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03 JAN -7 11:12:29
BY: [Signature]
DE: [Signature]
CLERK

14 Attorneys for Plaintiff

IAN F. BURNS & ASSOCIATES, P.C.
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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 WRISTRIPPER, INC., a Nevada corporation

18 Plaintiff,

19 vs.

20 TRAVIS G. DEMERS,

21 an individual, and DOES 1-100

22 Defendants

Case No.: CV-N-02-0490-ECR-RAM

**FIRST AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT OF NON-
INFRINGEMENT, INVALIDITY,
UNENFORCEABILITY, AND LACHES RE
U.S. PATENT NO. 6,099,437**

JURY TRIAL DEMANDED

23 Plaintiff alleges:

24 1. This is an action for declaratory judgment in a case of actual controversy between Plaintiff and
25 Defendants involving U.S. Patent No. 6,099,437, issued on August 8, 2000, and entitled "Exercise
26 Apparatus" (the "437 patent"). This action arises under 28 U.S.C. §2201 and §2202, and this court has
27
28

4

1 subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338(a). This is further a civil action
2 between citizens of different states in which the amount in controversy, upon information and belief,
3 exceeds the sum \$75,000.

4
5 **JURISDICTION AND VENUE**

6 2. This court has personal jurisdiction over Defendants by virtue of Defendants' contacts in this
7 district, as alleged in subsequent paragraphs below.

8 3. Venue is proper pursuant to 28 U.S.C. §1391.
9

10
11 **PARTIES**

12 4. Plaintiff is a Nevada corporation, having a principal place of business in Reno, Nevada.

13 5. Upon information and belief, Defendant Travis G. DeMers ("DeMers") is an Arizona resident
14 and is the president of Crown Fitness Corporation ("Crown Fitness"). Crown Fitness is an Arizona
15 corporation, having a principal place of business in Phoenix, Arizona.
16

17 6. Plaintiff is in the business of manufacturing and selling exercise devices, including an exercise
18 device called "Wristripper" (the "Wristripper"). Photographs of Wristripper are attached and labeled as
19 "Exhibit A."

20 7. Defendant DeMers operates Crown Fitness, which is in the business of manufacturing and
21 selling fitness products, including an exercise device called "Arme" (the "Arme"). Crown Fitness has a
22 website, www.armeheadquarters.com, which allows customers, including customers from Nevada, to
23 place an order for Arme. Upon information and belief, Crown Fitness has received orders from
24 customers residing in Nevada.
25
26
27
28

FACTUAL ALLEGATIONS

1
2 8. On August 30, 2002, Defendant DeMers telephoned Plaintiff in Nevada. Defendant DeMers
3 accused Plaintiff of manufacturing and selling products that infringe the '437 patent. Defendant DeMers
4 further threatened Plaintiff with legal actions.

5
6 9. On September 6, 2002, Plaintiff's counsel sent a letter to Defendant DeMers providing reasons
7 why Wristripper does not infringe the '437 patent. A copy of this letter is attached and labeled as
8 "Exhibit B."

9
10 10. On September 10, 2002, Defendant DeMers's attorney sent a letter to Plaintiff in Nevada
11 indicating that Plaintiff's device, Wristripper, "falls within the ambit of the claims of the '437 patent"
12 and demanding that Plaintiff "immediately discontinue infringing the '437 patent." Defendant
13 DeMers's attorney further requested "documents sufficient to identify the sales volume of [his] client's
14 patented invention so that an appropriate compensation for past infringement can be reached." A copy
15 of said letter is attached and labeled "Exhibit C." A copy of the '437 patent is also attached and labeled
16 "Exhibit D."

17
18 11. None of the exercise devices manufactured, used, and sold by Plaintiff infringe the '437 patent.
19 Plaintiff refuses to discontinue manufacturing, using, and selling exercise devices. The threat of
20 litigation is imminent, as Defendant DeMers considers Plaintiff's exercise devices to infringe the '437
21 patent and that Defendant DeMers has demanded that Plaintiff discontinue manufacturing and selling
22 Wristripper. Defendant DeMers has further demanded compensation for Plaintiff's alleged "past
23 infringement."
24

25 12. An actual controversy has arisen and now exists between Plaintiff and Defendants by virtue of
26 Defendant DeMers's written assertions and threat of litigation to Plaintiff. Declaratory relief is
27
28

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1 appropriate at this time under 28 U.S.C. §2201 and 2202 so that the parties may ascertain their rights
2 and duties relating to the '437 patent.
3

4
5 **FIRST CLAIM FOR RELIEF**

6 **(DECLARATORY JUDGMENT OF PATENT NONINFRINGEMENT)**

7 13. Plaintiff realleges and incorporates the allegations of paragraphs 1 through 12.

8 14. Defendants contend that Plaintiff's WristRipper device infringes the '437 patent.

9 15. However, Plaintiff does not make, use, sell, or offer for sale any device that infringes any valid
10 claim of the '437 patent. More particularly, the WristRipper device manufactured and sold by
11 Plaintiff does not infringe the '437 patent.
12

13 16. Plaintiff is not infringing, nor has it ever infringed, any valid claim of the '437 patent, and
14 Plaintiff is not contributing, nor has it ever contributed, to any infringement of any valid claim of
15 the '437 patent, and is not inducing, nor has it ever induced, any infringement of any valid claim
16 of the '437 patent.
17

18
19 **SECOND CLAIM OF RELIEF**

20 **(DECLARATORY JUDGMENT OF PATENT INVALIDITY, VOIDNESS, LATCHES, AND**
21 **UNENFORCEABILITY)**
22

23 17. Plaintiff realleges and incorporates the allegations of paragraphs 1 through 16.

24 18. The '437 patent is invalid and unenforceable for, among other grounds, failing to comply with
25 the requirements of 35 U.S.C. § 102, 103, or 112. The '437 patent is further invalid for inequitable
26 conduct.
27
28

1 19. Defendants delayed institution of any alleged patent infringement claim against Plaintiff for an
2 unreasonable and inexcusable length of time from the time Defendants knew or reasonably should have
3 known of its claims of alleged patent infringement.

4
5 20. The unreasonable and inexcusable delay operated to prejudice or injure Plaintiff.

6 21. Defendants are not entitled to relief under the '437 patent because of laches.
7

8 **DEMAND FOR JURY TRIAL**

9 22. Plaintiff requests a trial by jury on all issues allowable by law.
10

11 **DEMAND FOR JUDGMENT**

12
13 Plaintiff requests that the court enter a judgment declaring:

14 23. That Plaintiff's manufacture, use, importation, offer for sale, and sale of exercise devices do not
15 infringe the '437 patent and do not violate any rights of Defendants, including patent and other
16 intellectual property rights.
17

18 24. That Plaintiff has not contributed to or induced infringement of any valid claim of the '437
19 patent.
20

21 25. U.S. Patent No. 6,099,437 is invalid, void, and unenforceable.

