

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77418246
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
ARGUMENT(S)	
<p><u>CERTIFICATE OF TRANSMISSION 37 CFR 1.8(a)(1)(C)</u></p> <p>I hereby certify that this correspondence, including listed enclosures, is being transmitted to the United States Trademark Office via the Trademark Office's Electronic Filing System (TEAS) on January 7, 2010.</p> <p>Signed: <u>/s Charles R. Cypher/</u></p> <p>-</p> <p style="text-align: center;"><u>REQUEST FOR RECONSIDERATION,</u></p> <p style="text-align: center;"><u>AMENDMENT AND RESPONSE TO SECOND & FINAL OFFICE ACTION</u></p> <p style="text-align: center;"><u>MAILED JULY 7, 2009</u></p> <p>The following request for reconsideration, amendment and remarks are in response to the second Office Action mailed July 7, 2009.</p> <p style="text-align: center;"><u>AMENDMENT</u></p> <p>Applicant by this paper requests the amendment of the description of the mark to insert the word "three" followed by a comma before the phrase "regularly spaced" so that the description of the mark reads: "The mark is a sound. The mark consists of a series of three, regularly spaced, repeated</p>	

clicks, wherein the clicks resemble the sound of a small metal object striking another metal object.”

Applicant by this paper also requests that the application be amended so that Applicant is applying for the mark to be registered on either the Principal Register or the Supplemental Register.

RESPONSE

Applicant, through its attorneys, submits this Request for Reconsideration of the Examining Attorney’s final refusal of registration of the subject mark on the ground that the mark is allegedly functional, and does not function as a mark. Applicant’s mark should be registrable in light of the remarks set forth herein. Applicant has simultaneously timely filed an Appeal along with this response.

Applicant believes that the mark is inherently distinctive of the goods and takes issue with the examiner’s rejection that the mark cannot function as a mark; however, in the alternative, applicant also believes that the mark, even if not inherently distinctive has acquired distinctiveness and can be registered under section 2(f); and alternatively, even if the mark has not acquired distinctiveness, the mark can function as a trademark and Applicant seeks registration on the Supplemental Register.

The Description of Applicant’s Mark

As noted above, Applicant has amended the description of the mark as follows: The mark is a sound. The mark consists of a series of three, regularly spaced, repeated clicks, wherein the clicks resemble the sound of a small metal object striking another metal object.

Applicant’s mark is not the visible configuration of the hinge, although Applicant’s mark is related to the configuration of its spring hinge. Applicant’s mark is also not the way the hinge allows

the temples of the spectacles to open and close in a stepped manner. Applicant's mark is the sounds that are made when the temples of the glasses are fully opened and closed in a single motion, creating three clicks.

The Examiner has rejected Applicant's application for its mark, saying the mark must be considered to be "functional" as a legal matter and therefore cannot serve as a mark.

Test of Functionality

While many different courts have adopted somewhat different legal definitions of when a feature of a products is "functional" and thereby cannot be protected or claimed by the seller of the product as a trademark, Applicant feels the definition provided by the Supreme Court in *Inwood Laboratories* and reaffirmed in the *Qualitex* case is the most clear. "This Court consequently has explained that, "[i]n general terms, a product feature is functional," and cannot serve as a trademark, "if it is essential to the use or purpose of the article or if it affects the cost or quality of the article," that is, if exclusive use of the feature would put competitors at a significant non-reputation-related disadvantage. *Inwood Laboratories, Inc.*, 456 U.S., at 850, n. 10." *QualitexCo. v. Jacobson Prods. Co.*, 34 USPQ2d 1161, 1163-1164 (1995).

By this definition, Applicant feels that the Examiner has not identified a feature of applicant's mark that would make applicant's mark "functional" under the law.

The examiner has identified features of Applicant's spring hinge that may or may not be considered "functional", but these are not features of applicant's mark. Please see the attached declaration of the designer of the spring hinge, Jeff Sand.

The Examiner makes the argument in his office action of July 7, 2009, that "[A]pplicant's mark is the sound of a small metal object striking another metal object. The metal objects are struck in order to provide resistance to the hinges so that the temples "lock" into the open or closed position. The resistance is functional because it adds the quality of the glasses not accidentally opening or closing."

This argument is not accurate and is rebutted by the declaration of Jeff Sand. The design features of the spring hinge in Sutro Vision eyewear that create sound when the spring hinge is operated do not create or have an appreciable effect on the spring hinge's resistance to moving. See the declaration of Jeff Sand at page 2, line 11, and the declaration in general for the structures that create this resistance to movement of the temples.

Applicant is also including two United States Patents, patent numbers 3,837,735 and 3,957,360, that describe and show how cam surfaces in conjunction with a spring biased cam follower provide "locking" of the temples in certain positions. Applicant would also like to point out that in these two patents neither spring hinge is described as making a sound, nor is the striking of metal objects described as being responsible for restraining movement, and finally these patents represent alternate embodiments to Applicant's cam surfaces that attain "locked" closed and opened positions for the temples.

The Examiner also notes that Applicant's own advertising states that the design of its spring hinge and the manner in which it is incorporated into the frame and temples provides advantages over other sunglasses. However, the Examiner fails to show how these features are a product or result from the presence of Applicant's mark. Applicant's mark is not the spring hinge but the sound the spring hinge makes. As the declaration of Jeff Sand shows, the spring hinge could be made so as to not produce any sound while still maintaining the spring hinge's other features. See the declaration of Jeff Sand at page 1, line 22.

The examiner has identified one functional aspect or useful feature of the sounds that emanate from the spectacles when the hinges are opened and closed. The question is whether this feature is "functional" in the legal sense and thereby bars Applicant's mark from registration and protection as a mark.

Applicant believes that this particular feature is not "functional" so as to bar registration. The Examiner, in the office action of July 7, 2009, states that "the sound serves the function of audibly

informing consumers that the glasses are locked open or closed....” This feature cannot be considered “functional” under the definition provided in *Inwood Laboratories*.

First, an audible signal that the temples are closed or opened is not essential to the use or purpose of spectacles. If it were, spectacles that produced an audible signal during the operation of the temples would be the norm rather than the exception. Perhaps even more significantly, there are many commercially successful eyewear companies that do not sell eye wear that have temples that have such a locking feature. This feature the Examiner attributes to the mark is not essential to the class of goods for which Applicant seeks registration.

Second, the sounds that emanate from Applicant’s spring hinge do not affect the cost or quality of Applicant’s eyewear. As stated by Jeff Sand in the attached declaration the spring hinge could be made so as to not produce any sound while still maintaining the spring hinge’s other features.

Finally, exclusive use of the series of three clicks would not put competitors at a significant non-reputation-related disadvantage. As stated by Jeff Sand, in the attached declaration other means of audibly indicating the temples are opened or closed are available to competitors without adding any cost, and of course, most users of eyewear can establish whether the temples of the spectacles are opened or closed by visible inspection and feel, such that any audible indicator is redundant.

Failure to Function as a Mark - Sounds emitted by goods in their normal course of operation.

The examiner states that applicant’s mark cannot function as a mark by its very nature, summarizing the rule as follows, “Sounds emitted by goods in their normal course of operation do not function as trademarks”, referring to *In re Vertex Group LLC*, 89 USPQ2d 1964 (TTAB 2009) and *Nextel Communications, Inc. v. Motorola Inc.*, 91 USPQ 2d 1393. Applicant respectfully disagrees with the Examiner’s characterization of the rule espoused by these cases in two respects.

First the Examiner’s statement at least suggests that a sound emitted by an object in its normal course of operation can never function as a trademark, but this would be incorrect as the cases clearly

state that such a sound could be registered if a showing of acquired distinctiveness is made.

Second, Applicant believes the Examiner is mistaken in the inquiry he is making in applying the rule suggested by these cases. The Examiner is focusing his inquiry on Applicant's specific goods, when the Examiner should be looking at the class or type of goods for which Applicant is seeking registration: "eye glasses; optical glasses and sun glasses." While Applicant's spectacles emit sounds in the normal course of their operation, eye glasses, optical glasses and sun glasses are not a type of good that normally emits sound.

The inquiry suggested by the Examiner is flawed. As stated in *General Electric*, 199 USPQ 563, for a sound to serve as a mark it must "be associated with the source or event with which it is struck". If a supplier seeks to acquire trademark rights in a sound associated with an object or service, if that sound is not made by the object in its normal course of operation or the sound is not made in the normal provision of the service, it would not be possible for the public to associate the sound with the object or service and thereby come to recognize it as a mark. In fact, it would seem to be a requirement that the object make the sound in its normal course of operation for the public to associate the sound with the object and see it as an indicator of source. If the object only made the sound sporadically or when the consumer actuated a trigger, it is likely that the user would not see it as a mark but some additional feature added to the product to make it more attractive.

Applicant believes a better statement of the rule is that in cases where an object emits a sound in its normal course of operation, and that object is in a class or of a type of goods that emit sound in their normal course of operation, acquired distinctiveness must be shown. "When a sound is proposed for registration as a mark on the Principal Register, for goods that make the sound in their normal course of operation, registration is available only on a showing of acquired distinctiveness under Section 2(f)." *In re Vertex Group LLC*, 89 USPQ2d 1964, at 1700. *Nextel Communications, Inc. v. Motorola Inc.*, 91 USPQ 2d 1393, at 1400.

The situation is similar to when the trademark office makes a search for conflicting marks under

section 2(d). In making a search for likelihood of confusion, the Examiner does not limit their search to only the specific type of goods in the specimen of use. The examiner considers all wares that would fall under the definition of goods in the application.

Thus, in both the *Vertex* and *Nextel* cases the characterization of the type of goods was very important to the inquiry and the disposition of the case. The type of goods in *In re Vertex Group LLC* were alarms and the type of goods in *Nextel v. Motorola* were cellular phones. In both cases the TTAB held the goods to be of the type that emitted sound in their normal course of operation.

The Examiner has not shown that spectacles are a type of goods that emit sound in their normal course of operation, and therefore the Examiner's argument that the sound made by Applicant's spectacles cannot function as a trademark is not supported by these cases. Applicant's mark can function as a mark.

Applicant's Mark is Inherently Distinctive

The Trademark Trial and Appeal Board recognizes that sound marks can be inherently distinctive and therefore a showing of acquired distinctiveness need not always be made. See *In re Vertex Group LLC*, 89 USPQ2d 1964, at 1700.

Applicants believe that their sound mark is inherently distinctive, because Applicant knows of no other eyewear that makes any sound let alone a sound similar to Applicant's. Applicant's mark is a fanciful sound applied to eyewear and Applicant's mark is directly associated with the wares every time the user opens or closes the temples, such that it makes an impression on the user. Applicant's mark may not be a typical mark, but it is so unique that it is inherently distinctive.

Applicant respectfully request registration of its mark on the Principal Register.

Acquired Distinctiveness

Alternatively, Applicant's mark may also be registered under Section 2(f). According to the

declaration of Jeff Sand, Applicant has been using its mark exclusively and continuously for 5 years, and Applicant's wares are recognized in the industry by the sound its spring hinge emits. See attached exhibits 1 – 5. In Exhibit 1, at page 6 of the exhibit, under the heading "Still Not Convinced" Applicant's wares are identified by a retailer specifically by the three-click sound emitted by the hinge. Similarly, in Exhibits 2 and 3, two more retailer makes specific reference to the sound the hinge emits in reference to Applicant's wares. Finally, Applicant in its promotional efforts instructs consumers to identify its products by the three click sound its hinges emit. See exhibits 4 and 5. Exhibit 4 is a press release from Applicant and Exhibit 5 is a print-out of a page from Applicant's web-site.

Conclusion

Applicant respectfully requests Reconsideration of the Application. Applicant believes its mark is not "functional" and that it does function as a mark and is an inherently distinctive, fanciful mark when applied to the spectacles and eyewear. Alternatively, Applicant believes that even if the mark is not inherently distinctive, through long standing, continuous and exclusive use, Applicant's mark has acquired distinctiveness and is recognized as a mark. Alternatively, Applicant believes that the sound emitted by the hinge of its glasses can serve as a mark, that Applicant has used this sound as a mark in commerce and seeks registration of the mark on the Supplemental Register.

Respectfully submitted,

/s Charles R. Cypher/

Charles R. Cypher

Law Offices of James R. Cypher

405 14th Street, #1607

Oakland, CA 94612

Telephone: 510 832 4111

Facsimile: 510 832 4115

Registration No. 41,694

January 7, 2010

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	Applicant is submitting two United States Patents showing alternate spring hinges. Applicant is submitting Exhibits 1 - 5 showing evidence of Acquired Distinctiveness. Applicant is submitting the Declaration of the designer Jeff Sand.
ADDITIONAL STATEMENTS SECTION	
SECTION 2(f) BASED ON EVIDENCE	The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.
2(f) EVIDENCE FILE NAME(S)	
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SECTION 2(f)	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.
MISCELLANEOUS STATEMENT	The Applicant seeks registration of the mark on either the Principal Register or the Supplemental Register.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a sound. The mark consists of a series of three, regularly spaced, repeated clicks, wherein the clicks resemble the sound of a small metal object striking another metal object.
CORRESPONDENCE SECTION	
NAME	Charles R. Cypher
FIRM NAME	Law Offices of James R. Cypher
STREET	405 14th St., #1607
CITY	Oakland
STATE	California
ZIP/POSTAL CODE	94618
COUNTRY	United States
PHONE	510 832 4111
FAX	510 832 4115
EMAIL	trademarks@cypherlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/s Charles R. Cypher/
SIGNATORY'S NAME	Charles R. Cypher
SIGNATORY'S POSITION	Attorney of record, California bar member
DATE SIGNED	01/07/2010
RESPONSE SIGNATURE	/s Charles R. Cypher/
SIGNATORY'S NAME	Charles R. Cypher
SIGNATORY'S POSITION	Attorney of record, California bar member
DATE SIGNED	01/07/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Thu Jan 07 20:30:09 EST 2010
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OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77418246** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

CERTIFICATE OF TRANSMISSION 37 CFR 1.8(a)(1)(C)

I hereby certify that this correspondence, including listed enclosures, is being transmitted to the United States Trademark Office via the Trademark Office's Electronic Filing System (TEAS) on January 7, 2010.

Signed: /s Charles R. Cypher/

REQUEST FOR RECONSIDERATION,

AMENDMENT AND RESPONSE TO SECOND & FINAL OFFICE ACTION

MAILED JULY 7, 2009

The following request for reconsideration, amendment and remarks are in response to the second Office Action mailed July 7, 2009.

AMENDMENT

Applicant by this paper requests the amendment of the description of the mark to insert the word “three” followed by a comma before the phrase “regularly spaced” so that the description of the mark reads: “The mark is a sound. The mark consists of a series of three, regularly spaced, repeated clicks, wherein the clicks resemble the sound of a small metal object striking another metal object.”

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spring hinge in Sutro Vision eyewear that create sound when the spring hinge is operated do not create or have an appreciable effect on the spring hinge's resistance to moving. See the declaration of Jeff Sand at page 2, line 11, and the declaration in general for the structures that create this resistance to movement of the temples.

Applicant is also including two United States Patents, patent numbers 3,837,735 and 3,957,360, that describe and show how cam surfaces in conjunction with a spring biased cam follower provide "locking" of the temples in certain positions. Applicant would also like to point out that in these two patents neither spring hinge is described as making a sound, nor is the striking of metal objects described as being responsible for restraining movement, and finally these patents represent alternate embodiments to Applicant's cam surfaces that attain "locked" closed and opened positions for the temples.

