

US00D496583S1

(12) **United States Design Patent** (10) **Patent No.:** **US D496,583 S**  
**Berman** (45) **Date of Patent:** **\*\* Sep. 28, 2004**

(54) **FLEXIBLE BEVERAGE POUCH WITH FITMENT**

(75) Inventor: **Ron Berman**, Long Beach, CA (US)

(73) Assignee: **Saddlesprings Beverage Company, Inc.**, Torrance, CA (US)

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

(21) Appl. No.: **29/178,936**

(22) Filed: **Apr. 2, 2003**

**Related U.S. Application Data**

(62) Division of application No. 29/159,532, filed on Apr. 23, 2002, now Pat. No. Des. 480,630.

(51) **LOC (7) Cl.** ..... **09-05**

(52) **U.S. Cl.** ..... **D9/305**

(58) **Field of Search** ..... D9/305, 306, 302, D9/442; 222/92, 105, 107, 206, 215; 383/36, 61, 96, 97, 104, 106, 120, 121, 122

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

- 3,380,646 A \* 4/1968 Doyen et al.
- 3,502,487 A \* 3/1970 Byrd ..... 383/100 X
- 4,650,452 A \* 3/1987 Jensen
- 4,718,738 A \* 1/1988 Bell ..... 383/121
- 4,732,299 A \* 3/1988 Hoyt
- 4,818,544 A \* 4/1989 Seward
- 4,886,373 A \* 12/1989 Corella ..... 383/104
- 4,998,646 A \* 3/1991 Sherman
- 5,059,036 A \* 10/1991 Richison et al.
- 5,352,043 A \* 10/1994 Takagaki et al.

(List continued on next page.)

**FOREIGN PATENT DOCUMENTS**

- CA 1152 038 8/1983
- DE 3926871 2/1991
- JP 5-77838 5/1993
- JP 5330561 A 12/1993

**OTHER PUBLICATIONS**

Purported Translation of Abstract of JP5330561A, “,” (DEC. 14, 1993).

Rudolf Wild GMBH & Co KG Limited Partnership, “Trademark of design for fruit juice container,” U.S. Trademark Electronic Search System, (Nov. 12, 2001).

*Primary Examiner*—Paula A. Greene

(74) *Attorney, Agent, or Firm*—Fulwider Patton Lee & Utecht, LLP

(57) **CLAIM**

The ornamental design for a flexible beverage pouch with fitment, as shown and described.

**DESCRIPTION**

This is a divisional application of co-pending U.S. Ser. No. 29/159,532, entitled FLEXIBLE BEVERAGE POUCH WITH FITMENT, filed on April 23, 2002, and which is hereby incorporated by reference in its entirety.

FIG. 1 is a bottom view of my new design;

FIG. 2 is a top view thereof;

FIG. 3 is a front elevational view of my new design illustrating the characteristic features of the design which resides in its shape together with having an opaque upper portion, transparent middle portion, and opaque lower portion on both the front and back of the pouch, the rear elevational view being identical;

FIG. 4 is a left side elevational view of the design illustrated in FIG. 3, the right side elevational view being identical;

FIG. 5 is a top view of an alternative embodiment of my new design;

FIG. 6 is a front elevational view of the alternative embodiment of my new design in FIG. 5 illustrating the characteristic features of the design which resides in its shape together with having an transparent upper portion, opaque middle portion, and transparent lower portion on both the front and back of the pouch, the rear elevational view being identical; and,

FIG. 7 is a right side elevational view of the embodiment illustrated in FIG. 6, the left side elevational view being identical.

