

# (12) United States Design Patent (10) Patent No.:

Sagy et al.

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## (54) TOP PORTION OF A CONTAINER AND VISCOUS FLOWABLE FOOD PRODUCT

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(\*\*) Term: 14 Years

(21) Appl. No.: 29/172,112

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### Related U.S. Application Data

(63) Continuation-in-part of application No. 29/153,917, filed on Jan. 16, 2002, now abandoned.

383, 583; D7/562, 584; D9/33.7

## (56) References Cited

#### U.S. PATENT DOCUMENTS

4,884,717 A	*	12/1989	Bussard et al 426/115 X
6,068,865 A	*	5/2000	Lee et al 426/43
6,099,880 A	*	8/2000	Klacik et al 426/249

## OTHER PUBLICATIONS

Trans Global Trading <sup>TM</sup> Sugar Free Starlight Mints, © 1999, shown and described on pp. 1 and 2 from:<URl: http://transglobaltrading.com/item.cfm?SupplierID=5&ProductID=426, retrieved from the Internet Oct. 11, 2002.\*

CraftMall—USA Newsletter #3, Dec. 1998, red striped peppermint candy shown and described on pp. 5 and 6, from UR1:<a href="http://craftmallusa.com/newsletter/1298">http://craftmallusa.com/newsletter/1298</a>, retrieved from the Internet on Oct. 16, 2002.\*

Fields, Debbi. Mrs. Fields ® Best Ever Cookie Book!, Virginia, Time®—Life Books, © 1997. chocolate short-bread recipe and illustratration on p. 177.\*

Dairy Foods Dec. 2001 magazine, "Squeezing Swirls" article by Donna Berry on p. 18.\*

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## (57) CLAIM

We claim the ornamental design for a top portion of a container and viscous flowable food product, as shown and described.

