



US00D671793S

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

(10) **Patent No.:** **US D671,793 S**

(45) **Date of Patent:** **\*\* Dec. 4, 2012**

(54) **DRINKING PRODUCT**

(75) Inventor: **Nouri E. Hakim**, Monroe, LA (US)

(73) Assignee: **Luv n' care, Ltd.**, Monroe, LA (US)

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

(21) Appl. No.: **29/369,816**

(22) Filed: **Sep. 13, 2010**

(51) **LOC (9) Cl.** ..... **07-99**

(52) **U.S. Cl.** ..... **D7/392.1; D7/900; D7/396.2;**  
D9/447

(58) **Field of Classification Search** ..... D7/510,  
D7/511, 509, 523, 392.1, 900, 396.2; D9/503,  
D9/543, 545, 529, 504, 447, 435; 220/592.16,  
220/592.17; D24/197; 215/11.4, 387  
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,144,980 A	6/1915	Hilton
2,223,179 A	8/1937	Lougheed
2,174,361 A	9/1939	Condon
2,616,581 A	10/1945	Madsen et al.
D162,862 S	4/1951	Morton
2,550,568 A	4/1951	Kersh
2,688,326 A	9/1954	Lerman
2,802,608 A	8/1957	Gassaway
2,942,762 A	6/1960	Fahr
3,651,973 A	3/1972	Yamauchi
3,718,140 A	2/1973	Yamauchi
D234,123 S	1/1975	Ragagli
D259,231 S	5/1981	Kozlow, Sr.
4,600,111 A	7/1986	Brown
4,623,069 A	11/1986	White
4,782,945 A	11/1988	Geiler et al.
4,801,027 A	1/1989	Hunter
D301,168 S	5/1989	Simmons
4,828,141 A	5/1989	Coy
D301,741 S	6/1989	Barber
4,836,404 A	6/1989	Coy
D302,039 S	7/1989	Downs
D305,262 S	12/1989	Nichols

D308,575 S 6/1990 Mariol  
4,946,062 A 8/1990 Coy  
D310,567 S 9/1990 Fitzpatrick  
D310,568 S 9/1990 Chapin

(Continued)

FOREIGN PATENT DOCUMENTS

EP 0026802 A1 4/1981

(Continued)

OTHER PUBLICATIONS

5 Images of a transparent, silicone product.

(Continued)

*Primary Examiner* — Marianne Pandozzi

(74) *Attorney, Agent, or Firm* — Goldberg Cohen LLP

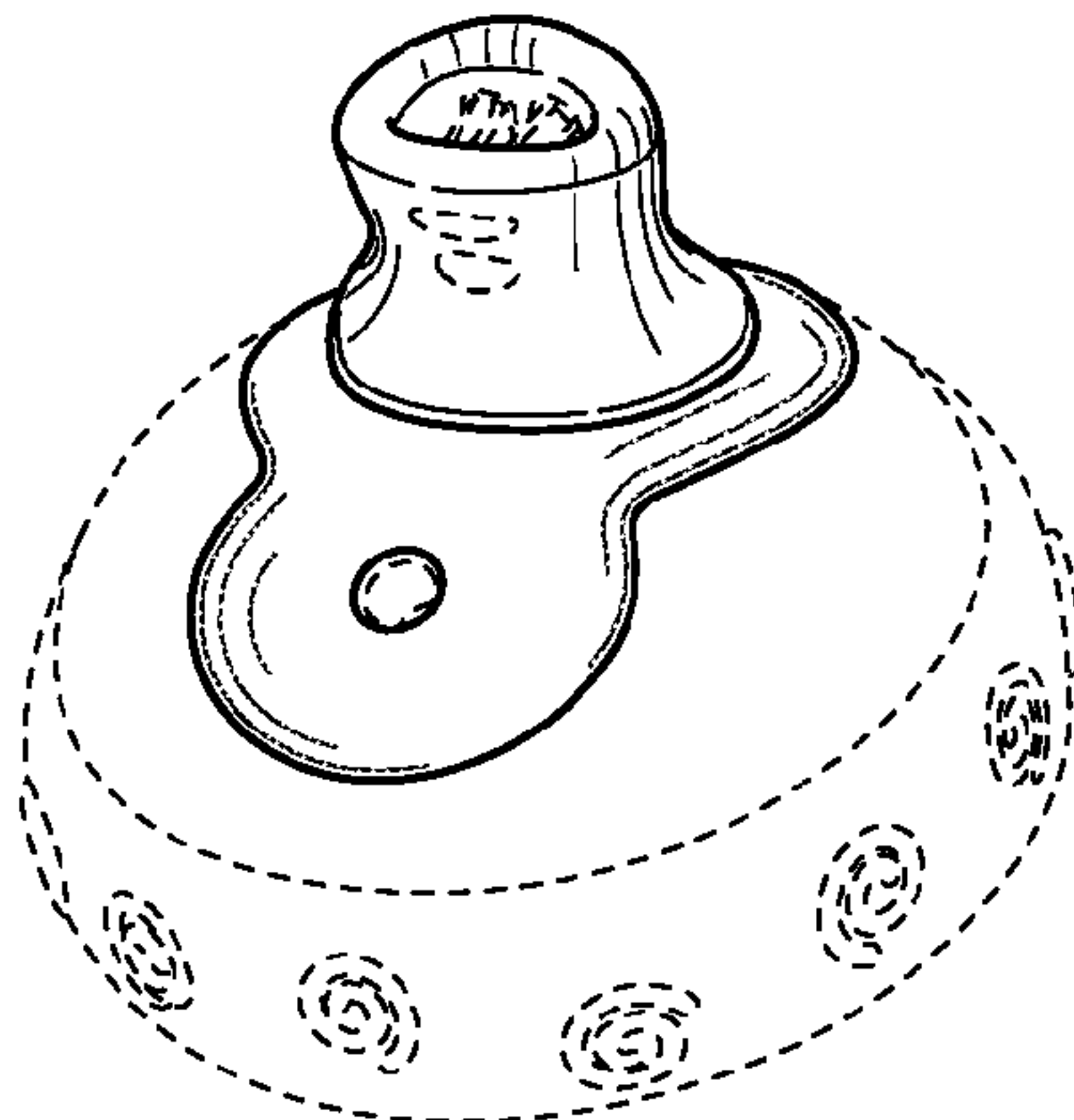
(57) **CLAIM**

The ornamental design for a drinking product, as shown and described.

