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(12) **United States Design Patent** (10) **Patent No.:** **US D864,767 S**
Vandenbussche et al. (45) **Date of Patent:** **** Oct. 29, 2019**

(54) **LOW-PROFILE FITNESS MONITORING CAPSULE**

FOREIGN PATENT DOCUMENTS

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CN 303814677 S 8/2016
CN 303995256 S 1/2017

(Continued)

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OTHER PUBLICATIONS

U.S. Appl. No. 29/572,967, filed Aug. 1, 2016, applicant Fitbit, Inc. Per rule 609.07.

(Continued)

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

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(21) Appl. No.: **29/692,719**

(57) **CLAIM**

(22) Filed: **May 28, 2019**

We claim the ornamental design for a low-profile fitness monitoring capsule, as shown and described.

Related U.S. Application Data

DESCRIPTION

(63) Continuation of application No. 29/674,453, filed on Dec. 21, 2018, which is a continuation of application (Continued)

FIG. 1 is an isometric view of a low-profile fitness monitoring capsule.

(51) **LOC (12) Cl.** **10-04**

(52) **U.S. Cl.**
USPC **D10/70; D10/38; D10/78; D10/97; D14/344; D24/167; D24/186**

FIG. 2 is front view of FIG. 1.

FIG. 3 is a back view of FIG. 1.

FIG. 4 is a top view of FIG. 1.

FIG. 5 is a side view of FIG. 1.

FIG. 6 is an opposite side view of FIG. 1.

FIG. 7 is a bottom view of FIG. 1; and,

FIG. 8 is an off-angle view of FIG. 1.

(58) **Field of Classification Search**
USPC D10/30, 31, 32, 38, 39, 70, 78, 97, 98; D14/203.5, 344; D24/167, 186
(Continued)

Stipple shading is used in all of the accompanying Figures to convey surface contouring and not texture. The broken lines shown in the drawings illustrate portions of the design that form no part of the claimed design. Surfaces that do not include stipple shading and are bounded, at least in part, by broken lines form no part of the claimed design.