22 26. An order that this case is exceptional under 35 U.S.C. § 285 and awarding Plaintiff its costs and
23 reasonable attorneys' fees.

24 27. That Plaintiff be awarded punitive damages, as Defendants' conduct shows bad faith and willful
25 and wanton disregard for the rights of Plaintiff.
26
27
28

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1 28. That Defendants and all persons acting on their behalf be preliminarily and permanently enjoined
2 from threatening, filing, or maintaining suits for infringement of the '437 patent for the manufacture,
3 use, importation, offer for sale, or sale of exercise devices by Plaintiff, Plaintiff's distributors, or
4 customers.

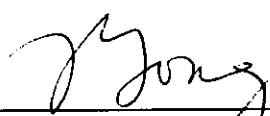
6 29. That Defendants and all persons acting on its behalf be preliminarily and permanently enjoined
7 and restrained from asserting or otherwise relying on U.S. Patent No. 6,099,437 against Plaintiff or
8 Plaintiff's customers.

9 30. That judgment be entered that Defendants are not entitled to relief under the '437 patent for
10 infringement against Plaintiff and Plaintiff's customers because of laches on the part of Defendants.

12 31. That Plaintiff obtains all other relief that the court deems equitable under the circumstances.

13 Dated this 7th day of January 2003.

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Nevada State Bar No: 7164
Rolando J. Tong
Nevada State Bar No: 8290
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Attorneys for Plaintiff

