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(12) **United States Design Patent** (10) **Patent No.:** **US D1,024,778 S**
Underkoffler et al. (45) **Date of Patent:** **** Apr. 30, 2024**

(54) **FOOD PRODUCT TRAY**

(57) **CLAIM**

(71) Applicant: **Walmart Apollo, LLC**, Bentonville, AR (US)

We claim the ornamental design for a food product tray, as shown and described.

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DESCRIPTION

(73) Assignee: **Walmart Apollo, LLC**, Bentonville, AR (US)

(**) Term: **15 Years**

(21) Appl. No.: **29/735,187**

(22) Filed: **May 19, 2020**

Related U.S. Application Data

(62) Division of application No. 29/629,649, filed on Dec. 14, 2017, now Pat. No. Des. 887,783.

(51) **LOC (14) Cl.** **09-07**

(52) **U.S. Cl.**
USPC **D9/456**

(58) **Field of Classification Search**
USPC D7/500, 538, 550.1, 554.3; D3/203.1, D3/203.6, 225, 218, 273, 302, 304, 314; D9/414, 418, 424, 456

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(56) **References Cited**

U.S. PATENT DOCUMENTS

D217,338 S * 4/1970 Britt D9/425
D264,791 S 6/1982 Conti

(Continued)

OTHER PUBLICATIONS

U.S. Appl. No. 29/730,298, filed Dec. 14, 2020, Daniel R. Underkoffler.
(Continued)

