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Scott Watterson
Kirk Lorrigan

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	this patent have been disclaimed.

DRAWINGS			CLAIMS ALLOWED	
Sheets Drwg. 4	Figs. Drwg. 4	Print Fig. 2	Total Claims 40	Print Claim for O.G. 1
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Page 1 of 316

PATENT APPLICATION



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INITIALS

CONTENTS

Date Received
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1. Application papers.		42.	
2. <i>Phi dec + Seq</i>	<i>4-10-00</i>	43.	
3. <i>Response Dec + Seq</i>	<i>5-18-02</i>	44.	
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INDEX OF CLAIMS

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IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030
Page 4 of 316



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(12) **United States Patent**
Ashby et al.

(10) **Patent No.:** **US 6,447,424 B1**
(45) **Date of Patent:** **Sep. 10, 2002**

(54) **SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS**

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(22) Filed: **Feb. 2, 2000**

(51) Int. Cl.⁷ **A63B 22/00**

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Primary Examiner—Glenn E. Richmon

(74) *Attorney, Agent, or Firm*—Workman, Nydegger and
Seeley

(57)

ABSTRACT

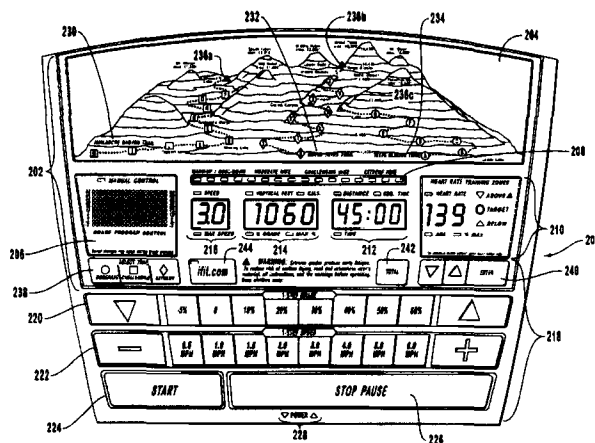
A display controller system for use with a selectively adjustable exercise apparatus is disclosed. The hiking display controller system comprises a display device, a controller, and a selectively adjustable exercise device. The controller enables adjustments in the exercise apparatus according to a mountain exercise profile having trail workout segments that are digitally coded to enable the selectively adjustable exercise device. The mountain exercise profile may use topographical maps, GPS coordinates, or portable hike monitors to design the actual exercise program. A mountain exercise profile may also be obtained through an external interface located in the controller. The user can develop a virtual trail. These preprogrammed trail workouts are created by a trail workout designer who identifies the density of the trails and digitally codes the necessary adjustments for a specific exercise device. Once the mountain exercise profile has been selected, a motivational display panel provides segment length, vertical distance traveled, upcoming grade changes and total length traveled in one identifiable display panel. As such the disclosed method for selective adjustment of an exercise apparatus allows a user to enjoy the advantages of a natural hike according to the constraints of modern society.

47 Claims, 4 Drawing Sheets

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IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 5 of 316

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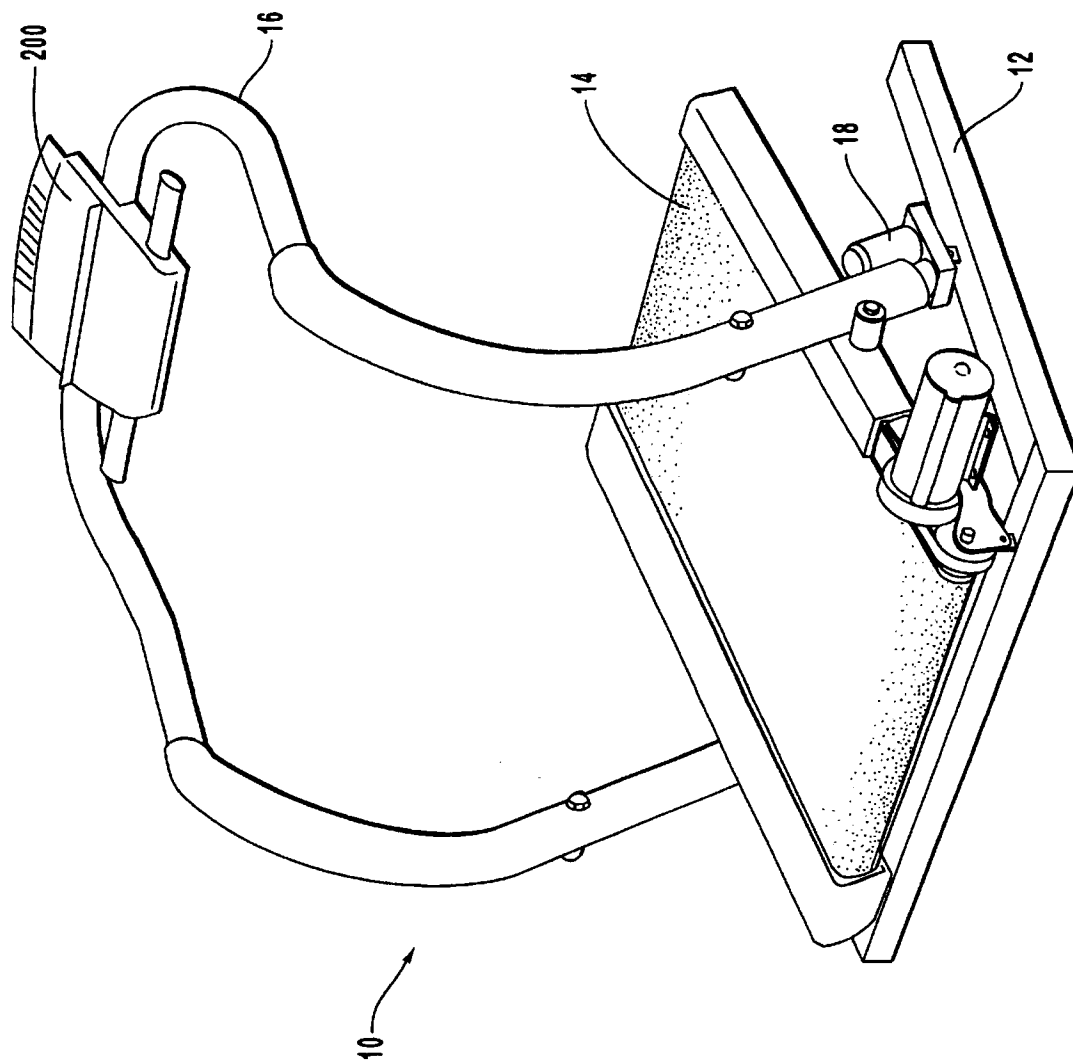
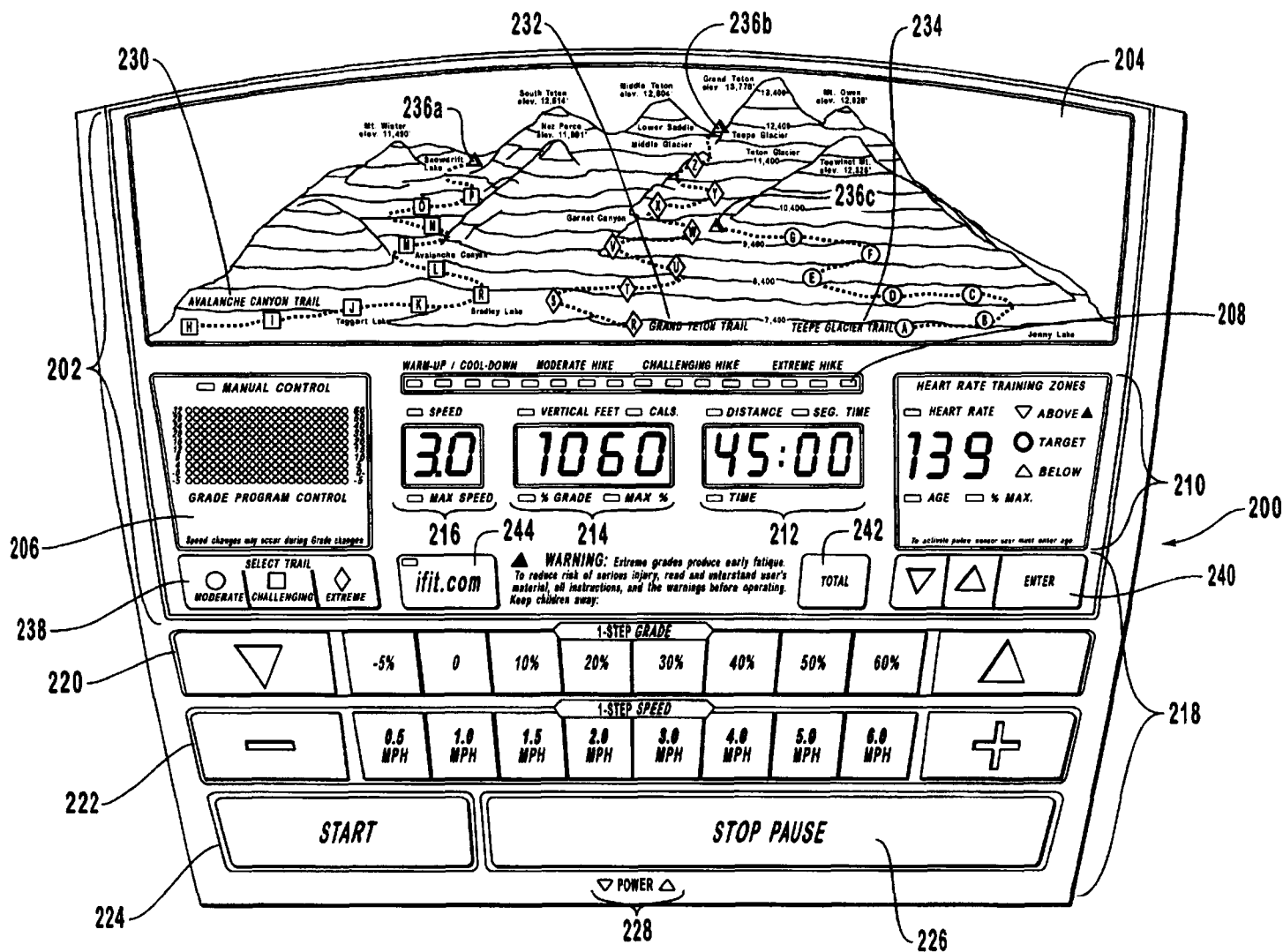


FIG. 1

FIG. 2



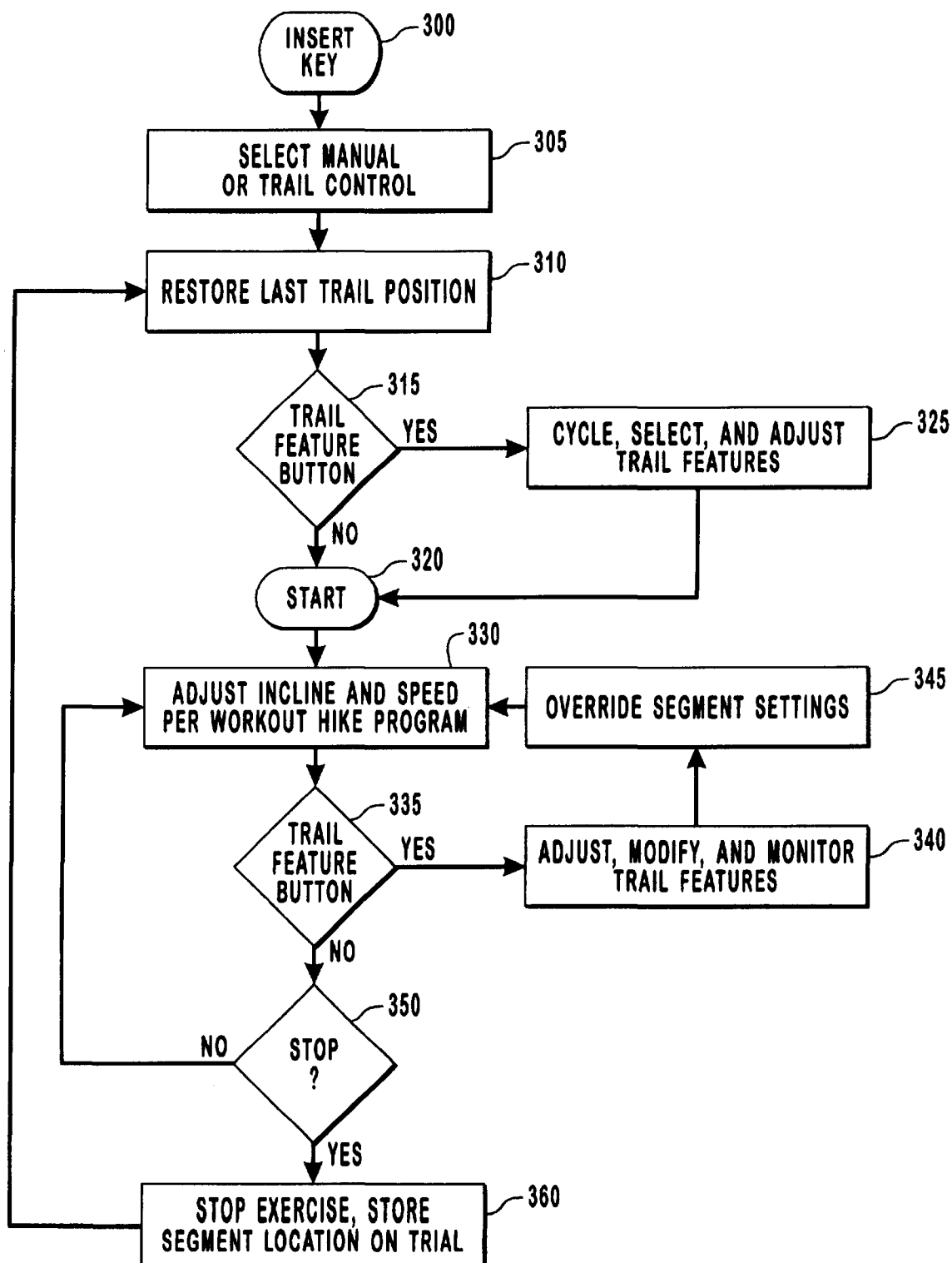


FIG. 3

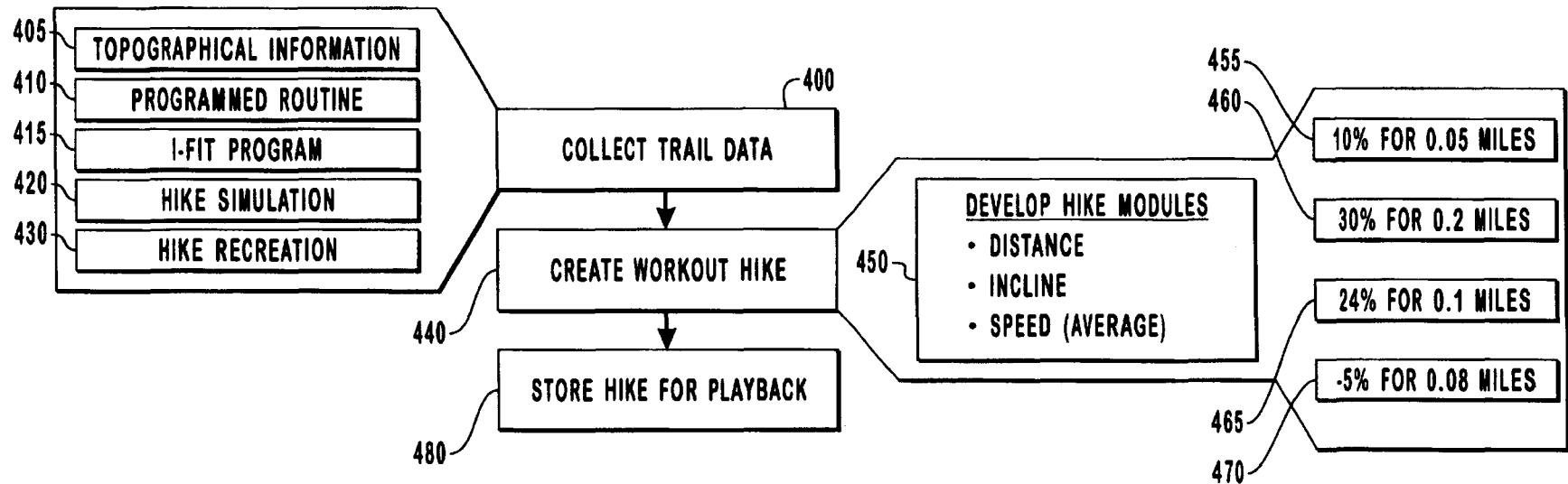


FIG. 4

1

SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

BACKGROUND OF THE INVENTION

1. The Field of the Invention

The invention is in the field of electronic controllers for exercise equipment. More specifically, this invention relates to a method and system for selective adjustment of an exercise apparatus to simulate movement along a desired pathway.

2. The Relevant Technology

The desire to improve health and enhance cardiovascular efficiency has increased in recent years. This desire has been coupled with the desire to exercise in locations that are compatible with working out within a limited space such as within an individual's home or exercise gym. This trend has led to an increased desire for the production of exercise equipment. Furthermore, in modern urban society, it has become more and more difficult for the average individual to experience the exhilaration of exercising in nature. To compensate for this difficulty, athletic sports gyms and exercise facilities featuring treadmills, bicycles or exercise bicycles, weights, and stair stepper machines, have been developed in great abundance.

Climbing devices have also become very popular in recent years. Climbing requires a user to raise the user's knees in continual, strenuous strides. Climbing typically requires more exertion than mere walking on a flat surface. Consequently, the exercise of climbing can provide a more intense, challenging workout. Climbing exercise apparatuses typically feature an endless moving assembly, which is set on a significant angle and has a series of foot supports or steps. This configuration allows the exerciser to simulate the movements of climbing, walking, or running up a steep incline. Angled, moving staircase-type devices are typical examples of such climbing apparatuses.

Unfortunately, typical climbing devices within the art are tall and often require more ceiling height than is available in an exerciser's home. Thus, such climbing devices generally require a gym or warehouse, or at least a vaulted ceiling. Treadmill devices that fit into a user's home generally incline from a neutral position to an inclined position, then decline back to the neutral position. However, typical treadmill devices fail to adequately provide a user with the kind of terrain experience encountered when ambulating over rocky, rough, and natural terrain. For example, a hiker traversing a hiking trail typically exhibits greater lateral movement than most treadmill belts presently allow. Furthermore, beginning at around a 15% grade, a hiker exercising on a treadmill can start producing more energy than is necessary to drive the treadmill belt, such that a braking system is desirably employed. These structural, systematic requirements are presently not considered in the design of modern treadmills.

What is needed is a controller on an exercise apparatus that simulates the dynamics of natural terrain with its accompanying slopes and inclines and can fit into a user's home or another location with a limited ceiling height. Unfortunately, controllers presently associated with these exercise devices are only capable of creating an artificial time based environment. Generally, these exercise devices use an indicator to demonstrate the increase in workout difficulty as a treadmill increases its inclination or a stair stepper becomes more difficult to climb. These devices are exclusively time based, meaning that no matter how slowly an individual is walking, after a certain amount of time, an

2

artificial hill displayed will pass. Unfortunately, time based regulation does not accurately simulate the environment that exists in a real hike or a real walk, depriving the individual of the substantial health benefits associated with a cardiovascular workout based substantially on a natural setting.

Exercise devices that utilize artificial mountain profiles typically create mountains of speed or of incline. Usually, these artificial profiles are time based workouts, where at a preprogrammed time in the workout, the exercise apparatus moves a little faster or increases the resistance, and then during the next workout segment the device alters its operating parameters again. Eventually, the device works its way up to a maximum speed, maximum incline, or maximum workout. Accordingly, the artificial profile adjusts the exercise apparatus so that the next segment becomes less difficult or more difficult by changing the resistance, inclination, or speed. As such, the typical exercise device goes through pre-set profiles. However, the artificial mountain or hill segments are simply time-based alterations of resistance, speed or inclination. Thus, typical workouts lack the natural diversity provided by a mountain trail.

The natural diversity provided by mountain trails yields additional incentives for a user to complete a workout. Representative exercise devices lack these incentives when their workouts are based purely on artificial workout profiles.

Finally, users of existing climbing exercise devices are increasingly faced with the difficulty of interpreting multiple monitoring panels with a single glance during the workout, resulting in sensory overload for the user. Most controllers contain separate indicators for distance traveled, vertical feet traversed, remaining workout length, and relative grade or incline adjustments to be made. It is difficult for a user to interpret and understand all of these gauges with one glance.

SUMMARY OF THE INVENTION

It is therefore an object of this invention to provide a method and system that electronically simulates a mountain hike.

It is another object of this invention to provide a method and system for converting a topographical map to an actual exercise workout for use with an exercise device that can vary between a variety of grades.

It is a further object of the invention to allow the user direct adjustment control of grade and speed, as well as tracking vertical feet hiked and the overall distance and speed.

It is a further object of the invention to provide exercise devices such as hiking apparatuses, climbers, treadmills, exercise bicycles, skiers, aerobic ellipticals, rowing devices, steppers and other devices that can simulate mountain trails, mountain streams, or rough terrain through an adjustment in resistance, incline, or speed.

It is another object of the invention to provide a controller which controls a workout that is both time and distance based, thereby allowing an individual to hike at their own pace and ensuring that they adequately follow a realistic mountain trail length.

It is another object of the invention to provide a single glance panel containing graphic representations so that the user is only minimally distracted from a workout.

It is another object of the invention to provide a carefully designed graphical representation panel allowing the user to obtain all of the important information with one glance.

These and other objects of the invention, as will be apparent herein, are accomplished by generating a mountain

3

exercise profile having trail workout segments that are digitally coded to enable a selectively adjustable exercise device. A selectively adjustable exercise system comprises a virtual trail system for use on a selectively adjustable exercise apparatus.

Aside from being electrically coupled to the selectively adjustable exercise device and a display device, a controller of the virtual trail system operates according to software based workout profiles. The software interprets feedback from the exercise device and a user interface console to generate control signals for motors, electronic braking systems, and user monitors associated with the virtual trail system. The control signals for the exercise device components and display device panels are compiled into workout profiles for use by the controller. Other features of the exercise system include the incorporation of direct adjustment keypads on the user interface console for grade and speed settings. These keypads are primarily used when the system is not recalling a preprogrammed workout routine or hiking trail and is under manual control.

These and other objects and features of the present invention will be more fully apparent from the following description and appended claims, or may be learned by the practice of the invention as set forth herein.

BRIEF DESCRIPTION OF THE DRAWINGS

In order that the manner in which the above recited and other advantages and objects of the invention are obtained, a more particular description of the invention briefly described above will be rendered by reference to specific embodiments thereof, which are illustrated, in the appended drawings. Understanding that these drawings depict only typical embodiments of the invention and are not therefore to be considered to be limiting of its scope, the invention will be described and explained with additional specificity and detail through the use of the accompanying drawings in which:

FIG. 1 illustrates a selectively inclining exercise system.

FIG. 2 is a motivational display device configured with three workout profiles created from actual trails in the Grand Teton mountain range and terrain.

FIG. 3 is a control diagram of an interface console for a virtual trail system with trail workout incentives for an exercise system.

FIG. 4 is a block diagram illustrating encoding of a mountain trail, creating a workout profile, and operating a previously encoded hike.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

The invention is described below by using diagrams to illustrate either the structure or processing of embodiments used to implement the systems and methods of the present invention. Using the diagrams in this manner to present the invention should not be construed as limiting of its scope. The present invention contemplates both methods and systems for selective adjustment of exercise equipment.

One embodiment of a virtual trail system of the present invention comprises: (i) an interface means for receiving workout related control inputs from the user of the exercise equipment; (ii) processor means for electronically computing operational information based at least in part on control inputs received from the interface means; (iii) feedback means for conveying information concerning the amount of exercise performed by the user to the processor means; (iv)

4

indicator means for displaying workout information to the user adapted for indexing travel along the length of a workout trail from segment checkpoint to segment checkpoint until the end of the trail; and, preferably, (v) control means associated with the processor means for causing the indicator means in response to information from the feedback means to travel along the workout trail at a rate proportional to the rate of which exercise is performed by the user.

This virtual trail system may be used in a wide variety of selectively adjustable exercise equipment. For example, in one embodiment as depicted in FIG. 1, the virtual trail system is associated with a hiking exercise apparatus. The virtual trail system may also be employed on variety of other hiking exercise apparatuses, such as those identified in U.S. Patent Application to Cutler, et al entitled "Hiking Exercise Apparatus," filed on Feb. 2, 2000, which is incorporated herein in its entirety by reference.

In addition to treadmills, alternative embodiments include associating the virtual trail system with an exercise cycle, an elliptical aerobic apparatus, a stair stepper, a skiing device, rowing equipment, and other exercise devices, can also simulate mountain trails, mountain streams, or rough terrain. Each of these exercise equipment embodiments would require unique components as previously designated to provide the necessary adjustment in resistance, incline, or speed. However, many of the embodiments contain considerable crossover for their respective applications.

For example, an exercise cycle can very easily use a mountain biking trail to create a similar experience as a hiker might experience on a treadmill or stair stepper. One difference in the hiker and bicycle embodiments would be that the exercise cycle can either increase the resistance or physically move the exercise cycle in an up and down fashion.

An embodiment based on a skiing device can use mountain cross-country ski trails and either adjust actual grade or alter the resistance. A rowing device can simulate mountain streams or rivers by adjusting rowing resistance or restricting the rowing action.

The mountain exercise profile may use topical maps, GPS coordinates, or portable monitors to design the actual exercise program. A trail workout designer can plot a trail over a mountain area on a topographical map and a profile of the incline changes over the terrain will be created. Workout segments can be created which average the slope change for that distance, resulting in multiple grade changes according to the trail segment.

In FIG. 2, examples of such workout segments are designated as the trail between the alphabetical markers on each trail. An alternative embodiment allows for workout segments to be subdivided for multiple grade adjustments. These workout segments are combined into a workout profile. Following a review of the workout profile by a trainer, the trail workout designer will be able to identify the density of the trails and alter the workout segment lengths in order to fit a similar trail workout on to the specified exercise device. Specifically, the trail workout designer creates variable segment lengths that best compare to the natural hike, including gradual incline segments, short steep segments, and short negative grade segments. A trail workout designer can also use GPS coordinates in conjunction with a master topographical map to create a successful workout trail. Midway or rest points may also be incorporated into a workout trail at the end of a workout segment.

Monitor devices enable a hiker to carry the monitor on an actual hike and record the distance and inclination walked

5

by the user, and then apply that particular hike to the exercise machine software. This allows the user to exercise on weather prohibitive days (rain, snow, or extreme heat) in which the weather does not allow a user to go outside. The user can hike the same virtual path that they normally would take. Portable monitors also allow a user to record their favorite workout by walking the trail with the monitor on. Upon electrically coupling the monitor to the exercise system, the monitored activity can be downloaded to the virtual trail system attached to the exercise apparatus. The virtual trail system converts the monitored information into a workout for the exercise device. This provides the user with some exciting new benefits. For example, if it rains or snows, a user can follow their favorite hike or mountain bike trail on an exercise bike, even if there is too much rain or snow on the ground.

There are multiple methods of coding the hiking trail or hiking profile. The most prevalent and preferred embodiment is a translation of a topographical map into a workout and onto a hard coded copy of a mountain. The hard coded copy may be stored on an ASIC chip, a programmable ROM, a magnetic disk, PCMCIA card, or Compaq flash card. More specifically, the software is stored in a memory module that may be upgraded with new mountain trails or workouts. This memory module may be constructed from at least one of programmable ROM, Dynamic Memory, EEPROM, flash bios, PCMCIA cards, CD-ROM, RAM, magnetic storage disks, and Compaq flash cards. The exercise system may also provide the memory module through an electrical connection to a general-purpose computer. It may also be downloaded from an Internet site such as www.iFit.com across a communication line connection, for example via the PSTN, DSL, G-Lite, cable modem, wireless or other high-speed data connection. Particularly as the cost of wireless technology drops, a wireless connection to exercise profile sites such as iFit.com is also foreseeable.

Hiking profile coding also provides the additional advantage of recording a hike that a user might not be able to accomplish in one exercise session, especially if it is an all-day or multiple day hike. Since the average workout session lasts between about 15 minutes and 1 hour, a user would not complete longer hikes without positional cursor storage. However, the virtual trail system optionally saves the location of the user, so that upon their return to the exercise system, they are able to begin their workout where they last left off. Thus, a daylong hike of eight hours might take an individual one or two weeks to complete at thirty-minute intervals. However, the individual would have covered the same exact terrain as was covered in the original walk. In this sense, the exercise system is able to provide a user with long-term physical goals and related incentives inspiring follow-up workout sessions. This natural variety and follow-up incentive are important keys to keeping the user on a regular exercise plan.

One of the features in this invention is the interface between the display device, the controller, the adjustable exercise device, and possibly additional software. In a preferred embodiment the software is upgradeable and Internet capable. The display device is conveniently located on the exercise device or is optionally separate therefrom, such as a wall mounted or hand-held display, and provides indicator signals. Thus, the display device may be physically located on the exercise device, but may be separate therefrom in another embodiment. The controller creates codes for the display device and adjustment codes for the exercise device. The exercise device is preferably adjustable. The exercise device may act as a flat treadmill, hiker, or stepper,

6

for example. What distinguishes this exercise system from other systems is that the user has direct control of the speed and grade. In some embodiments the system may control speed and grade during workout routines. The present invention differs from other devices, which feature time-based workouts, whereas this device uses distance-based workouts.

The display device is an example of an indicator means for displaying workout information to the user and should be positioned so that a user may easily interface with the controller and observe their progress in several categories of performance. An adjustable attachment is preferred so that users of varying sizes will have equivalent visual access. In considering construction factors such as reliability, cost, and performance, a liquid crystal display (LCD) provides the greatest flexibility for the display device. Other acceptable indicator means include LED displays, video monitors, color LCD, and flat LCD video screens. Each of these visual indicator means can be varied using colors, brightness, or synchronized pulses to represent various status conditions. Typically, the indicator means is a visual indicator, but auditory and tactile indicators may also be used as indicator means. Audio indicators may generate a full spectrum of audible noises, including music, chirping, beeping, continuous tone, or a specific audible message. Tactile indicators include vibration, texture alteration, electric tingle, generation of specific Braille characters, or the creation of a temperature variation.

FIG. 2 provides an example of a preferred embodiment of implementing the invention. This should not be seen as a limitation, however, on the arrangement or construction of the exercise apparatus. For example, in one embodiment, an LCD is employed to display clips from the actual hike or workout trail, instead of a topographical display screen.

The controller may be a microcontroller, a central processing unit (CPU), a state machine, a programmable logic array, or network of logical gates, ASIC processor, software-based controller, a combination of these components, or a variety of other controllers. Each of these controller examples are examples of processor means for electronically computing operational information based at least in part on control inputs received from the interface means. The controller receives feedback signals from the exercise apparatus and the workout profile and converts the feedback signals into control signals for the display device and exercise apparatus. Data for the controller may be stored in registers or memory modules. The controller makes adjustments to the exercise device simulating mountainous terrain. In one embodiment, the controller includes a temporary storage media for use with the display means. The temporary storage media provides a buffer for each of the displayed values, such as user age, maximum pulse and heart rate, average pulse and heart rate, target heart rate, calories burned and target calories to burn during workout session, length of workout session, and other displayed values. This multi-buffer system allows for the simple control and rapid refresh of the user workout data.

With reference now to FIG. 1, a selectively inclining and declining climbing exercise apparatus 10 of the present invention is shown. Exercise apparatus 10 supports a user ambulating thereon. Selectively inclining and declining apparatus 10 comprises a support base 12, a treadbase 14, and a handrail assembly 16. A variety of other examples of selectively inclining and declining hiking exercise apparatuses such as apparatus 10 to be employed in the present invention are disclosed in U.S. Patent Application to Cutler, et al entitled "Hiking Exercise Apparatus," filed on Feb. 2, 2000, which is incorporated herein in its entirety by reference.

In a neutral position, treadbase 14 is parallel to a support surface. Treadbase 14 is capable of inclining to extreme angles, such that a distal end is high above the neutral position. This enables an exerciser to simulate a hiking motion that requires the user to continually lift the user's knees in an upward, outstretched manner. Treadbase 14 also declines such that a distal end thereof drops below the neutral position. Typical hikes in the mountains, for example, involve inclines and declines as well as flat surfaces. Thus, apparatus 10 is able to more closely simulate a typical mountainous terrain. A hiker traversing a hiking trail typically exhibits substantial lateral movement. Thus, treadbase 14 preferably has an aspect ratio featuring a wide treadbase 14. Examples of such aspect ratios are disclosed in the U.S. Patent Application to Cutler, et al entitled "Hiking Exercise Apparatus," filed on Feb. 2, 2000, which is incorporated herein in its entirety by reference as indicated above.

The coupling of treadbase 14 and the positioning of handrail assembly 16 may occur in a variety of different positions depending upon the embodiment. In the embodiment of FIG. 1, treadbase 14 is pivotally coupled at the proximal end thereof to the proximal end of support base 12. Support base 12 rests on a support surface. In the embodiment of FIG. 1, treadbase 14 comprises a treadbase frame, first and second rollers (only one roller shown) on opposite ends of the treadbase frame, and an endless belt movably mounted on the rollers.

In one embodiment, treadbase 14 is selectively moved into a position having a grade of about -30% (declined) with respect to the neutral position to about 90 degrees (inclined) with respect to the neutral position, preferably having a grade of about -20% (declined) with respect to the neutral position to about 60 degrees (inclined) with respect to the neutral position, more preferably, having a grade of about -10% with respect to the neutral position to about 100% (45 degrees) with respect to the neutral position, more preferably, having a grade of about -10% with respect to the neutral position to about 60% with respect to the neutral position. In another embodiment, treadbase 14 is selectively moved into a position having a grade of about -5% with respect to the neutral position to about 50% or 60% with respect to the neutral position.

However, these ranges are generally more of a physical limitation than an electronic limitation as the console 200 for the exercise apparatus can be configured in one embodiment to provide negative 360 degrees to positive 360-degree rotation.

By moving between these extreme ranges, an exerciser is able to simulate a hike through a variety of different slopes and angles. The virtual trail system includes an electronic console 200. Console 200 is electrically coupled to the inclination motor 18. The virtual trail system controls the amount of inclination/declination during each segment. Through the use of console 200, the user can control the amount of inclination/declination of treadbase 14, the speed of the endless belt and a variety of other features related to apparatus 10.

In one embodiment, the exercise system includes braking means for electronically slowing the speed of the operable member, such as an electronic braking system. When the exercise device exceeds a variable incline level, established by the weight of the user and the inherent resistance of the system, the force exerted on the motor of the exercise apparatus exceeds the force generated by the motor to drive the operable member of the apparatus and the electronic braking system should be activated. For hiking devices, this

variable incline level can occur at approximately 15%, depending on the inherent system resistance and the forces exerted by the user. At this grade, the energy generated by the user ambulating on the exercise device exceeds the power required to drive the motor on the operable member. At inclines above about 15% the power generated by the virtual trail system exceeds approximately 100 Watts, requiring the braking means to dissipate the excess power generated by the virtual trail system. In one embodiment, the braking means of the present invention dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts. Certain users ambulating at extreme incline settings generate excess power in the range of 500 to 700 Watts for example, depending on user and treadmill specifications.

Therefore in the preferred embodiment, the presence of excess power activates the electronic braking system, which dissipates the excess power and maintains the appropriate speed of the operable member. One method of reducing this excess power is through a feedback loop connected to the power supply for the motor, in essence reducing the power available to the motor and slowing the belt. Another method senses the presence of excess power and activates the electronic braking system by closing a switch between the motor and a power resistor, such as a heating coil resistor. This method effectively allows the motor to generate more power, but absorbs excess power via the power resistor in the required range of about 100 to about 700 watts, e.g. about 500 to about 700 watts. In one embodiment, a heating coil is provided to provide inexpensive power dissipation. However, care must be taken to disperse the heat generated by high energy levels.

In the preferred embodiment, a device cutoff system within the electronic braking system activates a forced ventilation system when heat levels begin to exceed pre-established operating ranges and in extreme cases completely cutoff the treadmill system until the detected heat levels returned to safe operating ranges. Generally, the power resistor circuit employed in the exercise device is system specific, and designed to dissipate excess power generated by the motor during to prolonged use at extreme inclines. Once the power is dissipated, the virtual trail system will open the circuit between the motor and the power resistor. In this manner the virtual trail system is able to maintain a constant speed for the operable member at high speed and high inclination settings.

Other examples of braking systems are disclosed in the U.S. Patent Application "Hiking Exerciser Apparatus," incorporated herein by reference.

As mentioned above, the aspect ratio, i.e., the length and width of treadbase 14 is such that climbing apparatus 10 simulates a climbing motion and allows the user the lateral movement associated therewith, yet has a minimal footprint and can be conveniently used and stored in a home or exercise gym.

Handrail assembly 16 will now be discussed in additional detail with reference to FIG. 1. The handrail assembly 16 of the present invention can be comprised of a variety of different members and have a variety of different configurations, such as those featured presently in the art. Handrail assembly 16 of FIG. 1 is coupled to the treadbase 14 such that the position of handrail assembly 16 adjusts automatically throughout the range of motion of treadbase 14. Thus, handrail assembly 16 is useful to the exerciser throughout the range of motion. Handrail assembly 16 has

an operative, useful position regardless of whether treadbase 14 is in an inclined, declined, or neutral position. However, a fixed handrail assembly may also be employed which does not provide such adjustment. Handrail assembly 16 may also contain components of the feedback circuitry for monitoring the users heart rate through the physical connection created by the user's hold on the handrail assembly 16.

In the embodiment of FIG. 1, inclination motor 18, which controls the amount of inclination/declination during each segment, is part of handrail assembly 16. Handrail assembly 16 is pivotally coupled to treadbase 14 and to support base 12. Motor 18 selectively inclines and declines assembly 16, thereby selectively inclining and declining treadbase 14. However, in other embodiments, such as described in U.S. Patent Application to Cutler, et al entitled "Hiking Exercise Apparatus," filed on Feb. 2, 2000, which is incorporated herein in its entirety by reference as indicated above, an extension motor or other means for selectively moving the treadbase is directly coupled between the treadbase and the support base or coupled thereto in a variety of other fashions.

With reference to FIG. 2, a user console 200 contains a display device 202 and a control interface 218. Display device 202 is an example of an indicator means. Control interface 218 is an example of an interface means for receiving workout related control inputs. Display device 202 contains various workout diagnostic panels. In another embodiment of a user console, the display device of the console is located remotely from the exercise apparatus. For example, the display device may comprise a wall mounted or hand held display.

Trail workout panel 204 displays trail workout information on one panel of said user interface console 200, the trail workout information comprising at least one of: percentage of trail workout completion, relative trail elevation, distance traveled, vertical distance traveled, workout segment difficulty, remaining segment length, selected trail workout routine, and topographical information concerning the trail workout profile. In one embodiment, each of these features are present. This single glance panel provides an optimal amount of workout information to the user without distracting the user from the workout. Grade program control panel 206 includes an incline display representing the inclination of the treadmill or exercise device in degrees or grade percentage. In the embodiment of FIG. 2, the incline, terrain, or hill varies from -5% to 60% grades or -5 to 32 degrees of angular movement on the grade program control panel 206. The grade program control panel 206 may contain a terrain or hill display array that is constructed from a selectively illuminated LED display array.

