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(12) **United States Design Patent** (10) **Patent No.:** **US D811,581 S**  
**Danford** (45) **Date of Patent:** **\*\* Feb. 27, 2018**

(54) **RESISTANCE BREATHING DEVICE**

5,799,652 A 9/1998 Kotliar  
5,848,589 A 12/1998 Welnetz  
5,850,833 A 12/1998 Kotliar

(71) Applicant: **TrainingMask L.L.C.**, Cadillac, MI (US)

(Continued)

(72) Inventor: **Casey Danford**, Cadillac, MI (US)

FOREIGN PATENT DOCUMENTS

(73) Assignee: **TrainingMask LLC**, Cadillac, MI (US)

CN 1311705 A 9/2001  
CN 3416108 12/2004

(\*\*) Term: **15 Years**

(Continued)

(21) Appl. No.: **29/556,825**

OTHER PUBLICATIONS

(22) Filed: **Mar. 3, 2016**

Printouts of Phantom Athletics website <http://www.phantom-trainingmask.com/en/> advertising a resistance breathing device, accessed Jan. 26, 2016 (8 pages).

(51) **LOC (11) Cl.** ..... **29-02**

(Continued)

(52) **U.S. Cl.**

USPC ..... **D24/110.1**; D29/108

(58) **Field of Classification Search**

USPC ..... D24/110.1, 110.6, 127, 162, 164; D29/108

CPC ..... A61B 18/02; A62B 18/025; A62B 23/025; A62B 7/10; A62B 9/02; A63B 23/18

See application file for complete search history.

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(57) **CLAIM**

An ornamental design for a resistance breathing device, as shown and described.

(56) **References Cited**

**DESCRIPTION**

U.S. PATENT DOCUMENTS

938,247 A	10/1909	Kuhn	
3,097,642 A	7/1963	Russell	
3,633,575 A	1/1972	Brumfield	
3,850,171 A	11/1974	Ball et al.	
D246,012 S *	10/1977	Minette	..... D29/108
4,064,876 A	12/1977	Mulchi	
4,221,381 A	9/1980	Ericson	
4,549,543 A	10/1985	Moon	
4,601,465 A	7/1986	Roy	
4,739,987 A	4/1988	Nicholson	
4,770,413 A	9/1988	Green	
4,961,420 A	10/1990	Cappa et al.	
4,973,047 A	11/1990	Norell	
5,117,821 A	6/1992	White	
5,167,819 A	12/1992	Iana et al.	
5,697,105 A	12/1997	White	

FIG. 1 is a top perspective view of a resistance breathing device showing my new design;

FIG. 2 is a front elevational view thereof;

FIG. 3 is a rear elevational view thereof;

FIG. 4 is a left side elevational view thereof;

