

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) OAKLEY, INC., a Washington corporation	<b>DEFENDANTS</b> TWENTIETH CENTURY FOX FILM CORPORATION, a Delaware corporation, MARVEL CHARACTERS, INC., a Delaware corporation, R D P LIMITED, a United Kingdom company
<b>(b)</b> County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Orange County, California	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Los Angeles County, California
<b>(c)</b> Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Weeks, Kaufman, Nelson & Johnson 462 Stevens Avenue, Suite 310 Solana Beach, CA 92075 (858) 794-2140	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding   
  2 Removed from State Court   
  3 Remanded from Appellate Court   
  4 Reinstated or Reopened   
  5 Transferred from another district (specify):   
  6 Multi-District Litigation   
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND:  Yes     No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes     No   
 **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

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

This is a case for patent infringement under 35 U.S.C. Sections 271 and 281

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	--	--

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed?  No     Yes

If yes, list case number(s): **SACV08-00316 CJC (RNBx)**

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

- Check here if the U.S. government, its agencies or employees is a named plaintiff.  
Orange County, California

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

- Check here if the U.S. government, its agencies or employees is a named defendant.  
Los Angeles County, California  
London, England

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

- Note: In land condemnation cases, use the location of the tract of land involved.  
Orange County, California

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Chae A. Walker* Date March 19, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Central District of California

OAKLEY, INC., a Washington corporation

SUMMONS IN A CIVIL CASE

V.

TWENTIETH CENTURY FOX FILM CORPORATION, a Delaware corporation, MARVEL CHARACTERS, INC., a Delaware corporation, R D P LIMITED, a United Kingdom company

CASE NUMBER: SACV08-00316 CJC (RNBx)

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Chandler G. Weeks, Esq.
Weeks, Kaufman, Nelson & Johnson
462 Stevens Avenue, Suite 310
Solana Beach, CA 92075

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SHERRI R. CARTER

MAR 20 2008

CLERK

DATE

(By) DEPUTY CLERK

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

**SACV08 - 316 CJC (RNBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

1 Gregory L. Weeks, Esq., CSB No. 58584  
2 Janet Robertson Kaufman, Esq., CSB No. 116143  
3 Gregory K. Nelson, Esq., CSB No. 203029  
4 Chandler G. Weeks, Esq., CSB No. 245503  
5 WEEKS, KAUFMAN, NELSON & JOHNSON  
6 462 Stevens Avenue, Suite 310  
7 Solana Beach, CA 92075  
8 Telephone: (858) 794-2140  
9 Facsimile: (858) 794-2141  
10 Email: office@wknjlaw.com

11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

FILED  
2008 MAR 20 PM 12:02  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

15 OAKLEY, INC., a Washington  
16 corporation,

17 Plaintiff,

18 vs.

19 TWENTIETH CENTURY FOX  
20 FILM CORPORATION, a Delaware  
21 corporation, MARVEL  
22 CHARACTERS, INC., a Delaware  
23 corporation, R D P LIMITED, a  
24 United Kingdom company,

25 Defendants.

Case No.: SACV08-00316 CJC (RNBx)

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL

26 Plaintiff OAKLEY, INC. (hereinafter referred to as "Oakley") hereby  
27 complains of Defendants TWENTIETH CENTURY FOX FILM CORPORATION  
28 (hereinafter referred to as "Fox"), MARVEL CHARACTERS, INC. (hereinafter  
referred to as "Marvel"), and R D P LIMITED (hereinafter referred to as "RDP")  
(hereinafter referred collectively as "Defendants") and alleges as follows:

...

...

**JURISDICTION AND VENUE**

1  
2 1. Jurisdiction over this action is founded upon 15 U.S.C. § 1121, and 28  
3 U.S.C. §§ 1331 and 1338.

4 2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. §  
5 1400(b). The Defendants sold infringing products in this district, attempted to pass  
6 off infringing products in this district, have directed sales and marketing efforts  
7 toward this district, and have put products in the stream of commerce knowing that  
8 such product will be sold by partners or distributors or retailers in this judicial  
9 district.

**THE PARTIES**

10  
11 3. Plaintiff Oakley is a corporation organized and existing under the laws  
12 of the State of Washington, having its principal place of business at One Icon,  
13 Foothill Ranch, California 92610 and doing business within this judicial district.

