UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	: 9,421,447 B2
APPLICATION NO.	: 11/457006
DATED	: August 23, 2016
INVENTOR(S)	: Keith A. Raniere

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 (56),

Other publications, line 4, please change
"Retrived" to --Retrieved--

On page 2/other publications, Col. 1, line 1, please change
"Anerobic-anaerobic" to --Aerobic-anaerobic--

On page 2/other publications, Col. 1, line 2, please change
"Determiniation" to --Determination--

On page 2/other publications, Col. 2, line 40, please change
"Opion" to --Opinion--

In the Specification

Column 6, line 29, please change
"343" to --34B--

Column 3, line 59, please change
"programs" to --program--

Signed and Sealed this
Twenty-seventh Day of December, 2016

Michelle K. Lee

Michelle K. Lee
Director of the United States Patent and Trademark Office

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 9,421,447

APPLICATION NO. : 11/457,006

ISSUE DATE : August 23, 2016

INVENTOR(S) : Keith A. Raniere

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On cover page/other publications (line 4), please change
"Retrived" to --Retrieved--

On cover page 2/other publications, Col. 1, line 1), please change
"Anerobic-anaerobic" to --Aerobic-anaerobic--

On cover page 2/other publications, Col. 1, line 2), please change
"Determiniation" to --Determination--

On cover page 2/other publications, Col. 2, line 40), please change
"Opion" to --Opinion--

MAILING ADDRESS OF SENDER (Please do not use customer number below): Docket No: FIRS.2992US3-NY

Schmeiser, Olsen & Watts LLP, 22 Century Hill Drive, Suite 302, Latham NY 12110

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.14. This collection is estimated to take 1.0 hour 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: Attention Certificate of Corrections Branch, 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.

Column 6, line 29, please change
"343" to –34B--

Column 3, line 59, please change
"programs" to --program--

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Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
CERTIFICATE OF CORRECTION	2811	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	27284813
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Caterina Tuminello
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	21-OCT-2016
Filing Date:	12-JUL-2006
Time Stamp:	12:56:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$100
RAM confirmation Number	102116INTEFSW12564600
Deposit Account	190513
Authorized User	Caterina Tuminello

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	2992US3_COCTransmittal_10-21-16.pdf	139563 e9ac080da4c61cb0c8ecacc60c0f7ca75a76eb17	no	1
Warnings:					
Information:					
2	Request for Certificate of Correction	2992US3_COC.pdf	287514 65f862e335c801c9031fa34491709bf3f161f031	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30339 afea41106a5639a8daf9bf514b4fff872003cf16	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	457416		

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<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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Keith A. Raniere
Serial No.:	11/457,006
Filing Date:	July 12, 2006
Patent No.:	9,421,447
Issue Date:	August 23, 2016
Attorney Docket No.:	FIRS.2992US3-NY
Title:	**METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Honorable Commissioner For Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Attn.: Mail Stop Fee Amendments
Arlington, VA 22213-1450

TRANSMITTAL OF CERTIFICATE OF CORRECTION

Applicants respectfully attach a Certificate of Correction for this case and request that the corrections therein be made. The errors noted in the above-identified patent were made by the Applicant, thus we will pay the required fee.

Respectfully submitted,

Date: October 21, 2016

/Jason A. Murphy/
Jason A. Murphy
Reg. No.: 63,423

Customer No: 5409
Schmeiser, Olsen & Watts LLP
22 Century Hill Drive, Suite 302
Latham, New York 12110
Telephone: (518) 220-1850
Fax: (518) 220-1857

PTO/SB/08a (03-15)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11456006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	9387386		2016-06-22	Raniere	
	2	9409077		2016-08-09	Raniere	

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S.PATENT APPLICATION PUBLICATIONS Remove

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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FOREIGN PATENT DOCUMENTS Remove

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							

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NON-PATENT LITERATURE DOCUMENTS Remove

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11456006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11456006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Jason A. Murphy/	Date (YYYY-MM-DD)	2016-08-18
Name/Print	Jason A. Murphy	Registration Number	63423

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	26681871
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Eleni Pappas
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	18-AUG-2016
Filing Date:	12-JUL-2006
Time Stamp:	15:21:29
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	Information Disclosure Statement (IDS) Form (SB08)	2992US3-IDS-08-18-16.pdf	1034929 abdf83dbc1a900e6f5f4bc380567cd4c6df8c49e	no	4

Warnings:

Information:	
Total Files Size (in bytes):	1034929

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New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

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 NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	08/23/2016	9421447	FIRS-2992US3	6491

5409 7590 08/03/2016

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 127 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment 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) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Keith A. Raniere, Clifton Park, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3715

☒ **Claims renumbered in the same order as presented by applicant** ☐ **CPA** ☐ **T.D.** ☐ **R.1.47**

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original

Change(s) applied
to document,
/R.L./
3/28/2016

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 11	
/ROBERT J UTAMA/ Primary Examiner.Art Unit 3715 (Primary Examiner)	03/12/2016 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							☐

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

/R.U./	1	Office Action (Mail Date 4/4/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	2	Office Action (Mail Date 12/14/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	3	Office Action (Mail Date 4/4/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	4	Office Action (Mail Date 4/25/2007) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	5	Office Action (Mail Date 9/21/2007) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	6	Office Action (Mail Date 3/26/2008) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	7	Office Action (Mail Date 9/30/2008) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	8	Office Action (Mail Date 4/20/2009) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	9	Office Action (Mail Date 11/24/2009) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	10	Office Action (Mail Date 11/24/2010) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	11	Office Action (Mail Date 4/26/2011) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

	12	Office Action (Mail Date 5/23/2008) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	13	Office Action (Mail Date 11/26/2008) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	14	Office Action (Mail Date 6/24/2009) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
/R.U./	15	Office Action (Mail Date 1/7/2010) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature	/Robert Utama/	Date Considered	07/21/2016

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2011-08-29
Name/Print	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 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: Use Block 1 for any change of address)

5409 7590 03/18/2016
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

Note: A certificate of mailing 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 or transmission.

Certificate of Mailing or Transmission
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 Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

TITLE OF INVENTION: METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	06/20/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
UTAMA, ROBERT J	3715	431-247000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ 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; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

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 Schmeiser, Olsen & Watts, LLP
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. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: FIRST PRINCIPLES, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): ALBANY, NEW YORK

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 submitted:
- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 190513 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature / JASON A. MURPHY/ Date 6/20/2016

Typed or printed name JASON A. MURPHY Registration No. 63423

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L Olsen/Lisa A. Molloy
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**480**

Electronic Acknowledgement Receipt

EFS ID:	26113475
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L Olsen/Lisa A. Molloy
Filer Authorized By:	Arlen L Olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	20-JUN-2016
Filing Date:	12-JUL-2006
Time Stamp:	14:43:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$480
RAM confirmation Number	1040
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)

Charge any Additional Fees required under 37 CFR 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	2992US3_Issue_Fee.pdf	1959284 4426bdd11ebb485d427e13909b77339080b2e210	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30461 cd0e3a76bef60a52c981917341f8d4bb4ab4e657	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1989745		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

7590 04/04/2016

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3715	
NOTIFICATION DATE	DELIVERY MODE
04/04/2016	ELECTRONIC

NOTICE OF NON-COMPLIANT INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement (IDS) filed 03-30-16 in the above-identified application fails to meet the requirements of 37 CFR 1.97(d) for the reason(s) specified below. Accordingly, the IDS will be placed in the file, but the information referred to therein has not been considered.

The IDS is not compliant with 37 CFR 1.97(d) because:

☑ The IDS lacks a statement as specified in 37 CFR 1.97(e).

☑ The IDS lacks the fee set forth in 37 CFR 1.17(p).

☐ The IDS was filed after the issue fee was paid. Applicant may wish to consider filing a petition to withdraw the application from issue under 37 CFR 1.313(c) to have the IDS considered. See MPEP 1308.

NHB

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-B (Rev. 02/08)

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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	1							

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NON-PATENT LITERATURE DOCUMENTS Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith Raniere
	Art Unit	
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRST.2992US3-NY

	1	Notice of Allowance for U.S. Serial no. 10/631,279 (Filing Date: 07/31/03), mailed on March 14, 2016.

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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

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Filing Date	2006-07-12
First Named Inventor	Keith Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

CERTIFICATION STATEMENT

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OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Jason A. Murphy/	Date (YYYY-MM-DD)	2016-03-30
Name/Print	Jason A. Murphy	Registration Number	63423

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	25342109
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Eleni Pappas
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	30-MAR-2016
Filing Date:	12-JUL-2006
Time Stamp:	11:10:11
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	Information Disclosure Statement (IDS) Form (SB08)	2992US3-IDS-03-30-16.pdf	1035030 9112e402b4878869d26008cd2f7bfea305363efa	no	4

Warnings:	
Information:	

A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.

Total Files Size (in bytes):	1035030

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

5409 7590 03/18/2016

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER
UTAMA, ROBERT J

ART UNIT	PAPER NUMBER
3715	

DATE MAILED: 03/18/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

TITLE OF INVENTION: METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	06/20/2016

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 DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). 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. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop 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 send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 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: Use Block 1 for any change of address)

5409 7590 03/18/2016
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

Note: A certificate of mailing 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 or transmission.

Certificate of Mailing or Transmission
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 Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

TITLE OF INVENTION: METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	06/20/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
UTAMA, ROBERT J	3715	431-247000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ 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; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

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. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. 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 submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29
  NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27
  NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status.
  NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

DATE MAILED: 03/18/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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 1.14. This collection is estimated to take 12 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 11/457,006	Applicant(s) RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	AIA (First Inventor to File) Status No

-- 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 (PTOL-85) 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 *01/05/2016*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1, 4-13*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   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: _____.

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.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

DETAILED ACTION

Status of the application

The present application is being examined under the pre-AIA first to invent provisions.

Election/Restrictions

The examiner noted that the election requirement made on application 10/631,279 on 04/04/2006 are hereby withdrawn. The examiner also notes the terminal disclaimer, received on 02/11/2016 have been received and approved.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	675	(a61b5/222).cpc.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:48
S1	2675	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S2	299	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S3	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:55
S4	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:15
S5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S6	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S7	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S8	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:09
S9	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:10
S10	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:36
S11	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:39

S12	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:45
S13	184	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:16
S14	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:17
S15	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:23
S16	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S17	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S18	32605	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S19	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S20	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 17:21
S21	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 14:37
S22	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:32
S23	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:35
S24	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S25	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S26	1	"5927988".PN.	US-PGPUB; USPAT;	OR	OFF	2010/07/13 15:37

			USOCR			
S27	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:44
S30	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:45
S31	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:48
S32	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S33	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S34	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S35	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S36	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S37	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S38	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S39	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S40	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:04
S41	2700	stress adj testing	US-	OR	OFF	2010/07/13

			PGPUB; USPAT; USOCR			23:26
S42	302	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S43	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S44	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S46	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S47	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S48	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S49	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S50	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S51	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S52	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S53	187	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S54	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S55	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S56	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S57	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S58	33030	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S59	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S60	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S61	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S62	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S63	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S64	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S65	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S66	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S67	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S69	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S70	8	software adj testing and boundary adj condition	US-PGPUB; USPAT;	OR	OFF	2010/07/13 23:26

			USOCR			
S71	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S72	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S73	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S74	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S75	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S76	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S77	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S78	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S79	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S80	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S81	86	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:29
S82	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:31
S83	94	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:32
S84	76	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT;	OR	OFF	2010/07/13 23:33

			USOCR			
S85	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/16 13:37
S86	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S87	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S88	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S89	52	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:57
S90	3185076	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S91	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S92	18022	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S93	1278	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S94	872	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S95	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:17
S96	39	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:19
S97	335	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S98	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22

S99	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S100	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S101	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:27
S102	661	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29
S103	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29
S104	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:32
S105	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 12:12
S106	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S107	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S108	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S109	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S110	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S111	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S112	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S113	1	("5,308,300").PN.	US-PGPUB; USPAT;	OR	OFF	2010/12/28 15:01

			USOCR			
S114	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S115	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S116	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S117	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S118	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S119	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S120	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S121	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S122	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S123	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S124	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S125	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S126	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S127	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S128	11	"6210116"	US-	OR	OFF	2010/12/28

			PGPUB; USPAT; USOCR			15:01
S129	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S130	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S131	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S132	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S133	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S134	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S135	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S136	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S137	601	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S138	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S139	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S140	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S141	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S142	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S143	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S144	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S145	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S146	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S147	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S148	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S149	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S150	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S151	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S152	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S153	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S154	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S155	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S156	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S157	1	("6652284").PN.	US-PGPUB; USPAT;	OR	OFF	2010/12/28 15:01

			USOCR			
S158	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S159	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S160	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S161	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S162	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S163	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S164	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S165	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S166	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S167	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S168	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S169	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S170	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S171	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S172	4	"978194".AP.	US-	OR	OFF	2010/12/28

			PGPUB; USPAT; USOCR			15:01
S173	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S174	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S175	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S176	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S177	601	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S178	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S179	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S180	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S181	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S182	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S183	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S184	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S185	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S186	88	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S187	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S188	96	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S189	82	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S190	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S191	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S192	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S193	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S194	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S195	3278189	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S196	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S197	19130	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S198	1377	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S199	934	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S200	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S201	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S202	336	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S203	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S204	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S205	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S206	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S207	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S208	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S209	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S210	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S211	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S212	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S213	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S214	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S215	0	cardiac near5 safety and (safety adj	US-	OR	OFF	2010/12/29

		range)	PGPUB; USPAT; USOCR			15:52
S216	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S217	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S218	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S219	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S220	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S221	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S222	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S223	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S224	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S225	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S226	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S227	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S228	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S229	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S230	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S231	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S232	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S233	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S234	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S235	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S236	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S237	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S238	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S239	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S240	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S241	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S242	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S243	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S244	226	434/156.ccls. and block	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S245	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S246	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S247	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S248	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S249	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S250	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S251	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S252	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S253	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S254	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S255	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S256	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S257	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S258	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S259	26	(optimum adj (heart adj rate))	US-	OR	OFF	2010/12/29

			PGPUB; USPAT; USOCR			15:52
S260	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S261	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S262	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S263	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S264	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S265	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S266	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S267	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S268	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S269	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S270	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S271	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S272	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S273	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S274	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S275	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S276	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S277	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S278	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S279	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S280	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S281	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S282	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S283	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S284	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S285	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S286	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S287	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S288	1	("5485176").PN.	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S289	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S290	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S291	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S292	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S293	97	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S294	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S295	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S296	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S297	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S298	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S299	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S300	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S301	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S302	19186	"power converter"	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S303	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S304	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S305	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S306	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S307	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S308	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S309	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S310	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S311	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S312	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S313	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S314	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S315	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S316	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S317	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S318	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S319	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S320	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S321	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S322	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S323	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S324	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S325	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S326	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S327	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S328	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S329	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S330	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S331	0	anabolic adj threshold and exercise	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S332	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S333	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S334	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S335	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S336	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S337	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S338	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S339	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S340	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S341	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S342	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S343	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S344	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S345	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S346	1	("6413098").PN.	US-	OR	OFF	2010/12/29

			PGPUB; USPAT; USOCR			15:52
S347	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S348	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S349	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S350	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S351	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S352	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S353	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S354	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S355	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S356	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S357	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S358	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S359	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S360	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S361	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S362	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S363	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S364	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S365	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S366	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S367	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S368	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S369	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S370	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S371	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S372	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S373	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S374	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S375	36	"Raniere".IN.	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S376	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S377	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S378	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S379	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S380	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S381	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S382	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S383	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S384	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S385	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S386	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S387	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S388	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S389	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S390	65	434/156.ccls. and block and wireless	US-	OR	OFF	2010/12/29

			PGPUB; USPAT; USOCR			15:52
S391	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S392	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S393	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S394	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S395	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S396	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S397	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S398	97	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S399	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S400	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S401	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S402	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S403	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S404	53	"Gleissner".IN.	US-	OR	OFF	2010/12/29

			PGPUB; USPAT; USOCR			15:53
S405	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S406	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S407	19186	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S408	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S409	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S410	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S411	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S412	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S413	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S414	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S415	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S416	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S417	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S418	25	treadmill and heart adj rate and past with result	US-PGPUB;	OR	OFF	2010/12/29 15:53

			USPAT; USOCR			
S419	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S420	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S421	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S422	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S423	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S424	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S425	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S426	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S427	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S428	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S429	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S430	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S431	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S432	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S433	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S434	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S435	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S436	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S437	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S438	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S439	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S440	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S441	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S442	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S443	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S444	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S445	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S446	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S447	4	"978194".AP.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S448	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S449	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S450	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S451	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S452	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S453	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S454	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S455	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S456	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S457	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S458	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S459	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S460	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S461	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S462	337	stress adj testing and heart adj rate	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S463	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S464	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S465	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S466	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S467	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S468	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S469	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S470	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S471	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S472	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S473	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S474	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S475	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S476	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S477	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S478	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S479	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S480	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S481	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S482	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S483	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S484	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S485	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S486	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S487	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S488	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S489	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S490	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S491	1	("6413098").PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S492	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S493	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S494	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S495	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S496	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S497	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S498	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S499	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S500	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S501	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S502	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S503	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S504	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S505	4	"631279".AP.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S506	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S507	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S508	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S509	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S510	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S511	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S512	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S513	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S514	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S515	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S516	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S517	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S518	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S519	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S520	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S521	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S522	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S523	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S524	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S525	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S526	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S527	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S528	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S529	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S530	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S531	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S532	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S533	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S534	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S535	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S536	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S537	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S538	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S539	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S540	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S541	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S542	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S543	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S544	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S545	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S546	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S547	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S548	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S549	1	"6210116".PN.	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S550	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S551	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S552	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S553	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S554	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S555	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S556	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S557	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S558	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S559	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S560	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S561	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S562	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S563	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S564	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S565	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S566	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S567	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S568	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S569	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S570	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S571	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S572	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S573	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S574	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S575	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S576	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S577	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S578	211	white adj board and sports	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S579	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S580	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S581	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S582	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S583	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S584	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S585	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S586	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S587	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S588	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S589	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S590	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S591	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S592	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S593	0	"METHOD AND DEVICE FOR	US-	OR	OFF	2011/04/19

		ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	PGPUB; USPAT; USOCR			16:40
S594	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S595	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S596	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S597	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S598	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S599	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S600	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S601	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S602	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S603	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S604	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S605	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S606	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S607	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S608	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S609	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S610	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S611	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S612	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S613	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S614	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S615	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S616	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S617	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S618	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S619	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S620	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S621	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" |	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

		"4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.				
S622	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S623	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S624	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S625	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S626	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S627	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S628	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S629	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S630	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S631	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S632	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S633	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S634	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S635	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S636	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S637	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S638	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S639	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S640	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S641	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S642	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S643	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S644	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S645	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S646	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S647	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S648	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S649	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S650	38	"Raniere".IN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S651	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S652	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S653	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S654	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S655	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S656	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S657	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S658	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S659	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S660	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S661	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S662	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S663	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S664	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S665	66	434/156.ccls. and block and wireless	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S666	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S667	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S668	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S669	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S670	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S671	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S672	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S673	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S674	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S675	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S676	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S677	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S678	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S679	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S680	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S681	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S682	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S683	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S684	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S685	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S686	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S687	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S688	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S689	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S690	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S691	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S692	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S693	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S694	1	"6210116".PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S695	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S696	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S697	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S698	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S699	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S700	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S701	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S702	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S703	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S704	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S705	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S706	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S707	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S708	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S709	146	("4136336" | "4839634" | "4862152" |	US-	OR	OFF	2011/04/19

		"4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	PGPUB; USPAT; USOCR			16:40
S710	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S711	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S712	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S713	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S714	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S715	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S716	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S717	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S718	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S719	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S720	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S721	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S722	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S723	1449	"power inverter" and (car or auto or	US-	OR	OFF	2011/04/19

		automotive)	PGPUB; USPAT; USOCR			16:40
S724	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S725	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S726	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S727	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S728	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S729	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S730	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S731	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S732	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S733	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S734	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S735	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S736	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S737	337	stress adj testing and heart adj rate	US-PGPUB;	OR	OFF	2011/04/19 16:40

			USPAT; USOCR			
S738	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S739	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S740	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S741	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S742	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S743	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S744	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S745	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S746	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S747	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S748	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S749	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S750	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S751	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S752	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S753	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S754	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S755	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S756	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S757	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S758	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S759	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S760	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S761	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S762	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S763	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S764	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S765	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S766	1	("6413098").PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S767	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S768	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S769	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S770	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S771	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S772	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S773	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S774	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S775	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S776	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S777	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S778	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S779	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S780	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S781	2	cardiac with safety and (safety adj	US-	OR	OFF	2011/04/19

		range)	PGPUB; USPAT; USOCR			16:40
S782	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S783	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S784	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S785	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S786	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S787	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S788	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S789	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S790	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S791	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S792	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S793	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S794	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S795	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S796	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S797	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S798	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S799	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S800	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S801	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S802	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S803	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S804	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S805	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S806	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S807	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S808	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S809	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S810	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:41

			USOCR			
S811	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S812	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S813	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S814	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S815	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S816	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S817	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S818	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S819	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S820	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S821	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S822	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S823	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S824	53	"Gleissner".IN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:41

			USOCR			
S825	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S826	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S827	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S828	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S829	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S830	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S831	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S832	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S833	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S834	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S835	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S836	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S837	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S838	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41

S839	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S840	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S841	2	"10631279"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:49
S842	0	"10631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:49
S843	290	timer with start and timer with stop and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:09
S844	1001	range with exercise and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
S845	171	range with exercise and heart adj rate and timer	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
S846	28	range with exercise and heart adj rate and (timer with start)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
S847	16	("4601467" | "4628910" | "4878663" | "5011142" | "5207216" | "5242348" | "5328429" | "5374193" | "5476428" | "5807288" | "6152855" | "6270445" | "6367352" | "6456885").PN. OR ("7083547").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:19
S848	1	("7278966").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:21
S849	3	(("7278966") or ("20020116147") or ("7,254,516")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:39
S850	28	("20010049470" | "20020019586" | "20020072932" | "20020133378" | "20030090389" | "20030208110" | "20040002634" | "20040002662" | "20040081110" | "5447524" | "5524637" | "5749372" | "5976083" | "5989200" | "6122960" | "6356856" | "6396416" | "6478736" | "6497638" | "6501386" | "6595929" | "6635013").PN. OR ("7278966").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:45
S851	0	("ovenandbrailleadjdisplay").PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/21 11:51

			USOCR			
S852	11	oven and braille adj display	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:51
S853	2	oven with braille	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:52
S854	0	braille with (home adj appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:54
S855	5	braille with (appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:54
S856	1	(10/631279).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 12:25
S857	2	(("6,702,720") or ("4,463,764")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:00
S858	1	("5941837").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:15
S859	1209	increasing with endurance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:37
S860	54	increasing with endurance and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:38
S861	474	increasing with time and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:40
S862	1	("8041548").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/02 09:53
S863	1	("7461038").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/02 09:54
S864	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S868	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S876	379	white adj board and sports	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:05
S879	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S880	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S881	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S886	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S891	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S892	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S895	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S896	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S897	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S904	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S908	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S916	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S919	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S920	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05

S921	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S926	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S931	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S932	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S935	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S936	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S937	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S949	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S951	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S953	4815750	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S955	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S960	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S961	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S962	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S965	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:05

			USOCR			
S969	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S973	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S981	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S984	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S985	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S986	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S991	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S996	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S997	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1000	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1001	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1002	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1009	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1013	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1021	379	white adj board and sports	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:05
S1024	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1025	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1026	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1031	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1036	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1037	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1040	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1041	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1042	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1054	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1056	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1058	4815750	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1060	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1065	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05

S1066	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1067	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1070	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1074	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1078	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1086	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1089	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1090	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1091	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1096	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1101	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1102	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1105	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1106	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1107	319	434/156.ccls. and block	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:05

			USOCR			
S1114	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1118	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1126	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1129	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1130	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1131	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1136	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1141	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1142	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1145	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1146	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1147	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1159	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1161	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1164	39369	"power converter"	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:05
S1169	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1170	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1171	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1174	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1178	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1182	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1190	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1193	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1194	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1195	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1200	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1205	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1206	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1209	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05

S1210	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1211	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1218	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1222	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1230	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1233	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1234	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1235	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1240	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1245	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1246	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1249	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1250	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1251	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1263	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:05

			USOCR			
S1265	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:05
S1267	4815750	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1268	4815750	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1269	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1270	2671	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1271	50	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1272	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1273	81	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1274	16	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1275	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1276	26	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1277	1886	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1278	66	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1279	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30

S1280	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1281	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1282	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1283	201	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1284	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1285	111	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1286	92	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1287	26	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1288	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1289	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1290	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1291	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1292	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1293	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1294	97	exercise and (safety adj range)	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:30

			USOCR			
S1295	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1296	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1297	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1298	8	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1299	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1300	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1301	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1302	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1303	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1304	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1305	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1306	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1307	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1308	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1309	13	"464590".AP.	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:30
S1310	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1311	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1312	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1313	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1314	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:30
S1315	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1316	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1317	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1318	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1319	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1320	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1321	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1322	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1323	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1324	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1325	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1326	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1327	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1328	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1329	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1330	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1331	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1332	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1333	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1334	97	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1335	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1336	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1337	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1338	8	"993,374".AP.	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

			USOCR			
S1339	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1340	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1341	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1342	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1343	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1344	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1345	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1346	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1347	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1348	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1349	13	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1350	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1351	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1352	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1353	1	"5927988".PN.	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:31
S1354	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1355	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1356	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1357	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1358	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1359	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1360	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1361	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1362	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1363	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1364	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1365	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1366	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1367	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1368	7	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1369	200	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1370	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1371	186	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1372	157	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1373	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1374	50	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1375	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1376	81	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1377	16	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1378	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1379	2671	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1380	1886	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1381	66	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" |	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

		"4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.				
S1382	26	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1383	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1384	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1385	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1386	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1387	201	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1388	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1389	92	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1390	111	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1391	26	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1392	2	"10631279"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1393	0	"10631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1394	468	timer with start and timer with stop and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1395	1947	range with exercise and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1396	51	range with exercise and heart adj rate and (timer with start)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1397	330	range with exercise and heart adj rate and timer	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1398	21	("4601467" | "4628910" | "4878663" | "5011142" | "5207216" | "5242348" | "5328429" | "5374193" | "5476428" | "5807288" | "6152855" | "6270445" | "6367352" | "6456885").PN. OR ("7083547").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1399	1	("7278966").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1400	3	(("7278966") or ("20020116147") or ("7,254,516")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1401	76	("20010049470" | "20020019586" | "20020072932" | "20020133378" | "20030090389" | "20030208110" | "20040002634" | "20040002662" | "20040081110" | "5447524" | "5524637" | "5749372" | "5976083" | "5989200" | "6122960" | "6356856" | "6396416" | "6478736" | "6497638" | "6501386" | "6595929" | "6635013").PN. OR ("7278966").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1402	0	("ovenandbrailleadjdisplay").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1403	26	oven and braille adj display	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1404	4	oven with braille	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1405	0	braille with (home adj appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1406	11	braille with (appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1407	1	(10/631279).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1408	2	(("6,702,720") or ("4,463,764")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1409	1	("5941837").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1410	2101	increasing with endurance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1411	137	increasing with endurance and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1412	858	increasing with time and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1413	1	("8041548").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1414	1	("7461038").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1415	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1416	201	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1417	16	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1418	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1419	2671	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1420	1886	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1421	66	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1422	26	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1423	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1424	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1425	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1426	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1427	92	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1428	111	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1429	26	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1430	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1431	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1432	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1433	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1434	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1435	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1436	97	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1437	1	("5,308,300").PN.	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

			USOCR			
S1438	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1439	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1440	8	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1441	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1442	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1443	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1444	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1445	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1446	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1447	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1448	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1449	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1450	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1451	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1452	2	(("5001632") or ("6702720")).PN.	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:31
S1453	13	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1454	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1455	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1456	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1457	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1458	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1459	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1460	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1461	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1462	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1463	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1464	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1465	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1466	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1467	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1468	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1469	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1470	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1471	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1472	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1473	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1474	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1475	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1476	97	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1477	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1478	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1479	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1480	8	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1481	1	("6652284").PN.	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

			USOCR			
S1482	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1483	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1484	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1485	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1486	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1487	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1488	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1489	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1490	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1491	13	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1492	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1493	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1494	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1495	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1496	1	"5927988".PN.	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:31
S1497	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1498	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1499	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1500	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1501	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1502	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1503	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1504	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1505	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1506	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1507	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1508	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1509	200	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1510	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1511	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1512	186	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1513	7	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1514	157	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1515	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1516	50	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1517	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1518	81	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1519	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1520	66	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1521	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1522	633	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1523	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1524	208	stress adj testing and cardio$5 and past	US-PGPUB;	OR	OFF	2016/03/12 17:31

			USPAT; USOCR			
S1525	201	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1526	1603	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1527	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1528	111	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1529	92	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1530	26	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1531	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1532	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1533	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1534	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1535	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1536	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1537	97	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1538	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1539	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1540	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1541	8	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1542	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1543	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1544	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1545	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1546	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1547	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1548	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1549	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1550	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1551	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1552	13	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1553	32	"6210116"	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

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S1554	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1555	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1556	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1557	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1558	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1559	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1560	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1561	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1562	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1563	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1564	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1565	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1566	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1567	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1568	186	("4136336" | "4839634" | "4862152" |	US-	OR	OFF	2016/03/12

		"4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	PGPUB; USPAT; USOCR			17:31
S1569	4690	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1570	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1571	569	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1572	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1573	23	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1574	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1575	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1576	8	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1577	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1578	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1579	97	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1580	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1581	39	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1582	379	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

S1583	70	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1584	108	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1585	4	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1586	6	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1587	61385	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1588	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1589	87	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1590	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1591	13	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1592	32	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1593	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1594	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1595	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1596	7	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1597	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

		INDIVIDUALS".TI.	USOCR			
S1598	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1599	18	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1600	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1601	777	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1602	577	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1603	319	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1604	108	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1605	73	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1606	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1607	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1608	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1609	186	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1610	7	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1611	200	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1612	1	("5001632").PN.	US-	OR	OFF	2016/03/12

			PGPUB; USPAT; USOCR			17:31
S1613	186	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1614	157	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1615	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1616	50	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1617	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1618	81	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1619	16	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1620	39369	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1621	2671	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1622	1886	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1623	66	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1624	26	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1625	633	stress adj testing and cardio$5	US-PGPUB; USPAT;	OR	OFF	2016/03/12 17:31

			USOCR			
S1626	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1627	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1628	208	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31
S1629	201	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2016/03/12 17:31

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	663	A63B22/02	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:47
L2	1329	(A63B22/02).CPC.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:47
L6	307	(a63b22/00).cpc.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:48
S1631	0	(treadmill and sensor and efficiency near5 point).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:30
S1632	0	(treadmill and sensor and efficiency near5 "2").clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:30
S1633	0	(treadmill and sensor and efficiency near5 percent).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:30
S1634	0	(treadmill and sensor and efficiency with percent).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:30
S1635	293	(treadmill and sensor).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1636	149	(treadmill and sensor and speed).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1637	0	(treadmill and sensor and tolerance near5 range).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1638	0	(treadmill and sensor and tolerance near5 range and ("2" adj percent)).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1639	0	(treadmill and sensor and accomodation near5 state).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31

S1640	1	(treadmill and sensor and "2" adj percent).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1641	1	(treadmill and sensor and "2" near5 percent).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31
S1642	0	(treadmill and sensor and tolerance near5 range and (2%)).clm.	US-PGPUB; USPAT	OR	OFF	2016/03/12 17:31

3/12/2016 5:56:27 PM
C:\Users\rutama\Documents\EAST\Workspaces\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE.wsp

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BIB DATA SHEET

CONFIRMATION NO. 6491

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/457,006	07/12/2006	431	3715	FIRS-2992US3

APPLICANTS

INVENTORS

Keith A. Raniere, Clifton Park, NY;

**** CONTINUING DATA ***************************

This application is a DIV of 10/631,279 07/31/2003

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **

07/25/2006

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /ROBERT J UTAMA/ Examiner's Signature	☐ Met after Allowance /RU/ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		NY	6	13	1

ADDRESS

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110
UNITED STATES

TITLE

Method and Apparatus for Improving Performance

FILING FEE RECEIVED		
425	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

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3715

CPC						
Symbol					**Type**	**Version**
A63B		71	/	0619	F	2013-01-01
A63B		23	/	18	A	2013-01-01
A61B		5	/	222	A	2013-01-01
A63B		21	/	06	A	2013-01-01
A63B		22	/	02	A	2013-01-01
A63B		24	/	0062	I	2013-01-01
A63B		2024	/	0068	A	2013-01-01
A63B		2024	/	0078	A	2013-01-01
A63B		2071	/	068	A	2013-01-01
A63B		2220	/	30	A	2013-01-01
A63B		2220	/	803	A	2013-01-01
A63B		2225	/	20	A	2013-01-01
A63B		2225	/	50	A	2013-01-01
A63B		2230	/	00	A	2013-01-01
A63B		2230	/	06	A	2013-01-01
A63B		2230	/	30	A	2013-01-01
G09B		19	/	0038	I	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	11	
/ROBERT J UTAMA/ Primary Examiner.Art Unit 3715	03/12/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3715

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
431	247	G	0	9	B	19 / 0038						
CROSS REFERENCE(S)												
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)											

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	11	
/ROBERT J UTAMA/ Primary Examiner.Art Unit 3715	03/12/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3715

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 11	
/ROBERT J UTAMA/ Primary Examiner.Art Unit 3715 (Primary Examiner)	03/12/2016 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES		
Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU
Search Updated	12/29/2010	RU
Search Updated	4/25/2011	RU
Search Updated	7/28/2012	RU
search updated	9/25/2015	RU
inventorship search	3/12/2016	RU

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
A63B	22/00,	3/12/2016	RU
a61B	5/222	3/12/2016	RU

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009	12/29/2010	05/09/2011	07/28/2012	09/25/2015	03/12/2016
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	3	✓	✓	✓	✓	-	-	-	-	-
	4	✓	✓	✓	✓	✓	✓	✓	✓	=
	5	✓	✓	✓	✓	✓	✓	✓	✓	=
	6	✓	✓	✓	✓	✓	✓	✓	✓	=
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	12	✓	✓	✓	✓	✓	✓	✓	✓	=
	13	✓	✓	✓	✓	✓	✓	✓	✓	=

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	11/457,006	RANIERE, KEITH A.	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 2/11/16	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
jean proctor

PTO/AIA/25 (04-13)
Approved for use through 04/30/2013. OMB 0651-0031
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional)
FIRST.2992US3-NY

In re Application of: Keith A. Raniere

Application No.: 11457006

Filed: July 12, 2006

For: Method and apparatus for improving performance

The applicant, First Principles, Inc., owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10631279, filed, 07/31/2003, as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent granted on the pending **reference** application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ The undersigned is the applicant. If the applicant is an assignee, the undersigned is authorized to act on behalf of the assignee.

I hereby acknowledge that any willful false statements made are punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

2. ☑ The undersigned is an attorney or agent of record. Reg. No. 63,423

/Jason A. Murphy/ — Signature
February 11, 2016 — Date

Jason A. Murphy — Typed or printed name

Attorney for Applicant — Title
518-220-1850 — Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Statutory or Terminal Disclaimer	2814	1	160	160
		Total in USD ($)		**160**

Electronic Acknowledgement Receipt

EFS ID:	24894515
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy
Filer Authorized By:	
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	11-FEB-2016
Filing Date:	12-JUL-2006
Time Stamp:	17:31:38
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$160
RAM confirmation Number	4285
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer Filed	2992US3_TerminalDisclaimer.pdf	246791 e7b9d3d6dea5e421beff7c2cb15fc11a5d0adced	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30296 52b513d8ce797a3914f8d7e940f7322296b188df	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	277087		

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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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1st Named Inventor	:	Keith A. Raniere	Examiner	:	Utama, Robert J.
Serial No.	:	11/457,006	Group Art Unit	:	3715
Filing Date	:	07/12/06	Confirmation No.	:	6491
Docket No.	:	FIRST.2992US3-NY	Notification Date	:	10/01/15

Title : **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

This communication is in response to the non-final Office Action mailed October 1, 2015.

In the Claims:

The claims are as follows:

1. (Currently Amended) An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter, the range of tolerance being ±2% of a value of the first parameter;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Applicant has amended claim 1 during instant prosecution of this patent application. Applicant is not conceding in this patent application that the original claims are not patentable over the art cited by the Examiner because the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the original claims, and other claims, in one or more continuations and/or divisional patent applications. Furthermore, the instant claim amendments are done without prejudice, and thus Applicant may seek broader protection in this application in the future.

The Examiner has rejected claims 1 and 4-13 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

The Examiner has rejected claims 1 and 4-13 under 35 U.S.C. § 101 as allegedly being directed to a judicial exception.

Applicant respectfully traverses the Examiner rejections with the following arguments:

35 U.S.C. § 112, first paragraph – written description:

The Examiner has rejected claims 1 and 4-13 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Applicant respectfully requests that the Examiner withdraw the written description rejection in view of the amendment to claim 1. Specifically, Applicant has further defined a range of tolerance that is determined by the control system. The Examiner has indicated that this precise amendment would be sufficient for overcoming 112 rejections.[1] Accordingly, Applicant requests reconsideration and removal of this rejection.

[1] Applicant-Initiated Interview Summary, November 23, 2015.

35 U.S.C. § 101:

The Examiner has rejected claims 1 and 4-13 under 35 U.S.C. § 101 as allegedly being directed to a judicial exception.

Applicant contends that the current claims drawn to a unique treadmill apparatus having dedicated hardware to operate the treadmill apparatus, including a control system for controlling the speed of a treadmill belt and at least one sensor for measuring a physical parameter, are eligible for patent protection. Based on this, Applicant contends that the rejection is improper, and optimistically awaits removal of this rejection once the "further review" suggested by the Examiner in the Interview Summary is complete.

Based on the foregoing, Applicant requests reconsideration and removal of the rejection under 35 U.S.C. § 101, and further contend that the pending claims are in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: January 5, 2016

/Jason A. Murphy/
Jason A. Murphy
Registration No. 63,423
Customer No. 05409
Schmeiser, Olsen & Watts
22 Century Hill Drive, St. 302
Latham, New York 12110
Tel. (518) 220-1850
Fax: (518) 220-1857

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy/Eleni Pappas
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	24530087
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Eleni Pappas
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	05-JAN-2016
Filing Date:	12-JUL-2006
Time Stamp:	15:09:56
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		2992US3_Response_OA-10-01-15.pdf	182398 ec331f6c394682a7edbe1cb9dc048dfd24dcc65c	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	8

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30255 318ada14178a577cb06e94115f0a2cbe23fc7a94	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	212653		

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New Applications Under 35 U.S.C. 111

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New International Application Filed with the USPTO as a Receiving Office

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.

PTO/SB/06 (09-11)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **01/05/2016**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 11	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/PAUL STANBACK/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere	Examiner: Utama, Robert J.
Serial No.: 11/456,976	Group Art Unit: 3714
Filed: 07/12/2006	Docket No.: FIRST.2992 US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Washington D.C. 20231

RESPONSE TO THE INTERVIEW SUMMARY OF NOVEMBER 23, 2015

With respect to the November 10, 2015, telephonic interview between Examiner Robert J. Utama and Applicants' Representatives Arlen Olsen and Jason Murphy, Applicants' Representatives states that the Examiner's *Interview Summary* accurately reflects the substance of the interview.

Respectfully submitted,

Date: December 10, 2015

/Arlen L. Olsen/
Arlen L. Olsen
Registration No.: 37,543

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22 Century Hill Drive, Suite 302
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Telephone: (518) 220-1850
Fax: (518) 220-1857

Electronic Acknowledgement Receipt

EFS ID:	24319649
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L Olsen/Terri Haywood
Filer Authorized By:	Arlen L Olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	10-DEC-2015
Filing Date:	12-JUL-2006
Time Stamp:	12:02:42
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	Applicant summary of interview with examiner	2992US3_ResponseInterviewSummary12-10-15.pdf	277440 de251840fbc68d20dc50468b39ec64d55fe7eeb3	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	277440

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 11/23/2015

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	

ART UNIT	PAPER NUMBER
3715	

NOTIFICATION DATE	DELIVERY MODE
11/23/2015	ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AZ5409@IPLAWUSA.COM

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

(1) *ROBERT J. UTAMA*.

(3) *JASON MURPHY*.

(2) *ARLEN OLSEN*.

(4) _____.

Date of Interview: *11/10/2015*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

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

Issues Discussed ☒101 ☒112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

A review of the specification for support under 35 U.S.C 112 first written description was discussed. The discussion centered on the limitation of "... determining a range of tolerance surrounding the initial parameter." The applicant points an example in the specification (page 15 line 20-24) where the range of tolerance is set at plus or minus 2 percents. The examiner takes the position that this example is insufficient for the broader genus of "determining a range of tolerance", however, it is sufficient to establish the range of tolerance being set at plus or minus 2 percents. Should said amendment be entered, it would also have the added benefit of meeting the requirement under 35 U.S.C 112 second paragraph. A review of the rejection under 35 U.S.C 101 was conducted. The examiner agreed that review should be done and will contact the applicant after the end of the review. No agreement with respect of the patentability of the application was reached during the course of the interview.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Nov 5 2015

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned, any practitioner of record or acting in a representative capacity in accordance with 37 CFR 1.32 and 37 CFR 1.34, concerning the subject matter of this application via video conference or electronic mail. I understand that a copy of the communication will be made of record in the application file.

Name(s):
Arlen L. Olsen

S-signature:
/Arlen Olsen/

Registration Number:
37543

U.S. Application Number:
11457006

Confirmation Number:
6491

E-mail Address:
aolsen@iplawusa.com

Phone Number:
5182201850

Proposed Time of Interview:
11-13-2015 11:30 AM EST

Prefered Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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5409 7590 10/01/2015

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EXAMINER
UTAMA, ROBERT J

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Office Action Summary	Application No. 11/457,006	Applicant(s) RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/23/2015*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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.

Disposition of Claims*

5)☒ Claim(s) *1 and 4-13* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1 and 4-13* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

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)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. The present application is being examined under the pre-AIA first to invent provisions.

2. This office action is response the amendment and argument filed on 01/23/2015. The current statuses of the claims in the application are as follow: claims 1, 4-13 are still pending and claims 2-3 have been withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Patent Trial and Appeal Board, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 01/23/2015 has been entered.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 1, 4-13 are rejected under 35 U.S.C. 101 because the claimed limitation are directed to an judicial exception without having additional limitation that can be considered to be significantly more than the judicial exception itself.

The result of the subject matter eligibility test can be seen below:

a. Are the claims directed to a process, machine, manufacture or composition of matter?

Yes. The claim are directed to an apparatus claim

b. Are the claims directed to a law of nature, a natural phenomenon or abstract idea (judicially recognized exceptions)?

6. The limitation of claim 1 include the following limitation:

a. controlling a second parameter, wherein the second parameter is a speed of the treadmill;

b. setting an initial value for the second parameter;

c. determining a range of tolerance surrounding the initial measurement of the first parameter;

d. determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency

The examiner takes the position that the limitation iterated above seems to similar to the example of abstract idea that is listed on the July 2015 updated Interim Eligibility guideline. For example, the steps (a-d) can be interpreted to contain the abstract idea of "an idea itself" or "organization of human actvitiy". For example, the step (a-d) is similar to the example of "diagnosing an abnormal condition by performing clinical test

and thinking about the result" or "a mental process that a neurologist should follow when testing a patient for nervous system malfunction."

As such, the examiner takes the position that limitation of claims 1, 4-13 are directed to a judicially recognized exception (step 2A YES).

c. Does the claim recite additional elements that amount to significantly more than the judicial exception?

No. The limitation of claims 1 requires certain elements that can be considered to be well understood elements in the sport/exercising field.

For example, the limitation of claim 1 require a performance system (a treadmill), sensors and a control system (a computer). However, these type of devices would have been considered to be generic components that are well-understood, routine and conventional and previously known in the industry. The examiner also takes the position that the limitation of claims 1, 4-13 are not directed to a computer/technical field as such unlikely to produce an improvement to the functioning of the computer or to the technical field. Lastly, the limitation of claims 1, 4-13 do not include any limitation in which a material/physical transformation is likely to occur. Therefore, the examiner takes the position that the limitation of claims 1, 4-13 do not posses any additional limitation that amount to significantly more than the judicial exception itself.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 4-13 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of claim 1 require that the processor is programmed to or capable of performing the following function:

e. controlling a second parameter, wherein the second parameter is a speed of the treadmill;

f. setting an initial value for the second parameter;

g. determining a range of tolerance surrounding the initial measurement of the first parameter;

h. determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency

9. The examiner interpret the limitation of claim 1 as a computer implemented system. As such, to satisfy the written description requirement one must be able to show that the

specification, as originally provided, must disclose the computer and the algorithm (e.g., the necessary steps and/or flowcharts) that perform the claimed function in sufficient detail such that one of ordinary skill can reasonably conclude that the inventor invented the claimed subject matter. In this particular case, the specification fails to the to provide the algorithm required to perform the limitation of (a)-(d). For example, the limitation (a-b) require that the system is able to set the initial value of the second parameter and control the value of the second parameter. However, the specification does not disclose the algorithm required in order to control or set the initial value of the second parameter. Step (c) require that a range of tolerance is calculated, however, the specification as originally provided does not disclose the algorithm required in order to calculate the range of tolerance. Step (d) requires that the a point of efficiency is determined, however, the specification is silent on how the point of efficiency is determined. The applicant is kindly reminded that the rejection under 35 U.S.C 112, first paragraph, written description requirement is a separate rejection from the enablement requirement. As such, it is not enough that one skilled in the art could write a program to achieve the claimed function as § 112, first paragraph, requires that the specification must explain how the inventor intends to achieve the claimed function.

10. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

11. The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1, 4-13 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. The limitation of claim 1 require that a range of tolerance be determined (or

calculated) from an initial measurement. However, the examiner takes the position that this particular limitation can be interpreted as either a "term of degree" or a "relative terminology". As such, in order to be definite the specification must provide some standard for measuring that degree. Hearing Components, Inc. v. Shure Inc., 600 F.3d 1357, 1367, 94 USPQ2d 1385, 1391 (Fed. Cir. 2010); Enzo Biochem, Inc., v. Applera Corp., 599 F.3d 1325, 1332, 94 USPQ2d 1321, 1326 (Fed. Cir. 2010); Seattle Box Co., Inc. v. Indus. Crating & Packing, Inc., 731 F.2d 818, 826, 221 USPQ 568, 574 (Fed. Cir. 1984). If the specification does not provide some standard for measuring that degree, a determination must be made as to whether one of ordinary skill in the art could nevertheless ascertain the scope of the claim (e.g., a standard that is recognized in the art for measuring the meaning of the term of degree).
In this particular case, the specification is silent on the teaching that can be used as a standard to determine the "range of tolerance" surrounding the initial parameter of the first parameter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

PTO/SB/08a (03-15)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
/RU/	1	6795294	B2	2004-09-21	Kuroda et al.	

