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Nielsen et al.

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(54) **HANDLE OF A MARKING DEVICE**

FOREIGN PATENT DOCUMENTS

(75) Inventors: **Steven Nielsen**, North Palm Beach, FL (US); **Curtis Chambers**, Palm Beach Gardens, FL (US); **Jeffrey Farr**, Jupiter, FL (US); **William Johnson**, Holliston, MA (US); **Arthur DiMartino**, Weston, MA (US); **Ronald Altman**, Salisbury, NH (US); **Arthur Mistler**, Sutton, MA (US); **David Mathieu**, Colchester, CT (US); **James Sener**, Glastonbury, CT (US); **Christopher Hageman**, South Glastonbury, CT (US); **Scott Smith**, New Haven, CT (US); **Joseph Paul**, Thomaston, CT (US)

EP 1852365 A1 11/2007
(Continued)

OTHER PUBLICATIONS

Bearden, T., "New Identification Technology Raises Concerns over Privacy," PBS Online NewsHour Report, Aug. 17, 2006, pp. 1-5, http://www.pbs.org/newshour/bb/science/july-dec06/rfid_08-17.html.

(Continued)

Primary Examiner — Antoine D Davis

(74) *Attorney, Agent, or Firm* — Foley & Lardner LLP; Joseph Teja, Jr.

(73) Assignee: **Certusview Technologies, LLC**, Palm Beach Gardens, FL (US)

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(51) **LOC (9) Cl.** **10-04**

(52) **U.S. Cl.** **D10/47; D10/70; D10/80**

(58) **Field of Classification Search** D10/46-48, D10/70, 80; 324/67, 202, 326-329, 233, 324/207.2, 226, 345, 242, 243, 244, 253, 324/225, 228, 252, 248, 301; 340/368, 933
See application file for complete search history.

(57) **CLAIM**

The ornamental design for a handle of a marking device, as shown and described.

DESCRIPTION

FIG. 1 is a top, front, right side perspective view of the handle of a marking device;
FIG. 2 is a left side view thereof;
FIG. 3 is a right side view thereof;
FIG. 4 is a rear view thereof;
FIG. 5 is a front view thereof;
FIG. 6 is a top view thereof; and,
FIG. 7 is a bottom view thereof.

In one embodiment, the broken lines shown are included for illustrative purposes only and form no part of the claimed design. For example, the broken lines include portions of the handle such as a screen, various buttons, a trigger, and a heat sink on the underside of the handle, as well as a shaft, a battery cover, a paint holder, and a paint can positioned within the paint holder.