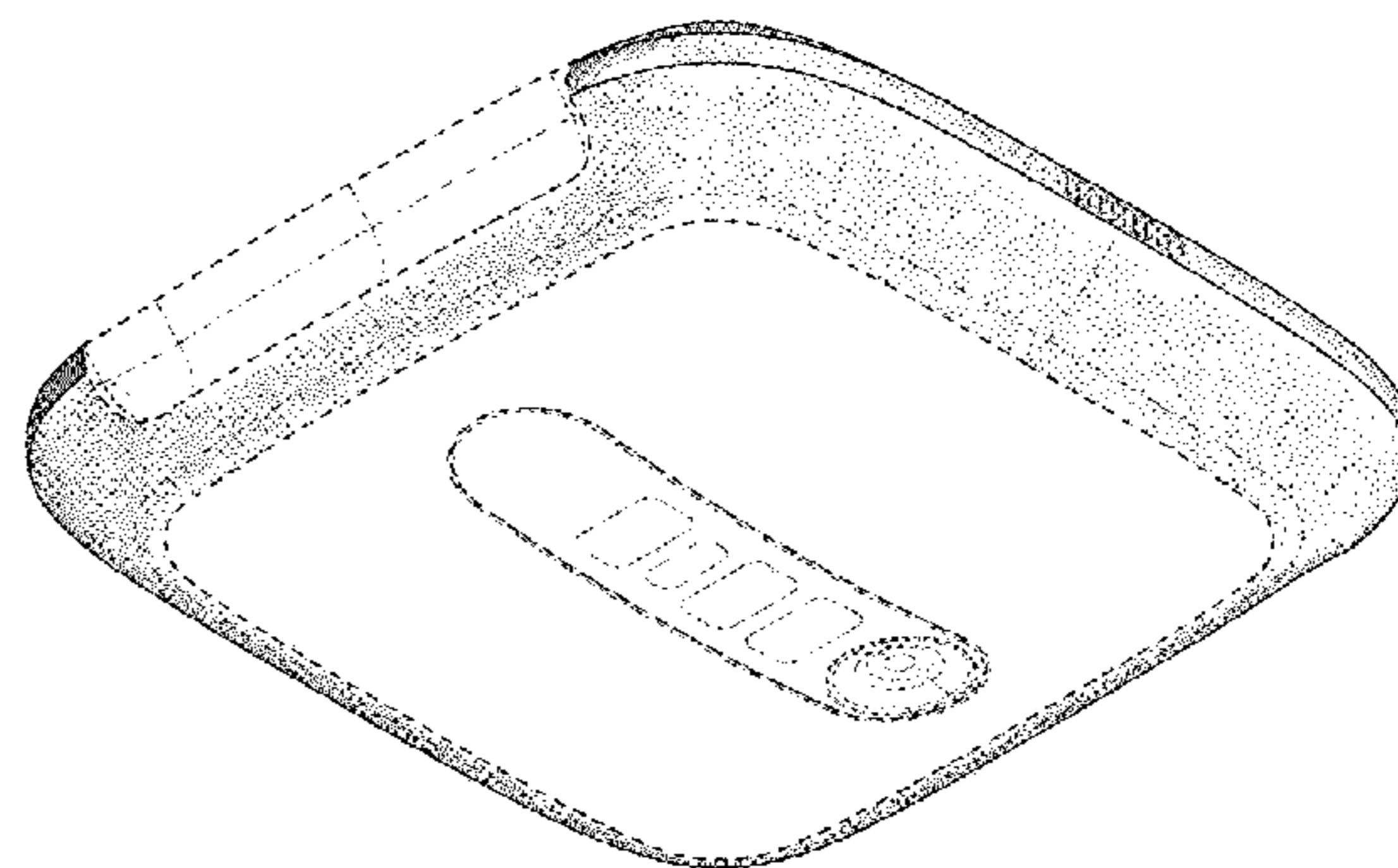
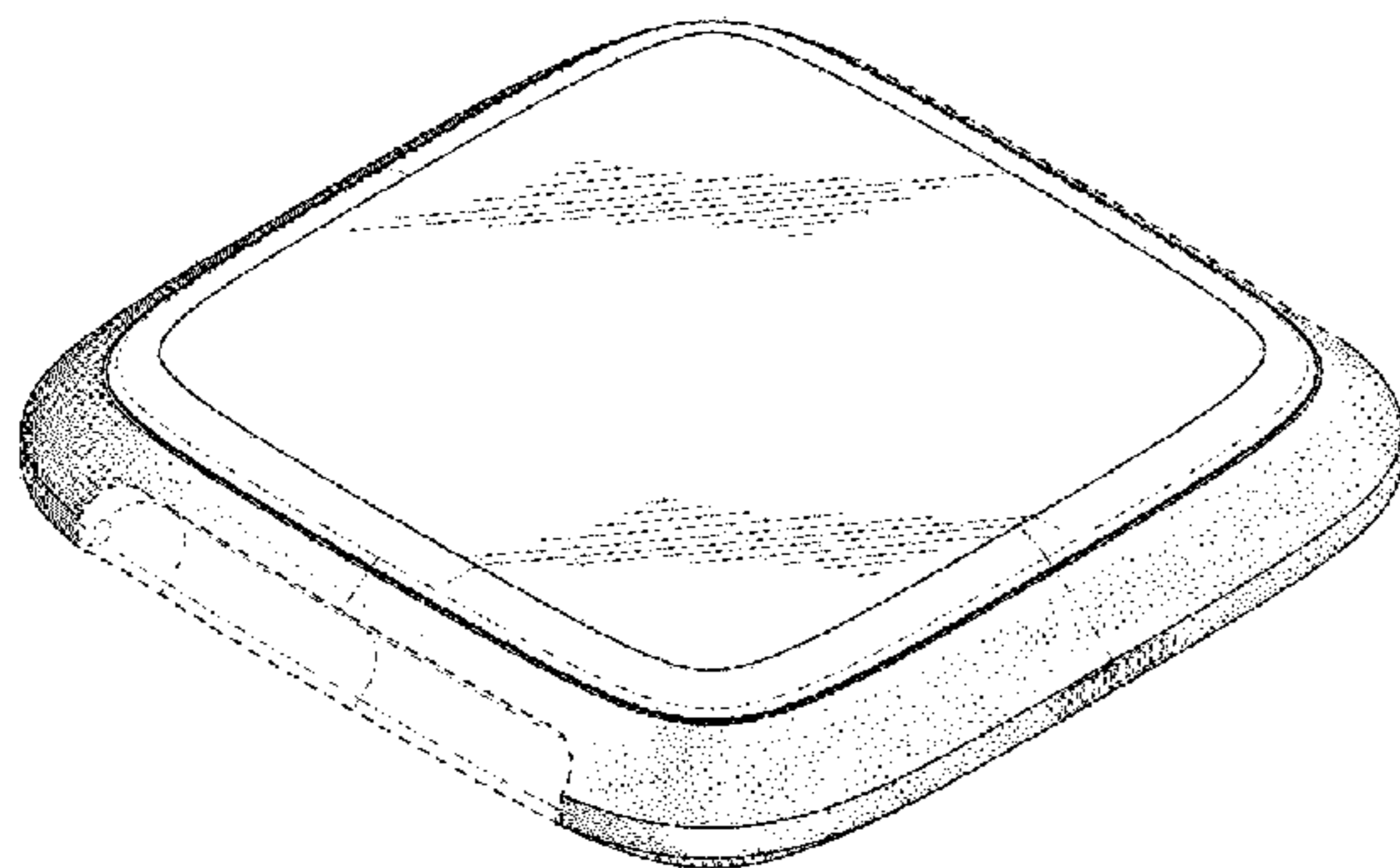
(56) **References Cited**

U.S. PATENT DOCUMENTS

4,106,677 A 8/1978 Helms
D251,773 S 5/1979 Morabito

(Continued)

1 Claim, 3 Drawing Sheets



Related U.S. Application Data

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(58) **Field of Classification Search**

CPC G04B 19/00–19/34; G04B 23/12; G04B 37/00–37/228; G04B 47/00–47/068; G04B 45/0069; G04B 47/04; G04B 21/12; G01C 17/00; G01C 21/00–21/3697; G01C 22/00–22/025; G01C 23/00–23/005; G01C 21/16; G06F 19/3481; G06F 3/00–3/027; G06F 1/163; G01P 1/00–1/26; G01P 15/00–15/18; A63B 24/00–2024/0096; A63B 2213/00; A63B 69/0028; A63B 2071/0658–2071/0666; A63B 2220/00–2220/89; A63B 2225/02; A63C 11/02; A61B 5/681; A61B 5/6824; A61B 5/6825; A61B 5/6826; A61B 5/0537; A61B 5/4872; A61B 5/6831; A61B 5/4869; A61B 5/0858; A61B 5/1075; A61B 5/107; A61B 5/4875; A61B 5/4878; A61B 5/4881; A61B 5/61–5/6898; A44C 5/00–5/16; G04R 20/02; G04C 10/00; G04C 10/02; G08B 21/0269; G08B 21/0272; G08B 21/0286; G08B 21/0288; G08B 21/0291; G08B 21/04–21/2454; G01S 19/00–19/55; G04G 9/0064; G04G 9/0005

See application file for complete search history.