**DESCRIPTION**

FIG. 1 is an in use top perspective view of a drinking product showing my new design;  
FIG. 2 is a front elevational view thereof;  
FIG. 3 is a right side view thereof;  
FIG. 4 is a rear elevational view thereof;  
FIG. 5 is a bottom plan view thereof;  
FIG. 6 is a top plan view thereof;  
FIG. 7 is a rear elevational view of the drinking product showing my new design with the unclaimed base removed for ease of illustration;  
FIG. 8 is a front elevational view thereof;  
FIG. 9 is a top plan view thereof;  
FIG. 10 is a top perspective view thereof;  
FIG. 11 is a left side elevational view thereof; and,  
FIG. 12 is a bottom plan view thereof.  
The broken lines in the drawings are included for the purpose of illustration and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



# US D671,793 S

U.S. PATENT DOCUMENTS							
D310,719	S	9/1990	Donovan	5,890,620	A	4/1999	Belcastro
D312,878	S	12/1990	Mariol	5,890,621	A	4/1999	Bachman et al.
D313,075	S	12/1990	Mariol	D410,548	S	6/1999	Chomik
4,993,568	A	2/1991	Morifugi et al.	D415,654	S	10/1999	Forrer
D315,212	S	3/1991	Oknuki	D419,029	S	1/2000	Randolph
D315,213	S	3/1991	Ohnuki	D420,448	S	2/2000	Brown et al.
5,035,340	A	7/1991	Timmons	D421,878	S	3/2000	Roehrig
D318,921	S	8/1991	Chapin	D423,107	S	4/2000	Brown et al.
D322,196	S	12/1991	Ohnuki	D426,300	S	6/2000	Conforti
5,079,013	A	1/1992	Belanger	D426,639	S	6/2000	McGrath-Ferraioli
5,101,991	A	4/1992	Morifugi et al.	D428,154	S	7/2000	Shaw et al.
5,101,992	A	4/1992	Serre	D429,443	S	8/2000	D'Alessio
D326,796	S	6/1992	Kawano	6,102,245	A	8/2000	Haberman
D327,393	S	6/1992	Green	D430,455	S	9/2000	Pickens
D327,818	S	7/1992	Haralson et al.	D430,676	S	9/2000	Kong
D330,084	S	10/1992	Kwang	D434,944	S	12/2000	Randolph
D332,894	S	2/1993	Green	D435,108	S	12/2000	Chomik et al.
5,186,347	A	2/1993	Freeman et al.	6,196,413	B1	3/2001	Tung
D338,532	S	8/1993	Burgess	D440,316	S	4/2001	Tollman
5,244,105	A	9/1993	Serre	D440,465	S	4/2001	La Torre et al.
D340,771	S	10/1993	Levy et al.	D442,435	S	5/2001	Takagi
D342,574	S	12/1993	Cervantes et al.	6,230,923	B1	5/2001	Hung
5,363,983	A	11/1994	Proshan	6,276,560	B1	8/2001	Belcastro
D353,461	S	12/1994	Byrd	D448,976	S	10/2001	McDonough et al.
D354,416	S	1/1995	Cautereels et al.	D450,535	S	11/2001	McDonough et al.
D355,966	S	2/1995	Harrison et al.	D450,852	S	11/2001	Williams
D356,160	S	3/1995	Cautereels	6,321,931	B1	11/2001	Hakim et al.
D357,539	S	4/1995	Harrison et al.	D451,760	S	12/2001	Fox
D357,542	S	4/1995	Vaichis	D452,116	S	12/2001	McDonough et al.
D358,298	S	5/1995	Brown et al.	D452,415	S	12/2001	McDonough et al.
D358,299	S	5/1995	Brown et al.	6,343,704	B1	2/2002	Prentiss
D358,300	S	5/1995	Brown et al.	D454,642	S	3/2002	Hakim
D361,469	S	8/1995	Young	6,357,620	B1	3/2002	Hakim
5,439,143	A	8/1995	Brown et al.	D457,640	S	5/2002	Alexandre
D363,781	S	10/1995	Dunn	D457,778	S	5/2002	Randolph et al.
D363,852	S	11/1995	Young	6,382,061	B1	5/2002	Paczonay
D363,990	S	11/1995	Dunn	D459,155	S	6/2002	Atkin et al.
D364,314	S	11/1995	Humphrey et al.	D460,322	S	7/2002	Orr et al.
D364,315	S	11/1995	Humphrey et al.	D460,560	S	7/2002	Chomik et al.
D364,316	S	11/1995	Humphrey et al.	D461,361	S	8/2002	Orr et al.
D364,317	S	11/1995	Humphrey et al.	D462,449	S	9/2002	Morano
5,465,866	A	11/1995	Belcastro	D463,216	S	9/2002	McDonough et al.
D365,638	S	12/1995	Young	D463,568	S	9/2002	Leung
D366,809	S	2/1996	Green	D465,028	S	10/2002	Renz
D366,936	S	2/1996	Young	6,530,504	B2	3/2003	Socier
D368,138	S	3/1996	Hamilton	D473,313	S	4/2003	Diak/Ghanem
D368,311	S	3/1996	Cockram	D474,647	S	5/2003	Reinius et al.
D368,312	S	3/1996	Cockram	6,568,557	B2 *	5/2003	Fusco et al. .... 220/714
D368,529	S	4/1996	Allegre	D476,849	S	7/2003	Randolph
D370,828	S	6/1996	Green	D476,850	S *	7/2003	Featherston et al. .... D7/510
D371,847	S	7/1996	Francisco	D477,668	S	7/2003	Kipperman et al.
D371,849	S	7/1996	Thom	D478,669	S	8/2003	Wear
D375,795	S	11/1996	Astle	D479,333	S	9/2003	Turnbough
5,601,207	A	2/1997	Paczonay	D479,606	S	9/2003	Randolph
5,645,191	A	7/1997	Neville	D479,946	S	9/2003	Jalet et al.
D383,847	S	9/1997	Skinner	D481,462	S	10/2003	De La Paz
D385,748	S	11/1997	Iodice	D483,611	S	12/2003	Diak Ghanem
D387,621	S	12/1997	Sullivan	6,705,485	B1	3/2004	Sato et al.
D389,583	S	1/1998	Thom	D489,225	S	5/2004	Leinenweber
D392,390	S	3/1998	Chat et al.	6,732,876	B2	5/2004	Belcastro
D393,075	S	3/1998	Allegre	6,732,882	B2	5/2004	Belcastro
5,730,336	A	3/1998	Lerner	D495,558	S	9/2004	Tollman
5,784,999	A	7/1998	Larson et al.	6,786,352	B2	9/2004	Belcastro
D397,444	S	8/1998	Ibey	D497,431	S	10/2004	Bentley
5,788,097	A	8/1998	McInnes	D497,671	S	10/2004	Renz
5,791,510	A	8/1998	Paczonay	D497,672	S	10/2004	Renz
5,797,505	A	8/1998	Kaura	D498,849	S	11/2004	Randolph et al.
D397,906	S	9/1998	Briggs et al.	D499,490	S	12/2004	Conaway
5,807,156	A	9/1998	Owen	D501,361	S	2/2005	Tollman
5,845,807	A	12/1998	De Villiers	6,880,713	B2 *	4/2005	Holley, Jr. .... 215/11.4
D404,491	S	1/1999	Scott	D504,723	S	5/2005	Randolph et al.
D404,493	S	1/1999	Varlet	D504,725	S	5/2005	Randolph et al.
D404,824	S	1/1999	Neiley	D511,385	S	11/2005	Lieberman et al.
D405,530	S	2/1999	Manganiello et al.	D513,932	S	1/2006	De Oliveira
D407,269	S	3/1999	Fletcher	6,994,225	B2	2/2006	Hakim
D407,496	S	3/1999	Varlet	D520,809	S	5/2006	Randolph et al.
D408,220	S	4/1999	Chomik	D532,112	S	11/2006	Lornage
5,890,619	A	4/1999	Belanger	D532,521	S	11/2006	Struckmeier
				7,134,570	B1	11/2006	Heath et al.



