

05-03-2001

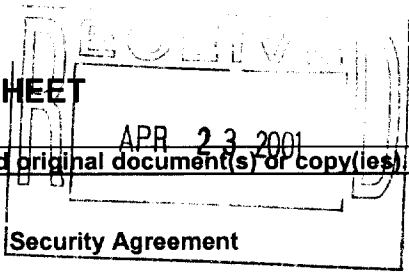
PATENT



101700036

4-23-01

RECORDATION FORM COVER SHEET  
PATENTS ONLY



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Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID# \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Conveyance Type

- Assignment
  - License
  - Merger
  - Security Agreement
  - Change of Name
  - Other \_\_\_\_\_
- U.S. Government**  
(For Use ONLY by U.S. Government Agencies)
- Departmental File
  - Secret File

Conveying Party(ies)

Mark if additional names of conveying parties attached Execution Date  
Month Day Year

Name (line 1) Floyd James Wheeler, III

04/11/2001

Name (line 2) \_\_\_\_\_

Second Party

Execution Date  
Month Day Year

Name (line 1) Floyd James Wheeler, Jr.

04/11/2001

Name (line 2) \_\_\_\_\_

Receiving Party

Mark if additional names of receiving parties attached

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 1) Wheelerco Products, Inc.

Name (line 2) \_\_\_\_\_

Address (line 1) 104C East Avenue, K-4

Address (line 2) \_\_\_\_\_

Address (line 3) Lancaster CA/U.S.A. 93535  
City State/Country Zip Code

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name \_\_\_\_\_

Address (line 1) \_\_\_\_\_

Address (line 2) \_\_\_\_\_

Address (line 3) \_\_\_\_\_

Address (line 4) \_\_\_\_\_

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05/02/2001 TDIAZ1 00000146 5887576  
01 FC:581 40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231  
**PATENT**

REEL: 011742 FRAME: 0541

**Correspondent Name and Address**      **Area Code and Telephone Number**

**Name**

**Address (line 1)**

**Address (line 2)**

**Address (line 3)**

**Address (line 4)**

**Pages**      **Enter the total number of pages of the attached conveyance document including any attachments.**      #

**Application Number(s) or Patent Number(s)**       **Mark if additional numbers attached**

*Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).*

<b>Patent Application Number(s)</b>				<b>Patent Number(s)</b>		
<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text" value="5,887,576"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.                 

**Patent Cooperation Treaty (PCT)**

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT       PCT       PCT

PCT       PCT       PCT

**Number of Properties**      **Enter the total number of properties involved.**      #

**Fee Amount**      **Fee Amount for Properties Listed (37 CFR 3.41):** \$

**Method of Payment:**      **Enclosed**       **Deposit Account**


**Deposit Account**  
(Enter for payment by deposit account or if additional fees can be charged to the account.)

**Deposit Account Number:** #

**Authorization to charge additional fees:**      **Yes**       **No**

**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

JON E. HOKANSON           

**Name of Person Signing**      **Signature**      **Date**

**RATIFICATION OF APRIL 4, 1995, ASSIGNMENT  
AND QUITCLAIM OF ALL RIGHTS NOT  
PREVIOUSLY ASSIGNED ON APRIL 4, 1995, IF ANY**

WHEREAS, FLOYD JAMES WHEELER, III, residing at 31602 Par Place, Laano, California 93544, U.S.A., and FLOYD JAMES WHEELER, JR., residing at 19041 Brasilia Dr., Northridge, California, U.S.A., (hereinafter referred to as THE WHEELERS), invented a certain invention entitled **CENTRIFUGAL AIR COMPRESSOR** described in and for which Letters Patent of the United States was issued as U.S. Patent No. 5,887,576 on March 30, 1999;

WHEREAS, WHEELERCO PRODUCTS, INC., A CALIFORNIA CORPORATION, d/b/a POWERDYNE AUTOMOTIVE PRODUCTS, having a place of business at 104C East Avenue, K-4, Lancaster, California 93535, United States of America (hereinafter referred to as POWERDYNE), was, and is, desirous of acquiring the entire right, title and interest in, to and under said invention and in, to and under Letters Patent or similar legal protection, including any divisional, continuation and/or continuation-in-part application, to be obtained therefor in the United States and in any and all foreign countries;

