



US00D684067S

(12) **United States Design Patent**
Nielsen et al.

(10) **Patent No.:** **US D684,067 S**
(45) **Date of Patent:** **** Jun. 11, 2013**

(54) **MODULAR MARKING DEVICE**
(75) Inventors: **Steven Nielsen**, North Palm Beach, FL (US); **Curtis Chambers**, Palm Beach Gardens, FL (US); **Jeffrey Farr**, Tequesta, FL (US); **James T. Sener**, Glastonbury, CT (US); **Christopher D. Hageman**, South Glastonbury, CT (US)

4,639,674 A 1/1987 Rippingale
4,712,094 A 12/1987 Bolson, Sr.
4,747,207 A 5/1988 Schonstedt et al.
4,803,773 A 2/1989 Schonstedt
4,818,944 A 4/1989 Rippingale
4,839,623 A 6/1989 Schonstedt et al.
4,839,624 A 6/1989 Schonstedt
4,873,533 A 10/1989 Oike
5,001,430 A 3/1991 Peterman et al.
5,006,806 A 4/1991 Rippingale et al.

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

(Continued)

(**) Term: **14 Years**

CA 136906 8/2011
CA 136907 8/2011

(21) Appl. No.: **29/413,451**

(Continued)

(22) Filed: **Feb. 15, 2012**

FOREIGN PATENT DOCUMENTS

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

Notice of Allowance dated Nov. 28, 2011 from Canadian Application No. 2,710,269.

(52) **U.S. Cl.**
USPC **D10/47**

(Continued)

(58) **Field of Classification Search**
USPC D10/46, 47, 70; 324/67, 202, 326-329, 324/233, 207.2, 226, 345, 242, 243, 244, 324/253, 225, 228, 252, 248, 301; 340/368, 340/933; 702/38; 172/371, 438; 707/822, 707/E17.005

Primary Examiner — Antoine D Davis
(74) *Attorney, Agent, or Firm* — Foley & Lardner LLP; Joseph Teja, Jr.

See application file for complete search history.

(57) **CLAIM**
The ornamental design for a modular marking device, as shown and described.