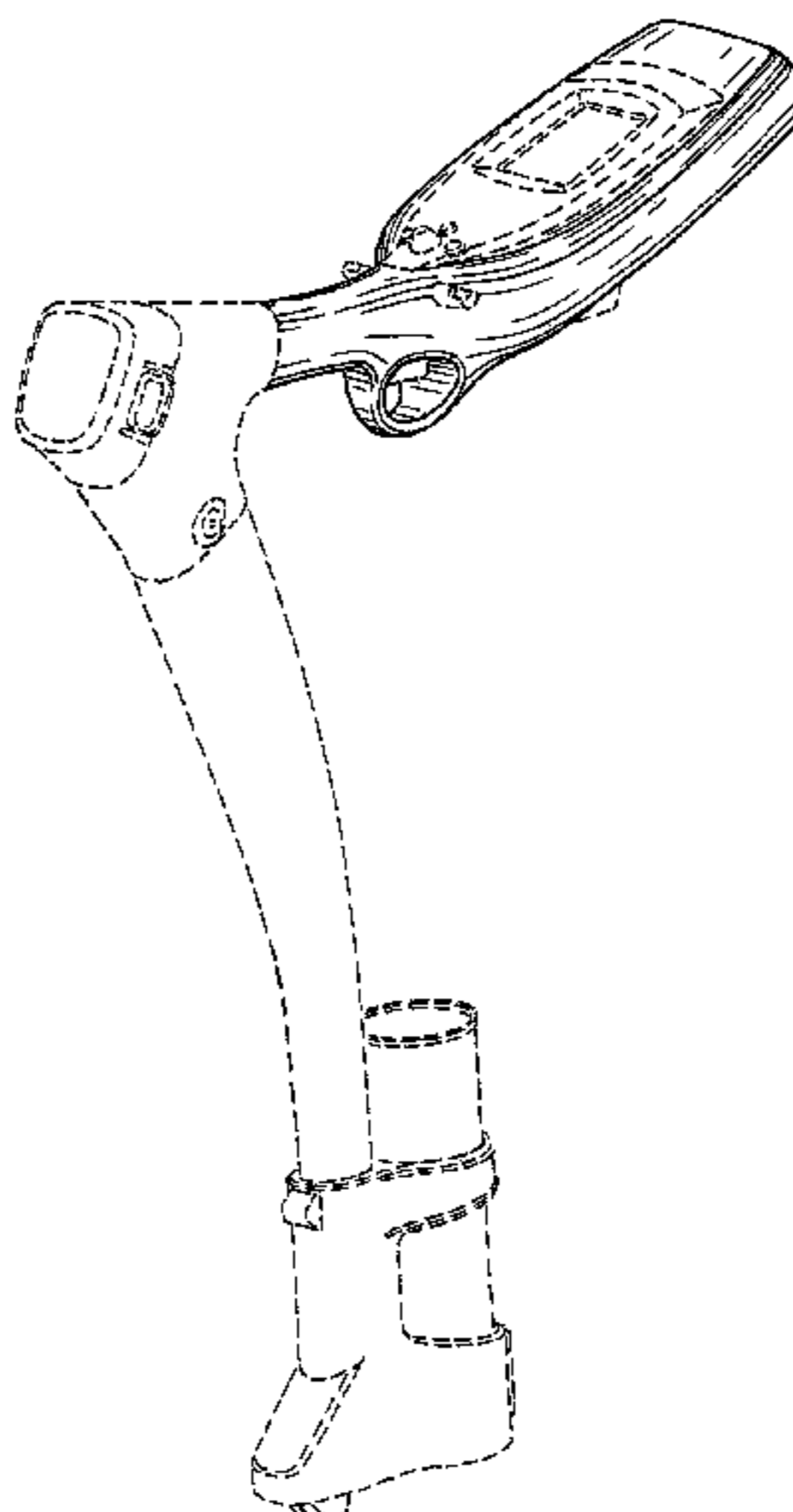
(56) **References Cited**

U.S. PATENT DOCUMENTS

3,871,557 A	3/1975	Smrt
3,972,038 A	7/1976	Fletcher et al.
3,974,491 A	8/1976	Sipe
4,258,320 A	3/1981	Schonstedt
4,387,340 A	6/1983	Peterman
4,388,592 A	6/1983	Schonstedt
4,520,317 A	5/1985	Peterman
4,536,710 A	8/1985	Dunham
4,539,522 A	9/1985	Schonstedt
4,590,425 A	5/1986	Schonstedt

(Continued)

