

US00D498341S

(12) **United States Design Patent** (10) **Patent No.:** **US D498,341 S**  
**Baker** (45) **Date of Patent:** **\*\* Nov. 16, 2004**

(54) **CANDY BRUSH AND CONFECTIONERY CONTAINER SET**

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- (\*\*) Term: **14 Years**
- (21) Appl. No.: **29/170,527**
- (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.** ..... **D1/102; D1/101; D4/116**
- (58) **Field of Search** ..... D1/106, 102, 101, D1/104, 122, 127; D4/116, 132, 135, 138, 199; D7/690; D28/20; 211/65-66; 220/695-697; D9/338, 531; 248/110, 213.2, 112; 426/110-112, 104, 120, 134, 91; 15/143.1, 144.3, 191.1, 146, 246, 71

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

|             |          |                      |  |
|-------------|----------|----------------------|--|
| D16,030 S   | 4/1885   | Schwarzschild et al. |  |
| D62,611 S   | 7/1923   | Hochstraser          |  |
| 1,718,997 A | 7/1929   | Burt                 |  |
| 1,889,882 A | 12/1932  | Woods                |  |
| D92,473 S   | 6/1934   | Keller               |  |
| 1,983,685 A | 12/1934  | Townsley             |  |
| 2,281,267 A | 4/1942   | Chapman              |  |
| 2,647,681 A | 8/1953   | Paoli                |  |
| D177,206 S  | 3/1956   | Babcock              |  |
| 2,824,010 A | 2/1958   | Pedersen             |  |
| 2,832,981 A | 5/1958   | Breuhan              |  |
| 2,988,768 A | * 6/1961 | Hill ..... 401/124   |  |
| 3,312,555 A | 4/1967   | Rossi et al.         |  |
| 3,386,792 A | 6/1968   | Ireland              |  |
| 3,413,128 A | 11/1968  | Steinbarth et al.    |  |
| 3,431,041 A | 3/1969   | Fontlladosa          |  |
| 3,840,678 A | 10/1974  | Price                |  |

(List continued on next page.)

**OTHER PUBLICATIONS**

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

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(57) **CLAIM**

The ornamental design for a candy brush and confectionery container set, as shown and described.

**DESCRIPTION**

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This application is related to U.S. Design Patent Applications entitled “Candy Brush Confectionery Product,” given Serial No. 29/170,526; and “Combined Candy Brush and Container,” given Serial No. 29/170,521; both of which are filed concurrently on even date herewith, Nov. 6, 2002.

FIG. 1 is a perspective view of a candy brush and confectionery container set showing my new design, it is understood that the lid to the container element is broken away for clarity of disclosure;

FIG. 2 is a side elevational view thereof with the lid attached to the container, the opposite side being a mirror image;

