UNITED STATES TARIFF COMMISSION

LIGHTWEIGHT LUGGAGE

Report on Investigation No. 337-28
Under the Provisions of Section 337
of Title III of the Tariff Act of 1930, as Amended

TC Publication 463
Washington, D. C.
February 1972

UNITED STATES TARIFF COMMISSION

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UNITED STATES TARIFF COMMISSION
Washington, D.C.
February 11, 1972

In the matter of an investigation with regard to the importation and domestic sale of certain lightweight luggage	Docket No. 28 Section 337 Tariff Act of 1930, as amended

INTRODUCTION

On November 7, 1970, Atlantic Products Corp., Trenton, N.J., hereinafter referred to as complainant, filed a complaint with the United States Tariff Commission requesting relief under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), alleging unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage. Complainant alleges that its U.S. Patent Nos. 3,298,480 and Re. 26,443 cover certain lightweight luggage and that the importation and sale of such luggage by M&J Industries, Inc., Efenel Corp., and Steinberg-Baum Corp., all of Chicago, hereinafter referred to as respondents, have the effect or tendency to destroy or substantially injure an efficiently and economically operated industry in the United States.

Notice of receipt of the complaint and initiation of the preliminary inquiry was published in the Federal Register of November 24, 1970 (35 F.R. 18222). Interested parties were given until January 11, 1971, to file written views pertinent to the subject matter. In response to a request, that deadline was later extended to February 10, 1971; subsequently, the parties requesting the extension notified the Commission that they would submit no written views. Copies of the complaint, the notice of investigation, and notice of extension of time for filing written views were served on all known interested parties.

The Commission conducted a preliminary inquiry in accordance with section 203.3 of the Commission's Rules of Practice and Procedure (19 CFR 203.3) to determine whether a full investigation was warranted and, if so, whether it should recommend to the President that a temporary exclusion order be issued pursuant to 19 U.S.C. 1337(f). The standard adopted by the Commission for deciding whether the issuance of such an order should be recommended (as indicated to the parties concerned by letter notice) is (1) whether a prima facie showing of violation of section 337 has been established and (2) whether immediate and substantial harm to the domestic industry would result if a temporary exclusion order is not issued.

Upon conclusion of its preliminary inquiry the Tariff Commission, on March 15, 1971, ordered a formal investigation and agreed to recommend to the President that he issue a temporary exclusion order to forbid entry into the United States, except under bond, of lightweight luggage embraced within the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443, except where the importation is made under license of the registered owner of said patents, until the investigation ordered is completed. The Commission was unanimous in ordering the formal investigation; Commissioners Leonard and Moore dissented from the recommendation that the President issue a temporary exclusion order.

On December 13, 1971, the President directed the Secretary of the Treasury to enforce a temporary exclusion order against imports of

lightweight luggage made in accordance with the claims of the Atlantic patents. The notice of this restriction of importation was published in the Federal Register on December 28, 1971 (36 F.R. 25053).

FINDINGS AND RECOMMENDATION OF THE COMMISSION 1/

The Commission finds violation of section 337(a) of the Tariff Act of 1930 by unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26443 owned by complainant Atlantic Products Corp., the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Accordingly, the Commission recommends that, in accordance with section 337(e) of the Tariff Act of 1930, the President direct the Secretary of the Treasury to instruct customs officers to exclude from entry into the United States certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 through January 16, 1984 and August 15, 1983, the respective dates of expiration of complainant's patents.

1/ Chairman Bedell and Vice Chairman Parker did not participate in the decision.

CONSIDERATIONS IN SUPPORT OF THE COMMISSION'S FINDINGS

On November 7, 1970, Atlantic Products Corp. of Trenton, New Jersey, filed a petition with the United States Tariff Commission under section 337 of the Tariff Act of 1930, asking that the Commission recommend to the President that imported lightweight luggage which is made in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443, be permanently barred from entry into the United States until expiration of the patents.

The relevant facts are as follows: In January 1967, Atlantic Products Corp. obtained U.S. Patent No. 3,298,480 and in August 1968, Atlantic Products Corp. obtained U.S. Patent No. Re. 26,443, which expire on January 16, 1984 and August 15, 1983, respectively. Both of these patents relate to a unique method of construction for lightweight luggage. In late 1969, the importation of the alleged infringing lightweight luggage began. The importation of such luggage has continued since the first entries in 1969. The allegedly infringing imported luggage is in direct competition with the patented lightweight luggage being manufactured by Atlantic Products Corporation.

The Statute

Section 337 of the Tariff Act of 1930 declares unlawful unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is (a) to

destroy or substantially injure an efficiently and economically operated domestic industry, or (b) to prevent the establishment of such an industry, or (c) to restrain or monopolize trade and commerce in the United States. 1/

Unfair Act

To be considered first in an attempt to apply section 337 to a fact situation is whether there is the requisite unfair method of competition and unfair act. In the past, the Commission has consistently held (and has been upheld upon court review) that the unauthorized importation of articles or sale of such articles made in accordance with a valid U.S. patent is an unfair method of competition and unfair act within the meaning of section 337. 2/

The domestic industry, which is comprised of the domestic facilities of Atlantic Products Corp., engaged in the production of the patented luggage, 3/ has alleged that certain imported lightweight luggage is being made in accordance with the claims of its patents. Having viewed and examined the imported luggage

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1/ The effect or tendency of unfair practices to prevent the establishment of an efficiently and economically operated domestic industry or to restrain or monopolize trade and commerce are not at issue here.

2/ See In re Von Clemm, 43 C.C.P.A. (Customs) 56, 229 F.2d 441, 443 (1955); In re Orion Co., 22 C.C.P.A. (Customs) 149, 71 F.2d 458, 465 (1934); and In re Northern Pigment Co., 22 C.C.P.A. (Customs) 166, 71 F.2d 447, 455 (1934). See also Frischer & Co. v. Bakelite Corp., 17 C.C.P.A. (Customs) 494, 39 F.2d 247, 260, cert. denied 282 U.S. 852 (1930).

3/ Atlantic Products Corp. has never granted a license to any party for the production or sale of the patented luggage. The patents have never been litigated in any manner before the courts.

along with the patented domestic luggage, we find that the imported luggage is virtually identical to the domestic luggage in all essential aspects of construction, including those contained in the claims of the Atlantic patents and that the unauthorized importation of this luggage into the United States constitutes an unfair method of competition and unfair act within the meaning of section 337.

Effect or Tendency to Injure

In addition to finding the existence of an unfair method of competition and unfair act, the statute requires that we consider whether the effect or tendency of the unfair method and unfair act is to destroy or substantially injure an efficiently and economically operated domestic industry. Sales of unauthorized imported luggage account for a very substantial portion of U.S. consumption of the patented luggage. These unlicensed sales of the patented luggage represent potential lost sales, profits and royalties to the domestic industry. The imported luggage sells at prices far below those of the domestic industry. Since the appearance of the offending imported luggage in the U.S. market, the domestic industry has experienced serious declines in sales, production, and profitability. The number of importers entering the offending luggage has increased consistently since the initial entries of offending luggage in late 1969. The Commission's

investigation disclosed that the domestic industry is economically and efficiently operated. Atlantic Products Corp. uses modern and efficient manufacturing equipment and continues to introduce up-to-date equipment and procedures when available.

It is clear to us from the evidence that the effect of the unfair methods and unfair acts in the unauthorized importation of lightweight luggage is to injure substantially an efficiently and economically operated domestic industry.

Conclusion

In view of the foregoing, we conclude that the unauthorized importation of lightweight luggage into the United States constitutes an unfair method of competition and unfair act and that the effect of the importation of such lightweight luggage has been to substantially injure an efficiently and economically operated domestic industry. Accordingly, we find a violation of section 337 and, therefore, recommend that the President direct the Secretary of the Treasury to exclude from entry into the United States lightweight luggage embraced within the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443, except where the importation is made under license of the registered owner of said U.S. patents.

ALLEGED UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS

The complainant owns U.S. Patent No. Re. 26,443, reissued August 27, 1968 (original No. 3,266,604, dated August 16, 1966) and U.S. Patent No. 3,298,480, issued January 17, 1967, which expire on August 15, 1983 and January 16, 1984, respectively. These product patents specifically cover a type of soft-sided luggage of frame and zipper construction. The complainant alleges that said patents are being infringed by the importation into, and sale in, the United States of certain lightweight carry-on luggage. The complainant states that it has examined the infringing luggage and believes that such luggage embodies the inventions as claimed in claim 4 of patent No. 3,298,480 and claim 5 of patent No. Re. 26,443 (see appendix).

The complainant, a corporation engaged in the manufacture of soft-sided luggage, has never granted a license to any party for the production and sale of the patented luggage. The patents in question have never been litigated in any manner before the courts.

The answer of one respondent, Efenel Corp., alleges that the patents are invalid and, further, that Efenel's luggage does not infringe the complainant's patents. The respondent adds that the Tariff Commission should not adjudicate the questions of validity and infringement of patents between private parties as these matters should be adjudicated by the Federal Courts.

