

PATENTS EXAMINATION BOARD

PRACTICAL LEGAL PROBLEMS

EXAMINATION: JULY 2023

PAPER 1

EXAMINERS: J WHITTAKER
D DOHMEN

MODERATOR: R BAGNALL

DURATION: READING TIME - 1 HOUR
EXAMINATION TIME - 4 HOURS
TOTAL - 5 HOURS

NOTES TO CANDIDATES:

1. Attached to the paper are copies of the following documents:
 - (i) A copy of the Patents Act No. 57 of 1978;
 - (ii) A copy of the Patent Regulations 1978; and
 - (iii) A copy of the Uniform Rules of the High Court under the Superior Courts Act 10 of 2013 (Rules 6, 14, 17, 18, 19, 21, 22, 23, 24, 25, 30, 35, 36 and 37).
2. Each candidate is also allowed access to one dictionary during the Exam.
3. This paper consists of 6 pages and includes three questions for a total of 100 marks.
4. This paper also includes five annexures, namely:
 - (i) Annexure A – Particulars of Plaintiff's Claim (4 pages);
 - (ii) Annexure A1 – Tax Invoice (1 page);
 - (iii) Annexure B – ZA 2016/09142 (9 pages);
 - (iv) Annexure C – Sure Strike Advert (1 page); and
 - (v) Annexure D – US 7,109,870 B1 (5 pages).

5. Prior to the handing out of the answer papers, candidates will have an opportunity to read the above documents and make notes for 60 minutes.
6. Where appropriate, reference should be made to case law, and conclusions should be supported by reasons and arguments.

Your client writes to you as follows:

“Dear Patent Attorney,

My company, Fisher King (Pty) Ltd, is a manufacturer of fishing equipment in South Africa. We have developed a fish bite indicator for a fishing rod which we started supplying about six months ago. Our product is designed to engage with fishing line on a fishing rod, and to alert a person using the fishing rod when a fish bites a baited hook on the fishing line.

Drawings of our product appear below, in which FIG. 1 is a fragmentary side view, partially in section, of a fishing rod with a handle incorporating our product; FIG. 2 is a slightly enlarged cross-sectional view taken along the line 2-2 in FIG. 1; and FIG. 3 is a schematic wiring diagram illustrating how associated switches and alarm devices of our product may be wired for operation.

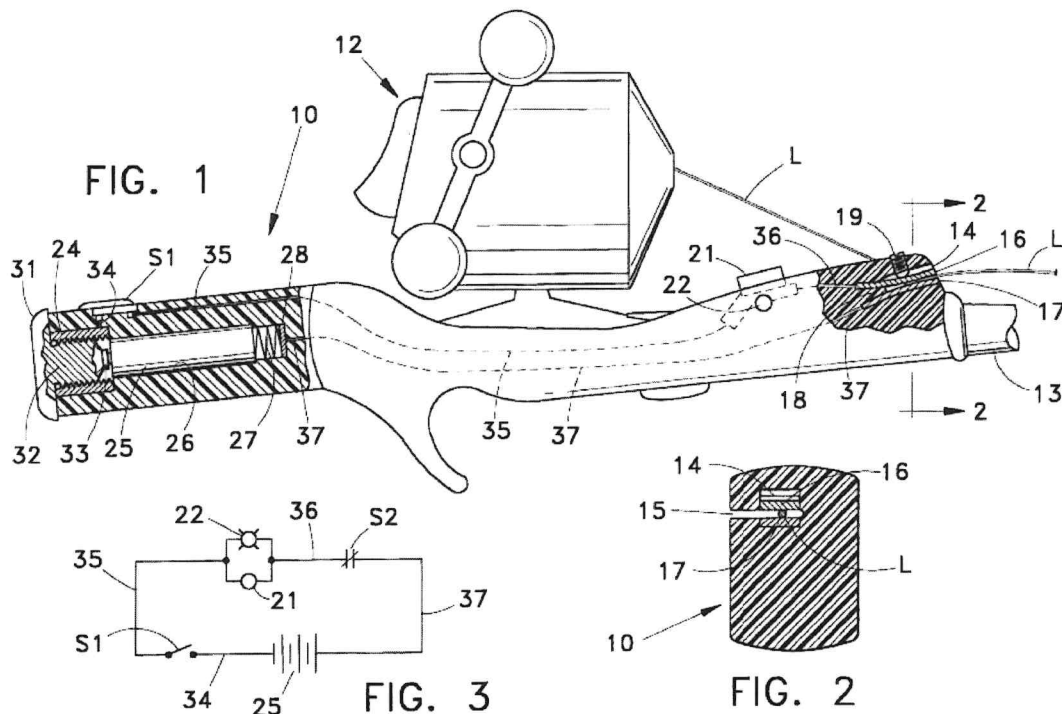


Fig. 1 of the above drawings illustrates a portion of a fishing rod 13 having a handle 10 incorporating our product. A conventional fishing reel 12 is mounted to the handle, as shown, with fishing line L supplied from the forward end of the reel 12. Extending rearwardly from

the front of the handle 10 is an opening or recess 14 which is generally rectangular in cross section (see also Fig. 2). A transverse slot 15 extending along one side of the recess 14 (the left side in Fig. 2) provides access from that side of the handle 10 to the recess 14. As can be seen in Fig. 1, a pair of elongate, metal contacts 16 and 17 are located in the recess 14. The contacts 16 and 17 extend from first ends, located in a portion 18 of the handle 10 adjacent the recess 14, to second ends located at the open end of the recess 14 at the front of the handle 10. The contacts 16 and 17 are curved, and are arranged to engage with one another between their first and second ends to form a closed switch as indicated at S2 in FIG. 3.

The contacts 16 and 17 are resilient, and the switch S2 may be opened by displacing the contact 16 away from engagement with the contact 17. The force by means of which the contact 16 tends to engage the contact 17 may be adjusted by means of a set screw 19, which is adjustably threaded into the upper surface of the handle 10, as illustrated in Fig. 1.

Secured in a recess in the upper surface of the handle 10, behind the switch contacts 16 and 17, is an electrically operated buzzer or alarm 21. A light emitting element such as a small, electrically operated bulb 22 is mounted in another recess in the handle 10, adjacent the buzzer 21. At the rear end of the handle 10, a cylindrical recess accommodates a metal sleeve 24, the bore of which registers coaxially with a reduced-diameter counterbore 26. A battery 25 locates in the counterbore 26, as shown, and a coil compression spring 27 provides electrical contact between the negative terminal of the battery 25 and a metal disc 28 at the bottom (right end in Fig. 1) of the counterbore 26.

