



US0D1038823S

(12) **United States Design Patent** (10) **Patent No.:** **US D1,038,823 S**
O'Brien et al. (45) **Date of Patent:** **** Aug. 13, 2024**

(54) **PLANTER**

(71) Applicant: **Marly Garden LLC**, New York, NY (US)
(72) Inventors: **Alexander H. O'Brien**, New York, NY (US); **Cameron Hughes**, New York, NY (US); **Jamie D. Boling**, Scottsdale, AZ (US)
(73) Assignee: **Marly Garden LLC**, New York, NY (US)

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

(21) Appl. No.: **29/782,641**
(22) Filed: **May 7, 2021**
(51) **LOC (14) Cl.** **11-02**
(52) **U.S. Cl.**
USPC **D11/143**
(58) **Field of Classification Search**
USPC D11/143-156, 164
CPC A01G 2009/003; A01G 7/00; A01G 9/00;
A01G 9/02; A01G 9/021; A01G 9/022;
A01G 9/023; A01G 9/0295; A01G
9/0297; A01G 9/04; A01G 9/042; A01G
9/045
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,881,939 A * 4/1959 Nelson A01G 9/02
47/73
3,867,788 A * 2/1975 Mickelson A47G 7/047
248/318
D259,774 S * 7/1981 Criscitiello, Jr. D11/143

(Continued)

OTHER PUBLICATIONS

Marly An Easier Way to Grow Plants at Home, Date Available May 21, 2021, YouTube, Site Visited on Apr. 14, 2023: Marly : An Easier Way to Grow Plants at Home (Year: 2021).*
(Continued)

Primary Examiner — Gino Colan
Assistant Examiner — Nicole M. Leech
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

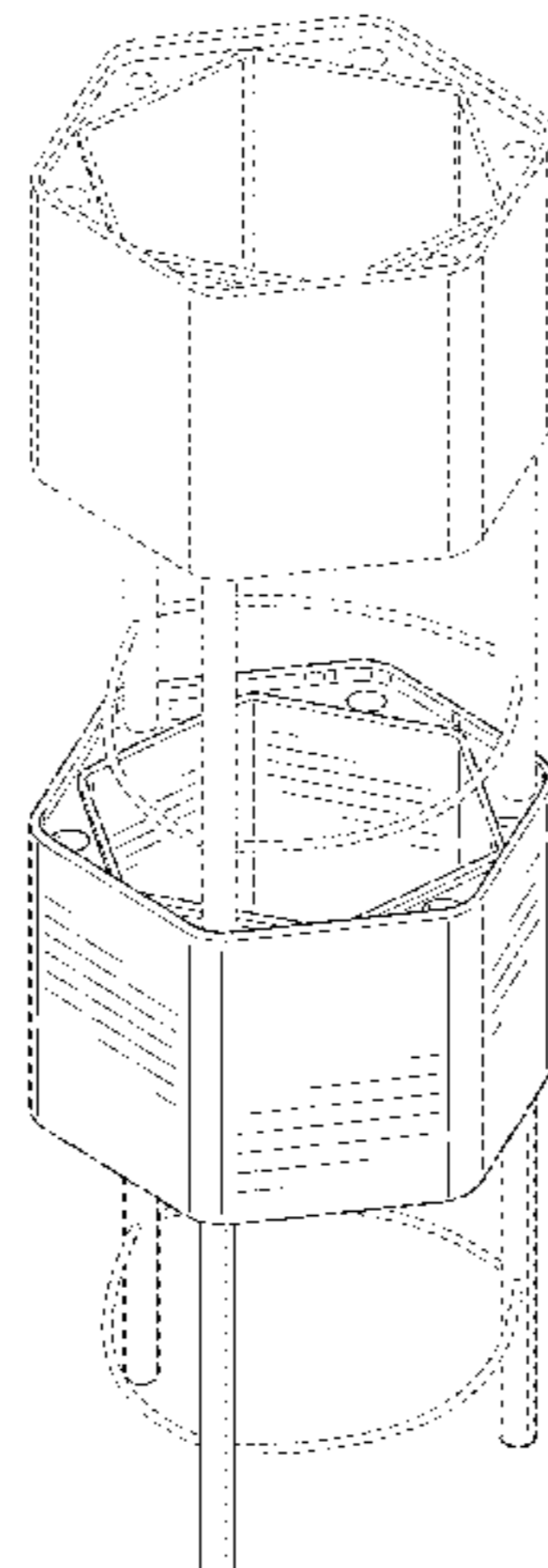
(57) **CLAIM**

We claim the ornamental design for a planter, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a planter showing our new design in a state of use;
FIG. 2 a perspective view of a planter showing our new design;
FIG. 3 is a front view of the planter of FIG. 2;
FIG. 4 is a rear view of the planter of FIG. 2;
FIG. 5 is a left side view of the planter of FIG. 2;
FIG. 6 is a right side view of the planter of FIG. 2;
FIG. 7 is a top side of the planter of FIG. 2;
FIG. 8 is a bottom side of the planter of FIG. 2;
FIG. 9 is a cross sectional view thereof, taken along line 9-9 in FIG. 7;
FIG. 10 is another cross sectional view thereof, taken along line 10-10 in FIG. 7;
FIG. 11 is another cross sectional view thereof, taken along line 11-11 in FIG. 7;
FIG. 12 is another cross sectional view thereof, taken along line 12-12 in FIG. 3; and,
FIG. 13 is another cross sectional view thereof; taken along line 13-13 in FIG. 3.
The broken lines shown in FIGS. 1 through-13 represent portions of the planter and form no part of the claimed design. The dot-dash lines in FIGS. 3 through-6 represent a boundary and form no part of the claimed design. The other dot-dash lines in FIGS. 3 and 7 represent cross sectional view indicia and form no part of the claimed design.

