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October 29, 2004

Nelson Mullins Riley & Scarborough
Attn: Craig N. Killen
Keenan Building, Third Floor
1330 Lady Street
Columbia, S.C. 29201

Re: OS 1402P; OS1417P; RD1403P; PA1399SV; PA1400SV; QJ6276SL; QG6371H; QG9177GC; SR6295RB; QH6061; QG6206ES
Control Number: 60-716-9772(Q)

Dear Mr. Killen:

On behalf of the Copyright Office Board of Appeals, I am responding to your November 1, 2001 letter requesting a second review of the Office's refusal to register the ten lighting fixtures and one furniture design listed above in which your client, Quoizel Inc., is claiming copyright. The Board has carefully examined the submissions for all eleven of these works, including the deposit materials, the applications, and all other material submitted by your firm concerning the copyrightability of these works. The Board has concluded that none of the 11 useful article works contains sufficient separable authorship to support a copyright registration and, therefore, affirms the Examining Division's refusal to register these works.

I. Description of works

The 11 works that are the subjects of this reconsideration are useful articles. A description of each work, including the elements of each work which the Board has found to be separable, as well as an image of each work is given in Appendix A.

II. Administrative record

A. Initial Submission

The Copyright Office initially received applications to register 10 lighting fixture designs and one table design on May 4, 2000. In a letter dated November 15, 2000, the original Examiner refused to register the eleven designs on the ground that the designs were those of useful articles which did not contain any separable features that were also copyrightable. The Examiner elaborated that such separable features may consist of pictorial, graphic, or sculptural authorship that is either physically or conceptually separable from the utilitarian aspects of the article. The Examiner concluded that while some of the designs contained features that could be identified as "separable," those

features could not support a copyright because they represented an insufficient amount of original authorship. Letter from Livanios to Garber of Quoizel, Inc., of 11/15/00.

B. First Request for Reconsideration

In a letter dated March 14, 2001, you requested reconsideration of the Office's refusal to register the eleven designs. You agreed with the Examiner that "the test for registration is that authorship must be physically or conceptually separable and that the authorship must be copyrightable." Letter from Killen to Examining Division of 3/14/01 at 1. You stated that, since the initial refusal to register acknowledged that the works contained separable features, "the only remaining issue is the creativity of the authorship that can be separated." *Id.*

You urged that the threshold of creativity to obtain a copyright is extremely low and cited the Supreme Court's opinion in Feist Publications, Inc. v. Rural Telephone Service Co., 499 U.S. 340, 345 (1991), as establishing a low requisite level of creativity. Letter from Killen of 3/14/01 at 1-2. You further cited the case of CCC Information Services, Inc. v. Maclean Hunter Market, 44 F.3d 61 (2d Cir. 1994) to argue that the thrust of the Feist decision was not to erect a high originality barrier. Letter from Killen of 3/14/01 at 2. Your letter included citation to a passage from CCC Information identifying three other Second Circuit cases upholding copyright in works involving compilation authorship of non-copyrightable facts. You further urged that your client's work does not rest upon a compilation claim, but that the author has created sculptural works which are readily protected under the low standard of originality required by case law. In closing, you asserted that the Examiner failed to explain her conclusion that the separable elements have an insufficient level of creativity.

After reviewing your first request for reconsideration, Examining Division Attorney Advisor Virginia Giroux responded in a letter dated July 5, 2001. She upheld the refusal to register the eleven designs because she determined that they were useful articles which did not contain any authorship that was both separable and copyrightable. Her letter recounted the origins of the separability requirement in the definition of pictorial, graphic, and sculptural work in section 101 of the copyright law. (Letter from Giroux to Killen of 7/5/01 at 1). Moreover, she noted that the House Report, H.R. Rep. No. 1476, 94th Cong., 2d Sess. at 55 (1976) which accompanied the 1976 Act confirmed that separability may be physical or conceptual. Letter from Giroux of 7/5/01 at 1.

