

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ATLEISURE, LLC	)	
	)	
Plaintiff,	)	Case No.
	)	
v.	)	
	)	JURY TRIAL DEMANDED
TREASURE GARDEN, INC.	)	
	)	
Defendant.	)	

COMPLAINT

Plaintiff ATLeisure, LLC (“Plaintiff” or “ATLeisure”), files this Complaint against Defendant Treasure Garden, Inc. (“Defendant”), and alleges as follows in its Complaint:

I. NATURE OF THE ACTION

1. This is an action for patent infringement of ATLeisure’s U.S. Patent No. 8,104,492 (“the ’492 Patent”) (attached as Exhibit 1). ATLeisure asserts the ’492 Patent against Defendant for making, using, offering to sell, selling, and/or importing various patio and outdoor umbrellas.

II. PARTIES

A. Plaintiff ATLeisure, LLC.

2. Plaintiff ATLeisure, LLC is a limited liability company organized under the laws of Georgia, with its principal place of business located at 1040 Boulevard SE, Suite B, Atlanta, Georgia 30312.

3. Established in 2011, ATLeisure designs, manufactures, markets, and sells umbrellas, furniture, and fire pits for outdoor living. Specifically, ATLeisure's patio and outdoor umbrellas are designed, manufactured, sold, and distributed throughout the United States. Headquartered in Atlanta, Georgia, ATLeisure is a fully integrated U.S., European, and China Operation.

4. ATLeisure represents an exceptional sales and design force with a combined 50 years' experience and is committed to delivering high quality products, patented designs, and superior customer service worldwide. One of ATLeisure's primary product lines is outdoor patio umbrellas sold under the brands ATLEISURE and SEASONS SENTRY.

5. ATLeisure has positioned itself as a leader of outdoor living products with a continued commitment to "on-trend" patented designs and inventions, use of long-lasting materials, and superior engineering.

6. ATLeisure owns numerous patents and trademarks for outdoor patio furniture, and in particular, for outdoor umbrellas. ATLeisure actively enforces its patents, including through cease and desist letters and litigation

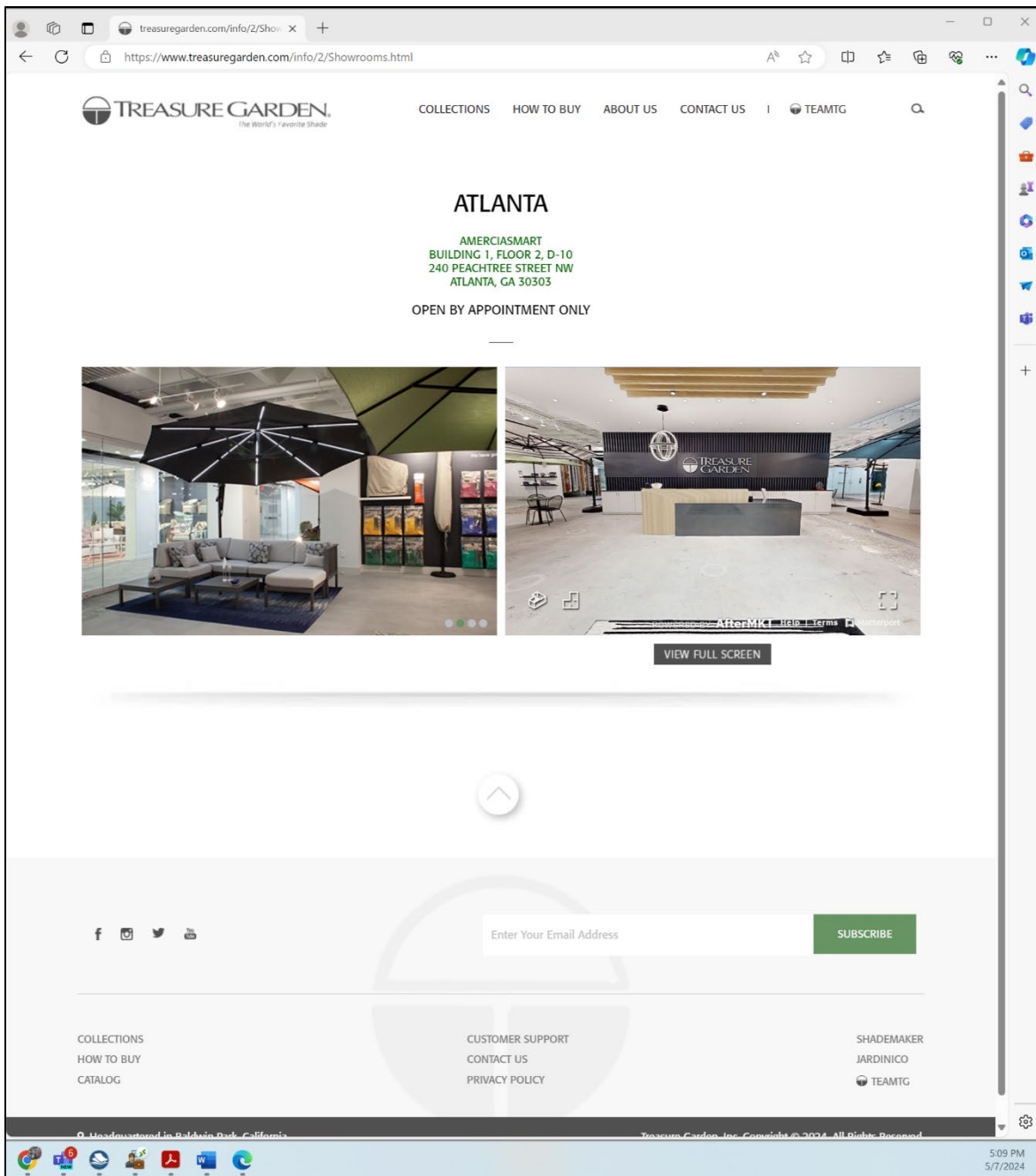
where necessary, and it has licensed its patents on numerous occasions.

