



US00D537274S

(12) **United States Design Patent**  
**Pirro et al.**

(10) **Patent No.:** **US D537,274 S**

(45) **Date of Patent:** **\*\* Feb. 27, 2007**

(54) **MERCHANDISER**

(75) Inventors: **Jeffrey P. Pirro**, Marcellus, NY (US);  
**Matthew W. Farrell**, Camillus, NY (US)

(73) Assignee: **Eveready Battery Company, Inc.**, St. Louis, MO (US)

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

(21) Appl. No.: **29/212,804**

(22) Filed: **Sep. 8, 2004**

(51) **LOC (8) Cl.** ..... **06-04**

(52) **U.S. Cl.** ..... **D6/459**

(58) **Field of Classification Search** ..... D6/407,  
D6/449, 455, 457-461, 473; 211/13.1, 42,  
211/44, 49.1, 52, 59.2, 85.3; 108/59, 92,  
108/100; 312/108; D34/21, 24  
See application file for complete search history.

D122,163 S 8/1940 Hardy et al.  
2,228,775 A 1/1941 Morgan  
D132,318 S 5/1942 Schultz et al.  
2,298,427 A 10/1942 Slanhoff  
2,307,993 A 1/1943 Calhoun et al.  
D141,761 S 7/1945 Gelinas et al.  
2,392,287 A 1/1946 Mandel  
D148,767 S 2/1948 Yantis et al.  
D148,859 S 3/1948 Irwin et al.  
2,477,761 A 8/1949 Messerschmidt  
D156,544 S 12/1949 Lebow et al.  
2,506,237 A 5/1950 Roach  
2,571,301 A 10/1951 Slanhoff  
D173,627 S 12/1954 Nichols  
2,713,984 A 7/1955 Paige  
2,723,766 A 11/1955 Kobs  
2,801,754 A 8/1957 Dorfman

(Continued)

**FOREIGN PATENT DOCUMENTS**

DE	2345934	3/1975
DE	4227077	2/1994
GB	249311	3/1925
WO	WO 9419642	9/1994

*Primary Examiner*—Robert M. Spear  
*Assistant Examiner*—Mary Ann Calabrese  
(74) *Attorney, Agent, or Firm*—Michael C. Pophal

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

1,390,673 A	9/1921	Crawford
1,514,055 A	11/1924	Lawson
1,523,875 A	1/1925	Iseman et al.
1,534,644 A	4/1925	Howard
1,745,164 A	1/1930	Griffith
D82,090 S	9/1930	Marsh et al.
1,845,564 A	2/1932	Sherman
D86,761 S	4/1932	Brooks et al.
1,895,725 A	1/1933	Nuckols
1,896,721 A	2/1933	Richards
1,916,647 A	7/1933	Walker
1,947,195 A	2/1934	Flynn
D93,082 S	8/1934	Wright et al.
D93,083 S	8/1934	Wright et al.
2,034,116 A	3/1936	Palen
2,041,751 A	5/1936	Folsom et al.
D105,086 S	6/1937	Bradshaw et al.
2,123,290 A	7/1938	Powers
D116,577 S	9/1939	Schutz et al.
D119,508 S	1/1940	Waddell et al.