The virtual trail system causes the exercise device to incline the treadbase grade or increase resistance so as to correspond to the hills displayed on the grade program control terrain display. In this manner, the user is provided with a short-term display of upcoming and/or current terrain. The grade program control panel 206 also contains a manual control indicator to signify that the user is establishing grade settings. Grade program control panel 206 further comprises a data field shown in FIG. 2 to have 21 columns with 10 indicators in each column. Although primarily configured to indicate short-term grade settings, this array of indicators may also be used to indicate any number of different parameters. For example, the grade changes can be attached to indicate speed changes. The preferred display panel configuration takes grade changes or resistance changes that are pending during the workout program and shows the changes graphically. In FIG. 2, the second to bottom hori-

zontal row of the grade program control panel 206 would be regarded as zero, with the number of vertical blocks being illuminated to show the relative incline, grade, speed, or other value depicted. This array can be expanded to include more accuracy concerning the grade or angled inclination. As the capabilities of the exercise equipment processor increase, the display scale can be shifted.

A hike exertion panel 208 provides a single row of colored indicator LEDs summarizing the workout stress level placed upon the user. The hike exertion panel 208 divides the colored indicator LEDs into four subcategories: warm-up/cool-down, moderate hike, challenging hike, and Extreme hike. The subcategories are either based upon preprogrammed values for grade level independent of the user's response to the system and speed level or the indicator panel 208 can be a compilation and summarization of indicator panels 204, 206, 210, 212, 214, and 216 adapted to each user. In this second configuration, the hike exertion panel 208 becomes a single look pacing indicator panel considering age, heart rate, speed, grade, pace, and hike ranking. As such the hike exertion panel 208 is at least indirectly connected to the feedback circuitry, which measures the performance of the exercise equipment and/or the user.

The heart rate training zone indicator panel 210 selectively indicates age, heart rate and percentage of maximum heart rate of the user that is exercising. Training zone indicators show a user whether the current workout is proceeding above, below, or at the target heart rate for the user's age. The pulse sensor is activated after the user enters their age before the workout begins using the incremental adjustment keypad 240. In the preferred embodiment, the virtual trail system will remember a user's vitals after they renew a previous workout. Heart rate training zone indicator 210 is an extremely useful feature as it allows the trail workout to be personalized for each user, assuring that a maximum cardiovascular workout is obtained. Optional safety features in the virtual trail system include a monitor of a user's heart rate that reduces the stress or exertion levels imposed upon the user when the heart rate exceeds the target value. The stress level may be increased for a user whose heart rate is at or below the target level. These heart rate signals are received at least indirectly from the user feedback circuitry, part of the feedback means, which may collect information from a heart monitor worn, by the user or a heart monitor placed in handrail assembly 16.

Time and distance indicator panel 212 indicate the distance traveled or the segment time required for the user to travel between exercise workout segments, or the overall time required for the trail workout. Indicator panel 214 selectively provides the vertical feet traveled, the calories burned, the percentage of grade, and the maximum percentage. The time and distance indicator panel 212 and the indicator panel 214 are at least indirectly attached to feedback circuitry connected to the exercise device. Speed indicator panel 216 provides the speed presently traveled on the exercise device, or the maximum speed attained during the exercise period. The speed indicator panel 216 is indirectly attached to the feedback circuitry on the exercise device and more specifically to circuitry connected to the electronic braking system used to regulate the belt speed on the treadbase.

Control interface 218 comprises several individual adjustment keypads for interfacing with the selectively adjustable exercise apparatus. Direct grade adjustment keypad 220 allows the user to select a desired grade of an operable member of the selectively adjustable exercise apparatus through quick touch keys with pre-set percentage grade

values and automatically adjust the device to the selected level. Specifically, direct grade adjustment keypad 220 has pre-set percentage grade keys for -5%, 0%, 10%, 20%, 30%, 40%, 50%, and 60%, for example, although a variety of different grades are available. The grade program controller may increase the grade or residence depending on the exercise device attached to the grade program controller. For example, a treadmill can increase the inclination of the treadbase to the desired grade. A bicycle exercise device can increase the resistance such that a comparable grade is represented. A skiing device can elevate the slope of the surface being skied upon. Similar grade or resistance adjustments can be made for other exercise devices. Inclination and declination interface buttons are also included in the direct grade adjustment keypad 220. These keys allow a user to increase or decrease the grade in 1% grade intervals, for example.

Start interface button 224 allows a user to begin the trail workout once the trail has been selected or the previous segment has been restored. Stop/Pause interface button 226 allows a user to stop or pause the workout and save the location of the user's last position on the trail for future use or allows the user to recover from overexertion. In one embodiment, Stop/Pause interface button 226 is electronically connected to an electronic braking system that prevents a user from driving the treadbase faster than the speed driven by a motor, but also for slowing the treadbase down to a stopped position so that the user won't fall off the treadbase.

As mentioned above, beginning at around a 15% grade, a hiker exercising on a treadmill may start producing more energy than is necessary to drive the treadmill belt. Thus the braking system of the present invention is useful at inclines such as in excess of about 15% grade and is particularly useful at high inclines, such as in excess of about 25% grade. The electronic braking system is electronically connected to the feedback means for calculating the actual belt speed of a given treadbase. The feedback means sends this information to the processor means for further adjustment of the treadbase to optimize to overall performance of the climbing exercise device.

Power indicators 228 show whether the proper activation key has been provided to the selectively adjustable exercise apparatus. In one embodiment, the activation key is a physical electronic key that stores the users workout information. Other embodiments may require an electronic key or password be typed in so that the workout information can be restored from a user database. Another embodiment uses a physical key as a safety measure to prevent unauthorized use of the trail exercise apparatus.

Direct speed adjustment keypad 222 allows the user to adjust the speed of the particular exercise device. Specifically, direct speed adjustment keypad 222 has keys for 0.5, 1.0, 1.5, 2.0, 3.0, 4.0, 5.0 and 6.0 mph. In addition to the aforementioned preset speed values, increase and decrease buttons increase or decrease the selectively adjustable exercise apparatus operable member speed in $\frac{1}{10}^{\text{th}}$ intervals. In the preferred treadmill configuration, the treadbase will gradually increase the belt speed according to the inputs from the user interface console 200.

Incremental adjustment keypad 240 contains an increment and decrement input keys as well as a final enter input key. One embodiment allows a user to input their age through this keypad so that the virtual trail system can customize a workout and monitoring system. Another embodiment allows a user to use this keypad to enter one or more of the following workout variables: the exerciser's age,

length of workout segment, distance of workout segment, vertical feet of workout segment, maximum speed of workout segment, maximum pulse, target heart rate, maximum grade, calories to be burned, and maximum heart rate. These keys may also be used along with the trail workout panel to specifically select a workout segment for making adjustments in the present workout profile or even to select different trails. For example, the virtual trail system of FIG. 2 displays the Grand Teton trails and it is foreseeable that various popular mountain recreation areas like Mt. McKinley, Mt. Rainer, Mt. Hood, the Swiss Alps, the Ozark or Allegheny Mountains, or Mt. Everest hiking layouts can be imposed in the trail workout panel 204 using the incremental adjustment keypad 240.

The total input key 242 changes the display panels 210, 212, 214 and 216 to display their total or maximum changes. Thus an individual is enabled to see the total distance traveled, the total time of the workout, the total vertical feet traveled, the total calories burned, the average grade, and the maximum percentage. The average speed can also be indicated through the total button. In one embodiment, the results displayed when total input key 242 is pressed, are computed using registers which increment the values for the time and distance, vertical feet, and calories burned during the workout profile at variable rates depending on the amount of exercise and the speed of exercise being performed by the user. These figures are dictated by the device parameters. For example, the distance traveled in the preferred treadmill embodiment is based upon the speed of the belt on the tread base, and the distance covered by a user running upon such a base. The total calories burned would be based on the angle or the grade of the tread base and the speed of the tread base. Another embodiment includes the monitored heart rate of the individual working on the treadmill as a variable to compute the calories burned.

The select trail keypad 238 allows a user to choose a moderate, challenging, or extreme trail for their workout. In the preferred embodiment provided in FIG. 2, these trails are represented by the Teepee Glacier trail 234 as a moderate trail with workout segments A through G. The challenging trail is the Avalanche Canyon trail 230 with workout segments H through P. And the extreme trail is the Grand Teton trail 232 with workout segments R through Z. Upon choosing an exertion level, the workout will proceed along the workout segments until the trail end is obtained. These end points for the trails are represented by 236a, 236b, and 236c. In an alternative embodiment, a user can select their trail exertion level using a touch sensitive trail workout panel 204. In such an embodiment an individual can simply select a segment letter by pushing that letter or the general vicinity of that letter, and the exercise apparatus would adjust the settings to correspond to that portion or segment of the workout. It is also envisioned that various embodiments would contain trails that contained moderate, challenging, and extreme trail segments within one workout.

The iFit.com button 244 is both a selector and an indicator. The indicator light on the iFit.com button 244 demonstrates that a connection has been established between the virtual trail system and the external iFit.com system. The virtual trail system, if properly connected to either a computer or directly to the Internet through a communication line connection will use software to contact the new www.iFit.com website to obtain the services of a personal trainer. Examples of suitable communication line connections include via PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission, or other data connection. Once the user initiates the iFit.com session via

the interface by depressing the iFit.com button 244, the virtual trail system interacts with the website to obtain digital signals for the workout session. If the online iFit.com trainer creates a "hill climb" workout for the user, the incline of the treadmill 14 will get steeper and steeper responsive to the personal trainer. The iFit.com module uses a "plug in and logon" design to make it very user friendly, even for users that are newcomers to the Internet. One advantage of the iFit.com technology is its simplicity; all the user needs to do is plug the iFit.com compatible fitness equipment into their computer, an Internet access point or PSTN access line. Once the connection is established, the workout options are endless. For example, the user can select a daily iFit workout, press "start," and the virtual trail system will begin following the daily workout profile received from the offsite database.

An alternative embodiment allows the user to participate in a live online workout session. The user designates their fitness equipment and selects a personal trainer. The trainer can adjust the equipment settings to constantly challenge the user while monitoring the user's vitals, despite the fact that the user is working out in the privacy and convenience of the user's own home. It is well known by those skilled in the art that a personal trainer helps keep a user motivated, makes the user more accountable to their goals, and helps the user achieve better results. The problem is, millions of consumers do not belong to health clubs and therefore do not have access to qualified personal trainers. Use of the iFit.com button 244 provides a new standard of fitness at home. User's can schedule a private workout session with a personal trainer conducted and monitored via computer cameras and simultaneously sent by the trainer digital signals that control the treadmill's electronic functions. As such, the present invention becomes a truly interactive personal training experience.

The iFit.com connection uses Internet "streaming" technology. Allowing consumers to quickly select and immediately begin using a workout segment without downloading the entire workout profile. The iFit.com streamable workouts are convenient and easily accessed. Furthermore, the quality of personalized workout sessions are improved, because ACE certified personal trainers develop the workouts that are sent across the iFit.com communication lines. Three predominant features are given to the present invention through the iFit.com button 244. The first is access to the basic iFit.com workout database that allows the user to change his or her workout routine every day, thereby encouraging site and workout "stickiness." The workout database streams into the user's home computer or exercise device and gives the user access to an electronic library of hundreds of preprogrammed workouts whereas most treadmills have a maximum of only 6-8 basic workouts. For example, users can adjust their treadmills to accommodate a specialized preprogrammed 20-minute fat burning workout or an 18-minute strength-training workout.

The second area of expansion are audio workouts, which give the consumer a motivating combination of heart rate paced music and the encouraging voice of a personal trainer. Digital signals in the soundtrack control: resistance, speed, and incline of the fitness equipment. The user will be able to choose from a variety of musical styles and enjoy them within the confines of their home workout area.

Finally, video workouts will stream to the virtual trail system in two categories. The first workouts are group classes and the second are hiking adventure series trails. Both types of workouts feature heart rate paced music and digital signals to control the exercise equipment. In the

group class video, users will watch a fun group "sweating it up" with a motivating personal trainer leading the workout. The adventure series of workouts will combine music, digital signals, and add engaging scenes of natural beauty. One series features three hikes in the Grand Tetons. Another running adventure series will be a workout following the race course of the St. George Marathon in St. George, Utah, named by *Runner's World* as the most scenic marathon in America. In this manner, the hiker treadmill can be programmed to include training workouts such as the incline and distances of activities like the St. George Marathon. This would allow hiker treadmill users to practice for a marathon in another state without requiring them to travel to the location to run the course and, in essence, prepare themselves for the eventual competition without being there. While the functionality of the iFit.com button 244 is presently limited to controlling the treadmill, in the foreseeable future such workouts will interact with home stereos, TVs, VCRs, DVDs, and CDs along with the treadmill to improve the quality of the interactive feel of the exercise equipment.

One embodiment of the hiker treadmill allows the virtual trail system to interface with a program that emulates a particular climb. The program will provide virtual trail system with adjustment codes that allow the hiker device to simulate the terrain of a given hike. One method of programming a hike is through analysis of the GPS coordinates for a starting point, one or more weigh points, and an ending point. The virtual trail system will then automatically compute the distances, inclines, to simulate a hike along that course.

FIG. 3 is a control diagram for a virtual trail system with trail workout incentives incorporated into the motivational display console on an exercise device. At conditional action block 300 a user may activate the machine through the insertion or input of an access key. Selection block 305 determines whether the user desires manual or trail based workout control. If the user desires manual control, workout parameters may be established by direct adjustment keypads for grade and speed, while variable keypads may provide calorie, heart rate or other workout related restrictions. If trail based control is selected, execution block 310 will identify the user and restore the last trail position for that user. This information may be encoded into the access key or may be stored in memory relevant to the individual user. If there is no previous workout information, the user will be placed at the beginning of a trail. Decision block 315 determines whether the trail feature button has been selected. If the trail feature button has been selected, the available workout trails will cycle through and allow the user to select and adjust various trail features for the user's workout. These adjustments occur in execution block 325. If the trail feature button has not been selected, the workout will begin from the last trail position recorded according to the settings at that point. At start point 320, a conditional execution block, a user may activate the machine by pressing start. Once the exercise device starts, execution block 330 allows adjustments to inclination and speed to be made according to the workout trail program until a trail feature button is selected. If a trail feature button, as demonstrated by decision block 335 is selected, then the user is allowed to adjust, modify and monitor various trail features in execution block 340. These features include but are not limited to trail elevation change, trail distance, segment distance, segment vertical change, overall target difficulty for trail and segment, and incline or speed adjustments. Once these trail features have been adjusted, execution block 345 overrides the standard segment settings with the modified values

provided in execution block 340. Generally this override occurs upon the depression of the enter button 240 or the start key 224. The controller then returns to the adjust incline and speed execution block 330 and continues with the workout segment. Upon completion of the workout segment, a stop exercise and store segment location command is executed in execution block 360. If the trail features are not manually adjusted in decision block 335, decision block 350 checks to see if the end of the workout segment has been reached. If this end point has not been obtained, the workout program returns the controller to the adjust inclination and speed execution block 330.

FIG. 4 is a block diagram illustrating the process of encoding a mountain trail, the creation of a workout profile, and the standard operation of a previously encoded hike. Execution block 400 instructs an automated controller or a trail designer to collect trail data concerning the workout profile selected by the user. This data structure is comprised of various elements including a topographical information data string represented by block 405 a programmed routine represented by 410, an iFit.com program represented by block 415, a hike simulation represented by 420 and a hike recreation represented by 430. The topographical information data structure 405 might include GPS coordinates for a start point as well as one or more waypoints, segment breaks, and an end point. Associated with each one of these GPS coordinates for the waypoints, segment breakpoints, start points, and end points would be a corresponding elevation value. The controller or trail designer is then able to take this topographical information and compute the distances, the average inclinations between the waypoints, and simulate a hike from this data. Thus while a hike may include variable length workout segments as well as variable inclination adjustments.

A programmed routine 410 is comprised of inclination adjustments and distances for workout segments compiled by a trail designer to optimize the selected trail exertion. For example, a moderate trail can contain grade adjustments from negative 5% to positive 20%, while a challenging trail might include adjustments from negative 10% to positive 40% and an extreme trail can include adjustments from negative 15% to positive 60% in which some of the segments might contain drastic 20% to 30% grade changes over previous segments. The iFit.com programs 415 relate to programs available over Internet sites and allow a user to access a new trail each day.

Hike simulations 420 correspond to topographically entered information or to hike simulation inserts that may be added to the virtual trail system via PCMCIA, magnetic disk, PROM, flash upgrades, or other storage means. For example, the Grand Teton hikes displayed in FIG. 2 provide a user with a hike simulation for the Avalanche Canyon trail, the Grand Teton trail and the Teepee Glacier trail. Hike recreation 430 is data provided from a hike monitor worn by an individual during a normal workout. This is an exciting feature for the hiker as it allows an individual to perform exercise when the weather prohibits outside exercise. In essence the monitor records the distance and elevation changes during the workout period and provides that information to the exercise device through an interface or communication link.

Once the appropriate trail data is collected, execution block 440 creates a workout hike profile. The hike development module 450 collects information concerning distance, incline adjustments, and average speed traveled. The hike development module then creates individual workout segments to be chained together for an overall workout

profile. Blocks 455, 460, 465 and 470 illustrate examples of workout segments. Workout segment block 465 illustrates how the grade change can occur in 1% increments. Workout block 455 demonstrates the grade 10% along with the distance 0.05 miles. This also indicates the distance factor being 0.01 miles. Workout segment block 470 demonstrates the use of a negative grade change as well as reemphasizing the potential for 0.01 miles distance changes. It is foreseeable that these grade changes can be adjusted to angular slopes and that the distances can be adopted as meters or kilometers. Once the workout profile has been assembled containing the individual workout segments, the hike is stored in execution block 480 for future playback on the exercise device.

The present invention may be embodied in other specific forms without departing from its spirit or essential characteristics. The described embodiments are to be considered in all respects only as illustrative and not restrictive. The scope of the invention is, therefore, indicated by the appended claims rather than by the foregoing description. All changes that come within the meaning and range of equivalency of the claims are to be embraced within their scope.

What is claimed and desired to be secured by United States Letters Patent is:

1. A virtual trail system for use on a selectively adjustable exercise apparatus having a support structure, the virtual trail system simulating a trail to be traversed by a user as the user exercises using the exercise apparatus, the virtual trail system comprising:

interface means for receiving workout related control inputs;

processor means, configured to be connected to the support structure of the exercise apparatus, for electronically computing operational information based at least in part on control inputs received from the interface means;

feedback means for conveying information concerning the amount of exercise performed by the user to the processor means;

indicator means, configured to be connected to the support structure of the exercise apparatus, for displaying workout information to the user at a rate proportional to the rate at which exercise is performed by the user, the indicator means being adapted for displaying a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.

2. The system as recited in claim 1, wherein the workout information displayed by the indicator means comprises a simulated trail elevation of the user.

3. The virtual trail system as recited in claim 1, wherein the workout information displayed by the indicator means comprises: percentage of trail workout completion and simulated trail elevation on the same display panel.

4. The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises: a support base; and an operable member movably coupled to the support base.

5. The virtual trail system as recited in claim 4, wherein the feedback means comprises an odometer coupled to the operable member to record traveled distances, the odometer being electronically attached to the processor means.

6. The virtual trail system as recited in claim 5, wherein the indicator means comprise a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

7. The virtual trail system as recited in claim 4, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired grade of said operable member.

8. The virtual trail system as recited in claim 7, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired speed of said operable member.

9. The virtual trail system as recited in claim 4, wherein the virtual trail system further comprises a braking means for electronically slowing the speed of the operable member.

10. The virtual trail system as recited in claim 9, wherein the braking means comprises a means for dissipating power generated by the virtual trail system, wherein said means for dissipating power is activated at operational points that are partially dependent on user attributes including user mass and force exerted by user and partially dependent on virtual trail system parameters including inclination or declination positions, operating speed, and overall virtual trail system resistance.

11. The system as recited in claim 9, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts.

12. The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts.

13. The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 500 Watts.

14. The virtual trail system as recited in claim 1, wherein the indicator means comprises a single panel display device that illuminates indicators to report horizontal, vertical, and total trail distances traveled during the trail workout session by the user.

15. The virtual trail system as recited in claim 14, wherein the single panel display device of the indicator means further comprises indicators to report to the user which trail workout is selected.

16. The virtual trail system as recited in claim 15, wherein the single panel display device of the indicator means further comprises indicators to report percentage of completion for selected trail workout.

17. The virtual trail system as recited in claim 1, wherein the interface means comprises at least one external database input interface for personalizing trail workout options according to the user.

18. The virtual trail system as recited in claim 1, further comprising a means for dissipating power, said means for dissipating power being electronically coupled with the processor means.

19. The virtual trail system as recited in claim 18, wherein the means for dissipating power includes a switch coupled to a power resistor for dissipating excess power generated by the virtual trail system at excessive inclinations.

20. The virtual trail system as recited in claim 19, wherein said power resistor is a heating coil.

21. The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises at least one of a treadmill, a skier exercise apparatus, an exercise bicycle, an aerobic elliptical exercise apparatus, a rowing apparatus, and a climbing exercise apparatus.

22. The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

23. A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the interface console comprising a display device capable of displaying trail workout information on said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

24. The system as recited in claim 23, wherein the user interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

25. The selectively adjustable exercise system as recited in claim 23, wherein said user interface console further comprises a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

26. The selectively adjustable exercise system as recited in claim 23, wherein the control interface further comprises a second direct adjustment keypad for selecting a desired speed of said operable member.

27. The selectively adjustable exercise system as recited in claim 26, wherein the control interface further comprises a third direct adjustment keypad for selecting a preprogrammed trail workout routine for application to said operable member.

28. The selectively adjustable exercise system as recited in claim 23, wherein the user interface console further comprises:

- a direct incline adjustment interface that with one touch allows the incline of the selectively adjustable exercise system to be automatically adjusted upon selection of one of several preset grade levels.

29. A selectively adjustable exercise system as recited in claim 28, wherein the user interface console further comprises:

- a direct speed adjustment interface that with one touch allows the selectively adjustable exercise system speed to automatically shift upon selection to one of several preset speed levels.

30. A selectively adjustable exercise system as recited in claim 23, wherein the exercise system is a hiking exercise apparatus.

31. The system as recited in claim 23, wherein the workout information displayed by the display device comprises a simulated trail elevation of the user.

32. The system as recited in claim 23, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

33. A selectively inclining hiking system, comprising:

- (a) a support base;
- (b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and
- (c) a virtual trail system connected to the support base, the virtual trail system comprising:
 - (i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the virtual trail system;
 - (ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and

19

(iii) a display device capable of displaying trail workout information on a panel of said virtual trail system, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, distance traveled along trail, and selected workout routine.

34. The selectively inclining treadmill system as recited in claim 33, wherein the treadbase selectively inclines between a -15% grade and a 60% grade.

35. A selectively variable trail exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console.

36. The selectively variable trail exercise system as recited in claim 35, wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail selectively including at least one midway point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail.

37. The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include the average grade and distance to be traveled between the beginning point, the end point, and the selective midway points.

38. The selectively variable trail exercise system as recited in claim 35, wherein said trail workout information comprises at least one of: elevation, distance traveled, and progress along a trail of selected workout routine.

39. The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include moderate, challenging, or extreme workout trails, wherein the moderate trails contain grade adjustments ranging from negative 5% to positive 20%, challenging trails include grade adjustments ranging from negative 10% to positive 40%, and extreme trails include adjustments ranging from negative 15% to positive 60%.

40. A selectively variable trail exercise system as recited in claim 35, wherein the user interface console further comprises:

upon initial user authentication, a means for displaying at least one positional element from the last preselected trail workout routine;

said means for displaying including means for turning on additional lighting segments behind the one which

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displays the user's position on the preselected trail workout routine, the number of turned on segments being proportional to the percentage of the workout routine completed.

41. A selectively variable trail exercise system as recited in claim 40, wherein the user interface console further comprises:

means for selecting a trail workout routine from an external database, the external database electronically sending control codes that govern grade changes and overall trail distances for the trail workout routine to the controller module;

means for displaying electronically transmitted trail workout routine parameters on the display device.

42. A selectively variable trail exercise system as recited in claim 41, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission.

43. A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base;
- (c) a user interface console electrically coupled to the operable member; and
- (d) a display device electrically coupled to user interface console, the display device being capable of displaying trail workout information on a panel of said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

44. A selectively adjustable exercise system as recited in claim 43, wherein the interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

45. A system as recited in claim 43, wherein the workout information displayed by the display comprises: percentage of trail workout completion and elevation on the same panel.

46. A selectively adjustable exercise device, comprising:

- (a) a support structure configured to support an operable member movably coupled to the support structure; and
- (b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display the progress of the user following the trail and workout information that changes at a rate proportional to the rate at which the user follows the trail and while the operable member is moved in accordance with the changes in the trail.

47. The system as recited in claim 22, wherein the segments reflect an average slope change between said two points on said trail.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424 B1
DATED : September 10, 2002
INVENTOR(S) : Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan

Page 1 of 2

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

Title page,

Item [73], insert the following: -- [73] Assignee: **Icon IP, Inc.**, Logan, UT (US) --
Primary Examiner, change Examiner's last name from "Richmon" to -- Richman --

Column 1,

Line 55, change "modem" to -- modern --

Column 3,

Line 64, before "part" change "on" to -- in --

Column 8,

Line 40, change "returned" to -- return --

Column 10,

Line 46, change "indicate" to -- indicates --

Column 11,

Line 39, after "optimize" change "to" to -- the --

Column 14,

Line 23, after "provide" insert -- the --

Column 15,

Line 20, after "405" insert -- , --

Column 17,

Lines 1-8, delete claims 7-8

Column 18,

Lines 17-44, delete claims 25-29

Column 19,

Line 24, change "a direct" to -- an --

Line 29, change "console." to -- console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member. --

Lines 33-36, change "point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail." to -- point. --

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424 B1
DATED : September 10, 2002
INVENTOR(S) : Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan

Page 2 of 2

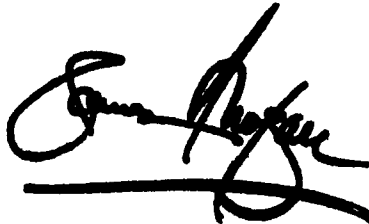
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 19, cont'd

Line 38, change "35" to -- 36 --

Signed and Sealed this

Tenth Day of June, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", with a horizontal line drawn underneath it.

JAMES E. ROGAN

Director of the United States Patent and Trademark Office

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ABSTRACT OF THE INVENTION

A display controller system for use with a selectively adjustable exercise apparatus is disclosed. The hiking display controller system comprises a display device, a controller, and a selectively adjustable exercise device. The controller enables adjustments in the exercise apparatus according to a mountain exercise profile having trail workout segments that are digitally coded to enable the selectively adjustable exercise device. The mountain exercise profile may use topographical maps, GPS coordinates, or portable hike monitors to design the actual exercise program. A mountain exercise profile may also be obtained through an external interface located in the controller. The user can develop a virtual trail. These preprogrammed trail workouts are created by a trail workout designer who identifies the density of the trails and digitally codes the necessary adjustments for a specific exercise device. Once the mountain exercise profile has been selected, a motivational display panel provides segment length, vertical distance traveled, upcoming grade changes and total length traveled in one identifiable display panel. As such the disclosed method for selective adjustment of an exercise apparatus allows a user to enjoy the advantages of a natural hike according to the constraints of modern society.

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PATENT APPLICATION
Docket No. 13914.597

UNITED STATES PATENT APPLICATION

of

Darren C. Ashby

Scott R. Watterson

and

Kirk Lorrigan

for

**SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT
OF EXERCISE APPARATUS**

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BACKGROUND OF THE INVENTION

1. The Field of the Invention

The invention is in the field of electronic controllers for exercise equipment. More specifically, this invention relates to a method and system for selective adjustment of an exercise apparatus to simulate movement along a desired pathway.

2. The Relevant Technology

The desire to improve health and enhance cardiovascular efficiency has increased in recent years. This desire has been coupled with the desire to exercise in locations that are compatible with working out within a limited space such as within an individual's home or exercise gym. This trend has led to an increased desire for the production of exercise equipment. Furthermore, in modern urban society, it has become more and more difficult for the average individual to experience the exhilaration of exercising in nature. To compensate for this difficulty, athletic sports gyms and exercise facilities featuring treadmills, bicycles or exercise bicycles, weights, and stair stepper machines, have been developed in great abundance.

Climbing devices have also become very popular in recent years. Climbing requires a user to raise the user's knees in continual, strenuous strides. Climbing typically requires more exertion than mere walking on a flat surface. Consequently, the exercise of climbing can provide a more intense, challenging workout. Climbing exercise apparatuses typically feature an endless moving assembly, which is set on a significant angle and has a series of foot supports or steps. This configuration allows the exerciser to simulate the movements of climbing, walking, or running up a steep incline. Angled, moving staircase-type devices are typical examples of such climbing apparatuses.

Unfortunately, typical climbing devices within the art are tall and often require more ceiling height than is available in an exerciser's home. Thus, such climbing devices generally require a gym or warehouse, or at least a vaulted ceiling. Treadmill devices that fit into a user's home generally incline from a neutral position to an inclined position, then decline back to the neutral position. However, typical treadmill devices fail to adequately provide a user with the kind of terrain experience encountered when ambulating over rocky, rough, and natural terrain. For example, a hiker traversing a hiking trail typically exhibits greater lateral movement than most treadmill belts presently allow. Furthermore, beginning at around a 15% grade, a hiker exercising on a treadmill can start producing more energy than is necessary to drive the treadmill belt, such that a braking system is desirably employed. These structural, systematic requirements are presently not considered in the design of modern treadmills.

What is needed is a controller on an exercise apparatus that simulates the dynamics of natural terrain with its accompanying slopes and inclines and can fit into a user's home or another location with a limited ceiling height. Unfortunately, controllers presently associated with these exercise devices are only capable of creating an artificial time based environment. Generally, these exercise devices use an indicator to demonstrate the increase in workout difficulty as a treadmill increases its inclination or a stair stepper becomes more difficult to climb. These devices are exclusively time based, meaning that no matter how slowly an individual is walking, after a certain amount of time, an artificial hill displayed will pass. Unfortunately, time based regulation does not accurately simulate the environment that exists in a real hike or a real walk, depriving the individual of the substantial health benefits associated with a cardiovascular workout based substantially on a natural setting.

Exercise devices that utilize artificial mountain profiles typically create mountains of speed or of incline. Usually, these artificial profiles are time based workouts, where at a preprogrammed time in the workout, the exercise apparatus moves a little faster or increases the resistance, and then during the next workout segment the device alters its operating parameters again. Eventually, the device works its way up to a maximum speed, maximum incline, or maximum workout. Accordingly, the artificial profile adjusts the exercise apparatus so that the next segment becomes less difficult or more difficult by changing the resistance, inclination, or speed. As such, the typical exercise device goes through pre-set profiles. However, the artificial mountain or hill segments are simply time-based alterations of resistance, speed or inclination. Thus, typical workouts lack the natural diversity provided by a mountain trail.

The natural diversity provided by mountain trails yields additional incentives for a user to complete a workout. Representative exercise devices lack these incentives when their workouts are based purely on artificial workout profiles.

Finally, users of existing climbing exercise devices are increasingly faced with the difficulty of interpreting multiple monitoring panels with a single glance during the workout, resulting in sensory overload for the user. Most controllers contain separate indicators for distance traveled, vertical feet traversed, remaining workout length, and relative grade or incline adjustments to be made. It is difficult for a user to interpret and understand all of these gauges with one glance.

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SUMMARY OF THE INVENTION

It is therefore an object of this invention to provide a method and system that electronically simulates a mountain hike.

It is another object of this invention to provide a method and system for converting a topographical map to an actual exercise workout for use with an exercise device that can vary between a variety of grades.

It is a further object of the invention to allow the user direct adjustment control of grade and speed, as well as tracking vertical feet hiked and the overall distance and speed.

It is a further object of the invention to provide exercise devices such as hiking apparatuses, climbers, treadmills, exercise bicycles, skiers, aerobic ellipticals, rowing devices, steppers and other devices that can simulate mountain trails, mountain streams, or rough terrain through an adjustment in resistance, incline, or speed.

It is another object of the invention to provide a controller which controls a workout that is both time and distance based, thereby allowing an individual to hike at their own pace and ensuring that they adequately follow a realistic mountain trail length.

It is another object of the invention to provide a single glance panel containing graphic representations because the user is only be minimally distracted from a workout.

It is another object of the invention to provide a carefully designed graphical representation panel allowing the user to obtain all of the important information with one glance.

These and other objects of the invention, as will be apparent herein, are accomplished by generating a mountain exercise profile having trail workout segments that are digitally coded to enable a selectively adjustable exercise device. A selectively

These and other objects and features of the present invention will be more fully apparent from the following description and appended claims, or may be learned by the practice of the invention as set forth herein.

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BRIEF DESCRIPTION OF THE DRAWINGS

In order that the manner in which the above recited and other advantages and objects of the invention are obtained, a more particular description of the invention briefly described above will be rendered by reference to specific embodiments thereof, which are illustrated, in the appended drawings. Understanding that these drawings depict only typical embodiments of the invention and are not therefore to be considered to be limiting of its scope, the invention will be described and explained with additional specificity and detail through the use of the accompanying drawings in which:

Figure 1 illustrates a selectively inclining exercise system.

Figure 2 is a motivational display device configured with three workout profiles created from actual trails in the Grand Teton mountain range and terrain.

Figure 3 is a control diagram of an interface console for a virtual trail system with trail workout incentives for an exercise system.

Figure 4 is a block diagram illustrating encoding of a mountain trail, creating a workout profile, and operating a previously encoded hike.

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1 In addition to treadmills, alternative embodiments include associating the virtual trail
2 system with an exercise cycle, an elliptical aerobic apparatus, a stair stepper, a skiing device,
3 rowing equipment, and other exercise devices, can also simulate mountain trails, mountain
4 streams, or rough terrain. Each of these exercise equipment embodiments would require
5 unique components as previously designated to provide the necessary adjustment in
6 resistance, incline, or speed. However, many of the embodiments contain considerable
7 crossover for their respective applications.

8 For example, an exercise cycle can very easily use a mountain biking trail to create a
9 similar experience as a hiker might experience on a treadmill or stair stepper. One
10 difference in the hiker and bicycle embodiments would be that the exercise cycle can either
11 increase the resistance or physically move the exercise cycle in an up and down fashion.

12 An embodiment based on a skiing device can use mountain cross-country ski trails
13 and either adjust actual grade or alter the resistance. A rowing device can simulate
14 mountain streams or rivers by adjusting rowing resistance or restricting the rowing action.

15 The mountain exercise profile may use topical maps, GPS coordinates, or portable
16 monitors to design the actual exercise program. A trail workout designer can plot a trail
17 over a mountain area on a topographical map and a profile of the incline changes over the
18 terrain will be created. Workout segments can be created which average the slope change
19 for that distance, resulting in multiple grade changes according to the trail segment.

20 In Figure 2, examples of such workout segments are designated as the trail between
21 the alphabetical markers on each trail. An alternative embodiment allows for workout
22 segments to be subdivided for multiple grade adjustments. These workout segments are
23 combined into a workout profile. Following a review of the workout profile by a trainer, the
24 trail workout designer will be able to identify the density of the trails and alter the workout

segment lengths in order to fit a similar trail workout on to the specified exercise device. Specifically, the trail workout designer creates variable segment lengths that best compare to the natural hike, including gradual incline segments, short steep segments, and short negative grade segments. A trail workout designer can also use GPS coordinates in conjunction with a master topographical map to create a successful workout trail. Midway or rest points may also be incorporated into a workout trail at the end of a workout segment.

Monitor devices enable a hiker to carry the monitor on an actual hike and record the distance and inclination walked by the user, and then apply that particular hike to the exercise machine software. This allows the user to exercise on weather prohibitive days (rain, snow, or extreme heat) in which the weather does not allow a user to go outside. The user can hike the same virtual path that they normally would take. Portable monitors also allow a user to record their favorite workout by walking the trail with the monitor on. Upon electrically coupling the monitor to the exercise system, the monitored activity can be downloaded to the virtual trail system attached to the exercise apparatus. The virtual trail system converts the monitored information into a workout for the exercise device. This provides the user with some exciting new benefits. For example, if it rains or snows, a user can follow their favorite hike or mountain bike trail on an exercise bike, even if there is too much rain or snow on the ground.

There are multiple methods of coding the hiking trail or hiking profile. The most prevalent and preferred embodiment is a translation of a topographical map into a workout and onto a hard coded copy of a mountain. The hard coded copy may be stored on an ASIC chip, a programmable ROM, a magnetic disk, PCMCIA card, or Compaq flash card. More specifically, the software is stored in a memory module that may be upgraded with new mountain trails or workouts. This memory module may be constructed from at least one of

1 programmable ROM, Dynamic Memory, EEPROM, flash bios, PCMCIA cards, CD-ROM,
2 RAM, magnetic storage disks, and Compaq flash cards. The exercise system may also
3 provide the memory module through an electrical connection to a general-purpose computer.
4 It may also be downloaded from an Internet site such as www.iFit.com across a
5 communication line connection, for example via the PSTN, DSL, G-Lite, cable modem,
6 wireless or other high-speed data connection. Particularly as the cost of wireless technology
7 drops, a wireless connection to exercise profile sites such as iFit.com is also foreseeable.

8 Hiking profile coding also provides the additional advantage of recording a hike that
9 a user might not be able to accomplish in one exercise session, especially if it is an all-day or
10 multiple day hike. Since the average workout session lasts between about 15 minutes and 1
11 hour, a user would not complete longer hikes without positional cursor storage. However,
12 the virtual trail system optionally saves the location of the user, so that upon their return to
13 the exercise system, they are able to begin their workout where they last left off. Thus, a
14 daylong hike of eight hours might take an individual one or two weeks to complete at thirty-
15 minute intervals. However, the individual would have covered the same exact terrain as was
16 covered in the original walk. In this sense, the exercise system is able to provide a user with
17 long-term physical goals and related incentives inspiring follow-up workout sessions. This
18 natural variety and follow-up incentive are important keys to keeping the user on a regular
19 exercise plan.

20 One of the features in this invention is the interface between the display device, the
21 controller, the adjustable exercise device, and possibly additional software. In a preferred
22 embodiment the software is upgradeable and Internet capable. The display device is
23 conveniently located on the exercise device or is optionally separate therefrom, such as a
24 wall mounted or hand-held display, and provides indicator signals. Thus, the display device

1 may be physically located on the exercise device, but may be separate therefrom in another
2 embodiment. The controller creates codes for the display device and adjustment codes for
3 the exercise device. The exercise device is preferably adjustable. The exercise device may
4 act as a flat treadmill, hiker, or stepper, for example. What distinguishes this exercise
5 system from other systems is that the user has direct control of the speed and grade. In some
6 embodiments the system may control speed and grade during workout routines. The present
7 invention differs from other devices, which feature time-based workouts, whereas this
8 device uses distance-based workouts.

9 The display device is an example of an indicator means for displaying workout
10 information to the user and should be positioned so that a user may easily interface with the
11 controller and observe their progress in several categories of performance. An adjustable
12 attachment is preferred so that users of varying sizes will have equivalent visual access. In
13 considering construction factors such as reliability, cost, and performance, a liquid crystal
14 display (LCD) provides the greatest flexibility for the display device. Other acceptable
15 indicator means include LED displays, video monitors, color LCD, and flat LCD video
16 screens. Each of these visual indicator means can be varied using colors, brightness, or
17 synchronized pulses to represent various status conditions. Typically, the indicator means is
18 a visual indicator, but auditory and tactile indicators may also be used as indicator means.
19 Audio indicators may generate a full spectrum of audible noises, including music, chirping,
20 beeping, continuous tone, or a specific audible message. Tactile indicators include
21 vibration, texture alteration, electric tingle, generation of specific Braille characters, or the
22 creation of a temperature variation.

