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8 Attorneys for Plaintiff
OAKLEY, INC.
9

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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 OAKLEY, INC., a Washington
15 corporation,

16 Plaintiff,

17 v.

18 CHARLES MERCHANDISE INC. d/b/a
19 APOLLO EYEWEAR., an Illinois
corporation,

20 Defendant.
21

Civil Action No. **'16CV2693 GPC KSC**

**COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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COMPLAINT

1 Plaintiff Oakley, Inc. (“Oakley”) hereby complains of Charles
2 Merchandise Inc. d/b/a Apollo Eyewear (“Apollo” or “Defendant”) and alleges
3 as follows:

4 **I. JURISDICTION AND VENUE**

5 1. This Court has original subject matter jurisdiction over the claims
6 in this action pursuant to 35 U.S.C. §§ 271 and 281 and 28 U.S.C. §§ 1331 and
7 1338 as these claims arise under the laws of the United States.

8 2. This Court has personal jurisdiction over Defendant because
9 Defendant has a continuous, systematic, and substantial presence within this
10 judicial district including by selling and offering for sale infringing products in
11 this judicial district, and by committing acts of infringement in this judicial
12 district, including but not limited to selling infringing eyewear directly to
13 consumers and/or retailers in this district and selling into the stream of
14 commerce knowing such products would be sold in California and this district,
15 which acts form a substantial part of the events or omissions giving rise to
16 Oakley’s claim.

17 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b),
18 1391(d), and 1400(b).

19 **II. THE PARTIES**

20 4. Plaintiff Oakley is a corporation organized and existing under the
21 laws of the State of Washington, having its principal place of business at One
22 Icon, Foothill Ranch, California 92610.

23 5. Upon information and belief, Apollo is a corporation organized and
24 existing under the laws of the State of Illinois, having its principal place of
25 business at 390 Windy Point Dr., Glendale Heights, IL 60139-2177.

26 6. Oakley is informed and believes, and thereon alleges, that
27 Defendant has committed the acts alleged herein within this judicial district.

28 ///

III. GENERAL ALLEGATIONS

7. Oakley is one of the world's most iconic brands. The company and its products, particularly in the realm of eyewear, are instantly and universally recognized for their innovative technology and distinctive style. Since its founding, Oakley's engineers and designers have worked continuously to bring new technology and breakthrough designs to the market.

8. Oakley has been actively engaged in the manufacture and sale of high quality eyewear since at least 1985. Oakley is the manufacturer and retailer of several lines of eyewear that have enjoyed substantial success and are protected by various intellectual property rights owned by Oakley.

9. On February 19, 2013, the United States Patent and Trademark office ("USPTO") duly and lawfully issued United States Design Patent No. D676,480 ("the D480 Patent"), titled "Eyeglass." Oakley is the owner by assignment of all right, title, and interest in the D480 Patent. A true and correct copy of the D480 Patent is attached hereto as Exhibit A.

10. On July 3, 2012, the USPTO duly and lawfully issued United States Design Patent No. D662,967 ("the D967 Patent"), titled "Eyeglass." Oakley is the owner by assignment of all right, title, and interest in the D967 Patent. A true and correct copy of the D967 Patent is attached hereto as Exhibit B.

11. On October 22, 2013, the USPTO duly and lawfully issued United States Design Patent No. D692,047 ("the D047 Patent"), titled "Eyeglass." Oakley is the owner by assignment of all right, title, and interest in the D047 Patent. A true and correct copy of the D047 Patent is attached hereto as Exhibit C.

12. On February 19, 2013, the USPTO duly and lawfully issued United States Design Patent No. D676,479 ("the D479 Patent"), titled "Eyeglass." Oakley is the owner by assignment of all right, title, and interest in the D479

1 Patent. A true and correct copy of the D479 Patent is attached hereto as Exhibit
2 D.

3 13. On November 29, 2011, the USPTO duly and lawfully issued
4 United States Design Patent No. D649,579 (“the D579 Patent”), titled
5 “Eyeglass.” Oakley is the owner by assignment of all right, title, and interest in
6 the D579 Patent. A true and correct copy of the D579 Patent is attached hereto
7 as Exhibit E.

8 14. On July 31, 2007, the USPTO duly and lawfully issued United
9 States Design Patent No. D547,794 (“the D794 Patent”), titled “Eyeglasses.”
10 Oakley is the owner by assignment of all right, title, and interest in the D794
11 Patent. A true and correct copy of the D794 Patent is attached hereto as Exhibit
12 F.

13 15. On November 6, 2007, the USPTO duly and lawfully issued United
14 States Design Patent No. D554,689 (“the D689 Patent”), titled “Eyeglass
15 Frame.” Oakley is the owner by assignment of all right, title, and interest in the
16 D689 Patent. A true and correct copy of the D689 Patent is attached hereto as
17 Exhibit G.

18 16. On December 4, 2007, the USPTO duly and lawfully issued United
19 States Design Patent No. D556,818 (“the D818 Patent”), titled “Eyeglass
20 Components.” Oakley is the owner by assignment of all right, title, and interest
21 in the D818 Patent. A true and correct copy of the D818 Patent is attached
22 hereto as Exhibit H.

23 17. On March 10, 2015, the USPTO duly and lawfully issued United
24 States Design Patent No. D724,135 (“the D135 Patent”), titled “Eyeglass or
25 Components Thereof.” Oakley is the owner by assignment of all right, title, and
26 interest in the D135 Patent. A true and correct copy of the D135 Patent is
27 attached hereto as Exhibit I.

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1 18. On March 11, 2014, the USPTO duly and lawfully issued United
2 States Design Patent No. D700,933 (“the D933 Patent”), titled “Eyeglass.”
3 Oakley is the owner by assignment of all right, title, and interest in the D933
4 Patent. A true and correct copy of the D135 Patent is attached hereto as Exhibit
5 J.

6 19. Defendant makes, uses, sells, offers for sale, and/or imports into
7 the United States eyewear that infringes Oakley’s intellectual property rights,
8 including the D480 Patent, the D967 Patent, the D047 Patent, the D479 Patent,
9 the D579 Patent, the D794 Patent, the D689 Patent, the D818 Patent, the D135
10 Patent, and the D933 Patent (the “Asserted Patents”).

11 20. Oakley has provided the public with constructive notice of its
12 patent rights pursuant to 35 U.S.C. § 287.

13 21. Defendant’s acts complained of herein have caused Oakley to
14 suffer irreparable injury to its business. Oakley will continue to suffer
15 substantial loss and irreparable injury unless and until Defendant is enjoined
16 from its wrongful actions complained of herein.

17 22. Oakley is informed and believes, and on that basis, alleges, that
18 Defendant’s acts complained of herein are willful and deliberate.

19 **IV. FIRST CLAIM FOR RELIEF**

20 (Patent Infringement)


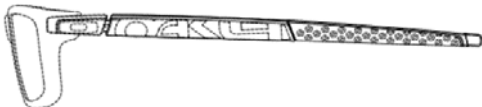
21 (35 U.S.C. § 271)

22 23. Oakley repeats and re-alleges the allegations of paragraphs 1-22 of
23 this Complaint as if set forth fully herein.

24 24. This is a claim for patent infringement under 35 U.S.C. § 271.

25 25. Defendant, through its agents, employees, and servants has, and
26 continues to, knowingly, intentionally, and willfully infringe the D480 Patent by
27 making, using, selling, offering for sale, and/or importing eyewear having a
28 design that would appear to an ordinary observer to be substantially similar to


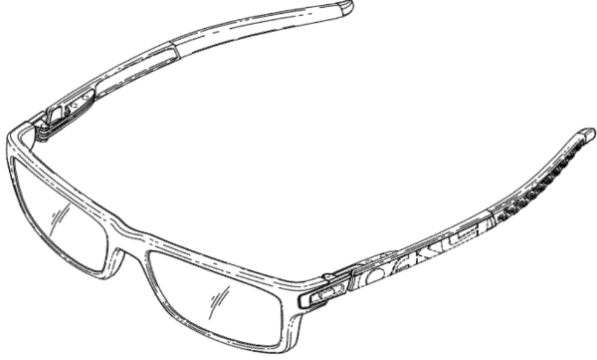
the claim of the D480 Patent, including for example, Defendant's *R8020* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p style="text-align: center;"><i>R8020</i></p> 	<p style="text-align: center;">U.S. Patent No. D676,480</p> 

26. Defendant's acts of infringement of the D480 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D480 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *R8020* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D480 Patent. Defendant infringed the D480 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D480 Patent. Defendant's acts of infringement of the D480 Patent were not consistent with the standards of commerce for its industry.

27. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D967 Patent by making, using, selling, offering for sale, and/or importing eyewear having a


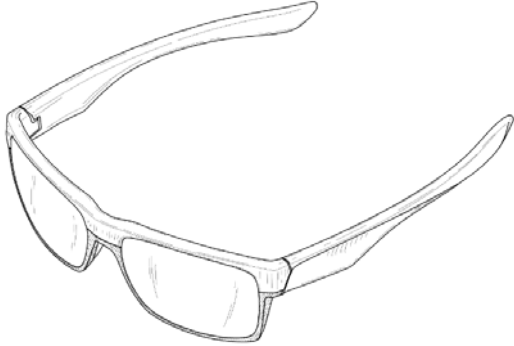
design that would appear to an ordinary observer to be substantially similar to the claim of the D967 Patent, including for example, Defendant's *R8020* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p data-bbox="483 520 587 552"><i>R8020</i></p> 	<p data-bbox="927 520 1312 552">U.S. Patent No. D662,967</p> 

28. Defendant's acts of infringement of the D967 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D967 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *R8020* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D967 Patent. Defendant infringed the D967 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D967 Patent. Defendant's acts of infringement of the D967 Patent were not consistent with the standards of commerce for its industry.

29. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D047 Patent by making, using, selling, offering for sale, and/or importing eyewear having a

design that would appear to an ordinary observer to be substantially similar to the claim of the D047 Patent, including for example, Defendant's CC7005 model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.



Accused Product	Oakley's Patent
<p data-bbox="516 516 639 552"><i>CC7005</i></p> 	<p data-bbox="967 516 1354 552">U.S. Patent No. D692,047</p> 

30. Defendant's acts of infringement of the D047 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D047 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's CC7005 model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D047 Patent. Defendant infringed the D047 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D047 Patent. Defendant's acts of infringement of the D047 Patent were not consistent with the standards of commerce for its industry.

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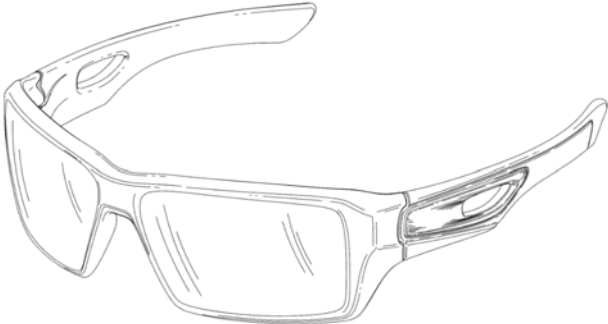
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31. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D479 Patent by making, using, selling, offering for sale, and/or importing eyewear having a design that would appear to an ordinary observer to be substantially similar to the claim of the D479 Patent, including for example, Defendant's CC7012 model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p data-bbox="493 709 618 743"><i>CC7012</i></p> 	<p data-bbox="943 709 1333 743">U.S. Patent No. D676,479</p> 


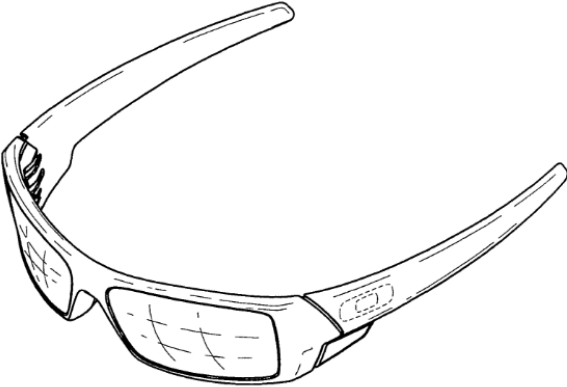
32. Defendant's acts of infringement of the D479 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D479 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's CC7012 model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D479 Patent. Defendant infringed the D479 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D479 Patent. Defendant's acts of infringement of the D479 Patent were not consistent with the standards of commerce for its industry.

33. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D579 Patent by making, using, selling, offering for sale, and/or importing eyewear having a design that would appear to an ordinary observer to be substantially similar to the claim of the D579 Patent, including for example, Defendant's *CC7013* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p data-bbox="483 709 610 743"><i>CC7013</i></p> 	<p data-bbox="971 709 1357 743">U.S. Patent No. D649,579</p> 

34. Defendant's acts of infringement of the D579 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D579 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *CC7013* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D579 Patent. Defendant infringed the D579 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D579 Patent. Defendant's acts of infringement of the D579 Patent were not consistent with the standards of commerce for its industry.

35. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D794 Patent by making, using, selling, offering for sale, and/or importing eyewear having a design that would appear to an ordinary observer to be substantially similar to the claim of the D794 Patent, including for example, Defendant's *ME6053FM* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.


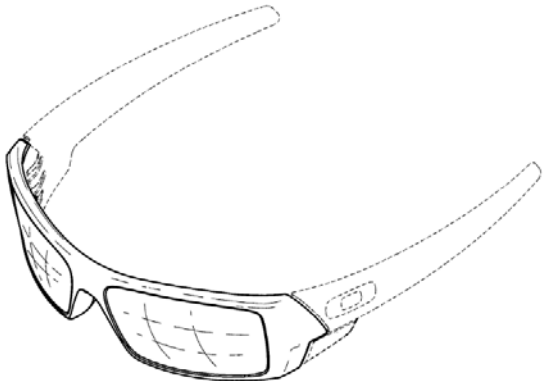
Accused Product	Oakley's Patent
<p data-bbox="479 709 667 743"><i>ME6053FM</i></p> 	<p data-bbox="992 709 1386 743">U.S. Patent No. D547,794</p> 

36. Defendant's acts of infringement of the D794 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D794 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *ME6053FM* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D794 Patent. Defendant infringed the D794 Patent with reckless disregard of Oakley's patent rights. Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D794 Patent. Defendant's acts of

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1 infringement of the D794 Patent were not consistent with the standards of
2 commerce for its industry.


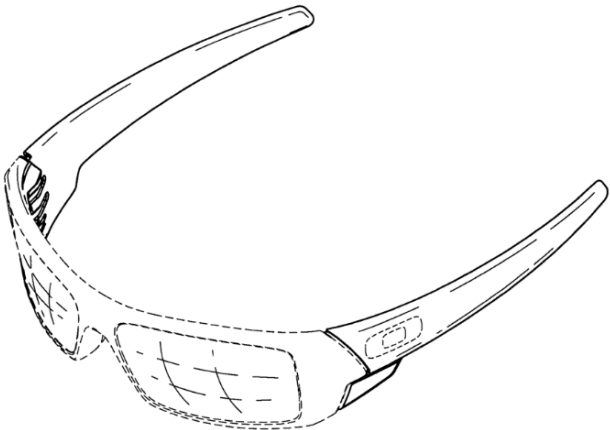
3 37. Defendant, through its agents, employees, and servants has, and
4 continues to, knowingly, intentionally, and willfully infringe the D689 Patent by
5 making, using, selling, offering for sale, and/or importing eyewear having a
6 design that would appear to an ordinary observer to be substantially similar to
7 the claim of the D689 Patent, including for example, Defendant's *ME6053FM*
8 model sunglasses as shown below, which were sold and/or offered for sale on
9 Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p>10 <i>ME6053FM</i></p> 	<p>11 U.S. Patent No. D554,689</p> 

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19 38. Defendant's acts of infringement of the D689 Patent were
20 undertaken without permission or license from Oakley. Upon information and
21 belief, Defendant had actual knowledge of Oakley's rights in the design claimed
22 in the D689 Patent. Oakley and its iconic designs are well-known throughout
23 the eyewear industry, and Defendant's *ME6053FM* model sunglasses are nearly
24 identical copies of Oakley's design. Accordingly, Defendant's actions
25 constitute willful and intentional infringement of the D689 Patent. Defendant
26 infringed the D689 Patent with reckless disregard of Oakley's patent rights.
27 Defendant knew, or it was so obvious that Defendant should have known, that
28 its actions constituted infringement of the D689 Patent. Defendant's acts of

1 infringement of the D689 Patent were not consistent with the standards of
2 commerce for its industry.


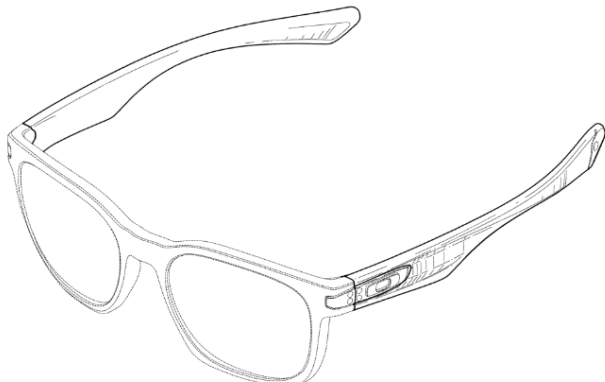
3 39. Defendant, through its agents, employees, and servants has, and
4 continues to, knowingly, intentionally, and willfully infringe the D818 Patent by
5 making, using, selling, offering for sale, and/or importing eyewear having a
6 design that would appear to an ordinary observer to be substantially similar to
7 the claim of the D818 Patent, including for example, Defendant's *ME6053FM*
8 model sunglasses as shown below, which were sold and/or offered for sale on
9 Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p>10 <i>ME6053FM</i></p> 	<p>11 U.S. Patent No. D556,818</p> 

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20 40. Defendant's acts of infringement of the D818 Patent were
21 undertaken without permission or license from Oakley. Upon information and
22 belief, Defendant had actual knowledge of Oakley's rights in the design claimed
23 in the D818 Patent. Oakley and its iconic designs are well-known throughout
24 the eyewear industry, and Defendant's *ME6053FM* model sunglasses are nearly
25 identical copies of Oakley's design. Accordingly, Defendant's actions
26 constitute willful and intentional infringement of the D818 Patent. Defendant
27 infringed the D818 Patent with reckless disregard of Oakley's patent rights.
28 Defendant knew, or it was so obvious that Defendant should have known, that

its actions constituted infringement of the D818 Patent. Defendant's acts of infringement of the D818 Patent were not consistent with the standards of commerce for its industry.



41. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D135 Patent by making, using, selling, offering for sale, and/or importing eyewear having a design that would appear to an ordinary observer to be substantially similar to the claim of the D135 Patent, including for example, Defendant's *CC7010* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p data-bbox="500 898 630 934"><i>CC7010</i></p> 	<p data-bbox="987 898 1377 934">U.S. Patent No. D724,135</p> 

42. Defendant's acts of infringement of the D135 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D135 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *CC7010* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D135 Patent. Defendant infringed the D135 Patent with reckless disregard of Oakley's patent rights.

Defendant knew, or it was so obvious that Defendant should have known, that its actions constituted infringement of the D135 Patent. Defendant's acts of infringement of the D135 Patent were not consistent with the standards of commerce for its industry.

43. Defendant, through its agents, employees, and servants has, and continues to, knowingly, intentionally, and willfully infringe the D933 Patent by making, using, selling, offering for sale, and/or importing eyewear having a design that would appear to an ordinary observer to be substantially similar to the claim of the D933 Patent, including for example, Defendant's *CC7010* model sunglasses as shown below, which were sold and/or offered for sale on Defendant's website, <http://www.apolloeyewear.com/>.

Accused Product	Oakley's Patent
<p data-bbox="526 961 649 995"><i>CC7010</i></p> 	<p data-bbox="1008 961 1398 995">U.S. Patent No. D700,933</p> 

44. Defendant's acts of infringement of the D933 Patent were undertaken without permission or license from Oakley. Upon information and belief, Defendant had actual knowledge of Oakley's rights in the design claimed in the D933 Patent. Oakley and its iconic designs are well-known throughout the eyewear industry, and Defendant's *CC7010* model sunglasses are nearly identical copies of Oakley's design. Accordingly, Defendant's actions constitute willful and intentional infringement of the D933 Patent. Defendant

1 infringed the D933 Patent with reckless disregard of Oakley's patent rights.
2 Defendant knew, or it was so obvious that Defendant should have known, that
3 its actions constituted infringement of the D933 Patent. Defendant's acts of
4 infringement of the D933 Patent were not consistent with the standards of
5 commerce for its industry.

6 45. As a direct and proximate result of Defendant's acts of
7 infringement, Defendant has derived and received gains, profits, and advantages
8 in an amount that is not presently known to Oakley.

9 46. Pursuant to 35 U.S.C. § 284, Oakley is entitled to damages for
10 Defendant's infringing acts and treble damages together with interests and costs
11 as fixed by this Court.

12 47. Pursuant to 35 U.S.C. § 285, Oakley is entitled to reasonable
13 attorneys' fees for the necessity of bringing this claim.

14 48. Pursuant to 35 U.S.C. § 289, Oakley is entitled to recovery of
15 Defendant's total profits from Defendant's infringement of Oakley's design
16 patents.

17 49. Due to the aforesaid infringing acts, Oakley has suffered great and
18 irreparable injury, for which Oakley has no adequate remedy at law.

19 50. Defendant will continue to infringe Oakley's patent rights to the
20 great and irreparable injury of Oakley, unless enjoined by this Court.

