



US00D880732S

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

(10) **Patent No.:** **US D880,732 S**
(45) **Date of Patent:** **** Apr. 7, 2020**

- (54) **FLOOR UNDERLAYMENT**
- (71) Applicant: **Progress Profiles S.p.a.**, Asolo (IT)
- (72) Inventor: **Dennis Bordin**, Asolo (IT)
- (73) Assignee: **PROGRESS PROFILES S.P.A.** (IT)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/681,570**
- (22) Filed: **Feb. 26, 2019**

1,485,370 A 3/1924 Cumfer
 1,961,374 A 6/1934 Mazer
 2,421,171 A * 5/1947 Trautvetter B61D 23/00
 52/180
 2,502,642 A 4/1950 Currilin
 2,956,785 A 10/1960 Richl
 (Continued)

FOREIGN PATENT DOCUMENTS

CA 1186470 5/1985
 DE 2840149 3/1980
 (Continued)

Related U.S. Application Data

- (60) Division of application No. 29/573,009, filed on Aug. 2, 2016, now Pat. No. Des. 841,837, which is a continuation of application No. 15/185,576, filed on Jun. 17, 2016, now Pat. No. 9,726,383.

Foreign Application Priority Data

- (30) Apr. 13, 2016 (EM) 003067388-0001
- Apr. 13, 2016 (EM) 003067388-0002
- Apr. 13, 2016 (EM) 003067388-0003
- Apr. 13, 2016 (EM) 003067388-0004

- (51) **LOC (12) Cl.** **25-01**
- (52) **U.S. Cl.**
USPC **D25/158; D25/138**

- (58) **Field of Classification Search**
USPC D25/138, 142, 144, 152, 153, 156, 157,
D25/158, 159, 160, 161, 163, 199
CPC H05B 3/00; F24D 3/12; F24D 3/14; F24D
3/142; F24D 3/146; F24D 13/02; E04C
2/52; E04F 15/185
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

254,269 A 2/1882 Brown
 731,158 A 6/1903 Blackmore

OTHER PUBLICATIONS

Easy Heat—Genesee Ceramic Tile (on-line), dated Jul. 3, 2017. Retrieved from Internet Aug. 26, 2019, URL: <https://web.archive.org/web/20170703005309/http://gtile.com/product/easy-heat/> (1 page) (Year: 2017).*

(Continued)

Primary Examiner — Kevin K Rudzinski
Assistant Examiner — Kimberly Barnes
 (74) *Attorney, Agent, or Firm* — Sheridan Ross P.C.