The Examiner also notes that Applicant's own advertising states that the design of its spring hinge and the manner in which it is incorporated into the frame and temples provides advantages over other sunglasses. However, the Examiner fails to show how these features are a product or result from the presence of Applicant's mark. Applicant's mark is not the spring hinge but the sound the spring hinge makes. As the declaration of Jeff Sand shows, the spring hinge could be made so as to not produce any sound while still maintaining the spring hinge's other features. See the declaration of Jeff Sand at page 1, line 22.

The examiner has identified one functional aspect or useful feature of the sounds that emanate from the spectacles when the hinges are opened and closed. The question is whether this feature is "functional" in the legal sense and thereby bars Applicant's mark from registration and protection as a mark.

Applicant believes that this particular feature is not "functional" so as to bar registration. The Examiner, in the office action of July 7, 2009, states that "the sound serves the function of audibly informing consumers that the glasses are locked open or closed...." This feature cannot be considered "functional" under the definition provided in *Inwood Laboratories*.

First, an audible signal that the temples or closed or opened is not essential to the use or purpose of spectacles. If it were, spectacles that produced an audible signal during the operation of the temples would be the norm rather than the exception. Perhaps even more significantly, there are many commercially successful eyewear companies that do not sell eye wear that have temples that have such a locking feature. This feature the Examiner attributes to the mark is not essential to the class of goods for which Applicant seeks registration.

Second, the sounds that emanate from Applicant's spring hinge do not affect the cost of quality of Applicant's eyewear. As stated by Jeff Sand in the attached declaration the spring hinge could be made so as to not produce any sound while still maintaining the spring hinge's other features.

Finally, exclusive use of the series of three clicks would not put competitors at a significant non-reputation-related disadvantage. As stated by Jeff Sand, in the attached declaration other means of audibly indicating the temples are opened or closed are available to competitors without adding any cost, and of course, most users of eyewear can establish whether the temples of the spectacles are opened or closed by visible inspection and feel, such that any audible indicator is redundant.

Failure to Function as a Mark - Sounds emitted by goods in their normal course of operation.

The examiner states that applicant's mark cannot function as a mark by its very nature, summarizing the rule as follows, "Sounds emitted by goods in their normal course of operation do not function as trademarks", referring to *In re Vertex Group LLC*, 89 USPQ2d 1964 (TTAB 2009) and *Nextel Communications, Inc. v. Motorola Inc.*, 91 USPQ 2d 1393. Applicant respectfully disagrees with the Examiner's characterization of the rule espoused by these cases in two respects.

First the Examiner's statement at least suggests that a sound emitted by an object in its normal course of operation can never function as a trademark, but this would be incorrect as the cases clearly state that such a sound could be registered if a showing of acquired distinctiveness is made.

Second, Applicant believes the Examiner is mistaken in the inquiry he is making in applying the rule suggested by these cases. The Examiner is focusing his inquiry on Applicant's specific goods, when

the Examiner should be looking at the class or type of goods for which Applicant is seeking registration: "eye glasses; optical glasses and sun glasses." While Applicant's spectacles emit sounds in the normal course of their operation, eye glasses, optical glasses and sun glasses are not a type of good that normally emits sound.

The inquiry suggested by the Examiner is flawed. As stated in *General Electric*, 199 USPQ 563, for a sound to serve as a mark it must "be associated with the source or event with which it is struck". If a supplier seeks to acquire trademark rights in a sound associated with an object or service, if that sound is not made by the object in its normal course of operation or the sound is not made in the normal provision of the service, it would not be possible for the public to associate the sound with the object or service and thereby come to recognize it as a mark. In fact, it would seem to be a requirement that the object make the sound in its normal course of operation for the public to associate the sound with the object and see it as an indicator of source. If the object only made the sound sporadically or when the consumer actuated a trigger, it is likely that the user would not see it as a mark but some additional feature added to the product to make it more attractive.

Applicant believes a better statement of the rule is that in cases where an object emits a sound in its normal course of operation, and that object is in a class or of a type of goods that emit sound in their normal course of operation, acquired distinctiveness must be shown. "When a sound is proposed for registration as a mark on the Principal Register, for goods that make the sound in their normal course of operation, registration is available only on a showing of acquired distinctiveness under Section 2(f)." *In re Vertex Group LLC*, 89 USPQ2d 1964, at 1700. *Nextel Communications, Inc. v. Motorola Inc.*, 91 USPQ 2d 1393, at 1400.

The situation is similar to when the trademark office makes a search for conflicting marks under section 2(d). In making a search for likelihood of confusion, the Examiner does not limit their search to only the specific type of goods in the specimen of use. The examiner considers all wares that would fall under the definition of goods in the application.

Thus, in both the *Vertex* and *Nextel* cases the characterization of the type of goods was very

important to the inquiry and the disposition of the case. The type of goods in *In re Vertex Group LLC* were alarms and the type of goods in *Nextel v. Motorola* were cellular phones. In both cases the TTAB held the goods to be of the type that emitted sound in their normal course of operation.

The Examiner has not shown that spectacles are a type of goods that emit sound in their normal course of operation, and therefore the Examiner's argument that the sound made by Applicant's spectacles cannot function as a trademark is not supported by these cases. Applicant's mark can function as a mark.

Applicant's Mark is Inherently Distinctive

The Trademark Trial and Appeal Board recognizes that sound marks can be inherently distinctive and therefore a showing of acquired distinctiveness need not always be made. See *In re Vertex Group LLC*, 89 USPQ2d 1964, at 1700.

Applicants believe that their sound mark is inherently distinctive, because Applicant knows of no other eyewear that makes any sound let alone a sound similar to Applicant's. Applicant's mark is a fanciful sound applied to eyewear and Applicant's mark is directly associated with the wares every time the user opens or closes the temples, such that it makes an impression on the user. Applicant's mark may not be a typical mark, but it is so unique that it is inherently distinctive.

Applicant respectfully request registration of its mark on the Principal Register.

Acquired Distinctiveness

Alternatively, Applicant's mark may also be registered under Section 2(f). According to the declaration of Jeff Sand, Applicant has been using its mark exclusively and continuously for 5 years, and Applicant's wares are recognized in the industry by the sound its spring hinge emits. See attached exhibits 1 – 5. In Exhibit 1, at page 6 of the exhibit, under the heading "Still Not Convinced" Applicant's wares are identified by a retailer specifically by the three-click sound emitted by the hinge. Similarly, in Exhibits 2 and 3, two more retailer makes specific reference to the sound the hinge emits in reference to

Applicant's wares. Finally, Applicant in its promotional efforts instructs consumers to identify its products by the three click sound its hinges emit. See exhibits 4 and 5. Exhibit 4 is a press release from Applicant and Exhibit 5 is a print-out of a page from Applicant's web-site.

Conclusion

Applicant respectfully requests Reconsideration of the Application. Applicant believes its mark is not "functional" and that it does function as a mark and is an inherently distinctive, fanciful mark when applied to the spectacles and eyewear. Alternatively, Applicant believes that even if the mark is not inherently distinctive, through long standing, continuous and exclusive use, Applicant's mark has acquired distinctiveness and is recognized as a mark. Alternatively, Applicant believes that the sound emitted by the hinge of its glasses can serve as a mark, that Applicant has used this sound as a mark in commerce and seeks registration of the mark on the Supplemental Register.

Respectfully submitted,

/s Charles R. Cypher/

Charles R. Cypher

Law Offices of James R. Cypher

405 14th Street, #1607

Oakland, CA 94612

Telephone: 510 832 4111

Facsimile: 510 832 4115

Registration No. 41,694

January 7, 2010

EVIDENCE

Evidence in the nature of Applicant is submitting two United States Patents showing alternate spring hinges. Applicant is submitting Exhibits 1 - 5 showing evidence of Acquired Distinctiveness. Applicant is submitting the Declaration of the designer Jeff Sand. has been attached.

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_001/evi_9824813240-200958135_.Exhibit_1_Bevel_Heaven_SUTROVisionSunGlasses.pdf

Converted PDF file(s) (11 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_002/evi_9824813240-200958135_.Exhibit_2_spectacles_for_humans.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_003/evi_9824813240-200958135_.Exhibit_3_eyewise_optometry_Facebook.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_004/evi_9824813240-200958135_.Exhibit_4_Sutro_PressRelease.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_005/evi_9824813240-200958135_.Exhibit_5_SUTRO_VISION___CRAFT.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_006/evi_9824813240-200958135_.SPD-0002_Declaration_JeffSand.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_007/evi_9824813240-200958135_.SPD-0002_USPatent3_837_735.pdf

Converted PDF file(s) (5 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_008/evi_9824813240-200958135_.SPD-0002_USPatent3_957_360.pdf

Converted PDF file(s) (5 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Charles R. Cypher
Law Offices of James R. Cypher
405 14th St., #1607
Oakland CA 94612

Proposed:

Charles R. Cypher of Law Offices of James R. Cypher, having an address of
405 14th St., #1607 Oakland, California 94618
United States
trademarks@cypherlaw.com
510 832 4111
510 832 4115

ADDITIONAL STATEMENTS

Section 2(f), based on Evidence

The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_009/e2f-9824813240-200958135_.Exhibit_1_Bevel_Heaven_SUTROVisionSunGlasses.pdf

Converted PDF file(s) (11 pages)

2(f) evidence-1

2(f) evidence-2

2(f) evidence-3

2(f) evidence-4

2(f) evidence-5

2(f) evidence-6

2(f) evidence-7

2(f) evidence-8

2(f) evidence-9

2(f) evidence-10

2(f) evidence-11

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_010/e2f-9824813240-

200958135_. Exhibit_2_spectacles_for_humans.pdf

Converted PDF file(s) (1 page)

2(f) evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_011/e2f-9824813240-

200958135_. Exhibit_3_eyewise_optometry_Facebook.pdf

Converted PDF file(s) (1 page)

2(f) evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_012/e2f-9824813240-

200958135_. Exhibit_4_Sutro_PressRelease.pdf

Converted PDF file(s) (1 page)

2(f) evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_013/e2f-9824813240-

200958135_. Exhibit_5_SUTRO_VISION___CRAFT.pdf

Converted PDF file(s) (1 page)

2(f) evidence-1

Original PDF file:

http://tgate/PDF/RFR/2010/01/07/20100107203009646408-77418246-014_014/e2f-9824813240-

200958135_. SPD-0002_Declaration_JeffSand.pdf

Converted PDF file(s) (3 pages)

2(f) evidence-1

2(f) evidence-2

2(f) evidence-3

Section 2(f), based on Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

The Applicant seeks registration of the mark on either the Principal Register or the Supplemental Register.

Description of mark

The mark consists of a sound. The mark consists of a series of three, regularly spaced, repeated clicks, wherein the clicks resemble the sound of a small metal object striking another metal object.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application

or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /s Charles R. Cypher/ Date: 01/07/2010
Signatory's Name: Charles R. Cypher
Signatory's Position: Attorney of record, California bar member

Request for Reconsideration Signature

Signature: /s Charles R. Cypher/ Date: 01/07/2010
Signatory's Name: Charles R. Cypher
Signatory's Position: Attorney of record, California bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Charles R. Cypher
Law Offices of James R. Cypher
405 14th St., #1607
Oakland, California 94618

Serial Number: 77418246
Internet Transmission Date: Thu Jan 07 20:30:09 EST 2010
TEAS Stamp: USPTO/RFR-98.248.13.240-2010010720300964
6408-77418246-460291737e574403bcb2bae35c
2cd788683-N/A-N/A-20100107200958135470

Bevel Heaven Product Information



[:: HOME ::](#) [Product Info >](#) [SUTRO Eyewear ::](#) [Shopping Cart](#)

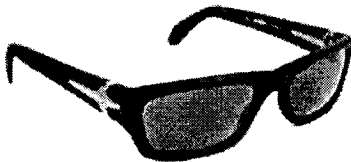
Sutro Vision Eyewear

sutro is a high-end eyewear brand hailing from San Francisco. All Sutro Eyewear products are designed and developed in-house at their San Francisco location and hand made in Italy with original tooling, designs, colors, finishes, and parts ranging from their Patent Pending 'Ratchet Hinge' to our uniquely designed 'Armor Case' and featuring featuring Barberini's glass, anti reflective lenses, the worlds best.

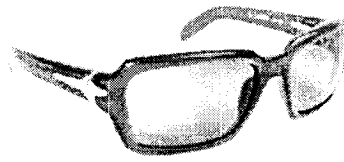
Sutro grew out of a conversation about vision and mastery. Years of friendship and collaboration with a broad range of visionary artists, musicians, athletes, creators and craftsmen revealed essential qualities shared by all masters no matter what their art or discipline. Balance, rigorous effort, a deep understanding of history and above all - vision. Sutro products are created from this visionary spirit. With Sutro, you will find a love of craftsmanship and a dedicated focus on detail, the finest materials, fit, form and function. From their signature stainless hinge to their use of the finest lens optics available. Vision for the visionary - made in Italy, for you.



CZECH



GUERRERO



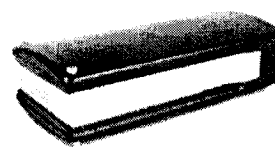
CINEMA



MODPOP

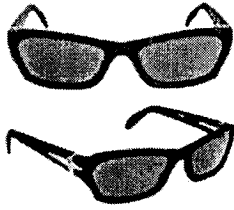



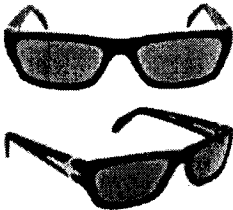

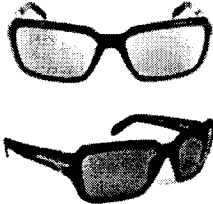

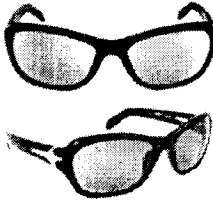

CELIA

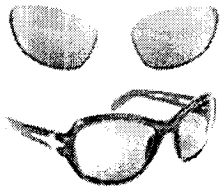






ARMOR

Below are the currently available SUTRO Vision styles and options. To purchase them click [HERE](#)
[click the product name or the product ID below to see a larger images]

	<p>CZECH - 50's Eastern Bloc style with modern touches.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0501-01: gloss black frame, polished stainless hinge, sonbraun lens • 0501-02: satin black frame, tumbled stainless hinge, sonbraun lens • 0501-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens 	<p>\$249 standard Lens</p> <p>NA w/polarized Lens</p> <p> add to cart</p>
---	--	--

	<p>GUERRERO - Slim, clean-lined, rocker.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0502-01: gloss black frame, polished stainless hinge, sonbraun lens • 0502-01P: gloss black frame, polished stainless hinge, polarized sonbraun lens • 0502-02: satin black frame, tumbled stainless hinge, sonbraun lens • 0502-02P: satin black frame, tumbled stainless hinge, polarized sonbraun lens • 0502-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0502-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens 	<p>\$249 standard Lens</p> <p>\$295 w/polarized Lens</p> <p></p>
	<p>CINEMA - Perfectly balanced, universal style.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, satin black, tortoise matte or sea gray.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0601-02: satin black frame, tumbled stainless hinge, Fumo lens • 0601-02P: satin black frame, tumbled stainless hinge, polarized Fumo lens • 0601-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0601-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0601-04: sea grey frame, polished stainless hinge, deep green lens • 0601-04P: sea grey frame, polished stainless hinge, polarized deep green lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p></p>
	<p>CELIA - Subtle, classic feminine form</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, tortoise matte, sea gray or camel.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0603-01: gloss black frame, polished stainless hinge, sonbraun lens • 0603-01P: gloss black frame, polished stainless hinge, sonbraun lens • 0603-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0603-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0603-04: sea grey frame, polished stainless hinge, deep green lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p></p>

	<ul style="list-style-type: none"> • 0603-04P: sea grey frame, polished stainless hinge, polarized deep green lens • 0603-05: camel frame, polished stainless hinge, sonbraun lens • 0603-05P: camel frame, polished stainless hinge, sonbraun lens 	
	<p>MODPOP - Dramatic lines in a sophisticated women's frame.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, tortoise matte, sea grey or camel.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0602-01: gloss black frame, polished stainless hinge, sonbraun lens • 0602-01P: gloss black frame, polished stainless hinge, sonbraun lens • 0602-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0602-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0602-04: sea grey frame, polished stainless hinge, deep green lens • 0602-04P: sea grey frame, polished stainless hinge, polarized deep green lens • 0602-05: camel frame, polished stainless hinge, sonbraun lens • 0602-05P: camel frame, polished stainless hinge, sonbraun lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p></p>
	<p>ARMOR - bomb-proof protection included</p> <p>Sutro frames come protected by a custom case featuring a quick-release latch and an interior micro-fiber pouch that doubles as a lens cleaning cloth.</p>	<p>Included with Purchase</p>
	<p>Frame Color - Choose what suits your fancy</p> <p>Left to Right; Gloss Black, Camel, Sea Grey, Green, Tortoise Matte</p>	<p>color choices available, see spec on each style for current availability when placing your order in our shopping cart</p>
	<p>Shipping Policy</p> <p>All domestic orders will be shipped to you directly from SUTRO in San Francisco, California within 3 business days via USPS Priority Insured w/Delivery Confirmation for \$7. If you order 2 pairs your shipping will be \$10 and 3 pairs will cost you \$13. International orders will be shipped via USPS Global Priority for \$12 for the first pair of glasses, 2 pairs for \$16, or \$20 for 3 pairs.</p>	



More photos down below....