# US D671,793 S

Page 3

D538,938 S *	3/2007	Pillado .....	D24/197	GB	2279130 A	12/1994
D538,939 S	3/2007	Conaway		GB	2380186 A	4/2003
D542,922 S	5/2007	Worman et al.		GB	2397575 A	7/2004
D542,923 S	5/2007	Merkin et al.		JP	38-223566	10/1963
D545,623 S	7/2007	Renz et al.		JP	39-173025	4/1964
D547,875 S	7/2007	Pillado		JP	40-247827	7/1965
7,243,814 B2	7/2007	Hakim		JP	42-272951	9/1967
D548,847 S	8/2007	Dunn et al.		JP	01-313056	12/1989
D549,833 S	8/2007	Brown et al.		JP	02-144065	6/1990
D551,021 S	9/2007	Rousso et al.		JP	04-837450	5/1992
D551,904 S	10/2007	Rousso et al.		JP	05-84279	4/1993
D554,432 S	11/2007	Roth et al.		JP	05-115535	5/1993
D554,760 S	11/2007	Brockhaus et al.		JP	11-1041163	6/1999
D555,795 S	11/2007	Mallet		JP	11-1056829	12/1999
D559,622 S	1/2008	Carreno		JP	11-1056837	12/1999
D564,665 S	3/2008	Kim		JP	12-288 A	1/2000
D567,384 S	4/2008	Sakulsacha et al.		JP	12-5023 A	1/2000
D571,151 S	6/2008	Lopez		JP	12-189496 A	7/2000
D579,722 S	11/2008	Sakulsacha et al.		JP	12-1083051	8/2000
D617,465 S *	6/2010	Hakim .....	D24/197	JP	13-9008 A	1/2001
D619,851 S	7/2010	Miller et al.		JP	13-178796 A	7/2001
D620,309 S *	7/2010	Boonprasop .....	D7/396.2	JP	13-D1129061	12/2001
D620,315 S *	7/2010	Boonprasop .....	D7/509	JP	17-1256207	11/2005
D627,598 S *	11/2010	Boonprasop .....	D7/509	JP	21-D1358460	5/2009
7,854,336 B2	12/2010	Kerner et al.		WO	92/03118	3/1992
7,857,153 B2	12/2010	Ito et al.		WO	00/10434 A1	3/2000
D634,439 S *	3/2011	Hakim .....	D24/196	WO	02/22073 A1	3/2002
D636,228 S	4/2011	Marsh		WO	03/070150 A1	8/2003
D637,300 S	5/2011	Yamashita et al.		WO	03/101261 A1	12/2003
D644,067 S *	8/2011	Valderrama et al. ....	D7/534			
D644,334 S *	8/2011	Py .....	D24/197			

## OTHER PUBLICATIONS

2001/0042755 A1	11/2001	Belcastro		4 Images of a three-holed, opaque, silicone soft-top spout.
2002/0011583 A1	1/2002	Getzewich et al.		4 Images of two-holed, opaque, silicone soft-top spout.
2002/0063103 A1	5/2002	Kiernan		1997 Playtex catalog, image of soft "Trainer Spout," third page, item No. 05471.
2002/0092851 A1	7/2002	Belcastro		994 Gerber catalog, images of "Grow With Me" cups, item Nos. 76560, 76561, and 76565.
2002/0158075 A1	10/2002	Caldicott et al.		<i>Luv n' care Ltd. et al. v. Mayborn USA, Inc.</i> : Mayborn USA's Feb. 27, 2012 Memorandum in Support of Summary Judgment, Civil Action No. 11-cv-2460-Sas (U.S. District Court, SDNY), Docket No. 36.
2003/0089676 A1	5/2003	Uehara et al.		<i>Luv n' care, Ltd. v. Walgreen</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 49.
2003/0209555 A1	11/2003	Belcastro		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 70.
2005/0056614 A1	3/2005	Morano et al.		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 97.
2005/0184075 A1	8/2005	Belcastro		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 43.
2006/0278597 A1	12/2006	Daugherty et al.		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 77.
2007/0221604 A1	9/2007	Hakim		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , Civil Action No. 08-Civ-4457 (U.S. District Court, SDNY), Docket No. 89.
2008/0237247 A1	10/2008	Mucci et al.		<i>Luv n' care, Ltd. v. Walgreen Co.</i> , U.S. Dist. Lexis 26276 (S.D.N.Y. 2010).
2009/0020544 A1	1/2009	Yuen		
2009/0255944 A1	10/2009	Yamashita		
2012/0091143 A1	4/2012	Hakim		

## FOREIGN PATENT DOCUMENTS

EP	0266067 A1	5/1988
EP	0384394 A2	8/1990
EP	0457697 B1	11/1991
EP	0384394 B1	8/1994
FR	2833829	12/2001
FR	2833829 A1	6/2003
GB	2015350 A	9/1979
GB	2066795 A	7/1981
GB	2167735 A	6/1986
GB	2169210 A	7/1986
GB	2215318 A	9/1989

