



US00D841257S

(12) **United States Design Patent**  
**Turkbas**

(10) **Patent No.:** **US D841,257 S**

(45) **Date of Patent:** **\*\* Feb. 19, 2019**

(54) **MOUTHGUARD**

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

(21) Appl. No.: **29/610,733**

(22) Filed: **Jul. 14, 2017**

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

(52) **U.S. Cl.**  
USPC ..... **D29/108**

(58) **Field of Classification Search**  
USPC ..... D29/100, 105, 106, 108, 122; D24/108,  
D24/109, 110, 110.5, 156, 176, 181  
CPC . A61F 5/566; A61F 5/58; A63B 71/08; A63B  
71/081; A63B 71/085; A63B 2071/085;  
A63B 2071/088; A61C 7/10; A61C  
13/08; A61C 13/081; A61C 13/083; A61C  
13/087; A61C 19/066; A61C 5/14; A61B  
13/00; A61B 13/24

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,146,264 A	7/1915	Kelly	
1,505,642 A	8/1924	Frank	
1,569,947 A	1/1926	Buttress	
1,720,439 A	7/1929	Richardson	
2,312,171 A	2/1943	Jochum	
2,444,294 A	6/1948	Jones et al.	
2,521,039 A	9/1950	Carpenter	
2,827,899 A	3/1958	Altieri	
2,966,908 A *	1/1961	Cathcart	A63B 71/085 128/861
3,089,487 A	5/1963	Enicks et al.	

3,103,217 A	9/1963	Butler et al.	
3,207,153 A	9/1965	Goldstein	
3,223,085 A	12/1965	Gores et al.	
3,228,107 A *	1/1966	Zandberg	A61C 19/05 433/71
3,234,942 A *	2/1966	Simor	A61C 19/063 604/20

(Continued)

**FOREIGN PATENT DOCUMENTS**

AU	2013205854 A1	3/2014
GB	2491183 A	11/2012
WO	2014093850 A1	6/2014

**OTHER PUBLICATIONS**

European Search Report issued in EP Application No. 14757382.6 dated Nov. 2, 2016, 9 pages.

(Continued)

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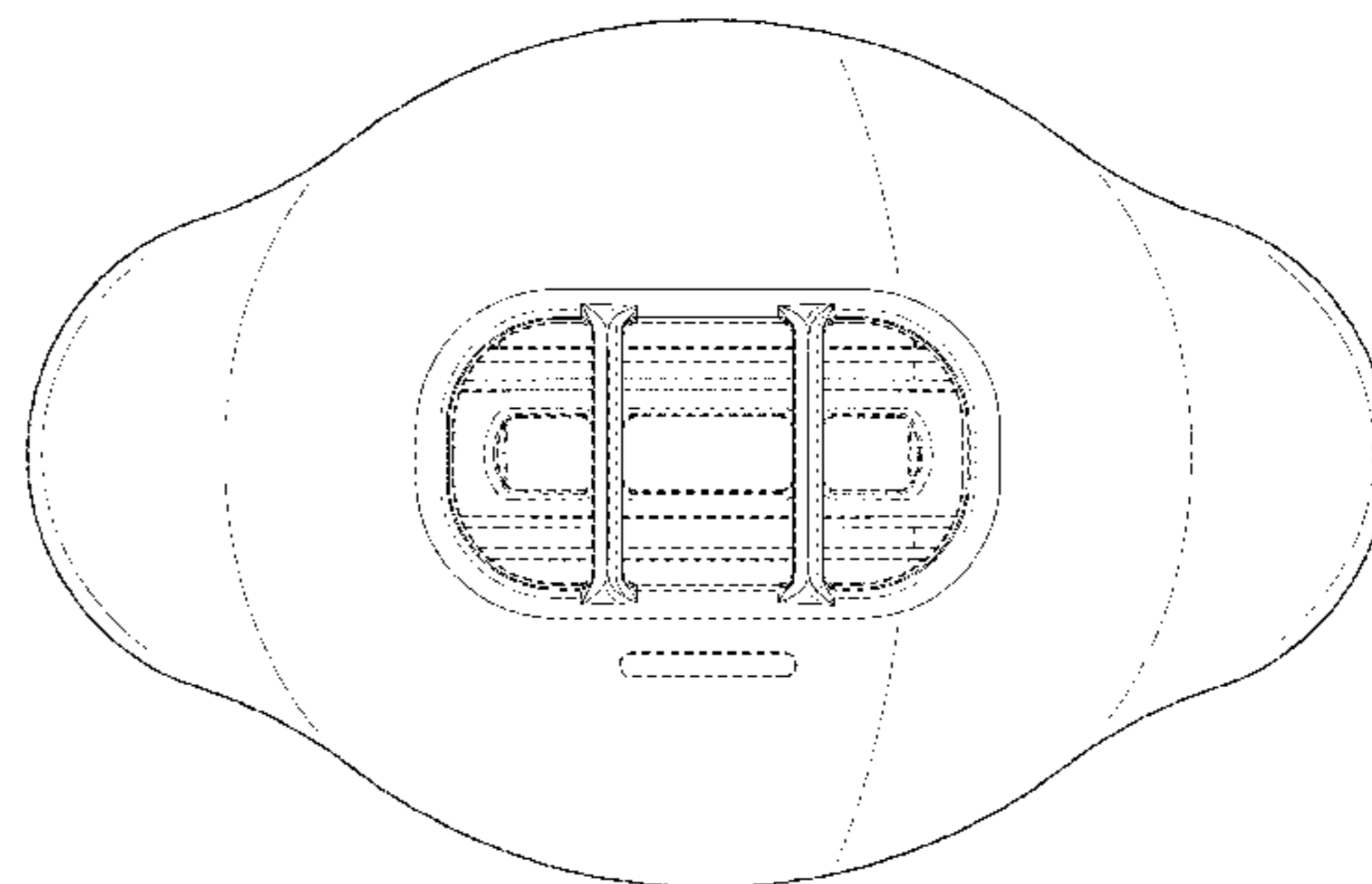
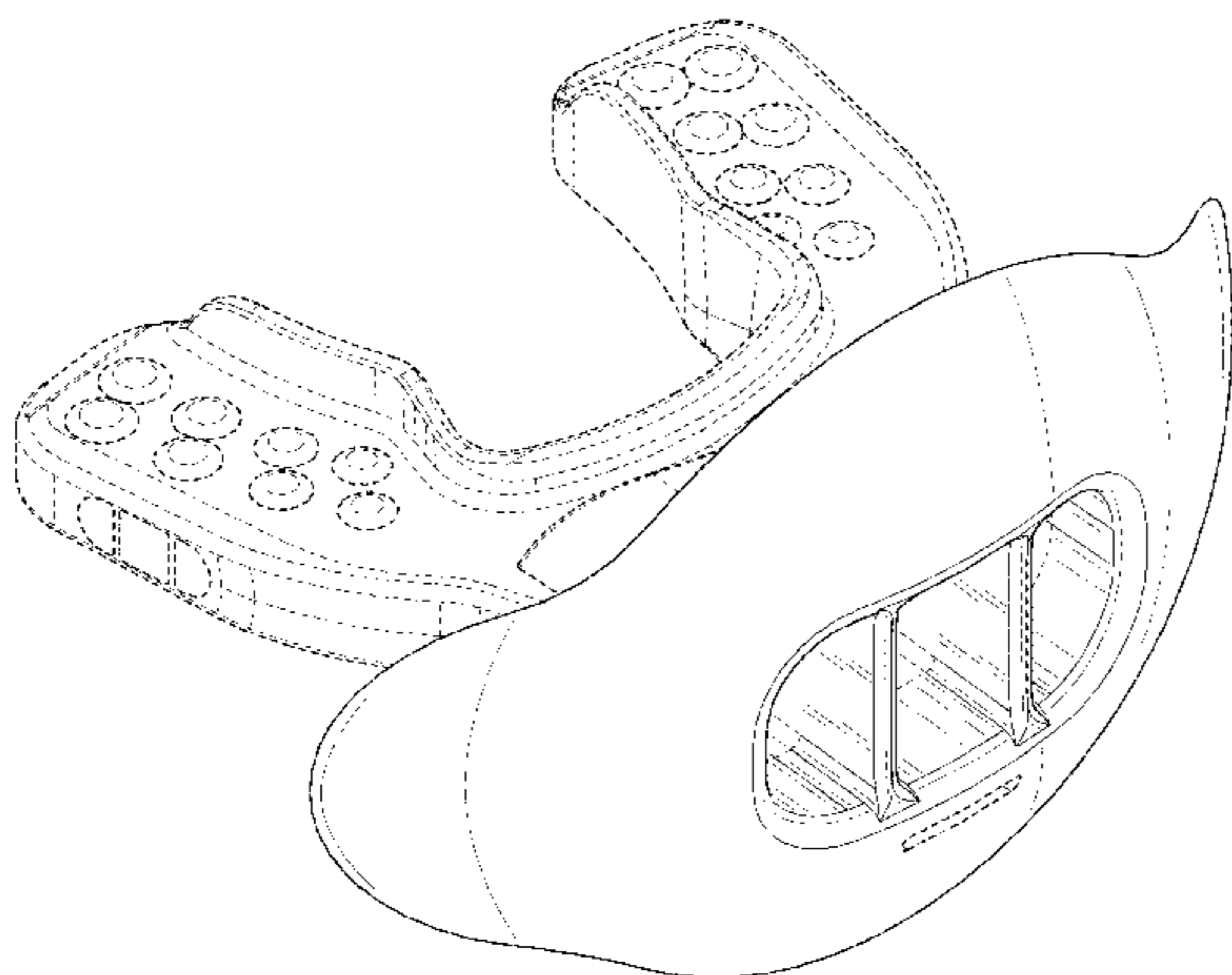
(57) **CLAIM**

