



US00D647285S

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

(10) **Patent No.:** **US D647,285 S**

(45) **Date of Patent:** **** Oct. 25, 2011**

(54) **HEADPHONE EARFLAPS FOR A CAP**

(75) Inventors: **Brian Larkin**, Buffalo, NY (US); **Gina Goss**, Grand Island, NY (US); **Brian Radko**, Lancaster, NY (US)

(73) Assignee: **New Era Cap Co., Inc.**, Buffalo, NY (US)

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

(21) Appl. No.: **29/367,934**

(22) Filed: **Aug. 16, 2010**

(51) **LOC (9) Cl.** **02-03**

(52) **U.S. Cl.** **D2/866**

(58) **Field of Classification Search** D2/865,
D2/866, 868, 869, 870, 871, 872, 873, 874,
D2/875, 876, 877, 878, 879, 880, 881, 882,
D2/883, 884, 886, 891, 893; D14/192, 205,
D14/206; D29/109, 122; 2/171, 172, 175.1,
2/175.2, 175.5, 195.1, 195.2, 195.3, 195.4,
2/195.6, 195.7, 200.1, 200.2, 209.11, 209.12,
2/209.13, 410, 416, 421, 422, 423; 381/376,
381/383

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

33,984	A *	12/1861	Cohen	2/208
1,354,524	A *	10/1920	Timmons	379/430
1,639,468	A *	8/1927	Rosenberg et al.	2/172
1,810,549	A *	6/1931	Allen	2/422
1,879,353	A *	9/1932	Levi	2/6.2
1,991,055	A *	2/1935	Levy	2/172
D136,649	S *	11/1943	Dannenberg	D2/879
2,743,454	A *	5/1956	Woodbury	2/172
3,518,701	A *	7/1970	Fekete	2/172
D228,352	S *	9/1973	Itagaki	D14/205
4,776,044	A *	10/1988	Makins	2/209.13
4,858,248	A *	8/1989	Goldsmith et al.	2/209.13
4,951,319	A *	8/1990	Phillips et al.	2/172

4,982,451	A *	1/1991	Graham	2/410
D318,171	S *	7/1991	Foresman et al.	D2/880
D326,655	S *	6/1992	Iribe	D14/192

(Continued)

OTHER PUBLICATIONS

Phillies 'Front-Fur Dogear' Black Fitted Hats by New Era [online]. [Retrieved May 8, 2008]. Retrieved from the Internet Sep. 19, 2010, URL: <http://www.kaboodle.com/irishwrstlr/hats.html> (see p. 3). (7 pages).*

(Continued)

Primary Examiner — Karen E Eldridge Powers

(74) *Attorney, Agent, or Firm* — Phillips Lytle LLP

(57) **CLAIM**

We claim the ornamental design for headphone earflaps on a cap, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the headphone earflaps for a cap.

FIG. 2 is an enlarged detail view of the portion of the headphone earflap shown in the broken-line circle in FIG. 1; the broken-line circle indicates the portion that comprises the detail view only and forms no part of the claimed design.

FIG. 3 is a right side view of the headphone earflaps for a cap shown in FIG. 1.

FIG. 4 is a left side view of the headphone earflaps for a cap shown in FIG. 1.

