



US00D635657S

(12) **United States Design Patent**
Marple

(10) **Patent No.:** **US D635,657 S**
(45) **Date of Patent:** **** Apr. 5, 2011**

(54) **FIREPLACE GRATE**

(75) Inventor: **Steve Marple**, Bayfield, CO (US)

(73) Assignee: **Earth's Flame, Inc.**, Corona, CA (US)

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

(21) Appl. No.: **29/357,076**

(22) Filed: **Mar. 5, 2010**

(51) **LOC (9) Cl.** **23-03**

(52) **U.S. Cl.** **D23/398**

(58) **Field of Classification Search** D23/397-410,
D23/388, 386, 387, 392, 393, 261; 210/163;
404/2, 4; 126/152 R, 541; 4/507

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

| | | | |
|---------------|---------|------------------|---------|
| 92,526 A | 7/1869 | Hamilton | |
| 114,280 A | 5/1871 | Farris | |
| 1,191,848 A | 7/1916 | Stout | |
| 3,380,472 A | 4/1968 | Leighton | |
| 3,416,733 A | 12/1968 | Leighton | |
| 3,905,351 A | 9/1975 | Hatfield et al. | |
| 3,942,509 A | 3/1976 | Sasser | |
| 4,029,078 A * | 6/1977 | Eller | D23/407 |
| 4,078,542 A | 3/1978 | Young et al. | |
| 4,122,825 A | 10/1978 | Slate | |
| 4,149,517 A | 4/1979 | Horwinski | |
| D254,388 S * | 3/1980 | Chesnut et al. | D23/399 |
| 4,206,875 A | 6/1980 | Grasso | |
| D259,657 S * | 6/1981 | Metz et al. | D23/399 |
| 4,310,303 A | 1/1982 | Collier | |
| D265,167 S * | 6/1982 | Cordova | D23/399 |
| 4,334,517 A | 6/1982 | Sweitzer | |
| 4,349,009 A | 9/1982 | Patterson et al. | |
| D269,994 S * | 8/1983 | Jenkins | D23/403 |
| 4,445,497 A | 5/1984 | Kilday, Sr. | |
| 4,515,147 A | 5/1985 | Van Grouw et al. | |
| D345,416 S * | 3/1994 | Steele et al. | D23/398 |
| D352,776 S * | 11/1994 | Hill et al. | D23/400 |
| D360,683 S * | 7/1995 | Mele | D23/410 |

(Continued)

OTHER PUBLICATIONS

Wikipedia, "Fireplace"; <http://en.wikipedia.org/wiki/Fireplace> (3 pages).

Achoo! Allergy & Air Products, "Wood-Burning Fireplaces & Air Pollution"; <http://www.achooallergy.com/fireplace-air-pollution.asp> (2 pages).

Carter, Tim/Ask the Builder, "Fireplace Design & Dimensions"; http://www.askthebuilder.com/B110_Fireplace_Design_Dimensions.shtml (7 pages).

(Continued)

Primary Examiner — David G Muller

(74) *Attorney, Agent, or Firm* — Stetina Brunda Garred & Brucker

(57) **CLAIM**

The ornamental design for a fireplace grate, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the fireplace grate of the present invention showing my new design;

FIG. 2 is a right side elevational view thereof;

FIG. 3 is a top plan view thereof;

FIG. 4 is a front elevational view thereof;

FIG. 5 is a rear elevational view thereof;

FIG. 6 is a bottom plan view thereof;

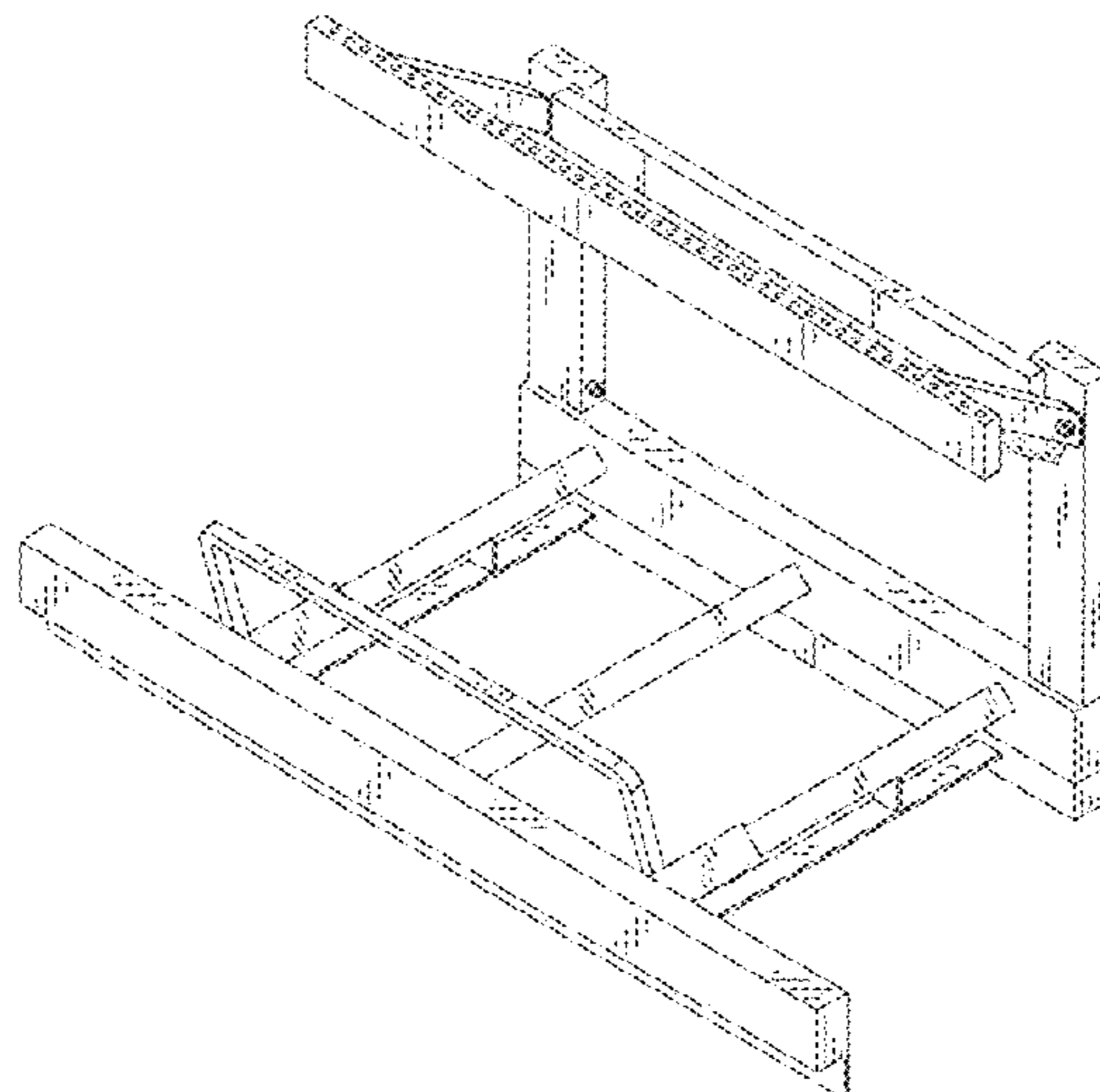
FIG. 7 is a perspective view of the fireplace grate of the present invention depicting the upper portion of the fireplace grate in an extended position;