The ornamental design for a mouthguard, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of a mouthguard showing my new design;  
FIG. 2 is a front view thereof;  
FIG. 3 is a back view thereof;  
FIG. 4 is a left side view thereof;  
FIG. 5 is a right side view thereof;  
FIG. 6 is a top view thereof;  
FIG. 7 is a bottom view thereof; and,  
FIG. 8 is a rear perspective view thereof.  
Features shown in dashed lines form no part of the claimed design.

**1 Claim, 8 Drawing Sheets**



(56)

## References Cited

U.S. PATENT DOCUMENTS						
3,236,235	A *	2/1966	Jacobs	.....	A63B 71/085	
						128/862
3,247,844	A	4/1966	Berghash			
3,312,218	A	4/1967	Jacobs			
3,333,582	A	8/1967	Cathcart			
3,411,501	A *	11/1968	Greenberg	.....	A63B 71/085	
						128/862
D212,848	S	12/1968	Westlund et al.			
3,496,936	A *	2/1970	Gores	.....	A63B 71/085	
						128/861
3,505,995	A	4/1970	Greenberg			
3,692,025	A	9/1972	Greenberg			
3,768,465	A	10/1973	Helmer			
3,788,314	A	1/1974	Noreen			
3,878,610	A *	4/1975	Coscina	.....	A61C 9/0006	
						433/37
RE28,667	E	12/1975	Gores			
D263,073	S	2/1982	Jonkers et al.			
D268,962	S	5/1983	Adams et al.			
D273,527	S	4/1984	Pota			
4,495,945	A	1/1985	Liegner			
4,568,280	A	2/1986	Ahlin			
4,610,743	A	9/1986	Salmeen et al.			
4,944,947	A	7/1990	Newman			
4,977,905	A	12/1990	Kittelson et al.			
5,031,638	A	7/1991	Castaldi			
5,063,940	A	11/1991	Adell et al.			
5,078,367	A	1/1992	Simpson et al.			
5,117,816	A	6/1992	Shapiro et al.			
D328,494	S	8/1992	Schwendeman et al.			
D328,965	S	9/1992	Ewing			
5,165,424	A	11/1992	Silverman			
5,259,762	A *	11/1993	Farrell	.....	A61C 7/08	
						433/215
5,277,203	A	1/1994	Hays			
5,293,880	A	3/1994	Levitt			
5,336,086	A	8/1994	Simmen et al.			
5,339,832	A	8/1994	Kittelsen et al.			
5,406,963	A	4/1995	Adell			
5,566,683	A	10/1996	Thornton			
5,611,355	A	3/1997	Hilsen			
5,642,737	A	7/1997	Parks			
D382,965	S	8/1997	Wagner			
5,692,523	A	12/1997	Croll et al.			
5,693,523	A	12/1997	Watanabe et al.			
5,826,581	A	10/1998	Yoshida			
5,842,860	A	12/1998	Funt			
D406,647	S *	3/1999	Wagner	.....	D24/181	
D414,281	S	9/1999	Sassenberg			
5,970,981	A	10/1999	Ochel			
6,036,487	A	3/2000	Westerman			
6,068,475	A	5/2000	Stoyka, Jr.			
6,082,363	A	7/2000	Washburn			
6,280,196	B1 *	8/2001	Berghash	.....	A61C 5/00	
						433/215
D452,011	S	12/2001	Redhage			
6,405,729	B1	6/2002	Thornton			
6,450,167	B1 *	9/2002	David	.....	A61C 7/08	
						128/848
6,491,036	B2 *	12/2002	Cook	.....	A63B 71/085	
						128/859
6,494,210	B1 *	12/2002	Mams	.....	A63B 71/085	
						128/859
6,584,978	B1	7/2003	Brett et al.			
6,691,710	B2	2/2004	Kittelsen et al.			
D492,785	S *	7/2004	Garabito	.....	D24/181	
D493,578	S *	7/2004	Manzo	.....	D29/108	
6,978,786	B2	12/2005	Sabbagh			
D525,749	S *	7/2006	Manzo	.....	D29/108	
D526,093	S *	8/2006	Manzo	.....	D29/108	
D527,848	S *	9/2006	Manzo	.....	D29/108	
D530,863	S	10/2006	Manzo et al.			
D537,986	S *	3/2007	Manzo	.....	D29/108	
D537,987	S	3/2007	Manzo et al.			
D538,926	S	3/2007	Jeong et al.			
D539,429	S *	3/2007	Wong	.....	D24/181	
D541,481	S	4/2007	Farrell			
7,210,483	B1	5/2007	Lesniak et al.			
D548,402	S	8/2007	Trodick			
7,299,804	B2	11/2007	Kittelsen et al.			
D593,714	S *	6/2009	Hirshberg	.....	D29/108	
7,549,423	B1	6/2009	Hirshberg			
D603,101	S *	10/2009	Hirshberg	.....	D29/108	
7,658,193	B2	2/2010	Lesniak			
D611,658	S	3/2010	Manzo			
D614,304	S	4/2010	Jansheski			
D615,709	S *	5/2010	Manzo	.....	D29/108	
D616,152	S *	5/2010	Manzo	.....	D29/108	
D618,399	S *	6/2010	Manzo	.....	D29/108	
7,775,214	B1	8/2010	Lesniak et al.			
D623,357	S *	9/2010	Manzo	.....	D29/108	
D626,292	S *	10/2010	Farrell	.....	D29/108	
D627,107	S *	11/2010	Manzo	.....	D29/108	
D630,382	S *	1/2011	Manzo	.....	D29/108	
