

#### US00D507311S

# (12) United States Design Patent (10) Patent No.:

Butler et al.

# US D507,311 S

#### (45) Date of Patent:

## Jul. 12, 2005

#### EXERCISE DEVICE WITH ELONGATED (54)FLEXIBLE MEMBER

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(US)

Assignee: ICON IP, Inc., Logan, UT (US)

14 Years Term:

Appl. No.: 29/188,977

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**U.S. Cl.** ...... **D21/686**; D21/688 (52)

(58)

D21/684, 686, 688, 712, 713; 482/79, 34, 146, 147, 121; D24/200, 214; 601/23, 27,

#### **References Cited** (56)

#### U.S. PATENT DOCUMENTS

1,585,748 A	5/1926	Wendelken
1,755,205 A	4/1930	Christensen
1,795,304 A	3/1931	Howard
1,861,668 A	6/1932	Tenney
2,077,233 A	4/1937	Greenhill
2,521,530 A	9/1950	McGuffage
2,822,554 A	2/1958	Wenzelberger
2,978,243 A	4/1961	Gabrielson
2,991,589 A	7/1961	Ayala

## (Continued)

#### FOREIGN PATENT DOCUMENTS

DE	2 032 544	1/1972
DE	3 150 189 A1	7/1983
DE	3 620 706 A1	12/1987
DE	202 00 269 U1	6/2002
EP	0 134 047	8/1983
GB	2 195 906	9/1986
GB	2 383 759 A	7/2003

#### OTHER PUBLICATIONS

Printout of Document Bibliography and Abstract for Patents, 12.espacenet.com/espacenet/abstract (printed Oct. 24, 2003) (1 page).

User's Manual for Weider® Bun & Ab Toner Plus, Model No. WETN07970, Copyright 1997 ICON Health and Fitness, Inc. (4 pages).

Information Disclosure Statement dated Aug., 2000, from file history of Pat. No. 6,422,983 (10 pages).

Information Disclosure Statement dated Feb., 2000, from file history of Pat. No. 6,422,983 (10 pages).

Indo Board Balance Trainer, www.indoboard.com, printed Mar. 24, 2000 (4 pages).

Bongo Board: Balance Training Systems, www.balanceboards.com, printed Mar. 24, 2000 (2 pages).

Fitter International, Inc., www.fitter1.com, printed Mar. 24, 2000 (7 pages).

#### (Continued)

Primary Examiner—Philip S. Hyder (74) Attorney, Agent, or Firm—Workman Nydegger

#### (57)**CLAIM**

The ornamental design for an exercise device with elongated flexible member, as shown and described.

#### DESCRIPTION

FIG. 1 is a perspective view of an exercise device of the present invention, the opposing perspective view being the mirror image thereof;

