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

(10) **Patent No.:** **US D617,097 S**  
(45) **Date of Patent:** **\*\* Jun. 8, 2010**

(54) **EYEGLASS CASE**

D208,469 S 9/1967 Parker  
3,357,568 A 12/1967 Leblanc et al.  
3,593,856 A 7/1971 Zander

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(73) Assignee: **Sun Optics, Inc.**, Salt Lake City, UT (US)

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

(Continued)

(21) Appl. No.: **29/343,576**

FOREIGN PATENT DOCUMENTS

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(51) **LOC (9) Cl.** ..... **03-31**

(52) **U.S. Cl.** ..... **D3/265; D3/263**

(58) **Field of Classification Search** ..... D3/263,  
D3/265, 268; 206/5, 6, 203.5; 220/326;  
351/63

OTHER PUBLICATIONS

U.S. Appl. No. 29/246,908, filed May 19, 2006, Raile.

See application file for complete search history.

(Continued)

(56) **References Cited**

*Primary Examiner*—Celia A Murphy

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U.S. PATENT DOCUMENTS

(57) **CLAIM**

- 246,460 A 8/1881 Chase et al.
- 356,858 A 2/1887 Towson
- 658,042 A 9/1900 Mendel
- 1,092,156 A 4/1914 Mathis
- 2,209,657 A 7/1940 Martin
- D154,674 S 8/1949 Gochenour, Jr.
- 2,606,708 A 8/1952 Irvan
- 2,713,947 A 7/1955 Foster
- D176,466 S 12/1955 La Barre
- 2,728,485 A 12/1955 Howard
- 2,735,597 A 2/1956 Treleven
- 2,747,760 A 5/1956 Jaconsen
- 2,809,766 A 10/1957 Anderson
- 2,809,786 A 10/1957 Anderson
- 2,816,666 A 12/1957 Nadel
- RE24,571 E 11/1958 Nadel
- 2,936,897 A 5/1960 Bloch
- 2,966,271 A 12/1960 Nadel
- 3,144,343 A 8/1964 Fritsche
- D201,017 S 5/1965 Pohmann
- 3,184,319 A 5/1965 Fritsche
- D201,420 S 6/1965 Bernad et al.
- 3,288,280 A 11/1966 Bostrom
- 3,333,709 A 8/1967 Leblanc et al.

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

**DESCRIPTION**

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

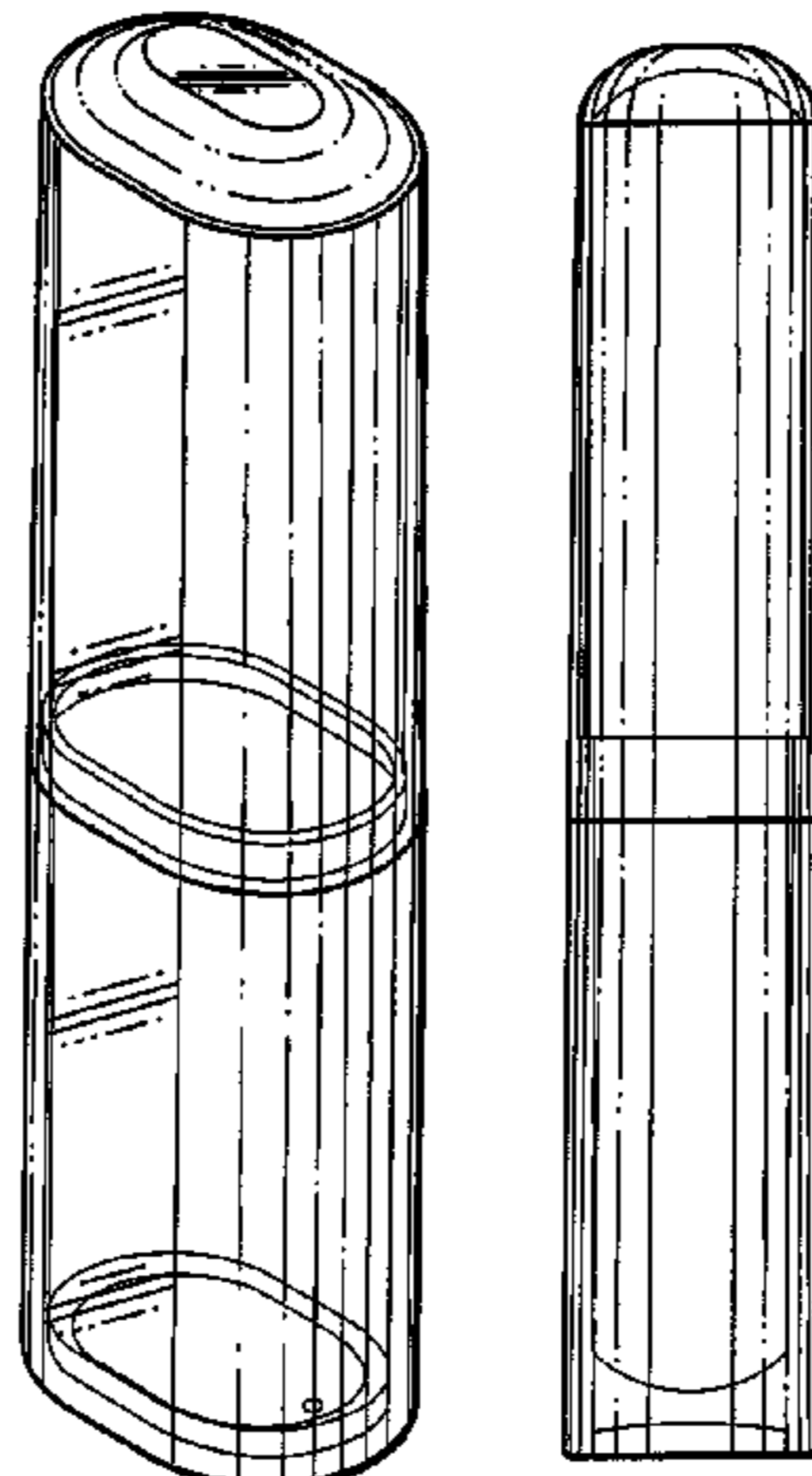
FIG. 2 is a left side elevational view of the eyeglass case shown in FIG. 1, the right side being a mirror image thereof;