EXHIBIT A

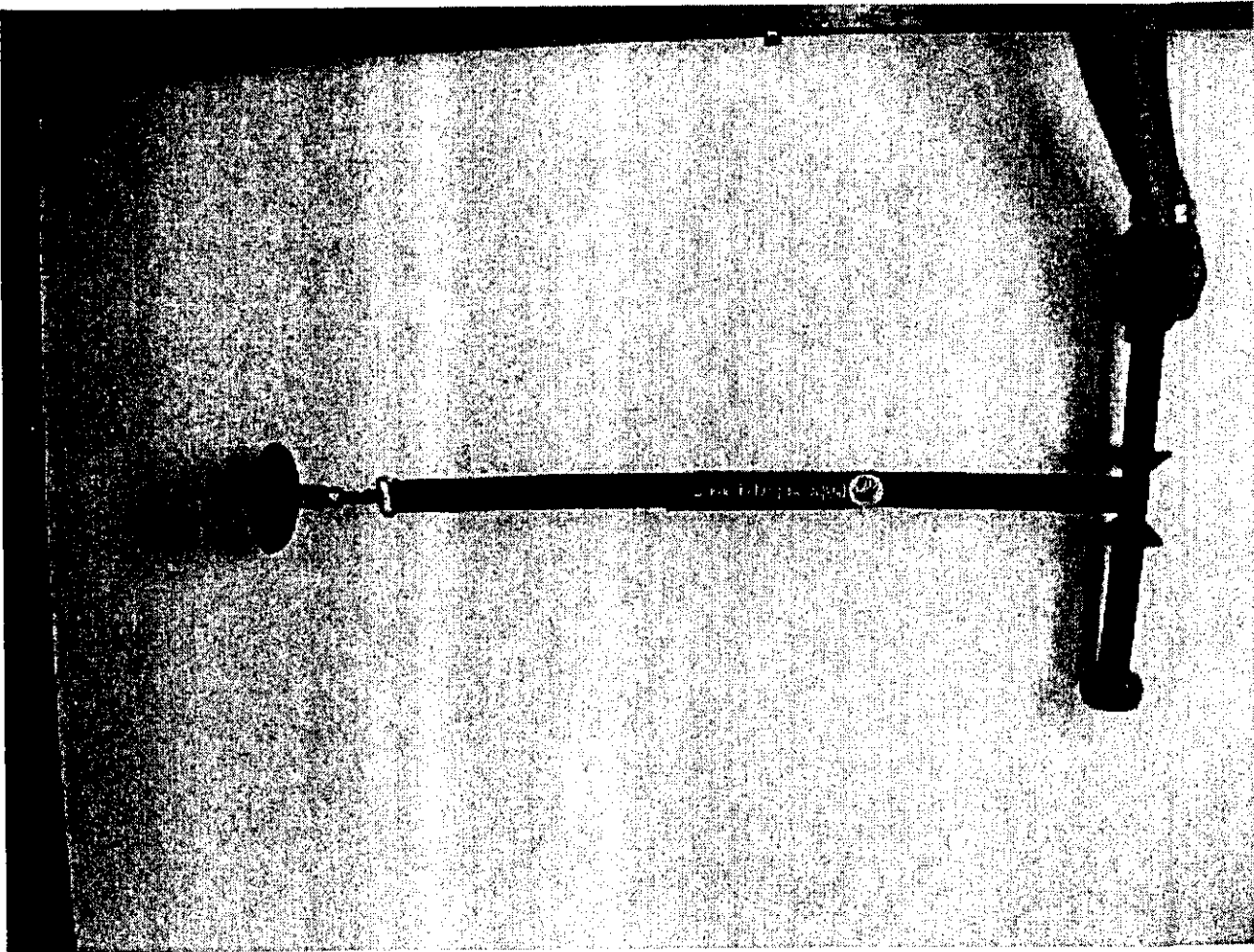


Exhibit A 1 Of 4

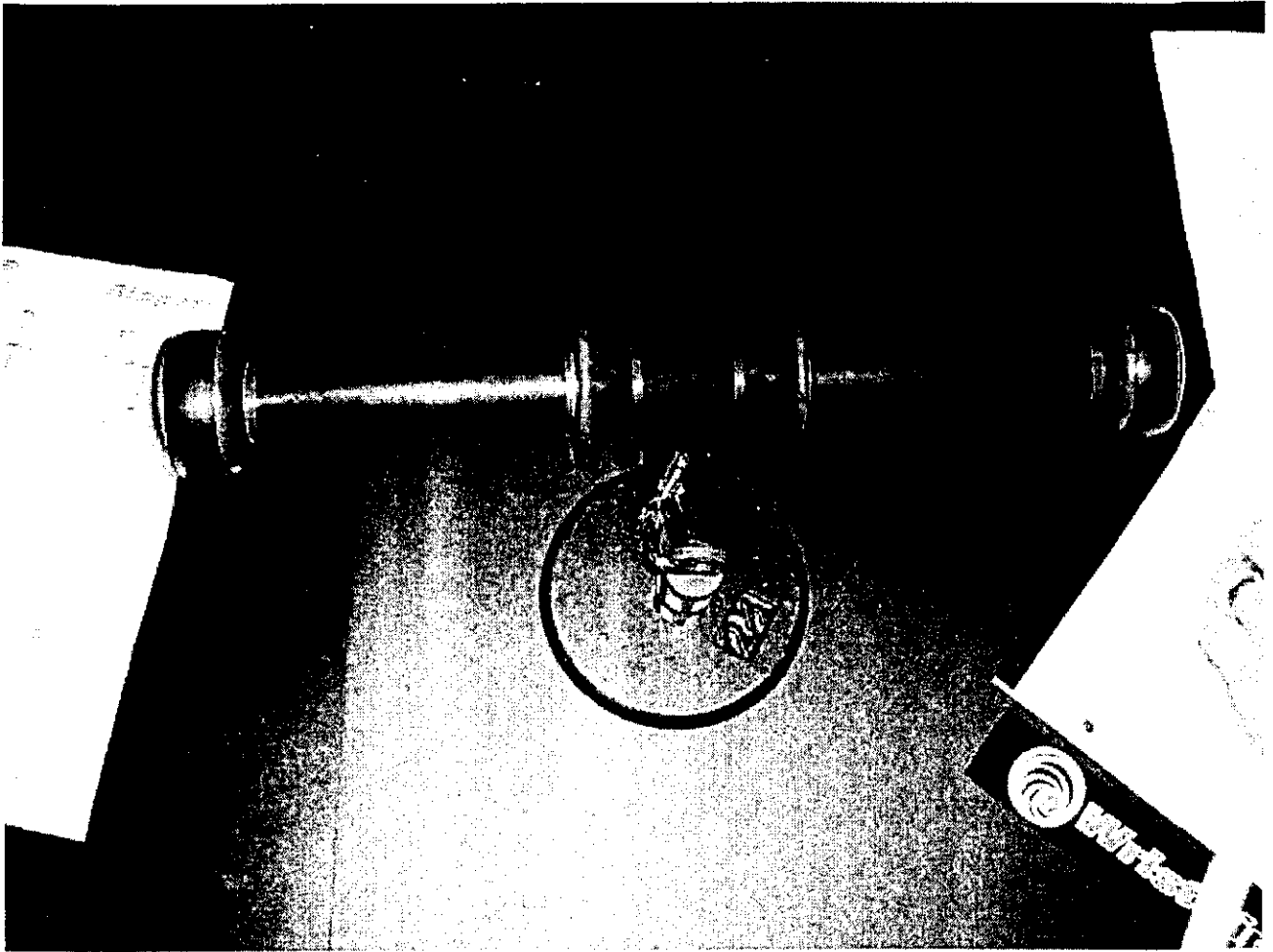


Exhibit A 2 of 4

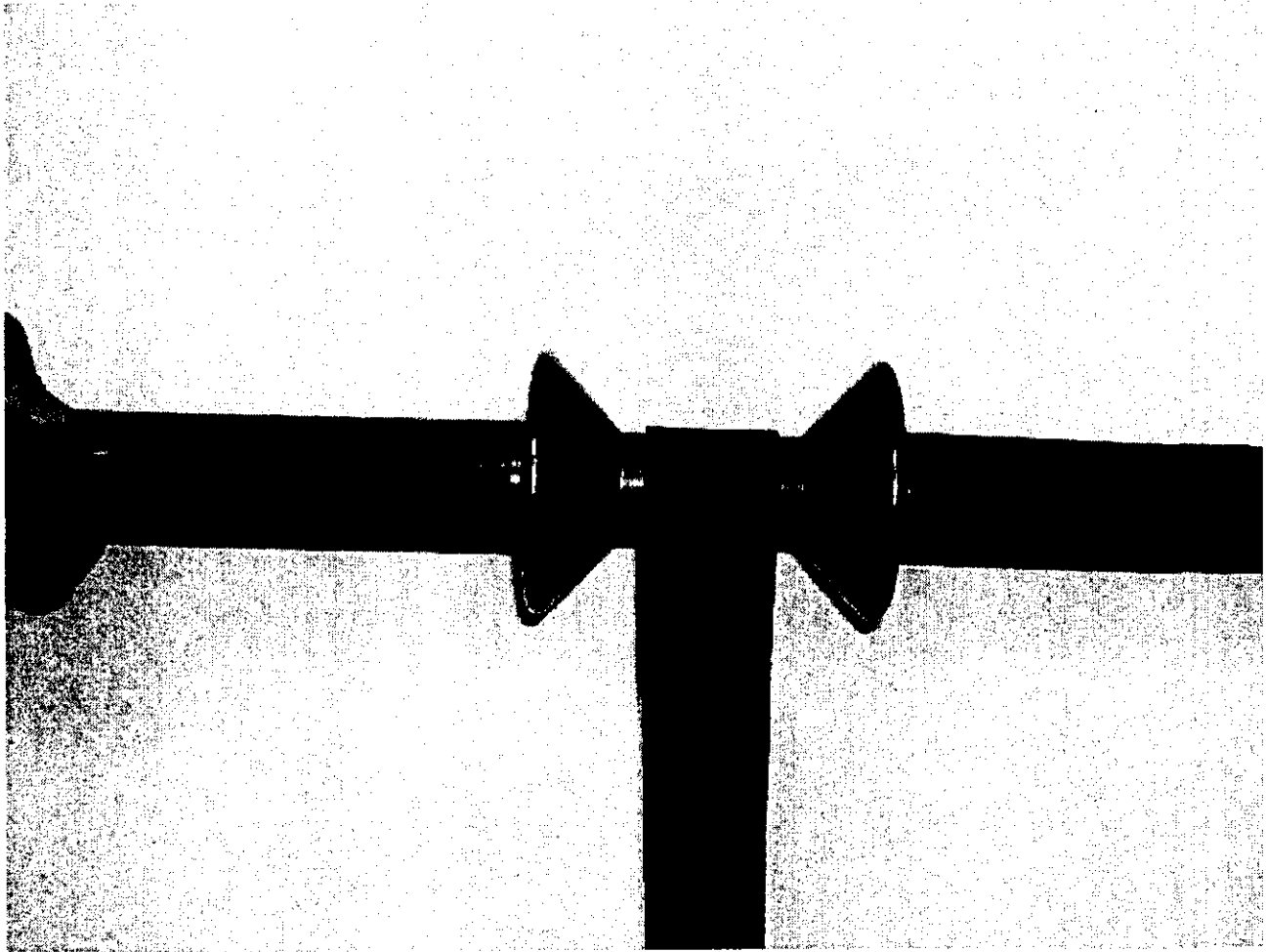


Exhibit A 3 of 4

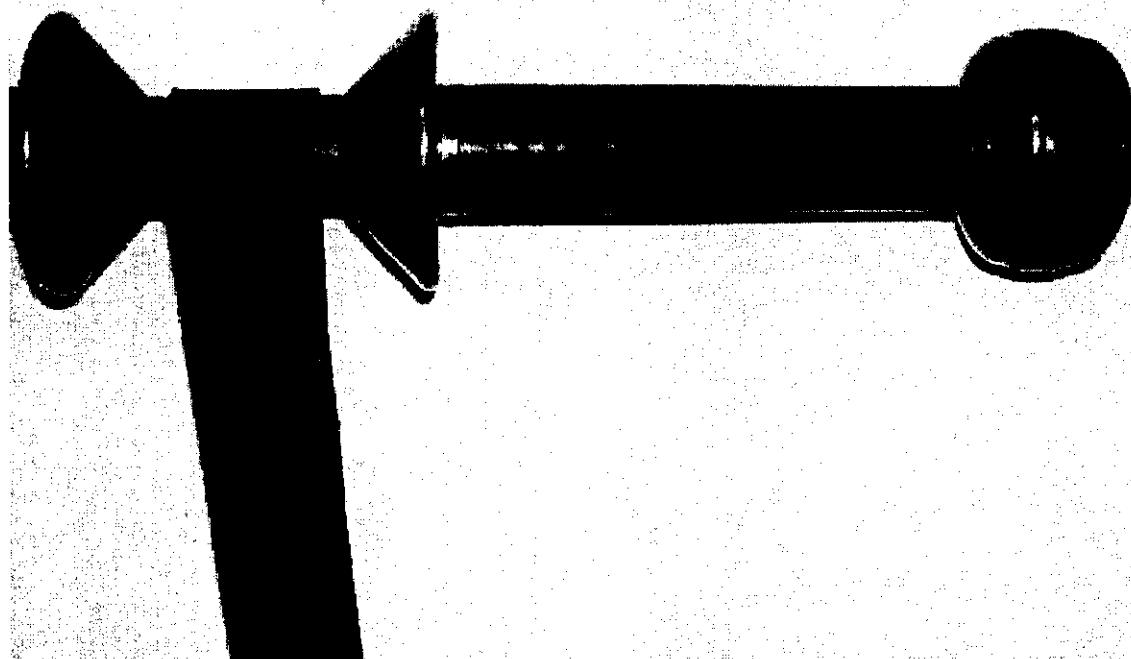


Exhibit A 4 of 4

EXHIBIT B

IA BURNS & ASSOCIATES, P.C.

Intellectual Property Law

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*Admitted in U.S. Patent and Trademark Office
**Admitted in California, Hawaii & Nevada
***Admitted in Illinois and Nevada
****Admitted in California

September 6, 2002

Travis G. Demers
Crown Fitness Corporation
President/CEO
545 E. Willetta Street, Suite 1
Phoenix, AZ 85004

Re: Exercise Apparatus
Our reference: 531.543

Dear Mr. Demers:

We are intellectual property counsel for Wristripper, Inc. We are writing in response to your telephone call to Mr. Scott Albright on August 30, 2002. During your telephone conversation, you implied that an exercise apparatus sold by Wristripper (hereinafter referred to as the "Exercise Apparatus") infringes U.S. patent number 6,099,437 (hereinafter referred to as the "437 Patent").

We thank you for bringing this matter to our attention. Wristripper respects the valid intellectual property rights of others and actively seeks to avoid infringement of all such rights.

We have reviewed the Patent and have determined that it claims, in addition to many other limitations, an exercise apparatus comprising first and second stops defining opposing surfaces separated by a distance, and a lanyard having a width substantially equal to the distance between the surfaces. The Patent further claims the distance between the surfaces and the width of the lanyard cooperate to force the lanyard to roll only upon itself between the surfaces in the wound condition of the lanyard.

During the prosecution of the patent, all of the independent claims were amended to include the above limitations (see, e.g., Response to Office Action Dated February 25, 2000). This creates substantial file wrapper estoppels.

Furthermore, in the examiner's reasons for allowance, the examiner stated "the prior art teaches similar devices comprising stops and cables or chords which are connected at one end to a weight and at the other end to an elongated bar. The distance between the stops is greater than the width of the chord." The examiner allowed the claims of the Patent because "prior art does not teach a strap, which is approximately the same width as that between the stops such that the relationship between the stops and the strap permits the strap to be wound upon itself."

Since the lanyard of the Exercise Apparatus does not have a width substantially equal to the distance between the surfaces and the distance between the surfaces and the width of the lanyard

Travis G. Demers
