US00D949358S

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

(10) **Patent No.: US D949,358 S**
(45) **Date of Patent: ** Apr. 19, 2022**

(54) **ELONGATED SKIN TONING DEVICE**

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(72) Inventor: **Tera Peterson**, Carlsbad, CA (US)

(73) Assignee: **Carol Cole Company**, Vista, CA (US)

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

(21) Appl. No.: **29/698,773**

(22) Filed: **Jul. 19, 2019**

Related U.S. Application Data

(63) Continuation of application No. 29/647,759, filed on May 15, 2018, now Pat. No. Des. 854,699.

(51) **LOC (13) Cl.** **28-03**

(52) **U.S. Cl.**
USPC **D24/211**

(58) **Field of Classification Search**
USPC D24/200, 211, 212, 213, 214, 215; D28/44, 44.1, 85
CPC A61N 2005/0644; A61N 2007/0034; A61N 5/0616; A45D 2200/205
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D143,590	S		1/1946	Grun
2,988,084	A		6/1961	Douglas et al.
D233,703	S		11/1974	McNair
D259,142	S	*	5/1981	Lee D21/713
D262,908	S		2/1982	Pesco
D268,437	S		3/1983	Giordano
D268,524	S	*	4/1983	D'Addio D24/211
D272,090	S	*	1/1984	Hosid D24/211
D273,708	S		5/1984	Haug

(Continued)

FOREIGN PATENT DOCUMENTS

CA	2363383	5/2003
CN	102159151	8/2011

(Continued)

OTHER PUBLICATIONS

Amazon, "NuFace FIX", May 16, 2020. https://www.amazon.com/NuFACE-Smoothing-Microcurrent-Mascara-sized-Collection/dp/B08HQ3CDTM/ref=cm_cr_arp_d_product_top?ie=UTF8. Shown on p. 1. (Year: 2020).*

(Continued)

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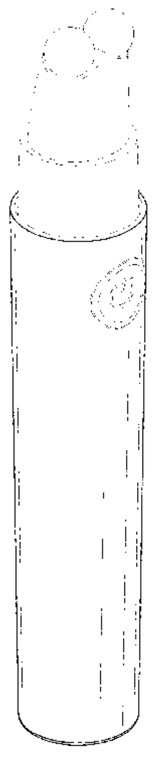
(57) **CLAIM**

The ornamental design for an elongated skin toning device, as shown and described.

DESCRIPTION

FIG. **1** is a front perspective view of the elongated skin toning device, showing my new design;
FIG. **2** is a front elevational view of the elongated skin toning device shown in FIG. **1**;
FIG. **3** is a rear elevational view of the elongated skin toning device shown in FIG. **1**;
FIG. **4** is a right side elevational view of the elongated skin toning device shown in FIG. **1**;
FIG. **5** is a left side elevational view of the elongated skin toning device shown in FIG. **1**;
FIG. **6** is a top plan view of the elongated skin toning device shown in FIG. **1**;
FIG. **7** is a bottom plan view of the elongated skin toning device shown in FIG. **1**; and,
FIG. **8** is a rear perspective view of the elongated skin toning device shown in FIG. **1**.
The broken lines in the drawings depict portions of the elongated skin toning device and form no part of the claimed design.

