



US00D439838S

(12) **United States Design Patent**  
**Sagel et al.**

(10) **Patent No.:** **US D439,838 S**

(45) **Date of Patent:** **\*\* Apr. 3, 2001**

(54) **TUBULAR FOOD CONTAINER**

(75) Inventors: **Joseph P. Sagel**, Lewisville, TX (US);  
**Robert J. Croft**, Jersey City, NJ (US)

(73) Assignee: **Recot, Inc.**, Pleasanton, CA (US)

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/092,975**

(22) Filed: **Aug. 28, 1998**

(51) **LOC (7) Cl.** ..... **09-03**

(52) **U.S. Cl.** ..... **D9/430; D9/416**

(58) **Field of Search** ..... D9/337, 341, 346-347,  
D9/414, 430-433; 229/115, 101.2, 152,  
210

5,105,971 \* 4/1992 Hertenstein et al. .... 229/152  
5,738,218 \* 4/1998 Gonzales ..... 229/115  
5,797,542 \* 8/1998 O'Conner ..... 229/210

\* cited by examiner

*Primary Examiner*—Philip S. Hyder

*Assistant Examiner*—Carol Rademaker

(74) *Attorney, Agent, or Firm*—Rothwell, Figg, Ernst & Kurz, P.C.

(57) **CLAIM**

The ornamental design for a tubular food container, as shown and described.

**DESCRIPTION**

FIG. 1 is an enlarged fragmentary perspective view of the tubular food container;

FIG. 2 is a side view taken from one corner of the tubular food container as seen in the direction of each of the arrows shown in FIG. 4;

FIG. 3 is a bottom view of the tubular food container shown in FIG. 2;

FIG. 4 is a top view of the tubular food container shown in FIG. 2;

FIG. 5 is a fragmentary top perspective view showing a second embodiment of my new design, the sole difference being in the inclusion of a top cap having a removable tear strip, it being understood that the remainder of the container including the bottom is the same as the first embodiment as shown in FIGS. 2 & 3;

FIG. 6 is a fragmentary top perspective view showing the embodiment of FIG. 2 with the tear strip in an alternate position as shown, it being understood that the remainder of the container including the bottom is again the same as the first embodiment as shown in FIGS. 2 & 3; and,

FIG. 7 is a fragmentary top perspective view showing a third embodiment of my new design, the sole difference being in the inclusion of a removable top cap, it being understood that the remainder of the container including the bottom is the same as the first embodiment as shown in FIGS. 2 & 3.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D. 4,754	4/1871	Kirchner .	
D. 57,707	4/1921	Morrison .	
D. 88,111	10/1932	Scurlock .	
D. 88,112	10/1932	Scurlock .	
D. 209,847	1/1968	Taylor .	
D. 303,766	10/1989	Delbanco .	
D. 308,336	6/1990	Delbanco .	
D. 317,261	6/1991	Brown et al. .	
D. 329,378	9/1992	Bustos .	
D. 341,539	11/1993	Davis et al. .	
D. 361,262	8/1995	Lusker .	
D. 376,734	12/1996	Petrie .	
D. 376,758	12/1996	Bradfield .	
1,353,689	9/1920	Wilkie .	
1,576,088	3/1926	Bunz .	
1,598,235	3/1926	Barbieri .	
1,758,585	* 5/1930	Riegel	229/115
2,689,076	* 9/1954	Jenkins	229/115
3,385,465	5/1968	Bliss .	
3,482,760	* 12/1969	Pascus et al.	229/115
4,091,929	* 5/1978	Krane	229/115
4,253,601	* 3/1981	Kossoff	229/115
4,990,345	2/1991	Webb .	
5,042,657	* 8/1991	Dunn	229/115