FIG. 8 is a right side elevational view of the fireplace grate of the present invention depicting the upper portion of the fireplace grate in an extended position; and,

FIG. 9 is a right side elevational view of the fireplace grate of the present invention depicting the forward portion of the fireplace grate in a contracted position and the upper portion of the fireplace grate in an extended position.

The phantom line immediately adjacent to the claimed area in FIG. 6 represents the boundary of the claimed design. The dashed lines in the figures illustrate the portions of the design that form no part of the claimed design. None of the broken lines form any part of the claimed design.

1 Claim, 4 Drawing Sheets



US D635,657 S

Page 2

U.S. PATENT DOCUMENTS

D395,079 S * 6/1998 Kim D23/398
5,850,830 A 12/1998 Smith
5,934,270 A 8/1999 Kim
D431,292 S * 9/2000 Tallving D23/410
6,405,724 B1 * 6/2002 Richard 126/152 R
6,484,714 B1 11/2002 Smith
D540,458 S * 4/2007 Rozier, Sr. D23/410
D540,459 S * 4/2007 Rozier, Sr. D23/410

OTHER PUBLICATIONS

The Brick Industry Association, "Technical Notes 19A—Residential Fireplaces, Details and Construction"; Rev [May 1980]; Reissued Aug. 2000; <http://www.gobrick.com/BIA/technotes/t19a.htm> (9 pages).

The Brick Industry Association, "Technical Notes 19—Residential Fireplace Design"; Jan. 1993; <http://www.gobrick.com/BIA/technotes/t19.htm> (14 pages).