D807,765 S * 1/2018 Akana D10/70
 D808,961 S * 1/2018 Lee D14/344
 D809,510 S * 2/2018 Rochat D14/344
 D813,229 S * 3/2018 Ling D14/344
 D816,695 S * 5/2018 Spector D14/486
 10,038,361 B2 * 7/2018 Hajati G06F 1/163
 10,058,149 B1 8/2018 Wittenberg et al.
 D828,352 S * 9/2018 Akana D14/344
 D830,874 S 10/2018 Shames et al.
 D839,753 S 2/2019 Domke et al.
 D842,724 S 3/2019 Vandenbussche et al.
 D855,807 S * 8/2019 Schroeder D24/167
 D855,813 S 8/2019 Hu
 2015/0248235 A1 9/2015 Offenberg et al.

FOREIGN PATENT DOCUMENTS

CN 304020160 S 2/2017
 CN 304071447 S 3/2017
 CN 304144485 S 5/2017
 CN 304565317 S 4/2018
 CN 304582985 S 4/2018
 CN 304704202 S 6/2018
 CN 207833246 U 9/2018
 CN 304805429 S 9/2018
 CN 304828368 S 9/2018
 CN 304873653 S9 11/2018
 CN 304973149 S 1/2019
 CN 304973151 S 1/2019
 CN 305070141 S 3/2019
 CN 305140383 S 5/2019
 CN 305146930 S 5/2019
 CN 305178015 S 5/2019
 EM 005248101-0001 4/2018
 EM 005940475-0003 12/2018
 JP D1627277 3/2019

(56) **References Cited**

U.S. PATENT DOCUMENTS

D264,946 S 6/1982 Hirabayashi
 D528,928 S 9/2006 Burton
 D555,019 S 11/2007 Yeung
 D589,375 S 3/2009 Tang
 D632,984 S 2/2011 Register et al.
 D637,097 S 5/2011 Tseng
 D638,725 S 5/2011 Morrison
 D644,542 S 9/2011 Henne et al.
 D665,680 S 8/2012 Shigeno et al.
 D693,248 S 11/2013 Anderssen et al.
 D693,249 S 11/2013 Anderssen et al.
 D715,167 S 10/2014 Busse
 D728,562 S 5/2015 Park et al.
 D737,159 S 8/2015 Akana et al.
 D741,726 S 10/2015 Akana et al.
 D743,278 S 11/2015 Solomon et al.
 D745,005 S 12/2015 Kim et al.
 D746,702 S 1/2016 Galli
 D747,494 S 1/2016 Tamsiran
 D751,550 S 3/2016 Solomon et al.
 D763,107 S 8/2016 Nielsen et al.
 D766,115 S 9/2016 Ma
 D766,752 S * 9/2016 Akana D10/30
 D769,869 S 10/2016 Zhou et al.
 D771,035 S * 11/2016 Akana D14/344
 D771,504 S 11/2016 Lai et al.
 D772,081 S 11/2016 Lee et al.
 9,551,608 B2 * 1/2017 Cho G01G 9/00
 D784,346 S 4/2017 Tao
 D786,706 S 5/2017 Connor et al.
 9,658,347 B2 * 5/2017 Jacob G01T 1/247
 9,743,695 B2 * 8/2017 Yoo A61B 5/7435
 D800,172 S * 10/2017 Akana D14/496
 D802,587 S * 11/2017 Lee D14/344
 D805,413 S 12/2017 Chen et al.
 D805,513 S * 12/2017 Akana D14/344
 D805,929 S * 12/2017 Akana D10/70
 D806,880 S * 1/2018 Henning D24/186

OTHER PUBLICATIONS

U.S. Appl. No. 29/614,479, filed Aug. 18, 2017, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/593,261, filed Feb. 7, 2017, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/596,216, filed Mar. 6, 2017, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/602,541, filed May 1, 2017, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/656,638, filed Jul. 13, 2018, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/671,175, filed Nov. 24, 2018, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/671,143, filed Nov. 24, 2018, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/670,971, filed Nov. 24, 2018, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/671,146, filed Nov. 24, 2018, applicant Fitbit, Inc. Per rule 609.07.
 U.S. Appl. No. 29/671,144, filed Nov. 24, 2018, applicant Fitbit, Inc. Per rule 609.07.
 POY Compatible Bands Replacement for Fitbit Alta, Fitbit Alta HR sold on Amazon. Website accessed Mar. 1, 2019.
 Monster Fitness Multicolor Replacement Bands for Fitbit Flex sold on Amazon. Website accessed Mar. 1, 2019.
 iGK Fitbit Alta Bands—replacement sport strap bands for Fitbit Alta for sale at Walmart (www.walmart.com). Website accessed Nov. 7, 2018.
 Suunto Core watchband on Instagram. Accessed Feb. 7, 2017.
 Suppa G-Shock Strap Adapters, online at least as early as Dec. 13, 2013. Accessed Feb. 7, 2017.
 Monserat de Lucca Measuring Tape Bracelet for sale at Shopbop (www.shopbop.com). Website accessed Nov. 11, 2018.
 Marc by Marc Jacobs Engraved Turlock Leather Bangle Bracelet for sale at Shopbop (www.shopbop.com). Website accessed Nov. 11, 2018.

(56)

References Cited

OTHER PUBLICATIONS

ACBEE Replacement watch band with buckle for Fitbit Alta for sale at www.amazon.com, Website accessed Nov. 7, 2018.

Perfit rubber watch band with double prong buckle and spring bars for sale at www.amazon.com. Website accessed Nov. 7, 2018.