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/RU/	1	1176833	CN	A	1998-03-25	Yang Bo		☒
/RU/	2	1370502	CN	A	2002-09-25	Hyunwun Co Ltd		☒
/RU/	3	9620640	WO	A1	1996-07-11	Polar Electro Oy et al.		☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith Raniere
	Art Unit	
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRST.2992US3-NY

/RU/	4	2003111877	JP	A	2003-04-15	Matsushita Electric Inc.		☒
/RU/	5	2004262334	AU		2011-05-05	First Principles, Inc.		☐
/RU/	6	1853211	CN	A	2006-10-25	First Principles, Inc.		☒
/RU/	7	262515	IN		2004-07-28	First Principles, Inc.		☐
/RU/	8	5701823	JP	B2	2015-04-15	First Principles, Inc.		☒
/RU/	9	5067784	JP	B2	2012-11-07	PA06001301 a		☒
/RU/	10	PA06001301	MX	A	2006-05-15	PA06001301 a		☐

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
/RU/	1	Non-Final Office Action for U.S. Serial No. 10/631,279 (Filing Date: 07/31/03), mailed on August 7, 2015.	☐
	2	Office Action for U.S. Serial No. 11/457,006 (Filing Date: 07/12/06), mailed on 08/20/12	☐

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	First Named Inventor	Keith Raniere
	Art Unit	
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRST.2992US3-NY

	3	Canadian Office Action for application no. 2,534,434, dated 10/8/08	☐
	4	Canadian Office Action for application no. 2,534,434, Office Action dated 9/8/09	☐
	5	Canadian Office Action for application no. 2,534,434, Office Action dated 8/10/10	☐
	6	Canadian Office Action for application no. 2,534,434, Office Action dated 6/27/11	☐
	7	Canadian Office Action for application no. 2,534,434, Office Action dated 07/03/12	☐
	8	Canadian Office Action for application no. 2,534,434, Office Action dated 05/15/13	☐
	9	Canadian Office Action for application no. 2,534,434, Office Action dated 03/05/14	☐
	10	Canadian Office Action for application no. 2,534,434, Office Action dated 03/05/15	☐
	11	International Search Report and Written Opion for PCT Appln. No. PCT/US04/24147, mailed on January 5, 2006; 10 pages. (2992PCT)	☐
	12	International Preliminary Report on Patentability for PCT Appln. No. PCT/US04/21417, mailed on June 12, 2006; 5 pages. (2992PCT)	☐
/RU/	13	Non-Final Office Action for U.S. Serial No. 11/456,976 (Filing Date: 07/12/06), mailed on September 17, 2015.	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith Raniere
	Art Unit	
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRST.2992US3-NY

If you wish to add additional non-patent literature document citation information please click the Add button			Add
EXAMINER SIGNATURE			
Examiner Signature	/ROBERT UTAMA/	Date Considered	09/25/2015

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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OR

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☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Jason A. Murphy/	Date (YYYY-MM-DD)	2015-09-21
Name/Print	Jason A. Murphy	Registration Number	63423

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009	12/29/2010	05/09/2011	07/28/2012	09/25/2015	
	1	✓	✓	✓	✓	✓	✓	✓	✓	
	2	✓	-	-	-	-	-	-	-	
	3	✓	✓	✓	✓	-	-	-	-	
	4	✓	✓	✓	✓	✓	✓	✓	✓	
	5	✓	✓	✓	✓	✓	✓	✓	✓	
	6	✓	✓	✓	✓	✓	✓	✓	✓	
	7	✓	✓	✓	✓	✓	✓	✓	✓	
	8	✓	✓	✓	✓	✓	✓	✓	✓	
	9	✓	✓	✓	✓	✓	✓	✓	✓	
	10	✓	✓	✓	✓	✓	✓	✓	✓	
	11	✓	✓	✓	✓	✓	✓	✓	✓	
	12	✓	✓	✓	✓	✓	✓	✓	✓	
	13	✓	✓	✓	✓	✓	✓	✓	✓	

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4501	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L13	356	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L16	2	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L17	4	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L18	58350	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L23	30	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L32	776	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L33	573	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L34	316	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59

L41	4501	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L53	356	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L56	2	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L57	4	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L58	58350	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L63	30	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L69	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L72	776	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L73	573	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L74	316	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L86	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L88	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L90	4661831	automotive power converter	US-PGPUB; USPAT;	OR	OFF	2015/09/25 16:59

			USOCR			
L92	36987	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L97	611	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L98	201	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L99	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L102	1487	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L106	4501	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L110	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L118	356	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L121	2	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L122	4	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59
L123	58350	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2015/09/25 16:59

EAST Search History (Interference)

<This search history is empty>

9/25/2015 5:01:38 PM
C:\Users\rutama\Documents\EAST\Workspaces\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES		
Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU
Search Updated	12/29/2010	RU
Search Updated	4/25/2011	RU
Search Updated	7/28/2012	RU
search updated	9/25/2015	RU

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

PTO/SB/08a (03-15)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith Raniere
Art Unit	
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRST.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6795294	B2	2004-09-21	Kuroda et al.	

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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	1176833	CN	A	1998-03-25	Yang Bo		☒
	2	1370502	CN	A	2002-09-25	Hyunwun Co Ltd		☒
	3	9620640	WO	A1	1996-07-11	Polar Electro Oy et al.		☐

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	4	2003111877	JP	A	2003-04-15	Matsushita Electric Inc.		☒
	5	2004262334	AU		2011-05-05	First Principles, Inc.		☐
	6	1853211	CN	A	2006-10-25	First Principles, Inc.		☒
	7	262515	IN		2004-07-28	First Principles, Inc.		☐
	8	5701823	JP	B2	2015-04-15	First Principles, Inc.		☒
	9	5067784	JP	B2	2012-11-07	PA06001301 a		☒
	10	PA06001301	MX	A	2006-05-15	PA06001301 a		☐

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Non-Final Office Action for U.S. Serial No. 10/631,279 (Filing Date: 07/31/03), mailed on August 7, 2015.	☐
	2	Office Action for U.S. Serial No. 11/457,006 (Filing Date: 07/12/06), mailed on 08/20/12	☐

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	3	Canadian Office Action for application no. 2,534,434, dated 10/8/08	☐
	4	Canadian Office Action for application no. 2,534,434, Office Action dated 9/8/09	☐
	5	Canadian Office Action for application no. 2,534,434, Office Action dated 8/10/10	☐
	6	Canadian Office Action for application no. 2,534,434, Office Action dated 6/27/11	☐
	7	Canadian Office Action for application no. 2,534,434, Office Action dated 07/03/12	☐
	8	Canadian Office Action for application no. 2,534,434, Office Action dated 05/15/13	☐
	9	Canadian Office Action for application no. 2,534,434, Office Action dated 03/05/14	☐
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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ALBERT L. SCHEISER
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE, SUITE 201
LATHAM, NY 12110

RECEIVED
JUN 16 2006
SCHMEISER, OLSEN & WATTS

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Applicant's or agent's file reference FIRS-2992PCT	Date of mailing *(day/month/year)* 12 JUN 2006
	IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US04/24147	28 July 2004 (28.07.2004)	31 July 2003 (31.07.2003)

Applicant
FIRST PRINCIPLES

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer For Chanda L. Harris Virginia Libby Telephone No. 703-308-1148

Form PCT/IPEA/416 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FIRS-2992PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US04/24147	International filing date *(day/month/year)* 28 July 2004 (28.07.2004)	Priority date *(day/month/year)* 31 July 2003 (31.07.2003)
International Patent Classification (IPC) or national classification and IPC IPC: **G09B 19/00**(2006.01) USPC: 434/247		
Applicant FIRST PRINCIPLES		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☒ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
07 February 2005 (07.02.2005)	17 May 2006 (17.05.2006)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer For Chanda L. Harris Virginia Luby Telephone No. 703-308-1148

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/24147

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1(b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:
pages 1-18 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages 19-25 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/6-6/6 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

** If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/24147

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:

   ☐ restricted the claims.

   ☐ paid additional fees.

   ☐ paid additional fees under protest, and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☒ neither restricted the claims nor paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

   ☐ complied with.

   ☒ not complied with for the following reasons:

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☐ all parts

   ☒ the parts relating to claims Nos. 1-8

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/24147

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims NONE	YES
	Claims 1-8	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-8	NO
Industrial Applicability (IA)	Claims 1-8	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)
Claims 1-8 lack novelty under PCT Article 33(2) as being anticipated by Phillips (US 6,592,502).

[Claim 1]: Regarding Claim 1, Phillips discloses determining if a subject (i.e., athlete, cardiovascularly handicapped heart patients) is trainable with respect to the performance of a given activity. See Abstract.
[Claim 2]: Regarding Claim 2, Phillips discloses determining a point of efficiency (i.e., enhanced cardiovascular capability and muscular development), of a subject with respect to at least one parameter (e.g., blood pressure). See Col.9: 23-26, 43-46.
[Claim 3]: Regarding Claim 3, Phillips discloses exerting the subject at or near the point of efficiency until a state of inefficiency (i.e., ischemia) with respect to the at least one parameter or exhaustion (i.e., unable to keep up). See Col.20: 19-26.
[Claim 4]: Regarding Claim 4, Phillips discloses wherein the at least one parameter is one of a physical parameter, emotional parameter, and mental parameter of the subject. See Col.9: 43-46 and Col.20: 19-26.
[Claim 5]: Regarding Claim 5, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of running turnover rate, stride length, stride stroke force, muscle contraction speed, muscle contraction profile, muscle contraction strength, weight lifted, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure. See Col.9: 43-46.
[Claim 6]: Regarding Claim 6, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow (i.e., ischemia), breathing rate, heat given off, and breath length. See Col.20: 24-26.
[Claim 7]: Regarding Claim 7, Phillips discloses wherein the at least one parameter is observed by a signal selected from the group verbal utterance, physical motion (i.e., unable to keep up). See Col.20: 24-26.
[Claim 8]: Regarding Claim 8, Phillips discloses wherein the subject is selected from the group consisting of an animal, a human (i.e., heart patient), a group of humans, a group of animals, a cellular automata, a group of cellular automata, microbes, plants, and a computer program and data. See Col.20: 24-26.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference FIRS-2992PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US04/24147	International filing date (*day/month/year*) 28 July 2004 (28.07.2004)	(Earliest) Priority Date (*day/month/year*) 31 July 2003 (31.07.2003)
Applicant FIRST PRINCIPLES		

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

This international search report consists of a total of , INC. sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed.
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☒ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☐ the text is approved as submitted by the applicant.
   ☒ the text has been established by this Authority to read as follows:

Please See Continuation Sheet

5. With regard to the **abstract**,
   ☐ the text is approved as submitted by the applicant.
   ☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☐ as suggested by the applicant.
      ☒ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-8

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

A. CLASSIFICATION OF SUBJECT MATTER
IPC(7) : G09B 19/00
US CL : 434/247
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 434/247

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,E	US 6,939,881 B2 (PIPERS) 06 September 2005, See entire document.	1-8
X	US 6,592,502 B1 (PHILLIPS) 15 July 2003, See entire document.	1-8

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
27 November 2005 (27.11.2005)

Date of mailing of the international search report
05 JAN 2006

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer
For Chanda L. Harris Virginia Lilly
Telephone No. 703-308-1148

Form PCT/ISA/210 (second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

Continuation of Item 4 of the first sheet:
The title is not specific as to what type of performance is being improved.

NEW TITLE: METHOD AND APPARATUS FOR IMPROVING PHYSIOLOGICAL PERFORMANCE

BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING
Group I, claim(s) 1-8, drawn to a method of determining if a subject is trainable.

Group II, claim(s) 9-16, drawn to a method of taking measurement and training a subject.

Group III, claim(s) 17-20, drawn to a method comprising a performance system.

Group IV, claim(s) 21-33, drawn to an apparatus comprising a sensor and a control system.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group II pertaining to taking a measurement relating to at least one continuous variable with respect to which a subject may remain in a state of accommodation and training the subject so the value of measurement of the at least one continuous variable changes.

The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group III pertaining to providing a performance system and training a subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

The inventions listed as Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising a performance system, at least one sensor, and a control system.

The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II lacks the same or corresponding technical features found in Group III pertaining to a performance system and training the subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

The inventions listed as Groups II and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising at least one sensor and a control system.

The inventions listed as Groups III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group III lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising at least one sensor and a control system.

Continuation of B. FIELDS SEARCHED Item 3:
EAST
search terms: trainable, treadmill, effciency, exhaustion, improve physiological performance, heart, stride

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/24147

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The present invention relates generally to a training method and apparatus (FIG. 1) for improving physiological performance.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ALBERT L. SCHEISER
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE, SUITE 201
LATHAM, NY 12110

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (*day/month/year*) 05 JAN 2006

Applicant's or agent's file reference
FIRS-2992PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US04/24147	28 July 2004 (28.07.2004)	31 July 2003 (31.07.2003)

International Patent Classification (IPC) or both national classification and IPC
IPC(7): G09B 19/00 and US Cl.: 434/247

Applicant
FIRST PRINCIPLES, INC.

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

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis(b)* that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US	Date of completion of this opinion	Authorized officer
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	27 November 2005 (27.11.2005)	For Chanda L. Harris Telephone No. 703-308-1148

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
   - ☐ paid additional fees
   - ☐ paid additional fees under protest and, where applicable, the protest fee
   - ☐ paid additional fees under protest but the applicable protest fee was not paid
   - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
   - ☐ complied with
   - ☒ not complied with for the following reasons:

   See the lack of unity section of the International Search Report(Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
   - ☐ all parts.
   - ☒ the parts relating to claims Nos. 1-8

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims NONE	YES
	Claims 1-8	NO
Inventive step (IS)	Claims NONE	YES
	Claims 1-8	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims NONE	NO

2. Citations and explanations:

Claims 1-8 lack novelty under PCT Article 33(2) as being anticipated by Phillips (US 6,592,502).

[Claim 1]: Regarding Claim 1, Phillips discloses determining if a subject (i.e., athlete, cardiovascularly handicapped heart patients) is trainable with respect to the performance of a given activity. See Abstract.
[Claim 2]: Regarding Claim 2, Phillips discloses determining a point of efficiency (i.e., enhanced cardiovascular capability and muscular development), of a subject with respect to at least one parameter (e.g., blood pressure). See Col.9: 23-26, 43-46.
[Claim 3]: Regarding Claim 3, Phillips discloses exerting the subject at or near the point of efficiency until a state of inefficiency (i.e., ischemia) with respect to the at least one parameter or exhaustion (i.e., unable to keep up). See Col.20: 19-26.
[Claim 4]: Regarding Claim 4, Phillips discloses wherein the at least one parameter is one of a physical parameter, emotional parameter, and mental parameter of the subject. See Col.9: 43-46 and Col.20: 19-26.
[Claim 5]: Regarding Claim 5, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of running turnover rate, stride length, stride stroke force, muscle contraction speed, muscle contraction profile, muscle contraction strength, weight lifted, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure. See Col.9: 43-46.
[Claim 6]: Regarding Claim 6, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow (i.e., ischemia), breathing rate, heat given off, and breath length. See Col.20: 24-26.
[Claim 7]: Regarding Claim 7, Phillips discloses wherein the at least one parameter is observed by a signal selected from the group verbal utterance, physical motion (i.e., unable to keep up). See Col.20: 24-26.
[Claim 8]: Regarding Claim 8, Phillips discloses wherein the subject is selected from the group consisting of an animal, a human (i.e., heart patient), a group of humans, a group of animals, a cellular automata, a group of cellular automata, microbes, plants, and a computer program and data. See Col.20: 24-26.

Claims 1-8 mee the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy/Eleni Pappas
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	2806	1	90	90
		Total in USD ($)		**90**

Electronic Acknowledgement Receipt

EFS ID:	23556864
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Eleni Pappas
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	21-SEP-2015
Filing Date:	12-JUL-2006
Time Stamp:	17:18:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$90
RAM confirmation Number	4453
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Foreign Reference	CN1176833A-Translation.pdf	1164442 a56e155010c387810fe3c910420119dd817076fb	no	14
Warnings:					
Information:					
2	Foreign Reference	CN1370502-Translation.pdf	2138053 14841309f2f94683c90d986ebe670c8ab789785c	no	29
Warnings:					
Information:					
3	Foreign Reference	WO9620640A1.pdf	1304429 07a725c4db2d8145b99070cd8fb714fb63dbfb92	no	35
Warnings:					
Information:					
4	Foreign Reference	JP2003111877-Translation.pdf	1664780 abe02b1c8d7f7162950d4dc95372c0b64714ffb2	no	19
Warnings:					
Information:					
5	Foreign Reference	AU2004262334A1.pdf	13958 1091ea7b35930d97d88705cdc733a9a5bd236392	no	1
Warnings:					
Information:					
6	Foreign Reference	CN1853211A-Translation.pdf	2248882 05b43e462c0716fce71a49f99264c4998f8f5f81	no	31
Warnings:					
Information:					
7	Foreign Reference	IN262515.pdf	37017 7924a86336d906ba29b7cab42cd75d775a164289	no	1
Warnings:					
Information:					

8	Foreign Reference	JP5701823-Translation.pdf	2127225 700df3aa59444c4e8b07bc3246846bc518582d5c	no	27
Warnings:					
Information:					
9	Foreign Reference	JP55067784-Translation.pdf	1334536 d737c1de682ec725e16d4ecb61ece77151384606	no	12
Warnings:					
Information:					
10	Foreign Reference	MXPA06001301-Translation.pdf	1330970 cdd0a6e154dabab70c595f71afe197b631173ecf	no	12
Warnings:					
Information:					
11	Information Disclosure Statement (IDS) Form (SB08)	2992US3-IDS-09-21-15.pdf	1035987 c24fc4ac2abf37bd0f42d4694dee1182003f201a	no	6
Warnings:					
Information:					
12	Non Patent Literature	2992CA-OA_10_08_08.pdf	378376 25c75719b67b1096c301be71448eac794ccd7648	no	3
Warnings:					
Information:					
13	Non Patent Literature	2992CA_OA_dated_09_08_2009.pdf	361536 264df4130c2a1c9c7fbc2e7bfe6d843209d970ed	no	3
Warnings:					
Information:					
14	Non Patent Literature	2992CA_OA_dated_08_10_10.pdf	522260 102a2cd0553faf0ee8bbb3144d1f3f268923d755	no	5
Warnings:					
Information:					
15	Non Patent Literature	2992CA_OfficeAction-06-27-11.pdf	59043 a6bef265090d384dafd0d6dd1da3b56678867ebc	no	6
Warnings:					
Information:					
16	Non Patent Literature	2992CA-OA-dated-07-03-12.pdf	352538 f37851574d93e31f82625b68e70c521974c52dff	no	2
Warnings:					
Information:					

17	Non Patent Literature	2992CA_OA_dated_05-15-13.pdf	253535 3b2109c775ad859f87a48cb50cbf105d1a3f7149	no	4
Warnings:					
Information:					
18	Non Patent Literature	2992CA_OA_dated-03-05-14.pdf	242314 7264d5463a2dd76bcb505d9a40a101343bfad29a	no	4
Warnings:					
Information:					
19	Non Patent Literature	2992CA-OA_Dated-03-05-15.pdf	890631 910eff10ec49a9de0efd86ea610fd817626c8b6c	no	8
Warnings:					
Information:					
20	Non Patent Literature	2992-IPER.pdf	595071 f207957e614a06c6921075246338814454 8f6281	no	5
Warnings:					
Information:					
21	Non Patent Literature	2992-SearchReport.pdf	769484 27b0d74a7684099917ba34f79186c1c956ac5666	no	10
Warnings:					
Information:					
22	Fee Worksheet (SB06)	fee-info.pdf	30419 761a1ab3465da69739a3cd0f566d84e2360ae72e	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	18855486	

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New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination, kindly amend the above-referenced application as follows:

Amendments to the Claims begin on page 2 of this Preliminary Amendment.

In the Claims:

The claims are as follows:

1. (Currently Amended) An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.~~; and~~

~~wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency.~~

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

By this paper, claim 1 has been amended. No new matter has been entered as a result of the amendments. Entry thereof is requested.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 19-0513: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 19-0513.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23rd day of January 2015

/Jason A. Murphy/
Jason A. Murphy
Reg. No. 63423
Customer No. 118868
Schmeiser, Olsen & Watts, LLP
22 Century Hill Drive, Suite 302
Latham, New York 12110
Tel. (518) 220-1850
Fax: (518) 220-1857

Electronic Acknowledgement Receipt

EFS ID:	21292570
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy/Eleni Pappas
Filer Authorized By:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	23-JAN-2015
Filing Date:	12-JUL-2006
Time Stamp:	14:26:53
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		2992US3_PAM-AfterAppeal.pdf	154293 441e3753262a7a1456178adb3234feb2dcd45535	yes	5

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Preliminary Amendment	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	5
Warnings:			
Information:			
	Total Files Size (in bytes):	154293	

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New International Application Filed with the USPTO as a Receiving Office
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Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11/457,006	Filing Date	2006-07-12	Docket Number (if applicable)	FIRST.2992US3	Art Unit	6491
First Named Inventor	Keith A. Raniere			Examiner Name	Utama, Robert J.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on 2013-07-23
- ☐ Other _____

☐ Enclosed

- ☐ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 190513

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Jason A. Murphy/	Date (YYYY-MM-DD)	2014-12-01
Name	Jason A. Murphy	Registration Number	63423

This collection of information is required by 37 CFR 1.114. 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 12 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**850**

Electronic Acknowledgement Receipt

EFS ID:	20834040
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Jason Alexander Murphy
Filer Authorized By:	
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	01-DEC-2014
Filing Date:	12-JUL-2006
Time Stamp:	19:25:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$850
RAM confirmation Number	6525
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	2992US3_RCE_after_Decision.pdf	797924 307a6690d9ad38ea86d1473eb1fccb79d26e1037	no	3
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30231 681b931248ac6c7496b751274017113d3b10087c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	828155		

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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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 11/12/2014

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

NOTIFICATION DATE	DELIVERY MODE
11/12/2014	ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AZ5409@IPLAWUSA.COM

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

(1) *Utama, Robert J*. (3)_____.

(2) *Murphy, Jason*. (4)_____.

Date of Interview: *14 October 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

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

Issues Discussed ☐101 ☒112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: -.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Possible amendment that overcome the rejection 35 U.S.C 112 first paragraph were discussed. No agreement with respect to the patentability of the application was reached during the course of the interview.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 09/30/2014

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EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

NOTIFICATION DATE	DELIVERY MODE
09/30/2014	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEITH A. RANIERE

Appeal 2013-009406
Application 11/457,006
Technology Center 3700

Before: JENNIFER D. BAHR, STEFAN STAICOVICI, and TIMOTHY J. GOODSON, *Administrative Patent Judges*

GOODSON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Keith A. Raniere (Appellant) appeals under 35 U.S.C. § 134(a) from the rejection of claims 1 and 4–13. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

The claims are directed to a training apparatus for improving a point of efficiency, such as the speed of a treadmill at which a runner cannot handle additional stress. *See* App. Br. 3. Claim 1 illustrates the subject matter on appeal and is reproduced below:

1. An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency.

PRIOR ART

The Examiner relies on the following evidence:

Dardik	US 6,702,720 B2	Mar. 9, 2004

Kinderman, *The Significance of the Aerobic-anaerobic Transition for the Determination of Work Load Intensities During Endurance Training*, EUROPEAN J. APPLIED PHYSIOLOGY 42: 25–34 (1979) (hereinafter "Kinderman").

Yoshida, *Endurance Training Regimen Based Upon Arterial Blood Lactate: Effects on Anaerobic Threshold*, EUROPEAN J. APPLIED PHYSIOLOGY 49: 223–230 (1982) (hereinafter "Yoshida").

GROUNDS OF REJECTION

1. Claims 1 and 4–13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Ans. 3.

2. Claims 1 and 4–13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dardik in view of Yoshida and Kinderman. *Id.*

OPINION

The Enablement Rejection

The Examiner determines that the Specification does not enable the limitation in claim 1 that "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency." *See* Office Action of Aug. 20, 2012 at 3 (hereinafter "Office Act."). The Examiner notes that this limitation requires that "in each repetition of [the] training method the subject's point of efficiency would always increase a further new point of efficiency." *Id.* Yet "[i]t is unclear how the appellant can claim that each repetition of the method can result in a user able to increase his/her performance with respect to the increasing speed of the treadmill. One of ordinary skilled in the art will expect that a certain

condition (e.g.: extreme exhaustion) can occur in which the subject would no longer be able to increase his/her point of efficiency." Ans. 4.

Appellant concedes that "it is likely that the point of efficiency may increase and decrease back and forth as the athlete continues to train." App. Br. 9. Thus, it is undisputed that Appellant has not described an apparatus through which a user increases the point of efficiency with each repetition of the activity. Instead, Appellant's arguments against the enablement rejection are based on the contention that "the Examiner is incorrect in interpreting claim 1 to require an increase [in the point of efficiency] in all repetitions; claim 1 requires that the value of the point of efficiency increases or decreases each repetition of the method." *Id.* at 8. Appellant argues that the Specification describes embodiments in which the point of efficiency would decrease as the subject repeats the training method, and therefore a skilled artisan would understand that "'increased' to further new points of efficiency just means that [after] each repetition of the method, the point of efficiency will likely improve, regardless if it actually increases numerically." *Id.* at 9–10.

Appellant's arguments are not persuasive because they are not consistent with the language of claim 1. The claim recites that with each repetition, "the point of efficiency is increased to further new points of efficiency." Appellant has not provided any persuasive reason why this claim language should be interpreted to require that the point of efficiency can either increase or decrease with each repetition. *See, e.g.*, *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1374 (Fed. Cir. 2004) (noting that the Federal Circuit "repeatedly and consistently has recognized that courts may not redraft claims").

Appellant further argues that the Specification provides a clear explanation of how to practice the invention without undue experimentation, and that "the operation of a treadmill is not particularly unpredictable." Reply Br. 3–4, 6. These arguments are not persuasive because Appellant does not cite any disclosure in the Specification that would enable a skilled artisan to produce a system without undue experimentation by which a user increases the point of efficiency with each repetition. Indeed, as stated above, Appellant agrees that "it is likely that the point of efficiency may increase and decrease back and forth as the athlete continues to train." App. Br. 9.

Appellant also argues that because a different parameter may be measured at each repetition (e.g., blood pressure and heart rate) "it is entirely possible, and thus enabling, that the speed of the treadmill could increase [after] each repetition of the method." Reply Br. 5–6. However, the speed of the treadmill could also decrease when a different parameter is measured at each repetition. Speculation that the invention might work as claimed is insufficient to satisfy the enablement requirement. In *Rasmusson v. SmithKline Beecham Corp.*, 413 F.3d 1318 (Fed. Cir. 2005), the Federal Circuit rejected the argument that enablement mandates only a showing that it is "not implausible" that the invention will work for its intended purpose:

> If mere plausibility were the test for enablement under section 112, applicants would obtain patent rights to 'inventions' consisting of little more than respectable guesses as to the likelihood of their success. When one of the guesses later proved true, the 'inventor' would be rewarded the spoils instead of the party who demonstrated that the method actually worked. That scenario is not consistent with the statutory requirement that the inventor enable an invention rather than merely proposing an unproved hypothesis.

Id. at 1325.

For the foregoing reasons, we sustain the Examiner's rejection of claim 1 for failure to comply with the enablement requirement. We also sustain the rejection of claims 4–13, which depend from claim 1 and therefore include the same enablement defect.

The Obviousness Rejection

Appellant argues that the cited references do not disclose the limitation in claim 1 of "the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance." App. Br. 15. The Examiner finds that Dardik "is silent on the teaching of training the trainable subject within the range of tolerance of the point of efficiency. Office Act. at 6. However, the Kindermann reference provides a teaching of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes (see page 29)." *Id.*

Other than citing to page 29 of Kinderman, the Examiner does not explain how Kinderman teaches the limitation quoted above. It is unclear where in Kinderman's disclosure the Examiner finds a teaching of a range of tolerance. The Answer does not provide any clarification on this point. In the absence of a more thorough explanation from Examiner as to why this limitation is disclosed or rendered obvious by Kinderman, we agree with Appellant that the Examiner has not carried the burden to establish a prima facie case of obviousness in view of the cited combination. The Examiner's use of the teachings of Yoshida does not remedy the deficiencies of Dardik and Kinderman as described *supra*. *See* Ans. 3–6.

For the foregoing reasons, we do not sustain the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Dardik in view of Yoshida and Kinderman. We also do not sustain the obviousness rejection of dependent claims 4–13.

DECISION

We affirm the Examiner's rejection of claims 1 and 4–13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

We reverse the Examiner's rejection of claims 1 and 4–13 under 35 U.S.C. § 103(a) as being unpatentable over Dardik in view of Yoshida and Kinderman.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

pgc

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Appeal No: 2013-009406
Application: 11/457,006
Appellant: Keith A. Raniere

Patent Trial and Appeal Board Docketing Notice

Application 11/457,006 was received from the Technology Center at the Board on July 29, 2013 and has been assigned Appeal No: 2013-009406.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Patent Trial and Appeal Board.

RVB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere	Examiner: Utama, Robert J.
Serial No.: 11/457,006	Group Art Unit: 3715 / Conf. No. 6491
Filed: 07/12/2006	Docket No.: FIRST.2992US3-NY

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF OF APPELLANT

This Reply Brief is a reply to the Examiner's Answer mailed May 23, 2013, which was an answer to an Appeal Brief filed January 22, 2013, pursuant to the Notice of Appeal filed December 20, 2012, which appeals the Examiner's rejection in the Office Action dated August 20, 2012.

STATUS OF CLAIMS

Claims 1 and 4-13 have been previously finally rejected and are the subject of this appeal. Claims 2-3 have been cancelled. No other claims are pending.

GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112 1st¶

Issue 2 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

ARGUMENTS

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112 1st¶

Appellant contends that the specification enables the limitation of a maximum value of a second parameter increases or decrease. In the Examiner's Answer, the Examiner takes the position that "in order to claim a limitation of 'maximum value of the second parameter increases or decreases' one need to show enablement for both increasing and decreasing amount of the maximum value of the second parameter."[1] The Examiner admits that the maximum value of the second parameter decreasing complies with the enablement requirement.[2] This leaves the Board with the sole question of whether the limitation of the maximum value of the second parameter increases with each repetition of the method is enabled. Based on the following reasons, the Board should conclude that the enablement requirement is fully satisfied.

First, the drawings and specification of the present application enable a person having ordinary skill in the art to practice the invention without undue experimentation. The Examiner even admits that the specification and the drawings provide satisfactory support for the increase of the maximum value of the second parameter.[3] Specifically, in the Examiner's Answer, the Examiner notes, "[i]n the specification the applicant shows that the maximum value of the second parameter (the speed of the treadmill) to always increase with each repetition of the method (see FIG. 2A below and appellant's specification on page 13 line 10-20)."[4] Appellant hereby provides FIG. 2A for the Board's convenience:

---

[1] Examiner's Answer, page 4.
[2] *Id.*
[3] *Id.*
[4] *Id.*

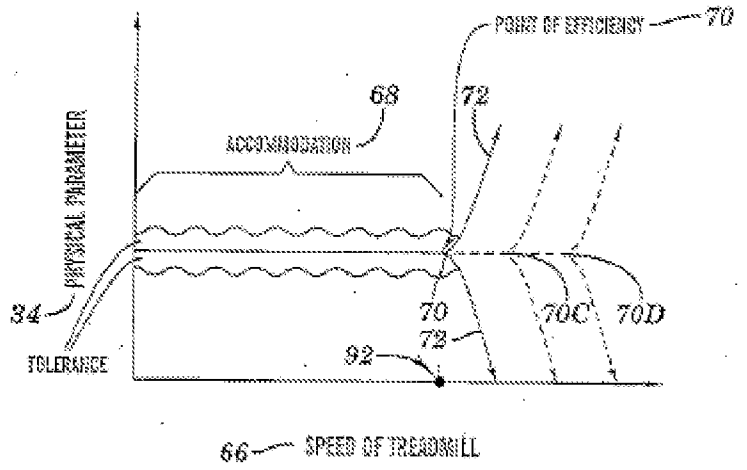


FIG. 2A

As FIG. 2A of the present application shows, the value of the second parameter (*e.g.* speed of the treadmill) increases each repetition of the method to further new point of efficiency (*i.e.* 70C, 70D) One having ordinary skill in the art could easily read the graph shown in FIG. 2A and be capable of practicing the invention. Furthermore, the portion of the "appellant's specification" referenced by the Examiner is also provided:

> Just beyond the point of efficiency 70, the subject's 18 body and/or emotions and mind, measured through the body, no longer can accommodate additional stress and enters a state of inefficiency causing the physical parameters 34 to vary differently (e.g., more rapidly change, less rapidly change) than before. As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained.[5]

Like the graph shown in FIG. 2A, this cited portion of the specification gives one having ordinary skill in the art a clear explanation on how to practice the invention – certainly without

[5] Specification, page 13, lines 10-20.

undue experimentation. Accordingly, as the Examiner points out, the increase of the maximum value of the second parameter is disclosed and described by the specification and drawings of the present application.

Second, the Examiner's concern that each repetition could not result in an increased speed of the treadmill lacks merit. The Examiner improperly ignores the plain text of the claim limitations to present an overly simplistic scenario where a user simply gets on a treadmill and runs until volitional exhaustion, eventually reaching a speed that cannot be topped. This scenario ignores lines of claim text that require a first parameter of the subject to be initially measured and a range of tolerance that surrounds the value of the first parameter, which, when a current measurement of the first parameter exceeds the range of tolerance, the user enters a state of inefficiency.[6] Moreover, the Examiner's scenario incorporates limitations not in the claims. For instance, the claims do not explicitly require a specific first parameter, other than it is part of the subject. Thus, each repetition of the method could be measuring a different physical parameter, such as running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, blood pressure, heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.[7] To use an example, if the first repetition of the method (given activity) is measuring blood pressure (a first parameter), a range of acceptable blood pressure is determined, and the speed of the treadmill is increased until the blood pressure of the user exceeds the range of acceptable blood pressure levels. In the first repetition, the speed of the treadmill at the time the value of the blood pressure was higher or lower than the range of blood pressure value, could be "x." In a second

[6] Claim 1.
[7] Claims 10 and 11.

repetition, the heart rate (a first parameter) of the user could be measured. A range of acceptable heart rates is determined, and the speed of the treadmill is increased until the heart rate of the user exceeds the range of acceptable hear rates. In the second repetition, the speed of the treadmill at the time the value of the heart rate was higher or lower than the range of hear rate values, could be "x+1." Because the first parameter could be many different physical parameters of the user, then it is entirely possible, and thus enabling, that the speed of the treadmill could increase each repetition of the method.

Third, the Examiner's enablement rejection is not confined to the proper scope of enablement with respect to the claim limitations. As MPEP § 2164.03 states,

> The scope of the required enablement varies inversely with the degree of predictability involved, but even in unpredictable arts, a disclosure of every operable species is not required. A single embodiment may provide broad enablement in cases involving predictable factors, such as mechanical or electrical elements.[8]

Appellant contends that the operation of a treadmill is not particularly unpredictable. The working examples and embodiments provided by the specification and drawings provide the broad enablement in this case. Therefore, the claim limitations comply with the enablement rejection when analyzed within the proper scope.

Based on the foregoing, Appellant contends that the Board should reverse the Examiner's enablement rejection, and that the claims on appeal are in condition for removal on remand.

[8] MPEP § 2164.03 (citing *In reVickers*, 141 F.2d 522, 526-27, 61 USPQ 122, 127 (CCPA 1944); *In reCook*, 439 F.2d 730, 734, 169 USPQ 298, 301 (CCPA 1971).

Issue 2 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

Appellant contends that the Examiner still fails to establish a *prima facie* case of obviousness under 35 U.S.C. §103. The combination of Dardik in view of Yoshida et al. and further in view of Kindermann et al. fails to teach or render obvious each and every element of the claim limitations. The Examiner has taken multiple incorrect positions regarding the obviousness rejections throughout the prosecution history of this application, most recently the Office Action mailed August 20, 2012. Appellant has addressed each of those incorrect positions in the Appeal Brief in a manner sufficient for the Board to reverse the Examiner's obviousness rejection.

However, in this Reply Brief, Appellant wants to draw the Board's full attention to a fundamental misinterpretation by the Examiner. In particular, the Examiner improperly interprets the state of inefficiency (or leaving the state of accommodation) as volitional exhaustion.[9] In stark contrast, the claim limitations require a tolerance surrounding an initial measurement of a first parameter to be exceeded before entering a state of inefficiency.[10] It is only when the value of the first parameter exceeds the range of tolerance does the subject enter a state of inefficiency (or exits a state of accommodation); the point of efficiency is determined just prior to the subject entering the state of inefficiency.[11] Entering the state of inefficiency – first parameter exceeding the range of tolerance – is not volitional. Volitional exhaustion requires some choice or decision by the subject to end the training. According to the claim limitations, a subject could unwillingly enter a state of inefficiency; the subject may not choose

[9] Examiner's Answer, page 6.
[10] Claim 1.
[11] *Id.*

or decide to enter a state of inefficiency and stop running. The state of inefficiency is determined by the values of the measured physical parameters of the subject with respect to the range of tolerance. Accordingly, the Examiner's proposed combination of Dardik and Yohsida et al. is invalid because it is premised on the fundamental misinterpretation that the claimed state of inefficiency is equivalent to volitional exhaustion.[12]

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1, 5-6, and 9 are not obvious under 35 U.S.C. § 103.

[12] Examiner's Answer, page 5.

CONCLUSION

For the extensive reasons advanced above, Appellant respectfully but forcefully contends that claims 1 and 4-13 are patentable. Therefore, Appellant prays for reversal of all rejections, which is courteously solicited.

Please charge any fees due in connection with the filing of this paper, including any necessary extension of time fees, to Deposit Account 19-0513 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: July 23, 2013

Schmeiser Olsen & Watts

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EFS ID:	16393887
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	23-JUL-2013
Filing Date:	12-JUL-2006
Time Stamp:	16:54:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

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1	Reply Brief Filed	2992US3_Reply_Brief.pdf	226213 c975aee3f114ce1c4401871dbd5c9c261c434576	no	9

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/457,006	12 July, 2006	RANIERE, KEITH A.	FIRS-2992US3

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
ROBERT J. UTAMA	
ART UNIT	PAPER
3715	20130624A

DATE MAILED:

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Commissioner for Patents

The examiner's answer, mailed on 05/23/2013, contained a typographical error. On page 3 of the examiner's answer mistakenly identified the every ground of rejections in the office action mailed on 01/22/2013 were maintained. However, there are no such office action. The examiner instead is referring to the office action mailed on 08/20/2012. The examiner apologized for the confusion. .

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 06/05/2013

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UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3715	

NOTIFICATION DATE	DELIVERY MODE
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EXAMINER	
RICHARD ELLIS	
ART UNIT	PAPER
OPIM	A-69124

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Please see the enclosed notice relating to the examiner's answer recently mailed in this application.

PTO-90C (Rev.04-03)

Appeal Forwarding Fee Requirement

USPTO records show that an examiner's answer was recently mailed.

If the examiner's answer is in response to an appeal brief filed on or after March 19, 2013 and the appeal brief fee required by former 37 CFR 41.20(b)(2) was not filed before March 19, 2013, the appeal forwarding fee set forth in 37 CFR 41.20(b)(4) is required to avoid dismissal of the appeal. The appeal forwarding fee is required within the later of two months from the date of either the examiner's answer, or a decision refusing to grant a petition under 37 CFR 1.181 to designate a new ground of rejection in an examiner's answer. See 37 CFR 41.45.

If the examiner's answer is in response to an appeal brief filed before March 19, 2013 or the appeal brief fee required by former 37 CFR 41.20(b)(2) was filed before March 19, 2013, an appeal forwarding fee is not required.

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5409 7590 05/23/2013

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EXAMINER	
UTAMA, ROBERT J	
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3715	

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05/23/2013	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 11/457,006
Filing Date: 07/12/2006
Appellant(s): Raniere, Keith

Arlen L. Olsen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/22/2013.

(1) Grounds of Rejection to be Reviewed on Appeal

Every ground of rejection set forth in the Office action dated 01/22/2013 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

The following ground(s) of rejection are applicable to the appealed claims.

- Claims 1, 4-13 are rejected under 35 U.S.C 112, first paragraph, as failing to comply with the enablement requirement
- Claims 1. 4-13 are rejected under 35 U.S.C 103 as being unpatentable over Dardik US 6,702,720 in view of Yoshida et al and further in view of US Kindermann et al.

(2) Response to Argument

Claims 1, 4-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for some repetition of the method such that the point of efficiency is increase to a further new point of efficiency, does not reasonably provide enablement for the maximum value of the every repetition of the method such that the pint of efficiency is increase to a further new point of efficiency.

The appellant argued that the examiner has misconstrued the scope of the claim. The appellant argued that it would be sufficient to interpret the limitation of having a second parameter that can increase or decrease. The examiner respectfully disagrees.

The examiner takes the position in order to claim a limitation of "maximum value of the second parameter of increases or decreases" one need to show enablement for both increasing and decreasing amount of the maximum value of the second parameter.

The current limitations for claim 1 are the following:

"*.. wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency ...*"

The appellant argued that the examiner has misconstrued the scope of the claim. The appellant argued that it would be sufficient to interpert the limitation of having a second parameter that can increase or decrease. The examiner respectfully disagrees. The examiner takes the position in order to claim a limitation of "maximum value of the second parameter of increases or decreases" one need to show enablement for both increasing and decreasing amount of the maximum value of the second parameter. In this particular case, the examiner takes the position while it is possible for the maximum value of the second parameter to decrease. It is not clear if one of ordinary skilled can expect to see an increase in the maximum value of the second parameter. In the specification the applicant shows that the maximum value of the second parameter (the speed of the treadmill) to always increase with each repetition of the method (see FIG. 2A below and appellant's specification on page 13 line 10-20). It is unclear how the appellant can claim that each repetition of the method can result in a user able to increase his/her performance with respect to the increasing speed of the treadmill. One of ordinary skilled in the art will expect that a certain condition (e.g.: extreme exhaustion) can occur in which the subject would no longer be able to increase his/her point of efficiency.

Claims 1, 4-13 are rejected under 35 U.S.C. 103(a) in view of Dardik, Yoshida et al, and further in view of US Kindermann et al

The appellant argued that the Dardik, Yoshida, Kindermann et al fails to provide a teaching of point of efficiency being the maximum value of the second parameter, whereas the

point of efficiency increase or decreases each repetition of the given activity such that point of efficiency is increased to the further new of efficiency. The examiner respectfully disagrees.

The appellant also argued that the combination of Dardik, Yoshida, and Kindermann et al; the appellant argued

The appellant argued that the combination of reference fails to teach a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill. Additionally appellant argument that the combination of Dardik reference does not teach a dynamically controlled exercise program. The appellant argued instead that the exercise regimen of Dardik are pre-programmed. The examiner notes that the claim limitation does not require a dynamically controlled exercise routine. As such, the examiner takes the position that appellant argument is moot since the appellant argument is directed against an un-recited limitation. The examiner instead point out that the limitation of claim 1 instead only requires a control system that control the speed of the treadmill. The examiner already pointed out that the Dardik reference does not provide a teaching of control system parameter wherein the second parameter is the speed of the treadmill. The Kindermann reference was the reference used that teaches a control system that control the speed of the treadmill (see Kindermann page 26 paragraph 2 “every 3 minutes the speed was increased 2 km/h")

Secondly, the appellant also argued that the rejection under 35 U.S.C 103(a) over Yoshida and Kindermann is not valid since the combination teaches that the training is when the subject no longer maintain the state of accommodation and enters a state of inefficiency." The appellant argued that the Yoshida reference fails to teach this particular limitation since the Yoshida reference teaches that the training is stop after volitional exhaustion. The examiner respectfully disagrees. The claim limitation is silent on what the phrase “state of accommodation” and "state of inefficiency.” Additionally, the appellant's specification an

example of "a state of accommodation" is "a state where the subject is adjusting to the treadmill without being overly stressed" (see appellant's specification page 13 line 1-5); as such, the examiner interpret "volitional exhaustion" as an indication that the subject is no longer adjusting to the treadmill without overly stressed.

The appellant argued that the combination of Yoshida and Kindermann reference does not provide a teaching of "Repeating the method of training the subject ..." The appellant argued that the Yoshida reference only teaches of repeating a training method where the training lengths are the same between training. However, the Yoshida reference teaches multiple type of training exercise (incremental exercise test, sub maximal test, training test). The Yoshida reference also teaches that all type of training exercise are conducted over a period of 8 weeks (see page 225) and all type of training are repeated (or at least done more then one time) during the training period in order to determine the subject's blood chemistry (see page 223 paragraph 2). As such, the examiner takes the position that the incremental exercise testing taught by the Yoshida reference does not have a set amount of time of completion. As seen in Yoshida (page 224) the exercise does not end in exactly 15 minutes; it only ends when the user reached exhaustion. As such, the examiner takes the position that the Yoshida reference provides a teaching of repeating the method of training the subject.

Lastly, the appellant argued that the combination of Yoshida and Kindermann do not provide a teaching of repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition. The examiner has shown earlier that the Yoshida reference provides a teaching where the training methods are repeated (at least done more than once). The Yoshida reference provides a teaching where the incremental exercise tests are repeated and the subject will signal the end of the exercise test once he/she reached an inevitable volitional exhaustion. The examiner takes the position that a user that it would have been very unlikely for someone to repeat the test and produce the exact same result. One of ordinary skilled in the art would have expected

that a user given the same incremental exercise test would produce a length of time that are either longer or shorter than the one before. As such, the examiner takes the position that combination of Yohsida and Kindermann reference provides a teaching of "repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition".

Furthermore, the Yoshida reference shows that the post-testing exercise results shows that user exihibit a significant increase in VO2max, AT (Anaerobic threshold) and other blood chemistry result (see Yohshida paragraph 228). The VO2max is the maximum capacity of an individual's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the individual. An increase in VO2max and other blood chemistry in one body would suggest that one would be able to show greater athletic capacity or should in theory be able to perform the same test and have an increase in time where the user is able to maintain a state of accommodation. In this scenario, the Yoshida reference would meet the limitation of "repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases each repetition." The examiner also recognized that is also possible that a user would repeat the training regime and produce a decrease in time whereby a state of accommodation is maintained. However, this scenario also mean that the Yoshida reference meets the claim limitation of " length of time whereby the state of accommodation is maintained is decreased each repetition." As such, the examiner takes the position that the Yoshida reference provides a teaching of "repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition," as it meet both possible scenarios in the limitation of claim 1.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ROBERT J UTAMA/

Primary Examiner, Art Unit 3715

Conferees:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere	Examiner: Utama, Robert J.
Serial No.: 11/457,006	Group Art Unit: 3715 / Conf. No. 6491
Filed: 07/12/2006	Docket No.: FIRST.2992US3-NY

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
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BRIEF OF APPELLANT

This Appeal Brief, pursuant to the Notice of Appeal filed August 12, 2011, is an appeal from the rejection of the Examiner in the final Office Action dated May 12, 2011.