Is craftsmanship dead? We don't think so, but it has become more and more difficult to find carefully designed well made products in a world of mass-production and throwaway convenience. We commit our attention to every detail in designing and manufacturing our eyewear, from our exclusive hinge to our choice of materials and fine optics to our obsession with balance and fit characteristics.

Signature Hinge ~ Each pair of Sutro frames feature our signature surgical grade stainless steel hinges, offering unmatched functional benefits in strength, fit and durability. (Patent pending)

Sutro Lens ~ Sutro's custom lens is produced in Italy by Barberini, the industry leader in precision optics. Why did we choose a lens that costs 10 times as much and takes 100 times longer to make than standard Poly-carbonate or CR 39 lenses? Quality, Clarity and Durability.

Standard or Polarized Lenses? ~ Sutro offers both standard and polarized lens options in all of our frames. Choosing the right lens is a matter of personal preference and environmental end-use considerations. Most of our customers swear by the perfect optical clarity of our standard lens while others prefer the added protection against glare afforded by our polarized lenses, particularly in environments where sunlight reflects off of water. In either case our lenses deliver the highest optical quality available. Wearers will find the exceptional optical quality of our lenses dramatically superior to polycarbonate lenses. In fact most wearers prefer our standard non-polarized lens to any polarized polycarbonate lens on the market. The clarity is unmatched.

Grilamid Frame ~ Sutro frames are made from Grilamid TR, the strongest, most resilient material available in eyewear. It is remarkably scratch and fracture-resistant. It withstands variable pressure with no sign of fatigue and is non-allergenic. Grilamid can be heat formed to custom tune the frame fit. Most reputable opticians will heat set custom adjustments to suit your unique fit at no charge or for a nominal fee.



Lens Quality

Our lenses start with Corning optically pure colored wafers absolutely free of aberrations or imperfections of any kind. Each lens is then ground to shape and polished using the most sophisticated diamond wheel cutting, and paste grinding machinery available.

Lens Clarity

Corning optical wafers are the clearest in the industry. Superior polishing results in the best distortion free optics. Eyes stay relaxed through colors proven to enhance vision and clarity. High contrast lens color helps you see terrain and enhance depth perception. Anti-Reflective (AR) back coatings eliminate bounce back glare.

100% UV blocking

Lens Durability

Chemically tempered for incredible shatter resistance. Far more scratch resistant than Poly-carbonate or CR-39 lenses. Precision edge grinding eliminates micro fissures and stress risers.

In the end there simply is no better lens made for viewing your world.

LIMITED WARRANTY AGAINST BREAKAGE

Sutro warrants our sunglasses against breakage due to defects in material and workmanship for two years from the date of purchase. Scratched lenses and/or frames are considered damaged and are not covered under the warranty. If the sunglasses are returned to Sutro within the warranty period and we find that the breakage was due to a defect in material or workmanship, the sunglasses will be repaired or replaced at our option and returned to the sender within 14 days of our receipt. If service is required, send the sunglasses with daytime phone number, proof of date purchased, postage paid, and insured to our address below.

LIFETIME HINGE WARRANTY

Sutro offers a lifetime warranty on the *Sutro Ratchet Hinge*™ against failure under normal use. Sutro reserves the right to make the final determination of what is covered under this warranty. This clause does NOT cover any breakage or damage to the frame or lenses, which falls under the LIMITED WARRANTY AGAINST BREAKAGE above. Please make sure you include your name, daytime phone number, return address, and a brief description of the defect or damage with your package.

Sutro Vision - Warranty
449 Bryant St, San Francisco, CA 94107
Office (415) 974-0308 Fax: (415) 777-8633
www.sutrovision.com/warranty

Prescription lenses that have been cut or edged for your frame are Non-Refundable/Non-Replaceable. We will make every effort to preserve them or transfer them to new frames if possible.

PRODUCT REPAIR PROGRAM

Sutro provides as a courtesy to our valued customers, a repair service for damage not covered or product no longer within the warranty period. A repair charge will be assessed depending upon the style of the returned product and the parts needed. We will notify you of any charges and request payment in advance and prior to any return/exchange. When submitting sunglasses for repair, please make sure you include your name, return address, phone number and a description of the damage plus a non-refundable processing fee of \$10.00 with your sunglasses.

TURNAROUND AND TERMS

Please allow up to 14 business days for us to process your Return/Exchange (from the date we receive your returned package). All product materials (such as case, lens, box, cloth, etc.) that were included in your package will be shipped back as well. We will ship your return by FedEx ground service. We reserve the right to refuse any return if we do not find the return acceptable. If packages are received with damage caused by the shipping courier, we will notify you immediately in order to address any claim issues with the shipping courier. If you have any other questions, please feel free to call or email us. Sutro Vision, San Francisco (415) 974-0308 x 324 or email: warranty@sutrovision.com

BEVEL HEAVEN 'TRY 'EM ON' PROGRAM

Sutro wants you to be as excited about their sunglasses as we at Bevel Heaven are [yes, we wear Sutro glasses]. To that end we have arranged for an exclusive limited exchange program on Sutro sunglasses to make sure you find the pair that fits your look. Purchase the style that you think will suit you best and if it doesn't meet your expectations, you can exchange it for another style currently in stock. This offer is limited as follows:

- Only one exchange is allowed for an equal priced pair of glasses.
- Product must be received by us within 14 days of your purchase date.
- Product must be in "as new" saleable condition [absolutely no visible signs of wear or damage].

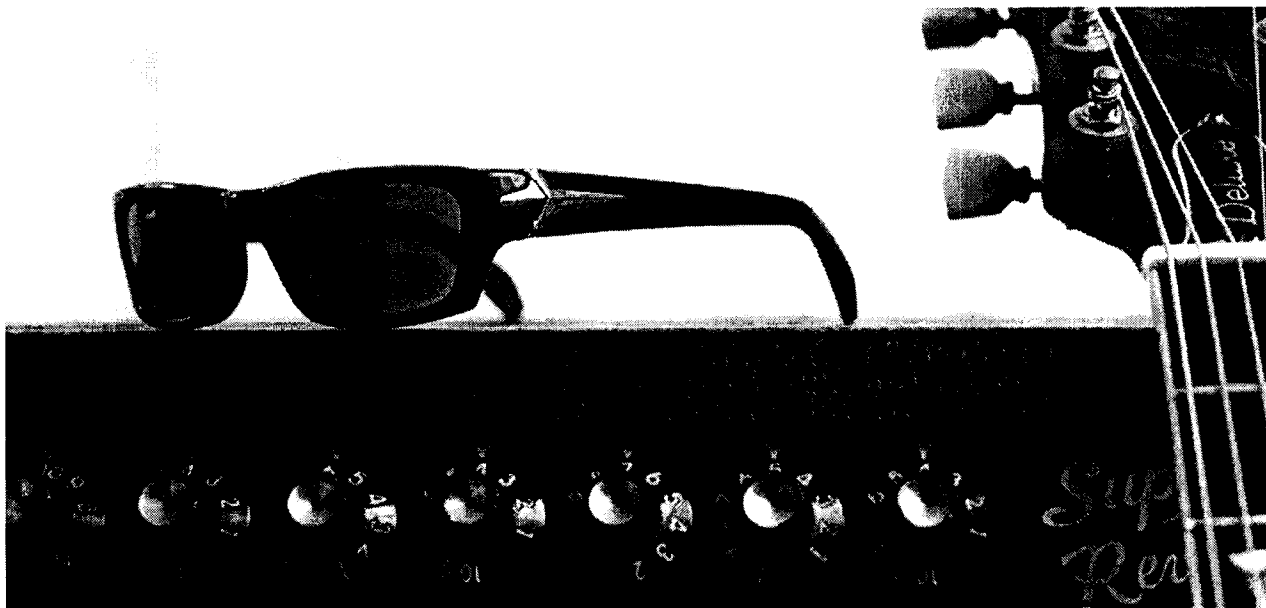
To do our TRY 'EM ON exchange, send the sunglasses with proof of date purchased, postage paid, and insured to:

Sutro Vision – Bevel Heaven Exchange
449 Bryant St, San Francisco, CA 94107
Office (415) 974-0308 Fax: (415) 777-8633

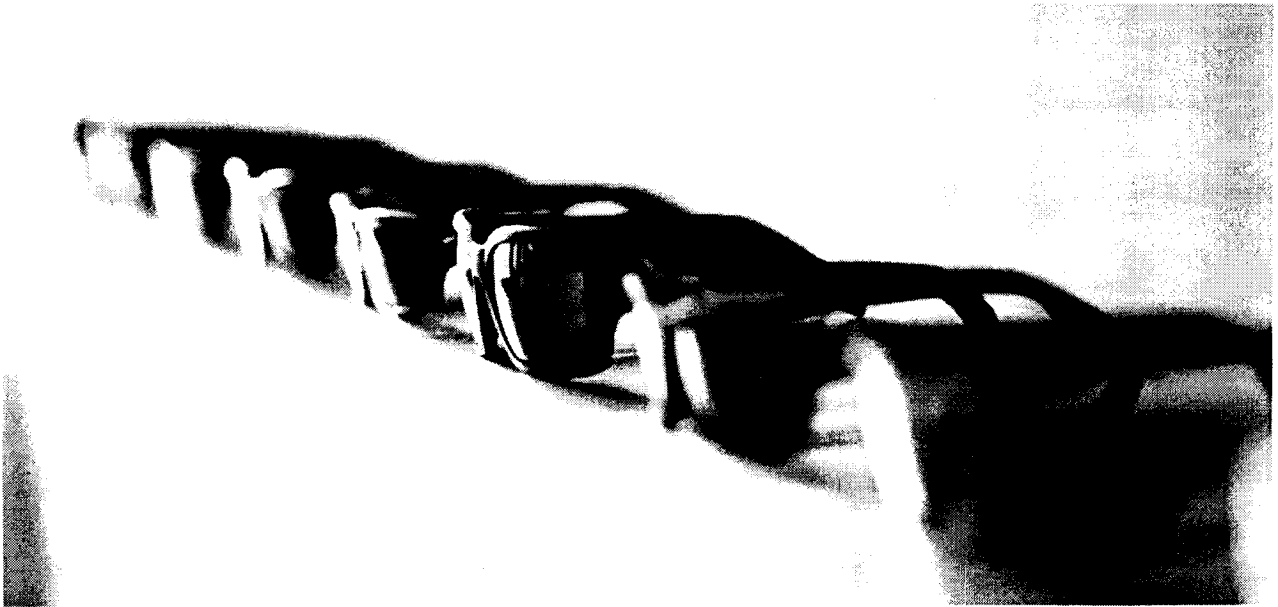
When submitting sunglasses for exchange, please make sure you include your name, return address, day time phone number and the style you would like in exchange.

STILL NOT CONVINCED?

The founder and owner of Bevel Heaven wears SUTRO Vision eyewear. "The pictures don't give you a full enough sense of the product. You've got to put them in your hand to feel the movement and hear the "click, click, click" sound of the hinges that no other glasses have. The first time I saw these I was reminded of a 56 Chevy... I'm an old hot rod guy. I have my flat black Guerreros w/satin hinges and a matte tortoise CZECH w/the satin hinge I wear depending on my mood. My wife loves her camel MODPOP which I sometimes wear myself.... Give SUTRO a try, you will not regret it"

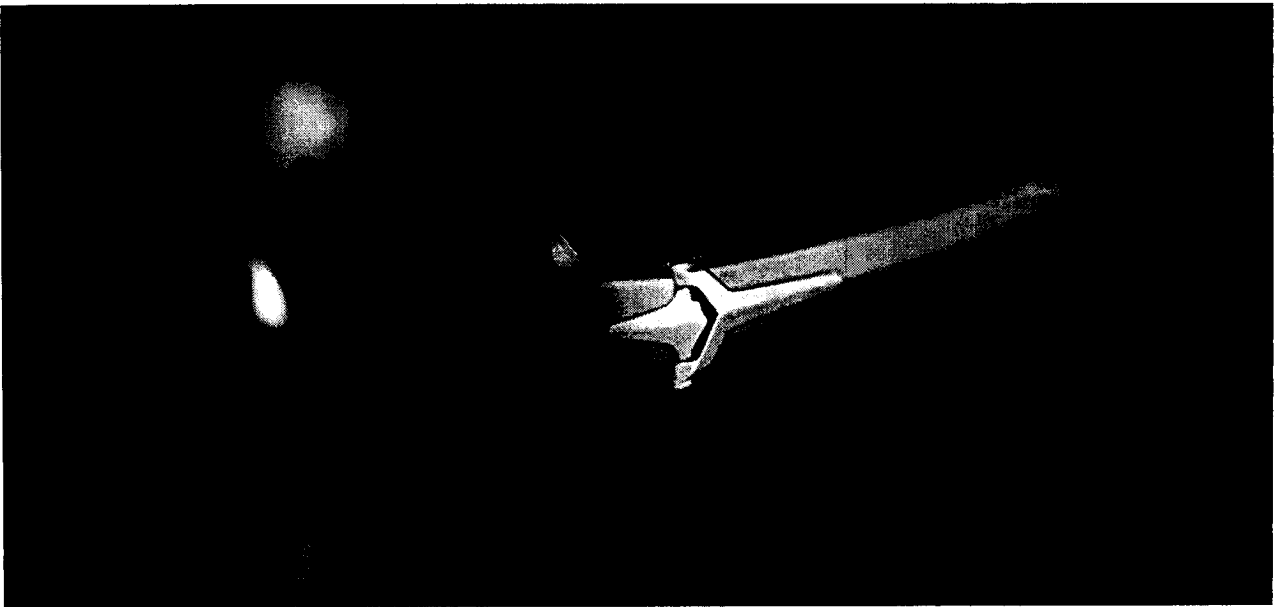












sutro

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spectacles for humans: Stylish Superhinge from **Sutro** Vision
Jun 30, 2009

Stylish Superhinge from **Sutro** Vision. We got chance to preview the new **Sutro** optical collection and it's super. The shapes are looking good and we are in love the 3-clicks of the hinge. Due in stock early February 2010. ...
http://www.spectaclesforhumans.com/spectaclesforhumans

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GUERRERO



about an hour ago

**eyewise optometry** ::NEW DESIGNS:: from MYKITA just in to help us start off the New Year with Style! Come see BARNEY, NIGEL, & JODIE (color's Violet & Red in stock w/photo's to come)

NIGEL



January 2 at 1:30pm

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BARNEY



January 2 at 1:29pm

Mary The barney is popular.