Respondents M&J Industries, Inc., and Steinberg-Baum Corp. have answered alleging that they are not presently, nor have they ever been, engaged in the importation of the alleged infringing luggage. An affidavit of Frank M. Baum, president of Efenel Corp. states that he is

an officer of Steinberg-Baum Corp. and that Steinberg-Baum does not import the alleged infringing luggage but purchases it from Efenel Corp. The affidavit further states that M&J Industries does not import the alleged infringing luggage but purchases it from Efenel Corp.

ARTICLES UNDER INVESTIGATION

The inventions claimed in the patents under consideration relate to a novel carry-case construction. The primary type (Space-mate) of carrying case is presently being made domestically under the claims of the patents. This case is about 21 inches long, 13 inches high, and 9 inches deep when extended. As shown in figure 1 on page 12 the case is divided into three separate and distinct compartments; the compartment in the center of the case is formed by two panels attached to the center frame (fig. 1,A), and the other two, or outside, compartments are formed by each panel and the outer sides of the case (fig. 1;B). The outer surfaces are made of vinyl, and the inner surfaces are fabric. This specific type of carrying case falls into a category of luggage commonly known in the trade as carry-on type luggage 1/and belongs to a larger class known as zippered lightweight casual luggage (referred to as lightweight luggage).

The complained-of imported carry-on luggage 2/ is identical to that of the domestic industry in all essential aspects of construction.

1/ It is small enough to be placed under an airline seat.
2/ Only the principal (Space-mate) type of carrying case is being imported.

FIGURE 1

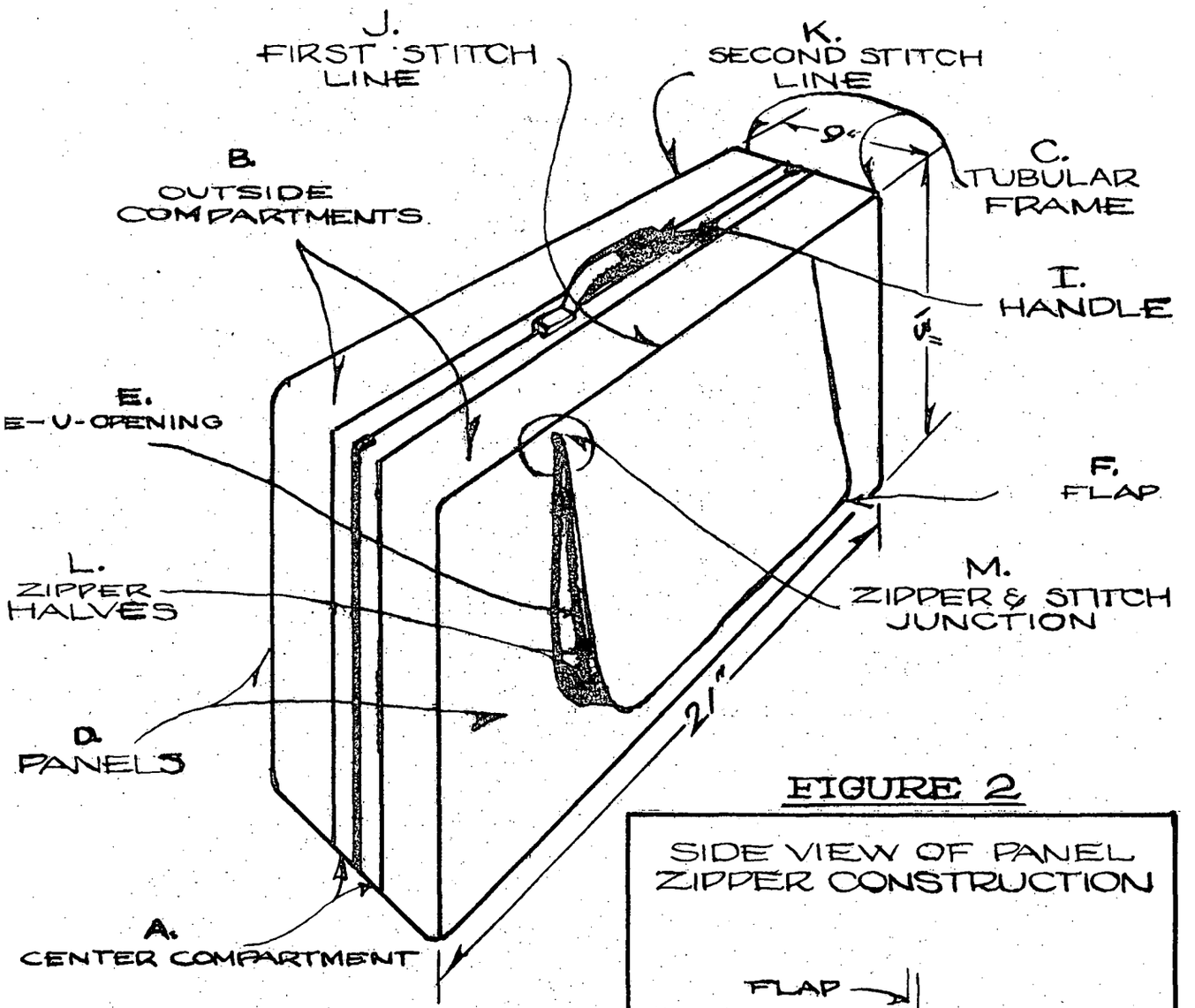
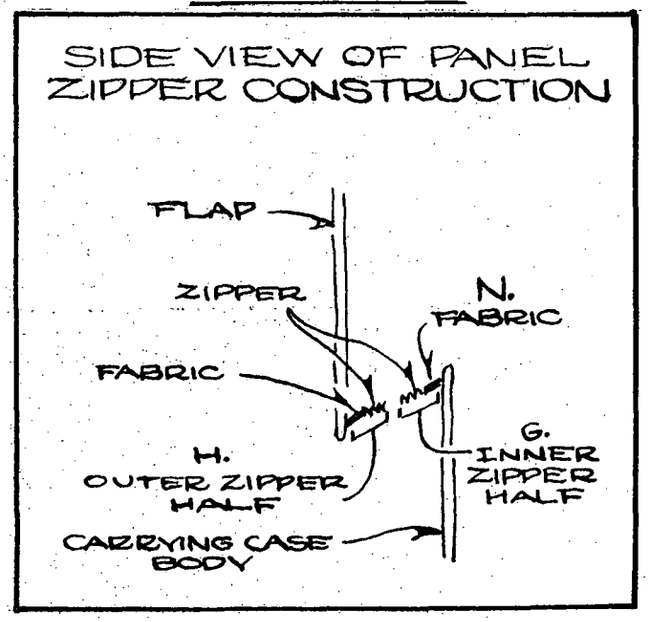


FIGURE 2



DESCRIPTION OF PATENTS

In its preliminary investigation the Commission found that the complained-of imported carry-on luggage embodied the inventions set forth in claim 4 of U.S. Patent No. 3,298,480 and claim 5 of U.S. Patent No. Re. 26,443. No new evidence regarding patent infringement or validity has been uncovered by further staff investigation or public hearings. There have been no real adversary proceedings owing to the unwillingness of the respondents to appear at the hearing or submit further information in support of the allegations made in their answer to the complainant's initial complaint.

There are two patents involved, each claiming independent inventions which may be found in soft-sided lightweight luggage. Any unlicensed soft-sided luggage which incorporates the inventions of either one of the patents would be infringing. Although the interested parties have not taken issue with any single element of the claims of the patents, it is necessary for the Commission to examine the luggage submitted as evidence in terms of the elements of the patent claims in issue.

Both patents apply to bags or cases which are readily carried by a carrying handle and are soft-sided in construction. Soft-sided luggage is that luggage which has side panels of flexible material.

Claim 4 of U.S. Patent No. 3,298,480: 1/ Element (a) specifies a tubular frame (fig. 1,C) formed of rigid material sufficient to provide the mechanical strength required of the carrying bag. Element (b) provides for a carrying handle which is attached to the center top of the tubular frame (fig. 1,I). Element (c) describes panels of flexible material which extend across the opposite ends of the tubular frame (fig. 1,D). Elements (d) and (e) call for stitch lines attaching the flexible material of the panels to the rigid tubular frame (fig. 1, J and K). A U-shaped opening in the panel and U-shaped flap which form a closure and provide for access to the bag through the panels are set out in element (f) (fig. 1,D and F). Element (g) provides

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1/ Claim 4 of U.S. Patent No. 3,298,480 reads as follows (letter designations have been added for convenience):

4. A carrying case comprising
   (a) a generally tubular frame;
   (b) carrying handle means connected to a central portion of said tubular frame;
   (c) front and rear side panels of flexible material extending across the opposite ends of said tubular frame;
   (d) first stitch line means extending through one end of said frame and the periphery of said front panel;
   (e) second stitch line means extending through the other end of said frame and the periphery of said rear panel whereby said first and second stitch line means secure said front and rear panels to said frame;
   (f) said front panel comprising a separate U-shaped central flap portion extending down from one end of said front panel and a body portion receiving said flap portion as a closure;
   (g) a coiled plastic zipper connecting said flap portion to said body; said zipper extending along the full length of the junction between said flap portion and said body portion with both ends of said zipper extending beyond the said one end of said front panel;
   (h) said first stitch line means extending directly through said both ends of said zipper.

for a coiled plastic zipper which forms a junction between the U-shaped flap and the U-shaped opening (fig. 1,L). Element (h) states that the first stitch line passes through the extended ends of the flap zipper (fig. 1,M).