REAL PARTY OF INTEREST

The real party of interest in the above mentioned application is First Principles, Inc., a Delaware Corporation having its place of business at 455 New Karner Road, Albany, NY, 12205.

RELATED APPEALS AND INTERFERENCES

This application is a divisional application of U.S. Patent Application No. 10/631,279 filed on July 31, 2003, entitled "Method and Apparatus for Improving Performance," in which a Notice of Appeal has been filed on July 26, 2011. Similarly, this application is related to a U.S. Patent Application No. 11/456,976, filed July 12, 2006, entitled "Method and Apparatus for Improving Performance," in which a Notice of Appeal was filed on July 26, 2011, which is also a divisional of U.S. Patent Application No. 10/631,279, filed on July 31, 2003.

STATUS OF CLAIMS

Claims 1 and 4-13 have been previously finally rejected and are the subject of this appeal. Claims 2-3 have been cancelled. No other claims are pending.

STATUS OF AMENDMENTS

No after final amendment has been filed. All amendments filed have been considered and are included in the appealed claims.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 - Independent

Independent claim 1 is directed to an apparatus comprising a performance system (as described on page 9, lines 8-21; depicted by 10 in FIG. 1), wherein the performance system is a treadmill (as described on page 9, lines 10-11; depicted by 12 in FIG, 1), at least one sensor (as described on page 10, lines 1-2; depicted by 36 in FIG. 1) for measuring a first parameter of a subject (as described on page 16, lines 13-16; depicted by step 82 in FIG. 4), wherein the first parameter (as described on page 16, lines 14-15; depicted by 34 in FIG. 4) is a parameter of a subject being trained and measured by the performance system (as described on page 7, lines 18-19; on page 8, lines 20-23 – page 9, lines 1-7), the at least one sensor measuring an initial measurement of the first parameter (as described on page 16, lines 13-16; depicted by step 82 in FIG. 4), a control system (as described on page 9, lines 21-23; as depicted by 14 in FIG. 1) for controlling a second parameter, wherein the second parameter is a speed of the treadmill (depicted by 66 in FIG. 2A), the control system setting an initial value for the second parameter (as described on page 16, lines 12-13; depicted by 80 in FIG. 4), the control system determining a range of tolerance surrounding the initial measurement of the first parameter (as described on

page 13, lines 21-23 – page 14, lines 1; page 12, lines 21-22; page 15, lines 19-23 – page 16, line 1; depicted by text in FIGs. 2A and 2B),a timer for recording an elapsed time of a given activity (as described on page 17, lines 19-20; depicted by 104 in FIG. 1), the control system determining for the given activity, a point of efficiency of the subject (as described on page 17, lines 6-8; page 13, lines 15-18; depicted by 70 and 92 in FIG. 2A and by 70 in FIG. 2B) by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter (as described on page 13, lines 15-18; depicted by 70 in FIG. 2A) whereby a state of accommodation (as described on page 12, lines 19-22; depicted by 68 in FIG. 2A) is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance (as as described on page 16, lines 10-21; depicted by FIGs. 2A, 2B, and 4), wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter (*i.e.* increasing the speed of the treadmill; as described on page 12, lines 13-19; depicted by 84 of FIG. 4) until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (as described on page 13, lines 7-12), and wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency (as described on page 13, lines 12-15; as depicted by 70, 70C, 70D of FIGs. 2A and 2B).

Accordingly, independent claim 1 discloses an apparatus for improving a point of efficiency (*e.g.* the speed of the treadmill when runner cannot handle additional stress) including a control system computer to operate sensors for taking measurements and monitoring a physical parameter of a trainable subject during exercise. The point of efficiency is recorded when a

physical parameter of the subject exceeds the range of tolerance surrounding the actual the physical parameter (e.g. ± 2% of the physical parameter). As the subject continues to use the apparatus, the value of the point of efficiency can either increase to a higher speed of a treadmill, or can decrease to a speed of a treadmill based on a physical parameter.

Dependent Claim 4

The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters (as described on page 11, lines 5-6; depicted by 28 in FIG. 1).

Dependent Claim 5

The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device (as described on page 11, lines 15-19; depicted by 50 in FIG. 1).

Dependent Claim 6

The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer (as described on page 11, line 18; depicted by 30 in FIG. 1).

Dependent Claim 7

The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system (as described on page 11, lines 7-10).

Dependent Claim 8

The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad (as described on page 11, lines 7-10; depicted by 46, 48 in FIG. 1).

Dependent Claim 9

The apparatus of claim 1, wherein the first parameter is a physical parameter (as described on page 10, lines 1-2).

Dependent Claim 10

The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure (as described on page 10, lines 2-11).

Dependent Claim 11

The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length (as described on page 10, lines 2-11).

Dependent Claim 12

The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof (as described on page 9, lines 21-23).

Dependent Claim 13

The apparatus of claim 11 wherein the transmission system is selected from the group of

internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof (as described on page 12, lines 1-5).

GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112 1st¶

Issue 2 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

GROUPING OF CLAIMS

For each ground of rejection which appellant contests herein which applies to more than one claim, such additional claims, to the extent separately identified and argued below, do not stand or fall together.

ARGUMENT

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112, 1st¶

Appellant respectfully contends that claims 1 and 4-13 comport with the enablement requirement under 35 U.S.C. § 112 1st ¶. 35 U.S.C. 112, first paragraph states:

> "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best

> mode contemplated by the inventor of carrying out his invention." 35 U.S.C. § 112 (1952)

Furthermore, the MPEP states, "[a]ny analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde,* 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable?" Appellant respectfully contends that claims 1 and 4-13 are supported and enabled by the disclosure of the specification.

Specifically, the Examiner asserts that:

> "the specification, while being enabling for some repetition of the method such that the pint [sic] of efficiency is increase to a further new point of efficiency, does not reasonably provide enablement for the maximum value of the second parameter at least one of increase and decrease each repetition of the given activity such that the point of efficiency [sic] to a further new point of efficiency." (*See* Office Action 8/20/2012, page 3)

The Examiner further explains his rejection:

> "It is possible in certain condition (e.g.: extreme exhaustion) that the subject would no longer be able to increase his/her point of efficiency." (See Office Action 8/20/2012, page 3)

Appellant respectfully contends that the Examiner misunderstands the scope of the claims. Claim 1 requires:

> "…wherein the maximum value of the second parameter ***at least one of increases and decreases*** each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency." (emphasis added)

Clearly, the express language of claim 1 requires that the maximum value of the second parameter can increase OR decrease. Thus, the Examiner is incorrect in interpreting claim 1 to require an increase in all repetitions; claim 1 requires that the value of the point of efficiency increases or decreases each repetition of the method. Appellant would like to draw the Board's attention to the support for the limitation "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity." (claim 1) First, because the second parameter is the speed of the treadmill, the maximum value of the speed of the treadmill just prior to the subject entering a state of inefficiency may increase or decrease each repetition of the method, depending on the variance of the physical parameter of the subject during his or her performance that iteration of the method. Second, the goal of the subject may be either to increase the increase the speed of the treadmill or decrease the speed of the treadmill, depending on the physical parameter being measured. For an example of increase, the specification discloses:

> "As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained." (page 13)

For an example of decrease, the specification discloses:

> "Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method." (page 19)

Although this example cites weight lifting, a decrease in treadmill speed may be desired if a subject want to achieve a certain heart rate (physical parameter) at a lower treadmill speed. Thus, the point of efficiency would decrease as the subject repeats the method.

Furthermore, because the claims require an increase or a decrease, if the subject can no longer increase the speed of the treadmill while still remaining within the range of tolerance, than the point of efficiency of will decrease. A decrease in the point of efficiency is fully supported and enabled by the specification as shown above. After consecutive decreases in the point of efficiency, it is entirely possible that the subject may increase his point of efficiency. There is no requirement that a certain the degree of increase or decrease must occur, and it is likely that the point of efficiency may increase and decrease back and forth as the athlete continues to train. Accordingly, the claim limitations are fully enabled by the specification.

Moreover, Appellant respectfully contends that the limitation "increased to further new point of efficiency" does not necessarily mean increase in a chronological or numerical manner. Increase may be dependent on what the activity is, and whether or not a higher value of the second parameter is a positive or negative achievement. Because the new point of efficiency can increase or decrease from the previous point of efficiency, as stated earlier in claim 1, one having ordinary skill would be enabled by the specification to practice the invention with the understanding that "increased" to further new points of efficiency just means that each repetition

of the method, the point of efficiency of the subject will likely improve, regardless if it actually increases numerically.

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1 and 4-13 are fully supported and comport with the enablement requirement under 35 U.S.C. § 112, first paragraph.

Issue 3 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

Appellant respectfully contends that the Examiner must establish a *prima facie* case of obviousness under 35 U.S.C. §103. *See* Manual of Patent Examining Procedure (MPEP) §2142, which sets forth the legal standard and precedent for determining *prima facie* obviousness. If all elements of *prima facie* case of obviousness are not shown by the Examiner, Appellant is deserving of a patent. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The Court of Appeals for the Federal Circuit held that "[i]f the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of the patent." Id. at 1444. Accordingly, the Appellant respectfully contends that the Examiner has not shown all elements of a *prima facie* case of obviousness, and is deserving of a patent.

Accordingly, Appellant respectfully contends that the Examiner has failed to establish a *prima facie* case of obviousness because the combination of the cited references fails to teach each and every element of claim 1. According to 35 U.S.C. § 103.

> "A patent may not be obtained though the invention is not identically disclosed or described as set forth in Section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

To establish a *prima facie* case of obviousness, the Examiner must provide evidence of each and every feature of the claimed invention. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Furthermore, the Examiner must look at the claim as a whole. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

Accordingly, Appellant respectfully contends that claims 1, and 4-13 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach:

> "a performance system, wherein the performance system ***includes a treadmill***, at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, ***wherein the second parameter is a speed of the treadmill***, the control system setting an initial value for the second parameter, the control system determining a range of tolerance surrounding the initial measurement of the first parameter, a timer for recording an elapsed time of a given activity, the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject***, the point of efficiency being the maximum value of the second parameter***

(i.e. speed of the treadmill) whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance..." (Claim 1) (emphasis added)

Moreover, the combination of the cited references fails to teach the point of efficiency being the **maximum value of the second parameter**, wherein the point of efficiency **increases or decreases each repetition of the given activity** such that the point of efficiency is increased to the further new points of efficiency. (*See* Claim 1) In other words, the claim limitations requires that the point of efficiency being a value representing a speed of the treadmill of the performance system that either increases or decreases each repetition of the activity. The Examiner states that Dardik, the Examiner's primary reference, "fails to provides [sic] a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency..." (Office Action 8/20/2012, page 4) The Examiner introduces Yoshida to allegedly teach that limitation, asserting that Yoshida teaches an increase in Anabolic Threshold (AT) and VO_{2max} of a training group. The anabolic threshold and VO_{2max} are not parameters of the performance system. In the Advisory Action mailed 4/12/11, the Examiner asserted that Yoshida teaches, in Fig.2, that the work load of the pre-test is lower than the workload of the post-training. However, the point of efficiency required by the claim limitations is the maximum value of the second parameter, which is a *speed of the treadmill.* The claim limitations require the point of efficiency being the maximum value of the second parameter...wherein the second parameter is a speed of the treadmill...wherein the maximum value of the second parameter at least one of

increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency. In stark contradistinction, Yoshida teaches, according to the Examiner, an increase in AT and VO_{2max}, which are <u>not</u> parameters of the performance system, such as, for example, the speed of the treadmill. AT (also called the lactate threshold) is the level of exertion where a subject's body must switch from aerobic metabolism to anaerobic metabolism; AT is not a parameter of the performance system. Likewise, VO_{2max} is the maximum capacity of a subject's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the subject; VO_{2max} is not a parameter of the performance system. Appellant further respectfully contends that workload in wattage for a subject operating a stationary bike does not equate, teach, or suggest a speed of a treadmill. Therefore, Appellant respectfully contends that the combination of the cited references fails to teach each and every element of the claims, and one having ordinary skill in the art would not be motivated to combine the cited references.

Additionally, ***the combination of references fails to teach a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill***. The Examiner admits that Dardik, the primary reference, is silent regarding this feature. In an attempt to cure the deficiency of Dardik, the Examiner refers to Kindermann. The Examiner cites a portion of Kindermann that discloses every 3 minutes, the speed of the treadmill is increased by 2km/hr. (See Office Action, 8/20/2012, page 5) (See also Kindermann, page 26) However, the increase in speed is not controlled by a control system, as required by the claim limitations. For instamce, the control system required by claim 1 actually controls the performance system (*i.e.* the treadmill). The computer 24 of control system 14 controls the treadmill when the subject trains. Specifically, the instant specification teaches, "[t]he computer

24 may control the speed of the belt 16 on the treadmill apparatus 12 by sending speed commands (i.e., system parameters) through a cable 42." (page 11, lines 2-4) In addition to controlling the speed of the belt, the control system acquires data from the sensors monitoring the physical parameter(s) of the subject to be able to increase/decrease the speed of the treadmill accordingly. (*See* specification, page 5) Kinderman is notably silent regarding a computer controlling the speed of the treadmill while also acquiring data from sensors. Therefore, the combination of cited references fails to teach a control system for controlling the speed of the treadmill.

To be clear, Appellant contends that Dardik does not even teach a control system required by claim 1. Dardik discloses an analyzer 90, which "can include one or more electronic computing devices." (Col 5, Ln. 41-43) The analyzer 90, which has a primary goal of analyzing the physiological data indicative of ischemia, can optionally generate exercise regimens "used to ***preprogram***" the exerciser 20. (Col. 5, Ln. 59-61) (emphasis added) An analyzer 90 that can optionally preprogram an exerciser for a predetermined particular regiment does not correspond to the control system, required by Claim 1. For instance, the control system controls the treadmill speed as a sensor is measuring initial and current physical parameters of the subject, and the results of the measurements, in view of the range of tolerance, dynamically affect how the control system controls the speed of the treadmill. Depending on the measurements of the physical parameter of the subject, the control system may continue to increase the speed of the treadmill, thus making each repetition of the activity different (*e.g.* length of time the subject runs, the top speed achieved, etc.). In other words, a predetermined, preprogrammed regimen performed by the analyzer 90 simply could not replace the dynamic control of the performance system supplied by the control system. Therefore, Dardik does not teach a control system,. And

thus any additional teaching of Kindermann does not supply the Patent Office suffient grounds to reject claim 1 because the combination of cited references does not teach a control system for controlling the speed of the treadmill.

Additionally, Appellant respectfully contends that the combination of cited references fails to teach the step of:

> "the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, ***the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance***, wherein the point of efficiency is determined by repeatedly increasing stress on the subject ***within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion***." (claim 1) (emphasis added)

The Examiner **admits on record** that Yoshida et al. do not teach or even suggest this substantial limitation of claim 1 of training within the range of tolerance so the control system can determine the point of efficiency. (*See* Office Action 5/12/2011, page 6) In an attempt to cure this deficiency, the Examiner simply cites to page 29 of Kindermann et al. (*See* Office Action 5/12/2011, page 6) Appellant respectfully contends that nothing on page 29 even comes close to teaching this limitation; it mentions an exercise when the *heart rate* determined for 4 mmol/l

lactate *is kept constant*, including a *constant duration of 30 minutes* while continuously *reducing* the treadmill speed. (Kindermann et al., page 29) (emphasis added)

Moreover, while the portion of Kindermann et al. cited by the Examiner is basically irrelevant to the patentability of this particular limitation which, by Examiner's own admission, Yoshida et al. is silent, Appellant would like to address other portions of Kindermann et al. that run contrary to said limitation. Kindermann et al. do disclose a method where several skiers worked till exhaustion on a treadmill at a constant grade of 5%, a starting treadmill speed of 8 km/h, while increasing the speed by 2 km/h every 3 minutes. (Kindermann et al., page 26) In contrast with the claim limitations, the trainable subject is subject to repeated increasing stress by controlling the second parameter (treadmill speed) until just prior to the trainable subject no longer being able to accommodate additional stress and entering a state of inefficiency. Entering the state of inefficiency causes the first parameter to vary and exceed the range of tolerance. The state of inefficiency or *exhaustion*, as required and defined by the claim limitations, *is equivalent to when the current measurement exceeds the range of tolerance* surrounding the initial measurement, not volitional exhaustion. In other words, the claimed method does not involve a trainable subject running until he or she wants to stop. On the contrary, the trainable subject continues training until a physical parameter (*e.g.* heart rate) varies enough that it exceeds a limit value of a range. Furthermore, this particular method taught by Kindermann et al. where skiers work on the treadmill until exhaustion while the speed of the treadmill is incrementally increased is not repeated, and conducted only a single time to interpolate treadmill speed, oxygen intake, and heart rates of the skiers for 4 mmol/l lactate. (Kindermann et al., page 26) Once these values for 4mmol/l lactate are interpolated, the skiers perform two additional tests at a constant duration of 30 minutes, "***while the treadmill speed determined for the same lactate concentration***

remained unchanged during the second exercise." (Kindermann et al., page 26) (emphasis added) Thus, the method disclosed by Kindermann et al. is in stark contrast with the claim limitations because the speed of the treadmill can and likely will change each repetition of the given activity. Accordingly, Appellant respectfully contends that the combination of cited references fails to teach each and every element in view of Examiner's admission (that Yoshida et al. is silent) and the deficiencies of the method taught by of Kindermann et al.

Appellant further respectfully contends that the Examiner has failed to establish a *prima facie* case of obviousness because a person having ordinary skill in the art does not have a reason to combine the training regimen taught by Dardiki with the training regime taught byYoshida et al. and Kindermann et al. to arrive at the claimed method. To establish a *prima facie* case of obviousness, the Examiner must demonstrate that one having ordinary skill in the art has a reason to combine the cited references. In *KSR International Co., v. Teleflex, Inc.*, the United States Supreme Court addressed the importance to identify a reason why a person having ordinary skill in the art would combine particular references. 550 U.S. 398. Specifically, the Court held:

> "[a]lthough common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions***, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does***. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." Id. at 418-419. (emphasis added)

Appellant respectfully contends that one having ordinary skill in the art at the time of the invention would not have a reason to combine the teachings of Dardik, Yoshida and Kindermann et al. to arrive at claim 1.

Specifically, the premise of the exercise taught by Dardik is to promote ischemic preconditioning in individuals. (*See* abstract of Dardik). The majority of this exercise is the regulation of breathing to sequence oxygenating and non-oxygenating phases, wherein the breathing periods are "designed to induce periods of ischemia. (*Id.*)

The training regimen taught by Yoshida et al. is to perform endurance training on a Monark bicycle ergometer for 15 minutes on 3 days a week for 8 weeks, at an intensity corresponding to 4 mmol/l. (See Yoshida et al., Summary) The intensity of training is determined by performing a single incremental exercise test. (See Yoshida et al., Summary) The *Incremental Exercise Test* involves a group of male college students riding a Monark bicycle at 50 rpm, with 4 minutes of unloaded pedaling and 25 watts incremental loading every minute until volitional exhaustion. (See Yoshida et al., page 224) Similar to Kindermann et al., Yoshida et al. fail to teach repeating the *Incremental Exercise Test*, and is only done to interpolate values relating to other parameters associated with an intensity of 4 mmol/l, and teaches training to volitional exhaustion, which is vastly different than training until a physical parameter of the subject exceeds a range of tolerance, as described *supra*. Thus, Dardik only trains until inducement of a period of ischemia and Yoshida et al. teaches a training regimen having a constant intensity, which does not result in new points of efficiency, as required by the claim limitations. Likewise, Kindermann et al. teach that a training regimen with a constant intensity, in particular, Kindermann et al. states that training at a constant intensity of an arterial blood lactate concentration of 4 $mmol*l^{-1}$, is a better measure of the optimal workload intensity

for the improvement of cardiorespiratory functions (*i.e.* the optimal training level for endurance). For example, Kindermann et al. disclose increasing the speed of a treadmill by 2km/hr every 3 minutes only to reach values/parameters associated with a target blood lactate level of 4 mmol/l. (*See* Kindermann et al., page 26) If Kindermann et al. increased the speed of the treadmill to the point of exhaustion each repetition of the method, the target blood lactate level would be irrelevant to the training. The main purpose of Kindermann et al.'s training regimen is to determine the treadmill speed, oxygen intake, and heart rates for 4 mmol/l lactate, and then train at those values, which is considered an optimal intensity. (*See* Kindermann et al., page 26) Therefore, one having ordinary skill in the art would simply not be ***prompted to combine the elements in the way the claimed new invention does*** by following inducing periods of ischemia by following the training regimen taught by Kindermann et al. with the *Incremental Exercise Test* as taught by Yoshida et al. Therefore, Appellant respectfully contends that one having ordinary skill in the art would never arrive at the claim limitations by combining the cited references, and would not have a reason to combine the references.

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1 and 4-13 are not obvious under 35 U.S.C. § 103 over Dardik, in view of Yoshida et al, and further in view of Kindermann et al.

CONCLUSION

For the extensive reasons advanced above, Appellant respectfully but forcefully contends that claims 1 and 4-13 are patentable. Therefore, appellant prays for reversal of all rejections, which is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any additional shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-0513 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: January 22, 2013

Schmeiser Olsen & Watts

/Arlen L. Olsen/

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Claims Appendix

1. (Previously Presented) An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency.

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

Evidence Appendix

None.

Related Proceedings Appendix

1. Notice of Appeal for U.S. Application No. 10/631,279
2. Appeal Brief for U.S. Application No. 10/631,279
3. Notice of Appeal for U.S. Application No. 11/456,976
4. Appeal Brief for U.S. Application No. 11/456,976

Electronic Acknowledgement Receipt

EFS ID:	14760111
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	22-JAN-2013
Filing Date:	12-JUL-2006
Time Stamp:	16:45:56
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	Appeal Brief Filed	2992US3_Appeal_Brief_OA_8-2-12.pdf	375554 c93bc931cfd333a263d91bdf0b833b86308bb918	no	25

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 01/08/2013

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EXAMINER	
UTAMA, ROBERT J	

ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
01/08/2013	PAPER

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 8, 2013

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LATHAM, NY 12110
US

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Sincerely,
/Timothy Cole/
PATENT APPEAL CENTER
571-272-0999

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

Applicant: Keith A. Raniere

Examiner: Robert J. Utama

Serial No.: 11/457,006

Group Art Unit: 3715/Conf. No. 6491

Filed: 7/12/2006

Docket No.: FIRS.2992US3-NY

Title: **METHOD AND APPRATUS FOR IMPROVING PERFORMANCE**

ATTN: REFUND/Office of Finance *(Via Facsimile 571-273-6500)*
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir or Madam:

Petitioner is hereby requesting that a refund be made in amount of Three Hundred Fifteen and NO/100 ($315.00) Dollars, which was charged to Visa credit card no. [redacted]4431([redacted]), exp. date: 12/2013 in error, with respect to the above referenced matter.

On December 20, 2012 a Notice of Appeal in response to an Office Action was filed. A total fee in the amount of Three Hundred Fifteen and NO/100 ($315.00) Dollars was inadvertently paid when no fee was due at this time.

PAGE 1/2 * RCVD AT 12/26/2012 3:31:15 PM [Eastern Standard Time] * SVR:W-PTOFAX-002/4 * DNIS:2738500 * CSID:5182201857 * DURATION (mm-ss):00-46

Accordingly, Petitioner respectfully requests that the Office refund the aforementioned Visa credit card in the amount of Three Hundred Fifteen and NO/100 ($315.00) Dollars.

Date: December 26, 2012

Respectfully submitted,

/Arlen L. Olsen/

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PAGE 2/2 * RCVD AT 12/26/2012 3:31:15 PM [Eastern Standard Time] * SVR:W-PTOFAX-002/4 * DNIS:2736500 * CSID:5182201857 * DURATION (mm-ss):00-46

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In re Application of
Keith A. Raniere

Application Number	Filed
11/457,006	7/12/2006

For Method and Apparatus for Improving Performance

Art Unit	Examiner
3715	Robert J. Utama

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $630.00

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $315.00

☐ A check in the amount of the fee is enclosed.

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

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

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I am the

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☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 37543.

☐ attorney or agent acting under 37 CFR 1.34.
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/Arlen L. Olsen/
Signature

Arlen L. Olsen
Typed or printed name

518-220-1850
Telephone number

December 20, 2012
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
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☐ *Total of _____ forms are submitted.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	315	315
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**315**

Electronic Acknowledgement Receipt

EFS ID:	14525444
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	20-DEC-2012
Filing Date:	12-JUL-2006
Time Stamp:	12:53:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$315
RAM confirmation Number	18092
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	2992US2_NoticeofAppeal_12-20-12.pdf	244959 982c49d811664d7280822a10c2a0d681028fe9e2	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	29776 2547e376ebed8b692a2bf12f074d6b1f24b3108e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	274735		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

Document code: WFEE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 08/20/2012

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
08/20/2012	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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.

Disposition of Claims

5)☒ Claim(s) *1 and 4-13* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1 and 4-13* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the appeal brief filed on 11/14/2011, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for some repetition of the method such that the pint of efficiency is increase to a further new point of efficiency, does not reasonably provide enablement for the maximum value of the second parameter at least one of increase and decrease each repetition of the given activity such that the point of efficiency to further new point of efficiency. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. In this particular case, the claim limitation of claim 1 seems to require that in each repetition of training method the subject's point of efficiency would always increase a further new point of efficiency. It is possible in certain condition (e.g.: extreme exhaustion) that the subject would no longer be able to increase his/her maximum value of the second parameter.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardik 6,702,720, in view of Yoshida et al (NPL) and further in view of Kinderman (NPL)**

Claims 1: The Dardik reference provides a teaching of:

- A performance system wherein the performance system includes a treadmill (see col. 4:55-57 "exerciser 20");

- At least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being a trained and measured by the performance system (see col. 5:10-25);
- The at least one sensor measures an initial measurement of the first parameter and re-measuring the first parameter (see col. 5:40-50 it is understood that any reading have an intial reading of values).
- a timer for recording an elapsed time (see col. 5:60-6:5)
- the control system determining a range of tolerance surrounding the initial measurement of parameter (see col. 9:60-67).
- the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeds the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing the stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (see col. 9:55-67 and col. 6:15-40)

However, the Dardik reference fails to provides a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition. One of ordinary skilled in the art can interpret this particular limitation as an intended use limitation since this limitation does not impose any structural limitation to the apparatus. Rather the

limitation of "*wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition*" is a requirement directed to the use of the apparatus. In this particular case, the case the examiner takes the position that the apparatus of Dardik are capable of achieving the same function. Furthermore, the Yoshida reference provides teaching of wherein the maximum value of the second parameter increases each repetition of the given activity (see page Table 2 "training group" maximum value VO2max increases after the post-testing period) such that the point of efficiency is increased to the further new point of efficiency (see page 228 increase in Anabolic threshold (AT)); each point of efficiency being a benchmark for the subject performance during training in the next repetition of the method (see page Table 2 in this particular case the pre-test result are the benchmark for the post-testing result)). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition, as taught by Yoshida, in order to provide an effective training regimen.

The Dardik reference is silent on the teaching of wherein the control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill and wherein the control system setting an initial value for the second parameter. However, the Kindermann reference provides a teaching of control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill (see page 2 paragraph 2 every 3 min the speed is increased by 2km/h) and wherein the control system setting an initial value for the second parameter (see page 2 paragraph 2 "started with a running speed of 8km/h). Therefore, it would have been obvious to one of ordinary skilled in the art to include

the feature of wherein the control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill and wherein the control system setting an initial value for the second parameter, as taught by Kindermann, in order to provide an effective training regimen.

The Dardik reference is silent on the teaching of training the trainable subject within the range of tolerance of the point of efficiency. However, the Kindermann reference provides a teaching of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes (see page 29). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes, as taught by Kindermann, in order to provide an effective training regimen.

While the Dardik reference does not explicitly teaches “the at least one sensor measuring an initial measurement of the first parameter", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 4: The Dardik reference provides a teaching a control system further comprising a memory device (see col. 5:23-25). While the Dardik reference is silent on the limitation of "for storing information and data other than the first and second parameters", the examiner interpret such limitation as an intended use limitation that does not cause a structural

differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this particular claim, the Dardik provides a teaching of a memory device

Claim 5: The Dardik reference provides a teaching a display device (see col. 10:15-20). While the Dardik reference is silent on the limitation of "for displaying the information and data other than the first and second parameters for the memory device", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 6: The Dardik reference provides a teaching of a control system comprising an output port (see FIG 1 item 81). While the "transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims 9 and 10: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of chemical activity profile (see col. 7:25-30 "oxygenation level").

Claim 11: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of heart rate (see col. 8:20-25 "circadian heart wave").

Claim 12: The Dardik reference provides a teaching where the performance system further includes a device selected from the group of a computer (see FIG. 1 item 82).

Claim 13: The Dardik reference provides a teaching where the transmission system is selected from the group of an internet (see col. 5:35-40).

Response to Arguments

The appellant argued that the examiner has misconstrued the scope of the claim. The appellant argued that it would be sufficient to interpert the limitation of having a second parameter that can increase or decrease. The examiner respectfully disagrees. The examiner takes the position in order to claim a limitation of "maximum value of the second parameter of increases or decreases" one need to show enablement for both increasing and decreasing amount of the maximum value of the second parameter. In this particular case, the examiner takes the position while it is possible for the maximum value of the second parameter to decrease. It is not clear if one of ordinary skilled can expect to see an increase in the maximum value of the second parameter. In the specification the applicant shows that the maximum value of the second parameter (the speed of the treadmill) to always increase with each repetition of the method (see FIG. 2A below and appellant's specification on page 13 line 10-20). It is unclear how the appellant can claim that each repetition of the method can result in a user able to increase his/her performance with respect to the increasing speed of the treadmill. One of ordinary skilled in the art will expect that a certain condition (e.g.: extreme exhaustion) can occur in which the subject would no longer be able to increase his/her point of efficiency.

Secondly, the appellant also argued that the rejection under 35 U.S.C 103(a) over Yoshida and Kindermann is not valid since the combination teaches that the training is when the subject no longer maintain the state of accommodation and enters a state of inefficiency." The appellant argued that the Yoshida reference fails to teach

this particular limitation since the Yoshida reference teaches that the training is stop after volitional exhaustion. The examiner respectfully disagrees. The claim limitation is silent on what the phrase “state of accommodation” and "state of inefficiency." Additionally, the appellant's specification an example of "a state of accommodation” is “a state where the subject is adjusting to the treadmill without being overly stressed" (see appellant’s specification page 13 line 1-5); as such, the examiner interpret "volitional exhaustion” as an indication that the subject is no longer adjusting to the treadmill without overly stressed.

The appellant argued that the combination of Yoshida and Kindermann reference does not provide a teaching of “Repeating the method of training the subject ..." The appellant argued that the Yoshida reference only teaches of repeating a training method where the training lengths are the same between training. However, the Yoshida reference teaches multiple type of training exercise (incremental exercise test, sub maximal test, training test). The Yoshida reference also teaches that all type of training exercise are conducted over a period of 8 weeks (see page 225) and all type of training are repeated (or at least done more then one time) during the training period in order to determine the subject's blood chemistry (see page 223 paragraph 2). As such, the examiner takes the position that the incremental exercise testing taught by the Yoshida reference does not have a set amount of time of completion. As seen in Yoshida (page 224) the exercise does not end in exactly 15 minutes; it only ends when the user reached exhaustion. As such, the examiner takes the position that the Yoshida reference provides a teaching of repeating the method of training the subject.

Lastly, the appellant argued that the combination of Yoshida and Kindermann do not provide a teaching of repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition. The examiner has shown earlier that the Yoshida reference provides a

teaching where the training methods are repeated (at least done more than once). The Yoshida reference provides a teaching where the incremental exercise tests are repeated and the subject will signal the end of the exercise test once he/she reached an inevitable volitional exhaustion. The examiner takes the position that a user that it would have been very unlikely for someone to repeat the test and produce the exact same result. One of ordinary skilled in the art would have expected that a user given the same incremental exercise test would produce a length of time that are either longer or shorter than the one before. As such, the examiner takes the position that combination of Yohsida and Kindermann reference provides a teaching of "repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition".

Furthermore, the Yoshida reference shows that the post-testing exercise results shows that user exihibit a significant increase in VO2max, AT (Anaerobic threshold) and other blood chemistry result (see Yohshida paragraph 228). The VO2max is the maximum capacity of an individual's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the individual. An increase in VO2max and other blood chemistry in one body would suggest that one would be able to show greater athletic capacity or should in theory be able to perform the same test and have an increase in time where the user is able to maintain a state of accommodation. In this scenario, the Yoshida reference would meet the limitation of "repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases each repetition." The examiner also recognized that is also possible that a user would repeat the training regime and produce a decrease in time whereby a state of accommodation is maintained. However, this scenario also mean that the Yoshida reference meets the claim limitation of " length of time whereby the state of accommodation is maintained is decreased each repetition."

As such, the examiner takes the position that the Yoshida reference provides a teaching of "*repeating the method so that the length of time whereby the state of accommodation is maintained at least one of increases or decreases each repetition,*" as it meet both possible scenarios in the limitation of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT J UTAMA/
Primary Examiner, Art Unit 3715

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009	12/29/2010	05/09/2011	07/28/2012		
	1	✓	✓	✓	✓	✓	✓	✓		
	2	✓	-	-	-	-	-	-		
	3	✓	✓	✓	✓	-	-	-		
	4	✓	✓	✓	✓	✓	✓	✓		
	5	✓	✓	✓	✓	✓	✓	✓		
	6	✓	✓	✓	✓	✓	✓	✓		
	7	✓	✓	✓	✓	✓	✓	✓		
	8	✓	✓	✓	✓	✓	✓	✓		
	9	✓	✓	✓	✓	✓	✓	✓		
	10	✓	✓	✓	✓	✓	✓	✓		
	11	✓	✓	✓	✓	✓	✓	✓		
	12	✓	✓	✓	✓	✓	✓	✓		
	13	✓	✓	✓	✓	✓	✓	✓		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L13	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L16	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L17	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L18	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L23	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L32	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L33	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L34	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47

L41	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L53	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L56	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L57	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L58	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L63	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L69	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L72	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L73	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L74	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L86	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L88	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L90	3704402	automotive power converter	US-PGPUB; USPAT;	OR	OFF	2012/07/28 15:47

			USOCR			
L92	23905	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L97	409	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L98	142	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L99	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L102	835	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L106	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L110	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L118	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L121	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L122	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L123	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L128	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L133	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L134	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L137	652	(434/323).CCLS.	US-	OR	OFF	2012/07/28

			PGPUB; USPAT; USOCR			15:47
L138	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L139	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L146	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L150	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L158	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L161	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L162	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L163	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L168	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L173	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L174	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L177	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L178	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L179	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47

L191	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L193	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L195	3704402	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L197	23905	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L202	409	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L203	142	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L204	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L207	835	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L211	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L215	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L223	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L226	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L227	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L228	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L233	19	"6210116"	US-PGPUB; USPAT;	OR	OFF	2012/07/28 15:47

			USOCR			
L238	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L239	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L242	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L243	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L244	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L251	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L255	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L263	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L266	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L267	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L268	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L273	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L278	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L279	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L282	652	(434/323).CCLS.	US-	OR	OFF	2012/07/28

			PGPUB; USPAT; USOCR			15:47
L283	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L284	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L296	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L298	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L300	3704402	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L302	23905	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L307	409	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L308	142	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L309	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L312	835	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L316	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L320	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L328	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L331	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47

L332	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L333	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L338	19	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L343	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L344	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L347	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L348	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L349	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L356	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L360	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L368	238	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L371	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L372	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L373	41222	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L378	19	"6210116"	US-PGPUB; USPAT;	OR	OFF	2012/07/28 15:47

			USOCR			
L383	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L384	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L387	652	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L388	475	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L389	253	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L401	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L403	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L406	23905	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L411	409	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L412	142	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L413	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L416	835	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
L420	3332	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2012/07/28 15:47
S1	2675	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S2	299	stress adj testing and heart adj rate	US-	OR	OFF	2010/06/01

			PGPUB; USPAT; USOCR			10:19
S3	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:55
S4	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:15
S5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S6	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S7	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S8	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:09
S9	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:10
S10	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:36
S11	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:39
S12	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:45
S13	184	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:16
S14	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:17
S15	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:23
S16	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29

S17	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S18	32605	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S19	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S20	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 17:21
S21	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 14:37
S22	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:32
S23	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:35
S24	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S25	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S26	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:37
S27	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:44
S30	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:45
S31	1	("6413098").PN.	US-PGPUB; USPAT;	OR	OFF	2010/07/13 15:48

			USOCR			
S32	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S33	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S34	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S35	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S36	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S37	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S38	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S39	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S40	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:04
S41	2700	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S42	302	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S43	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S44	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S46	2	cardiac with safety and (safety adj	US-	OR	OFF	2010/07/13

		range)	PGPUB; USPAT; USOCR			23:26
S47	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S48	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S49	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S50	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S51	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S52	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S53	187	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S54	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S55	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S56	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S57	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S58	33030	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S59	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S60	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S61	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S62	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S63	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S64	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S65	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S66	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S67	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S69	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S70	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S71	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S72	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S73	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S74	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S75	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT;	OR	OFF	2010/07/13 23:26

			USOCR			
S76	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S77	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S78	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S79	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S80	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S81	86	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:29
S82	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:31
S83	94	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:32
S84	76	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:33
S85	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/16 13:37
S86	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S87	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S88	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S89	52	"Gleissner".IN.	US-PGPUB; USPAT;	OR	OFF	2010/07/19 11:57

			USOCR			
S90	3185076	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S91	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S92	18022	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S93	1278	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S94	872	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S95	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:17
S96	39	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:19
S97	335	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S98	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S99	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S100	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S101	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:27
S102	661	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29
S103	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29

S104	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:32
S105	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 12:12
S106	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S107	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S108	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S109	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S110	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S111	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S112	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S113	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S114	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S115	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S116	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S117	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S118	199	white adj board and sports	US-PGPUB; USPAT;	OR	OFF	2010/12/28 15:01

			USOCR			
S119	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S120	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S121	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S122	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S123	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S124	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S125	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S126	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S127	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S128	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S129	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S130	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S131	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S132	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S133	0	"METHOD AND DEVICE FOR ENHANCING	US-	OR	OFF	2010/12/28

		THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	PGPUB; USPAT; USOCR			15:01
S134	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S135	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S136	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S137	601	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S138	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S139	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S140	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S141	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S142	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S143	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S144	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S145	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S146	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S147	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S148	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S149	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S150	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S151	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S152	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S153	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S154	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S155	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S156	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S157	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S158	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S159	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S160	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S161	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S162	2	anabolic adj threshold	US-PGPUB; USPAT;	OR	OFF	2010/12/28 15:01

			USOCR			
S163	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S164	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S165	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S166	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S167	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S168	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S169	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S170	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S171	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S172	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S173	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S174	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S175	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S176	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S177	601	(434/323).CCLS.	US-	OR	OFF	2010/12/28

			PGPUB; USPAT; USOCR			15:01
S178	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S179	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S180	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S181	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S182	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S183	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S184	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S185	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S186	88	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S187	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S188	96	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S189	82	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S190	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S191	0	"Gleisner".IN. and audio adj file	US-	OR	OFF	2010/12/28

			PGPUB; USPAT; USOCR			15:01
S192	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S193	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S194	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S195	3278189	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S196	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S197	19130	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S198	1377	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S199	934	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S200	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S201	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S202	336	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S203	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S204	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S205	119	stress adj testing and cardio$5 and past	US-PGPUB;	OR	OFF	2010/12/28 15:01

			USPAT; USOCR			
S206	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S207	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S208	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S209	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S210	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S211	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S212	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S213	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S214	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S215	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S216	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S217	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S218	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S219	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S220	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S221	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S222	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S223	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S224	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S225	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S226	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S227	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S228	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S229	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S230	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S231	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S232	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S233	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S234	1	"6210116".PN.	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S235	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S236	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S237	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S238	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S239	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S240	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S241	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S242	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S243	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S244	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S245	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S246	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S247	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S248	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S249	136	("4136336" | "4839634" | "4862152" |	US-	OR	OFF	2010/12/29

		"4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	PGPUB; USPAT; USOCR			15:52
S250	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S251	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S252	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S253	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S254	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S255	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S256	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S257	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S258	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S259	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S260	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S261	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S262	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S263	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S264	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S265	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S266	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S267	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S268	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S269	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S270	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S271	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S272	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S273	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S274	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S275	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S276	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S277	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S278	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S279	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S280	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S281	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S282	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S283	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S284	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S285	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S286	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S287	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S288	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S289	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S290	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S291	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S292	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S293	97	("4149716" | "4278095" | "4358118" |	US-	OR	OFF	2010/12/29

		"4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	PGPUB; USPAT; USOCR			15:52
S294	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S295	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S296	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S297	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S298	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S299	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S300	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S301	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S302	19186	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S303	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S304	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S305	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S306	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

		OR ("5308300").URPN.				
S307	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S308	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S309	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S310	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S311	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S312	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S313	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S314	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S315	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S316	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S317	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S318	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S319	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S320	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S321	2	cardiac with safety and (safety adj	US-	OR	OFF	2010/12/29

		range)	PGPUB; USPAT; USOCR			15:52
S322	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S323	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S324	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S325	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S326	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S327	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S328	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S329	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S330	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S331	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S332	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S333	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S334	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S335	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S336	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S337	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S338	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S339	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S340	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S341	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S342	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S343	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S344	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S345	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S346	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S347	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S348	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S349	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S350	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S351	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S352	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S353	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S354	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S355	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S356	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S357	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S358	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S359	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S360	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S361	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S362	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S363	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S364	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S365	1	("20030006903").PN.	US-	OR	OFF	2010/12/29

			PGPUB; USPAT; USOCR			15:52
S366	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S367	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S368	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S369	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S370	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S371	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S372	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S373	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S374	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S375	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S376	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S377	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S378	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S379	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S380	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S381	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S382	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S383	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S384	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S385	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S386	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S387	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S388	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S389	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S390	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S391	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S392	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S393	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S394	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:52

			USOCR			
S395	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S396	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S397	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S398	97	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S399	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S400	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S401	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S402	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S403	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S404	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S405	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S406	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S407	19186	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S408	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT;	OR	OFF	2010/12/29 15:53

			USOCR			
S409	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S410	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S411	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S412	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S413	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S414	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S415	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S416	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S417	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S418	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S419	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S420	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S421	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S422	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S423	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S424	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S425	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S426	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S427	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S428	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S429	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S430	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S431	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S432	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S433	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S434	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S435	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S436	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S437	2	anabolic adj threshold	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S438	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S439	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S440	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S441	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S442	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S443	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S444	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S445	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S446	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S447	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S448	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S449	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S450	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S451	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S452	610	(434/323).CCLS.	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S453	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S454	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S455	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S456	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S457	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S458	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S459	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S460	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S461	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S462	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S463	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S464	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S465	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S466	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S467	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S468	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S469	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S470	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S471	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S472	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S473	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S474	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S475	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S476	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S477	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S478	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S479	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S480	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S481	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S482	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S483	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S484	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S485	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S486	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S487	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S488	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S489	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S490	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S491	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S492	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S493	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S494	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S495	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S496	38	(434/156-157).ccls. and card and	US-	OR	OFF	2011/04/19

		wireless	PGPUB; USPAT; USOCR			16:40
S497	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S498	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S499	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S500	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S501	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S502	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S503	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S504	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S505	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S506	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S507	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S508	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S509	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S510	3372464	automotive power converter	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S511	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S512	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S513	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S514	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S515	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S516	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S517	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S518	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S519	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S520	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S521	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S522	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S523	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S524	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB;	OR	OFF	2011/04/19 16:40

			USPAT; USOCR			
S525	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S526	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S527	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S528	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S529	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S530	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S531	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S532	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S533	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S534	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S535	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S536	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S537	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S538	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S539	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S540	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S541	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S542	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S543	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S544	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S545	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S546	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S547	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S548	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S549	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S550	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S551	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S552	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S553	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S554	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S555	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S556	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S557	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S558	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S559	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S560	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S561	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S562	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S563	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S564	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S565	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S566	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S567	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S568	2	(("5485176") or ("20030175672")).PN.	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S569	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S570	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S571	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S572	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S573	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S574	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S575	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S576	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S577	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S578	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S579	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S580	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S581	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S582	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S583	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S584	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S585	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S586	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S587	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S588	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S589	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S590	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S591	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S592	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S593	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S594	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S595	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S596	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S597	610	(434/323).CCLS.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S598	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S599	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S600	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S601	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S602	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S603	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S604	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S605	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S606	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S607	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S608	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S609	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S610	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S611	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S612	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S613	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S614	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S615	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S616	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S617	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S618	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S619	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S620	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S621	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S622	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S623	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S624	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S625	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S626	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S627	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S628	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S629	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S630	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S631	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S632	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S633	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S634	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S635	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S636	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S637	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S638	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S639	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S640	1	("20030006903").PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S641	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S642	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S643	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S644	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S645	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S646	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S647	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S648	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S649	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S650	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S651	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S652	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S653	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S654	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S655	1	"6210166".PN.	US-	OR	OFF	2011/04/19

			PGPUB; USPAT; USOCR			16:40
S656	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S657	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S658	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S659	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S660	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S661	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S662	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S663	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S664	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S665	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S666	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S667	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S668	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S669	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S670	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S671	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S672	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S673	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S674	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S675	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S676	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S677	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S678	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S679	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S680	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S681	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S682	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S683	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S684	43	white adj board and sports and hand adj held	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
S685	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S686	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S687	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S688	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S689	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S690	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S691	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S692	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S693	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S694	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S695	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S696	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S697	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S698	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S699	0	"METHOD AND DEVICE FOR ENHANCING	US-	OR	OFF	2011/04/19

		THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	PGPUB; USPAT; USOCR			16:40
S700	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S701	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S702	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S703	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S704	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S705	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S706	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S707	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S708	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S709	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S710	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S711	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S712	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S713	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" |	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

		"4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.				
S714	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S715	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S716	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S717	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S718	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S719	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S720	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S721	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S722	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S723	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S724	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S725	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S726	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S727	354	stress adj testing and cardio$5	US-PGPUB;	OR	OFF	2011/04/19 16:40

			USPAT; USOCR			
S728	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S729	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S730	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S731	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S732	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S733	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S734	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S735	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S736	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S737	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S738	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S739	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S740	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S741	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S742	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S743	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S744	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S745	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S746	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S747	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S748	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S749	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S750	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S751	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S752	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S753	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S754	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S755	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S756	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT;	OR	OFF	2011/04/19 16:40

			USOCR			
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S768	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
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S770	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
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S810	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
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S845	171	range with exercise and heart adj rate and timer	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
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S860	54	increasing with endurance and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:38
S861	474	increasing with time and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:40

EAST Search History (Interference)

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7/ 28/ 2012 3:53:16 PM
C:\ Users\ rutama\ Documents\ work\ METHOD AND APPARATUS FOR IMPROVING PERFORMANCE.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU
Search Updated	12/29/2010	RU
Search Updated	4/25/2011	RU
Search Updated	7/28/2012	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3-NY

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANT

This Appeal Brief, pursuant to the Notice of Appeal filed August 12, 2011, is an appeal from the rejection of the Examiner in the final Office Action dated May 12, 2011.