B. Defendant Treasure Garden, Inc

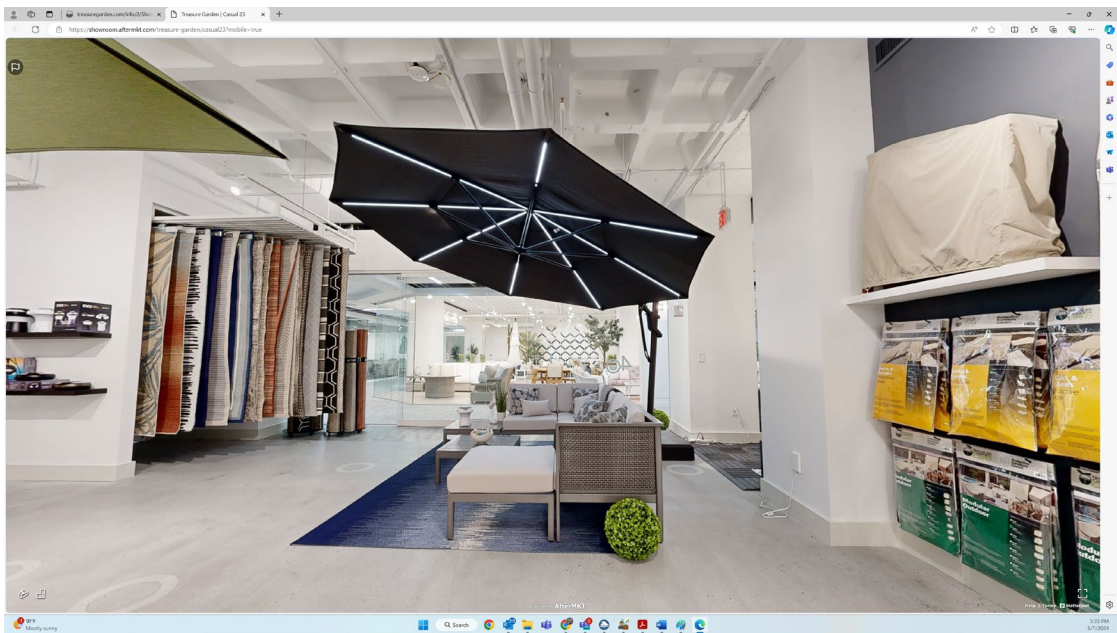
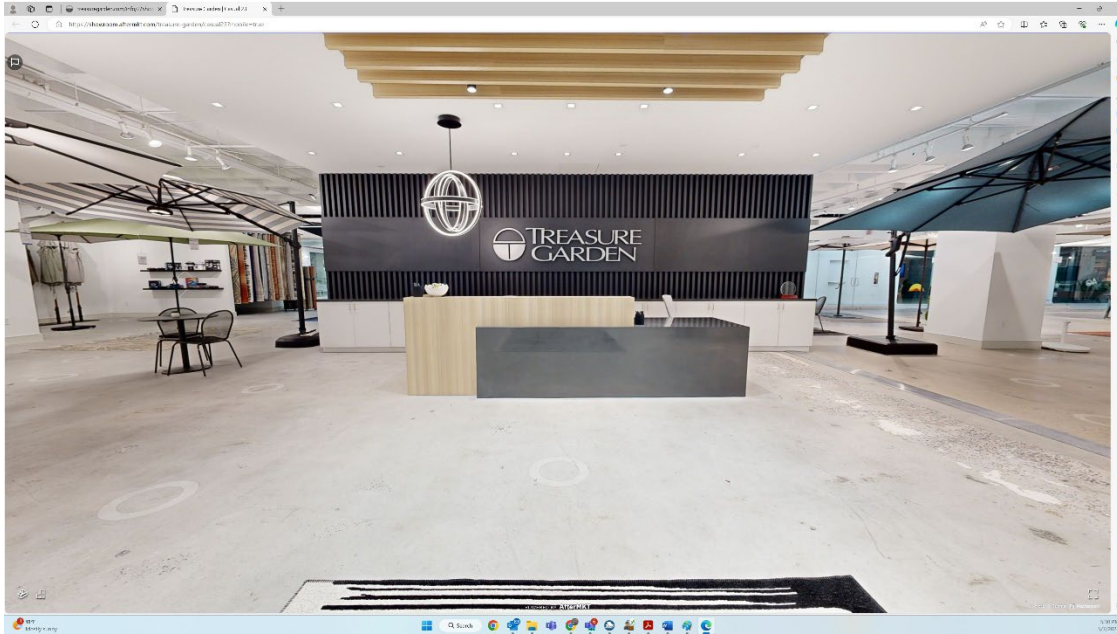
7. Defendant Treasure Garden, Inc. is a California corporation, with its principal place of business located at 13401 Brooks Dr., Baldwin Park CA 91706.

8. Upon information and belief, Defendant advertises, makes, uses, offers to sell, sells, and/or imports products under at least the brand names Treasure Garden and O’Bravia. Upon information and belief, Defendant also advertises, makes, uses, offers to sell, sells, and/or imports products under different white labels, including Allen & Roth, which is sold at Lowe’s Home Improvement.

9. Defendant markets its patio umbrellas, including the Starlux AKZ Plus Cantilever and the AKZP13 Plus Cantilever, on its website (<https://www.treasuregarden.com/category/45/Cantilevers.html>). Defendant’s website identifies only one company showroom displaying its products, which is located at Amerciasmart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303 (<https://www.treasuregarden.com/info/2/Showrooms.html>):



10. A virtual tour of Defendant's showroom is available on Defendant's website, which prominently displays the Treasure Garden name at the entry, and depicts Treasure Garden-branded products, including the Starlux AKZ Plus Cantilever:



11. Upon information and belief, Defendant has committed infringement and has a regular and established place of business in its showroom in Atlanta. In particular, Defendant advertises, makes, uses, offers to sell, sells or imports ATLeisure's patented invention without authority at its

Atlanta showroom and elsewhere in the United States.

12. Defendant is a direct competitor of ATLeisure's umbrella business.

III. JURISDICTION AND VENUE

13. ATLeisure's patent infringement claims arise under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has personal jurisdiction over the Defendant by reason of the business that it has transacted and continues to transact in this judicial district and division. In particular, Defendant has made and continues to make, has offered to sell and continues to offer to sell, has sold and continues to sell, has used and continues to use, and has imported and continues to import patio and outdoor umbrellas that infringe valid and enforceable claims of the '492 Patent in its corporate showroom. Upon information and belief, Defendant has a physical location at its corporate showroom at Amerciasmart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303, where Defendant engages in business, including by marketing, offering for sale and selling the Accused Umbrellas.

15. The Court has personal jurisdiction over Defendant pursuant to Georgia's Long Arm Statute because Defendant has operated, conducted, engaged in, or carried on a business or business venture in this state; has

committed tortious acts within the state; and/or has engaged in substantial and not isolated activity within this state, at least through its corporate showroom.

16. Venue is proper in this district and division pursuant to 28 U.S.C. § 1391, 28 U.S.C. § 1400, based on engaging in business and its alleged infringement at a physical location in this District, particularly at its corporate showroom.

IV. FACTUAL BACKGROUND

A. ATLeisure's U.S. Patent No. 8,104,492

17. On January 31, 2012, the United States Patent and Trademark Office duly and legally issued the '492 Patent, titled, "Adjustable Offset Umbrella."

18. ATLeisure has exclusive rights in the '492 Patent, including the right to use and enforce the patent. Treasure Garden is on notice of the '492 Patent and the alleged infringement described herein as to certain of its umbrellas.

B. Defendant's Accused Umbrellas

19. Upon information and belief, Defendant, either directly or through intermediaries (including distributors, retailers, and others), manufactures, ships, distributes, offers for sale, sells, and advertises products within the United States, the State of Georgia, and this judicial district and division,

including through its corporate showroom at Amerciasmart Building 1, Floor 2, D-10, 240 Peachtree Street NW, Atlanta, GA 30303.

20. Upon information and belief, Defendant's umbrellas sold under the Treasure Garden brand include the Starlux AKZ Plus Cantilever and the AKZP13 Plus Cantilever, both depicted on its website here: <https://www.treasuregarden.com/category/45/Cantilevers.html>.

21. Upon information and belief, Treasure Garden manufactures, uses, sells, offers to sell and/or imports umbrellas under the brand ProShade, including the umbrella depicted here: <https://www.costco.com/proshade-10ft-square-led-wood-look-cantilever-umbrella-with-rolling-base.product.4000077543.html>.

22. Upon information and belief, Treasure Garden manufactures, uses, sells, offers to sell and/or imports umbrellas under the brand Allen + Roth, including the umbrella depicted here: <https://www.lowes.com/pd/allen-roth-10-ft-Boulder-Solar-Powered-Cantilever-Patio-Umbrella-with-Base/5013581835?idProductFound=false&idExtracted=true>

23. Each of Defendant's umbrellas identified above infringes the '492 Patent, and Defendant does not have a license to manufacture, advertise, sell, offer for sale, import or use the '492 Patent.

C. Defendant's Patent Infringement

24. Defendant infringes at least Claim 1 of the '492 Patent, as set forth

in the claim chart attached hereto as Exhibit 2, which depicts infringement by one of the Accused Umbrellas. Generally speaking, all of the Accused Umbrellas infringe in the same manner, and the product shown is illustrative.

25. Defendant is on notice of ATLeisure's allegations of infringement, as counsel notified Defendant on or about August 2023, expressly alleging infringement of the '492 patent by the ProShade-branded umbrella. Counsel for ATLeisure subsequently notified Defendant regarding the Allen+Roth branded umbrella in March 2024. Upon information and belief, Defendant continued to make, use, sell, offer for sale, advertise and import the Accused Umbrellas with knowledge of infringement across multiple brands.

26. Defendant has committed and continues to commit acts of patent infringement, whether literally or under the doctrine of equivalents, within the United States, in the State of Georgia, and in this judicial district and division. For example, upon information and belief, Defendant has offered for sale and sold various patio and outdoor umbrellas, including the Accused Umbrellas. On further information and belief, Defendant makes, uses, offers to sell, sells, and/or imports the Accused Umbrellas across the United States, including in Atlanta, Georgia.