(56) **References Cited**

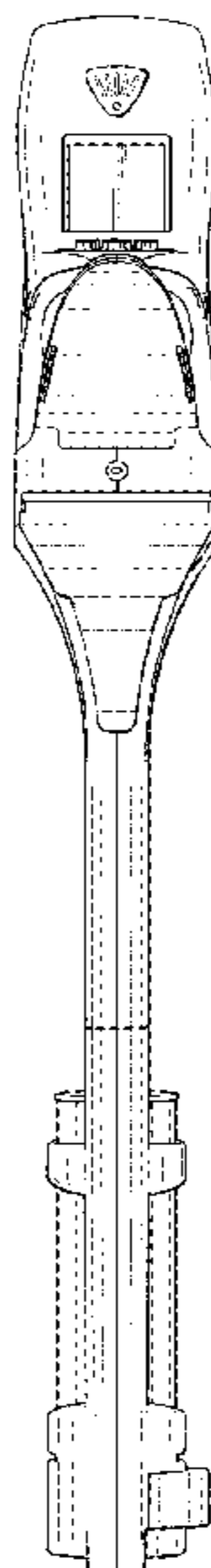
DESCRIPTION

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

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

1 Claim, 3 Drawing Sheets



US D684,067 S

U.S. PATENT DOCUMENTS							
5,014,008	A	5/1991	Flowerdew	6,650,798	B2	11/2003	Russell et al.
5,017,873	A	5/1991	Rippingale et al.	6,674,276	B2	1/2004	Morgan et al.
5,025,150	A	6/1991	Oldham et al.	6,710,741	B2	3/2004	Tucker
5,043,666	A	8/1991	Tavernetti et al.	6,717,392	B2	4/2004	Pearson
5,045,368	A	9/1991	Cosman et al.	6,723,375	B2	4/2004	Zeck et al.
5,065,098	A	11/1991	Salsman et al.	6,728,662	B2	4/2004	Frost et al.
5,093,622	A	3/1992	Balkman	6,751,554	B1	6/2004	Asher et al.
5,097,211	A	3/1992	Schonstedt	6,777,923	B2	8/2004	Pearson
5,114,517	A	5/1992	Rippingale et al.	6,778,128	B2	8/2004	Tucker et al.
5,122,750	A	6/1992	Rippingale et al.	D496,292	S *	9/2004	Sowers D10/47
5,136,245	A	8/1992	Schonstedt	6,798,379	B2	9/2004	Tucker et al.
5,138,761	A	8/1992	Schonstedt	6,799,116	B2	9/2004	Robbins
5,173,139	A	12/1992	Rippingale et al.	D497,559	S *	10/2004	Johnson D10/47
5,206,065	A	4/1993	Rippingale et al.	6,815,953	B1	11/2004	Bigelow
5,214,757	A	5/1993	Mauney et al.	6,819,109	B2	11/2004	Sowers et al.
5,231,355	A	7/1993	Rider et al.	6,825,775	B2	11/2004	Fling et al.
5,239,290	A	8/1993	Schonstedt	6,825,793	B2	11/2004	Taylor, Jr. et al.
5,260,659	A	11/1993	Flowerdew et al.	6,833,811	B2	12/2004	Zeitfuss et al.
5,264,795	A	11/1993	Rider	6,836,231	B2	12/2004	Pearson
5,361,029	A	11/1994	Rider	6,845,171	B2	1/2005	Shum et al.
5,365,163	A	11/1994	Satterwhite et al.	6,850,161	B1	2/2005	Elliott et al.
5,373,298	A	12/1994	Karouby	6,850,843	B2	2/2005	Smith et al.
5,430,379	A	7/1995	Parkinson et al.	6,853,303	B2	2/2005	Chen et al.
5,444,364	A	8/1995	Satterwhite et al.	6,865,484	B2	3/2005	Miyasaka et al.
5,471,143	A	11/1995	Doany	6,898,550	B1	5/2005	Blackadar et al.
5,519,329	A	5/1996	Satterwhite	6,904,361	B1	6/2005	Tallman et al.
5,530,357	A	6/1996	Cosman et al.	6,954,071	B2	10/2005	Flatt et al.
5,543,931	A	8/1996	Lee et al.	6,956,524	B2	10/2005	Tucker et al.
5,576,973	A	11/1996	Haddy	6,958,690	B1	10/2005	Asher et al.
5,621,325	A	4/1997	Draper et al.	6,968,296	B2	11/2005	Royle
5,629,626	A	5/1997	Russell et al.	6,975,942	B2	12/2005	Young et al.
5,644,237	A	7/1997	Eslambolchi et al.	6,977,508	B2	12/2005	Pearson et al.
5,739,785	A	4/1998	Allison et al.	D513,706	S *	1/2006	Johnson D10/47
5,751,289	A	5/1998	Myers	6,992,584	B2	1/2006	Dooley et al.
5,764,127	A	6/1998	Hore et al.	6,993,088	B2	1/2006	Fling et al.
5,769,370	A	6/1998	Ashjaee	7,009,399	B2	3/2006	Olsson et al.
5,828,219	A	10/1998	Hanlon et al.	7,009,519	B2	3/2006	Leonard et al.