D630,860	S	1/2011	Sichel			
D634,480	S *	3/2011	Manzo	.....	D29/108	
D636,074	S *	4/2011	Levine	.....	D24/110.5	
7,954,496	B2	6/2011	Jansheski et al.			
D641,478	S	7/2011	Belvedere et al.			
D642,277	S *	7/2011	Farrell	.....	D24/181	
D644,791	S *	9/2011	Petrocelli	.....	D29/108	
8,033,392	B1	10/2011	Gehner et al.			
D648,900	S *	11/2011	Manzo	.....	D29/108	
D649,252	S *	11/2011	Spainhower	.....	D24/181	
D652,576	S *	1/2012	Farrell	.....	D29/108	
D654,595	S	2/2012	Farrell			
8,116,854	B2 *	2/2012	Hart	.....	A61C 5/90	
						600/476
D658,813	S	5/2012	Manzo			
D663,485	S	7/2012	Turkbas et al.			
D663,486	S	7/2012	Turkbas et al.			
8,235,052	B2	8/2012	Maurello			
D688,832	S	8/2013	Polk, III			
D693,966	S	11/2013	Hanson			
8,607,798	B2	12/2013	Turkbas et al.			
D710,506	S *	8/2014	Tolentino	.....	D24/181	
8,800,184	B1	8/2014	Lerman et al.			
D714,066	S	9/2014	Thuma et al.			
D727,571	S *	4/2015	Brett	.....	D29/108	
D728,162	S	4/2015	Gottsch			
D743,107	S	11/2015	Hirshberg			
D743,108	S	11/2015	Charlton			
D760,889	S	7/2016	Evans et al.			
D765,919	S	9/2016	Croll			
D782,743	S	3/2017	Engel et al.			
9,622,837	B2 *	4/2017	Jansheski	.....	A61C 9/0006	
D795,501	S	8/2017	Levine			
D797,379	S	9/2017	Patel et al.			
D799,049	S	10/2017	Farrell			
D800,317	S	10/2017	Farrell			
D804,043	S	11/2017	Gildersleeve			
D804,829	S	12/2017	Austin			
D807,583	S	1/2018	Evans			
D814,053	S	3/2018	Darrow et al.			
D816,210	S	4/2018	Gerschman et al.			
2003/0075184	A1	4/2003	Persichetti			
2003/0136416	A1	7/2003	White			
2003/0205234	A1	11/2003	Bardach et al.			
2004/0076219	A1	4/2004	Madison et al.			
2004/0110111	A1	6/2004	Wasylucha			
2004/0146836	A1	7/2004	Andersen			
2004/0146837	A1	7/2004	Andersen			
2004/0154626	A1	8/2004	Washburn et al.			
2005/0019524	A1	1/2005	Kershaw			
2007/0084471	A1	4/2007	Napoli et al.			
2007/0151567	A1	7/2007	Maurello			
2007/0151568	A1	7/2007	Maurello			
2007/0235039	A1	10/2007	Gottsch			
2008/0113143	A1	5/2008	Taylor			
2009/0038624	A1	2/2009	Akervall et al.			
2010/0051038	A1	3/2010	Quigless			
2010/0055233	A1	3/2010	MacInnis et al.			
2010/0304338	A1	12/2010	Cramer et al.			

(56)

**References Cited**

U.S. PATENT DOCUMENTS

2011/0005531	A1	1/2011	Manzo
2011/0114100	A1	5/2011	Alvarez et al.
2011/0186055	A1	8/2011	Makkar et al.
2011/0214478	A1	9/2011	Hennig et al.
2011/0230587	A1	9/2011	MacInnis et al.
2012/0017922	A1	1/2012	Hirshberg
2012/0085354	A1	4/2012	Polk, III
2012/0090625	A1	4/2012	Evans et al.
2012/0111343	A1	5/2012	Turkbas et al.
2012/0174932	A1	7/2012	Wilson
2013/0052613	A1	2/2013	Chetiar et al.
2013/0068237	A1	3/2013	Herman et al.
2013/0074850	A1	3/2013	Lenart
2013/0087157	A1	4/2013	Hawkins
2013/0104913	A1	5/2013	Evans et al.
2014/0090655	A1	4/2014	Robinson
2014/0093836	A1	4/2014	Wolpo
2014/0166024	A1	6/2014	Davidson et al.
2014/0238416	A1	8/2014	Lin
2014/0238417	A1	8/2014	Turkbas
2014/0238418	A1	8/2014	Turkbas
2014/0261465	A1	9/2014	Turkbas
2014/0345626	A1	11/2014	Brett et al.
2014/0352704	A1	12/2014	Farrell
2016/0001160	A1	1/2016	Engel
2017/0120135	A1	5/2017	Engel et al.
2017/0172717	A1	6/2017	Deng et al.
2017/0312613	A1	11/2017	Wright
2018/0014912	A1	1/2018	Radmand

OTHER PUBLICATIONS

Extended European Search Report issued in EP application No. 14756802.6, dated Oct. 31, 2016, 10 pages.  
 Gel Max Mouthguard, earliest comment Aug. 26, 2015, [online], [site visited Apr. 13, 2018]. Retrieved from url:https://www.shockdoctor.com/gel-max-mouthguard (Year: 2015).  
 Gel Max Power Mouthguard, earliest comment Oct. 9, 2017, [online], [site visited Apr. 13, 2018]. Retrieved from url:https://www.shockdoctor.com/gel-max-power-mouthguard (Year: 2017).  
 International Preliminary Report on Patentability issued in PCT/US2014/018755, dated Sep. 1, 2015, 5 pages.