* cited by examiner

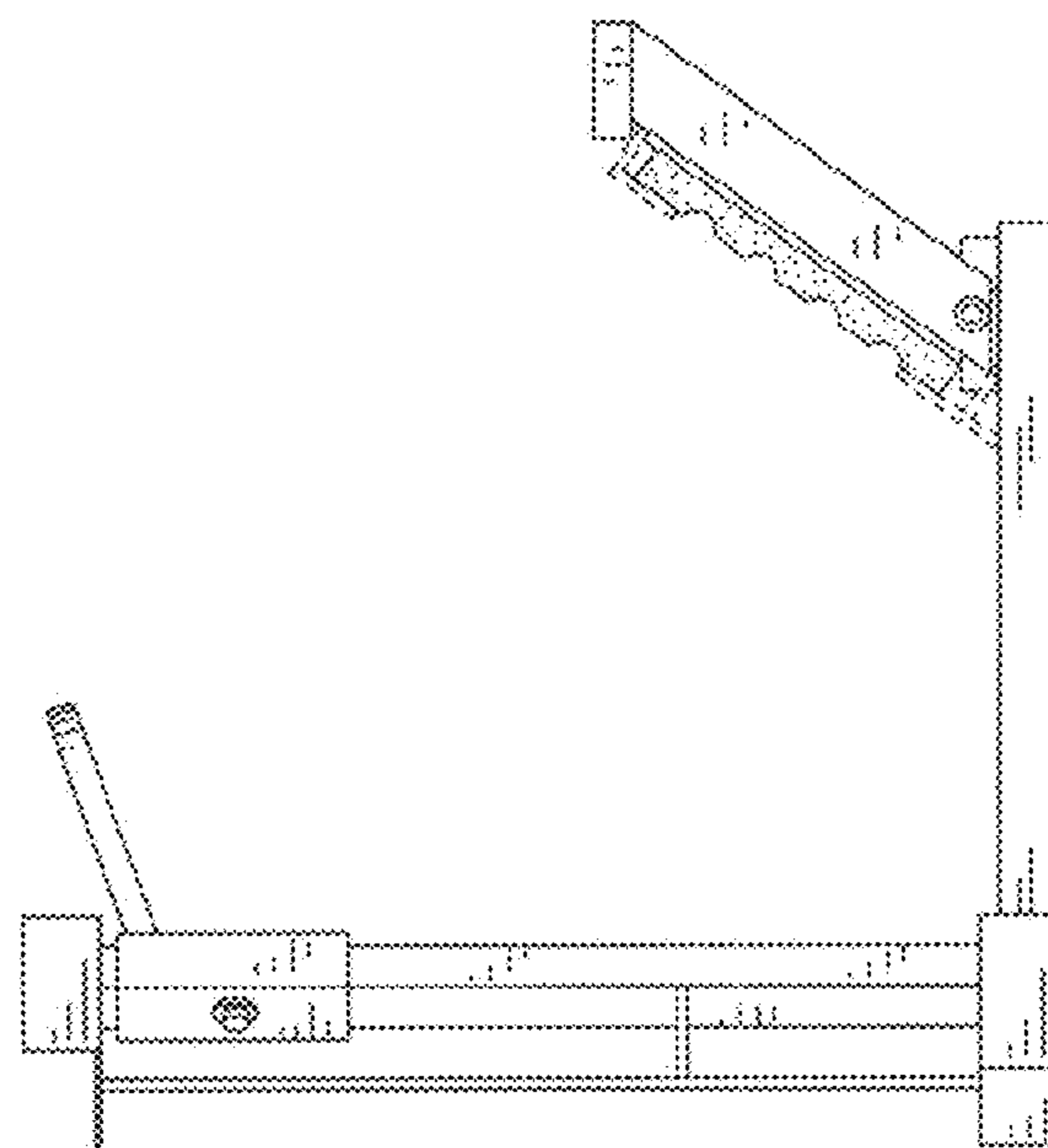
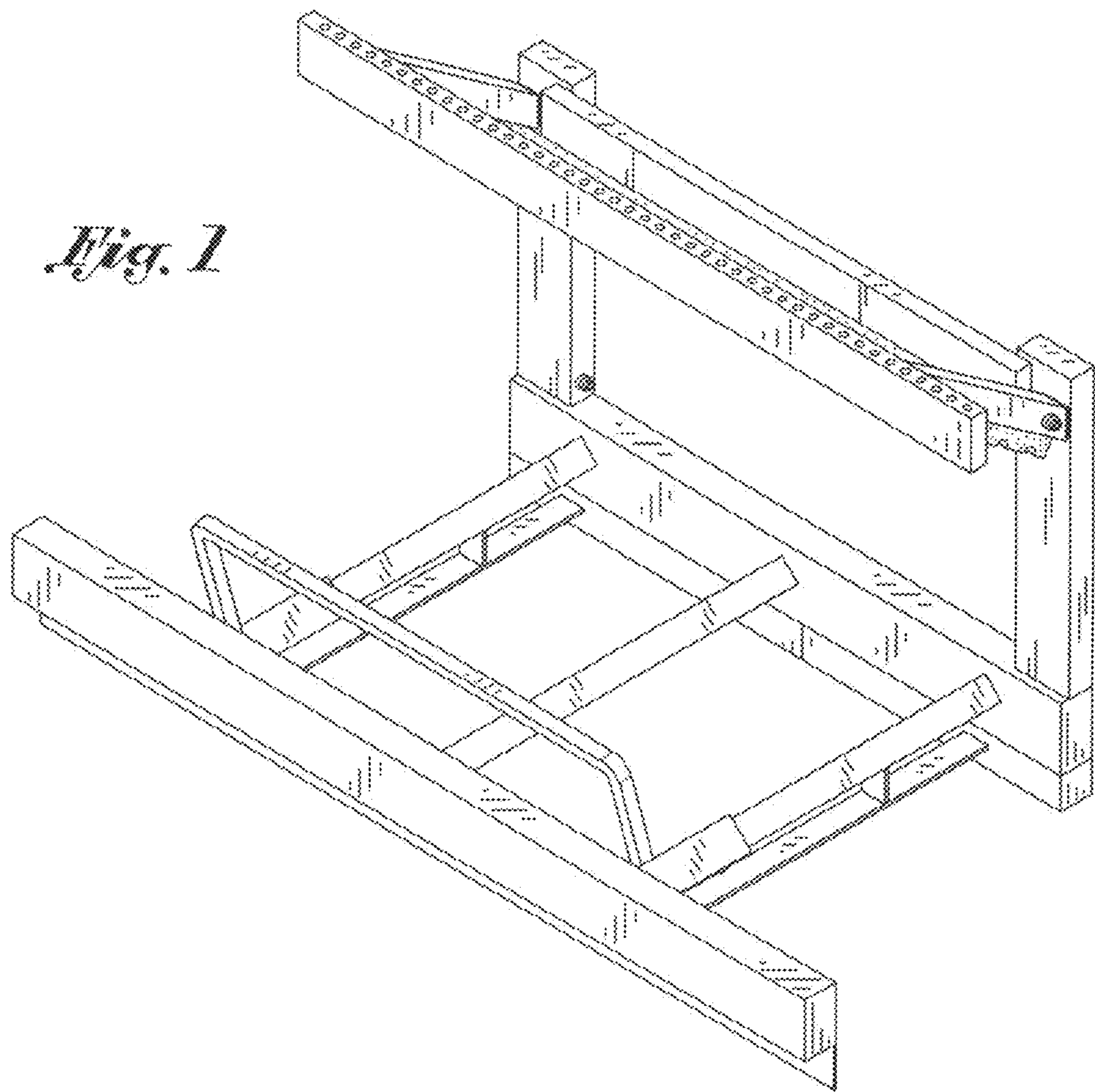