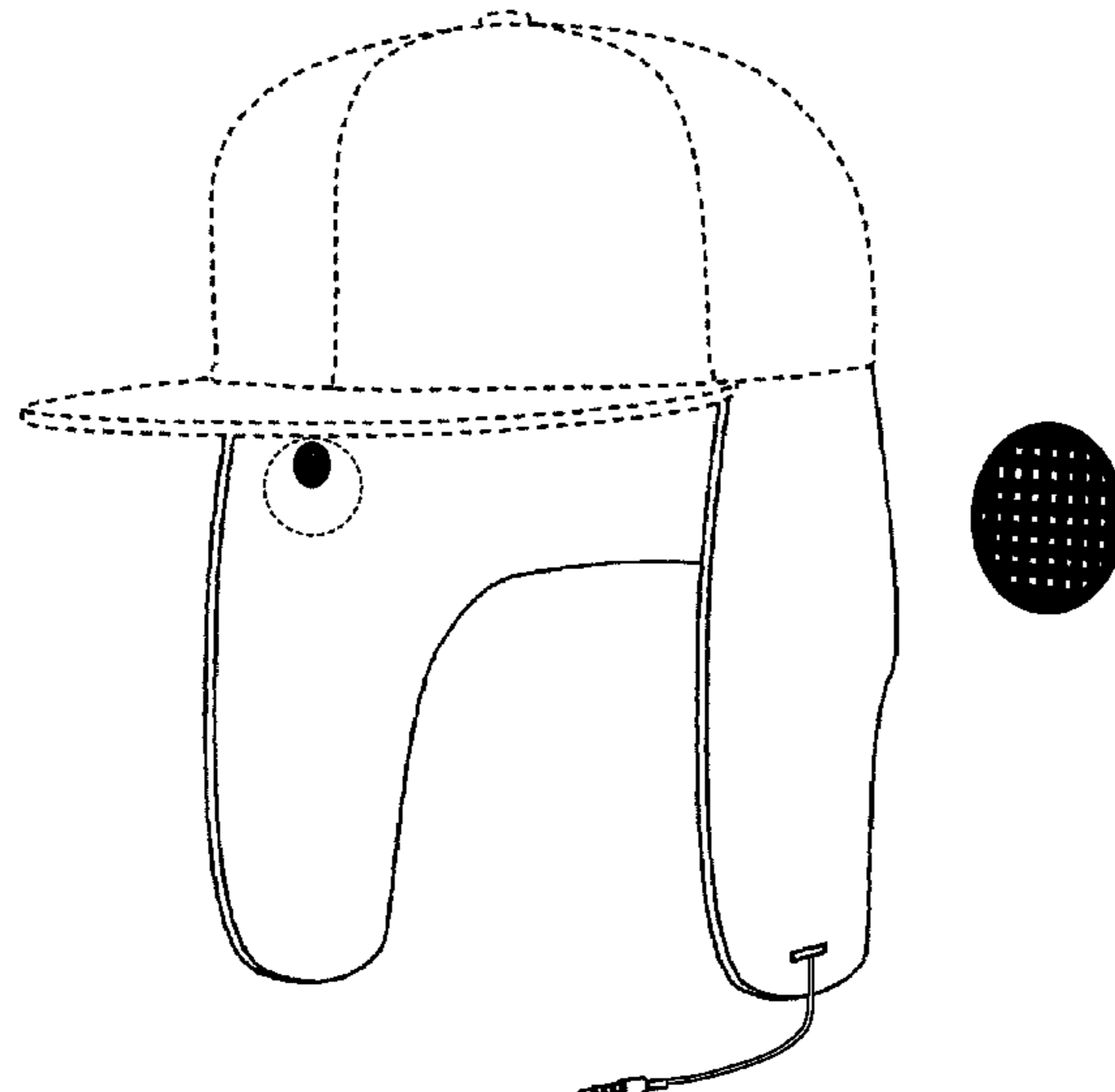
FIG. 5 is a front view of the headphone earflaps for a cap shown in FIG. 1.

FIG. 6 is a rear view of the headphone earflaps for a cap shown in FIG. 1.

FIG. 7 is a bottom view of the headphone earflaps for a cap shown in FIG. 1; and,

FIG. 8 is a top view of the headphone earflaps for a cap shown in FIG. 1.

1 Claim, 7 Drawing Sheets



U.S. PATENT DOCUMENTS

5,164,987 A * 11/1992 Raven 381/309
 D365,559 S * 12/1995 Fathi D14/142
 D378,158 S * 2/1997 Casey D2/889
 5,603,117 A * 2/1997 Hudner et al. 2/6.6
 D384,791 S * 10/1997 Juergens D2/866
 D390,564 S * 2/1998 Savona D14/205
 D399,338 S * 10/1998 Lund D2/879
 5,881,390 A * 3/1999 Young 2/209.13
 D430,547 S * 9/2000 Yoon D14/142
 6,305,029 B1 * 10/2001 Reynolds 2/422
 D465,472 S * 11/2002 Bosch D14/206
 D467,056 S * 12/2002 Rothschild D2/870
 D501,979 S * 2/2005 Lundgren D2/866
 D525,767 S * 8/2006 Boyle D2/870
 D582,354 S * 12/2008 Andre et al. D13/158
 D587,677 S * 3/2009 Andre et al. D14/205
 D588,784 S * 3/2009 Cho D2/872
 D589,491 S * 3/2009 Andre et al. D14/205

D595,690 S * 7/2009 Fullerton D14/205
 D618,446 S * 6/2010 Clare et al. D2/878
 2007/0130670 A1 * 6/2007 Henf 2/195.1
 2008/0192974 A1 * 8/2008 Mao 381/376

OTHER PUBLICATIONS

New Era Holiday 2008 Dogear 59Fifty Collection, New Era Dogear 5950 cap [online]. [Retrieved Nov. 14, 2008]. Retrieved from the Internet on Sep. 19, 2010, URL: <http://www.highsnobiety.com/news/2008/11/14/new-era-holiday-2008-dogear-59fifty/new-era-dogear-5950-cap-4/>. (4 pages).*

New Era Trace Dogear Winter Cap [online]. [Retrieved Jan. 14, 2009]. Retrieved from the Internet on Sep. 19, 2010, URL: <http://www.hatsavenue.com/new-era-hats/support-your-teams-in-new-era-trace-dogear-winter-cap>. (2 pages).*

