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(12) **United States Design Patent** (10) **Patent No.:** **US D493,500 S**  
**Dalebout et al.** (45) **Date of Patent:** **\*\* Jul. 27, 2004**

(54) **TOP SURFACE OF AN EXERCISE DEVICE**  
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FR 2 592 802 7/1987  
 FR 2 624 385 6/1989  
 GB 1 372 342 10/1974  
 GB 2 195 906 4/1988

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**Related U.S. Application Data**

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 (51) **LOC (7) Cl.** ..... **21-02**  
 (52) **U.S. Cl.** ..... **D21/694; D21/688; D21/671**  
 (58) **Field of Search** ..... **D21/662, 686, D21/687, 688, 689, 671; 482/51, 52, 79, 80, 145, 146, 147**

**References Cited**

**U.S. PATENT DOCUMENTS**

1,585,748 A 5/1926 Wendelken  
 1,755,205 A 4/1930 Christensen  
 2,077,233 A 4/1937 Greenhill

(List continued on next page.)

**FOREIGN PATENT DOCUMENTS**

DE 1 428 843 11/1968  
 DE 20 32 544 1/1972  
 DE 2 239 545 2/1974  
 DE 31 50 189 A1 7/1983  
 DE 36 20 706 A1 12/1987  
 DE 41 05 313 8/1992  
 EP 0 134 047 3/1985  
 FR 2 410 486 6/1979

**OTHER PUBLICATIONS**

INDO Board Balance Trainer, For Training and Fun, at <http://www.indoboard.com/> (printed Mar. 24, 2000; Apr. 1, 2003; and Jul. 12, 2003).  
 Wakeboarders Go INDO, at <http://www.indoboard.com/wakeboard.html> (printed Mar. 24, 2000).  
 Bongo Balance Board, at <http://www.balance-boards.com/products.html> (printed Mar. 24, 2000); and at <http://www.balance-boards.com/> (printed Mar. 24, 2000 and Jul. 12, 2003); and at <http://www.balance-boards.com/about.htm> (printed Aug. 6, 2003).  
 Fitter Wobble Boards & Rocker Boards, Balance Aids, Fitter International Inc, Personal Health & Fitness, at <http://www.fitter1.com>, and <http://www.fitter1.com/servlets/Cartman/Pro+Balance+Bboards/1> (printed Mar. 24, 2000); at <http://www.fitter1.com/wb.html> (printed Apr. 1, 2003), <http://www.fitter1.com/wb16.html>, <http://www.fitter1.com/rb20.html>, and <http://www.fitter1.com/products-boards.html> (printed on Jul. 12, 2003).

(List continued on next page.)