January 2 at 1:39pm

**eyewise optometry** We here at :: eyewise :: Wish EVERYONE a "HAPPY NEW YEAR" and look forward to a GREAT 2010!!!

January 2 at 1:01pm

**eyewise optometry** A little Fun & Silly Christmas Claymation from 'The DAN BAND' [& Us at Eyewise:]
"Merry Christmas / Mele Kalikimaka !!!"

THE CHRISTMAS FLIP FLOP - By The Dan Band

www.youtube.comCheck out the new video from the holiday cd "HO: A DAN BAND XMAS" ...
If you can't stand the sappy sap of "The Christmas Shoes", you're gonna love The Christmas Flip Flop. Done in Rankin-Bass style by animator Michael Granberry, this video is sure to warm your chestnuts for the holidays.

December 24, 2009 at 10:58am

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Sutro Eyewear from San Francisco debuts their first optical collection, featuring the newest version of the company's Three Click Hinge.

San Francisco, CA (PRWEB) January 1, 2010 -- Sutro Eyewear from San Francisco is debuting their first optical collection, featuring the newest version of the company's Three Click Hinge.



The initial collection is an impressive introduction consisting of five

modern classics

The new Three Click Hinge used in this collection addresses the weakest point in conventional eyewear construction. The hinge uses a revolutionary 3-D lance design that anchors the hinge into the frame from all directions.

"Not only is the connection to the frame 10x stronger than a conventional hinge, it also give the frame more structure for a better fit over time" says designer Jeff Sand. As with the companies current Three Click Hinge, this one will not loose screws, stays closed when you want them to and gives a nice light, balanced fit.

Sutro eyewear is currently available in independent eyewear retailers and specialty boutiques in the US and Japan. For more info see www.sutrovision.com

###

Sutro Vision

Doug Smith

415-297-7669

E-mail Information

Trackback URL: <http://prweb.com/pingpr.php>

/U3VtbS1Qcm9mLU1hZ24tUGlnZy1TcXVhLVBpZ2ctWmVybW==

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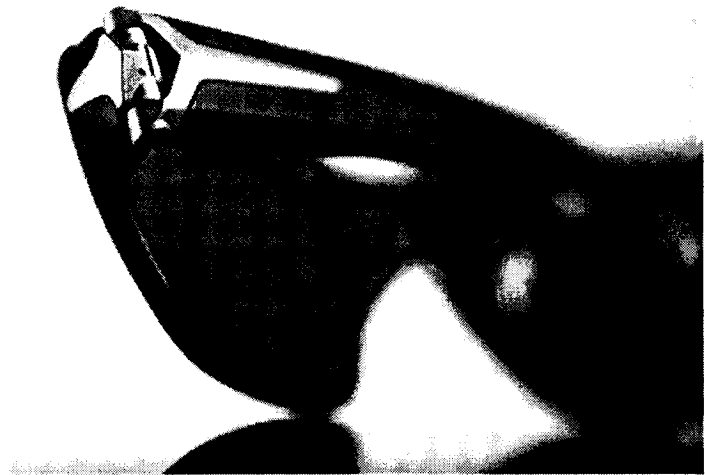
Scott buzzed up: Obama catches heat over



STORY PRODUCT CRAFT SHOPS CONTACT

日本語

The Sutro hinge extends into both the frame and temples to reinforce their connection. This feathers the hinge load into the frame and is unmatched in strength by the less expensive heat staked and micro riveted hinge assemblies of conventional frames.



CRAFTSMANSHIP
3-CLICK HINGE
SUTRO LENS
GRILAMID FRAME

Every pair of Sutro frames feature our signature surgical grade stainless steel hinges-the only hinges with the distinctive "three clicks" your assurance of Sutro quality.

DECLARATION OF JEFF SAND

I, Jeff Sand, am one of the founders of Sutro Product Development, the Applicant for trademark application serial number 77/418,246. I designed the spring hinge used in
5 Sutro Vision eyewear that creates the series of regularly spaced, repeated clicks that is the subject matter of application serial number 77/48,246. I am an industrial designer with over 15 years of experience. My work in furniture, snowboard bindings and bicycle components has been recognized with design awards and some of my designs have been acquired for the permanent collections of the San Francisco Museum of Modern Art and
10 the Chicago Athenaeum Permanent Collection. I am a listed inventor on eleven United States Utility Patents and three United States Design Patents.

In designing the spring hinge used in Sutro Vision eyewear I studied many different types of hinges. I studied the United States patent literature as well as unpatented commercially available eyewear. In designing the spring hinge I considered
15 all aspects of the design of the product, including commercial manufacture and consumer use.

The series of regularly spaced, repeated clicks produced by the spring hinge used in Sutro Vision eyewear when the temples of the spectacles are moved from a fully opened to fully closed position and visa versa is not a feature of the product that is
20 essential to the use or purpose of the article, or affects the cost or quality of the article, or is a feature that is needed by competitors.

I could have designed the spring hinge used in Sutro Vision eyewear to make no appreciable sound at all when operated while still maintaining the spring hinge's other features.

25 The temples of the spectacles are "locked" into the open or closed position due to the interaction of the cam surface of the hinge and the spring biased cam follower of the hinge. Indentations, slots or grooves are provided in the cam surface of the hinge and when the spring pushes the cam follower into one of these slots, the hinge resists movement out of this position. There is no need for movement of the cam follower with
30 respect to the cam surface to produce a sound for the cam follower and cam surface to provide resistance to movement. This resistance to movement out of the groove by the follower can often be felt although nothing is heard when the follower moves from one grove to the next.

I would also like to note that unlike a true ratchet where a pawl prevents a gear from moving in what is usually considered a backward direction unless the pawl is moved away from the gear, spring hinges for spectacles are not designed to lock the spectacle temples in place with respect to the frame, but merely offer some resistance to being moved from certain positions. The same resistance to movement from a selected position can be provided by a cam surface and cam follower that produces no appreciable sound when the hinge is operated as is provided by a cam surface and cam follower that does produce sound.

While this resistance to moving from a selected position may be considered a feature that adds to the quality of the spectacles, the design features of the spring hinge in Sutro Vision eyewear that create sound when the spring hinge is operated do not create or have an appreciable affect on the spring hinge's resistance to moving.

I have read the Examiner's office action dated July 7, 2009 and would also like to respond to the Examiner's statement that "the sound serves the function of sending an audible signal to consumer that the glasses are locked into the open or closed position".

First, there are numerous ways to create sounds due to the operation of the hinges between the temples of the glasses and the frames whether a spring hinge is used or not, yet it is my experience that most, if not almost all, commercially available spectacles do not make an appreciable sound when the temples are folded against the frames or opened for wearing. This suggests to me that an audible indicator that the temples are either closed or opened is not a feature that is necessary to compete in the marketplace, and thus this is not a feature that needs to be available so that other manufacturers can successfully compete with Sutro Product Development.

Second, even if an audible indicator of whether the temples were closed or opened was an important, competitive feature, other spring hinges could be economically designed to make numerous variations of click sounds rather than the series of regularly spaced, repeated clicks used in Sutro Vision eyewear. The click sounds are primarily due to the shape and material of the cam surfaces, the shape and material of the cam follower that mates with the cam surfaces and the spring that biases the cam surfaces. If the profiles or transitions of these mating surfaces are smooth then almost all appreciable sound of the parts moving against each other can be eliminated, such that no "clicks" are produced. It would be possible to make some of the grooves in the cam surface smooth and others abrupt such that as the temples are moved from opened to closed position there could be variations in the number as well as the spacing of the clicks. There could

he no clicks, one click, or, I believe, as many as five clicks. A competitor designing such a hinge would not have to add to the cost of his hinge to create these variations in sounds.

Also, in response to another statement made by the Examiner, Applicant's web-site does describe the particular design of our spring hinge as enabling the spring of the
5 hinge to be lighter. This statement is inaccurate. Applicants do in fact use a relatively light spring in the hinge; however, the spring used by Applicant is also used in other conventional spring hinge eyewear, and Applicant merely chose the relatively lighter spring because it made the clicks more resonate. The fact that I designed our spring hinge to produce a series of regularly spaced, repeated clicks did not then allow me to use
10 a particular spring that would be more cost effective.

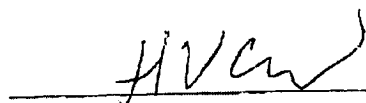
The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that all statements made of his/her own
15 knowledge are true; and all statements made on information and belief are believed to be true.

It should also be noted that any of Applicant's literature that states that patents are pending for applicant's eye wear is also inaccurate. Applicant is not seeking to patent its spectacles or spring hinge.

20 Finally, Applicant has been the sole and only source of eyewear that emits a series of regularly spaced, repeated clicks since September 2004. Since then Applicant has continuously sold its eyewear that emits a series of regularly spaced, repeated clicks, and I have not seen or learned of any eyewear or spectacles that emits any type of sound at
25 all.

Signed at San Francisco, California on January 6, 2010

30



Jeff Sand, Founder

Sutro Product Development

[54] **IMPROVED SPRING LOADED SPECTACLE
HINGE**

[76] Inventor: **Henri Guillet**, 2 Boulevard Georges,
Clemenceau Oyonnax, France

[22] Filed: **Apr. 6, 1973**

[21] Appl. No.: **348,693**

[30] **Foreign Application Priority Data**

Apr. 6, 1972 France 72.12698

[52] U.S. Cl. **351/113, 16/128 A, 351/121,
351/153**

[51] Int. Cl. **G02c 5/16, G02c 5/22**

[58] Field of Search **351/113, 114, 121, 153;
16/128 A**

[56] **References Cited**

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Primary Examiner—Paul A. Sacher

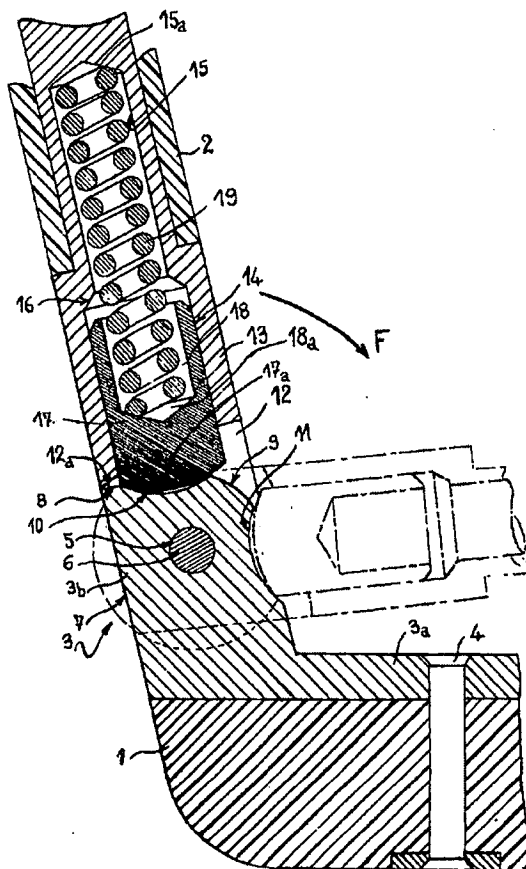
Attorney, Agent, or Firm—Alexander & Dowell