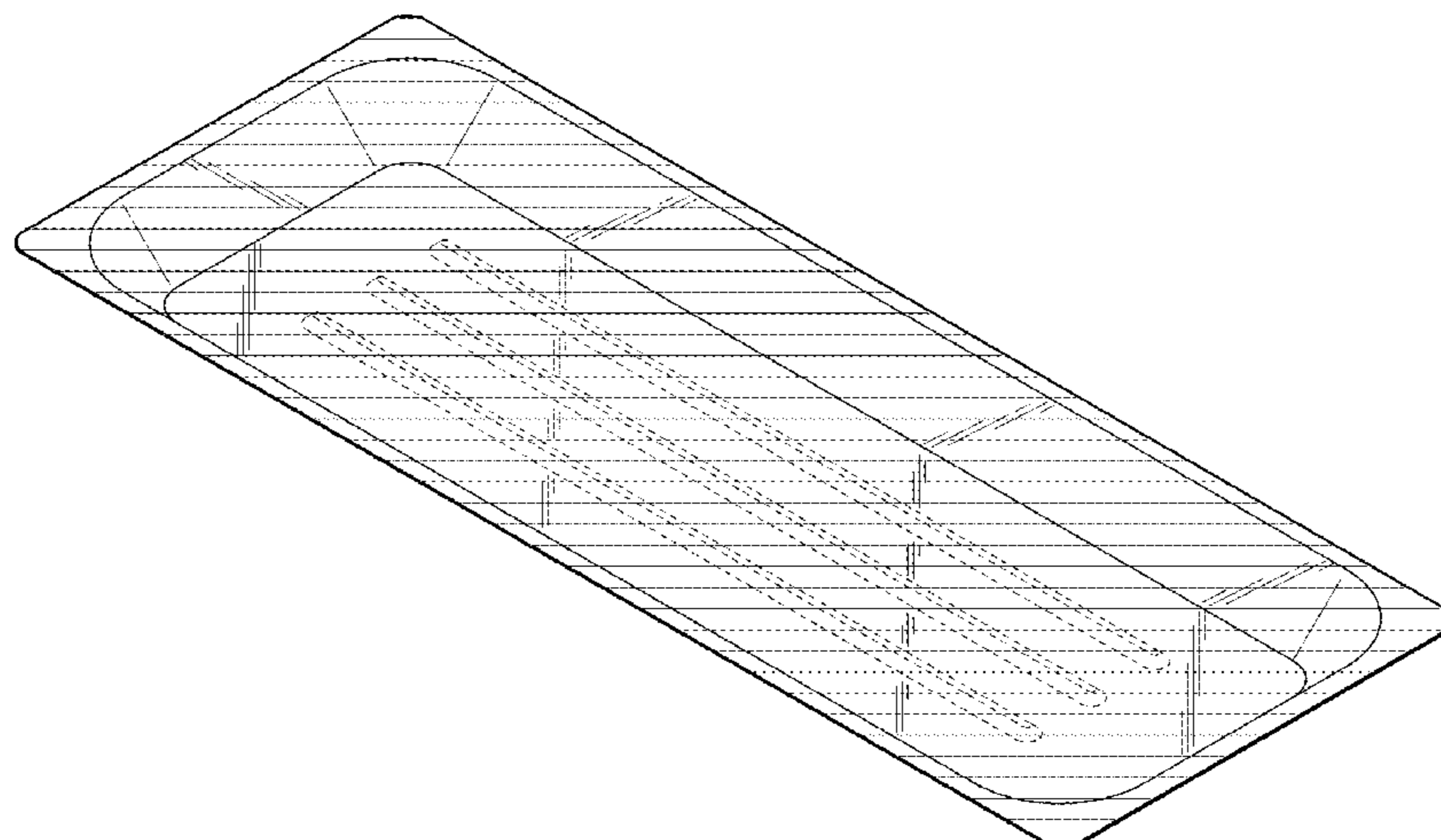
Primary Examiner — Kelley A Donnelly

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FIG. 1 is a top perspective view of a first embodiment of the food product tray of our new design;
FIG. 2 is a bottom perspective view of the food product tray of FIG. 1;
FIG. 3 is a top plan view of the food product tray of FIG. 1;
FIG. 4 is a left side elevation view of the food product tray of FIG. 1, the right side elevation view being a mirror image thereof;
FIG. 5 is a front end elevation view of the food product tray of FIG. 1, the rear end elevation view being a mirror image thereof;
FIG. 6 is a bottom plan view of the food product tray of FIG. 1;
FIG. 7 is a top perspective view of a second embodiment of the food product tray of our new design, where bracketed portions shown horizontal and vertical breaks in the side-walls, top surfaces and bottom surfaces to represent an indeterminate length, width and height, and where any one or more of the indeterminate length, width and height could be eliminated in other embodiments and so resemble, in that dimension, the version where the one or more length, width and height is not indeterminate;
FIG. 8 is a bottom perspective view of the food product tray of FIG. 7;
FIG. 9 is a top plan view of the food product tray of FIG. 7;
FIG. 10 is a left side elevation view of the food product tray of FIG. 7, the right side elevation view being a mirror image thereof;
FIG. 11 is a front end elevation view of the food product tray of FIG. 7, the rear end elevation view being a mirror image thereof; and,
FIG. 12 is a bottom plan view of the food product tray of FIG. 7.

The drawings are marked for transparency and lined for color using the symbols in the tables of MPEP 608.02.IX for

(Continued)



“Transparent Material” and the color “Blue”, such that the food product tray is at least a partially transparent material having a blue color.

The parallel ribs on the base of the food product tray in the drawings are illustrated in broken lines for illustrative purposes and form no part of the claimed design. It will be understood that all lines, including broken and solid lines, are intended to convey the full disclosure and variations of the designs and such variations shall be understood to be fully described herein.

1 Claim, 10 Drawing Sheets

(58) Field of Classification Search

CPC B65D 1/00; B65D 1/22; B65D 71/0003;
B65D 71/0085; B65D 2543/00101; B65D
2543/00296; B65D 1/34

See application file for complete search history.

(56) References Cited

U.S. PATENT DOCUMENTS

D280,296	S	*	8/1985	Holden	.....	D9/425
D280,489	S	*	9/1985	Holden	.....	D9/425
D294,466	S	*	3/1988	Culver	.....	D9/425
D353,765	S	*	12/1994	Kocis	.....	D9/761
D358,965	S	*	6/1995	Meier	.....	D7/554.3
D361,936	S	*	9/1995	Bankier	.....	D7/553.3
D415,656	S		10/1999	Henry		
D488,352	S		4/2004	Tisdale		
D522,355	S	*	6/2006	Castellanos	.....	D9/429
D584,141	S		1/2009	Smith		
D585,762	S		2/2009	Friedland		
D665,628	S		8/2012	Mayer		
D693,180	S		11/2013	Peterson		
D734,171	S		7/2015	Bennett		
D734,663	S	*	7/2015	Cooper	.....	D9/425
D806,534	S	*	1/2018	Chou	.....	D9/425
D819,407	S		6/2018	Hutchinson		
D819,409	S		6/2018	Newton		
D820,629	S		6/2018	Lum		
D830,201	S		10/2018	Buck		
D855,478	S		8/2019	Vorobej		
D856,793	S		8/2019	Debnath		
D884,430	S		5/2020	Underkoffler		
D887,783	S		6/2020	Underkoffler		

D903,484	S	*	12/2020	Bontrager	.....	D9/425
D904,184	S	*	12/2020	Bontrager	.....	D9/425
D904,877	S	*	12/2020	Bontrager	.....	D9/425
D909,864	S	*	2/2021	Bontrager	.....	D9/425
D922,189	S	*	6/2021	Woo	.....	D9/425

OTHER PUBLICATIONS

Seaman, Tom; “Marine Harvest hopes Rebel Fish, Walmart ranges bring more US competition”; <https://www.undercurrentnews.com/2016/01/19/marine-harvest-hopes-rebel-fish-walmart-ranges-bringmore-us-competition/>; Jan. 19, 2016; pp. 1-3.

Stewart, Jeanine; “Walmart rolls out fresh seafood line from Marine Harvest nationwide”; <https://www.undercurrentnews.com/2015/07/15/walmart-rolls-out-fresh-seafood-line-from-marineharvest-nationwide/>; Jul. 15, 2015; pp. 1-2.

Tasty Island Honolulu Food Blog; ““Smoked” Gravlax”; <http://tastyislandhawaii.com/2014/03/16/smoked-gravlax/>; Mar. 16, 2014; pp. 1-6.

U.S. Appl. No. 29/629,649; Notice of Allowance dated Feb. 24, 2020 (p. 1-7).

