



US00D936846S

(12) **United States Design Patent** (10) **Patent No.:** **US D936,846 S**
Eaves, III et al. (45) **Date of Patent:** **** Nov. 23, 2021**

(54) **MEDICAL ARTICLE FOR TREATING A WOUND AND/OR SCAR TISSUE**
 (71) Applicant: **EMRGE, LLC**, Atlanta, GA (US)
 (72) Inventors: **Felmont F. Eaves, III**, Atlanta, GA (US); **David O. Kazmer**, Georgetown, MA (US); **Gary W. Knight**, Lebanon, OH (US); **Timothy G. Dietz**, Reading, MA (US); **William Eugene Clem**, Bozeman, MT (US)

(73) Assignee: **EMRGE, LLC**, Atlanta, GA (US)

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

(21) Appl. No.: **29/715,409**

(22) Filed: **Dec. 2, 2019**

Related U.S. Application Data

(63) Continuation of application No. 29/622,936, filed on Oct. 20, 2017, now Pat. No. Des. 876,641.

(51) **LOC (13) Cl.** **24-01**

(52) **U.S. Cl.**
 USPC **D24/189**

(58) **Field of Classification Search**
 USPC D24/188-192, 206; D28/27, 39, 42, 75
 CPC . A61B 17/08; A61B 17/085; A61B 17/00491;
 A61B 17/064; A61B 17/10; A61B 50/33;
 A61B 90/53; A61B 2017/00862; A61B
 2017/00951

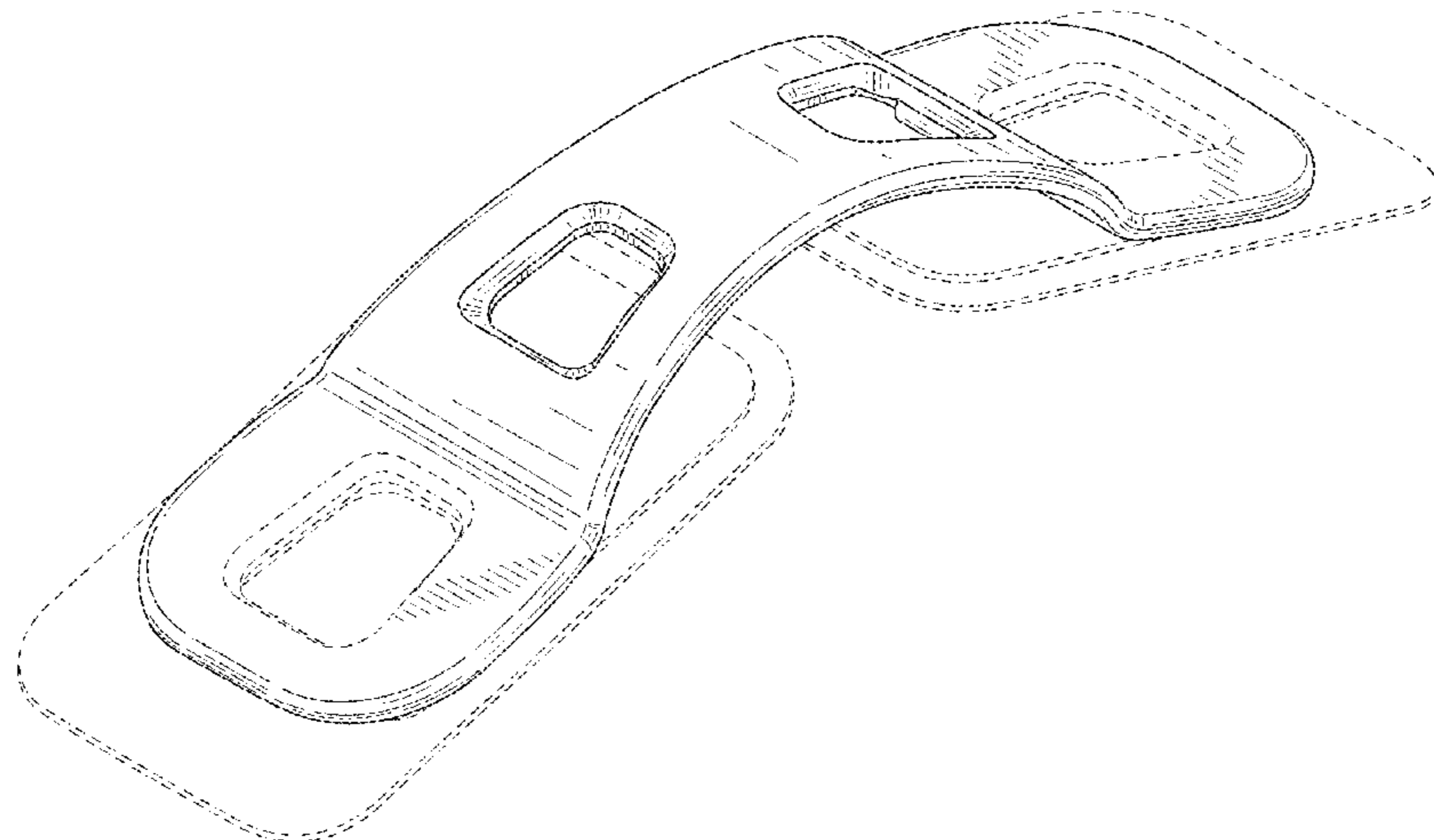
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

815,264 A	3/1906	Chambers	
1,248,450 A	3/1917	Burke	
1,908,229 A	5/1933	Dyer	
2,254,620 A	9/1941	Miller	
2,341,121 A	9/1942	Schaaff	
D134,810 S *	1/1943	Tawdish D28/42
2,371,978 A	3/1945	Perham	
2,421,193 A	5/1947	Gardner	