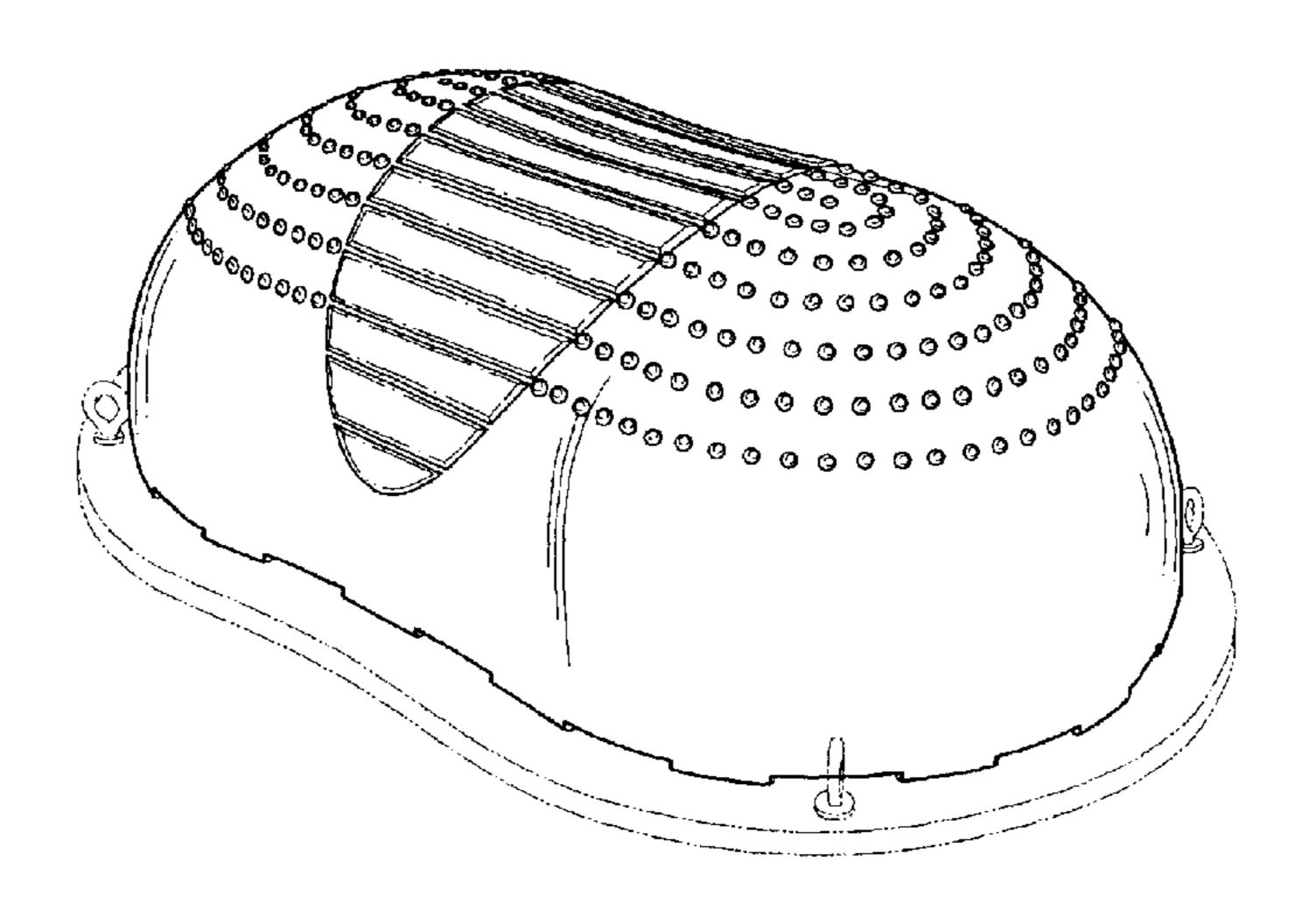
FIG. 2 is a side view of the exercise device of FIG. 1, the opposing side view being the mirror image thereof;

FIG. 3 is a front view of the exercise device of FIG. 1, the rear view being the mirror image thereof; and,

FIG. 4 is a top view of the exercise device of FIG. 1.

The broken lines showing portions of the exercise device of FIGS. 1-4 are shown for environmental purposes only and form no part of the claimed design.

