



US00D487158S

(12) **United States Design Patent**
Forbis

(10) **Patent No.: US D487,158 S**

(45) **Date of Patent: ** *Feb. 24, 2004**

(54) **FENCE RAIL**

3,822,053 A 7/1974 Daily

(75) Inventor: **John T. Forbis**, York, NE (US)

(List continued on next page.)

(73) Assignee: **Kroy Building Products, Inc.**, York, NE (US)

OTHER PUBLICATIONS

(*) Notice: This patent is subject to a terminal disclaimer.

Declaration of John T. Forbis Regarding Non-Documentary Information Publicly Available Prior to Earliest Filing Date. Nebraska Plastic, Inc., Guia De Planeamiento E Instalacion De Cercas Residenciales, Country Estates Fence. Cover Page and pp. 16 and 25, Oct. 1995.

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

Nebraska Plastics, Inc., Residential Fence Planning & Installation Guide, Country Estates Fence, Cover Page and p. 21, Apr. 1994.

(21) Appl. No.: **29/156,731**

Geist, Kevin, How to Build Wooden Gates and Picket Fences, 1994.

(22) Filed: **Mar. 5, 2002**

Walpole Woodworkers catalog, at least as early as Feb. 18, 1997.

Related U.S. Application Data

(60) Continuation of application No. 10/032,812, filed on Dec. 26, 2001, which is a continuation of application No. 09/899,804, filed on Jul. 3, 2001, which is a continuation of application No. 09/761,379, filed on Jan. 16, 2001, which is a continuation of application No. 09/435,418, filed on Nov. 8, 1999, now Pat. No. 6,202,987, which is a continuation of application No. 09/238,754, filed on Jan. 28, 1999, now Pat. No. 6,041,486, which is a division of application No. 08/808,981, filed on Dec. 19, 1997, now Pat. No. 5,988,599.

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Walpole Woodworkers ChildLife catalog, 2003.

Walpole Woodworkers LifeGuard base brochure, 2001.

Walpole Woodworkers Hardware Collection brochure, 2002.

(51) **LOC (7) Cl. 25-01**

(52) **U.S. Cl. D25/122**

(58) **Field of Search** D25/38, 43, 44, D25/122, 124, 121, 119; 52/730.3, 730.4, 730.5, 731.2, 732.1, 731.3, 732.2, 720.2; 256/59, 65, 21, 19, 24

Primary Examiner—Doris Clark

(74) *Attorney, Agent, or Firm*—Clayton, Howarth & Cannon, P.C.

(57) **CLAIM**

I claim the ornamental design for a fence rail, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view thereof;

FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

FIG. 4 is a right side view thereof;

FIG. 5 is a left side view thereof;

FIG. 6 is a top view thereof; and,

FIG. 7 is a bottom view thereof.