U.S. Appl. No. 29/629,649; Office Action dated Nov. 26, 2019; (p. 1-4).

U.S. Appl. No. 29/629,649; Office Action dated Aug. 30, 2019; (p. 1-4).

U.S. Appl. No. 29/629,680; Notice of Allowance dated Jan. 2, 2020; 5 pages.

U.S. Appl. No. 29/629,680; Office Action dated Sep. 4, 2019; (p. 1-4).

U.S. Appl. No. 29/629,649; Corrected Notice of Allowability dated Apr. 20, 2020; (p. 1-6).

U.S. Appl. No. 29/629,680; Corrected Notice of Allowability dated Apr. 15, 2020; (pp. 1-4).

Walmart Canada; “Your Fresh Market Atlantic Salmon Fillets”; <https://www.walmart.ca/en/ip/your-fresh-market-atlantic-salmon-fillets/6000191273561>; commercially sold prior to Dec. 14, 2017; pp. 1-2.

Walmart; “Clear Fish Package”; sold in Walmart Stores prior to Dec. 14, 2017; pp. 1-2.

WALMART.com; “Farm Raised Fresh Atlantic Salmon Fillet, 2.5-3 lbs”; <https://www.walmart.com/ip/Farm-Raised-Fresh-Atlantic-Salmon-Fillet-2-5-3-lbs/115156386>; commercially sold prior to Dec. 14, 2017; pp. 1-10.

WALMART.com; “Fish Fresh Steelhead Trout Fillets, .75-1lb”; <https://www.walmart.com/ip/Fish-Fresh-Steelhead-Trout-Fillets-75-1lb/125652658>; commercially sold prior to Dec. 14, 2017; pp. 1-10.

