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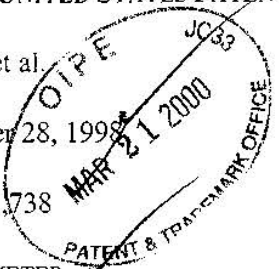
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<p style="font-size: small;">Note: Effective October 1, 1997, Patent fees are subject to annual revision.</p>				Application Number		09/181,738																																																																																																																																																																																																																																																																																																																											
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				First Named Inventor		Nathan Pyles																																																																																																																																																																																																																																																																																																																											
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				Examiner Name		M. Wambach																																																																																																																																																																																																																																																																																																																											
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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 15-0660 Deposit Account Name: Lathrop & Clark <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance				3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>670</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Statement</td><td>\$240.00</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>760</td><td>246</td><td>380</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>760</td><td>249</td><td>380</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="4"></td><td>Other fee (specify)</td><td></td><td></td><td></td></tr> <tr><td colspan="4"></td><td>Other fee (specify)</td><td></td><td></td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (1)</td> <td colspan="2">\$0.00</td> <td colspan="2">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) \$240.00</td> </tr> <tr> <td colspan="4">2. 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Smith</td> <td colspan="2">Reg. Number</td> <td colspan="2">33455</td> </tr> <tr> <td colspan="2">Signature</td> <td colspan="2"></td> <td colspan="2">Date</td> <td colspan="2">March 15, 2000</td> <td colspan="2">Deposit Account User ID</td> </tr> </tbody> </table>						Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	380	216	190	Extension for reply within second month		117	670	217	435	Extension for reply within third month		118	1,360	218	680	Extension for reply within fourth month		128	1850	228	925	Extension for reply within fifth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Statement	\$240.00	581	40	581	40	Recording each patent assignment per property (times number of properties)		146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))		149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))						Other fee (specify)								Other fee (specify)				SUBTOTAL (1)				\$0.00		*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) \$240.00		2. 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PATENT APPLICATION

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J. OKON  
3/28/00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Pyles et al.	Date:	March 15, 2000
Filed:	October 28, 1998	Docket No.:	EPIXINC-4
Application No.:	09/181,738	Art Unit:	2816
For:	PEDOMETER	Examiner:	M. Wambach



**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 March 15, 2000  
Date

Jeffrey W. Smith  
Signature

Jeffrey 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.

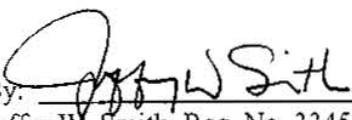
SPORTSLINE PRODUCTS, Fitness Pedometer 360 packaging labels, 5 pgs.

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,

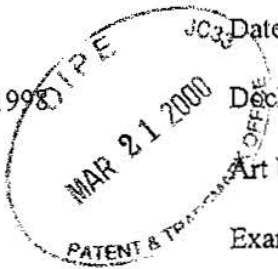
By:   
Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
Lathrop & Clark LLP  
740 Regent Street, Suite 400  
P. O. Box 1507  
Madison, Wisconsin 53701  
(608) 257-7766

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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Pyles et al. Date: March 15, 2000  
Filed: October 28, 1998 Docket No.: EPIXINC-4  
Application No.: 09/181,738 Art Unit: 2816  
For: PEDOMETER Examiner: M. Wambach



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on March 15, 2000  
Date

Jeffrey W. Smith  
Signature

Jeffrey 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.

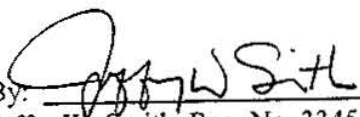
SPORTSLINE PRODUCTS, Fitness Pedometer 360 packaging labels, 5 pgs.

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,

By:   
Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
Lathrop & Clark LLP  
740 Regent Street, Suite 400  
P. O. Box 1507  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO		Application Number	09/181,738
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Filing Date	October 28, 1998
		First Named Inventor	Nathan Pyles
		Group Art Unit	2816
		Examiner Name	M. Wambach
Sheet	1	Of	1
		Attorney Docket Number	EPIXINC-4

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	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 <sup>2</sup>
<i>Wambach</i>		SPORTSLINE PRODUCTS, "Fitness Pedometer 360", web page, 1 pg.	
<i>Wambach</i>		SPORTSLINE PRODUCTS, Fitness Pedometer 360 packaging labels, 5 pgs.	



Examiner Signature	<i>Wambach</i>	Date Considered	<i>6/20/00</i>
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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.

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

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In The United States Patent And Trademark Office

Applicant: Pyles et al. Date: March 15, 2000  
Date Filed: October 28, 1998 Docket No.: EPIXINC-4  
App. No.: 09/181,738 Art Unit: 2816  
For: PEDOMETER Examiner: M. Wambach



#8/Amdt. A  
J. Gray  
3/28/00

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Date

Jeffrey W. Smith  
Signature

Jeffrey W. Smith, Reg. No. 33455  
Name of applicant, assignee or Registered Representative

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254.00 DS

**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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Q1  
End.

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 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 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 receiver is mountable on a user's wrist.

Q2

~~12~~ (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]



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transmitter are mounted in a single chest-mount housing.

Q2  
end  
Sub  
B1

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.

Q3  
Sub  
B2

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 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  
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.

Q4

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

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*Rd*  
*end.* <sup>9</sup> 2. (Amended.) The pedometer of claim <sup>5</sup> 17, [where in] wherein the transmitter transmits the signal a wireless distance in the range of [thirty] zero to thirty-six inches.