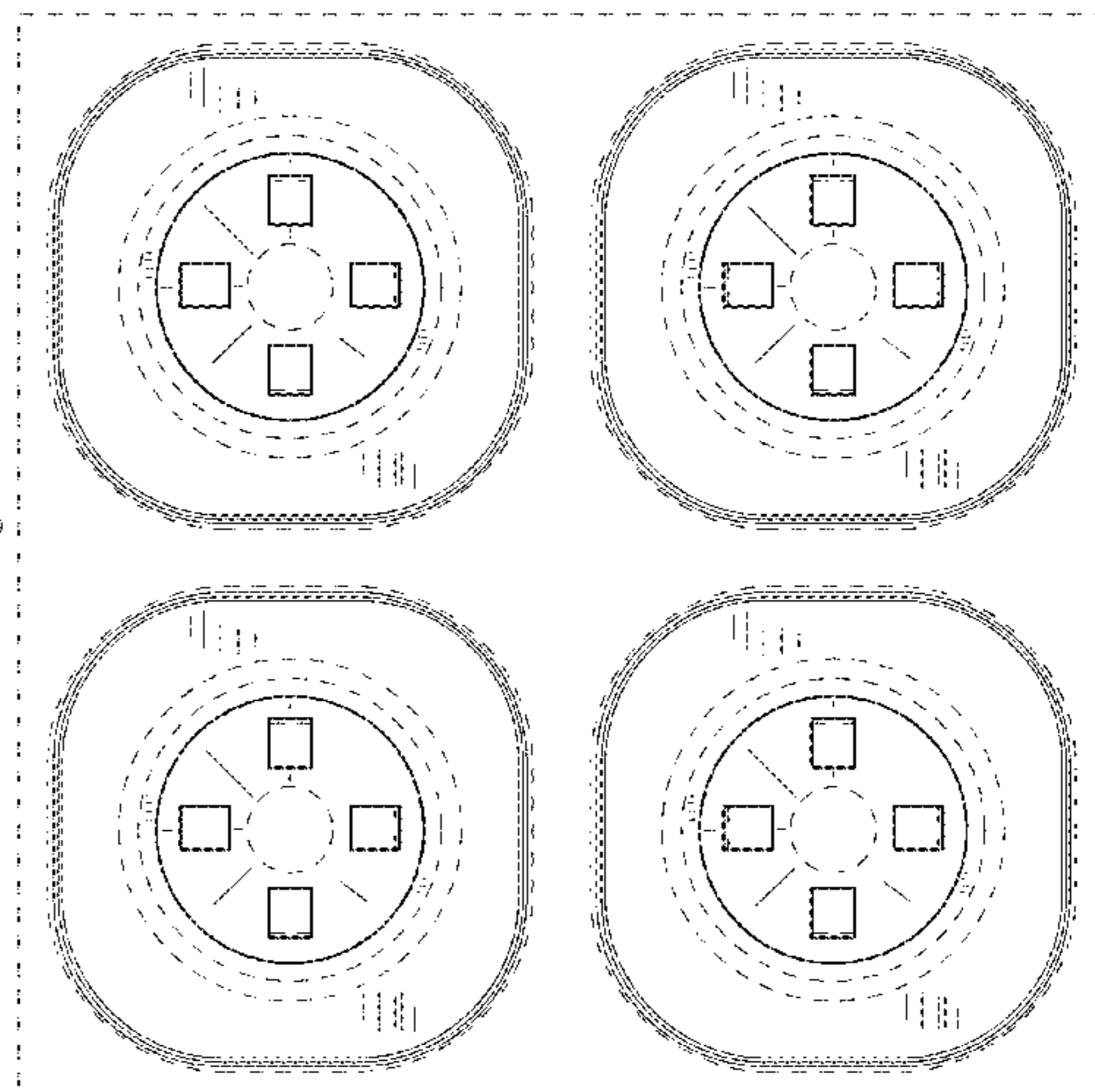