Waterproof diving silicone rubber strap with clasp for sale at www.aliexpress.com (Alibaba Group). Website accessed Feb. 7, 2018.

Damusy Fitness Tracker Smart Band for sale at www.activityandfitnesstrackers.com. Website accessed Nov. 10, 2018.

Volemer F09HR Smart Band Fitness Tracker for sale at www.epaky.com. Website accessed Nov. 10, 2018.

“First Look: Fitbit announces new Fitbit Alta activity tracker”, published Feb. 3, 2016 on DC Rainmaker (www.dcrainmaker.com). Website accessed Nov. 10, 2018.

Fitbit Alta—for sale by Fitbit (<https://www.fitbit.com/alta>). Website accessed Mar. 27, 2017.

Fitbit Alta replacement bands—for sale at www.amazon.com. Website accessed Jul. 17, 2017.

Fitbit Alta review published Mar. 25, 2016 on C|Net (www.cnet.com). Website accessed Nov. 10, 2018.

Fitbit Charge 2 Heart Rate and Fitness Wristband for sale at www.amazon.co.uk. Website accessed Feb. 7, 2018.

Fitbit Flex Wireless Activity and Sleep Wristband for sale at www.amazon.com. Listed at least as early as Apr. 16, 2013.

Fitbit Ionic Accessory Band for sale at Nordstrom (<https://shop.nordstrom.com>). Website accessed Nov. 7, 2018.

Fitbit Alta HR Bands for sale at The Fitness Equipment Shop (www.thefitnessequipmentshop.com). Website accessed Nov. 17, 2018.

LUMINOX Replacement Rubber Watch Band Strap for sale at Walmart (www.walmart.com). Website accessed Nov. 7, 2018.

“MPOW DS-D6 Fitness Band Review” published Jan. 13, 2018 on ZeroAir (www.zeroair.wordpress.com). Website accessed Nov. 10, 2018.

“Fitbit Product Teardown” on Pinterest, pinned from www.ifixit.com. Website accessed Feb. 27, 2017.

Pro Elite Medicine Ball by Power Systems (www.power-systems.com). Website accessed Feb. 7, 2018.

Replacement metal watch band Connector for Fitbit Alta/Fitbit Alta HR for sale at Banggood (www.banggood.com). Website accessed Nov. 10, 2018.

Citrine by the Stones Sol Forearm Band for sale at Shopbop (www.shopbop.com). Website accessed Nov. 11, 2018.

Gorjana Mia Wrap Cuff for sale at Shopbop (www.shopbop.com). Website accessed Nov. 11, 2018.

Fintie for Gear S2 Watch Band Stainless Steel Metal Replacement Strap, for sale at www.amazon.com. Website accessed Apr. 24, 2019.

Fitbit Inspire HR review: One size, many styles, fit all, posted May 24, 2019, [retrieved Jun. 5, 2019]. Retrieved from Internet, <URL: <https://www.macworld.com/article/3397320/fitbit-inspire-hr-review.html>>.

The New Fitbit Inspire HR is Finally Available to the Public!, posted Mar. 6, 2019, [retrieved Jun. 5, 2019]. Retrieved from Internet, <URL: <https://amyeverafter.com/new-fitbit-inspire-hr-smartwatch/>>.

Samsung’s 6th smartwatch has a 3G modem and a massive curved display, posted Aug. 28, 2014, [retrieved Jun. 5, 2019]. Retrieved from Internet, <URL: <https://arstechnica.com/gadgets/2014/08/samsungs-6th-smartwatch-has-a-3g-modern-and-a-massive-curved-display/>>.

Microsoft Band 2 Fitness Tracker with Curved Screen Announced, posted Oct. 7, 2015, [retrieved Jun. 5, 2019]. Retrieved from Internet, <URL: <https://gadgetsint.com/microsoft-band-2-fitness-tracker-with-curved-screen-announced.html>>.

Samsung Introduces Three New Wearables for Balanced and Connected Living, Samsung Newsroom, posted Feb. 20, 2019, accessed Feb. 25, 2019. <URL: <https://news.samsung.com/us/samsung-wearable-galaxy-watch-active-galaxy-fit-galaxy-buds-unpacked-2019/>>.