International Preliminary Report on Patentability issued in PCT/US2014/018756, dated Sep. 11, 2015, 8 pages.  
 International Search Report and Written Opinion issued in PCT/US2014/018755, dated May 22, 2014, 8 pages.  
 International Search Report and Written Opinion issued in PCT/US2014/018756, dated Jun. 3, 2014, 11 pages.  
 International Search Report and Written Opinion issued in PCT/US2016/054693, dated Jul. 24, 2017, 17 pages.  
 PCT Invitation to Pay Additional Fees issued in PCT/US2016/054693, dated May 23, 2017, 14 pages.  
 Shock Doctor Gel Max Mouthguard, www.shockdoctor.com/gel-max-mouthguard, accessed Jan. 24, 2017, at least available on Apr. 10, 2016.  
 Shock Doctor Max AirFlow Football Mouthguard (2016 Version), www.shockdoctor.com/max-airflow-mouthguard-2016, accessed May 9, 2018, at least available in Apr. 2016.  
 Shock Doctor SuperFit Mouthguard, www.shockdoctor.com/superfit-mouthguard, accessed Jan. 24, 2017, at least available on Apr. 10, 2016.  
 Shock Doctor Ultra Double Braces Mouthguard, www.shockdoctor.com/ultra-double-braces-mouthguard, accessed Jan. 24, 2017, at least available on Apr. 10, 2016.  
 Shock Doctor Ultra2 STC Mouthguard, www.shockdoctor.com/ultra2-stc-mouthguard, accessed Jan. 24, 2017, at least available on Apr. 10, 2016.  
 U.S. Appl. No. 29/610,727 entitled Mouthguard, filed Jul. 14, 2017.  
 U.S. Appl. No. 29/629,798 entitled Mouthguard, filed Dec. 15, 2017.  
 U.S. Appl. No. 29/629,806 entitled Moutguard, filed Dec. 15, 2017.  
 Honeycomb Tower, Suzane Alward, Compulsive Art Tendencies Revealed, Mar. 2, 2014, [online], [site visited Apr. 16, 2018]. Retrieved from url:https://suzannealward.wordpress.com/2014/03/02/honeycomb-tower/ (Year: 2014).  
 Honeycomb wallpaper, no date available, [online], [site visited Apr. 13, 2018]. Retrieved from url:http://eskipaper.com/honeycomb-wallpaper-3.html#gal\_post\_73869\_honeycomb-wallpaper-3.jpg (Year: 2018).  
 SuperFit Basketball Mouthguard, earliest comment Jul. 17, 2017, [online], [site visited Apr. 13, 2018]. Retrieved from url:https://www.shockdoctor.com/superfit-basketball-mouthguard-9200 (Year: 2017).