**1 Claim, 2 Drawing Sheets**

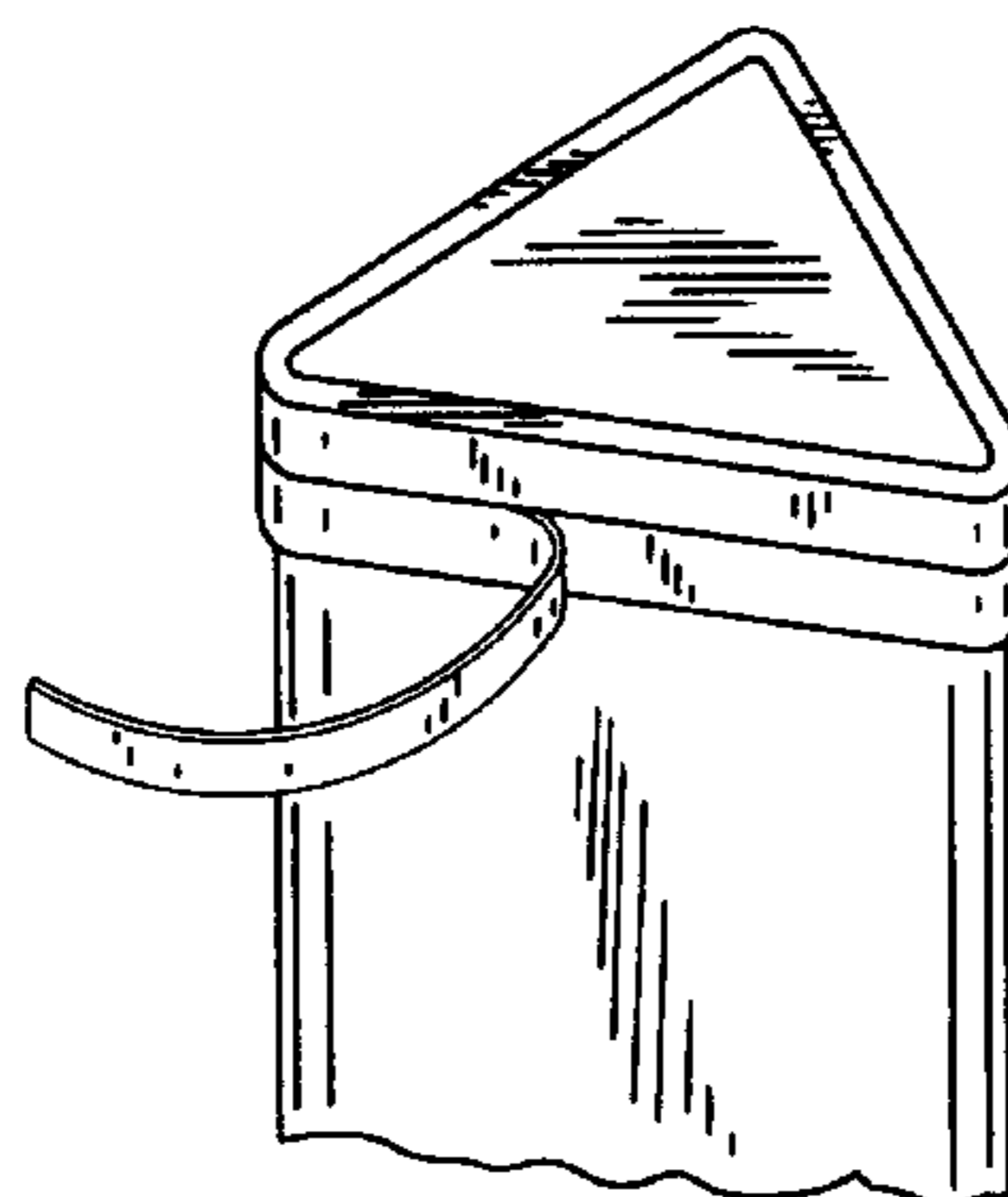