* cited by examiner

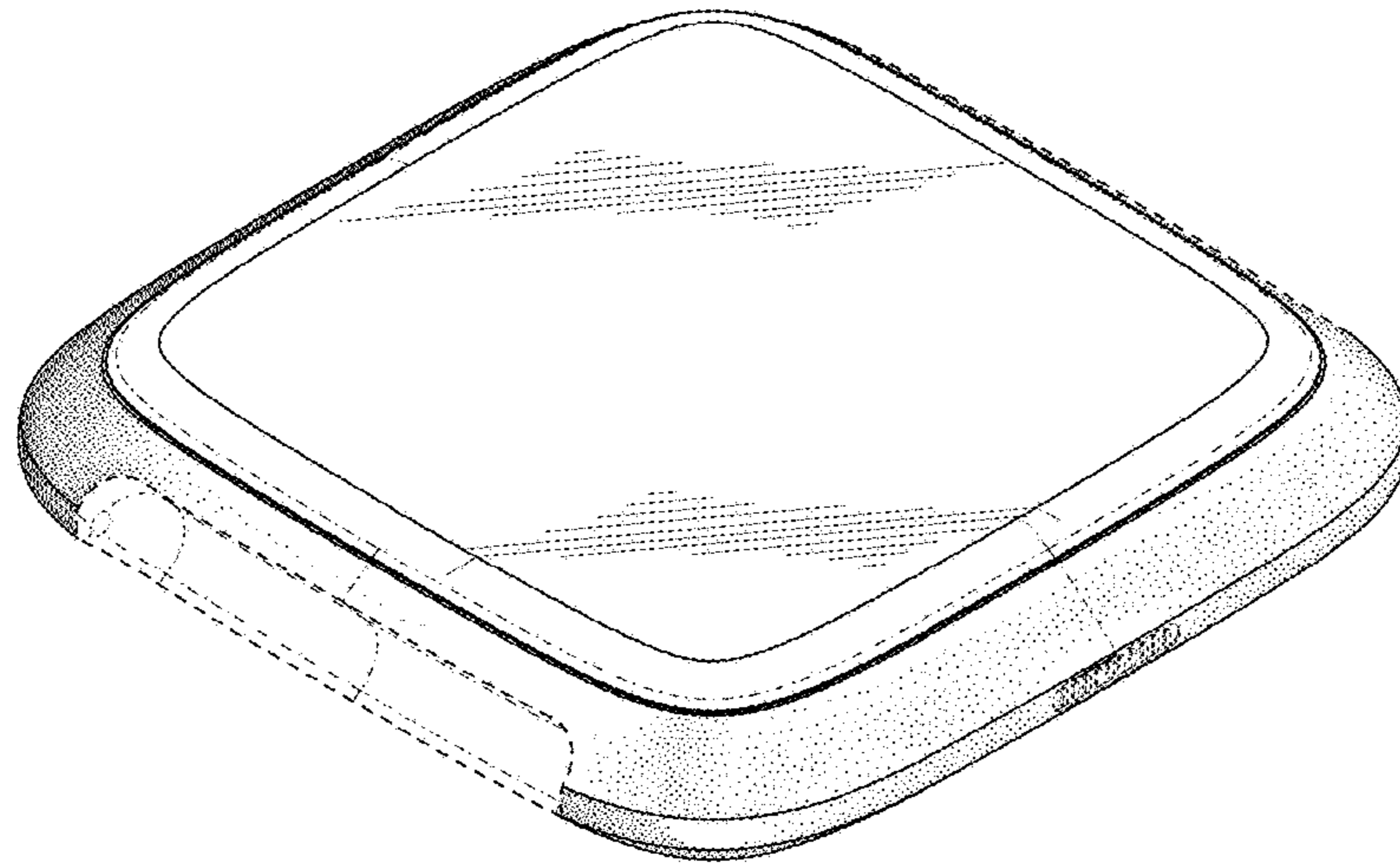


Figure 1

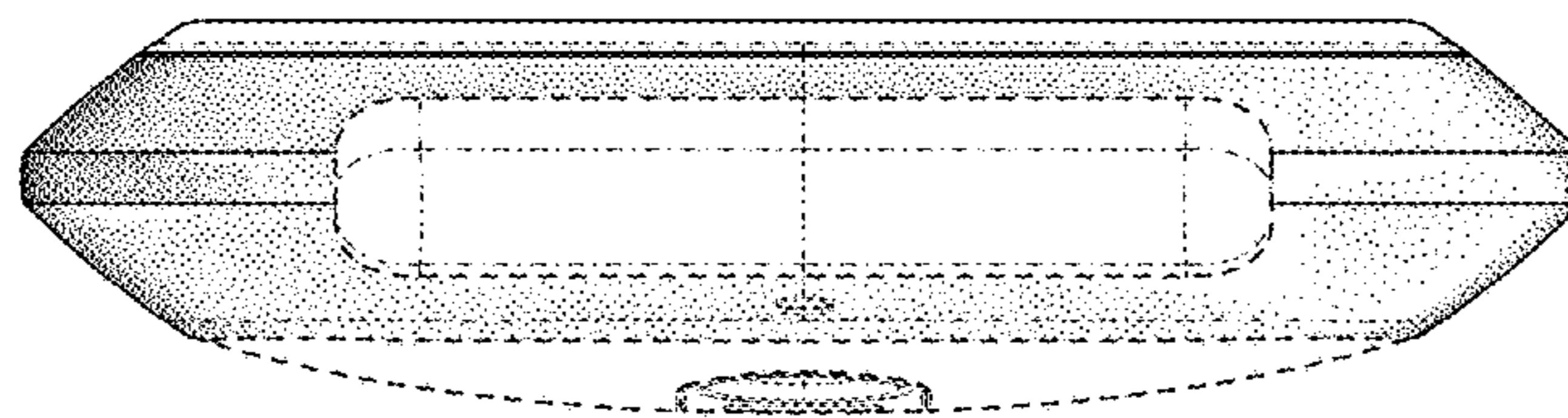


