

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER P104825USJB
INTERNATIONAL APPLICATION NO. PCT/US09/43156		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL FILING DATE 7 MAY 2009		PRIORITY DATE CLAIMED 8 MAY 2008
TITLE OF INVENTION Eye Wear Retention Device		
APPLICANT(S) FOR DO/EO/US Ronald Wade WILLIAMS		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
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8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
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16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.3 and 37 CFR 1.821- 1.825.		
18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
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This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEE S OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US09/43156		ATTORNEY'S DOCKET NUMBER P104825USJB	
20. Other items or information: Cover letter, Notice from IB of Communication of IA to US as Designated Office, copy of Request, International Search Report					
The following fees have been submitted				CALCULATIONS	PTO/USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$330				\$ 330	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 220	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$220					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 430	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$430 All other situations..... \$540					
TOTAL OF 21, 22 and 23 =				980	
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CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 52	\$	
Independent claims	- 3 =	0	x \$220	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$390	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 980	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 590	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
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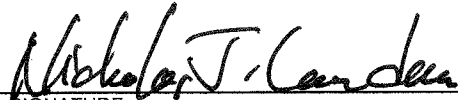
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SEND ALL CORRESPONDENCE TO:


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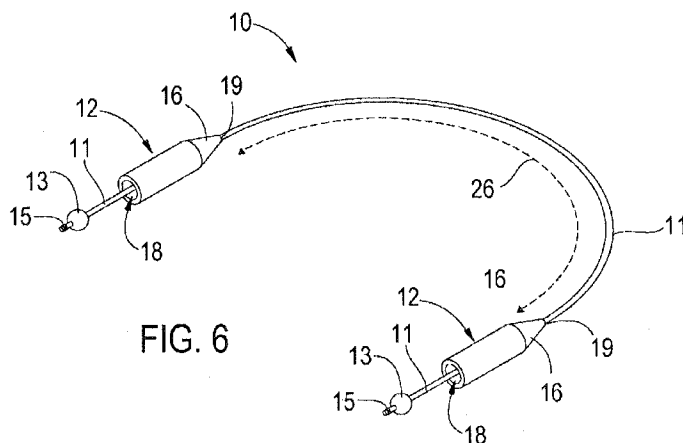
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(54) Title: EYEWEAR RETENTION DEVICE



(57) Abstract: An eyewear retention device (10) is disclosed that includes a length of resilient cord (11), such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing (12), and including retention end grommets (15) molded against the ends of the cabling to prevent the slipping off of the retention tubing from the cabling. The combination of the resilient cord (11) and the retention tubing (12) produces a tensioned arc (26) such that in addition to retaining eyeglasses to the vestment of a user when not in use, the retention device forms a suspended arc over the wear's upper torso such that the device does not contact the wear's upper torso or their vestment when donned over a wear's eyes.

EYEWEAR RETENTION DEVICE

Technical Field

The present invention relates generally to devices that retain eyewear on a user. In greater particularity the present invention relates to eyewear retainers that extend around rear of a wearer's head and upper neck.

Background Art

For many decades, probably longer, eyewear users have attached strings, cloth-based retainers, lightweight chains, and small ropes to eyeglasses to loosely retain them upon a wearer's upper torso when not positioned upon the wearer's head. Several decades ago, "Croakies" were introduced which are essentially neoprene retainer straps having a tubular portion into which eyeglass temples slip and a rear flat portion that extends around the rear of a user's head. Croakies immediately became popular with skiers, fisherman, and hunters who utilize polarized sunglasses and strongly tinted lenses to provide protection from intense glare and reflected light off water, ice, and snow, and other reflective surfaces in brilliant sunlight. Other types of lenses have also developed in popular culture to provide different types of tinting and appearances, and protective strategies from glare and the sun's damaging UV light have arisen. In response, a wide variety of colors and patterns have been introduced for Croakies and other of the aforementioned retainers.

However, with the advent of more stylized eyeglasses, and especially the darker tinted glass and plastic (e.g. polycarbonate) lenses, especially in non-prescription type sunglass lenses, wearer's are more frequently required to dismount their glasses in order to read close-up materials or inspect materials that are viewed in relatively low-light conditions. For example, it is quite common for a fishermen, skippers, or first mate deckhands to discard their glasses when going underneath the top deck of a boat to retrieve fishing tackle, read charts, or view other navigational aids during bright sunlight hours in order that they may be able to see the items they are utilizing. Hence, Croakies, and other types of retained devices have become

popular for outdoorsmen and sportsmen alike seeking to provide the safety and proximity retention of their glasses while providing the flexibility to discard them quickly and utilize their eyes in relatively lowlight conditions.

Unfortunately, Croakies and other types of eyewear retaining devices place
5 a burden upon the wearer in that the older retention devices lay directly against the back of the neck or upper back portion, or around the collar of a shirt. Such locations are inconvenient because the retention device itself becomes potentially ensnared in the collar and/or buttons of the wearer's vestment which might hinder the re-application or the re-mounting of the glasses over the wearer's eyes. Further,
10 for collarless vestments and similar, or even for a shirtless individual, the retention lanyards whether chains, string, or neoprene based retainers like Croakies, become coated with sweat, suntan lotion, protective emollients, and other types of debris on the upper torso of an individual. Such soiling makes the retention item unsightly and unattractive, thereby defeating the esthetic appeal that some of today's
15 expensive eyeglasses exhibit. Over time, corrosion from salt and other types of chemicals on the outer layer of the skin can even corrode or diminish the retention effectiveness of the retention device, and also cause discoloration and fading of the retention device's colors and patterns.

Hence, what is needed is an eyeglass retention device that maintains the full
20 utility of the retention objective for eyewear, while avoiding all of the difficulties of past eyewear retention devices.

Disclosure of Invention

An eyewear retention device is disclosed that includes a length of resilient cord, such as cabling having a smooth plastic outer sheath, and terminating at each
25 end in a tapered, rubberized retention tubing, and also having retention end grommets molded against the ends of the cabling to prevent the slipping off of the retention tubing.

Brief Description of the Drawings

An eyewear retention device incorporating the features of the apparatus are depicted in the attached drawings which form a portion of the disclosure and wherein:

5 FIG. 1a is a elevational drawing in partial section of a preferred embodiment of the invention;

FIG. 1b is an elevational drawing of one of the retention tubes of a preferred embodiment of the invention;

FIG. 1c is an end view of one of the retention tubes;

10 FIG. 2a is an elevational drawing in section of a highly tapered embodiment of one of the retention tubes of the invention;

FIG. 2b is an elevational drawing of the highly tapered embodiments of one of the retention tubes of the invention;

15 FIG. 2c is an end view of one of the highly tapered embodiments of one of the retention tubes of the invention;

FIG. 3 is a plan view of a preferred embodiment of the invention showing the generalized semi-circular shape and retention tubing positioned against the end stop grommets;

20 FIG. 4 is a perspective view of the invention placed upon the end portions of the temples of a typical pair of eyeglasses showing the general placement of the temples inserted within the retention tubing;

FIG. 5 is an end perspective view of a preferred embodiment of the invention; and,

25 FIG. 6 is a plan view of the invention showing the retention tubing repositioned along the retention cable to expose the crimped end grommets that prevent the retention tubing from detaching from the retention cabling.

Best Mode for Carrying Out Invention

Referring to the drawings for a better understanding of the function and structure of the invention, Figs. 1a-c shows the invention 10 including a cable 11
30 having a tightly wound wiring structure and coated with a relatively frictionless plastic outer insulation. The cable 11 is of sufficient diameter and internal wiring

resiliency such that its shape is resiliently biased toward a zero axis deflection orientation. In other words, the cable does not easily exhibit deflection memory, as one would find in a solid copper or aluminum wire of equal diameter, and resists attempts to deform the cable and maintains a linear shape in all weather conditions.

5 Invention 10 includes retention tubes 12 at each end of cable 11. Each tube 12 includes a temple retention opening 18 having a sufficient diameter to pass over the end portions of a typically sized eyeglass temple. Retention tube 12 opening 18 is also sized to exhibit a certain friction characteristics to allow easy sliding of the retention tubing 12 onto the end portion of a typical eyeglass temple, while

10 providing sufficient frictional qualities to avoid easy removal. Generally, the retention tubing 12 consists of flexible and resilient rubber, or like compound, and has low friction qualities on its exterior. The retention tubing 12 includes a tapered portion 16 defining a cable aperture 19 cooperatively sized to insert the end of the cable 11 while maintaining continual circumferential contact around the cabling.

15 Once the end of the cable has been passed through aperture 19 and emerges through opening 18, a bead or ball bearing 13 is slid onto the end of cable 11 through a channel 17 traversing the center of bead 13. A crimp or grommet 15 is then applied to the cable to prevent bead 13 from slipping off cable 11. The crimp or grommet 15 is compressed using known methods to engage and permanently affix to the

20 cable, thereby forming the stop at the end of cable 11. The bead may be made of plastic, metal, or ceramic, and the diameter of channel 17 should be sized to allow cable 11 to freely pass through bead 13 allowing the cable 11 to rotate and translate through the bead 13. Grommet 15 may be made of any material having suitable deformation characteristics to permanently affix it to cable 11, but copper or brass

25 is preferred due to its benign and low oxidation qualities. When affixed to the end of the cable 11, the grommet 15 bead 13 combination prevents the passage of the end of cable 11 through aperture 19. Once the bead and grommet combination has been secured to the end of cable 11, tension may be applied to cable 11 and the cable and bead-grommet combination may be carefully pulled through opening 18

30 to secure the bead 13 against the internal conjuncture tapering 16 and the sidewalls of retention tube 12. Upon the engagement of bead against the internal sidewalls of

tapered portion 16, bead 13 will exert circumferential pressure upon the upper portion of tapered portion 16 to secure the bead 13 within the retention tube 12 and, thereby, the end portion 14 of cable 11 within the retention tubing. The assembly of the retention tube 12 and grommet-bead combination is identical for each end of cable 11.

Referring now to Figs. 2a-c, one may see a second embodiment of retention tube 12. To accommodate some glasses having relatively thin temples, retention tube 22 may be reshaped to include a fully tapered conical structure from opening 21 to aperture 23. As may be seen, a hollow interior of retention tube 22 is sized into an elongated conical shape so that temples of more slender sizes may be inserted within opening 21 and slid along the interior of retention tube 22 until sufficient circumferential frictional force is applied to the end of the inserted temple to stop the progress of the temple within the hollow interior of the retention tube 22. This shape allows for varying applicability for different size temples and also provides additional retention security by increasing circumferential friction on temples inserted within the hollow interior of 22. As before, the grommet-bead combination (not shown) are affixed to the end of cable 11 and pulled through opening 21 until bead 13 engages the interior of 22 toward adjacent to aperture 23.

Referring now to Fig. 3, one may see the invention 10 conformed to a substantially semi-circular or arc shape 26. Due to the resiliency of the cable 11, retainer 10 maintains the arc shape 26 when installed upon the temples of eyeglasses.

Referring now to Fig. 4, as shown, retention tubing 12 is inserted over end portions of the temples of the shown eyeglasses 27 until end portions of the temples 31 are fully engaged within the interior of the retention tube 12. A sufficient length of cabling 11 is provided to allow for the donning of the combination of the invention 10 and eyeglasses 27, or sunglasses as the case may be, over a wearer's head while in place, and is sized to accommodate baseball caps and similar sun visor protective head gear.

Importantly, the resiliency of the cabling 11 in combination with the secure structure of retention tubing 12, with its inherent resiliency, creates an internal

resilience within cabling 11 such that the cable maintains an elevated arc position above a wearer's rear neck and lower head area. Therefore, due to the internal resiliency of the cable, and the positioning of the tubing on the eyeglass temples, the cabling does not contact a wearer's back or collar, or other vestment worn by a user, but instead maintains a spaced position extending backwards from the user. Further, the angle of the retention tubing, and/or the conical tapered portion, may be altered to allow for the redirection of the cable portion into a superior elevated position over a wearer's upper back and neck. For example, some end portions of eyeglass temples extend downward sharply over a wearer's ears. An angled retention tube allows for correction of this downward angle to normalize the direction of the cable 11 backward to maintain a suspended arc in the cable as it extends rearwardly from said user's head such that the cable does not contact the wearer or his/her vestment.

Referring now to Fig. 6, one may see that a pair of beads 13 have been slid over the ends of the cabling 11 with the retention tubing 12 displaced away from the copper crimps or grommets 15 for illustration purposes to expose cable end portions 14. As shown, grommets 15 have been compressed (e.g. crimped) such that grommet 15 may not be displaced in either direction along cable 11, thereby preventing bead 13 from traversing off the end of the cable 11.

While I have shown my invention in one form, it will be obvious to those skilled in the art that it is not so limited but is susceptible of various changes and modifications without departing from the spirit thereof. For example, the inventor envisions that the wire cable 11 may be replaced by a resilient plastic or carbon fiber replacement member exhibiting resiliency characteristics similar to a plastic coated wound cable.

Claims

Having set forth the nature of the invention, what is claimed is:

1. An eyewear retention device, comprising:
 - a. a resilient cable;
 - b. a pair of temple retention tubes disposed around the ends of said cable;
 - 5 c. an end bead slidably encircling each end of said cable and a grommet affixed to the end of said cable thereby preventing said bead from sliding off said cable; and,
 - d. wherein each said retention tube includes a cylindrical portion and a tapered portion on one end of said cylindrical portion, and wherein
10 an end portion of said cable is disposed within said retention tube such that said bead is held against the interior walls of said tapered portion and said cable extends through said tapered portion to said other retention tube.
2. The eyewear retention device as recited in claim 1, wherein said bead
15 consists of material selected from the group of metal, plastic, or ceramic.
3. The eyewear retention device as recited in claim 2, wherein said grommet is made of copper.
4. The eyewear retention device as recited in claim 3, wherein said cable
20 comprises an arc suspended above a wear's vestment when said eyewear retention device is donned by a user over their eyes.
5. The eyewear retention device as recited in claim 4, wherein said tapered portion comprises a hollow frustum.

6. The eyewear retention device as recited in claim 1, wherein said cable comprises an arc suspended above a wear's vestment when said eyewear retention device is donned by a user over their eyes.

7. The eyewear retention device as recited in claim 1, wherein said cable is
5 plastic coated.

8. The eyewear retention device as recited in claim 1, wherein said retention tube is rubber.

9. The eyewear retention device as recited in claim 1, wherein said tapered portion comprises a hollow frustum.

10 10. The eyewear retention device as recited in claim 9, wherein retention tubes are sufficiently sized to cover a eyeglass temple end portion such that elastomeric tension is developed within said retention device to cause said cable to extend rearwardly relative to a wearer in a suspended arc over the upper torso of said wearer without contacting said wearer or their vestment when said retention
15 device is donned over said wearer's eyes.

11. The eyewear retention device as recited in claim 10, wherein said tapered portion includes an angle that normalizes the direction of said cable rearward from said user's head in response to a curved end portion of an eyeglass temple.

20 12. The eyewear retention device as recited in claim 1, wherein said tapered portion includes an angle that normalizes the direction of said cable rearward from said user's head in response to a curved end portion of an eyeglass temple.

13. An eyewear retention device, comprising:

- a. a resilient cord;
- b. a pair of temple retention means disposed around the ends of said cord;
- 5 c. an end bead slidably encircling each end of said cord and prevented from sliding off said cord; and,
- d. wherein each said retention means includes a tapered portion on one end, and wherein each cord includes an end portion disposed within said retention means such that said bead is held against the interior
10 walls of said tapered portion and said cable extends through said tapered portion to said other retention means.

14. The eyewear retention device as recited in claim 13, wherein said bead consists of material selected from the group of metal, plastic, or ceramic.

15. The eyewear retention device as recited in claim 14, further including a
15 crimp to prevent said bead from sliding off said cord.

16. The eyewear retention device as recited in claim 15, wherein said cord forms an arc suspended above a wear's vestment when said eyewear retention device is donned by a user over their eyes.

17. The eyewear retention device as recited in claim 16, wherein said
20 tapered portion comprises a hollow frustum.

18. The eyewear retention device as recited in claim 17, wherein said cord is plastic coated.

19. The eyewear retention device as recited in claim 18, wherein said retention means is comprised of rubber.

20. The eyewear retention device as recited in claim 13, wherein said retention means comprises a hollow frustum.

21. The eyewear retention device as recited in claim 20, wherein said retention means are sufficiently elongated such that said retention means substantially covers an eyeglass temple and elastomeric tension is developed within said retention means to cause said cord to extend rearwardly relative to a wearer in a suspended arc over the upper torso of said wearer without contacting said wearer or their vestment.

22. The eyewear retention device as recited in claim 21, wherein said retention means includes an angle to normalize the direction of said cord rearward from said user's head in response to a curved end portion of an eyeglass temple.

23. The eyewear retention device as recited in claim 13, wherein said tapered portion includes an angle to normalize the direction of said cord rearward from said user's head in response to a curved end portion of an eyeglass temple.

24. An eyewear retention device, comprising:

- a. a resilient member;
- b. a pair of temple retention tubes disposed around the ends of said resilient member;
- c. an end grommet encircling each end of said resilient member compressed thereupon;
- d. a bead slidably encircling each end of said resilient member; and
- e. wherein each said retention tube comprises a tubular frustum, and wherein an end portion of said resilient member is disposed within said retention tube such that said bead is held against the interior walls of said retention tube, and wherein said resilient member extends through the smaller diameter end of said retention tube.

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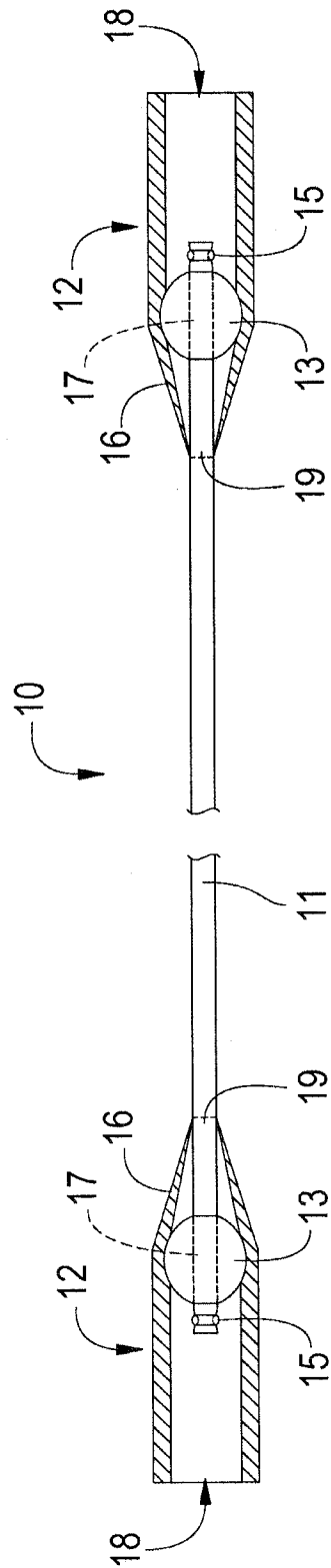


FIG. 1A



FIG. 1C

FIG. 1B

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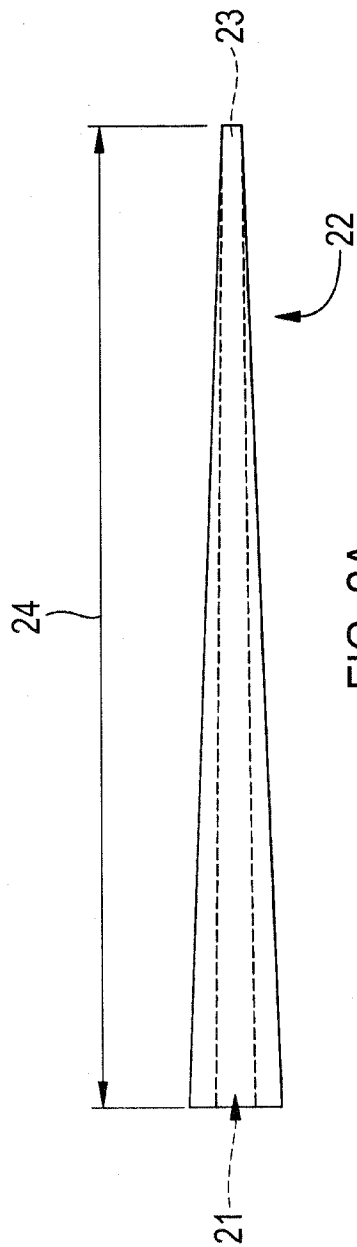


FIG. 2A

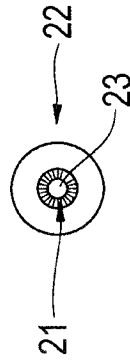


FIG. 2B

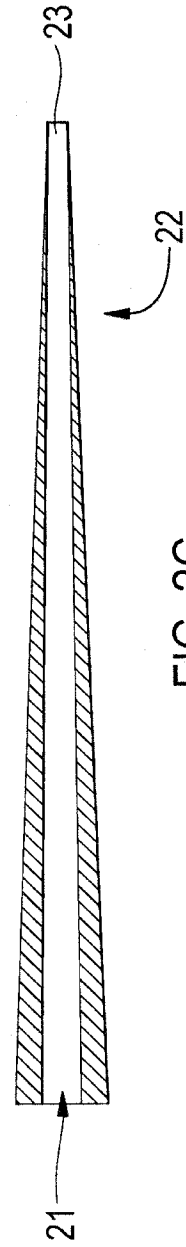


FIG. 2C

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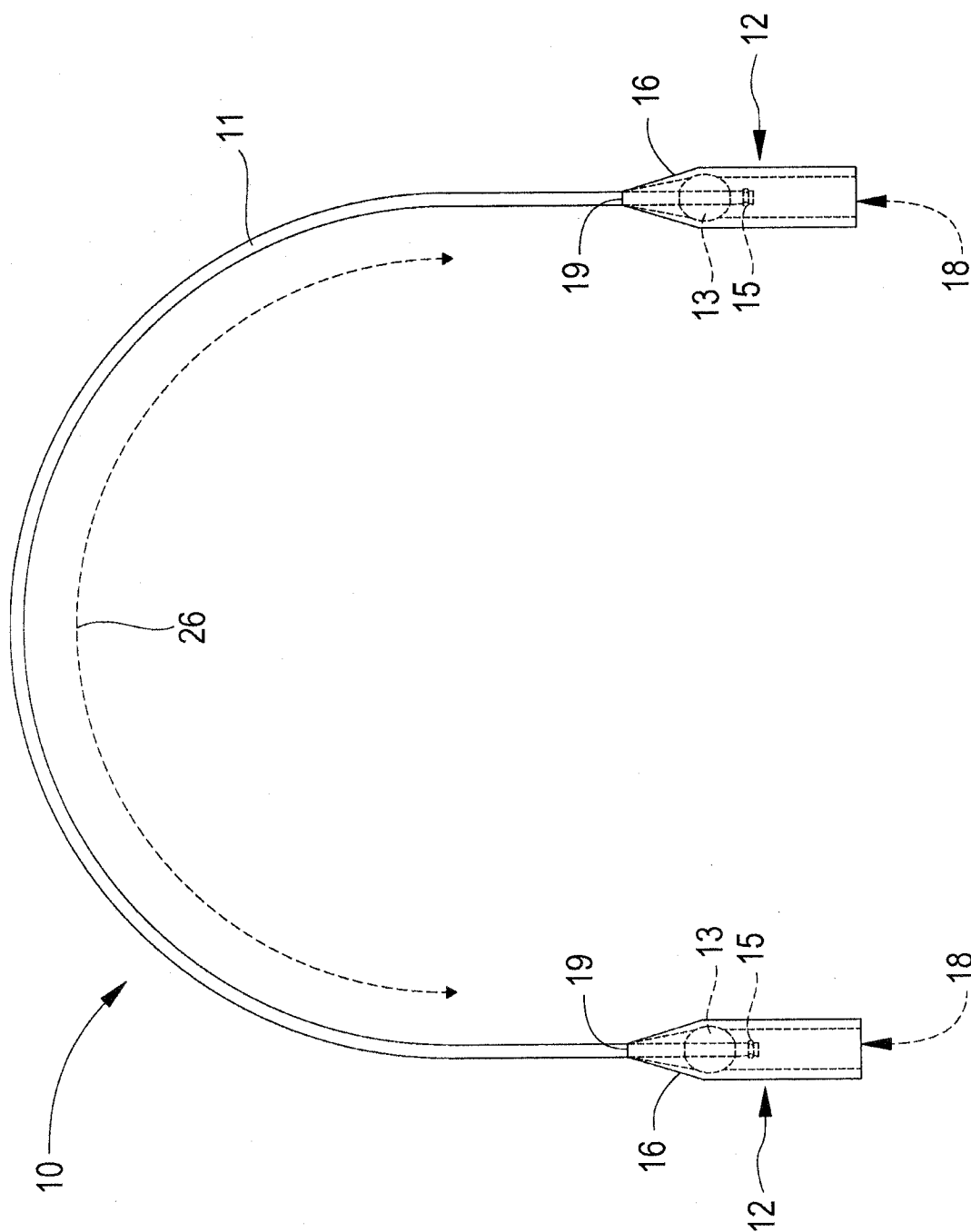


FIG. 3

4/5

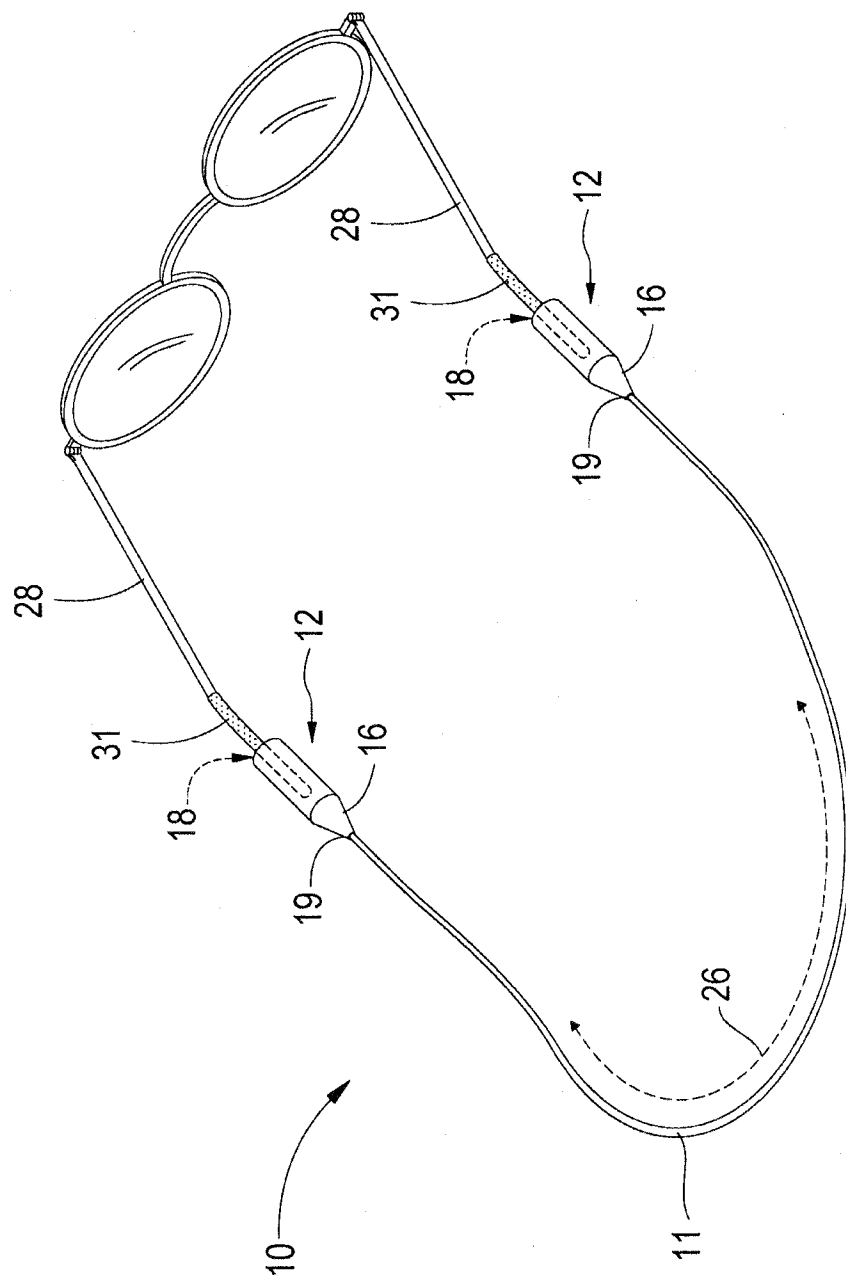


FIG. 4

5/5

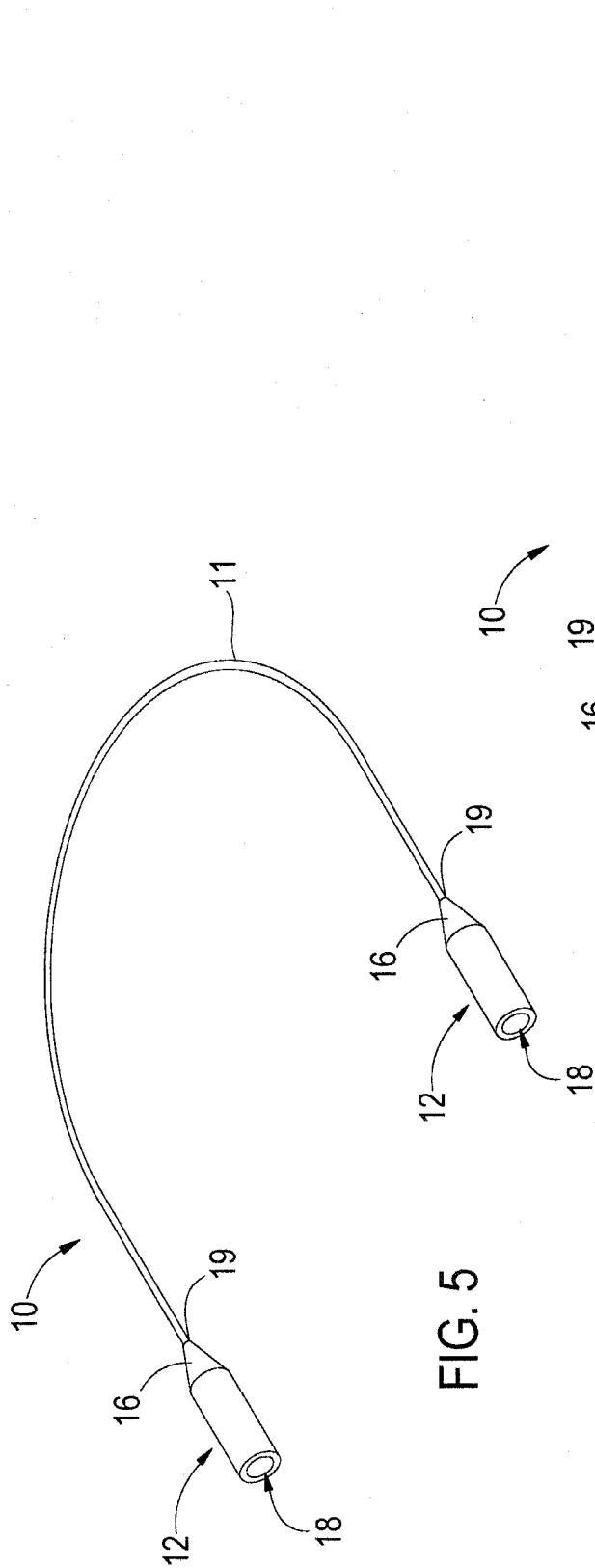


FIG. 5

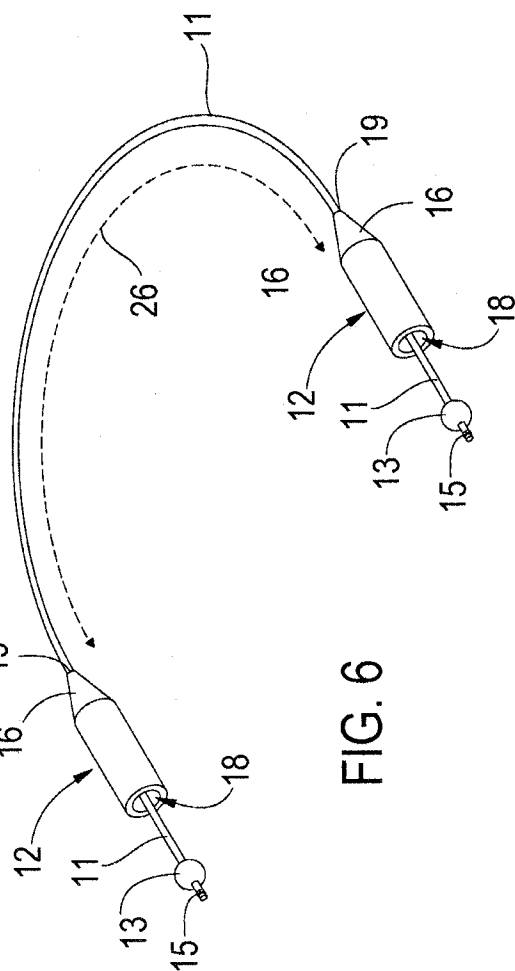


FIG. 6

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P104825USJB
		Application Number	
Title of Invention	Eye Wear Retention Device		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1					
Applicant Authority		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	
				<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Ronald	Wade	Willaims		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Birmingham	State/Province	AL	Country of Residence i	US
Citizenship under 37 CFR 1.41(b) i		US			
Mailing Address of Applicant:					
Address 1	411 Meadowbrook Lane				
Address 2					
City	Birmingham	State/Province	AL		
Postal Code	35213	Country i	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. <input type="button" value="Add"/>					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
Customer Number	23378		
Email Address		<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	Eye Wear Retention Device		
Attorney Docket Number	P104825USJB	Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	6

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P104825USJB
		Application Number	
Title of Invention	Eye Wear Retention Device		

Publication Information:
☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	23378		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending	Remove			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)		
	a 371 of international	PCT/US09/43156	2009-05-07		
Prior Application Status	Patented	Remove			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
PCT/US09/43156	Continuation of	12142323	2008-06-19	7467867	2008-12-23
Prior Application Status	Expired	Remove			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)		
PCT/US09/43156	non provisional of	61051539	2008-05-08		
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.					

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

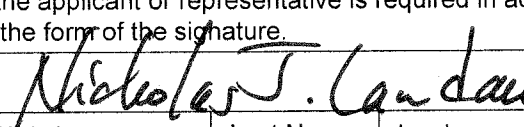
Application Data Sheet 37 CFR 1.76		Attorney Docket Number	P104825USJB
		Application Number	
Title of Invention	Eye Wear Retention Device		

Remove			
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.				
Assignee 1				
If the Assignee is an Organization check here. <input type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature				Date (YYYY-MM-DD)	2010-11-08
First Name	Nicholas	Last Name	Landau	Registration Number	57120

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE AS
RECEIVING OFFICE**

IA Number: PCT/US2009/43156
Int'l Filing Date: May 7, 2009
Priority Date: May 8, 2008
First Inventor: Ronald Wade WILLIAMS
Attorney Docket No: P104825USJB
Title: Eye Wear Retention Device

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir/Madam:

This paper is submitted as a preliminary amendment to the national phase application claiming benefit of No. PCT/US2009/43156 (filed 5-7-2009), claiming benefit of US Patent No. 7,467,867 (filed 6-19-2008) which claims the benefit of U.S. Provisional Application 61/051,539 (filed 5-8-2008).

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

CLAIMS

What is claimed:—

1-24 (Cancelled)

25. An eyewear retention device, comprising,

a. a cable having two ends, each end being secured to one of two eyeglass temple retainers,

b. the two eyeglass temple retainers, each

(1) being secured to one end of the resilient cable and

(2) having an opening for securing an end of an eyeglass temple,

such that when each eyeglass temple retainer is secured to an end of an eyeglass temple the cable forms an arc elevated above the wearer's neck, shoulder and garments.

26. The eyewear retention device as in claim 25 further comprising the composition of the cable being selected from the group consisting of twisted wire, resilient plastic and carbon fiber.

27. The eyewear retention device as in claim 25 further comprising the cable being secured to each of the eyeglass temple retainers by an object affixed near the end of the cable, each eyeglass temple retainer having an opening through which each end of the cable is threaded, and each said object being larger than the opening in the eyeglass temple retainer, such that the object is retained by friction against the eyeglass temple retainer.

28. The eyewear retention device as in claim 27 further comprising the object being a bead or grommet.

29. The eyewear retention device as in claim 27 further comprising each of the eyeglass temple retainers being a tube with a hollow frustum in the end of which is the opening through which the cable is threaded.

30. The eyewear retention device as in claim 25 further comprising the eyeglass temple retainers being composed of rubber or plastic.

31. The eyewear retention device as in claim 25 further comprising each end of the cable being secured to the eyeglass temple retainers by chemical bonding.

32. The eyewear retention device as in claim 25 further comprising the two eyeglass temple retainers including an angle which normalizes the direction of the cable rearward from the wearer's head in response to a curved end portion of an eyeglass temple.

REMARKS

I. Discussion of Amendments

Applicants amend the claims herein. Applicants submit that no new matter has been added to the claims. Applicants make these amendments for the sole purpose of facilitating the expeditious allowance of any subject matter identified as allowable by the Examiner. Applicants make no admission herein that any cancelled or amended claims in their original form is non-patentable; Applicants make no disclaimer of the subject matter of any cancelled or amended claims or dedicate them to the public. If any such disclaimers are believed to have been made, Applicants explicitly rescind them for the purpose of future applications to permit recapture of the original subject matter of any cancelled or amended claims. Applicants reserve the right to file future applications for letters patent directed to the original subject matter of any cancelled or amended claims.

CONCLUSION

Applicants respectfully request the consideration of the enclosed remarks and entry of the following submission into the record. If additional action is required that may benefit from a telephone call, Applicants invite a call to its attorney of record, Nicholas J. Landau (Reg. No. 57,120). E-mail correspondence and transactions to nlandau@babco.com are authorized and encouraged. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT BOULT CUMMINGS LLP

3 Nov. 2010
Date

Nicholas J. Landau
Nicholas J. Landau
Reg. No. 57,120

ADVANCE E-MAIL

From the INTERNATIONAL BUREAU

PCT

SECOND AND SUPPLEMENTARY NOTICE
INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION (TO DESIGNATED OFFICES
WHICH APPLY THE 30 MONTH TIME
LIMIT UNDER ARTICLE 22(1))

(PCT Rule 47.1(c))

To:

Bird, Joseph, S.
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203-2119
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 10 September 2010 (10.09.2010)		
Applicant's or agent's file reference 12449-0003		IMPORTANT NOTICE
International application No. PCT/US2009/043156	International filing date (day/month/year) 07 May 2009 (07.05.2009)	Priority date (day/month/year) 08 May 2008 (08.05.2008)
Applicant WILLIAMS, Ronald, Wade		

- ATTENTION:** For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does not apply**, please see Form PCT/IB/308(First Notice) issued previously.
- Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93bis.1. The International Bureau has effected that communication on the date indicated below:
12 November 2009 (12.11.2009)

AU, AZ, BY, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MY, MZ, NA, NG, PG, RU, SY, TM, US

In accordance with Rule 47.1(c-bis)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

- The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93bis.1:

AE, AG, AL, AM, AO, AP, AT, BA, BB, BG, BH, BR, BW, BZ, CA, CH, CR, CU, CZ, DE, DK, DM, DO, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, ID, IL, IN, IS, JP, KE, KM, KN, KZ, LA, LC, LK, LR, LS, LT, LY, MA, ME, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, RS, SC, SD, SE, SG, SK, SL, SM, ST, SV, TJ, TN, TR, TT, UA, UZ, VC, VN, ZA, ZM, ZW

In accordance with Rule 47.1(c-bis)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

4. TIME LIMITS for entry into the national phase

For the designated or elected Office(s) listed above, the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain of the designated or elected Office(s) listed above. For **regular updates on the applicable time limits** (30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No, +41 22 338 82 70	e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2009/043156	International filing date (<i>day/month/year</i>) 07 MAY 2009 (07.05.2009)	(Earliest) Priority Date (<i>day/month/year</i>) 08 MAY 2008 (08.05.2008)
Applicant WILLIAMS, RONALD WADE		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. 1.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 6

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/043156**A. CLASSIFICATION OF SUBJECT MATTER***G02C 11/00(2006.01)i, G02C 11/02(2006.01)i, G02C 5/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G02C 11/00; G02C 3/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models since 1975.

Japanese utility models and applications for utility models since 1975.

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords:cable, cord, bead, eyewear, spectacles,grommet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2001-209014 A (SEKIGUCHI OSAMU) 03 August 2001 See Paragraph 0017 - Paragraph 0022; Figures 1, 7	1-24
A	US 6053612 A1 (MACINTOSH, JR.; CHARLES M. et al.) 25 April 2000 See the whole document	1-24
A	US 6941619 B2 (BRANDON R. MACKAY et al.) 13 September 2005 See the whole document	1-24
A	US 5664291 A1 (STOLLER; CLAUDE) 09 September 1997 See the whole document	1-24



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"I," document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

23 DECEMBER 2009 (23.12.2009)

Date of mailing of the international search report

28 DECEMBER 2009 (28.12.2009)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

CHOI, Ki Hyuk

Telephone No. 82-42-481-5908



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/043156

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 2001-209014 A	03.08.2001	None	
US 6053612 A1	25.04.2000	AU 2000-39311 A1	29.03.2000
		CA 2386915 A1	26.04.2001
		CA 2386915 C	07.02.2006
		EP 1222489 A1	17.07.2002
		EP 1222489 A4	27.08.2003
		WO 2001-029606 A1	26.04.2001
US 6941619 B2	13.09.2005	US 2003-101542 A1	05.06.2003
US 5664291 A1	09.09.1997	US 05655263 A	12.08.1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage of: PCT/US09/43156
Filed: Herewith
First Inventor: Ronald Wade Williams
Attorney Docket No: P104825WOJB

Title: Eye Wear Retention Device

POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

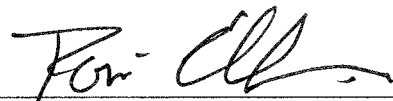
Sir/Madam:

I hereby revoke all previous powers of attorney given in the above-identified application and I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

23378

Please recognize or change the correspondence address for the above-identified application to the address associated with the above-mentioned customer number.

I am the inventor.