The inventions of this patent can be detected by external examination of the luggage. The construction technique described in elements (a) through (e) provide ease in construction since the entire main frame can be assembled prior to attachment of the side panels. The carrying bag formed by the claimed construction is light, inexpensive, and flexible. It can be determined whether a piece of luggage incorporates the claimed invention by opening the flap and examining the inside stitch line.

The construction technique described in elements (f) through (h) provide for ease in construction and strength in design. By stitching across the plastic zipper, separate installation of the zipper is avoided as well as the expense of extra stitching and the use of more expensive zippers with premade zipper endings. It can be determined whether a piece of luggage incorporates the claimed invention by opening the flap and inspecting the junction where the stitch line which attaches the panel to the frame passes through the zipper endings.

Claim 5 of U.S. Patent No. Re. 26,443: 1/ Elements (d) through (i) describe a unique zipper construction for a soft-sided carrying bag. Elements (a), (b), and (c) have already been covered in the description of U.S. Patent No. 3,298,480. Element (d) requires that there be two cooperating zipper halves (fig. 2, H and G) with extended fabric portions (fig. 2,N). Two connection means are called for in element (e) so that connection of the zipper halves can be made to the flap and panel body. Elements (f) and (g) provide for the connection of one zipper half to the full perimeter of the flap and the connection of

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1/ Claim 5 of U.S. Patent No. Re. 26,443 reads as follows (letter designations have been added for convenience):

5. In a carrying bag:
   (a) a main enclosed frame having first and second side panels enclosing the ends of said frame;
   (b) one of said side panels having a U-shaped flap therein cooperating with a U-shaped opening therein;
   (c) and zipper means extending between the edge of said U-shaped flap and the edge of said U-shaped opening to secure said flap to said one of said side panels and to provide access to the interior of said bag when said zipper means is open;
   (d) said zipper means comprising first and second cooperating zipper halves having respective extending fabric portions for securement of said zipper halves;
   (e) first and second connection means;
   (f) said fabric portion of said first zipper portion enveloping around the full length of the said edge of said U-shaped opening and connected along the full length of the said edge of said U-shaped opening in said one of said panels by said first connection means;
   (g) said fabric portion of said second zipper portion enveloping around the full length of the said edge of said U-shaped flap and connected along the full length of said edge of said U-shaped flap by said second connection means;
   (h) said first zipper half having a free edge extending outwardly from the exterior surface of said one of said panels adjacent its said edge;
   (i) said second zipper half having a free edge extending outwardly from the interior surface of said flap.

the other zipper half to the perimeter of the U-shaped opening in the body. Elements (h) and (i) describe the attachment of the zipper halves. One zipper half is attached to the exterior perimeter of the U-shaped opening in the panel body so that it extends outward from the opening. The other half of the zipper is attached to the interior perimeter of the flap so that it extends inward from the outer edge of the flap. This construction technique hides and protects the zipper. The use of this patented technique is the easiest of the claimed inventions to detect. It may be detected by external examination of the perimeters of the flap and U-shaped opening.

U.S. IMPORTS

Official statistics do not provide separate data on imports of either lightweight or carry-on luggage. They are part of a basket category which includes a number of other articles (Tariff Schedules of the United States Annotated item 706.6035). Included in this basket are all vinyl luggage, school bags, nested luggage items, vinyl shopping bags, vinyl cosmetic bags, plastic camera cases, and so forth, but excludes such articles of leather, unspun fibrous vegetable materials, textile materials, or reinforced or laminated plastics. The value of imports in this basket category increased from $9.3 million in 1968 to $12.4 million in 1969 and to $15.0 million in 1970 (table 1). Japan has been the principal supplier of these imports, but imports from the Republic of China showed the greatest increase in 1970.

It is believed that lightweight and carry-on bags (included in table 2) are being entered into the United States in significant quantities by importers other than Efenel, located principally in New York City, Los Angeles, and San Francisco. Bureau of Customs personnel in these areas stated that imports of carry-on luggage increased significantly in 1970. The Republic of Korea was reportedly the principal source of such imports in that year.

Allegedly Infringing Imports

The Commission obtained data on imports of allegedly infringing luggage from three importers. One of the importers, Efenel Corp., was named by the complainant as a respondent. Imports by Efenel Corp.--beginning late in 1969 and lasting through November 1970--were substantial when compared with Atlantic's production and sales of

patented luggage 1/ in 1970. Imports and sales of allegedly infringing luggage by the other two importers were smaller. One of these two importers is located in California, and the other, in Massachusetts. No evidence was found by the Commission that allegedly infringing luggage other than the carry-on type was being imported.

Imports of allegedly infringing luggage by Efenel and one of the other importers originated in the Republic of China; the other imports originated in the Republic of Korea.

Rates of Duty

U.S. imports of carry-on luggage are dutiable under item 706.60 of the Tariff Schedules of the United States (TSUS) at a rate of 20 percent ad valorem. This rate was not reduced in the Kennedy Round trade negotiations; it has been 20 percent since the effective date of the TSUS (Aug. 31, 1963).

From August 16, 1971 to December 20, 1971, a 10 percent surcharge was imposed on certain imported articles, including the allegedly infringing lightweight luggage. 2/ During that period, the aggregate duty applicable to such luggage was 30 percent ad valorem.

1/ The term "patented luggage", as used in this report, refers only to the articles covered by one or both of the U.S. patents (Nos. 3,298,480 and Re. 26,443) included in appendix A.

2/ The surcharge was imposed by Presidential Proclamation No. 4074, and removed by Presidential Proclamation No. 4098.

U.S. PRODUCTION AND CONSUMPTION

Luggage of a type covered by the claims of the patents is produced in the United States solely by Atlantic Products Corp.; no evidence was found of its production by any other U.S. manufacturer.

According to the Luggage and Leather Goods Manufacturers of America, Inc., the domestic shipments of all types of luggage in 1969 amounted to about $180 million. An estimated $5 million to $8 million of this total is believed to have been carry-on type luggage, some of which (that produced by Atlantic) incorporated the patented features. A number of domestic luggage manufacturers in addition to Atlantic are making the carry-on type. It is estimated that 500,000 to 800,000 such bags with an average wholesale price per bag of about $10, were shipped during 1969. However, the domestic production is believed to have decreased in 1970 because some producers started importing these bags from the Orient instead of making them in the United States. The trade source quoted above states that domestic consumption of carry-on luggage in 1970 was valued at $10 million to $12 million, with about 50 to 60 percent of this figure represented by imports.

ATLANTIC PRODUCTS CORP.

Atlantic Products Corp., the complainant, which was founded in 1925 and incorporated in 1928, has its executive offices and plant in Trenton, N.J. It is presently one of the five largest domestic manufacturers of luggage; other products include bowling and golf bags, and similar articles. Atlantic's annual sales of carry-on luggage were valued at more than $300,000 in 1968 and exceeded

$1 million in each of the years 1969 and 1970. Atlantic's plant is efficiently and economically operated.

Atlantic Products Corp. is a subsidiary of Cluett, Peabody & Co., Inc., of New York City. Cluett, Peabody is a large corporation which owns 11 manufacturing and marketing subsidiaries for apparel and other consumer products in addition to Atlantic Products Corp. Seven subsidiaries produce women's and men's apparel, another produces tricot knit fabrics for the apparel trade, one operates men's and women's retail apparel stores, and two license the use of patents and trademarks. Among the better known manufacturing facilities owned by the parent corporation are the Arrow Co., a manufacturer of men's and women's shirts and sportswear with facilities in various countries, and the Sanforized Co., which licenses the worldwide use of its patents and know-how relating to the compressive shrinkage process. The retail subsidiary owns a total of 59 retail stores, among them 11 Rogers Peet outlets, which sell nationally advertised apparel. In 1969 the net sales of Cluett, Peabody & Co., Inc., amounted to $478.2 million, 7.2 percent greater than the value of 1968 sales ($445.6 million).

Production of the Patented Luggage

Production of patented luggage by Atlantic Products Corp., including luggage larger than the carry-on type bag but which incorporates one or more of the patented features, increased on the average about 35 percent in 1968 and 1969. Production in 1970 was only 1 percent greater than in 1969, but during the period January-June 1971 it was 30 percent below that during the corresponding period of 1970.