1 Claim, 5 Drawing Sheets



(56) **References Cited**

U.S. PATENT DOCUMENTS

D280,664	S		9/1985	Ishida
4,920,981	A		5/1990	Dervieux
5,007,168	A		4/1991	Messinger et al.
D320,279	S		9/1991	McQueen
D323,034	S		1/1992	Reinstein
D331,466	S		12/1992	Doria
D340,759	S		10/1993	Miller
5,304,207	A		4/1994	Stromer
5,358,503	A		10/1994	Bertwell et al.
D358,654	S		5/1995	Smith
D361,404	S		8/1995	Haas
D363,994	S		11/1995	Cheng
D377,222	S		1/1997	Pemberton
5,607,461	A		3/1997	Lathrop
5,662,644	A		9/1997	Swor
D387,174	S		12/1997	Gladieux, Jr.
D388,617	S		1/1998	Ancona
D414,582	S		9/1999	Hwang
D418,920	S		1/2000	Chen
6,019,482	A		2/2000	Everett
6,083,250	A		7/2000	Lathrop
6,094,595	A		7/2000	Takahashi
D437,938	S		2/2001	Ko et al.
6,241,696	B1		6/2001	York
D457,643	S		5/2002	Qi et al.
D461,094	S		8/2002	Coudurier
6,497,702	B1		12/2002	Bernaz
6,572,637	B1		6/2003	Yamazaki et al.
D481,132	S		10/2003	Kim
D481,463	S		10/2003	Cook et al.
D484,605	S		12/2003	Cook et al.
D486,233	S		2/2004	Cook et al.
D487,010	S		2/2004	Marquardt
D487,154	S		2/2004	Cook et al.
6,702,808	B1		3/2004	Kreindel
D490,528	S		5/2004	Cook et al.
6,736,807	B2		5/2004	Yamazaki et al.
6,766,199	B2		7/2004	Cook et al.
6,790,205	B1		9/2004	Yamazaki et al.
D498,302	S		11/2004	Wade
6,872,221	B2		3/2005	Lytle
D505,268	S		5/2005	Potempa
6,887,260	B1		5/2005	McDaniel
6,896,693	B2		5/2005	Sullivan
6,902,275	B2		6/2005	Yamada et al.
6,902,563	B2		6/2005	Wilkens et al.
6,939,344	B2		9/2005	Kreindel
6,989,023	B2		1/2006	Black
7,014,639	B2		3/2006	Walneck et al.
D536,496	S		2/2007	Talesfore
D538,435	S		3/2007	Wang
7,194,316	B2		3/2007	Bousfield et al.
D539,916	S		4/2007	Baldachini
D540,947	S	*	4/2007	Jung D24/167
7,204,846	B2		4/2007	Suzuki
7,210,817	B2		5/2007	Lee et al.
7,238,183	B2		7/2007	Kreindel
7,250,047	B2		7/2007	Anderson et al.
7,252,678	B2		8/2007	Ostler et al.
7,258,675	B2		8/2007	Nichols
7,258,695	B2		8/2007	Carullo, Jr. et al.
7,291,140	B2		11/2007	MacFarland et al.
7,305,269	B2		12/2007	Cook et al.
7,309,335	B2		12/2007	Altshuler et al.
7,311,722	B2		12/2007	Larsen
7,331,952	B2		2/2008	Walneck
7,331,964	B2		2/2008	Maricle et al.
7,335,170	B2		2/2008	Milne et al.
7,345,320	B2		3/2008	Dahm
D568,473	S		5/2008	Ashiwa et al.
D570,484	S		6/2008	Kaneko
7,384,405	B2		6/2008	Rhoades
D576,285	S		9/2008	Kennedy
D581,541	S		11/2008	Ferber
