

US00D546596S

(12) **United States Design Patent** (10) **Patent No.:** **US D546,596 S**  
**McDermott et al.** (45) **Date of Patent:** **\*\* Jul. 17, 2007**

(54) **BREATH GUARD**  
(75) Inventors: **Michael B. McDermott**, Sedalia, MO (US); **Michael W. McGaha**, Sedalia, MO (US); **Albert D. Smith**, Sedalia, MO (US)  
(73) Assignee: **Duke Manufacturing Co.**, St. Louis, MO (US)  
(\*\*) Term: **14 Years**  
(21) Appl. No.: **29/242,240**  
(22) Filed: **Nov. 8, 2005**

5,207,490 A 5/1993 Kaspar et al.  
D339,934 S \* 10/1993 Reuter ..... D6/441  
5,618,089 A 4/1997 Stenemann  
5,797,593 A 8/1998 Oyaizu  
5,823,102 A \* 10/1998 Will ..... 99/645  
6,132,018 A 10/2000 McGrath  
6,141,984 A 11/2000 Perzon  
6,385,990 B1 5/2002 Lee  
D471,380 S \* 3/2003 King et al. .... D6/441  
D472,083 S \* 3/2003 English et al. .... D6/509  
6,588,863 B1 \* 7/2003 Yatchak et al. .... 312/140.4  
6,942,612 B2 \* 9/2005 Caspary et al. .... 600/22  
2002/0043906 A1 \* 4/2002 Dewitt et al ..... 312/137  
2004/0069726 A1 \* 4/2004 Marchetta et al. .... 211/36  
2006/0181180 A1 \* 8/2006 McCabe ..... 312/114

(51) **LOC (8) Cl.** ..... **06-06**  
(52) **U.S. Cl.** ..... **D6/509**  
(58) **Field of Classification Search** ..... D6/509,  
D6/396, 491, 470-472; 312/140.4, 116,  
312/137, 114; 108/32, 134; 248/444.1,  
248/445; 229/107

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2,125,523 A \* 8/1938 Smith ..... 312/114  
2,346,368 A 4/1944 Edwards  
2,518,134 A 8/1950 Fredenhagen et al.  
D188,719 S 8/1960 Rhoads  
3,771,847 A \* 11/1973 Aylworth ..... 312/245  
4,194,731 A 3/1980 Marx  
4,572,598 A 2/1986 Moore, Jr.  
4,603,557 A 8/1986 Halbmann  
4,802,340 A 2/1989 Johnson  
4,842,349 A 6/1989 Stenemann  
D303,190 S \* 9/1989 Suttles ..... D6/491  
4,892,366 A \* 1/1990 Yerman ..... 312/140.4  
5,112,118 A 5/1992 Wiehle  
5,116,274 A 5/1992 Artwohl et al.  
5,168,719 A 12/1992 Branz et al.  
5,182,924 A 2/1993 Trulaske, Sr.

**OTHER PUBLICATIONS**

Statement of Thomas E. Yingst, 3 pages including Exhibit A, signed Oct. 1, 2004.  
International Search Report for PCT/US04/29757, Dated Sep. 15, 2004, 3 pages.

\* cited by examiner

*Primary Examiner*—Cathron C. Brooks  
*Assistant Examiner*—Kelley A. Donnelly  
(74) *Attorney, Agent, or Firm*—Senniger Powers