Figure 2

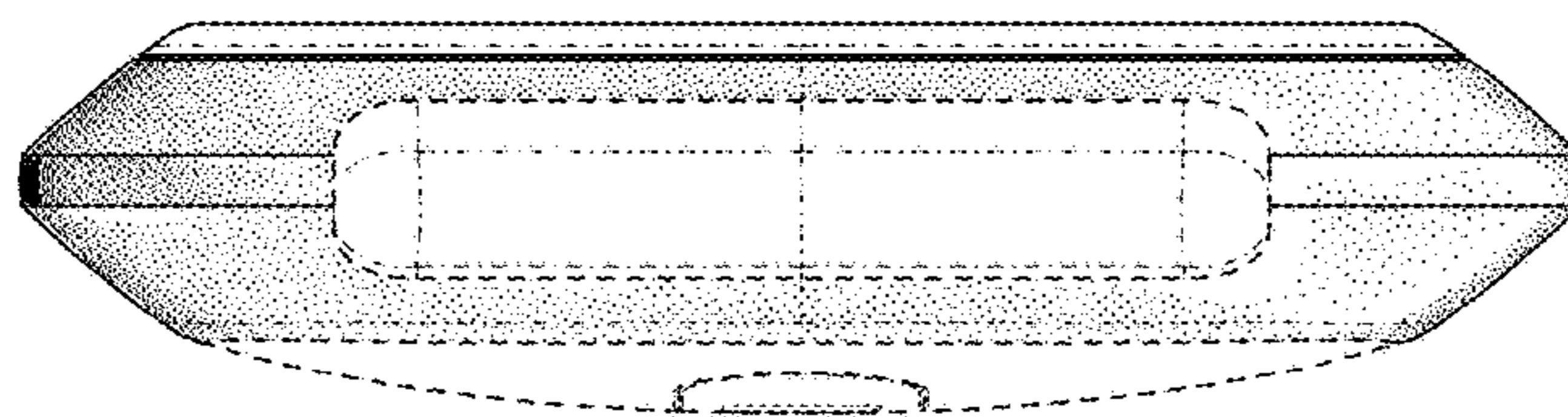


Figure 3

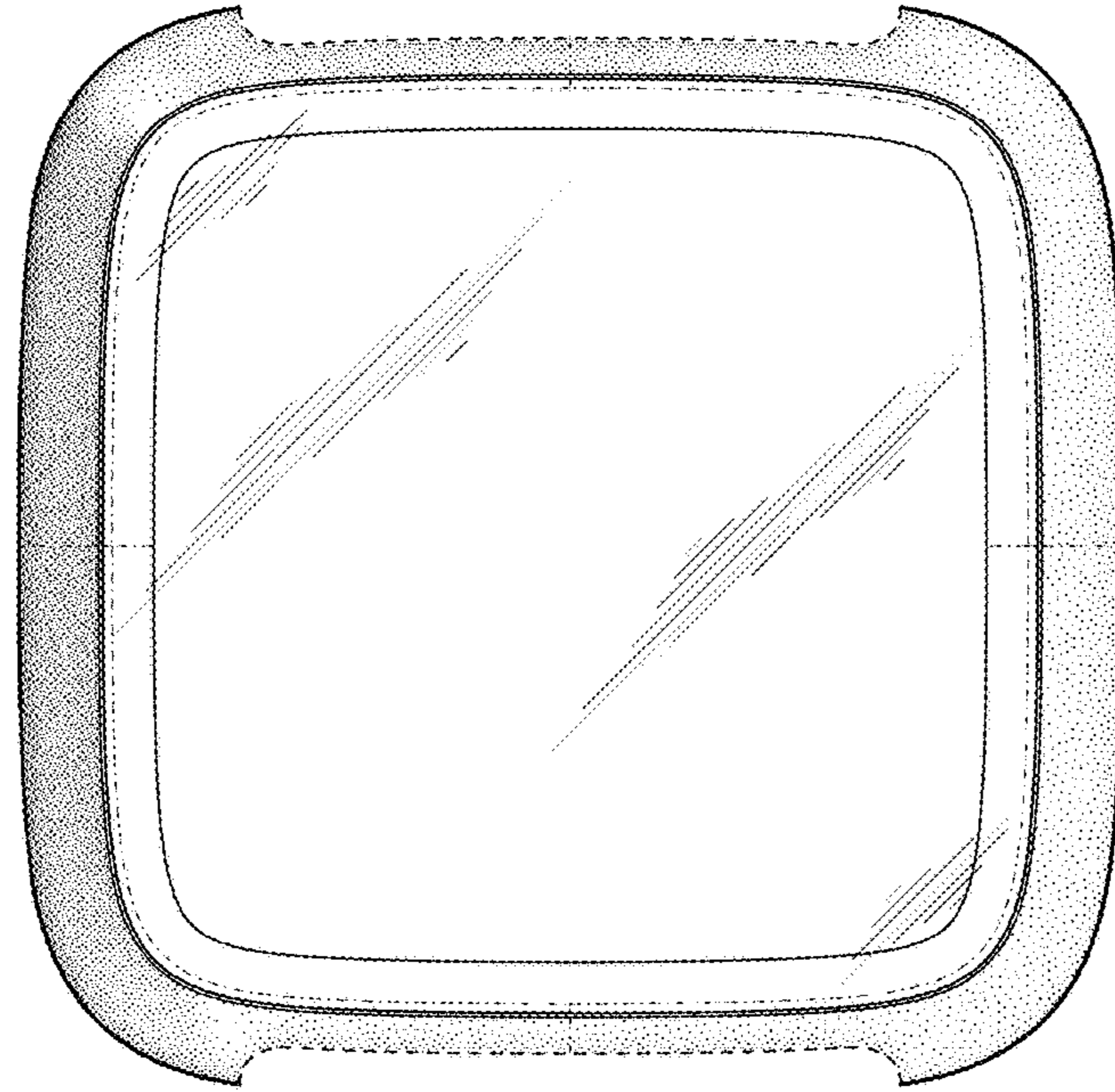