*CS* <sup>13</sup> 1328. (Amended.) The pedometer of claim <sup>5</sup> 17, 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.

<sup>14</sup> 26. (Amended.) The pedometer of claim <sup>13</sup> 26, wherein the heart rate signal is at a different frequency than the [pedometer] step count signal.

*Q6* <sup>16</sup> 28. (Amended.) The pedometer of claim <sup>13</sup> 28, wherein the heart rate monitor and the step counter are mounted in a single chest-mount housing.

*Q7* <sup>20</sup> 32. (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] 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

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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.

is

<sup>23</sup> 35. (Amended.) The pedometer of claim <sup>20</sup> 32, 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.

a  
Q

<sup>25</sup> 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 first run distance to obtain a first run time;
- counting [the] a 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 total number of strides in the user second run [stride count] to obtain a second [base] run stride length;
- dividing the total number of strides in the second run [stride count] by the second run time to obtain a second [base] run 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;

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P. 9  
Exclude

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.

324. (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;

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<sup>10</sup>  
9  
amended

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.

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**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.

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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

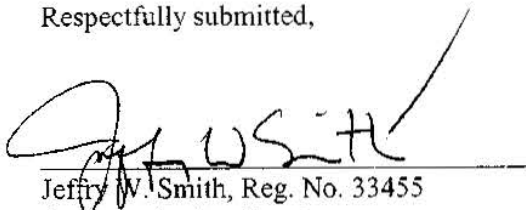
Applicant: Pyles et al.  
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Art Unit: 2816

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,



Jeffrey W. Smith, Reg. No. 33455  
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Madison, Wisconsin 53701-1507  
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<b>TRANSMITTAL FORM</b> <i>(To be used for all correspondence after initial filing)</i>	Application Number	09/181,738
	Filing Date	October 28, 1998
	First Named Inventor	Nathan Pyles
	Group Art Unit	2816
	Examiner Name	M. Wambach
Total Number of Pages in This Submission	Attorney Docket Number	EPIXINC-4

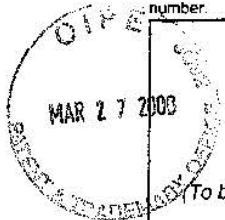
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•PTO/SB 08A and PTO/SB 08B with 3 documents

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Signature	<i>Jeffry W. Smith</i>	
Date	March 21, 2000	
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Signature	<i>Jeffry W. Smith</i>	Date March 21, 2000



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<h2>TRANSMITTAL FORM</h2> <p>(To be used for all correspondence after initial filing)</p>		Application Number	09/181,738
		Filing Date	October 28, 1998
		First Named Inventor	Nathan Pyles
		Group Art Unit	2816
		Examiner Name	M. Wambach
Total Number of Pages in This Submission		Attorney Docket Number	EPIXINC-4
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		<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below):	
		•PTO/SB 08A and PTO/SB 08B with 3 documents	
		Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 15-0660.
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual name		Jeffry W. Smith, Reg. No. 33455	
Signature		<i>Jeffry W. Smith</i>	
Date		March 21, 2000	
<b>CERTIFICATE OF MAILING</b>			
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Signature		<i>Jeffry W. Smith</i>	
		Date March 21, 2000	



PATENT APPLICATION

In the United States Patent and Trademark Office

*H9/Sup IDS  
J. D. Kord  
4/19/00*

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 ✓  
For: PEDOMETER

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On	<u>March 21, 2000</u>
Signature	<u>Jeffrey W. Smith</u>
Jeffrey 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

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
5,033,013	07-16-1991	Kato et al.

Foreign Patent Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
EP 0 119 009 A1	09-02-1983	Frederick

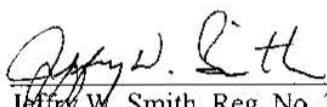
Other Documents

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,



Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
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Madison, Wisconsin 53701-1507  
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Substitute for form 1449A/PTO		Application Number	09/181,738
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Filing Date	October 28, 1998
		First Named Inventor	Nathan Pyles
		Group Art Unit	2816
		Examiner Name	M. Wambach
Sheet	1	Of	2
		Attorney Docket Number	EPIXINC-4

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			
MRL		5,033,013		Kato et al.	07-16-1991	



FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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Examiner Signature	Wambach	Date Considered	6/13/00
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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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

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Substitute for form 1449B/PTO		Application Number	09/181,738
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Filing Date	October 28, 1998
		First Named Inventor	Nathan Pyles
		Group Art Unit	2816
		Examiner Name	M. Wambach
Sheet	2	Of	2
		Attorney Docket Number	EPIXINC-4

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	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 <sup>2</sup>
MRW		PCT/ISA/210 - International Search Report received March 20, 2000, 4 pgs.	



Examiner Signature	Wambach	Date Considered	6/13/00
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<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language translation is attached

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2816

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

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<p><b>TRANSMITTAL FORM</b></p> <p>(To be used for all correspondence after initial filing)</p>	Application Number	09/181,738
	Filing Date	October 28, 1998
	First Named Inventor	Nathan Pyles
	Group Art Unit	2816
	Examiner Name	M. Wambach
Total Number of Pages in This Submission	Attorney Docket Number	EPIXINC - 4
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (For an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) And Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below):
PTO/SB 08A with 20 documents <b>RECEIVED</b> APR 11 2000 TECHNOLOGY CENTER 2800		
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Jeffry W. Smith, Reg. No. 33455
Signature	<i>Jeffry W. Smith</i>
Date	April 4, 2000

**CERTIFICATE OF MAILING**

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<b>TRANSMITTAL FORM</b>  <i>(To be used for all correspondence after initial filing)</i>	Application Number	09/181,738
	Filing Date	October 28, 1998
	First Named Inventor	Nathan Pyles
	Group Art Unit	2816
	Examiner Name	M. Wambach
Total Number of Pages in This Submission	Attorney Docket Number	EPIXINC-4

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (For an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) And Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below):
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Date	April 4, 2000

PATENT APPLICATION

In the United States Patent and Trademark Office

*10/Supple  
I DS  
Mac 4-19-00*

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: PEDOMETER



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On April 4, 2000

Signature Jeffrey W. Smith

Jeffrey 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

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<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	Gerhacuser 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.

