



US00D623407S

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

(10) **Patent No.:** **US D623,407 S**  
(45) **Date of Patent:** **\*\* \*Sep. 14, 2010**

- (54) **EYEGLASS CASE**
- (75) Inventor: **Bruce Raile**, Park City, UT (US)
- (73) Assignee: **Sun Optics, Inc.**, Salt Lake City, UT (US)

- 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.

(\*) Notice: This patent is subject to a terminal disclaimer.

(Continued)

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

**FOREIGN PATENT DOCUMENTS**

(21) Appl. No.: **29/343,575**

DE 3815889 11/1989

(22) Filed: **Sep. 15, 2009**

**OTHER PUBLICATIONS**

- (51) **LOC (9) Cl.** ..... **03-01**
- (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

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

(Continued)

See application file for complete search history.

*Primary Examiner*—Celia A Murphy  
(74) *Attorney, Agent, or Firm*—Workman Nydegger

(56) **References Cited**

(57) **CLAIM**

**U.S. PATENT DOCUMENTS**

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

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	Jacobsen
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

**DESCRIPTION**

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

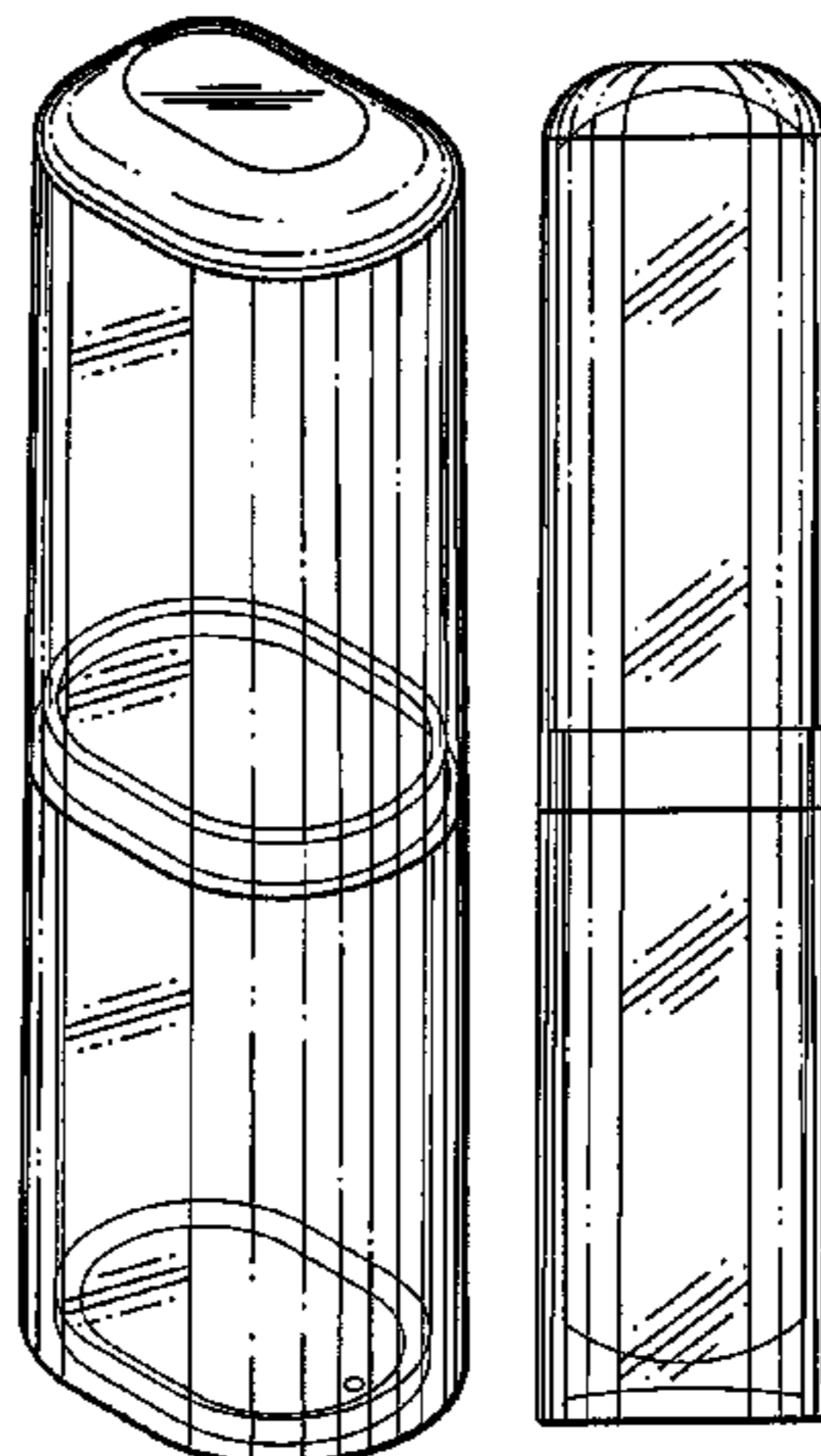
FIG. 2 is a left side elevational view of the eyeglass case shown in FIG. 1, the right side being a mirror image thereof;