2,979,671 A	6/1954	Garber, Jr.
2,912,735 A	2/1957	Johnson et al.
3,068,870 A	3/1960	Levin
3,014,483 A	12/1961	McCarthy
3,082,773 A	3/1963	Renstrom et al.
3,120,687 A	2/1964	Greening et al.
3,487,836 A	1/1970	Niebel et al.
3,625,220 A	12/1971	Engelsher
3,695,271 A	10/1972	Chodorow
3,831,608 A	8/1974	Kletschka et al.
3,861,008 A	1/1975	Wannag
4,011,639 A	3/1977	Koleske
4,275,736 A	6/1981	Chodorow
D260,681 S	9/1981	Chodorow et al.
4,506,669 A	3/1985	Blake, III
4,539,990 A	9/1985	Stivala
4,646,731 A	3/1987	Brower
4,702,251 A	10/1987	Sheehan
D293,717 S	1/1988	Proulx et al.
4,734,320 A	3/1988	Ohira et al.
4,742,826 A	5/1988	McLorg
4,815,468 A	3/1989	Annand
4,825,866 A	5/1989	Pierce
5,047,047 A	9/1991	Yoon
5,127,412 A	7/1992	Cosmetto et al.
5,176,703 A	1/1993	Peterson
5,230,701 A	7/1993	Meyer et al.
5,236,440 A	8/1993	Hlavacek
5,366,480 A	11/1994	Corriveau et al.
D354,134 S	1/1995	Tanaka
D359,144 S	6/1995	Healzer et al.
5,489,083 A	2/1996	Rollor
5,549,713 A	8/1996	Kim
5,562,705 A	10/1996	Whiteford
5,630,430 A	5/1997	Shultz et al.
5,775,345 A	7/1998	Chou
D407,489 S	3/1999	Kalat
5,947,917 A	9/1999	Carte et al.
5,947,998 A	9/1999	Cartmell et al.
6,176,868 B1	1/2001	Detour
6,196,228 B1	3/2001	Kreitzer et al.
6,559,350 B1	5/2003	Tetreault et al.
6,894,204 B2	5/2005	Dunshee
D530,420 S	10/2006	Chesnin
7,332,641 B2	2/2008	Lebner et al.
7,683,234 B2	3/2010	Gurtner et al.
8,157,839 B2	4/2012	Riskin et al.
8,183,428 B2	5/2012	Gurtner et al.
8,246,590 B2	8/2012	Hu et al.
D667,167 S	9/2012	Stewart
D671,265 S	11/2012	Stewart
8,323,313 B1	12/2012	Belson et al.
D674,544 S	1/2013	Stewart



8,395,011	B2	3/2013	Zepeda et al.	
8,435,221	B2	5/2013	Hu et al.	
D683,860	S	6/2013	Quimby	
D690,020	S *	9/2013	Quimby	D24/191
8,562,576	B2	10/2013	Hu et al.	
8,592,640	B2	11/2013	Zepeda et al.	
8,674,164	B2	3/2014	Zepeda et al.	
8,834,434	B2	9/2014	Hu et al.	
8,915,942	B2	12/2014	Zhang	
9,028,529	B2	5/2015	Riskin et al.	
9,050,086	B2	6/2015	Belson et al.	
9,089,328	B2	7/2015	Belson et al.	
9,119,620	B2	9/2015	Peterson et al.	
D754,862	S *	4/2016	Huff	D24/189
9,301,760	B2	4/2016	Fox	
9,421,133	B2	8/2016	Hu et al.	
9,492,171	B2	11/2016	Patenaude	
9,517,163	B2	12/2016	Goldman et al.	
D780,317	S	2/2017	Vandervoort	
9,603,596	B2	3/2017	Riskin et al.	
9,649,226	B2	5/2017	Zepeda et al.	
D790,072	S	6/2017	Hiebert	
D811,609	S *	2/2018	Huff	D24/189
D815,747	S *	4/2018	Kellock	A47C 7/38 D24/190
9,974,532	B2	5/2018	Baas et al.	
10,064,616	B2	9/2018	Lear et al.	
D831,220	S	10/2018	Chase et al.	
10,213,350	B2	2/2019	Jackson et al.	
10,327,774	B2	6/2019	Eaves	
D862,695	S	10/2019	Eaves, III et al.	
10,426,479	B2	10/2019	Vold et al.	
10,517,768	B2	12/2019	Zepeda et al.	
D876,641	S *	2/2020	Eaves, III	D24/189
D876,653	S *	2/2020	Heller	D24/190
D918,400	S *	5/2021	Ma	D24/192
2002/0111641	A1	8/2002	Peterson et al.	
2003/0221700	A1	12/2003	La Fauci	
2005/0080453	A1	4/2005	Lebner	
2005/0193527	A1	9/2005	Gould	
2006/0200198	A1	9/2006	Riskin et al.	
2009/0125052	A1	5/2009	Pinna et al.	
2009/0151128	A1	6/2009	Gould	
2009/0240186	A1	9/2009	Frang	
2009/0259203	A1	10/2009	Hu et al.	
2010/0051046	A1	3/2010	Stevenson et al.	
2010/0081983	A1	4/2010	Zocher	
2010/0228287	A1	9/2010	Jeekel	
2010/0236566	A1	9/2010	Stachowski	
2010/0262126	A1	10/2010	Hu et al.	
2011/0004173	A1	1/2011	Hu et al.	
2011/0023906	A1	2/2011	Tu	
2011/0040325	A1	2/2011	Moehrle	
2011/0054547	A1	3/2011	Anderson	
2011/0105963	A1	5/2011	Hu et al.	
2011/0152738	A1	6/2011	Zepeda et al.	
2012/0172779	A1	7/2012	Spinelli et al.	
2012/0221044	A1	8/2012	Archiblad et al.	
2013/0150899	A1	6/2013	Sixto, Jr. et al.	
2013/0178897	A1	7/2013	Wu et al.	
2013/0282049	A1	10/2013	Peterson et al.	
2014/0066943	A1	3/2014	Sixto, Jr. et al.	
2014/0107597	A1	4/2014	Hu et al.	
2014/0128819	A1	5/2014	Eaves	
2014/0227483	A1	8/2014	Eaves	
2014/0243901	A1	8/2014	Mebarak et al.	
2014/0336701	A1	11/2014	McLorg	
2015/0005722	A1	1/2015	Hu et al.	
2015/0012037	A1	1/2015	Goldman et al.	
2015/0112311	A1	4/2015	Hammond et al.	
2015/0305739	A1	10/2015	Rolandi et al.	
2016/0324693	A1	11/2016	Hu et al.	
2017/0049630	A1	2/2017	Goldman et al.	
2017/0071596	A1	3/2017	Lear et al.	
2017/0333039	A1	11/2017	Leung	
2018/0125492	A1	5/2018	Eaves	
2018/0303483	A1	10/2018	Zhang	
2018/0338757	A1	11/2018	Lear et al.	
2018/0353335	A1	12/2018	Walker	