September 6, 2002
Page 2

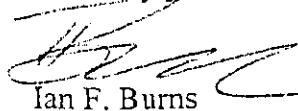
do not cooperate to force the lanyard to roll only upon itself, Wristripper's Exercise Apparatus does not infringe the '437 Patent. The Exercise Apparatus is similar to the prior art, that is, the distance between the stops is greater than the width of the chord. Therefore, the Exercise Apparatus falls outside the scope of the '437 Patent.

In view of the reasons stated above, the Exercise Apparatus clearly does not infringe the '437 patent. We urge you to obtain the opinion of your own competent patent counsel in this matter. After full consideration, we are confident your counsel will agree with our conclusion.

We notify you of the obligations imposed by Federal Rules of Civil Procedure, Rule 11. You may be liable for attorney's fees and sanctions if you file a complaint that is not grounded in law.

We consider this matter concluded. Please contact me if you have any questions or if you need further information.

Cordially yours,



Ian F. Burns

cc: Scott Albright

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Ian F. Burns & Associates, P.C.
1575 Delucchi Lane
Suite 222
Reno, Nevada 89502



1 69

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee

[Signature]

B. Received by (Printed Name) Date of Delivery

[Signature] *9/19/02*

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to:

*Walter J. Burns
General Business Exp.
Headset / etc
5415 E. Lodi Blvd Ste 101
Spokane
Walla Walla, AZ 85304*

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number *7000 1530 001 2862 1585*

(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102506-02-4100 15

UNITED STATES POSTAL SERVICE

EXHIBIT C

PARSONS & GOLTRA

PATENT, TRADEMARK AND COPYRIGHT LAW
340 EAST PALM LANE, SUITE 200
PHOENIX, ARIZONA 85004

COPY

EMAIL: PROCTOR@PATENTSAVERS.COM
WWW.PATENTSAVERS.COM

TEL 602.252.7494
FAX 602.252.7198

10 September 2002

Scott A. Albright, President
Wristripper, Inc.
4286 Muirwood Circle
Reno, Nevada 89509

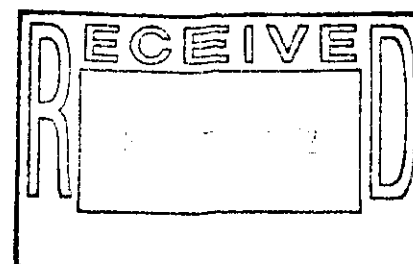
Re: U.S. Patent No. 6,099,437
Our Reference No.: 3953

Dear Mr. Albright:

We represent Travis G. DeMers, who is the owner of U.S. Patent No. 6,099,437 (the '437 patent) to an exercise device for strengthening the muscles of the hands, wrists, arms and shoulders. The invention consists of a handle having ends and stops carried by the handle between the ends. A lanyard has an end secured to the handle between the stops and an opposing free end capable of engaging a weight. The lanyard is movable between unwound and wound conditions in response to rotation of the handle and the width of the lanyard and the distance between the stops cooperate to force the lanyard to roll only upon itself between the stops in the wound condition of the lanyard.