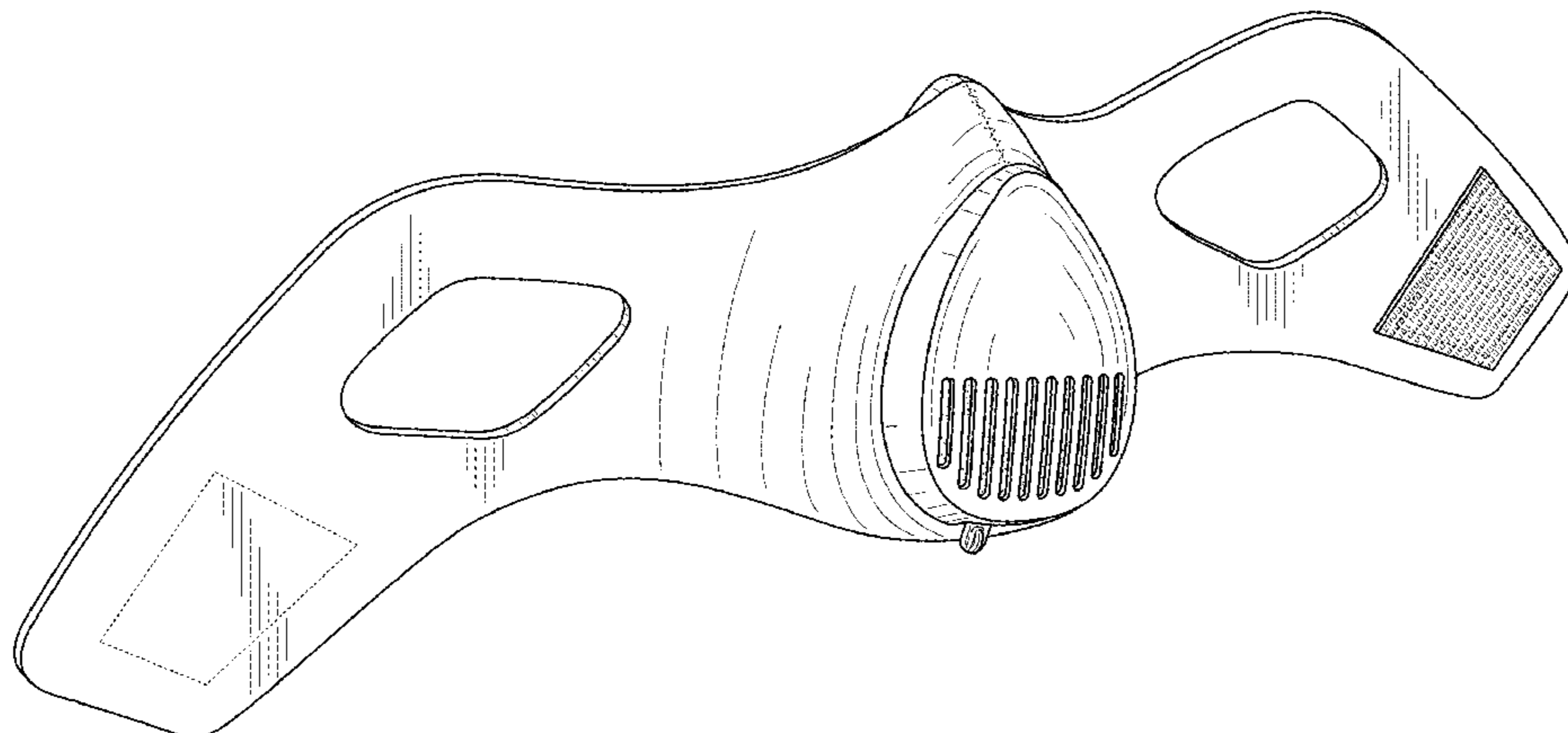
FIG. 5 is right side elevational view thereof;

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

The broken lines in the drawings illustrate stitching on the resistance breathing device that forms part of the claimed design. The dotted lines in the drawings depict portions of the resistance breathing device that form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

5,924,419	A	7/1999	Kotliar	
5,964,222	A	10/1999	Kotliar	
6,070,578	A	6/2000	Baughman et al.	
D440,302	S	4/2001	Wolfe	
6,471,621	B2	10/2002	Hörstel et al.	
6,508,850	B1	1/2003	Kotliar	
6,554,746	B1	4/2003	McConnell et al.	
6,606,751	B1	8/2003	Kalhok et al.	
6,644,308	B2	11/2003	Kalhok et al.	
7,523,755	B2	4/2009	Richardson et al.	
7,931,733	B2	4/2011	Kotliar	
D645,956	S	9/2011	Grimsley	
D665,903	S *	8/2012	Sullivan	D24/110.1
8,365,734	B1	2/2013	Lehman	
D681,192	S	4/2013	D'Souza et al.	
8,590,533	B2	11/2013	Danford	
D694,875	S	12/2013	D'Souza et al.	
9,067,086	B2	6/2015	Danford	
9,579,540	B1 *	2/2017	Danford	A63B 21/0004
9,643,048	B1 *	5/2017	Danford	A61M 16/20
2001/0007651	A1	7/2001	Fust	
2001/0029750	A1	10/2001	Kotliar	
2002/0023762	A1	2/2002	Kotliar	
2002/0100893	A1	8/2002	Shultz	
2002/0162556	A1	11/2002	Smith et al.	
2003/0005934	A1	1/2003	Japuntich et al.	
2004/0146842	A1	7/2004	Carlucci et al.	
2004/0226563	A1	11/2004	Xu et al.	
2008/0178884	A1	7/2008	Gerson et al.	
2008/0202774	A1	8/2008	Kotliar	
2008/0210240	A1	9/2008	Kotliar	
2009/0320848	A1	12/2009	Steindorf et al.	
2010/0101584	A1	4/2010	Bledstein et al.	
2011/0212811	A1	9/2011	Rutten	
2012/0103339	A1	5/2012	Koehler	
2013/0319420	A1	12/2013	Danford	
2016/0089553	A1	3/2016	Dickstein et al.	
2016/0129286	A1	5/2016	Danford	
2016/0129287	A1	5/2016	Danford	
2017/0144000	A1 *	5/2017	Danford	A62B 23/025