\* cited by examiner

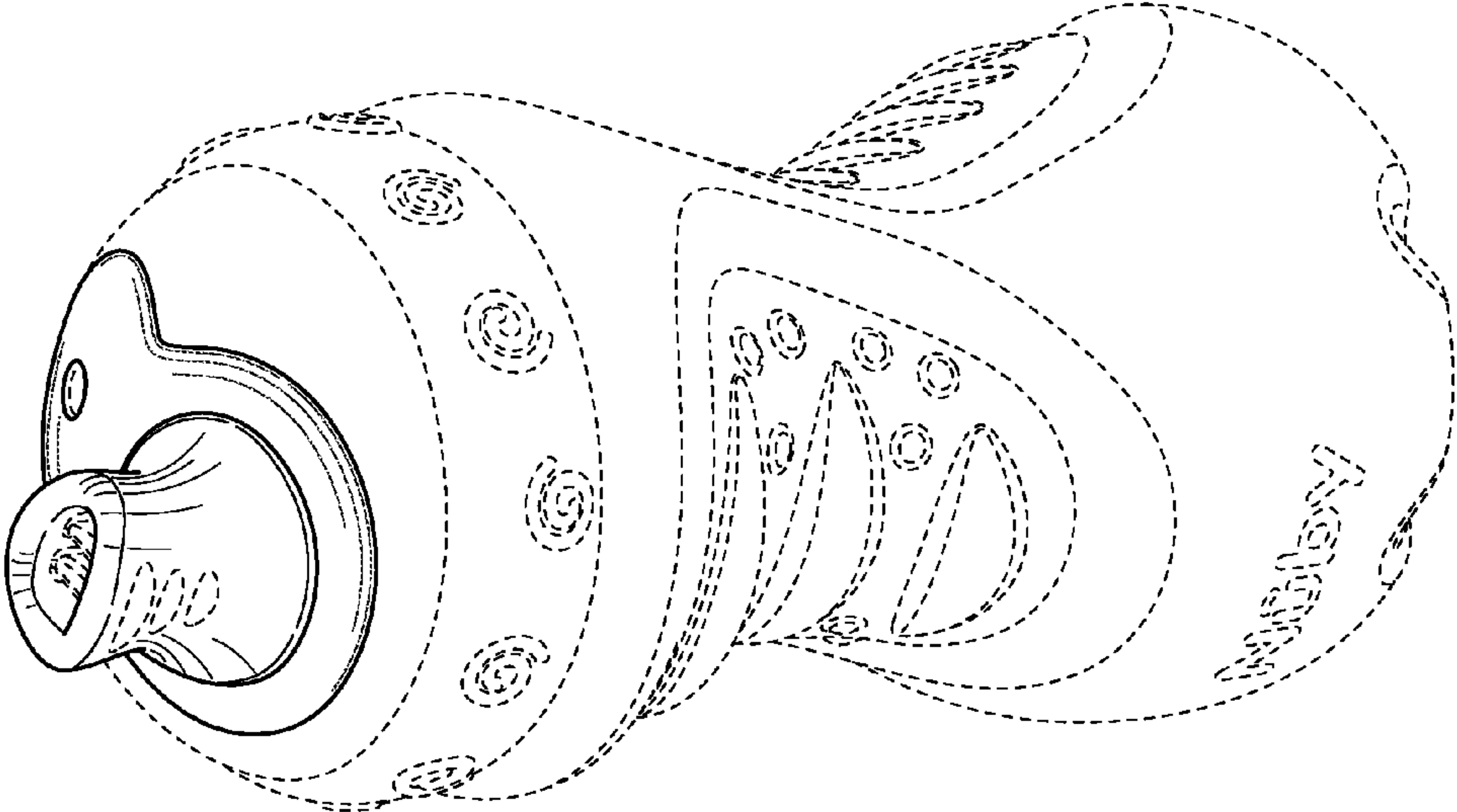


FIG. 1

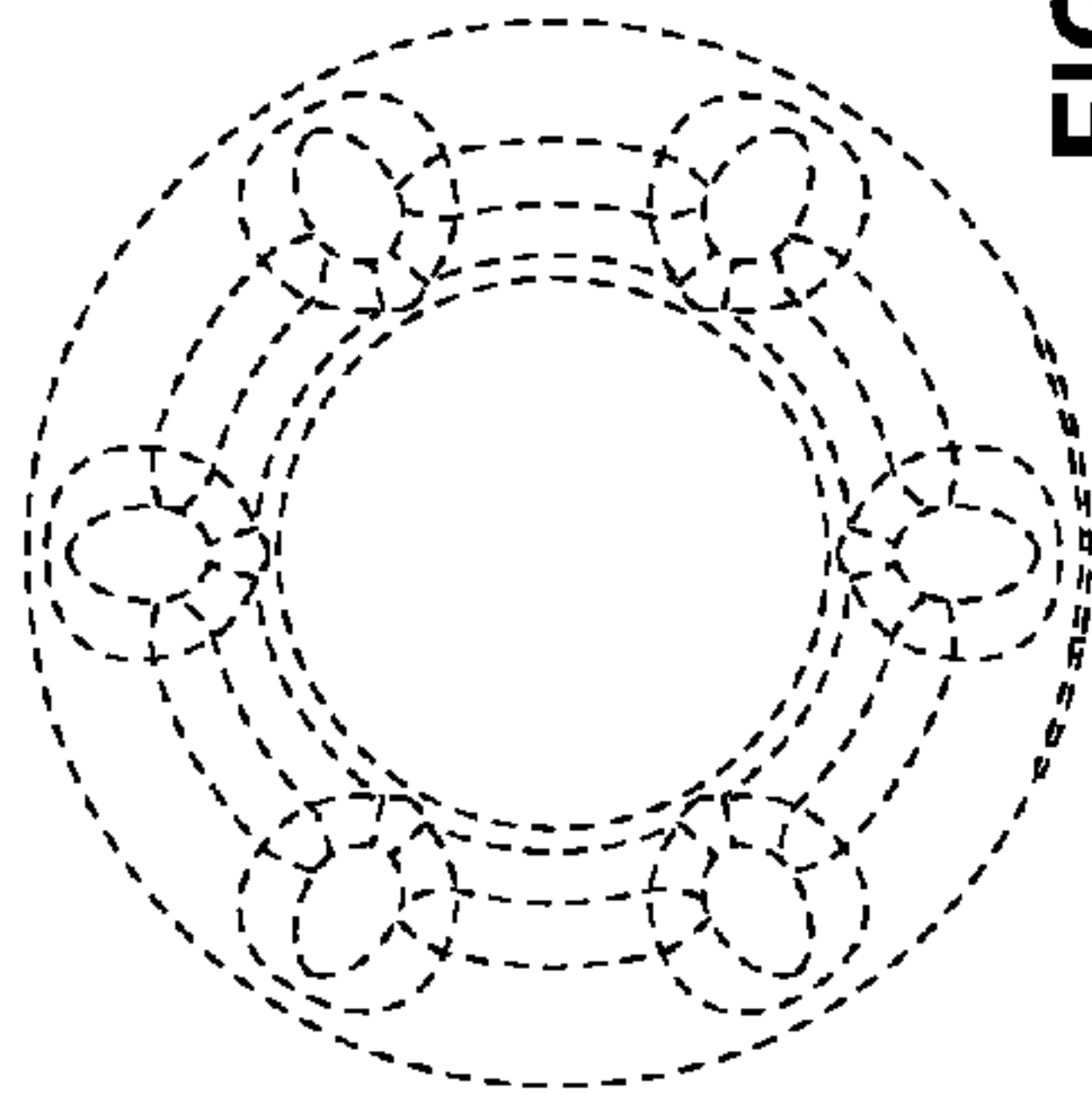