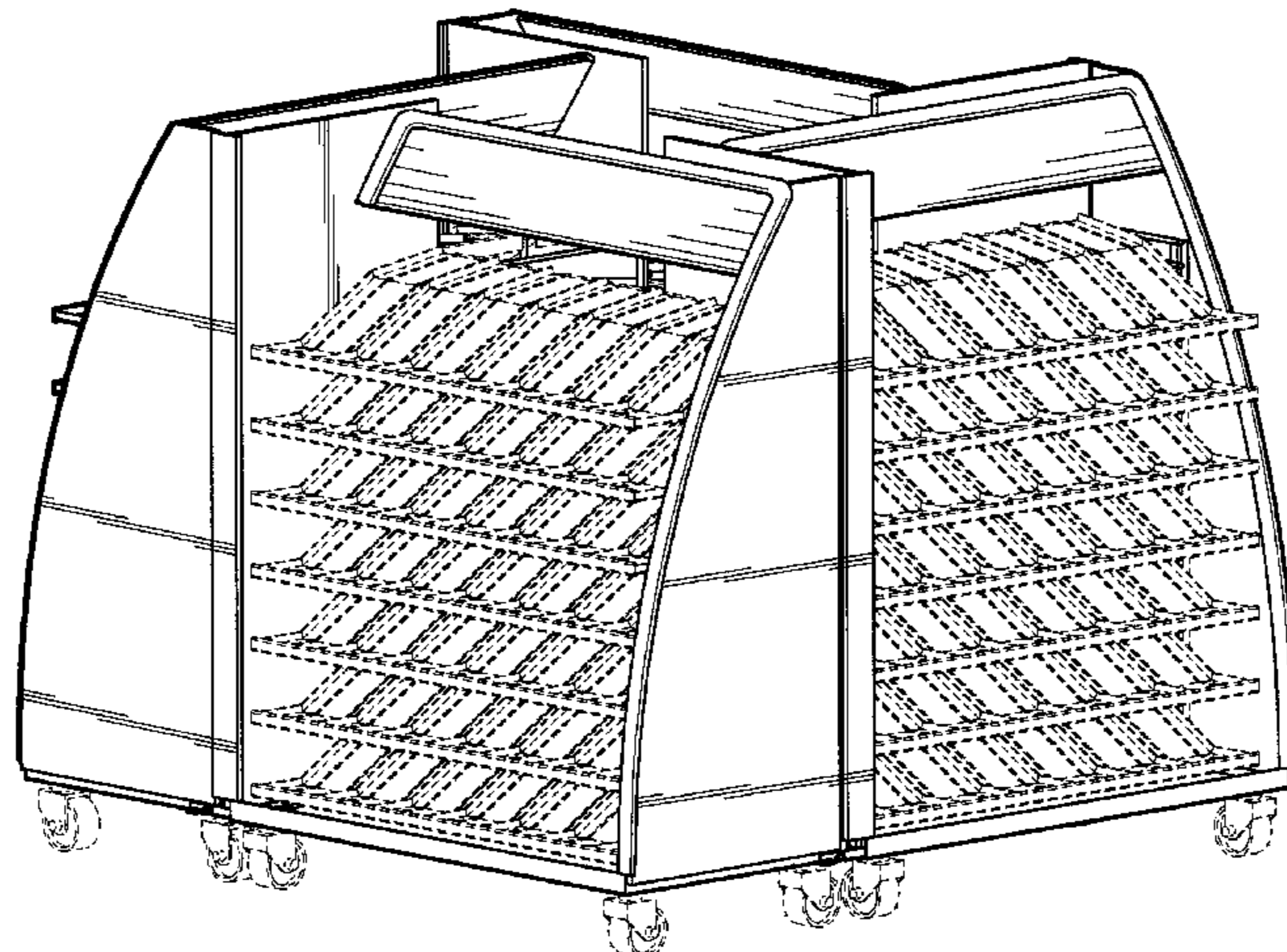
(57) **CLAIM**

We claim the ornamental design for a merchandiser, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a merchandiser, showing our new design;  
FIG. 2 is a front view thereof, the rear view, the left side view and the right side view being the same;  
FIG. 3 is a top view thereof; and,  
FIG. 4 is a bottom view thereof.  
In the drawings, the broken lines represent environmental structure forming no part of the claim.

