



US0D1016563S

(12) **United States Design Patent** (10) **Patent No.:** **US D1,016,563 S**
Haas (45) **Date of Patent:** **** Mar. 5, 2024**

- (54) **DRINKWARE**
- (71) Applicant: **Vinglacé, LLC**, Houston, TX (US)
- (72) Inventor: **Colton Bryan Haas**, Houston, TX (US)
- (73) Assignee: **Vinglacé, LLC**, Houston, TX (US)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/876,909**
- (22) Filed: **May 30, 2023**

3,424,355 A 1/1969 Blumen
 3,682,352 A 8/1972 Doucette
 3,753,512 A 8/1973 Curry
 (Continued)

FOREIGN PATENT DOCUMENTS

CA 41989 A 4/1977
 CN 300746875 S 2/2008
 (Continued)

OTHER PUBLICATIONS

amazon.com, Capture Classic 12 Insulated Double Wall Tumbler Cup with Lid, Reusable Straw & Hello Name Tags, available on Amazon.com, Mar. 25, 2014, 6 pgs., <https://www.amazon.com/Capture-Classic-Insulated-Tumbler-Reusable/dp/B00J8CPIPI?th=1/>.

(Continued)

Primary Examiner — Andrew Kerr
Assistant Examiner — Courtney Clark-Rasheed
 (74) *Attorney, Agent, or Firm* — WOMBLE BOND DICKINSON (US) LLP

(57) **CLAIM**

I claim the ornamental design of a drinkware, as shown and described.

DESCRIPTION

FIG. 1 is a front, left, top perspective view of a drinkware showing our new design;
 FIG. 2 is a front, left, bottom perspective view thereof;
 FIG. 3 is a left side view thereof;
 FIG. 4 is a right side view thereof;
 FIG. 5 is a front view thereof;
 FIG. 6 is a rear view thereof;
 FIG. 7 is a top plan view thereof; and,
 FIG. 8 is a bottom plan view thereof.
 The broken lines in the drawings depict portions of the drinkware that form no part of the claimed design.

1 Claim, 7 Drawing Sheets

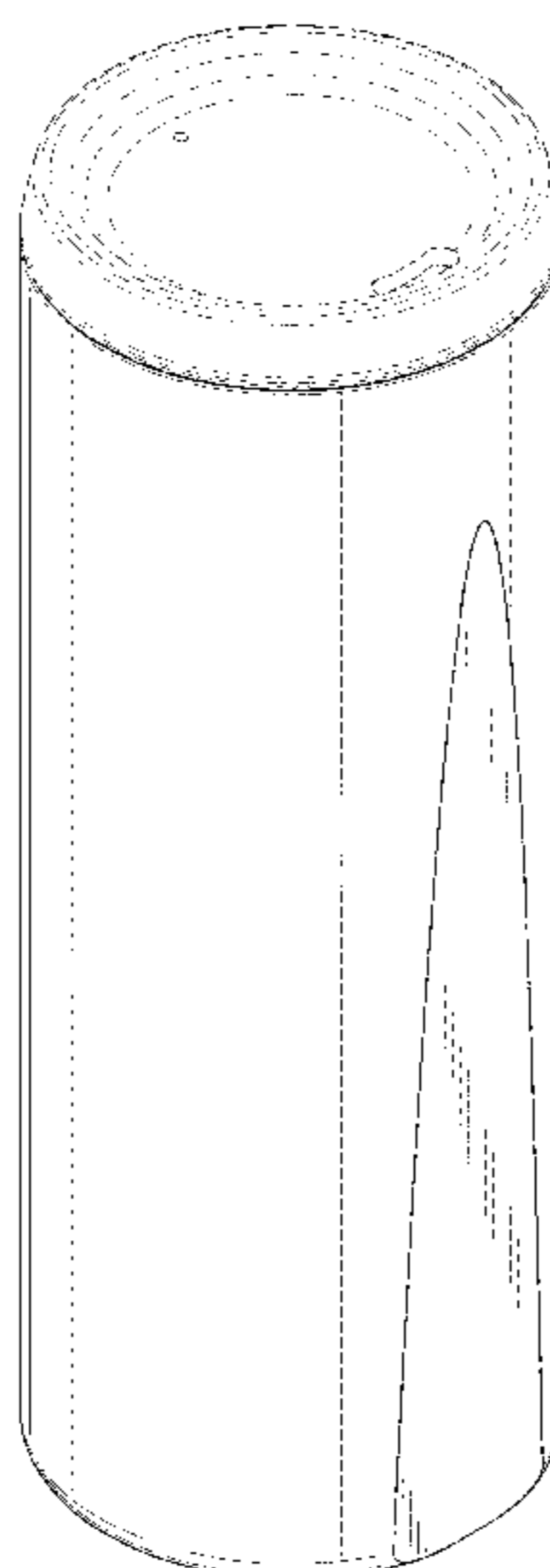
Related U.S. Application Data

- (63) Continuation of application No. 29/794,074, filed on Jun. 10, 2021, now Pat. No. Des. 987,379.
- (51) **LOC (14) Cl.** **07-01**
- (52) **U.S. Cl.**
USPC **D7/510**
- (58) **Field of Classification Search**
USPC D7/300.1, 608, 509, 511, 510, 523, 591, D7/597, 598, 543, 396.1, 396.2, 300, 605, D7/387, 392, 397; D9/516, 529, 541, D9/544, 545, 546, 549, 559, 772, 777, D9/778, 780, 434, 435, 443
CPC .. A47G 19/22; A47G 19/228; A47G 19/2216; A47G 19/2222; A47G 19/2205; A47G 19/2266; A47G 19/2272; A47G 23/0241; A47J 43/02; A47J 43/27; A47J 36/14; A45F 3/16; A45F 3/18
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,207,543 A 7/1940 Knapp
 2,863,585 A 12/1958 Meshberg
 D195,905 S 8/1963 Wanderer
 3,156,279 A 11/1964 Grebowiec et al.
 3,355,045 A 11/1967 David
 D213,174 S 1/1969 Davis