At issue, according to Ms. Giroux, was whether the eleven designs contained conceptually separable elements or features, apart from the shape of the useful articles, that were also copyrightable as works of art. *Id.* at 2. She stated that in examining a work for conceptual separability, the Copyright Office follows the test enunciated in Compendium of Copyright Office Practices, Compendium II, section 505.03 (1984).

This section provides that conceptual separability exists when the pictorial, graphic, or sculptural features, while physically inseparable by ordinary means from the utilitarian item, are nevertheless clearly recognizable as a pictorial, graphic, or sculptural work which can be visualized on paper, for example, or as a free-standing sculpture, independent of the shape of the article, without destroying the basic shape of the article. Letter from Giroux of 7/5/01 at 2.

She further explained that the test for conceptual separability is not met by merely analogizing the general shape of a useful article to works of modern sculpture, and that even where certain features are nonfunctional or could have been designed differently, no registration is possible if the features are an integral part of the overall shape or contour of the useful article. Ms. Giroux cited Esquire v. Ringer, 591 F.2d 796 (D.C. Cir. 1978), cert. denied, 440 U.S. 908 (1079), and Norris Industries, Inc. v. International Telephone & Telegraph Corp., 696 F.2d 918 (11th Cir. 1983), cert. denied, 464 U.S. 818 (1983), as precedent which elaborates on the separability standard as it is appropriately applied to useful articles. Letter from Giroux of 7/5/01 at 2.

While Ms. Giroux agreed with the original examiner that some of the designs contained separable elements, she concluded that those elements failed to possess more than a *de minimis* quantum of creativity, citing Feist Publications. She also cited Alfred Bell & Co. v. Catalda Fine Arts, Inc., 191 F.2d 99 (2d Cir. 1951) for the proposition that originality requires that the authorship in question constitute more than a trivial variation of public domain elements. Letter from Giroux of 7/5/01 at 2.

After examination of all of the works, Ms. Giroux concluded that eight of the designs had separable elements. She then described the separable elements on those eight designs. She determined that the other three designs contained no separable elements. Letter from Giroux of 7/5/01 at 3. Regarding the eight designs which she found to contain separable elements, Ms. Giroux concluded that the separable elements were common or familiar shapes or designs or minor variations thereof, and, therefore, in the public domain. She noted that simple variations of standard shapes may be aesthetically pleasing but do not support a copyright registration. *Id.* As support for this conclusion, she cited John Muller & Co., Inc. v. N.Y. Arrows Soccer Team, 802 F.2d 989 (8th Cir.); Jon Woods Fashions, Inc. v. Curran, 8 U.S.P.Q.2d 1870 (S.D.N.Y. 1988); and Forstmann Woolen Co. v. J.W. Mays, Inc., 89 F.SUPP. 964 (E.D.N.Y. 1950). Finally, Ms. Giroux noted that the compilation cases which, you urge, support registration, CCC Information Services, Inc. v. Maclean Hunter Market, 44 F.3d 61 (2d Cir. 1994); Key Publications, Inc. v. Chinatown Today Publishing Enterprises, Inc., 945 F.2d 509 (2d Cir. 1991); Kregos v. Associated Press, 937 F.2d 700 (2d Cir. 1991); and Eckes v. Card Price Update, 736 F.2d 859 (2d Cir. 1984), were ones that are readily distinguished on the grounds that all four dealt will compilation authorship. She noted that in those cases the court found a sufficient quantum of selection, judgment, coordination and/or arrangement authorship to support registration. Letter from Giroux of 7/5/01 at 4. She concluded that

the works in question here are all useful articles which must be examined under the standards relating to useful articles. Having done that, Ms. Giroux found the components of the work to be related to the utilitarian function or subsumed within the overall shape or configuration of the individual work, or, where determined to be separable, lacking in the necessary quantum of originality to sustain a claim.

