

US00D545366S

(12) **United States Design Patent** (10) **Patent No.:** **US D545,366 S**  
**Ternovits** (45) **Date of Patent:** **\*\* Jun. 26, 2007**

(54) **PEN AND CAP**  
(75) Inventor: **Scott Ternovits**, Chicago, IL (US)  
(73) Assignee: **OMX, Inc.**, Naperville, IL (US)  
(\*\*) Term: **14 Years**  
(21) Appl. No.: **29/254,075**  
(22) Filed: **Feb. 15, 2006**

D446,242 S 8/2001 Stukenkemper  
D452,271 S 12/2001 Owen et al.  
D452,878 S 1/2002 Candelora et al.

(Continued)

**OTHER PUBLICATIONS**

Specialty Warehouse website, <http://promoplace.com/logoclick>, advertisement for Ballpoint Magnet Pen, 2005 Quick Technologies, Inc., 2 pages (publication date unknown).

*Primary Examiner*—Elizabeth A. Albert  
(74) *Attorney, Agent, or Firm*—Klarquist Sparkman, LLP

(51) **LOC (8) Cl.** ..... **19-06**  
(52) **U.S. Cl.** ..... **D19/51**  
(58) **Field of Classification Search** ..... D19/35,  
D19/36, 41-51, 53-57; 24/11 R, 11 F, 11 P;  
401/52, 99, 100, 104, 105, 106, 107, 108,  
401/109, 192, 195, 196  
See application file for complete search history.

(57) **CLAIM**

The ornamental design for a pen and cap, as shown and described.

**DESCRIPTION**

FIG. 1 is a side elevational view of a pen and cap showing my new design, the opposite side being a mirror image thereof.

FIG. 2 is a bottom plan view of FIG. 1.

FIG. 3 is a top plan view of FIG. 1.

FIG. 4 is a front elevational view of FIG. 1.

FIG. 5 is a front elevational view of the pen of FIG. 1, shown without the cap for convenience of illustration, the rear and left and right sides being the same as the front.

FIG. 6 is a bottom plan view of FIG. 5.

FIG. 7 is a top plan view of FIG. 5.

FIG. 8 is a perspective view of the cap of FIG. 1, shown without the pen for convenience of illustration.

FIG. 9 is a side elevational view of FIG. 8.

FIG. 10 is a top plan view of FIG. 8.

FIG. 11 is a bottom plan view of FIG. 8.

FIG. 12 is a front elevational view of FIG. 8; and,

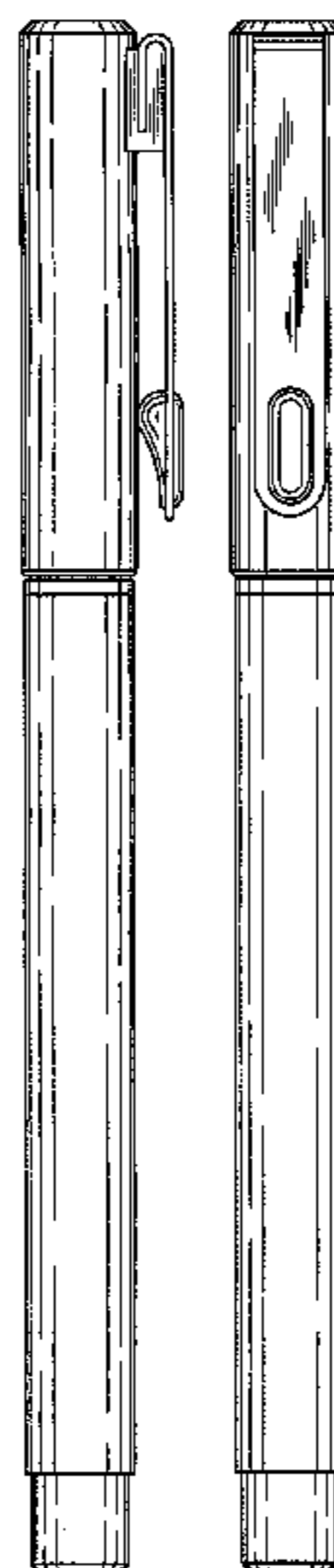
FIG. 13 is a rear elevational view of FIG. 8.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