1 Claim, 8 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

4,355,485 A * 10/1982 Frank A01G 9/023
47/82
5,070,645 A * 12/1991 Vaughn A01G 9/02
47/72
D343,091 S * 1/1994 Shafer D7/531
D384,001 S * 9/1997 Waszkiewicz, III D11/143
5,752,649 A * 5/1998 Weder B65D 5/36
47/72
D403,270 S * 12/1998 Weder D11/164
D418,652 S * 1/2000 Slear D34/6
D444,733 S * 7/2001 Tanner D11/143
D578,829 S * 10/2008 Freeman D7/602
D679,148 S * 4/2013 Schwartz D7/629
D928,029 S * 8/2021 Barile D11/151
D929,254 S * 8/2021 Barile D11/143
D1,008,866 S * 12/2023 Dixon D11/153

D1,015,931 S * 2/2024 O'Brien D11/143
2010/0147844 A1 * 6/2010 Connell A01G 9/021
220/665
2022/0354065 A1 * 11/2022 O'Brien A01G 7/045

OTHER PUBLICATIONS

Vaxa Indoor Outdoor Self Watering Pot Planter, Date Available, Mar. 24, 2021, Wayfair, Site Visited on Apr. 14, 2023: <https://www.wayfair.com/outdoor/pdp/vita-vaxa-indooroutdoor-self-watering-pot-planter-zne10052.html?piid=55584323> (Year: 2021).
CosmoLiving Geometric Indoor Outdoor with Wooden Legs Ceramic Planter, Date Available Apr. 24, 2021, Lowes, Site Visited on Apr. 14, 2023: <https://www.lowes.com/pd/CosmoLiving-by-Cosmopolitan-Geometric-White-Ceramic-Outdoor-Planters-with-Mid-Century-Wood-Legs-Set-of-2-16-x-17-12-x-15-/5000054187> (Year: 2021).*

