

IN THE PATENT AND TRADEMARK OFFICE

In re patent application of: WERSLAND, Jason, et. al. Serial No. 17/018,099 Filed: September 11, 2020 Title: PERCUSSIVE THERAPY DEVICE	Confirmation No. 2849 Group Art Unit: 3785 Examiner: Stuart, Colin W. Customer No. 24,574 Docket No. 76840-5090
--	--

AMENDMENT

Please amend the above-identified application, without prejudice, as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

What is claimed is:

1-2. canceled

3. (previously presented) A percussive therapy device comprising:

a housing,

an electrical source,

a motor positioned in the housing, wherein the motor is a brushless motor with a rotatable motor shaft,

a motor mount positioned in the housing, wherein the motor mount includes a mounting wall having a shaft opening defined therein, wherein the motor is mounted to the mounting wall and the motor shaft extends through the shaft opening, wherein first and second mounting flanges extend from and extend perpendicular to the mounting wall, and wherein the first and second mounting flanges are secured to opposite sides of the housing, wherein a first boss member extends outwardly from the first mounting flange and a second boss member extends outwardly from the second mounting flange, wherein the housing includes a first housing portion and a second housing portion, wherein a first mounting member that defines a first opening is defined in the first housing portion, wherein a second mounting member that defines a second opening is defined in the second housing portion, wherein the first boss member extends through the first opening, wherein the second boss member extends through the second opening, wherein a first threaded fastener secures the first boss member to the first housing portion, and wherein a second threaded fastener secures the second boss member to the second housing portion

Response to Office Action
Issued on November 16, 2021

-2-

Appl. No. 17/018,099
Atty. Docket No. 76840-5090
Customer No. 24574

a switch for activating the motor, and

a push rod assembly operatively connected to the motor and configured to reciprocate in response to activation of the motor.

4. (previously presented) The percussive massage device of claim 3 wherein a first cylindrical dampening member that includes a first annular groove defined in an outer surface thereof is received on the first boss member, wherein a ring portion of the first mounting member is received in the first annular groove, wherein a second cylindrical dampening member that includes a second annular groove defined in an outer surface thereof is received on the second boss member, and wherein a ring portion of the second mounting member is received in the second annular groove.

5. (currently amended) The percussive therapy device of claim [[1]] 3 further comprising a screen positioned on the housing, wherein the temperature sensor comprises an infrared thermometer module positioned in the housing, wherein a temperature opening through which an infrared beam is configured to be emitted is defined in the housing, and wherein a temperature reading of a body part that is generated by the infrared thermometer module is configured to be displayed on the screen.

6-7. canceled

8. (currently amended) The percussive therapy device of claim [[1]] 3 further comprising a heart rate monitor.

9. (previously presented) The percussive therapy device of claim 8 wherein the heart rate monitor is positioned on a first handle portion.

10. (previously presented) The percussive therapy device of claim 9 wherein the heart rate monitor is positioned on a top surface of the first handle portion and is configured to shine light onto a user's palm to monitor heart rate.

11. (previously presented) The percussive therapy device of claim 9 wherein the heart rate monitor includes first and second pulse contacts positioned on the first handle portion.

12. (previously presented) The percussive therapy device of claim 11 wherein the first pulse contact is positioned on a top surface of the first handle portion and the second pulse contact is positioned on a bottom of the first handle portion.

13. (currently amended) The percussive therapy device of claim [[1]] 3 further comprising a male or female attachment member on a distal end of the push rod assembly, wherein the male or female attachment member includes a heating element therein.

14. (currently amended) The percussive therapy device of claim [[1]] 3 further comprising a male or female attachment member on a distal end of the push rod assembly, wherein the male or female attachment member includes a first set of electrical contacts.

15. canceled.

16. (previously presented) The percussive therapy device of claim 14 wherein the attachment member is a male attachment member that includes first and second balls biased outwardly therefrom, wherein the first and second balls are the first set of electrical contacts.

17. (currently amended) The percussive therapy device of claim [[1]] 3 further including a software application executable on a mobile device that is configured to control the operation of the percussive therapy device, wherein the software application includes routines that are accessed based on scanning a scannable member with the mobile device.

18-20. canceled

REMARKS

In this amendment, claims 5, 8, 13, 14 and 17 have been amended, claims 1, 2 and 20 have been canceled and no claims have been added. Accordingly, claims 3-5, 8-14, 16 and 17 remain pending in the present application.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for allowing claims 3-4.

CLAIM OBJECTIONS

Claim 20 was objected to for not including a period at the end. Claim 20 has been canceled.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-2 as being anticipated by Pepe (US 2017/0304145) in view of Marton (US 10,314,762), Goldstein (2018/0008512) and DeBenedictis (US 2015/0216719), claim 5 as being obvious over Pepe, Marton, Goldstein, DeBenedictis in view of Pepe '306 (US 2020/0261306) and Bohm (US 2012/0078071), claim 8 as being obvious over Pepe, Marton, Goldstein, DeBenedictis and Avni (2009/0112134), claims 9 and 11-12 as being obvious over Pepe, Marton, Goldstein, DeBenedictis, Avni and further in view of Barragan Gomez (US 2020/0179210), claim 10 as being obvious over Pepe, Marton, Goldstein, DeBenedictis, Avni and Gomez in view of Bardha (US 2007/0129220), claim 13 as being obvious over Pepe, Marton, Goldstein, DeBenedictis and further in view of Pepe '594 (2020/0268594), claims 14 as being obvious over Pepe, Marton, Goldstein, DeBenedictis, Pepe '594 and further in view of Giraud (US 2015/0305969), claim 16 as being obvious over Pepe, Marton, Goldstein, DeBenedictis, Pepe '594 and Giraud and further in view of Estes (US 2009/0326540), claim 17 as being obvious over Pepe, Marton, Goldstein, DeBenedictis, Dematio

Response to Office Action
Issued on November 16, 2021

-6-

Appl. No. 17/018,099
Atty. Docket No. 76840-5090
Customer No. 24574

(2014/0207032) and Konik (US 2016/0346163); and claims 1 and 20 as being obvious over Pepe, Marton, Goldstein and Einav (US 2017/0282228).

Applicant disagrees with the Examiner. However, in order to obtain a patent on the allowable subject matter, claims 1, 2 and 20 have been canceled and other claims have been amended to depend from claim 3. With respect to all rejections not specifically discussed or addressed herein, Applicant hereby disagrees with all of the Examiner's reasoning and discussion and concedes nothing.

Applicant reserves the right to file a continuation application to prosecute the canceled and or amended claims.

REQUEST FOR TELEPHONE CONFERENCE

If after considering this Amendment, the Examiner believes that the claims are not allowable, Applicant requests that the Examiner please contact their authorized representative identified below by phone prior to issuing any further Office action for the purpose of hopefully resolving any such issue.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

It is believed that no additional fee is due for submitting this response. However, in the event a fee is required, the Commissioner is authorized to charge any amounts due or credit any overpayments in connection with this matter to Deposit Account No. 10-0440.

Respectfully submitted,

JEFFER MANGELS BUTLER & MITCHELL LLP

Dated: February 2, 2022

By: /Brennan C. Swain/
Brennan C. Swain, Esq.
Reg. No. 43,175
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067-4308
(310) 203-8080
CUSTOMER NO. 24,574