D581,542	S		11/2008	Ferber
D582,049	S		12/2008	Ferber
D582,563	S		12/2008	Ferber
D583,064	S		12/2008	Ferber
D583,480	S		12/2008	Ferber
D585,997	S		2/2009	Adam
D586,469	S		2/2009	Henry
7,494,503	B2		2/2009	McDaniel
7,503,927	B1		3/2009	Vetanze
D594,130	S		6/2009	Scocimara
D597,211	S		7/2009	Ewing et al.
D599,029	S		8/2009	Ferber
D601,257	S		9/2009	Berlinger
7,597,708	B2		10/2009	Carullo, Jr. et al.
D603,970	S	*	11/2009	Ball D24/200
D608,897	S		1/2010	Cole et al.
D609,361	S		2/2010	MacGarry
D610,696	S		2/2010	Makuch
D611,159	S		3/2010	Cole
D612,510	S		3/2010	Byle
D617,138	S		6/2010	Munari
D620,597	S		7/2010	Cole et al.
D623,308	S		9/2010	Kramer
D627,898	S		11/2010	Aulwes et al.
7,842,029	B2		11/2010	Anderson et al.
D630,760	S		1/2011	Imboden
D633,625	S		3/2011	Maderazzo
D636,088	S		4/2011	Loew
D638,132	S		5/2011	Cole et al.
7,993,381	B2		8/2011	Mac et al.
D646,396	S		10/2011	Seki
D648,861	S		11/2011	Chong
D649,653	S		11/2011	Halvorsen
8,048,135	B2		11/2011	Carullo, Jr. et al.
8,057,525	B2		11/2011	Suzuki
D651,321	S		12/2011	Marchese et al.
8,088,123	B2		1/2012	Kinoshita
D656,620	S		3/2012	Altshuler
D659,843	S		5/2012	Wang
D665,915	S		8/2012	Ma
D667,557	S		9/2012	Boudier
8,277,495	B2		10/2012	Demetriou et al.
D676,141	S		2/2013	Wu
D677,622	S		3/2013	Cole et al.
D685,491	S		7/2013	Coral
D691,947	S		10/2013	Cole et al.
D692,571	S		10/2013	Luzon et al.
D695,903	S		12/2013	Tamsiran
D697,220	S		1/2014	Clementes
D699,367	S		2/2014	Lee et al.
8,641,702	B2		2/2014	Pilcher et al.
D702,851	S		4/2014	Lee
D704,346	S		5/2014	Tai
D710,054	S	*	7/2014	Grabes D28/44.1
D712,053	S		8/2014	Matsushita
D722,197	S	*	2/2015	Helmbold D28/44
D722,383	S		2/2015	Cole et al.
D725,789	S		3/2015	Matsushita
9,032,576	B2		5/2015	Zelickson et al.
D732,182	S		6/2015	Viner
D732,887	S		6/2015	Munari
D738,517	S		9/2015	Karim
D739,541	S		9/2015	Cole
D740,413	S		10/2015	Helmbold et al.
D742,003	S		10/2015	Tasar
D748,857	S		2/2016	Boulanger
D752,237	S		3/2016	Cole
D756,527	S		5/2016	Cole
D759,261	S	*	6/2016	Son D24/215
D768,867	S		10/2016	Hetzel
D770,635	S		11/2016	Cole
D773,066	S		11/2016	Sedic
9,533,170	B2		1/2017	Dye et al.
9,554,963	B2		1/2017	Pilcher et al.
D779,596	S		2/2017	Bajuyo
D779,600	S		2/2017	Dean
D785,193	S		4/2017	Cole
9,687,643	B2		6/2017	Khormaei et al.
D794,784	S		8/2017	Bradley et al.
D809,150	S		1/2018	Nolasco

