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(12) **United States Design Patent** (10) **Patent No.:** **US D541,482 S**
Le Gette et al. (45) **Date of Patent:** **** Apr. 24, 2007**

(54) **EAR WARMER HAVING AN EXTERNAL FRAME**

CN 2291138 Y 9/1998
DE 2516709 A1 10/1976
DE 3231218 A1 2/1984

(75) Inventors: **Brian E. Le Gette**, Baltimore, MD (US); **David L. Reeb**, Columbia, MD (US); **Alan S. Tipp**, Ellicott City, MD (US); **Justin Saul Werner**, Millersville, MD (US)

(Continued)

(73) Assignee: **180s, Inc.**, Baltimore, MD (US)

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

(21) Appl. No.: **29/201,219**

(22) Filed: **Mar. 12, 2004**

OTHER PUBLICATIONS

U.S. Appl. No. 10/335,930, filed Jan. 3, 2003, Le Gette et al. 1999–2000 Catalog, “Accessory Goods,” Nitty Company, Ltd., 4 pgs.

Advertisement: The “PODZ” ear warming eye glass retainer, Shred Alert Products of Hood River, Oregon, 5 pgs.

U.S. Appl. No. 29/201,175, Le Gette et al.

U.S. Appl. No. 29/201,220, Le Gette et al.

(Continued)

Related U.S. Application Data

Primary Examiner—Ruth McInroy

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(74) *Attorney, Agent, or Firm*—Cooley Godward Kronish LLP

(51) **LOC (8) Cl.** **29-02**

(52) **U.S. Cl.** **D29/112**

(58) **Field of Classification Search** None
See application file for complete search history.

(57) **CLAIM**

The ornamental design for an ear warmer having an external frame, as shown and described.

(56) **References Cited**

DESCRIPTION

U.S. PATENT DOCUMENTS

FIG. 1 is a perspective view of an ear warmer having an external frame showing our new design;

FIG. 2 is a top view of the ear warmer of FIG. 1;

FIG. 3 is a bottom view of the ear warmer of FIG. 1;

FIG. 4 is a front view of the ear warmer of FIG. 1;

FIG. 5 is a rear view of the ear warmer of FIG. 1;

FIG. 6 is a left side view of the ear warmer of FIG. 1; and,

FIG. 7 is a right side view of the ear warmer frame of FIG. 1.

138,894	A	5/1873	Isidor
139,831	A	6/1873	Stone
183,359	A	10/1876	Abbott
188,292	A	3/1877	Greenwood
360,985	A	4/1887	Basch
365,061	A	6/1887	Friedman

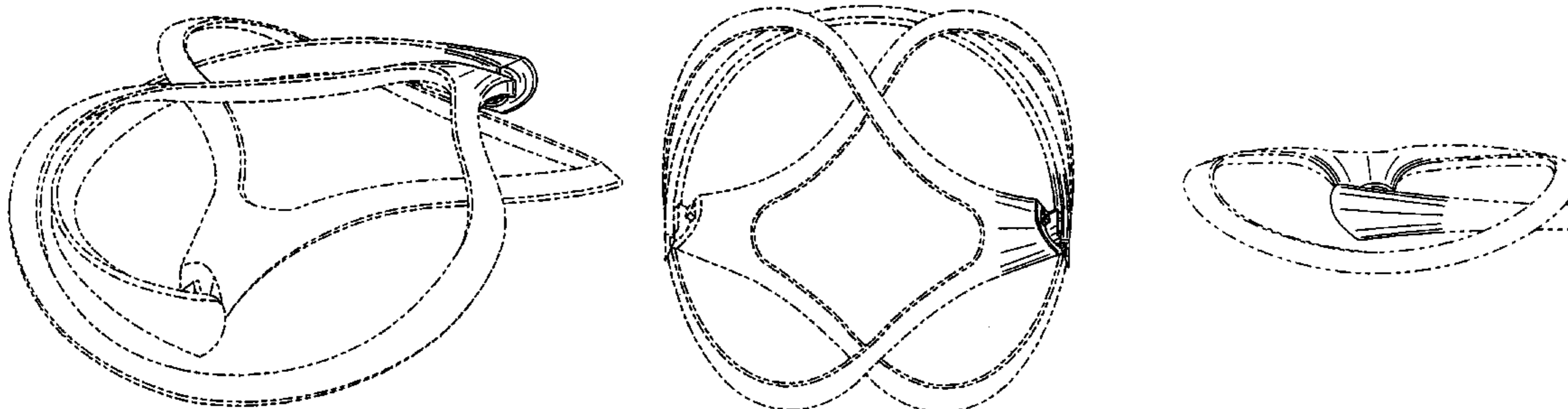
The broken lines in the figures merely illustrate the environment for the ear warmer of the present design and therefore form no part of the claimed design.