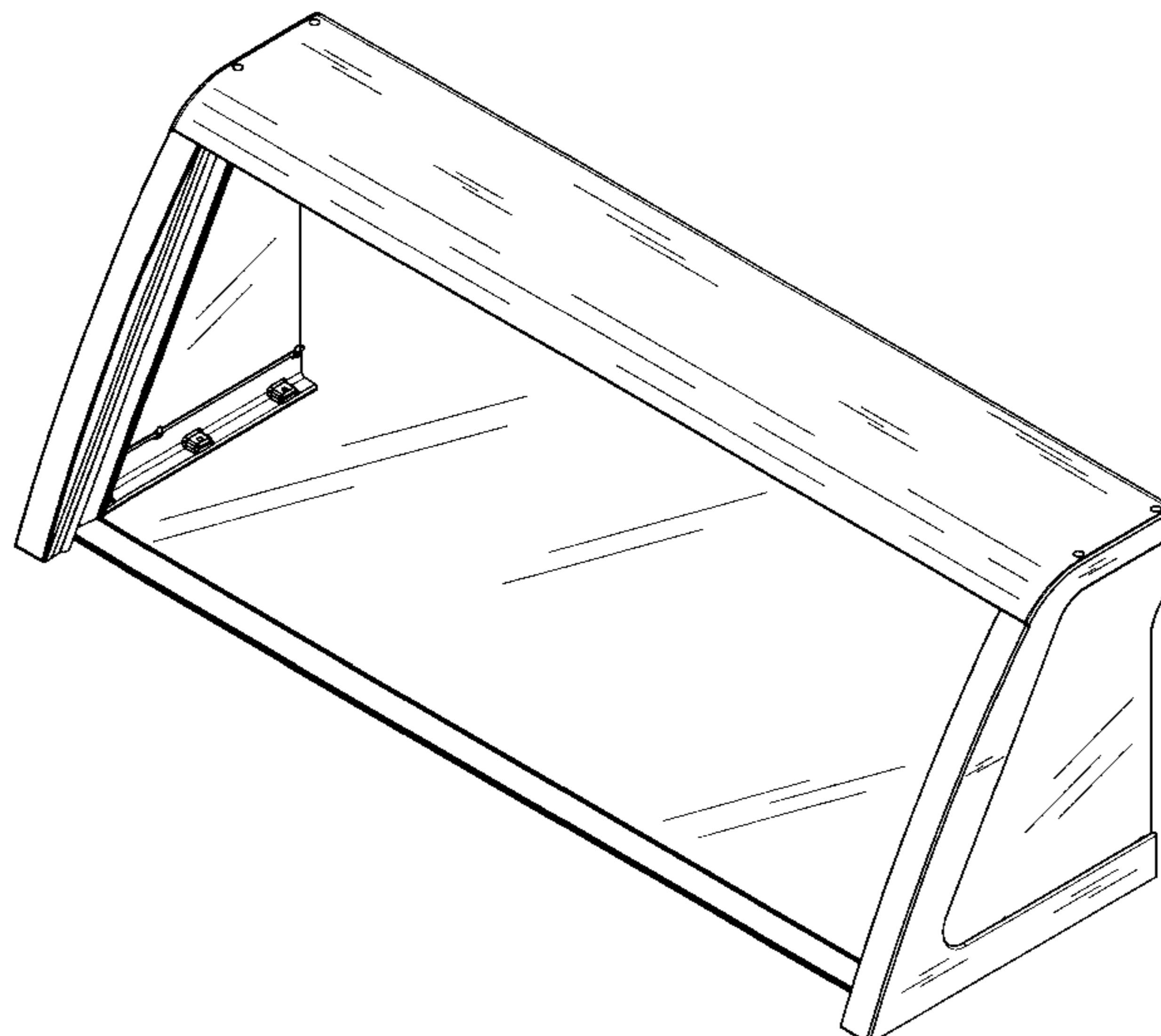
(57) **CLAIM**

The ornamental design for a breath guard, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective of a breath guard of the present invention;  
FIG. 2 is a front elevation thereof;  
FIG. 3 is a right side elevation thereof, the left side elevation being a mirror image of the right side elevation; and,  
FIG. 4 is a top plan view thereof.