C. Second Request for Reconsideration

In a letter dated November 1, 2001, you filed a second request for reconsideration. Acknowledging that the designs at issue here are useful articles, you assert that the designs meet the separability test of the copyright law. Letter from Killen to Board of Appeals of 11/1/01 at 1. You claim that in Mazer v. Stein, 347 U.S. 201 (1954), the Court found a lamp design to be copyrightable and observed that statuettes, bookends, clocks, lamps, door knockers, candlesticks, inkstands, chandeliers, piggy banks, sundials, salt and pepper shakers, fish bowls, casseroles, and ash trays all have been copyrighted. Letter from Killen of 11/1/01 at 1. You also distinguish Esquire v. Ringer, 591 F.2d 796 (D.C. Cir. 1987), on the grounds that the lighting fixture at issue there was extremely simple and did not contain filigree or other surface ornamentation. Letter from Killen of 11/1/01 at 1.

You further argue that a number of post-Esquire decisions support registration of the lamp designs at issue here. You cite Kieselstein-Cord v. Accessories by Pearl, Inc., 632 F.2d 989 (2^{d} Cir. 1980), upholding the copyrightability of a belt buckle containing separable, ornamental aspects. As in your first request for reconsideration to register, you also observe that in Feist Publications, Inc. v. Rural Telephone Service Co., 499 U.S. 340 (1991), the Supreme Court said that the requisite level of creativity was extremely low, and that even a slight amount would suffice. Finally, you criticize the Office's reliance on pre-Feist authority in judging the copyrightability of the separable features of the lamp designs at issue and assert that compilations of visual elements in works of the graphic arts may be protected by Feist's principle to the same extent that Feist applies to compilations of phone numbers. Letter from Killen of 11/1/01 at 2.

III. Decision

A. Useful articles

Based on the statutory definition of a useful article, the Appeals Board initially determined that the ten light fixtures and the table are useful articles. For copyright purposes, a useful article is defined as "an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information." 17 U.S.C. 101 (definition of "useful article). Also, any article that is "normally a part of a useful article is considered a 'useful article'." *Id.* We note that you have acknowledged in both requests for reconsideration [March 14, 2001 and November 1, 2001] that these works are useful articles; thus, the categorization of the works is not in dispute. Rather the question before the Board is whether the lamp and table designs contain sufficient, i.e., copyrightable, authorship to support a claim to registration.

In drawing a clear line between copyrightable works of applied art and uncopyrighted works of industrial design, Congress withheld protection from the shape of an industrial product– even though it might be aesthetically satisfying and valuable– unless the shape contains some elements that, physically or conceptually, can be identified as separable from the utilitarian aspects of that article. Specifically, the House Report accompanying the 1976 Act states:

> In adopting this amendatory language, the Committee is seeking to draw as clear a line as possible between copyrightable works of applied art and uncopyrighted works of industrial design. ... [A]lthough the shape of an industrial product may be aesthetically satisfying and valuable, the Committee's intention is not to offer it copyright protection under the bill. Unless the shape of an automobile, airplane, ladies' dress, food processor, television set, or any other industrial product contains some element that, physically or conceptually, can be identified as separable from the utilitarian aspects of that article, the design would not be copyrighted under the bill. The test of separability and independence from "the utilitarian aspects of the article" does not depend upon the nature of the design -- that is, even if the appearance of an article is determined by esthetic (as opposed to functional) considerations, only elements, if any, which can be identified separately from the useful article as such are copyrightable.