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FOREIGN PATENT DOCUMENTS

CA	2180036	1/1997
CH	294003	1/1954

1 Claim, 4 Drawing Sheets



US D541,482 S

U.S. PATENT DOCUMENTS							
548,738	A	10/1895	Ballard	4,660,229	A	4/1987	Harris
804,731	A	11/1905	Keller	4,662,590	A	5/1987	Hungerford, Jr.
836,087	A	11/1906	Callahan	4,669,129	A	6/1987	Chance
869,741	A	10/1907	Seitzman	4,670,911	A	6/1987	Dunford
932,487	A	8/1909	Melio	4,682,374	A	7/1987	Geiser
953,623	A	3/1910	Keller	4,713,843	A	12/1987	Duncan
1,167,368	A	4/1916	Adams-Randall	4,727,599	A	2/1988	Rappaport et al.
1,179,473	A	4/1916	Taylor	4,747,145	A	5/1988	Wiegel
1,274,842	A	8/1918	Basch	4,776,042	A	10/1988	Hanson et al.
1,326,875	A	12/1919	Miller	4,776,044	A	10/1988	Makins
1,398,958	A	12/1921	Basch	4,783,822	A	11/1988	Toole et al.
1,567,105	A	12/1925	Bohlman	4,791,684	A	12/1988	Schwartz
1,577,183	A	3/1926	Dowiarz	4,796,307	A	1/1989	Vantine
1,628,483	A	5/1927	Wiegand et al.	4,802,245	A	2/1989	Miano
1,988,880	A	1/1935	Strouse	D301,477	S	6/1989	Storyk
2,070,216	A	2/1937	Rosenberg	4,858,248	A	8/1989	Goldsmith et al.
2,216,954	A	10/1940	McDonough	4,864,619	A	9/1989	Spates
2,246,031	A	6/1941	Baritz et al.	4,872,219	A	10/1989	Duncan
2,314,782	A	3/1943	Goretsky	4,907,266	A	3/1990	Chen
2,333,392	A	11/1943	Rosenzweig	4,918,757	A	4/1990	Janssen et al.
2,378,398	A	6/1945	Fiedler	4,982,451	A	1/1991	Graham
2,405,326	A	8/1946	Plotsky	5,003,589	A	3/1991	Chen
2,420,245	A	5/1947	Hurst	5,033,094	A	7/1991	Hung
2,437,049	A	3/1948	Salisbury et al.	5,038,412	A	8/1991	Cionni
2,532,852	A	12/1950	Oaks	5,046,192	A	9/1991	Ryder
2,582,907	A	1/1952	Kaufmann	5,052,194	A	10/1991	Jarus
2,586,644	A	2/1952	Gilbert	5,086,789	A	2/1992	Tichy
2,615,169	A	* 10/1952	Maxant 2/209	5,117,464	A	5/1992	Jones et al.
2,651,046	A	9/1953	Berg	5,117,465	A	5/1992	MacDonald
2,671,221	A	3/1954	Triplett	5,164,987	A	11/1992	Raven
2,717,930	A	9/1955	Hintz	5,201,856	A	4/1993	Edwards
2,776,436	A	1/1957	Berg	5,257,420	A	11/1993	Byrne, Jr.
2,858,544	A	11/1958	Roth	5,303,426	A	4/1994	Jones
2,899,683	A	8/1959	Wadsworth et al.	5,327,178	A	7/1994	McManigal
2,946,860	A	7/1960	Jansen et al.	5,339,467	A	8/1994	Brinkley
3,087,028	A	4/1963	Bonnin	5,357,585	A	10/1994	Kumar
3,104,398	A	9/1963	Palmaer	5,509,146	A	4/1996	Bryerton, Sr.
3,112,493	A	12/1963	Greenberg	5,528,774	A	6/1996	Sanders
3,119,119	A	1/1964	Millinger et al.	5,545,859	A	8/1996	Ullrich
3,156,923	A	11/1964	Timm	5,551,089	A	9/1996	Whidden
3,249,949	A	5/1966	Rosenberg et al.	5,551,090	A	9/1996	Thompson
3,308,480	A	3/1967	Elder	D375,825	S	* 11/1996	Whidden D2/866
3,311,713	A	3/1967	Knuebel	5,617,589	A	4/1997	Lacore et al.
3,440,663	A	4/1969	Beguín	5,625,903	A	5/1997	Schultz et al.
3,447,160	A	6/1969	Teder	5,673,438	A	10/1997	Lambert
3,509,580	A	5/1970	Rubenstein et al.	5,691,515	A	11/1997	Landis
3,721,993	A	3/1973	Lonnstedt	D390,564	S	2/1998	Savona
3,728,741	A	4/1973	Lepor	5,718,001	A	2/1998	Wright
3,787,899	A	1/1974	Krawagna	5,724,119	A	3/1998	Leight
3,841,325	A	10/1974	Pickard	5,749,099	A	5/1998	Voorhees
3,944,018	A	3/1976	Satory	5,793,878	A	8/1998	Chang
4,065,176	A	12/1977	Fontana	5,821,468	A	10/1998	Urella et al.
4,277,847	A	7/1981	Florio	5,835,609	A	* 11/1998	LeGette et al. 381/385
4,349,081	A	9/1982	Pepple	5,860,166	A	1/1999	Ritts
4,391,000	A	7/1983	Lonnstedt	5,887,286	A	3/1999	Waldron
4,404,434	A	9/1983	Pelt et al.	5,898,945	A	5/1999	Weiser
4,409,442	A	10/1983	Kamimura	5,943,703	A	8/1999	Avila, Jr.
4,445,005	A	4/1984	Furuhashi	5,953,434	A	9/1999	Boyden
4,455,457	A	6/1984	Akira	6,016,574	A	1/2000	Chen
4,463,223	A	7/1984	Yamanoi et al.	6,029,282	A	2/2000	Buschman
4,471,496	A	9/1984	Gardner, Jr. et al.	6,055,672	A	5/2000	Natvig
4,486,903	A	12/1984	Krystal	6,065,157	A	5/2000	Felman
4,499,593	A	2/1985	Antle	6,104,824	A	8/2000	Ito
4,516,274	A	5/1985	Buckland	6,148,446	A	11/2000	Leight
4,542,803	A	9/1985	Houng	6,332,223	B1	12/2001	Le Gette et al.
4,546,215	A	10/1985	Ferraro	6,377,697	B1	4/2002	Cheng
4,571,746	A	2/1986	Görike	6,499,146	B2	* 12/2002	Bavetta et al. 2/209
4,615,185	A	10/1986	Bollinger	6,502,247	B2	1/2003	Le Gette et al.
4,633,530	A	1/1987	Satterfield	6,502,248	B2	1/2003	LeGette et al.
4,654,898	A	4/1987	Ishikawa	D473,539	S	4/2003	O'Leary
				6,580,800	B1	6/2003	Yamasaki et al.