**1 Claim, 2 Drawing Sheets**



# US D496,583 S

Page 2

---

## U.S. PATENT DOCUMENTS

D410,838 S	*	6/1999	Berman		D436,848 S	*	1/2001	Berman	.....	D9/305
D420,900 S	*	2/2000	Berman		D437,549 S	*	2/2001	Berman	.....	D9/305
D425,410 S	*	5/2000	Berman		D440,868 S	*	4/2001	Berman	.....	D9/305
6,076,968 A	*	6/2000	Smith et al.		D452,816 S	*	1/2002	Berman	.....	D9/305
D429,459 S	*	8/2000	Berman	.....	D452,817 S	*	1/2002	Berman	.....	D9/305
6,102,252 A	*	8/2000	Overman et al.	.....	D452,818 S	*	1/2002	Berman	.....	D9/305
D433,625 S	*	11/2000	Berman	.....	D452,819 S	*	1/2002	Berman	.....	D9/305
D434,976 S	*	12/2000	Berman	.....	D453,001 S	*	1/2002	Berman	.....	D9/305
D436,847 S	*	1/2001	Berman	.....	D480,630 S	*	10/2003	Berman	.....	D9/305

\* cited by examiner

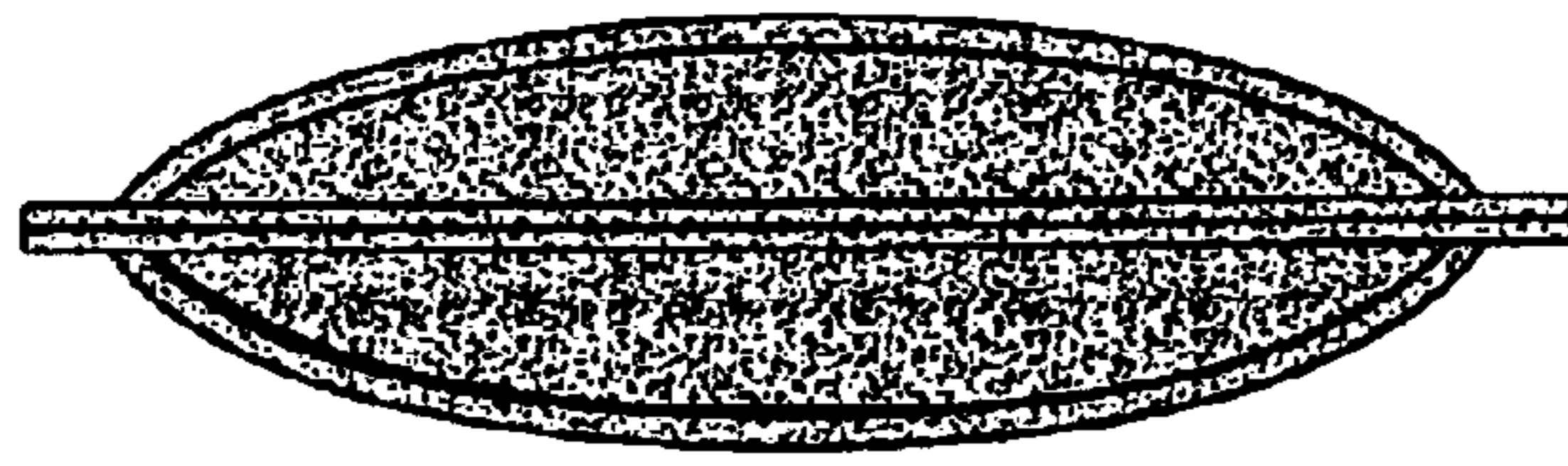


Fig. 1

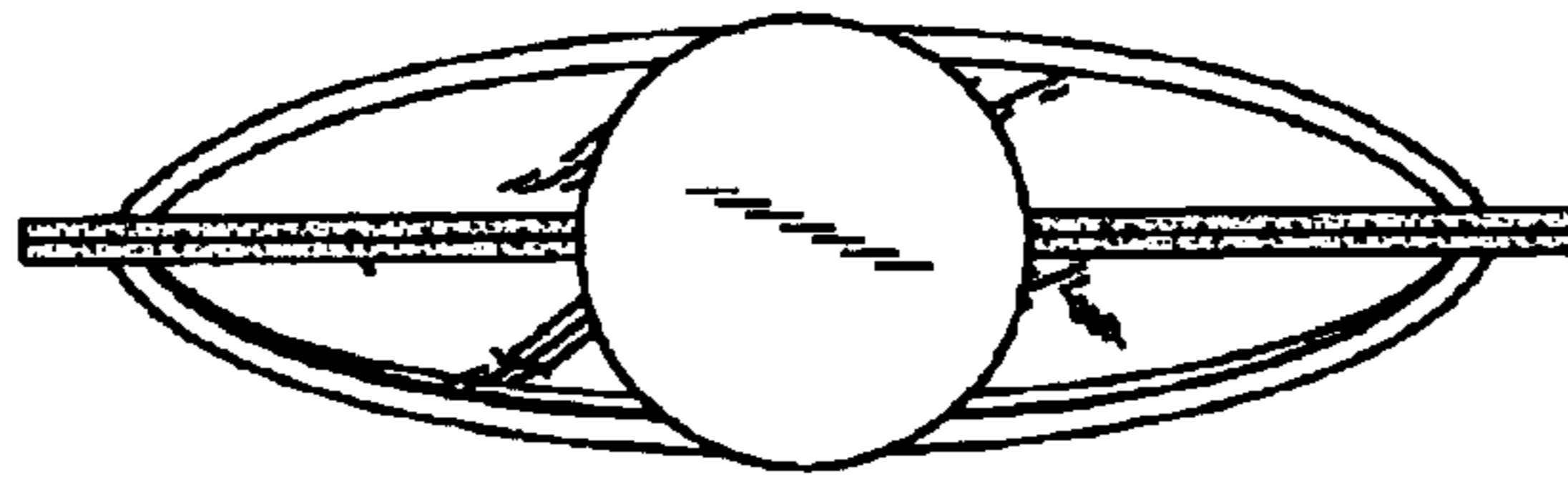


Fig. 2

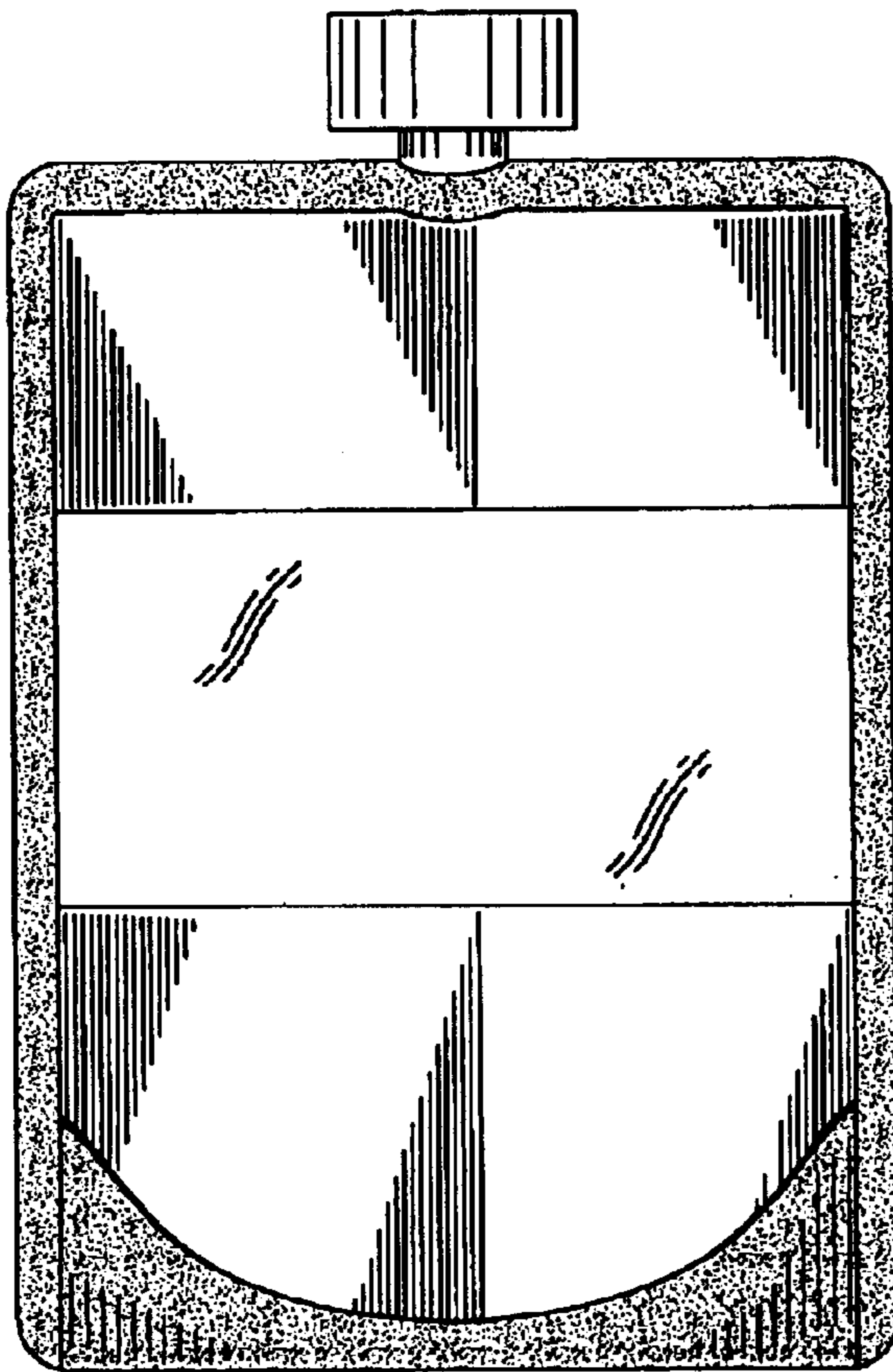


