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

(10) **Patent No.:** **US D490,543 S**

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(54) **INTERIOR AND EXTERIOR SURFACE OF A FENCE RAIL**

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

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

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

(21) Appl. No.: **29/154,430**

(22) Filed: **Jan. 21, 2002**

Related U.S. Application Data

(63) 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 continuation of application No. 09/808,981, filed on Feb. 19, 1997, now Pat. No. 5,988,599.

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

(52) **U.S. Cl.** **D25/121**

(58) **Field of Search** D25/119, 121, D25/38, 41-44, 164; 52/730.3, 730.4, 730.5, 731.2, 732.1, 731.3, 732.2, 720.2; 256/59, 65, 21, 19

(56) **References Cited**

U.S. PATENT DOCUMENTS

D199,024 S	9/1964	Huret
D199,392 S	10/1964	Van Riper et al.
D210,519 S	3/1968	Kusel et al.
3,395,589 A	8/1968	Banse
3,454,262 A	7/1969	Romano
3,522,933 A	8/1970	Braun
3,648,981 A	3/1972	Allen

3,712,590 A	1/1973	Tochner et al.
3,822,053 A	7/1974	Daily
3,924,834 A	12/1975	Young
3,955,799 A	5/1976	Lauzier
4,007,919 A	2/1977	Totten
D244,500 S	5/1977	Copeland
4,027,855 A	6/1977	Lauzier
4,067,548 A *	1/1978	Murphy 256/24
4,188,019 A	2/1980	Meredith
4,202,532 A	5/1980	Mills
4,346,872 A	8/1982	Toruya
4,585,214 A	4/1986	Cope

(List continued on next page.)

OTHER PUBLICATIONS

Declaration of John T. Forbis Regarding Non-Documentary Information Publicly Available Prior to Earliest Filing Date.

(List continued on next page.)

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(57) **CLAIM**

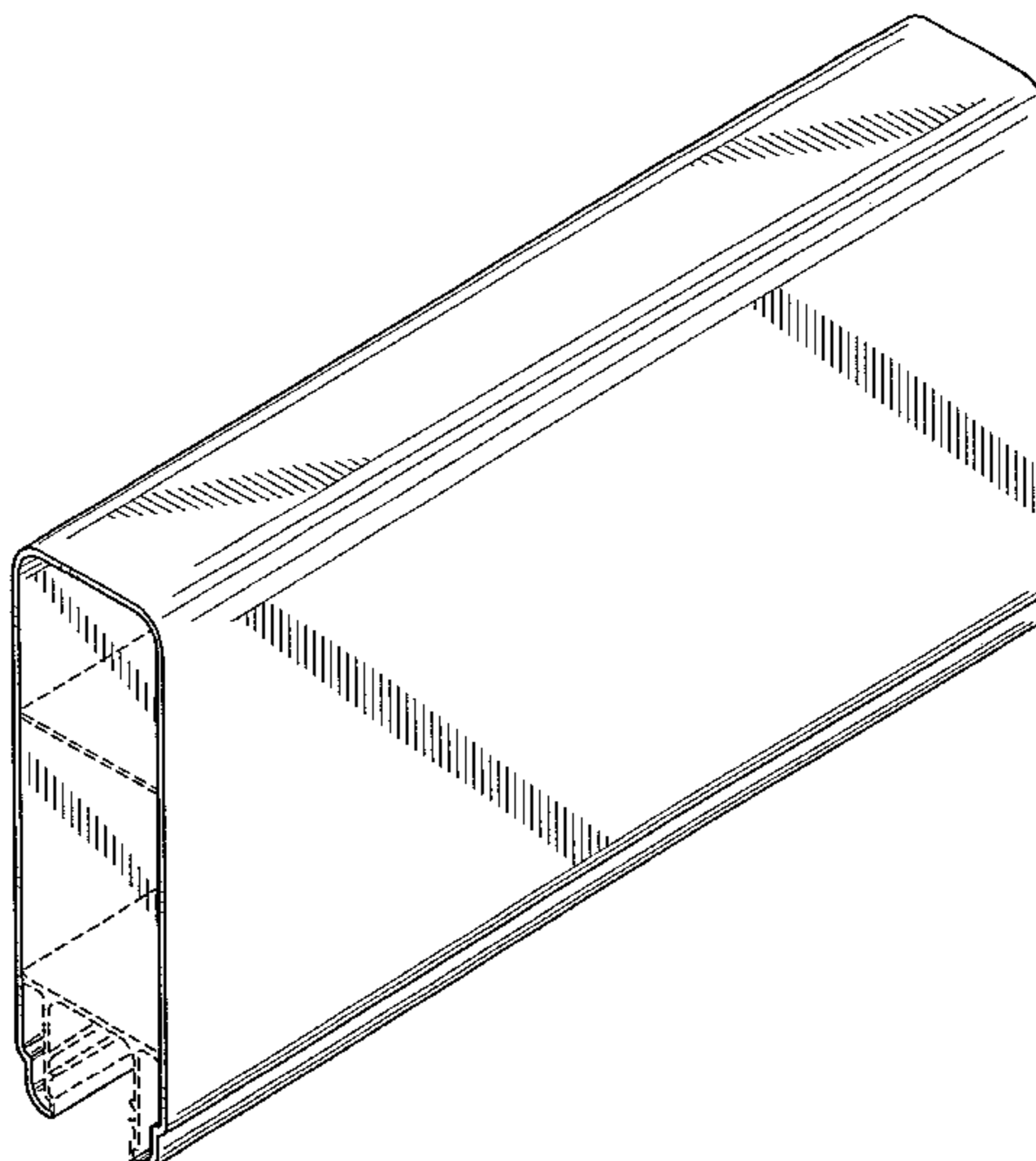
I claim the ornamental design for an interior and exterior surface of a fence rail, as shown and described.