Signature

5 November 2010

Date

RONALD WADE Williams

Printed Name

Telephone

Title and Company (if applicable)

**DECLARATION (37 CFR § 1.63) FOR UTILITY OR DESIGN APPLICATION USING
AN APPLICATION DATA SHEET (37 CFR § 1.76)**

Title of Invention: Eye Wear Retention Device

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- (1) The attached application if this declaration is filed with a new application; or
- (2) The U.S. National Stage of International Application No. PCT/US09/43156 filed on May 7, 2009; or
- (3) the Application for the invention with the title indicated above filed under attorney docket number P104825USJB; or
- (4) the Application for the invention with the title indicated above that has been assigned the application number indicated on the attached cover letter and was filed on the date indicated on the same cover letter, as allowed under MPEP 602 VI (E).

If this document was executed before the filing of the Application, attorneys for Applicant, Bradley Arant Boult Cummings LLP, are explicitly authorized to insert the U.S. application number in the space provided here:

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S):

First-named inventor: **Ronald Wade Williams**

Date:

11-5-10 5 November 2010

Signature:



Citizen of:

US

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Eye Wear Retention Device		
First Named Inventor/Applicant Name:		Ronald Wade Williams		
Filer:		Nicholas Jacob Landau/Jennifer Thomas		
Attorney Docket Number:		P104825USJB		
Filed as Small Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Basic National Stage Fee	2631	1	165	165
Natl Stage Search Fee - U.S. was the ISA	2641	1	50	50
Natl Stage Search Fee - Report provided	2642	1	215	215
Natl Stage Exam Fee - all other cases	2633	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				540

Electronic Acknowledgement Receipt

EFS ID:	8793757
Application Number:	12991668
International Application Number:	PCT/US09/43156
Confirmation Number:	1475
Title of Invention:	Eye Wear Retention Device
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Nicholas Jacob Landau/Jennifer Thomas
Filer Authorized By:	Nicholas Jacob Landau
Attorney Docket Number:	P104825USJB
Receipt Date:	08-NOV-2010
Filing Date:	
Time Stamp:	17:59:01
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 540
RAM confirmation Number	5064
Deposit Account	500954
Authorized User	BIRD,JOSEPH

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.211 (Miscellaneous fees and charges)

Page 36 Chums, Inc. et al. Ex. 1013

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		williams.pdf	3436727	yes	36
			4cfaa579ef240f206d9f57eafc172d788d17d6ce		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	3	
	Transmittal of New Application		4	6	
	Documents submitted with 371 Applications		7	22	
	Application Data Sheet		23	25	
	Preliminary Amendment		26	26	
	Claims		27	28	
	Applicant Arguments/Remarks Made in an Amendment		29	30	
	Documents submitted with 371 Applications		31	34	
	Power of Attorney		35	35	
	Oath or Declaration filed		36	36	
	Warnings:				
Information:					
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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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November 8, 2010

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: NEW Request to Enter National Stage Under 33 U.S.C. § 371
IA Number: PCT/US09/43156
Int'l Filing Date: 11/8/2010
First Inventor: Ronald Wade Williams
Attorney Docket No: P104825WOJB
Invention Title: Eye Wear Retention Device

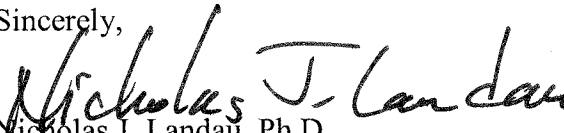
Dear Commissioner:

The applicants hereby request entry into the U.S. National Stage for the above International Application. Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Transmittal Letter to DO/EO/US of Submission Under 35 U.S.C. § 371 (3 pages)
3. Credit card payment (electronic)
4. Copy of International Application as published (16 pages)
5. Application Data Sheet (3 pages)
6. Preliminary Amendment (5 pages)
7. Notice from IB of Communication of IA to US as Designated Office (1 page)
8. Copy of International Search Report (3 pages)
9. Declaration and Power of Attorney (2 pages)

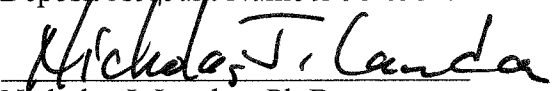
Please do not hesitate to contact the undersigned by telephone at 205-521-8452 or by facsimile at 205-488-6452 if further action is required.

Sincerely,


Nicholas J. Landau, Ph.D.
Registration No. 57120

AUTHORIZATION TO CHARGE
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All fees due are believed to be paid herein. If, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining small entity fees, charges, and other sums due to Deposit Account Number 50-0954.



Nicholas J. Landau, Ph.D.

Registration No. 57120

8 Nov 2010

Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION

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1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
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3. Credit card payment (electronic)
4. Copy of International Application as filed (16 pages)
5. Application Data Sheet (3 pages)
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and are being submitted via the EFS Web of the United States Patent & Trademark Office on **November 8, 2010.**

Date: 11-8-2010



Jennifer Thomas

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- (71) **Applicant and**
- (72) **Inventor:** WILLIAMS, Ronald, Wade [US/US]; 411 Meadowbrook Lane, Birmingham, AL 35213 (US).
- (74) **Agent:** GACHE, Russell Carter; Maynard, Cooper & Gale, PC, 1901 Sixth Avenue North; Ste. 2400, Birmingham, AL 35203-2618 (US).
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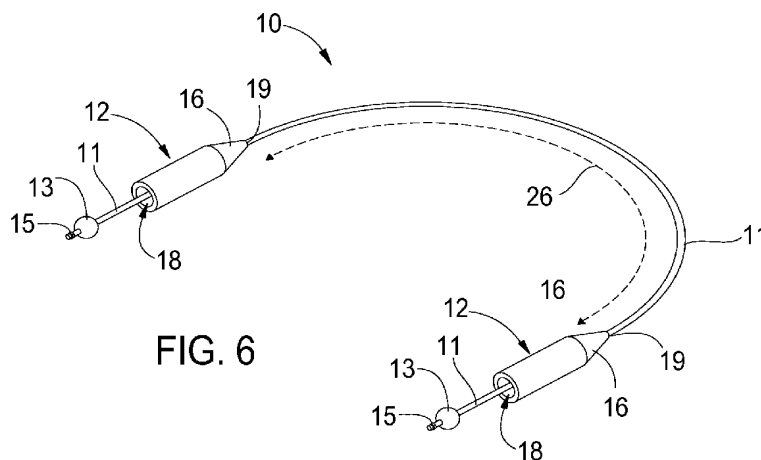
AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

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(54) **Title:** EYEWEAR RETENTION DEVICE



(57) **Abstract:** An eyewear retention device (10) is disclosed that includes a length of resilient cord (11), such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing (12), and including retention end grommets (15) molded against the ends of the cabling to prevent the slipping off of the retention tubing from the cabling. The combination of the resilient cord (11) and the retention tubing (12) produces a tensioned arc (26) such that in addition to retaining eyeglasses to the vestment of a user when not in use, the retention device forms a suspended arc over the wear's upper torso such that the device does not contact the wear's upper torso or their vestment when donned over a wear's eyes.

EYEWEAR RETENTION DEVICE

Technical Field

The present invention relates generally to devices that retain eyewear on a user. In greater particularity the present invention relates to eyewear retainers that extend around rear of a wearer's head and upper neck.

Background Art

5

For many decades, probably longer, eyewear users have attached strings, cloth-based retainers, lightweight chains, and small ropes to eyeglasses to loosely retain them upon a wearer's upper torso when not positioned upon the wearer's head. Several decades ago, "Croakies" were introduced which are essentially
10 neoprene retainer straps having a tubular portion into which eyeglass temples slip and a rear flat portion that extends around the rear of a user's head. Croakies immediately became popular with skiers, fisherman, and hunters who utilize polarized sunglasses and strongly tinted lenses to provide protection from intense glare and reflected light off water, ice, and snow, and other reflective surfaces in
15 brilliant sunlight. Other types of lenses have also developed in popular culture to provide different types of tinting and appearances, and protective strategies from glare and the sun's damaging UV light have arisen. In response, a wide variety of colors and patterns have been introduced for Croakies and other of the aforementioned retainers.

20

However, with the advent of more stylized eyeglasses, and especially the darker tinted glass and plastic (e.g. polycarbonate) lenses, especially in non-prescription type sunglass lenses, wearer's are more frequently required to dismount their glasses in order to read close-up materials or inspect materials that are viewed in relatively low-light conditions. For example, it is quite common for a fishermen,
25 skippers, or first mate deckhands to discard their glasses when going underneath the top deck of a boat to retrieve fishing tackle, read charts, or view other navigational aids during bright sunlight hours in order that they may be able to see the items they are utilizing. Hence, Croakies, and other types of retained devices have become

popular for outdoorsmen and sportsmen alike seeking to provide the safety and proximity retention of their glasses while providing the flexibility to discard them quickly and utilize their eyes in relatively lowlight conditions.

Unfortunately, Croakies and other types of eyewear retaining devices place
5 a burden upon the wearer in that the older retention devices lay directly against the back of the neck or upper back portion, or around the collar of a shirt. Such locations are inconvenient because the retention device itself becomes potentially ensnared in the collar and/or buttons of the wearer's vestment which might hinder the re-application or the re-mounting of the glasses over the wearer's eyes. Further,
10 for collarless vestments and similar, or even for a shirtless individual, the retention lanyards whether chains, string, or neoprene based retainers like Croakies, become coated with sweat, suntan lotion, protective emollients, and other types of debris on the upper torso of an individual. Such soiling makes the retention item unsightly and unattractive, thereby defeating the esthetic appeal that some of today's
15 expensive eyeglasses exhibit. Over time, corrosion from salt and other types of chemicals on the outer layer of the skin can even corrode or diminish the retention effectiveness of the retention device, and also cause discoloration and fading of the retention device's colors and patterns.

Hence, what is needed is an eyeglass retention device that maintains the full
20 utility of the retention objective for eyewear, while avoiding all of the difficulties of past eyewear retention devices.

Disclosure of Invention

An eyewear retention device is disclosed that includes a length of resilient cord, such as cabling having a smooth plastic outer sheath, and terminating at each
25 end in a tapered, rubberized retention tubing, and also having retention end grommets molded against the ends of the cabling to prevent the slipping off of the retention tubing.

Brief Description of the Drawings

An eyewear retention device incorporating the features of the apparatus are depicted in the attached drawings which form a portion of the disclosure and wherein:

5 FIG. 1a is a elevational drawing in partial section of a preferred embodiment of the invention;

 FIG. 1b is an elevational drawing of one of the retention tubes of a preferred embodiment of the invention;

 FIG. 1c is an end view of one of the retention tubes;

10 FIG. 2a is an elevational drawing in section of a highly tapered embodiment of one of the retention tubes of the invention;

 FIG. 2b is an elevational drawing of the highly tapered embodiments of one of the retention tubes of the invention;

 FIG. 2c is an end view of one of the highly tapered embodiments of one of
15 the retention tubes of the invention;

 FIG. 3 is a plan view of a preferred embodiment of the invention showing the generalized semi-circular shape and retention tubing positioned against the end stop grommets;

 FIG. 4 is a perspective view of the invention placed upon the end portions of
20 the temples of a typical pair of eyeglasses showing the general placement of the temples inserted within the retention tubing;

 FIG. 5 is an end perspective view of a preferred embodiment of the invention; and,

 FIG. 6 is a plan view of the invention showing the retention tubing
25 repositioned along the retention cable to expose the crimped end grommets that prevent the retention tubing from detaching from the retention cabling.

Best Mode for Carrying Out Invention

Referring to the drawings for a better understanding of the function and structure of the invention, Figs. 1a-c shows the invention 10 including a cable 11
30 having a tightly wound wiring structure and coated with a relatively frictionless plastic outer insulation. The cable 11 is of sufficient diameter and internal wiring

resiliency such that its shape is resiliently biased toward a zero axis deflection orientation. In other words, the cable does not easily exhibit deflection memory, as one would find in a solid copper or aluminum wire of equal diameter, and resists attempts to deform the cable and maintains a linear shape in all weather conditions.

5 Invention 10 includes retention tubes 12 at each end of cable 11. Each tube 12 includes a temple retention opening 18 having a sufficient diameter to pass over the end portions of a typically sized eyeglass temple. Retention tube 12 opening 18 is also sized to exhibit a certain friction characteristics to allow easy sliding of the retention tubing 12 onto the end portion of a typical eyeglass temple, while

10 providing sufficient frictional qualities to avoid easy removal. Generally, the retention tubing 12 consists of flexible and resilient rubber, or like compound, and has low friction qualities on its exterior. The retention tubing 12 includes a tapered portion 16 defining a cable aperture 19 cooperatively sized to insert the end of the cable 11 while maintaining continual circumferential contact around the cabling.

15 Once the end of the cable has been passed through aperture 19 and emerges through opening 18, a bead or ball bearing 13 is slid onto the end of cable 11 through a channel 17 traversing the center of bead 13. A crimp or grommet 15 is then applied to the cable to prevent bead 13 from slipping off cable 11. The crimp or grommet 15 is compressed using known methods to engage and permanently affix to the cable, thereby forming the stop at the end of cable 11. The bead may be made of

20 plastic, metal, or ceramic, and the diameter of channel 17 should be sized to allow cable 11 to freely pass through bead 13 allowing the cable 11 to rotate and translate through the bead 13. Grommet 15 may be made of any material having suitable deformation characteristics to permanently affix it to cable 11, but copper or brass is preferred due to its benign and low oxidation qualities. When affixed to the end

25 of the cable 11, the grommet 15 bead 13 combination prevents the passage of the end of cable 11 through aperture 19. Once the bead and grommet combination has been secured to the end of cable 11, tension may be applied to cable 11 and the cable and bead-grommet combination may be carefully pulled through opening 18

30 to secure the bead 13 against the internal conjuncture tapering 16 and the sidewalls of retention tube 12. Upon the engagement of bead against the internal sidewalls of

tapered portion 16, bead 13 will exert circumferential pressure upon the upper portion of tapered portion 16 to secure the bead 13 within the retention tube 12 and, thereby, the end portion 14 of cable 11 within the retention tubing. The assembly of the retention tube 12 and grommet-bead combination is identical for each end of
5 cable 11.

Referring now to Figs. 2a-c, one may see a second embodiment of retention tube 12. To accommodate some glasses having relatively thin temples, retention tube 22 may be reshaped to include a fully tapered conical structure from opening 21 to aperture 23. As may be seen, a hollow interior of retention tube 22 is sized
10 into an elongated conical shape so that temples of more slender sizes may be inserted within opening 21 and slid along the interior of retention tube 22 until sufficient circumferential frictional force is applied to the end of the inserted temple to stop the progress of the temple within the hollow interior of the retention tube 22. This shape allows for varying applicability for different size temples and also
15 provides additional retention security by increasing circumferential friction on temples inserted within the hollow interior of 22. As before, the grommet-bead combination (not shown) are affixed to the end of cable 11 and pulled through opening 21 until bead 13 engages the interior of 22 toward adjacent to aperture 23.

Referring now to Fig. 3, one may see the invention 10 conformed to a substantially semi-circular or arc shape 26. Due to the resiliency of the cable 11, retainer 10 maintains the arc shape 26 when installed upon the temples of
20 eyeglasses.

Referring now to Fig. 4, as shown, retention tubing 12 is inserted over end portions of the temples of the shown eyeglasses 27 until end portions of the temples
25 31 are fully engaged within the interior of the retention tube 12. A sufficient length of cabling 11 is provided to allow for the donning of the combination of the invention 10 and eyeglasses 27, or sunglasses as the case may be, over a wearer's head while in place, and is sized to accommodate baseball caps and similar sun visor protective head gear.

30 Importantly, the resiliency of the cabling 11 in combination with the secure structure of retention tubing 12, with its inherent resiliency, creates an internal

resilience within cabling 11 such that the cable maintains an elevated arc position above a wearer's rear neck and lower head area. Therefore, due to the internal resiliency of the cable, and the positioning of the tubing on the eyeglass temples, the cabling does not contact a wearer's back or collar, or other vestment worn by a user, but instead maintains a spaced position extending backwards from the user. Further, the angle of the retention tubing, and/or the conical tapered portion, may be altered to allow for the redirection of the cable portion into a superior elevated position over a wearer's upper back and neck. For example, some end portions of eyeglass temples extend downward sharply over a wearer's ears. An angled retention tube allows for correction of this downward angle to normalize the direction of the cable 11 backward to maintain a suspended arc in the cable as it extends rearwardly from said user's head such that the cable does not contact the wearer or his/her vestment.

Referring now to Fig. 6, one may see that a pair of beads 13 have been slid over the ends of the cabling 11 with the retention tubing 12 displaced away from the copper crimps or grommets 15 for illustration purposes to expose cable end portions 14. As shown, grommets 15 have been compressed (e.g. crimped) such that grommet 15 may not be displaced in either direction along cable 11, thereby preventing bead 13 from traversing off the end of the cable 11.

While I have shown my invention in one form, it will be obvious to those skilled in the art that it is not so limited but is susceptible of various changes and modifications without departing from the spirit thereof. For example, the inventor envisions that the wire cable 11 may be replaced by a resilient plastic or carbon fiber replacement member exhibiting resiliency characteristics similar to a plastic coated wound cable.

Claims

Having set forth the nature of the invention, what is claimed is:

1. An eyewear retention device, comprising:

- a. a resilient cable;
- b. a pair of temple retention tubes disposed around the ends of said cable;
- 5 c. an end bead slidably encircling each end of said cable and a grommet affixed to the end of said cable thereby preventing said bead from sliding off said cable; and,
- d. wherein each said retention tube includes a cylindrical portion and a tapered portion on one end of said cylindrical portion, and wherein
10 an end portion of said cable is disposed within said retention tube such that said bead is held against the interior walls of said tapered portion and said cable extends through said tapered portion to said other retention tube.

2. The eyewear retention device as recited in claim 1, wherein said bead
15 consists of material selected from the group of metal, plastic, or ceramic.

3. The eyewear retention device as recited in claim 2, wherein said grommet is made of copper.

4. The eyewear retention device as recited in claim 3, wherein said cable
comprises an arc suspended above a wear's vestment when said eyewear retention
20 device is donned by a user over their eyes.

5. The eyewear retention device as recited in claim 4, wherein said tapered portion comprises a hollow frustum.

6. The eyewear retention device as recited in claim 1, wherein said cable comprises an arc suspended above a wear's vestment when said eyewear retention device is donned by a user over their eyes.

7. The eyewear retention device as recited in claim 1, wherein said cable is
5 plastic coated.

8. The eyewear retention device as recited in claim 1, wherein said retention tube is rubber.

9. The eyewear retention device as recited in claim 1, wherein said tapered portion comprises a hollow frustum.

10. The eyewear retention device as recited in claim 9, wherein retention
10 tubes are sufficiently sized to cover a eyeglass temple end portion such that elastomeric tension is developed within said retention device to cause said cable to extend rearwardly relative to a wearer in a suspended arc over the upper torso of said wearer without contacting said wearer or their vestment when said retention
15 device is donned over said wearer's eyes.

11. The eyewear retention device as recited in claim 10, wherein said tapered portion includes an angle that normalizes the direction of said cable rearward from said user's head in response to a curved end portion of an eyeglass temple.

20 12. The eyewear retention device as recited in claim 1, wherein said tapered portion includes an angle that normalizes the direction of said cable rearward from said user's head in response to a curved end portion of an eyeglass temple.

13. An eyewear retention device, comprising:

- a. a resilient cord;
- b. a pair of temple retention means disposed around the ends of said cord;
- 5 c. an end bead slidably encircling each end of said cord and prevented from sliding off said cord; and,
- d. wherein each said retention means includes a tapered portion on one end, and wherein each cord includes an end portion disposed within said retention means such that said bead is held against the interior
10 walls of said tapered portion and said cable extends through said tapered portion to said other retention means.

14. The eyewear retention device as recited in claim 13, wherein said bead consists of material selected from the group of metal, plastic, or ceramic.

15. The eyewear retention device as recited in claim 14, further including a
15 crimp to prevent said bead from sliding off said cord.

16. The eyewear retention device as recited in claim 15, wherein said cord forms an arc suspended above a wear's vestment when said eyewear retention device is donned by a user over their eyes.

17. The eyewear retention device as recited in claim 16, wherein said
20 tapered portion comprises a hollow frustum.

18. The eyewear retention device as recited in claim 17, wherein said cord is plastic coated.

19. The eyewear retention device as recited in claim 18, wherein said retention means is comprised of rubber.

20. The eyewear retention device as recited in claim 13, wherein said retention means comprises a hollow frustum.

21. The eyewear retention device as recited in claim 20, wherein said retention means are sufficiently elongated such that said retention means substantially covers an eyeglass temple and elastomeric tension is developed within said retention means to cause said cord to extend rearwardly relative to a wearer in a suspended arc over the upper torso of said wearer without contacting said wearer or their vestment.

22. The eyewear retention device as recited in claim 21, wherein said retention means includes an angle to normalize the direction of said cord rearward from said user's head in response to a curved end portion of an eyeglass temple.

23. The eyewear retention device as recited in claim 13, wherein said tapered portion includes an angle to normalize the direction of said cord rearward from said user's head in response to a curved end portion of an eyeglass temple.

24. An eyewear retention device, comprising:

- a. a resilient member;
- b. a pair of temple retention tubes disposed around the ends of said resilient member;
- c. an end grommet encircling each end of said resilient member compressed thereupon;
- d. a bead slidably encircling each end of said resilient member; and,
- e. wherein each said retention tube comprises a tubular frustum, and wherein an end portion of said resilient member is disposed within said retention tube such that said bead is held against the interior walls of said retention tube, and wherein said resilient member extends through the smaller diameter end of said retention tube.

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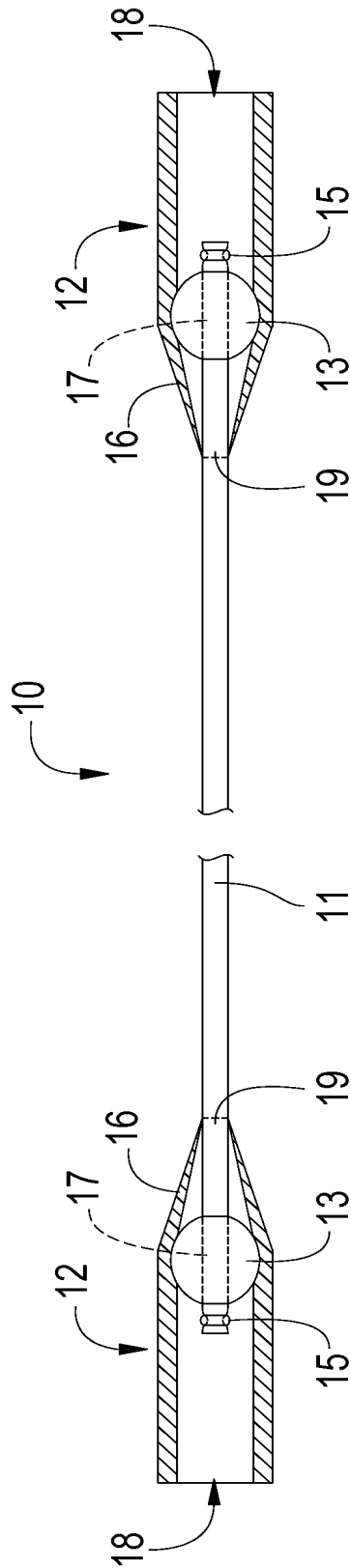


FIG. 1A

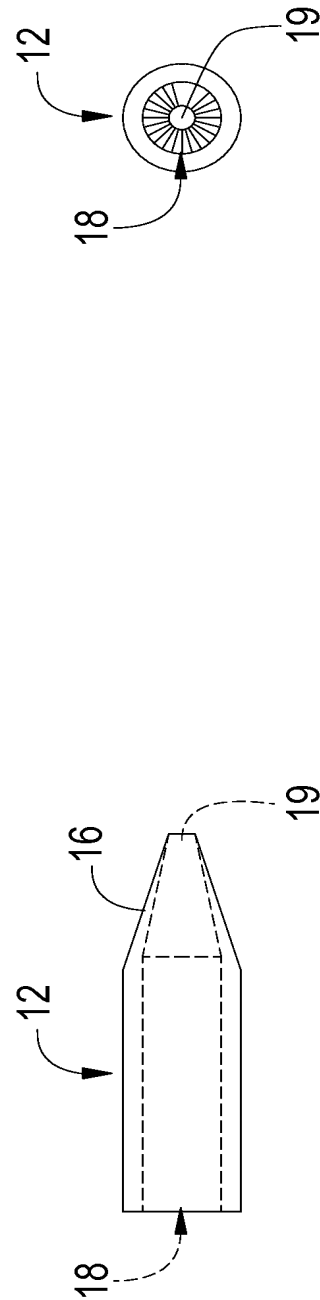
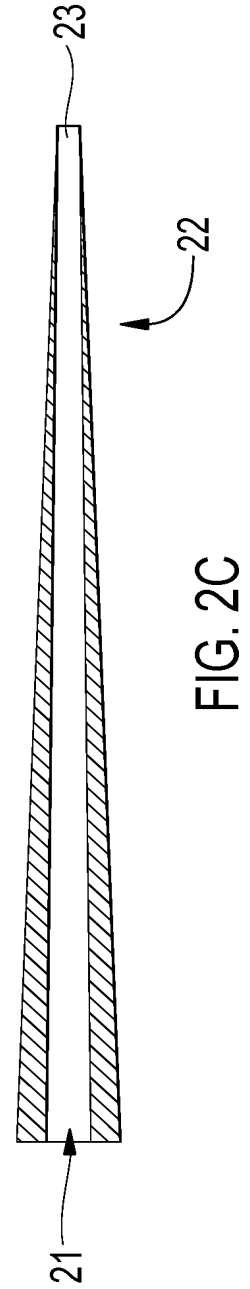
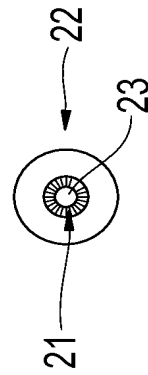
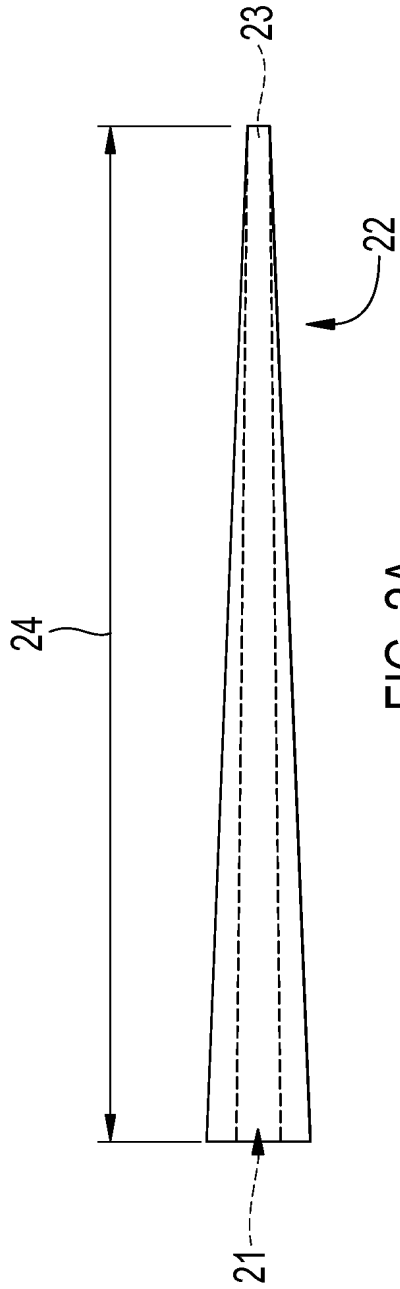


FIG. 1C

FIG. 1B

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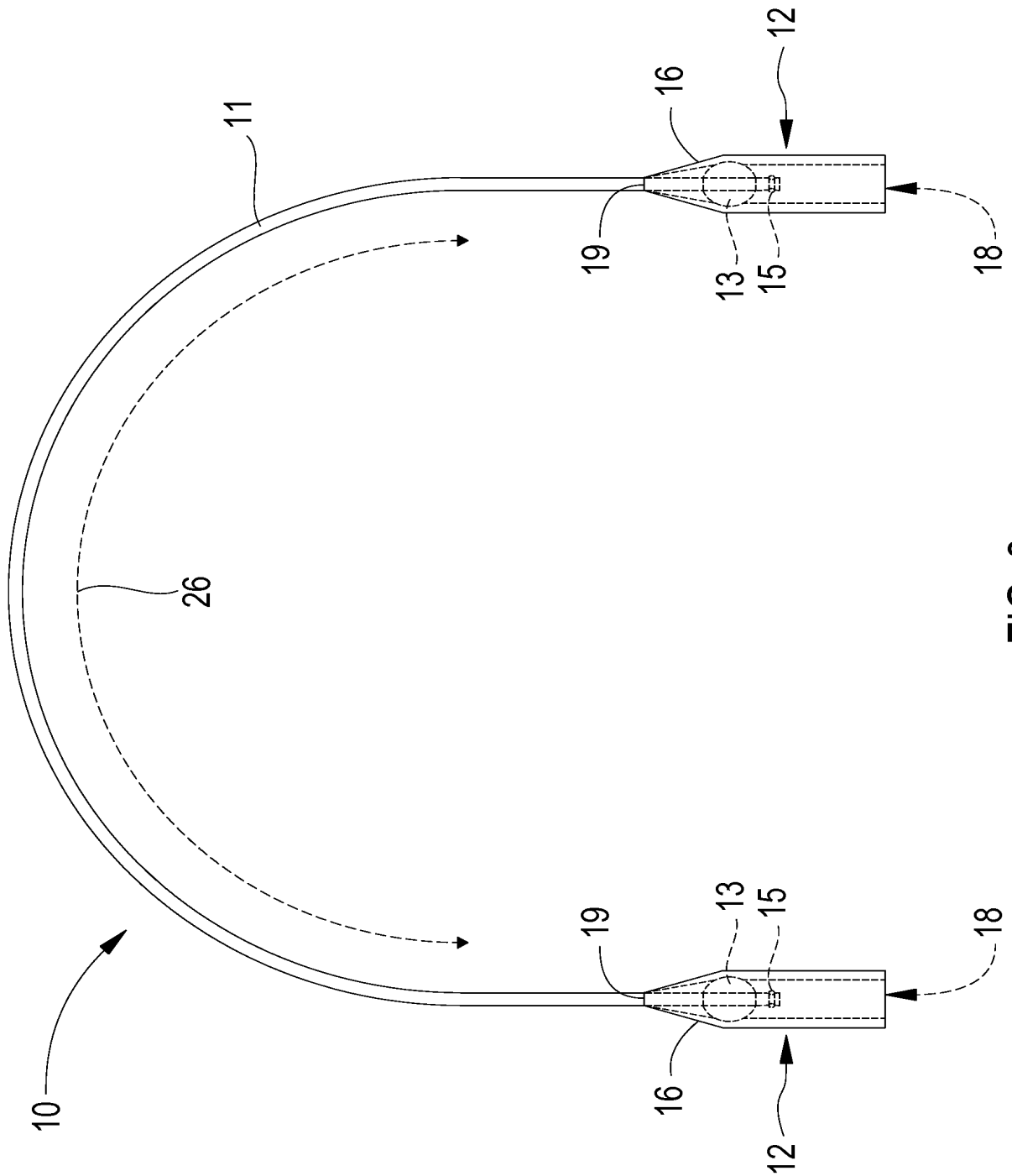


FIG. 3

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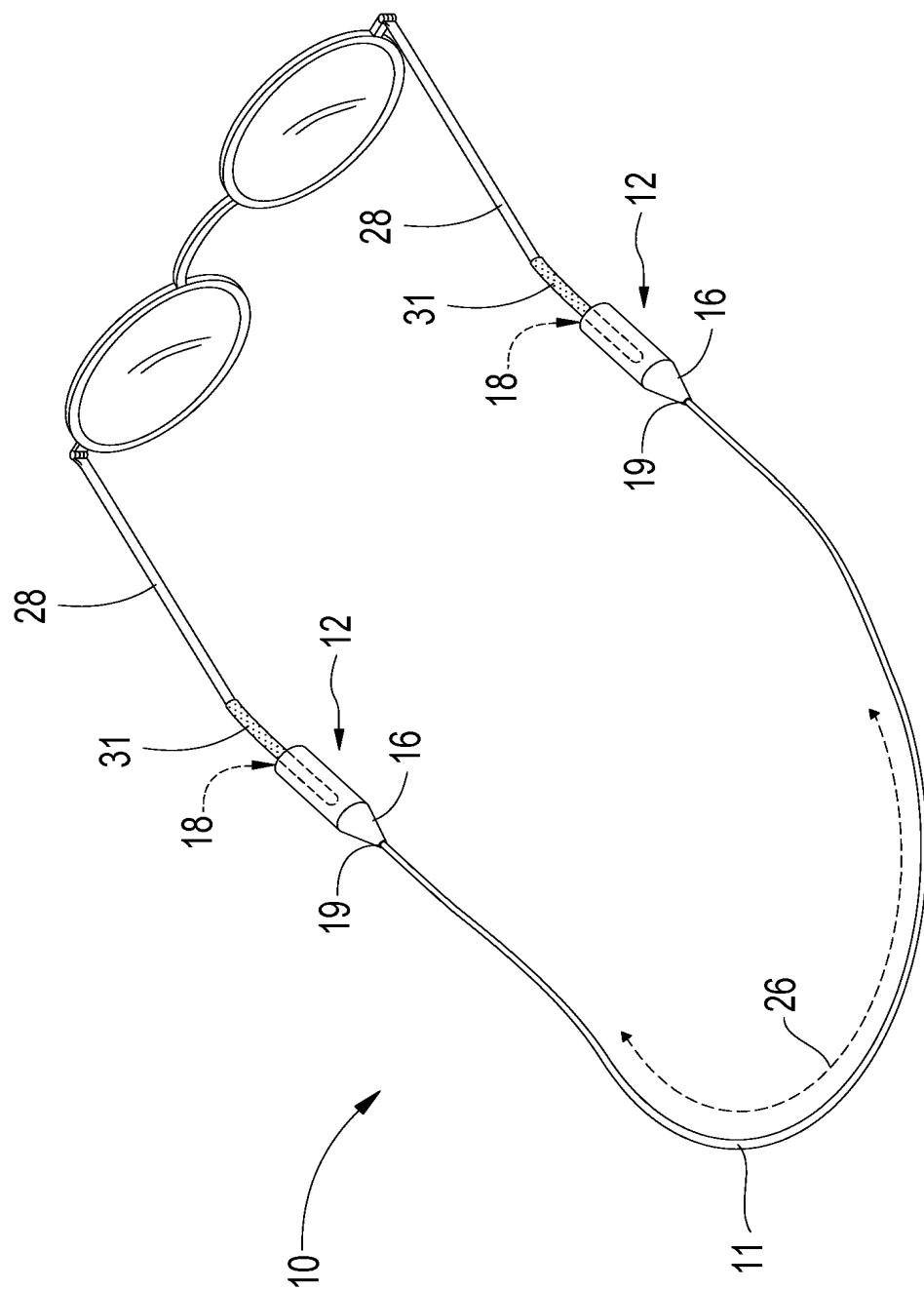
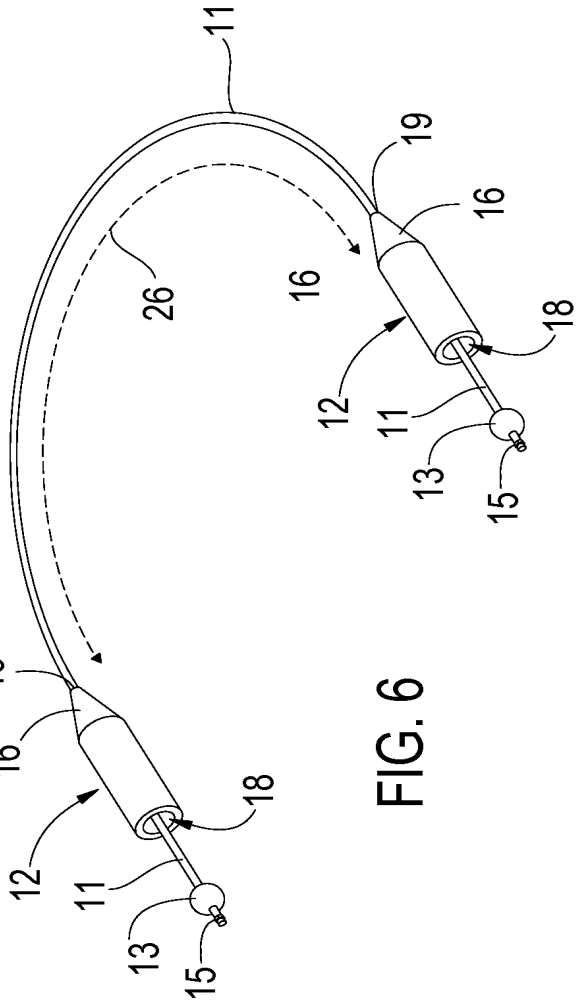
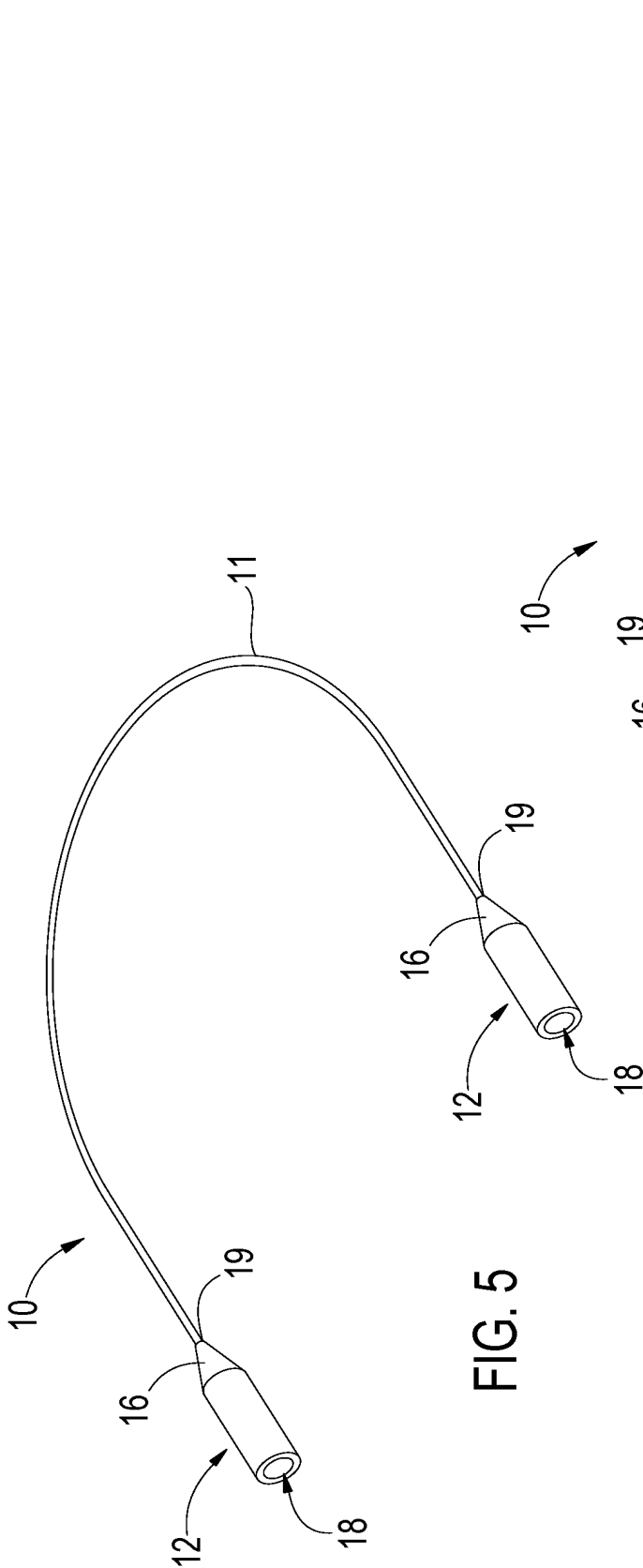


FIG. 4

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(74) Agent: GACHE, Russell Carter; Maynard, Cooper & Gale, PC, 1901 Sixth Avenue North; Ste. 2400, Birmingham, AL 35203-2618 (US).

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Published:

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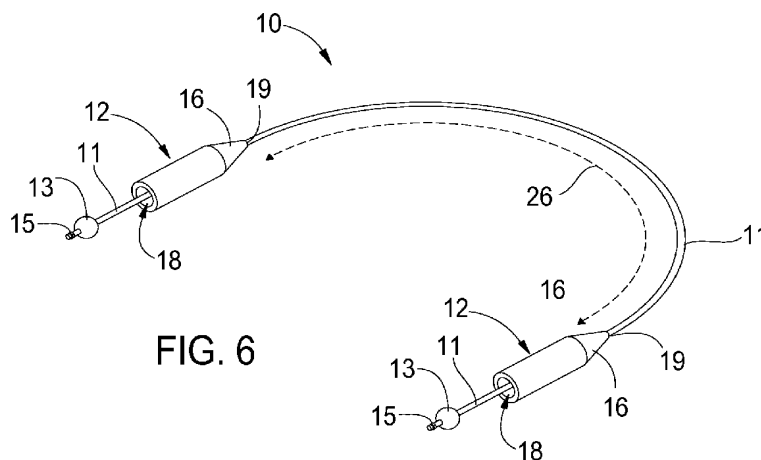


FIG. 6

(57) Abstract: An eyewear retention device (10) is disclosed that includes a length of resilient cord (11), such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing (12), and including retention end grommets (15) molded against the ends of the cabling to prevent the slipping off of the retention tubing from the cabling. The combination of the resilient cord (11) and the retention tubing (12) produces a tensioned arc (26) such that in addition to retaining eyeglasses to the vestment of a user when not in use, the retention device forms a suspended arc over the wear's upper torso such that the device does not contact the wear's upper torso or their vestment when donned over a wear's eyes.



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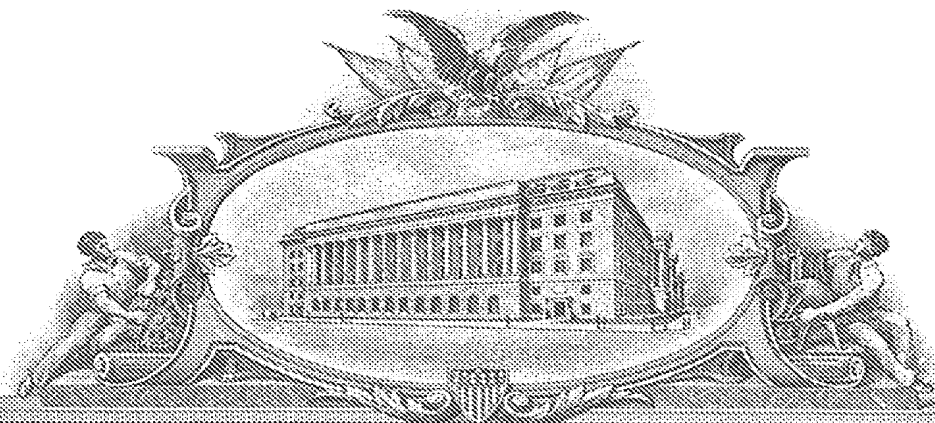
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TO ALL TO WHOM THESE PRESENTS SHALL COME:

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United States Patent and Trademark Office

May 16, 2009

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE.

