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Re: FBI 00-120
Re: DN 2103

January 7, 2000

Ms. Donna Koehnke
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Re: Re: In re Certain Spiral Grilled Products Including
Ducted Fans and Components Thereof

Dear Ms. Koehnke:

Vornado requests that the following supplementation be considered by the Commission in determining whether to institute an action under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

Vornado has noted that the **Table of Contents** of the Complaint, as filed, did not include page numbers. A substitute Table of Contents including page numbers is attached herewith. This substitute page is identical in all respects to the one filed, except that the substitute includes page numbers.

Upon review of the complaint as filed, Vornado discovered that **Exhibit 2** is incorrect, because it is not a certified copy of the assignment of the patent. Therefore, a certified copy of the Assignment has been ordered from the United States Patent and Trademark Office. A non-certified copy has been supplied herein and when the certified copy has been obtained, it will be promptly provided. We therefore request that the assignment be substituted for what was provided in the complaint as originally filed.

When the Complaint was originally filed, Vornado did not yet have a certified copy of the prosecution history of the U.S. Patent 4,927,324, which is the parent patent of the patent-in-suit. Four copies are provided, together with the original certified copy.

Exhibit 4 includes a claim chart in text that compares the asserted claims of the Re. 551 patent with the accused Holmes' Blizzard Fan. In addition, a number of color pages are included in this exhibit. These color pages show how the Vornado fan is covered by the Re'551 claims

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U.S. INTERNATIONAL TRADE COMMISSION
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and how the accused Holmes' Blizzard Fan is covered by the Re. '551 claims. The color pages demonstrate how each fan includes the claimed elements and serves as a claim chart for the domestic product. In other words, **Exhibit 4** includes claim charts of both the infringing Holmes product and the Vornado domestic product. As a point of clarification, the ducted Vornado fan in the color claim comparisons in **Exhibit 4** is a Model 180 Compact and depicts current model Nos. 510/550.

Vornado requests that the following paragraph be substituted for **Paragraph 1**.

1. This complaint is filed by Vornado Air Circulation Systems, Inc. ("Vornado") pursuant to section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon certain tortious acts, including without limitation, patent infringement, unfair competition and trade dress infringement, based upon the actual importation, sale for importation, and/or sale after importation into the United States by proposed respondents Holmes Products Corporation ("Holmes U.S.A."), Holmes Products (Far East) Ltd. ("Holmes Far East"), and Holmes Products (Far East) Ltd. - Taiwan Branch (Bahamas) ("Holmes - Taiwan"), (collectively referred to as "Holmes" or "Respondents") of certain products, fans and heaters, that include a spiral grill, including certain ducted fans and components thereof, which infringe Vornado's U.S. Patent No. Re. 34,551 ("the Re. '551 patent") (Exh. 1), and Vornado's distinctive spiral grill trade dress rights.

Paragraph 12 at page 8 indicates that "[a]ll of Vornado's products incorporate the distinctive grill design, or a portion thereof [with three exceptions.]" For purposes of clarity, Vornado points out that the spiral grill design is circular on most products, including, for example, Vornado's air circulators and heaters. However, Vornado's air filters have an oval, rather than a circular, port. Therefore, in order to accommodate the oval port, the grill is segmented.

As a further clarification, the proposed respondents are identified in **Paragraphs 24-29**. Holmes U.S.A. is the parent of subsidiaries, one of which is located in Hong Kong (Far East) and another located in Taiwan (Far East Ltd.). The Taiwan subsidiary is a design division and does not manufacture products, with all manufacturing being done in facilities located in Mainland China. The Hong Kong subsidiary, Far East Ltd., is exclusively concerned with marketing efforts of the company and does not manufacture any products. Consequently, Vornado requests that the following be substituted **Paragraphs 25 and 26**:

25. Holmes Products (Far East) Ltd., is a subsidiary of Holmes U.S.A., and is a separate corporation existing under the laws of Hong Kong. Holmes Products (Far East) Ltd.'s address is 9th Floor, No. 9 Wing Hong St., Cheung Sha Wan, Kowloon, Hong Kong. On information and belief, Holmes Products (Far East) is involved with marketing Holmes products, including the accused products.

26. Holmes Products (Far East Ltd.) - Taiwan Branch, a corporation of the Republic of China and a subsidiary of Holmes U.S.A. Holmes Products (Far East Ltd.) - Taiwan Branch address is 13F-2, 97 Chung Hsin Road, Section 4, Sanchung City, Taipei, Hsein, Taiwan, Republic of China and is the designer of the accused products.

Please make the following substitution for Paragraph 43 of the complaint. This substitution is intended to clarify the asserted trade dress:

43. Vornado's trade dress is its spiral grill design which is distinctive and acts as a source identifier for a wide spectrum of Vornado's products.

In Paragraph 49 on page 14, Vornado inadvertently omitted one of the asserted claims, namely claim 23, which is identified in both paragraph 50 and in Exhibit 4. Vornado accordingly requests the following substitution for paragraph 49:

Of the twenty-four claims in the Re. '551 patent, independent claims 15, 21, and 22 are most pertinent to Holmes' ducted BLIZZARD fan. In general, all three claims recite a base member including a motor and a bladed propeller or impeller. Each of the claims recites a duct positioned upstream or behind the bladed propeller. The claims also recite an outer cowling connected to the duct and require an inner cowling removably connected to the fan structure. Claims 15 and 22 recite additional elements such as a grill at the discharge end of the inner cowling. All these claims as well as dependent claims 16-20 and 23-24 are infringed by the Holmes BLIZZARD fan.

In Paragraph 52 at page 14, Vornado discloses a license to Patton Electric Corporation. To clarify this paragraph, that license to Patton Electric Corporation is the only license that Vornado has granted under the Re. '551.

Vornado has noticed an error in Paragraph 84 on page 19. Accordingly, please substitute the following:

84. In Duracraft, following regional law then existing, the Tenth Circuit held that the trade dress claimed by Vornado in its fans grill structure incorporated features claimed by Vornado's utility patent (the '324 patent), and therefore, patent law prevents the fans' grill structure from being protected as trade dress, even if the grill structure is nonfunctional. Duracraft involved Vornado's ducted fans, which are covered by some of the claims of the Re. '551 patent.

In Paragraphs 82, 83, 85, 86, and 87, Vornado identifies the Federal Circuit decision in *Midwest Industries, Inc. v. Karavan Trailers, Inc.*, 174 F.3d 1356 (Fed. Cir. 1999). Since the filing of this complaint, Vornado has learned that the Supreme Court has denied certiorari in that case at 120 S. Ct. 527 (1999).

Supporting documentation and attestation for the statements made in Paragraphs 108, 109 and 110 has been provided in Confidential Exhibit 6.

Confidential Exhibit 6 has been supplemented and now includes additional information supporting Vornado's lost sales to Holmes through QVC, referenced in **Paragraph 117**.


Confidential Exhibit 6, as supplemented, also includes additional information regarding comparison pricing of the Holmes and Vornado heaters.

Attached herein is a chart that shows net sales of Vornado between 1989 and 1998.

Since the date of filing the complaint requesting institution, Holmes has filed and served a declaratory judgment action in the District of Kansas limited to the issue of trade dress. It is Vornado's understanding that a copy of that complaint has already been provided to the ITC by Holmes. Vornado filed a motion to stay that case pending resolution of the investigation in the ITC. A copy of that motion was separately provided on December 28, 1999. Vornado has filed an Answer to Declaratory Judgment Complaint which was provided to the Commission under separate cover. The Answer includes a counterclaim that asserts patent infringement. Holmes has also filed a motion for a preliminary injunction against Vornado in the Kansas civil suit. It is Vornado's understanding that Holmes has provided those motion papers to the ITC. On Monday, January 3, 2000, the district court conducted a hearing on the preliminary injunction motion and granted plaintiff's a preliminary injunction motion in part. The district court's orders are attached to this letter.

The named plaintiff in the district court action is the Holmes Group Inc. whereas the U.S. proposed respondent is Holmes Products, Inc. The company web site names Holmes Products, Inc. as does a Dun & Bradstreet report. Vornado has been able to locate a Massachusetts Corporation entitled "The Holmes Group" through the Massachusetts Secretary of State. That company is apparently located at the same address as Holmes Products, Inc. Vornado may seek, at a later time after suitable discovery, to amend its complaint to add or substitute The Holmes Group as a separately-named respondent.

Best regards,



Peter W. Gowdey

Enclosures

Pillsbury



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January 7, 2000

VIA HAND DELIVERY

Ms. Donna Koehnke
Secretary
U.S. International Trade Commission
500 E. Street, S.W., Room 401
Washington, D.C. 20436

Re: In the Matter of Certain Spiral
Grilled Products Including Ducted
Fans and Components Thereof

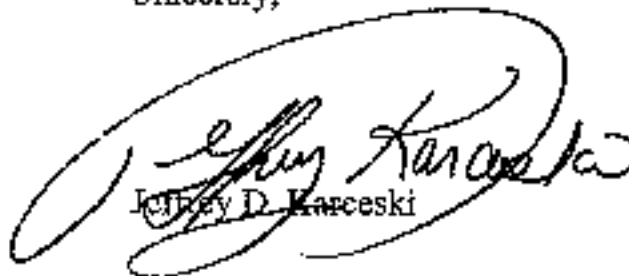
Dear Ms. Koehnke:

Enclosed please Vornado's supplementation as explained in greater detail in the attached letter.

We hereby request that the supplement to Confidential Exhibit No. 6 be treated as confidential. The supplement contains proprietary business information and has been stamped as "CONFIDENTIAL."

If there are any questions, or further discussion is requested, please let us know.

Sincerely,



Jeffrey D. Karcoski

Enclosures

District of Columbia)
)

Subscribed and sworn to before me, Tanya Marble, a Notary for
the District of Columbia, on this 7th day of January, 2000.



Tanya Marble

My Commission Expires December 14, 2001

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ASSIGNMENT

In return for a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Michael C. Coup, Gary P. Israel, and Donald J. Moore, all of Wichita, Kansas, and Glen W. Ediger of Newton, Kansas, do hereby sell and assign to VORNADO AIR CIRCULATION SYSTEMS, INC., a Kansas corporation, its successors and assigns, the entire right, title and interest, United States and foreign in and to the inventions and improvements in FAN invented by us and described and claimed in the application for United States Letters Patent therefor executed concurrently herewith; and our entire right, title and interest in said application and in all other patent applications, both United States and foreign, which may subsequently be filed by VORNADO AIR CIRCULATION SYSTEMS, INC., relating to our said inventions and improvements, and in any and all patents of the United States and foreign countries which mature from said applications; and we hereby specifically convey the right to VORNADO AIR CIRCULATION SYSTEMS, INC. to file patent applications relating to our said inventions and improvements in all foreign countries in its name as assignee, both under and outside the International Convention, to protect same.

We hereby authorize and request the Commissioners of Patents and Trademarks, both United States and foreign to issue all patents relating to said invention to said Company as assignee of the entire interest; and we covenant that we have the full right to do so, and agree that we will communicate to said Company or its representatives any facts known to us respecting said inventions and improvements, and

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will testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said Company, its successors and assigns and nominees to obtain and enforce proper protection for said inventions in all countries; said inventions, applications and Letters Patent to be held and enjoyed by VORNADO AIR CIRCULATION SYSTEMS, INC. for its own use and behoof and for its legal representatives, to the full end of the term for which such Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

Executed this 8th day of JANUARY, 1989.

Michael C. Coup
Michael C. Coup

Gary W. Israel
Gary W. Israel

Glen W. Ediger
Glen W. Ediger

Donald J. Moore
Donald J. Moore

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Donald J. Moore
COMMISSIONER OF PATENTS
AND TRADEMARKS OFFICE



THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:
UNITED STATES DEPARTMENT OF COMMERCE**

United States Patent and Trademark Office

December 10, 1999

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE FILE WRAPPER AND CONTENTS**

APPLICATION NUMBER: 07/294,780
FILING DATE: January 09, 1989
PATENT NUMBER: 4,927,324
ISSUANCE DATE: May 22, 1990



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

L. Edele

**L. EDELEN
Certifying Officer**

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| SERIAL NUMBER 07/294780 | PATENT DATE 15 1990 | PATENT NUMBER |
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| SERIAL NUMBER 07/294780 | FILING DATE 07/29/89 | CLASS 4501 | SUBCLASS 121.2 | GROUP ART UNIT 341 | EXAMINER KW ✓ |
|----------------------------|-------------------------|---------------|-------------------|-----------------------|------------------|

APPLICANTS
MICHAEL C. COUS, WICHITA, KS; TARY P. ISRAEL, WICHITA, KS; GLEN W. EDISON, WICHITA, KS; DONALD J. HUNTER, WICHITA, KS.

****CONTINUING DATA****
None

****FOREIGN/PAT APPLICATIONS****
None

FOREIGN FILING LICENSE GRANTED 01/28/89 ***** SHALL NOTIFY. *****

| | | | | | | | | | |
|--|--|--|----------|------------------------|--------------------|--------------------|--------------------|----------------------------------|-----------------------|
| Foreign priority claims 35 USC 312 conditions met | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | <input type="checkbox"/> yes <input checked="" type="checkbox"/> no | AS FILED | STATE OR COUNTRY KS | SHEETS DRAWG. 5 | TOTAL CLAIMS 14 | INDEP. CLAIMS 2 | FILING FEE RECEIVED \$ 175.00 | ATTORNEY'S DOCKET NO. |
|--|--|--|----------|------------------------|--------------------|--------------------|--------------------|----------------------------------|-----------------------|

ADDRESS
DONALD J. HUNTER JR.
110 S. WYOMING STREET
SUITE 401
WICHITA, KS 67203

TITLE
Ducted fan

U.S. DEPT. of COMM.-Pat. & TM Office - PTO-434 (rev. 10-78)

PARTS OF APPLICATION FILED SEPARATELY

| | | |
|---|--|--|
| NOTICE OF ALLOWANCE MAILED AUG 14 1989 | PREPARED FOR ISSUE 8-29-89 John T. Kwon Assistant Examiner | CLAIMS ALLOWED Total Claims: 15 Print Claims: 1 |
| ISSUE FEE Amount Due: \$310.00 Date Paid: 10/10/90 | ROBERT E. GARRETT SUPERVISORY PATENT EXAMINER ART UNIT 341 341 Primary Examiner | DRAWING Sheets Drawg.: 5 Figs. Drawg.: 9 Print Fig.: 1 |
| Label Area | ISSUE CLASSIFICATION Class: 415 Subclass: 121.2 | ISSUE BATCH NUMBER KW |

WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 186 & 188. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.

PATENT APPLICATION SERIAL NO. 1/294780

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

060 01/11/89 294780

1 201 170.00 CK

PTO-1556
(5/87)

Case Docker No. _____

January 9, 1989

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor: MICHAEL C. COUP, ET AL

For: EAN

Enclosed are:

- 5 sheets of informal drawings.
- An assignment of the invention to ~~Vornado Air Circulation Systems, Inc. of Wichita, Kansas; please record and return to the attorney of record.~~
- A Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b))
- Associate power of attorney.

| CLAIMS AS FILED | | | | |
|--------------------|---------------------|---------------------|------------------|-----------------------------|
| (1) FOI | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) BASIC FEE 170/340 |
| TOTAL CLAIMS | 14 - 20 | 0 | X | |
| INDEPENDENT CLAIMS | 2 - 3 | 0 | X | |
| | | | TOTAL FILING FEE | 170.00 |

- Please charge my Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. _____. A duplicate copy of this sheet is enclosed.
- A check in the amount of 177.00 and fee for recording the assignment to cover the filing fee is enclosed.

Respectfully submitted,

Edward L. Brown, Jr.

Attorney of Record
Edward L. Brown, Jr. (Reg. #20,221)
110 N. Market - Suite 420
Wichita, KS 67203
Phone NO. (316) 263-6400

ABSTRACT OF THE INVENTION

A ducted fan including a funnel-shaped duct positioned upstream of the impeller and connected to a base, an outer cowling concentrically positioned downstream and attached to said duct through a series of ribs, an inner cowling positioned inside the outer cowling and surrounding the impeller and a circular grill attached to the discharge end of the inner cowling. The grill including a center hub and a series of arcuate-shaped ribs extending outwardly from the hub and having a constant curvature of less diameter than the outside radius of the grill whereby the maximum lateral spacing between the ribs is at a radius inboard from the outside radius of the grill.



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2/11/89

APPLICATION FOR UNITED STATES PATENT

23 *Master File*
--FAN--

BACKGROUND OF THE INVENTION

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The present invention is an improved design of the ducted fan set forth in U.S. Patents Nos. 2,554,602, 2,554,600 and 2,554,601.

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The general concept of providing ducted fans with a multiplicity of concentrically spaced cone-shaped ducts in their intakes to increase the air output of the fan has been well known for many decades as typified in U.S. Patents Nos. 2,267,822 and 2,330,907. Having a ducted fan with multiple cones co-axially spaced in telescoping relation not only provides an increased output at a given power use but also functions as a safety grill in conjunction with the connecting ribs. The outer cowling also can function as a bumper housing to deflect and absorb energy when the fan falls or impacts a stationary object.

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All of the above-mentioned patents illustrate fans which could not be sold today by reason of the large grill openings on the front and back of the fans. Current OSHA requirements require consumer fans to have grills with a maximum lateral opening of one-half inch.

It is therefore the principal object of the present invention to provide a new and improved front grill and duct structure which increases the fan's capacity and effi-

ciency while decreasing its sound over the prior art grills or no grills at all.