14 4. Oakley is informed and believes, and thereupon alleges that  
15 Defendant Twentieth Century Fox Film Corporation is a Delaware corporation  
16 doing business at 10201 W. Pico Boulevard, Los Angeles, California 90035, and is  
17 doing business within this judicial district.

18 5. Oakley is informed and believes, and thereupon alleges that  
19 Defendant Marvel Characters, Inc. is a Delaware corporation doing business at  
20 9242 Beverly Boulevard, Suite 350, Beverly Hills, California 90210, and is doing  
21 business within this judicial district.

22 6. Oakley is informed and believes, and thereupon alleges that  
23 Defendant R D P Limited is a United Kingdom limited company doing business at  
24 22 Soho Square, London W1D 4NS, England, and is doing business within this  
25 judicial district through distribution of product to other third parties within and  
26 through this judicial district.

27 .....  
28 .....

1 **FACTUAL BACKGROUND**

2 7. As early as 1985, Oakley has been and continues to be actively  
3 engaged in the manufacture and sale of high quality sport sunglasses under various  
4 product lines. Oakley is the manufacturer and retailer of several lines of  
5 sunglasses, including its "Penny"® eyeglass line. The "Penny"® eyeglass have  
6 enjoyed substantial success, which is expected to continue.

7 8. Oakley is the owner by assignment of U.S. Design Patent No.  
8 D470,166, duly and lawfully issued on February 11, 2003, describing and claiming  
9 the invention entitled "EYEGLOSS COMPONENTS," which is embodied by the  
10 Oakley "Penny"® eyeglass. A correct copy of U.S. Design Patent No. D470,166 is  
11 attached hereto as Exhibit 1.

12 9. Oakley is informed and believes, and thereupon alleges that the  
13 Defendants, individually and collectively, are selling sunglasses that copy the  
14 design of the D470,166 patent of Oakley. The "Penny"® copy sunglass sold by  
15 Defendants embody the subject matter claimed in Oakley's design patents referred  
16 to above without any license thereunder and is thereby infringing said patent.  
17 Oakley is informed and believes and based thereon alleges that Defendants  
18 supplied their imitation Oakley sunglass to various distributors, retailers, and retail  
19 customers, including but not limited to Costco.

20 10. Defendants' copy "Penny"® sunglass is sold as part of the "Fantastic  
21 4 Rise of the Silver Surfer" gift pack (Product # RDP 1869), which is on sale at  
22 least at Costco locations. On information and belief, Defendants are using the copy  
23 sunglass to promote the "Fantastic 4 Rise of the Silver Surfer" movie.

24 11. Defendants have received written notice of Oakley's proprietary rights  
25 in its patents by way of actual written notice. Further, Defendants have received  
26 constructive notice of Oakley's patents as Oakley caused its patent to be placed  
27 plainly on the product and/or packaging. Despite actual and constructive  
28

1 knowledge, Defendants continue to infringe Oakley's patent rights. On information  
2 and belief, such infringement by Defendants must have been willful and wanton.

3 12. Oakley is informed and believes and thereupon alleges that the sale of  
4 the copy sunglasses has resulted in lost sales, has reduced the business and profit of  
5 Oakley, and has greatly injured the general reputation of Oakley due to the inferior  
6 quality of the copies, all to Oakley's damage in an amount not yet fully determined.

7 13. The exact amount of profits realized by Defendants as a result of their  
8 infringing activities, are presently unknown to Oakley, as are the exact amount of  
9 damages suffered by Oakley as a result of said activities. These profits and  
10 damages cannot be accurately ascertained without an accounting.

11 **FIRST CLAIM FOR RELIEF**

12 14. The allegations of paragraphs 1 through 13 are repled and realleged as  
13 though fully set forth herein.

14 15. This is a claim for patent infringement, and arises under 35 U.S.C.  
15 Sections 271 and 281.

16 16. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1338.

17 17. Oakley is the owner of U.S. Design Patent No. D470,166, which  
18 protects the ornamental design of an eyeglass front embodied by Oakley's  
19 "Penny"® eyewear. A true and correct copy of U.S. Design Patent No. D470,166  
20 is attached hereto as Exhibit 1. By statute, the patent is presumed to be valid and  
21 enforceable under 35 U.S.C. § 282.