FOREIGN PATENT DOCUMENTS

CN	3525464	5/2006
CN	3611368D	2/2007
CN	300733965	1/2008
CN	300798841D S	7/2008
CN	300853751D S	11/2008
CN	301345091 S	9/2010
CN	301345092 S	9/2010
CN	102421485 A	4/2012
CN	302364261 S	3/2013
CN	302560932 S	9/2013
CN	302675148 S	12/2013
CN	203523849 U	4/2014
CN	302827495 S	5/2014
CN	302857904 S	6/2014
CN	302857912 S	6/2014
CN	302857913 S	6/2014
CN	302919473 S	8/2014
CN	302945765 S	9/2014
CN	303061361 S	12/2014

CN	303312122 S	7/2015
EP	2 425 875 A1	3/2012
JP	D2004-19667	4/2005
JP	2010-42087 A	2/2010
JP	D2010-021935	7/2011
KR	30-0514514	12/2008
KR	30-2008-0014298	4/2009
KR	20-2010-0004312 U	4/2010
KR	30-0586700	1/2011
KR	30-0778665	1/2015
WO	00/04957 A1	2/2000
WO	2010/127161 A2	11/2010
WO	WOD082862	2/2014

OTHER PUBLICATIONS

Photographs of a resistance breathing device, purchased Jun. 3, 2016, along with redacted invoice for such purchase (5 pages).

Utility U.S. Appl. No. 14/951,837, filed Nov. 25, 2015, entitled "Resistance and Filtration Breathing Device" (39 pages).

Utility U.S. Appl. No. 14/989,400, filed Jan. 6, 2016, entitled "Resistance Breathing Device" (43 pages).

Design U.S. Appl. No. 29/544,300, filed Nov. 2, 2015, entitled "Resistance and Filtration Breathing Device" (7 pages).

Design U.S. Appl. No. 29/544,580, filed Nov. 4, 2015, entitled "Resistance Breathing Device" (7 pages).

International Search Report and Written Opinion dated Dec. 7, 2015, issued in International (PCT) Patent Application No. PCT/US2015/051364, filed Sep. 22, 2015 (15 pages).

Design Patent Right Evaluation Report dated Mar. 21, 2016, issued by the State Intellectual Property Office of China in Patent No. ZL201530349470.4 and English-language translation thereof (31 pages).

Utility U.S. Appl. No. 15/077,567, filed Mar. 22, 2016, entitled "Resistance Breathing Device" (36 pages).

Office Action for Applicant's related Japan Design Application No. 2016-001555, dated Jul. 5, 2016 by the Japanese Patent Office, and English-language translation thereof (4 pages).

ReBNA product catalogue published by Patent Works, Inc., obtained by the Japan National Center for Industrial Property Information and Training on Mar. 21, 2008 (1 page).

Design Patent Right Evaluation Report completed Jul. 4, 2016, issued by the State Intellectual Property Office of China in Applicant's related China Design Patent No. ZL201530482604.X and English-language translation thereof (18 pages).

Design Patent Right Evaluation Report completed Jul. 4, 2016, issued by the State Intellectual Property Office of China in Applicant's related China Design Patent No. ZL201530482542.2 and English-language translation thereof (23 pages).

Patentability Assessment Report, completed Jul. 20, 2016, issued by the State Intellectual Property Office of China in Applicant's related China Utility Patent No. ZL2015208912778 and English-language translation thereof (15 pages).

International Search Report and the Written Opinion of the International Searching Authority, dated Aug. 8, 2016, issued by the European Patent Office in Applicant's related International Application No. PCT/US2015/064042 (11 pages).