\* cited by examiner

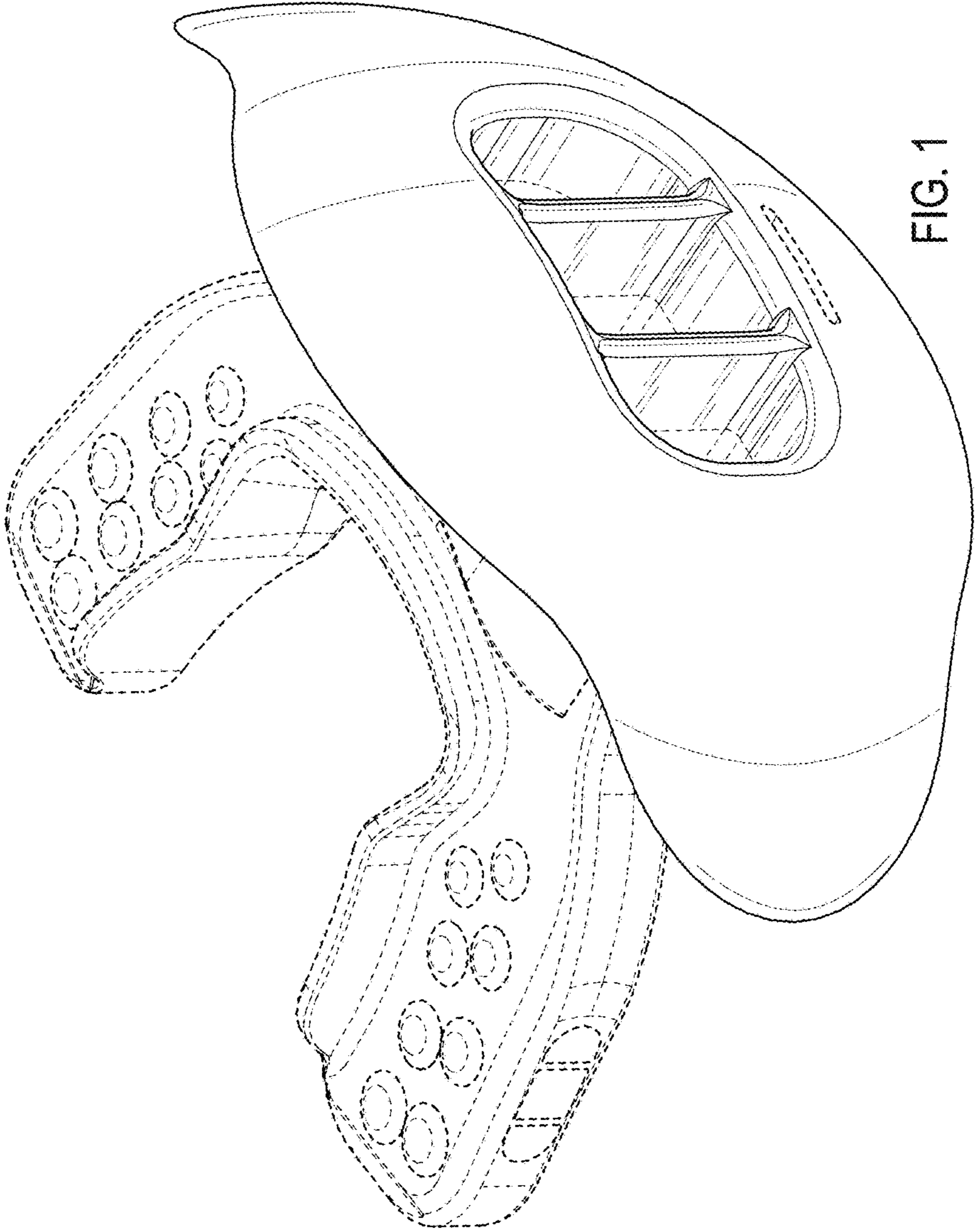


FIG. 1

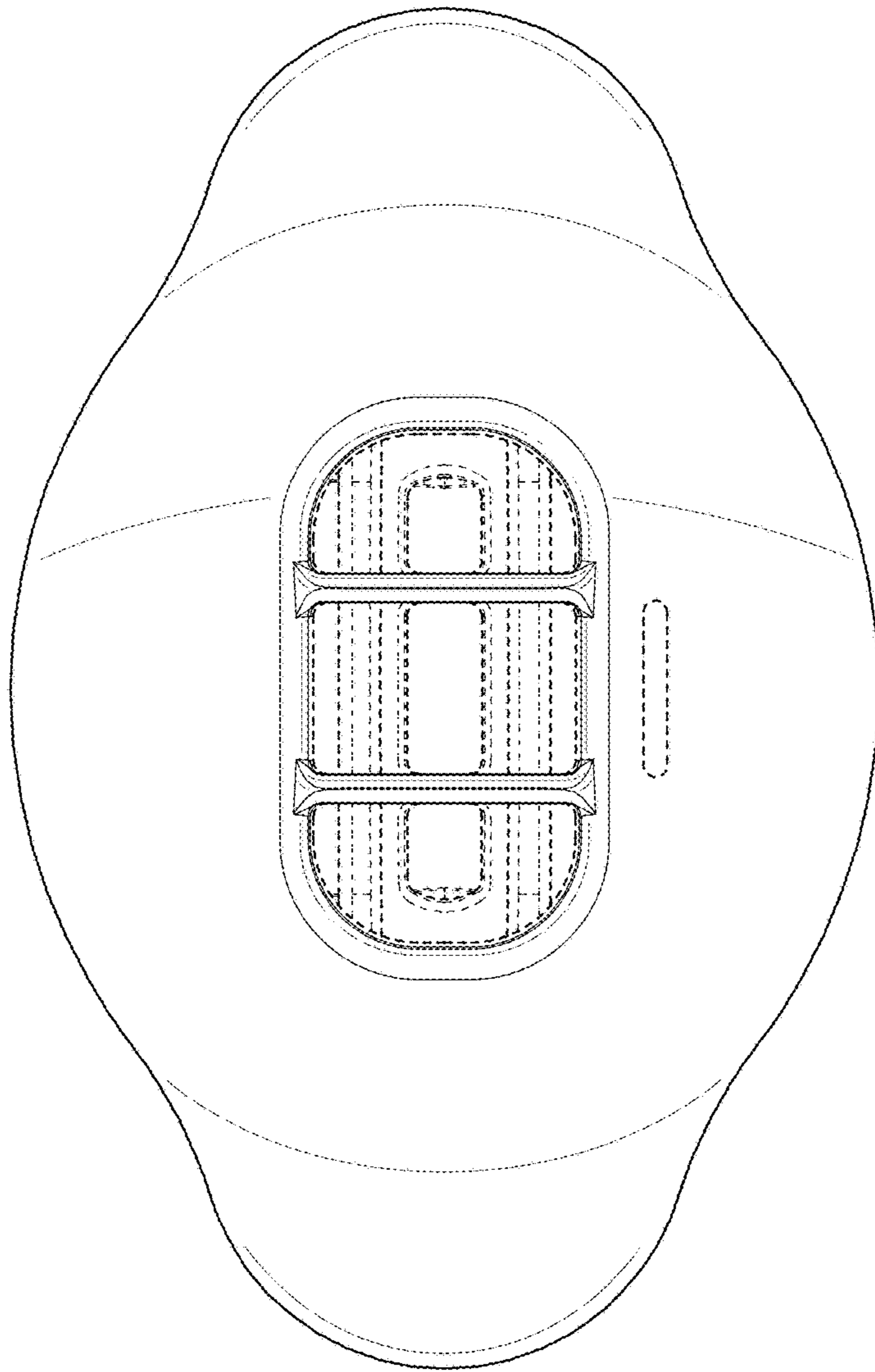