4,238,162 A	12/1980	Sherwood	
4,341,482 A	7/1982	Wollensak	
D271,212 S *	11/1983	Itoh	D19/48
5,061,105 A *	10/1991	Isoda	401/202
D345,578 S *	3/1994	Zier	D19/48
5,427,464 A *	6/1995	Nakagawa	401/202
D376,817 S *	12/1996	Boix Gacia	D19/51
D400,922 S	11/1998	Sakuno	
D403,704 S	1/1999	Arita	
5,876,136 A *	3/1999	Tsutsumi et al.	401/52
5,897,264 A	4/1999	Baudino	
D414,201 S	9/1999	Larson et al.	
D414,807 S	10/1999	Baudino et al.	
D423,577 S	4/2000	Baudino et al.	
D425,120 S	5/2000	Ramil	
D426,573 S	6/2000	Sekine et al.	
D430,212 S	8/2000	Keda	
D430,609 S	9/2000	Keda	
D440,601 S *	4/2001	Sasaki	D19/43
D441,398 S	5/2001	Owen et al.	
D442,635 S	5/2001	Izushima	
D442,636 S	5/2001	Kobayashi	

**1 Claim, 1 Drawing Sheet**



# US D545,366 S

Page 2

---

## U.S. PATENT DOCUMENTS

D462,716 S	9/2002	Tsuchida et al.	D504,153 S	4/2005	Yang
D464,676 S	10/2002	Leo et al.	D504,698 S	5/2005	Delaney
D472,577 S	4/2003	Sakuno et al.	D506,501 S	6/2005	Qiu
D472,928 S	4/2003	Ikeda	D508,083 S	8/2005	Cetera
D495,362 S	8/2004	Qiu	D508,264 S	8/2005	Losel
D500,793 S	1/2005	Koch	D508,530 S	8/2005	Qiu
D501,882 S	2/2005	Hamilton, Jr. et al.	7,022,973 B2	4/2006	Huang