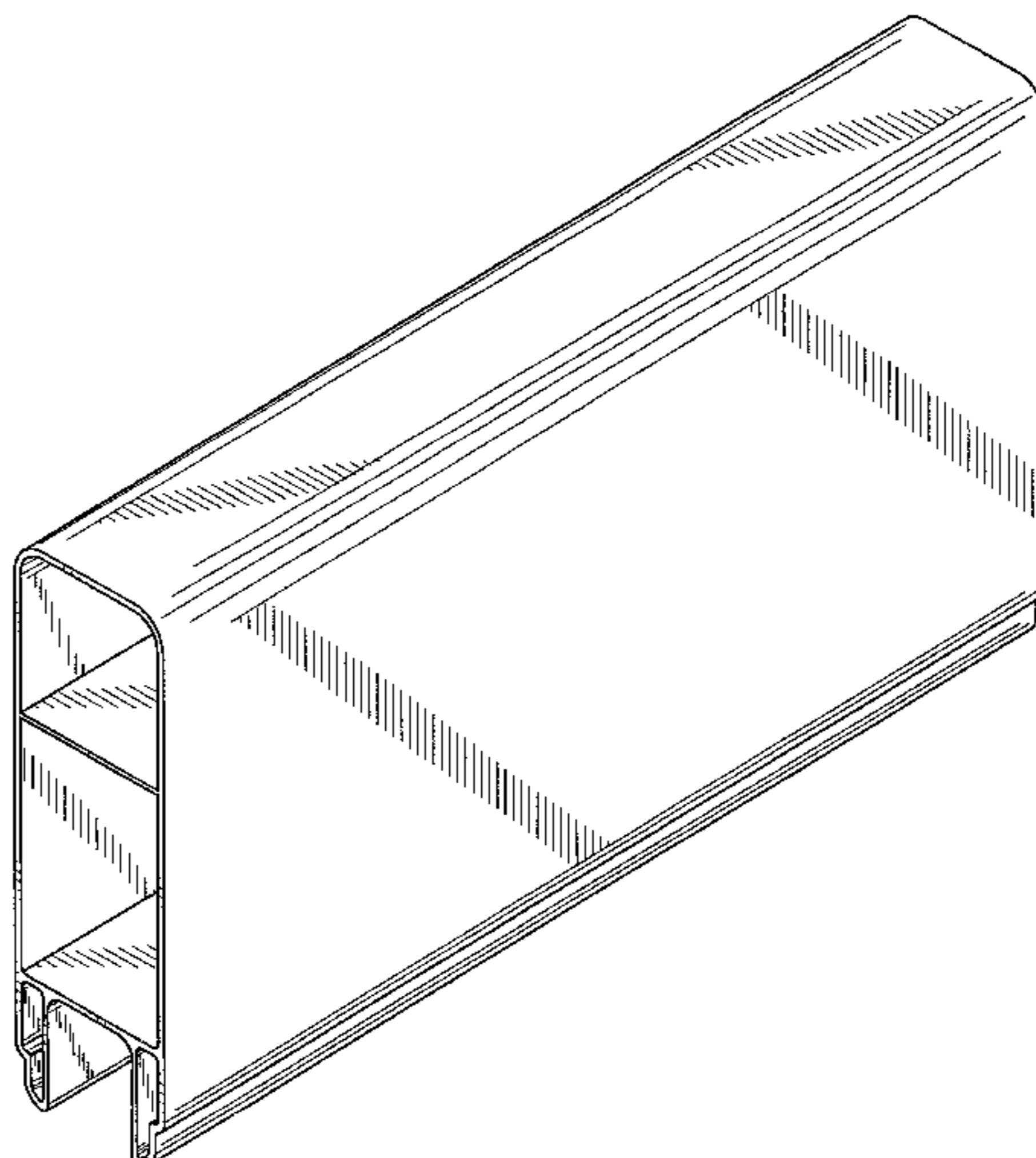
The drawings depict the design of section of a fence rail, and no limitations on length or size are intended thereby.