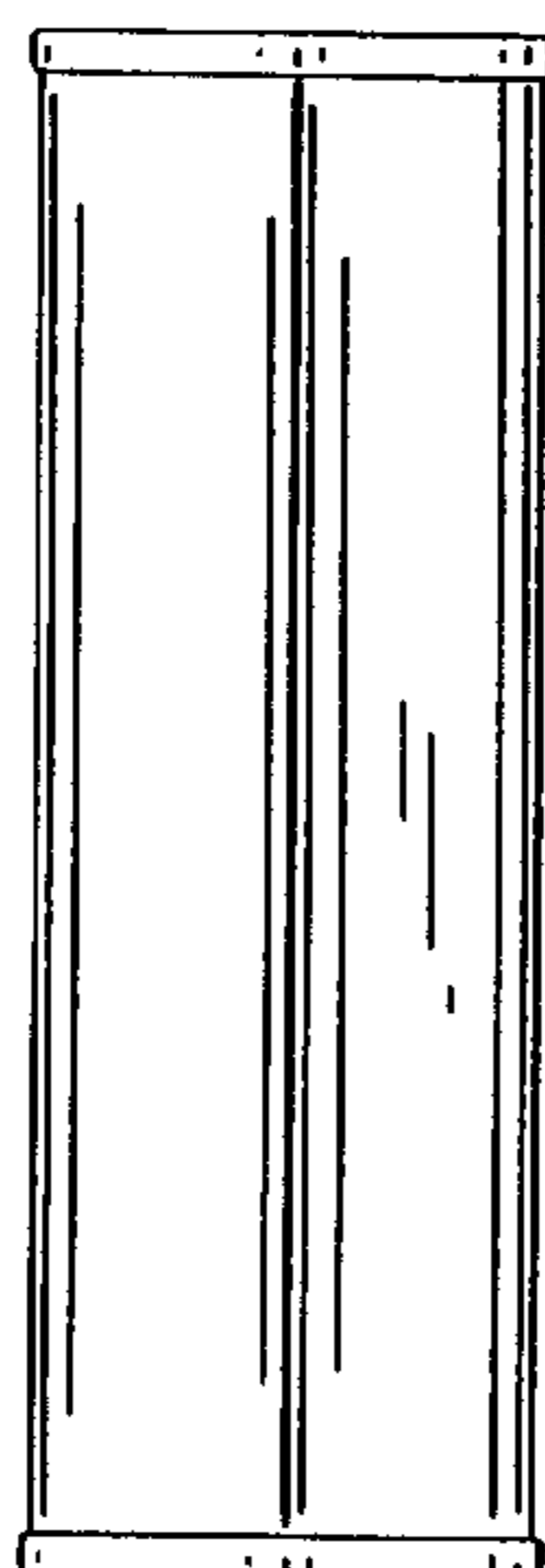


