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

(10) **Patent No.:** **US D614,496 S**

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(54) **UPPER PORTION OF A CONTAINER**

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

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Related U.S. Application Data

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Jun. 24, 2008.

(51) **LOC (9) Cl.** **09-01**

(52) **U.S. Cl.** **D9/516; D9/571**

(58) **Field of Classification Search** D9/516,
D9/529-530, 537-543, 549, 550-552, 558,
D9/563-565, 571, 574-575, 682-694; 215/382-384
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D009,703 S	1/1877	Francis et al.
D010,085 S	7/1877	Lilienthal
D16,802 S	7/1886	Woolf
D021,728 S	7/1892	Fraser
D23,380 S	6/1894	Juhring
D035,558 S	1/1902	Kieter
D48,160 S	11/1915	Samuelson
D054,241 S	12/1919	Christian
D055,988 S	8/1920	Dunnock
D056,029 S	8/1920	Quigg
D058,570 S	8/1921	Humphrey
D059,584 S	11/1921	Green
D059,586 S	11/1921	Green
D060,190 S	1/1922	Humphrey
D061,442 S	9/1922	Humphrey
D061,506 S	9/1922	Newell
D062,399 S	5/1923	Javall

D071,162 S	9/1926	Smith
D073,643 S	10/1927	Crimmel
D074,469 S	2/1928	Babani
D079,760 S	10/1929	Rebel
D080,117 S	12/1929	Vaulchier
D080,933 S	4/1930	Andrews
D082,202 S	9/1930	Winegard
D085,712 S	12/1931	Piazzoli
D86,222 S	2/1932	De Fauzon
D086,668 S	4/1932	Cordy
D087,397 S	7/1932	Marshburn
D088,325 S	11/1932	Tourtois

(Continued)

FOREIGN PATENT DOCUMENTS

EM 000369459-0006 8/2005

(Continued)

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(57)

CLAIM

The ornamental design for an upper portion of a container, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the upper portion of a container of our design.

FIG. 2 is a front elevation view thereof.

FIG. 3 is a rear elevation view thereof.

FIG. 4 is a left side elevation view thereof.

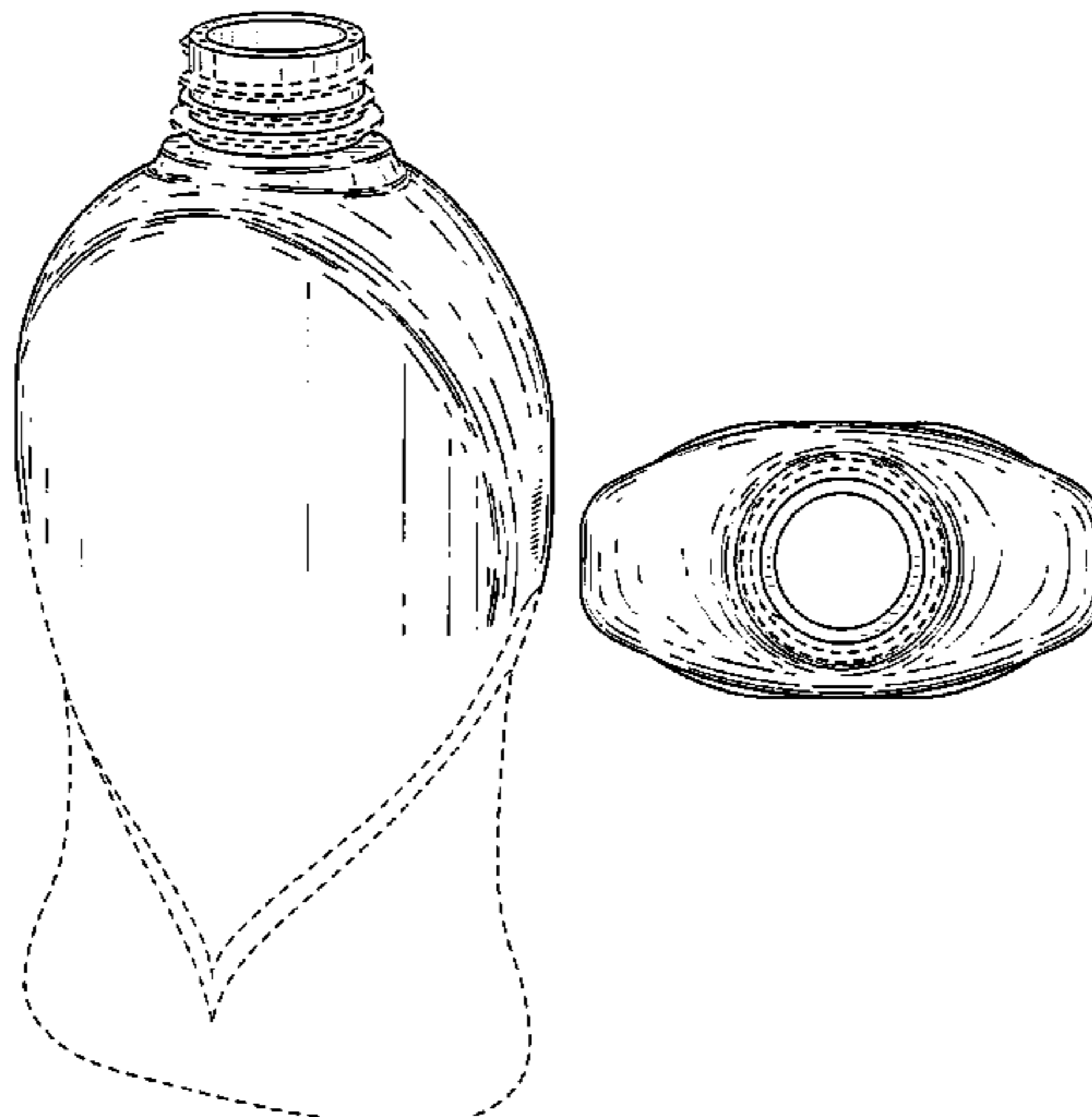
FIG. 5 is a right side elevation view thereof.

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

The broken lines shown in the drawing views are included for the purpose of showing environmental structure that forms no part of the claimed design.