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 D623,407 S

Page 2

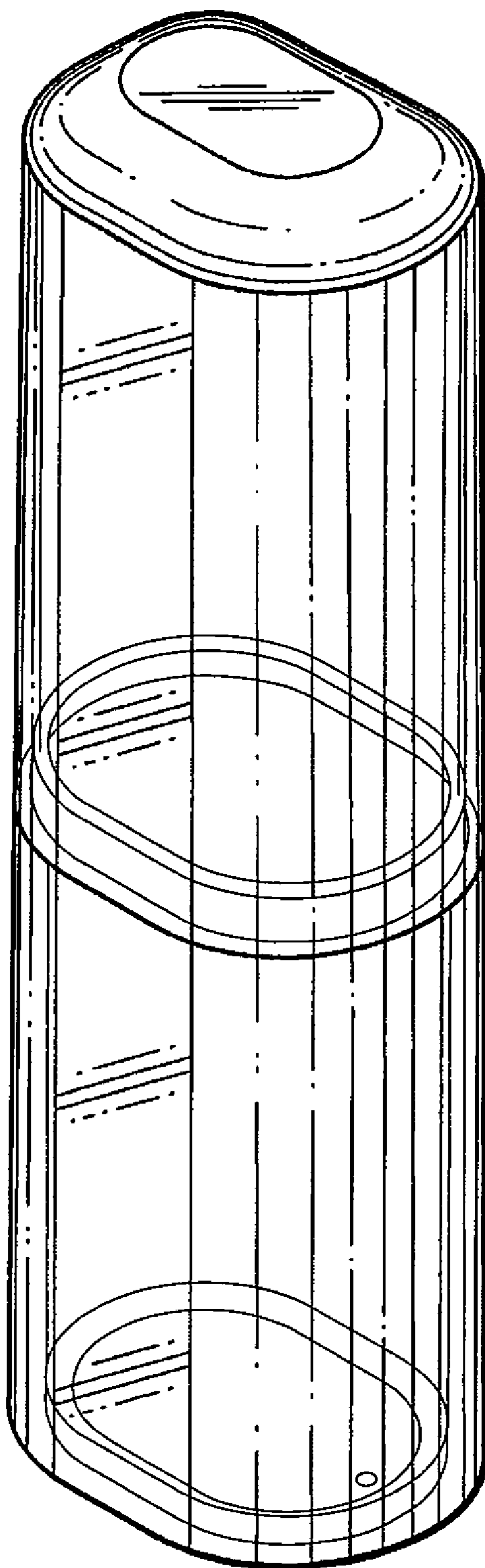
---

U.S. PATENT DOCUMENTS						
D208,469	S	9/1967	Parker	D400,373 S	11/1998	Thoesen
3,357,568	A	12/1967	Leblanc et al.	D402,140 S	12/1998	Bustos
3,593,856	A	7/1971	Zander	5,860,358 A	1/1999	Shriver
3,676,159	A	7/1972	Fallowfield	5,878,873 A *	3/1999	Clark ..... 206/6
3,817,392	A	6/1974	Bloch	5,899,371 A	5/1999	Weliver
3,857,482	A	12/1974	Shelton	5,929,967 A	7/1999	Conner
3,866,800	A	2/1975	Schmitt	5,949,515 A	9/1999	Hoshino
D237,779	S	11/1975	Lucas	D416,357 S	11/1999	Gobe
3,921,804	A	11/1975	Tester	5,996,818 A	12/1999	Boje et al.
3,987,892	A	10/1976	Killy	6,003,694 A	12/1999	Sharp
4,000,810	A	1/1977	LeBlanc	D420,533 S	2/2000	Pugatch
D244,117	S	4/1977	Naylor	6,041,948 A	3/2000	Filipak et al.
D245,118	S	7/1977	Heaton	D422,139 S	4/2000	Meikle
D249,433	S	9/1978	Carlsen	D423,555 S	4/2000	Conner
D253,384	S	11/1979	Glassenberg	D425,299 S	5/2000	Charbonneau
4,204,602	A	5/1980	Dunchock	6,102,541 A	8/2000	Kuo
4,228,743	A	10/1980	Crook	D430,758 S	9/2000	Skrzelowksi
4,240,557	A	12/1980	Dickens	D432,784 S	10/2000	Conway
4,331,245	A	5/1982	Schell	D432,786 S	10/2000	Rogers
D267,992	S	2/1983	Shelton	D432,909 S	10/2000	Pirro et al.
D271,000	S	10/1983	Rimer	D433,936 S	11/2000	Pirro et al.
D275,160	S	8/1984	Shelton	D434,221 S	11/2000	Chao
D275,161	S	8/1984	Shelton	D434,560 S	12/2000	Chao
4,572,366	A	2/1986	Carson	D436,266 S	1/2001	Buchanan et al.
4,614,272	A	9/1986	Shelton et al.	D436,434 S	1/2001	Conway
D286,462	S	11/1986	Sender et al.	D436,725 S	1/2001	Rogers
4,715,575	A	12/1987	Kamerer	6,170,651 B1	1/2001	Taormina
D294,548	S	3/1988	Wallace	D437,112 S	2/2001	Toffoli
4,733,775	A	3/1988	Fireman	D438,632 S	3/2001	Miller
4,744,461	A	5/1988	Lapham	6,199,981 B1	3/2001	Chao
D301,575	S	6/1989	Crawford, Jr.	6,206,217 B1	3/2001	Chiang
4,907,705	A	3/1990	Waldeck	D439,738 S	4/2001	McCormack
4,925,038	A	5/1990	Gajewski	D440,256 S	4/2001	Wang
D319,156	S	8/1991	Cugley	D440,432 S	4/2001	Topper et al.
5,057,282	A	10/1991	Linder	D441,145 S	4/2001	Chang
D323,400	S	1/1992	Frenkel et al.	D441,953 S	5/2001	Ben Moshe
