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(12) **United States Design Patent** (10) **Patent No.:** **US D852,964 S**  
**Martin et al.** (45) **Date of Patent:** **\*\* Jul. 2, 2019**

(54) **COVER FOR A PROBE OR THE LIKE**

FOREIGN PATENT DOCUMENTS

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CN 1263621 A 8/2000  
DE 29901394 6/1999  
(Continued)

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OTHER PUBLICATIONS

Probe Cover, Disposable, for Braun ThermoScan Ear Thermometer. Online, published date unknown. Retrieved on Aug. 8, 2018 from URL: <https://www.tri-anim.com/probe-cover-disposable-for-braun-thermoscan-ear-thermometer-pharm-31154-3838.aspx>.\*

(Continued)

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

(21) Appl. No.: **29/597,457**

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**Related U.S. Application Data**

(60) Continuation of application No. 29/477,379, filed on Dec. 20, 2013, now Pat. No. Des. 787,683, which is (Continued)

(51) **LOC (11) Cl.** ..... **24-02**

(52) **U.S. Cl.**  
USPC ..... **D24/186**

(58) **Field of Classification Search**  
USPC ..... D24/130, 135, 137, 151, 173–174, 186, D24/187, 231; D10/57, 60, 103;  
(Continued)

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2,032,835 A \* 3/1936 Collins ..... A47G 19/02  
220/574  
D187,157 S \* 2/1960 Anderson ..... D7/570  
(Continued)

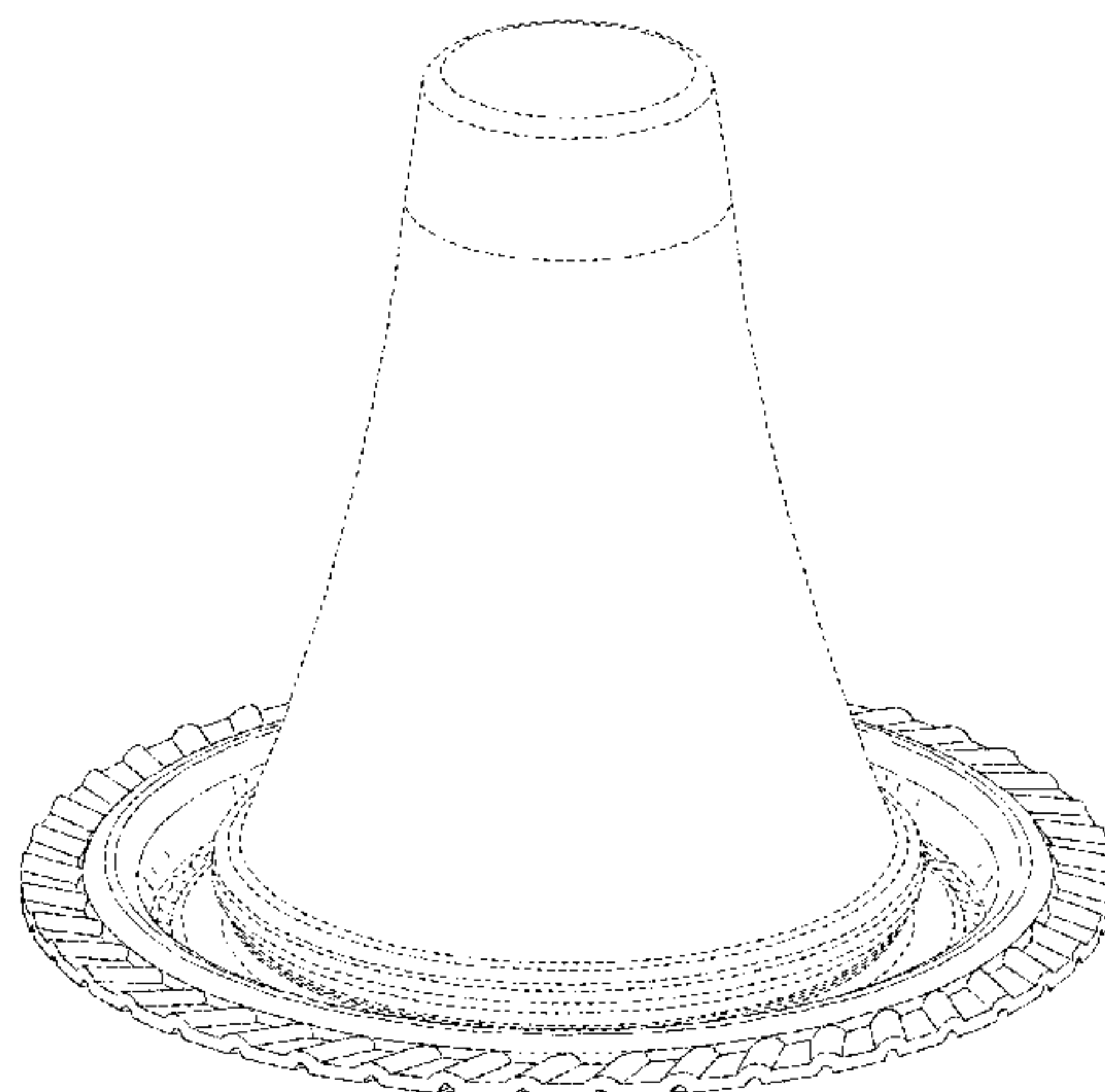
(57) **CLAIM**

We claim the ornamental design for a cover for a probe or the like, as shown and described.

**DESCRIPTION**

FIG. 1 is a top perspective view of a cover for a probe or the like according to our new design;  
FIG. 2 is a bottom perspective view thereof;  
FIG. 3 is a side elevation cross-section view thereof;  
FIG. 4 is a detail view of a portion of thereof indicated in FIG. 3;  
FIG. 5 is a bottom plan view thereof;  
FIG. 6 is a side elevation view thereof; and,  
FIG. 7 is a top plan view thereof.  
The broken lines immediately adjacent to the shaded areas depict boundaries of the claim and form no part of the claimed design. All other broken lines and the areas within them depict portions of the cover for a probe or the like that form no part of the claimed design.