1 Claim, 6 Drawing Sheets



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U.S. PATENT DOCUMENTS					
D089,420 S	3/1933	Smith	D220,029 S	3/1971	Johnson et al.
D089,786 S	5/1933	Nester	D220,562 S	4/1971	Quintal
D090,290 S	7/1933	McDonald	D220,563 S	4/1971	Northgrave
D092,364 S	5/1934	Noble	D222,529 S	* 11/1971	Terner D9/500
D092,828 S	7/1934	Stever	D224,643 S	8/1972	Mascia et al.
D094,413 S	1/1935	Fuerst	D225,155 S	11/1972	Schafer
D095,576 S	5/1935	Brenner	D225,834 S	* 1/1973	Kneapler D9/571
D095,849 S	6/1935	Leach	D228,281 S	9/1973	Hoffman
D097,831 S	12/1935	Avedon	D229,168 S	11/1973	Silfang
D097,855 S	12/1935	Leach	D229,543 S	12/1973	Weckman
D098,958 S	3/1936	Piazzoli	D229,544 S	12/1973	Weckman
D098,969 S	3/1936	Stevenagle	D230,689 S	3/1974	Schweizer
D099,634 S	5/1936	Wick	D234,394 S	2/1975	Metzger
D099,648 S	5/1936	Mulhens	D234,492 S	3/1975	Peterson
D100,424 S	7/1936	Guerlain	D236,432 S	8/1975	McKibben
D103,287 S	2/1937	Reynolds	D238,555 S	1/1976	Blank
D104,666 S	5/1937	Lloyd	D239,368 S	3/1976	McDonald
D108,023 S	1/1938	Stever	D239,922 S	5/1976	Utley
D112,387 S	11/1938	Street, Jr.	D240,798 S	8/1976	Smith
D115,848 S	7/1939	Fuerst	D242,841 S	12/1976	Kretz, Jr.
D125,922 S	3/1941	McIntosh	D244,176 S	5/1977	Pardo
D127,585 S	6/1941	Lorenzen	D244,350 S	5/1977	Torongo
D127,820 S	6/1941	Tomasson	D245,316 S	8/1977	McConnell
D129,515 S	9/1941	Payne	D246,893 S	1/1978	Eron
D139,381 S	11/1944	Harris et al.	D247,302 S	2/1978	Federico et al.
D146,351 S	2/1947	Dunnock	D248,088 S	6/1978	Britt
D155,931 S	11/1949	Serra	D251,111 S	2/1979	Furlong et al.
D157,508 S	* 2/1950	Montenier D9/554	D252,014 S	6/1979	Furlong et al.
D166,002 S	2/1952	Serra	D254,651 S	4/1980	Shortino
D167,637 S	9/1952	Knight	D254,710 S	4/1980	Leger
D168,390 S	12/1952	Baird	D255,986 S	7/1980	Chang et al.
D169,642 S	5/1953	St. Clair	D257,504 S	11/1980	Weckman
D169,984 S	7/1953	Miller	D259,467 S	6/1981	Halbeisen et al.
D180,828 S	8/1957	Funkey	D260,238 S	8/1981	Costa
D184,394 S	2/1959	Du Pree	D265,975 S	* 8/1982	Vaissanvin D9/564
D184,434 S	2/1959	Goula	D266,620 S	10/1982	Krech
D185,526 S	6/1959	Alvey	D266,990 S	11/1982	Cook
D185,538 S	6/1959	Dike	D270,235 S	8/1983	Ewry
D187,244 S	2/1960	Morris	D270,238 S	8/1983	Vilval
D187,396 S	3/1960	Du Pree	D270,711 S	9/1983	Weckman
D187,820 S	5/1960	Vuilleminot	D272,988 S	3/1984	Podall et al.
D188,628 S	8/1960	Heintze	D274,093 S	5/1984	Kenna
D190,399 S	5/1961	Agin	D274,221 S	6/1984	Biesecker
D190,888 S	7/1961	Arens	D276,889 S	12/1984	Biesecker
D195,368 S	6/1963	Koenigsberg	D278,411 S	* 4/1985	Reitzel et al. D9/558 X
D195,787 S	7/1963	Thompson	D280,603 S	9/1985	Johnson et al.
D196,455 S	10/1963	Stern	D282,441 S	2/1986	Shiokawa
D197,582 S	2/1964	Campbell	D282,529 S	2/1986	Pereira et al.
D198,762 S	7/1964	Ferree	D283,981 S	5/1986	Culbreath
D199,460 S	10/1964	Utley	D286,374 S	10/1986	Bussell
D199,763 S	12/1964	Roberts	D286,984 S	12/1986	Durand
D200,019 S	1/1965	Gould	D289,979 S	5/1987	Crawford
D200,262 S	2/1965	Heintze	D291,656 S	9/1987	Bussell
D202,383 S	9/1965	Du Pree	D293,768 S	1/1988	Mantani
D204,707 S	5/1966	Abbott	D294,007 S	2/1988	Mathias
D205,731 S	9/1966	Levy	D295,145 S	4/1988	Jeanjean
D205,734 S	9/1966	Du Pree	D312,396 S	11/1990	Lunderman
D207,800 S	5/1967	Roberts	D312,570 S	12/1990	Lunderman
D207,925 S	6/1967	Koenigsberg	D314,703 S	2/1991	Segati
D208,171 S	7/1967	Marchant	D315,499 S	3/1991	Durand
D208,825 S	10/1967	Hutton	D316,969 S	5/1991	Wiseman et al.
D210,251 S	2/1968	Jeronimus	D321,131 S	10/1991	Wiseman et al.
D210,271 S	2/1968	Sterges	D321,132 S	10/1991	Wiseman et al.
D211,319 S	6/1968	Jeronimus	D321,133 S	10/1991	Wiseman et al.
D213,308 S	* 2/1969	Kneapler D9/558	D321,321 S	11/1991	Wilgus
D213,355 S	* 2/1969	Kneapler D9/558	D321,479 S	11/1991	Wiseman et al.
D214,554 S	7/1969	Oltman et al.	D322,392 S	12/1991	Schneider et al.
D217,591 S	5/1970	Biscoe et al.	D323,110 S	1/1992	Simms et al.
D217,804 S	6/1970	Douglas	D323,291 S	1/1992	Wilgus
D219,096 S	11/1970	Mauri-Closs	D324,331 S	3/1992	Schmidt
D219,124 S	11/1970	Gortz-et al.	D324,998 S	3/1992	Klapwald
			D327,003 S	6/1992	Schneider et al.
			D328,025 S	7/1992	Farricielli

