



US00D457765S

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

(10) **Patent No.:** **US D457,765 S**

(45) **Date of Patent:** **\*\* May 28, 2002**

(54) **SURFACE PATTERN APPLIED TO A DISPENSER**

(75) Inventors: **Susan Marie Peotter**, Oshkosh;  
**Dayton Joel Henderson**, Appleton,  
both of WI (US)

(73) Assignee: **Kimberly Clark Worldwide, Inc.**,  
Neenah, WI (US)

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

(21) Appl. No.: **29/129,311**

(22) Filed: **Sep. 12, 2000**

(51) **LOC (7) Cl.** ..... **23-02**

(52) **U.S. Cl.** ..... **D6/523**

(58) **Field of Search** ..... D6/523, 515-522,  
D6/551; 221/282, 283; 312/34.8, 34.1;  
242/570, 590, 598

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,664,392 A	4/1928	Baruch
2,440,974 A	5/1948	Resch
3,310,353 A	3/1967	Cordis
3,368,522 A	2/1968	Cordis
3,532,210 A	10/1970	Minion et al.
3,568,635 A	3/1971	Poitras et al.
3,592,161 A	7/1971	Hoffmann
3,603,519 A	9/1971	Brown
3,633,838 A	1/1972	Krueger
3,656,699 A	4/1972	Schnyder et al.
3,713,170 A	1/1973	Kaufman
3,729,145 A	4/1973	Koo et al.
3,754,804 A	8/1973	Cushman

(List continued on next page.)

**FOREIGN PATENT DOCUMENTS**

EP	0 122 809 A1	10/1984
EP	0 501 905 A1	9/1992
EP	0 608 460 A1	8/1994
EP	0 608 460 B1	9/1998
GB	990332	4/1965

GB	1324818	7/1973
WO	WO 93/17933	9/1993
WO	WO 96/21388 A1	7/1996
WO	WO 98/08763 A1	3/1998
WO	WO 99/06311 A2	2/1999
WO	WO 99/01536 A1	4/1999
WO	WO 00/00071	1/2000
WO	WO 00/08998	2/2000

**OTHER PUBLICATIONS**

Derwent World Patent Database abstract of DE 3133237: Description of M. Scheepe, "Refill Pack of Moisture-Im- pregnated Tissues."

Derwent World Patent Database abstract of JP 07-284,461 A: Description of Kusunoki N (KUSU-I), "Toilet Paper Holder," and Patent Abstracts of Japan JP 07-284,461: Description of Kusunoki Nobuaki, "Toilet Paper-Holder Allowing Taking Out Paper Thereof With One Hand."

Derwent World Patent Database abstract of JP 00-085,782 A: Description of Pigeon KK (PIGE-N), "Paper Holder For Wet Tissues Used In Toilets," and Patent Abstracts of Japan JP 00-085,782: Description of Watanabe Kuniko et al., "Paper Holder."

Kotler, Philip, *Marketing Management*, Prentice Hall, Upper Saddle River, NJ, 2000, p. 456-483.

(List continued on next page.)

*Primary Examiner*—Brian N. Vinson

(74) *Attorney, Agent, or Firm*—Brinks Hofer Gilson & Lione

(57) **CLAIM**

The ornamental design for a surface pattern applied to a dispenser, as shown and described.