Another object of the present invention is to provide a new and improved ducted fan wherein the front grill and the inner cowling are integral and are easily removable by
5 deflecting four separate tabs positioned around the periphery of the outer cowling.

Another object of the invention is to provide a new and improved single leg support for the fan which allows the fan
10 to pivotally turn on the support while a preloaded spring counteracts the offset weight of the fan and retains it in place. The support leg also is a conduit for ^{the} wires which supply the motor.

Further advantages and features of the invention are
15 set forth in the following detailed description and accompanying drawings which embody the present invention.

DESCRIPTION OF THE DRAWINGS

FIG. 1 is a side elevational view of the fan in longitudinal section;

FIG. 2 is a front view of the fan normal to the grill;

20 FIG. 3 is a front perspective view of the fan;

FIG. 4 is a rear perspective view of the fan;

FIG. 5 is a partial plan view of the fan grill to an enlarged scale;

25 FIG. 6 is a sectional view to an enlarged scale taken along line 6--6 of FIG. 5;

FIG. 7 is a partial sectional view to an enlarged scale of the inner and outer cowling;

FIG. 8 is a sectional view to an enlarged scale taken along line 8--8 of FIG. 9; and

FIG. 9 is a plan view of the fan base and its support leg with the cover plate removed.

5
DESCRIPTION OF THE PREFERRED EMBODIMENT

The drawings illustrate a ducted blade-type fan which is generally referred to by reference numeral 10. The fan 10 is mounted on a tubular support leg 12. The leg 12 includes a curved floor-engaging portion 14 and a short horizontal mounting portion 16 to which the fan base 32 is rotatably attached. Support leg 12 is fabricated from steel tubing and bent to its particular shape by commonly-known tube-bending techniques. Support leg 12 also functions as a conduit for the electrical wires 18 from motor 20 which enter leg 12 at its upper end, as seen in FIG. 9, and exit the leg 12 at its lower end 22.

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Fan motor 20 carries an impeller blade 24 on its drive shaft which includes three blades 25, 28 and 30. Fan motor 20 is concentrically bolted to base member 32 by four bolts 34. Base member 32 is a plastic injection molded part formed at the same time with duct 62 and outer cowling 68, later described in detail. Formed on base 32 are a series of motor-mounting pads 36. Attaching the support leg 12 to the fan base 32 are a pair of u-shaped straps 38 which urge leg portion 16 against an arcuate-shaped saddle 40 molded in base member 32, as best seen in FIG. 8.

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Positioned around leg portion 16, as seen in FIGS. 8 and 9, is a coil spring 42 having straight end sections 44 and 46. End section 44 is restrained from movement around



the support leg by a small offset tab 48 which is spot-welded to tube 16. The amount of rotating friction between tube 16, saddle 40, and the straps 38 can be determined by tightening nuts 50 on bolts 34. Coil spring 42 when
5 installed, has a preload force acting on motor 20, as best seen in FIG. 8, which urges the motor in a clockwise direction. This preload from spring 42 will offset the weight-created moment from the fan and its ducts attempting to rotate the fan 10 in a counter-clockwise direction, as seen
10 in FIG. 1. Also positioned on bolts 34 are a pair of rubber mounts 52 which have the ends of mounting straps 38 sandwiched therebetween.

Base member 32 includes a peripheral ridge 54 which supports a cover plate 56. The cover plate has a matching
15 retention groove 58 around its inside diameter which allows it to be snapped to the base member 32. Cover plate 56 has an circular opening 60 therein, as seen in FIG. 8, permitting the support leg 12 to pass through.

Formed with base 32 is a funnel-shaped duct 62, as best
20 seen in FIG. 1, which connects through a series of radially extending ribs 64, as seen in FIGS. 1 and 4. Duct 62 is tapered outward at its inlet end 66 to a diameter substantially increasing its cross sectional area.

The outer cowling 68 is also formed with duct 62 and is
25 connected to duct 62 by a second series of ribs 70, as seen in FIGS. 1 and 4, which have a similar lateral spacing, as previously-mentioned ribs 64. Base member 32, duct 62 and outer cowling 68 are all molded in a single piece through joining ribs 64 and 70.

Removably positioned within outer cowling 68 is an inner cowling 72 which is also funnel-shaped from its larger intake end 74 to its smaller discharge end 76. Most of the axial length of cowling 68 is a constant diameter similar to discharge end 76.

Attached to the discharge end 76 is a circular grill 80. Inner cowling 72 is held in place by a series of four tabs 78, as seen in FIG. 7, which are positioned around the periphery of the intake end 74 of the cowling. Tabs 78 have hook-shaped ends which, when fully inserted within the outer cowling 68, will engage the edge of outlet cowling 68. These four tabs 78 can be deflected inwardly individually by finger pressure, allowing the grill and inner cowling to separate from the fan structure so as to provide the necessary access to the interior of the fan. The remote positioning of the four tabs requires at least two separate hand operations which is also a current safety requirement for fan design.

Grill 80 includes a small center hub 82 and a series of arcuate-shaped ribs 84 extending outwardly from the hub, curving to the left, as seen in FIGS. 2 and 5, to the outer radius 86 of the grill. The center of curvature point for each rib 84 lies along on a circle 88, as shown in FIG. 5, the radius of curvature of ribs 84 is approximately two-thirds the outer radius of the overall grill. The circle 88 includes a locus of points for the center of curvature of each rib 84 and has a radius approximately one-half the outer radius 86 of the grill. The maximum lateral spacing between any pair of ribs 84 is inwardly from the outer radius 86 of

the grill at a point approximate dimension K, as shown in FIG. 5. The impeller blade's point of maximum power is located at approximately $.6 \times$ its ^{total} length. This places the maximum power in a region of the grill wherein the ^{rib} spacing is at its maximum. The longer length ^{curved} ribs 84, as compared with a conventional straight rib, provides a less rigid grill structure which can be desirable under certain circumstances ^{such as impact shock} _{standoff}.

In viewing FIG. 3, the fan blades ^{move} in a clockwise direction from left to right, while the grill ribs 84 curve to the left ^{from the center} in the opposite direction which provides an optimum flow of air at a standard power usage.

FIG. 6 shows a lateral cross section of a rib 84 with the upstream edge 90 being curved with the remainder of the rib slightly tapered in the overall shape of an airfoil.

Outer cowling 68 is convex in shape with a curve leading edge 92 which together with inner cowling 72 forms the cross sectional shape of an airfoil which minimizes the amount of turbulence and drag produced at the leading edge.

A conventional switch and rheostat for controlling the fan can be located any place on wire 18 either remote of the support leg 12 or preferably at the end 22.

Located between inner cowling 72 and outer cowling 68 is an annular opening 94 which provides a handle for lifting the fan.

Having described the invention with sufficient clarity to enable those familiar with the art to construct and use it, we claim:



1. A ducted fan comprising:

a base member with a motor and bladed impeller attached to the base;

5 a funnel-shaped duct with its large end facing upstream concentrically positioned upstream of the blades and around the motor and connected thereto;

an outer cowling ^{concentrically positioned,} concentrically connected downstream to the funnel-shaped duct through a series of radial ribs;

10 a removable inner cowling positioned inside the outer cowling and releasably attached thereto, the inner cowling being circular in lateral cross section and tapered longitudinally in shape from its larger ^{diameter} ~~diameter~~ intake end to its lesser diameter discharge end;

15 a circular grill having an outer radius attached to the discharge end of the inner cowling, the grill including a center hub and a series of arcuate shaped ribs extending outwardly from the hub to said outer radius, each rib having a constant curvature with a ~~radius less than said outer~~ radius and each rib being equally spaced from each other around the hub, the maximum lateral spacing between the ribs is inboard from said
20 outer radius; and

25 a support means pivotally attached to said motor and base member.



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A ducted fan comprising:

- 5. a base member with a motor and bladed impeller attached to the base which blades rotate in one direction;
- a funnel-shaped duct with its large end facing upstream concentrically positioned upstream of the blades and around the motor and connected thereto;
- an outer cowling concentrically ^{positioned} connected downstream to the funnel-shaped duct, through a series of radial ribs;
- 10. a removable inner cowling positioned inside the outer cowling and releasably attached thereto, the inner cowling being circular in lateral cross section and tapered longitudinally in shape from its larger diameter intake end to its lesser diameter discharge end;
- 15. a circular grill having an outer radius attached to the discharge end of the inner cowling, the grill including a center hub and a series of arcuate shaped ribs extending outwardly from the hub and curving in the opposite direction of rotation from said blades to said outer radius, ~~each rib having a constant curvature with a radius less than said outer radius~~ and each rib being equally spaced from each other around the hub, the maximum lateral spacing between the ribs is inboard from said outer radius; and
- 20. a support means pivotally attached to said motor and base member.
- 25.

~~2~~
3. A ducted fan as set forth in claim ~~2~~¹¹, wherein the lateral spacing between the ribs of the grill is no greater than .5 inches.

~~3~~
4. A ducted fan as set forth in claim 1, wherein the ribs of the grill each have a center of curvature which locus of points lies on a circle concentric with the grill at approximately one-half the outer radius of the grill.

~~3~~
5. A ducted fan as set forth in claim 1, wherein the ribs of the grill each have a center of curvature which locus of points lies on a circle concentric with the grill at approximately one-half the outer radius of the grill and the hub has a radius of approximately one-fifth the outer radius of the grill.

~~4~~
6. A ducted fan as set forth in claim 1, wherein the ribs of the grill have a radius approximately two-thirds the outer radius of the grill with the center of curvature point of each rib lying on a circle concentric with the grill having a radius approximately one-half the outer radius of the grill.

~~5~~
7. A ducted fan as set forth in claim 1, wherein the ribs of the grill each have a center of curvature which locus of points lies on a circle concentric with the grill at approximately one-half the outer radius of the grill and the lateral cross section of each rib has an airfoil shape with its leading edge facing the fan blades.

¹³ 8. A ducted fan as set forth in claim ¹¹ 7, wherein the outer cowling has a convex outer surface with a rounded upstream edge which together with the inner cowling at its intake end forms an aerodynamically clean rounded leading edge.

5 ¹⁴ 9. A ducted fan as set forth in claim 1, including multiple tab means positioned around the periphery of the inner cowling's intake end which deflect in and engage the upstream edge of the outer cowling which when all of the tab means are deflected allows separation of the inner cowling and grill from the fan.

5 ¹⁵ 10. A ducted fan as set forth in claim 1, including four hook-shaped tab means positioned around the periphery of the inner cowling intake end which deflect in and engage the outer cowling at its ^{upstream} upstream edge, which requires two or more manual operations before the inner cowling can be separated from the fan.

5 ¹⁶ 11. A ducted fan as set forth in claim 1, wherein the support means is a single tubular metal leg formed to provide a curved floor engaging portion and horizontal mounting portion which engages the base member and electrical wires from the motor which pass through the tubular leg.

12. A ducted fan as set forth in claim 1, wherein the support means is a single tubular metal leg formed to provide a floor-engaging portion and a horizontal mounting portion which engages the base, a preloaded spring means surrounding the horizontal mounting portion of said leg which engages the motor and said metal leg, to provide a spring force to counter balance the offset weight of the fan and mounting brackets which rotatably attach the horizontal mounting portions of said leg to the base, permitting the fan to be rotated on its support means.

¹⁰ 13. A ducted fan as set forth in claim 1, wherein the support means is a single tubular metal leg formed to provide a floor-engaging portion and a horizontal mounting portion which engages the base, a preloaded spring means surrounding the horizontal mounting portion of said leg which engages the motor and said metal leg, to provide a spring force to counter balance the offset weight of the fan and mounting brackets which rotatably attach the horizontal mounting portion of said leg to the base permitting the fan to be rotated on its support means, and spring stop means attached to the horizontal mounting portion of said leg comprising an offset tab which engages an end of said spring means preventing the spring from rotating around said leg.

14. A ducted fan as set forth in claim ⁶¹ 2, wherein the outer cowling has a convex outer surface with a rounded upstream edge which together with the inner cowling at its intake end forms an aerodynamically clean rounded leading edge and between the downstream edge of the outer cowling and the inner cowling is an annular cavity which provides a handle for lifting the fan.

add a

COMBINED DECLARATION AND POWER OF ATTORNEY.

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I am one of the original, first and joint inventors of the invention entitled FAN described and claimed in the attached specification, that I understand the content of the attached specification and claims, that I do not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than one year prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a), and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

EDWARD L. BROWN, JR. (Reg. No. 20,221)
110 N. Market Street - Suite 420
Wichita, Kansas 67202

Address all telephone calls to Edward L. Brown, Jr. at telephone No. (316) 263-6400.

Address all correspondence to Edward L. Brown, Jr., 110 N. Market Street, Suite 420, Wichita, Kansas 67202.

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 there.

4/21/89
Michael C. Coup

Full name of first inventor

Michael C. Coup
Inventor's signature

1/8/89
Date

6141 Fairfield, Wichita, Kansas 67204
Residence

U.S.A.
Citizenship

(same as above)
Post Office address

Gary P. Israel Gary P. Israel 1/6/89
Full name of second joint inventor Inventor's signature Date

1230 N. Emporia, Wichita, KS 67214 U.S.A.
Residence Citizenship

(same as above)
Post Office address

Glen W. Ediger Glen W. Ediger 1-8-89
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127 S. Main, Newton, KS 67414 U.S.A.
Residence Citizenship

(same as above)
Post Office address

Donald J. Moore Donald J. Moore 1/6/89
Full name of fourth joint inventor Inventor's signature Date

1533 N. Sullivan, Wichita, KS 67204 U.S.A.
Residence Citizenship

(same as above)
Post Office address

Full name of fifth joint inventor Inventor's signature Date

Residence Citizenship

Post Office address

Full name of sixth joint inventor Inventor's signature Date

Residence Citizenship

Post Office address

Applicant or Patentee: _____
Patent No.: _____
Inventor(s): _____
FAN

Attorney's
Docket No.: _____

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN VORNADO AIR CIRCULATION SYSTEMS, INC.
ADDRESS OF CONCERN 9011 East 37th St., North
Wichita, KS 67266

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 100 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled _____ by inventor(s) _____

as described in

- the specification filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

The rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

IS
PRESS
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

IS
PRESS
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

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, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael C. Coup
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 6141 Fairfield, Wichita, Kansas 67204

SIGNATURE [Signature] DATE Jan 5 1989

NOTICE OF FILING OF REISSUE APPLICATION

Patent No. 4,927,324

Inventor Coup, Michael C., et al.

An application for reissue
of this patent was filed on May 21, 1993 07/886,230

Reissue application abandoned on _____

Reissue Patent issued on _____

As Reissue No. _____

DO NOT remove this from file.