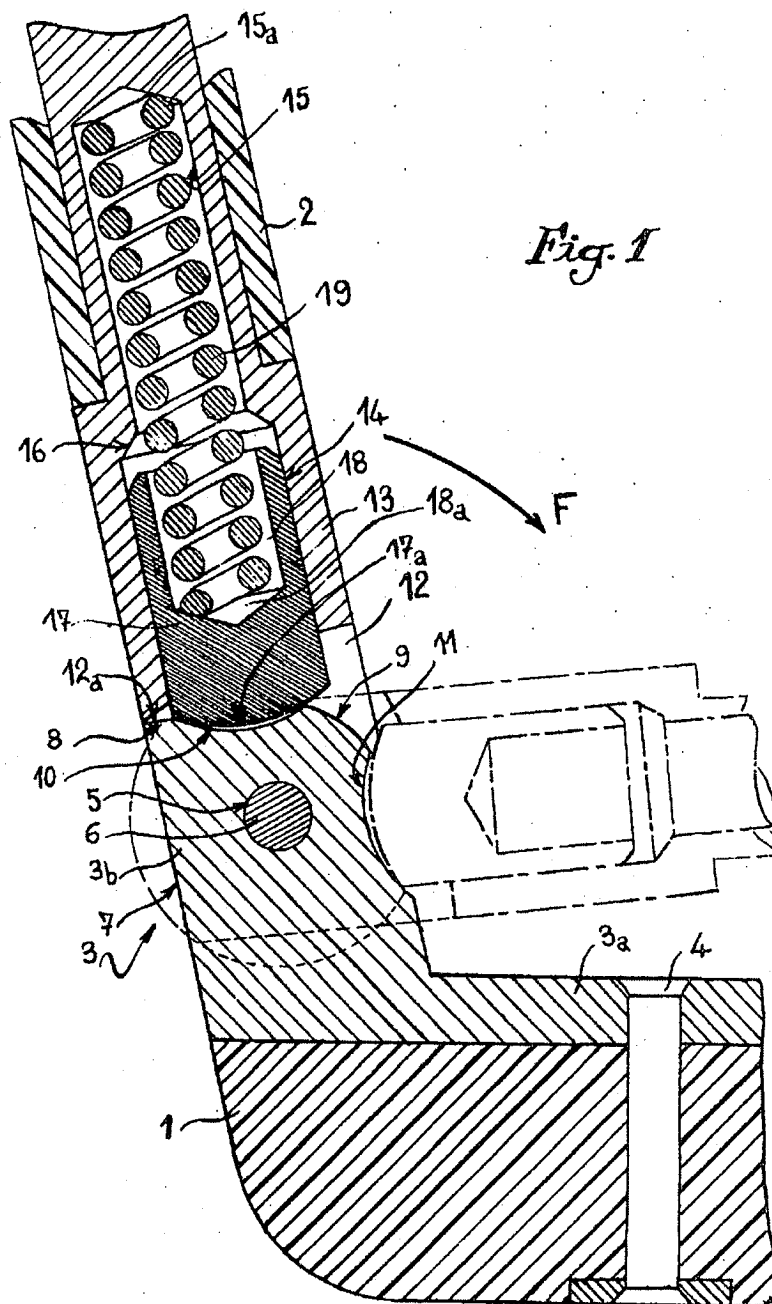
[57] **ABSTRACT**

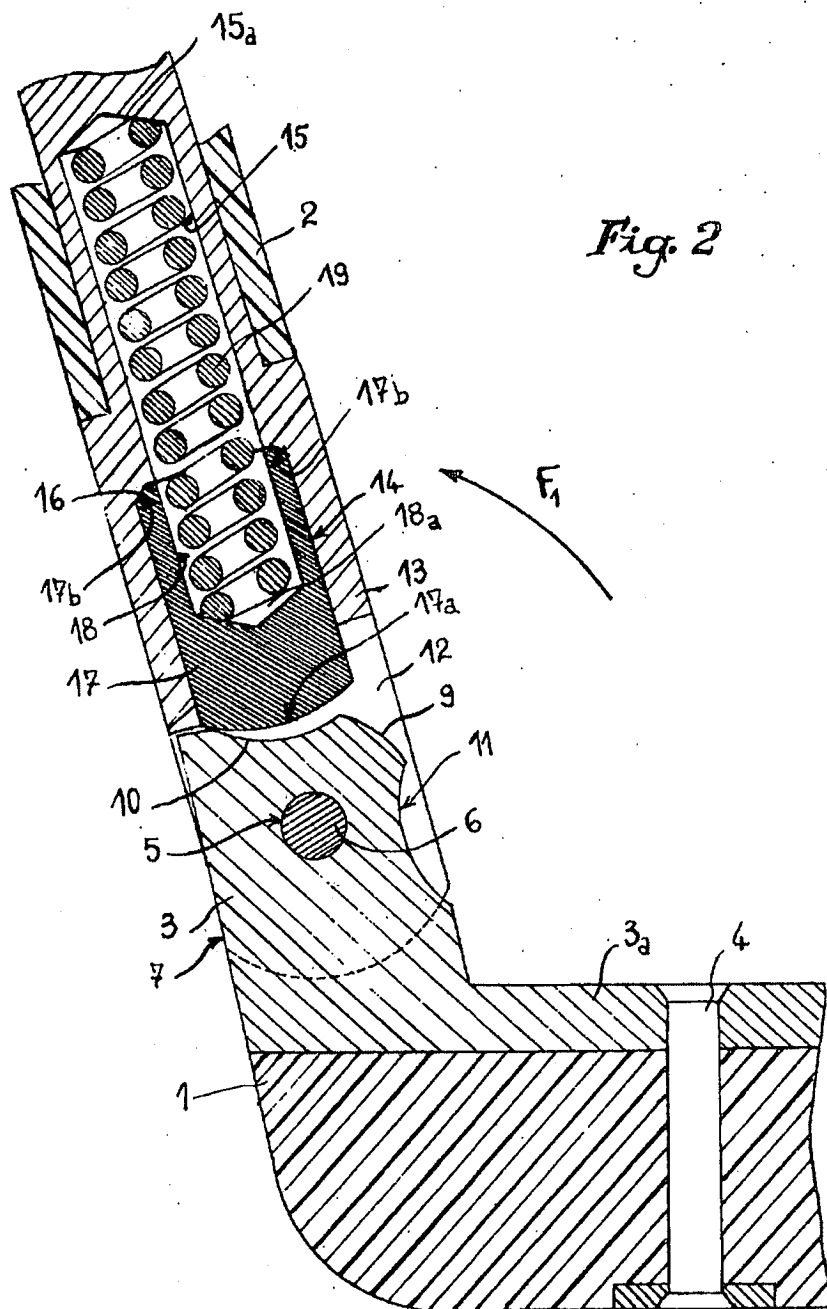
Eyeglass frame of which the bows can assume two distinct positions with respect to the front under the effect of a loaded part which cooperates with two notches in one of the parts of the hinge, characterized in that the loaded part, which is located in an axial housing of the bow has the form of a shoe of which the one end is convex and cooperates in a known manner with the part of the hinge having the notches, while the opposite end comes to rest against a shoulder located in the corresponding housing of the bow in order to limit the folding out of the bow towards the outside.

Part 3 of the hinge comprises two notches 10 and 11 separated by a cylindrical part 9. Bow 2 which is pivotally mounted with respect to face 1 is hollowed out by an axial bore 14 in which a shoe 17 is placed. If the bow is opened past its normal position, end 17b of the shoe comes to rest against the shoulder of bore 14. When the bow is released, spring 19 returns the bow to its use position by acting on 17.

2 Claims, 2 Drawing Figures







IMPROVED SPRING LOADED SPECTACLE HINGE

DESCRIPTION OF THE INVENTION

The improvements which are the object of the present invention have the goal of permitting the creation of a frame of such a type that the bows can assume two distinct positions with respect to the face, that is to say, a position of use and a folded position. The folding of said bows beyond their use position is limited by suitable elastic stops.

The eyeglass frame according to the invention, of which the hinges comprise a loaded part cooperating with two slots carried by one of the parts of these hinges, is basically unusual because the loaded part situated in an axial housing of the bow is realized in the form of a shoe, of which the one convex end cooperates in a known manner with the part of the hinge carrying the slots, while the opposing end abuts against a shoulder in the corresponding housing of the bow in order to limit the folding of the same towards the outside.

The attached drawing, given by way of example, will permit a better comprehension of the invention, the characteristics which it presents and the advantages to be derived therefrom:

FIG. 1 is a partial transversal cut of a frame according to the invention using an enlarged scale.

FIG. 2 is a view similar to that of FIG. 1, but showing one of the bows at its position of maximum outward folding.

The frame of the invention, shown in FIG. 1, comprises essentially a face 1 which supports lenses, not represented, and the bows 2. The face and the bows are preferably made from a plastic material such as cellulose acetate.

In the customary manner, each lateral part of face 1 is assembled to one of the parts 3 of a hinge by the intermediary rivets 4. The said part 3 comprises a bed-plate 3a attached to the face, and a body 3b pierced by a central hole 5 which receives a pin 6. The body 3b comprises a flat external wall 7 preferably situated in the prolongation of the corresponding side of face 1, that is to say, obliquely by comparison with its longitudinal plane. Wall 7 is connected by a flat part 8 to a cylindrical surface 9 of which the constant radius has as its center the geometrical axis of the hole 5. This surface 9 is indented by means of two slots 10, 11 corresponding respectively to the normal use position of bows 2 and to the rest position of these bows. A capping 12 comprising at least two cheeks or knuckles each pierced by a perforation traversed by pin 6 is articulated about this pin.

The capping is extended in a direction away from pin 6 by a metallic block 13 pierced by an axial bore 14 which ends between the two knuckles of capping 12. Bore 14 is extended in a direction opposed to the capping by another bore 15 with a smaller diameter which forms, together with the first, an annular shoulder 16.

Each metal block 13 is bedded in the corresponding bow 2.

A cylindrical shoe is engaged in bore 14 of block 13. Its end 17a situated via-a-vis body 3b of hinge 3 is convex and presents the general shape of a portion of a cylinder of which the radius is very slightly greater than that of the slots 10 and 11. The opposite end 17b of shoe 17 is hollowed out by an axial perforation 18 of a diameter nearly equal to that of bore 15. Between the

bottom 15a of bore 15 and that, 18a, of perforation 18 a compression spring 19 is placed, which tends to push shoe 17 back towards the outside.

As FIG. 1 clearly shows, each bow 2 is held at its open use position by the elastic support of shoe 17 in the slot 10. Thus, it is necessary to use a certain effort to push the bow in the direction of arrow F towards its closed position. During this movement, the shoe is pushed back in opposition to the reaction of spring 19 when it leaves slot 10, then it glides on the periphery of cylindrical surface 9. When the shoe engages slot 11, the bow centers itself there automatically. Sufficient play is provided between end 17b of the shoe and the shoulder 16 of block 13 to allow the shoe to move freely during the aforesaid movement.

If, starting from the open position of one of the bows, the user pivots the bow in the direction of arrow F1 (FIG. 2) about pin 6, the shoe 17 is thrust back into the interior of the bow, opposing the reaction of spring 19, by means of the bottom of notch 10 until the end 17b of the shoe makes contact on shoulder 16. The folding of the bow outwards is thus limited, and if it is let go, it automatically reassumes its normal open position. The amplitude of the outward folding of each bow 2 is thus controlled by the length of shoe 17.

As FIG. 2 clearly shows, one should take care to choose the proper length of shoe 17 so that when its end 17b comes to rest on shoulder 16, its convex end 17a is still in contact with the bottom of slot 10. In this manner the punctual contact of the shoe with part of hinge 3 is avoided. Note that in normal use position the end of block 13 which constitutes the transversal face 12a of capping 12 is flush with the corresponding edge of the flat part 8 of part of hinge 3. This face 12a is oblique in such a fashion that during the pivoting of the bow in the direction of arrow F1 it does not risk coming in contact with the aforesaid edge of flat part 8.

Thus, an eyeglass frame has been made of which the bows are held elastically in their two normal positions, that of use and that of rest, while the amplitude of their outward folding is limited.

It should moreover be understood that the preceding description has only been given by way of example. It does not limit in any way the invention if one replaces described details of its execution with any other equivalents. In particular, the face and the bows of the glasses can be made of metal; in this case the metal block 13 will be either soldered to the corresponding bow or formed by a part of this latter part.

I claim:

1. An eyeglass frame comprising a face piece having opposite ends; a pair of side bows; hinge means respectively fixed to said opposite ends and to the ends of said side bows for connecting said side bows to the face piece tiltably between a folded position and an open use position; cooperating cam means on the hinge and spring-biased shoe means housed in each bow yieldably maintaining said side bows in either of said positions, said cam means comprising a camming surface having a pair of spaced recesses in which said spring-biased shoes respectively engage when the respective shoe bows are in either of said positions, the end of each shoe adjacent the recesses being convex, and the opposite end cooperating with a stop on the bow limiting the outward movement of the shoe means away from the hinge means, the end of each bow adjacent the hinge means having a stepped cylindrical bore receiving said

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spring-biased shoe; each shoe being cylindrical and being axially slidable in the larger of said stepped bores; and compression springs interposed between said outer ends of said stepped bores and the said adjacent ends of said shoes.

2. In a frame as set forth in claim 1, the ends of the

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bows adjacent the hinge means each having an inclined face flush with a corresponding edge of the cam means at the position of maximum opening of the bows, said inclination presenting the same radius of curvature as the recess of the open use positions of the bows.

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[54] SPECTACLE FRAMES WITH
SPRING-LOADED HINGES

[76] Inventor: Luciano Villani, 23, Via Lungo
Leno Destro, Rovereto, Italy

[22] Filed: Sept. 26, 1974

[21] Appl. No.: 509,739

[30] Foreign Application Priority Data

Oct. 4, 1973 Italy 29762/73

[52] U.S. Cl. 351/113; 16/128 A;
351/121; 351/153

[51] Int. Cl.² G02C 5/16; G02C 5/22

[58] Field of Search 351/113, 121, 153;
16/128; 2/14 T, 14 UT

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3,837,735 9/1974 Guillet 351/113

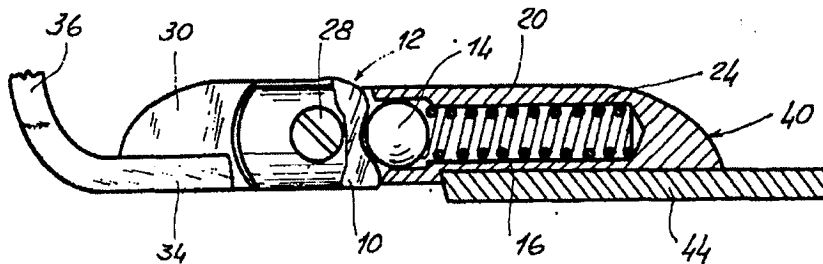
Primary Examiner—Paul A. Sacher

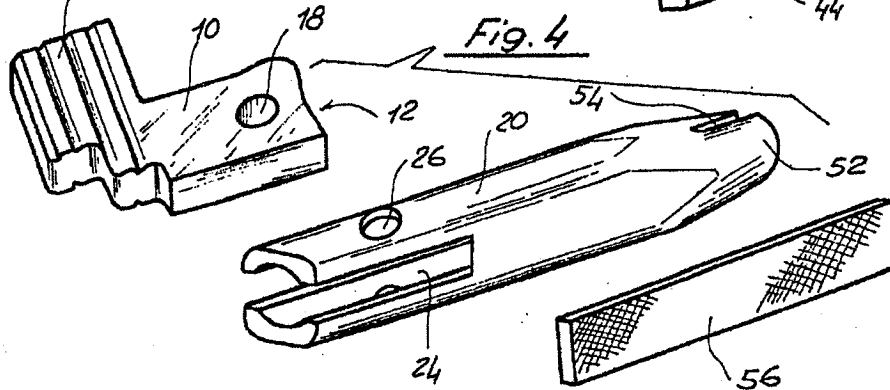
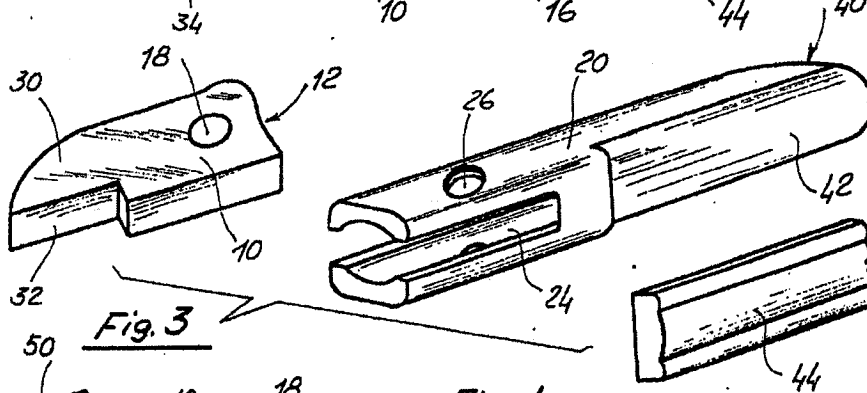
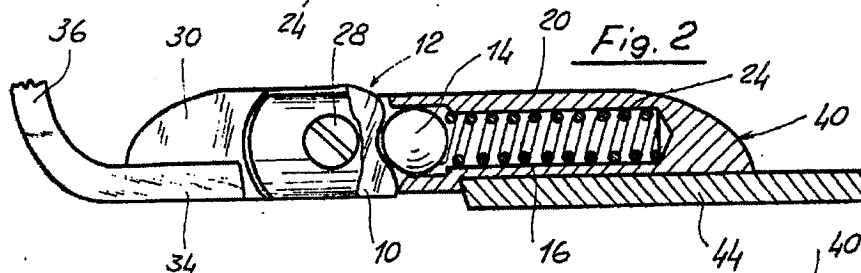
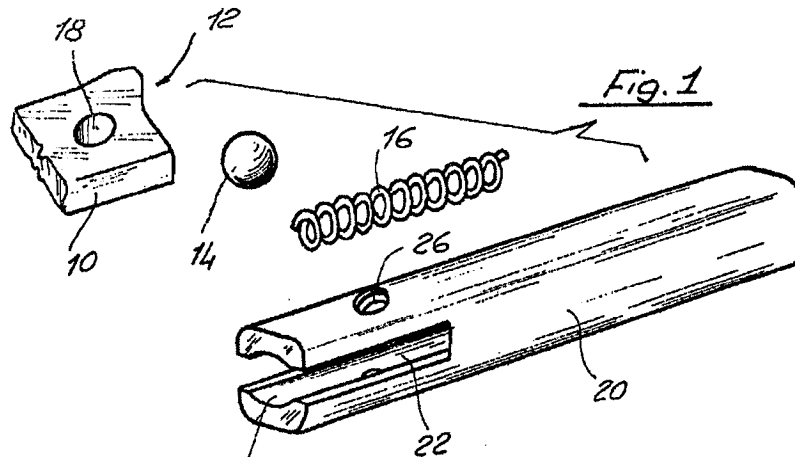
Attorney, Agent, or Firm—Michael J. Striker

[57] ABSTRACT

A hinge portion of a spectacle frame of generally lightweight construction is provided with essentially thin and limited vision obstructing side pieces. The hinge comprises a cam bearing flat metallic component fixedly secured to the respective side end of the front piece of the frame, and a subassembly comprising a ball-shaped cam follower and a spring urging the follower against the cam, the follower and the spring being guidedly housed in an axial bore provided in an elongated metallic body secured to a metallic side piece or to a metallic core of a lightweight side piece, forming the fore and hinge portion of the side piece and a part of an unitary metallic external structure therefor.