1 Claim, 5 Drawing Sheets



US D634,655 S

U.S. PATENT DOCUMENTS					
4,639,674	A	1/1987	Rippingale	6,459,266	B1 10/2002 Fling
4,712,094	A	12/1987	Bolson, Sr.	6,476,708	B1 11/2002 Johnson
4,747,207	A	5/1988	Schonstedt et al.	6,490,524	B1 12/2002 White et al.
4,803,773	A	2/1989	Schonstedt	D472,823	S * 4/2003 Wilson et al. D10/46
4,818,944	A	4/1989	Rippingale	6,549,011	B2 4/2003 Flatt
4,839,623	A	6/1989	Schonstedt et al.	6,552,548	B1 4/2003 Lewis et al.
4,839,624	A	6/1989	Schonstedt	D475,936	S * 6/2003 Craig et al. D10/47
4,873,533	A	10/1989	Oike	6,585,133	B1 7/2003 Brouwer
5,001,430	A	3/1991	Peterman et al.	6,600,420	B2 7/2003 Goff et al.
5,006,806	A	4/1991	Rippingale et al.	6,617,856	B1 9/2003 Royle et al.
5,014,008	A	5/1991	Flowerdew	6,633,163	B2 10/2003 Fling
5,017,873	A	5/1991	Rippingale et al.	6,650,798	B2 11/2003 Russell et al.
5,025,150	A	6/1991	Oldham et al.	6,674,276	B2 1/2004 Morgan et al.
5,043,666	A	8/1991	Tavernetti et al.	6,710,741	B2 3/2004 Tucker
5,045,368	A	9/1991	Cosman et al.	6,717,392	B2 4/2004 Pearson
5,065,098	A	11/1991	Salsman et al.	6,723,375	B2 4/2004 Zeck et al.
5,093,622	A	3/1992	Balkman	6,728,662	B2 4/2004 Frost et al.
5,097,211	A	3/1992	Schonstedt	6,751,554	B1 6/2004 Asher et al.
5,114,517	A	5/1992	Rippingale et al.	6,777,923	B2 8/2004 Pearson
5,122,750	A	6/1992	Rippingale et al.	6,778,128	B2 8/2004 Tucker et al.
5,136,245	A	8/1992	Schonstedt	D496,292	S * 9/2004 Sowers D10/47
5,138,761	A	8/1992	Schonstedt	6,798,379	B2 9/2004 Tucker et al.
5,173,139	A	12/1992	Rippingale et al.	6,799,116	B2 9/2004 Robbins
D333,990	S *	3/1993	Johnson et al. D10/46	6,815,953	B1 11/2004 Bigelow
5,206,065	A	4/1993	Rippingale et al.	6,819,109	B2 * 11/2004 Sowers et al. 324/329
5,214,757	A	5/1993	Mauney et al.	6,825,775	B2 11/2004 Fling et al.
5,231,355	A	7/1993	Rider et al.	6,825,793	B2 11/2004 Taylor, Jr. et al.
5,239,290	A	8/1993	Schonstedt	6,833,811	B2 12/2004 Zeitfuss et al.
5,260,659	A	11/1993	Flowerdew et al.	6,836,231	B2 12/2004 Pearson
5,264,795	A	11/1993	Rider	6,845,171	B2 1/2005 Shum et al.
5,361,029	A	11/1994	Rider et al.	6,850,161	B1 2/2005 Elliott et al.
5,365,163	A	11/1994	Satterwhite et al.	6,850,843	B2 2/2005 Smith et al.
5,373,298	A	12/1994	Karouby	6,853,303	B2 2/2005 Chen et al.
5,430,379	A	7/1995	Parkinson et al.	6,865,484	B2 3/2005 Miyasaka et al.
5,444,364	A	8/1995	Satterwhite et al.	6,898,550	B1 5/2005 Blackadar et al.
5,471,143	A	11/1995	Doany	6,904,361	B1 6/2005 Tallman et al.
5,519,329	A	5/1996	Satterwhite	6,954,071	B2 10/2005 Flatt et al.
5,530,357	A	6/1996	Cosman et al.	6,956,524	B2 10/2005 Tucker et al.
5,543,931	A	8/1996	Lee et al.	6,958,690	B1 10/2005 Asher et al.
5,576,973	A	11/1996	Haddy	6,968,296	B2 11/2005 Royle
5,621,325	A	4/1997	Draper et al.	6,975,942	B2 12/2005 Young et al.
5,629,626	A	5/1997	Russell et al.	6,977,508	B2 12/2005 Pearson et al.
5,644,237	A	7/1997	Eslambolchi et al.	6,992,584	B2 1/2006 Dooley et al.
5,739,785	A	4/1998	Allison et al.	6,993,088	B2 1/2006 Fling et al.
5,751,289	A	5/1998	Myers	7,009,519	B2 3/2006 Leonard et al.
5,764,127	A	6/1998	Hore et al.	7,038,454	B2 5/2006 Gard et al.
5,769,370	A	6/1998	Ashjaee	7,042,358	B2 5/2006 Moore
5,828,219	A	10/1998	Hanlon et al.	7,053,789	B2 5/2006 Fling et al.
5,916,300	A	6/1999	Kirk et al.	7,057,383	B2 6/2006 Schlapp et al.
5,917,325	A	6/1999	Smith	7,062,414	B2 6/2006 Waite et al.
5,920,194	A	7/1999	Lewis et al.	7,079,591	B2 7/2006 Fling et al.
5,955,667	A	9/1999	Fyfe	7,091,872	B1 8/2006 Bigelow et al.
D419,458	S *	1/2000	Adolphs D10/46	7,113,124	B2 9/2006 Waite
6,026,135	A	2/2000	McFee et al.	7,116,244	B2 10/2006 Fling et al.
6,031,454	A	2/2000	Lovejoy et al.	7,120,564	B2 10/2006 Pacey
6,032,530	A	3/2000	Hock	7,235,980	B2 6/2007 Pearson et al.
6,061,632	A	5/2000	Dreier	7,285,958	B2 10/2007 Overby et al.
6,074,693	A	6/2000	Manning	7,304,480	B1 12/2007 Pearson
6,107,801	A	8/2000	Hopwood et al.	7,310,584	B2 12/2007 Royle
6,127,827	A	10/2000	Lewis	7,319,387	B2 1/2008 Willson et al.
6,130,539	A	10/2000	Polak	7,331,340	B2 2/2008 Barney
6,140,819	A	10/2000	Peterman et al.	7,336,078	B1 2/2008 Merewether et al.
6,169,958	B1	1/2001	Nagasamy et al.	7,339,379	B2 3/2008 Thompson et al.
6,188,777	B1	2/2001	Darrell et al.	7,342,537	B2 3/2008 Pearson et al.
6,206,282	B1	3/2001	Hayes, Sr. et al.	7,356,421	B2 4/2008 Gudmundsson et al.
6,234,218	B1	5/2001	Boers	7,358,738	B2 4/2008 Overby et al.
6,268,731	B1	7/2001	Hopwood et al.	7,372,247	B1 5/2008 Giusti et al.
6,297,736	B1	10/2001	Lewis et al.	7,372,276	B2 5/2008 Mulcahey
6,299,934	B1	10/2001	Manning	7,396,177	B2 7/2008 Lapstun et al.
6,308,565	B1	10/2001	French et al.	7,396,178	B2 7/2008 Lapstun et al.
6,356,082	B1	3/2002	Alkire et al.	7,403,012	B2 7/2008 Worsley et al.
6,363,320	B1	3/2002	Chou	7,413,363	B2 8/2008 Lapstun et al.
6,375,038	B1	4/2002	Daansen et al.	7,482,973	B2 1/2009 Tucker et al.
6,378,220	B1	4/2002	Baioff et al.	7,500,583	B1 3/2009 Cox
6,390,336	B1	5/2002	Orozco	7,640,105	B2 12/2009 Nielsen et al.
6,407,550	B1	6/2002	Parakulam et al.	2001/0029996	A1 10/2001 Robinson
6,411,094	B1	6/2002	Gard et al.	2002/0130806	A1 9/2002 Taylor et al.
6,437,708	B1	8/2002	Brouwer	2003/0184300	A1 10/2003 Bigelow
				2003/0196585	A1 10/2003 McDonald et al.