7/294780

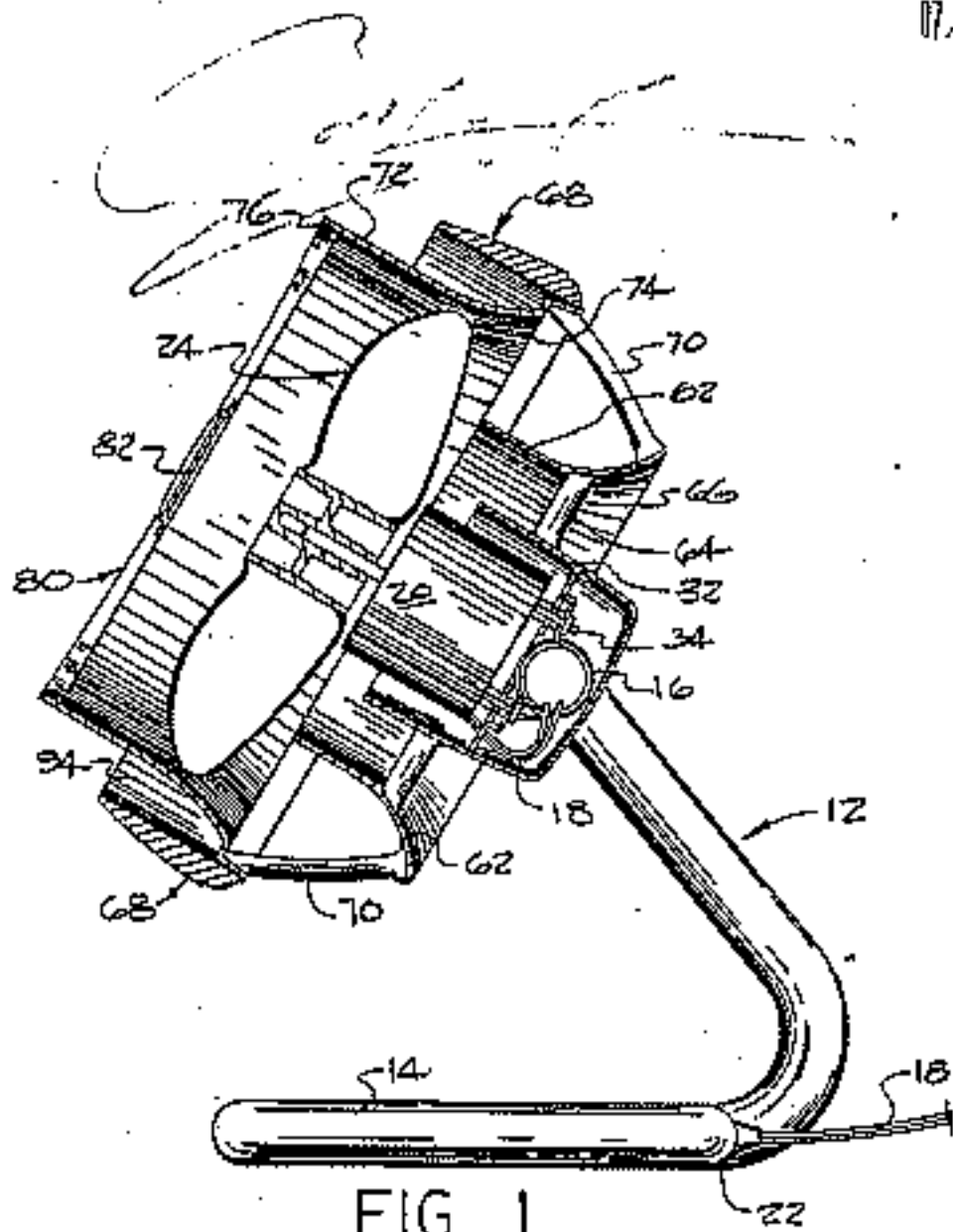


FIG 1

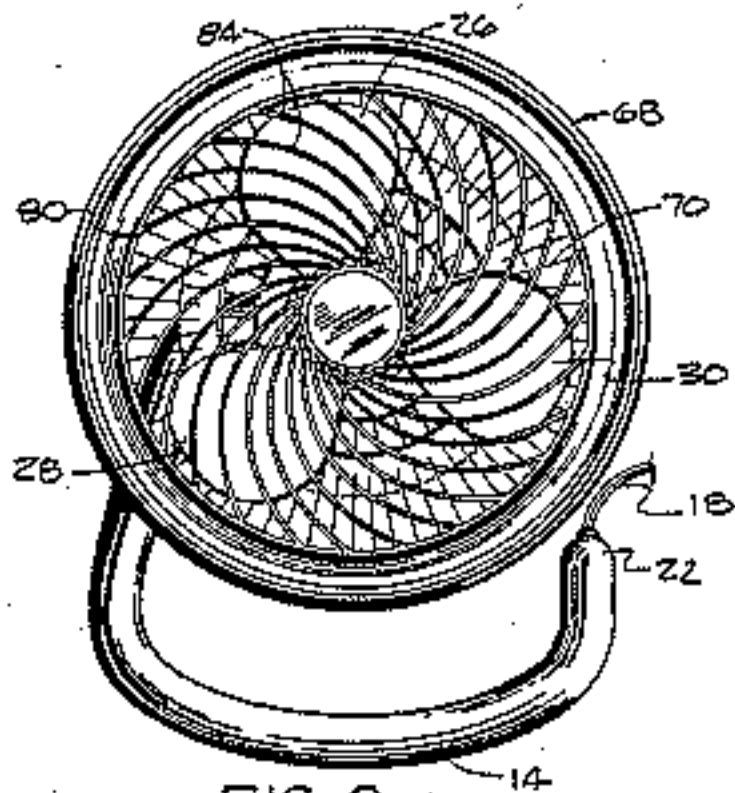


FIG 2

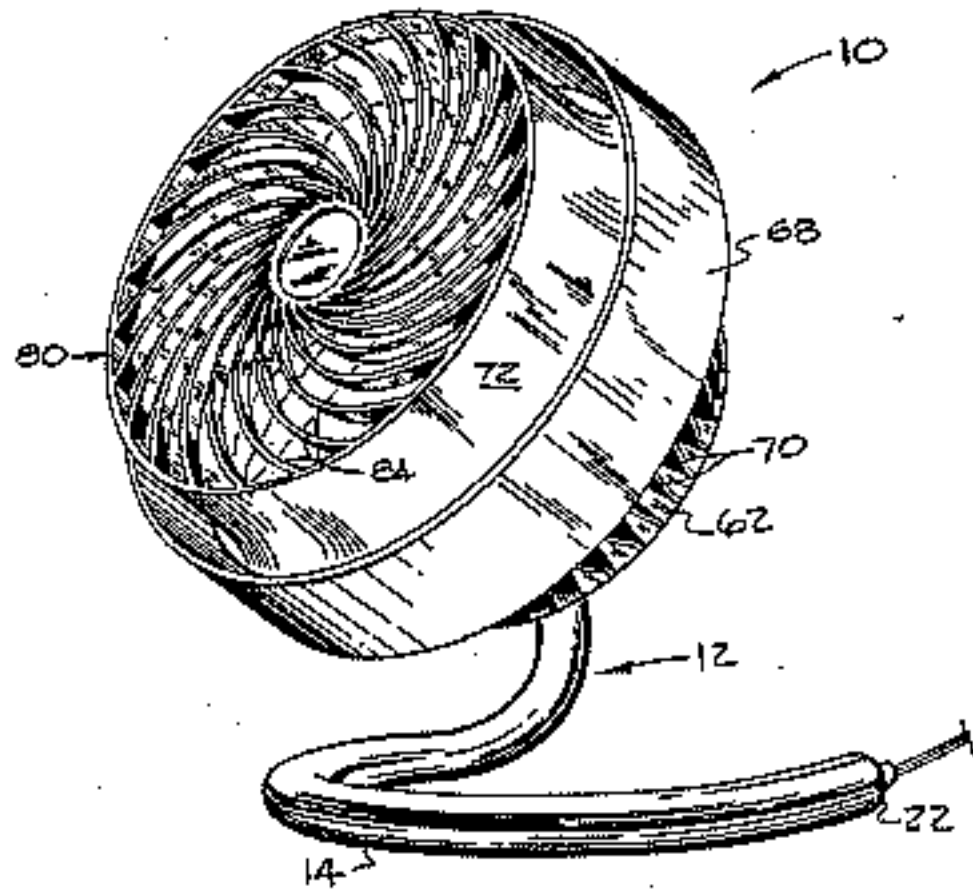


FIG 3

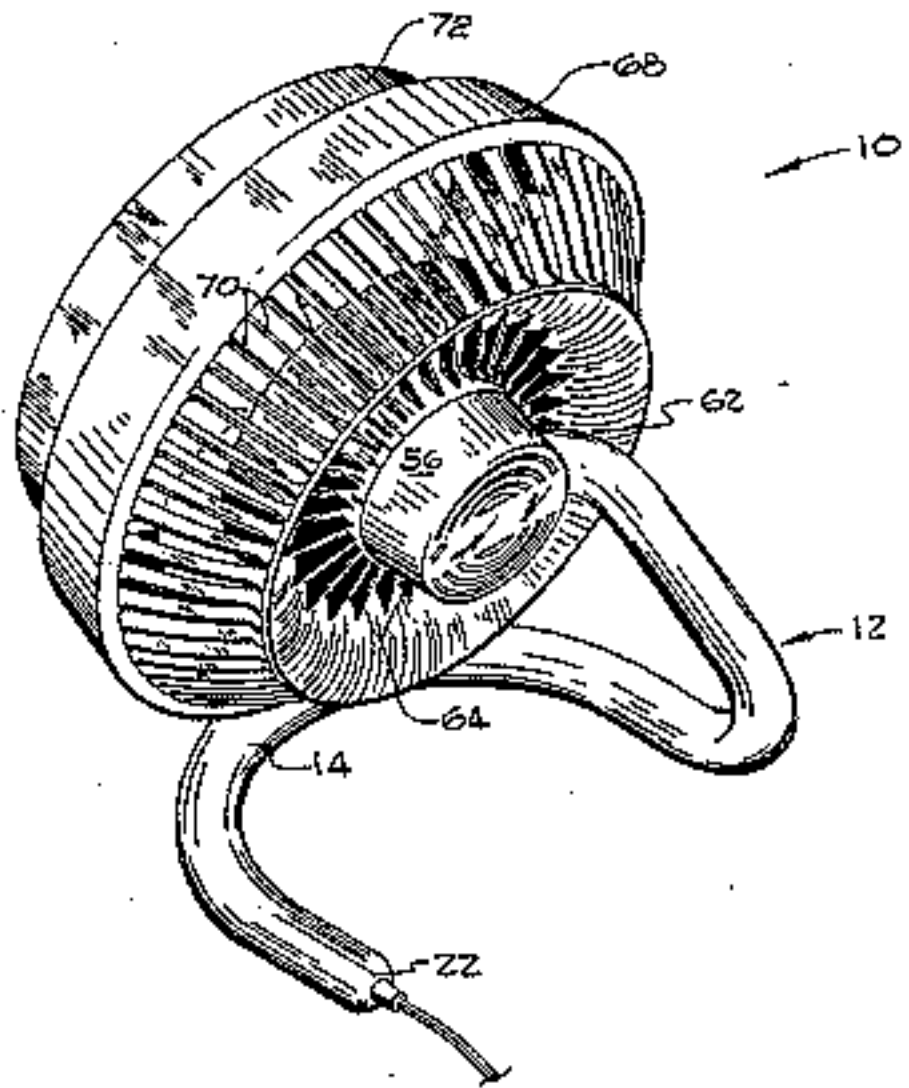


FIG 4

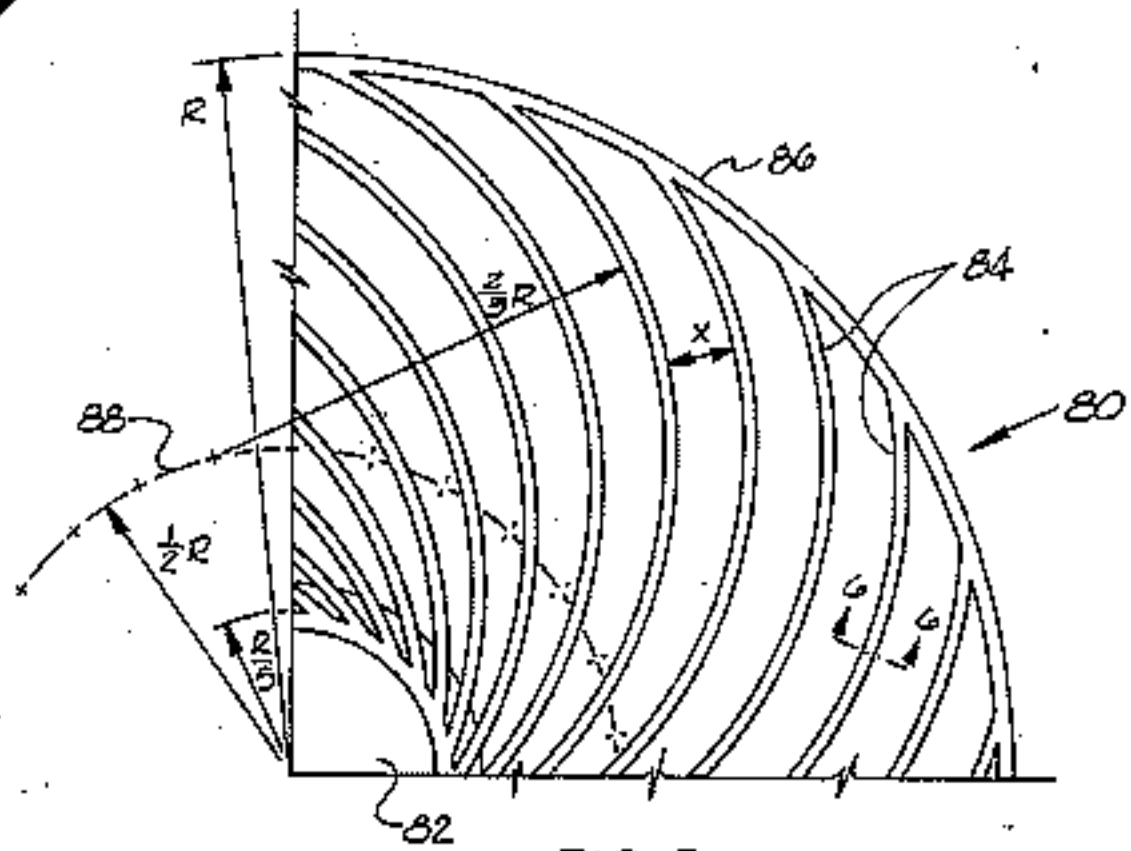


FIG 5

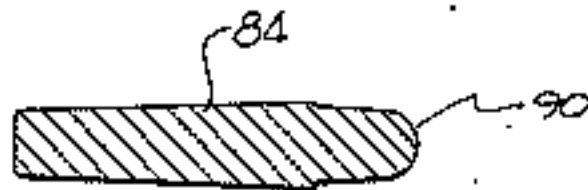


FIG 6

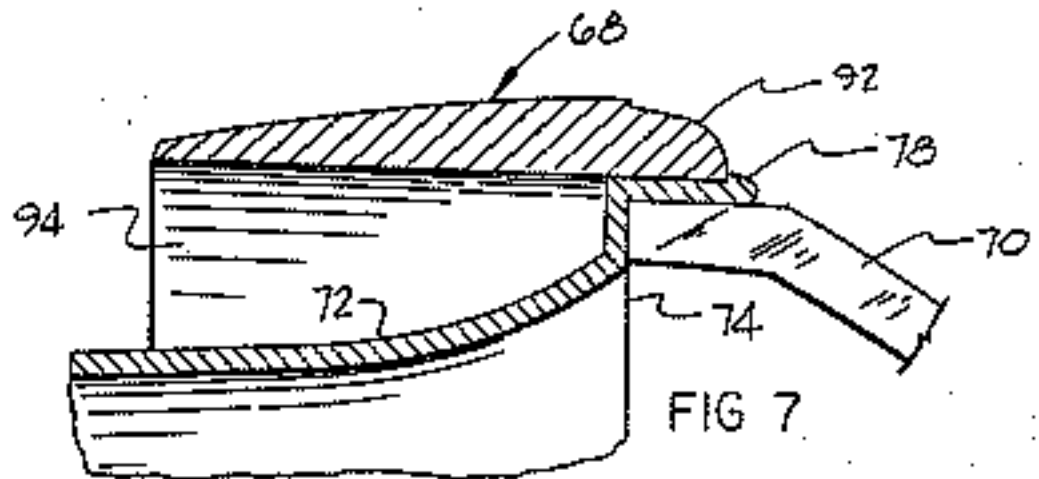


FIG 7

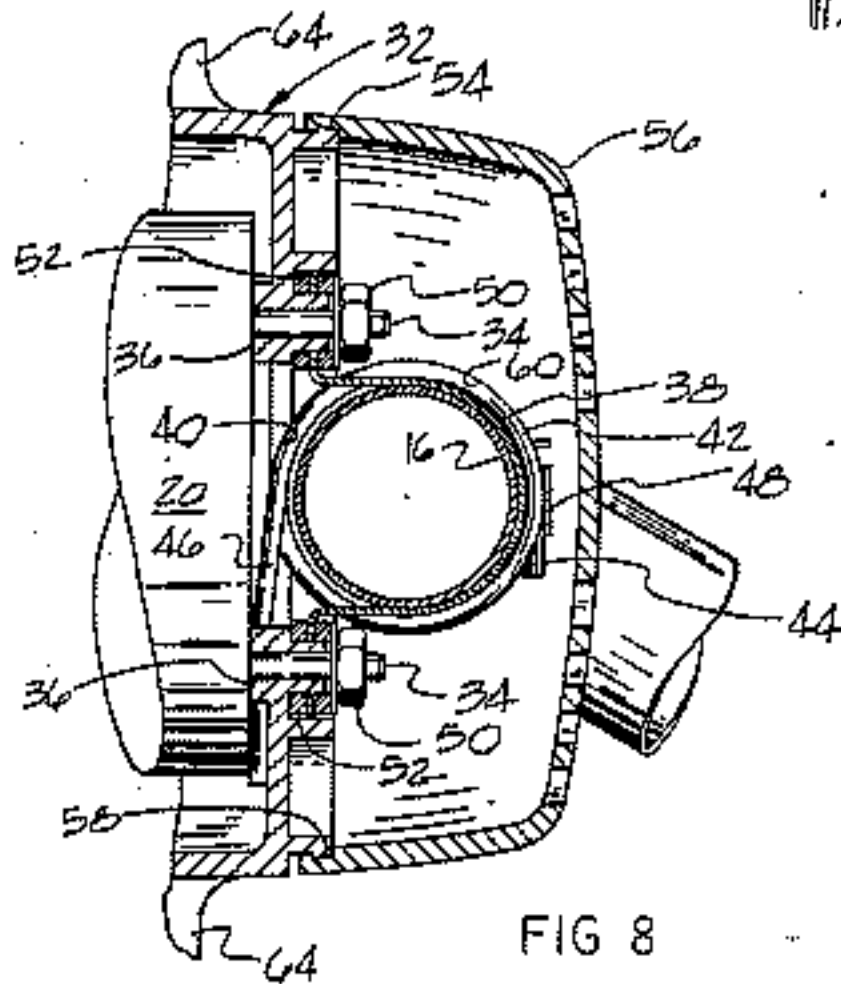


FIG 8

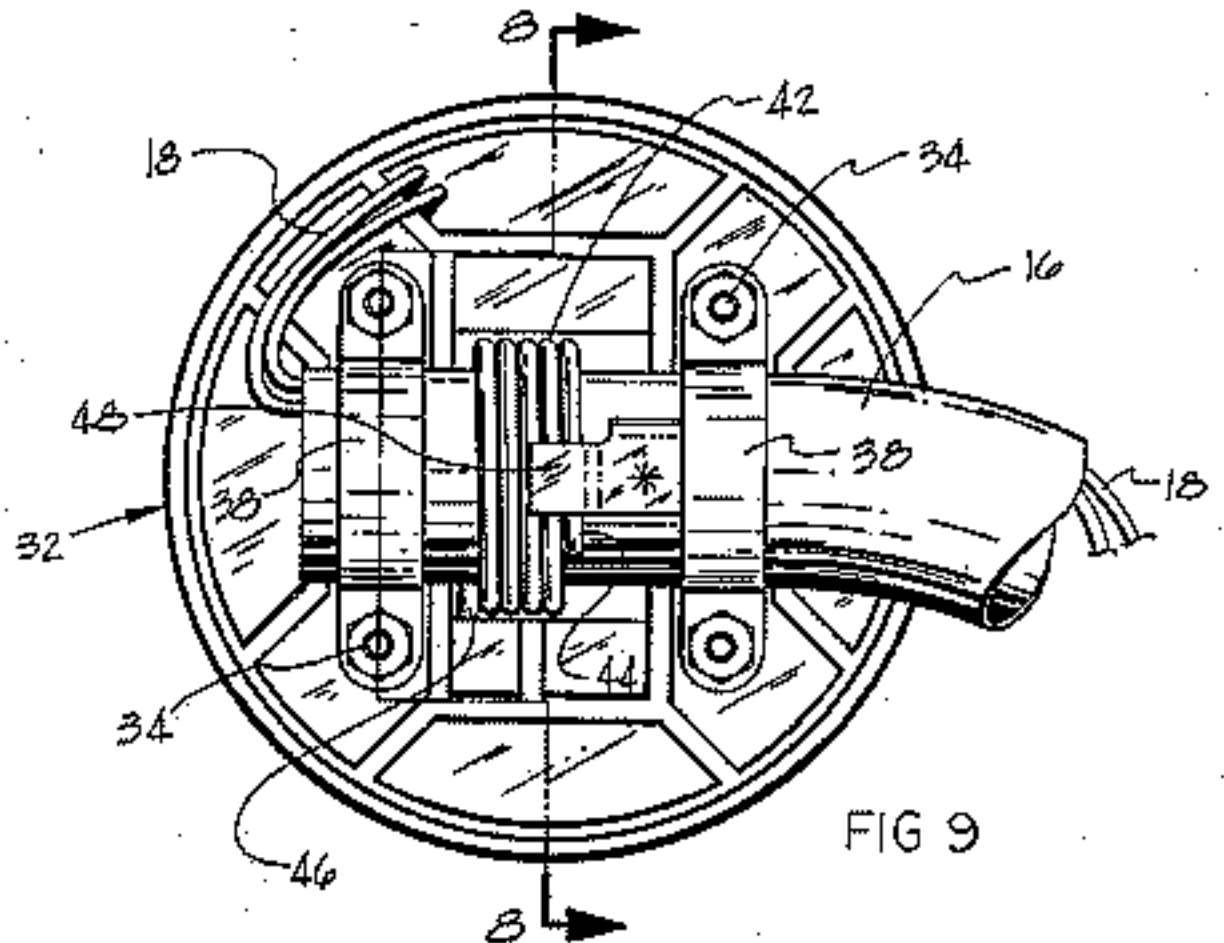


FIG 9



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 077294-7330 | 01/09/89 | EXXON | |

EDWARD L. BROWN, JR.
110 N. MARKET STREET
SUITE 420
INDIANAPOLIS, IN 46202

| EXAMINER | ART UNIT | PAPER NUMBER |
|-----------------------|----------|--------------|
| | | 2 |
| DATE MAILED: 01/09/89 | | |

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-592. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-344. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1448 | 4. <input type="checkbox"/> Notice of Internal Patent Application, Form PTO-152 |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION:

1. Claims 1 - 14 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1 - 14 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____ These drawings are acceptable; not acceptable (see explanation).
10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received; not been received.
 been filed in parent application, serial no. _____; filed on _____
13. Since this application appears to be 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. 21; 453 O.G. 213.
14. Other _____

Art Unit 341

This application does not contain an Abstract of the Disclosure as required by 37 CFR 1.72(b). An Abstract on a separate sheet is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the four hook-shaped tab means in claim 10 must be shown or the feature should be cancelled from the claim. No new matter should be entered.

The disclosure is objected to because of the following informalities: The words "th" (line 12 on page 2), "concentrically" (line 7 in claim 1), "concentrically" (line 7 in claim 2), and "ups ream" (line 4 in claim 10) are misspelled. In order to avoid the confusion, "(x)" should be changed to --times or multiple -- (line 3 on page 6).

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention. For example, the radius of the hub of the grill is not disclosed.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

Art Unit 341

Claims 1-14 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. The phrases "an outer cowling ... downstream to the funnel-shaped duct" (lines 7-8 in claims 1-2) are vague because the outer cowling is connected to the upstream of the funnel-shaped duct.

Claims 1-14 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cohen shows a plurality of curved ribs (14) oriented the opposite direction of the blade rotational direction in a fan guard structure (lines 1-10 in Col. 2). Pettel shows a spring (33) to select the desirable position of the fan (lines 25-55 in Col. 2). Flanders shows a blower structure with an inner cowling (11), an outer cowling means, and a funnel-shaped duct (20), but the inner cowling is not removeably attached to outer cowling means. Maycen shows a fan with an inner cowling (2) and an outer cowling (4) to fan a handle means therebetween. McLarty shows a support leg attached on a motor (lines 2-5 in Col. 1). Rao shows a plurality of guide vanes (15,16) extended in either direction of the rotating blades. Bade shows a handle means between an outer cowling means (26) and an inner cowling means (420 in a fan structure (lines 16-19 in Col. 4).

This application currently names joint inventors.

Serial No. 294780

-4-

Art Unit 341

in considering patentability of the claims under 35 U.S.C. 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103.

Any inquiry concerning this communication should be directed to Examiner Kwon at telephone number 703-557-3466.

KWON:drm

703-557-3466

3/28/89

John Kwon
JOHN T. KWON
EXAMINER
ART UNIT 341

| | |
|-------------------------------|----------|
| Attachment to Paper Number | 2 |
| Serial No. | 294, 780 |

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities (Draftsman's objections on PTO-948)

In order to correct any informalities in the drawings, applicant **MUST** comply with options (a) or (b) below. Failure to do so will result in **ABANDONMENT** of the application.

a) File new drawings with the changes incorporated therein. The set unit number, serial number and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37). If delayed, the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsman.

b) Request a commercial bonded drafting firm to make the necessary corrections.

A BONDED DRAFTSMAN MUST BE AUTHORIZED. THE CORRECTIONS EXECUTED AND THE CORRECTED DRAWINGS RETURNED TO THE OFFICE DURING THE THREE MONTH SHORTENED STATUTORY PERIOD SET FOR RESPONSE IN THE "NOTICE OF ALLOWABILITY" (PTOL-37). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CFR 1.136(a).

2. Corrections other than Informalities Noted by the Draftsman on the PTO-948

All changes to the drawings, other than informalities noted by the Draftsman, **MUST** be made in the same manner as above except that, normally, a red ink sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

3. Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTOL-37). Within this three month period, two weeks should be allowed for review by the Office of the correction. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time and of paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

GROUP 341

ATTACHMENT TO
PAPER NUMBER 2
S.N. 294780

NOTICE OF PATENT DRAWINGS OBJECTION

Drawing Corrections and/or new drawings may only be submitted in the manner set forth in the attached letter, "Information on How to Effect Drawing Changes" PTO-1474.

- A. The drawings, filed on 1-9-89, are objected to as informal for reason(s) checked below:
- | | |
|--|--|
| 1. <input type="checkbox"/> Lines Pale. | 11. <input type="checkbox"/> Parts in Section Must Be Hatched. |
| 2. <input type="checkbox"/> Paper Poor. | 12. <input checked="" type="checkbox"/> Solid Black Objectionable. <i>SHADE LINES RUNNING TOGETHER.</i> |
| 3. <input type="checkbox"/> Numerals Poor. | 13. <input type="checkbox"/> Figure Legends Placed Incorrectly. |
| 4. <input type="checkbox"/> Lines Rough and Blurred. | 14. <input type="checkbox"/> Mounted Photographs. |
| 5. <input type="checkbox"/> Shade Lines Required. | 15. <input type="checkbox"/> Extraneous Matter Objectionable. [37 CFR 1.84 (1)] |
| 6. <input type="checkbox"/> Figures Must be Numbered. | 16. <input type="checkbox"/> Paper Undersized: either 8 1/2" x 14", or 21.0 cm. x 29.7 cm. required. |
| 7. <input type="checkbox"/> Heading Space Required. | 17. <input type="checkbox"/> Proper A4 Margins Required: <input type="checkbox"/> TOP 2.5 cm. <input type="checkbox"/> RIGHT 1.5 cm. <input type="checkbox"/> LEFT 2.5 cm. <input type="checkbox"/> BOTTOM 1.0 cm. |
| 8. <input type="checkbox"/> Figures Must Not be Connected. | 18. <input type="checkbox"/> Other: |
| 9. <input type="checkbox"/> Criss-Cross Hatching Objectionable. | |
| 10. <input type="checkbox"/> Double-Line Hatching Objectionable. | |
- B. The drawings, submitted on 1-9-89, are so informal they cannot be corrected. New drawings are required. Submission of the new drawings MUST be made in accordance with the attached letter.

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP APART AND DISCARD CARBON

| | | | | |
|-----------------------------|--|-----------------------|------------------------|--|
| FORM PTO 452 (REV. 3-78) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | SERIAL NO. 294 780 | GROUP PART UNIT 341 | ATTACHMENT TO PAPER NUMBER 2 |
|-----------------------------|--|-----------------------|------------------------|--|

NOTICE OF REFERENCES CITED

APPLICANT(S)
Coup et al

U.S. PATENT DOCUMENTS

| | DOCUMENT NO. | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|-----|--------------|------------|-------------|-------|-----------|----------------------------|
| A | 2100994 | Nov. 1937 | Cohen | 416 | 247 | |
| B | 2169232 | Aug. 1939 | Flanders | 415 | 207 | |
| V C | 2287822 | June 1942 | Odor et al. | 415 | 208 | |
| V D | 2330907 | Oct. 1943 | Odor et al. | 415 | 185 | |
| V E | 2554600 | May 1951 | Sutton | 415 | 207 | |
| V F | 2554601 | May 1951 | Sutton | 416 | 247 | |
| V G | 2554602 | May 1951 | Sutton | 415 | 182 | |
| H | 2652974 | Sept. 1953 | Fettel | 416 | 246 | |
| I | 3173478 | Mar. 1965 | Maycen | 416 | 247 | |