A metal cap 31 has an externally threaded shank 32 which is removably threaded into an internal thread on the metal sleeve 24. In this position, a projection 33 on the inner end of the shank 32 engages the positive terminal of the battery 25. Thus, when the battery 25 is secured in the recess 26 by the cap 31, the metal sleeve 24 is electrically connected to the metal disc 28 via the cap 31, the battery 25 and the spring 27.

To supply power from the battery 25 selectively to the buzzer 21 and the lamp 22, the metal sleeve 24 is connected by a wire lead 34 to one terminal of a conventional switch S1. The other terminal of the switch S1 is connected to the input terminal of the buzzer 21 and the lamp 22 by a wire lead 35. As shown in FIG. 3, the buzzer 21 and the lamp 22 are connected in parallel, and their output terminal is connected by a wire lead 36 to the contact 16 of the

switch S2. The other contact 17 of the switch S2 is connected by a wire lead 37 to the metal disc 28, and hence to the negative terminal of battery 25 via the spring 27.

In use, when the line L has been cast into water to be fished and the baited hook has reached a desired fishing spot, a portion of the line L in front of the reel 12 is grasped and displaced through the slot 15 into the recess 14 to locate between, and separate, the contacts 16 and 17, thereby opening the switch S2. The switch S1 is then turned on. When a fish bites the bait on the line L, the line is drawn out of the slot 15 from between the two contacts 16 and 17, and these resilient contacts close the switch S2 thereby energizing the buzzer 21 and the lamp 22 to signal a fish bite. The person fishing may then strike on the rod 13 to hook the fish in the usual manner.

Our product took off as soon as we started selling it in South Africa, and it has now become one of our best-selling products.

However, yesterday I received a summons regarding infringement of South African patent 2016/09142 by my company. Attached marked "**Annexure A**" is a copy of the particulars of claim attached to the summons, and attached marked "**Annexure B**" is a copy of the specification of the South African patent (ZA 2016/09142) which appears to be owned by Patented Products (Pty) Ltd.

Fish bite indicators have been around for many years, and I have located and attach marked "**Annexure C**" an advert for such a device which was published in a fishing magazine in Europe in February 2002.

Given the success of our product so far, we would like to continue manufacturing and supplying this product in South Africa.

Please advise us as to our position and the best way forward.

Yours sincerely,

Rod Fisher
Fisher King (Pty) Ltd"

You conduct some background checks and establish that:

- (a) ZA 2016/09142 was filed on 9 September 2016 claiming priority from an earlier South African patent application which was filed on 12 September 2015;
- (b) All formalities in respect of ZA 2016/09142 were correctly complied with; and
- (c) ZA 2016/09142 is currently in force.

Pursuant to a prior art search, you locate US 7,109,870 B1 [Annexure D].

QUESTION 1

(35 marks)

Please provide your client with detailed advice on whether or not the manufacture and supply by your client of its product in South Africa amounts to infringement of the claims of ZA 2016/09142.

QUESTION 2

(35 marks)

Please provide your client with detailed advice on the validity of the claims of ZA 2016/09142 in light of the prior art.

QUESTION 3

(30 marks)

In light of your answers to questions 1 and 2 above, please prepare a plea to the particulars of claim and, if appropriate, a counterclaim for your client.

Annexure A

PARTICULARS OF PLAINTIFF'S CLAIM

1. The Plaintiff is PATENTED PRODUCTS (PTY) LTD, a private company incorporated according to the laws of the Republic of South Africa, having its registered office address at 10 Alexander Avenue, Centurion, Gauteng, Republic of South Africa.
2. The Defendant is FISHER KING (PTY) LTD, a private company incorporated according to the laws of the Republic of South Africa, having its registered office address at 7 Torben Road, Pretoria, Gauteng, Republic of South Africa.
3. The Defendant manufactures and supplies fishing tackle in South Africa.
4. The Plaintiff is the registered proprietor of South African patent 2016/09142 entitled "FISH BITE INDICATOR" (**"the patent"**).
5. The patent is valid and in full force and effect.
6. A copy of the specification of the patent is attached marked "**Annexure B**".

Annexure A

7. From a date which presently is unknown to the Plaintiff, the Defendant has, without the authority of the Plaintiff, manufactured, sold and/or offered for sale, in the Republic of South Africa, a fishing rod incorporating a device for signalling a fish bite to an angler (**“the Defendant’s product”**).
8. The Defendant’s product falls within the scope of each of claims 1 to 9 of the patent.
9. In order to prove infringement, the Plaintiff will rely on a purchase of one of the Defendant’s products on 12 June 2023. A copy of an invoice evidencing the sale referred to immediately above is attached marked **“Annexure A1”**.
10. Accordingly, the manufacture, sale and/or offering for sale of the Defendant’s product amounts to an infringement of the patent.
11. The Plaintiff apprehends upon reasonable grounds that the Defendant will not desist from its infringement of the patent unless restrained by an order of the above Honourable Court.

Annexure A

12. As a result of the Defendant's infringement of the patent, the Plaintiff has suffered, and will continue to suffer, damages in an amount which the Plaintiff is at present unable to quantify.

WHEREFORE the Plaintiff claims:

- (a) an interdict restraining the Defendant from infringing South African patent 2016/09142;
- (b) an order directing the Defendant to deliver up to the Plaintiff for destruction all infringing products in the Defendant's possession or under its control;
- (c) an order directing:
 - (i) an enquiry be held into any damages suffered by the Plaintiff as a result of the Defendant's infringement of the patent and/or as to what is a reasonable royalty; and
 - (ii) the Defendant to make payment to the Plaintiff of any damages found to have been suffered by the Plaintiff pursuant to such enquiry;
- (d) in the event of an enquiry in terms of sub-paragraph (c)(i) above being

Annexure A

ordered and the parties being unable to reach agreement as to the future pleadings to be filed and as to discovery, inspection and/or other matters of procedure in relation to the enquiry, an order authorising either the Plaintiff or the Defendant to make application to the above Honourable Court for directions in regard thereto;

- (e) an order that the costs of the action be paid by the Defendant, including the costs of two counsel and the qualifying fees of the Plaintiff's expert witness;
- (f) further and/or alternative relief.

SIGNED AT PRETORIA THIS 19TH DAY OF JUNE 2023.