2004/0057795 A1 3/2004 Mayfield et al.
 2004/0145361 A1* 7/2004 Owen 323/313
 2004/0168358 A1 9/2004 Stump
 2004/0220731 A1 11/2004 Tucker et al.
 2005/0040222 A1 2/2005 Robinson
 2005/0055142 A1 3/2005 McMurtry et al.
 2005/0192727 A1 9/2005 Shostak et al.
 2006/0026020 A1 2/2006 Waite et al.
 2006/0055584 A1 3/2006 Waite et al.
 2006/0077095 A1 4/2006 Tucker et al.
 2006/0109131 A1 5/2006 Sen et al.
 2006/0232259 A1* 10/2006 Olsson et al. 324/67
 2006/0244454 A1 11/2006 Gard et al.
 2006/0254820 A1 11/2006 Cole et al.
 2006/0276198 A1 12/2006 Michelin et al.
 2006/0282280 A1 12/2006 Stotz et al.
 2006/0285913 A1 12/2006 Koptis
 2006/0287900 A1 12/2006 Fiore et al.
 2006/0289679 A1 12/2006 Johnson et al.
 2007/0013379 A1 1/2007 Staples et al.
 2007/0018632 A1 1/2007 Royle
 2007/0100496 A1 5/2007 Forell
 2007/0219722 A1 9/2007 Sawyer et al.
 2007/0288195 A1 12/2007 Waite et al.
 2008/0125942 A1 5/2008 Tucker et al.
 2008/0228294 A1 9/2008 Nielsen et al.
 2008/0245299 A1 10/2008 Nielsen et al.
 2009/0013928 A1 1/2009 Nielsen et al.
 2009/0085568 A1 4/2009 Cole
 2009/0121933 A1 5/2009 Tucker et al.
 2009/0201178 A1 8/2009 Nielsen et al.
 2009/0201311 A1 8/2009 Nielsen et al.
 2009/0202101 A1 8/2009 Nielsen et al.
 2009/0202110 A1 8/2009 Nielsen et al.
 2009/0202111 A1 8/2009 Nielsen et al.
 2009/0202112 A1 8/2009 Nielsen et al.
 2009/0204238 A1 8/2009 Nielsen et al.
 2009/0204466 A1 8/2009 Nielsen et al.
 2009/0204614 A1 8/2009 Nielsen et al.
 2009/0204625 A1 8/2009 Nielsen et al.
 2009/0207019 A1 8/2009 Nielsen et al.
 2009/0208642 A1 8/2009 Nielsen et al.
 2009/0210098 A1 8/2009 Nielsen et al.
 2009/0210284 A1 8/2009 Nielsen et al.
 2009/0210285 A1 8/2009 Nielsen et al.
 2009/0210297 A1 8/2009 Nielsen et al.
 2009/0210298 A1 8/2009 Nielsen et al.
 2009/0237408 A1 9/2009 Nielsen et al.
 2009/0238414 A1 9/2009 Nielsen et al.
 2009/0238415 A1 9/2009 Nielsen et al.
 2009/0238416 A1 9/2009 Nielsen et al.
 2009/0238417 A1 9/2009 Nielsen et al.
 2009/0241045 A1 9/2009 Nielsen et al.
 2009/0241046 A1 9/2009 Nielsen et al.
 2009/0324815 A1 12/2009 Nielsen et al.

2009/0327024 A1 12/2009 Nielsen et al.
 2010/0006667 A1 1/2010 Nielsen et al.
 2010/0010862 A1 1/2010 Nielsen et al.
 2010/0010863 A1 1/2010 Nielsen et al.
 2010/0010882 A1 1/2010 Nielsen et al.
 2010/0010883 A1 1/2010 Nielsen et al.

FOREIGN PATENT DOCUMENTS

WO WO-9112119 8/1991
 WO WO-9424584 10/1994
 WO WO-9629572 9/1996
 WO WO-9854600 12/1998
 WO WO-9854601 12/1998
 WO WO-9900679 1/1999
 WO WO-2004100044 A1 11/2004
 WO WO-2004102242 A1 11/2004
 WO WO-2005052627 A2 6/2005
 WO WO-2006015310 A2 2/2006
 WO WO-2006136776 A1 12/2006
 WO WO-2006136777 A1 12/2006
 WO WO-2007067898 A2 6/2007