APPLICATION NUMBER: 12/142,323

FILING DATE: June 19, 2008

RELATED PCT APPLICATION NUMBER: PCT/US09/43156

THE COUNTRY CODE AND NUMBER OF YOUR PRIORITY APPLICATION, TO BE USED FOR FILING ABROAD UNDER THE PARIS CONVENTION, IS US12/142,323



Certified by

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

Docket No.
12449-0003

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

EYEWEAR RETENTION DEVICE

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

☐

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

☐

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

5/8/2008

(Filing Date)

(Filing Date)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Russell Carter Gache, Reg. No. 39985

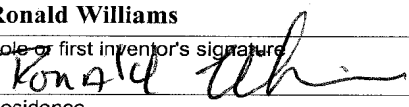
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Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12449-0003
		Application Number	
Title of Invention	Eyewear Retention Device		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1					
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Ronald		Williams		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Birmingham	State/Province	AL	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
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Address 2					
City	Birmingham	State/Province	AL		
Postal Code	35213	Country	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					
<input type="button" value="Add"/>					

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).		
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.		
Customer Number	26359	
Email Address		<input type="button" value="Add Email"/> <input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	Eyewear Retention Device		
Attorney Docket Number	12449-0003	Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	12449-0003
	Application Number	
Title of Invention	Eyewear Retention Device	

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input checked="" type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	26359		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61/051539	2008-05-08
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ¹	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.
Assignee 1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	12449-0003
		Application Number	
Title of Invention	Eyewear Retention Device		

If the Assignee is an Organization check here. <input type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
Address 2				
City		State/Province		
Country		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.				
Signature	/rgache/		Date (YYYY-MM-DD)	2008-06-19
First Name	Russell	Last Name	Gache	Registration Number
				39985

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

EYEWEAR RETENTION DEVICE

Field of Invention

The present invention relates generally to devices that retain eyewear on a user. In greater particularity the present invention relates to eyewear retainers that extend around rear of a wearer's head and upper neck.

Background of the Invention

For many decades, probably longer, eyewear users have attached strings, cloth-based retainers, lightweight chains, and small ropes to eyeglasses to loosely retain them upon a wearer's upper torso when not positioned upon the wearer's head. Several decades ago, "Croakies" were introduced which are essentially neoprene retainer straps having a tubular portion into which eyeglass temples slip and a rear flat portion that extends around the rear of a user's head. Croakies immediately became popular with skiers, fisherman, and hunters who utilize polarized sunglasses and strongly tinted lenses to provide protection from intense glare and reflected light off water, ice, and snow, and other reflective surfaces in brilliant sunlight. Other types of lenses have also developed in popular culture to provide different types of tinting and appearances, and protective strategies from glare and the sun's damaging UV light have arisen. In response, a wide variety of colors and patterns have been introduced for Croakies and other of the aforementioned retainers.

However, with the advent of more stylized eyeglasses, and especially the darker tinted glass and plastic (e.g. polycarbonate) lenses, especially in non-prescription type sunglass lenses, wearer's are more frequently required to dismount their glasses in order to read close-up materials or inspect materials that are viewed in relatively low-light

conditions. For example, it is quite common for a fishermen, skippers, or first mate deckhands to discard their glasses when going underneath the top deck of a boat to retrieve fishing tackle, read charts, or view other navigational aids during bright sunlight hours in order that they may be able to see the items they are utilizing. Hence, Croakies, and other
5 types of retained devices have become popular for outdoorsmen and sportsmen alike seeking to provide the safety and proximity retention of their glasses while providing the flexibility to discard them quickly and utilize their eyes in relatively lowlight conditions.

Unfortunately, Croakies and other types of eyewear retaining devices place a burden upon the wearer in that the older retention devices lay directly against the back of
10 the neck or upper back portion, or around the collar of a shirt. Such locations are inconvenient because the retention device itself becomes potentially ensnared in the collar and/or buttons of the wearer's vestment which might hinder the re-application or the re-mounting of the glasses over the wearer's eyes. Further, for collarless vestments and similar, or even for a shirtless individual, the retention lanyards whether chains, string, or
15 neoprene based retainers like Croakies, become coated with sweat, suntan lotion, protective emollients, and other types of debris on the upper torso of an individual. Such soiling makes the retention item unsightly and unattractive, thereby defeating the esthetic appeal that some of today's expensive eyeglasses exhibit. Over time, corrosion from salt and other types of chemicals on the outer layer of the skin can even corrode or diminish the
20 retention effectiveness of the retention device, and also cause discoloration and fading of the retention device's colors and patterns.

Hence, what is needed is an eyeglass retention device that maintains the full utility of the retention objective for eyewear, while avoiding all of the difficulties of past eyewear retention devices.

Summary of Invention

5 An eyewear retention device is disclosed that includes a length of resilient cord, such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing, and also having retention end grommets molded against the ends of the cabling to prevent the slipping off of the retention tubing.

Brief Description of the Drawings

10 An eyewear retention device incorporating the features of the apparatus are depicted in the attached drawings which form a portion of the disclosure and wherein:

FIG. 1a is a elevational drawing in partial section of a preferred embodiment of the invention;

FIG. 1b is an elevational drawing of one of the retention tubes of a preferred
15 embodiment of the invention;

FIG. 1c is an end view of one of the retention tubes;

FIG. 2a is an elevational drawing in section of a highly tapered embodiment of one of the retention tubes of the invention;

FIG. 2b is an elevational drawing of the highly tapered embodiments of one of the
20 retention tubes of the invention;

FIG. 2c is an end view of one of the highly tapered embodiments of one of the retention tubes of the invention;

FIG. 3 is a plan view of a preferred embodiment of the invention showing the generalized semi-circular shape and retention tubing positioned against the end stop grommets;

FIG. 4 is a perspective view of the invention placed upon the end portions of the temples of a typical pair of eyeglasses showing the general placement of the temples inserted within the retention tubing;

FIG. 5 is an end perspective view of a preferred embodiment of the invention; and,

FIG. 6 is a plan view of the invention showing the retention tubing repositioned along the retention cable to expose the crimped end grommets that prevent the retention tubing from detaching from the retention cabling.

Detailed Description of the Drawings

Referring to the drawings for a better understanding of the function and structure of the invention, Figs. 1a-c shows the invention 10 including a cable 11 having a tightly wound wiring structure and coated with a relatively frictionless plastic outer insulation. The cable 11 is of sufficient diameter and internal wiring resiliency such that its shape is resiliently biased toward a zero axis deflection orientation. In other words, the cable does not easily exhibit deflection memory, as one would find in a solid copper or aluminum wire of equal diameter, and resists attempts to deform the cable and maintains a linear shape in all weather conditions. Invention 10 includes retention tubes 12 at each end of cable 11. Each tube 12 includes a temple retention opening 18 having a sufficient diameter to pass over the end portions of a typically sized eyeglass temple. Retention tube 12 opening 18 is also sized to exhibit a certain friction characteristics to allow easy sliding of

the retention tubing 12 onto the end portion of a typical eyeglass temple, while providing sufficient frictional qualities to avoid easy removal. Generally, the retention tubing 12 consists of flexible and resilient rubber, or like compound, and has low friction qualities on its exterior. The retention tubing 12 includes a tapered portion 16 defining a cable aperture 5 19 cooperatively sized to insert the end of the cable 11 while maintaining continual circumferential contact around the cabling. Once the end of the cable has been passed through aperture 19 and emerges through opening 18, a bead or ball bearing 13 is slid onto the end of cable 11 through a channel 17 traversing the center of bead 13. A crimp or grommet 15 is then applied to the cable to prevent bead 13 from slipping off cable 11. The 10 crimp or grommet 15 is compressed using known methods to engage and permanently affix to the cable, thereby forming the stop at the end of cable 11. The bead may be made of plastic, metal, or ceramic, and the diameter of channel 17 should be sized to allow cable 11 to freely pass through bead 13 allowing the cable 11 to rotate and translate through the bead 13. Grommet 15 may be made of any material having suitable deformation 15 characteristics to permanently affix it to cable 11, but copper or brass is preferred due to its benign and low oxidation qualities. When affixed to the end of the cable 11, the grommet 15 bead 13 combination prevents the passage of the end of cable 11 through aperture 19. Once the bead and grommet combination has been secured to the end of cable 11, tension may be applied to cable 11 and the cable and bead-grommet combination may be carefully 20 pulled through opening 18 to secure the bead 13 against the internal conjuncture tapering 16 and the sidewalls of retention tube 12. Upon the engagement of bead against the internal sidewalls of tapered portion 16, bead 13 will exert circumferential pressure upon the upper portion of tapered portion 16 to secure the bead 13 within the retention tube 12

and, thereby, the end portion 14 of cable 11 within the retention tubing. The assembly of the retention tube 12 and grommet-bead combination is identical for each end of cable 11.

Referring now to Figs. 2a-c, one may see a second embodiment of retention tube 12. To accommodate some glasses having relatively thin temples, retention tube 22 may be reshaped to include a fully tapered conical structure from opening 21 to aperture 23. As may be seen, a hollow interior of retention tube 22 is sized into an elongated conical shape so that temples of more slender sizes may be inserted within opening 21 and slid along the interior of retention tube 22 until sufficient circumferential frictional force is applied to the end of the inserted temple to stop the progress of the temple within the hollow interior of the retention tube 22. This shape allows for varying applicability for different size temples and also provides additional retention security by increasing circumferential friction on temples inserted within the hollow interior of 22. As before, the grommet-bead combination (not shown) are affixed to the end of cable 11 and pulled through opening 21 until bead 13 engages the interior of 22 toward adjacent to aperture 23.

Referring now to Fig. 3, one may see the invention 10 conformed to a substantially semi-circular or arc shape 26. Due to the resiliency of the cable 11, retainer 10 maintains the arc shape 26 when installed upon the temples of eyeglasses.

Referring now to Fig. 4, as shown, retention tubing 12 is inserted over end portions of the temples of the shown eyeglasses 27 until end portions of the temples 31 are fully engaged within the interior of the retention tube 12. A sufficient length of cabling 11 is provided to allow for the donning of the combination of the invention 10 and eyeglasses 27, or sunglasses as the case may be, over a wearer's head while in place, and is sized to accommodate baseball caps and similar sun visor protective head gear.

Importantly, the resiliency of the cabling 11 in combination with the secure structure of retention tubing 12, with its inherent resiliency, creates an internal resilience within cabling 11 such that the cable maintains an elevated arc position above a wearer's rear neck and lower head area. Therefore, due to the internal resiliency of the cable, and the positioning of the tubing on the eyeglass temples, the cabling does not contact a
5 wearer's back or collar, or other vestment worn by a user, but instead maintains a spaced position extending backwards from the user. Further, the angle of the retention tubing, and/or the conical tapered portion, may be altered to allow for the redirection of the cable portion into a superior elevated position over a wearer upper back and neck. For example,
10 some end portions of eyeglass temples extend downward sharply over a wearer's ears. An angled retention tube allows for correction of this downward angle to normalize the direction of the cable 11 backward to maintain a suspended arc in the cable as it extends rearwardly from said user's head such that the cable does not contact the wearer or his/her vestment.

Referring now to Fig. 6, one may see that a pair of beads 13 have been slid over the
15 ends of the cabling 11 with the retention tubing 12 displaced away from the copper crimps or grommets 15 for illustration purposes to expose cable end portions 14. As shown, grommets 15 have been compressed (e.g. crimped) such that grommet 15 may not be displaced in either direction along cable 11, thereby preventing bead 13 from traversing off
20 the end of the cable 11.

While I have shown my invention in one form, it will be obvious to those skilled in the art that is not so limited but is susceptible of various changes and modifications without departing from the spirit thereof. For example, the inventor envisions that the wire cable

11 may be replaced by a resilient plastic or carbon fiber replacement member exhibiting resiliency characteristics similar to a plastic coated wound cable.

Claims

Having set forth the nature of the invention, what is claimed is:

- 1 1. An eyewear retention device, comprising:
 - 2 a. a resilient cable;
 - 3 b. a pair of temple retention tubes disposed around the ends of said cable;
 - 4 c. an end bead slidably encircling each end of said cable and a grommet
5 affixed to the end of said cable thereby preventing said bead from sliding
6 off said cable; and,
 - 7 d. wherein each said retention tube includes a cylindrical portion and a tapered
8 portion on one end of said cylindrical portion, and wherein an end portion
9 of said cable is disposed within said retention tube such that said bead is
10 held against the interior walls of said tapered portion and said cable extends
11 through said tapered portion to said other retention tube.
- 1 2. The eyewear retention device as recited in claim 1, wherein said bead consists of
2 material selected from the group of metal, plastic, or ceramic.
- 1 3. The eyewear retention device as recited in claim 2, wherein said grommet is
2 made of copper.
- 1 4. The eyewear retention device as recited in claim 3, wherein said cable comprises
2 an arc suspended above a wear's vestment when said eyewear retention device is donned
3 by a user over their eyes.

1 5. The eyewear retention device as recited in claim 4, wherein said tapered portion
2 comprises a hollow frustum.

1 6. The eyewear retention device as recited in claim 1, wherein said cable comprises
2 an arc suspended above a wear's vestment when said eyewear retention device is donned
3 by a user over their eyes.

1 7. The eyewear retention device as recited in claim 1, wherein said cable is plastic
2 coated.

1 8. The eyewear retention device as recited in claim 1, wherein said retention tube
2 is rubber.

1 9. The eyewear retention device as recited in claim 1, wherein said tapered portion
2 comprises a hollow frustum.

1 10. The eyewear retention device as recited in claim 9, wherein retention tubes are
2 sufficiently sized to cover a eyeglass temple end portion such that elastomeric tension is
3 developed within said retention device to cause said cable to extend rearwardly relative to
4 a wearer in a suspended arc over the upper torso of said wearer without contacting said
5 wearer or their vestment when said retention device is donned over said wearer's eyes.

1 11. The eyewear retention device as recited in claim 10, wherein said tapered
2 portion includes an angle that normalizes the direction of said cable rearward from said
3 user's head in response to a curved end portion of an eyeglass temple.

1 12. The eyewear retention device as recited in claim 1, wherein said tapered
2 portion includes an angle that normalizes the direction of said cable rearward from said
3 user's head in response to a curved end portion of an eyeglass temple.

1 13. An eyewear retention device, comprising:
2 a. a resilient cord;
3 b. a pair of temple retention means disposed around the ends of said cord;
4 c. an end bead slidably encircling each end of said cord and prevented from
5 sliding off said cord; and,
6 d. wherein each said retention means includes a tapered portion on one end,
7 and wherein each cord includes an end portion disposed within said
8 retention means such that said bead is held against the interior walls of said
9 tapered portion and said cable extends through said tapered portion to said
10 other retention means.

1 14. The eyewear retention device as recited in claim 13, wherein said bead consists
2 of material selected from the group of metal, plastic, or ceramic.

1 15. The eyewear retention device as recited in claim 14, further including a crimp
2 to prevent said bead from sliding off said cord.

1 16. The eyewear retention device as recited in claim 15, wherein said cord forms
2 an arc suspended above a wear's vestment when said eyewear retention device is donned
3 by a user over their eyes.

1 17. The eyewear retention device as recited in claim 16, wherein said tapered
2 portion comprises a hollow frustum.

1 18. The eyewear retention device as recited in claim 17, wherein said cord is
2 plastic coated.

1 19. The eyewear retention device as recited in claim 18, wherein said retention
2 means is comprised of rubber.

1 20. The eyewear retention device as recited in claim 13, wherein said retention
2 means comprises a hollow frustum.

1 21. The eyewear retention device as recited in claim 20, wherein said retention
2 means are sufficiently elongated such that said retention means substantially covers an
3 eyeglass temple and elastomeric tension is developed within said retention means to cause

4 said cord to extend rearwardly relative to a wearer in a suspended arc over the upper torso
5 of said wearer without contacting said wearer or their vestment.

1 22. The eyewear retention device as recited in claim 21, wherein said retention
2 means includes an angle to normalize the direction of said cord rearward from said user's
3 head in response to a curved end portion of an eyeglass temple.

1 23. The eyewear retention device as recited in claim 13, wherein said tapered
2 portion includes an angle to normalize the direction of said cord rearward from said user's
3 head in response to a curved end portion of an eyeglass temple.

1 24. An eyewear retention device, comprising:

- 2 a. a resilient member;
- 3 b. a pair of temple retention tubes disposed around the ends of said resilient
4 member;
- 5 c. an end grommet encircling each end of said resilient member compressed
6 thereupon;
- 7 d. a bead slidably encircling each end of said resilient member; and,
- 8 e. wherein each said retention tube comprises a tubular frustum, and wherein
9 an end portion of said resilient member is disposed within said retention
10 tube such that said bead is held against the interior walls of said retention
11 tube, and wherein said resilient member extends through the smaller
12 diameter end of said retention tube.

Abstract

An eyewear retention device is disclosed that includes a length of resilient cord, such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing, and including retention end grommets molded against the ends of the cabling to prevent the slipping off of the retention tubing from the cabling.

5 The combination of the resilient cord and the retention tubing produces a tensioned arc such that in addition to retaining eyeglasses to the vestment of a user when not in use, the retention device forms a suspended arc over the wear's upper torso such that the device does not contact the wear's upper torso or their vestment when donned over a wear's eyes.

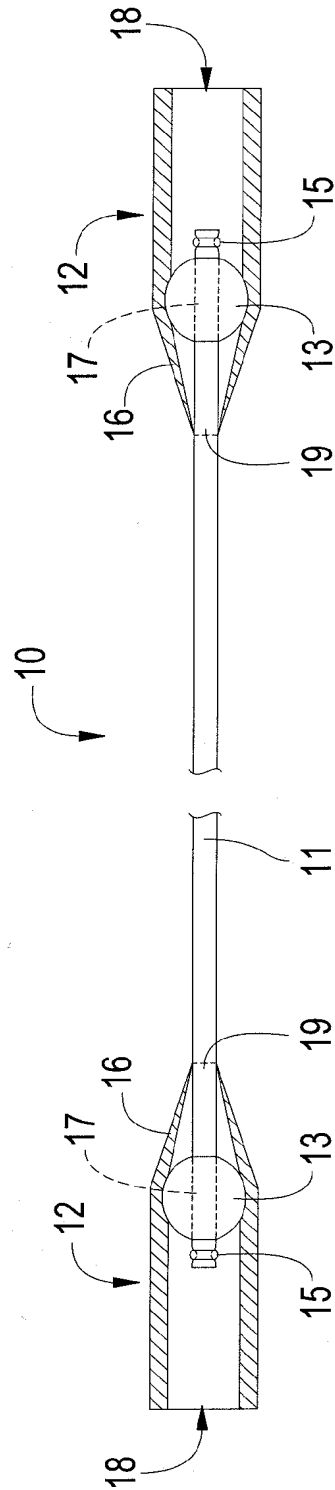


FIG. 1A

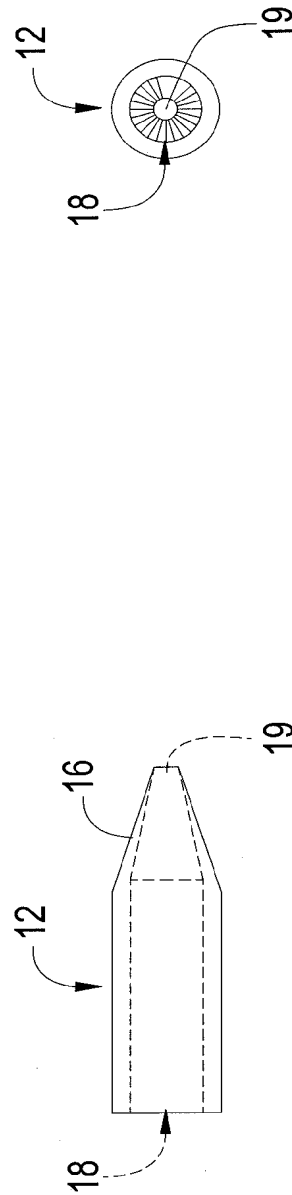


FIG. 1C

FIG. 1B

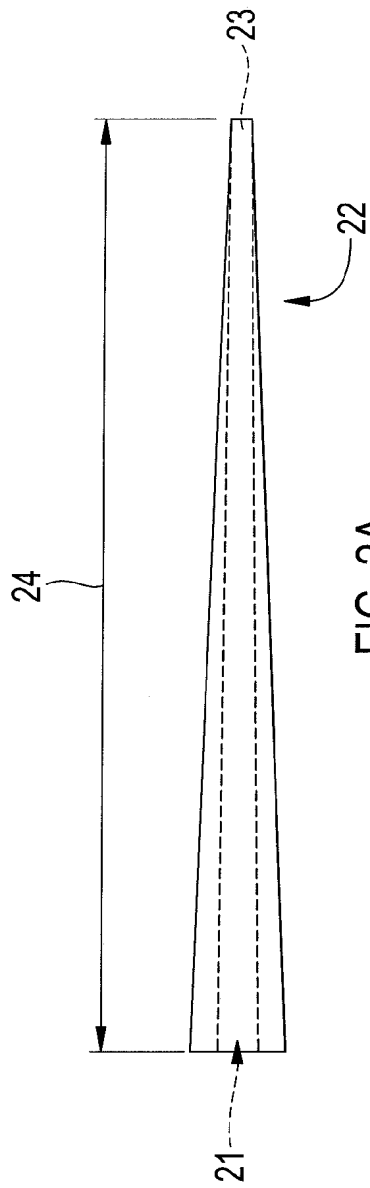


FIG. 2A

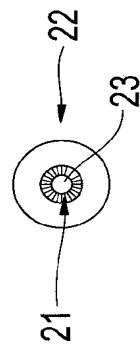


FIG. 2B

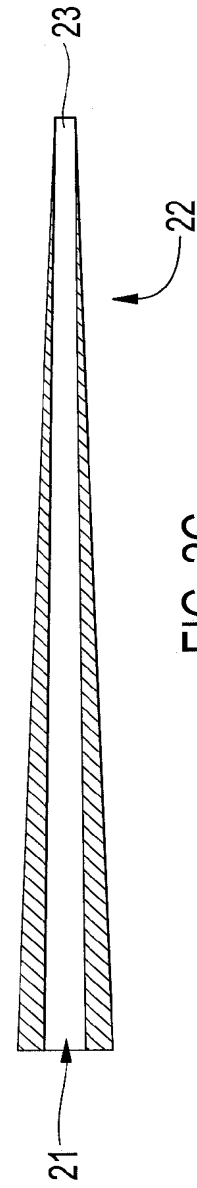


FIG. 2C

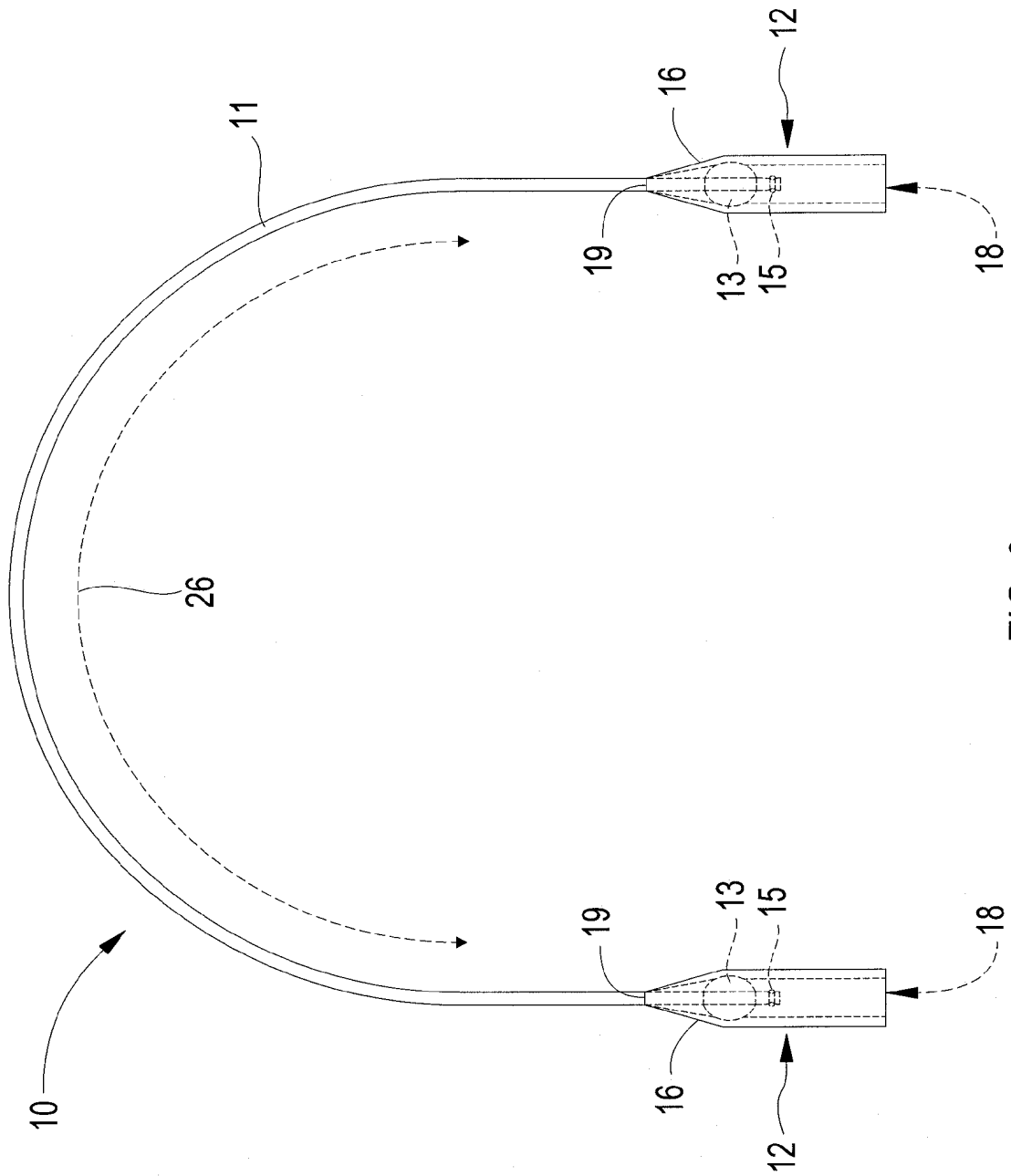


FIG. 3

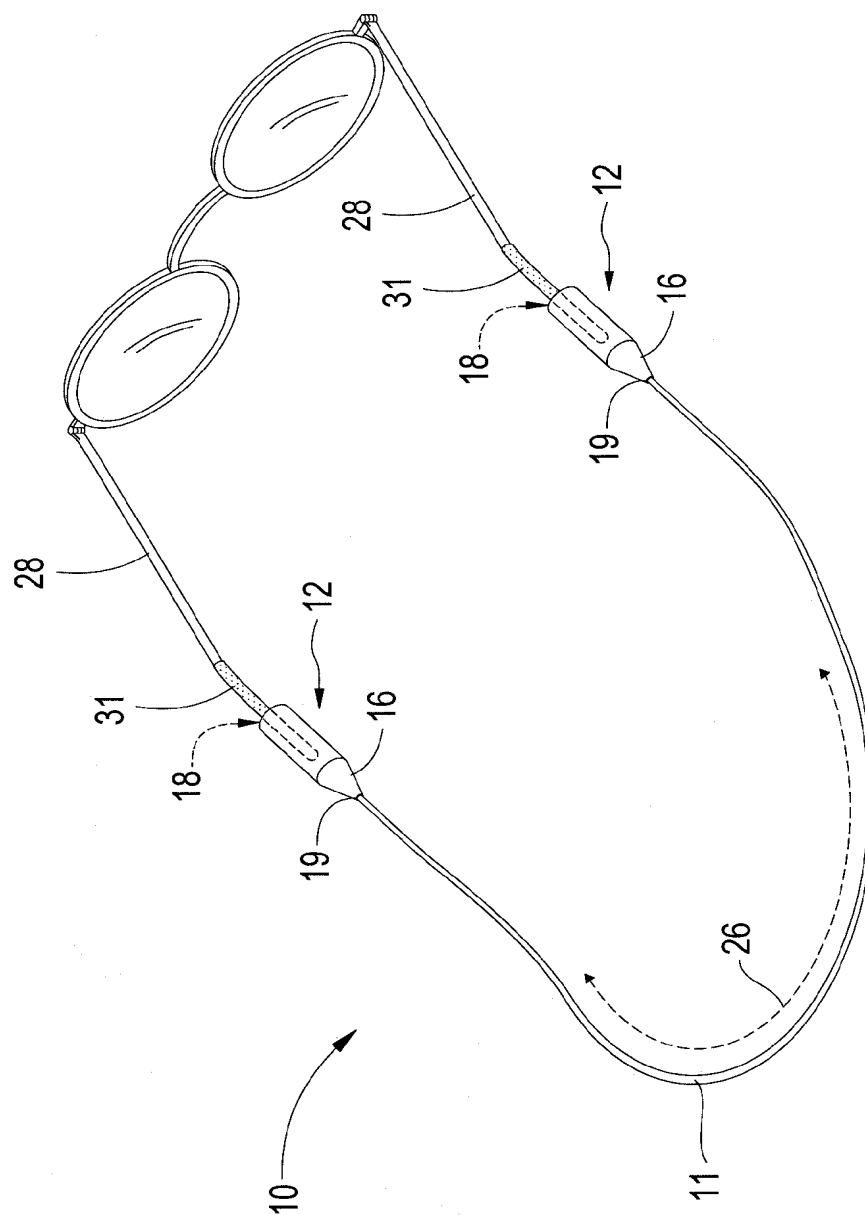


FIG. 4

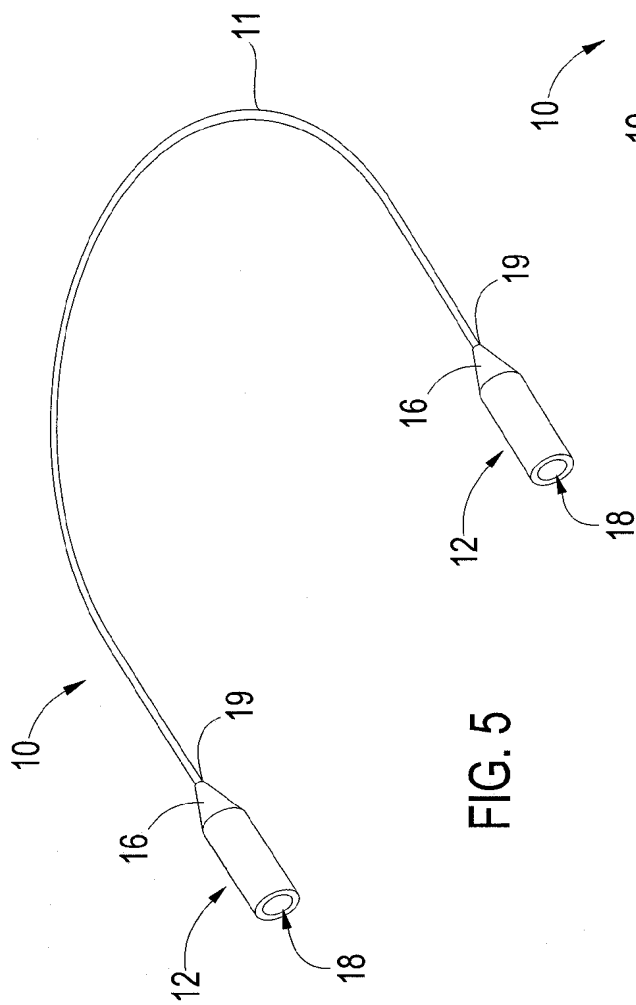


FIG. 5

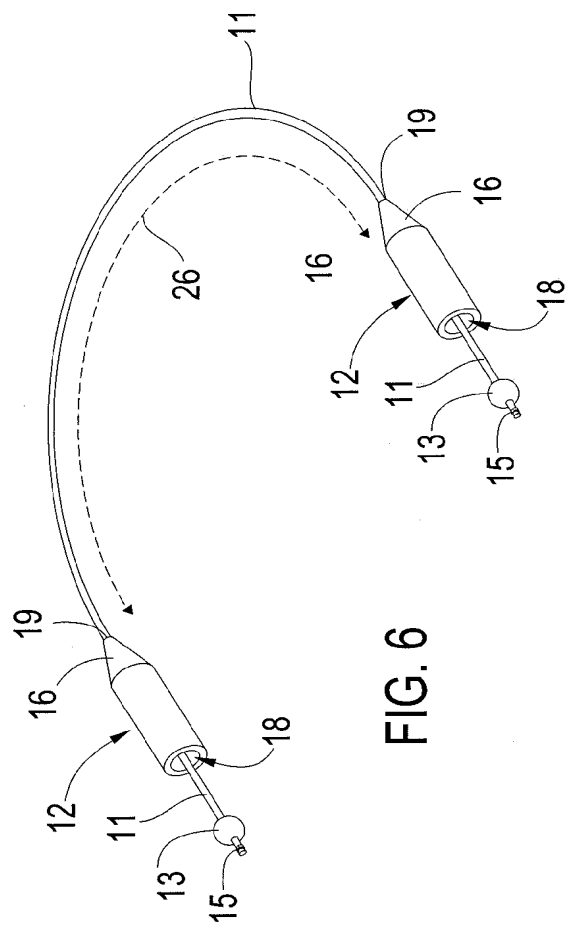


FIG. 6

5/5

Electronic Acknowledgement Receipt

EFS ID:	3486319
Application Number:	12142323
International Application Number:	
Confirmation Number:	7145
Title of Invention:	Eyewear Retention Device
First Named Inventor/Applicant Name:	Ronald Williams
Customer Number:	26359
Filer:	Russell Carter Gache/Traci Ryan
Filer Authorized By:	Russell Carter Gache
Attorney Docket Number:	12449-0003
Receipt Date:	19-JUN-2008
Filing Date:	
Time Stamp:	15:58:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$535
RAM confirmation Number	1211
Deposit Account	504524
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	WilliamsDataSheet.pdf	192840	no	3
			3fce4ebd9189ef8d1e44c4d2df5db2e934b8ca78		
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
2	Oath or Declaration filed	WilliamsDecl.pdf	340834	no	3
			1163624ef1a53232b73cc1cb3a85e1b4eed3f703b		
Warnings:					
Information:					
3		WilliamsSpec.pdf	43828	yes	14
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	Specification		1	8	
	Claims		9	13	
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4	Drawings-only black and white line drawings	WilliamsDrawings.pdf	138924	no	5
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Information:					
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Warnings:					
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Total Files Size (in bytes):			724886		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Document made available under the Patent Cooperation Treaty (PCT)

International application number: PCT/US2009/043156

International filing date: 07 May 2009 (07.05.2009)

Document type: Certified copy of priority document

Document details: Country/Office: US
Number: 61/051,539
Filing date: 08 May 2008 (08.05.2008)

Date of receipt at the International Bureau: 17 May 2009 (17.05.2009)

Remark: Priority document submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b)



World Intellectual Property Organization (WIPO) - Geneva, Switzerland
Organisation Mondiale de la Propriété Intellectuelle (OMPI) - Genève, Suisse

165965

THE UNITED STATES OF AMERICA

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UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 16, 2009

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE.

APPLICATION NUMBER: 61/051,539

FILING DATE: May 08, 2008

RELATED PCT APPLICATION NUMBER: PCT/US09/43156

THE COUNTRY CODE AND NUMBER OF YOUR PRIORITY APPLICATION, TO BE USED FOR FILING ABROAD UNDER THE PARIS CONVENTION, IS US61/051,539



Certified by

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

Doc Code: **TR.PROV**

Document Description: Provisional Cover Sheet (SB16)

PTO/SB/16 (04-07)

Approved for use through 06/30/2010 OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Provisional Application for Patent Cover Sheet					
This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c)					
Inventor(s)					
Inventor 1					<input type="button" value="Remove"/>
Given Name	Middle Name	Family Name	City	State	Country
Ronald		Williams	Birmingham	AL	US
All Inventors Must Be Listed – Additional Inventor Information blocks may be generated within this form by selecting the Add button.					<input type="button" value="Add"/>
Title of Invention		EYE WEAR RETENTION DEVICE			
Attorney Docket Number (if applicable)					
Correspondence Address					
Direct all correspondence to (select one):					
<input checked="" type="radio"/> The address corresponding to Customer Number			<input type="radio"/> Firm or Individual Name		
Customer Number			26359		

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.	
<input checked="" type="radio"/> No.	
<input type="radio"/> Yes, the name of the U.S. Government agency and the Government contract number are:	

Doc Code: **TR.PROV**

Document Description: Provisional Cover Sheet (SB16)

PTO/SB/16 (04-07)

Approved for use through 06/30/2010 OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Entity Status

Applicant claims small entity status under 37 CFR 1.27

- ☒ Yes, applicant qualifies for small entity status under 37 CFR 1.27
☐ No

Warning

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/rogache/			Date (YYYY-MM-DD)	May 8, 2008
First Name	Russell	Last Name	Gache	Registration Number (If appropriate)	39985

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in handling the provisional application.

EYEWEAR RETENTION DEVICE

Field of Invention

The present invention relates generally to devices that retain eyewear on a user. In greater particularity the present invention relates to apparatuses that allow a user to remove sunglasses from a wearer's head while retaining them upon the upper torso. In even greater particularity the present invention relates to sunglasses and eyewear methods for retaining glasses on a wearer's upper torso using lightweight cabling.

Background of the Invention

For many decades, eyewear users have attached strings, cloth-based retainers, and lightweight chains to loosely retain eyeglasses and sunglasses upon a wearer's upper torso when not in use upon the wearer. Several decades ago, "Croakes" were introduced which are affixed to the end portion of the temples of eyeglasses. Croakes became popular with fisherman and hunters who utilize polarized sunglasses and heavily tinted lenses to provide protection from glare and light reflected from water and other reflective surfaces in bright sunlight. Other types of lenses have also developed in popular culture to provide different types of tinting and appearances, and protective strategies from glare and the sun's damaging UV light have arisen.

However, with the advent of darker tinting of glass and plastic lenses, especially in non-prescription type sunglass lenses, wearer's are frequently required to dismount their glasses in order to read close-up materials or inspect materials that are stored in relatively low-light conditions. For example, it is quite common for a fishermen, skippers, or first hand deckhands to discard their glasses when going underneath a top deck to get fishing tackle and/or read charts and navigational aids during bright sunlight hours in order that

they may be able to view the materials they seek and obtain the information they desire. Hence, Croakes, and other types of retained devices have become popular for outdoorsmen and sportsmen alike seeking to provide the safety and proximity retention of their glasses while providing the flexibility to discard them quickly and utilize their eyes in relatively lowlight conditions.

Unfortunately, Croakes and other types of eyewear retaining devices place a burden upon the wearer in that the older retention devices lay directly against the back of the neck or upper back portion, or around the collar of a shirt. Such locations are inconvenient because the retention device itself becomes potentially ensnared in the collar and/or buttons of the wearer's vestment that hinders the re-application or the re-mounting of the glasses upon the wearer's eyes. Further, for collarless vestments and similar, or even with a shirtless individual, the retention lanyards whether chains, string, or cloth-based ties like Croakes, become laden with sweat, suntan lotion, protective emollients, and other types of debris on the upper torso of an individual. This can soil and make unsightly the retention device. Over time, corrosion from salt and other types of chemicals on the outer layer of the skin can even corrode or diminish the retention effectiveness of the retention device.

Hence, what is needed is an eyeglass retention device that maintains the full utility of the retention objective for sunglasses, while avoiding all of the difficulties of past eyewear retention devices.

Summary of Invention

An eyewear retention device is disclosed that includes a length of cabling having a smooth plastic outer sheath, and terminates each end within tapered, rubberized retention

tubing, and having retention end grommets molded against the ends of the cabling to prevent the slipping off of the retention tubing.

Brief Description of the Drawings

An eyewear retention device incorporating the features of the apparatus are depicted in the attached drawings which form a portion of the disclosure and wherein:

FIG. 1 is a elevational schematic drawing of the invention showing dimensions in millimeters;

FIG. 2 is a schematic diagram similar to Fig. 1 but, showing a highly tapered version of the retention tubing of the invention;

FIG. 3 is a digital photograph of the invention showing the generalized semi-circular shape and retention tubing positioned against the end stop grommets;

FIG. 4 is the invention placed upon the end portions of the temples of a typical pair of eyeglasses showing the general placement of the temples inserted within the retention tubing;

FIG. 5 is a digital photograph providing a concave view of the invention; and,

FIG. 6 is a digital photograph plan view of the invention showing the retention tubing repositioned along the retention cable to expose the crimped end grommets that prevent the retention tubing from detaching from the retention cabling.

Detailed Description of the Drawings

Referring to the drawings for a better understanding of the function and structure of the invention, Fig. 1 shows a schematic drawing of the invention in elevational view. Invention 10 includes a cable 11 having a tightly wound wiring structure and coated with a

relatively frictionless outer insulation. The cable is of sufficient diameter and internal wiring resiliency such that the cable is biased toward a zero axis deflection orientation. In other words, the cable is resistant to deflection memory, as one would find in a solid copper wire of equal diameter, and resists attempts to deform the cable and tends to maintain a linear shape in all weather conditions. Invention 10 includes retention tubes 12 having a diameter sufficient to pass over the end portions of a typically sized eyeglass temple. Retention tube opening 18 is sufficiently sized and includes a relatively friction free surface to permit easy sliding of the retention tubing 12 onto the temple end portion. Generally, the retention tubing 12 consists of flexible and resilient rubber, or like compound, and has substantially frictionless qualities on its exterior. The retention tubing includes a tapered portion 16 defining an aperture 19 cooperatively sized to insert the end of the cable 11 while maintaining circumferential contact around the cabling. Once the end of the cable has passed through aperture 19 and emerges through opening 18, a grommet 13 is placed upon the end of cable 11 and compressed using known methods to engage and form a permanent stop upon the end portion of wire 11, thereby providing sufficient force and resiliency to prevent the passage of retention tubing 12 through aperture 19. Once grommet 13 has been secured to the end of cable 11, tension may be applied to cable 11 and the cable and grommet combination may be carefully pulled through opening 18 to secure grommet 13 against the conjuncture of tapering 16 and the sidewalls of retention tube 12. Upon the engagement of grommet against the upper walls of tapered portion 16, grommet 13 will exert circumferential pressure upon the upper portion of tapered portion 16 to secure the grommet 13 within the retention tube 12. The assembly of the retention tube 12 and grommet 13 is identical for each end of cable 11.