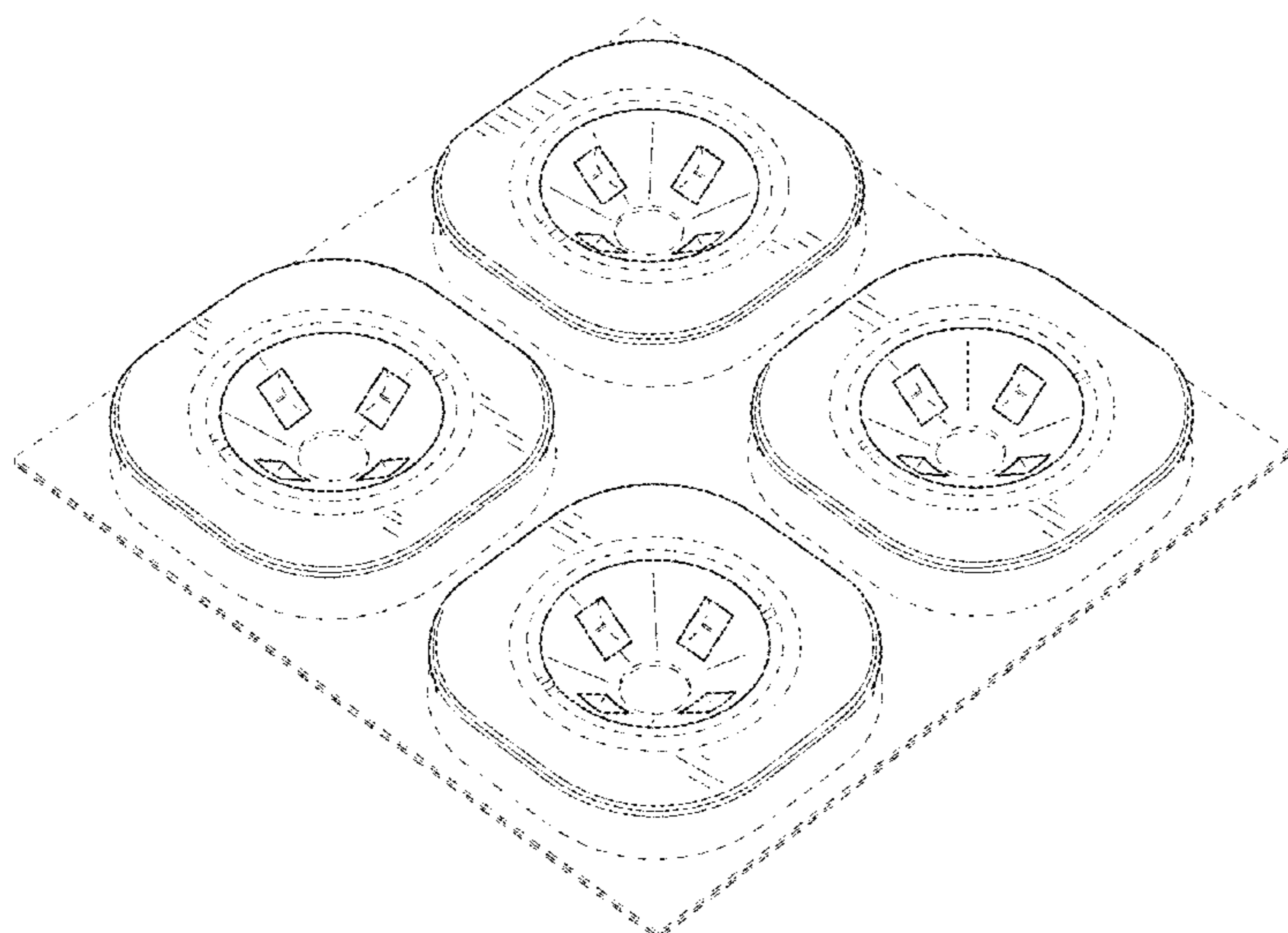
(57) **CLAIM**