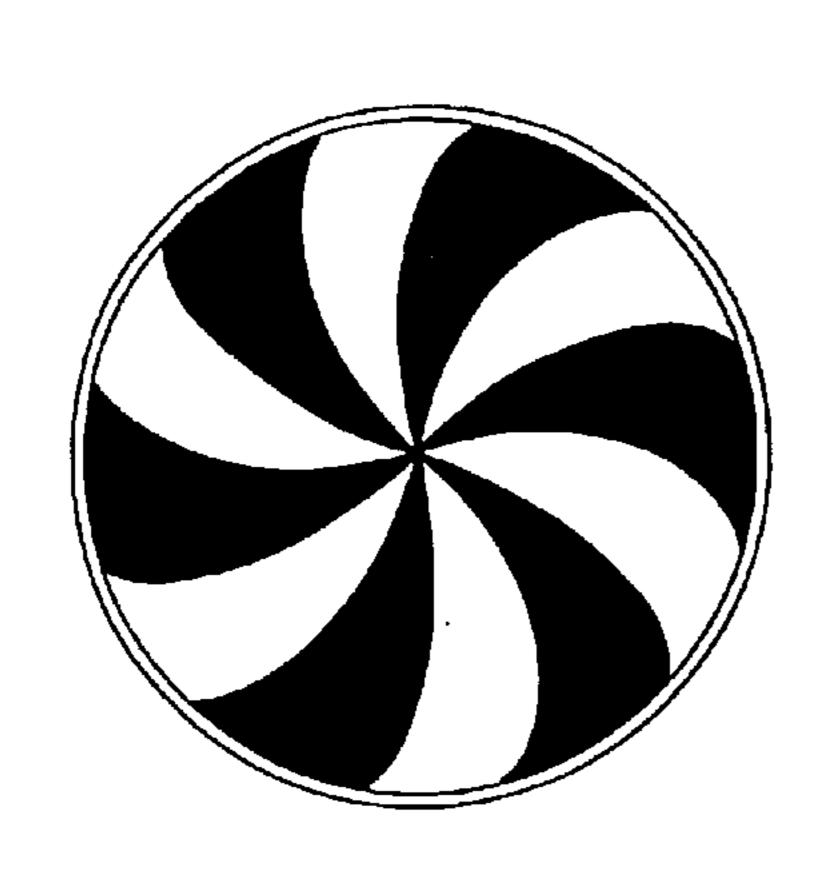
#### **DESCRIPTION**

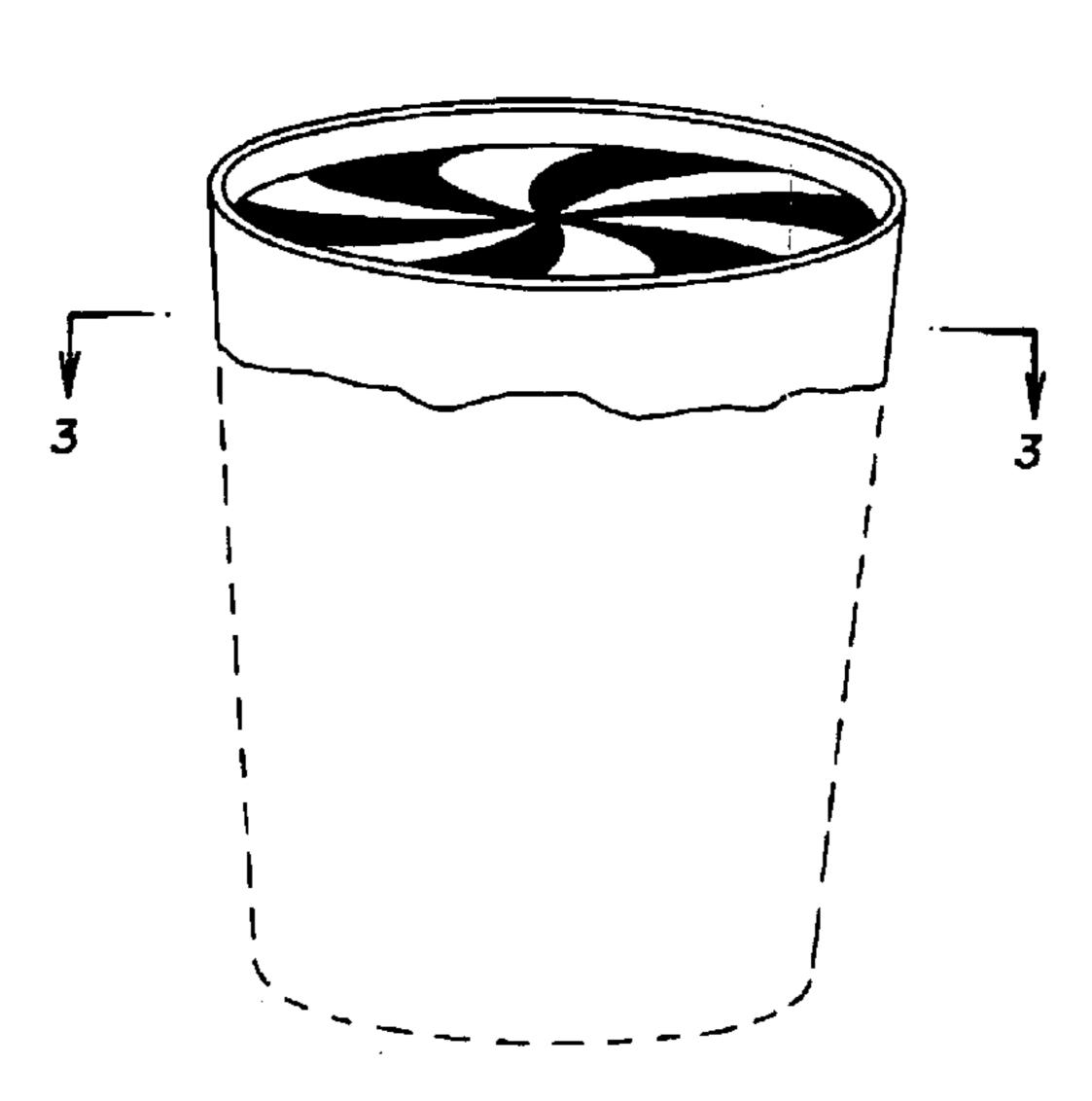
FIG. 1 is a top plan view of a top portion of a container and viscous flowable food product according to our new design.

FIG. 2 is a top front perspective view thereof with the broken lines showing the remainder of the container which forms no part of the claimed design; and,

FIG. 3 is a sectional view taken along line 3—3 of FIG. 2. The color black represents a contrasting color.

## 1 Claim, 1 Drawing Sheet





<sup>\*</sup> cited by examiner

