matter of the Attachment A patents, including without limitation any related claims of unfair competition.

**AUTOMATIC BUSINESS PRODUCTS
COMPANY, INC.**

By:

W. Foote

Title:

PRESIDENT

State of Florida :

: ss

County of Volusia :

Subscribed and sworn to before me

this 21st day of July, 2000.

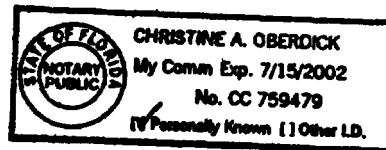
Christine Oberdick

Notary Public

My Commission Expires:

☒ Personally known to me.

☐ Produced the following identification:



ATTACHMENT A

1. U.S. Patent 5,642,906
2. U.S. Patent 5,855,395
3. U.S. Patent 6,036,231
4. Application S.N. 09/525,268
5. All related continuing applications