US D614,496 S

D328,710 S	8/1992	Deflander	D414,684 S	10/1999	Usui et al.
D328,712 S	8/1992	Butler et al.	D415,413 S	10/1999	Cummings
D332,920 S	2/1993	Tiramani et al.	D416,199 S	11/1999	Alguire et al.
D333,619 S	3/1993	Lemahieu	D416,805 S	11/1999	Mikla
D334,705 S	4/1993	Pereira et al.	D418,746 S	1/2000	Featherston et al.
D335,259 S	5/1993	Waine	D418,748 S	1/2000	Kuzma et al.
D336,237 S	6/1993	Rossi	D419,455 S	1/2000	Maccauley et al.
D336,845 S	6/1993	Carroll et al.	D420,594 S	2/2000	Weinstein et al.
D337,055 S	7/1993	Medlycott	D420,595 S	2/2000	Herrmann
D337,275 S	7/1993	Tutssel	D421,058 S	2/2000	Regan et al.
D338,828 S	8/1993	Segati	D421,913 S *	3/2000	Meecker et al. D9/563
D341,782 S	11/1993	Kokenge et al.	D422,902 S	4/2000	Kikuchi
D342,680 S	12/1993	Pereira et al.	D423,360 S	4/2000	Hirato et al.
D344,236 S	2/1994	Drounau	D423,369 S	4/2000	Tacconelli
D345,698 S	4/1994	Gobe	D423,939 S	5/2000	Ogg
D346,746 S	5/1994	Desgrippes	D424,948 S	5/2000	Ullmo
D347,571 S	6/1994	Wacker	D425,785 S	5/2000	Hirato et al.
D347,791 S	6/1994	Lathrop et al.	D426,093 S	6/2000	Cayouette
D348,832 S	7/1994	Gobe	D426,300 S	6/2000	Conforti
D351,991 S	11/1994	Bertolini et al.	D426,775 S	6/2000	Zimmer et al.
D352,906 S	11/1994	Gobe	D427,073 S	6/2000	Gaffney et al.
D353,221 S	12/1994	Scott et al.	D428,343 S	7/2000	Waitzenegger
D353,543 S	12/1994	Matsumoto	D428,344 S	7/2000	Preston
D353,773 S	12/1994	Desgrippes	D429,165 S	8/2000	Zogg et al.
D353,775 S	12/1994	Thompson	D429,645 S	8/2000	Erckelbout et al.
D354,000 S	1/1995	Hoyt	D430,034 S	8/2000	Kikuchi
D356,263 S	3/1995	Matsumoto	D430,493 S	9/2000	Weick
D356,947 S	4/1995	Mueller	D431,006 S	9/2000	Kotyuk
D357,870 S	5/1995	O'Neill et al.	D432,020 S	10/2000	Steward et al.
D362,391 S	9/1995	Gobe	D432,425 S	10/2000	Feigenbaum
D363,225 S	10/1995	Kudo	D432,922 S	10/2000	Gose
D365,761 S	1/1996	Abfier et al.	D433,335 S	11/2000	Zimmer et al.
D365,991 S	1/1996	Varlet	D433,623 S	11/2000	Crawford
D370,409 S	6/1996	Lathrop et al.	D433,624 S	11/2000	Negre
D371,076 S	6/1996	Farce	D433,637 S	11/2000	Hailey et al.
D372,859 S	8/1996	Lathrop et al.	D434,663 S *	12/2000	Jones et al. D9/516
D372,860 S	8/1996	Lathrop et al.	D435,220 S	12/2000	Lee
5,542,585 A	8/1996	Peters et al.	D435,450 S	12/2000	Eisenbarth
D375,052 S	10/1996	Lathrop et al.	D441,293 S	5/2001	Togasawa
D375,454 S	11/1996	Lathrop et al.	D444,393 S	7/2001	Ebert
D376,310 S	12/1996	Crawford	D444,700 S	7/2001	Ebert
D376,762 S	12/1996	Fenton et al.	D446,129 S	8/2001	de Giovellina
D378,276 S	3/1997	Kotoucek et al.	D447,061 S	8/2001	Peek
D378,665 S	4/1997	Fenton et al.	D448,300 S	9/2001	Walters et al.
D380,390 S	7/1997	Varlet	D449,002 S	10/2001	Valente
D380,684 S	7/1997	Del Bianco	D449,229 S	10/2001	Mohary et al.
D381,272 S	7/1997	Coons	D449,537 S	10/2001	Feigenbaum
D382,487 S	8/1997	Tippitt et al.	D449,538 S	10/2001	Burleson et al.
D382,811 S	8/1997	Kotyuk, Jr. et al.	D450,247 S	11/2001	Johnson et al.
D384,285 S	9/1997	D'Amico et al.	D452,446 S	12/2001	Shear
D385,778 S	11/1997	Luh et al.	D452,827 S	1/2002	Cointreau
D386,963 S	12/1997	Hsu	D455,964 S	4/2002	Patterson
D386,973 S	12/1997	Stoecker	D456,717 S	5/2002	Roher
D387,281 S	12/1997	Thompson	D458,537 S *	6/2002	Crawford et al. D9/682
D391,853 S	3/1998	Green et al.	D459,996 S	7/2002	Kuzma et al.
D396,634 S	8/1998	Andren et al.	D460,348 S *	7/2002	Crawford et al. D9/682
D398,238 S	9/1998	Bertolini et al.	D463,262 S	9/2002	Gobe
D398,519 S	9/1998	Keene	D463,283 S	9/2002	Haynes
D398,855 S	9/1998	Ito et al.	D463,735 S	10/2002	Gobe
D399,752 S	10/1998	Farmer et al.	D463,973 S	10/2002	Gobe
D400,783 S	11/1998	de Mourgues	D463,983 S	10/2002	Wendt et al.
D400,795 S	11/1998	de Baschmakoff	D468,214 S	1/2003	Kuzma et al.
D401,507 S	11/1998	Gonda et al.	D468,643 S	1/2003	Kuzma et al.
D403,592 S	1/1999	Everard et al.	D469,022 S	1/2003	Kuzma et al.
D404,293 S	1/1999	Bertolini et al.	D470,043 S	2/2003	Crawford
D404,295 S	1/1999	Bertolini et al.	D470,402 S	2/2003	Kunesh et al.
D406,066 S	2/1999	Crawford	D470,416 S	2/2003	Blair et al.
D406,769 S	3/1999	Ackroyd	D471,086 S	3/2003	Helleu
D409,051 S	5/1999	Huang	D471,818 S	3/2003	Weber
D412,281 S	7/1999	Lindsay et al.	D472,147 S	3/2003	Herrmann
D413,257 S	8/1999	Favre	D476,900 S	7/2003	Katz et al.
D413,807 S	9/1999	Mikla	D477,990 S	8/2003	Dretzka
D414,117 S	9/1999	Mikla	D480,008 S	9/2003	Maus