Referring now to Fig. 2, one may see a variation in the shape of retention tube 12. To accommodate some glasses having relatively thin temples, retention tube 22 may be reshaped to include a fully tapered conical structure from opening 21 to aperture 23. As may be seen, a hollow interior of retention tube 22 is sized into an elongated conical shape so that temples of varying sizes may be inserted within opening 21 and slid along the interior of retention tube 22 until sufficient circumferential force is applied to the end of the inserted temple to stop the progress of the temple within the hollow interior of the retention tube 22. This shape allows for varying applicability for different size temples and also provides additional security by increasing circumferential pressure on temples inserted within the hollow interior of 22. As before, grommets 13 (not shown) are affixed to the end of cable 11 and pulled through opening 21 until engaged within the interior of 22 toward aperture 23.

Referring now to Fig. 3, a digital photo of the invention is shown with the retention tubing in place and end grommets 13 fully engaged within tapered section 16 of retention tubing 12.

Referring now to Fig. 4, as shown, retention tubing 12 is inserted over end portions of the temples of the shown eyeglasses until end portions of the temples are fully engaged within the interior of the retention tube 12. A sufficient length of cabling is provided to allow for the donning of the combination of the invention and eyeglasses, or sunglasses, over a wearer's head while in place, and is sized to accommodate baseball caps and similar sun visor protective head gear.

Importantly, the resiliency of the cabling 11 in combination with the secure structure of retention tubing 12, with its inherent resiliency, creates an internal resilience

within cabling 11 such that the cable maintains an elevated position above a wearer's rear neck and lower head area. Therefore, due to the internal resiliency of the cable, and the positioning of the tubing on the eyeglass temples, the cabling does not contact a wearer's back or collar, or other vestment worn by a user, but instead maintains a spaced position extending backwards from the user. Further, the angle of the retention tubing, and/or the conical tapered portion, may be altered to allow for the redirection of the cable portion into a superior elevated position over a wearer upper back and neck.

Referring now to Fig. 6, one may see that a pair of copper grommets that have been compressed over the ends of the cabling 11 with the retention tubing 12 displaced away from the copper grommets 13. As shown, the grommets 13 have been compressed (e.g. crimped) such that grommet 13 may not be displaced in either direction along cable 11.

While I have shown my invention in one form, it will be obvious to those skilled in the art that it is not so limited but is susceptible of various changes and modifications without departing from the spirit thereof.

Electronic Acknowledgement Receipt

EFS ID:	3275822
Application Number:	61051539
International Application Number:	
Confirmation Number:	9005
Title of Invention:	EYEWEAR RETENTION DEVICE
First Named Inventor/Applicant Name:	Ronald Williams
Customer Number:	26359
Filer:	Russell Carter Gache/Traci Ryan
Filer Authorized By:	Russell Carter Gache
Attorney Docket Number:	
Receipt Date:	08-MAY-2008
Filing Date:	
Time Stamp:	16:36:17
Application Type:	Provisional

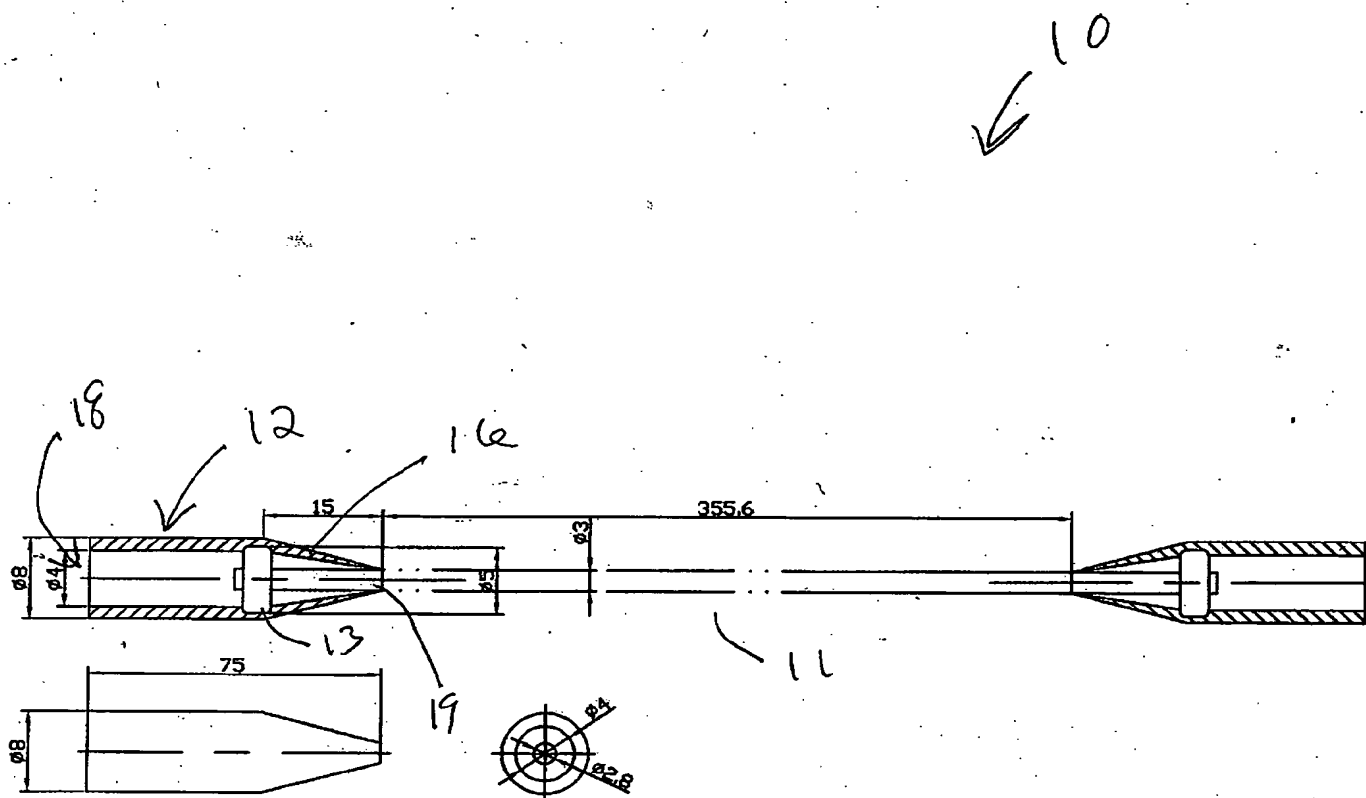
Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$105
RAM confirmation Number	1945
Deposit Account	504524
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Provisional Cover Sheet (SB16)	ProvTransEye.pdf	59454 1ab27b20281dd9d66db6359f8dc73ce28fed6878	no	2
Warnings:					
This is not a USPTO supplied Provisional Cover Sheet SB16 form.					
Information:					
2	Specification	EyeSpec.pdf	27746 368997965b72b3f849d3046c935f76e198e66b61	no	6
Warnings:					
Information:					
3	Drawings-only black and white line drawings	EyeFigures.pdf	3378712 88a26d6e8e4ec1b2a33b93d288b437425f1a25f3	no	6
Warnings:					
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4	Fee Worksheet (PTO-06)	fee-info.pdf	8098 505dfd7614377664f95475871a18654c2e9e1e76	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			3474010		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



The material is rubber;
All dimension is MM.

FIGURE 1

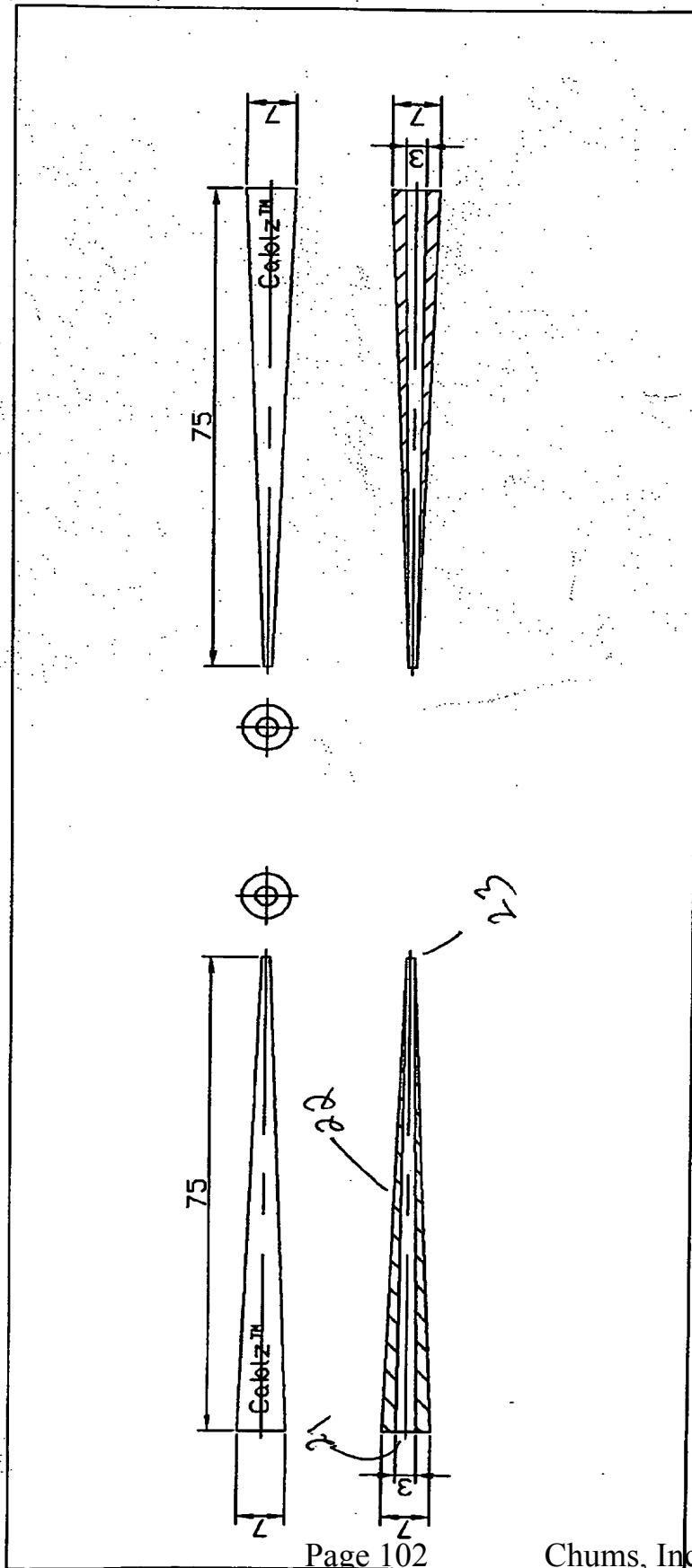
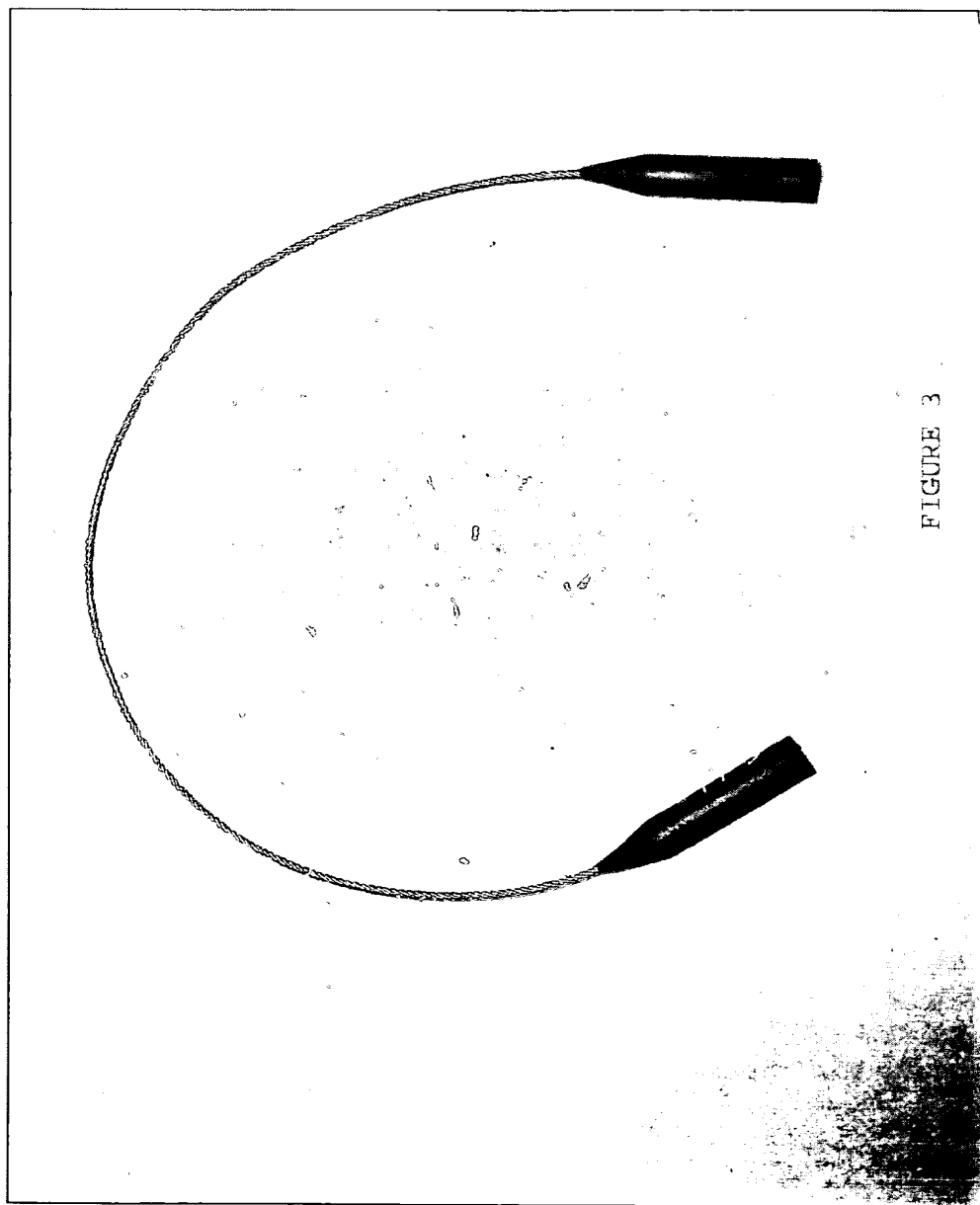


FIGURE 2



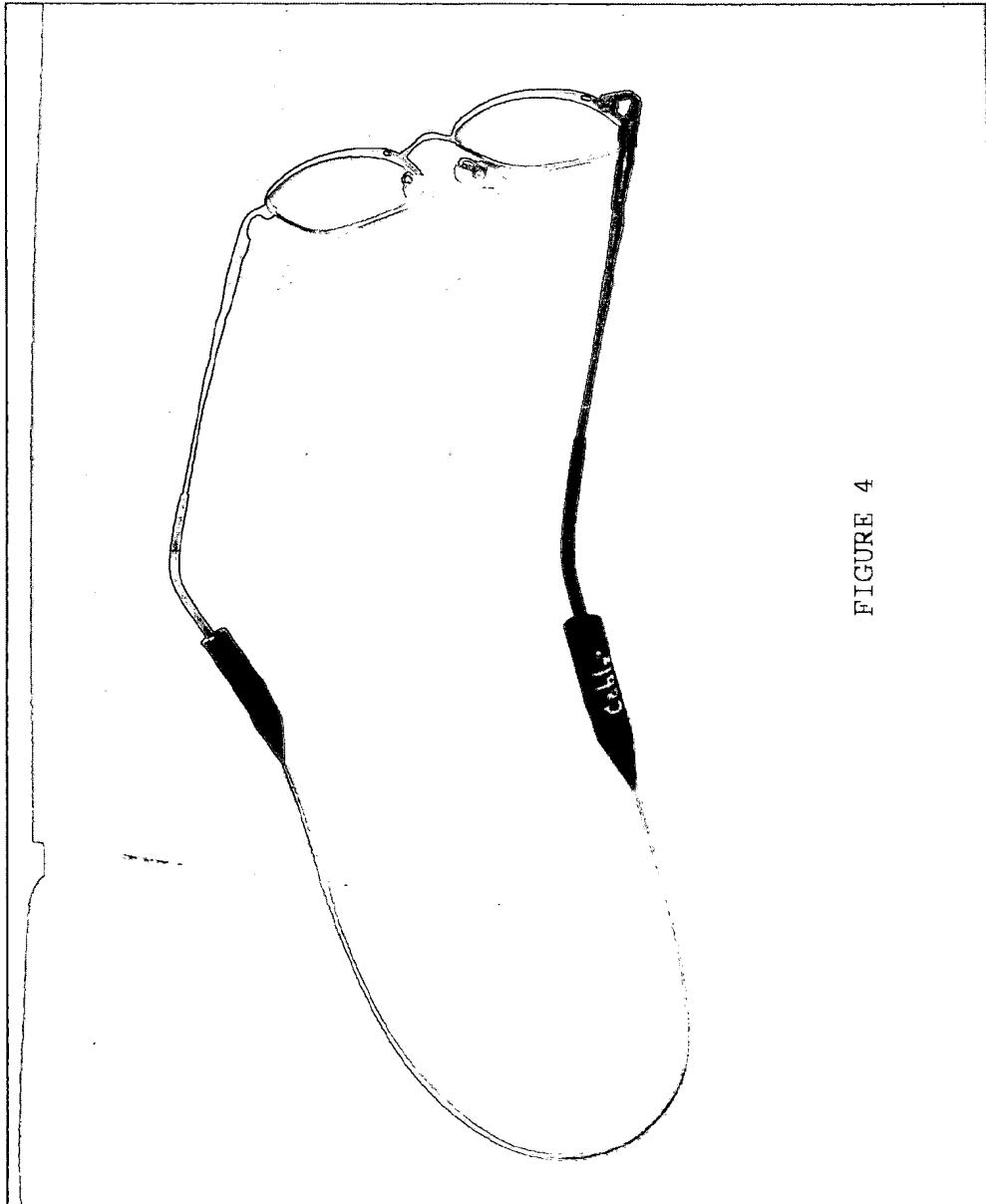
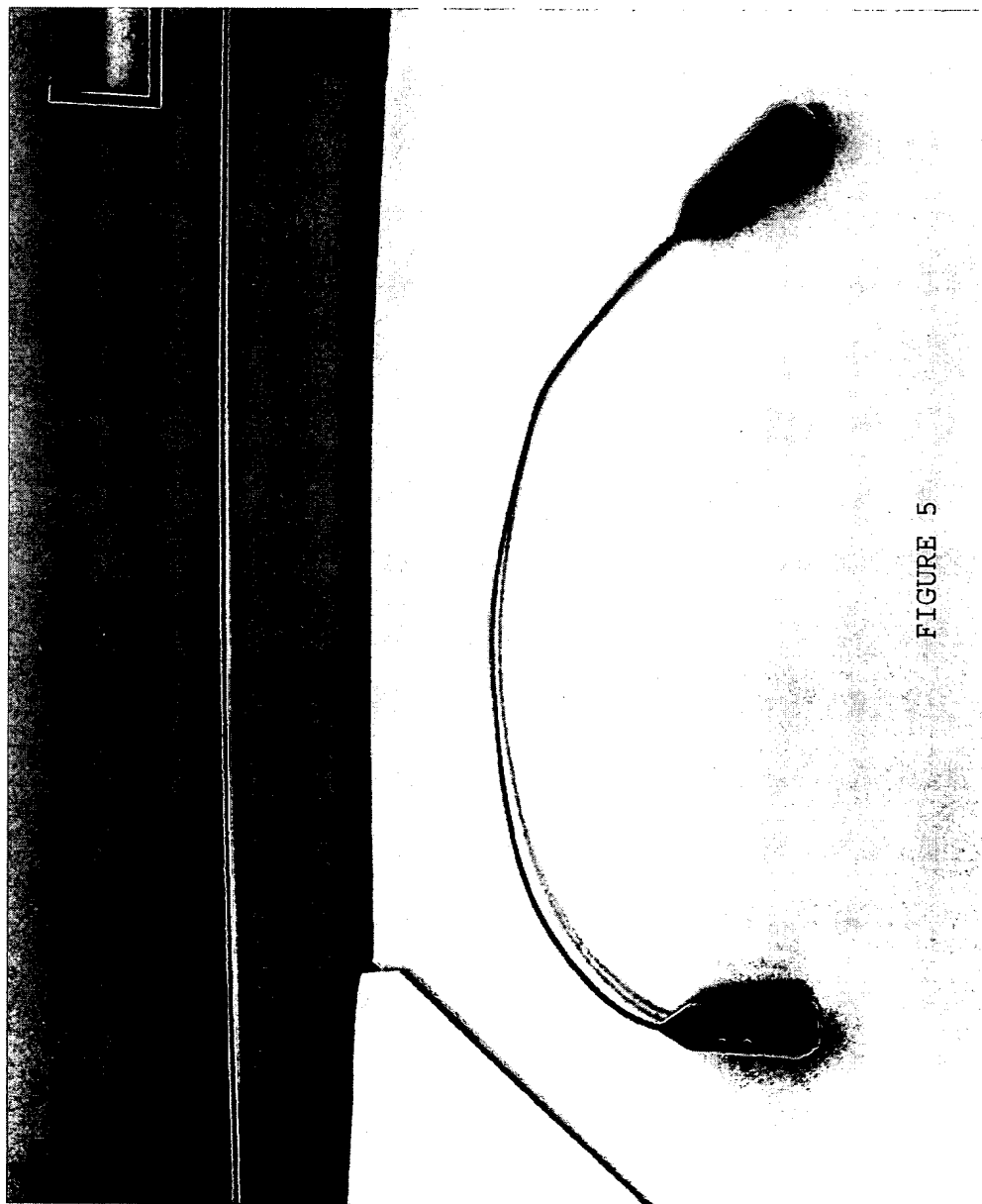
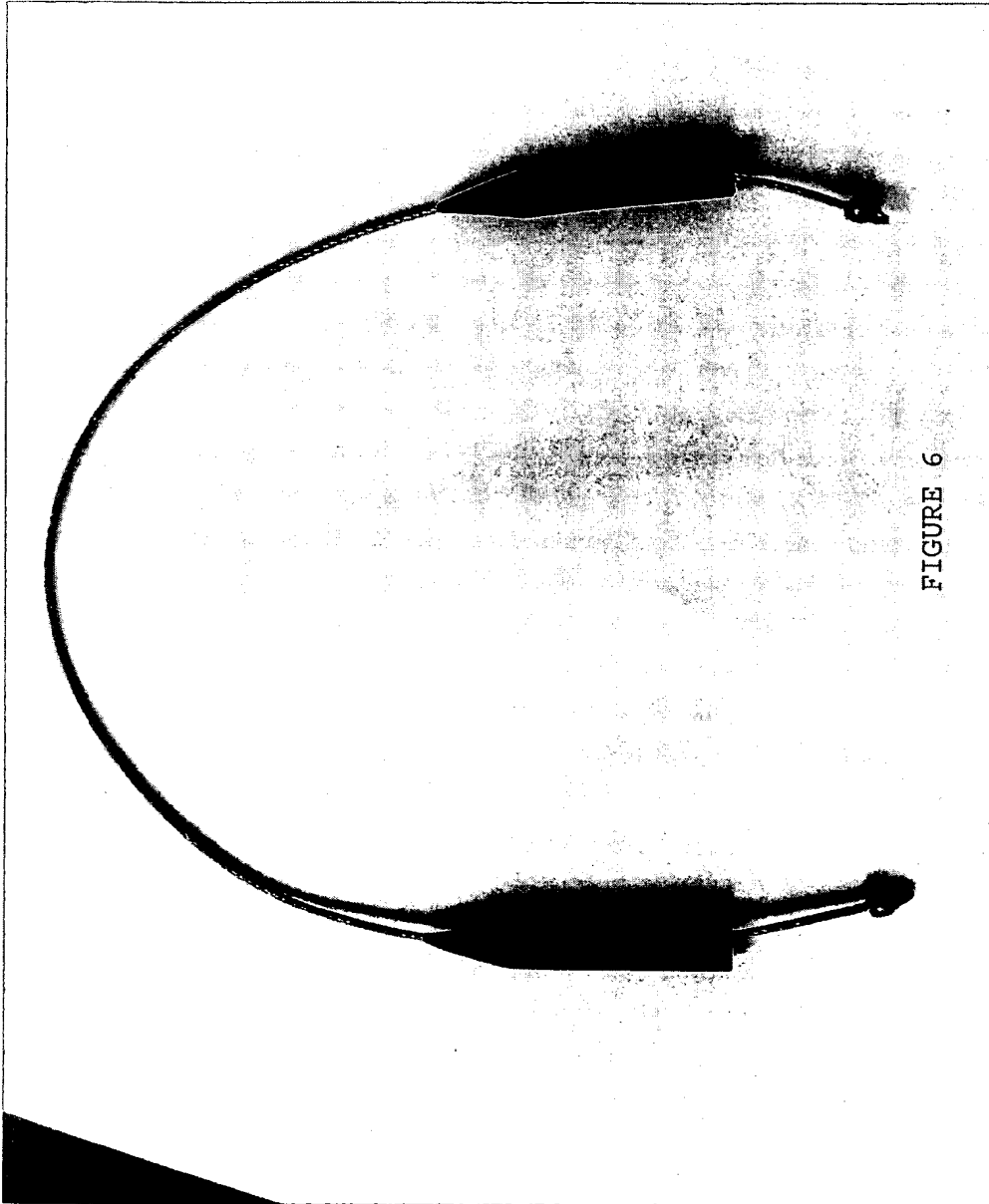


FIGURE 4





Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 11/29/2010

BHARDEN	SALE	#00000007	Mailroom Dt:	11/08/2010	12991668
		01 FC : 2642		215.00 OP	

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 11/29/2010

BHARDEN	ADJ #00000007	Mailroom Dt: 11/08/2010	
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Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 11/29/2010

BHARDEN	ADJ #00000006	Mailroom Dt: 11/08/2010	
	Seq No: 5064	Sales Acctg Dt: 11/09/2010	12991668
	03 FC : 2642	-215.00	OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/991,668		Filing Date 11/08/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	11/08/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*	8	Minus	** 20	=	0		X \$	=	
Independent (37 CFR 1.16(h))	*	1	Minus	*** 3	=	0		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0		TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
Total (37 CFR 1.16(i))	*	Minus	**	=			X \$	=		
Independent (37 CFR 1.16(h))	*	Minus	***	=			X \$	=		
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		TOTAL ADD'L FEE			
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/GOIGA N. DUCKETT/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Document code: WFEE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
12/991,668	Ronald Wade Williams	P104825USJB

23378

BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

INTERNATIONAL APPLICATION NO.

PCT/US09/43156

I.A. FILING DATE	PRIORITY DATE
05/07/2009	05/08/2008

CONFIRMATION NO. 1475
371 ACCEPTANCE LETTER



Date Mailed: 11/30/2010

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

11/08/2010
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

11/08/2010
DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 11/08/2010
- Copy of the International Search Report filed on 11/08/2010
- Preliminary Amendments filed on 11/08/2010
- Oath or Declaration filed on 11/08/2010
- U.S. Basic National Fees filed on 11/08/2010
- Priority Documents filed on 11/08/2010
- Power of Attorney filed on 11/08/2010

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

BRIAN A HARDEN

Telephone: (703) 756-1815

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 12/991,668				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	165		N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	215		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	8 minus 20 =	*	x 26 =	0.00	OR					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*	x 110 =	0.00						
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	490		TOTAL				
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/991,668	11/08/2010		490	P104825USJB	8	1

CONFIRMATION NO. 1475

23378

BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

FILING RECEIPT



Date Mailed: 11/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ronald Wade Williams, Birmingham, AL;

Power of Attorney: The patent practitioners associated with Customer Number 23378

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US09/43156 05/07/2009
which is a CON of 12/142,323 06/19/2008 PAT 7,467,867
which claims benefit of 61/051,539 05/08/2008
and said PCT/US09/43156 05/07/2009
claims benefit of 61/051,539 05/08/2008

Foreign Applications

If Required, Foreign Filing License Granted: 11/29/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/991,668**

Projected Publication Date: 03/10/2011

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Eye Wear Retention Device

Preliminary Class**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET Substitute for Form PTO-1360 (For use with Form PTO/SB/06)							Application Number 12991668		Filing Date				
							Applicant(s) Ronald Williams						
							* May be used for additional claims or amendments						
CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT			*		*		*	
	Indep	Depend	Indep	Depend	Indep	Depend		Indep	Depend	Indep	Depend	Indep	Depend
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Total Indep	3		1		0								
Total Depend	21	↙	7	↙	0	↙							
Total Claims	24		8		0								

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB

CONFIRMATION NO. 1475

PUBLICATION NOTICE



OC000000046468174

23378
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

Title:Eye Wear Retention Device

Publication No.US-2011-0058140-A1

Publication Date:03/10/2011

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12/991,668
Filing Date	November 8, 2010
First Named Inventor	Ronald Wade Williams
Art Unit	2873
Examiner Name	Mai, Huy Kim
Attorney Docket Number	P104825USJB

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	1819738		1931-08-18	Ludlow	
	2	2704961		1955-03-29	Weil	
	3	3450467		1969-06-17	Phillips	
	4	4133604		1979-01-09	Fuller	
	5	5092668		1992-03-03	Welch	
	6	5575042		1996-11-19	Kalbach	
	7	5664291		1997-09-09	Stoller	
	8	6053612		2000-04-25	Macintosh	
	9	6644808		2003-11-11	Liu	
	10	6941619		2005-09-13	MacKay	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	12/991,668
Filing Date	November 8, 2010
First Named Inventor	Ronald Wade Williams
Art Unit	2873
Examiner Name	Mai, Huy Kim
Attorney Docket Number	P104825USJB

11	7284855	2007-10-23	Bent
12	7467867	2008-12-23	Williams
13	D607919	2010-01-12	Williams

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	2007/0046889		2007-03-01	Miller	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Numbers	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	JP2001-209014	JP		2001-08-03	Sekiguchi		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	First Package July 2008	<input type="checkbox"/>

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		12/991,668
Filing Date		November 8, 2010
First Named Inventor	Ronald Wade Williams	
Art Unit	2873	
Examiner Name	Mai, Huy Kim	
Attorney Docket Number	P104825USJB	

2	Yellow Mannequin July 2008	<input type="checkbox"/>
3	Product Flyer July 2008	<input type="checkbox"/>
4	Second Package December 2008	<input type="checkbox"/>
5	January 2009 Show Literature	<input type="checkbox"/>
6	First Brochure April 2009	<input type="checkbox"/>
7	Third Package April 2009	<input type="checkbox"/>
8	US Trademark Application 77171760	<input type="checkbox"/>
9	Masahi, HONDA "International Preliminary Report on Patentability" (for PCT/US09/43156), International Bureau of WIPO, November 9, 2010	<input type="checkbox"/>

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard T.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12/991,668
	Filing Date		November 8, 2010
	First Named Inventor	Ronald Wade Williams	
	Art Unit	2873	
	Examiner Name	Mai, Huy Kim	
	Attorney Docket Number	P104825USJB	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).
- ☐ See attached certification statement.
- ☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	<i>Nicholas J. Landau</i>	Date (YYYY-MM-DD)	2012-03-22
Name/Print	NICHOLAS J. LANDAU	Registration Number	57,120

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

(11) 特許出願公開番号

特開2001-209014

(P2001-209014A)

(43) 公開日 平成13年8月3日(2001.8.3)

(51) Int. Cl.
G 0 2 C 11/00

識別記号

F I
G 0 2 C 11/007-71-1 (参考)
2 H 0 0 6

審査請求 未請求 請求項の数 3 書面 (全 6 頁)

(21) 出願番号 特願2000-50290(P2000-50290)

(22) 出願日 平成12年1月24日(2000.1.24)

(71) 出願人 500039941

関口 修

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地6-807

(72) 発明者 関口 修

千葉県松戸市高塚新田518-6 梨香台団
地6-807

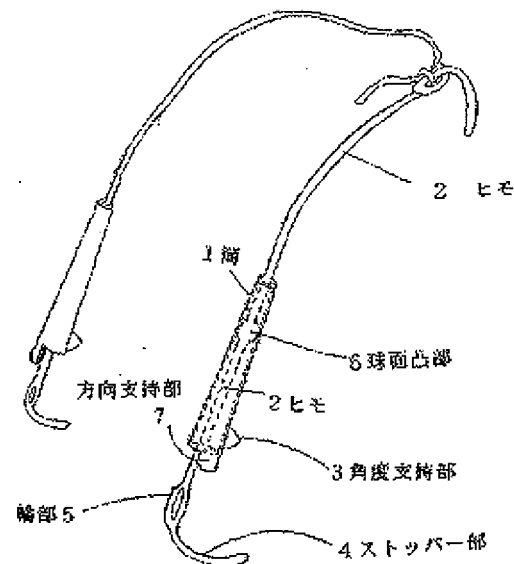
Fターム(参考) 2H006 CA03

(54) 【発明の名称】 メガネ用引き上げ保持具

(57) 【要約】

【課題】一般的なメガネがもつメガネ前部の重さを軽くする機能と、メガネの「ズリ落ち」や、脱落を防止する機能とを併せもつことができるようにする。

【解決手段】左右の筒1を、メガネのテンプル9に取り付け、テコの法則を利用して、筒1の先のヒモ2を後方に引き、後頭部にて掛け止める。



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【特許請求の範囲】

【請求項1】 (イ) 左右のテンブル(9)に係立する一対の筒(1)と、この筒(1)に挿通し、後頭部位にて掛止するヒモ(2)を有する。

(ロ) 底面が、テンブル(9)の上面と接していることを条件とする角度支持部(3)を、筒(1)の後部側面に設ける。

(ハ) 筒(1)に挿通するヒモ(2)の下端に、耳の付け根前部に掛かる手段としてのストッパー部(4)と、このストッパー部(4)の上方に、テンブル(9)が挿通する手段としての輪部(5)と、更に、この輪部

(5)から間隔をあけた上方に、筒(1)孔内において筒(1)孔面と相互に対応して圧力状態を成す手段としての球面凸部(6)を、それぞれ、このヒモ(2)に設ける。以上により構成されるテコの法則を利用することを特徴とするメガネ用引き上げ保持具。

【請求項2】 筒(1)の下端に設けた方向支持部(7)の左右の端部が、テンブル(9)の側面と干渉して、筒(1)が水平面に対し平行に回転する動作を抑ええることを特徴とする請求項1記載のメガネ用引き上げ保持具。

【請求項3】 筒(1)の内径を、この筒(1)の上方に向かうにつれて小さくなるようテーパ状に形成することを特徴とする請求項1記載のメガネ用引き上げ保持具。

【発明の詳細な説明】

【0001】

【発明の属する技術分野】 本発明は一般的なメガネが有するメガネ前方部の荷重を、一対の筒とヒモを用い、テコの法則を利用することにより軽減し、且つ、ヒモに纏って前記のメガネに対する保持力を得るメガネ用引き上げ保持具に関する。

【0002】

【従来の技術】 従来より、テコの法則を利用して、メガネに対して軽減力を得る技術としては、左右のテンブル後端部に紐を固定して取り付け、メガネ前方部の荷重を軽減するタイプのメガネがある。(例えば、特公A平1-136114参照)。

【0003】 また、ほかにメガネの保持力を得る技術としては、左右のテンブル後端部に「伸縮性を有する紐」、または「単なる紐」の一方の端部を取り付け、他端を後頭部に廻して係束し、この紐の長さを増減することにより、保持力を高めるタイプのメガネ用スポーツバンドがある。

【0004】

【発明が解決しようとする課題】 前記、従来例における、テンブルの後端部に紐を固定して取り付けるタイプのメガネは、確かにテコの法則に拠り、メガネ前方部の荷重に対する軽減効果はある。しかし、軽減力そのものに対する調整機能を持っていないので、前記メガネ前方部の荷重を軽減するために、テンブル後端部に紐を取付

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けた結果、この紐の荷重が耳の付け根上端部にかかる負担が大きくなっているという問題は解決されていない。

【0005】 また、「メガネに対する保持性」に関して言及すれば、メガネ後方部においては、耳の付け根上端部に紐の荷重がかかるため、前記の保持性は高まる。しかし、テコの法則に拠りメガネ前部の荷重が軽減された分だけ、メガネ前方部においては、一般的なメガネよりも前記の保持性が低下しているという問題がある。

【0006】 一方、スポーツバンドについては、メガネに対する保持能力を十分に有している。しかし「伸縮性を有する紐」や「単なる紐」を着用する場合、従来から存在し続けている「メガネ前部の荷重に拠る下方方向へのモーメント」は、依然として鼻すじの両側部にかかっており、メガネに対する軽減性への問題は解決されていない。本発明は、以上のような問題を解決し、提供することを目的とする。

【0007】

【課題を解決するための手段】 上記の目的を達成するために、本発明はテコの法則を利用してメガネ前方部に存在する下方へのモーメントに対抗、且つ、対応し得る部材として左右で一対の筒とヒモとを用いることとした。これら部材を用いることに拠りテコの作用を生じさせて、メガネ前部の荷重を軽減することを可能にし、併せてメガネ全体を保持することができるようにした。

【0008】 以下、図1に基づき、その構成を記すと、

(イ) 左右の筒1は、その側体の延長としての下端に方向支持部7を設け、この方向支持部7と直角を成す筒1の後部側面に、角度支持部3を具備する。

(ロ) 左右のヒモ部2は、その下端に、このヒモ部2と一体のストッパー部4と、その上方に輪部5と、さらに間隔をあけた上方に球面凸部6を具備する。

(ハ) 上記の筒1孔の下方から上方に向けてヒモ部2の上端を挿通し、ストッパー部4と輪部5を、筒1の下端から外に残した態にする。

【0009】 なお、請求項1(イ)記載の「係立」とは、「組み合わせ可能な二つ以上の物を、組み合わせた態に立たせ置く」の意味で用いている。

【0010】

【発明の実施の形態】 本発明は、筒に挿通したヒモの途中に設けた輪部と球面凸部との間に生じる収縮力と、筒孔面と球面凸部との間に生じる摩擦効果との両効果に拠って、メガネのテンブル上に係立する左右で一対の筒が、この筒の上端部に有するヒモに拠り、メガネ前方部に対して後方に引かれるときに、ヒモの下端に設けたストッパー部がテコの法則における支点となって、メガネ前方部に上方へのモーメントを生じさせるので、その状態を保ちながら、後頭部にて、左右からのヒモを結束し、掛止するものである。前記のとき、角度支持部はテンブルにおける筒の係立角度を確保し、筒がテコの法則における「テコ」として安定した機能を果たすための補助部とし

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て動く。

【0011】そして、筒の下端部に設けた方向支持部は、本発明の着用时にテンブル上で筒が水平面に対して平行に回転動作をしたとき、筒に取り付けた角度支持部の底面がテンブル上から逸脱しないように、この方向支持部の左右の端部がテンブルの側面と干渉して前記の回転を防止し、筒の方向性を確保するために働く。

【0012】また、筒の内径を下方から上方に向かうにつれてテーパ状に小さくなるように形成すると、かざられた長さの筒にあって、球面凸部と筒孔面との相互間に、より有効な圧力状態を得るために作用する。

【0013】なお、筒は左右テンブルの中間部に係立させて着用すれば、ヒモと共に左右の側頭部を挟み込むように作用するので、メガネ前部に対する一応の軽減効果を呈する。しかし、前記の軽減効果を生ずるために好適な筒の係立位置は、ストッパーが、テコの法則における支点として最も有効に働く位置、即ち、耳の付け根前部がよい。

【0014】筒と輪部と球面凸部の関係について、図8に基づき詳しく説明すると、まず、筒に挿通されたヒモ2の途中に設けられた輪部は、筒の下端においてメガネのテンブルに係束し、一方、球面凸部は、その外径を筒の内径よりも僅かに大きく設けてあるので、筒孔内にあって筒孔面と相互に対応する強い圧力関係を保っている。

【0015】この状態のとき、筒の上端のヒモを強く上方に引くと、輪部はテンブルを、より確実に係束し、球面凸部は筒孔面との間に生ずる強い摩擦力、及び密着力を伴いながら筒孔内の上方に移動し、そのとき同時に輪部と、球面凸部の間とのヒモには、このヒモの「伸び」に対する反作用としての強い収縮力が生じている。

【0016】上記の、これらの力が有機的に作用して、筒孔内の上方において球面凸部と相互に対応する圧力をもって接触している筒は、テンブル上に係立することができる。

【0017】

【実施例】実施例について図面により説明すると、主たる実施例としての図1における筒1は、その後部側面に角度支持部3を接着、或いは二色成形法に拠って有する。筒1の長さや外径に関していえば、テコの法則を有効に利用することができ、しかも側頭部位にて違和感を生じない範囲内であれば好適である。

【0018】また、筒1の側体の肉厚については、筒1孔内での輪部5と球面凸部6との間のヒモ2に生ずる収縮力と、ヒモ2によって後方に引かれる力に耐え得る肉厚であることを要する。

【0019】そして、筒1は、図2、4に示すように下方から上方まで同じ内径長の成形された市販のパイプを切断して形成するか、もしくは、主たる実施例として図5に示すように、その内径を下方から上方に向かうにつ

れて小さくなるようテーパ状に一体成形して形成し、それらの孔の形状は真円にであることが望まれる。

【0020】また、筒1のテンブル上での係立角度は、テンブルに対して垂直でもよいし、テコの法則が有効に得られる範囲内であれば、後傾させてもよい。

【0021】筒1の部材についていえば、弾力性、密着性、耐屈曲性を有する合成ゴム、例えばウレタン系TPEが好適である。

【0022】図1、7にあってヒモ2の形状は、その横断面が円状であることが望ましく、その外径は、球面凸部6の外径長を考慮しつつ筒1の内径よりも小さく形成したものであることを要する。また、ヒモ2の部材は、弾力性、密着性、伸縮性を有する合成ゴム、例えば、筒と同様のウレタン系TPEの成形材が好適である。

【0023】図4、5、6に示すように、筒1の後部側面に設ける角度支持部3は、概略、球体を垂直に半分にして、筒1の側面と密着するために、その垂直面をテーパ状に成し、一体成形により形成したのち、前記の垂直面を筒1の後部側面に接着して取り付けるか、筒1とともに二色成形法にによって設ける。このとき、この角度支持部3の底面と、筒1の底面とは面を一にすることに留意しなければならない。また、その部材に関しては筒1と同様の合成ゴム、例えばウレタン系TPEが好適である。

