U.S. Patent No. 12,036,174 Petition for Post-Grant Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THERABODY, INC. Petitioner

v.

DATAFEEL INC. Patent Owner.

Case No. PGR2025-00026 U.S. Patent No. 12,036,174

PETITION FOR POST-GRANT REVIEW OF U.S. PATENT NO. 12,036,174

DOCKET

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XII.		CAILED EXPLANATION OF THE UNPATENTABILITY OUNDS UNDER 35 U.S.C. § 103	.27
	A.	Ground 1: Claims 1-3, 5-6, 8-19 Are Unpatentable Under 35 U.S.C. § 103 As Obvious Over Lee in View of Barasch	
		1. A POSITA Would Have Been Motivated to Combine Lee's Teachings with Barasch and Would Have Had a Reasonable Expectation of Success	.27
		2. Independent Claim 1	.31
		a. Element 1[pre]: "A treatment device, comprising:"	.31

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	b.	Element 1[a]: "a body provided with a processing unit and a power source; and"	
	c.	Element 1[b]: "a plurality of energy generator elements being independently operable to convert electricity from the power source into a plurality of different energy types transmittable towards an area of skin of a user, the plurality of energy generator elements being arranged coaxially about an axis,"	
	d.	Element 1[c]: "wherein the body includes a grip arranged to be grasped by a hand of the user applying a gripping force to maintain the plurality of energy generator elements on or adjacent the area of skin,"	
	e.	Element 1[d]: "wherein the plurality of energy generator elements includes a first energy generator element and a second energy generator element, and wherein the first energy generator element is an impact generator element having a tissue contact surface that is linearly actuatable along the axis to contact and cause corresponding physical movement of the area of skin."	
3.	Claim 2: "The treatment device of claim 1, wherein the impact generator element further includes a drive mechanism and a piston, wherein the drive mechanism is operably coupled to a controller that directs electricity to the drive mechanism to move the piston and the tissue contact surface along the axis."		
4.	Claim 3: "The treatment device of claim 1, wherein the second energy generator element is substantially ring shaped and arranged coaxially about the first energy generator element."		
5.		5: "The treatment device of claim 1, wherein the d energy generator element includes a heat generator	

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	eleme	ent."	
6.	Claim 6: "The treatment device of claim 1, wherein a first one of the plurality of different energy types is an impact force applied against a surface of the area of skin and a second one of the plurality of different energy types is a heat flux directed toward the area of skin."		
7.	Indep	bendent Claim 843	
	a.	Element 8[pre]: "A treatment device, comprising:"43	
	b.	Element 8[a]: "a body provided with a sensor, a power source, and a processing unit configured to receive input data and generate a control signal based on the input data, the body further including a skin contacting surface maintainable against skin of a user by a force applied by a hand of the user when gripping the body; and"	
	c.	Element 8[b]: "a first energy generator element and a second energy generator element coupled to the body, the first and second energy generator elements being independently operable to convert electricity from the power source into a first energy type and a second energy type, respectively, and direct the first and second energy types toward an area of skin, the first energy generator element including an impact generator element having a tissue contact surface that is linearly actuatable along an axis to contact and cause corresponding physical movement of the area of skin,"	
	d.	Element 8[c]: "wherein the sensor is configured to detect additional input data based on a vital sign of the user and transmit the input data for display"	
8.	addit	n 9: "The treatment device of claim 8, wherein the ional input data corresponds to a heart rate of the 	

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9.	Claim 10: "The treatment device of claim 8, further comprising a controller configured to modify intensity of the first energy type and the second energy type."
10.	Claim 11: "The treatment device of claim 8, wherein a portion of the body configured to be gripped by the hand of the user is configured to emulate a grip of a gun."
11.	Claim 12: "The treatment device of claim 8, wherein the impact generator element further includes a drive mechanism and a piston, wherein the drive mechanism is operably coupled to a controller to direct electricity to the drive mechanism and move the piston and the tissue contacting surface along the axis."
12.	Claim 13: "The treatment device of claim 12, wherein the second energy generator element is a heat generator element configured to output the second energy type including a heat flux toward the area of skin."
13.	Claim 14: "The treatment device of claim 13, wherein the heat generator element is arranged coaxially about the axis and at least a portion of the heat generator element extends about at least portion of the piston."
14.	Claim 15: "The treatment device of claim 13, further comprising a third energy generator element independently operable of the first and second energy generator elements to output a third energy type toward the area of skin."
15.	Claim 16: "The treatment device of claim 15, further comprising a controller configured to modify an intensity of the first, second, and third energy types."
16.	Independent Claim 17
	a. Element 17[pre]: "A treatment device, comprising:"

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