21 **WHEREFORE**, Oakley prays for judgment in its favor against
22 Defendant for the following relief:

23 A. An Order adjudging Defendant to have willfully infringed the
24 Asserted Patents under 35 U.S.C. § 271;

25 B. A preliminary and permanent injunction enjoining Defendant, its
26 respective officers, directors, agents, servants, employees, and attorneys, and
27 those persons in active concert or participation with Defendant, from (1)
28 making, using, selling, offering to sell, and/or importing Defendant's eyewear

1 model numbers *R8020*, *CC7005*, *CC7010*, *CC7012*, *CC7013*, *ME6053FM*
2 products, and any products that are not colorably different from these products,
3 and (2) infringing the Asserted Patents in violation of 35 U.S.C. § 271;

4 C. That Defendant account for all gains, profits, and advantages
5 derived by Defendant's infringement of the Asserted Patents in violation of
6 35 U.S.C. § 271, and that Defendant pay to Oakley all damages suffered by
7 Oakley and/or Defendant's total profit from such infringement pursuant to 35
8 U.S.C. §§ 284 and 289;

9 D. An Order for a trebling of damages and/or exemplary damages
10 because of Defendant's willful conduct pursuant to 35 U.S.C. § 284;

11 E. An award to Oakley of the attorney fees, expenses, and costs
12 incurred by Oakley in connection with this action pursuant to 35 U.S.C. § 285;

13 F. An award of pre-judgment and post-judgment interest and costs of
14 this action against Defendant; and,

15 G. Such other and further relief as this Court may deem just and
16 proper.

17
18 Respectfully submitted,

19 KNOBBE, MARTENS, OLSON & BEAR, LLP
20

21 Dated: October 31, 2016

By: /s/ Ali S. Razai

22 Michael K. Friedland
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23 Lauren K. Katzenellenbogen
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24 Ali S. Razai
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25 Daniel C. Kiang
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26 Attorneys for Plaintiff
27 OAKLEY, INC
28

DEMAND FOR JURY TRIAL

Plaintiff Oakley, Inc. hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 31, 2016

By: /s/Ali S. Razai

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Daniel C. Kiang

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Attorneys for Plaintiff
OAKLEY, INC.

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24463109

EXHIBIT A

US00D676480S

(12) **United States Design Patent**
Shin(10) **Patent No.:** **US D676,480 S**(45) **Date of Patent:** **** Feb. 19, 2013**(54) **EYEGLASS**(75) Inventor: **Jae Shin**, Irvine, CA (US)(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)(**) Term: **14 Years**(21) Appl. No.: **29/425,632**(22) Filed: **Jun. 25, 2012****Related U.S. Application Data**

(63) Continuation of application No. 29/412,198, filed on Jan. 31, 2012, now Pat. No. Des. 662,967.

(51) **LOC (9) Cl.** **16-06**(52) **U.S. Cl.** **D16/335; D16/323**(58) **Field of Classification Search** D16/101,
D16/300-342, 900; D29/109-110; D24/110.2;
351/41, 44, 51-52, 62, 158, 92, 103-123,
351/140, 153, 45-46; 2/426-432, 447-449,
2/441, 434-437, 13, 15; D21/483, 659-661;
D14/372

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D202,658 S	10/1965	Petitto
3,476,466 A	11/1969	Hopkins et al.
D369,375 S	4/1996	Jannard et al.
D401,607 S	11/1998	Miniutti
D402,305 S	12/1998	Tragatschnig
D423,034 S	4/2000	Arnette
D424,598 S	5/2000	Simioni
D450,745 S	11/2001	Thixton et al.
D464,669 S	10/2002	Thixton et al.
D469,458 S	1/2003	Baden et al.
D478,114 S	8/2003	Yee
D500,781 S	1/2005	Mage
D536,027 S	1/2007	Paulson

D536,363 S	*	2/2007	Miklitarian	.....	D16/326
D558,816 S		1/2008	Yee		
D561,813 S		2/2008	Baden et al.		
D572,747 S		7/2008	Baden et al.		
D577,759 S		9/2008	Yee		
D599,838 S		9/2009	Rohrbach		
D621,438 S		8/2010	Markovitz et al.		
D629,444 S		12/2010	Akarra et al.		
D639,182 S		6/2011	Nixon		
D645,076 S		9/2011	Markovitz et al.		
8,020,988 B2		9/2011	Ogren et al.		
D650,825 S	*	12/2011	Yee et al.	.....	D16/326
D652,442 S		1/2012	Yee et al.		
D654,947 S	*	2/2012	Shin et al.	.....	D16/326
D659,182 S		5/2012	Shin et al.		
D662,124 S		6/2012	Shin		
D662,125 S		6/2012	Yee		
D662,967 S		7/2012	Shin		
8,240,846 B2		8/2012	Ogren et al.		

* cited by examiner

Primary Examiner — Raphael Barkai(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear, LLP(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass of the present invention;

FIG. 2 is a front elevational view thereof;

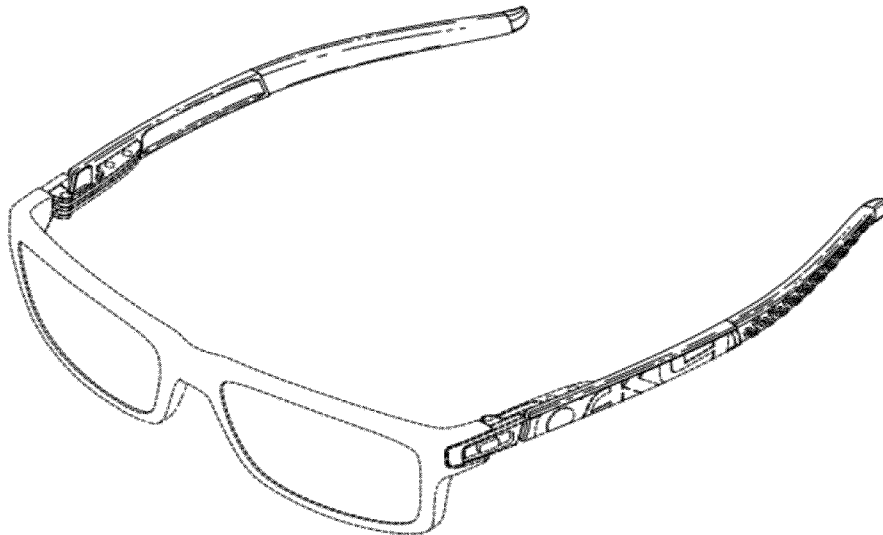
FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

The broken line portions of the drawings are for illustrative purposes only and form no part of the claimed design.

1 Claim, 4 Drawing Sheets**EXHIBIT A****Page 1**

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US D676,480 S

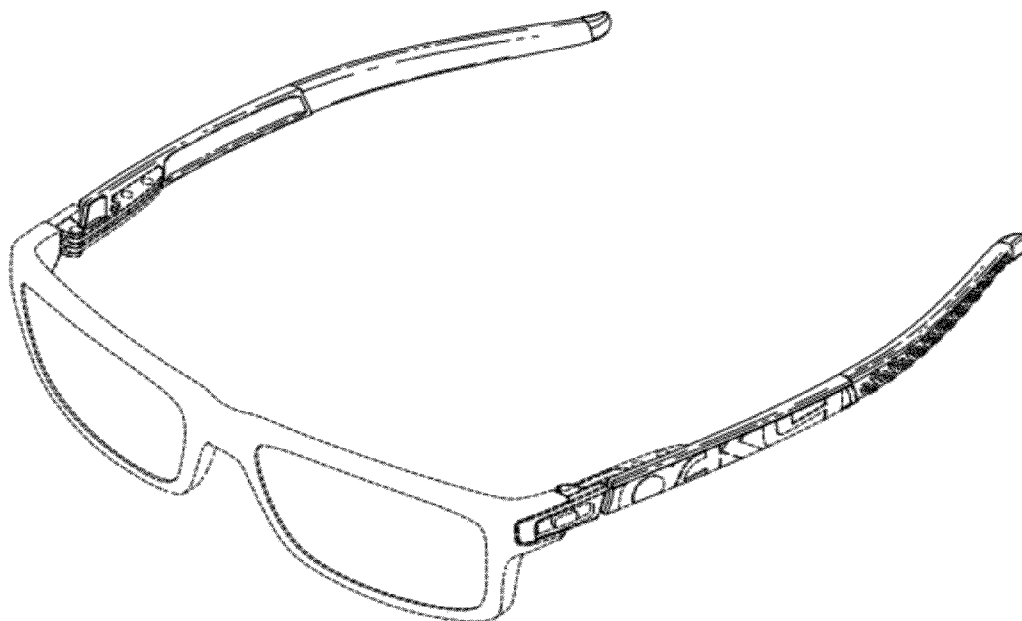


FIG. 1

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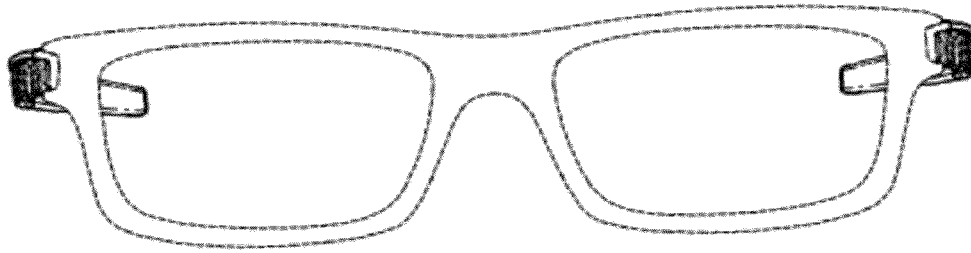


FIG. 2

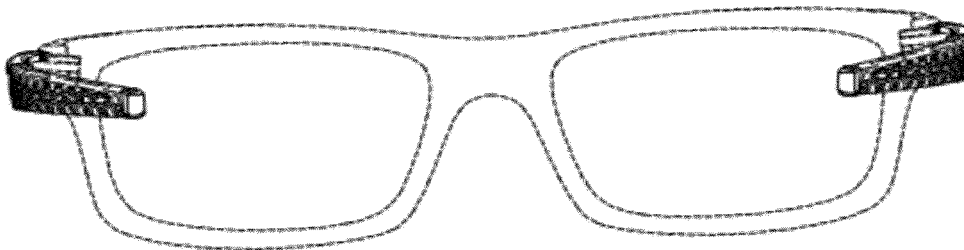


FIG. 3

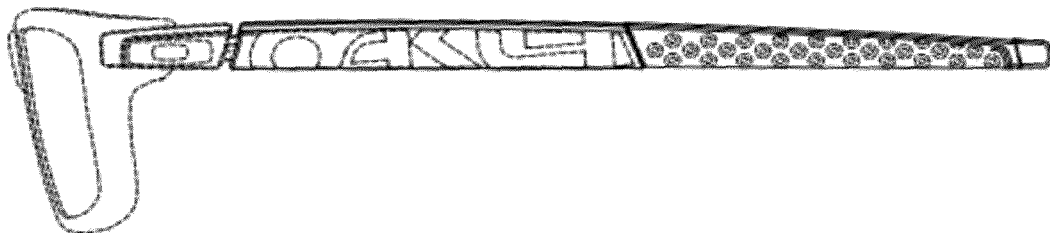


FIG. 4

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US D676,480 S

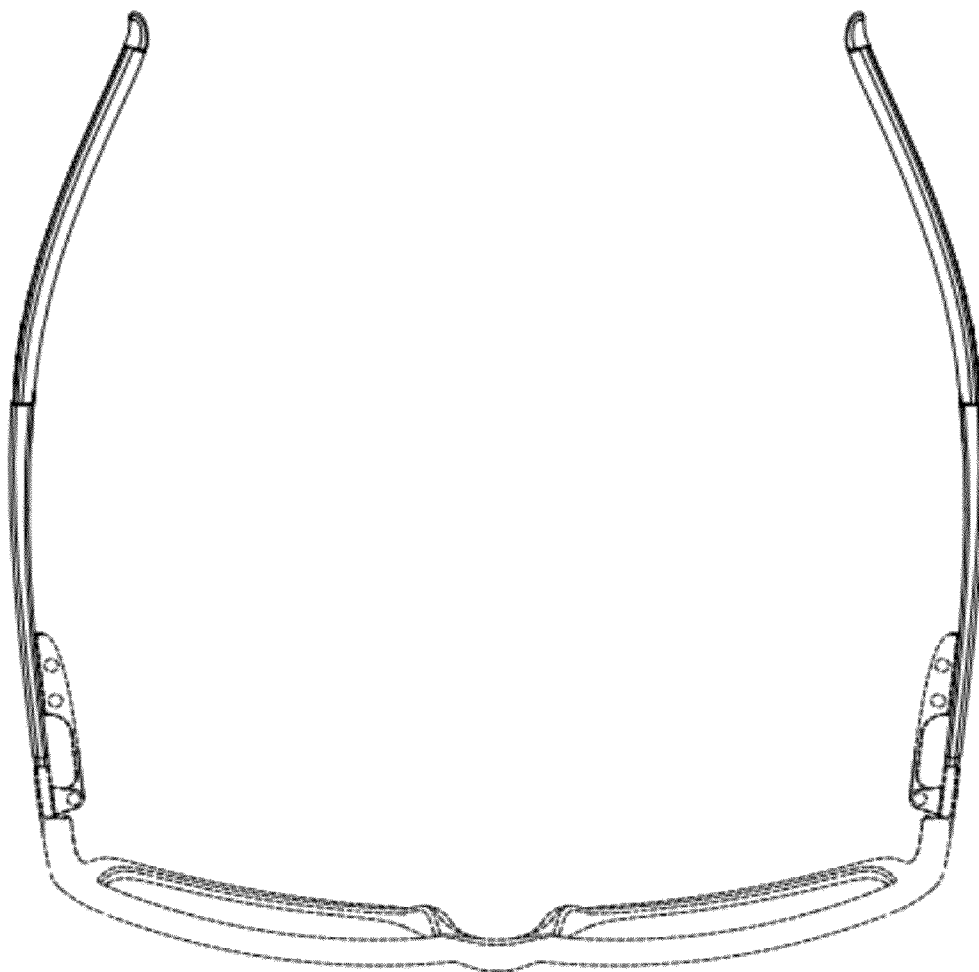


FIG. 5

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US D676,480 S

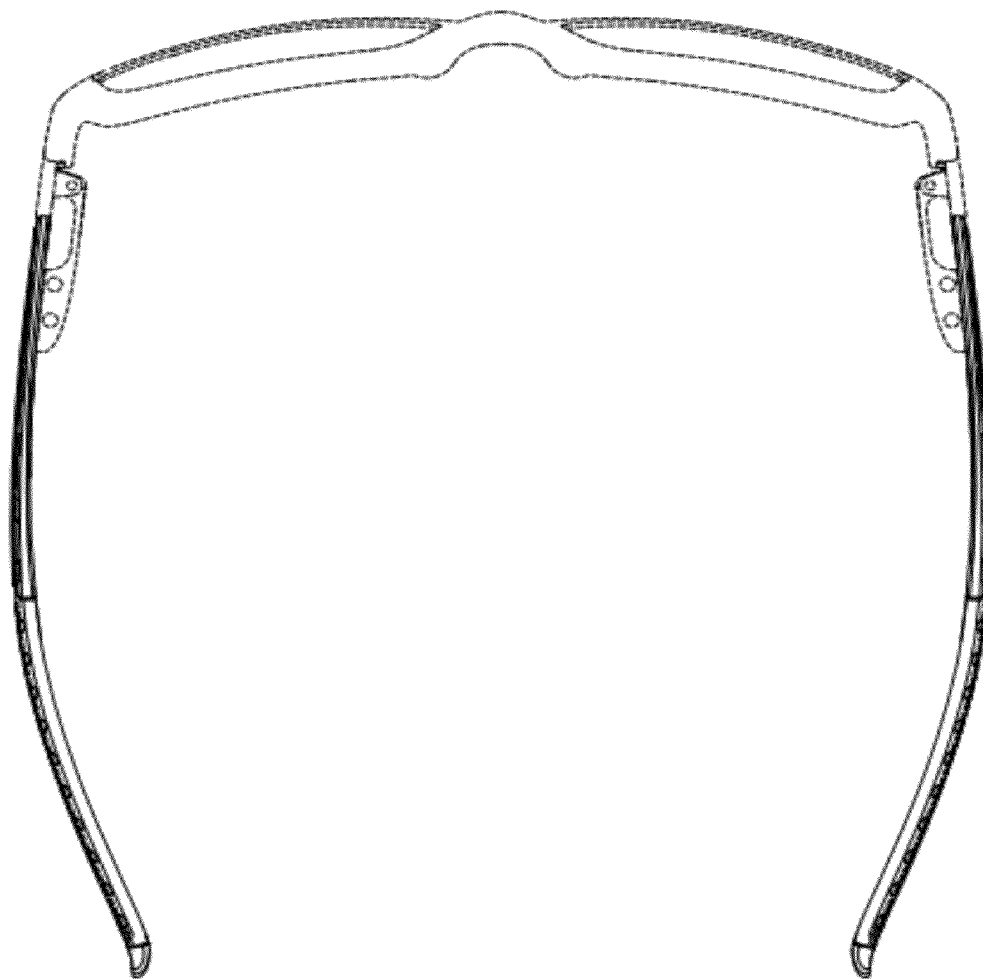


FIG. 6

EXHIBIT B

US00D662967S

(12) **United States Design Patent**
Shin

(10) **Patent No.:** **US D662,967 S**
(45) **Date of Patent:** **** Jul. 3, 2012**

(54) **EYEGLASS**

(75) Inventor: **Jae Shin**, Irvine, CA (US)

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

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

(21) Appl. No.: **29/412,198**

(22) Filed: **Jan. 31, 2012**

(51) **LOC (9) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326; D16/335**

(58) **Field of Classification Search** D16/101,
D16/300-342, 900; D29/109-110; D24/110.2;
351/41, 44, 51-52, 62, 158, 92, 103-123,
351/140, 153, 45-46; 2/426-432, 447-449,
2/441, 434-437, 13, 15; D21/483, 659-661;
D14/372

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D202,658 S	10/1965	Petitto	
3,476,466 A	11/1969	Hopkins et al.	
D369,375 S	4/1996	Jannard et al.	
D401,607 S	11/1998	Miniutti	
D402,305 S	12/1998	Tragatschnig	
D423,034 S	4/2000	Arnette	
D424,598 S	5/2000	Simioni	
D464,669 S	10/2002	Thixton et al.	
D469,458 S	1/2003	Baden et al.	
D500,781 S	1/2005	Mage	
D536,027 S	1/2007	Paulson	
D536,363 S *	2/2007	Miklitarian	D16/326
D549,764 S *	8/2007	Teng	D16/326
D555,187 S *	11/2007	Yee	D16/326

D558,816 S	1/2008	Yee	
D561,813 S	2/2008	Baden et al.	
D567,843 S *	4/2008	Miklitarian	D16/326
D571,392 S *	6/2008	Miklitarian	D16/326
D572,747 S	7/2008	Baden et al.	
D577,759 S	9/2008	Yee	
D580,963 S *	11/2008	Yee	D16/326
D599,838 S *	9/2009	Rohrbach	D16/326
D621,438 S	8/2010	Markovitz et al.	
D629,444 S	12/2010	Akarra et al.	
D645,076 S	9/2011	Markovitz et al.	
8,020,988 B2	9/2011	Ogren et al.	
D650,825 S *	12/2011	Yee et al.	D16/326
D652,442 S	1/2012	Yee et al.	

* cited by examiner

Primary Examiner — Raphael Barkai

(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear, LLP

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass of the present invention;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

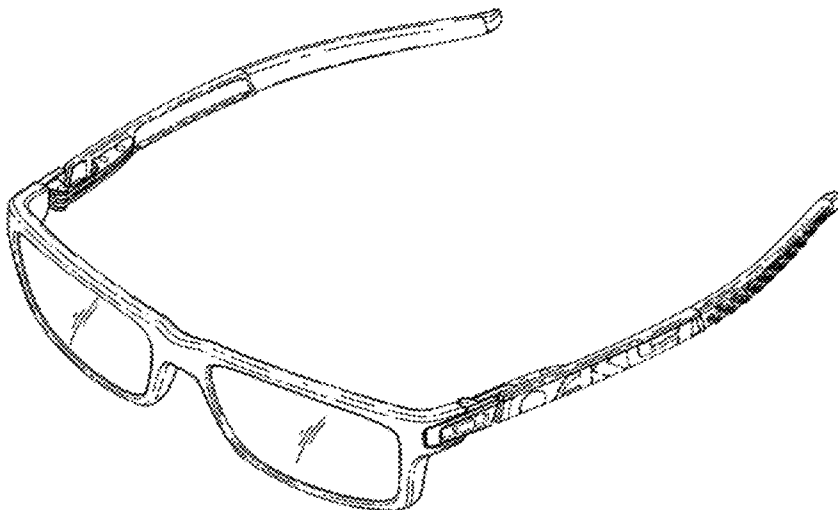
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

The broken line portions of the drawings are for illustrative purposes only and form no part of the claimed design.