2019/0038474	A1	2/2019	Eaves	
2019/0133582	A1 *	5/2019	Eaves	A61B 17/10
2019/0261989	A1	8/2019	Eaves	

FOREIGN PATENT DOCUMENTS

AU	2012236205	B2	8/2016
AU	2016262734		12/2016
CA	2830918	A1	10/2012
CN	1889903	A	1/2007
CN	101606856	A	12/2009
CN	101828939	B	9/2010
CN	201683935	U	12/2010
CN	103892877	A	7/2014
CN	105147344	A	12/2015
CN	205144638	U	4/2016
CN	103533900	B	12/2016
EP	2691029	A2	2/2014
FR	419096		10/1910
FR	794710		2/1936
JP	2011-500170	A	1/2011
JP	2014-516288		7/2014
KR	10-2009-0066415		6/2009
KR	10-2014-0020993		2/2014
TW	M340039	U	9/2008
WO	02/26181	A1	4/2002
WO	2006/124671	A2	11/2006
WO	2009049232	A1	4/2009
WO	2011019859	A2	2/2011
WO	2013188884	A1	6/2012
WO	2012/135735		10/2012
WO	2013/059600		4/2013
WO	2013/059600	A1	4/2013
WO	2018/075879	A1	4/2014
WO	2016/107897	A1	7/2016
WO	2017/079782	A1	5/2017
WO	2018/075879		4/2018
WO	2021/072021	A1	4/2021

OTHER PUBLICATIONS

Kyle Design. Hair Barrettes Made In France—Extra Large 4" Blank Metal. No date specified. <https://www.kyledesigns.com/hair-barrettes-made-in-france-extra-large-4-blank-metal/> (Year: 0).*

Partial Supplementary European Search Report in related European Application No. 17861546.4 dated Apr. 22, 2020, pp. 1-12 [US Publication No. 2014/0128819 previously cited.].

Search Report in related European Application No. 17861546.4 dated Jul. 31, 2020, pp. 1-10 [All references previously cited.].

Japanese Notice of Reasons for Rejection in related JP Application No. 2014-502866, dated Oct. 3, 2016; 9 pages.

Supplementary Partial European Search Report for EP Application No. 12762897, dated Dec. 23, 2014, 7 pages.

International Search Report and Written Opinion issued in PCT/US2012/031638 dated Nov. 29, 2012; 10 pages.

Extended Search Report for related EP Application 12762897.2, dated May 27, 2015, 11 pages.

Japanese Office Action for related JP Application No. 2014-502866, dated Dec. 10, 2015, Translation provided, 11 pages.

Australian Patent Examination Report No. 1 in related Australian Patent Application No. 201226205, dated Aug. 28, 2015, 5 pages.

Chinese First Office Action for related CN Application No. 201280017051.4, dated Jun. 1, 2015, Translation provided, 13 pages.

Chinese Second Office Action for related CN Application No. 201280017051 4, dated Dec. 31, 2015, Translation provided, 8 pages.

Examination Report No. 1 in related Australian Application No. 2016262734, dated Jan. 14, 2019, 3 pages.

Written Opinion in commonly owned PCT Application No. PCT/2018/057569, dated Apr. 26, 2018, pp. 1-5.

Search Report in commonly owned PCT Application No. PCT/2018/057569, dated Feb. 2, 2018, pp. 1-6.

First Chinese Office Action in related CN Application No. 201611102500.1, dated Aug. 20, 2018, 21 pages (including English Translation).

SutureSafe Inc., Product Brochure SutureSafe Support closed wounds and provide stability; 2 pages [Downloaded Jul. 25, 2017 from <http://dynamicissuesystems.com/wp-content/uploads/2015/09/SutureSafe-SS-lr2.pdf>].

Southmedic Inc., SutureSafe Instructions for Use, 2 pages [Downloaded Jul. 25, 2017 from http://dynamicissuesystems.com/wp-content/uploads/2015/09/IFU0251_E.pdf].

Summons to attend oral proceedings in commonly owned European Application No. 12762897.2 dated Mar. 22, 2021, pp. 1-11.

International Search Report and Written Opinion in commonly owned International Application No. PCT/US20/54702 dated Mar. 11, 2021, pp. 1-28.

Ruckel, U.S. Pat. No. 765,793 issued Jul. 26, 1904, pp. 1-3.

Knott et al., “Curved bistable composite slit tubes with positive Gaussian curvature”, University of Surrey, Guilford, United Kingdom, pp. 1-22.