| J | 3670644 | Nov. 1971 | McLarty | 416 | 247 | |
| K | 3883264 | May 1975 | Rao | 415 | 208 | |
| | 4657418 | Apr. 1987 | Bede | 416 | 247 | |

| | DOCUMENT NO. | DATE | COUNTRY | NAME | CLASS | SUB-CLASS | PERTINENT SHTS. DWG. | OP. SPEC. |
|---|--------------|------|---------|------|-------|-----------|----------------------|-----------|
| L | | | | | | | | |
| M | | | | | | | | |
| N | | | | | | | | |
| O | | | | | | | | |
| P | | | | | | | | |
| Q | | | | | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|---|--|
| R | |
| S | |
| T | |
| U | |

| | |
|------------------|-----------------------|
| EXAMINER KWON | DATE Mar. 24, 1989 |
|------------------|-----------------------|

* A copy of this reference is not being furnished with this office action.
(See Manual of Patent Examining Procedure, section 707.05 (b).)

RECEIVED
GROUP 340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: :
MICHAEL C. COUP, ET AL :
Serial No. 294,870 :
Filed January 9, 1989 :
For: FAN :

Examiner John T. Kwon
Art Unit 341

AMENDMENT

Hon. Commissioner of Patents & Trademarks,
Washington, D.C. 20231

Sir:

Responsive to the Office Action of April 5, 1989,
please enter the following amendments:

IN THE SPECIFICATION:

Page 2, line 12, cancel "th" and substitute - - the - - ;

Page 5, line 8, following "positioned", insert - -
quadrantally - - ;

line 23, cancel "along":

line 28, following "the grill," insert - - The
radius of hub 82 is approximately one-
fifth (1/5) the outer radius 86 of the
grill. - -

Page 6, line 3, cancel "(x)" and substitute - - times - - ;
and cancel "length" and substitute
- - radius - - ;

line 4, following "wherein the" insert - - rib - - ;

line 5, following "length" insert - - curved - - ;

line 8, following "circumstances" insert - - such
as impact shocks - - ;

line 9, following "fan blades" insert - - not
shown. - - ;

line 11, following "left" insert - - from the
center - - .

IN THE CLAIMS:

Claim 1, line 7, cancel "concentrically" and
substitute - concentrically positioned. - -
and cancel "downstream":

line 10, cancel "removable";

line 11, cancel "releasably";

line 14, cancel "diamter" and substitute
- - diameter - -;

line 21, cancel "with a radius less than said
outer radius".

line 25, cancel "an" and substitute - - and - -;

Claim 2, line 7, cancel "concentrically" and
substitute - - concentrically
positioned. - - ; cancel "downstream":

line 10, cancel "removable";

line 11, cancel "releasably";

line 21, cancel "each rib having a constant
curvature with a radius less than
said outer radius".

line 10, line 7, cancel "upstream" and substitute - -
upstream - - .

claim 15, as follows:

A ducted fan comprising:

base member with a motor and bladed impeller
attached to the base;

a funnel-shaped duct with its large end facing
upstream concentrically positioned upstream
of the blades and around the motor and
connected thereto;

an outer cowling concentrically positioned connected
to the funnel-shaped duct through a series
of radial ribs;

15

a removable inner cowling positioned inside the outer cowling and releasably attached thereto, the inner cowling being circular in lateral cross section and tapered longitudinally in shape from its larger diameter intake end to its lesser diameter discharge end;

16
17

a circular grill having an outer radius attached to the discharge end of the inner cowling, the grill including a center hub and a series of arcuate shaped ribs extending outwardly from the hub to said outer radius, and

20

a support means pivotally attached to said motor and base member.

REMARKS

An Abstract on a separate sheet is enclosed herewith.

The Examiner's objection to the drawing has been noted and a corrected FIG. 1 is enclosed herewith which adds reference numeral 78 at the top and bottom of the outer cowling illustrating two of the four tab members which are further described on page 2, line 3 through 7, and page 5, lines 7 through 18. FIGURE 1 illustrates two of the tabs 78 spaced 180° apart, while the other two tabs would not be visible in this figure and would be positioned 90° from the two shown in FIG. 1.

All of the various informalities mentioned in paragraph 3 have been made in the claims and specification. FIGURE 5 of the drawing shows that the hub radius is one-fifth (1/5) of the outer radius and the specification on page 5 has been accordingly amended to show same.

The rejection of claims 1 through 14 under §112 because of the phrase "connected downstream" has been corrected in both claims 1 and 2, and newly added claim 15, as suggested by the Examiner.

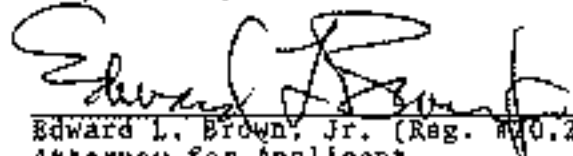
Claim 1 in its amended form appears allowable in that the grill limitation calling for "the maximum lateral spacing between the ribs is inboard from said outer radius" is not taught in either Cohen or Rao since both of those references show the maximum lateral spacing between the vanes being at the outer radius.

Claim 2 in its amended form appears allowable over the references of record for the same reason stated with regard to claim 1, since the same limitation regarding maximum lateral spacing is in claim 2.

Newly added claim 15 does not include the last-mentioned vane "lateral spacing" limitation, however, the inner cowling is removably attached to the outer cowling which none of the prior art references show, as previously noted by the Examiner.

The application appears to be in condition for allowance.

Respectfully submitted,


Edward L. Brown, Jr. (Reg. #40,221)
Attorney for Applicant
110 N. Market, Suite 420
Wichita, Kansas 67202
Phone (316) 263-6400

ELB:bm
Encls.

June 16, 1989



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

| | | | |
|---------------|-------------|-----------------------|---------------------|
| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 377,281,720 | 11/17/88 | ESLU | |

EDWARD L. BROWN, JR.
 110 W. MARKET STREET
 SUITE 420
 MICHLIN, MI 48720

| |
|----------|
| EXAMINER |
| KWON, J |

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 341 | 4 |

DATE MAILED: 08/14/89

NOTICE OF ALLOWABILITY

PART I

- This communication is responsive to June 19 1989
- All the claims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed, a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 1 - 15
- The drawings filed on _____ are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received. not been received. been filed in parent application Serial No. _____ filed on _____
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-802.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-162, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-640, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - The proposed drawing correction filed on June 19 1989 has been approved by the examiner. CORRECTION IS REQUIRED.
 - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413
- Reasons for Allowance
- Notice of References Cited, PTO-802
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-162
- Notice re Patent Drawings, PTO-640
- Listing of Bonded Draftsman
- Other


 ROBERT E. GARRETT
 SUPERVISORY PATENT EXAMINER
 ART UNIT 341

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND OFF-CARD CARBON

| FORM PD-892 (REV. 3-78) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | SERIAL NO. 294 780 | GROUP/PAT UNIT 341 | ATTACHMENT TO PAPER NUMBER 4 | | |
|---|--------------|--|----------------------|----------------------------|-----------------------|--|----------------------------|--------------|
| NOTICE OF REFERENCES CITED | | | | APPLICANT(S) Coup et al | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | |
| | DOCUMENT NO. | DATE | NAME | CLASS | SUB-CLASS | FILED DATE IF APPROPRIATE | | |
| ✓ A | 1 062 258 | May 1913 | Schlottter | 415 | 210 | | | |
| B | | | | | | | | |
| C | | | | | | | | |
| D | | | | | | | | |
| E | | | | | | | | |
| F | | | | | | | | |
| G | | | | | | | | |
| H | | | | | | | | |
| I | | | | | | | | |
| J | | | | | | | | |
| K | | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | |
| | DOCUMENT NO. | DATE | COUNTRY | NAME | CLASS | SUB-CLASS | PERTINENT SHTS. DWG. | PP. SPEC. |
| L | | | | | | | | |
| M | | | | | | | | |
| N | | | | | | | | |
| O | | | | | | | | |
| P | | | | | | | | |
| Q | | | | | | | | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | | |
| R | | | | | | | | |
| S | | | | | | | | |
| T | | | | | | | | |
| U | | | | | | | | |
| EXAMINER KWON | | | DATE Aug. 4, 1989 | | | | | |

* A copy of this reference is not being furnished with this office action.
 (See Manual of Patent Examining Procedure, section 707.06 (a).)