WHEREAS, ON APRIL 4, 1995, THE WHEELERS INTENDED TO, AND HEREBY RATIFY AND CONFIRM THAT THEY EACH SOLD, ASSIGNED AND TRANSFERRED TO POWERDYNE each of their full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries, and to all Letters Patent or similar legal protection in the United States and its territorial equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in the event THE WHEELERS retained any right in and to the aforesaid invention after the April 4, 1995, assignment to POWERDYNE, and in consideration of the payment by POWERDYNE to THE WHEELERS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, THE WHEELERS hereby grant by quitclaim to POWERDYNE each and every of any remaining right, title and interest in and to said invention in the United States and its territorial possessions and in all foreign countries, and to all Letters Patent or similar legal protection, including any divisional, continuation and/or continuation-in-part application, in the United States and its territorial equivalent thereof in a foreign country for the full term or terms for which the same may be granted, specifically including each and every claim for infringement that arose prior to the date of this quitclaim, the right to sue for infringement in its own name, and any right to collect any award of damages for any such infringement.

THE WHEELERS hereby covenant that no assignment, sale, agreement or encumbrance has been made or will be made or entered into which would conflict with this ratification, assignment and sale.

THE WHEELERS further covenant that POWERDYNE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application(s), said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to THE WHEELERS, and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to POWERDYNE or its legal



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles } ss.

On April 11 2001, before me, \_\_\_\_\_

Betty E. Butler  
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Floyd James Wheeler Jr & Floyd J Wheeler III

Floyd James Wheeler Jr & Floyd J Wheeler III  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Betty E. Butler  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Statement of Claiming small Entity Status

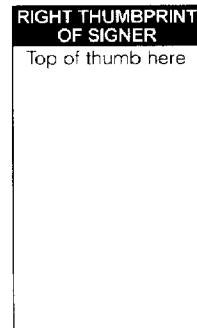
Document Date: 4-11-01 Number of Pages: ONE

Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



Practitioner's Docket No. \_\_\_\_\_

**PATENT**

- Applicant  Patentee \_\_\_\_\_
- Application No.  Patent No. 5,887,576
- Filed on  Issued on \_\_\_\_\_

Title: Centrifugal Air Compressor

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby state that I am

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

Name of Small Business Concern Wheelerco Products, Inc., a California Corporation, d/b/a Powerdyne Automotive Products

Address of Small Business Concern 104-C East Avenue, K-4, Lancaster, CA 93535

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- the specification filed herewith, with title as listed above.
- the application identified above.
- the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- No such person, concern, or organization exists.
- Each such person, concern or organization is listed below.

Name \_\_\_\_\_

Address \_\_\_\_\_

- INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

Name \_\_\_\_\_

Address \_\_\_\_\_

- INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

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

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Floyd James Wheeler, III

Title of Person if Other Than Owner President

Address of Person Signing 104-C East Avenue, K-4, Lancaster, California 93535

SIGNATURE [Signature]

Date April 11, March, 2001

State of California )  
County of S.A. ) ss.

(Small Entity—Small Business [7-4]—page 2 of 2)

Subscribed and sworn to (or affirmed) before me on this 11 day of April (month) 2001 (year)

[Signature]  
(Signature of Notary)

(Seal of Notary)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Floyd J. Wheeler, Jr., et al.

Patent No. 5,887,576

Issued: March 30, 1999

Serial No.: 08/425,821

Filed: April 20, 1995

For: CENTRIFUGAL AIR COMPRESSOR

Group Art Unit: 3403

Examiner: Koczo, Jr., M.

Assistant Commissioner for Patents  
Washington, D.C. 20231

STATEMENT OF CLARIFICATION REGARDING  
OWNERSHIP OF U.S. PATENT NO. 5,887,576

I, Floyd James Wheeler, III declare:

1. I am one of the co-inventors of U.S. Application Serial No. 08/425,821 ("the '821 application"), filed April 20, 1995, which became U.S. Patent No. 5,887,576 ("the '576 patent"), issued on March 30, 1999, and of divisional application Serial No. 09/273,365, filed March 22, 1999. The '576 patent is for a Centrifugal Air Compressor, which covers cog-belted superchargers for internal combustion engines in automobiles and trucks.

2. I am also the president of Wheelerco Products, Inc., a California corporation, d/b/a Powerdyne Automotive Products ("Powerdyne"), the assignee of the '576 patent.

3. On April 4, 1995, myself, along with the other co-inventor, Floyd James Wheeler, Jr.,



assigned the entire right, title and interest in and to the invention disclosed in the '821 application to Powerdyne. While it was our intention to assign our entire right, title and interest, the assignment did not specifically state that we were assigning our entire right, title and interest to every claim for infringement that arose prior to the date of the assignment, the right to sue for infringement in Powerdyne's own name, or the right to collect any award of damages for any such infringement.