6,735,784	B2 *	5/2004	Isom et al.	2/209	JP	63-20232	6/1988
6,744,901	B2	6/2004	Ito et al.		JP	63-21972	8/1989
2003/0088905	A1	5/2003	Bavetta et al.		JP	6-41720	6/1994
2004/0005071	A1	1/2004	Sidkin et al.		JP	6-351090 A	12/1994
2004/0187192	A1	9/2004	Isom et al.		JP	10-079994	3/1998
2005/0034216	A1	2/2005	Le Gette et al.		JP	10-85251	4/1998
2005/0034217	A1	2/2005	Healy et al.		JP	11-229223	8/1999
2005/0034218	A1	2/2005	Le Gette et al.		JP	10257581	8/2000
2005/0036643	A1	2/2005	Le Gette et al.		JP	2002-11036 A	1/2002
2005/0241047	A1	11/2005	Dean et al.		KR	20-0226271	6/2001
2005/0246815	A1	11/2005	Le Gette et al.		KR	20-0314976	6/2003

FOREIGN PATENT DOCUMENTS

DE	4422767	A1	1/1996
DE	29800973	U1	4/1998
DE	29812652	U1	3/1999
EP	0745364	A2	4/1996
FR	1 353 524		1/1964
FR	2538204	A1	12/1982
FR	2 532 838	A1	3/1984
FR	2 536 253	A	5/1984
GB	1327614		8/1973
GB	2062478	A	5/1981
GB	2320885	A	7/1998
GB	2339642	A	2/2000
JP	47-19024		11/1972
JP	48-75626		9/1973
JP	53-143627		11/1978
JP	57-11884		1/1982
JP	57-205216		12/1982
JP	58-15618		1/1983
JP	58-138484		9/1983
JP	59-129815		8/1984
JP	60-29141		2/1985
JP	60-244188	A	12/1985
JP	62-21016		2/1987

KR	30-0336877		11/2003
WO	WO 92/17079		10/1992
WO	WO 97/17079		10/1992
WO	WO 94/09734		5/1994
WO	WO 97/48296		12/1997
WO	WO 98/07062		2/1998
WO	WO 98/31314		7/1998
WO	WO 01/76402	A1	10/2001
WO	WO 02/083044		10/2002
WO	WO 09/083044		10/2002
WO	WO 03/086124		10/2003

OTHER PUBLICATIONS

Chicago Tribune article entitled "Winter From Head to Toe Lend an Ear to the Tale of This Intrepid Inventor," by Sid Moody, Feb. 16, 1988, 4 pgs.

"History of the United States Patent Office—The Patent Office Pony—A History of the Early Patent Office", by Kenneth W. Dobyns, 1994, (Introductory Material—3 pgs.; Chapter 29—4 pgs.; and Sources and Annotations—40 pgs.).