**1 Claim, 6 Drawing Sheets**



**Related U.S. Application Data**

a continuation-in-part of application No. 29/455,442, filed on May 21, 2013, now Pat. No. Des. 716,953, which is a division of application No. 29/429,431, filed on Aug. 10, 2012, now Pat. No. Des. 685,482, which is a continuation-in-part of application No. 13/196,700, filed on Aug. 2, 2011, now Pat. No. 8,876,373, which is a continuation-in-part of application No. 12/420,926, filed on Apr. 9, 2009, now Pat. No. 8,231,271.

**(58) Field of Classification Search**

USPC ..... D7/562, 565, 566, 570, 582, 584, 585,  
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CPC ..... A61B 5/00; A61B 5/01; A61B 5/0086  
See application file for complete search history.

**(56) References Cited****U.S. PATENT DOCUMENTS**

3,110,304 A 11/1963 Hartman  
3,840,004 A 10/1974 Heine  
3,878,836 A 4/1975 Twentier  
3,889,661 A 6/1975 Fiore  
3,929,018 A 12/1975 Turner  
D239,686 S \* 4/1976 Anderson ..... D7/562  
3,987,899 A 10/1976 Vyprachticky  
D246,352 S 11/1977 Dykstra  
D248,839 S 8/1978 Turner  
D267,154 S 12/1982 Bilgutay  
4,380,998 A 4/1983 Kieffer, III et al.  
D286,026 S 10/1986 Rayner  
4,662,360 A 5/1987 O'Hara et al.  
4,784,149 A 11/1988 Berman et al.  
D303,008 S 8/1989 O'Hara et al.  
4,863,281 A 9/1989 Suszynski  
4,869,389 A 9/1989 Cerrone, Jr.  
4,880,136 A 11/1989 Englert  
4,981,233 A 1/1991 Scheurer  
D317,411 S 6/1991 Holmes  
D318,812 S 8/1991 Matsuura et al.  
5,066,142 A 11/1991 DeFrank et al.  
5,088,834 A 2/1992 Howe et al.  
D330,073 S \* 10/1992 Valls ..... D23/269  
5,163,418 A 11/1992 Fraden et al.  
5,176,630 A 1/1993 Shilling et al.  
D333,702 S 3/1993 Huffman  
D337,521 S 7/1993 McNulty  
D344,679 S \* 3/1994 Odom ..... D10/60  
5,293,862 A 3/1994 O'Hara et al.  
5,390,663 A 2/1995 Schaefer  
5,403,286 A 4/1995 Lockwood, Jr.  
5,411,032 A 5/1995 Esseff et al.  
D360,133 S 7/1995 Boller  
5,507,406 A 4/1996 Urciuoli et al.  
5,516,010 A 5/1996 O'Hara et al.  
D374,153 S \* 10/1996 Moreno-Montemayor ... D7/566  
5,588,748 A 12/1996 Nomura et al.  
D380,039 S \* 6/1997 Sutherland ..... D23/269  
5,646,350 A 7/1997 Robinson et al.  
D382,801 S 8/1997 Samson  
D388,172 S 12/1997 Cipes  
5,707,343 A 1/1998 O'Hara et al.  
5,795,067 A 8/1998 Fraden et al.  
D406,339 S 3/1999 Stacks  
5,893,833 A 4/1999 Pompei et al.  
5,906,437 A 5/1999 Lin  
5,968,458 A 10/1999 Shaikho  
5,980,451 A 11/1999 O'Hara et al.  
D421,123 S 2/2000 Kugler et al.  
6,022,140 A 2/2000 Fraden et al.  
6,042,266 A 3/2000 Cheslock et al.  
6,053,875 A 4/2000 Rosenbaum et al.  
6,123,454 A 9/2000 Canfield et al.  
6,129,673 A 10/2000 Fraden

6,139,182 A 10/2000 Levatter et al.  
6,142,934 A 11/2000 Lagerway et al.  
6,152,596 A 11/2000 Fraden  
D435,090 S \* 12/2000 Stout, Jr. .... D23/269  
6,155,987 A 12/2000 Scherl  
D437,034 S \* 1/2001 Stout, Jr. .... D23/269  
6,224,256 B1 5/2001 Bala  
6,238,088 B1 5/2001 Wu  
6,254,271 B1 7/2001 Lin  
6,332,090 B1 12/2001 DeFrank et al.  
6,347,243 B1 2/2002 Fraden  
6,367,973 B2 4/2002 Yamaka  
D457,777 S \* 5/2002 Bradley ..... D7/354  
6,383,133 B1 5/2002 Jones  
6,390,671 B1 5/2002 Tseng  
6,461,037 B1 10/2002 O'Leary  
6,513,970 B1 2/2003 Tabata et al.  
6,612,735 B2 9/2003 Tomioka et al.  
D481,312 S \* 10/2003 Martin ..... D9/435  
6,695,474 B2 2/2004 Beerworth et al.  
6,751,497 B2 6/2004 Fraden  
6,786,636 B1 9/2004 Huang et al.  
6,789,936 B1 9/2004 Kraus et al.  
6,850,789 B2 2/2005 Schweitzer, Jr. et al.  
D514,445 S 2/2006 Smith et al.  
D516,910 S 3/2006 Bresler  
7,037,083 B2 5/2006 O'Neil et al.  
D523,746 S 6/2006 Snedden et al.  
D523,747 S 6/2006 Snedden et al.  
7,083,330 B1 8/2006 Yao  
7,237,949 B2 7/2007 Lantz et al.  
D562,134 S 2/2008 Studee  
D562,135 S 2/2008 Studee  
D566,270 S 4/2008 Strom et al.  
D566,847 S \* 4/2008 Baumer ..... D24/187  
7,354,194 B2 4/2008 Walker et al.  
D572,587 S 7/2008 Rush et al.  
7,494,273 B2 2/2009 Huang et al.  
D588,413 S \* 3/2009 Frank ..... D7/500  
7,520,671 B2 4/2009 Lantz et al.  
D591,595 S 5/2009 Tedford, Jr.  
7,540,392 B2 6/2009 Cipra et al.  
D595,542 S \* 7/2009 Dewey ..... D7/566  
7,556,424 B2 7/2009 Walker et al.  
7,572,056 B2 8/2009 Lane et al.  
7,585,108 B2 9/2009 Chuang et al.  
D612,236 S 3/2010 Sturk  
7,686,506 B2 3/2010 Babkes et al.  
D623,941 S 9/2010 Bendix  
7,841,767 B2 11/2010 Harr  
7,874,447 B2 1/2011 Schmidtner et al.  
D632,174 S 2/2011 Charbonnet et al.  
7,959,029 B2 6/2011 Whitaker et al.  
D641,239 S 7/2011 Ramsey et al.  
D641,622 S 7/2011 Fields  
D647,400 S 10/2011 Fields  
8,074,831 B2 12/2011 Walker et al.  
D652,298 S 1/2012 Caldwell et al.  
D652,719 S 1/2012 Caldwell et al.  
8,092,082 B2 1/2012 Hsieh  
D655,415 S 3/2012 Chaffrignon  
D660,696 S 5/2012 Weiss  
D675,922 S 2/2013 MacNeill et al.  
D676,745 S 2/2013 MacNeill et al.  
D685,482 S \* 7/2013 Martin ..... D24/186  
8,517,603 B2 8/2013 Fraden  
8,561,834 B2 10/2013 Ziegler  
D702,504 S \* 4/2014 Tibbets ..... D7/566  
D704,053 S 5/2014 Kim  
D705,058 S 5/2014 Kim  
8,727,169 B2 5/2014 Nguyen  
8,794,479 B2 8/2014 Lin  
D716,953 S \* 11/2014 Martin ..... D10/60  
8,949,065 B2 2/2015 Holderle et al.  
9,285,276 B2 3/2016 Fraden  
9,357,930 B2 6/2016 Quinn et al.  
D787,683 S \* 5/2017 Martin ..... D10/60  
2001/0014112 A1 8/2001 Yamaka  
2002/0085616 A1 7/2002 Yu