Production of carry-on luggage was about 40 percent larger in 1968 than it was in 1967, and increased another 40 percent in 1969. Production in 1970, however, declined by about 10 percent from the 1969 level 1/. During the first 6 months of 1971, production was more than 30 percent below the output during the corresponding months in 1970.

Sales of the Patented Luggage

Annual sales of the patented luggage by Atlantic increased during the years 1967-69; the units sold in 1970 were 15 percent higher than the quantity sold in 1969; the value of sales, however, was 5 percent lower. The quantity and value of sales were approximately 55 percent lower during the first 6 months of 1971 than during the same period of 1970.

Sales of the patented carry-on type luggage increased annually from 1967 to 1969 but declined by nearly 15 percent in 1970. They continued to decline in the first 6 months of 1971 and were about 55 percent below sales for the same period of 1970. Sales of luggage of all types by the industry as a whole, however, have tended in past years to be somewhat higher in the second half of the year.

Employment and Man-hours Worked

The average number of production and related workers employed on all products at the Atlantic Products Corp. plant increased slightly between 1967 and 1969. In 1970 the average number of workers employed

1/ Imported allegedly infringing carry-on luggage reportedly first entered the U.S. market late in 1969.

declined below the level of employment in 1967; the decline continued in the first half of 1971. The average number of production and related workers employed in the manufacture of the patented luggage in 1970 was more than twice the number in 1967; the first 6 months of 1971, however, showed a slight decline from the corresponding period of 1970.

Man-hours worked on all products by production and related workers declined irregularly from 1967 to 1970; in 1970 they were about 5 percent below the number of man-hours worked in 1967. Man-hours worked on all patented luggage increased irregularly during the 1967-70 period but during the first 6 months of 1971 were about 20 percent below the first 6 months of 1970. Man-hours worked on the patented carry-on luggage in 1969 were more than twice the number of hours worked in 1967 but declined slightly in 1970. During the first 6 months of 1971, man-hours worked on this type of luggage were also lower by 20 percent than during the corresponding months of 1970.

Profit-and-loss Experience

Net sales

Net sales of all products by the Atlantic Products Corp. in 1969 were 8 percent higher than they were in 1967; net sales of patented luggage more than doubled. In 1970, however, net sales of all products were 2.2 percent lower than in the previous year; sales of patented luggage were off by 4.9 percent.

During the first 6 months of 1971, net sales of all products were 9.4 percent lower than during the corresponding months of 1970; net sales of patented luggage were 55 percent lower.

Net operating profit

Net operating profit realized on sales of all products by Atlantic Products Corp. in 1969 was 30.9 percent higher than it was in 1967 but 10.1 percent lower than in 1968. Net operating profit realized on sales of patented luggage in 1969 was 133 percent higher than in 1967. In 1970, net operating profit for all operations was 25.6 percent lower than in 1969; on patented luggage it was 18.6 percent lower.

During the first 6 months of 1971, the net operating profit for all operations was 73.1 percent lower than during the same period in 1970; on patented luggage it was 59.6 percent lower.

PRICES

Atlantic's Prices of the Patented Luggage

The net wholesale price of Atlantic's patented carry-on luggage was increased by 8 percent in 1968; it remained on the 1968 level through 1970. The price was further increased by a small percentage in 1971. The average unit value of sales in January-March 1971 was about 10 percent lower than the net wholesale price as Atlantic instituted special sales to counter foreign competition.

Atlantic's net wholesale price on patented luggage other than the carry-on type remained the same during 1967-69. It was reduced by 12.8 percent in 1970 and increased a minimal amount in 1971.

Prices of the Allegedly Infringing imported Luggage

Data obtained from importers of the allegedly infringing carry-on luggage showed the average unit value of sales at the wholesale level to be substantially less for that luggage than for Atlantic's patented carry-on bag. Information obtained from the trade indicated that the allegedly infringing imported carry-on luggage retails at about half the retail price of Atlantic's patented carry-on luggage.

Appendix A

United States Patent Office 3,298,480 Patented Jan. 17, 1967

3,298,480

CARRYING BAG CONSTRUCTION

Michael Kish, Jr., Hightstown, N.J., assignor to Atlantic Products Corporation, Trenton, N.J., a corporation of New Jersey

Filed May 5, 1965, Ser. No. 453,296
4 Claims. (Cl. 190—54)

This invention relates to a novel carrying bag construction wherein the main frame is pre-formed of a rigid rectangular body having a suitable covering means thereon and suitable hardware directly secured thereto which is thereafter assembled with front and rear panels of novel construction.

This application is an improvement of my copending application Serial No. 387,390, filed August 4, 1964, which is directed to a novel method of manufacture for carrying luggage, wherein the assembly of the main frame of the luggage is carried out in the flat with a central metallic support receiving all of the various hardware for the bag.

The present invention is directed to a novel construction for bags of this general type where, however, the main frame is formed of a rigid rectangular cylinder which has finishing materials applied thereto along with hardware, and thereafter receives the front and rear panels in a novel manner.

Moreover, an additional feature of the invention involves the use of a novel welt for the connection of the rear panels in the main bag body and a novel zipper construction for the front panel.

A primary object of this invention is to provide a novel carrying bag construction which is inexpensive.

Another object of this invention is to provide a novel construction for carrying bags wherein the main frame of the bag is a single pre-formed rectangular tube which is completely finished prior to the assemblage of front and rear panels.

Yet another object of this invention is to provide a novel zipper panel for luggage.

A further object of this invention is to provide a novel welt for the securement of front and rear panels to a preassembled main frame.

These and other objects of this invention will become apparent from the following description when taken in connection with the drawings, in which:

FIGURE 1 shows a perspective view of a rigid rectangular tube which forms the body of the main frame of the carrying bag of the invention.

FIGURE 2 is a side view of the tube of FIGURE 1 after the connection of interior and exterior finishing strips and various hardware to the main frame, thereby to completely finish the main frame structure.

FIGURE 3 is a bottom view of FIGURE 2.

FIGURE 4 is a top view of FIGURE 2.

FIGURE 5 is a cross-sectional view of FIGURE 3 across the lines 5—5 in FIGURE 3 to illustrate the connection of one leg to the main frame.

FIGURE 6 is an exploded perspective view of the main frame, connecting welts and front and rear panels.

FIGURE 7 is a cross-sectional view of the welts of FIGURE 6.

FIGURE 8 is a plan view of the coil zipper used in accordance with the invention.

FIGURE 9 illustrates the front panel containing a zipper therein when assembled with the panel flap and zipper of FIGURE 8.

FIGURE 10 is a cross-sectional view of the assembled front flap of FIGURE 9 after it has been sewn to its connecting welt.

FIGURE 11 is an end view partially in cross-section of the completely assembled bag to illustrate the manner

in which the subassembled panel and welt is connected to the finished frame of FIGURE 2.

FIGURE 12 illustrates a modification of the assembly of panel and welt which includes a plastic inwardly curved strip to cover the sewn junction between the main bag body of FIGURE 2 and the welt and panel.

Referring first to FIGURE 1, I have illustrated therein a rectangular tube **20** which can, for example, be of laminated wood wherein the ends of a sheet are bent to form in a suitable manner and joined along an elongated junction **21** in any desired manner.

The techniques for fabricating a wooden frame in this manner are well known and such frames are commercially available. Alternatively, however, a finished tube can be formed of any other desired material such as any of the thermoplastics, or fiber materials. The thickness of the frame **20** is sufficient to provide substantially all of the mechanical strength required of the carrying bag and can, for example, be ⅛" thick when made of wood or fiber.

Such frames are commonly used as the main support body of carrying bags. In the past, and in order to finish the bag, the rear panel of the bag is subassembled with a tubular finishing material, and the tubular finishing material is forced over the top of the frame **20**. Thereafter, the various hardware required was secured to the frame and the opposite panel for finishing the bag was sewn to the edge of the tubular finishing material covering the frame. This type construction leads to many manufacturing problems since the tubular finishing material must be stretched over the frame.

The principle of one aspect of the present invention is to completely finish the frame prior to the connection of panels thereto and thereafter securing the panels to the frame in a novel manner. More particularly, and as shown in FIGURE 2, the frame **20** first has an outer finishing strip **22** of any suitable material laminated thereto as by cementing, thereby defining the completely finished outer frame appearance. Note that the finishing strip **22** overlaps on the junction **23** where this overlap could be left as is or covered with a suitable finishing strip. An interior lining **22***a* is similarly applied as by cementing to the interior of the bag, defining the finished lining in the frame section of the bag.

Thereafter, a carrying handle **24** is secured to the top of the bag (FIGURE 4) as by rivets **25** and **26** which suitably engage hardware element **29** and rivets **27** and **28** which suitably engage hardware element **30**. The hardware elements **29** and **30** then pivotally mount the carrying handle **31**. Thereafter, the four legs **32** through **35** are secured to the bottom of the bag by suitable rivets such as the rivets **36** and **37** which engage legs **33** and **35**, respectively.