D410,399	S *	6/1999	De Torfino D10/104.1	7,038,454	B2	5/2006	Gard et al.
5,916,300	A	6/1999	Kirk et al.	7,042,358	B2	5/2006	Moore
5,917,325	A	6/1999	Smith	7,053,789	B2	5/2006	Fling et al.
5,920,194	A	7/1999	Lewis et al.	7,057,383	B2	6/2006	Schlapp et al.
5,955,667	A	9/1999	Fyfe	7,062,414	B2	6/2006	Waite et al.
6,026,135	A	2/2000	McFee et al.	7,079,591	B2	7/2006	Fling et al.
6,031,454	A	2/2000	Lovejoy et al.	7,091,872	B1	8/2006	Bigelow et al.
6,032,530	A	3/2000	Hock	D528,909	S *	9/2006	Stillerud D9/560
6,061,632	A	5/2000	Dreier	7,113,124	B2	9/2006	Waite
6,074,693	A	6/2000	Manning	7,116,244	B2	10/2006	Fling et al.
6,107,801	A	8/2000	Hopwood	7,120,564	B2	10/2006	Pacey
6,127,827	A	10/2000	Lewis	7,235,980	B2	6/2007	Pearson et al.
6,130,539	A	10/2000	Polak	7,285,958	B2	10/2007	Overby et al.
6,140,819	A	10/2000	Peterman et al.	7,304,480	B1	12/2007	Pearson et al.
6,169,958	B1	1/2001	Nagasamy et al.	7,310,584	B2	12/2007	Royle
6,188,777	B1	2/2001	Darrell et al.	7,319,387	B2	1/2008	Willson et al.
6,206,282	B1	3/2001	Hayes, Sr. et al.	7,331,340	B2	2/2008	Barney
6,234,218	B1	5/2001	Boers	7,336,078	B1	2/2008	Merewether et al.
6,266,006	B1 *	7/2001	Audet 324/326	7,339,379	B2	3/2008	Thompson et al.
6,268,731	B1	7/2001	Hopwood et al.	7,342,537	B2	3/2008	Pearson et al.
6,297,736	B1	10/2001	Lewis et al.	7,356,421	B2	4/2008	Gudmundsson et al.
6,299,934	B1	10/2001	Manning	7,358,738	B2	4/2008	Overby et al.
6,308,565	B1	10/2001	French et al.	7,372,247	B1	5/2008	Giusti et al.
6,356,082	B1	3/2002	Alkire et al.	7,372,276	B2	5/2008	Mulcahey
6,363,320	B1	3/2002	Chou	7,396,177	B2	7/2008	Lapstun et al.
6,375,038	B1	4/2002	Daansen et al.	7,396,178	B2	7/2008	Lapstun et al.
6,378,220	B1	4/2002	Baioff et al.	7,403,012	B2	7/2008	Worsley et al.
6,390,336	B1	5/2002	Orozco	7,413,363	B2	8/2008	Lapstun et al.
6,407,550	B1	6/2002	Parakulam et al.	D583,261	S *	12/2008	Johnson et al. D10/47
6,411,094	B1	6/2002	Gard et al.	7,482,973	B2	1/2009	Tucker et al.
6,437,708	B1	8/2002	Brouwer	7,500,583	B1	3/2009	Cox
6,459,266	B1	10/2002	Fling	7,640,105	B2	12/2009	Nielsen et al.
6,476,708	B1	11/2002	Johnson	D614,981	S *	5/2010	Junes D10/70
6,490,524	B1	12/2002	White et al.	D634,655	S	3/2011	Nielsen et al.
6,549,011	B2	4/2003	Flatt	D634,656	S	3/2011	Nielsen et al.
6,552,548	B1	4/2003	Lewis et al.	D634,657	S	3/2011	Nielsen et al.
D475,936	S *	6/2003	Craig et al. D10/47	D643,321	S	8/2011	Nielsen et al.
6,585,133	B1	7/2003	Brouwer	8,060,304	B2	11/2011	Nielsen et al.
6,600,420	B2	7/2003	Goff et al.	D652,330	S *	1/2012	Arnold et al. D10/47
6,617,856	B1	9/2003	Royle et al.	8,248,056	B1 *	8/2012	Olsson et al. 324/67
6,633,163	B2	10/2003	Fling	2001/0007420	A1 *	7/2001	Bijawat et al. 324/67
				2001/0029996	A1	10/2001	Robinson