16 Claims, 4 Drawing Figures





SPECTACLE FRAMES WITH SPRING-LOADED HINGES

BACKGROUND OF THE INVENTION

a. The Field of the Invention

This invention is concerned with spectacle frames each of whose side pieces is connected to the front piece of the frame by a hinge, said hinge being provided with resilient means urging the side pieces into a predetermined open position with respect to said front pieces while permitting said side pieces to be further opened outwardly to a certain extent beyond the said predetermined open position, said further opening being counteracted by the resiliency of said resilient means. More particularly, this invention relates to spectacle frames wherein the hinge and resilient means comprise cam means and spring-biased cam follower means for providing the elastic resistance to further widening apart the said side pieces beyond said predetermined open position.

b. The prior Art

The provision of such spring-loaded hinge means for spectacle frames has been found to improve the comfort for the wearer of the spectacles and the positive adjustment of the spectacles to the user's head. These spectacles are widely known and in demand and, therefore, further comments thereabout are unnecessary.

On the other hand, it is also known that the conventional constructions of such spring-loaded hinge means involve not only certain serious limitations not only in the choice of materials suitable for frame manufacture, but also complicated and costly workmanship. One important limitation of such hinge means consists in the fact that the subassembly which includes the spring and the cam follower means, which is connected to the side piece or arm, is undesirably complicated and bulky, and is supposed to be wholly concealed within the side piece structure. This latter requirement leads to the manufacture of a side piece of undesirably large cross-sectional dimension in its portion adjacent to the hinge, and therefore at the side of and very close to the user's eye, thus seriously limiting the field of vision in lateral directions. As a counterpart of their advantages, such spring-loaded hinged spectacle frames appear to be and are bulky and heavy.

These limitations are in part only reduced by using hinge and spring mechanisms wherein the cam follower consists of a small ball of very hard material (such as hardened steel) biased by a small helical spring housed and guided in a bore provided in a component embedded in and secured to the side piece structure. Such a mechanism has been disclosed for example in the British Patent Specification No. 776,627. Certain advantageous modifications of such mechanisms have been also disclosed in the U.S. Pat. No. 3,644,023. Other types of such mechanisms are also known.

It is evident that to combine the well appreciated advantages of the spring-loaded hinges of the type referred to above with a spectacle frame structure of light weight construction, preferably but not exclusively metallic (such as that of the gold-plated type) and comprising relatively thin and vision unobstructing side pieces or arms, would be greatly desirable.

It is therefore a principal object of this invention to provide a new and improved spring-loaded hinge mechanism for spectacle frames of the type referred to above, said mechanism being adapted for being associated with and forming part of spectacle frames of

lightweight and vision unobstructing construction, and to provide relatively thin spectacle frame side pieces or arms whose portions of which are adjacent to the frame front piece side end, embody and are essentially formed by subassemblies that comprise ball-type cam followers and biasing springs of said mechanism.

SUMMARY OF THE INVENTION

Accordingly, the invention provides a spectacle frame spring-loaded assembly including a flat, planar cam bearing component adapted to be secured to one side end of the spectacle frame front piece, said component being provided with a bore for fitting a pivot means therein, such as a pivot screw, for hingedly connecting said side end to a side arm or piece, and a subassembly comprising an elongated metallic piece of approximately square cross-sectional configuration, having a part of its length cut or grooved in one of its cross-sectional planes of symmetry for hingedly fitting the bored cam portion of said component therein, said piece being provided with a bore having an axis that is perpendicular to the plane of the cut for mating with the bore of said component when fitted in said cut, and an axial bore for housing and guiding a cam follower ball and a ball biasing spring therein, said elongated metallic piece being adapted for being lengthwise secured to a metallic spectacle side piece or side piece core.

These and other features and advantages of the invention will become apparent from the following description. A few preferred embodiments of the invention will be now detailedly described with reference to the accompanying drawing.

BRIEF DESCRIPTION OF THE DRAWING

FIG. 1 is a greatly enlarged exploded perspective view of the partially unfinished basic components of the improved hinge assembly;

FIG. 2 is a partially longitudinal sectioned top plan view of a hinge mechanism including the components of FIG. 1 used in a spectacle frame (partially shown) having metallic front piece and side pieces;

FIG. 3 is an exploded view corresponding to that of FIG. 1 with finished basic components; and

FIG. 4 is an exploded view similar to FIG. 3, with finished basic components for use in a spectacle frame having a front piece of plastic material and thin side pieces of plastic material having a metallic core.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The improved hinge mechanism is formed by using preliminarily manufactured components such as shown in FIG. 1. Such components comprise a component 10 (part of which is broken away in FIG. 1) which consists of a small flat metallic part, a portion of its edge forming a cam surface 12. Such component 10 is preferably made by shearing it out from a steel sheet having a thickness ranging from 1.2 to 1.5 millimeters. This cam surface 12 is designed for cooperation when biased by a spring 16 as described below, with a cam follower ball 14, the diameter of which is preferably from 2.0 to 2.5 millimeters.

The component 10 is designed to be secured (at its portion broken away in FIG. 1, and which can be of different shapes, also as described below) to one side end of the spectacle front piece, the component 10, having a through bore 18 for providing the hinge con-

nection. The hinge is formed by the pivotal connection of said component 10 with a subassembly designed to form a part of a side piece, the structural body of said subassembly consisting of metallic piece or connecting element 20.

This piece 20 consists, preferably, of a length of an extruded metallic stock of essentially square cross-sectional configuration of from 3 by 3 millimeters to 4 by 4 millimeters, and preferably having rounded off corners, as shown. The length of the stock, preferably from 20 to 30 millimeter long, is transversely cut at 22 in one of its planes of symmetry for slidably fitting of a part of the component 10 therein, and has an axial bore 24 extending over a part of its length beyond the cut 22, provide a for guidedly fitting the ball 14 and the spring 16 therein, and it also has a bore 26, which can be aligned with the bore 18 of component 10 to provide via a hinge connection, the pivot consisting of a pivot screw 28, as shown in FIG. 2, for example.

The specific configuration of the cam edge 12 of the component 10 and its cooperation with the cam follower ball 14, when urged thereagainst by the spring 16, will not be herein described, as such features are well known in the art and do not form part of the present invention.

When a hinge assembly comprising said components is to be associated to a spectacle frame including a metallic front piece and metallic side pieces, such components are formed and/or machined in the configurations shown in FIG. 3, to provide the hinged structure shown in FIG. 2, other specific configurations being however, possible for meeting the specific types and configurations of the spectacle frame.

A part 30 of the component 10 (that is the portion broken away in FIG. 1, and that remains external to the elongated body or piece 20) is suitably tapered and provided with a stepped recess 32 adapted to receive and to be mounted to an outermost portion 34 (FIG. 2) of the side end of a spectacle frame front piece 36 (fragmentarily shown), the connection being preferably made by welding. A flank of the elongated piece 20 which faces outwardly in the spectacle in use, is suitably tapered at 40 and provided with an elongated stepped recess 42 in which a front portion of a metallic side piece 44 (fragmentarily shown) can be seated and secured, preferably by welding.

This metallic side piece 44, of lightweight structure, conventionally consists of a generally thin metallic rod or wire, and comprises a flattened portion adjacent to the hinge. The front portion of the said piece 44 shown in FIG. 3 corresponds to said flattened portion. Preferably the component 20 is secured at 42 to side piece 44 having a front portion of height (vertical dimension) equal to that of same elongated piece 20, that is of the outwardly facing surface of the recess 42. Upon precise fitting and welding of the portion of the side piece 44 in the recess 42, the side piece and the elongated piece 44 20 together form an integral metallic structure, and therefore the hinge subassembly including said elongated piece 20 forms the thickened portion adjacent to the hinge of the spectacle, of the side piece 44 or side arm of the spectacle frame. The metallic structural unit consisting of the front piece 36 and its associate components 30, 10 (at both sides) and respectively of the components 20, 44, (to form both side pieces) can be advantageously chrome plated, silver plated and preferably gold plated or otherwise subjected to any suitable metal surface coating process, providing struc-

tures having the appearance of compactness and which are lightweight and only insignificantly obstruct vision.

The new hinge can however, be advantageously associated with a non-metallic spectacle frame having generally lightweight frame components, such as those manufactured of polymeric substances or resins. In such a case, the components shown in FIG. 1, namely the components 10 and 20, can be configured and machined as shown in FIG. 4.

The cam component 10 is provided with a suitably indented portion 50 adapted for being fixedly secured, preferably by fitting it in the side end of a resinous spectacle front piece, by means of a known ultrasonic vibration or welding process, for example. In turn, the elongated component 20 is prepared for being fixedly secured to a resinous side piece metallic core, a first portion of which is indicated at 56. The component 20 is, in such an event, tapered at 52 at its end remote from the hinge and provided with a cut 54 for fitting and welding of the end of the side piece core 56 thereto. The resinous coating (not shown) of said core is preferably extended to at least in part overlap the taper 52 to provide a more secure connection and esthetically pleasing junction between metallic and non-metallic parts.

Of course the invention may be put to practice with embodiments different from those described without departing from the scope of the invention.

I claim:

1. A spectacle frame comprising a front piece having respectively spaced side end portions; a cam element rigidly connected to each one of said side end portions of said front piece and with said cam element having a cam surface; a connecting element for each side end portion having a substantially flat end portion; means for mounting said connecting elements on said side end portions for movement between a closed and an open position; cam follower means accommodated in each of said connecting elements and including at least one cam follower member and means for urging said cam follower member into contact, with said cam surface; and side pieces, each side piece having a substantially flat end portion rigidly connecting one side piece to and overlying a respective one of said connecting elements at only one side thereof which faces away from said front piece when the respective connecting element is in said closed position thereof, whereby said end portion of each of said side pieces at least partly conceals said respective connecting element from view in a direction normal to and facing said one side of said connecting element.

2. A spectacle frame as defined in claim 1, wherein said mounting means includes a pivot connecting said cam element with said connecting element.

3. A spectacle frame as defined in claim 1, wherein said urging means includes a helical compression spring.

4. A spectacle frame as defined in claim 1, wherein said connecting element is an elongated tubular member; and wherein said cam follower member and said urging means are supported within said tubular member for movement of said cam follower member longitudinally of said tubular member.

5. A spectacle frame as defined in claim 1, wherein said cam follower member is of a spherical configuration.

6. A spectacle frame as defined in claim 1, wherein said connecting element is of a metallic material.

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7. A spectacle frame as defined in claim 1, wherein said connecting element is of an elongated tubular configuration and has a substantially square cross section.

8. A spectacle frame as defined in claim 1, wherein said one side of said connecting element is provided with a recess; and wherein said flat portion of said side piece is at least partly accommodated in said recess.

9. A spectacle frame as defined in claim 1, wherein said cam element has a substantially flat portion; and wherein said connecting element is elongated and has at least one longitudinally extending slot for receiving said portion of said cam element therein.

10. A spectacle frame as defined in claim 9, wherein said cam element has an additional portion affixed to said side portion of said front piece.

11. A spectacle frame as defined in claim 9, wherein said additional portion of said cam element is provided with a recess; and wherein said front piece is of a metallic material and has an extension at said one side thereof which is received in said recess and affixed to said additional portion of said cam element.

12. A spectacle frame as defined in claim 9, wherein said front piece is of a synthetic plastic material; and

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wherein said additional portion of said cam element is corrugated and embedded in said front piece.

13. A spectacle frame as defined in claim 1, wherein said connecting element is elongated and has a longitudinally extending recess at said one side thereof having a longitudinally extending face of a predetermined transverse dimension; and wherein said end portion of said side piece has a dimension corresponding to said predetermined transverse dimension so that said end portion overlies and conceals said longitudinally extending face.

14. A spectacle frame as defined in claim 12, wherein said end portion of said side piece is welded to said longitudinally extending face.

15. A spectacle frame as defined in claim 13, wherein said elongated connecting element has a dimension coextensive with and corresponding to said predetermined transverse dimension.

16. A spectacle frame as defined in claim 13; and further comprising a unitary layer of metallic coating at exposed surfaces of said connecting element and of at least said end portion of said side piece.

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Bevel Heaven Product Information

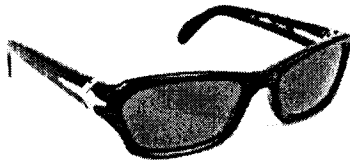


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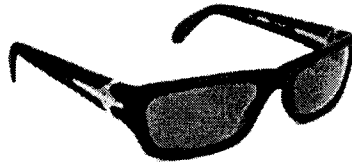
Sutro Vision Eyewear

sutro is a high-end eyewear brand hailing from San Francisco. All Sutro Eyewear products are designed and developed in-house at their San Francisco location and hand made in Italy with original tooling, designs, colors, finishes, and parts ranging from their Patent Pending 'Ratchet Hinge' to our uniquely designed 'Armor Case' and featuring featuring Barberini's glass, anti reflective lenses, the worlds best.

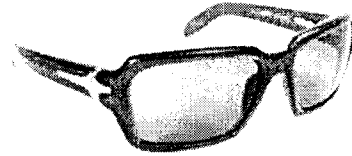
Sutro grew out of a conversation about vision and mastery. Years of friendship and collaboration with a broad range of visionary artists, musicians, athletes, creators and craftsmen revealed essential qualities shared by all masters no matter what their art or discipline. Balance, rigorous effort, a deep understanding of history and above all - vision. Sutro products are created from this visionary spirit. With Sutro, you will find a love of craftsmanship and a dedicated focus on detail, the finest materials, fit, form and function. From their signature stainless hinge to their use of the finest lens optics available. Vision for the visionary - made in Italy, for you.