H.R. Rep. No. 94-1476, at 55 (1976)(emphasis added)

Section 505 of Compendium of Copyright Office Practices, Compendium II (1984) is a direct successor to the Copyright Office regulation that was affirmed in Esquire, Inc. v. Ringer, 591 F.2d. 796 (D.C. Cir. 1978). Esquire enunciated the rule that is the basis for the Office's analysis of whether a pictorial, graphic or sculptural work may be considered separable from the utilitarian object in which it is incorporated. Relying on explicit statements in legislative history, the Esquire court found that the Office's regulation was an authoritative construction of the copyright law. *Id.* at 802-803. Esquire and later cases held that, despite an aesthetically pleasing, novel or unique shape, the overall design or configuration of a utilitarian object may not be copyrighted if it is not "capable of existing as a work of art independent of the utilitarian article into which [it is] incorporated." *Id.* at 803-804. In Esquire, the court held that the Copyright Office properly refused registration for a useful article, in that case a light fixture, notwithstanding how aesthetically pleasing the useful article's shape or configuration may have been. *Id.* at 800. As noted above, the legislative history states that:

> The test of separability and independence from "the utilitarian aspects of the article" does not depend upon the nature of the design--that is, even if the appearance of an article is determined by esthetic (as opposed to functional) considerations, only elements, if any, which can be identified separately from the useful article as such are copyrightable.

H.R. Rep. at 55.

1. Conceptual Separability

Your November 1, 2001 request for reconsideration states that the works in question exhibit conceptual separability. We agree with you that it is this aspect of separable authorship which we have determined to be present in the lamp and table designs at issue here. The Examining Division attorney, Ms. Giroux, however, concluded that only eight of the eleven works contain separable elements, but that those separable elements did not support a copyright. The Board of Appeals agrees with her conclusion that the separable features within these lamp designs do not exhibit copyrightable authorship but the Board departs from Ms. Giroux in its stating that **all** of the lamp designs, as well as the table design, contain **some– albeit not copyrightable–** separable features.

With respect to the three works entitled SR6295RB, QH6061, and QG6206ES, Ms. Giroux concluded that these works contained no separable elements. Your second, November 1, 2001 letter for reconsideration does not specifically address the three works which Ms. Giroux found to be lacking separable elements. The Board of Appeals, however, has carefully examined these claims and, as we have just stated, believes that with respect to the work QG6206ES, the diamond hatches and elongated, spear-point

indentation patterns on the surface of the lamp base are arguably separable, but that this separable pattern is too simple, consisting of minor variations of standard shapes, to support a copyright claim. Further, the work SR6295RB is a table lamp design in which the Board recognizes a separable design element of a double curly-cue design at the top portion of the lamp which hold the lower portion of the bulb assembly in place. This curly-cue, one partial-circle, design appearing in two layers is, again, a minor variation on a common shape of an almost-closed circle and is too elementary to sustain registration. Finally, concerning design QH6061, the work is described on the application form as a "table lamp" but the deposit copy accompanying the application is a photo showing only a small wooden table as described, above at 3. The Board can identify no separable elements within the table design with the exception of a few small, cut-out squares on the surface of the table. The rest of the table design is part of the overall shape of the useful article and, as a functional object, does not reflect the required separability.

Although we have already stated that certain of the works submitted for registration do not possess sufficient copyrightable authorship with respect to the separable features within the works, we take the opportunity at this point in our decision to set forth the Office's test regarding conceptual separability. As we have stated above, the Office's Compendium II– the manual of examining and registration practices– states that conceptual separability exists when "artistic or sculptural features ... can be visualized as free-standing sculpture independent of the shape of the useful article, i.e., the artistic features can be imagined separately and independently from the useful article without destroying the basic shape of the useful article." Compendium II, section 505.03. If the
artistic features can be imagined separately and independently from the useful article without destroying its basic shape, those features may be conceptually separable. Section 505.03 provides an example: carving on the back of a chair, or pictorial matter engraved on a glass vase, could be considered for registration.