D323,441	S	1/1992	Waldeck	D444,805 S	7/2001	Tiberghien
5,141,117	A	8/1992	Olsen et al.	D446,389 S	8/2001	Zhou
D332,442	S	1/1993	Simpson, Sr.	6,273,246 B1	8/2001	Marciano
D332,664	S	1/1993	Sincock	D448,854 S	10/2001	Kuiper et al.
D336,181	S	6/1993	Muniz	D449,779 S	10/2001	Otto
D337,016	S	7/1993	Fortescue	D450,239 S	11/2001	Otto
D338,965	S	8/1993	Glanz et al.	D450,591 S	11/2001	Escola Gallart
D339,017	S	9/1993	Goodman et al.	D451,015 S	11/2001	Otto
D339,913	S	10/1993	Reed	D451,382 S	12/2001	Adkins
D342,400	S	12/1993	Bustos	D454,686 S	3/2002	McCormack
D344,419	S	2/1994	Stoddard	D455,261 S *	4/2002	Browne ..... D3/265
5,358,128	A	10/1994	Belokin et al.	6,382,407 B1	5/2002	Chao
D352,454	S	11/1994	Krupa	D458,092 S	6/2002	Rumpf
D359,126	S	6/1995	Hovatter	6,415,915 B1	7/2002	Grossman
5,423,419	A	6/1995	Wentz et al.	D461,554 S	8/2002	Lafond et al.
D360,321	S	7/1995	Wang et al.	D464,982 S	10/2002	Thixton et al.
D361,638	S	8/1995	Desgrippes	D467,421 S	12/2002	Chao
5,451,113	A	9/1995	Lund	6,491,158 B2	12/2002	Chen
D364,762	S	12/1995	Compton et al.	D471,991 S	3/2003	Maylon et al.
5,501,321	A	3/1996	Liu	6,533,133 B2	3/2003	Liu
D369,415	S	4/1996	Boulton et al.	D474,274 S	5/2003	Walters
D369,466	S	5/1996	Jannard et al.	D475,732 S	6/2003	Conner
5,514,343	A	5/1996	Verwohlt et al.	D479,126 S	9/2003	Kumakura et al.
5,568,872	A	10/1996	Hinnant, Sr.	D479,552 S	9/2003	Emanuele
5,571,481	A	11/1996	Powell et al.	6,626,287 B1	9/2003	Watson
D376,477	S	12/1996	Patterson et al.	D481,060 S	10/2003	Egbert et al.
5,579,929	A	12/1996	Schwartz	D483,944 S	12/2003	Conner
D379,714	S *	6/1997	Cerny et al. .... D3/264	D484,011 S	12/2003	Strobel et al.
D381,515	S	7/1997	Haynes	6,655,800 B2	12/2003	Takeda et al.
D387,874	S	12/1997	Vila	6,705,723 B1	3/2004	Lavie
D392,144	S	3/1998	Vogler	D489,960 S	5/2004	Grendahl
5,725,109	A	3/1998	Moulton et al.	D494,228 S	8/2004	Lane
D393,543	S	4/1998	Wilkening et al.	D496,191 S	9/2004	Johnson
D400,009	S	10/1998	Conway	D496,193 S	9/2004	Mason
D400,030	S	10/1998	Wetzel	D496,541 S	9/2004	Wang
				6,789,664 B1	9/2004	Chao
				6,851,552 B1 *	2/2005	Chao ..... 206/5