#### 1 Claim, 2 Drawing Sheets



TT C D LODES TO		< 550 400 DO
U.S. PATENT	DOCUMENTS	6,572,499 B2 6/2003 Davies
3 024 021 A 3/1062	Conlin et al	6,575,885 B1 6/2003 Weck et al.
	Coplin et al. Hanna et al.	6,595,586 B2 7/2003 Brightbill et al.
	Tewksbury	D478,947 S * 8/2003 Lu
		D481,086 S 10/2003 Broudy
		6,740,008 B1 5/2004 Ho et al
	Stoughton	2003/0032533 A1 2/2003 Hecox et al.
3,427,019 A 2/1969 3,511,500 A 5/1970		2003/0054927 A1 3/2003 Weck et al.
3,511,500 A 5/1970 3,604,726 A 9/1971		2003/0125173 A1 7/2003 Fan et al.
3,627,314 A 12/1971	-	2003/0125174 A1 7/2003 Lin
3,641,601 A 2/1972		OTHER PUBLICATIONS
	Van Der Cleyen et al.	OTHER TOBLICATIONS
	Bodeen	Duradisk Wobble Board, etc., www.paulchekseminars.com,
4,065,124 A 12/1977		available on information and belief, at least as early as Feb.
, ,	Winston	2000.
	Rainbow	
	Hancock	Exercise Balls; Gymnic Line, etc., www.balldynamics.com,
	Armer, Jr.	available on information and belief, at least as early as Feb.
, ,	Bejarano	2000.
	Laforest	Dyna-Disc Pillow, etc., Perform Better, available on infor-
4,454,869 A 6/1984		mation and belief, at least as early as Feb. 2000.
4,474,370 A 10/1984		Disc'O'Sit Air Cushion, etc., www.balldynamics.com,
	Eskijian	available on information and belief, at least as early as Feb.
, ,	Gallaro	2000.
	Hofstetter	
4,779,297 A 10/1988		Duradisk, etc., www.paulchekseminars.com, available on
, ,	Bergeron	information and belief, at least as early as Feb. 2000.
4,880,226 A 11/1989	e	Sit Fit, www.rpsportsinc.com/balance.htm, available on
, ,	Blankenzee	information and belief, at least as early as Feb. 2000.
4,896,388 A 1/1990		K.A.T. 2000, www.oemmedical.com, (printed Jan. 10, 2000)
, ,	Bertoletti	(2 pages).
5,048,823 A 9/1991		K.A.T. 500 product sheet, available on information and
	Vaughn	<del>-</del>
	Mason et al.	belief, at least as early as Feb. 2000.
	Jahoda	Lower Extremity, Exercise Equipment (K.A.T. Products),
5,125,880 A 6/1992		available on information and belief, at least as early as Feb.
	Campanaro et al.	2000.
	Traub	K.A.T. 550 product description, available on information
	Kownacki	and belief, at least as early as Feb. 2000.
	Langsam	Pogo Ball Drawing, available on information and belief, at
, ,	Stroppiana	least as early as Feb. 2000.
•	Johnson	www.myfitnesstrainer.net, 4 selected screen shots (printed
5,549,536 A 8/1996	Clark	
5,577,981 A 11/1996	Jarvik	Feb. 26, 2001).
5,584,787 A 12/1996	Guidry	Jump Board: Digital Photographs showing a toy called a
5,643,154 A 7/1997	Awbrey et al.	"jump board" made by Hedstrom Corporation, available on
5,643,165 A 7/1997	Klekamp	information and belief, at least as early as Aug. 2000.
5,685,807 A 11/1997	Tong et al.	MFT—My Fitness Trainer.net, www.myfitnesstrainer.net,
5,730,690 A 3/1998	Guidry	(printed Aug. 12, 2003) (4 pages).
5,755,651 A 5/1998	Homyonfer et al.	Forsport—MFT Balance Disc, www.forsport.co.uk, (printed
5,766,119 A 6/1998	Clark	Aug. 12, 2003) (1 page).
5,782,639 A 7/1998	Beal	My Fitness Trainer.net. Exercise programme for the MFT
D396,904 S * 8/1998	Leu	
5,810,700 A * 9/1998	Orcutt 482/123	Balance Disc (copyright 2000) (14 pages).
5,810,703 A 9/1998	Stack	Stamina Exercise Mats, www.workout-mat.com, (printed
5,813,066 A 9/1998	Gebhard et al.	Sep. 9, 2003) (2 pages).
5,833,587 A * 11/1998	Strong et al 482/123	Denise Austin Hour Glass Workout Ball, www.workout-
5,851,166 A 12/1998	Bernardson	mat.com, (printed Sep. 9, 2003) (2 pages).
5,881,407 A 3/1999	Chu Pt	Denise Austin's Hour Glass Workout Ball, http://goodsand-
	Romero	
	Daniels et al.	deeds.com, (printed Sep. 9, 2003) (2 pages).
, ,	McGuinness	Photographs of neck cushion device(photographs taken in
	Hernandez et al.	Sep. 2003), having dimensions of approximately 3\% inches
	Lapointe	in height, 83/8 inches in length, and 37/8 inches in width,
	Motosko, III	available on information and belief, prior to Aug. 27, 2003
6,413,194 B1 7/2002		(11 pages).
, ,	McKechnie et al.	Body Dome Owner's Manual, copyright 2003, Available
	Levine et al.	prior to Aug. 27, 2003) (15 pages).
6,422,983 B1 7/2002		
•	Swezey et al.	Body Dome Exercise Program, copyright 2003, Available
6,554,753 B1 4/2003	Weck et al.	prior to Aug. 27, 2003) (13 pages).