(56)

**References Cited**

## U.S. PATENT DOCUMENTS

|              |    |         |                 |
|--------------|----|---------|-----------------|
| 2002/0163955 | A1 | 11/2002 | Yu              |
| 2003/0043884 | A1 | 3/2003  | Ko et al.       |
| 2003/0179809 | A1 | 9/2003  | Nakagawa        |
| 2004/0256387 | A1 | 12/2004 | Smith           |
| 2005/0027168 | A1 | 2/2005  | Strom et al.    |
| 2005/0027169 | A1 | 2/2005  | Goldfain et al. |
| 2005/0043588 | A1 | 2/2005  | Tsai            |
| 2005/0085733 | A1 | 4/2005  | Wong            |
| 2005/0127075 | A1 | 6/2005  | Smith et al.    |
| 2006/0020176 | A1 | 1/2006  | Berall          |
| 2006/0120432 | A1 | 6/2006  | Lantz et al.    |
| 2006/0165152 | A1 | 6/2006  | Walker et al.   |
| 2007/0058692 | A1 | 3/2007  | Huang et al.    |
| 2007/0189358 | A1 | 8/2007  | Lane et al.     |
| 2008/0123717 | A1 | 5/2008  | Lane et al.     |
| 2008/0203078 | A1 | 8/2008  | Hurter          |
| 2009/0116540 | A1 | 5/2009  | Weng et al.     |
| 2009/0129437 | A1 | 5/2009  | Chuang et al.   |
| 2010/0260230 | A1 | 10/2010 | Lane et al.     |
| 2011/0134962 | A1 | 6/2011  | Fraden          |
| 2011/0257521 | A1 | 10/2011 | Fraden          |
| 2012/0027047 | A1 | 2/2012  | Lane et al.     |
| 2012/0152968 | A1 | 6/2012  | Bailey          |
| 2013/0128926 | A1 | 5/2013  | Fraden          |
| 2013/0202011 | A1 | 8/2013  | Mullin et al.   |
| 2014/0119406 | A1 | 5/2014  | Chen            |
| 2015/0014322 | A1 | 1/2015  | Kim             |

## FOREIGN PATENT DOCUMENTS

|    |                |         |
|----|----------------|---------|
| EP | 0 180 368      | 5/1986  |
| EP | 0 472 490      | 2/1992  |
| EP | 1 262 753 A1   | 12/2002 |
| EP | 1 790 962 A1   | 5/2007  |
| EP | 1 857 037 A1   | 11/2007 |
| WO | WO-1995/000067 | 1/1995  |
| WO | WO-1997/019332 | 5/1997  |
| WO | WO-1999/042760 | 8/1999  |
| WO | WO-2002/056756 | 7/2002  |
| WO | WO-2004/063686 | 7/2004  |
| WO | WO-2010/078219 | 7/2010  |

## OTHER PUBLICATIONS

International Search Report and Written Opinion for International Patent Application No. PCT/US2012/049112, dated Jan. 10, 2013, 9 pages.

Office Action for Australian patent application No. 2010234503, dated Jun. 18, 2013, a counterpart foreign application of U.S. Pat. No. 8,231,271, 3 pages.

International Preliminary Report on Patentability dated Feb. 13, 2014 for PCT application No. PCT/US2012/049112, 10 pages.

Office Action for Australian patent application No. 2012290134, dated Jan. 27, 2015, a counterpart foreign application of U.S. Pat. No. 8,876,373, 5 pages.

Extended European Search Report dated Jan. 22, 2015 for European patent application No. 12820293.4, 8 pages.

Office Action for Chinese patent application No. 201280048359.5, dated Jan. 4, 2016, a counterpart foreign application of U.S. Appl. No. 14/511,986 and corresponding English translation (17 pgs.).

U.S. Appl. No. 11/678,357, filed Feb. 23, 2007; first named inventor: Huerter.

Office Action for U.S. Appl. No. 12/420,926 dated May 26, 2011, 14 pages.