Your letter of November 1, 2001 maintains that the Examining attorney relied upon Esquire v. Ringer in determining conceptual separability and that this reliance is unfounded. You attached a photocopy of the lighting fixture at issue in Esquire and stated that the Esquire lamp "did not contain filigree or other surface ornamentation." Letter from Killen of 11/1/01 at 1 - 2. You further argued that an article may possess utility but may also qualify for copyright protection. *Id.* at 2. We agree that a useful article, if it meets the separability test articulated in Compendium II, itself based on the guidance of legislative history, may exhibit separable authorship which may be protected by copyright. Many useful articles have been the subject of copyright, as you have noted in your reference [Letter from Killen of 11/1/01 at 1] to Mazer v. Stein, 347 U.S. 201 (1954) [works of art incorporated into useful articles, such as mass-produced articles of commerce, may retain their copyright protection; Mazer articulated no separability test for useful articles]. We take this opportunity, however, to state again that the Office's reference to Esquire, above at 7, is consistent with later case law which re-confirmed the Office's reliance in its examining practices on the underlying principle of Esquire. *See*

also Norris Industries, Inc. v. International Telephone and Telegraph Corp., 696 F.2d 918 (11th Cir. 1983); and, Custom Chrome, Inc. v. Ringer, 35 U.S.P.Q.2d 1714 (D.D.C. 1995), a case brought under the Administrative Procedure Act [5 U.S.C. 701 - 706], which, again, confirmed that the Office's refusal to register motorcycle parts– premised on the Compendium separability tests– was not arbitrary or capricious. We point out, again, that the only work which the Board has found essentially lacking in separable features is the one entitled QH6061, the small wooden table which exhibits no separable features other than the small squares on the surface of part of the table which are not part of the overall shape and configuration of the table. Under the Compendium test, no feature [other than the small squares] can be imagined separately from the table as a whole without destroying the basic shape of the table. The lines and features of the table constitute the useful article.

B. *De minimis* authorship

The Board of Appeals has determined that the separable ornamentation found in your client's designs does not exhibit sufficient copyrightable authorship. While simple geometric shapes and commonplace design elements can be identified apart from the overall shape of the useful articles, neither the elements alone nor in their overall combination meet the creativity and originality standards of the copyright law.

The Board does, of course, agree with you that under Feist only a modicum of creativity is necessary to support a copyright. However, the Supreme Court, in its Feist opinion, also ruled that some works (such as the telephone book white-page listing at issue in Feist) fail to meet even that low standard. The Court observed that "as a constitutional matter, copyright protects only those constituent elements of a work that possess more than a *de minimis* quantum of creativity," Feist, 499 U.S. at 363, and that there can be no copyright in work in which "the creative spark is utterly lacking or so trivial as to be virtually nonexistent." *Id.* at 359. The Court also recognized that some works, such as a "garden-variety white pages directory devoid of even the slightest trace of creativity," are not copyrightable. *Id.* at 362. We also point out that, even before Feist, the Copyright Office followed this standard of a requisite modicum of creativity but refused to register "works that lack even a certain minimum amount of original authorship". Compendium II. § 202.02(a)(1984).

Common shapes or designs, or simple arrangements of common elements such as letters or colors do not embody copyrightable authorship. Copyright regulations at 37 C.F.R. 202.1(a) codify a longstanding application of these principles. Section 202.1 provides:

> The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

> (a) Words and short phrases such as names, titles, and slogans, familiar symbols or designs, mere variations of typographic ornamentation, lettering, or coloring, mere listing of ingredients or contents...

Further guidance may be found in Compendium II which states that, with respect to pictorial, graphic & sculptural works, the class within which the subject works fall, a "certain minimal amount of original creative authorship is essential for registration in Class VA or in any other class." Compendium II, section 503.02(a) (1984). The Compendium emphasizes that it is not aesthetic merit, but the presence of creative expression that is determinative of copyrightability in a work and that:

> [R]egistration cannot be based upon the simplicity of standard ornamentation such as chevron stripes, the attractiveness of a conventional fleur-de-lys design, or the religious significance of a plain, ordinary cross. Similarly, it is not possible to copyright common geometric figures or shape such as the hexagon or the ellipse, a standard symbol, such as an arrow or a five-pointed star.... The same is true of a simple combination of a few standard symbols such as a circle, a star, and a triangle, with minor linear or spatial variations. *Id.*