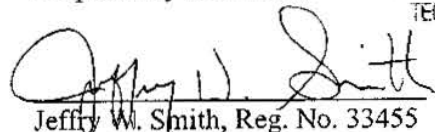
This supplemental information disclosure statement shall be considered under 37 C.F.R. §1.97(c)(1) because no final action is believed to have been mailed before the mailing of this statement. Further, to the knowledge of the undersigned after making reasonable inquiry, no fee is believed to be owed 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,



Jeffrey 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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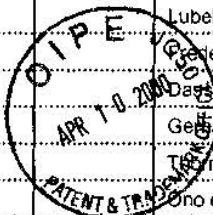
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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/181,738		
		Filing Date	October 28, 1998		
		First Named Inventor	Nathan Pyles <i>NP</i>		
		Group Art Unit	2816		
		Examiner Name	M. Wambach		
Sheet	1	Of	1	Attorney Docket Number	EPIXINC-4

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
<i>MRW</i>		4,144,568		Hiller et al.	03-13-1979	
<i>MRW</i>		4,220,996		Searcy	09-02-1980	
<i>MRW</i>		4,387,437		Lowrey et al.	06-07-1983	
<i>MRW</i>		4,480,823		Ruehleman	07-17-1984	
<i>MRW</i>		4,466,204		Wu	08-21-1984	
<i>MRW</i>		4,560,861		Kato et al.	12-24-1985	
<i>MRW</i>		4,566,461		Lubell et al.	01-28-1986	
<i>MRW</i>		4,578,769		Greinerick	03-25-1986	
<i>MRW</i>		4,703,445		Daguer	10-27-1987	
<i>MRW</i>		4,763,287		Geisbauer et al.	08-09-1988	
<i>MRW</i>		4,830,021		Tobin	05-16-1989	
<i>MRW</i>		4,962,469		Ono et al.	10-09-1990	
<i>MRW</i>		5,065,414		Endou et al.	11-12-1991	
<i>MRW</i>		5,164,967		Endo et al.	11-17-1992	
<i>MRW</i>		5,485,402		Smith et al.	01-16-1996	
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<i>MRW</i>		5,724,265		Hutchings	03-03-1998	
<i>MRW</i>		5,899,963		Hutchings	05-04-1999	
<i>MRW</i>		5,976,083		Richardson et al.	11-02-1999	
<i>MRW</i>		6,018,705		Gaudet et al.	01-25-2000	



FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
Examiner Signature	<i>Wambach</i>				Date Considered	<i>6/13/00</i>		

\*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.

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

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Our Phone Number: (608) 257-7766  
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Fax to: Examiner M. Wambach  
UNITED STATES PATENT AND TRADEMARK  
OFFICE

At Fax Number: (703) 308-7722

From: Jeffry W. Smith  
Date: June 19, 2000  
Time:  
Our Reference: EPIXINC-4

This transmission has 6 pages (including this sheet)

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<b>TRANSMITTAL FORM</b> <i>(To be used for all correspondence after initial filing)</i>	Application Number	09/181,738
	Filing Date	October 28, 1998
	First Named Inventor	Nathan Pyles
	Group Art Unit	2816
	Examiner Name	M. Wambach
Total Number of Pages in This Submission	Attorney Docket Number	EPIXINC-4

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Remarks		

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Firm or Individual name	Jeffry W. Smith, Reg. No. 33455	
Signature	<i>Jeffry W. Smith</i>	
Date	<i>June 19, 2000</i>	
CERTIFICATE OF FACSIMILE		
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Typed or printed name	Jeffry W. Smith, Reg. No. 33455	
Signature	<i>Jeffry W. Smith</i>	Date <i>June 19, 2000</i>

#10/Supp  
B  
6/21/00

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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On <u>June 19, 2000</u>
Signature <u>Jeffrey W. Smith</u>
<u>Jeffrey W. Smith, Reg. No. 33455</u> Name of Applicant, assignee or Registered Representative

*Jeffrey W. Smith*

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:

2/3. (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.

*Am.* (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

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

claim 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.

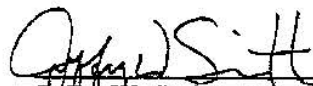
Claims 5, 6, and 14 have been canceled.

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,

  
Jeffrey 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



<b>Interview Summary</b>	Application No. <b>09/181,738</b>	Applicant(s) <b>Pyles</b>	
	Examiner <b>Margaret Wambach</b>	Group Art Unit <b>2816</b>	

All participants (applicant, applicant's representative, PTO personnel):

(1) Margaret Wambach (3) \_\_\_\_\_  
 (2) Jeffry Smith (4) \_\_\_\_\_

Date of Interview Jun 12 and 15, 2000

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

Agreement  was reached.  was not reached.