* cited by examiner

FIG. 1

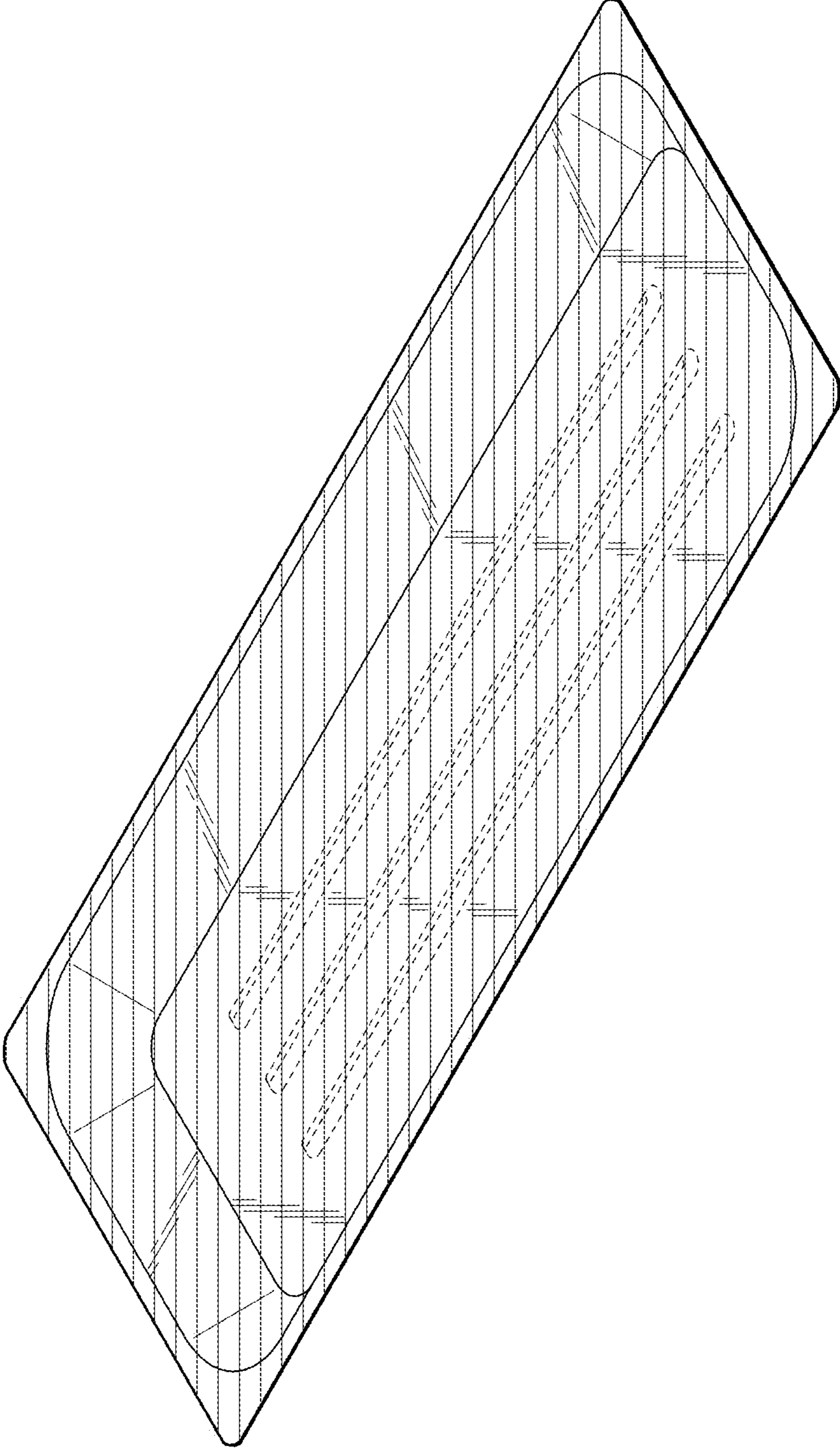


FIG. 2

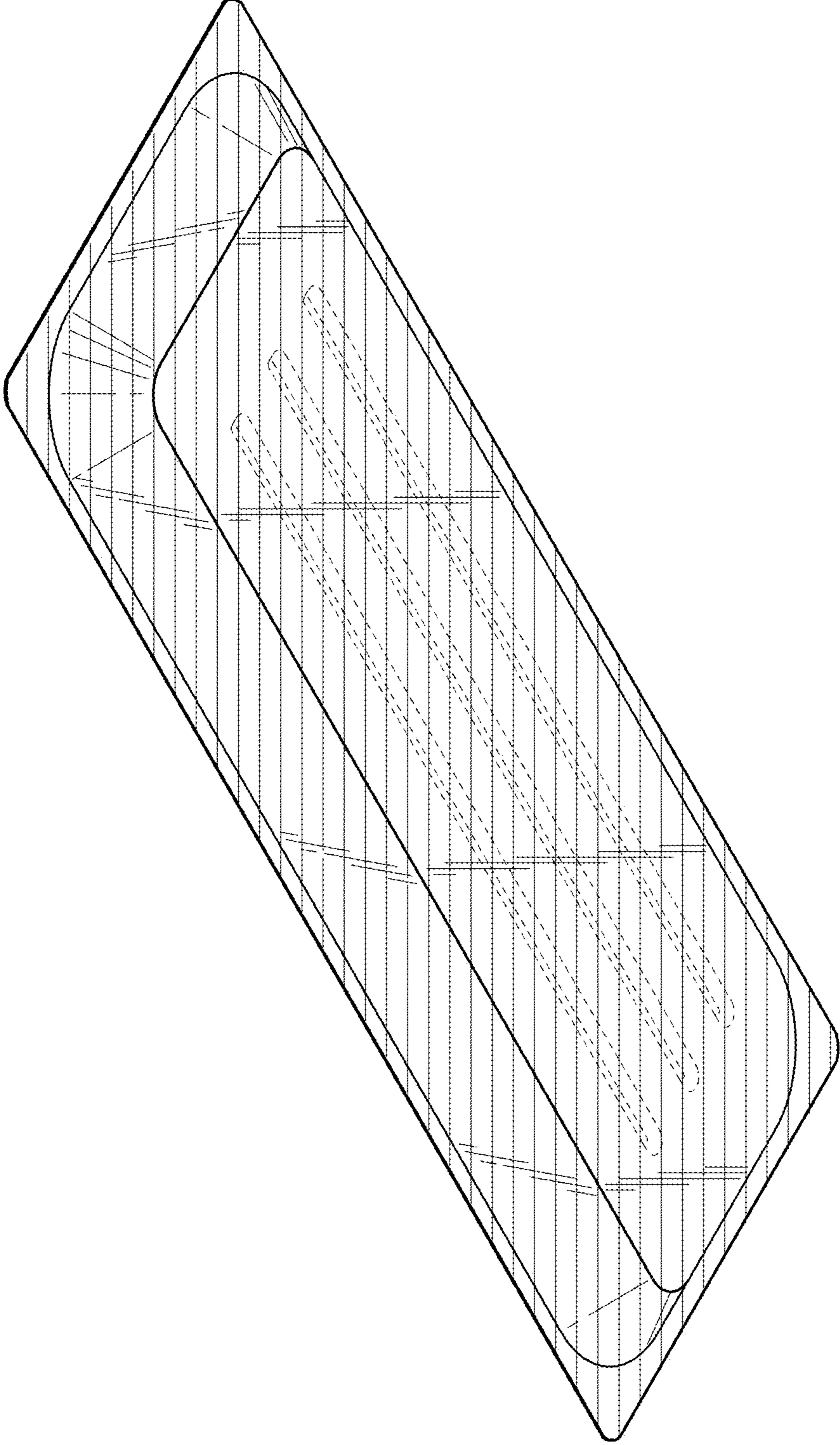