1 Claim, 4 Drawing Sheets



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US D662,967 S

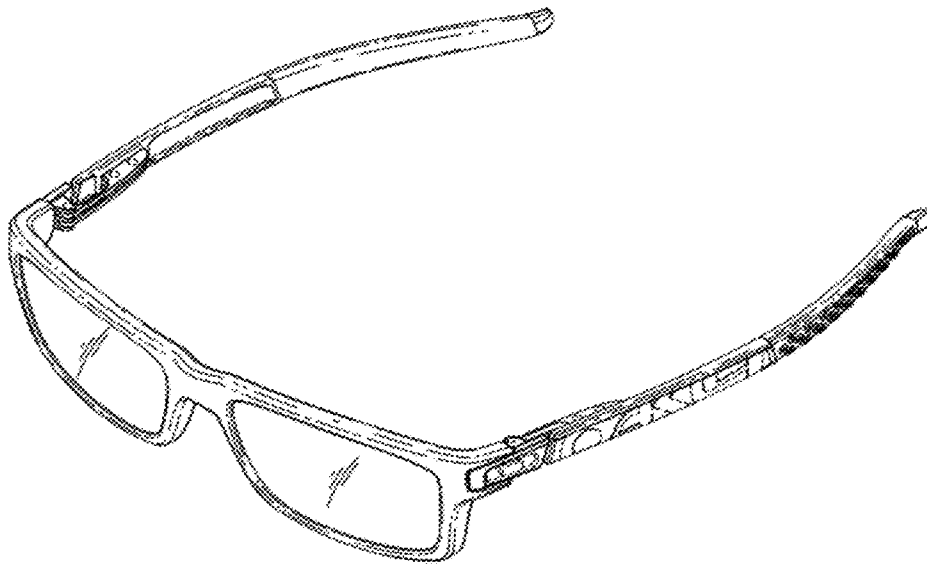


FIG. 1

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US D662,967 S

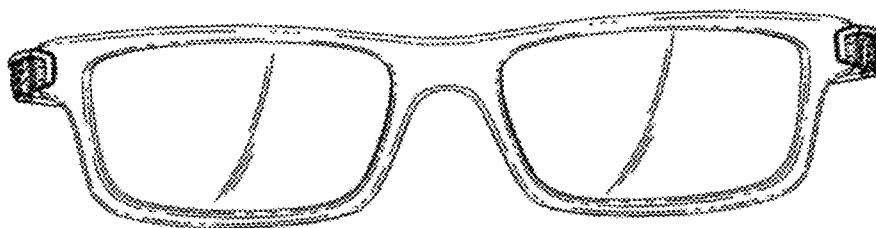


FIG. 2

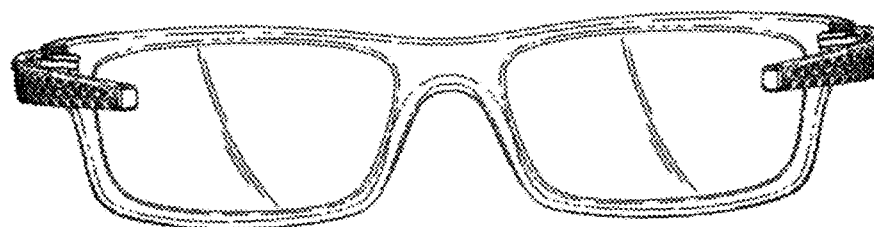


FIG. 3



FIG. 4

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US D662,967 S

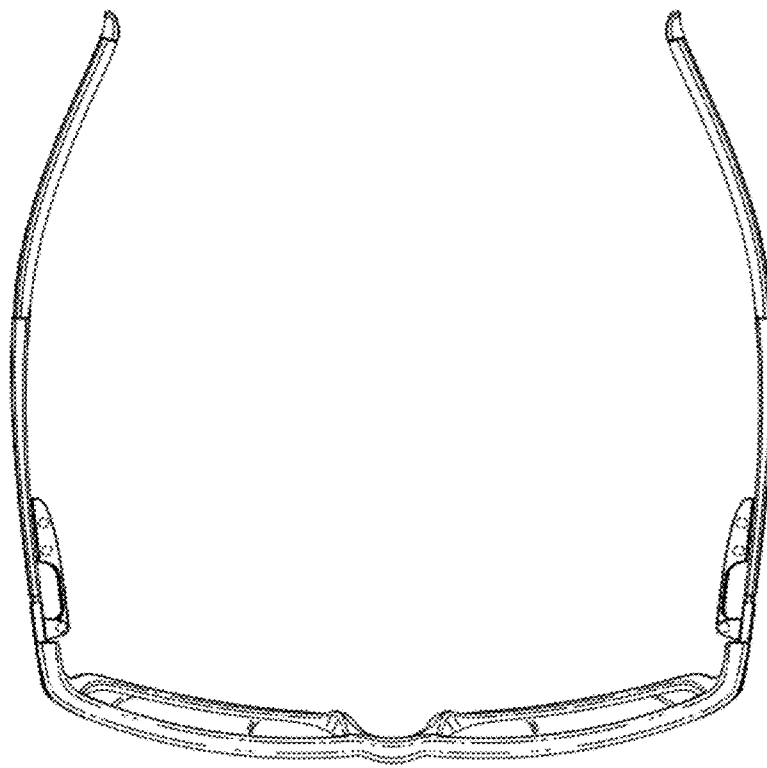


FIG. 5

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US D662,967 S

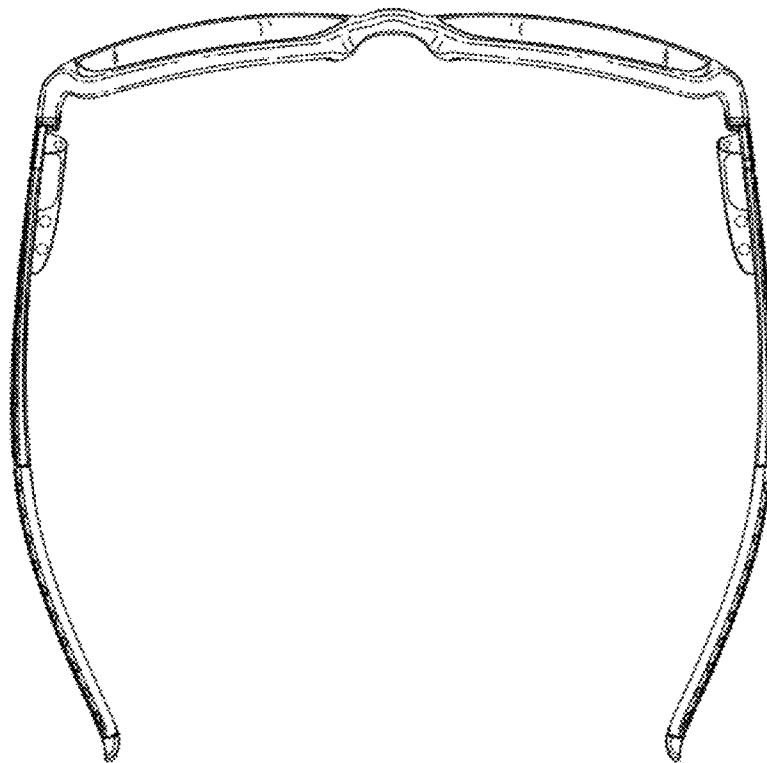


FIG. 6

EXHIBIT C

US00D692047S

(12) **United States Design Patent**
Shin

(10) **Patent No.:** **US D692,047 S**

(45) **Date of Patent:** **** Oct. 22, 2013**

(54) **EYEGLASS**

(71) Applicant: **Oakley, Inc.**, Foothill Ranch, CA (US)

(72) Inventor: **Jae Shin**, Irvine, CA (US)

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

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

(21) Appl. No.: **29/444,586**

(22) Filed: **Jan. 31, 2013**

(51) **LOC (9) Cl.** **16-06**

(52) **U.S. Cl.**

USPC **D16/325**; D16/326; D16/335

(58) **Field of Classification Search**

USPC D16/101, 300-342, 900; D29/109-110;
351/41, 44, 51-52, 62, 158, 92,
351/103-123, 140-153, 45-46; 2/426-432,
2/447-449, 441, 434-437, 13, 15;
D21/483, 659-661; D14/372

See application file for complete search history.

D581,450 S 11/2008 Yee
D583,404 S 12/2008 Baden et al.
D584,335 S 1/2009 Baden et al.
D599,838 S 9/2009 Rohrbach
D599,839 S 9/2009 Rohrbach
D601,603 S 10/2009 Yee
D604,757 S 11/2009 Yee
D604,758 S 11/2009 Rohrbach et al.
D604,759 S 11/2009 Rohrbach et al.
D607,040 S 12/2009 Rohrbach
D610,604 S 2/2010 Thixton
D615,580 S 5/2010 Baden et al.

(Continued)

OTHER PUBLICATIONS

U.S. Appl. No. 29/427,769, filed Jul. 23, 2012, Shin.

Primary Examiner — Raphael Barkai

(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear, LLP

(57)

CLAIM

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

(56)

References Cited

U.S. PATENT DOCUMENTS

D547,793 S 7/2007 Baden et al.
D547,794 S 7/2007 Jannard et al.
D548,269 S 8/2007 Baden et al.
D556,246 S 11/2007 Yee
D556,818 S 12/2007 Jannard et al.
D558,816 S 1/2008 Yee
D561,812 S 2/2008 Fox et al.
D561,813 S 2/2008 Baden et al.
D564,572 S 3/2008 Yee et al.
D565,088 S 3/2008 Baden et al.
D565,089 S 3/2008 Baden et al.
D572,747 S 7/2008 Baden et al.
D572,749 S 7/2008 Yee
D573,172 S 7/2008 Baden et al.
D575,323 S 8/2008 Jannard et al.
D577,759 S 9/2008 Yee
D581,449 S 11/2008 Yee

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass showing my new design in which the different shading techniques including the line shading in some areas and the stippling in other areas of the eyeglass represent a contrast in appearance, and is not intended to represent any specific color, texture and/or material;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof;

The broken lines in the Figures show portions of the eyeglass which form no part of the claimed design.

1 Claim, 4 Drawing Sheets

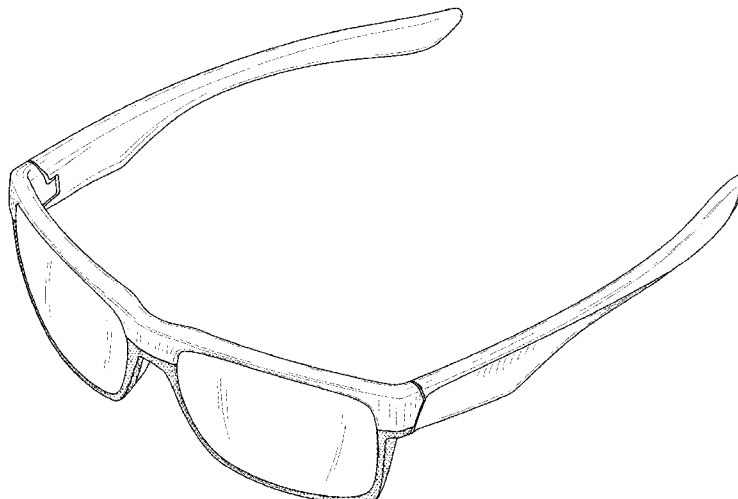


EXHIBIT C

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(56)

References Cited

U.S. PATENT DOCUMENTS

D620,970 S	8/2010	Thixton	D653,699 S	2/2012	Shin	
7,954,942 B2	6/2011	Calilung et al.	D654,530 S *	2/2012	Markovitz et al.	D16/326
D645,076 S *	9/2011	Markovitz et al.	D659,181 S	5/2012	Moritz	
D648,771 S	11/2011	Rohrbach	D659,182 S	5/2012	Shin et al.	
D650,825 S *	12/2011	Yee et al.	D662,124 S	6/2012	Shin	
D652,442 S	1/2012	Yee et al.	D662,967 S *	7/2012	Shin	D16/326
			D664,183 S *	7/2012	Stepan et al.	D16/309
			D665,009 S *	8/2012	Nibauer et al.	D16/326
			D676,479 S *	2/2013	Yoo	D16/326

* cited by examiner

U.S. Patent

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US D692,047 S

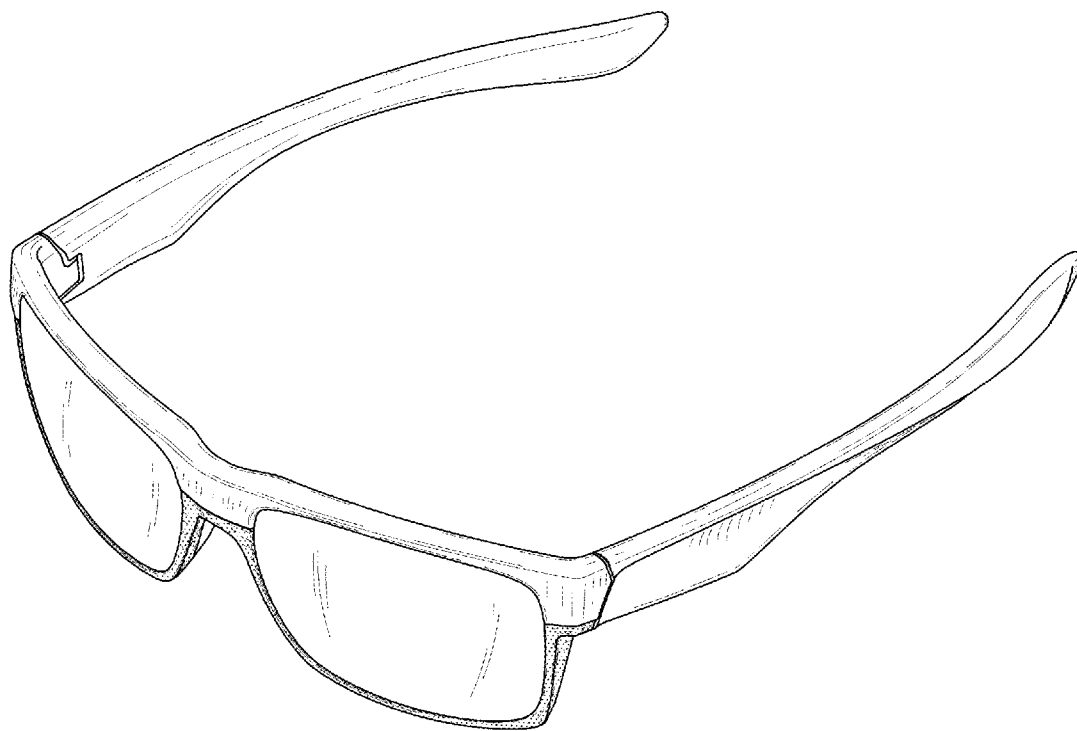


FIG. 1

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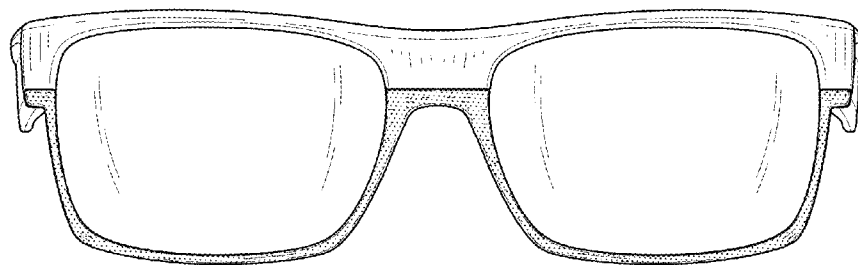


FIG. 2

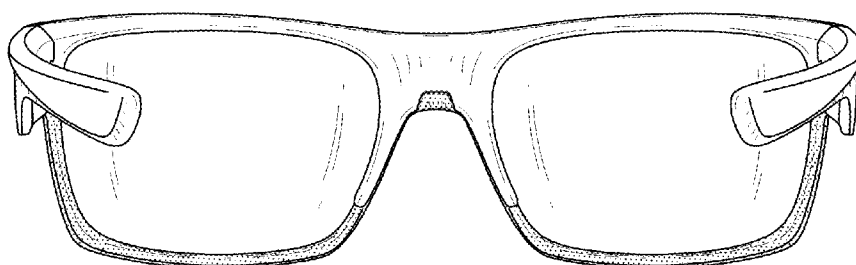


FIG. 3

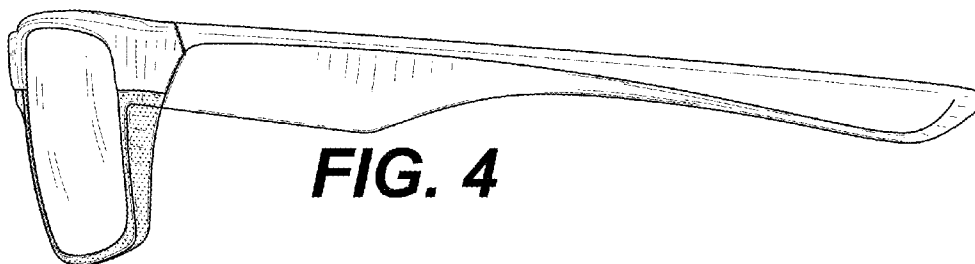


FIG. 4

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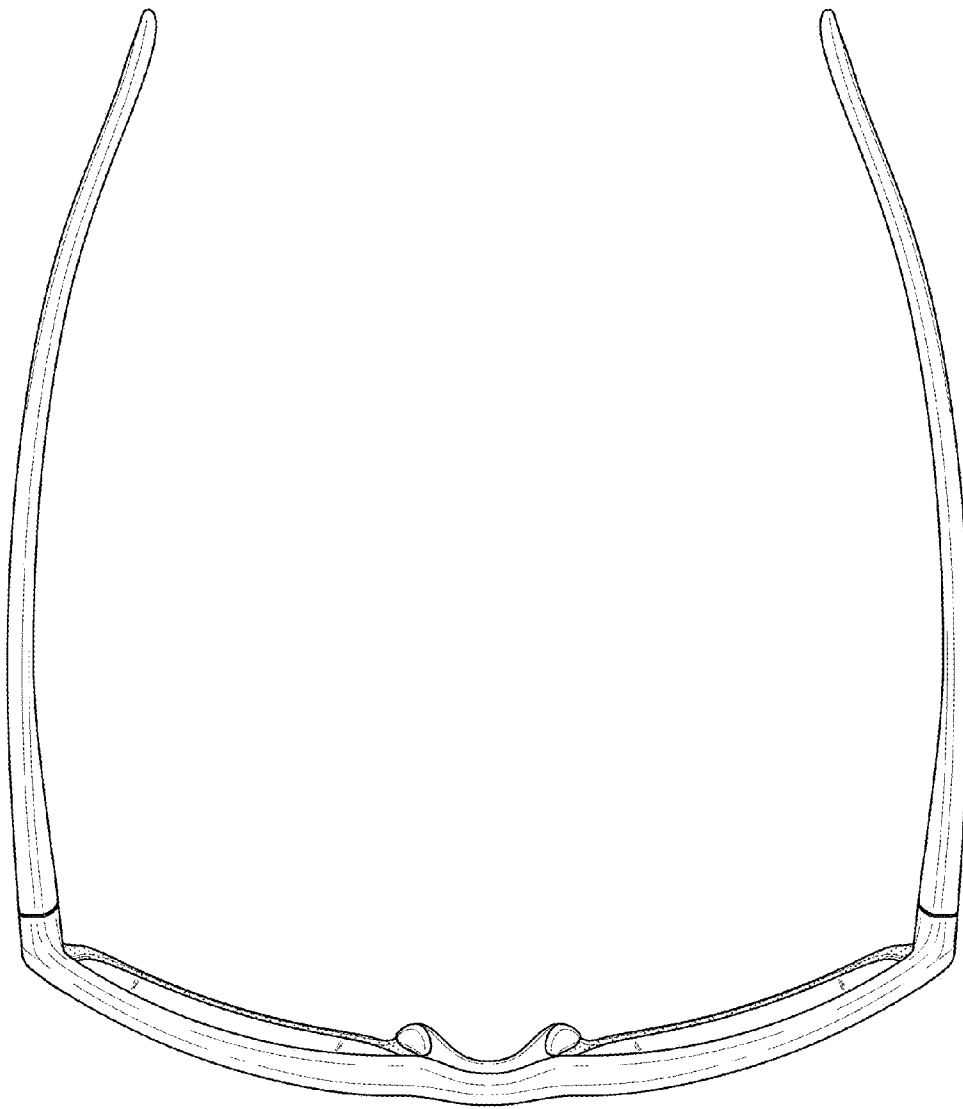


FIG. 5

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FIG. 6

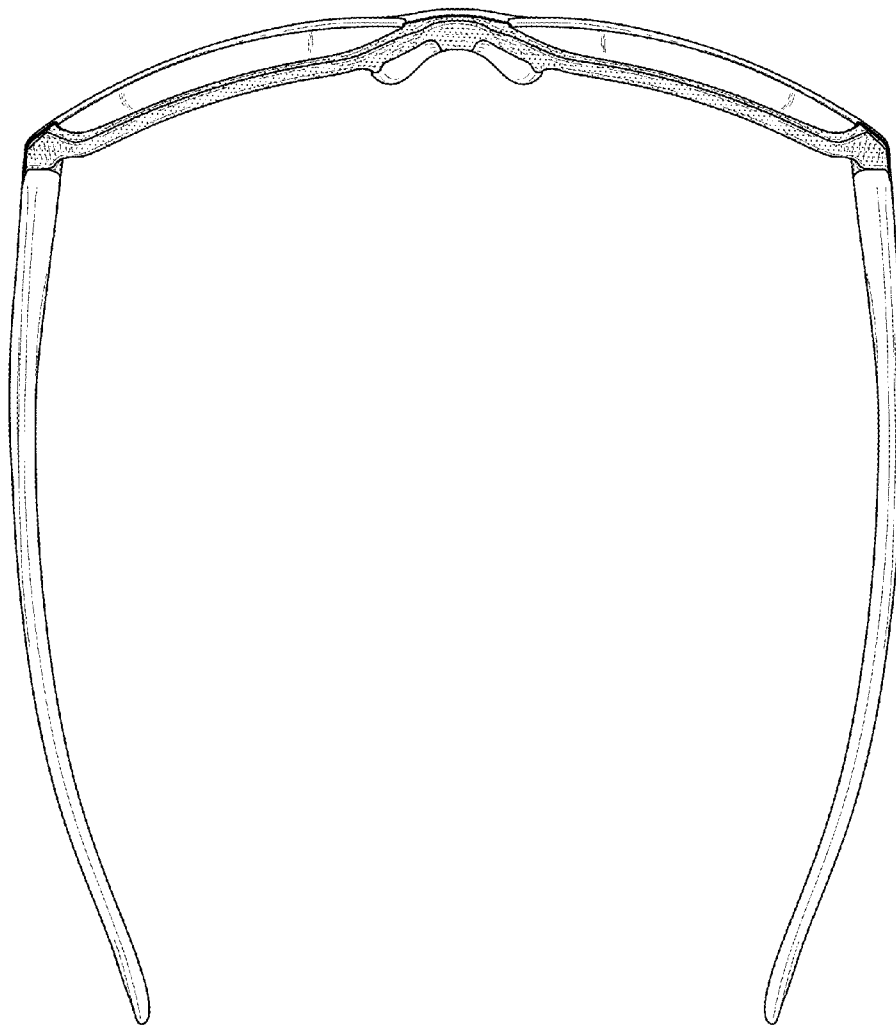


EXHIBIT D

US00D676479S

(12) **United States Design Patent**
Yoo

(10) **Patent No.:** **US D676,479 S**

(45) **Date of Patent:** **** Feb. 19, 2013**

(54) **EYEGLASS**

(75) Inventor: **George Yoo**, Aliso Viejo, CA (US)

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

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

(21) Appl. No.: **29/427,258**

(22) Filed: **Jul. 16, 2012**

(51) **LOC (9) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326; D16/335**

(58) **Field of Classification Search** D16/101,
D16/300-342, 900; D29/109-110; D24/110.2;
351/41, 44, 51-52, 62, 158, 92, 103-123,
351/140, 153, 45-46; 2/426-432, 447-449,
2/441, 434-437, 13, 15; D21/483, 659-661;
D14/372

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D545,871 S	7/2007	Yee	
D547,793 S	7/2007	Baden et al.	
D547,794 S	7/2007	Jannard et al.	
D548,269 S	8/2007	Baden et al.	
D550,755 S *	9/2007	Fuchs	D16/326
D556,246 S	11/2007	Yee	
D556,818 S	12/2007	Jannard et al.	
D558,816 S	1/2008	Yee	
D561,810 S	2/2008	Fox et al.	
D561,811 S	2/2008	Fox et al.	
D561,812 S *	2/2008	Fox et al.	D16/325
D561,813 S *	2/2008	Baden et al.	D16/325
D565,088 S	3/2008	Baden et al.	
D565,090 S	3/2008	Yee	
D572,747 S	7/2008	Baden et al.	
D575,323 S *	8/2008	Jannard et al.	D16/326

D577,759 S	9/2008	Yee	
D581,449 S	11/2008	Yee	
D581,450 S	11/2008	Moritz	
D581,451 S	11/2008	Yee	
D584,335 S	1/2009	Baden et al.	
D586,379 S	2/2009	Thixton et al.	
D586,380 S	2/2009	Yee	
D604,759 S *	11/2009	Rohrbach et al.	D16/326
D607,040 S *	12/2009	Rohrbach	D16/326
D610,603 S	2/2010	Thixton	
D610,604 S	2/2010	Thixton	
D618,271 S *	6/2010	Chen	D16/326
D620,970 S	8/2010	Thixton	
D648,771 S	11/2011	Rohrbach	
D649,579 S	11/2011	Thixton	
D650,825 S	12/2011	Yee et al.	
D652,442 S	1/2012	Yee et al.	
D659,179 S	5/2012	Thixton	
D659,182 S	5/2012	Shin et al.	