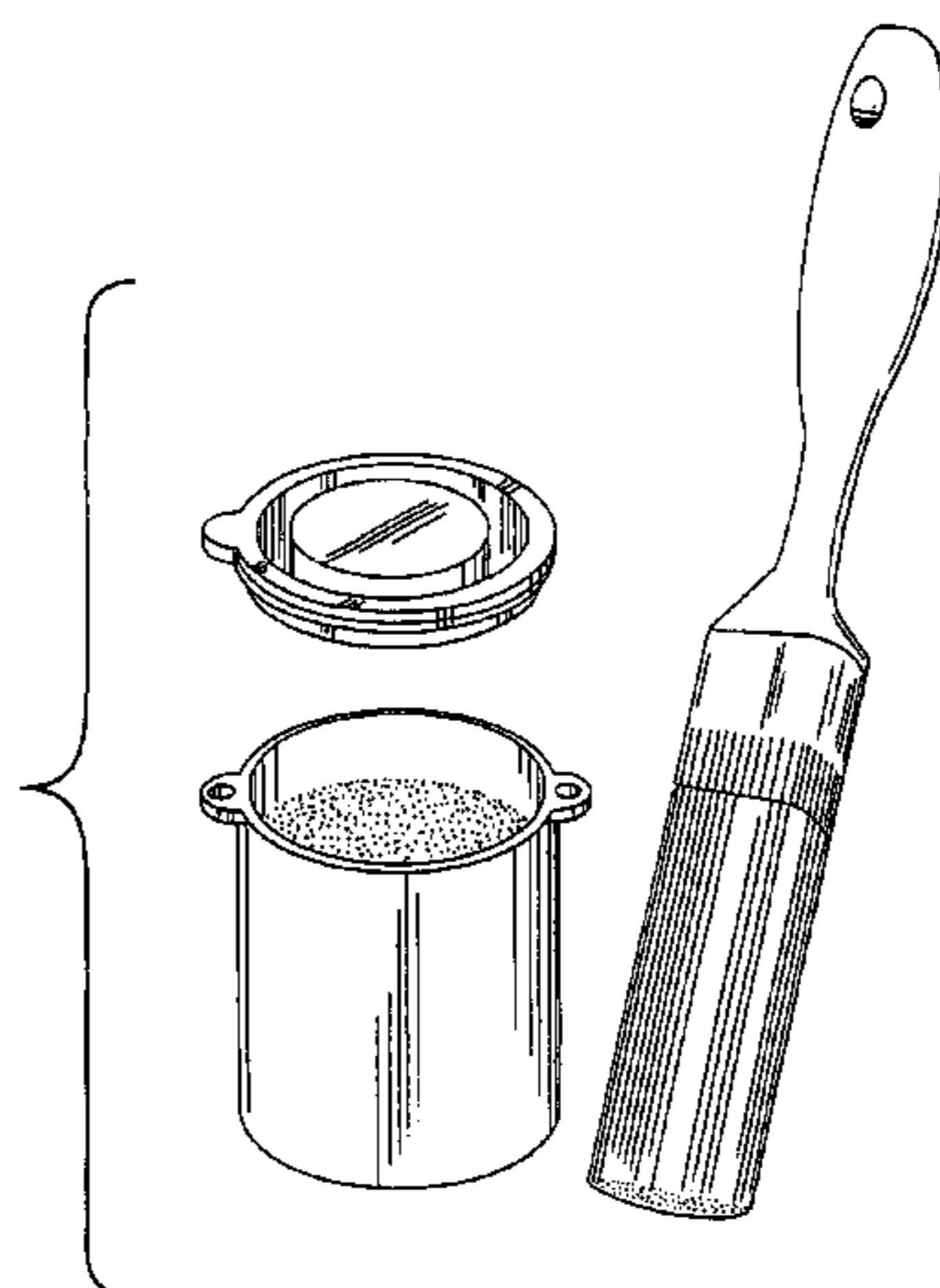
FIG. 3 is a front elevational view thereof;

FIG. 4 is a rear elevational view thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

**1 Claim, 5 Drawing Sheets**



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| U.S. PATENT DOCUMENTS |         |                      |               |         |                             |
|-----------------------|---------|----------------------|---------------|---------|-----------------------------|
| 4,061,783 A           | 12/1977 | Hoffman et al.       | 5,304,055 A   | 4/1994  | Van Lengerich et al.        |
| D264,038 S            | 4/1982  | Guttman              | D347,146 S    | 5/1994  | Harrison                    |
| D264,169 S            | 5/1982  | Guttman              | 5,370,884 A   | 12/1994 | Coleman                     |
| D264,297 S            | 5/1982  | Kupperman et al.     | 5,380,539 A   | 1/1995  | Spector                     |
| D264,298 S            | 5/1982  | Guttman              | 5,451,176 A   | 9/1995  | Beltman                     |
| 4,335,147 A           | 6/1982  | Sollich              | 5,545,069 A   | 8/1996  | Glynn et al.                |
| D269,559 S            | 7/1983  | Sellares             | 5,634,885 A   | 6/1997  | Kiro                        |
| 4,436,217 A *         | 3/1984  | Ritter ..... 220/736 | 5,676,988 A   | 10/1997 | Coleman et al.              |
| 4,471,507 A           | 9/1984  | Schwartz             | 5,683,762 A   | 11/1997 | Banschick                   |
| 4,547,926 A           | 10/1985 | Kern                 | 5,689,581 A * | 11/1997 | Nakao et al. .... 382/156   |
| 4,600,592 A           | 7/1986  | Dobis                | 5,701,629 A   | 12/1997 | O'Brien                     |
| D299,522 S            | 1/1989  | Parker               | 5,718,931 A   | 2/1998  | Walter et al.               |
| 4,902,519 A           | 2/1990  | Ream et al.          | 5,758,802 A   | 6/1998  | Wallays                     |
| 4,935,189 A           | 6/1990  | Mochizuki et al.     | 5,820,090 A * | 10/1998 | Nickels ..... 248/213.2     |
| 5,077,050 A           | 12/1991 | Wall                 | 5,960,946 A   | 10/1999 | Gramlich                    |
| 5,218,733 A           | 6/1993  | Leu                  | 5,993,870 A * | 11/1999 | Hoeting et al. .... 426/110 |

