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

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(54) **COMBINED CAKE AND ICE CREAM
DESSERT**

2,895,832 A * 7/1959 Bersey 426/87
3,031,309 A 4/1962 Bogner et al.
3,070,446 A 12/1962 Seiferth et al.

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(Continued)

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OTHER PUBLICATIONS

http://www.coldstonecreamery.com/cakes/signature_cakes.html,
Jan. 8, 2008.*

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

(Continued)

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(22) Filed: **Apr. 11, 2007**

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Related U.S. Application Data

(63) Continuation-in-part of application No. 29/208,193,
filed on Jun. 23, 2004, now abandoned, and a continu-
ation of application No. 29/208,192, filed on Jun. 23,
2004, now Pat. No. Des. 550,927.

(57) **CLAIM**

The ornamental design for the combined cake and ice cream
dessert, as shown and described.

(51) **LOC (8) Cl.** **01-01**

(52) **U.S. Cl.** **D1/129**

(58) **Field of Classification Search** D1/101,
D1/120-2, 129-30, 199; 426/89, 100-1,
426/103-4, 293, 302, 306-7, 517-8, 572
See application file for complete search history.

DESCRIPTION

FIG. 1 is a front perspective view of a combined cake and ice cream
dessert showing my new design of the present inven-
tion, the rear perspective view being identical;

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,578,122 A 3/1926 Watson
1,710,369 A 4/1929 Albert
1,771,981 A 7/1930 Mustin
1,788,493 A 1/1931 Olschewsky
1,890,044 A * 12/1932 Policastro et al. 426/87
RE19,153 E 5/1934 Battista
2,168,360 A 8/1939 Albert
D132,467 S 5/1942 Sabatino
2,334,497 A 11/1943 Lemrow
2,520,522 A * 8/1950 Adams 426/87