* cited by examiner

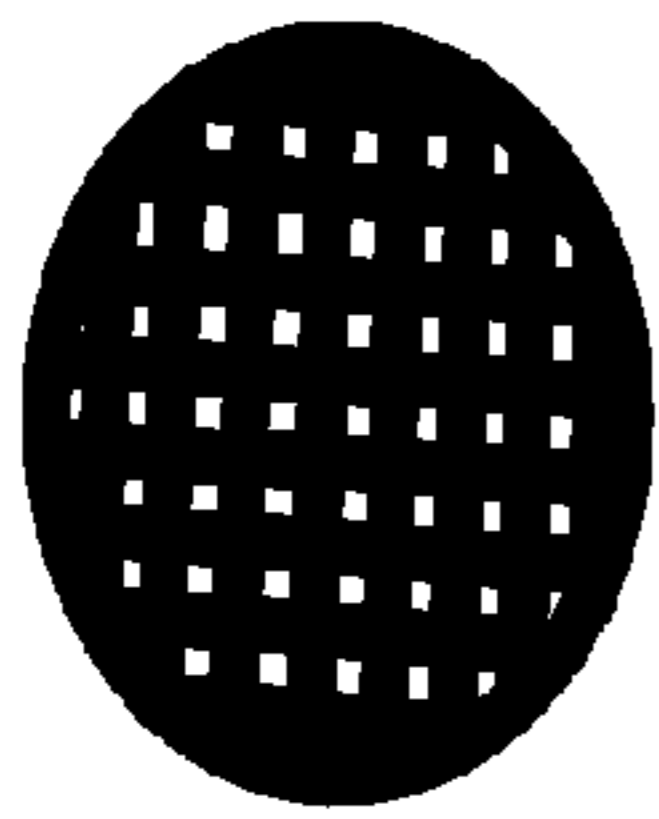


FIG. 2