CostaLot

COSTALOT ATTORNEYS
Plaintiff's Patent Attorneys
PRETORIA

Annexure A1

TAX INVOICE

Fisher King (Pty) Ltd
7 Torben Road
Pretoria
0001

Reg. No. 1996/433097/22
VAT Registration: 4332138662

Tel: (012) 314 2046

Date: 12 June 2023

Invoice No.: IN0326

To: Mr J Cooper
18 4th Street
Killarney
Johannesburg

Code	Description	Quantity	Unit Price	Tax	Net Price
FK102	Fishing rod with fish bite indicator V2	1	R986,00	15.00%	R1,133.90

Sub Total: R1,133.90

Discount: R0.00

Amount Excl. VAT R986.00

VAT: R147.90

Total: R1,133.90

South African Patent 2016/09142

FISH BITE INDICATOR

BACKGROUND OF THE INVENTION

The present invention relates to a fish bite indicator.

The use of fish bite indicators is known. Typically, anglers use a float connected to fishing line extending from a reel on a fishing rod. Once a baited hook on the fishing line has been cast into water to be fished, the float connected to the fishing line remains at the water surface. Usually, these floats have at least one distinct colour so that they are readily visible from the edge of the water.

When a fish bites the baited hook below the water, the float is displaced by the movement of the fishing line, and thereby indicates a fish bite.

A problem with known, floating indicators is that they are also displaced by other movements in the water adjacent the float. For example, a fish swimming near the float may cause the float to move without taking the bait, and this can result in a false indication of a fish bite.

The object of the present invention is to provide a fish bite indicator that addresses the above problem.

SUMMARY OF THE INVENTION

According to the invention, there is provided a fish bite indicator for a fishing rod having a fishing reel attached thereto, the fish bite indicator including:

a holding device for holding a portion of fishing line extending from the fishing reel;

Annexure B

a signalling device for signalling displacement of the portion of fishing line in the holding device; and

means for supporting the signalling device on the fishing rod so that the signalling device is visible to a user of the fishing rod when the portion of fishing line in the holding device is displaced by a fish bite.

Further features of the present invention are apparent from the appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention will now be described in more detail below with reference to the accompanying drawings in which:

FIG. 1: is a schematic side view of a portion of a fishing rod incorporating a fish bite indicator according to the present invention;

FIG. 2: is a schematic cross-sectional view of a portion of the fishing rod and fish bite indicator illustrated in FIG. 1;

FIG. 3: is an electronic schematic of the fish bite indicator according to the present invention;

FIG. 4: is a schematic cross-sectional view taken along the line 4-4 in FIG. 1;

FIG. 5: is an end view of a fish bite indicator according to a second embodiment of the invention; and

FIG. 6: is a cross-sectional view taken along the line 6-6 in FIG. 5.

Annexure B

DESCRIPTION OF PREFERRED EMBODIMENTS

With reference to FIGS. 1 to 4 of the accompanying drawings, a fish bite indicator 10 according to the present invention includes a fishing rod 12 having a pole portion 14 and a handle 16. At least a portion of the handle 16 may be translucent, and the handle may be made from a plastic or fiberglass. As can be seen in FIG 2, the handle 16 is hollow and includes an open end 18 on one side thereof. The outer material 20 of the handle 16 carries an external thread 22 adjacent the open end 18, and an end cap 28 with a corresponding internal thread is provided for closing off the open end 18 of the handle.

The handle 16 is wrapped with tape 24 (see FIG. 1) or other similar covering to provide a hand grip, with the tape or covering leaving a portion of the handle exposed. An interior wall 26 is provided within the handle 16, and a capsule 30 locates between the interior wall 26 and the open end 18 of the handle. The capsule 30 has a first end 32 which carries a light bulb 36, and a second open end 34. A power source 38, in the form of two batteries, is locatable within the capsule 30. A switch 40 is also mounted in the handle 16, and a buzzer 42 is located adjacent the switch. A plurality of bores 44 are provided adjacent the buzzer 42 for permitting sound from the buzzer to exit the handle 16. As shown in FIG. 3, the switch 40 is electrically connected to the power source 38, the buzzer 42 and the light bulb 36.

With reference now to FIGS. 1 and 4 of the drawings, a saddle 46 has a top portion 48 and a bottom portion 50. The bottom portion 50 has a part-annular groove 52 therein defining a pair of opposed fingers 54 for gripping the exterior surface of the pole portion 14 of the fishing rod 12. The top portion 48 of the saddle has a cavity 56 and a pin 58 mounted in this cavity. The pin 58 has a longitudinal axis which is orientated generally parallel to a longitudinal axis of the part-annular groove 52. A trigger 60 has a top portion 62 and a bottom portion 64. The bottom portion 64 has a bore for receiving the pin 58, and is adapted to slide along the pin 58 within the cavity 56. The top portion 62 of the trigger has a generally V-shaped slot 66 for receiving a portion of fishing line 78 (see FIG. 1) extending from a reel 79. A tension line 68 extends from the trigger 60 through an aperture 69 in the pole portion 14 of the fishing rod, and connects the trigger 60 to the switch 40.

Annexure B

In use, a baited hook (not shown) on fishing line 78 is cast into water to be fished and allowed to settle into a desired position in the water. With the switch 40 open, as shown in FIGS. 2 and 3 of the drawings, the trigger 60 is pulled back towards the handle 16 (to the right in Fig. 1). Fishing line 78 from the reel 79 is then fed into the slot 66 of the trigger 60 and is wedged firmly into the bottom of this slot. When a fish bites the baited hook, the fishing line 78 is pulled off the reel 79, thereby drawing the trigger 60 forward (to the left in FIG. 1). This causes the tension line 68 to pull the switch 40 closed, activating the light bulb 36 and the buzzer 42, and signalling a fish bite.

A second embodiment of the invention is illustrated in FIGS. 5 and 6 of the drawings. In this embodiment, a fish bite indicator 70 includes a housing 71 with clips 73 for mounting the housing to a fishing rod (not shown). The housing 71 contains components similar to those of the capsule 30 of the first embodiment, including a power source 86 electrically connected to a switch 72 and to a light bulb 88. In this embodiment, the switch 72 is closed by a trigger 74 in a different manner to the closing of the switch 40 in the first embodiment. The trigger 74 also has a V-shaped slot 76 (see FIG. 5) in an upper portion thereof for receiving and holding fishing line extending from a fishing reel (not shown). However, the trigger 74 in this embodiment is slidingly mounted on a pin 82 within the housing 71 and is arranged to project from an upper slot 84 in the housing 71.

