



US00D971449S

(12) **United States Design Patent** (10) **Patent No.:** **US D971,449 S**  
**Bordin** (45) **Date of Patent:** **\*\* \*Nov. 29, 2022**

(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.**, Asolo (IT)
- (\* ) Notice: This patent is subject to a terminal disclaimer.
- (\*\* ) Term: **15 Years**
- (21) Appl. No.: **29/718,331**
- (22) Filed: **Dec. 23, 2019**

**Related U.S. Application Data**

- (60) Division of application No. 29/681,568, filed on Feb. 26, 2019, now Pat. No. Des. 872,901, which is a 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**

- 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 (13) 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
1,809,620 A	6/1931	Cole
1,961,374 A	6/1934	Mazer
2,139,512 A	12/1938	Nagorny
2,325,303 A	7/1943	Brooke
2,421,171 A	5/1947	Trautvetter et al.

(Continued)

FOREIGN PATENT DOCUMENTS

CA	1186470	5/1985
CA	181375	2/2019

(Continued)

OTHER PUBLICATIONS

“Price List: Floor Heating and Cooling 2006/2007,” herotec, valid from Sep. 1, 2006, 9 pages (with English translation).

(Continued)

*Primary 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;

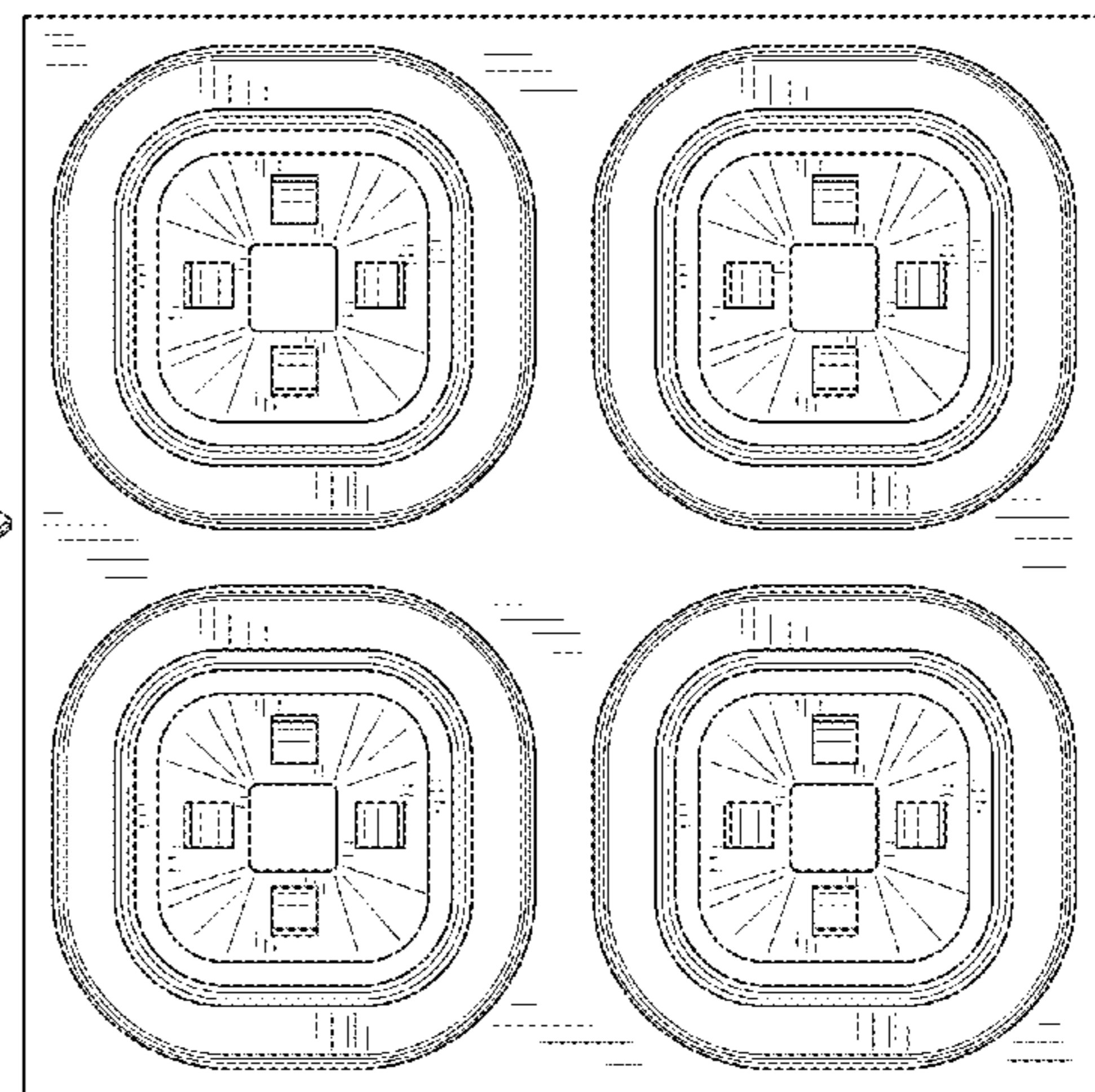
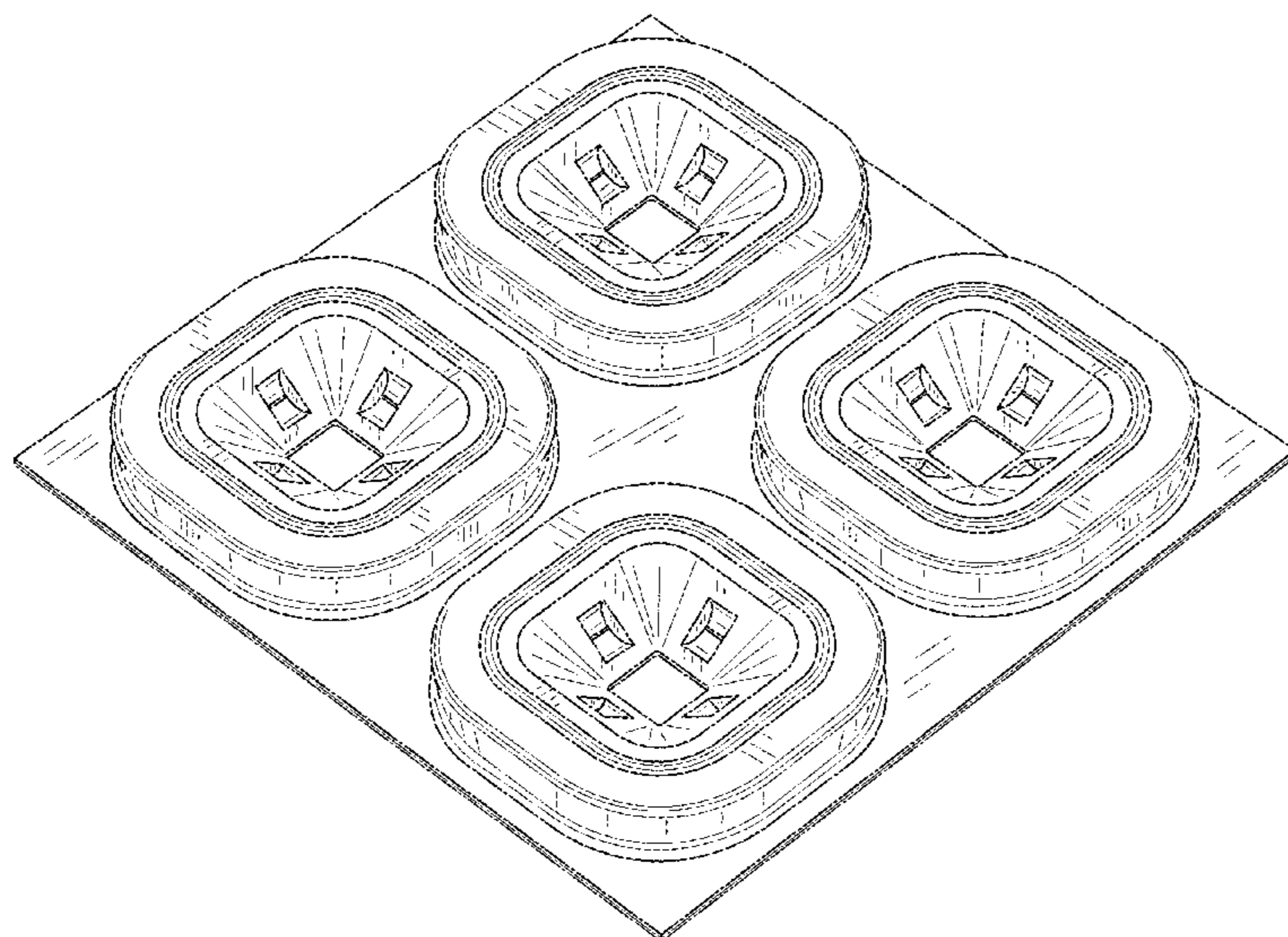
FIG. 2 is a top plan view thereof;