(56) **References Cited**

U.S. PATENT DOCUMENTS

D812,237	S		3/2018	Cole
D818,602	S		5/2018	Cheung
D824,037	S		7/2018	Yueh
10,039,600	B2		8/2018	Khormaei et al.
D827,842	S	*	9/2018	Bainton D24/200
D827,843	S		9/2018	Bainton et al.
D829,921	S		10/2018	Xiong
D830,063	S		10/2018	Stephens
D831,835	S		10/2018	Cole
D838,860	S		1/2019	Lee
D842,487	S	*	3/2019	Matsushita D24/211
D844,797	S	*	4/2019	Matsushita D24/211
D844,799	S	*	4/2019	Kim D24/214
D845,496	S		4/2019	Cole
D845,497	S		4/2019	Cole
10,252,051	B2		4/2019	Nichols
D848,089	S		5/2019	Cunniff
D849,257	S	*	5/2019	Fukuda D24/200
10,278,888	B2		5/2019	Sabattier et al.
D850,638	S	*	6/2019	Cha D24/200
10,315,042	B2		6/2019	De Taboada et al.
D854,699	S	*	7/2019	Peterson D24/214
D855,195	S		7/2019	Kymm et al.
D857,907	S	*	8/2019	Luo D24/211
D857,908	S	*	8/2019	Matsushita D24/211
D857,909	S	*	8/2019	Matsushita D24/211
10,391,312	B2		8/2019	Mowery et al.
D865,990	S	*	11/2019	Ko D24/215
D866,789	S	*	11/2019	Yamazaki D24/215
D868,278	S		11/2019	Smith et al.
D868,373	S	*	11/2019	Kling D28/44.1
D870,305	S		12/2019	Yamazaki
D872,362	S	*	1/2020	Long D28/44.1
D891,628	S		7/2020	Peterson et al.
D899,616	S	*	10/2020	Jung D24/215
D905,336	S	*	12/2020	Kling D28/44.1
D916,302	S	*	4/2021	Yuval D24/200
D917,064	S	*	4/2021	Ribeiro D24/217
D923,806	S	*	6/2021	Bunger von Wurmb D24/209
D924,421	S	*	7/2021	Luo D24/215
D924,423	S	*	7/2021	Luo D24/215
D924,497	S	*	7/2021	Wei D30/158
D926,376	S	*	7/2021	Negishi D28/53
D931,458	S	*	9/2021	Wang D24/151
2002/0133149	A1		9/2002	Bessette
2002/0143373	A1		10/2002	Courtnage et al.
2004/0147984	A1		7/2004	Altshuler et al.
2004/0236255	A1		11/2004	Cook
2005/0015121	A1		1/2005	Molina
2005/0203593	A1		9/2005	Shanks et al.
2005/0234516	A1		10/2005	Gueret
2006/0030908	A1		2/2006	Powell et al.
2006/0155220	A1		7/2006	Oslay
2006/0173518	A1		8/2006	Kreindel
2006/0200213	A1		9/2006	McDaniel
2006/0247741	A1		11/2006	Hsu et al.
2006/0269580	A1		11/2006	Cole et al.
2007/0032840	A1		2/2007	Peluso
2007/0032843	A1		2/2007	Hsu
2007/0032847	A1		2/2007	Weckwerth
2007/0038206	A1		2/2007	Altshuler et al.
2007/0049910	A1		3/2007	Altshuler et al.
2007/0073372	A1		3/2007	Heath
2007/0198004	A1		8/2007	Altshuler et al.
2007/0213696	A1		9/2007	Altshuler et al.
2007/0213698	A1		9/2007	Altshuler et al.
2007/0217199	A1		9/2007	Adam et al.
2007/0239142	A1		10/2007	Altshuler et al.
2007/0239143	A1		10/2007	Altshuler et al.
2007/0282400	A1		12/2007	Gorham
2007/0293917	A1		12/2007	Thompson et al.
2007/0293918	A1		12/2007	Thompson et al.
2008/0004678	A1		1/2008	Kreindel
2008/0014011	A1		1/2008	Rossen
2008/0030908	A1		2/2008	Kagami
2008/0046027	A1		2/2008	Cook et al.
2008/0058783	A1		3/2008	Altshuler et al.
2008/0065056	A1		3/2008	Powell
2008/0065176	A1		3/2008	Zhang et al.
2008/0103560	A1		5/2008	Powell et al.
2008/0103563	A1		5/2008	Powell et al.
2008/0109049	A1		5/2008	Schumann
2008/0119913	A1		5/2008	Powell et al.
2008/0125835	A1		5/2008	Laurent
2008/0134513	A1		6/2008	Oh
2008/0140164	A1		6/2008	Oberreiter et al.
2008/0172045	A1		7/2008	Shanks et al.
2008/0172113	A1		7/2008	Gourgoullatos et al.
2008/0183161	A1		7/2008	Walneck et al.
2008/0195181	A1		8/2008	Cole
2008/0214968	A1		9/2008	Milne et al.
2008/0214969	A1		9/2008	Milne et al.
2008/0269848	A1		10/2008	Birmingham et al.
2008/0294152	A1		11/2008	Alshuler et al.
2008/0312647	A1		12/2008	Knopp et al.
2009/0005631	A1		1/2009	Simenhaus et al.
2009/0093749	A1		4/2009	Shalev et al.
2009/0156958	A1		6/2009	Mehta et al.
2009/0227996	A1		9/2009	Powell et al.
2009/0254155	A1		10/2009	Kanarsky et al.
2009/0254156	A1		10/2009	Powell et al.
2010/0063491	A1		3/2010	Verhagen
2010/0105977	A1		4/2010	Taboada et al.
2010/0121254	A1		5/2010	McDaniel
2010/0145242	A1		6/2010	Tsai
2010/0145255	A1		6/2010	Popescu et al.
2010/0152645	A1		6/2010	Ogasawara
2010/0174222	A1		7/2010	McDaniel
2010/0179469	A1		7/2010	Hammond et al.
2010/0185266	A1		7/2010	Suzuki
2010/0274329	A1		10/2010	Bradley et al.
2010/0292746	A1		11/2010	Gorham
2011/0015549	A1		1/2011	Eckhouse et al.
2011/0112520	A1		5/2011	Michael
2011/0213447	A1		9/2011	Hottinger et al.
2011/0238142	A1		9/2011	Hottinger et al.
2011/0245734	A1		10/2011	Wagner et al.
2012/0016174	A1		1/2012	Taboada et al.
2012/0065575	A1		3/2012	Kader
2012/0071794	A1		3/2012	Karni
2012/0165800	A1		6/2012	Keeney
2014/0135798	A1		5/2014	David
2014/0221887	A1		8/2014	Wu
2016/0101294	A1		4/2016	Sun et al.
2016/0184176	A1		6/2016	Caberlotto et al.
2016/0184177	A1		6/2016	Caberlotto et al.
2017/0065829	A1	*	3/2017	Ku A61N 5/0624
2017/0128130	A1		5/2017	Giraud et al.
2017/0246076	A1		8/2017	Miller et al.
2018/0185236	A1		7/2018	Levi
2019/0262607	A1		8/2019	Nichols
2019/0374775	A1		12/2019	Mowery et al.