If desired, a suitable pocket commonly found at the base of luggage of this type can also be secured to the base of frame **20** by passing the rivets such as rivets **36** and **37** which secure legs **33** through **35** through the corners of such a pocket.

FIGURE 5 illustrates in detail the manner in which the legs are supported to the frame. It will be noted that the rivets **25** through **28** which engage hardware members **29** and **30** are connected in a similar manner. Thus, in FIGURE 5, a rivet **38** which is similar to rivet **36** has an enlarged head which engages the outer surface of lining **22***a*. The main body of the rivet then passes directly through lining **22***a* (and any pocket that may be at the bottom of the bag), and thence through the main wooden frame **20**, the outer finishing surface **22** and into the center of leg **34**. Thereafter, the end of the rivet is expanded into head **39** to engage the internal shoulder in the leg **34**.

With the completion of the securement of hardware, it will be noted that this portion of the bag is now completely finished, with the exception of the connection of side panels thereto.

FIGURE 6 is an exploded perspective view of the finished assembly of FIGURE 2 designated by numeral **40** in FIGURE 6, along with the rear panel **41**, the front panel **42** comprised of panel section **43** and flap **44**, and the welts **45** and **46** used for securing panels **41** and **43** to the subassembled bag frame **40**.

As will be described more fully hereinafter, each of the welts **45** and **46** are identical extruded plastic members having a cross-section shown in FIGURE 7 for the case of welt **46** wherein the welt has two projecting flange surfaces **47** and **48** which define a pocket **49** which will be seen hereinafter to fit over the edge of frame **40**. In addition, the extrusion has a central opening in the main head thereof which receives a metallic reinforcing wire **50**.

As will be further described more fully hereinafter, the flap **44** which defines the main opening into the completed bag is provided with a coiled zipper of the type shown in FIGURE 8. More particularly, the coiled zipper of FIGURE 8 is comprised of two adjacent fabric sections **60** and **61** which each have a coil of a suitable plastic material such as nylon threaded through their opposing edges. These coils are then suitably formed to define engaging zipper-type elements which are opened and closed by way of a suitable runner **62** having a pull **63**. Zippers of this type are well known, and are commercially available at the present time.

While certain aspects of the invention are practiced with the use of any type zipper, one specific aspect of the invention involves the use of a coiled zipper, the coils of which are made of a plastic material such as nylon, whereby the zipper can be cut with simple shearing equipment such as hand-scissors. Moreover, this type zipper can be sewn across with conventional sewing equipment without the danger of breaking the needle of the sewing machine on a metal zipper element.

As will be described more fully hereinafter, such zippers are further commerically available in long coils which are cut to length by the user as contrasted to the need for purchasing pre-finished metallic zippers in predetermined lengths. Thus, such predetermined lengths of metal zippers have been found commonly to vary by more than ½" in a length of the order of 36", thereby complicating manufacturing techniques using such zippers.

Referring to FIGURE 9, I have illustrated therein the manner in which the flap **44** is connected to panel portion **43**. It will be noted that the flap **44** has dimensions greater than the cut-out section in the panel section **43** so that the edges of the flap **44** will somewhat overlap the cut-out section of panel **43** by, for example, ½".

In assembling these two members, the zipper fabric portions **60** and **61** are first sewn to the adjacent edges of flap **44** and panel portion **43** in a manner disclosed in my copending application Serial No. 387,390, and assigned to the assignee of the present invention. However, as contrasted to that application, and where a coiled plastic zipper is used, a zipper length greater than the length of the closure is used so that the zipper ends **64** and **65** overlap the upper edge of panel portions **43** and **44**. Thereafter, reinforcing stitch lines **66** and **67** are sewn directly across the upper edges of panel portions **43** and **44**, thereby to firmly retain these panel portions in position with respect to one another independently of the zipper.

It is to be particularly noted that such an operation could not be performed with prior art metallic zippers because of the possibility of breaking a sewing needle when sewing through a metallic zipper. In the case of the plastic zipper, however, the sewing needle will pass directly through the plastic coil without damage to the needle.

Thus, in FIGURE 9, a sufficiently long length of zipper is cut from a reel, it only being necessary that the ends of the zipper will project beyond the top of the flap as shown by projecting ends **64** and **65**. This is to be contrasted to pre-formed metallic zippers whose lengths can considerably vary, thereby resulting in some cases in an unsightly gap between the end of the zipper and the top of the flap formed of panel portions **43** and **44**.

Thereafter, and as shown in FIGURE 10, the preassembled panel portions **43** and **44** have their edges sewn to the flange **47** of welt **46** along the stitch line **47***a*. Note that this sewing operation automatically forces the panel edges to bend inwardly to define a flange-type arrangement. Moreover, the reinforcing wire **50** in the welt **46** will hold the panel to its predetermined rectangular shape, thus simplifying subsequent operations. This welt further serves to reinforce the bag after assembly thereof.

The panel **41** is connected to its welt **45** in an identical manner to that illustrated in FIGURE 10. Thereafter, the two panels are assembled with the finished frame **40**, as illustrated in FIGURE 11, wherein the edges of finished frame **40** are merely inserted into the pockets **49** of welts **45** and **46**, and sewn thereto. Thus, in FIGURE 11, the left-hand edge of frame **40** is shown as inserted into the pocket **49** of welt **46**, and a stitch line **51** is passed through the frame **40**, flange **47** of welt **36** and the inwardly bent edge portion of the panel formed of panel portions **43** and **44**.

In an identical manner, the welt **45** permits securement of the right-hand end of bag **40** to the panel **41** as by the exposed stitch line **52**. Note that stitch line **51** will also be exposed in the finished bag.

FIGURE 12 shows a further modification of the manner in which securement between frame **40** and the subassembled welt and panel may take place for the case of panel **44** wherein a pre-stressed plastic strip **60***a* is used which will curve over the final stitch line, thereby to protect the final stitch line. Thus, in FIGURE 12, when the edge of subassembled frame **40** is placed within the pocket **49**, an elongated strip **60***a* of plastic material is also inserted into the pocket. The pocket strip **60***a* is then flexed outwardly to the position shown in the dotted lines in FIGURE 12, and the stitch line **51** is made through the strip **60***a*, frame **40**, flange **47** and the panel. The strip **60***a* is then released, and will curve inwardly and over the surface of frame **40** which carries the stitch line **51**. In a similar manner, the stitch line **52** of FIGURE 11 would be covered by a similar inwardly curved strip.

Although this invention has been described with respect to its preferred embodiments, it should be understood that many variations and modifications will now be obvious to those skilled in the art, and it is preferred, therefore, that the scope of the invention be limited not by the specific disclosure herein, but only by the appended claims.

The embodiments of the invention in which an exclusive privilege or property is claimed are defined as follows:

1. A carrying case comprising a generally tubular frame, carrying handle means connected to a central portion of said tubular frame, front and rear side panels of flexible material extending across the opposite ends of said tubular frame and first and second identical welt means connecting the periphery of said front and rear panels to the periphery of the said opposite ends of said rigid frame; each of said first and second welt means being identical in construction; each of said welts having first and second extending flanges, said first flanges of said first and second welts extending along the inner surfaces of said opposite ends of said frame; said second flanges extending over the outer surfaces of said opposing ends of said frame; and first stitch line means extending through one end of said frame, said first flange of said first welt, and the periphery of said first panel; and second stitch line means extending through the other end of

said frame, said first flange of said second welt and the periphery of said rear panel; said second flanges of said first and second welts extending over the outer surface of said opposite end of said frame; said first and second stitch lines spaced from the ends of said second flanges of said first and second welts, respectively; and first and second laterally coiled plastic strips secured to said frame by said first and second stitch lines; one lateral side of said first and second strips captured beneath said second flanges of said first and second welts, respectively; the opposite lateral side of said first and second strips coiling over their respective first and second stitch line.

2. A carrying case comprising a generally tubular frame, carrying handle means connected to a central portion of said tubular frame, front and rear side panels of flexible material extending across the opposite ends of said tubular frame and first and second identical welt means connecting the periphery of said front and rear panels to the periphery of the said opposite ends of said rigid frame; each of said first and second welt means being identical in construction; each of said welts having first and second extending flanges, said first flanges of said first and second welts extending along the inner surfaces of said opposite ends of said frame; said second flanges extending over the outer surfaces of said opposing ends of said frame; and first stitch line means extending through one end of said frame, said first flange of said first welt, and the periphery of said first panel; and second stitch line means extending through the other end of said frame, said first flange of said second welt and the periphery of said rear panel; said front panel comprising a separate U-shaped central flap portion extending down from one end of said front panel and a body portion receiving said flap portion as a closure; a coiled plastic zipper connecting said flap portion to said body portion; said zipper extending along the full length of the junction between said flap portion and said body portion with both ends of said zipper extending beyond the said one end of said front panel; said first stitch line extending directly through said both ends of said zipper.