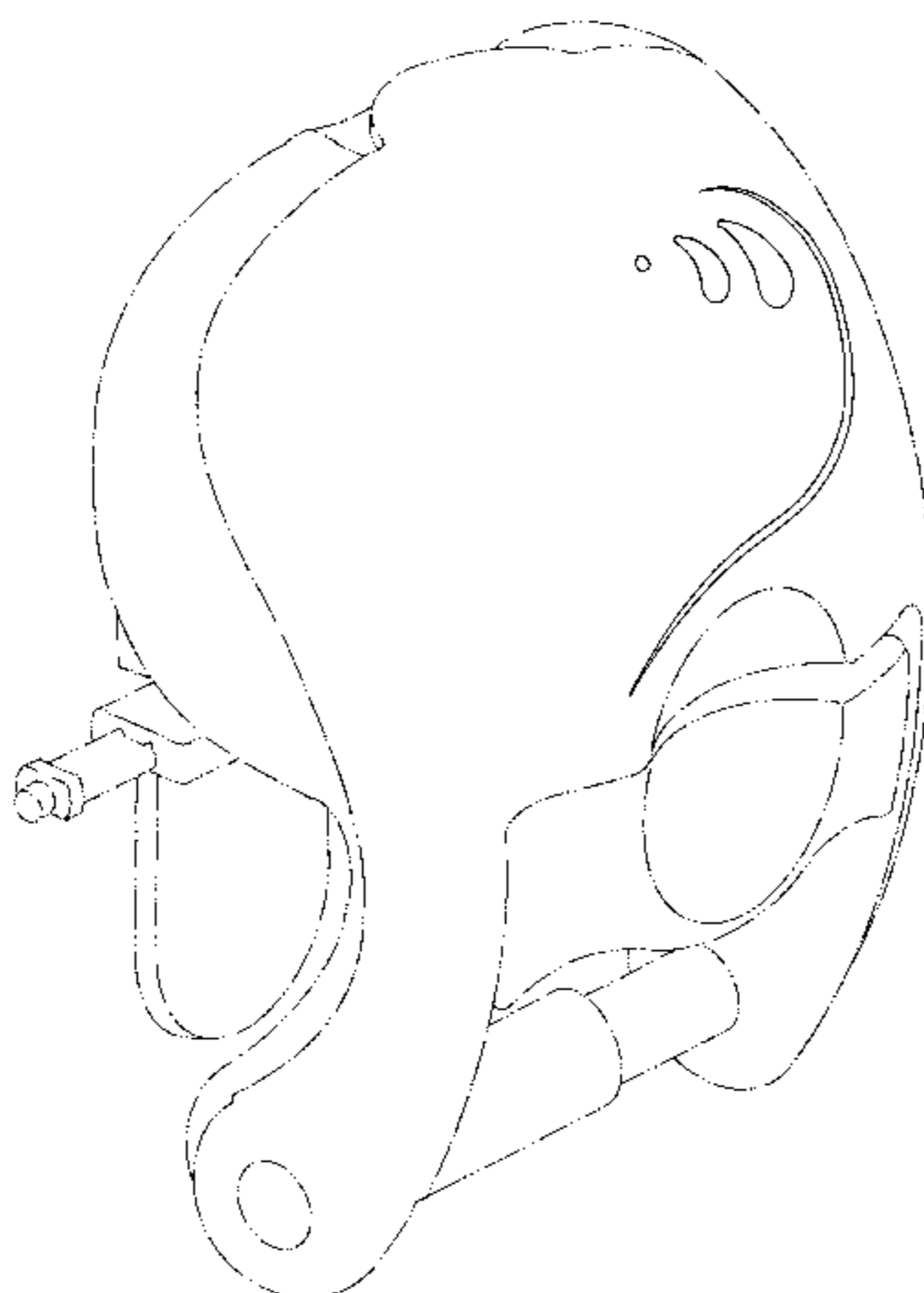
**DESCRIPTION**

FIG. 1 is a front elevational view of a surface pattern applied to a dispenser showing my new design; and,

FIG. 2 is a front view thereof.

The dispenser is shown in broken lines for illustrative purposes only and forms no part of the claimed design.