FIG. 1

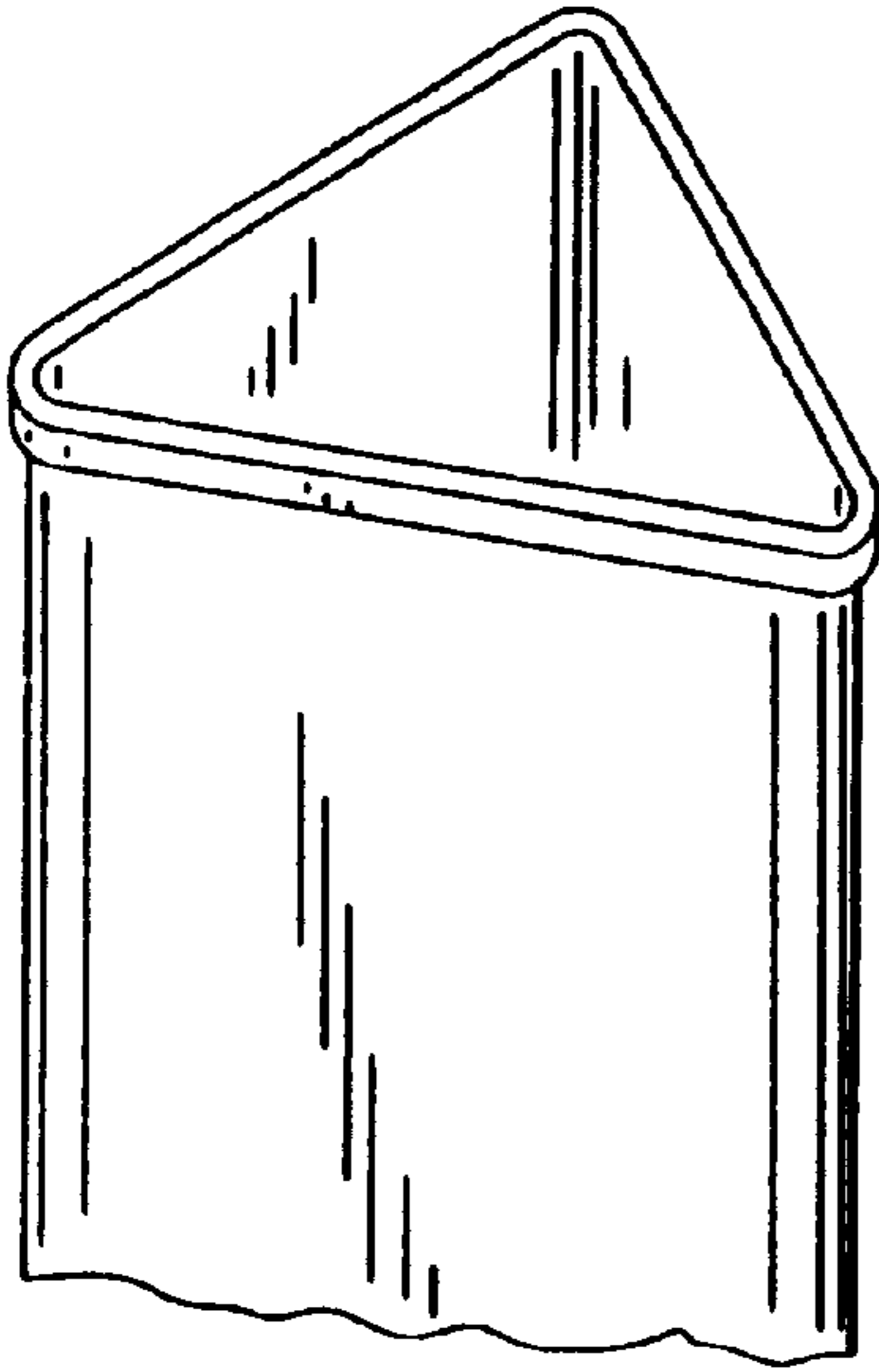


FIG. 2