Notice of Allowance for U.S. Appl. No. 12/420,926, dated Mar. 29, 2012, 13 pages.

Office Action for U.S. Appl. No. 13/196,700, dated Nov. 29, 2013, 23 pages.

Final Office Action for U.S. Appl. No. 13/196,700 dated Apr. 17, 2014, 12 pages.

Supplemental Notice of Allowability for U.S. Appl. No. 13/196,700 dated Aug. 29, 2014, 7 pages.

Office Action for U.S. Appl. No. 14/511,986, dated Sep. 15, 2016, 24 pages.

Notice of Allowance for U.S. Appl. No. 14/511,986, dated Jan. 31, 2017, 7 pages.

Notice of Allowance for U.S. Appl. No. 29/429,431 dated Apr. 12, 2013, 17 pages.

Corrected Notice of Allowance for U.S. Appl. No. 29/455,442, dated Jul. 18, 2014, 5 pages.

Office Action for U.S. Appl. No. 29/477,379, dated May 5, 2015, 23 pages.

Final Office Action for U.S. Appl. No. 29/477,379, dated Dec. 3, 2015, 10 pages.

Final Office Action for U.S. Appl. No. 29/477,379 dated Mar. 24, 2016, 19 pages.

Notice of Allowance for U.S. Appl. No. 29/477,379, dated Jan. 19, 2017, 10 pages.

U.S. Appl. No. 12/420,926, with first inventor Lane et al. entitled, "IR Thermometry Probe Cover," filed Apr. 9, 2009.

U.S. Appl. No. 13/196,700, with first inventor Lane et al. entitled, "IR Thermometry Probe Cover," filed Aug. 2, 2011.

U.S. Appl. No. 14/511,986, with first inventor Lane et al. entitled, "IR Thermometry Probe Cver," filed Oct. 10, 2014.

U.S. Appl. No. 29/429,431, with first inventor Martin et al. entitled, "Cover for a Probe or the Like," filed Aug. 10, 2012.

U.S. Appl. No. 29/455,442, with first inventor Martin et al. entitled, "Cover of a Probe or the Like," filed May 21, 2013.

U.S. Appl. No. 29/477,379, with first inventor Martin et al. entitled, "Cover for a Probe," filed Dec. 20, 2013.

Anonymous. "FirstTemp Genius Infrared Thermometer," Feb. 2004, Tyco Healthcare, pp. 1-4.

International Search Report, dated Mar. 10, 2009, PCT/US2008/073956, 2 pages.

International Search Report/Written Opinion for PCT Application No. PCT/US2010/030233; dated Jun. 17, 2019; 9 pages.

Supplemental European Search Report dated Oct. 27, 2010, EP 08798437.3, 7 pages.