\* cited by examiner

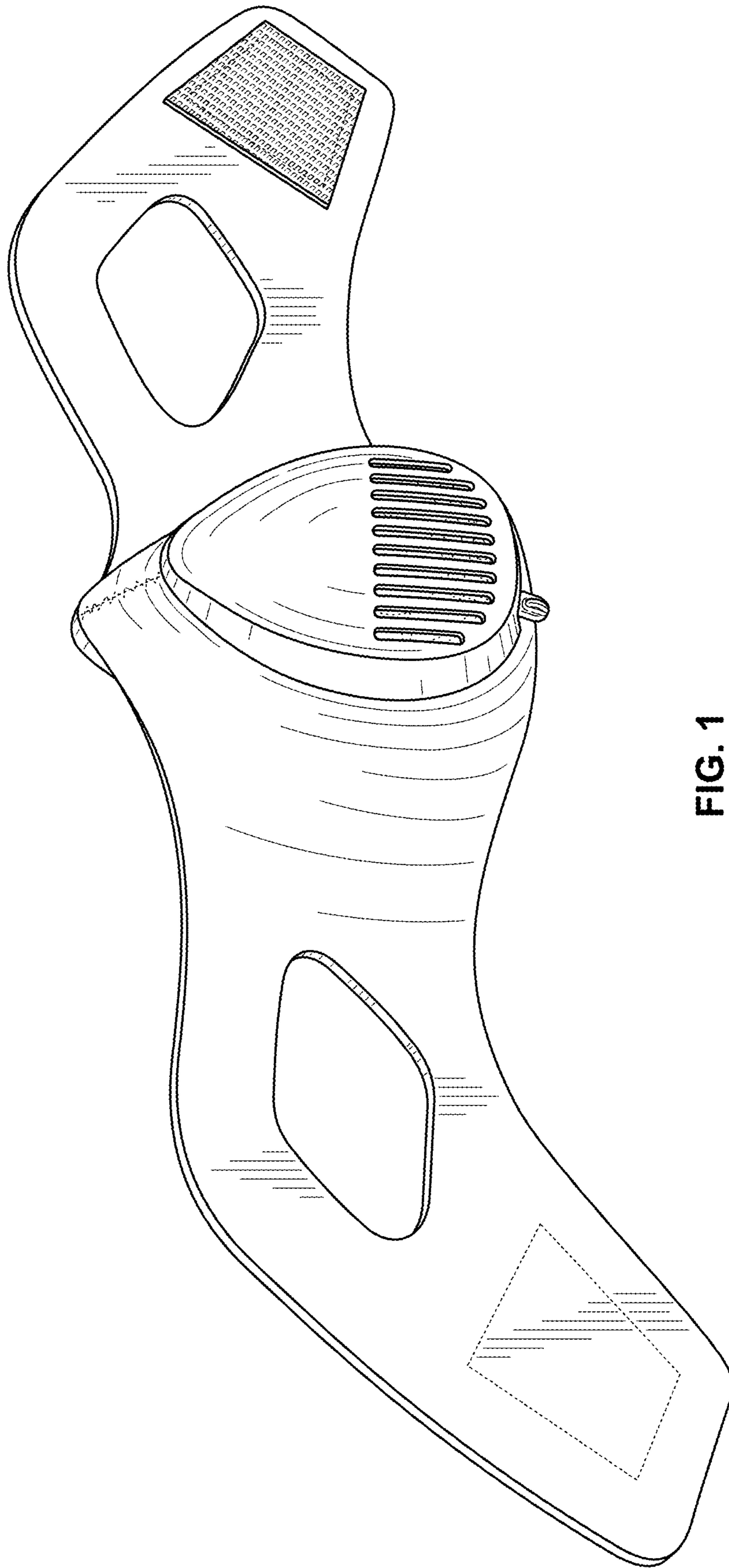