OTHER PUBLICATIONS

Carey, B., "Tracking Shoes," Chicago Tribune Online Edition, Jan. 29, 2007, pp. 1-3, <http://www.chicagotribune.com/services/site/premium/access-registered.intercept>.
 Co-pending U.S. Appl. No. 29/356,631, filed Mar. 1, 2010.
 Co-pending U.S. Appl. No. 29/356,634, filed Mar. 1, 2010.
 Co-pending U.S. Appl. No. 29/356,635, filed Mar. 1, 2010.
 Fox, G. et al., "GPS Provides Quick, Accurate Data for Underground Utility Location," as featured in Apr. 2002 issue of Trenchless Technology, <http://www.woolpert.com/asp/articles/GPS-Provides.asp>, Sep. 14, 2007, pp. 1 and 2.
 International Search Report and Written Opinion, Application Serial No. PCT/US2008/55796, Oct. 14, 2008.
 International Search Report and Written Opinion, Application Serial No. PCT/US2008/55798, Jul. 28, 2008.
 International Search Report and Written Opinion, Application Serial No. PCT/US2009/005299, Dec. 22, 2009.
 Notice of Allowance dated Nov. 6, 2009 from Co-Pending U.S. Appl. No. 11/685,602.
 Office Action dated Nov. 18, 2009 from Co-Pending Canadian Application No. 2,623,466, filed Mar. 4, 2008.
 Office Action dated Nov. 23, 2009 from Co-Pending Canadian Application No. 2,623,761, filed Mar. 4, 2008.
 Office Action dated Apr. 28, 2009 from Co-Pending U.S. Appl. No. 11/685,602.
 Office Action dated Sep. 17, 2009 from Co-Pending U.S. Appl. No. 11/685,602.
 Trimble Navigation Limited, "H-Star Technology Explained," pp. 1-9, 2005, www.trimble.com.