Jiang et al., “Snapping of bistable, prestressed cylindrical shells”, A Letters Journal Exploring, www.epljournal.org, Jun. 2018, EPL, 122 (2018) 64003, pp. 1-8.

Kebadze, et al., “Bistable prestressed shell structures”, International Journal of Solids and Structures, www.elsevier.com/locate/ijsolstr, 41 (2004) pp. 2801-2820.

Kim et al., “Flytrap-inspired robot using structurally integrated actuation based on bistability and developable surface”, Bioinspiration & Biomimetics, 9 (2014) 036004, pp. 1-15.

Seffen, “Morphing bistable orthotropic elliptical shallow shells”, Proceedings of the Royal Society, (2007) 463, 67-83, pp. 1-17.

International Preliminary Report on Patentability in commonly owned International Application No. PCT/US2017/057569, dated May 2, 2019, pp. 1-6.

Amazon, “Elastic Bandage Wrap Compression Tape”, Review by Maria A. Dec. 18, 2017, <URL:<https://www.amazon.com/Elastic-Bandage-Wrap-Compression-Tape/dp/B06XQ8BY8?th=1>>(Year 2017) 12 pages.

* cited by examiner

Primary Examiner — Darcey E Gottschalk

(74) *Attorney, Agent, or Firm* — Additon, Pendleton & Witherspoon, P.A.

(57)

CLAIM

The ornamental design for a medical article for treating a wound and/or scar tissue, as shown and described.

DESCRIPTION

This application incorporates by reference the entire disclosure of each of U.S. Provisional application Ser. No. 62/411,023, filed on Oct. 20, 2017. Any material incorporated by reference which is not otherwise disclosed in the present application forms no part of the claimed design.

FIG. 1 is a top perspective view of a medical article for treating a wound and/or scar tissue, in accordance with the present invention;

FIG. 2 is a top plan view of the medical article of FIG. 1; FIG. 3 is a bottom plan view of the medical article of FIG. 1;

FIG. 4 is a front elevation view of the medical article of FIG. 1;

FIG. 5 is a rear elevation view of the medical article of FIG. 1;

FIG. 6 is a right elevation view of the medical article of FIG. 1;

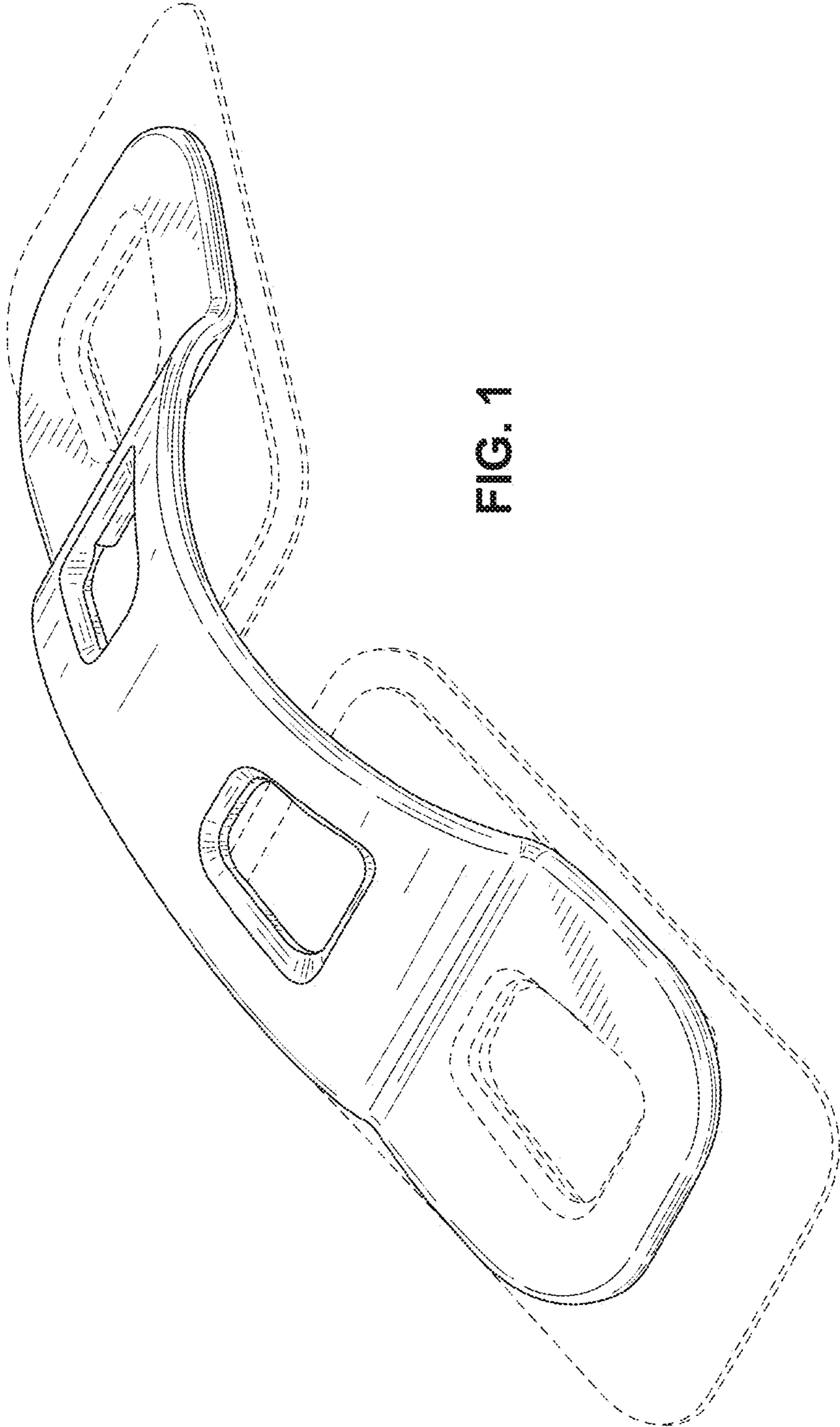
FIG. 7 is a left elevation view of the medical article of FIG. 1;

FIG. 8 is a cross-sectional view of the medical article of FIG. 1 taken along line 8-8 of FIG. 2, wherein a cross-sectional view taken in the opposite direction along line 8-8 of FIG. 2 is the same as FIG. 8; and,

FIG. 9 is an exploded bottom perspective view of the medical article of FIG. 1.