US D614,496 S

Page 4

D480,308 S	10/2003	Grisdale et al.	D535,567 S	1/2007	Snyder
D481,636 S	11/2003	Camacho	D537,360 S	2/2007	Snell
D481,639 S	11/2003	Crawford	D537,362 S	2/2007	Ivankovic
D481,938 S	11/2003	McRae	D538,673 S	3/2007	Sterling et al.
D481,949 S	11/2003	Pinnavaia	D538,674 S	3/2007	Sterling et al.
D482,624 S	11/2003	Hadkte et al.	D540,172 S	4/2007	Haller et al.
D484,039 S	12/2003	Dretzka	D540,682 S	4/2007	Shurtleff et al.
D484,402 S	12/2003	Crawford	D541,167 S	4/2007	Matsumura et al.
D484,403 S	12/2003	Crawford	D541,661 S	5/2007	Wang et al.
D485,185 S	1/2004	Versace	D541,663 S	5/2007	Sørensen
D485,308 S	1/2004	DeLuca et al.	D542,665 S	5/2007	Poe, II et al.
D486,065 S	2/2004	Hutchinson et al.	D543,852 S	6/2007	Warren
D486,066 S	2/2004	Hannen et al.	D543,861 S	6/2007	Garcia-Ruiz
D486,395 S	2/2004	Faure et al.	D544,364 S	6/2007	Archeny et al.
D486,400 S	2/2004	Bakic	D545,682 S	7/2007	Mongeon et al.
D486,741 S	2/2004	Houghton	D546,560 S	7/2007	Green
D486,743 S	2/2004	Nelson et al.	D547,190 S	7/2007	Kuzma et al.
D488,382 S	4/2004	Calello	D547,655 S	7/2007	van der Heijden et al.
D490,320 S	5/2004	Guislain	D548,596 S	8/2007	van der Heijden et al.
D490,321 S	5/2004	Durant et al.	D548,599 S	8/2007	Blasko
D491,813 S	6/2004	Calello	D548,602 S	8/2007	Escobosa et al.
D492,199 S	6/2004	Rashid	D550,564 S *	9/2007	Spencer D9/558
D493,110 S	7/2004	Levesque	D551,087 S	9/2007	Snell
D494,473 S	8/2004	Yourist	D551,555 S	9/2007	Escobosa et al.
D495,957 S	9/2004	Bakic	D552,479 S	10/2007	Mongeon et al.
D496,262 S	9/2004	Dretzka	D552,997 S	10/2007	Blasko
D496,283 S	9/2004	Busa, Jr.	D552,998 S	10/2007	Blasko
D497,810 S	11/2004	Maus	D553,800 S	10/2007	Hollmann et al.
D498,145 S	11/2004	McLeish	D553,989 S	10/2007	Blasko
D498,415 S	11/2004	Schuller et al.	D555,484 S	11/2007	Norris et al.
D498,422 S	11/2004	Theunynck	D558,578 S	1/2008	Mongeon et al.
D498,681 S	11/2004	Fenton et al.	D558,590 S	1/2008	Cowan-Hughes et al.
D502,110 S	2/2005	Theunynck	D558,591 S	1/2008	Blasko et al.
D503,086 S	3/2005	Tsai	D560,018 S	1/2008	Morris et al.
D503,626 S	4/2005	Maus	D564,882 S	3/2008	Crawford et al.
D504,320 S	4/2005	Maus	D564,891 S	3/2008	Clark et al.
D504,620 S	5/2005	Kazuo et al.	D566,569 S	4/2008	Matthiesen
D506,140 S	6/2005	Maus	D567,107 S	4/2008	Crawford et al.
D510,025 S	9/2005	Venkataraman et al.	D570,218 S	6/2008	Crawford et al.
D510,033 S	9/2005	McLeish	D574,245 S	8/2008	Crawford et al.
D511,970 S	11/2005	Cleary	D576,492 S	9/2008	Crawford et al.
D512,322 S	12/2005	Collins et al.	D578,398 S	10/2008	Kuzma et al.
D512,642 S	12/2005	Busa, Jr. et al.	D581,274 S	11/2008	Xanthos
D512,916 S	12/2005	Floyd et al.	D587,583 S	3/2009	Crawford
D512,938 S	12/2005	Morris et al.	D587,590 S	3/2009	Crawford et al.
D513,189 S	12/2005	Busa, Jr. et al.	D587,591 S	3/2009	Crawford
D513,592 S	1/2006	O'Day	D587,593 S	3/2009	Crawford
D514,945 S	2/2006	Busa, Jr. et al.	D588,009 S	3/2009	Bowers et al.
D514,948 S	2/2006	Busa, Jr. et al.	D589,357 S	3/2009	Crawford
D517,416 S *	3/2006	Borgerson et al. D9/542	D589,358 S	3/2009	Crawford
D518,384 S	4/2006	Walters et al.	D589,786 S	4/2009	Suehiro et al.
D524,162 S	7/2006	Harris et al.	D594,334 S	6/2009	Casey et al.
D525,132 S	7/2006	Todd	D598,769 S *	8/2009	Toh et al. D9/552 X
D525,873 S	8/2006	Haubert et al.			
D526,903 S	8/2006	Duranthon			
D529,805 S	10/2006	Cadena			
D529,811 S	10/2006	Ratzlaff	FR	27583	11/1960
D529,812 S	10/2006	Ratzlaff	FR	DM051955	3/2000
D530,215 S	10/2006	Brown et al.	FR	997952	4/2000
D531,903 S	11/2006	Haubein	FR	DM061105	5/2002
D532,314 S	11/2006	Todd	FR	DM 69272	7/2007
D534,174 S	12/2006	Chen et al.			