FIG. 2

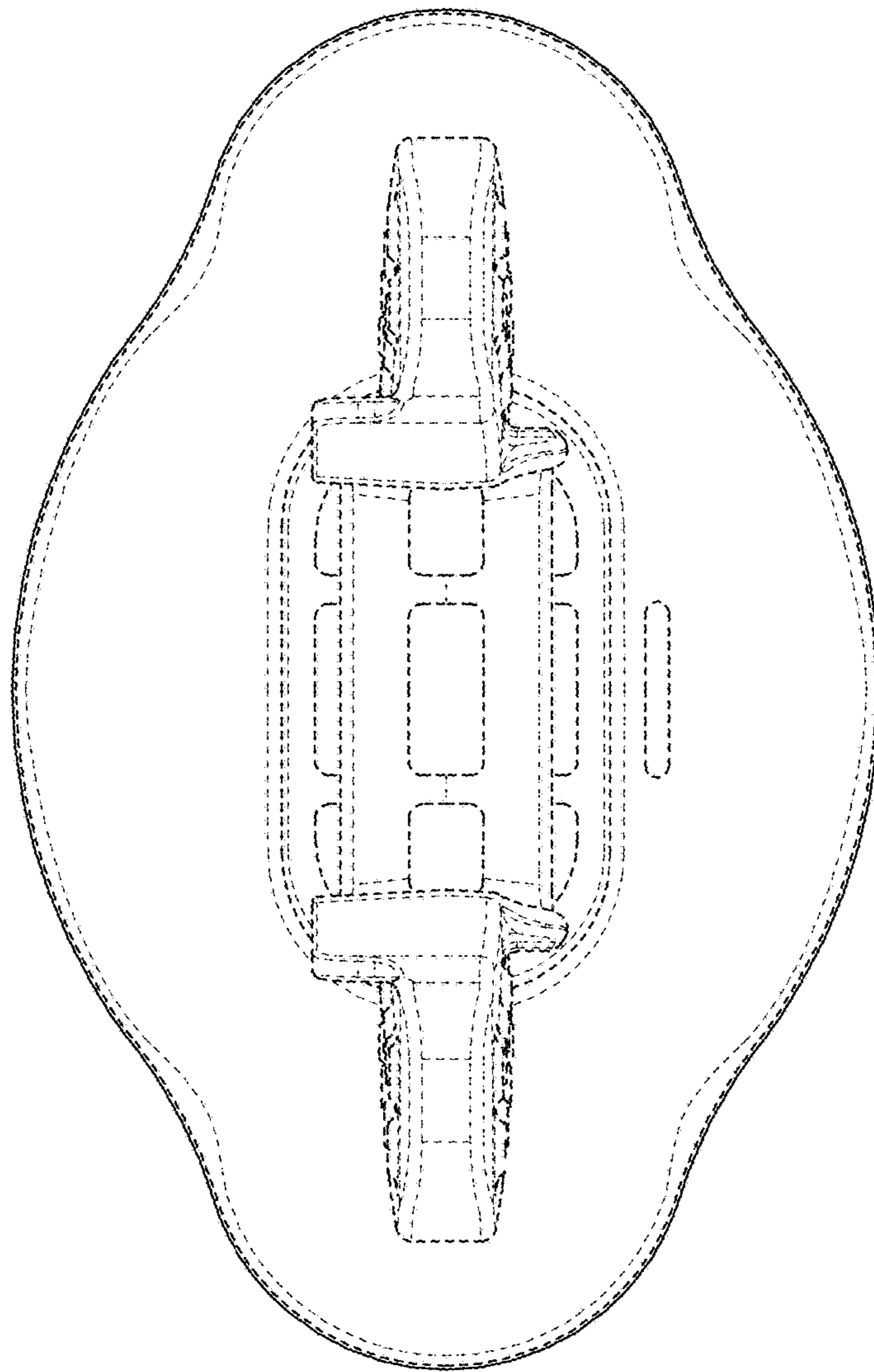


FIG. 3

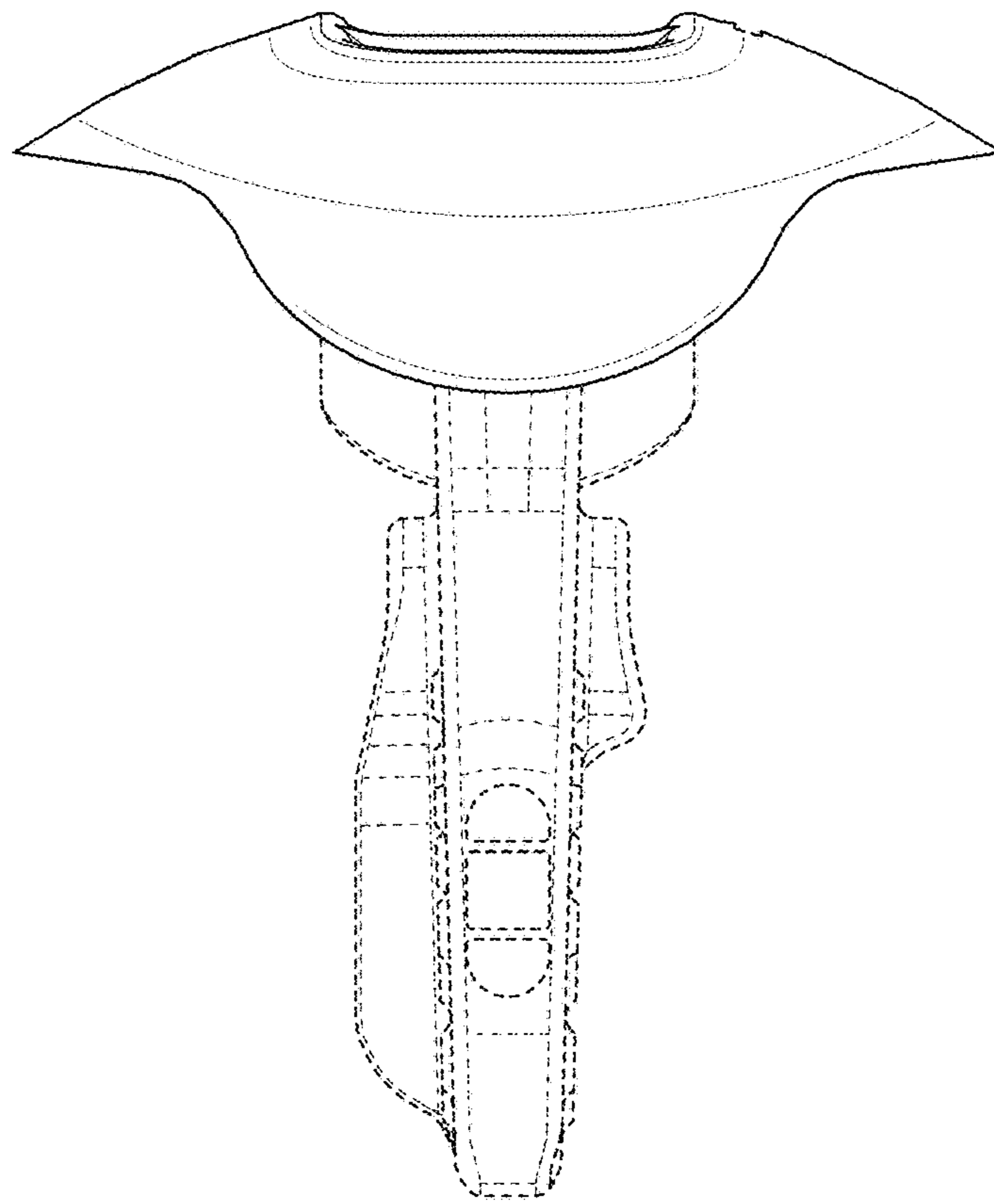