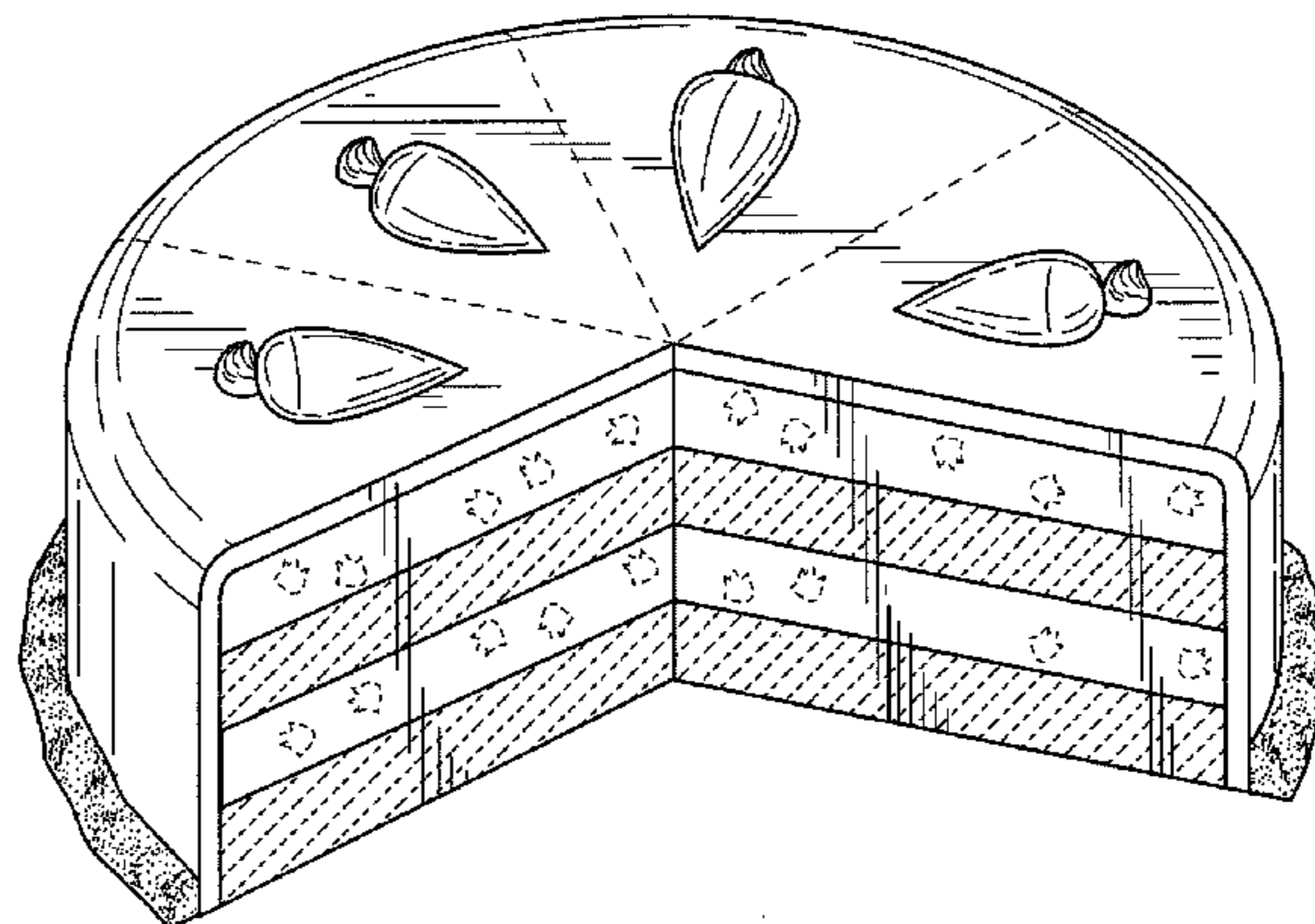
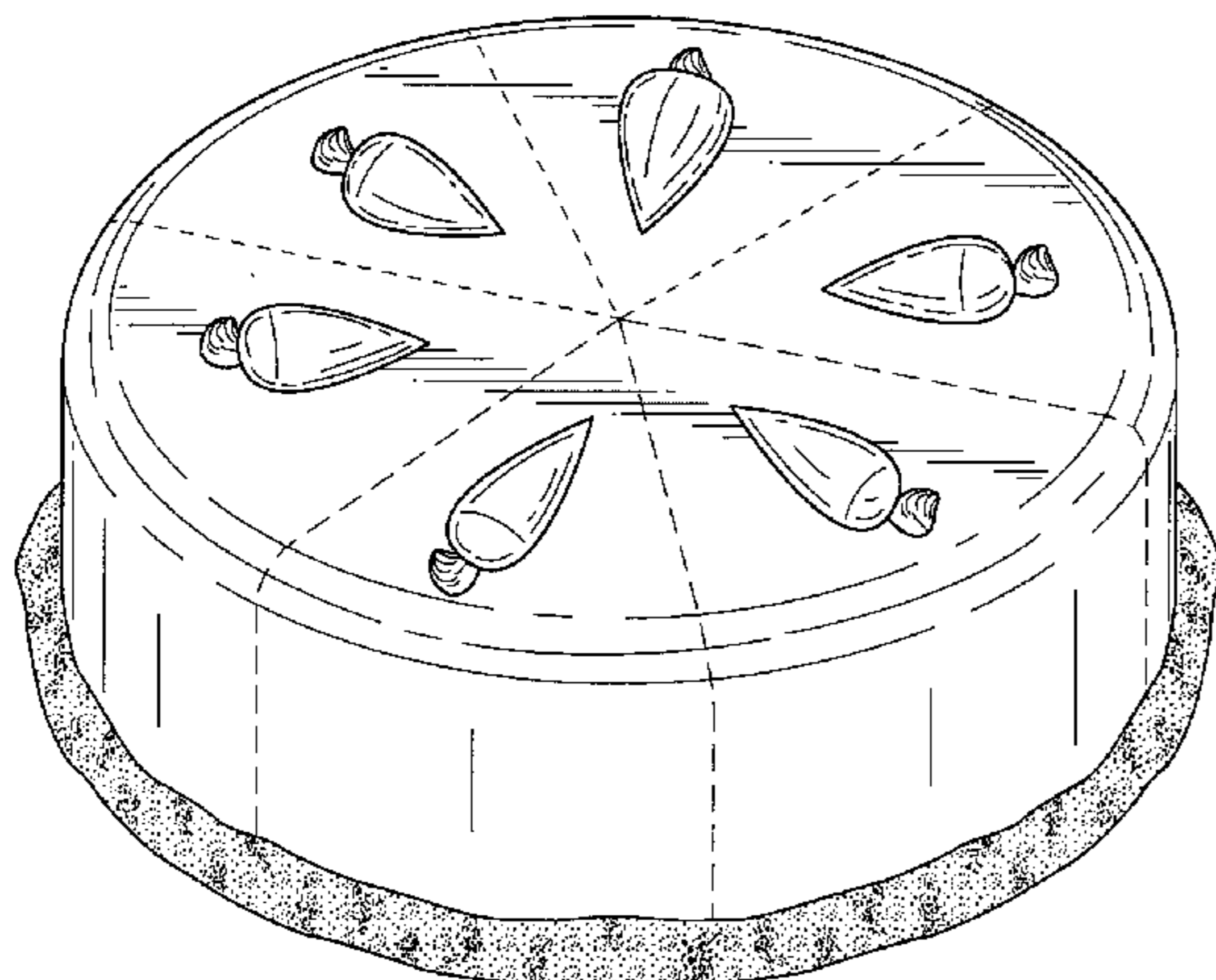
FIG. 2 is a top view thereof;