* cited by examiner

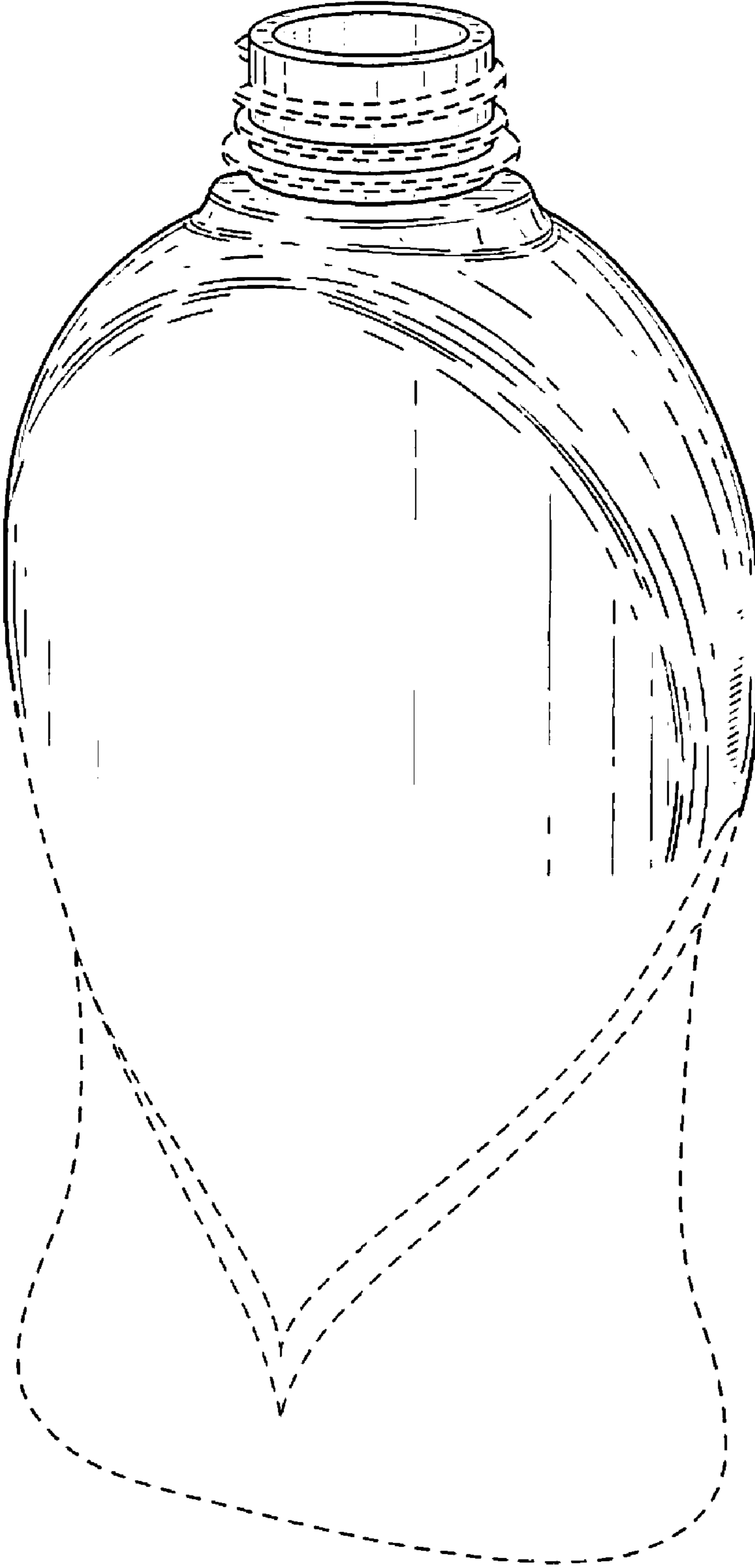


FIG. 1

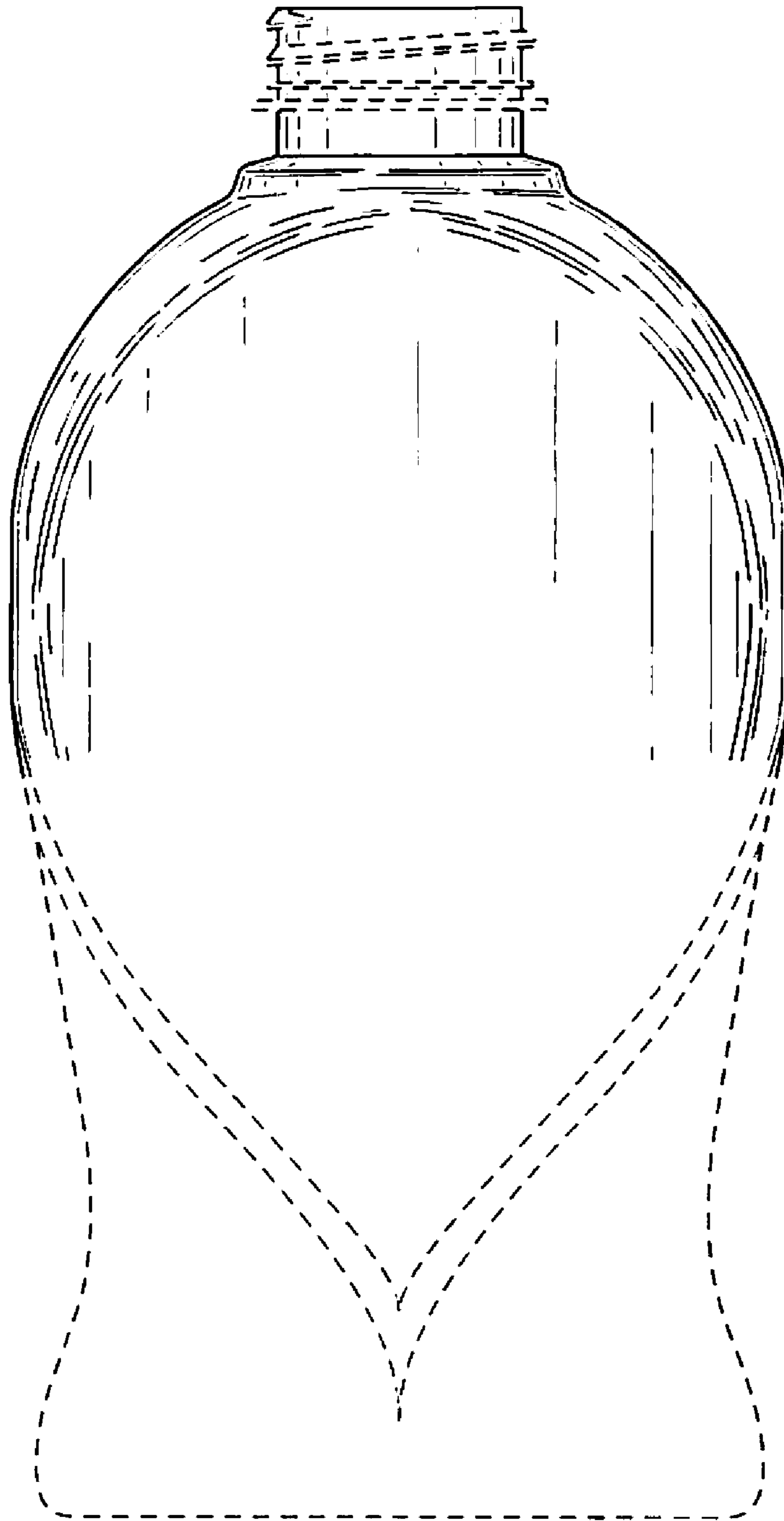