REAL PARTY OF INTEREST

The real party of interest in the above mentioned application is First Principles, Inc., a Delaware Corporation having its place of business at 455 New Karner Road, Albany, NY, 12205.

RELATED APPEALS AND INTERFERENCES

This application is a divisional application of U.S. Patent Application No. 10/631,279 filed on July 31, 2003, entitled "Method and Apparatus for Improving Performance," in which a Notice of Appeal has been filed on July 26, 2011. Similarly, this application is related to a U.S. Patent Application No. 11/456,976, filed July 12, 2006, entitled "Method and Apparatus for Improving Performance," in which a Notice of Appeal was filed on July 26, 2011, which is also a divisional of U.S. Patent Application No. 10/631,279, filed on July 31, 2003.

STATUS OF CLAIMS

Claims 1 and 4-13 have been previously finally rejected and are the subject of this appeal. Claims 2-3 have been cancelled. No other claims are pending.

STATUS OF AMENDMENTS

No after final amendment has been filed. All amendments filed have been considered and are included in the appealed claims.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 - Independent

Independent claim 1 is directed to an apparatus comprising a performance system (as described on page 9, lines 8-21; depicted by 10 in FIG. 1), wherein the performance system is a treadmill (as described on page 9, lines 10-11; depicted by 12 in FIG, 1), at least one sensor (as described on page 10, lines 1-2; depicted by 36 in FIG. 1) for measuring a first parameter of a subject (as described on page 16, lines 13-16; depicted by step 82 in FIG. 4), wherein the first parameter (as described on page 16, lines 14-15; depicted by 34 in FIG. 4) is a parameter of a subject being trained and measured by the performance system (as described on page 7, lines 18-19; on page 8, lines 20-23 – page 9, lines 1-7), the at least one sensor measuring an initial measurement of the first parameter (as described on page 16, lines 13-16; depicted by step 82 in FIG. 4), a control system (as described on page 9, lines 21-23; as depicted by 14 in FIG. 1) for controlling a second parameter, wherein the second parameter is a speed of the treadmill (depicted by 66 in FIG. 2A), the control system setting an initial value for the second parameter (as described on page 16, lines 12-13; depicted by 80 in FIG. 4), the control system determining a range of tolerance surrounding the initial measurement of the first parameter (as described on

page 13, lines 21-23 – page 14, lines 1; page 12, lines 21-22; page 15, lines 19-23 – page 16, line 1; depicted by text in FIGs. 2A and 2B),a timer for recording an elapsed time of a given activity (as described on page 17, lines 19-20; depicted by 104 in FIG. 1), the control system determining for the given activity, a point of efficiency of the subject (as described on page 17, lines 6-8; page 13, lines 15-18; depicted by 70 and 92 in FIG. 2A and by 70 in FIG. 2B) by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter (as described on page 13, lines 15-18; depicted by 70 in FIG. 2A) whereby a state of accommodation (as described on page 12, lines 19-22; depicted by 68 in FIG. 2A) is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance (as as described on page 16, lines 10-21; depicted by FIGs. 2A, 2B, and 4), wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter (*i.e.* increasing the speed of the treadmill; as described on page 12, lines 13-19; depicted by 84 of FIG. 4) until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (as described on page 13, lines 7-12), and wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency (as described on page 13, lines 12-15; as depicted by 70, 70C, 70D of FIGs. 2A and 2B).

Accordingly, independent claim 1 discloses an apparatus for improving a point of efficiency (*e.g.* the speed of the treadmill when runner cannot handle additional stress) including a control system computer to operate sensors for taking measurements and monitoring a physical parameter of a trainable subject during exercise. The point of efficiency is recorded when a

physical parameter of the subject exceeds the range of tolerance surrounding the actual the physical parameter (e.g. ± 2% of the physical parameter). As the subject continues to use the apparatus, the value of the point of efficiency can either increase to a higher speed of a treadmill, or can decrease to a speed of a treadmill based on a physical parameter.

Dependent Claim 4

The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters (as described on page 11, lines 5-6; depicted by 28 in FIG. 1).

Dependent Claim 5

The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device (as described on page 11, lines 15-19; depicted by 50 in FIG. 1).

Dependent Claim 6

The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer (as described on page 11, line 18; depicted by 30 in FIG. 1).

Dependent Claim 7

The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system (as described on page 11, lines 7-10).

Dependent Claim 8

The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad (as described on page 11, lines 7-10; depicted by 46, 48 in FIG. 1).

Dependent Claim 9

The apparatus of claim 1, wherein the first parameter is a physical parameter (as described on page 10, lines 1-2).

Dependent Claim 10

The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure (as described on page 10, lines 2-11).

Dependent Claim 11

The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length (as described on page 10, lines 2-11).

Dependent Claim 12

The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof (as described on page 9, lines 21-23).

Dependent Claim 13

The apparatus of claim 11 wherein the transmission system is selected from the group of

internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof (as described on page 12, lines 1-5).

GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112 1st¶

Issue 2 – Whether claims 1 and 4-13 are indefinite under 35 U.S.C. § 112, 2nd ¶

Issue 3 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

GROUPING OF CLAIMS

For each ground of rejection which appellant contests herein which applies to more than one claim, such additional claims, to the extent separately identified and argued below, do not stand or fall together.

ARGUMENT

Issue 1 - Whether claims 1 and 4-13 comply with the enablement requirement under 35 U.S.C. § 112, 1st¶

Appellant respectfully contends that claims 1 and 4-13 comport with the enablement requirement under 35 U.S.C. § 112 1st ¶. 35 U.S.C. 112, first paragraph states:

> "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best

mode contemplated by the inventor of carrying out his invention." 35 U.S.C. § 112 (1952)

Furthermore, the MPEP states, "[a]ny analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde,* 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable?" Appellant respectfully contends that claims 1 and 4-13 are supported and enabled by the disclosure of the specification.

Specifically, the Examiner asserts that:

> "the specification, while being enabling for some repetition of the method such that the pint [sic] of efficiency is increase to a further new point of efficiency, does not reasonably provide enablement for the maximum value of the [sic] every repetition of the method such that the pint [sic] of efficiency is increase [sic] to a further new point of efficiency." (*See* Office Action 5/12/2011, page 2)

The Examiner further explains his rejection:

> "...the claim limitation of claim 1 seems to require that in each repetition of training method the subject's point of efficiency would always increase a [sic] further new point of efficiency. It is possible in certain condition (e.g.: extreme exhaustion) that the subject would no longer be able to increase his/her point of efficiency." (See Office Action 5/12/2011, page 3)

Appellant respectfully contends that the Examiner misunderstands the scope of the claims. Claim 1 requires:

> "...wherein the maximum value of the second parameter ***at least one of increases and decreases*** each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency." (emphasis added)

Clearly, the express language of claim 1 requires that the maximum value of the second parameter can increase OR decrease. Thus, the Examiner is incorrect in interpreting claim 1 to require an increase in all repetitions; claim 1 requires that the value of the point of efficiency increases or decreases each repetition of the method. Appellant would like to draw the Board's attention to the support for the limitation "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity." (claim 1) First, because the second parameter is the speed of the treadmill, the maximum value of the speed of the treadmill just prior to the subject entering a state of inefficiency may increase or decrease each repetition of the method, depending on the variance of the physical parameter of the subject during his or her performance that iteration of the method. Second, the goal of the subject may be either to increase the increase the speed of the treadmill or decrease the speed of the treadmill, depending on the physical parameter being measured. For an example of increase, the specification discloses:

> "As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained." (page 13)

For an example of decrease, the specification discloses:

> "Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method." (page 19)

Although this example cites weight lifting, a decrease in treadmill speed may be desired if a subject want to achieve a certain heart rate (physical parameter) at a lower treadmill speed. Thus, the point of efficiency would decrease as the subject repeats the method.

Moreover, Appellant respectfully contends that the limitation "increased to further new point of efficiency" does not necessarily mean increase in a chronological or numerical manner. Increase may be dependent on what the activity is, and whether or not a higher value of the second parameter is a positive or negative achievement. Because the new point of efficiency can increase or decrease from the previous point of efficiency, as stated earlier in claim 1, one having ordinary skill would be enabled by the specification to practice the invention with the understanding that "increased" to further new points of efficiency just means that each repetition of the method, the point of efficiency of the subject will likely improve, regardless if it actually increases numerically.

Furthermore, the Examiner asserts that "the specification is silent on how to determine the point of efficiency." (*See* Office Action 5/12/2011, page 3) The Examiner cites an alleged absence of an algorithm or method to determine the "state of accommodation." (See Office Action, 5/12/2011, page 3) Appellant respectfully contends that the step of determining the point of efficiency is fully supported and enabled by the specification. Appellant would like to draw

the Board's attention to relevant portions of the specification which clearly enable the step of determining a point of efficiency.

First, Appellant would like draw the Board's attention to page 13, lines 21-23 – page 14, lines 1; page 12, lines 21-22; page 15, lines 19-23 – page 16, line 1; FIGs. 2A and 2B which support and enable the recitation of Claim 1, "the control system determining a range of tolerance surrounding the initial measurement of the first parameter," which is part of determining the point of efficiency. The Examiner further asserts that, "[w]hile the applicant may have enablement by setting the physical parameter at plus or minus 2%; the applicant has not shown enabling support for determining the physical parameter. In other words, the Examiner **admits on record** that determining a range (which can be set at ± 2%) of tolerance surrounding a physical parameter is enabled. With respect to the latter portion of the Examiner's statement, Appellant is confused as to what the Examiner is referring to "determining the physical parameter." Appellant respectfully contends that the claim term "first parameter", which is further limited in a dependent claim to be a physical parameter (*See* claim 9), could be many different physical parameters, depending on what a subject would like to observe/measure in view of his or her point of efficiency. (*See* specification, page 15, lines 20-22) (*See* also specification, page 10, lines 2-11) (*See* also claim 9) In one embodiment of the claimed method, the first parameter may be heart rate, wherein the range of tolerance is set at ± 2% of the initially measured heart rate.

Second, Appellant would like to draw the Board's attention to page 17, lines 6-8; page 13, lines 15-18; depicted by 70 and 92 in FIG. 2A and by 70 in FIG. 2B which support and enable the recitation of Claim 1, "the control system determining for the given activity, a point of efficiency of the subject." Third, Appellant would like to draw the Board's attention to page 12,

lines 19-22; depicted by 68 in FIG. 2A to support and enable a state of accommodation. Fourth, Appellant would like to draw the Board's attention to page 12, lines 13-19; depicted by 84 of FIG. 4 which support and enable repeatedly increasing stress on the trainable subject by controlling the second parameter. Fifth, Appellant would like to draw the Board's attention to page 16, lines 16-18; as depicted by 86 of FIG. 4 which supports and enables a current measurement of the physical parameter of the subject being taken by a sensor of the data acquisition system. Accordingly, each recitation involved with the control system determining a point of efficiency is fully supported and enabled by express language from the specification and the embodiments shown in the originally filed drawings.

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1 and 4-13 are fully supported and comport with the enablement requirement under 35 U.S.C. § 112, first paragraph.

Issue 2 – Whether claims 1 and 4-13 are indefinite under 35 U.S.C. § 112, 2nd ¶

Appellant respectfully contends that claims 1 and 4-13 are not indefinite under 35 U.S.C. 112, second paragraph. 35 U.S.C. 112, second paragraph states," the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." 35 U.S.C. § 112 (1952)

Here, the Examiner asserts that claim 1 is indefinite because the limitation "point of efficiency" is defined twice, and thus unclear. Specifically, the Examiner cites line 10 as a first appearance of the limitation "point of efficiency," and cites line 14 as the second appearance of the limitation "point of efficiency." Contrary to the Examiner's stated rejection, Claim 1 on

appeal does not recite "a point of efficiency" on line 10, rather it first appears on line 12, having proper antecedent basis. For instance, line 12 reads, "the control system determining for the given activity, a point of efficiency of the subject..." Likewise, contrary to the Examiner's stated rejection, line 14 of Claim 1 does not recite a point of efficiency. The next recitation of "point of efficiency" occurs on line 13, preceded by the word "the" (which indicates proper antecedent basis), followed by recitations on lines 16 and 22, both instances preceded by the word "the" indicating proper antecedent basis. The limitation "point of efficiency" is not defined twice in Claim 1; the Examiner should be able to determine the scope of this limitation. Accordingly, Appellant respectfully contends that claims 1 and 4-13 are not indefinite.

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1 and 4-13 are not indefinite under 35 U.S.C. § 112, second paragraph.

Issue 3 – Whether claims 1 and 4-13 are obvious and unpatentable under 35 U.S.C. § 103(a) over Dardik in view of Yoshida et al. and further in view of Kindermann et al.

Appellant respectfully contends that the Examiner must establish a *prima facie* case of obviousness under 35 U.S.C. §103. *See* Manual of Patent Examining Procedure (MPEP) §2142, which sets forth the legal standard and precedent for determining *prima facie* obviousness. If all elements of *prima facie* case of obviousness are not shown by the Examiner, Appellant is deserving of a patent. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The Court of Appeals for the Federal Circuit held that "[i]f the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of the patent." Id. at 1444. Accordingly, the Appellant respectfully contends that the

Examiner has not shown all elements of a *prima facie* case of obviousness, and is deserving of a patent.

Accordingly, Appellant respectfully contends that the Examiner has failed to establish a *prima facie* case of obviousness because the combination of the cited references fails to teach each and every element of claim 1. According to 35 U.S.C. § 103.

> "A patent may not be obtained though the invention is not identically disclosed or described as set forth in Section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

To establish a *prima facie* case of obviousness, the Examiner must provide evidence of each and every feature of the claimed invention. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Furthermore, the Examiner must look at the claim as a whole. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

Accordingly, Appellant respectfully contends that claims 1, and 4-13 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach:

> "a performance system, wherein the performance system ***includes a treadmill***, at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, ***wherein the second parameter is a speed of the treadmill***, the control system setting an initial value for

the second parameter, the control system determining a range of tolerance surrounding the initial measurement of the first parameter, a timer for recording an elapsed time of a given activity, the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, ***the point of efficiency being the maximum value of the second parameter (i.e. speed of the treadmill)*** whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance..." (Claim 1) (emphasis added)

Moreover, the combination of the cited references fails to teach the point of efficiency being the **maximum value of the second parameter**, wherein the point of efficiency **increases or decreases each repetition of the given activity** such that the point of efficiency is increased to the further new points of efficiency. (*See* Claim 1) In other words, the claim limitations requires that the point of efficiency being a value representing a speed of the treadmill of the performance system that either increases or decreases each repetition of the activity. The Examiner states that Dardik, the Examiner's primary reference, "fails to provides [sic] a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency..." (Final Office Action 5/12/11, page 5) The Examiner introduces Yoshida to allegedly teach that limitation, asserting that Yoshida teaches an increase in Anabolic Threshold (AT) and VO_{2max} of a training group. The anabolic threshold and VO_{2max} are not parameters of the performance system. In the Advisory Action mailed 4/12/11, the Examiner asserted that Yoshida teaches, in

Fig.2, that the work load of the pre-test is lower than the workload of the post-training. However, the point of efficiency required by the claim limitations is the maximum value of the second parameter, which is a *speed of the treadmill.* The claim limitations require the point of efficiency being the maximum value of the second parameter…wherein the second parameter is a speed of the treadmill…wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency. In stark contradistinction, Yoshida teaches, according to the Examiner, an increase in AT and VO_{2max}, which are not parameters of the performance system, such as, for example, the speed of the treadmill. AT (also called the lactate threshold) is the level of exertion where a subject's body must switch from aerobic metabolism to anaerobic metabolism; AT is not a parameter of the performance system. Likewise, VO_{2max} is the maximum capacity of a subject's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the subject; VO_{2max} is not a parameter of the performance system. Appellant further respectfully contends that workload in wattage for a subject operating a stationary bike does not equate, teach, or suggest a speed of a treadmill. Therefore, Appellant respectfully contends that the combination of the cited references fails to teach each and every element of the claims, and one having ordinary skill in the art would not be motivated to combine the cited references.

Additionally, Dardik fails to teach a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill. The Examiner states that the Dardik reference teaches, "the control system for controlling a second parameter, wherein the second parameter is a parameter of the control system (see col 6:5-15)." (Office Action, 5/12/11, page 4) Appellant would like to clarify that Claim 1 requires the second parameter to be a speed of the

treadmill, and not a parameter of the control system. Moreover, the control system required by claim 1 actually controls the performance system (*i.e.* the treadmill). The computer 24 of control system 14 controls the treadmill when the subject trains. Specifically, the instant specification teaches, "[t]he computer 24 may control the speed of the belt 16 on the treadmill apparatus 12 by sending speed commands (i.e., system parameters) through a cable 42." (page 11, lines 2-4) In contrast with the control system required by Claim 1, Dardik does not disclose a control system that actually controls the speed of the belt of the treadmill as the subject trains. Dardik discloses an analyzer 90, which "can include one or more electronic computing devices." (Col 5, Ln. 41-43) The analyzer 90, which has a primary goal of analyzing the physiological data indicative of ischemia, can optionally generate exercise regimens "used to ***preprogram***" the exerciser 20. (Col. 5, Ln. 59-61) (emphasis added) An analyzer 90 that can optionally preprogram an exerciser for a predetermined particular regiment does not correspond to the control system, required by Claim 1. For instance, the control system controls the treadmill speed as a sensor is measuring initial and current physical parameters of the subject, and the results of the measurements, in view of the range of tolerance, dynamically affect how the control system controls the speed of the treadmill. Depending on the measurements of the physical parameter of the subject, the control system may continue to increase the speed of the treadmill, thus making each repetition of the activity different (*e.g.* length of time the subject runs, the top speed achieved, etc.). In other words, a predetermined, preprogrammed regimen performed by the analyzer 90 simply could not replace the dynamic control of the performance system supplied by the control system. Therefore, Dardik, as well as the combination of cited references, does not teach a control system for controlling the speed of the treadmill.

Additionally, Appellant respectfully contends that the combination of cited references fails to teach the step of:

> "the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, ***the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance***, wherein the point of efficiency is determined by repeatedly increasing stress on the subject ***within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion***." (claim 1) (emphasis added)

The Examiner **admits on record** that Yoshida et al. do not teach or even suggest this substantial limitation of claim 1 of training within the range of tolerance so the control system can determine the point of efficiency. (*See* Office Action 5/12/2011, page 6) In an attempt to cure this deficiency, the Examiner simply cites to page 29 of Kindermann et al. (*See* Office Action 5/12/2011, page 6) Appellant respectfully contends that nothing on page 29 even comes close to teaching this limitation; it mentions an exercise when the *heart rate* determined for 4 mmol/l lactate *is kept constant*, including a *constant duration of 30 minutes* while continuously *reducing* the treadmill speed. (Kindermann et al., page 29) (emphasis added)

Moreover, while the portion of Kindermann et al. cited by the Examiner is basically irrelevant to the patentability of this particular limitation which, by Examiner's own admission,

Yoshida et al. is silent, Appellant would like to address other portions of Kindermann et al. that run contrary to said limitation. Kindermann et al. do disclose a method where several skiers worked till exhaustion on a treadmill at a constant grade of 5%, a starting treadmill speed of 8 km/h, while increasing the speed by 2 km/h every 3 minutes. (Kindermann et al., page 26) In contrast with the claim limitations, the trainable subject is subject to repeated increasing stress by controlling the second parameter (treadmill speed) until just prior to the trainable subject no longer being able to accommodate additional stress and entering a state of inefficiency. Entering the state of inefficiency causes the first parameter to vary and exceed the range of tolerance. The state of inefficiency or *exhaustion*, as required and defined by the claim limitations, *is equivalent to when the current measurement exceeds the range of tolerance* surrounding the initial measurement, not volitional exhaustion. In other words, the claimed method does not involve a trainable subject running until he or she wants to stop. On the contrary, the trainable subject continues training until a physical parameter (*e.g.* heart rate) varies enough that it exceeds a limit value of a range. Furthermore, this particular method taught by Kindermann et al. where skiers work on the treadmill until exhaustion while the speed of the treadmill is incrementally increased is not repeated, and conducted only a single time to interpolate treadmill speed, oxygen intake, and heart rates of the skiers for 4 mmol/l lactate. (Kindermann et al., page 26) Once these values for 4mmol/l lactate are interpolated, the skiers perform two additional tests at a constant duration of 30 minutes, "***while the treadmill speed determined for the same lactate concentration remained unchanged during the second exercise***." (Kindermann et al., page 26) (emphasis added) Thus, the method disclosed by Kindermann et al. is in stark contrast with the claim limitations because the speed of the treadmill can and likely will change each repetition of the given activity. Accordingly, Appellant respectfully contends that the combination of cited

references fails to teach each and every element in view of Examiner's admission (that Yoshida et al. is silent) and the deficiencies of the method taught by of Kindermann et al.

Appellant further respectfully contends that the Examiner has failed to establish a *prima facie* case of obviousness because a person having ordinary skill in the art does not have a reason to combine the training regimen taught by Yoshida et al. with the training regimen taught by Kindermann et al. to arrive at the claimed method. To establish a *prima facie* case of obviousness, the Examiner must demonstrate that one having ordinary skill in the art has a reason to combine the cited references. In *KSR International Co., v. Teleflex, Inc.*, the United States Supreme Court addressed the importance to identify a reason why a person having ordinary skill in the art would combine particular references. 550 U.S. 398. Specifically, the Court held:

> "[a]lthough common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, ***it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does***. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." Id. at 418-419. (emphasis added)

Appellant respectfully contends that one having ordinary skill in the art at the time of the invention would not have a reason to combine the teachings of Yoshida and Kindermann et al. to arrive at claim 1.

Specifically, the premise of the training regimen taught by Yoshida et al. is to perform endurance training on a Monark bicycle ergometer for 15 minutes on 3 days a week for 8 weeks,

at an intensity corresponding to 4 mmol/l. (See Yoshida et al., Summary) The intensity of training is determined by performing a single incremental exercise test. (See Yoshida et al., Summary) The *Incremental Exercise Test* involves a group of male college students riding a Monark bicycle at 50 rpm, with 4 minutes of unloaded pedaling and 25 watts incremental loading every minute until volitional exhaustion. (See Yoshida et al., page 224) Similar to Kindermann et al. Yoshida et al. fail to teach repeating the *Incremental Exercise Test*, and is only done to interpolate values relating to other parameters associated with an intensity of 4 mmol/l, and teaches training to volitional exhaustion, which is vastly different than training until a physical parameter of the subject exceeds a range of tolerance, as described *supra*. Thus, Yoshida et al. teach a training regimen having a constant intensity, which does not result in new points of efficiency, as required by the claim limitations. Likewise, Kindermann et al. teach that a training regimen with a constant intensity, in particular, Kindermann et al. states that training at a constant intensity of an arterial blood lactate concentration of 4 mmol*l^{-1}, is a better measure of the optimal workload intensity for the improvement of cardiorespiratory functions (*i.e.* the optimal training level for endurance). For example, Kindermann et al. disclose increasing the speed of a treadmill by 2km/hr every 3 minutes only to reach values/parameters associated with a target blood lactate level of 4 mmol/l. (*See* Kindermann et al., page 26) If Kindermann et al. increased the speed of the treadmill to the point of exhaustion each repetition of the method, the target blood lactate level would be irrelevant to the training. The main purpose of Kindermann et al.'s training regimen is to determine the treadmill speed, oxygen intake, and heart rates for 4 mmol/l lactate, and then train at those values, which is considered an optimal intensity. (*See* Kindermann et al., page 26) Therefore, one having ordinary skill in the art would simply not be ***prompted to combine the elements in the way the claimed new invention does*** by following the

training regimen taught by Kindermann et al. with the *Incremental Exercise Test* as taught by Yoshida et al. Appellant respectfully contends that these are two very similar strategies and theories on improving endurance, and one having ordinary skill in the art would never arrive at the claim limitations by combining the cited references.

Based on the arguments provided *supra*, Appellant respectfully requests favorable action by concluding that claims 1 and 4-13 are not obvious under 35 U.S.C. § 103 over Dardik, in view of Yoshida et al, and further in view of Kindermann et al.

CONCLUSION

For the extensive reasons advanced above, Appellant respectfully but forcefully contends that claims 1 and 4-13 are patentable. Therefore, appellant prays for reversal of all rejections, which is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any additional shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-0513 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: November 14, 2011

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Claims Appendix

1. (Previously Presented) An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency.

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

Evidence Appendix

None.

Related Proceedings Appendix

1. Notice of Appeal for U.S. Application No. 10/631,279
2. Appeal Brief for U.S. Application No. 10/631,279
3. Notice of Appeal for U.S. Application No. 11/456,976
4. Appeal Brief for U.S. Application No. 11/456,976

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	2402	1	310	310
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	75	75
Miscellaneous:				
			Total in USD ($)	**385**

Electronic Acknowledgement Receipt

EFS ID:	11398765
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	5409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	14-NOV-2011
Filing Date:	12-JUL-2006
Time Stamp:	14:45:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$385
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31916 c88c098b05d5979ef3a1fa78c52fd3c5c1a72a59	no	2
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith A. Raniere
	Art Unit	3715
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

	1	Office Action (Mail Date 4/4/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	2	Office Action (Mail Date 12/14/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	3	Office Action (Mail Date 4/4/2006) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	4	Office Action (Mail Date 4/25/2007) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	5	Office Action (Mail Date 9/21/2007) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	6	Office Action (Mail Date 3/26/2008) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	7	Office Action (Mail Date 9/30/2008) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	8	Office Action (Mail Date 4/20/2009) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	9	Office Action (Mail Date 11/24/2009) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	10	Office Action (Mail Date 11/24/2010) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	11	Office Action (Mail Date 4/26/2011) for Patent Application No. 10/631,279 - Filing Date 7/31/2003; Attorney Docket No. FIRS.2992-NY.	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith A. Raniere
	Art Unit	3715
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

	12	Office Action (Mail Date 5/23/2008) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	13	Office Action (Mail Date 11/26/2008) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	14	Office Action (Mail Date 6/24/2009) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	15	Office Action (Mail Date 1/7/2010) for Patent Application No. 11/456,976 - Filing Date 7/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2011-08-29
Name/Print	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt

EFS ID:	10840200
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	30-AUG-2011
Filing Date:	12-JUL-2006
Time Stamp:	09:59:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$180
RAM confirmation Number	7351
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	2992US3_IDS_8-29-11.pdf	612456 be709d15765bc743494250a6ccd57271df42afcc	no	5
Warnings:					
Information:					
A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
2	Fee Worksheet (SB06)	fee-info.pdf	30224 c3b9040b6364787c712b1af5f36ee06f45b7c69e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	642680		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

PTO/SB/31 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
FIRS.2992US3-NY

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on _____

Signature _____

Typed or printed name _____

In re Application of
Keith A. Raniere

Application Number	Filed
11/457,006	7/12/2006

For Method and Apparatus for Improving Performance

Art Unit	Examiner
3715	Robert J. Utama

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 540.00

☑ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $ 270.00

☐ A check in the amount of the fee is enclosed.

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

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ .

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 37543.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

/Arlen L. Olsen/
Signature

Arlen L. Olsen
Typed or printed name

518-220-1850
Telephone number

August 12, 2011
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. 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, 1.14 and 41.6. This collection is estimated to take 12 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.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**270**

Electronic Acknowledgement Receipt

EFS ID:	10723636
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	12-AUG-2011
Filing Date:	12-JUL-2006
Time Stamp:	11:45:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$270
RAM confirmation Number	8385
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

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Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	2992US3_NoticeofAppeal_8-12-11.pdf	244272 10e6fa000bb5ebe9b93852e42620ab0d25a1f7e0	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	29945 fb321e379700e44bf868e5832941c4f959771ff5	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	274217		

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New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 01/08/2013

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Seq No: 8385 Sales Acctg Dt: 08/12/2011 11457006
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 05/12/2011

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
05/12/2011	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1 and 4-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/02/2011*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and arguments submitted on 04/21/2011. The current statuses of the claim in the application are as follows: claims 1, 4-13 are still pending and claims 2-3 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/21/2011 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4-13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for some repetition of the method such that the pint of efficiency is increase to a further new point of efficiency, does not reasonably provide enablement for the maximum value of the second parameter at least one of increase and decrease each repetition of the given activity such that the point of efficiency to further new point of efficiency. The specification does not enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. In this particular case, the claim limitation of claim 1 seems to require that in each repetition of training method the subject's point of efficiency would always increase a further new point of efficiency. It is possible in certain condition (e.g.: extreme exhaustion) that the subject would no longer be able to increase his/her maximum value of the second parameter.

6. Claims 1, 4-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this particular case, the specification is silent on how to determine the point of efficiency. However, the specification is silent on the algorithm or method that can be used by one of ordinary skilled in the art to determine the "state of accommodation" of a training subject. Claim 1 requires the limitation of "determining a range of tolerance, using the control system, surrounding the initial measurement of the first parameter." The word determining or determine can be defined as "*to find out or come to a decision about by investigation, reasoning, or calculation.*" However, the specification is silent on the algorithm or method that can be used by one of ordinary skilled in the art to determine the "state of accommodation" of a training subject. The specification mentions that the tolerance can be set at 2%, however, it does not arrive to that value by any reasoning and/or calculation. While, the applicant may have enablement by setting the physical parameter at plus or minus 2%; the applicant has not shown enabling support for determining the physical parameter. Furthermore, the physical parameter includes multiple parameters (e.g.: heart rate, blood pressure, turnover rate and etc). It is unclear on how one of ordinary skilled in the art can determine range of tolerance for any of these parameters.

7. Claims 1, 4-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, the limitation of "a point of efficiency" is defined twice in claim 1 (see line 10 for the first definition and line 14 for the second definition). As such, the examiner is unable to determine which limitation should be used to determine the point of efficiency.

Claim Rejections - 35 USC § 103

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardik 6,702,720, in view of Yoshida et al (NPL) and further in view of Kinderman (NPL)**

Claims 1: The Dardik reference provides a teaching of:

- A performance system (see col. 4:55-57 "exerciser 20");
- At least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being a trained and measured by the performance system (see col. 5:10-25);
- The at least one sensor measures an initial measurement of the first parameter and re-measuring the first parameter (see col. 5:40-50 it is understood that any reading have an intial reading of values).
- The control system for controlling a second parameter, wherein the second parameter is a parameter of the control system (see col. 6:5-15)

- The control system setting an initial value for the second parameter (see FIG. 4 the exercise regime possess an initial value of "normal").
- a timer for recording an elapsed time (see col. 5:60-6:5)
- the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeds the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing the stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (see col. 9:55-67 and col. 6:15-40)

However, the Dardik reference fails to provides a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition. One of orindary skilled in the art can interpret this particular limitation as an intended use limitation since this limitation does not impose any structural limitation to the apparatus. Rather the limitation of "*wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition*" is a requirement directed to the use of the apparatus. In this particular case, the case the examiner takes the position that the apparatus of Dardik are capable of achieving the same function. Furthermore, the Yoshida reference provides teaching

of wherein the maximum value of the second parameter increases each repetition of the given activity (see page Table 2 "training group" maximum value VO2max increases after the post-testing period) such that the point of efficiency is increased to the further new point of efficiency (see page 228 increase in Anabolic threshold (AT)); each point of efficiency being a benchmark for the subject performance during training in the next repetition of the method (see page Table 2 in this particular case the pre-test result are the benchmark for the post-testing result)). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition, as taught by Yoshida, in order to provide an effective training regimen.

The Yoshida fails to provide a teaching of training the trainable subject within the range of tolerance of the point of efficiency. However, the Kindermann reference provides a teaching of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes (see page 29). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes, as taught by Yoshida, in order to provide an effective training regimen.

While the Dardik reference does not explicitly teaches "the at least one sensor measuring an initial measurement of the first parameter", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 4: The Dardik reference provides a teaching a control system further comprising a memory device (see col. 5:23-25). While the Dardik reference is silent on the limitation of "for storing information and data other than the first and second parameters", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this particular claim, the Dardik provides a teaching of a memory device

Claim 5: The Dardik reference provides a teaching a display device (see col. 10:15-20). While the Dardik reference is silent on the limitation of "for displaying the information and data other than the first and second parameters for the memory device", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 6: The Dardik reference provides a teaching of a control system comprising an output port (see FIG 1 item 81). While the "transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims 9 and 10: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of chemical activity profile (see col. 7:25-30 "oxygenation level").

Claim 11: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of heart rate (see col. 8:20-25 "circadian heart wave").

Claim 12: The Dardik reference provides a teaching where the performance system further includes a device selected from the group of a computer (see FIG. 1 item 82).

Claim 13: The Dardik reference provides a teaching where the transmission system is selected from the group of an internet (see col. 5:35-40).

Response to Arguments

3. Applicant's arguments filed 03/21/2011 have been fully considered but they are not persuasive.

4. The rejection of claims 1, 4-13 under 35 U.S.C 112, first paragraph, have been withdrawn. However, the amendment causes a new set of rejection under 35 U.S.C 112 first paragraph.

5. The applicant argued that the Yoshida reference does not provide a teaching of "repeating the method of training the subject using the performance system so the length time whereby the state of accommodation is maintained at least one of increase and decreases each repetition of the method such that a value of the point of efficiency is at least one of longer length of time and a shorter time after another repetition of the method." The applicant argued that since the Yoshida reference do not actually show an increase in time of the state of accommodation, the Yoshida reference should not be used as a reference for the rejection of claims 1 and 5-6. The examiner respectfully disagrees. The current limitation of "repeating the method of training the subject using the performance system so the length time whereby the

state of accommodation is maintained", does not require that the length of time actually increased rather it just require that one of ordinary skilled in the art would have some belief that the subject would be able to increase the length of time whereby the state of accommodation can be maintained. In this particular case, the examiner takes the position that decrease of physiological parameter after the training regiment would cause the test subject to increase the length time whereby the state of accommodation is maintained (see Yoshida page 228 paragraph 1-5).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	**Art Unit**
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009	12/29/2010	05/09/2011			
	1	✓	✓	✓	✓	✓	✓			
	2	✓	-	-	-	-	-			
	3	✓	✓	✓	✓	-	-			
	4	✓	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓	✓			
	6	✓	✓	✓	✓	✓	✓			
	7	✓	✓	✓	✓	✓	✓			
	8	✓	✓	✓	✓	✓	✓			
	9	✓	✓	✓	✓	✓	✓			
	10	✓	✓	✓	✓	✓	✓			
	11	✓	✓	✓	✓	✓	✓			
	12	✓	✓	✓	✓	✓	✓			
	13	✓	✓	✓	✓	✓	✓			

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU
Search Updated	12/29/2010	RU
Search Updated	4/25/2011	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2675	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S2	299	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S3	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:55
S4	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:15
S5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S6	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S7	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S8	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:09
S9	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:10
S10	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:36
S11	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:39
S12	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:45
S13	184	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:16
S14	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:17
S15	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:23
S16	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29

S17	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S18	32605	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S19	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S20	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 17:21
S21	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 14:37
S22	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:32
S23	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:35
S24	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S25	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S26	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:37
S27	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:44
S30	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:45
S31	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:48
S32	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S33	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S34	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56

S35	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S36	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S37	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S38	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S39	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S40	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:04
S41	2700	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S42	302	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S43	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S44	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S46	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S47	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S48	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S49	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S50	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S51	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S52	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S53	187	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S54	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S55	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S56	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S57	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S58	33030	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S59	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S60	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S61	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S62	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S63	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S64	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S65	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S66	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S67	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S69	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S70	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S71	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S72	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S73	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S74	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S75	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S76	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S77	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S78	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S79	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S80	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S81	86	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:29
S82	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:31
S83	94	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:32
S84	76	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:33
S85	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/16 13:37
S86	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S87	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56

S88	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:56
S89	52	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 11:57
S90	3185076	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S91	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S92	18022	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:20
S93	1278	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S94	872	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/19 13:21
S95	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:17
S96	39	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:19
S97	335	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S98	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S99	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S100	118	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:22
S101	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:27
S102	661	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29
S103	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:29
S104	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/27 12:32

S105	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 12:12
S106	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S107	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S108	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S109	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S110	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S111	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S112	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S113	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S114	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S115	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S116	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S117	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S118	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S119	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S120	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S121	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S122	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S123	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S124	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S125	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S126	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S127	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S128	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S129	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S130	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S131	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S132	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S133	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S134	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S135	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S136	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S137	601	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S138	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S139	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S140	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S141	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S142	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S143	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S144	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S145	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S146	2815	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S147	318	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S148	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S149	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S150	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S151	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S152	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S153	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S154	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S155	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S156	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S157	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S158	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S159	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S160	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S161	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S162	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S163	34676	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S164	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S165	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S166	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S167	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S168	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S169	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S170	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S171	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S172	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S173	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S174	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S175	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S176	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S177	601	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S178	431	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S179	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S180	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S181	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S182	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S183	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S184	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S185	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S186	88	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S187	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S188	96	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S189	82	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S190	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S191	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S192	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S193	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S194	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S195	3278189	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S196	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S197	19130	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S198	1377	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S199	934	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S200	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S201	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S202	336	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S203	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S204	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S205	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S206	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S207	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S208	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S209	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01
S210	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/28 15:01

S211	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S212	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S213	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S214	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S215	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S216	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S217	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S218	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S219	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S220	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S221	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S222	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S223	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S224	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S225	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S226	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S227	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S228	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S229	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S230	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S231	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S232	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S233	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S234	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S235	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S236	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S237	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S238	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S239	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S240	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S241	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S242	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S243	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S244	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S245	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S246	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S247	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S248	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S249	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S250	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S251	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S252	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S253	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S254	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S255	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S256	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S257	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S258	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S259	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S260	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S261	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S262	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S263	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S264	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S265	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S266	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S267	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S268	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S269	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S270	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S271	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S272	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S273	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S274	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S275	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S276	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S277	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S278	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S279	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S280	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S281	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S282	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S283	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S284	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S285	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S286	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S287	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S288	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S289	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S290	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S291	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S292	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S293	97	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S294	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S295	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S296	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S297	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S298	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S299	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S300	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S301	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S302	19186	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S303	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S304	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S305	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S306	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S307	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S308	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S309	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S310	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S311	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S312	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S313	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S314	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S315	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S316	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S317	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S318	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S319	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S320	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S321	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S322	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S323	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S324	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S325	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S326	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S327	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S328	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S329	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S330	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S331	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S332	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S333	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S334	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S335	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S336	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S337	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S338	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S339	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S340	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S341	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S342	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S343	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S344	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S345	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S346	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S347	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S348	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S349	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S350	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S351	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S352	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S353	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S354	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S355	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S356	2834	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S357	319	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S358	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S359	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S360	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S361	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S362	48	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S363	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S364	26	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S365	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S366	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S367	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S368	199	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S369	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S370	82	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S371	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S372	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S373	34774	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S374	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S375	36	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S376	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S377	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S378	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S379	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S380	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S381	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S382	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S383	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S384	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S385	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S386	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S387	603	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S388	432	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52

S389	226	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S390	65	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S391	37	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S392	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S393	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S394	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S395	136	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S396	89	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S397	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:52
S398	97	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S399	84	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S400	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S401	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S402	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S403	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S404	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S405	3297294	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53

S406	6	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S407	19186	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S408	1380	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S409	935	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S410	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S411	40	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S412	337	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S413	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S414	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S415	119	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S416	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S417	663	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S418	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S419	46	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S420	5	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/12/29 15:53
S421	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S422	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S423	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S424	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S425	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S426	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S427	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S428	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S429	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S430	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S431	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S432	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S433	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S434	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S435	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S436	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S437	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S438	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S439	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S440	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S441	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S442	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S443	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S444	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S445	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S446	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S447	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S448	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S449	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S450	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S451	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S452	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S453	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S454	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S455	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S456	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S457	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S458	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S459	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S460	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S461	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S462	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S463	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S464	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S465	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S466	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S467	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S468	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S469	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S470	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S471	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S472	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S473	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S474	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S475	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S476	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S477	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S478	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S479	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S480	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S481	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S482	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S483	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S484	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S485	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S486	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S487	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S488	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S489	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S490	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S491	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S492	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S493	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S494	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S495	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S496	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S497	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S498	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S499	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S500	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S501	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S502	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S503	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S504	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S505	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S506	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S507	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S508	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S509	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S510	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S511	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S512	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S513	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S514	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S515	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S516	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S517	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S518	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S519	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S520	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S521	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S522	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S523	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S524	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S525	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S526	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S527	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S528	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S529	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S530	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S531	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S532	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S533	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S534	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S535	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S536	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S537	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S538	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S539	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S540	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S541	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S542	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S543	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S544	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S545	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S546	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S547	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S548	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S549	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S550	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S551	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S552	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S553	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S554	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S555	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S556	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S557	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S558	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S559	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S560	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S561	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S562	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S563	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S564	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S565	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S566	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S567	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S568	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S569	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S570	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S571	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S572	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S573	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S574	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S575	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S576	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S577	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S578	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S579	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S580	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S581	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S582	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S583	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S584	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S585	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S586	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S587	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S588	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S589	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S590	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S591	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S592	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S593	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S594	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S595	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S596	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S597	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S598	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S599	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S600	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S601	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S602	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S603	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S604	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S605	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S606	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S607	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S608	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S609	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S610	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S611	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S612	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S613	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S614	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S615	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S616	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S617	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S618	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S619	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S620	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S621	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S622	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S623	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S624	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S625	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S626	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S627	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S628	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S629	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S630	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S631	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S632	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S633	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S634	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S635	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S636	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S637	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S638	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S639	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S640	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S641	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S642	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S643	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S644	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S645	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S646	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S647	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S648	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S649	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S650	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S651	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S652	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S653	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S654	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S655	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S656	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S657	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S658	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S659	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S660	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S661	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S662	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S663	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S664	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S665	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S666	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S667	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S668	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S669	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S670	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S671	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S672	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S673	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S674	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S675	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S676	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S677	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S678	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S679	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S680	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S681	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S682	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S683	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S684	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S685	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S686	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S687	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S688	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S689	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S690	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S691	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S692	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S693	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S694	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S695	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S696	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S697	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S698	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S699	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S700	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S701	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S702	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S703	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S704	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S705	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S706	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S707	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S708	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S709	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S710	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S711	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S712	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S713	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S714	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S715	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S716	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S717	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S718	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S719	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S720	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S721	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S722	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S723	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S724	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S725	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S726	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S727	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S728	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S729	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S730	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S731	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S732	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S733	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S734	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S735	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S736	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S737	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S738	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S739	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S740	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S741	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S742	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S743	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S744	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S745	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S746	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S747	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S748	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S749	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S750	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S751	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S752	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S753	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S754	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S755	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S756	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S757	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S758	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S759	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S760	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S761	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S762	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S763	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S764	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S765	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S766	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S767	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S768	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S769	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S770	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S771	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S772	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S773	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S774	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S775	146	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S776	2922	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S777	337	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S778	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S779	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S780	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S781	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S782	50	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S783	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S784	27	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S785	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S786	5	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S787	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S788	211	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S789	43	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S790	83	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S791	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S792	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S793	35958	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S794	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40

S795	38	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S796	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S797	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S798	12	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S799	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:40
S800	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S801	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S802	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S803	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S804	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S805	9	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S806	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S807	610	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S808	438	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S809	230	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S810	66	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S811	38	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S812	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41

S813	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
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S816	91	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S817	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S818	100	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S819	89	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S820	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S821	0	"Gleisner".IN. and audio adj file	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S822	43	"Gleisner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S823	0	"Gleisner".IN. and audio	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S824	53	"Gleissner".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S825	3372464	automotive power converter	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S826	8	"automotive power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S827	19994	"power converter"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S828	1449	"power inverter" and (car or auto or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S829	973	"power inverter" and (automobile or automotive)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41

S830	19	stress adj testing and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S831	44	("3934269" | "4574649" | "4678182" | "4679786" | "4708338" | "4720093" | "4790528" | "4800310" | "4817938" | "4911427" | "4919416" | "4938474" | "4949993" | "4998725" | "5013031").PN. OR ("5308300").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S832	354	stress adj testing and cardio$5	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S833	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S834	0	stress adj testing and cardio$5 and past adj result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S835	125	stress adj testing and cardio$5 and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S836	43	treadmill and past adj performance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S837	692	treadmill and heart adj rate and past	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S838	25	treadmill and heart adj rate and past with result	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S839	48	("4432374" | "5479939").PN. OR ("5941837").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S840	6	"6,702,720"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:41
S841	2	"10631279"	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:49
S842	0	"10631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 16:49
S843	290	timer with start and timer with stop and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:09
S844	1001	range with exercise and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
S845	171	range with exercise and heart adj rate and timer	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15
S846	28	range with exercise and heart adj rate and (timer with start)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:15

S847	16	("4601467" | "4628910" | "4878663" | "5011142" | "5207216" | "5242348" | "5328429" | "5374193" | "5476428" | "5807288" | "6152855" | "6270445" | "6367352" | "6456885").PN. OR ("7083547").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:19
S848	1	("7278966").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:21
S849	3	(("7278966") or ("20020116147") or ("7,254,516")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:39
S850	28	("20010049470" | "20020019586" | "20020072932" | "20020133378" | "20030090389" | "20030208110" | "20040002634" | "20040002662" | "20040081110" | "5447524" | "5524637" | "5749372" | "5976083" | "5989200" | "6122960" | "6356856" | "6396416" | "6478736" | "6497638" | "6501386" | "6595929" | "6635013").PN. OR ("7278966").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/19 17:45
S851	0	("ovenandbrailleadjdisplay").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:51
S852	11	oven and braille adj display	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:51
S853	2	oven with braille	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:52
S854	0	braille with (home adj appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:54
S855	5	braille with (appliance)	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 11:54
S856	1	(10/631279).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 12:25
S857	2	(("6,702,720") or ("4,463,764")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:00
S858	1	("5941837").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:15
S859	1209	increasing with endurance	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:37
S860	54	increasing with endurance and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:38
S861	474	increasing with time and treadmill	US-PGPUB; USPAT; USOCR	OR	OFF	2011/04/21 14:40

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

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	2	4463764		1984-08-07	Anderson et al.	
	3	5308300		1994-05-03	Chino et al.	
	4	6736759		2004-05-18	Stubbs et al.	
	5	4828257		1989-05-09	Dyer et al.	
	6	5941837		1999-08-24	Amano et al.	
	7	6648827		2003-11-18	Heikkila et al.	
	8	7054678		2006-05-30	Dardik et al.	

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	1	20030006903		2003-01-09	Naegely et al.	
	2	20040152054		2004-08-05	Gleissner et al.	
/R.U./	3	20060293617		2006-12-28	Einav et al.	