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 broken line showing of a horizontal internal support wall and opposing vertical channel walls is for illustrative purposes only and forms no part of the claimed design. The drawings depict the design of section of a fence rail, and no limitations on length or size are intended thereby.

1 Claim, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

4,623,128 A 11/1986 Dutch et al.
4,809,955 A 3/1989 Veilleux
4,962,914 A 10/1990 Taylor
5,011,325 A 4/1991 Antonioli
5,192,056 A 3/1993 Espinueva
5,200,240 A 4/1993 Baker
5,215,290 A 6/1993 Khalessi
D347,699 S 6/1994 Krueger
5,480,126 A 1/1996 Teasdale
5,613,664 A 3/1997 Svalbe
D382,978 S 8/1997 Gearing
5,702,090 A 12/1997 Edgman
D396,308 S 7/1998 Hagglund
5,938,184 A 8/1999 DeSouza
D416,333 S 11/1999 Stansfield
D446,315 S 8/2001 Forbis
D461,568 S * 8/2002 Forbis D25/121

OTHER PUBLICATIONS

Nebraska Plastic, Inc., Guia De Planeamiento E Instalacion De Cercas Residenciales, Country Estate Fence. Cover Page and pp. 16 and 25, Oct. 1995.
Nebraska Plastics, Inc., Residential Fence Planning & Installation Guide, Country Estates Fence, Cover Page and p. 21, Apr. 1994.
Geist, Kevin, How to Build Wooden Gates and Picket Fences, 1994.
Walpole Woodworkers catalog, at least as early as Feb. 18, 1997.
Walpole Woodworkers catalog, Holiday, 2002.
Walpole Woodworkers ChildLife catalog, 2003.
Walpole Woodworkers LifeGuard base brochure, 2001.
Walpole Woodworkers Hardware Collection brochure, 2002.
* cited by examiner