FIG. 4

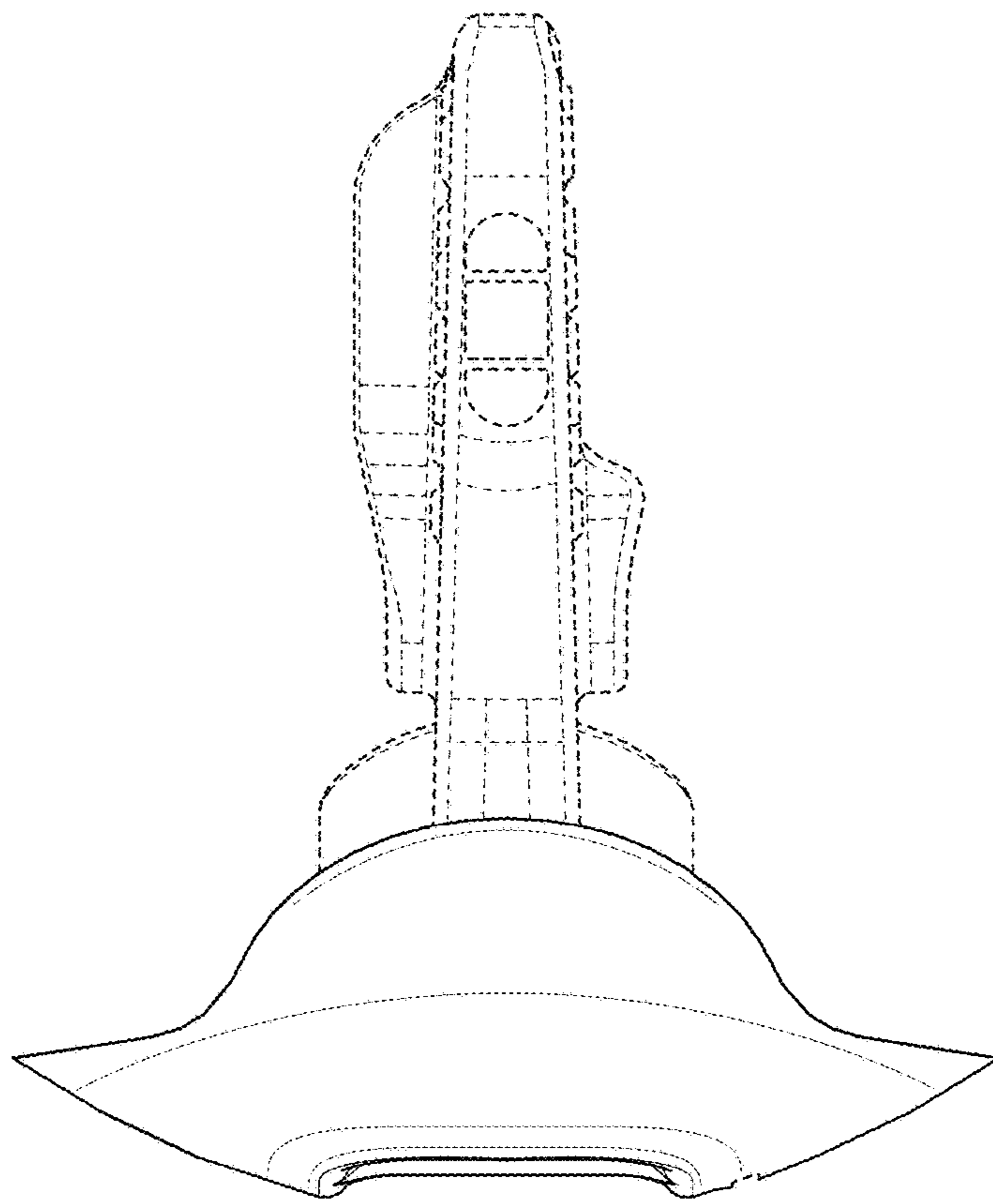


FIG. 5



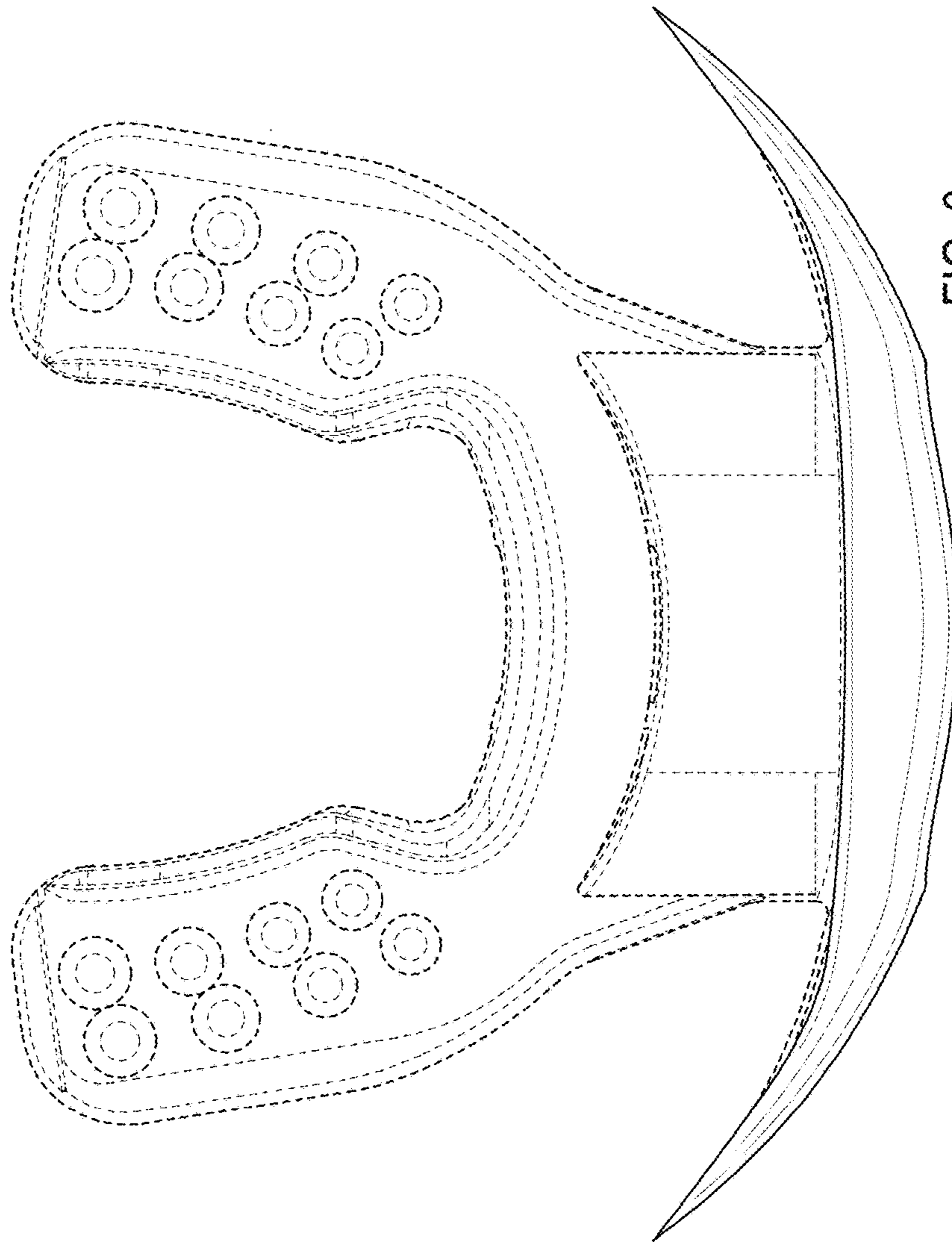