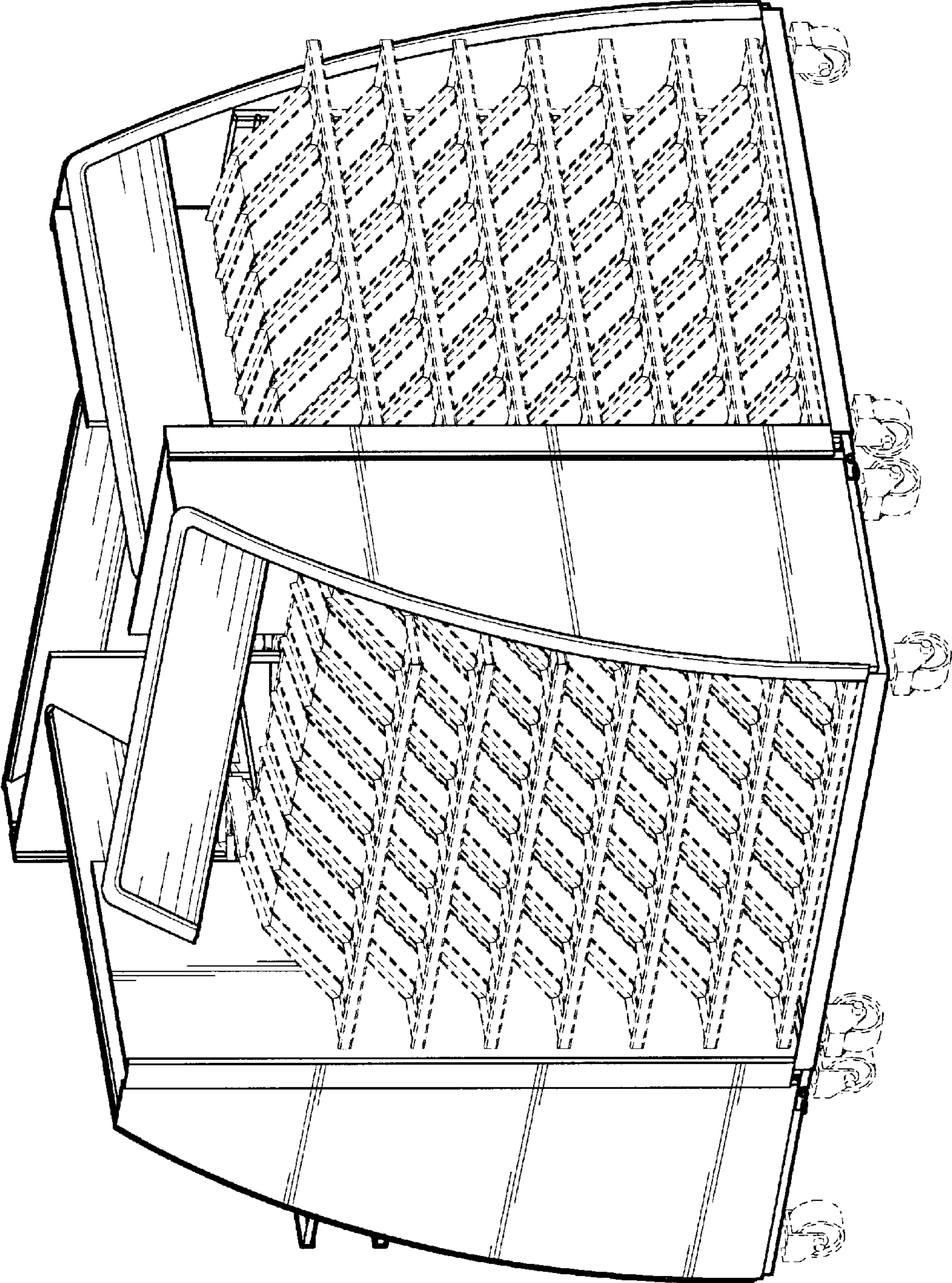
**1 Claim, 4 Drawing Sheets**



U.S. PATENT DOCUMENTS

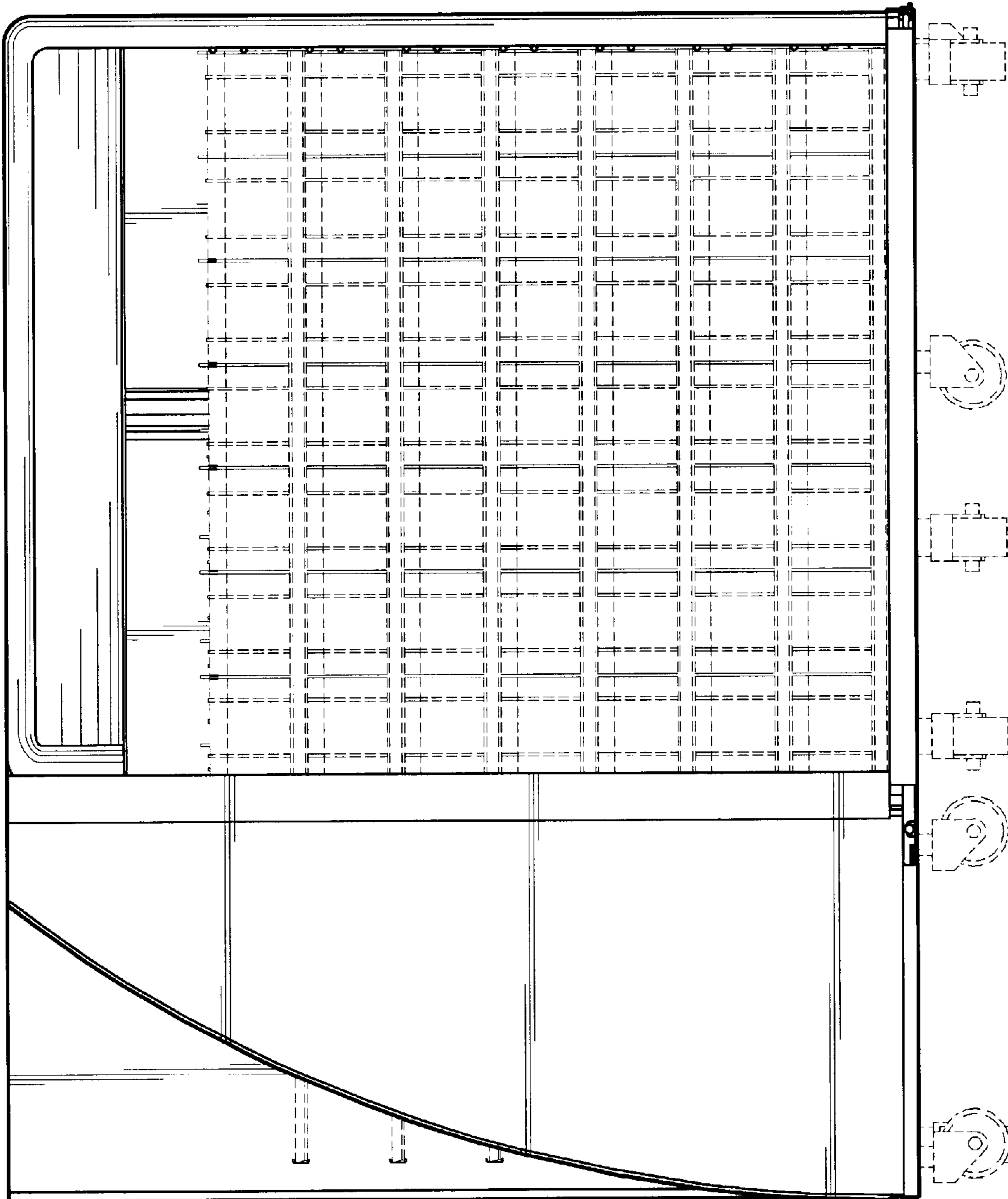
3,019,907 A	*	2/1962	Belejack .....	211/59.2	D312,717 S	12/1990	Yau Kee
D193,821 S		10/1962	Jones et al.		4,991,804 A	2/1991	Iannucci
3,085,694 A		4/1963	Jones		5,119,944 A	6/1992	Milton
3,115,106 A		12/1963	Gersch		5,137,340 A	8/1992	Cugley et al.
D198,611 S		7/1964	Brach et al.		D330,301 S	10/1992	Ugalde
3,141,555 A		7/1964	Funke et al.		D335,785 S	5/1993	Winter et al.
3,201,883 A		8/1965	Schleisner-Meyer		D338,788 S	8/1993	Evans
3,232,442 A		2/1966	Wilson		D344,419 S	2/1994	Stoddard
3,285,620 A		11/1966	Mitty et al.		5,295,591 A	3/1994	Slater
3,292,942 A		12/1966	Mitty et al.		5,299,698 A	4/1994	Gay
3,334,952 A		8/1967	Brach		D349,594 S	8/1994	Bonazza
3,352,615 A		11/1967	Sandin		5,351,839 A	10/1994	Beeler et al.
3,356,433 A		12/1967	Theodores		D352,147 S	11/1994	Dyment et al.
3,438,508 A		4/1969	Kuns et al.		D353,284 S	* 12/1994	Greenwald ..... D6/457
3,499,539 A		3/1970	Fisher		5,383,562 A	1/1995	Gay
D217,517 S		5/1970	Platt et al.		D361,454 S	8/1995	Compton et al.
3,576,259 A		4/1971	Leath		5,588,541 A	12/1996	Goetz
3,680,712 A		8/1972	Jurasek		5,593,048 A	1/1997	Johnson