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/R.U./	1	Should I train to Failure, http://www.streetdirectory.com/travel_guide/43060/fitness/should_i_train_to_failure.html>; dated 11/19/2009, 3 pages	☒
	2	Pierson, Vicky. "Understanding Your Training Heart Rate" Retrieved at June 21, 2997 ,Retrieved from: http://web.archive.org/web/19970621122415/http://primusweb.com/fitnespartner/library/activity/thr.htm>; 5 pages	☒

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	3	Hervert, Jack "PED - Chapter 14 Notes" [Retrieved July 29, 2003] Retrieved from the Internet. <URL: http://web.archive.org/web/20030729113130'http://waukesha.uwc.edu/ped/jhervert/ped291/chap14.html>	☒
	4	Stevens, Kathy "Interval Training: alternating periods of high- and low- intensity exercise for maximum benefit - includes continuing education test." American Fitness. July - August 1997 [Retrieved April 26, 2011] Retrieved from the internet < URL: http://findarticles.com/p/articles/mi_m0675/is_n4_v15/ai_19575697 >	☒
	5	"Exercise Safety" [Retrieved: Feb 10, 2001] Retrieved from the Internet. < URL: http://webarchive.org/web/20010210021034/http://www.lifeclinic.com/focus/weight/safety_ex.asp>	☒
	6	Office Action (Mail Date 11/24/2010) for Patent Application No. 10/631,279 - Filing Date 07/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	7	Office Action (Mail Date 01/04/2011) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	8	Application No. PCT/US2004/24147, International Search Report and the Written Opinion of the International Searching Authority, or the Declaration dated January 5, 2006. 10 pages.	☒
/R.U./	9	Office Action (Mail Date 04/26/2011) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐

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	7	6648827		2003-11-18	Heikkila et al.	
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	3	20060293617		2006-12-28	Einav et al.	

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	1	Should I train to Failure, http://www.streetdirectory.com/travel_guide/43060/fitness/should_i_train_to_failure.html>; dated 11/19/2009, 3 pages	☒
	2	Pierson, Vicky. "Understanding Your Training Heart Rate" Retrieved at June 21, 2997 ,Retrieved from: http://web.archive.org/web/19970621122415/http://primusweb.com/fitnespartner/library/activity/thr.htm>; 5 pages	☒

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	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

	3	Hervert, Jack "PED - Chapter 14 Notes" [Retrieved July 29, 2003] Retrieved from the Internet. <URL: http://web.archive.org/web/20030729113130'http://waukesha.uwc.edu/ped/jhervert/ped291/chap14.html>	☒
	4	Stevens, Kathy "Interval Training: alternating periods of high- and low- intensity exercise for maximum benefit - includes continuing education test." American Fitness. July - August 1997 [Retrieved April 26, 2011] Retrieved from the internet < URL: http://findarticles.com/p/articles/mi_m0675/is_n4_v15/ai_19575697 >	☒
	5	"Exercise Safety" [Retrieved: Feb 10, 2001] Retrieved from the Internet. < URL: http://webarchive.org/web/20010210021034/http://www.lifeclinic.com/focus/weight/safety_ex.asp>	☒
	6	Office Action (Mail Date 11/24/2010) for Patent Application No. 10/631,279 - Filing Date 07/31/2003; Attorney Docket No. FIRS.2992-NY.	☐
	7	Office Action (Mail Date 01/04/2011) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐
	8	Application No. PCT/US2004/24147, International Search Report and the Written Opinion of the International Searching Authority, or the Declaration dated January 5, 2006. 10 pages.	☒
	9	Office Action (Mail Date 04/26/2011) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2-NY.	☐

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith A. Raniere
	Art Unit	3715
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2011-05-02
Name/Print	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference FIRS-2992PCT	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US04/24147	International filing date (*day/month/year*) 28 July 2004 (28.07.2004)	(Earliest) Priority Date (*day/month/year*) 31 July 2003 (31.07.2003)
Applicant FIRST PRINCIPLES		

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

This international search report consists of a total of , INC. sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed.
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☒ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☐ the text is approved as submitted by the applicant.
   ☒ the text has been established by this Authority to read as follows:

Please See Continuation Sheet

5. With regard to the **abstract**,
   ☐ the text is approved as submitted by the applicant.
   ☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☐ as suggested by the applicant.
      ☒ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-8

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

A. CLASSIFICATION OF SUBJECT MATTER
IPC(7) : G09B 19/00
US CL : 434/247
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 434/247

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,E	US 6,939,881 B2 (PIPERS) 06 September 2005, See entire document.	1-8
X	US 6,592,502 B1 (PHILLIPS) 15 July 2003, See entire document.	1-8

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
27 November 2005 (27.11.2005)

Date of mailing of the international search report
05 JAN 2006

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer
For Chanda L. Harris Virginia Lily
Telephone No. 703-308-1148

Form PCT/ISA/210 (second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US04/24147

Continuation of Item 4 of the first sheet:
The title is not specific as to what type of performance is being improved.

NEW TITLE: METHOD AND APPARATUS FOR IMPROVING PHYSIOLOGICAL PERFORMANCE

BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING
Group I, claim(s) 1-8, drawn to a method of determining if a subject is trainable.

Group II, claim(s) 9-16, drawn to a method of taking measurement and training a subject.

Group III, claim(s) 17-20, drawn to a method comprising a performance system.

Group IV, claim(s) 21-33, drawn to an apparatus comprising a sensor and a control system.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group II pertaining to taking a measurement relating to at least one continuous variable with respect to which a subject may remain in a state of accommodation and training the subject so the value of measurement of the at least one continuous variable changes.

The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group III pertaining to providing a performance system and training a subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

The inventions listed as Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising a performance system, at least one sensor, and a control system.

The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II lacks the same or corresponding technical features found in Group III pertaining to a performance system and training the subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

The inventions listed as Groups II and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group II lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising at least one sensor and a control system.

The inventions listed as Groups III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group III lacks the same or corresponding technical features found in Group IV pertaining to an apparatus comprising at least one sensor and a control system.

Continuation of B. FIELDS SEARCHED Item 3:
EAST
search terms: trainable, treadmill, effciency, exhaustion, improve physiological performance, heart, stride

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/24147

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The present invention relates generally to a training method and apparatus (FIG. 1) for improving physiological performance.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ALBERT L. SCHEISER
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE, SUITE 201
LATHAM, NY 12110

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (*day/month/year*) 05 JAN 2006

Applicant's or agent's file reference
FIRS-2992PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US04/24147	28 July 2004 (28.07.2004)	31 July 2003 (31.07.2003)

International Patent Classification (IPC) or both national classification and IPC
IPC(7): G09B 19/00 and US Cl.: 434/247

Applicant
FIRST PRINCIPLES, INC.

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

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☐ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis(b)* that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US	Date of completion of this opinion	Authorized officer
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	27 November 2005 (27.11.2005)	For Chanda L. Harris Telephone No. 703-308-1148

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
   - ☐ paid additional fees
   - ☐ paid additional fees under protest and, where applicable, the protest fee
   - ☐ paid additional fees under protest but the applicable protest fee was not paid
   - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
   - ☐ complied with
   - ☒ not complied with for the following reasons:

   See the lack of unity section of the International Search Report(Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
   - ☐ all parts.
   - ☒ the parts relating to claims Nos. 1-8

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/24147

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims NONE	YES
	Claims 1-8	NO
Inventive step (IS)	Claims NONE	YES
	Claims 1-8	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims NONE	NO

2. Citations and explanations:

Claims 1-8 lack novelty under PCT Article 33(2) as being anticipated by Phillips (US 6,592,502).

[Claim 1]: Regarding Claim 1, Phillips discloses determining if a subject (i.e., athlete, cardiovascularly handicapped heart patients) is trainable with respect to the performance of a given activity. See Abstract.
[Claim 2]: Regarding Claim 2, Phillips discloses determining a point of efficiency (i.e., enhanced cardiovascular capability and muscular development), of a subject with respect to at least one parameter (e.g., blood pressure). See Col.9: 23-26, 43-46.
[Claim 3]: Regarding Claim 3, Phillips discloses exerting the subject at or near the point of efficiency until a state of inefficiency (i.e., ischemia) with respect to the at least one parameter or exhaustion (i.e., unable to keep up). See Col.20: 19-26.
[Claim 4]: Regarding Claim 4, Phillips discloses wherein the at least one parameter is one of a physical parameter, emotional parameter, and mental parameter of the subject. See Col.9: 43-46 and Col.20: 19-26.
[Claim 5]: Regarding Claim 5, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of running turnover rate, stride length, stride stroke force, muscle contraction speed, muscle contraction profile, muscle contraction strength, weight lifted, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure. See Col.9: 43-46.
[Claim 6]: Regarding Claim 6, Phillips discloses wherein the at least one physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow (i.e., ischemia), breathing rate, heat given off, and breath length. See Col.20: 24-26.
[Claim 7]: Regarding Claim 7, Phillips discloses wherein the at least one parameter is observed by a signal selected from the group verbal utterance, physical motion (i.e., unable to keep up). See Col.20: 24-26.
[Claim 8]: Regarding Claim 8, Phillips discloses wherein the subject is selected from the group consisting of an animal, a human (i.e., heart patient), a group of humans, a group of animals, a cellular automata, a group of cellular automata, microbes, plants, and a computer program and data. See Col.20: 24-26.

Claims 1-8 mee the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Electronic Acknowledgement Receipt

EFS ID:	9994036
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	02-MAY-2011
Filing Date:	12-JUL-2006
Time Stamp:	09:41:04
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	Information Disclosure Statement (IDS) Filed (SB/08)	2992US3_IDS_4-25-11.pdf	613252 ba35535f10aab05e0936b0c8188626d7a379d738	no	5

Warnings:	
Information:	

2	NPL Documents	ShouldITraintoFailure.pdf	298265 e5a5a7e43281bf836cffd161f33aef3225606667	no	3
Warnings:					
Information:					
3	NPL Documents	2992_Pierson_cited_ref.pdf	401172 f1f050463437b03ca3cd83f41fca92eac7ad10b7	no	5
Warnings:					
Information:					
4	NPL Documents	Hervert_PED_291.pdf	300246 8d1e03de61319ae5321c0c0324b80e04e77a0cac	no	6
Warnings:					
Information:					
5	NPL Documents	Stevens_IntervalTraining.pdf	239358 7e52dd4566693a1afdd995369adebaccae4d4fa6	no	10
Warnings:					
Information:					
6	NPL Documents	ExerciseSafety.pdf	89586 01c24660b1d361a30cd9b374fc4415cef041f0c1	no	2
Warnings:					
Information:					
7	NPL Documents	2992-SearchReport.pdf	769484 27b0d74a7684099917ba34f79186c1c956ac5666	no	10
Warnings:					
Information:					
			Total Files Size (in bytes):	2711363	

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11/457,006	Filing Date	2006-07-12	Docket Number (if applicable)	FIRS-2992US3	Art Unit	3715
First Named Inventor	Keith A. Raniere			Examiner Name	Utama, Robert J		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☐ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Signature of Registered U.S. Patent Practitioner			
Signature	/Jason A. Murphy/	Date (YYYY-MM-DD)	2011-04-21
Name	Jason A. Murphy	Registration Number	63423

This collection of information is required by 37 CFR 1.114. 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 12 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.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFTER-FINAL OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Final Office Action mailed January 21, 2011, and Advisory Action mailed April 12, 2011.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system, wherein the performance system includes a treadmill;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a speed of the treadmill ~~a parameter of the performance system~~;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter ;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency~~, each point of efficiency being a benchmark for the subject's performance during training in the next repetition of the given activity~~.

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Applicant has amended claim 1 during instant prosecution of this patent application. Applicant is not conceding in this patent application that the amended claims, original claims, cancelled claims, and previously withdrawn claims are not patentable over the art cited by the Examiner, since the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the original claims, cancelled, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 1, and 4-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicants respectfully traverse the §112, 1st ¶ and § 103 rejections with the following arguments:

35 U.S.C. § 112, 1st ¶

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

Applicant respectfully contends that the specification, as originally filed, provides a teaching of the point of efficiency being a benchmark for the subject's performance. (see page 17 of the specification).

However, in view of the amendments to claim 1, Applicant respectfully requests reconsideration and removal of the written description rejection.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, and 4-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicant respectfully contends that claims 1, and 4-13 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach:

> "a performance system, wherein the performance system ***includes a treadmill***, at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, ***wherein the second parameter is a speed of the treadmill***, the control system setting an initial value for the second parameter, the control system determining a range of tolerance surrounding the initial measurement of the first parameter, a timer for recording an elapsed time of a given activity, the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject***, the point of efficiency being the maximum value of the second parameter(i.e. speed of the treadmill)*** whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the

subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion, and wherein the maximum value of the second parameter at least one of increases and decreases (*e.g.* max speed of the treadmill changes) each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency." (emphasis added)

More particularly, the combination of the cited references fails to teach the point of efficiency being the **maximum value of the second parameter**, wherein the point of efficiency **increases or decreases each repetition of the given activity** such that the point of efficiency is increased to the further new points of efficiency. In other words, the claim limitations requires that the point of efficiency being a speed of the treadmill of the performance system, which either increases or decreases each repetition of the activity. The Examiner states that Dardik, the Examiner's primary reference, fails to "provide[s] a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency..." (Final Office Action 1/21/11, page 4) The Examiner introduces Yoshida to allegedly teach that limitation, asserting that Yoshida teaches an increase in Anabolic Threshold (AT) and VO_{2max} of a training group. The anabolic threshold and VO_{2max} are not parameters of the performance system. In the Advisory Action (mailed 4/12/11), the Examiner asserted that Yoshida teaches, in Fig.2, that the work load of the pre-test is lower than the workload of the post-training. However, the point of efficiency required by the claim limitations is the maximum value of the second parameter, which is a *speed of the treadmill.* The claim limitations require the point of efficiency being the maximum

value of the second parameter…wherein the second parameter is a speed of the treadmill…wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency. In stark contradistinction, Yoshida teaches, according to the Examiner, an increase in AT and VO_{2max}, which are not parameters of the performance system, such as, for example, the speed of the treadmill. AT (also called the lactate threshold) is the level of exertion where a subject's body must switch from aerobic metabolism to anaerobic metabolism; AT is not a parameter of the performance system. Likewise, VO_{2max} is the maximum capacity of a subject's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the subject; VO_{2max} is not a parameter of the performance system. Applicants further respectfully contend that workload in wattage for subjects operating a stationary bike does not equate, teach, or suggest a speed of a treadmill. Therefore, Applicant respectfully contends that the combination of the cited references fails to teach each and every element of the claims, and one having ordinary skill in the art would not be motivated to combine the cited references.

Lastly, Applicant would again like to draw the Examiner's attention to the support for the limitation "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity." Because the second parameter may be the speed of the treadmill, the maximum value of the speed of the treadmill just prior to the subject entering a state of inefficiency may increase or decrease each repetition of the method, depending on the subject's performance that method. Moreover, the goal of the subject may be either to increase the value of the second parameter or decrease the value of the second parameter, depending on what the second parameter measures. For an example of increase, the specification discloses:

"As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained." (page 13)

For an example of decrease, the specification discloses:

"Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method." (page 19)

Accordingly, Applicant respectfully requests reconsideration and removal of the obviousness rejection, and further contends that claims 1, 4-13 are in condition for allowance.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: April 21, 2011

/Arlen L. Olsen/
Arlen L. Olsen
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Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Jason Alexander Murphy
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**405**

Electronic Acknowledgement Receipt

EFS ID:	9932989
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Jason Alexander Murphy
Filer Authorized By:	
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	21-APR-2011
Filing Date:	12-JUL-2006
Time Stamp:	17:11:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$405
RAM confirmation Number	4273
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	2992US3_RCE_4-21-11.pdf	797896 60b8db611f6b0443516e5208418bb49d8f6e4775	no	3
Warnings:					
Information:					
2	Amendment Submitted/Entered with Filing of CPA/RCE	2992US3_Amendment_w_RCE_after_Advisory__4-12-11_.pdf	54355 e6d42be4369e9615630d11b2b69947d7d22d80fc	no	12
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29971 57a00c0979048fa7fa5cfabd8985fdf3ba0eba4e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	882222		

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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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
11/457,006	07/12/2006	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	04/21/2011	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 11	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/TONI HAKIM/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.**

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 04/12/2011

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LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/457,006	**Applicant(s)** RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	**Art Unit** 3715	

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

THE REPLY FILED 21 March 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1, 4-13*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Continuation of 11. does NOT place the application in condition for allowance because: With respect to applicant's argument on claims 1, 4-13 on the rejection under 35 U.S.C 112 first paragraphs, applicant's amendment is sufficient to overcome the rejection. The rejection on claims 1, 4-13, under 35 U.S.C 112 first paragraphs, have been withdrawn.

The applicant argued that the rejections on claims 1, and 4-13 under 35 U.S.C 103(a) over Dardik, Yoshida and Kindermann are not valid since the combination of references failed to provide a teaching of a second parameter wherein the parameter is a parameter of the performance system. The examiner respectfully disagrees. The Yoshida reference shows a teaching wherein the second parameter wherein the parameter is a parameter of the performance system (see FIG. 2 the work load of the pre-test is lower then the workload of the post-training). The work-load is a parameter of the performance system.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFTER-FINAL OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Final Office Action mailed January 21, 2011.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting an initial value for the second parameter;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter ;

a timer for recording an elapsed time of a given activity;

the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency~~, each point of efficiency being a benchmark for the subject's performance during training in the next repetition of the given activity~~.

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Applicant has amended claim 1 during instant prosecution of this patent application. Applicant is not conceding in this patent application that the amended claims, original claims, cancelled claims, and previously withdrawn claims are not patentable over the art cited by the Examiner, since the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the original claims, cancelled, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 1, and 4-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicants respectfully traverse the §112, 1st ¶ and § 103 rejections with the following arguments:

35 U.S.C. § 112, 1st ¶

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

Applicant respectfully contends that the specification, as originally filed, provides a teaching of the point of efficiency being a benchmark for the subject's performance. (see page 17 of the specification).

However, in view of the amendments to claim 1, Applicant respectfully requests reconsideration and removal of the written description rejection.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, and 4-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicant respectfully contends that claims 1, and 4-13 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach:

> "a performance system, at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, ***wherein the second parameter is a parameter of the performance system***, the control system setting an initial value for the second parameter, the control system determining a range of tolerance surrounding the initial measurement of the first parameter, a timer for recording an elapsed time of a given activity, the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject***, the point of efficiency being the maximum value of the second parameter*** whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first

parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion, and wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency." (emphasis added)

More particularly, the combination of the cited references fails to teach the point of efficiency being the **maximum value of the second parameter**, wherein the point of efficiency **increases or decreases each repetition of the given activity** such that the point of efficiency is increased to the further new points of efficiency. The Examiner states that Dardik, the Examiner's primary reference, fails to "provide[s] a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency..." (Final Office Action 1/21/11, page 4) The Examiner introduces Yoshida to allegedly teach that limitation, asserting that Yoshida teaches an increase in Anabolic Threshold (AT) and VO_{2max} of a training group. However, the point of efficiency required by the claim limitations is the maximum value of the *second parameter*, which is a parameter of the performance system. The claim limitations require, the point of efficiency being the maximum value of the second parameter...wherein the second parameter is a parameter of the performance system ...wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency. In stark contradistinction, Yoshida teaches, according to the Examiner, an increase in AT and VO_{2max}, which are not parameters of the performance system, such as, for example, the speed of the

treadmill. AT (also called the lactate threshold) is the level of exertion where a subject's body must switch from aerobic metabolism to anaerobic metabolism; AT is not a parameter of the performance system. Likewise, VO_{2max} is the maximum capacity of a subject's body to transport and use oxygen during incremental exercise, which reflects the physical fitness of the subject; VO_{2max} is not a parameter of the performance system. Therefore, Applicant respectfully contends that the combination of the cited references fails to teach each and every element of the claims, and one having ordinary skill in the art would not be motivated to combine the cited references.

Lastly, Applicant would again like to draw the Examiner's attention to the support for the limitation "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity." Because the second parameter may be the speed of the treadmill, the maximum value of the speed of the treadmill just prior to the subject entering a state of inefficiency may increase or decrease each repetition of the method, depending on the subject's performance that method. Moreover, the goal of the subject may be either to increase the value of the second parameter or decrease the value of the second parameter, depending on what the second parameter measures. For an example of increase, the specification discloses:

> "As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained." (page 13)

For an example of decrease, the specification discloses:

> "Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A

is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method." (page 19)

Accordingly, Applicant respectfully requests reconsideration and removal of the obviousness rejection, and further contends that claims 1, 4-13 are in condition for allowance.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: March 21, 2011

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
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Electronic Acknowledgement Receipt

EFS ID:	9699711
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	21-MAR-2011
Filing Date:	12-JUL-2006
Time Stamp:	14:49:01
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		2992US3_Response_After_Final_1-21-11.pdf	52503 d41624cf9229d7cd4423b313d8c0882132771f6b	yes	12

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	12
Warnings:			
Information:			
	Total Files Size (in bytes):	52503	

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.

New Applications Under 35 U.S.C. 111
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.

National Stage of an International Application under 35 U.S.C. 371
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.

New International Application Filed with the USPTO as a Receiving Office
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 01/21/2011

SCHMEISER, OLSEN & WATTS
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LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3715	
MAIL DATE	DELIVERY MODE
01/21/2011	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1 and 4-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/10/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 12/20/2010. The current status of the application is as follows: claims 1, 4-13 are still pending and claims 2-3 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. However, the specification, as originally submitted on 07/21/2006, does not provide a teaching such that each point of efficiency being a benchmark for the subject's performance during the training in the next repetition of the given activity.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1, 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardik 6,702,720, in view of Yoshida et al (NPL) and further in view of Kinderman (NPL)**

Claims 1: The Dardik reference provides a teaching of:

- A performance system (see col. 4:55-57 "exerciser 20");
- At least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being a trained and measured by the performance system (see col. 5:10-25);
- The at least one sensor measures an initial measurement of the first parameter and re-measuring the first parameter (see col. 5:40-50 it is understood that any reading have an intial reading of values).
- The control system for controlling a second parameter, wherein the second parameter is a parameter of the control system (see col. 6:5-15)
- The control system setting an initial value for the second parameter (see FIG. 4 the exercise regime possess an initial value of "normal").
- a timer for recording an elapsed time (see col. 5:60-6:5)
- the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeds the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing the stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (see col. 9:55-67 and col. 6:15-40)

However, the Dardik reference fails to provides a teaching of the wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition. However, the Yoshida reference provides teaching of wherein the maximum value of the second parameter increases each repetition of the given activity (see page Table 2 "training group" maximum value VO2max increases after the post-testing period) such that the point of efficiency is increased to the further new point of efficiency (see page 228 increase in Anabolic threshold (AT)); each point of efficiency being a benchmark for the subject performance during training in the next repetition of the method (see page Table 2 in this particular case the pre-test result are the benchmark for the post-testing result)). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of wherein the maximum value of the second parameter increases each repetition of the given activity such that the point of efficiency is increased to the further new point of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition, as taught by Yoshida, in order to provide an effective training regimen.

The Yoshida fails to provide a teaching of training the trainable subject within the range of tolerance of the point of efficiency. However, the Kindermann reference provides a teaching of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes (see page 29). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes, as taught by Yoshida, in order to provide an effective training regimen.

While the Dardik reference does not explicitly teaches "the at least one sensor measuring an initial measurement of the first parameter", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 4: The Dardik reference provides a teaching a control system further comprising a memory device (see col. 5:23-25). While the Dardik reference is silent on the limitation of "for storing information and data other than the first and second parameters", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this particular claim, the Dardik provides a teaching of a memory device

Claim 5: The Dardik reference provides a teaching a display device (see col. 10:15-20). While the Dardik reference is silent on the limitation of "for displaying the information and data other than the first and second parameters for the memory device", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 6: The Dardik reference provides a teaching of a control system comprising an output port (see FIG 1 item 81). While the "transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims 9 and 10: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of chemical activity profile (see col. 7:25-30 "oxygenation level").

Claim 11: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of heart rate (see col. 8:20-25 "circadian heart wave").

Claim 12: The Dardik reference provides a teaching where the performance system further includes a device selected from the group of a computer (see FIG. 1 item 82).

Claim 13: The Dardik reference provides a teaching where the transmission system is selected from the group of an internet (see col. 5:35-40).

Response to Arguments

7. The applicant argued that the there is no motivation to combine the Dardik, with Yoshida and Kindermann. The applicant argued that the Yoshida and Kindermann reference teach a training with a constant activity while the Dardik reference provides a teaching of repeatedly providing additional stress to the subject just prior to the subject no longer being able to accommodate additional stress. The examiner respectfully disagrees. All the reference provides a teaching of repeatedly providing additional stress to the subject just prior to the subject no longer being able to accommodate additional stress (see Yoshida reference 224 "... 25 watts incremental loading every minute until volitional exhaustion and Kindermann page 26

seven cross country skiers are worked until exhaustion on a treadmill. And every 3 mins the speed was increased by 2km/h). As such, the examiner takes the position that there are no teaching away to combine the Dardik, Yoshida and Kindermann reference.

8. With respect to applicant's argument that the combination of Dardik, Yoshida and Kindermann do not provides a teaching of "repeating the method ... where in the maximum value of the second parameter of at lest one of increase and decreases each repetition of the give activity." The examiner respectfully disagrees since the limitation never appears in the limitation of claim 1. Claim 1 refers to an apparatus and not to the method claim as argued. As such, the examiner considers applicant argument to be moot.

9. With respect to applicant's argument that the Yoshida reference only provides a teaching training exercise for the same amount of time for every exercise. The applicant argued that the point of efficiency is equated to the amount of exercise time. However, the examiner has never equated the point of efficiency with the amount of exercise time. Furthermore, the applicant also has not equates the two either. In this particular case, the Yoshida reference provides a teaching where the point of efficiency is increase the to the further new points of efficiency (see page 228 paragraph 1-2).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT J UTAMA/
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009	12/29/2010				
	1	✓	✓	✓	✓	✓				
	2	✓	-	-	-	-				
	3	✓	✓	✓	✓	-				
	4	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓				
	6	✓	✓	✓	✓	✓				
	7	✓	✓	✓	✓	✓				
	8	✓	✓	✓	✓	✓				
	9	✓	✓	✓	✓	✓				
	10	✓	✓	✓	✓	✓				
	11	✓	✓	✓	✓	✓				
	12	✓	✓	✓	✓	✓				
	13	✓	✓	✓	✓	✓				

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU
Search Updated	12/29/2010	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

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	1							☐

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith A. Raniere
	Art Unit	3715
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

/R.U./	1	Office Action (Mail Date 06/10/2010) for Patent Application No. 10/631,279 - Filing Date 07/31/2003; Attorney Docket No. FIRS.2992; GAU 3715; Confirmation No. 3766.	☐
/R.U./	2	Office Action (Mail Date 07/26/2010) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2; GAU 3715; Confirmation No. 6443.	☐

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EXAMINER SIGNATURE

Examiner Signature	/Robert Utama/	Date Considered	12/28/2010

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Please enter the following amendment prior to examining the previous amendment/response filed October 26, 2010, which was in response to the Office Action mailed July 26, 2010.

In the Claims:

The following claim amendments are based on the claims as filed October 26, 2010, which have been entered but not yet examined.

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and ~~or~~ measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting an initial value for the second parameter; ~~an initial point of efficiency of the subject with respect to the initial measurement of the first parameter~~;

the control system determining a range of tolerance surrounding the initial measurement of the first parameter ~~point of efficiency~~;

a timer for recording an elapsed time of a given activity;

~~the control system setting the second parameter to an initial state;~~

the control system determining for the given activity, a ~~new~~ point of efficiency of the subject by measuring ~~with respect to~~ the first parameter of the subject, the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without

the value of the first parameter exceeding the range of tolerance, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first parameter ~~point of efficiency~~ by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; and

wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition of the given activity.

~~the at least one sensor re-measuring the first parameter at the new point of efficiency to determine a current measurement of the first parameter of the subject; and~~

~~the control system determining a new range of tolerance surrounding the new point of efficiency, and repeatedly training the subject within the new range of tolerance of the new point of efficiency;~~

~~wherein the new point of efficiency is recalculated and changes when the control system repeatedly trains the subject.~~

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Applicant has amended claim 1 during instant prosecution of this patent application. Applicant is not conceding in this patent application that the amended claims, original claims, cancelled claims, and previously withdrawn claims are not patentable over the art cited by the Examiner, since the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the original claims, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 1, 3-6, and 9-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

The Examiner rejected claims 7-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) and in view of Kindermann et al. (Non-Patent Literature), and further in view of Wills (U.S. Patent No. 4,408,183).

Applicants respectfully traverse the §112, 1st ¶ and § 103 rejections with the following arguments:

Interview Summary

Applicant would like to thank the Examiner for his time and consideration throughout the examination of the instant application, and for his time during the telephonic interview. In the telephonic interview with the Examiner on October 26, 2010, Applicant, through its representatives, discussed the merits of the case, including the 112 rejection, and discussed proposed claim amendments.

35 U.S.C. § 112, 1st ¶

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

Applicant respectfully contends that the specification, as originally filed, provides a teaching of the control system repeating the method.

Applicant would like to draw the Examiner's attention to the support provided in the specification. In particular, page 18 of the specification discloses:

> The subject 18 is further trained by *repeating steps* 96 through 112 of FIG. 5. Over a period of time, the subject 18 is able to produce a specific level of performance over an improved period of time. As the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to longer and longer lengths of times 74 as illustrated in point of efficiencies 70E, and 70F (FIG. 3). The subject 18 may also be able to run longer in inefficiency and longer overall. (emphasis added)

Therefore, based on the provided support in the specification, Applicant respectfully requests reconsideration and removal of the rejection based on a lack of written description.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, 3-6, and 9-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicant respectfully contends that claims 1-7 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach the steps of:

> "a performance system, at least one sensor for measuring a first parameter of a subject, wherein the first parameter is a parameter of a subject being trained and measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, wherein the second parameter is a parameter of the performance system, the control system setting an initial value for the second parameter, the control system determining a range of tolerance surrounding the initial measurement of the first parameter, a timer for recording an elapsed time of a given activity, the control system determining for the given activity, a point of efficiency of the subject by measuring the first parameter of the subject, ***the point of efficiency being the maximum value of the second parameter whereby a state of accommodation is maintained, the state of accommodation being maintained as long as the subject trains without the value of the first parameter exceeding the range of tolerance***, wherein the point of efficiency is determined by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial measurement of the first

parameter by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion, ***and wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition of the given activity***." (emphasis added)

In contrast with the claim limitations, Yoshida et al. teach endurance training based upon the intensity as determined by the arterial blood lactate concentration of 4 mmol*l $^{-1}$; therefore, the blood lactate concentration of 4 mmol*l $^{-1}$ should stay the same. Here, when the subject trains to further new points of efficiency, the values of the first parameter increase (or decrease); the value of the first parameter changes while Yoshida et al. teaches a constant physical parameter of the subject. Thus, Yoshida et al. actually teach away from training the subject to achieve a change in value of the first parameter, such as lactic acid concentration, point of efficiency.

Additionally, one having ordinary skill in the art would not be motivated to combine Yoshida et al. with Dardik and Kindermann. Yoshida et al. Kindermann et al. teach a training regimen with a constant intensity, in particular, arterial blood lactate concentration of 4 mmol*l $^{-1}$, is a better measure of the optimal workload intensity for the improvement of cardiorespiratory functions (*i.e.* the optimal training level for endurance). Thus, Yoshida et al. and Kindermann et al. teach training at a particular level of intensity to achieve optimal results, as opposed to exercising just prior to exhaustion. The Examiner asserts that it would have been obvious to

combine the teachings of Yoshida et al. Kindermann et al. with the teachings of Dardik. According to the Examiner, Dardik teach repeatedly providing additional stress to the subject until said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (*e.g.* inducing periods of ischemia). In contrast, Kindermann et al. disclose increasing the speed of a treadmill by 2km/hr every 3 minutes only to reach a target blood lactate level of 4 mmol/l; Kindermann et al. do not teach increasing the speed of the treadmill until just prior to exhaustion. If Kindermann et al. increased the speed of the treadmill to the point of exhaustion, the target blood lactate level would be irrelevant to the training. According to the heart of Kindermann et al., training is optimal at an intensity consonant with a blood lactate concentration of 4 mmol/l. Therefore, one having ordinary skill in the art would simply not be motivated to combine the teachings of Yoshida et al. and Kindermann et al. with the teachings of Dardik. Applicant respectfully contends that these are two very different strategies and theories on improving endurance, and combining the cited references would destroy the very principle of the training regimen.

Furthermore, the combination of the cited references fails to teach Contrary to the claim limitations, the combination of the cited references fail to teach ***repeating the method…wherein the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity such that the point of efficiency is increased to further new points of efficiency, each point of efficiency being a benchmark for the subject's performance during training in the next repetition of the given activity***. In particular, Yoshida et al. state, "[t]raining was performed on a Monark bicycle ergometer for 15 min on 3 days/week for 8 weeks." (page 225) However, the participants in the training regime taught by Yoshida et al.

exercise on the Monark bike for the same amount of time (*i.e.* 15 minutes) every repetition. In stark contrast with the claim limitations, Yoshida et al. teaches that the elapsed time for training on a Monark bicycle remains constant (*e.g.* 15 minutes), which is the exact opposite of the claim 1. The time the subject trains is not constant; it changes each repetition of the method based on the subject training within the range of tolerance surrounding the physical parameter of the subject for an elapsed time at a varying value of the second parameter (e.g. increasing speed of treadmill). Thus, each time the control system trains the subject, ***the recorded length of time between the starting and the stopping of the timer will change (e.g. increase)*** In other words, the length of time the trainable subject remains in a state of accommodation will change (*e.g.* increase or decrease). Because Yoshida et al. teaches that the elapsed time for training on a Monark bicycle remains a constant (*e.g.* 15 minutes), a recalculation or change to the point of efficiency is prevented; the point of efficiency inherently requires a change in the overall elapsed time (*i.e.* from start to finish). Therefore, Yoshida et al. does not teach a recalculation or a change to the point of efficiency due to the fixed length of time of the training regime. Accordingly, Applicant contends that the combination of the references fail to teach each and every element of the claim 1.

Lastly, Applicant would like to draw the Examiner's attention to the support for the limitation "the maximum value of the second parameter at least one of increases and decreases each repetition of the given activity." Because the second parameter may be the speed of the treadmill, the maximum value of the speed of the treadmill just prior to the subject entering a state of inefficiency may increase or decrease each repetition of the method, depending on the subject's performance that method. Moreover, the goal of the subject may be either to increase

the value of the second parameter or decrease the value of the second parameter, depending on what the second parameter measures. For an example of increase, the specification discloses:

> "As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained." (page 13)

For an example of decrease, the specification discloses:

> "Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method." (page 19)

Accordingly, Applicant respectfully requests reconsideration and removal of the obviousness rejection, and further contends that claims 1, 4-6, and 9-13 are in condition for allowance.

The Examiner rejected claims 7-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) and in view of Kindermann et al. (Non-Patent Literature), and further in view of Wills (U.S. Patent No. 4,408,183).

Because claims 7-8 depends from independent claim 1, and claim 1 is novel and non-

obvious, claims 7-8 should likewise be allowed.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: December 20, 2010

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

Electronic Acknowledgement Receipt

EFS ID:	9073057
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	20-DEC-2010
Filing Date:	12-JUL-2006
Time Stamp:	13:57:50
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		2992US3_Preliminary_Amendment_7-26-10.pdf	63505 fb5d156608ffd4e258c50ae0e2b1315da7b387ce	yes	16

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Preliminary Amendment	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	16
Warnings:			
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National Stage of an International Application under 35 U.S.C. 371
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.

New International Application Filed with the USPTO as a Receiving Office
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.

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	12/20/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 11	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/VENICE M. WILLIAMS/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 12/09/2010

SCHMEISER, OLSEN & WATTS
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LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3715	
MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

(1) *Utama, Robert J (examiner)*. (3)_____.

(2) *Olsen, Arlen (applicant's representative)*. (4)_____.

Date of Interview: *26 October 2010*.

Type: a)☐ Telephonic b)☐ Video Conference
c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☐ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *The rejections under 35 U.S.C 112 first paragraph were discussed. Possible amendment languages to overcome the rejection were discussed. No agreement with respect to the patentability of the application was discussed.*.

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

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/ROBERT J UTAMA/ Examiner, Art Unit 3715	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere | Examiner: Utama, Robert J.

Serial No.: 11/457,006 | Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006 | Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Office Action mailed July 26, 2010.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring a first parameter, wherein the first parameter is a parameter of a subject being trained or measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter;

a control system for controlling a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting an initial point of efficiency of the subject with respect to the initial measurement of the first parameter;

the control system determining a range of tolerance surrounding the initial point of efficiency;

a timer for recording an elapsed time of a given activity;

the control system setting the second parameter to an initial state;

the control system determining for the given activity, a new point of efficiency of the subject with respect to the first parameter by repeatedly increasing stress on the subject within the range of tolerance surrounding the initial point of efficiency by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion;

the at least one sensor re-measuring the first parameter at the new point of efficiency to determine a current measurement of the first parameter of the subject; and

the control system determining a new range of tolerance surrounding the new point of efficiency, and repeatedly training the subject within the new range of tolerance of the new point of efficiency;

wherein the new point of efficiency is recalculated and changes when the control system repeatedly trains the subject.

~~the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress;~~

~~the control system determining a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion;~~

~~the control system determining a range of tolerance surrounding the point of efficiency; and~~

~~the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.~~

2-3. (Cancelled)

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Previously Presented) The apparatus of claim 1, wherein the first parameter is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Applicant has amended claim 1 and cancelled claim 3 during instant prosecution of this patent application. Applicant is not conceding in this patent application that the amended claims, original claims, cancelled claims, and previously withdrawn claims are not patentable over the art cited by the Examiner, since the claim amendments are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the original claims, and other claims, in one or more continuations and/or divisional patent applications.

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 1, 3-6, and 9-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

The Examiner rejected claims 7-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) and in view of Kindermann et al. (Non-Patent Literature), and further in view of Wills (U.S. Patent No. 4,408,183).

Applicants respectfully traverse the §112, 1st ¶ and § 103 rejections with the following arguments.

35 U.S.C. § 112, 1st ¶

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the written description requirement.

Applicant respectfully contends that the specification, as originally filed, provides a teaching of repeating the method. For example, the specification supports the limitation, "the control system…repeatedly training the subject within the new range of tolerance of the new point of efficiency, wherein the new point of efficiency is recalculated and changes when the control system repeatedly trains the subject.

Applicant would like to draw the Examiner's attention to the support provided in the specification. In particular, page 18 of the specification discloses:

> The subject 18 is further trained by *repeating steps* 96 through 112 of FIG. 5. Over a period of time, the subject 18 is able to produce a specific level of performance over an improved period of time. As the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to longer and longer lengths of times 74 as illustrated in point of efficiencies 70E, and 70F (FIG. 3). The subject 18 may also be able to run longer in inefficiency and longer overall. (emphasis added)

Therefore, based on the provided support in the specification, Applicant respectfully requests reconsideration and removal of the rejection based on a lack of written description.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, 3-6, and 9-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) in further in view of Kindermann et al. (Non-Patent Literature).

Applicant respectfully contends that claims 1-7 are not obvious and thus patentable over Dardik in view of Yoshida et al and further in view of Kindermann et al. because the combination of the cited references fail to teach each and every element of the claim limitations. For instance, the combination of the cited references fails to teach the steps of:

> "a performance system, at least one sensor for measuring a first parameter, wherein the first parameter is a parameter of a subject being trained or measured by the performance system, the at least one sensor measuring an initial measurement of the first parameter, a control system for controlling a second parameter, wherein the second parameter is a parameter of the performance system, ***the control system setting an initial point of efficiency of the subject with respect to the initial measurement of the first parameter***, the control system determining ***a range of tolerance surrounding the initial point of efficiency***, a timer for recording an elapsed time of a given activity, the control system setting the second parameter to an initial state, the control system determining for the given activity, ***a new point of efficiency*** of the subject with respect to the first parameter by ***repeatedly increasing stress on the subject within the range of tolerance surrounding the initial point of efficiency*** by controlling the second parameter until just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion, the ***at least one sensor re-measuring the first parameter***

at the new point of efficiency to determine a current measurement of the first parameter of the subject, and the control system determining ***a new range of tolerance surrounding the new point of efficiency***, and ***repeatedly training the subject within the new range of tolerance of the new point of efficiency***, wherein the ***new point of efficiency is recalculated and changes*** when the control system repeatedly trains the subject." (emphasis added)

In contrast with the claim limitations, Yoshida et al. teach endurance training based upon the intensity as determined by the arterial blood lactate concentration of 4 mmol*l $^{-1}$; therefore, the blood lactate concentration of 4 mmol*l $^{-1}$ should stay the same. Here, the method is repeated so the value of the current measurement of the first continuous variable at each new point of efficiency changes each repetition of the method. Thus, Yoshida et al. actually teach away from repeating the method to achieve a change in value of the first continuous variable, such as lactic acid concentration.

Additionally, one having ordinary skill in the art would not be motivated to combine Yoshida et al. with Dardik and Kindermann. Yoshida et al. Kindermann et al. teach a training regimen with a constant intensity, in particular, arterial blood lactate concentration of 4 mmol*l $^{-1}$, is a better measure of the optimal workload intensity for the improvement of cardiorespiratory functions (*i.e.* the optimal training level for endurance). Thus, Yoshida et al. and Kindermann et al. teach training at a particular level of intensity to achieve optimal results, as opposed to exercising just prior to exhaustion. The Examiner asserts that it would have been obvious to combine the teachings of Yohsida et al. Kindermann et al. with the teachings of Dardik. According to the Examiner, Dardik teach repeatedly providing additional stress to the subject

until said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (*e.g.* inducing periods of ischemia). In contrast, Kindermann et al. disclose increasing the speed of a treadmill by 2km/hr every 3 minutes only to reach a target blood lactate level of 4 mmol/l; Kindermann et al. do not teach increasing the speed of the treadmill until just prior to exhaustion. If Kindermann et al. increased the speed of the treadmill to the point of exhaustion, the target blood lactate level would be irrelevant to the training, and according to the heart of Kindermann et al., training is optimal at an intensity consonant with a blood lactate concentration of 4 mmol/l. Therefore, one having ordinary skill in the art would simply not be motivated to combine the teachings of Yoshida et al. and Kindermann et al. with the teachings of Dardik. Applicant respectfully contends that these are two very different strategies and theories on improving endurance, and combining the cited references would destroy the very principle of the training regimen.

Furthermore, the combination of the cited references fails to teach the control system determining a new range of tolerance surrounding the new point of efficiency, and repeatedly training the subject within the new range of tolerance of the new point of efficiency, wherein the new point of efficiency is recalculated and changes when the control system repeatedly trains the subject. In particular, Yoshida et al. state, "[t]raining was performed on a Monark bicycle ergometer for 15 min on 3 days/week for 8 weeks." (page 225) However, the participants in the training regime taught by Yoshida et al. exercise on the Monark bike for the same amount of time (*i.e.* 15 minutes) every repetition. The claim limitations require that the new point of efficiency will be recalculated and changes when the control system repeatedly trains a subject. Thus, each time the control system trains the subject, ***the recorded length of time between the***

starting and the stopping of the timer will change (e.g. increase) In other words, the length of time the trainable subject remains in a state of accommodation will change (*e.g.* increase). In stark contrast with the claim limitations, Yoshida et al. teaches that the elapsed time for training on a Monark bicycle remains a constant (*e.g.* 15 minutes), which prevents any recalculation or change of the new point of efficiency because a change in the new point of efficiency inherently requires a change in the overall elapsed time (*i.e.* from start to finish). For instance, "[a]s the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to longer and longer lengths of times 74 as illustrated in point of efficiencies 70E, and 70F (FIG. 3)." (instant specification, page 18) Because Yoshida et al. does not teach a recalculation or a change to the new point of efficiency due to the fixed length of time of the training regime, Yoshida et al. fail to teach the step of the control system repeatedly training the subject within the new range of tolerance of the new point of efficiency, as required by the claim limitations.

Furthermore, the Examiner acknowledges that Dardik fail to teach "the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance..."(Office Action 7/26/10, page 4) The Examiner then introduces Yoshida et al. in an attempt to prove that the combination of the cited references teach this particular element of the claim limitations. Specifically, the Examiner asserts that the training regime of Yoshida et al. teach the claim limitations because Yoshida et al. discloses an incremental test wherein there is a 25 watt incremental loading every minute until volitional exhaustion. However, the claim limitations now require the control system determining for the given activity, a new point of efficiency of

the subject with respect to the first parameter ***by repeatedly increasing stress*** on the subject ***within the range of tolerance surrounding the initial point of efficiency***.

Moreover, the Examiner acknowledges that Yoshida et al. fails to disclose training the trainable subject within the range of tolerance (or tolerance function) of the point of efficiency. (Office Action 7/26/10, page 5) However, the claim limitations require training the subject within the range of tolerance for an initial point of efficiency and within a new range of tolerance for a new point of efficiency. The Examiner combines the teachings of Yoshida et al. with Kindermann, asserting that Kindermann teaches training the trainable subject within the range of tolerance. However, Kindermann fails to teach a range of tolerance surrounding both an initial point of efficiency and a new point of efficiency as a current measurement is measured by the at least one sensor, with respect to a first parameter to determine the new point of efficiency.

Accordingly, Applicant respectfully request reconsideration and removal of the obviousness rejection, and further contend that claims 1, 4-6, and 9-13 are in condition for allowance.

The Examiner rejected claims 7-8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dardik (U.S. Patent No. 6,702,720), in view of Yoshida et al. (Non-Patent Literature) and in view of Kindermann et al. (Non-Patent Literature), and further in view of Wills (U.S. Patent No. 4,408,183).

Because claims 7-8 depends from independent claim 1, and claim 1 is novel and non-obvious, claims 7-8 should likewise be allowed.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: October 26, 2010

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

Electronic Acknowledgement Receipt

EFS ID:	8704142
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	26-OCT-2010
Filing Date:	12-JUL-2006
Time Stamp:	15:05:26
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		2992US3_Response_OA_7-26-10.pdf	60883 81c6f0bb5b7bb4a311b3594e80243112ab673eaa	yes	14

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	14
Warnings:			
Information:			
	Total Files Size (in bytes):	60883	

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.

New Applications Under 35 U.S.C. 111
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.

National Stage of an International Application under 35 U.S.C. 371
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.

New International Application Filed with the USPTO as a Receiving Office
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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	10/26/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 11	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DIANE FLOYD/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	11457006
	Filing Date	2006-07-12
	First Named Inventor	Keith A. Raniere
	Art Unit	3715
	Examiner Name	Robert J. Utama
	Attorney Docket Number	FIRS.2992US3-NY

	1	Office Action (Mail Date 06/10/2010) for Patent Application No. 10/631,279 - Filing Date 07/31/2003; Attorney Docket No. FIRS.2992; GAU 3715; Confirmation No. 3766.	☐
	2	Office Action (Mail Date 07/26/2010) for Patent Application No. 11/456,976 - Filing Date 07/12/2006; Attorney Docket No. FIRS.2992US2; GAU 3715; Confirmation No. 6443.	☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	11457006
Filing Date	2006-07-12
First Named Inventor	Keith A. Raniere
Art Unit	3715
Examiner Name	Robert J. Utama
Attorney Docket Number	FIRS.2992US3-NY

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2010-09-10
Name/Print	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.**

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	8393387
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	10-SEP-2010
Filing Date:	12-JUL-2006
Time Stamp:	14:20:43
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	Information Disclosure Statement (IDS) Filed (SB/08)	2992US3_IDS_09-10-10.pdf	620431 a91c204e7f06e9ef6cc19a52903103630e6a42d4	no	4

Warnings:	
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A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.