FIG. 6

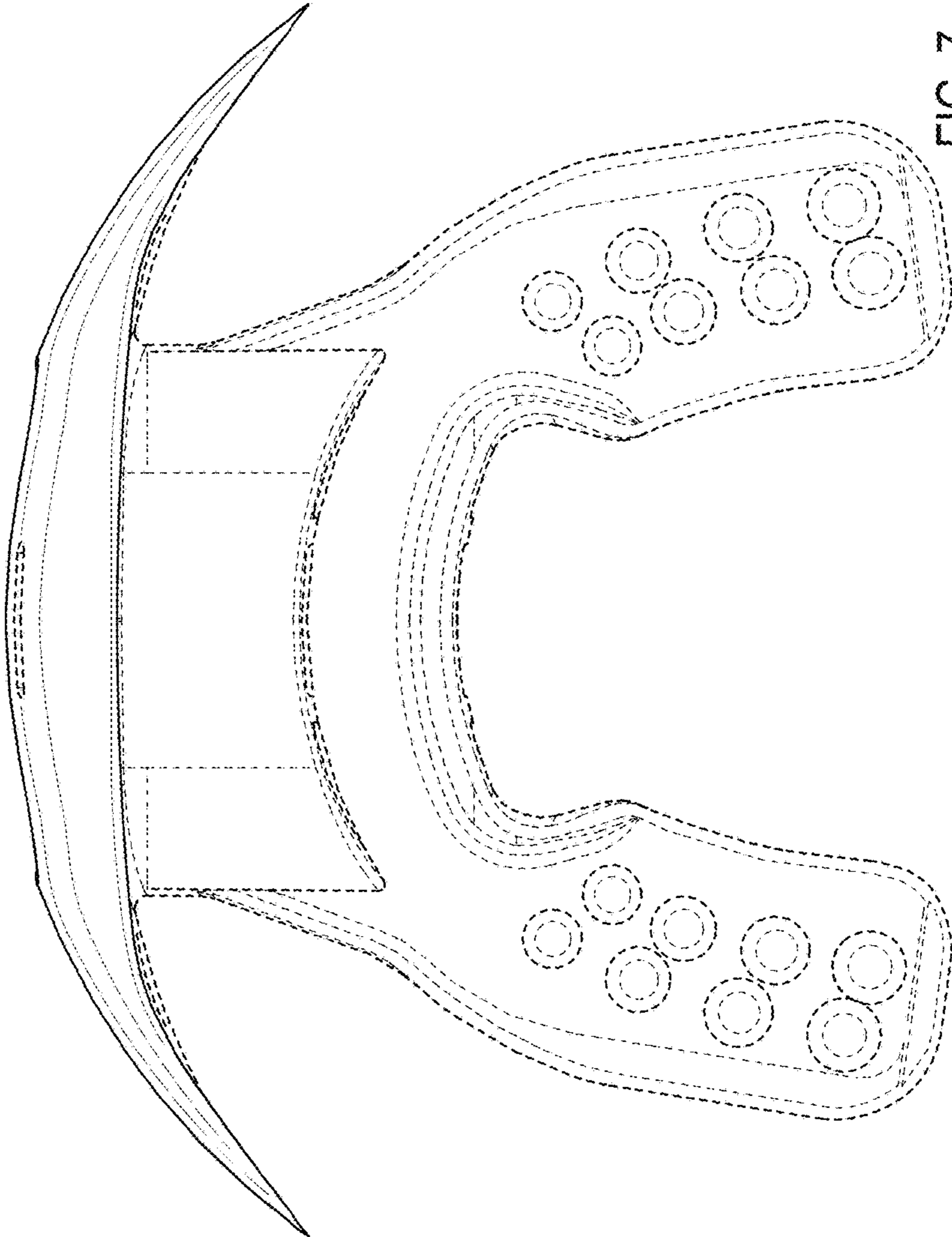


FIG. 7

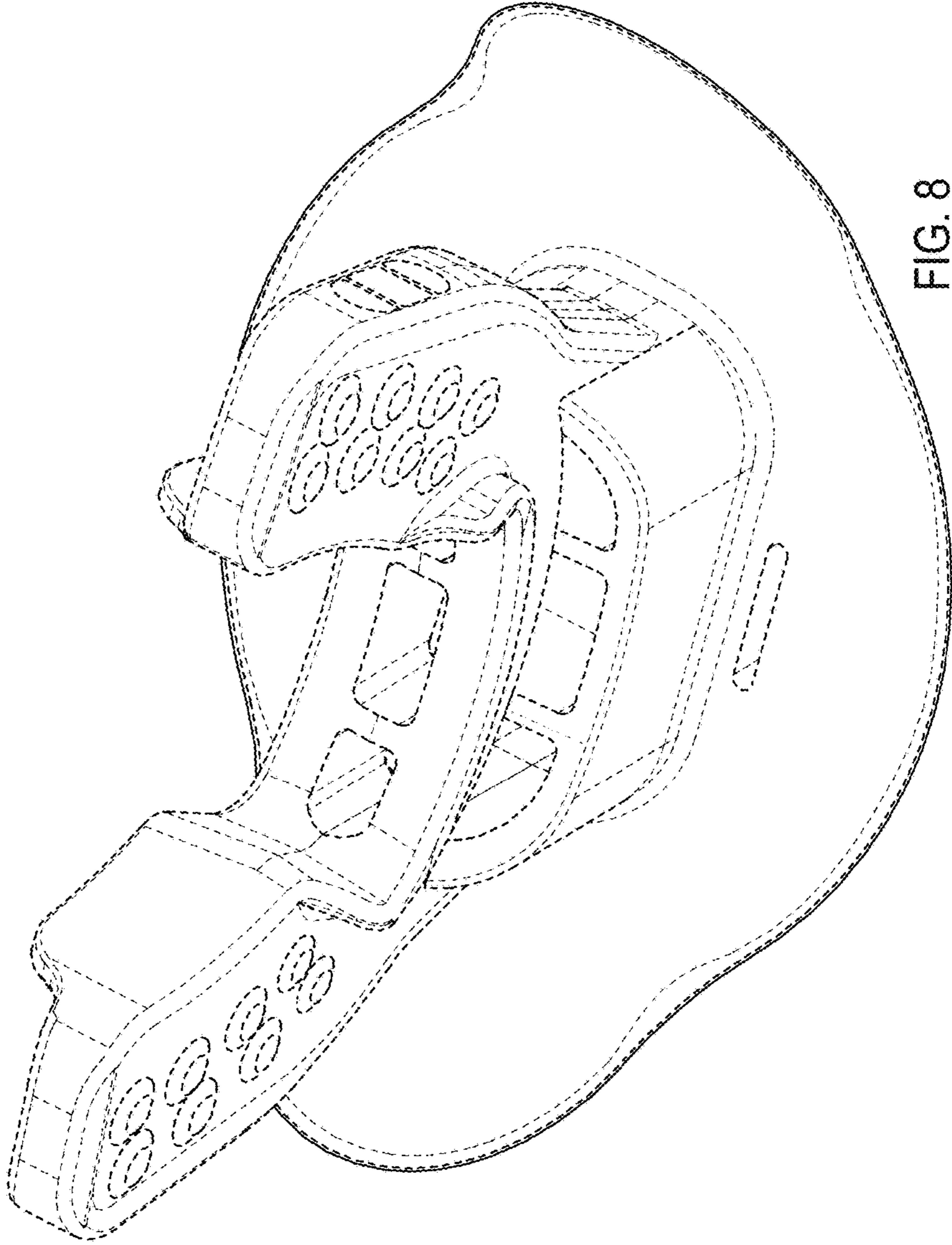


FIG. 8