\* cited by examiner

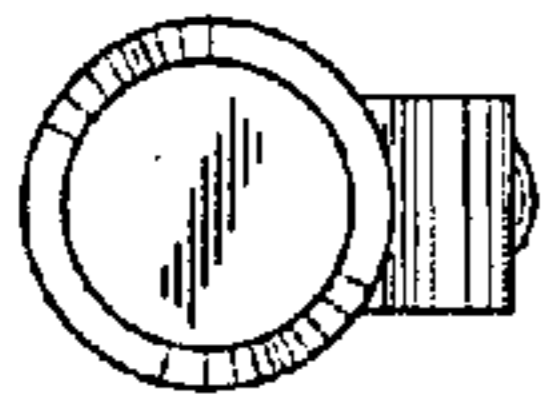


FIG. 3

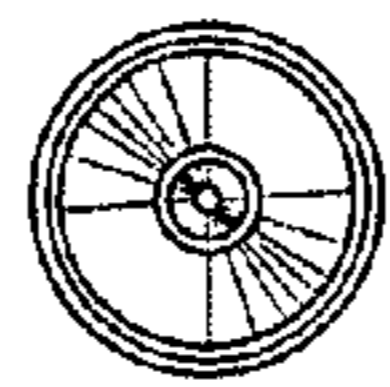


FIG. 7

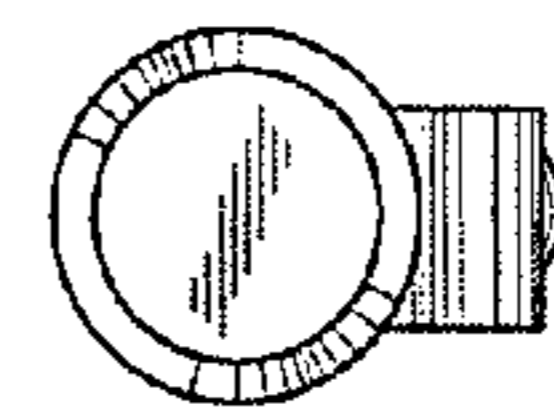


FIG. 10

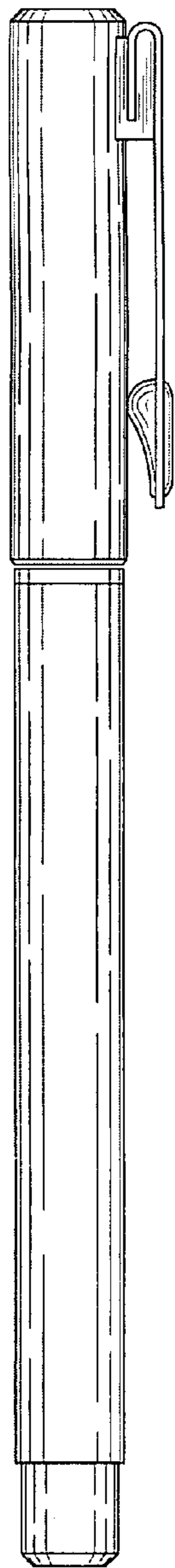