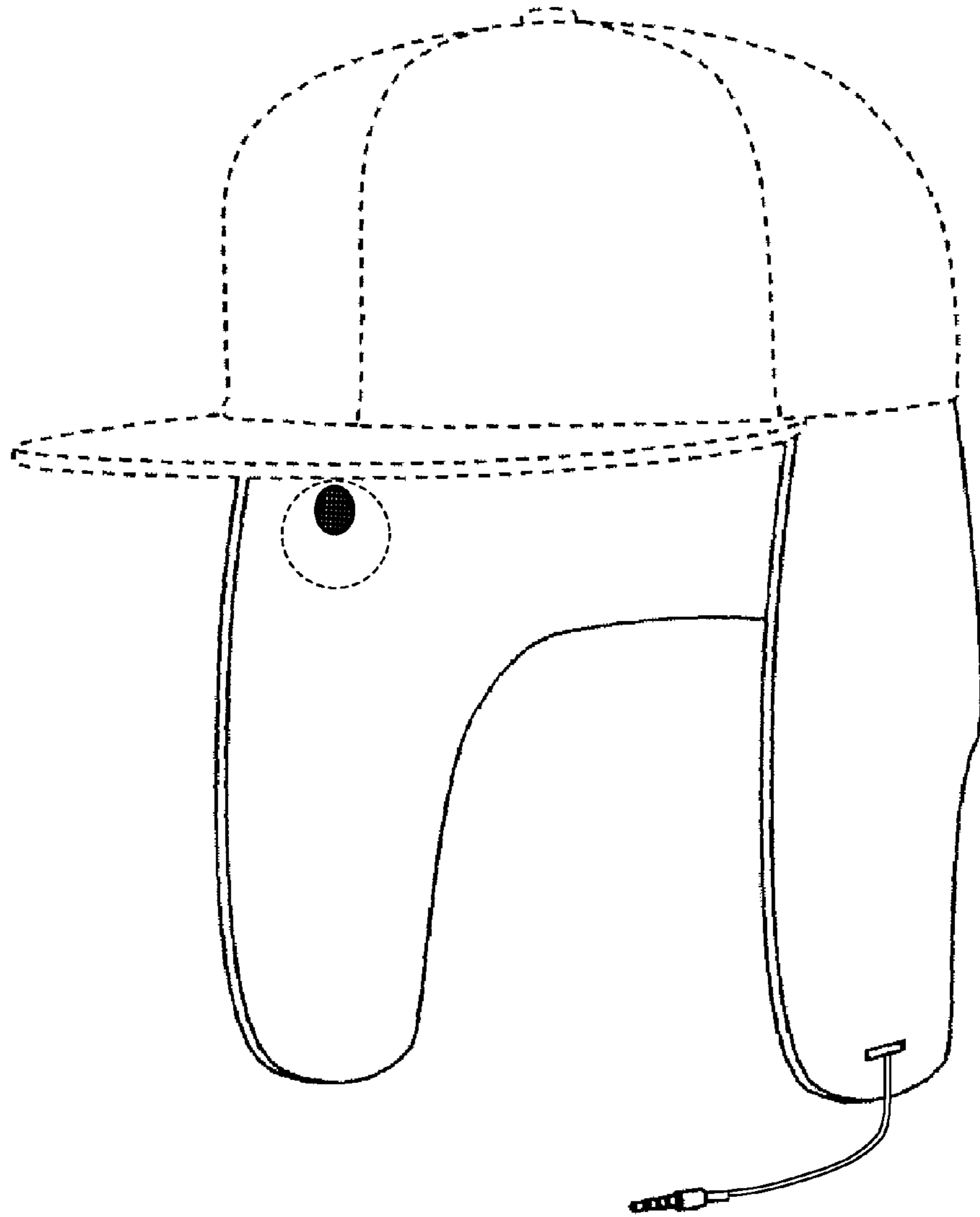


FIG. 1