* cited by examiner

Primary Examiner — Raphael Barkai

(74) *Attorney, Agent, or Firm* — Knobbe, Martens, Olson & Bear, LLP

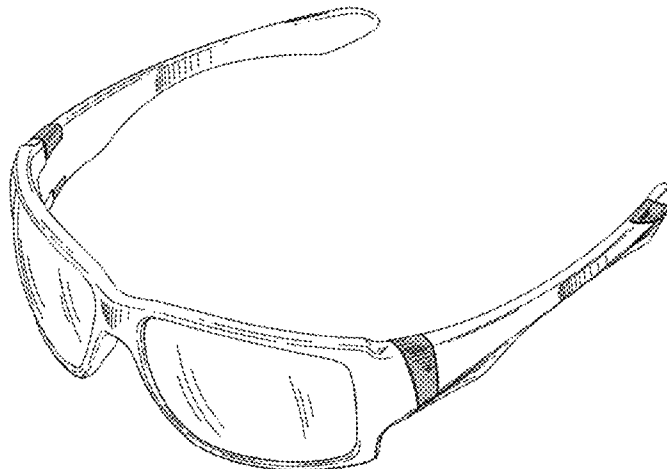
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass showing an embodiment of my new design;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof; and,
FIG. 6 is a bottom plan view thereof.

1 Claim, 4 Drawing Sheets



U.S. Patent

Feb. 19, 2013

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US D676,479 S

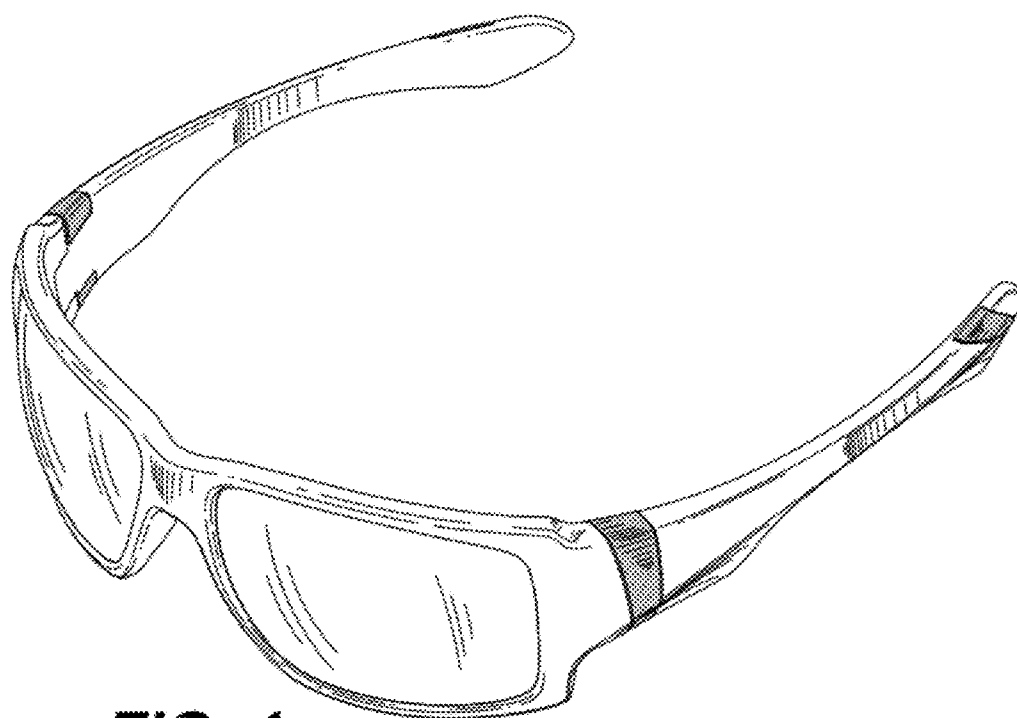


FIG. 1

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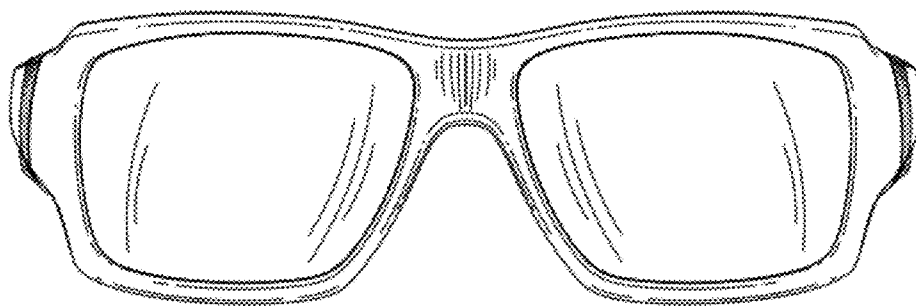


FIG. 2

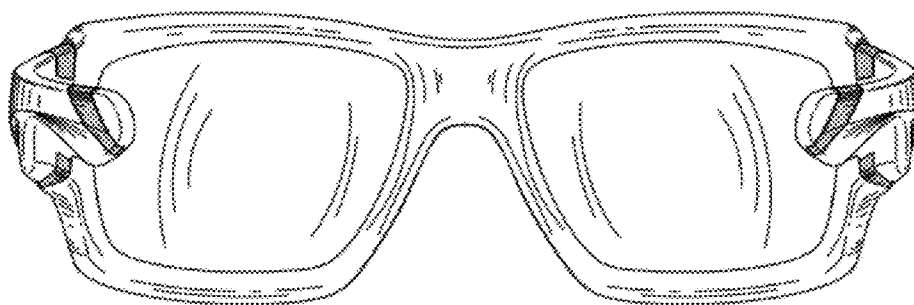


FIG. 3

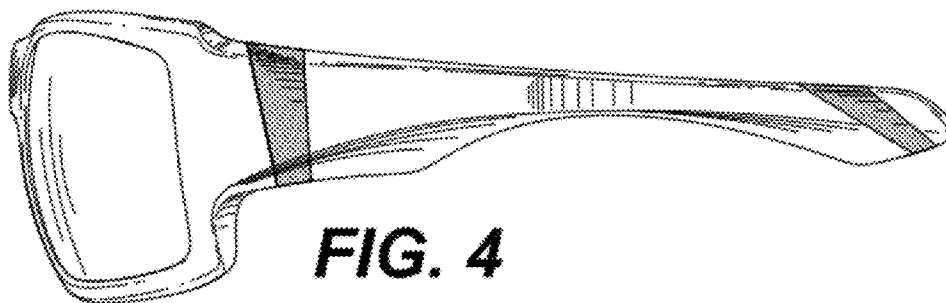


FIG. 4

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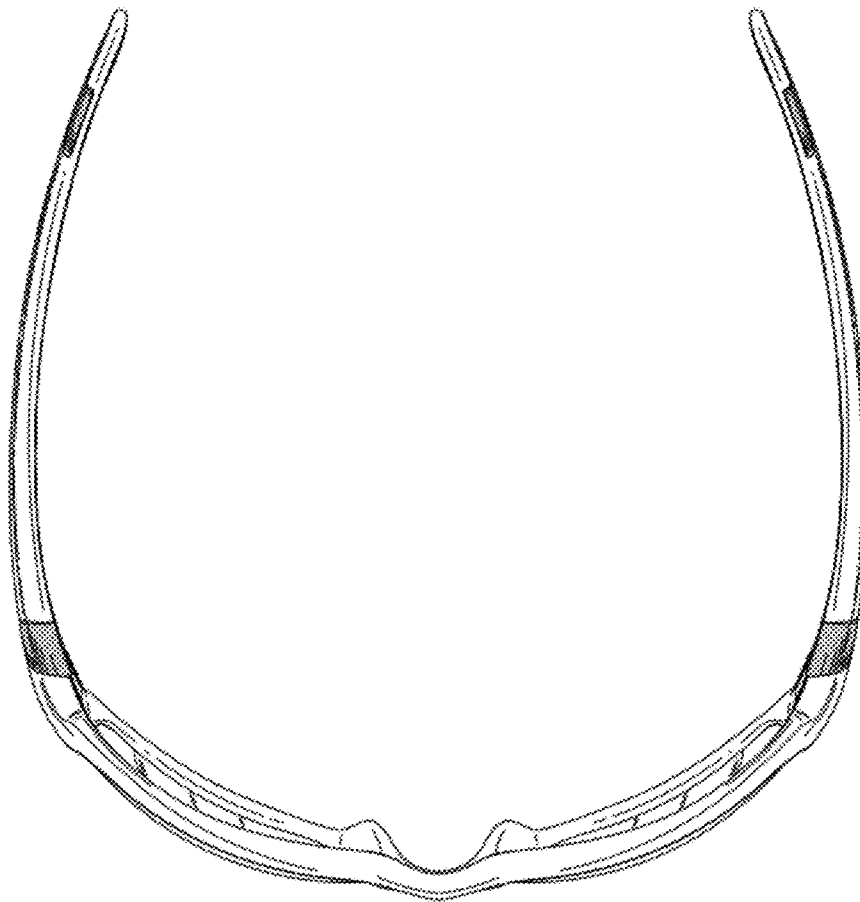


FIG. 5

U.S. Patent

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FIG. 6

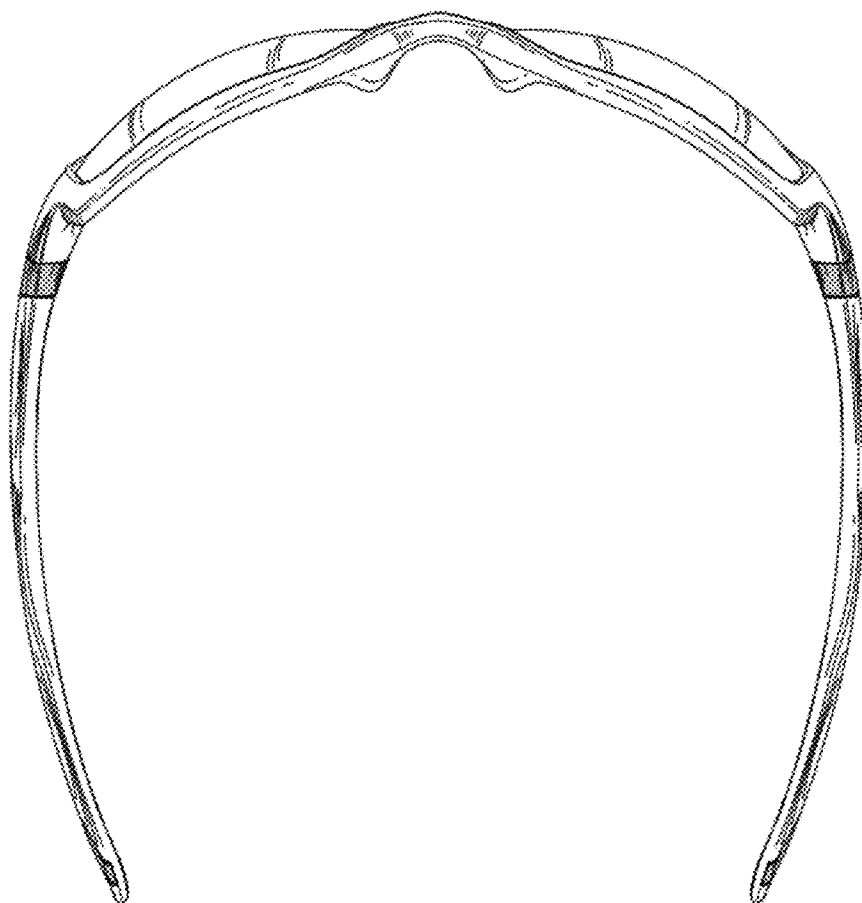


EXHIBIT E

US00D649579S

(12) **United States Design Patent**
Thixton

(10) **Patent No.:** **US D649,579 S**
(45) **Date of Patent:** **** Nov. 29, 2011**

(54) **EYEGLASS**

(75) Inventor: **Lek Thixton**, Eastsound, WA (US)

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

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

(21) Appl. No.: **29/391,383**

(22) Filed: **May 6, 2011**

(51) **LOC (9) Cl.** **16-06**

(52) **U.S. Cl.** **D16/321; D16/326**

(58) **Field of Classification Search** D16/101,
D16/300-342, 900; D29/109-110; D24/110.2;
351/41, 44, 51-52, 62, 158, 92, 103-123,
351/140, 153, 45-46; 2/426-432, 447-449,
2/441, 434-437, 13, 15; D21/483, 659-661
See application file for complete search history.

D570,897 S	6/2008	Fuchs	
D575,323 S	8/2008	Jannard et al.	
D581,444 S	11/2008	Jannard et al.	
D583,405 S *	12/2008	Chen	D16/326
D585,475 S	1/2009	Yang	
D586,379 S *	2/2009	Thixton et al.	D16/325
D595,333 S *	6/2009	Markovitz et al.	D16/326
D599,838 S	9/2009	Rohrbach	
D601,613 S	10/2009	Yee	
D604,756 S	11/2009	Shin et al.	
D604,758 S	11/2009	Rohrbach et al.	
D604,759 S	11/2009	Rohrbach et al.	
D606,578 S *	12/2009	Markovitz et al.	D16/320
D607,040 S	12/2009	Rohrbach	
D610,603 S	2/2010	Thixton	
D610,604 S	2/2010	Thixton	
D616,013 S	5/2010	Reed	
D616,919 S	6/2010	Thixton	
D620,970 S	8/2010	Thixton	
D622,304 S	8/2010	Baden et al.	
D629,830 S *	12/2010	Markovitz et al.	D16/326
D636,010 S	4/2011	Moritz	

* cited by examiner

(56) **References Cited**

U.S. PATENT DOCUMENTS

D178,178 S	7/1956	Fleming	
D192,885 S	5/1962	Pettito	
D210,418 S	3/1968	Bloch et al.	
D218,569 S	9/1970	McCracken	
D244,281 S *	5/1977	Teufelhart	D16/326
D380,766 S	7/1997	Simioni	
D488,499 S *	4/2004	Mage	D16/326
D497,934 S	11/2004	Sheldon	
D534,573 S *	1/2007	Mage	D16/326
D539,833 S	4/2007	Chuang	
D545,348 S *	6/2007	Chen	D16/326
D545,868 S	7/2007	Chuang	
D550,272 S	9/2007	Markovitz	
D554,689 S	11/2007	Jannard et al.	
D555,705 S	11/2007	Chuang	
D561,809 S	2/2008	Yee	
D561,811 S *	2/2008	Fox et al.	D16/325
D561,812 S *	2/2008	Fox et al.	D16/325
D561,813 S *	2/2008	Baden et al.	D16/325
D569,412 S	5/2008	Jannard et al.	

Primary Examiner — Raphael Barkai

(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear, LLP

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass of the present invention;

FIG. 2 is a front elevational view of the eyeglass of FIG. 1;

FIG. 3 is a rear elevational view of the eyeglass of FIG. 1;

FIG. 4 is a left side elevational view of the eyeglass of FIG. 1, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view of the eyeglass of FIG. 1; and,

FIG. 6 is a bottom plan view of the eyeglass of FIG. 1.

1 Claim, 4 Drawing Sheets

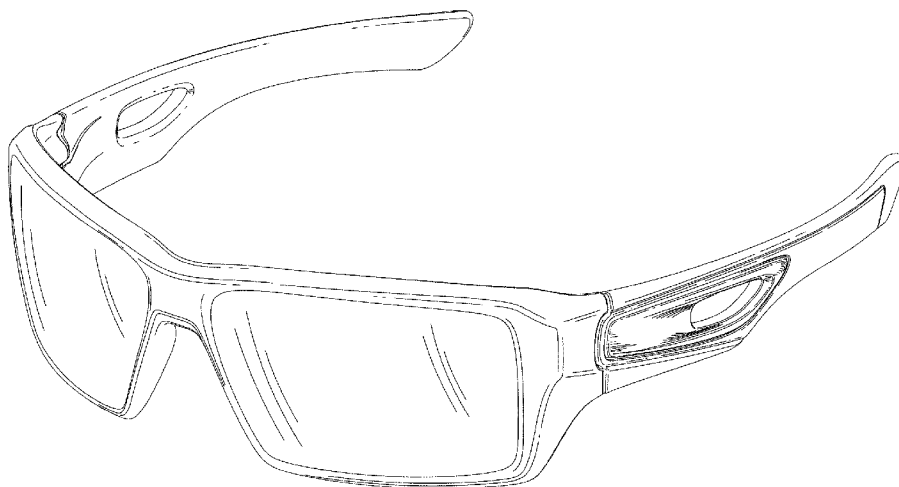


EXHIBIT E

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US D649,579 S

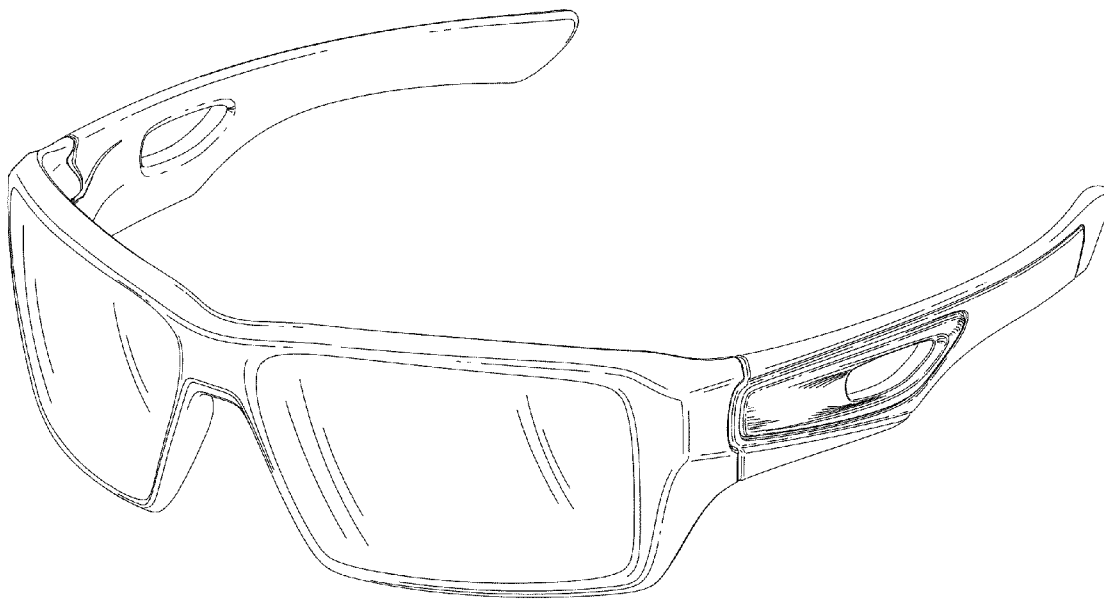


FIG. 1

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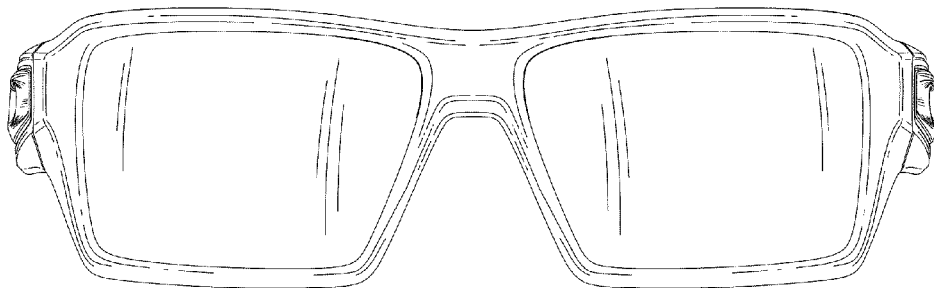