* cited by examiner

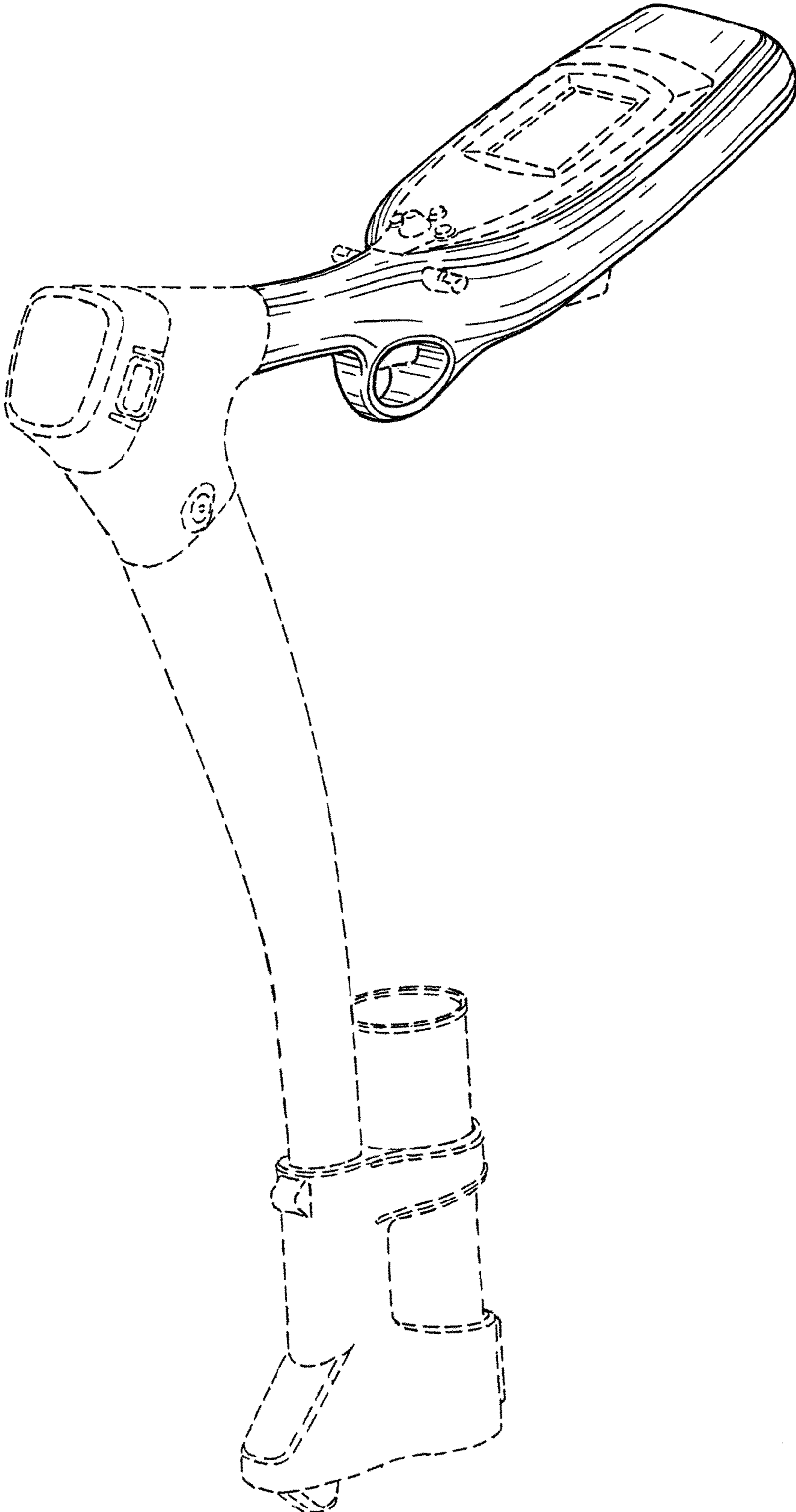


Fig. 1

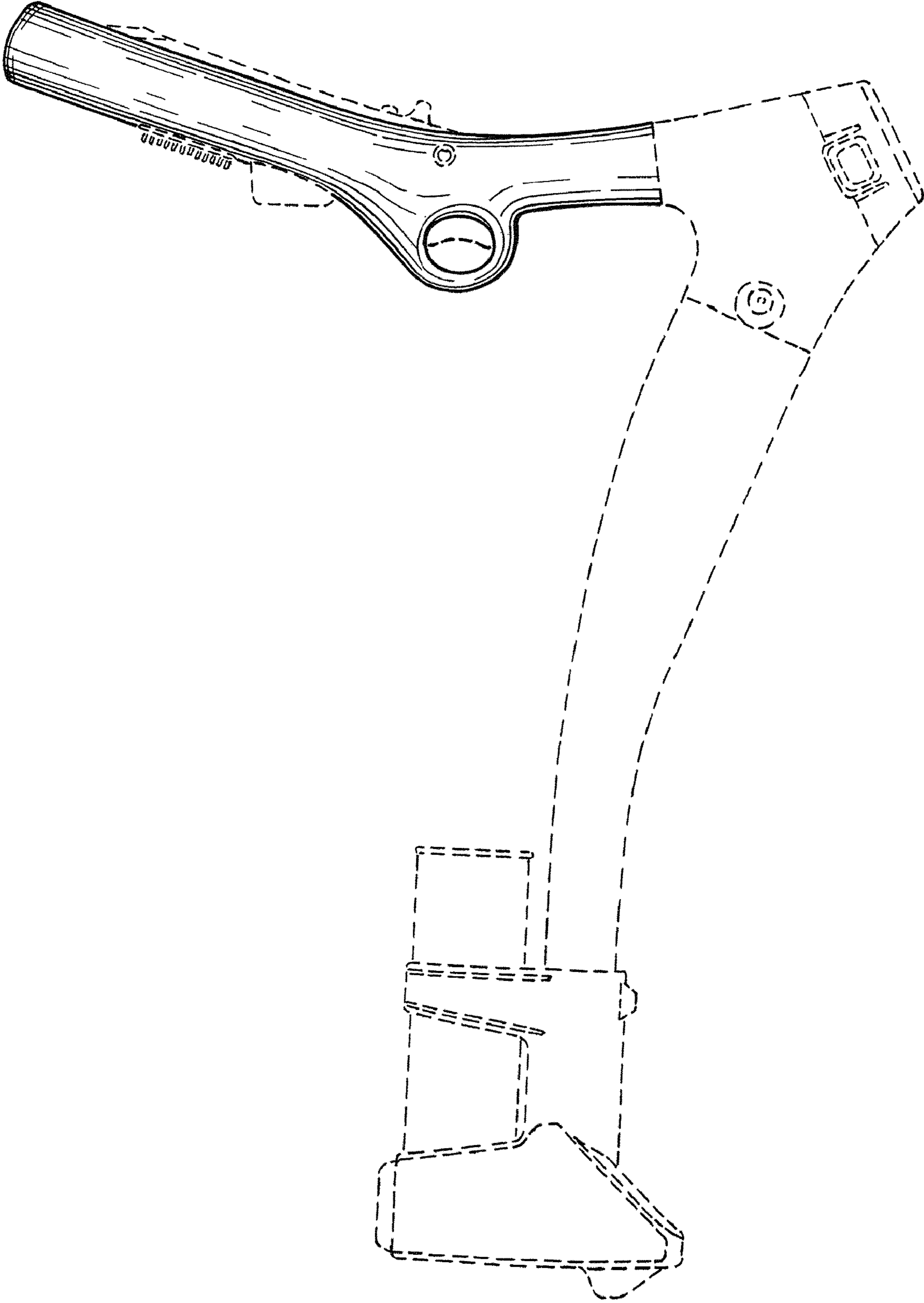


Fig. 2