In use, a baited hook (not shown) on fishing line is cast into water to be fished in a similar manner to that described above. With the switch 72 open, as shown in FIG. 6, the trigger 74 is drawn back to the rear end of the slot 84 (to the right in FIG. 6). Fishing line from the fishing reel is then fed into the slot 76 of the trigger 74 and is wedged firmly into the bottom of this slot. When a fish bites the baited hook and the fishing line is pulled off the fishing reel, the fishing line draws the trigger 74 forward (to the left in FIG. 6), causing the trigger to strike the switch 72 and to close this switch, thereby activating the light bulb 88 and signalling a fish bite.

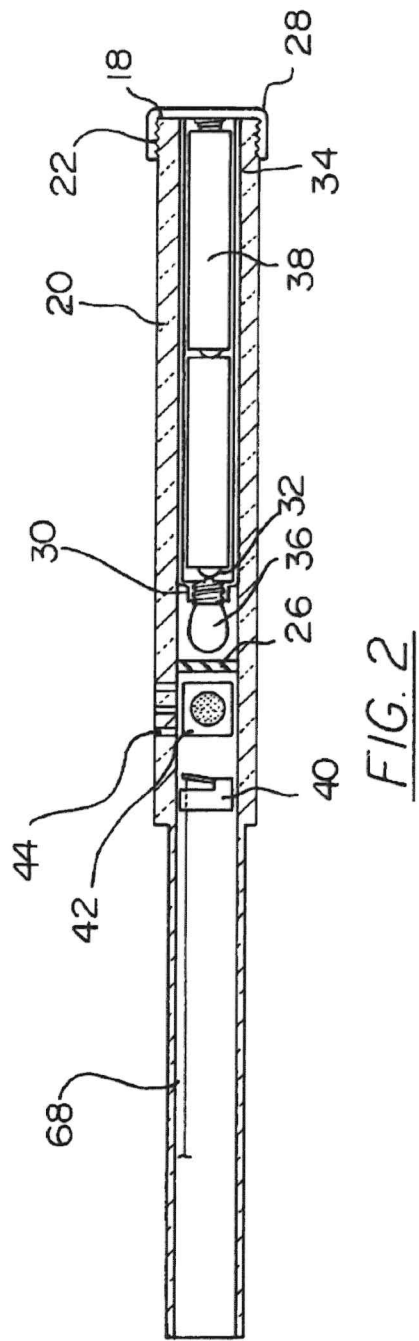
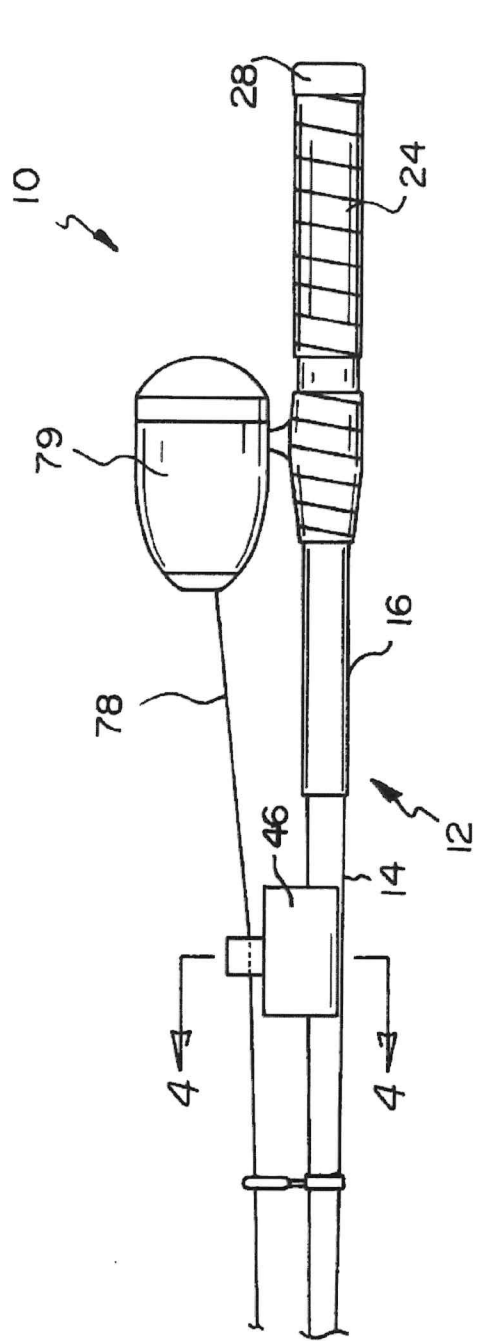
Since numerous modifications and changes will be apparent to those skilled in the art, the invention should not be limited to the exact construction and operation described and illustrated in the embodiments above.

CLAIMS:

1. A fish bite indicator for a fishing rod having a fishing reel attached thereto, the fish bite indicator including:
 - a holding device for holding a portion of fishing line extending from the fishing reel;
 - a signalling device for signalling displacement of the portion of fishing line in the holding device; and
 - means for supporting the signalling device on the fishing rod so that the signalling device is visible to a user of the fishing rod when the portion of fishing line in the holding device is displaced by a fish bite.
2. A fish bite indicator according to claim 1, wherein the signalling device is removably attachable to the fishing rod.
3. A fish bite indicator according to claim 2, wherein the holding device is removably attachable to the fishing rod.
4. A fish bite indicator according to any one of the preceding claims, wherein the signalling device is a light source connected to a switch.
5. A fish bite indicator according to any one of claims 1 to 3, wherein the signalling device is a buzzer connected to a switch.
6. A fish bite indicator according to either claim 4 or claim 5, including a power source for energising the light source or the buzzer.
7. A fish bite indicator according to any one of claims 4 to 6, wherein the holding device is slidably displaceable relative to the switch.

Annexure B

8. A fish bite indicator according to claim 7, wherein the holding device is slidably displaced into contact with the switch to close the switch when the portion of fishing line in the holding device is displaced by a fish bite.
9. A fish bite indicator according to claim 1, wherein the fishing rod includes a handle portion and a pole portion extending from the handle portion, and wherein the holding device is located on the pole portion of the fishing rod, and the signalling device is located on the handle portion of the fishing rod.