It has come to our attention that you are presently making and selling a "WristRipper" exercise device incorporating the invention patented under the '437 patent. The information we obtained from your wristripper.com web site reveals that your "WristRipper" exercise device falls within the ambit of the claims of the '437 patent, and functions identically to my client's patented invention accomplishing its objects and advantages over the prior art.


On behalf of our client, we request that you immediately discontinue infringing the '437 patent. We further request that you provide us with documents sufficient to identify the sales volume of my client's patented invention so that an appropriate compensation for past infringement can be reached, and invite you to explain how you have come to use the subject matter patented under the '437 patent and to inform us whether you are the actual manufacturer.



It is our understanding that for quite some time you have known of the '437 patent and of my client's patented Arme® strength training device, which bears a conspicuous patent marking denoting U.S. Patent No. 6,099,437. Based on sales information my client has provided us, it is also our understanding that last year you actually purchased an Arme® strength training device. We also understand that your counsel is Ian F. Burns and have copied him this letter.

Please understand that the subject matter of the '437 patent is very important to our client's ongoing business endeavors. Your infringement of the '437 patent is obviously a serious matter. Accordingly, we expect to hear from you in the near term.

Sincerely,



Michael W. Goltry

MWG/le

cc: Travis G. DeMers

cc: Ian F. Burns
Ian F. Burns & Associates
1575 Delucchi Lane, Suite 222
Reno, Nevada 89502

EXHIBIT D



US006099437A

United States Patent [19]
DeMers

[11] **Patent Number:** **6,099,437**
 [45] **Date of Patent:** **Aug. 8, 2000**

[54] **EXERCISE APPARATUS**

[76] Inventor: **Travis G. DeMers**, 4001 S. Hazelton
 La., Tempe, Ariz. 85282

[21] Appl No.: **09/204,873**

[22] Filed: **Dec. 3, 1998**

[51] Int. Cl.⁷ **A63B 23/14**

[52] U.S. Cl. **482/46**

[58] Field of Search 482:44-45, 46-49,
 482:50

[56] **References Cited**

U.S. PATENT DOCUMENTS

D. 264,237	5/1982	McCaleb et al.	D21/198
1,982,843	12/1934	Traver	482/70
2,475,656	7/1949	Bidak	
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3,982,755	9/1976	Sarich	

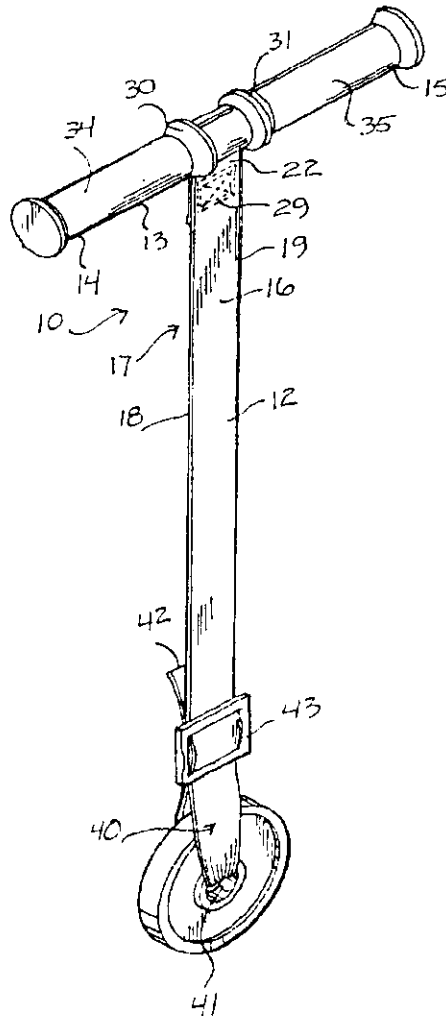
4,438,920	3/1984	Veillette	
5,037,087	8/1991	Roth	272:117
5,547,441	8/1996	Mora	
5,620,398	4/1997	Moriarty	

Primary Examiner—Stephen R. Crow
Assistant Examiner—Jayne M Saydah
Attorney, Agent, or Firm—Parsons & Goltry; Michael W. Goltry; Robert A. Parsons

[57] **ABSTRACT**

Exercise apparatus comprising an elongate body, a weight supported by a lanyard depending from the elongate body, and first and second stops carried by the elongate body each in substantially abutting relation against one of either side of the lanyard, wherein a user may grasp and rotate the elongate body to raise and lower the weight as the lanyard is wound and unwound about the elongate body with the first and second stops cooperating to force the lanyard to wind and unwind about the elongate body upon itself.

17 Claims, 2 Drawing Sheets



U.S. Patent

Aug. 8, 2000

Sheet 1 of 2

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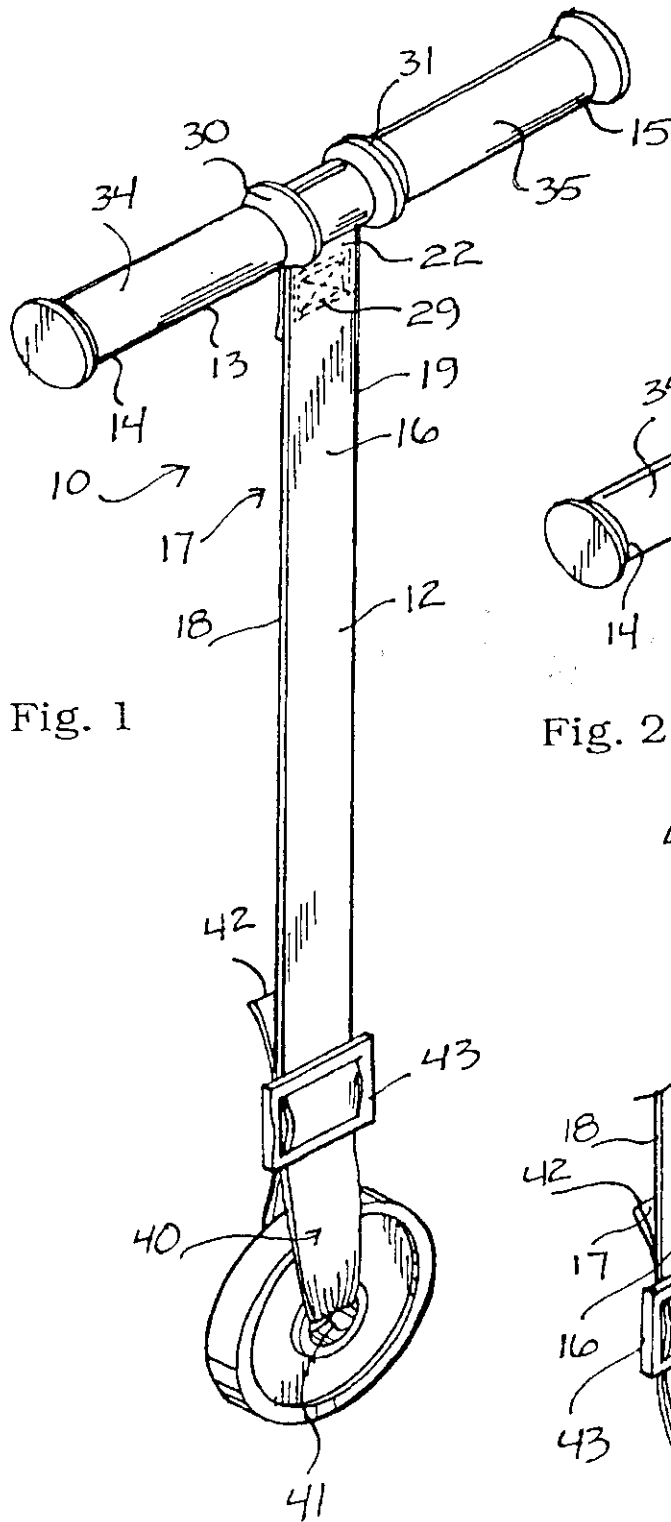