3,687,091 A		8/1972	Boylan		5,607,068 A	3/1997	Coretti, Jr. et al.
3,873,115 A		3/1975	Shiflet		5,697,505 A	12/1997	Sprague
3,877,764 A		4/1975	Hillier, Jr.		D389,656 S	1/1998	Connor et al.
D235,295 S		6/1975	Junion		5,711,438 A	1/1998	Smith
D238,128 S		12/1975	Marquette et al.		D391,420 S	3/1998	Connor et al.
D249,273 S		9/1978	Day		5,732,834 A	3/1998	Wells
4,164,287 A		8/1979	Muller et al.		D394,966 S	6/1998	Connor et al.
D256,199 S		8/1980	Burke et al.		D395,769 S	7/1998	Reeves
D259,161 S		5/1981	Thauer		D398,460 S	9/1998	Gerstner
4,270,661 A		6/1981	Rosenband		D400,030 S	10/1998	Wetzel
4,299,327 A		11/1981	Thauer		5,836,455 A	11/1998	Connor et al.
4,368,804 A		1/1983	Cole		5,848,798 A	12/1998	Halvorson, Jr. et al.
4,369,887 A		1/1983	Emery		D403,537 S	1/1999	Connor et al.
4,416,380 A		11/1983	Flum		D406,707 S	3/1999	Battaglia
4,433,881 A		2/1984	Witten et al.		D419,338 S	* 1/2000	Battaglia ..... D6/473
4,444,322 A		4/1984	Lee		D425,332 S	5/2000	Buchanan et al.
4,506,790 A		3/1985	Muscari		6,105,796 A	8/2000	Buchanan et al.
4,519,319 A		5/1985	Howlett		D436,266 S	1/2001	Buchanan et al.
D280,790 S		10/1985	Kooy		D436,787 S	1/2001	London
4,574,863 A		3/1986	Coleman et al.		6,170,678 B1	1/2001	de la Fuente
4,583,619 A		4/1986	Fry		D438,399 S	3/2001	Caloia et al.