V. COUNT I: INFRINGEMENT OF THE '492 PATENT

27. ATLeisure restates and realleges Paragraphs 1 to 26 as if fully stated herein.

28. Upon information and belief, Defendant manufactures, uses, imports, offers for sale and/or sells products in the United States and in this judicial district directly infringe one or more claims of the '492 Patent, literally or under the doctrine of equivalents, as set forth in the claim chart referenced herein.

29. Defendant has failed to cease its actions in response to cease and desist letters from ATLeisure's counsel. To the extent Defendant has infringed or continued to infringe after knowledge of the '492 Patent, such infringement was deliberate, knowing, and willful.

30. ATLeisure, under 35 U.S.C. § 284, may recover damages adequate to compensate for the Defendant's infringement.

31. ATLeisure has been, and continues to be, damaged and irreparably harmed by the Defendant's infringement, which will continue unless this Court enjoins the Defendant.

32. The Court should declare this an exceptional case under 35 U.S.C. § 285, based at least on continued infringement after notice, entitling ATLeisure to recover treble damages and attorneys' fees.

PRAYER FOR RELIEF

ATLeisure prays for judgment in its favor and against the Defendant as follows:

(a) That the Defendant has infringed one or more claims of the ‘492 Patent;

(b) Once Defendant had knowledge, that the Defendant’s infringement has been willful;

(c) That this case be declared an exceptional case under 35 U.S.C. § 285;

(d) That ATLeisure be awarded damages adequate to compensate ATLeisure for the Defendant’s infringement of the ‘492 Patent, including lost profits, but in no event less than a reasonable royalty;

(e) That ATLeisure’s damages be trebled;

(f) That ATLeisure be awarded its attorneys’ fees and costs;

(g) That this Court enjoin the Defendant, its officers, directors, principals, agents, servants, employees, successors, assigns, affiliates, and all that are in active concert or participation with them, or any of them, from further infringement of the ‘492 Patent;

(h) That ATLeisure be awarded pre- and post-judgment interest on all damages;

(i) That ATLeisure be awarded all its costs and expenses in this action; and

(j) Such further and other relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby

demands a trial by jury on all issues so triable.

Dated: May 23, 2024.

/s/ Cynthia J. Lee

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Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to LR 5.1C, the undersigned counsel certify that the foregoing has been prepared in Century Schoolbook 13 point, one of the four fonts and points approved by the Court.

Respectfully submitted this May 23, 2024.

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Attorneys for Plaintiff

Exhibit 1



US008104492B2

(12) **United States Patent**
Dan

(10) **Patent No.:** **US 8,104,492 B2**
(45) **Date of Patent:** **Jan. 31, 2012**

(54) **ADJUSTABLE OFFSET UMBRELLA**

(75) Inventor: **Wu Wei Dan**, San Men (CN)

(73) Assignee: **Southern Sales & Marketing Group, Inc.**, Atlanta, GA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **12/435,640**

(22) Filed: **May 5, 2009**

(65) **Prior Publication Data**

US 2010/0051074 A1 Mar. 4, 2010

Related U.S. Application Data

(60) Provisional application No. 61/050,353, filed on May 5, 2008.

(51) **Int. Cl.**
A45B 17/00 (2006.01)

(52) **U.S. Cl.** **135/20.3; 135/21**

(58) **Field of Classification Search** **135/20.1, 135/20.3**

See application file for complete search history.

(56) **References Cited**

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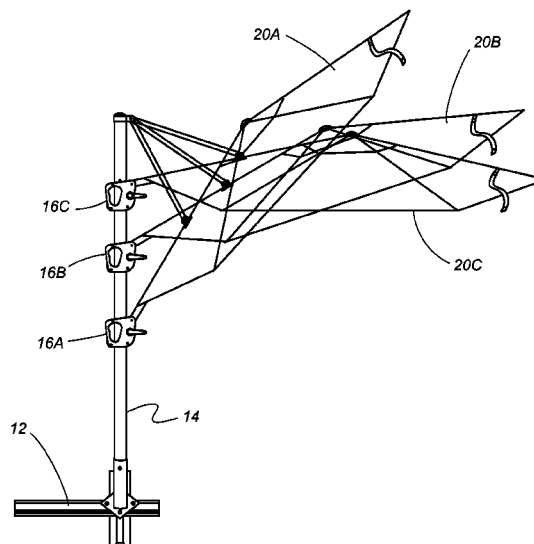
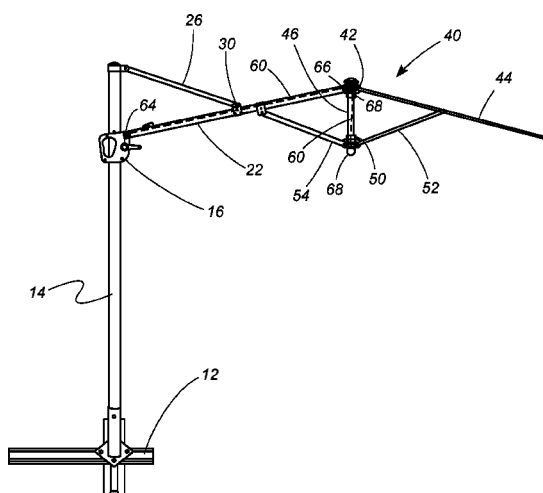
Primary Examiner — Noah Chandler Hawk

(74) *Attorney, Agent, or Firm* — Kilpatrick Townsend & Stockton LLP

(57) **ABSTRACT**

An adjustable offset umbrella has a generally vertical main pole and a sliding member slidably mounted to the main pole. The sliding member includes a locking mechanism for securing it at a desired location along the main pole. One end of an arm is associated with the sliding member, and the other end supports an umbrella canopy. A winding mechanism is associated with the sliding member and moves with it. A line extends from the winding mechanism to the umbrella canopy. Operating the winding mechanism opens and closes the umbrella canopy, and moving the sliding member up or down the main pole adjusts the angle of the canopy with respect to the main pole.

7 Claims, 5 Drawing Sheets



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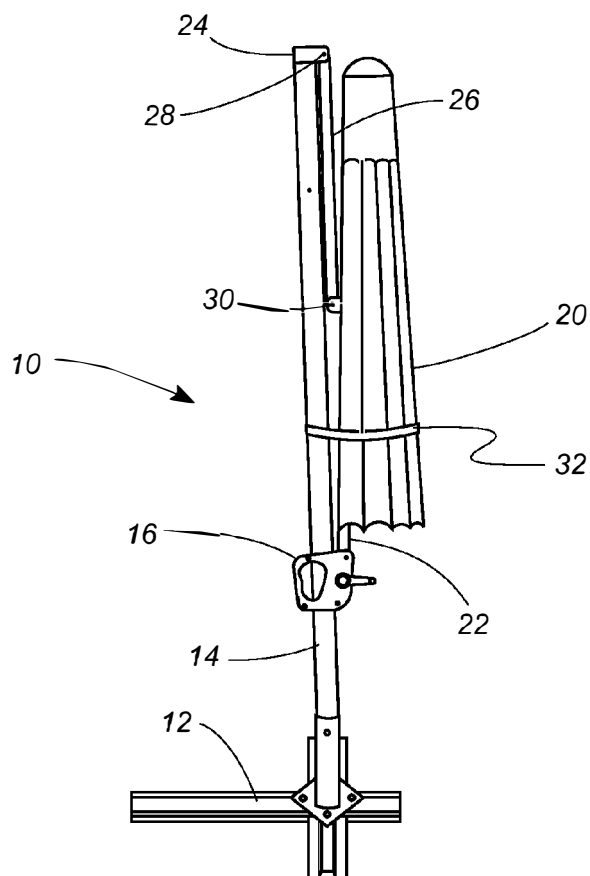