Figure 4

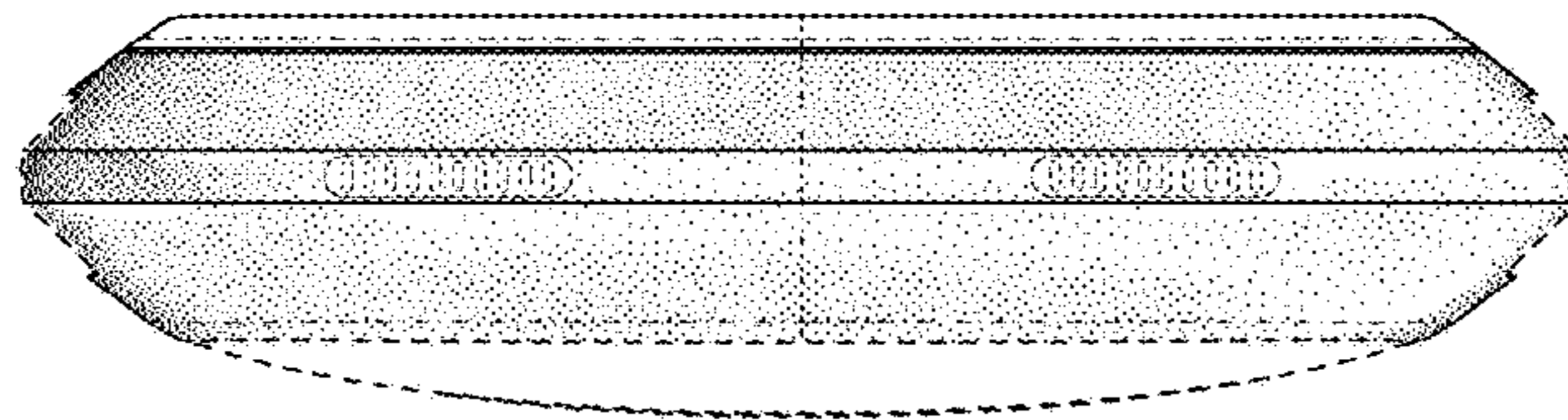


Figure 5

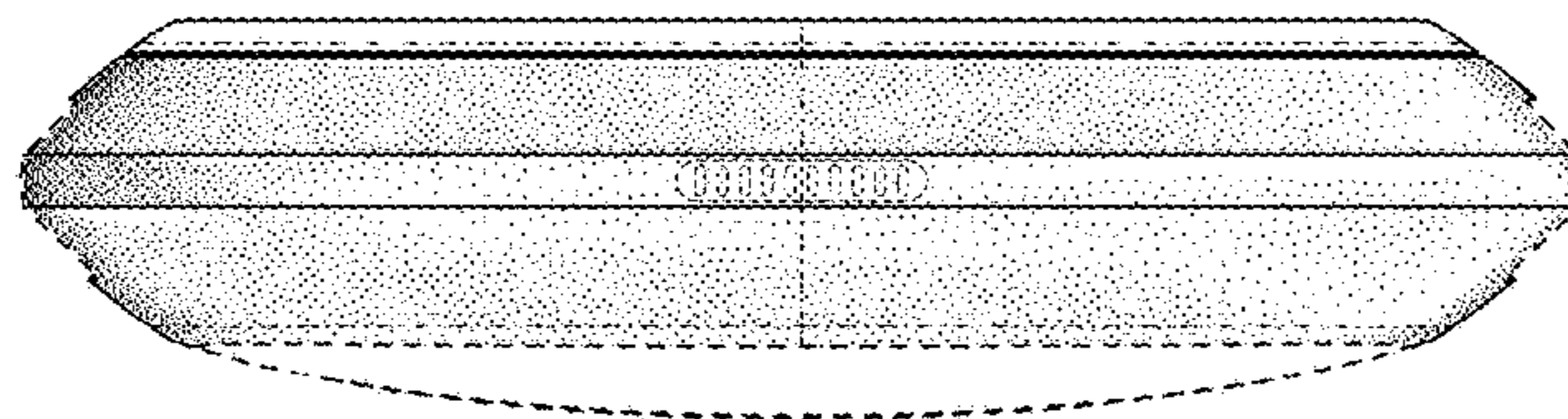