**1 Claim, 4 Drawing Sheets**



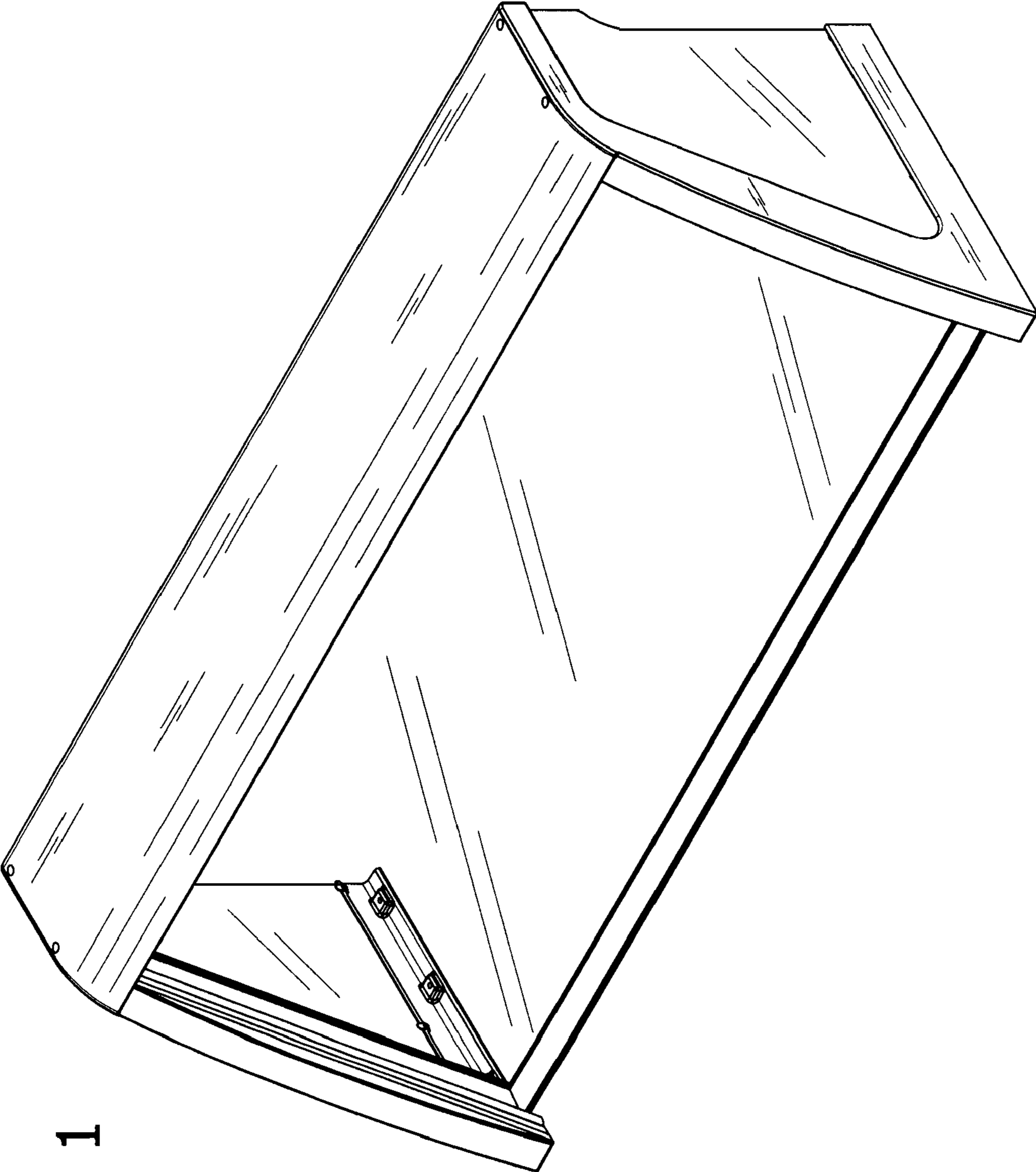


FIG. 1

FIG. 2