(56)

References Cited

U.S. PATENT DOCUMENTS

3,760,972 A	9/1973	McKirnan	D675,482 S	2/2013	Heggstad et al.
3,781,164 A	12/1973	McCaffery	D678,769 S	3/2013	Kawamura
3,827,925 A	8/1974	Douglas	D690,161 S	9/2013	Garner
D248,453 S	7/1978	Summers	8,534,345 B1	9/2013	French et al.
4,116,352 A	9/1978	Davis	D692,760 S	11/2013	Rapparini
4,138,027 A	2/1979	Frye et al.	D693,176 S	11/2013	Kaiser
4,273,245 A	6/1981	Machalek	D699,996 S	2/2014	De Leo
D261,212 S	10/1981	Mills	8,684,223 B1	4/2014	Kalamaras
D267,914 S *	2/1983	Lin D6/513	8,695,830 B2	4/2014	Meyers et al.
4,448,825 A	5/1984	Asahara	D710,686 S	8/2014	Gowens
D282,616 S	2/1986	Gallagher et al.	8,844,746 B2	9/2014	Meyers et al.
D282,897 S	3/1986	Conti et al.	D715,145 S	10/2014	Yamagishi et al.
D286,027 S	10/1986	Waher et al.	D717,601 S	11/2014	Dixon
D286,725 S	11/1986	Zieff	8,932,428 B2	1/2015	D'Amato
D320,559 S	10/1991	Olson	D725,425 S	3/2015	Wittke et al.
D321,325 S	11/1991	Petrus	D727,097 S	4/2015	Sorensen et al.
D327,093 S	6/1992	Evenson	8,998,020 B2	4/2015	Sato et al.
D328,014 S *	7/1992	DeCoster D7/629	D723,334 S	6/2015	Agarwal et al.
D332,049 S	12/1992	Burgdorf	D732,339 S	6/2015	Sorensen et al.
5,197,602 A	3/1993	Biesecker et al.	D732,889 S	6/2015	Eyal
D351,790 S	10/1994	Haindl	D733,497 S	7/2015	Sorensen et al.
D352,210 S	11/1994	Cousins et al.	9,141,700 B2	9/2015	Melton
D353,297 S	12/1994	Sokolski et al.	9,149,139 B1	10/2015	Rogers et al.
5,975,339 A	11/1999	Richman	9,161,661 B2	10/2015	Kelly
D419,822 S	2/2000	Woodyard	D742,173 S	11/2015	Perman
6,050,443 A	4/2000	Tung	9,181,015 B2	11/2015	Booska
D426,160 S	6/2000	Lindsay et al.	D752,397 S	3/2016	Seiders et al.
6,085,927 A	7/2000	Kusz	D753,482 S	4/2016	Serrano et al.
6,109,518 A	8/2000	Mueller et al.	D753,954 S	4/2016	Schreiber
D438,430 S	3/2001	Gabrhel	D754,544 S	4/2016	Darling et al.
D455,612 S	4/2002	Gullickson et al.	9,307,853 B2	4/2016	Melton
D457,779 S	5/2002	Gullickson et al.	D756,716 S	5/2016	Hewitt et al.
D458,806 S	6/2002	Price et al.	D756,789 S	5/2016	Darling et al.
6,405,892 B1	6/2002	Volan	D757,497 S	5/2016	Bodum
6,419,108 B1	7/2002	Toida et al.	9,414,700 B2	8/2016	Melton
6,516,548 B2	2/2003	Lage et al.	9,422,704 B2	8/2016	Whitehead
D474,110 S	5/2003	Sweeney	9,452,876 B2	9/2016	Anelevitz et al.
D474,111 S	5/2003	Lazaris	D769,069 S	10/2016	Sanbar
D476,857 S	7/2003	Holsinger	D773,250 S	12/2016	Miller
D479,995 S	9/2003	Duceppe	D774,392 S	12/2016	Broad
6,626,326 B2	9/2003	Murakami	D774,824 S	12/2016	Gallagher
6,641,854 B2	11/2003	Gerhart et al.	D774,827 S	12/2016	Miller et al.
6,645,537 B2	11/2003	Sweeney et al.	D774,828 S	12/2016	Miller
6,789,275 B2	9/2004	Spells et al.	D777,575 S	1/2017	Harada et al.
D505,830 S	6/2005	Smith et al.	9,555,949 B1	1/2017	French et al.
6,915,917 B2	7/2005	Watanabe et al.	D779,285 S	2/2017	Seiders et al.
D510,235 S	10/2005	Sorensen	D779,875 S	2/2017	Gross et al.
D516,429 S	3/2006	Helps et al.	D779,891 S	2/2017	Seiders et al.
D519,785 S	5/2006	Bodum	D779,892 S	2/2017	Seiders et al.
7,104,413 B2	9/2006	Liu	D780,530 S	3/2017	Seiders et al.
7,118,005 B2	10/2006	Shimazaki	D780,531 S	3/2017	Seiders et al.
7,124,603 B2	10/2006	Bianco	D780,532 S	3/2017	Seiders et al.
D550,034 S	9/2007	Bodum	D780,533 S	3/2017	Seiders et al.
D551,502 S	9/2007	Bodum	9,585,501 B1	3/2017	Hamelink et al.
D557,561 S	12/2007	Flowers et al.	9,630,771 B2	4/2017	D'Amato
D582,580 S	12/2008	Spangler et al.	9,634,471 B2	4/2017	Nakai et al.
D588,871 S	3/2009	Miller et al.	D786,025 S	5/2017	Seiders et al.
7,546,932 B2	6/2009	Smith et al.	9,651,299 B1	5/2017	Duff et al.
D597,791 S	8/2009	Lion et al.	9,657,155 B2	5/2017	OBrien et al.
D599,169 S	9/2009	Stalions et al.	9,681,771 B2	6/2017	Herling et al.
D604,157 S	11/2009	Reiterer et al.	D795,014 S *	8/2017	Khayman D7/523
D606,363 S	12/2009	Aardenburg	9,750,359 B2	9/2017	Kah, Jr.
D610,871 S *	3/2010	Alviar D7/510	9,750,360 B2	9/2017	Price
7,669,725 B2	3/2010	Randolph et al.	9,771,205 B2	9/2017	Melton et al.
D618,964 S	7/2010	Eisenhardt	D799,274 S	10/2017	Hewitt et al.
7,934,537 B2	5/2011	Kolowich	9,820,616 B2	11/2017	Goldfarb et al.
RE42,421 E	6/2011	Toida et al.	D806,478 S	1/2018	Struggl
D644,938 S	9/2011	Saunders et al.	D807,168 S	1/2018	Bouveret
8,033,412 B2	10/2011	Mayo	D820,099 S	6/2018	Shoji
D650,633 S	12/2011	Birgers	D825,994 S	8/2018	McConnell et al.
D660,081 S	5/2012	Gilbert	D826,003 S	8/2018	Seiders et al.
8,225,957 B1	7/2012	Volan	D829,058 S	9/2018	Seiders et al.
D672,618 S	12/2012	Stamper et al.	D830,126 S	10/2018	Rohe
D673,010 S	12/2012	Stamper et al.	D833,818 S	11/2018	Sletten
8,328,014 B2	12/2012	Saunders et al.	D834,892 S	12/2018	Melanson et al.
			D836,973 S	1/2019	Masifilo
			D839,678 S *	2/2019	Bruner A47J 41/0088 D7/509
			D847,579 S	5/2019	Khan

