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(12) **United States Design Patent** (10) **Patent No.:** **US D889,567 S**  
**Comfort** (45) **Date of Patent:** **\*\* Jul. 7, 2020**

(54) **TRACK CONFIGURATION**  
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3,662,508 A 5/1972 Slayden  
3,696,549 A 10/1972 Zilius  
3,698,149 A 10/1972 Baker et al.  
3,752,476 A 8/1973 Mahoney  
3,782,729 A 1/1974 Ernst  
3,818,628 A 6/1974 Ensmann et al.  
3,837,648 A 9/1974 Breslow

(Continued)

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**FOREIGN PATENT DOCUMENTS**

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

CH 519346 2/1972  
DE 19938848 7/2000

(Continued)

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(51) **LOC (12) Cl.** ..... **21-01**

(52) **U.S. Cl.**  
USPC ..... **D21/565**; D21/564

(58) **Field of Classification Search**  
USPC ..... D21/340, 456, 567, 568, 564-565, D21/817-819  
CPC ..... A63H 29/08; A63H 18/00; A63H 33/009; A63F 7/36; A63F 7/28; A63F 7/24; A63F 7/34; A63F 9/24  
See application file for complete search history.

**OTHER PUBLICATIONS**

[https://www.alibaba.com/product-detail/55-Pieces-Wooden-Marble-Run-Game\\_448503046.html](https://www.alibaba.com/product-detail/55-Pieces-Wooden-Marble-Run-Game_448503046.html) (Year: 2020).\*

(Continued)

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(57) **CLAIM**

The ornamental design of the track configuration, as shown.

(56) **References Cited**

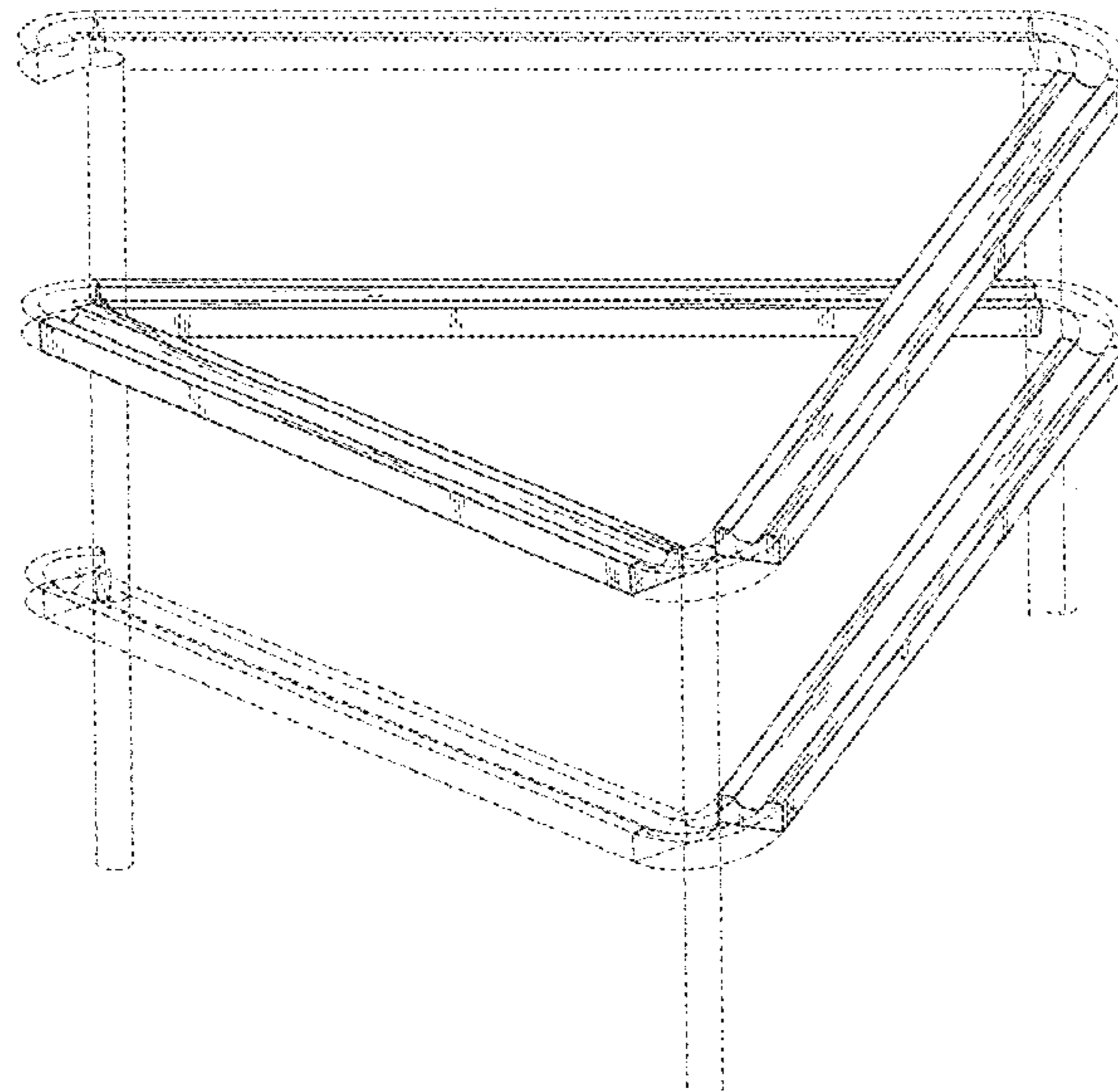
**U.S. PATENT DOCUMENTS**

1,334,954 A 3/1920 Jancek  
1,531,542 A 3/1925 Cogshall  
2,472,363 A 6/1949 Blackinton  
2,619,829 A 12/1952 Tatum  
2,662,336 A 12/1953 Zalkind  
2,729,914 A \* 1/1956 Cook ..... A63F 7/3622  
446/168  
2,886,909 A 5/1959 Hesse et al.  
2,998,673 A 9/1961 Rhodes  
3,028,704 A 4/1962 Rumbaugh  
3,034,254 A 5/1962 Christensen  
3,405,479 A 10/1968 Paulson  
3,466,044 A 9/1969 Somerville