FIG. 3 is a side elevational view thereof; the opposite side
being identical; and,

FIG. 4 is a front perspective view shown fragmented to show
the interior.

The broken lines showing of the exemplary lines where slices
of the cake can be cut in FIGS. 1, 2 and 4 are for the purpose
of illustrating environmental structure and form no part of the
claimed design.

1 Claim, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

3,537,866 A * 11/1970 Weller et al. 426/275
 3,539,354 A 11/1970 Colvin
 3,552,980 A 1/1971 Cooper et al.
 3,790,331 A * 2/1974 Backer 425/464
 3,814,819 A 6/1974 Morgan
 3,924,012 A 12/1975 Marshall
 3,969,536 A 7/1976 Ikeda et al.
 D256,844 S * 9/1980 Conn D26/10
 D269,644 S 7/1983 DePascalis
 4,393,090 A 7/1983 Coroneos
 4,560,562 A 12/1985 Schroeder
 4,670,271 A * 6/1987 Pasternak 426/90
 4,847,090 A 7/1989 Della Posta et al.
 D303,312 S 9/1989 Vitacco
 4,889,429 A 12/1989 Heinzmann et al.
 D307,970 S 5/1990 Maloney, II
 D312,345 S 11/1990 Daldrup
 D317,072 S * 5/1991 Hillman D1/130
 5,082,677 A * 1/1992 Bear 426/124
 5,238,692 A 8/1993 Taga et al.
 D347,308 S 5/1994 Lundberg
 D357,340 S 4/1995 Solmon
 D357,341 S 4/1995 Solmon
 5,529,794 A * 6/1996 Fultz 426/115
 5,643,667 A * 7/1997 Tsukioka 428/344
 D385,687 S 11/1997 Ahlqvist et al.
 D396,335 S * 7/1998 Bonnard D1/115
 5,834,044 A 11/1998 Schmitz et al.
 D402,227 S 12/1998 Granger et al.

5,853,778 A 12/1998 Mayfield
 6,056,982 A 5/2000 Oshima
 D431,342 S 10/2000 Wright et al.
 D478,703 S 8/2003 Allen et al.
 D486,951 S 2/2004 Ghaffari et al.
 D487,181 S 3/2004 Ghaffari et al.
 D550,927 S * 9/2007 Flowers et al. D1/129
 2001/0005522 A1 6/2001 Stewart
 2006/0093708 A1 5/2006 Yaseen et al.