**1 Claim, 2 Drawing Sheets**



# US D457,765 S

Page 2

U.S. PATENT DOCUMENTS					
3,756,483 A	9/1973	Schraeder	4,463,912 A	8/1984	Grunerud
3,771,739 A	11/1973	Nelson	4,467,974 A	8/1984	Crim
3,775,801 A	12/1973	Walker	4,526,291 A	7/1985	Margulies
3,780,908 A	12/1973	Fitzpatrick et al.	4,535,912 A	8/1985	Bonk
3,784,055 A	1/1974	Anderson	4,550,855 A	11/1985	Harrison
3,788,573 A	1/1974	Thomson et al.	4,564,148 A	1/1986	Wentworth
D230,805 S	3/1974	Howard	4,566,606 A	1/1986	Kling
3,795,355 A	3/1974	Gerstein	4,570,820 A	2/1986	Murphy
3,806,055 A	4/1974	Bauman	4,607,809 A	8/1986	Sineni et al.
3,824,953 A	7/1974	Boone	4,648,530 A	3/1987	Granger
3,836,044 A	9/1974	Tilp et al.	4,659,028 A	4/1987	Wren
3,836,045 A	9/1974	Duhy et al.	4,662,576 A	5/1987	Paul
3,837,595 A	9/1974	Boone	4,662,577 A	5/1987	Lewis
3,841,466 A	10/1974	Hoffman et al.	4,684,075 A	8/1987	Francis
3,843,017 A	10/1974	Harrison	4,690,345 A	9/1987	Cotey
3,848,822 A	11/1974	Boone	4,721,264 A	1/1988	Muscarello
3,865,271 A	2/1975	Gold	4,735,317 A	4/1988	Sussman et al.
3,890,622 A	6/1975	Alden	4,756,485 A	7/1988	Bastian et al.
3,913,522 A	10/1975	Light	4,784,290 A	11/1988	Howard
3,943,859 A	3/1976	Boone	4,790,490 A	12/1988	Chakravorty
3,949,947 A	4/1976	Youngquist et al.	4,807,823 A	2/1989	Wyant
3,967,756 A	7/1976	Barish	4,826,063 A	5/1989	Ban
3,970,215 A	7/1976	McLaren et al.	4,828,193 A	5/1989	Galbraith
3,982,659 A	9/1976	Ross	4,830,301 A	5/1989	Miller
3,986,479 A	10/1976	Bonk	4,834,316 A	5/1989	DeLorean
3,994,417 A	11/1976	Boedecker	4,836,368 A	6/1989	Cotton
3,995,582 A	12/1976	Douglas	4,836,462 A	6/1989	Bruss
4,002,264 A	1/1977	Marchesani	4,846,412 A	7/1989	Morand
4,004,687 A	1/1977	Boone	4,860,893 A	8/1989	Kaufman
4,025,004 A	5/1977	Massey	D303,890 S	10/1989	Pilot
4,043,519 A	8/1977	Suzuki et al.	4,877,133 A	10/1989	Klenter et al.
4,069,789 A	1/1978	Fukagawa et al.	4,883,197 A	11/1989	Sanchez et al.
4,071,200 A	1/1978	Stone	4,884,690 A	12/1989	Klenter et al.
D247,465 S	3/1978	Ford	4,890,205 A	12/1989	Shaffer
4,098,469 A	7/1978	McCarthy	4,913,365 A	4/1990	Shamass
4,101,026 A	7/1978	Bonk	4,936,452 A	6/1990	Pauley
4,106,433 A	8/1978	Fernando et al.	D311,106 S	10/1990	Jaber
4,106,616 A	8/1978	Boone	4,978,095 A	12/1990	Phillips
4,106,617 A	8/1978	Boone	4,984,530 A	1/1991	Dutton
4,114,824 A	9/1978	Danielak	4,989,800 A	2/1991	Tritch
4,124,259 A	11/1978	Harris	4,991,538 A	2/1991	Dauids et al.
4,131,195 A	12/1978	Worrell, Sr.	5,000,393 A	3/1991	Madsen
4,135,199 A	1/1979	Kurland et al.	5,009,313 A	4/1991	Morand
4,135,678 A	1/1979	Williams	D316,787 S	5/1991	Kelly
4,138,034 A	2/1979	McCarthy	5,012,986 A	5/1991	Needle
4,179,078 A	12/1979	Mansfield	5,029,787 A	7/1991	Florentin
4,191,317 A	3/1980	Harkins	D319,160 S	* 8/1991	Huddleston ..... D6/523
4,205,802 A	6/1980	Economakis	5,049,440 A	9/1991	Bornhoeft, III et al.
D256,062 S	7/1980	Joachim et al.	5,050,737 A	9/1991	Joslyn et al.
4,219,129 A	8/1980	Sedwick	5,104,054 A	4/1992	Latham
4,222,621 A	9/1980	Greenlee et al.	5,137,173 A	8/1992	Hughes et al.
4,235,333 A	11/1980	Boone	5,141,171 A	8/1992	Yang
4,244,493 A	1/1981	Harrison	D329,775 S	* 9/1992	Murphy ..... D6/551
4,260,117 A	4/1981	Perrin et al.	5,145,091 A	9/1992	Meyers
4,274,573 A	6/1981	Finkelstein	D329,978 S	10/1992	Ryan
4,294,389 A	10/1981	Falk et al.	5,154,496 A	10/1992	Campbell et al.
4,328,907 A	5/1982	Beard	5,170,958 A	12/1992	Brown
4,353,480 A	10/1982	McFadyen	5,172,840 A	12/1992	Bloch et al.
4,363,454 A	12/1982	Mohar	D332,875 S	2/1993	Shufelt et al.
4,375,874 A	3/1983	Leotta et al.	5,192,044 A	3/1993	Baskin
4,383,656 A	5/1983	Campbell	5,193,759 A	3/1993	Bigelow et al.
4,401,248 A	8/1983	Helms	5,195,689 A	3/1993	Beer et al.
4,411,374 A	10/1983	Hotchkiss	5,207,367 A	5/1993	Dunn et al.
4,425,012 A	1/1984	Kley	5,219,092 A	6/1993	Morand
4,427,159 A	1/1984	Miller et al.	5,228,632 A	7/1993	Addison et al.
4,428,497 A	1/1984	Julius et al.	D339,262 S	9/1993	McClure
4,432,504 A	2/1984	Pace	5,253,818 A	10/1993	Craddock
4,436,221 A	3/1984	Margulies	5,255,800 A	10/1993	Kelly
4,447,015 A	5/1984	Peterson	D342,635 S	12/1993	Carter et al.
4,453,634 A	6/1984	Blumenthal	D342,852 S	1/1994	Welch
			5,277,375 A	1/1994	Dearwester