**DESCRIPTION**

FIG. 1 is a perspective view of a track configuration;  
FIG. 2 is a front side view thereof;  
FIG. 3 is a back side view thereof;  
FIG. 4 is a top side view thereof;  
FIG. 5 is a bottom side view thereof;  
FIG. 6 is a left side view thereof; and,  
FIG. 7 is a right side view thereof.  
The broken lines shown in the drawings illustrate environmental subject matter and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

3,946,516 A 3/1976 Wirth  
 3,994,076 A 11/1976 Bertman et al.  
 4,003,144 A 1/1977 Maddestra et al.  
 4,037,355 A \* 7/1977 Street ..... A63F 7/3622  
 446/173  
 D248,887 S \* 8/1978 Tanaka ..... D21/564  
 4,274,221 A 6/1981 Boutet  
 D260,412 S \* 8/1981 Hirano ..... D21/564  
 4,378,116 A 3/1983 Rubik  
 4,405,131 A 9/1983 Horvath  
 D271,120 S \* 10/1983 Matsumoto ..... D21/564  
 D277,205 S \* 1/1985 Suzuki ..... D21/564  
 4,553,749 A \* 11/1985 Bender ..... A63F 7/3622  
 273/459  
 4,557,701 A 12/1985 Giallombardo  
 4,602,908 A 7/1986 Kroeber  
 4,650,437 A 3/1987 Sitkus  
 D289,666 S \* 5/1987 Udagawa ..... D21/564  
 D290,026 S 5/1987 Wichman  
 D290,028 S 5/1987 Wichman  
 D290,143 S 6/1987 Wichman  
 D290,145 S \* 6/1987 Wichman ..... D21/565  
 4,713,038 A \* 12/1987 Wichman ..... A63F 7/02  
 446/168  
 D294,044 S \* 2/1988 Wichman ..... D21/565  
 4,808,140 A 2/1989 Clavet  
 D300,644 S \* 4/1989 Udagawa ..... D21/564  
 D302,032 S \* 7/1989 Kamikawa ..... D21/564  
 4,874,342 A 10/1989 Klitsner  
 D305,044 S \* 12/1989 Klitsner ..... D21/565  
 D305,047 S \* 12/1989 Klitsner ..... D21/565  
 D305,443 S \* 1/1990 Klitsner ..... D21/565  
 D305,556 S \* 1/1990 Lo ..... D21/564  
 4,903,451 A 2/1990 Gresswell  
 4,932,917 A \* 6/1990 Klitsner ..... A63F 7/3622  
 446/168  
 4,942,700 A 7/1990 Hoberman  
 4,943,048 A \* 7/1990 Hentges ..... A63G 21/00  
 182/49  
 4,964,833 A 10/1990 Suzuki  
 4,971,246 A 11/1990 Goudis  
 5,007,876 A \* 4/1991 Klitsner ..... A63F 7/3622  
 446/168  
 5,024,031 A 6/1991 Hoberman  
 5,039,109 A 8/1991 Mahoney et al.  
 5,044,639 A 9/1991 Egging et al.  
 5,061,218 A 10/1991 Garage et al.  
 5,267,863 A 12/1993 Simmons, Jr.  
 5,273,276 A 12/1993 Warren  
 5,292,126 A 3/1994 Hanley  
 5,312,285 A \* 5/1994 Rieber ..... A63F 7/3622  
 273/109  
 5,314,367 A 5/1994 Schaefer  
 5,332,216 A 7/1994 Whipple  
 D350,784 S 9/1994 Nielsen et al.  
 5,344,143 A \* 9/1994 Yule ..... A63F 7/3622  
 273/118 R  
 5,386,994 A 2/1995 Baranowski  
 5,427,574 A \* 6/1995 Donnelly-Weide .... A63G 21/00  
 104/69  
 5,451,177 A 9/1995 Gilman  
 5,494,292 A 2/1996 Mileti  
 5,525,089 A 6/1996 Heinz  
 5,554,062 A 9/1996 Goldsen  
 5,709,581 A 1/1998 Rothbarth et al.  
 5,826,394 A 10/1998 Barton et al.  
 D403,028 S 12/1998 Barton, Jr. et al.  
 5,924,907 A 7/1999 Tobin  
 5,928,052 A 7/1999 Buscher  
 5,944,575 A 8/1999 Tolnay  
 5,947,870 A 9/1999 Hall et al.  
 D422,652 S \* 4/2000 Watanabe ..... D21/564  
 6,056,620 A 5/2000 Tobin