In the drawings, the broken lines show portions of a medical article for treating a wound and/or scar tissue that form no part of the claimed design.

1 Claim, 7 Drawing Sheets



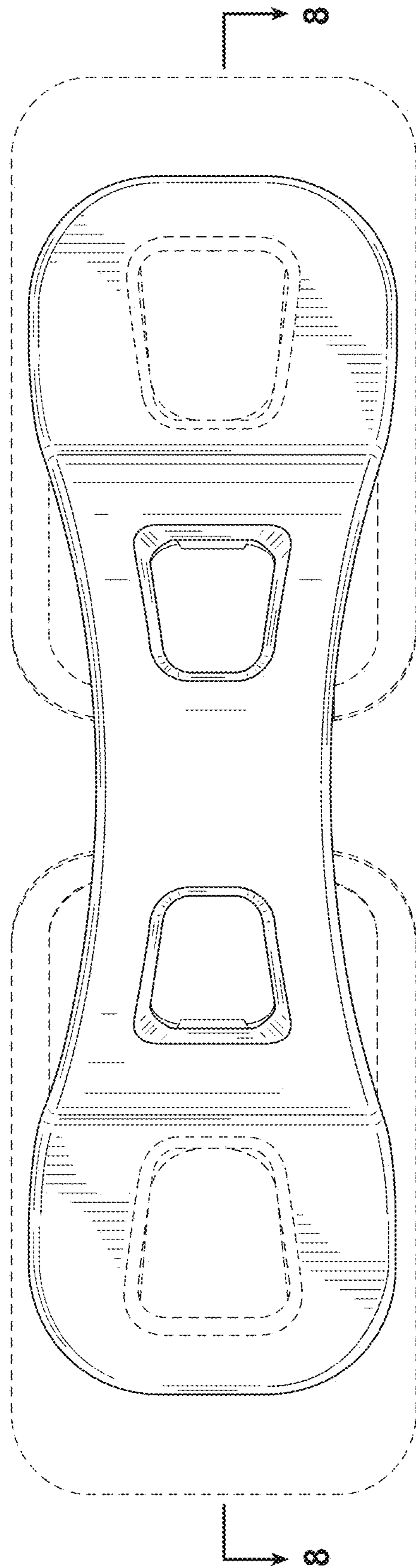


FIG. 2

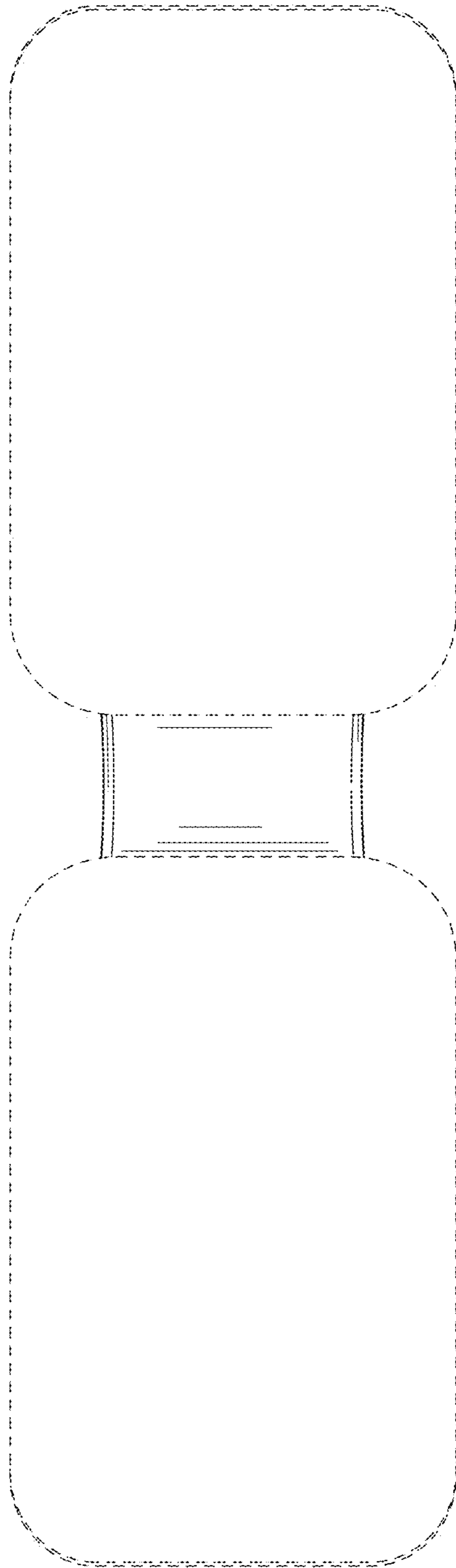


FIG. 3

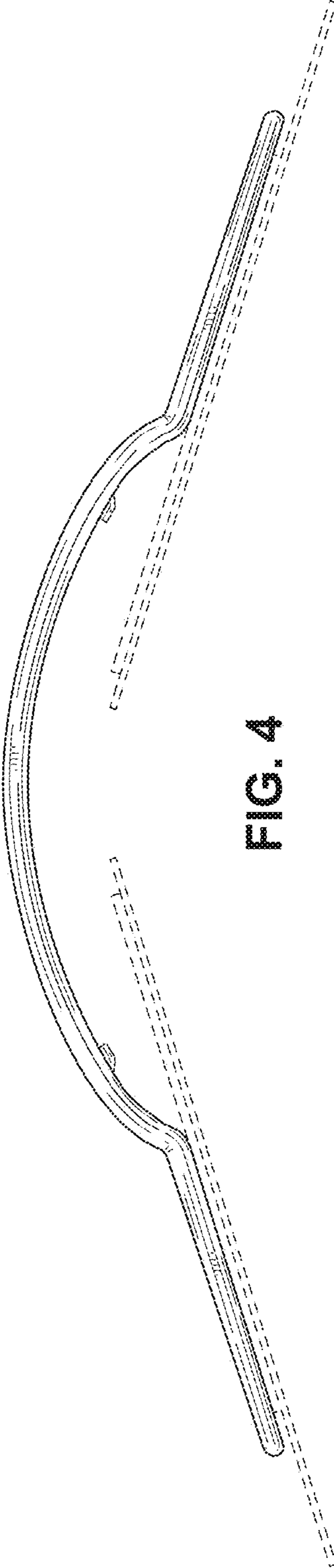


FIG. 4

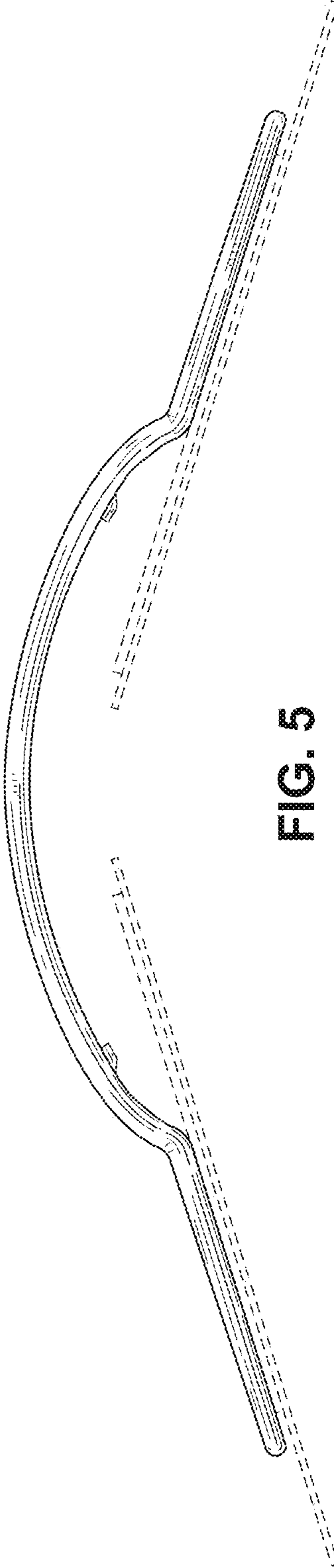