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 1572454 | 07/09/89 | ELCO | |

EDWARD J. PATRICK, JR.
 311 N. MARKET STREET
 SUITE 420
 WISCONSIN 53081 67201

EXAMINER
 [Signature]

ART UNIT 341 PAPER NUMBER
 5/13

DATE MAILED 07/15/89

**SUPPLEMENTAL
 NOTICE OF ALLOWABILITY**

PART I

- SUPPLEMENTAL*
 1. This communication is responsive to THE NOTICE OF ALLOWABILITY MAILED 8/14/89.
 2. AT the 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 And Issue Fee Due or other appropriate communication will be sent in due course.
 3. The allowed claims are _____
 4. The drawings filed on _____ are acceptable.
 5. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received, not been received, been filed in parent application, Serial No. _____, filed on _____
 6. Note the attached Examiner's Amendment. THE TITLE OF THE INVENTION HAS BEEN CHANGED TO
 7. Note the attached Examiner Interview Summary Record, PTO-418. "UNITED PAT" TO BE MORE
 8. Note the attached Examiner's Statement of Reasons for Allowance. DESCRIPTIVE OF THE INVENTED
 9. Note the attached NOTICE OF REFERENCES CITED, PTO-892.
 10. Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which declares that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
 2. APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 a. Drawing formalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-843, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 b. The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 c. Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 d. Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-418
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice of Patent Drawings, PTO-843
- Using of bonded Disposition
- Other

[Signature]
 RANDALL L. GREEN
 PRIMARY EXAMINER
 ART UNIT 341



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: Box ISSUE FEE
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ENHANCED L. BROWN, JR.
110 N. MARKET STREET
SUITE #20
WICHITA, KS 67202

**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

SEARCHED INDEXED SERIALIZED FILED

| FILED DATE | CLASS. OFFICE | EXAMINER | DEPARTMENT | DATE |
|------------|---------------|----------|------------|----------|
| 07/29/1980 | 01/09/89 | D15 | COMM-1 | 08/14/89 |

INVENTOR: MICHAEL D. BUSTED FAN (AS AMENDED)

| CLASS. NO. | CLASS. OFFICE | CLASS. DATE | CLASS. TYPE | CLASS. CODE | CLASS. DATE |
|-------------|---------------|-------------|-------------|-------------|-------------|
| 410-121,402 | 017 | UTILITY | YES | \$310.00 | 11/14/89 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE 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.

HOW TO RESPOND 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 changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to Issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.



PART B - ISSUE FEE TRANSMITTAL

310 242

RECORDING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 2 through 8 should be completed where appropriate. All correspondence, including the Issue Fee Receipt, the Patent, advanced orders and notification of maintenance fees will be mailed to addressee entered in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate "FEEDBACK ADDRESS" for maintenance fee notifications with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.

| | | | |
|---|--|--|--|
| 1. CORRESPONDENCE ADDRESS | | 2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change) | |
| EDWARD L. BROWN, JR. 118 N. MARKET STREET WICHITA, KS 67202 | | INVENTOR(S) NAME | |
| | | Street Address | |
| | | City, State and ZIP Code | |
| | | CO-INVENTOR(S) NAME | |
| | | Street Address | |
| | | City, State and ZIP Code | |
| | | <input type="checkbox"/> Check if additional changes are on reverse side | |

Mech AF

| APPLICANT'S SERIAL NO. | PRINT DATE | TOTAL CHARGES | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|---------------------------|------------|---------------|-----------------------------|-------------|
| 07294780 | 01/06/89 | 015 | HEWLETT | 10/5/89 |
| MICHAEL C. | | | | |
| DISCIPLE FOR COS AMENDED? | | | | |

| APPLY'S DOCKET NO. | CLASS SUBCLASS | BATCH NO. | APPL. TYPE | SMALL ENTITY | FEE FWD | DATE DUE |
|--------------------|----------------|-----------|------------|--------------|-----------|----------|
| | 915-121.1007 | 017 | UTILITY | YES | \$ 310.00 | 11 14 89 |

| | | |
|---|--|------------------------|
| Further correspondence to be mailed to the following: | 4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed. | 1 Edward L. Brown, Jr. |
| | | 2 _____ |
| | | 3 _____ |

DO NOT USE THIS SPACE

070 10/19/89 07294780 1 242 310.00 OK

| | | |
|---|--|--|
| 5. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (entire or part) (a) NAME OF ASSIGNEE: Vornado Air Circulation Systems, Inc. ADDRESS: (City & State or Country) Wichita, Kansas STATE OF INCORPORATION, IF ASSIGNED AS A CORPORATION KANSAS <input type="checkbox"/> This application is NOT assigned. <input type="checkbox"/> Assignment previously submitted to the Patent and Trademark Office. <input type="checkbox"/> Assignment is being submitted under separate cover. Assignments should be directed to Box ASSIGNMENTS. NOTE: Unless an assignee is identified in Block 5, no assignee data will appear in the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment. | | (b) The following fees are enclosed: <input checked="" type="checkbox"/> Issue Fee <input type="checkbox"/> Advanced Order - # of Copies _____ (Minimum of 10) (c) The following fees should be charged to: DEPOSIT ACCOUNT NUMBER _____ (Enclose Part C) <input type="checkbox"/> Issue Fee <input type="checkbox"/> Advanced Order - # of Copies _____ (Minimum of 10) <input type="checkbox"/> Any Deficiencies in Enclosed Fees _____ |
| The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to copy the issue fee to the applicant identified above. Signature of party in knowledge of receipt: <i>Edward L. Brown, Jr.</i> 10/5/89 | | |
| NOTE: The Issue Fee 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 Patent and Trademark Office. | | |

TRANSMIT THIS FORM WITH FEE-CERTIFICATE OF MAILING ON REVERSE

REV 12/88 (D43) (Change in pending)

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box ISSUE FEE
Commissioner of Patents and Trademarks
Washington, D.C. 20231

on October 5, 1989
(Date)

Barbara J. McKee
(Name of person making deposit)

Barbara J. McKee
(Signature)

October 5, 1989
(Date)

Note: If this certificate of mailing is used, it can only be used to transmit the Issue Fee. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawings, must have its own certificate of mailing.

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332 1

020 10\1B\82 0252+180

This form is estimated to take 20 minutes to complete. Time will vary depending upon the needs of the individual applicant. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, Patent and Trademark Office, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

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SEP 21 1989
PATENT & TRADEMARK OFF.

416
107

#84
10/4/89

89 SEP 27 FILED 22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: :
MICHAEL C. COUP, ET AL :
Serial No. 294,780 : Examiner John T. Kron
Filed January 9, 1989 : Art Unit 341
For: DUCTED FAN :

LETTER TO THE OFFICIAL DRAFTSMAN

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

Enclosed is a corrected set of drawings including four sheets which have been approved by the Examiner on August 14, 1989 as noted in the Notice of Allowability.

Respectfully submitted,



Edward L. Brown, Jr. (Reg. #20221)
Attorney for Applicant
110 N. Market - Suite 420
Wichita, Kansas 67202
Phone No. (316) 263-6400

ELB:bm

Encls.