6,074,269 A \* 6/2000 Rothbarth ..... A63F 7/3622  
 238/10 R  
 D428,912 S 8/2000 Bolle  
 D430,231 S 8/2000 Sorensen et al.  
 D436,383 S \* 1/2001 Chesler ..... D21/404  
 D437,365 S \* 2/2001 Flicek ..... D21/456  
 D438,279 S \* 2/2001 Robertson ..... D21/818  
 6,248,026 B1 6/2001 Wanchena  
 6,250,634 B1 6/2001 Strain et al.  
 6,273,778 B1 8/2001 Kyster  
 6,293,800 B1 9/2001 Robertson  
 6,340,323 B1 1/2002 Glynn  
 D456,463 S 4/2002 Sorensen  
 D457,198 S \* 5/2002 Yamazaki ..... D21/456  
 6,427,926 B1 8/2002 Lai  
 D465,247 S 11/2002 Sorensen  
 6,536,763 B1 \* 3/2003 Braun ..... A63F 7/3622  
 273/118 R  
 6,568,679 B1 5/2003 Sommer  
 6,588,168 B2 7/2003 Walters  
 6,616,499 B1 9/2003 Sorensen  
 6,645,033 B1 11/2003 Thomsen  
 6,733,403 B2 5/2004 Courtright  
 D492,736 S 7/2004 Kato  
 D495,022 S \* 8/2004 Auberger ..... D21/818  
 D558,850 S \* 1/2008 Banta ..... D21/818  
 7,524,246 B2 4/2009 Briggs et al.  
 7,775,850 B2 \* 8/2010 Todokoro ..... A63H 23/10  
 446/156  
 D641,807 S \* 7/2011 Hornsby ..... D21/564  
 8,074,945 B2 \* 12/2011 Schoenau ..... F16L 5/14  
 248/316.6  
 8,540,545 B2 9/2013 Lelcht  
 D699,805 S \* 2/2014 Green ..... D21/818  
 D712,491 S \* 9/2014 Hornsby ..... D21/564  
 D718,823 S \* 12/2014 Cunningham ..... D21/565  
 9,345,979 B2 \* 5/2016 Matthes ..... A63H 18/06  
 9,409,097 B2 \* 8/2016 Comfort ..... A63H 18/02  
 9,421,473 B2 \* 8/2016 Ostendorff ..... A63H 18/023  
 9,452,366 B2 \* 9/2016 Schmid ..... A63H 18/06  
 9,457,284 B2 \* 10/2016 Ostendorff ..... A63H 18/02  
 9,925,471 B2 \* 3/2018 Flores ..... A63F 7/3622  
 2007/0060012 A1 \* 3/2007 Comfort ..... A63F 7/3622  
 446/168  
 2011/0070803 A1 3/2011 Hoffman et al.

FOREIGN PATENT DOCUMENTS

FR	2646096	10/1990
FR	2763514	11/1998
GB	867244	5/1961
JP	59500549	4/1984
JP	61103199	7/1986
JP	62061279	4/1987
JP	3053277	5/1991
JP	1094681	4/1998
JP	4619930	1/2011
WO	9426372	11/1994
WO	9835880	8/1998

OTHER PUBLICATIONS

<https://q-ba-maze.typepad.com/content/page/2/> (Year: 2008).  
[http://www.nikitiki.co.jp/toymakers/13/images/cuboro elements all.gif](http://www.nikitiki.co.jp/toymakers/13/images/cuboro_elements_all.gif), Mar. 9, 2006, 2 pgs.  
<http://www.nikitiki.co.jp/toymakers/16/menu/html>, Sep. 14, 2006, 1 pg.  
<http://www.taurustoy.com/> The Block and Marble Maze Construction System, Block-N-Roll™, Sep. 14, 2006, 2 pgs.  
<http://www.sommmercube.com/index.html>, Symmetry Under Transformation, Sommer Cube®, Mar. 9, 2006, 4 pgs.  
<http://www.klimba.ch/d/produkte/maxi.php>, Klimba-die klingende Kugelbahn, Mar. 20, 2006, 4 pgs.  
<http://www.klimba.ch/klimba2005/suissetoy05/pages/127-2729.html>, Klimba-die klingende Kugelbahn, Sep. 14, 2006, 2 pgs.  
<http://www.quercetti.com/construction.htm>, Quercetti Intelligent Toys—Marble Run, Mar. 11, 2005, 2 pgs.

(56)

**References Cited**

## OTHER PUBLICATIONS

<http://www.quercetti.com/new-2001/marblespiral.htm>, Quercetti Intelligent Toys—Marble Run #6558, Mar. 11, 2005, 1 pg.

<http://www.quercetti.com/new-2001/marblevortex.htm>, Quercetti Intelligent Toys—Marble Run #6538, Mar. 11, 2005, 1 pg.

<http://www.quercetti.com/new-2001/supermarble.htm>, Quercetti Intelligent Toys—Marble Run #6588, Mar. 11, 2005, 1 pg.

<http://www.quercetti.com/new-2001/marbletransparent.htm>, Quercetti Intelligent Toys—Marble Run #6546, Mar. 11, 2005, 1 pg.

<http://www.quercetti.com/marbles/supermarble.htm>, Quercetti Intelligent Toys—Marble Run, Mar. 11, 2005, 2 pgs.

<http://www.quercetti.com/new-2001/sky6440.htm>, Quercetti Intelligent Toys—Skyrail™ #6440, Mar. 11, 2005, 1 pg.

<http://www.quercetti.com/new-2001/skysuspension.htm>, Quercetti Intelligent Toys—Suspension #6450, Mar. 11, 2005, 2 pgs.

<http://www.quercetti.com/new-2001/skybase.htm>, Quercetti Intelligent Toys—Roller Coaster #6430, Mar. 11, 2005, 2 pgs.

<http://www.quercetti.com/new-2001/skyroller.htm>, Quercetti Intelligent Toys—Roller Coaster #6435, Mar. 11, 2005, 2 pgs.

<http://www.quercetti.com/new-2001/crazyrun.htm>, Quercetti Intelligent Toys—Crazyrun Magnetic #6410, Mar. 11, 2005, 1 pg.

[http://www.galttoys.com/ind\\_products.php?id=A0555K](http://www.galttoys.com/ind_products.php?id=A0555K), GALT Marble Run, Mar. 11, 2005, 1 pg.

[http://www.galttoys.com/ind\\_products.php?id=A0560E](http://www.galttoys.com/ind_products.php?id=A0560E), Galt Super Marble Run, Mar. 11, 2005, 1 pg.

[http://www.galttoys.com/ind\\_products.php?id=A0512](http://www.galttoys.com/ind_products.php?id=A0512), Galt Marble Racer-120, Mar. 11, 2005, 1 pg.

<http://www.frigits.com>, Frigits, Mar. 11, 2005, 2 pgs.

[http://www.educationaltoys.co.uk/acatalog/ET\\_Online\\_Catalogue\\_Marble\\_Runs\\_18html](http://www.educationaltoys.co.uk/acatalog/ET_Online_Catalogue_Marble_Runs_18html) Mar. 11, 2006, 4 pgs.