2012/0066506 A1 3/2012 Nielsen et al.
 2012/0069178 A1 3/2012 Nielsen et al.
 2012/0072035 A1 3/2012 Nielsen et al.

FOREIGN PATENT DOCUMENTS

CA	136908	8/2011
CA	136909	8/2011
EM	001748856-0001	8/2010
EM	001748856-0002	8/2010
EM	001748856-0003	8/2010
EM	001748856-0004	8/2010
EP	1852365	11/2007
WO	WO9112119	8/1991
WO	WO9424584	10/1994
WO	WO9629572	9/1996
WO	WO9854600	12/1998
WO	WO9854601	12/1998
WO	WO9900679	1/1999
WO	WO2004100044	11/2004
WO	WO2004102242	11/2004
WO	WO2005052627	6/2005
WO	WO2006015310	2/2006
WO	WO2006136776	12/2006
WO	WO2006136777	12/2006
WO	WO2007067898	6/2007

OTHER PUBLICATIONS

Office Action dated Mar. 2, 2012 from U.S. Appl. No. 12/639,041.
 Office Action dated Apr. 10, 2012 from U.S. Appl. No. 12/854,370.
 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.

Carey, B., "Tracking Shoes," Chicago Tribune Online Edition, Jan. 29, 2007, pp. 1-3, <http://www.chicagotribune.com/services/site/premium/access-registered.intercept>.

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 No. PCT/US2008/55796, Oct. 14, 2008.

International Search Report and Written Opinion, Application No. PCT/US2008/55798, Jul. 28, 2008.

International Search Report and Written Opinion, Application No. PCT/US2009/005299, Dec. 22, 2009.

Notice of Allowance dated Nov. 6, 2009 from U.S. Appl. No. 11/685,602.

Office Action dated Nov. 18, 2009 from Canadian Application No. 2,623,466, filed Mar. 4, 2008.

Office Action dated Nov. 23, 2009 from Canadian Application No. 2,623,761, filed Mar. 4, 2008.

Office Action dated Apr. 28, 2009 from U.S. Appl. No. 11/685,602.

Office Action dated Sep. 17, 2009 from U.S. Appl. No. 11/685,602.

Trimble Navigation Limited, "H-Star Technology Explained," pp. 1-9, 2005, www.trimble.com.