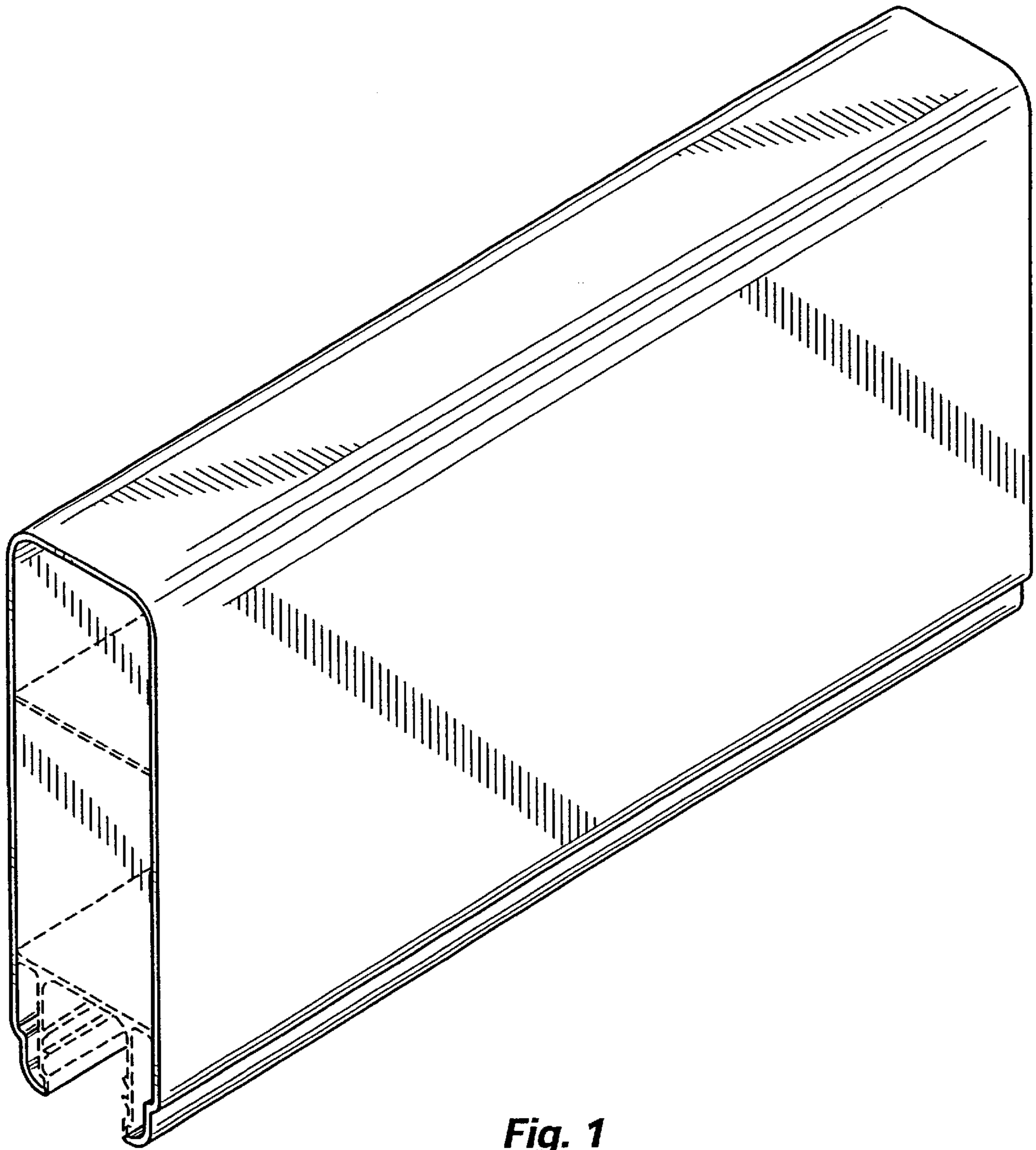


Fig. 1