Fig. 2

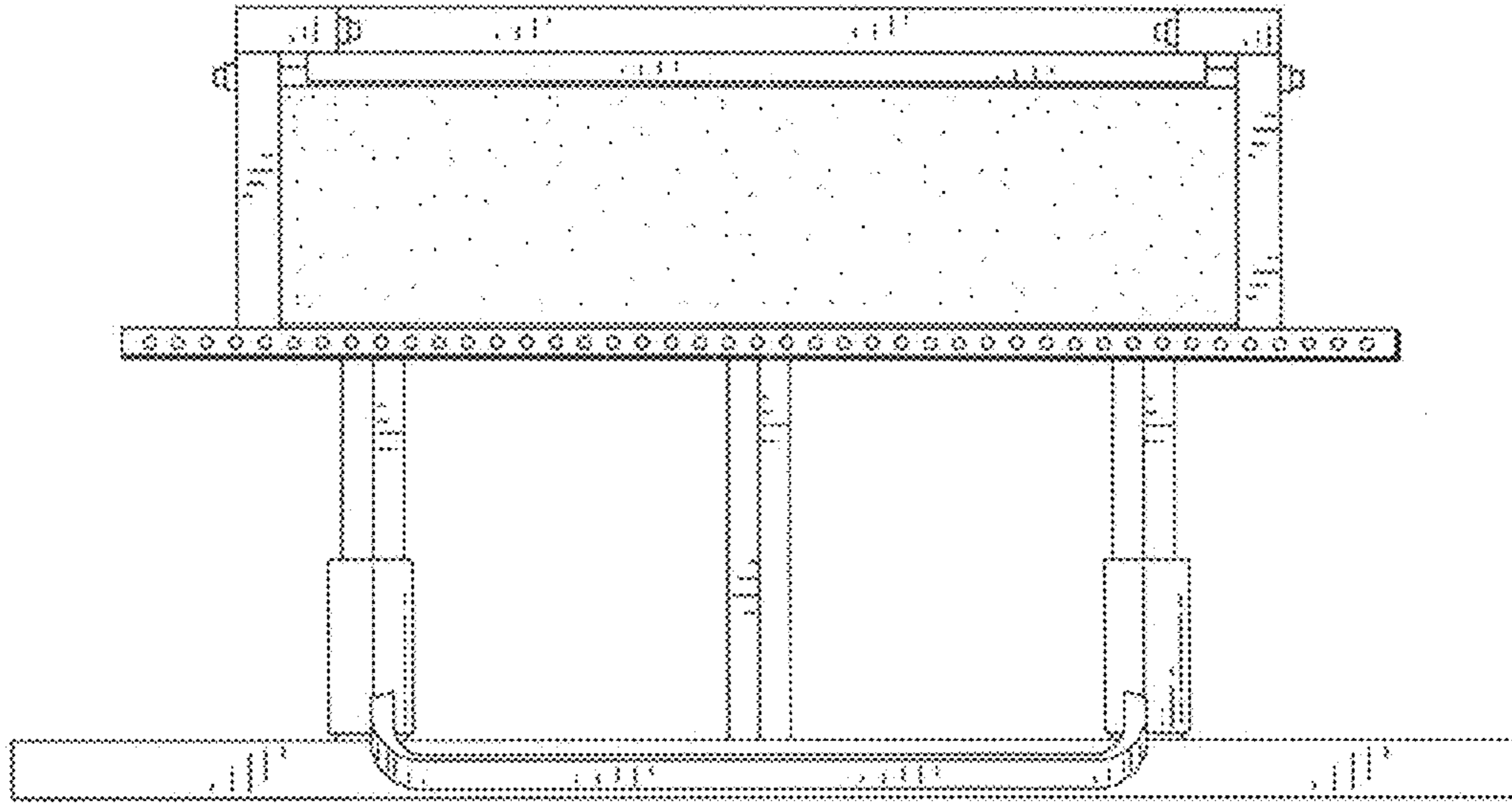


Fig. 3