OTHER PUBLICATIONS

Up-To-Date Confectionery: A Complete Guide to the Craft, by A. R. Daniel, Maclaren & Sons, Garden City Press, Hertfordshire, UK, © 1965, p. 299.*
 Swiss Colony Catalog, Dec. 5, 1977, p. 100.*
 Divine Delights Catalog, 1991, p. 10.*
 Good Housekeeping Illustrated Cookbook: Revised and Expanded Edition, by Hearst Books, NY © 1989, pp. 90 and 103; Hershey's 1934 Cookbook, by Hershey Food Corporation, Smithmark Publishers, NY © 1992, cover and p. 22.
 The Ghiradelli Chocolate Cookbook, by Neva Beach, Ten Speed Press, CA, © 1995, cover and p. 42; Practical Baking: Fifth Edition, by William J. Sultan, Ban Nostrand Reinhold, NY, © 1990, p. 565.
 Vie de France, 1991; California Cuisine Catalogue, Oct. 28, 1993, p. 2b; County Epicure, 1992; Bon Appetit, Apr. 1982, p. 64.
 Internet—<http://www.maplehurstbakeries.com/prod09.htm>, Mar. 29, 1997.
 Baskin Robbins Father's Day mail flyer for Jun. 2006, with one coupon.
 Baskin Robbins Father's Day mail flyer for Jun. 2006, with two coupons.
 Baskin Robbins brochure that depicts various cake designs, Baskin-Robbins Incorporated, 2001.
 Country Epicure, 1992 (detail).
 Ready Crust, advertisement, Sep. 23, 1983.
 Professional Baking, 1985.
 Mrs. Fields I Love Chocolate! Cookbook, by Debbie Fields, Time-Life Books, VA © 1994, p. 47.