FIG. 3 is a front elevational view of the eyeglass case shown in FIG. 1, the rear being a mirror image thereof;

FIG. 4 is a top plan view of the eyeglass case shown in FIG. 1; and,

FIG. 5 is a bottom plan view of the eyeglass case shown in FIG. 1.

**1 Claim, 2 Drawing Sheets**



**US D617,097 S**

U.S. PATENT DOCUMENTS							
		5,878,873	A *	3/1999	Clark ..... 206/6		
3,676,159	A	7/1972	Fallowfield	5,899,371	A	5/1999	Weliver
3,817,392	A	6/1974	Bloch	5,929,967	A	7/1999	Conner
3,857,482	A	12/1974	Shelton	5,949,515	A	9/1999	Hoshino
3,866,800	A	2/1975	Schmitt	D416,357	S	11/1999	Gobe
D237,779	S	11/1975	Lucas	5,996,818	A	12/1999	Boje et al.
3,921,804	A	11/1975	Tester	6,003,694	A	12/1999	Sharp
3,987,892	A	10/1976	Killy	D420,533	S	2/2000	Pugatch
4,000,810	A	1/1977	LeBlanc	6,041,948	A	3/2000	Filipak et al.
D244,117	S	4/1977	Naylor	D422,139	S	4/2000	Meikle
D245,118	S	7/1977	Heaton	D423,555	S	4/2000	Conner
D249,433	S	9/1978	Carlsen	D425,299	S	5/2000	Charbonneau
D253,384	S	11/1979	Glassenberg	6,102,541	A	8/2000	Kuo
4,204,602	A	5/1980	Dunchock	D430,758	S	9/2000	Skrzelowski
4,228,743	A	10/1980	Crook	D432,784	S	10/2000	Conway
4,240,557	A	12/1980	Dickens	D432,786	S	10/2000	Rogers
4,331,245	A	5/1982	Schell	D432,909	S	10/2000	Pirro et al.
D267,992	S	2/1983	Shelton	D433,936	S	11/2000	Pirro et al.
D271,000	S	10/1983	Rimer	D434,221	S	11/2000	Chao
D275,160	S	8/1984	Shelton	D434,560	S	12/2000	Chao
D275,161	S	8/1984	Shelton	D436,266	S	1/2001	Buchanan et al.
4,572,366	A	2/1986	Carson	D436,434	S	1/2001	Conway
4,614,272	A	9/1986	Shelton et al.	D436,725	S	1/2001	Rogers
D286,462	S	11/1986	Sender et al.	6,170,651	B1	1/2001	Taormina
4,715,575	A	12/1987	Kamerer	D437,112	S	2/2001	Toffoli
D294,548	S	3/1988	Wallace	D438,632	S	3/2001	Miller
4,733,775	A	3/1988	Fireman	6,199,981	B1	3/2001	Chao
4,744,461	A	5/1988	Lapham	6,206,217	B1	3/2001	Chiang
D301,575	S	6/1989	Crawford, Jr.	D439,738	S	4/2001	McCormack
4,907,705	A	3/1990	Waldeck	D440,256	S	4/2001	Wang
4,925,038	A	5/1990	Gajewski	D440,432	S	4/2001	Topper et al.
D319,156	S	8/1991	Cugley	D441,145	S	4/2001	Chang
5,057,282	A	10/1991	Linder	D441,953	S	5/2001	Ben Moshe
D323,400	S	1/1992	Frenkel et al.	D444,805	S	7/2001	Tiberghien
D323,441	S	1/1992	Waldeck	D446,389	S	8/2001	Zhou