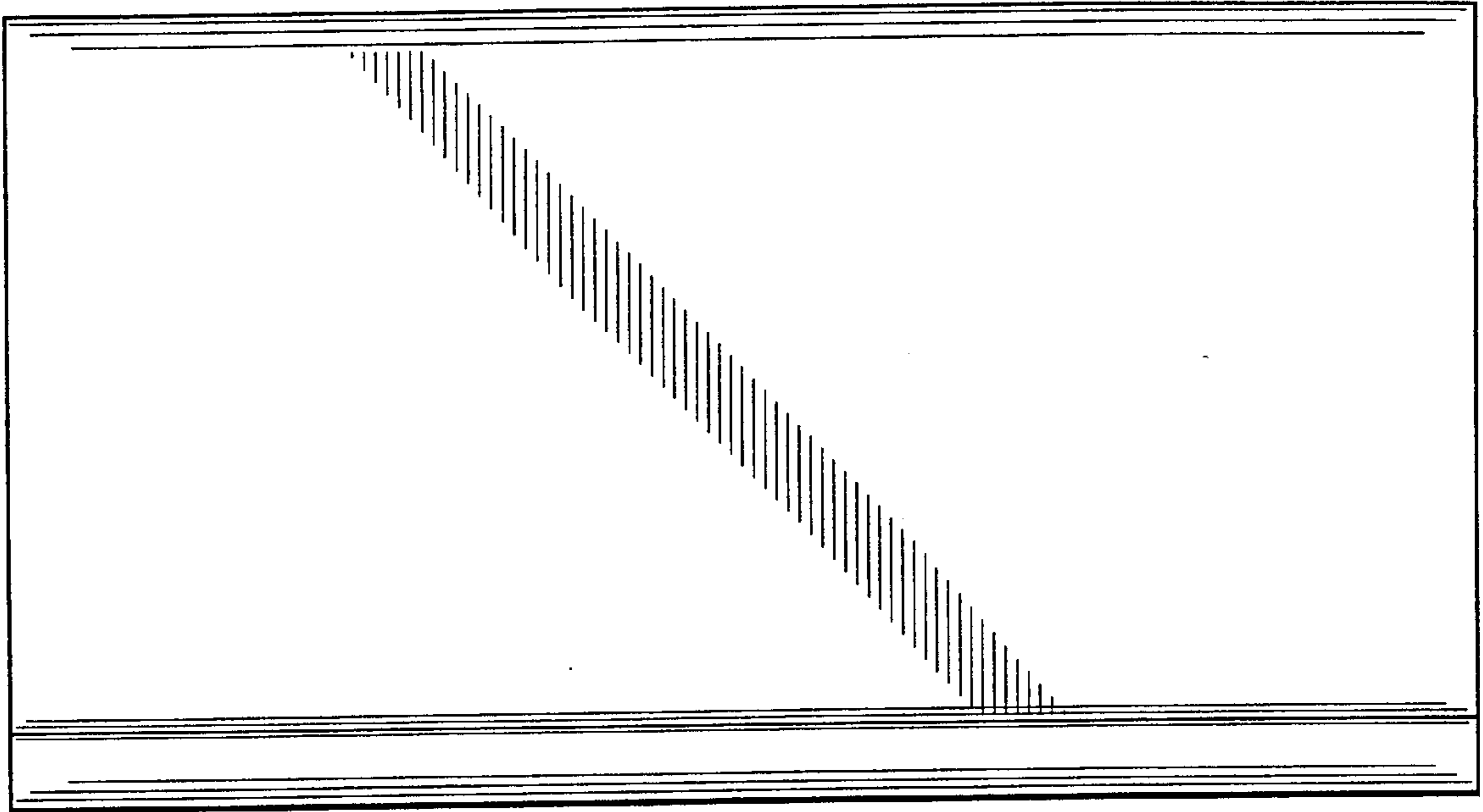


Fig. 2

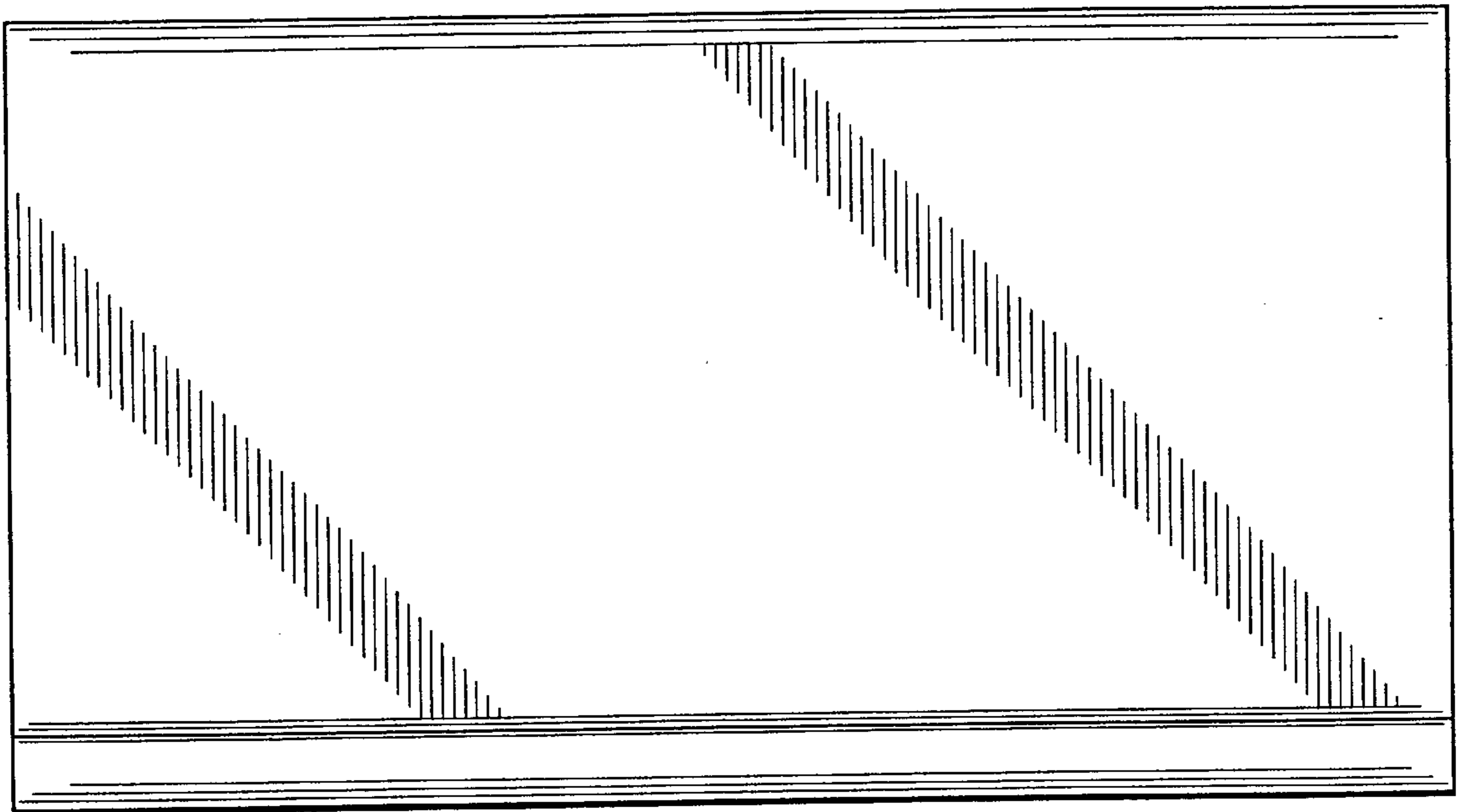