FIG. 3

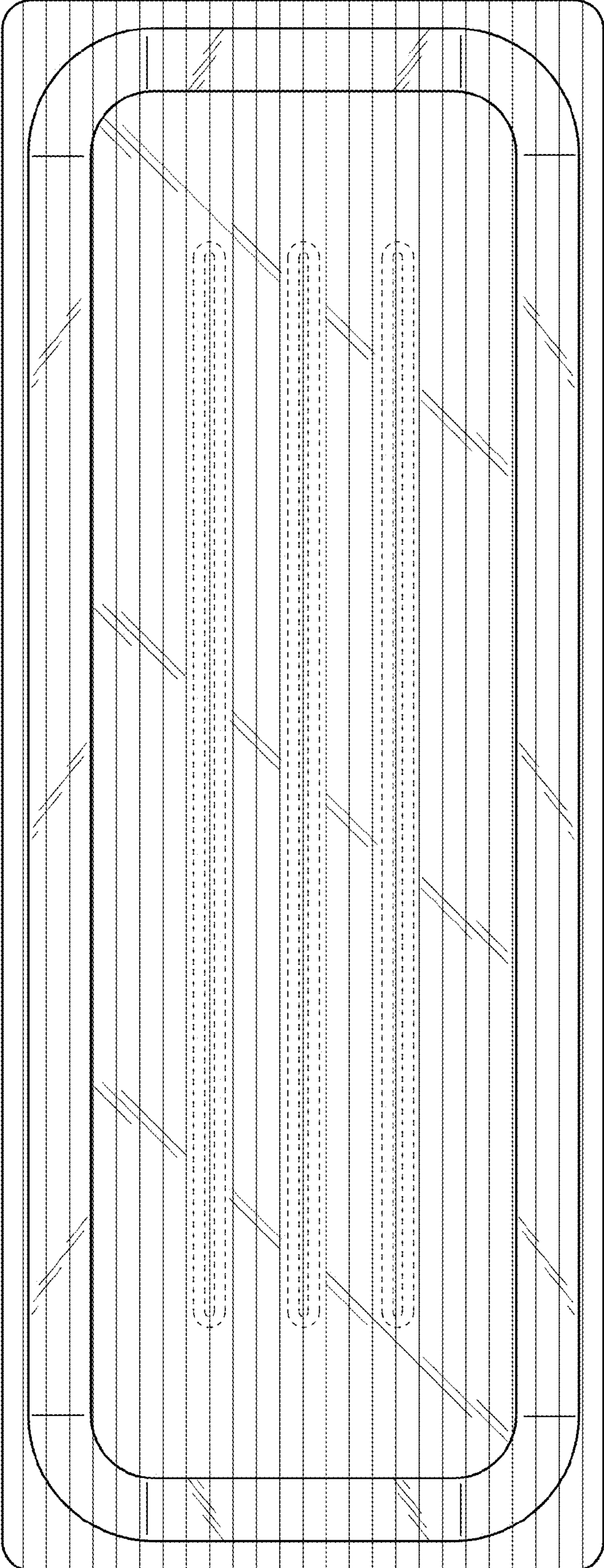


FIG. 4

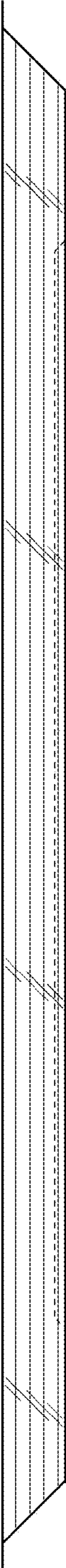