5,141,117	A	8/1992	Olsen et al.	6,273,246	B1	8/2001	Marciano
D332,442	S	1/1993	Simpson, Sr.	D448,854	S	10/2001	Kuiper et al.
D332,664	S	1/1993	Sincock	D449,779	S	10/2001	Otto
D336,181	S	6/1993	Muniz	D450,239	S	11/2001	Otto
D337,016	S	7/1993	Fortescue	D450,591	S	11/2001	Escola Gallart et al.
D338,965	S	8/1993	Glanz et al.	D451,015	S	11/2001	Otto
D339,017	S	9/1993	Goodman et al.	D451,382	S	12/2001	Adkins
D339,913	S	10/1993	Reed	D454,686	S	3/2002	McCormack
D342,400	S	12/1993	Bustos	D455,261	S *	4/2002	Browne ..... D3/265
D344,419	S	2/1994	Stoddard	6,382,407	B1	5/2002	Chao
5,358,128	A	10/1994	Belokin et al.	D458,092	S	6/2002	Rumpf
D352,454	S	11/1994	Krupa	6,415,915	B1	7/2002	Grossman
D359,126	S	6/1995	Hovatter	D461,554	S	8/2002	Lafond et al.
5,423,419	A	6/1995	Wentz et al.	D464,982	S	10/2002	Thixton et al.
D360,321	S	7/1995	Wang et al.	D467,421	S	12/2002	Chao
D361,638	S	8/1995	Desgrippes	6,491,158	B2	12/2002	Chen
5,451,113	A	9/1995	Lund	D471,991	S	3/2003	Maylon et al.
D364,762	S	12/1995	Compton et al.	6,533,133	B2	3/2003	Liu
5,501,321	A	3/1996	Liu	D474,274	S	5/2003	Walters
D369,415	S	4/1996	Boulton et al.	D475,732	S	6/2003	Conner
D369,466	S	5/1996	Jannard et al.	D479,126	S	9/2003	Kumakura et al.
5,514,343	A	5/1996	Verwohlt et al.	D479,552	S	9/2003	Emanuele
5,568,872	A	10/1996	Hinnant, Sr.	6,626,287	B1	9/2003	Watson
5,571,481	A	11/1996	Powell et al.	D481,060	S	10/2003	Egbert et al.
D376,477	S	12/1996	Patterson, Jr.	D483,944	S	12/2003	Conner
5,579,929	A	12/1996	Schwartz	D484,011	S	12/2003	Strobel et al.
D379,714	S *	6/1997	Cerny et al. .... D3/264	6,655,800	B2	12/2003	Takeda et al.
D381,515	S	7/1997	Haynes	6,705,723	B1	3/2004	Lavie
D387,874	S	12/1997	Vila	D489,960	S	5/2004	Grendahl
D392,144	S	3/1998	Vogler	D494,228	S	8/2004	Lane
5,725,109	A	3/1998	Moulton et al.	D496,191	S	9/2004	Johnson
D393,543	S	4/1998	Wilkening et al.	D496,193	S	9/2004	Mason
D400,009	S	10/1998	Conway	D496,541	S	9/2004	Wang
D400,030	S	10/1998	Wetzel	6,789,664	B1	9/2004	Chao
D400,373	S	11/1998	Thoesen	6,851,552	B1 *	2/2005	Chao ..... 206/5
D402,140	S	12/1998	Bustos	6,857,518	B2 *	2/2005	Chao ..... 206/5
5,860,358	A	1/1999	Shriver	D504,550	S	4/2005	Setcer, Jr.
				D505,866	S	6/2005	Raile