Fig. 1

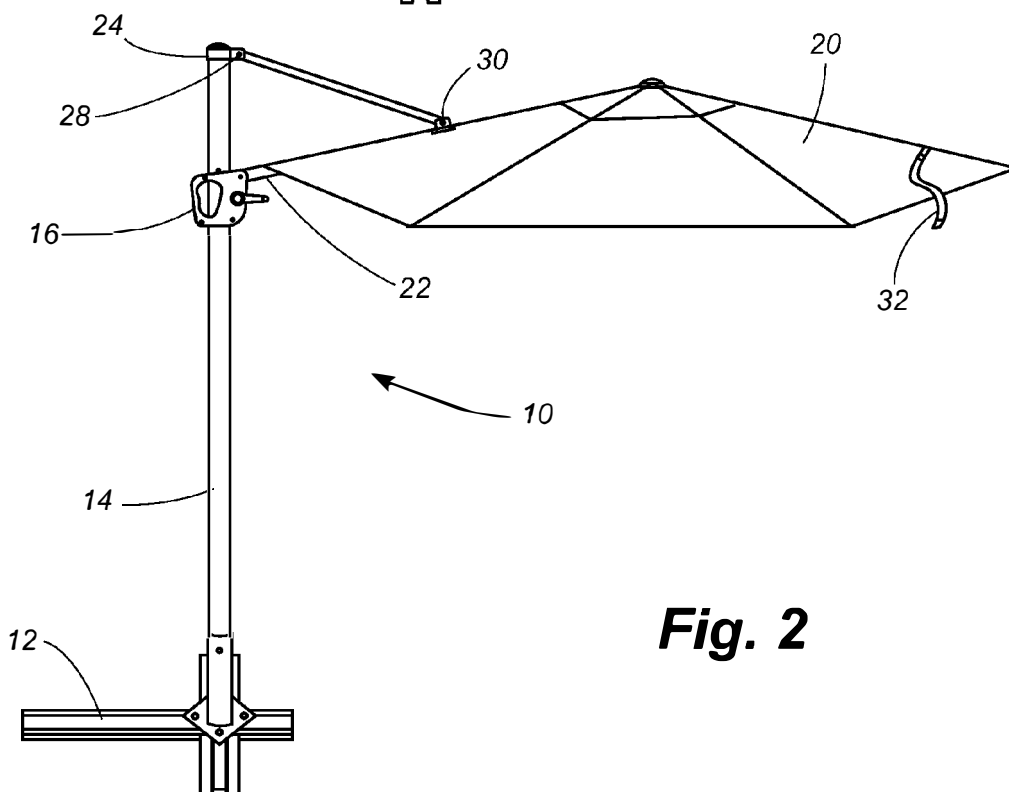


Fig. 2

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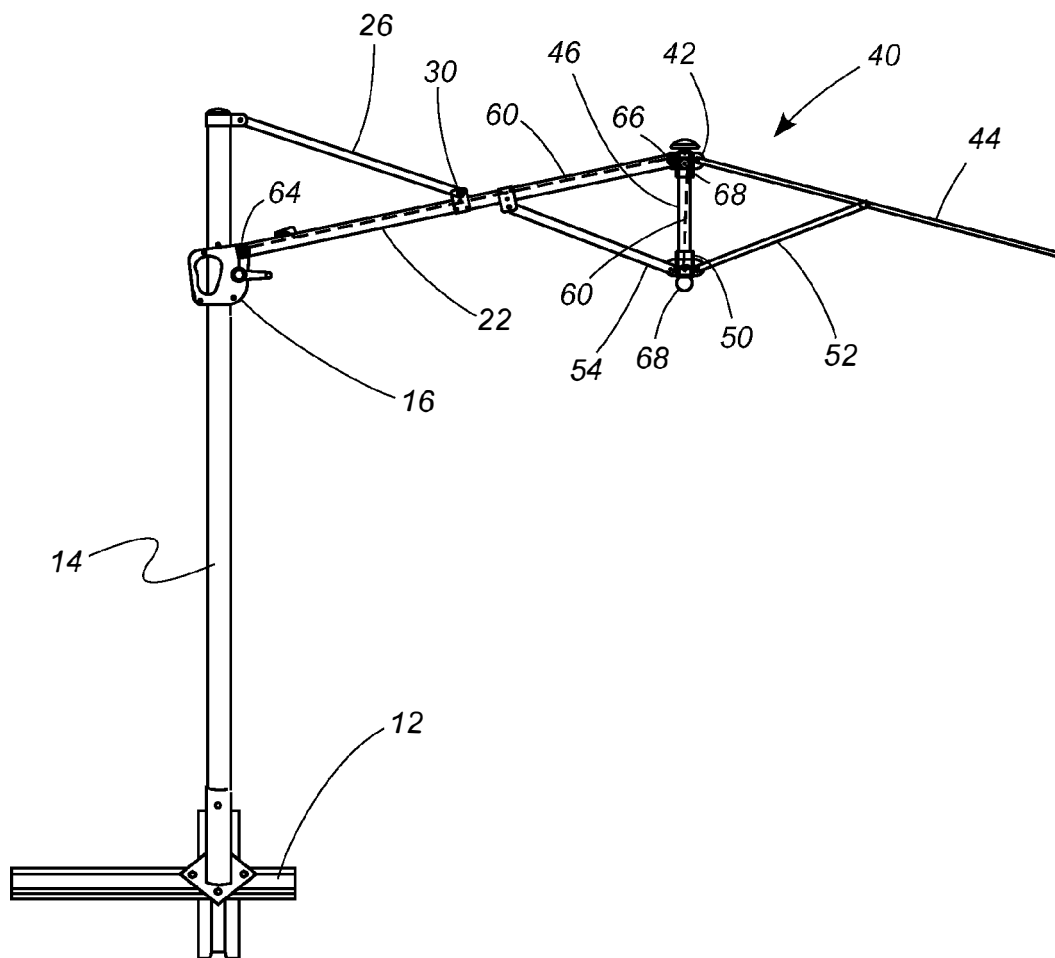


Fig. 3

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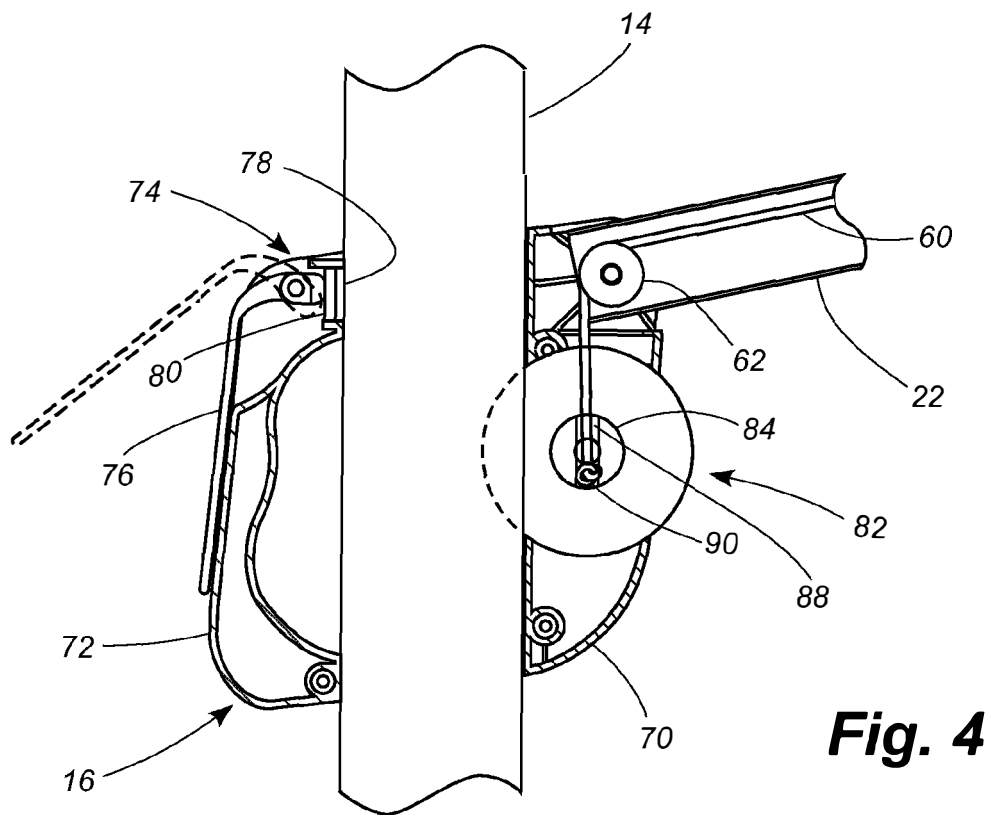