# US D457,765 S

5,310,262 A	5/1994	Robison et al.	5,868,275 A	2/1999	Moody
5,311,986 A	5/1994	Putz	5,868,335 A	2/1999	Lebrun
5,312,883 A	5/1994	Komatsu et al.	5,868,344 A	2/1999	Melnick
5,317,063 A	5/1994	Komatsu et al.	5,868,345 A	2/1999	Beisser
D347,534 S	6/1994	Gottselig	5,868,346 A	2/1999	Cobos
5,335,811 A	8/1994	Morand	5,868,347 A	2/1999	Paul et al.
5,368,157 A	11/1994	Gasparrini et al.	5,875,985 A	3/1999	Cohen et al.
D353,053 S	12/1994	Arnone	5,887,759 A	3/1999	Ayigbe
5,370,336 A	12/1994	Whittington	5,887,818 A	3/1999	Kelley
5,374,008 A	12/1994	Halvorson et al.	5,893,531 A	4/1999	Taylor et al.
5,384,189 A	1/1995	Kuroda et al.	5,897,074 A	4/1999	Marino
5,392,945 A	2/1995	Syrek	5,901,921 A	5/1999	Perlsweig
5,400,982 A	3/1995	Collins	5,904,316 A	5/1999	Dunning et al.
5,409,181 A	4/1995	Patrick	5,914,177 A	6/1999	Smith, III et al.
5,439,521 A	8/1995	Rao	5,924,617 A	7/1999	LaCount et al.
5,443,084 A	8/1995	Saleur	D412,439 S	8/1999	Cormack
D361,895 S	9/1995	Arnone et al.	5,938,013 A	8/1999	Palumbo et al.
D362,121 S	9/1995	Nugent et al.	5,950,960 A	9/1999	Marino
5,449,127 A	9/1995	Davis	5,951,762 A	9/1999	Shangold et al.
D362,773 S	10/1995	Kartchner	5,958,187 A	9/1999	Bhat et al.
5,456,420 A	10/1995	Frazier	5,964,351 A	10/1999	Zander
5,456,421 A	10/1995	Reed	5,967,452 A	10/1999	Wilder
5,464,096 A	11/1995	Hurwitz	5,971,138 A	10/1999	Soughan
5,464,170 A	11/1995	Mitchell et al.	5,971,142 A	10/1999	Jones
5,480,060 A	1/1996	Blythe	D416,794 S	11/1999	Cormack
5,494,250 A	2/1996	Chen	D417,109 S	11/1999	Johnson et al.
5,495,997 A	3/1996	Moody	5,979,821 A	11/1999	LaCount et al.
5,501,323 A	3/1996	Denesha et al.	5,992,718 A	11/1999	Zaranck
5,509,593 A	4/1996	Bloch et al.	D417,987 S	* 12/1999	Velazquez ..... D6/523 X
5,520,308 A	5/1996	Berg, Jr. et al.	6,000,538 A	12/1999	Lee
5,526,973 A	6/1996	Boone et al.	6,000,658 A	12/1999	McCall, Jr.
5,533,621 A	7/1996	Schoal, Jr.	6,007,019 A	12/1999	Lynch
5,540,332 A	7/1996	Kopacz et al.	6,010,001 A	1/2000	Osborn, III
5,542,568 A	8/1996	Julius	6,015,125 A	1/2000	Fischer
D373,276 S	9/1996	Omdoll et al.	6,024,216 A	2/2000	Shillington et al.
5,560,514 A	10/1996	Frazier	6,024,217 A	2/2000	Ponsi et al.