* cited by examiner

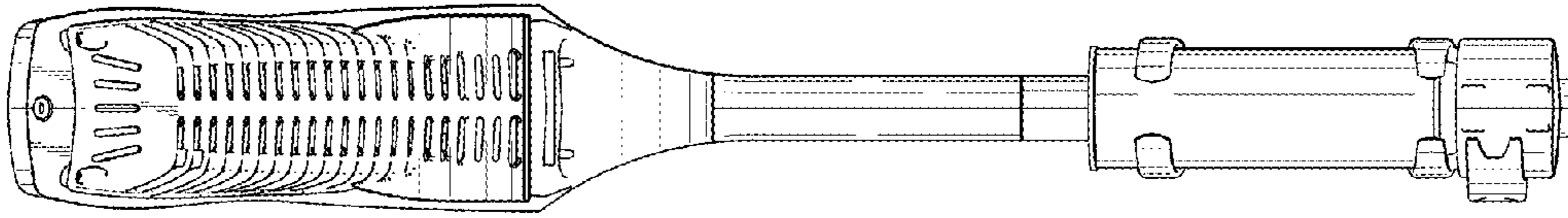


FIG. 1

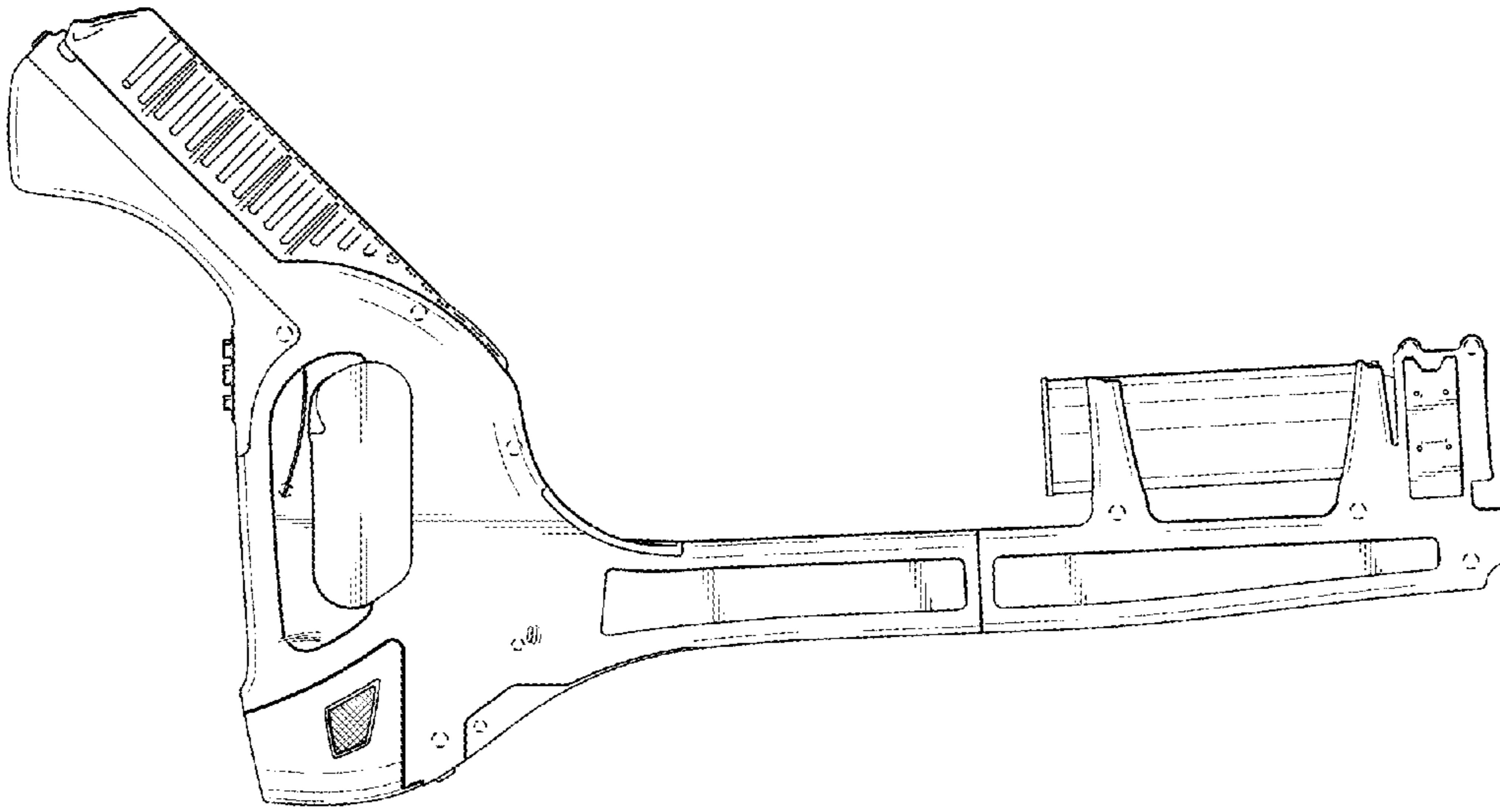