CZECH



GUERRERO



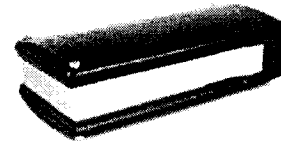
CINEMA



MODPOP





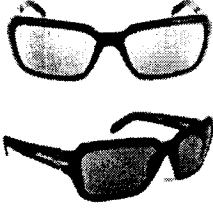

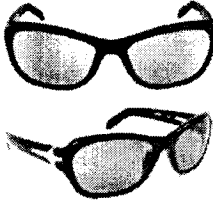

CELIA

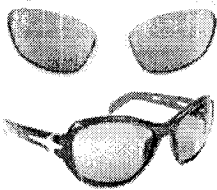






ARMOR

Below are the currently available SUTRO Vision styles and options. To purchase them click [HERE](#)
[click the **product name** or the **product ID** below to see a larger images]

	<p>CZECH - 50's Eastern Bloc style with modern touches.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0501-01: gloss black frame, polished stainless hinge, sonbraun lens • 0501-02: satin black frame, tumbled stainless hinge, sonbraun lens • 0501-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens 	<p>\$249 standard Lens</p> <p>NA w/polarized Lens</p> <p> add to cart</p>
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	<p>GUERRERO - Slim, clean-lined, rocker.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0502-01: gloss black frame, polished stainless hinge, sonbraun lens • 0502-01P: gloss black frame, polished stainless hinge, polarized sonbraun lens • 0502-02: satin black frame, tumbled stainless hinge, sonbraun lens • 0502-02P: satin black frame, tumbled stainless hinge, polarized sonbraun lens • 0502-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0502-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens 	<p>\$249 standard Lens</p> <p>\$295 w/polarized Lens</p> <p></p>
	<p>CINEMA - Perfectly balanced, universal style.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, satin black, tortoise matte or sea gray.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0601-02: satin black frame, tumbled stainless hinge, Fumo lens • 0601-02P: satin black frame, tumbled stainless hinge, polarized Fumo lens • 0601-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0601-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0601-04: sea grey frame, polished stainless hinge, deep green lens • 0601-04P: sea grey frame, polished stainless hinge, polarized deep green lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p></p>
	<p>CELIA - Subtle, classic feminine form</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, tortoise matte, sea gray or camel.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0603-01: gloss black frame, polished stainless hinge, sonbraun lens • 0603-01P: gloss black frame, polished stainless hinge, sonbraun lens • 0603-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0603-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0603-04: sea grey frame, polished stainless hinge, deep green lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p></p>

	<ul style="list-style-type: none"> • 0603-04P: sea grey frame, polished stainless hinge, polarized deep green lens • 0603-05: camel frame, polished stainless hinge, sonbraun lens • 0603-05P: camel frame, polished stainless hinge, sonbraun lens 	
	<p>MODPOP - Dramatic lines in a sophisticated women's frame.</p> <p>Featuring Sutro signature stainless hinges, Barberini lenses with anti-reflective back coating (also available polarized). Gloss black, tortoise matte, sea gray or camel.</p> <p>Available Options:</p> <ul style="list-style-type: none"> • 0602-01: gloss black frame, polished stainless hinge, sonbraun lens • 0602-01P: gloss black frame, polished stainless hinge, sonbraun lens • 0602-03: matte tortoise frame, tumbled stainless hinge, sonbraun lens • 0602-03P: matte tortoise frame, tumbled stainless hinge, polarized sonbraun lens • 0602-04: sea grey frame, polished stainless hinge, deep green lens • 0602-04P: sea grey frame, polished stainless hinge, polarized deep green lens • 0602-05: camel frame, polished stainless hinge, sonbraun lens • 0602-05P: camel frame, polished stainless hinge, sonbraun lens 	<p>\$249 standard Lens</p> <p>\$295 w/Polarized Lens</p> <p> add to cart</p>
	<p>ARMOR - bomb-proof protection included</p> <p>Sutro frames come protected by a custom case featuring a quick-release latch and an interior micro-fiber pouch that doubles as a lens cleaning cloth.</p>	<p>Included with Purchase</p>
	<p>Frame Color - Choose what suits your fancy</p> <p>Left to Right; Gloss Black, Camel, Sea Grey, Green, Tortoise Matte</p>	<p>color choices available, see spec on each style for current availability when placing your order in our shopping cart</p>
	<p>Shipping Policy</p> <p>All domestic orders will be shipped to you directly from SUTRO in San Francisco, California within 3 business days via USPS Priority Insured w/Delivery Confirmation for \$7. If you order 2 pairs your shipping will be \$10 and 3 pairs will cost you \$13. International orders will be shipped via USPS Global Priority for \$12 for the first pair of glasses, 2 pairs for \$16, or \$20 for 3 pairs.</p>	



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Is craftsmanship dead? We don't think so, but It has become more and more difficult to find carefully designed well made products in a world of mass-production and throwaway convenience. We commit our attention to every detail in designing and manufacturing our eyewear, from our exclusive hinge to our choice of materials and fine optics to our obsession with balance and fit characteristics.

Signature Hinge ~ Each pair of Sutro frames feature our signature surgical grade stainless steel hinges, offering unmatched functional benefits in strength, fit and durability. (Patent pending)

Sutro Lens ~ Sutro's custom lens is produced in Italy by Barberini, the industry leader in precision optics. Why did we choose a lens that costs 10 times as much and takes 100 times longer to make than standard Poly-carbonate or CR 39 lenses? Quality, Clarity and Durability.

Standard or Polarized Lenses? ~ Sutro offers both standard and polarized lens options in all of our frames. Choosing the right lens is a matter of personal preference and environmental end-use considerations. Most of our customers swear by the perfect optical clarity of our standard lens while others prefer the added protection against glare afforded by our polarized lenses, particularly in environments where sunlight reflects off of water. In either case our lenses deliver the highest optical quality available. Wearers will find the exceptional optical quality of our lenses dramatically superior to polycarbonate lenses. In fact most wearers prefer our standard non-polarized lens to any polarized polycarbonate lens on the market. The clarity is unmatched.

Grilamid Frame ~ Sutro frames are made from Grilamid TR, the strongest, most resilient material available in eyewear. It is remarkably scratch and fracture-resistant. It withstands variable pressure with no sign of fatigue and is non-allergenic. Grilamid can be heat formed to custom tune the frame fit. Most reputable opticians will heat set custom adjustments to suit your unique fit at no charge or for a nominal fee.



Lens Quality

Our lenses start with Corning optically pure colored wafers, absolutely free of aberrations or imperfections of any kind. Each lens is then ground to shape and polished using the most sophisticated diamond wheel cutting, and paste grinding machinery available.

Lens Clarity

Corning optical wafers are the clearest in the industry. Superior polishing results in the best distortion free optics. Eyes stay relaxed through colors proven to enhance vision and clarity. High contrast lens color helps you see terrain and enhance depth perception. Anti Reflective (AR) back coatings eliminate bounce back glare.

100% UV blocking.

Lens Durability

Chemically tempered for incredible shatter resistance. Far more scratch resistant than Poly-carbonate or CR 39 lenses. Precision edge grinding eliminates micro fissures and stress risers.

In the end there simply is no better lens made for viewing your world.

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Sutro warrants our sunglasses against breakage due to defects in material and workmanship for two years from the date of purchase. Scratched lenses and/or frames are considered damaged and are not covered under the warranty. If the sunglasses are returned to Sutro within the warranty period and we find that the breakage was due to a defect in material or workmanship, the sunglasses will be repaired or replaced at our option and returned to the sender within 14 days of our receipt. If service is required, send the sunglasses with daytime phone number, proof of date purchased, postage paid, and insured to our address below.

LIFETIME HINGE WARRANTY

Sutro offers a lifetime warranty on the *Sutro Ratchet Hinge*™ against failure under normal use. Sutro reserves the right to make the final determination of what is covered under this warranty. This clause does NOT cover any breakage or damage to the frame or lenses, which falls under the LIMITED WARRANTY AGAINST BREAKAGE above. Please make sure you include your name, daytime phone number, return address, and a brief description of the defect or damage with your package.

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Prescription lenses that have been cut or edged for your frame are Non-Refundable/Non-Replaceable. We will make every effort to preserve them or transfer them to new frames if possible.

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Sutro provides as a courtesy to our valued customers, a repair service for damage not covered or product no longer within the warranty period. A repair charge will be assessed depending upon the style of the returned product and the parts needed. We will notify you of any charges and request payment in advance and prior to any return/exchange. When submitting sunglasses for repair, please make sure you include your name, return address, phone number and a description of the damage plus a non-refundable processing fee of \$10.00 with your sunglasses.

TURNAROUND AND TERMS

Please allow up to 14 business days for us to process your Return/Exchange (from the date we receive your returned package). All product materials (such as case, lens, box, cloth, etc.) that were included in your package will be shipped back as well. We will ship your return by FedEx ground service. We reserve the right to refuse any return if we do not find the return acceptable. If packages are received with damage caused by the shipping courier, we will notify you immediately in order to address any claim issues with the shipping courier. If you have any other questions, please feel free to call or email us. Sutro Vision, San Francisco (415) 974-0308 x 324 or email: warranty@sutrovision.com

BEVEL HEAVEN 'TRY 'EM ON' PROGRAM

Sutro wants you to be as excited about their sunglasses as we at Bevel Heaven are [yes, we wear Sutro glasses]. To that end we have arranged for an exclusive limited exchange program on Sutro sunglasses to make sure you find the pair that fits your look. Purchase the style that you think will suit you best and if it doesn't meet your expectations, you can exchange it for another style currently in stock. This offer is limited as follows:

- Only one exchange is allowed for an equal priced pair of glasses.
- Product must be received by us within 14 days of your purchase date.
- Product must be in "as new" saleable condition [absolutely no visible signs of wear or damage].

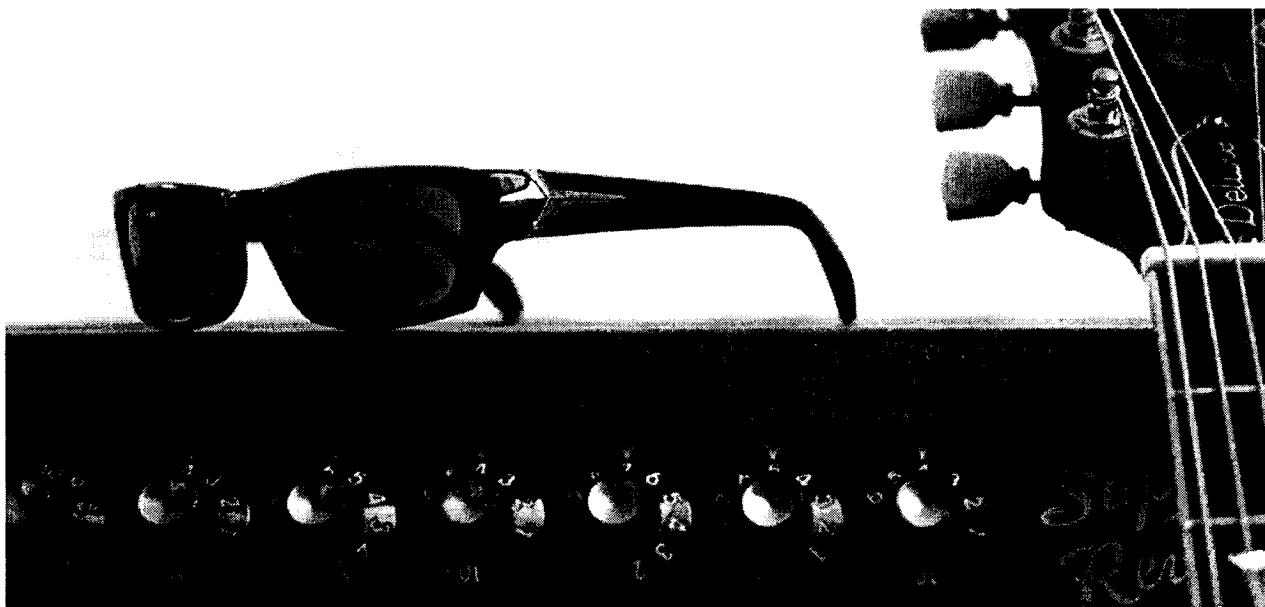
To do our TRY 'EM ON exchange, send the sunglasses with proof of date purchased, postage paid, and insured to:

Sutro Vision – Bevel Heaven Exchange
449 Bryant St, San Francisco, CA 94107
Office (415) 974-0308 Fax: (415) 777-8633

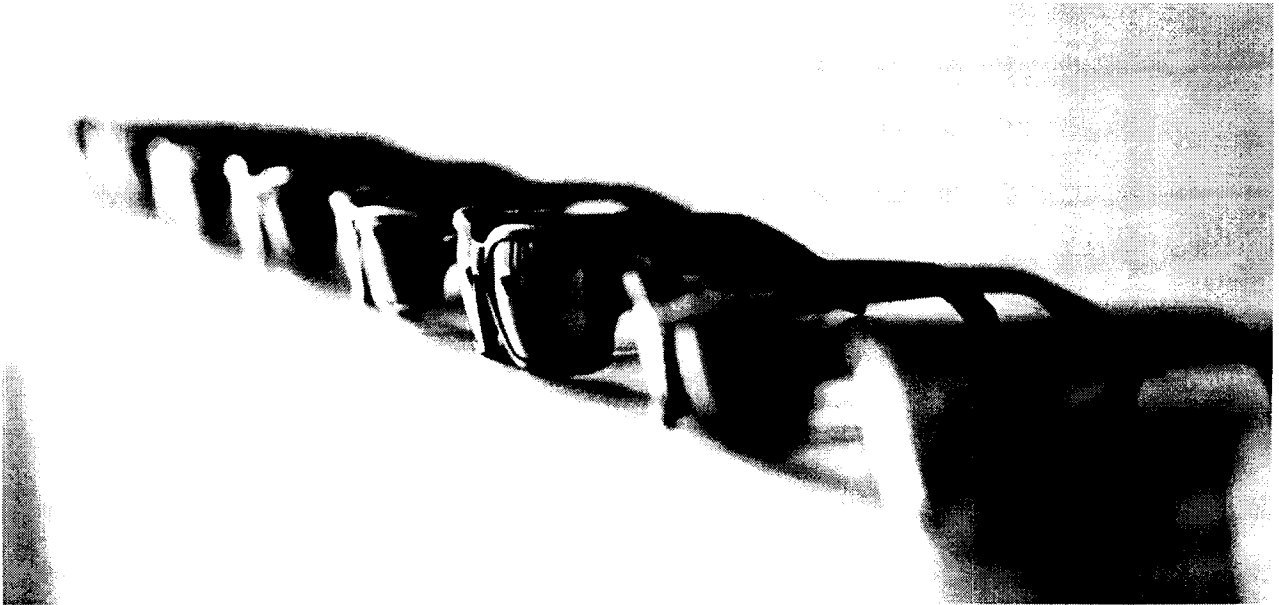
When submitting sunglasses for exchange, please make sure you include your name, return address, day time phone number and the style you would like in exchange.

STILL NOT CONVINCED?