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1 Claim, 4 Drawing Sheets



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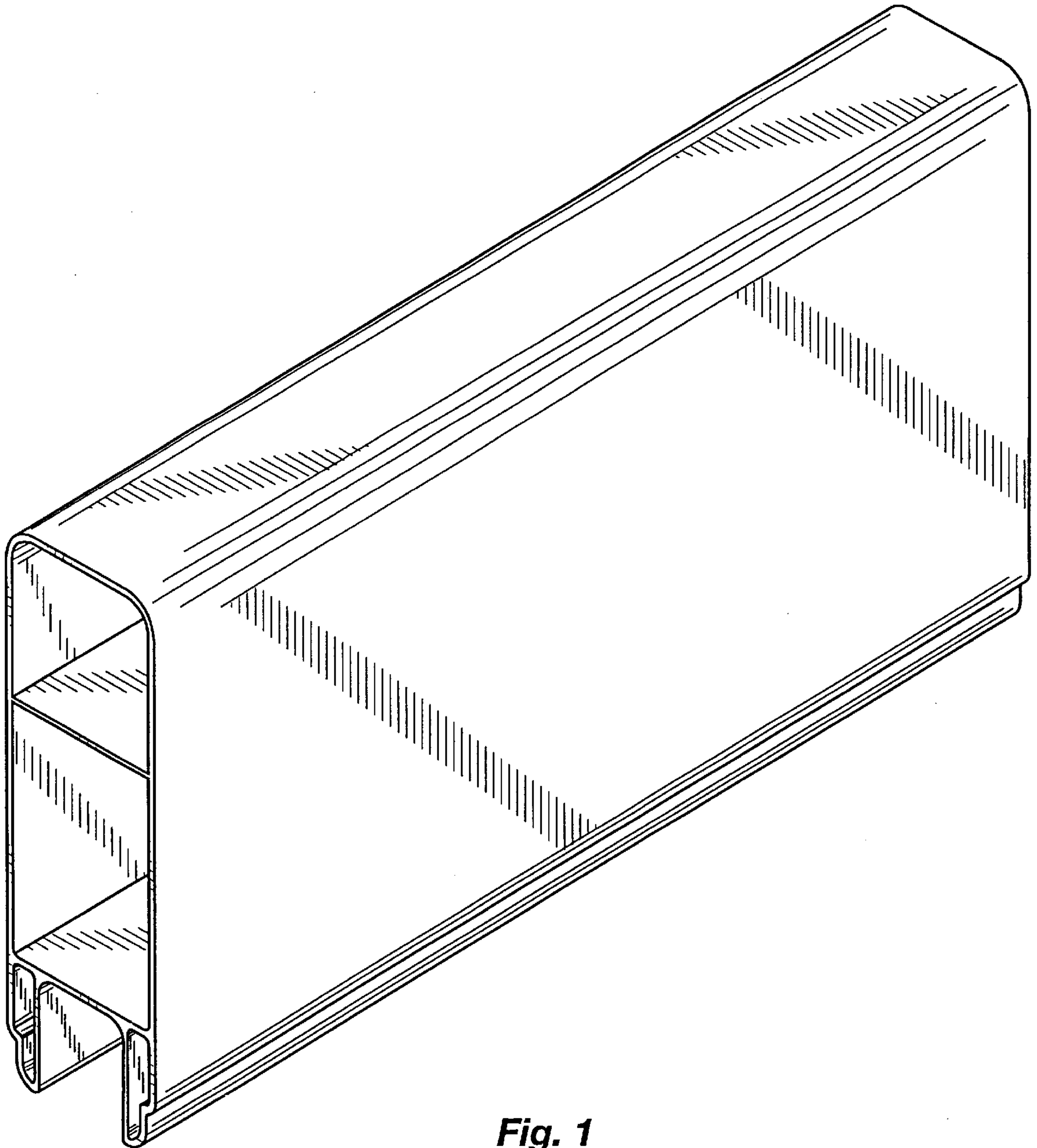