Fig. 3

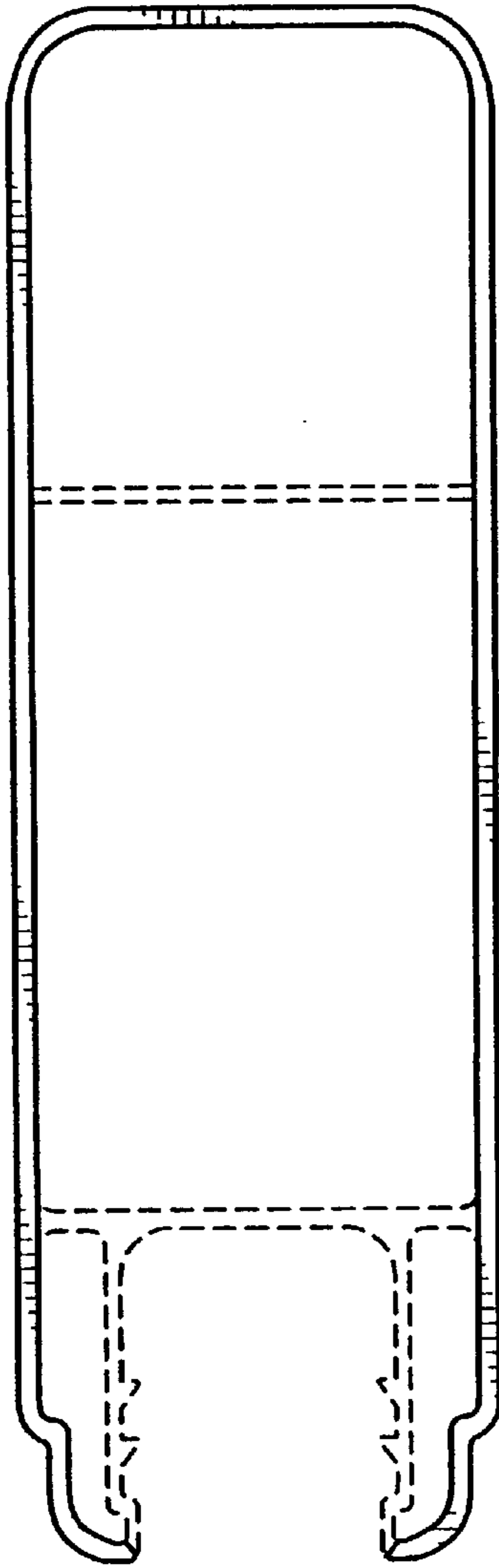


Fig. 4

