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(12) **United States Design Patent** (10) **Patent No.:** **US D509,998 S**
Tranfaglia et al. (45) **Date of Patent:** **** Sep. 27, 2005**

(54) **EATING UTENSIL**

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

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Related U.S. Application Data

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(51) **LOC (8) Cl.** **07-03**

(52) **U.S. Cl.** **D7/656**

(58) **Field of Search** D7/642-664, 368, D7/401.2, 651, 656, 657, 669, 675, 676, 683, 688, 689; D4/107; D19/42; D21/576, 596-601, 606, 607, 616, 619, 621, 655-657; 30/137, 141, 147-150, 322-327, 329, 340, 342-345

(56) **References Cited**

U.S. PATENT DOCUMENTS

D38,680 S	7/1907	Brereton	
D45,367 S	3/1914	Bentz	
D88,553 S	* 12/1932	Hunt D7/656
D158,818 S	5/1950	Titensky	
D167,300 S	7/1952	Brooks	
D212,196 S	9/1968	Pasquale	
D220,463 S	4/1971	Pugh, Sr.	
D229,533 S	12/1973	Pugh, Sr.	
D229,883 S	1/1974	Pugh, Sr.	

D274,971 S	8/1984	Kelley et al.
5,105,768 A	4/1992	Johnson
D356,927 S	4/1995	Brown et al.
D356,928 S	4/1995	Brown et al.
5,946,807 A	9/1999	Crane et al.
D426,747 S	6/2000	Suero, Jr. et al.
6,105,254 A	8/2000	Crane et al.
D440,125 S	4/2001	Barker, II
D445,314 S	7/2001	Barker, II
6,363,568 B1	4/2002	Harrison et al.
D465,703 S	11/2002	Matt
D470,366 S	2/2003	Ralph
D474,656 S	5/2003	Guodace
D474,657 S	5/2003	Guodace
D474,945 S	5/2003	Guodace
2003/0046903 A1	3/2003	Schlitz et al.
2003/0066776 A1	4/2003	Schlitz et al.
2003/0070956 A1	4/2003	Schlitz et al.

OTHER PUBLICATIONS

Spoons from Around the World by Dorothy T. Rainwater and Donna H. Felger; 1992; ISBN: 0-887740-425-1; Schiffer Publishing Ltd. ; p. 336, plate 1919, item C5002(frog spoon).*

(Continued)

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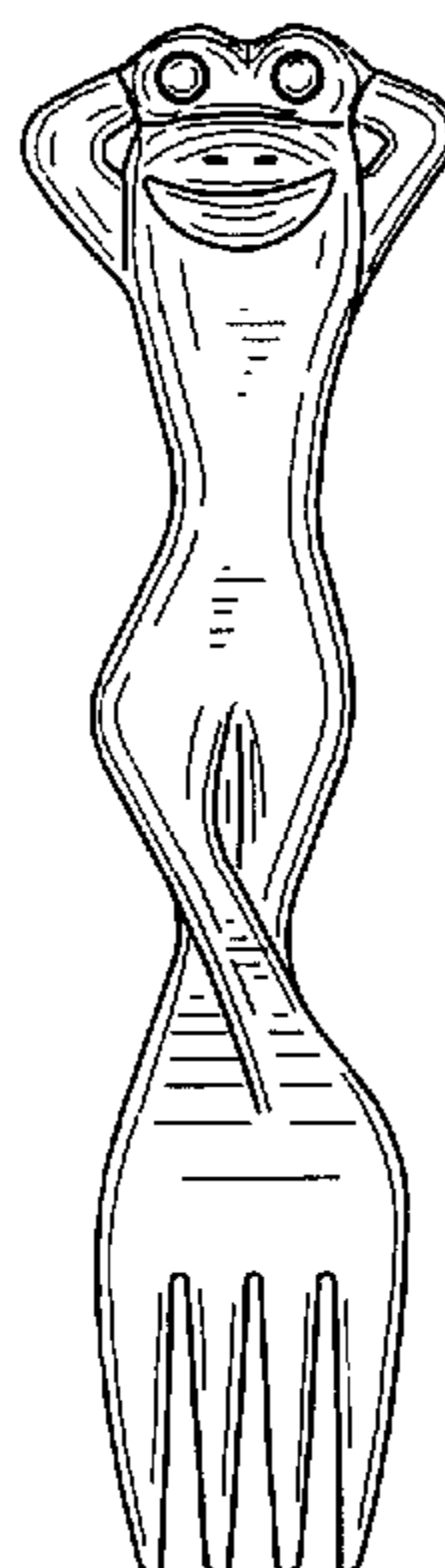
(57) **CLAIM**

The ornamental design for an eating utensil, as shown.