Claim(s) discussed: 5, 6, 13, and 17

Identification of prior art discussed:

Kato and Hutchings

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Inventive subject matter from the disclosure was discussed in order to amend the claims such that they defined over the prior art. Mr Smith was also notified that the web pages cited on the IDS would not be considered because dates were not included.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.


2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.



**Notice of Allowability**

Application No. <b>09/181,738</b>	Applicant(s) <b>Pyles</b>
Examiner <b>Margaret Wambach</b>	Group Art Unit <b>2816</b>



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to Amdt B (6/19/00) and tele. interviews (6/12 & 6/15/00)
- The allowed claim(s) is/are 12, 13, and 15-45
- The drawings filed on \_\_\_\_\_ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - All  Some\*  None of the CERTIFIED copies of the priority documents have been
    - received.
    - received in Application No. (Series Code/Serial Number) \_\_\_\_\_
    - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant **MUST** submit **NEW FORMAL DRAWINGS**
  - because the originally filed drawings were declared by applicant to be informal.
  - including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 6.
  - including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
  - including changes required by the attached Examiner's Amendment/Comment.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

*Margaret R. Wambach*

**Margaret R. Wambach**  
Primary Examiner



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

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

MNC1/0621

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/181,738	10/28/98	033	WAMBACH, M	2816 06/21/00
First Named Applicant	PYLES.		35 USC 154(b) term ext. = 0 Days.	

TITLE OF INVENTION  
PEDOMETER

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	EPIXINC-4	377-024.200	039 UTILITY	YES	\$605.00	09/21/00

**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
- B. 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)

Please type a plus sign (+) inside this box →

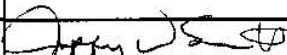
Approved for use through 9/30/00. OMB 0651-0031  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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PTO/SB/21 (12-97)

2816  
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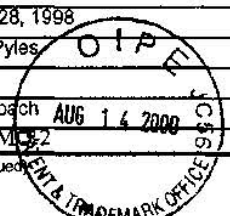
<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)		Application Number	09/181,738
		Filing Date	October 28, 1998
		First Named Inventor	Nathan Pyles
		Group Art Unit	2816
		Examiner Name	M. Wambach
Total Number of Pages in This Submission		Attorney Docket Number	KNOWMO-2
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (For an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) And Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	
		<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below):	
		* Transmittal of Information Disclosure Statement (2pp) * Statement for Information Disclosure (2pp) *PTO/SB 08b and 1 document	
		<b>RECEIVED</b> AUG 23 2000 TECHNOLOGY CENTER 2800	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Jeffrey W. Smith, Reg. No. 33455		
Signature	<i>Jeffrey W. Smith</i>		
Date	Aug 11, 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	Jeffrey W. Smith, Reg. No. 33455		
Signature	<i>Jeffrey W. Smith</i>	Date	Aug 11, 2000

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.

<b>FEE TRANSMITTAL</b>		Complete if Known																																																																																																																																																																																																	
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ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>360</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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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.

<b>FEE TRANSMITTAL</b>		Complete if Known																																																																																																																																																																																															
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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



**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 Aug. 11, 2000  
Signature Jeffrey W. Smith  
Jeffrey 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**  
AUG 25 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):

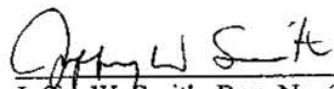
- A. Accompanying this transmittal is a Statement, as specified in 37 C.F.R. §1.97(e).
- B. Applicants hereby petition for the consideration of the accompanying Information Disclosure Statement. 37 C.F.R. §1.97(d)(2).



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,



Jeffrey 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.: KNOWMO-2  
Date: August 11, 2000  
Application No.: 09/181,738  
Filed: October 28, 1998  
Art Unit: 2816  
Examiner: M. Wambach  
For: PEDOMETER



**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 Aug. 11, 2000  
Signature Jeffrey W. Smith  
Jeffrey 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  
AUG 23 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).
- B. Applicants hereby petition for the consideration of the accompanying Information Disclosure Statement. 37 C.F.R. §1.97(d)(2).

08/16/2000 JADD01 00000035 09181738

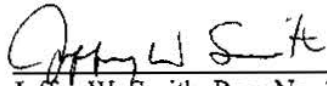
01 FC:122

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,



Jeffrey 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.: KNOWMO-2  
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On Aug 11, 2000  
Signature Jeffrey W. Smith  
Jeffrey 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**

AUG 23 2000

TECHNOLOGY CENTER 2800

Dear Sir:

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

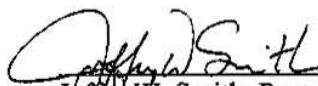
I, Jeffrey W. Smith, the person signing below state:

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,



Jeffrey 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

A13

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



<p><b>Certificate of Mailing</b>          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</p> <p>On <u>Aug. 11, 2000</u>          Signature <u>Jeffrey W. Smith</u>  <u>Jeffrey W. Smith, Reg. No. 33455</u>          Name of Applicant, assignee or Registered Representative</p>
--

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
 AUG 23 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:

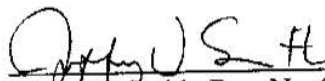
PCT/IPEA/408, Written Opinion received August 7, 2000, 5 pgs.-The references cited in the PCT's Written Opinion are already of record.