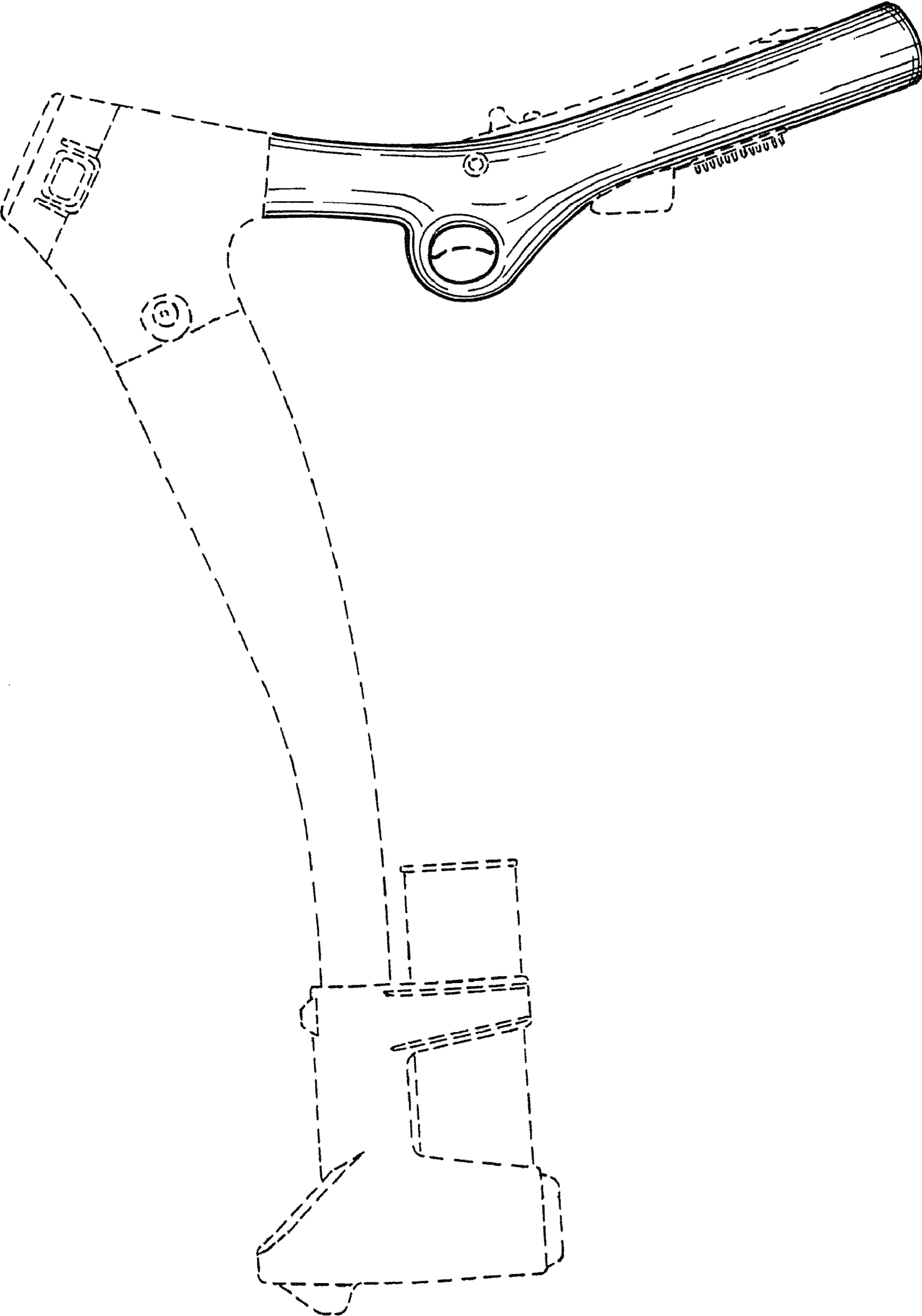


Fig. 3

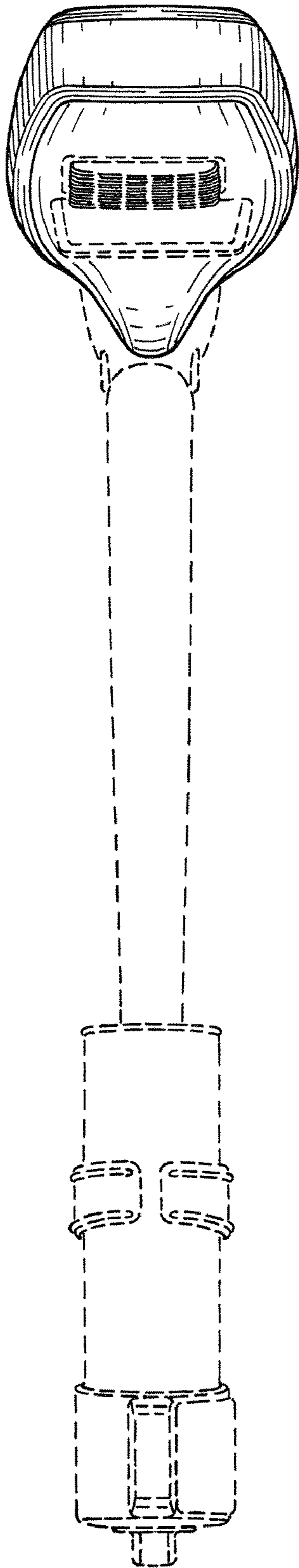


Fig. 4

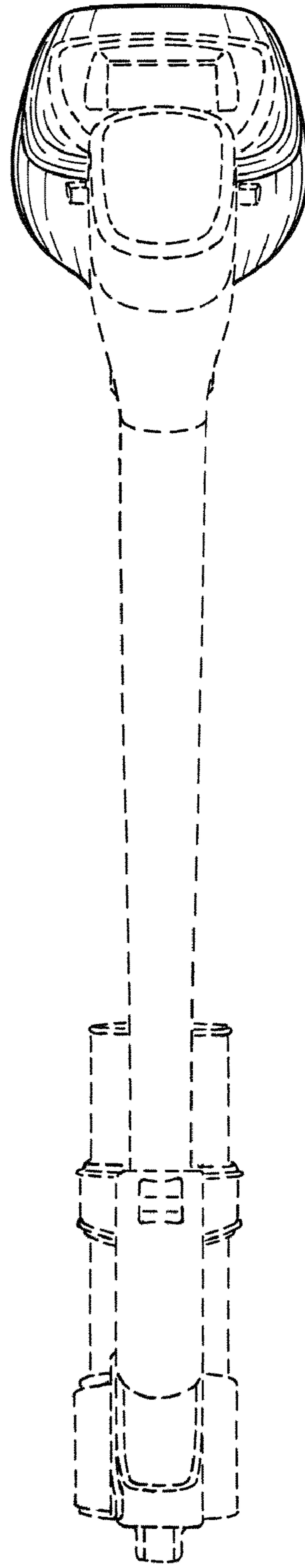