FIG. 5



FIG. 6

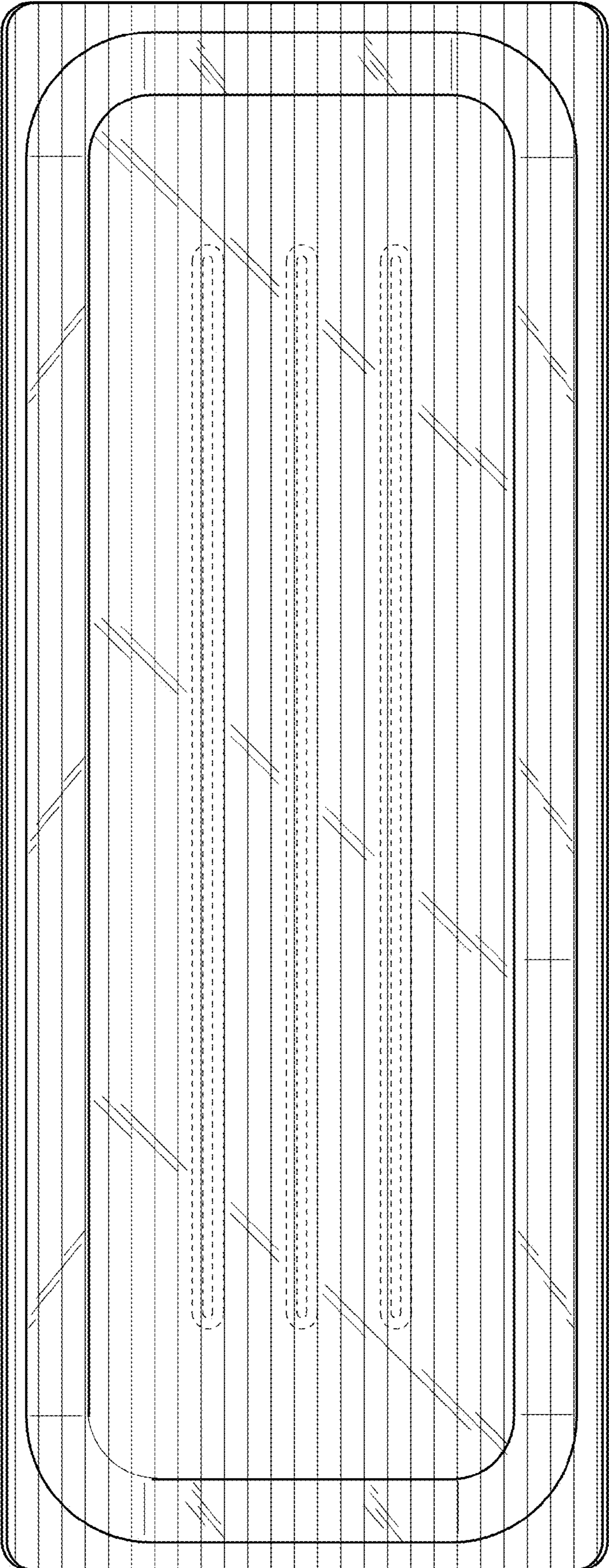


FIG. 7

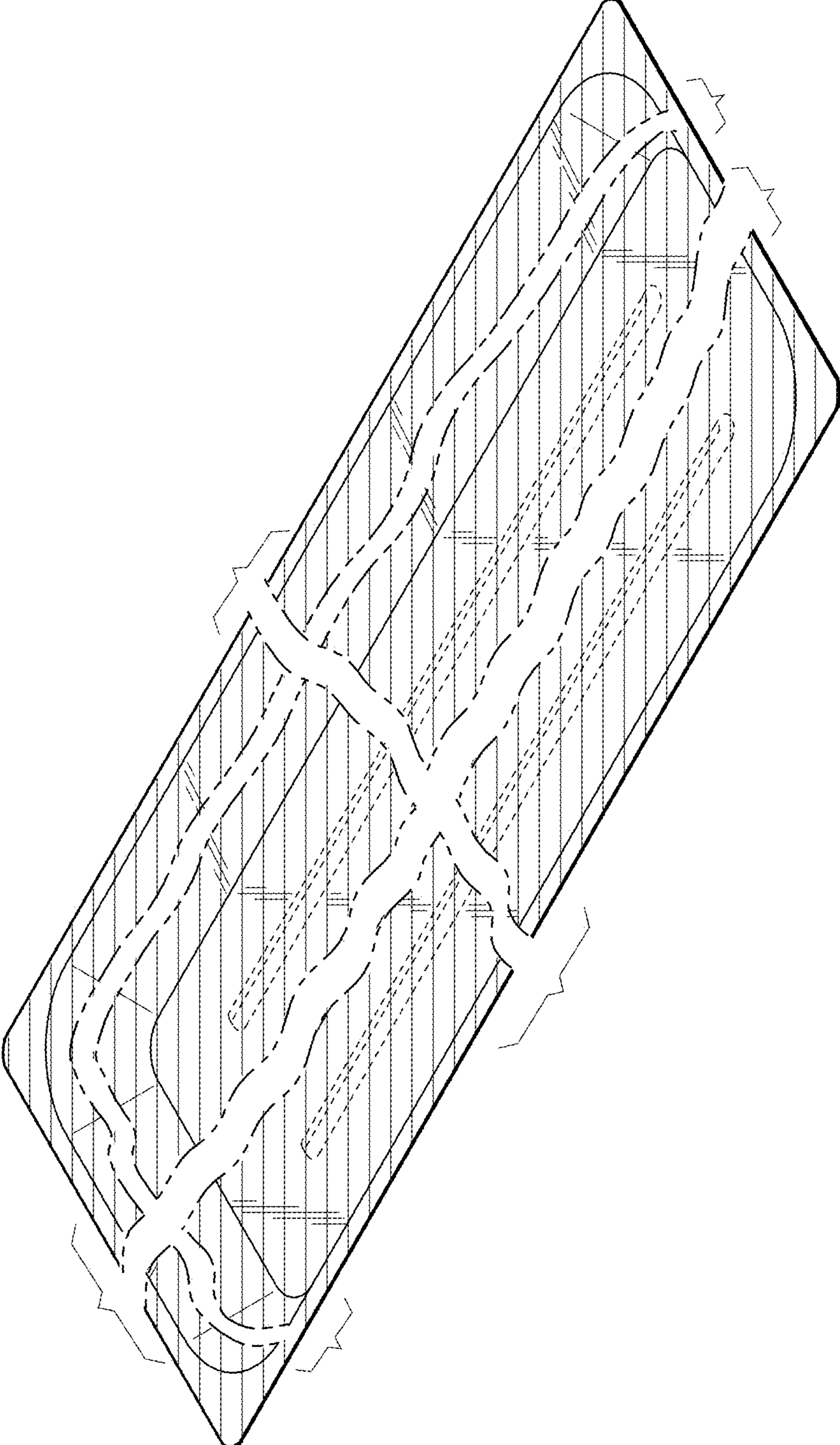