\* cited by examiner

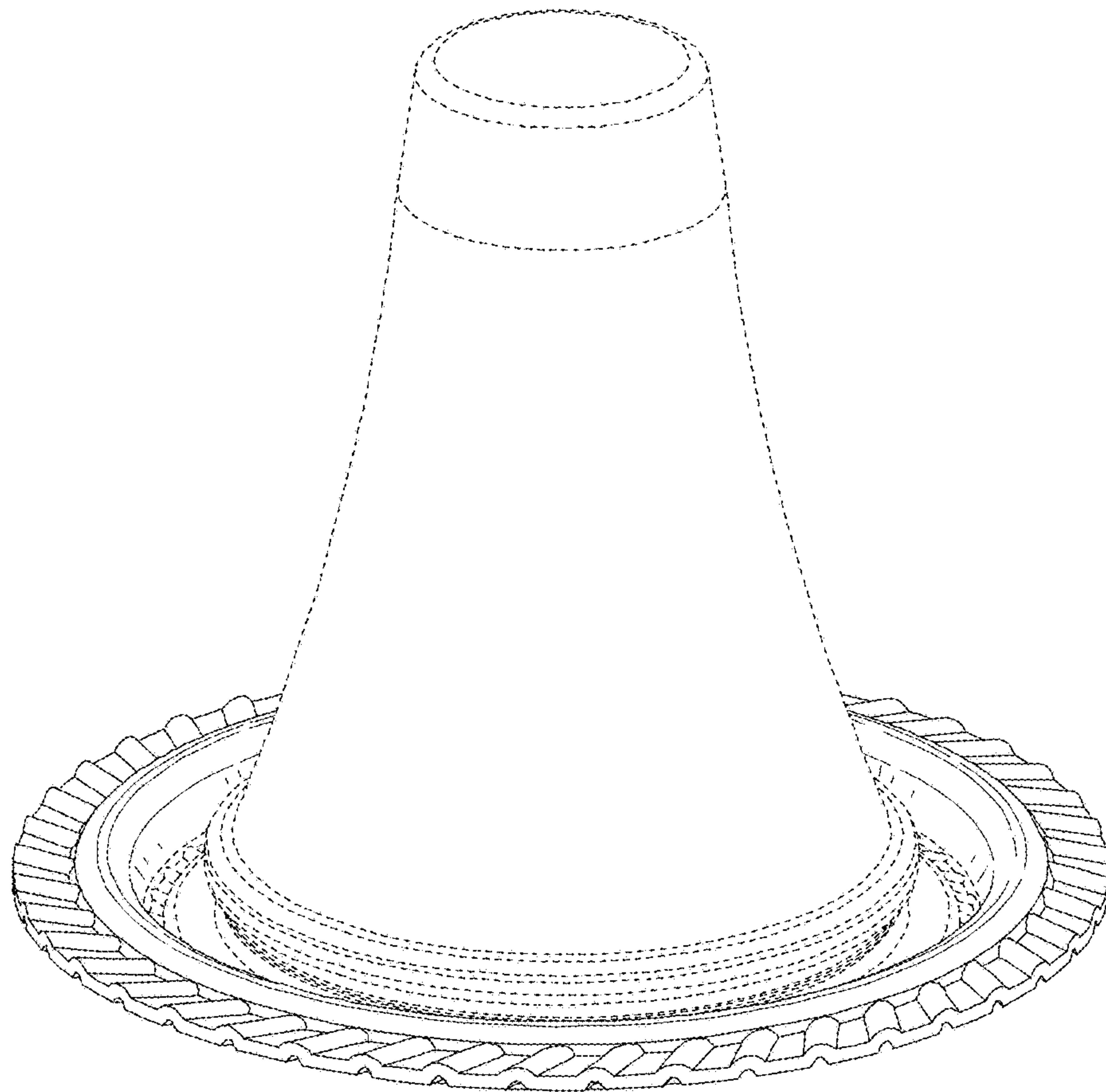


FIG. 1

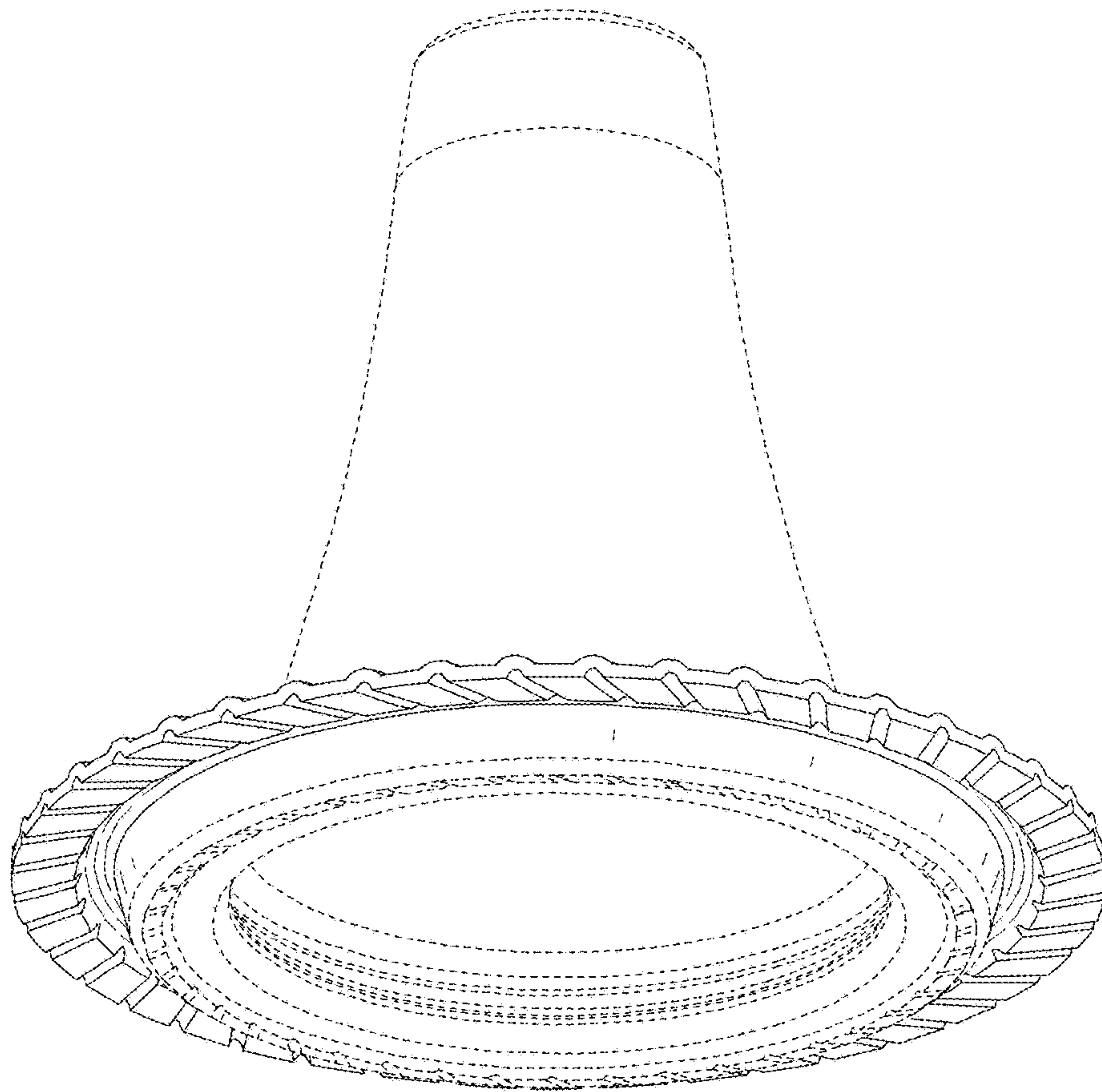