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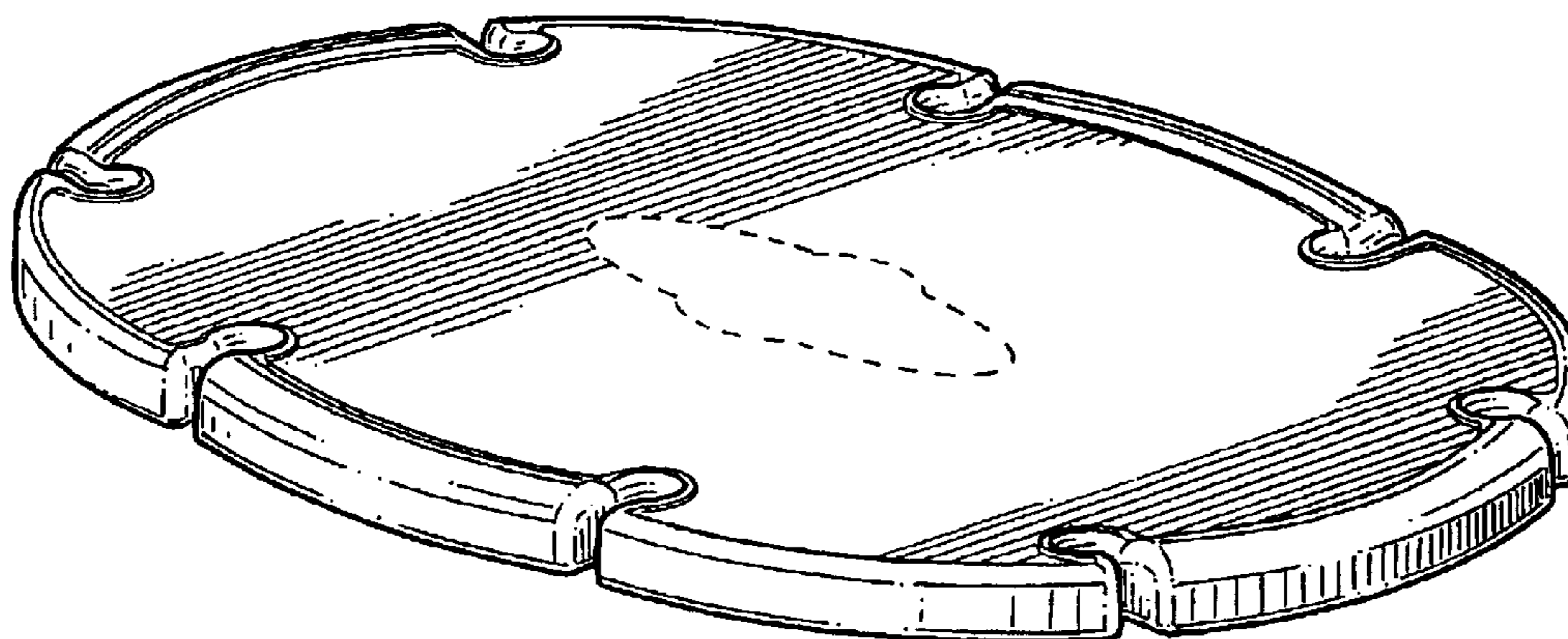
(57) **CLAIM**

The ornamental design for a top surface of an exercise device, as shown and described.

**DESCRIPTION**

FIG. 1 is a top perspective view of a top surface of an exercise device showing a new design; and, FIG. 2 is a side view thereof, the opposite side being a mirror image thereof.  
 The even broken lines showing a portion of a top surface of an exercise device are environmental only and form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**