# US D507,311 S

Page 3

Fitter first; balance and fitness for life, Summer 2003, Available at least as early as Aug. 14, 2003 (8 pages). OPTP, www.optp.com, (copyright 2002) (10 pages).

New OPTO Annual Catalog, copyright 2003, Available at least as early as Aug. 14, 2003 (8 pages).

Vew-Do Balance Boards Board Guide (copyright 2001) (2 pages).

Cordisc (copyright 2003) (2 pages).

Egg Ball, www.abestmall.com, (printed Aug. 1, 2003) (1 page).

Hammacher Schlemmer Egg Chair, www.hammacher.com, (printed Aug. 1, 2003) (1 page).

Bodytrends Egg Balls, www.bodytrends.com, (printed Aug. 1, 2003) (1 page).

Gaiam Hourglass Workout Ball, www.gaiam.com, (printed Aug. 1, 2003) (1 page).

Body Dome, www.bodydome.com, (printed May 20, 2003) (17 pages).

Exercise Ball (printed Aug. 6, 2003) (1 page).

The Tri–Ball Kit Exercise & Assembly Manual, available on information and believe at least as early as Nov. 2003 (4 pages).

Tri-Ball Workout Set, A Ball for Every-Body, copies of shipping container, copyright 2003, (11 pages).