FOREIGN PATENT DOCUMENTS

DE	102004040064		2/2006
EM	000055512-0002		7/2003
EM	000056882-0001		7/2003
EM	005824893-0002		12/2003
EM	000130539-0002		1/2004
EM	000130539-0003		1/2004
EM	000334644-0001		5/2005
EM	002573493-0001		11/2014
EM	002762237-0001		8/2015
EM	005824893-0001		11/2018
EM	005824893-0002		11/2018
EP	1566198		8/2005
FR	2659851	A1	9/1991
JP	2000316990		11/2000
JP	2004201718		7/2004
JP	1552797	S	6/2016
JP	6296743	B2	3/2018
KR	101515992		5/2015
KR	300817894		10/2015

(56) **References Cited**

FOREIGN PATENT DOCUMENTS

KR	101619858	5/2016
KR	300898701	3/2017
KR	300980305	11/2018
KR	300990885	1/2019
TW	D111130	5/2006
TW	D156622	10/2013
WO	WO 199836725	8/1998
WO	WO 2006051985	5/2006
WO	WO 2007090256	8/2007
WO	WO 2009011529	1/2009
WO	WO 2010112096	10/2010
WO	WO 2017023134	2/2017
WO	WO 2015098427	3/2017
WO	WO 2017116884	7/2017
WO	WO 2018196045	11/2018
WO	WO 2019168281	9/2019
WO	WO 2019182299	9/2019
WO	WO 2019190286	10/2019

OTHER PUBLICATIONS

Qvc, "NuFACE The Fix Line", Oct. 31, 2019. https://www.qvc.com/NuFACE-The-FIX-Line-Smoothing-Device-w-FIX-Serums.product.A389714.html?sc-NAVLIST. Shown on p. 1. (Year: 2019).*

FOREO Newswire—Mysa—Which LUNA 2 Facial Cleansing Device Is Right for You? (undated)—online at https://www.foreo.com/mysa/luna-facial-cleansing/ in 7 pages.

Nu Body Micro-4 Skin Toning Device, online, no post date, <URL: https://www.mynuface.com/products/nubody-skin-toning-device?variant=4183714594857 >, retrieved Nov. 7, 2018.

International Search Report dated Aug. 1, 2019 in ROC (Taiwan) Application No. 107306727, filed Nov. 15, 2018.

EVis MD Platinum Product Literature in 1 page, accessed online Mar. 10, 2009—http://www.evismd.com/product.

GentleWaves Product Literature in 2 pages, accessed online Mar. 10, 2009—http://www.lightbioscience.com/spa/skin_fitness.html.

Omnilux clear-U Product Literature in 1 page, accessed online Mar. 10, 2009—http://www.phototherapeutics.com/pdf/clear-u-brochure.pdf.

Omnilux new-U Product Literature in 1 page, accessed online Mar. 10, 2009—http://www.phototherapeutics.com/pdf/new-u-brochure.pdf.

Quasar Light Therapy Product Literature in 1 page, accessed online Mar. 10, 2009—http://babyquasar.com/quasar-pro-line.php.

Quasar Light Therapy Product Literature in 1 page, accessed online Mar. 10, 2009—http://babyquasar.com/baby-quasar.php.

Quasar Light Therapy Product Literature in 1 page, accessed online Mar. 10, 2009—http://babyquasar.com/baby-blue.php.