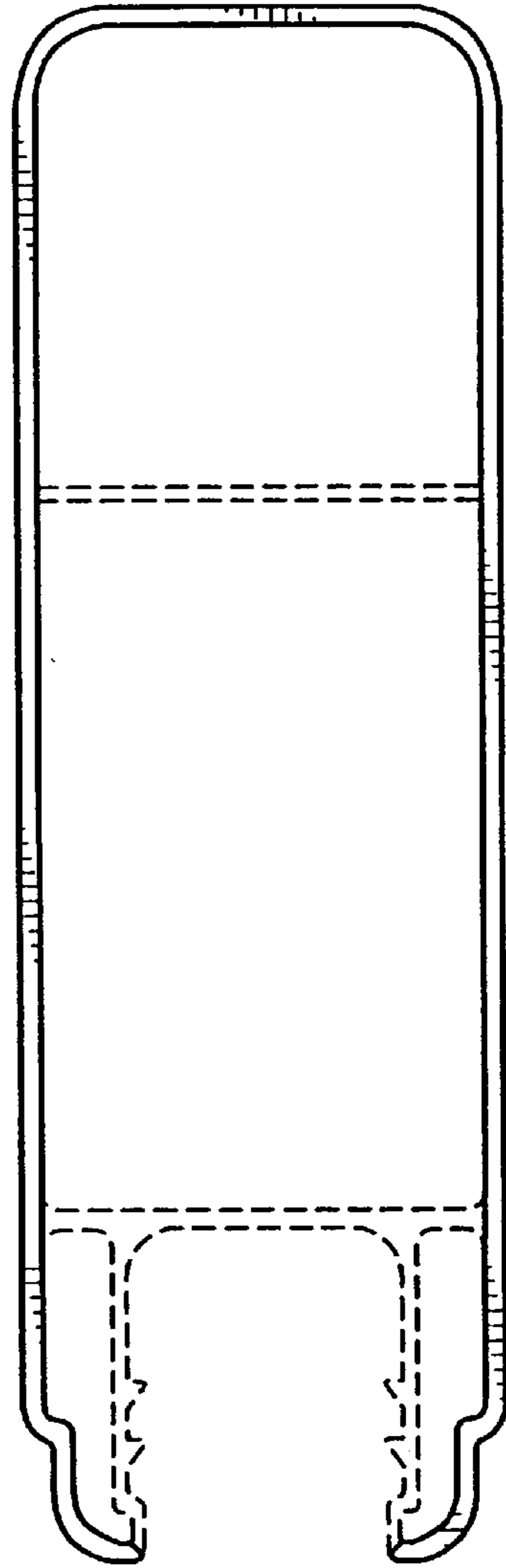


Fig. 5

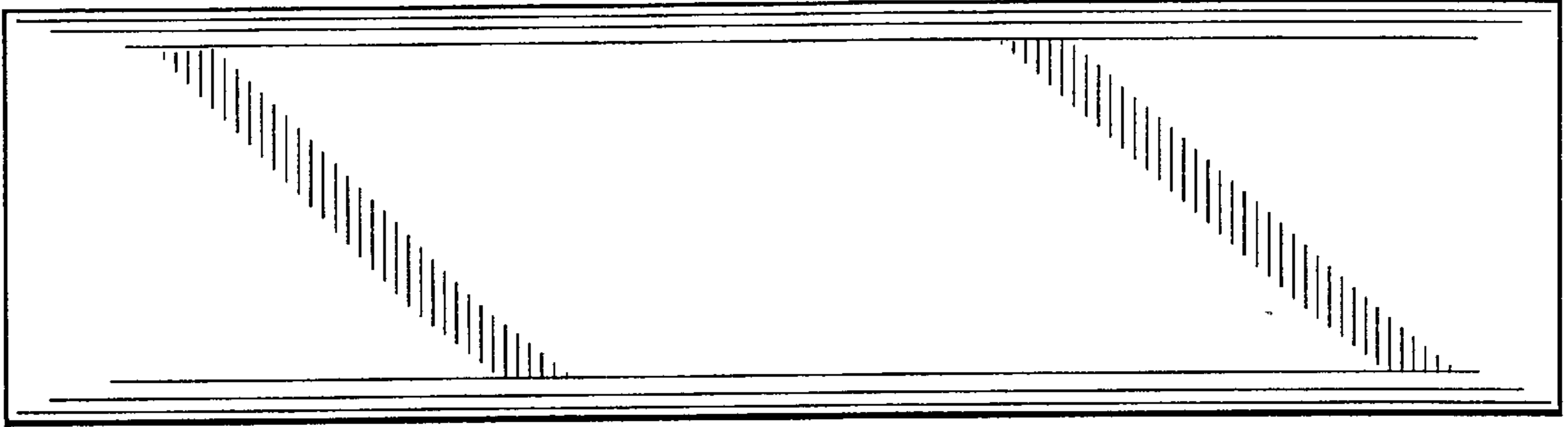