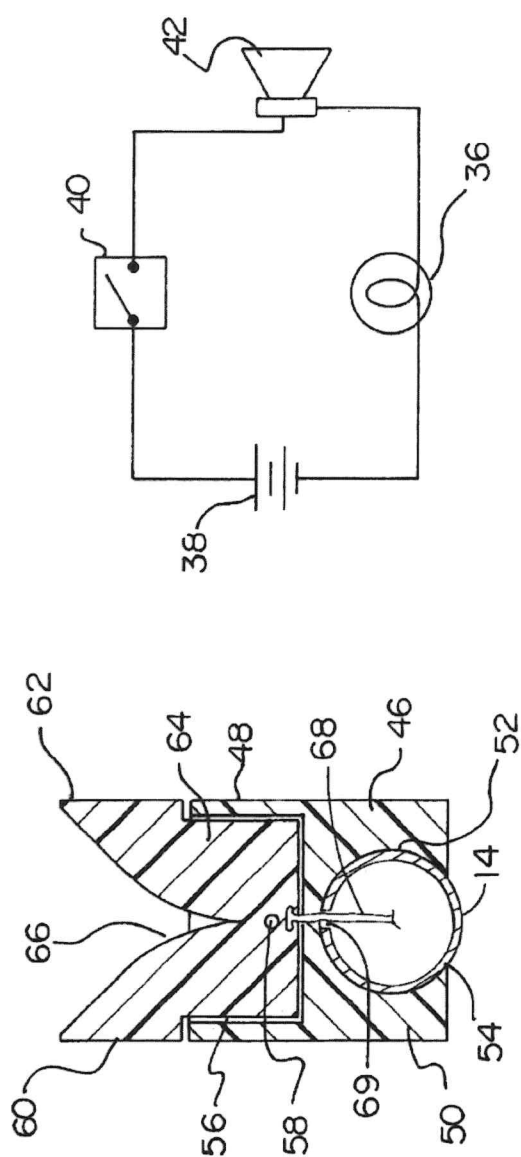


FIG. 3

FIG. 4

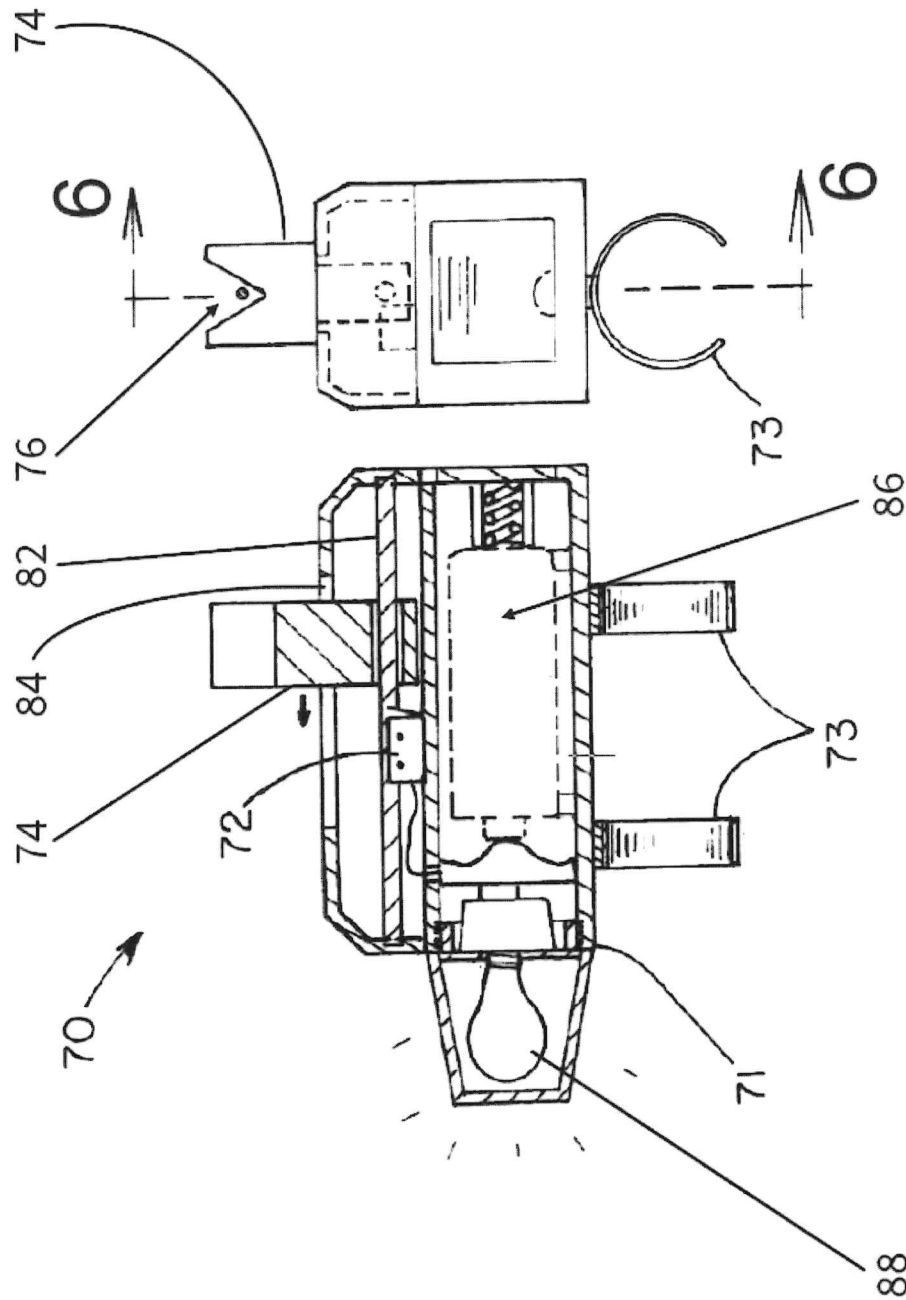
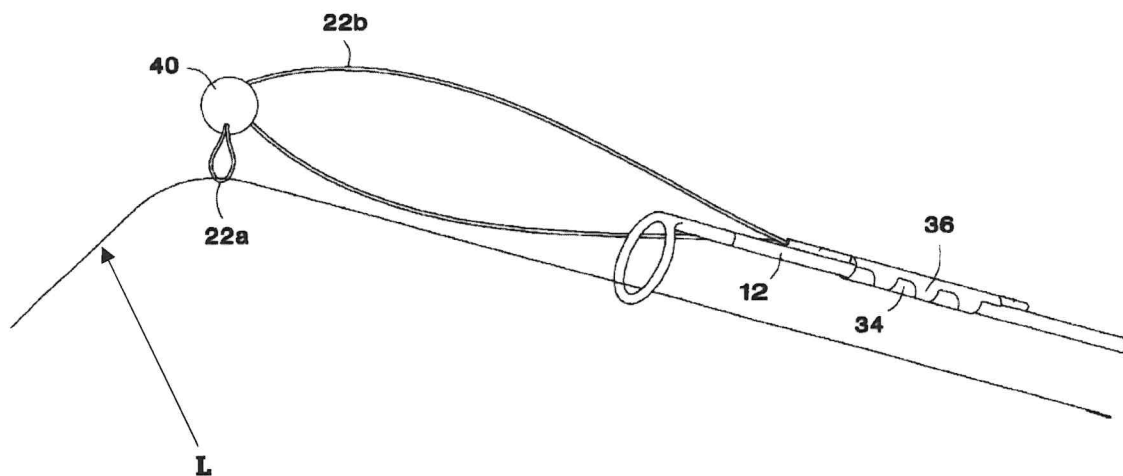