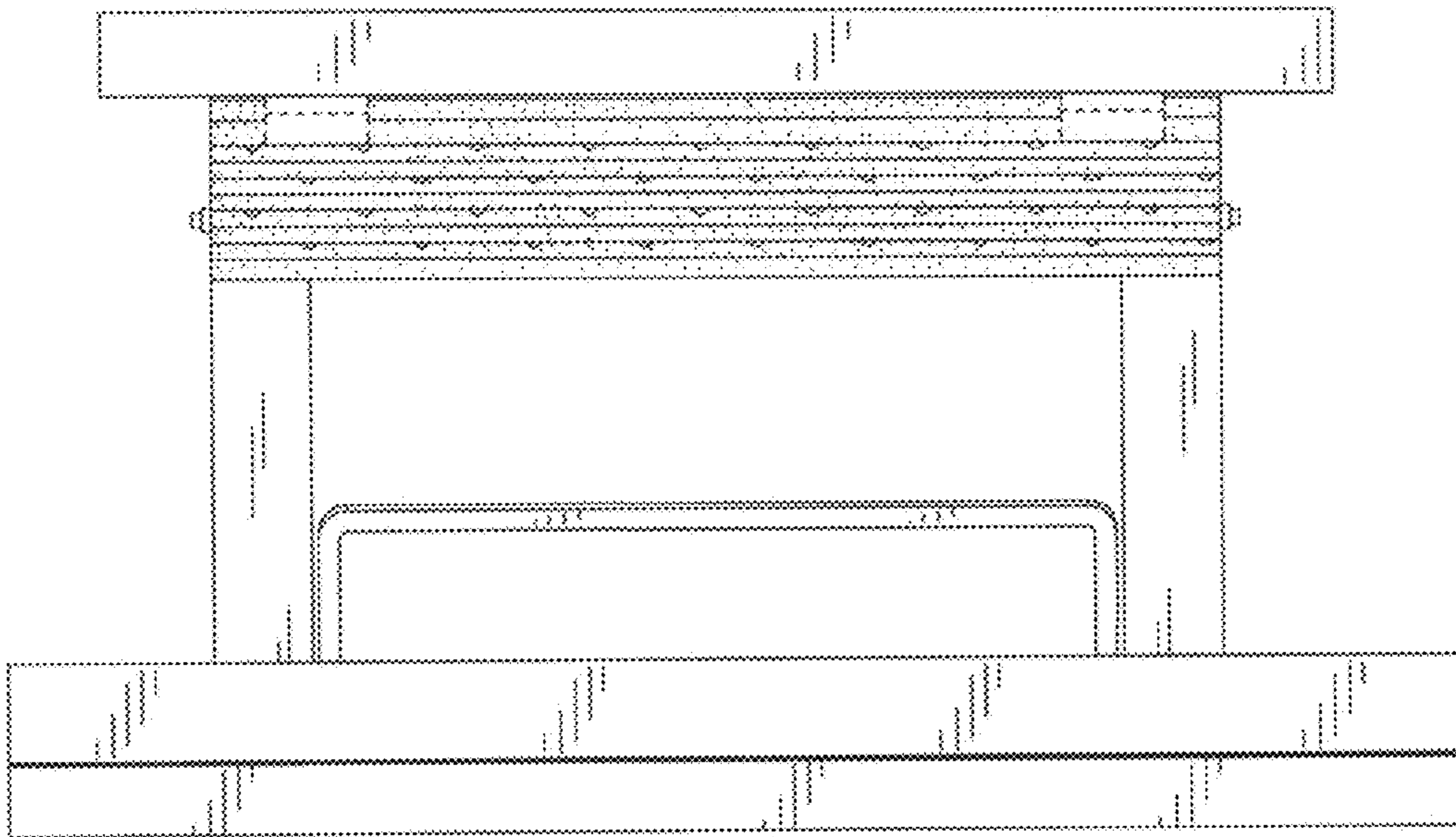


Fig. 4

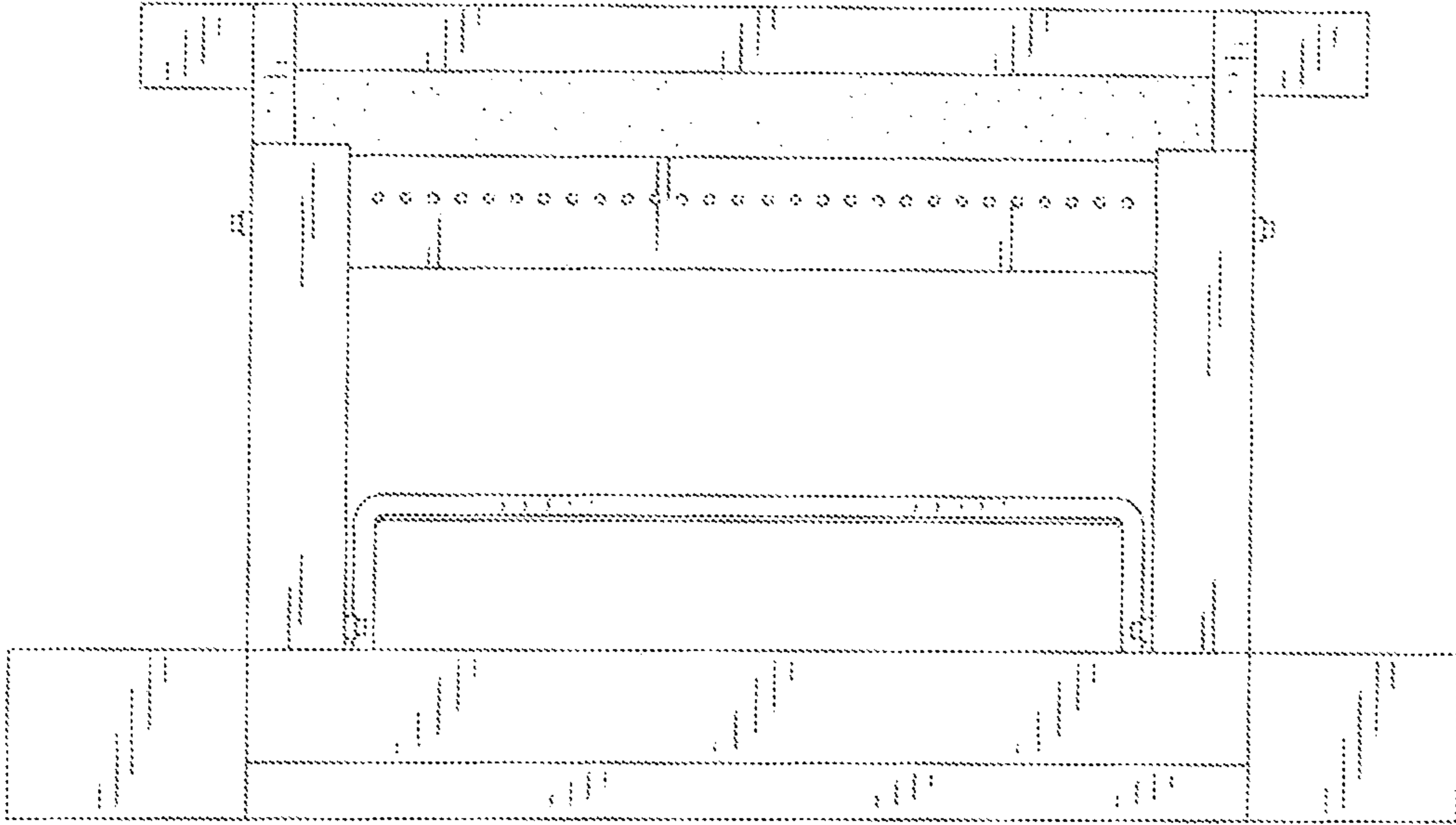