3. A carrying case comprising a generally tubular frame, carrying handle means connected to a central portion of said tubular frame, front and rear side panels of flexible material extending across the opposite ends of said tubular frame and first and second identical welt means connecting the periphery of said front and rear panels to the periphery of the said opposite ends of said rigid frame; each of said welts being identical in construction; each of said welts having first and second extending flanges; said second flanges extending over the outer surfaces of said opposing ends of said frame; and first stitch line means extending through one end of said frame, said first flange of said first welt, and the periphery of said front panel; and second stitch line means extending through the other end of said frame, said first flange of said second welt, and the periphery of said rear panel; said front panel comprising a separate U-shaped central flap portion extending down from one end of said front panel and a body portion receiving said flap portion as a closure; a coiled plastic zipper connecting said flap portion to said body portion; said zipper extending along the full length of the junction between said flap portion and said body portion with both ends of said zipper extending beyond the said one end of said front panel; said first stitch line means extending directly through said both ends of said zipper.

4. A carrying case comprising a generally tubular frame, carrying handle means connected to a central portion of said tubular frame, front and rear side panels of flexible material extending across the opposite ends of said tubular frame; first stitch line means extending through one end of said frame and the periphery of said front panel; second stitch line means extending through the other end of said frame and the periphery of said rear panel whereby said first and second stitch line means secure said front and rear panels to said frame; said front panel comprising a separate U-shaped central flap portion extending down from one end of said front panel and a body portion receiving said flap portion as a closure; a coiled plastic zipper connecting said flap portion to said body; said zipper extending along the full length of the junction between said flap portion and said body portion with both ends of said zipper extending beyond the said one end of said front panel; said first stitch line means extending directly through said both ends of said zipper.

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Jan. 17, 1967 M. KISH, JR 3,298,480

CARRYING BAG CONSTRUCTION

Filed May 5, 1965 2 Sheets-Sheet 1

FIG. 1.

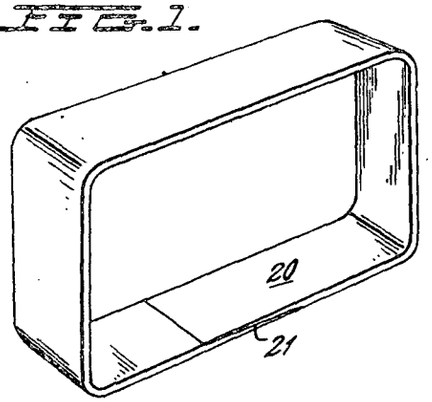

FIG. 5.

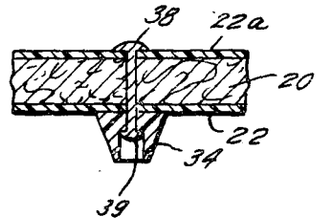

FIG. 2.

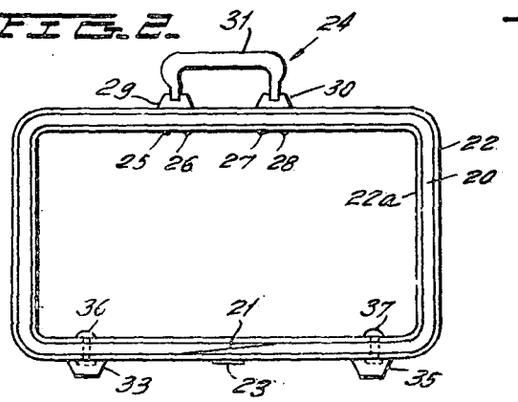

FIG. 7.

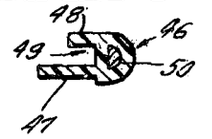

FIG. 3.

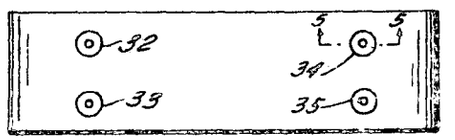

FIG. 8.

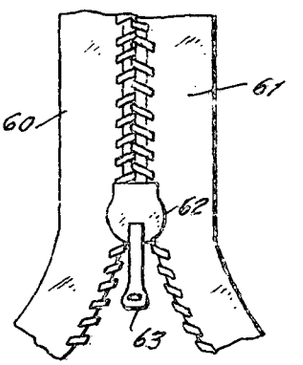

FIG. 4.

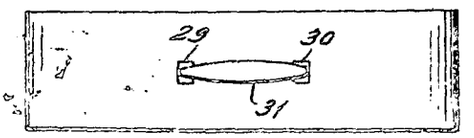

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EXHIBIT A-1

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CARRYING BAG CONSTRUCTION

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FIG. 6.

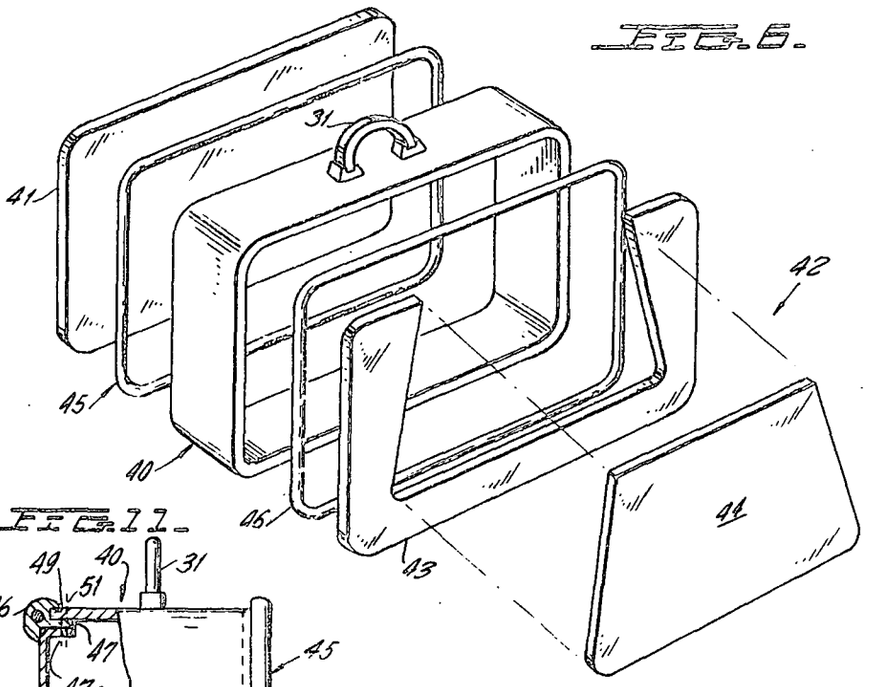


FIG. 11.

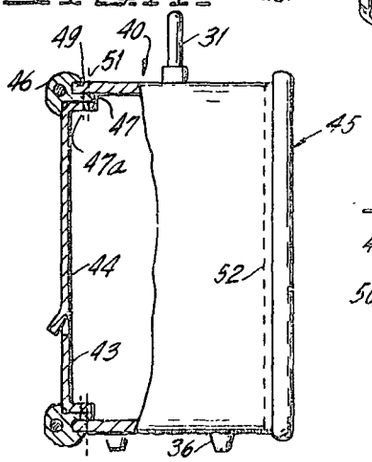


FIG. 12.

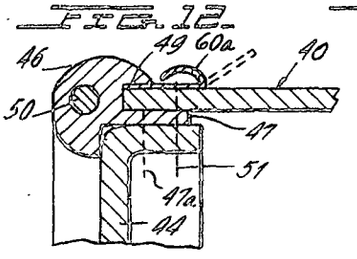
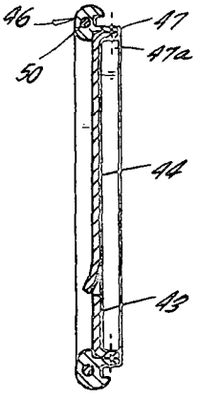


FIG. 10.



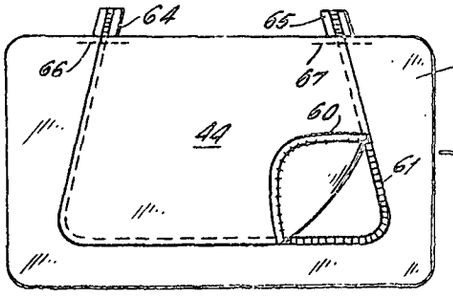


FIG. 9.

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United States Patent Office

Re. 26,443
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26,443

PANEL STRUCTURE FOR SOFT-SIDED LUGGAGE

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Original No. 3,266,604, dated Aug. 16, 1966, Ser. No. 443,019, Mar. 26, 1965, which is a continuation-in-part of Ser. No. 387,390, Aug. 4, 1964. Application for reissue Feb. 13, 1967, Ser. No. 617,449
5 Claims. (Cl. 190—41)

Matter enclosed in heavy brackets [ ] appears in the original patent but forms no part of this reissue specification; matter printed in italics indicates the additions made by reissue.