(56)

References Cited

U.S. PATENT DOCUMENTS

D856,754 S 8/2019 Haas
 D858,201 S 9/2019 Danner
 D858,212 S * 9/2019 Hewitt D7/510
 D860,720 S 9/2019 Gallagher
 D860,721 S 9/2019 Gallagher
 D860,724 S 9/2019 Kassin et al.
 D863,888 S 10/2019 Meyers et al.
 D865,447 S * 11/2019 Meyers D7/378
 10,478,000 B2 11/2019 Choi et al.
 D871,133 S 12/2019 Bullock et al.
 D871,852 S 1/2020 Haas
 D873,614 S 1/2020 Hotell
 D874,224 S 2/2020 Omdahl et al.
 D875,474 S 2/2020 Deutsch
 D877,567 S 3/2020 Zhang
 D885,136 S * 5/2020 Haas D7/530
 D888,505 S 6/2020 Seiders et al.
 D889,907 S 7/2020 Braukmann et al.
 D890,574 S 7/2020 Plott et al.
 10,716,427 B2 7/2020 Putnam
 D897,213 S * 9/2020 Eyal D9/558
 D898,522 S 10/2020 Haas
 D899,187 S 10/2020 Wang et al.
 D899,854 S 10/2020 Jacob
 D928,566 S 8/2021 Manz et al.
 D935,317 S 11/2021 Oh
 D939,890 S 1/2022 Sasena et al.
 D943,352 S 2/2022 Liu
 D948,937 S 4/2022 Bertash et al.
 D953,108 S 5/2022 Krüger
 D969,555 S 11/2022 Aldous et al.
 D974,117 S 1/2023 Lin
 2002/0112502 A1 8/2002 Fiore, Jr.
 2002/0162845 A1 11/2002 Yeh
 2004/0045974 A1 3/2004 Gruber et al.
 2005/0029265 A1 * 2/2005 Morgan A47G 19/2288
 220/254.9
 2005/0098565 A1 5/2005 Liu
 2008/0128481 A1 6/2008 Robertson
 2010/0038273 A1 2/2010 Johnson
 2010/0287723 A1 11/2010 Prokop
 2012/0080330 A1 4/2012 Rush et al.
 2012/0111877 A1 5/2012 Marshall
 2012/0276264 A1 11/2012 Rivera
 2013/0248537 A1 9/2013 Lane
 2014/0284342 A1 9/2014 Hewitt et al.
 2015/0313391 A1 11/2015 Melton et al.
 2016/0236816 A1 8/2016 Liu
 2017/0320640 A1 11/2017 Steinmann
 2017/0349357 A1 12/2017 Yu
 2018/0194520 A1 7/2018 Lovern
 2018/0242765 A1 8/2018 Rane et al.
 2019/0039804 A1 2/2019 Freedman et al.
 2019/0092526 A1 3/2019 Wong
 2019/0307292 A1 * 10/2019 Haas A47J 41/0088
 2020/0022517 A1 1/2020 Stevens
 2020/0385196 A1 12/2020 Haas
 2021/0401227 A1 12/2021 Haas

FOREIGN PATENT DOCUMENTS

CN 103705070 B 11/2015
 CN 204957371 U 1/2016
 CN 304173759 6/2017
 DE 2531675 A1 3/1976
 DE 3807559 A1 9/1989
 EP 1867585 B1 5/2011
 EP 2229085 B1 7/2011
 EP 2641840 B1 10/2015
 EP 3549495 A1 10/2019
 GB 2546902 A 8/2017
 GB 2566955 A 4/2019
 JP D1356326 S 4/2009
 JP D1454674 S 11/2012