4,605,130 A		8/1986	Taub		D450,483 S	11/2001	Chang et al.
D285,852 S		9/1986	Clark		D450,485 S	11/2001	Buchanan et al.
D287,319 S		12/1986	Ugalde		D451,305 S	12/2001	Chang et al.
D289,838 S		5/1987	Taub		D451,707 S	12/2001	Chang et al.
4,705,175 A		11/1987	Howard et al.		6,328,170 B1	12/2001	Lee
4,753,341 A		6/1988	McIntyre		6,375,285 B1	4/2002	Choi
D296,630 S		7/1988	Renold et al.		D457,751 S	5/2002	Stafford et al.
D297,084 S		8/1988	Silver		6,427,857 B1	8/2002	Adams et al.
4,762,235 A		8/1988	Howard et al.		6,443,542 B1	9/2002	Lindquist et al.
4,785,945 A		11/1988	Rowse et al.		6,467,856 B1	* 10/2002	Chang et al. .... 312/108
4,801,023 A		1/1989	Ecclestone		6,561,365 B2	5/2003	Bustos
D300,072 S	*	2/1989	Price et al. ....	D34/21	6,659,294 B1	12/2003	Simard
4,844,565 A		7/1989	Brafford et al.		D486,324 S	* 2/2004	Mason ..... D6/473
D305,710 S		1/1990	Ng et al.		6,877,618 B2	* 4/2005	Mason ..... 211/59.2
D306,382 S		3/1990	Glassenberg		2002/0130098 A1	9/2002	Simard
4,925,038 A		5/1990	Gajewski		2003/0160011 A1	8/2003	Langtry
D311,289 S		10/1990	Wilson et al.		2003/0164663 A1	9/2003	Chang et al.
D311,464 S		10/1990	Prendergast		2004/0020878 A1	2/2004	Boron
D311,465 S		10/1990	Prendergast				
D311,467 S		10/1990	Prendergast et al.				