Fig. 3

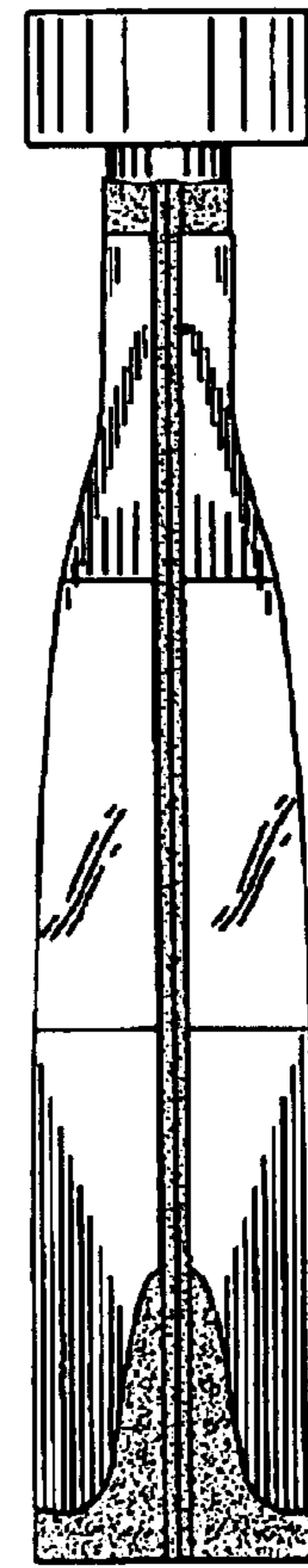


Fig. 4

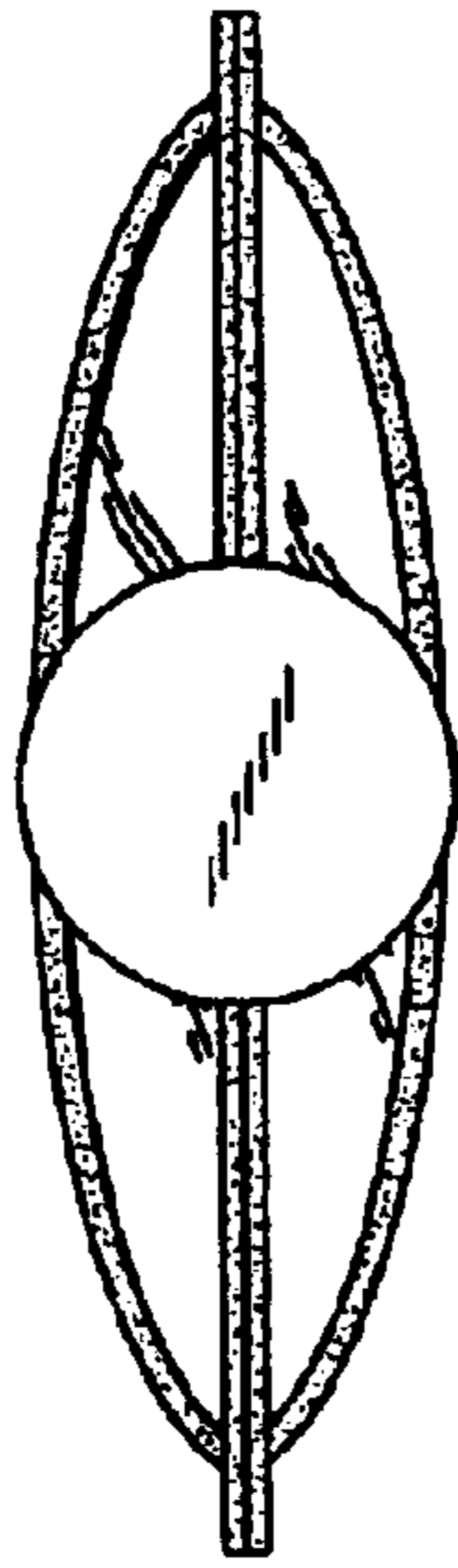


Fig. 5

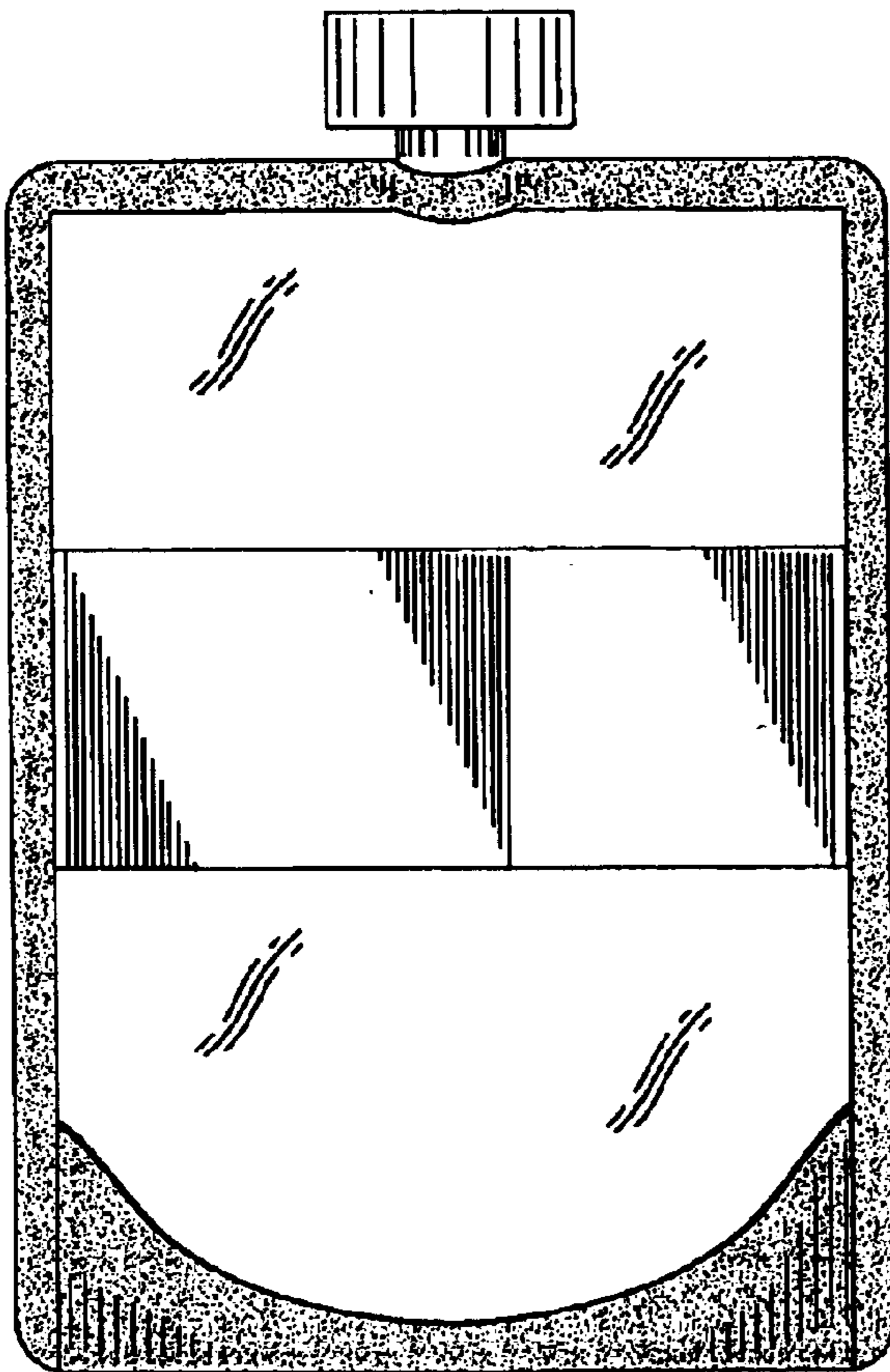


Fig. 6

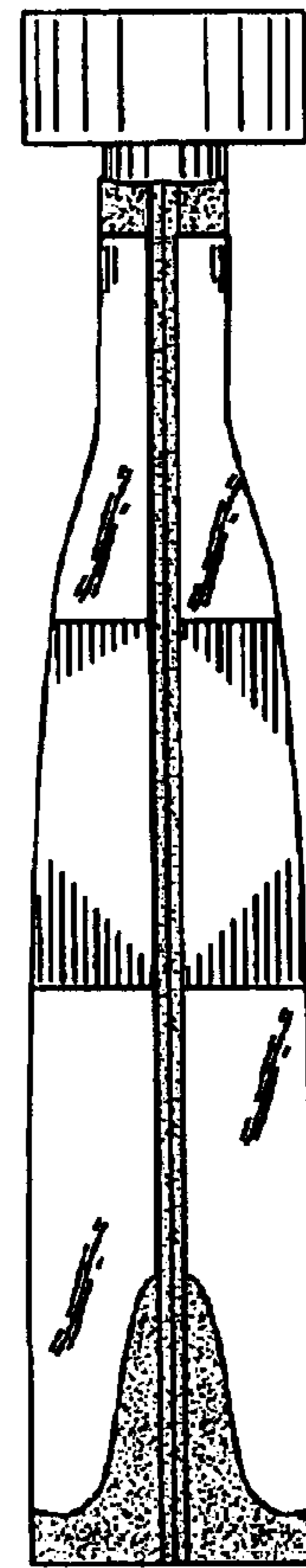


Fig. 7