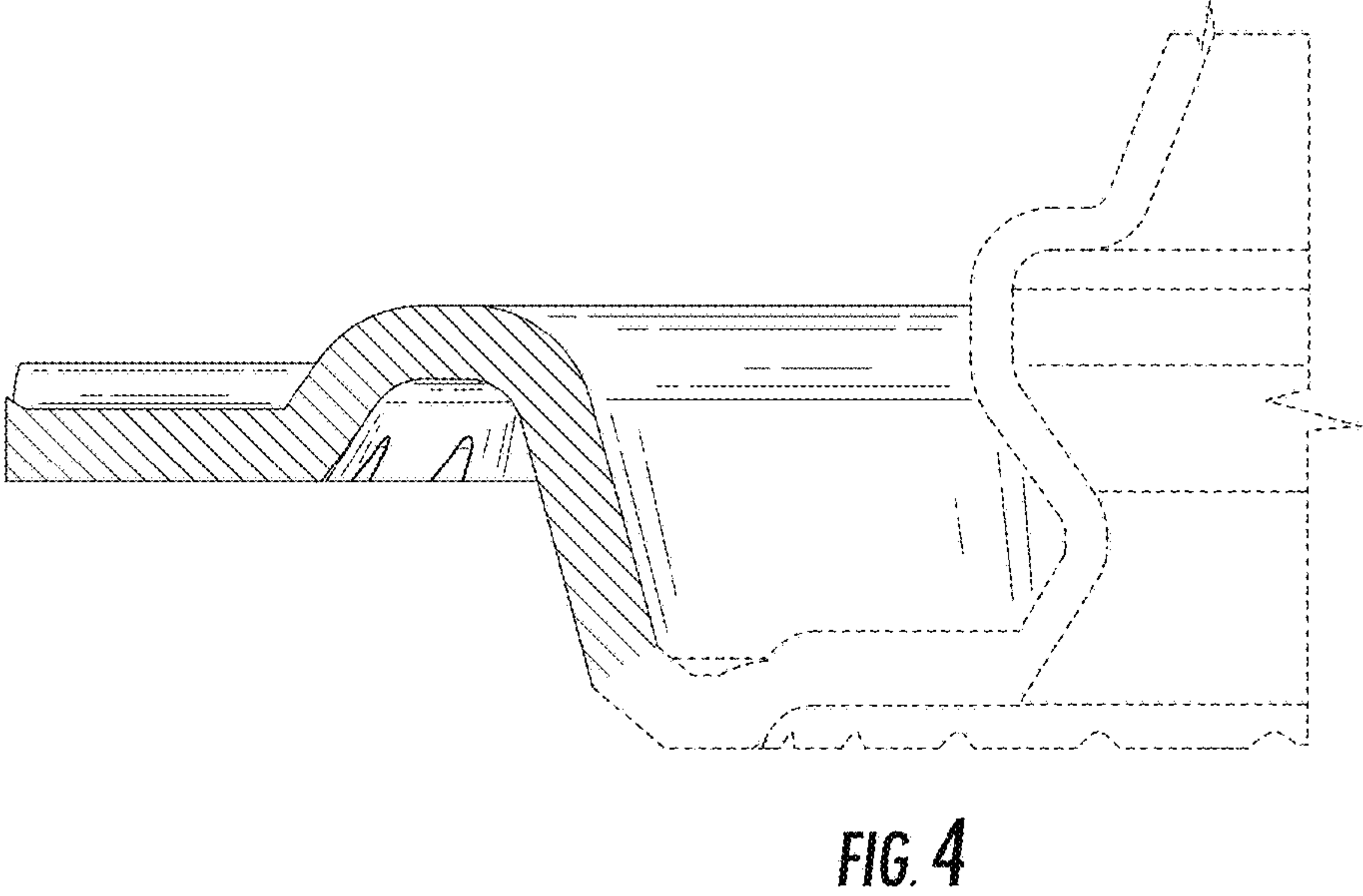
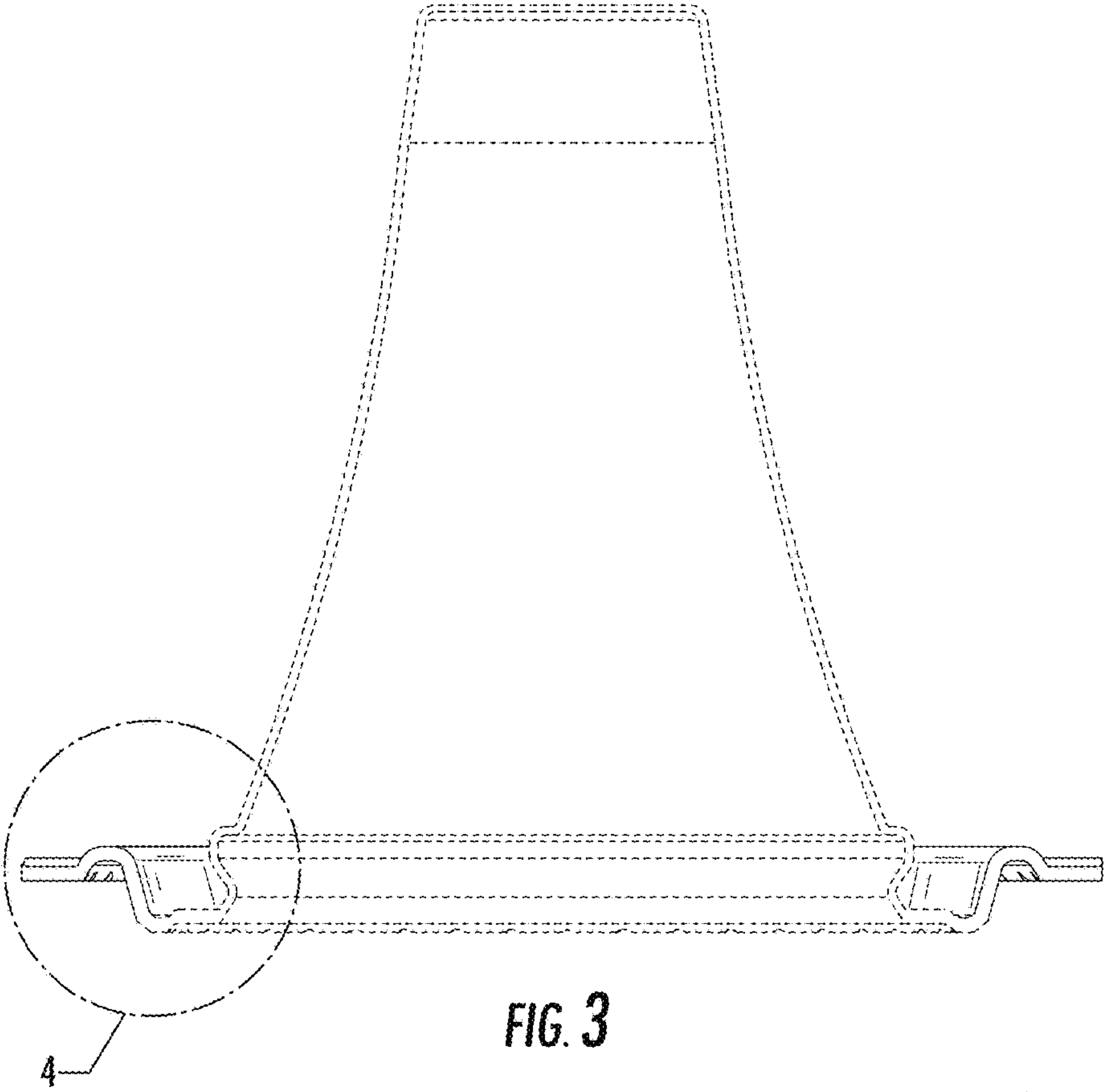