23 Figure 2 provides an example of a preferred embodiment of implementing the
24 invention. This should not be seen as a limitation, however, on the arrangement or

construction of the exercise apparatus. For example, in one embodiment, an LCD is employed to display clips from the actual hike or workout trail, instead of a topographical display screen.

The controller may be a microcontroller, a central processing unit (CPU), a state machine, a programmable logic array, or network of logical gates, ASIC processor, software-based controller, a combination of these components, or a variety of other controllers. Each of these controller examples are examples of processor means for electronically computing operational information based at least in part on control inputs received from the interface means. The controller receives feedback signals from the exercise apparatus and the workout profile and converts the feedback signals into control signals for the display device and exercise apparatus. Data for the controller may be stored in registers or memory modules. The controller makes adjustments to the exercise device simulating mountainous terrain. In one embodiment, the controller includes a temporary storage media for use with the display means. The temporary storage media provides a buffer for each of the displayed values, such as user age, maximum pulse and heart rate, average pulse and heart rate, target heart rate, calories burned and target calories to burn during workout session, length of workout session, and other displayed values. This multi-buffer system allows for the simple control and rapid refresh of the user workout data.

With reference now to Figure 1, a selectively inclining and declining climbing exercise apparatus 10 of the present invention is shown. Exercise apparatus 10 supports a user ambulating thereon. Selectively inclining and declining apparatus 10 comprises a support base 12, a treadbase 14, and a handrail assembly 16. A variety of other examples of selectively inclining and declining hiking exercise apparatuses such as apparatus 10 to be employed in the present invention are disclosed in U.S. Patent Application to Cutler, et al

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In one embodiment, the exercise system includes braking means for electronically slowing the speed of the operable member, such as an electronic braking system. When the exercise device exceeds a variable incline level, established by the weight of the user and the inherent resistance of the system, the force exerted on the motor of the exercise apparatus exceeds the force generated by the motor to drive the operable member of the apparatus and the electronic braking system should be activated. For hiking devices, this variable incline level can occur at approximately 15%, depending on the inherent system resistance and the

forces exerted by the user. At this grade, the energy generated by the user ambulating on the exercise device exceeds the power required to drive the motor on the operable member. At inclines above about 15% the power generated by the virtual trail system exceeds approximately 100 Watts, requiring the braking means to dissipate the excess power generated by the virtual trail system. In one embodiment, the braking means of the present invention dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts. Certain users ambulating at extreme incline settings generate excess power in the range of 500 to 700 Watts for example, depending on user and treadmill specifications.

Therefore in the preferred embodiment, the presence of excess power activates the electronic braking system, which dissipates the excess power and maintains the appropriate speed of the operable member. One method of reducing this excess power is through a feedback loop connected to the power supply for the motor, in essence reducing the power available to the motor and slowing the belt. Another method senses the presence of excess power and activates the electronic braking system by closing a switch between the motor and a power resistor, such as a heating coil resistor. This method effectively allows the motor to generate more power, but absorbs excess power via the power resistor in the required range of about 100 to about 700 watts, e.g. about 500 to about 700 watts. In one embodiment, a heating coil is provided to provide inexpensive power dissipation. However, care must be taken to disperse the heat generated by high energy levels.

In the preferred embodiment, a device cutoff system within the electronic braking system activates a forced ventilation system when heat levels begin to exceed pre-established operating ranges and in extreme cases completely cutoff the treadmill system until the detected heat levels returned to safe operating ranges. Generally, the power resistor

1 circuit employed in the exercise device is system specific, and designed to dissipate excess
2 power generated by the motor during to prolonged use at extreme inclines. Once the power
3 is dissipated, the virtual trail system will open the circuit between the motor and the power
4 resistor. In this manner the virtual trail system is able to maintain a constant speed for the
5 operable member at high speed and high inclination settings.

6 Other examples of braking systems are disclosed in the U.S. Patent Application
7 "Hiking Exerciser Apparatus," incorporated herein by reference.

8 As mentioned above, the aspect ratio, i.e., the length and width of treadbase 14 is
9 such that climbing apparatus 10 simulates a climbing motion and allows the user the lateral
10 movement associated therewith, yet has a minimal footprint and can be conveniently used
11 and stored in a home or exercise gym.

12 Handrail assembly 16 will now be discussed in additional detail with reference to
13 Figure 1. The handrail assembly 16 of the present invention can be comprised of a variety
14 of different members and have a variety of different configurations, such as those featured
15 presently in the art. Handrail assembly 16 of Figure 1 is coupled to the treadbase 14 such
16 that the position of handrail assembly 16 adjusts automatically throughout the range of
17 motion of treadbase 14. Thus, handrail assembly 16 is useful to the exerciser throughout the
18 range of motion. Handrail assembly 16 has an operative, useful position regardless of
19 whether treadbase 14 is in an inclined, declined, or neutral position. However, a fixed
20 handrail assembly may also be employed which does not provide such adjustment. Handrail
21 assembly 16 may also contain components of the feedback circuitry for monitoring the users
22 heart rate through the physical connection created by the user's hold on the handrail
23 assembly 16.
24

1 In the embodiment of Figure 1, inclination motor 18, which controls the amount of
2 inclination/declination during each segment, is part of handrail assembly 16. Handrail
3 assembly 16 is pivotally coupled to treadbase 14 and to support base 12. Motor 18
4 selectively inclines and declines assembly 16, thereby selectively inclining and declining
5 treadbase 14. However, in other embodiments, such as described in U.S. Patent Application
6 to Cutler, et al entitled "Hiking Exercise Apparatus," filed on February 2, 2000, which is
7 incorporated herein in its entirety by reference as indicated above, an extension motor or
8 other means for selectively moving the treadbase is directly coupled between the treadbase
9 and the support base or coupled thereto in a variety of other fashions.

10 With reference to Figure 2, a user console 200 contains a display device 202 and a
11 control interface 218. Display device 202 is an example of an indicator means. Control
12 interface 218 is an example of an interface means for receiving workout related control
13 inputs. Display device 202 contains various workout diagnostic panels. In another
14 embodiment of a user console, the display device of the console is located remotely from the
15 exercise apparatus. For example, the display device may comprise a wall mounted or hand
16 held display.

17 Trail workout panel 204 displays trail workout information on one panel of said user
18 interface console 200, the trail workout information comprising at least one of: percentage
19 of trail workout completion, relative trail elevation, distance traveled, vertical distance
20 traveled, workout segment difficulty, remaining segment length, selected trail workout
21 routine, and topographical information concerning the trail workout profile. In one
22 embodiment, each of these features are present. This single glance panel provides an
23 optimal amount of workout information to the user without distracting the user from the
24 workout. Grade program control panel 206 includes an incline display representing the

1 inclination of the treadmill or exercise device in degrees or grade percentage. In the
2 embodiment of Figure 2, the incline, terrain, or hill varies from -5% to 60% grades or -5 to
3 32 degrees of angular movement on the grade program control panel 206. The grade
4 program control panel 206 may contain a terrain or hill display array that is constructed from
5 a selectively illuminated LED display array.

6 The virtual trail system causes the exercise device to incline the treadbase grade or
7 increase resistance so as to correspond to the hills displayed on the grade program control
8 terrain display. In this manner, the user is provided with a short-term display of upcoming
9 and/or current terrain. The grade program control panel 206 also contains a manual control
10 indicator to signify that the user is establishing grade settings. Grade program control panel
11 206 further comprises a data field shown in Figure 2 to have 21 columns with 10 indicators
12 in each column. Although primarily configured to indicate short-term grade settings, this
13 array of indicators may also be used to indicate any number of different parameters. For
14 example, the grade changes can be attached to indicate speed changes. The preferred
15 display panel configuration takes grade changes or resistance changes that are pending
16 during the workout program and shows the changes graphically. In Figure 2, the second to
17 bottom horizontal row of the grade program control panel 206 would be regarded as zero,
18 with the number of vertical blocks being illuminated to show the relative incline, grade,
19 speed, or other value depicted. This array can be expanded to include more accuracy
20 concerning the grade or angled inclination. As the capabilities of the exercise equipment
21 processor increase, the display scale can be shifted.

22 A hike exertion panel 208 provides a single row of colored indicator LEDs
23 summarizing the workout stress level placed upon the user. The hike exertion panel 208
24 divides the colored indicator LEDs into four subcategories: warm-up/cool-down, moderate

1 hike, challenging hike, and Extreme hike. The subcategories are either based upon
2 preprogrammed values for grade level independent of the user's response to the system and
3 speed level or the indicator panel 208 can be a compilation and summarization of indicator
4 panels 204, 206, 210, 212, 214, and 216 adapted to each user. In this second configuration,
5 the hike exertion panel 208 becomes a single look pacing indicator panel considering age,
6 heart rate, speed, grade, pace, and hike ranking. As such the hike exertion panel 208 is at
7 least indirectly connected to the feedback circuitry, which measures the performance of the
8 exercise equipment and/or the user.

9 The heart rate training zone indicator panel 210 selectively indicates age, heart rate
10 and percentage of maximum heart rate of the user that is exercising. Training zone
11 indicators show a user whether the current workout is proceeding above, below, or at the
12 target heart rate for the user's age. The pulse sensor is activated after the user enters their
13 age before the workout begins using the incremental adjustment keypad 240. In the
14 preferred embodiment, the virtual trail system will remember a user's vitals after they renew
15 a previous workout. Heart rate training zone indicator 210 is an extremely useful feature as
16 it allows the trail workout to be personalized for each user, assuring that a maximum
17 cardiovascular workout is obtained. Optional safety features in the virtual trail system
18 include a monitor of a user's heart rate that reduces the stress or exertion levels imposed
19 upon the user when the heart rate exceeds the target value. The stress level may be
20 increased for a user whose heart rate is at or below the target level. These heart rate signals
21 are received at least indirectly from the user feedback circuitry, part of the feedback means,
22 which may collect information from a heart monitor worn, by the user or a heart monitor
23 placed in handrail assembly 16.
24

1 Time and distance indicator panel 212 indicate the distance traveled or the segment
2 time required for the user to travel between exercise workout segments, or the overall time
3 required for the trail workout. Indicator panel 214 selectively provides the vertical feet
4 traveled, the calories burned, the percentage of grade, and the maximum percentage. The
5 time and distance indicator panel 212 and the indicator panel 214 are at least indirectly
6 attached to feedback circuitry connected to the exercise device. Speed indicator panel 216
7 provides the speed presently traveled on the exercise device, or the maximum speed attained
8 during the exercise period. The speed indicator panel 216 is indirectly attached to the
9 feedback circuitry on the exercise device and more specifically to circuitry connected to the
10 electronic braking system used to regulate the belt speed on the treadbase.

11 Control interface 218 comprises several individual adjustment keypads for
12 interfacing with the selectively adjustable exercise apparatus. Direct grade adjustment
13 keypad 220 allows the user to select a desired grade of an operable member of the
14 selectively adjustable exercise apparatus through quick touch keys with pre-set percentage
15 grade values and automatically adjust the device to the selected level. Specifically, direct
16 grade adjustment keypad 220 has pre-set percentage grade keys for -5%, 0%, 10%, 20%,
17 30%, 40%, 50%, and 60%, for example, although a variety of different grades are available.
18 The grade program controller may increase the grade or residence depending on the exercise
19 device attached to the grade program controller. For example, a treadmill can increase the
20 inclination of the treadbase to the desired grade. A bicycle exercise device can increase the
21 resistance such that a comparable grade is represented. A skiing device can elevate the
22 slope of the surface being skied upon. Similar grade or resistance adjustments can be made
23 for other exercise devices. Inclination and declination interface buttons are also included in
24

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030
Page 45 of 316

1 Direct speed adjustment keypad 222 allows the user to adjust the speed of the
2 particular exercise device. Specifically, direct speed adjustment keypad 222 has keys for
3 0.5, 1.0, 1.5, 2.0, 3.0, 4.0, 5.0 and 6.0 mph. In addition to the aforementioned preset speed
4 values, increase and decrease buttons increase or decrease the selectively adjustable exercise
5 apparatus operable member speed in 1/10th intervals. In the preferred treadmill
6 configuration, the treadbase will gradually increase the belt speed according to the inputs
7 from the user interface console 200.

8 Incremental adjustment keypad 240 contains an increment and decrement input keys
9 as well as a final enter input key. One embodiment allows a user to input their age through
10 this keypad so that the virtual trail system can customize a workout and monitoring system.
11 Another embodiment allows a user to use this keypad to enter one or more of the following
12 workout variables: the exerciser's age, length of workout segment, distance of workout
13 segment, vertical feet of workout segment, maximum speed of workout segment, maximum
14 pulse, target heart rate, maximum grade, calories to be burned, and maximum heart rate.
15 These keys may also be used along with the trail workout panel to specifically select a
16 workout segment for making adjustments in the present workout profile or even to select
17 different trails. For example, the virtual trail system of Figure 2 displays the Grand Teton
18 trails and it is foreseeable that various popular mountain recreation areas like Mt. McKinley,
19 Mt. Rainer, Mt. Hood, the Swiss Alps, the Ozark or Allegheny Mountains, or Mt. Everest
20 hiking layouts can be imposed in the trail workout panel 204 using the incremental
21 adjustment keypad 240.

22 The total input key 242 changes the display panels 210, 212, 214 and 216 to display
23 their total or maximum changes. Thus an individual is enabled to see the total distance
24 traveled, the total time of the workout, the total vertical feet traveled, the total calories

1 burned, the average grade, and the maximum percentage. The average speed can also be
2 indicated through the total button. In one embodiment, the results displayed when total
3 input key 242 is pressed, are computed using registers which increment the values for the
4 time and distance, vertical feet, and calories burned during the workout profile at variable
5 rates depending on the amount of exercise and the speed of exercise being performed by the
6 user. These figures are dictated by the device parameters. For example, the distance
7 traveled in the preferred treadmill embodiment is based upon the speed of the belt on the
8 tread base, and the distance covered by a user running upon such a base. The total calories
9 burned would be based on the angle or the grade of the tread base and the speed of the tread
10 base. Another embodiment includes the monitored heart rate of the individual working on
11 the treadmill as a variable to compute the calories burned.

12 The select trail keypad 238 allows a user to choose a moderate, challenging, or
13 extreme trail for their workout. In the preferred embodiment provided in Figure 2, these
14 trails are represented by the Teepee Glacier trail 234 as a moderate trail with workout
15 segments A through G. The challenging trail is the Avalanche Canyon trail 230 with
16 workout segments H through P. And the extreme trail is the Grand Teton trail 232 with
17 workout segments R through Z. Upon choosing an exertion level, the workout will proceed
18 along the workout segments until the trail end is obtained. These end points for the trails are
19 represented by 236a, 236b, and 236c. In an alternative embodiment, a user can select their
20 trail exertion level using a touch sensitive trail workout panel 204. In such an embodiment
21 an individual can simply select a segment letter by pushing that letter or the general vicinity
22 of that letter, and the exercise apparatus would adjust the settings to correspond to that
23 portion or segment of the workout. It is also envisioned that various embodiments would
24

1 contain trails that contained moderate, challenging, and extreme trail segments within one
2 workout.

3 The iFit.com button 244 is both a selector and an indicator. The indicator light on
4 the iFit.com button 244 demonstrates that a connection has been established between the
5 virtual trail system and the external iFit.com system. The virtual trail system, if properly
6 connected to either a computer or directly to the Internet through a communication line
7 connection will use software to contact the new www.iFit.com website to obtain the services
8 of a personal trainer. Examples of suitable communication line connections include via
9 PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission, or
10 other data connection. Once the user initiates the iFit.com session via the interface by
11 depressing the iFit.com button 244, the virtual trail system interacts with the website to
12 obtain digital signals for the workout session. If the online iFit.com trainer creates a "hill
13 climb" workout for the user, the incline of the treadbase 14 will get steeper and steeper
14 responsive to the personal trainer. The iFit.com module uses a "plug in and logon" design to
15 make it very user friendly, even for users that are newcomers to the Internet. One advantage
16 of the iFit.com technology is its simplicity; all the user needs to do is plug the iFit.com
17 compatible fitness equipment into their computer, an Internet access point or PSTN access
18 line. Once the connection is established, the workout options are endless. For example, the
19 user can select a daily iFit workout, press "start," and the virtual trail system will begin
20 following the daily workout profile received from the offsite database.

21 An alternative embodiment allows the user to participate in a live online workout
22 session. The user designates their fitness equipment and selects a personal trainer. The
23 trainer can adjust the equipment settings to constantly challenge the user while monitoring
24 the user's vitals, despite the fact that the user is working out in the privacy and convenience

1 trainer. Digital signals in the soundtrack control: resistance, speed, and incline of the fitness
2 equipment. The user will be able to choose from a variety of musical styles and enjoy them
3 within the confines of their home workout area.

4 Finally, video workouts will stream to the virtual trail system in two categories. The
5 first workouts are group classes and the second are hiking adventure series trails. Both types
6 of workouts feature heart rate paced music and digital signals to control the exercise
7 equipment. In the group class video, users will watch a fun group "sweating it up" with a
8 motivating personal trainer leading the workout. The adventure series of workouts will
9 combine music, digital signals, and add engaging scenes of natural beauty. One series
10 features three hikes in the Grand Tetons. Another running adventure series will be a
11 workout following the race course of the St. George Marathon in St. George, Utah, named
12 by *Runner's World* as the most scenic marathon in America. In this manner, the hiker
13 treadmill can be programmed to include training workouts such as the incline and distances
14 of activities like the St. George Marathon. This would allow hiker treadmill users to
15 practice for a marathon in another state without requiring them to travel to the location to
16 run the course and, in essence, prepare themselves for the eventual competition without
17 being there. While the functionality of the iFit.com button 244 is presently limited to
18 controlling the treadmill, in the foreseeable future such workouts will interact with home
19 stereos, TVs, VCRs, DVDs, and CDs along with the treadmill to improve the quality of the
20 interactive feel of the exercise equipment.

21 One embodiment of the hiker treadmill allows the virtual trail system to interface
22 with a program that emulates a particular climb. The program will provide virtual trail
23 system with adjustment codes that allow the hiker device to simulate the terrain of a given
24 hike. One method of programming a hike is through analysis of the GPS coordinates for a

IFIT EX. 2002
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Page 51 of 316

and segment, and incline or speed adjustments. Once these trail features have been adjusted, execution block 345 overrides the standard segment settings with the modified values provided in execution block 340. Generally this override occurs upon the depression of the enter button 240 or the start key 224. The controller then returns to the adjust incline and speed execution block 330 and continues with the workout segment. Upon completion of the workout segment, a stop exercise and store segment location command is executed in execution block 360. If the trail features are not manually adjusted in decision block 335, decision block 350 checks to see if the end of the workout segment has been reached. If this end point has not been obtained, the workout program returns the controller to the adjust inclination and speed execution block 330.

Figure 4 is a block diagram illustrating the process of encoding a mountain trail, the creation of a workout profile, and the standard operation of a previously encoded hike. Execution block 400 instructs an automated controller or a trail designer to collect trail data concerning the workout profile selected by the user. This data structure is comprised of various elements including a topographical information data string represented by block 405, a programmed routine represented by 410, an iFit.com program represented by block 415, a hike simulation represented by 420 and a hike recreation represented by 430. The topographical information data structure 405 might include GPS coordinates for a start point as well as one or more waypoints, segment breaks, and an end point. Associated with each one of these GPS coordinates for the waypoints, segment breakpoints, start points, and end points would be a corresponding elevation value. The controller or trail designer is then able to take this topographical information and compute the distances, the average inclinations between the waypoints, and simulate a hike from this data. Thus while a hike may include variable length workout segments as well as variable inclination adjustments.

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1 A programmed routine 410 is comprised of inclination adjustments and distances for
2 workout segments compiled by a trail designer to optimize the selected trail exertion. For
3 example, a moderate trail can contain grade adjustments from negative 5% to positive 20%,
4 while a challenging trail might include adjustments from negative 10% to positive 40% and
5 an extreme trail can include adjustments from negative 15% to positive 60% in which some
6 of the segments might contain drastic 20% to 30% grade changes over previous segments.
7 The iFit.com programs 415 relate to programs available over Internet sites and allow a user
8 to access a new trail each day.

9 Hike simulations 420 correspond to topographically entered information or to hike
10 simulation inserts that may be added to the virtual trail system via PCMCIA, magnetic disk,
11 PROM, flash upgrades, or other storage means. For example, the Grand Teton hikes
12 displayed in Figure 2 provide a user with a hike simulation for the Avalanche Canyon trail,
13 the Grand Teton trail and the Teepee Glacier trail. Hike recreation 430 is data provided
14 from a hike monitor worn by an individual during a normal workout. This is an exciting
15 feature for the hiker as it allows an individual to perform exercise when the weather
16 prohibits outside exercise. In essence the monitor records the distance and elevation
17 changes during the workout period and provides that information to the exercise device
18 through an interface or communication link.

19 Once the appropriate trail data is collected, execution block 440 creates a workout
20 hike profile. The hike development module 450 collects information concerning distance,
21 incline adjustments, and average speed traveled. The hike development module then creates
22 individual workout segments to be chained together for an overall workout profile. Blocks
23 455, 460, 465 and 470 illustrate examples of workout segments. Workout segment block
24 465 illustrates how the grade change can occur in 1% increments. Workout block 455

demonstrates the grade 10% along with the distance .05 miles. This also indicates the distance factor being .01 miles. Workout segment block 470 demonstrates the use of a negative grade change as well as reemphasizing the potential for .01 miles distance changes. It is foreseeable that these grade changes can be adjusted to angular slopes and that the distances can be adopted as meters or kilometers. Once the workout profile has been assembled containing the individual workout segments, the hike is stored in execution block 480 for future playback on the exercise device.

The present invention may be embodied in other specific forms without departing from its spirit or essential characteristics. The described embodiments are to be considered in all respects only as illustrative and not restrictive. The scope of the invention is, therefore, indicated by the appended claims rather than by the foregoing description. All changes that come within the meaning and range of equivalency of the claims are to be embraced within their scope.

What is claimed and desired to be secured by United States Letters Patent is:

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1. A virtual trail system for use on a selectively adjustable exercise apparatus,
the virtual trail system comprising:
- interface means for receiving workout related control inputs;
 - processor means for electronically computing operational information based at least
in part on control inputs received from the interface means;
 - feedback means for conveying information concerning the amount of exercise
performed by the user to the processor means;
 - indicator means for displaying workout information to the user, adapted for indexing
travel along the length of a workout trail from segment to segment until the end of the trail,
the indicator means displaying workout information at a rate proportional to the rate at
which exercise is performed by the user.
2. The system as recited in claim 1, wherein the workout information displayed
by the indicator means comprises a simulated trail elevation of the user.
3. The virtual trail system as recited in claim 1, wherein the workout
information displayed by the indicator means comprises: percentage of trail workout
completion and simulated trail elevation on the same display panel.
4. The virtual trail system as recited in claim 1, wherein the selectively
adjustable exercise apparatus comprises: a support base; and an operable member movably
coupled to the support base.

5. The virtual trail system as recited in claim 4, wherein the feedback means comprises an odometer coupled to the operable member to record traveled distances, the odometer being electronically attached to the processor means.

6. The virtual trail system as recited in claim 5, wherein the indicator means comprise a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

7. The virtual trail system as recited in claim 4, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired grade of said operable member.

8. The virtual trail system as recited in claim 7, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired speed of said operable member.

9. The virtual trail system as recited in claim 8, wherein the virtual trail system further comprises a braking means for electronically slowing the speed of the operable member.

10. The virtual trail system as recited in claim 9, wherein the braking means comprises a means for dissipating power generated by the virtual trail system, wherein said means for dissipating power is activated at operational points that are partially dependent on

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1 user attributes including user mass and force exerted by user and partially dependent on
2 virtual trail system parameters including inclination or declination positions, operating
3 speed, and overall virtual trail system resistance.

4
5 ⁹ 11. The system as recited in claim ⁷ 9, wherein the braking means dissipates excess
6 power generated by the virtual trail system when the power generated by the system exceeds
7 approximately 100 Watts.

8
9 ¹⁰ 12. The system as recited in claim ⁹ 11, wherein the braking means dissipates
10 excess power generated by the virtual trail system when the power generated by the system
11 exceeds approximately 100 Watts to approximately 700 Watts.

12
13 ¹¹ 13. The system as recited in claim ⁹ 11, wherein the braking means dissipates
14 excess power generated by the virtual trail system when the power generated by the system
15 exceeds approximately 500 Watts.

16
17 ¹² 14. The virtual trail system as recited in claim 1, wherein the indicator means
18 comprises a single panel display device that illuminates indicators to report horizontal,
19 vertical, and total trail distances traveled during the trail workout session by the user.

20
21 ¹³ 15. The virtual trail system as recited in claim ¹² 14, wherein the single panel
22 display device of the indicator means further comprises indicators to report to the user which
23 trail workout is selected.

24

17. The virtual trail system as recited in claim 1, wherein the interface means comprises at least one external database input interface for personalizing trail workout options according to the user.

18. The virtual trail system as recited in claim 1, wherein the processor means is selected from the group consisting of: a controller, state machine, micro-processor, embedded system, and other means for processing and displaying information.

19. The virtual trail system as recited in claim 1, wherein the indicator means and the interface means form a unitary display console electronically attached to the processor means and electronically associated with the feedback means.

~~18~~
20. The virtual trail system as recited in claim 1, further comprising a means for dissipating power, said means for dissipating power being electronically coupled with the processor means.

~~19~~
~~21.~~ The virtual trail system as recited in claim ~~20~~¹⁸, wherein the means for dissipating power includes a switch coupled to a power resistor for dissipating excess power generated by the virtual trail system at excessive inclinations.

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IFIT EX. 2002
IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030
Page 59 of 316

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24.

A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the interface console comprising a display device capable of displaying trail workout information on a panel of said user interface console, said trail workout information comprising at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

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25.

The system as recited in claim ²³24, wherein the user interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

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The selectively adjustable exercise system as recited in claim 24, wherein said user interface console further comprises: a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

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The selectively adjustable exercise system as recited in claim ²³24, wherein the control interface further comprises a second direct adjustment keypad for selecting a desired speed of said operable member.

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22. The system as recited in claim 23, wherein the workout information displayed by the display device comprises a simulated trail elevation of the user.

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33. A selectively inclining hiking system, comprising:

- (a) a support base;
- (b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and
- (c) a virtual trail system, comprising:
 - (i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the user interface console;
 - (ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and
 - (iii) a display device capable of displaying trail workout information on a panel of said user interface console, said trail workout information comprising: percentage of trail workout completion, elevation, distance traveled along trail, and selected workout routine.

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34. The selectively inclining treadmill system as recited in claim 33, wherein the treadbase selectively inclines between a -15% grade and a 60% grade.

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A selectively variable trail exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console.

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The selectively variable trail exercise system as recited in claim 35, wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail selectively including at least one midway point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail.

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The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include the average grade and distance to be traveled between the beginning point, the end point, and the selective midway points.

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~~36~~ ⁴⁰ 41. A selectively variable trail exercise system as recited in claim ~~40~~, wherein the user interface console further comprises:
means for selecting a trail workout routine from an external database, the external database electronically sending control codes that govern grade changes and overall trail distances for the trail workout routine to the controller module;
means for displaying electronically transmitted trail workout routine parameters on the display device.

~~42~~ ⁴¹ 42. A selectively variable trail exercise system as recited in claim ~~41~~, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission.

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43. A selectively adjustable exercise system, comprising:
(a) a support base;
(b) an operable member movably coupled to the support base;
(c) a user interface console electrically coupled to the operable member; and
(d) a display device electrically coupled to user interface console, the display device being capable of displaying trail workout information on a panel of said user interface console, said trail workout information comprising at least one of a percentage of trail workout completion, an elevation, a distance traveled along , workout segment difficulty, and a selected workout routine.

44. A selectively adjustable exercise system as recited in claim 43, wherein the interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

45. A system as recited in claim 43, wherein the workout information displayed by the display comprises: percentage of trail workout completion and elevation on the same panel.

Please refer to the content paper
to reference the Oath

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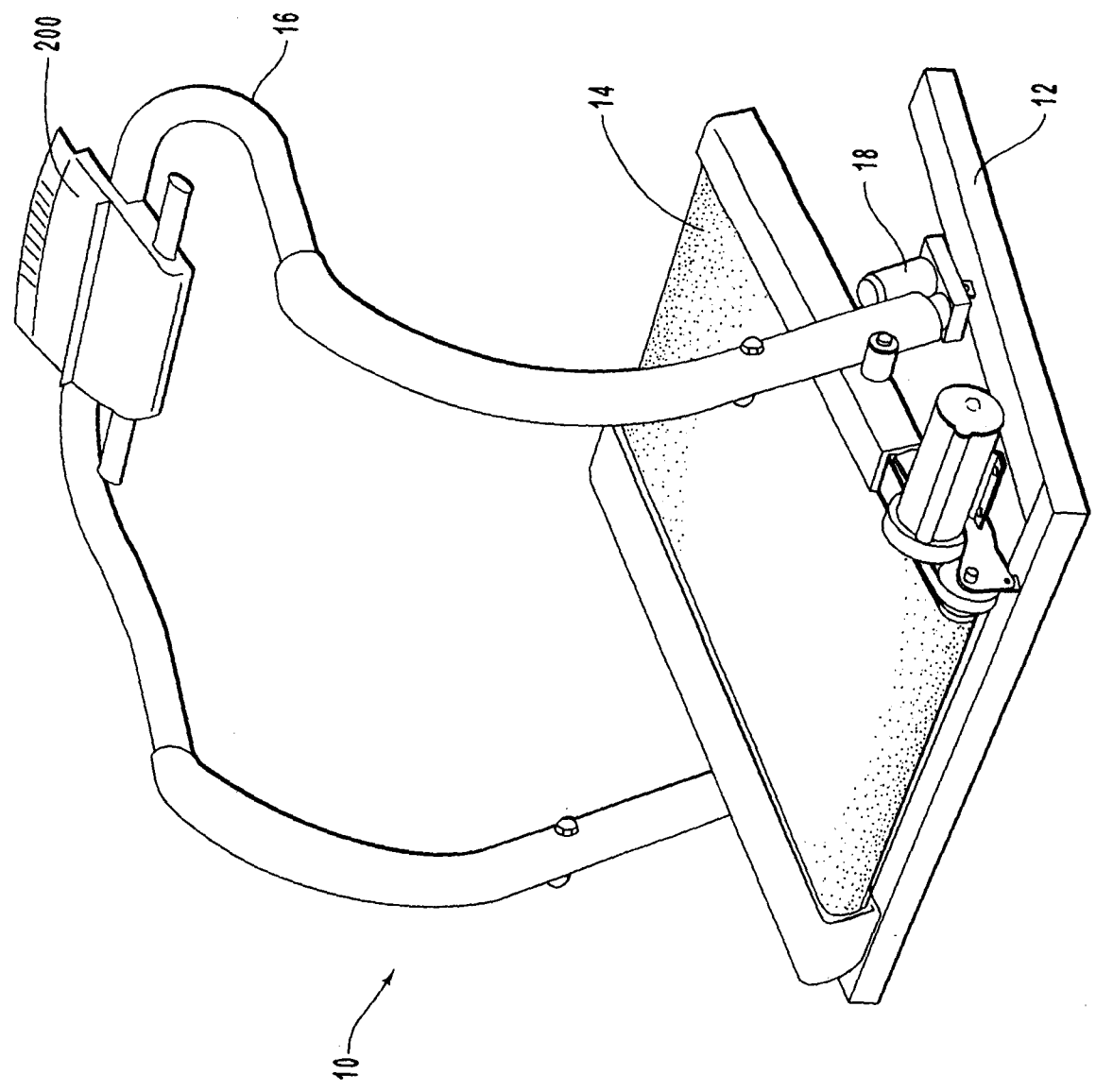
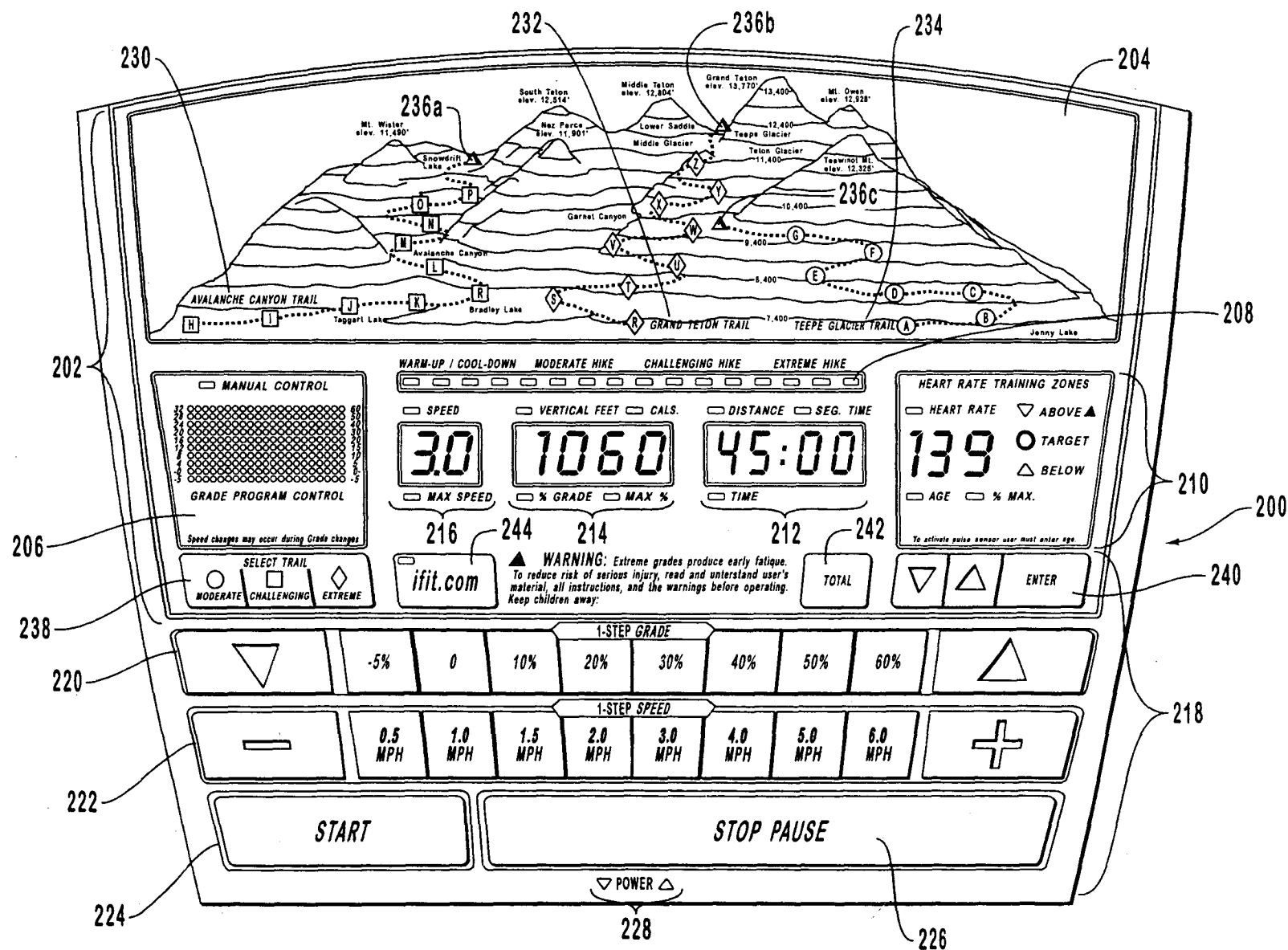


FIG. 1

FIG. 2



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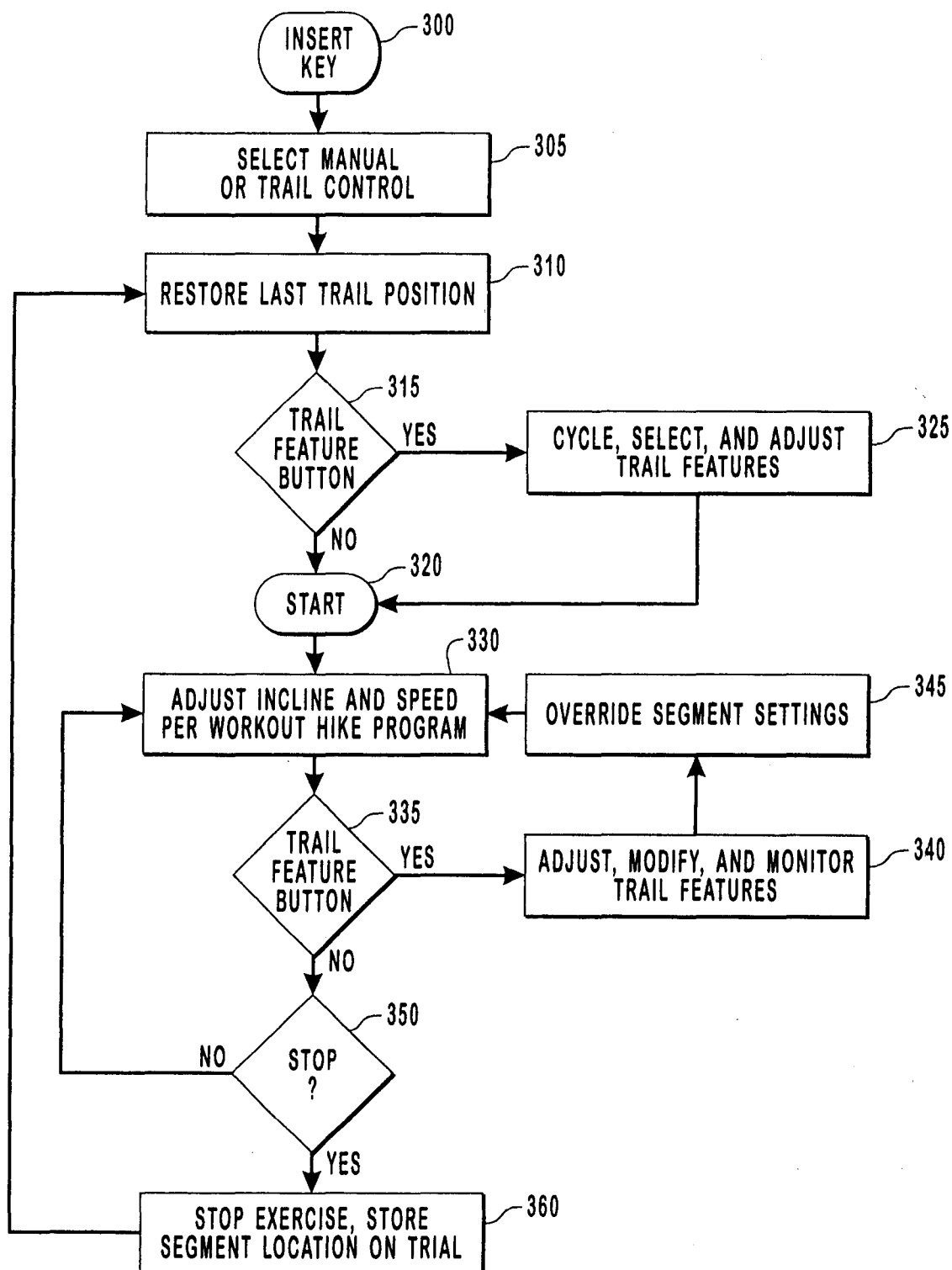