Total Files Size (in bytes):	620431

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 07/26/2010

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
07/26/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1, 3-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 06/01/2010. The current status of the application is as follows: claims 1, 3-13 are still pending and claim 2 has been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/01/2010 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. However, the specification, as originally submitted on 07/21/2006, does not provide a teaching repeating the training method and recalculating the point of efficiency.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1, 3-6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardik 6,702,720, in view of Yoshida et al (NPL) and further in view of Kinderman (NPL)**

Claims 1: The Dardik reference provides a teaching of:

- A performance system (see col. 4:55-57 "exerciser 20");
- At least one sensor for measuring a first parameter, wherein the first parameter is a parameter of a subject being a trained or measured by the performance system (see col. 5:10-25);
- The at least one sensor measures an initial measurement of the first parameter and re-measuring the first parameter (see col. 5:40-50).
- The control system for controlling a second parameter, wherein the second parameter is a parameter of the control system (see col. 6:5-15)
- the control system determining and further comprising said control system including a device to determine a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion and the control system determining a range of tolerance surrounding the point of efficiency (see col. 9:55-67)

While the Dardik reference provides a teaching of a control system, it fails to provide a teaching of

"the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is to train or measure the subject within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress";

and

"the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion".

However, the Yoshida reference provides a teaching of the control system repeating increasing stress on the subject and the sensor repeating re- measuring the first parameter while the subject is to train or measure the subject within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress (see page 224 "Incremental Test") and the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion (see page 225 "training regimen). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of "the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is to train or measure the subject within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress, as taught by Yoshida, in order to provide an effective training regimen.

The Yoshida fails to provide a teaching of training the trainable subject within the range of tolerance of the point of efficiency. However, the Kindermann reference provides a teaching of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes (see page 29). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of training the subject within said range of tolerance of the point of efficiency so the duration the subject can maintain the point of efficiency changes, as taught by Yoshida, in order to provide an effective training regimen.

While the Dardik reference does not explicitly teaches "the at least one sensor measuring an initial measurement of the first parameter", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 3: The Dardik reference a timer for recording an elapsed time (see col. 5:60-6:5).

Claim 4: The Dardik reference provides a teaching a control system further comprising a memory device (see col. 5:23-25). While the Dardik reference is silent on the limitation of "for storing information and data other than the first and second parameters", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 5: The Dardik reference provides a teaching a display device (see col. 10:15-20). While the Dardik reference is silent on the limitation of "for displaying the information and data other than the first and second parameters for the memory device", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 6: The Dardik reference provides a teaching of a control system comprising an output port (see FIG 1 item 81). While the "transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer", the examiner interpret such limitation as an intended use limitation that does not cause a structural differences. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims 9 and 10: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of chemical activity profile (see col. 7:25-30 "oxygenation level").

Claim 11: The Dardik reference provides a teaching of physical parameter is selected from the group consisting of heart rate (see col. 8:20-25 "circadian heart wave").

Claim 12: The Dardik reference provides a teaching where the performance system further includes a device selected from the group of a computer (see FIG. 1 item 82).

Claim 13: The Dardik reference provides a teaching where the transmission system is selected from the group of an internet (see col. 5:35-40).

8. **Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dardik 6,702,720, in view of Yoshida et al (NPL) and in view of Kindermann et al (NPL) and further in view of Wills US 4,408,183**

Claims 7-8: While the Dardik reference provides a teaching of a computer, the Dardik reference provides a teaching of an input system for allowing an operator to enter commands into the control system and where the input is a keypad. The Willis reference provides a teaching of an input system for allowing an operator to enter commands into the control system and the control system is a keypad (see Willis col. 2:1-17). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of allowing an operator to enter commands into the control system and where the input is a keypad, as taught by Willis, in order to provide operation command to the apparatus.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-13 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on 9-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Notice of References Cited	Application/Control No. 11/457,006	Applicant(s)/Patent Under Reexamination RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Kindermann et al. "The Significance of an Anerobic-anaerobic Transition for the Determiniation of Work Load Intensities During Endurance Training." Eur J. Appl. Physiol 42, page 25-34, 1979.
	V	Yoshida et al. "Endurance Training Regimen Based Upon Arterial Blood Lactate: Effects on Anaerobic Threshold" Eur J Appl Physiol 1982 page 223-230
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2675	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S2	299	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:19
S3	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 10:55
S4	15	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:15
S5	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S6	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S7	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 11:17
S8	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:09
S9	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 13:10
S10	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:36
S11	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:39
S12	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 14:45
S13	184	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:16

S14	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/01 16:17
S15	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:23
S16	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S17	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S18	32605	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S19	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 16:29
S20	35	"Raniere".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/06/04 17:21
S21	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 14:37
S22	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:32
S23	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:35
S24	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S25	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:36
S26	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:37
S27	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43
S28	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:43

S29	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:44
S30	8	software adj testing and boundary adj condition	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:45
S31	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 15:48
S32	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S33	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S34	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S35	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:56
S36	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S37	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 16:58
S38	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
S39	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 17:03
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S41	2700	stress adj testing	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S42	302	stress adj testing and heart adj rate	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S43	2	(("5485176") or ("20030175672")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S44	16	cardiac adj tolerance	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S45	0	cardiac near5 safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S46	2	cardiac with safety and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S47	44	exercise and (safety adj range)	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S48	1	("5,308,300").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S49	25	(optimum adj (heart adj rate))	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S50	1	("20030006903").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S51	4	"993,374".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S52	1	("6652284").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S53	187	white adj board and sports	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S54	41	white adj board and sports and hand adj held	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S55	80	("4296756").PN. OR ("4463764").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S56	0	anabolic adj threshold and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S57	2	anabolic adj threshold	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S58	33030	exercise and machine	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S59	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
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S61	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S62	7	"464590".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S63	11	"6210116"	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S64	1	"6210116".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S65	1	"6210166".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S66	1	"5927988".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S67	4	"978194".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S68	0	"METHOD AND DEVICE FOR ENHANCING THE RECOGNITION OF SPEECH AMONG SPEECH-IMPAIRED INDIVIDUALS".TI.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
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S71	1	("6413098").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S72	589	(434/323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26

S73	427	434/156.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S74	223	434/156.ccls. and block	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S75	64	434/156.ccls. and block and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S76	36	(434/156-157).ccls. and card and wireless	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S77	9	(434/156-157).ccls. and card and remote adj control	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S78	1	("5485176").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
S79	119	("4136336" | "4839634" | "4862152" | "4862497" | "4890096" | "4933544" | "5250930").PN. OR ("5485176").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:26
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S81	86	(434/247).ccls. and computer and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:29
S82	1	("5001632").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:31
S83	94	("4149716" | "4278095" | "4358118" | "4408613" | "4512566" | "4512567" | "4530499" | "4542897" | "4630817" | "4637605" | "4643421" | "4709917" | "4711447" | "4720789" | "4735410" | "4751642" | "4790528").PN. OR ("5001632").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:32
S84	76	("3240947" | "4313602" | "4408183" | "4408613" | "4438921" | "4443008").PN. OR ("4542897").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/13 23:33

S85	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2010/07/16 13:37

EAST Search History (Interference)

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7/17/2010 2:06:49 PM
C:\Documents and Settings\rutama\My Documents\work\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009					
	1	✓	✓	✓	✓					
	2	✓	-	-	-					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	✓					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12	✓	✓	✓	✓					
	13	✓	✓	✓	✓					

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11457006	Filing Date	2006-07-12	Docket Number (if applicable)	FIRS.2992US3	Art Unit	3715
First Named Inventor	Keith A. Raniere			Examiner Name	Robert J. Utama		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 190513

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2010-06-01
Name	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.114. 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 12 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Applicant requests entry of the following amendment, and consideration of the following remarks.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring ~~at least one~~ a first parameter, wherein the first parameter is a parameter of a subject being trained or measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter; ~~and~~

a control system for controlling ~~at least one~~ a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting the second parameter to an initial state;

the control system increasing stress on the subject by controlling the second parameter;

the sensor re-measuring the first parameter;

the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is ~~to train or measure the subject~~ within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress[,];

the control system determining ~~and further comprising said control system including a device to determine~~ a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion ~~causing the at least one parameter of the subject to vary outside of a functional tolerance~~;

the control system determining a range of tolerance surrounding the point of efficiency; and

the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Currently Amended) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Currently Amended) The apparatus of claim 1, wherein the ~~at least one~~ first parameter ~~of the subject~~ is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

The Examiner has rejected claims 1, and 3-13 under 35 U.S.C. § 112, 1st ¶ as allegedly failing to comply with the enablement requirement.

The Examiner rejected claim 1, 3-5, 7, 9 and 11-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720).

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Melton et al. (U.S. Patent No. 4,542,897).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Stratton et al.

The Examiner rejected claim 6 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Watterson et al.

Applicants respectfully traverse the §112, 1st ¶ and § 103 rejections with the following arguments.

35 U.S.C. 112

The Examiner has rejected Claims 1 and 3-13 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has stated that "The specification do not provide steps or algorithm that would enable one of ordinary skilled in the art to identify and define a function tolerance, when a particular parameter is outside the functional tolerance or how to identify the functional tolerance with respect to the work subjected." (Office Action, page 2)

Applicant has amended claim 1 by removing the term "functional tolerance".

Furthermore, the Examiner stated in the Advisory Action dated April 27, 2010 that Applicant has removed the offending limitation, and has withdrawn the enablement rejection. Therefore, the rejection of claims 1 and 3-13 under 35 §U.S.C. 112, 1st ¶ is no longer a ground for rejection.

35 U.S.C. 103

The Examiner rejected claim 1, 3-5, 7, 9 and 11-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claim 1

Hall-Tipping describes an exercise device such as an exercise bike that is hooked up to a video game. The video game acts to keep the user exercising at a predetermined heart rate range. The heart rate range is determined by the formula: 70% to 80-85% of 220 subtracted by the user's age. The user is led by the video game through a warm up, exercise and a cool down. In order to keep the user's heart rate within the given range, the video game either speeds up or slows down the characters in the game. The speed of the user's character is controlled by how fast the user pedals on the bike. If the user's character is pursuing a character in the game, and the user's heart rate drops too low, then the character that the user's character is pursuing may speed up so that the user has to pedal the bike faster.

Nowhere in Hall-Tipping is it taught or even suggested that a point of efficiency should be determined, which is specific to the subject's fitness level and that a range of tolerance surrounding this point of efficiency should be used to train the subject. Further Hall-Tipping fails to suggest that this range of tolerance and point of efficiency should be recalculated each time the subject is trained. Amended claim 1, however, states "the control system increasing stress on the subject by controlling the second parameter; the sensor re-measuring the first parameter; the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress; the control system determining a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; the control system determining a range of tolerance surrounding the point of efficiency; and the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." Support for these amendments can be found in Fig. 4 of the specification and Page 12, line 15 through Page 16, line 9.

As discussed above, Hall-Tipping uses a predetermined heart rate range that is calculated based on the user's age. This predetermined heart rate range is used every time the subject exercises. It does not change as the user's physical condition improves. As described in amended claim 1, repeated above, the present invention calculates a point of efficiency and determines a range of tolerance surrounding the point of efficiency and then "the control system

repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." Nowhere does Hall-Tipping teach or even suggest altering the heart rate range or range of tolerance each time the subject trains.

The Dardik reference fails to remedy the shortcomings of the Hall-Tipping reference. Dardik discloses a method of training subjects in order to make them more resistant to heart attacks and the like. Dardik's method of training involves exercise along with oxygen deprivation caused by the subject holding their breath or failing to inhale after exhaling. The training system is designed so that at predetermined intervals something happens such as oxygen deprivation or increased workout strain that causes the subject's blood oxygen levels to vary.

Nowhere in Dardik is it disclosed or suggested, as described in amended claim 1 and repeated above, to calculate a point of efficiency and determine a range of tolerance surrounding the point of efficiency and then "the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." No where in Dardik is calculating a point of efficiency and range of tolerance suggested, let alone altering that point of efficiency and range of tolerance each time the subject trains. Dardik does suggest tailoring the

training to the subject, however, it is not suggested that this training is re-tailored before each training session as is required by claim 1.

Therefore Claim 1 is allowable over Hall-Tipping in view of Dardik. Claims 3-13 are also allowable as depending from allowable claim 1.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Melton et al. (U.S. Patent No. 4,542,897).

Because claim 8 depends from independent claim 1, and claim 1 is novel and non-obvious, claim 8 should likewise be allowed.

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Stratton et al.

Because claim 10 depends from independent claim 1, and claim 1 is novel and non-obvious, claim 10 should likewise be allowed.

The Examiner rejected claim 6 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall-Tipping (U.S. Patent No. 5,001,632) in view of Dardik (U.S. Patent No. 6,702,720), and further in view of Watterson et al.

Because claims 6 and 13 depend from independent claim 1, and claim 1 is novel and non-obvious, claims 6 and 13 should likewise be allowed.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: June 1, 2010

/Arlen L. Olsen/
Arlen L. Olsen
Registration No. 37,543
Customer No. 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
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(518) 220-1850

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Caterina Tuminello
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	65	65

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**470**

Electronic Acknowledgement Receipt

EFS ID:	7717562
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	01-JUN-2010
Filing Date:	12-JUL-2006
Time Stamp:	12:51:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$470
RAM confirmation Number	9252
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	2992US3_RCE_6-1-10.pdf	797441 8a4d09a6d08540e807f5b17e039b4ae51e7ad5d1	no	3
Warnings:					
Information:					
2		2992US3_PreliminaryAmendment_6-1-10.pdf	52017 1866493be50caddf15d3cc919b980727d14c34bc	yes	13

Multipart Description/PDF files in .zip description

Document Description	Start	End
Preliminary Amendment	1	1
Claims	2	5
Applicant Arguments/Remarks Made in an Amendment	6	13

Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	31989 7017592eb4750bf1134197130745fe0014788227	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	881447		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	06/01/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 12	Minus	** 20	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $110 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/SHARON HARRIS/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 04/27/2010

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3715	
MAIL DATE	DELIVERY MODE
04/27/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/457,006	**Applicant(s)** RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	**Art Unit** 3715	

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

THE REPLY FILED 05 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1, 3-13*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Continuation of 3. NOTE: With respect to applicant's argument that the after final amendment should be entered under 37 C.F.R 1.116(a). The examiner respectfully disagrees. The applicant has not submitted the fee set forth in § 1.17(e) .
With respect to applicant's argument that the after final amendment should be submitted under 37 C.F.R 1.116(b). The examiner respectfully disagree. After final amendment can be entered under 1.116(b) if the applicant can show:

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;
(2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or
(3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

In this particular case, the applicant has not met any of the requirment stated under 1.116(b). The amendment presented 04/07/2010, do not meet any of the requirement. The amendment do not cancel any claims or complies with any requirement that expressly set forth in the previous office action. The amendment do not place the claim in a better form for appeal, since the amendment includes newly amended claim limitations that has not been previously presented that require new search and consideration. The applicant has not met the burden of sufficient reason to show why the amendment is nescessary since the newly amended claim limitations
require new search and consideration.
.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to applicant's argument on the rejection of claims 1-8 under 35 U.S.C 101; applicant's argument are directed towards the newly added claim limitation.
WIth respect to applicant's argument on the rejection of claim 1-8 under 35 USC 112, first paragraph; applicant's amendment has removed the offending limitation. The examiner withdraws the rejection.
With respect to applicant's argument on the rejection of claim 1-8 under 35 U.S.C 103 over Hall-Tipping and in view of Dardik, applicant's arguments are directed to the newly added claim limitation. The examiner would need to perform new search in order to determine the patentability of the newly presented limitation..

DO NOT ENTER
04/12/2010
/RU/

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring ~~at least one~~ a first parameter, wherein the first parameter is a parameter of a subject being trained or measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter; ~~and~~

a control system for controlling ~~at least one~~ a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting the second parameter to an initial state;

the control system increasing stress on the subject by controlling the second parameter;

the sensor re-measuring the first parameter;

the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is ~~to train or measure the subject~~ within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress[,];

the control system determining ~~and further comprising said control system including a device to determine~~ a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion ~~causing the at least one parameter of the subject to vary outside of a functional tolerance~~;

the control system determining a range of tolerance surrounding the point of efficiency; and

the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Currently Amended) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Currently Amended) The apparatus of claim 1, wherein the ~~at least one~~ first parameter ~~of the subject~~ is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere

Examiner: Utama, Robert J.

Serial No.: 11/457,006

Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006

Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Final Office Action mailed January 4, 2010.

Applicant respectfully requests reconsideration of the application in view of the following:

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

Remarks/Arguments begin on page 6 of this paper.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring ~~at least one~~ a first parameter, wherein the first parameter is a parameter of a subject being trained or measured by the performance system;

the at least one sensor measuring an initial measurement of the first parameter; ~~and~~

a control system for controlling ~~at least one~~ a second parameter, wherein the second parameter is a parameter of the performance system;

the control system setting the second parameter to an initial state;

the control system increasing stress on the subject by controlling the second parameter;

the sensor re-measuring the first parameter;

the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is ~~to train or measure the subject~~ within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress[,];

the control system determining ~~and further comprising said control system including a device to determine~~ a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion ~~causing the at least one parameter of the subject to vary outside of a functional tolerance~~;

the control system determining a range of tolerance surrounding the point of efficiency; and

the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion.

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Currently Amended) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the first and second parameters.

5. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the first and second parameters from the memory device.

6. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the first and second parameters from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Currently Amended) The apparatus of claim 1, wherein the ~~at least one~~ first parameter ~~of the subject~~ is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Telephone Interview

Applicant's attorneys wish to thank the Examiner for his courtesy and time during a telephone interview that was held on February 26th, 2010. The Examiner's comments and insights were very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

35 U.S.C. 112

The Examiner has rejected Claims 1 and 3-13 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has stated that "The specification do not provide steps or algorithm that would enable one of ordinary skilled in the art to identify and define a function tolerance, when a particular parameter is outside the functional tolerance or how to identify the functional tolerance with respect to the work subjected." (Office Action, page 2)

Applicant has amended claim 1 by removing the term "functional tolerance". Applicant believes that this amendment overcomes the Examiner's rejection and that claim 1 is now allowable. However, should the Examiner still feel that claim 1 fails to meet the enablement requirement, the rejection is respectfully traversed for at least the following reasons.

The enablement requirement of § 112 is satisfied when an application describes a claimed invention in a manner that permits one of ordinary skill to practice it, without undue experimentation. (MPEP § 2164.01). Thus, the mere fact that experimentation *might* be required is insufficient to support an enablement rejection. Further, even complex experimentation is not necessarily undue. (MPEP § 2164.01).

Applicant respectfully submits that no experimentation is required to make and use the invention of claims 1 and 3-13. Nonetheless, even if experimentation might be required, it would not be undue. In this regard, it is important to be mindful that the question of enablement is one of predictability in view of what is known in the art. Consequently, the amount of guidance or direction needed to satisfy the enablement requirement is inversely related to the amount of knowledge in the state of the art as well as the predictability in the art. (MPEP § 2164.03).

The specific question of whether experimentation is "undue" is determined based on the following eight Wands factors:

1. Breadth of the claims;
2. Nature of the invention;
3. State of the prior art;
4. Level of ordinary skill in the art;
5. Predictability of the art;
6. Amount of direction provided in the specification;
7. Any working examples; and
8. Quantity of experimentation needed relative to the disclosure.

(MPEP § 2164.01(a), citing In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988)). Further, a proper analysis of whether any experimentation is undue requires an analysis of all of the pertinent Wands factors. (MPEP § 2164.01(a))(emphasis added). It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. (Id.).

The Examiner has not shown a prima facie case of nonenablement as only one factor was discussed in the office action. In particular, the office action only discusses the scope of disclosure in the specification. Therefore, the rejection of claims 1 and 3-13 under 35 U.S.C. 112 should be withdrawn.

35 U.S.C. 103

Claims 1, 3-5, 7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping US 5,001,632 in view of Dardik US 6,702,720.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claim 1

Hall-Tipping describes an exercise device such as an exercise bike that is hooked up to a video game. The video game acts to keep the user exercising at a predetermined heart rate range. The heart rate range is determined by the formula: 70% to 80-85% of 220-the user's age. The user is led by the video game through a warm up, exercise and a cool down. In order to keep the user's heart rate within the given range, the video game either speeds up or slows down the characters in the game. The speed of the user's character is controlled by how fast the user

pedals on the bike. If the user's character is pursuing a character in the game, and the user's heart rate drops too low, then the character that the user's character is pursuing may speed up so that the user has to pedal the bike faster.

No where in Hall-Tipping is it taught or even suggested that a point of efficiency should be determined, which is specific to the subject's fitness level and that a range of tolerance surrounding this point of efficiency should be used to train the subject. Further Hall-Tipping fails to suggest that this range of tolerance and point of efficiency should be recalculated each time the subject is trained. Amended claim 1, however, states "the control system increasing stress on the subject by controlling the second parameter; the sensor re-measuring the first parameter; the control system repeating increasing stress on the subject and the sensor repeating re-measuring the first parameter while the subject is within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress; the control system determining a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion; the control system determining a range of tolerance surrounding the point of efficiency; and the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." Support for these amendments can be found in Fig. 4 of the specification and Page 12, line 15 through Page 16, line 9.

As discussed above, Hall-Tipping uses a predetermined heart rate range that is calculated based on the user's age. This predetermined heart rate range is used every time the subject

exercises. It does not change as the user's physical condition improves. As described in amended claim 1, repeated above, the present invention calculates a point of efficiency and determines a range of tolerance surrounding the point of efficiency and then "the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." No where does Hall-Tipping teach or even suggest altering the heart rate range or range of tolerance each time the subject trains.

The Dardik reference fails to remedy the shortcomings of the Hall-Tipping reference. Dardik discloses a method of training subjects in order to make them more resistant to heart attacks and the like. Dardik's method of training involves exercise along with oxygen deprivation caused by the subject holding their breath or failing to inhale after exhaling. The training system is designed so that at predetermined intervals something happens such as oxygen deprivation or increased workout strain that causes the subject's blood oxygen levels to vary.

No where in Dardik is it disclosed or suggested, as described in amended claim 1 and repeated above, to calculate a point of efficiency and determine a range of tolerance surrounding the point of efficiency and then "the control system repeatedly training the subject within the range of tolerance by increasing stress on the subject and re-measuring the first parameter until a new point of efficiency is determined, said point of efficiency occurring just prior to the first parameter leaving the range of tolerance, and the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion." No where in Dardik is

calculating a point of efficiency and range of tolerance suggested, let alone altering that point of efficiency and range of tolerance each time the subject trains. Dardik does suggest tailoring the training to the subject, however, it is not suggested that this training is re-tailored before each training session as is required by claim 1.

Therefore Claim 1 is allowable over Hall-Tipping in view of Dardik. Claims 3-13 are also allowable as depending from allowable claim 1.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

Request to Admit the Amendment

Applicant believes that the foregoing amendment, complies with the Examiner's requirement of form and further believes that this amendment, presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment.

However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claims 1 and 3-13, and provides the necessary details to particularly and distinctly claim the subject matter the applicant regards as his invention. The amendment was not previously presented as it was unintentionally omitted from Applicant's most recent response. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier

presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: April 5, 2010

/Arlen L. Olsen/

Arlen L. Olsen
Registration No. 37,543
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Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

Electronic Acknowledgement Receipt

EFS ID:	7350280
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	05-APR-2010
Filing Date:	12-JUL-2006
Time Stamp:	14:47:07
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		2992US3_FinalOfficeActionResponse_1-4-2010.pdf	58412 20006fd72f27f5038afce82fe8dd9cdf6254a19c	yes	13

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment After Final	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	13
Warnings:			
Information:			
	Total Files Size (in bytes):	58412	

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.

New Applications Under 35 U.S.C. 111
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.

National Stage of an International Application under 35 U.S.C. 371
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.

New International Application Filed with the USPTO as a Receiving Office
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 03/10/2010

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
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LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
03/10/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

(1) *Utama, Robert J. (examiner)*.

(2) *Mosser, Kathleen (Primary Examiner)* .

(3)*Olsen, Arlen (Reg number 37,543)*.

(4)*Russel, Teri (Observer)*.

Date of Interview: *26 February 2010*.

Type: a)☒ Telephonic b)☐ Video Conference
c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *1*.

Identification of prior art discussed: *Hall-Tipping US 5,001,632 and Dardik US 6,702,720*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

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

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Kathleen Mosser/ Primary Examiner, Art Unit 3715	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

———

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant's representative started the discussion with an argument against the rejection on claim 1, 4-8, 17-20 under 35 U.S.C 112 first and second paragraph. The applicant's representative explained that support for enablement in the specification on page 19 line 17- 21 line 15). The examiner respectfully disagreed. However, the examiner explained the rejection under 35 U.S.C 112 first and second paragraph can be overcome by amending the claim. The examiner advised that additional steps from the specification be amended into the claim limitation (see figure 4 item 82-86). The examiner argued that that the addition of these steps would overcome the rejection and would help with the prior art interpretation. No agreement with respect to the patentability of the claim was reached during the course of the interview. .

.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 01/04/2010

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EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
01/04/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1 and 3-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 09/24/2009. The current status of the application is as follow: claims 1, 3-13 are still pending and claim 2 has been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. . Claim 1 requires that a point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering state of inefficiency causing the at least one continuous variable to vary outside the functional tolerance. The specification do not provide steps or algorithm that would enable one of ordinary skilled in the art to identify and define a functional tolerance, when a particular parameter is outside the functional tolerance or how to identify the functional tolerance with respect to the work subjected. As such, the examiner takes the position that specification provided failed to provide support and enablement with respect to the "functional tolerance" limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 3-5, 7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping US 5,001,632 in view of Dardik US 6,702,720

Claim 1: The Hall-Tipping reference provide a teaching of an apparatus comprising of: a performance system (see col. 3:5-10 "bicycle, treadmill"); At least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system (see col. 3:65-69 "speed sensor") and a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation in which the subject is able to accommodate additional stress (see FIG 1 item 12) and for acquiring at least one parameter of the subject from at least one sensor (see col. 6:1-5 "heart rate"). However, the Hall-Tipping reference fails to provide a teaching where the control system includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary outside a functional tolerance. However the Dardik patent provides a teaching of a control system that includes a device to includes a device to determine

a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary outside a functional tolerance (see col. 7:40-8:10). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of a control system that includes a device to includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary differently then before, as taught by Dardik, since it allow the individual to be trained in optimal condition (see abstract).

Claim 3: The Hall-Tipping reference provides a teaching of a timer for recording the elapsed time (see col. 7:1-14 "T_t elapsed time").

Claim 4: The Hall-Tipping reference provides a teaching of a memory system for storing information and data other than the parameter (see col. 4:64-69 "game in the ROM").

Claim 5: The Hall-Tipping reference provides a teaching of a display for displaying information and data other than parameter from the memory device (see FIG 1 item 10 "video game character").

Claim 7: The Hall-Tipping reference provides a teaching of an input device for allowing an operator to enter command into the control system (see col. 4:35-40 and FIG 1 item 22"Input Interface").

Claim 9 and 11: The Hall-Tipping reference provides a teaching wherein the parameter of the subject is a physical parameter (see col. 5:64-6:9 "heart rate").

Claim 12: The Hall-Tipping reference provides a teaching where the performance system includes a device selected from a computer (see FIG 1 item 12 "Microprocessor").

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping, in view of Dardik US 6,702,720 and further in view of Melton et al US 4,542,897.

Claim 8: While the Hall-Tipping reference provides a teaching of an input device, the reference is silent on the exact type of the input device. Furthermore, The Hall-Tipping reference does not provide a teaching where the input device is selected from the group that contains a keyboard.

However, the Melton et al provides a teaching where the input device is selected from the group that contains a keyboard (see col. 5:10-20). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of having input device is selected from the group that contain a keyboard, as taught by the Melton et al, in order to allow the user to input his/her information and other information to the exercise device.

8. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Dardik US 6,702,720 and further in view of in view of Stratton et al.**

Claim 10: The Hall Tipping reference does not provide a teaching of at least one physical parameter of blood pressure. However, the Stratton teaches that one of the physical parameter selected is the subject blood pressure (see Stratton page 1649 under the heading "Data Collection and Processing). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of least one physical parameter of blood pressure, as taught by Stratton et al, because it would enable the system to better analyze the user's physical activity level.

9. **Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping, in view of Dardik US 6,702,720 and further in view of Watterson et al US 6,997,852.**

Claim 6: The Hall-Tipping reference does not provide a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer.

However, the Watterson reference provides a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer (see col.

Claim 13: The Hall-Tipping reference does not provide a teaching of having a transmission line that is selected from the internet. However the Watterson reference provides a teaching of a having a transmission line that is selected from the internet (see col. 10:15-30). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of having a transmission line that is selected from the internet, as taught by Watterson, in order to motivate the user at his/her exercise routine, work with the trainer in order to optimize his/her exercise schedule or to safely monitor the exercise routine (see col. 42:10-40).

Response to Arguments

10. With respect to applicant's argument to the rejection of claim 1-8 under 35 U.S.C 112 first paragraph; the applicant argues that the amendment of " causing the at least one continuous variable to vary outside of a functional tolerance" is sufficient to overcome the rejection. The examiner respectfully disagrees. The current specification does not provide any teaching that can be used by one of ordinary skilled in the art to identify a functional tolerance of a subject and the method that can be use by one of ordinary skilled in the art to identify the range that can be considered to be outside of the functional parameter. It is also unclear what is meant to what is actually meant by a parameter (such as heart rate, perspiration rate of a human) to be outside the functional tolerance of a subject.

11. With respect to applicant's argument to the rejection of claim 1-8 under 35 U.S.C 103(a); the applicant argues that the Hall-Tipping and Dardik reference fails to provide a

teaching "where the state of accommodation state end when a point of efficiency is reached just prior to the subject no longer able to accommodate additional stress and enter a states of inefficiency." The applicant argues that the Dardik reference does not train a subject a state of accommodation and that the no longer able to accommodate additional stress and enter a states of inefficiency. However, the Dardik reference provides such teaching. The Dardik reference show where the subject is no longer able to accommodate more stress (see col. 3:15-20). The applicant also argues that the Dardik reference does not provide a teaching of "... at least one continuous variable to vary outside the functional tolerance." The examiner notes that the current specification has not put special meaning to the limitation of "functional tolerance". The Dardik reference provides a teaching of having an ischemic episodes and ischemic incident, which can clearly be interpreted as a parameter that a parameter that goes outside its functional tolerance (see 7:60-68). An ischemic episode, an incident where the supply of blood to some body part is deficient (see Merriam Webster Dictionary), is clearly an incident that is outside one normal functional tolerance. As such, the examiner takes the position that applicant's argument submitted on 09/24/2009 is not sufficient to overcome the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	568	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/08/31 17:34
S2	1	("5618182").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/08/31 17:03
S3	18	("4798543" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" | "5421730").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/08/31 17:03
S4	1090	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/08/31 17:49
S5	1	("5437553").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/01 14:03
S6	690	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/01 14:03
S7	8853	(scor$5 near5 percent $5)	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:11
S8	568	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/01 14:46

S9	1090	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/01 14:46
S10	111	(scor$5 near5 percent $5) and (S8 or S9)	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/01 14:46
S11	8728	(correct$5 near5 percent$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:11
S12	690	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:11
S13	568	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:11
S14	1093	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:11
S15	174	(correct$5 near5 percent$5) and (S14 or S12 or S13)	US-PGPUB; USPAT; USOCR	OR	OFF	2007/09/06 15:12
S16	7874	hint or review and 434/350.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/02/14 14:35
S17	415	(hint or review) and 434/350.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/02/14 14:35
S18	509	(hint or review) and 434/322-323.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/02/14 14:39
S19	76	(hint near5 question) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/02/14 14:50
S20	103	(hint near5 question) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2008/02/14 14:50
S21	29	((study adj guide) or (review adj material)) and (computer with testing)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 11:30
S22	863	434/307R	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 13:04
S23	724	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 13:04

S24	1	("5618182").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 13:11
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S26	183	(repeat$5 with question$5) AND (repeat$5 with incorrect$5)	US-PGPUB; USPAT; USOCR	OR	ON	2008/07/07 13:30
S27	48	((answer adj choice)) and (computer with testing)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:14
S28	39	("3546791" | "4337047" | "4358273" | "4592546" | "4593904" | "4798543" | "4829431" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5259766" | "5267865" | "5302132" |	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:15

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S29	14	((answer adj choice)) with explanation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:15
S30	491	(answer with explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:15
S31	139	(answer with explanation) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:17
S32	572	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:21
S33	724	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:21
S34	1159	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:21
S35	19	("3981087" | "4486180" | "4593904" | "4684349" | "4820167" | "5035625" | "5178545" | "5204813" | "5219291").PN. OR ("5632624").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:23
S36	0	(all with explanation) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:24
S37	0	(all with rationale) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:24

S38	491	(answer with explanation) and (rationale or explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:25
S39	108	(answer with explanation) and (rationale or explanation) and (multiple adj choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:26
S40	121	(answer with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:26
S41	58	((incorrect or wrong) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:32
S42	56	((choice) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:34
S43	0	((each near5 choice) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:38
S44	0	((each near5 choice) with (rationale or explanation)) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:39
S45	0	((each near5 choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:39
S46	0	((each with choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:39
S47	0	((all with choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:39
S48	139	((answer or chioce) with (rationale or explanation)) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 16:39

S49	2431	(computer and testing) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 17:14
S50	1401	(computer and testing) and (multiple adj choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 17:14
S51	442	(computer and testing) and (multiple adj choice) and (explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 17:14
S52	46	(computer and testing) and (multiple adj choice) and ((explanation or rationale) near5 answer)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 17:14
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S55	41	("3546791" | "4798543" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" | "5421730" |	US-PGPUB; USPAT; USOCR	OR	OFF	2008/07/07 17:24

		"5618182").PN. OR ("5885087").URPN.				
S56	591	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S57	1	("5618182").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S58	18	("4798543" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" | "5421730").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S59	1273	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S60	1	("5437553").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S61	813	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S62	12315	(scor$5 near5 percent $5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S63	591	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S64	1273	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S65	133	(scor$5 near5 percent $5) and (S63 or S64)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

S66	10838	(correct$5 near5 percent$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S67	813	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S68	591	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S69	1273	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S70	198	(correct$5 near5 percent$5) and (S69 or S67 or S68)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S71	10205	hint or review and 434/350.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S72	489	(hint or review) and 434/350.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S73	598	(hint or review) and 434/322-323.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S74	90	(hint near5 question) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S75	143	(hint near5 question) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/30 14:38
S76	38	((study adj guide) or (review adj material)) and (computer with testing)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S77	955	434/307R	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S78	813	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S79	1	("5618182").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

S80	57	("4798543" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" | "5421730").PN. OR ("5618182").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S81	199	(repeat$5 with question$5) AND (repeat$5 with incorrect$5)	US-PGPUB; USPAT; USOCR	OR	ON	2009/12/30 14:38
S82	52	((answer adj choice)) and (computer with testing)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S83	42	("3546791" | "4337047" | "4358273" | "4592546" | "4593904" | "4798543" | "4829431" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5259766" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" |	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

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S84	14	((answer adj choice)) with explanation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S85	577	(answer with explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S86	153	(answer with explanation) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S87	591	(434/307R).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S88	813	(434/362).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S89	1273	(434/322-323).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S90	20	("3981087" | "4486180" | "4593904" | "4684349" | "4820167" | "5035625" | "5178545" | "5204813" | "5219291").PN. OR ("5632624").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S91	0	(all with explanation) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S92	0	(all with rationale) and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S93	577	(answer with explanation) and (rationale or explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

S94	120	(answer with explanation) and (rationale or explanation) and (multiple adj choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S95	137	(answer with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S96	65	((incorrect or wrong) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S97	60	((choice) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S98	0	((each near5 choice) with explanation) and (rationale or explanation) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S99	0	((each near5 choice) with (rationale or explanation)) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S100	0	((each near5 choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S101	0	((each with choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S102	0	((all with choice) with (rationale or explanation))	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S103	156	((answer or chioce) with (rationale or explanation)) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S104	3039	(computer and testing) and (multiple with choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

S105	1673	(computer and testing) and (multiple adj choice)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S106	529	(computer and testing) and (multiple adj choice) and (explanation)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S107	52	(computer and testing) and (multiple adj choice) and ((explanation or rationale) near5 answer)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S108	59	(testing) and (multiple adj choice) and ((explanation or rationale) near5 answer)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S109	20	("3981087" | "4486180" | "4593904" | "4684349" | "4820167" | "5035625" | "5178545" | "5204813" | "5219291").PN. OR ("5632624").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38
S110	45	("3546791" | "4798543" | "4867685" | "5002491" | "5018082" | "5033969" | "5035625" | "5178545" | "5204813" | "5211563" | "5218537" | "5228859" | "5257185" | "5267865" | "5302132" | "5306154" | "5310349" | "5316485" | "5421730" | "5618182").PN. OR ("5885087").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:38

S111	2	(("5001632") or ("6702720")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/12/30 14:39

12/30/2009 3:55:01 PM
C:\Documents and Settings\rutama\My Documents\work\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE ON MULTIPLE-CHOICE EXAMS.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU
Search updated	12/30/2009	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009	12/30/2009					
	1	✓	✓	✓	✓					
	2	✓	-	-	-					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	✓					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12	✓	✓	✓	✓					
	13	✓	✓	✓	✓					

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	595	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:49
S2	158	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:50
S3	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:15
S4	45	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:51
S5	50	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:22
S6	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:17
S7	12	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:27
S8	2777	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S9	3305	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S10	875	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S11	235	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58

S12	36	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 14:04
S13	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:14
S14	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15
S15	14	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15
S16	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:17
S17	12	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:51
S18	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:54
S19	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:55
S20	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:00
S21	166	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:16
S22	422	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:49
S23	20	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:51
S24	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S25	546	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S26	259	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:58

S27	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S28	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S29	36	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S30	92	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S31	70	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S32	5	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S33	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S34	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:23
S35	32	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:36
S36	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:25
S37	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:26
S38	607	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S39	166	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S40	3363	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S41	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S42	429	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59

S43	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S44	704	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S45	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53
S46	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53
S47	70	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:54
S48	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S49	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S50	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S51	46	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S52	54	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S53	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S54	17	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S55	2951	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S56	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S57	943	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S58	273	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S59	43	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S60	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S61	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S62	29	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S63	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S64	27	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S65	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S66	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S67	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S68	182	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S69	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S70	30	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S71	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S72	590	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S73	280	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S74	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S75	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S76	38	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S77	107	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S78	84	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S79	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S80	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S81	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S82	37	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S83	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S84	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S85	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S86	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S87	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S88	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S89	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S90	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S91	725	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S92	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S93	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S94	72	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S95	1	("6554776").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 14:25
S96	12	("3895630" | "4463764" | "5297558" | "5410472" | "6176241" | "6387053"). PN. OR ("6554776").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 14:26
S97	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S98	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S99	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S100	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S101	59	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S102	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S103	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S104	3164	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S105	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S106	1005	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S107	304	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S108	47	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S109	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S110	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S111	31	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S112	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S113	28	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S114	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S115	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S116	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S117	199	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S118	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S119	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S120	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S121	645	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S122	301	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S123	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S124	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S125	39	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S126	115	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S127	91	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S128	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S129	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S130	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S131	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S132	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S133	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S134	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S135	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S136	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S137	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S138	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S139	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S140	779	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S141	0	"434"/$3.clss. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S142	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S143	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S144	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S145	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S146	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S147	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S148	59	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S149	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S150	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S151	3164	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S152	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S153	1005	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S154	304	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S155	47	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S156	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S157	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S158	31	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S159	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S160	28	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S161	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S162	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S163	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S164	199	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S165	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S166	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S167	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S168	645	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S169	301	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S170	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S171	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S172	39	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S173	115	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S174	91	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S175	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S176	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S177	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S178	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S179	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S180	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S181	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S182	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S183	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S184	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S185	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S186	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S187	779	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S188	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S189	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S190	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S191	1600	exercise and exhaustion	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:00
S192	28	exercise and (exhaustion with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:00
S193	240	exercise and (exhaustion with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:03
S194	1	("4,984,158").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:06
S195	462	exercise and (fatigue with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09
S196	246	exercise and (fatigue with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09
S197	158	exercise and (fatigue with detect$5) and computer	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09
S198	3464614	METHOD AND APPARATUS FOR IMPROVING PERFORMANCE	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:45
S199	2849	heart adj rate and dangerous	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:46
S200	985	heart adj rate and dangerous and exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:46
S201	57	heart adj rate and dangerous and exercise and exhaustion	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:46
S202	37	("3554187" | "3572321" | "3832994" | "4319241" | "4409985" | "4475558").PN. OR ("4622980").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:47
S203	1	("6702720").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/15 17:51
S204	1	("20050244804").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/16 12:59

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C:\Documents and Settings\rutama\My Documents\work\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE (11456976).wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere | Examiner: Utama, Robert J.

Serial No.: 11/457,006 | Group Art Unit: 3715 / Conf. No. 6491

Filed: 07/12/2006 | Docket No.: FIRS.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Office Action mailed June 24, 2009. Applicant respectfully requests reconsideration of the application in view of the following:

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system; and

a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation, in which the subject is able to accommodate additional stress ~~not overly stressed~~, and further comprising said control system including a device to determine a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary ~~differently than before~~outside of a functional tolerance.

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the parameter.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the parameter from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the parameter from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Original) The apparatus of claim 1, wherein the at least one parameter of the subject is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength,

electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

35 U.S.C. 112

The Examiner has rejected Claims 1 and 3-13 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has stated that "Claim 1 requires that a point of efficiency is determine by determining a point where the at least one parameter of the subject vary differently then before. The specification do not provide steps or algorithm that would enable one of ordinary skilled in the art to identify when the parameter of the subject vary differently then before." (Office Action, page 2)

Applicant has amended claim 1 to read "said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary ~~differently than before~~outside of a functional tolerance". Support for this amendment can be found on page 10 lines 20-23 of the specification. Applicant believes that this amendment overcomes the Examiner's rejection and that claim 1 is now allowable. However, should the Examiner still feel that claim 1 fails to meet the enablement requirement, the rejection is respectfully traversed for at least the following reasons.

The enablement requirement of § 112 is satisfied when an application describes a claimed invention in a manner that permits one of ordinary skill to practice it, without undue experimentation. (MPEP § 2164.01). Thus, the mere fact that experimentation *might* be required is insufficient to support an enablement rejection. Further, even complex experimentation is not necessarily undue. (MPEP § 2164.01).

Applicant respectfully submits that no experimentation is required to make and use the invention of claims 1 and 3-13. Nonetheless, even if experimentation might be required, it would not be undue. In this regard, it is important to be mindful that the question of enablement is one of predictability in view of what is known in the art. Consequently, the amount of guidance or direction needed to satisfy the enablement requirement is inversely related to the amount of knowledge in the state of the art as well as the predictability in the art. (MPEP § 2164.03).

The specific question of whether experimentation is "undue" is determined based on the following eight Wands factors:

1. Breadth of the claims;

2. Nature of the invention;

3. State of the prior art;

4. Level of ordinary skill in the art;

5. Predictability of the art;

6. Amount of direction provided in the specification;

7. Any working examples; and

8. Quantity of experimentation needed relative to the disclosure.

(MPEP § 2164.01(a), citing In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988)). Further, a proper analysis of whether any experimentation is undue requires an analysis of all of the pertinent Wands factors. (MPEP § 2164.01(a))(emphasis added). It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. (Id.).

The Examiner has not shown a prima facie case of nonenablement as only one factor was discussed in the office action. In particular, the office action only discusses the scope of disclosure in the specification. Therefore, the rejection of claims 1 and 3-13 under 35 U.S.C. 112 should be withdrawn.

Applicant thus respectfully requests favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112 for claim 1 and dependent claims 3-13.

The Examiner has also objected to the phrase "not overly stressed". Applicant has therefore removed this phrase and amended claim 1 to state "in which the subject is able to accommodate additional stress." Support for this amendment can be found on page 10 line 24 – page 11 line 7. Applicant believes that this overcomes the Examiner's rejection and requests favorable action.

The Examiner has also stated that the limitation of "... causing the at least one parameter of the subject to vary differently than before" can also be interpreted as a relative term which renders the claim indefinite. Applicant has amended claim 1 to read "the at least one parameter of the subject to vary ~~differently than before~~outside of a functional tolerance". This limitation can no longer be considered indefinite as varying outside of a functional tolerance is not relative but well defined. Therefore, claim 1 is now in allowable condition.

Claims 3-13 should be allowed as they depend from allowable claim 1.

35 U.S.C. 103

Claims 1, 3-5, 7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping US 5,001,632 in view of Dardik US 6,702,720.

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claim 1

Claim 1 has been amended to read "a linear proportional state of accommodation, in which the subject is able to accommodate additional stress ~~not overly stressed~~". The Examiner has asserted that Hall-Tipping US 5,001,632 (hereinafter "Hall-Tipping) discloses "a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation in which the subject is not overtly stressed," at Fig. 1 item 12. Hall-Tipping simply illustrates a microprocessor at this reference. Hall-Tipping does not disclose "a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation, in which the subject is not overly stressed," or "a linear proportional

state of accommodation, in which the subject is able to accommodate additional stress" (as the claim now reads) at Fig. 1 item 12 or anywhere else in the reference. Hall-Tipping discloses a system for training a subject in which a character in a video game represents the subject. The subject operates a piece of exercise equipment such as a stationary bike. The subject's heart rate is measured throughout the training. If the subject's heart rate falls below a predetermined level, then the villain in the video game speeds up in order to motivate the subject to exercise harder and raise their heart rate. Similarly, if the subject's heart rate gets higher than a predetermined level, then the villain slows down allowing the subject to slow down. Hall-Tipping does not disclose "a linear proportional state of accommodation, in which the subject is able to accommodate additional stress". In Hall-Tipping the subject is being trained in a predetermined range. The range may be too high for the subject and the subject may be operating in a state where they are unable to accommodate additional stress. Therefore, even giving Hall-Tipping the broadest reading possible, it does not disclose or even suggest that the subject be trained in a linear proportional state of accommodation in which the subject is able to accommodate additional stress as required by the amended claim 1.