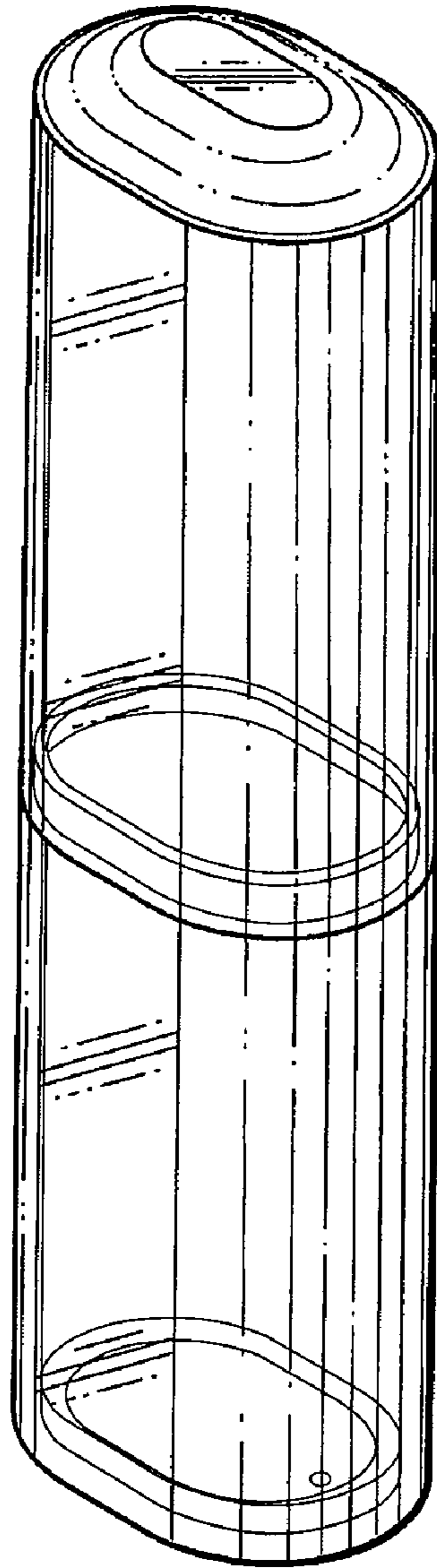
# US D617,097 S

D506,396 S	6/2005	Raile	2007/0119803 A1* 5/2007 Raile ..... 211/85.1
D506,681 S	6/2005	Raile	
D506,682 S	6/2005	Raile	
D506,833 S	6/2005	Wescott, III	
D507,658 S	7/2005	Wescott, III	
6,929,116 B2	8/2005	Chao et al.	
D509,382 S	9/2005	Raile	
D510,530 S	10/2005	Raile	
D525,426 S	7/2006	Raile	
D525,427 S	7/2006	Raile	
D525,787 S	8/2006	Raile	
D525,788 S	8/2006	Raile	
D527,179 S	8/2006	Raile	
D527,180 S	8/2006	Raile	
7,100,777 B1	9/2006	Kao	
D530,541 S	10/2006	Raile	
D530,940 S	10/2006	Raile	
D533,579 S	12/2006	Raile	
D533,736 S	12/2006	Raile	
D534,016 S	12/2006	Raile	
D536,261 S	2/2007	Raile	
D536,905 S	2/2007	Raile	
D538,067 S	3/2007	Raile	
D538,555 S	3/2007	Raile	
7,188,739 B1	3/2007	Raile	
D554,903 S	11/2007	Raile	
D560,360 S	1/2008	Raile	
D562,591 S	2/2008	Raile	
7,338,158 B2 *	3/2008	Glinert ..... 351/158	
D566,423 S	4/2008	Raile	
D571,556 S	6/2008	Raile	
D572,476 S	7/2008	Raile	
D577,193 S	9/2008	Raile	
D577,911 S *	10/2008	Liebers ..... D3/265	
D587,739 S	3/2009	Raile	
D603,189 S *	11/2009	Raile ..... D6/469	
2001/0054595 A1	12/2001	Cabrera	
2002/0080325 A1	6/2002	Xiang	
2002/0157968 A1	10/2002	Chen	
2003/0025871 A1	2/2003	Masunaga	
2003/0071962 A1	4/2003	Nishihara	
2003/0111361 A1	6/2003	Fischer et al.	
2003/0133071 A1	7/2003	Ahn	
2004/0045840 A1 *	3/2004	Gagnon ..... 206/5	
2004/0144739 A1	7/2004	Marek	
2004/0211681 A1	10/2004	Chao et al.	
2004/0223114 A1	11/2004	Park	
2005/0155872 A1	7/2005	Cheng	
2005/0279648 A1	12/2005	Liebers	
2006/0102569 A1	5/2006	Laga	