* cited by examiner

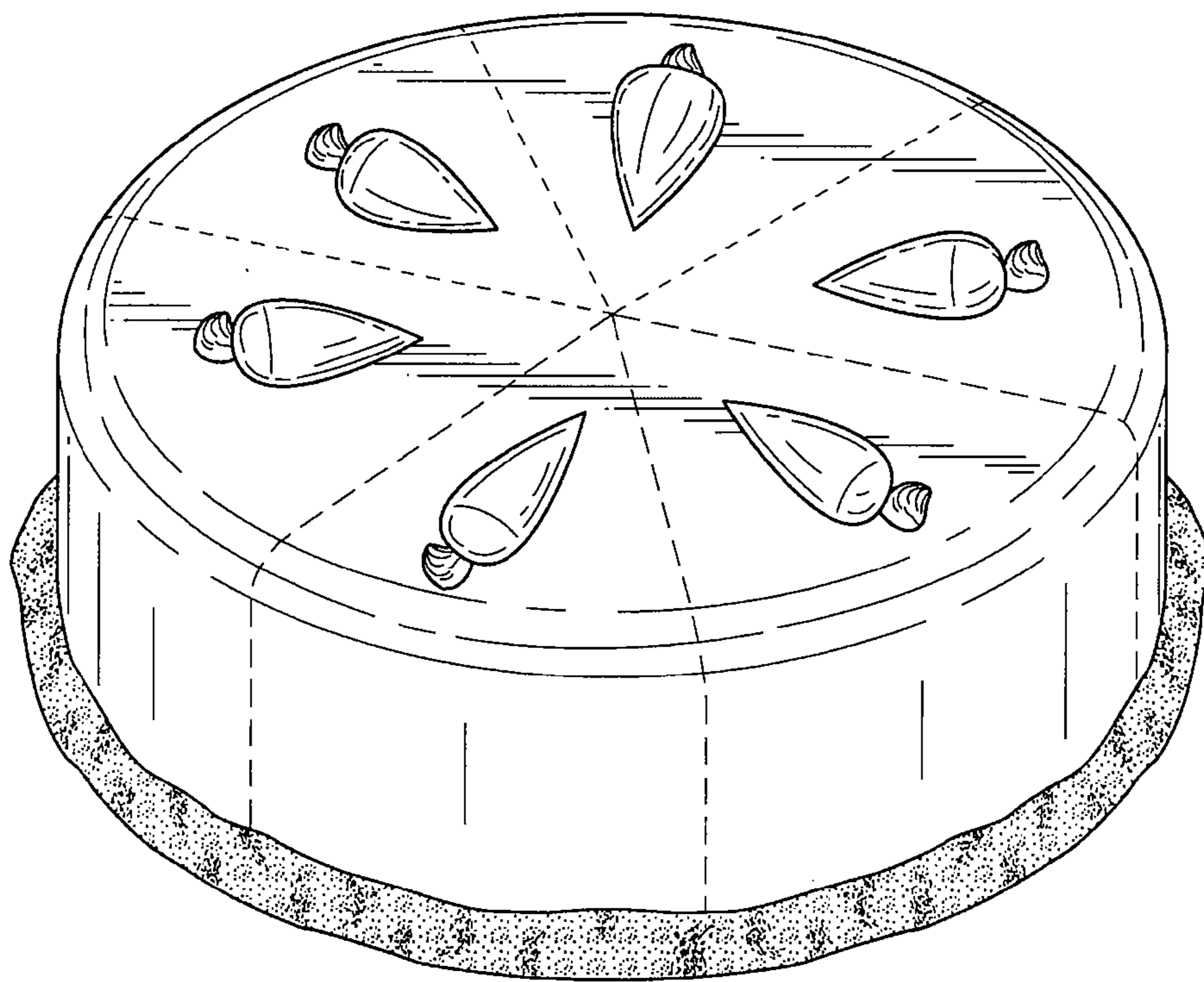


FIG.1