5,588,615 A	12/1996	Batts	6,024,323 A	2/2000	Palerno, Jr.
D377,284 S	1/1997	Farrow et al.	D421,691 S	3/2000	Hoblitz
5,598,987 A	2/1997	Wachowicz	6,036,134 A	3/2000	Moody
5,604,992 A	2/1997	Robinson	D422,437 S	4/2000	Conran et al.
5,605,250 A	2/1997	Meiron et al.	6,047,920 A	4/2000	Dearwester et al.
5,609,269 A	3/1997	Behnke et al.	D425,744 S	* 5/2000	McGuire ..... D6/551
5,618,008 A	4/1997	Dearwester et al.	6,056,233 A	5/2000	Von Schenk
5,620,148 A	4/1997	Mitchell	6,056,235 A	5/2000	Brozinsky
5,624,025 A	4/1997	Hixon	6,059,882 A	5/2000	Steinhardt et al.
5,630,526 A	5/1997	Moody	6,059,928 A	5/2000	Van Luu et al.
5,630,563 A	5/1997	Meisner et al.	6,068,118 A	5/2000	Calloway
5,631,317 A	5/1997	Komatsu et al.	6,070,821 A	6/2000	Mitchell
5,642,810 A	7/1997	Warner et al.	6,079,603 A	6/2000	Smegal
5,649,676 A	7/1997	Lord	6,082,664 A	7/2000	Phelps et al.
D381,851 S	8/1997	Sharpe	6,085,899 A	7/2000	Thorsbakken
5,653,403 A	8/1997	Ritchey	6,092,690 A	7/2000	Bitowft et al.
5,655,661 A	8/1997	Rigby	6,092,758 A	7/2000	Gemmell
5,660,313 A	8/1997	Newbold	6,092,759 A	7/2000	Gemmell et al.
5,660,636 A	8/1997	Shangold et al.	D429,282 S	8/2000	Valazquez et al.
D383,310 S	9/1997	Springer	6,098,836 A	8/2000	Gottselig
5,667,092 A	9/1997	Julius et al.	6,121,165 A	9/2000	Mackey et al.
5,669,576 A	9/1997	Moody	6,138,939 A	10/2000	Phelps et al.
5,672,206 A	9/1997	Gorman	6,158,614 A	12/2000	Haines et al.
D386,025 S	11/1997	Mervar et al.	D436,774 S	* 1/2001	Engelstein et al. .... D6/523 X
5,687,875 A	11/1997	Watts et al.			
D387,590 S	12/1997	Cameron et al.			
5,697,576 A	12/1997	Bloch et al.			
5,697,577 A	12/1997	Ogden			
5,704,565 A	1/1998	Cheng			
5,704,566 A	1/1998	Schutz et al.			
5,765,717 A	6/1998	Gottselig			
D397,265 S	8/1998	Badillo			
D397,891 S	* 9/1998	Thompson ..... D6/523			
RE35,976 E	12/1998	Gasparrini et al.			
5,848,762 A	12/1998	Reinheimer et al.			

## OTHER PUBLICATIONS

PCT search report for application serial No.: PCT/US00/11284, dated Jul. 28, 2000.

Images of MOIST MATES product—Dispenser and wipes, approximately 1996.

Images of MOIST MATES product—dispenser, approximately 2000.