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

2,502,642 A	4/1950	Currilin	8,573,901 B2	11/2013	de Souza Filho et al.
2,928,445 A	3/1960	Van Buren, Jr.	D706,459 S	6/2014	Schluter et al.
2,956,785 A	10/1960	Richl	D709,368 S	7/2014	van de Klippe et al.
3,135,040 A	6/1964	Watson	D709,369 S	7/2014	van de Klippe et al.
3,235,712 A	2/1966	Watson	8,808,826 B2	8/2014	Pinto et al.
3,288,998 A	11/1966	Press, Jr.	D712,159 S	9/2014	Clerici et al.
3,419,457 A	12/1968	Bleasdale	8,950,141 B2	2/2015	Schluter et al.
3,487,579 A	1/1970	Brettingen	8,955,278 B1	2/2015	Mills
3,495,367 A	2/1970	Kobayashi	D733,558 S	7/2015	Wyne
3,597,891 A	8/1971	Martin	9,188,348 B2	11/2015	Smolka et al.
3,695,615 A	10/1972	Shoptaugh	D747,502 S	1/2016	Reynolds et al.
3,757,481 A	9/1973	Skinner	D747,503 S	1/2016	Reynolds et al.
3,802,790 A	4/1974	Blackburn	9,228,749 B2	1/2016	Morand et al.
3,854,372 A	12/1974	Gutshall	9,248,492 B2	2/2016	Sullivan et al.
4,183,167 A	1/1980	Jatich	9,275,622 B2	3/2016	Claeys et al.
4,222,695 A	9/1980	Sarides	9,284,693 B2	3/2016	Tabibnia
4,250,674 A	2/1981	Feist	9,328,520 B1	5/2016	Kriser
4,326,366 A	4/1982	Werner	9,416,979 B2	8/2016	Larson
4,338,994 A	7/1982	Hewing et al.	9,482,262 B2	11/2016	Richards
4,576,221 A	3/1986	Fennesz	D773,697 S	12/2016	Amend
4,640,067 A	2/1987	Hagemann et al.	9,518,746 B2	12/2016	Larson
4,640,854 A	2/1987	Radtke	9,625,163 B2	4/2017	Larson
4,889,758 A	12/1989	Rinkewich	9,719,265 B2	8/2017	Bordin et al.
4,923,733 A	5/1990	Herbst	9,726,383 B1	8/2017	Bordin
4,955,471 A	9/1990	Hirose et al.	D797,957 S	9/2017	Larson
4,993,202 A	2/1991	Thiel	9,777,931 B2	10/2017	Larson
4,997,308 A	3/1991	Welling, Jr.	9,797,146 B2	10/2017	Schluter et al.
5,042,569 A	8/1991	Siegmund	D806,274 S	12/2017	Bordin
5,052,161 A	10/1991	Whitacre	D806,275 S	12/2017	Bordin
5,078,203 A	1/1992	Shiroki	D806,276 S	12/2017	Bordin
5,082,712 A	1/1992	Starp	D806,277 S	12/2017	Bordin
D325,428 S	4/1992	Vitsur	D806,278 S	12/2017	Bordin
5,105,595 A	4/1992	Tokei et al.	D806,279 S	12/2017	Bordin
5,131,458 A	7/1992	Bourne et al.	D806,280 S	12/2017	Bordin
5,374,466 A	12/1994	Bleasdale	D806,911 S	1/2018	Faotto
5,381,709 A	1/1995	Louw	D806,912 S	1/2018	Bordin
5,386,670 A	2/1995	Takeda et al.	D810,324 S	2/2018	Brousseau et al.
5,443,332 A	8/1995	Hollis	9,890,959 B2	2/2018	Houle et al.
5,447,433 A	9/1995	Perry, Jr.	D813,421 S	3/2018	Larson
5,499,476 A	3/1996	Adams et al.	D817,521 S	5/2018	Bordin
D372,158 S	7/1996	Bonaddio et al.	D818,615 S	5/2018	Bordin
D370,034 S	8/1996	Kipfer	D818,616 S	5/2018	Bordin
5,585,154 A	12/1996	Rhoades	D818,617 S	5/2018	Bordin
5,619,832 A	4/1997	Myrvold	10,006,644 B2	6/2018	Larson
5,862,854 A	1/1999	Gary	D830,584 S	10/2018	Comitale et al.
5,863,440 A	1/1999	Rink et al.	D832,467 S	10/2018	Bordin
6,076,315 A	6/2000	Kondo	10,100,517 B2	10/2018	Liang et al.
6,094,878 A	8/2000	Schluter	10,107,505 B2	10/2018	Larson
6,178,662 B1	1/2001	Legatzke	D840,057 S	2/2019	Faotto
6,220,523 B1	4/2001	Fiedrich	D841,837 S	2/2019	Bordin
6,279,427 B1	8/2001	Francis	10,215,423 B2	2/2019	Bordin et al.
6,283,382 B1	9/2001	Fitzmeyer	D847,384 S	4/2019	Faotto
6,434,901 B1	8/2002	Schluter	D857,244 S	8/2019	Faotto et al.
6,539,681 B1	4/2003	Siegmund	D857,933 S	8/2019	Julton et al.
6,805,298 B1	10/2004	Corbett	10,408,469 B2	9/2019	Larson
6,918,217 B2	7/2005	Jakob-Bamberg et al.	10,502,434 B2	12/2019	Bordin
D508,332 S	8/2005	Julton	D872,901 S	1/2020	Bordin
7,118,138 B1	10/2006	Rowley et al.	D874,028 S	1/2020	Bordin
D541,396 S	4/2007	Fawcett et al.	D874,687 S *	2/2020	Schluter ..... D25/158
7,250,570 B1	7/2007	Morand et al.	D897,000 S *	9/2020	Julton ..... D25/158
D551,152 S	9/2007	Funk et al.	D907,812 S *	1/2021	Brugger ..... D25/138
D568,006 S	4/2008	Shin	10,928,075 B1 *	2/2021	Warneke ..... H05B 3/06
D587,358 S	2/2009	Stephan et al.	10,934,712 B2 *	3/2021	Egli ..... E04F 13/074
7,585,556 B2	9/2009	Julton	2006/0086717 A1	4/2006	Oosterling
7,651,757 B2	1/2010	Jones et al.	2006/0260233 A1	11/2006	Schluter
7,669,371 B2	3/2010	Hill	2006/0265975 A1	11/2006	Geffe
7,880,121 B2	2/2011	Naylor	2007/0039268 A1	2/2007	Ambrose, Jr. et al.
D636,098 S	4/2011	Reynolds et al.	2007/0056233 A1	3/2007	Kang et al.
8,002,241 B1	8/2011	Shaw	2008/0017725 A1	1/2008	Backman, Jr.
D659,529 S	5/2012	Ojanen et al.	2008/0173060 A1	7/2008	Cymbalisty et al.
8,176,694 B2	5/2012	Batori	2008/0276557 A1	11/2008	Rapaz
8,220,221 B2	7/2012	Gray	2008/0290503 A1	11/2008	Karavakis et al.
8,288,689 B1	10/2012	Adelman	2008/0290504 A1	11/2008	Karavakis et al.
8,341,911 B2	1/2013	Collison et al.	2008/0295441 A1	12/2008	Carolan et al.
8,517,473 B2	8/2013	Monyak et al.	2009/0026192 A1	1/2009	Fuhrman
			2009/0230113 A1	9/2009	Batori
			2010/0048752 A1	2/2010	Vignola et al.
			2014/0069039 A1	3/2014	Schluter et al.
			2015/0345155 A1	12/2015	Pastrana