【0024】図7に示すように、ストッパー部4はヒモ2と一体であり、その形状については、耳の付け根前部に沿うよう後方に湾曲させた棒状である。その長さは、ストッパー部4がテコの方則における支点として有効に作用できれば、本発明の着用时に違和感のない範囲内の長さであればよく、その形成については、ヒモを治具に繞り熱加工して上記の形状にする。また、その際には、輪部5との方向性の一致を考慮することが必要である。

【0025】図7に示すように、輪部5は、ヒモ2と一体であり、一般的なメガネのテンブル9が挿通するに足る長さの切り込みをヒモ2の該当部位縦方向に貫通するまで入れて形成する。その形成にあたっては、前記のようにストッパー部4との方向性の一致に留意することを要する。

【0026】図7に示すように、球面凸部6はヒモ2と一体であり、その形状は概略コブ状の球面を成す。その形成についてはヒモ2の該当部位に、縦方向に貫通するまで上記の輪部5より短かめの切り込みを入れ、その間隙にプラスチック片を挟んで接着する。このプラスチック片の厚さは、球面凸部6が筒1の中に位置して作用するとき、筒1孔面との間に充分な摩擦力及び密着力を得られる厚さであることが必要である。

【0027】図1、2、3、4に示すように、主たる実施例としての方向支持部7は筒1と一体であり、その形状は筒1の下端を縦半分に切削した靴べら状の半円筒形

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を成す。その形成については、以下の如き方法がある。

(イ) 成形された市販のパイプを筒1として使う場合は、このパイプを切断し、一方の端を上記のような形状に形成する。

(ロ) 一体成形により、上記のような形状に設ける。また、方向支持部7の幅については、テンブル9の側面と、この方向支持部7の左右の端部とが相互に有効な干渉をし得るように考慮しながら形成し、且つ、一時的なメガネのテンブル9上に、筒1が安定して係立しうる余地を筒の底面に残すように配慮する必要がある。

【0028】前記して、図5に示したように、筒1は、その内径を、上方に向かうにつれてテーパ状に小さくして形成する方法もある。その形成に際しては、筒1の内径と、球面凸部6の外径長との関係に留意し、前記の内径が狭過ぎるために、球面凸部6が筒1内の上方で行く手を遅られて、より上方への移動が出来なくなることがないように配慮する必要がある。また、この筒1の形成については、一体成形によって成す。

【0029】さらに、本発明の使用法について図9に基づき説明すると、

(イ) 左右の輪部5にテンブル9を通し入れ、耳の付け根前部にストッパ部4が掛かる位置にて、筒1を片手で押さえながら、筒1の上端のヒモ2を強く引き、筒1をテンブル9に係立させる。

(ロ) 上記のヒモ2を側頭部から後方に少しずつ引いていくと、テコの作用により、メガネ前部が「作用点」として徐々に軽くなり、上がっていくので、その適宜な状態にて、ヒモ2aを後頭部に廻して結束する。

(ハ) さらに、メガネ全体の保持力を、より確実に得るためには、テンブル9先端にあるヒンジ10から、筒1の係立位置までのテンブル9の長さを短くすると、メガネ前部と鼻すじの両側部との距離が、縮まるので保持力を増すことができる。

(ニ) また、鼻すじの両側部に、メガネの荷重がかかる負担を、より軽くするには、上記(ハ)の動作とは逆に、テンブル9先端のヒンジ10から筒1の係立位置までの長さを多くすると、一時的メガネのレンズ中央部にある一対の「鼻当て」と、鼻との間の距離が長くなって、その分だけ「ゆとり」が生ずるので、メガネの荷重が鼻すじの両側部にかかる圧力を軽減することができる。

(ホ) 上記の(ハ)と(ニ)の操作を択一して、きめ細かく行なうことにより、メガネ前部の荷重に対する軽減力と、メガネに対する保持力とを相対的に調整することができる。

【0030】なお、その他の実施例(イ)として、ヒモ2について説明すると、筒1の上端から側頭部を経て、後頭部に廻り結束されるヒモ2は図10のように、筒1に挿通するヒモ2とは別の、分離したヒモ2aとしてもよい。本発明の主たる実施例では、図1に示すように、

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前記ヒモ2と、ヒモ2aとを「一体のヒモ」として扱うことにする。

【0031】また、その他の実施例(ロ)として、ヒモ2aの形状については、その横断面を円状と成す以外に、図11のように、細長く湾曲し得る板状のゴム弾性を有する部材を、ヒモ2aの左右の端部に設けてもよい。

【0032】また、その他の実施例(ハ)として、図12に示すように、後頭部に結束されるヒモ2aを係索パイプ8に廻り、束ね止めるという方法も考えられる。

【0033】上記、その他の実施例(ロ)、(ハ)については、主たる実施例におけるヒモ2の場合にも同様に実施され得る。これらの方法のほか、後頭部にヒモ2を留止出来るならば、その方法の如何を問わない。

【0034】

【発明の効果】本発明は、以上に説明したように実施され、以下に記載されるような効果を奏する。

【0035】まず、テコの法則を利用することにより、メガネ前部の荷重を軽減する機能を有するので、鼻すじの両側部に、いわゆる「メガネ跡」が現れたり、痛みが生ずることを防止し、いままでもよりメガネを長時間装着することができる。

【0036】そして、側頭部から、左右のヒモ2、または2aを後頭部に廻して掛止し、頭部の後半部を取り囲むように保持しているため、運動時でもメガネのスリ落ちや脱落を防止することができる。

【0037】また、輪部5の作用により、筒1がテンブル9上にて前後方向に移動可能なので、筒1の係立位置を、随意に変えることができ、それに伴ってメガネ前部の荷重に対する軽減力と、メガネに対する保持力とを相対的に調整することができる。

【0038】さらに、実施例のとおり、一本のヒモ部2にストッパ部4、輪部5、球面凸部6を設け、これらの作用としての三機能を兼務させているので、本発明を小型化、及び軽量化することができる。

【0039】また、実施例のとおり、テンブル9上に係立する筒1に、水平面と平行する回転動作が生じたとき、方向支持部7は、その左右の端部がテンブル9の側面と干渉し、前記の動作を抑制するので、角度支持部3がテンブル9上から脱落することを防止し、且つ、筒1の方向性を確保できる。

【0040】さらに、実施例のとおり、筒1は、その内径を下方から上方に向かって徐々に小さく形成していくことにより、筒1孔面と球面凸部6との間の摩擦係数及び密着力を、それにつれて増加させていくので、筒1を、より確実にテンブル9上に係立させることができる。

【図面の簡単な説明】

【図1】請求項1、2、3記載による、本発明の主たる実施例を示す一部透視断面図である。

【図2】請求項2記載による、方向支持部の実施例を示

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す正面図である。

【図3】請求項2記載による、方向支持部の実施例を示す底面図である。

【図4】請求項2記載による、方向支持部の実施例を示す右側面図である。

【図5】請求項3記載による、筒の実施例を示す正面図である。

【図6】請求項1記載による、角度支持部の実施例を示す斜視図である。

【図7】請求項1、2記載による、本発明の左側部の分解斜視図である。

【図8】請求項1、2記載による、筒と、球面凸部と、輪部の実施状態を示す本発明左側部の一部透視斜視図である。

【図9】請求項1記載による、本発明の使用状態を示す一部透視斜視図である。

【図10】その他の実施例（イ）による、ヒモの実施例*

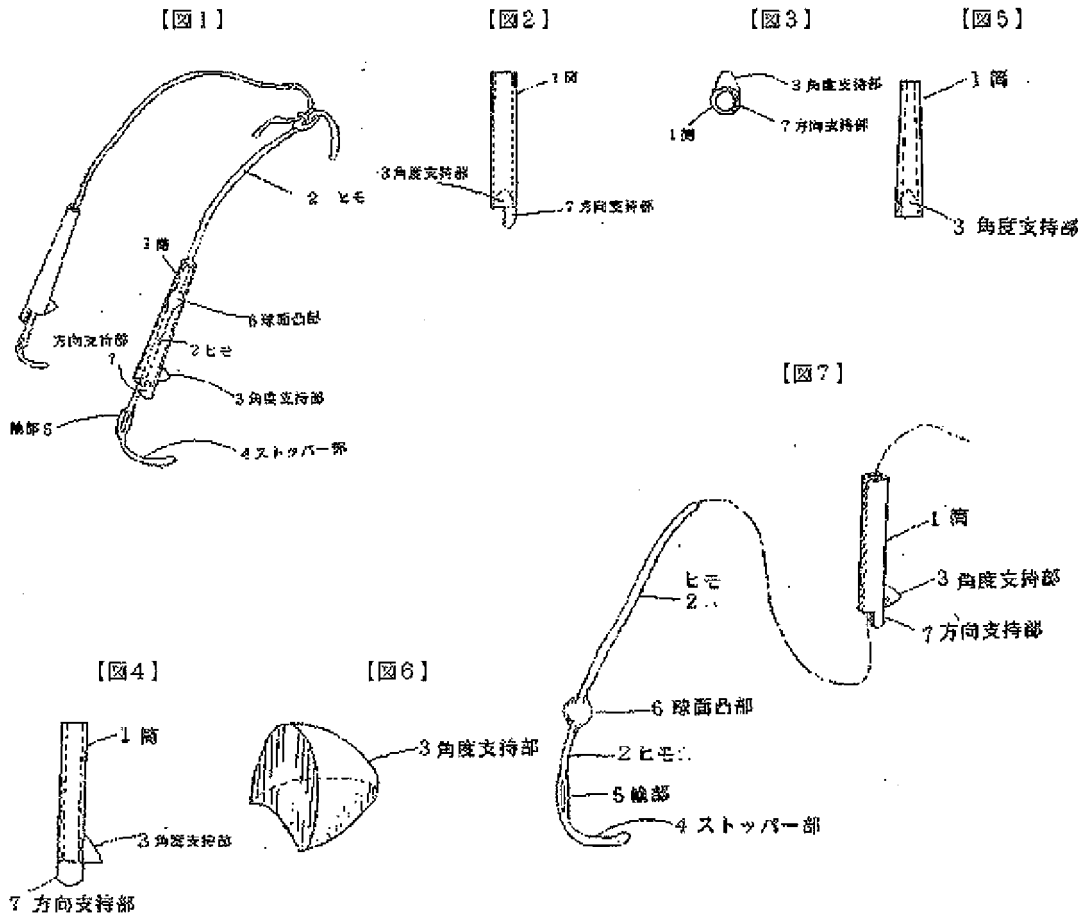
*を示す斜視図である。

【図11】その他の実施例（ロ）による、ヒモの実施例を示す斜視図である。

【図12】その他の実施例（ハ）による、係索パイプの実施例を示す斜視図である。

【符号の説明】

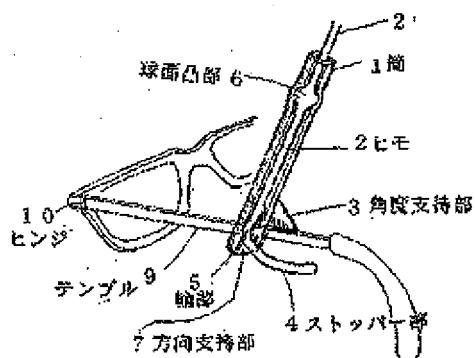
- 1 筒
- 2 ヒモ
- 2 a ヒモ
- 3 角度支持部
- 4 ストッパー部
- 5 輪部
- 6 球面凸部
- 7 方向支持部
- 8 係索パイプ
- 9 テンプル
- 10 ヒンジ



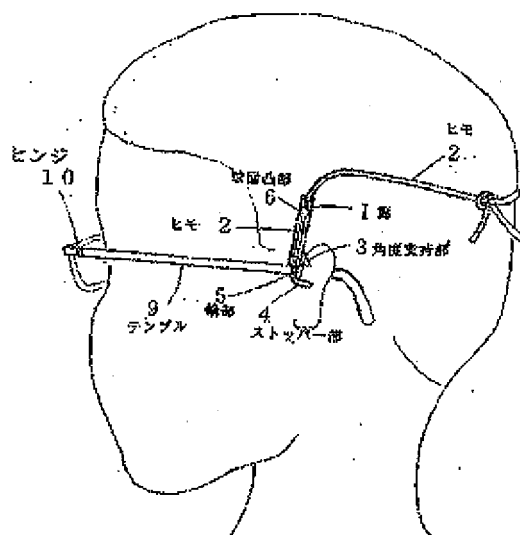
(5)

特開2001-209014

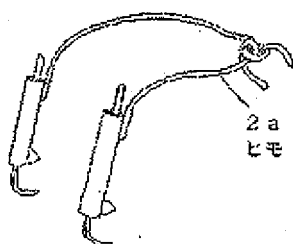
【図8】



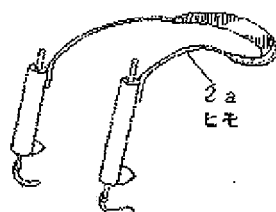
【図9】



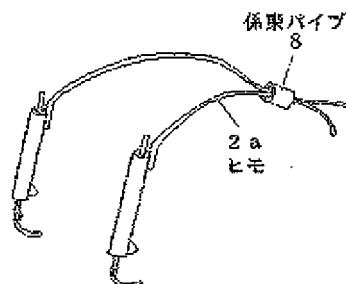
【図10】



【図11】



【図12】



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 12449-0003	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2009/043156	International filing date (day/month/year) 07 May 2009 (07.05.2009)	Priority date (day/month/year) 08 May 2008 (08.05.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant WILLIAMS, Ronald, Wade			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>	
<p>3. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	
<p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 09 November 2010 (09.11.2010)</p>
	<p>Authorized officer</p> <p>Masashi Honda</p> <p>e-mail: pt08.pct@wipo.int</p>

Form PCT/IR/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

GACHE, RUSSELL CARTER

MAYNARD, COOPER & GALE, PC 1901 SIXTH AVENUE
NORTH: STE.2400 BIRMINGHAM, AL 35203-2618 USA

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **28 DECEMBER 2009 (28.12.2009)**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2009/043156

International filing date (day/month/year)

07 MAY 2009 (07.05.2009)

Priority date(day/month/year)

08 MAY 2008 (08.05.2008)

International Patent Classification (IPC) or both national classification and IPC

G02C 11/00(2006.01)i, G02C 11/02(2006.01)i, G02C 5/00(2006.01)i

Applicant

WILLIAMS, RONALD WADE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139
Seonsa-ro, Seo-gu, Daejeon 302
-701, Republic of Korea
Facsimile No. 82-42-472-7140

Date of completion of this opinion

23 DECEMBER 2009 (23.12.2009)

Authorized officer

CHOI, Ki Hyuk

Telephone No. 82-42-481-5908



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/043156

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/043156

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-24	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-24	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: JP 2001-209014 A (SEKIGUCHI OSAMU) 03 August 2001
D2: US 6053612 A1 (MACINTOSH, JR.; CHARLES M. et al.) 25 April 2000
D3: US 6941619 B2 (BRANDON R. MACKAY et al.) 13 September 2005
D4: US 5664291 A1 (STOLLER; CLAUDE) 09 September 1997

1. Novelty and Inventive Step

1.1 Independent claims 1, 13, 24

D1, which is considered to be the closest prior art to the subject matter of claims 1, 13, 24 discloses a pull-up holder capable of providing spectacles with a function to reduce the weight of spectacles that general spectacles possess and a function to prevent the slip-down and dislodgement of the spectacles in combination.

Claim 1 differs from D1 in that the end bead slidably encircles each end of cable and a grommet affixes to the end of said cable thereby preventing said bead from sliding off said cable.

Claim 13 differs from D1 in that the end bead slidably encircles each end of cord and prevents from sliding off said cord.

Claim 24 differs from D1 in that the end grommet encircles each end of resilient member compressed thereupon and a bead slidably encircles each end of said resilient member.

Said features of claims 1, 13 and 24 are not disclosed in any of the prior art documents, nor is it obvious to a person skilled in the art by the documents. Accordingly, claims 1, 13 and 24 are novel and involve an inventive step under PCT Article 33(2) and (3).

1.2 dependent claims 2-12, 14-23

Claims 2-12 are dependent on claim 1. As claim 1 is considered to be novel and to involve an inventive step. Therefore, Claims 2-12 also considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

Claims 14-23 are dependent on claim 13. As claim 13 is considered to be novel and to involve an inventive step. Therefore, Claims 14-23 also considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

2. Industrial Applicability

The inventions claimed in claims 1- 24 are considered to be industrially applicable under PCT Article 33(4).



(43) International Publication Date
12 November 2009 (12.11.2009)

(10) International Publication Number
WO 2009/137687 A3

PCT

(51) International Patent Classification:
G02C 11/00 (2006.01) G02C 5/00 (2006.01)
G02C 11/02 (2006.01)

(21) International Application Number:
PCT/US2009/043156

(22) International Filing Date:
7 May 2009 (07.05.2009)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
61/051,539 8 May 2008 (08.05.2008) US
12/142,323 19 June 2008 (19.06.2008) US

(72) Inventor; and

(71) Applicant: WILLIAMS, Ronald, Wade [US/US]; 411
Meadowbrook Lane, Birmingham, AL 35213 (US).

(74) Agent: GACHE, Russell Carter; Maynard, Cooper &
Gale, PC, 1901 Sixth Avenue North; Ste. 2400, Birming-
ham, AL 35203-2618 (US).

(81) Designated States (unless otherwise indicated, for every
kind of national protection available): AE, AG, AL, AM,
AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ,
CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ,

EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN,
HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR,
KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME,
MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO,
NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG,
SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA,
UG, US, UZ, VC, VN, ZA, ZM, ZW.

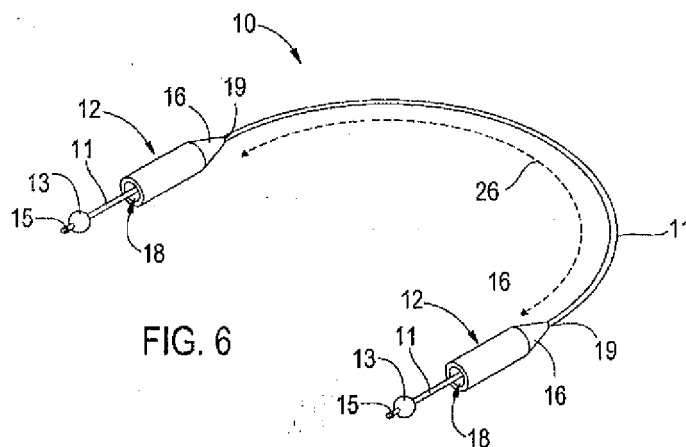
(84) Designated States (unless otherwise indicated, for every
kind of regional protection available): ARIPO (BW, GH,
GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,
ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ,
TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE,
ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV,
MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR),
OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML,
MR, NE, SN, TD, TG).

Published:

— with international search report (Art. 21(3))
— before the expiration of the time limit for amending the
claims and to be republished in the event of receipt of
amendments (Rule 48.2(h))

(88) Date of publication of the international search report:
4 March 2010

(54) Title: EYEWEAR RETENTION DEVICE



(57) Abstract: An eyewear retention device (10) is disclosed that includes a length of resilient cord (11), such as cabling having a smooth plastic outer sheath, and terminating at each end in a tapered, rubberized retention tubing (12), and including retention end grommets (15) molded against the ends of the cabling to prevent the slipping off of the retention tubing from the cabling. The combination of the resilient cord (11) and the retention tubing (12) produces a tensioned arc (26) such that in addition to retaining eyeglasses to the vestment of a user when not in use, the retention device forms a suspended arc over the wear's upper torso such that the device does not contact the wear's upper torso or their vestment when donned over a wear's eyes.

WO 2009/137687 A3

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/043156

A. CLASSIFICATION OF SUBJECT MATTER

G02C 11/00(2006.01)i, G02C 11/02(2006.01)i, G02C 5/00(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G02C 11/00; G02C 3/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models since 1975.

Japanese utility models and applications for utility models since 1975.

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: cable, cord, bead, eyewear, spectacles, grommet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2001-209014 A (SEKIGUCHI OSAMU) 03 August 2001 See Paragraph 0017 - Paragraph 0022; Figures 1, 7	1-24
A	US 6053612 A1 (MACINTOSH, JR.; CHARLES M. et al.) 25 April 2000 See the whole document	1-24
A	US 6941619 B2 (BRANDON R. MACKAY et al.) 13 September 2005 See the whole document	1-24
A	US 5664291 A1 (STOLLER; CLAUDE) 09 September 1997 See the whole document	1-24



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

23 DECEMBER 2009 (23.12.2009)

Date of mailing of the international search report

28 DECEMBER 2009 (28.12.2009)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

CHOI, Ki Hyuk

Telephone No. 82-42-481-5908



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/043156

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 2001-209014 A	03.08.2001	None	
US 6053612 A1	25.04.2000	AU 2000-39311 A1 CA 2386915 A1 CA 2386915 C EP 1222489 A1 EP 1222489 A4 WO 2001-029606 A1	29.03.2000 26.04.2001 07.02.2006 17.07.2002 27.08.2003 26.04.2001
US 6941619 B2	13.09.2005	US 2003-101542 A1	05.06.2003
US 5664291 A1	09.09.1997	US 05655263 A	12.08.1997

Electronic Acknowledgement Receipt

EFS ID:	12371038
Application Number:	12991668
International Application Number:	
Confirmation Number:	1475
Title of Invention:	Eye Wear Retention Device
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Nicholas Jacob Landau/Donita Evans
Filer Authorized By:	Nicholas Jacob Landau
Attorney Docket Number:	P104825USJB
Receipt Date:	22-MAR-2012
Filing Date:	08-NOV-2010
Time Stamp:	16:01:26
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		12991668.pdf	2460845 0b44228fcecca1b704db3735f8e88e58833a4ab8	yes	62

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Miscellaneous Incoming Letter	1	3
	Transmittal Letter	4	5
	Information Disclosure Statement (IDS) Form (SB08)	6	9
	Foreign Reference	10	15
	Non Patent Literature	16	16
	Non Patent Literature	17	17
	Non Patent Literature	18	18
	Non Patent Literature	19	19
	Non Patent Literature	20	20
	Non Patent Literature	21	21
	Non Patent Literature	22	22
	Non Patent Literature	23	55
	Non Patent Literature	56	62
Warnings:			
Information:			
Total Files Size (in bytes):		2460845	

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



BRADLEY ARANT
BOULT CUMMINGS
LLP

Nicholas Landau, J.D., Ph.D.
Direct: (205) 521-8545
Fax: (205) 488-6545
nlandau@babco.com

March 22, 2012

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: Information Disclosure Statement
Application Number: 12/991,668
First Named Inventor: Ronald Wade Williams
Attorney Docket No: P104825USJB
Invention Title: Eye Wear Retention Device

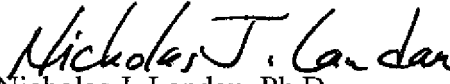
Dear Commissioner:

The applicants hereby submit an information disclosure statement ("IDS") for this application. Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. IDS letter (2 pages)
3. IDS Form PTO/SB/08a (3 pages)
4. IDS certification statement (1 page)
5. 10 non-U.S. patent reference documents (53 pages)

Please do not hesitate to contact the undersigned by telephone at 205-521-8545 or by facsimile at 205-488-6545 if further action is required.

Sincerely,


Nicholas J. Landau, Ph.D.
Registration No. 57120

Enclosures

I/2307703.1

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT

No fees are believed to be due with the filing of this paper. If, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining small entity fees, charges, and other sums due to Deposit Account Number 50-0954.

Nicholas J. Landau

Nicholas J. Landau
Attorney for Applicant
Registration No. 57120

22 March 2012

Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION

I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS
Web submission (3 pages)
2. IDS letter (2 pages)
3. IDS Form PTO/SB/08a (3 pages)
4. IDS certification statement (1 page)
5. 10 non-U.S. patent reference documents (53 pages)

Total 14 Documents 62 pages

and are being submitted via the EFS Web of the United States Patent & Trademark Office on
March 22, 2012.

Date:

3-22-12



Donita Evans

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	12/991,668	Confirmation No:	1475
Filed:	November 8, 2010	Art Unit:	2873
First Inventor:	Ronald Wade Williams		
Examiner:	Mai, Huy Kim		
Attorney Docket No:	P104825USJB		
Title:	Eye Wear Retention Device		

INFORMATION DISCLOSURE STATEMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir/Madam:

Pursuant to 37 C.F.R. § 1.56, Applicant discloses to the Office the references listed on the accompanying form PTO/SB/08. Applicant respectfully requests the listed references be duly considered by the Office, in accordance with 37 C.F.R. § 1.97. Applicant respectfully points out that, under 37 C.F.R. § 1.97, the filing of an information disclosure statement shall neither be construed as a representation that a search has been made, nor as an admission that the information cited in the statement is, or is considered to be, material to patentability.

Enclosed please find legible copies of the items designated Foreign Patent Document number 1 and Non-Patent Literature Documents 1-9 on form PTO/SB/08, which are other than U.S. patents and published U.S. patent publications.

Foreign Patent Document number 1 is a non-English reference. Under MPEP 609.04 III, where the information disclosed is not in the English language, but was cited

in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. Foreign Patent Document number 1 was cited in the International Preliminary Report on Patentability (IPRP) for PCT/US09/43156, of which this application is a national stage entry under 35 U.S.C. § 371. A copy of the IPRP, which is in the English language, is provided as Applicant's concise statement of relevance.

In some cases specific locations of possible interest may have been indicated in the right-most column. Such indication is for the convenience of the examiner and is not to be seen as a representation that these are the only or most relevant areas, or as an admission of relevance. References with no locations designated may be more relevant or less relevant than those with such locations identified.

Applicant believes this Information Disclosure Statement is submitted timely, as it is submitted prior to the issuance of a first Office Action on the merits; therefore no fees are due. If the Examiner requires additional action or information that may benefit from a telephone call, Applicant[s] invite[s] a call to attorney of record, Nicholas J. Landau at (205) 521-8545. E-mail correspondence and transactions to nlandau@babco.com are authorized and encouraged.

Respectfully submitted,
BRADLEY ARANT BOULT CUMMINGS LLP

22 March 2012
Date

Nicholas J. Landau
Nicholas Landau
Reg. No. 57,120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	12/991,668	Confirmation No:	1475
Filed:	November 8, 2010	Art Unit:	2873
Applicant:	Ronald Wade WILLIAMS		
Examiner:	Mack, Ricky Levern		
Attorney Docket No:	P104825USJB		
Title:	Eye Wear Retention Device		

PRELIMINARY AMENDMENT

Via EFS Web

Commissioner for Patents
Washington, DC 20231

Sir/Madam:

Pursuant to 37 C.F.R. 1.115(a), please enter this preliminary amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

CLAIMS

1-32 (Cancelled)

33. (New) An eyewear retention device comprising two temple retainers connected by a resilient cable, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the cable is suspended off the neck of the wearer.

34. (New) The device of claim 33, wherein said cable is made from a metallic core coated in a smooth casing.

35. (New) The device of claim 33, wherein said cable comprises a material selected from the group consisting of twisted wire, resilient plastic and carbon fiber.

36. (New) The device of claim 33, wherein each of said temple retainers comprises an opening for receiving the temple of a pair of eyeglasses.

37. (New) The device of claim 36, wherein each said temple retainer comprises a front portion and a back portion, said front portion comprising said opening and said back portion being connected to said cable.

38. (New) The device of claim 36, wherein said temple retainer is retained on an eyeglass temple by a friction fit.

39. (New) The device of claim 36, wherein each of said eyeglass temple retainers includes an angle which normalizes the direction of the cable rearward from the wearer's head in response to a curved end portion of an eyeglass temple.

40. (New) An eyewear retention device comprising two temple retainers and a resilient cable connecting said temple retainers, said cable of sufficient resiliency such

that when said temple retainers are positioned less than the length of said cable apart, said cable projects from said retainers into an arc suspended in the air.

41. (New) The device of claim 40, wherein said cable is made from a metallic core coated in a smooth casing.

42. (New) The device of claim 40, wherein said cable comprises a material selected from the group consisting of twisted wire, resilient plastic and carbon fiber.

43. (New) The device of claim 40, wherein each of said temple retainers comprises an opening for receiving the temple of a pair of eyeglasses.

44. (New) The device of claim 43, wherein each said temple retainer comprises a front portion and a back portion, said front portion comprising said opening and said back portion being connected to said cable.

45. (New) The device of claim 43, wherein said temple retainer is retained on an eyeglass temple by a friction fit.

46. (New) The device of claim 40, wherein each of said eyeglass temple retainers includes an angle which normalizes the direction of the cable rearward from a wearer's head in response to a curved end portion of an eyeglass temple.

REMARKS


Applicants amend the claims herein. Applicants submit that no new matter has been added to the claims. Applicants make these amendments for the sole purpose of facilitating the expeditious allowance of any subject matter identified as allowable by the Examiner. Applicants make no admission herein that any cancelled or amended claims in their original form is non-patentable; Applicants make no disclaimer of the subject matter of any cancelled or amended claims or dedicate them to the public. If any such disclaimers are believed to have been made, Applicants explicitly rescind them for the purpose of future applications to permit recapture of the original subject matter of any cancelled or amended claims. Applicants reserve the right to file future applications for letters patent directed to the original subject matter of any cancelled or amended claims.

CONCLUSION

Applicants respectfully request the consideration of the enclosed remarks and entry of the following submission into the record. If additional action is required that may benefit from a telephone call, Applicants invite a call to its attorney of record, Paul M. Sykes (Reg. No. 43,942). E-mail correspondence and transactions to psykes@babco.com are authorized and encouraged. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT BOULT CUMMINGS LLP

5-3-2012
Date


Paul M. Sykes
Reg. No. 43,942

Electronic Acknowledgement Receipt

EFS ID:	12699427
Application Number:	12991668
International Application Number:	
Confirmation Number:	1475
Title of Invention:	Eye Wear Retention Device
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Paul Matthew Sykes/Donita Evans
Filer Authorized By:	Paul Matthew Sykes
Attorney Docket Number:	P104825USJB
Receipt Date:	03-MAY-2012
Filing Date:	08-NOV-2010
Time Stamp:	17:14:56
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		12991668prel.pdf	478579 516510e6de49f28ce99c4f6265c4c3b642eb942e	yes	7

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Miscellaneous Incoming Letter	1	3
	Preliminary Amendment	4	4
	Claims	5	6
	Applicant Arguments/Remarks Made in an Amendment	7	7

Warnings:

Information:

Total Files Size (in bytes):	478579
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



BRADLEY ARANT
BOULT CUMMINGS
LLP

Paul M. Sykes
Direct: (205) 521-8766
Fax: (205) 488-6766
psykes@babco.com

May 3, 2012

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: U.S. Patent Application Number: 12/991,668
Filed: November 8, 2010
First Named Inventor: Ronald Wade Williams
Attorney Docket No: P104825USJB
Invention Title: EYE WEAR RETENTION DEVICE

Dear Commissioner:

Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Preliminary Amendment (4 pages)

Please do not hesitate to contact the undersigned by telephone at 205-521-8766 or by facsimile at 205-488-6766 if further action is required.

Sincerely,

Paul M. Sykes
Registration No. 43,942

Enclosures

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT

No fees are believed to be due. However, if, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining small entity fees, charges, and other sums due to Deposit Account Number 50-0954.



Paul M. Sykes
Attorney for Applicant
Registration No. 43,942

5-3-2012

Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION

I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Preliminary Amendment (4 pages)

Total 2 Documents 7 pages.

and are being submitted via the EFS Web of the United States Patent & Trademark Office on **May 3, 2012.**

Date: _____

5-3-12



Donita Evans

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/991,668		Filing Date 11/08/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
			TOTAL			TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	05/03/2012	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 14	Minus	** 20	= 0	X \$30 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$125 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/ADRIANE WINSTON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	12/991,668	Confirmation No:	1475
Filed:	November 8, 2010	Art Unit:	2873
Applicant:	Ronald Wade WILLIAMS		
Examiner:	Mack, Ricky Levern		
Attorney Docket No:	P104825USJB		
Title:	Eye Wear Retention Device		

PETITION TO MAKE SPECIAL BASED ON ACTUAL INFRINGEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir/Madam:

Applicant hereby petitions to make the referenced application special based upon actual, ongoing infringement under 37 CFR § 1.102(d) and MPEP §708.02 (II).

Applicant submits the following statement:

1. There is an infringing product actually on the market, namely, the "Chums Orbiter" eyewear retainer, manufactured by Chums, Inc., and sold at retail stores throughout the United States and online. By way of example only, the infringing product may be viewed and is offered for sale at this website: <http://www.chums.com/category/orbiter/product/orbiter>, a copy of which is attached hereto as Exhibit A.
2. A rigid comparison the infringing product and the claims of the present application has been made, and, in the opinion of the undersigned, at least some of the claims are infringed.

3. The undersigned has caused to be made a careful and thorough search of the prior art.

Attached are copies of the references deemed most closely related to the subject matter encompassed by the claims: U.S. Pat. No. 1,819,738; U.S. Pat. No. 3,450,467; U.S. Pat. No. 4,133,604; and U.S. Pat. Pub. 2007/0046889. Other references considered less material are cited in the IDS in the file of this application.

A fee in the amount of \$130 as required by 37 CFR § 1.17(h) is submitted herewith.

If additional action is required that may benefit from a telephone call, Applicant invites a call to attorney of record, Paul Sykes (Reg. No. 43,942). E-mail correspondence and transactions to psykes@babco.com are authorized and encouraged.

Respectfully submitted,
BRADLEY ARANT BOULT CUMMINGS LLP

May 4, 2012
Date


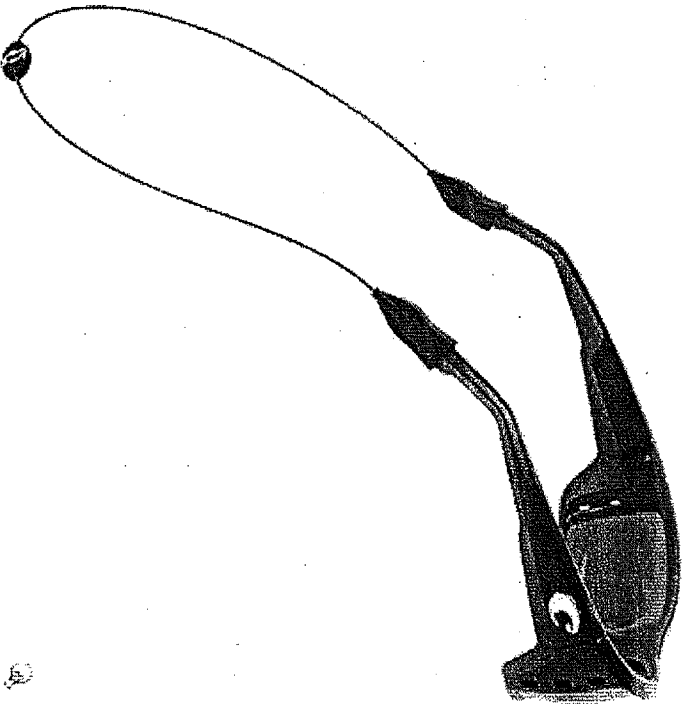

Paul M. Sykes
Reg. No. 43,942

EXHIBIT A

Colors



Reviews



The Orbiter

An eyewear retainer with an edge, the Chums Orbiter molds form with function. Ultra light and super sleek the Orbiter's halo effect keeps it out of your way. The Orbiter has low profile flat temples that eliminate pressure points and fit all eyeglass styles. Weighing in at less than a gram the Orbiter is comfort defined.

Like Be the first of your friends to like this.



Long

\$9.99



Qty. MSRP
1 \$9.99

Please select a color

Details

- Ultra light stainless cable
- Halo effect keeps the Orbiter off your neck
- Low profile flat temples eliminate pressure points
- Break through temple design accommodates the tall frames of current eyeglass styles.
- Comes in 3 colors: black, blue and clear
- Made in USA by Chums

<!--endif-->

SKU: 12403



US 20070046889A1

(19) **United States**(12) **Patent Application Publication****Miller et al.**(10) **Pub. No.: US 2007/0046889 A1**(43) **Pub. Date: Mar. 1, 2007**(54) **EYEWEAR WITH WEIGHTED FLEXIBLE
TEMPLES****Publication Classification**(76) Inventors: **Kenneth C. Miller**, Aptos, CA (US);
Michael Maurice Fjelstad, Scotts
Valley, CA (US); **Joseph C. Fjelstad**,
Maple Valley, WA (US)(51) **Int. Cl.****G02C 11/08** (2006.01)(52) **U.S. Cl.** **351/62**

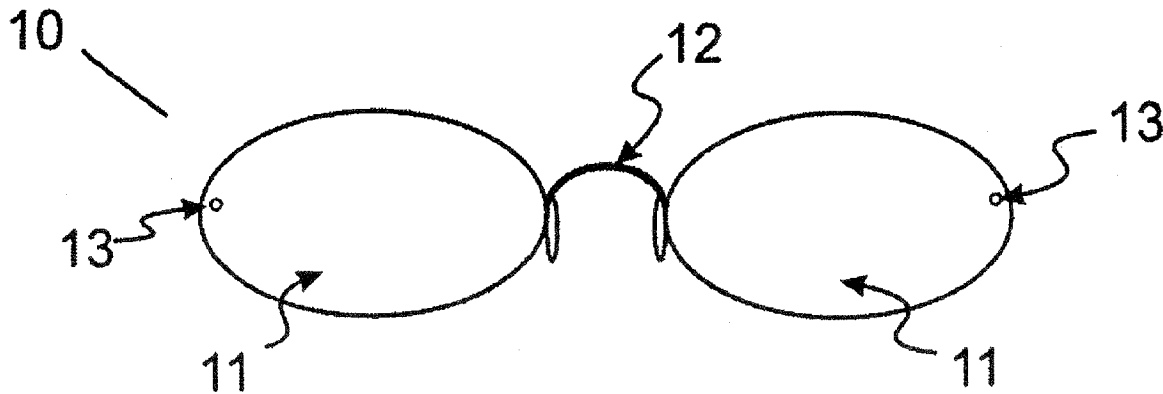
Correspondence Address:

Walt Froloff**273D Searidge Rd****Aptos, CA 95003 (US)**

(57)

ABSTRACT

An eyewear assembly having flexible temple elements with counterweights is disclosed. The counterweights and flexible temples can serve several other purposes aside from the disclosed role of supporting eyewear on a wearer's face. Those purposes include ornamental elegance in design and facilitating a natural adjustability around unique personal features for position and comfort. The flexible temple elements provide mechanisms for transmitting electrical, mechanical and photonic power and or signals to the eyewear while the counterweights provide the source for said transmissions from a more convenient location.

(21) Appl. No.: **11/508,451**(22) Filed: **Aug. 23, 2006****Related U.S. Application Data**(60) Provisional application No. 60/711,141, filed on Aug.
24, 2005.