Fig. 6

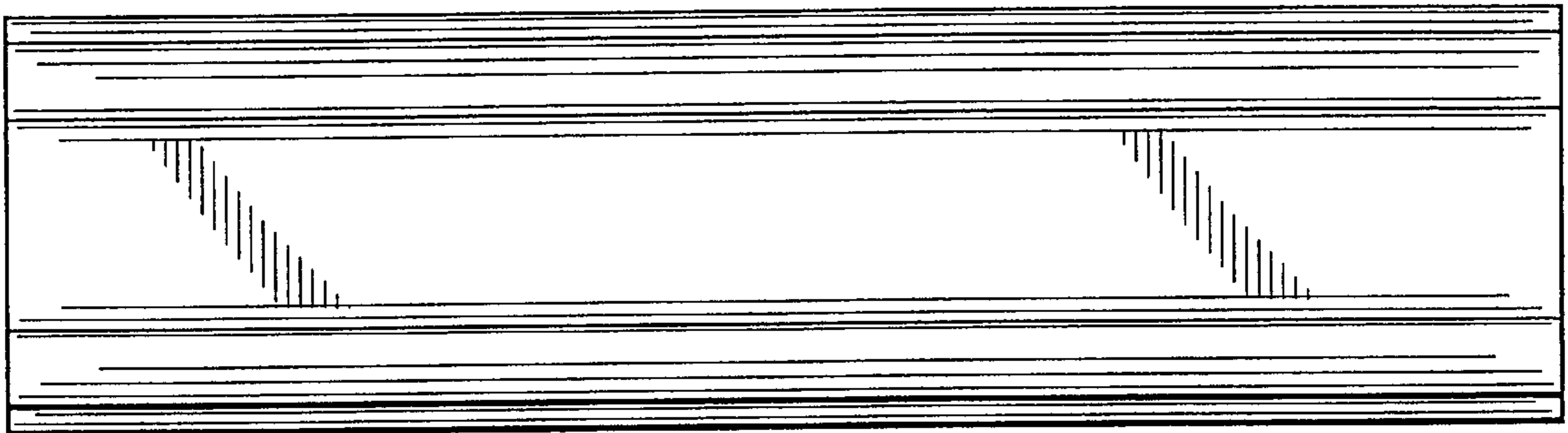


Fig. 7