FIG. 1

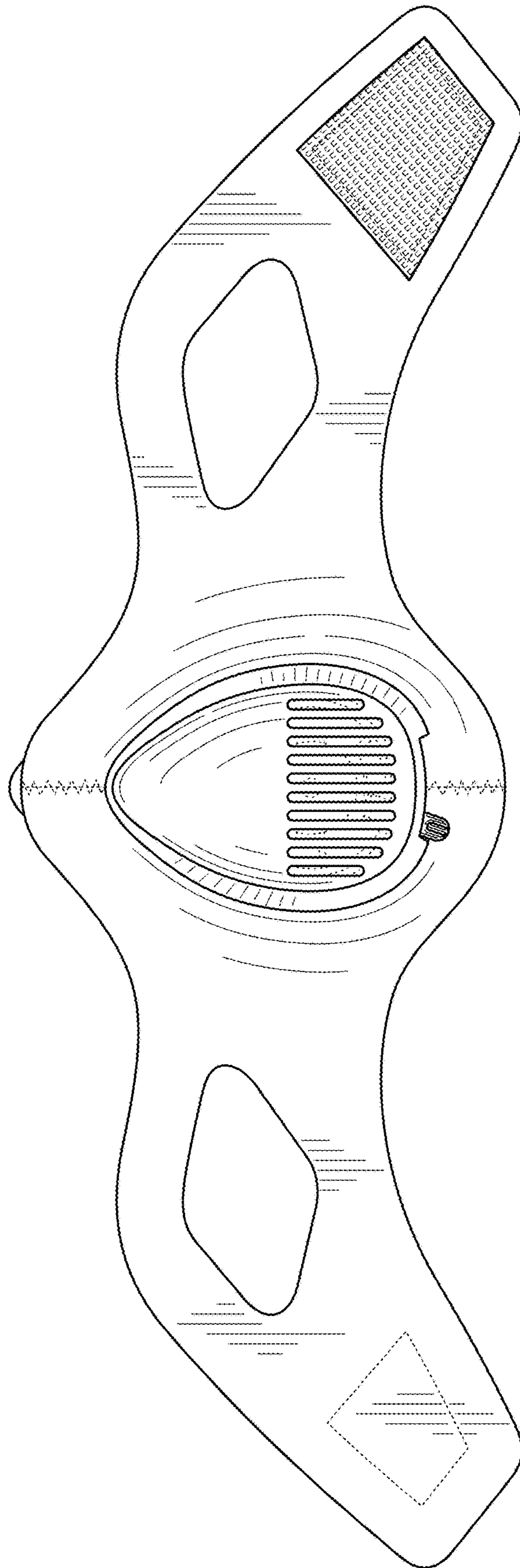


FIG. 2