Fig. 4

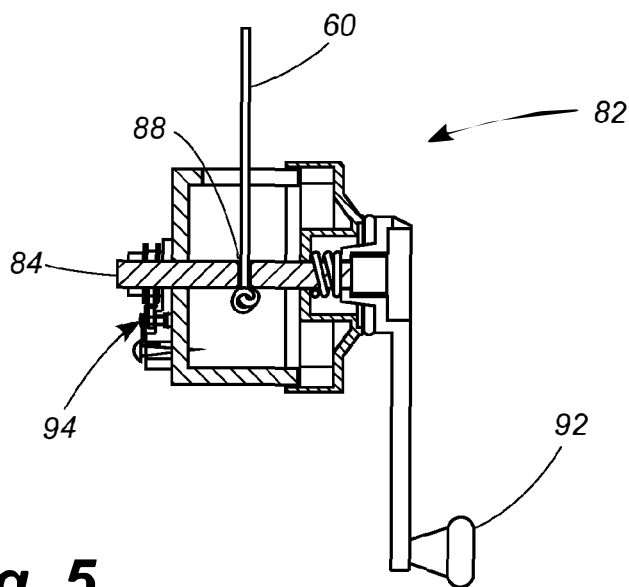


Fig. 5

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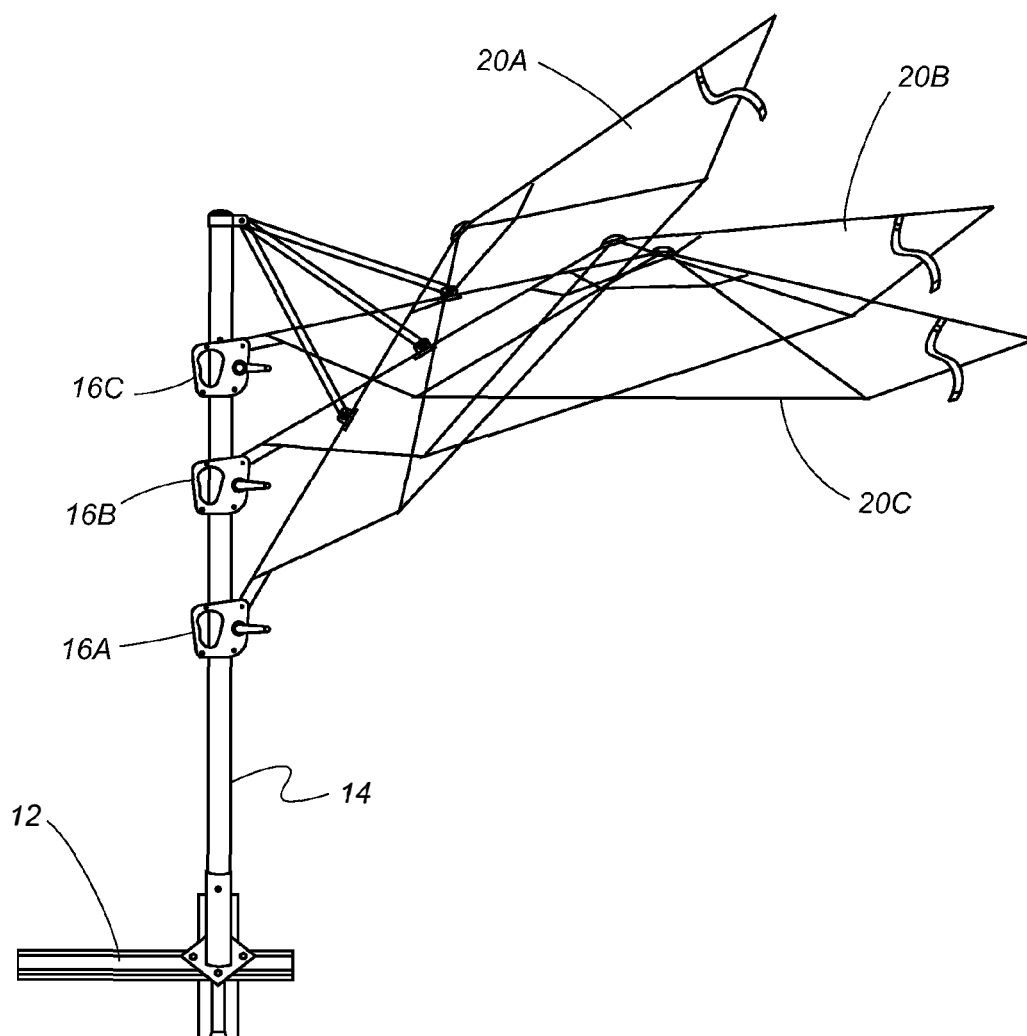


Fig. 6

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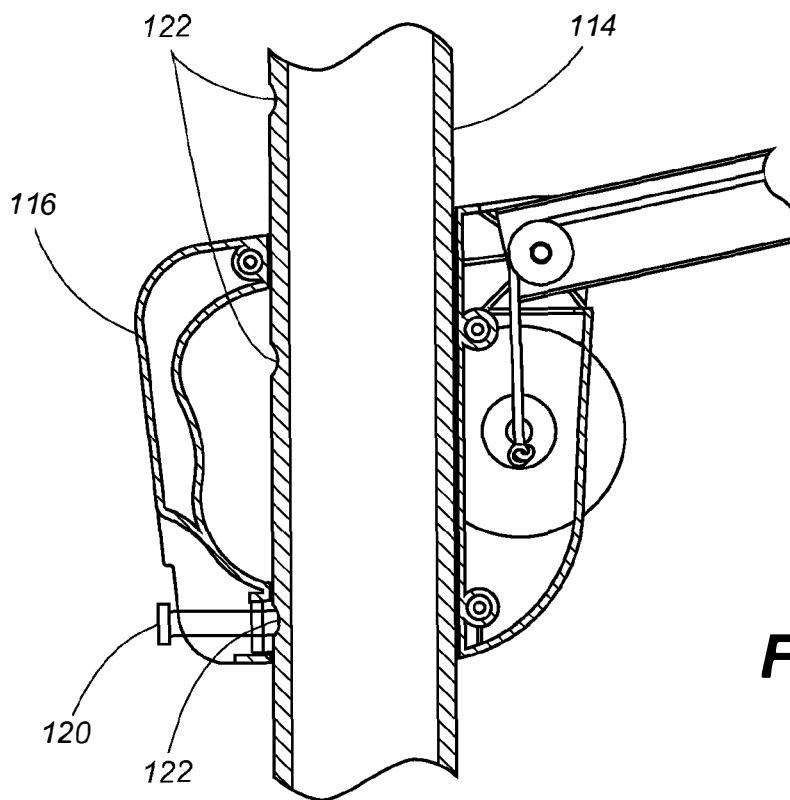


Fig. 7

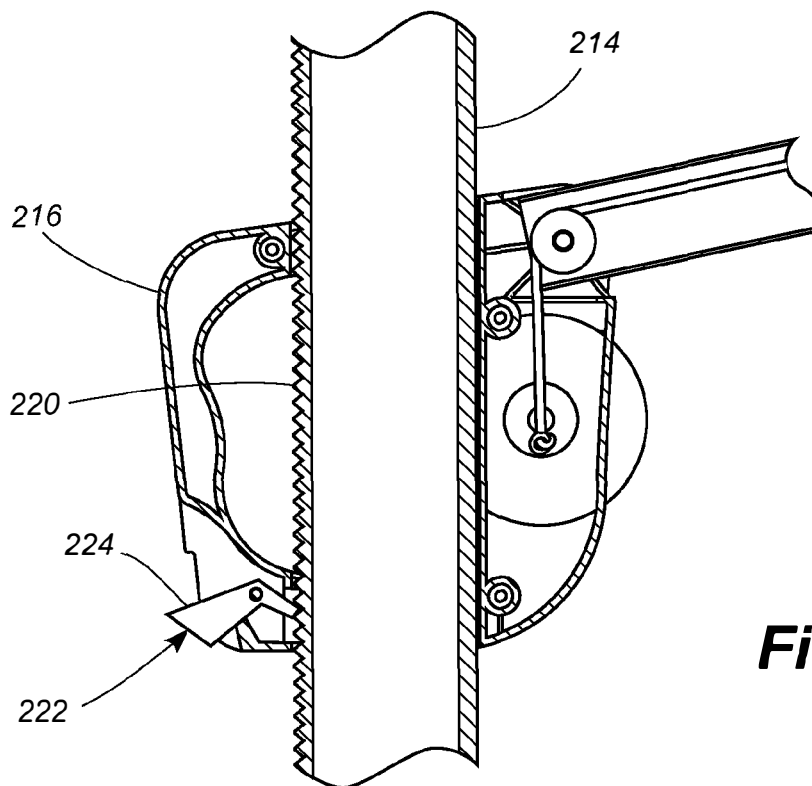


Fig. 8

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ADJUSTABLE OFFSET UMBRELLA

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application claims priority of provisional application Ser. No. 61/050,353, filed May 5, 2008.