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,

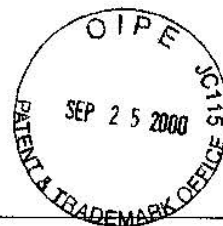


Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
LATHROP & CLARK LLP  
740 Regent Street, Suite 400  
P.O. Box 1507  
Madison, Wisconsin 53701-1507  
(608) 257-7766





**PART B—ISSUE FEE TRANSMITTAL**



Complete and mail this form, together with applicable fees, to: **Box ISSUE FEE**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**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.

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

**Certificate of Mailing**

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Tami A. Jansen (Depositor's name)

*Tami A. Jansen* (Signature)

September 19, 2000 (Date)

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
**020455** **MMC1/0621**  
**LATHROP & CLARK LLP**  
**740 REGENT STREET SUITE 400**  
**P.O. BOX 1507**  
**MADISON WI 53701-1507**

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/181,738	10/28/98	033	WAMBACH, M 2816	06/21/00
First Named Applicant	PYLES.		35 USC 154(b) term ext. =	0 Days.

TITLE OF INVENTION **PEDOMETER**

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	EPIXINC-4	377-024.200	039 UTILITY	YES	\$605.00	09/21/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 Lathrop & Clark LLP
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE **KnowMo, LLC d/b/a**  
 (B) RESIDENCE: (CITY & STATE OR COUNTRY) **Knowledge-in-Motion**  
**Lake Mills, Wisconsin**

Please check the appropriate assignee category indicated below (will not be printed on the patent)

- individual
- corporation or other private group entity
- government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

- Issue Fee
- Advance Order - # of Copies 10

4b. The following fees or deficiency in these fees should be charged to:

- DEPOSIT ACCOUNT NUMBER 15-0660  
 (ENCLOSE AN EXTRA COPY OF THIS FORM)
- Issue Fee
  - Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) *[Signature]* (Date) 9/19/00

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

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

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**PART B—ISSUE FEE TRANSMITTAL**



Complete and mail this form, together with applicable fees, to: **Box ISSUE FEE**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**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.

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Tami A. Jansen (Depositor's name)

*Tami A. Jansen* (Signature)

September 19, 2000 (Date)

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**

**MMC1/0621**

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/181.738	10/28/98	033	WAMBACH, M 2816	06/21/00

First Named Applicant: **PYLES,** 35 USC 154(b) term ext. = 0 Days.

TITLE OF INVENTION: **PEDOMETER**

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	EPIXINC-4	377-024.200	039 UTILITY	YES	\$605.00	09/21/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.
- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
- 1 Lathrop & Clark LLP
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: **KnowMo, LLC d/b/a**

(B) RESIDENCE: (CITY & STATE OR COUNTRY) **Knowledge-in-Motion Lake Mills, Wisconsin**

Please check the appropriate assignee category indicated below (will not be printed on the patent)

individual  corporation or other private group entity  government

- 4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):
- Issue Fee
- Advance Order - # of Copies 10
- 4b. The following fees or deficiency in these fees should be charged to:
- DEPOSIT ACCOUNT NUMBER 15-0660  
 (ENCLOSE AN EXTRA COPY OF THIS FORM)
- Issue Fee
- Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) *[Signature]* (Date) 9/19/00

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

09/26/2000 MWOLBER2 00000102 09181738

01 FC:242 605.00 DP

02 FC:561 30.00 DP

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

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**TRANSMIT THIS FORM WITH FEE**



**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	ATTORNEY DOCKET NO.
097181, 238	10/28/98	PYLES	N EPIXINC-4

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

MM41/1017

EXAMINER  
WAMBACH, M

ART UNIT	PAPER NUMBER
2816	

DATE MAILED:


10/17/00

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

Commissioner of Patents and Trademarks

**Notice of Allowability**

Application No. <b>09/181,738</b>	Applicant(s) <b>Pyles</b>
Examiner <b>Margaret Wambach</b>	Group Art Unit <b>2816</b>



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to I.D.S. (8/14/00)
- The allowed claim(s) is/are 12, 13, and 15-45
- The drawings filed on \_\_\_\_\_ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - All  Some\*  None of the CERTIFIED copies of the priority documents have been
    - received.
    - received in Application No. (Series Code/Serial Number) \_\_\_\_\_
    - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
  - Applicant MUST submit NEW FORMAL DRAWINGS
    - because the originally filed drawings were declared by applicant to be informal.
    - including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 6.
    - including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
    - including changes required by the attached Examiner's Amendment/Comment.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s) 1
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

*Margaret R. Wambach*

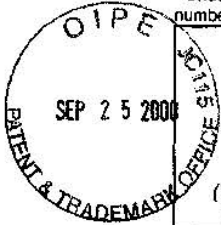
**Margaret R. Wambach**  
Primary Examiner



B \$

PTO/SB/21 (12-97)

Please type a plus sign (+) inside  →  Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/181,738
Filing Date	October 28, 1998
First Named Inventor	Nathan Pyles
Group Art Unit	
Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number
	KNOWMO-2

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (For an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) And Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below):
<div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> <li>• PTOL-85B</li> <li>• Transmittal to Official Draftsman</li> </ul> </div>		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffry W. Smith, Reg. No. 33455
Signature	<i>Jeffry W. Smith</i>
Date	<i>September 19, 2000</i>

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. 33455
Signature	<i>Jeffry W. Smith</i>
Date	<i>Sept 19, 2000</i>



#1561

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**

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 September 19, 2000  
Date

Jeffrey W. Smith  
Signature

Jeffrey 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

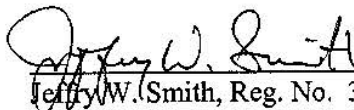
Dear Sir:

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,



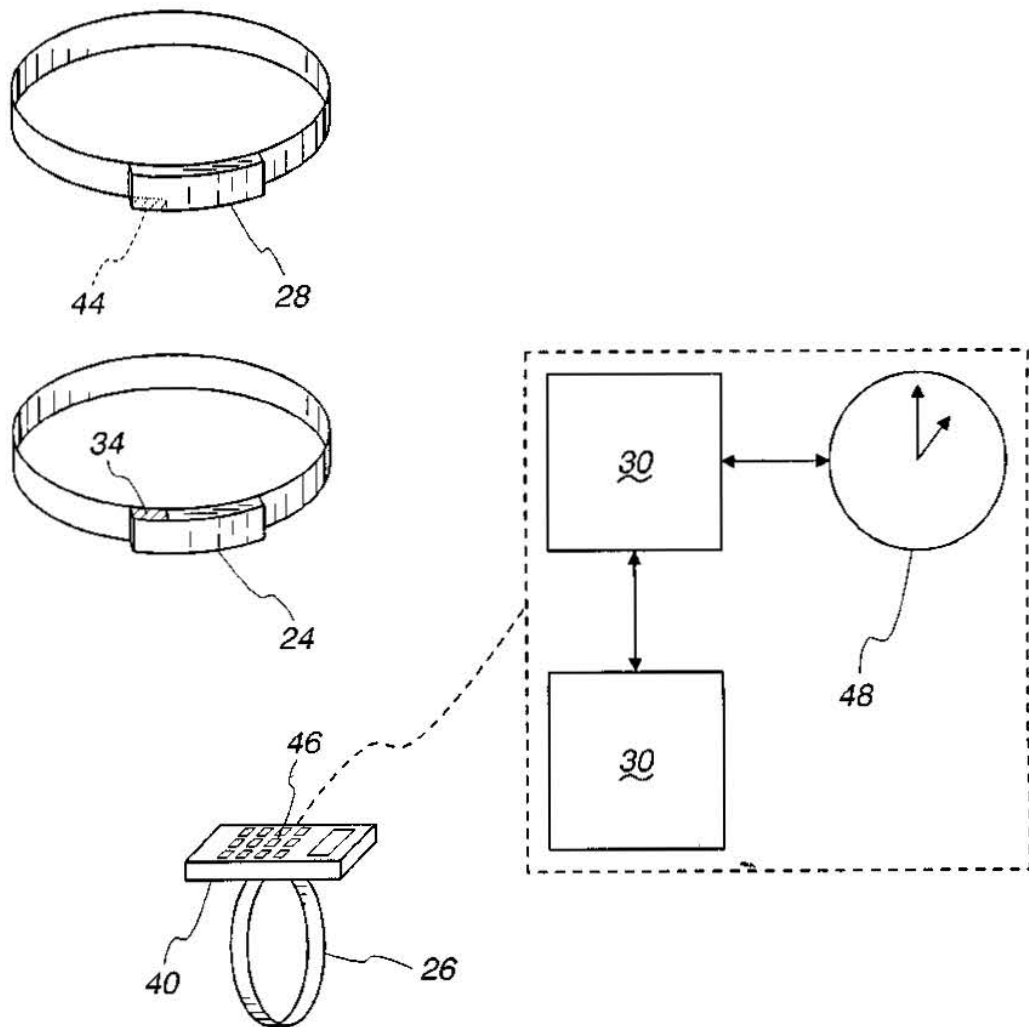
Jeffrey W. Smith, Reg. No. 33455  
Attorney for Applicant  
Lathrop & Clark LLP  
740 Regent Street, Suite 400  
P.O. Box 1507  
Madison, Wisconsin 53701-1507  
(608) 257-7766

PayIssueFee.app/draftsman



6175608

1/1



**PATENT APPLICATION FEE DETERMINATION RECORD**

Effective October 1, 1997

Application or Docket Number

09/18/93

**CLAIMS AS FILED - PART I**

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA
BASIC FEE		
TOTAL CLAIMS	45 minus 20 =	* 25
INDEPENDENT CLAIMS	5 minus 3 =	* 2
MULTIPLE DEPENDENT CLAIM PRESENT		

SMALL ENTITY TYPE <input type="checkbox"/>		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
	395.00	OR		790.00
x\$11=		OR	x\$22=	550
x41=		OR	x82=	164
+135=		OR	+270=	
TOTAL		OR	TOTAL	1504

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)	(Column 4)	(Column 5)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA
	Total	* 36	Minus	** 45	=
	Independent	* 8	Minus	*** 5	= 3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x\$11=		OR	x\$22=	-
x41=		OR	x82=	234
+135=		OR	+270=	-
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	234

	(Column 1)	(Column 2)	(Column 3)	(Column 4)	(Column 5)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
x\$11=		OR	x\$22=	
x41=		OR	x82=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)	(Column 4)	(Column 5)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
x\$11=		OR	x\$22=	
x41=		OR	x82=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

# PALM INTRANET

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

## Serial Number Information

Serial Number : 09/181738      Patent Number :

Filing Date : 10/28/1998      Issue Date : 00/00/0000

Examiner Number : 65001      Application Received : 10/28/1998

Group Art Unit : 2816      Examiner Name : WAMBACH, MARGARET

Class/Subclass : 377/024.200      Attorney Docket Number : EPIXINC-4

Date of Abandonment : 00/00/0000      Charge to Name : **No Charge to Name**

Interference Number :      Unmatched Petition : **NO**

Location Date : 03/24/2000      Status Date : 01/27/2000

Lost Case : NO

Status : **041 / NON-FINAL ACTION MAILED**

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

Charge to Location : /

Station location : **TC-6 Docekt 4**

Title of Invention :