Fig. 1

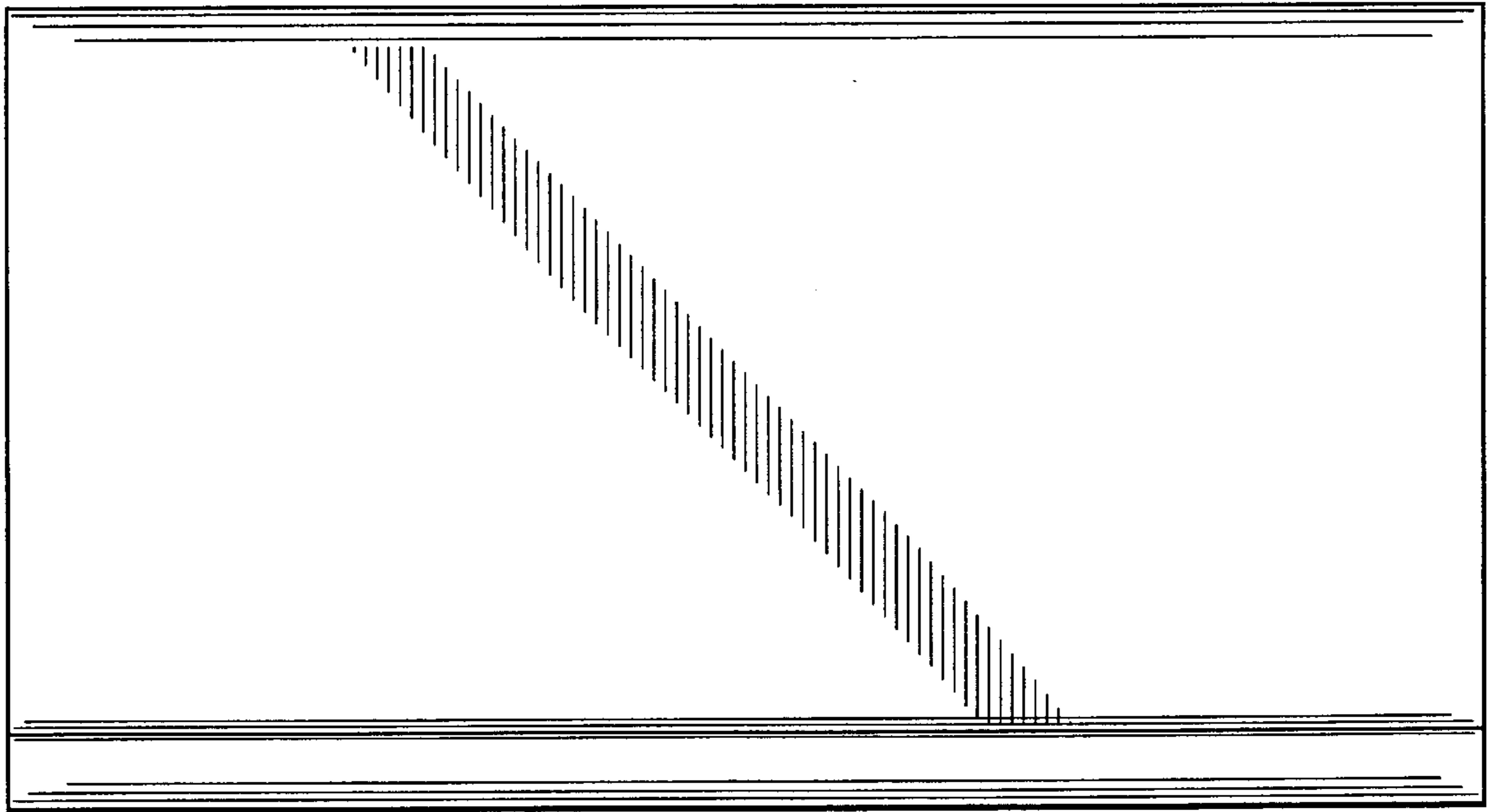


Fig. 2