FIG. 5

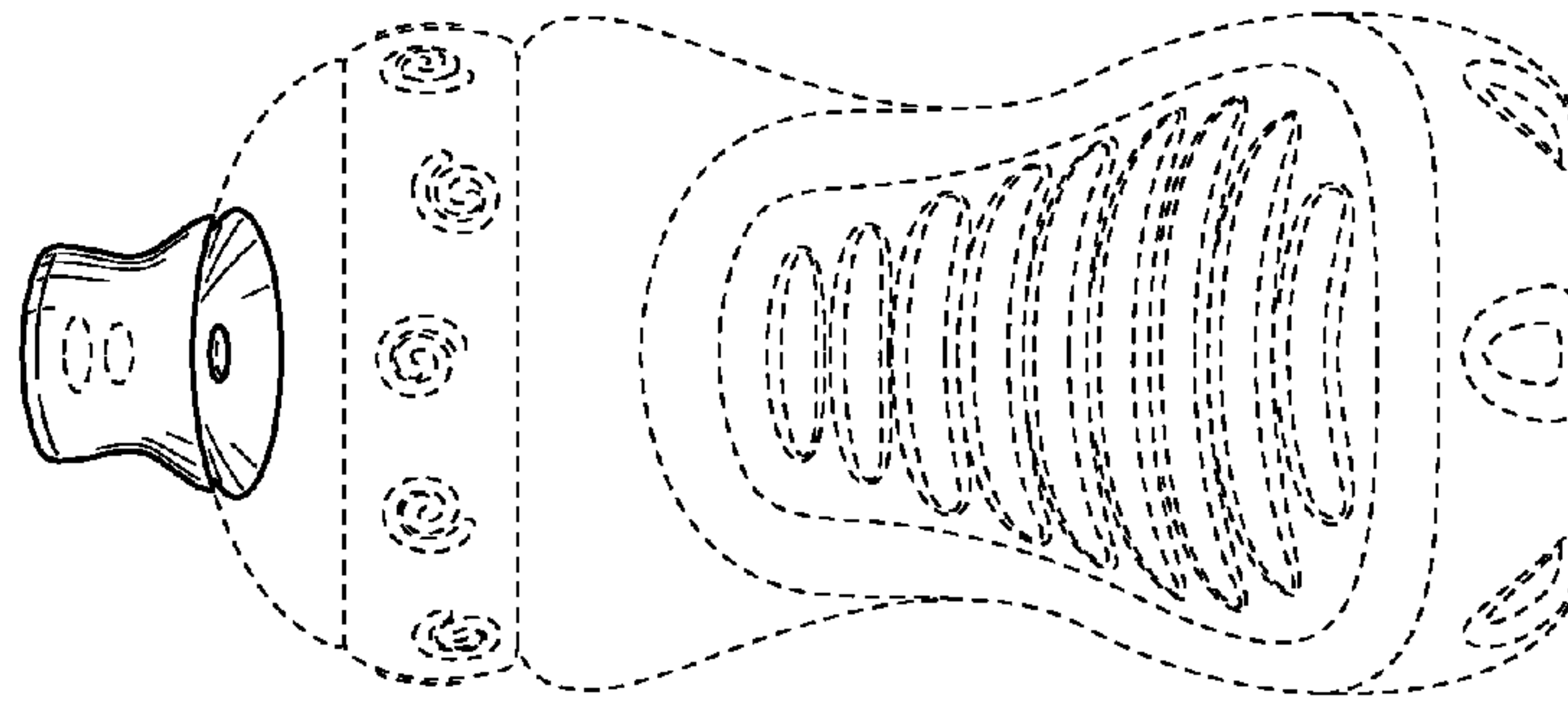


FIG. 4