ABSTRACT OF THE DISCLOSURE

A carrying bag having flexible sides, one of which has a U-shaped flap with a zipper closure. The U-shaped opening in the panel receiving the flap has a zipper half extending from its interior surface, while the flap has a cooperating zipper half extending from its interior surface. The zipper fabrics envelop around the edges of the flap and panel, with the flap being pulled over the opening to cover the zipper when the zipper is closed. A reinforcing wire is secured to the edge of the opening.

This application relates to a novel panel and zipper construction for soft-sided luggage, and is a continuation-in-part application of my copending application Serial No. 387,390, filed Aug. 4, 1964, entitled "Method of Manufacture for Luggage," and assigned to the assignee of the present invention *which issued on February 21, 1967 as U.S. Patent 3,305,052.*

Soft-sided luggage is in general use, and is generally comprised of a main tubular frame body wherein fabric or fabric-type panels extend over the ends of the tube to define the sides of the luggage. Thereafter, a zipper opening is placed in one of the panels to define a flap to provide access to the interior of the bag.

The principle of the present invention is to provide a novel closure arrangement for panels of this general type wherein the cooperating zipper halves connected to the panel are connected in such a manner that the zipper is completely hidden when closed, and so that the panel portion secured to the bag support is provided with a reinforcing wire therein to provide rigidity for this portion when the panel is either opened or closed.

Accordingly, a primary object of this invention is to provide a novel zipper arrangement for soft-sided luggage wherein the panel remains relatively rigid and stiff when the flap therein is opened.

Another object of this invention is to provide a novel zipper arrangement for soft-sided luggage.

A still further object of this invention is to provide a novel zipper arrangement of soft-sided luggage having an openable panel in one side thereof wherein the panel is provided with a reinforcing wire and a hidden zipper.

These and other objects of this invention will become apparent from the following description when taken in connection with the drawings, in which:

FIGURE 1 is a perspective view of the type of soft-sided luggage to which the present invention applies.

FIGURE 2 is an exploded perspective view of the luggage of FIGURE 1.

FIGURE 3 is a cross-sectional view illustrating the manner in which the panels of FIGURE 2 are secured to the main frame body.

FIGURE 4 is a cross-sectional view of a reinforced welt used in the securement of the panels to the frame.

FIGURE 5 is a front view of the panel of FIGURES 1 and 2 which has a flap therein.

FIGURE 6 is a cross-sectional view of the panel of FIGURE 5 taken across the lines 6—6 in FIGURE 5 to particularly illustrate the novel manner in which a reinforcing wire is connected to the periphery of the panel opening and the novel manner in which the zipper is connected to the panel opening.

FIGURE 7 is a cross-sectional view of FIGURE 5 taken across the lines 7—7 in FIGURE 5 particularly to illustrate the manner in which the cooperating zipper half is connected to the flap.

FIGURE 8 is a cross-sectional view of the arrangements shown in FIGURES 6 and 7 when the zipper is closed and illustrates the manner in which the zipper is hidden.

Referring now to FIGURES 1 and 2, I have illustrated therein a typical soft-sided luggage to which the invention applies which includes a frame body **10** which may have reinforcing members **11** extending therefrom in the manner disclosed in my *U.S. Patent 3,305,052* [copending application Serial No. 387,390]. This rigid frame body is then provided with a continuous rear panel **12** and a front panel **13** which has a flap opening **14** therein to provide access to the interior of the bag.

The panels **12** and **13** are connected to the frame **10** by means of welts **15** and **16**, best shown in FIGURES 3 and 4. Thus, in FIGURE 4, the welt **15** (which is identical to welt **16**) is provided with an enlarged head portion **17** which may have a reinforcing wire **18** extending therethrough.

As illustrated in FIGURE 3, the welt **15** is interposed between the inwardly bent legs of panel **12** and the edge of frame **10**. More particularly, the extending section of welt **15** may first be sewn to frame **10** on the stitch line **20** with this subassembly thereafter being sewn to the panel **12** along the stitch line **21**. Alternatively, the welt **15** can be first sewn to the panel **12** and thereafter sewn to the frame **10** so that only one stitch line is viewed from the external side of frame **10**. Note that the welt **15** of FIGURES 3 and 4 could be constructed in the manner identical to that illustrated in my above noted copending application Serial No. 387,390 wherein the welt has a reentrant portion for completely receiving the inwardly bent sections of panel **12**.

The panel **13** which has the flap **14** therein is best shown in FIGURE 5 wherein FIGURE 5 illustrates a zipper portion **30** connected about the periphery of flap **14** and a cooperating zipper portion **31** connected about the periphery of the opening in panel **13**.

The manner in which zipper portions **30** and **31** are secured to flap **14** and panel **13**, respectively, is best shown in FIGURES 7 and 6, respectively. Referring first to FIGURE 6, there is illustrated therein a cross-sectional view through the panel portion **13**. It is to be noted in FIGURE 6 that the front of the panel is on the right of the drawing. Thus, the panel is formed of a main body **32** of any suitable flexible material which could have an interior lining **33** secured thereto.

The zipper half **31** is provided with the usual extending fabric section **34** which is shown as being folded around the end of the interior of the opening in panel **13** and sewn thereto as by the stitch line **35**. Note that the zipper end is adjacent the front of the panel.

Thereafter, and in accordance with the invention, a rigid steel wire **36** is placed adjacent the end of panel **13** and on top of the zipper fabric **34**, and a fabric cover **37** is wrapped about the wire and over the end of the periphery of the opening in panel **13** and is sewn thereto as by the stitch line **38** so as to hold the wire **36** in posi-

tion. Note that the wire **36** extends completely around the full length of the opening in panel **13**.

Thus, when the flap **14** is open, and even when the flap **14** is closed, the wire **36** provides substantial rigidity to the normally flexible fabric, thereby substantially improving the appearance of the product and increasing its ability to resist wear and to retain its shape even under adverse conditions of use.

Turning next to FIGURE 7, there is illustrated therein the manner in which the zipper half **30** is secured to the end of flap **14**. Note that in FIGURE 7 the external surface of the flap **14** is at the right of the drawing so that the flap is comprised, for example, of the desired flap material **40** which could have an interior lining **41** which is similar to lining **33**.

The zipper half **30** which has an extending fabric portion **42** in the usual manner is then folded around the end of flap **14**, and is sewn thereto as along the stitch line **43**. Thereafter a flap of a suitable finishing material **44** may be sewn about the end of the complete assemblage, as illustrated, along the stitch line **45**. Note that in FIGURE 7 the zipper **30** extends along the rear surface of the flap.

This novel zipper arrangement then operates as illustrated in FIGURE 8 wherein, when the zipper is closed, the end of flap **14** will be pulled over the top of the exterior of panel **13**, since the zipper fabric **42** has a shorter length than the zipper fabric **34**. Therefore, the zipper closure will be completely hidden from external view, and will be protected from abusive handling.

Although this invention has been described with respect to its preferred embodiments, it should be understood that many variations and modifications will now be obvious to those skilled in the art, and it is preferred, therefore, that the scope of the invention be limited not by the specific disclosure herein, but only by the appended claims.

The embodiments of the invention in which an exclusive privilege or property is claimed are defined as follows:

1. In a carrying bag; a main enclosed frame having first and second side panels enclosing the ends of said frame; one of said side panels having a U-shaped flap therein cooperating with a U-shaped opening therein; and zipper means extending between the edge of said U-shaped flap and the edge of said U-shaped opening to secure said flap to said one of said side panels and to provide access to the interior of said bag when said zipper means is open; said zipper means comprising first and second cooperating zipper halves having respective extending fabric portions for securement of said zipper halves; and an elongated rigid metallic reinforcing wire; first and second connection means; said fabric portion of said first zipper portion and said reinforcing wire conected along the full length of the said edge of said U-shaped opening in said one of said panels by said first connection means; said fabric portion of said second zipper portion connected along the full length of said edge of said U-shaped flap by said second connection means; said first zipper half having a free edge extending outwardly from the exterior surface of said one of said panels adjacent its said edge; said second zipper half having a free edge extending outwardly from the interior surface of said flap.

2. The carrying bag substantially as set forth in claim **1** wherein said first and second connection means include lines of stitching connecting said respective zipper halves to the surfaces adjacent said respective edges of said U-shaped opening in said one of said panels and said flap.

3. The carrying bag substantially as set forth in claim **1** wherein said outwardly extending free edge of said second zipper half has a length shorter than the distance from the beginning of said free edge to said edge of said flap whereupon said edge of said flap is pulled over to top of said edge of said U-shaped opening when said zipper is closed.

4. The carrying bag substantially as set forth in claim **2** wherein said first connection means further includes an elongated fabric strip lapped over said edge of said U-shaped opening and secured to the opposing surfaces of said U-shaped opening adjacent its said edge; said wire interposed between said edge and the interior of said elongated fabric strip.