FIG. 6 FIG. 5

SURE STRIKE

For all Anglers

A new indicator for signalling the presence of a biting fish



- Fits all types of fishing rods.
- Easy to attach to and remove from a fishing rod.
- Includes:
 - Bright coloured bobber 40 for signalling the presence of a biting fish;
 - Loop 22a extending downwardly from bobber 40, through which a fishing line L extending from a fishing reel passes;
 - Flexible loop 22b for supporting bobber 40 on a fishing rod 12 and allowing downward displacement of the loop 22a when the fishing line L is pulled by a fish; and
 - Securing assembly 36 for removably securing the loop 22b to a portion 34 of the fishing rod 12.

(12) **United States Patent**
Reed et al.

(10) **Patent No.:** **US 7,109,870 B1**
(45) **Date of Patent:** **Sep. 19, 2006**

(54) **FISHING ACCESSORY**

(76) Inventors: **Robert R. Reed**, P.O. Box 1485,
Pinetop, AZ (US) 85935; **Sheldon A.
Reed, II**, P.O. Box 1485, Pinetop, AZ
(US) 85935

(*) 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.: **10/176,730**

(22) Filed: **Jun. 21, 2002**

Related U.S. Application Data

(60) Provisional application No. 60/301,648, filed on Jun.
27, 2001.

(51) **Int. Cl.**
G08B 23/00 (2006.01)

(52) **U.S. Cl.** **340/573.2; 340/573.1;**
340/668; 340/691.5; 43/17

(58) **Field of Classification Search** **340/573.1,**
340/573.2, 668, 691.5, 693.5, 693.9, 665;
43/17, 17.5

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

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5,063,373 A *	11/1991	Lindsley	340/573
5,321,391 A *	6/1994	Fox	340/573
5,898,372 A *	4/1999	Johnson et al.	340/573.2
5,986,552 A *	11/1999	Lyons	340/573.2

* cited by examiner

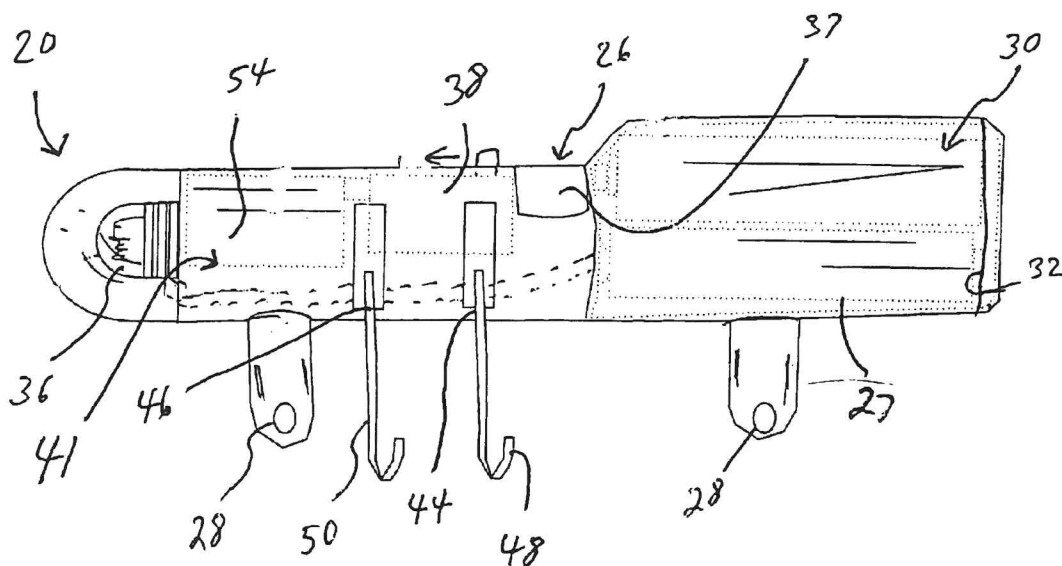
Primary Examiner—Anh V. La

(74) *Attorney, Agent, or Firm*—Roy, Kiesel et al.

(57) **ABSTRACT**

A fishing accessory that includes a housing and an alerting mechanism for alerting a fisherman when a fishing line connected to the activation switch of the alerting mechanism is being tugged on by a fish. The housing includes a housing having a pair of attachment clamps securable to a fishing rod. The alerting mechanism includes multiple types of alarm outputs that may be selected in various combinations by a user.