* cited by examiner

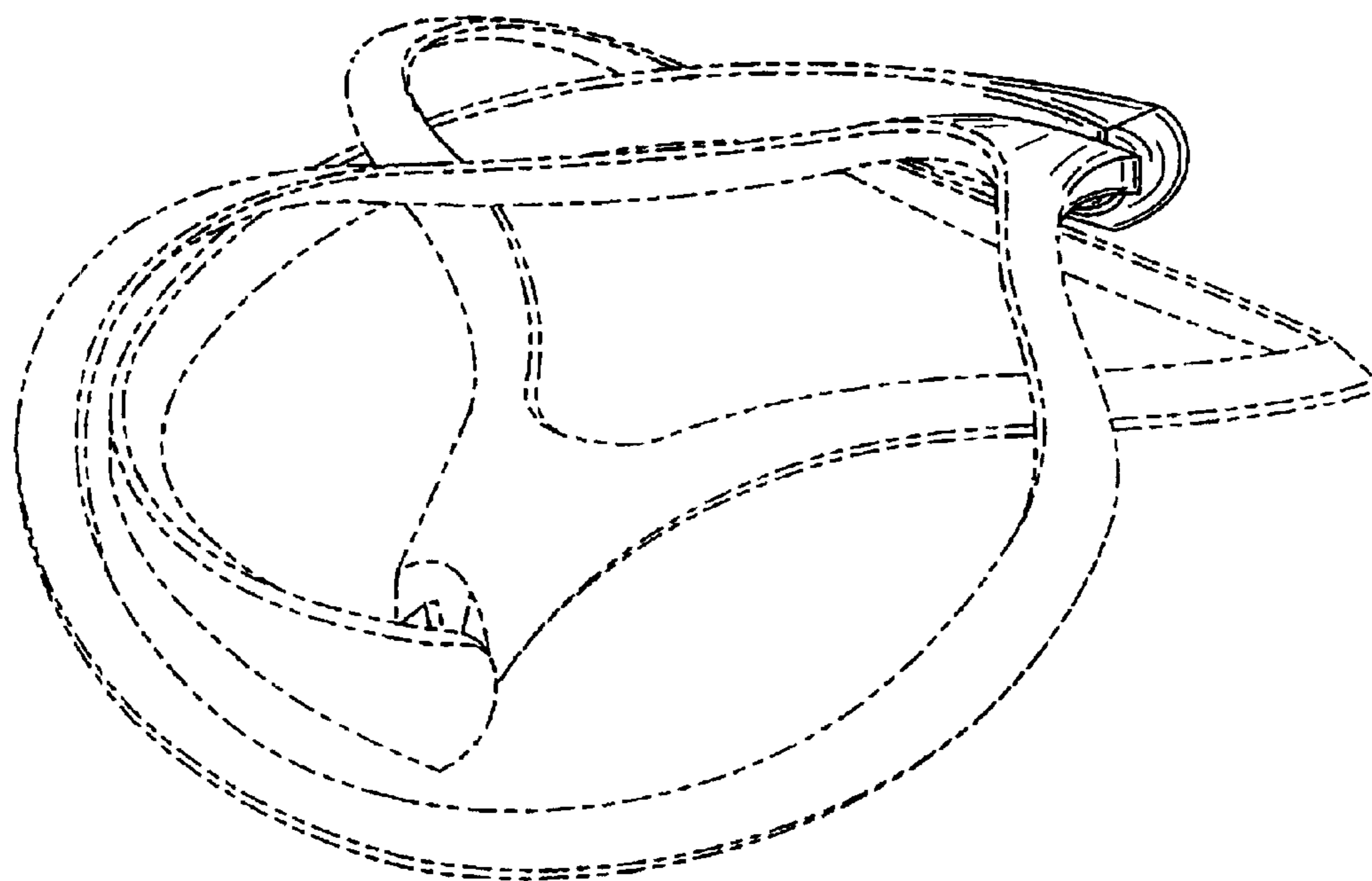


FIG. 1