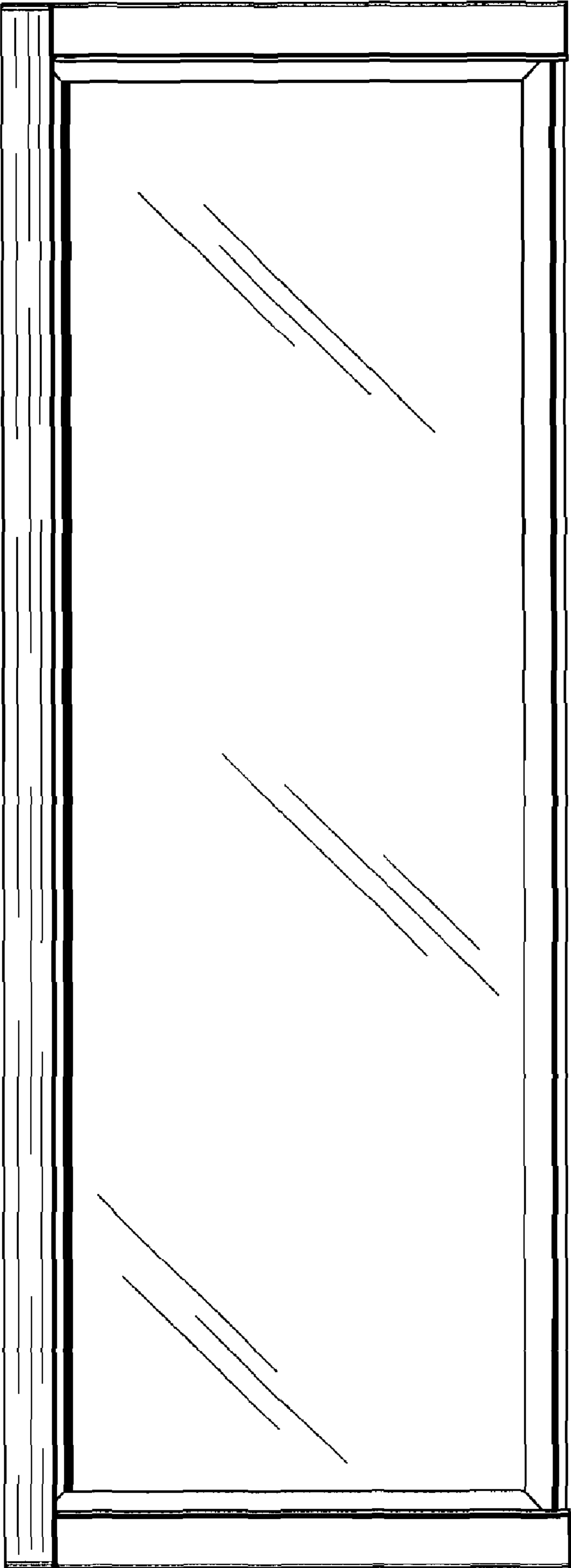


FIG. 3

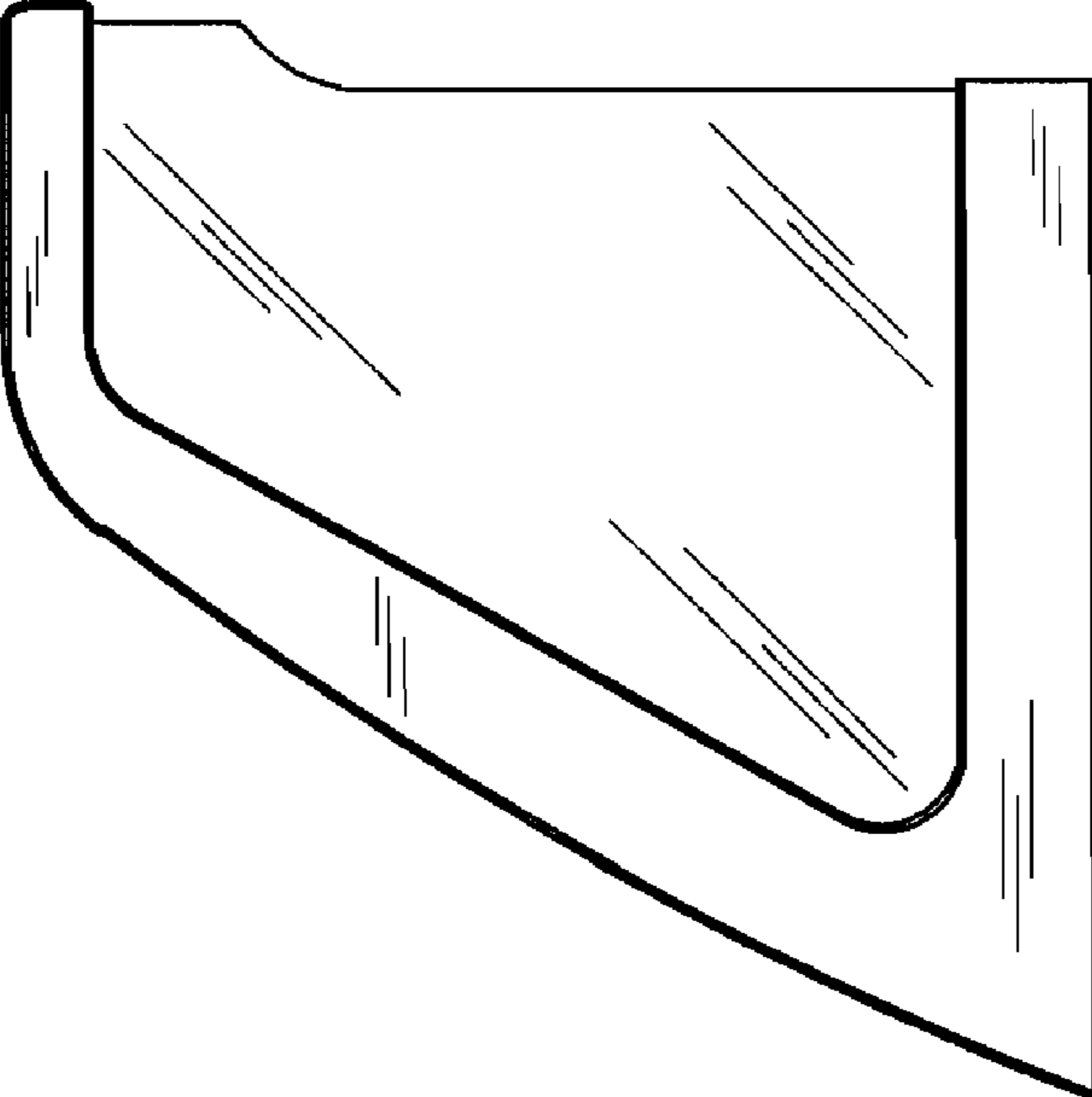


FIG. 4