The Board finds further support in its refusal to register the separable elements in the lamps at issue in the following cases which addressed standard designs and simple arrangements. In John Muller & Co. v. N.Y. Arrows Soccer Team, 802 F.2d 989 (8th Cir. 1986), the work was a logo consisting of four angled lines forming an arrow, with the word "arrows" in cursive script below. In Jon Woods Fashions v. Curran, 8 U.S.P.Q.2d 1870 (S.D.N.Y. 1988), the design consisted of two-inch stripes with small grid squares superimposed upon the stripes. In both these cases, the number of design elements and the simple arrangement of those elements may be compared to the separable features found in the lamp designs involved in this appeal. Other cases involving similar designs which were found not copyrightable include Magic Market, Inc. v. Mailing Services of Pittsburgh, Inc., 634 F. Supp. 769 (W.D.Pa. 1986) (envelopes printed with solid black stripes and a few words such as "priority message" or "gift check"), and Forstmann Woolen Co. v. J.W. Mays, Inc., 89 F. Supp. 964 (E.D.N.Y. 1950) (reproduction of standard fleur-de-lis).

We again point out that, even prior to Feist, the Office's examining practices, codified in 1984 in Compendium II, were premised upon the principle that a work "must contain at least a certain minimum amount of original creative expression." Compendium II, section 202.02. The Office's guideline was derived essentially from case law under the 1909 Act as well as from case law under the 1976 Act which required the presence of a certain minimum quantum of authorship for copyrightability. The Feist

opinion itself traced the development of this standard of some minimal degree of creativity [499 U.S. at 345], citing such early case law as Burrow-Giles Lithographing Co. v. Sarony, 111 U.S. 53 (1884). The fact that the Examining attorney cited only pre-Feist cases does not vitiate the fact that the originality standard under those cases was that same standard reiterated by Feist– that the "originality requirement is not particularly stringent," [499 U.S. at 358]– but there are some works which do not meet that requirement. *Id.* at 359.

The Copyright Office continues to apply this principle post-Feist. In Homer Laughlin China v. Oman, 1991 U.S. Dist. Lexis 10680 (D.D.C. 1991), the court held that the Office did not abuse its administrative discretion in refusing to register a commercially successful chinaware design which the Office had concluded was not copyrightable because familiar shapes and symbols are not copyrightable in themselves; also not copyrightable are simple variations or combinations, considered in their entirety, of basic geometric or common shapes. The court also cited Feist in echoing the principle that a slight amount of creativity will suffice. Homer Laughlin,1991 U.S. Dist. LEXIS 10680, *1. Pointing out, however, that "in determining creativity, such a decision necessarily requires the exercise of informed discretion," the court concluded that there was no abuse of discretion on the Register's part where the Office had examined the work in question "on at least three different occasions at different levels in the Copyright Office." Homer Laughlin, 1991 U.S. Dist.10680, * 4.

To emphasize, however, that the Office's application of the Feist standard does not automatically result in a refusal to register, we cite Boisson v. Banian, Ltd., 273 F.3d 262 (2d Cir. 2001), a case involving alphabet quilts argued by the defendant to be unprotectible. The Second Circuit, in citing the registration which had been issued by the Copyright Office for the quilt designs in question [273 F.3d at 268], disagreed with part of the district court's ruling; the court cited Feist and found the registered quilt designs, utilizing a block design of alphabet letters, to be copyrightable because the designs exhibited "some minimum degree of creativity, which is all that is required for copyrightability. 273 F.3d at 269. The Examining attorney did not apply a higher standard of creativity with respect to the separable features of the lamp and table designs at issue. All of the separable features inhering within the lamp designs– "S"-shaped, parallel swirls; simple leaf designs with a few veins fanning out from a center vein; concentric circles; squares and rectangles divided into four even portions by an "X"; circles containing several short, straight-line "rays" radiating, sun-like, from a small center circle with a single circle in between each of the several rays; diamond-shaped hatch design; elongated spear-point indentations into glass or crystal– are in themselves, or in their simple combinations as a whole, too minimal to sustain copyright registration, even under the low requisite of Feist. The examining analysis of the separable features in these works was made according to copyrightability principles applied to all

categories of authorship as those principles are found in Compendium II and in relevant case law.[1]

Because these works do not possess the required creativity with respect to the separable features exhibited by the lamps and table in question, we must affirm the Examining Division's decision to refuse registration. The Board's decision constitutes final agency action.