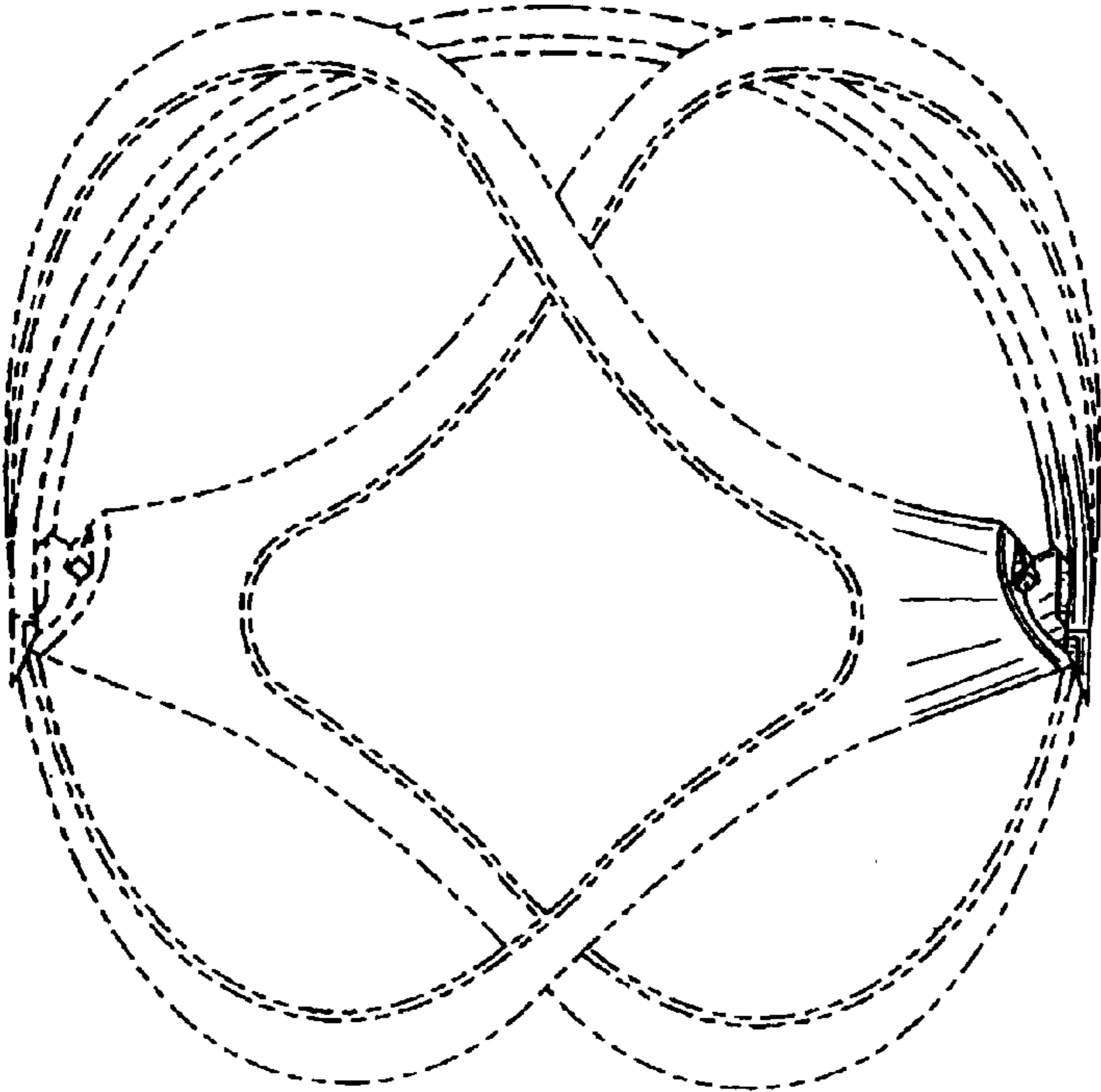


FIG. 2

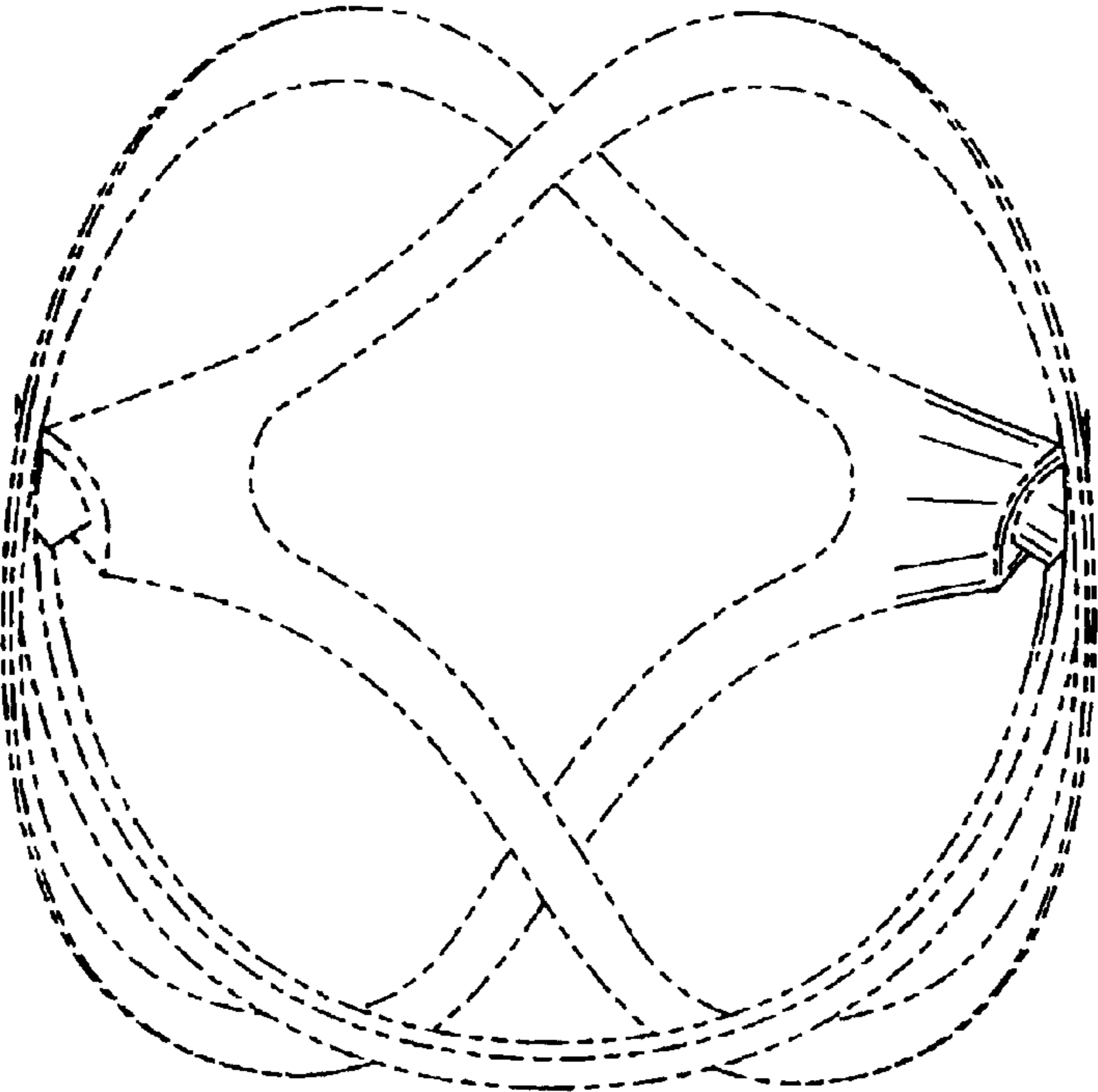