<http://www.scalino.de/site-eur/produkte/mk-gt-d.htm>, Glockenturn, Art. Nr. 641, Mar. 11, 2005, 1 pg.

<http://www.scalino.de/site-eur/produkte/gk-st0-d.htm>, Stufe 0, Art. Nr. 600, Mar. 11, 2005, 1 pg.

<http://www.scalino.de/site-eur/produkte/gk-st1-d.htm>, Stufe 1, Art. Nr. 601, Mar. 11, 2005, 1 pg.

<http://www.scalino.de/site-eur/produkte/gk-st2-d.htm>, Stufe 2, Art. Nr. 602, Mar. 11, 2005, 1 pg.

<http://www.scalino.de/site-eur/produkte/gk-st3-d.htm>, Stufe 3, Art. Nr. 603, Mar. 11, 2005, 1 pg.

[http://www.haba.de/Kugelbahn.kba.0html?&tx\\_habaproducts\\_pi1\[showUid\]=601&tx\\_hab . . .](http://www.haba.de/Kugelbahn.kba.0html?&tx_habaproducts_pi1[showUid]=601&tx_hab...), Haba: Erfinder für Kinder, Mar. 11, 2005, 2 pgs.

[http://www.haba.de/Kugelbahn.kba.0html?&tx\\_habaproducts\\_pi1\[showUid\]=588&tx\\_hab . . .](http://www.haba.de/Kugelbahn.kba.0html?&tx_habaproducts_pi1[showUid]=588&tx_hab...), Haba: Erfinder für Kinder, Mar. 11, 2005, 2 pgs.

<http://www.elc.co.uk/sku-107346/pl-Puzzles/p2-30/Product.do>, Marble Madness, Mar. 11, 2005, 1 pg.

[http://www.mastermindtoys.com/stor/product.asp?produc%5Fcode=47711&cat=0&brand . . .](http://www.mastermindtoys.com/stor/product.asp?produc%5Fcode=47711&cat=0&brand...), Block-N-Roll Deluxe Set, Mar. 11, 2005, 2 pgs.

<http://cuburo.ch>, Cuboro, The marble track for a lifetime, Swiss made, mod. dep., 1986-2005, 10 pgs.

International Search Report and Written Opinion for related PCT Application PCT/US2013/050151, dated Oct. 9, 2013, 10 pgs.