September 21, 1989

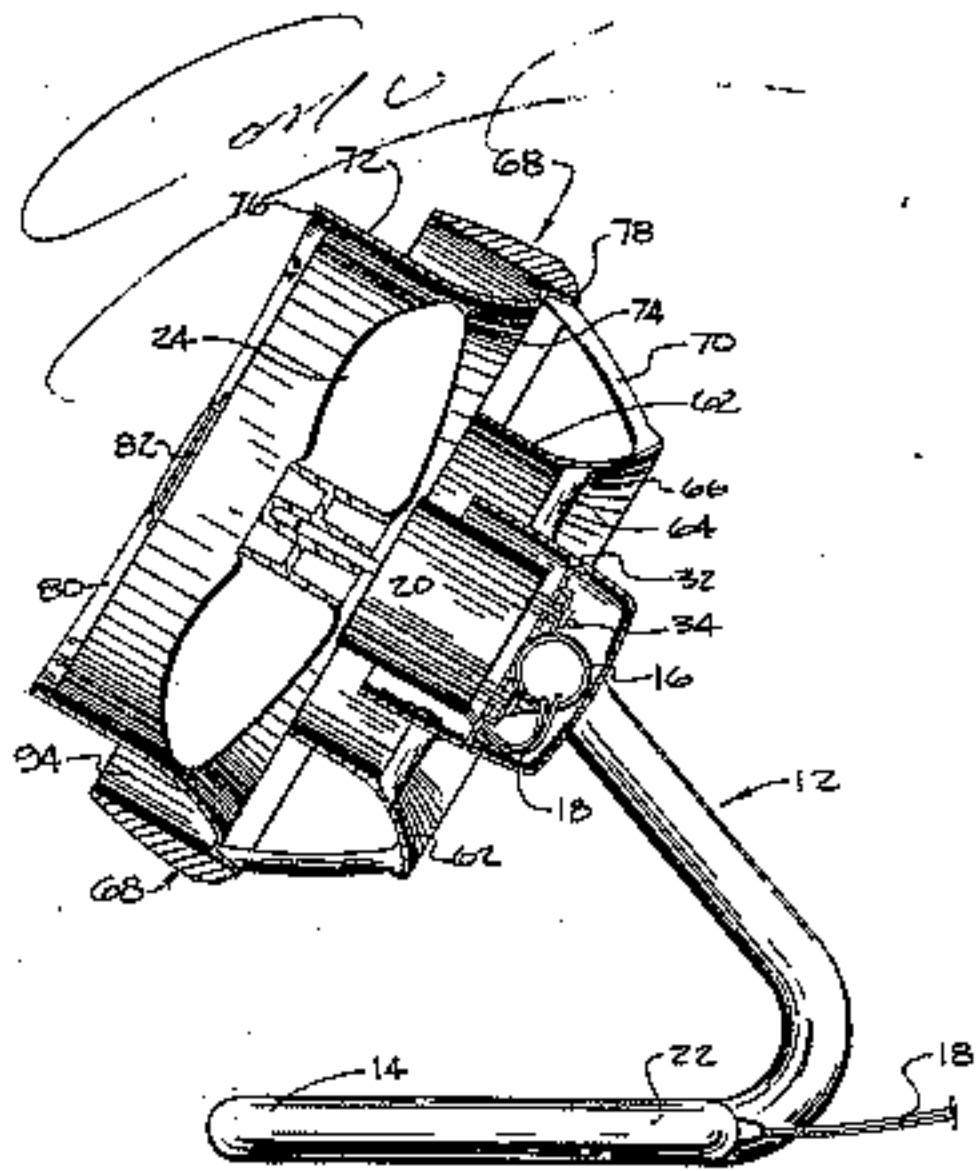


FIG 1

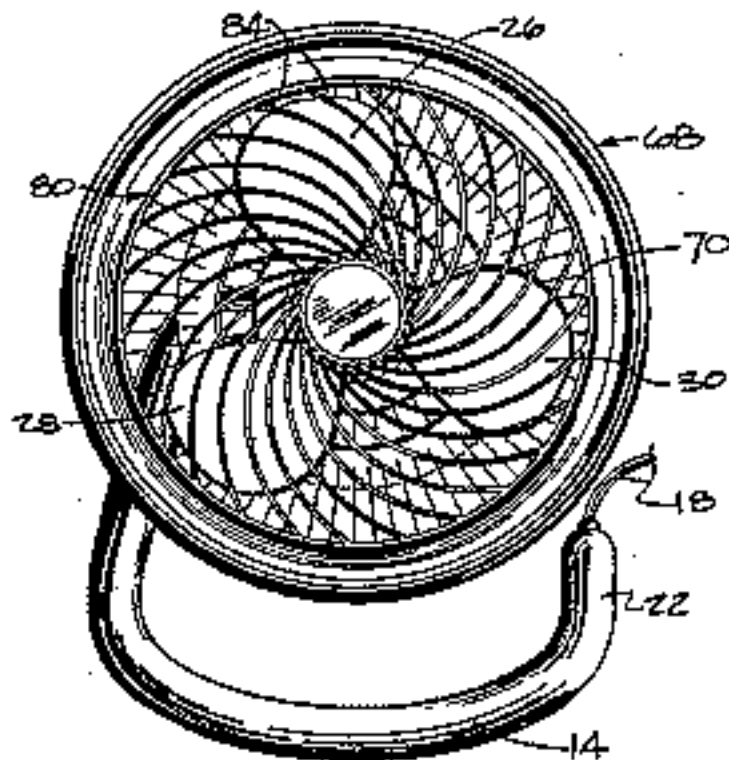


FIG 2

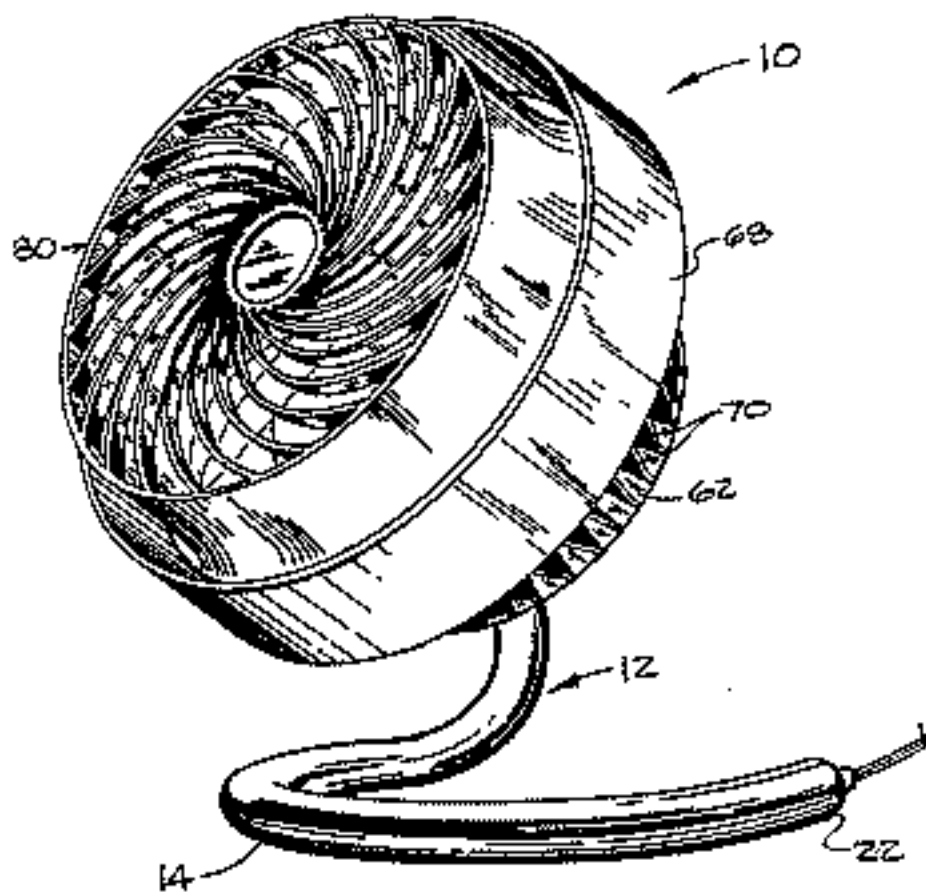


FIG 3

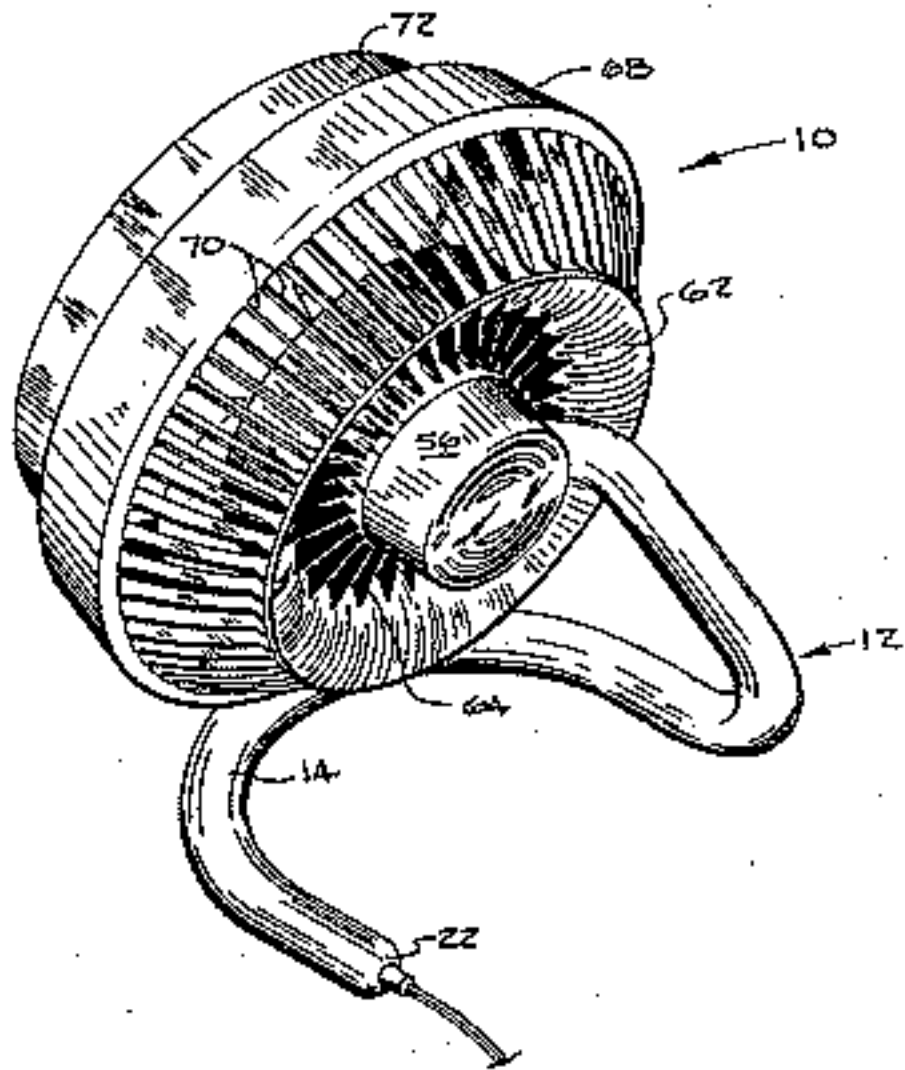


FIG 4

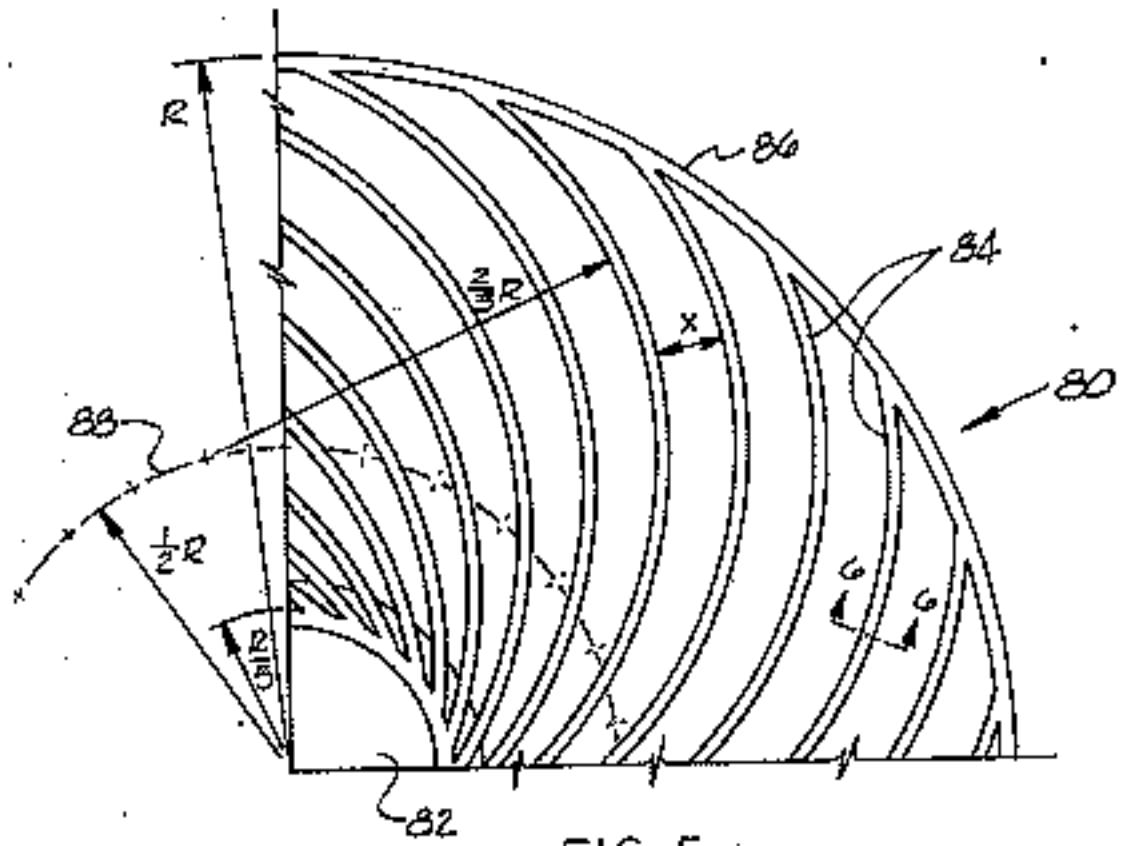


FIG 5

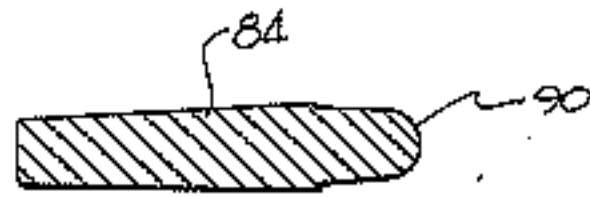


FIG 6

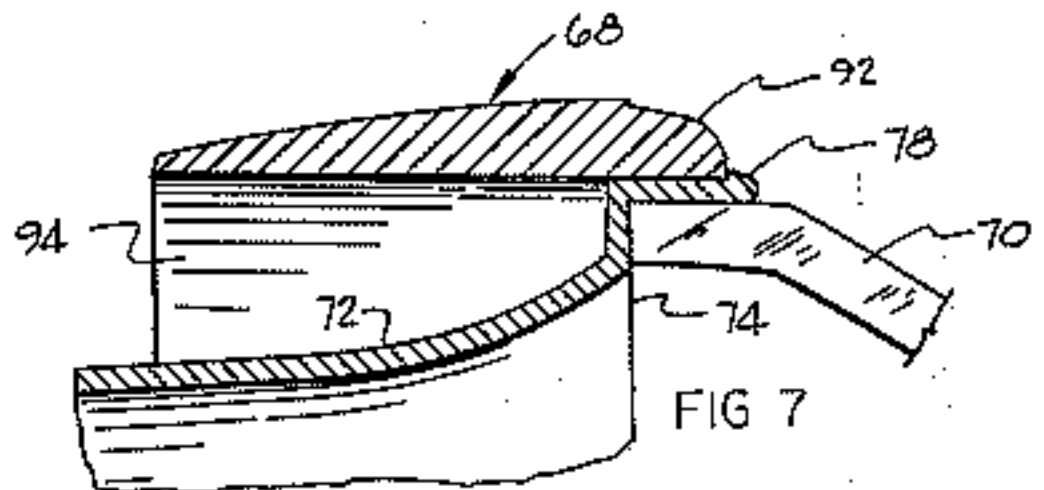


FIG 7

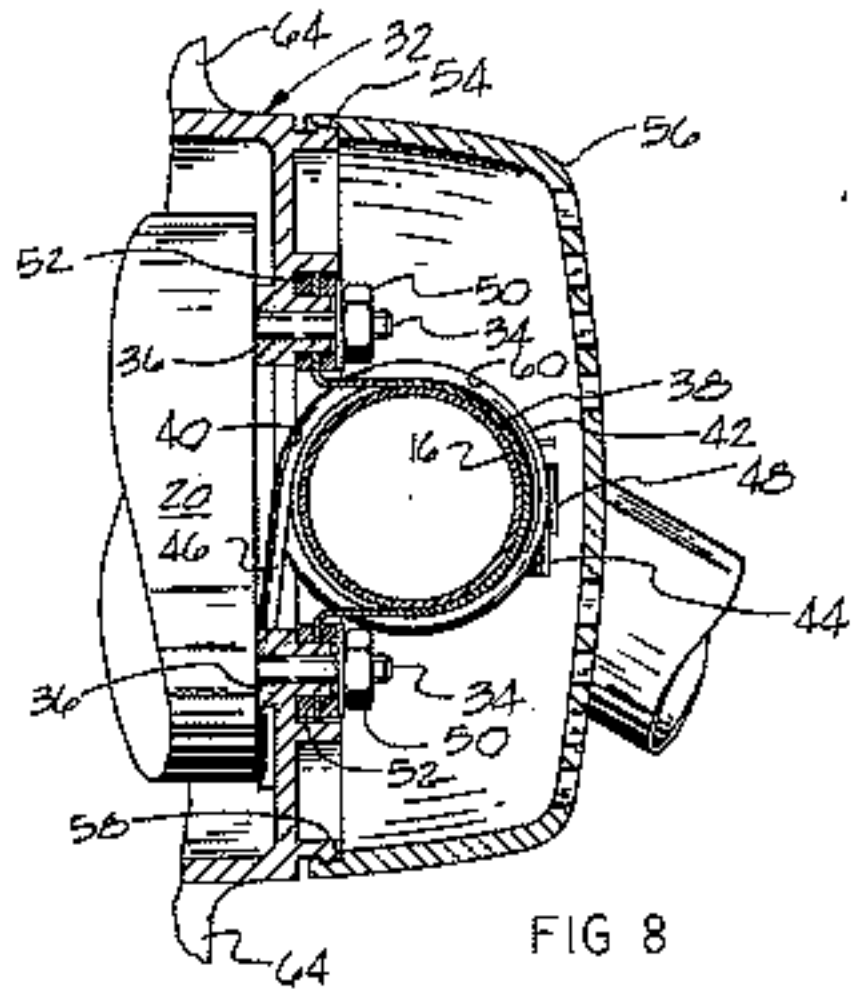


FIG 8

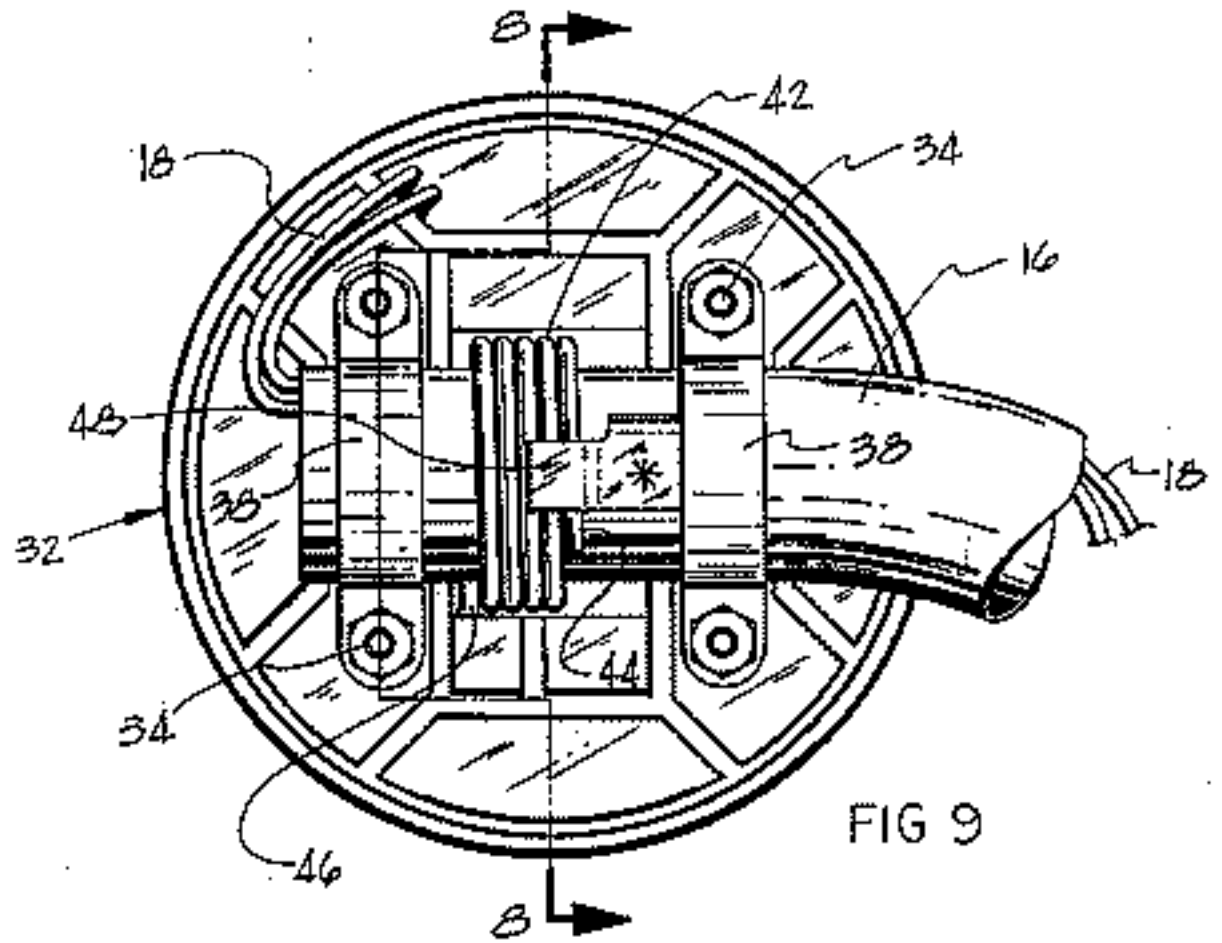


FIG 9



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| | | | |

EXAMINER: []
 ART UNIT: []
 PAPER NUMBER: []

| EXAMINER | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| | 7 |

DATE MAILED: 11/22/89

NOTICE OF DRAWING REQUIREMENTS

- The PTO delayed in providing a commercial bonded draftsman with drawings from the above-identified application. The delay prevented the draftsman from filing corrected drawings within the response period set in the Notice of Allowability mailed _____. Hence, said response period is hereby vacated. THE SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirement for drawing corrections is set to EXPIRE ONE MONTH FROM THE DATE OF THIS LETTER. Failure to comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a) by filing the appropriate request and fee before the end of the six month statutory period for response.
- Corrected/substituted drawings for the above-identified application, received in the PTO on 9/25/89, are still considered informal for the reason(s) identified on the attached Form PTO-948.
- Applicant has the time remaining in the response period set in the Notice of Allowability or Notice of Drawing Requirements mailed _____ to overcome the objections raised in the attached Form PTO-948. This response period may be extended under the provisions of 37 CFR 1.136(a) by filing the appropriate request and fee before the end of the six month statutory period for response.
- The PTO delayed in reviewing the corrected drawings. Applicant is given ONE month time limit from the date of this letter to provide corrected drawings. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b). See MPEP 714.03. However, the response period set in the Notice of Allowability or Notice of Drawing Requirements mailed 8/19/89 may be extended under the provisions of 37 CFR 1.136(a) by filing the appropriate request and fee before the end of the six month statutory period for response.
- Corrected/substituted drawings for the above-identified application received in the PTO on _____ were submitted outside of the period for response set in the Notice of Allowability or Notice of Drawing Requirements mailed _____. This application will become abandoned unless applicant obtains an extension of time under the provisions of 37 CFR 1.136(a) by filing the appropriate request and fee before the end of the six month statutory period for response.

ATTACHMENT: PTO-948

WALTER BROWN
PATENT AND TRADEMARK OFFICE

11/22/89
DATE



w?

PTO - 348
REV. 8-82

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTACHMENT TO
PAPER NUMBER

GROUP

294780

NOTICE OF PATENT DRAWINGS OBJECTION

Drawing Corrections and/or new drawings may only be submitted in the manner set forth in the attached letter, "Information on How to Effect Drawing Changes" PTO-1474.

- A. The drawings, filed on 9/25/89, are objected to as informal for reason(s) checked below:
- | | |
|--|--|
| 1. <input type="checkbox"/> Lines Pale. | 11. <input type="checkbox"/> Parts in Section Must Be Hatched. |
| 2. <input type="checkbox"/> Paper Poor. | 12. <input checked="" type="checkbox"/> Solid Black Objectionable. <i>FIG 2, 3, 4</i> |
| 3. <input type="checkbox"/> Numerals Poor. | 13. <input type="checkbox"/> Figure Legends Placed Incorrectly. |
| 4. <input type="checkbox"/> Lines Rough and Blurred. | 14. <input type="checkbox"/> Mounted Photographs. |
| 5. <input type="checkbox"/> Shade Lines Required. | 15. <input type="checkbox"/> Extraneous Matter Objectionable. [37 CFR 1.94 (1)] |
| 6. <input type="checkbox"/> Figures Must be Numbered. | 16. <input type="checkbox"/> Paper Undersized; either 8 1/2" x 14", or 21.0 cm. x 29.7 cm. required. |
| 7. <input checked="" type="checkbox"/> Heading Space Required. <i>2" top</i> <i>fig 8, 1, 5</i> | 17. <input type="checkbox"/> Proper A4 Margins Required: <input type="checkbox"/> TOP 2.5 cm. <input type="checkbox"/> RIGHT 1.5 cm. <input type="checkbox"/> LEFT 2.5 cm. <input type="checkbox"/> BOTTOM 1.0 cm. |
| 8. <input type="checkbox"/> Figures Must Not be Connected. | 18. <input type="checkbox"/> Other: |
| 9. <input type="checkbox"/> Grid-Cross Hatching Objectionable. | |
| 10. <input type="checkbox"/> Double-Line Hatching Objectionable. | |

- B. The drawings, submitted on 9/25/89, are so informal they cannot be corrected. New drawings are required. Submission of the new drawings MUST be made in accordance with the attached letter.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: :
MICHAEL C. COUP, et al :
Serial No. 294,780 : Attn: Martin Baum
Filed January 9, 1989 :
For: DUCTED FAN :


LETTER TO THE OFFICIAL DRAFTSMAN

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

Enclosed are five sheets of corrected formal drawings in accordance with the requirements set forth in the Notice of Drawing Requirements dated November 23, 1989.