FIG. 3

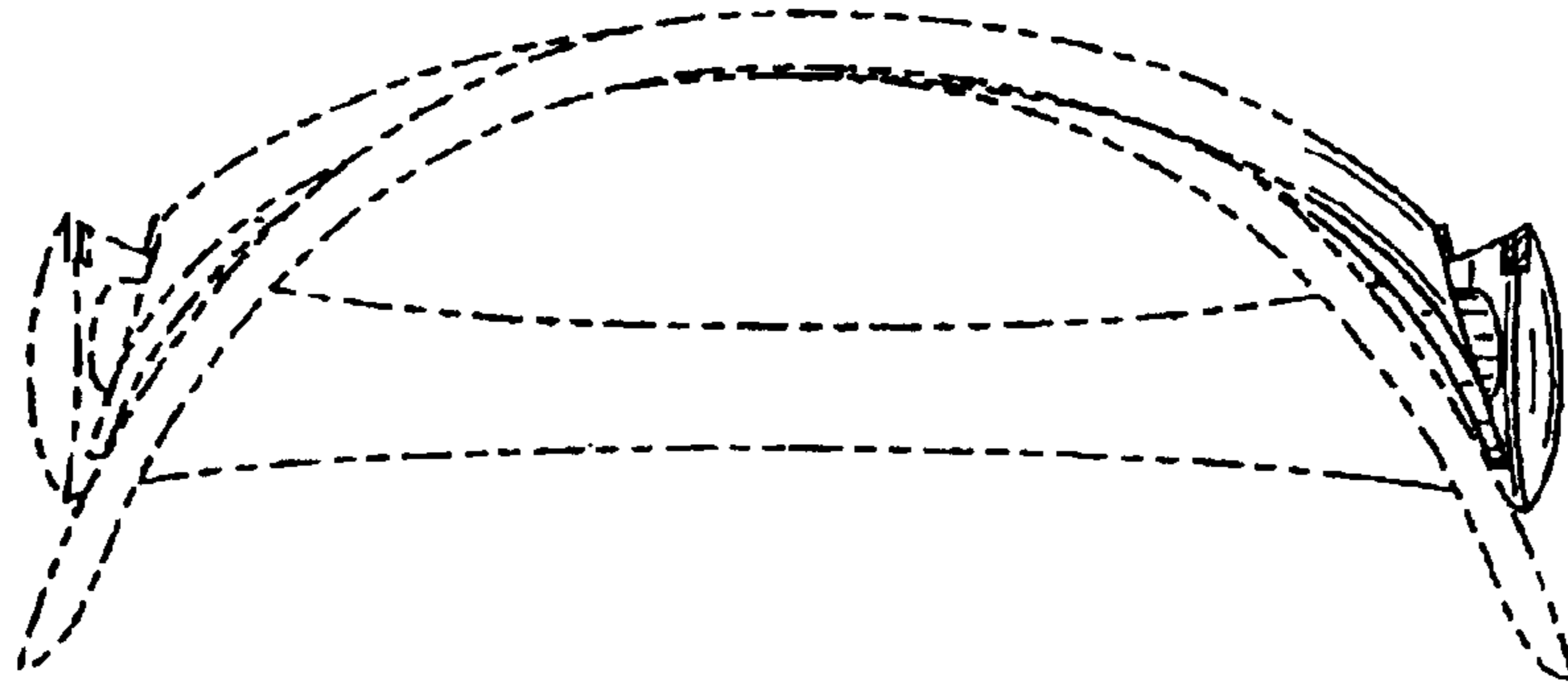


FIG. 4