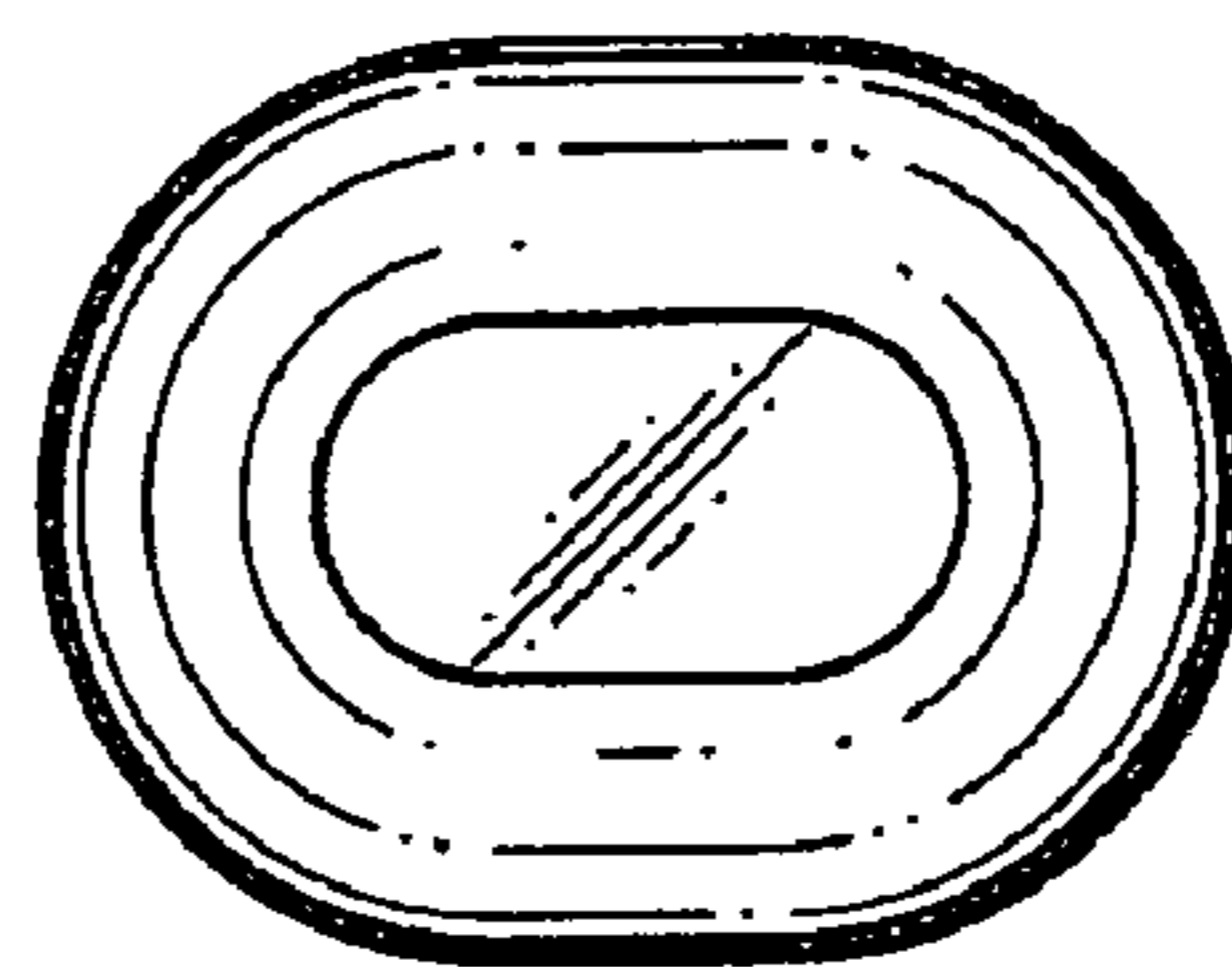
# US D623,407 S

Page 3

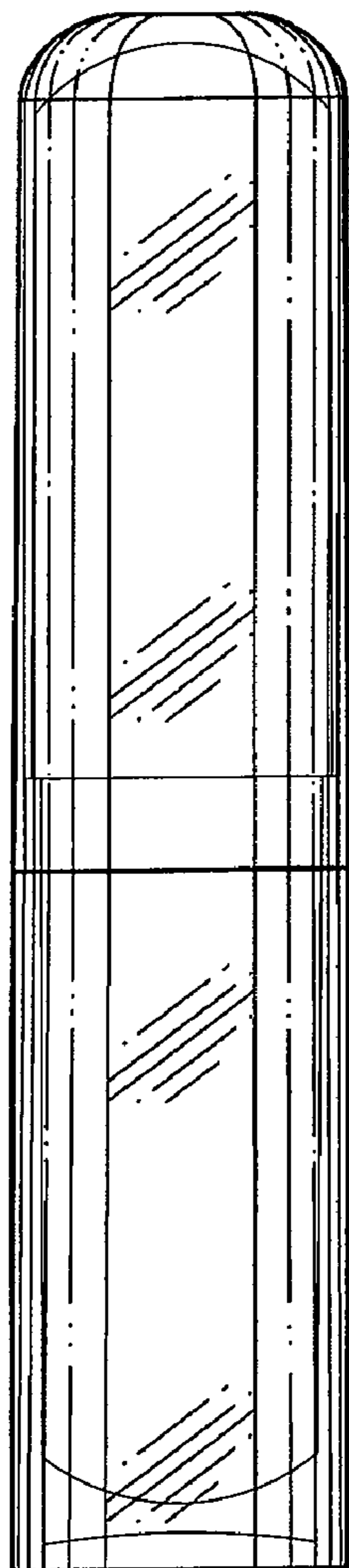
6,857,518 B2 *	2/2005	Chao .....	206/5	2007/0119803 A1 *	5/2007 Raile .....	211/85.1
D504,550 S	4/2005	Setcer, Jr.		<b>OTHER PUBLICATIONS</b>		
D505,866 S	6/2005	Raile		U.S. Appl. No. 29/249,568, filed Oct. 12, 2006, Raile.		
D506,396 S	6/2005	Raile		U.S. Appl. No. 29/279,329, filed Apr. 26, 2007, Raile.		
D506,681 S	6/2005	Raile		U.S. Appl. No. 29/283,411, filed Aug. 13, 2007, Raile.		
D506,682 S	6/2005	Raile		U.S. Appl. No. 29/297,463, filed Nov. 12, 2007, Raile.		
D506,833 S	6/2005	Wescott, III		U.S. Appl. No. 11/627,882, filed Jan. 26, 2007, Raile.		
D507,658 S	7/2005	Wescott, III		U.S. Appl. No. 11/838,174, filed Aug. 13, 2007, Raile.		
6,929,116 B2	8/2005	Chao et al.		U.S. Appl. No. 29/303,907, filed Feb. 20, 2008, Raile.		
D509,382 S	9/2005	Raile		U.S. Appl. No. 29/341,138, filed Jul. 31, 2009, Raile.		
D510,530 S	10/2005	Raile		U.S. Appl. No. 29/341,140, filed Jul. 31, 2009, Raile.		
D525,426 S	7/2006	Raile		U.S. Appl. No. 29/341,141, filed Jul. 31, 2009, Raile.		
D525,427 S	7/2006	Raile		U.S. Appl. No. 29/341,144, filed Jul. 31, 2009, Raile.		