\* cited by examiner

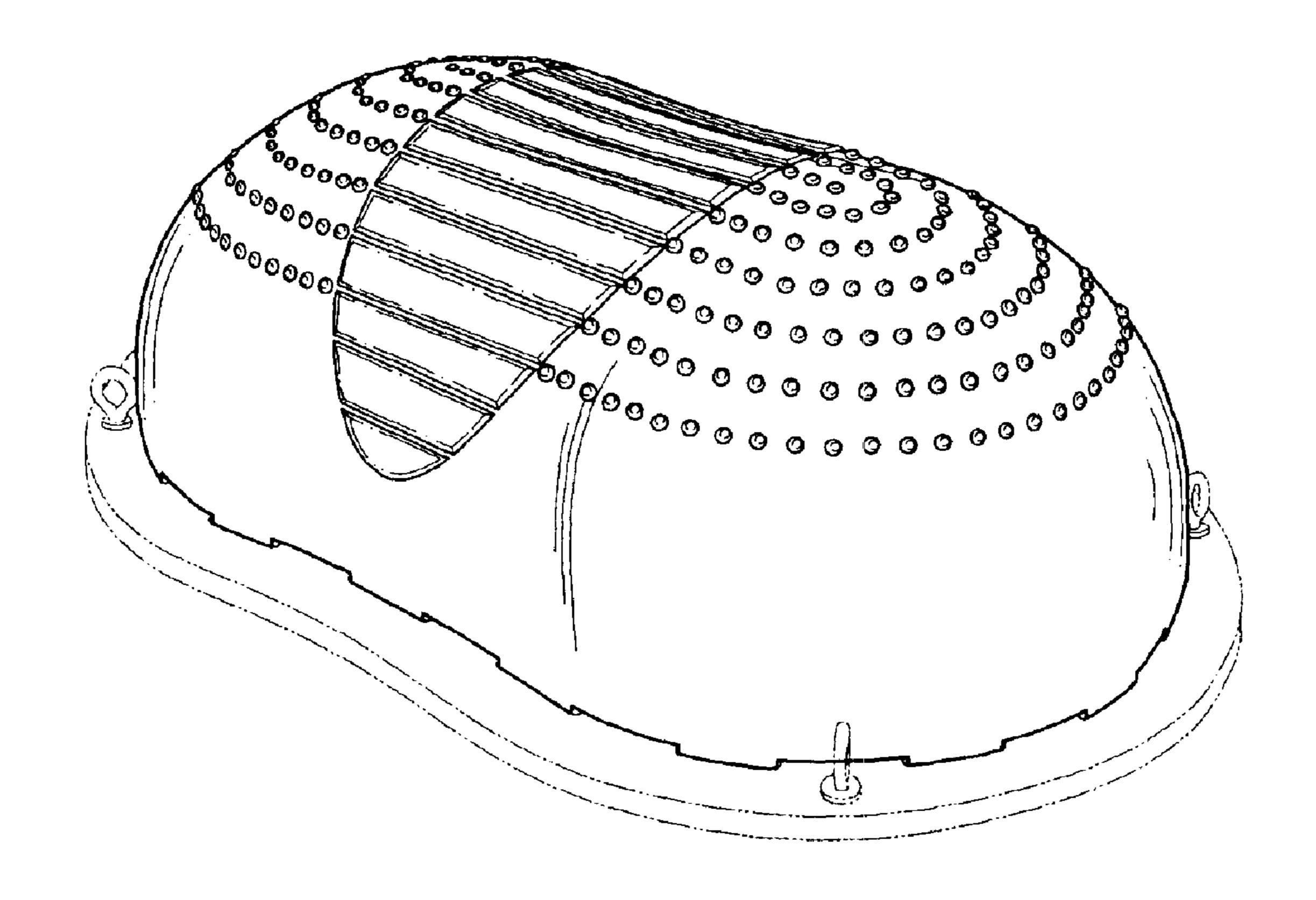


Fig. 1

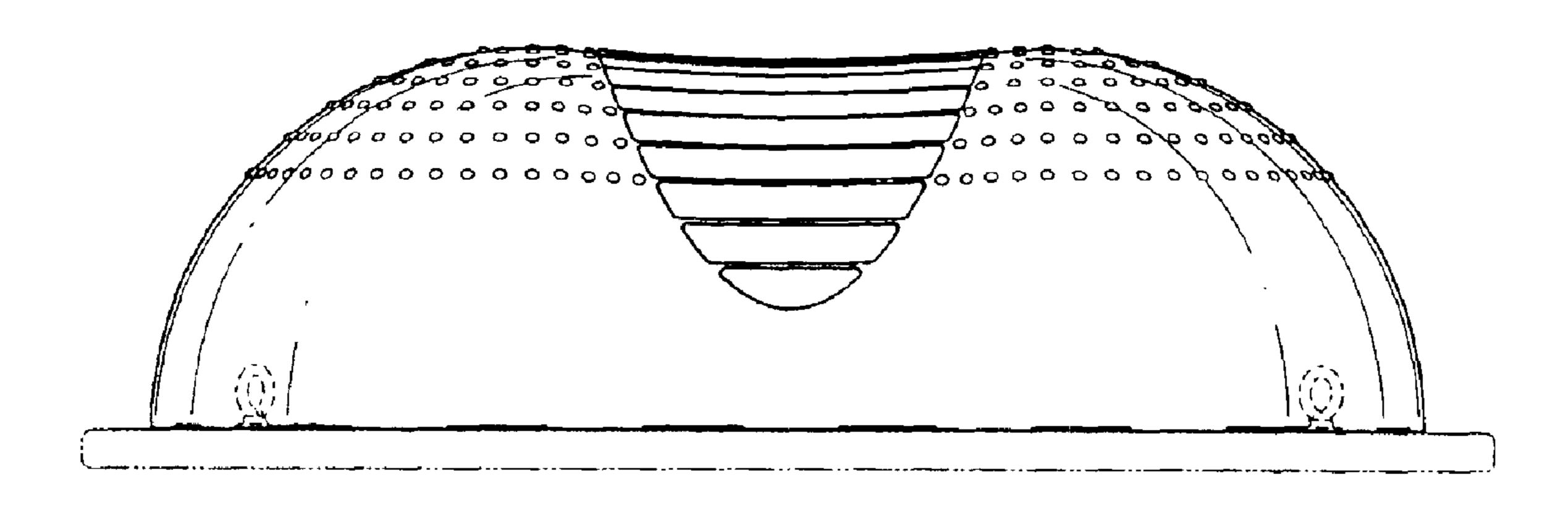


Fig. 2

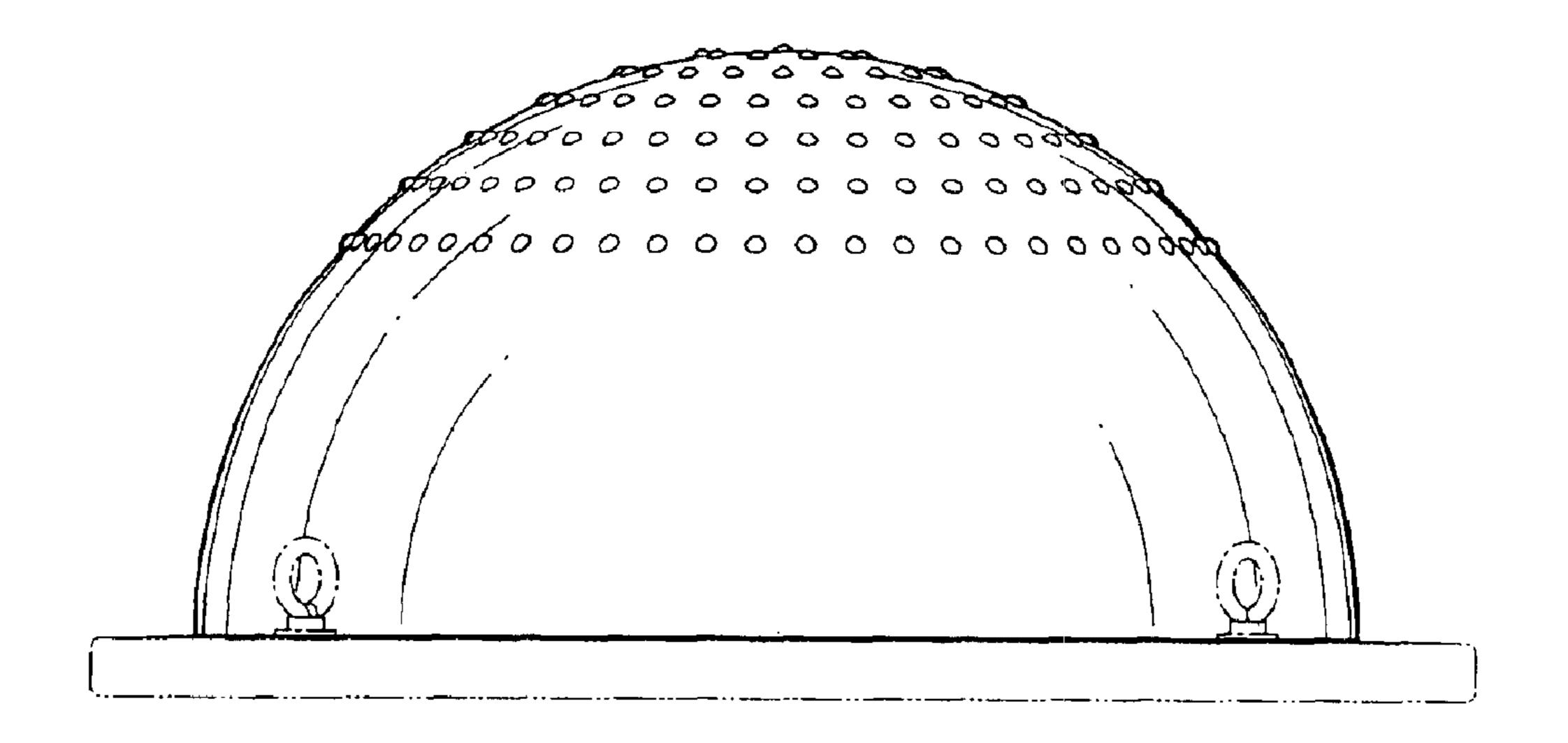


Fig. 3

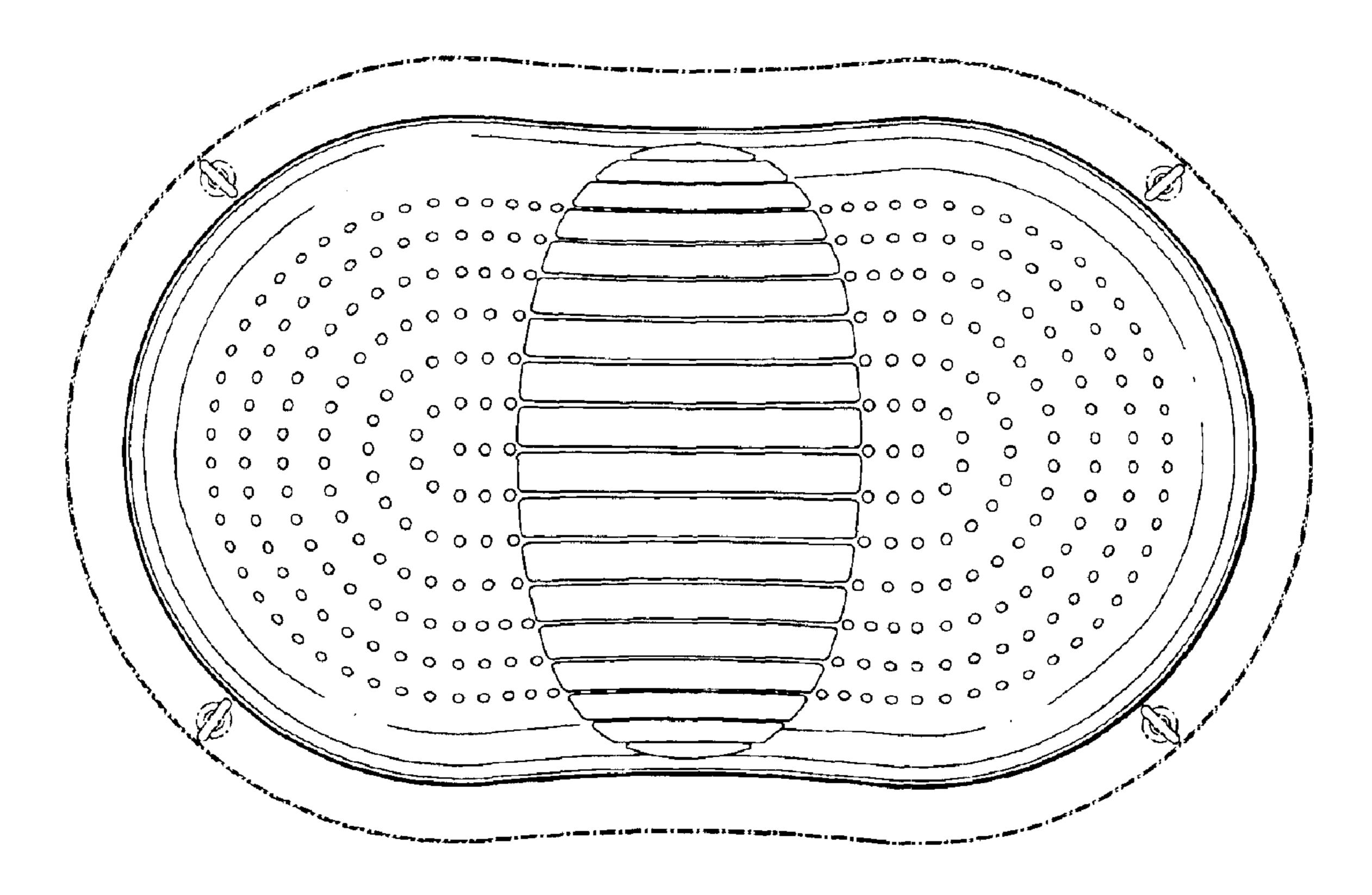


Fig. 4

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : Des. 507,311 S

APPLICATION NO. : 29/188977 DATED : July 12, 2005

INVENTOR(S) : Jaremy T. Butler and William T. Dalebout

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

## Title Page

Item [56], OTHER PUBLICATIONS, "Information Disclosure Statement dated Aug., 2000"

change "(10 pages)" to --(5 pages)--

## Page 3

Item [56], OTHER PUBLICATIONS, "The Tri-Ball Kit", change "believe to --belief--

Signed and Sealed this

Fifth Day of September, 2006

JON W. DUDAS

Director of the United States Patent and Trademark Office