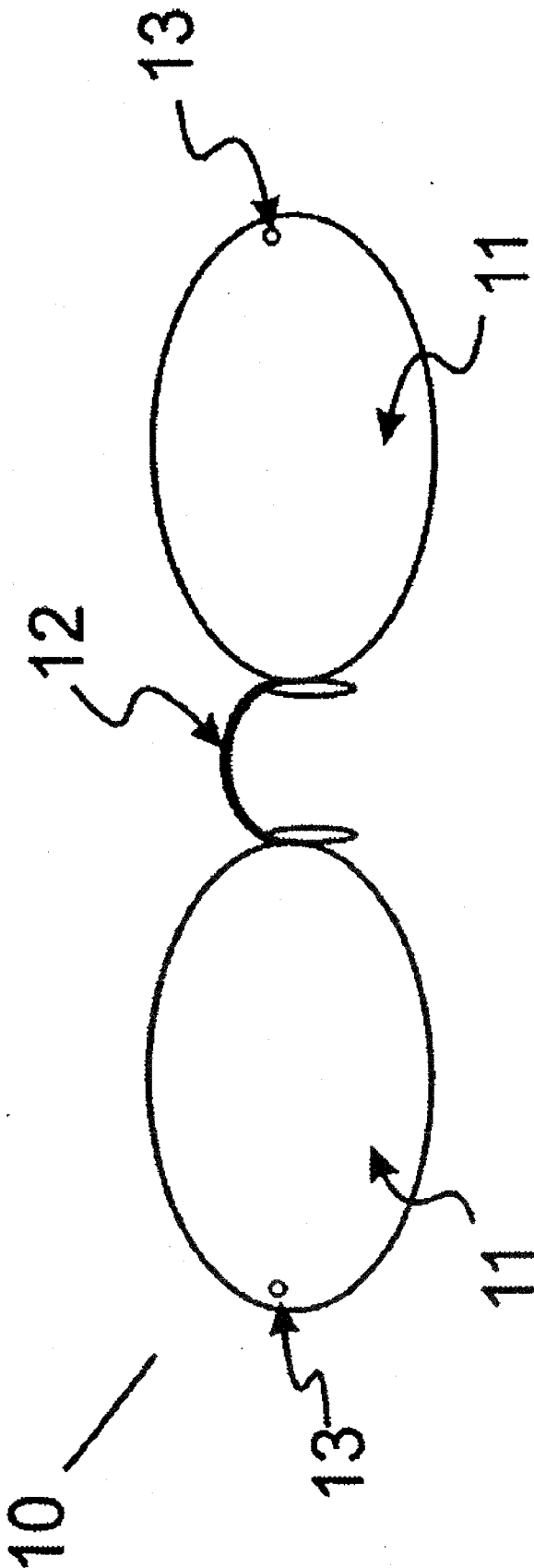


Figure 1

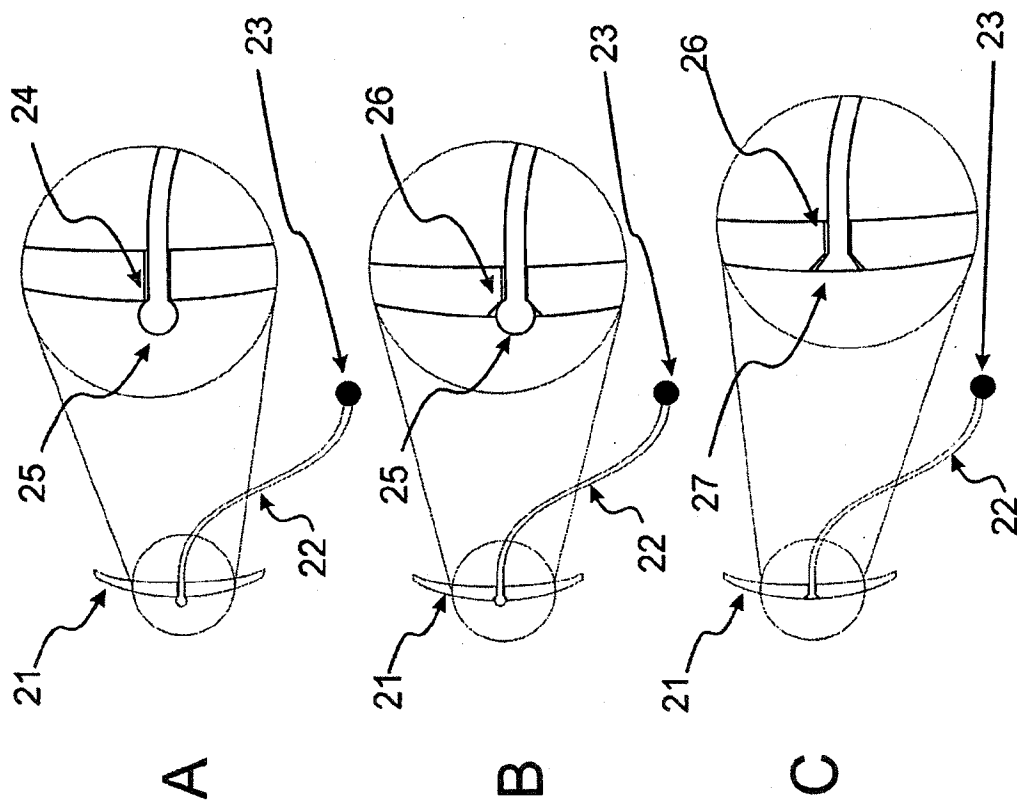


Figure 2

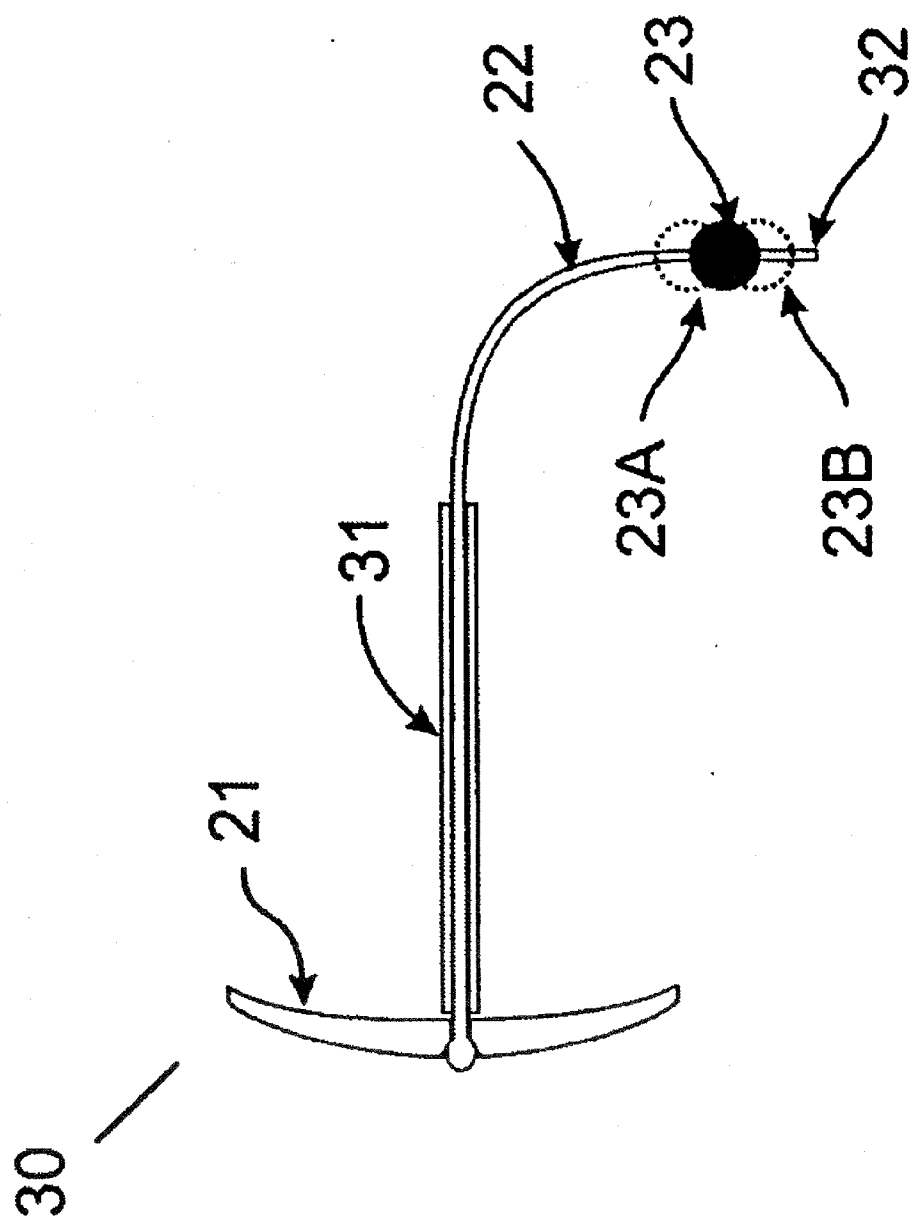


Figure 3

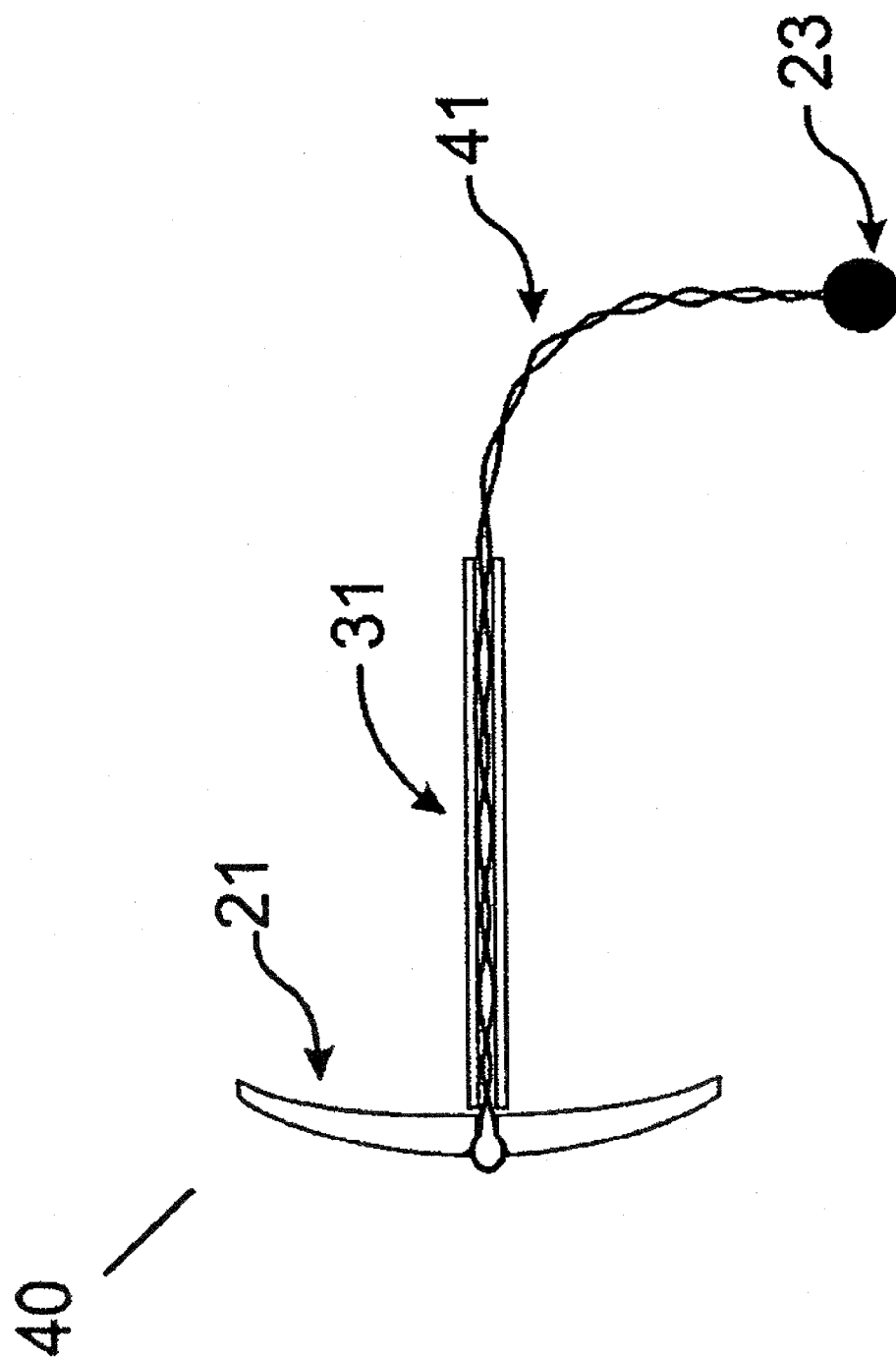
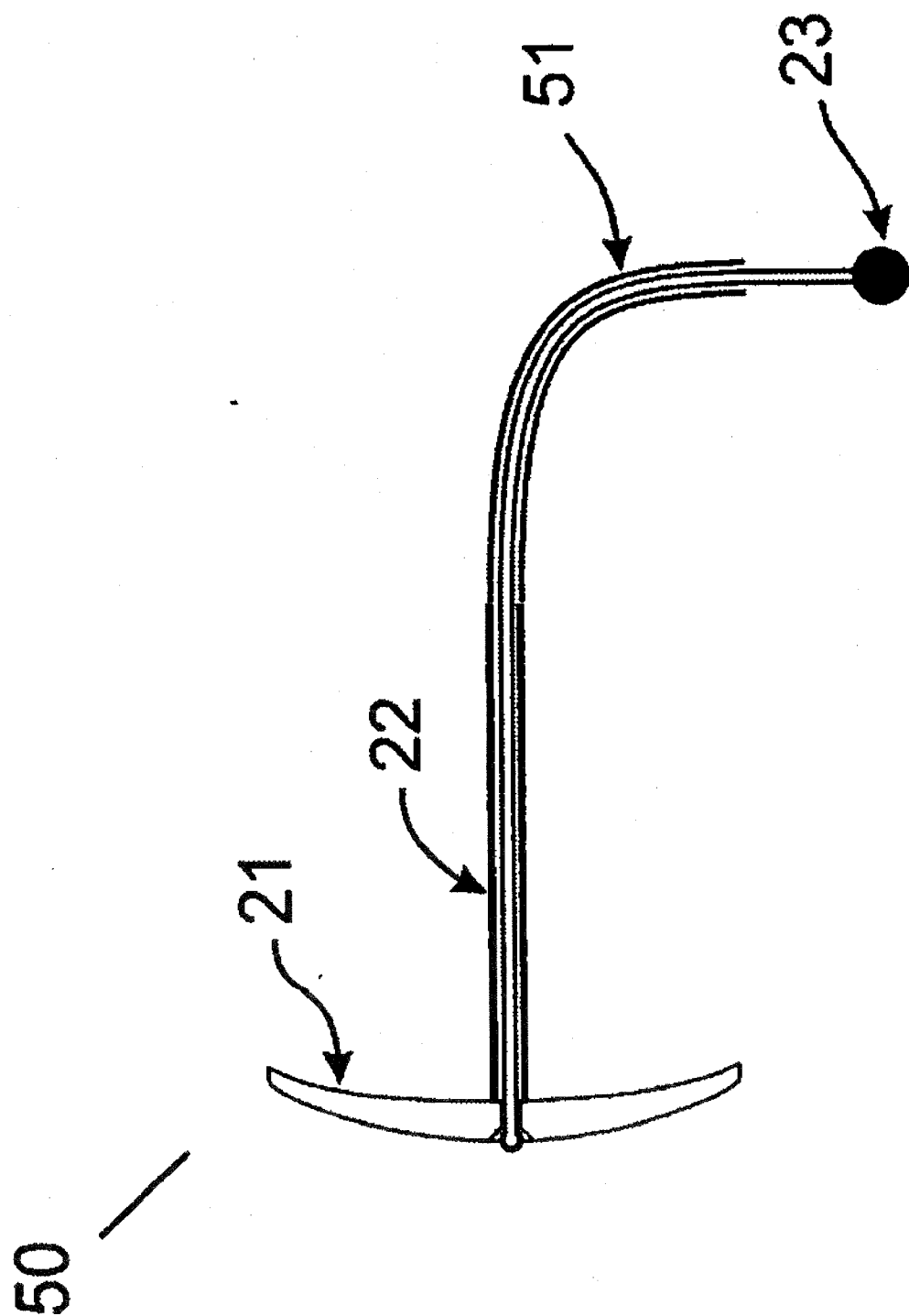


Figure 4



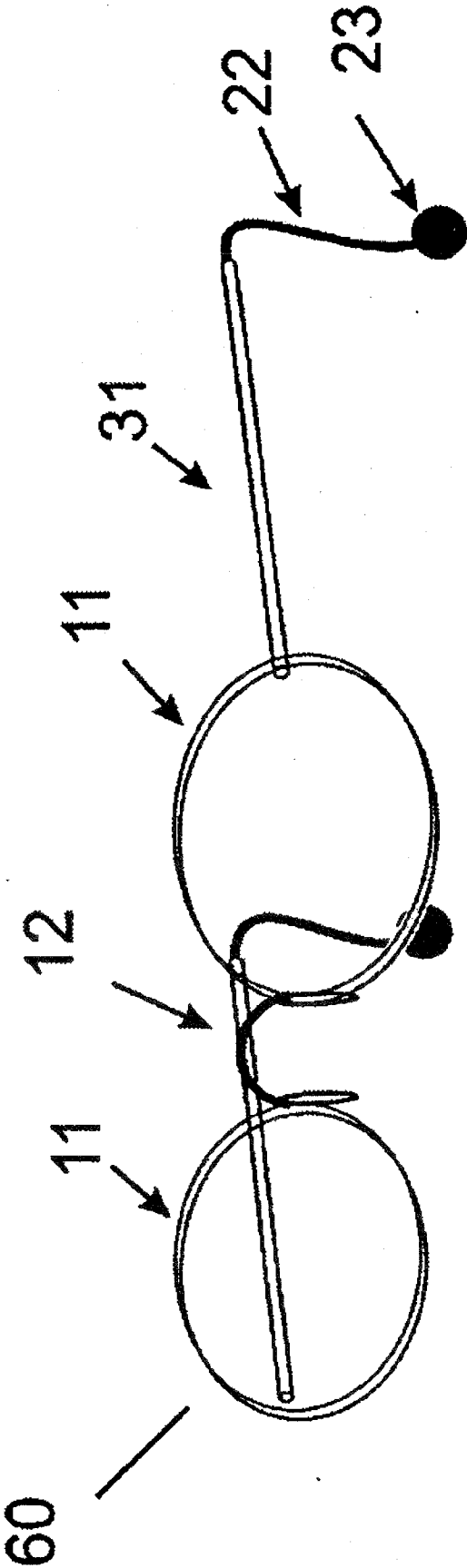


Figure 6

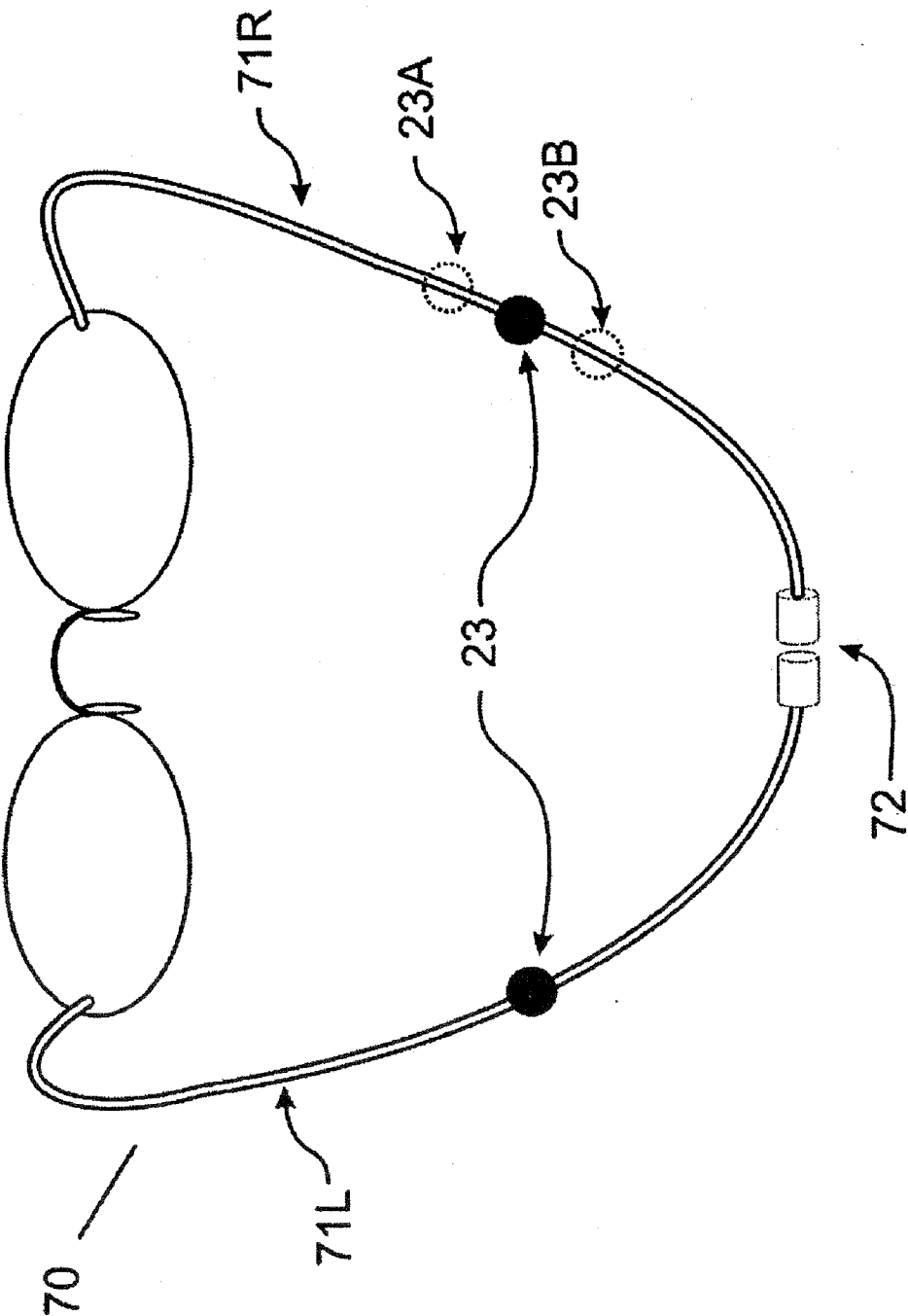


Figure 7

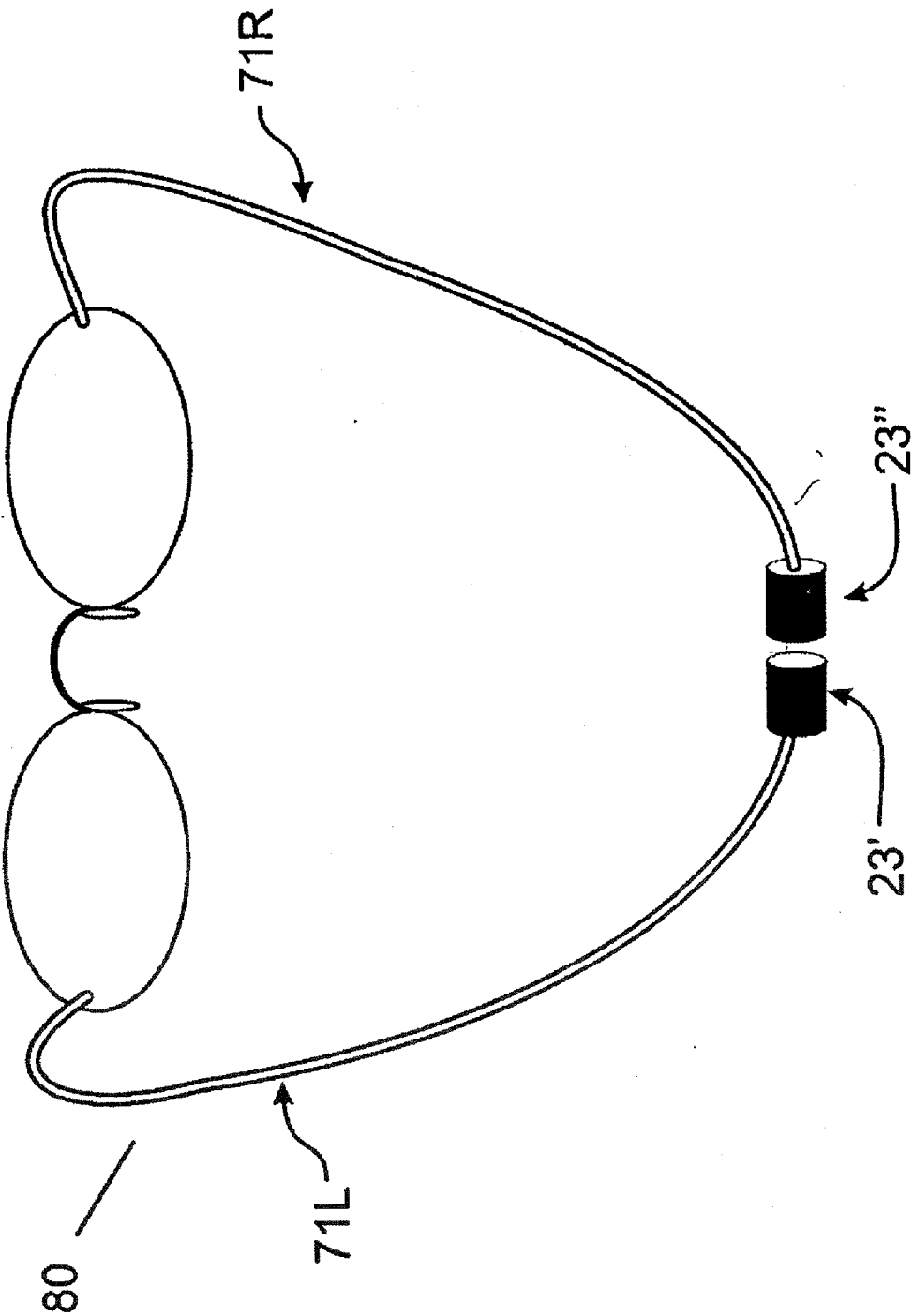


Figure 8

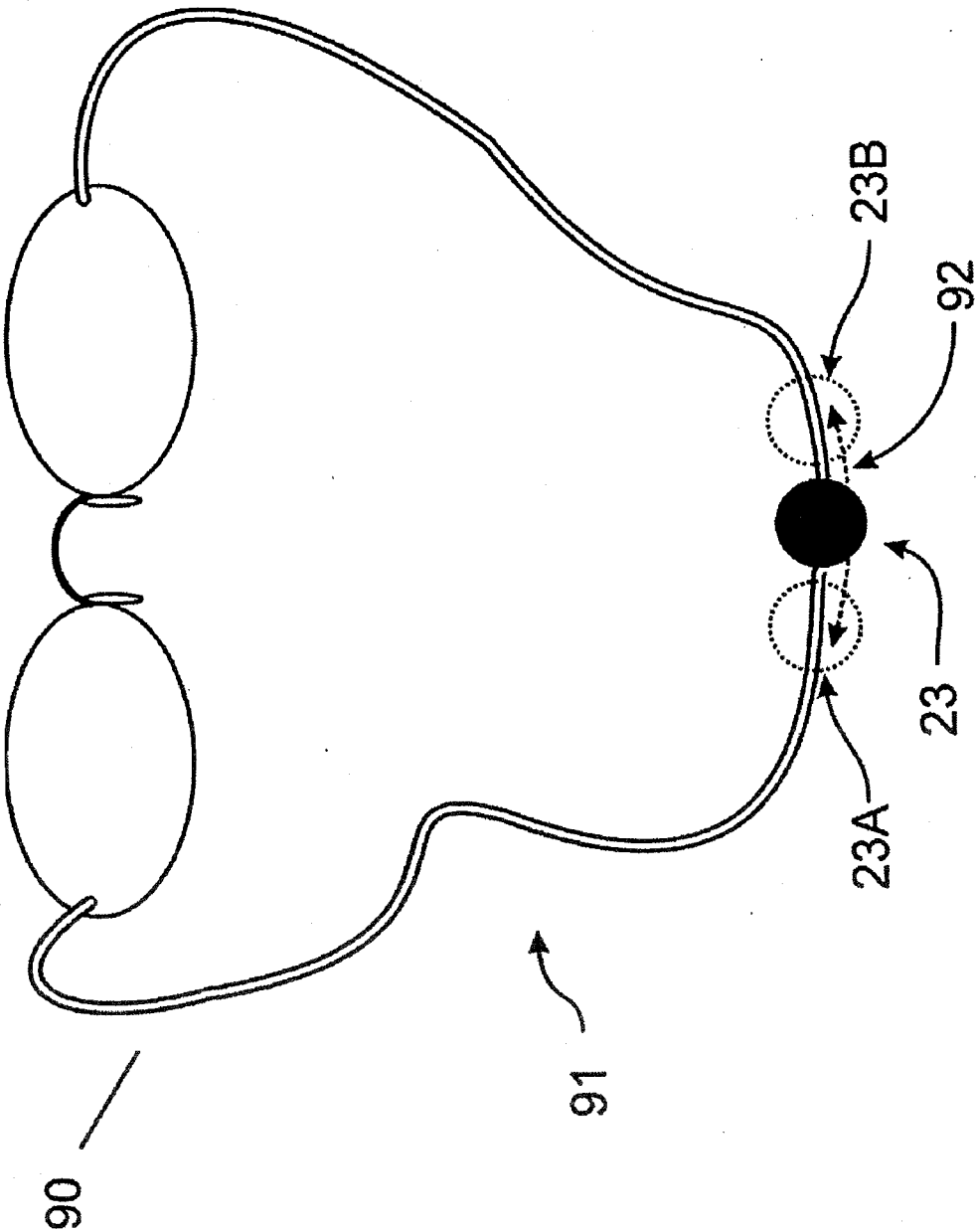


Figure 9

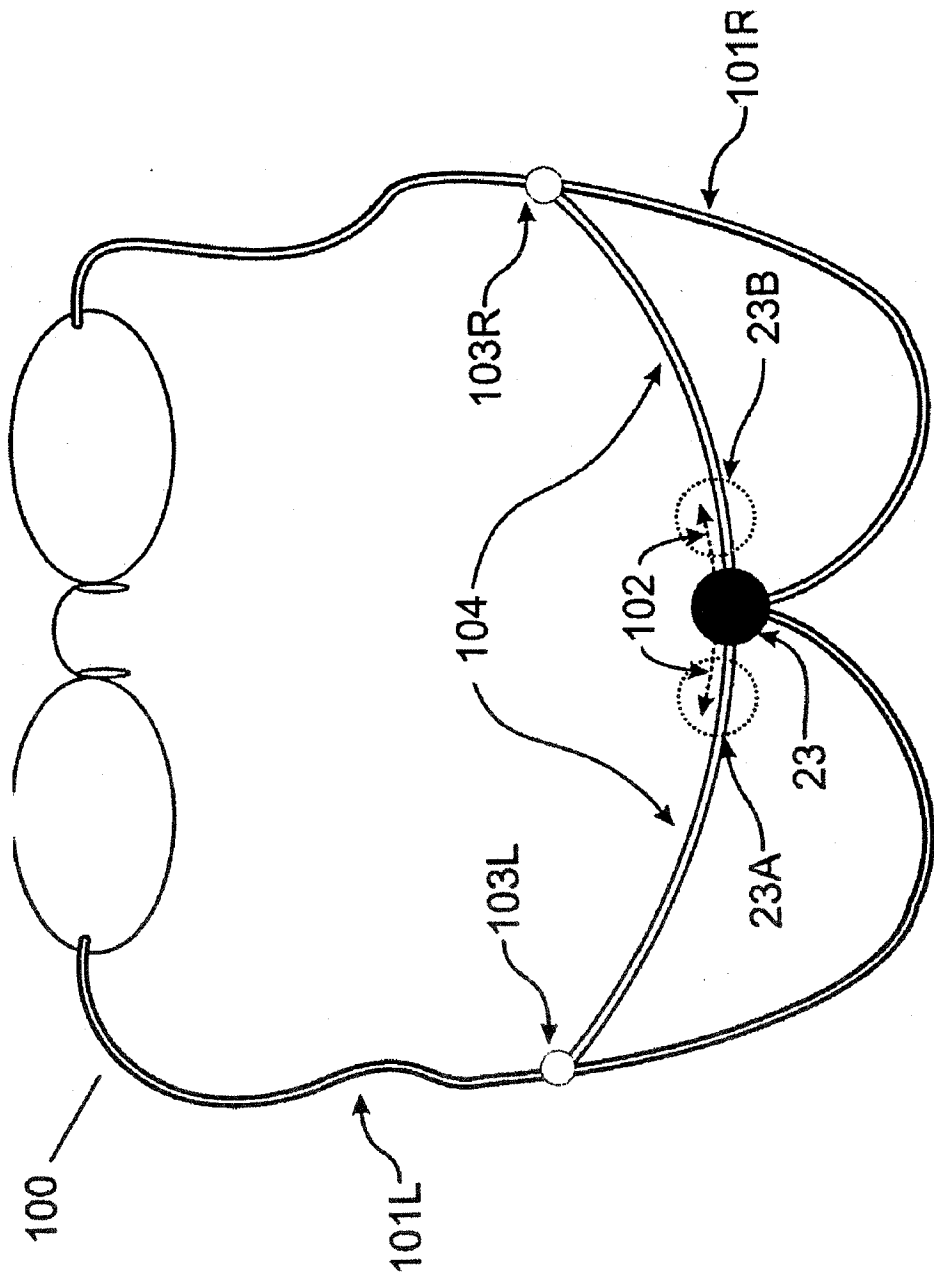


Figure 10

EYEWEAR WITH WEIGHTED FLEXIBLE TEMPLES

CROSS-REFERENCES TO RELATED APPLICATIONS

[0001] This application is a Non-Provisional based on Provisional Patent Application No. U.S. 60/711,141 filed on Aug. 24, 2005.

TECHNICAL FIELD

[0002] The present invention relates to the field of eyewear and more specifically to adjustable and flexible temples used with eyeglasses.

BACKGROUND OF THE INVENTION

[0003] Eyewear (e.g., eyeglasses) are constructed in a wide range of styles and structures employing various design elements to achieve a desired blend of fashion and practical elements that make the eyewear suitable for use. One of the most vulnerable elements of common eyewear is the temple element, generally hinged to the frame or attached to the lens of the eyeglasses themselves. The temple help to support the eyeglasses to the user's face, creating an effective triangular support frame comprised of the bridge of the nose and the upper saddle of each of the user's ears. Thus traditionally, temples have been made of stiff materials such as metals or plastics that can be shaped to the comfort of the individual. The ability to shape and form the temples is important because it allows the temples to be adjusted and shaped to serve individual anatomical features. By way of example, one ear of an individual may be slightly higher or lower than the other so some adjustment is commonly needed to assure user comfort and alignment.

[0004] Temples are thus extremely important for eyewear. Moreover, they are also one of the most vulnerable elements of a set of eyeglasses. Temples are prone to breakage at the hinge due to inadvertent bending of the temple element beyond the mechanical strength limits of the hinge assembly. Thus, it is desirable to make temple hinges more resistant to breakage.

[0005] A number of inventors have disclosed methods of protecting the hinge by making the temples more flexible. An example can be found with eyeglasses having temples made of springy wire, such as NiTi-NOL, as described by Zider, et al. in U.S. Pat. No. 4,772,112. Others show methods for elimination of both hinges and the temples by attaching the frame to body piercing studs such as described by Rose in U.S. Pat. No. 6,557,994.

[0006] A number of inventions over the years describe hinge-less eyeglass frame constructions, for example, Anderson in U.S. Pat. No. 836,796 shows a flexible temple with a loop which attaches to the ear. Both Medina in U.S. Pat. No. 4,723,844 and Reese in U.S. Pat. No. 4,202,609, show the use of a doubled filament attached to ear loops to obviate the hinge while providing improved peripheral vision. In a similar vein, Hermesen in U.S. Pat. No. 6,736,504 shows a continuous loop of flexible material attached to the frames to allow the continuous flexible material to double as a necklace like holder of the eyeglasses when removed from the user's eyes. One disadvantage of this design is that it presents a possible risk of injury if the material does not

easily break. Breslin appears to overcome this limitation in U.S. Design Pat. D471,580 using what appears to be a Velcro®-like fastener. However, this design applies pressure to the back of the head, and can become entangled with the hair.

[0007] Conner in U.S. Pat. No. 6,719,425 shows temple elements attached directly to the lens without benefit of hinge. Markovitz, et al., in U.S. Pat. No. 5,302,977 show an elastic band disposed to loop around the ears and tension the eyeglasses to the face.

[0008] Eyewear retainer structures attached to temples and frames by means of elastic bands with various clasp mechanisms have also been described. One representative example is that described by Fuller in U.S. Pat. No. 4,133,604.

[0009] While these inventions address and remedy many challenges related to eyewear temple design by revealing improvements which address issues associated with eyeglass manufacturer and use, there remains room for improvement. Disclosed herein is an improved flexible temple technology for eyewear.

SUMMARY

[0010] A flexible temple assembly for eyewear is disclosed, comprising one end of at least one flexible material element coupled to the eyewear; at least one counterweight, coupled to the temple flexible material elements distal end, disposed to maintain tension on the flexible material element; whereby the flexible material element provides sufficient force to stably maintain the eyewear on wearer's face.

[0011] The flexible temple material can be clear monofilament polymer with or without cladding capable of photonic transmission. The flexible temple material can also be of chain, cloth, woven string, flexible fiber, plastic, composite, wire, optical fiber, electrical conductor, cable, multi-clad cable, coaxial cable, rotatable in longitudinal axis cable insert, metal, and tubing.

BRIEF DESCRIPTION OF THE DRAWINGS

[0012] The present invention may be more readily understood from a consideration of the following representative drawings wherein:

[0013] FIG. 1 is a frontal view of an eyewear assembly comprised of lenses and a nose bridge element.

[0014] FIG. 2A-2C are side view embodiments of the lens assembly of FIG. 1 having flexible temples with enlargements to show assembly detail of the temple attachment to the eyewear and distal temple counter weights.

[0015] FIG. 3 is a side view of an embodiment having a substantially straight external housing over a portion of the length of the flexible temple and adjustable temple weights.

[0016] FIG. 4 is a side view of an embodiment having a substantially straight external housing over a portion of the length of a flexible temple comprised of chain with distal end weights.

[0017] FIG. 5 is a side view of a lens of an embodiment having a curved external housing over a portion of the length of the flexible temple disposed to rest on the saddle of the user's ear including temple weights.

[0018] FIG. 6 is a perspective view of an eye ware embodiment having flexible temples with temple weights.

[0019] FIG. 7 is a user's view of an eyewear assembly embodiment with extended length flexible temples with position adjustable temple weights and having a clasp structure for joining the distal ends of the flexible temples.

[0020] FIG. 8 is a user's view of an eyewear assembly embodiment with extended length flexible temples wherein the temple weights serve also as the clasp mechanism.

[0021] FIG. 9 is a user's view of an eyewear assembly embodiment having a continuous flexible temple with a single sliding temple weight.

[0022] FIG. 10 is a user's view of an eyewear assembly embodiment having a single sliding counterweight on a second element tethered to the continuous flexible temple.

DETAILED DESCRIPTION

[0023] Referring to the drawings, shown in FIG. 1 are eyeglasses 10 disposed for assembly with flexible temples comprising lenses 11 and a central nose bridge 12 for joining the lenses. While the lenses are shown as ovals and the bridge is shown without other support for the lenses, other lens shapes and bridge configurations are possible, including the use of eyeglass frames with an integral bridge feature. In the figure each lens has a hole 13 in it to accept a flexible temple element. While in the figure, holes are shown as passing through the lens, the use of slots in the side of the lens or extensions (e.g., tabs) at the edges of the lens or rings through the lens itself could be used in alternative embodiments for securing the flexible temples into a defined location. Moreover, while the figure depicts rimless eyeglasses, alternative embodiments having more traditional frames may be constructed using methods and features described herein. The hole (or other flexible temple attachment feature) is preferably placed approximately along a horizontal centerline or relative to the lenses (i.e., left to right from the user's perspective) to ameliorate any tendency for the lens assembly from tipping or rotating either up or down on the wearer's face when in use.

[0024] FIG. 2A-2C show prospective methods for securing a flexible temple with temple weight through the holes in the lenses and prevent the flexible temple from pulling through the holes. In FIG. 2A the lens 21 has a flexible temple element 22 pulled through a hole in the lens 24 (shown in detail in enlarged area). The flexible temple can be comprised of many different materials including: clear or opaque monofilament fibers, woven string, metal chain, woven cloth, low modulus flexible wire or any other suitably flexible material. In addition, it is possible that for certain constructions and embodiments of eyewear, the flexible temple could serve alternative uses including conduction of electricity or electronic signals and optical fibers could be used as the flexible temples for the transmission of light, images or information.

[0025] At the end of the flexible temple distal from the lens, the temple weight element 23, which serves as a counterweight, is attached to hold the flexible temple taut and secure the flexible temple over the saddle of the user's ear. The temple weight 23 can be of any suitably heavy material and size to secure the eye ware to the face of the user. Materials suitable for the temple weight include well

known dense metals such as gold, silver, tin, lead etc. However, less dense metals and various organic and inorganic materials such as wood, glass and ceramics may be used so long as they function suitably as a counterweight to the lens and bridge assembly. Moreover, more than one temple weight can be used to achieve the desired effect. While the temple weights are shown in the figure as being substantially spherical, the weight (i.e., counterweight) may be of any shape and may be ornamental if desired (e.g. provided in various shapes and forms such as is common with charm bracelets). Temple weights may also comprise electronic assemblies as well as batteries.

[0026] The enlarged area of the of FIG. 2A shows closer detail of the lens and shows the hole 24 and the near (lens or frame) end of the flexible temple element 22 having been enlarged 25 to prevent it pulling through the hole. Enlargement of the near end 25 can be accomplished by any suitable means depending on the material used for the flexible temple element. For example, if the flexible temple element is a polymer, it can be melted to form a ball such as is shown. Alternatively and by way of example, a metal ball could be soldered to the end of a metal flexible temple element or an adhesive may be used when the flexible temple element is comprised of string, woven fiber, cloth, polymer (i.e., plastic) or metal. Knots may be tied in these materials as well for the purpose of keeping the flexible temple from separating from the eyewear due to the force of the temple weight. The flexible temple material may also be fused in a suitable manner (e.g. melted, ultrasonically welded, etc.) to the lens or frame if the materials may be compatibly so joined.

[0027] In FIG. 2B the lens 21 again has a flexible temple 22 pulled through a hole having a countersink 26 (shown in detail in enlarged area). Again, the end of the flexible temple element distal from the lens has a temple weight element 23 attached to help shape and hold secure the flexible temple around the saddle of the user's ear. An enlarged area of the lens shows the hole which has a countersink 26. The near end of the flexible temple element 25 is enlarged to prevent pull through and the countersink minimizes the prominence of the enlarged end of the flexible temple at the lens surface. Again, treatment of the near end of the flexible eye ware temple element 25 can be accomplished by any suitable means depending on the material used for the flexible temple element as described for FIG. 2A. It is also possible to glue the end of the flexible element into the countersink area or with proper material, melt or fuse it flush with the surface to facilitate cleaning of the lens surface (not shown in this view). While a countersink has been described, it is obvious that a counter bore could also be employed. The distal end is again is provided with a temple weight 23 for purposes previously described.

[0028] In FIG. 2C the lens 21 again has a flexible temple element 22 pulled through a counter sunk hole 26 (shown in detail in enlarged area). Again, at the end of the flexible temple distal from the lens, a temple weight element 23 is attached to help shape and hold secure the flexible temple around the saddle of the user's ear. As previously stated, the temple weight may be ornamental if desired. An enlarged area of the lens shows the hole 26 which has a countersink. The near (lens or frame) end of the flexible temple element 22 is shaped and enlarged 27 to approximate the shape of the countersunk hole 26 to prevent pull through. The countersunk hole 26 allows the enlarged end 27 to become sub-

stantially flush with the surface of the lens and glued into place if desired. Flushness with the surface is of value as it facilitates cleaning of the lens surface.

[0029] In FIG. 3 is shown an embodiment of an eyewear assembly in cross section 30 wherein the lens 21 has a flexible temple element 22 pulled through a hole in the lens 21. At the end of the flexible temple element distal from the lens 21 is a counterweight element 23 which is attached to help shape and hold secure the flexible temple around the saddle of the user's ear. The counterweight 23 is made adjustable in terms of position along the flexible temple 22 shown as phantoms 23A and 23B so that it can be positioned at a point of greatest comfort or most desirable to the user. The result may be the creation of a "tail" of material at the distal end 32. This may be removed if desired. The counterweight 23 can be positioned and permanently fixed using any suitable means such as gluing or crimping. Alternatively, the counterweight can be created with an interference fit to make it possible to adjust.

[0030] To prevent possible sagging of a flexible temple element 22 of heavier constructions, a housing 31 can be provided. The flexible temple element 22 can be affixed permanently to the housing 31 or the housing 31 can be allowed to move freely over the flexible temple element 22. Moreover, the housing can contain components for visual utilities taking advantage of flexible temple optical materials for transmitting controlled or otherwise modulated light signals from the housing to the eyewear frame outwardly from or inwardly toward the lens for local display.

[0031] In FIG. 4 is shown an embodiment in cross section 40 wherein the flexible temple element 41 is a woven material or linked chain which is attached to the lens 21 using a suitable method such as one previously described. Materials used in the fabrication of the woven or linked chain can be of metal, fiber, cloth or polymer. The embodiment is shown with an optional housing 31 and a counterweight 23 is attached to the distal end of the flexible temple element 41.