(56)

References Cited

U.S. PATENT DOCUMENTS

2016/0061355	A1	3/2016	Sherman et al.	
2016/0192443	A1	6/2016	Schluter	
2017/0073980	A1	3/2017	Szonok	
2017/0175389	A1	6/2017	Liang et al.	
2017/0284108	A1	10/2017	Larson	
2018/0051892	A1	2/2018	Bordin	
2018/0223543	A1	8/2018	Faotto	
2018/0299140	A1	10/2018	Larson	
2019/0226686	A1	7/2019	White et al.	
2019/0338535	A1*	11/2019	Sennik	E04F 15/22
2020/0191413	A1*	6/2020	Faotto	F24D 3/142
2020/0340685	A1	10/2020	Larson	
2021/0029782	A1*	1/2021	White	F24D 3/142
2021/0115660	A1*	4/2021	Amend	E04C 2/205
2021/0207386	A1*	7/2021	Bordin	B32B 7/12

FOREIGN PATENT DOCUMENTS

CN	1270295	10/2000
DE	1986165	5/1968
DE	2819385	11/1979
DE	2840149	3/1980
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	4238943	1/1994
DE	4225945	2/1994
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
DE	102012001557	8/2013
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
WO	WO 82/03099	9/1982
WO	WO 90/07042	6/1990
WO	WO 2004/111544	12/2004
WO	WO 2006/123862	11/2006
WO	WO 2008/098413	8/2008
WO	WO 2016/036365	3/2016
WO	WO-D211024-002	* 10/2020

OTHER PUBLICATIONS

“Top-Nopp® Noppensystem, Funktioniert wie ein Druckknopf,” EMPUR®, Jul. 1, 2017, 20 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>].