FIG. 3

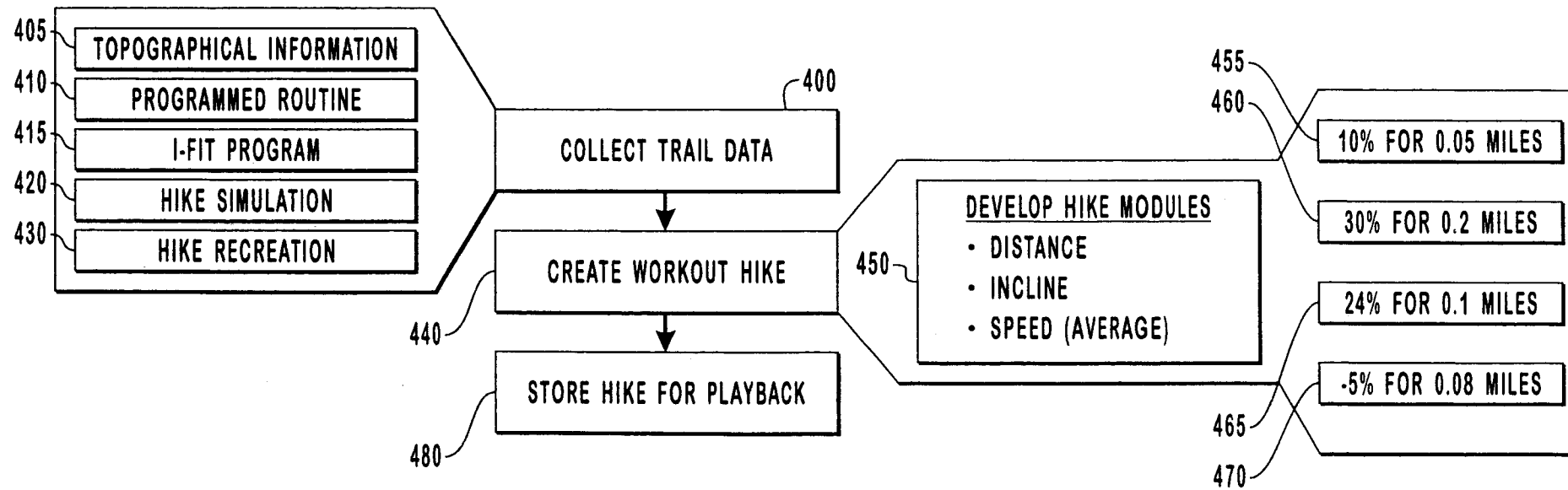


FIG. 4

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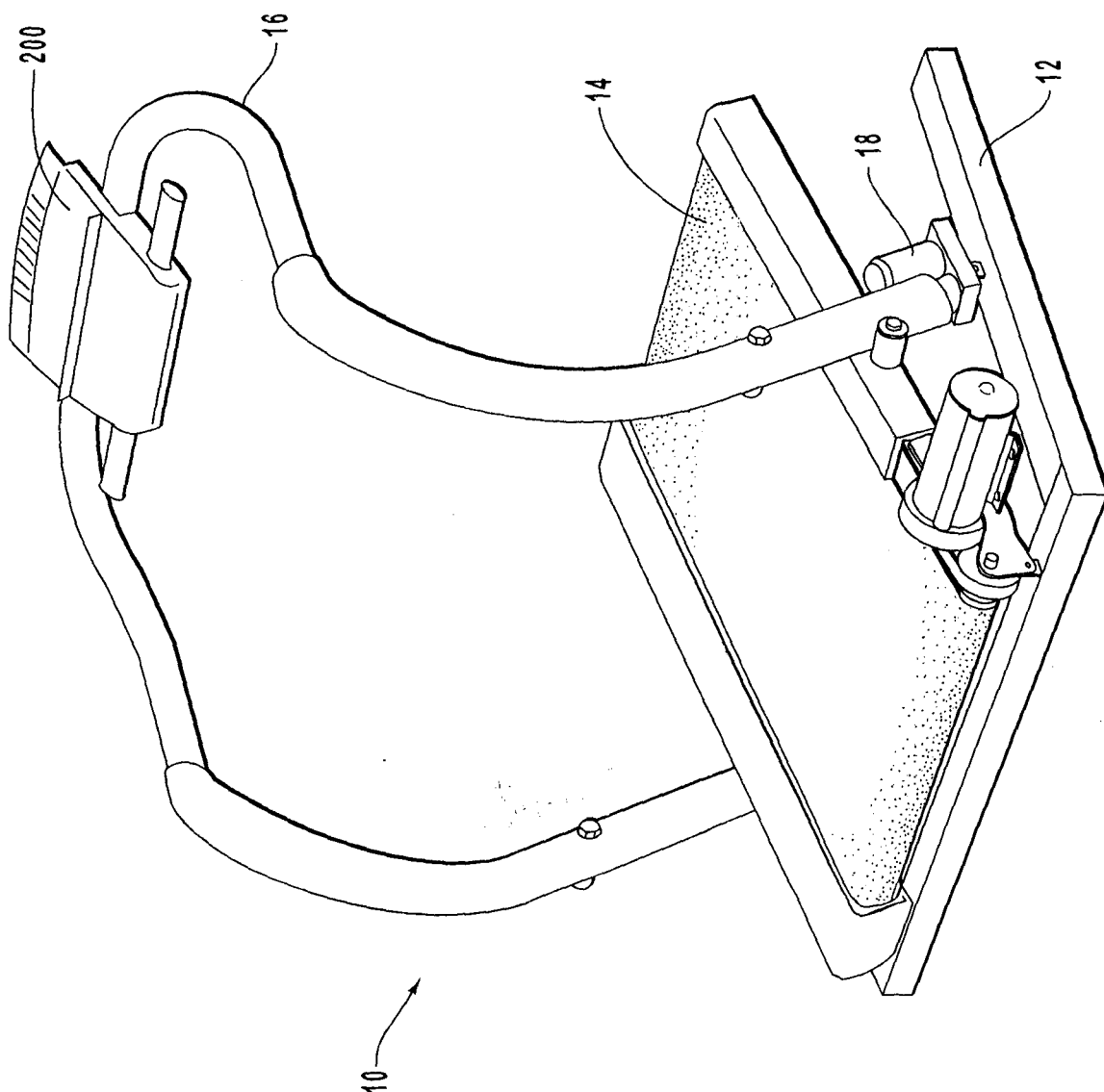
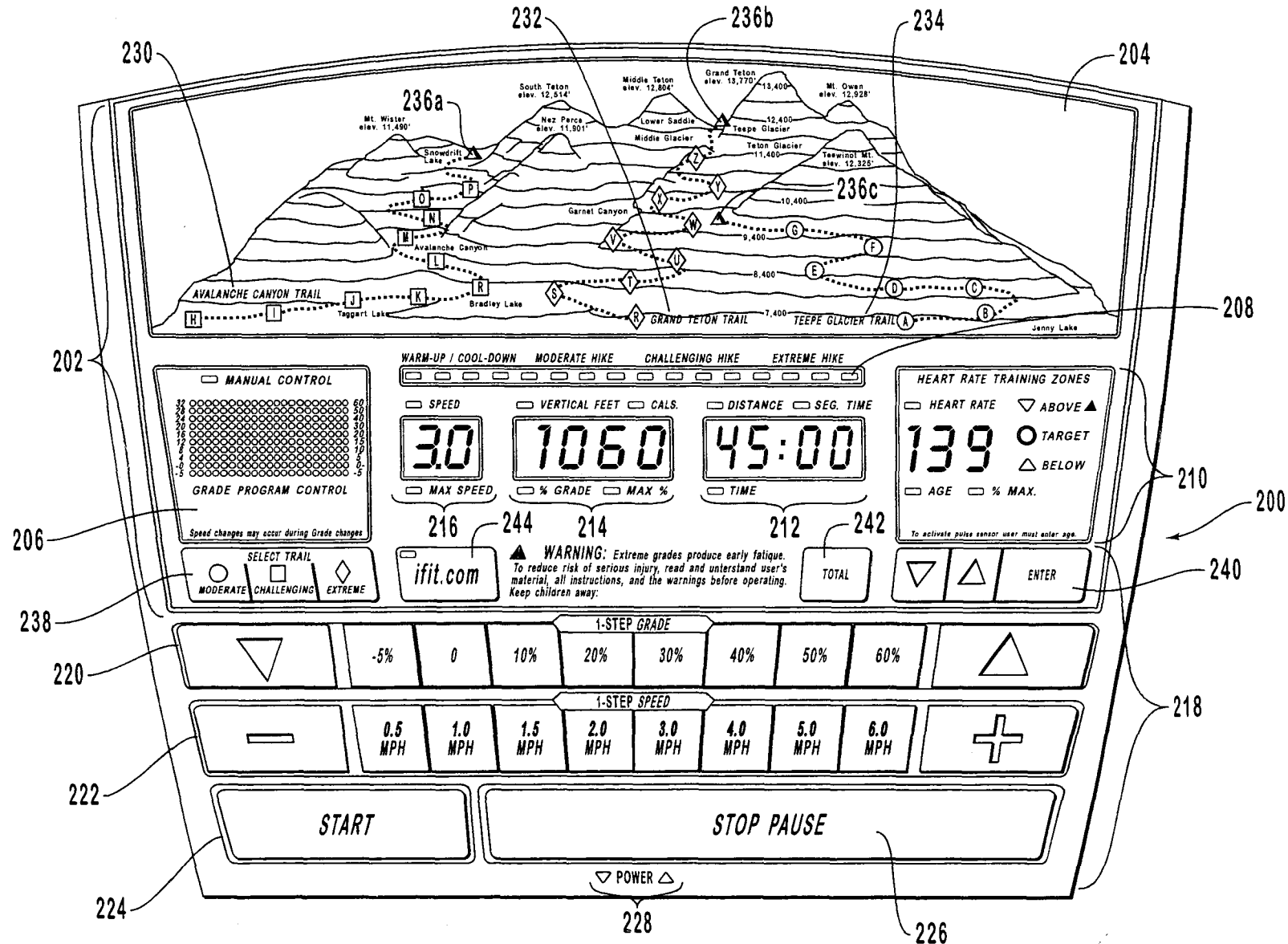


FIG. 2



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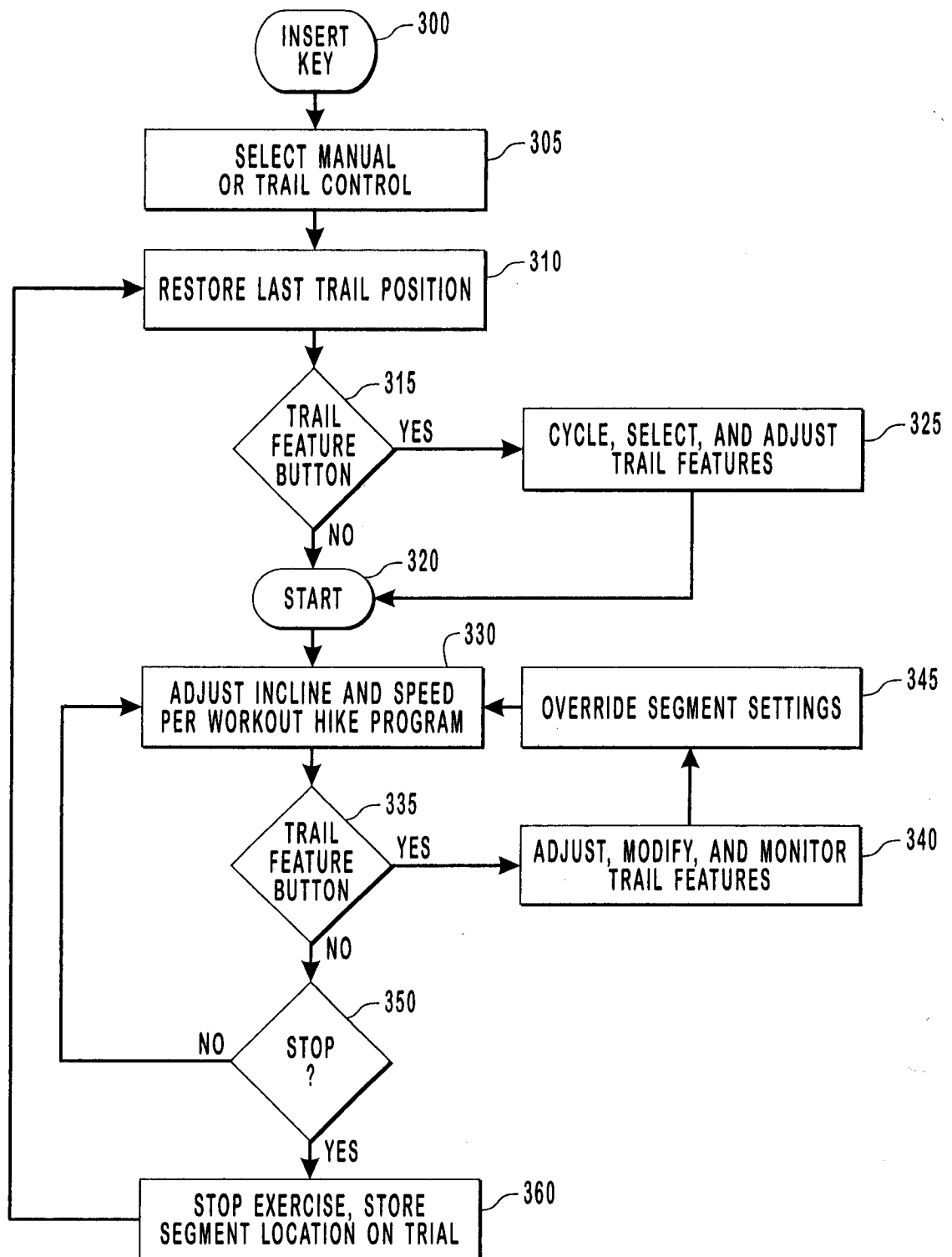
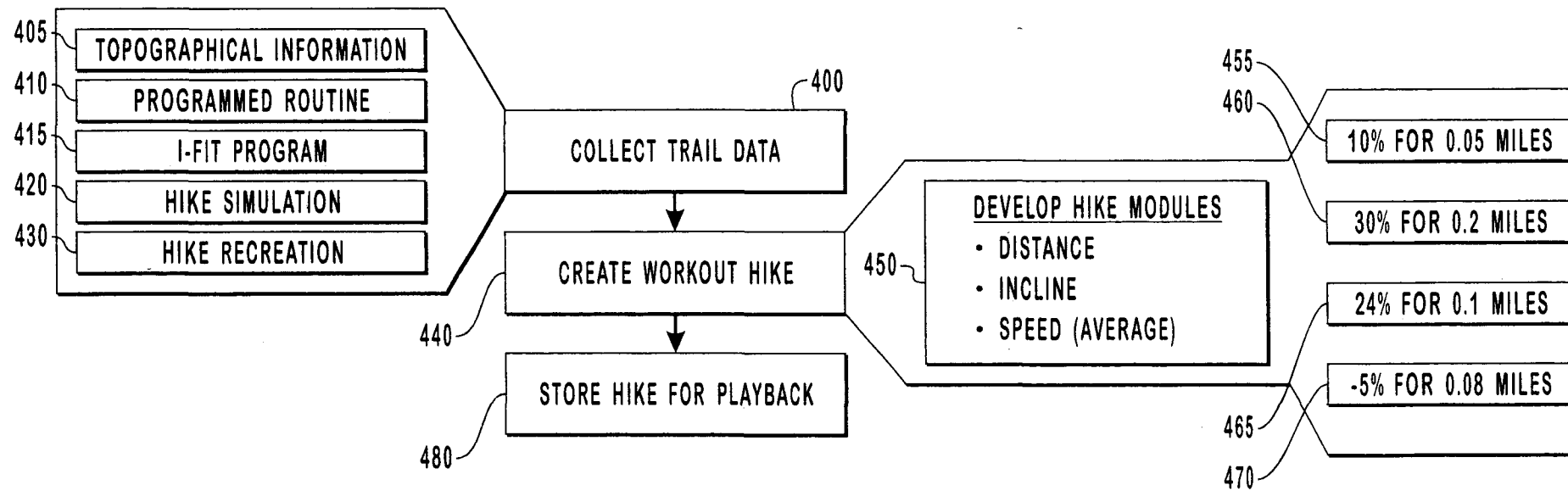


FIG. 3

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FIG. 4

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number	
Effective December 29, 1999				496080	
CLAIMS AS FILED - PART I					
		(Column 1)	(Column 2)	SMALL ENTITY TYPE ☐ OR OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA			
BASIC FEE					
TOTAL CLAIMS	40 minus 20 = *	20			
INDEPENDENT CLAIMS	5 minus 3 = *	2			
MULTIPLE DEPENDENT CLAIM PRESENT					
* 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)	SMALL ENTITY OR OTHER THAN SMALL ENTITY
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* 47	Minus	** 45	= 2
	Independent	* 6	Minus	*** 5	= 1
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				
* 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.					

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	FEE	RATE	FEE
	345.00		690.00
X\$ 9=		X\$18=	450
X39=		X78=	1500
+130=		+260=	
TOTAL		TOTAL	2040

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		X\$18=	36
X39=		X78=	80
+130=		+260=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		X\$18=	
X39=		X78=	
+130=		+260=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		X\$18=	
X39=		X78=	
+130=		+260=	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	



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WASHINGTON, D.C. 20231
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Bib Data Sheet

CONFIRMATION NO. 6408

SERIAL NUMBER 09/496,560	FILING DATE 02/02/2000 RULE	CLASS 482	GROUP ART UNIT 3764	ATTORNEY DOCKET NO. 13914.597
APPLICANTS Darren C. Ashby, Richmond, UT; Scott R. Watterson, Logan, UT; Kirk Lorrigan, Millville, UT; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 04/05/2000				
Foreign Priority claimed ☐ yes ☒ no 35 USC 119 (a-d) conditions met ☐ yes ☒ no ☐ Met after allowance Verified and Acknowledged		STATE OR COUNTRY UT	SHEETS DRAWING 4	TOTAL CLAIMS 45
INDEPENDENT CLAIMS 5				
ADDRESS 22913				
TITLE System and method for selective adjustment of exercise apparatus				
FILING FEE RECEIVED 1560	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit	

02/04/00

Docket No.13914.597 *A*

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX: PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL FOR PATENT APPLICATION

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a United States patent application entitled SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS in the name of the following inventor(s): Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan.

Enclosed are the following:

- ☒ A specification, claims, abstract, and cover page in total comprising forty-four (44) pages.
- ☒ A set of four (4) sheets of drawings.
- ☒ A Certificate of Mailing by "Express Mail" certifying a filing date by use of Express Mail Label No. EL400135406US
- ☒ No fees are enclosed
- ☒ No Declaration, Power of Attorney, and Petition is enclosed.
- ☐ An Associate Power of Attorney.

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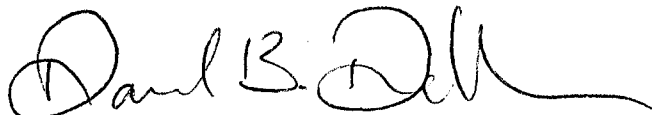
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Page 2

☒ A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 2nd day of February, 2000.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

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1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

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PATENT APPLICATION
Docket No. 13914.597

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Date of Deposit: February 2, 2000.

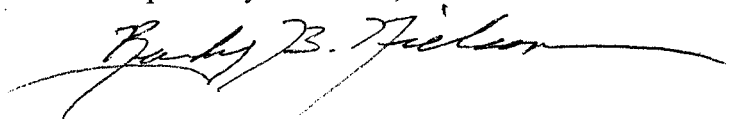
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to BOX: PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231:

- Patent Application in the name(s) of Ashby et al. for SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS comprising forty-four pages (44 pp.)
- A set of four (4) sheets of drawings
- Transmittal Letter (2 pp.)
- Certificate of Express Mailing
- Postcard

Dated this 2nd day of February, 2000.

Respectfully submitted,



Randy B. Nielson, Assistant to
David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

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Docket No.13914.597

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BOX: PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL FOR PATENT APPLICATION

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a United States patent application entitled SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS in the name of the following inventor(s): Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan.

Enclosed are the following:

- ☒ A specification, claims, abstract, and cover page in total comprising forty-four (44) pages.
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- ☒ No fees are enclosed
- ☒ No Declaration, Power of Attorney, and Petition is enclosed.
- ☐ An Associate Power of Attorney.



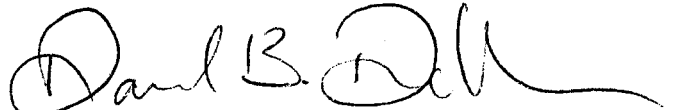
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Page 2

☒ A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 2nd day of February, 2000.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

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FORMALITIES LETTER



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Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/496,560	02/02/2000	Darren C. Ashby	13914.597

Workman Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Date Mailed: 04/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$606.
 - \$450 for 25 total claims over 20.
 - \$156 for 2 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1426.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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PATENT APPLICATION
Docket No.13914.597

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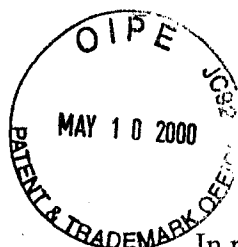
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.: 09/496,560

Filed: February 2, 2000

For: SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

} Art Unit

BOX: MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
AND INFORMATION DISCLOSURE STATEMENT

Sir:

In response to the Notice to File Missing Parts of Application mailed April 6th, 2000,
please find enclosed herewith the following items for filing in the United States Patent and
Trademark Office in connection with the above-identified patent application:

- ☒ A joint signature Declaration, Power of Attorney and Petition executed by Darren
C. Ashby, Scott R. Watterson and Kirk Lorrigan and comprising four (4) pages.
- ☒ An Assignment conveying the invention to Icon Health and Fitness, Inc., including
a Form PTO-1595 recordation cover sheet comprising six (6) pages.
- ☐ Declaration Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.9 and § 1.27.

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted.
- ☒ To render the Response timely filed, enclosed are the following:
 - ☐ Petition for a 0-Month Extension of Time; and
 - ☐ Check No. _____ in the amount of \$ _____ to cover the fee for the extension of time.
 - ☒ A Certificate of Express Mailing by use of Express Mail Label No. EL400135397US

Pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☐ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 29 references submitted for consideration.
- ☒ Copies of 29 of the references listed on the Form PTO-1449.
- ☐ English translations of _____ of the references listed on the Form PTO-1449 which are not in the English language.
- ☒ Copies of the following documents from the prosecution of a previous, related application:
 - ☒ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

The transmitted Information Disclosure Statement is being filed within the following time period:

The filing fee has been calculated as shown below.

			SMALL ENTITY		LARGE ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE (x)	FEE	RATE(x)	FEE
BASIC FEE				\$345		\$690.00
TOT. CLAIMS	45 20	25	\$9.00	\$225.00	\$18.00	\$450.00
IND. CLAIMS	5 3	2	\$39.00	\$78.00	\$78.00	\$156.00
MULTIPLE DEPENDENT CLAIM		0	\$130.00	\$0.00	\$260.00	\$0.00
			TOTAL	\$648.00	TOTAL	\$1296.00

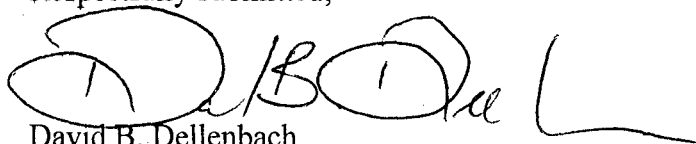
- ☒ Check No. 115286 in the amount of \$1466.00 is enclosed to cover.
- ☒ The \$1296.00 government filing fee.
- ☐ The \$40.00 recordation fee of the enclosed assignment
- ☒ The \$130.00 surcharge fee pursuant to 37 C.F.R. § 1.16(e).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☐ The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- ☐ An Associate Power of Attorney.
- ☒ A duplicate copy of this letter is enclosed.

Assistant Commissioner for Patents
Page 4

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 10th day of May, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D B Dellenbach', with a long horizontal line extending to the right.

David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

DBD:em

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FORMALITIES LETTER



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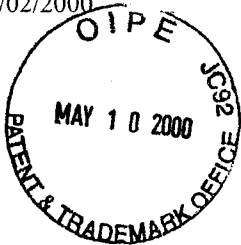


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/496,560	02/02/2000	Darren C. Ashby	13914.597

Workman Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111



Date Mailed: 04/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$606.
 - \$450 for 25 total claims over 20.
 - \$156 for 2 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1426.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/15/2000 CV0111 00000068 09496560

01 FC:101	690.00 OP
02 FC:102	156.00 OP
03 FC:103	450.00 OP
04 FC:105	130.00 OP

Express Mail Label No. F^T 400135397US

PATENT APPLICATION
Docket No.13914.597

**WORKMAN
NYDEGGER
& SEELEY**

ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

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SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
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DAVID O. SEELEY
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THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
BRADLEY K. DESANDRO
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DANA L. TANGREN
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ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
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DAVID B. DELLENBACH
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L. DAVID GRIFFIN
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DAVID R. TODD
FRASER D. ROY
CARL T. REED
JESÚS JUANÓS I TIMONEDA, Ph.D.
STEPHEN D. PRODNUK, Ph.D.
R. PARRISH FREEMAN, Jr.
PETER F. MALEN, Jr.
ADRIAN J. LEE
KYLE H. FLINDT

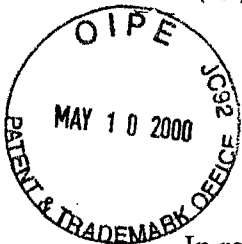
TADMITTED ONLY IN CALIFORNIA

H. ROSS WORKMAN
OF COUNSEL

#3
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SALT LAKE CITY, UT 84145

INTERNET
HOME PAGE: <http://www.wnspat.com>
GENERAL E-MAIL: info@wnspat.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

} Art Unit

BOX: MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
AND INFORMATION DISCLOSURE STATEMENT

Sir:

In response to the Notice to File Missing Parts of Application mailed April 6th, 2000,
please find enclosed herewith the following items for filing in the United States Patent and
Trademark Office in connection with the above-identified patent application:

- ☒ A joint signature Declaration, Power of Attorney and Petition executed by Darren
C. Ashby, Scott R. Watterson and Kirk Lorrigan and comprising four (4) pages.
- ☒ An Assignment conveying the invention to Icon Health and Fitness, Inc., including
a Form PTO-1595 recordation cover sheet comprising six (6) pages.
- ☐ Declaration Claiming Small Entity Status Pursuant to 37 C.F.R. § 1.9 and § 1.27.

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted.
- ☒ To render the Response timely filed, enclosed are the following:
 - ☐ Petition for a 0-Month Extension of Time; and
 - ☐ Check No. _____ in the amount of \$ _____ to cover the fee for the extension of time.
- ☒ A Certificate of Express Mailing by use of Express Mail Label No. EL400135397US

Pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☐ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 29 references submitted for consideration.
- ☒ Copies of 29 of the references listed on the Form PTO-1449.
- ☐ English translations of _____ of the references listed on the Form PTO-1449 which are not in the English language.
- ☒ Copies of the following documents from the prosecution of a previous, related application:
 - ☒ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

The transmitted Information Disclosure Statement is being filed within the following time period:

The filing fee has been calculated as shown below.

			SMALL ENTITY		LARGE ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE (x)	FEE	RATE(x)	FEE
BASIC FEE				\$345		\$690.00
TOT. CLAIMS	45 20	25	\$9.00	\$225.00	\$18.00	\$450.00
IND. CLAIMS	5 3	2	\$39.00	\$78.00	\$78.00	\$156.00
MULTIPLE DEPENDENT CLAIM		0	\$130.00	\$0.00	\$260.00	\$0.00
			TOTAL	\$648.00	TOTAL	\$1296.00

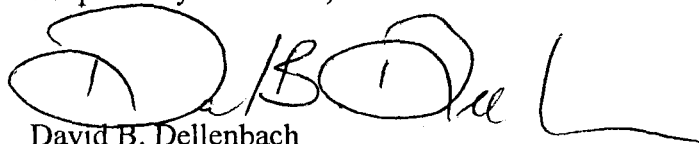
- ☒ Check No. 115286 in the amount of \$1466.00 is enclosed to cover.
- ☒ The \$1296.00 government filing fee.
- ☐ The \$40.00 recordation fee of the enclosed assignment
- ☒ The \$130.00 surcharge fee pursuant to 37 C.F.R. § 1.16(e).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☐ The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- ☐ An Associate Power of Attorney.
- ☒ A duplicate copy of this letter is enclosed.

Assistant Commissioner for Patents
Page 4

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 10th day of May, 2000.

Respectfully submitted,

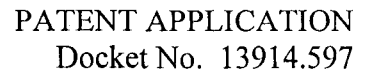
A handwritten signature in black ink, appearing to read 'D B Dellenbach', with a long horizontal line extending to the right.

David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

DBD:em

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In re application of

Serial No.:

09/496,560

}Art Unit

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Express Mail Label No. EL400135397US

Date of Deposit: May 10th, 2000.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to BOX: MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231:

- Declaration, Power of Attorney and Petition (four (4) pp.)
- An Assignment (six (6) pp.)
- A copy of the Notice to File Missing Parts of Application - Filing Date Granted
- Information Disclosure Statement (2 pp.)
- Form PTO 1449 (1 pp.)
- Copies of 29 References
- Transmittal Letter (4 pages)
- Check No. 115286 for \$1466.00
- Certificate of Express Mailing
- Postcard

Dated this 10th day of May, 2000.

Respectfully submitted,


Emily Micham

Emily Meacham

Assistant to

David B. Dellenbach

Attorney for Applicant

Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

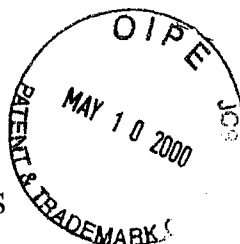
Telephone: (801) 533-9800

Facsimile: (801) 328-1707

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Express Mail Label No. EL400135397US



PATENT APPLICATION
Docket No: 13914.597

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan, declare: that we are citizens of the United States of America; that our residences and post office addresses are 144 South State, Richmond, Utah 84333; 560 South 1000 East, Logan, Utah 84321; and P.O. Box 371, Millville, Utah 84326, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS for which a patent is sought and which is described and claimed in the specification which was filed in the United States Patent and Trademark Office as Serial No. 09/496,560 on February 2, 2000; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to herein; and that we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents: RICK D. NYDEGGER, Registration No. 28,651; DAVID O. SEELEY, Registration No. 30,148; JONATHAN W. RICHARDS, Registration No. 29,843; JOHN C. STRINGHAM, Registration No. 40,831; BRADLEY K. DeSANDRO, Registration No. 34,521; JOHN M. GUYNN, Registration No. 36,153; CHARLES L. ROBERTS, Registration No. 32,434; GREGORY M. TAYLOR, Registration No. 34,263; DANA L. TANGREN, Registration No. 37,246; KEVIN B. LAURENCE, Registration No. 38,219; ERIC L. MASCHOFF, Registration No. 36,596; C. J. VEVERKA, Registration No. 40,858; ROBYN L. PHILLIPS, Registration No. 39,330; RICHARD C. GILMORE, Registration No. 37,335; DAVID B. DELLENBACH, Registration No. 39,166; KEVIN K. JOHANSON, Registration No. 38,506; DAVID L. GRIFFIN, Registration No. 44,136; R. BURNS ISRAELSEN, Registration No. 42,685; DAVID R. TODD, Registration No. 41,348; JESUS JUANOS i TIMONEDA, Registration No. 43,332; STEPHEN D. PRODNUK, Registration No. 43,020; R. PARRISH FREEMAN, JR., Registration No. 42,556; ADRIAN J. LEE, Registration No. 42,785; and KYLE H. FLINDT, Registration No. 42,539, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

David B. Dellenbach
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

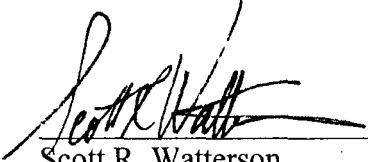
Signed at Proger, Utah this 3rd
(city) (state)
day of March, 2000.

Inventor:


Darren C. Ashby
144 South State
Richmond, Utah 84333

Signed at Logan, Utah this 13th
(city) (state)
day of March, 2000.

Inventor:


Scott R. Watterson
560 South 1000 East
Logan, Utah 84321

Signed at Logan, Utah this 6th
(city) (state)
day of March, 2000.

Inventor:


Kirk Lorrigan
P.O. Box 371
Millville, Utah 84326

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Express Mail Label No. E1 0135397US

PATENT APPLICATION
Docket No: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Ashby et al.	)
Serial No.:	09/496,560	) Art Unit
Filed:	February 2, 2000	)
For:	SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS	)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

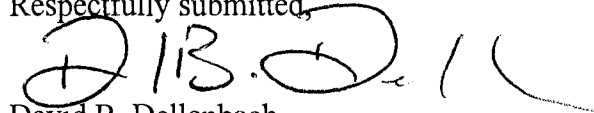
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 10th day of May, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.B. Dellenbach', with a stylized flourish at the end.

David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

DBD:em
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Applicant: Icon Health and Fitness, Inc.
 Serial No.: 09/496,560
 Filing Date: February 2, 2000
 For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

Att'y Docket No. 13914.597

Group:

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

L. Parks
8-10-00
#9/IDS

Examiner Initial*	Patent Number	Issue Date	Name	Class	Sub Class	Filing Date
<i>AL</i> A1	Des. 348,493	07/05/94	Ashby	D21	192	04/08/93
<i>/</i> A2	3,602,502	08/31/71	Hampl	272	69	04/20/70
<i>/</i> A3	4,151,988	05/01/79	Nabinger	272	69	05/26/77
<i>/</i> A4	4,544,152	10/01/85	Taitel	272	69	07/25/83
<i>/</i> A5	4,659,074	04/21/87	Taitel et al.	272	69	03/14/85
<i>/</i> A6	4,687,195	08/18/87	Potts	272	69	02/06/84
<i>/</i> A7	4,842,266	06/27/89	Sweeney, Sr. et al.	272	69	08/27/86
<i>/</i> A8	4,848,737	07/18/89	Ehrenfield	272	70	10/01/87
<i>/</i> A9	4,927,136	05/22/90	Leask	272	69	01/06/89
<i>/</i> A10	4,998,725	03/12/91	Watterson et al.	272	129	02/03/89
<i>/</i> A11	5,062,632	11/05/91	Dalebout et al.	272	129	12/22/89
<i>/</i> A12	5,067,710	11/26/91	Watterson et al.	272	129	09/29/89
<i>/</i> A13	5,104,120	04/14/92	Watterson et al.	482	5	02/03/89
<i>/</i> A14	5,145,475	09/08/92	Cares	482	52	04/25/91
<i>/</i> A15	5,149,084	09/22/92	Dalebout et al.	482	3	02/20/90
<i>/</i> A16	5,195,935	03/23/93	Fencel	482	70	12/20/90
<i>/</i> A17	5,328,420	07/12/94	Allen	482	52	07/19/93
<i>/</i> A18	5,328,422	07/12/94	Nichols	482	52	07/30/93
<i>/</i> A19	5,352,166	10/04/94	Chang	482	52	09/28/93
<i>/</i> A20	5,382,209	01/17/95	Pasier et al.	482	70	02/08/93
<i>/</i> A21	5,489,249	02/06/96	Brewer et al.	482	5	04/08/94
<i>gr</i> A22	5,512,025	04/30/96	Dalebout et al.	482	6	07/02/91

Examiner:

G. R. Chapman

Date Considered:

2/20/01

*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.

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Applicant: Icon Health and Fitness, Inc.
Serial No.: 09/496,560
Filing Date: February 2, 2000
For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATU

Att'y Docket No. 13914.597
Group:



Examiner Initial*	Patent Number	Issue Date	Name	Class	Sub Class	Filing Date	
<u>8</u>	A23	5,626,539	05/06/97	Piaget et al.	482	54	01/19/96
	A24	5,645,509	07/08/97	Brewer et al.	482	4	07/22/94
	A25	5,743,833	04/28/98	Watterson et al.	482	54	01/30/96
	A26	5,752,897	05/19/98	Skowronski et al.	482	54	12/18/95
	A27	5,810,696	09/22/98	Webb	482	52	10/09/95
<u>✓</u>	A28	5,836,770	11/17/98	Powers	434	247	10/08/96
<u>H</u>	A29	5,888,172	03/30/99	Andrus et al.	482	7	07/01/97

Other Documents

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

Examiner:

Richard MAN

Date Considered:

2/20/01

*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.



PATENT APPLICATION
Docket No. 13914,597

#5
1/31/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Darren C. Ashby et al.)
)
Serial No.: 09/496,560) Art Unit
) 3733
Filed: February 2, 2000)
)
For: SYSTEM AND METHODS FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)

RECEIVED
JAN 31 2001
TC 3700 MAIL ROOM

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
Washington, DC 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

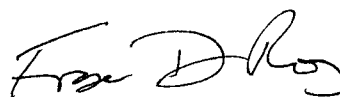
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Commissioner for Patents
Page 2

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 26 day of January 2001.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicants
Registration No. 45,666

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

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Applicants: Darren C. Ashby et al.
Serial No.: 09/496,560
Filing Date: February 2, 2000
For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS



#5
Sheet 1 of 3
Att'y Docket No.: 13914.597
Group: 3733

SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents					
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub-Class
<u>98</u>	1	3,518,985	07/07/70	Quinton	128
	2	4,860,763	08/29/89	Schminke	128
	3	5,020,795	06/04/91	Airy et al.	272
	4	5,054,774	10/08/91	Belsito	272
	5	5,078,152	01/07/92	Bond et al.	128
	6	5,113,427	05/12/92	Ryoichi et al.	379
	7	5,308,296	05/03/94	Eckstein	482
	8	5,314,391	05/24/94	Potash et al.	482
	9	5,433,679	07/18/95	Szymczak et al.	482
	10	5,462,051	10/31/95	Oka et al.	128
	11	5,462,504	10/31/95	Trulaske et al.	482
	12	5,527,239	06/18/96	Abbondanza	482
	13	5,619,991	04/15/97	Sloane	128
	14	5,720,771	02/24/98	Snell	607
	15	5,738,612	04/14/98	Tsuda	482
	16	5,759,199	06/02/98	Snell et al.	607
	17	5,779,596	07/14/98	Weber	482
	18	5,845,230	12/01/98	Lamberson	702
	19	5,865,733	02/02/99	Malinouskas et al.	600
	20	5,873,369	02/23/99	Laniado et al.	128
	21	5,911,132	06/08/99	Sloane	705
<u>✓</u>	22	5,911,687	06/15/99	Sato et al.	600
<u>98</u>	23	5,917,405	06/29/99	Joao	340

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JAN 31 2001
TC 3700 MAIL ROOM

Applicants: Darren C. Ashby et al.

Serial No.: 09/496,560

Filing Date: February 2, 2000

For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF
EXERCISE APPARATUS

Att'y Docket No.: 13914.597

Group: 3733



24	5,961,561	10/05/99	Wakefield, II	701	29
25	5,964,701	10/12/99	Asada et al.	600	300
26	5,967,975	10/19/99	Ridgeway	600	300
27	5,995,868	11/30/99	Dorfmeister et al.	600	544
28	5,997,476	12/07/99	Brown	600	300
29	6,014,432	01/11/00	Modney	379	106.02
30	6,050,924	04/18/00	Shea	482	57
31	6,033,344	03/07/00	Trulaske et al.	482	7
32	6,059,692	05/09/00	Hickman	482	8

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

- 33 *The FitLinxx Interactive Fitness Network™, Fitlinxx Interactive Fitness Corp., brochure, 1998.*
- 34 *The Difference Between Surviving and Thriving May be as Simple as FitLinxx™, Fitlinxx Interactive Fitness Corp., brochure, 1998.*
- 35 *Sweat.equity, Forbes.com, www.forbes.com, February 1998.*
- 36 *Netpulse, Networkingout--Coming Distractions: Netpulse Helps Exercisers Surf the Net at the Gym, Accomplish Several Goals at Once, www.netpulse.com, April 1998.*
- 37 *Netpulse, Instead of having an equipment repair technician traveling over hill and dale, you may soon have equipment repaired via the internet, www.netpulse.com, July 1998.*
- 38 *Netpulse, Infotech is supposed to make life easier-remember? Here's how to be sure it does., www.netpulse.com, August 1998.*
- 39 *Netpulse, Exercise station connects to the Net, Now you can sweat to the Net., www.netpulse.com, September 1998.*
- 40 *Netpulse, New Fitness Equipment Combines Internet, Sweat, Now you can surf and sweat, www.netpulse.com, January 1999.*
- 41 *Netpulse, Hop In, Log On and Sweat, Netpulse exercise machines are the latest Web feat, www.netpulse.com, February 1999.*
- 42 *Netpulse ClubWatch™, Internet Powered Service, brochure, April 1999.*

Examiner:

G. Richman

Date Considered:

2/20/01

*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.