\* cited by examiner

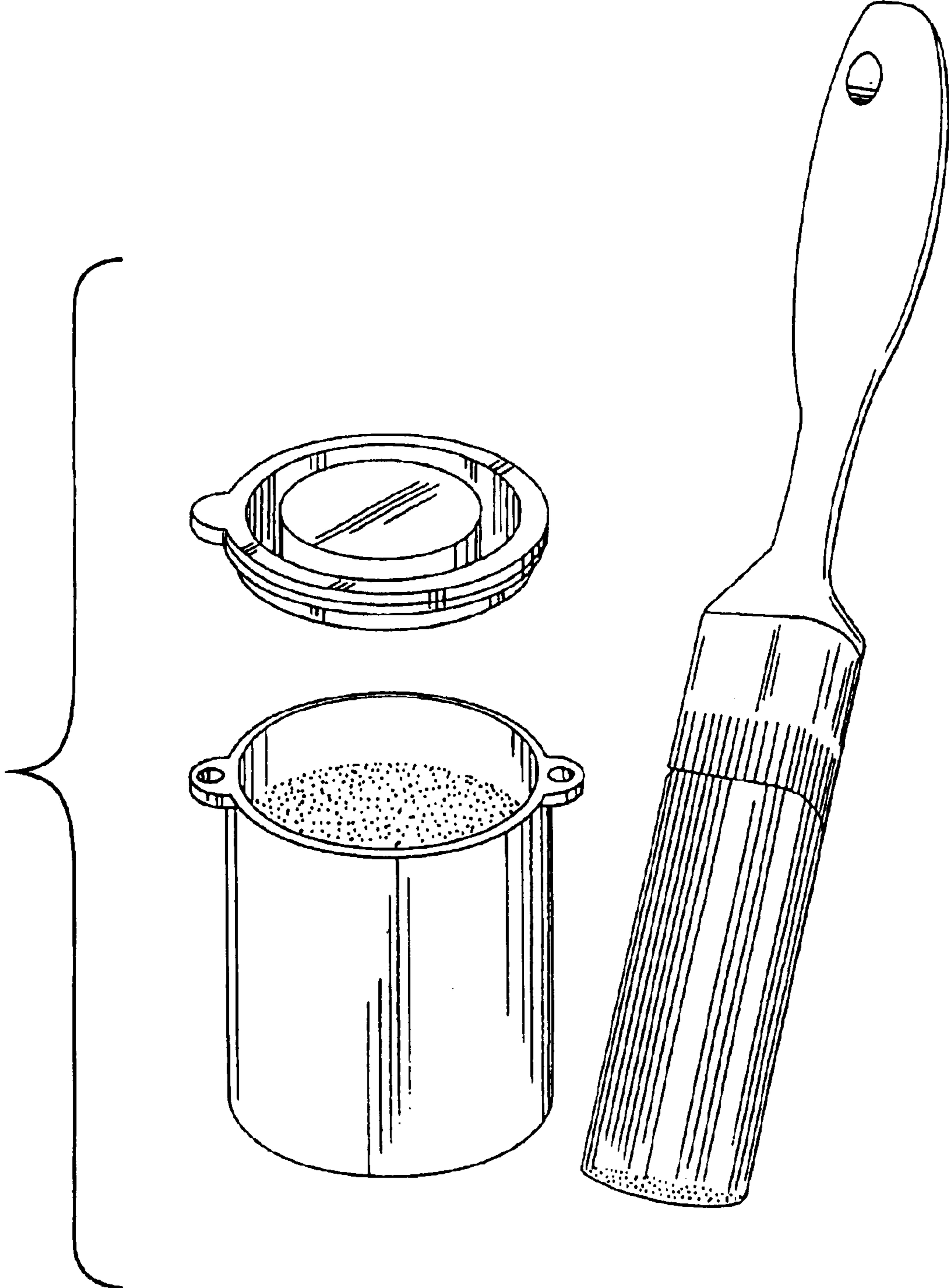