22 18. Defendants, individually and collectively, through their agents,  
23 employees and servants, manufactured, imported, and sold, without any rights or  
24 license, sunglasses which fall within the scope and claim contained in U.S. Design  
25 Patent No. D470,166.

26 19. Oakley is informed and believes and thereupon alleges that  
27 Defendants willfully infringed upon Oakley's exclusive rights under this patent,  
28 with full notice and knowledge thereof.



1           20. Oakley is informed and believes and thereupon alleges that  
2 Defendants, individually and collectively, have derived, received and will continue  
3 to derive and receive from the aforesaid acts of infringement, gains, profits and  
4 advantages in an amount not presently known to Oakley. By reason of the  
5 aforesaid acts of infringement, Oakley has been, and will continue to be, greatly  
6 damaged.

7           21. Defendants may continue to infringe U.S. Design Patent No.  
8 D470,166 to the great and irreparable injury of Oakley, for which Oakley has no  
9 adequate remedy at law unless said Defendants is enjoined by this court.

10           WHEREFORE, Plaintiff Oakley, Inc. prays as follows:

11           1. That Defendants, Fox, Marvel and RDP, individually and collectively,  
12 be adjudicated to have infringed Oakley's U.S. Patent No. D470,166, and that the  
13 patent is valid and enforceable and is owned by Oakley;

14           2. That Defendants, Fox, Marvel and RDP, individually and collectively,  
15 and their agents, servants, employees, and attorneys and all persons in active  
16 concert and participation with them, be forthwith preliminarily and thereafter  
17 permanently enjoined from making, using or selling any sunglass which infringe  
18 United States Patent No. D470,166;

19           3. That Defendants be directed to file with this court and serve upon  
20 Oakley within 30 days after the service of the injunction, a report in writing under  
21 oath, setting forth in detail the manner and form in which Defendant has complied  
22 with the injunction;

23           4. That Defendants Fox, Marvel and RDP be required to account to  
24 Oakley for any and all profits derived by them;

25           5. For an assessment of damages against Defendants, Fox, Marvel and  
26 RDP, individually and collectively, in an amount no less than lost profits,  
27 reasonable royalty, or Defendants' profits derived from their infringement of  
28 Plaintiff's patent rights, pursuant to 35 U.S.C. §§ 284 and 289;

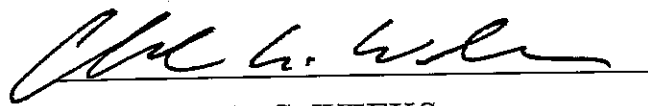
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

6. For an order requiring Defendants to deliver up and destroy all infringing sunglasses;

7. That an award of reasonable costs, expenses, and attorney's fees be awarded against Defendants pursuant to 35 U.S.C. §285; and

8. That Oakley have such other and further relief as the circumstances of this case may require and as this court may deem just and proper.

DATED: WEEKS, KAUFMAN, NELSON & JOHNSON



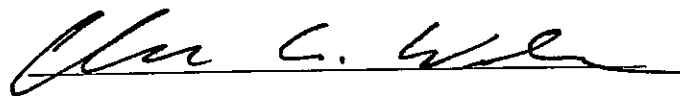
CHANDLER G. WEEKS

Attorney for Plaintiff

JURY DEMAND

Plaintiff Oakley, Inc. hereby requests a trial by jury in this matter.

DATED: WEEKS, KAUFMAN, NELSON & JOHNSON



CHANDLER G. WEEKS

Attorney for Plaintiff



US00D470166S

(12) **United States Design Patent** (10) Patent No.: **US D470,166 S**  
 Yee et al. (45) Date of Patent: **\*\* Feb. 11, 2003**

(54) **EYEGLASS COMPONENTS**

(75) Inventors: **Peter Yee, Irvine, CA (US); Colin Baden, Irvine, CA (US); James H. Jannard, Spieden Island, WA (US)**