FIG. 2

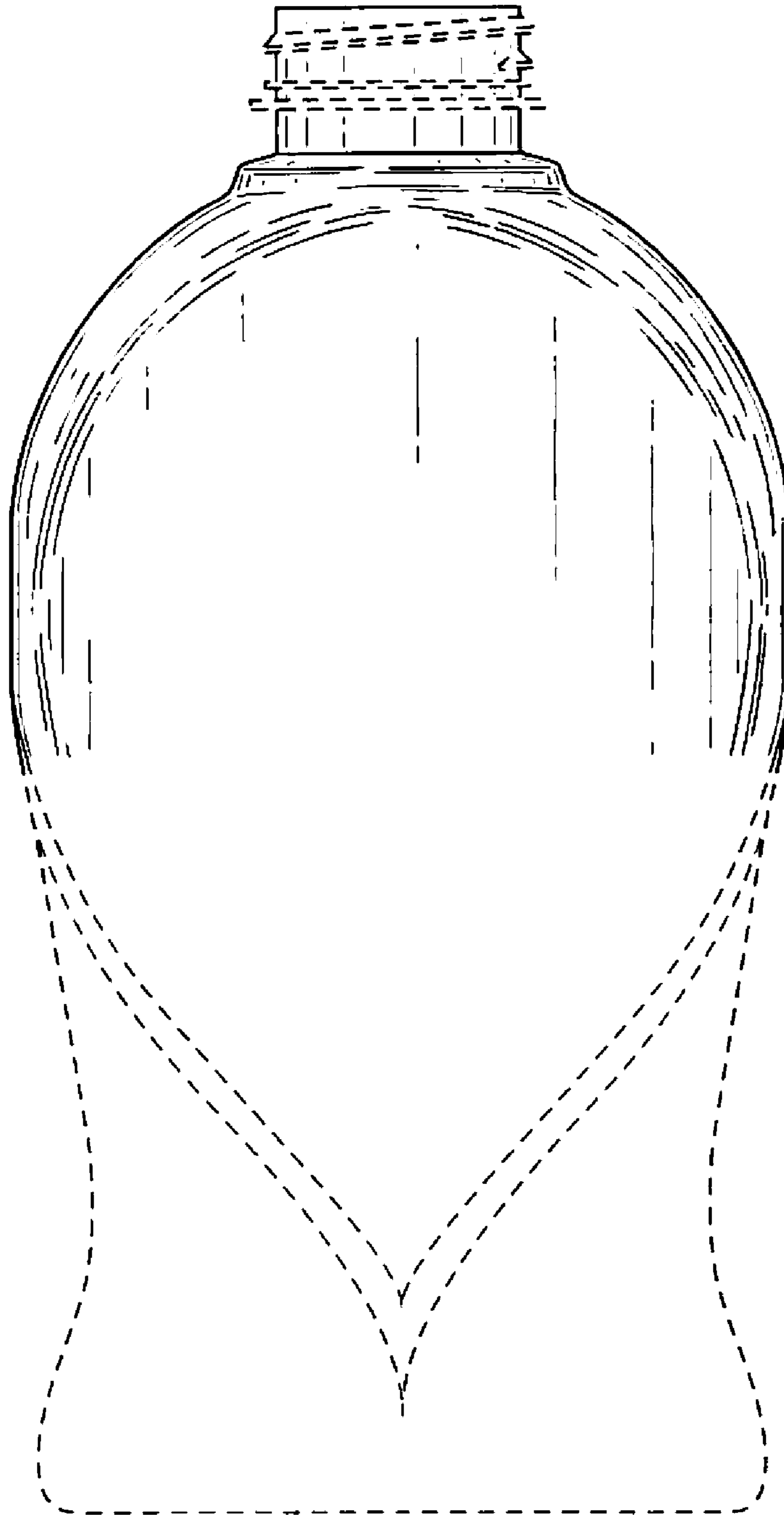


FIG. 3