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 105 of 316

Applicants: Darren C. Ashby et al.

Serial No.: 09/496,560

Filing Date: February 2, 2000

For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS



Att'y Docket No.: 13914.597

Group: 3733

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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JAN 31 2001
TC 3700 MAIL ROOM

Examiner:

Date Considered:

*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.

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 106 of 316



GP 3733

PATENT APPLICATION

Docket No. 13914.579

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Darren C. Ashby et al.

Serial No.: 09/496,560

Filed: February 2, 2000

For: SYSTEM AND METHODS FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Art Unit

3733

RECEIVED
JAN 31 2001
3700 MAIL ROOM

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the 26 day of January 2001.

- Supplemental Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (3 pgs.)
- Copies of 42 references
- Transmittal for Supplemental Information Disclosure Statement (2 pgs.)
- Postcard

Dated this 26 day of January 2001.

Respectfully submitted,

Fraser D. Roy
Attorney for Applicant
Registration No. 45,666



022913

PATENT TRADEMARK OFFICE

FDR:vfw

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IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 107 of 316



PATENT APPLICATION
Docket No. 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Darren C. Ashby et al.)
)
Serial No.: 09/496,560) Art Unit
) 3733
Filed: February 2, 2000)
)
For: SYSTEM AND METHODS FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

RECEIVED
JAN 31 2001
TC 3700 MAIL ROOM

37 CFR 1.97 (b)

- x The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97 (c)

— The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a final action under 37 CFR 1.113, or
2. a Notice of Allowance under 37 CFR 1.311,

whichever occurs first.

Commissioner for Patents
Page 2

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);
- or
- ☐ The fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).
- ☒ Form PTO-1449 listing forty-two (42) references submitted for consideration.
- ☒ Copies of forty-two (42) references listed on the Form PTO-1449.

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate of this sheet is enclosed.

- ☒ Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ☐ The submission fee set forth in 37 CFR § 1.17(p) in the event the 37 CFR § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

Dated this 26 day of January 2000.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicant
Registration No. 45,666



022913

PATENT TRADEMARK OFFICE

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PATENT APPLICATION
Docket No. 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)	
	Darren C. Ashby et al.	)	
Serial No.:	09/496,560	)	Art Unit
		)	3733
Filed:	February 2, 2000	)	
For:	SYSTEM AND METHODS FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS	)	

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

37 CFR 1.97 (b)

- x The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

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Commissioner for Patents
Page 2

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- ☒ Copies of forty-two (42) references listed on the Form PTO-1449.

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- ☒ Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ☐ The submission fee set forth in 37 CFR § 1.17(p) in the event the 37 CFR § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

Dated this 26 day of January 2000.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicant
Registration No. 45,666



022913

PATENT TRADEMARK OFFICE

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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

SB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.

09/496,560 02/02/00 ASHBY

D 13914.597

022913 QM12/0222
WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

EXAMINER

RICHMAN, G

ART UNIT

PAPER NUMBER

3764

DATE MAILED:

02/22/01

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

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/496,560

Applicant(s)

Ashby et al

Examiner

Glenn Richman

Group Art Unit

3764



☒ Responsive to communication(s) filed on 1/29/01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ 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).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/496,560

Page 2

Art Unit: 3764

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Studor et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Poulton discloses an electronic exercise enhancer.

..Root et al disclose an athlete's GPS performance monitor.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is (703)308-3170. The examiner can normally be reached Tuesday through Thursday from 7:30 AM to 6:00 PM Eastern time. The facsimile number for Art Unit 3764 is (703)308-0758. The facsimile number for submitting formal papers to Technology Center 3700 is (703)305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 3700 receptionist whose telephone number is (703)308-0858 or to Customer Service at (703)306-6789.

Application/Control Number: 09/496,560

Page 3

Art Unit: 3764

gr
February 20, 2001


Glenn Richman
Primary Examiner
AU 3764

Notice of References Cited				Application No.		App. (s)	
				09/496,560		Ashby et al	
				Examiner		Group Art Unit	
				Glenn Richman		3764	
						Page 1 of 1	
U.S. PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
	A	6,013,007	1/2000	Root et al		482	8
	B	5,702,323	12/1997	Poulton		482	8
	C	6,152,856	11/2000	Studor et al		482	8
	D						
	E						
	F						
	G						
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	I						
	J						
	K						
	L						
	M						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						
NON-PATENT DOCUMENTS							
		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
	U						
	V						
	W						
	X						



Express Mail Label No. EL675131479US

PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ashby et al)
Serial No.: 09/496,560) Art Unit
Filed: February 2, 2000) 3764
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
Examiner: Glenn Richman)

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.136(a), it is respectfully requested that the shortened statutory period that was set for responding to the Office Action dated February 22, 2001 be extended for one month until June 22, 2001.

Check No. 121696 in the amount of \$128.00 is enclosed herewith for payment of the fee associated with this Petition, as set forth in 37 C.F.R. § 1.17. The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. A duplicate copy of this sheet is enclosed.

If an additional extension of time is required, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

55/07/2001 NDELETED 00000026 09496560

01 PG:115
02 PG:160

110.00 DP
10.50 DP

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JUN 29 2001
TECHNOLOGY CENTER R3700

Dated this 22 day of June 2001.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "DBD", with a long horizontal flourish extending to the right.

David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

DBD:FDR:vfw
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JUN 29 2001

TECHNOLOGY CENTER R3700

WORKMAN
NYDEGER
& SEELEY

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SALT LAKE CITY, UTAH 84111
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DAVID R. TODD

L. DAVID GRIFFIN
FRASER D. ROY
CARL T. REED
JESÚS JUANÓS I TIMONEDA, Ph.D.
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PETER F. MALEN, JR.
ADRIAN J. LEE
DAVID B. TINGEY
L. REX SEARS, Ph.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
WILLIAM R. RICHTER*
† ADMITTED ONLY IN CALIFORNIA
* ADMITTED ONLY IN PENNSYLVANIA
H. ROSS WORKMAN
OF COUNSEL

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SALT LAKE CITY, UT 84145

INTERNET
HOME PAGE: <http://www.wnspatent.com>
GENERAL E-MAIL: info@wnspatent.com

Express Mail Label No. EL675131479US

PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ashby et al)
Serial No.: 09/496,560) Art Unit
Filed: February 2, 2000) 3764
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
Examiner: Glenn Richman)

TRANSMITTAL FOR AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an amendment for entry in the above-identified application.

Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.

x To render the transmitted Amendment and Response timely filed enclosed are the following:

x Petition for a One-Month Extension of Time; and

x \$110.00 fee for the one-month extension of time.

RECEIVED
JUN 29 2001
TECHNOLOGY CENTER R3700

Commissioner for Patents

Page 2



A Certificate of Express Mail Under 37 C.F.R. § 1.10 is enclosed.

The fee has been calculated and is transmitted as shown below.

				Small Entity		Large Entity	
	Claims Remaining After	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total	47	Minus 46	= 1	x 9 =	\$	x 18 =	\$18.00
Indep.	6	Minus 6	= 0	x 40 =	\$	x 80 =	\$ 0
1 st Presentation of Multiple Dependent Claims				+ 135 =	\$	+ 270 =	\$
				Total Fee	\$	Total Fee	\$18.00

☒ Check No. 121696 in the amount of \$128.00 is enclosed to cover:

☒ \$18.00 fee for additional dependent claim; and

☒ \$110.00 for one-month extension of time.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is attached.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Dated this 22nd day of June 2001.

Respectfully submitted,

David B. Dellenbach
Attorney for Applicants
Registration No. 39,166



022913

PATENT TRADEMARK OFFICE

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JUN 29 2001
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Express Mail Label No. EL675131479US

PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al

Serial No.:

09/496,560

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Examiner:

Glenn E. Richman

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) Art Unit
) 3764
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#7/k
(NE)
7/3/01

AMENDMENT "A" AND RESPONSE

Commissioner for Patents
Washington, D. C. 20231

Sir:

Responsive to the Office Action mailed from the United States Patent and Trademark Office on February 22, 2001 ("the Office Action"), please amend the above-identified application as follows:

IN THE SPECIFICATION:

Replace the paragraph beginning on page 5, line 16 with:

"It is another object of the invention to provide a single glance panel containing graphic representations [because] so that the user is only [be] minimally distracted from a workout."

IN THE CLAIMS:

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COMMUNICATIONS SECTION

6/29/01

6/29/01

3. (Unchanged) The virtual trail system as recited in claim 1, wherein the workout information displayed by the indicator means comprises: percentage of trail workout completion and simulated trail elevation on the same display panel.

4. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises: a support base; and an operable member movably coupled to the support base.

5. (Unchanged) The virtual trail system as recited in claim 4, wherein the feedback means comprises an odometer coupled to the operable member to record traveled distances, the odometer being electronically attached to the processor means.

6. (Unchanged) The virtual trail system as recited in claim 5, wherein the indicator means comprise a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

7. (Unchanged) The virtual trail system as recited in claim 4, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired grade of said operable member.

8. (Unchanged) The virtual trail system as recited in claim 7, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired speed of said operable member.

9. (Unchanged) The virtual trail system as recited in claim 4, wherein the virtual trail system further comprises a braking means for electronically slowing the speed of the operable member.

10. (Unchanged) The virtual trail system as recited in claim 9, wherein the braking means comprises a means for dissipating power generated by the virtual trail system, wherein said means for dissipating power is activated at operational points that are partially dependent on user attributes including user mass and force exerted by user and partially dependent on virtual trail system parameters including inclination or declination positions, operating speed, and overall virtual trail system resistance.

11. (Unchanged) The system as recited in claim 9, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts.

12. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts.

13. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 500 Watts.

14. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means comprises a single panel display device that illuminates indicators to report horizontal, vertical, and total trail distances traveled during the trail workout session by the user.

15. (Unchanged) The virtual trail system as recited in claim 14, wherein the single panel display device of the indicator means further comprises indicators to report to the user which trail workout is selected.

16. (Unchanged) The virtual trail system as recited in claim 15, wherein the single panel display device of the indicator means further comprises indicators to report percentage of completion for selected trail workout.

17. (Unchanged) The virtual trail system as recited in claim 1, wherein the interface means comprises at least one external database input interface for personalizing trail workout options according to the user.

18. (Unchanged) The virtual trail system as recited in claim 1, wherein the processor means is selected from the group consisting of: a controller, state machine, micro-processor, embedded system, and other means for processing and displaying information.

19. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means and the interface means form a unitary display console electronically attached to the processor means and electronically associated with the feedback means.

20. (Unchanged) The virtual trail system as recited in claim 1, further comprising a means for dissipating power, said means for dissipating power being electronically coupled with the processor means.

21. (Unchanged) The virtual trail system as recited in claim 20, wherein the means for dissipating power includes a switch coupled to a power resistor for dissipating excess power generated by the virtual trail system at excessive inclinations.

22. (Unchanged) The virtual trail system as recited in claim 21, wherein said power resistor is a heating coil.

23. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises at least one of a treadmill, a skier exercise apparatus, an

exercise bicycle, an aerobic elliptical exercise apparatus, a rowing apparatus, and a climbing exercise apparatus.

24. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the

interface console comprising a display device capable of displaying trail workout information on said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

25. (Unchanged) The system as recited in claim 24, wherein the user interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

26. (Amended) The selectively adjustable exercise system as recited in claim 24, wherein said user interface console further comprises a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

27. (Unchanged) The selectively adjustable exercise system as recited in claim 24, wherein the control interface further comprises a second direct adjustment keypad for selecting a desired speed of said operable member.

28. (Unchanged) The selectively adjustable exercise system as recited in claim 27, wherein the control interface further comprises a third direct adjustment keypad for selecting a preprogrammed trail workout routine for application to said operable member.

29. (Unchanged) The selectively adjustable exercise system as recited in claim 24, wherein the user interface console further comprises:

a direct incline adjustment interface that with one touch allows the incline of the selectively adjustable exercise system to be automatically adjusted upon selection of one of several preset grade levels.

30. (Unchanged) A selectively adjustable exercise system as recited in claim 29, wherein the user interface console further comprises:

a direct speed adjustment interface that with one touch allows the selectively adjustable exercise system speed to automatically shift upon selection to one of several preset speed levels.

31. (Unchanged) A selectively adjustable exercise system as recited in claim 24, wherein the exercise system is a hiking exercise apparatus.

32. (Unchanged) The system as recited in claim 24, wherein the workout information displayed by the display device comprises a simulated trail elevation of the user.

33. (Amended) A selectively inclining hiking system, comprising:

(a) a support base;

(b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and

(c) a virtual trail system connected to the support base, the virtual trail system comprising:

(i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the virtual trail system;

(ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and

(iii) a display device capable of displaying trail workout information on a panel of said virtual trail system, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, distance traveled along trail, and selected workout routine.

34. (Unchanged) The selectively inclining treadmill system as recited in claim 33, wherein the treadbase selectively inclines between a -15% grade and a 60% grade.

35. (Amended) A selectively variable trail exercise system, comprising:
- (a) a support base;
 - (b) an operable member movably coupled to the support base; and
 - (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

36. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail selectively including at least one midway point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail.

37. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include the average grade and distance to be traveled between the beginning point, the end point, and the selective midway points.

38. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said trail workout information comprises at least one of: elevation, distance traveled, and progress along a trail of selected workout routine.

39. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include moderate, challenging, or extreme workout trails, wherein the moderate trails contain grade adjustments ranging from negative 5% to positive 20%, challenging trails include grade adjustments ranging from negative 10% to positive 40%, and extreme trails include adjustments ranging from negative 15% to positive 60%.

40. (Unchanged) A selectively variable trail exercise system as recited in claim 35, wherein the user interface console further comprises:

upon initial user authentication, a means for displaying at least one positional element from the last preselected trail workout routine;

said means for displaying including means for turning on additional lighting segments behind the one which displays the user's position on the preselected trail workout routine, the number of turned on segments being proportional to the percentage of the workout routine completed.

41. (Unchanged) A selectively variable trail exercise system as recited in claim 40, wherein the user interface console further comprises:

means for selecting a trail workout routine from an external database, the external database electronically sending control codes that govern grade changes and overall trail distances for the trail workout routine to the controller module;

means for displaying electronically transmitted trail workout routine parameters on the display device.

42. (Unchanged) A selectively variable trail exercise system as recited in claim 41, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission.

43. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base;
- (c) a user interface console electrically coupled to the operable; and
- (d) a display device electrically coupled to user interface console, the display device being capable of displaying trail workout information on a panel of said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

44. (Unchanged) A selectively adjustable exercise system as recited in claim 43, wherein the interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

45. (Unchanged) A system as recited in claim 43, wherein the workout information displayed by the display comprises: percentage of trail workout completion and elevation on the same panel.

46. (Amended) A selectively adjustable exercise device, comprising:

(a) a support structure configured to support an operable member movably coupled to the support structure; and

(b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display the progress of the user following the trail and workout information that changes at a rate proportional to the rate at which the user follows the trail and while the operable member is moved in accordance with the changes in the trail.

Please add new claims:

47. The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

48. The system as recited in claim 47, wherein the segments reflect an average slope change between said two points on said trail.

49. The system as recited in claim 24, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

REMARKS

A. Background

The Applicants appreciate the opportunity for the Applicant's counsel to consult with the Examiner via telephone on June 12, 2001. At that time the Examiner agreed to consider the foregoing amendments and agreed in principal to the amendments to claims 24 (which claims, for example, that the claimed display reflects movement of the operable member), subject to: (i) the Applicants submitting the appropriate specific language; and (ii) any follow-up search deemed appropriate by the Examiner. By this response, Applicants amended claims 1, 24, 26, 33, 35, 43, and 46, and added claims 47-49. Accordingly, claims 1-49 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

Amended independent claims 1 and 46 recite that the indicator means is "adapted for displaying a topographical representation of the trail to be traversed by the user as a user exercises using the exercise apparatus." This is consistent with page 13, lines 2 and 3, page 18, line 21, and Figure 2 of the specification as originally filed.

Independent claims 24, 33, 35, 43 and 46 recite "a topographical representation of a trail to be traversed by a user," among other amendments. Such amendments are consistent with page 13, lines 2 and 3, page 18, line 21, Figure 2, and independent claim 26 as originally filed.

New dependent claim 47 recites that "indicator means comprises a plurality of workout segments represented between two points on a trail." Claim 47 is consistent with Figure 2 and page 9, lines 18-21 and Figure 2 of the specification as originally filed. New dependent claim 48 recites

that “the segments reflect an average slope change between said two points on said trail.” Claim 48 is consistent page 9, lines 18-21 of the specification as originally filed.

New dependent claim 49 recites “the display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.” Claim 49 includes elements recited in independent claim 24 as originally filed. Other changes to the specification and claims as originally filed are made to correct grammatical and typographical errors and/or to provide for antecedent basis in the claims.

For the foregoing reasons, Applicants respectfully submit that the amendments to the specification and the claims do not introduce new matter, and entry thereof is respectfully requested.

C. Rejections Under 35 U.S.C. § 102(e).

Claims 1-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,152,856, issued to Studor et al. (hereinafter “the Studor patent”). The Applicants respectfully submit that the claims, particularly as amended, are not anticipated by the Studor patent.

The Studor patent relates to a real time simulation system that uses position sensing. Specifically, Studor discloses “actual captured video of real world courses” (col. 9, lines 9-10). In contrast, rather than claiming “actual captured video of real world courses,” independent claims 1, 24, 33, 35, 43, and 46, recite “a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.” The Studor patent fails to disclose such a topographical representation.

Dependent claim 47 and 48, recite that “the indicator means comprises a plurality of workout segments represented between two points on a trail” and “wherein the segments reflect an average



slope change between said two points on said trail," respectively. The Studor patent also fails to disclose such an indicator means.

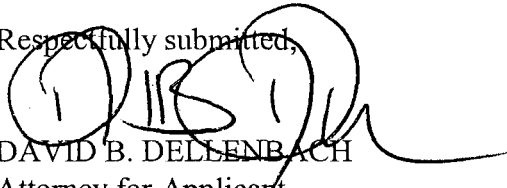
Applicants respectfully submit that pending claims 1-49, as amended and presented herein, are neither disclosed in the Studor patent nor obvious variations of the systems disclosed therein. Accordingly, it is respectfully submitted that claims 1-49, as amended and presented herein, overcome the rejections based on § 102.

D. Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

DATED this 22 day of June 2001.

Respectfully submitted,


DAVID B. DELLENBACH
Attorney for Applicant
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A virtual trail system for use on a selectively adjustable exercise apparatus having a support structure, the virtual trail system simulating a trail to be traversed by a user as the user exercises using the exercise apparatus, the virtual trail system comprising:

interface means for receiving workout related control inputs;

processor means, configured to be connected to the support structure of the exercise apparatus, for electronically computing operational information based at least in part on control inputs received from the interface means;

feedback means for conveying information concerning the amount of exercise performed by the user to the processor means;

indicator means, configured to be connected to the support structure of the exercise apparatus, for displaying workout information to the user at a rate proportional to the rate at which exercise is performed by the user, the indicator means being adapted for displaying a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.[indexing travel along the length of a workout trail from segment to segment until the end of the trail, the indicator means displaying workout information at a rate proportional to the rate at which exercise is performed by the user.]

24. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the

interface console comprising a display device capable of displaying trail workout information, on [a panel of] said user interface console, said display device displaying [, said trail workout information comprising] a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member[at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.]

26. (Amended) The selectively adjustable exercise system as recited in claim 24, wherein said user interface console further comprises[:] a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

33. (Amended) A selectively inclining hiking system, comprising:

(a) a support base;

(b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and

(c) a virtual trail system connected to the support base, the virtual trail system comprising:

(i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the [user interface console]virtual trail system;

(ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and

(iii) a display device capable of displaying trail workout information on a panel of said [user interface console]virtual trail system, [said trail workout information comprising] the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, [elevation,] distance traveled along trail, and selected workout routine.

35. (Amended) A selectively variable trail exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

43. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base;
- (c) a user interface console electrically coupled to the operable; and
- (d) a display device electrically coupled to user interface console, the display

device being capable of displaying trail workout information on a panel of said user interface console, said [trail workout information comprising] display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member[at least one of a percentage of trail workout completion, an elevation, a distance traveled along , workout segment difficulty, and a selected workout routine].

46. (Amended) A selectively adjustable exercise device, comprising:

(a) a support structure configured to support an operable member movably coupled to the support structure; and

(b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display [a representation of a trail to be followed by a user during an exercise workout and workout information associated with the user following the trail,] the progress of the user following the trail and [the displayed] workout information that changes[ing] at a rate proportional to the rate at which the user [is] follows[ing] the trail and[,] while the operable member is moved in accordance with the changes in the trail.

New Claims

47. The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

48. The system as recited in claim 47, wherein the segments reflect an average slope change between said two points on said trail.

49. The system as recited in claim 24, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.



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PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Ashby et al)
Serial No.: 09/496,560) Art Unit
Filed: February 2, 2000) 3764
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
Examiner: Glenn Richman)

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the 22nd day of June 2001.

- Amendment and Response (26 pgs.)
- Petition for One-Month Extension of Time (2 pgs.)
- Check No. 121696 for \$128.00
- Transmittal Letter (2 pgs.)
- Postcard

Respectfully submitted,

Emily Mechem
Assistant to
David B. Dellenbach
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Express Mail Label No. EL675131479US
PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ashby et al)
Serial No.: 09/496,560) Art Unit
Filed: February 2, 2000) 3764
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
Examiner: Glenn Richman)

TRANSMITTAL FOR AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an amendment for entry in the above-identified application.

- Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.
- ☒ To render the transmitted Amendment and Response timely filed enclosed are the following:
 - ☒ Petition for a One-Month Extension of Time; and
 - ☒ \$110.00 fee for the one-month extension of time.

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Commissioner for Patents

Page 2



- ☒ A Certificate of Express Mail Under 37 C.F.R. § 1.10 is enclosed.
- ☒ The fee has been calculated and is transmitted as shown below.

				Small Entity		Large Entity	
	Claims Remaining After	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total	47	Minus 46	= 1	x 9 =	\$	x 18 =	\$18.00
Indep.	6	Minus 6	= 0	x 40 =	\$	x 80 =	\$ 0
1 st Presentation of Multiple Dependent Claims				+ 135 =	\$	+ 270 =	\$
Total Fee				\$		Total Fee	\$18.00

- ☒ Check No. 121696 in the amount of \$128.00 is enclosed to cover:
- ☒ \$18.00 fee for additional dependent claim; and
- ☒ \$110.00 for one-month extension of time.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is attached.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Dated this 22nd day of June 2001.

Respectfully submitted,

David B. Dellenbach
Attorney for Applicants
Registration No. 39,166



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/496,560	02/02/00	ASHBY	13914.597

022918
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0211/0706

EXAMINER
RICHMAN, G

ART UNIT	PAPER NUMBER
3764	9

DATE MAILED 7/06/01

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 6/22/01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☒ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☒ 5. Other When replying forward a complete amendment
marked up and clean copies are required to be on
separate pages.
- ☐ PRELIMINARY AMENDMENT: Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ AMENDMENT AFTER NON-FINAL ACTION: Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Legal Instruments Examiner

Express Mail Label No. EL 746 188 902 US

PATENT APPLICATION

Docket No.: 13914.597



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al

Serial No.:

09/496,560

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Examiner:

Glenn E. Richman

RECEIVED

JUL 24 2001

TECHNOLOGY CENTER R3700

) Art Unit
) 3764

Handwritten notes and signatures:
10/18/01
RS-
initials

Resubmission of AMENDMENT "A" AND RESPONSE

Commissioner for Patents
Washington, D. C. 20231

Sir:

Responsive to (i) the Office Action mailed from the United States Patent and Trademark Office on February 22, 2001 ("the Office Action") and (ii) the Notice sent on 7/6/01, please amend the above-identified application as follows:

IN THE SPECIFICATION:

Replace the paragraph beginning on page 5, line 16 with the following sentence:

08/16/2001 RSMITH 00000002 233178 09496560

01 FC:102 80.00 CH

02 FC:103 36.00 CH

Handwritten signature: B

B1
It is another object of the invention to provide a single glance panel containing graphic representations so that the user is only minimally distracted from a workout.

IN THE CLAIMS:

Please delete claims 18 and 19.

Please amend the claims as follows:

1. (Amended) A virtual trail system for use on a selectively adjustable exercise apparatus having a support structure, the virtual trail system simulating a trail to be traversed by a user as the user exercises using the exercise apparatus, the virtual trail system comprising:

interface means for receiving workout related control inputs;

processor means, configured to be connected to the support structure of the exercise apparatus, for electronically computing operational information based at least in part on control inputs received from the interface means;

feedback means for conveying information concerning the amount of exercise performed by the user to the processor means;

indicator means, configured to be connected to the support structure of the exercise apparatus, for displaying workout information to the user at a rate proportional to the rate at which exercise is performed by the user, the indicator means being adapted for displaying a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.

2. (Unchanged) The system as recited in claim 1, wherein the workout information displayed by the indicator means comprises a simulated trail elevation of the user.

3. (Unchanged) The virtual trail system as recited in claim 1, wherein the workout information displayed by the indicator means comprises: percentage of trail workout completion and simulated trail elevation on the same display panel.

4. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises: a support base; and an operable member movably coupled to the support base.

5. (Unchanged) The virtual trail system as recited in claim 4, wherein the feedback means comprises an odometer coupled to the operable member to record traveled distances, the odometer being electronically attached to the processor means.

6. (Unchanged) The virtual trail system as recited in claim 5, wherein the indicator means comprise a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

7. (Unchanged) The virtual trail system as recited in claim 4, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired grade of said operable member.

8. (Unchanged) The virtual trail system as recited in claim 7, wherein the interface means comprises at least one direct adjustment keypad for selecting a desired speed of said operable member.

9. (Unchanged) The virtual trail system as recited in claim 4, wherein the virtual trail system further comprises a braking means for electronically slowing the speed of the operable member.

10. (Unchanged) The virtual trail system as recited in claim 9, wherein the braking means comprises a means for dissipating power generated by the virtual trail system, wherein said means for dissipating power is activated at operational points that are partially dependent on user attributes including user mass and force exerted by user and partially dependent on virtual trail system parameters including inclination or declination positions, operating speed, and overall virtual trail system resistance.

11. (Unchanged) The system as recited in claim 9, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts.

12. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts.

13. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 500 Watts.



14. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means comprises a single panel display device that illuminates indicators to report horizontal, vertical, and total trail distances traveled during the trail workout session by the user.

15. (Unchanged) The virtual trail system as recited in claim 14, wherein the single panel display device of the indicator means further comprises indicators to report to the user which trail workout is selected.

16. (Unchanged) The virtual trail system as recited in claim 15, wherein the single panel display device of the indicator means further comprises indicators to report percentage of completion for selected trail workout.

17. (Unchanged) The virtual trail system as recited in claim 1, wherein the interface means comprises at least one external database input interface for personalizing trail workout options according to the user.

18. (Unchanged) The virtual trail system as recited in claim 1, wherein the processor means is selected from the group consisting of: a controller, state machine, micro-processor, embedded system, and other means for processing and displaying information.

19. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means and the interface means form a unitary display console electronically attached to the processor means and electronically associated with the feedback means.

20. (Unchanged) The virtual trail system as recited in claim 1, further comprising a means for dissipating power, said means for dissipating power being electronically coupled with the processor means.

21. (Unchanged) The virtual trail system as recited in claim 20, wherein the means for dissipating power includes a switch coupled to a power resistor for dissipating excess power generated by the virtual trail system at excessive inclinations.

22. (Unchanged) The virtual trail system as recited in claim 21, wherein said power resistor is a heating coil.

23. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises at least one of a treadmill, a skier exercise apparatus, an exercise bicycle, an aerobic elliptical exercise apparatus, a rowing apparatus, and a climbing exercise apparatus.

23 24. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the

interface console comprising a display device capable of displaying trail workout information on said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

25. (Unchanged) The system as recited in claim 24, wherein the user interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

25 26. (Amended) The selectively adjustable exercise system as recited in claim ²³24, wherein said user interface console further comprises a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

27. (Unchanged) The selectively adjustable exercise system as recited in claim 24, wherein the control interface further comprises a second direct adjustment keypad for selecting a desired speed of said operable member.

28. (Unchanged) The selectively adjustable exercise system as recited in claim 27, wherein the control interface further comprises a third direct adjustment keypad for selecting a preprogrammed trail workout routine for application to said operable member.

29. (Unchanged) The selectively adjustable exercise system as recited in claim 24, wherein the user interface console further comprises:

a direct incline adjustment interface that with one touch allows the incline of the selectively adjustable exercise system to be automatically adjusted upon selection of one of several preset grade levels.

30. (Unchanged) A selectively adjustable exercise system as recited in claim 29, wherein the user interface console further comprises:

a direct speed adjustment interface that with one touch allows the selectively adjustable exercise system speed to automatically shift upon selection to one of several preset speed levels.

31. (Unchanged) A selectively adjustable exercise system as recited in claim 24, wherein the exercise system is a hiking exercise apparatus.

32. (Unchanged) The system as recited in claim 24, wherein the workout information displayed by the display device comprises a simulated trail elevation of the user.

33. (Amended) A selectively inclining hiking system, comprising:

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- Sub C2
- (a) a support base;
 - (b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and
 - (c) a virtual trail system connected to the support base, the virtual trail system comprising:

- B5
- (i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the virtual trail system;
 - (ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and
 - (iii) a display device capable of displaying trail workout information on a panel of said virtual trail system, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, distance traveled along trail, and selected workout routine.

34. (Unchanged) The selectively inclining treadmill system as recited in claim 33, wherein the treadbase selectively inclines between a -15% grade and a 60% grade.

29/35.

(Amended) A selectively variable trail exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

36. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail selectively including at least one midway point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail.

37. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include the average grade and distance to be traveled between the beginning point, the end point, and the selective midway points.

38. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said trail workout information comprises at least one of: elevation, distance traveled, and progress along a trail of selected workout routine.

39. (Unchanged) The selectively variable trail exercise system as recited in claim 35, wherein said topographically based routines include moderate, challenging, or extreme workout trails, wherein the moderate trails contain grade adjustments ranging from negative 5% to positive 20%, challenging trails include grade adjustments ranging from negative 10% to positive 40%, and extreme trails include adjustments ranging from negative 15% to positive 60%.

40. (Unchanged) A selectively variable trail exercise system as recited in claim 35, wherein the user interface console further comprises:

upon initial user authentication, a means for displaying at least one positional element from the last preselected trail workout routine;

said means for displaying including means for turning on additional lighting segments behind the one which displays the user's position on the preselected trail workout routine, the number of turned on segments being proportional to the percentage of the workout routine completed.

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41. (Unchanged) A selectively variable trail exercise system as recited in claim 40, wherein the user interface console further comprises:

means for selecting a trail workout routine from an external database, the external database electronically sending control codes that govern grade changes and overall trail distances for the trail workout routine to the controller module;

means for displaying electronically transmitted trail workout routine parameters on the display device.

42. (Unchanged) A selectively variable trail exercise system as recited in claim 41, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, radio frequency transmission.

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37 43 (Amended) A selectively adjustable exercise system, comprising:

- B4
- (a) a support base;
 - (b) an operable member movably coupled to the support base;
 - (c) a user interface console electrically coupled to the operable; and
 - (d) a display device electrically coupled to user interface console, the display

device being capable of displaying trail workout information on a panel of said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

44. (Unchanged) A selectively adjustable exercise system as recited in claim 43, wherein the interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

45. (Unchanged) A system as recited in claim 43, wherein the workout information displayed by the display comprises: percentage of trail workout completion and elevation on the same panel.

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46. (Amended) A selectively adjustable exercise device, comprising:

(a) a support structure configured to support an operable member movably coupled to the support structure; and

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(b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display the progress of the user following the trail and workout information that changes at a rate proportional to the rate at which the user follows the trail and while the operable member is moved in accordance with the changes in the trail.

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Please add new claims:

~~20~~ ²⁰ 47. The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

~~49~~ ²¹ 48. The system as recited in claim ~~47~~ ²⁰, wherein the segments reflect an average slope change between said two points on said trail.

B7
~~32~~ ²² 49. The system as recited in claim ~~24~~ ²⁴, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

REMARKS

A. Background

The Applicants appreciate the opportunity for the Applicant's counsel to consult with the Examiner via telephone on June 12, 2001. At that time the Examiner agreed to consider the foregoing amendments and agreed in principal to the amendments to claim 24 (which claims, for example, that the claimed display reflects movement of the operable member), subject to: (i) the Applicants submitting the appropriate specific language; and (ii) any follow-up search deemed appropriate by the Examiner. By this response, Applicants amended claims 1, 24, 26, 33, 35, 43, and 46, and added claims 47-49. Accordingly, claims 1-49 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

Amended independent claims 1 and 46 recite that the indicator means is "adapted for displaying a topographical representation of the trail to be traversed by the user as a user exercises using the exercise apparatus." This is consistent with page 13, lines 2 and 3, page 18, line 21, and Figure 2 of the specification as originally filed.

Independent claims 24, 33, 35, 43 and 46 recite "a topographical representation of a trail to be traversed by a user," among other amendments. Such amendments are consistent with page 13, lines 2 and 3, page 18, line 21, Figure 2, and independent claim 26 as originally filed.

New dependent claim 47 recites that "indicator means comprises a plurality of workout segments represented between two points on a trail." Claim 47 is consistent with Figure 2 and page 9, lines 18-21 and Figure 2 of the specification as originally filed. New dependent claim 48 recites

that “the segments reflect an average slope change between said two points on said trail.” Claim 48 is consistent page 9, lines 18-21 of the specification as originally filed.

New dependent claim 49 recites “the display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.” Claim 49 includes elements recited in independent claim 24 as originally filed. Other changes to the specification and claims as originally filed are made to correct grammatical and typographical errors and/or to provide for antecedent basis in the claims.

For the foregoing reasons, Applicants respectfully submit that the amendments to the specification and the claims do not introduce new matter, and entry thereof is respectfully requested.

C. Rejections Under 35 U.S.C. § 102(e).

Claims 1-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,152,856, issued to Studor et al. (hereinafter “the Studor patent”). The Applicants respectfully submit that the claims, particularly as amended, are not anticipated by the Studor patent.

The Studor patent relates to a real time simulation system that uses position sensing. Specifically, Studor discloses “actual captured video of real world courses” (col. 9, lines 9-10). In contrast, rather than claiming “actual captured video of real world courses,” independent claims 1, 24, 33, 35, 43, and 46, recite “a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.” The Studor patent fails to disclose such a topographical representation.

Dependent claim 47 and 48, recite that “the indicator means comprises a plurality of workout segments represented between two points on a trail” and “wherein the segments reflect an average

B

slope change between said two points on said trail,” respectively. The Studor patent also fails to disclose such an indicator means.

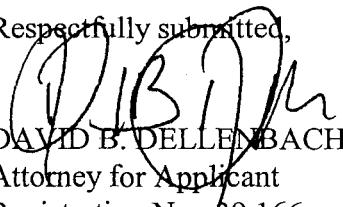
Applicants respectfully submit that pending claims 1-49, as amended and presented herein, are neither disclosed in the Studor patent nor obvious variations of the systems disclosed therein. Accordingly, it is respectfully submitted that claims 1-49, as amended and presented herein, overcome the rejections based on § 102.

D. Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

DATED this 18th day of July, 2001.

Respectfully submitted,


DAVID B. DELLENBACH
Attorney for Applicant
Registration No. 39,166
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
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FDR:vfw
G:\DATA\WPDOCS\VF\W\FDR\CLIENTS\13914\597\AMENDMENT A.DOC

1. (Amended) A virtual trail system for use on a selectively adjustable exercise apparatus having a support structure, the virtual trail system simulating a trail to be traversed by a user as the user exercises using the exercise apparatus, the virtual trail system comprising:

interface means for receiving workout related control inputs;

processor means, configured to be connected to the support structure of the exercise apparatus, for electronically computing operational information based at least in part on control inputs received from the interface means;

feedback means for conveying information concerning the amount of exercise performed by the user to the processor means;

indicator means, configured to be connected to the support structure of the exercise apparatus, for displaying workout information to the user at a rate proportional to the rate at which exercise is performed by the user, the indicator means being adapted for displaying a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.[indexing travel along the length of a workout trail from segment to segment until the end of the trail, the indicator means displaying workout information at a rate proportional to the rate at which exercise is performed by the user.]

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24. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the

interface console comprising a display device capable of displaying trail workout information, on [a panel of] said user interface console, said display device displaying [, said trail workout information comprising] a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member [at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.]

26. (Amended) The selectively adjustable exercise system as recited in claim 24, wherein said user interface console further comprises[:] a control interface comprising a direct adjustment keypad for selecting a desired grade of said operable member.

33. (Amended) A selectively inclining hiking system, comprising:

(a) a support base;

(b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and

(c) a virtual trail system connected to the support base, the virtual trail system comprising:

(i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the [user interface console]virtual trail system;

(ii) a control interface comprising direct adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and

(iii) a display device capable of displaying trail workout information on a panel of said [user interface console]virtual trail system, [said trail workout information comprising] the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, [elevation,] distance traveled along trail, and selected workout routine.

35. (Amended) A selectively variable trail exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising a direct adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

43. (Amended) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base;
- (c) a user interface console electrically coupled to the operable; and
- (d) a display device electrically coupled to user interface console, the display

device being capable of displaying trail workout information on a panel of said user interface console, said [trail workout information comprising] display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member[at least one of a percentage of trail workout completion, an elevation, a distance traveled along , workout segment difficulty, and a selected workout routine].

46. (Amended) A selectively adjustable exercise device, comprising:

(a) a support structure configured to support an operable member movably coupled to the support structure; and

(b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display [a representation of a trail to be followed by a user during an exercise workout and workout information associated with the user following the trail,] the progress of the user following the trail and [the displayed] workout information that changes[ing] at a rate proportional to the rate at which the user [is] follows[ing] the trail and[,] while the operable member is moved in accordance with the changes in the trail.

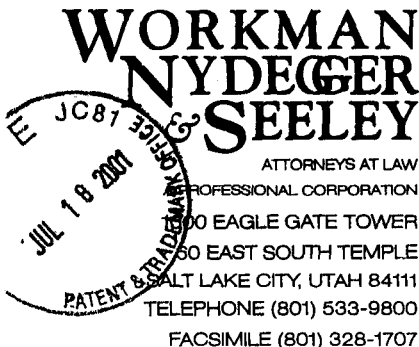
New Claims

47. The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

48. The system as recited in claim 47, wherein the segments reflect an average slope change between said two points on said trail.