TECHNICAL FIELD

The present invention relates generally to umbrellas used as shade from the sun and relates more specifically to an offset umbrella with an improved mechanism for raising and lowering the umbrella canopy and for adjusting the angle of the canopy with respect to a vertical support member.

BACKGROUND OF THE INVENTION

As an outdoor leisure product, sunshade umbrellas are widely used in squares, parks, on the beaches, patio and other leisure places, offering comfortable shade to shield people from the sun.

Conventional umbrellas generally have a main pole extending from the center of the umbrella downward to a support surface. An improvement on this design is the offset umbrella, shown for example in U.S. Pat. No. 5,937,882. The main pole of an offset umbrella utilizes a cantilever arrangement to suspend the canopy to the side of the main pole such that the main pole does not occupy space in the shady area beneath the canopy. For additional convenience, the angle of the canopy can be adjusted with respect to the main pole.

Existing adjustable offset umbrellas such as that disclosed in the previously mentioned U.S. Pat. No. 5,937,882 utilize a crank mechanism both for raising and lowering the canopy and for adjusting the angle of the canopy. The crank mechanism is mounted to the main pole, and the rope moves along a complex path with many turning points. This arrangement requires more winding force, and the rope can easily bind and wear, adversely affecting the umbrella's operation. These disadvantages make the operation of the umbrella burdensome and decrease the enjoyment of leisure time.

SUMMARY OF THE INVENTION

Stated generally, the umbrella of the present invention comprises a main pole having a lower end for support by a support surface and extending generally upward to an upper end. A sliding member is associated with the main pole and is selectively moveable thereon between lower and upper locations along the main pole. The sliding member includes a locking means for releasably securing the sliding member to the main pole at a desired location.

The umbrella has a canopy having a central region. An arm extends radially from the central region of the canopy to an outer end operatively associated with the sliding member. A brace is associated with the arm at a location thereon between the central region of the umbrella canopy and the outer end of the arm, the brace extending to the main pole at a location in spaced relation to the sliding member. A winding element is mounted to the sliding member and is movable therewith. A line extends along the arm from the winding element to engage the umbrella canopy. Operation of the winding element applies tension to the line to open or close the umbrella canopy in response to movement of the line. The angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

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Thus it is an object of the present invention to provide an improved offset umbrella.

It is another object of the present invention to provide an offset umbrella that simplifies the path of the line from the winding mechanism to the umbrella canopy so as to reduce the force needed to operate the winding mechanism and to reduce wear and binding of the line.

It is still a further object of the present invention to provide an offset umbrella that separates the function of raising and lowering the canopy from the function of adjusting the angle of the canopy so as to reduce the amount of effort required for each of these functions.

Other objects, features, and advantages of the present invention will become apparent upon reading the following specification, when taken in conjunction with the drawings and the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of an adjustable offset umbrella with the umbrella canopy lowered.

FIG. 2 is a perspective view of the adjustable offset umbrella of FIG. 1 with the canopy raised.

FIG. 3 is a schematic representation of the adjustable offset umbrella of FIG. 2 with the canopy removed to reveal the underlying rib structure.

FIG. 4 is a side cutaway view of a sliding member of the adjustable offset umbrella of FIGS. 1 and 2.

FIG. 5 is an end cutaway view of a winding mechanism that is associated with the collar of FIG. 4.

FIG. 6 is a side perspective view of the adjustable offset umbrella of FIGS. 1 and 2 showing the canopy supported at various angles with respect to the vertical support.

FIG. 7 is a first alternate embodiment of a sliding member.

FIG. 8 is a second alternate embodiment of a sliding member.

DETAILED DESCRIPTION OF THE DISCLOSED EMBODIMENT

Referring now to the drawings, in which like numerals indicate like elements throughout the several views, FIGS. 1 and 2 illustrate an adjustable offset umbrella 10. The adjustable offset umbrella 10 includes a base 12 that supports a main pole 14 in a generally vertical orientation. A sliding member 16 is movably mounted to the main pole 14 for sliding movement between upper and lower positions along the pole. In the disclosed embodiment, the sliding member 16 takes the form of a collar that extends around the main pole 14. However, it will be understood that alternate mounting arrangements for slidably mounting the sliding member 16 to the main pole 14 may be employed without the requirement that the sliding member 16 completely encircle the main pole 14.

A canopy assembly 20 is supported alongside the main pole 14 by a main support arm 22. The main support arm 22 is pivotally mounted to the sliding member 16 at one end and extends to the central portion of the canopy assembly 20.

A cap 24 is mounted to top to main pole 14. A brace 26 has a first end pivotally mounted to the cap 24 at a first pivot point 28. The opposite end of the brace 26 is mounted to the main support arm 22 at a second pivot point 30. A strap 32 mounted to the canopy assembly 20 wraps around the main pole 14 when the umbrella is in its lowered position to prevent the canopy from blowing open in the wind.

Referring now to FIG. 3, the canopy fabric is removed to reveal a canopy support structure 40. The canopy support

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structure 40 include a rib hub 42. A plurality of radially extending canopy support ribs 44 are pivotally mounted to the rib hub 42. The main support arm 22 serves as a support rib and is also pivotally mounted to the rib hub 42.

A canopy support post 46 extends downward from the rib hub 42. A spreader hub 50 is slidably engaged with the lower end of the canopy support post 46. A spreader 52 is associated with each rib 44 and is pivotally attached to the rib 44 at its upper end and to the spreader hub 50 at its lower end. In the disclosed embodiment, a spreader 54 attached to the main support arm 22 is of more robust construction than the other spreaders 52 because of the additional weight that it must support. However, it will be appreciated that all of the spreaders 52, 54 can be of identical design for ease of manufacture and assembly.

A line 60 (shown in dashed lines in FIG. 3) extends inside the main support arm 22 from the lower end of the support arm to its upper end. The line 60 then extends downward inside the canopy support post 46 to a ball 62. To reduce friction and abrasion on the line 60, the line passes over a first pulley 64 at the lower end of the main support arm 22, over a second pulley 66 at the upper end of the main support arm, and over a third pulley 68 in the upper end of the canopy support post 46.

Referring now to FIG. 4, the sliding member 16 includes a housing 70, the rear portion 72 of which is formed in the shape of a handle that may be easily grasped by a user. A cam lock member 74 is pivotally mounted in an upper portion of the housing 70. The cam lock member 74 comprises a lever portion 76 and a cam surface 78. When viewed from the end, the lever portion 76 is slightly narrower than the housing 70. When the cam lock member 74 is in its "down" or "stored" position, the cam surface 78 bears against a spring loaded button 80, which in turn clamps against the main pole 14 to secure the sliding member 16 against the pole. When the lever portion 76 of the cam lock member 74 is in its up position, shown in the dashed line, the cam surface 78 is rotated free of the button 80. The spring then causes the button 80 to retract, and the sliding member 16 can move freely up and down the main pole 14.

A winding mechanism 82 is also mounted to the housing 70 of the sliding member 16. With reference to FIGS. 4 and 5, the winding mechanism 82 includes a winder hub 84 around which the line 60 can be wrapped. The end of the line 60 extends through a hole 88 and is knotted or otherwise secured to prevent the line from passing back through the hole 88. As can be seen in FIG. 5, a crank 92 is provided by which a user can rotate the winding mechanism 82 to tension or to relax the line 60. A latch mechanism 94 permits the user to lock the winding mechanism 82 in place once the line 60 has been retracted or extended to the desired extent.