FIG-1

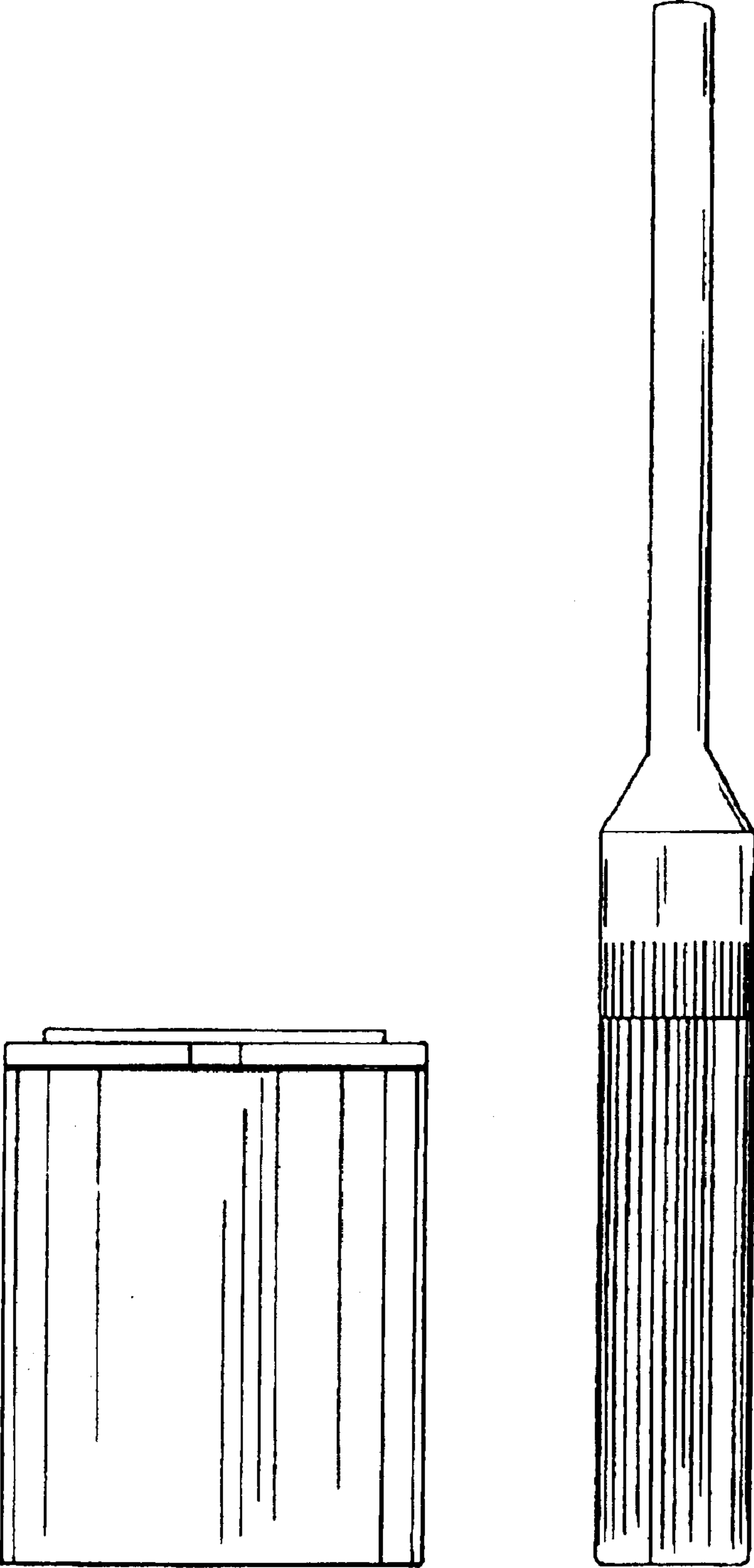