Fig. 5

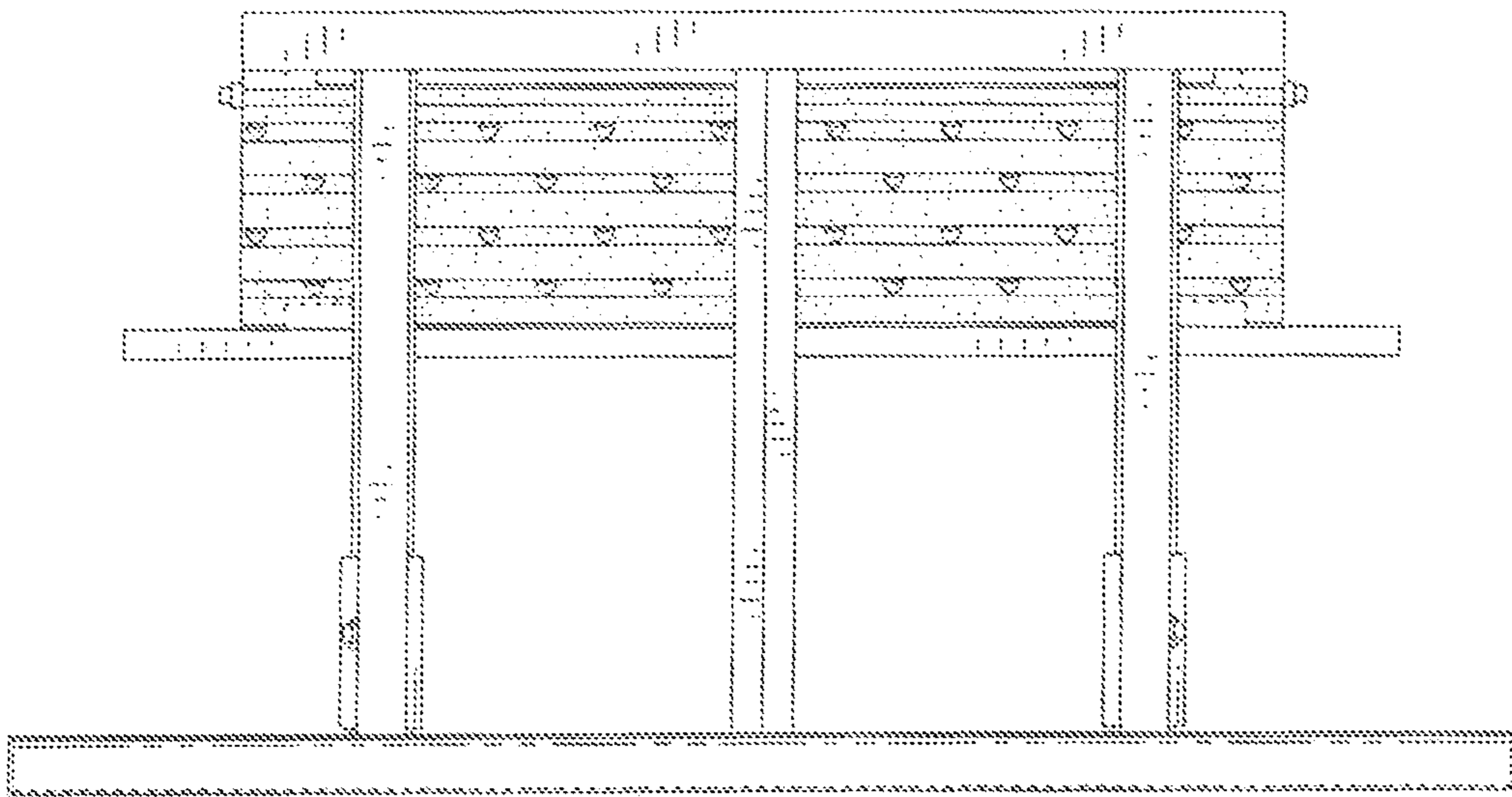


Fig. 6

Fig. 7