Sincerely,

/s/

Nanette Petruzzelli, Chief
Examining Division
for the Board of Appeals
United States Copyright Office

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[1] You have also cited Kieselstein-Cord v. Accessories by Pearl, Inc., 632 F.2d 989 (2d Cir. 1980) in support of registration of the lamp designs at issue here. Kieselstein involved two sculptured belt buckles which the court described as being "on a razor's edge of copyright law." *Id.* at 990. The Copyright Office had registered the two belt buckles on the basis that their sculptural features constituted separable artistic authorship. While the court did analogize the belt buckles to jewelry, it also explicitly applied the separability test for useful articles. In upholding the Copyright Office's registration of the two belt buckles, the court concluded: "[w]e see in appellant's belt buckles conceptually separable sculptural elements..." *Id.* at 993. We do not consider Kieselstein precedent for the Board of Appeal's applying to the lamp and table designs at issue here different standards from those which it applies to all works which our examination finds to be useful articles. This is the analysis which the Examining attorney applied to the works here.

APPENDIX A

A. DESCRIPTION OF WORK

1. OS 1402P: This work is a candelabra lighting fixture in which the separable elements on the surface of the lamp are a series of square shapes each of which is divided into four sections by diagonal "X" lines drawn from opposite corners of the square and intersecting at the square's center. A raised circle is placed at the center of the square where the diagonal lines cross. The vertical rods from which the fixture hangs contain small balls at various points along the length of the rod or a small ball with a small disk above and below the ball.

2. OS1417P: This work is also a candelabra lighting fixture which contains similar elements to those found in the work described above. Instead of squares, there is a series of rectangles on the surface of the lamp each of which is divided into four sections by diagonal "X" lines drawn from opposite corners of the rectangle and intersecting at the rectangle's center. A raised circle is placed at the center of each rectangle where the diagonal lines intersect and the vertical rods from which the fixture hangs contain small balls at various points along the length of the rod.

3. RD1403P: This work is a ceiling-hanging lighting fixture in which the separable elements on the surface of the lamp are a row of rectangles and circles. The circles have an interior design of a simple, geometric-like design– a center small dot with a few straight-line short "rays" coming out from the center dot and dots in between the rays.

4. PA1399SV: The separable elements on this candelabra lighting fixture are sculptural leaf-like shapes with the veins of the leaf turning inward to a center vertical vein. The leaf shapes appear on the brackets which attach the top of the fixture to the supporting straight-line suspension rods.

5. PA1400SV: This lighting fixture contains the same elements as PA1399SV, described above.

6. QJ6276SL: This work is a table lamp and the separable elements consist of repetitive, parallel, simple S-shaped swirls; the design appears on the surface of the base and stem of the lamp.

7. QG6371H: This work is a table lamp and the separable elements consist of a longitudinal-lines design on the surface of the lamp body with the lines coming together at the bottom as well as a simple design of short, straight-line hash markings on various portions of the base and stem/body of the lamp.

8. QG9177GC: This is a lamp design with separable elements consisting of three simple curls at the base of the lamp with each of the inward curls having a small ball within the curl. The top of the lamp also shows these simple inward curls and within the curls a hanging bell-shaped appendage having, again, a small ball.

