Approved for use through 09/30/00. OMB 0651-0032 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE ond to a collection of information unless it displays a valid OMB control Under the Paperwork Reduction Act of 1995, no persons are required to प्र_{क्षि} number Complete if Known Application Number 09/181,738 FEE TRANSMITTAL October 28, 1998 Filing Date First Named Inventor Nathan Pyles 2816 Group Art Unit Note: Effective October 1, 1997,
Patent fees are subject to annual consign
NT OF PAYMENT \$240.00 M. Wambach Examiner Name TOTAL AMOUNT OF PAYMENT Attorney Docket Numbe EPIXINC-4 METHOD OF PAYMENT (check one) FEE CALCULATION (Continued) The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: 3. ADDITIONAL FEES 図 Large Entity Small Entity Deposit Account Number 15-0660 Fee (\$) Fee (\$) Fee Description Fee Paid Code 105 130 205 65 Surcharge - late filing fee or oath Deposit Account Name Lathrop & Clark Surcharge - late provisional filing fee or cover sheet 127 50 227 25 Charge Any Additional Fee Required Under 37 CFR 1.16 and Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance 139 130 139 130 Non-English specification X 147 2,520 147 2,520 For filing a request for reexamination 1 17 Requesting publication of SIR prior to Examiner action 112 920* 112 920* 2. Payment Enclosed: ⊠^{Check} Money Order □ Other 113 1,840* 113 1,840* Requesting publication of SIR after FEE CALCULATION 15 110 215 55 Extension for reply within first month 1. FILING FEE 380 16 190 Extension for reply within second month Small Entity 435 Extension for reply within third month Large Entity Fee Description ee Paid 118 1,360 218 680 Extension for reply within fourth Fee Code Fee (\$) Fee Code Fee (\$) month 128 1850 228 925 Extension for reply within fifth month 201 Utility filing fee 119 300 219 150 Notice of Appeal 101 690 345 300 310 206 155 Design filing fee 120 220 150 Filing a brief in support of an appeal 106 Plant filing fee 121 260 221 Request for oral hearing 107 480 207 240 130 Petition to institute a public use 108 760 208 380 Reissue filing fee 138 1,510 138 1,510 proceeding Provisional filing fee 150 214 140 55 114 75 110 240 Petition to revive - unavoidable SUBTOTAL (1) \$0.00 241 Petition to revive - unintentional 141 1.210 605 Fee from below 2. CLAIMS Extra Fee Paid 142 Utility issue fee (or reissue) 1,210 242 605 Total Claims -20= 143 430 Design issue fee Independent Claims \$0.00 580 -3= 144 244 290 Plant issue fee 122 130 122 130 Petitions to the Commissioner 135 \$0.00 Petitions related to provisional Multiple Dependent Claims 123 50 123 50 applications \$240.00 126 126 240 Submission of Information Disclosure Large Entity Small Entity Statement Fee (\$) Fee Description 581 40 581 40 Recording each patent assignment Fee Code Fee Code Fee per property (times number of properties) Filing a submission after final rejection (37 CFR 1.129(a)) 103 18 203 9 Claims in excess of 20 146 760 246 380 For each additional invention to be examined (37 CFR 1.129(b)) 102 78 202 39 Independent Claims in excess of 3 149 760 249 380 104 260 204 130 Multiple dependent claims Reissue independent claims over original patent 109 78 209 Other fee (specify) 39 Reissue claims in excess of 20 and over original patent 110 18 210 9 Other fee (specify) SUBTOTAL (2) \$0.00 \$240.00 Reduced by Basic Filing Fee Paid SUBTOTAL (3) SUBMITTED BY Complete (if applicable) Typed or Printed Name Jeffry W. Smith 33455 Reg. Number Date Varch 15 200 Deposit Account User ID Signature

PATENT APPLICATION

MON #7/ Supp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Pyles et al . ?

March 15, 2000

Filed:

For:

October 28, 199

Docket No.: EPIXINC-4

Application No.:

09/181.738

Art Unit:

Date:

2816/

40 March 1900 March 19

PEDOMETER PATER

Examiner:

M. Wambach

Certificate of Mailing

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Washington, D.C. 20231

Jan 5/ 15 2000

Date

Signature

Jeffry W. Smith, Reg. No. 33455

Name of applicant, assignee or Registered Representative

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. §1.56, applicant wishes to call the attention of the Examiner to the following documents:

Other Documents

SPORTSLINE PRODUCTS, "Fitness Pedometer 360", web page, 1pg.

SPORTSLINE PRODUCTS, Fitness Pedometer 360 packaging labels, 5 pgs.

Copies of these documents are submitted herewith along with Form PTO/SB08B.

Applicant respectfully requests that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

This disclosure is being made pursuant to 37 C.F.R. §1.97(c)(2) and is accompanied by the fee set forth in 37 C.F.R. §1.17(p). If this fee is deficient in any manner, please charge Account No. 15-0660. A duplicate of this paper is filed herewith.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant Lathrop & Clark LLP

740 Regent Street, Suite 400

P. O. Box 1507

Madison, Wisconsin 53701

(608) 257-7766

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Pyles et al.

March 15, 2000

Filed:

October 28, 199

Decket No.:

EPIXINC-4

Application No.:

09/181,738

Art Unit:

2816

For:

PEDOMETER

Examiner:

M. Wambach

Certificate of Mailing

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Date

In L

Jeffry W. Smith, Reg. No. 33455

Name of applicant, assignee or Registered Representative

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

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Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant Lathrop & Clark LLP

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Madison, Wisconsin 53701

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Substitut	te for form 1449B/P	то		Application Number	09/181,738			
INFORMATION DISCLOSURE				Filing Date	October 28, 1998			
				First Named Inventor	Nathan Pyles			
SIA	ATEMENT B	YAF	PLICANI	Group Art Unit	2816			
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Sheet	li y	Of	1	Attorney Docket Number	EPIXINC-4			

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.1						
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KNA	SPORTSLINE PRODUCTS, Fitness Pedometer 360 packaging labels, 5 pgs.						
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Examiner Signature		Wambach Date Considered 6/20700					

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language translation is attached

In The United States Patent And Trademark Office Applicant: Pyles et al. March 15, 2000 Date Filed: October 28, 1998 Docket No .: **EPIXINC-4** App. No.: 09/181,738 Art Unit: For: PEDOMETER. Examiner: M. Wambach erifficate of Mailing I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 NAME A BANG DEPOSITE 00000002 150640 09181738 204,90 03 Jeffry W. Smith, Reg. No. 33455 Name of applicant, assignee or Registered Representative

Amendment

BOX NON-FEE AMENDMENT Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

This is in response to a January 28, 2000 Official Action. In view of the following amendments and remarks reconsideration and allowance of the application are requested.

In the Claims

Please cancel claims 1, 2, 3, 4, 7, 8, 9, 10, and 11 without prejudice.

Please amend the following claims as indicated.

5. (Amended.) A pedometer comprising

a step counter mountable on a user first body portion;

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Appycant: Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

à transmitter in communication with the step counter to generate a signal corresponding to each step and transmit the signal; and

a receiver mountable on a user second body portion to receive the signal transmitted

from the transmitter and use the signal to calculate a distance traveled

[The pedometer of claim 1], wherein the transmitter transmits the signal a wireless distance in the range of [thirty] zero to thirty-six inches.

6. (Amended.) A pedometer comprising:

a step counter mountable on a user first body portion;

a transmitter in communication with the step counter to generate a signal

corresponding to each stepland transmit the signal; and

a receiver mountable on a user second body portion to receive the signal transmitted

from the transmitter and use the signal to calculate a distance traveled

[The pedometer of claim 1], wherein the receiver is mountable on a user's wrist.

2. (Amended.) A pedometer comprising:

a step counter mountable on a user first body portion;

a transmitter in communication with the step counter to generate a signal corresponding to each step and transmit the signal;

a receiver mountable on a user second body portion to receive the signal transmitted from the transmitter and use the signal to calculate a distance traveled;

a heart rate monitor; and

a second transmitter in communication with the heart rate monitor to transmit a signal corresponding to a heart rate monitored by the heart rate monitor to the receiver and display the calculated heart rate

[The pedometer of claim 9], wherein the heart rate monitor and the [step counter]

Appi∗.ant: Pyles et al.

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Art Unit: 2816

transmitter are mounted in a single chest-mount housing.

13. (Amended.) A pedometer comprising:

a step counter mountable on a user first body portion;

a transmitter in communication with the step counter to generate a signal

corresponding to each step and transmit the signal; and

a receiver mountable on a user second body portion to receive the signal transmitted

from the transmitter and use the signal to calculate a distance traveled

[The pedometer of claim 1], wherein the pedometer includes a data processor programmed to calculate [a] the distance traveled by multiplying the number of strides taken by a stride length that varies according to [the] a rate at which strides are taken.

17. (Amended.) A pedometer comprising:

a step counter;

a transmitter in communication with the step counter to generate a step count signal

corresponding to each step and transmit the step count signal; and

a receiver mountable on a user ody portion to receive the step count signal

transmitted from the transmitter and calculate a distance from a number of strides

measured by the step counter; and

a data processor programmed to calculate a distance traveled by multiplying the number of strides taken by a stride length that varies according to [the] a rate at which

strides are taken.

(Amended.) The pedometer of claim 17, wherein the [transmission] step count signal is digitally coded.

App.. ant: Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

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(Amended.) The pedometer of claim 17, [where in] wherein the transmitter transmits the signal a wireless distance in the range of [thirty] zero to thirty-six inches.

(Amended.) The pedometer of claim W, and further comprising:

a heart rate monitor; and

a second transmitter in communication with the heart rate monitor to transmit a heart rate signal corresponding to a heart rate [calculated] monitored by the heart rate monitor to the receiver and display the calculated heart rate.

(Amended.) The pedometer of claim 26, wherein the heart rate signal is at a different frequency than the [pedometer] step count signal.