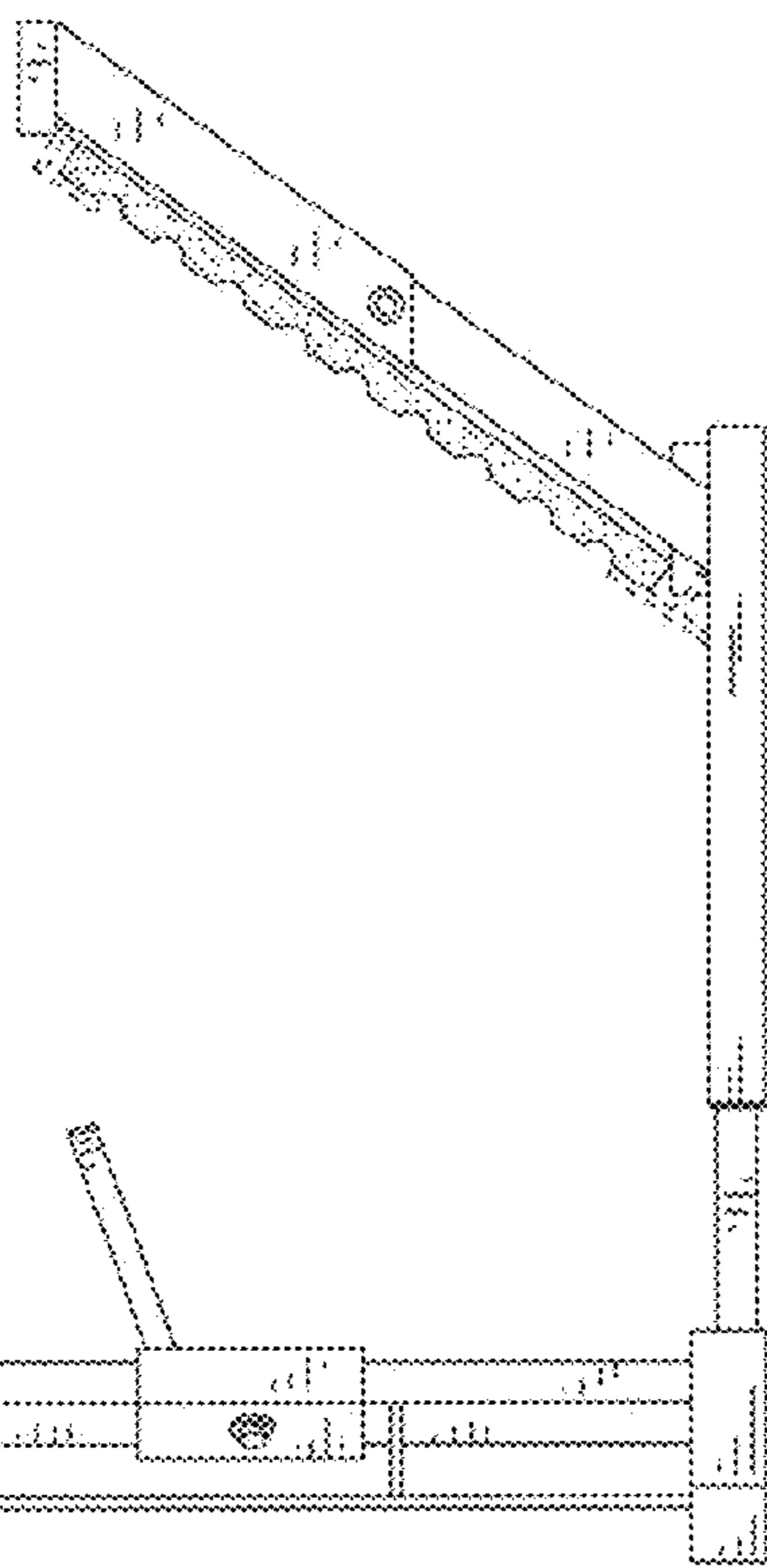
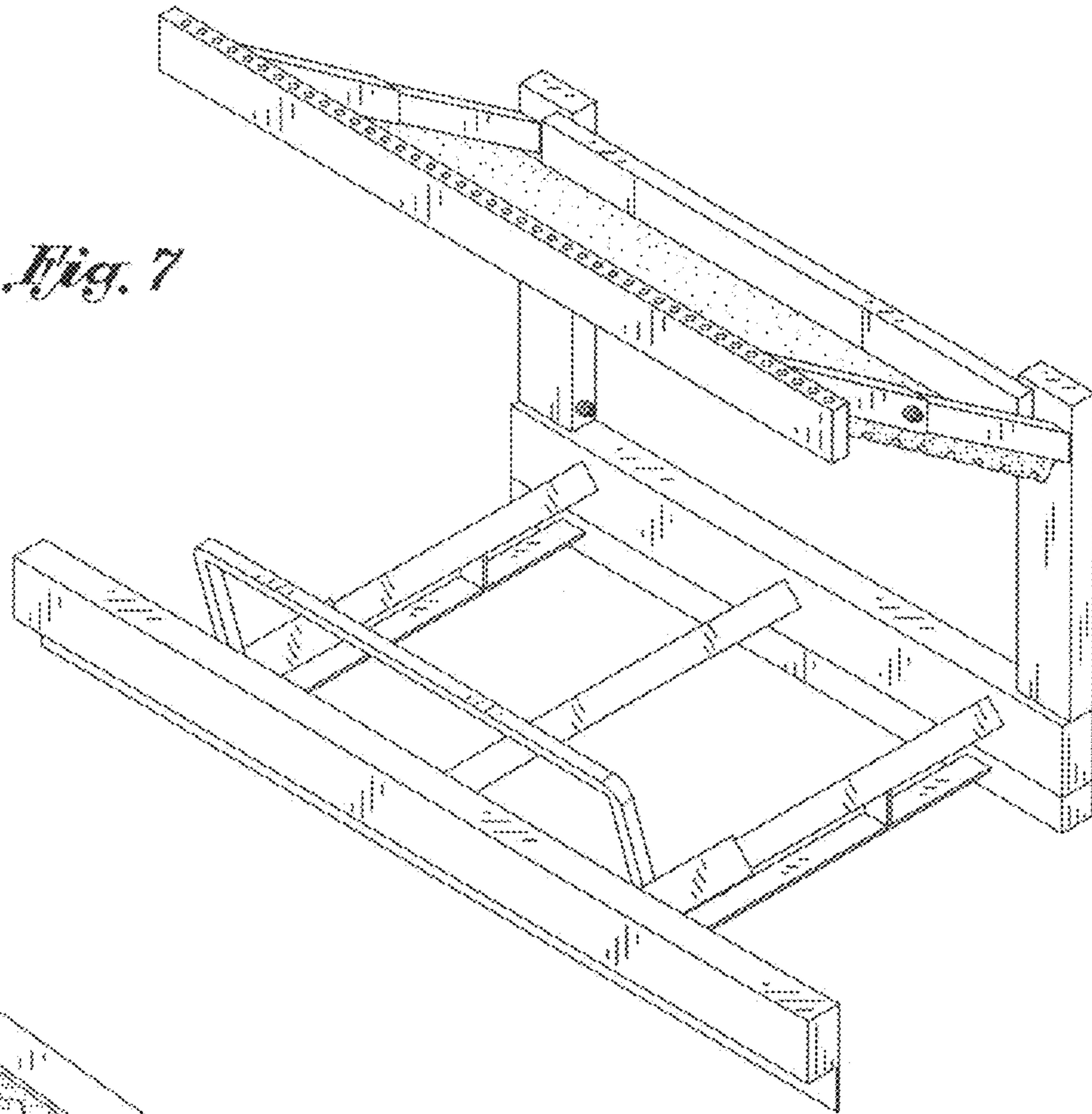