D525,787 S	8/2006	Raile		U.S. Appl. No. 29/341,146, filed Jul. 31, 2009, Raile.		
D525,788 S	8/2006	Raile		U.S. Appl. No. 29/341,148, filed Jul. 31, 2009, Raile.		
D527,179 S	8/2006	Raile		U.S. Appl. No. 29/341,152, filed Jul. 31, 2009, Raile.		
D527,180 S	8/2006	Raile		U.S. Appl. No. 29/341,154, filed Jul. 31, 2009, Raile.		
7,100,777 B1	9/2006	Kao		U.S. Appl. No. 29/341,222, filed Jul. 31, 2009, Raile.		
D530,541 S	10/2006	Raile		U.S. Appl. No. 29/343,576, filed Sep. 15, 2009, Raile.		
D530,940 S	10/2006	Raile		U.S. Appl. No. 29/343,572, filed Sep. 15, 2009, Raile.		
D533,579 S	12/2006	Raile		Pocket Clip & Tube Readers, Insight Eyeworks, circa Oct. 2001, 2 pages.		
D533,736 S	12/2006	Raile		V. Mueller & Co., Chicago, Illinois, 1956, p. 747, LA-5165, LA-5170, LA-5195.		
D534,016 S	12/2006	Raile		America Online Computer Eyewear, circa Apr. 2002, 1 page.		
D536,261 S	2/2007	Raile		I. Line Precision Reading Eyewear, circa Apr. 2002, 1 page.		
D536,905 S	2/2007	Raile		Insight Pocket Size Readers, circa Aug. 2002, 1 page.		
D538,067 S	3/2007	Raile		Transparent Eyeglass Case, Insight Eyeworks, circa 2002, 1 page.		
D538,555 S	3/2007	Raile		Office Action dated Apr. 9, 2004 from U.S. Appl. No. 10/360,264, 5 pages.		