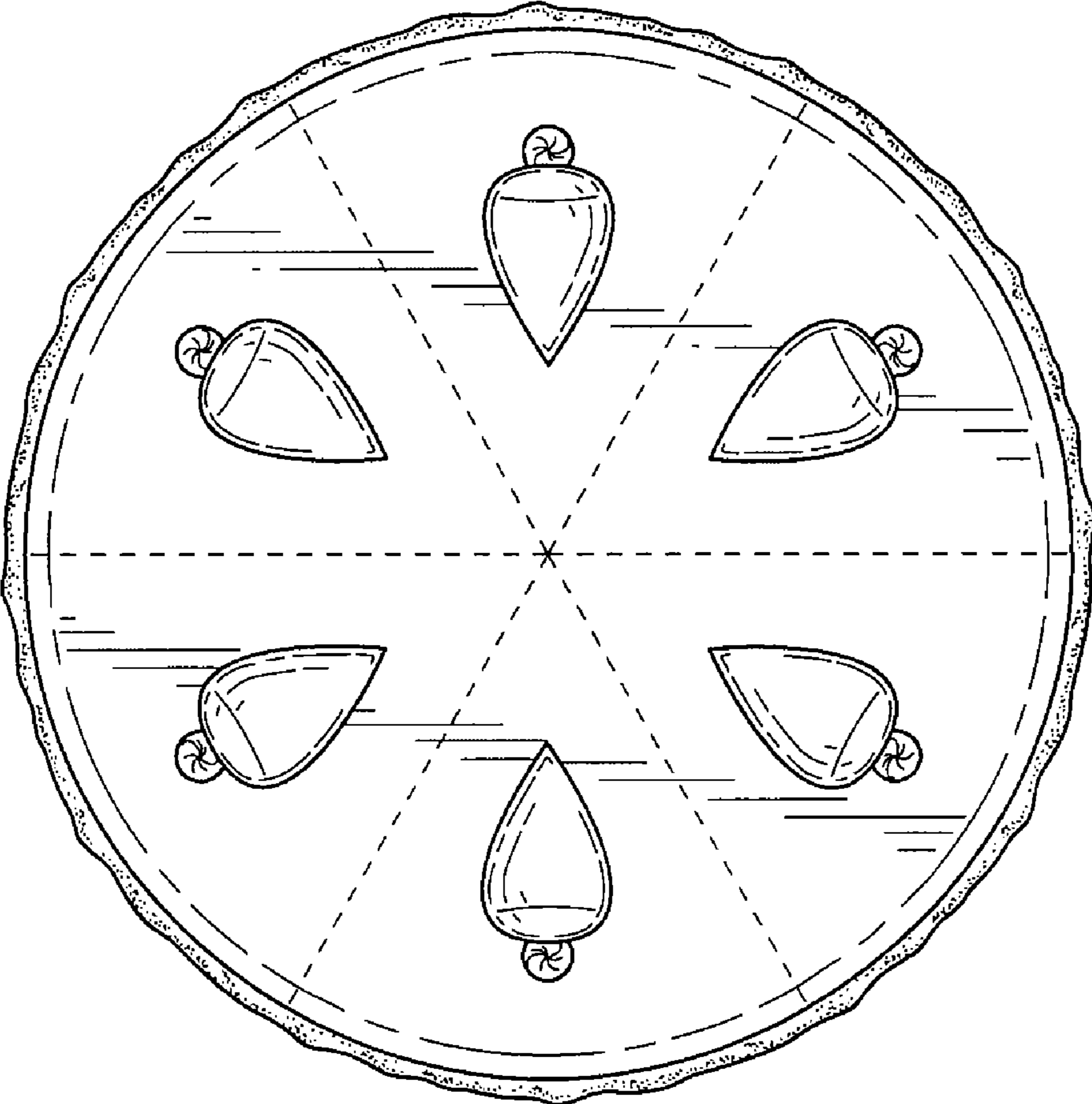


FIG.2

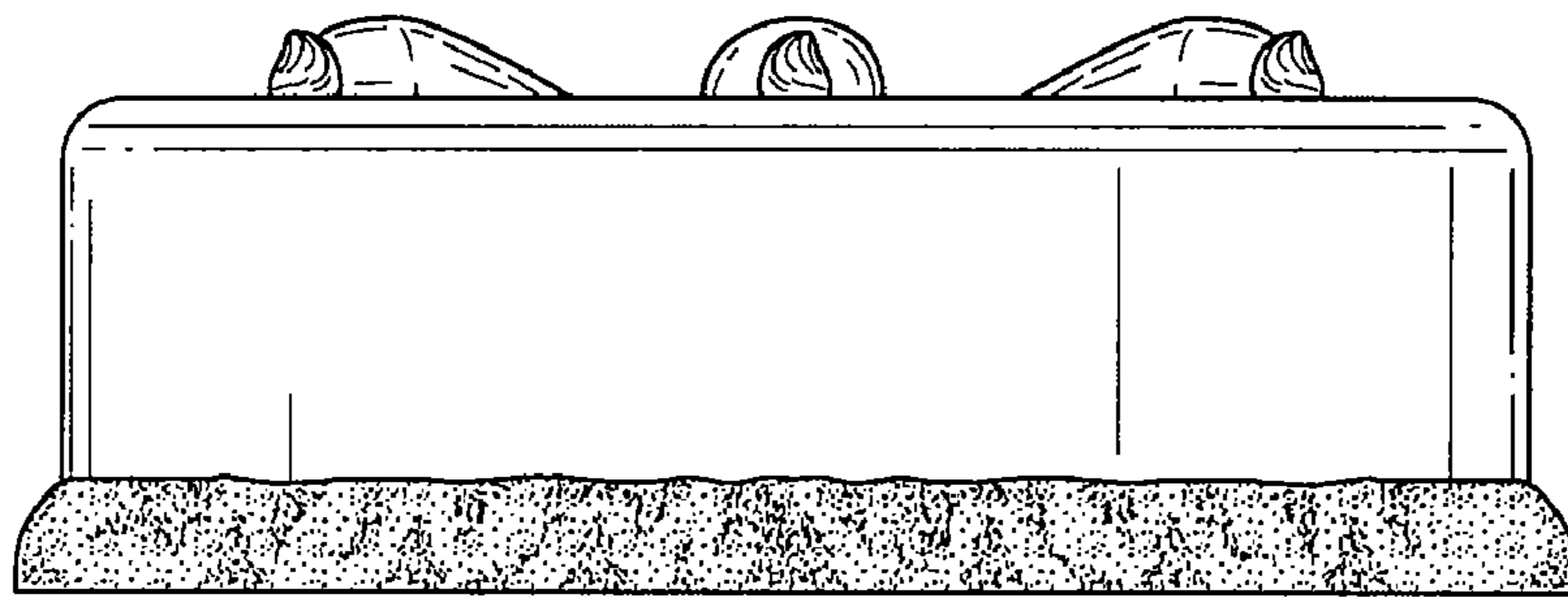