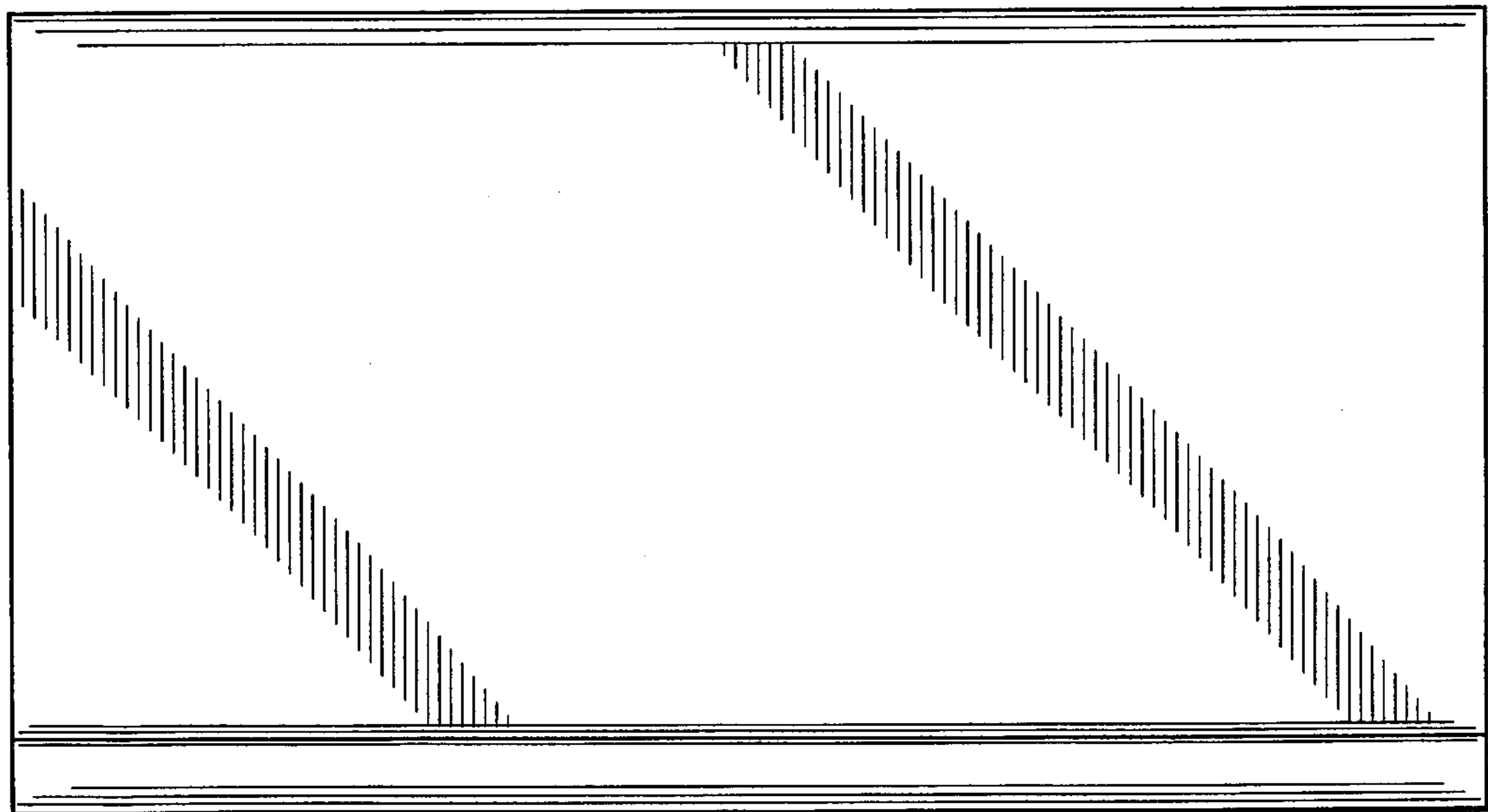


Fig. 3

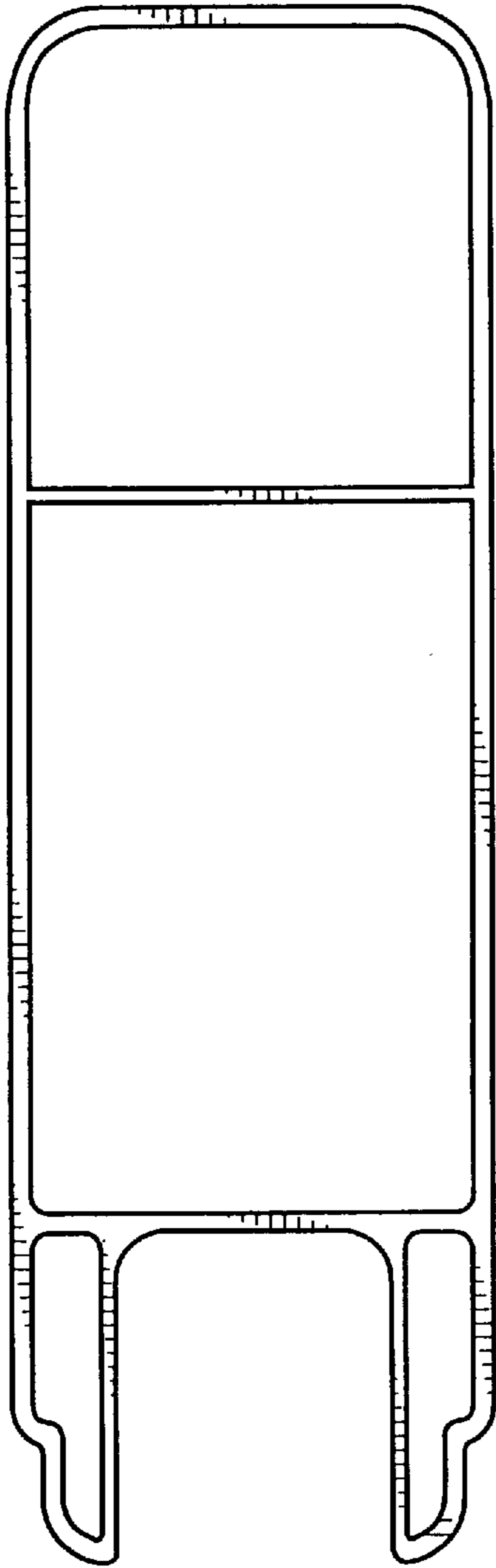