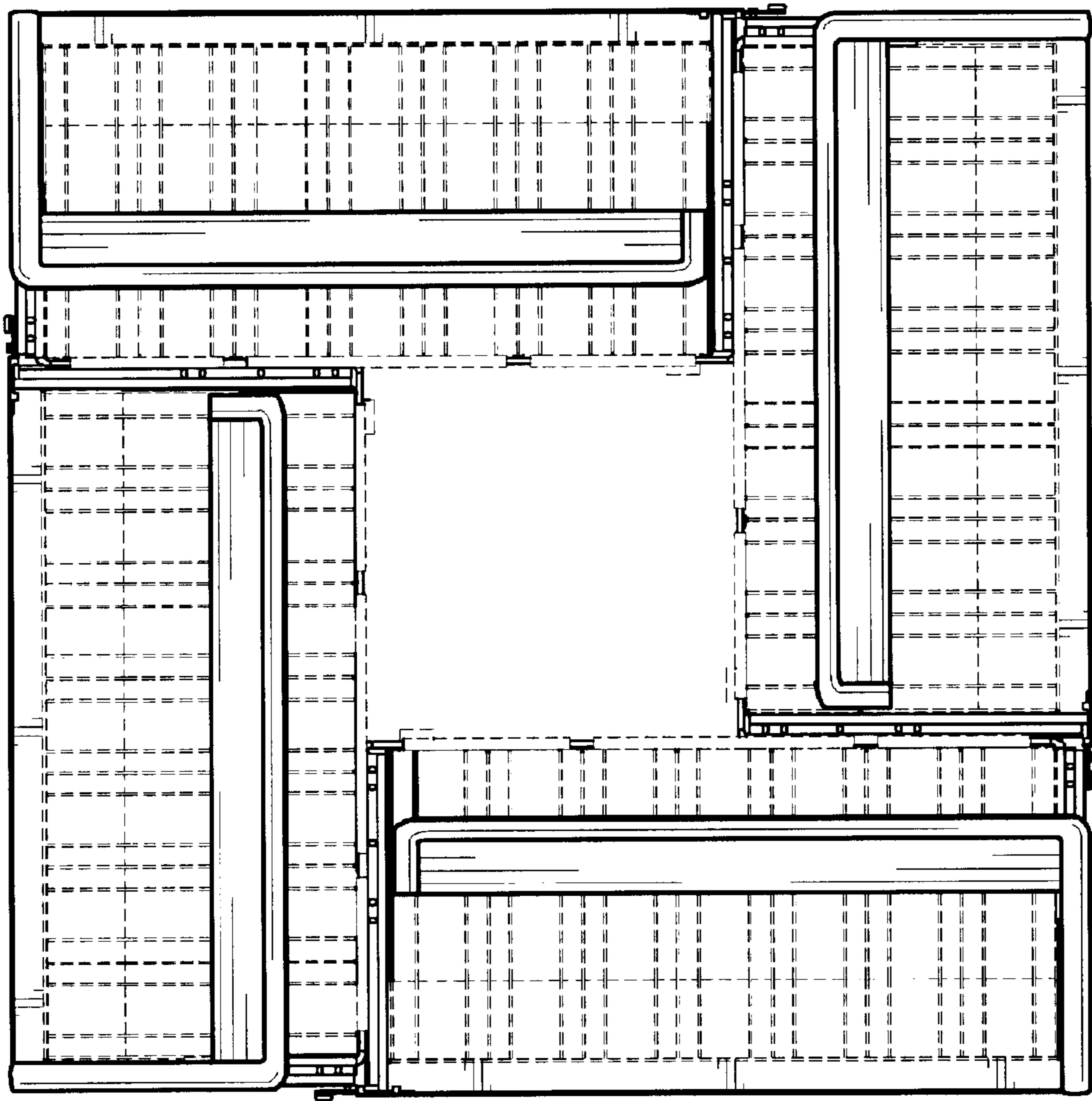
\* cited by examiner