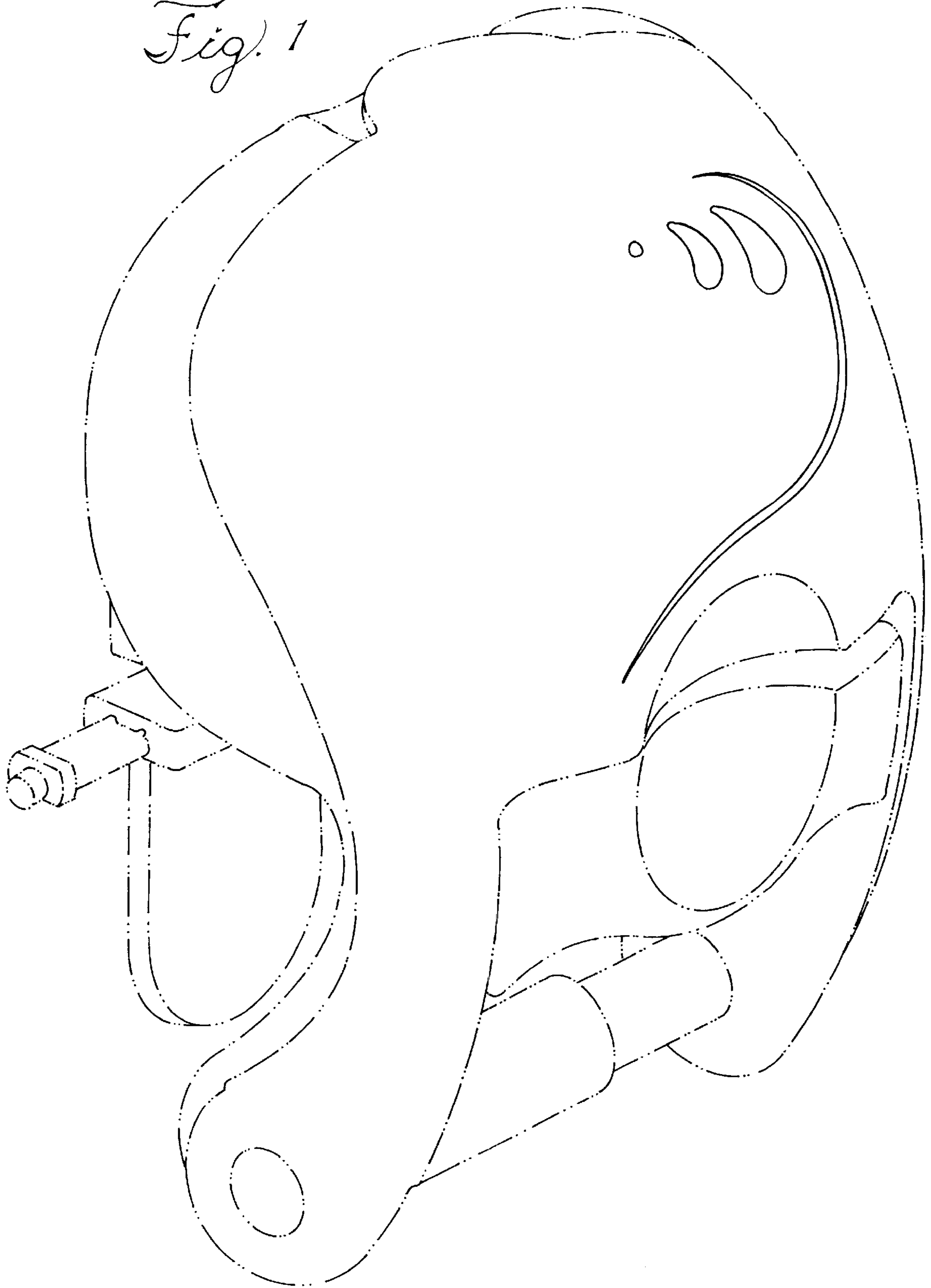
Images of MOIST MATES product—refill wipes, approximately 2000.

Search Report for Patent Cooperation Treaty application No. PCT/US 01/11195, Date of Mailing Jul. 19, 2001, 7 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/11198, Date of Mailing Jul. 19, 2001, 7 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/11620, Date of Mailing Jul. 19, 2001, 7 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/11686, Date of Mailing Jul. 11, 2001, 5 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/11131, Date of Mailing Jul. 23, 2001, 7 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/11447, Date of Mailing Jul. 19, 2001, 6 pages.

Search Report for Patent Cooperation Treaty application No. PCT/US 01/11467, Date of Mailing Jul. 19, 2001, 7 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/12091, Date of Mailing Jul. 9, 2001, 4 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/14113, Date of Mailing Jul. 19, 2001, 6 pages.  
Search Report for Patent Cooperation Treaty application No. PCT/US 01/40677, Date of Mailing Jul. 19, 2001, 6 pages.  
Letter, dated Apr. 4, 1998, and accompanying drawings.

\* cited by examiner

*Fig. 1*



*Fig. 2*