Fig. 4

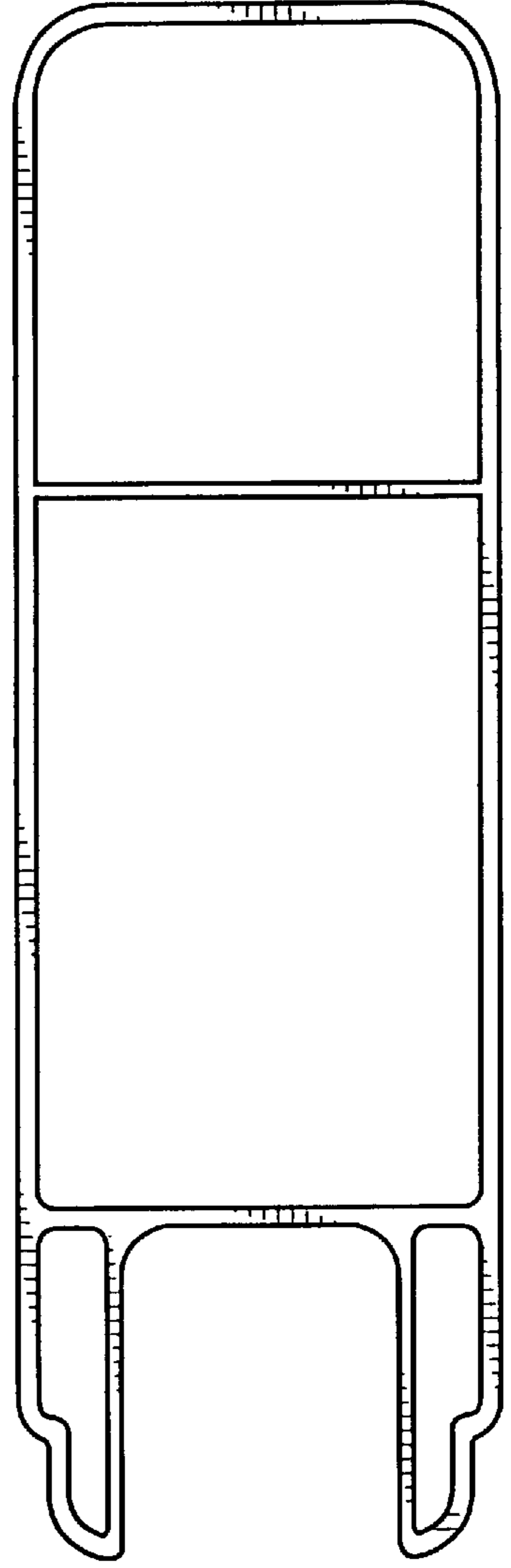


Fig. 5

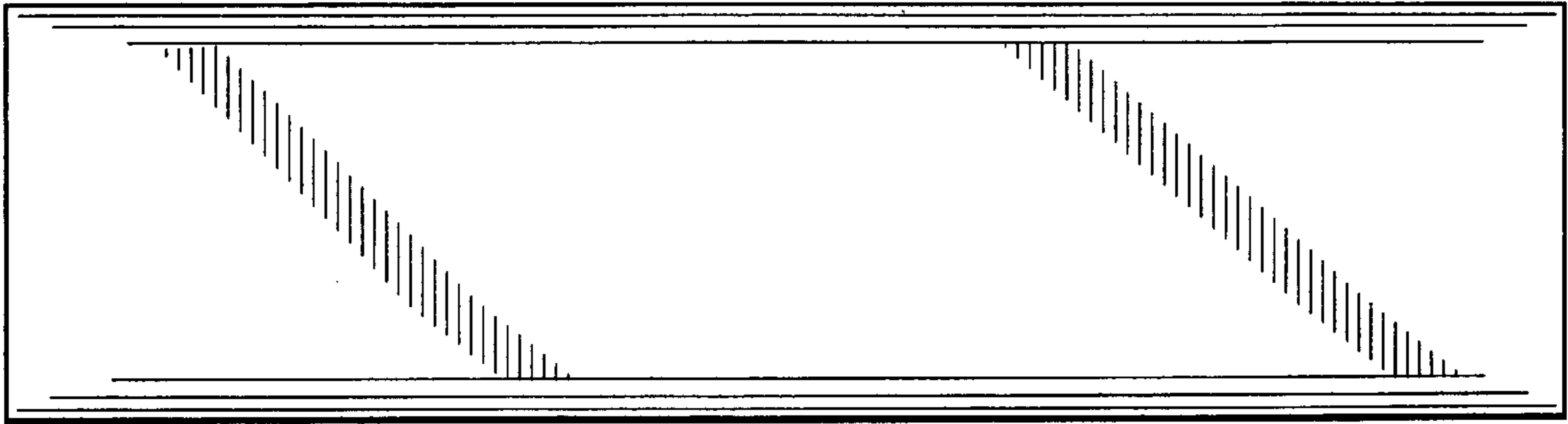