Fig. 1

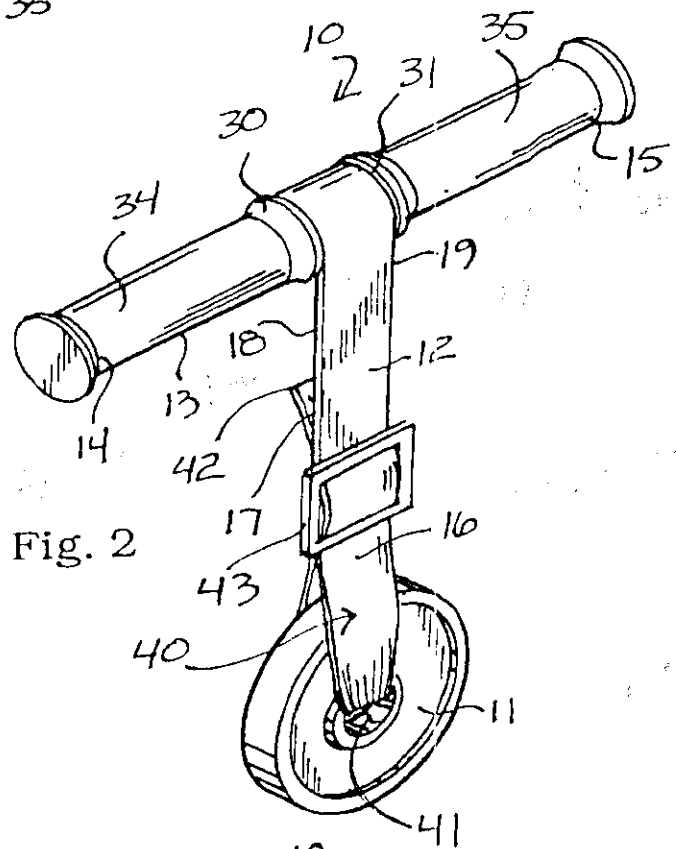


Fig. 2

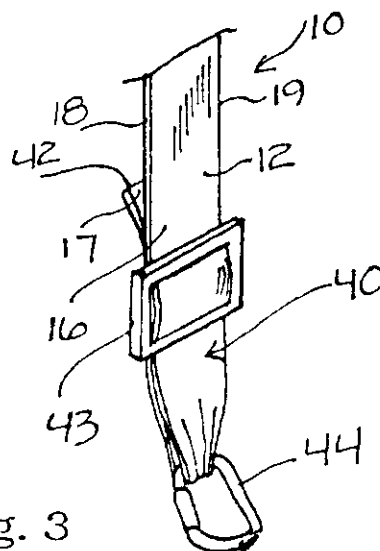


Fig. 3

U.S. Patent

Aug. 8, 2000

Sheet 2 of 2

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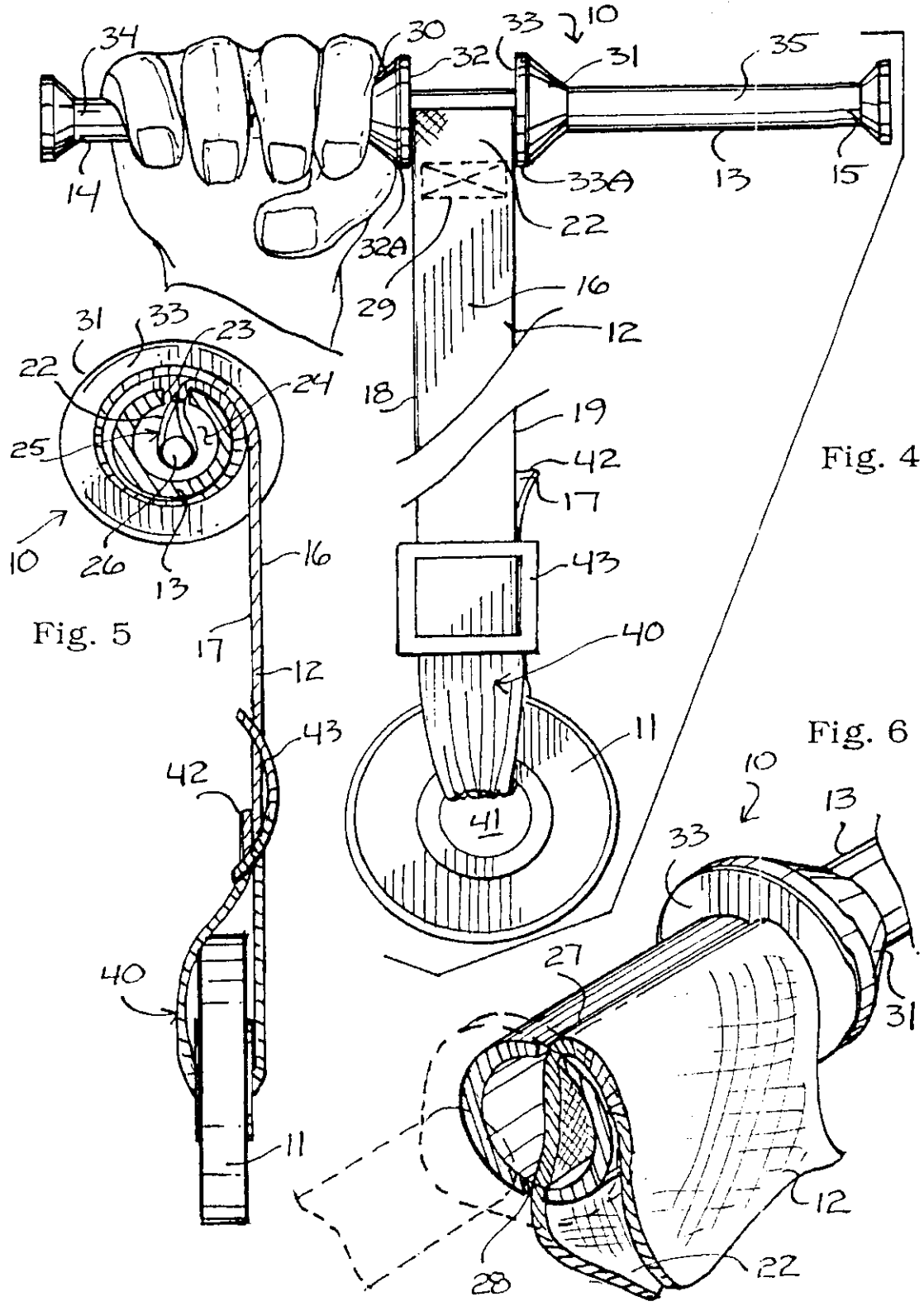


Fig. 4

Fig. 5

Fig. 6

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EXERCISE APPARATUS**FIELD OF THE INVENTION**

This invention relates generally to exercise devices and, more particularly, to exercise apparatus and methods for strengthening the wrists, arms and shoulders.