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13 28. (Amended.) The pedometer of claim 25, wherein the heart rate monitor and the step counter are mounted in a single chest-mount housing.

ر ا (Amended.) A pedometer programmed to calculate an actual stride length of a user by performing the steps of:

timing a user first run of a predetermined distance to obtain a user first run time;

counting [the] \underline{a} total number of strides in the user first run;

dividing the first run distance by the [stride count] total number of strides to obtain a base stride length;

dividing the stride count by the first run time to obtain a base stride rate;

counting strides in a period of time during a user second run to obtain an actual stride rate;

calculating the actual stride length using the formula:

Actual Stride Length = Base Stride Length + Base Stride Length *(((Actual Stride

App.* ant; Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

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Rate - Base Stride Rate)N)/Base Stride Rate);

where N is in the range of between 1 and 3;

calculates the actual stride length [distance] using a formula that correlates a specific stride length to a specific stride rate.

. . (Amended.) The pedometer of claim \$2, wherein the [receiver processes the step count signal and displays] pedometer is further programmed to calculate and display [the] a distance traveled on a viewing screen.

37. (Amended.) A pedometer programmed to calculate an actual stride length of a user by performing the steps of:

timing a user first run of a predetermined <u>first run</u> distance <u>to obtain a first run time</u>; counting [the] <u>a</u> total number of strides in the user first run;

dividing the first run distance by the [stride count] total number of strides in the user first run to obtain a first run [base] stride length and a base stride length;

dividing the first run stride count by the first run time to obtain a first run [base] stride rate and a base stride rate;

timing a user second run of a predetermined second run distance to obtain a second run time;

counting [the] a total number of strides in the user second run;

dividing the second run distance by the <u>total number of strides in the user</u> second run [stride count] to obtain a second [base] <u>run</u> stride length;

dividing the <u>total number of strides in the</u> second run [stride count] by the second run time to obtain a second [base] <u>run</u> stride rate;

timing a user third run of a predetermined third run distance to obtain a third run time; counting [the] a total number of strides in the user third run;

Applicant: Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

dividing the third run distance by the total number of strides in the user third run [stride count] to obtain a third [base] run stride length;

dividing the total number of strides in the third run [stride count] by the third run time to obtain a third run [base] stride rate;

counting strides in a period of time during a user fourth run to obtain an actual stride rate; calculating the actual stride length using the formula:

Actual Stride Length = Base Stride Length + Base Stride Length *(((Actual Stride Rate - Base Stride Rate)N)/Base Stride Rate);

where N is calculated by the formula ((Second Run Stride Length multiplied by First Run Stride Rate) - (First Run Stride Length multiplied by First Run Stride Rate)) / (First Run Stride Length multiplied by (Second Run Stride Rate - First Run Stride Rate)) when the Actual Stride Rate is greater than the First Run Stride Rate, and where N is calculated by the formula ((Third Run Stride Length multiplied by First Run Stride Rate) - (First Run Stride Length multiplied by First Run Stride Rate)) / (First Run Stride Length multiplied by (Third Run Stride Rate - First Run Stride Rate)) when the Actual Stride Rate is less than or equal to the First Run Stride Rate.

3 4. (Amended.) A method for calculating an actual stride length comprising the steps

of:

timing a first user run of a predetermined distance to obtain a first run time; counting a total number of strides in the [user] first user run to obtain a stride count; dividing the first run time by the stride count to obtain a Base Stride Length; dividing the stride count by the first run time to obtain a Base Stride Rate; counting strides in a pre-determined period during a user second run to obtain an Actual Stride Rate;

Application No.: 09/181,738

Art Unit: 2816

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calculating the actual stride length using the formula:

Actual Stride Length = Base Stride Length + Base Stride Length *(((Actual Stride Rate - Base Stride Rate)N)/Base Stride Rate); wherein N is between one and three.

Remarks

Claims 1, 2, 3, 4, 7, 8, 9, 10, and 11 were all rejected under 35 U.S.C. §102 or §103. Applicants believe these claims are allowable over the cited art, but have canceled these claims to expedite prosecution of the application. The remaining claims were rejected under 35 U.S.C. §112, for the specific reasons cited on page 2 of the action.

Applicants have amended either the specific claims listed in the §112 rejection or the independent claims from which the rejected claims depend. It is believed that all of the §112 issues were addressed, but if the examiner disagrees, the undersigned counsel for Applicants is available for a telephone interview to expedite prosecution of this application.

Claims 5, 6, 9, and 13 all depended directly or indirectly from independent claim 1, now canceled. In claim 1 as originally filed, the last line included the phrase "calculate a distance measured by the step counter" to describe the function of the receiver after receiving a signal from the transmitter. In fact, the step counter does not "measure" anything. Step counters only count steps. In the invention as claimed herein, the receiver does the calculating based on the signal received from the step counter. Thus, in claims 5, 6, 9, and 13, the language of base claim 1 has been amended to make clear that the receiver calculates a distance traveled based, at least in part, on the signal received from the step counter.

Similarly, claim 12 depended from intervening base claim 9, which included the phrase "a heart rate calculated by the heart rate monitor." The heart rate monitor does not "calculate" a heart rate. Rather, the heart rate monitor recited in claim 9 simply "monitors" or counts heart beats. The receiver then calculates and displays the heart rate. Thus, the claim 9 language added to claim 12 has been amended to clarify this point. Claim 25 includes a similar amendment.

Applicant: Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

In addition, claims 5 and 21 were amended to make the transmission range from zero to thirty-six inches. This reflects the broadest range supported by the specification at page 4, lines 23-29. So long as the signal is transmitted no more than the thirty to thirty-six inch range, it avoids interference with other Rf or digital devices. Given this, the two portions of the device can be mounted on different body parts without interference from external signals. Thus, zero inches is the smallest distance and thirty-six inches is the largest distance of transmission for this preferred embodiment as recited in claims 5 and 21.

Next, claim 37 was amended to accommodate the examiner's proposed changes to this claim. In addition, the "first run stride length" was given the dual name of "base stride length", and "first stride rate" was given the dual name "base stride rate". These terms are necessary to provide the necessary antecedent basis for the formula recited at the end of the claim.

The claims that were allowable if rewritten to overcome the §112 rejection and put into independent claim format have been amended to include all of the limitations of their respective base claims. Thus, all remaining claims are in condition for allowance. No new matter is believed to be added by this amendment.

Further, submitted herewith is a Supplemental Information Disclosure Statement citing a web page and instructions for a pedometer that is now commercially available. Applicants have no information indicating that this is prior art to the present application, but in the interest of full disclosure bring it to the examiner's attention. It is noteworthy that the instructions describe the pedometer as able to distinguish a walking stride length from a running stride length, and to calculate a "steps per minute". (Page 4, "Speed Function".) Significantly, however, this pedometer can only measure distance based on a uniform stride length. These instructions specifically state, "It is important to walk or run or hike consistently. If you vary your walking pace, your stride length will vary and your distance traveled will be [different]." (Page 3, "Your Stride Length".) Further, the user's stride length must be measured and then input into this pedometer's "memory". It does not measure stride length automatically. (Page 3, "How to

Applicant: Pyles et al.

Application No.: 09/181,738

Art Unit: 2816

Measure Your Stride".) Thus, even if this pedometer were prior art, it has no bearing on the allowability of the claims, particularly those relating to variable stride lengths.

Conclusion

For the foregoing reasons, Applicants submit that this case is in condition for allowance and respectfully request that the application be passed to issue.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant Lathrop & Clark LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

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	(To be used for all correspondence a	after initial filing)	Group Art Unit	2816		
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Application Number 09/181,738 **TRANSMITTAL** Filing Date October 28, 1998 MAR 2 7 2003 **FORM** First Named Inventor Nathan Pyles O COLE Group Art Unit 2816 To be used for all correspondence after initial filing) Examiner Name M. Wambach Total Number of Pages in This Submission Attorney Docket Number EPIXINC-4 Fee Transmittal Form Assignment Papers After Allowance Communication (For an Application) Group Drawing(s) Appeal Communication to Board Amendment / Response Licensing-related Papers Appeals and Interferences Petition Routing Stip (PTO/SB/69) Appeal Communication to Group And Accompanying Petition (Appeal Notice, Brief, Reply To Convert a Provisional Affidavits/declaration(s) Proprietary Information Application Extension of Time Request Power of Attorney, Revocation Change of Correspondence Additional Enclosure(s) Express Abandonment Request (Please identify below): Terminal Disclaimer Small Entity Statement ●PTO/SB 08A and PTO/SB 08B Information Disclosure with 3 documents Request for Refund Statement Certified Copy of Priority Document(s) Remarks The Commissioner is hereby authorized to charge any additional fees that may be required with respect to this Response to Missing Parts/ communication, or credit any overpayment, to Deposit Incomplete Application Account No. 15-0660. Response to Missing Parts Under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Individual name effry W. Smith, Reg. No. 33455 Signature Date 21,2000 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Typed or printed name Jeffry W. Smith, Reg. No. Murch 21, 2002 Date Signature



PATENT APPLICATION

Applicant:

Pyles et al.

Docket No.:

EPIXINC-4

Date:

March 21, 2000

Application No.:

09/181,738

Filed:

October 28, 1998 '

Art Unit:

2816

Examiner:

M. Wambach

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Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee of Registered Representative

For:

PEDOMETER

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sirs:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following documents:

United States Patents

U.S. Patent No. 5,033,013

Issue Date 07-16-1991 Patentee Kato et al.

Foreign Patent Documents

Patent No. EP 0 119 009 A1

Issue Date 09-02-1983 Patentee Frederick

Other Documents

PCT/ISA/210 - International Search Report received March 20, 2000, 4 pgs.

Copies of these documents are submitted herewith along with Form PTO/SB 08A and PTO/SB 08B.