JP D1494966 S 4/2014
 JP 5487011 B2 5/2014
 JP D1504598 S 8/2014
 JP 6135747 B2 5/2017
 WO 2008078860 A1 7/2008

OTHER PUBLICATIONS

amazon.com, Tervis Made in USA Double Walled Clear & Colorful Tabletop Insulated Tumbler Cups Keep Drinks Cold & Hot, available on Amazon.com, Jul. 1, 2004, 5 pgs., <https://www.amazon.com/dp/B0002MR2WU/?th=1/>.
 amazon.com, W Gallery 175 Black Vials—19 DRAM Pop Top Bottle, first available Oct. 22, 2020, 2 pgs., URL: <https://www.amazon.com/Gallery-175-Black-Vials-Prescription/dp/B08LNBP2BJ/>.
 theverge.com, Smart pill bottle measures meds using touchscreen technology. Published Oct. 8, 2012 by Adrienne Jeffries, 4 pgs., <https://www.theverge.com/2012/10/8/3473218/smart-pill-bottle-adheretech-capacitance/>.
 toadfish.com, Wine Tumbler + Inserts (2-Pack), available on toadfish.com, Publication date unavailable, site visited Nov. 3, 2022, 2 pgs., <https://toadfish.com/products/wine-tumbler-glass-insert-2-pack-bundle/>.
 United States Patent and Trademark Office, Non-Final Office Action for U.S. Appl. No. 29/842,691, dated Dec. 6, 2022, 6 pages.
 Bijli Bachao, Learning from a Thermos—Designing a well insulated space, dated Apr. 22, 2016, 4 pgs., <https://www.bijlibachao.com/insulation/learning-from-a-thermos-designing-a-well-insulated-room.html>.
 Brumate; Rocks Tumbler 12 Oz Onyx Leopard; <https://brumate.com/collections/spirits/products/brumate-rocks-tumbler-12oz-onyx-leopard/>; dated 2021; 10 pages.
 Corkcicle; Exotic Stemless; <https://corkcicle.com/products/exotic-stemless?variant=39257106579544>; Retrieved from Internet Mar. 28, 2021; 5 pages.
 Corkcicle; Stemless Flute; <https://corkcicle.com/products/classic-stemless-flute?refSrc=4430534279256&nosto=productpage-nosto-2>; Retrieved from Internet Mar. 28, 2021; 5 pages.
 Davide Lora, Phase change material product design. Market and business development assessment in the food industry, Lora-MS select master thesis, extended summary, Jul. 2014, 10 pgs., <https://fenix.tecnico.ulisboa.pt/downloadFile/563345090412751/Article.pdf>.
 Essay Forum, The components of a thermos flask to maintain hot liquid (IELTS 1), dated Mar. 14, 2015, 2 pgs., <https://essayforum.com/writing/components-thermos-flask-maintain-hot-liquid-62308/>.
 European Patent Office, Search Report of EP App. No. EP19163572.1, which is in the same family as U.S. Appl. No. 16/100,153, dated Jul. 29, 2019, 7 pages.
 United States Patent and Trademark Office, Office Action of U.S. Appl. No. 16/100,153, dated Jan. 27, 2020, 22 pgs.
 United States Patent and Trademark Office; Final Office Action of U.S. Appl. No. 16/100,153; dated Dec. 17, 2020; 21 pages.
 United States Patent and Trademark Office; Non-Final Office Action for U.S. Appl. No. 17/001,111; dated Mar. 22, 2021; 19 pages.
 United States Patent and Trademark Office; Restriction Requirement of U.S. Appl. No. 17/001,111; dated Jan. 27, 2021; 7 pages.
 Yeti Coolers, Colster Can Insulators, Apr. 15, 2020, 5 pgs., https://www.yeti.com/en_US/can-insulators.
 Zoetica; The Cortado Cup; <https://zoetica.myshopify.com/collections/beverage-collection/products/wine-cup>; dated Aug. 6, 2020; 4 pages.
 United States Patent and Trademark Office; Advisory Action Before the Filing of an Appeal Brief for U.S. Appl. No. 17/001,111; dated Feb. 28, 2022; 5 pages.
 United States Patent and Trademark Office; Final Office Action for U.S. Appl. No. 17/001,111; dated Nov. 15, 2021; 22 pages.
 United States Patent and Trademark Office; Non-Final Office Action for U.S. Appl. No. 17/394,015; dated Dec. 10, 2021; 20 pages.
 United States Patent and Trademark Office; Final Office Action for U.S. Appl. No. 17/001,111; dated Aug. 24, 2022; 13 pages.

(56)

References Cited

OTHER PUBLICATIONS

United States Patent and Trademark Office; Non-Final Office Action for U.S. Appl. No. 17/854,654; dated Oct. 18, 2022; 18 pages.

United States Patent and Trademark Office; Requirement for Restriction/Election for U.S. Appl. No. 17/854,654; dated Aug. 11, 2022; 6 pages.

Champagne Flute, available on brumate.com, date unknown, site visited Jan. 11, 2023, Internet URL: <https://www.brumate.com/products/brumate-champagne-flute-charcoal?tw_source=google&tw_adid=&tw_campaign=16645607504&gclid=EAlalQobChMIOLSq_rS9_AIVg83ICh2fHgLkEAwYAyABEgLvPD_BwE&variant=17399466688583> (Year: 2023).

toadfish.com, Non-Tipping 10 oz. Wine Tumblers (site visited Mar. 13, 2023), URL: <https://toadfish.com/products/non-tipping-10oz-wine-tumblers/> (Year 2021), 5 pages.

United States Patent and Trademark Office; Notice of Allowance for U.S. Appl. No. 29/842,691; dated Mar. 22, 2023; 6 pages.