* cited by examiner

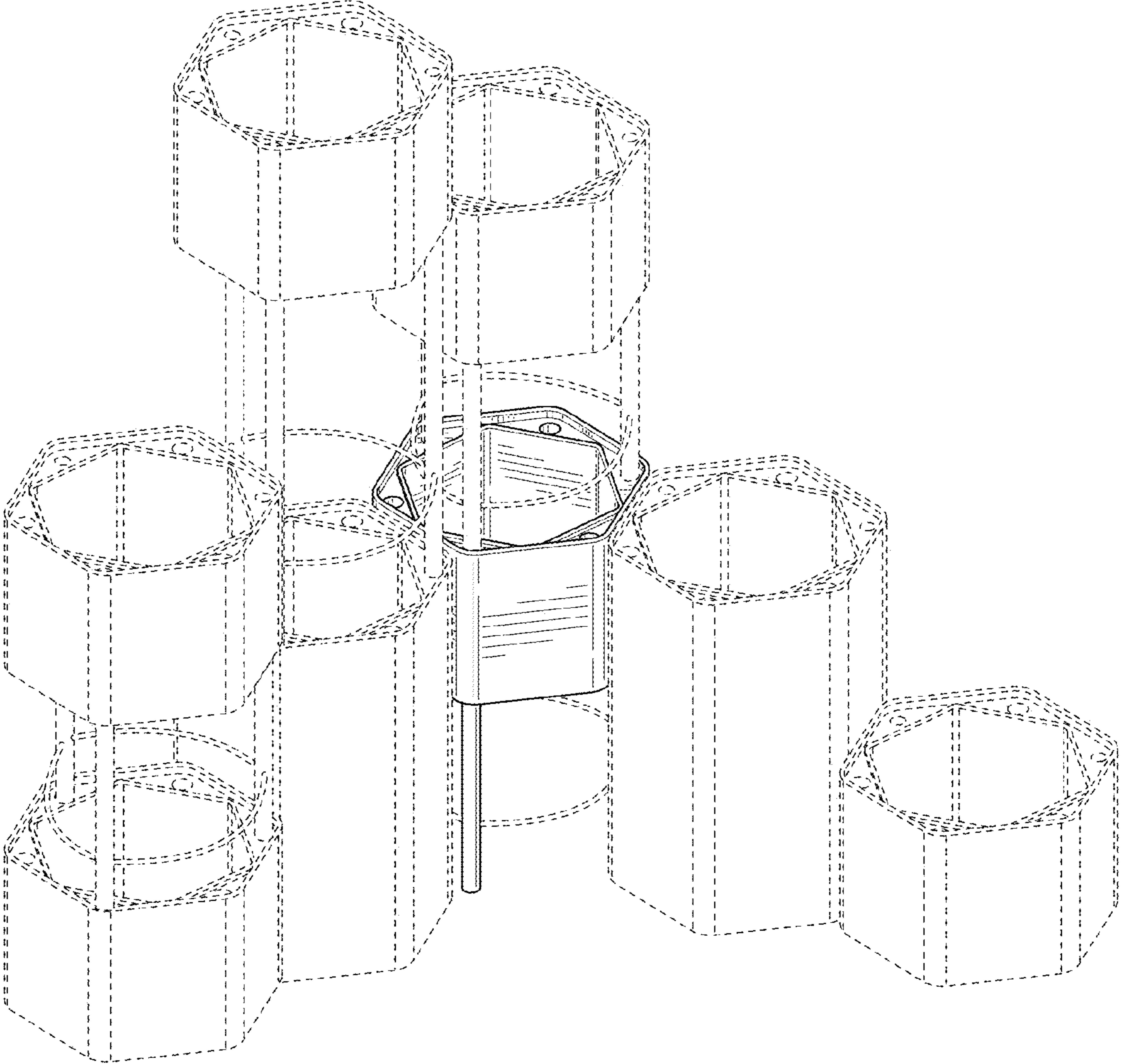


FIG. 1

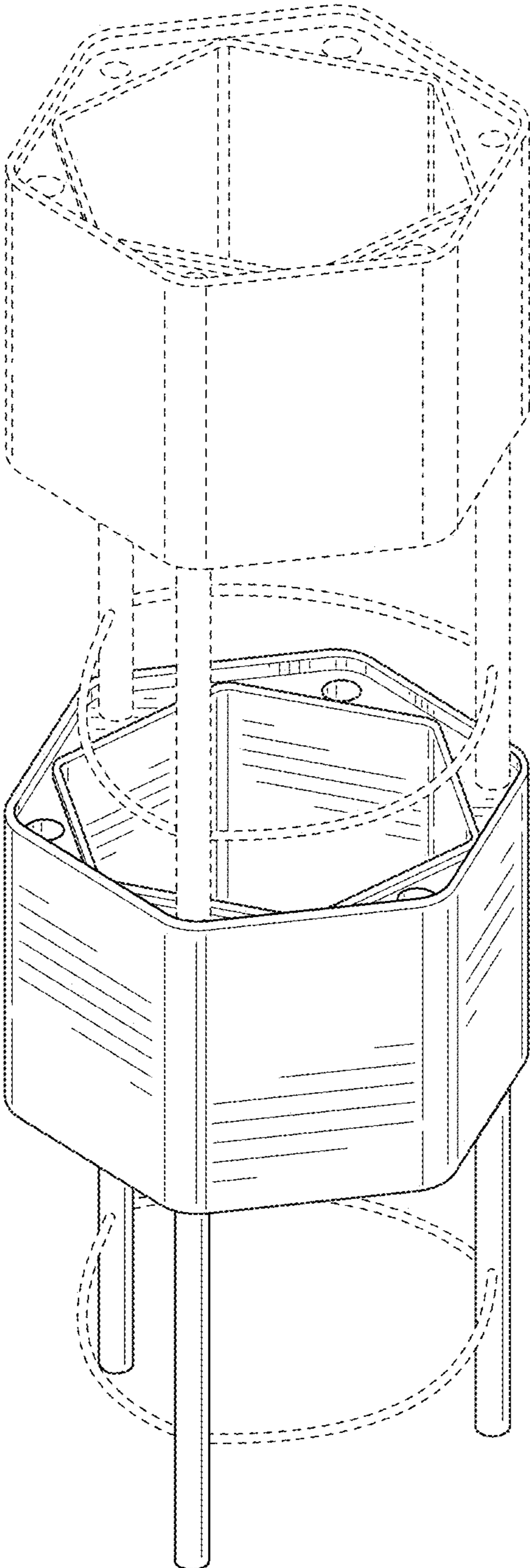