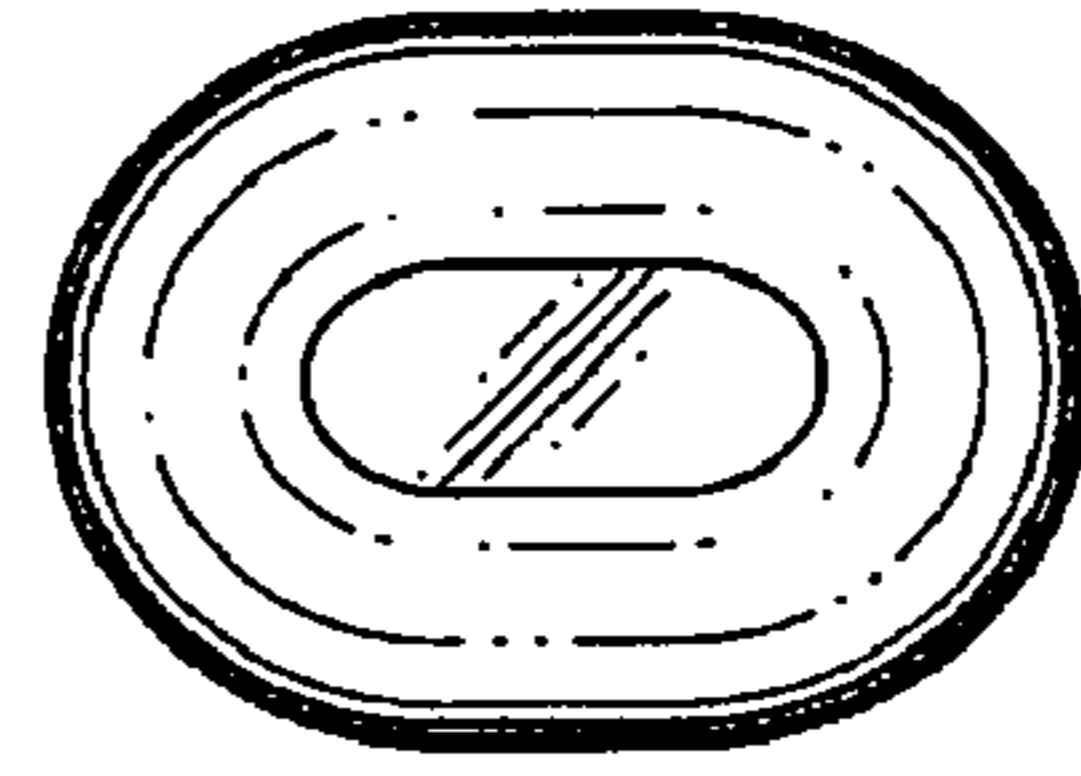
## OTHER PUBLICATIONS

U.S. Appl. No. 29/249,568, filed Oct. 12, 2006, Raile.  
 U.S. Appl. No. 29/279,329, filed Apr. 26, 2007, Raile.  
 U.S. Appl. No. 29/283,411, filed Aug. 13, 2007, Raile.  
 U.S. Appl. No. 29/297,463, filed Nov. 12, 2007, Raile.  
 U.S. Appl. No. 11/627,882, filed Jan. 26, 2007, Raile.  
 U.S. Appl. No. 11/838,174, filed Aug. 13, 2007, Raile.  
 U.S. Appl. No. 29/303,907, filed Feb. 20, 2008, Raile.  
 U.S. Appl. No. 29/341,138, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,140, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,141, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,144, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,146, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,148, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,152, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,154, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/341,222, filed Jul. 31, 2009, Raile.  
 U.S. Appl. No. 29/345,575, filed Sep. 15, 2009, Raile.  
 U.S. Appl. No. 29/343,572, filed Sep. 15, 2009, Raile.  
 Pocket Clip & Tube Readers, Insight Eyeworks, circa Oct. 2001, 2 pages.  
 V. Mueller & Co., Chicago, Illinois, 1956, p. 747, LA-5165, LA-5170, LA-5195.  
 America Onine Computer Eyewear, circa Apr. 2002, 1 page.  
 I. Line Precision Reading Eyewear, circa Apr. 2002, 1 page.  
 Insight Pocket Size Readers, circa Aug. 2002, 1 page.  
 Transparent Eyeglass Case, Insight Eyeworks, circa 2002, 1 page.  
 Office Action dated Apr. 9, 2004 from U.S. Appl. No. 10/360,264, 5 pages.  
 Office Action dated Mar. 24, 2005 from U.S. Appl. No. 10/360,264, 6 pages.  
 Office Action dated Sep. 29, 2005 from U.S. Appl. No. 10/360,264, 6 pages.  
 Office Action dated May 22, 2006 from U.S. Appl. No. 10/360,264, 6 pages.  
 Advisory Action dated Jul. 18, 2006 from U.S. Appl. No. 10/360,264, 2 pages.  
 Notice of Allowance dated Dec. 27, 2006 from U.S. Appl. No. 10/360,264, 4 pages.  
 Office Action dated Dec. 22, 2008 from U.S. Appl. No. 11/627,882, 6 pages.  
 Office Action dated Apr. 14, 2008 from U.S. Appl. No. 11/627,882, 7 pages.  
 Office Action dated Sep. 10, 2008 from U.S. Appl. No. 11/838,174, 4 pages.  
 Office Action dated May 27, 2009 from U.S. Appl. No. 11/838,174, 5 pages.  
*Sun Optics, Inc. v. FGX International, Inc.* (U.S. District Court Delaware), Answer, Affirmative Defenses, and Counterclaims of Defendant FGX International, Inc. to Plaintiff's Amended Complaint, Aug. 16, 2007, 11 pages.