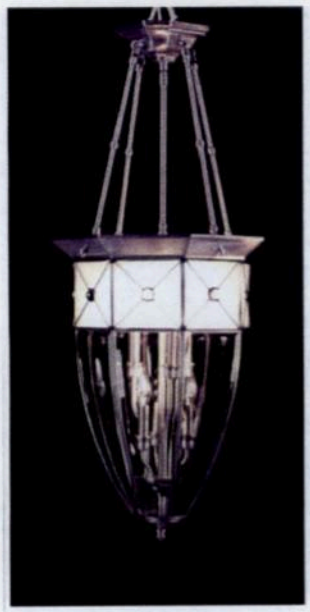
9. SR6295RB: This lamp consists of a simple scroll design forming a cup to hold the bottom of the glass portion of the lamp. Simple embellishments of hash marks and small circles also exist on the knob at the top of the lamp; the lamp base contains a few concentric circles.

10. QG6206ES: This work is a table lamp with a glass body containing a diamond-shaped cross-hatch pattern at the top of the body and elongated, spear-tip indentations along the rest of the glass or crystal body.

11. QH6061: This work is a table design which is rectangular in shape. The four legs appear to penetrate the surface of the table top, visually creating the image of four rectangles at each corner of the table top. There is a horizontal under-bar beneath the table top on both sides of the table; each bar contains two open square shapes and three elongated rectangular stops, as on a slide rule, in the middle of each bar.

B. VISUAL IMAGES OF WORKS.

1. OS 1402P



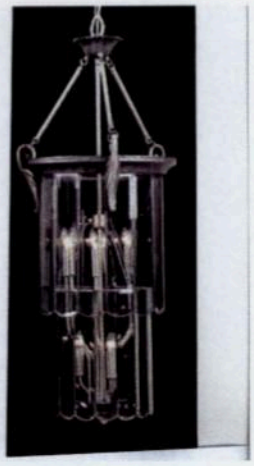
2. OS1417P



3. RD1403P



4. PA1399SV



5. PA1400SV



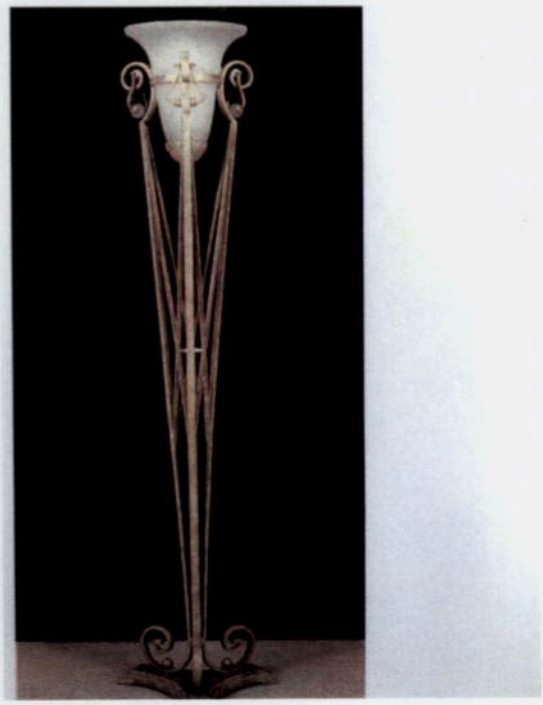
6. QJ6276SL



7. QG6371H



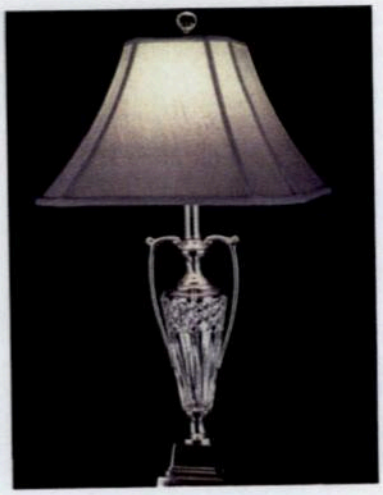
8. QG9177GC



9. SR6295RB



10. QG6206ES



11. QH6061