49. The system as recited in claim 24, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

RECEIVED

Serial No.:

09/496,560

JUL 24 2001

Confirmation No.:

Unassigned

Filed:

February 2, 2000 TECHNOLOGY CENTER R3700

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

} Art Unit
3733

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL FOR RESUBMITTED AMENDMENT "A"
AND RESPONSE TO OFFICE ACTION

Dear Sir:

Resubmitted herewith is an amendment for entry in the above-identified application.:

- ☒ No additional fee is required.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR § 1.17.
- ☒ A Certificate of Express Mailing certifying a filing date by use of Express Mail Label No. EL 746 188 902 US

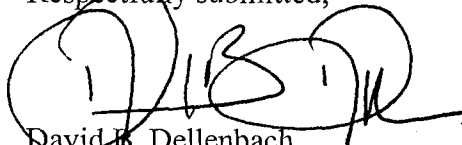
Assistant Commissioner for Patents
Page 2

☒ A duplicate copy of this transmittal letter is attached.

Please address all future correspondence in connection with the above-identified application to the attention of the undersigned.

Dated this 18th day of July, 2001.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

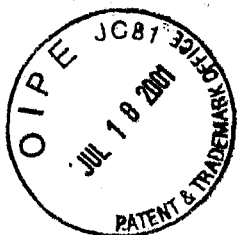


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PATENT APPLICATION
Docket No. 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

RECEIVED

Serial No.:

09/496,560

JUL 24 2001

Art Unit
3733

Confirmation No.:

Unassigned

TECHNOLOGY CENTER R3700

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Express Mail Label No. EL 746 188 902 US

Date of Deposit: July 18th, 2001.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, DC 20231:

- Transmittal Letter (2 pp. in duplicate)
- Resubmitted Amendment "A"
- A Certificate of Express Mailing certifying a filing date by use of Express Mail Label No. EL 746 188 902 US
- Postcard

Dated this 18th day of July, 2001.

Respectfully submitted,

Emily Mecham, Assistant to
David B. Dellenbach
Attorney for Applicant
Registration No. 39,166



022913

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H. ROSS WORKMAN
OF COUNSEL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

Confirmation No.:

Unassigned

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

RECEIVED

JUL 24 2001

TECHNOLOGY CENTER R3700

Art Unit
3733

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL FOR RESUBMITTED AMENDMENT "A"
AND RESPONSE TO OFFICE ACTION

Dear Sir:

Resubmitted herewith is an amendment for entry in the above-identified application.:

- ☒ No additional fee is required.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR § 1.17.
- ☒ A Certificate of Express Mailing certifying a filing date by use of Express Mail Label No. EL 746 188 902 US

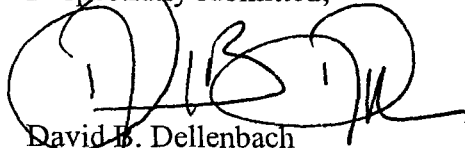
Assistant Commissioner for Patents
Page 2

☒ A duplicate copy of this transmittal letter is attached.

Please address all future correspondence in connection with the above-identified application to the attention of the undersigned.

Dated this 18th day of July, 2001.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166



022913

PATENT TRADEMARK OFFICE

DBD:em

G:\DATA\WPDOCS3\EMM\DBD\LETTERS\TRX\13914-597_B07_resub.doc

Notice of Allowability

Application No.
09/496,560

Applicant(s)
Ashby et al

Examiner
Glenn Richman

Art Unit
3764



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/01

2. ☒ The allowed claim(s) is/are 1-17 and 20-49

3. ☒ The drawings filed on Feb. 20, 2000 are acceptable as formal drawings.

4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.** This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.

(c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply 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)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☐ Information Disclosure Statement(s) (PTO-1449), Paper No(s). _____

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

9 ☐ Other

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. _____

6 ☐ Examiner's Amendment/Comment

8 ☐ Examiner's Statement of Reasons for Allowance

GLENN RICHMAN
PRIMARY EXAMINER
ART UNIT 3764

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

082913
WORKMAN HYDEGGER & SEELEY
1600 LARLE GATE TOWER
80 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

0832/1022

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/496,560	02/02/00	017	RICHMAN, G	0764 10/22/01
First Named Applicant	ASHBY, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	13914.597	462-008.000	NB0	UTILITY	NO	\$1380.00 01/22/02

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



DP

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

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

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

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

22913 7590 04/08/2002

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) 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 Fee(s) 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.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,560	02/02/2000	Darren C. Ashby	13914.597	6408

TITLE OF INVENTION: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
40	nonprovisional	NO	\$1280	\$0	\$1280	07/08/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
RICHTMAN, GLENN E	3764	482-008000

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. Workman, Nydegger
2. and Seeley
3. _____

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 USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☒ Advance Order - # of Copies 15

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) [Signature] (Date) 7/3/02
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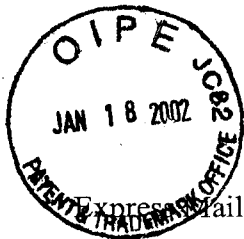
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1-22-02

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Express Mail Label No. EL 656 156 901 US

PATENT APPLICATION
Docket No.: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Ashby et al)
Serial No.: 09/496,560) Art Unit
Filed: February 2, 2000) 3764
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
Examiner: Glenn E. Richman)

AMENDMENT "B"

Commissioner for Patents
Washington, D. C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE CLAIMS:

Please delete claims 7-8, and 26-30.

Please amend the claims as follows:

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Match & Return

1. (Unchanged) A virtual trail system for use on a selectively adjustable exercise apparatus having a support structure, the virtual trail system simulating a trail to be traversed by a user as the user exercises using the exercise apparatus, the virtual trail system comprising:

interface means for receiving workout related control inputs;

processor means, configured to be connected to the support structure of the exercise apparatus, for electronically computing operational information based at least in part on control inputs received from the interface means;

feedback means for conveying information concerning the amount of exercise performed by the user to the processor means;

indicator means, configured to be connected to the support structure of the exercise apparatus, for displaying workout information to the user at a rate proportional to the rate at which exercise is performed by the user, the indicator means being adapted for displaying a topographical representation of a trail to be traversed by a user as the user exercises using the exercise apparatus.

2. (Unchanged) The system as recited in claim 1, wherein the workout information displayed by the indicator means comprises a simulated trail elevation of the user.

3. (Unchanged) The virtual trail system as recited in claim 1, wherein the workout information displayed by the indicator means comprises: percentage of trail workout completion and simulated trail elevation on the same display panel.

4. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises: a support base; and an operable member movably coupled to the support base.

5. (Unchanged) The virtual trail system as recited in claim 4, wherein the feedback means comprises an odometer coupled to the operable member to record traveled distances, the odometer being electronically attached to the processor means.

C, 6. (Amended) The virtual trail system as recited in claim 5, wherein the indicator means comprises a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

9. (Unchanged) The virtual trail system as recited in claim 4, wherein the virtual trail system further comprises a braking means for electronically slowing the speed of the operable member.

10. (Unchanged) The virtual trail system as recited in claim 9, wherein the braking means comprises a means for dissipating power generated by the virtual trail system, wherein said means for dissipating power is activated at operational points that are partially dependent on user attributes including user mass and force exerted by user and partially dependent on virtual trail system

parameters including inclination or declination positions, operating speed, and overall virtual trail system resistance.

11. (Unchanged) The system as recited in claim 9, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts.

12. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 100 Watts to approximately 700 Watts.

13. (Unchanged) The system as recited in claim 11, wherein the braking means dissipates excess power generated by the virtual trail system when the power generated by the system exceeds approximately 500 Watts.

14. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means comprises a single panel display device that illuminates indicators to report horizontal, vertical, and total trail distances traveled during the trail workout session by the user.

15. (Unchanged) The virtual trail system as recited in claim 14, wherein the single panel display device of the indicator means further comprises indicators to report to the user which trail workout is selected.

16. (Unchanged) The virtual trail system as recited in claim 15, wherein the single panel display device of the indicator means further comprises indicators to report percentage of completion for selected trail workout.

17. (Unchanged) The virtual trail system as recited in claim 1, wherein the interface means comprises at least one external database input interface for personalizing trail workout options according to the user.

18. (Unchanged) The virtual trail system as recited in claim 1, wherein the processor means is selected from the group consisting of: a controller, state machine, micro-processor, embedded system, and other means for processing and displaying information.

19. (Unchanged) The virtual trail system as recited in claim 1, wherein the indicator means and the interface means form a unitary display console electronically attached to the processor means and electronically associated with the feedback means.

20. (Unchanged) The virtual trail system as recited in claim 1, further comprising a means for dissipating power, said means for dissipating power being electronically coupled with the processor means.

21. (Unchanged) The virtual trail system as recited in claim 20, wherein the means for dissipating power includes a switch coupled to a power resistor for dissipating excess power generated by the virtual trail system at excessive inclinations.

22. (Unchanged) The virtual trail system as recited in claim 21, wherein said power resistor is a heating coil.

23. (Unchanged) The virtual trail system as recited in claim 1, wherein the selectively adjustable exercise apparatus comprises at least one of a treadmill, a skier exercise apparatus, an exercise bicycle, an aerobic elliptical exercise apparatus, a rowing apparatus, and a climbing exercise apparatus.

24. (Unchanged) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base; and
- (c) a user interface console electrically coupled to the operable member, the interface console comprising a display device capable of displaying trail workout information on said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

25. (Unchanged) The system as recited in claim 24, wherein the user interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

31. (Unchanged) A selectively adjustable exercise system as recited in claim 24, wherein the exercise system is a hiking exercise apparatus.

32. (Unchanged) The system as recited in claim 24, wherein the workout information displayed by the display device comprises a simulated trail elevation of the user.

27 ~~28~~ 33. (Amended) A selectively inclining hiking system, comprising:

- C2
- (a) a support base;
 - (b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and
 - (c) a virtual trail system connected to the support base, the virtual trail system comprising:
 - (i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the virtual trail system;
 - (ii) a control interface comprising adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and

cn2
C2

(iii) a display device capable of displaying trail workout information on a panel of said virtual trail system, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase, percentage of trail workout completion, distance traveled along trail, and selected workout routine.

34. (Unchanged) The selectively inclining treadmill system as recited in claim 33, wherein the treadbase selectively inclines between a -15% grade and a 60% grade.

29/35. (Amended) A selectively variable trail exercise system, comprising:

- C3
- (a) a support base;
 - (b) an operable member movably coupled to the support base; and
 - (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising an adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
 - (iii) a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a

topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

30
36. (Amended) The selectively variable trail exercise system as recited in claim 29,
wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail
selectively including at least one midway point.

31
37. (Amended) The selectively variable trail exercise system as recited in claim 30,
wherein said topographically based routines include the average grade and distance to be traveled
between the beginning point, the end point, and the selective midway points.

38. (Unchanged) The selectively variable trail exercise system as recited in claim 35,
wherein said trail workout information comprises at least one of: elevation, distance traveled, and
progress along a trail of selected workout routine.

39. (Unchanged) The selectively variable trail exercise system as recited in claim 35,
wherein said topographically based routines include moderate, challenging, or extreme workout
trails, wherein the moderate trails contain grade adjustments ranging from negative 5% to positive
20%, challenging trails include grade adjustments ranging from negative 10% to positive 40%, and
extreme trails include adjustments ranging from negative 15% to positive 60%.

40. (Unchanged) A selectively variable trail exercise system as recited in claim 35, wherein the user interface console further comprises:

upon initial user authentication, a means for displaying at least one positional element from the last preselected trail workout routine;

said means for displaying including means for turning on additional lighting segments behind the one which displays the user's position on the preselected trail workout routine, the number of turned on segments being proportional to the percentage of the workout routine completed.

41. (Unchanged) A selectively variable trail exercise system as recited in claim 40, wherein the user interface console further comprises:

means for selecting a trail workout routine from an external database, the external database electronically sending control codes that govern grade changes and overall trail distances for the trail workout routine to the controller module;

means for displaying electronically transmitted trail workout routine parameters on the display device.

C2 3042. (Amended) A selectively variable trail exercise system as recited in claim ³⁹~~41~~, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, and radio frequency transmission.

43. (Unchanged) A selectively adjustable exercise system, comprising:

- (a) a support base;
- (b) an operable member movably coupled to the support base;
- (c) a user interface console electrically coupled to the operable; and
- (d) a display device electrically coupled to user interface console, the display

device being capable of displaying trail workout information on a panel of said user interface console, said display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

44. (Unchanged) A selectively adjustable exercise system as recited in claim 43, wherein the interface console comprises a controller which selectively controls the inclination and speed of the operable member based on input signals generated or received by the user interface console.

45. (Unchanged) A system as recited in claim 43, wherein the workout information displayed by the display comprises: percentage of trail workout completion and elevation on the same panel.

46. (Unchanged) A selectively adjustable exercise device, comprising:

(a) a support structure configured to support an operable member movably coupled to the support structure; and

(b) a user interface console connected to the support structure and electrically coupled to the operable member, the interface console comprising a display device capable of displaying a topographical representation of a trail to be traversed by a user, the display device further being configured to display the progress of the user following the trail and workout information that changes at a rate proportional to the rate at which the user follows the trail and while the operable member is moved in accordance with the changes in the trail.

47. (Unchanged) The system as recited in claim 1, wherein the indicator means comprises a plurality of workout segments represented between two points on a trail.

48. (Unchanged) The system as recited in claim 47, wherein the segments reflect an average slope change between said two points on said trail.

49. (Unchanged) The system as recited in claim 24, wherein said display device displaying at least one of a percentage of trail workout completion, an elevation, a distance traveled along, workout segment difficulty, and a selected workout routine.

REMARKS

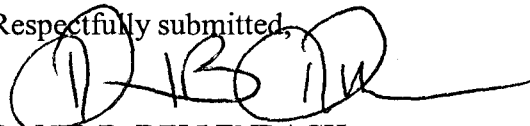
Proposed Amendments

The amendments to the claims are minor in character, including deletion of certain dependent claims, the minor amendments to claims 33 and 35, and amendment of certain typographical errors.

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

DATED this 18th day of January, 2002.

Respectfully submitted,



DAVID B. DELLENBACH

Attorney for Applicant

Registration No. 39,166

WORKMAN, NYDEGGER & SEELEY

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

FDR:vfw
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

6. (Unchanged) The virtual trail system as recited in claim 5, wherein the indicator means comprises a vertical display panel electrically associated with the odometer such that said vertical display panel illuminates indicators to report vertical distance traveled based on grade and distance measurements taken during a trail workout session.

33. (Amended) A selectively inclining hiking system, comprising:

- (a) a support base;
- (b) a treadbase having a proximal end, a distal end, and an intermediate portion therebetween, the treadbase being pivotally coupled to the support base; and
- (c) a virtual trail system connected to the support base, the virtual trail system comprising:
 - (i) a controller module which selectively controls the inclination and speed of the treadbase based on input signals generated or received by the virtual trail system;
 - (ii) a control interface comprising [direct] adjustment keypads for selecting a desired grade and a desired speed of said treadbase; and
 - (iii) a display device capable of displaying trail workout information on a panel of said virtual trail system, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting inclination of the treadbase,

percentage of trail workout completion, distance traveled along trail, and selected workout routine.

35. (Amended) A selectively variable trail exercise system, comprising:

- (a) a support base;
 - (b) an operable member movably coupled to the support base; and
 - (c) a user interface console, comprising:
 - (i) a controller module which selectively controls the resistance and speed of the operable member based on input signals generated or received by the user interface console, said controller module comprising a means for selecting a predesigned trail containing topographically based workout routines;
 - (ii) a control interface comprising an [direct] adjustment keypad for selecting at least one of a desired grade and speed of said operable member; and
- a display device capable of displaying trail workout information on at least one display panel of said user interface console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.

36. (Amended) The selectively variable trail exercise system as recited in claim 35, wherein said predesigned trail has at least a beginning point and an end point, said predesigned trail selectively including at least one midway point[; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail].

37. (Amended) The selectively variable trail exercise system as recited in claim [35]36, wherein said topographically based routines include the average grade and distance to be traveled between the beginning point, the end point, and the selective midway points.

42. (Amended) A selectively variable trail exercise system as recited in claim 41, wherein the means for selecting a trail workout routine from an external database comprises a communication line connection selected from the group consisting of PSTN, DSL, G-Lite, cable modem, wireless, WAN line, and radio frequency transmission.



PATENT APPLICATION
Docket No: 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Ashby et al.	)
		)
Serial No.:	09/496,560	)Art Unit
		)3733
Confirmation No.:	Unassigned	)
		)
Filed:	2/2/00	)
		)
For:	SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS	)
		)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

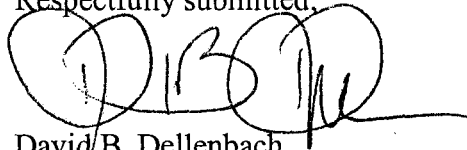
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

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Dated this 18th day of January, 2002.

Respectfully submitted,

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David B. Dellenbach
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Registration No. 39,166

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File No. 13914.597

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

Confirmation No.:

Unassigned

Filed:

2/2/00

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Assistant Commissioner for Patents
Washington, DC 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Dear Sir:

Applicant hereby submits a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 in the above-identified application.

Pursuant to 37 C.F.R. § 1.114, please consider the following previously submitted documents:

- ☐ Amendment(s) _____ under 37 C.F.R. § 1.116 filed on _____.
- ☐ The arguments in the Appeal Brief or Reply Brief previously filed on _____.
- ☐ Other _____.

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Page 203 of 316

Pursuant to 37 C.F.R. § 1.114, please consider the following submission:

- ☒ Amendment 'B' (16 pp.).
- ☐ Affidavit(s)/Declaration(s).
- ☒ Supplemental Information Disclosure Statement (2 pp.)
- ☒ Supplemental Form PTO-1449 listing 26 references submitted for consideration (2 pp).
- ☒ Copies of the 26 references listed on the Form PTO-1449.
- ☐ Other _____
- ☒ The Commissioner is hereby authorized via the enclosed Credit Card Payment Form PTO-2038 to charge in the amount of \$ 740.00 to cover the charges listed below and to credit any over payment to the credit card account number in the enclosed Credit Card Payment Form PTO-2038.
- ☒ The RCE fee of \$740.00 as required under 37 C.F.R. § 1.17(e).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
 - ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 - ☒ Any patent application processing fees under 37 CFR § 1.17.
- ☒ A Certificate of Express Mailing certifying a filing date by use of Express Mail Label No. EL 656 156 901 US
- ☒ Credit Card Payment Form PTO-2038 is enclosed.
- ☒ A duplicate copy of this transmittal letter is attached.

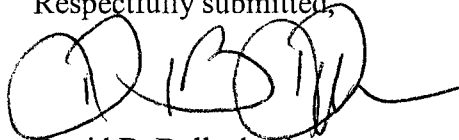
Please address all future correspondence in connection with the above-identified application to the attention of the undersigned.

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Assistant Commissioner for Patents
Page 3

Dated this 18th day of January, 2002.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166



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† ADMITTED ONLY IN CALIFORNIA

PATENT APPLICATION

File No. 13914.597

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

Confirmation No.:

Unassigned

Filed:

2/2/00

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Art Unit
3733

Assistant Commissioner for Patents
Washington, DC 20231

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Assistant Commissioner for Patents
Page 2

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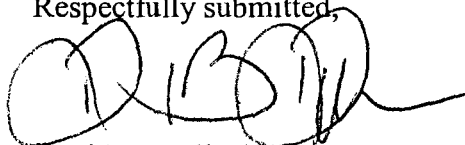
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Assistant Commissioner for Patents
Page 3

Dated this 18th day of January, 2002.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166



022913

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PATENT APPLICATION
Docket No. 13914.597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

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Unassigned

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2/2/00

For:

SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Art Unit
3733

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Date of Deposit: January 18th, 2002.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231:

- Transmittal Letter, including Request for Continued Examination (RCE) (3 pp. in duplicate)
- Amendment "B" (16 pp.)
- Supplemental Information Disclosure Statement (2 pp.)
- Supplemental Form PTO-1449 (2 pp.)
- Copy of the 26 references listed on the Form PTO-1449
- Credit Card Payment Form PTO-2038
- Certificate of Express Mail Label No. EL 656 156 901 US
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Dated this 18th day of January, 2002.

Respectfully submitted,

Emily Mecham, Assistant to
David B. Dellenbach
Attorney for Applicant
Registration No. 39,166



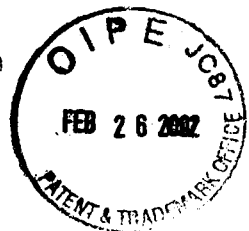
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PATENT APPLICATION
Docket No: 13914.597

#10/10/02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ashby et al.)
Serial No.: 09/496,560) Art Unit
Confirmation No.: Unassigned) 3733
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UNDER 37 C.F.R. § 1.97

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Sir:

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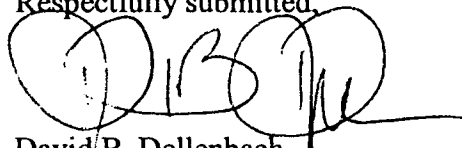
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Facsimile: (801) 328-1707

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Form PTO-1449

Applicants:

Darren C. Ashby et al.

Serial No.:

09/496,560

Filing Date:

February 2, 2000

For:

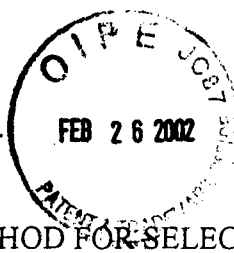
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Sheet 2 of 2

Att'y Docket No.: 13914.597

Group: 3733



<u>N</u> 24	6,106,297	08/22/00	Pollak et al.	434	16
<u>S</u> 25	6,211,451 B1	04/03/01	Tohgi et al.	84	470 R
<u>S</u> 26	6,231,482 B1	05/15/01	Thompson	482	37

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

C. Rahman

Date Considered:

4/6/08

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*EXAMINER'S INITIALS
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not in conformance and not considered. Include copy of this form with next communication to applicant. Page 213 of 316

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PATENT APPLICATION
Docket No: 13914.597

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ashby et al.

Serial No.:

09/496,560

Filed:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

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Assistant Commissioner for Patents
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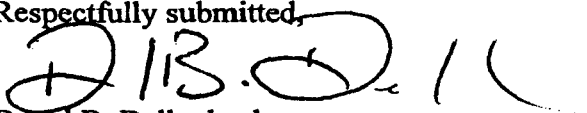
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Dated this 10th day of May, 2000.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166

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Salt Lake City, Utah 84111
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Facsimile: (801) 328-1707

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SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class
~~1~~	3,518,985	07/07/70	Quinton	128	2.06
~~2~~	4,860,763	08/29/89	Schminke	128	707
~~3~~	5,020,795	06/04/91	Airy et al.	272	129
~~4~~	5,054,774	10/08/91	Belsito	272	130
~~5~~	5,078,152	01/07/92	Bond et al.	128	774
~~6~~	5,113,427	05/12/92	Ryoichi et al.	379	57
~~7~~	5,308,296	05/03/94	Eckstein	482	5
~~8~~	5,314,391	05/24/94	Potash et al.	482	7
~~9~~	5,433,679	07/18/95	Szymczak et al.	482	54
~~10~~	5,462,051	10/31/95	Oka et al.	128	630
~~11~~	5,462,504	10/31/95	Trulaske et al.	482	7
~~12~~	5,527,239	06/18/96	Abbondanza	482	8
~~13~~	5,619,991	04/15/97	Sloane	128	630
~~14~~	5,720,771	02/24/98	Snell	607	60
~~15~~	5,738,612	04/14/98	Tsuda	482	8
~~16~~	5,759,199	06/02/98	Snell et al.	607	60
~~17~~	5,779,596	07/14/98	Weber	482	4
~~18~~	5,845,230	12/01/98	Lamberson	702	56
~~19~~	5,865,733	02/02/99	Malinouskas et al.	600	300
~~20~~	5,873,369	02/23/99	Laniado et al.	128	903
~~21~~	5,911,132	06/08/99	Sloane	705	3
~~22~~	5,911,687	06/15/99	Sato et al.	600	300
~~23~~	5,917,405	06/29/99	Joao	340	426

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if

Applicants: Darren C. Ashby et al.
Serial No.: 09/496,560
Filing Date: February 2, 2000
For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS



Att'y Docket No.: 13914.597
Group: 3733

<u>24</u>	5,961,561	10/05/99	Wakefield, II	701	29
<u>25</u>	5,964,701	10/12/99	Asada et al.	600	300
<u>26</u>	5,967,975	10/19/99	Ridgeway	600	300
<u>27</u>	5,995,868	11/30/99	Dorfmeister et al.	600	544
<u>28</u>	5,997,476	12/07/99	Brown	600	300
<u>29</u>	6,014,432	01/11/00	Modney	379	106.02
<u>30</u>	6,050,924	04/18/00	Shea	482	57
<u>31</u>	6,033,344	03/07/00	Trulaske et al.	482	7
<u>32</u>	6,059,692	05/09/00	Hickman	482	8

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Other Documents
(including author, title, pertinent pages, etc.)

Examiner
Initial*

- 33 *The FitLinxx Interactive Fitness Network™, Fitlinxx Interactive Fitness Corp., brochure, 1998.*
- 34 *The Difference Between Surviving and Thriving May be as Simple as FitLinxx™, Fitlinxx Interactive Fitness Corp., brochure, 1998.*
- 35 *Sweat.equity, Forbes.com, www.forbes.com, February 1998.*
- 36 *Netpulse, Networkingout--Coming Distractions: Netpulse Helps Exercisers Surf the Net at the Gym, Accomplish Several Goals at Once, www.netpulse.com, April 1998.*
- 37 *Netpulse, Instead of having an equipment repair technician traveling over hill and dale, you may soon have equipment repaired via the internet, www.netpulse.com, July 1998.*
- 38 *Netpulse, Infotech is supposed to make life easier-remember? Here's how to be sure it does., www.netpulse.com, August 1998.*
- 39 *Netpulse, Exercise station connects to the Net, Now you can sweat to the Net., www.netpulse.com, September 1998.*
- 40 *Netpulse, New Fitness Equipment Combines Internet, Sweat, Now you can surf and sweat, www.netpulse.com, January 1999.*
- 41 *Netpulse, Hop In, Log On and Sweat, Netpulse exercise machines are the latest Web feat, www.netpulse.com, February 1999.*
- 42 *Netpulse ClubWatch™, Internet Powered Service, brochure, April 1999.*

Examiner: C.R. Hickman Date Considered: 4/6/02

Form PTO-1449

Applicants:

Darren C. Ashby et al.

Serial No.:

09/496,560

Filing Date:

February 2, 2000

For:

SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF
EXERCISE APPARATUS



COPY OF PAPERS
FINALLY FILED

Sheet 3 of 3

Att'y Docket No.: 13914.597

Group: 3733

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with the guidelines, or not in conformance and not considered. Include copy of this form with next communication to applicant.

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

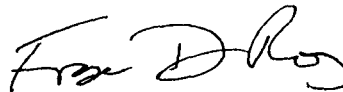
Page 218 of 316

Commissioner for Patents
Page 2

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 26 day of January 2001.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicants
Registration No. 45,666

WORKMAN, NYDEGGER & SEELEY
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Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

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Applicant: Icon Health and Fitness, Inc
 Serial No.: 09/496,560
 Filing Date: February 2, 2000
 For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

Att'y Docket No. 13914.597

Group:

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

Examiner Initial*	Patent Number	Issue Date	Name	Class	Sub Class	Filing Date
<u> </u>	A1	Des. 348,493	07/05/94 Ashby	D21	192	04/08/93
<u> </u>	A2	3,602,502	08/31/71 Hampl	272	69	04/20/70
<u> </u>	A3	4,151,988	05/01/79 Nabinger	272	69	05/26/77
<u> </u>	A4	4,544,152	10/01/85 Taitel	272	69	07/25/83
<u> </u>	A5	4,659,074	04/21/87 Taitel et al.	272	69	03/14/85
<u> </u>	A6	4,687,195	08/18/87 Potts	272	69	02/06/84
<u> </u>	A7	4,842,266	06/27/89 Sweeney, Sr. et al.	272	69	08/27/86
<u> </u>	A8	4,848,737	07/18/89 Ehrenfield	272	70	10/01/87
<u> </u>	A9	4,927,136	05/22/90 Leask	272	69	01/06/89
<u> </u>	A10	4,998,725	03/12/91 Watterson et al.	272	129	02/03/89
<u> </u>	A11	5,062,632	11/05/91 Dalebout et al.	272	129	12/22/89
<u> </u>	A12	5,067,710	11/26/91 Watterson et al.	272	129	09/29/89
<u> </u>	A13	5,104,120	04/14/92 Watterson et al.	482	5	02/03/89
<u> </u>	A14	5,145,475	09/08/92 Cares	482	52	04/25/91
<u> </u>	A15	5,149,084	09/22/92 Dalebout et al.	482	3	02/20/90
<u> </u>	A16	5,195,935	03/23/93 Fencel	482	70	12/20/90
<u> </u>	A17	5,328,420	07/12/94 Allen	482	52	07/19/93
<u> </u>	A18	5,328,422	07/12/94 Nichols	482	52	07/30/93
<u> </u>	A19	5,352,166	10/04/94 Chang	482	52	09/28/93
<u> </u>	A20	5,382,209	01/17/95 Pasier et al.	482	70	02/08/93
<u> </u>	A21	5,489,249	02/06/96 Brewer et al.	482	5	04/08/94
<u> </u>	A22	5,512,025	04/30/96 Dalebout et al.	482	6	07/02/91

Examiner: CRDate Considered: 4/6/02

*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

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 221 of 316

Applicant: Icon Health and Fitness, Inc.
 Serial No.: 09/496,560
 Filing Date: February 2, 2000
 For: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATU

Att'y Docket No. 13914,597

Group:

Examiner Initial*	Patent Number	Issue Date	Name	Class	Sub Class	Filing Date
<i>N</i>	A23	5,626,539	05/06/97 Piaget et al.	482	54	01/19/96
	A24	5,645,509	07/08/97 Brewer et al.	482	4	07/22/94
	A25	5,743,833	04/28/98 Watterson et al.	482	54	01/30/96
	A26	5,752,897	05/19/98 Skowronski et al.	482	54	12/18/95
	A27	5,810,696	09/22/98 Webb	482	52	10/09/95
	A28	5,836,770	11/17/98 Powers	434	247	10/08/96
<i>N</i>	A29	5,888,172	03/30/99 Andrus et al.	482	7	07/01/97

Other DocumentsReferences Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

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Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

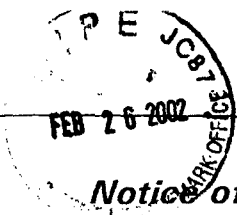
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Examiner: *CR*Date Considered: *4/6/02*

*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.

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 222 of 316



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ORIGINALLY FILED

Notice of References Cited

Application No. 09/496,560	Applicant(s) Ashby et al	
Examiner Glenn Richman	Group Art Unit 3764	Page 1 of 1

U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	6,013,007	1/2000	Root et al	482	8	
B	5,702,323	12/1997	Poulton	482	8	
C	6,152,856	11/2000	Studor et al	482	8	
D						
E						
F						
G						
H						
I						
J						
K						
L						
M						

FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS		
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

Notice of Allowability

Application No.
09/496,560

Applicant(s)
Ashby et al

Examiner
Glenn Richman

Art Unit
3764



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/26/02
2. ☒ The allowed claim(s) is/are 1-6, 9-17, 20-25, and 31-49
3. ☒ The drawings filed on Feb 20, 2000 are acceptable as formal drawings.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply 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)

1 ☐ Notice of References Cited (PTO-892)	2 ☐ Notice of Informal Patent Application (PTO-152)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	4 ☐ Interview Summary (PTO-413), Paper No. _____
5 ☒ Information Disclosure Statement(s) (PTO-1449), Paper No(s). <u>13</u>	6 ☐ Examiner's Amendment/Comment
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	8 ☐ Examiner's Statement of Reasons for Allowance
9 ☐ Other	

GLENN RICHMAN
PRIMARY EXAMINER
ART UNIT 3764



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

22913 7590 04/08/2002
WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER	
RICHMAN, GLENN E	
ART UNIT	CLASS-SUBCLASS
3764	482-008000

DATE MAILED: 04/08/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,560	02/02/2000	Darren C. Ashby	13914.597	6408

TITLE OF INVENTION: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
40	nonprovisional	NO	\$1280	\$0	\$1280	07/08/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) 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. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY 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 the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or
B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- If the SMALL ENTITY is shown as NO:
A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application 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.

PART B - FEE(S) TRANSMITTAL

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

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

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)			Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) 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 Fee(s) 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.
22913	7590	04/08/2002	
WORKMAN NYDEGGER & SEELEY 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			
			(Depositor's name)
			(Signature)
			(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,560	02/02/2000	Darren C. Ashby	13914.597	6408

TITLE OF INVENTION: SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
40	nonprovisional	NO	\$1280	\$0	\$1280	07/08/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
RICHMAN, GLENN E	3764	482-008000

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 _____ 2 _____ 3 _____

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 USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed: ☐ Issue Fee ☐ Publication Fee ☐ Advance Order - # of Copies _____	4b. Payment of Fee(s): ☐ A check in the amount of the fee(s) is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) _____	(Date) _____
NOTE: The Issue Fee and Publication Fee (if required) 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 United States 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, United States 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,560	02/02/2000	Darren C. Ashby	13914.597	6408
22913	7590	04/08/2002	EXAMINER	
WORKMAN NYDEGGER & SEELEY 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111 UNITED STATES			RICHMAN, GLENN E	
			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 04/08/2002				

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 0 days. Any patent to issue from the above identified application will include an indication of the 0 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

WORKMAN
NYDEGGER
& SEELEY

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BRETT A. HANSEN
BRETT I. JOHNSON

† ADMITTED ONLY IN CALIFORNIA

15
PATENT
Docket No. 13914.597
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Darren C. Ashby; Scott R. Watterson; Kirk Lorrigan

Serial No.: 09/496,560

)
)
)
) Art Unit
) 3764

Filed: Feb. 2, 2000

For: SYSTEM AND METHOD FOR SELECTIVE
ADJUSTMENT OF EXERCISE APPARATUS

Examiner: Glenn E. Richman

Patent No.: 6,447,424

Issue Date: Sept. 10, 2002

PETITION UNDER 37 C.F.R. § 1.183

Box DAC, Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.323, Applicant hereby requests that 37 C.F.R. § 3.81(a) be waived to permit the name of the assignee to be provided after the issuance of the payment. The appropriate petition fee under 37 C.F.R. § 1.17(h) is included herein. Failure to include the correct assignee name on the PTOL-85b was inadvertent. Enclosed please find a copy of the notice of recordation of the assignment document. Please direct the petition to the Office of Petitions.

04/15/2003 AWONDAF1 00000043 6447424

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130.00 DP

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Assistant Commissioner for Patents
Page 2

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Duplicate copies of this letter are enclosed.

Dated this 8 day of April 2003.

Respectfully submitted,



Fraser D. Roy
Attorney for Patentee
Registration No. 45,666



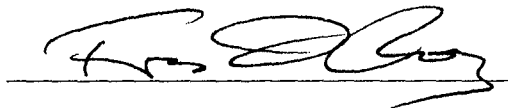
022913

PATENT TRADEMARK OFFICE

FDR:jdh
Docket: 13914.597
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CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.10

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Page 2

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Duplicate copies of this letter are enclosed.

Dated this 8 day of April 2003.

Respectfully submitted,



Fraser D. Roy
Attorney for Patentee
Registration No. 45,666



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PATENT TRADEMARK OFFICE

FDR:jdh

Docket: 13914.597

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JULY 15, 2000



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SALT LAKE CITY, UT 84111

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RECORDATION DATE: 05/10/2000

REEL/FRAME: 010782/0401
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ASHBY, DARREN C.

DOC DATE: 03/13/2000

ASSIGNOR:
WATTERSON, SCOTT R.

DOC DATE: 03/13/2000

ASSIGNOR:
LORRIGAN, KIRK

DOC DATE: 03/13/2000

ASSIGNEE:
ICON HEALTH & FITNESS, INC.
1500 SOUTH 1000 WEST
LOGAN, UTAH 84321

SERIAL NUMBER: 09496560
PATENT NUMBER:

FILING DATE: 02/02/2000
ISSUE DATE:

010782/0401 PAGE 2

JACQUELINE MOORE, PARALEGAL
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FEBRUARY 07, 2002

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RECORDATION DATE: 08/28/2001

REEL/FRAME: 012365/0100
NUMBER OF PAGES: 33

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ICON HEALTH & FITNESS, INC.