Applicants respectfully request that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant LATHROP & CLARK LLP 740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST, 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08B (10-96)

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language translation is attached

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Patent and Traceina... Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control Application Number 09/181,738 TRANSMITTALL F Filing Date October 28, 1998 First Named Inventor Nathan Pyles Group Art Unit 2816 (To be used for all correspon **Examiner Name** M. Wambach Total Number of Pages in This Submissio Attorney Docket Number EPIXINC-4 Fee Transmittal Form Assignment Papers After Allowance Communication (For an Application) Fee Attached Group Drawing(s) Appeal Communication to Board Amendment / Response Licensing-related Papers Appeals and Interferences Petition Routing Slip (PTO/SB/69) Appeal Communication to Group After Final And Accompanying Petition (Appeal Notice, Brief, Reply To Convert a Provisional Affidavits/declaration(s) Proprietary Information Application Extension of Time Request Power of Attorney, Revocation Status Letter Change of Correspondence Address Additional Enclosure(s) Express Abandonment Request Terminal Disclaimer (Please identify below): Small Entity Statement PTO/SB 08A with 20 documents ECEIVED Information Disclosure Request for Refund Statement APR 1 1 2000 Certified Copy of Priority TECHNOLOGY CENTER 280 Document(s) Remarks The Commissioner is hereby authorized to charge any additional fees that may be required with respect to this Response to Missing Parts/ communication, or credit any overpayment, to Deposit Incomplete Application Account No. 15-0660. Response to Missing Parts Under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Individual name Jeffry W. Smith, Reg. No. 33455 Signature Date CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Jeffxy W. Smith, Reg. No.

Signature

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		Application Number	(09/181,738
TRANSMITTA	L	Filing Date	(October 28, 1998
FORM		First Named Inventor	1	Nathan Pyles
(To be used for all correspondence after	er initial filing)	Group Art Unit		2816
		Examiner Name	N	/i. Wambach
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PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant:

Pyles et al.

Docket No.:

EPIXINC-4

Date:

April 4, 2000

Application No.:

09/181,738

Filed:

October 28, 1998

Art Unit:

2816

Examiner:

M. Wambach

For:

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On Apr: 1 4,200

Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee or Registered Representative

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sirs:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following documents:

United States Patents

RECEIVED

U.S. Patent No.	Issue Date	<u>Patentee</u>
4,144,568	03-13-1979	Hiller et al.
4,220,996	09-02-1980	Searcy
4,387,437	06-07-1983	Lowrey et al.
4,460,823	07-17-1984	Ruehlemann
4,466,204	08-21-1984	Wu
4,560,861	12-24-1985	Kato et al.
4,566,461	01-28-1986	Lubell et al.
4,578,769	03-25-1986	Frederick
4,703,445	10-27-1987	Dassler
4.763.287	08-09-1988	Gerhaeuser et al.

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4,830,021	05-16-1989	Thornton
4,962,469	10-09-1990	Ono et al.
5,065,414	11-12-1991	Endou et al.
5,164,967	11-17-1992	Endo et al.
5,485,402	01-16-1996	Smith et al.
5,720,200	02-24-1998	Anderson et al.
5,724,265	03-03-1998	Hutchings
5,899,963	05-04-1999	Hutchings
5,976,083	11-02-1999	Richardson et al.
6,018,705	01-25-2000	Gaudet et al.

Copies of these documents are submitted herewith along with Form PTO/SB 08A.

This supplemental information disclosure statement shall be considered under 37 C.F.R. §1.97(c)(1) because no final action is believed to have been mailed before the mailing of this statement. Further, to the knowledge of the undersigned after making reasonable inquiry, no fee is believed to be owed because no item contained herein was known to any individual designated in §1.56(c) more than three months prior to the filing of this supplemental information disclosure statement.

Applicants respectfully request that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

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Respectfully submitted,

TECHNOLOGY CENTER 2800

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant

LATHROP & CLARK LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

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Signature Considered C

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Examiner M. Wambach

UNITED STATES PATENT AND TRADEMARK

OFFICE

At Fax Number:

(703) 308-7722

From:

Jeffry W. Smith

Date:

June 19, 2000

Time:

EPIXINC-4

Our Reference:

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		Application Number	09/181,738
TRANSMITT	AL	Filing Date	October 28, 1998
FORM		First Named Inventor	Nathan Pyles
(To be used for all correspondence	after initial filing)	Group Art Unit	2816
2		Examiner Name	M. Wambach
Total Number of Pages in This Subm	ission	Attorney Docket Number	EPIXINC-4
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Typed or printed name	Jeffry W	. Smith, Reg.	No. 33455
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PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant:

Pyles et al.

Docket No .:

EPIXINC-4

Date:

June 19, 2000

Application No.:

09/181,738

Filed:

October 28, 1998

Art Unit:

2816

Examiner:

M. Wambach

For: PEDOMETER

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Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignce or Registered Representative

AMENDMENT

Attn: Examiner M. Wambach Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

In response to the telephone interviews on June 12 and 15, 2000 with Examiner

Wambach, Applicant submits the following amendments and remarks.

In the Claims

Please cancel claims 5, 6, and 14

Please amend claims 15 and 17 as follows:

2/13. (Twice Amended.) A pedometer comprising:

a step counter mountable on a user first body portion;

a transmitter in communication with the step counter to generate a signal

corresponding to each step and transmit the signal; and

a receiver mountable on a user second body portion to receive the signal transmitted

from the transmitter and use the signal to calculate a distance traveled,

wherein the pedometer includes a data processor programmed to calculate the

distance traveled by multiplying the number of strides taken by a stride length that

varies according to a rate at which strides are taken by:

timing a user first run of a predetermined distance;

counting the total number of strides in the user first run:

dividing the first run distance by the stride count to obtain a base stride length;

dividing the stride count by the first run time to obtain a base stride rate:

counting strides in a period of time during a user second run to obtain an actual

stride rate;

calculating the actual stride length using the formula:

Actual Stride Length = Base Stride Length + Base Stride Length *(((Actual Stride

Rate - Base Stride Rate)N)/Base Stride Rate);

where N is in the range of between 1 and 3.



M. (Twice Amended.) A pedometer comprising:

a step counter;

a transmitter in communication with the step counter to generate a step count signal corresponding to each step and transmit the step count signal; and a receiver mountable on a user body portion to receive the step count signal transmitted from the transmitter [and calculate a distance from a number of strides measured by the step counter]; and

Do

a data processor programmed to [calculate a distance traveled by multiplying the number of strides taken by a stride length that varies according to a rate at which strides are taken] use the step count signal to: calculate a stride rate and a stride length from a plurality of walks or runs each over a known distance to generate a range of corresponding stride rates and stride lengths.

and in subsequent walks or runs, calculate an actual stride rate from the number of strides counted by the step counter over a unit of time, compare the actual stride rate with the range of corresponding generated stride rates and stride lengths, and therefrom, calculate an actual stride length to be used in calculating an actual distance traveled.

Remarks

The undersigned counsel for Applicant wishes to thank Examiner Wambach for the courteous and productive telephone interviews of June 12 and 15, 2000. In the June 12, 2000 interview, Examiner Wambach indicated that Kato, U.S. Patent No. 5,033,013 and Hutchings, U.S. Patent Nos. 5,724,265 and 5,899,963 disclosed a correspondence between stride rate and stride length. Consequently, any claims based on this broad concept were not allowable, but

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PAGE 6/6

clause, reciting a specific algorithm for deriving a range of stride lengths or a pedometer in combination with a heart rate monitor are allowable.

On June 15, 2000, the undersigned counsel for Applicant telephone Examiner Wambach indicating that a distinction between the art of record and the present pedometer invention is the use of data input from runs or walks over known distances to establish a range of stride rate versus stride length data that can be used in subsequent runs or walks to derive actual stride lengths from actual stride rates. Therefore, claim 17 has been amended to include language addressing this novel and non-obvious concept. This is not new matter, rather it simply describes the broad concept discussed throughout the application of using trial runs/walks to obtain a range of data to be used for use in subsequent runs or walks.

Claims 5, 6, and 14 have been canceled.

Claim 13 was combined with what is believed to be its allowable dependent claim 14.

Thus, amended claim 13, and its respective dependent claims are allowable.

Conclusion

Applicant submits that the present application with its remaining claims is in allowable form and in condition for allowance. Applicant respectfully requests that this application be passed to issue.

Respectfully submitted,

Jeffey W. Smith, Reg. No. 33455

Attorney for Applicant LATHROP & CLARK LLP 740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

Interview Summary	Application No. 09/181,738	Applicant(s) Pyles		
	Examiner Margaret War	mbach	Group Art Unit 2816	
All participants (applicant, applicant's representative, PTC) personnel):			
(1) Margaret Wambach	(3)			- n i
(2) Jeffry Smith	(4)		1 6	
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Claim(s) discussed: <u>5, 6, 13, and 17</u>				
Identification of prior art discussed: Kato and Hutchings				
Inventive subject matter from the disclosure was discussed prior art. Mr Smith was also notified that the web pages not included.		2004		
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Interview Summary

Paper No. 16

U. S. Patent and Trademark Office PTO-413 (Rev. 10-95)



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

ss: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE FIRST NAMED INVENTOR 09/181.738 10/28/98 **PYLES** EPIXINC-4 EXAMINER 020455 MMC1/0621 LATHROP & CLARK LLP HANGACH M PAPER NUMBER 740 REGENT STREET SUITE 400 P.O. BOX 1507 MADISON WI 53701-1507 DATE MAILED: 06/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev. 2/95)