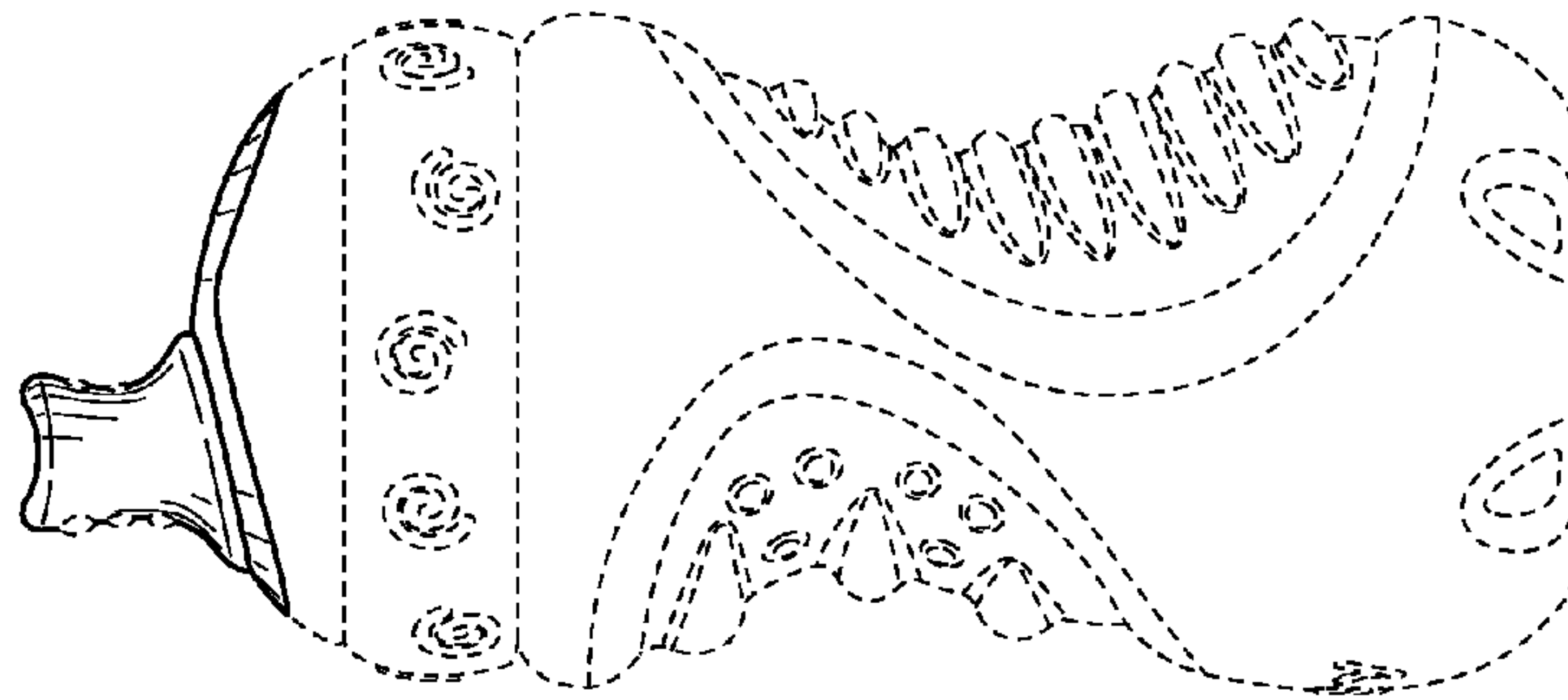


FIG. 3

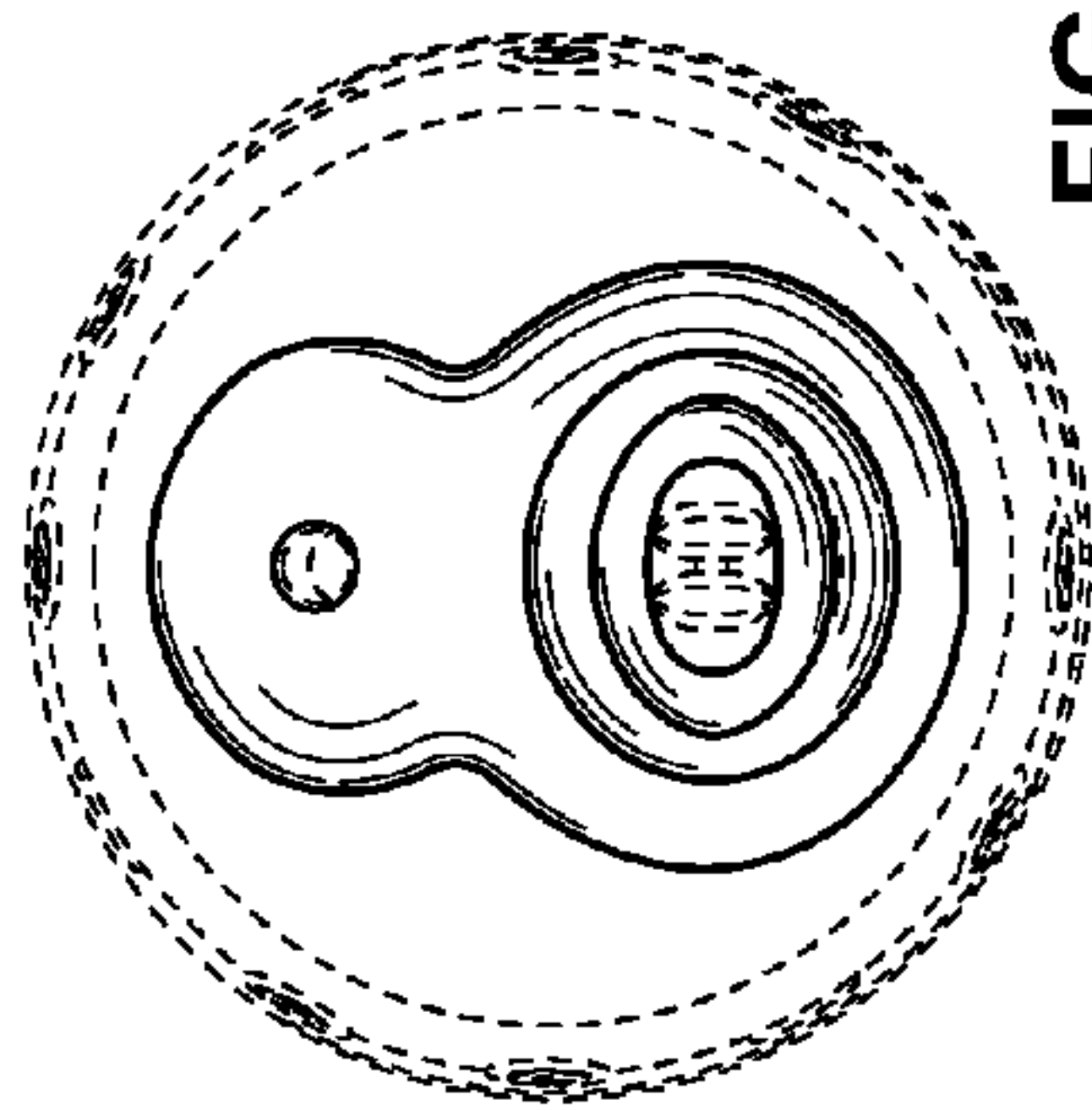


FIG. 6