FIG-2

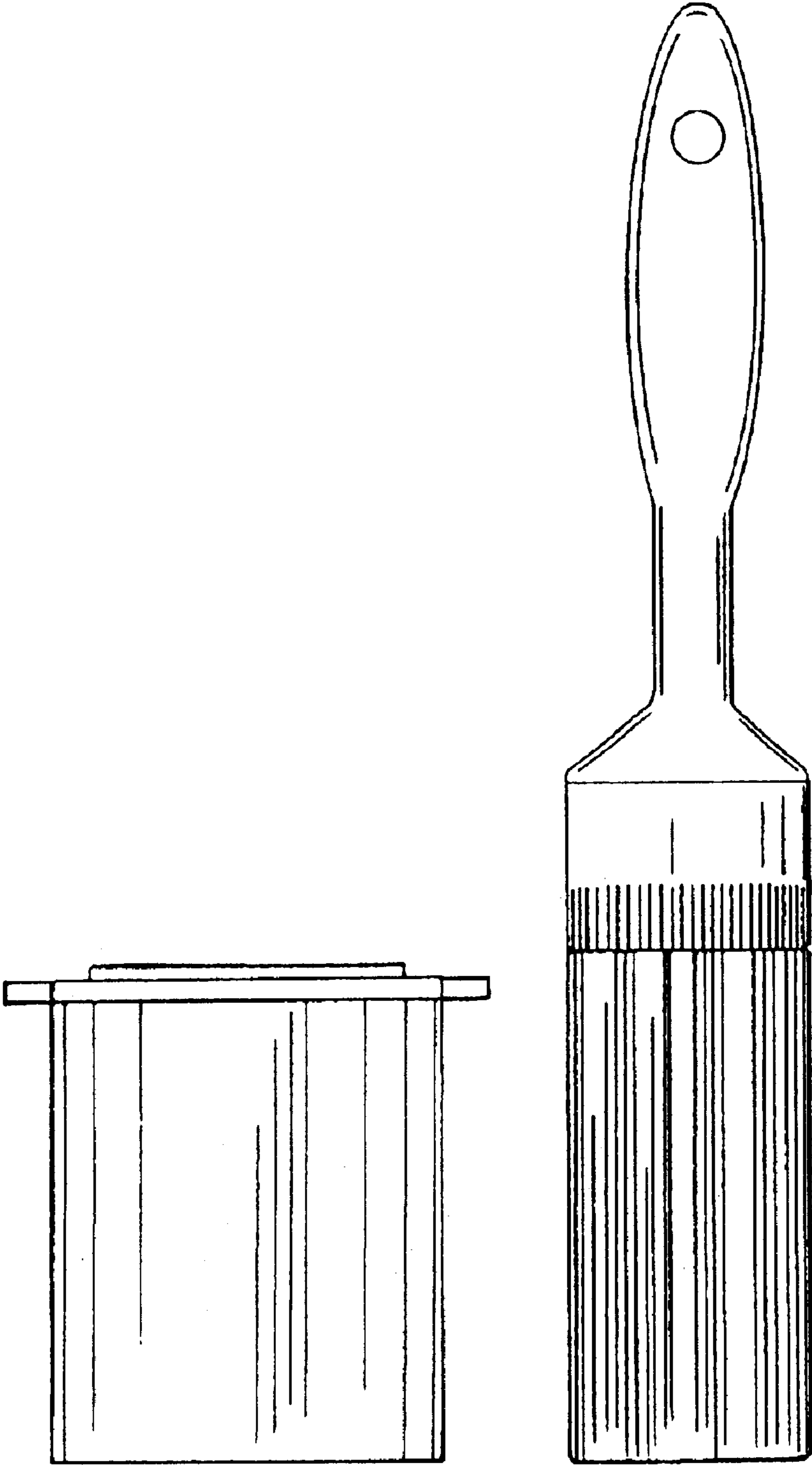