U.S. G.P.O. 2000 ; 455-168/25266

1- File Copy

Notice of Allowability	Application No. 09/181,738	Applicant(s) Pyles	
	Examiner Margaret Wa	nbach	Group Art Unit 2816	
All claims being allowable, PROSECUTION ON THE MER herewith (or previously mailed), a Notice of Allowance a mailed in due course.				
☐ This communication is responsive to Amdt B (6/19/0	00) and tele. interviews	(6/12 & 6/	(15/00)	
∑ The allowed claim(s) is/are 12, 13, and 15-45	MONUTE A STATE OF THE STATE OF			•
☐ The drawings filed on are acce	entable.			
		1101-1141		
Acknowledgement is made of a claim for foreign prior	CONTRACTOR CONTRACTOR DESCRIPTION OF THE PROPERTY OF THE PROPE			
☐ All ☐ Some* ☐ None of the CERTIFIED copi	es of the priority docu	ments nave	Deen	
received.				
received in Application No. (Series Code/Serial				
received in this national stage application from	the International Bure	au (PCT Rui	e 17.2(a)).	
Certified copies not received:			·	7.
Acknowledgement is made of a claim for domestic pr	riority under 35 U.S.C.	§ 119(e).		
A SHORTENED STATUTORY PERIOD FOR RESPONSE to THREE MONTHS FROM THE "DATE MAILED" of this Of ABANDONMENT of this application. Extensions of time	ffice action. Failure to	timely com	ply will result in	
☐ Note the attached EXAMINER'S AMENDMENT or NO that the oath or declaration is deficient. A SUBSTITUTE				ich discloses
Applicant MUST submit NEW FORMAL DRAWINGS				
\square because the originally filed drawings were declare	d by applicant to be in	formal.		
including changes required by the Notice of Drafts to Paper No. <u>6</u> .	sperson's Patent Draw	ng Review,	PTO-948, attac	hed hereto or
 including changes required by the proposed drawing approved by the examiner. 	ng correction filed on		, whic	ch has been
including changes required by the attached Exami	ner's Amendment/Com	ment.		
Identifying indicia such as the application number (se drawings. The drawings should be filed as a separate Draftsperson.				
☐ Note the attached Examiner's comment regarding RE	QUIREMENT FOR THE	DEPOSIT C	F BIOLOGICAL	MATERIAL.
Any response to this letter should include, in the upper of CODE/SERIAL NUMBER). If applicant has received a Not and DATE of the NOTICE OF ALLOWANCE should also be	tice of Allowance and I			
Attachment(s)		Gn.	er + R	1000 0. 4
☐ Notice of References Cited, PTO-892		110	arigner rese	. Warnhard
☑ Information Disclosure Statement(s), PTO-1449, F	Paper No(s). <u>4</u>	17 57	t.	
☐ Notice of Draftsperson's Patent Drawing Review,	PTO-948			
☐ Notice of Informal Patent Application, PTO-152			Margaret R. t	Nambach
			Primary Ex	
☐ Examiner's Amendment/Comment	and the supplement of the supp	V: 9/ W		
Examiner's Comment Regarding Requirement for I	Deposit of Biological M	aterial		
Examiner's Statement of Reasons for Allowance				
S. Patent and Trademark Office TO-37 (Rev. 9-95) Notice	e of Allowability		Part of	Paper No. 17

108

Part of Paper No.



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

020455 MMC1/0621 LATHROP & CLARK LLP 740 REGENT STREET SUITE 400 F.O. BOX 1507 MADISON WI 53701-1507

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP A	RT UNIT DATE	MAILED
09/18	1.738 10/28	/98 033	WAMBACH, M	2816 06	/21/00
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ATTY'S DOCKET NO) CLASS-SUBCLAS	S BATCH NO.	APPLN, TYPE SMALL ENTITY	FEE DUE DAT	E DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.
 If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.
- II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give application number and batch number.

 Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

PTOL-85 (REV. 10-96) Approved for use through 06/30/99. (0651-0033)

	2	Application Number	09/181,738
TRANSMITT	ΔΙ	Filing Date	October 28, 1998
FORM		First Named Inventor	Nathan Pyles O 1 P E
FURIN			2816 2816
(To be used for all correspondence	efter initial filing)	Group Art Unit Examiner Name	M. Wambacho
tal Number of Pages in This Submis	eion	Attorney Docket Numbe	1/2 (4)
Fee Transmittal Form	Assignment	2012/02/2013 (Sec. 2012)	After Allowance Communication To Group
Fee Attached Amendment / Response	Drawing(s)		Appeal Communication to Board
Amonument/ Response		elated Papers	Appeals and Interferences
After Final	And Accomp	iting Slip (PTO/SB/69) panying Petition	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
Affidavits/declaration(s)	Application	a Provisional	Proprietary Information
Express Abandonment Request	13" ATTLANTOCIONOS CONTROS	orney, Revocation orrespondence sctaimer	Status Letter Additional Enclosure(s) (Please identify below):
Information Disclosure	Small Entity	the first of the control of the cont	* Transmittal of Information Disclosure Statement (2pp) * Statement for Information Disclosure (2pp) *PTO/SB 08b and 1 document
Certified Copy of PriorityDocument(s)	<u> </u>		
Response to Missing Parts/	Remarks	8	RECEIVED
Incomplete Application			000 € ≥ 3110
Response to Missing Parts Under 37 CFR 1.52 or 1.53		ī	ECHNOLOGY CENTER 2800
		ICANT, ATTORNEY, OR AGEN	vit
	W. Smith, Re	g. No. 33455	
gnature 47	11,2000		
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ereby certify that this correspondence t class mail in an envelope addresse 231 on this date:			
rped or printed name	Jeffry W Sr	nith, Reg. No. 3345	(5
<u> </u>	WSAN	, 1.08, 110, 2272	
nature AMY			Date Aug 11, 700)

PTO/SB/17 (12-97)

Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

Complete if Known FEE TRANSMITTAL Application Number 09/181,738 Filing Date October 28, First Named Inventor Nathan P 2816 Group Art Unit AUG 1 4 2000 Note: Effective October 1, 1997, Patent fees are subject to annual revision TOTAL AMOUNT OF PAYMENT | \$130.00 M. Wambarg Examiner Name Aftorney Docket Number KNOWM METHOD OF PAYMENT (check one) FEE CALCULATION (Conti PADEMARY The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: 3. ADDITIONAL FEES e Entity Deposit Account Number 15-0660 Fee (\$) Fee Code Fee Description Fee Paid (\$) Code 105 130 205 65 Surcharge - late filing fee or oath Deposit Account Name Lathrop & Clark Surcharge - late provisional filing fee or cover sheet 127 50 227 25 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance 139 130 139 130 Non-English specification \boxtimes 147 2.520 147 2,520 For filing a request for reexamination 112 920 112 920* Requesting publication of SIR prior to Examiner action Payment Enclosed: 2. 図 ⊠^{Check} ☐ Money ☐ Other 113 1,8401 113 1,840* Requesting publication of SIR after FEE CALCULATION 115 110 215 55 Extension for reply within first month 1. FILING FEE 116 380 190 216 Extension for reply within second Large Entity Small Entity 870 217 435 Extension for reply within third month Fee (\$) Fee Paid Fee Description 118 1,360 218 680 Extension for reply within fourth Fee Code Fee Code Fee (\$) month 128 228 925 1850 Extension for reply within fifth month 201 101 690 345 Utility filing fee 119 300 219 150 Notice of Appeal 106 310 206 155 Design filing fee 120 300 220 150 Filling a brief in support of an appeal Plant filing fee 107 480 207 240 121 221 130 Request for oral hearing Petition to institute a public use proceeding Reissue filing fee 760 208 108 380 138 138 1,510 Provisional filing fee 114 150 214 75 140 110 240 55 Petition to revive - unavoidable SUBTOTAL (1) 141 241 605 Petition to revive - unintentional 1,210 Fee from below Fee Paid 2. CLAIMS 142 605 20= \$0.00 Design issue fee Total Claims 11 143 243 Independent Claims 41 \$0.00 -3= 0 290 122 122 130 Petitions related to provisional applications Multiple Dependent Claims 135 \$0.00 123 123 50 50 Submission of Informa Disclosure Statement 126 126 240 Large Entity Small Entity Fee Description 581 40 Recording each patent assignment Fee Code Fee Code Fee (\$) rty (times number of properties) 103 18 203 Claims in excess of 20 9 146 760 246 380 Filing a submission after final rejection (37 CFR 1.129(a)) For each additional invention to be examined (37 CFR 1.129(b)) 102 78 202 39 Independent Claims in excess of 3 149 760 249 380 104 260 204 130 Multiple dependent claims \$130.00 109 78 209 39 Reissue independent claims over Other fee (specify) Petition fee under §1.17(i) for IDS original patent Reissue claims in excess of 20 and over original patent 110 18 210 9 Other fee (specify) SUBTOTAL (2) \$0.00 Reduced by Basic Filing Fee Paid SUBTOTAL (3) SUBMITTED BY Complete (if applicable) Jeffry W. Smith Typed or Printed Name 33455 Reg. Number Deposit Account User ID Date 11,2000 Signature

PTO/SB/17 (12-97)

Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant:

Pyles et al.

Docket No.:

KNOWMO-2

Date:

August 11, 2000

Application No.:

09/181,738

Filed:

October 28, 1998

Art Unit:

2816

Examiner:

M. Wambach

For: PEDOMETER

AUG 14 2000 CS

Certificate of Mailing
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correspondence is being deposited
with the United States Postal
Service as first class mail in an
envelope addressed to: Assistant
Commissioner for Patents,
Washington, D.C. 20231

On Aug. 11, 2000

Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee or Registered Representative

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. §1.97(d))

Attn: Group Director

Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

AIR 2 5 2000

TECHNOLOGY CENTER 2800

Dear Sir:

The Information Disclosure Statement submitted herewith is being filed after a Notice of Allowance under §1.311, but before the payment of the issue fee.

In accordance with the requirements of 37 C.F.R. §1.97(d):

- A. Accompanying this transmittal is a Statement, as specified in 37 C.F.R. §1.97(e).
- Applicants hereby petition for the consideration of the accompanying Information
 Disclosure Statement. 37 C.F.R. §1.97(d)(2).

Applicants submit the Petition fee set forth in §1.17(i) in the amount of \$130.00. C.

If any additional fees are due, please charge Account No. 15-0660. A duplicate copy of this document is enclosed.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant LATHROP & CLARK LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant:

Pyles et al.