U.S. PATENT DOCUMENTS

2,455,274 A 11/1948 Sriver  
 2,521,530 A 9/1950 McGuffage  
 2,707,465 A 5/1955 Nemeth  
 2,714,007 A 7/1955 Jordan  
 2,829,891 A 4/1958 Ludwig  
 2,829,892 A 4/1958 Ludwig  
 2,941,801 A 6/1960 Pedersen  
 2,978,243 A 4/1961 Gabrielson  
 2,991,589 A 7/1961 Ayaia  
 3,024,021 A 3/1962 Coplin et al.  
 3,310,320 A 3/1967 Hanna et al.  
 3,356,367 A 12/1967 Tewksbury  
 3,416,792 A 12/1968 Morgan et al.  
 3,419,267 A 12/1968 Stolle  
 3,421,163 A 1/1969 Stoughton  
 3,427,019 A 2/1969 Brown  
 3,451,672 A 6/1969 Kazdan  
 3,488,049 A 1/1970 Sasser, Jr.  
 3,511,500 A 5/1970 Dunn  
 3,586,321 A 6/1971 Gehrke  
 3,604,726 A 9/1971 Tracy  
 3,627,314 A 12/1971 Brown  
 3,641,601 A 2/1972 Sieg  
 3,716,229 A 2/1973 van der Cleyen et al.  
 D227,584 S 7/1973 Perez  
 3,862,768 A 1/1975 England  
 3,929,329 A 12/1975 Rivera  
 3,961,787 A 6/1976 Studebaker et al.  
 3,967,820 A 7/1976 Harper  
 D241,863 S \* 10/1976 Friedl ..... D21/689  
 3,984,100 A 10/1976 Firster  
 4,065,124 A 12/1977 Egan  
 4,067,078 A 1/1978 Winston  
 4,159,826 A 7/1979 Hancock  
 4,191,371 A 3/1980 Armer, Jr.  
 4,263,682 A 4/1981 Bejarano  
 4,285,516 A 8/1981 Heatwole  
 4,386,915 A 6/1983 Gilliam  
 4,491,318 A 1/1985 Francke  
 4,505,477 A 3/1985 Wilkinson  
 4,516,767 A 5/1985 Eskijian  
 4,516,768 A 5/1985 Gallaro ..... 482/26  
 4,530,498 A 7/1985 Heatwole  
 4,601,469 A 7/1986 Sasser, Jr.  
 4,700,947 A 10/1987 Heatwole  
 4,759,542 A 7/1988 Hudec  
 4,801,140 A 1/1989 Bergeron ..... 482/126  
 4,817,950 A 4/1989 Goo  
 4,826,159 A 5/1989 Hersey  
 4,850,588 A 7/1989 Desjardins et al.  
 4,880,226 A 11/1989 Krantz  
 4,893,809 A 1/1990 Blankenzee  
 D306,049 S \* 2/1990 Bancroft ..... D21/688  
 4,905,994 A 3/1990 Hartz  
 4,911,430 A 3/1990 Flament  
 4,946,160 A 8/1990 Bertolletti  
 4,966,364 A 10/1990 Eggenberger  
 5,002,272 A 3/1991 Hofmeister  
 5,048,823 A 9/1991 Bean  
 5,062,624 A 11/1991 Reed  
 5,062,629 A 11/1991 Vaughan  
 5,078,393 A 1/1992 Morasiewicz  
 5,112,045 A 5/1992 Mason et al.  
 5,116,045 A 5/1992 Jahoda  
 5,125,880 A 6/1992 Peters  
 5,169,363 A 12/1992 Campanaro et al.  
 5,190,506 A 3/1993 Zubik et al.  
 5,256,127 A \* 10/1993 Yeh ..... 482/146  
 5,292,296 A 3/1994 Davignon  
 5,310,395 A 5/1994 Ko

5,333,336 A 8/1994 Langsam  
 5,399,140 A 3/1995 Klippel  
 5,423,136 A 6/1995 Gulli  
 D361,604 S 8/1995 Stoppiana  
 5,522,783 A 6/1996 Gordon  
 5,536,226 A 7/1996 Gordon  
 5,549,536 A 8/1996 Clark  
 D375,985 S 11/1996 Dailey et al.  
 5,577,981 A 11/1996 Jarvik  
 5,584,787 A 12/1996 Guidry  
 5,603,334 A 2/1997 Sharp  
 5,611,524 A 3/1997 Gordon  
 5,643,154 A 7/1997 Awbrey et al.  
 5,643,161 A 7/1997 Gordon  
 5,643,165 A 7/1997 Klekamp  
 D382,609 S 8/1997 Szabo et al.  
 5,667,462 A 9/1997 Gordon  
 5,674,166 A 10/1997 Gordon  
 5,683,337 A 11/1997 Zetocha et al.  
 5,730,690 A 3/1998 Guidry  
 5,749,816 A 5/1998 Froelich, Sr. et al.  
 5,755,651 A 5/1998 Homyonfer et al.  
 5,766,119 A 6/1998 Clark  
 5,810,703 A 9/1998 Stack  
 5,820,096 A 10/1998 Lynch et al.  
 5,851,166 A 12/1998 Bernardson  
 D405,135 S 2/1999 Scott  
 5,881,407 A 3/1999 Chu Pt  
 5,897,474 A 4/1999 Romero  
 6,012,188 A 1/2000 Daniels et al.  
 D428,948 S 8/2000 Gebhard  
 6,168,551 B1 1/2001 McGuinness  
 6,413,194 B1 7/2002 Gant  
 6,413,197 B2 7/2002 McKechnie et al.  
 6,419,611 B1 7/2002 Levine et al.  
 6,422,983 B1 7/2002 Weck  
 6,547,703 B1 4/2003 Swezey et al.  
 6,554,753 B1 4/2003 Weck et al.  
 6,575,885 B1 6/2003 Weck et al.  
 6,595,586 B2 7/2003 Brightbill et al.  
 2002/0077231 A1 6/2002 Dalebout et al.  
 2003/0032533 A1 2/2003 Hecox et al. .... 482/127  
 2003/0054927 A1 3/2003 Weck et al.  
 2003/0125173 A1 7/2003 Fan et al. .... 482/146