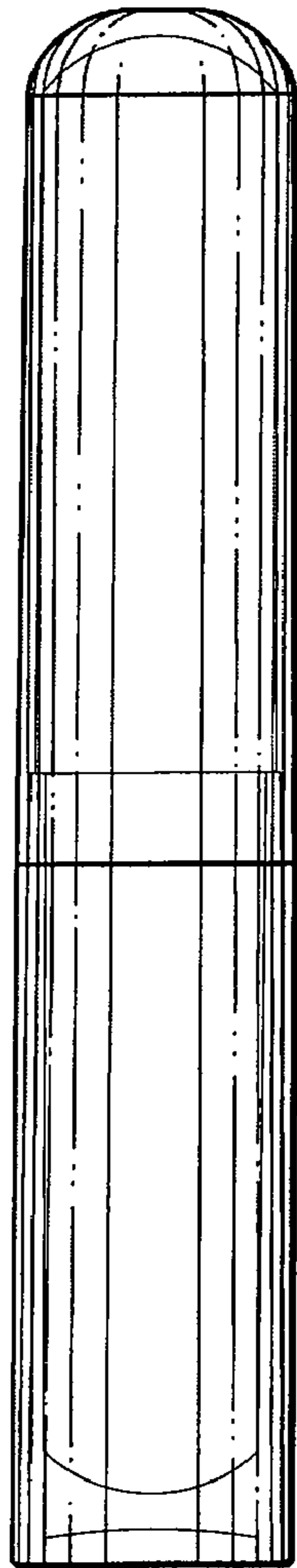
\* cited by examiner



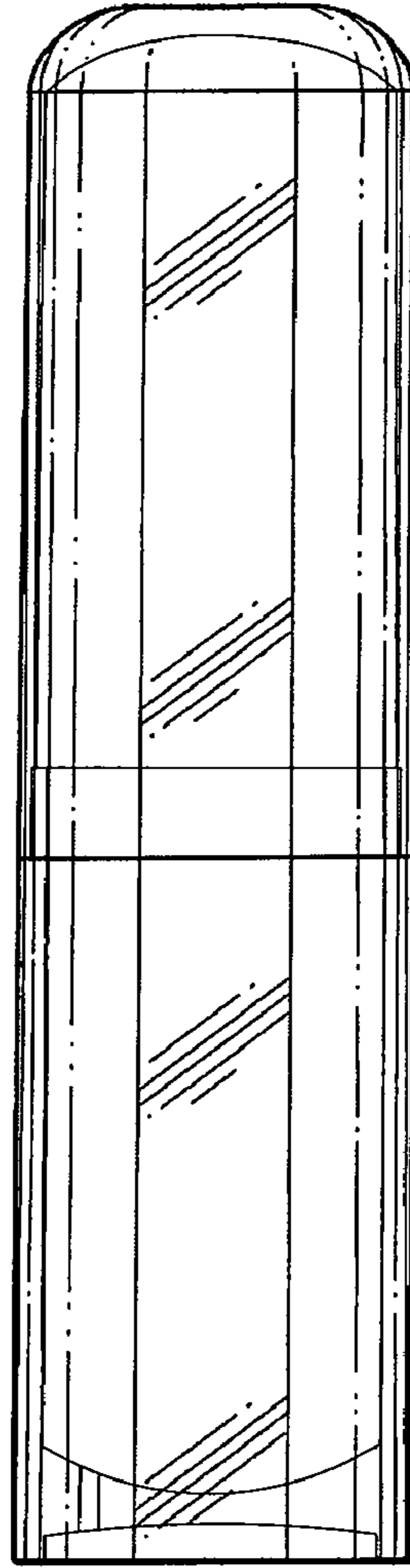