* cited by examiner

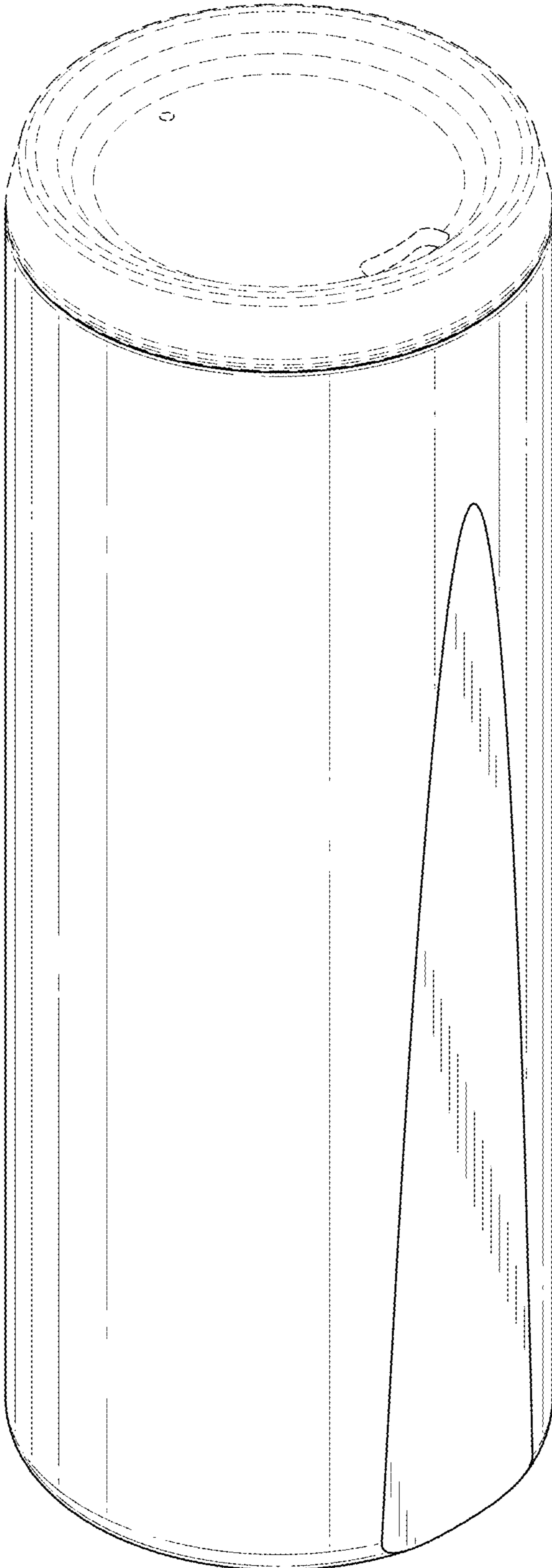


FIG. 1

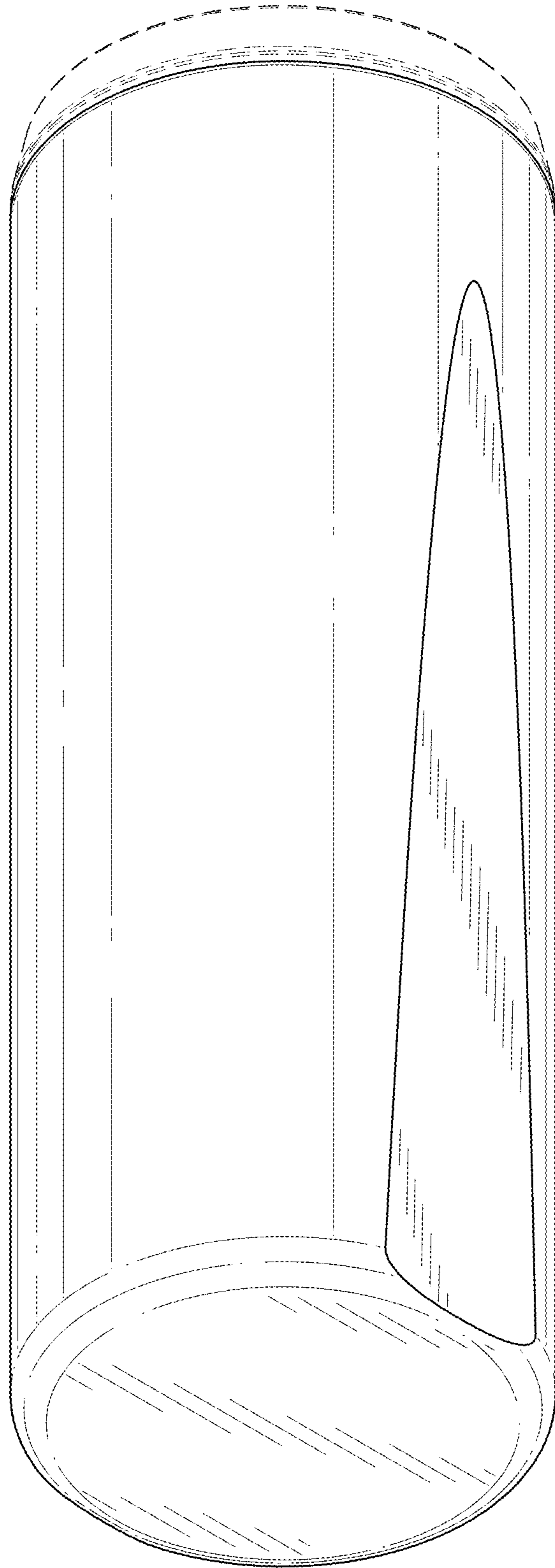