FIG. 5

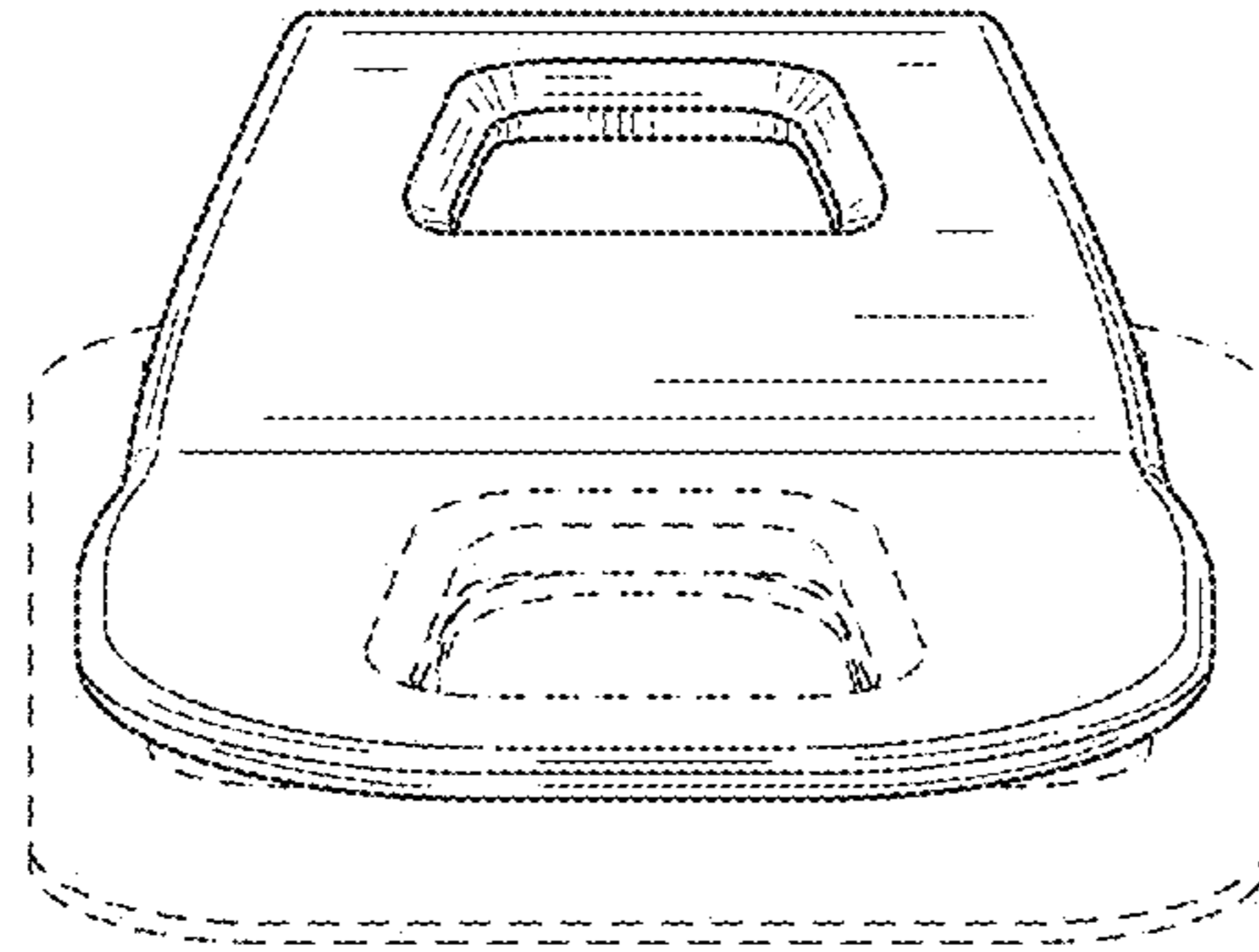


FIG. 6

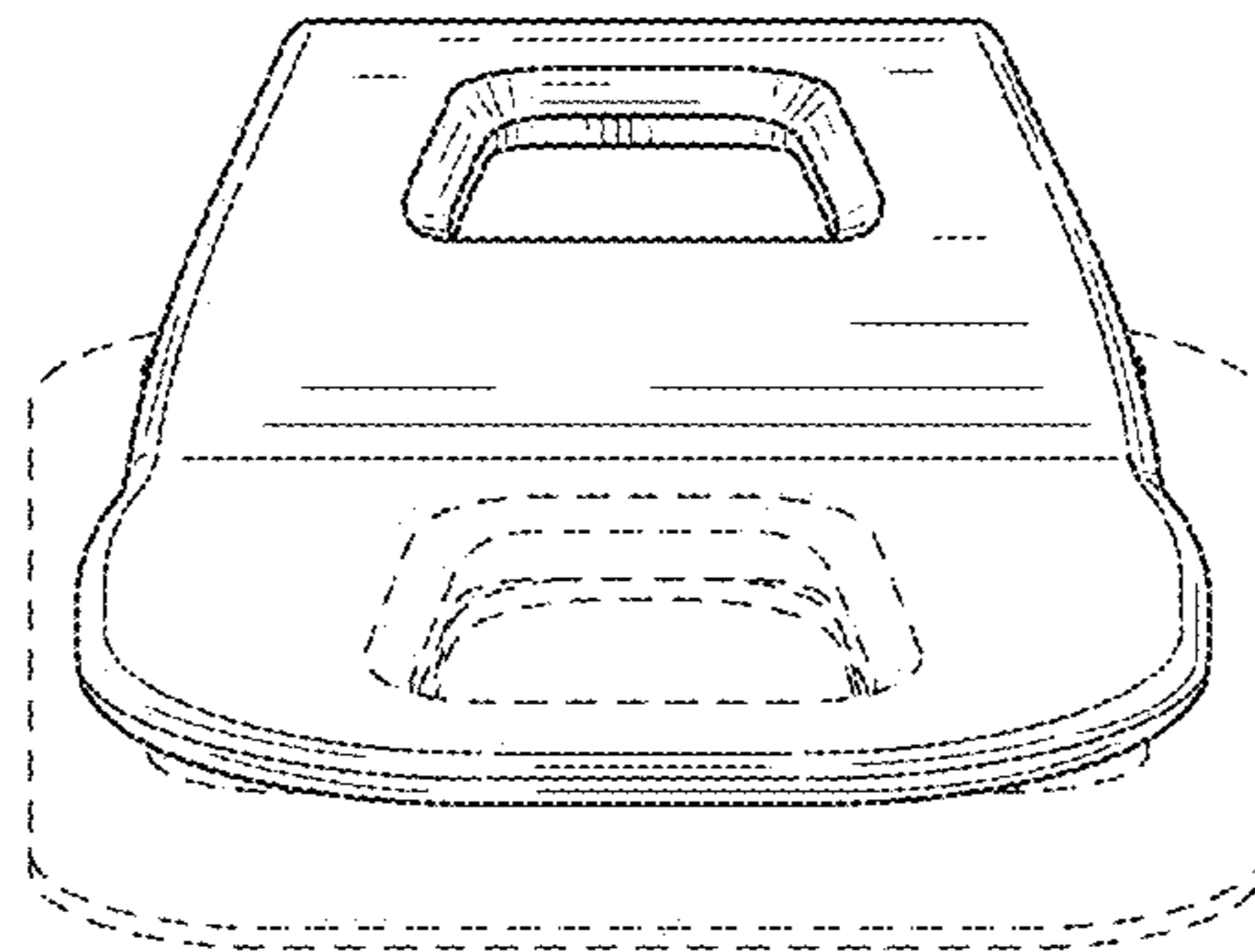


FIG. 7

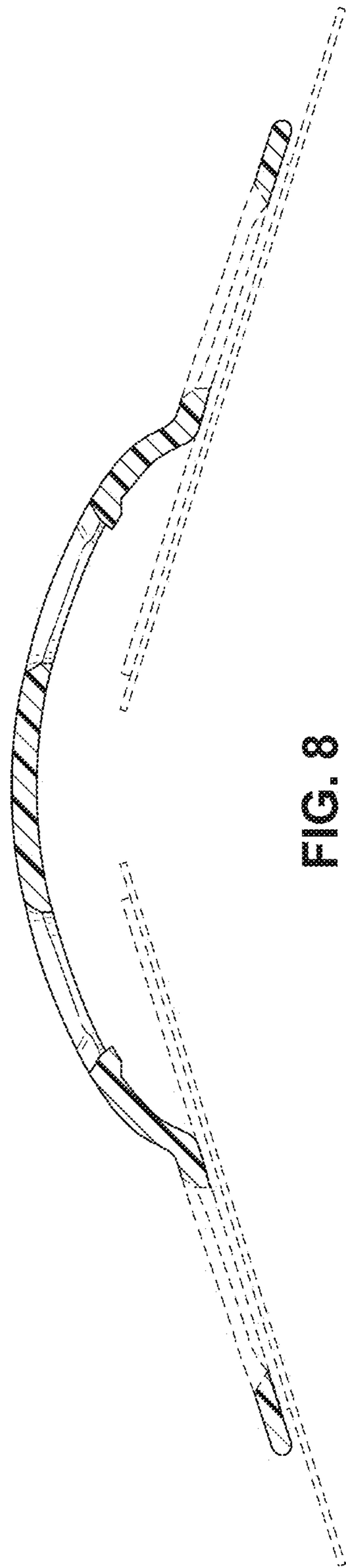


FIG. 8

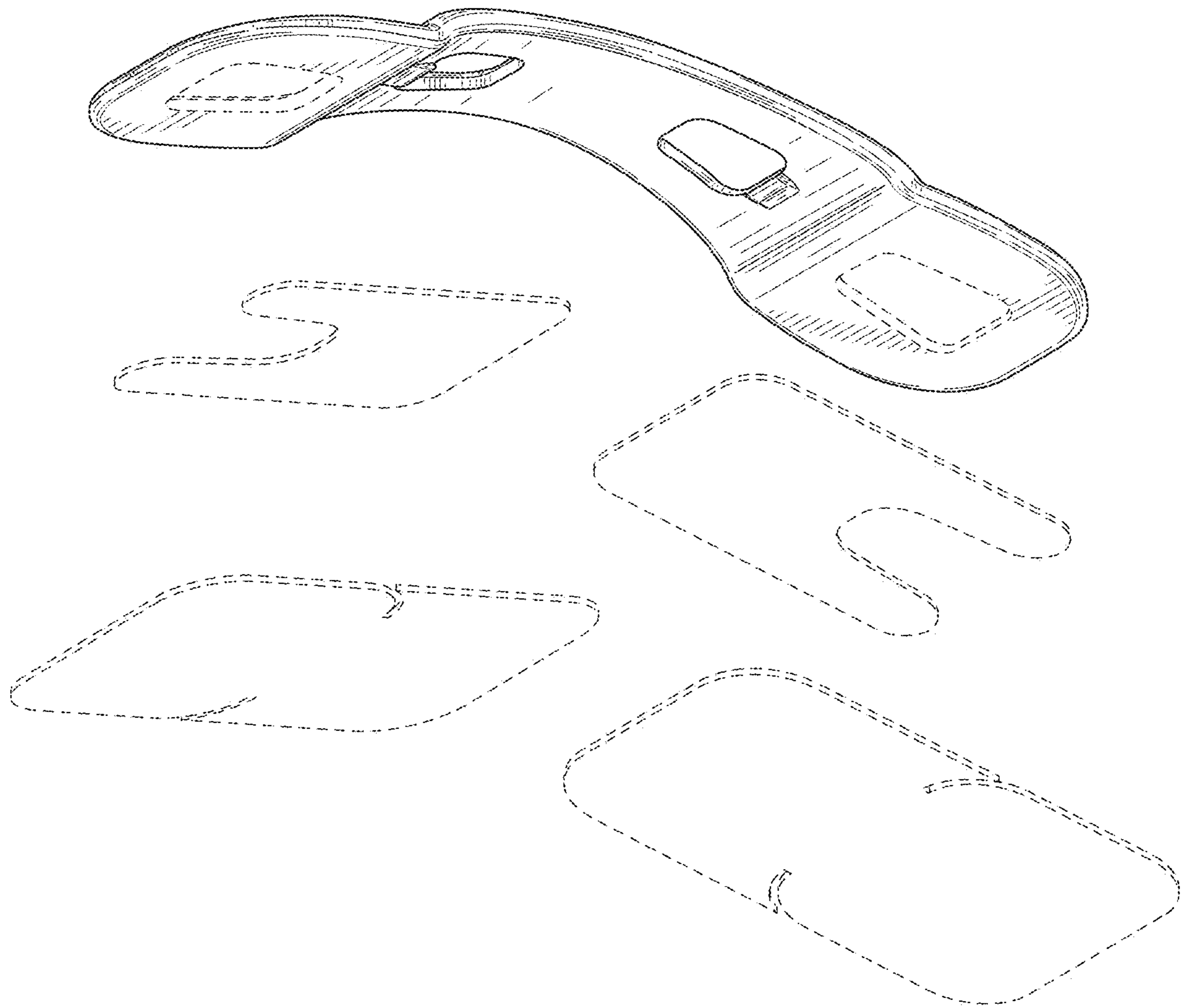


FIG. 9

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D936,846 S
APPLICATION NO. : 29/715409
DATED : November 23, 2021
INVENTOR(S) : Felmont F. Eaves, III et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

On page 3 Column 2, In the Description:

Delete Paragraph 1 and insert --This application incorporates by reference the entire disclosure of each of U.S. Provisional Application No. 62/411,023, filed Oct. 21, 2016, International Application No. PCT/US17/57569, filed Oct. 20, 2017, and U.S. Design Patent Application No. 29/622,936, filed on Oct. 20, 2017. Any material incorporated by reference which is not otherwise disclosed in the present application forms no part of the claimed design.--

Signed and Sealed this
Third Day of May, 2022



Katherine Kelly Vidal
Director of the United States Patent and Trademark Office