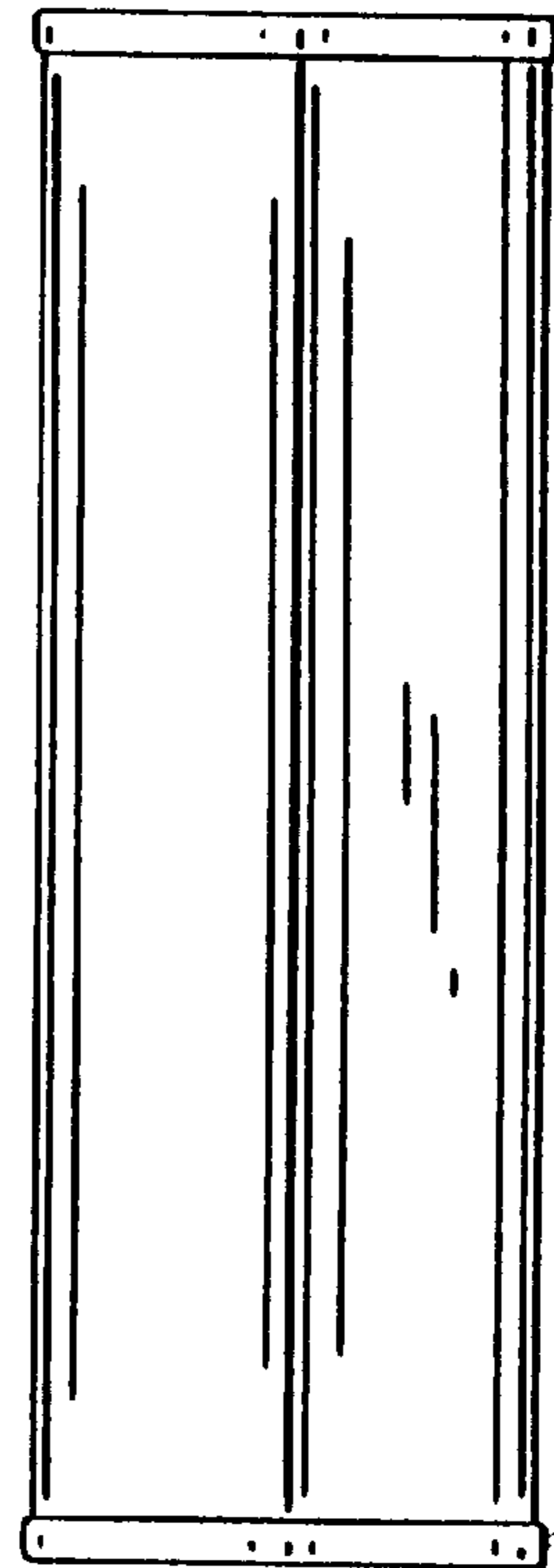


FIG. 3

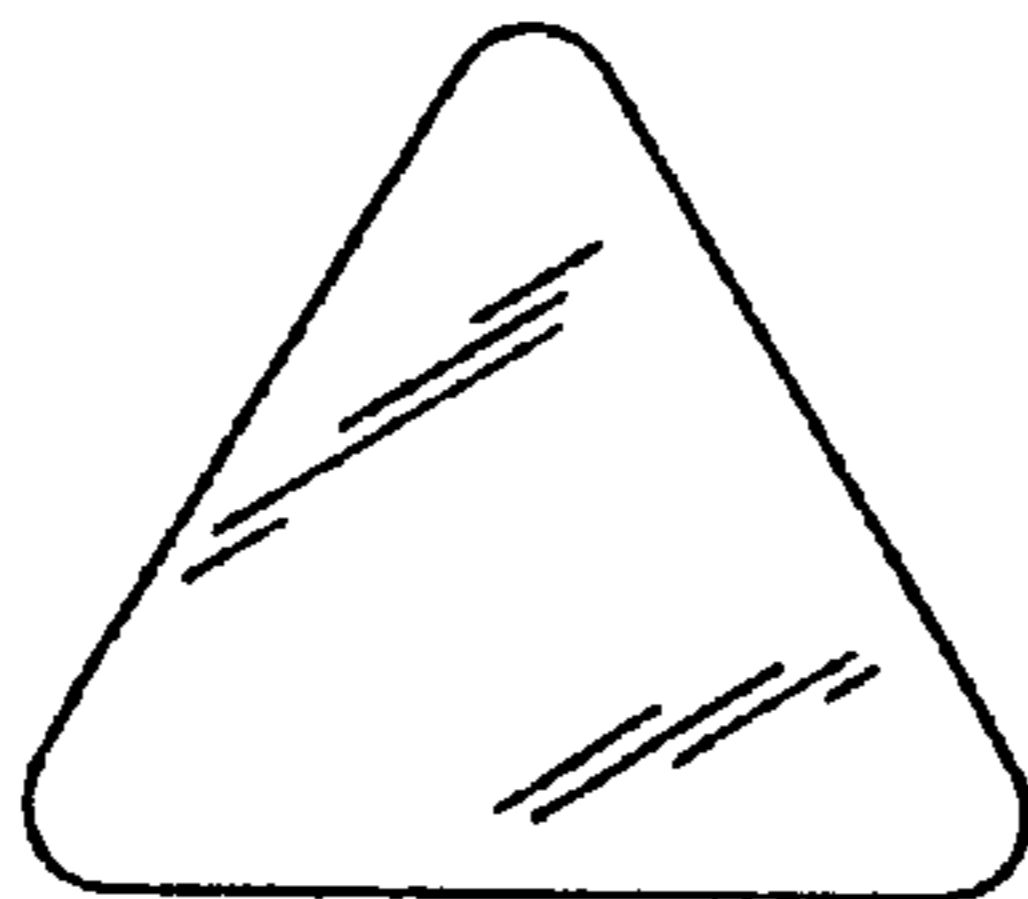