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

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

“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).

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

*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.

“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).

Polypipe Brochure; “Redefining Heating Systems,” [www.ufch.com](http://www.ufch.com); Polyplumb: Hot & Cold Plumbing & Heating System; © 2006, Polypipe Group; Printed: Feb. 2007, 44 pages.

“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).

Schluter Systems, Profile of Innovation, Illustrated Price List, Jan. 1, 2008, 2 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](https://web.archive.org/web/20120812084211/http://www.nationalpoolwholesalers.com/_Wall_Skimmer_Octagonal_Nut--SKU_PWSP17BUW.html)].

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.

Notice of Allowance for U.S. Appl. No. 29/681,568, dated Sep. 6, 2019 11 pages.

“Flächen-Heiz- und Kühlsysteme Systemlösungen für alle Anwendungsbereiche,” Roth Werke Buchenau, as of May 2, 2005,

(56)

**References Cited**

OTHER PUBLICATIONS

24 pages [retrieved online from: [web.archive.org/web/20050502054722/http://www.rothwerke.de/daten/Prospekt\\_FHS.pdf](http://web.archive.org/web/20050502054722/http://www.rothwerke.de/daten/Prospekt_FHS.pdf)].

“Roth Clima Comfort™ System,” Roth, Feb. 27, 2013, 1 page, 39 second mark [retrieved online from: [youtube.com/watch?v=QkhUr88McRk](https://www.youtube.com/watch?v=QkhUr88McRk)].

Notice of Allowance for U.S. Appl. No. 15/647,510, dated Aug. 5, 2019 7 pages.

Official Action for U.S. Appl. No. 15/796,328, dated Dec. 13, 2019 11 pages.

Notice of Allowance for U.S. Appl. No. 29/681,569, dated Sep. 11, 2019 11 pages.

Official Action for U.S. Appl. No. 29/681,570, dated Sep. 4, 2019 9 pages.

Notice of Allowance for U.S. Appl. No. 29/681,570, dated Nov. 26, 2019 6 pages.

U.S. Appl. No. 12/550,111, filed Aug. 28, 2009 now U.S. Pat. No. 9,188,348.

U.S. Appl. No. 29/493,206, filed Jun. 6, 2014 now U.S. Pat. No. D. 813,421.

U.S. Appl. No. 14/860,065, filed Sep. 21, 2015 now U.S. Pat. No. 9,518,746.

U.S. Appl. No. 14/880,859, filed Oct. 12, 2015 now U.S. Pat. No. 9,416,979.

U.S. Appl. No. 14/260,859, filed Sep. 9, 2016 now U.S. Pat. No. 10,006,644.

U.S. Appl. No. 16/013,698, filed Jun. 20, 2018.

U.S. Appl. No. 29/547,874, filed Dec. 8, 2015 now U.S. Pat. No. D. 797,957.

U.S. Appl. No. 14/829,108, filed Aug. 18, 2015 now U.S. Pat. No. 9,625,163.

U.S. Appl. No. 15/260,848, filed Sep. 9, 2016 now U.S. Pat. No. 9,777,931.

U.S. Appl. No. 15/648,152, filed Jul. 12, 2017 now U.S. Pat. No. 10,107,505.

U.S. Appl. No. 16/121,232, filed Sep. 4, 2018 now U.S. Pat. No. 10,408,469.

U.S. Appl. No. 16/546,024, filed Aug. 20, 2019.

U.S. Appl. No. 15/796,225, filed Oct. 27, 2017 now U.S. Pat. No. 10,215,423.

U.S. Appl. No. 15/504,188, filed Feb. 15, 2017.

U.S. Appl. No. 15/070,960, filed Mar. 15, 2016 now U.S. Pat. No. 9,719,265.

U.S. Appl. No. 15/185,576, filed Jun. 17, 2016 now U.S. Pat. No. 9,726,383.