(73) Assignee: **Oakley, Inc., Foothill Ranch, CA (US)**

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/146,178**

(22) Filed: **Aug. 3, 2001**

(51) LOC (7) Cl. .... **16-06**

(52) U.S. Cl. .... **D16/326; D16/327**

(58) Field of Search ..... **D16/300-330, D16/101; 351/41, 44, 51, 52, 90, 158; 2/447, 448**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D198,719 S	7/1964	McCulloch	
3,684,356 A	8/1972	Bates	
D383,149 S	9/1997	Simioni	
5,708,489 A	1/1998	Jannard	
D392,662 S	3/1998	Jannard	
D397,351 S	8/1998	Simioni	
D398,326 S	9/1998	Jannard et al.	
D400,230 S	10/1998	Arnette	
D407,099 S	3/1999	Wang	
D407,428 S	3/1999	Jannard	
D408,049 S	4/1999	Jannard et al.	
D410,484 S	6/1999	Jannard et al.	
D410,485 S	6/1999	Jannard et al.	
D415,188 S	10/1999	Thixton et al.	
D422,298 S	4/2000	Jannard	
D439,599 S	* 3/2001	Yasuhara	D16/319
D446,803 S	* 8/2001	Jannard et al.	D16/326

**FOREIGN PATENT DOCUMENTS**

GB 1184347 2/1968

**OTHER PUBLICATIONS**

B.B. Sol—Les lunettes/sonr equipees de verres SOVIREL (1971).

B.B. Sol—Lunetes de Soleil (1986).

Berther—Bonder (1995).

U.S. patent application Ser. No. 29/134,653, Thixton et al., filed Dec. 21, 2000, pending.

U.S. patent application Ser. No. 29/142,309, Thixton et al., filed May 23, 2001, pending.

\* cited by examiner

Primary Examiner—Raphael Barkai

(74) Attorney, Agent, or Firm—Gregory Nelson

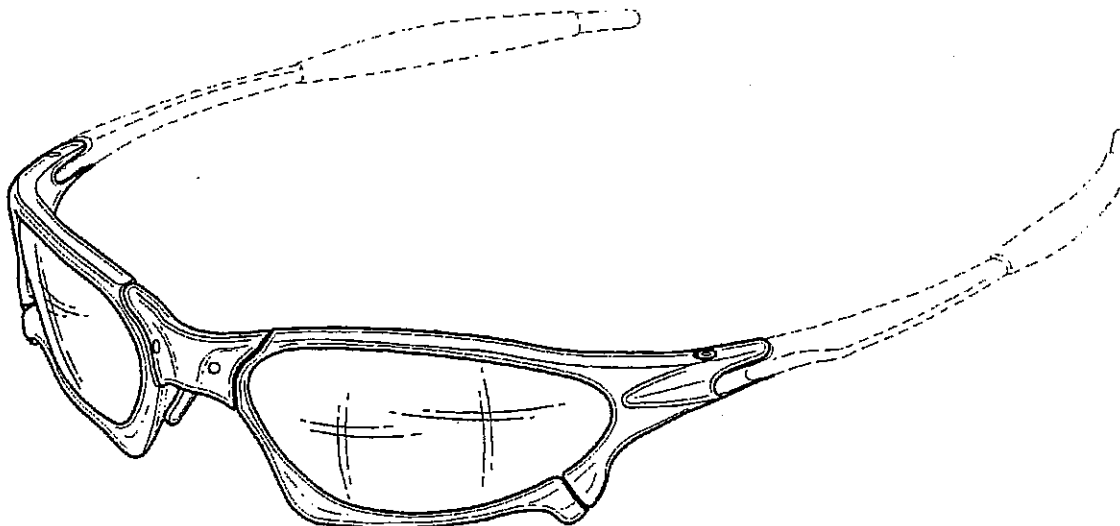
(57) **CLAIM**

The ornamental design for eyeglass components, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of the eyeglass components of the present invention;  
 FIG. 2 is a front elevational view thereof;  
 FIG. 3 is a rear elevational view thereof;  
 FIG. 4 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;  
 FIG. 5 is a top plan view thereof; and,  
 FIG. 6 is a bottom plan view thereof.  
 Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