FIG. 2

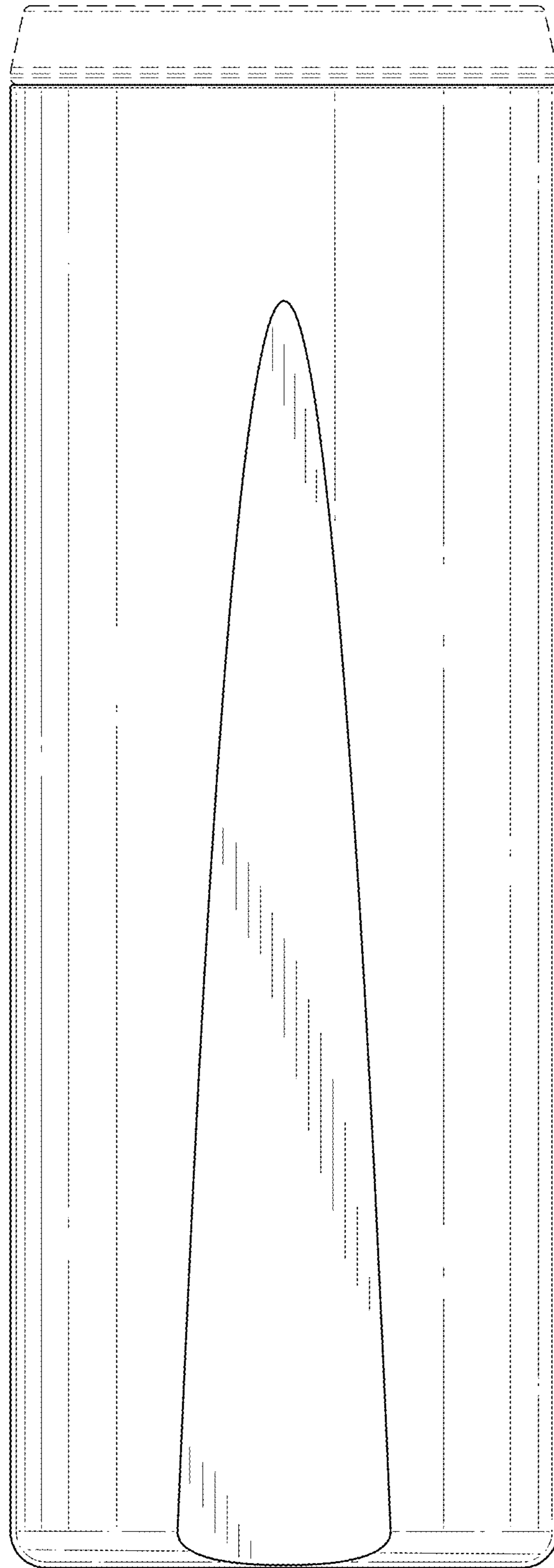


FIG. 3

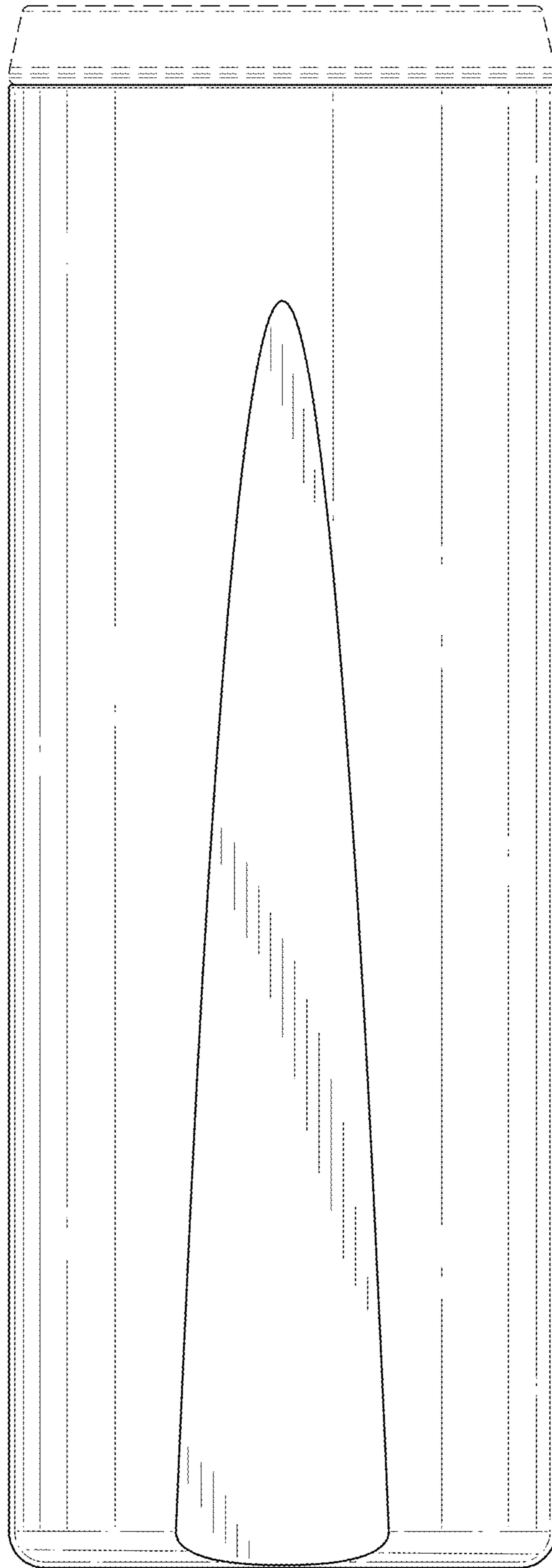