FIG. 2

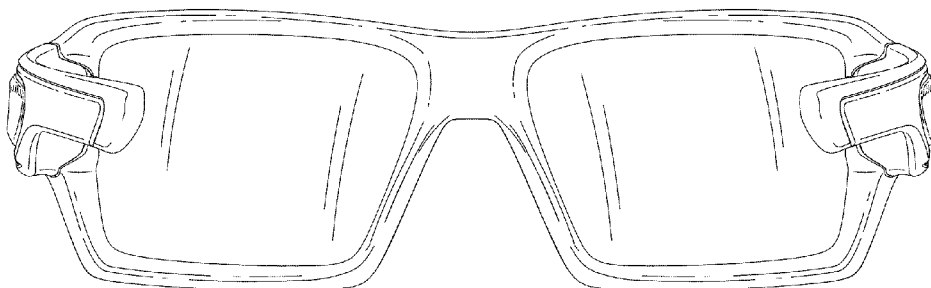


FIG. 3

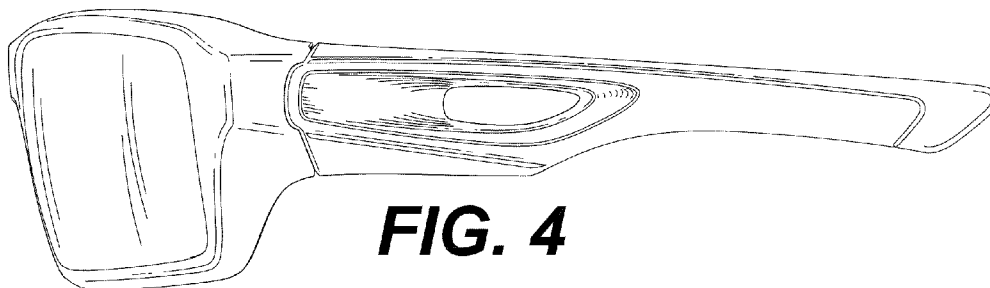


FIG. 4

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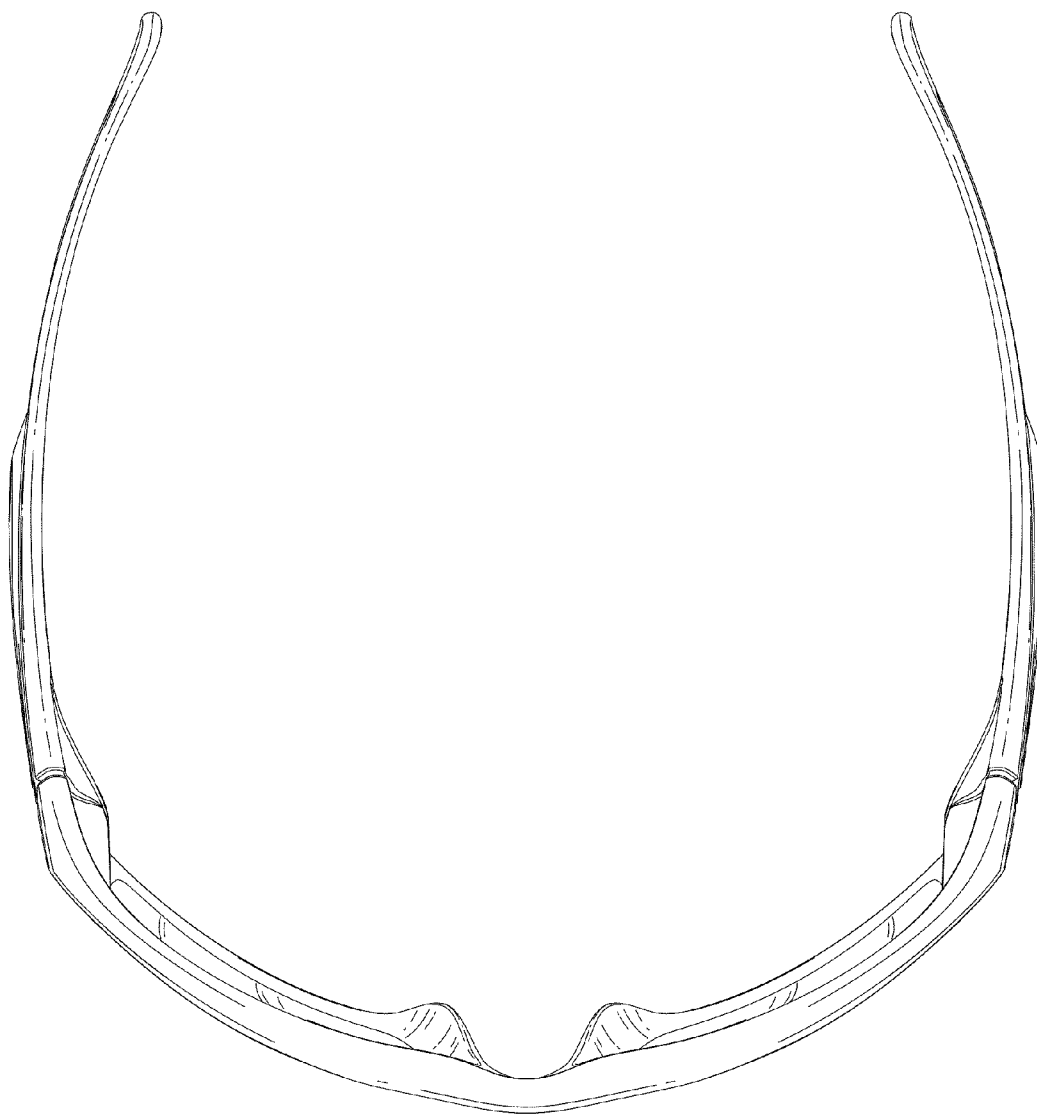


FIG. 5

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FIG. 6

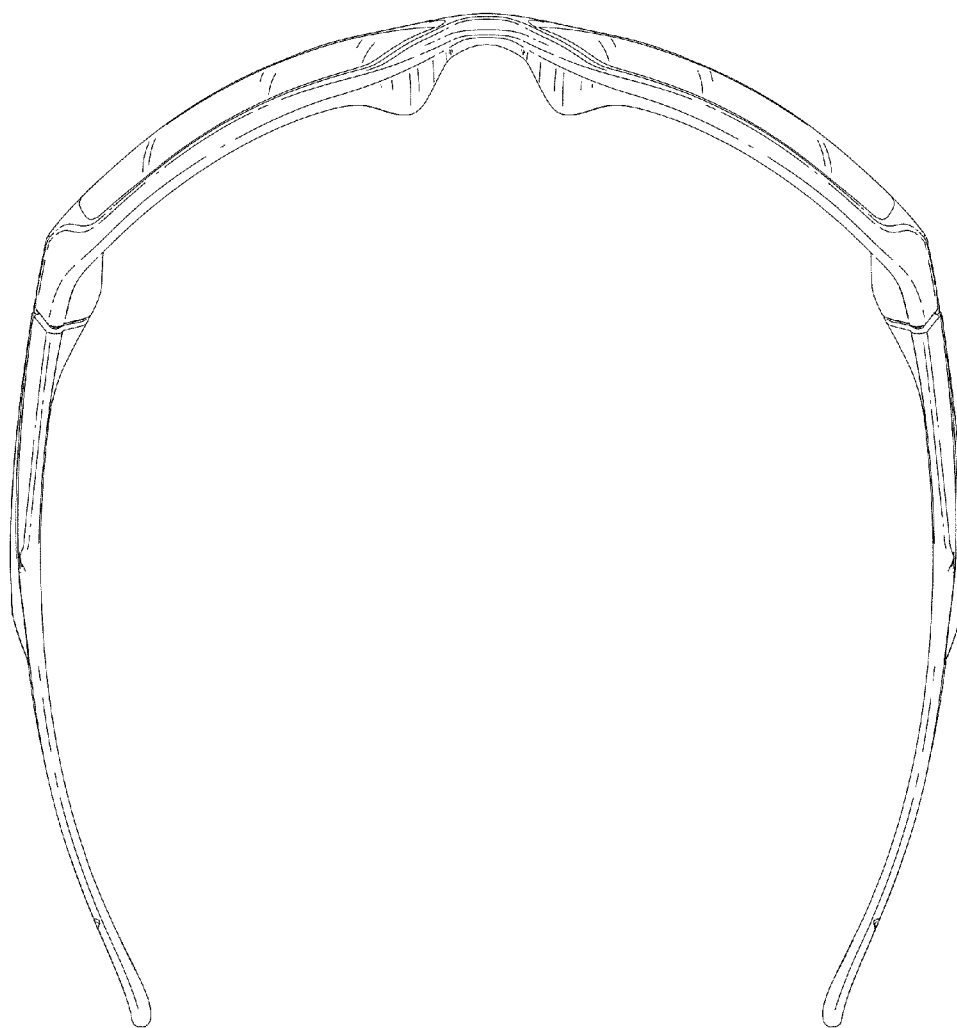


EXHIBIT F

US00D547794S

(12) **United States Design Patent**
Jannard et al.

(10) **Patent No.:** **US D547,794 S**
(45) **Date of Patent:** **** Jul. 31, 2007**

(54) **EYEGLASSES**

(75) Inventors: **James H. Jannard**, Spieden Island, WA (US); **Hans Karsten Moritz**, Foothill Ranch, CA (US); **Colin Baden**, Irvine, CA (US)

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

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

(21) Appl. No.: **29/227,719**

(22) Filed: **Apr. 13, 2005**

(51) **LOC (8) CL.** **16-06**

(52) **U.S. CL.** **D16/326**

(58) **Field of Classification Search** D16/300-330,
D16/101, 332-338; D29/109-110; D24/110.2;
351/41, 44, 51-52, 62, 158, 92, 103-111,
351/156, 61, 114-119, 121-123; 2/426-432,
2/447-449, 441, 436, 434-437

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D192,885 S	*	5/1962	Petitto	.....	D16/329
D193,028 S		6/1962	Petitto		
D199,150 S		9/1964	Carmichael		
D202,658 S		10/1965	Petitto		
D209,862 S		1/1968	McCracken		
D210,418 S	*	3/1968	Bloch	.....	D16/326
D218,569 S	*	9/1970	McCracken	.....	D16/325
D264,094 S	*	4/1982	Morris	.....	D16/325
D268,683 S		4/1983	Tenny		
D285,020 S		8/1986	Schmidthaler		
D372,726 S		8/1996	Simioni		
D390,589 S		2/1998	Simioni		
D397,351 S		8/1998	Simioni		
D399,238 S	*	10/1998	Simioni	.....	D16/326
D407,099 S		3/1999	Wang		

D414,796 S		10/1999	Arnette		
D420,035 S	*	2/2000	Hartman	.....	D16/325
D449,641 S	*	10/2001	Arnette	.....	D16/326
D488,499 S	*	4/2004	Mage	.....	D16/326
D500,781 S	*	1/2005	Mage	.....	D16/326
D518,847 S	*	4/2006	Teng	.....	D16/326
D532,033 S	*	11/2006	Mangum	.....	D16/326
D534,572 S	*	1/2007	Teng	.....	D16/326
D534,573 S	*	1/2007	Mage	.....	D16/326
D536,028 S	*	1/2007	Paulson	.....	D16/326
D537,467 S	*	2/2007	Teng	.....	D16/326

OTHER PUBLICATIONS

Sunglass Hut, p. 5, 2002.*

* cited by examiner

Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Gregory K. Nelson

(57) **CLAIM**

The ornamental design for an eyeglasses, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglasses of the present invention;

FIG. 2 is a left-side elevational view of the eyeglasses, the right side elevational view being a mirror image thereof;

FIG. 3 is a front elevational view thereof;

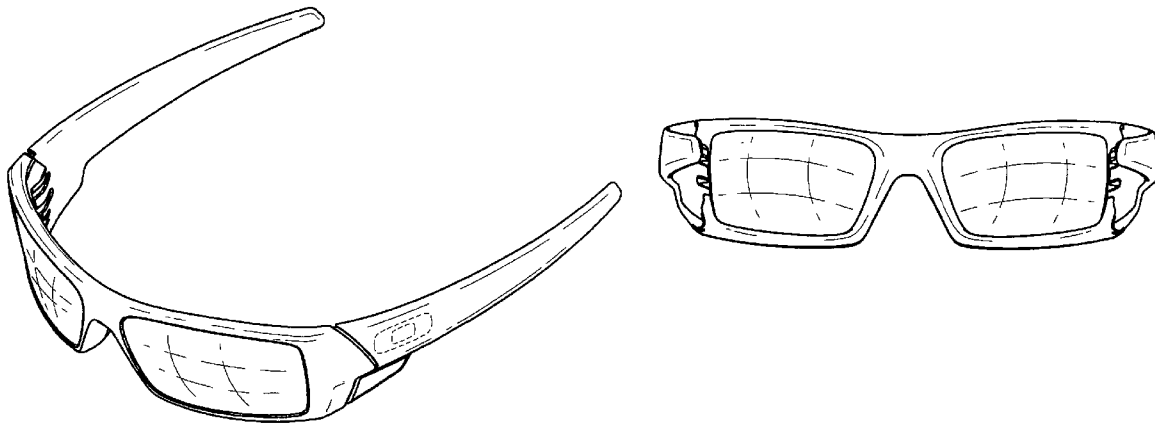
FIG. 4 is a rear elevational view thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets



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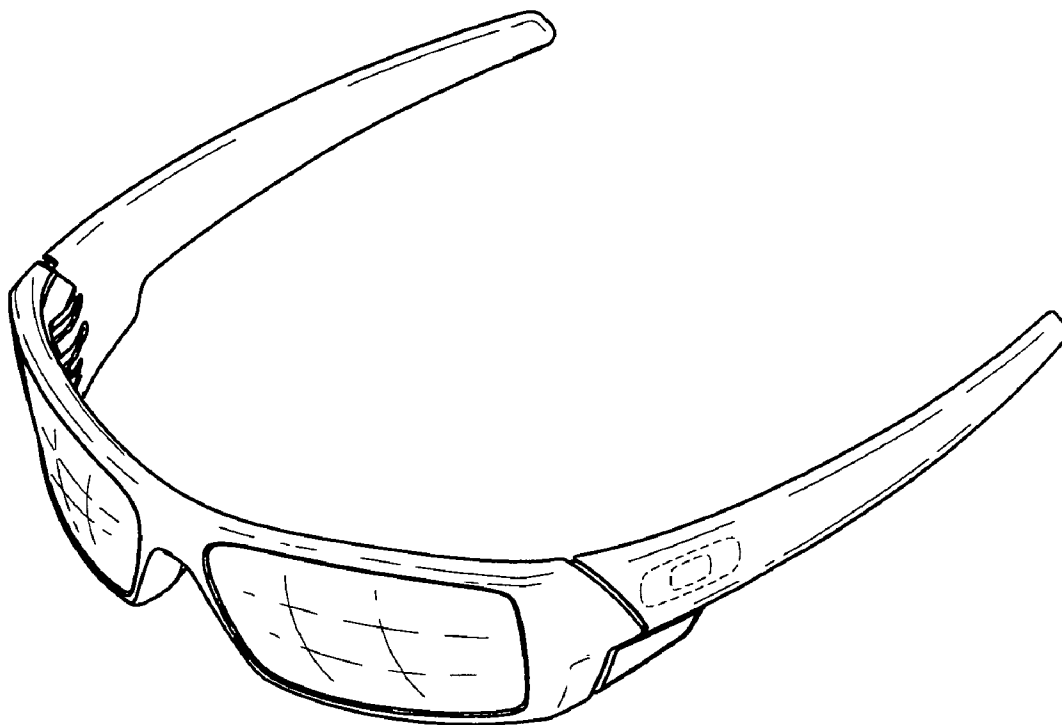


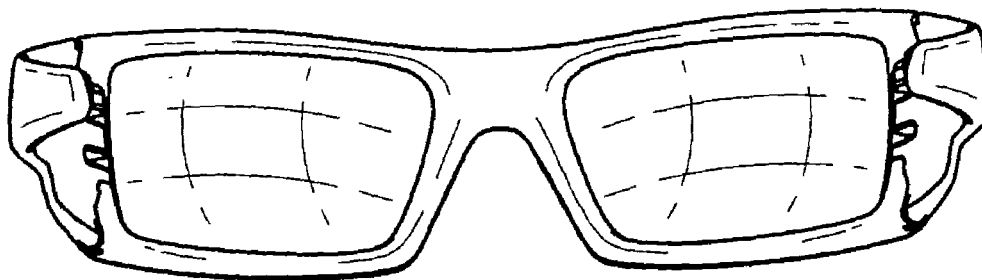
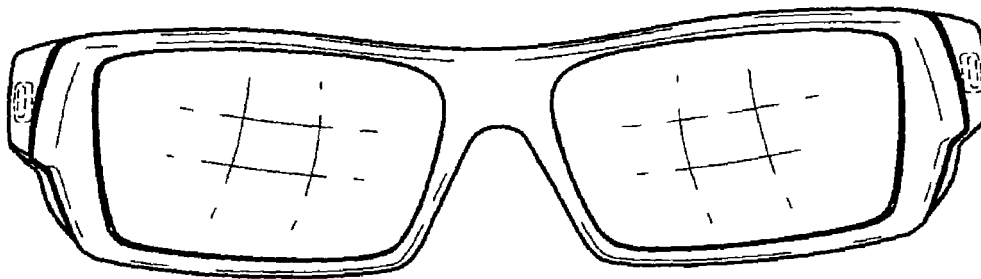
FIG. 1

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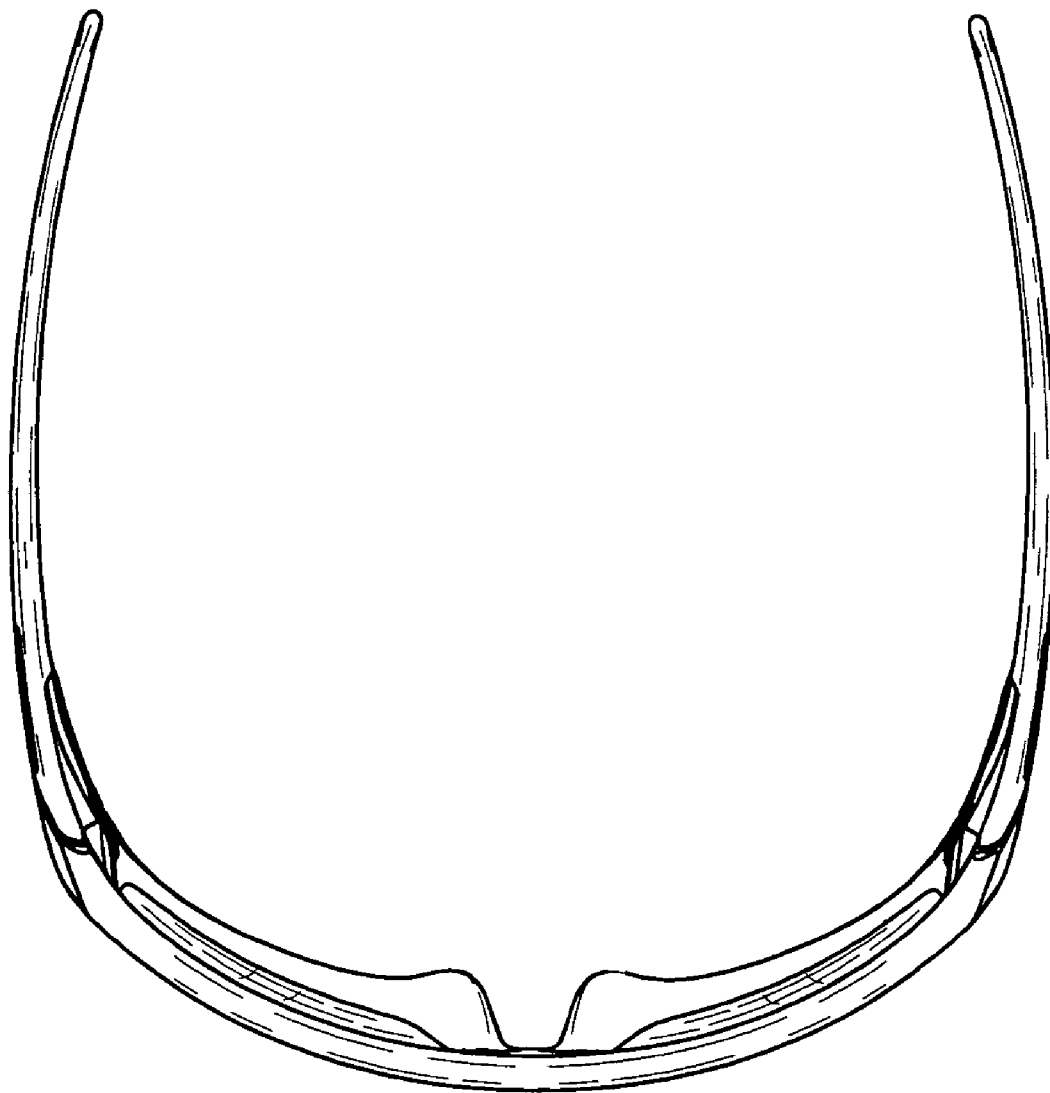