\* cited by examiner

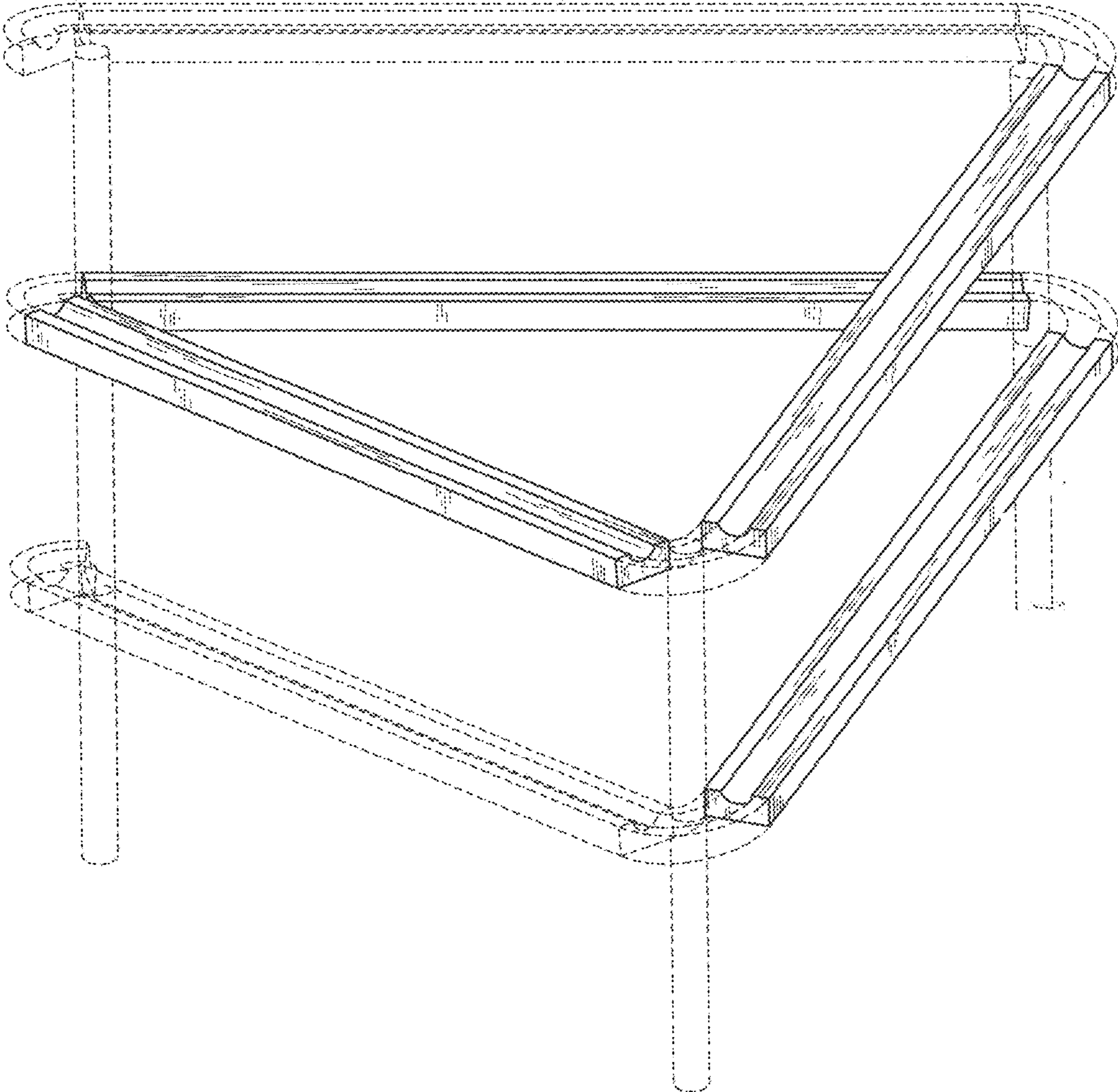


FIG. 1

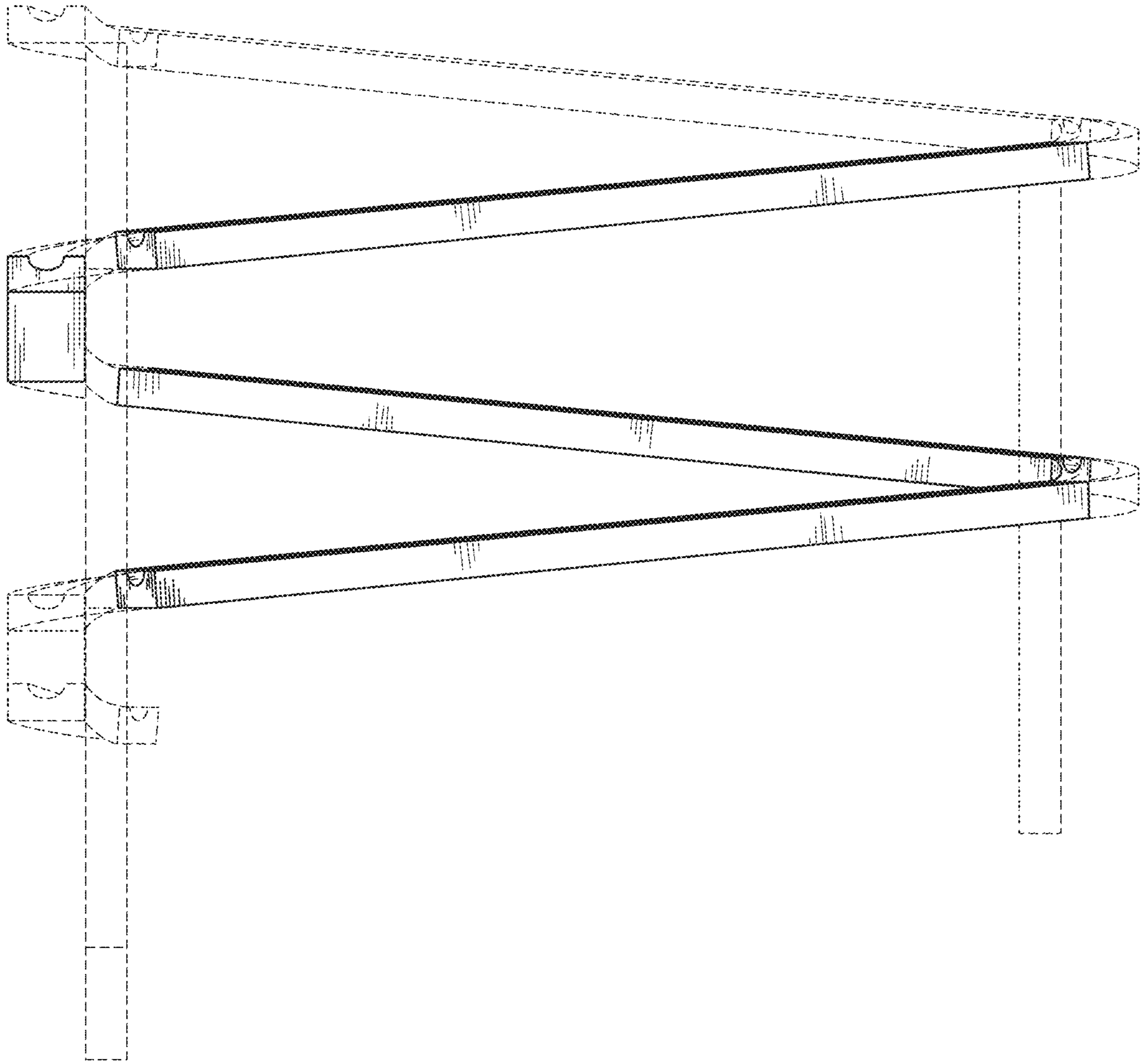