FIG. 1

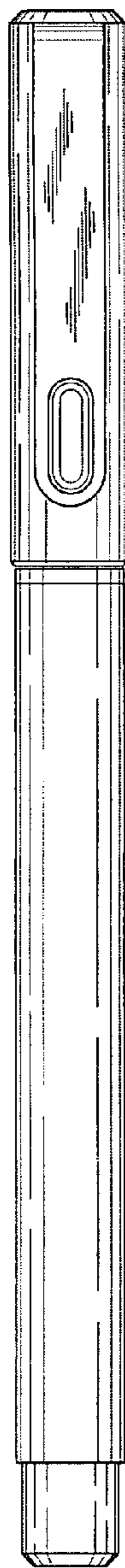


FIG. 4

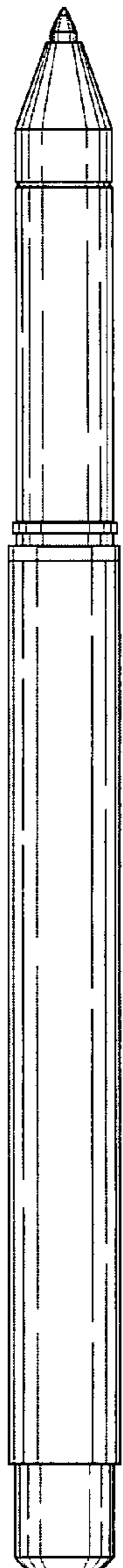


FIG. 5

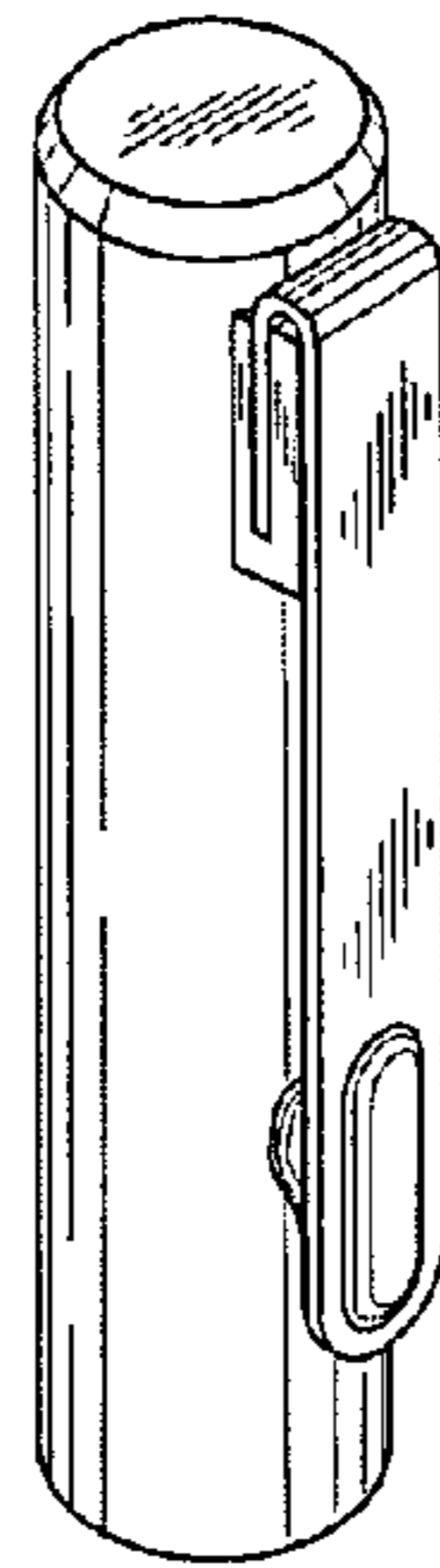


FIG. 8

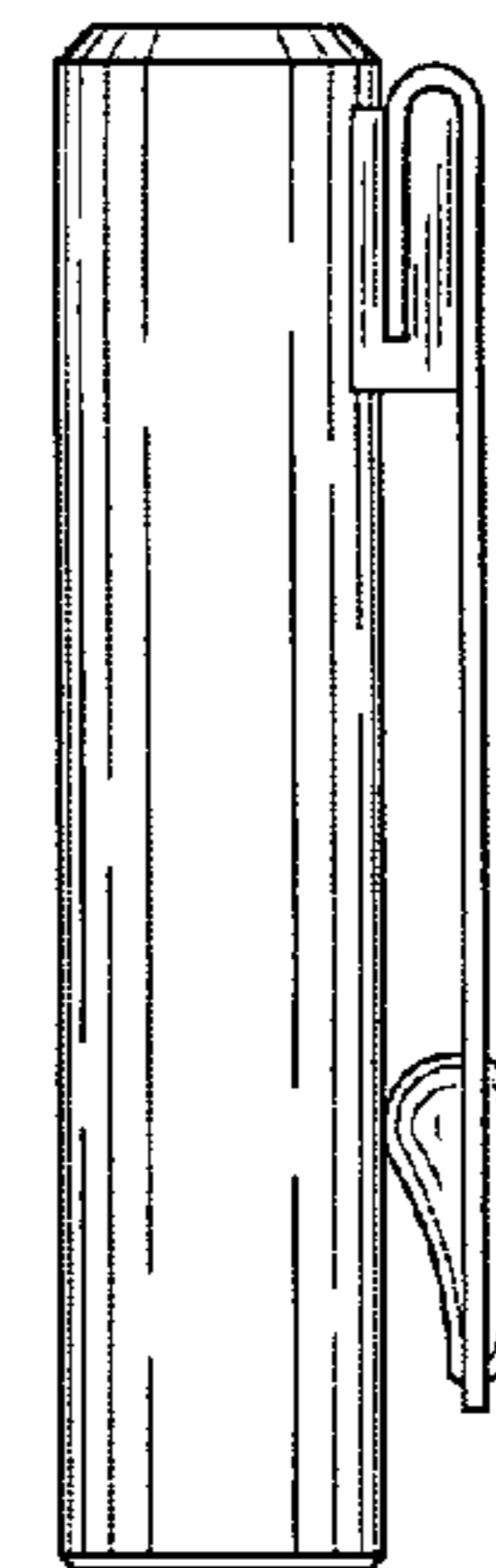


FIG. 9