Figure 6

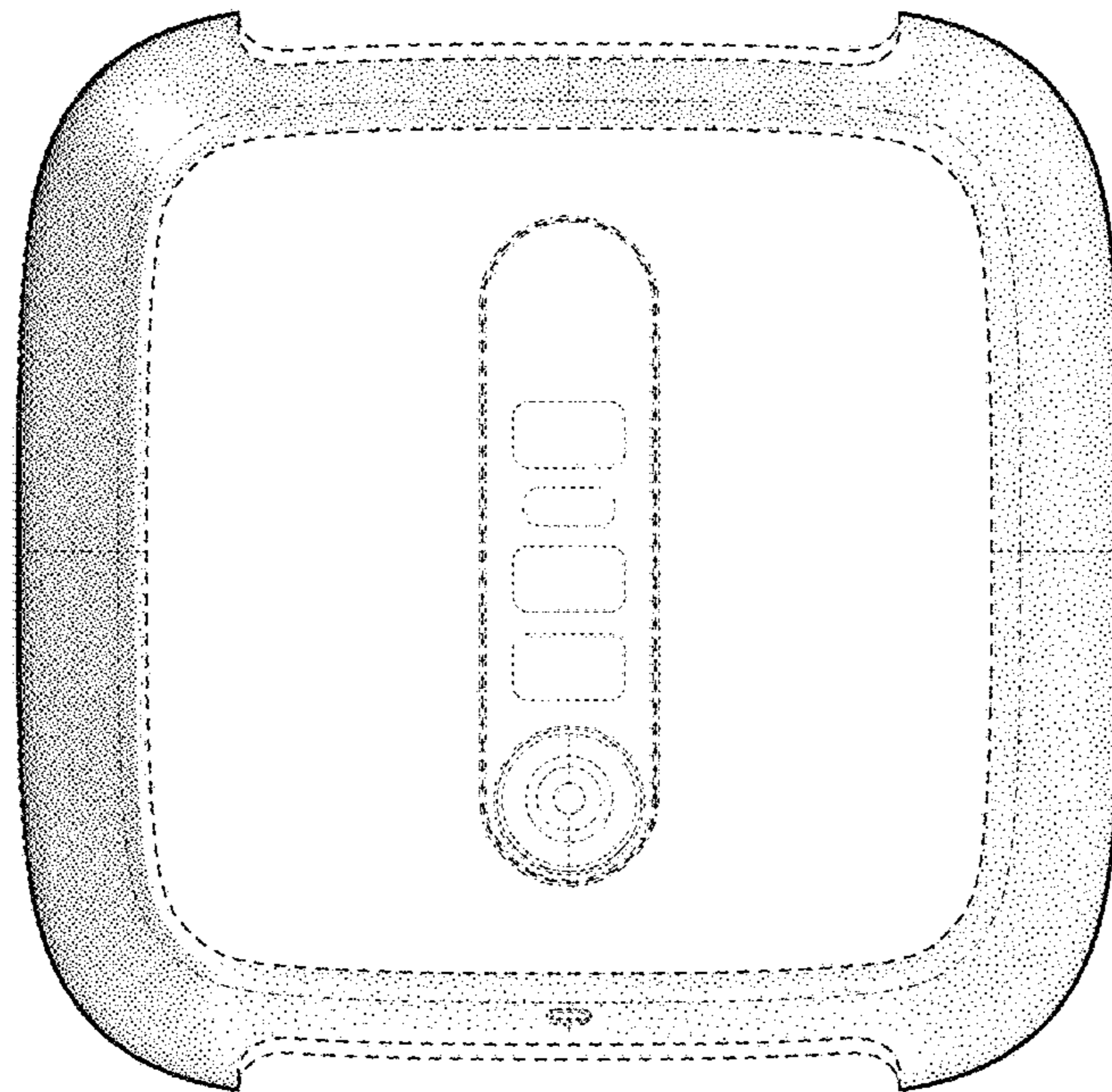


Figure 7

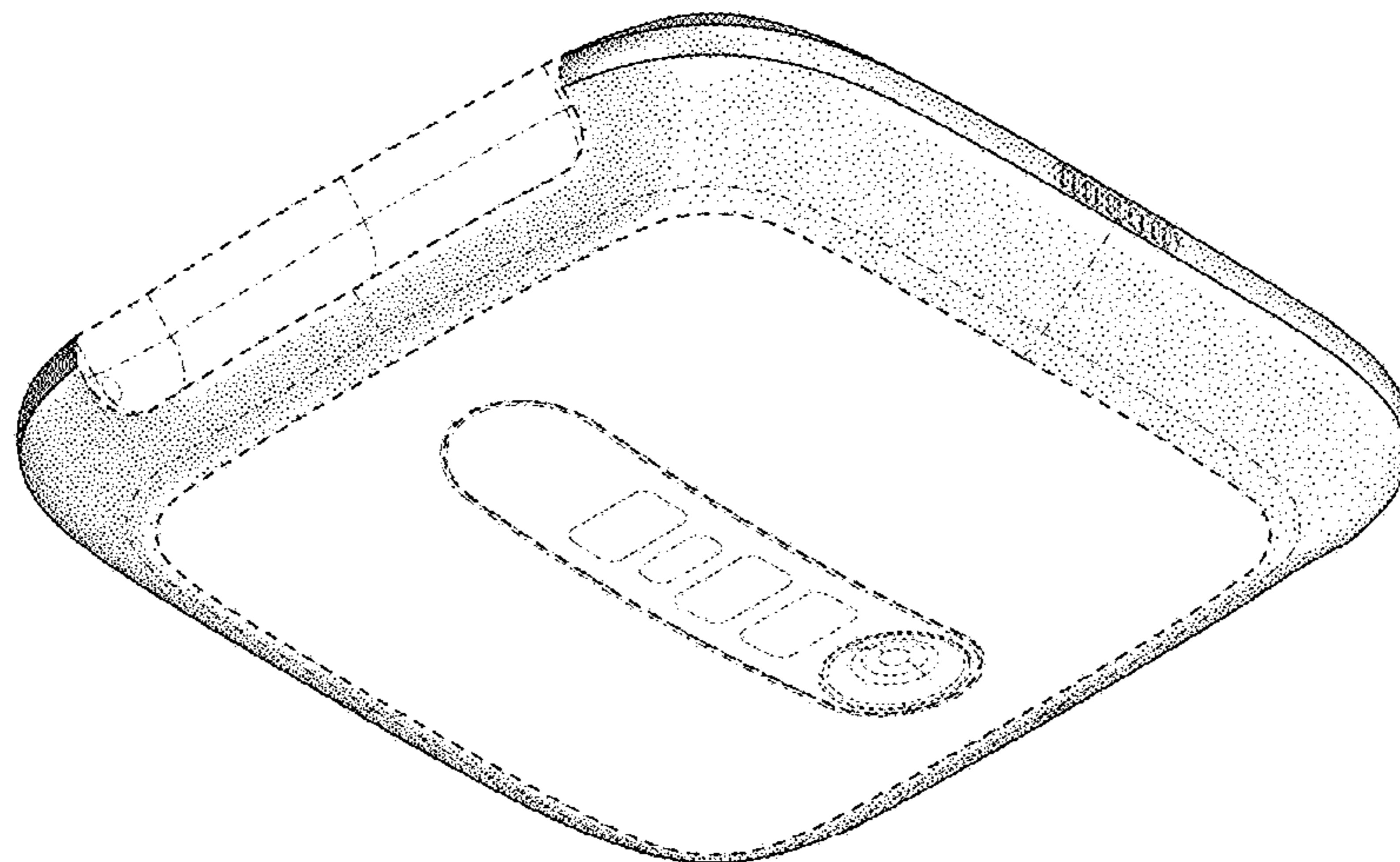


Figure 8