The ornamental design for a floor underlayment, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a floor underlayment showing my new design;
 FIG. 2 is a top plan view thereof;
 FIG. 3 is a right elevation view thereof, which is identical to the left elevation view, the front elevation view, and the back elevation view; and,
 FIG. 4 is a bottom plan view thereof.
 The broken lines show portions of the floor underlayment which form no part of the claimed design.

1 Claim, 3 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

3,288,998 A 11/1966 Press, Jr.
 3,419,457 A 12/1968 Bleasdale
 3,495,367 A 2/1970 Kobayashi
 4,222,695 A 9/1980 Sarides
 4,250,674 A 2/1981 Feist
 4,326,366 A 4/1982 Werner
 4,338,994 A 7/1982 Hewing et al.
 4,576,221 A 3/1986 Fennesz
 4,640,067 A 2/1987 Hagemann et al.
 4,889,758 A 12/1989 Rinkewich
 4,923,733 A 5/1990 Herbst
 4,993,202 A 2/1991 Thiel
 5,042,569 A 8/1991 Siegmund
 5,052,161 A 10/1991 Whitacre
 5,082,712 A 1/1992 Starp
 5,105,595 A 4/1992 Tokei et al.
 5,374,466 A 12/1994 Bleasdale
 5,386,670 A 2/1995 Takeda et al.
 5,499,476 A 3/1996 Adams et al.
 D372,158 S 7/1996 Bonaddio et al.
 6,076,315 A 6/2000 Kondo
 6,539,681 B1 4/2003 Siegmund
 6,918,217 B2 7/2005 Jakob-Bamberg et al.
 D508,332 S 8/2005 Julton
 D541,396 S 4/2007 Fawcett et al.
 7,250,570 B1 7/2007 Morand et al.
 D587,358 S 2/2009 Stephan et al.
 7,585,556 B2 9/2009 Julton
 7,651,757 B2* 1/2010 Jones E04F 15/18
 428/158
 7,669,371 B2 3/2010 Hill
 D636,098 S 4/2011 Reynolds et al.
 8,002,241 B1 8/2011 Shaw
 8,176,694 B2 5/2012 Batori
 8,288,689 B1 10/2012 Adelman
 D706,459 S 6/2014 Schluter et al.
 8,950,141 B2 2/2015 Schluter et al.
 9,188,348 B2 11/2015 Smolka et al.
 D747,502 S 1/2016 Reynolds et al.
 D747,503 S 1/2016 Reynolds et al.
 9,248,492 B2 2/2016 Sullivan et al.
 9,328,520 B1 5/2016 Kriser
 9,416,979 B2 8/2016 Larson
 D773,697 S 12/2016 Amend
 9,518,746 B2 12/2016 Larson
 9,625,163 B2 4/2017 Larson
 9,719,265 B2 8/2017 Bordin et al.
 9,726,383 B1 8/2017 Bordin
 D797,957 S 9/2017 Larson
 9,777,931 B2 10/2017 Larson
 D806,274 S* 12/2017 Bordin D25/158
 D806,275 S* 12/2017 Bordin D25/158
 D806,276 S* 12/2017 Bordin D25/158
 D806,277 S* 12/2017 Bordin D25/158
 D806,278 S* 12/2017 Bordin D25/158
 D806,279 S* 12/2017 Bordin D25/158
 D806,280 S* 12/2017 Bordin D25/158
 D806,911 S* 1/2018 Faotto E04F 15/185
 D25/158
 D806,912 S* 1/2018 Bordin D25/158
 D810,324 S* 2/2018 Brousseau D25/157
 9,890,959 B2* 2/2018 Houle E04B 5/48
 D813,421 S 3/2018 Larson
 D817,521 S* 5/2018 Bordin D25/158
 D818,615 S* 5/2018 Bordin D25/158
 D818,616 S* 5/2018 Bordin D25/158
 D818,617 S* 5/2018 Bordin D25/158
 10,006,644 B2* 6/2018 Larson F24D 13/024
 D830,584 S* 10/2018 Comitale D25/138
 D832,467 S* 10/2018 Bordin D25/158
 10,100,517 B2* 10/2018 Liang E04B 5/48
 10,107,505 B2 10/2018 Larson
 D840,057 S* 2/2019 Faotto E04F 15/185
 D25/158
 D841,837 S 2/2019 Bordin

10,215,423 B2 2/2019 Bordin et al.
 D847,384 S* 4/2019 Faotto E04F 15/185
 D25/158
 D857,244 S* 8/2019 Faotto D25/138
 D857,933 S* 8/2019 Julton D25/158
 2007/0056233 A1 3/2007 Kang et al.
 2008/0017725 A1 1/2008 Backman, Jr.
 2008/0173060 A1 7/2008 Cymbalisty et al.
 2008/0290503 A1 11/2008 Karavakis et al.
 2008/0290504 A1 11/2008 Karavakis et al.
 2009/0026192 A1 1/2009 Fuhrman
 2009/0230113 A1 9/2009 Batori
 2014/0069039 A1 3/2014 Schluter et al.
 2016/0061355 A1 3/2016 Sherman et al.
 2016/0192443 A1* 6/2016 Schluter F24C 15/168
 174/97
 2017/0073980 A1 3/2017 Szonok
 2017/0175389 A1 6/2017 Liang et al.
 2017/0284108 A1 10/2017 Larson
 2017/0307228 A1 10/2017 Bordin
 2018/0051892 A1 2/2018 Bordin
 2018/0223543 A1* 8/2018 Faotto E04F 15/182
 2018/0299140 A1 10/2018 Larson
 2018/0372338 A1 12/2018 Larson
 2019/0226686 A1* 7/2019 White F24D 3/122