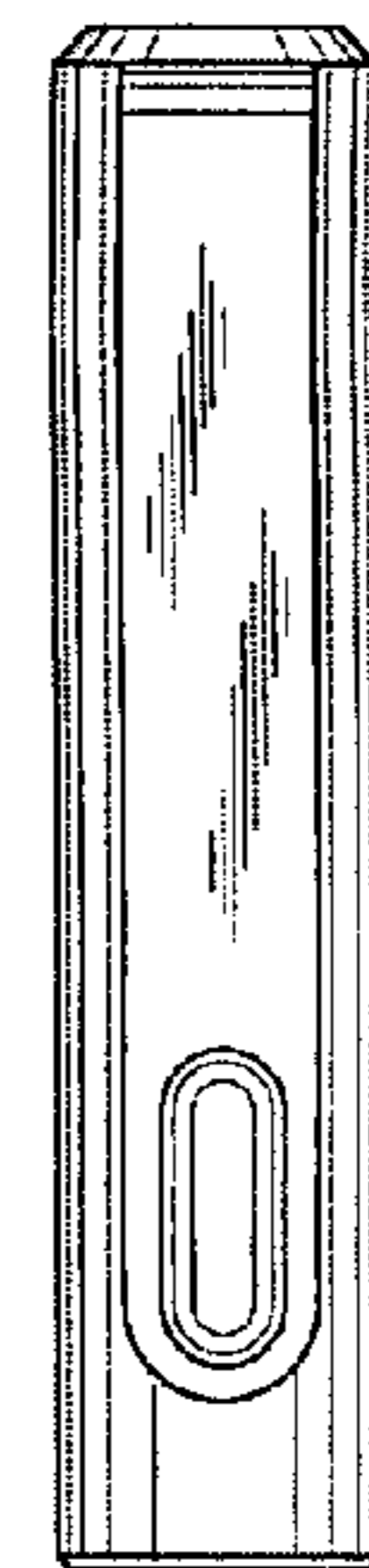


FIG. 12

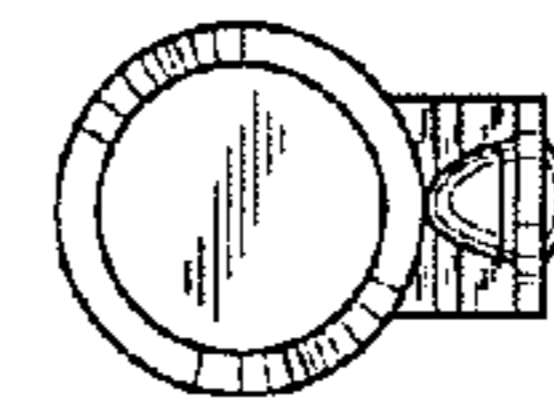


FIG. 11

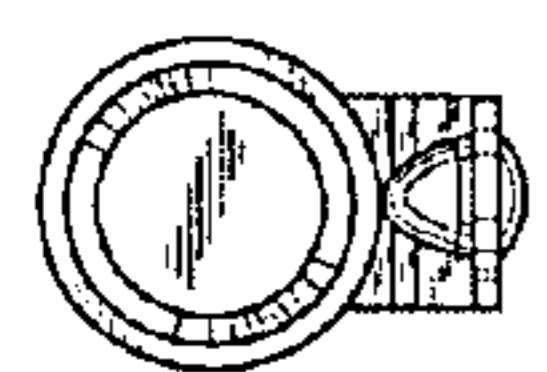


FIG. 2



FIG. 6

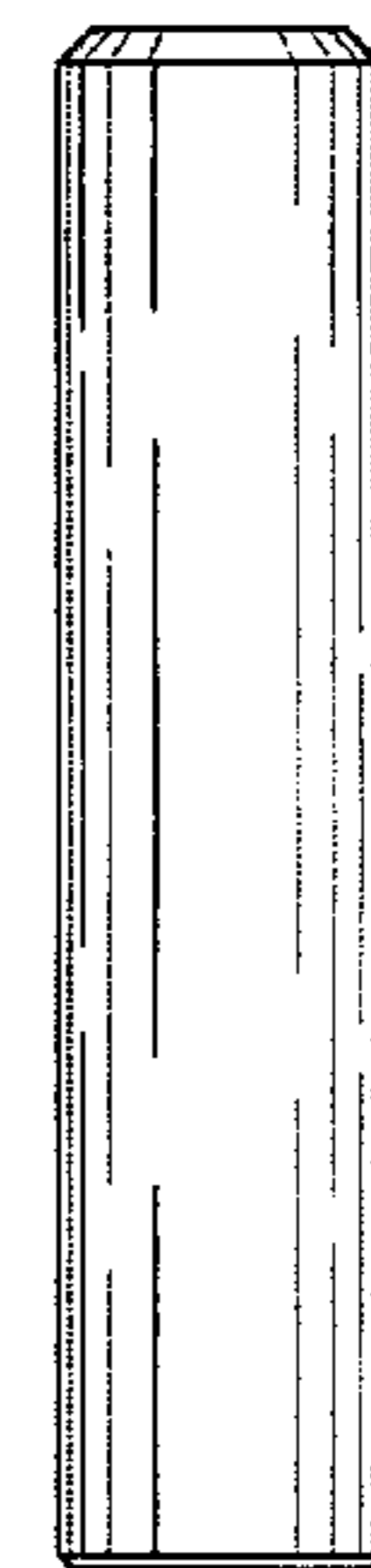


FIG. 13