FIG. 2



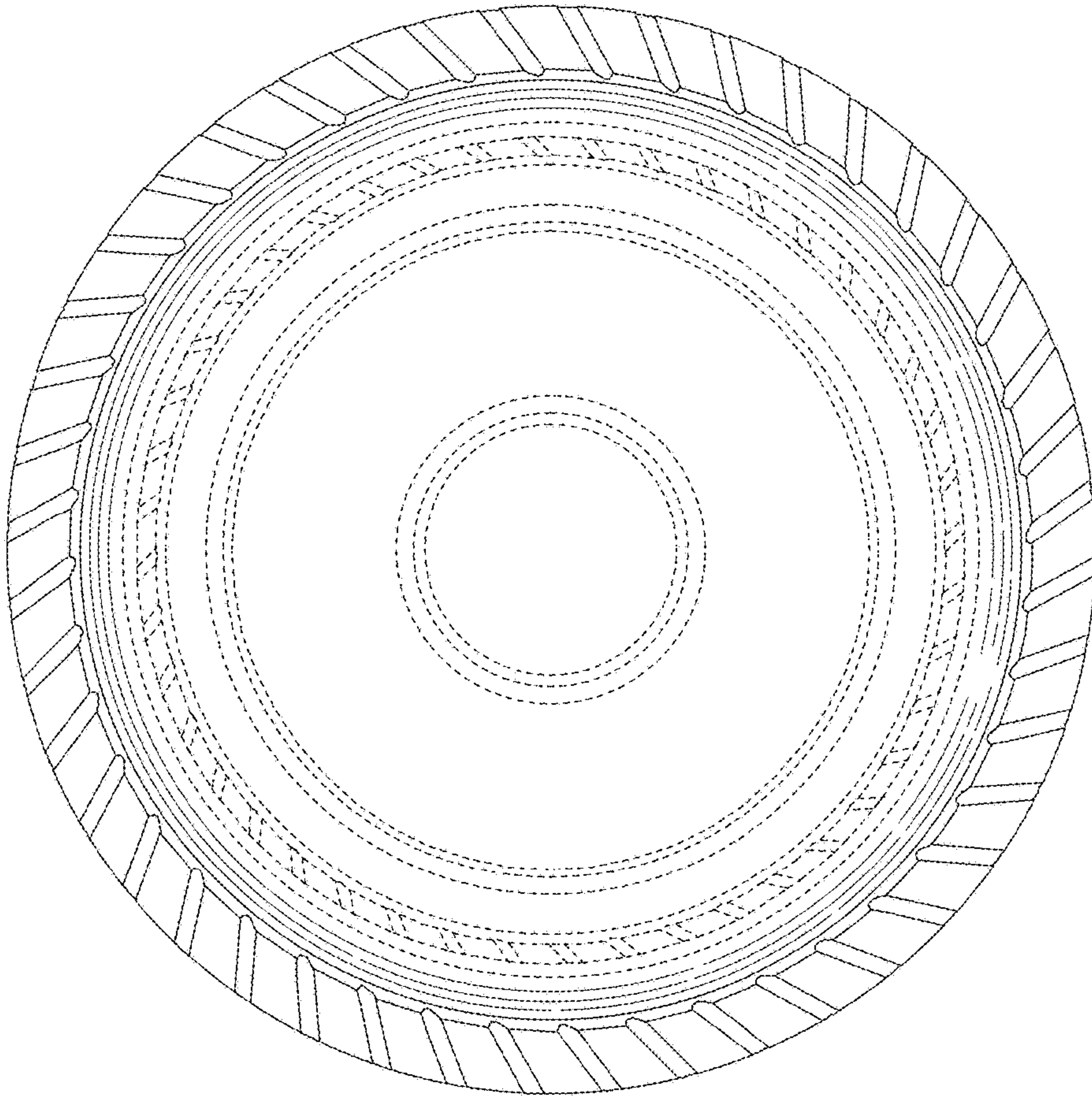
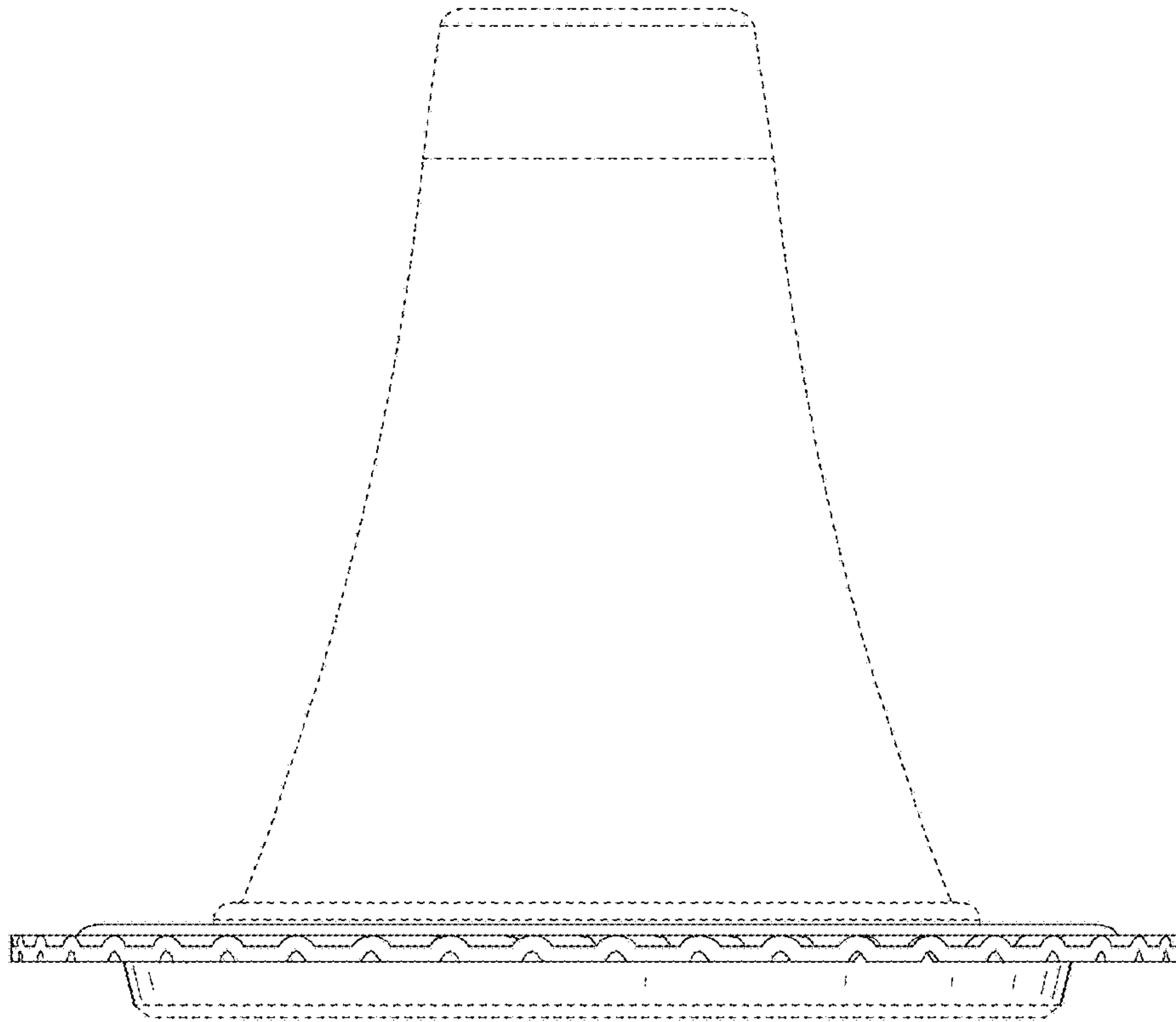