OTHER PUBLICATIONS

Combo Board. Fitter International Inc., at <http://www.fitter1.com/combo.html> (printed Jul. 12, 2003).  
 BoardRock. Fitter International Inc., at <http://www.fitter1.com/brck.html> (printed Jul. 12, 2003).  
 Sitfit Platform. Fitter International Inc., at <http://www.fitter1.com/sitfit.html> (printed Jul. 12, 2003).  
 Weble Boards. Fitter International Inc., at <http://www.fitter1.com/wb11.html> (printed Jul. 12, 2003).  
 Rotational Disks. Fitter International Inc., at <http://www.fitter1.com/rold.html> (printed Jul. 12, 2003).  
 SRF—Tension Cord Kit. Fitter International Inc., at <http://www.fitter1.com/srf-tck.html> (printed Jul. 12, 2003).  
 E-3 Hand Grips. Fitter International Inc., at <http://www.fitter1.com/e3hg.html> (printed Jul. 12, 2003).  
 Balance Aids. Fitter International Inc., at <http://www.fitter1.com/ba.html> (printed Jul. 12, 2003).  
 U.S. Design patent application Ser. No. 29/179,925; Filed: Apr. 17, 2003.  
 U.S. Design patent application Ser.No. 29/179,926; Filed: Apr. 17, 2003.

Duradisk Wobble Board, etc. [www.paulcheckseminars.com](http://www.paulcheckseminars.com), available on information and belief at least as early as Feb. 2000; and on [http://www.checkinstitute.com/products\\_specifics.cfm?product=77](http://www.checkinstitute.com/products_specifics.cfm?product=77), printed Oct. 28, 2003.

Exercise Balls and Ball Base; Gymnic Line, etc. [www.ball-dynamics.com](http://www.ball-dynamics.com), available on information and belief at least as early as Feb. 2000; and on <http://www.ball-dynamics.com/>, printed Oct. 28, 2003.

Dyna-Disc Pillow, etc., Perform Better, available on information and belief at least as early as Feb. 2000.

Dis'O'Sit Air Cushion, etc. Perform Better, available on information and belief at least as early as Feb. 2000; and on <http://performbetter.com/catalog/product.asp> . . . , printed on Oct. 28, 2003.

Duradisk, etc. [www.paulcheckseminars.com](http://www.paulcheckseminars.com), available on information and belief at least as early as Feb. 2000.

Sit Fit, [www.rpsportsinc.com/balance.htm](http://www.rpsportsinc.com/balance.htm), available on information and belief at least as early as Feb. 2000.

K.A.T. 2000 [www.oemmedical.com](http://www.oemmedical.com) (printed Jan. 10, 2000), 2 pages.

K.A.T. 500 product sheet, available on information and belief at least as early as Feb. 2000.

Lower Extremity, Exercise Equipment (K.A.T. Products), available on information and belief at least as early as Feb. 2000.

K.A.T. 550 product description, available on information and belief at least as early as Feb. 2000.

Pogo Bail Drawing, available on information and belief at least as early as Feb. 2000.

[www.myfitnessstrainer.net](http://www.myfitnessstrainer.net), 4 selected screen shots, printed Feb. 26, 2001.

JUMP BOARD: Digital photographs showing a toy called "jump board" made by Hedstrom Corporation, available on information and belief at least as early as Aug. 2000.