FIG. 2

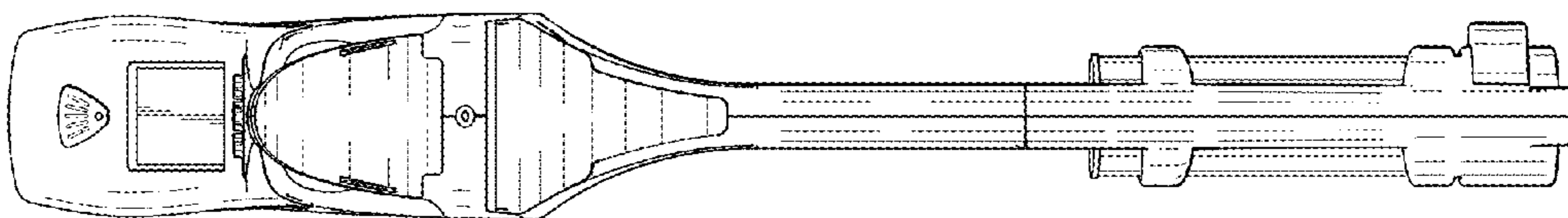


FIG. 3

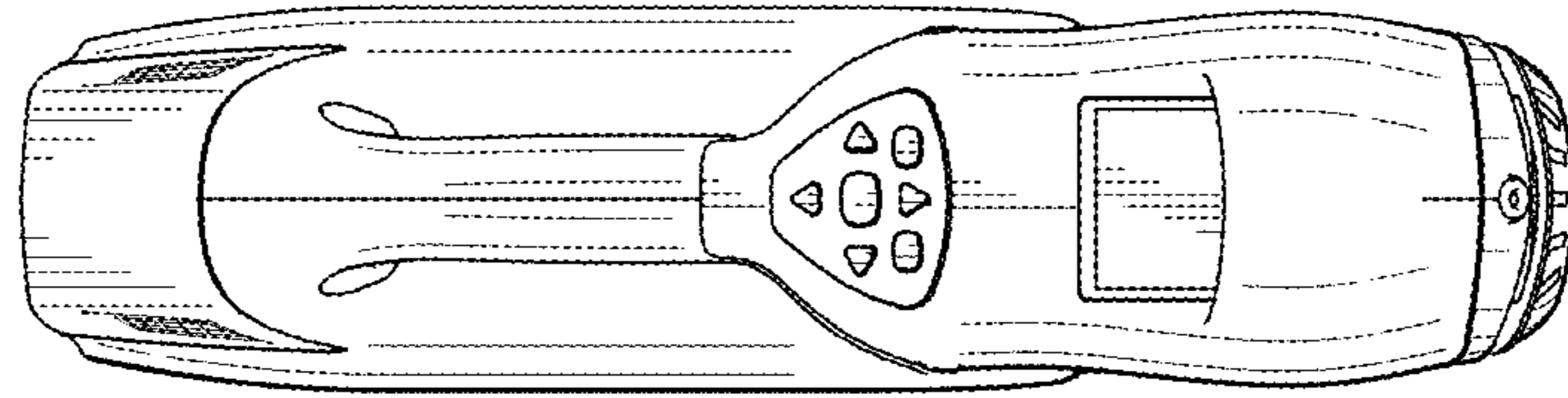


FIG. 4

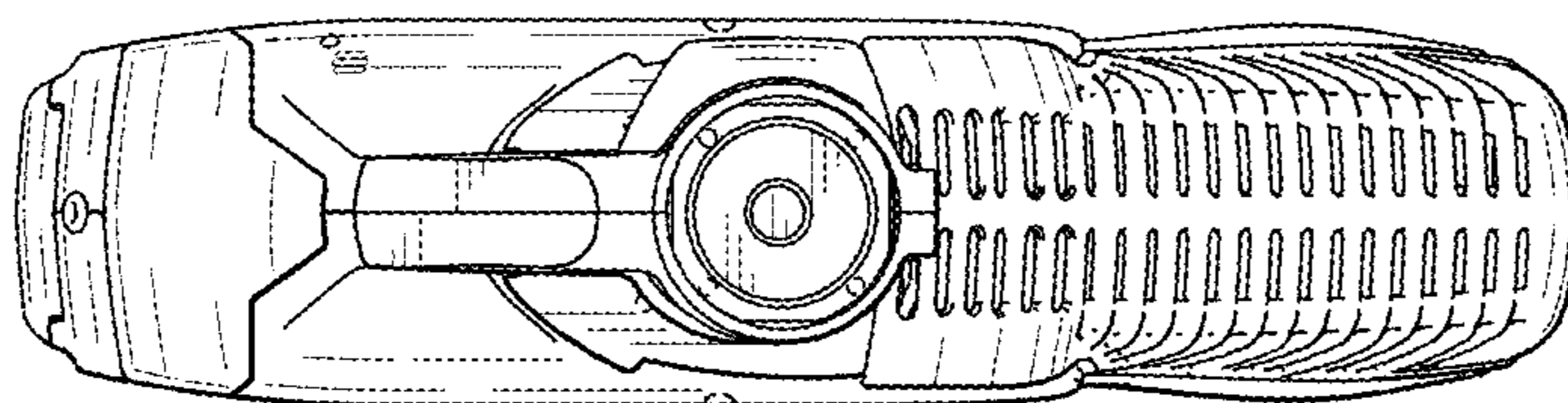


FIG. 5