1 Claim, 2 Drawing Sheets



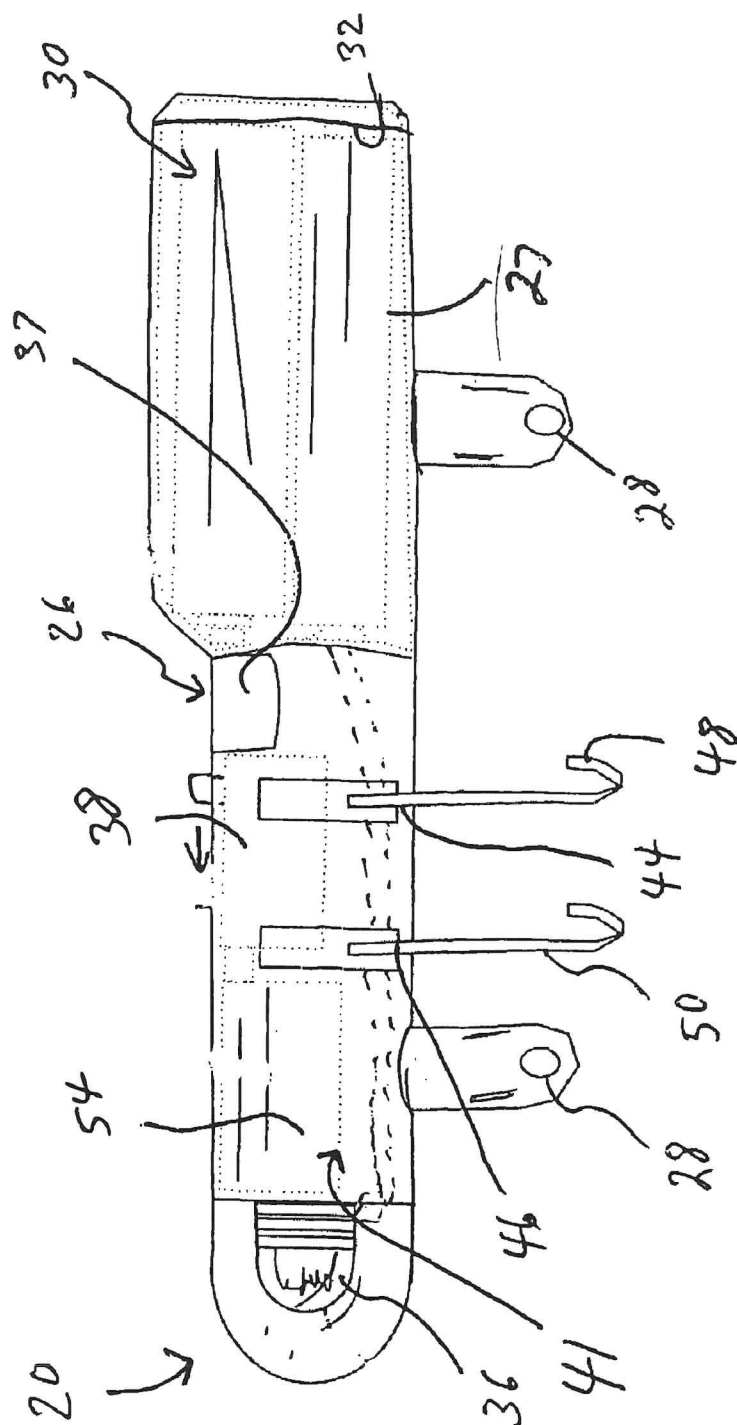
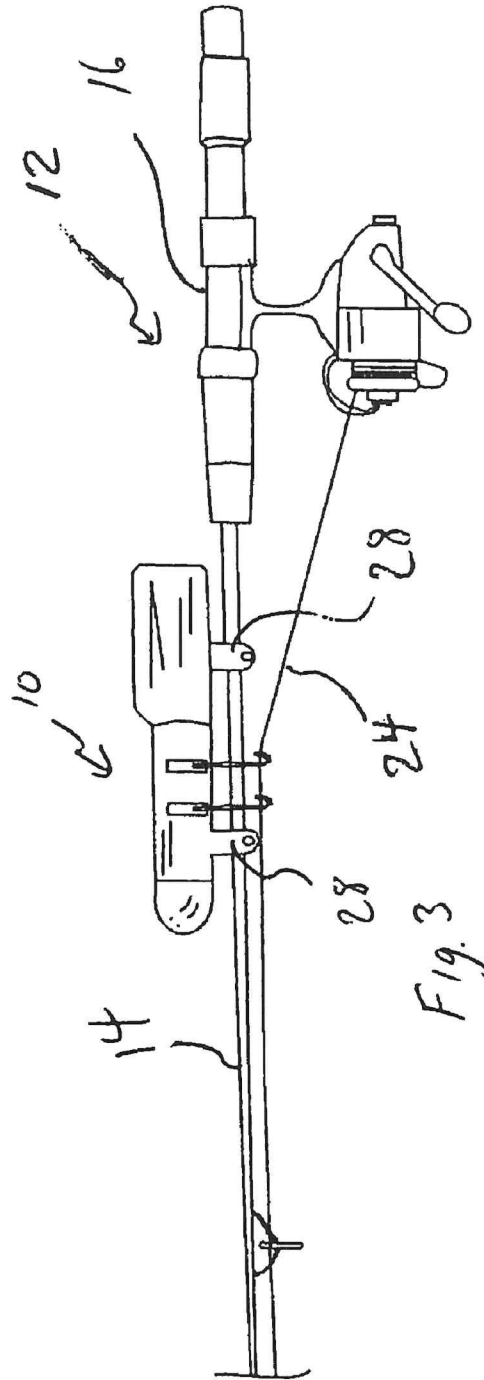
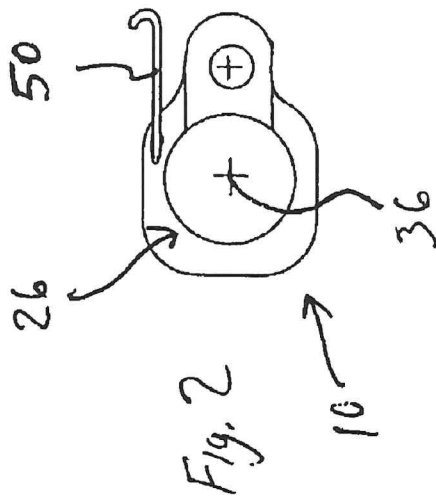


Fig. 1



US 7,109,870 B1

1

FISHING ACCESSORY

This application claims the benefit of U.S. Provisional Application No. 60/301,648, filed Jun. 27, 2001.

TECHNICAL FIELD

The present invention relates to fishing accessories and more particularly to a fishing accessory that snaps onto a fishing rod and that includes an alerting mechanism for alerting a fisherman when a fishing line connected to the fishing accessory is being tugged on by a fish; the fishing accessory including a housing having a pair of attachment clamps securable to a fishing rod and an alerting mechanism that includes: a number of batteries, a battery compartment with a battery holder for storing the number of batteries in the battery holder, a front light bulb, a buzzer mechanism, an audio/voice playback mechanism, a five-position operation select switch, and an activation switch having two separate activation hooks attached to the activation switch that each extend from the housing; the battery holder, the front light bulb, the buzzer mechanism, the audio/voice playback mechanism, the five-position operation select switch, and the activation switch being electrically connected such that a user may position the five-position operation select switch into a first position to turn the alerting mechanism off, into a second position to turn the alerting mechanism on and have the front light bulb become illuminated upon activation of the activation switch, into a third position to turn the alerting mechanism on and have the buzzer mechanism operate upon activation of the activation switch, into a fifth position to turn the alerting mechanism on and have the audio/voice playback mechanism operate upon activation of the activation switch, and into a fourth position to turn the alerting mechanism on and have the front light bulb and the buzzer mechanism operate upon activation of the activation switch.

BACKGROUND ART

Many individuals enjoy fishing but do not have the patience to constantly monitor the fishing line such that a fish may pull on the fishing line and steal the bait when the fisherman is not paying attention. It would be desirable, therefore, for these type of fishermen to have a fishing accessory which could be clipped to a fishing rod and which would give an audible and/or a visual alerting output to the fisherman such that the fisherman could rapidly retrieve the rod and attempt to set the fishhook. Because children have short attention spans, it would be a further benefit to have such a device that included an audio playback device that could be selected by a user to provide a spoken output when the device was activated. These functions also are beneficial to visual and hearing impaired sportsmen.