Respectfully submitted,


Edward L. Brown, Jr. (Reg. #20,221)
Attorney for Applicant
110 N. Market - Suite 420
Wichita, Kansas 67202
Phone No. (316) 263-6400


HLB:bm

Encls.

December 8, 1989

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on DEC 8, 1989

Date: DEC 8, 1989 
Applicant's Attorney

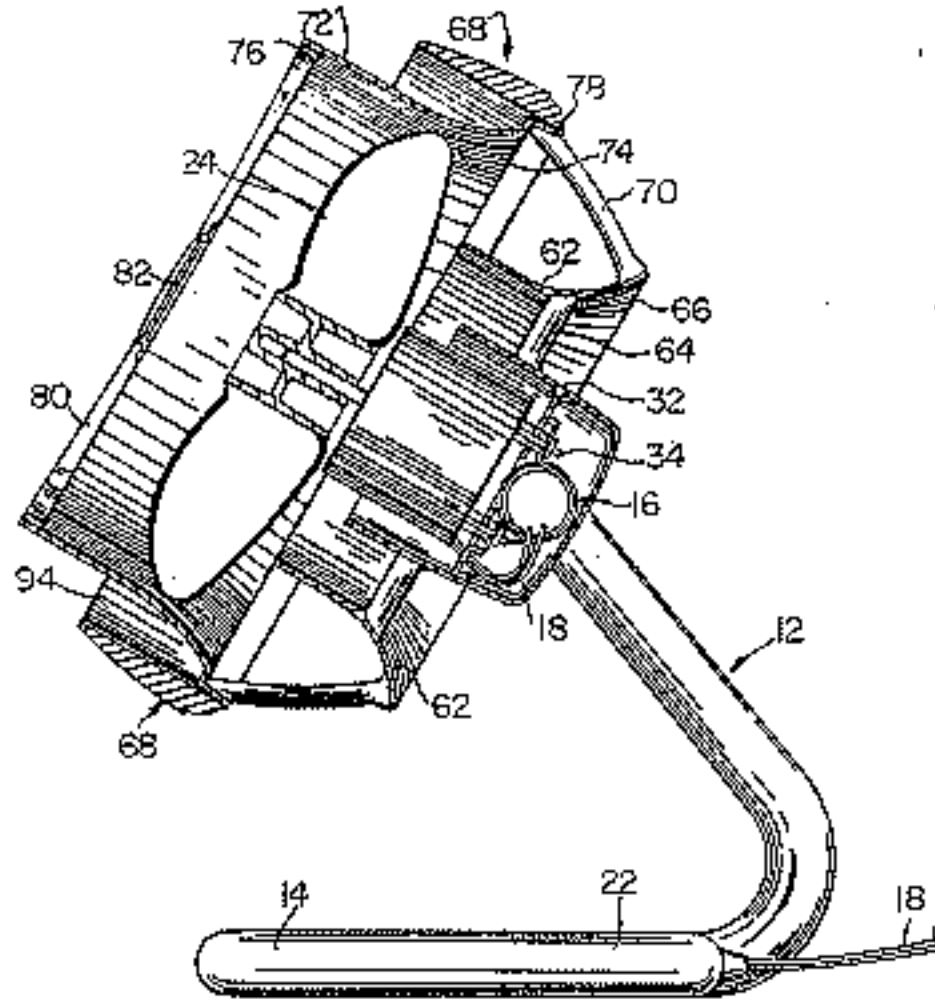


FIG 1

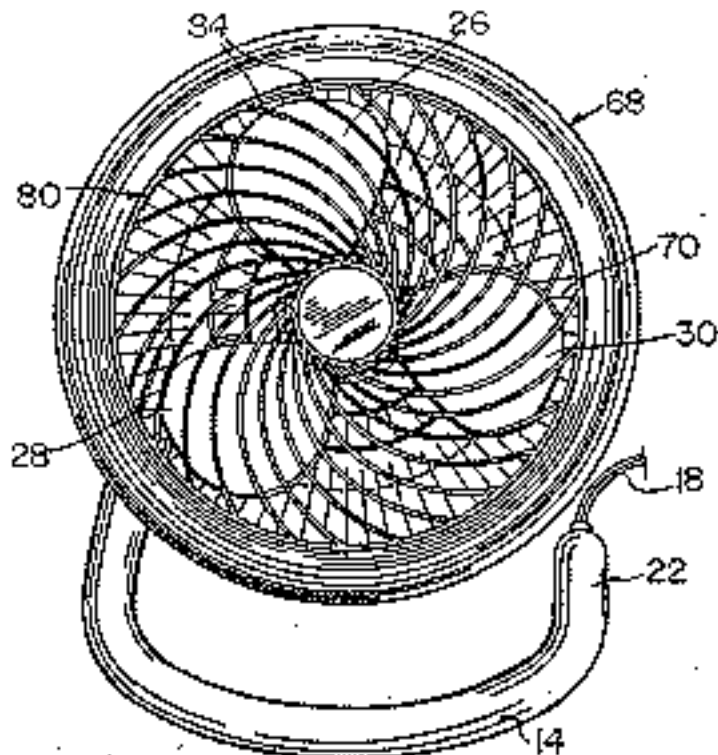


FIG 2

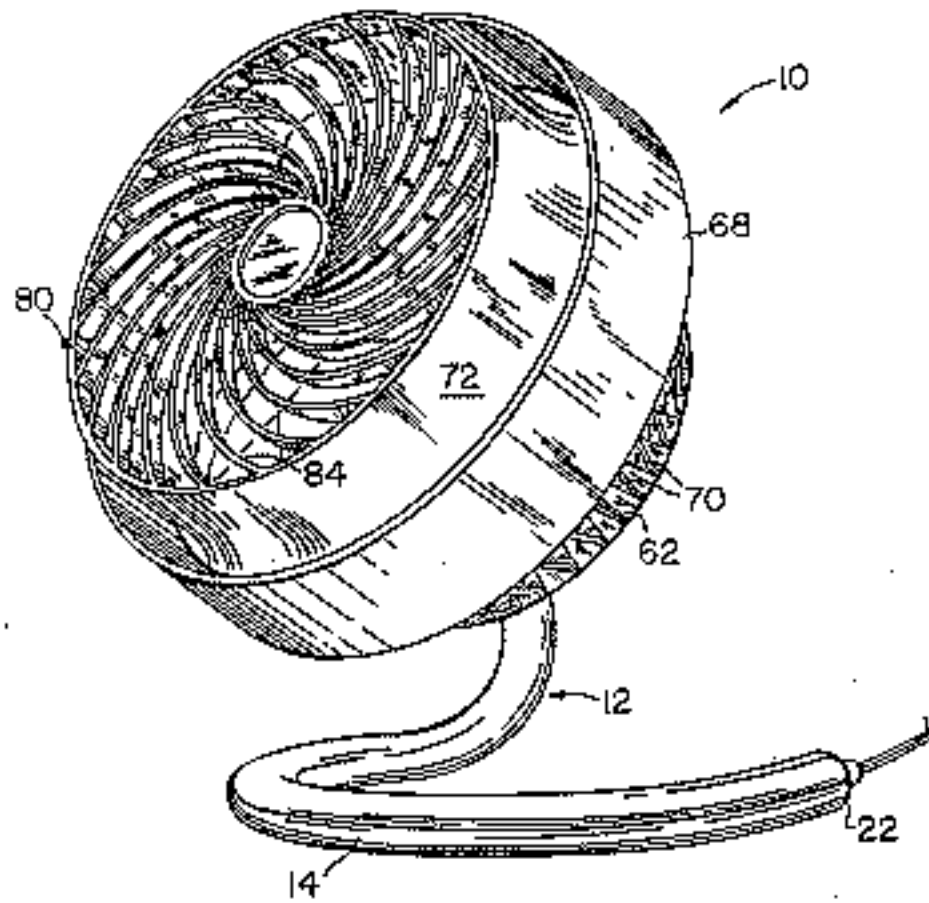


FIG 3

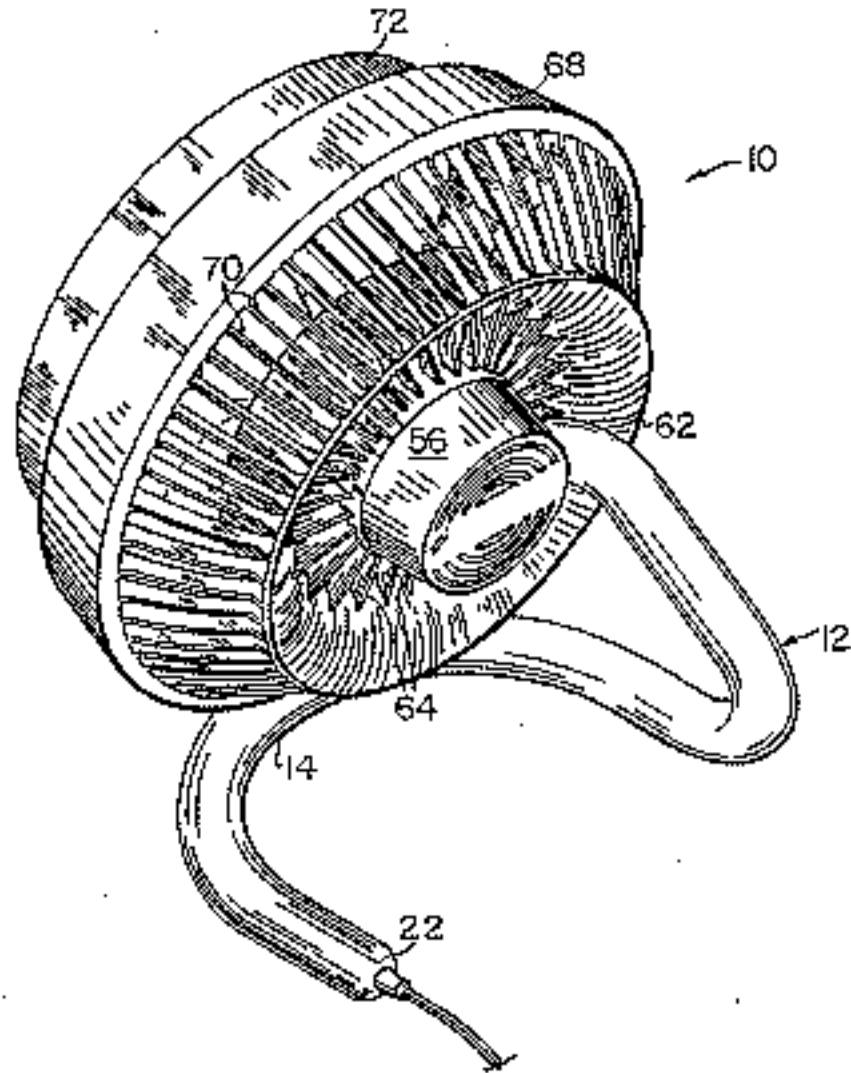


FIG 4

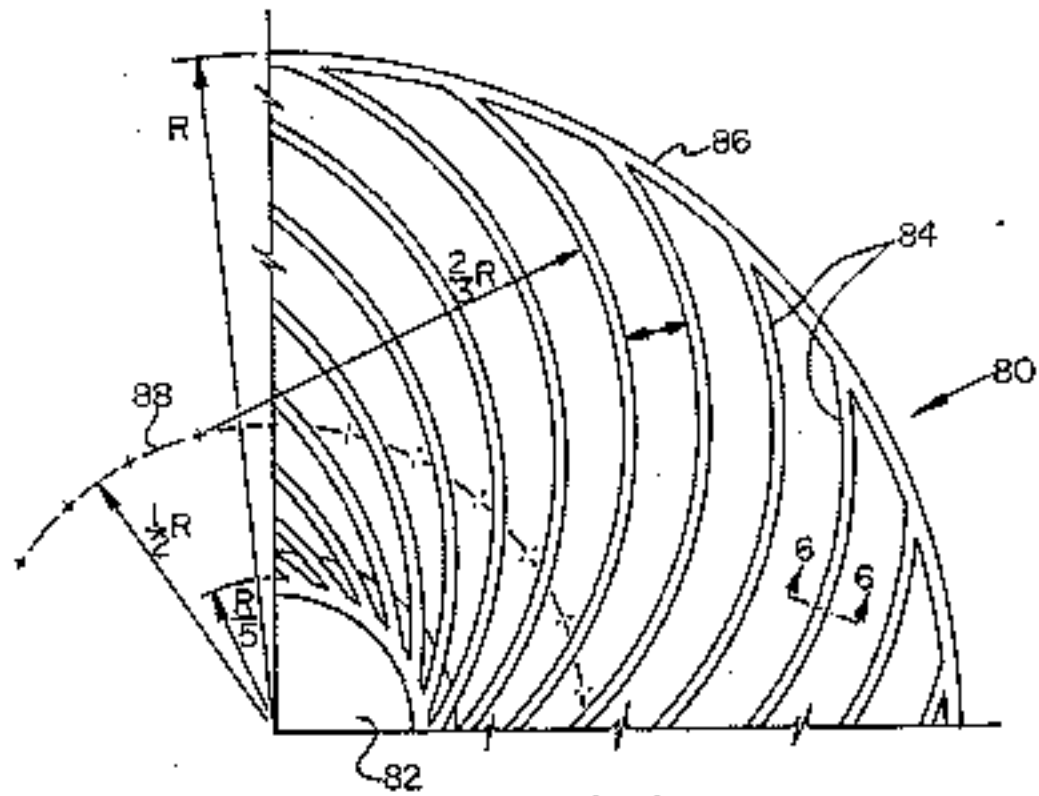


FIG 5

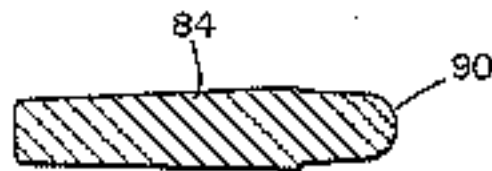


FIG 6

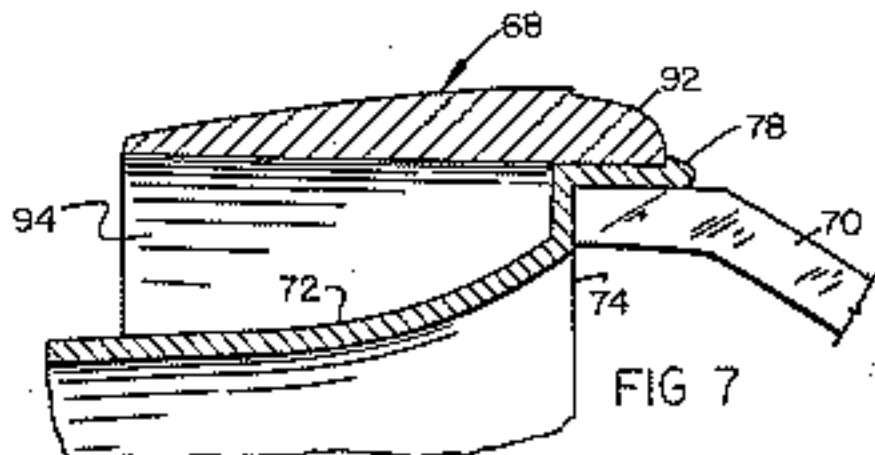


FIG 7

PYO UTILITY GRANT

Paper Number 9

The
United
States
of
America

The Commissioner of Patents
and Trademarks

*Has received an application for a patent
for a new and useful invention. The title
and description of the invention are en-
closed. The requirements of law have
been complied with, and it has been de-
termined that a patent on the invention
shall be granted under the law.*

Therefore, this

United States Patent

*Grants to the person or persons having
title to this patent the right to exclude
others from making, using or selling the
invention throughout the United States
of America for the term of seventeen
years from the date of this patent, sub-
ject to the payment of maintenance fees
as provided by law.*



Harry F. Mansbach, Jr.