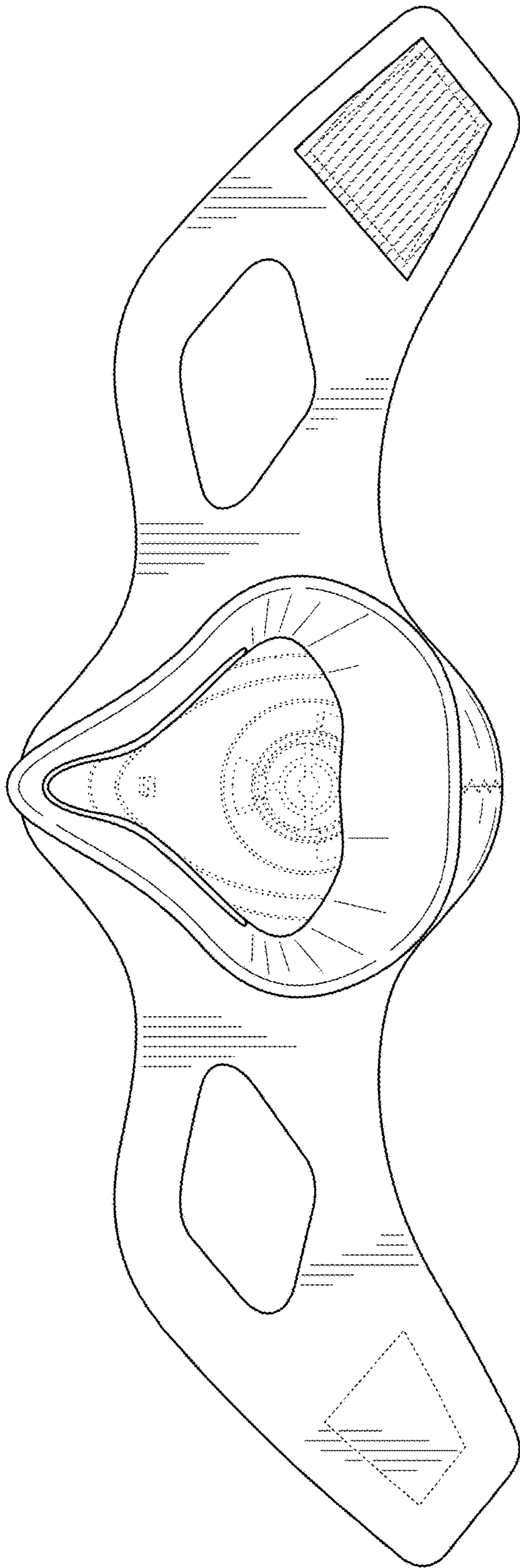


FIG. 3

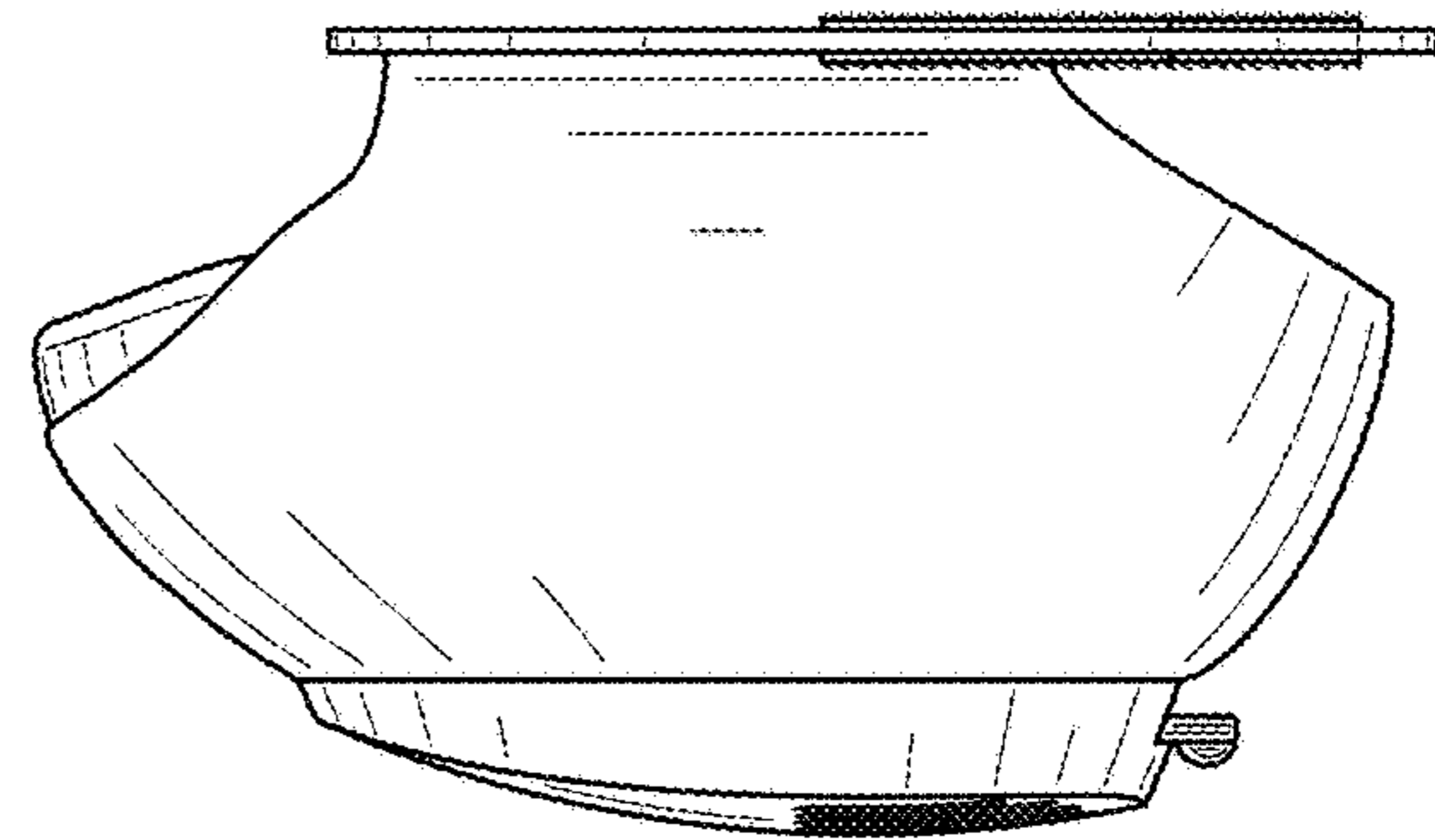