FIG. 2

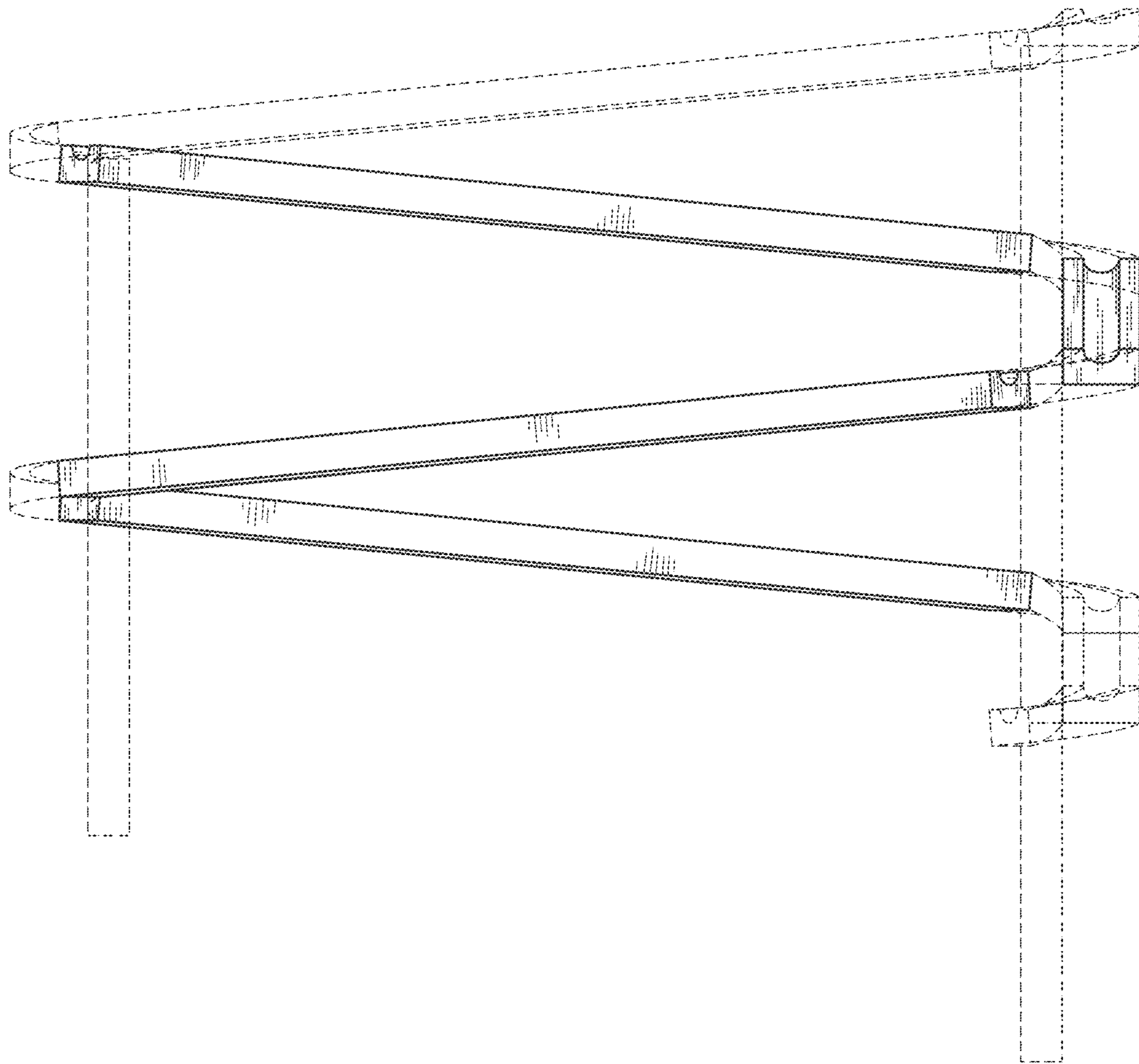


FIG. 3