FIG. 5

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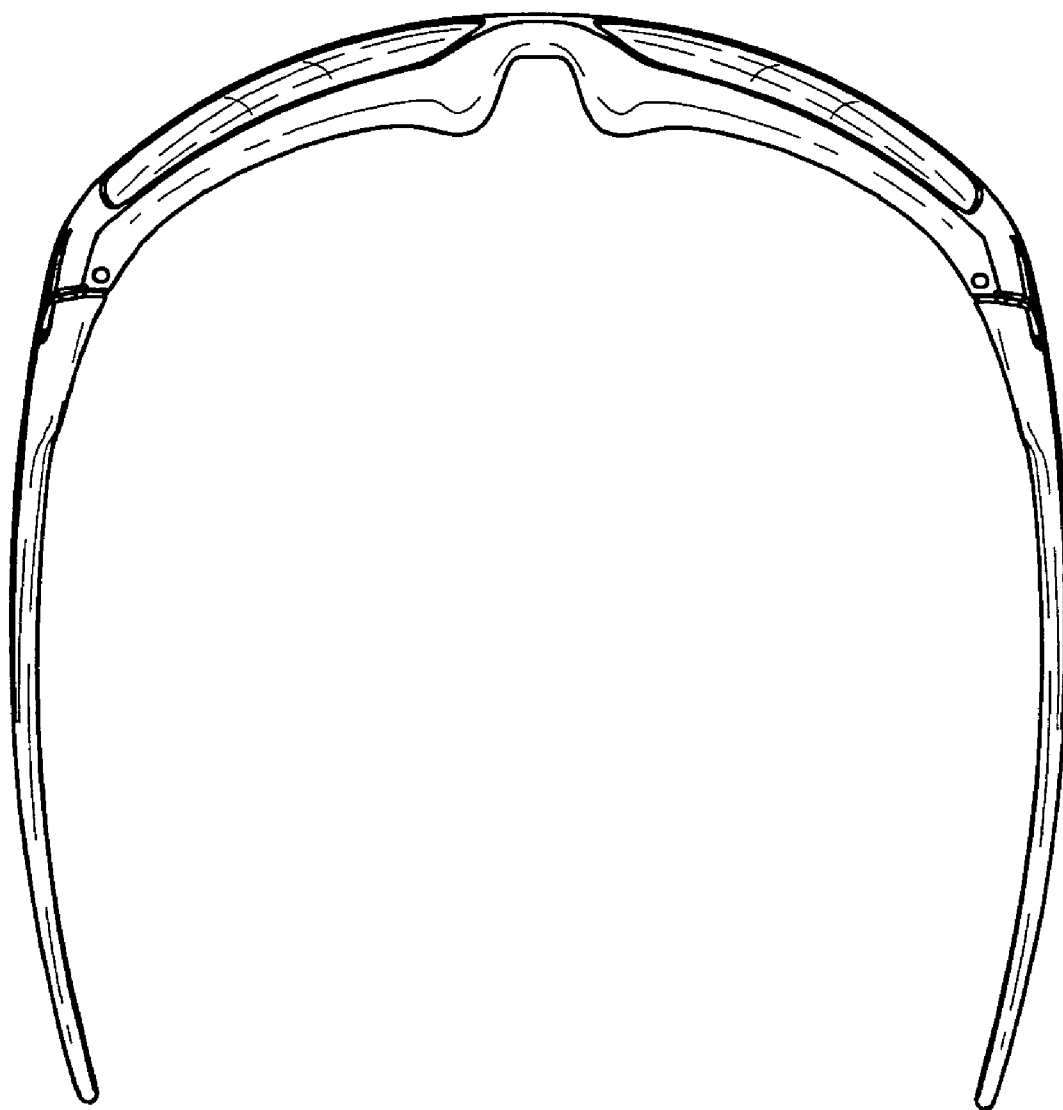


FIG. 6

EXHIBIT G

US00D554689S

(12) **United States Design Patent** (10) **Patent No.:** **US D554,689 S**
Jannard et al. (45) **Date of Patent:** **** Nov. 6, 2007**

(54) **EYEGLASS FRAME**

(75) Inventors: **James H. Jannard**, Spieden Island, WA (US); **Hans Karsten Moritz**, Foothill Ranch, CA (US); **Colin Baden**, Irvine, CA (US)

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

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

(21) Appl. No.: **29/272,776**

(22) Filed: **Feb. 15, 2007**

Related U.S. Application Data

(62) Division of application No. 29/227,719, filed on Apr. 13, 2005.

(51) **LOC (8) Cl.** **16-06**

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

(58) **Field of Classification Search** D16/300-330, D16/101, 332-338; D29/109-110; D24/110.2; 351/41, 44, 51-52, 62, 158, 92, 103-111, 351/156, 61, 114-119, 121-123; 2/426-432, 2/447-449, 441, 436, 434-437

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D192,885 S * 5/1962 Petitto D16/329
D193,028 S 6/1962 Petitto
D199,150 S 9/1964 Carmichael
D202,658 S 10/1965 Petitto
D209,862 S 1/1968 McCracken
D210,418 S * 3/1968 Bloch D16/326
D218,569 S * 9/1970 McCracken D16/325
D264,094 S * 4/1982 Morris D16/325
D268,683 S 4/1983 Tenny
D285,020 S 8/1986 Schmidthaler
D372,726 S 8/1996 Simioni
D390,589 S 2/1998 Simioni
D397,351 S 8/1998 Simioni

D399,238 S * 10/1998 Simioni D16/326
D407,099 S 3/1999 Wang
D414,796 S 10/1999 Arnette
D420,035 S * 2/2000 Hartman D16/325
D449,641 S * 10/2001 Arnette D16/326
D488,499 S * 4/2004 Mage D16/326
D500,781 S * 1/2005 Mage D16/326
D518,847 S * 4/2006 Teng D16/326
D532,033 S * 11/2006 Mangum D16/326
D534,572 S * 1/2007 Teng D16/326
D534,573 S * 1/2007 Mage D16/326
D536,028 S * 1/2007 Paulson D16/326
D537,467 S * 2/2007 Teng D16/326

OTHER PUBLICATIONS

Sunglass Hut, p. 5, 2002.*

U.S. Appl. No. 29/227,719, filed Apr. 13, 2005, Jannard, Pending application.

* cited by examiner

Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Gregory K. Nelson

(57) **CLAIM**

The ornamental design for an eyeglass frame, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass frame of the present invention;

FIG. 2 is a left-side elevational view thereof, the right-side elevational view being a mirror image thereof;

FIG. 3 is a front elevational view thereof;

FIG. 4 is a rear elevational view thereof;

FIG. 5 is a top elevational view thereof; and,

FIG. 6 is a bottom plan view thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 4 Drawing Sheets

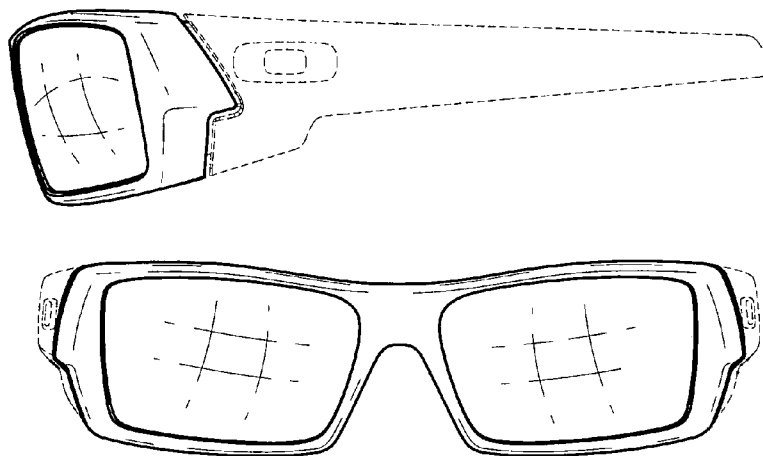


EXHIBIT G

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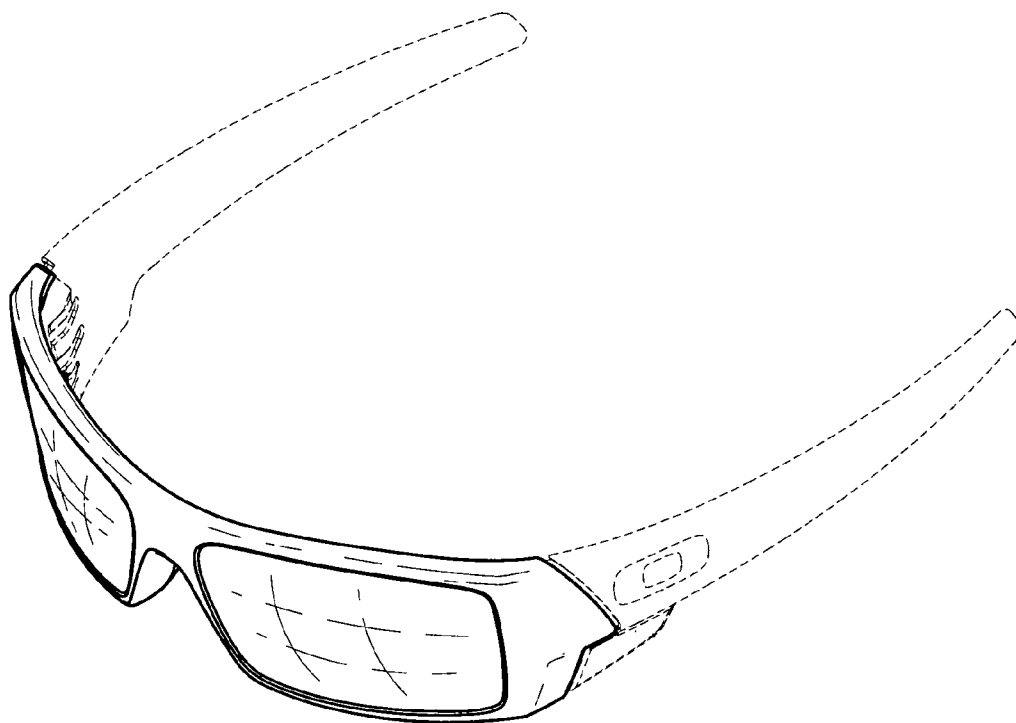


FIG. 1

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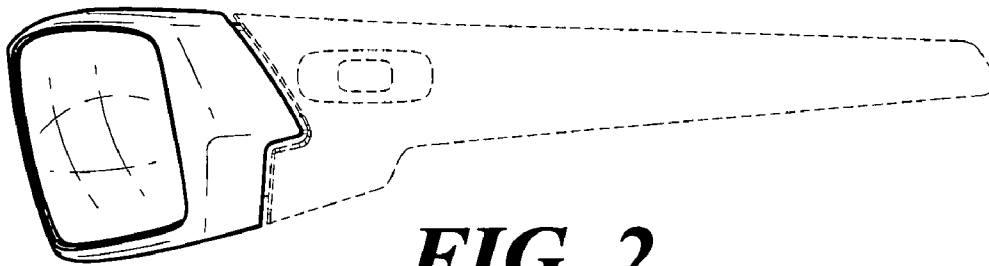


FIG. 2

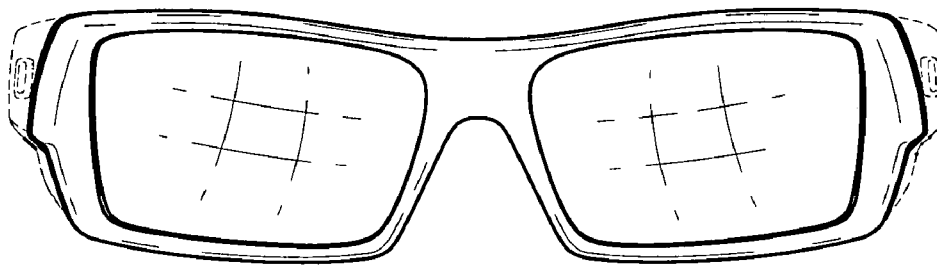


FIG. 3

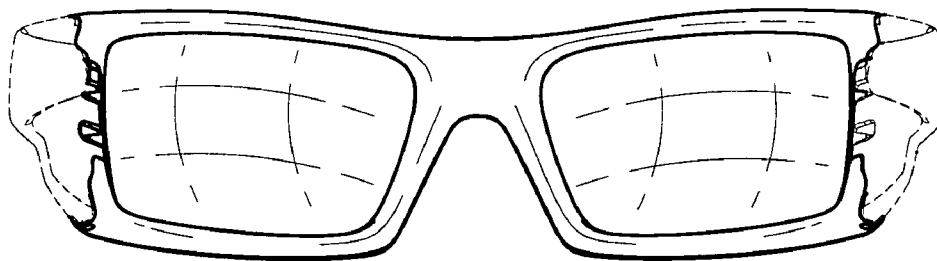


FIG. 4

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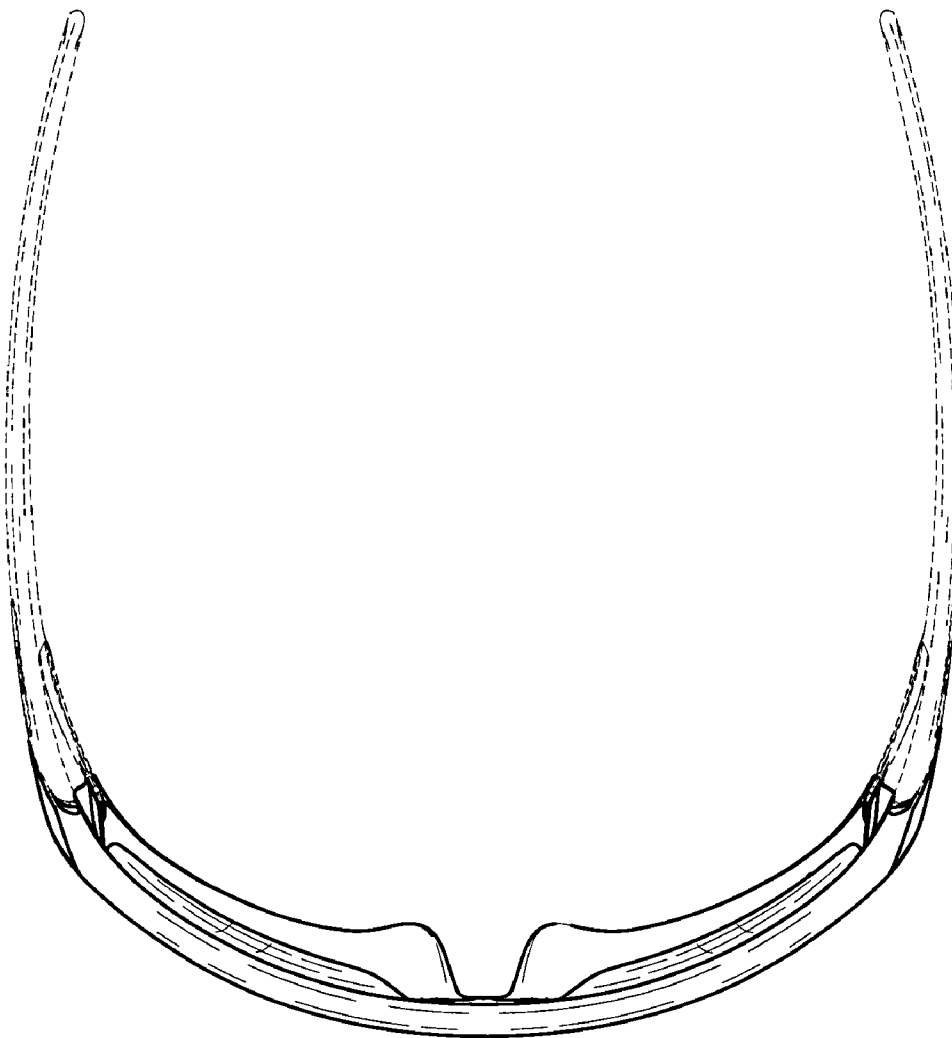


FIG. 5

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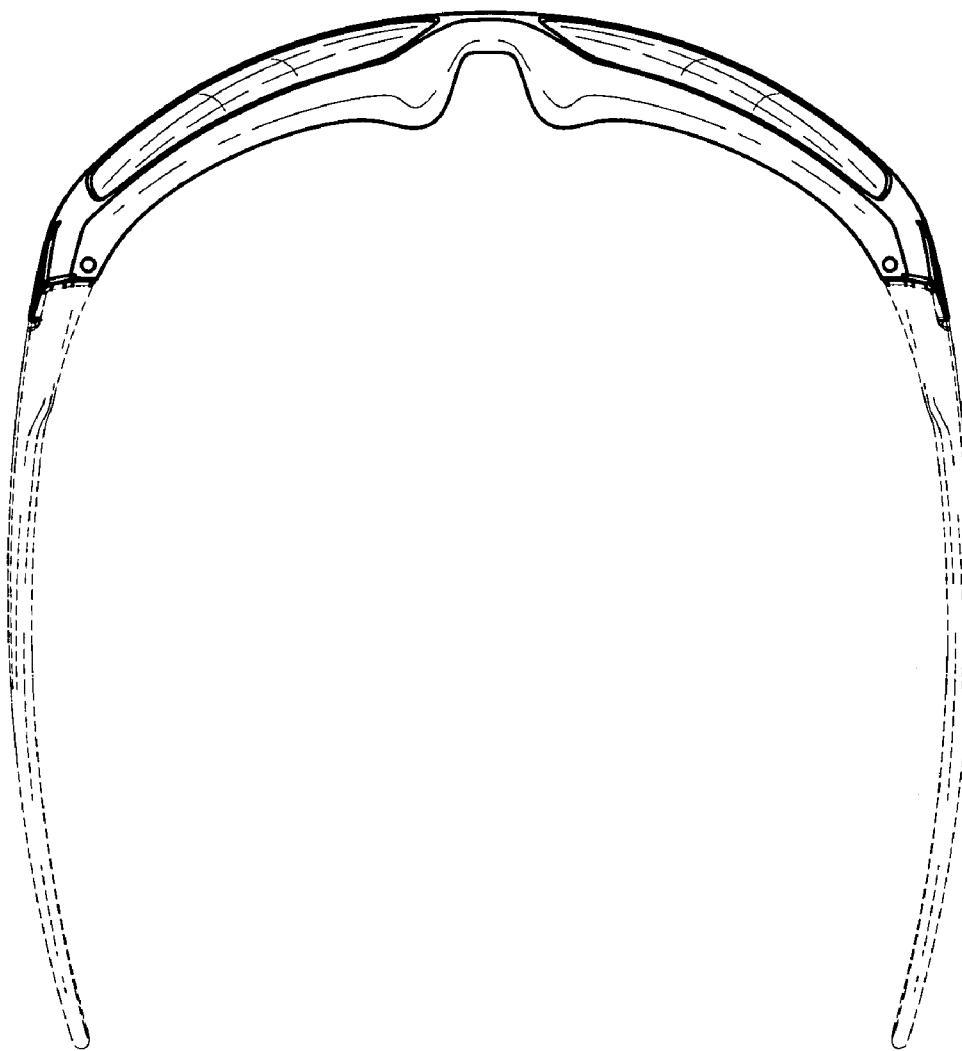


FIG. 6

EXHIBIT H

US00D556818S

(12) **United States Design Patent** (10) **Patent No.:** **US D556,818 S**
Jannard et al. (45) **Date of Patent:** **** Dec. 4, 2007**

(54) **EYEGLASS COMPONENTS**

(75) Inventors: **James H. Jannard**, Spieden Island, WA (US); **Hans Karsten Moritz**, Foothill Ranch, CA (US); **Colin Baden**, Irvine, CA (US)

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

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

(21) Appl. No.: **29/272,777**

(22) Filed: **Feb. 15, 2007**

Related U.S. Application Data

(62) Division of application No. 29/227,719, filed on Apr. 13, 2005, now Pat. No. Des. 547,794.

(51) **LOC (8) Cl.** **16-06**

(52) **U.S. Cl.** **D16/326; D16/335**

(58) **Field of Classification Search** D16/300-330, D16/101, 332-338; D29/109-110; D24/110.2; 351/41, 44, 51-52, 62, 158, 92, 103-111, 351/156, 61, 114-119, 121-123; 2/426-432, 2/447-449, 441, 436, 434-437
 See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D193,028 S	6/1962	Petitto
D199,150 S	9/1964	Carmichael
D202,658 S	10/1965	Petitto
D209,862 S	1/1968	McCracken
D268,683 S	4/1983	Tenny
D285,020 S	8/1986	Schmidthaler
D372,726 S	8/1996	Simioni
D390,589 S	2/1998	Simioni
D397,351 S	8/1998	Simioni
D407,099 S	3/1999	Wang
D414,796 S	10/1999	Arnette

D481,063 S	*	10/2003	Lane	.....	D16/326
D500,781 S	*	1/2005	Mage	.....	D16/335
D534,572 S	*	1/2007	Teng	.....	D16/337
D535,318 S	*	1/2007	Teng	.....	D16/335
D535,319 S	*	1/2007	Chuang	.....	D16/326
D536,026 S	*	1/2007	Bruck	.....	D16/326
D537,467 S	*	2/2007	Teng	.....	D16/326

OTHER PUBLICATIONS

Pending U.S. Appl. No. 29/227,719, filed Apr. 13, 2005, Jannard.