Tända Skincare System Product Literature in 1 page, accessed online Mar. 10, 2009—http://www.tanda.com/retail.shtml.

Pure Lift Device Product Literature in 3 pages, accessed online Aug. 1, 2018—https://usa.facegym.com/shop/face-workout-tools/facegym-pro-white/.

* cited by examiner

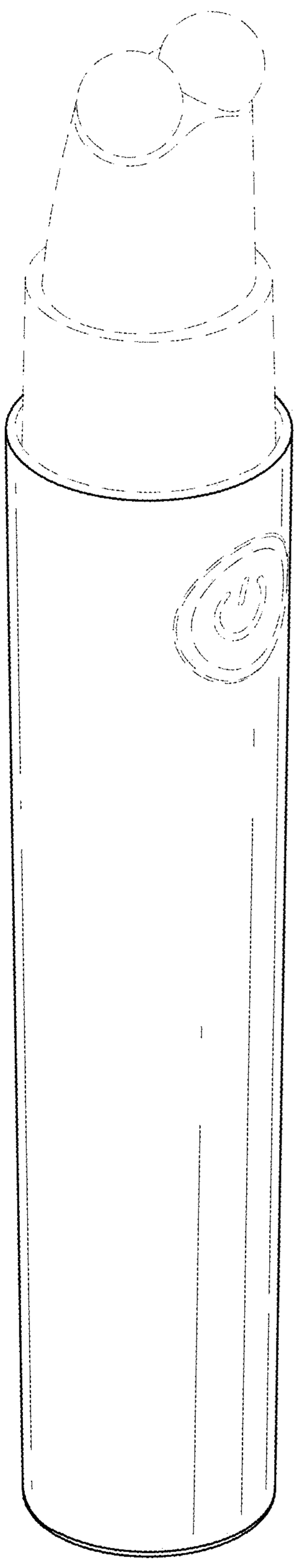


FIG. 1

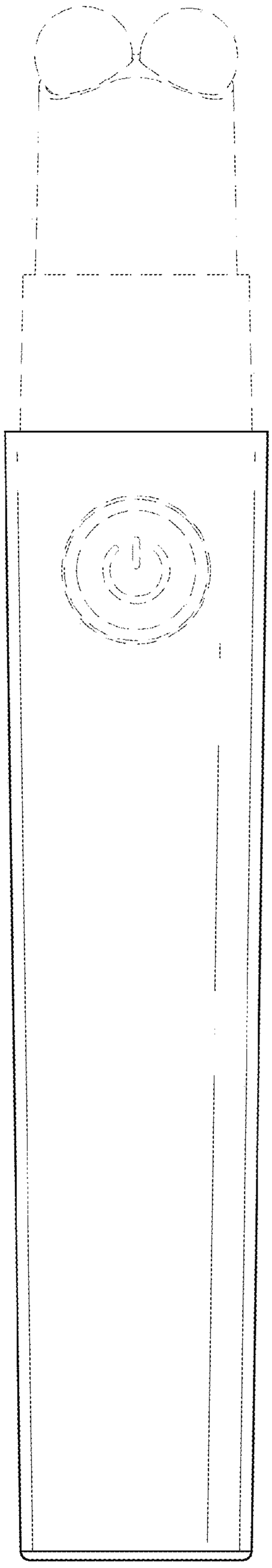


FIG. 2

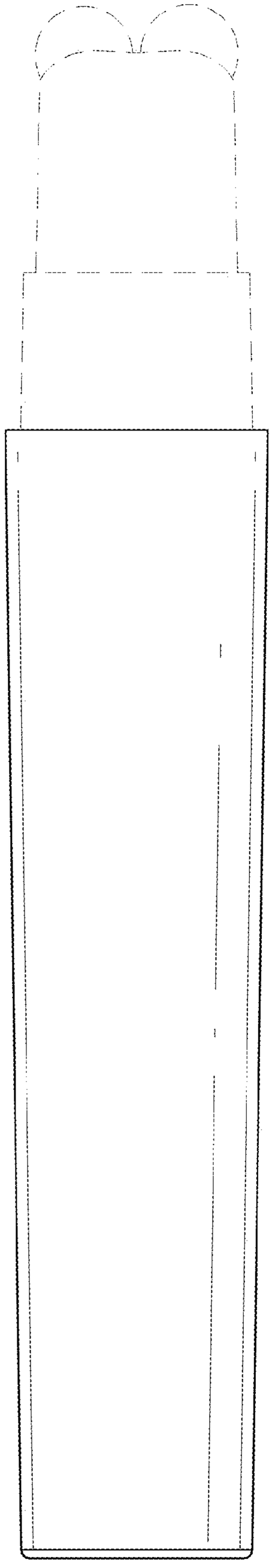


FIG. 3

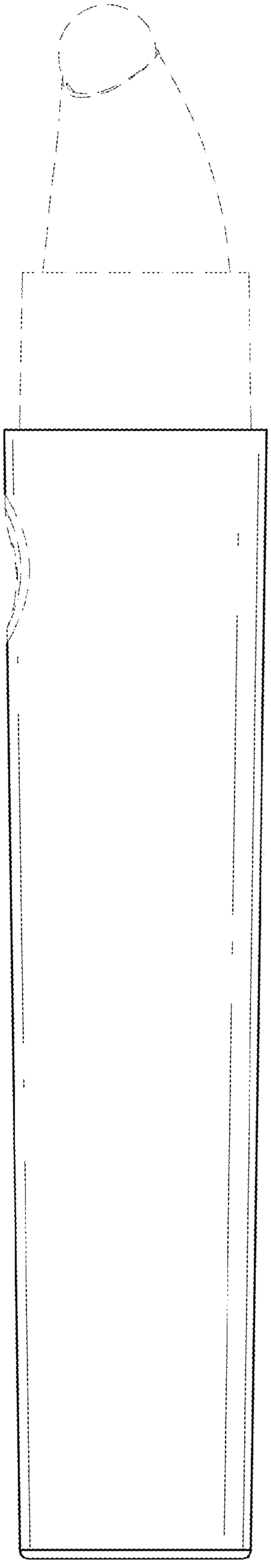