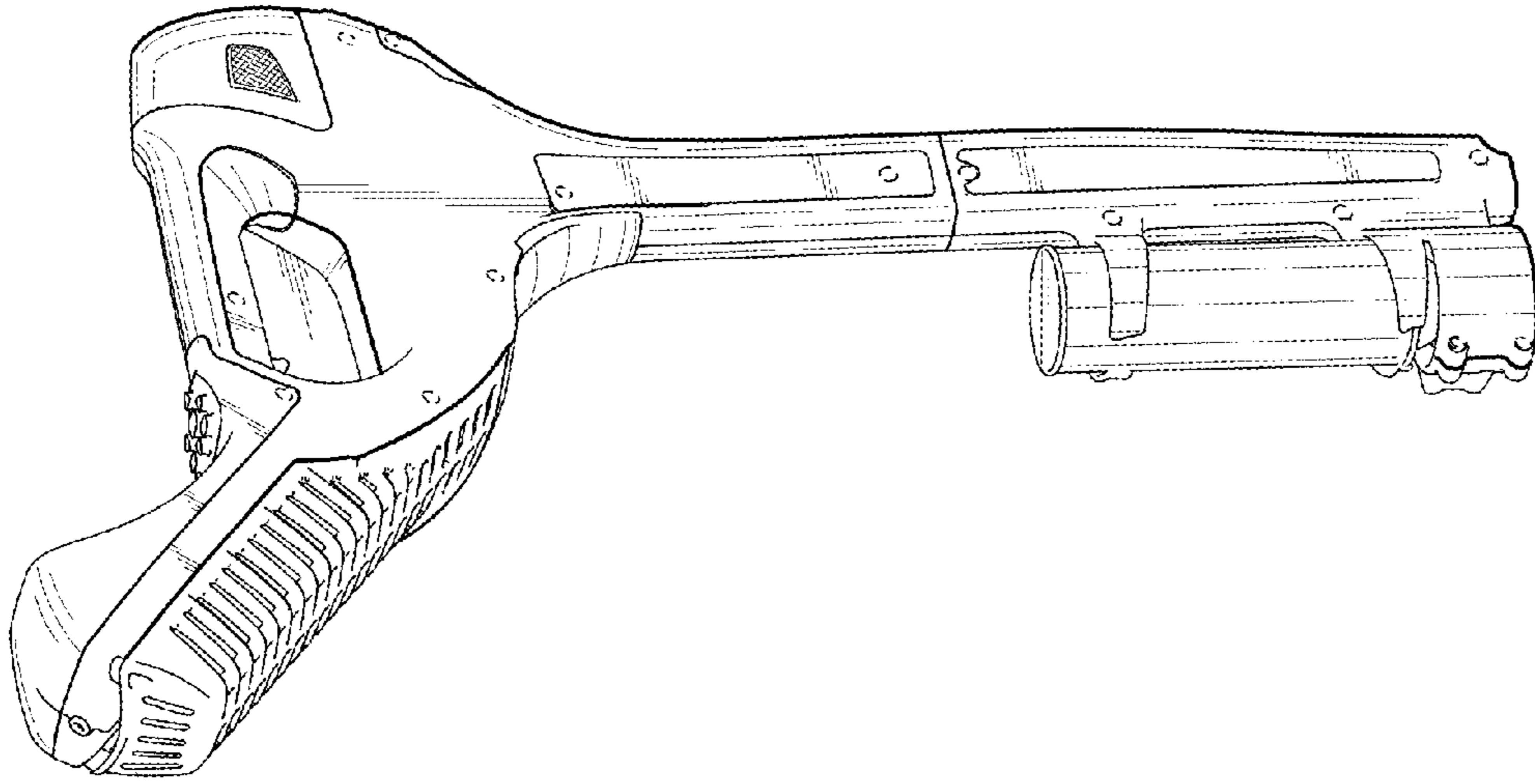


FIG. 7

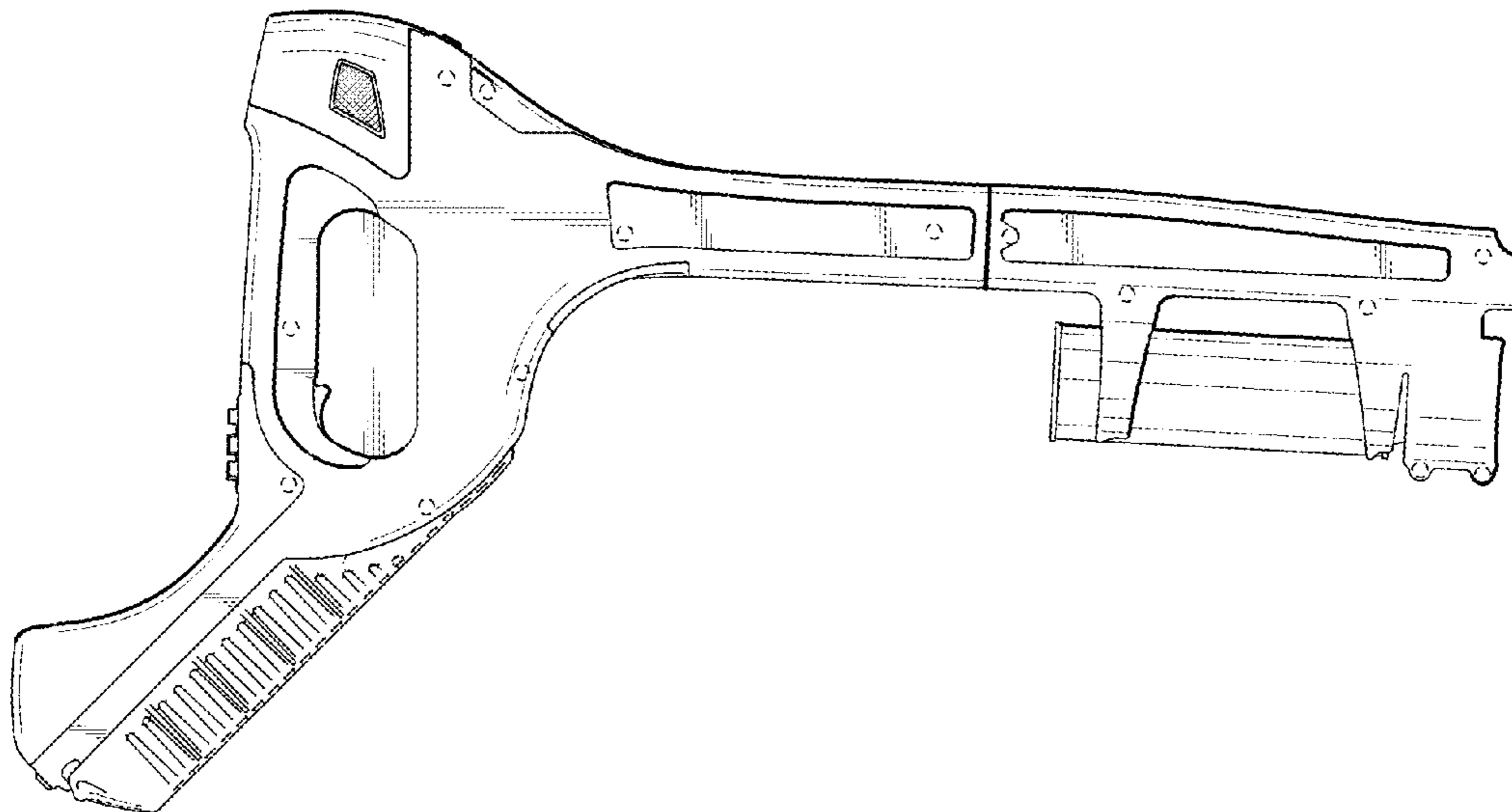


FIG. 6