[0032] FIG. 5 shows a cross section view of an embodiment of an assembly 50 wherein the lens 21 has a flexible temple element 22 extending through the lens and also through a curved housing 51. The curved housing 51, also flexible, is designed to rest on the saddle of the user's ear. A counterweight 23 is applied to the distal end of the flexible temple element to provide the force needed to secure the eyewear to the user's face. The curved flexible housing can be used for many purposes and in many applications. For example an insulator or protecting mechanism for clear monofilament polymer, flexible fiber, plastic, composite, wire, optical fiber, electrical conductor. The flexible housing or sheath can contain a cable, multi-clad cable, coaxial cable, tubing, rotary flex drive cable or a push-spring cable. Each of these can find many applications. For example the tubing can provide a fluid channel wherein a pressurized fluid reservoir counterweight can be forced through the tube channel and expressed at the toy eyewear, optical fiber can channel light on reading or other matter of interest, keeping the weight of light source, power source and controls down below the neck, channeling only the necessary light to the necessary destination. Rotary flex drive cable can be coupled to gears at the eyewear to spin wheels, propellers, gears or other toy accoutrements, and powered manually or

by power source at the counterweight. A push-spring cable with the push-spring controls at the counterweight can allow the eyewearer to manipulate a gripper or extending-contracting objects from the eyewear frame. Thus flexible temple elements comprised of flexible sheaths or housing, can have various inside flexible material which can act as transmission channels for physical manipulation of objects, transmission of rotary power for wheels gears or lens wipers at the eyewear ends controlled from the counterweight or distal end, expression of fluids, transmission of light or power, conduction of power or heat, all from a level below the ears. The proximity of the eye parallel emitter source on the eyewear design provides mechanisms for using the flexible temple conduits for expression of fluids, projection of pneumatically propelled objects, emission of light for reading or pointing, etc to be focused or targeted by merely pointing the eyes and triggering the action without the necessity of bringing the hands up to the eye level to warn an observer and or the convenience to manipulate or control from below chest level. Expensive eye-following targeting electronics can be simulated relatively inexpensively using eyewear designed with flexible temple construction.

[0033] A host of other flexible temple and counterweight applications reside in the optics arena, whereby optical fiber material is used for photonic transmission and optical manipulation and modulation of light signals digitally. These are known to those skilled in the art, and embodiments of the invention provide mechanisms to transport light signals and light object to eyewear using the flexible temple and counterweight structures and components conveniently from below a users ear level.

[0034] FIG. 6 shows a perspective view of an embodiment of an eyewear assembly 60 which is representative of the general embodiments shown in FIG. 3 and FIG. 4 for added clarity and understanding. In the figure the lenses 11 are attached to a central nose bridge 12 and the housings 31 are moveable or fixed over the flexible temple elements 22 and having counterweights 23 attached as needed.

[0035] FIG. 7 provides a user's perspective view of another embodiment of an eyewear assembly 70 where the left and right flexible temple elements 71L and 71R are of extended length and disposed to join together at a point of connection 72 behind the user's head. The connection of the two halves can be accomplished using any suitable means disposed to easy an rapid disconnection in any direction at forces below that which can potentially cause injury to the user. Examples include a low force interference fit ball and socket or a magnetic connection but it is not so limited.

[0036] Counterweights 23 are provided along the length of the flexible temples 71L, 71R and can adjustable (as represented by the phantom counterweights 23A and 23B) to the comfort of the user. Once properly positioned, the can be affixed permanently to the chose location if desired.

[0037] As with all structures shown, it should be evident that the counterweights 23 can be affixed to the flexible temple elements 71L, 71R at any time and need not be provided directly with the assembly to the user. For example, one could affix the counterweights 23 by crimping them to the flexible temple elements 71L, 71R in the same manner as a fishing weight is attached to a fishing line.

[0038] FIG. 8 provides a user's perspective view of another embodiment of an eyewear assembly 80 where the left and right flexible temple elements 71L and 71R are of extended length and disposed to join at least one counterweight (23' or 23"). Said counterweight (23' or 23") is also a connecting element disposed to connect together with another joining feature (23' or 23") at a point of connection behind or in front of the user's head that is desirably an approximate midpoint behind or in front of the user's head when in use. Again the connection of the two halves can be accomplished using any suitable means disposed to easy an rapid disconnection in any direction at forces below that which can potentially cause injury to the user. Examples include a low force interference fit ball and socket or a magnetic connection but it is not so limited.

[0039] FIG. 9 provides a user's perspective view of another embodiment of an eyewear assembly 90 where the flexible temple element for both sides of the head is comprised of a unitary element 91 disposed with at least one sliding counterweight 23. The counterweight 23 is disposed to slide freely along the length of the unitary flexible temple element (as represented by counterweight phantoms 23A and 23B) along the double arrow arc line 92 provided to indicate movement. The counterweight 23 will desirably come to rest such that that the forces on the left and right sided of the glasses are approximately balanced. While the figure shows only a single moveable counterweight element, it is obvious that a plurality of counterweight elements could be employed to accomplish the objective. This statement is relevant for all embodiments described herein.

[0040] If desired for safety, a quick disconnect or frangible feature can be provided along the length of the flexible temple element to assure separation at a pressure less than would cause harm to the user.

[0041] FIG. 10 provides a user's perspective view of another embodiment of an eyewear assembly 100 where the flexible temple element for both sides of the head is comprised of left and right flexible temple elements 101L and 101R respectively each affixed to a counterweight 23. The counterweight is disposed to slide freely (as represented by counterweight phantoms 23A and 23B and the double arrow arc line 102 provided to indicate movement) along the length of another flexible element 104. Flexible element 104 is secured to the left and right flexible temple elements at predetermined locations 103L and 103R. The counterweight 23 will desirably come to rest such that that the forces on the left and right sided of the glasses are approximately balanced.

[0042] It is to be understood that the invention is not limited to the illustrations described and shown herein. The illustrations provided are deemed to be purely illustrative of the best modes of carrying out the invention, and which are susceptible of modification in terms of form, size, and the arrangement of certain parts and details of operation. The invention rather is therefore intended to encompass all such modifications which are within the spirit and scope as defined by the claims.

What is claimed:

- 1) A flexible temple assembly for eyewear comprising:
one end of at least one flexible temple element coupled to the eyewear;

at least one counterweight, coupled to the flexible temple element's distal end, disposed to maintain tension on the flexible element;

whereby the tension on the flexible temple element is sufficient to stably maintain the eyewear on the wearer's face.

2) The flexible temple assembly of claim 1 wherein the flexible temple element material is chosen from a group consisting of clear monofilament polymer, chain, cloth, woven string, flexible fiber, plastic, composite, wire, optical fiber, electrical conductor, cable, multi-clad cable, coaxial cable, metal, tubing, rotary flex drive cable or a push-spring cable.

3) The flexible temple assembly of claim 1 wherein the flexible temple element comprises optical fiber material for photonic transmission.

4) The flexible temple assembly of claim 1 wherein the flexible temple element comprises doped optical material for modulating the material index of refraction.

5) The flexible temple assembly of claim 1 wherein the position of the counterweight is adjustable.

6) The flexible temple assembly of claim 1 wherein the size, shape and weight of the counterweight is selectable.

7) The flexible temple assembly of claim 1 wherein the shape and color of the counterweight serves an ornamental purpose.

8) The flexible temple assembly of claim 1 wherein the counterweight contains a power source.

9) The flexible temple assembly of claim 1 wherein the counterweight comprises an electronic or electrical assembly.

10) The flexible temple assembly of claim 1 wherein the counterweight comprises an electro-mechanical assembly containing electronic, mechanical and optical components.

11) The flexible temple assembly of claim 1 wherein the counterweight is physically protected from the lenses of the eyewear when not in use.

12) The flexible temple assembly of claim 1 wherein the flexible temple assembly is detachable from the eyewear.

13) The flexible temple assembly of claim 1 wherein the counterweight is detachable from the flexible temple element.

14) The flexible temple assembly of claim 1 wherein a side one and a side two flexible temple element merge to form a single flexible temple element extending beyond the ear load bearing points such that at least one self positioning counterweight maintains tension to the flexible temple element.

15) The flexible temple assembly of claim 1 wherein the distal ends of a side one and a side two flexible temple element extend beyond the ear load bearing points and further comprising at least one additional connecting segment connecting the side one and side two flexible temple elements supporting a self positioning counterweight which adjusts the tension to the flexible temple element.

16) The flexible temple assembly of claim 15 further comprising a shared distal end counterweight connecting the side one and side two flexible temple elements at the connecting segment.

17) The flexible temple assembly of claim 1 further comprising a housing component that contains the flexible temple element and is conformal to and disposed on the saddle of the ear, secured by the tension in the flexible temple element.

18) The flexible temple assembly of claim 2 wherein the tubing is coupled with fluidic pressure source counterweights for ejecting or pneumatically expelling fluid out from eyewear, targeting expulsion by the eyes and controlling expulsion from counterweight components.

19) The flexible temple assembly of claim 2 wherein the rotary flex drive cable transmits rotational power along the temple longitudinal axis from the counterweight components to the eyewear, providing a mechanism for manipulating objects coupled to the eyewear.

20) The flexible temple assembly of claim 2 wherein temple optical fiber channels monochromatic or polychromatic light from the counterweight power sources to the eyewear.

21) The flexible temple assembly of claim 2 wherein the push-spring cable provides a mechanism to manipulate objects coupled to the eyewear from the counterweight.

22) An eyewear assembly comprising:

at least one flexible temple element attached to eyewear at one end and extending over a wearer's ear to a counterweight proximal to the distal end of the flexible temple element.

23) The eyewear assembly of claim 22 further comprising a mechanism coupling flexible temple element side one and side two distal ends.

24) The eyewear assembly of claim 22 wherein the coupling mechanism is chosen from a group consisting of weights, magnets, ball and socket, wire, metal, plastic, glass, and polymer elements.

25) The eyewear assembly of claim 22 wherein the coupling mechanism is disposed to release at design stresses below those determined to cause wearer injury.

26) The eyewear assembly of claim 22 wherein the eyewear is chosen from a group consisting of a framed lens assembly, rimless lens assembly, a monolithic structure having two lenses and a single lens.

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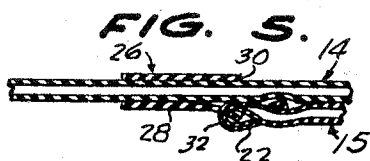
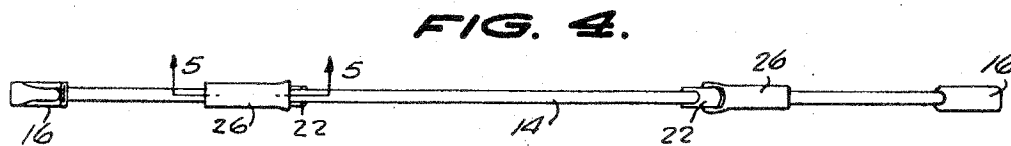
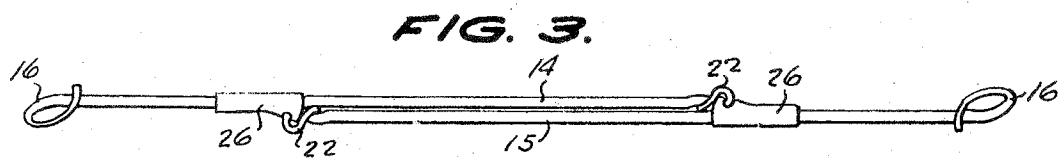
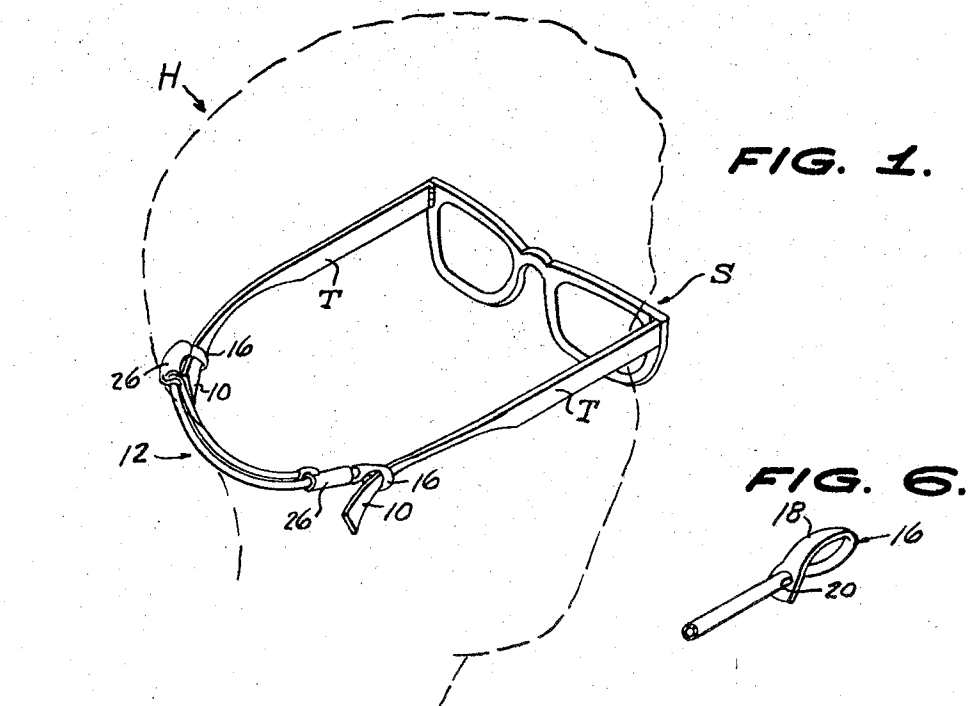
June 17, 1969

J. C. PHILLIPS

3,450,467

DUAL GRIP SPECTACLES HOLDER

Filed July 15, 1966



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3,450,467

DUAL GRIP SPECTACLES HOLDER

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U.S. Cl. 351-157

2 Claims

ABSTRACT OF THE DISCLOSURE

A holder for spectacles consisting of a pair of resilient elastic side-by-side bands having outer end loops for gripping the temples of a pair of spectacles and having a resilient sleeve adjustably-mounted on each band, each band having an inner loop connected to a sleeve on the other band so that the effective length of the holder can be adjusted by moving the sleeves on the bands.

This invention relates to a dual grip spectacles holder, especially but not exclusively for use by athletes, adapted to embrace the back of the head of a wearer.

The primary object of the invention is the provision of a generally superior, efficient, and easily applied and removed device of the kind indicated, which is adapted to be easily adjusted to fit different head sizes, which contains no hard or unyielding components which could injure the wearer's head, if struck; and which is attachable to any types of temples or bows.

Another object of the invention is the provision of an inexpensive, durable, and uncomplex device of the character indicated above, which is adapted to be constructed of resilient and compressible stretch material, such as relatively soft rubber or rubber-like material, and which affords secure, comfortable, and conformed contact over a relatively wide area of the back of the head of the wearer.

A further object of the invention is the provision of a device of the character indicated above, wherein adjustable loops are provided, on the ends of the device, for attaching the device to the temples or bows of spectacles, to extend around the back of the head of the wearer, and resilient and compressible sleeves are provided, which slide frictionally along components of the device, for adjusting the length of the device.

In the drawings:

FIGURE 1 is a schematic perspective view, showing spectacles in place on the head of a wearer, shown in phantom lines, and held in place by a device of the present invention;

FIGURE 2 is a side elevation of the device, per se, showing the same adjusted to minimum length;

FIGURE 3 is a view, like FIGURE 2, showing the device adjusted to greater length;

FIGURE 4 is an edge elevation of FIGURE 3;

FIGURE 5 is an enlarged fragmentary longitudinal section, taken on the line 5-5 of FIGURE 4; and

FIGURE 6 is an enlarged fragmentary perspective view, showing an attaching loop of the device.

Referring in detail to the drawings, a conventional pair of spectacles S is shown, having hinged bows or temples T, of the "skull" type, which terminate in downturned ear pieces 10, to which a device 12, of the present invention, is secured. It is to be noted that the device is equally applicable to temples of other types, such as straight temples, and those having fully curved ear pieces.

The device 12 comprises a pair of first and second bands 14 and 15, respectively, which are resilient, flexible, compressible, and stretchable, and are preferably of

cylindrical cross section and of tubular form, and are made of rubber or rubber-like material, impervious to perspiration, hair oil, and the like. The bands are of a length somewhat greater than the distance between the spectacle ear pieces 10, so that when the spectacles are in place on the head H of a wearer, the bands can embrace the back of the head of the wearer, without undue stretching thereof.

As shown in FIGURE 6, outer or attaching loops 16 are formed on the outer ends of the bands, simply by producing a flattened end portion 18, forming the portion with a hole 20, near its free end, and passing the band through the hole. The diameter of the hole 20, where the band is of cylindrical cross section, is slightly smaller in diameter than the band, so that the edge of the hole is compressed on the band, and thereby obtains a frictional position retaining engagement with the band. As a result, when the loops 16 are engaged around the spectacle's ear piece 10, and are drawn tight thereon, the loops retain their tightened condition. Because of the nature of the material of the loops and their resilience and compressibility, the loops have a secure grip on any types of ear pieces.

The bands 14, 15 are formed, on their inner ends, with inner loops 22, which are the same in form as the outer loops 16.

A pair of resilient and stretchable adjustment retaining sleeves 26 of rubber or rubber-like material is provided, which are severally, slidably and frictionally engaged on the bands 14, 15, and are in tension thereon, so that whenever the sleeves are adjusted toward and away from each other, for adjusting the effective length of the device 12, they will retain whatever positions are given them, along the bands.

The sleeves 26 have side walls 28, which, as shown in FIGURE 5, are formed, near their inner ends 30, with preferably round holes 32, through which the inner loops 22 are engaged, and tightened, like the outer loops 16, fastening the bands to the inner ends of the sleeves so that the bands lie along each other.

As shown in FIGURE 3, the inner loops 22 are reversed with respect to each other, on the sleeves 26, so that the first band 14 is above and spacedly overlies the second band 16.

As a result of the foregoing arrangements, proper spectacles holding engagement of the device 12, with the back of the head of the wearer is obtained, simply by moving the sleeves 26 outwardly along the bands to shorten the device, and moving the sleeves inwardly, along the bands, so as to lengthen the device, according to the adjustment of the device needed to accommodate the particular wearer's head and the spectacles worn, the device being adapted to be lengthened for removing or installing the spectacles and holder combination, and to be shortened when the combination has been installed, so as to hold the spectacles securely in place on the head of the wearer, with the desired tension.

What is claimed is:

1. In combination, spectacles comprising bows terminating in free ends, head-embracing resilient and stretchable band means extending between the bows, said band means having loop means on the ends thereof, said loop means being engaged around said bows adjacent said ends thereof, wherein said band means comprises first and second bands extending along each other, said bands having outer ends on which said loop means are located, said bands having inner ends, and adjustment-retaining means on the inner ends of the bands, the retaining means of the first band being engaged with the second band, and with the first band, said retaining means comprising the retaining means of the second band being engaged

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sleeves slidably and frictionally-receiving the bands, wherein said sleeves are resilient and stretchable and have sidewalls formed near their inner ends with holes, and wherein the bands have inner loops engaged through said holes and securing the bands to the inner ends of the sleeve, and wherein said loop means comprises return-bent end portions of the bands, said bands being formed with holes through which the return-bent end portions of the bands extend, said holes having edges compressed around the bands.

2. A device according to claim 1, and wherein the bands have holes in their inner ends and the inner loops of the bands comprise return-bent inner end portions of the bands engaged through said holes in the inner ends of the bands and extending through the holes in the inner end portions of the sidewalls of the sleeves.

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U.S. Cl. X.R.

351—156

[54] EYEGLASS RETAINER

[76] Inventor: Robert B. Fuller, Box 153, Wilson, Wyo. 83014

[21] Appl. No.: 824,261

[22] Filed: Aug. 15, 1977

[51] Int. Cl.² G02C 3/00

[52] U.S. Cl. 351/123; 351/156

[58] Field of Search 351/122, 123, 156, 157, 351/43

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Primary Examiner—Paul A. Sacher

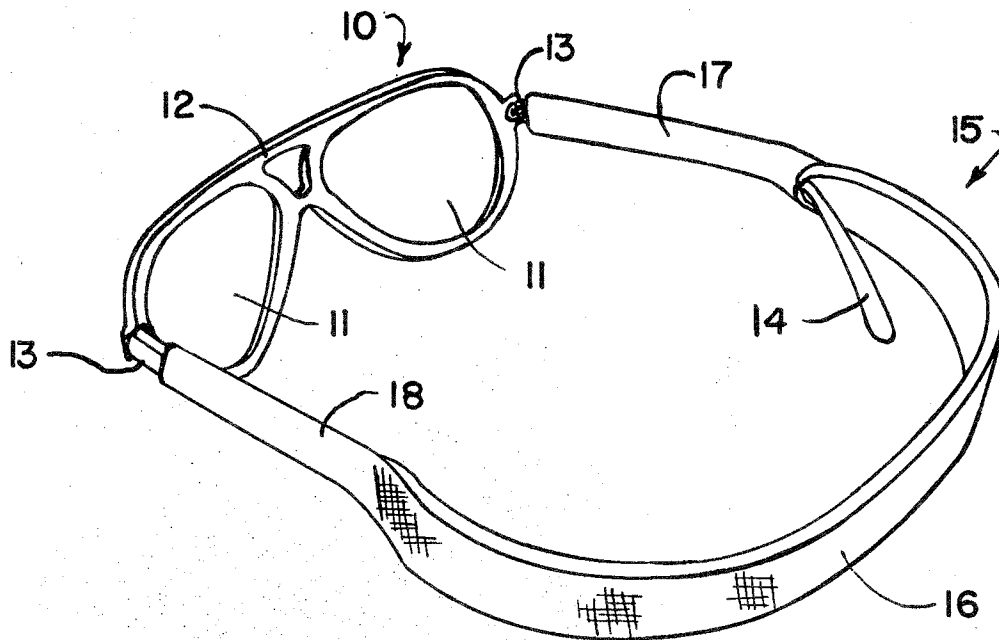
Attorney, Agent, or Firm—Posnack, Roberts, Cohen & Spieccens

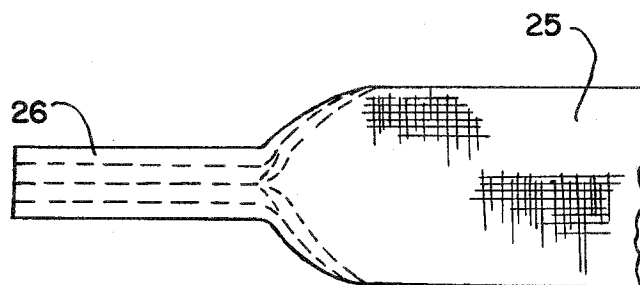
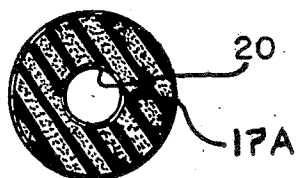
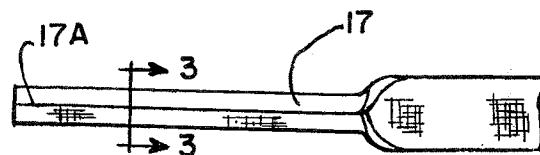
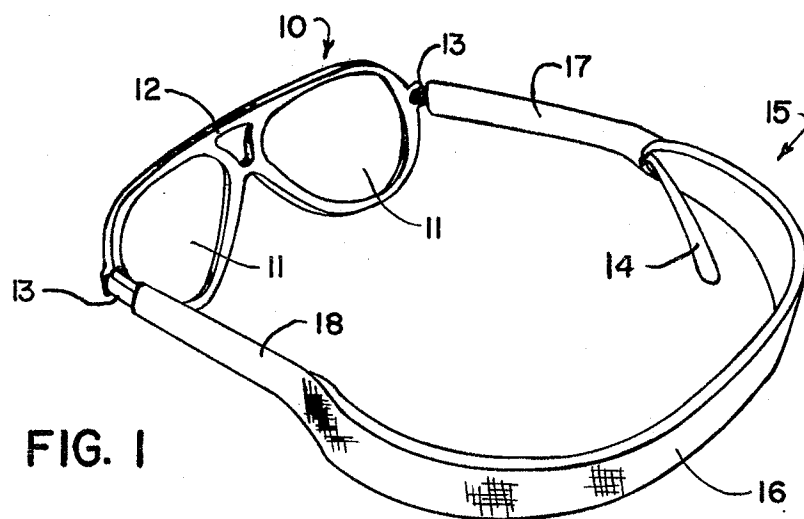
[57]

ABSTRACT

A head band for retaining eyeglasses in place comprising a elastomeric, fabric covered stretch band made adjustable by sliding the bows or temple pieces of eyeglasses into tubular members formed from the end portions of a flat band. The tubular members are an integral part of the band so the assembly is a unitary piece.

4 Claims, 4 Drawing Figures





EYEGGLASS RETAINER

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to retainers for eye-glasses comprising head bands that fit around the rear of the head and attach to the temples or bows of the glasses.

2. Prior Art

In the prior art, various retainers for eye-glasses have been advanced which hold spectacles through the use of a band around the head. These devices have worked well in many instances, but attractive, low cost, and efficient head bands which will comfortably hold the eye-glasses in position for use are still desired.

U.S. Pat. No. 2,481,946 illustrates a neck retainer for spectacles which has a small tubular member attached to a fabric strap which fits around the neck, and holds the glasses in position when the eye-glasses are actually off. In other words, the strap is to hold the glasses in place around a person's neck, rather than retain the glasses in position during use.

A similar device is shown in U.S. Pat. No. 2,704,961 where a neck strap is utilized for retaining the eye-glasses in position when the glasses are removed from the face and are supported around the neck.

A device for retaining eye-glasses or spectacles on the head comprising members that are designed to replace the normal eye supported bow pieces is shown in U.S. Pat. No. 1,819,738. In this patent, short temple pieces are utilized and an elongated band (bow) that fits around the back of the head is made of a resilient material and is fastened to the temples through tubular connectors. Suitable adjustment devices may be utilized with the spectacle support, and thus used to hold the glasses in position on the face during use.

U.S. Pat. No. 3,450,467 illustrates a spectacle retainer that grips the spectacles, and attaches to the temple pieces or bows of the spectacles to hold the spectacles in position. A type of neck strap for supporting eye-glasses when removed is shown in U.S. Pat. No. 3,879,804 which illustrates a band that clips onto spectacles or goggles and will grip these spectacles or goggles through a tightening loop connection. A similar type device is shown in U.S. Pat. No. 3,874,776.

U.S. Pat. No. 3,502,396 illustrates a nonstretch adjustable eye-glass holder that fits behind the head during use and has a series of holes for a fastener that provide for adjustment of the length of the strap after the strap has been attached to the bows or temple pieces of the eye-glasses.

SUMMARY OF THE INVENTION

The present invention relates to an eye-glass retainer for holding eye-glasses in position on the head during use. The device comprises an elastic or resilient material such as a foam that is made from a band having formed tubular members at opposite ends thereof a suitable distance apart. The tubular members are made of size so that they will slip over the temples (or bow pieces) of eye-glasses and be frictionally retained. Adjustment of the force of holding of the eye-glasses is made by sliding the tubular members along the temples to a desired position.

In the preferred form of the invention the band will be made of a closed cell neoprene foam material covered with a woven cloth material that adheres to the

neoprene and is held in place across the entire surface on the neoprene surface. The material may be foam backed Nylon Tricot. The fabric material is placed on the interior of the tubular members formed for sliding over the temples or bow pieces of the eye-glasses and when the tubular members are stretched, for example, as when the band that goes around the head is placed under tension, the woven material will tend to tighten down onto the temples or bow pieces of the glasses through an action similar to that which occurs with a "chinese finger trap" wherein a tension placed on a tube of woven material will tighten it down or tend to make it of smaller diameter, while compression will tend to extend it.

Both sides of the retainer band can be covered with material if desired. It is important that the interior of the foam (rubber) tubular member be covered with cloth to permit the tube to be slid over the temple pieces and to be adjusted with some ease.

The band is placed around the head behind the ears, thereby holding the glasses in position under a slight tension. The device is not primarily designed as a neck strap for supporting the eye-glasses when removed from the eyes, although it may be used as such if desired. Additionally, the band may be made so that it can provide floatation for people using glasses during sporting events or water activities. This can be done merely by adding additional layers of neoprene foam to an existing band, or making the band sufficiently wide and thick (as shown herein) to provide adequate floatation for the glasses with which they are used.

When the band is in position it can be adjusted to exert a tension directly back rearwardly on the eye-glasses themselves without exerting any downward pressure on the glasses and thus it holds the glasses comfortably and securely. The eye-glasses also can be pushed up to the forehead and held in position with the band remaining around the wearers head behind the ears. The device is intended for use at any time desired, but generally, the user will be engaged in physical activities, such as sports or outdoor activities when the retainer is used.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view illustrating eye-glasses having a retainer made according to the present invention installed thereon;

FIG. 2 is an enlarged fragmentary side view of a retainer band end portion which fits over the bows of eye-glasses as shown in FIG. 1;

FIG. 3 is a sectional view taken generally as on line 3—3 in FIG. 2 but with the eye-glass bow removed; and

FIG. 4 is a part schematic plan view of an enlarged band utilized for floatation purposes prior to being formed into a retainer made according to the present invention.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to FIG. 1, a pair of eye-glasses illustrated generally at 10 as shown has lenses 11,11, a main frame 12 for the lenses, and temples or bow pieces indicated generally at 13,13 hingedly attached to the main frame of the eye-glasses in the normal manner. Bow pieces 13 have ear retainers 14, as shown on one side of FIG. 1 (the other ear piece is hidden in the perspective view), and a retainer strap made according to the present in-

vention illustrated at 15 is slipped onto the bows of the eye-glasses.

The retainer strap comprises a flat strap member 16, a first tubular member 17, and a second tubular member 18 at the opposite ends of the strap. The first and second tubular members 17 and 18 are formed by folding or rolling the strap into a tubular foam and then affixing the edges of the flat band together along the junction line 17A (for member 17) as shown generally in FIG. 2. The edges can be fused or glued together or the band can be molded initially with tubular members at its ends. The tubular members are open at both ends so they slip onto the straight portions of the bows and the ear pieces extend out as shown.

The strap itself is made of a piece of resilient or elastic material such as closed cell neoprene foam, in the preferred foam, or some other suitable resilient material covered with a fabric layer such as Nylon Tricot on at least the interior side shown in FIG. 2. When the tubular members 17 and 18 are formed the interior of the formed tubes will be lined with a fabric material as generally indicated at 20 in FIG. 3.

The closed cell foam can be of any desired thickness, and as known, closed cell foam floats so that if eye-glasses are dropped in water when they have a retainer of the present invention installed on them the retainer will tend to support the eye-glasses in the water.

The retainer is utilized by slipping the tubular end portions 17 and 18 over the eye-glass temples, and adjusting the tubular portion so that the flat band portion 16 is under sufficient tension around the back of a user's head to hold the eye-glasses under light tension rearwardly on the nose and adjacent the eyes during use.

It should be noted that in adjustment, the tubular members 17 and 18 may be slid along the temples or bow pieces because of the fabric layer, and as tension is exerted from flat portion 16, which tends to pull on the tubular members, the fabric covering the bow pieces, and against which the neoprene foam is mounted, will tend to elongate and tighten down onto the bow pieces much in the manner of the so-called woven chinese finger traps. However, adjustment can easily be effected by placing the tubular members 17 and 18 under compression or pushing them off or on as desired. However, tension does tend to be resisted by tightening the fabric portions down onto the bow pieces and by friction. Note in FIG. 1 that tubular member 17 is slid all the way to the hinge of the bow piece while tube 18 is retracted slightly.

It can be seen that in automatically forming the tubular members 17 and 18 they can be formed quickly, and could even be molded into position on the ends of the band.

The glasses can be worn comfortably and securely on the forehead when not in use by merely permitting the band 16 to stretch as the glasses are raised. The ear pieces of the glasses go through the tubular members 17 and 18 as shown in FIG. 1, so that they protrude out and fit over the ears of the user.

By sliding the tubular members 17 and 18 along the side bow pieces, the foam material provides a cushion

between the head and the bow pieces for greater comfort as well. The tension from the band 16 is directly rearward on the temples or bow pieces and there is no downward pressure exerted on the ears. This makes the device very comfortable to use.

No mechanical fasteners are necessary, as shown, and the quick, easy installation of the tubular members formed from a unitary band of elastic, foam type material provides for easy adjustment, low cost and attractive usage.

Referring to FIG. 4, the flat layout of a band that has a wider body portion indicated generally at 25 is illustrated. The body portion 25 is wider than the band shown in FIG. 2, and the flat layout for the tubular pieces indicated at 26 would be the same width as the band when in FIG. 2. The tubular pieces can be formed from this portion 26 merely by rolling them and forming them along the junction line of the two edges as shown in dotted lines. The center dotted line in FIG. 4 represents the junction line and the outer dotted line represents the edges of the tubular member that is formed.

The wider piece 25 provides for greater floatation when closed cell foam is used so that it is insured that the glasses will float when dropped into water and when attached to the retainer.

The device is easily installed, low cost, easily adjusted and easily carried when not in use. Because it is made in one piece there are no pieces to be lost such as separate mechanical fasteners.

What is claimed is:

1. An eye-glass retainer comprising a band of material, means at opposite ends of said band forming tubular members secured to said band and open at both ends, said band and tubular members being from a unitary piece of material, said means forming the tubular members comprising end portions of the band rolled into open ended tubes and held in tubular shape, said material comprising an elastic material having a fabric backing on at least one side thereof and lining the interior of said tubular members, the tubular members being of size to slip over and grip the temples of eye-glasses to be retained, and said band being of length to exert a resilient rearward force on the eye-glasses when in place around the head of a wearer of such eye-glasses on which the tubular members are placed, said elastic material constituting means for resiliently transmitting tension said from the band to the tubular members and said fabric backing constituting means for transmitting the resilient force to said temples and which fabric will tend to elongate and tighten onto the temples of the eye-glasses under the action of said force.

2. The combination of claim 1 wherein said band is made of elastomeric foam material.

3. The combination of claim 1 wherein said band is made of an elastomeric foam material and is of sufficient size to provide floatation for a pair of eye-glasses on which the band is used.

4. The combination of claim 2 wherein said fabric is a woven Nylon Tricot material.

* * * * *

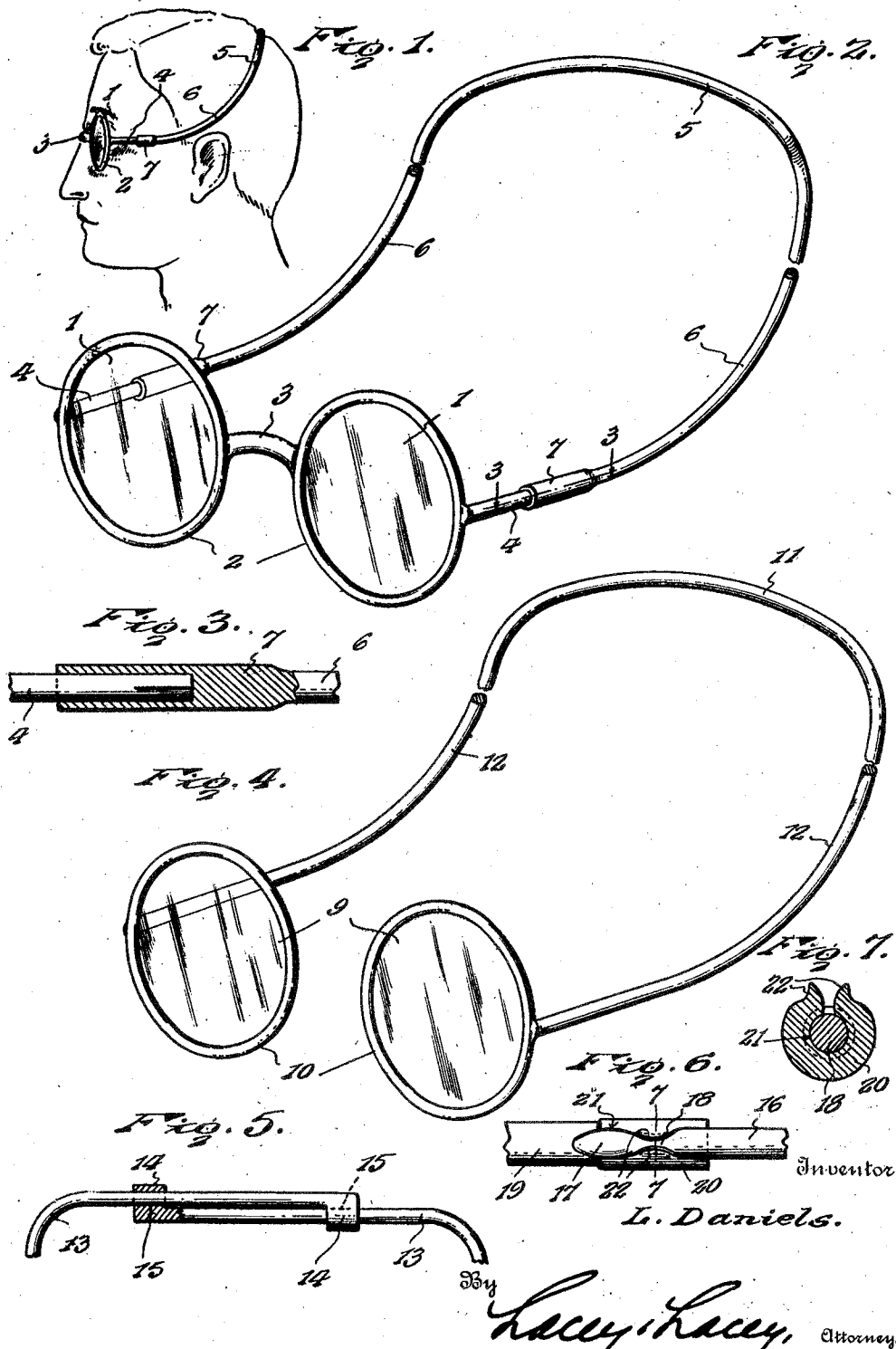
Aug. 18, 1931.

L. DANIELS

1,819,738

SPECTACLES

Filed Feb. 23, 1928



UNITED STATES PATENT OFFICE

LUDLOW DANIELS, OF DALLAS, TEXAS

SPECTACLES

Application filed February 23, 1928. Serial No. 256,333.

This invention relates to optics and more particularly to spectacles having improved temples. At the present time it is customary to provide spectacles with temples which extend rearwardly from the lenses and have their rear end portions curved so that they fit about the ears. This has been found to be uncomfortable as the spectacles are then balanced at the ears and their weight is principally borne by the bridge or nose piece which extends across and rests upon the upper portion of the nose. This pressure makes the spectacles uncomfortable as they feel heavy upon the nose and the pressure exerted is such that it forms a groove or depression across the nose and irritates nerves in the nose. In some cases, the temples of the spectacles instead of having their rear end portions curved downwardly are bowed longitudinally to a certain extent so that they fit close against the sides of the head above the ears but this is also uncomfortable as it does not relieve the nose from the weight and pressure of the bridge and in addition the temples by gripping the sides of the head create pressure which is uncomfortable to the wearer and irritates nerves in the side portions of the head.

Therefore, one object of the invention is to provide improved temples which extend over the head in straddling relation thereto and by resting upon the rear portion of the top of the head support the weight of the glasses and thus relieve the nose and side portions of the head from pressure.

Another object of the invention is to permit the improved temples to conform to the size and contour of the head so that they fit properly thereon when the spectacles are in use.

Another object of the invention is to permit the head encircling portions of the temples to be removably engaged with portions projecting rearwardly from the lenses and thereby allow the head encircling portion to be applied to the temples of spectacles already in use or if bought with the glasses removed and transfer to other glasses when necessary.

The invention is illustrated in the accompanying drawings wherein:
Figure 1 is a view showing the improved spectacles in use;
Fig. 2 is an enlarged perspective view of the improved spectacles;
Fig. 3 is a fragmentary longitudinal sectional view taken on the line 3-3 of Fig. 2 and illustrating a form of joint by means of which the temples may be connected with the portions of the temples which project rearwardly from the lenses;
Fig. 4 is a perspective view illustrating a modified form of spectacle;
Fig. 5 is a fragmentary top plan view showing a form of temples which may be readily adjusted transversely of the head in order to properly fit the same;
Fig. 6 is a fragmentary view illustrating a modified form of joint which may be employed in place of that shown in Fig. 3, and
Fig. 7 is a transverse sectional view taken on the line 7-7 of Fig. 6.

The spectacles shown in Figs. 1 and 2 include the usual lenses 1 which are mounted in frames 2 joined by a nose piece or bridge 3. Temples 4 which are hinged to the frames 2 in the usual manner project rearwardly therefrom and will preferably be of approximately the length shown in Fig. 1, although they may be longer or shorter if so desired. It will be obvious that, if desired, the frames 2 may be omitted and the bridge 3 and temples 4 connected to the lenses in a conventional manner. The bow 5 which straddles the head transversely thereof is preferably formed of resilient metal, although celluloid or any other suitable composition which will permit it to be coiled when the spectacles are placed in a case may be employed. This bowed portion which may be referred to as part of the temples extends transversely across the top of the head adjacent the rear portion thereof and its arms 6 extend downwardly at opposite sides of the head above the ears and are then curved to project forwardly and have their free end portions 7 which may be of increased diameter, as shown in

in Fig. 3, formed with longitudinally extending pockets 8 to receive the rear end portions of the temples 4. It will thus be seen that the bowed portion which connects the temples may be supplied with the spectacles when sold or it may be sold as a separate article of manufacture and applied to the temples of spectacles already in use by merely cutting the temples at the proper distance from the lenses and fitting their end portions into the pockets.

In Fig. 4, there has been shown an embodiment of the invention in which the lenses 9 are mounted in frames 10 which are unconnected by a nose piece or bridge. The bow 11 shown in this figure is similar in construction to the bow 5 shown in Fig. 2, except that its arms 12 are of greater length than the arms 6 and instead of being formed with pockets to receive the rear ends of temples 4 are extended forwardly a sufficient distance to permit them to be connected with the frames 10. The forward ends of the arms 12 may be hinged or otherwise connected to the frames or the frames may be omitted and the temples directly applied to the lenses. When this form is employed, the resiliency of the material from which the temples are formed retains the lenses in proper spaced relation to each other in front of the eyes and as no bridge or nose piece is employed there will be no pressure whatever upon the nose.

Referring to Fig. 5, it will be seen that if it is desired to permit the temples to be adjusted transversely of the head after being applied the bowed portion may consist of separate members 13 instead of being formed from a single strand of material. These members 13 have their upper portions extending toward each other and overlapping and each is formed with a side extension 14 having an opening or bore 15 formed therein so that each member may be threaded through the opening 15 of the companion member. Therefore, the two members will be slidably connected but there will be sufficient frictional binding between the members to prevent them from slipping out of a set position when in use. It will thus be seen that temples of this type which are made to fit heads of an approximate size may be adjusted to accurately fit the individual head and they will be very comfortable when in use.