FIG. 2

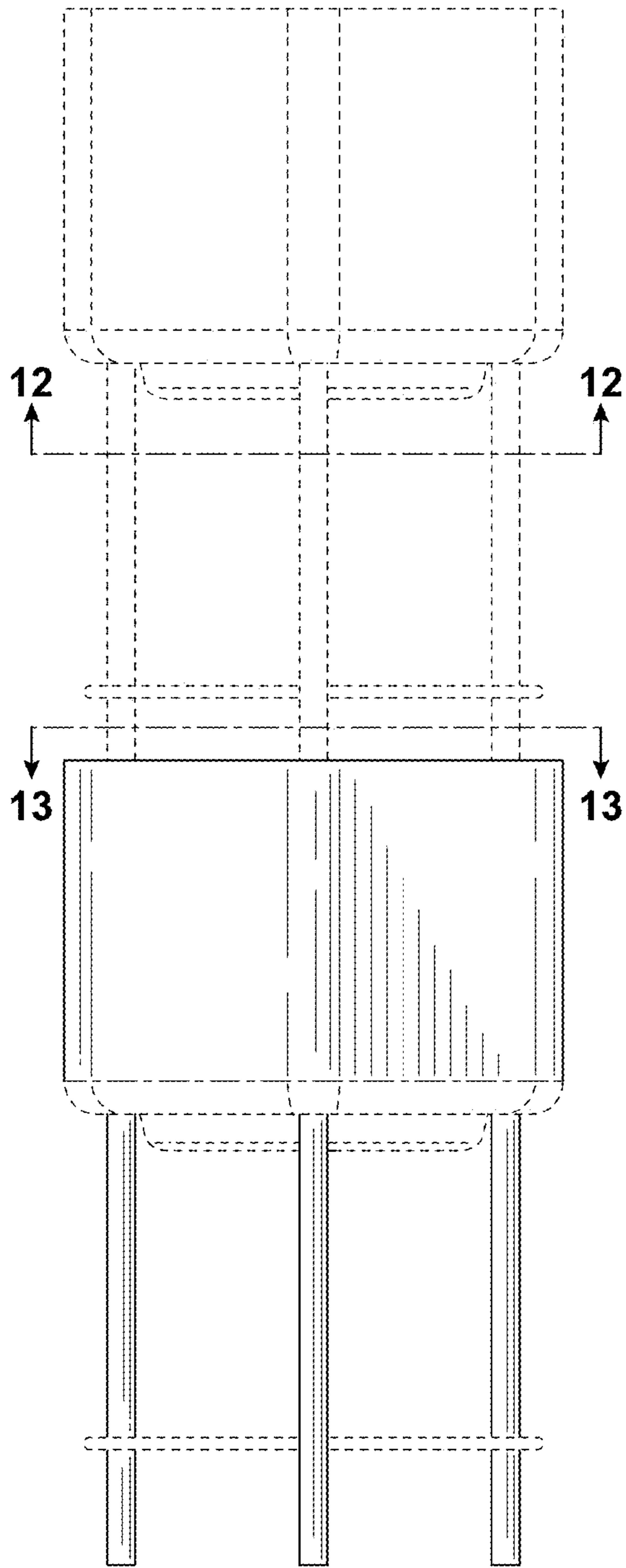


FIG. 3

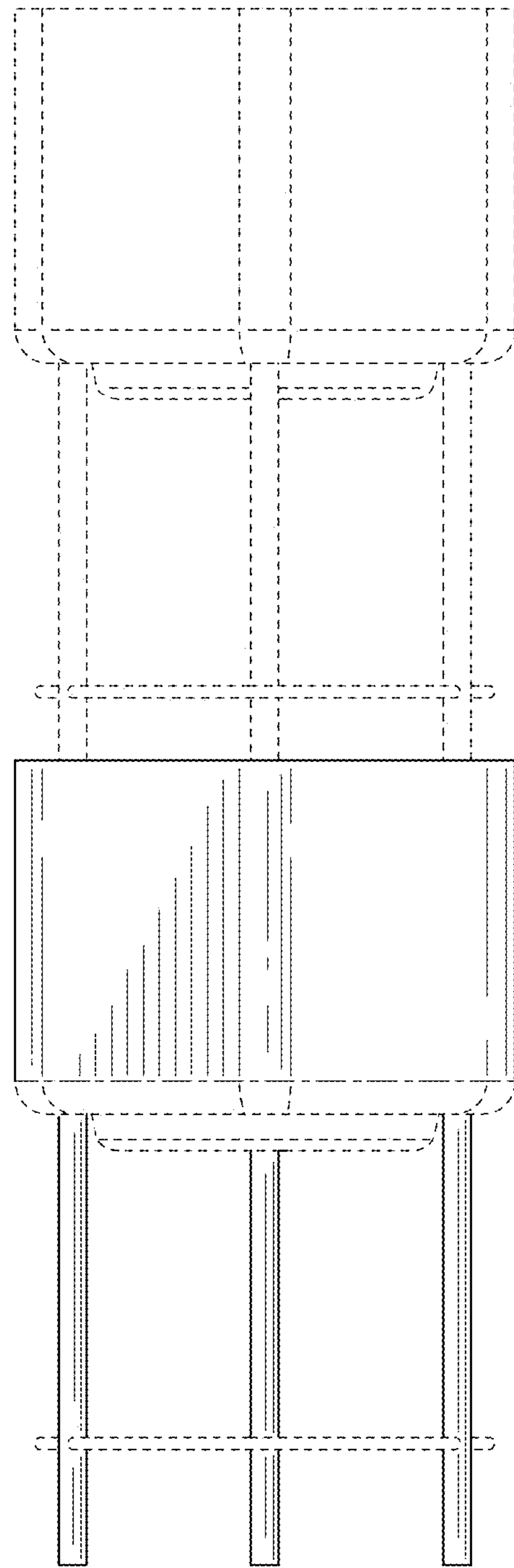


FIG. 4

