

### (12) United States Design Patent (10) Patent No.: US D496,517 S Baker (45) Date of Patent: \*\* Sep. 28, 2004

#### (54) COMBINED CANDY BRUSH AND CONTAINER THEREFOR

(76) Inventor: Brad Baker, 888 Garden of the Gods
 Rd., Colorado Springs, CO (US) 80907

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

OTHER PUBLICATIONS

Paint Pop candy wrapper, B.I.P. Holland B.V., The Netherlands.

(List continued on next page.)

Primary Examiner—Pamela Burgess(74) Attorney, Agent, or Firm—Deborah A. Peacock

(21) Appl. No.: 29/170,521

(56)

(57)

(22) Filed: Nov. 6, 2002

#### **Related U.S. Application Data**

- (63) Continuation-in-part of application No. 09/607,313, filed on Jun. 28, 2000, which is a continuation of application No. PCT/US99/28550, filed on Dec. 2, 1999.
- (60) Provisional application No. 60/110,675, filed on Dec. 2, 1998.
- (51) LOC (7) Cl. ..... 01-01
- (52) U.S. Cl. ..... D1/106; D1/102; D4/116; D9/545

**References Cited** 

The ornamental design for a combined candy brush and container therefor, as shown and described.

CLAIM

#### DESCRIPTION

© 2000 Impact Confections, Inc. A portion of the disclosure of this patent document contains material that is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyrights whatsoever.

This application is related to U.S. Design Patent Applications entitled "Candy Brush for a Confectionery Product," given Ser. No. 29/170,526; and "Candy Brush and Confectioner Container Set," given Ser. No. 29/170,527; both of which are filed concurrently on even date herewith, Nov. 6, 2002, and is a continuation-in-part of U.S. patent application Ser. No. 09/607,313 filed on Jun. 28, 2000, for "Paint Shop Confectionery", which is a continuation of International application Ser. No. PCT/US99/28550 filed on Dec. 2, 1999, which claimed the benefit of the filing of U.S. Provisional patent application Ser. No. 60/110,675, entitled "Paint Set Confectionery," filed on Dec. 2, 1998, and the specifications and drawings thereof are incorporated herein by reference. No new matter has been introduced into the present application. FIG. 1 is a rear elevational view of a combined candy brush and container therefor showing my new design; FIG. 2 is a front elevational view thereof, the opposite side being a mirror image; FIG. 3 is a top plan view thereof; and, FIG. 4 is a bottom plan view thereof.

#### U.S. PATENT DOCUMENTS

D16,030	S	4/1885	Schwarzschild et al.
D62,611	S	7/1923	Hochstraser
1,718,997	Α	7/1929	Burt
1,889,882	Α	12/1932	Woods
D92,473	S	6/1934	Keller
1,983,685	Α	12/1934	Townsley
2,281,267	Α	4/1942	Chapman
2,647,681	Α	8/1953	Paoli
D177,206	S	3/1956	Babcock
2,824,010	А	2/1958	Pedersen

(List continued on next page.)

1 Claim, 4 Drawing Sheets



### US D496,517 S Page 2

#### U.S. PATENT DOCUMENTS

			5,570,0
2,832,981 A	5/1958	Breuhan	5,380,
2,988,768 A	* 6/1961	Hill 401/124	5,451,
3,312,555 A	4/1967	Rossi et al.	5,545,0
3,386,792 A	6/1968	Ireland	5,634,8
3,413,128 A	11/1968	Steinbarth et al.	Ď383,
3,431,041 A	3/1969	Fontlladosa	5,676,9
3,840,678 A	10/1974	Price	5,683,
4,061,783 A	12/1977	Hoffman et al.	5,689,8
D264,038 S	4/1982	Guttman	5,701,0
D264,169 S	5/1982	Guttman	5.718.9
3,413,128 A 3,431,041 A 3,840,678 A 4,061,783 A D264,038 S	11/1968 3/1969 10/1974 12/1977 4/1982	Steinbarth et al. Fontlladosa Price Hoffman et al. Guttman	D3 5,6 5,6 5,6 5,7

D347,146 S	5/1994	Harrison
5,370,884 A	12/1994	Coleman
5,380,539 A	1/1995	Spector
5,451,176 A	9/1995	Beltman
5,545,069 A	8/1996	Glynn et al.
5,634,885 A	6/1997	Kiro
D383,001 S	* 9/1997	Bell et al D4/116
5,676,988 A	10/1997	Coleman et al.
5,683,762 A	11/1997	Banschick
5,689,851 A	* 11/1997	de Sevren Jacquet 15/159.1
5,701,629 A	12/1997	O'Brien
5,718,931 A	2/1998	Walter et al.

5/1982	Kupperman et al.
5/1982	Guttman
6/1982	Sollich
7/1983	Sellares
* 3/1984	Ritter 220/736
9/1984	Schwartz
10/1985	Kern
7/1986	Dobis
1/1989	Chalberg
2/1990	Ream et al.
6/1990	Mochizuki et al.
12/1991	Wall
6/1993	Leu
4/1994	Van Lengerich et al.
	5/1982 6/1982 7/1983 * 3/1984 9/1984 9/1985 7/1985 7/1986 1/1989 2/1990 6/1990 12/1991 6/1993

5,758,802 A	6/1998	Wallays
5,820,090 A	* 10/1998	Nickels 248/213.2
5,960,946 A	10/1999	Gramlich

#### OTHER PUBLICATIONS

TM: Paint Brush, U.S. Reg. No. 2,292,861 (typed drawing) to Foreign Candy Company, Inc. (Nov. 16, 1999).
TM: Paint Brush Lollipops, U.S. Reg. No. 2,374,485 (typed drawing) to Foreign Candy Company, Inc. (Aug. 8, 2000).
TM: Baby Bottle Pop, U.S. Reg. No. 2,554,171 (typed drawing) to Topps Company, Inc.

\* cited by examiner

### U.S. Patent Sep. 28, 2004 Sheet 1 of 4 US D496, 517 S





### U.S. Patent Sep. 28, 2004 Sheet 2 of 4 US D496,517 S





## **U.S. Patent** Sep. 28, 2004 Sheet 3 of 4 US D496,517 S





# U.S. Patent Sep. 28, 2004 Sheet 4 of 4 US D496,517 S