Docket No.:

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M. Wambach

For: PEDOMETER

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Signature

Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee or Registered Representative

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. §1.97(d))

Attn: Group Director Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

ALIC K > SUUU

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- Applicants hereby petition for the consideration of the accompanying Information B. Disclosure Statement. 37 C.P.R. §1.97(d)(2).

08/16/2000 JADD01 00000035 09181738

01 FC:122

130.00 OP

, C. Applicants submit the Petition fee set forth in §1.17(i) in the amount of \$130.00.

If any additional fees are due, please charge Account No. 15-0660. A duplicate copy of this document is enclosed.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455 Attorney for Applicant

LATHROP & CLARK LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507 (608) 257-7766

PATENT APPLICATION

In the United States Patent and Trademark Office

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On Aug 11, 2000

Signature _____

Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee or Registered Representative

STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. §1.97(e)

Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

MIR & 2 2000

TECHNOLOGY CENTER 2800

Dear Sir:

This Statement is being made for the Information Disclosure Statement accompanying this Statement.

I, Jeffry W. Smith, the person signing below state:

That each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

AND

That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application and to the knowledge of the person signing the Statement after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

Respectfully submitted,

Jeffey W. Smith, Reg. No. 33455

Attorney for Applicant

LATHROP & CLARK LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

#13

PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant:

Pyles et al.

Docket No.:

KNOWMO-2

Date:

August 11, 2000

Application No.:

09/181,738

Filed:

October 28, 1998

Art Unit:

2816

Examiner:

M. Wambach

For: PEDOMETER

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On acy. 11, 2000 Signature Juffy () Sont

> Jeffry W. Smith, Reg. No. 33455 Name of Applicant, assignee or Registered Representative

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231 RECEIVED

ALIC 2 3 2000

TECHNOLOGY CENTER 2800

Dear Sir:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following document:

PCT/IPEA/408, Written Opinion received August 7, 2000, 5 pgs. The references cited in the PCT's Written Opinion are already of record.

A copy of this document is being submitted herewith along with Form PTO/SB 08b.

This Information Disclosure Statement is accompanied by a Transmittal of Information Disclosure Statement under 37 C.F.R. §1.97(d); a Statement under 37 C.F.R. §1.97(e); and the appropriate \$130.00 Petition fee.

Applicants respectfully request that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

Respectfully submitted,

Jeffry W. Smith, Reg. No. 33455

Attorney for Applicant

LATHROP & CLARK LLP

740 Regent Street, Suite 400

P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

PTO/SB/08B (10-96) Approved for use through 10/31/99. OMB 0651-0031

Please type a plus sign (+) inside this box ightarrow ightharpoons

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitut	ubstitute for form 1449B/PTO		Application Number	09/181,738			
INFORMATION DISCLOSURE			CI OCUDE	Filing Date	October 28, 1998 O / 6		
		First Named Inventor	Nathan Pyles 4/16	1, m			
SIA	STATEMENT BY APPLICANT		Group Art Unit	2816	1 2000 5		
(Use as many sheets as necessary)		Examiner Name	M. Wambach	8/			
Sheet	×f	Of	1	Attorney Docket Number	KNOWMO-2	SK OFFICE	

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Υ2
MW		PCT/IPEA/408, Written Opinion received August 7, 2000, 5 pgs.	

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Examiner Signature	Wanbach	Date Considered	10/2/00	.37
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language translation is attached

PART B-ISSUE FEE TRANSMITTAL

Jumplete and mail this form, together with applicable fees, to:

Box ISSUE FEE Assistant Commissioner for Patents Washington, D.C. 20231

OIPE SEP 2 5 2000 TRADEMARK

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

020455 LATHROP & CLARK LLP 740 REGENT STREET SUITE 400 P.O. BOX 1507 MADISON WI 53701-1507

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MADISON WI	53701-1507	50 95		Tami A. Jans	(Depositor's name)	
pi			1	Jamix.	Jansen	(Signature)
222	536			September 19	, 2000	(Date)
APPLICATION NO.	FILING DATE	TOTAL CLA	IMS E	EXAMINER AND GROUP AF	RT UNIT	DATE MAILED
09/181.738	10/28/98	033	WAMBACH.	М	2816	06/21/00
rest Named PYLES.	*	35	USC 154(b)	term ext. =	0 Dave	5.

MMC1/0621

PEDOMETER TITLE OF INVENTION

ATT	Y'S DOCKET NO.	. CLASS-SUBCLASS	BATCH NO.	APPLN, TYPE	SM	IALL ENTITY	FEE DUE	DATE DUE
2	EPIXINC-4	377-024.	200 03	9 UTII	_ITY	YES	\$605.00	09/21/00
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PLEASE Inclusion the PTO filing an a (A) NAMI (B) RESI Please of Individual	NOTE: Unless an assigned of assignee data is only ap or is being submitted unde assignment. E OF ASSIGNEE KnO DENCE: (CITY & STATE Of theck the appropriate assignment assignment)	Lake Mills, Wi nee category indicated below r other private group entity	nee data will appear It has been previous It of this form is NOT edge-in-Mo sconsin (will not be printed of	or on the patent. If you submitted to far a substitute for the patent on the patent o	of Pate Silsst Adv 4b. The fo DEPO (ENCL Kilsst Adv Adv	ents and Tradema ie Fee rance Order · # ol Bowing fees or de SIT ACCOUNT N OSE AN EXTRA ie Fee rance Order · # o	trks): f Copies 10 efficiency in these fee IUMBER 15~ COPY OF THIS FO	s should be charged to: 0660 (RM)
Authorized	Signature)	AND TRADEMARKS IS reque	(Date	/14/00	plication ide	entified above.	<u> </u>	20
	the assignee or other party	oted from anyone other than the interest as shown by the in						
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Patent and Trademark Office; U.S. DEPARTMENT

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	MADISON WI 53701-1507				Tami A. Jan	(Depositor's name)	
				. [Jamix.	Jansen	J (Signature)
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1 16	APPLICATION NO.	FILING DATE	TOTAL CLA	IMS : I	EXAMINER AND GROUP	ART UNIT	DATE MAILED
	09/181.738	10/28/98	033	WAMBACH.	М	2816	06/21/00
	lamed PYLES.		35	USC 154(b)	term ext. =	0 Dave	3.A

TITLE OF PEDOMETER INVENTION

	CLASS-SUBCLASS	BATCH NO.	APPLN, TYPE	SIVIAL	LENTITY	FEE DUE	DATE	DUE
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(B) RESIDENCE: (CITY & STATE Control of the state of the	er is identified below, no assign ppropiate when an assignment or separate cover. Completion owMo, LLC d/b/a DR COUNTRY) Knowlo Lake Mills, With the category indicated below (or other private group entity.	nee data will appear of has been previously of this form is NOT a edge-in-Mot sconsin will not be printed on government	on the patent. I submitted to substitute for i on the patent)	of Patents Si Issue F Si Advance 4b. The follow DEPOSIT (ENCLOS Ki Issue F Advance	and Tradema ee De Order - # of ring fees or de ACCOUNT N E AN EXTRA ee De Order - # of	Copies 10 ficiency in these fee UMBER 15-(COPY OF THIS FO	s should be cha	
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UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTO	ORNEY DOCKET NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev. 2/95)

1- File Copy

	Application No. 09/181,738	Applicant(s)	Applicant(s) Pyles		
Netice of Allowability	Examiner Margaret Wamk		Group Art Unit each 2816		
All claims being allowable, PROSECUTION ON THE MER herewith (or previously mailed), a Notice of Allowance a mailed in due course.					
This communication is responsive to 1.D.S. 18/14/00)				
X The allowed claim(s) is/are 12, 13, and 15-45				<u> </u>	
The drawings filed on are acce	eptable.				
Acknowledgement is made of a claim for foreign prio	rity under 35 U.S.C. §	119(a)-(d).			
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Acknowledgement is made of a claim for domestic pr	riority under 35 U.S.C	. § 119(e).			
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Applicant MUST submit NEW FORMAL DRAWINGS					
☐ because the originally filed drawings were declare	d by applicant to be in	formal.			
\boxtimes including changes required by the Notice of Drafts to Paper No. <u>6</u> .	sperson's Patent Draw	ing Review, P	TO-948, attacl	hed hereto or	
 including changes required by the proposed drawing approved by the examiner. 	ng correction filed on		, whic	ch has been	
including changes required by the attached Examin	ner's Amendment/Con	nment.			
Identifying indicia such as the application number (see drawings. The drawings should be filed as a separate Draftsperson.					
Note the attached Examiner's comment regarding RE	QUIREMENT FOR THE	DEPOSIT OF	BIOLOGICAL	MATERIAL.	
Any response to this letter should include, in the upper r CODE/SERIAL NUMBER). If applicant has received a Not and DATE of the NOTICE OF ALLOWANCE should also	tice of Allowance and	Issue Fee Due	e, the ISSUE BA	ATCH NUMBER	
Attachment(s)			Marcat	Rolland	
☐ Notice of References Cited, PTO-892			,,,,,,,	15. T.	
		-			
☐ Notice of Draftsperson's Patent Drawing Review,	PTO-948				
☐ Notice of Informal Patent Application, PTO-152	3		Marc	aret R. Wambach	
☐ Interview Summary, PTO-413 ☐ Examiner's Amendment/Comment				mary Examiner	
Examiner's Comment Regarding Requirement for D	Denosit of Biological M	laterial		ven SCF	
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Applicant(s)

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ويند	or form 1449	B/PTO		Application Number	09/181,738	
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			CLOSURE	First Named Inventor	Nathan Pyles Alic	
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(Use as many sheets as necessary)				Examiner Name	M. Wambach	
Sheet	1	Of	1	Attorney Docket Number	KNOWMO-2	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
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Examiner Signature	Wanbach	Date Considered	10/2/00	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹Unique citation designation number. ²Applicant is to place a check mark here if English language translation is attached

8		20 (Application Number		09/181,738
TRANS	SMITTAL	_	Filing Date		October 28, 1998
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Total Number of Pages in T	This Submission		Attorney Docket Number		KNOWMO-2
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Amendment / Respon	ise [Licensing-re	elated Papers	Of	Appeals and Interferences
After Final			nting Slip (PTO/SB/69) panying Petition		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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Extension of Time Re	quest		tomey, Revocation correspondence Address	∐ ⊠	Status Letter Additional Enclosure(s)
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Patent Application
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#154

Applicant:

Nathan Pyles

Date:

September 19, 2000

Date Filed:

October 28, 1998

Docket No.:

KNOWMO-2

Serial Number:

09/181,738

Art Unit:

2816

For:

PEDOMETER

Examiner:

M. WAMBACH

Certificate of Mailing

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Washington, D.C. 20231

Date

Signature

ffry W. Smith, Reg. No.33455

Name of applicant, assignee or Registered Representative

TRANSMITTAL OF FORMAL DRAWINGS

Attention: Official Draftsman Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Enclosed for filing with respect to the above-referenced application, please find 1 sheet of new formal drawings having (1) figure to be substituted for the drawings presently on file in this application. It is believed that the drawings submitted are in conformance with the requirements set forth in 37 C.F.R. §1.84. These new formal drawings are transmitted in conformance with the requirement for new drawings set out in the Notice of Allowability on this application that

was mailed on June 21, 2000. Applicant believes no new matter has been added by these formal drawings.