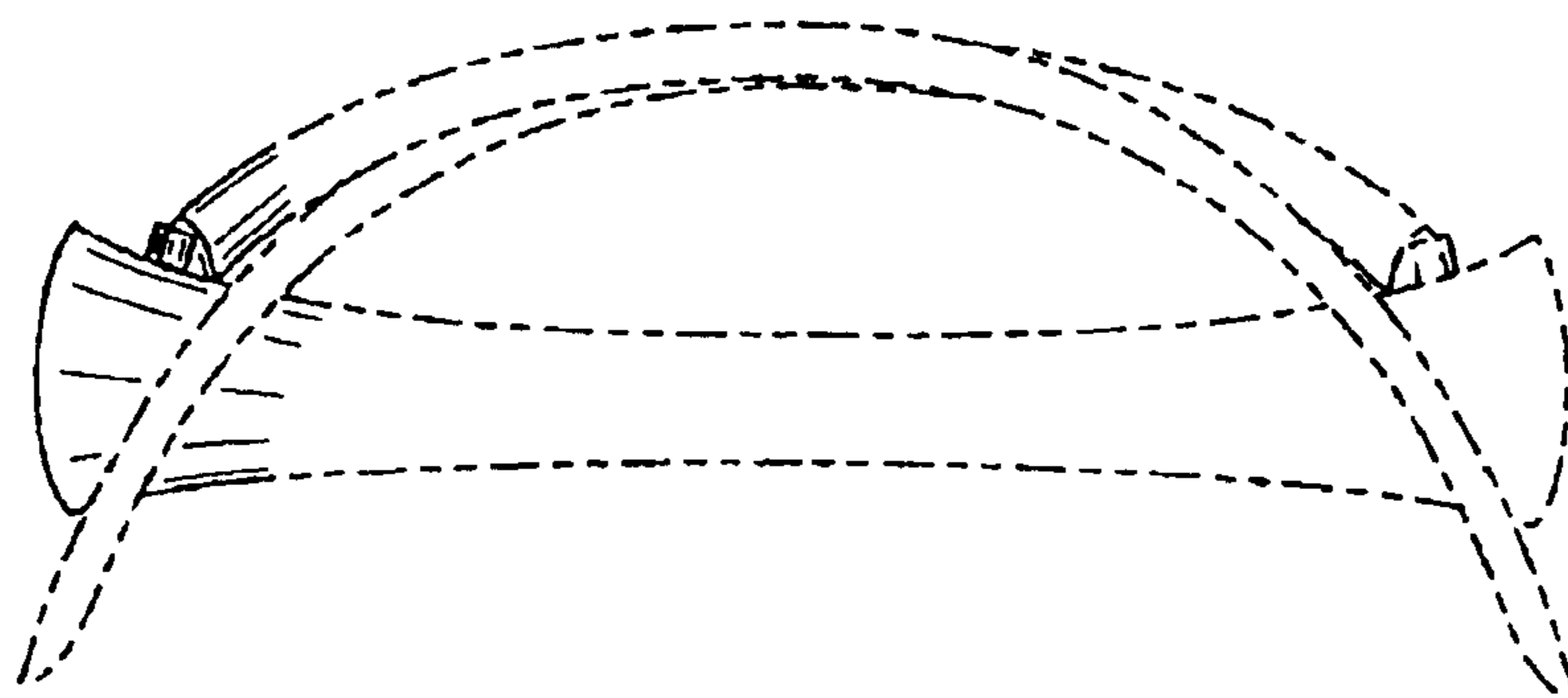


FIG. 5

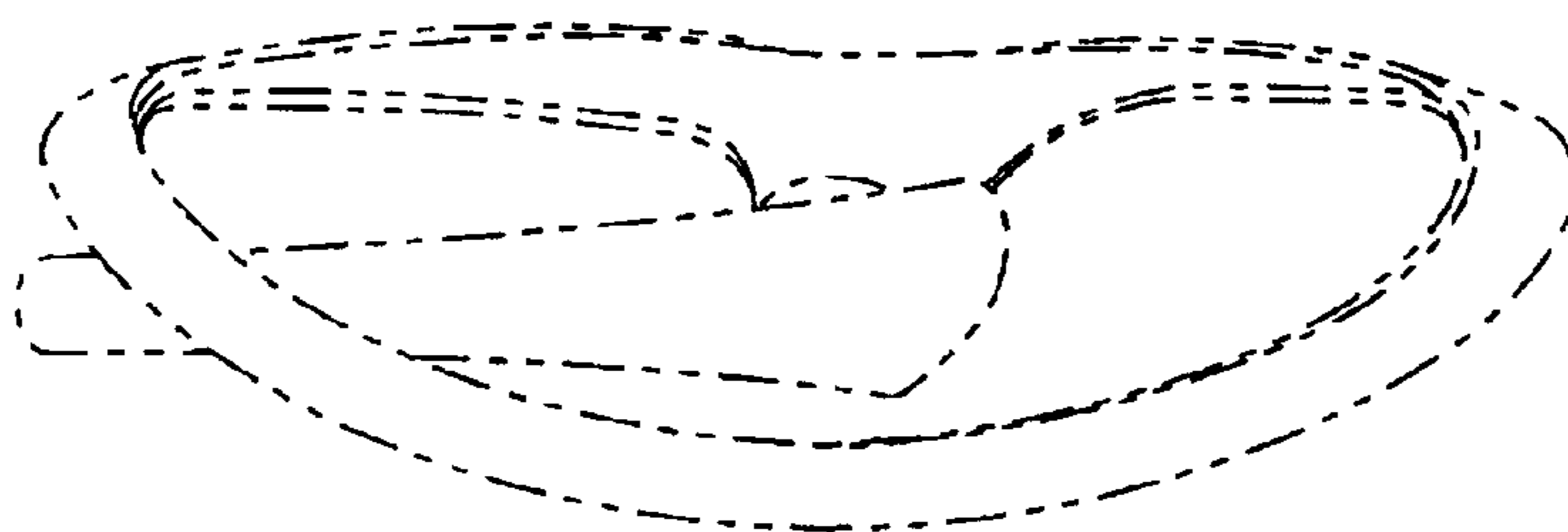