Further, the Examiner has admitted that "the Hall-Tipping reference fails to provide a teaching where the control system includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary differently then before." (Office Action page 4). The Examiner has used Dardik US 6,702,720 (hereinafter "Dardik") in order to reject this aspect of claim 1. However, Dardik does

not disclose or even suggest that a state of accommodation ends when a point of efficiency is reached, "said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary differently than before" (claim 1 has been amended to read "vary ~~differently than before~~outside of a functional tolerance").

Dardik discloses a method of training subjects in order to make them more resistant to heart attacks and the like. Dardik's method of training involves exercise along with oxygen deprivation caused by the subject holding their breath or failing to inhale after exhaling. The training system is designed so that at predetermined intervals something happens such as oxygen deprivation or increased workout strain that causes the subject's blood oxygen levels to vary. Dardik does not train a subject in a state of accommodation and then determine the end of the state by a reading taken from the subject as described in claim 1. Instead, Dardik manufactures variation in blood oxygen levels through manipulation of different variables in the workout. The closest that Dardik comes to disclosing said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary outside of a functional tolerance, is a discussion of thresholds. These thresholds, however, are simply different levels of oxygen deprivation at which the different organs in the body can be preconditioned. A level may correspond to the kidneys, liver, and the like. No where in Dardik is it disclosed or even suggested that a subject should be trained in a state of accommodation that ends when a point of efficiency is reached, said point of

efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary outside of a functional tolerance.

Dardik also fails to disclose or suggest "a linear proportional state of accommodation, in which the subject is able to accommodate additional stress". Therefore, Dardik fails to remedy the short comings of Hall-Tipping and claim 1 is allowable.

Claims 3-13 are allowable as depending from allowable claim 1.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: September 24, 2009

/Arlen L. Olsen/
Arlen L. Olsen
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Electronic Acknowledgement Receipt

EFS ID:	6137104
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Caterina Tuminello
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	24-SEP-2009
Filing Date:	12-JUL-2006
Time Stamp:	13:21:09
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		2992US3_OfiiceActionResponse_06242009.pdf	55565 6d4d406e8bc232cf47ead8d2691b990ca8fbe257	yes	12

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	4
	Applicant Arguments/Remarks Made in an Amendment	5	12
Warnings:			
Information:			
	Total Files Size (in bytes):	55565	

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.

New Applications Under 35 U.S.C. 111
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.

National Stage of an International Application under 35 U.S.C. 371
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.

New International Application Filed with the USPTO as a Receiving Office
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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 06/24/2009

SCHMEISER, OLSEN & WATTS
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LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1 and 3-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03/25/2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 03/25/2009. The current status of the application is as follow: claims 1, 3-13 are still pending and claim 2 has been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/25/2009 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 requires that a point of efficiency is determine by determining a point where the at least one parameter of the subject vary differently then before. The specification do not provide steps or algorithm that would enable one of ordinary skilled in the art to identify when the parameter of the subject vary differently then before. The

applicant has shown how the parameter of the subject can vary over time (see specification on page 16 line 1-7). However, the specification is not clear how one of ordinary skilled in the art can identify one parameter variation as being sufficiently different then before in order to meet the claim limitation of ".... point of efficiency is determine by determining a point where the at least one parameter of the subject vary differently then before".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 requires that the subject is not overtly stress. The term "not overtly stress" in claim 1 is a relative term which renders the claim indefinite. The term "not overtly stress" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The limitation seems to imply that the subject must be exposed to certain amount of stress, however, the specification and claim limitation is not clear on how one of ordinary skilled in the art can determine the appropriate amount of stress stimulus to be applied that cause the user or the subject to be stressed and yet qualify to not be overly stress.

7. Secondly, the limitation of "at least one parameter of the subject to vary differently then before" can also be interpreted as a relative term which renders the claim indefinite. The limitation in the claim is not clear on how one of ordinary skilled in the art can determine how much variation in at least one parameter can occur or should occur before a determination of point of efficiency can occur.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1, 3-5, 7, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping US 5,001,632 in view of Dardik US 6,702,720

Claim 1: The Hall-Tipping reference provide a teaching of an apparatus comprising of: a performance system (see col. 3:5-10 “bicycle, treadmill”); At least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system (see col. 3:65-69 “speed sensor”) and a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation in which the subject is not overtly stressed (see FIG 1 item 12) and for acquiring at least one parameter of the subject from at least one sensor (see col. 6:1-5 "heart rate"). However, the Hall-Tipping reference fails to provide a teaching where the control system includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary differently then before. However the Dardik patent provides a teaching of a control

system that includes a device to includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary differently then before (see col. 7:40-8:10). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of a control system that includes a device to includes a device to determine a point of efficiency said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress causing the one parameter to vary differently then before, as taught by Dardik, since it allow the individual to be trained in optimal condition (see abstract).

Claim 3: The Hall-Tipping reference provides a teaching of a timer for recording the elapsed time (see col. 7:1-14 "T_t elapsed time").

Claim 4: The Hall-Tipping reference provides a teaching of a memory system for storing information and data other than the parameter (see col. 4:64-69 "game in the ROM").

Claim 5: The Hall-Tipping reference provides a teaching of a display for displaying information and data other than parameter from the memory device (see FIG 1 item 10 "video game character").

Claim 7: The Hall-Tipping reference provides a teaching of an input device for allowing an operator to enter command into the control system (see col. 4:35-40 and FIG 1 item 22"Input Interface").

Claim 9 and 11: The Hall-Tipping reference provides a teaching wherein the parameter of the subject is a physical parameter (see col. 5:64-6:9 "heart rate").

Claim 12: The Hall-Tipping reference provides a teaching where the performance system includes a device selected from a computer (see FIG 1 item 12 "Microprocessor").

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping, in view of Dardik US 6,702,720 and further in view of Melton et al US 4,542,897.

Claim 8: While the Hall-Tipping reference provides a teaching of an input device, the reference is silent on the exact type of the input device. Furthermore, The Hall-Tipping reference does not provide a teaching where the input device is selected from the group that contains a keyboard.

However, the Melton et al provides a teaching where the input device is selected from the group that contains a keyboard (see col. 5:10-20). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of having input device is selected from the group that contain a keyboard, as taught by the Melton et al, in order to allow the user to input his/her information and other information to the exercise device.

12. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Dardik US 6,702,720 and further in view of in view of Stratton et al.**

Claim 10: The Hall Tipping reference does not provide a teaching of at least one physical parameter of blood pressure. However, the Stratton teaches that one of the physical parameter selected is the subject blood pressure (see Stratton page 1649 under the heading "Data Collection and Processing). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of least one physical parameter of blood pressure, as taught by Stratton et al, because it would enable the system to better analyze the user's physical activity level.

13. **Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping, in view of Dardik US 6,702,720 and further in view of Watterson et al US 6,997,852.**

Claim 6: The Hall-Tipping reference does not provide a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer.

However, the Watterson reference provides a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer (see col.

Claim 13: The Hall-Tipping reference does not provide a teaching of having a transmission line that is selected from the internet. However the Watterson reference provides a teaching of a having a transmission line that is selected from the internet (see col. 10:15-30). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of having a transmission line that is selected from the internet, as taught by Watterson, in order to motivate the user at his/her exercise routine, work with the trainer in order to optimize his/her exercise schedule or to safely monitor the exercise routine (see col. 42:10-40).

Response to Arguments

14. Applicant's arguments with respect to claims 1, 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Notice of References Cited	Application/Control No. 11/457,006	Applicant(s)/Patent Under Reexamination RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,702,720	03-2004	Dardik, Irving I.	482/13
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008	06/17/2009						
	1	✓	✓	✓						
	2	✓	-	-						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner
search updated	6/16/2009	RU

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L2	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L3	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L4	48	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L5	60	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L6	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L7	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L8	3227	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L9	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L10	1022	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L11	315	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L12	51	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L13	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L14	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L15	32	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L16	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L17	29	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L18	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L19	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L20	20	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L21	203	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L22	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L23	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L24	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L25	658	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L26	307	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L27	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L28	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L29	41	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L30	117	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L31	93	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L32	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L33	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L34	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L35	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L36	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L37	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L38	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L39	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L40	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L41	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L42	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L43	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L44	792	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L45	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L46	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L47	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L48	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L49	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L50	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L51	48	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L52	60	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L53	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L54	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L55	3227	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L56	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L57	1022	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L58	315	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L59	51	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L60	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L61	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L62	32	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L63	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L64	29	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L65	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L66	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L67	20	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L68	203	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L69	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L70	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L71	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L72	658	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L73	307	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L74	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L75	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L76	41	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L77	117	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L78	93	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L79	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L80	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L81	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L82	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L83	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L84	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L85	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L86	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L87	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L88	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L89	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L90	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L91	792	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L92	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L93	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02

L94	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:02
L95	1	("6554776").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L96	12	("3895630" | "4463764" | "5297558" | "5410472" | "6176241" | "6387053"). PN. OR ("6554776").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L97	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L98	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L99	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L100	48	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L101	60	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L102	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L103	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L104	3227	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L105	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L106	1022	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L107	315	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L108	51	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L109	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L110	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L111	32	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L112	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L113	29	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L114	0	exhaustion and (stress adj training) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L115	5	exhaustion and (stress adj testing) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L116	20	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L117	203	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L118	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L119	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L120	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L121	658	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L122	307	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L123	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L124	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L125	41	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L126	117	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L127	93	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L128	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L129	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L130	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L131	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L132	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L133	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L134	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L135	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L136	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L137	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L138	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L139	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L140	792	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L141	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L142	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L143	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L144	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L145	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L146	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L147	48	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L148	60	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L149	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L150	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L151	3227	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L152	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L153	1022	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L154	315	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L155	51	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L156	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L157	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L158	32	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L159	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L160	29	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L161	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L162	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L163	20	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L164	203	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L165	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L166	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L167	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L168	658	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L169	307	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L170	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L171	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L172	41	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L173	117	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L174	93	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L175	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L176	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L177	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L178	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L179	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L180	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L181	641	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L182	196	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L183	3850	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L184	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L185	510	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L186	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L187	792	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03

L188	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L189	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L190	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L191	1606	exercise and exhaustion	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L192	28	exercise and (exhaustion with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L193	240	exercise and (exhaustion with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L194	1	("4,984,158").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L195	463	exercise and (fatigue with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L196	247	exercise and (fatigue with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
L197	158	exercise and (fatigue with detect$5) and computer	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/17 15:03
S1	595	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:49
S2	158	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:50
S3	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:15

S4	45	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:51
S5	50	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:22
S6	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:17
S7	12	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:27
S8	2777	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S9	3305	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S10	875	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S11	235	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S12	36	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 14:04
S13	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:14
S14	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15

S15	14	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15
S16	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:17
S17	12	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:51
S18	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:54
S19	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:55
S20	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:00
S21	166	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:16
S22	422	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:49
S23	20	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:51
S24	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S25	546	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S26	259	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:58
S27	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S28	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S29	36	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52

S30	92	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S31	70	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S32	5	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S33	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S34	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:23
S35	32	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:36
S36	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:25
S37	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:26
S38	607	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S39	166	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S40	3363	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S41	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S42	429	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S43	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S44	704	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S45	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53

S46	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53
S47	70	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:54
S48	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S49	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S50	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S51	46	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S52	54	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S53	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S54	17	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S55	2951	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S56	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S57	943	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S58	273	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S59	43	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S60	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S61	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S62	29	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S63	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S64	27	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S65	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S66	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S67	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S68	182	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S69	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S70	30	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S71	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S72	590	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S73	280	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S74	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S75	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S76	38	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S77	107	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S78	84	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S79	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S80	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S81	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S82	37	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S83	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S84	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S85	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S86	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S87	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S88	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S89	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S90	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S91	725	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S92	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S93	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S94	72	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S95	1	("6554776").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 14:25
S96	12	("3895630" | "4463764" | "5297558" | "5410472" | "6176241" | "6387053"). PN. OR ("6554776").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 14:26
S97	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S98	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S99	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S100	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S101	59	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S102	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S103	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S104	3164	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S105	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S106	1005	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S107	304	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S108	47	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S109	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S110	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S111	31	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S112	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S113	28	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S114	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S115	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S116	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S117	199	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S118	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S119	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S120	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S121	645	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S122	301	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S123	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S124	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S125	39	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S126	115	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S127	91	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S128	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S129	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S130	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S131	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S132	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S133	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S134	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S135	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S136	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S137	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S138	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S139	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S140	779	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S141	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S142	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S143	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S144	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S145	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S146	13	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S147	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S148	59	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S149	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S150	18	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S151	3164	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S152	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S153	1005	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S154	304	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S155	47	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S156	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S157	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S158	31	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S159	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S160	28	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S161	0	exhaustion and (stress adj training) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S162	5	exhaustion and (stress adj testing) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S163	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S164	199	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S165	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S166	35	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S167	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S168	645	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S169	301	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S170	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S171	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S172	39	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S173	115	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S174	91	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S175	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S176	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S177	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S178	46	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S179	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36

S180	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S181	635	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S182	191	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S183	3779	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S184	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S185	499	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S186	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S187	779	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S188	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S189	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S190	76	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/04/15 15:36
S191	1600	exercise and exhaustion	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:00
S192	28	exercise and (exhaustion with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:00

S193	240	exercise and (exhaustion with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:03
S194	1	("4,984,158").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:06
S195	462	exercise and (fatigue with determin$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09
S196	246	exercise and (fatigue with detect$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09
S197	158	exercise and (fatigue with detect$5) and computer	US-PGPUB; USPAT; USOCR	OR	OFF	2009/06/02 15:09

6/ 17/ 2009 3:11:01 PM
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Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (03-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11/457,006	Filing Date	2006-07-12	Docket Number (if applicable)	FIRS.2992US3	Art Unit	3715
First Named Inventor	Keith A. Raniere			Examiner Name	Robert J. Utama		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 190513

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (03-09)
Approved for use through 03/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Signature of Registered U.S. Patent Practitioner			
Signature	/Arlen L. Olsen/	Date (YYYY-MM-DD)	2009-03-25
Name	Arlen L. Olsen	Registration Number	37543

This collection of information is required by 37 CFR 1.114. 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 12 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere | Examiner: Utama, Robert J.

Serial No.: 11/457,006 | Group Art Unit: 3715 /Conf. No.: 6491

Filed: 07/12/2006 | Docket No.: FIRST.2992US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Final Office Action mailed November 26, 2008. Applicant respectfully requests a one (1) month extension, the fee for which is included herewith, and reconsideration of the application in view of the following:

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims begin on page 7 of this paper.

Amendments to the Drawings are described on page 10 of this paper and the amended drawings are included in the **Appendix** beginning on page 16 of this paper.

Remarks/Arguments begin on page 11 of this paper.

In the Specification:

On page 12 please amend the last paragraph which starts at line 7 and continues to line 20 on page 13 to read:

FIG. 2A illustrates a graph of the parameter 34 versus a speed of a treadmill 66. As mentioned above, the parameter 34, which can be a physical, emotional, or mental parameter, may include any suitable measurement of (e.g., heart rate, turnover rate, respiration rate, blood pressure, VO_2, etc.) of a subject 18. The turnover rate is the number of times each foot 64A, 64B of the subject 18 strikes the belt 16 of the treadmill 12 per minute. VO_2 is the oxygen capacity of the body of the subject 18. The graph of FIG. 2A illustrates the treadmill speed 66 being increased while a physical parameter 34, such as heart rate, is measured. In this example, as the treadmill speed 66 is increased, the heart rate varies approximately (within tolerance 69) linearly with treadmill speed in a state of accommodation 68. A state of accommodation 68, as FIG. 2A depicts, is the value at which the physical parameter 34 does not notably change in variation beyond a given functional tolerance 69. A functional tolerance 69 can be a function of time, for example, or of any one, or more, parameters. In the state of accommodation 68, the subject 18 is adjusting to the treadmill speed 66 without being overly stressed. As the treadmill speed 66 is increased, a point of efficiency 70 is reached. As the treadmill speed 66 is increased beyond the point of efficiency 70, the physical parameter 34 (e.g., heart rate, etc.) notably changes along the graph line 72. Just beyond the point of efficiency 70, the subject's 18 body and/or emotions and mind, measured through the body, no longer can accommodate additional stress and enters a state of inefficiency causing the physical parameters 34 to vary differently (e.g., more rapidly change, less

rapidly change) than before. As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained.

On page 13, please amend the last paragraph which starts at line 21 and continues to line 9 on page 14 to read:

FIG. 2B illustrates a graph comparing a parameter 34, in this case, turnover rate versus the speed of the treadmill 66. In this case, the turnover rate varies proportionally with the speed of the treadmill 66, within certain pre-determined tolerances 69. At a certain turnover rate a point of efficiency 70 is reached. Beyond the point of efficiency 70 the turnover rate is longer in the same proportion to the speed of the treadmill 66. That is the turnover rate is accelerating, or deaccelerating, compared to treadmill speed 66. As training is continued with this method, however, the point of efficiency 70 is increased to further new points of efficiency 70C, 70D.

On page 14, please amend the second paragraph which begins at line 10 and continues to page 16 line 9, to read:

FIG. 3 illustrates a graph of the parameter 34 versus time 74. In this example, the treadmill speed 66 is maintained at a constant speed for exercising the subject 18. For a length of time denoted "T", the physical parameter 34, such as respiration rate, remains substantially linear, within a predetermined functional tolerance 69. In this state of accommodation 68A, the subject's body 18 is adjusting to the stress of exercising over

the length of time 74. As time increases, a point of efficiency 70A is reached. For exercise beyond this point of efficiency 70A, the physical parameters 34 notably change along the graph line 72A. Above the point of efficiency 70A, the subject 18 no longer can accommodate additional stress and enters a state of inefficiency causing the physical parameters 34 to markedly change. The speed of the treadmill now drives the graph (i.e., point of inefficiency is driven by machine parameter variation. That is the subject 18, not being able to effectively accommodate the level of stress, becomes more reactive to the machine variance). Note that sometimes the state of inefficiency can simply be the inability to continue the activity, by setting the tolerance 69 wide enough. This is often the case with running (i.e., runner must stop) or weight training (i.e., weight can no longer be lifted). As the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to, in this case, longer and longer lengths of times 74 (i.e., moves in some direction along the parameter graph) as illustrated in point of efficiencies 70E, and 70F. For the physical parameter 34 to markedly or notably change, the physical parameter 34 is no longer consistent or substantially consistent. For the physical parameter 34 to remain consistent or substantially consistent, the physical parameter 34 must stay within certain predefined, possibly parameter variation-related (functional), tolerances 69. Depending on which physical parameter 34 is being measured, the predefined tolerance 69 may vary. For example, the tolerance 69 may be set at +/- 2% of the value of the physical parameter 34. Thus, in the aforementioned example, as long as the physical parameter 34 stays within +/- 2% of a value, the subject 18 is still within a state of accommodation 68. These tolerances 69 can also be functions of time. In an alternative embodiment, the training may results in a shortening of the length of time that

the subject is in a state of accommodation 68. For example, in weightlifting, the time the body needs to rest and recuperate between lifting sets would be shortened through successive training.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system; and

a control system for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation, in which the subject is not overly stressed, and ~~a range of tolerance, wherein~~ further comprising said control system includ[es]ing a device to determine a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary differently than before. ~~when the linear proportional rate of change in the at least one parameter of the subject being trained varies rapidly outside of the state of accommodation and the range of tolerance.~~

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the parameter.

5. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the parameter from the memory device.

6. (Previously Presented) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the parameter from the memory device out to a printer or a remote computer.

7. (Previously Presented) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Previously Presented) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Original) The apparatus of claim 1, wherein the at least one parameter of the subject is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

Amendments to the Drawings:

The drawings have been amended in order to provide an identifying number of 69 for the tolerance.

REMARKS

Telephone Interview

Applicant's attorneys wish to thank the Examiner for his courtesy and time during a telephone interview that was held on March 13, 2009. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

Amendments to the Specification

Amendments were made to the specification in order to reflect the addition of the number 69 on the drawings to indicate "tolerance".

Amendments to the Drawings

Amendments were made to Figs 2A, 2B and 3 in order to provide identifying indicia for "tolerance" which was previously shown on the drawings, but which did not have a number.

35 U.S.C. 102(b)

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 3-5, 7, 9 and 11-12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hall-Tipping US 5,001,632. Applicant respectfully traverses the §102(b) rejections with the following amendments and arguments.

With Regards to Independent Claim 1

Hall-Tipping describes an exercise device such as an exercise bike that is hooked up to a video game. The video game acts to keep the user exercising at a predetermined heart rate. The heart rate is determined by using the formula: 220-the user's age. The user is led by the video game through a warm up, exercise and a cool down. In order to keep the user's heart rate within the given range, the video game either speeds up or slows down the characters in the game. The speed of the user's character is controlled by how fast the user pedals on the bike. If the user's character is pursuing a character in the game, and the user's heart rate drops too low, then the character that the user's character is pursuing may speed up so that the user has to pedal the bike faster.

Claim 1 has been amended in order to better illustrate the differences between the applicant's invention and Hall-Tipping. Claim 1 describes an apparatus comprising a performance system; a sensor and a control system. The control system, as amended, is "for controlling at least one parameter of the performance system to train or measure the subject within a linear proportional state of accommodation, in which the subject is not overly stressed, and further comprising said control system includ[es]ing a device to determine a point of efficiency, said point of efficiency occurring just prior to the subject no longer being able to accommodate additional stress and entering a state of inefficiency or exhaustion causing the at least one parameter of the subject to vary differently than

before. " Support for these amendment can be found on page 13 at lines 9-14 and lines 4-5. Support for the term "exhaustion" can be found on page 18 at line 14.

Nowhere in Hall-Tipping is it suggested that the user be exercised to the point of exhaustion. In fact, Hall-Tipping specifically avoids exercising the user to a point of exhaustion. In Col. 5, at Lines 60-63, Hall-Tipping states that they are encouraging "an exerciser to stay above the minimum recommended aerobic level, but at the same time not exceed the maximum aerobic level."

Therefore, claim 1 is patentable over Hall-Tipping.

Dependant claims 3-5, 7, 9 and 11-12 are patentable because they depend from allowable claim 1.

35 U.S.C. 103

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Hall-Tipping in view of Melton et al US 4,542,897. Claim 8 is patentable because it depends from allowable claim 1.

Regarding Doctrine of Equivalents

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

Request to Admit the Amendment

Applicant believes that the foregoing amendment, complies with the Examiner's requirement of form and further believes that this amendment, presents the rejected

claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment.

However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claims 1, and 3-13, and provides the necessary details to particularly and distinctly claim the subject matter the applicant regards as his invention. The amendment was not previously presented as it was unintentionally omitted from Applicant's most recent response. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of $65 is enclosed herewith. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: March 25, 2009

/Arlen L. Olsen/
Arlen L. Olsen
Registration No.: 37,543
Customer Number: 5409
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, New York 12110
(518) 220-1850

APPENDIX

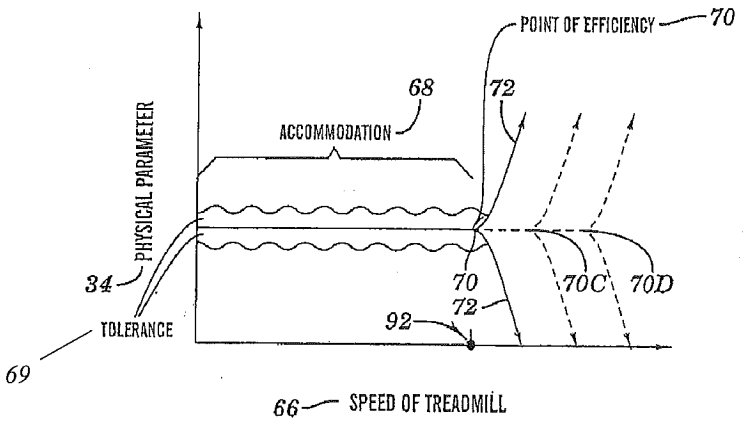

POINT OF EFFICIENCY
70
68
72
ACCOMMODATION
PHYSICAL PARAMETER
34
70
70C
70D
72
92
TOLERANCE
69
66
SPEED OF TREADMILL

FIG. 2A

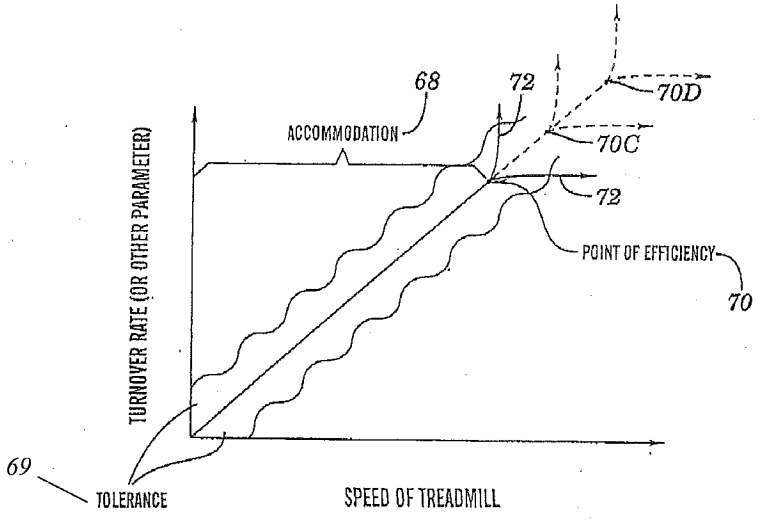

68
72
70D
ACCOMMODATION
70C
72
POINT OF EFFICIENCY
70
TURNOVER RATE (OR OTHER PARAMETER)
69
TOLERANCE
SPEED OF TREADMILL

FIG. 2B

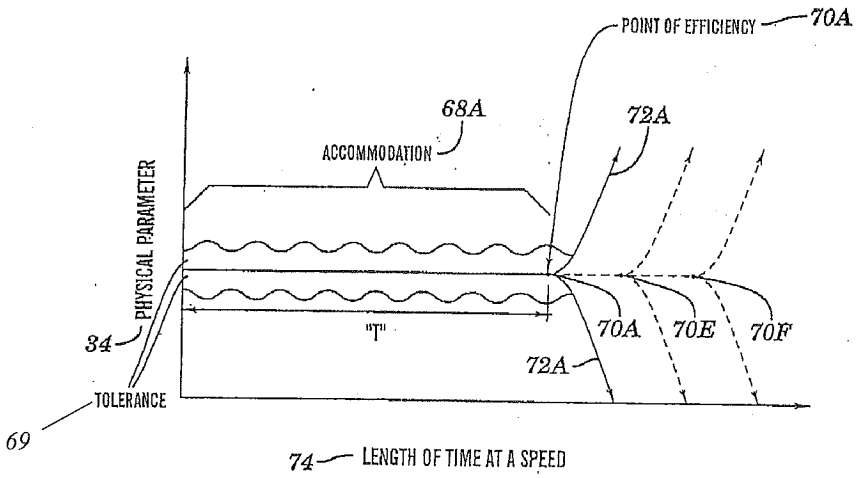

POINT OF EFFICIENCY
70A
68A
72A
ACCOMMODATION
PHYSICAL PARAMETER
34
"T"
70A
70E
70F
72A
TOLERANCE
69
74
LENGTH OF TIME AT A SPEED

FIG. 3

Electronic Patent Application Fee Transmittal

Application Number:	11457006
Filing Date:	12-Jul-2006
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Filer:	Arlen L. olsen/Heather Davis
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	65	65

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**470**

Electronic Acknowledgement Receipt

EFS ID:	5030660
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Heather Davis
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	25-MAR-2009
Filing Date:	12-JUL-2006
Time Stamp:	12:04:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$470
RAM confirmation Number	6702
Deposit Account	190513
Authorized User	SCHMEISER, OLSEN & WATTS
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	2992US3_RCE.pdf	697271 4103d3af44ef6574e8b8fb1b87f840ca36cb5849	no	3
Warnings:					
Information:					
2		2992US3_OfiiceActionResponse.pdf	62254 5926bb7793bc608025b9dd0d2255fc1d2da7a29f	yes	16

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	2
Specification	3	6
Claims	7	9
Drawings-only black and white line drawings	10	10
Applicant Arguments/Remarks Made in an Amendment	11	16

Warnings:					
Information:					
3	Drawings-only black and white line drawings	2992US3_appendix_Amended Drawings_03-23-09.pdf	62664 483638c7f13a138d7405c615a76b52373a7fd9a4	no	2
Warnings:					
Information:					
4	Fee Worksheet (PTO-06)	fee-info.pdf	31995 9d02e52693b1dc80d942e9f662bf68efce6464cf	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	854184		

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.

New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	03/25/2009	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 12	Minus	** 20	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DEANNA L. RORIE/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 11/26/2008

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER	
UTAMA, ROBERT J	
ART UNIT	**PAPER NUMBER**
3715	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3715	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08/25/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1, 3-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the application

This office action is a response to the amendment and argument filed on 08/25/2008. The current status of the application are as follows: claims 1, 3-13 are still pending and claims 2 have been cancelled.

Claim Rejections - 35 USC § 102

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 –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 3-5, 7, 9, 11-12 rejected under 35 U.S.C. 102(b) as being anticipated by Hall-Tipping US 5,001,632.

Claim 1: The Hall-Tipping reference provide a teaching of an apparatus comprising of: a performance system (see col. 3:5-10 "bicycle, treadmill"); At least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system (see col. 3:65-69 "speed sensor") and a control system for controlling at least one parameter of the performance system (see FIG 1 item 12) and for acquiring at least one parameter of the subject from at least one sensor (see col. 6:1-5 "heart rate"). The Hall-Tipping reference provides a teaching of method to train a subject within a proportional state of accommodation wherein the control system determine a point of efficiency, said point of efficiency occurs when the linear proportional rate of change in the at least one parameter of the subject being train varies outside the state of accommodation and range tolerance (see FIG 3).

Claim 3: The Hall-Tipping reference provides a teaching of a timer for recording the elapsed time (see col. 7:1-14 " T_t elapsed time").

Claim 4: The Hall-Tipping reference provides a teaching of a memory system for storing information and data other than the parameter (see col. 4:64-69 "game in the ROM").

Claim 5: The Hall-Tipping reference provides a teaching of a display for displaying information and data other than parameter from the memory device (see FIG 1 item 10 "video game character").

Claim 7: The Hall-Tipping reference provides a teaching of an input device for allowing an operator to enter command into the control system (see col. 4:35-40 and FIG 1 item 22 "Input Interface").

Claim 9 and 11: The Hall-Tipping reference provides a teaching wherein the parameter of the subject is a physical parameter (see col. 5:64-6:9 " heart rate").

Claim 12: The Hall-Tipping reference provides a teaching where the performance system include a device selected from a computer (see FIG 1 item 12 "Microprocessor").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Melton et al US 4,542,897.

Claim 8: While the Hall-Tipping reference provides a teaching of an input device, the reference is silent on the exact type of the input device. Furthermore, The Hall-Tipping reference does not provide a teaching where the input device is selected from the group that contain a keyboard.

However, the Melton et al provides a teaching where the input device is selected from the group that contain a keyboard (see col. 5:10-20). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of having input device is selected from the group that contain a keyboard, as taught by the Melton et al, in order to allow the user to input his/her information and other information to the exercise device.

5. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Stratton et al.

Claim 10: The Hall Tipping reference does not provide a teaching of at least one physical parameter of blood pressure. However, the Stratton teaches that one of the physical parameter selected is the subject blood pressure (see Stratton page 1649 under the heading "Data Collection and Processing). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of least one physical parameter of blood pressure, as taught by Stratton et al, because it would enable the system to better analyze the user's physical activity level.

6. Claim 6, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Watterson et al US 6,997,852.

Claim 6: The Hall-Tipping reference does not provide a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer.

However, the Watterson reference provides a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer (see col.

Claim 13: The Hall-Tipping reference does not provide a teaching of having a transmission

line that is selected from the internet. However the Watterson reference provides a teaching of a having a transmission line that is selected from the internet (see col. 10:15-30). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of having a a transmission line that is selected from the internet, as taught by Watterson, in order to motivate the user at his/her exercise routine, work with the trainer in order to optimize his/her exercise schedule or to safely monitor the exercise routine (see col. 42:10-40).

Response to Arguments

7. Applicant's arguments filed 08/25/2008 have been fully considered but they are not persuasive. The applicant argues that the Hall-Tipping reference fails to teach the following feature "state of accommodation is determined by a linear proportional rate of change in the value of a measurement of at least one continuous variable." However, the Hall-Tipping reference where the state of accommodation (heart rate) are determined over change in time (rate of change) and such change is linearly proportional [see FIG 3].

8. Additionally, the examiner takes the position that the limitation of "train or measure the subject within a linear proportional state of accommodation and a range of tolerance wherein said point of efficiency occurs when the linear proportional rate of change in the at least one parameter of the subject being train varies outside the state of accommodation and range tolerance" is interpreted to be an intended use limitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008	11/19/2008							
	1	✓	✓							
	2	✓	-							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED

Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES

Search Notes	Date	Examiner

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	620	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L2	179	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L3	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L4	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L5	54	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L6	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L7	17	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L8	3015	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L9	3599	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L10	956	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L11	276	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L12	43	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L13	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L14	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L15	30	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L16	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L17	27	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L18	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L19	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L20	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L21	190	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L22	469	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L23	33	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L24	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L25	603	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L26	286	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L27	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L28	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L29	38	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L30	108	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L31	85	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L32	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L33	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L34	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L35	38	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L36	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L37	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L38	620	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L39	179	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L40	3599	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L41	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L42	469	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L43	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L44	740	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L45	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L46	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L47	73	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L48	620	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L49	179	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L50	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L51	47	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L52	54	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L53	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080"). URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L54	17	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L55	3015	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L56	3599	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L57	956	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L58	276	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L59	43	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L60	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L61	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L62	30	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L63	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L64	27	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L65	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L66	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L67	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L68	190	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L69	469	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L70	33	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L71	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L72	603	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L73	286	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L74	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L75	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L76	38	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L77	108	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L78	85	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L79	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L80	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L81	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L82	38	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L83	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L84	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L85	620	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L86	179	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L87	3599	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L88	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L89	469	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37

L90	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L91	740	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L92	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L93	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
L94	73	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/11/19 14:37
S1	595	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:49
S2	158	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:50
S3	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:15
S4	45	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 12:51
S5	50	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:22

S6	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137"). PN. OR ("5391080"). URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:17
S7	12	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/01/22 13:27
S8	2777	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S9	3305	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S10	875	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S11	235	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 13:58
S12	36	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 14:04
S13	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:14
S14	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15
S15	14	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:15

S16	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:17
S17	12	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:51
S18	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:54
S19	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 15:55
S20	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:00
S21	166	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/03/20 16:16
S22	422	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:49
S23	20	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:51
S24	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S25	546	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:57
S26	259	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 21:58
S27	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S28	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:01
S29	36	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S30	92	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52

S31	70	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/14 22:52
S32	5	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S33	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 17:52
S34	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:23
S35	32	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/16 18:36
S36	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:25
S37	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/04/28 11:26
S38	607	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S39	166	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S40	3363	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S41	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S42	429	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S43	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S44	704	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/20 14:59
S45	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53

S46	1	"434"/$.ccls. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:53
S47	70	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/05/21 13:54
S48	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S49	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S50	12	exercise and (speed adj play$5) and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S51	46	exercise near5 accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S52	54	(constant near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S53	44	("2825224" | "3517930" | "3731921" | "3848467" | "3861675" | "3988020" | "4082267" | "4114874" | "4184678" | "4302007" | "4524711" | "4529192" | "4654010" | "4681118" | "4778175" | "4804326" | "4869497" | "4907795" | "4910447" | "4930770" | "4934694" | "4998725" | "5002268" | "5011137").PN. OR ("5391080").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S54	17	(maintain$5 near3 ((heart adj rate) or velocity or parameter)) and exercise and accommodation	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S55	2951	((heart adj rate) or breath or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S56	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S57	943	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S58	273	((heart adj rate) or breath $5 or VOX) with exercise and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S59	43	(((heart adj rate) or breath$5 or VOX) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S60	0	(((VO2 adj max) or VO) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S61	0	(((VO2 adj max) or VO2) with optim$5) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S62	29	(((VO2 adj max) or VO2)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S63	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S64	27	exhaustion and ((VO2 adj max) or VO2 or V02 or (V02 adj max)) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S65	0	exhaustion and (stress adj training) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S66	5	exhaustion and (stress adj testing) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S67	19	(exhaustion with exercise) and "600"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S68	182	(exhaustion with exercise)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S69	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S70	30	(treadmill with exercise) and network and (monitor with safe$3)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S71	2	(("7056265") or ("20020022551")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S72	590	treadmill and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S73	280	(treadmill with exercise) and keyboard	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S74	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S75	3	"HAll-Tipping".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S76	38	(treadmill with exercise) and trainer and motivate	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S77	107	(treadmill with exercise) and trainer and motivat$5	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S78	84	(treadmill with exercise) and trainer and motivat$5 and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S79	6	"5990405"	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S80	1	"5990405".PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S81	3	(("5410472") or ("6939881") or ("6592502")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S82	37	baseball and (cellphone)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

S83	5	"456976".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S84	4	"631279".AP.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S85	613	(434/247).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S86	173	exercise and (speed adj play$5)	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S87	3521	((heart adj rate) or breath $5 or VOX) with exercise	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S88	0	"HAll-Tipping".IN. and "434"/$3.ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S89	458	(treadmill with exercise) and network	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S90	3	(((V02 adj max) or V02)) and (physical adj activ$5) and "600"/$3. ccls.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S91	725	(482/1,5,9).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S92	0	"434"/$3.clss. and "Borsuk".IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S93	1	"434"/$.ccls. and "Borsuk". IN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55
S94	72	("3193859" | "3612676" | "3751825" | "3925779" | "3938139" | "4021932" | "4107786" | "4159417" | "4160242" | "4191956" | "4254416" | "4350070" | "4367533" | "4545023" | "4622546" | "4639225" | "4700840" | "4755955" | "4820167" | "4855725" | "4985697").PN. OR ("5233333").URPN.	US-PGPUB; USPAT; USOCR	OR	OFF	2008/09/16 15:55

11/ 19/ 2008 2:43:50 PM

C:\Documents and Settings\rutama\My Documents\work\METHOD AND APPARATUS FOR IMPROVING PERFORMANCE (11456976).wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keith A. Raniere | Examiner: Utama, Robert J.

Serial No.: 11/456,976 | Group Art Unit: 3714

Filed: 07/12/2006 | Docket No.: FIRST.2992 US3

Title: **METHOD AND APPARATUS FOR IMPROVING PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE ACTION RESPONSE

Sir:

This communication is in response to the Final Office Action mailed May 23, 2008.

In the Claims:

The claims are as follows:

1. (Currently amended) An apparatus comprising:

a performance system;

at least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system; and

a control system for controlling at least one parameter of the performance system to ~~maintain~~ train or measure the subject within a linear proportional state of accommodation ~~by training the subject within~~ and a range of tolerance ~~surrounding a point of efficiency~~, wherein said control system includes a device to determine a point of efficiency, said point of efficiency occurring when the linear proportional rate of change in the at least one parameter of the subject being trained varies rapidly outside of the state of accommodation and the range of tolerance ~~and for acquiring the measured at least one parameter of the subject from the at least one sensor~~.

2. (Cancelled)

3. (Original) The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. (Currently Amended) The apparatus of claim 1, wherein the control system further comprising a memory device for storing information and data other than the parameter.

5. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising a display device for displaying the information and data other than the parameter from the memory device.

6. (Currently Amended) The apparatus of claim 4, wherein the control system further comprising an output port for transmitting information and data other than the parameter from the memory device out to a printer or a remote computer.

7. (Currently Amended) The apparatus of claim 1, wherein the control system further comprising an input device for allowing an operator to enter commands into the control system.

8. (Currently Amended) The apparatus of claim 7, wherein the control system wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. (Original) The apparatus of claim 1, wherein the at least one parameter of the subject is a physical parameter.

10. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. (Original) The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. (Original) The apparatus of claim 10, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. (Original) The apparatus of claim 11 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

REMARKS

Claim 2 is herein cancelled. Claims 1 and 3-13 are pending.

The Examiner rejected claims 1-5, 7, 9, and 11-12 under 35 U.S.C. 102 (b) as being anticipated by Hall- Tipping (US 5,001,632).

The Examiner rejected claim 8 under 35 U.S.C. 103 (a) as being unpatentable over Hall-Tipping (US 5,001,632) and in view of Melton et al.

The Examiner rejected claim 10 under 35 U.S.C. 103 (a) as being unpatentable over Hall-Tipping (US 5,001,632) and in view of Stratton et al.

The Examiner rejected claim 6, 13 under 35 U.S.C. 103 (a) as being unpatentable over Hall- Tipping (US 5,001,632) and in view of Watterson et al.

35 U.S.C. § 102

Applicant respectfully addresses the 102 (b) rejections with the following amendments and arguments:

Claim 1 is amended and the words "wherein said control system includes a device to determine a point of efficiency, said point of efficiency occurring when the linear proportional rate of change in the at least one parameter of the subject being trained varies rapidly outside of the state of accommodation and the range of tolerance" are added to show that the point of efficiency is determined by a rapid **rate of change** from ouside the linear state of accommodation and tolerance.

The Examiner rejected Claim 1 as being anticipated by Hall-Tipping (US 5,001,632). While Hall-Tipping allegedly discloses a pre-set minimum or maximum limits, the minimum or maximum limits are a predetermined range of heart rate locked between 70% to 80-85% using the formula of 220 minus the user's age in years (see Hall-Tipping col. 5, lines 35-45). Hall-Tipping further discloses that the exerciser must exercise while bearing a heart rate falling between the precalculated range, i.e. P max and P min (see Hall-Tipping col. 6, lines 1-11).

The Hall-Tipping invention is very different than the present application. For example, in the Hall-Tipping invention a subject would train at a certain heart rate calculated based on age. The Hall-Tipping invention does not take into account a subject's current state of endurance. For example, a world-class athlete could train at a drastically different heart rate for a given length of time than an overweight sedentary person of the same age and weight. The Hall-Tipping invention would treat both individuals the same. In contrast, the present invention uses a linear graph within tolerances to determine an individuals training values. In the present invention, as the subject trains, a graph is generated which determines a line (state of accommodation) with

tolerances. At a point when the line varies rapidly outside the state of accommodation and tolerance, it is then that the efficiency of the individual is determined. As shown in Figs 2A, 2B and 3, as the graph varies rapidly a point of efficiency is determined. A world-class athlete would most likely have a higher state of efficiency. Futhermore, as the individuals train, their state of accommodation and efficiency will change. The specification on page 13, lines 3-20 states:

> In the state of accommodation 68, the subject 18 is adjusting to the treadmill speed 66 without being overly stressed. As the treadmill speed 66 is increased, a point of efficiency 70 is reached. As the treadmill speed 66 is increased beyond the point of efficiency 70, the physical parameter 34 (e.g., heart rate, etc.) notably changes along the graph line 72. Just beyond the point of efficiency 70, the subject's 18 body and/or emotions and mind, measured through the body, no longer can accommodate additional stress and enters a state of inefficiency causing the physical parameters 34 to vary differently (e.g., more rapidly change, less rapidly change) than before. As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained.

As in Hall-Tipping, the present claim limitations do not use a precalculated range for determining efficiency. Rather, in the present invention, the efficiency is determined by determining the ***rate of change*** (i.e. the line on the graph) in a variable. Accommodation is said

to be maintained when the ***rate of change*** in a variable is in proportion to the stimulus, like speed or distance. If the rate of change in a variable changes out of proportion or is not along the line formed or projected by the graph (see Applicant's figs. 2A and 3) of the two values to be compared (see Applicant's specification: page 12, lines 16-19), then such more rapid or less rapid variation is considered an indication of inefficiency. This invention is completely different as compared to one using a precalculated range for determining the efficiency. The present claim limitations allow the individual user to demonstrate his or her efficiency as opposed to a pre-determined step-like function of the Hall-Tipping reference. It is also clear that, for a subject to be outside the state of accommodation as per the Hall-Tipping reference, he (or she) may only fall outside the precalculated range (pulse rate between 70% to 80-85%) and is thus determined by absolute figures, whereas the present claim limitations provide a completely different approach where the rate of change in a variable which is not linear as compared to readings before it, or is out of the proportion of a level set by the subject himself (or herself) while performing the exercise to determine the efficiency. Thus, a deviation on a line graph or a fluctuation in the values for the *rate of change* in a variable will commence the announcing of the departure from the state of accommodation.

Based on the preceding arguments, Applicant respectfully maintains that Claim 1, as amended, in view of Hall-Tipping (US 5,001,632) is in condition for allowance. Claims 3-5, 7, 9, and 11-12 depend on Claim 1, as amended, and as Claim 1 is in a condition for allowance, applicant respectfully submits that Claims 3-5, 7, 9, and 11-12 are likewise in a condition for allowance.

35 U.S.C. § 103

Applicant respectfully addresses the 103 (a) rejections with the following amendments and arguments:

Claim 1 is amended and the words "wherein said control system includes a device to determine a point of efficiency, said point of efficiency occurring when the linear proportional rate of change in the at least one parameter of the subject being trained varies rapidly outside of the state of accommodation and the range of tolerance" are added to show that the efficiency as per the claimed limitation is determined by the **rate of change** in a continuous variable in consideration.

35 U.S.C. § 103(a) *Re Claim 8*

The Examiner rejected claim 8 under 35 U.S.C. 103 (a) as being unpatentable over Hall-Tipping (US 5,001,632) and in view of Melton et al.

Applicant respectfully traverses the rejections and contends that claim 8 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Melton et al., because Hall- Tipping (US 5,001,632) and in view of Melton et al., as discussed *supra*, do not teach, or suggest, each and every feature of independent claim 1. Based on the preceding arguments and as claim 8 depends on claim 1, as amended, Applicant respectfully maintains that claim 8 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Melton et al., and that claim 8 is in condition for allowance.

35 U.S.C. § 103(a) *Re Claim 10*

The Examiner rejected claim 10 under 35 U.S.C. 103 (a) as being unpatentable over Hall- Tipping (US 5,001,632) and in view of Stratton et al.

Applicant respectfully traverses the rejections and contends that claim 10 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Stratton et al., because Hall-Tipping (US 5,001,632) and in view of Stratton et al., as discussed *above*, do not teach, or suggest, each and every feature of independent claim 1. Based on the preceding arguments and as claim 10 depends on claim 1, as amended, Applicant respectfully maintains that claim 10 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Stratton et al., and that claim 10 is in condition for allowance.

35 U.S.C. § 103(a) *Re Claim 6,13*

The Examiner rejected claim 6, 13 under 35 U.S.C. 103 (a) as being unpatentable over Hall- Tipping (US 5,001,632) and in view of Watterson et al.

Applicant respectfully traverses the rejections and contends that claim 6, 13 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Watterson et al., because Hall-Tipping (US 5,001,632) and in view of Watterson et al., as discussed *above*, do not teach, or suggest, each and every feature of independent claim 1. Based on the preceding arguments and as claim 6, 13 depends on claim 1, as amended, Applicant respectfully maintains that claim 6, 13 is not unpatentable over Hall- Tipping (US 5,001,632) and in view of Watterson et al., and that claim 6, 13 is in condition for allowance.