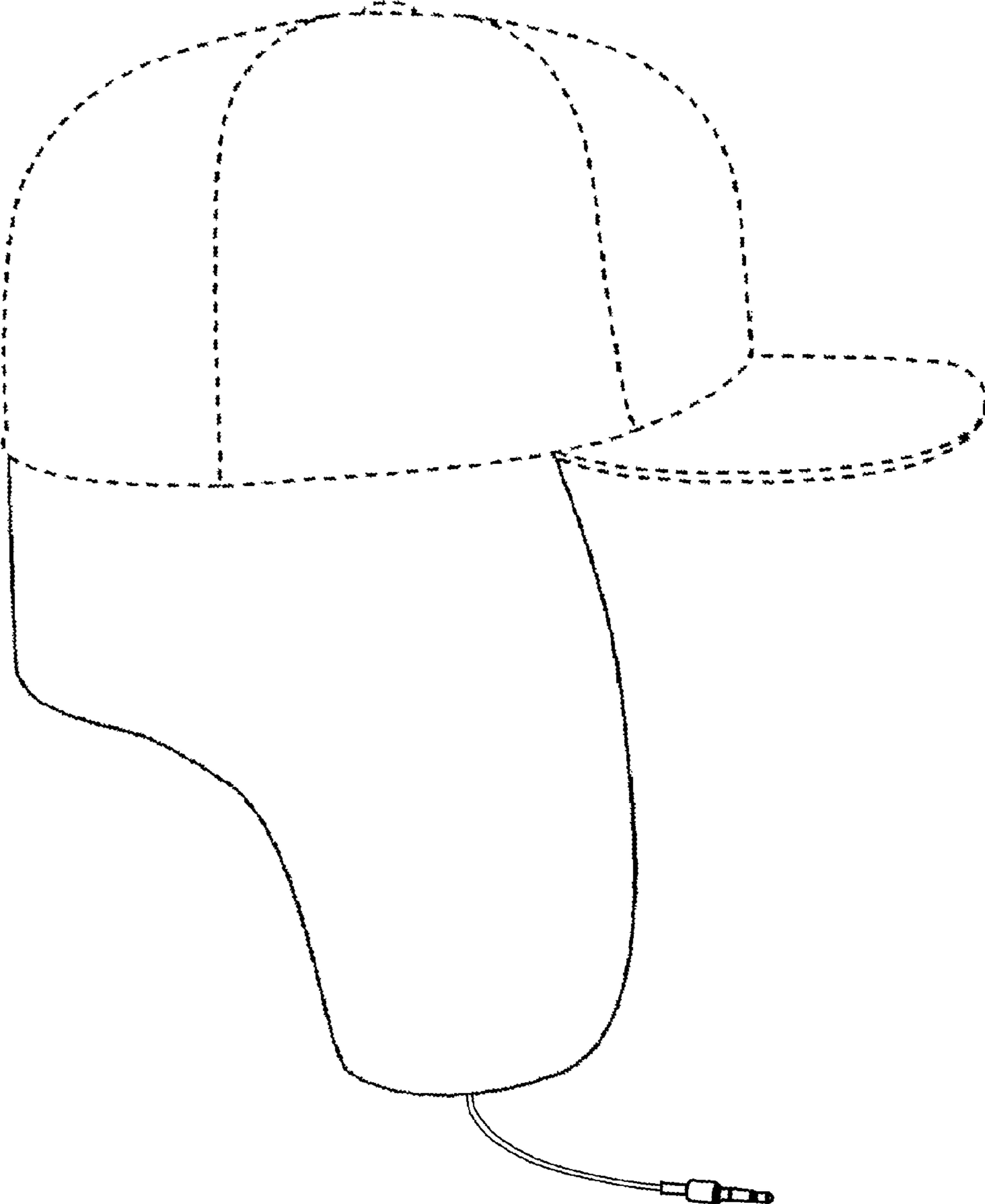


FIG. 3

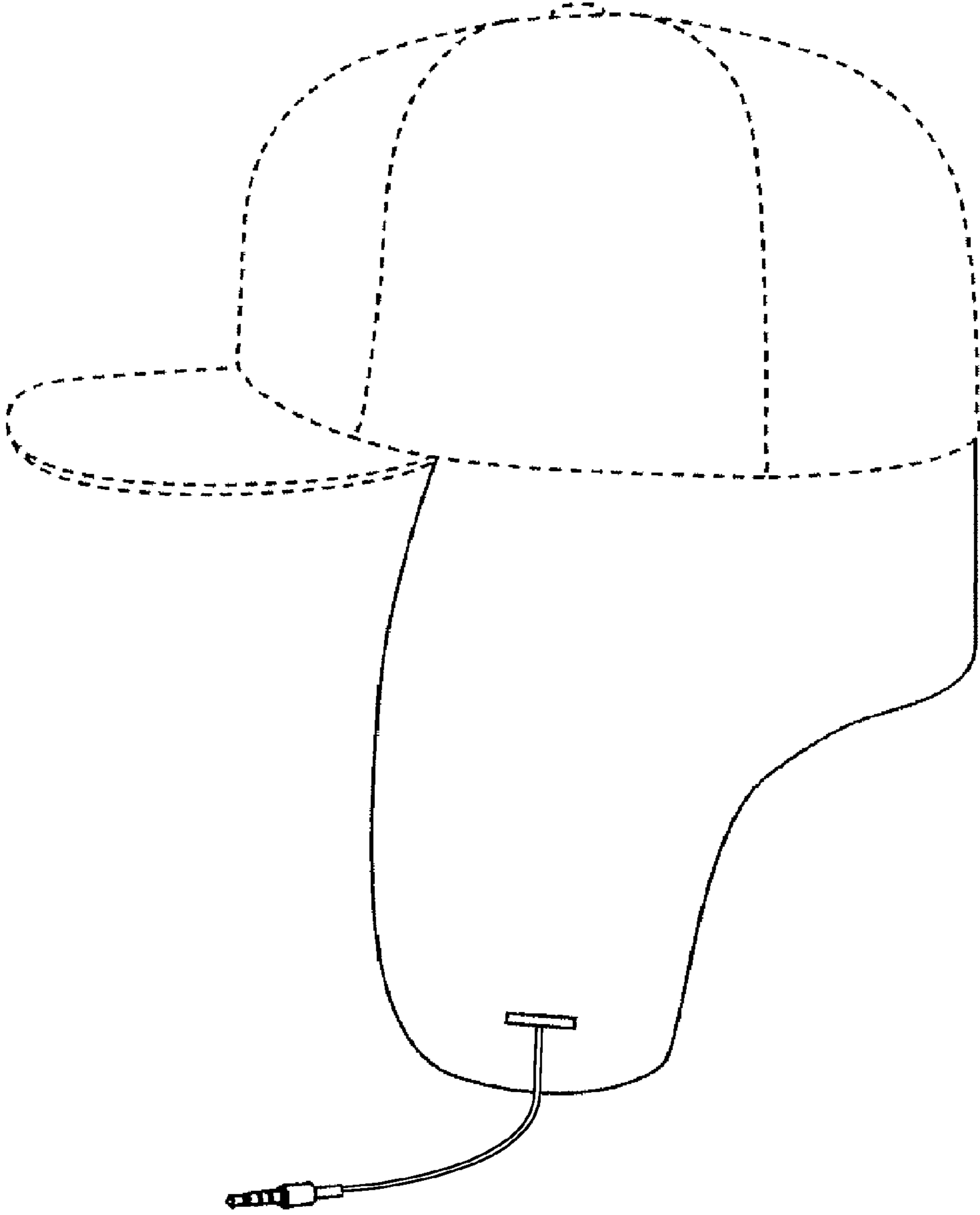