It is requested that applicant's undersigned attorney be notified of any further or additional requirements with respect to the enclosed formal drawings.

Respectfully submitted,

Terffy W. Smith, Reg. No. 33455

Attorney for Applicant Lathrop & Clark LLP 740 Regent Street, Suite 400

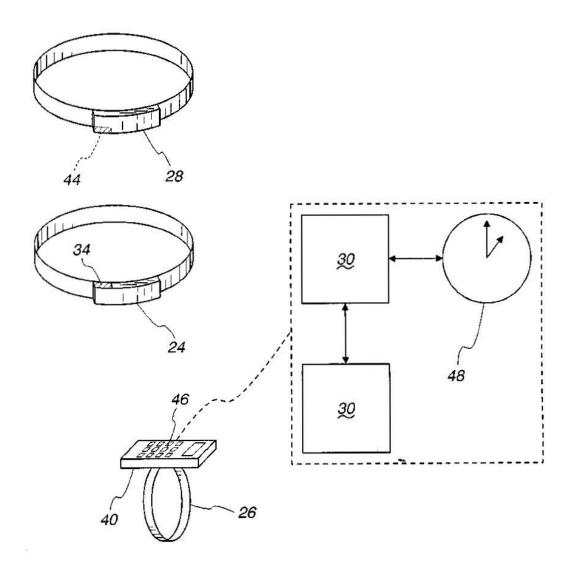
P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766

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*U.S. Government Printing Office: 1997 - 430-571/69194

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Patent Number:

Issue Date: 00/00/0000

Unmatched Petition: NO Status Date: 01/27/2000

Application Received: 10/28/1998

Attorney Docket Number: EPIXINC-4

Charge to Name: No Charge to Name

Examiner Name : WAMBACH, MARGARET

Day Monday Date: 4/17/2000 Time: 12:27:06

Serial Number Information

Serial Number: 09/181738

Filing Date: 10/28/1998

Examiner Number: 65001

Group Art Unit: 2816

Class/Subclass: 377/024.200

Date of Abandonment: 00/00/0000

Interference Number:

Location Date: 03/24/2000

Lost Case: NO

Status: 041 / NON-FINAL ACTION MAILED

Location: 28G4/TC-2800 CLERICAL TEAM 4, CP4 8C24

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Title of Invention: PEDOMETER

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To: JEFFRY W. SMITH LATHROP & CLARK LLP 740 REGENT STREET, SUITE 40 P.O.BOX 1507 MADISON WI 53701-1507	ACTION Best	oto Writter nion Due	WRIT EATHROON& CLARK LLI
	BY: CANTICKLER BY:	DATE DAT	E: 198780 E:
*		Date of Mailing (day/month/year)	© 1 AUG2000
Applicant's or agent's file reference EPIXINC-9			within TWO months from the above date of mailing
International application No. PCT/US99/25314	International filing date 28 OCTOBER 1999		Priority date (day/month/year) 28 OCTOBER 1998
International Patent Classification (IPC) IPC(7): GOIC 21/00 and US Cl.: 377	or both national classified //24.2	ation and IPC	
Applicant Epix, Inc.			DE SUR SERVICE OF SERV
I. This written opinion is the first	(first etc.)	frown by this Intern	national Preliminary Examining Authority.
This opinion contains indications re-			adolal Political Scanning Admonty.
Basis of the opinion	latting to the following to	,uja.	
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II Priority			
III Non-establishment of IV Lack of unity of inve		ioveny, invenuve si	ep or industrial applicability
	under Rule 66.2(a)(ii) wit tions supporting such sta		, inventive step or industrial applicability;
VI Certain documents ci	ted		
VII Certain defects in the	international application		
VIII Certain observations	on the international appli	ication	4
3. The applicant is hereby invited to re	eply to this opinion.		
	ndicated above. The appli in extension., see Rule 66		ne expiration of that time limit, request this
How? By submitting a wri	tten reply, accompanied, e language of the amend	where appropriate, ments, see Rules 66	by amendments, according to Rule 66.3.
For the examiner's o	oportunity to submit amer obligation to consider am nmunication with the exa	endments and/or ar	guments, see Rule 66.4 bis.
If no reply is filed, the internation	nal preliminary examinat	ion report will be e	stablished on the basis of this opinion.
4. The final date by which the internal examination report must be established.	tional preliminary shed according to Rule 6	9.2 is: 28 FEBRUA	ARY 2001
Name and mailing address of the IPEA/ Commissioner of Patents and Trader		Authorized office	* A - ! !!
Box PCT Washington, D.C. 20231		MARGARET	ROSE VALIBATION
Facsimile No. (703) 305-3230		Telephone No.	(703) 308 875
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To: JEFFRY W. SMITH LATHROP & CLARK LLP 740 REGENT STREET, SUITE 400 P.O.BOX 1507 MADISON WI 53701-1507		* 33 M	PCT LATHROP & CLARK LL WRITTEN OPINION (PCT Rule 66)
		Date of Mailing (day/month/year)	@ 1 AUG2000
Applicant's or agent's file reference		REPLY DUE	rithin TWO months
EPIXINC-9		<u> </u>	om the above date of mailing
International application No.	International filing date	100	Priority date (day/month/year)
PCT/US99/25314	28 OCTOBER 1999	,	28 OCTOBER 1998
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IV Lack of unity of inverse variables and explanary citations and explanary variables	opinion with regard to a cartion ander Rule 66.2(a)(ii) wittons supporting such stated and the international application on the international application on the international application. Addicated above. The application of the international application of the international application of the amendation of the amendational preliminary examinational or the amendation of the amendational or the amendation of the amendation of the amendational or the amendation of the amendational or the amendation of the amendati	ication where appropriate, before the 6.2(d). where appropriate, before the 6.2 appropriate, before the 6.2 appropriate, before the 6.2 appropriate, before the 6.2 appropriate, before the 6.4 appropriate, before the 6.6 appropriate, see Rule 66.6 appropriate see Rule 6	i.4. uments, see Rule 66.4 bis. tablished on the basis of this opinion.
Name and mailing address of the IPEA/ Commissioner of Patents and Trader Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230		Authorized officer MARGARET 1 Telephone No.	(703) 308 875

134

Facsimile No. (703) 305-3230
Form PCT/IPEA/408 (cover sheet) (July 1998)*

WRITTEN OPINION

International application No.

PCT/US99/2531/

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pages NONE	, filed with the demand
pages NONE , filed with the letter o	ıf
the language of publication of the international application (under R the language of the translation furnished for the purposes of international pr	5205
or 55.3). 3. With regard to any nucleotide and/or amino acid sequence disclosed in the integral of the integr	ernational application, the written opinion wa
drawn on the basis of the sequence listing;	
contained in the international application in printed form.	
filed together with the international application in computer readable	e form.
furnished subsequently to this Authority in written form.	
furnished subsequently to this Authority in computer readable form.	
The statement that the subsequently furnished written sequence listing of international application as filed has been furnished.	
The statement that the information recorded in computer readable form is i been furnished.	dentical to the writen sequence listing has
1. X The amendments have resulted in the cancellation of:	4
X the description, pages NONE	
vic description, pages	
the viatios, 1103.	
5. This opinion has been drawn as if (some of) the amendments had not been beyond the disclosure as filed, as indicated in the Supplemental Box (Rule	게 되었습니다. 경영 경영 : 10 10 10 10 10 10 10 10 10 10 10 10 10
	70.2(c)).

Form PCT/IPEA/408 (Box I) (July 1998)*

WRITTEN OPINION

International application No.

		PCT/US99/25314	_
Reasoned statement under Rule 66.2(citations and explanations supporting		gard to novelty, inventive step or industrial a	applicability
statement			
Novelty (N)	Claims	14-16, 28-54	YI
riotoly (14)	Claims	1-13 and 17-27	No
		de la companya del companya de la companya del companya de la companya del la companya de la com	
Inventive Step (IS)	Claims	14, 16, 28-54	
	Claims	1-13 and 17-27	и
Industrial Applicability (IA)	Claims	1-54	Y
	Claims	NONE	и
		9 H 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
citations and explanations	4 41.1. 22/22	4. Compared to The Street	
Claims 1-13, 17-28 lack novelty under PCT	Article 33(2) as	being anticipated by Hutchins.	
		om a wrist sensor to another location, includes a dis the number of strides taken by a stride length that va	
Claims 14-16 and 29-54 meet the criteria set	out in PCT Ar	ticle 33(2)-(4), because the prior art does not teach	or fairly
		stances to establish a range of stride rate versus str	
		1	
NEW CITATIONS		artos \$250	
US 5724265 (Hutchings) 03 MAR 1998, see US 5033013 (Kato et al) 16 JUL 1991, see e			
00 5755015 (Italio ot al) 10 10 b 1771, 500 0	ane document		
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Form PCT/IPEA/408 (Box V) (July 1998)★

WRITTEN OPINION		Ģ.	International application No. PCT/US99/25314
Supplemental Box (To be used when the space in any of the preced	ling boxes is not s	ufficient)	
Continuation of: Boxes I - VIII		30,	Sheet 10
		2	
TIME.LIMIT: The time limit set for response to a Writter after the expiration of the time limit set in the Writter Preliminary Examination Report.	n Opinion may not b en Opinion will not b	e extended e consider	. 37 CFR 1.484(d). Any response receive ed in preparing the International
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PATENT COOPERATION TREAT.