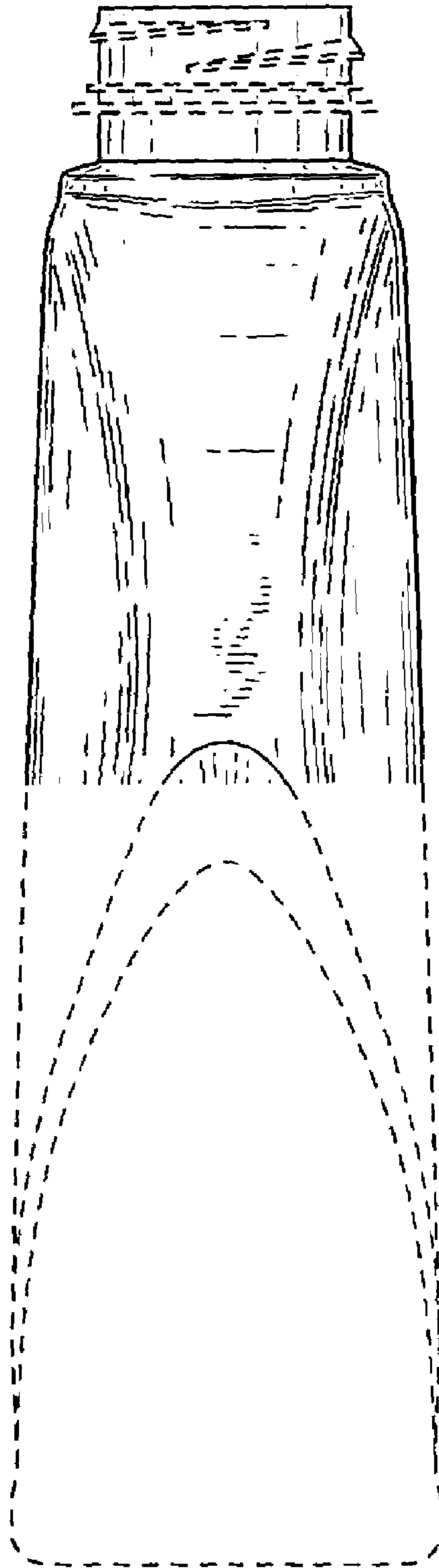


FIG. 4

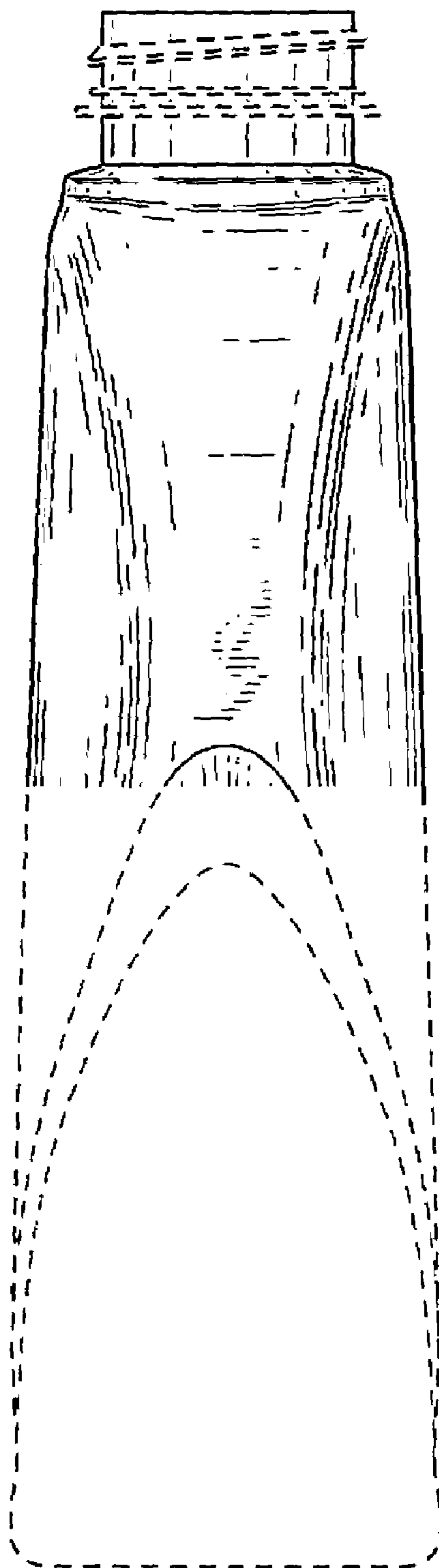


FIG. 5