7,188,739 B1	3/2007	Raile		Office Action dated Mar. 24, 2005 from U.S. Appl. No. 10/360,264, 6 pages.		
D554,903 S	11/2007	Raile		Office Action dated Sep. 29, 2005 from U.S. Appl. No. 10/360,264, 6 pages.		
D560,360 S	1/2008	Raile		Office Action dated May 22, 2006 from U.S. Appl. No. 10/360,264, 6 pages.		
D562,591 S	2/2008	Raile		Advisory Action dated Jul. 18, 2006 from U.S. Appl. No. 10/360,264, 2 pages.		
7,338,158 B2 *	3/2008	Glinert .....	351/158	Notice of Allowance dated Dec. 27, 2006 from U.S. Appl. No. 10/360,264, 4 pages.		
D566,423 S	4/2008	Raile		Office Action dated Dec. 22, 2008 from U.S. Appl. No. 11/627,882, 6 pages.		
D571,556 S	6/2008	Raile		Office Action dated Apr. 14, 2008 from U.S. Appl. No. 11/627,882, 7 pages.		
D572,476 S	7/2008	Raile		Office Action dated Sep. 10, 2008 from U.S. Appl. No. 11/838,174, 4 pages.		
D577,193 S	9/2008	Raile		Office Action dated May 27, 2009 from U.S. Appl. No. 11/838,174, 5 pages.		
D577,911 S *	10/2008	Liebers .....	D3/265	<i>Sun Optics, Inc. v. FGX International, Inc.</i> (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.		
D587,739 S	3/2009	Raile		* cited by examiner		
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				