BACKGROUND OF THE INVENTION

Strength training is arguably the best way to develop musculature and to strengthen and increase the density of the skeletal system. Commercial gymnasiums offer people free weights and a wide variety of equipment designed for isolating particular muscle groups. Gym memberships can be prohibitively expensive for some people. As a result, the fitness industry provides people with a wide variety of exercise apparatus that may be purchased inexpensively and used in the home for strength training.

In this regard, skilled artisans have devoted considerable effort toward inexpensive devices for strengthening the hands, wrists, arms and shoulders that may be purchased and used easily in the home. These devices generally include a weight supported by a lanyard carried by a handled body. A user may grasp and rotate the handled body to raise and lower the weight as the lanyard is wound and unwound about the elongate body. By holding such a device outwardly away from the body during use, it proves particularly advantageous for strengthening the muscles of the hands, wrists, forearms, upper arms and shoulders. Although the various prior art embodiments of these devices prove exemplary for intended use, they suffer from specific structural shortcomings that can occasion injury and interfere with comfort and ease of use.

Accordingly, it would be highly desirable to provide improved exercise apparatus and methods for strengthening the hands, wrists, arms and shoulders.

It is a purpose of the present invention to provide new and improved exercise apparatus that is easy to construct.

It is another purpose of the present invention to provide new and improved exercise apparatus that is easy to use.

It is still another purpose of the present invention to provide new and improved exercise apparatus that is inexpensive.

It is a further purpose of the present invention to provide new and improved exercise apparatus that provides users with a balanced weight throughout a range of exercise movement.

It is still a further provision of the present invention to increase the ease and efficiency of strengthening the muscles of the hands, wrists, arms and shoulders.

It is yet still a further provision of the present invention to provide new and improved exercise apparatus that substantially minimizes the risk of injury associated with strengthening the muscles of the hands, wrists, arms and shoulders.

SUMMARY OF THE INVENTION

The above problems and others are at least partially solved and the above purposes and others realized in new and improved exercise apparatus for strengthening the muscles of the hands, wrists, arms and shoulders. In a specific embodiment, exercise apparatus of the present invention comprises an elongate body, a weight supported by a lanyard depending from the elongate body, and first and second stops carried by the elongate body each in substantially abutting relation against one of each side of the

2

lanyard. In operation, a user may grasp, such as with one or more of his or her hands, and rotate the elongate body to raise and lower the weight as the lanyard is wound and unwound about the elongate body with the first and second stops cooperating to force the lanyard to wind and unwind about the elongate body upon itself. The first and second stops define opposing abutting surfaces that face and substantially abut the lanyard. The elongate body includes handles each located on either side of one of the first and second stops.

BRIEF DESCRIPTION OF THE DRAWINGS

The foregoing and further and more specific objects and advantages of the instant invention will become readily apparent to those skilled in the art from the following detailed description thereof taken in conjunction with the drawings in which:

FIG. 1 is an isometric view of exercise apparatus comprising a weight carried by a lanyard supported by an elongate body;

FIG. 2 is another isometric view of the exercise apparatus of FIG. 1 with the lanyard shown as it would appear in a wound condition about the elongate body;

FIG. 3 is a fragmented isometric view of the lanyard of FIG. 1 shown as it would appear supporting a carabiner;

FIG. 4 is a front elevational view of the exercise apparatus of FIG. 1 shown as it would appear held by a user;

FIG. 5 is a vertical sectional view of the elongate body of the exercise apparatus of FIG. 1 with the weight shown carried by the lanyard supported by the elongate body in a specific embodiment; and

FIG. 6 is a fragmented perspective view of the elongate body of the exercise apparatus of FIG. 1 with a free end of the lanyard shown extending through slots of the elongate body and then fastened with lanyard in another embodiment.

DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT

The present invention provides, among other things, new and improved exercise apparatus and methods for strengthening the muscles of the hands, wrists, forearms, upper arms and shoulders. Ensnuing embodiments are easy and inexpensive to construct, easy to use and provide users with the ability to exercise safely and efficiently.

Turning now to the drawings, in which like reference characters indicate corresponding elements throughout the several views, attention is first directed to FIGS. 1 and 2 which illustrate isometric views of exercise apparatus comprising a weight 11 carried by a lanyard 12 supported by an elongate body 13 that a user may grasp and rotate to raise and lower weight 11 as lanyard 12 is wound and unwound about elongate body 13 or otherwise moved between wound and unwound conditions. Elongate body 13 is substantially cylindrical and includes first and second free ends, 14 and 15. Lanyard 12 depends from elongate body 13 intermediate first and second free ends 14 and 15, and, more particularly, at a point substantially equidistant from first and second free ends 14 and 15. Lanyard 12 is constructed of canvass, nylon or other substantially pliant material to allow it to be easily wound and unwound about elongate body 13 between wound and unwound conditions and is substantially flat. In this regard, lanyard 12 includes first and second major surfaces 16 and 17 and first and second side edges 18 and 19.

Regarding FIG. 5, lanyard 12 includes a proximal end 22 fixed to elongate body 13 from which lanyard 12 depends.

6,099,437

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Proximal end 22 may be fixed with elongate body in any conventional manner. In this particular embodiment, proximal end 22 extends through a slot 23 leading to a cavity 24 bound by elongate body 13. Proximal end 22 is provided in the form of a loop 25 loopingly engaged with a dowel 26 rigidly supported by elongate body 13 in cavity 24. In another embodiment as shown in FIG. 6, elongate body 13 may be provided with openings or slots 27 and 28 formed therethrough in spaced-apart and substantially opposing relation. To fasten lanyard 12 with elongate body 13 in this embodiment, proximal end 22 may be inserted into and through slots 27 and 28 and then fastened with lanyard 12. Proximal end 22 may be fastened with lanyard by conventional stitching techniques as evinced, for instance, by the box stitch 29 shown in FIGS. 1 and 4.