Referring now to FIG. 6, movement of the sliding member 16 up and down the main pole 14 adjusts the angle of the canopy assembly 20 with respect to the main pole 14 as shown. The position of sliding member 16A corresponds to the position of the canopy assembly 20A, the position of the sliding member 16B corresponds to the position of the canopy assembly 20B, and the position of the sliding member 16C results in the position of the canopy assembly 20C.

To erect the umbrella canopy assembly 20 of the umbrella 10, the user first grasps the crank 92 of the winding mechanism 82 and winds in the line 60. Tension on the line 60 draws the ball 62 at the opposite end of the line upward, elevating the spreader hub 50. As the spreader hub 50 is raised, the canopy assembly 20 extends.

Once the canopy assembly 20 has been fully erected, the user can adjust the angle of the canopy assembly with respect

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to the main pole 14 by moving the sliding member 16 up or down the pole until the desired result is achieved. To move the sliding member 16, the user first rotates the cam lock member 74 to its extended position. This movement disengages the cam surface 78 from the spring loaded button 80 and unclamps the sliding member 16 from the main pole 14. The user then moves the sliding member 16 up or down the main pole 14 until the canopy assembly 20 is at the desired angle. Once the desired angle has been achieved, the user rotates the cam lock member 74 back to its retracted position, clamping the sliding member 16 securely against the main pole 14.

FIG. 7 illustrates an alternate embodiment of a sliding member 116. This embodiment employs a spring-loaded latch pin 120 mounted to the sliding member 116 that engages one of a corresponding series of holes 122 in the main pole 114. To move the sliding member 116 from one location on the main pole 114 to another, the user extracts the latch pin 120 until it disengages the hole, slides the sliding member upward or downward to a desired new location, and engages the latch pin with a new one of the series of holes 122.

FIG. 8 illustrates another embodiment of a sliding member 216 in which a plurality of ratchet teeth 220 are formed along the rear surface of the main pole 214. A pawl 222 pivotally mounted to the sliding mechanism 216 engages a cooperating one of the ratchet teeth 220 to lock the sliding member 216 in position. To move the sliding member 216 from one location on the main pole 214 to another, the user raises a lever portion 224 on the pawl 222 to disengage the pawl from the ratchet teeth 220, moves the sliding member 216 to a new desired location, and releases the spring-loaded pawl to re-engage the ratchet teeth.

In the foregoing embodiments, the main pole is described as being rectangular in shape. However, the main pole is not limited to a rectangular cross-section but can be round, oval, or any other of a number of suitable shapes.

In the embodiment of FIGS. 1-6 the handle of the lever is described as being pivoted at its upper end. However, it will be appreciated that the latch mechanism 74 can be mounted at the lower end of the slide 16, with the handle 76 being pivoted at its lower end.

Finally, it will be understood that the foregoing embodiments have been disclosed by way of example and that other modifications may occur to those skilled in the art without departing from the scope and spirit of the appended claims.

What is claimed is:

1. An umbrella comprising:

a main pole having a lower end for support by a support surface and extending generally upward to an upper end;
a sliding member associated with the main pole and selectively moveable thereon between lower and upper locations along the main pole;

locking means for releasably securing the sliding member to the main pole at a selected location along the main pole;

an umbrella canopy having a central region;

an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the sliding member;

a brace having a first end pivotally attached to an upper portion of the pole above the sliding member and a second end pivotally attached to the arm;

a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and movable therewith;

a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub

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along the arm to the umbrella canopy, and a second end that engages the umbrella canopy; wherein rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and

wherein operation of the winding mechanism to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and

wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

2. The umbrella of claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a cam latch member having a cam surface, the cam latch member being rotatable with respect to the sliding member between a first position in which the cam surface causes the sliding member to be clamped against the main pole, and a second position in which the cam surface permits movement of the sliding member with respect to the main pole.

3. The umbrella of claim 1, wherein the locking means for releasably securing the sliding member to the main pole com-

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prises a plurality of teeth formed on the main pole and a cooperating pawl associated with the sliding member and selectively operative to engage a selected one of the teeth to prevent movement of the sliding member with respect to the main pole.

4. The umbrella of claim 1, wherein the locking means for releasably securing the sliding member to the main pole comprises a plurality of holes formed in the main pole and a pin associated with the sliding member and operative to engage a selected one of the holes.

5. The umbrella of claim 1, wherein the sliding member has a handle associated therewith.

6. The umbrella of claim 1, wherein the line extends along at least substantially the entire length of the arm.

7. The umbrella of claim 1, further comprising a crank handle operatively associated with the winder hub, whereby rotating the crank handle causes the winder hub to rotate.

* * * * *

Exhibit 2

U.S. PATENT 8,104,492	
'492 PATENT CLAIMS	ACCUSED UMBRELLA (PROSHADE ITEM 2127724)
1. An umbrella comprising:	The Accused Umbrella is an umbrella.
a main pole having a lower end for support by a support surface and extending generally upward to an upper end;	The Accused Umbrella includes a “main pole” with a “lower end for support by a support surface” that extends “generally upward to an upper end.” Upper End Main Pole Lower End 

a sliding member associated with the main pole and selectably moveable thereon between lower and upper locations along the main pole;	The Accused Umbrella features a “Sliding member” associated with the main pole and selectably moveable thereon between lower and upper sections along the main pole.” Sliding member 
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a locking means for releasably securing the sliding member to the main pole at a selected location along the main pole;

The Accused Umbrella features a “locking means” to releasably secure the sliding member to the main pole at a selected location using a spring-loaded button.

Locking
means/Spring-
loaded button

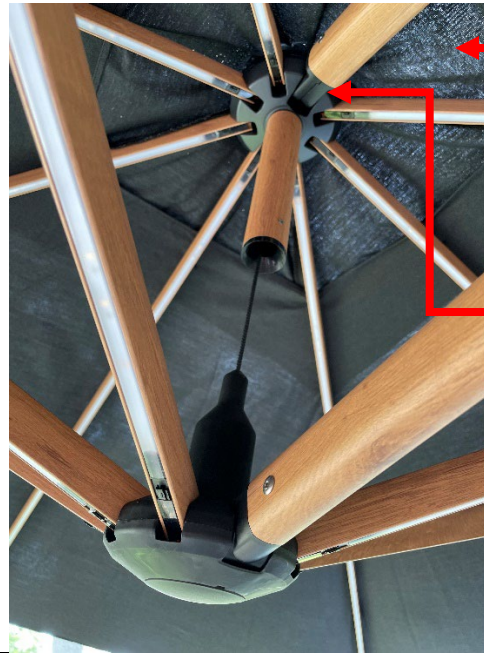


Locking
teeth/holes
for locking
pin



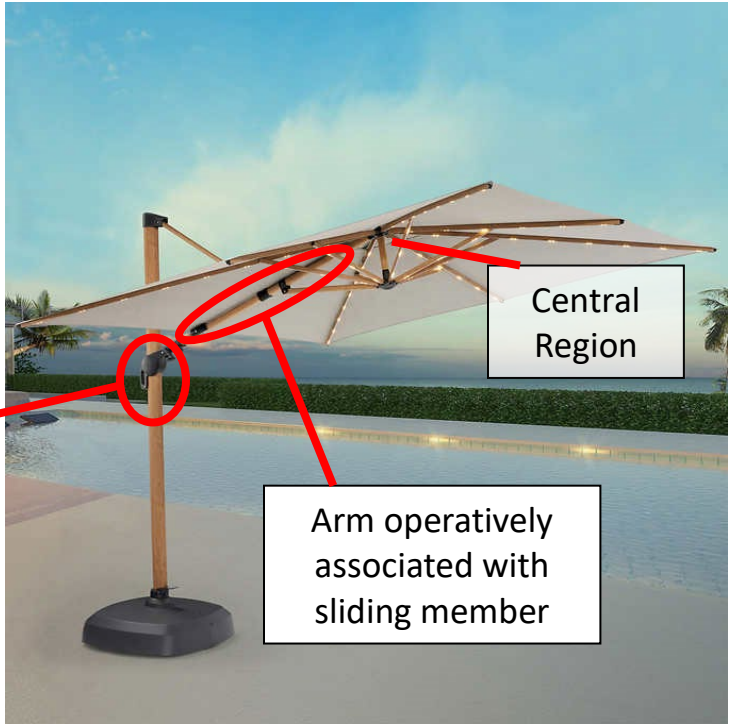
an umbrella canopy having a central region;

The Accused Umbrella features a “canopy having a central region.”