FIG-3

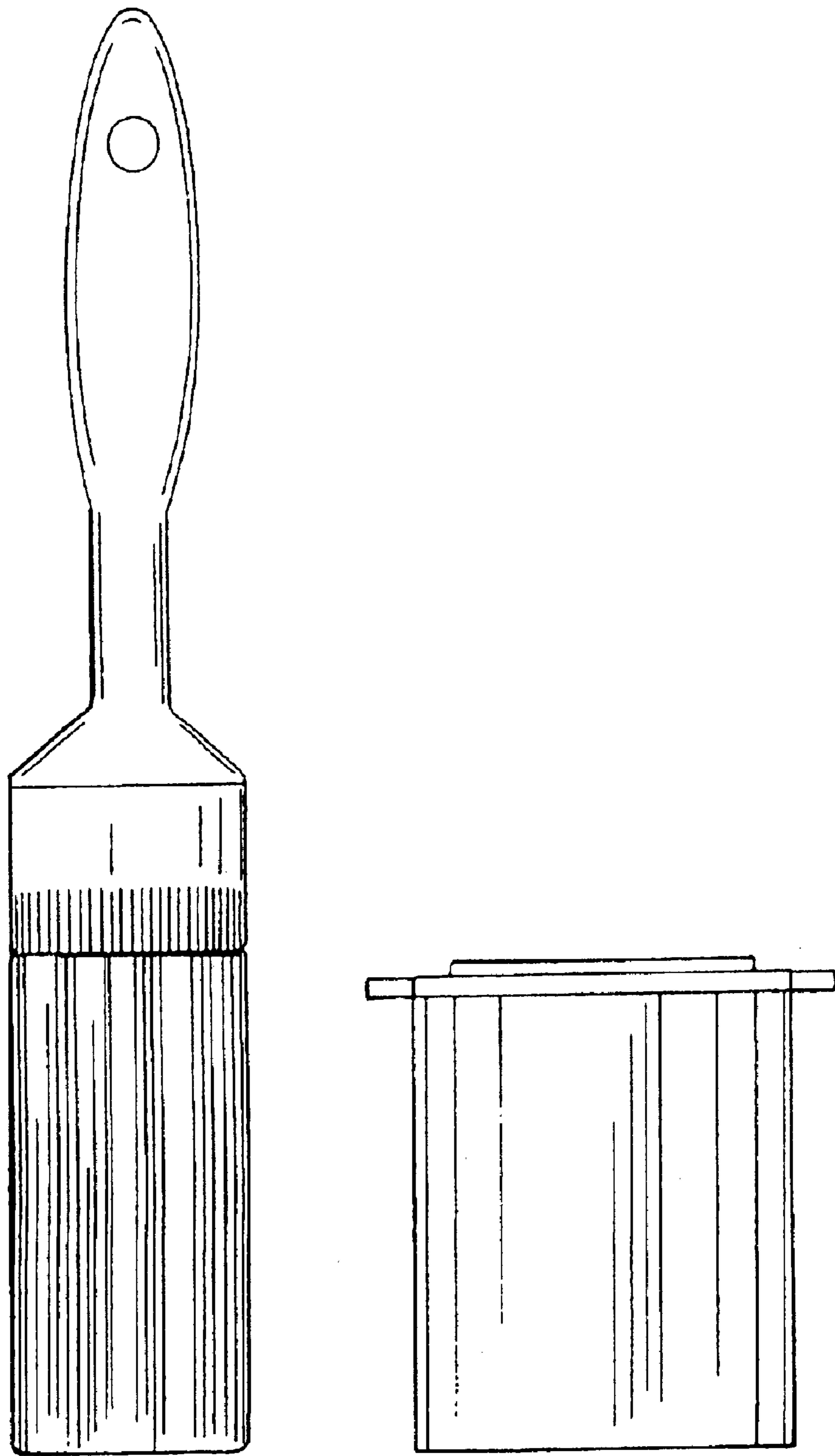