Commissioner of Patents and Trademarks

Matthew A. Thompson

AMM

| | | | |
|--|--|--|----------------------|
| FORM 1.875 REV. 1-80 | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | SERIAL NO. 394,780 | FILED DATE 1-9-89 |
| PATENT APPLICATION FEE DETERMINATION RECORD | | APPLICANT (FIRST NAMED) M.C. Corp. et al. | |

CLAIMS AS FILED - PART I

| FOR: | NO. FILED | NO. EXTRA |
|----------------------------------|-----------|-----------|
| BASIC FEE | | |
| TOTAL CLAIMS | 14 | 20 |
| INDEP. CLAIMS | 3 | 3 |
| MULTIPLE DEPENDENT CLAIM PRESENT | | |

* If the difference is col. 1 is less than col. 2, enter "0" in col. 2

| SMALL ENTITY | | OR | OTHER THAN A SMALL ENTITY | |
|--------------|------|----|---------------------------|-------|
| RATE | FEE | | RATE | FEE |
| | \$10 | OR | | \$340 |
| X5- | \$ | OR | X10- | \$ |
| X17- | \$ | OR | X34- | \$ |
| X10- | \$ | OR | X100- | \$ |
| TOTAL | \$ | OR | TOTAL | \$ |

CLAIMS AS AMENDED - PART II

| AMENDMENT A | (1) | | (2) | | (3) | |
|---|----------------------------------|---------------------------------|---------------|--|-----|--|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | | | |
| TOTAL | | 20 | | | | |
| INDEP. | | 3 | | | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | |

| SMALL ENTITY | | OR | OTHER THAN A SMALL ENTITY | |
|------------------|------------|----|---------------------------|------------|
| RATE | ADDIT. FEE | | RATE | ADDIT. FEE |
| | \$ | OR | | \$ |
| 10- | \$ | OR | 10- | \$ |
| 15- | \$ | OR | 30- | \$ |
| 50- | \$ | OR | 100- | \$ |
| TOTAL ADDIT. FEE | \$ | OR | TOTAL | \$ |

| AMENDMENT B | (1) | | (2) | | (3) | |
|---|----------------------------------|---------------------------------|---------------|--|-----|--|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | | | |
| TOTAL | | | | | | |
| INDEP. | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | |

| SMALL ENTITY | | OR | OTHER THAN A SMALL ENTITY | |
|------------------|------------|----|---------------------------|------------|
| RATE | ADDIT. FEE | | RATE | ADDIT. FEE |
| | \$ | OR | | \$ |
| 5- | \$ | OR | 10- | \$ |
| 15- | \$ | OR | 30- | \$ |
| 50- | \$ | OR | 100- | \$ |
| TOTAL ADDIT. FEE | \$ | OR | TOTAL | \$ |

| AMENDMENT C | (1) | | (2) | | (3) | |
|---|----------------------------------|---------------------------------|---------------|--|-----|--|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | | | |
| TOTAL | | | | | | |
| INDEP. | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | |

| SMALL ENTITY | | OR | OTHER THAN A SMALL ENTITY | |
|------------------|------------|----|---------------------------|------------|
| RATE | ADDIT. FEE | | RATE | ADDIT. FEE |
| | \$ | OR | | \$ |
| 5- | \$ | OR | 10- | \$ |
| 15- | \$ | OR | 30- | \$ |
| 50- | \$ | OR | 100- | \$ |
| TOTAL ADDIT. FEE | \$ | OR | TOTAL | \$ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 2.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 2.



| SEARCHED | | | |
|----------|--|-------------|-------|
| Class | Sub. | Date | Exmr. |
| 416 | 247R, 246 63, 170C | Nov. 20, 89 | GR |
| 415 | 121G, 181 119, 189 190, 208 190, 208 | 10 | |
| 415 | 121.2 181, 119 189, 190 208.1 208.2 209.2 211.2 | Aug. 4, 89 | GR |

| SEARCH NOTES | | |
|--------------|------|-------|
| | Date | Exmr. |
| None | | |

| INTERFERENCE SEARCHED | | | |
|-----------------------|---|------------|-------|
| Class | Sub. | Date | Exmr. |
| 416 | 247R, 246 63, 170C | Aug. 4, 89 | GR |
| 415 | 121.2 181, 119 189, 190 208.1 208.2 209.2 211.2 | | |

Law

INDEX OF CLAIMS

| Claim | | Date | |
|-------|----------|------|--|
| Final | Original | | |
| 1 | | | |
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| Claim | | Date | |
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| Final | Original | | |
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SYMBOLS
 ✓ Referred
 * Allowed
 - (through numeral) Cancelled
 A Withdrawn
 N Re-referred
 C Withdrawn
 A Appeal
 G Opposed

17/294780

APPROVED FOR LICENSE

INITIALS JAN 188935



Entered
or
Counted

CONTENTS

Received
or
Mailed

| Entered or Counted | Description | Received or Mailed |
|--------------------|-----------------------------------|--------------------|
| | 1. Application ✓ papers. 5 prints | |
| 8/27 | 2. REJECTION (3) | 05 APR 1989 |
| 5/7/89 | 3. Credit C + Eign | June 19, 1989 |
| 8/14 | 4. Extra Credit | AUG 14 1989 |
| | 5. Suppl. Ex. Amtt/B | 8-31-89 |
| | 6. Terminal Draw 5 prints 9/25/89 | |
| | 7. Notice of Plug Pay | 11/22/89 |
| | 8. Terminal Draw 5 prints | 12/1/89 |
| | 9. PTO GRANT MAY 2 2-1990 | |
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FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAN 4 5 08 PM '00

RALPH L. BELCOSH
CLERK
BY *R. Belcosh* DEPUTY
AT WICHITA, KS.

THE HOLMES GROUP, INC.,
Plaintiff,

VS.

VORNADO AIR CIRCULATION
SYSTEMS, INC.,
Defendant.

No. 99-1499-WEB

ORDER GRANTING PRELIMINARY INJUNCTION

On January 3, 2000, this case came before the Court for a hearing on the motion of plaintiff, The Holmes Group, Inc., for a preliminary injunction. Plaintiff, The Holmes Group, Inc. ("Holmes"), appeared by its counsel, James W. Dabney and Carol W. Wilhelm of Pennie & Edmonds, L.L.P., New York, New York, and Jim H. Goering and Timothy B. Mustaine of Foulston & Siefkin, L.L.P., Wichita, Kansas. Defendant, Vornado Air Circulation Systems, Inc. ("Vornado") appeared by its counsel, Peter W. Gowdey, Lisa A. Dunner, and Lynn Eccleston of Pillsbury, Madison & Sutro, Washington, D.C., and Edward L. Brown, Jr., Wichita, Kansas. The United States International Trade Commission ("the ITC") appeared by its counsel, Assistant United States Attorney Emily B. Metzger, Wichita, Kansas.

WHEREFORE, the Court having considered the briefs filed by Holmes and Vornado, and having heard their arguments and the views of the ITC, the Court has concluded, as heretofore expressed in the Court's oral ruling, that: (1) plaintiff Holmes has demonstrated a substantial likelihood that it will prevail on the merits in this action, given the Tenth Circuit's findings, and this Court's judgment, that Vornado cannot claim its grill as protected trade dress; (2) Holmes has shown that it is likely to suffer irreparable harm to its reputation and good will if injunctive relief is not granted; (3) Holmes has shown that the likely harm should Vornado not be enjoined from asserting its ostensible trade dress rights outweighs the likely harm should injunctive relief not be granted, except insofar as injunctive relief might interfere with proceedings before the ITC; and (4) the public interest weighs in favor of granting Holmes's requested injunction, except to the extent that the injunction would prohibit Vornado from asserting its claim before the ITC and effectively interfere with the jurisdiction of the ITC or the statutory scheme under which that agency operates.

WHEREFORE, Holmes's motion for preliminary injunction is GRANTED in part and DENIED in part, and defendant Vornado Air Circulation Systems, Inc., its officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby preliminarily enjoined and restrained from making or permitting to be made, in commercial advertising or in the marketplace, directly

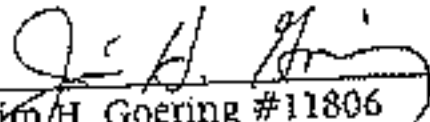
or indirectly, any claim, description, representation, statement or assertion, explicit or implicit, specifically including but not limited to claims, descriptions, representations, statements or assertions made in press releases, advertising material distributed at any trade show, and written or oral communications with buyers or retail distributors of household fan or heater fan products, to the effect that Holmes or any Holmes product infringes any ostensible Vornado trade dress rights in spiral grill designs; provided, however, that Vornado shall not be required to withdraw its complaint lodged with the ITC nor enjoined from cooperating with any future ITC investigation.

WHEREFORE, the Court further orders, pursuant to Rule 65(c) of the Federal Rules of Civil Procedure, that Holmes shall, within ten (10) days of the date of this order, post a surety bond in the amount of one hundred thousand dollars (\$100,000.00) with the Clerk of this Court, issued by a surety meeting the requirements of District of Kansas Rule 65.2, as security against such costs and damages as may be incurred by Vornado should Vornado subsequently be found to have been wrongfully enjoined by this Court in this Order.


IT IS SO ORDERED this 4th day of January, 2000.


Wesley E. Brown
United States District Senior Judge

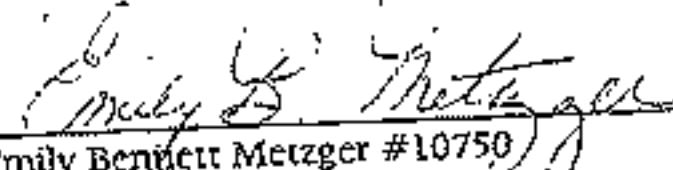
Approved as to Form:


Jim H. Goering #11806
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*Attorney for Defendant
Vornado Air Circulation Systems, Inc.*


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(316) 269-6484

*Attorney for Intervenor
United States International Trade Commission*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

JAN 4 5 07 PM '00

RALPH L. DELOACH
CLERK
BY *[Signature]*
AT WICHITA, KS.

THE HOLMES GROUP, INC.,

Plaintiff,

vs.

VORNADO AIR CIRCULATION
SYSTEMS, INC.,

Defendant.

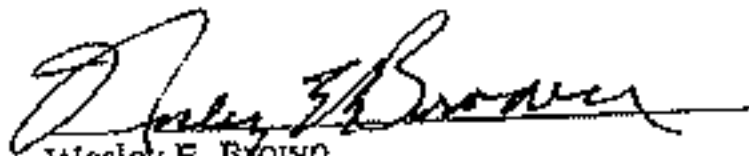
No. 99-1499-WEB

ORDER DENYING MOTION FOR EXPEDITED DISCOVERY

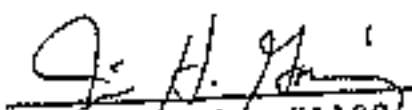
On January 3, 2000, this case came before the Court for a hearing on the motion of plaintiff, The Holmes Group, Inc., for expedited discovery. Plaintiff, The Holmes Group, Inc. ("Holmes"), appeared by its counsel, James W. Dabney and Carol W. Wilhelm of Pennie & Edmonds, L.L.P., New York, New York, and Jim H. Goering and Timothy B. Mustaine of Foulston & Siefkin, L.L.P., Wichita, Kansas. Defendant, Vornado Air Circulation Systems, Inc. ("Vornado"), appeared by its counsel, Peter W. Gowdey, Lisa A. Dunner, and Lynn Eccleston of Pillsbury, Madison & Sutro, Washington, D.C., and Edward L. Brown, Jr., Wichita, Kansas. The United States International Trade Commission appeared by its counsel, Assistant United States Attorney Emily B. Metzger, Wichita, Kansas.

WHEREFORE, the Court having considered the briefs of the parties and heard their arguments, Holmes's motion for expedited discovery is hereby DENIED as moot, as heretofore explained by the Court in its oral ruling.

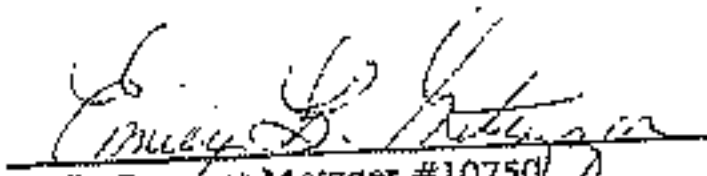
IT IS SO ORDERED this 4th day of January, 2000.


Wesley E. Brown
United States District Senior Judge

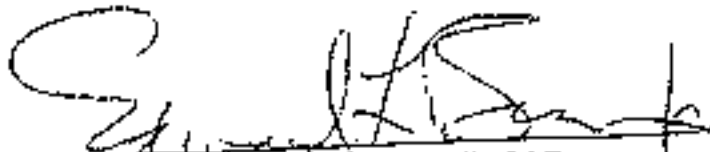
Approved as to Form:


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United States International Trade Commission


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Attorney for Defendant
Vornado Air Circulation Systems, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

JAN 4 5 07 PM '00

RALPH L. DELOACH

CLERK
BY *[Signature]*
AT WICHITA, KS.

THE HOLMES GROUP, INC.,

Plaintiff,

vs.

VORNADO AIR CIRCULATION
SYSTEMS, INC.,

Defendant.


No. 99-1499-WEB

ORDER DENYING STAY OF PROCEEDINGS HEREIN

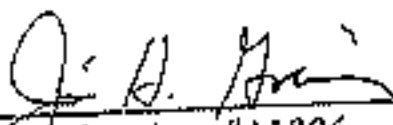
On January 3, 2000, this case came before the Court for a hearing on the motion of defendant, Vornado Air Circulation Systems, Inc., to stay all proceedings in this action. Plaintiff, The Holmes Group, Inc. ("Holmes"), appeared by its counsel, James W. Dabney and Carol W. Wilhelm of Pennie & Edmonds, L.L.P., New York, New York, and Jim H. Goering and Timothy B. Mustaine of Foulston & Siefkin, L.L.P., Wichita, Kansas. Defendant, Vornado Air Circulation Systems, Inc. ("Vornado"), appeared by its counsel, Peter W. Gowdey, Lisa A. Dunner, and Lynn Eccleston of Pillsbury, Madison & Sutro, Washington, D.C., and Edward L. Brown, Jr., Wichita, Kansas. The United States International Trade Commission ("the ITC") appeared by its counsel, Assistant United States Attorney Emily B. Metzger, Wichita, Kansas.

WHEREFORE, the Court having considered the briefs filed by the parties, and having heard their arguments, Vornado's motion to stay all proceedings herein is hereby DENIED, as heretofore explained by the Court in its oral ruling.

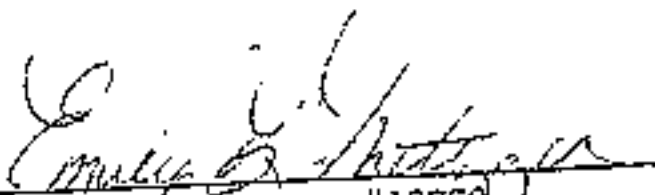
IT IS SO ORDERED this 4th day of January, 2000.


Wesley E. Brown
United States District Senior Judge

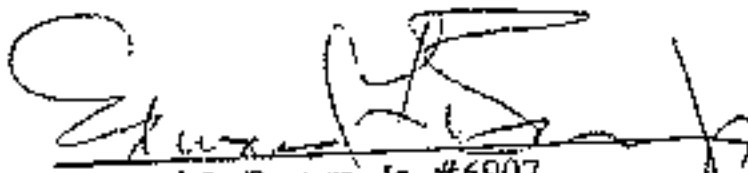
Approved as to Form:


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(316) 267-6371

Attorney for Plaintiff
The Holmes Group, Inc.


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Attorney for Intervenor
United States International Trade Commission


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(316) 263-6400

Attorney for Defendant
Vornado Air Circulation Systems, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

JUN 4 5 07 PM '00

RALPH L. DELOACH
CLERK
BY *[Signature]*
AT WICHITA, KANSAS

THE HOLMES GROUP, INC.,

Plaintiff,

vs.

VORNADO AIR CIRCULATION
SYSTEMS, INC.,

Defendant.


No. 99-1499-WEB

ORDER GRANTING INTERVENTION

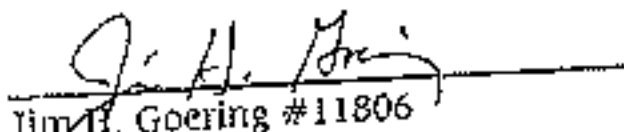
On January 3, 2000, this case came before the Court for a hearing on the motion of the United States International Trade Commission to intervene as a party in this action pursuant to Rule 24 of the Federal Rules of Civil Procedure. Plaintiff, The Holmes Group, Inc. ("Holmes"), appeared by its counsel, James W. Dabney and Carol W. Wilhelm of Pennie & Edmonds, L.L.P., New York, New York, and Jim H. Goering and Timothy B. Mustaine of Foulston & Siefkin, L.L.P., Wichita, Kansas. Defendant, Vornado Air Circulation Systems, Inc. ("Vornado"), appeared by its counsel, Peter W. Gowdey, Lisa A. Dunner, and Lynn Eccleston of Pillsbury, Madison & Suro, Washington, D.C., and Edward L. Brown, Jr., Wichita, Kansas. The United States International Trade Commission ("the ITC") appeared by its counsel, Assistant United States Attorney Emily B. Metzger, Wichita, Kansas.

WHEREFORE, the Court having considered the ITC's brief and heard its argument, counsel for Vornado having advised the Court that Vornado does not oppose the ITC's motion to intervene, and counsel for Holmes having advised the Court that Holmes waives any objection it might have to the ITC's motion to intervene, the ITC's motion to intervene is hereby GRANTED, as heretofore explained by the Court in its oral ruling.

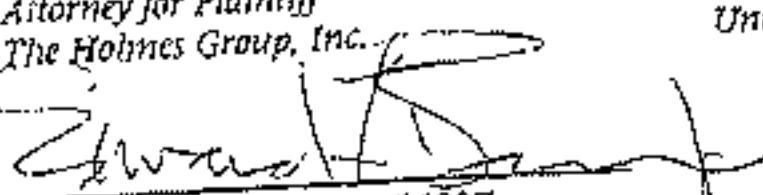
IT IS SO ORDERED this 4th day of January, 2000.


Wesley E. Brown
United States District Senior Judge

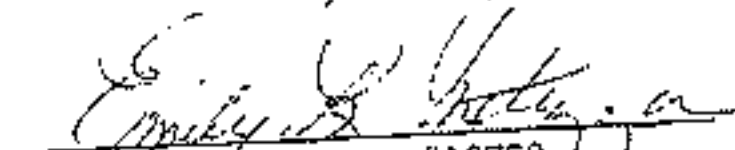
Approved as to Form:


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Attorney for Defendant
Vornado Air Circulation Systems, Inc.


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(316) 269-6484

Attorney for Intervenor
United States International Trade Commission