CONCLUSION

Based on the preceding arguments, the Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

Date: August 25, 2008

/Arlen L. Olsen/

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Electronic Acknowledgement Receipt

EFS ID:	3834400
Application Number:	11457006
International Application Number:	
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor/Applicant Name:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Kelley Bauer
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	25-AUG-2008
Filing Date:	12-JUL-2006
Time Stamp:	16:23:57
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	Amendment - After Non-Final Rejection	2992_US3_OAR_05232008_8-25-08.pdf	55763 32cf74e0aa856d72181fd3fb14a658e15d6f588d	no	10

Warnings:	
Information:	

Total Files Size (in bytes):	55763

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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.

National Stage of an International Application under 35 U.S.C. 371

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.

New International Application Filed with the USPTO as a Receiving Office

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.

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/457,006	Filing Date 07/12/2006	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	08/25/2008	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 9	Minus	** 20	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/MONICA HARRIS/

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3	6491

5409 7590 05/23/2008

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EXAMINER	
UTAMA, ROBERT J	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
05/23/2008	PAPER

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

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/457,006	RANIERE, KEITH A.	
	Examiner	Art Unit	
	ROBERT J. UTAMA	3714	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ 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.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

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)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *07/12/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Art Unit: 3714

DETAILED ACTION

Claim Rejections - 35 USC § 102

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 –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-5, 7, 9, 11-12 rejected under 35 U.S.C. 102(b) as being anticipated by Hall-Tipping US 5,001,632.

Claim 1: The Hall-Tipping reference provide a teaching of an apparatus comprising of: a performance system (see col. 3:5-10 "bicycle, treadmill"); At least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system (see col. 3:65-69 "speed sensor") and a control system for controlling at least one parameter of the performance system (see FIG 1 item 12) and for acquiring at least one parameter of the subject from at least one sensor (see col. 6:1-5 "heart rate").

Claim 2: The Hall-Tipping reference provides a teaching where the control system determines when a subject reaches the point of efficiency (see col. 5:64-6:9 "optimal heart rate").

Claim 3: The Hall-Tipping reference provides a teaching of a timer for recording the elapsed time (see col. 7:1-14 " T_t elapsed time").

Claim 4: The Hall-Tipping reference provides a teaching of a memory system for storing information and data other than the parameter (see col. 4:64-69 "game in the ROM").

Claim 5: The Hall-Tipping reference provides a teaching of a display for displaying information and data other than parameter from the memory device (see FIG 1 item 10 "video game character").

Claim 7: The Hall-Tipping reference provides a teaching of an input device for allowing an operator to enter command into the control system (see col. 4:35-40 and FIG 1 item 22 "Input Interface").

Claim 9 and 11: The Hall-Tipping reference provides a teaching wherein the parameter of the subject is a physical parameter (see col. 5:64-6:9 " heart rate").

Claim 12: The Hall-Tipping reference provides a teaching where the performance system include a device selected from a computer (see FIG 1 item 12 "Microprocessor").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Melton et al US 4,542,897.

Claim 8: While the Hall-Tipping reference provides a teaching of an input device, the reference is silent on the exact type of the input device. Furthermore, The Hall-Tipping reference does not provide a teaching where the input device is selected from the group that contain a keyboard.

However, the Melton et al provides a teaching where the input device is selected from the group that contain a keyboard (see col. 5:10-20). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of having input device is selected from the group that contain a keyboard, as taught by the Melton et al, in

order to allow the user to input his/her information and other information to the exercise device.

5. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Stratton et al.

Claim 10: The Hall Tipping reference does not provide a teaching of at least one physical parameter of blood pressure. However, the Stratton teaches that one of the physical parameter selected is the subject blood pressure (see Stratton page 1649 under the heading "Data Collection and Processing). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of least one physical parameter of blood pressure, as taught by Stratton et al, because it would enable the system to better analyze the user's physical activity level.

6. Claim 6, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hall-Tipping in view of Watterson et al US 6,997,852.

Claim 6: The Hall-Tipping reference does not provide a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer.

However, the Watterson reference provides a teaching of having an output port to transmit information and data other than the parameter from memory device out to a remote computer (see col.

Claim 13: The Hall-Tipping reference does not provide a teaching of having a transmission line that is selected from the internet. However the Watterson reference provides a teaching of a having a transmission line that is selected from the internet (see col. 10:15-30). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of having a a transmission line that is selected from the internet, as taught by Watterson, in order to

motivate the user at his/her exercise routine, work with the trainer in order to optimize his/her exercise schedule or to safely monitor the exercise routine (see col. 42:10-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezutto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
04/22/08

Notice of References Cited	Application/Control No. 11/457,006	Applicant(s)/Patent Under Reexamination RANIERE, KEITH A.	
	Examiner ROBERT J. UTAMA	Art Unit 3714	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,001,632	03-1991	Hall-Tipping, Justin	463/7
*	B	US-4,542,897	09-1985	Melton et al.	463/7
*	C	US-6,997,852	02-2006	Watterson et al.	482/1
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	John Straton et al. "Cardiovascular responses to exercise. Effects of aging and exercise training in healthy men." 01/04/19941 Journals of American Heart Association. Circulation, Vol 89, page 1648-1655. Retrived on 03/28/2007. <Retrieved from the internet http:llwww.circ.ahajournals.orglcgilreprint1891411648 >
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	04/16/2008								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11457006	RANIERE, KEITH A.
	Examiner	Art Unit
	ROBERT J UTAMA	3714

SEARCHED			
Class	Subclass	Date	Examiner
482	7,5,900,8,1	4/16/2008	RU
434	247,254,255	4/16/2008	RU

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	Application Number
FIRS-2992U	
Applicant(s)	
Keith A. Raniere	
Filing Date	**Group Art Unit**

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/RU/		5,410,472	04/25/1995	Anderson			
/RU/		6,939,881	09/2005	Pipers			
/RU/		6,592,502	07/2003	Phillips			

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES	Translation NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

/RU/		Half Marathon Training, Running and Racing...Part Two, Anaerobic Threshold Training. [online]. 3 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://home.sprynet.com/~holtrun/halfmara.htm>.
/RU/		BALBACH, Lisa. What is Aerobic Exercise and Why Should I do it? [online]. 2 pages. [retrieved on 8/16/2000]. Retrieved from the Internet:< URL: http://k2.kirtland.cc.mi.us/~balbach1/aeroprin.htm>.

EXAMINER	DATE CONSIDERED
/Robert J. Utama/	04/16/2008

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

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	Application Number
FIRS-2992US	
Applicant(s)	
Keith A. Raniere	
Filing Date	**Group Art Unit**

*EXAMINER INITIAL		OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*
		HIGDON, Hal. Hal Higdon's Marathon Training Guide - Novice Program. [online]. 2 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://www.halhigdon.com/marathon/nprogram.html>.
		HIGDON, Hal. Hal Higdon's Marathon Training Guide - Advanced Program. [online]. 2 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://www.halhigdon.com/marathon/eprogram.html>.
		TUCKER, James A., DC,CCN. Aerobic Exercise. [online]. 3 pages. [retrieved on 8/16/2000]. Retrieved from the Internet:< URL: http://www.jkfa.com/alpub/aerobics.htm>.
		Star Trac Model 4500 Treadmill. [online]. 2 pages. (Product information page) iTreadmills.comTM [retrieved on 11/8/2000]. Retrieved from the Internet:< URL: http://www.itreadmills.com/startrac/tr4500_treadmill.htm>.

EXAMINER	DATE CONSIDERED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/457,006	07/12/2006	Keith A. Raniere	FIRS-2992US3

CONFIRMATION NO. 6491

05409
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY12110

Title: Method and Apparatus for Improving Performance

Publication No. US-2006-0247096-A1
Publication Date: 11/02/2006

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 703-305-3028.

Pre-Grant Publication Division, 703-605-4283

METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

This application is a divisional of Ser. No. 10/631,279; filed on July 31, 2003.

FIELD OF THE INVENTION

The present invention relates generally to a method and apparatus for improving performance.

BACKGROUND OF THE INVENTION

Training methods, or programs, are used to improve performance in numerous endeavors, be they individual athletic endeavors with equipment (e.g., throwing, weight lifting, etc.) or individual athletic endeavors without equipment (e.g., running, jumping, swimming, etc.), team athletic endeavors (e.g., baseball, soccer, etc.), mental endeavors (e.g., IQ testing, memory recall, mental calculations, trivia games, etc.), or emotional endeavors (e.g., acting, presenting, competition, etc.). Typically, the individual trains by performing for a fixed distance or a fixed quantity. For example, a swimmer may swim for 100 meters or a runner may run for a mile or a weightlifter may bench press 250 pounds or a mathematician may calculate 100 sums or a presenter maintains a peak emotional state in the

face of adversity for a fixed time. An individual repeats the fixed distances or quantities and attempts to improve the time required to travel fixed distances or complete the fixed quantity of mental calculations or achieve the emotional state during the physical and/or mental activities.

SUMMARY OF THE INVENTION

The present invention provides a method of training based upon continuous variables (e.g., distance, time duration, weight gradient, etc.) rather than upon discrete variables (e.g., a fixed mark, fixed repetitions, etc.). The individual is trained to produce a level of performance (e.g., energy, thrust, speed, mental tasks, etc.) for a length of the continuous variable (which may actually be discrete, but then is unfixed), such as time, which is constantly challenged. Gradually, the individual is able to produce the same level of performance over improved periods of the continuous variable, say time, for activities such as running and swimming or produce the same level of performance with shorter periods of rest between activities such as repetitions of lifting weight or produce the same activity in a shorter time like calculating a quantity of

mathematical sums. Ultimately, the principle applied with this new method of improving performance, which is deemed "Raniere's Maximal Efficiency Principle™" or "Raniere's Law™", is where the characteristic or variable to be trained is, optimally, continuously challenged. For example, if your performance improvement goal is for runners to run longer distances, then you continuously challenge distance (e.g., try to beat the last, longest distance ran). Similarly, if your performance improvement goal is for greater speed, then you continuously challenge speed (e.g., as on a treadmill). Then, if your performance improvement goal is for speed over distance (i.e., speed for a length of time) then you continuously challenge the length of time at a speed (e.g., as on a treadmill).

A first general aspect of the present invention provides a method comprising:

determining if a subject is trainable with respect to the performance of a given activity;

determining a point of efficiency of a subject with respect to at least one parameter; and

exerting the subject at or near the point of efficiency until a state of inefficiency with respect to the at least one parameter or exhaustion occurs.

A second general aspect of the present invention provides a method comprising:

taking a measurement relating to at least one continuous variable with respect to which a subject may remain in a state of accommodation; and

training the subject so the value of the measurement of the at least one continuous variable changes.

A third general aspect of the present invention provides a method comprising:

providing a performance system;

activating the performance system;

recording at least one parameter of the performance system;

measuring the at least one parameter of a subject;

determining an at least one point of efficiency parameter by changing the at least one parameter of the performance system until the at least one parameter of the subject substantially changes beyond a given tolerance function; and

training the subject at or near the point of efficiency so the duration the subject can maintain the point of efficiency changes.

A fourth general aspect of the present invention

provides an apparatus comprising:

a performance system;

at least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system; and

a control system for controlling the at least one parameter of the performance system and for acquiring the at least one parameter data from the at least one sensor.

The foregoing and other features and advantages of the invention will be apparent from the following more particular descriptions of preferred embodiments of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

The features of the present invention will best be understood from a detailed description of specific embodiments of the invention selected for the purposes of illustration and shown in the accompanying drawings in which:

FIG. 1 illustrates a perspective view of a specific athletic (running) performance system, within the scope of the present invention;

FIG. 2A illustrates an approximate graph of a physical parameter versus a speed parameter of this performance system (a treadmill), within the scope of the present invention;

FIG. 2B illustrates an approximate graph of a turnover rate versus a speed parameter of this performance system (a treadmill), within the scope of the present invention;

FIG. 3 illustrates a graph of a physical parameter versus a length of time at a given speed, within the scope of the present invention;

FIG. 4 illustrates a schematic view of determining a point of efficiency speed for a specific embodiment related to running, within the scope of the present invention;

FIG. 5 illustrates a schematic view of determining a length of time which a runner remains in a state of accommodation for a specific embodiment related to running, within the scope of the present invention; and,

FIG. 6 illustrates a general diagram of the performance system employed by the method and apparatus, in accordance with the present invention.

DETAILED DESCRIPTION OF THE INVENTION

Although certain specific embodiments of the present invention will be shown and described in detail, it should be understood that generalizations and various changes and modifications may be made without departing from the scope of the appended claims. The scope of the present invention will in no way be limited to the number of constituting components, the materials thereof, the shapes thereof, the relative arrangement thereof, etc. Some features of the present invention are illustrated in detail in the accompanying drawings, wherein like reference numerals refer to like elements throughout the drawings. Although the drawings are intended to illustrate an embodiment of the present invention, the drawings are not necessarily drawn to scale.

The following are definitions that pertain to the subject invention:

Computer: Any device that directly or indirectly performs arithmetic operations and/or comparisons on numbers;

Variable: Any measurable quantity, quality, or property that hypothetically, or actually, can change over time;

Subject: Anything that has at least one measurable quantity, quality, or property;

Characteristic: A measurable quantity, quality, or property associated with a specific subject;

Parameter: Any characteristic used as a reference;

Performance: An effect measurement taken on a subject under specific cause conditions;

Activity: Anything from which you can derive performance;

Training: Stimuli used to affect performance; and

Trainable: Affected by training.

FIG. 6 illustrates a general diagram outlining the overall system that both the method and apparatus of the present invention employ. A subject 18 interacts with a system 10. The system 10 has been termed variously a training system, measuring system, or performance system. There is an interaction, or communication 3, between the subject 18 and the training system 10. The subject 18, sends to the training system 10, at least one parameter 34. The at least one parameter 34 is measured. In return, the training system 10, returns to the subject 18 a system parameter 4. The system parameter 4 is controlled. The training system 10 has both inputs 7, and outputs 6. The subject 18 needs only to be any trainable entity. An example of a trainable subject 18 is an entity that both

responds to or measures in some way an external environmental effect on the entity; and, then the subject 18 has some capability of retaining memory of the cumulation of these external environmental effects. Thus, the subject 18 may be an individual human, a team or group of humans such as a running team, an animal, a group of animals, a cellular automata, a group of cellular automata, a virus programs, microorganism cultures, microbes, plants, a piece of material, a computer program and data, etc.

FIG. 1 illustrates a perspective view of one specific, performance system 10 of the present invention, in this case, being utilized for runners. The performance system 10 includes a treadmill apparatus 12 and a control system 14. Optionally, the performance system 10 may be, *inter alia*, a stair stepping machine, bicycle, stationary bicycle, swimming pool, weightlifting apparatuses, other aerobic exercise devices, or emotional or mental exercise devices such as computer learning system, emotion trigger system, mental performance system, and biofeedback machine. The treadmill apparatus includes a belt 16 that a subject 18 may run on. The treadmill apparatus 12 may also include an interface device 20 mounted on a support 22 of the treadmill apparatus 12. The control system 14 may include, *inter*

alia, a computer 24, a data acquisition system 26, a memory device 28, a display device 32, and an output port 30. At least one physical, emotional, or mental parameter 34 of the subject 18 is gathered by at least one sensor 36. The at least one physical, emotional, or mental parameter 34 may include any suitable measurement (e.g., running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle contraction strength, body temperature, heat given off, blood pressure heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, breath length, breath capacity, blood pressure, VO_2, ability to count backwards by 3 accurately, etc.). It is possible that all mental and emotional parameters can be considered to be measured by a physical parameter 34. To measure is to "sense" a difference with at least one of the five senses. Thereby, all emotional, thought, or other parameters 34 need to be reducible to a physical signal (e.g., signal "sensed" by one of the five senses) in order to be measured. A cable 38 connects the at least one sensor 36 to the interface device 20. A cable 40 connects the interface device 20 with the control system 14. In this embodiment, the computer 24 controls the data acquisition

system 26 and the data acquisition system 26 acquires the physical parameter 34 from the at least one sensor 36 through the cable 38, through the interface device 20, and through the cable 40. The computer 24 may control the speed of the belt 16 on the treadmill apparatus 12 by sending speed commands (i.e., system parameters) through a cable 42. The computer 24 stores the physical parameter 34 and treadmill speed 66 (FIG. 2A) data in the memory device 28. An operator may send input commands to the computer 24 through any suitable input device such as a keyboard 44, a mouse 46, a keypad 48, voice recognition system (not shown), etc. The interface device 20 may include, *inter alia*, a display screen 50 and a plurality of buttons 52. The buttons 52 allow the subject 18 to input commands to the control system 14. The display screen 50 displays information, such as treadmill speed 66 (FIG. 2A) and physical parameters 34, to the subject 18. Additionally, the display device 32 displays information (e.g., treadmill speed 66 (FIG. 2A), physical parameters 34, charts, graphs, etc.). A cable 54 connects the output port 30 with a remote computer 56. The computer 24 of the control system 14 may send data from the memory device 28 to the remote computer 56. A cable 58 may connect the output port 30 with a

printer 60. The computer 24 sends data from the memory device 28 to the printer 60. The printer 60 prints and provides a hard copy 62 of data to an operator. In lieu of any of the cables 58, the system may transmit data via wireless technology (e.g., radio frequency, infra red, acoustic, etc.).

FIG. 2A illustrates a graph of the parameter 34 versus a speed of a treadmill 66. As mentioned above, the parameter 34, which can be a physical, emotional, or mental parameter, may include any suitable measurement of (e.g., heart rate, turnover rate, respiration rate, blood pressure, VO_2, etc.) of a subject 18. The turnover rate is the number of times each foot 64A, 64B of the subject 18 strikes the belt 16 of the treadmill 12 per minute. VO_2 is the oxygen capacity of the body of the subject 18. The graph of FIG. 2A illustrates the treadmill speed 66 being increased while a physical parameter 34, such as heart rate, is measured. In this example, as the treadmill speed 66 is increased, the heart rate varies approximately (within tolerance) linearly with treadmill speed in a state of accommodation 68. A state of accommodation 68, as FIG. 2A depicts, is the value at which the physical parameter 34 does not notably change in variation beyond a given

functional tolerance. A functional tolerance can be a function of time, for example, or of any one, or more, parameters. In the state of accommodation 68, the subject 18 is adjusting to the treadmill speed 66 without being overly stressed. As the treadmill speed 66 is increased, a point of efficiency 70 is reached. As the treadmill speed 66 is increased beyond the point of efficiency 70, the physical parameter 34 (e.g., heart rate, etc.) notably changes along the graph line 72. Just beyond the point of efficiency 70, the subject's 18 body and/or emotions and mind, measured through the body, no longer can accommodate additional stress and enters a state of inefficiency causing the physical parameters 34 to vary differently (e.g., more rapidly change, less rapidly change) than before. As the subject 18 trains, the point of efficiency 70 moves to higher and higher speeds as illustrated in the point of efficiencies 70C, and 70D (FIG. 2A). Thus, the point of efficiency 70 is the maximum value of, in the case of FIG. 2A, the speed of the treadmill whereby the state of accommodation is maintained.

FIG. 2B illustrates a graph comparing a parameter 34, in this case, turnover rate versus the speed of the treadmill 66. In this case, the turnover rate varies

proportionally with the speed of the treadmill 66, within certain pre-determined tolerances. At a certain turnover rate a point of efficiency 70 is reached. Beyond the point of efficiency 70 the turnover rate is longer in the same proportion to the speed of the treadmill 66. That is the turnover rate is accelerating, or deaccelerating, compared to treadmill speed 66. As training is continued with this method, however, the point of efficiency 70 is increased to further new points of efficiency 70C, 70D.

FIG. 3 illustrates a graph of the parameter 34 versus time 74. In this example, the treadmill speed 66 is maintained at a constant speed for exercising the subject 18. For a length of time denoted "T", the physical parameter 34, such as respiration rate, remains substantially linear, within a predetermined functional tolerance. In this state of accommodation 68A, the subject's body 18 is adjusting to the stress of exercising over the length of time 74. As time increases, a point of efficiency 70A is reached. For exercise beyond this point of efficiency 70A, the physical parameters 34 notably change along the graph line 72A. Above the point of efficiency 70A, the subject 18 no longer can accommodate additional stress and enters a state of inefficiency causing the

physical parameters 34 to markedly change. The speed of the treadmill now drives the graph (i.e., point of inefficiency is driven by machine parameter variation. That is the subject 18, not being able to effectively accommodate the level of stress, becomes more reactive to the machine variance). Note that sometimes the state of inefficiency can simply be the inability to continue the activity, by setting the tolerance wide enough. This is often the case with running (i.e., runner must stop) or weight training (i.e., weight can no longer be lifted). As the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to, in this case, longer and longer lengths of times 74 (i.e., moves in some direction along the parameter graph) as illustrated in point of efficiencies 70E, and 70F. For the physical parameter 34 to markedly or notably change, the physical parameter 34 is no longer consistent or substantially consistent. For the physical parameter 34 to remain consistent or substantially consistent, the physical parameter 34 must stay within certain predefined, possibly parameter variation-related (functional), tolerances. Depending on which physical parameter 34 is being measured, the predefined tolerance may vary. For example, the tolerance may be set at +/- 2% of the value of the physical

parameter 34. Thus, in the aforementioned example, as long as the physical parameter 34 stays within +/- 2% of a value, the subject 18 is still within a state of accommodation 68. These tolerances can also be functions of time. In an alternative embodiment, the training may results in a shortening of the length of time that the subject is in a state of accommodation 68. For example, in weightlifting, the time the body needs to rest and recuperate between lifting sets would be shortened through successive training.

FIG. 4 illustrates a schematic view of determining the point of efficiency 70 for treadmill speed 66. In step 78, the subject 18, such as a runner, is placed on the belt 16 of the treadmill apparatus 12. In step 80, an initial treadmill speed 66B is set. In step 82, a measurement is taken of an initial physical parameter 34 (e.g., heart rate, turnover rate, respiration rate, VO_2, etc.). In step 84, the speed of the treadmill 66 is increased. In step 86, the data acquisition system 26 of the control system 14 measures a current physical parameter 34B. In step 88, the control system 14 determines if the current physical parameter 34B is outside the tolerance function or rate of change (see diagram). The computer 24 may perform this determination.

If the current physical parameter 34B is not outside the tolerance function, the method returns to step 84 where the treadmill speed 66 is further increased. If the current physical parameter 34B is outside the tolerance function, then the method continues in step 90. In step 90, the control system 14 records a point of efficiency speed 92, and stores the point of efficiency speed 92 in the memory device 28. The point of efficiency speed 92 is the treadmill speed 66 that corresponds to the point of efficiency 70 as illustrated in FIG. 2A. The method continues in step 94. In step 94 the treadmill apparatus 12 can be stopped and the subject 18 stops running. The point of efficiency is just a benchmark.

FIG. 5 illustrates a schematic view of determining a length of time 74 in which a runner 18 remains in a state of accommodation 68A. In step 96, the runner is placed on the treadmill apparatus 12. In step 98, the treadmill speed 66 is set at, or around, the point of efficiency speed 92 which was determined in step 90 (FIG. 4). In step 100, the control system 14 measures an initial physical parameter 34C. In step 102, the control system 14 starts a timer 104 to measure elapsed time. In step 106, the timer 104 and the treadmill apparatus 12 continue to run. In step 108, a

current physical parameter 34D is measured by the control system 14. In step 110, the control system 14 determines if the current physical parameter 34D is outside the tolerance function. The computer 24 of the control system 14 performs this determination by comparing the tolerance function with the current physical parameter 34D. If the current physical parameter 34D is not outside the tolerance function, the method returns to step 106 where the timer 104 continues to run. If the current physical parameter 34D is outside the tolerance function, the method continues in step 112. In step 112, the control system 14 stops the timer 104 and records the length of time "T" in which the subject 18 remained in the state accommodation 68A as illustrated in FIG. 3. Note, again, that inefficiency can be at exhaustion and may be signaled by subject 18.

The subject 18 is further trained by repeating steps 96 through 112 of FIG. 5. Over a period of time, the subject 18 is able to produce a specific level of performance over an improved period of time. As the subject 18 trains and builds up more capacity, the point of efficiency 70A moves to longer and longer lengths of times 74 as illustrated in point of efficiencies 70E, and 70F (FIG. 3). The subject 18 may also be able to run longer in inefficiency and longer

overall. This can be tested by using a very "loose", or open-ended tolerance function. Alternatively, the subject 18 can also train and build up more capacity, but due to the particular activity can shorten length of time 74 that the point of efficiency 70A is reached. For example, with weight lifting (e.g., twenty repetitions at a particular weight), the point of efficiency 70A is shortened through the use of the method.

Although the training program for improving performance of the present invention described above describes a method and apparatus for improving human performances in various athletic, running activities, it should be clear to one of ordinary skill in the art that the training program of the present invention is also useful for training and improving performance for other subjects 18 such as animals (e.g., race horses, racing dogs, performance dogs, etc.), viruses, cellular automata, etc. and also improving other physical, emotional, or mental areas.

Another example of an embodiment of the invention would be for the subject 18 to be a human performing mathematical calculations. The mathematical calculations could be, in this embodiment, a person adding mathematical sums. A specific goal could be, for example, the subject 18 is

attempting add 100 sums as quickly as possible. The measuring system 10 in this embodiment could be a training machine display the sums to be calculated by the subject 18 one at a time, at a given rate (i.e., analogous to treadmill speed in the running embodiment). The rate of delivering the sums to the subject 18 is increased until the subject 18 cannot answer the sum before the next sum is displayed. By way of example, if the subject's 18 point of efficiency is found to be 1 sum per second and the subject 18 can only answer 10 sums before failure, the subject 18 is trained at that rate. The subject 18 is then trained at that rate so that the subject 18 can increase the total number of sums completed (e.g., 15 sums, 25 sums, 50 sums, etc.). Once, for example, the subject 18 can perform 100 sums at the rate of 1 sum per second, then a new point of efficiency is located. Thus, training would then be conducted at the rate of, for example, .75 sums per second.

Similar to the mathematician in the above mentioned embodiment, a weightlifter, for example, would, upon using this method for a period of time, also shorten the time between repetitions (i.e. "reps") of lifting weights. Thus, rather than increasing the amount of weight lifted as a result of training, the weightlifter would be able to

shorten the time, both total, and between successive reps of lifting the same amount of weight during training.

Another example of an embodiment of this invention allows for the optimal training of microbes to evolve to be resistant to a hostile environmental factor. The microbial culture (i.e. subject 18) is exposed to increasing levels of a hostile environmental factor until a dramatic change in the die-off of the culture happens. The point of efficiency 70, which is this point, is where the culture will be optimally adaptive. Future generations of the microbial culture are exposed to the environmental factor at the point of efficiency 70 until the culture is substantially unaffected. A new point of efficiency 70 is found by comparing the current effect to an original efficiency graph. The new graph is extended by increasing the amount of the hostile environmental factor until a new point of efficiency 70 is reached. The process is repeated until the culture is no longer adaptive or until the culture reaches a desired level of adaptability.

Another embodiment utilizing the inventive method is for training an adaptive computer program. Similar to the aforementioned bacterial training, the method employed would be to find a resonance point (i.e., the maximum output for a

given input) in the system to be trained. The training effect (i.e. output) is maximized for the effort expended by the subject and trainer (i.e., input). The optimal performance can be called the "Raniere Resonance Training Effect™".

The foregoing description of the present invention has been presented for purposes of illustration and description. It is not intended to be exhaustive or to limit the invention to the precise form disclosed, and many modifications and variations are possible in light of the above teaching. For example, the measurement data (e.g, physical parameters 34, speed, time, etc.) may be recorded by any suitable means (e.g., manually, chart, clipboard, etc.). Such modifications and variations that may be apparent to a person skilled in the art are intended to be included within the scope of this invention as defined by the accompanying claims.

I/WE CLAIM:

1. An apparatus comprising:

a performance system;

at least one sensor for measuring at least one parameter of a subject being trained or measured by the performance system; and

a control system for controlling at least one parameter of the performance system and for acquiring the measured at least one parameter of the subject from the at least one sensor.

2. The apparatus of claim 1, wherein the control system determines when the subject reaches a point of efficiency.

3. The apparatus of claim 1, further comprising a timer for recording an elapsed time.

4. The apparatus of claim 1, further comprising a memory device for storing information and data other than the parameter.

5. The apparatus of claim 4, further comprising a display

device for displaying the information and data other than the parameter from the memory device.

6. The apparatus of claim 4, further comprising an output port for transmitting information and data other than the parameter from the memory device out to a printer or a remote computer.

7. The apparatus of claim 1, further comprising an input device for allowing an operator to enter commands into the control system.

8. The apparatus of claim 7, wherein the input device is selected from a group consisting of a keyboard, a mouse, a microphone, an optical motion sensor, and a keypad.

9. The apparatus of claim 1, wherein the at least one parameter of the subject is a physical parameter.

10. The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of running turnover rate, stride length, stride strike force, muscle contraction speed, muscle contraction profile, muscle

contraction strength, electromagnetic activity profile, chemical activity profile, body temperature, and blood pressure.

11. The apparatus of claim 9, wherein the physical parameter is selected from the group consisting of heart rate, heart beat strength, respiration rate, VO_2, perspiration rate, metabolic rate, blood flow, breathing rate, and breath length.

12. The apparatus of claim 1, wherein the performance system further includes a device selected from the group of a computer, a VCR, an auditory device, a visual device, a connection to a transmission system, or combinations thereof.

13. The apparatus of claim 12 wherein the transmission system is selected from the group of internet, intranet, telephone system, acoustic, short wave, satellite, cable TV system, and combinations thereof.

ABSTRACT OF THE DISCLOSURE

METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

The present invention relates generally to a training method and apparatus for improving performance.

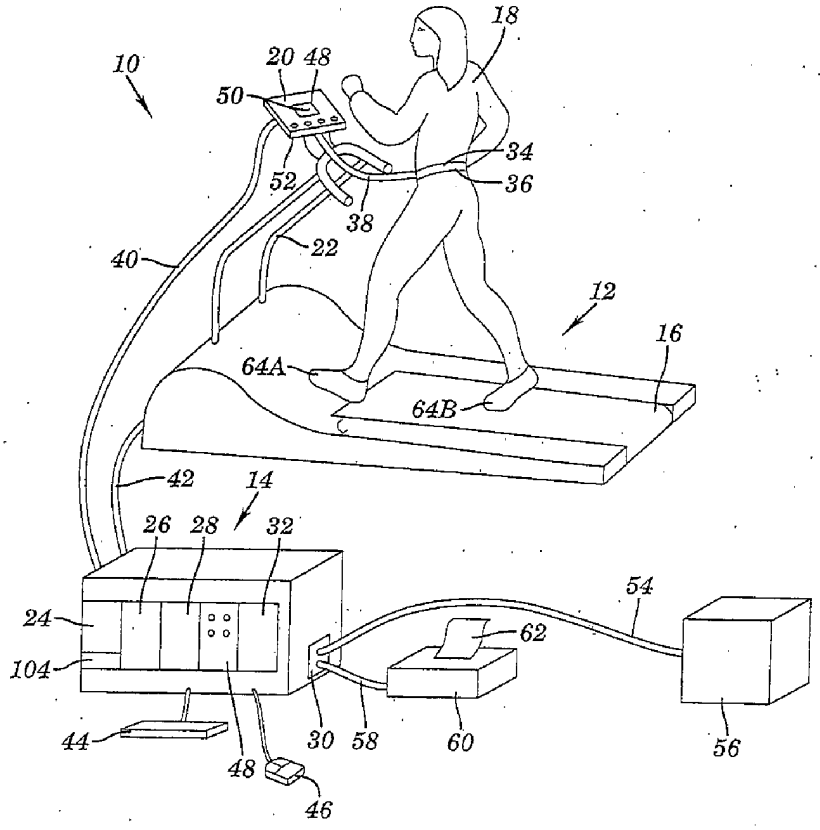

10
18
20
48
50
34
36
52
38
22
40
12
16
64A
64B
42
14
26
28
32
54
24
62
104
44
48
30
58
60
56
46

FIG. 1

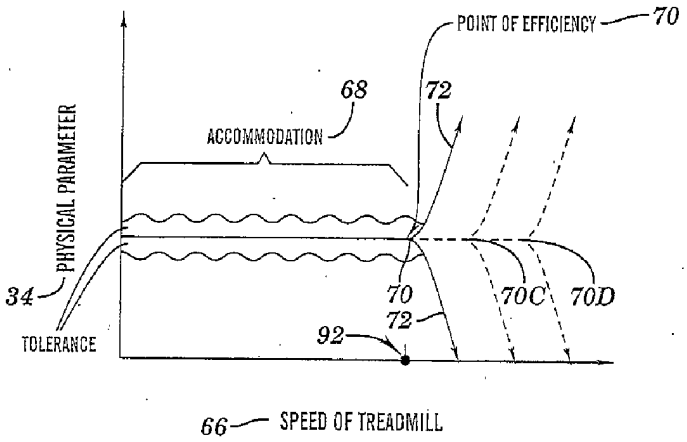

POINT OF EFFICIENCY
70
68
72
ACCOMMODATION
PHYSICAL PARAMETER
34
TOLERANCE
70
70C
70D
72
92
66
SPEED OF TREADMILL

FIG. 2A

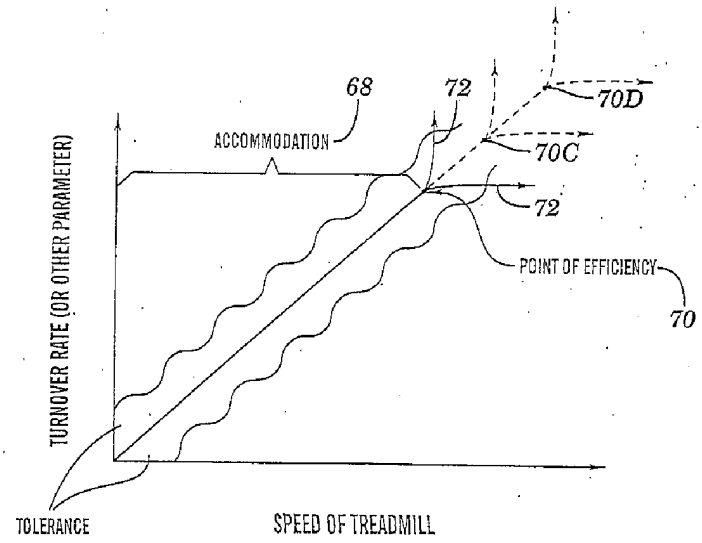

68
72
70D
ACCOMMODATION
70C
72
POINT OF EFFICIENCY
70
TURNOVER RATE (OR OTHER PARAMETER)
TOLERANCE
SPEED OF TREADMILL

FIG. 2B

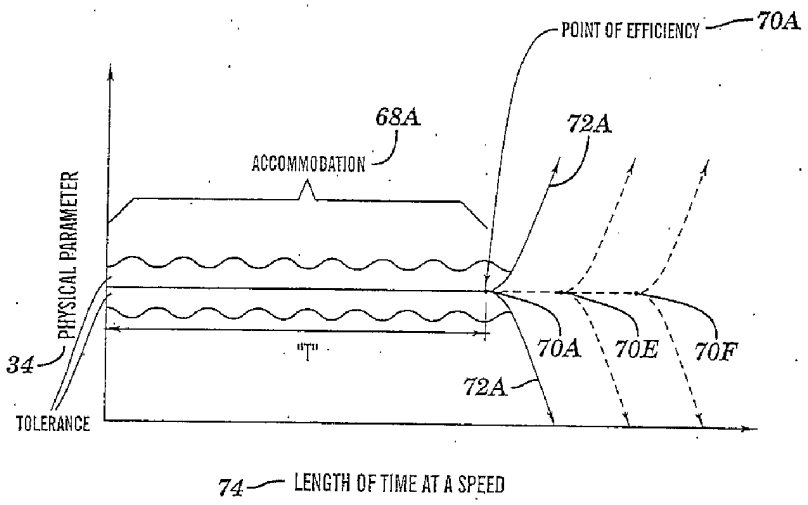

POINT OF EFFICIENCY
70A
68A
72A
ACCOMMODATION
PHYSICAL PARAMETER
34
"T"
70A
70E
70F
72A
TOLERANCE
74
LENGTH OF TIME AT A SPEED

FIG. 3

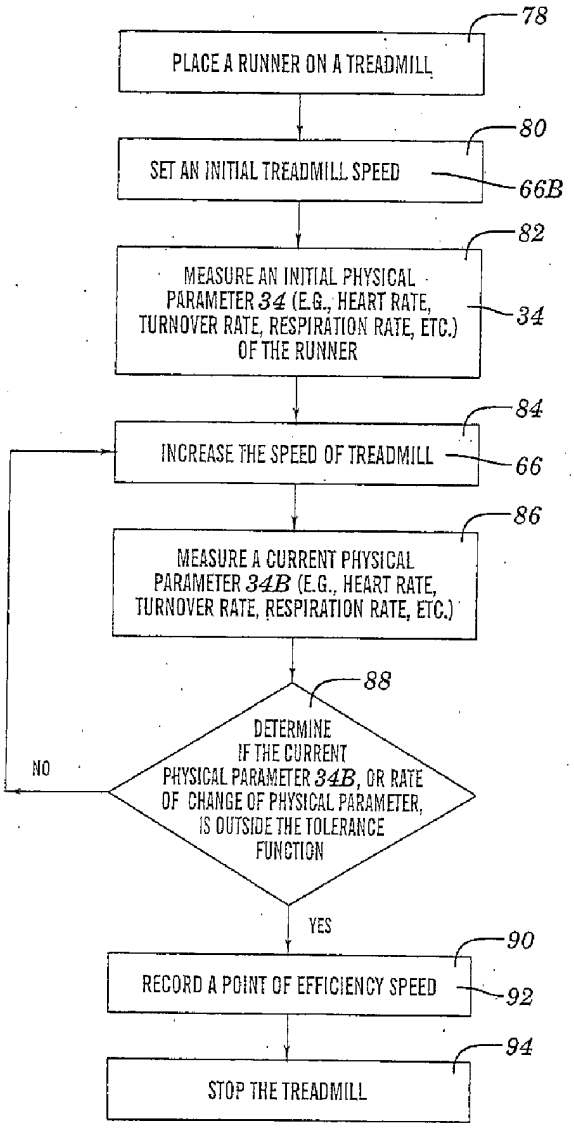

78
PLACE A RUNNER ON A TREADMILL
80
SET AN INITIAL TREADMILL SPEED
66B
82
MEASURE AN INITIAL PHYSICAL PARAMETER 34 (E.G., HEART RATE, TURNOVER RATE, RESPIRATION RATE, ETC.) OF THE RUNNER
34
84
INCREASE THE SPEED OF TREADMILL
66
86
MEASURE A CURRENT PHYSICAL PARAMETER 34B (E.G., HEART RATE, TURNOVER RATE, RESPIRATION RATE, ETC.)
88
DETERMINE IF THE CURRENT PHYSICAL PARAMETER 34B, OR RATE OF CHANGE OF PHYSICAL PARAMETER, IS OUTSIDE THE TOLERANCE FUNCTION
NO
YES
90
RECORD A POINT OF EFFICIENCY SPEED
92
94
STOP THE TREADMILL

FIG. 4

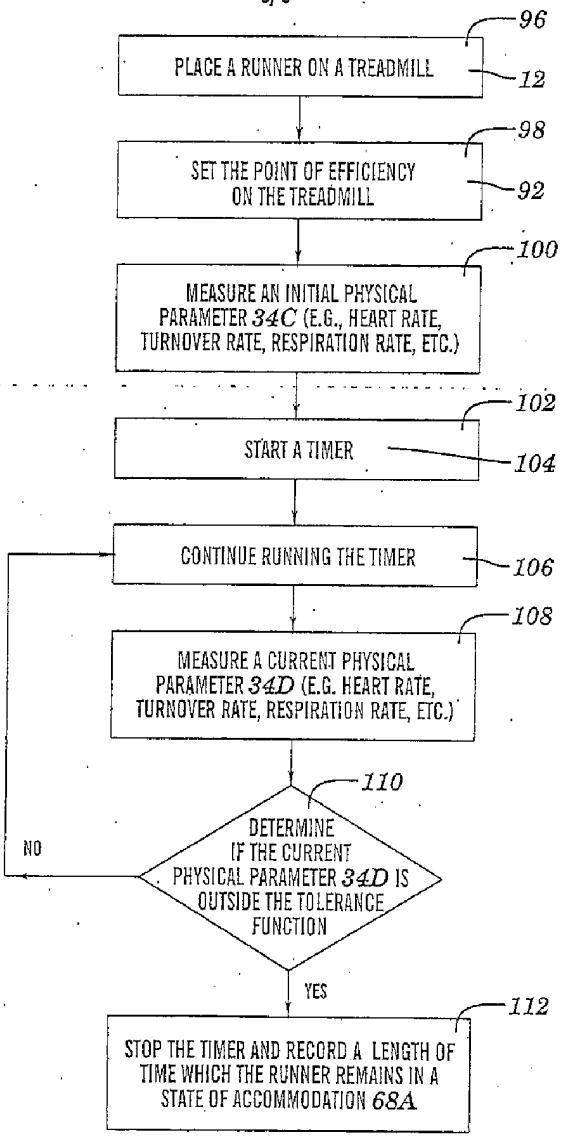

96
PLACE A RUNNER ON A TREADMILL
12
98
SET THE POINT OF EFFICIENCY ON THE TREADMILL
92
100
MEASURE AN INITIAL PHYSICAL PARAMETER 34C (E.G., HEART RATE, TURNOVER RATE, RESPIRATION RATE, ETC.)
102
START A TIMER
104
CONTINUE RUNNING THE TIMER
106
108
MEASURE A CURRENT PHYSICAL PARAMETER 34D (E.G. HEART RATE, TURNOVER RATE, RESPIRATION RATE, ETC.)
110
DETERMINE IF THE CURRENT PHYSICAL PARAMETER 34D IS OUTSIDE THE TOLERANCE FUNCTION
NO
YES
112
STOP THE TIMER AND RECORD A LENGTH OF TIME WHICH THE RUNNER REMAINS IN A STATE OF ACCOMMODATION 68A

FIG. 5

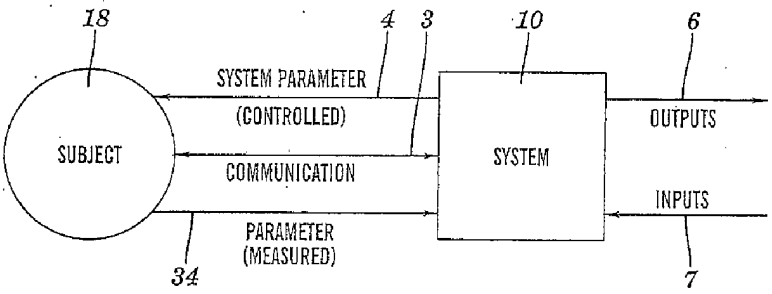

18
4
3
10
6
SYSTEM PARAMETER
(CONTROLLED)
SUBJECT
COMMUNICATION
SYSTEM
OUTPUTS
INPUTS
PARAMETER
(MEASURED)
34
7

FIG. 6

Docket No.
FIRS-2992

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR IMPROVING PERFORMANCE

the specification of which
(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Not Claimed
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my 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 issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

All Attorneys and Agents at Customer Number 5409

Send Correspondence to: **Customer No. 5409**

Direct Telephone Calls to: *(name and telephone number)*

Arlen L. Olsen - (518) 220-1850

Full name of sole or first inventor **Keith A. Raniere**
Sole or first inventor's signature Keith Raniere — Date: 7/29/05
Residence **7 Grant Hill Road, Clifton Park, NY 12065**
Citizenship **USA**
Post Office Address **Same as Residence**

Full name of second inventor, if any
Second inventor's signature — Date
Residence
Citizenship
Post Office Address

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	Application Number
FIRS-2992U	
Applicant(s)	
Keith A. Raniere	
Filing Date	**Group Art Unit**

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,410,472	04/25/1995	Anderson			
		6,939,881	09/2005	Pipers			
		6,592,502	07/2003	Phillips			

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES	Translation NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		Half Marathon Training, Running and Racing...Part Two, Anaerobic Threshold Training. [online]. 3 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://home.sprynet.com/~holtrun/halfmara.htm>.
		BALBACH, Lisa. What is Aerobic Exercise and Why Should I do it? [online]. 2 pages. [retrieved on 8/16/2000]. Retrieved from the Internet:< URL: http://k2.kirtland.cc.mi.us/~balbach1/aeroprin.htm>.

EXAMINER	DATE CONSIDERED

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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	Application Number
FIRS-2992US	
Applicant(s)	
Keith A. Raniere	
Filing Date	**Group Art Unit**

*EXAMINER INITIAL		OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*
		HIGDON, Hal. Hal Higdon's Marathon Training Guide - Novice Program. [online]. 2 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://www.halhigdon.com/marathon/nprogram.html>.
		HIGDON, Hal. Hal Higdon's Marathon Training Guide - Advanced Program. [online]. 2 pages. [retrieved on 8/17/2000]. Retrieved from the Internet:< URL: http://www.halhigdon.com/marathon/eprogram.html>.
		TUCKER, James A., DC,CCN. Aerobic Exercise. [online]. 3 pages. [retrieved on 8/16/2000]. Retrieved from the Internet:< URL: http://www.jkfa.com/alpub/aerobics.htm>.
		Star Trac Model 4500 Treadmill. [online]. 2 pages. (Product information page) iTreadmills.comTM [retrieved on 11/8/2000]. Retrieved from the Internet:< URL: http://www.itreadmills.com/startrac/tr4500_treadmill.htm>.

EXAMINER	DATE CONSIDERED

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Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor:	Keith A. Raniere
Filer:	Arlen L. olsen/Erin L. Brooksby
Attorney Docket Number:	FIRS-2992US3

Filed as Small Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**425**

Electronic Acknowledgement Receipt

EFS ID:	1110524
Application Number:	11457006
Confirmation Number:	6491
Title of Invention:	Method and Apparatus for Improving Performance
First Named Inventor:	Keith A. Raniere
Customer Number:	05409
Filer:	Arlen L. olsen/Erin L. Brooksby
Filer Authorized By:	Arlen L. olsen
Attorney Docket Number:	FIRS-2992US3
Receipt Date:	12-JUL-2006
Filing Date:	
Time Stamp:	16:14:48
Application Type:	Utility
International Application Number:	

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$425
RAM confirmation Number	174
Deposit Account	190513
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

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Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Specification	2992US3Specifications.pdf	602402	no	22
Warnings:					
Information:					
2	Claims	2992US3Claims.pdf	62981	no	3
Warnings:					
Information:					
3	Abstract	2992US3abstract.pdf	9756	no	1
Warnings:					
Information:					
4	Drawings	2992US3drawings.pdf	66187	no	6
Warnings:					
Information:					
5	Oath or Declaration filed	2992US3declarationPOA.pdf	110189	no	3
Warnings:					
Information:					
6		2992US3-IDS.pdf	827652	yes	16

Multipart Description

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Information:					
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Warnings:					
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New Applications Under 35 U.S.C. 111

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.

National Stage of an International Application under 35 U.S.C. 371

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.