DESCRIPTION

FIG. 1 is a perspective view of an eating utensil; FIG. 2 is a top plan view of an eating utensil; FIG. 3 is a right side elevation view of an eating utensil; FIG. 4 is a bottom plan view of an eating utensil; FIG. 5 is a left side elevation view of an eating utensil; FIG. 6 is a rear elevation view of an eating utensil; and, FIG. 7 is a front elevation view of an eating utensil. The broken line showing of indicia is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 1 Drawing Sheet



OTHER PUBLICATIONS

Bison Designs Allen Bottle Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Fighter Fish Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Foot Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Gecko Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Kokopelli Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Paw Print Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Mini Fish Carabiner Keychain, <http://www.rei.com>, Aug. 20, 2003, 2 pgs.

Bison Designs Trout Bottle–Opener Keychain, <http://www.rei.com>, Aug. 20, 2003, 1 pgs.

Picture of Plastic Knife, Spoon and Fork, Flatware, Mervyn’s Brands, Inc. ©2002, 2 pgs.

Tropical Flatware, Oriental Trading Company, Inc., <http://www.orientaltrading.com>, ©2004, 1 pg.

Plastic Holiday Flatware, Oriental Trading Company, Inc., <http://www.orientaltrading.com>, 201 2004, 1 pg.

Picture of Giraffe and Parrot Spoons, Rubbermaid Animal Friends, 2 pgs, date unknown.