FIG. 8

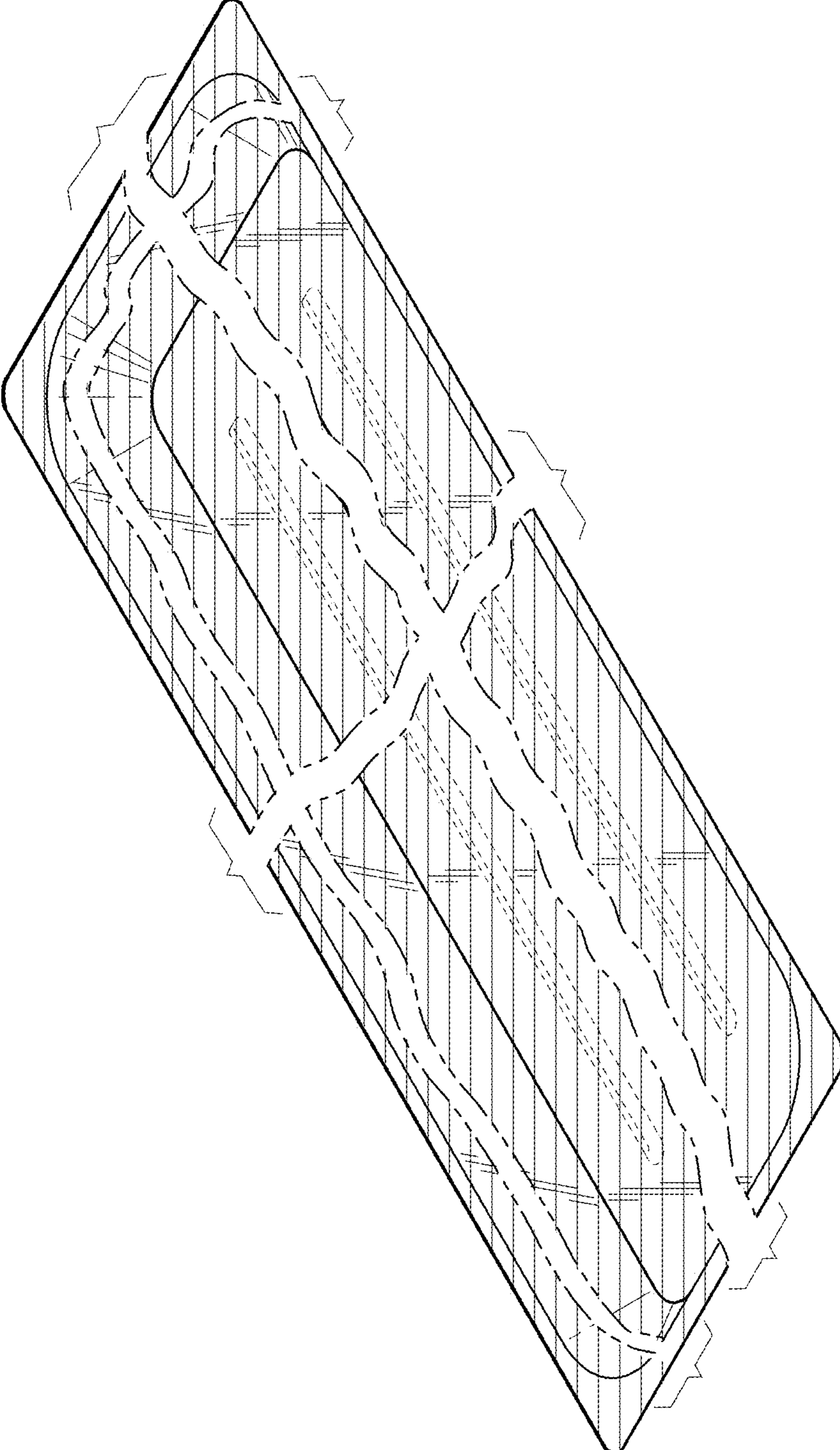


FIG. 9

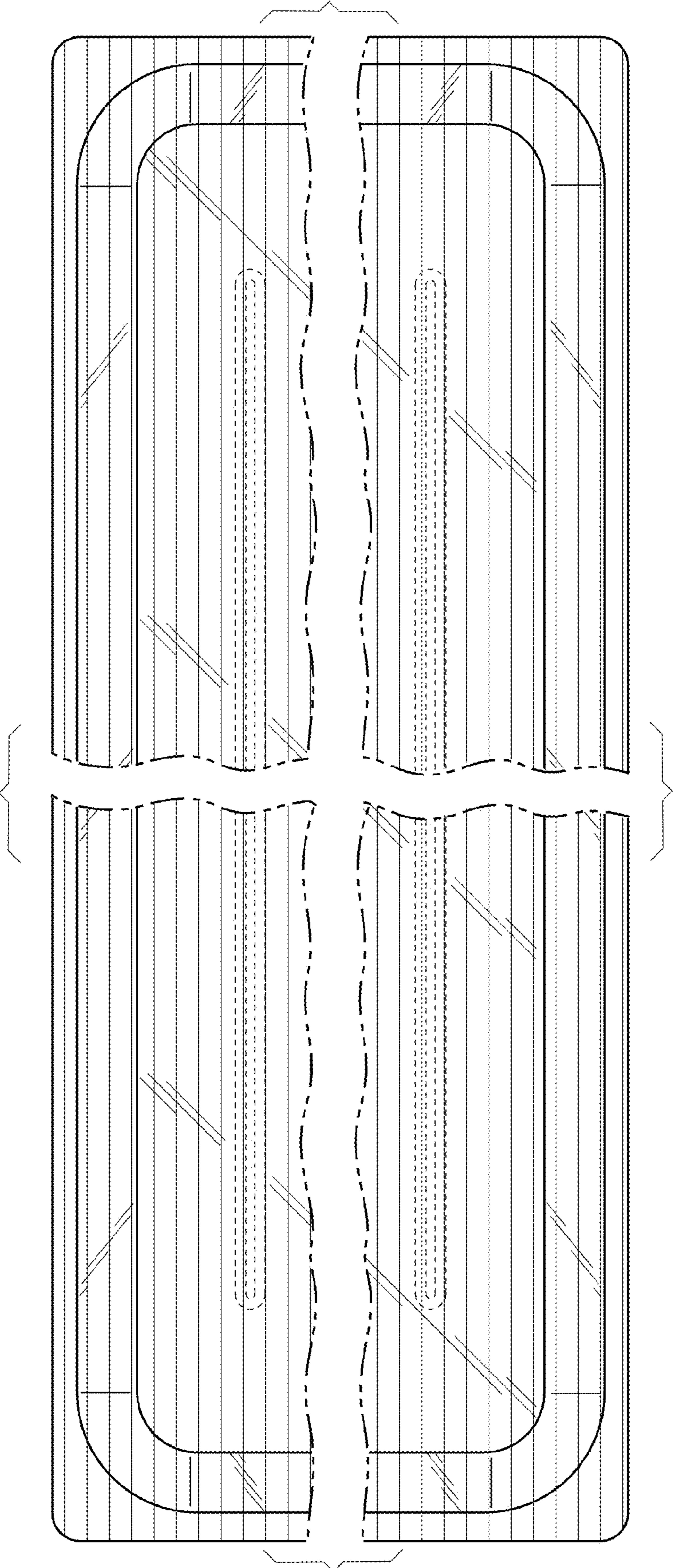