Elongate body 13 carries first and second stops 30 and 31 each in substantially abutting relation against one of the first and second side edges 18 and 19 of lanyard 12. In particular, and with attention directed to FIG. 4, first stop 30 includes an abutting surface 31 facing first side edge 18 in substantially abutting relation, and second stop 32 includes an abutting surface 33 facing second side edge 19 in substantially abutting relation. Abutting surfaces 32 and 33 oppose one another in spaced relation, reside in substantially parallel planes and are each substantially planar. Abutting surfaces 32 and 33 are each also continuous and terminate outwardly with continuous edges 32A and 33A, respectively, at a point spaced from elongate body 13. Continuous edges 32A and 33A each define a diameter greater than the diameter of elongate body 13 at the point where lanyard 12 is moved between wound and unwound conditions so as to substantially contain lanyard 12 therebetween in the wound condition.

Elongate body 13 includes a handle 34 intermediate first stop 20 and first end 14 and another handle 35 intermediate second stop 21 and second end 15. In operation, a user may grasp, such as with one or more of his or her hands, one or more of handles 34 and 35 and rotate elongate body 13 to move weight 11 as lanyard 12 is wound and unwound about elongate body 13. It will be understood that the user may support apparatus 10 at a variety of positions relative his or her body for effecting resistance training of the hand, wrist, arm and shoulder muscles. With abutting surfaces 32 and 33 in substantially abutting relation against the first and second side edges 18 and 19, respectively, first and second stops 30 and 31 cooperate to constrain and force lanyard 12 to wind and unwind about elongate body 13 upon itself as substantially shown in FIG. 5. The flatness of lanyard 12 is desirable as it allows lanyard 12 to easily wind and unwind upon itself.

Because first and second stops 30 and 31 force lanyard 12 to wrap upon itself, weight 11 is supported precisely along a linear path relative elongate body 13 as it reciprocates up and down as lanyard 12 is wound and unwound about elongate body 13. This is important because if lanyard 12 were to wind and unwind beside itself, it would cause weight 11 to move laterally or otherwise migrate toward one of the first and second ends 14 and 15 as it is moved in reciprocal directions thereby altering the balance of the weight 11 as supported by elongate body 13. This imbalance can cause user injury or discomfort during use. With first and second stops 30 and 31 operative for forcing lanyard 12 to wind and unwind upon itself, weight 11 is prevented from moving laterally or otherwise migrating toward one of the first and second ends 14 and 15 of elongate body 13. This ensures that weight 11 is precisely balanced relative elongate handle 13 during use which enhances user comfort and substantially

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inhibits injury that can otherwise occur if the balance of weight 11 as supported by elongate body 13 were to vary during its movement in reciprocal directions.

Weight 11 is normally removably carried by lanyard 12 so that it may be easily removed and replaced as needed with one or more similar weights for varying the weight as desired by a user. As shown in FIGS. 1, 2, 4 and 5, weight 11 is shown supported by a loop 40 of lanyard 12. In particular, weight 11 includes a hole 41 extending therethrough through which a distal or free end 42 of lanyard 12 extends. Free end 42 is in turn fastened with lanyard 12 with a conventional buckle 43 to form loop 40. As an alternative, a carabiner 44 may be supported by loop 40 as an alternative means for removably supporting a weight with lanyard 12. Other conventional mechanisms suitable for providing the removable engagement of one or more weights with lanyard 12 may be used as desired.

The present invention has been described above with reference to a preferred embodiment. However, those skilled in the art will recognize that changes and modifications may be made in the described embodiments without departing from the nature and scope of the present invention. Various changes and modifications to the embodiment herein chosen for purposes of illustration will readily occur to those skilled in the art. To the extent that such modifications and variations do not depart from the spirit of the invention, they are intended to be included within the scope thereof which is assessed only by a fair interpretation of the following claims.

Having fully described the invention in such clear and concise terms as to enable those skilled in the art to understand and practice the same, the invention claimed is:

What is claimed is:

1. Exercise apparatus comprising:

first and second stops carried by an elongate body, the first and second stops defining opposing surfaces separated by a distance; and

a lanyard having a first end engaged to the elongate body between the surfaces, a second end engagable to a weight and a width that is substantially constant from the first end to the second end and substantially equal to the distance between the surfaces, the lanyard movable between unwound and wound conditions in response to rotation of the elongate body, wherein the distance between the surfaces and the width of the lanyard cooperate to force the lanyard to roll only upon itself between the surfaces in the wound condition of the lanyard.

2. Exercise apparatus of claim 1, wherein the surfaces face the lanyard.

3. Exercise apparatus of claim 1, wherein each of the surfaces is substantially planar.

4. Exercise apparatus of claim 1, wherein the surfaces define substantially parallel planes.

5. Exercise apparatus of claim 1, wherein the elongate body includes handles each located on either side of one of the first and second stops.

6. Exercise apparatus comprising:

stops carried by an elongate body, the stops defining opposing surfaces separated by a distance; and

a lanyard having a first end engaged to the elongate body between the surfaces, a second end supporting a weight and a width that is substantially constant from the first end to the second end and substantially equal to the distance between the surfaces, the lanyard movable between unwound and wound conditions in response to rotation of the elongate body, wherein the distance

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between the surfaces and the width of the upon itself between the surfaces in the wound condition of the lanyard.

7. Exercise apparatus of claim 6, wherein the surfaces face the lanyard.

8. Exercise apparatus of claim 6, wherein each one of the surfaces is substantially planar.

9. Exercise apparatus of claim 6, wherein the surfaces define substantially parallel planes.

10. Exercise apparatus of claim 6, wherein the elongate body includes handles each located on either side of one of the stops.

11. Exercise apparatus of claim 6, wherein the weight is removably supported by the second end of the lanyard.

12. Exercise apparatus comprising:
an elongate body having ends;
stops carried by the elongate body between the ends, the stops defining opposing surfaces separated by a distance; and
a lanyard having a first end engaged to the elongate body between the surfaces, a second end engagable to a

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weight and a width that is substantially constant from the first end to the second end and substantially equal to the distance between the surfaces, the lanyard movable between unwound and wound conditions in response rotation of the elongate body, wherein the distance between the surfaces and the width of the lanyard cooperate to force the lanyard to roll only upon itself between the surfaces in the wound condition of the lanyard.

13. Exercise apparatus of claim 12, wherein the surfaces face the lanyard.

14. Exercise apparatus of claim 12, wherein each one of the surfaces is substantially planar.

15. Exercise apparatus of claim 12, wherein the surfaces define substantially parallel planes.

16. Exercise apparatus of claim 12, wherein the elongate body includes handles each located on either side of one of the stops.

17. Exercise apparatus of claim 12, wherein the second end of the lanyard is removably engagable to the weight.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,099,437
DATED : August 8, 2000
INVENTOR(S) : Demers, Travis G.

Page 1 of 1

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

Column 5,

Line 1, insert -- lanyard cooperate to force the lanyard to roll only -- between "the" and "upon".

Signed and Sealed this

Twenty-eighth Day of August, 2001

Attest:

Nicholas P. Godici

Acting Officer

NICHOLAS P. GODICI
Acting Director of the United States Patent and Trademark Office