FOREIGN PATENT DOCUMENTS

DE 8413516 10/1984
 DE 3317131 11/1984
 DE 8429708 2/1985
 DE 3730144 4/1988
 DE 3543688 3/1990
 DE 4201553 11/1992
 DE 9114591 3/1993
 DE 29609497 8/1996
 DE 29822293 4/1999
 DE 19750277 5/1999
 DE 19936801 8/2000
 DE 19912922 1/2001
 DE 10040643 11/2001
 DE 202006013453 11/2006
 EP 0035722 9/1981
 EP 60547 9/1982
 EP 74490 3/1983
 EP 189020 7/1986
 EP 367176 5/1990
 EP 514684 11/1992
 EP 0582031 2/1994
 EP 0637720 2/1995
 EP 0811808 12/1997
 EP 0947778 10/1999
 EP 1068413 1/2001
 EP 1074793 2/2001
 EP 1096079 5/2001
 EP 1338413 8/2003
 EP 1134503 11/2003
 EP 1208332 3/2004
 EP 1460345 9/2004
 EP 1462727 9/2004
 EP 1770337 4/2007
 EP 1531306 2/2008
 EP 2466029 2/2015
 EP 2584272 5/2016
 FR 2695986 3/1994
 FR 2746426 9/1997
 GB 2097836 11/1982
 GB 2364565 1/2002
 GB 2373042 9/2002
 GB 2444241 6/2008
 JP H01-139935 6/1989
 JP H05-264051 10/1993
 JP 2008-025295 2/2008
 KR 1998-063147 11/1998
 KR 200152632 4/1999
 KR 200195437 6/2000
 KR 200387066 6/2005
 KR 100869841 11/2008
 KR 20090088978 8/2009

(56)

References Cited

FOREIGN PATENT DOCUMENTS

WO	WO 82/03099	9/1982
WO	WO 2004/111544	12/2004
WO	WO 2006/123862	11/2006
WO	WO 2008/098413	8/2008
WO	WO 2016/036365	3/2016

OTHER PUBLICATIONS

Nuheat Membrane Tile Uncoupling & Heating Contractors Direct (on-line), dated Sep. 25, 2017. Retrieved from Internet Aug. 26, 2019, URL: <https://web.archive.org/web/20170925163922/https://www.contractorsdirect.com/nuheat-tile-uncoupling-heating/reviews> (2 pages) (Year: 2017).*

Prodeso heat membrane—uncoupling waterproofing membrane for electric heating (on-line), no date available. Retrieved from Internet Aug. 26, 2019, URL: <https://www.progressprofiles.com/en/membrana-desolidarizzante-e-im-1> (4 pages).*

“5 Facts You May Not Know About Heated Flooring,” southcypress.com, Sep. 12, 2015, 4 pages [retrieved Aug. 3, 2016 from: <https://web.archive.org/web/20150912220312/http://www.southcypress.com/v3/articles/heated-flooring.htm>].

“Ditra Heat,” GlensFalls Tile & Supplies, Sep. 4, 2014, 1 page [retrieved Aug. 3, 2016 from: <http://www.glensfallstile.com/general-tips/ditra-heat/772/>].

“Illustrated price list BT 7,” Schlüter-Systems KG, Dec. 7, 28 pages.

“Wall Skimmer Octagonal Nut (on-line),” National Pool Wholesalers, dated Aug. 12, 2012, 1 page [retrieved from internet Nov. 18, 2016, URL: <https://web.archive.org/web/20120812084211/http://>

www.nationalpoolwholesalers.com/_Wall_Skimmer_Octagonal_Nut_-_SKU_PWSP17BUW.html].

M-D Building Products, Inc.’s Answer to Progress Profiles SPA’s Complaint, filed Oct. 23, 2018 (Case No. 5:18-CV-00890-R) 37 pages.

Defendants M-D Building Products, Inc. and Loxscreen Canada LTD.’s Preliminary Invalidity Contentions, filed Feb. 19, 2019 (Case No. 5:18-cv-00890-R) 202 pages.

Polypipe Brochure; “Redefining Heating Systems,” www.ufch.com; Polylumb: Hot & Cold Plumbing & Heating System; © 2006, Polypipe Group; Printed: Feb. 2007, 44 pages.

Schluter Systems, Profile of Innovation, Illustrated Price List, Jan. 1, 2008, 2 pages.

Official Action for Canadian Patent Application No. 2,935,062, dated Sep. 12, 2017, 6 pages.

Notice of Allowance for Canadian Patent Application No. 2,935,062, dated Jun. 7, 2018, 1 page.

Official Action for U.S. Appl. No. 15/185,576, dated Aug. 24, 2016 14 pages.