FIG.3

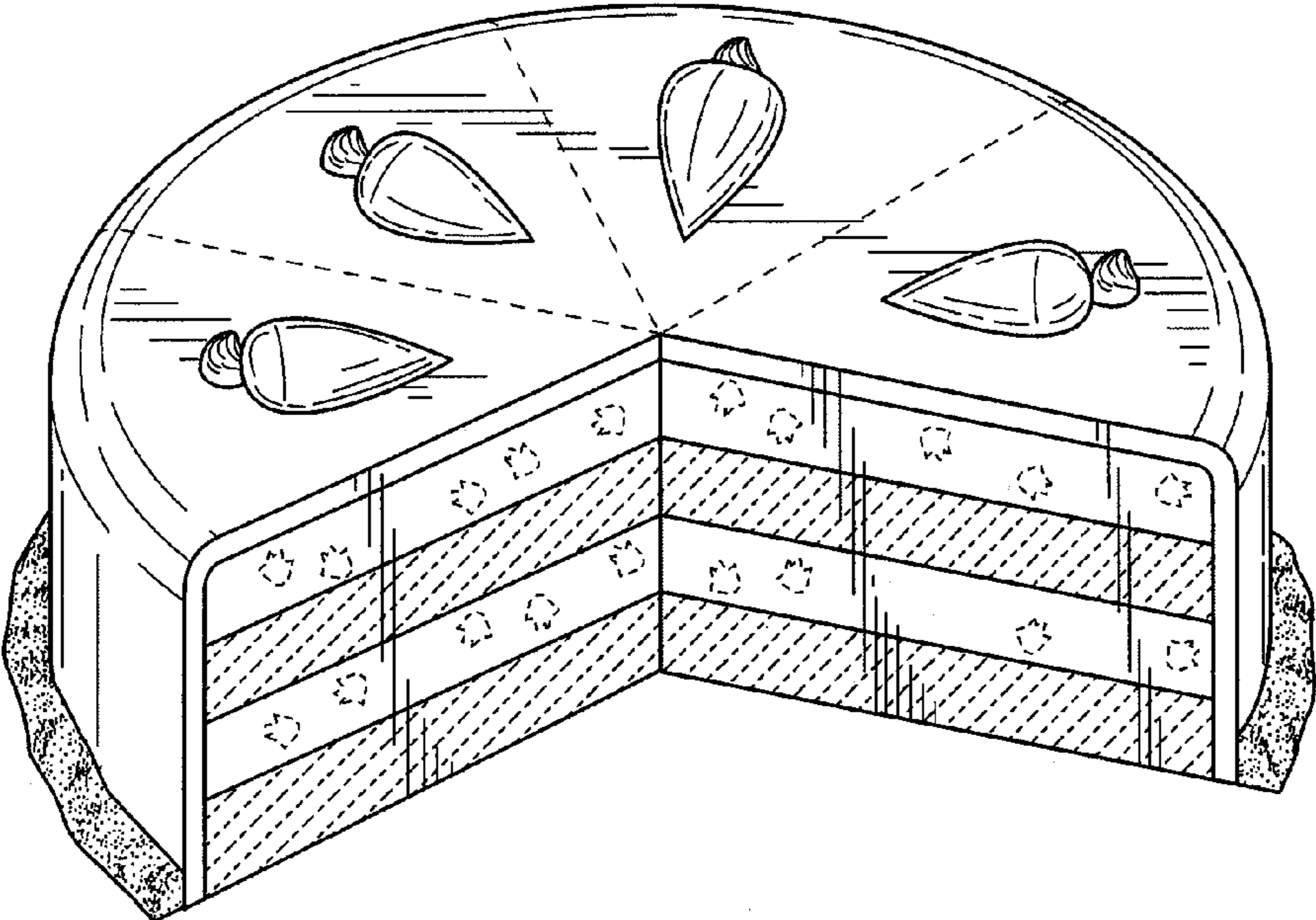


FIG.4