FIG. 6

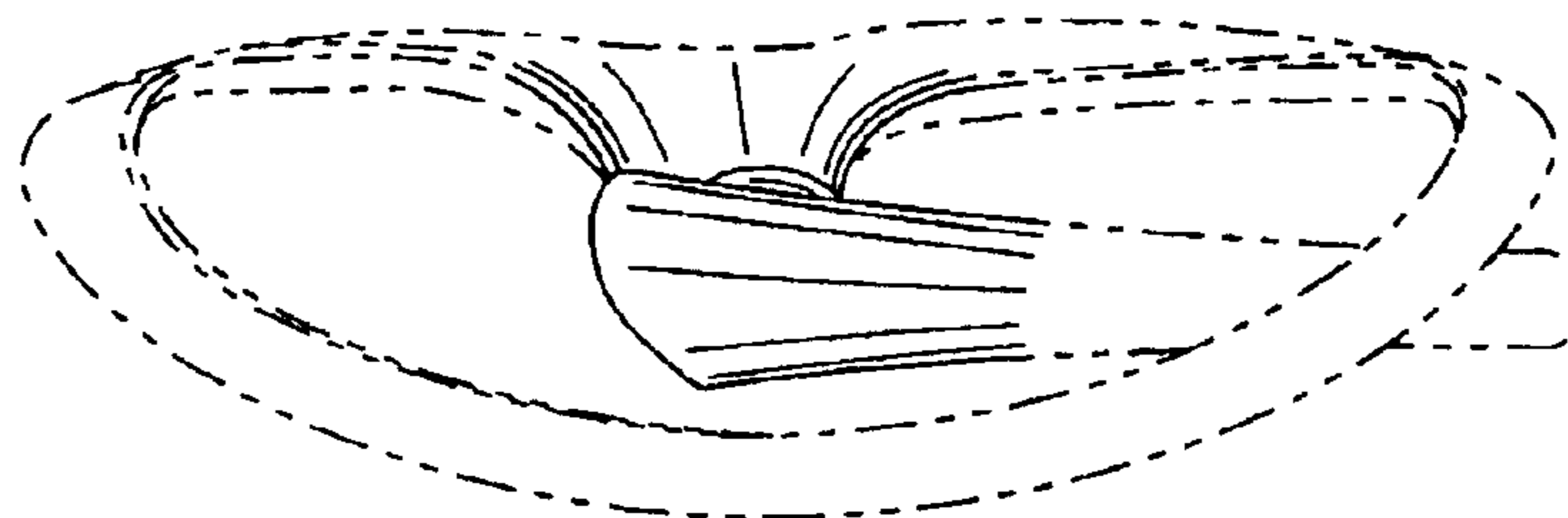


FIG. 7