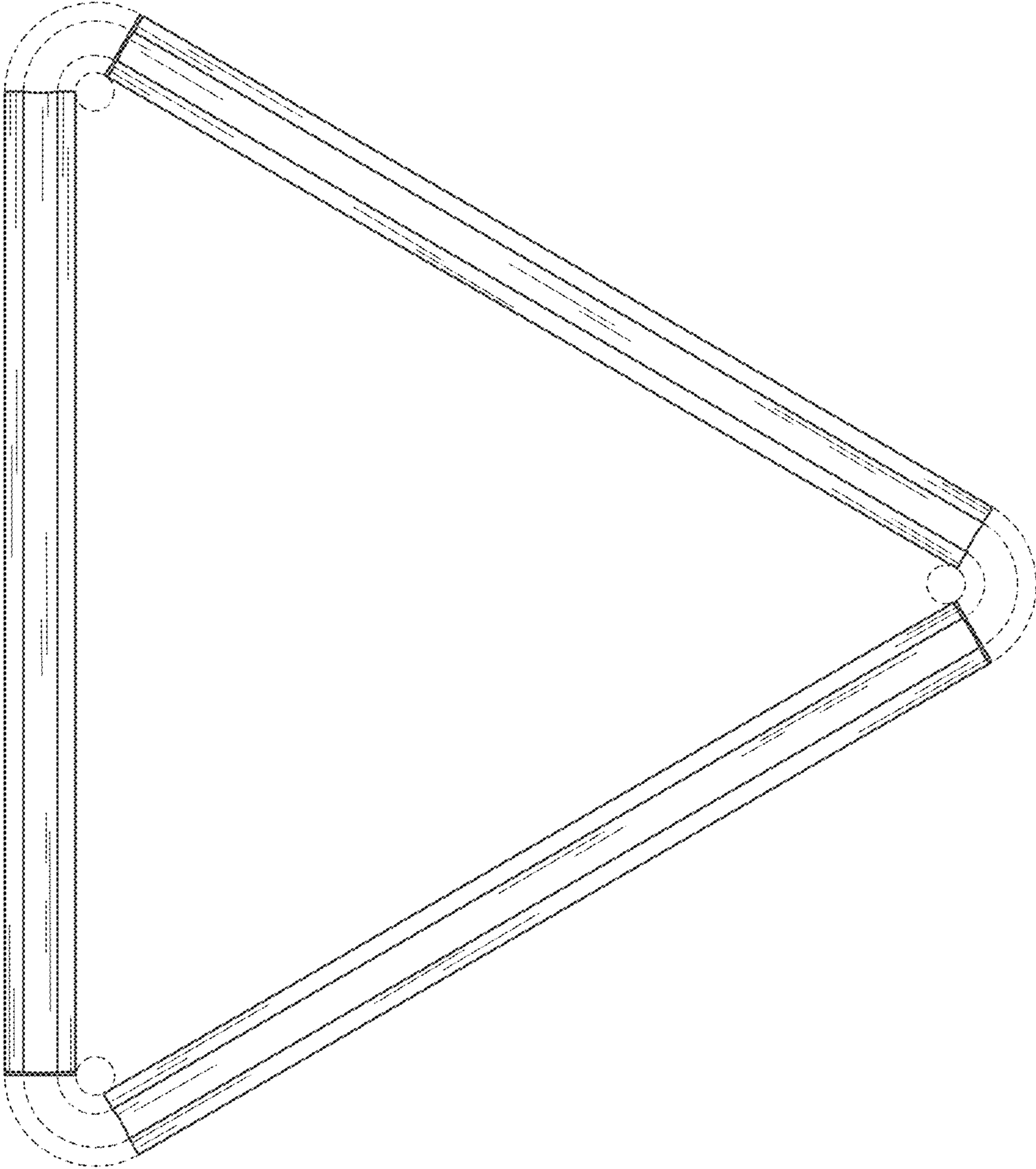


FIG. 4

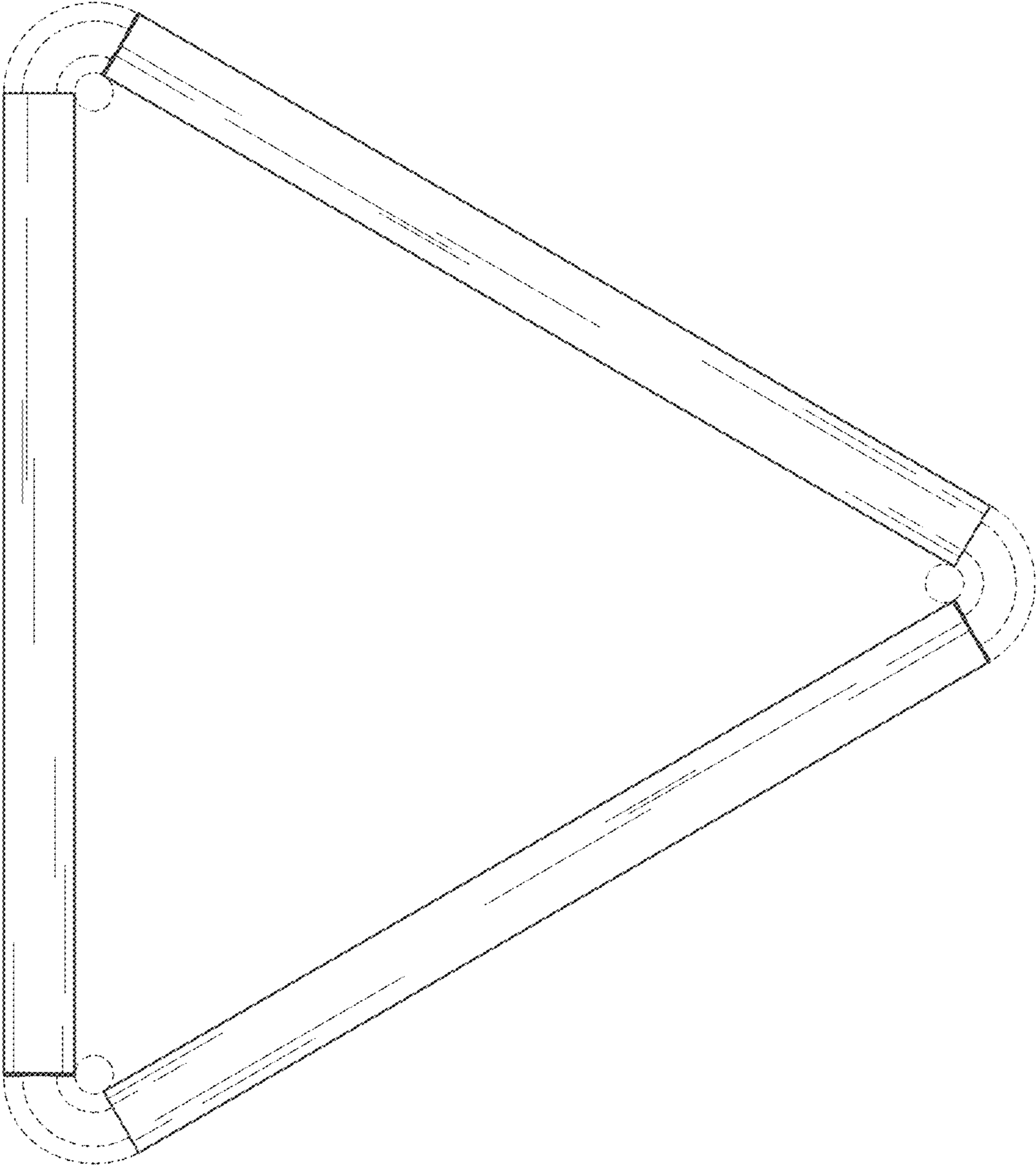


FIG. 5