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference EPIXINC-9		of Transmittal of International Search Report (20) as well as, where applicable, item 5 below.
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US 99/25314	28/10/1999	28/10/1998
Applicant EPIX, INC. et al.		
This international Search Report has be according to Article 18, A copy is being to This international Search Report consists		hority and is transmitted to the applicant
X It is also accompanied b	y a copy of each prior art document cited in this	report
1. Basis of the report		
 With regard to the language, the language in which it was filed, un 	e international search was carried out on the bar niess otherwise indicated under this item.	sts of the international application in the
the international search Authority (Rule 23.1(b)).	was carried out on the basis of a translation of t	he international application fumished to this
was carried out on the basis of the contained in the internst filed together with the internst furnished subsequently the statement that the suinternational application	ional application in written form. ternational application in computer readable form to this Authority in written form. to this Authority in computer readble form, to this Authority in computer readble form, to be equently furnished written sequence listing d as filed has been furnished.	n.
100 100 100 100 100 100 100 100 100 100	und unsearchable (See Box I),	
S. U CHANGO INTERIOR IS AN	buing (ove box ii).	
4. With regard to the title,		
the text is approved as a	ubmitted by the applicant.	
the text has been establi	shed by this Authority to read as follows:	
•	500	
5. With regard to the abstract,	•10	•••
the text has been establi	ubmitted by the applicant. shed, according to Rule 38.2(b), by this Authorit e date of mailing of this international search rep	ty as it appears in Box III. The applicant may, ort, submit comments to this Authority.
6. The figure of the drawings to be put	dished with the abstract is Figure No.	1
X as suggested by the app	licant.	None of the figures.
because the applicant fa	lled to suggest a figure. r characterizes the invention.	- SM0
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Form PCT/ISA/210 (first sheet) (July 1998)

INTERNATIONAL SEARCH REPORT

ternational Application No PCT/US 99/25314

		PCT/US 9	9/25314
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accounting to	o international Patent Classification (IPC) or to both national cla	selfication and IPC	
	SEARCHED		
Minimum de IPC 7	ocumentation searched (classification system followed by classi $G01C$	fication symbols)	
K [*]	tion searched other than minimum documentation to the extent to the exte		
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT	. 	
Category *	Citation of document, with indication, where appropriate, of the	e relevant passages	Relevant to claim No.
X	US 5 033 013 A (KATO YASUJI E 16 July 1991 (1991-07-16) column 7, line 25 - line 30 column 8, line 21 - line 28	T AL)	1-3,5-7, 13, 17-19, 21-23,49
١	abstract	-/	14,29, 32,35, 37,44
	e g		
X Furth	ner documents are listed in the continuation of box C.	Patent family members are listed	I in annex.
A' docume conside E' earlier d filling de L' docume which i citation O' docume other n	nt which may throw doubts on priority claim(s) or is cited to establish the publication date of another in or other special reason (as specified) and referring to an oral disclosure, use, exhibition or neans in published prior to the international filing date but an the priority date claimed.	"T" later document published after the list or priority date and not in conflict with citied to understand the principle or it invention "X" document of particular relevance; the carnot be considered novel or carnot involve an inventive step when the different to document of particular relevance; the cannot be considered to involve an indocument is combined with one or ments, such combination being obvious the art. "&" document member of the same patern	the application but seem underlying the claimed invention to considered to course the taken alone claimed invention step when the core other such docu-us to a person skilled itemity
	March 2000	Date of mailing of the International ed	arch report
Name and m	mailing address of the ISA European Patent Office, P.B. 5818 Patentfaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 851 epo ni, Fax: (+31-70) 340-3018	Authorized officer Hunt, J	

Form PCT/ISA/210 (second sheet) (July 1992)

page 1 of 2

INTERNATIONAL SEARCH REPORT

semational Application No PCT/US 99/25314

Continue	tion) DOCUMENTS CONSIDERED TO BE RELEVANT	
egory *	Citation of document, with indication, where appropriate, of the relevant passages	Refevant to daim No.
,	EP 0 119 009 A (NIKE INTERNATIONAL LTD) 19 September 1984 (1984-09-19) page 6	1,2,5-7, 13 14,17, 18,
, , ,	page 10 page 11	21-23, 27,49
	US 4 371 945 A (KARR LAWRENCE J ET AL) 1 February 1983 (1983-02-01) cited in the application column 4, line 33 -column 5, line 26	1,2,6-8, 17
	US 5 583 776 A (LEVI ROBERT W ET AL) 10 December 1996 (1996-12-10) column 6, line 6 - line 42; claim 14; figures 5,7 abstract	49,53,54 32,35, 44,50
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Form PCT/ISA/210 (confinuetion of second sheet) (July 1992)

page 2 of 2

INT' PNATIONAL SEARCH REPORT

mation on patent family members

PCT/US 99/25314

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
US 5033013	Ā	16-07-1991	JP	62032936	A	12-02-1987
EP 0119009	A	19-09-1984	US CA JP	4578769 1218455 59171564	A	25-03-1986 24-02-1987 28-09-1984
US 4371945	A	01-02-1983	NONE			
US 5583776	A	10-12-1996	NONE			

Form PCT/ISA/210 (patent family ennex) (July 1992)

Sportline Products

Page 1 of 1

web page

FITNESS PEDOMETER 360

The best double line display pedometer for walking, hiking and/or jogging. Accurately measures your distance, steps (including steps per minute and miles per hour), calories, speed, and time actually spent exercising. Seven (7) day memory keeps your activity for the past 7 days -- all instantly recallable. Time of day clock keeps you on time. Scan feature shows you all your information without having to push a button. Automatically shuts "off" when there's no activity, "on" when there is.





Features:

- New European design, easy-to-read flipcase design
- Displays distance traveled, steps, mph, steps per minute, and calories burned
- Distance measured to 1/100 of a mile (.01), steps to 10,000
- Distance and stride sets in mile (ML) and kilometers (KM)
- "Scan" feature automatically cycles through all functions and displays distance, steps, timer, calories, mph, steps per min., and time-of-day
- Individual stride adjustment for walking and running
- Automatic built-in sensitivity adjustment
- Large double display
- Push-button mode and selection buttons
- KM or MILE selectable

Price: \$39.95

2 Year Warranty

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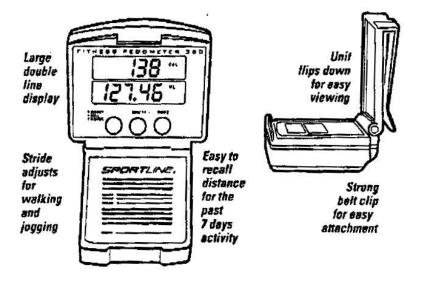
FITNESS PEDOMETER 360

WHAT ABOUT WALKING? Walking is one of the best forms of exercise. It burns calories, and it is easy on your joints. You can walk anywhere inside a mail, around your neighborhood, or up the side of a mountain. Walking can help you reduce your stress, make your muscles stronger, lower your blood pressure and cholesterol levels, prevent Type 2 diabetes, reduce your risk of heart disease, control your appetite and lose weight, feel and look better. Walking preat way to get fit, especially if

FIT ESS PEDOMETE 360

WHAT ABOUT WALKING? Walking is one of the best forms of exercise. It burns calories, and it is easy on your joints. You can walk anywhere-inside a mall, around your neighborhood, or up the side of a mountain. Walking can help you reduce your stress, make your muscles stronger, lower your blood pressure and cholesterol levels, prevent Type 2 diabetes, reduce your risk of heart disease, control your appetite and lose weight, feel and look better. Walking is a great way to get fit, especially if you're just starting to exercise. If you haven't exercised in a while, start out by walking briskly for 20 minutes, three times a week. Increase your time by a few minutes each walk until you can walk for 30 minutes. Aim to walk two miles or more in a half hour, three times a week and gradually increase your walking time and distance.

Inside Cover





BETAILED INSTRUCTION ENCLOSED



2 YEAR WARRANTY



QUARTZ



LASER TUNED



MADE IN TAIWAN

SPORTLINE.

SPORTLINE INC., 847 MEGLINCEY LANE. CAMPBELL, CA 95000

AFTER WARRANTY If the warrancy period has aspired and the unit is returned to Sportine for servicing, enclose 22.50 for possage and handling. Send your unit assured to but Service Department issed below. If you are located obtaids the United States either return the unit by insured mail or to the dealer? distributor where purenassed.

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SPORTLINE 360 FITNES 5

OMETER INSTRUCTIONS

Your new pedometer has been designed for your easy use and the accurate measurement of the distance you travel (travel distance records up to 7 days in memory), the steps you take, the calories "burned" while you walk or run, how long you exercise, what speed you walk or run, conversion of distance measurement from mile (MIL) to kilometer (KM) or kilometer to mile, and auto power on/off. Also included is a convenient Time-of-Day clock with 12 hour or 24 hour format to tell you what time it is. The unit will also measure your distance in miles/kilometers and fractions of miles/kilometers.