FIG. 4

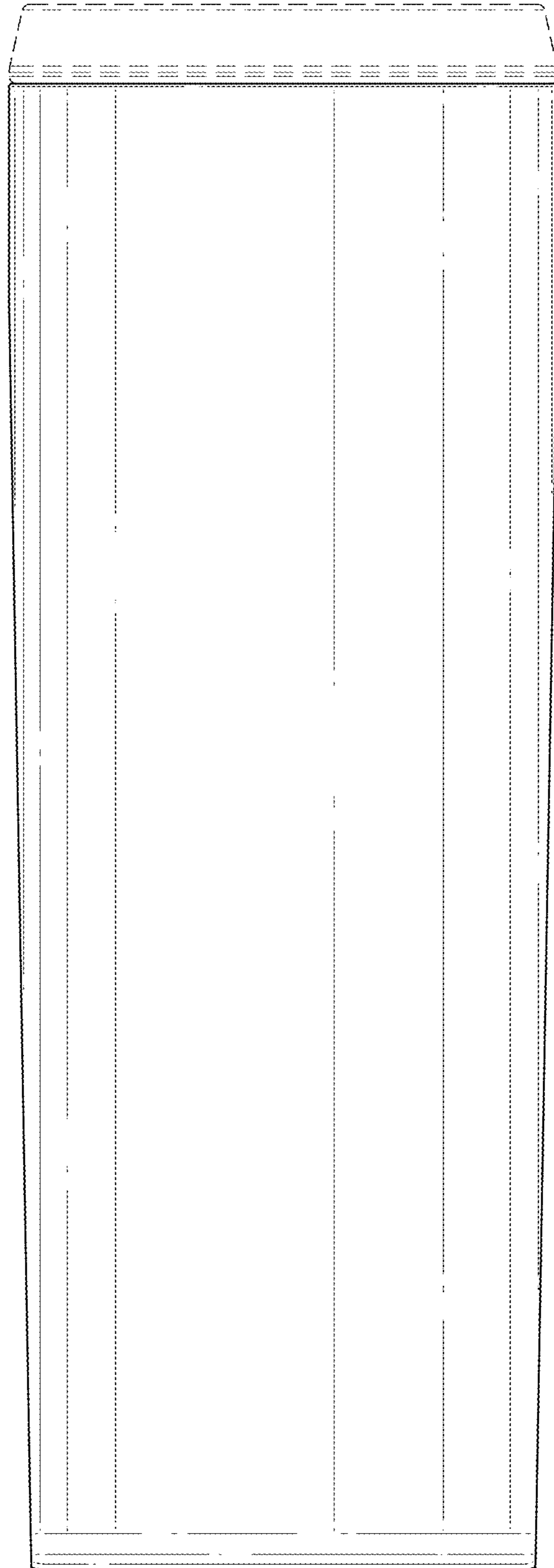


FIG. 5

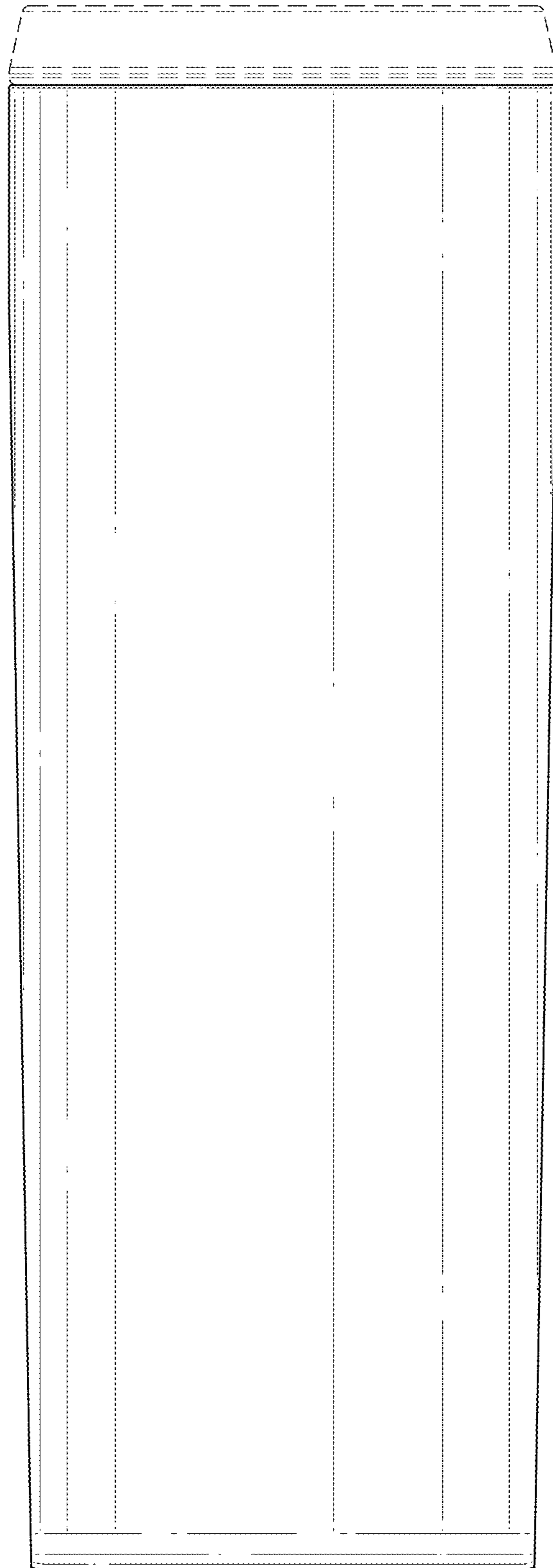