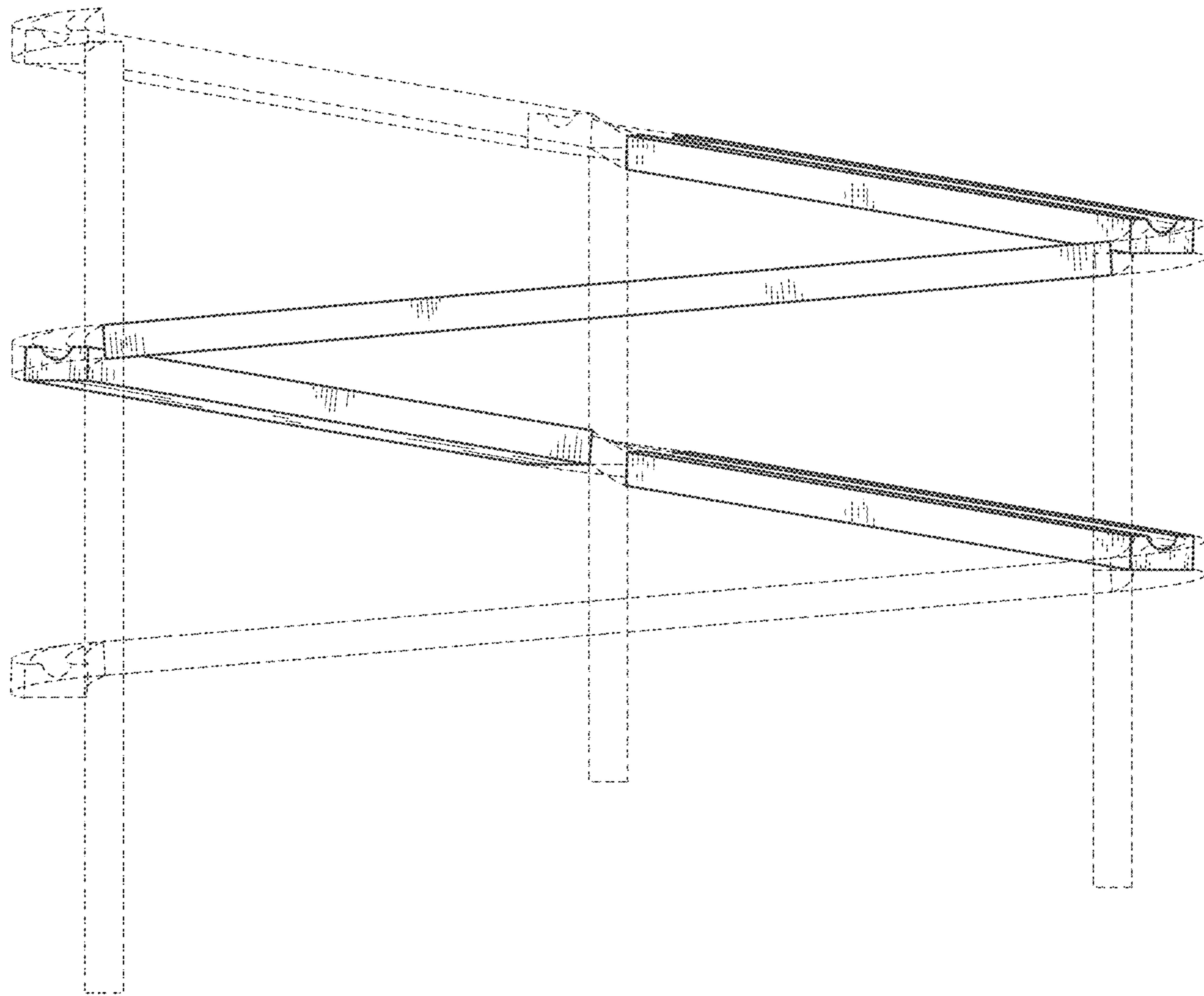


FIG. 6

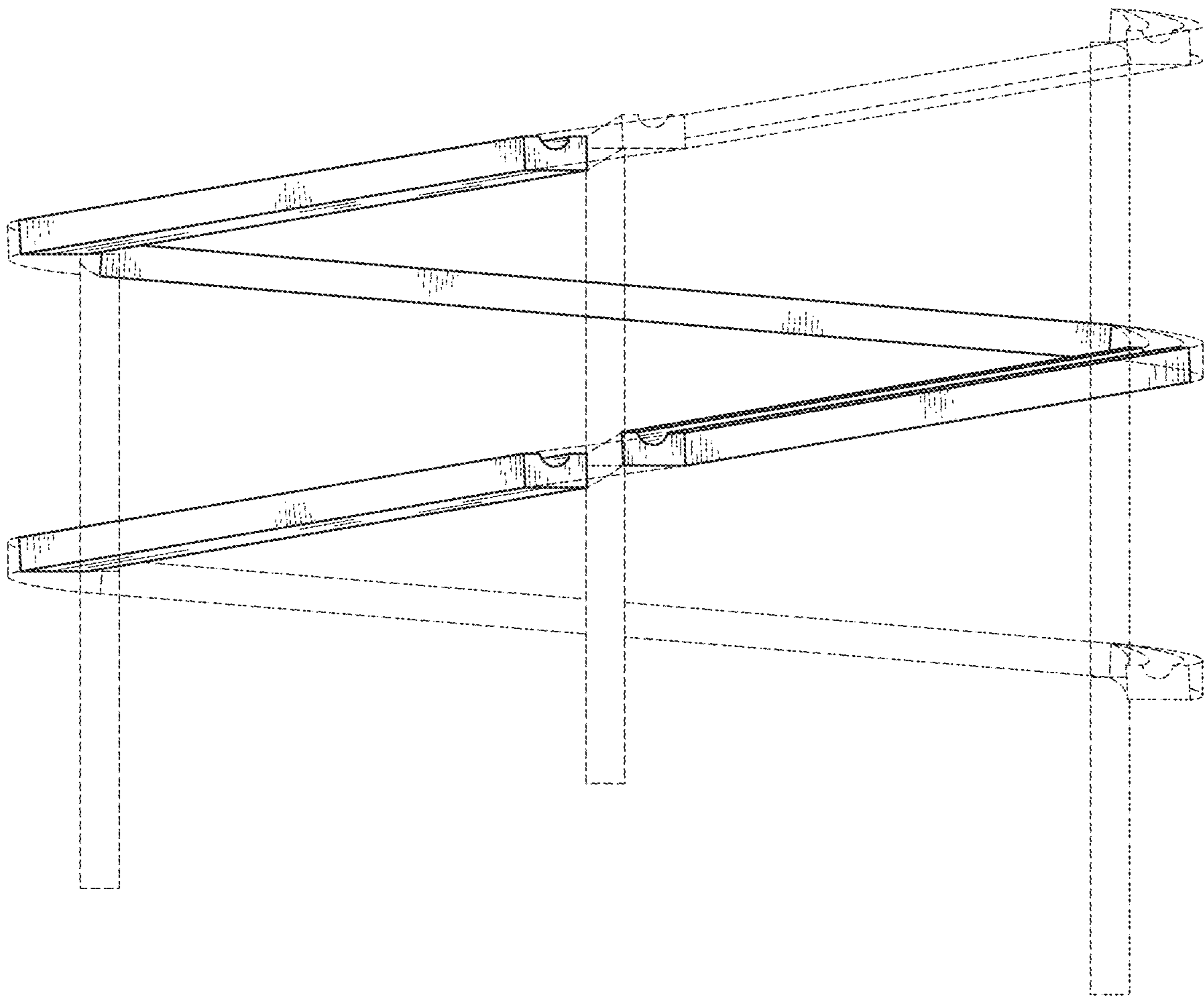


FIG. 7