5. In a carrying bag; a main enclosed frame having first and second side panels enclosing the ends of said frame; one of said side panels having a U-shaped flap therein cooperating with a U-shaped opening thereln; and zipper means extending between the edge of said U-shaped flap and the edge of said U-shaped opening to secure said flap to said one of said side panels and to provide access to the interior of said bag when said zipper means is open; said zipper means comprising first and second cooperating zipper halves having respective extending fabric portions for securement of said zipper halves; first and second connection means; said fabric portion of said first zipper portion enveloping around the full length of the said edge of said U-shaped opening and connected along the full length of the said edge of said U-shaped opening in said one of said panels by said first connection means; said fabric portion of said second zipper portion enveloping around the full length of the said edge of said U-shaped flap and connected along the full length of said edge of said U-shaped flap by said second connection means; said first zipper half having a free edge extending outwardly from the exterior surface of said one of said panels adjacent its said edge; said second zipper half having a free edge extending outwardly from the interior surface of said flap.

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PANEL STRUCTURE FOR SOFT-SIDED LUGGAGE

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FIG. 1.

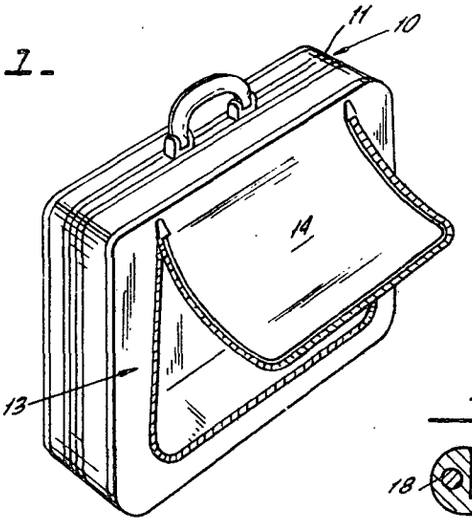


FIG. 4.

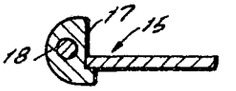
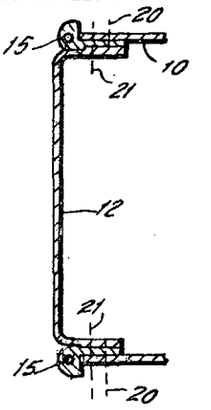


FIG. 3.



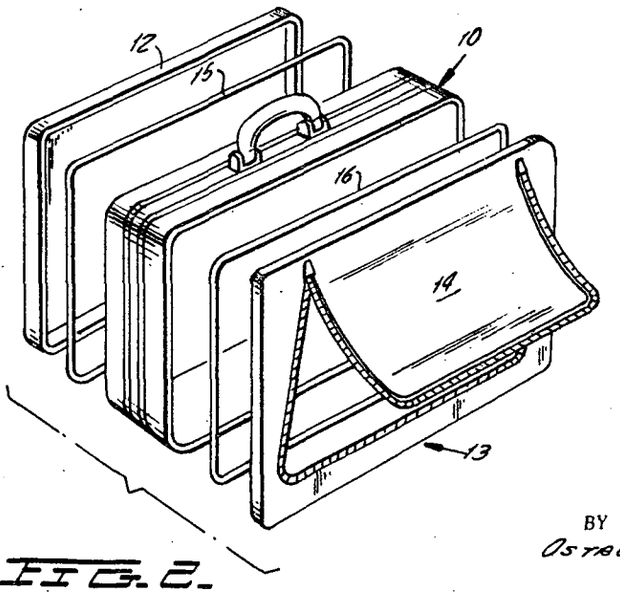


FIG. 2.

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EXHIBIT A-2

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PANEL STRUCTURE FOR SOFT-SIDED LUGGAGE

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FIG. 5.

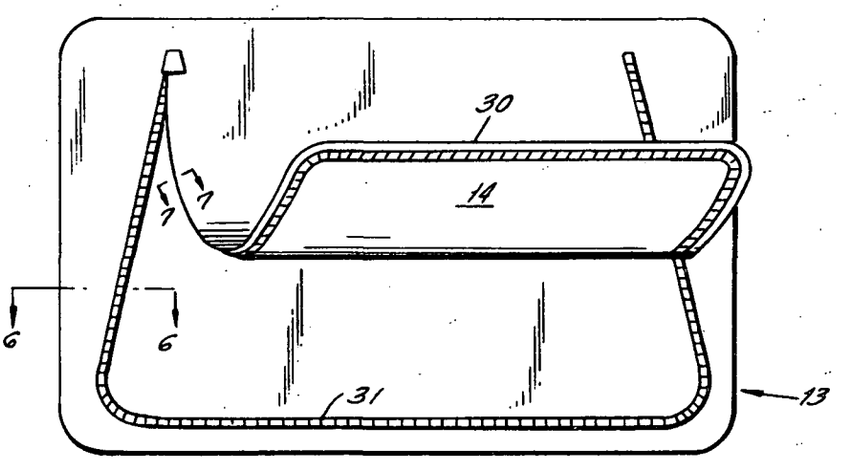


FIG. 6.

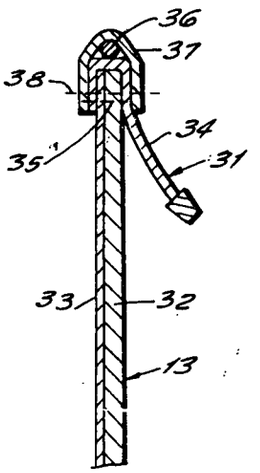


FIG. 7.

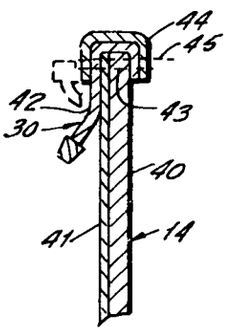
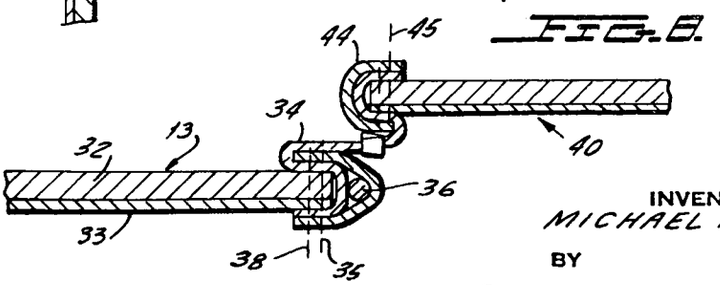


FIG. 8.



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Appendix B
Statistical Tables

Table 1.--Luggage, cases, and so forth, fitted or unfitted, of materials not specially provided for: U.S. imports for consumption, by principal sources, 1968-70

Source	1968	1969	1970
Japan	$5,448,290	$7,392,694	$6,016,671
Republic of China (Taiwan)	453,947	1,372,311	3,625,771
Hong Kong	865,513	1,387,882	1,735,468
Republic of Korea	551,614	599,739	1,576,626
All other	1,978,922	1,650,897	2,019,908
Total	9,298,286	12,403,523	14,974,444

Source: Compiled from official statistics of the U.S. Department of Commerce.

Table 2.--Luggage, cases, and so forth, fitted or unfitted, of materials not specially provided for: U.S. imports for consumption, by specified sources and by specified customs districts, 1969 and 1970

Year and customs district	Japan	Hong Kong	Republic of China (Taiwan)	Republic of Korea	Total specified countries
1969					
New York	$3,135,675	$747,255	$663,619	$143,148	$4,689,697
Los Angeles	629,833	104,353	31,727	351,173	1,117,086
San Francisco	656,297	75,049	32,813	16,920	781,079
Chicago	194,172	98,790	433,725	29,000	755,687
Philadelphia	424,327	26,872	71,247	-	522.446
Boston	404,795	51,813	6,803	-	463,411
Portland, Oreg	300,879	22,875	11,723	12,038	347,515
Seattle	262,512	17,694	21,661	2,910	304,777
San Diego	62,905	56,733	12,951	6,893	139,482
Other districts	1,321,299	186,448	86,042	37,657	1,631,446
Total	7,392,694	1,387,882	1,372,311	599,739	10,752,626
1970					
New York	2,304,484	920,475	2,149,262	469,897	5,844,118
Los Angeles	603,528	208,507	110,972	665,946	1,588,953
San Francisco	350,032	133,021	70,726	99,169	652,948
Chicago	220,317	54,874	721,046	196,820	1,193,057
Philadelphia	198,314	57,083	46,411	2,866	304,674
Boston	386,309	36,848	39,465	-	462,622
Portland, Oreg	241,822	50,993	230,463	32,607	555,885
Seattle	360,078	35,846	47,582	3,405	446,911
San Diego	78,443	36,498	24,881	19,116	158,938
Other districts	1,273,344	201,323	184,963	86,800	1,746,430
Total	6,016,671	1,735,468	3,625,771	1,576,626	12,954,536

Source: Compiled from official statistics of the U.S. Department of Commerce.

Temporary exclusion order
No discussion of validity
Obvious infringement
Injury - large market share,
low prices