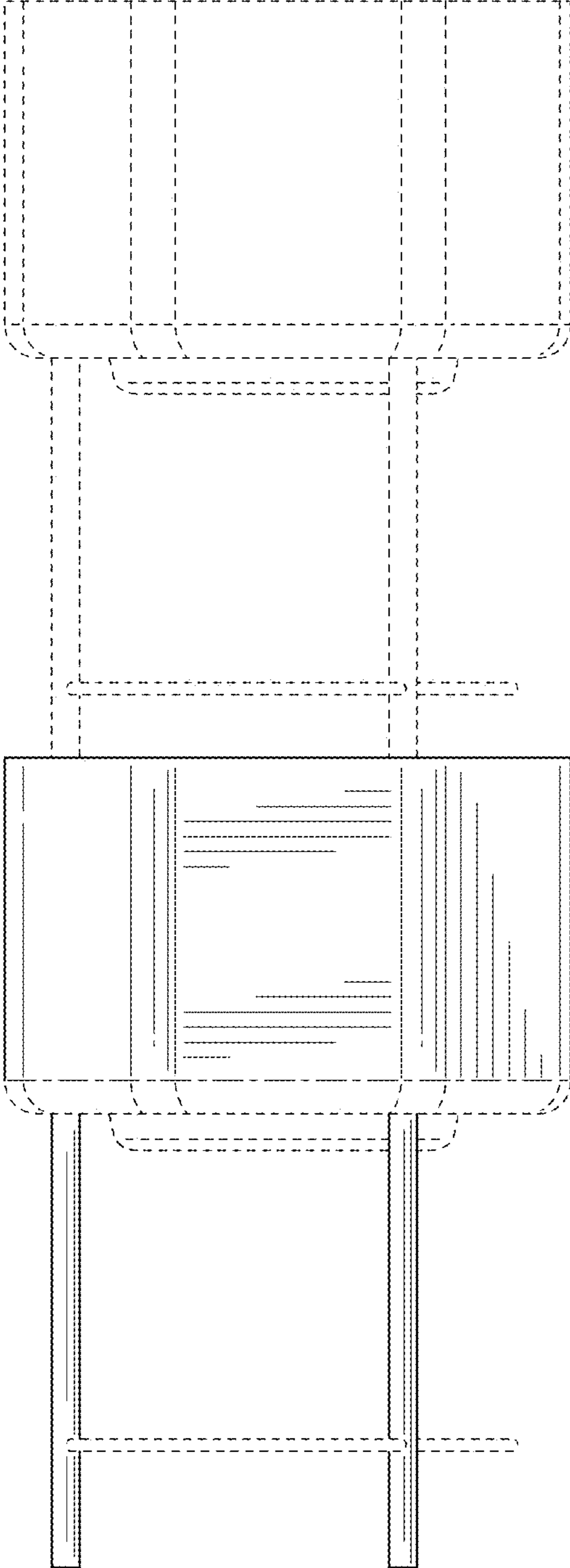


FIG. 5

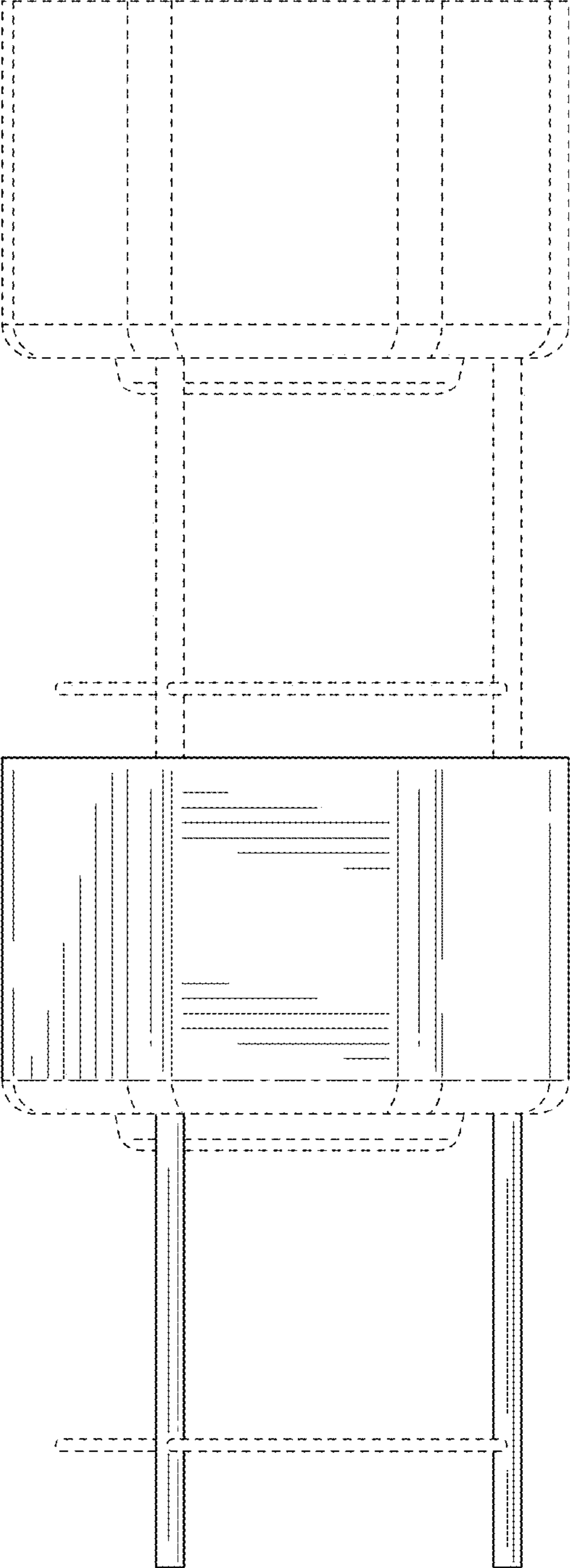


FIG. 6