Fig. 9

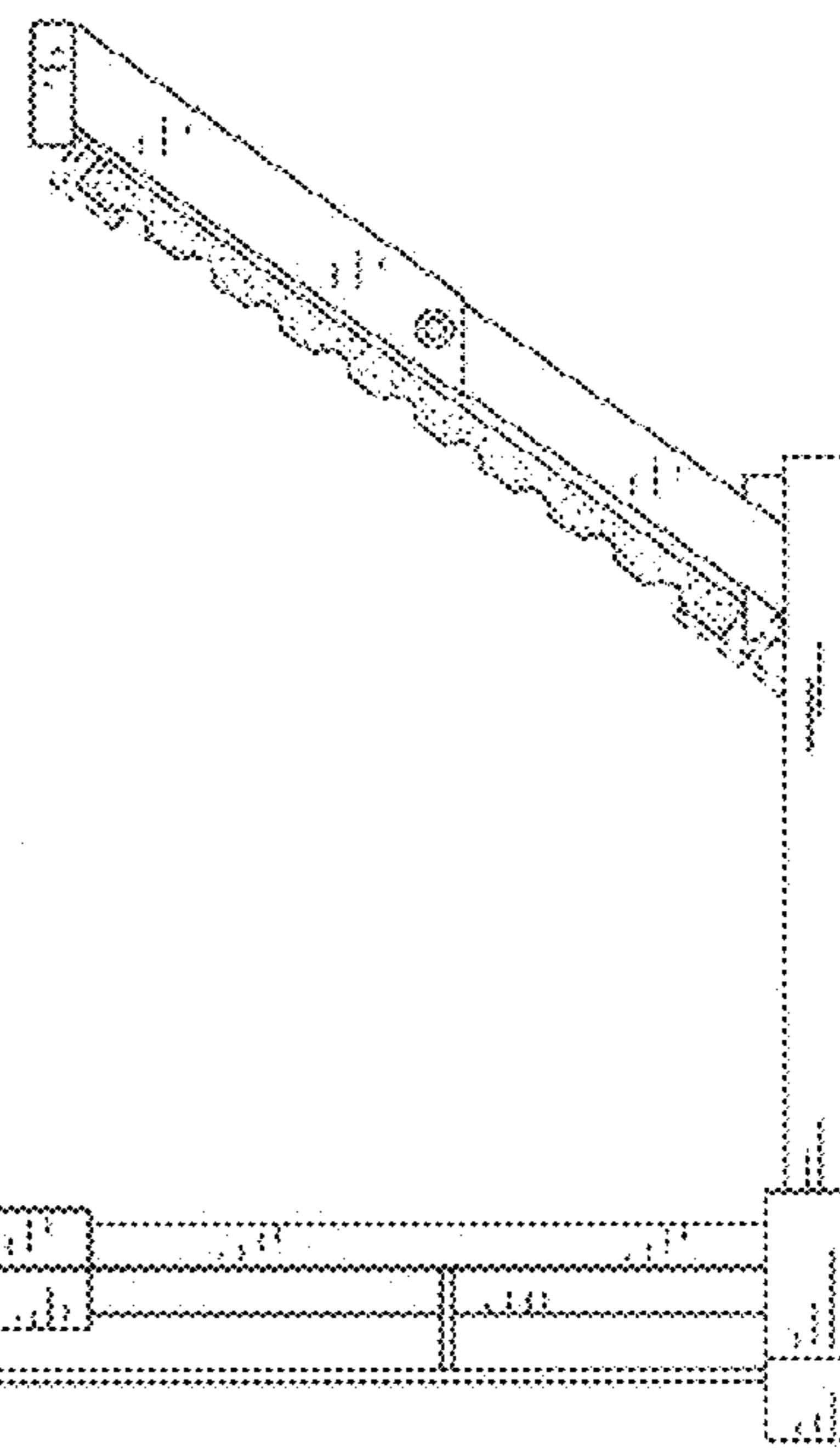


Fig. 8