FIG-4

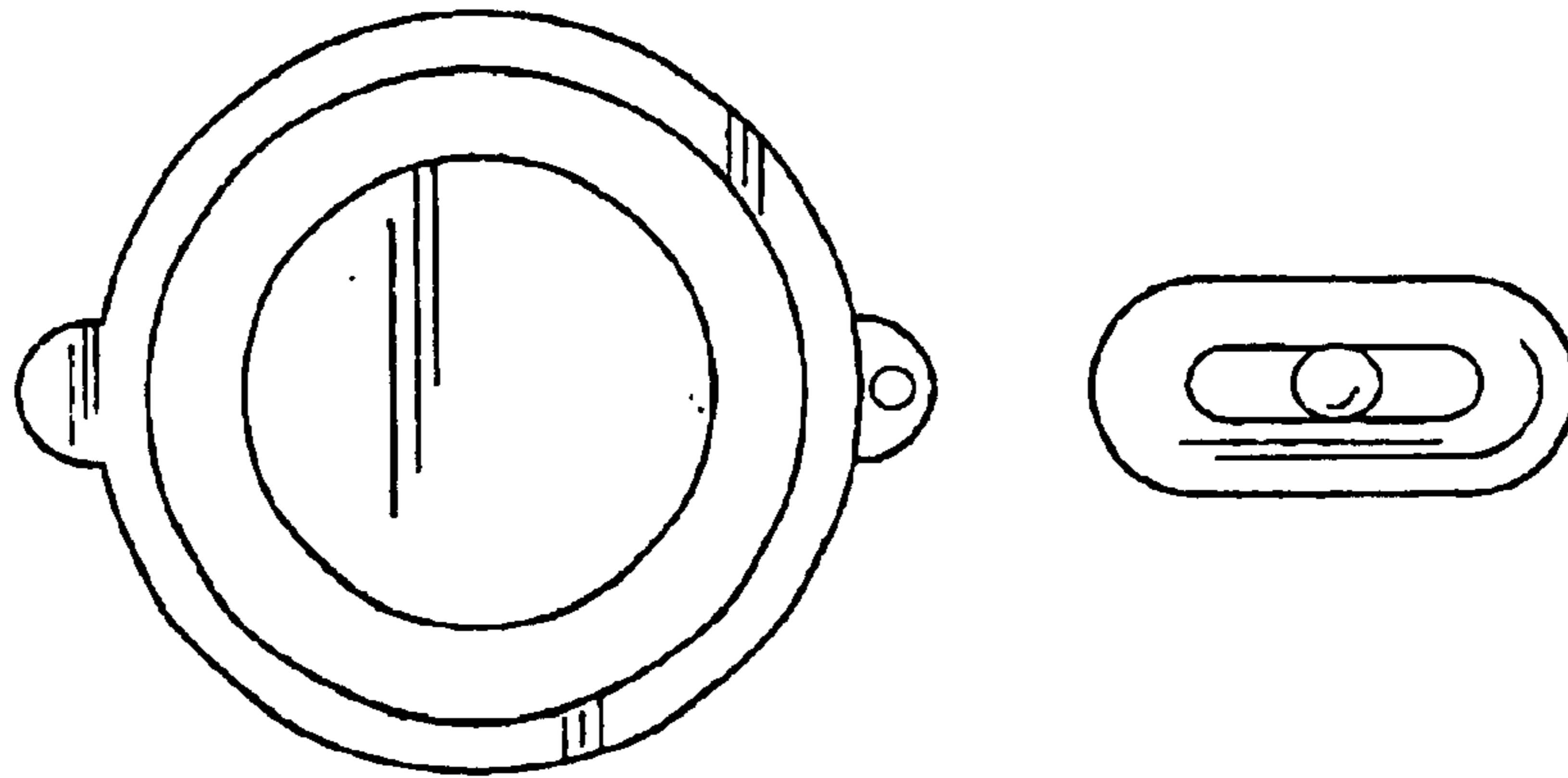