FIG. 10

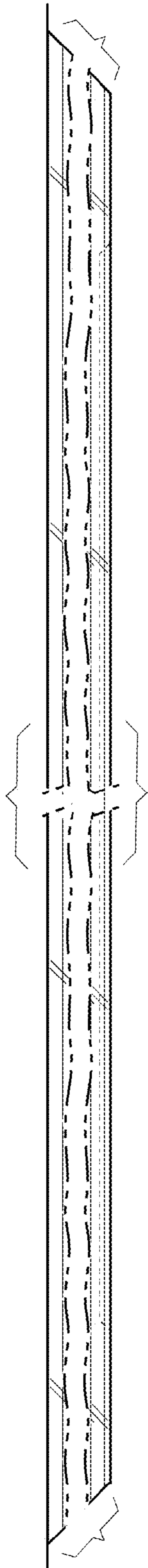


FIG. 11

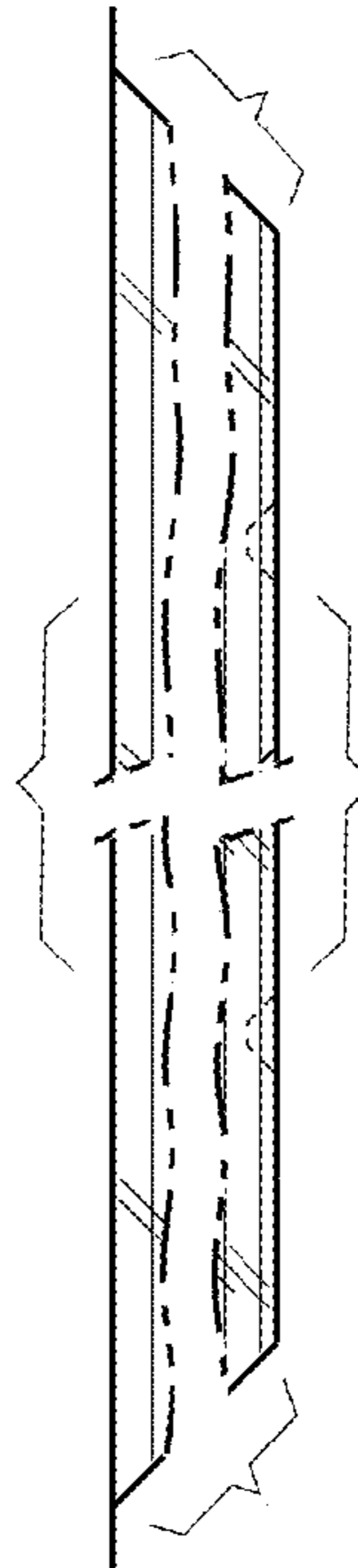


FIG. 12