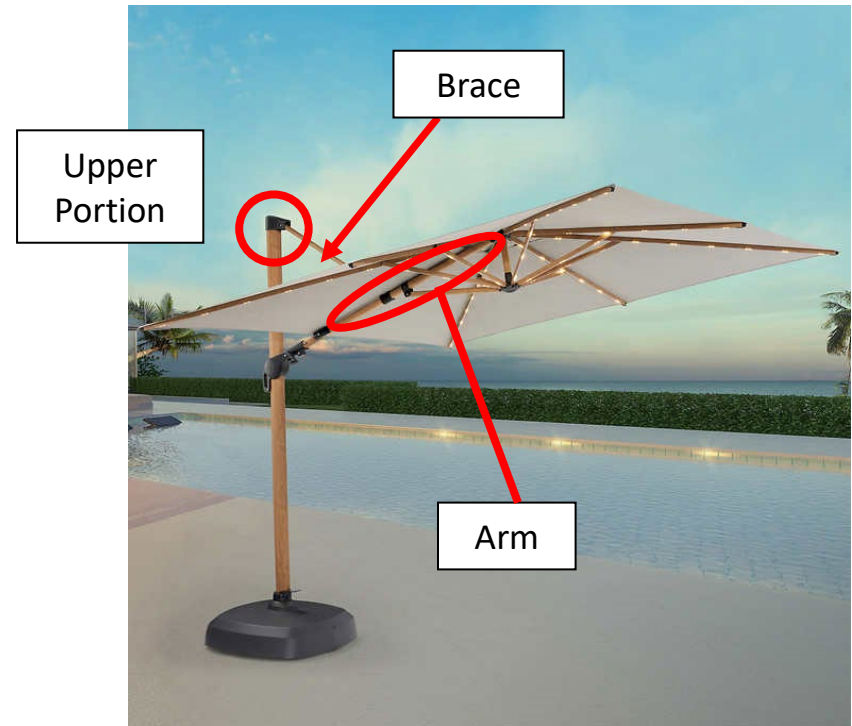
Canopy

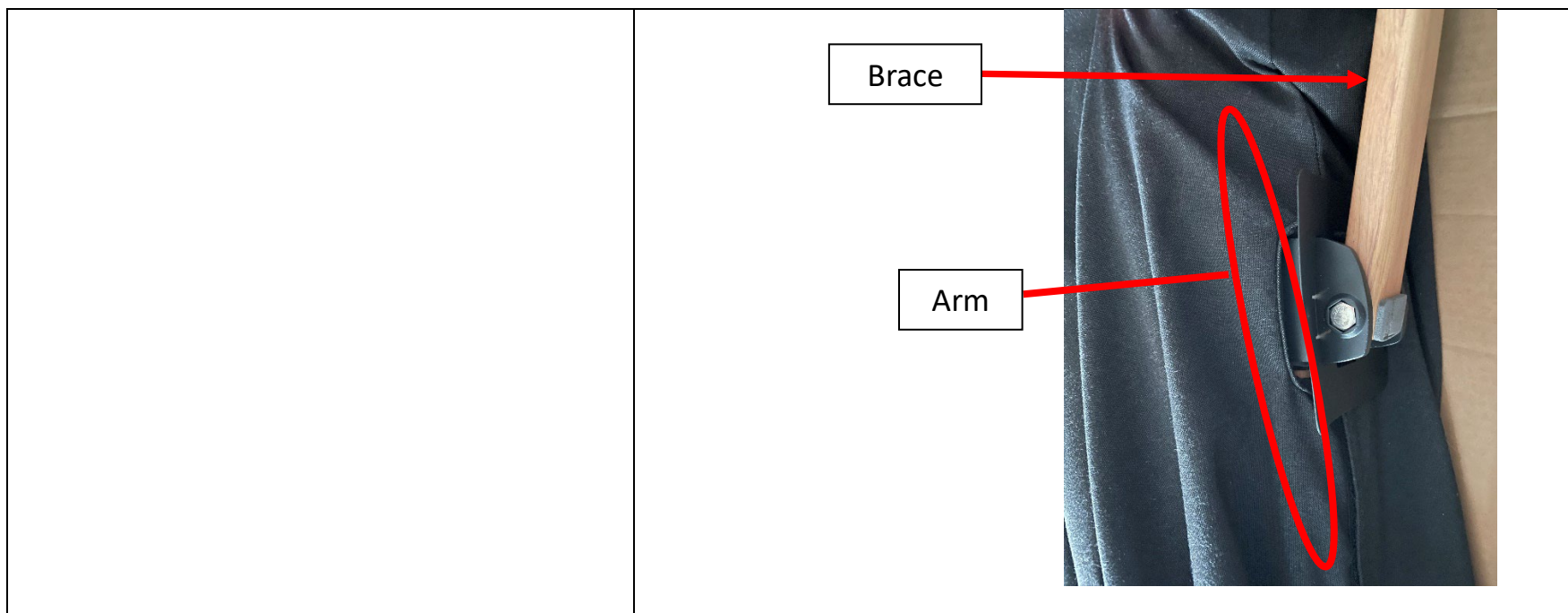
Central
region

an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the sliding member;	The Accused Umbrella features “an arm associated with the central region and extending radially therefrom to an outer end operatively associated with the sliding member.” 
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a brace having a first end pivotably attached to an upper portion of the pole above the sliding member and a second end pivotably attached to the arm;

The Accused Umbrella features a brace having two ends “pivotably attached to an upper portion of the pole above the sliding member and . . . the arm,” respectively.





a winding mechanism having a winder hub around which a line can be wound, the winder hub being mounted to the sliding member and moveable therewith;	The Accused Umbrella features a “winding mechanism” with a “winder hub around which a line can be wound . . . mounted to the sliding member and moveable therewith.” Winding mechanism with winder hub mounted to the sliding member and moveable therewith and line inside 
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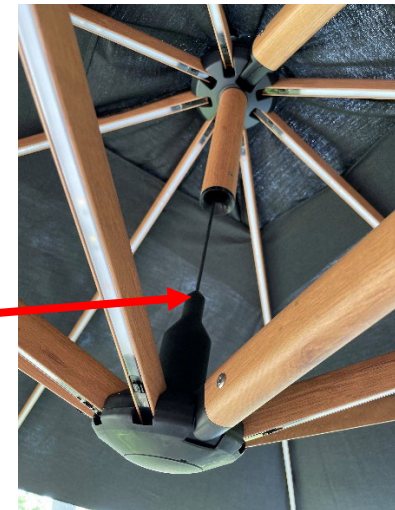
a line having a first end that winds around the winder hub, an intermediate portion extending from the winder hub along the arm to the umbrella canopy, and a second end that engages the umbrella canopy

The accused umbrella features a “line” with a first end that winds around the winder hub and a second end that engages the umbrella canopy,” with an “intermediate portion extending from the winder hub along the arm to the umbrella canopy.”

1st end
(internal)



2nd end



wherein the rotation of the winder hub tensions or relaxes the line depending upon the direction of rotation of the winder hub, and	The Accused Umbrella's winder hub rotates to "tension[] or relax[] the line depending upon the direction of rotation." Rotation of the winder hub tensions or relaxes the line 
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wherein operation of the winding mechanism to apply tension to the line opens and closes the umbrella canopy in response to movement of the line; and

The Accused Umbrella features a winding mechanism, the operation of which applies tension to the line and “opens and closes the umbrella canopy in response to movement of the line.”



Line associated with opening/closing canopy

wherein the angle of the umbrella canopy with respect to the main pole can be controlled by moving the sliding member along the main pole.

The Accused Umbrella's canopy angle "with respect to the main pole can be controlled by moving the sliding member along the main pole."