FIG. 4

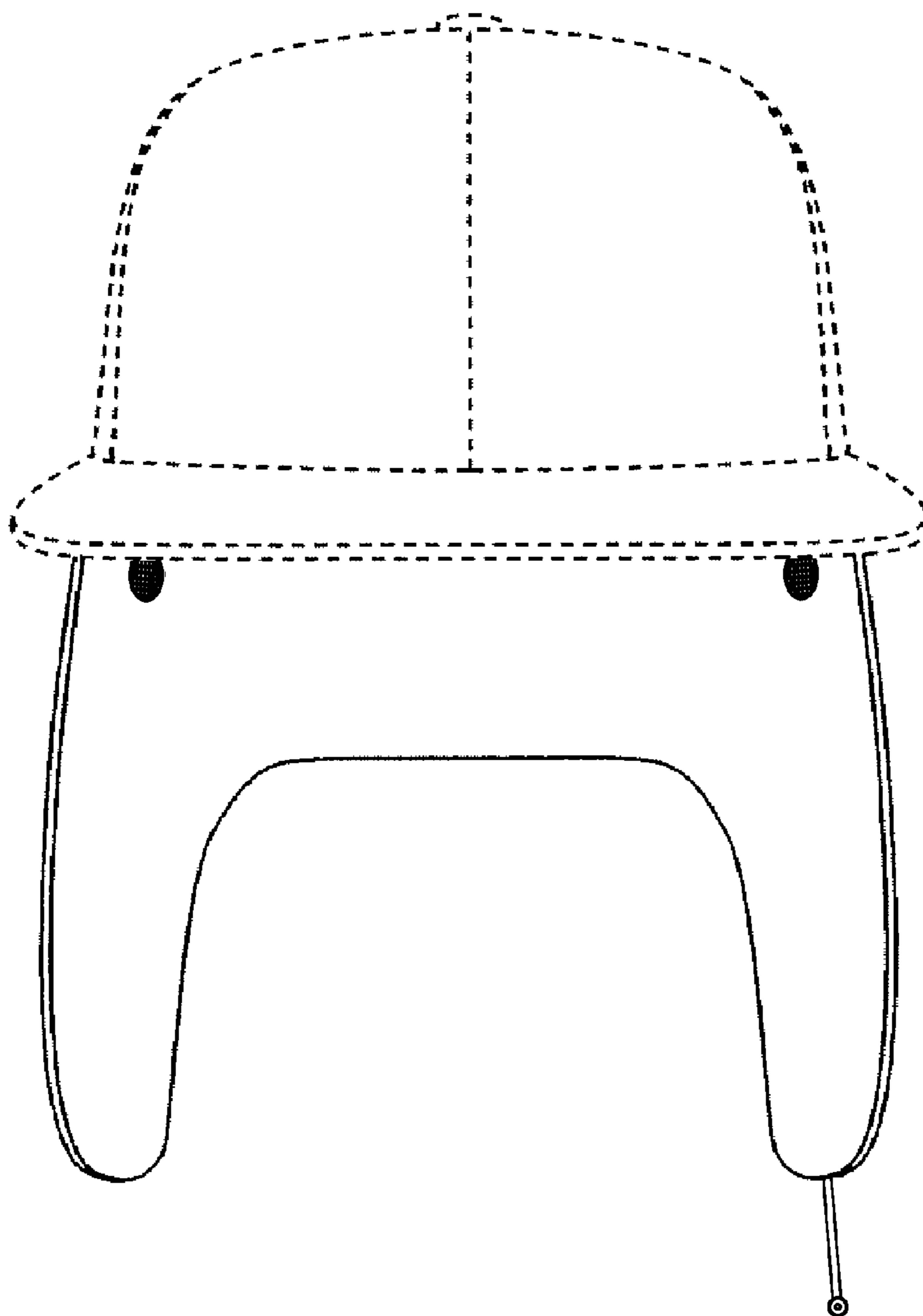


FIG. 5