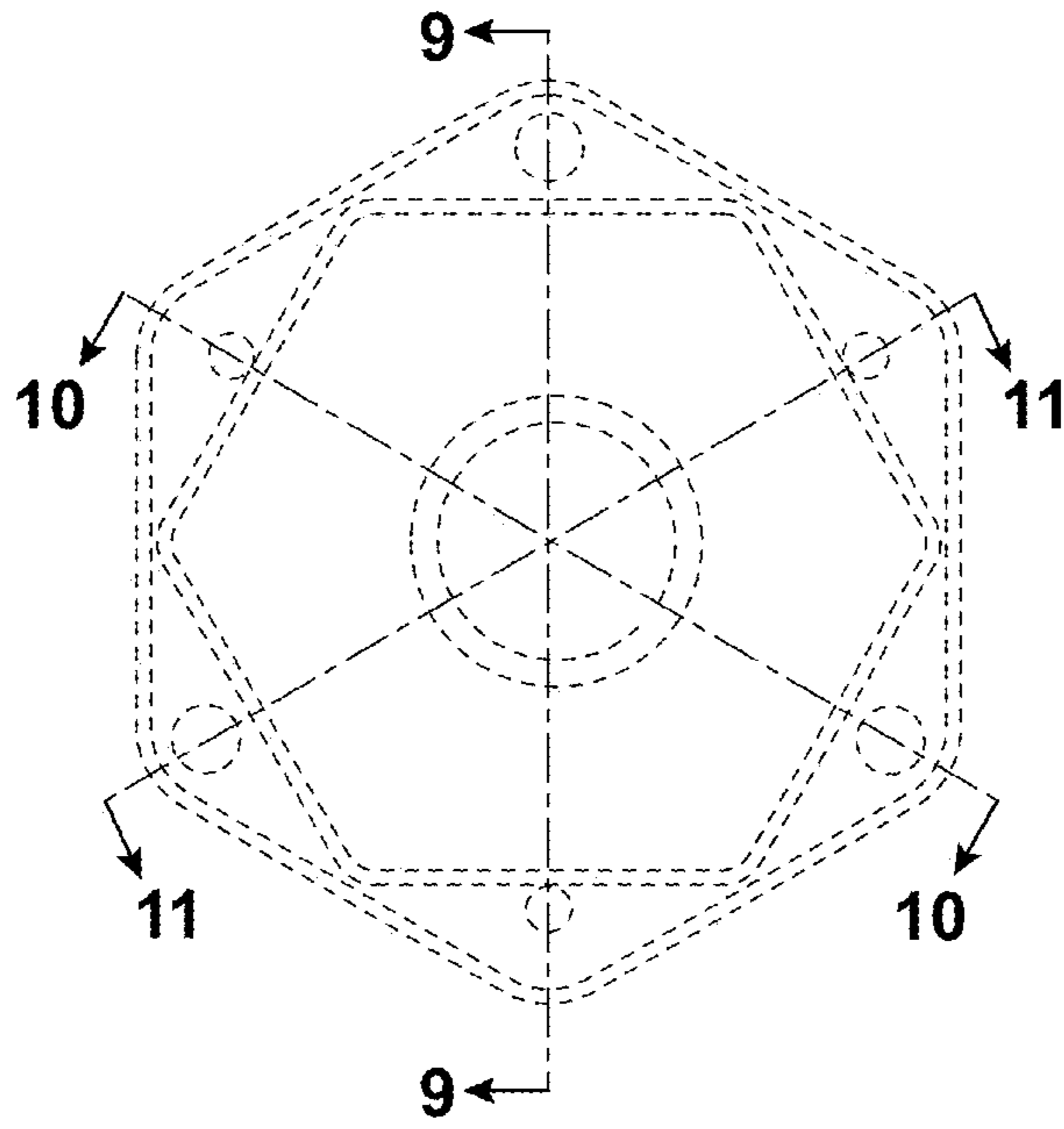


FIG. 7

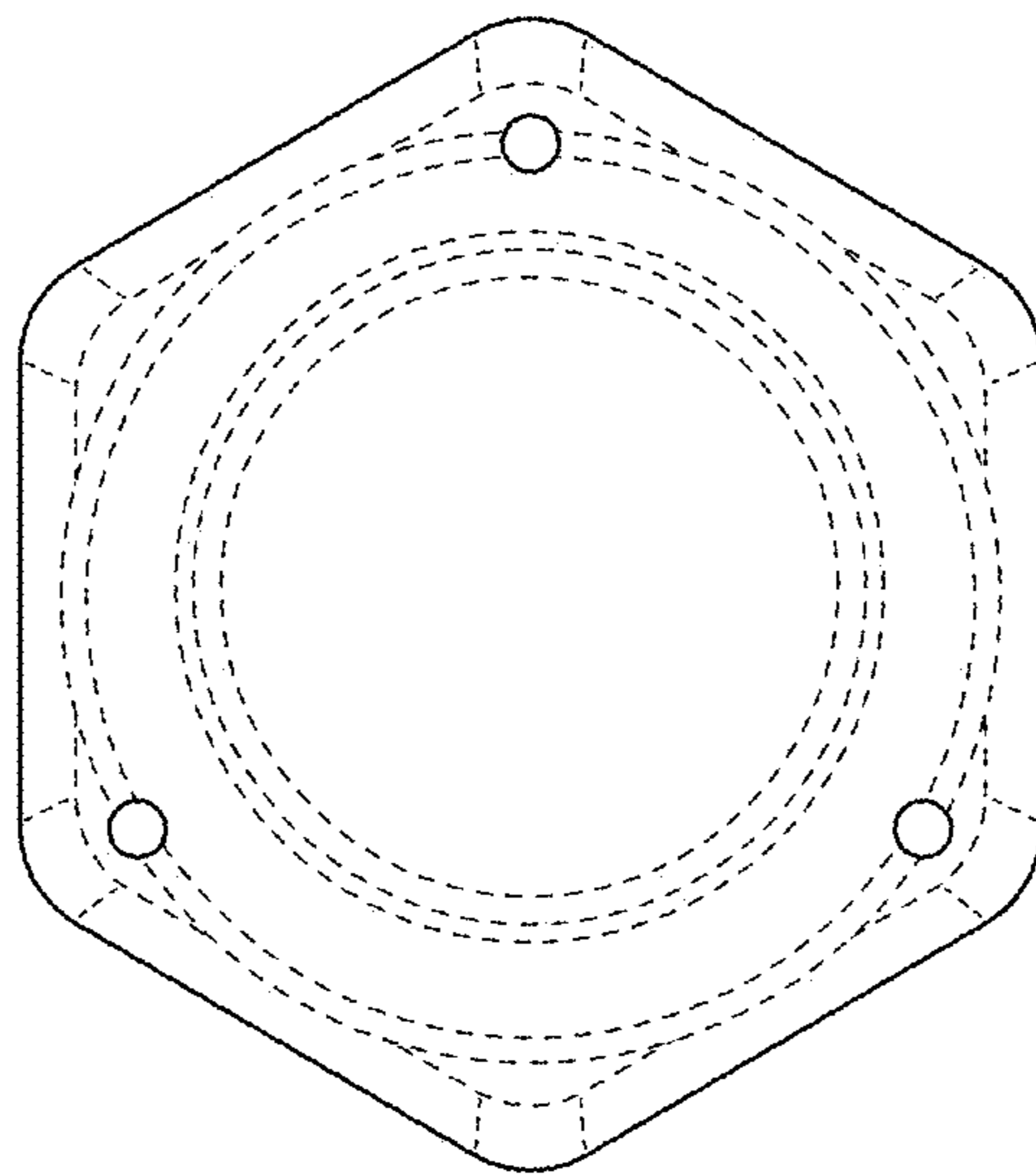


FIG. 8

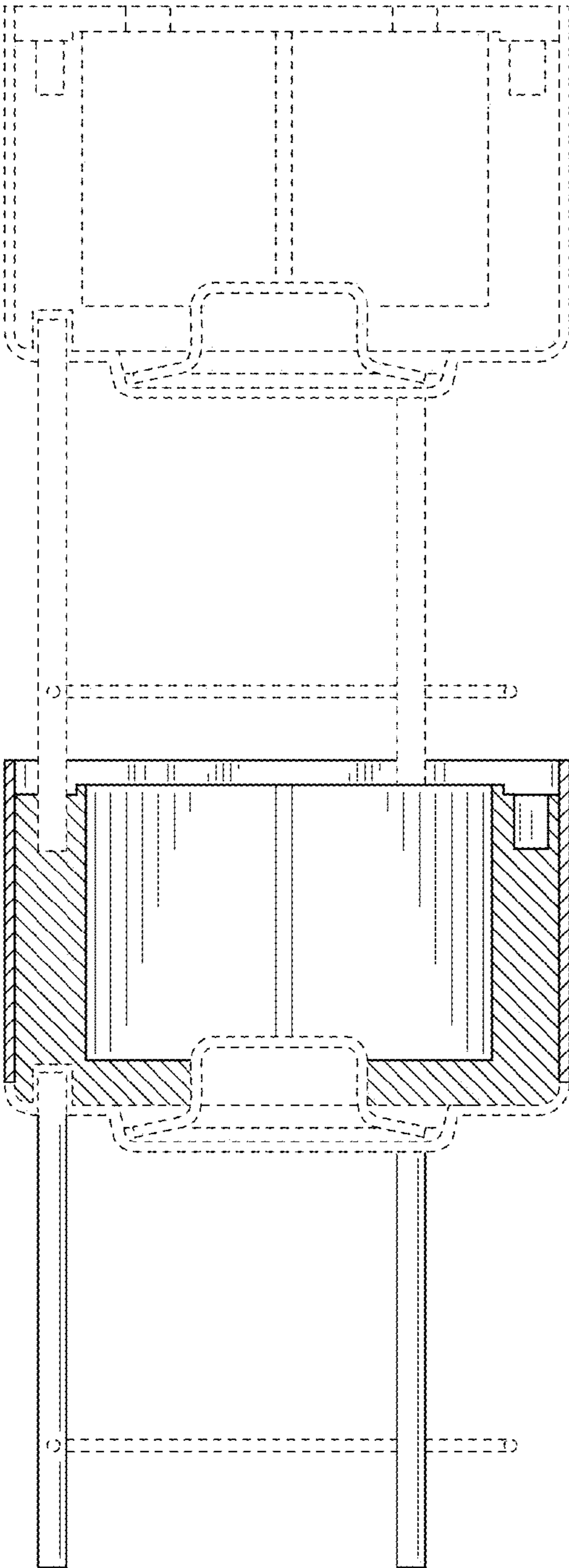