* cited by examiner

Primary Examiner—Raphael Barkai

(74) *Attorney, Agent, or Firm*—Gregory K. Nelson

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of the eyeglass components of the present invention;

FIG. 2 is a perspective view thereof;

FIG. 3 is a front elevational view thereof;

FIG. 4 is a lateral left-side elevational view thereof, the lateral right-side elevational view being a mirror image thereof;

FIG. 5 is a medial left-side elevational view thereof, the medial right-side elevational view being a mirror image thereof;

FIG. 6 is a rear elevational view thereof;

FIG. 7 is a bottom plan view thereof; and,

FIG. 8 is a top elevational view thereof.

Phantom lining, where utilized, is for illustrative purposes only and is not intended to limit the claimed design to the features shown in phantom.

1 Claim, 5 Drawing Sheets

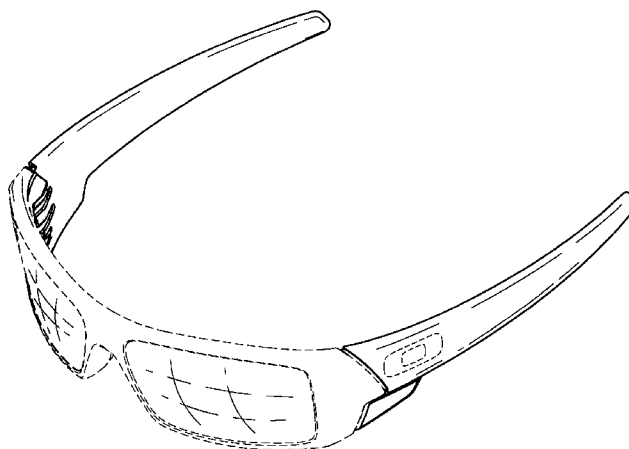


EXHIBIT H

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US D556,818 S

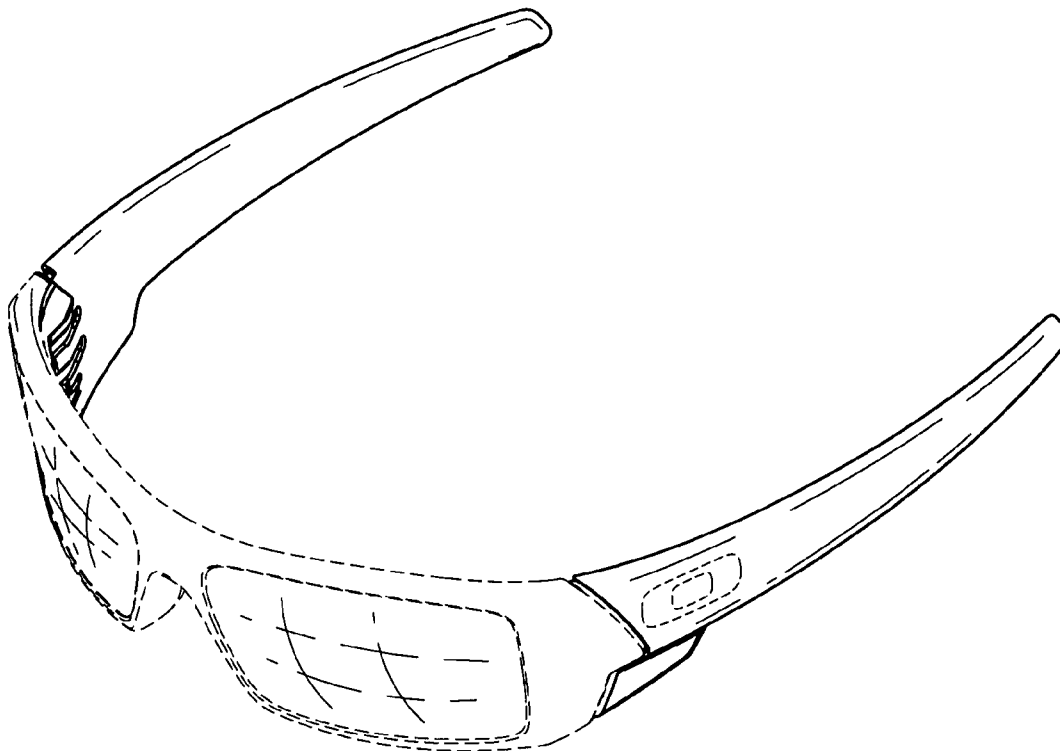


FIG. 1

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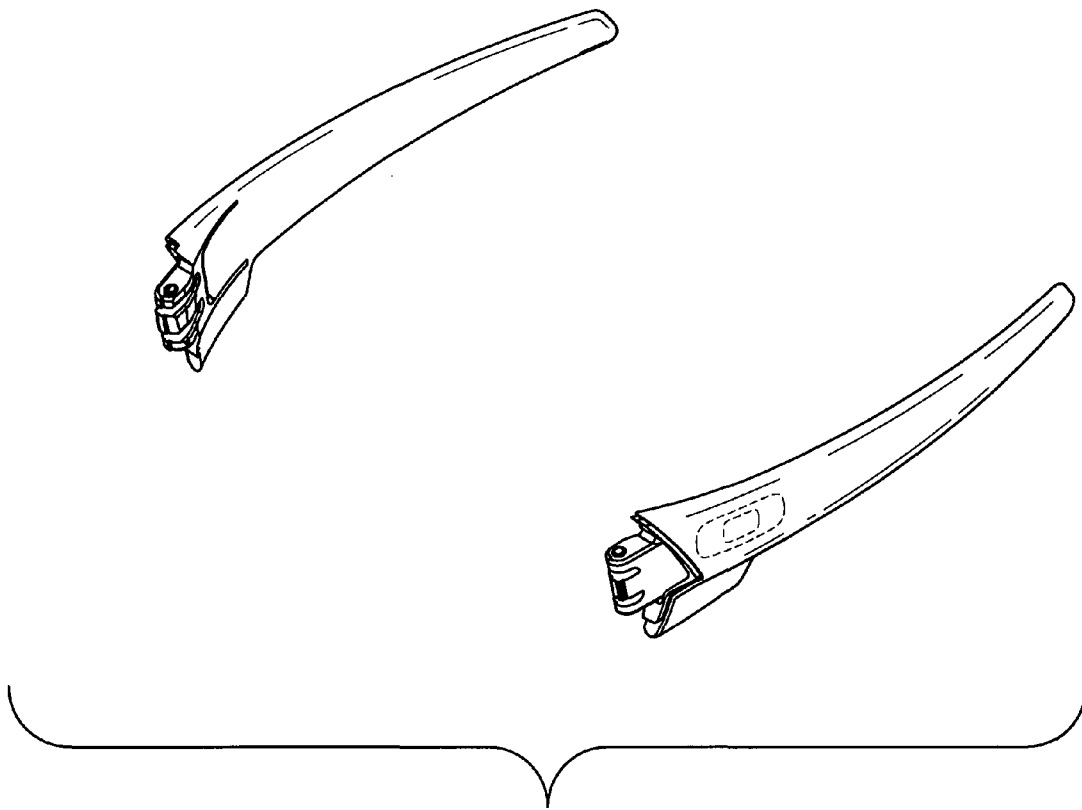


FIG. 2

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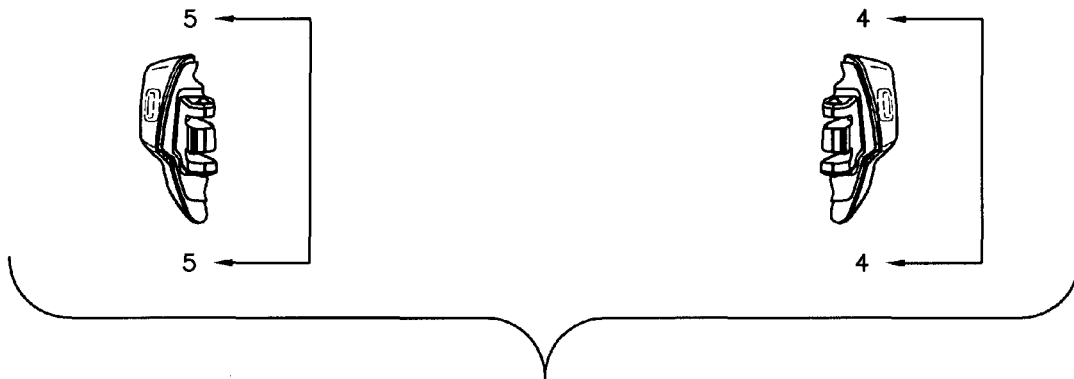


FIG. 3



FIG. 4



FIG. 5

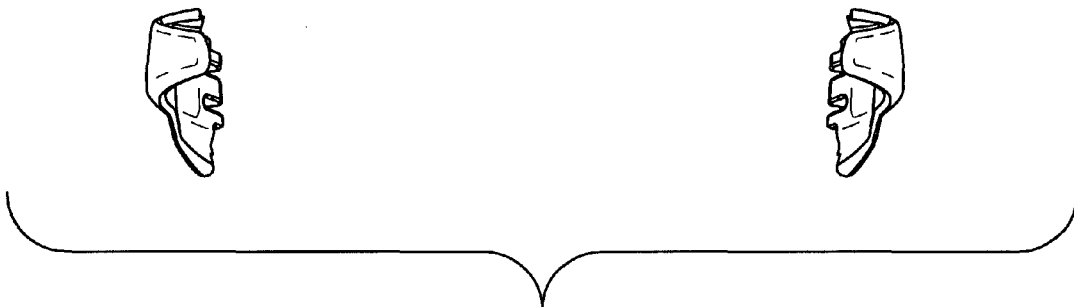


FIG. 6

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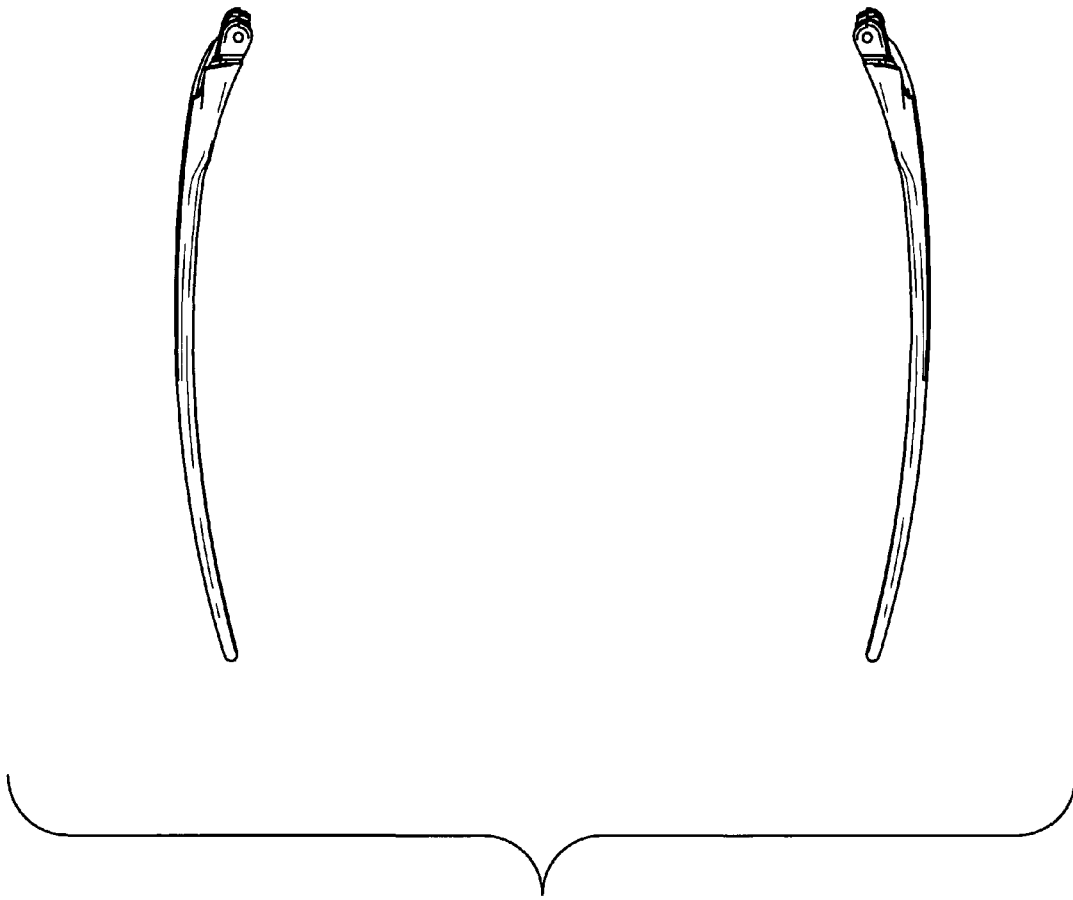


FIG. 7

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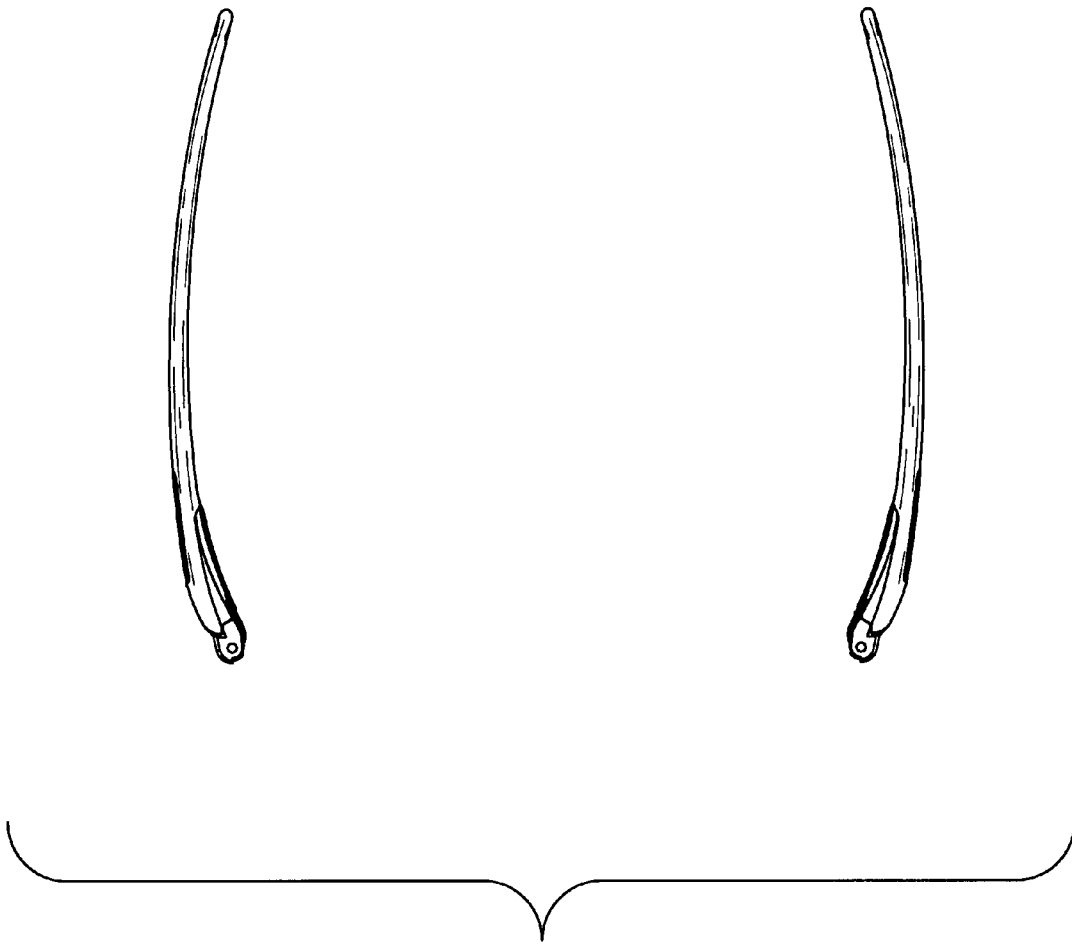


FIG. 8

EXHIBIT I

US00D724135S

(12) **United States Design Patent**
Shin

(10) **Patent No.:** **US D724,135 S**
(45) **Date of Patent:** **** Mar. 10, 2015**

(54) **EYEGLASS OR COMPONENTS THEREOF**
(71) Applicant: **Oakley, Inc.**, Foothill Ranch, CA (US)
(72) Inventor: **Jae Shin**, Irvine, CA (US)
(73) Assignee: **Oakley, Inc.**, Foothill Ranch, CA (US)
(**) Term: **14 Years**
(21) Appl. No.: **29/484,252**
(22) Filed: **Mar. 7, 2014**

D581,450 S 11/2008 Moritz
D599,838 S 9/2009 Rohrbach
D599,839 S 9/2009 Rohrbach
D604,758 S * 11/2009 Rohrbach et al. D16/326
D604,759 S 11/2009 Rohrbach
D607,040 S 12/2009 Rohrbach
D615,579 S 5/2010 Markovitz
D648,771 S 11/2011 Rohrbach
D650,825 S 12/2011 Yee et al.
D652,442 S 1/2012 Yee et al.
D653,699 S 2/2012 Shin
D659,182 S 5/2012 Shin et al.
D662,124 S 6/2012 Shin
D662,967 S 7/2012 Shin
D675,666 S 2/2013 Thixton et al.
D680,574 S 4/2013 DeCelles et al.
D692,047 S * 10/2013 Shin D16/325

Related U.S. Application Data

(63) Continuation of application No. 29/427,769, filed on Jul. 23, 2012, now Pat. No. Des. 700,933.
(51) **LOC (10) Cl.** **16-06**
(52) **U.S. Cl.**
USPC **D16/335**
(58) **Field of Classification Search**
USPC D16/101, 300-342, 900; D29/109-110;
351/41, 44, 51-52, 62, 158, 92,
351/103-123, 140-153, 63, 59, 45-46;
2/426-432, 447-449, 441, 434-437,
2/13, 15; D21/483, 659-661; D14/372
See application file for complete search history.

* cited by examiner

Primary Examiner — Raphael Barkai

(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear, LLP

CLAIM

(57) The ornamental design for an eyeglass or components thereof, as shown and described.

DESCRIPTION

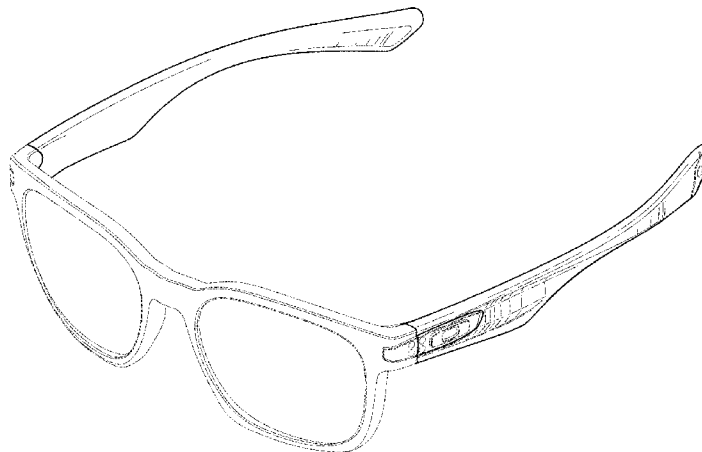
FIG. 1 is a front perspective view of an eyeglass or components thereof showing my new design;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a rear elevational view thereof;
FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;
FIG. 5 is a top plan view thereof; and,
FIG. 6 is a bottom plan view thereof.
The broken lines in the Figures show portions of the eyeglass or components thereof which form no part of the claimed design.