DOC DATE: 06/29/2001

ASSIGNEE:
ICON IP, INC.
1500 SOUTH 1000 WEST
LOGAN, UTAH 84321

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PATENT NUMBER:

FILING DATE: 11/29/1993
ISSUE DATE:

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PATENT NUMBER:

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FILING DATE: 02/09/1999
ISSUE DATE: 07/17/2001

012365/0100 PAGE 2

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↑

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012365/0100 PAGE 4

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012365/0100 PAGE 5

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012365/0100 PAGE 6

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012365/0100 PAGE 7

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012365/0100 PAGE 8

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012365/0100 PAGE 9

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012365/0100 PAGE 10

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PATENT NUMBER: D384118	ISSUE DATE: 09/23/1997
SERIAL NUMBER: 08593798	FILING DATE: 01/30/1996
PATENT NUMBER: 5672140	ISSUE DATE: 09/30/1997
SERIAL NUMBER: 08593796	FILING DATE: 01/30/1996
PATENT NUMBER: 5674453	ISSUE DATE: 10/07/1997
SERIAL NUMBER: 08593795	FILING DATE: 01/30/1996
PATENT NUMBER: 5674156	ISSUE DATE: 10/07/1997
SERIAL NUMBER: 08594271	FILING DATE: 01/30/1996
PATENT NUMBER: 5676624	ISSUE DATE: 10/14/1997
SERIAL NUMBER: 08593797	FILING DATE: 01/30/1996
PATENT NUMBER: 5683332	ISSUE DATE: 11/04/1997
SERIAL NUMBER: 08360562	FILING DATE: 12/21/1994
PATENT NUMBER: 5683331	ISSUE DATE: 11/04/1997
SERIAL NUMBER: 08382342	FILING DATE: 02/01/1995
PATENT NUMBER: 5695434	ISSUE DATE: 12/09/1997
SERIAL NUMBER: 08594846	FILING DATE: 01/31/1996
PATENT NUMBER: 5695435	ISSUE DATE: 12/09/1997
SERIAL NUMBER: 08634548	FILING DATE: 04/18/1996
PATENT NUMBER: 5695433	ISSUE DATE: 12/09/1997

012365/0100 PAGE 11

SERIAL NUMBER: 29059098	FILING DATE: 09/03/1996
PATENT NUMBER: D387825	ISSUE DATE: 12/16/1997
SERIAL NUMBER: 08593794	FILING DATE: 01/30/1996
PATENT NUMBER: 5702325	ISSUE DATE: 12/30/1997
SERIAL NUMBER: 08593799	FILING DATE: 01/30/1996
PATENT NUMBER: 5704879	ISSUE DATE: 01/06/1998
SERIAL NUMBER: 08719491	FILING DATE: 09/25/1996
PATENT NUMBER: 5711743	ISSUE DATE: 01/27/1998
SERIAL NUMBER: 08593801	FILING DATE: 01/30/1996
PATENT NUMBER: 5718657	ISSUE DATE: 02/17/1998
SERIAL NUMBER: 08657632	FILING DATE: 05/30/1996
PATENT NUMBER: 5720698	ISSUE DATE: 02/24/1998
SERIAL NUMBER: 08412096	FILING DATE: 03/28/1995
PATENT NUMBER: 5722922	ISSUE DATE: 03/03/1998
SERIAL NUMBER: 29054016	FILING DATE: 05/06/1996
PATENT NUMBER: D392006	ISSUE DATE: 03/10/1998
SERIAL NUMBER: 08382343	FILING DATE: 02/01/1995
PATENT NUMBER: 5733229	ISSUE DATE: 03/31/1998
SERIAL NUMBER: 08593800	FILING DATE: 01/30/1996
PATENT NUMBER: 5743833	ISSUE DATE: 04/28/1998
SERIAL NUMBER: 08382344	FILING DATE: 02/01/1995
PATENT NUMBER: 5762587	ISSUE DATE: 06/09/1998
SERIAL NUMBER: 08399200	FILING DATE: 03/06/1995
PATENT NUMBER: 5762584	ISSUE DATE: 06/09/1998
SERIAL NUMBER: 08593802	FILING DATE: 01/30/1996
PATENT NUMBER: 5772560	ISSUE DATE: 06/30/1998
SERIAL NUMBER: 08635075	FILING DATE: 04/19/1996
PATENT NUMBER: 5810698	ISSUE DATE: 09/22/1998
SERIAL NUMBER: 08303434	FILING DATE: 09/09/1994
PATENT NUMBER: 5827155	ISSUE DATE: 10/27/1998
SERIAL NUMBER: 08740929	FILING DATE: 11/05/1996
PATENT NUMBER: 5830114	ISSUE DATE: 11/03/1998
SERIAL NUMBER: 08644050	FILING DATE: 05/09/1996
PATENT NUMBER: 5860894	ISSUE DATE: 01/19/1999
SERIAL NUMBER: 08846942	FILING DATE: 04/30/1997
PATENT NUMBER: 5860893	ISSUE DATE: 01/19/1999

012365/0100 PAGE 12

SERIAL NUMBER: 08959237
PATENT NUMBER: 5899834

FILING DATE: 10/28/1997
ISSUE DATE: 05/04/1999

SERIAL NUMBER: 29095210
PATENT NUMBER: D412953

FILING DATE: 10/19/1998
ISSUE DATE: 08/17/1999

SERIAL NUMBER: 08994474
PATENT NUMBER: 5951441

FILING DATE: 12/19/1997
ISSUE DATE: 09/14/1999

SERIAL NUMBER: 29089662
PATENT NUMBER: D413948

FILING DATE: 06/19/1998
ISSUE DATE: 09/14/1999

SERIAL NUMBER: 29095219
PATENT NUMBER: D416596

FILING DATE: 10/19/1998
ISSUE DATE: 11/16/1999

SERIAL NUMBER: 08996616
PATENT NUMBER: 6003166

FILING DATE: 12/23/1997
ISSUE DATE: 12/21/1999

SERIAL NUMBER: 09003322
PATENT NUMBER: 6019710

FILING DATE: 01/06/1998
ISSUE DATE: 02/01/2000

SERIAL NUMBER: 08242306
PATENT NUMBER: 6027429

FILING DATE: 05/13/1994
ISSUE DATE: 02/22/2000

SERIAL NUMBER: 09231208
PATENT NUMBER: 6033347

FILING DATE: 01/14/1999
ISSUE DATE: 03/07/2000

SERIAL NUMBER: 29063088
PATENT NUMBER: D425940

FILING DATE: 11/26/1996
ISSUE DATE: 05/30/2000

SERIAL NUMBER: 09247159
PATENT NUMBER: 6171217

FILING DATE: 02/09/1999
ISSUE DATE: 01/09/2001

SERIAL NUMBER: 09160947
PATENT NUMBER: 6174267

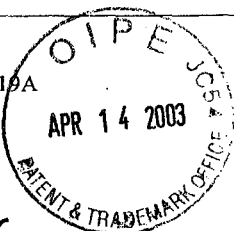
FILING DATE: 09/25/1998
ISSUE DATE: 01/16/2001

SERIAL NUMBER: 09042755
PATENT NUMBER: 6228003

FILING DATE: 03/17/1998
ISSUE DATE: 05/08/2001

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Patent Application Number(s)

Patent Number(s)

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If this document is being filed together with a new Patent Application, enter the date the patent application was

Month Day Year

Patent Cooperation Treaty (PCT)

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Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

8,400.00

Method of Payment:

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Deposit Account ☐

(Fees previously paid)

Deposit Account

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Jonathan W. Richards

Name of Person Signing

Signature

November 8, 2001

Date

SCHEDULE A

PENDING U.S. PATENT APPLICATIONS

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Title</u>
08/158,412	11/29/1993	Ashby	Upper Body Exerciser
08/942,810	10/02/1997	Watterson, Dalebout	Reorienting Treadmill
09/196,504	11/20/1998	Watterson, Dalebout	Exercise Apparatus with Pivoting Treadmill and Pivoting Bench
09/247,160	02/09/1999	Dalebout, Hald	Adjustable Dumbbell and System
09/349,608	07/08/1999	Watterson, Dalebout, Ashby	Systems & Methods for Providing an Improved Exercise Device with Motivational Programming
09/437,387	11/10/1999	Dalebout, Odell	Treadmill With Adjustable Cushioning Members
09/470,605	12/22/1999	Dalebout, Hammer, Hendrickson	Fold-Out Treadmill
09/496,560	02/02/2000	Ashby, Watterson, Lorrigan	System & Method for Selective Adjustment of Exercise Apparatus
09/496,569	02/20/2000	Cuter, Watterson, Dalebout, Hammer, Finlayson	Hiking Exercise Apparatus
09/527,042	03/16/2000	Hammer, Fry, Dalebout, Watterson, Butler	Low-Profile Folding, Motorized Treadmill
09/641,627	08/18/2000	Watterson, Dalebout, Ashby	Systems and Methods for Providing an Improved Exercise Device with Motivational Programming
09/641,600	08/18/2000	Watterson, Dalebout, Ashby	Computer Systems & Methods for Interaction with Exercise Device
09/641,220	08/18/2000	Watterson, Dalebout, Ashby	Systems & Methods for Interaction With Exercise Device
09/670,643	09/27/2000	S. Watterson, D. Watterson, Brough, Crosby, Logan	Systems and Methods for Providing an Electronic Community of Vendors
09/737,392	12/15/2000	Dalebout, Butler, Dam	Selectively Dynamic Exercise Platform

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Title</u>
09/738,872	12/15/2000	Dalebout, Butler	Spinning Exercise Cycle With Lateral Movement
09/775,309	02/01/2001	Watterson, Dalebout, Plott, McKendrick	Transformer Treadmill Patent
09/776,410	02/02/2001	Watterson, Dalebout, Ashby	Methods & Systems for Controlling an Exercise Apparatus Using a Portable Remote Device
09/777,141	02/05/2001	Dalebout	Treadmill with Adjustable Cushion
29/139,744	04/13/2001	Dalebout, Butler	Flashlight
09/835,070	04/13/2001	Dalebout, Butler	Illumination Device Having Multiple Light Sources
29/140,322	04/13/2001	Dalebout, Butler	Knurled Flashlight Grip
29/140,250	04/13/2001	Cutler	Treadmill Deck
29/140,256	04/13/2001	Cutler	Treadmill Deck
09/843,531	04/26/2001	Dalebout, Butler	Attachable Illumination Device

SCHEDULE A
ISSUED U.S. PATENTS

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
4,300,760	11/17/1981	Bobroff	Exercise Device
D286,311	10/21/1986	Martinell, Marinell	Rowing Machine
4,681,318	07/21/1987	Lay	Ball Hitting Practice Device
4,684,126	08/04/1987	Dalebout, Vassoughi, Martinell, Rohrer, Martinell, Marchant	General Purpose Exercise Machine
4,728,102	03/01/1988	Pauls	Resistance Indicator for Frictionally Resistant Exercise Device
4,750,736	06/14/1988	Watterson	Multipurpose Exercise Machine
4,796,881	01/10/1989	Watterson	Multipurpose Exercising Apparatus
4,813,667	03/21/1989	Watterson	Multipurpose Exerciser
4,830,371	05/16/1989	Lay	Ball Hitting Practice Device
4,850,585	07/25/1989	Dalebout	Striding Exerciser
4,863,156	09/05/1989	Shaw	Trampoline Suspension System
4,955,599	09/11/1989	Bersonnet, Dalebout	Exercise Cycle With Gear Drive
4,880,225	11/14/1989	Lucas, Coody	Dual Action Cycle Exerciser
4,883,272	11/28/1989	Lay	Ball Catching Frame with Ball Expelling Machine Connected Thereto
D304,849	11/28/1989	Watterson	Treadmill Exerciser
D306,468	03/06/1990	Watterson	Treadmill Exerciser
D306,891	03/27/1990	Watterson	Treadmill Exerciser

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
4,913,396	04/03/1990	Dalebout, Measom, Watterson	Adjustable Incline System for Exercise Equipment
4,921,242	05/01/1990	Watterson	Exercise Apparatus Resistance System
D307,615	05/01/1990	Bingham, Dalebout & Ellis	Exercise Cycle
D307,614	05/01/1990	Bingham, Dalebout, Ellis	Exercise Cycle
4,932,650	06/12/1990	Bingham, Dalebout	Semi-Recumbant Exercise Cycle
4,938,478	07/03/1990	Lay	Ball Hitting Practice Device
D309,167	07/10/1990	Griffin	Exercise Cycle
D309,485	07/24/1990	Dalebout, Bingham	Exercise Cycle
D310,253	08/28/1990	Bersonnet, Dalebout	Exercise Cycle
4,971,316	11/20/1990	Dalebout, Bingham	Dual Action Exercise Cycle
D313,055	12/18/1990	Watterson	Exercise Cycle Console
4,981,294	01/01/1991	Dalebout, Bingham	Exercise Machines with Dual Resistance Means
4,998,725	03/12/1991	Watterson, Dalebout, Standing	Exercise Machine Controller
5,000,444	03/19/1991	Dalebout, Bingham	Dual Action Exercise Cycle
5,000,442	03/19/1991	Dalebout, Ellis	Cross Country Ski Exerciser
5,000,443	03/19/1991	Dalebout, Bingham	Striding Exerciser
D315,765	03/26/1991	Measom, Watterson	Treadmill
D316,124	04/09/1991	Dalebout, Measom	Treadmill With Siderail
5,013,033	05/07/1991	Watterson, Dalebout, Standing	Rowing Apparatus
5,016,871	05/21/1991	Dalebout, Bingham	Exercise Machine Resistance Controller

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D318,086	07/09/1991	Dalebout, Bingham	Exercise Cycle
D318,085	07/09/1991	Jacobson, Dalebout	Treadmill Housing
D318,699	07/30/1991	Jacobson, Dalebout	Treadmill
5,058,882	10/22/1991	Dalebout, Liechty, Watterson	Stepper Exerciser
5,058,881	10/22/1991	Measom	Exercise Machine Height Adjustment Foot
5,062,632	11/05/1991	Dalebout, Burk	User Programmable Exercise Machine
5,062,626	11/05/1991	Dalebout, Jensen	Treadmill Speed Adjustment
5,062,627	11/05/1991	Bingham	Reciprocator for a Stepper Exercise Machine
D321,388	11/05/1991	Dalebout	Stepping Exercise Machine
5,072,929	12/17/1991	Peterson, Blawd, Heutmaker, Engel, Iverson	Dual Resistance Exercise Rowing Machine
D323,009	01/07/1992	Dalebout, Ashby	Treadmill Exerciser
D323,199	01/14/1992	Dalebout, Ashby	Treadmill Exerciser
D323,198	01/14/1992	Dalebout, Ashby	Treadmill Exerciser
D323,863	02/11/1992	Watterson	Stationary Exercise Machine
5,088,729	02/18/1992	Dalebout	Treadmill Frame and Roller Bracket Assembly
5,090,694	02/25/1992	Pauls, Engel, Heutmaker, Iverson, Sandahl	Combination Chair and Exercise Unit
5,102,380	04/07/1992	Jacobson, Dalebout	Cooling Exercise Treadmill
5,104,120	04/14/1992	Watterson, Dalebout, Bingham	Exercise Machine Control System
5,108,093	04/28/1992	Watterson	Multipurpose Exerciser

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D326,491	05/26/1992	Dalebout	Stepping Exercise Machine
5,135,216	08/04/1992	Bingham, Measom	Modular Resistance Assembly for Exercise Machines
5,147,265	09/15/1992	Pauls, Engel, Heutmaker, Iverson, Sandahl	Rotation-Activated Resistance Device
5,149,312	09/22/1992	Croft, Jones	Quick Disconnect Linkage for Exercise Apparatus
5,149,084	09/22/1992	Dalebout, Burk, Boren	Exercise Machine with Motivational Display
5,171,196	12/15/1992	Lynch	Treadmill With Variable Upper Body Resistance Loading
5,190,505	03/02/1993	Dalebout & Watterson	Stepper Exerciser
5,192,255	03/09/1993	Dalebout, Measom, Watterson	Adjustable Incline System for Exercise Equipment
5,195,937	03/23/1993	Engel, Campbell, Peterson, Loubert, Holden	Multi-Exercise Apparatus
5,203,826	04/20/1993	Dalebout	Enclosed Flywheel
D335,905	05/25/1993	Cutter, Engel, Bostic	Cross-Country Ski Simulator Exerciser
D336,498	06/15/1993	Engel, Colonello, Cutter, Peterson	Back Therapy Apparatus
5,226,866	07/13/1993	Engel, Peterson, Bostic	Trimodal Exercise Apparatus
D337,361	07/13/1993	Engel, Campbell, Cutter	Multi-Purpose Torso Exercise Apparatus
D337,799	07/27/1993	Cutter, Engel, Buisman	Exercise Rowing Machine
D337,666	07/27/1993	Peterson, Engel, Bostic	Executive Style Desk Chair for Strength Training
5,244,446	09/14/1993	Engel, Campbell, Cutter	Multi-Purpose Torso Exercise Apparatus
5,247,853	09/28/1993	Dalebout	Flywheel
5,259,611	11/09/1993	Dalebout, Bingham	Direct Drive Controlled Program System

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D342,106	12/07/1993	Campbell, Bostic, Engel	Exercise Chair
RE34478	12/14/1993	Dalebout, Bingham	Exercise Machines with Dual Resistance Means
5,279,528	01/18/1994	Dalebout, Watterson	Cushioned Deck for Treadmill
5,282,776	02/01/1994	Dalebout	Upper Body Exerciser
D344,112	02/08/1994	Smith	Physical Exerciser
D344,557	02/22/1994	Ashby	Treadmill
5,295,931	03/22/1994	Dreibelbis, Hall, Henn, Novak	Rowing Machine Exercise Apparatus
5,302,161	04/12/1994	Loubert, Peterson, Engel	Flexible Line Guidance and Tension Measuring Device
D335,511	04/12/1994	Engel, Iverson	Housing for a Resistance Unit on an Exercise Machine
D347,251	05/24/1994	Dreibelbis, Rydquist, Douglas	Strength Training Bench
5,316,534	05/31/1994	Dalebout, Jones	Multipurpose Exercise Machine
D348,494	07/05/1994	Ashby	Treadmill
D348,493	07/05/1994	Ashby	Combined Handle and Console Unit for an Exercise Machine
5,336,142	08/09/1994	Dalebout, Ellis	Stepper with Adjustable Resistance Mechanism
D349,931	08/23/1994	Bostic, Dreibelbis	Physical Exerciser
5,344,376	09/06/1994	Bostic, Dreibelbis, Novak	Exercise Apparatus With Turntable and Pivoting Poles
D351,202	10/04/1994	Bingham	Treadmill Base
D351,435	10/11/1994	Peterson, Engel	Cross-Country Ski Simulator Exerciser
D351,633	10/18/1994	Bingham	Combined Handle & Console Unit for an Exerciser
D352,534	11/15/1994	Dreibelbis, Hall, Novak	Rowing Exercise Machine

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,372,559	12/13/1994	Dalebout, Measom, Watterson	Adjustable Incline System
D353,422	12/13/1994	Bostic, Hilk, Holden, Todd	Recumbent Exercise Bicycle
5,374,228	12/20/1994	Buisman, Engel	Downhill Skiing Exercise Machine
5,387,168	02/07/1995	Bostic	Stabilizing Belt for Cross Country Skiing Exercise Apparatus
D356,128	03/07/1995	Smith, Wilkinson	Physical Exerciser
5,409,435	04/25/1995	Daniels	Variable Resistance Exercise Device
5,429,563	07/04/1995	Engel, Peterson, Bostic	Combination Exercise Apparatus
5,431,612	07/11/1995	Holder	Treadmill Exercise Apparatus With One-Way Clutch
D360,915	08/01/1995	Bostic, Heutmaker, Peterson	Exercise Treadmill
5,468,205	11/21/1995	McFall, Aagard	Portable Door Mounted Exercise Device
5,489,249	02/06/1996	Brewer, Bingham	Video Exercise Control System
5,492,517	02/20/1996	Bostic, Doop, Heutmaker	Exercise Device
D367,689	03/05/1996	Wilkinson, Smith	Exercise Machine
5,512,025	04/30/1996	Dalebout, Standing, Watterson, Brewer, Robertson, Rowley	User-Programmable Computerized Console for Exercise Machines
D 370,949	06/18/1996	Furner	Combined Step Bench and Slide Exerciser
D371,176	06/25/1996	Furner	Step Exercise Bench
5,529,553	06/25/1996	Finlayson	Treadmill With Belt Tensioning Adjustment
5,540,429	07/30/1996	Dalebout, Jensen	Adjustable Height Basketball Standard With Telescoping Tubs
5,549,533	08/27/1996	Olson, Dalebout	Combined Leg Press/Leg Extension Machine
5,554,085	09/10/1996	Dalebout	Improved Weight-Training Machine

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,569,128	10/29/1996	Dalebout	Leg & Upper Body Exerciser
5,591,106	01/07/1997	Dalebout, Meason, Watterson	Adjustable Incline System for Exercise Equipment
5,591,105	01/07/1997	Dalebout, Watterson, Furner	Exercise Step Bench With Adjustable Legs
5,595,556	01/21/1997	Dalebout, Watterson	Treadmill with Upper Body System
5,607,375	03/04/1997	Dalebout, Law	Inclination Mechanism for a Treadmill
5,611,539	03/18/1997	Dalebout, Frodshaw, Heath, Watterson, Lay	Pole Sport Court
5,622,527	04/22/1997	Dalebout, Law	Independent Action Stepper
5,626,542	05/06/1997	Dalebout, Ellis	Folding Rider Exerciser
5,626,538	05/06/1997	Dalebout, Meason, Watterson	Adjustable Incline System for Exercise Equipment
5,637,059	06/10/1997	Dalebout	Adjustable Multipurpose Bench
D380,024	06/17/1997	Novak, Cutter	Back Exercise Apparatus
D 380,509	07/01/1997	Wilkinson	Exercise Machine
5,643,153	07/01/1997	Nyen, Rose, Wood	Flywheel Resistance Mechanism for Exercise Equipment
5,645,509	07/08/1997	Brewer, Bingham	Remote Exercise Control System
5,662,557	09/02/1997	Dalebout, Watterson, Armstrong	Reorienting Treadmill With Latch
5,669,857	09/23/1997	Watterson, Dalebout, Miller, Hammer, Wooden	Treadmill With Elevation
D384,118	09/23/1997	Deblauw	Exercise Machine
5,672,140	09/30/1997	Watterson, Dalebout, Hammer	Reorienting Treadmill With Inclination
5,674,453	10/07/1997	Watterson, Dalebout	Reorienting Treadmill

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,674,156	10/07/1997	Watterson, Dalebout	Reorienting Treadmill With Covered Base
5,676,624	10/14/1997	Watterson, Dalebout, Hammer	Portable Reorienting Treadmill
5,683,332	11/04/1997	Watterson, Dalebout, Miller	Cabinet Treadmill
5,683,331	11/04/1997	Dalebout	Step Exercise Bench with Ratcheting Height Adjustment
5,695,434	12/09/1997	Dalebout, Watterson	Riding Type Exercise Machine
5,695,435	12/09/1997	Dalebout, Ellis	Collapsible Rider Exerciser
5,695,433	12/09/1997	Buisman	Variable Height Body Support for Exercise Apparatus
D387,825	12/16/1997	Fleck, Rusell, Chadwick, Ashcraft, Griffith, Solland	Exercise Device
5,702,325	12/30/1997	Watterson, Dalebout, Miller, Troy	Cabinet Treadmill with Handle
5,704,879	01/06/1998	Watterson, Dalebout, Miller, Armstrong	Cabinet Treadmill With Latch
5,711,743	01/27/1998	Nichols, Kollmeler, Dalebout, Watterson	Trampoline Tent
5,718,657	02/17/1998	Dalebout, Watterson, Miller	Cabinet Treadmill With Repositioning Assist
5,720,698	02/24/1998	Dalebout, Lebeau	Striding Exerciser
5,722,922	03/03/1998	Watterson, Bingham	Aerobic & Anaerobic Exercise Machine
D392,006	03/10/1998	Dalebout, Lebeau	Striding Exerciser
5,733,229	03/31/1998	Dalebout, Beulter	Exercise Apparatus using Body Weight Resistance
5,743,833	04/28/1998	Watterson, Dalebout, Miller	Cabinet Treadmill with Door
5,762,587	06/09/1998	Dalebout, Ferrari	Exercise Machine With Adjustable Resistance, Hydraulic Cylinder
5,762,584	06/09/1998	Daniels	Variable Resistance Exercise Device

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,772,560	06/30/1998	Watterson, Dalebout, Armstrong	Reorienting Treadmill With Lift Assistance
5,810,698	09/22/1998	Hullett, Zwiefel, Sokol	Exercise Method and Apparatus
5,827,155	10/27/1998	Watterson, Dalebout, Armstrong	Resiliently Mounted Treadmill
5,830,114	11/03/1998	Halfen, Haugen, Hilke, Johnston, Ouyang, Porth, Wetterlin	Variable Incline Folding Exerciser
5,860,894	01/19/1999	Dalebout, Watterson	Aerobic and Anaerobic Exercise Machine
5,860,893	01/19/1999	Watterson, Dalebout, Miler, Armstrong	Treadmill with Folding Handrails
5,899,834	05/04/1999	Dalebout, Hammer, Hendrickson	Fold Out Treadmill
D412,953	08/17/1999	Armstrong	Arcuate Console Support Arms for Treadmill
5,951,441	09/14/1999	Dalebout, Watterson, Law	Cushioned Treadmill Belts and Methods of Manufacture
D413,948	09/14/1999	Dalebout	Abdominal Exerciser
D416,596	11/16/1999	Armstrong	Arcuate Console Support Arms with Triangular Hand Rails
6,003,166	12/21/1999	Dalebout, Mott	Portable Spa
6,019,710	02/01/2000	Dalebout, Mott	Exercise Device with Elliptical Movement
6,027,429	02/22/2000	Daniels	Variable Resistance Exercise Device
6,033,347	03/07/2000	Dalebout, Hammer, Hendrickson	Fold Out Treadmill
D425,940	05/30/2000	Halfen, Haugen, Hilke, Johnston, Ouyang, Porth, Wetterlin	Aerobic Ski Exerciser
6,171,217	01/09/2001	Cutler	Convertible Elliptical and Recumbent Cycle
6,174,267	01/16/2001	Dalebout, Odell	Treadmill with Adjustable Cushion
6,228,003	05/08/2001	Hald, Dalebout, Miller	Adjustable Dumbbell & System

SCHEDULE A
PENDING U.S. PATENT APPLICATIONS

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Title</u>
08/158,412	11/29/1993	Ashby	Upper Body Exerciser
08/942,810	10/02/1997	Watterson, Dalebout	Reorienting Treadmill
09/196,504	11/20/1998	Watterson, Dalebout	Exercise Apparatus with Pivoting Treadmill and Pivoting Bench
09/247,160	02/09/1999	Dalebout, Hald	Adjustable Dumbbell and System
09/349,608	07/08/1999	Watterson, Dalebout, Ashby	Systems & Methods for Providing an Improved Exercise Device with Motivational Programming
09/437,387	11/10/1999	Dalebout, Odell	Treadmill With Adjustable Cushioning Members
09/470,605	12/22/1999	Dalebout, Hammer, Hendrickson	Fold-Out Treadmill
09/496,560	02/02/2000	Ashby, Watterson, Lorrigan	System & Method for Selective Adjustment of Exercise Apparatus
09/496,569	02/20/2000	Cuter, Watterson, Dalebout, Hammer, Finlayson	Hiking Exercise Apparatus
09/527,042	03/16/2000	Hammer, Fry, Dalebout, Watterson, Butler	Low-Profile Folding, Motorized Treadmill
09/641,627	08/18/2000	Watterson, Dalebout, Ashby	Systems and Methods for Providing an Improved Exercise Device with Motivational Programming
09/641,600	08/18/2000	Watterson, Dalebout, Ashby	Computer Systems & Methods for Interaction with Exercise Device
09/641,220	08/18/2000	Watterson, Dalebout, Ashby	Systems & Methods for Interaction With Exercise Device
09/670,643	09/27/2000	S. Watterson, D. Watterson, Brough, Crosby, Logan	Systems and Methods for Providing an Electronic Community of Vendors
09/737,392	12/15/2000	Dalebout, Butler, Dam	Selectively Dynamic Exercise Platform

<u>U.S. Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Title</u>
09/738,872	12/15/2000	Dalebout, Butler	Spinning Exercise Cycle With Lateral Movement
09/775,309	02/01/2001	Watterson, Dalebout, Plott, McKendrick	Transformer Treadmill Patent
09/776,410	02/02/2001	Watterson, Dalebout, Ashby	Methods & Systems for Controlling an Exercise Apparatus Using a Portable Remote Device
09/777,141	02/05/2001	Dalebout	Treadmill with Adjustable Cushion
29/139,744	04/13/2001	Dalebout, Butler	Flashlight
09/835,070	04/13/2001	Dalebout, Butler	Illumination Device Having Multiple Light Sources
29/140,322	04/13/2001	Dalebout, Butler	Knurled Flashlight Grip
29/140,250	04/13/2001	Cutler	Treadmill Deck
29/140,256	04/13/2001	Cutler	Treadmill Deck
09/843,531	04/26/2001	Dalebout, Butler	Attachable Illumination Device

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08-31-2001



101830497

Docket No.: 13914.1.1

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

AUG 28 2001

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

ICON HEALTH & FITNESS, INC.

8-28-01

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: June 29, 2001

2. Name and address of receiving party(ies):

Name: ICON IP, INC.

Internal Address: _____

Street Address: 1500 South 1000 West

City: Logan State: UT ZIP: 84321

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

See Attached
Schedule A

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jonathan W. Richards

Internal Address: _____

WORKMAN, NYDEGGER & SEELEY

1000 Eagle Gate Tower

Street Address: 60 East South Temple

8/30/2001 TBIAZ1 00000163 4300760

1 FC:581 8400.00 UP

City: Salt Lake City State: UT ZIP: 84111

6. Total number of applications and patents involved:

210

7. Total fee (37 CFR 3.41):.....\$ 8,400.00

- ☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3178

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jonathan W. Richards

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document:

29

24-Aug-01

SCHEDULE A
ISSUED U.S. PATENTS

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
4,300,760	11/17/1981	Bobroff	Exercise Device
D286,311	10/21/1986	Martinell, Marinell	Rowing Machine
4,681,318	07/21/1987	Lay	Ball Hitting Practice Device
4,684,126	08/04/1987	Dalebout, Vassoughi, Martinell, Rohrer, Martinell, Marchant	General Purpose Exercise Machine
4,728,102	03/01/1988	Pauls	Resistance Indicator for Frictionally Resistant Exercise Device
4,750,736	06/14/1988	Watterson	Multipurpose Exercise Machine
4,796,881	01/10/1989	Watterson	Multipurpose Exercising Apparatus
4,813,667	03/21/1989	Watterson	Multipurpose Exerciser
4,830,371	05/16/1989	Lay	Ball Hitting Practice Device
4,850,585	07/25/1989	Dalebout	Striding Exerciser
4,863,156	09/05/1989	Shaw	Trampoline Suspension System
4,955,599	09/11/1989	Bersonnet, Dalebout	Exercise Cycle With Gear Drive
4,880,225	11/14/1989	Lucas, Coody	Dual Action Cycle Exerciser
4,883,272	11/28/1989	Lay	Ball Catching Frame with Ball Expelling Machine Connected Thereto
D304,849	11/28/1989	Watterson	Treadmill Exerciser
D306,468	03/06/1990	Watterson	Treadmill Exerciser
D306,891	03/27/1990	Watterson	Treadmill Exerciser

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
4,913,396	04/03/1990	Dalebout, Measom, Watterson	Adjustable Incline System for Exercise Equipment
4,921,242	05/01/1990	Watterson	Exercise Apparatus Resistance System
D307,615	05/01/1990	Bingham, Dalebout & Ellis	Exercise Cycle
D307,614	05/01/1990	Bingham, Dalebout, Ellis	Exercise Cycle
4,932,650	06/12/1990	Bingham, Dalebout	Semi-Recumbant Exercise Cycle
4,938,478	07/03/1990	Lay	Ball Hitting Practice Device
D309,167	07/10/1990	Griffin	Exercise Cycle
D309,485	07/24/1990	Dalebout, Bingham	Exercise Cycle
D310,253	08/28/1990	Bersonnet, Dalebout	Exercise Cycle
4,971,316	11/20/1990	Dalebout, Bingham	Dual Action Exercise Cycle
D313,055	12/18/1990	Watterson	Exercise Cycle Console
4,981,294	01/01/1991	Dalebout, Bingham	Exercise Machines with Dual Resistance Means
4,998,725	03/12/1991	Watterson, Dalebout, Standing	Exercise Machine Controller
5,000,444	03/19/1991	Dalebout, Bingham	Dual Action Exercise Cycle
5,000,442	03/19/1991	Dalebout, Ellis	Cross Country Ski Exerciser
5,000,443	03/19/1991	Dalebout, Bingham	Striding Exerciser
D315,765	03/26/1991	Measom, Watterson	Treadmill
D316,124	04/09/1991	Dalebout, Measom	Treadmill With Siderail
5,013,033	05/07/1991	Watterson, Dalebout, Standing	Rowing Apparatus
5,016,871	05/21/1991	Dalebout, Bingham	Exercise Machine Resistance Controller

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D318,086	07/09/1991	Dalebout, Bingham	Exercise Cycle
D318,085	07/09/1991	Jacobson, Dalebout	Treadmill Housing
D318,699	07/30/1991	Jacobson, Dalebout	Treadmill
5,058,882	10/22/1991	Dalebout, Liechty, Watterson	Stepper Exerciser
5,058,881	10/22/1991	Measom	Exercise Machine Height Adjustment Foot
5,062,632	11/05/1991	Dalebout, Burk	User Programmable Exercise Machine
5,062,626	11/05/1991	Dalebout, Jensen	Treadmill Speed Adjustment
5,062,627	11/05/1991	Bingham	Reciprocator for a Stepper Exercise Machine
D321,388	11/05/1991	Dalebout	Stepping Exercise Machine
5,072,929	12/17/1991	Peterson, Blawd, Heutmaker, Engel, Iverson	Dual Resistance Exercise Rowing Machine
D323,009	01/07/1992	Dalebout, Ashby	Treadmill Exerciser
D323,199	01/14/1992	Dalebout, Ashby	Treadmill Exerciser
D323,198	01/14/1992	Dalebout, Ashby	Treadmill Exerciser
D323,863	02/11/1992	Watterson	Stationary Exercise Machine
5,088,729	02/18/1992	Dalebout	Treadmill Frame and Roller Bracket Assembly
5,090,694	02/25/1992	Pauls, Engel, Heutmaker, Iverson, Sandahl	Combination Chair and Exercise Unit
5,102,380	04/07/1992	Jacobson, Dalebout	Cooling Exercise Treadmill
5,104,120	04/14/1992	Watterson, Dalebout, Bingham	Exercise Machine Control System
5,108,093	04/28/1992	Watterson	Multipurpose Exerciser

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D326,491	05/26/1992	Dalebout	Stepping Exercise Machine
5,135,216	08/04/1992	Bingham, Measom	Modular Resistance Assembly for Exercise Machines
5,147,265	09/15/1992	Pauls, Engel, Heutmaker, Iverson, Sandahl	Rotation-Activated Resistance Device
5,149,312	09/22/1992	Croft, Jones	Quick Disconnect Linkage for Exercise Apparatus
5,149,084	09/22/1992	Dalebout, Burk, Boren	Exercise Machine with Motivational Display
5,171,196	12/15/1992	Lynch	Treadmill With Variable Upper Body Resistance Loading
5,190,505	03/02/1993	Dalebout & Watterson	Stepper Exerciser
5,192,255	03/09/1993	Dalebout, Measom, Watterson	Adjustable Incline System for Exercise Equipment
5,195,937	03/23/1993	Engel, Campbell, Peterson, Loubert, Holden	Multi-Exercise Apparatus
5,203,826	04/20/1993	Dalebout	Enclosed Flywheel
D335,905	05/25/1993	Cutter, Engel, Bostic	Cross-Country Ski Simulator Exerciser
D336,498	06/15/1993	Engel, Colonello, Cutter, Peterson	Back Therapy Apparatus
5,226,866	07/13/1993	Engel, Peterson, Bostic	Trimodal Exercise Apparatus
D337,361	07/13/1993	Engel, Campbell, Cutter	Multi-Purpose Torso Exercise Apparatus
D337,799	07/27/1993	Cutter, Engel, Buisman	Exercise Rowing Machine
D337,666	07/27/1993	Peterson, Engel, Bostic	Executive Style Desk Chair for Strength Training
5,244,446	09/14/1993	Engel, Campbell, Cutter	Multi-Purpose Torso Exercise Apparatus
5,247,853	09/28/1993	Dalebout	Flywheel
5,259,611	11/09/1993	Dalebout, Bingham	Direct Drive Controlled Program System

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
D342,106	12/07/1993	Campbell, Bostic, Engel	Exercise Chair
RE34478	12/14/1993	Dalebout, Bingham	Exercise Machines with Dual Resistance Means
5,279,528	01/18/1994	Dalebout, Watterson	Cushioned Deck for Treadmill
5,282,776	02/01/1994	Dalebout	Upper Body Exerciser
D344,112	02/08/1994	Smith	Physical Exerciser
D344,557	02/22/1994	Ashby	Treadmill
5,295,931	03/22/1994	Dreibelbis, Hall, Henn, Novak	Rowing Machine Exercise Apparatus
5,302,161	04/12/1994	Loubert, Peterson, Engel	Flexible Line Guidance and Tension Measuring Device
D335,511	04/12/1994	Engel, Iverson	Housing for a Resistance Unit on an Exercise Machine
D347,251	05/24/1994	Dreibelbis, Rydquist, Douglas	Strength Training Bench
5,316,534	05/31/1994	Dalebout, Jones	Multipurpose Exercise Machine
D348,494	07/05/1994	Ashby	Treadmill
D348,493	07/05/1994	Ashby	Combined Handle and Console Unit for an Exercise Machine
5,336,142	08/09/1994	Dalebout, Ellis	Stepper with Adjustable Resistance Mechanism
D349,931	08/23/1994	Bostic, Dreibelbis	Physical Exerciser
5,344,376	09/06/1994	Bostic, Dreibelbis, Novak	Exercise Apparatus With Turntable and Pivoting Poles
D351,202	10/04/1994	Bingham	Treadmill Base
D351,435	10/11/1994	Peterson, Engel	Cross-Country Ski Simulator Exerciser
D351,633	10/18/1994	Bingham	Combined Handle & Console Unit for an Exerciser
D352,534	11/15/1994	Dreibelbis, Hall, Novak	Rowing Exercise Machine

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,372,559	12/13/1994	Dalebout, Meason, Watterson	Adjustable Incline System
D353,422	12/13/1994	Bostic, Hilk, Holden, Todd	Recumbent Exercise Bicycle
5,374,228	12/20/1994	Buisman, Engel	Downhill Skiing Exercise Machine
5,387,168	02/07/1995	Bostic	Stabilizing Belt for Cross Country Skiing Exercise Apparatus
D356,128	03/07/1995	Smith, Wilkinson	Physical Exerciser
5,409,435	04/25/1995	Daniels	Variable Resistance Exercise Device
5,429,563	07/04/1995	Engel, Peterson, Bostic	Combination Exercise Apparatus
5,431,612	07/11/1995	Holder	Treadmill Exercise Apparatus With One-Way Clutch
D360,915	08/01/1995	Bostic, Heutmaker, Peterson	Exercise Treadmill
5,468,205	11/21/1995	McFall, Aagard	Portable Door Mounted Exercise Device
5,489,249	02/06/1996	Brewer, Bingham	Video Exercise Control System
5,492,517	02/20/1996	Bostic, Doop, Heutmaker	Exercise Device
D367,689	03/05/1996	Wilkinson, Smith	Exercise Machine
5,512,025	04/30/1996	Dalebout, Standing, Watterson, Brewer, Robertson, Rowley	User-Programmable Computerized Console for Exercise Machines
D 370,949	06/18/1996	Furner	Combined Step Bench and Slide Exerciser
D371,176	06/25/1996	Furner	Step Exercise Bench
5,529,553	06/25/1996	Finlayson	Treadmill With Belt Tensioning Adjustment
5,540,429	07/30/1996	Dalebout, Jensen	Adjustable Height Basketball Standard With Telescoping Tubs
5,549,533	08/27/1996	Olson, Dalebout	Combined Leg Press/Leg Extension Machine
5,554,085	09/10/1996	Dalebout	Improved Weight-Training Machine

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,569,128	10/29/1996	Dalebout	Leg & Upper Body Exerciser
5,591,106	01/07/1997	Dalebout, Meason, Watterson	Adjustable Incline System for Exercise Equipment
5,591,105	01/07/1997	Dalebout, Watterson, Furner	Exercise Step Bench With Adjustable Legs
5,595,556	01/21/1997	Dalebout, Watterson	Treadmill with Upper Body System
5,607,375	03/04/1997	Dalebout, Law	Inclination Mechanism for a Treadmill
5,611,539	03/18/1997	Dalebout, Frodshaw, Heath, Watterson, Lay	Pole Sport Court
5,622,527	04/22/1997	Dalebout, Law	Independent Action Stepper
5,626,542	05/06/1997	Dalebout, Ellis	Folding Rider Exerciser
5,626,538	05/06/1997	Dalebout, Meason, Watterson	Adjustable Incline System for Exercise Equipment
5,637,059	06/10/1997	Dalebout	Adjustable Multipurpose Bench
D380,024	06/17/1997	Novak, Cutter	Back Exercise Apparatus
D 380,509	07/01/1997	Wilkinson	Exercise Machine
5,643,153	07/01/1997	Nyen, Rose, Wood	Flywheel Resistance Mechanism for Exercise Equipment
5,645,509	07/08/1997	Brewer, Bingham	Remote Exercise Control System
5,662,557	09/02/1997	Dalebout, Watterson, Armstrong	Reorienting Treadmill With Latch
5,669,857	09/23/1997	Watterson, Dalebout, Miller, Hammer, Wooden	Treadmill With Elevation
D384,118	09/23/1997	Deblauw	Exercise Machine
5,672,140	09/30/1997	Watterson, Dalebout, Hammer	Reorienting Treadmill With Inclination
5,674,453	10/07/1997	Watterson, Dalebout	Reorienting Treadmill

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor(s)</u>	<u>Title</u>
5,674,156	10/07/1997	Watterson, Dalebout	Reorienting Treadmill With Covered Base
5,676,624	10/14/1997	Watterson, Dalebout, Hammer	Portable Reorienting Treadmill
5,683,332	11/04/1997	Watterson, Dalebout, Miller	Cabinet Treadmill
5,683,331	11/04/1997	Dalebout	Step Exercise Bench with Ratcheting Height Adjustment
5,695,434	12/09/1997	Dalebout, Watterson	Riding Type Exercise Machine
5,695,435	12/09/1997	Dalebout, Ellis	Collapsible Rider Exerciser
5,695,433	12/09/1997	Buisman	Variable Height Body Support for Exercise Apparatus
D387,825	12/16/1997	Fleck, Rusell, Chadwick, Ashcraft, Griffith, Solland	Exercise Device
5,702,325	12/30/1997	Watterson, Dalebout, Miller, Troy	Cabinet Treadmill with Handle
5,704,879	01/06/1998	Watterson, Dalebout, Miller, Armstrong	Cabinet Treadmill With Latch
5,711,743	01/27/1998	Nichols, Kollmeyer, Dalebout, Watterson	Trampoline Tent
5,718,657	02/17/1998	Dalebout, Watterson, Miller	Cabinet Treadmill With Repositioning Assist
5,720,698	02/24/1998	Dalebout, Lebeau	Striding Exerciser
5,722,922	03/03/1998	Watterson, Bingham	Aerobic & Anaerobic Exercise Machine
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5,733,229	03/31/1998	Dalebout, Beulter	Exercise Apparatus using Body Weight Resistance
5,743,833	04/28/1998	Watterson, Dalebout, Miller	Cabinet Treadmill with Door
5,762,587	06/09/1998	Dalebout, Ferrari	Exercise Machine With Adjustable Resistance, Hydraulic Cylinder
5,762,584	06/09/1998	Daniels	Variable Resistance Exercise Device

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5,830,114	11/03/1998	Halfen, Haugen, Hilk, Johnston, Ouyand, Porth, Wetterlin	Variable Incline Folding Exerciser
5,860,894	01/19/1999	Dalebout, Watterson	Aerobic and Anaerobic Exercise Machine
5,860,893	01/19/1999	Watterson, Dalebout, Miler, Armstrong	Treadmill with Folding Handrails
5,899,834	05/04/1999	Dalebout, Hammer, Hendrickson	Fold Out Treadmill
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5,951,441	09/14/1999	Dalebout, Watterson, Law	Cushioned Treadmill Belts and Methods of Manufacture
D413,948	09/14/1999	Dalebout	Abdominal Exerciser
D416,596	11/16/1999	Armstrong	Arcuate Console Support Arms with Triangular Hand Rails
6,003,166	12/21/1999	Dalebout, Mott	Portable Spa
6,019,710	02/01/2000	Dalebout, Mott	Exercise Device with Elliptical Movement
6,027,429	02/22/2000	Daniels	Variable Resistance Exercise Device
6,033,347	03/07/2000	Dalebout, Hammer, Hendrickson	Fold Out Treadmill
D425,940	05/30/2000	Halfen, Haugen, Hilk, Johnston, Ouyand, Porth, Wetterlin	Aerobic Ski Exerciser
6,171,217	01/09/2001	Cutler	Convertible Elliptical and Recumbent Cycle
6,174,267	01/16/2001	Dalebout, Odell	Treadmill with Adjustable Cushion
6,228,003	05/08/2001	Hald, Dalebout, Miller	Adjustable Dumbbell & System

ASSIGNMENT OF PATENTS

WHEREAS, ICON HEALTH & FITNESS, INC., a Delaware corporation with its principal place of business located at 1500 South 1000 West, Logan, Utah 84321 ("Assignor"), is the owner of record, as reflected by the records of the U.S. Patent and Trademark Office, of the issued U.S. Patents and pending U.S. patent applications identified in Schedule A hereto (the "U.S. Patents and Patent Applications"); and

WHEREAS, Assignor is also the owner of record of the issued foreign patents and pending foreign patent applications identified in Schedule B hereto (the "Foreign Patents and Patent Applications") (the U.S. Patents and Patent Applications and the Foreign Patents and Patent Applications being hereinafter collectively referred to as the "ICON Patents and Patent Applications"); and

WHEREAS, ICON IP, INC., a Delaware corporation with its principal place of business located at 1500 South 1000 West, Logan, Utah 84321 ("Assignee"), desires to acquire all right, title and interest in and to the ICON Patents and Patent Applications, together with the right to sue and collect damages for past and/or future infringement thereof.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00), in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and convey unto Assignee all right, title and interest in and to the ICON Patents and Patent Applications, together with the right to sue and collect damages for past and/or future infringement thereof.