FIG. 9

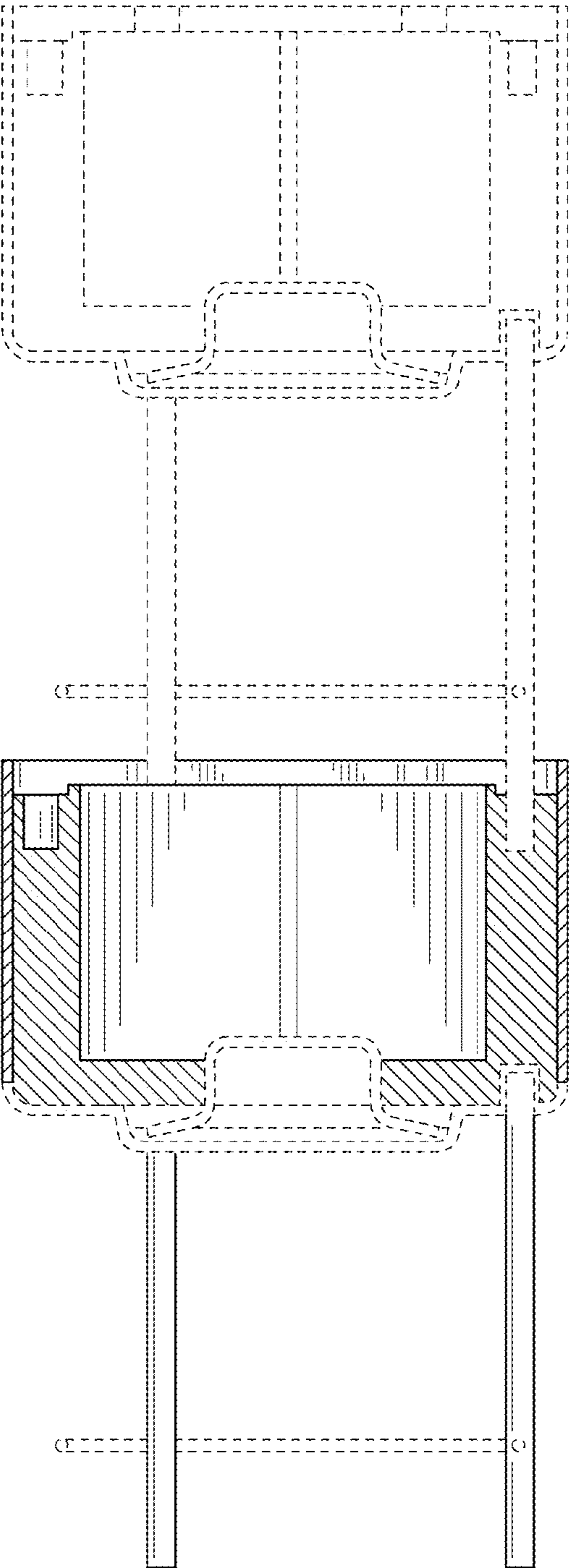


FIG. 10

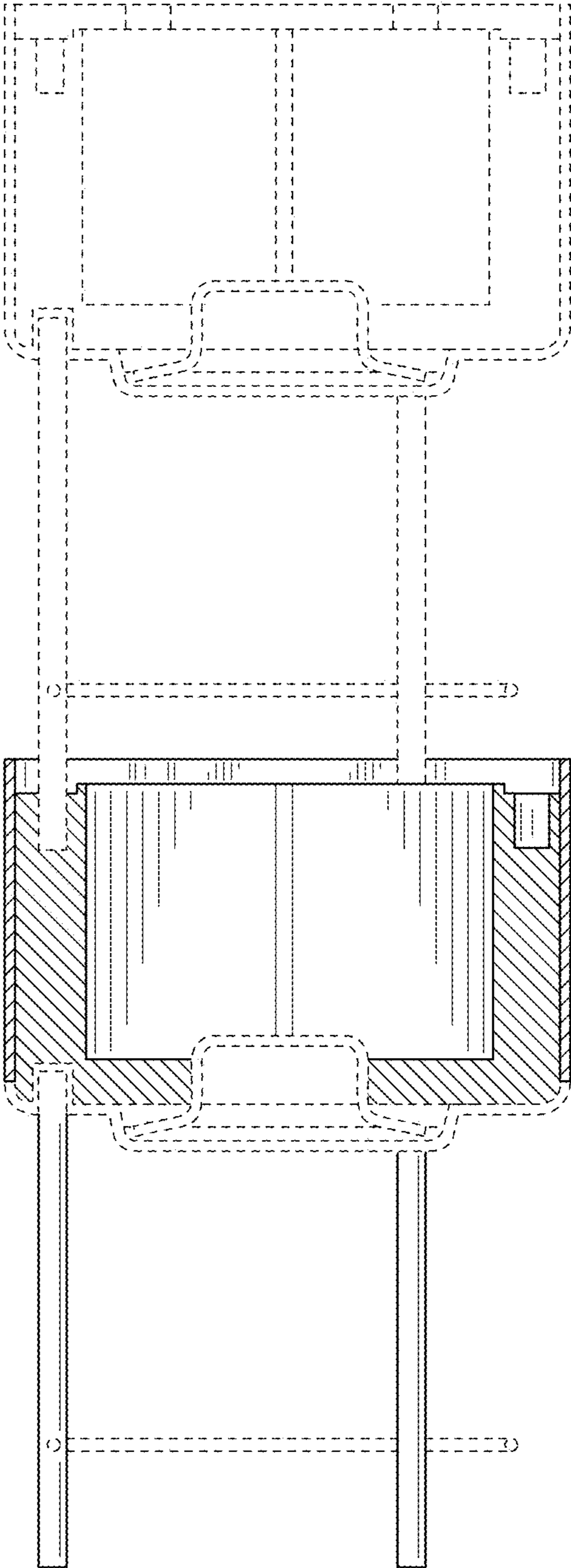