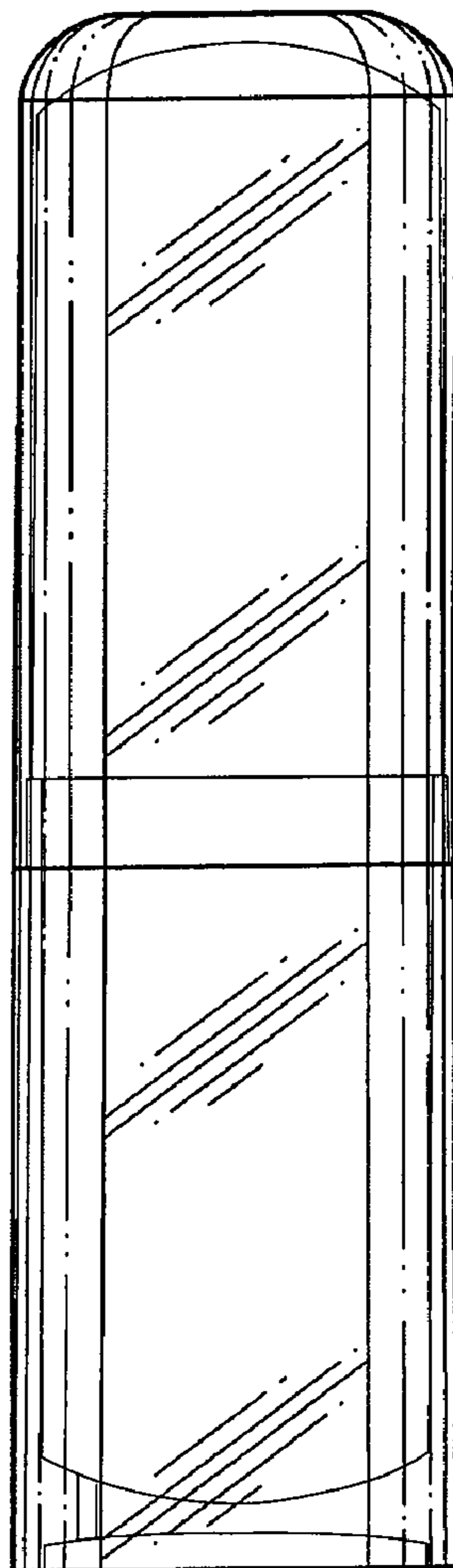
**FIG. 1**