**1 Claim, 3 Drawing Sheets**

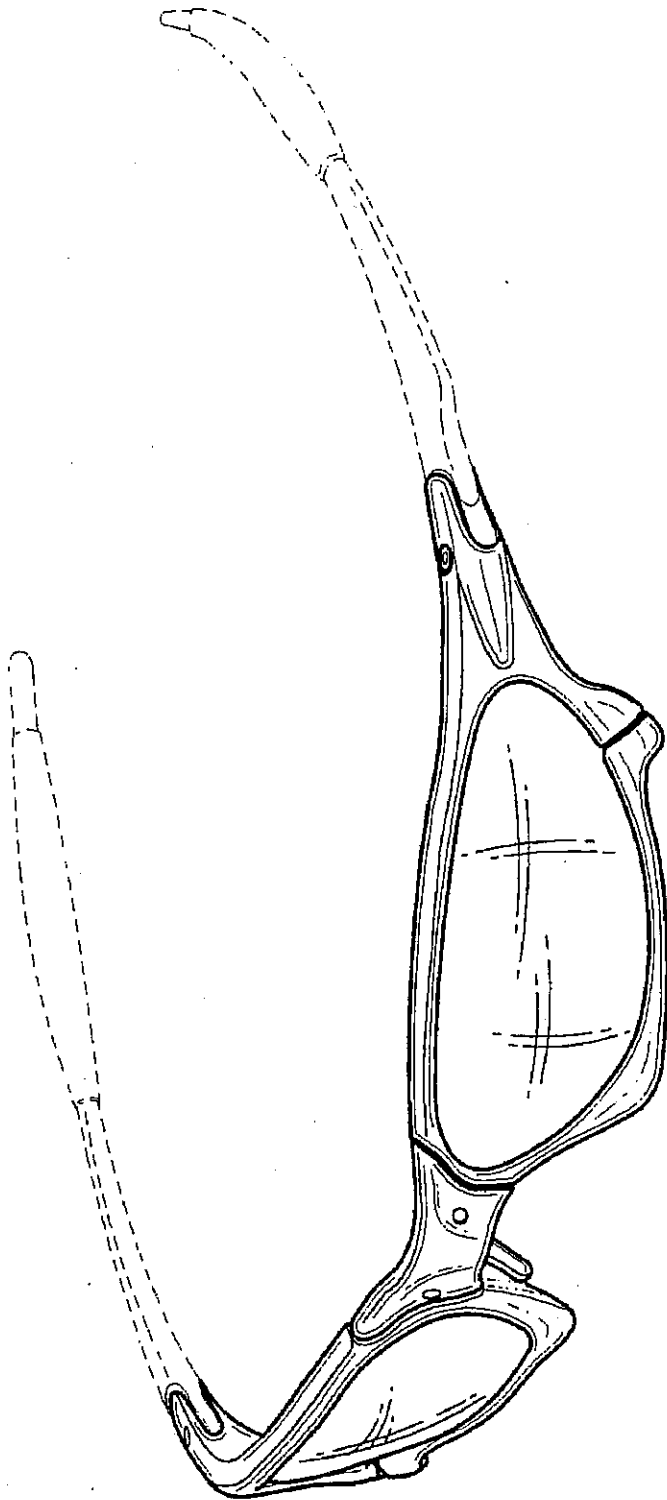


U.S. Patent

Feb. 11, 2003

Sheet 1 of 3

US D470,166 S



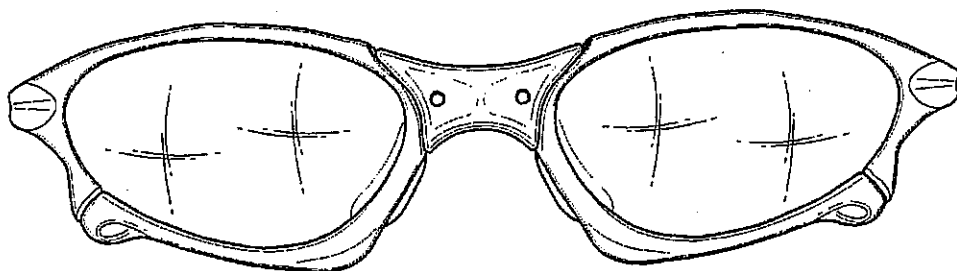
**FIG. 1**

U.S. Patent

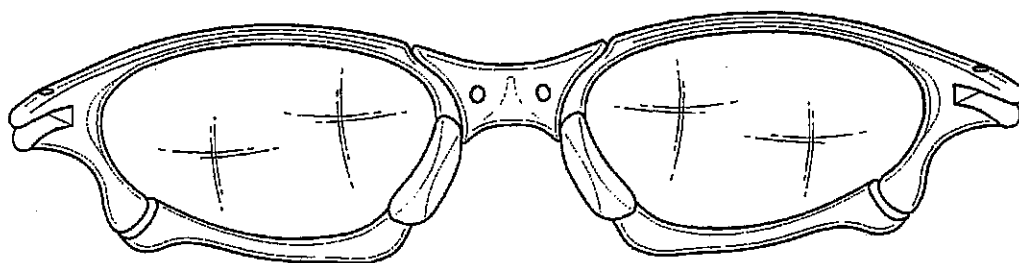
Feb. 11, 2003