**FIG. 1**



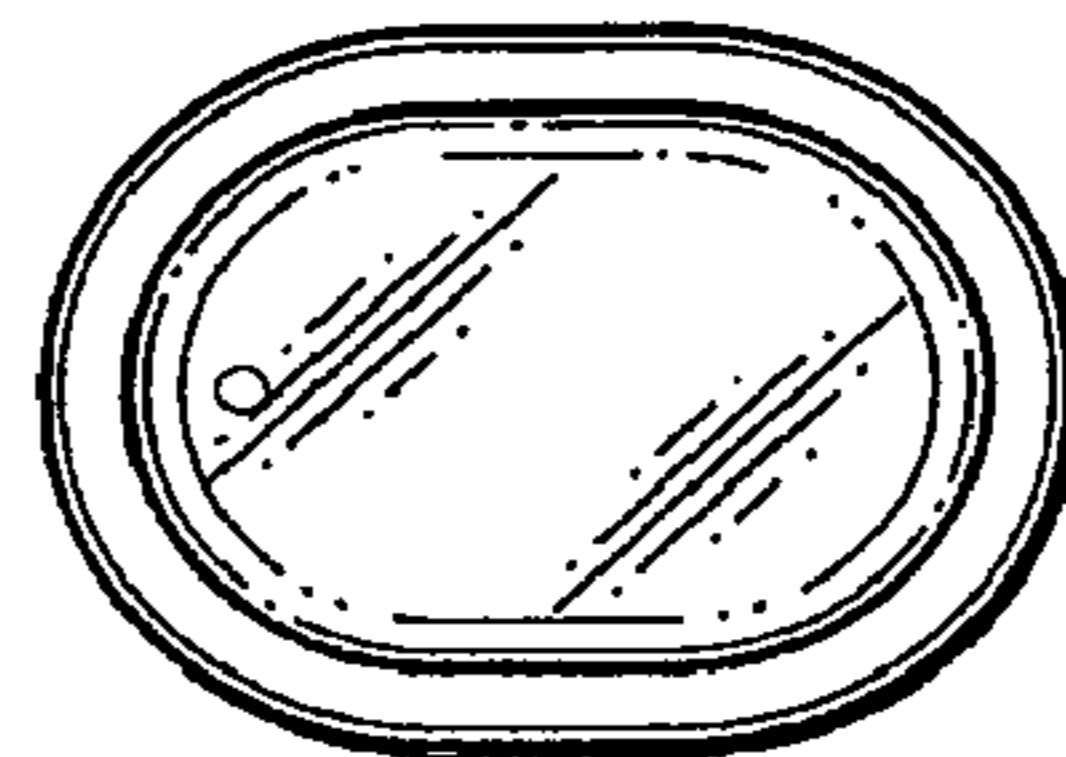
**FIG. 4**



**FIG. 3**



**FIG. 2**



**FIG. 5**