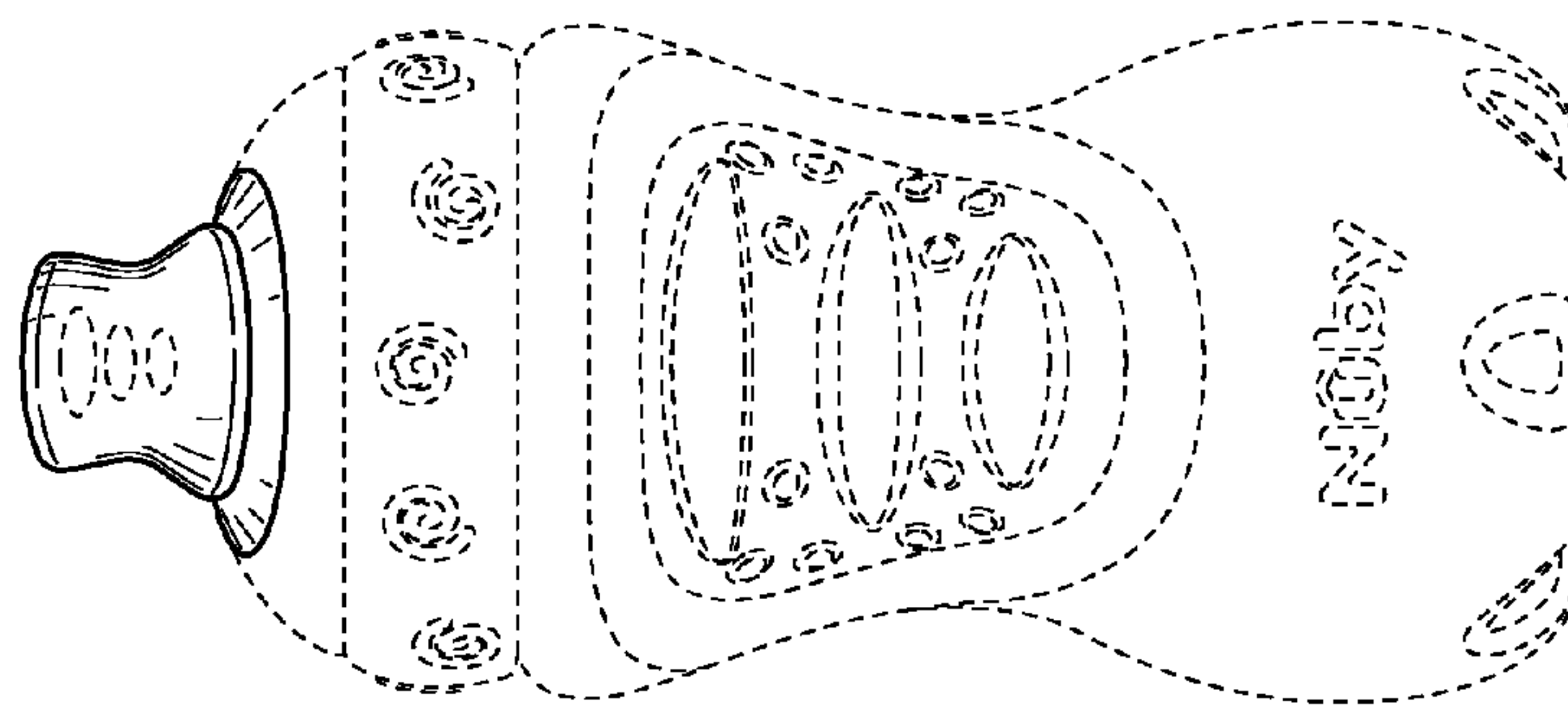


FIG. 2

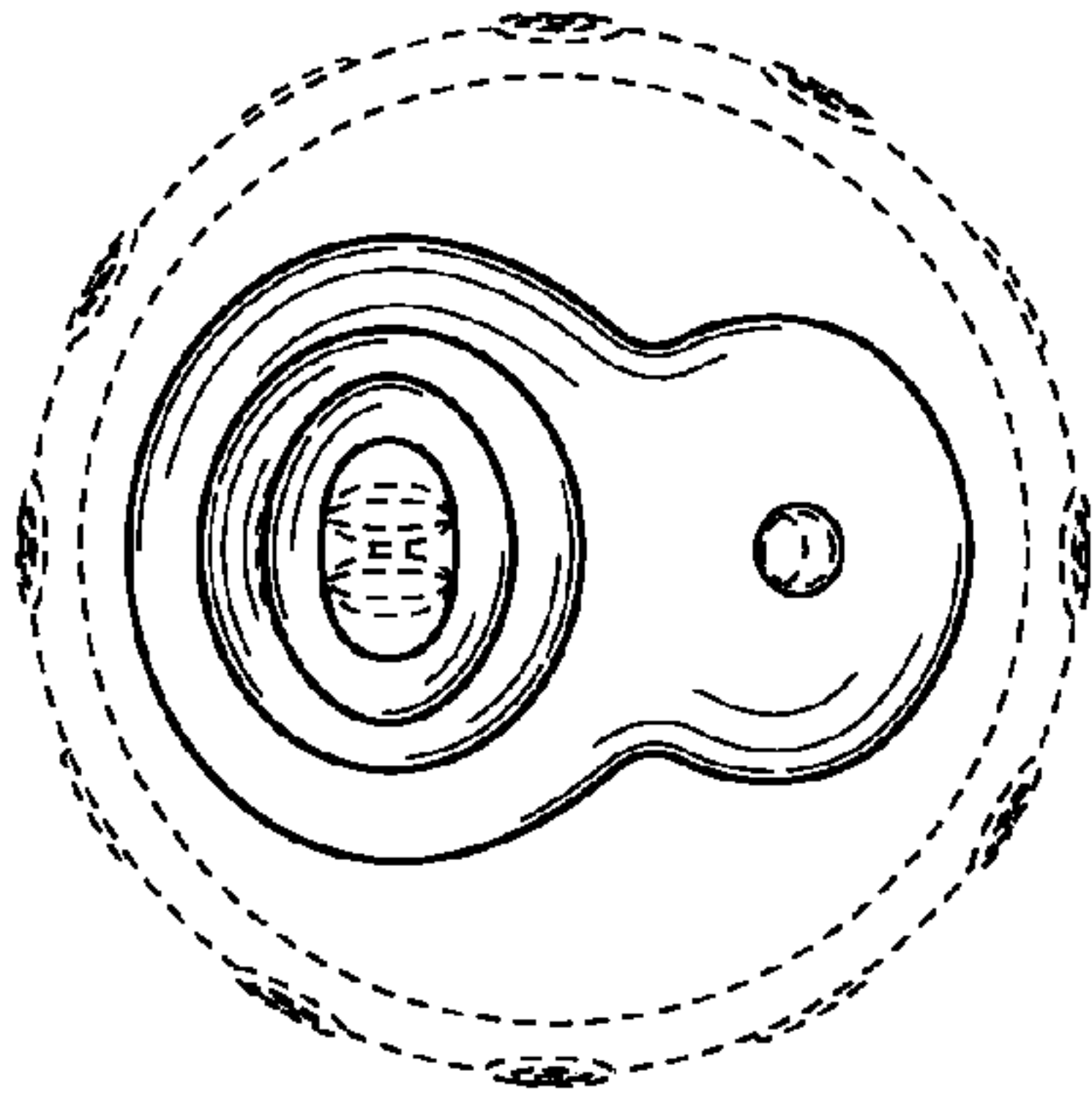


FIG. 9