In Figs. 6 and 7, there has been illustrated a form of joint which may be employed in place of the joint shown in Fig. 3. When this form of joint is employed, the temples 16 which correspond to the temples 4 have their rear end portions ground to define a tapered head 17 which is joined to the body portion of the temple by a reduced neck 18. The arms 19 of the bow terminate in end portions 20 which are of increased diameter simi-

lar to the end portion 7 but of less length. Each of these end portions is formed with a longitudinally extending groove or pocket 21 of a diameter and contour to snugly receive the free end portion of the companion arm 16 of the bow and the intermediate portions of the side walls of the pocket are extended toward each other and then curved away from each other, as shown in Fig. 7, to provide jaws 22 which fit about the neck 18 of the arm 16. Since the material from which the temple is made is resilient, the arm of the bow can be forced into the seat or pocket 21 and it will be firmly gripped between the jaws and retained in place until the temple and bowed arm are grasped and force exerted to separate them.

When the spectacles are in use, the bowed portion of the improved temples fits about the head in straddling relation thereto and rests upon the top of the head adjacent the rear portion thereof along a line which would pass over the head above and slightly back of the ears with its arms extended downwardly at opposite sides of the head above the ears. The lenses are disposed in front of the eyes as is usual and the temples 4 or forward end portions of the arms 12 extend from the lenses along the sides of the face until they are joined to or merge into the arms of the bowed portion. By this arrangement the lenses will be firmly held in proper position with respect to the eyes but the nose and the ears will be relieved from pressure which ordinarily causes spectacles to be uncomfortable.

It is necessary for the bowed portion of the improved temples to be so adjusted as to fit the head at the point indicated, i. e. back of the tips of the ears. If the bowed portion is too far forward, it will not hold the spectacles securely and there will be a tendency for them to slip or wobble and if the bowed portion is fitted too far back on the head this will cause the spectacle frame to press against the nose. But fitted as indicated at a point slightly back of a line from the tips of the ears over the head it will be found that the spectacle frame will remain firmly in position under any circumstances and at the same time be so comfortable that no sense of contact at all will be felt when it is being worn.

Having thus described the invention, I claim:

1. Spectacles comprising lenses, and temples connected therewith and provided with straight forward end portions to extend rearwardly from the lenses towards a person's ears at opposite sides of the face and rear portions curved upwardly at a rearward incline and united to form a bow adapted to straddle a person's head transversely thereof rearwardly of the ears.

2. Spectacles including lenses, and temples comprising a bow adapted to straddle a person's head and having a bridge portion to

extend across the top of a person's head transversely thereof back of the ears and arms extending downwardly from the bridge, the arms being curved downwardly and forwardly to bear against sides of a person's face above the ears and having horizontally disposed front end portions connected with the lenses.

3. Spectacles including lenses, and temples comprising a bow adapted to straddle a person's head and having a bridge portion to extend across the top of a person's head transversely thereof and arms sloping downwardly and forwardly from the bridge and terminating in front end portions disposed horizontally transversely of the bridge and connected to the lenses.

4. Spectacles including lenses, and temples comprising a bow adapted to straddle a person's head and having a bridge portion to extend across the top of a person's head transversely thereof and arms sloping downwardly and forwardly from the bridge and terminating in front end portions connected to the lenses.

In testimony whereof I affix my signature.

LUDLOW DANIELS. [L. S.]

Electronic Patent Application Fee Transmittal

Application Number:	12991668			
Filing Date:	08-Nov-2010			
Title of Invention:	Eye Wear Retention Device			
First Named Inventor/Applicant Name:	Ronald Wade Williams			
Filer:	Paul Matthew Sykes/Donita Evans			
Attorney Docket Number:	P104825USJB			
Filed as Small Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition fee- 37 CFR 1.17(h) (Group III)	1464	1	130	130
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:	Page 186 Chums, Inc. et al. Ex. 1013			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				130

Electronic Acknowledgement Receipt

EFS ID:	12709344
Application Number:	12991668
International Application Number:	
Confirmation Number:	1475
Title of Invention:	Eye Wear Retention Device
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Paul Matthew Sykes/Donita Evans
Filer Authorized By:	Paul Matthew Sykes
Attorney Docket Number:	P104825USJB
Receipt Date:	04-MAY-2012
Filing Date:	08-NOV-2010
Time Stamp:	16:57:37
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 130
RAM confirmation Number	3774
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part / Zip	Pages (if appl.)
Page 188		Chum...

1		12991668pet.pdf	4481516 393cef85ee60d3e9bf6e2db90945ab8d988aa41b	yes	34				
	Multipart Description/PDF files in .zip description								
	Document Description		Start	End					
	Miscellaneous Incoming Letter		1	3					
	Petition for review by the Office of Petitions.		4	34					
Warnings:									
Information:									
2	Fee Worksheet (SB06)	fee-info.pdf	30416 8da944cd6b323deb00f873cee9c95f8f58f79419	no	2				
Warnings:									
Information:									
Total Files Size (in bytes):			4511932						
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>									



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May 4, 2012

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: U.S. Patent Application Number: 12/991,668
Filed: November 8, 2010
First Named Inventor: Ronald Wade Williams
Attorney Docket No: P104825USJB
Invention Title: EYE WEAR RETENTION DEVICE

Dear Commissioner:

Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Petition to Make Special Based on Actual Infringement (2 pages)
3. Exhibit A (2 pages)
4. U.S. Patent Application Publication No. 2007/0046889 (16 pages)
5. U.S. Patent No. 3450467 (3 pages)
6. U.S. Patent No. 4133604 (4 pages)
7. U.S. Patent No. 1819738 (4 pages)

Please do not hesitate to contact the undersigned by telephone at 205-521-8766 or by facsimile at 205-488-6766 if further action is required.

Sincerely,

Paul M. Sykes
Registration No. 43,942

Enclosures

1/2328274.1

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT

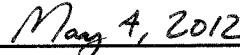
All fees due are believed to be paid herewith. However, if, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining small entity fees, charges, and other sums due to Deposit Account Number 50-0954.



Paul M. Sykes

Attorney for Applicant

Registration No. 43,942



Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION

I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Petition to Make Special Based on Actual Infringement (2 pages)
3. Exhibit A (2 pages)
4. U.S. Patent Application Publication No. 2007/0046889 (16 pages)
5. U.S. Patent No. 3450467 (3 pages)
6. U.S. Patent No. 4133604 (4 pages)
7. U.S. Patent No. 1819738 (4 pages)

Total 7 Documents 34 pages.

and are being submitted via the EFS Web of the United States Patent & Trademark Office on **May 4, 2012.**

Date: _____

5-4-12



Donita Evans



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB	1475

23378 7590 06/13/2012
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

EXAMINER

MAI, HUY KIM

ART UNIT	PAPER NUMBER
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2872

MAIL DATE	DELIVERY MODE
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06/13/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/991,668	Applicant(s) WILLIAMS, RONALD WADE	
	Examiner HUY K. MAI	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 33-46 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 33-46 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☒ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 08 November 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/12</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on March 22, 2012 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. The abstract of the disclosure is objected to because the abstract must commence on a separate sheet and any sheet including an abstract or a portion of an abstract may not contain any other parts of the application or other material. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 40, the phrase “sufficient resiliency” (claim 40, line 2) was held to be indefinite because the specification lacks some standard for measuring the degree intended. How the resiliency is called “sufficient”?

The limitations in claim 40 are unclear how "said cable projects from said retainers into an arc suspended in the air"? If the invention of claim 40 placed on a surface, it may touch the surface instead of project into an arc suspended in the air as claimed.

The remaining claims are dependent upon the rejected base claim and thus inherit the deficiency thereof.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 33-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 8,092,009, hereinafter the '009 patent. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed invention as claimed in claim 33 is substantially the same as that in claim 1 of the '009 patent. All elements claimed in claim 33 in the present patent application are included in claim 1 of the '009 patent. These elements in the present application perform the same function as those of the elements in claim 1 of the '009 patent. Thus, the invention claimed in claim 33 is substantially identical to that in claim 1 of the '009 patent.

Regarding claim 34 and 35, since one material has properties better than another material, it would have been obvious to a worker having general skill in this art to select a known material on the basis of its suitability for intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Therefore the claimed invention in claims 41 and 42 is unpatentable distinct from the claims 1-2 of the '009 parent because its suitable material is intended used as a matter of obvious choice as discussed above.

Regarding claims 36-39, although claim 1 of the '009 parent does not detail the structure and/or characteristic of the temple retainer as claimed in claims 36-39, these structure and/or characteristic would inherently include in the temple retainer of the '009 parent while the angle which normalizes the direction of the cable rearward from the wearer's head would inherently include in the convention temple of the eyeglasses. Thus the invention in claims 36-39 is substantially included to that in claims 1 of the '009 patent.

7. Claim 40-46 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 8,092,009, hereinafter the

Art Unit: 2872

'009 patent. Although the conflicting claims are not identical, they are not patentably distinct from each other because all elements claimed in claim 40 in the present patent application are included in claims 1-2 of the '009 patent. The claim in the instant application are broader than those of the '009 patent; therefore any apparatus meeting the limitations of the '009 patent would necessarily meet those of the instant application.

Regarding claim 41 and 42, since one material has properties better than another material, it would have been obvious to a worker having general skill in this art to select a known material on the basis of its suitability for intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Therefore the claimed invention in claims 41 and 42 is unpatentably distinct from the claims 1-2 of the '009 parent because its suitable material is intended used as a matter of obvious choice, as discussed above.

Regarding claims 43-46, although claims 1 and 2 of the '009 parent does not detail the structure and/or characteristic of the temple retainer as claimed in claims 43-46, these structure and/or characteristic would inherently include in the temple retainer of the '009 parent while the angle which normalizes the direction of the cable rearward from the wearer's head would inherently include in the convention temple of the eyeglasses. Thus the invention in claims 43-46 is substantially included to that in claims 1 and 2 of the '009 patent.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 33-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (1,819,738) in view of Miller et al. (2007/0046889).

Regarding claims 33, 36-40 and 43-46, Daniels (Figs 1-3) discloses an eyewear retention device comprising: two temple retainers 7, each having an opening for receiving an eyeglass temple 4 (see Fig.3), and a bow 5, each end of the bow 5 being secured to one of the temple retainers 7, such that when each said opening is attached to the end of an eyeglass temple 4 and the eyeglasses are worn over the ears of a wearer, the cable forms an arc suspended above the wearer's neck; wherein the bow 5 is preferably formed of resilient material., or any other suitable composition which will permit it to be coiled when the spectacles are placed in a case may be employed. However, Daniels does not suggest a cable for the bow. Miller et al (page 1, column 2, Para[0011]) discloses a flexible temple assembly wherein the flexible temple material can be clear monofilament polymer, cable, coaxial cable or tubing. Therefore it would have been obvious at the time the invention was made to those skilled in the art in taken the Daniels's device in consideration of Miller et al.'s teachings to produce the claimed invention by forming a cable connecting between two temple retainer as taught by Miller et al for providing an eyewear retention device.

Regarding claims 34, 35, 41 and 42, the claims invention in claims 34, 35, 41 and 42 are shown in Daniels in view of Miller as discussed above, except for the material of the cable. Since one material has properties better than another material, it would have been obvious to a worker having general skill in this art to select a known material on the basis of its suitability for intended used as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

/Huy Mai/

Primary Examiner, Art Unit 2872

HM

June 11, 2012

Notice of References Cited	Application/Control No. 12/991,668		Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE	
	Examiner HUY K. MAI		Art Unit 2872	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-1,819,738	08-1931	LUDLOW DANIELS	351/156
*	B	US-8,092,009	01-2012	Williams, Ronald	351/156
*	C	US-2007/0046889	03-2007	Miller et al.	351/062
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

SEARCHED			
Class	Subclass	Date	Examiner
351	41,157-158	6/4/12	/HM/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST:USPGPUB, USPAT, EPO, JPO, IBM_TDB. See search note attached.	6/4/12	/HM/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/HUY K MAI/ Primary Examiner.Art Unit 2872
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	988	351/41.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:07
L2	65212	eyeglasses or sunglasses or spectacles or eyewear or goggles	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:10
L3	129010	temple or earpiece or (ear adj piece) or earstem or (ear adj stem) or bow	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:10
L4	9414	2 and 3	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:10
L5	216371	retainer	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:11
L6	627	4 and 5	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:11
L7	83	6 and cable	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:11
L8	91	6 and suspend\$5	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:12
L9	13	"1819738".pn. or "2704961".pn. or "3450467".pn. or "4133604".pn. or "5092668".pn. or "5575042".pn. or "5664291".pn. or "6053612".pn. or "6644808".pn. or "6941619".pn.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:23
L10	2	"7284855".pn. or "7467867".pn.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:24
L11	1	D607919.pn.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/06/04 11:24

EAST Search History (Interference)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	12/991,668
Filing Date	November 8, 2010
First Named Inventor	Ronald Wade Williams
Art Unit	2873
Examiner Name	Mai, Huy Kim
Attorney Docket Number	P104825USJB

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	1819738		1931-08-18	Ludlow	
	2	2704961		1955-03-29	Weil	
	3	3450467		1969-06-17	Phillips	
	4	4133604		1979-01-09	Fuller	
	5	5092668		1992-03-03	Welch	
	6	5575042		1996-11-19	Kalbach	
	7	5664291		1997-09-09	Stoller	
	8	6053612		2000-04-25	Macintosh	
	9	6644808		2003-11-11	Liu	
	10	6941619		2005-09-13	MacKay	

**INFORMATION DISCLOSURE
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Attorney Docket Number	P104825USJB

11	7284855	2007-10-23	Bent	
12	7467867	2008-12-23	Williams	
13	D607919	2010-01-12	Williams	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	2007/0046889		2007-03-01	Miller	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Numbers	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	JP2001-209014	JP		2001-08-03	Sekiguchi		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	First Package July 2008	<input type="checkbox"/>

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	12/991,668
Filing Date	November 8, 2010
First Named Inventor	Ronald Wade Williams
Art Unit	2873
Examiner Name	Mai, Huy Kim
Attorney Docket Number	P104825USJB

2	Yellow Mannequin July 2008	<input type="checkbox"/>
3	Product Flyer July 2008	<input type="checkbox"/>
4	Second Package December 2008	<input type="checkbox"/>
5	January 2009 Show Literature	<input type="checkbox"/>
6	First Brochure April 2009	<input type="checkbox"/>
7	Third Package April 2009	<input type="checkbox"/>
8	US Trademark Application 77171760, filing date 05/03/2007.	<input type="checkbox"/>
9	Masahi, HONDA "International Preliminary Report on Patentability" (for PCT/US09/43156), International Bureau of WIPO, November 9, 2010	<input type="checkbox"/>

EXAMINER SIGNATURE

Examiner Signature	/Huy Mai/ (06/04/2012)	Date Considered	06/04/2012
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard T.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12/991,668
	Filing Date	November 8, 2010
	First Named Inventor	Ronald Wade Williams
	Art Unit	2873
	Examiner Name	Mai, Huy Kim
	Attorney Docket Number	P104825USJB

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).
- ☐ See attached certification statement.
- ☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ None


SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	<i>Nicholas J. Landau</i>	Date (YYYY-MM-DD)	2012-03-22
Name/Print	NICHOLAS J. LANDAU	Registration Number	57,120


/Huy Mai/ (06/04/2012)

06/04/2012

<i>Index of Claims</i> 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	06/05/2012							
	1	-							
	2	-							
	3	-							
	4	-							
	5	-							
	6	-							
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	26	-							
	27	-							
	28	-							
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	30	-							
	31	-							
	32	-							
	33	✓							
	34	✓							
	35	✓							
	36	✓							

<i>Index of Claims</i> 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	06/05/2012							
	37	✓							
	38	✓							
	39	✓							
	40	✓							
	41	✓							
	42	✓							
	43	✓							
	44	✓							
	45	✓							
	46	✓							



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BIB DATA SHEET

CONFIRMATION NO. 1475

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/991,668	11/08/2010	351	2872	P104825USJB		
RULE						
APPLICANTS Ronald Wade Williams, Birmingham, AL; ** CONTINUING DATA ***** This application is a 371 of PCT/US09/43156 05/07/2009 which is a CON of 12/142,323 06/19/2008 PAT 7,467,867 which claims benefit of 61/051,539 05/08/2008 and said PCT/US09/43156 05/07/2009 claims benefit of 61/051,539 05/08/2008 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 11/29/2010						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /HUY KIM MAI/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
			AL	5	8	1
ADDRESS BRADLEY ARANT BOULT CUMMINGS LLP INTELLECTUAL PROPERTY DEPARTMENT 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104 UNITED STATES						
TITLE Eye Wear Retention Device						
FILING FEE RECEIVED 490	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees		
				<input type="checkbox"/> 1.16 Fees (Filing)		
				<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)		
				<input type="checkbox"/> 1.18 Fees (Issue)		
				<input type="checkbox"/> Other _____		
				<input type="checkbox"/> Credit		



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB	1475
23378	7590	10/19/2012		
BRADLEY ARANT BOULT CUMMINGS LLP INTELLECTUAL PROPERTY DEPARTMENT 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104			EXAMINER MAI, HUY KIM	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 10/19/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

In re Application of:
Ronald WILLIAMS
Serial No.: 12/991668
Filed: 8 November 2010

Title: **EYE WEAR RETENTION DEVICE**

DECISION ON PETITION TO
MAKE SPECIAL FOR NEW
APPLICATION UNDER 37
C.F.R. § 1.102 & M.P.E.P. §
708.02

This is a decision on the petition filed on 4 May 2012 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

Decision on Petition

Discussion

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. Petitions to make special, such as petitions to make special based on infringement, will be processed using the revised procedure for accelerated examination. Under the new procedure, at the time of filing the applicant must provide a statement that a pre-examination search in compliance with requirement (5), above, was conducted. Additionally, at the time of filing, the applicant must provide an accelerated examination support document in compliance with requirement (6), above. Consequently, this application is not eligible for the accelerated examination procedure under 37 C.F.R. § 1.102(d). A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) may be found at www.USPTO.gov under the accelerated examination link.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Day, TC 2800 Quality Assurance Specialist (QAS), at (571) 272-1568.

/Michael Day/

Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

<i>Applicant-Initiated Interview Summary</i>	Application No. 12/991,668	Applicant(s) WILLIAMS, RONALD WADE	
	Examiner HUY K. MAI	Art Unit 2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) HUY K. MAI. (3) ____.

(2) PAUL M. SYKES. (4) ____.

Date of Interview: 06 November 2012.

Type: ☒ Telephonic ☐ Video Conference
 ☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
 If Yes, brief description: ____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 33-46.

Identification of prior art discussed: Daniels and Miller et al.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The applicant intends to propose an amendment to cancel claim 40 and amend claim 33 by adding the phrase "the cable extends rearwardly from the wearer's head". Such a propose amendment in claim 33 would overcome the 103 rejection over Daniels in view of Miller et al. The applicant also intends to propose a new claim with the language of a resilient member insead of a cable..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/HUY K MAI/ Primary Examiner, Art Unit 2872	
--	--

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	12/991,668	Confirmation No:	1475
Filed:	November 8, 2010	Art Unit:	2873
Applicant:	Ronald Wade WILLIAMS		
Examiner:	Mack, Ricky Levern		
Attorney Docket No:	P104825USJB		
Title:	Eye Wear Retention Device		

RESPONSE TO OFFICE ACTION

Via EFS Web

Commissioner for Patents
Washington, DC 20231

Sir/Madam:

This paper is filed in response to the Office Action of June 13, 2012.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Specification begin on page 5 of this paper.

Remarks begin on page 6 of this paper.

CLAIMS

1-32 (Cancelled)

33. (Currently Amended) An eyewear retention device comprising two temple retainers connected by a resilient cable, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the cable extends rearward from the head of the wearer and is suspended off the neck of the wearer.

34. (Previously Presented) The device of claim 33, wherein said cable is made from a metallic core coated in a smooth casing.

35. (Previously Presented) The device of claim 33, wherein said cable comprises a material selected from the group consisting of twisted wire, resilient plastic and carbon fiber.

36. (Previously Presented) The device of claim 33, wherein each of said temple retainers comprises an opening for receiving the temple of a pair of eyeglasses.

37. (Previously Presented) The device of claim 36, wherein each said temple retainer comprises a front portion and a back portion, said front portion comprising said opening and said back portion being connected to said cable.

38. (Previously Presented) The device of claim 36, wherein said temple retainer is retained on an eyeglass temple by a friction fit.

39. (Previously Presented) The device of claim 36, wherein each of said eyeglass temple retainers includes an angle which normalizes the direction of the cable rearward from the wearer's head in response to a curved end portion of an eyeglass temple.

40. (Canceled)

41. (Currently Amended) The device of claim 47 40, wherein said resilient member is a cable is made from a metallic core coated in a smooth casing.

42. (Currently Amended) The device of claim 47 40, wherein said resilient member ~~eable~~ comprises a material selected from the group consisting of twisted wire, resilient plastic and carbon fiber.

43. (Currently Amended) The device of claim 47 40, wherein each of said temple retainers comprises an opening for receiving the temple of a pair of eyeglasses.

44. (Previously presented) The device of claim 43, wherein each said temple retainer comprises a front portion and a back portion, said front portion comprising said opening and said back portion being connected to said cable.

45. (Previously presented) The device of claim 43, wherein said temple retainer is retained on an eyeglass temple by a friction fit.

46. (Currently Amended) The device of claim 47 40, wherein each of said eyeglass temple retainers includes an angle which normalizes the direction of the cable rearward from a wearer's head in response to a curved end portion of an eyeglass temple.

47. (New) An eyewear retention device comprising two temple retainers connected by a resilient member, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the resilient member extends rearward from the head of the wearer and is suspended off the neck of the wearer.

48. (New) The device of claim 47, wherein said resilient member comprises a cable having a proximal end and a distal end, each end of said cable secured to one of said temple retainers.

49. (New) The device of claim 47, wherein when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, said resilient member forms an arc suspended substantially in the air.

50. (New) The device of claim 33, wherein when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, said cable forms an arc suspended substantially in the air.

AMENDMENTS TO THE SPECIFICATION

Please delete the section entitled "Abstract" from the specification and insert the following Abstract, beginning on a new separate sheet:

An eyewear retention device that comprises two temple retainers connected by a resilient member, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the resilient member extends rearward from the head of the wearer and is suspended off the neck of the wearer. The resilient member may be cabling with a smooth plastic outer sheath.

REMARKS

Summary of Examiner Interview

1. An interview was held between Examiner Mai and Paul Sykes, attorney for the Applicant, on November 6, 2012. The pending office action, the language of claim 33, and the Daniels and Miller references were discussed. Examiner Mai agreed that claim 33 would be allowable over the prior art of record if it is clarified that the cable “extends rearward from the head of the wearer.” The Applicant has amended the claims accordingly.

Objection to Specification

2. With respect to the objection to the Abstract not beginning on a separate sheet, the Applicant has amended the specification as provided above to delete the Abstract that was objected to, and replace it with the Abstract above, beginning on a separate sheet.

Double Patenting

3. With respect to the nonstatutory double patenting rejection, the applicant has filed with this paper a terminal disclaimer showing that the application is commonly owned with U.S. Pat. No. 8,092,009.

Claim Rejections 35 USC § 103 and § 112

4. The Applicant amends the claims herein. Applicant submits that no new matter has been added to the claims. Applicant makes these amendments for the sole

purpose of facilitating the expeditious allowance of any subject matter identified as allowable by the Examiner. Applicant makes no admission herein that any cancelled or amended claims (including claim 40) in their original form is non-patentable; Applicant makes no disclaimer of the subject matter of any cancelled or amended claims or dedicate them to the public. If any such disclaimers are believed to have been made, Applicants explicitly rescind them for the purpose of future applications to permit recapture of the original subject matter of any cancelled or amended claims. Applicants reserve the right to file future applications for letters patent directed to the original subject matter of any cancelled or amended claims.

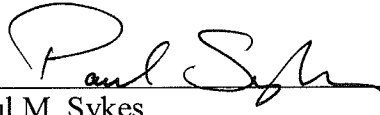
6. As discussed in the interview, the Applicant has amended claim 33 to provide that the cable extends rearward from the wearer's head. The applicant has added new independent claim 47. New claim 47 is believed to be allowable because the prior art of record does not teach an eyeglass retainer comprising a first temple retainer and a second temple retainer connected to one another by a resilient member that extends rearward from the wearer's head and is suspended off the wearer's neck when the temple retainers are attached to the temples of a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer. New claim 48 provides that the resilient member may be a cable with each end connected to one of the temple retainers. New claims 49 and 50 provide that the resilient member (claim 49) or cable (claim 50) forms an arc suspended substantially in the air when the eyeglass retainer is attached to the eyeglasses as described in the base claim. The dependency of claims 41–43 and 46 has been amended as appropriate.

CONCLUSION

Applicants respectfully request the consideration of the enclosed remarks and entry of the following submission into the record. If additional action is required that may benefit from a telephone call, Applicants invite a call to its attorney of record, Paul M. Sykes (Reg. No. 43,942). E-mail correspondence and transactions to psykes@babco.com are authorized and encouraged. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT BOULT CUMMINGS LLP

11/6/2012
Date



Paul M. Sykes
Reg. No. 43,942

Electronic Patent Application Fee Transmittal

Application Number:	12991668			
Filing Date:	08-Nov-2010			
Title of Invention:	Eye Wear Retention Device			
First Named Inventor/Applicant Name:	Ronald Wade Williams			
Filer:	Paul Matthew Sykes/Donita Evans			
Attorney Docket Number:	P104825USJB			
Filed as Small Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Statutory or terminal disclaimer	2814	1	80	80
Extension-of-Time:	Page 226 Chums, Inc. et al. Ex. 1013			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	2252	1	285	285
Miscellaneous:				
Total in USD (\$)				365

Electronic Acknowledgement Receipt

EFS ID:	14164698
Application Number:	12991668
International Application Number:	
Confirmation Number:	1475
Title of Invention:	Eye Wear Retention Device
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Paul Matthew Sykes/Donita Evans
Filer Authorized By:	Paul Matthew Sykes
Attorney Docket Number:	P104825USJB
Receipt Date:	06-NOV-2012
Filing Date:	08-NOV-2010
Time Stamp:	18:01:42
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$365
RAM confirmation Number	16855
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part Ext. .zip	Pages (if appl.)
Page 228		Chum...

1		12991668resp.pdf	422173 3692947674f3ee905aa6cc365e4cedb118708870	yes	13
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Transmittal Letter		1	3	
	Extension of Time		4	4	
	Terminal Disclaimer Filed		5	5	
	Amendment/Req. Reconsideration-After Non-Final Reject		6	6	
	Claims		7	9	
	Specification		10	10	
	Applicant Arguments/Remarks Made in an Amendment		11	13	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31799 eca2a3229efd0bc6a6c97adec3be7162134f897a	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			453972		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



BRADLEY ARANT
BOULT CUMMINGS
LLP

Paul M. Sykes
Direct: (205) 521-8766
Fax: (205) 488-4766
psykes@babc.com

November 6, 2012

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: Response to Office Action
Application Number: 12/991,668
Filed: November 8, 2010
First Named Inventor: Ronald Wade Williams
Attorney Docket No: P104825USJB
Invention Title: Eye Wear Retention Device

Dear Commissioner:

The applicants hereby submit a Response to the Office Action for this application. Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Response to Office Action (8 pages)
3. Petition for Extension of Time (1 page)
4. Terminal Disclaimer (1 page)
5. Payment by credit card in the amount of \$365.00 (electronic)

Please do not hesitate to contact the undersigned by telephone at 205-521-8766 or by facsimile at 205-488-4766 if further action is required.

Sincerely,

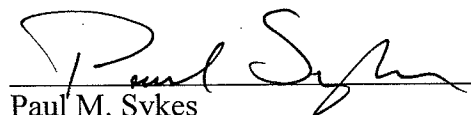
Paul M. Sykes
Registration No. 43,942

Enclosures

1/2407787.1

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT AND PETITION FOR EXTENSION OF TIME

All fees due are believed to be paid herein. However, if, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954. If any extension of time for the accompanying response or submission is required, applicants request that this be considered a petition for such extension of time.



Paul M. Sykes
Attorney for Applicant
Registration No. 43,942

Nov. 6, 2012
Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION


I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Response to Office Action (8 pages)
3. Petition for Extension of Time (1 page)
4. Terminal Disclaimer (1 page)
5. Payment by credit card in the amount of \$365.00 (electronic)

Total 5 Documents 13 pages.

and are being submitted via the EFS Web of the United States Patent & Trademark Office on **November 6, 2012.**

Date: 11-6-2012



Donita Evans

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) P104825USJB
Application Number 12/991668	Filed November 8, 2010	
For EYE WEAR RETENTION DEVICE		
Art Unit 2873	Examiner MAI, Huy Kim	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$150	\$75	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$570	\$285	\$ 285.00
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1,290	\$645	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$2,010	\$1,005	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2,730	\$1,365	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.

☒ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

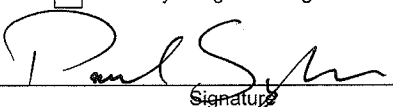
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration number **43,942**

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.



 Paul M. Sykes
 Typed or printed name

November 6, 2012

 Date
 205-521-8766
 Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☒ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

P104825USJB

In re Application of: Ronald Wade Williams

Application No.: 12/991,668

Filed: November 8, 2010

For: Eyewear Retention Device

The owner*, Ronald Wade Williams, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 8,092,009 as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

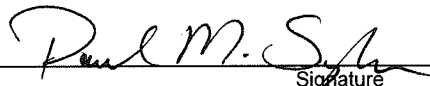
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 43,942



Signature

11/6/2012

Date

Paul M. Sykes

Typed or printed name

205-521-8766

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/991,668		Filing Date 11/08/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=	OR	X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	11/06/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 17	Minus	** 20	= 0	X \$31 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	X \$125 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/KIMBERLY PANNELL/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application Number 	Application/Control No. 12/991,668	Applicant(s)/Patent under Reexamination WILLIAMS, RONALD WADE	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 06 NOV 2012	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

JAB



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

23378 7590 12/17/2012
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

EXAMINER

MAI, HUY KIM

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 12/17/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/991,668

11/08/2010

Ronald Wade Williams

P104825USJB

1475

TITLE OF INVENTION: EYE WEAR RETENTION DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$885	\$300	\$0	\$1185	03/18/2013

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23378 7590 12/17/2012
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/991,668 11/08/2010 Ronald Wade Williams P104825USJB 1475

TITLE OF INVENTION: EYE WEAR RETENTION DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional YES \$885 \$300 \$0 \$1185 03/18/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
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MAI, HUY KIM 2872 351-156000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB	1475

23378 7590 12/17/2012
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

EXAMINER

MAI, HUY KIM

ART UNIT PAPER NUMBER

2872

DATE MAILED: 12/17/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 103 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 103 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	12/991,668	WILLIAMS, RONALD WADE	
	Examiner	Art Unit	
	HUY K. MAI	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and TD filed 11/06/12 and telephone interview 12/03/12.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 33-39,41-50. Claims 1-32 and 40 have been cancelled. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material 4. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ | <ol style="list-style-type: none"> 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 7. <input type="checkbox"/> Other _____ |
|---|--|

/HUY K MAI/
Primary Examiner, Art Unit 2872

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Paul M. Sykes on Dec. 3rd, 2012.

The application has been amended claims 44 and 46 as follows:

Claims:

44. (Currently Amended) The device of claim 43, wherein each said temple retainer comprises a front portion and a back portion, said front portion comprising said opening and said back portion being connected to said ~~cable~~ resilient member.

46. (Currently Amended) The device of claim 47 40, wherein each of said eyeglass temple retainers includes an angle which normalizes the direction of the ~~cable~~ resilient member rearward from a wearer's head in response to a curved end portion of an eyeglass temple.

(NOTE: The remaining claims 33-39, 41-43, 45 and 47-50 have the same status as presented on the previous paper.)

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a combination of all the limitations, as a whole, as claimed in the independent claim 33, wherein the claimed invention comprising two temple retainers connected by a resilient cable, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the cable extends rearward from the head of the wearer and is suspended off the neck of the wearer, as claimed. Similarly, the prior art fails to teach a combination of all the limitations, as a whole, as claimed in the independent claim 47, wherein the claimed invention comprising two temple retainers connected by a resilient member, such that when the temple retainers are attached to a pair of eyeglasses and the eyeglasses are worn over the ears of a wearer, the resilient member extends rearward from the head of the wearer and is suspended off the neck of the wearer, as claimed. The prior art does not disclose or fairly suggest, either alone or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 33 and 47 either under 35 USC 102 or 103. Therefore claims 33-39 and 41-50 could be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

/Huy Mai/

Primary Examiner, Art Unit 2872

HM

December 16, 2012

EAST Search History

EAST Search History (Prior Art)


Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	996	351/41.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 13:51
L2	176	351/157.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 13:51
L3	1167	351/158.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 13:51
L4	317	351/156.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 13:53
L5	103	D16/339.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 13:54
L6	68106	eyeglasses or sunglasses or spectacles or eyewear or goggles	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:00
L7	133294	temple or earpiece or (ear adj piece) or earstem or (ear adj stem) or bow	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:01
L8	68106	6 and 6	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:01
L9	9788	6 and 7	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:01
L10	649	9 and retainer	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:01
L11	16395	351/41-178.ccls.	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:01
L12	356	10 and 11	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:02
L13	64	12 and suspen\$8	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:02
L14	292	12 not 13	US-PGPUB; USPAT; EPO; JPO; IBM_TDB	OR	ON	2012/12/01 14:04

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp


L15	0	(temple and retainer and resilient and cable and suspen\$8).CLM.	US-PGPUB; USPAT; UPAD	OR	ON	2012/12/01 14:24
L16	0	(temple and retainer and resilien\$5 and cable and suspen\$8).CLM.	US-PGPUB; USPAT; UPAD	OR	ON	2012/12/01 14:26
L17	2	(temple and retainer and resilien\$5 and suspen\$8).CLM.	US-PGPUB; USPAT; UPAD	OR	ON	2012/12/01 14:26
L18	5	(temple and retainer and cable and suspen\$8).CLM.	US-PGPUB; USPAT; UPAD	OR	ON	2012/12/01 14:28

12/ 1/ 2012 2:29:27 PM
C:\ Users\ hmai\ Documents\ EAST\ Workspaces\ default.wsp

<i>Index of Claims</i> 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input checked="" type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
CLAIM		DATE													
Final	Original	06/05/2012	12/01/2012												
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	34	✓	=												
	35	✓	=												
	36	✓	=												

<i>Index of Claims</i> 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input checked="" type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
CLAIM		DATE													
Final	Original	06/05/2012	12/01/2012												
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	49		=												
	50		=												




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 1475

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/991,668	11/08/2010	351	2872	P104825USJB		
RULE						
APPLICANTS Ronald Wade Williams, Birmingham, AL; ** CONTINUING DATA ***** This application is a 371 of PCT/US09/43156 05/07/2009 which is a CON of 12/142,323 06/19/2008 PAT 7,467,867 which claims benefit of 61/051,539 05/08/2008 and said PCT/US09/43156 05/07/2009 claims benefit of 61/051,539 05/08/2008 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 11/29/2010						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /HUY KIM MAI/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY AL	SHEETS DRAWINGS 5	TOTAL CLAIMS 17 8	INDEPENDENT CLAIMS 2 1
ADDRESS BRADLEY ARANT BOULT CUMMINGS LLP INTELLECTUAL PROPERTY DEPARTMENT 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104 UNITED STATES						
TITLE Eye Wear Retention Device						
FILING FEE RECEIVED 490	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

Search Notes 	Application/Control No. 12991668	Applicant(s)/Patent Under Reexamination WILLIAMS, RONALD WADE
	Examiner HUY K MAI	Art Unit 2872

SEARCHED			
Class	Subclass	Date	Examiner
351	41,156-158	6/4/12	/HM/
Update above		12/01/12	/HM/

SEARCH NOTES		
Search Notes	Date	Examiner
EAST:USPGPUB, USPAT, EPO, JPO, IBM_TDB. See search note attached.	6/4/12	/HM/
EAST:USPGPUB, USPAT, EPO, JPO, IBM_TDB. See search note attached.	12/01/12	/HM/
EAST:USPGPUB, USPAT, UPAD. Text search. See interference search printout.	12/01/12	/HM/

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
Same as above		12/01/12	/HM/

	/HUY K MAI/ Primary Examiner.Art Unit 2872
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB	1475

23378 7590 12/21/2012
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

EXAMINER

MAI, HUY KIM

ART UNIT	PAPER NUMBER
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2872

MAIL DATE	DELIVERY MODE
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12/21/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM AL 35203-2104

In re Application of:

Ronald WILLIAMS

Serial No.: 12/991668

Filed: 08 November 2010

Attorney Docket No.: P104825USJB

Title: EYE WEAR RETENTION DEVICE

:
:
: DECISION ON PETITION TO
: MAKE SPECIAL FOR NEW
: APPLICATION UNDER 37
: C.F.R. § 1.102 & M.P.E.P. § 708.2
:

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on 19 October 2012. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of 19 November 2012, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.

/Michael Day/

Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23378 7590 12/17/2012
 BRADLEY ARANT BOULT CUMMINGS LLP
 INTELLECTUAL PROPERTY DEPARTMENT
 1819 FIFTH AVENUE NORTH
 BIRMINGHAM, AL 35203-2104

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	11/08/2010	Ronald Wade Williams	P104825USJB	1475

TITLE OF INVENTION: EYE WEAR RETENTION DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$885	\$300	\$0	\$1185	03/18/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
MAI, HUUY KIM	2872	351-156000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Joseph S. Bird, III

2 Paul M. Sykes

3 Bradley Arant Boulton Cummings LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☒ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Joseph S. Bird
 TYPED OR PRINTED NAME JOSEPH S. BIRD

Date

December 28, 2012

Registration No.

50,366

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Electronic Patent Application Fee Transmittal

Application Number:	12991668			
Filing Date:	08-Nov-2010			
Title of Invention:	EYE WEAR RETENTION DEVICE			
First Named Inventor/Applicant Name:	Ronald Wade Williams			
Filer:	Joseph S. Bird/Donita Evans			
Attorney Docket Number:	P104825USJB			
Filed as Small Entity				
U.S. National Stage under 35 USC 371 Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	885	885
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1185

Electronic Acknowledgement Receipt

EFS ID:	14580848
Application Number:	12991668
International Application Number:	
Confirmation Number:	1475
Title of Invention:	EYE WEAR RETENTION DEVICE
First Named Inventor/Applicant Name:	Ronald Wade Williams
Customer Number:	23378
Filer:	Joseph S. Bird/Donita Evans
Filer Authorized By:	Joseph S. Bird
Attorney Docket Number:	P104825USJB
Receipt Date:	28-DEC-2012
Filing Date:	08-NOV-2010
Time Stamp:	16:39:50
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1185
RAM confirmation Number	3603
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part Ext. .zip	Pages (if appl.)
257		Chum...	...	10	13

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	Document Description		Start	End					
	Transmittal Letter		1	3					
	Issue Fee Payment (PTO-85B)		4	4					
Warnings:									
Information:									
2	Fee Worksheet (SB06)	fee-info.pdf	31801 42af24615a719c1b3cc100080ea915894e722609	no	2				
Warnings:									
Information:									
Total Files Size (in bytes):			192822						
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>									



Joseph S. Bird, III
Direct: (205) 521-8473
Fax: (205) 488-6473
jbird@babc.com

December 28, 2012

VIA EFS WEB

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

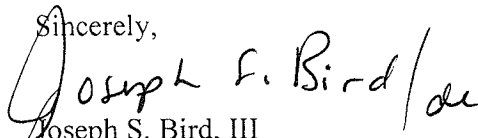
RE: Issue Fee Transmittal
Application Number: 12/991,668
Filed: November 8, 2010
First Named Inventor: Ronald Wade WILLIAMS
Attorney Docket No: P104825USJB
Invention Title: Eye Wear Retention Device

Dear Commissioner:

The applicant hereby submits the Issue Fee for this application. Attached herewith please find the following documents:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Issue Fee Transmittal Form PTOL-85 (1 page)
3. Credit card payment for the amount of \$1185.00 (electronic)

Please do not hesitate to contact the undersigned by telephone at 205-521-8473 or by facsimile at 205-488-6473 if further action is required.

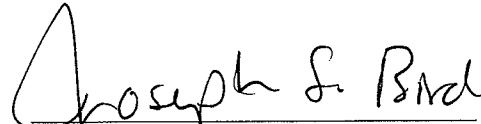
Sincerely,

Joseph S. Bird, III
Registration No. 50,366

Enclosures

1/2428233.1

AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT AND PETITION FOR EXTENSION OF TIME

All fees due are believed to be paid herein. However, if, after processing the enclosed items, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Director of the United States Patent and Trademark Office to charge all such remaining small entity fees, charges, and other sums due to Deposit Account Number 50-0954. If any extension of time for the accompanying response or submission is required, applicants request that this be considered a petition for such extension of time.



Joseph S. Bird
Attorney for Applicant
Registration No. 50,366

12-28-2012

Date of Signature

CERTIFICATE OF EFS WEB SUBMISSION

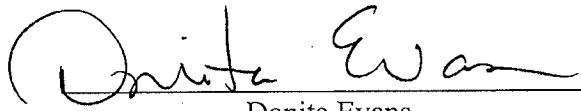
I hereby certify that the following items are enclosed:

1. Cover Letter, including authorization to charge deposit account and certificate of EFS Web submission (3 pages)
2. Issue Fee Transmittal Form PTOL-85 (1 page)
3. Credit card payment for the amount of \$1185.00 (electronic)

Total 3 Documents 4 pages

and are being submitted via the EFS Web of the United States Patent & Trademark Office on **December 28, 2012.**

Date: 12-28-2012



Donita Evans



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/991,668	02/05/2013	8366268	P104825USJB	1475

23378 7590 01/16/2013
BRADLEY ARANT BOULT CUMMINGS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1819 FIFTH AVENUE NORTH
BIRMINGHAM, AL 35203-2104

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 103 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Ronald Wade Williams, Birmingham, AL;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Northern District of Alabama on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 2:14-cv-00126-JEO	DATE FILED 1/21/2014	U.S. DISTRICT COURT for the Northern District of Alabama
PLAINTIFF Cablz, Inc. P.O. Box 130817 Birmingham, AL 35213		DEFENDANT Croakies, a corporation 1240 Huff Lane Jackson, WY 83001
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,366,268	2/5/2013	Ronald Wade Williams
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SHARON N. HARRIS, CLERK	(BY) DEPUTY CLERK 	DATE 3/4/2014
---	---	-------------------------