Assignor hereby covenants and agrees that, at any time upon the reasonable request and at the expense of Assignee, Assignor shall execute and deliver such other and additional documents that may be necessary to enable and assist Assignee in recording this Assignment and the transfer of ownership of the ICON Patents and Patent Applications from Assignor to Assignee in any and all countries of the world, including, but not limited to the execution and delivery of specific assignment documents that may be required by any foreign country, or that may otherwise be necessary or appropriate to carry out the intent and purposes of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, effective as of the date set forth below.

SIGNED on this the 29th day of June, 2001.

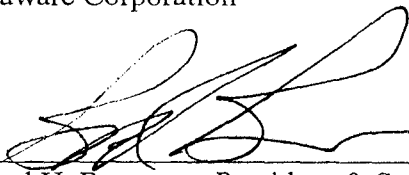
Assignor:

ICON HEALTH & FITNESS, INC.,
a Delaware Corporation

By: 
S. Fred Beck, Vice President, Treasurer,
Chief Financial Officer & Accounting Officer

Assignee:

ICON IP, INC.,
a Delaware Corporation

By: 
Brad H. Bearnson, ~~President &~~ Secretary

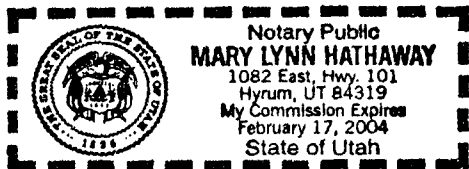
JWR/opc

G:\DATA\WPDOCS2\RAC\JWR\ICON\ICON IP PATENT ASSIGNMENT.DOC

STATE OF UTAH §
 §
COUNTY OF CACHE §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared S. FRED BECK, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said ICON HEALTH & FITNESS, INC., a Delaware corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 29th day of June, 2001.

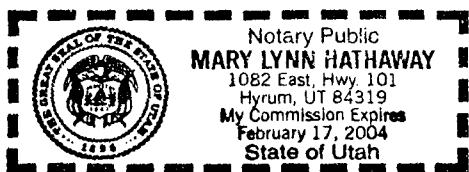


Mary Lynn Hathaway
NOTARY PUBLIC, State of Utah

STATE OF UTAH §
 §
COUNTY OF CACHE §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared BRAD H. BEARNSON, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said ICON IP, INC., a Delaware corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 29th day of June, 2001.



Mary Lynn Hathaway
NOTARY PUBLIC, State of Utah

SCHEDULE B
ISSUED FOREIGN PATENTS

None

SCHEDULE B
PENDING FOREIGN PATENT APPLICATIONS

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
Canada	2,078,341	03/27/1991	Combination Chair and Exercise Unit
China	Unknown	03/17/2000	Fold-Out Treadmill
EPO	98948088.4	09/03/1998	Fold-Out Treadmill
Hong Kong	01100576.1	01/23/2001	Fold-Out Treadmill
PCT	PCT/US98/18455	09/03/1998	Fold-Out Treadmill
PCT	PCT/US99/15483	07/09/1999	Treadmill With Adjustable Cushion
PCT	PCT/US01/09573	03/26/2001	Systems & Methods for Providing An Improved Exercise Device With Motivational Programming
PCT	PCT/US01/10582	03/30/2001	Computer Systems & Methods for Interaction With Exercise Device
PCT	PCT/US01/10952	04/04/2001	Systems & Methods for Interaction With Exercise Device
PCT	PCT/US01/15530	05/15/2001	Portable MP3 Units
PCT	PCT/US00/09295	04/07/2000	Systems & Method for Providing an Improved Exercise Device With Motivational Programming
PCT	PCT/US00/29505	10/26/2000	Hiking Exercise Apparatus
PCT	PCT/US00/41600	10/26/2000	System and Method for Selective Adjustment of Exercise Apparatus
PCT	PCT/US01/07659	03/09/2001	IFIT E-Commerce
PCT	PCT/US01/04375	02/09/2001	Low-Profile Folding Motorized Treadmill

Docket No.: 13914.1.1

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

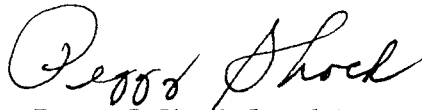
"Express Mail" Mailing Label No. EL 813 292 689 US

Date of Deposit: August 28, 2001

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Box ASSIGNMENTS FEE, Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231.

Dated this 28th day of August, 2001.

Respectfully submitted,



Peggy C. Shock, Legal Assistant to
JONATHAN W. RICHARDS
Attorney for Applicant
Registration No. 39,843

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

SUBMITTED:

- Recordation Form Cover Sheet and Patent Assignment (28 pgs)
- Certificate of Express Mailing Under 37 C.F.R. § 1.10
- Check for \$8,400
- Transmittal letter
- Postcard

Express Mail Certificate No. EL 813 292 689 US

PATENT ASSIGNMENT

Docket No. 13914.1.1

**WORKMAN
NYDEGGER
& SEELEY**

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SALT LAKE CITY, UTAH 84111
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FACSIMILE (801) 328-1707

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TRENT H. BAKER

† ADMITTED ONLY IN CALIFORNIA
* ADMITTED ONLY IN PENNSYLVANIA

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HOME PAGE: <http://www.wnspatent.com>
GENERAL E-MAIL: info@wnspatent.com

Box ASSIGNMENTS FEE
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: Assignment of U.S. Patents from Icon Health & Fitness, Inc. to
Icon IP, Inc.
Our File No.: 13914.1.1

Dear Sir:

Please record the enclosed Assignment in the United States Patent and Trademark
Office. Enclosed is our check No. 122643 in the amount of \$8,400 for your fees.

Dated this 24th day of August, 2001.

Respectfully submitted,


JONATHAN W. RICHARDS
Attorney for Applicant
Registration No. 29,843

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

JWR:pcs
Enclosures
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SCHEDULE B
PENDING FOREIGN PATENT APPLICATIONS

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
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WORKMAN NYDEGGER & SEELEY

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GENERAL E-MAIL: info@wnspatent.com

Box ASSIGNMENTS FEE
Commissioner of Patents and Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Assignment of U.S. Patents from Icon Health& Fitness, Inc. to
Icon IP, Inc.
Our File No.: 13914.1.1

Dear Sir:

Please record the enclosed Assignment in the United States Patent and Trademark
Office. Enclosed is Notice of Non-Recordation of Document No. 101830497A.

Dated this 8th day of November, 2001.

Respectfully submitted,


JONATHAN W. RICHARDS
Attorney for Applicant
Registration No. 29,843

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

JWR:pcs
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Docket No.: 13914.1.1

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

"Express Mail" Mailing Label No. EL 814 017 453 US

Date of Deposit: November 8, 2001

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Box ASSIGNMENTS FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Dated this 8th day of November, 2001.

Respectfully submitted,

Peggy C. Shock, Legal Assistant to
JONATHAN W. RICHARDS
Attorney for Applicant
Registration No. 39,843

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800 -

SUBMITTED:

- Recordation Form Cover Sheet and Trademark Assignment (37 pgs)
- Certificate of Express Mailing Under 37 C.F.R. §1.10
- Transmittal letter
- Postcard



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

OCTOBER 26, 2001

PTAS



101830497A

WORKMAN, NYDEGGER & SEELEY
JONATHAN W. RICHARS
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 101830497

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THE PATENT APPL. NO. 09/4170/605 IS A INVALID NUMBER

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

DOCKETED
Atty _____ File # _____
By Dr On 11-5-01
Action am'gument
Response Due 11-25-01

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424

DATED : Sept. 10, 2002

INVENTOR(S) : Darren C. Ashby; Scott R. Watterson; Kirk Lorrigan

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

Cover Page: Change Examiner's last name from "Richmon" to --Richman--

Cover Page: Insert the following Assignee:
--Icon IP, Inc., Logan, UT (US)--

Col. 1, Ln. 55: Change "modem" to --modern--

Col. 3, Ln. 64: Before "part" change "on" to --in--

Col. 8, Ln. 40: Change "returned" to --return--

Col. 10, Ln. 46: Change "indicate" to --indicates--

Col. 11, Ln. 39: After "optimize" change "to" to --the--

Col. 14, Ln. 23: After "provide" insert --the--

Col. 15, Ln. 20: After "405" insert --,--

Col. 17, Lns. 1-8: Delete claims 7-8

Col. 18, Lns. 17-44: Delete claims 25-29

Col. 19, Ln. 24: Change "a direct" to --an--

MAILING ADDRESS OF SENDER:

Fraser D. Roy
Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah

PATENT NO. 6,447,424

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424

DATED : Sept. 10, 2002

INVENTOR(S) : Darren C. Ashby; Scott R. Watterson; Kirk Lorrigan

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

Col. 19, Ln. 29: Change "console." to --console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.--

Col. 19, Lns. 33-36: Change "point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail." to --point.--

Col. 19, Ln. 38: Change "35" to --36--

MAILING ADDRESS OF SENDER:

Fraser D. Roy
Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah

PATENT NO. 6,447,424

**WORKMAN
NYDEGGER
& SEELEY**
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
1090 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
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FACSIMILE (801) 328-1707

APR 14 2003
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MATTHEW D. TODD
J. LAVAR OLDHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON

† ADMITTED ONLY IN CALIFORNIA

#16 SAC/11

PATENT
Docket No. 13914.597
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HOME PAGE: <http://www.wnspatent.com>
GENERAL E-MAIL: Info@wnspatent.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Darren C. Ashby; Scott R. Watterson; Kirk Lorrigan)
)
Serial No.: 09/496,560) Art Unit
) 3764
Filed: Feb. 2, 2000)
)
For: SYSTEM AND METHOD FOR SELECTIVE)
ADJUSTMENT OF EXERCISE APPARATUS)
)
Examiner: Glenn E. Richman)
)
Patent No.: 6,447,424)
)
Issue Date: Sept. 10, 2002)

REQUEST FOR A CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. § 1.323

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.323 which implement 35 U.S.C. § 254, the Commissioner is respectfully requested to issue a Certificate of Correction to correct mistakes in the above-identified patent. The enclosed Patent Office Form 1050 reflects the desired corrections. Also enclosed is a petition under 37 C.F.R. § 1.183 and a copy of the Notice of Recordation of Assignment.

04/15/2003 AMONDAF1 00000043 6447424

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APR 15 2003

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Page 2

Also, please find enclosed PTO Credit Card Form 2038 to cover the costs for issuance of this certificate.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Duplicate copies of this letter are enclosed.

Dated this 8 day of April 2003.

Respectfully submitted,



Fraser D. Roy
Attorney for Patentee
Registration No. 45,666



022913

PATENT TRADEMARK OFFICE

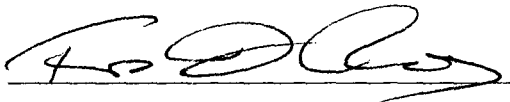
FDR:jdh

Docket: 13914.597

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CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on this 8 day of April 2003.



Transmitted: REQUEST FOR A CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323,
PTO Form 1050; PETITION UNDER 37 C.F.R. § 1.183; PTO Credit Card Form
2038 in the amount of \$230.00; and Postcard

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WORKMAN
NYDEGGER
& SEELEY

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

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FACSIMILE (801) 328-1707

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† ADMITTED ONLY IN CALIFORNIA

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Patent No.: 6,447,424)
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Assistant Commissioner for Patents
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Assistant Commissioner for Patents
Page 2

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Dated this 8 day of April 2003.

Respectfully submitted,



Fraser D. Roy
Attorney for Patentee
Registration No. 45,666



022913

PATENT TRADEMARK OFFICE

FDR:jdh
Docket: 13914.597
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CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on this 8 day of April 2003.



Transmitted: REQUEST FOR A CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323, PTO Form 1050; PETITION UNDER 37 C.F.R. § 1.183; PTO Credit Card Form 2038 in the amount of \$230.00; and Postcard

RECEIVED
APR 15 2003
OFFICE OF PETITIONS

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

10+2

PATENT NO. : 6,447,424 *B1*
DATED : Sept. 10, 2002
INVENTOR(S) : Darren C. Ashby; Scott R. Watterson; *and* Kirk Lorrigan

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

Type
above item (57) Abstract,
Cover Page: Change Examiner's last name from "Richmon" to --Richman--

Title
Cover Page: Insert the following ~~Assignee~~:
--Icon IP, Inc., Logan, UT (US)--
(73) Assignee

Col. 1, Ln. 55: Change "modem" to --modern--

Col. 3, Ln. 64: Before "part" change "on" to --in--

Col. 8, Ln. 40: Change "returned" to --return--

Col. 10, Ln. 46: Change "indicate" to --indicates--

Col. 11, Ln. 39: After "optimize" change "to" to --the--

Col. 14, Ln. 23: After "provide" insert --the--

Col. 15, Ln. 20: After "405" insert --,--

Col. 17, Lns. 1-8: Delete claims 7-8

Col. 18, Lns. 17-44: Delete claims 25-29

Col. 19, Ln. 24: Change "a direct" to --an--

MAILING ADDRESS OF SENDER:

PATENT NO. 6,447,424

Fraser D. Roy
Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

20f2

PATENT NO. : 6,447,424
DATED : Sept. 10, 2002
INVENTOR(S) : Darren C. Ashby; Scott R. Watterson; Kirk Lorrigan

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

Col. 19, Ln. 29: Change "console." to --console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member.--

Col. 19, Lns. 33-36: Change "point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail." to --point.--

Col. 19, Ln. 38: Change "35" to --36--

MAILING ADDRESS OF SENDER:

Fraser D. Roy
Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah

PATENT NO. 6,447,424



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 17

Workman Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

COPY MAILED

APR 24 2003

OFFICE OF PETITIONS

In re Application of
Ashby et al.
Application No. 09/496,560
Filed: February 2, 2000
Attorney Docket No. 13914.597

ON PETITION

This is a decision on the petition filed April 14, 2003, to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is granted.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

Certificate

APR 25 2003

of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424 B1
DATED : September 10, 2002
INVENTOR(S) : Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan

Page 1 of 2

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

Title page,

Item [73], insert the following: -- [73] Assignee: **Icon IP, Inc.**, Logan, UT (US) --
Primary Examiner, change Examiner's last name from "Richmon" to -- Richman --

Column 1,

Line 55, change "modem" to -- modern --

Column 3,

Line 64, before "part" change "on" to -- in --

Column 8,

Line 40, change "returned" to -- return --

Column 10,

Line 46, change "indicate" to -- indicates --

Column 11,

Line 39, after "optimize" change "to" to -- the --

Column 14,

Line 23, after "provide" insert -- the --

Column 15,

Line 20, after "405" insert -- , --

Column 17,

Lines 1-8, delete claims 7-8

Column 18,

Lines 17-44, delete claims 25-29

Column 19,

Line 24, change "a direct" to -- an --

Line 29, change "console." to -- console, the display device displaying a topographical representation of a trail to be traversed by a user, the displayed representation reflecting movement of the operable member. --

Lines 33-36, change "point; the beginning point, end point, and midway point being topographically related to a corresponding point along a naturally occurring trail." to -- point. --

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,447,424 B1
DATED : September 10, 2002
INVENTOR(S) : Darren C. Ashby, Scott R. Watterson and Kirk Lorrigan

Page 2 of 2

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

Column 19, cont'd
Line 38, change "35" to -- 36 --

Signed and Sealed this

Tenth Day of June, 2003

A handwritten signature in black ink, appearing to read "James E. Rogan", with a long horizontal flourish extending to the right.

JAMES E. ROGAN
Director of the United States Patent and Trademark Office

AO 121

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action has been filed in the U.S. District Court for the District of Utah on the following ☒ Patents ☐ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
1:08-cv-00010-TS	01/30/08	Northern District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF		DEFENDANT
Icon Health and Fitness, Inc.		Fisher-Price
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,447,424		
2		
3		
4		
5		

In the above-entitled case, the following patents(s) have been included:

DATE INCLUDED	INCLUDED BY
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1	
2	
3	
4	
5	

In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

DISTRIBUTION :

1) Upon initiation of action mail copy to Commissioner & lodge a copy in the file	2) Upon filing of document adding copyright(s), mail copy to Commissioner & lodge a copy in the file	3) Upon termination of action , mail copy to Registrar of Copyrights & lodge a copy in the file.

LARRY R. LAYCOCK (USB No. 4868)
DAVID R. WRIGHT (USB No. 5164)
TIGE KELLER (USB No. 9110)
KIRK R. HARRIS (USB No. 10221)
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707
Attorneys for Plaintiff
ICON HEALTH & FITNESS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

ICON HEALTH & FITNESS, INC., a Delaware corporation, Plaintiff, v. FISHER-PRICE, INC., a Delaware Corporation, Defendant.	Civil Action No. 1:08-CV-10 COMPLAINT (JURY TRIAL DEMANDED) Honorable Judge Ted Stewart

Plaintiff ICON Health & Fitness, Inc. ("ICON") hereby complains against
defendant Fisher-Price, Inc. ("Fisher Price"), and for causes of action alleges as follows:

THE PARTIES

1. ICON is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at 1500 South 1000 West, Logan, Utah 84321.

2. ICON alleges on information and belief that Fisher-Price is a corporation organized and existing under the laws of Delaware, with its principal place of business at 636 Girard Ave, East Aurora, New York 14052.

JURISDICTION AND VENUE

3. This is a civil action for patent infringement committed by Fisher-Price, arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284 and 285.

4. This Court has original subject matter jurisdiction over ICON's claims for relief, which arise under the laws of the United States, pursuant to 28 U.S.C. §1331.

5. This Court also has original subject matter jurisdiction over ICON's claims for relief, which arise under acts of Congress relating to patents, pursuant to 28 U.S.C. §1338(a).

6. ICON further alleges on information and belief that Fisher-Price has sold or contracted for the sale of infringing goods within the State of Utah, to ICON's injury, which relates to the claims asserted by ICON, and out of which ICON's claims in part arise.

7. This Court's exercise of personal jurisdiction over Fisher-Price is consistent with the Constitutions of the United States and the State of Utah. Moreover, this Court has personal jurisdiction over Fisher-Price pursuant to the Utah Long Arm Statute, Utah Code Ann. § 78-27-24.

8. Pursuant to 28 U.S.C. § 1391(c), Fisher-Price is deemed to reside in this judicial district for purposes of venue.

9. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. § 1391(b)(1), 28 U.S.C. § 1391(b)(2), and 28 U.S.C. § 1400(b).

FACTUAL BACKGROUND

10. ICON is an award-winning innovator in the field of exercise equipment and provides a variety of consumer products.

11. Many of ICON's technological innovations are protected, *inter alia*, by a portfolio of utility and design patents, including United States Patent No. 6,447,424 (the "'424 Patent"), a true and correct copy of which is attached hereto as Exhibit A.

12. ICON is the owner by assignment of the '424 Patent.

13. ICON has not licensed Fisher-Price to practice the '424 Patent, and Fisher-Price does not have any right or authority to license others to practice the '424 Patent.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Infringement by Fisher-Price of the '424 Patent)

14. By this reference ICON realleges and incorporates the foregoing paragraphs 1 through 13, as though fully set forth herein.

15. ICON alleges on information and belief that Fisher-Price has infringed and continues to infringe the '424 Patent by making, using, selling, offering for sale within the United States or importing into the United States systems and products that embody one or more of the claims of the '424 Patent, or by contributing to infringement, inducing others to infringe the '424 Patent, or carrying out acts constituting infringement under 35 U.S.C. § 271(f).

16. ICON alleges on information and belief that, unless and until enjoined by this Court, Fisher-Price will continue to infringe the '424 Patent.

17. The conduct of Fisher-Price as set forth hereinabove gives rise to a cause of action for infringement of the '424 Patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

18. ICON alleges on information and belief that Fisher-Price knew or should have known of the '424 patent prior to the initiation of the present action and yet continued to infringe despite an objectively high likelihood that its actions constituted infringement and/or that Fisher-Price will continue to infringe the '424 Patent subsequent to receiving notice of the initiation of this action despite an objectively high likelihood that its actions constitute infringement, thereby making its actions both willful and deliberate.

19. By reason of the foregoing, ICON is entitled to injunctive and monetary relief against Fisher-Price, pursuant to 35 U.S.C. §§ 283-85, as more fully set forth herein below.

PRAYER FOR RELIEF

WHEREFORE, ICON prays for judgment against Fisher-Price as follows:

- A. A judgment finding Fisher-Price liable for infringement of the '424 Patent;
- B. An Order of this Court permanently enjoining Fisher-Price, their agents and servants, and any and all parties acting in concert with any of them, from: directly or indirectly infringing in any manner the '424 Patent, whether by making, using, selling, offering to sell or importing into the United States any product falling within the scope of any of the claims of the '424 Patent; engaging in acts constituting contributory infringement of any of the claims of the '424 Patent; or inducing others to engage in any of the aforementioned acts or otherwise pursuant to at least 35 U.S.C. § 283;

C. An order of this Court directing Fisher-Price to destroy its entire stock of infringing products within the United States, pursuant to at least 35 U.S.C. § 283;

D. An award of damages to ICON, in an amount to be proven at trial, pursuant to at least 35 U.S.C. § 284;

E. An award to ICON of its damages, and that such damages be trebled in view of the infringement by Fisher-Price, pursuant to at least 35 U.S.C. § 284;

F. Prejudgment interest, pursuant to at least 35 U.S.C. § 284;

G. An award of ICON's costs in bringing this action, pursuant to at least 35 U.S.C. § 284;

H. That this be declared an exceptional case, and that ICON be awarded its attorneys' fees and expenses, pursuant to at least 35 U.S.C. § 285;

I. Post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a); and

J. For such other and further relief as the Court deems just, proper, and equitable.

DEMAND FOR JURY

Plaintiff demands TRIAL BY JURY of all causes so triable.

DATED this 30th day of January, 2008.

By: /s/ Tige Keller

WORKMAN NYDEGGER
Larry R. Laycock
David R. Wright
Tige Keller
Kirk R. Harris

Electronic Acknowledgement Receipt

EFS ID:	8617400
Application Number:	09496560
International Application Number:	
Confirmation Number:	6408
Title of Invention:	SYSTEM AND METHOD FOR SELECTIVE ADJUSTMENT OF EXERCISE APPARATUS
First Named Inventor/Applicant Name:	Darren C. Ashby
Customer Number:	22913
Filer:	Richard Kin Cheong Chang/Tiffany Kaufman
Filer Authorized By:	Richard Kin Cheong Chang
Attorney Docket Number:	13914.597
Receipt Date:	13-OCT-2010
Filing Date:	02-FEB-2000
Time Stamp:	14:45:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73(b).	09496560_6447424.pdf	43742 4699ce64d15ed3165fc80121d230f2886d79a729	no	1

Warnings:

Information:

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 299 of 316

2	Power of Attorney	PowerofAttorney.pdf	827207 ea4ff542345f9bf1adb0fed53320365ca3f86071	no	1
Warnings:					
Information:					
Total Files Size (in bytes):			870949		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ICON IP, Inc.

Application No./Patent No.: 09496560 / 6447424

Filed/Issue Date: 02-02-2000 / 09-10-2002

Titled: System and Method for Selective Adjustment of Exercise Apparatus

ICON IP, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Ashby, et. al To: ICON Health & Fitness, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 010782, Frame 0401, or for which a copy thereof is attached.

2. From: ICON Health & Fitness, Inc. To: ICON IP, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 012365, Frame 0100, or for which a copy thereof is attached.

3. From: _____ To: _____

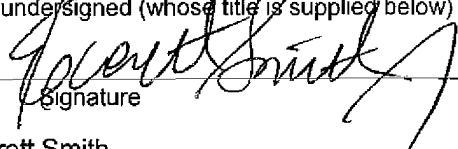
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

Everett Smith

Printed or Typed Name

9-21-10
Date

Secretary

Title



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/496,560	02/02/2000	Darren C. Ashby	13914.597

22913
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

CONFIRMATION NO. 6408
POWER OF ATTORNEY NOTICE



Date Mailed: 10/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dolipscomb/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

98114

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

98114

OR

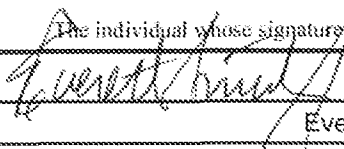
☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	9-21-10
Name	Everett Smith	Telephone	435-786-3614
Title	Secretary of ICON IP, Inc. & Secretary of ICON Health & Fitness, Inc.		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IFIT EX. 2002

IFIT INC. F/K/A ICON HEALTH & FITNESS, INC., IPR2022-00030

Page 303 of 316



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/496,560	02/02/2000	Darren C. Ashby	13914.597

98114
Icon Health & Fitness, INC.
1500 South 1000 West
Logan, UT 84321

CONFIRMATION NO. 6408
POA ACCEPTANCE LETTER



Date Mailed: 10/25/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dolipscomb/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

AO 120 (Rev. 2/99)

TO Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District California on the ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 10-04628 JCS	DATE FILED 10/13/2010	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16 th Floor, San Francisco, CA 94102
PLAINTIFF INTERACTIVE FITNESS HOLDINGS		DEFENDANT ICON HEALTH & FITNESS
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,447,424		***see attach complaint***
2 6,808,472		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wiekling	(BY) DEPUTY CLERK Gina Agustine-Rivas	DATE October 13, 2010

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

BRYAN CAVE LLP

K. Lee Marshall, *pro hac vice* pending
Berrie R. Goldman, California Bar No. 246061
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San Francisco, CA 94111
Telephone: (415) 675-3400
Facsimile: (415) 675 3434
E-Mail: klmarshall@bryancave.com
berrie.goldman@bryancave.com

HARNESS DICKEY

Matthew L. Cutler, *pro hac vice* pending
Randy J. Soriano, *pro hac vice* pending
7700 Bonhomme, Suite 400
Clayton, MO 63105
Telephone: (314) 726-7500
Facsimile: (314) 726-7501
E-Mail: mcutler@hdp.com
rsoriano@hdp.com

Attorneys for Plaintiff
INTERACTIVE FITNESS HOLDINGS, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INTERACTIVE FITNESS HOLDINGS,
LLC,

Plaintiff,

v.

ICON HEALTH & FITNESS, INC.

Defendant.

Case No. _____

**COMPLAINT FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.

ATTEST:

RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California

By GINA AGUISTINE

Date 10/18/10

E-filing

ORIGINAL
FILED

OCT 18 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JCS

CV 10 4628

1 **PLAINTIFF'S COMPLAINT**

2 COMES NOW Plaintiff Interactive Fitness Holdings, LLC ("IF Holdings"), by and
3 through its attorneys, and for its Complaint against Icon Health & Fitness, Inc. ("Icon"), states as
4 follows:

5 **THE PARTIES**

6 1. IF Holdings is a Delaware corporation with its principal place of business at 522
7 Mercury Drive, Sunnyvale, CA 94085.

8 2. Upon information and belief, Icon is a Delaware corporation with its principal
9 place of business at 1500 South 1000 West, Logan UT 84321.

10 **NATURE OF THE ACTION**

11 3. This is a declaratory judgment action seeking a determination that IF Holdings does
12 not infringe any valid or enforceable claim of U.S. Patent Nos. 6,447,424 or 6,808,472
13 (collectively, "the Patents-In-Suit").

14 4. On information and belief, Icon is the owner by assignment of United States Patent
15 No. 6,447,424 ("the '424 Patent"), which is entitled "System and Method for Selective
16 Adjustment of Exercise Apparatus" and issued on September 10, 2002. A true copy of the '424
17 patent is attached as Exhibit 1.

18 5. On information and belief, Icon is the owner by assignment of United States Patent
19 No. 6,808,472 ("the '472 Patent"), which is entitled "Method and Apparatus for Remote
20 Interactive Exercise and Health Equipment" and issued on October 26, 2004. A true copy of the
21 '472 patent is attached as Exhibit 2.

22 **JURISDICTION AND VENUE**

23 6. This is a complaint for declaratory judgment relief under the patent laws of the
24 United States, 35 U.S.C. §§ 1, *et seq.*

25 7. IF Holdings seeks declaratory relief under 28 U.S.C. §§ 2201 and 2202.

26 8. This Court has subject matter jurisdiction over this action under 35 U.S.C. §§ 1331,
27 1338, 2201, and 2202.

28 9. This Court has personal jurisdiction over Icon. Upon information and belief, Icon

1 has conducted business in and directed at California pertaining to the Patents-In-Suit.

2 10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1391(c)
3 because, among other reasons, Icon is subject to personal jurisdiction in this judicial district, Icon
4 and its directors have conducted or conduct business in this judicial district, or because a
5 substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

6 **INTRADISTRICT ASSIGNMENT**

7 11. This action is excepted from intradistrict assignment because it is an intellectual
8 property matter. Civil L.R. 3-5(b) and 3-2(c).

9 **THE SUBSTANTIAL CONTROVERSY BETWEEN THE PARTIES**

10 12. In January 2008, Icon filed a patent infringement lawsuit relating to the '424 and
11 '472 patents against Fisher-Price and Espresso Fitness in the District of Utah. The case is styled
12 *Icon Health & Fitness, Inc. v. Fisher-Price, Inc. and Espresso Fitness Corp.*, Civil Action No.
13 1:08-CV-10 TS ("The Utah Litigation").

14 13. In the Utah Litigation, Icon asserted that a certain line of exercise cycles
15 manufactured and sold by Espresso Fitness infringed at least the '424 patent.

16 14. In November, 2009, IF Holdings purchased the assets of Espresso Fitness from
17 Triplepoint Capital LLC and Silicon Valley Bank as part of a foreclosure sale agreement.

18 15. On September 27, 2010, Icon moved the Utah court for an order substituting IF
19 Holdings in the place of Espresso Fitness on the grounds that IF Holdings is Espresso Fitness'
20 successor-in-interest and the proper defendant in the Utah Litigation. Further, in its Motion for
21 Substitution of Parties, filed in the Utah Litigation, Icon alleges that the IF Holdings "is now
22 selling the same infringing bikes that Espresso was selling." Exhibit 3 at 5.

23 16. IF Holdings has not infringed and does not infringe, either directly or indirectly,
24 any valid and enforceable claim of either of the Patents-In-Suit, either literally or under the
25 doctrine of equivalents.

26 17. IF Holdings, in its purchase of the assets of Espresso Fitness, expressly disclaimed
27 any assumption of the debts or liabilities of Espresso Fitness.

28 18. By virtue of the foregoing, a substantial controversy exists between the parties that

1 is of sufficient immediacy and reality to warrant declaratory relief.

2 **COUNT I**

3 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT ('424 PATENT))**

4 19. IF Holdings realleges and incorporates herein the allegations of the preceding
5 paragraphs of this Complaint as if fully set forth herein.

6 20. As a result of the acts described in the foregoing paragraphs, there exists a
7 substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory
8 judgment.

9 21. A judicial declaration is necessary and appropriate so that IF Holdings may
10 ascertain its rights regarding the '424 patent.

11 22. IF Holdings is entitled to a declaratory judgment that it has not infringed and does
12 not infringe, directly or indirectly, any valid and enforceable claim of the '424 patent.

13 **COUNT II**

14 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT ('472 PATENT))**

15 23. IF Holdings realleges and incorporates herein the allegations of the preceding
16 paragraphs of this Complaint as if fully set forth herein.

17 24. As a result of the acts described in the foregoing paragraphs, there exists a
18 substantial controversy of sufficient immediacy and reality to warrant the issuance of a declaratory
19 judgment.

20 25. A judicial declaration is necessary and appropriate so that IF Holdings may
21 ascertain its rights regarding the '472 patent.

22 26. IF Holdings is entitled to a declaratory judgment that it has not infringed and does
23 not infringe, directly or indirectly, any valid and enforceable claim of the '472 patent.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, IF Holdings prays for the following relief:

26 1. A declaration that IF Holdings has not infringed, either directly or indirectly, any
27 valid and enforceable claim of the '424 patent;

28 2. A declaration that IF Holdings has not infringed, either directly or indirectly, any

1 valid and enforceable claim of the '472 patent;

2 3. An order declaring that IF Holdings is a prevailing party and that this is an
3 exceptional case, awarding IF Holdings its costs, expenses, disbursements, and reasonable
4 attorney's fees under 35 U.S.C. § 285, and all other statutes, rules, and common law;

5 4. That Icon be ordered to pay all costs associated with this action; and

6 5. That IF Holdings be granted such other and additional relief as the Court deems
7 just and proper.

8 **DEMAND FOR JURY TRIAL**

9 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, IF Holdings demands a
10 trial by jury.

11
12 Dated: October 13, 2010

BRYAN CAVE LLP

13
14 By: Berrie R. Goldman
15 Berrie R. Goldman
16 Attorneys for Plaintiff
17 INTERACTIVE FITNESS HOLDINGS, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
09/496,560	6447424	3764	0440



Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 98114 on 12/10/2010

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 98114 is:

98114
Icon Health & Fitness, INC.
1500 South 1000 West
Logan, UT 84321



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
09/496,560	6447424	3764	0440



Correspondence Address/Fee Address Change

The following fields have been set to Customer Number 98114 on 10/28/2010

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 98114 is:

98114
Icon Health & Fitness, INC.
1500 South 1000 West
Logan, UT 84321

AO 121 (Rev. 08/10)

To: Mail Stop 8 Director of Patents and Trademarks PO BOX 1450 Alexandria VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116, you are hereby advised that a court action
 has been filed in the **U.S. District Court for the District of Utah** on the following

☐ Trademarks or ☒ Patents (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
1:11-cv-75 DB	05/10/11	District of Utah 350 South Main Street, Room 150, Salt Lake City, UT 84101
PLAINTIFF		DEFENDANT
Interactive Fitness Holdings		Icon Health & Fitness
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see complaint	see complaint	see complaint
2 6,447,424		
3 6,808,472		
4		
5		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY		
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above-entitled case, a final decision had been rendered or judgment issued:

DECISION / JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

DISTRIBUTION : 1) Upon initiation of action
mail copy to Director

2) Upon filing of document adding patent(s),
mail copy to Director

3) Upon termination of action ,
mail copy to Director

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. SACV12-00257	DATE FILED 2/15/2012	U.S. DISTRICT COURT Central District of California
PLAINTIFF ICON HEALTH & FITNESS, INC.		DEFENDANT TACX INTERNATIONAL B.V. TACX B.V.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,447,424	9/10/2002	ICON Health & Fitness, Inc.
2 6,626,799	9/30/2003	ICON Health & Fitness, Inc.
3 6,921,351	7/26/2005	ICON Health & Fitness, Inc.
4 7,556,590	7/7/2009	ICON Health & Fitness, Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

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filed in the U.S. District Court Central District of California on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. SACV12-00531 JAVS	DATE FILED 4/6/2012	U.S. DISTRICT COURT Central District of California
PLAINTIFF ICON HEALTH & FITNESS, INC.		DEFENDANT HEINZ KETTLER GMBH & CO., KG; KETTLER INTERNATIONAL, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,772,560	6/30/1998	ICON HEALTH & FITNESS, INC.
2 6,447,424	9/10/2002	ICON HEALTH & FITNESS, INC.
3 6,808,472	10/26/2004	ICON HEALTH & FITNESS, INC.
4 7,166,064	1/23/2007	ICON HEALTH & FITNESS, INC.
5 7,556,590	7/7/2009	ICON HEALTH & FITNESS, INC.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

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4 7,166,064	1/23/2007	ICON HEALTH & FITNESS, INC.
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DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
NOTICE OF VOLUNTARY DISMISSAL, DOC 23, COPY ATTACHED

CLERK Terry Nafisi	(BY) DEPUTY CLERK Ramona La Chapelle	DATE 1/24/13