Official Action for U.S. Appl. No. 15/185,576, dated Jan. 19, 2017 12 pages.

Notice of Allowance for U.S. Appl. No. 15/185,576, dated Apr. 5, 2017 10 pages.

Official Action for U.S. Appl. No. 15/647,510, dated Jan. 11, 2019 9 pages.

Official Action for U.S. Appl. No. 15/185,576, dated Nov. 16, 2017 6 pages Restriction Requirement.

Official Action for U.S. Appl. No. 29/573,009, dated Feb. 2, 2018 5 pages.

Notice of Allowance for U.S. Appl. No. 29/573,009, dated Oct. 3, 2018 5 pages.

* cited by examiner

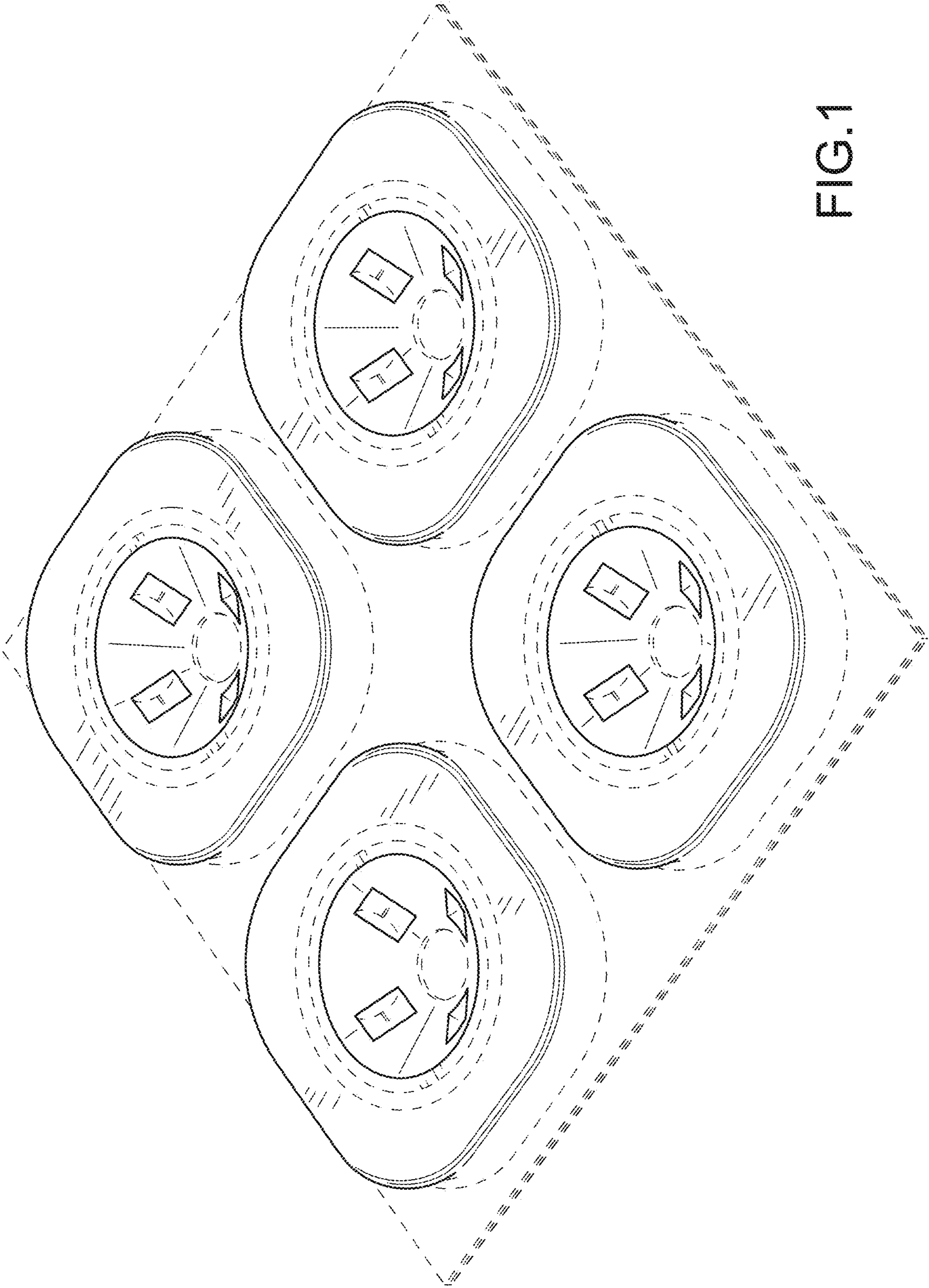


FIG. 1

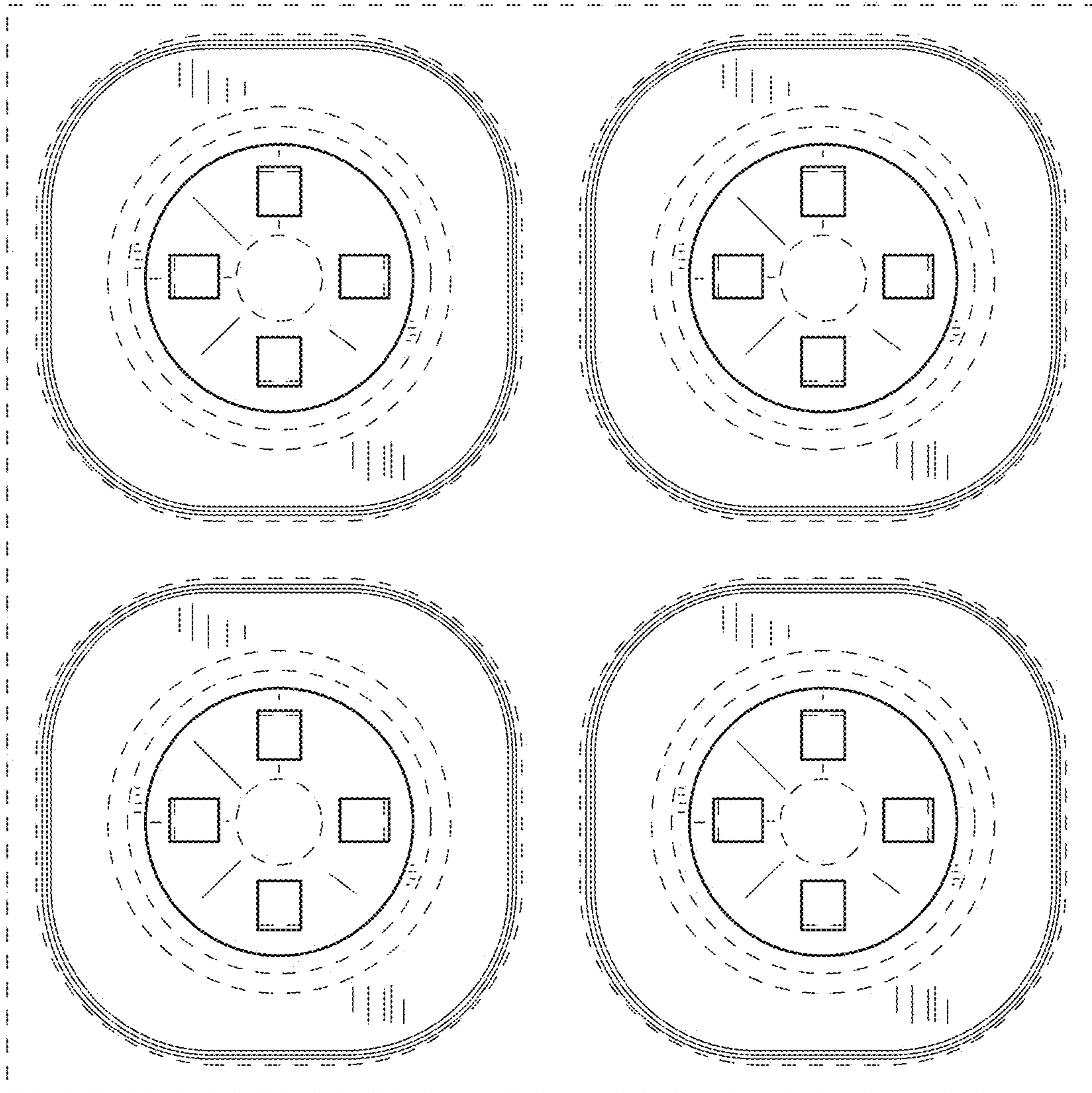


FIG. 2



FIG. 3

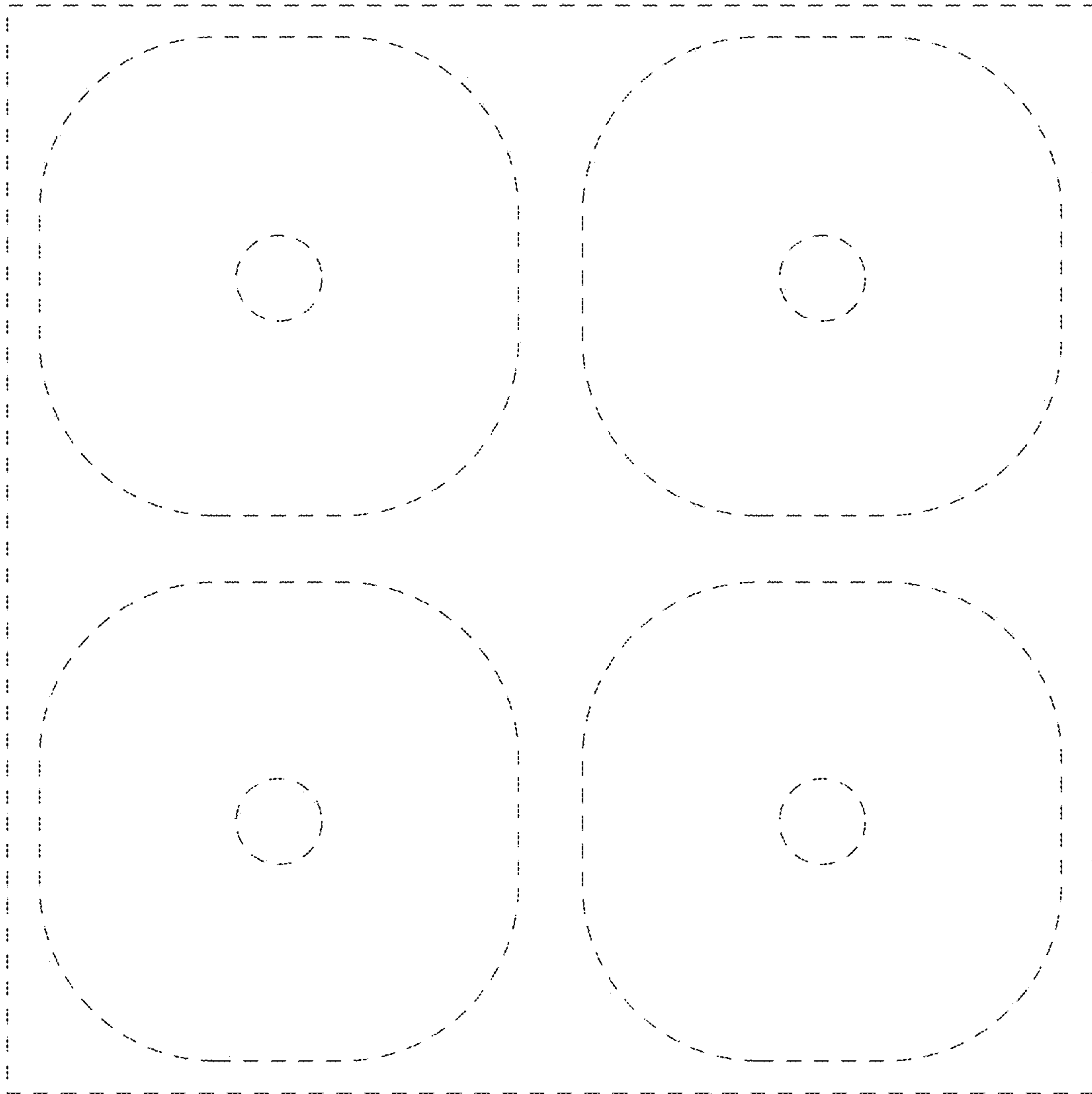


FIG.4