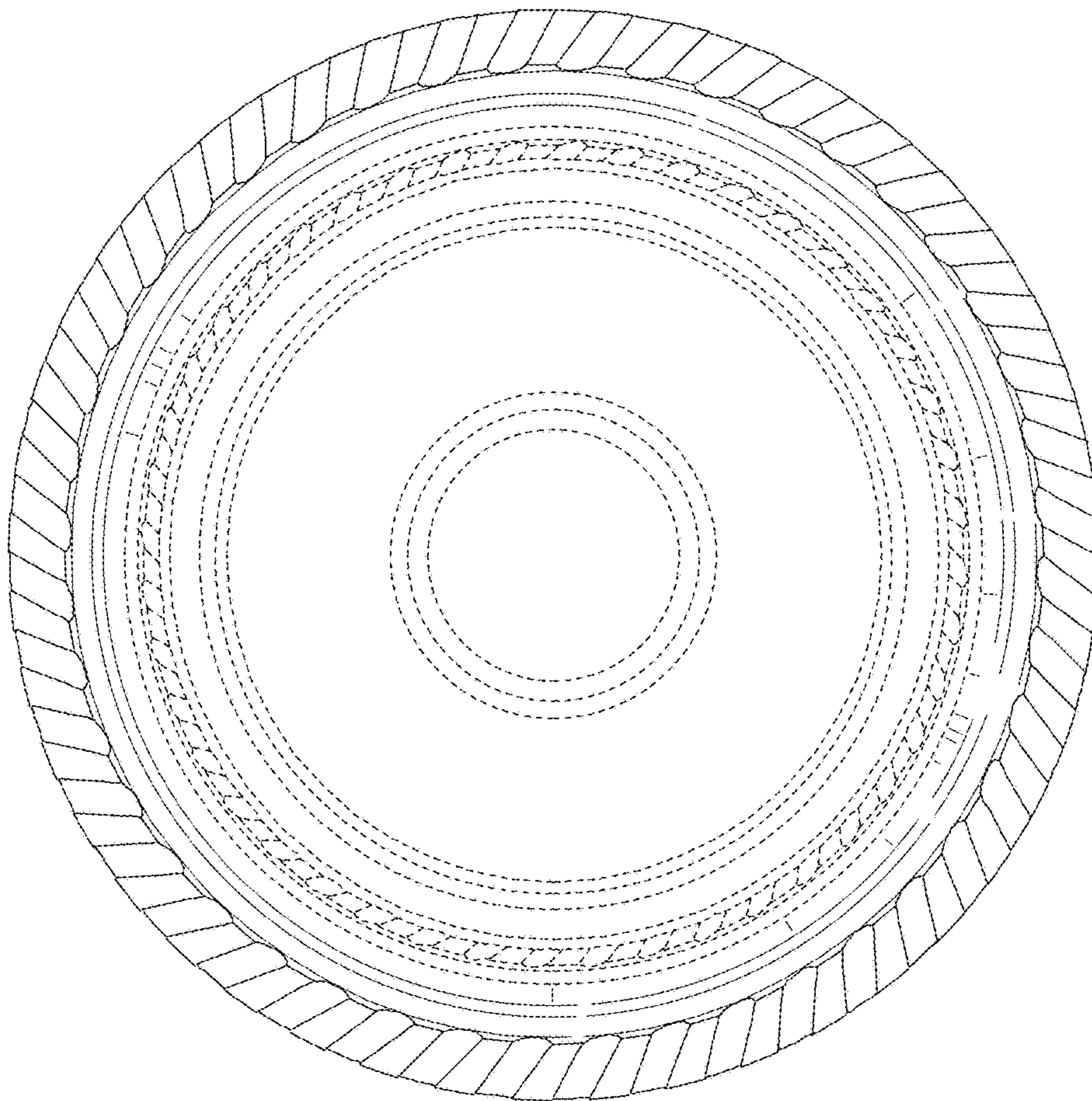


FIG. 5



**FIG. 6**



**FIG. 7**