FIG-5

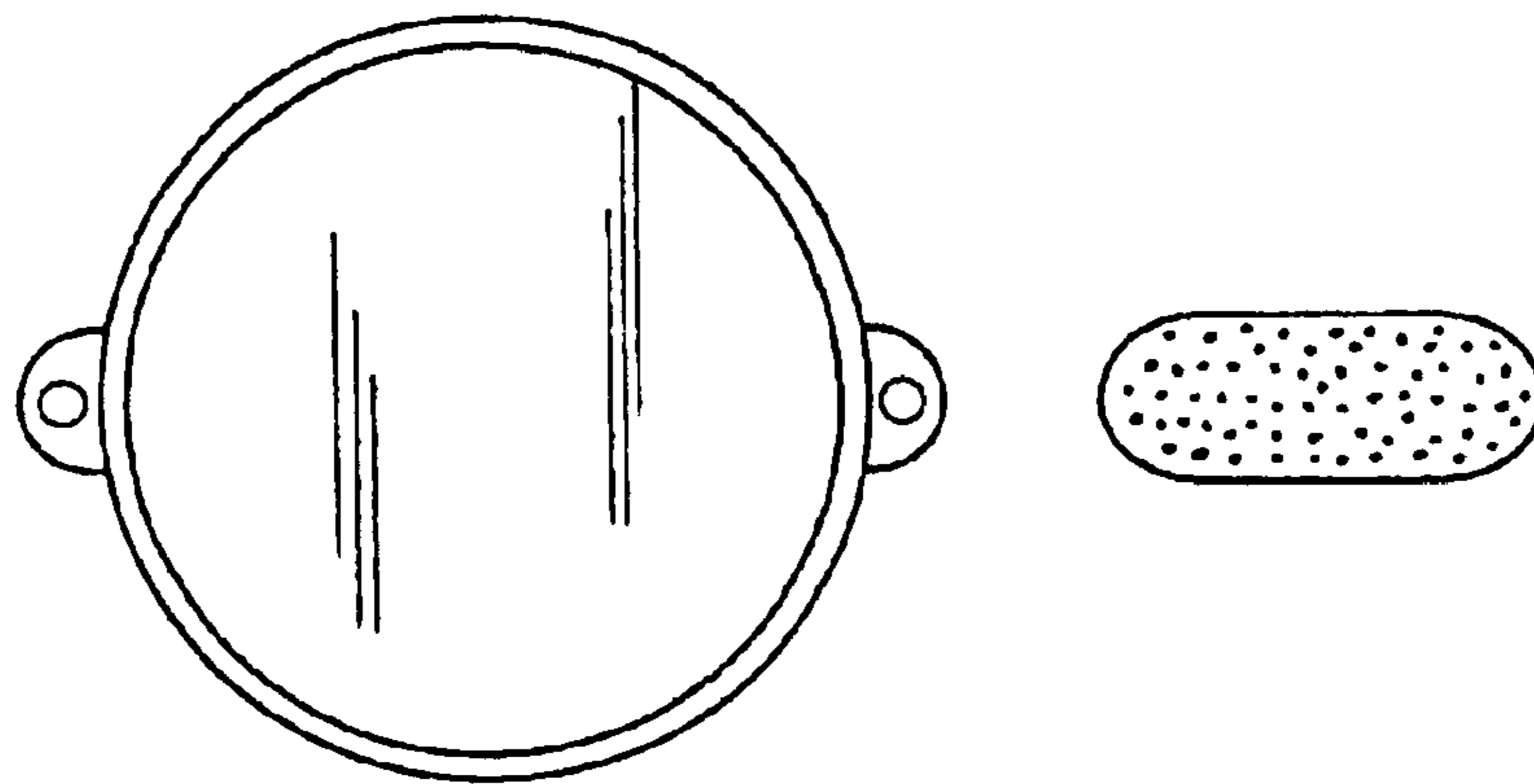


FIG-6