FIG. 4

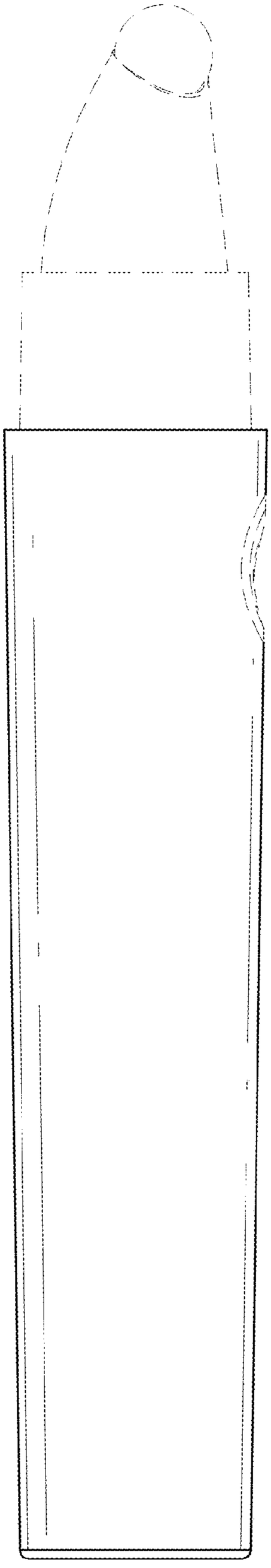


FIG. 5

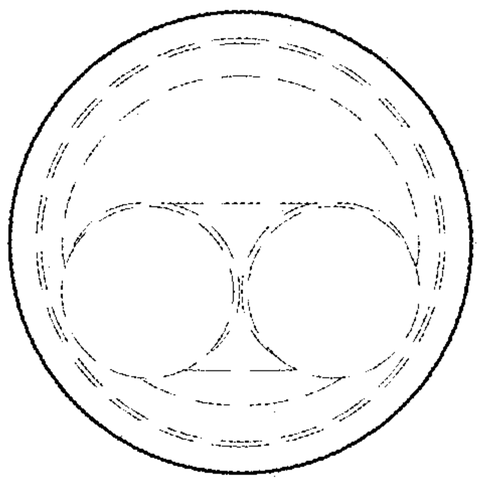


FIG. 6

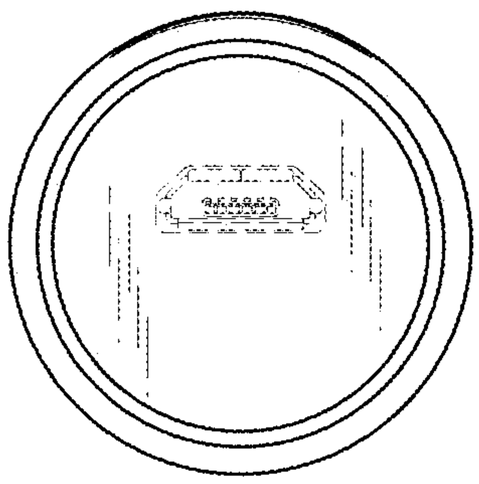


FIG. 7

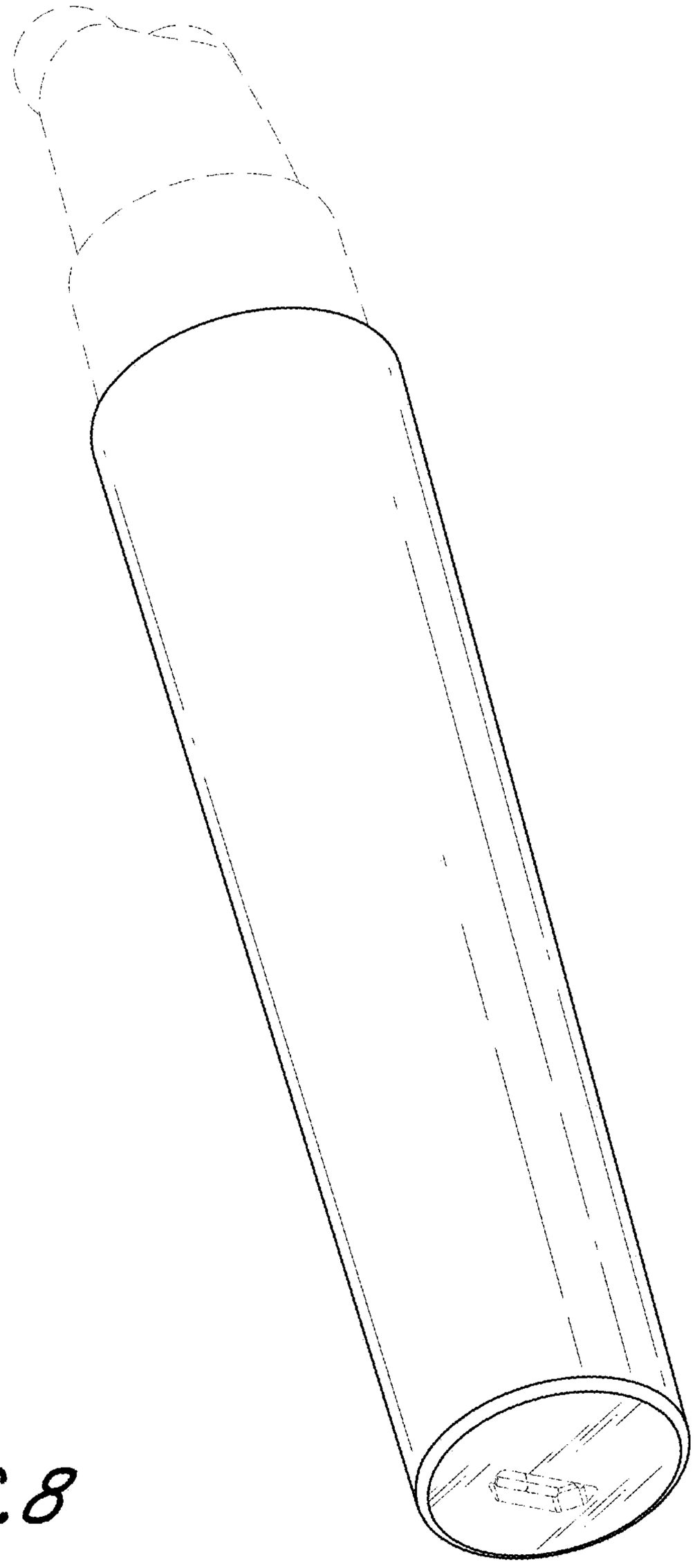


FIG. 8