FIG. 4

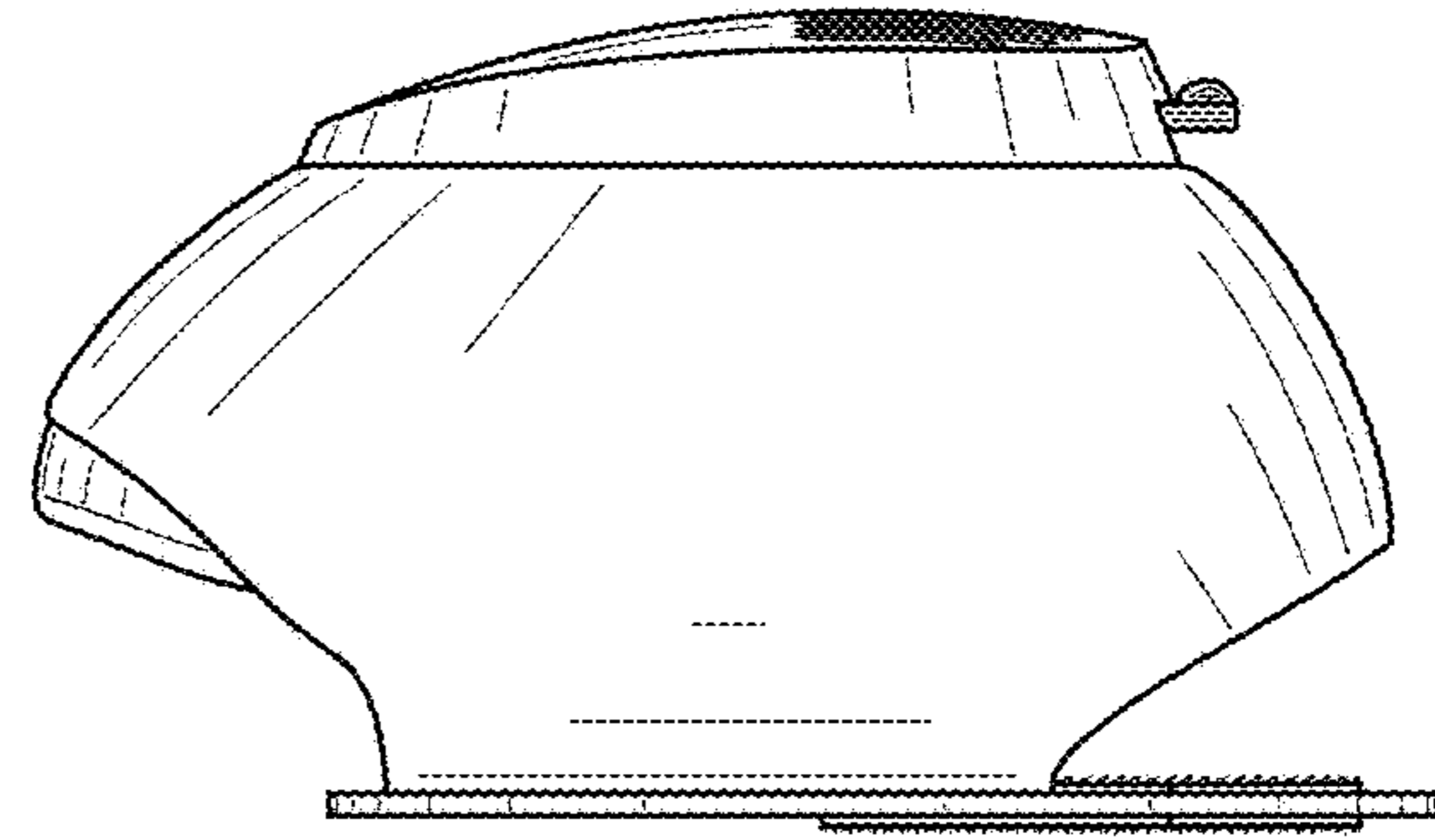


FIG. 5