FIG. 4



FIG. 5

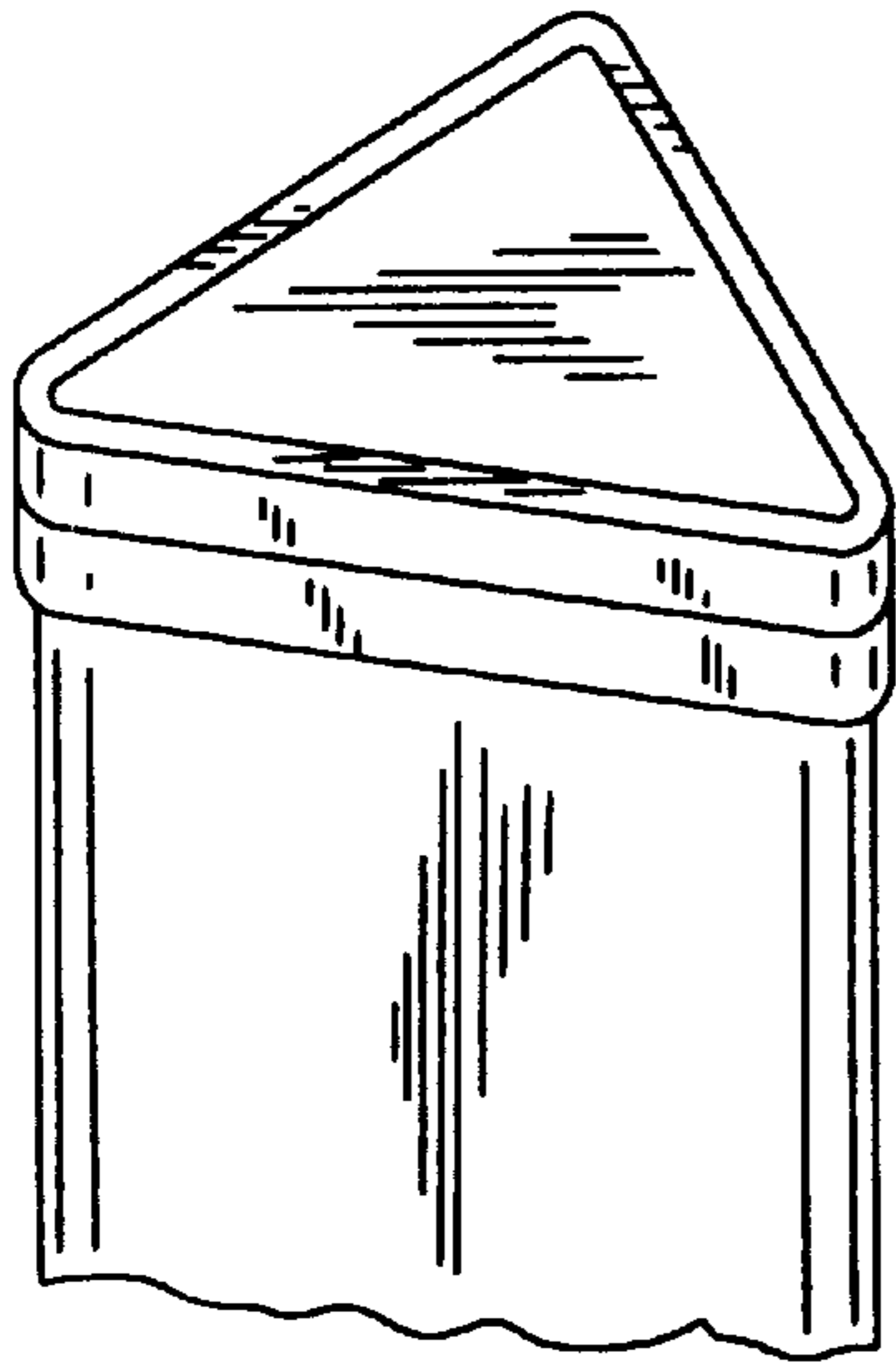