U.S. Appl. No. 29/573,009, filed Aug. 2, 2016 now U.S. Pat. No. D. 841,837.

U.S. Appl. No. 29/681,568, filed Feb. 26, 2019 now U.S. Pat. No. D. 872,901.

U.S. Appl. No. 29/681,569, filed Feb. 26, 2019 now U.S. Pat. No. D. 874,028.

U.S. Appl. No. 29/681,570, filed Feb. 26, 2019.

U.S. Appl. No. 15/647,510, filed Jul. 12, 2017 now U.S. Pat. No. 10,502,434.

U.S. Appl. No. 15/796,328, filed Oct. 27, 2017.

\* cited by examiner

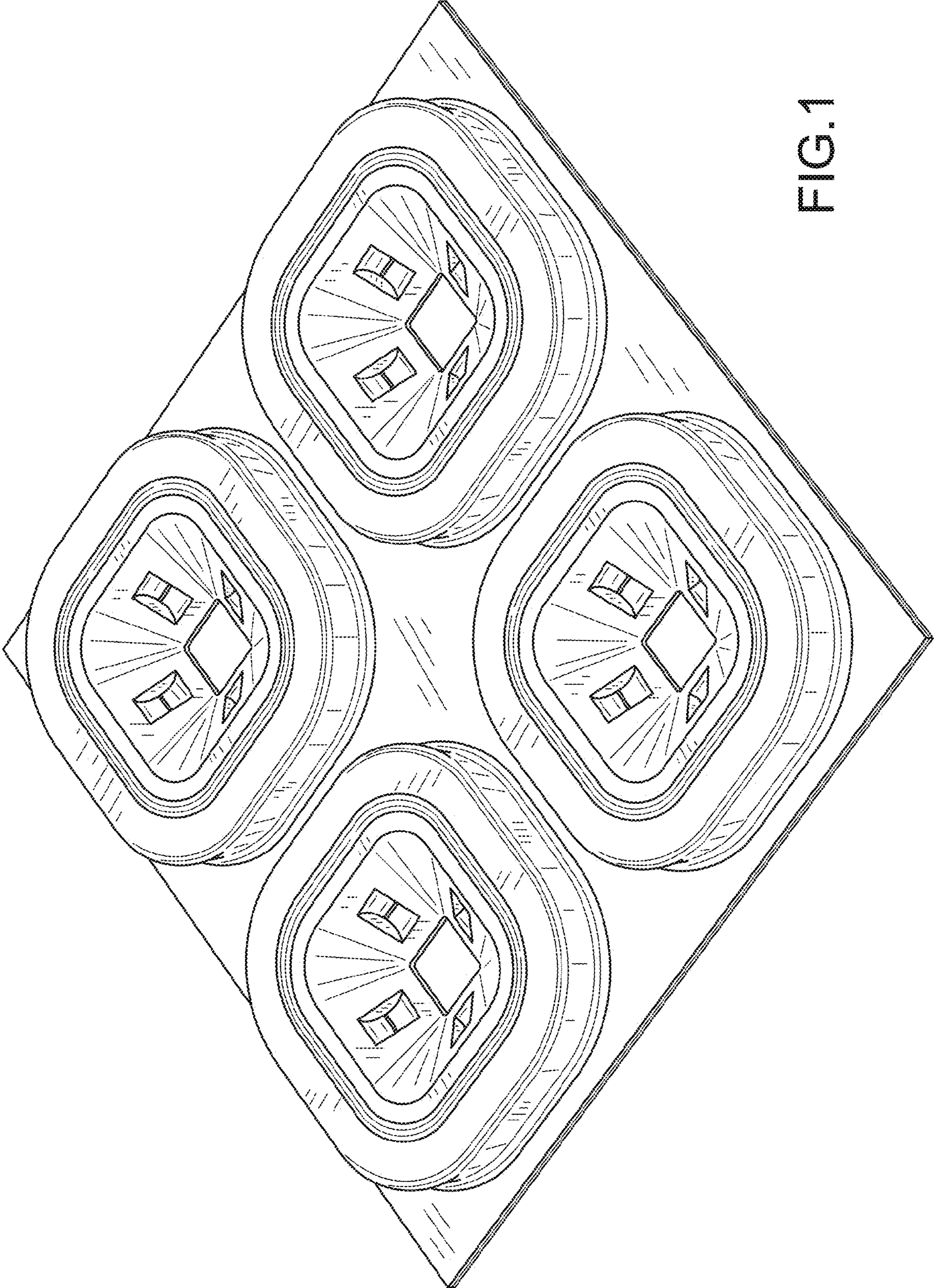


FIG.1

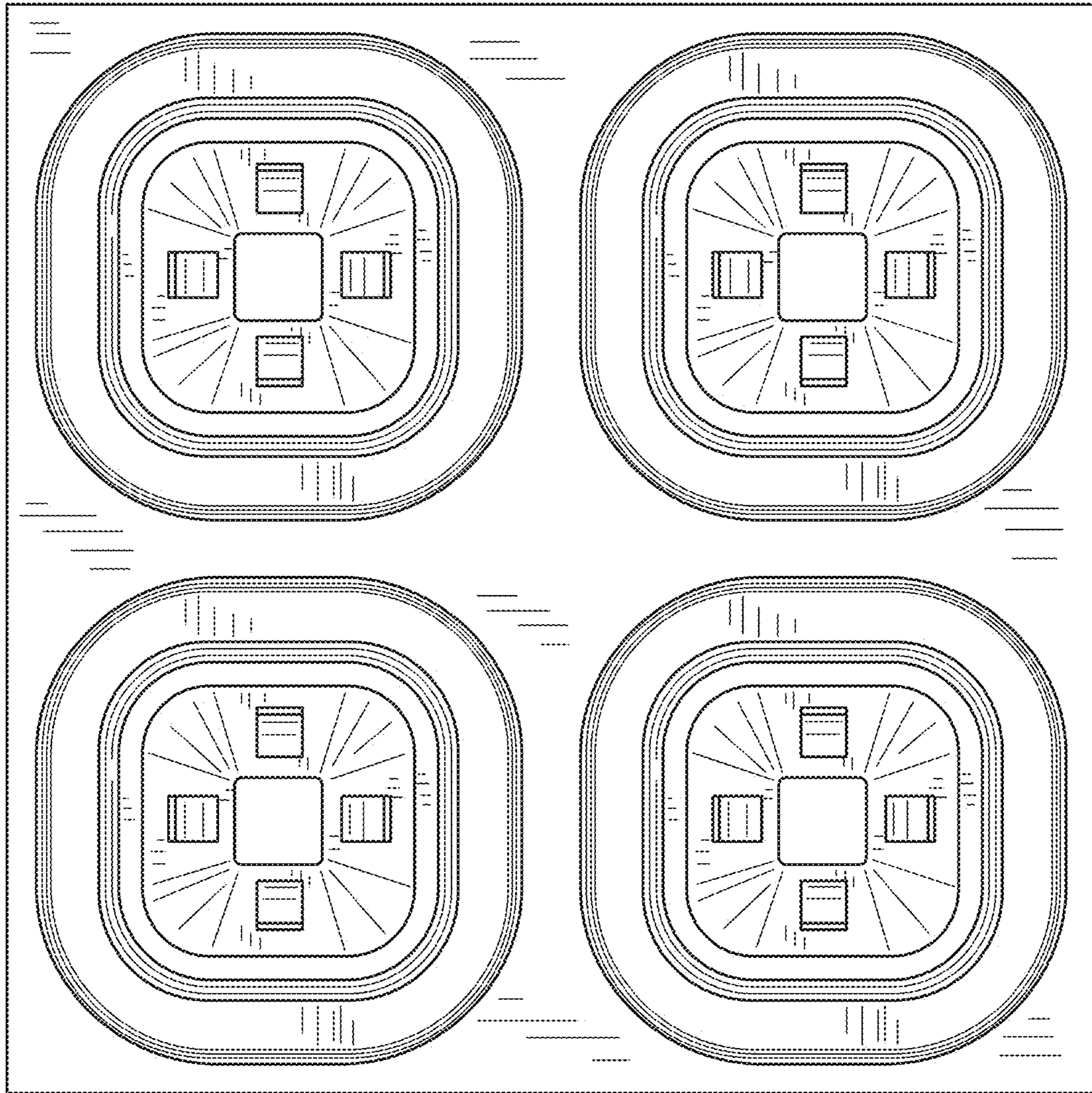


FIG. 2

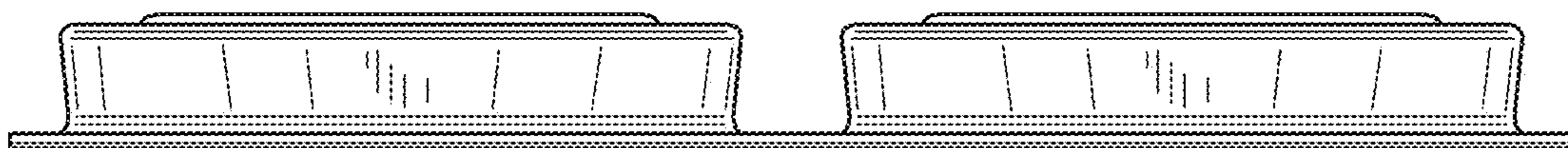


FIG. 3

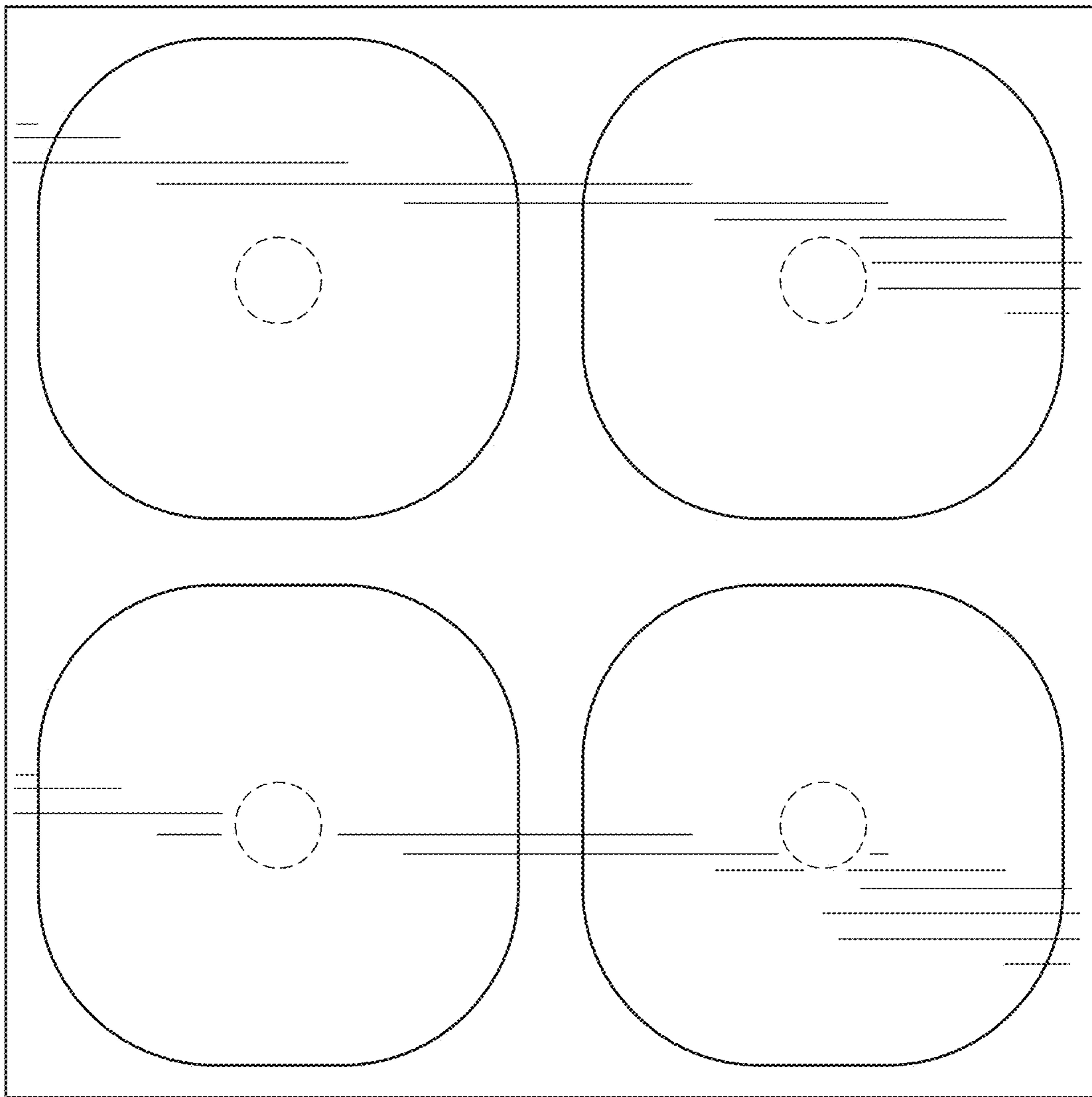


FIG. 4