FIG. 11

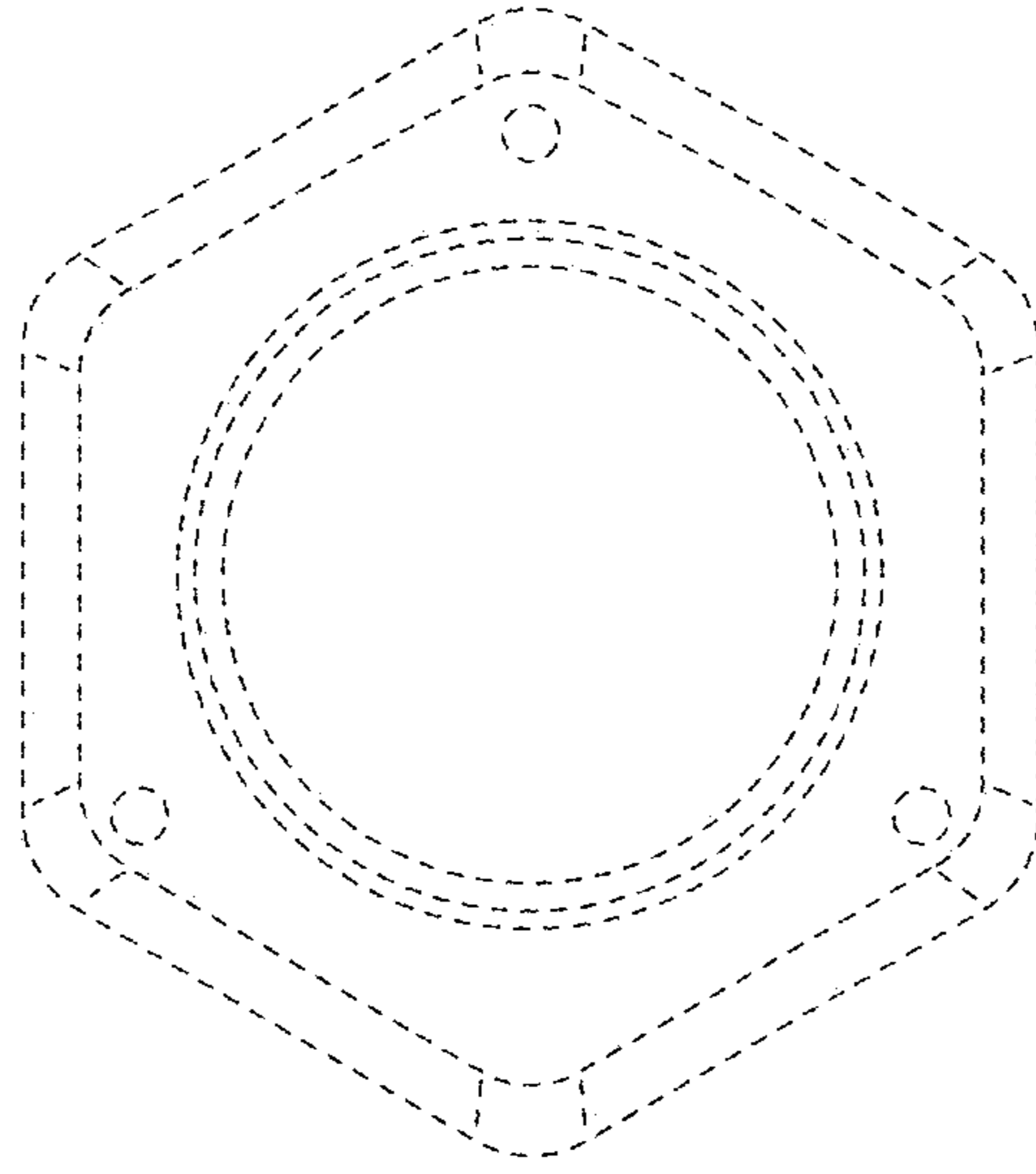


FIG. 12

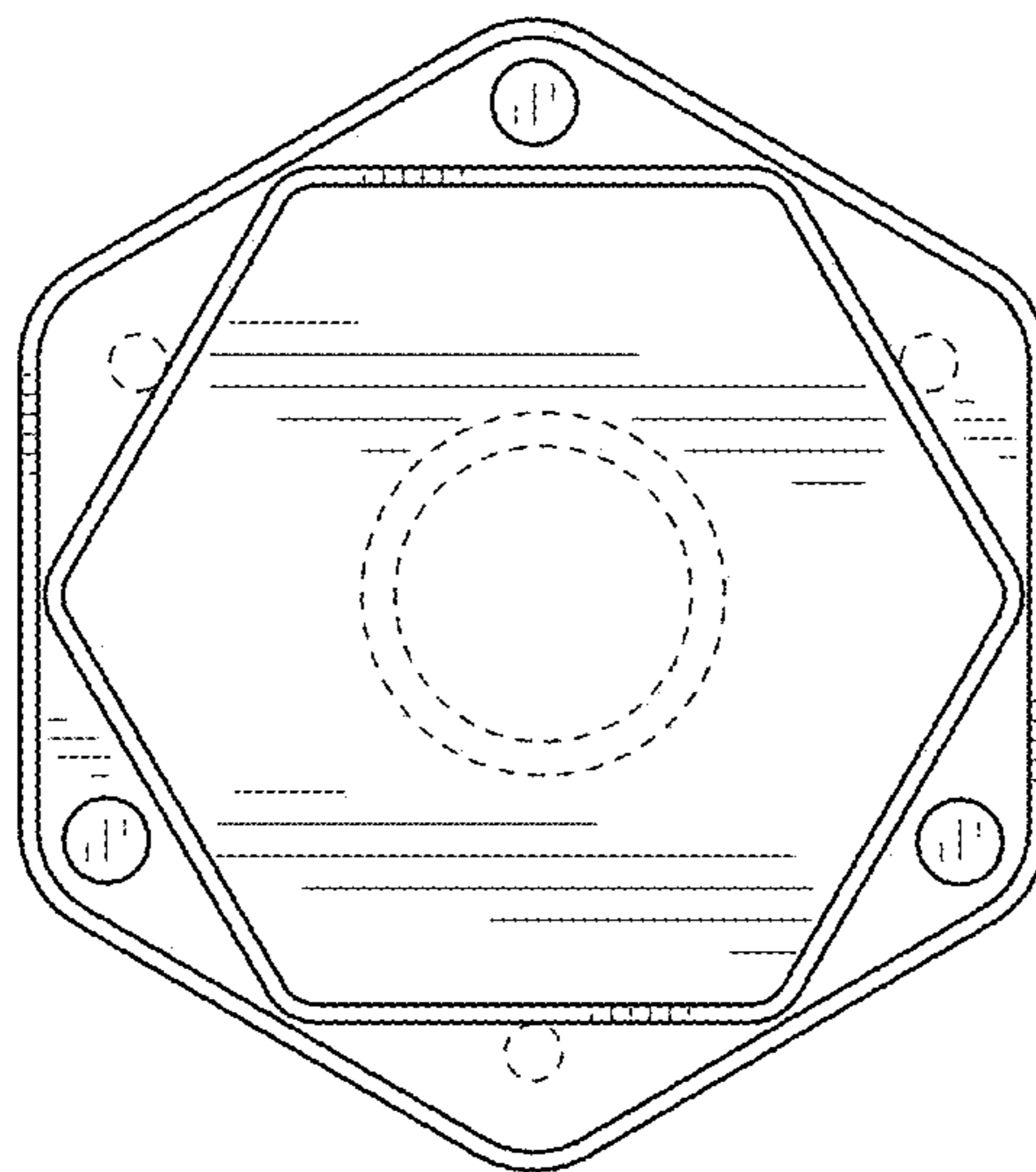


FIG. 13