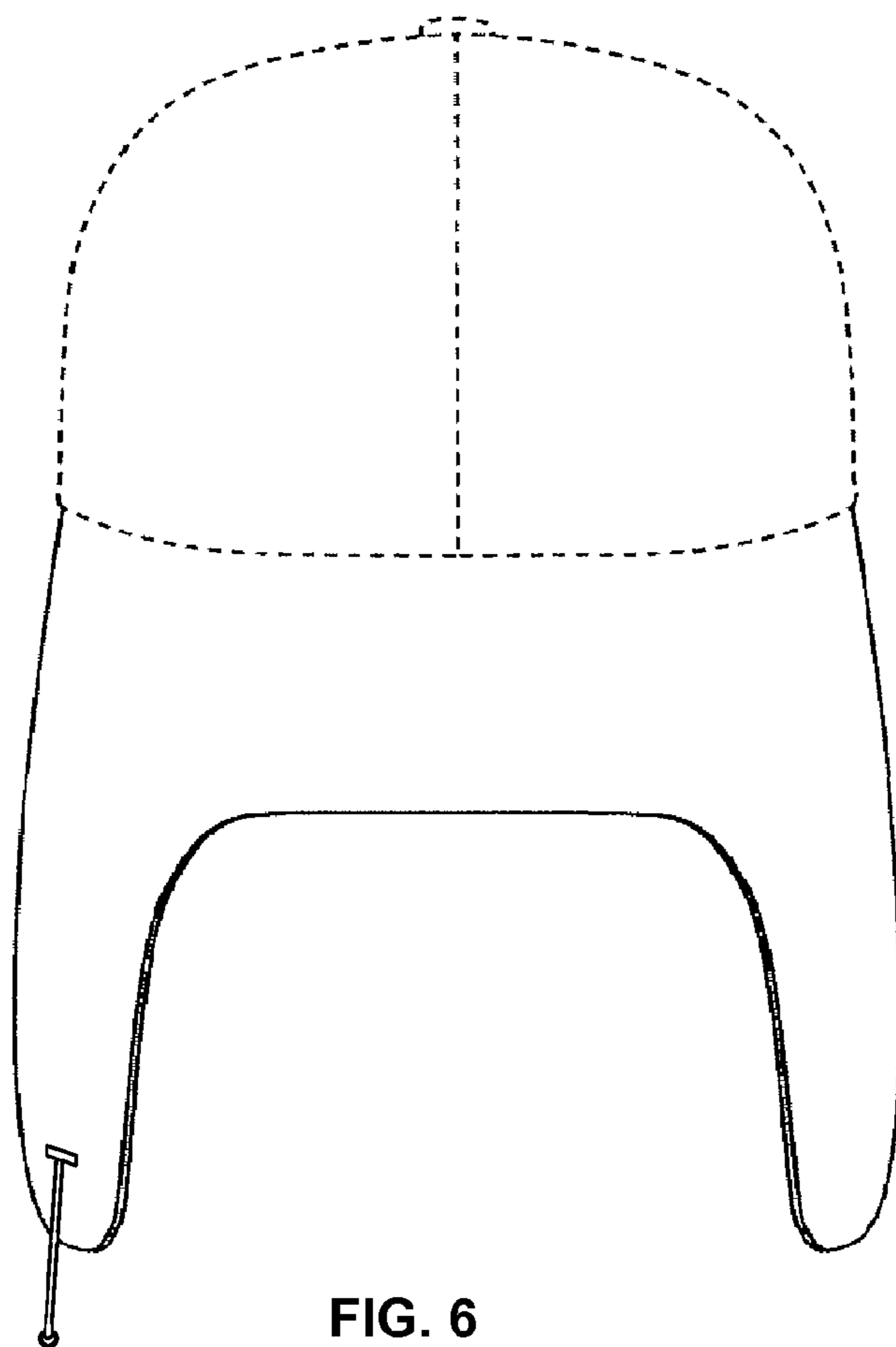


FIG. 6

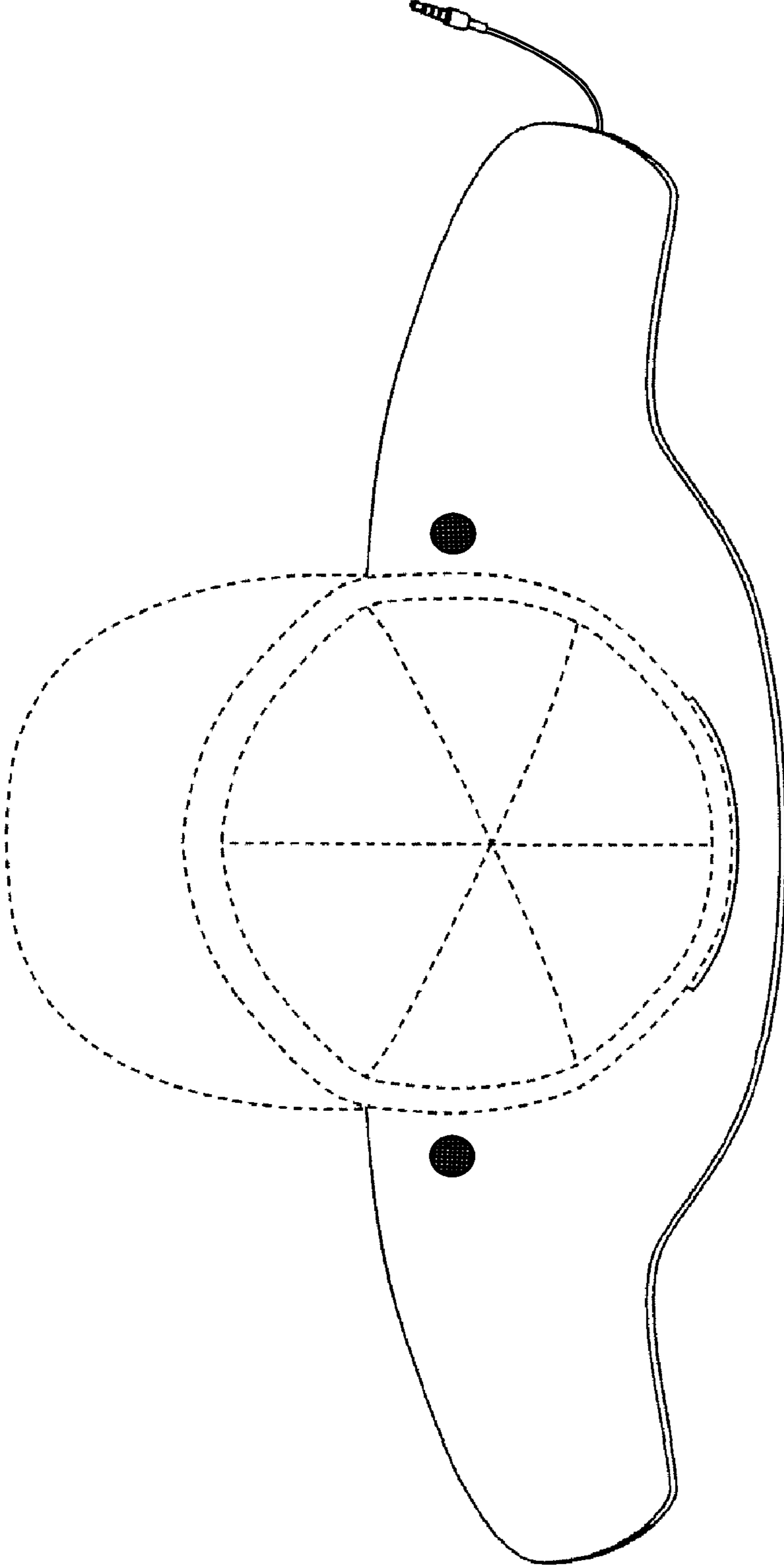