1 Claim, 4 Drawing Sheets

(56) References Cited

U.S. PATENT DOCUMENTS

D232,260 S * 7/1974 Gardner D16/335
D409,222 S 5/1999 Raub
D427,622 S 7/2000 Conway
D490,458 S * 5/2004 Finquel D16/326
D565,088 S 3/2008 Baden et al.
D572,747 S 7/2008 Baden et al.
D575,323 S * 8/2008 Jannard et al. D16/326
D577,759 S 9/2008 Yee



U.S. Patent

Mar. 10, 2015

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US D724,135 S

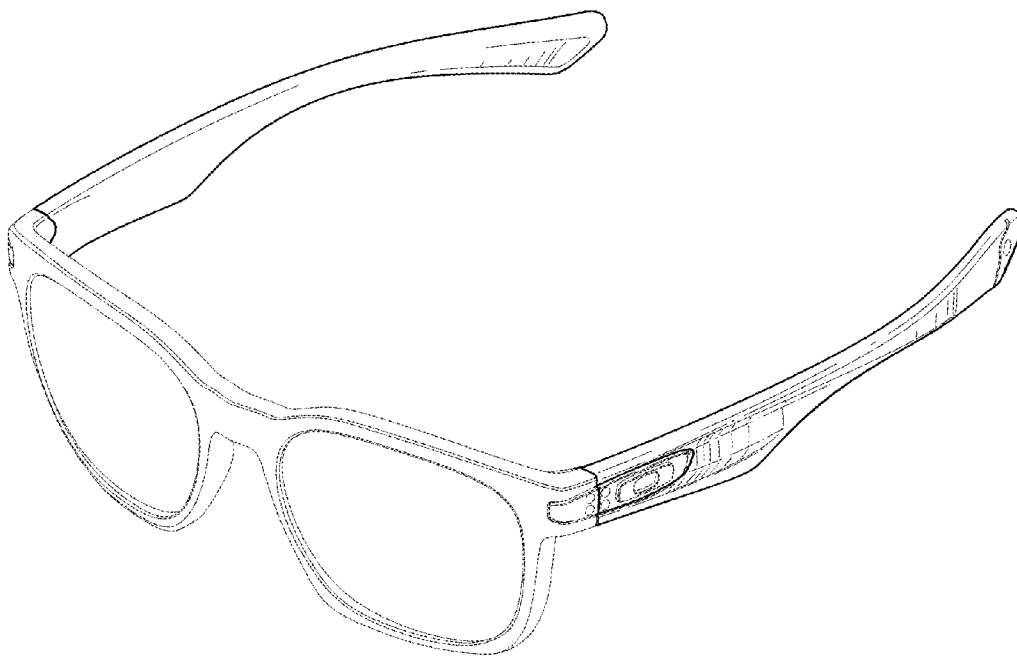


FIG. 1

U.S. Patent

Mar. 10, 2015

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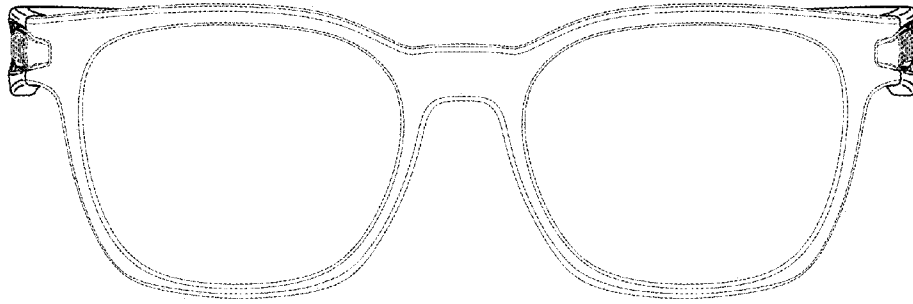


FIG. 2

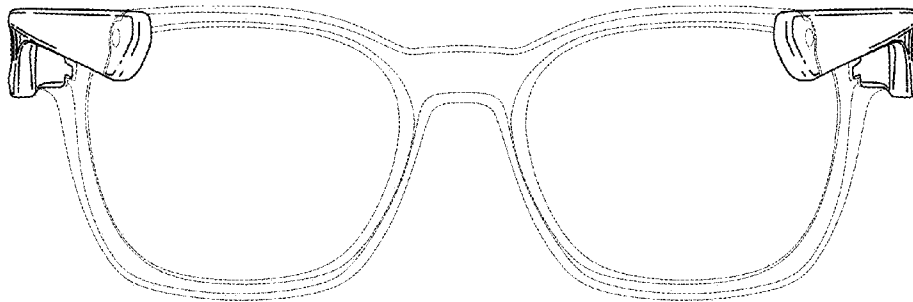


FIG. 3

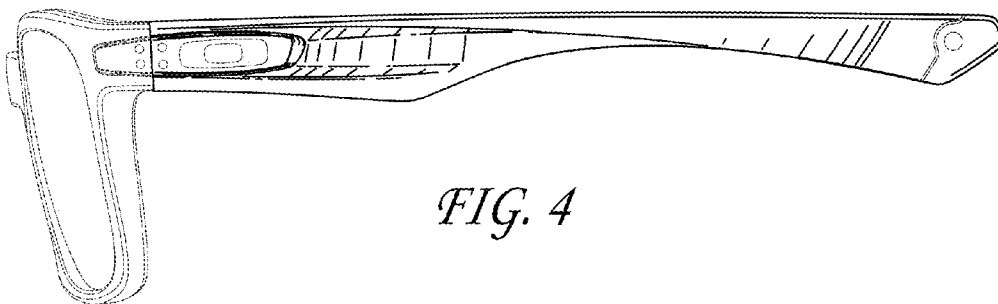


FIG. 4

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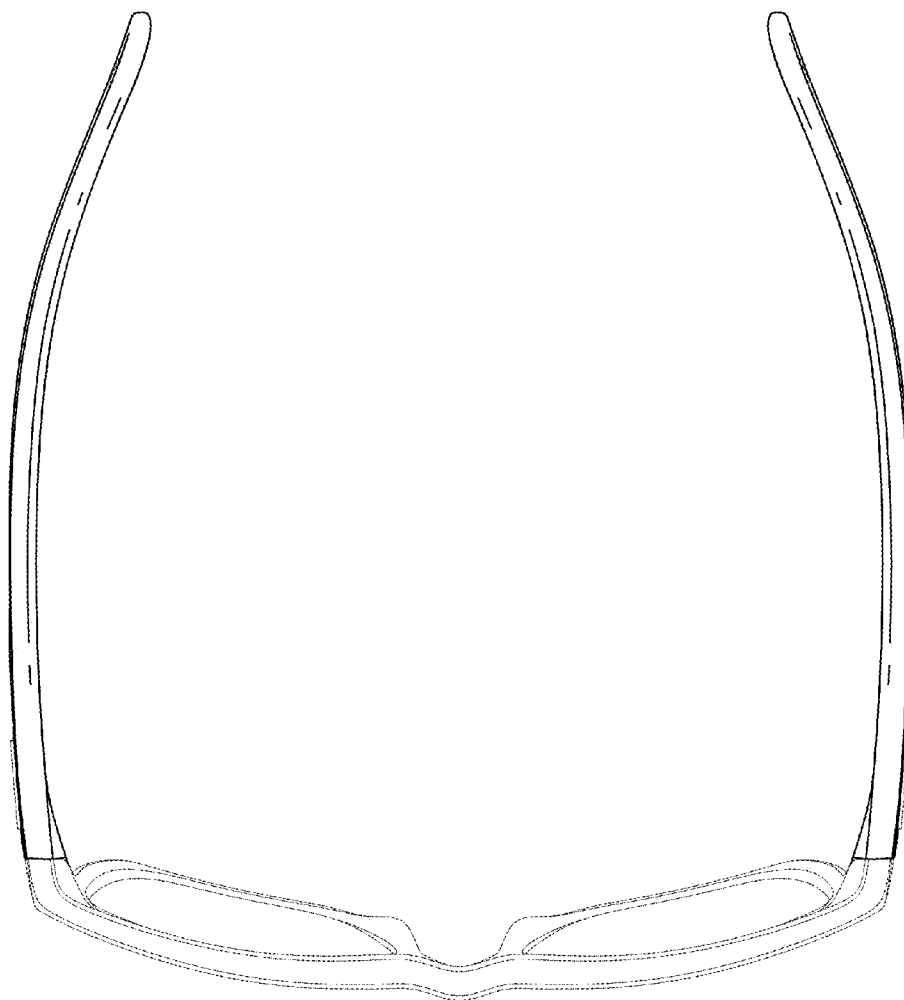


FIG. 5

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Mar. 10, 2015

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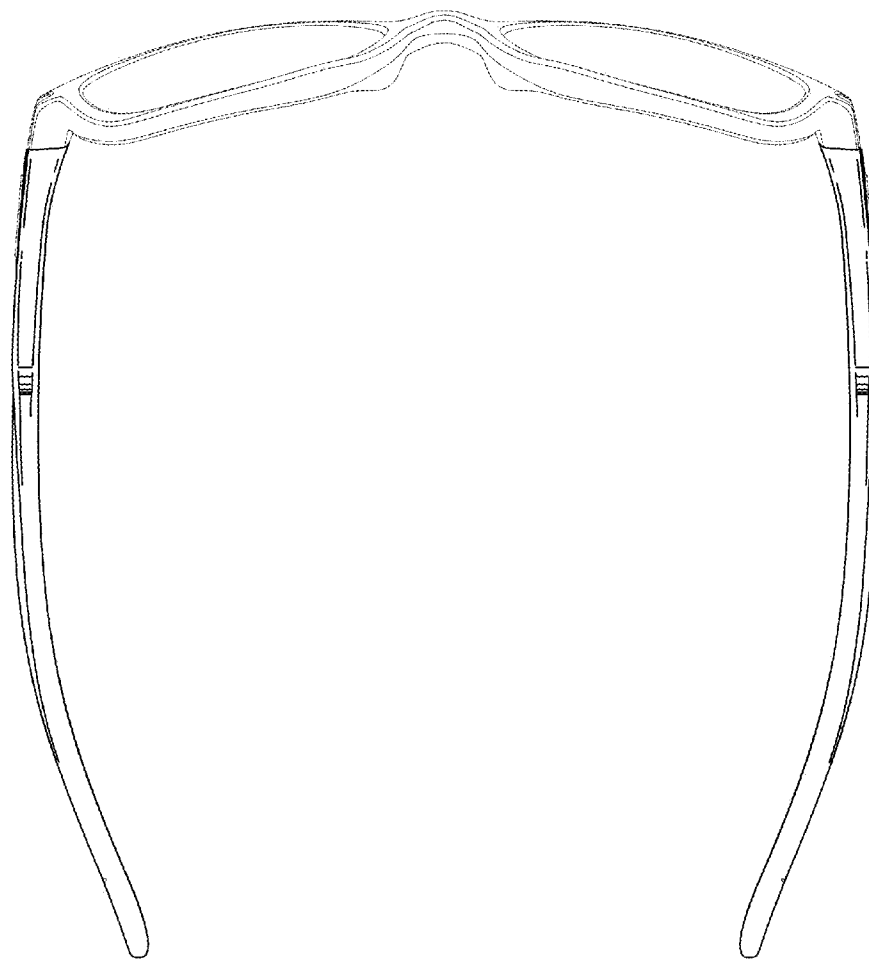


FIG. 6

EXHIBIT J

US00D700933S

(12) **United States Design Patent**
Shin

(10) **Patent No.:** **US D700,933 S**

(45) **Date of Patent:** **** Mar. 11, 2014**

(54) **EYEGLASS**

(75) Inventor: **Jae Shin**, Irvine, CA (US)

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

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

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(51) **LOC (10) Cl.** **16-06**

(52) **U.S. Cl.**

USPC **D16/326; D16/335**

(58) **Field of Classification Search**

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351/103-123, 140-153, 45-46; 2/426-432,
2/447-449, 441, 434-437, 13, 15;
D21/483, 659-661; D14/372

See application file for complete search history.

D607,040 S	12/2009	Rohrbach	
D615,579 S *	5/2010	Markovitz	D16/326
D648,771 S	11/2011	Rohrbach	
D650,825 S	12/2011	Yee et al.	
D652,442 S	1/2012	Yee et al.	
D653,699 S	2/2012	Shin	
D659,182 S	5/2012	Shin et al.	
D662,124 S	6/2012	Shin	
D662,967 S	7/2012	Shin	
D675,666 S *	2/2013	Thixton et al.	D16/326
D680,574 S *	4/2013	Decelles et al.	D16/309

* cited by examiner

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(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of an eyeglass showing my new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left side elevational view thereof, the right side elevational view being a mirror image thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

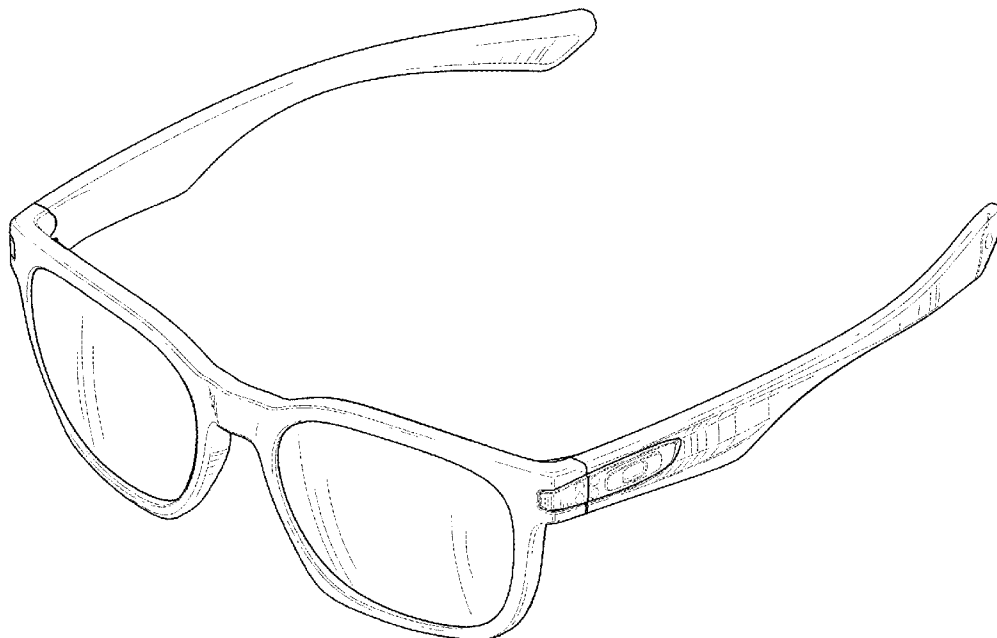
The broken lines in the Figures show portions of the eyeglass which form no part of the claimed design.

1 Claim, 4 Drawing Sheets

(56) **References Cited**

U.S. PATENT DOCUMENTS

D409,222 S *	5/1999	Raub	D16/326
D427,622 S *	7/2000	Conway	D16/326
D565,088 S	3/2008	Baden et al.	
D572,747 S	7/2008	Baden et al.	
D575,323 S	8/2008	Jannard et al.	
D577,759 S	9/2008	Yee	
D581,450 S	11/2008	Moritz	
D599,838 S	9/2009	Rohrbach	
D599,839 S	9/2009	Rohrbach	
D604,758 S	11/2009	Rohrbach	
D604,759 S	11/2009	Rohrbach	



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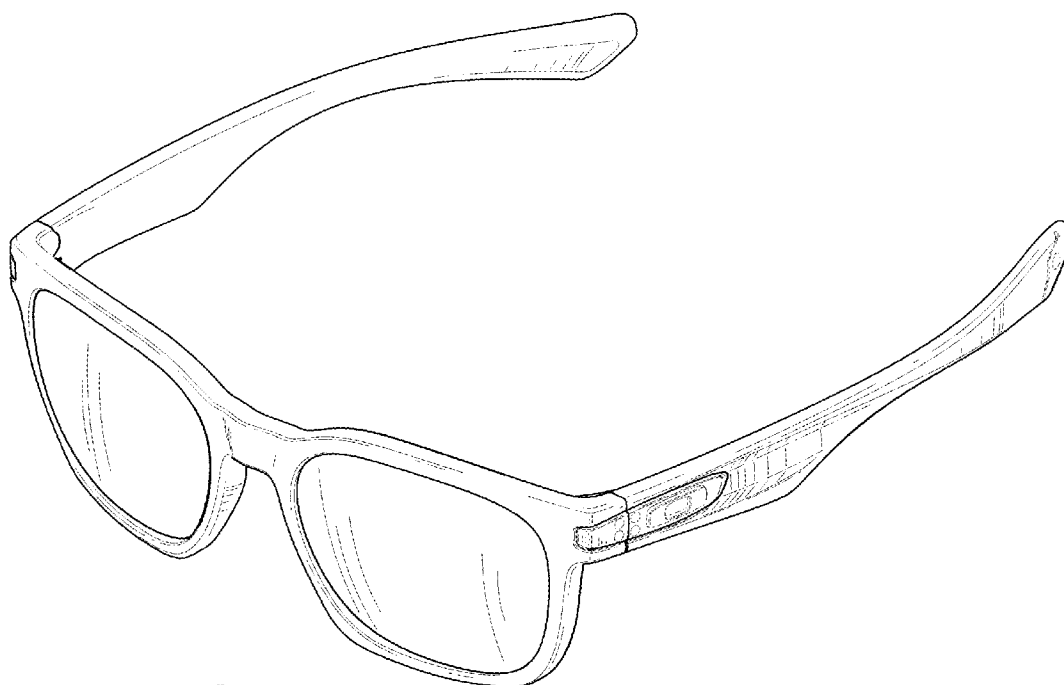


FIG. 1

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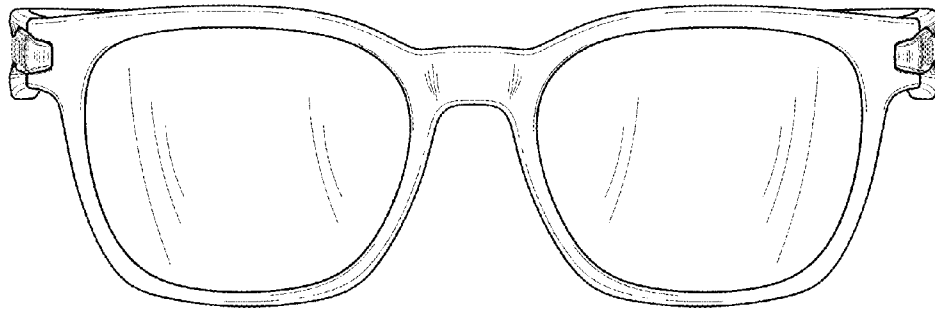


FIG. 2

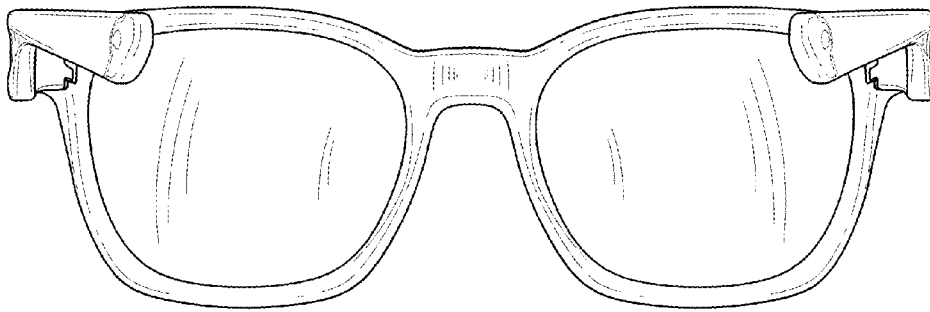


FIG. 3

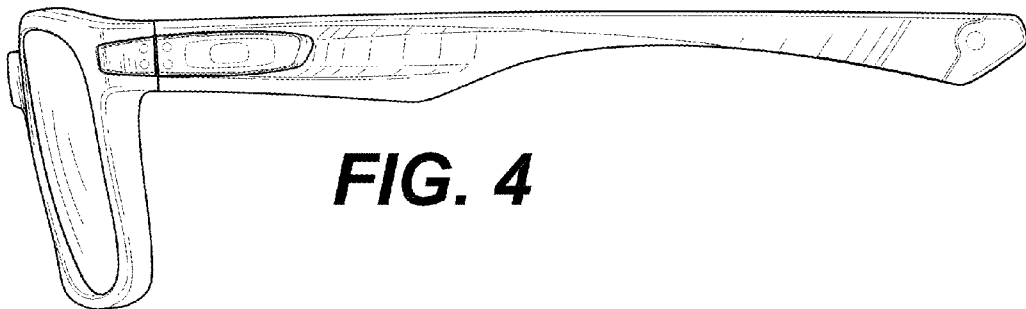


FIG. 4

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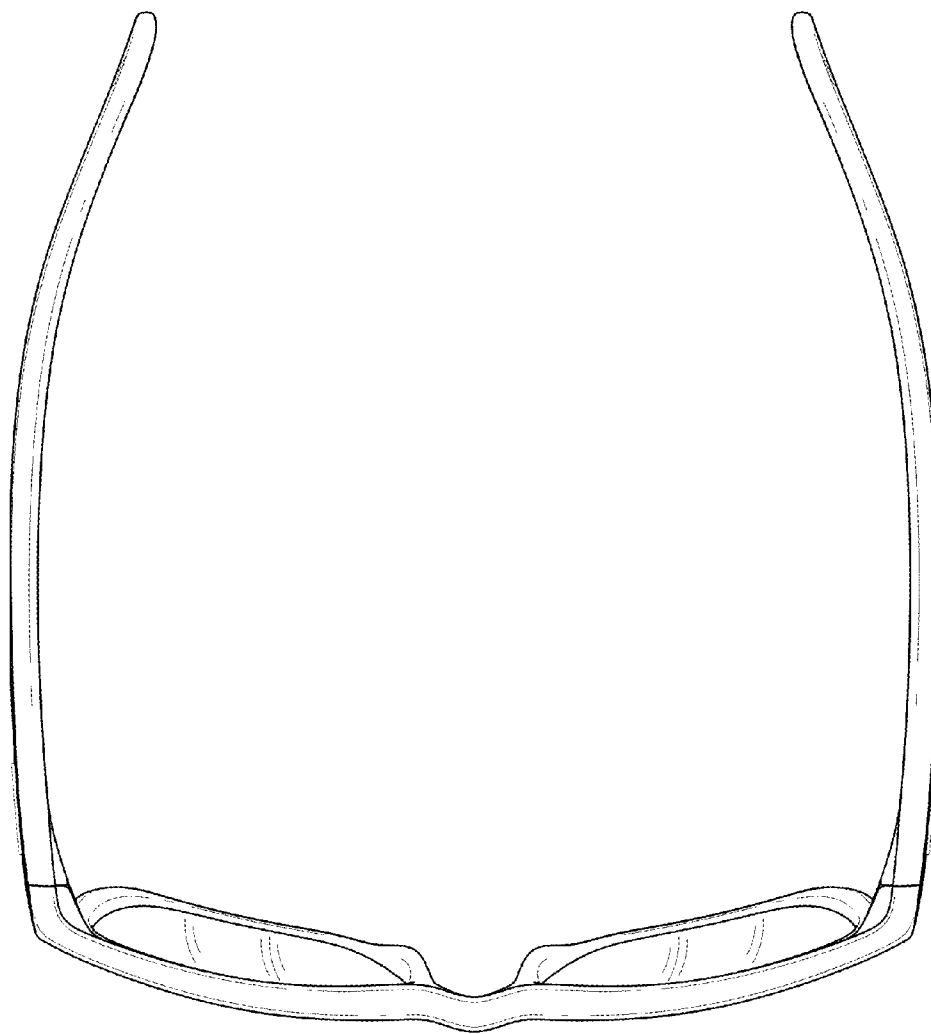


FIG. 5

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FIG. 6