Fig. 5

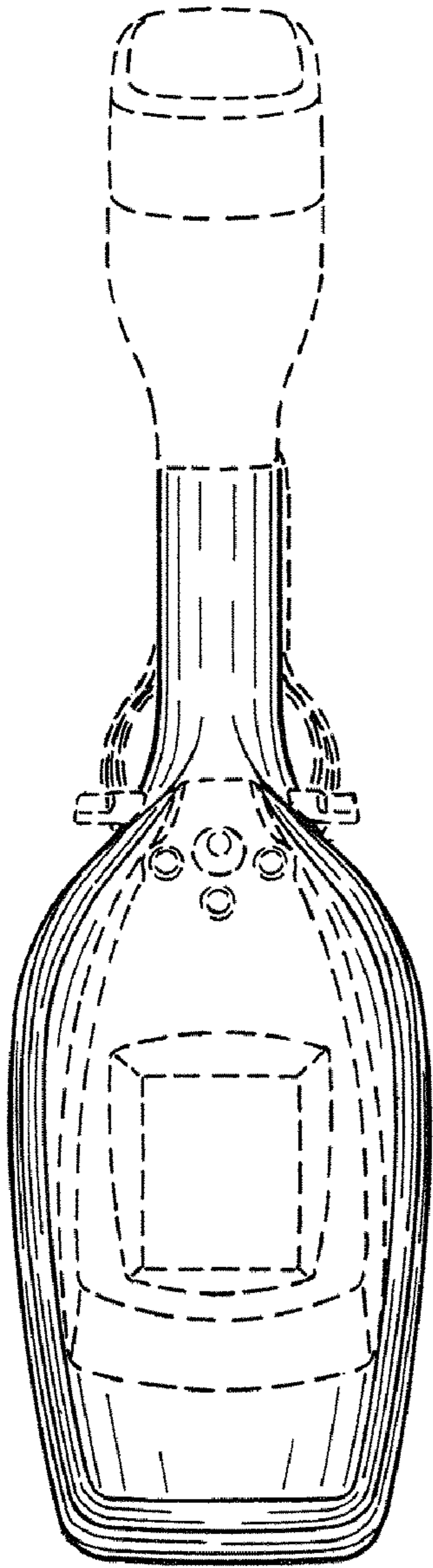


Fig. 6

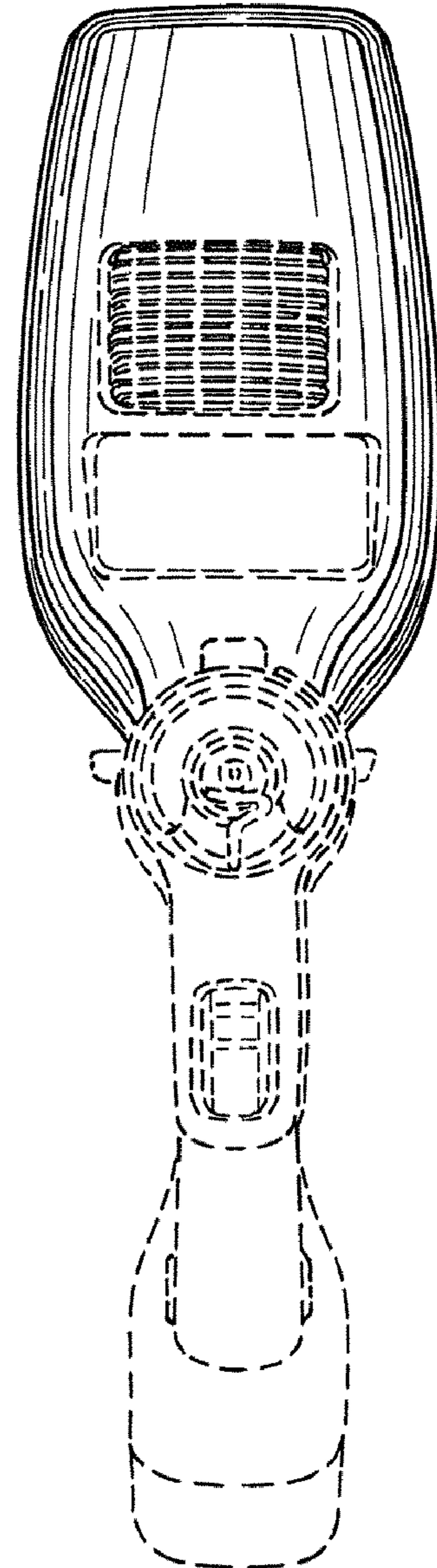


Fig. 7