**PEDOMETER**

Serial Info	Contents	Attorney/Agent Info	Continuity Data	Foreign Data	Inventors	Add
-------------	----------	---------------------	-----------------	--------------	-----------	-----

Search Another: Serial#  Search or Patent#  Search

(To Go BACK Use BACK Button on Your BROWSER Tool Bar)

Back to || [PALM](#) || [ASSIGNMENT](#) || [OASIS](#) || Home Page

2

PATENT COOPERATION TREATY

RECEIVED  
AUG - 7 2000  
LATHROP & CLARK LLP

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: JEFFRY W. SMITH  
LATHROP & CLARK LLP  
740 REGENT STREET, SUITE 400  
P.O. BOX 1507  
MADISON WI 53701-1507

RESPONSE DUE 10/1/00  
ACTION Resp. to written  
Opinion Due

DOCKETED  
BY: lu DATE: 8/8/00 (PCT Rule 66)  
TICKLER  
BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Applicant's or agent's file reference EPIXINC-9		Date of Mailing (day/month/year) AUG 2000
International application No. PCT/US99/25314		REPLY DUE within TWO months from the above date of mailing
International filing date (day/month/year) 28 OCTOBER 1999	Priority date (day/month/year) 28 OCTOBER 1998	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G01C 21/00 and US Cl.: 377/24.2		
Applicant Epix, Inc.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

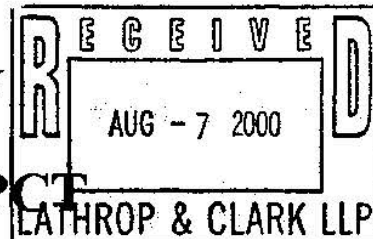
Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 28 FEBRUARY 2001

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <u>MARGARET ROSE WAMBACH</u>
Facsimile No. (703) 305-3230	Telephone No. (703) 308-4875

PATENT COOPERATION TREATY



From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: JEFFRY W. SMITH  
LATHROP & CLARK LLP  
740 REGENT STREET, SUITE 400  
P.O. BOX 1507  
MADISON WI 53701-1507

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing (day/month/year)		01 AUG 2000
Applicant's or agent's file reference EPIXINC-9		REPLY DUE within TWO months from the above date of mailing
International application No. PCT/US99/25314	International filing date (day/month/year) 28 OCTOBER 1999	Priority date (day/month/year) 28 OCTOBER 1998
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Facsimile No. (703) 305-3230	Telephone No. (703) 308-3875

Form PCT/IPEA/408 (cover sheet) (July 1998)\*

WRITTEN OPINION

International application No.

PCT/US99/25314

I. Basis of the opinion

1. With regard to the elements of the international application:\*

- the international application as originally filed
- the description:
  - pages 1-23, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- the claims:
  - pages 24-34, as originally filed
  - pages NONE, as amended (together with any statement) under Article 19
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- the drawings:
  - pages 1, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- the sequence listing part of the description:
  - pages NONE, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
  - the language of publication of the international application (under Rule 48.3(b)).
  - the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was 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 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 does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

- the description, pages NONE
- the claims, Nos. NONE
- the drawings, sheets/fig. NONE

5.  This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

PCT/US99/25314

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. statement

Novelty (N)	Claims <u>14-16, 28-54</u>	YES
	Claims <u>1-13 and 17-27</u>	NO
Inventive Step (IS)	Claims <u>14, 16, 28-54</u>	YES
	Claims <u>1-13 and 17-27</u>	NO
Industrial Applicability (IA)	Claims <u>1-54</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations

Claims 1-13, 17-28 lack novelty under PCT Article 33(2) as being anticipated by Hutchins.

Hutchins discloses a device which wirelessly transmits data from a wrist sensor to another location, includes a display and a data processor which calculates 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.

Claims 14-16 and 29-54 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest use of data input from runs or walks over known distances to establish a range of stride rate versus stride length data.

----- NEW CITATIONS -----

US 5724265 (Hutchings) 03 MAR 1998, see entire document.

US 5033013 (Kato et al) 16 JUL 1991, see entire document.

WRITTEN OPINION

International application No.  
PCT/US99/25314

**Supplemental Box**  
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.



PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>EPIXINC-9</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, Item 5 below.	
International application No. <b>PCT/US 99/ 25314</b>	International filing date (day/month/year) <b>28/10/1999</b>	(Earliest) Priority Date (day/month/year) <b>28/10/1998</b>
Applicant <b>EPIX, INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.  
 It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable 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 does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (see Box II).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

as suggested by the applicant.

1

None of the figures.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.



INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/25314

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 119 009 A (NIKE INTERNATIONAL LTD) 19 September 1984 (1984-09-19) page 6  page 10 page 11	1,2,5-7, 13 14,17, 18, 21-23, 27,49
X	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
X A	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

1

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

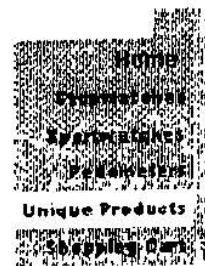
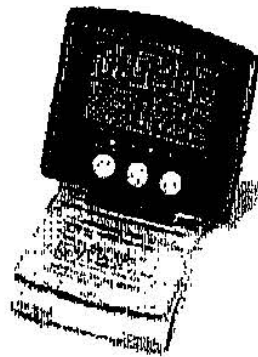
PCT/US 99/25314

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

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**



Cover

packaging

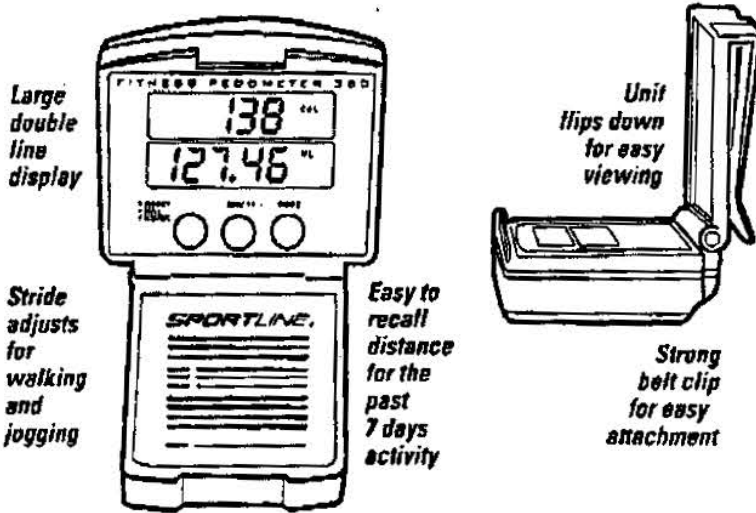
## FITNESS PEDOMETER 360

**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 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 have any questions, please call 1-800-4-A-STEP.

# 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 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



DETAILED INSTRUCTIONS ENCLOSED



2 YEAR WARRANTY



0 95121 36000 3

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SPORTLINE INC., 847 MCGLINCEY LANE, CAMPBELL, CA 95008

**AFTER WARRANTY**  
If the warranty period has expired and the unit is returned to Sportline for servicing, enclose \$2.50 for postage and handling. Send your unit assured to our Service Department listed below. If you are located outside the United States either return the unit by insured mail or to the dealer/distributor where purchased.

7-

## SPORTLINE 360 FITNESS Pedometer 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

#### Buttons

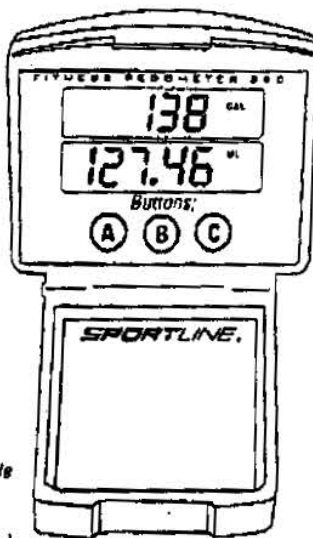
- Button A - RESET, H(HR), ▲ (UP), KM/MIL
- Button B - MIN (MINUTES) ▼ (DOWN)
- Button C - MODE

#### 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
- DDD - You are in total Mileage/Kilometer mode
- Nothing or P - You are in Time of Day with 12 hour or 24 hour format Clock mode

#### 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 battery isolation strip from battery compartment to "power up" your unit.

### UNIQUE SCAN FEATURE

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, KM/H 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 pedometer 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 viewing.

### 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 walking, hiking), your WEIGHT (for calories), and TIME OF DAY. Once this information has been entered into the unit, you'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 999.99 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 different.

#### HOW TO MEASURE YOUR STRIDE

In order to measure your exercise distance accurately, you must enter your stride length 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 toe to toe). It's easy to find your stride length!

#### FOR WALKERS

1. 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 length



information, the numbers of the stride length on the display will blink for confirmation and go to STEP mode automatically after 5 seconds.

#### **HOW TO ENTER YOUR "RUN" STRIDE LENGTH INTO THE PEDIOMETER**

1. Press the MODE button "C" on the display panel to STEP mode, and hold for 2 seconds to WALK stride length setting 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 same as above).

#### **HOW TO SET CALORIE COUNTER**

1. Press the MODE button "C" and the display panel until you see CALORIE mode.  
2. Press MODE button "C" and hold for 2 seconds to get WEIGHT setting mode.  
3. 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 and 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" once 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**

1. Press "C" until the upper display will show STEP mode. 2. The display will show 00000 in the STEP mode in the upper display window (if 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 mode 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 your exercise.

#### **TO RESET YOUR PEDIOMETER**

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 measurement 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 mode for viewing the record of your exercise time.

#### **DISTANCE COUNTER FUNCTION**

This feature allows you to count the distance you travel 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 odometer). Please note: You can complete your viewing of the 7 days activities and total distance before you return to the main pedometer 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 minute.

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 MODE button "C" once to advance to the next display STEP/M (step/minute) mode 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.

#### **DISTANCE COUNTER FUNCTION**

This feature allows you to count the distance you travel 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 odometer). Please note: You can complete your viewing of the 7 days activities and total distance before you return to the main pedometer 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 minute.

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 MODE button "C" once to advance to the next display STEP/M (step/minute) mode 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 pedometer clips easily to your trousers or shorts. For best results keep the unit in line with the "crease line" of your trousers.

#### **SENSITIVITY ADJUSTMENT**

Everyone's walking style is different. This pedometer has an automatic sensitivity adjuster that compensates for the different walking, running or jogging styles.

#### **BATTERY REPLACEMENT**

1. The battery hatch is on the side of your pedometer. Slide open the battery door with your finger to access the battery. 2. 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 pedometer with care and it will work most efficiently. 2. Pedometer is NOT waterproof, so keep it dry.