FIG. 6

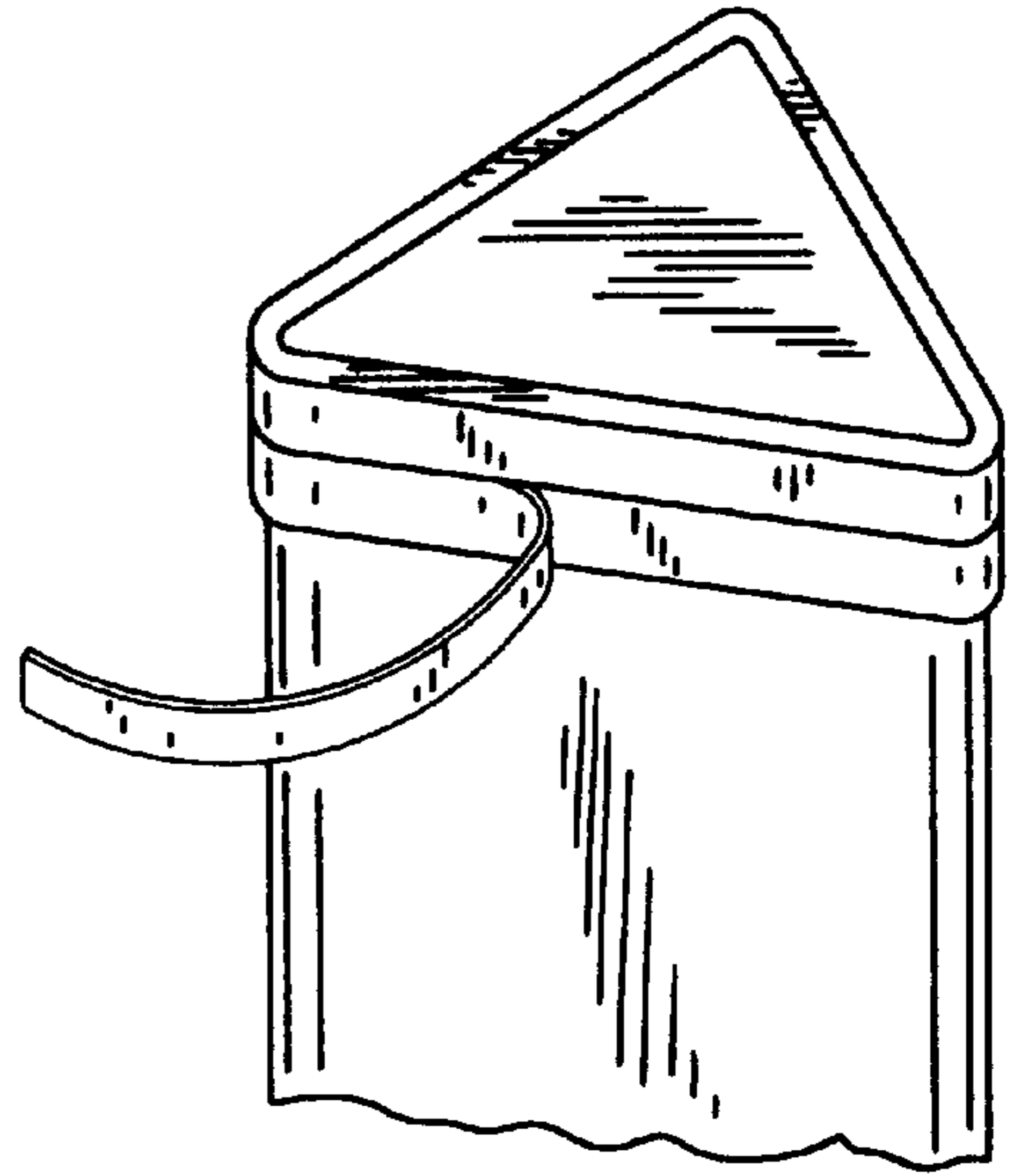


FIG. 7