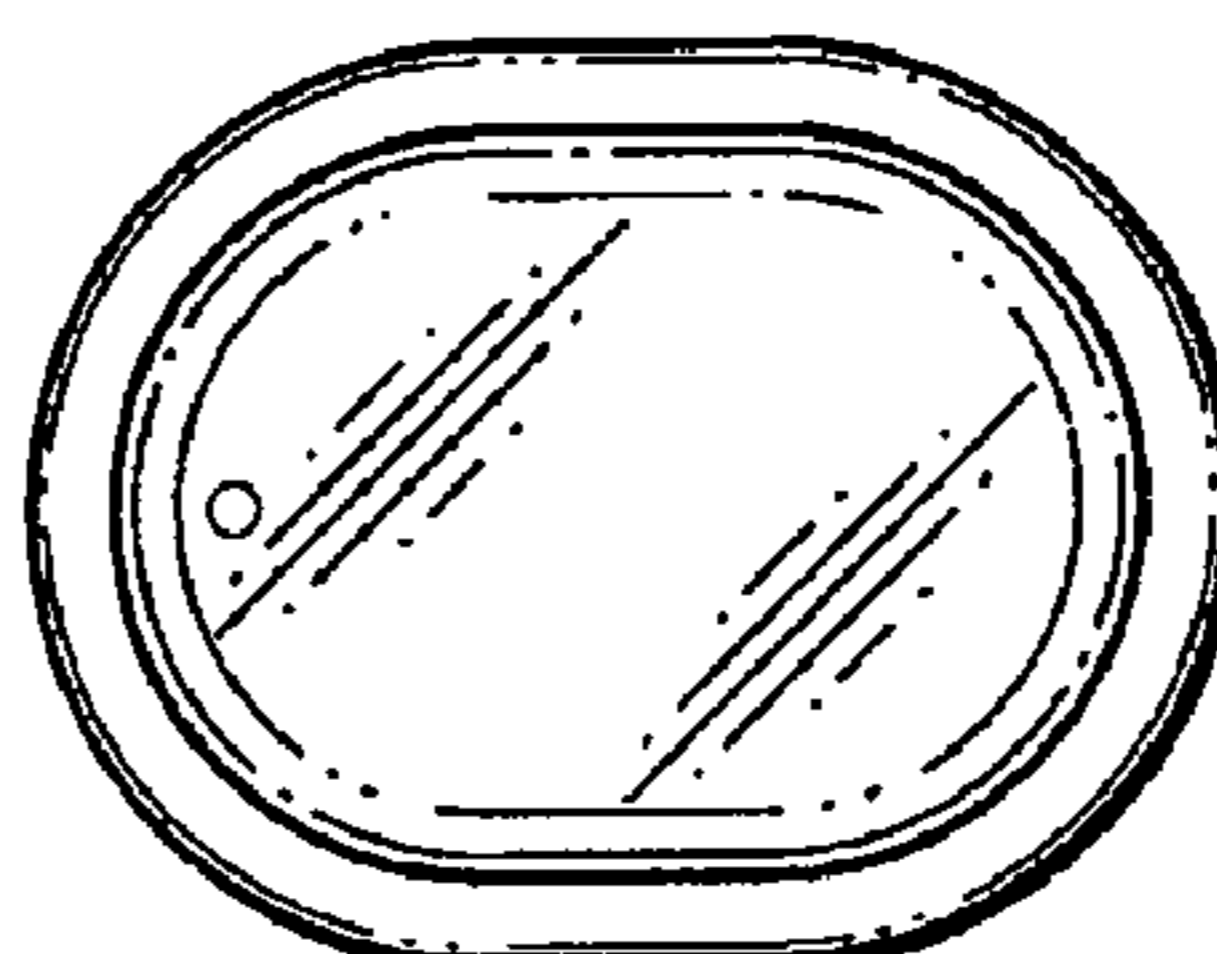
**FIG. 4**



**FIG. 3**



**FIG. 2**



**FIG. 5**