* cited by examiner

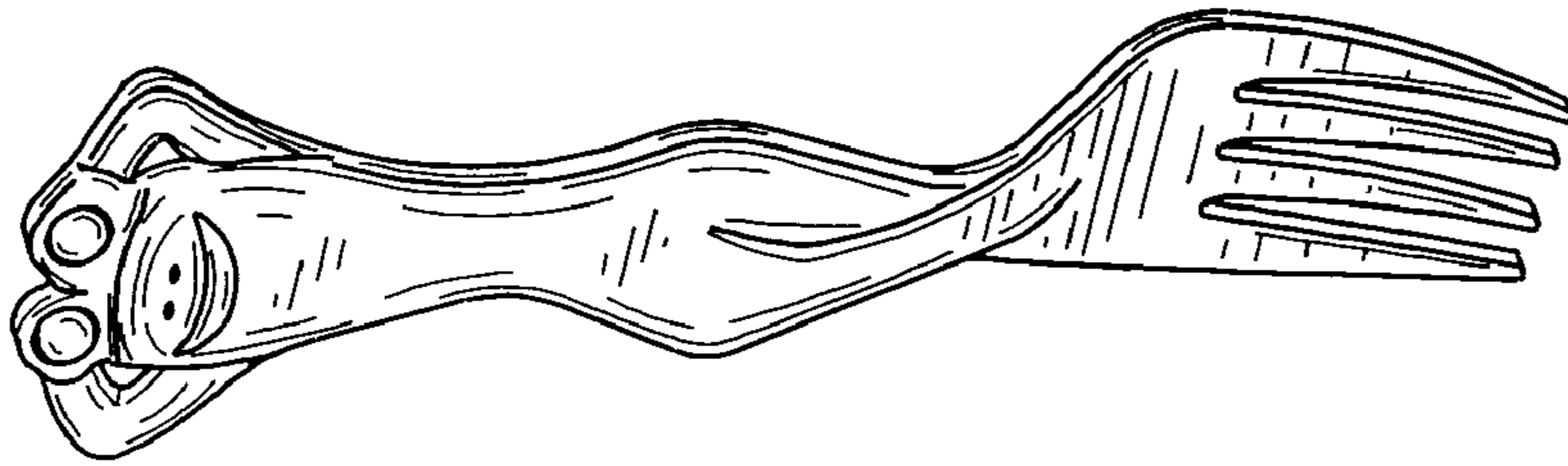


FIG. 1

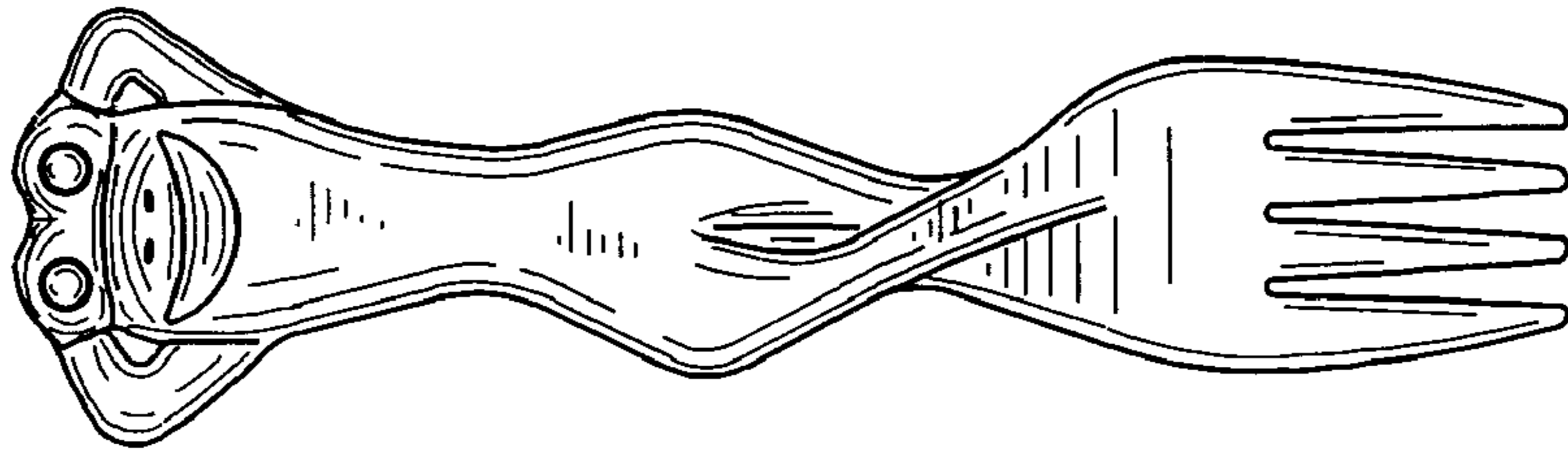


FIG. 2

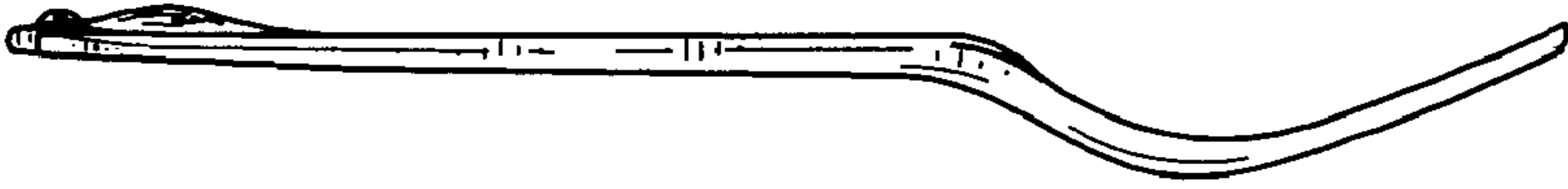


FIG. 3