EXPLANATION OF SYMBOLS

Bulton A - RESET, H(HR), A (UP), KMMIL Button B + MIN (MINUTES) ▼ (DOWN) Button C . MODE

Display (upper window) STEP · You are in Step mode TIMER - You are in Count Up Timer mode CAL - You are in Calorie mode KM/H, MIL/H - You are in Speed per hour mode STEP/M - You are in Step per Minute mode DDO - You are in total Mileage/Kilomater mode Nathing or P. You are in Time of Day with 12 hour or 24 hour format Clock made

Display (lower window)

WALK- You are in Walk & Run mode RUN - You are in Run /Stride measurement mode WALK & RUN - You are in Walk & Run stride setting mode

▲ - Pedometer is counting successfully � - You are in auto power OFF mode Numbers of distance traveled in MIL or KM (7 days records).

Note: Remove bettery isolation strip from bettery compartment to "power up" your unit.



Your pedometer has a very unique scanning feature. After you turn on the pedometer the display will be in STEP mode. Press "C" button once or repeatedly to show TIMER, CAL, KMH or MIL/H, STEP/M and Time of Day modes. When you return back to the STEP mode, it will be "blinking". You are now in the Auto-Scan mode. Now the display will automatically show the blinking words "STEP, TIMER, CAL, KM/H or MIL/H, STEP/M and Clock". The pedameter will now rotate through each one of these displays for 3 seconds sequentially as long as the auto-scan function is activated... or until you press the "C" button once more for new data setting or viawina.

HOW TO OPERATE YOUR NEW PEDOMETER

You will need to give your pedometer some information for it to operate properly. In the sections below you will see how to enter your personal STRIDE LENGTH (for welking, hiking), your WEIGHT (for calories), and TIME OF DAY. Once this information has been entered into the unit, yau're ready to go!

YOUR STRIDE LENGTH (Your stride length and how to measure it)

This pedometer automatically records your exercise distance based upon your walking or running or hiking movements. The maximum distance reading is \$99.99 miles/kilometers. The numbers to the right of the decimal point are fractions of a mile (just like your car's odometer) right down to 1/100 of a mile or kilometer. It is important to walk or run or hike consistently. If you vary your walking pace, your stride length will vary and your distance traveled will be diffe-rent.

HOW TO MEASURE YOUR STRIDE

In order to measure your exercise distance accurately, you must anter your stride langth into the Pedometer's "memory" so it knows how much distance you cover with each step you take. (Stride length is the length of each one of your steps, measured either from heel to heel or tae to toe). It's easy to find your stride length?

 Walk 10 steps. 2. Measure the distance. 3. Divide by 10 the distance covered to arrive at your stride length. 4. Example: Distance covered in 10 steps = 30 feet. Steps taken to cover the distance (10 steps), 30 feet divided by 10 steps = 3 feet, stride length = 3 feet,

FOR JOGGERS OR HIKERS

Follow the directions above, except jog or hike for 10 steps.

HOW TO ENTER YOUR "WALK" STRIDE LENGTH INTO THE PEDOMETER

1. Press the MODE button "C" on the display panel to STEP mode, and hold for 2 seconds to get to the WALK stride length setting mode. 2. Press button "A" + "B" for setting your WALK stride length information, every press of button "A" will increase 1 inch or 1 cm. Every press of button "B" will decrease 1 inch or 1 cm in the reverse order. 3. After you set your WALK stride langth

information, the numbers of the stride langth on the display will blink for confirmation and go > STEP mode automatically alter 5 seconds.

HOW TO ENTER YOUR "RUN" STRIDE LENGTH INTO THE PEDWAETER

1. Press the MODE button "C"on the display panel to STEP mode, and hold for 2 seconds to WALK stride length selling mode, press MODE button "C" once again to get RUN stride length setting mode. 2. Press button "A" + "B" for setting your RUN stride length information (the

HOW TO SET CALORIE COUNTER

Press the MODE button "C" and the display panel until you see CALORIE mode.
 Press MODE button "C" and hold for 2 seconds to get WEIGHT setting mode.
 Press button "A"+"B" to set your weight information. Every press on button "A"

increases the weight by 10 LB (pounds) or 4.5 KG (kilograms). Every press of button "B" decreases the weight by 10 LB (pounds) or 4.5 KG (kilograms). 4. Once you set the proper weight, the display will blink for 5 seconds end then the display will skip back to CALORIE mode.

HOW TO SET TIME OF DAY

1. Press the MODE button "C" on the display panel repeatedly to reach CLOCK mode.

2. Press button "C" once and hold for 2 seconds to get 12 or 24 hour time setting mode. Press either button "A" or "B" ouce to set 12 hour time format or 24 hour time format. 3. Press MODE button "C" once to get into CLOCK setting. Press button "A" for hour setting and "B" button for minute setting. After completing the setting, display will automatically go back to CLOCK mode after 5 seconds.

TO START YOUR EXERCISE

I. Press "C" until the upper display will show STEP mode. Z. The display will show 00000 in the STEP mode in the upper display window lift numbers appear in either display, RESET the display by pressing "A" for 2 seconds), and 0.00 MiL or KM for distance on lower display window. 3. Select WALK, RUN or WALK/RUN made by pressing "C" button and holding it for 2 seconds for WALK, then pressing again quickly for RUN, pressing again for WALK/RUN, (Note: The WALK/RUN mode senses when you walk and uses the WALK stride, and uses the RUN stride when you run.) When you get the mode you want, simply wait for display to stop blinking. Begin vour axercisa

TO RESET YOUR PEDOMETER

Press the RESET button "A" and hold for 2 seconds. The upper display and lower display will be reset to zero except the CLOCK mode and the previous 7 days distance travel records. TO RESET THE 7 DAY MEMORY, press and hold "A" for 5 seconds. All the digits will show. Release "A". The memory will clear. However, this will also change MIL to KM, or KM to MIL. Simply press and hold "A" for 5 seconds again to change back to your preferred (KM or MIL) distance measurement.

MILE / KILOMETER CONVERSION

To change from MILE to KILOMETER, press and hold RESET button "A" for 5 seconds. This will change STRIDE setting measurament from feet to cm (centimeters) as well.

HOW TO USE THE TIMER COUNTER

This pedometer accurately measures the time you spend exercising. When you stop, the timer stops. When you exercise, the timer runs. Press MODE button "C"on the display panel until you get to the TIMER made for viewing the record of your exercise time.

DISTANCE COUNTER FUNCTION

This feature allows you to count the distance you traval during an exercise period, or all day if

you wish. Your target should be to walk or jog 4 miles each day. Try it.

1. Press the MODE button "C" to get to STEP mode. 2. Press RESET button "A" and hold for 2 seconds and begin walking, running or hiking. The display will show 00000 and will begin to record your steps and distance.

DISTANCE WITH 7 DAY MEMORY & ODOMETER FUNCTION

This feature allows you to view the record of any day in miles or kilometers for 7 days. Starting from the 8th day, new data will automatically replace the memory of the 1st day recorded, and the 9th day will replace the 2nd day recorded... and so forth. Press and release button "A" to view each consecutive day's memory, and press button "B" to view each previous day's memory and total distance traveled "ODO" (like your car's adometer). Please note: You can complete your viewing of the 7 days activities and total distance before you return to the main pedameter functions OR press "C" once to return to the main pedameter functions.

SPEED FUNCTION

This feature allows you to know what speed you travel per hour and how many steps per min-

1. SPEED/HOUR: Press MODE button "C" repeatedly to locate SPEED made to view speed function. The display will show MIL/H (mile per hour) or KM/H (kilometer per hour).

2. STEP/MINUTE: Press MODE button "C" once to advance to the next display STEP/M Istep/minute) made to view step per minute function.

AUTO POWER ON/OFF

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To save hatters nower this unit will sutometically "no to cloop" when no nativity has been dotted

NCE COUNTER FUNCTION

7. sture allows you to count the distance you travel dur. I exercise period, or all day if you wish. Your target should be to walk or jog 4 miles each day. Iry it.

1. Press the MODE button "C" to get to STEP mode. 2 Press RESET button "A" and hold for 2

seconds and begin walking, running or hiking. The display will show 00000 and will begin to

record your steps and distance.

DISTANCE WITH 7 DAY MEMORY & OCOMETER FUNCTION

This feature allows you to view the record of any day in miles or kilometers for I days. Starting from the 8th day, new data will automatically replace the memory of the 1st day recorded, and the 9th day will replace the 2nd day recorded... and so forth. Press and release button "A" to view each consecutive day's memory, and press button B to view each previous day's memory and total distance traveled "ODO" (like your car's odometer). Please note: You can complete your viewing of the 7 days activities and total distance before you return to the main padomater functions OR press "C" once to return to the main pedometer functions.

SPEED FUNCTION

This feature allows you to know what speed you travel per hour and how many steps per min-

1. SPEED/HOUR: Press MODE button "C" repeatedly to locate SPEED mode to view speed function. The display will show MIL/H (mile per hour) or KM/H (kilometer per hour).

2. STEP/MINUTE: Press MDDE button "C" once to advance to the next display STEP/M (step/minute) made to view step per minute function.

AUTO POWER ON/OFF

To save battery power, this unit will automatically "go to sleep" when no activity has been detected, for four (4) minutes. The lower display will show & whenever unit is not in use.

HOW TO WEAR YOUR PEDOMETER

Your pedameter clips easily to your trausers or shorts. For best results keep the unit in line with the "crease line" of your trousers. SENSITIVITY ADJUSTMENT

Everyone's welking style is different. This pedameter has an automatic sensitivity adjuster that compensates for the different welking, running or jogging styles, BATTERY REPLACEMENT

1. The battery hetch is on the side of your padometer. Slide open the battery door with your finger to access the battery Z. Replace battery with LR-44 type when display dims. 3. Reset the pedometer and reenter the WEIGHT/STRIDE length and CLOCK information. OTHER INFORMATION

1. Treat your padometer with care and it will work most efficiently. 2. Pedometer is NOT waterproof, so keep it dry.

Commence of the commence of th