FIG. 7

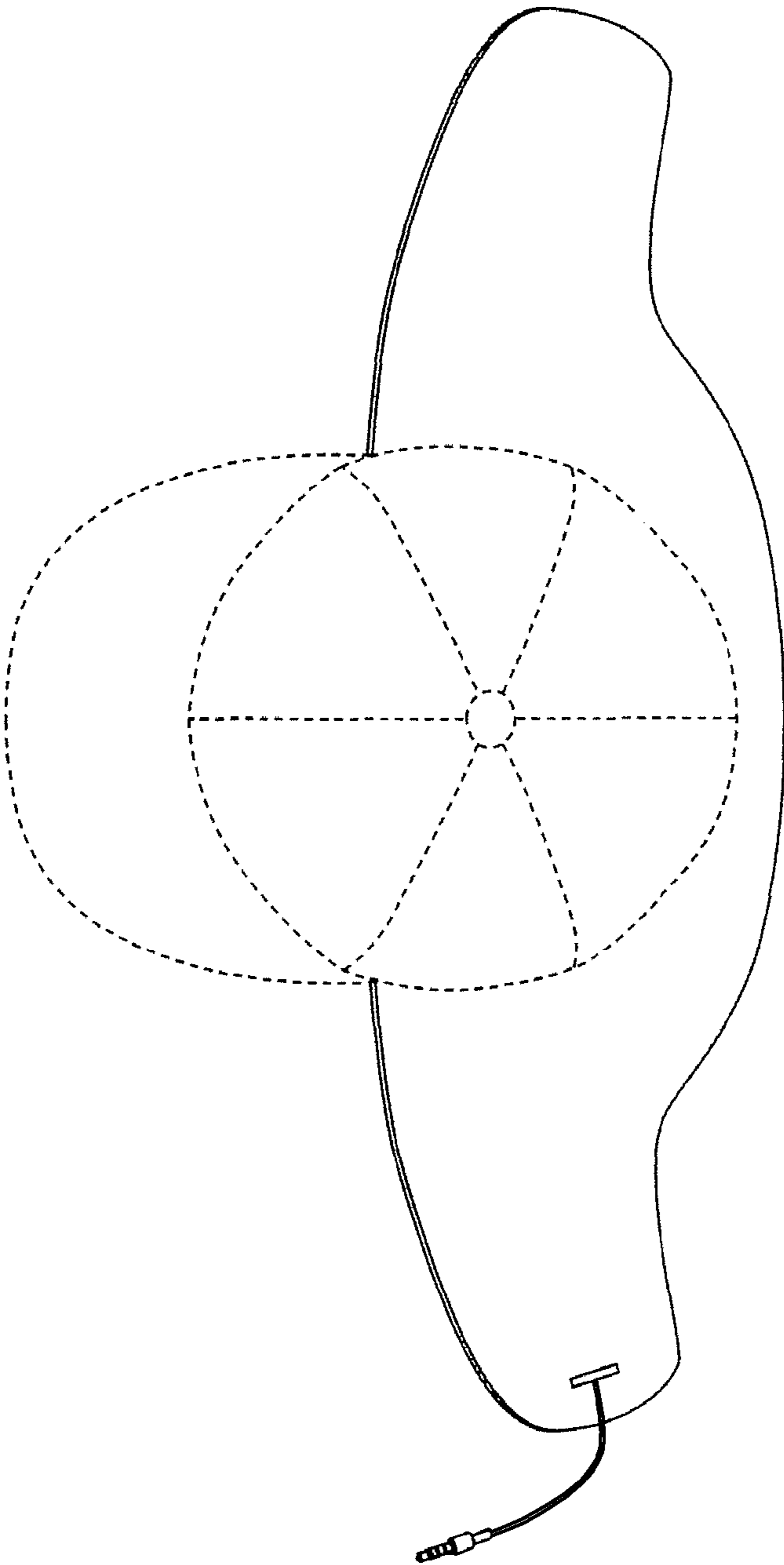


FIG. 8