Fig. 6

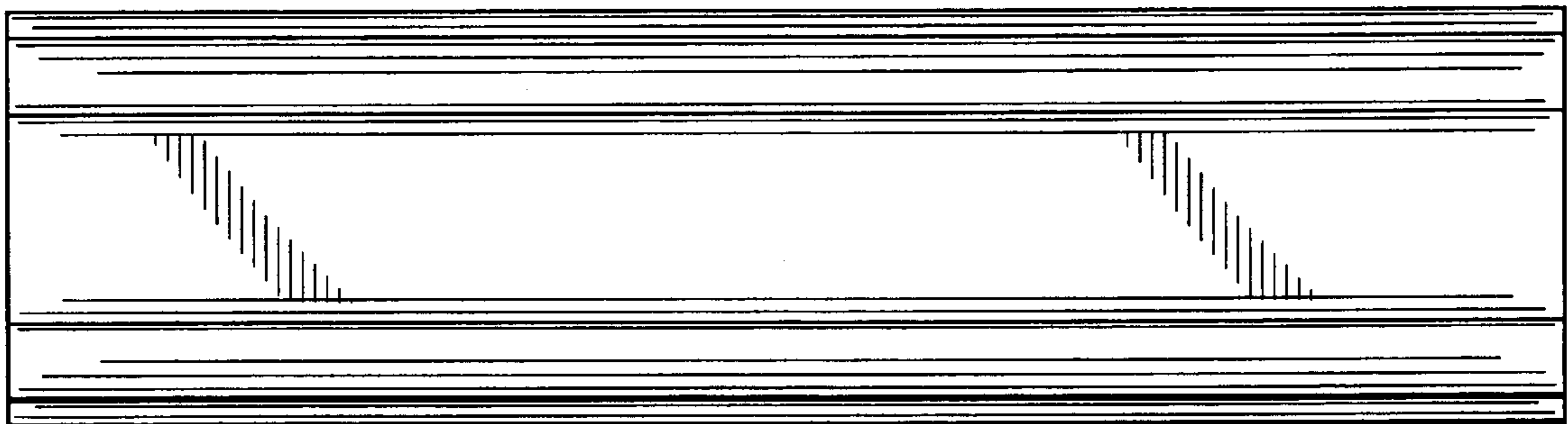


Fig. 7