4. The original April 4, 1995, assignment was lost. In connection with the preparation and filing of divisional application Serial No. 09/273,365, a second assignment of the entire right, title and interest in and to the invention was prepared, signed, eventually recorded on November 8, 1999, at Reel 010360, Frame 0253.

5. A copy of the April 4, 1995, assignment was retained by our general attorney, before whom the original assignment was executed, and the existence of this copy was discovered in early March 2000.

6. A copy of the April 4, 1995, assignment was recorded on March 7, 2000, at Reel 010425, Frame 0569. The copy of the recorded April 4, 1995, assignment is a true and accurate copy of the original assignment executed on April 4, 1995.

7. The '821 application included a Verification of Small Entity Status ("Verification"), that I signed on April 19, 1995, verifying the information contained therein. While I thought that I had carefully read the Verification, I realize now that I did not read it carefully enough. The Verification filed with the United States Patent and Trademark Office on April 20, 1995 stated that:  
I have not assigned, granted, conveyed or licensed and am under no obligation under

contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor [sic] under 37 CFR 1.9(c), if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(d).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention, is listed below:

- no such person, concern, or organization

\*NOTE: Separate verified statements are required from each names person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

8. At that time I had not informed our patent attorneys of the prior assignment signed at our general attorney's office, and our patent attorney prepared the Verification under the belief that the invention and patent application had not been assigned. By not reading this incorrect Verification carefully, I failed to disclose in the Verification that myself and the co-inventor had assigned the inventions disclosed in the '821 application to Powerdyne. A separate verified statement from Powerdyne averring to its status and qualification as a small entity were not prepared for the same reason. My failure to disclose the assignment was not done with the intent to deceive the PTO.

9. This error was compounded on or about June 7, 1996, when our patent attorneys responded to a PTO Action dated October 20, 1995. In the response to the Action, our patent attorneys represented to the PTO that "Applicant is a small entity", and that "[a] verified statement was already filed," under the belief that the two inventors had retained ownership and had neither assigned nor licensed the invention or patent application. While both quoted statements were then,

and are now true, the Verification referred to and relied upon by our patent attorneys was not accurate in that it did not identify the small entity assignee the '821 application.

10. The error was further compounded on June 16, 1997, when our patent attorneys filed a Petition for Revival of an Application Unintentionally Abandoned with the PTO. The '821 was unintentionally abandoned for failure to timely pay the issue fee. With the Petition to Revive, our patent attorneys submitted a Petition for Extension of Time pursuant to 37 CFR 1.136(a), and represented to the PTO that "Applicant is a small entity under 37 CFR 1.9 and 1.27" and "[a] verified statement of small entity status as a small entity under 37 CFR 1.27 has already been filed...." While both statements were then, and are now true, the Verification referred to and relied upon was not accurate in that it did not identify the small entity assignee of the '821 application.

11. The applicant(s) of U.S. Application Serial No. 08/425,821 was/were in June, 1996, in June, 1997, and has/have always been, a small entity because U.S. Application Serial No. 08/425,821 has never been assigned or licensed to a large entity. Powerdyne is the only assignee of U.S. Application Serial No. 08/425,821, and Powerdyne has at all times relevant hereto (April 4, 1995 to the present) employed no more than twenty (20) people.

12. It is my understanding that the Verification of Small Entity status is only relevant for purposes of paying issue and maintenance fees. Powerdyne paid the issue fee, the only fee due to date, as a small entity because Powerdyne qualified as a small entity.

13. On ~~March~~ **April 11,** 2001, myself and the co-inventor Floyd James Wheeler, Jr. ratified the April 4, 1995, assignment and our intention to sell, assign and transfer to Powerdyne each of our full

and exclusive right, title and interest to the invention disclosed in U.S. Patent No. 5,887,576. We also granted, by quitclaim to Powerdyne, each and all of any remaining right, title and interest in and to said invention and patent, specifically including each and every claim for infringement that arose prior to the date of the quitclaim, the right to sue for infringement in Powerdyne's own name, and the right to collect any award of damages for any such infringement.

14. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Dated: April 11, 2001

Floyd J. Wheeler, III  
Floyd J. Wheeler, III

State of California )  
County of L.A. ) ss.

Subscribed and sworn to (or affirmed) before me on this 11th d:  
of April (month) 2001 (year)

Betty E. Butler (Signature of Notary)

(Seal of Notary)