GENERAL SUMMARY DISCUSSION OF INVENTION

It is thus an object of the invention to provide a fishing accessory that includes an alerting mechanism for alerting a fisherman when a fishing line connected to the fishing accessory is being tugged on by a fish; a housing having a pair of attachment clamps securable to a fishing rod and an alerting mechanism that includes: a number of batteries, a battery compartment with a battery holder for storing the number of batteries in the battery holder, a front light bulb, a buzzer mechanism, an audio/voice playback mechanism, a five-position operation select switch, and an activation

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switch having two separate activation hooks attached to the activation switch that each extend from the housing; the battery holder, the front light bulb, the buzzer mechanism, the audio/voice playback mechanism, the five-position operation select switch, and the activation switch being electrically connected such that a user may position the five-position operation select switch into a first position to turn the alerting mechanism off, into a second position to turn the alerting mechanism on and have the front light bulb become illuminated upon activation of the activation switch, into a third position to turn the alerting mechanism on and have the buzzer mechanism operate upon activation of the activation switch, into a fifth position to turn the alerting mechanism on and have the audio/voice playback mechanism operate upon activation of the activation switch, and into a fourth position to turn the alerting mechanism on and have the front light bulb and the buzzer mechanism operate upon activation of the activation switch.

Accordingly, a fishing accessory is provided. The fishing accessory includes a housing having a pair of attachment clamps securable to a fishing rod and an alerting mechanism that includes: a number of batteries, a battery compartment with a battery holder for storing the number of batteries in the battery holder, a front light bulb, a buzzer mechanism, an audio/voice playback mechanism, a five-position operation select switch, and an activation switch having two separate activation hooks attached to the activation switch that each extend from the housing; the battery holder, the front light bulb, the buzzer mechanism, the audio/voice playback mechanism, the five-position operation select switch, and the activation switch being electrically connected such that a user may position the five-position operation select switch into a first position to turn the alerting mechanism off, into a second position to turn the alerting mechanism on and have the front light bulb become illuminated upon activation of the activation switch, into a third position to turn the alerting mechanism on and have the buzzer mechanism operate upon activation of the activation switch, into a fifth position to turn the alerting mechanism on and have the audio/voice playback mechanism operate upon activation of the activation switch, and into a fourth position to turn the alerting mechanism on and have the front light bulb and the buzzer mechanism operate upon activation of the activation switch.

BRIEF DESCRIPTION OF DRAWINGS

For a further understanding of the nature and objects of the present invention, reference should be made to the following detailed description, taken in conjunction with the accompanying drawings, in which like elements are given the same or analogous reference numbers and wherein:

FIG. 1 is a side cutaway view of an exemplary embodiment of the fishing accessory of the present invention.

FIG. 2 is a forward plan view of an exemplary embodiment of the fishing accessory.

FIG. 3 shows the exemplary fishing accessory attached to a representative fishing rod.

EXEMPLARY MODE FOR CARRYING OUT THE INVENTION

FIGS. 1–3 show various aspects of an exemplary embodiment of the fishing accessory of the present invention generally designated 10. Fishing accessory 10 is adapted for use with a fishing rod assembly generally designated 12 having a fishing rod portion 14 extending from a handle 16.

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Fishing accessory 10 includes an alerting mechanism, generally designated 20, for alerting a fisherman when a fishing line 24 is being tugged by a fish. Fishing accessory 10 includes a housing generally designated 26 having a pair of attachment clamps 28 that are securable to rod portion 14 in a manner to allow the fishing rod assembly 12 to operate unimpaired. Fishing accessory 10 also includes an alerting mechanism 20 including batteries 27, a battery holder 32, a battery compartment 30 within housing 26 for receiving the batteries 27 installed in battery holder 32. Alerting mechanism 20 also includes a light bulb 36, a buzzer mechanism 38, an audio/voice playback mechanism 37, a five-position operation select switch 54, and an activation switch 41 having two activation hooks 44,46 that extend outwardly from housing 26, have a fishing line connection hook 48, 50, and are pivotally mounted to one side of housing 26 and activation switch 41 such that pulling on either activation hook 44,46 activates the alerting mechanism 20.

Battery holder 32, front light bulb 36, buzzer mechanism 38, audio/voice playback mechanism 37, five-position operation select switch 54, and the activation switch 41 being electrically connected such that a user may position the five-position operation select switch into a first position to turn the alerting mechanism 20 off, into a second position to turn the alerting mechanism 20 on and have the front light bulb 36 become illuminated upon activation of the activation switch 41, into a third position to turn the alerting mechanism 20 on and have the buzzer mechanism 38 operate upon activation of the activation switch 41, into a fifth position to turn the alerting mechanism 20 on and have the audio/voice playback mechanism 54 operate upon activation of the activation switch, and into a fourth position to turn the alerting mechanism 20 on and have the front light bulb 36 and the buzzer mechanism 38 operate upon activation of the activation switch 41.

It can be seen from the preceding description that a fishing accessory has been provided.

It is noted that the embodiment of the fishing accessory described herein in detail for exemplary purposes is of

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course subject to many different variations in structure, design, application and methodology. Because many varying and different embodiments may be made within the scope of the inventive concept(s) herein taught, and because many modifications may be made in the embodiment herein detailed in accordance with the descriptive requirements of the law, it is to be understood that the details herein are to be interpreted as illustrative and not in a limiting sense.

What is claimed is:

1. A fishing accessory comprising:

an alerting mechanism for alerting a fisherman when a fishing line connected to the fishing accessory is being tugged on by a fish;

the fishing accessory including a housing having a fishing rod attachment mechanism securable to a fishing rod and an electrically powered alerting mechanism that includes: a front illumination source, an audible noise generating mechanism, an operating mode select switch, and an alerting mechanism activation switch having a hook attached thereto that extends from the housing and which activates the alerting mechanism when moved from a preset position;

the operating mode select switch providing an input device to allow a user to select a desired operating mode from a list including an alerting mechanism off mode;

a front illumination source activation mode wherein only the front illumination source is activated when the alerting mechanism activation switch is moved from the preset position;

an audible noise generating activation mode wherein the audible noise generating mechanism is only activated when the alerting mechanism activation switch is moved from the preset position; a dual alerting mode wherein the audible noise generating mechanism and the front illumination source are activated when the alerting mechanism activation switch is moved from the preset position.

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