FIG. 6

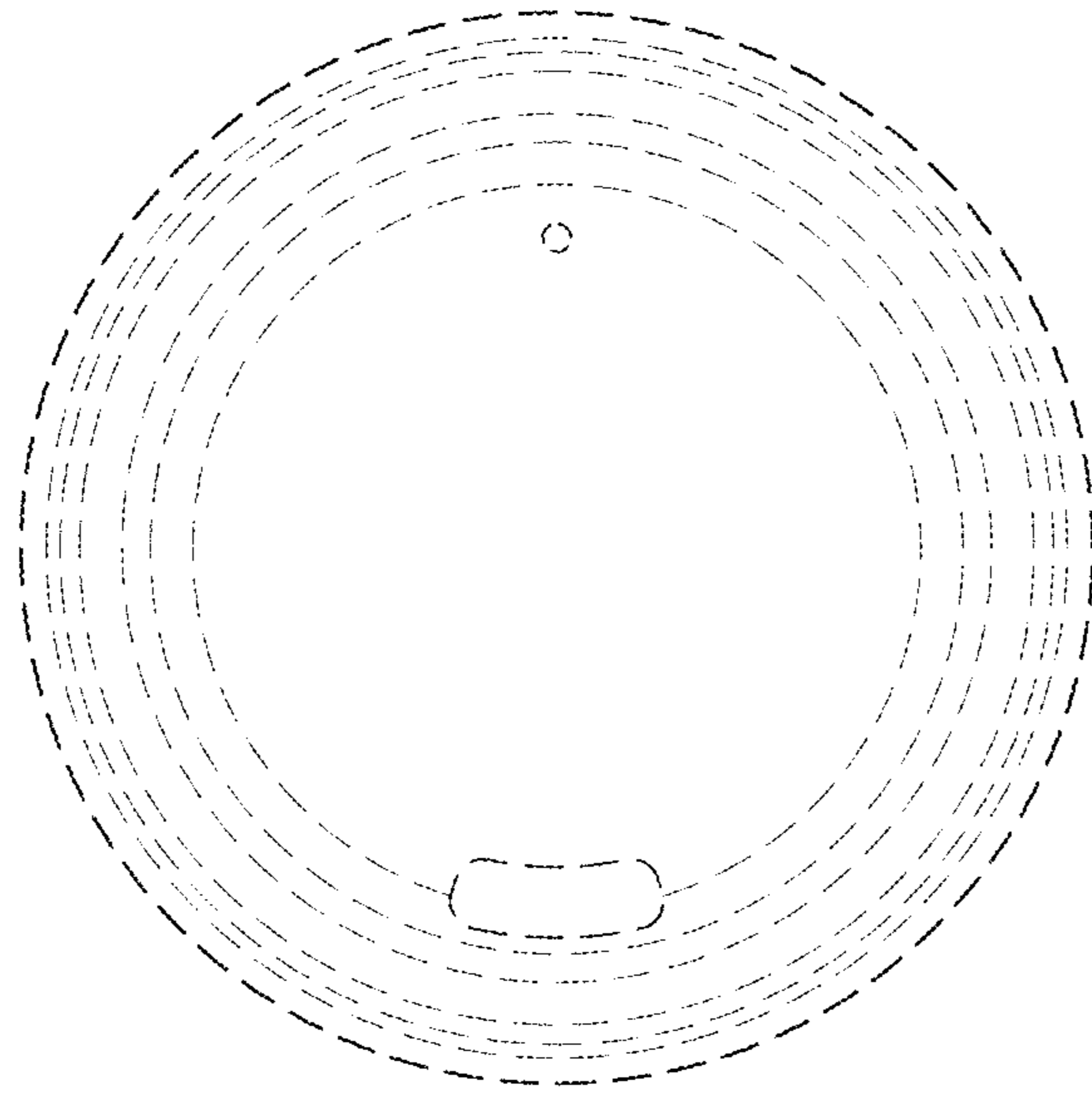


FIG. 7

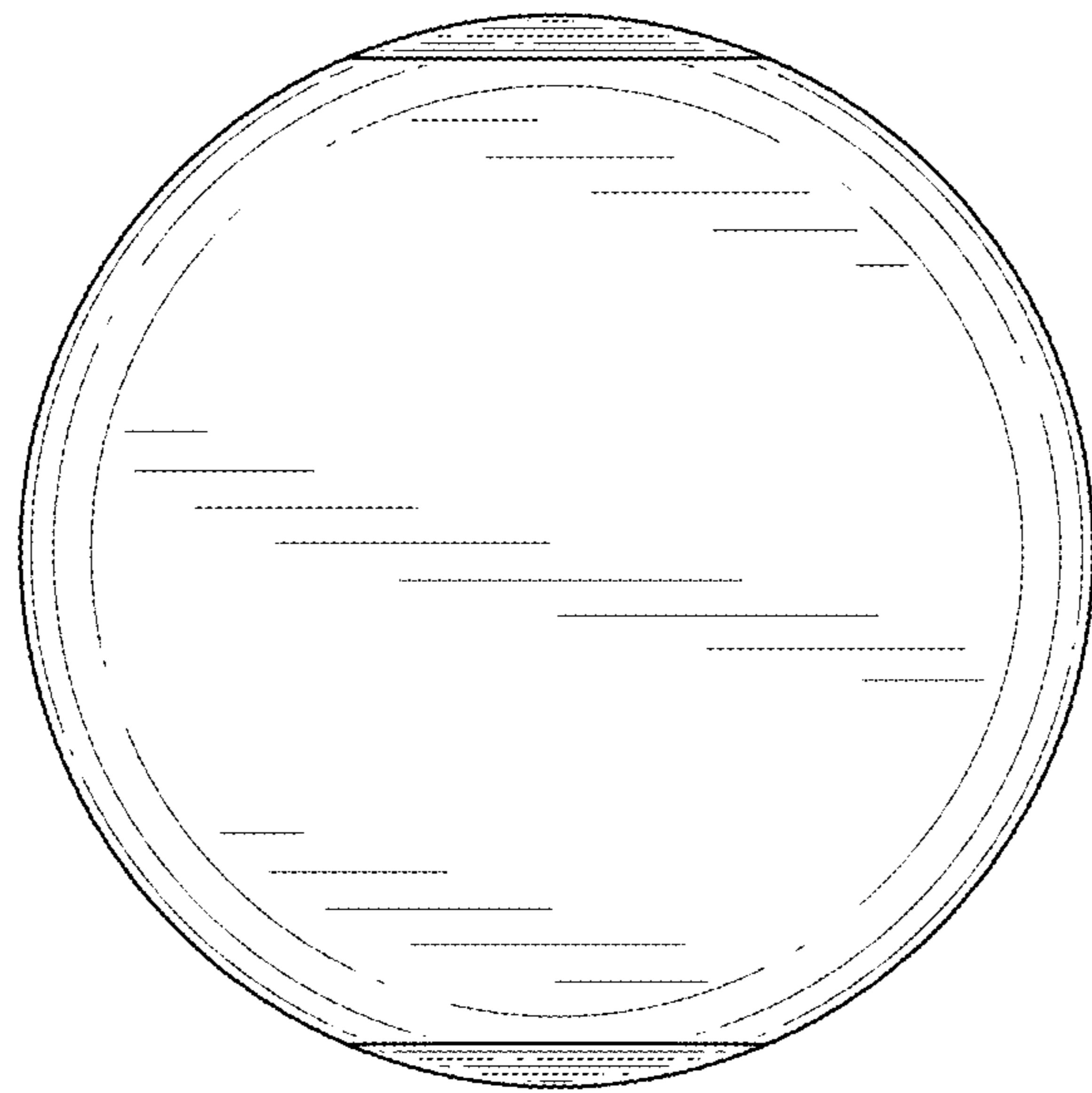


FIG. 8