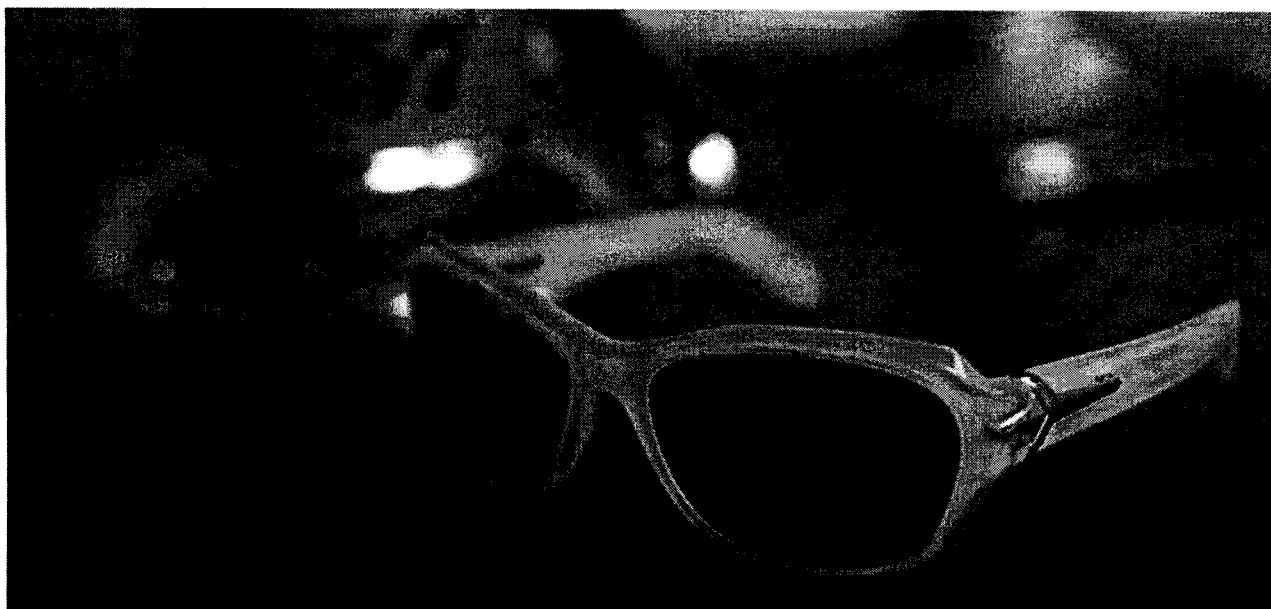
The founder and owner of Bevel Heaven wears SUTRO Vision eyewear. "The pictures don't give you a full enough sense of the product. You've got to put them in your hand to feel the movement and hear the "click, click, click" sound of the hinges that no other glasses have. The first time I saw these I was reminded of a 56 Chevy... I'm an old hot rod guy. I have my flat black Guerreros w/satin hinges and a matte tortoise CZECH w/the satin hinge I wear depending on my mood. My wife loves her camel MODPOP which I sometimes wear myself.... Give SUTRO a try, you will not regret it"

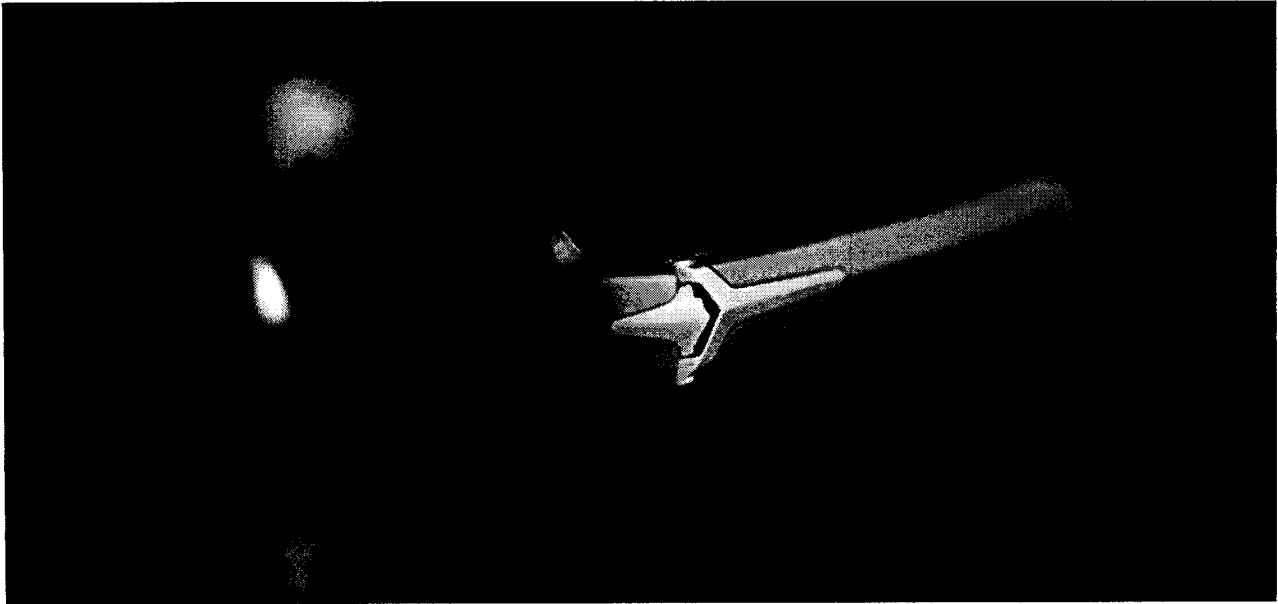








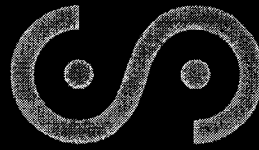




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SPECTACLES·FOR·HUMANS
San Francisco – Los Angeles

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[spectacles for humans: Stylish Superhinge from Sutro Vision](#)
Jun 30, 2009

Stylish Superhinge from **Sutro** Vision. We got chance to preview the new **Sutro** optical collection and it's super. The shapes are looking good and we are in love the 3-clicks of the hinge. Due in stock early February 2010. ...

<http://spectaclesforhumans.blogspot.com/>

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WEDNESDAY, DECEMBER 9, 2009

Take Your Inner Art Child To Downtown LA

**Thursday, December 10th, Emil Brown
Lofts.
9th and SANTEE. Unit 510.
6-12 pm.
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Thurs:

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THE CHRISTMAS FLIP FLOP - By The Dan Band
10:58am Dec 24
Sesame Street: Kermit And Grover The Sunglass Salesman
1:32pm Dec 17
satellite exhibit - presenting Michael Singman-Aste Photography
9:39am Dec 11

Events

2 past events

[See All](#)



eyewise optometry Everytime the Sun breaks through while waiting for the Summer to come back to us again, We're still loving our ::New SUTRO Sunglasses w/ their 3-Clicks Hinge!::

GUERRERO



about an hour ago



eyewise optometry ::NEW DESIGNS:: from MYKITA just in to help us start off the New Year with Style! Come see BARNEY, NIGEL, & JODIE (color's Violet & Red in stock w/photo's to come)

NIGEL



January 2 at 1:30pm



eyewise optometry ::NEW DESIGNS:: from MYKITA just in to help us start off the New Year with Style! Come see BARNEY, NIGEL, & JODIE (color's Violet & Red in stock w/photo's to come)

BARNEY



January 2 at 1:29pm

Mary The barney is popular.

January 2 at 1:39pm



eyewise optometry We here at :: eyewise :: Wish EVERYONE a "HAPPY NEW YEAR" and look forward to a GREAT 2010!!!

January 2 at 1:01pm



eyewise optometry A little Fun & Silly Christmas Claymation from "The DAN BAND" [& Us at Eyewise:] "Merry Christmas / Mele Kalikimaka !!!"



THE CHRISTMAS FLIP FLOP - By The Dan Band

www.youtube.com

Check out the new video from the holiday cd "HO: A DAN BAND XMAS" ... If you can't stand the sappy sap of "The Christmas Shoes", you're gonna love The Christmas Flip Flop. Done in Rankin-Bass style by animator Michael Granberry, this video is sure to warm your chestnuts for the holidays.

December 24, 2009 at 10:58am



eyewise optometry ::NEW DESIGNS:: from our EcoFriendly Frame Line LINKSKIN ::Now In Stock:: [Metal / Zyl / Semi-Frameless] www.linkskin.com

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Sutro Introduces their First Optical Collection



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Sutro Eyewear from San Francisco debuts their first optical collection, featuring the newest version of the company's Three Click Hinge.

San Francisco, CA (PRWEB) January 1, 2010 -- Sutro Eyewear from San Francisco is debuting their first optical collection, featuring the newest version of the company's Three Click Hinge.

E*TRADE

The initial collection is an impressive introduction consisting of five

modern classics

The new Three Click Hinge used in this collection addresses the weakest point in conventional eyewear construction. The hinge uses a revolutionary 3-D lance design that anchors the hinge into the frame from all directions.

"Not only is the connection to the frame 10x stronger than a conventional hinge, it also give the frame more structure for a better fit over time" says designer Jeff Sand. As with the companies current Three Click Hinge, this one will not loose screws, stays closed when you want them to and gives a nice light, balanced fit.

Sutro eyewear is currently available in independent eyewear retailers and specialty boutiques in the US and Japan. For more info see www.sutrovision.com

###

Sutro Vision

Doug Smith

415-297-7669

E-mail Information

Trackback URL: <http://prweb.com/pingpr.php>

/U3VtbS1Qcm9mLU1hZ24tUGlnZy1TcXVhLVBpZ2ctWmVybw==

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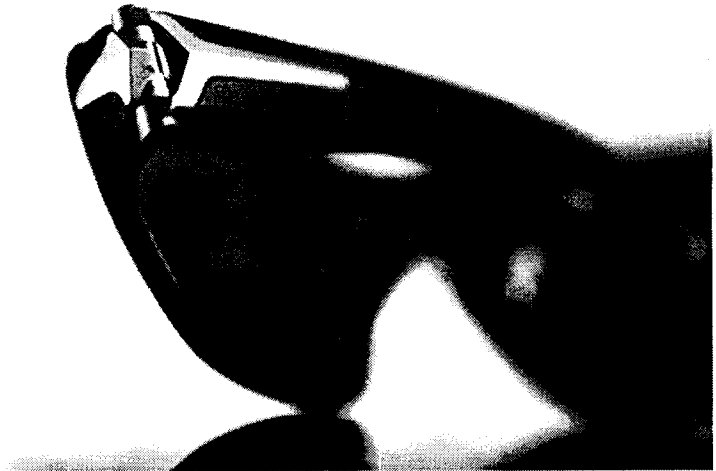
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Scott buzzed up: Obama catches heat over

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The Sutro hinge extends into both the frame and temples to reinforce their connection. This feathers the hinge load into the frame and is unmatched in strength by the less expensive heat staked and micro riveted hinge assemblies of conventional frames.



CRAFTSMANSHIP
3-CLICK HINGE
SUTRO LENS
GRILAMID FRAME

Every pair of Sutro frames feature our signature surgical grade stainless steel hinges-the only hinges with the distinctive "three clicks" your assurance of Sutro quality.

DECLARATION OF JEFF SAND

I, Jeff Sand, am one of the founders of Sutro Product Development, the Applicant for trademark application serial number 77/418,246. I designed the spring hinge used in
5 Sutro Vision eyewear that creates the series of regularly spaced, repeated clicks that is the subject matter of application serial number 77/48,246. I am an industrial designer with over 15 years of experience. My work in furniture, snowboard bindings and bicycle components has been recognized with design awards and some of my designs have been acquired for the permanent collections of the San Francisco Museum of Modern Art and
10 the Chicago Athenaeum Permanent Collection. I am a listed inventor on eleven United States Utility Patents and three United States Design Patents.

In designing the spring hinge used in Sutro Vision eyewear I studied many different types of hinges. I studied the United States patent literature as well as unpatented commercially available eyewear. In designing the spring hinge I considered
15 all aspects of the design of the product, including commercial manufacture and consumer use.

The series of regularly spaced, repeated clicks produced by the spring hinge used in Sutro Vision eyewear when the temples of the spectacles are moved from a fully opened to fully closed position and visa versa is not a feature of the product that is
20 essential to the use or purpose of the article, or affects the cost or quality of the article, or is a feature that is needed by competitors.

I could have designed the spring hinge used in Sutro Vision eyewear to make no appreciable sound at all when operated while still maintaining the spring hinge's other features.

25 The temples of the spectacles are "locked" into the open or closed position due to the interaction of the cam surface of the hinge and the spring biased cam follower of the hinge. Indentations, slots or grooves are provided in the cam surface of the hinge and when the spring pushes the cam follower into one of these slots, the hinge resists movement out of this position. There is no need for movement of the cam follower with
30 respect to the cam surface to produce a sound for the cam follower and cam surface to provide resistance to movement. This resistance to movement out of the groove by the follower can often be felt although nothing is heard when the follower moves from one grove to the next.

I would also like to note that unlike a true ratchet where a pawl prevents a gear from moving in what is usually considered a backward direction unless the pawl is moved away from the gear, spring hinges for spectacles are not designed to lock the spectacle temples in place with respect to the frame, but merely offer some resistance to being moved from certain positions. The same resistance to movement from a selected position can be provided by a cam surface and cam follower that produces no appreciable sound when the hinge is operated as is provided by a cam surface and cam follower that does produce sound.

While this resistance to moving from a selected position may be considered a feature that adds to the quality of the spectacles, the design features of the spring hinge in Sutro Vision eyewear that create sound when the spring hinge is operated do not create or have an appreciable affect on the spring hinge's resistance to moving.

I have read the Examiner's office action dated July 7, 2009 and would also like to respond to the Examiner's statement that "the sound serves the function of sending an audible signal to consumer that the glasses are locked into the open or closed position".

First, there are numerous ways to create sounds due to the operation of the hinges between the temples of the glasses and the frames whether a spring hinge is used or not, yet it is my experience that most, if not almost all, commercially available spectacles do not make an appreciable sound when the temples are folded against the frames or opened for wearing. This suggests to me that an audible indicator that the temples are either closed or opened is not a feature that is necessary to compete in the marketplace, and thus this is not a feature that needs to be available so that other manufacturers can successfully compete with Sutro Product Development.

Second, even if an audible indicator of whether the temples were closed or opened was an important, competitive feature, other spring hinges could be economically designed to make numerous variations of click sounds rather than the series of regularly spaced, repeated clicks used in Sutro Vision eyewear. The click sounds are primarily due to the shape and material of the cam surfaces, the shape and material of the cam follower that mates with the cam surfaces and the spring that biases the cam surfaces. If the profiles or transitions of these mating surfaces are smooth then almost all appreciable sound of the parts moving against each other can be eliminated, such that no "clicks" are produced. It would be possible to make some of the grooves in the cam surface smooth and others abrupt such that as the temples are moved from opened to closed position there could be variations in the number as well as the spacing of the clicks. There could

he no clicks. one click, or, I believe, as many as five clicks. A competitor designing such a hinge would not have to add to the cost of his hinge to create these variations in sounds.

Also, in response to another statement made by the Examiner, Applicant's web-site does describe the particular design of our spring hinge as enabling the spring of the
5 hinge to be lighter. This statement is inaccurate. Applicants do in fact use a relatively light spring in the hinge; however, the spring used by Applicant is also used in other conventional spring hinge eyewear, and Applicant merely chose the relatively lighter spring because it made the clicks more resonate. The fact that I designed our spring hinge to produce a series of regularly spaced, repeated clicks did not then allow me to use
10 a particular spring that would be more cost effective.

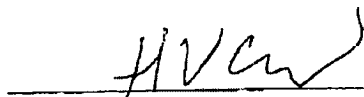
The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that all statements made of his/her own
15 knowledge are true; and all statements made on information and belief are believed to be true.

It should also be noted that any of Applicant's literature that states that patents are pending for applicant's eye wear is also inaccurate. Applicant is not seeking to patent its spectacles or spring hinge.
20

Finally, Applicant has been the sole and only source of eyewear that emits a series of regularly spaced, repeated clicks since September 2004. Since then Applicant has continuously sold its eyewear that emits a series of regularly spaced, repeated clicks, and I have not seen or learned of any eyewear or spectacles that emits any type of sound at
25 all.

Signed at San Francisco, California on January 6, 2010

30



Jelf Sand, Founder

Sutro Product Development