Sheet 2 of 3

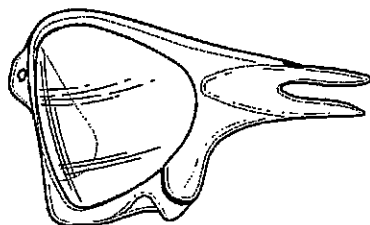
US D470,166 S



*FIG. 2*



*FIG. 3*



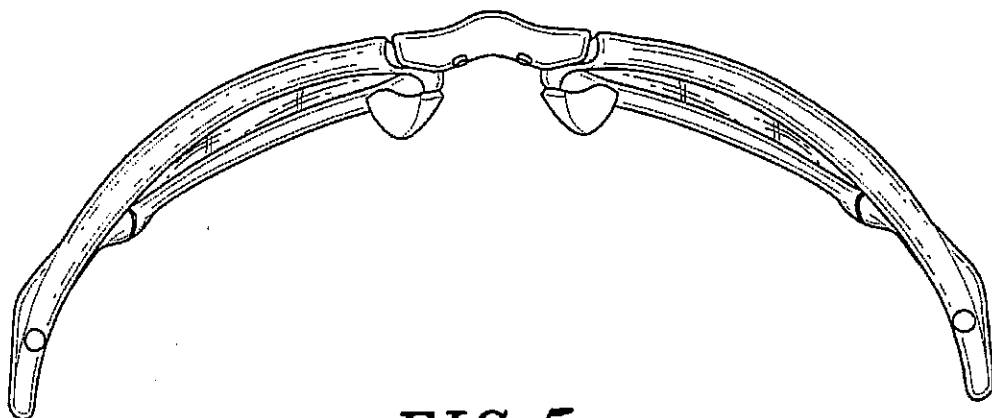
*FIG. 4*

U.S. Patent

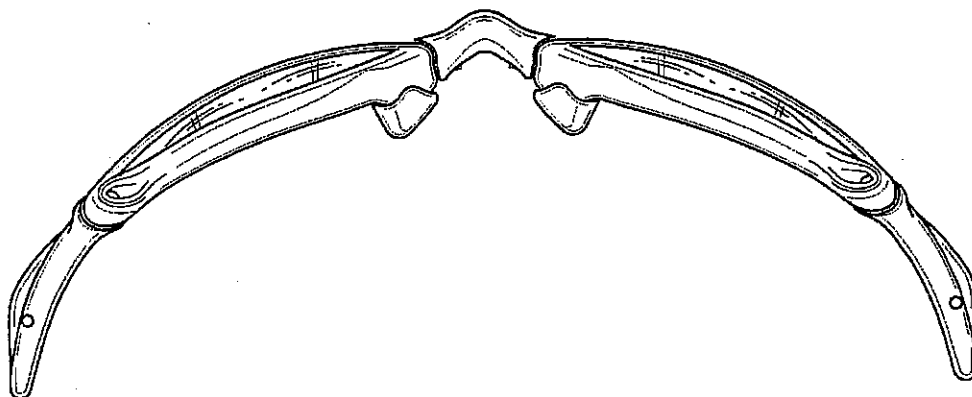
Feb. 11, 2003

Sheet 3 of 3

US D470,166 S



*FIG. 5*



*FIG. 6*