\* cited by examiner

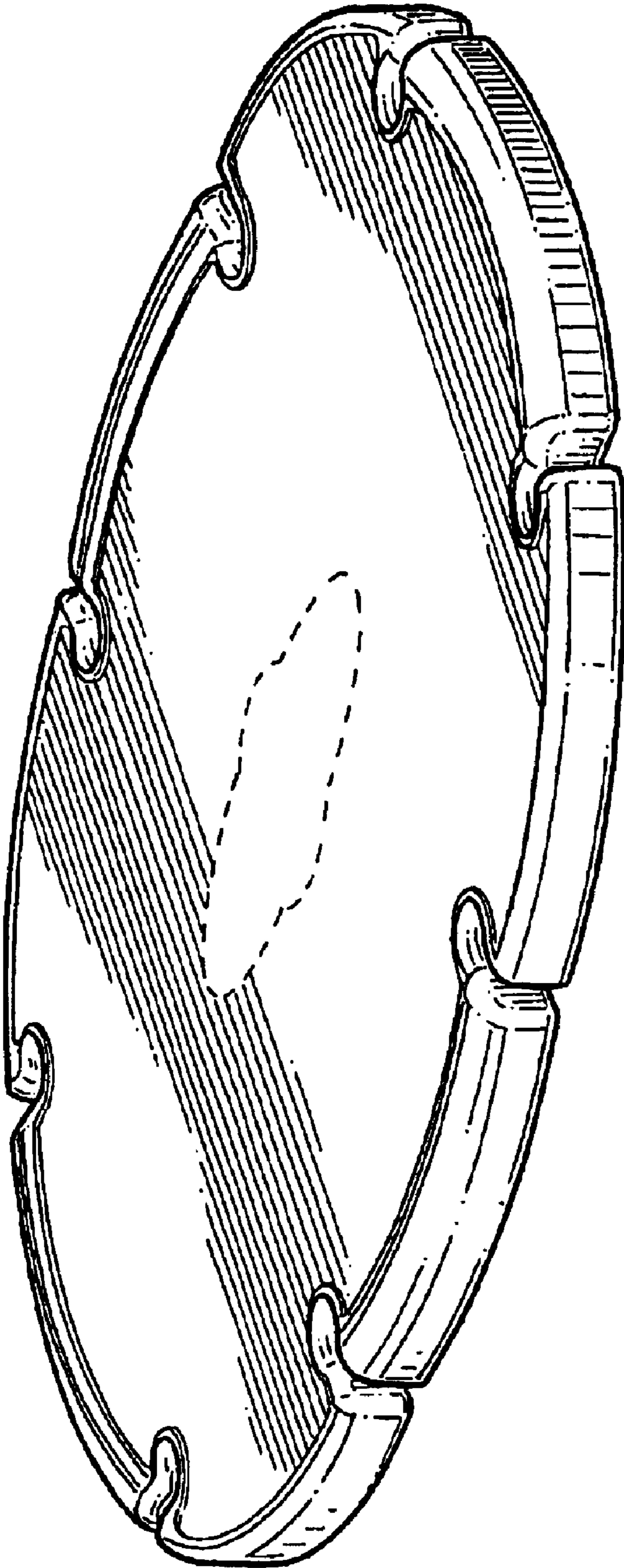


FIG. 1

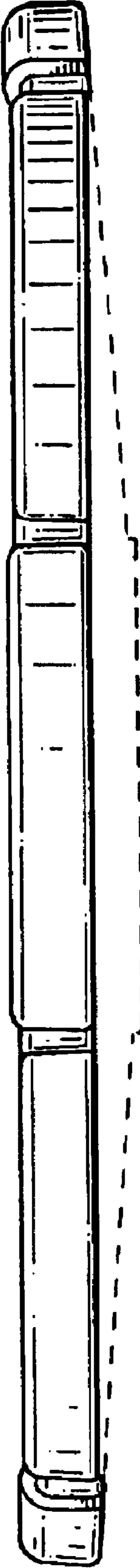


FIG. 2