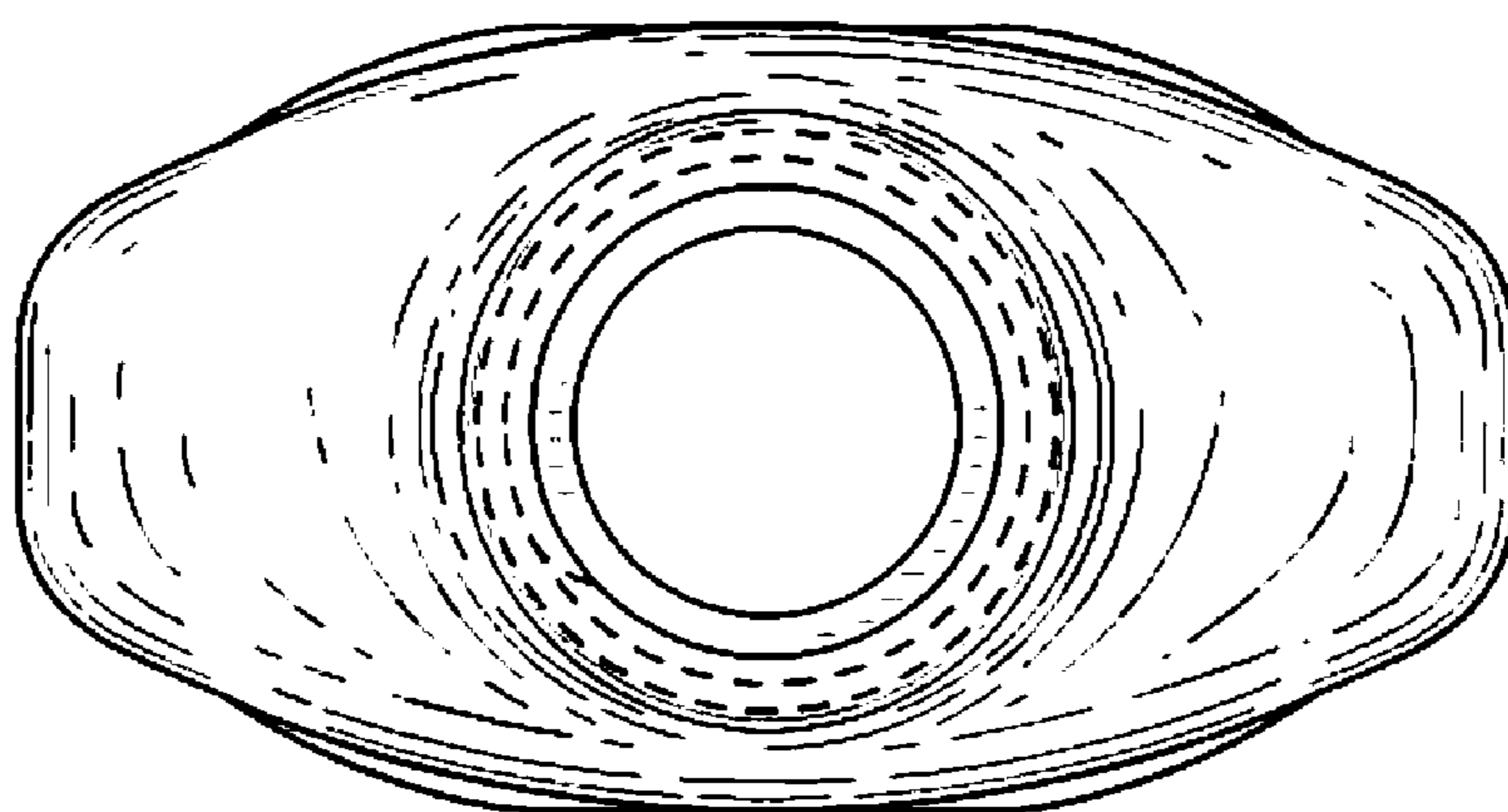


FIG. 6

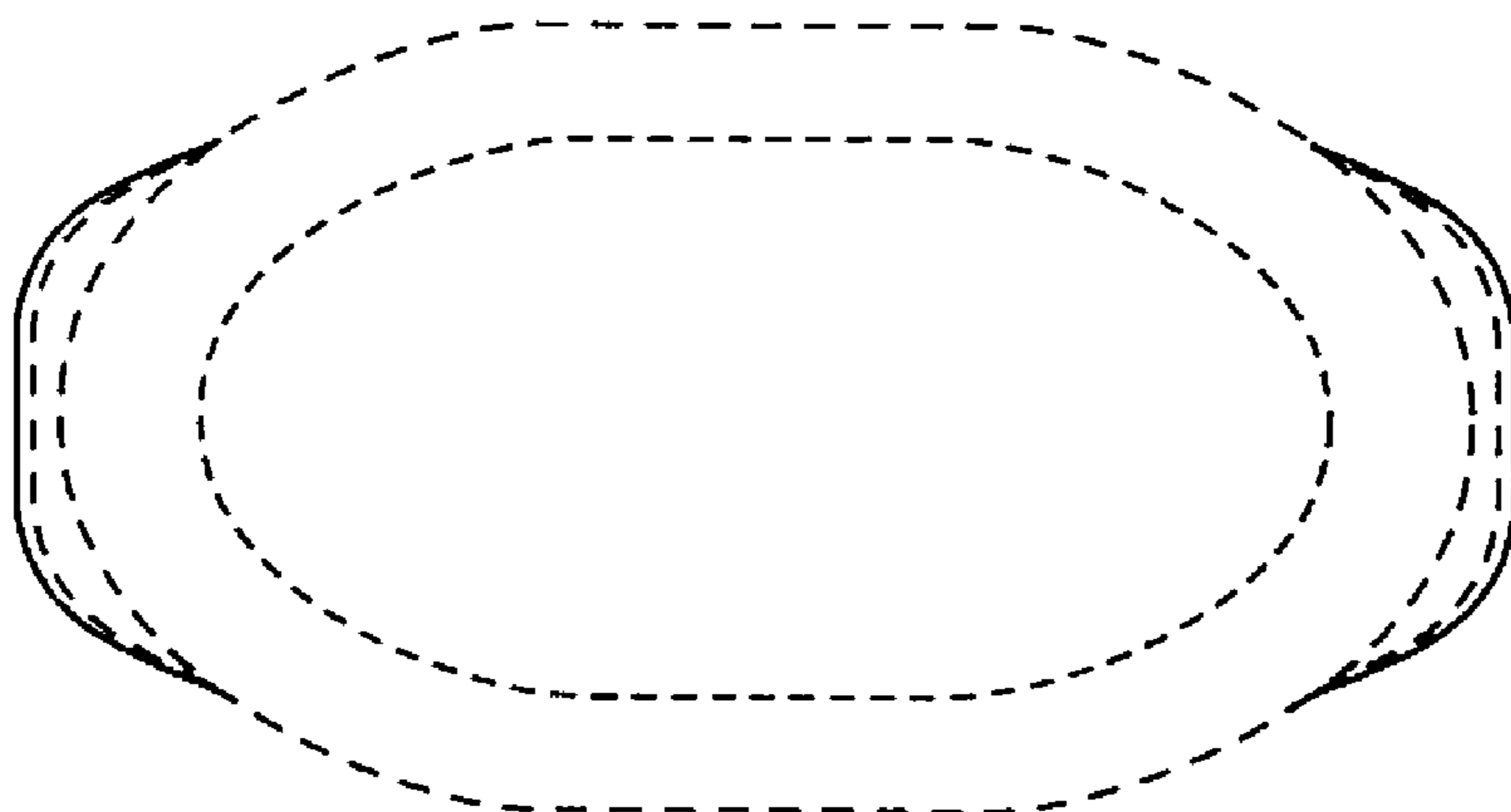


FIG. 7