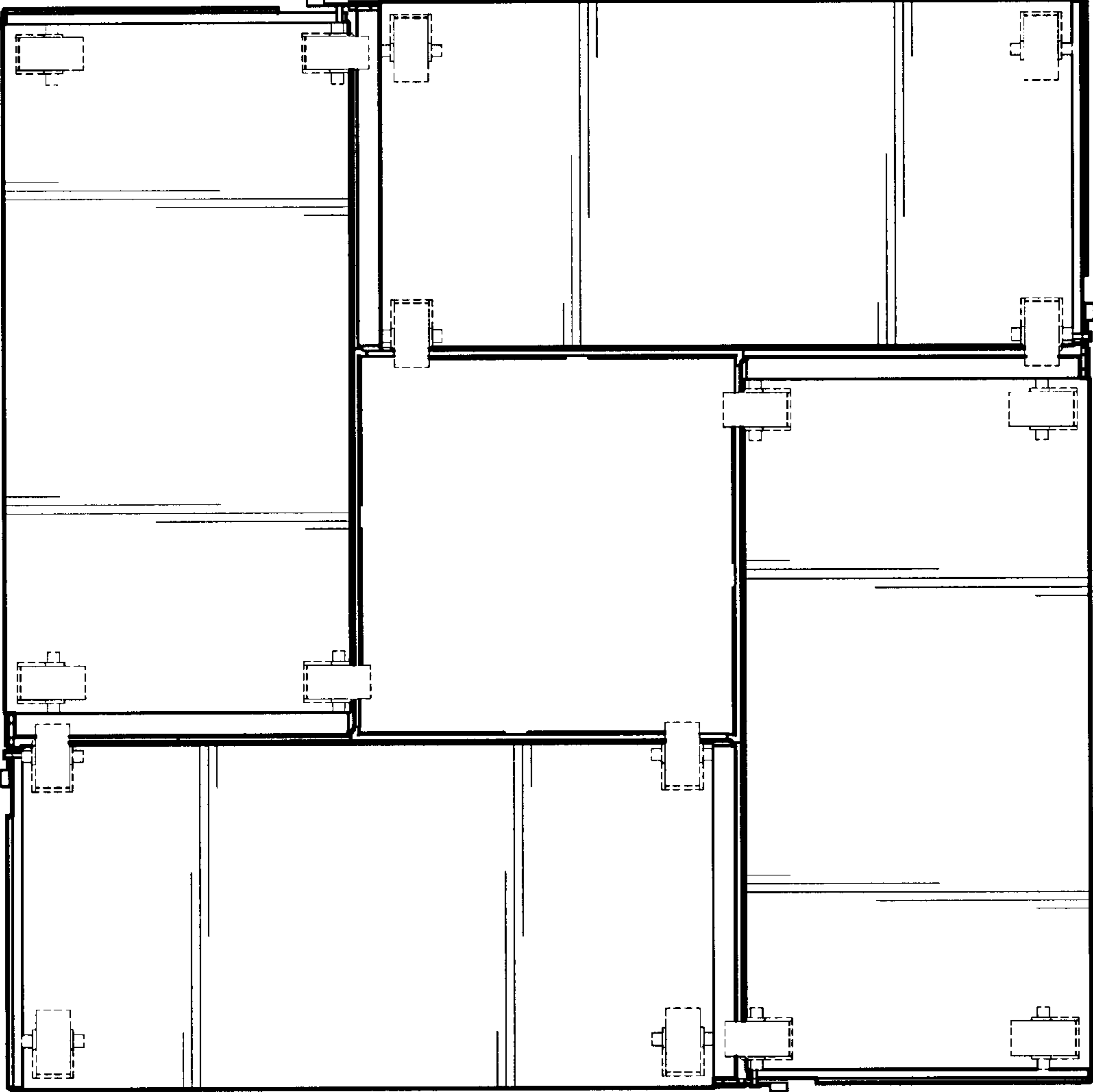
**FIG-1**

**FIG - 2**





**FIG - 3**



**FIG - 4**