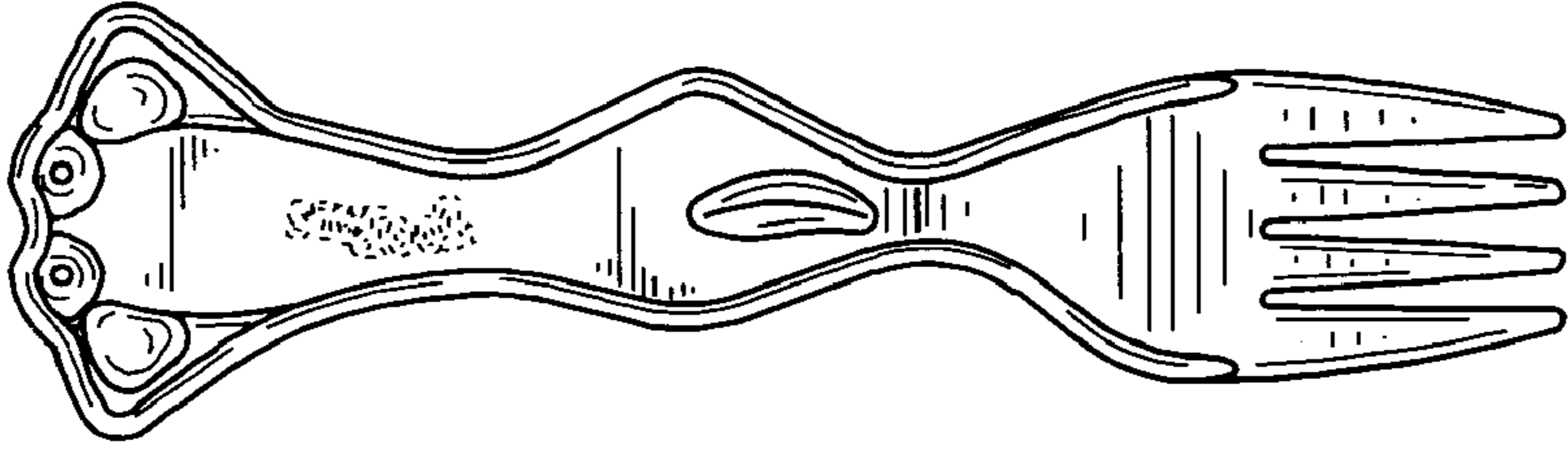


FIG. 4

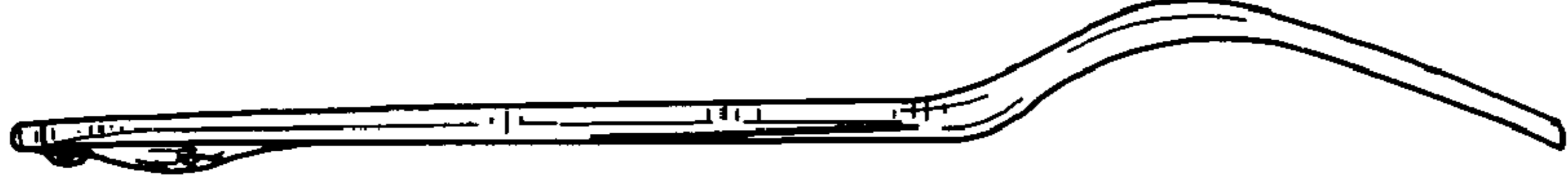


FIG. 5

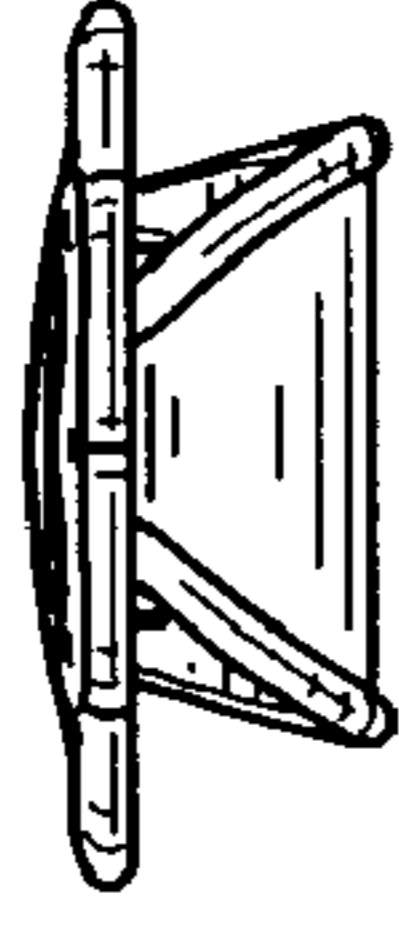


FIG. 6

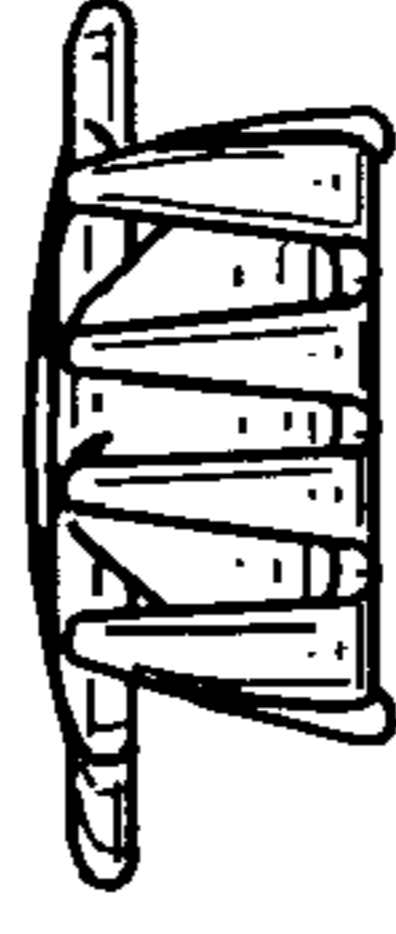


FIG. 7