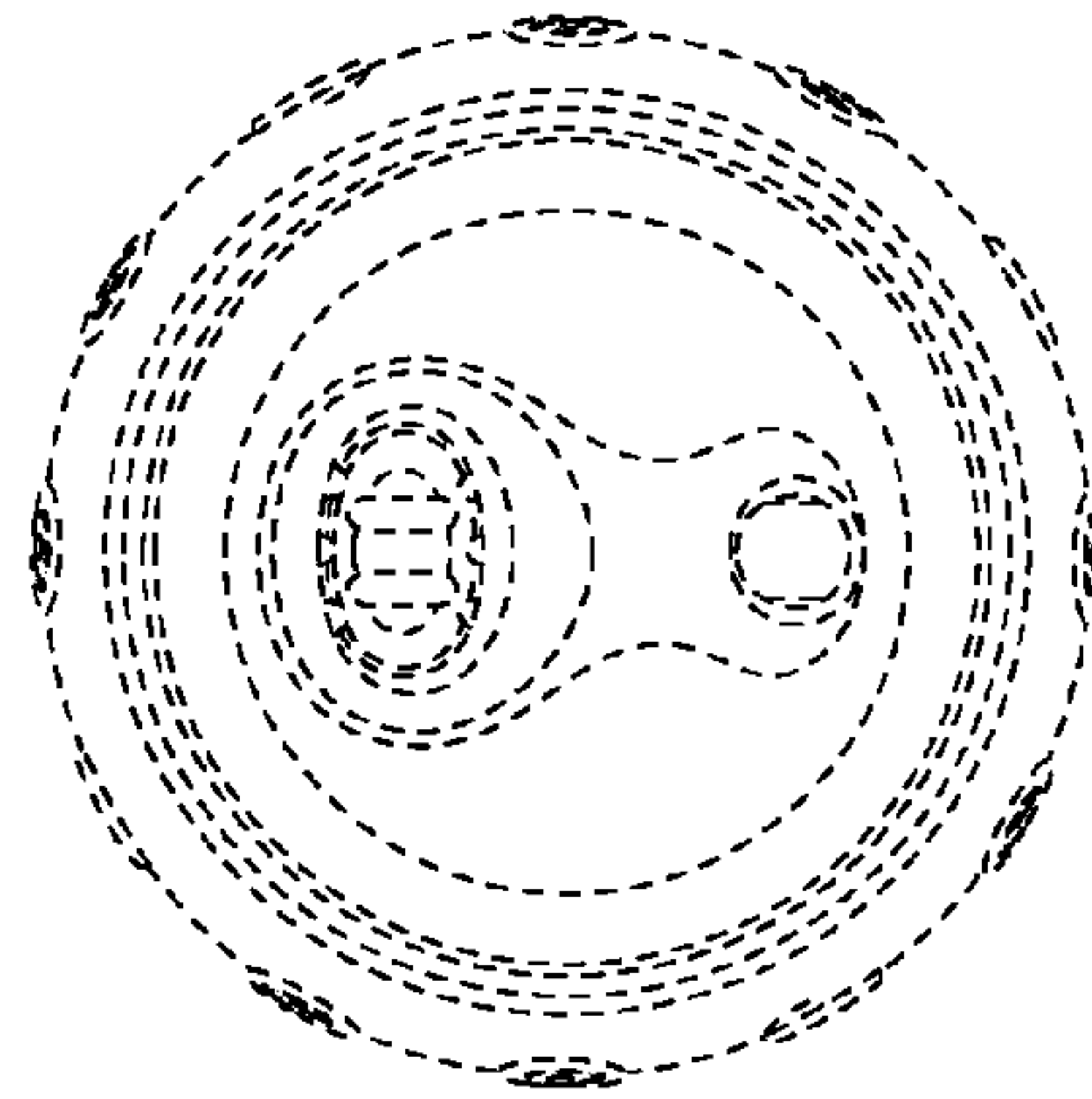


FIG. 12

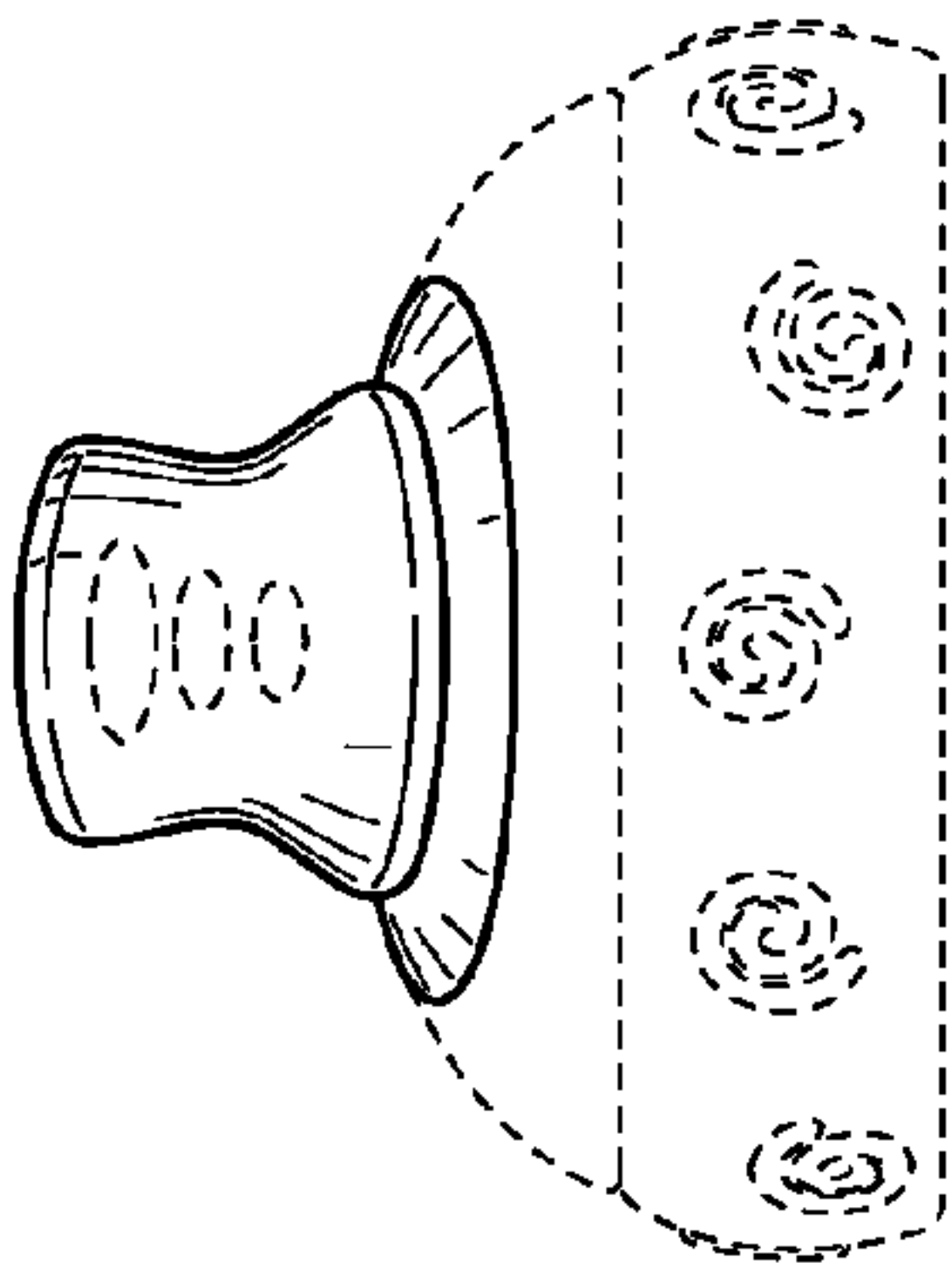


FIG. 8

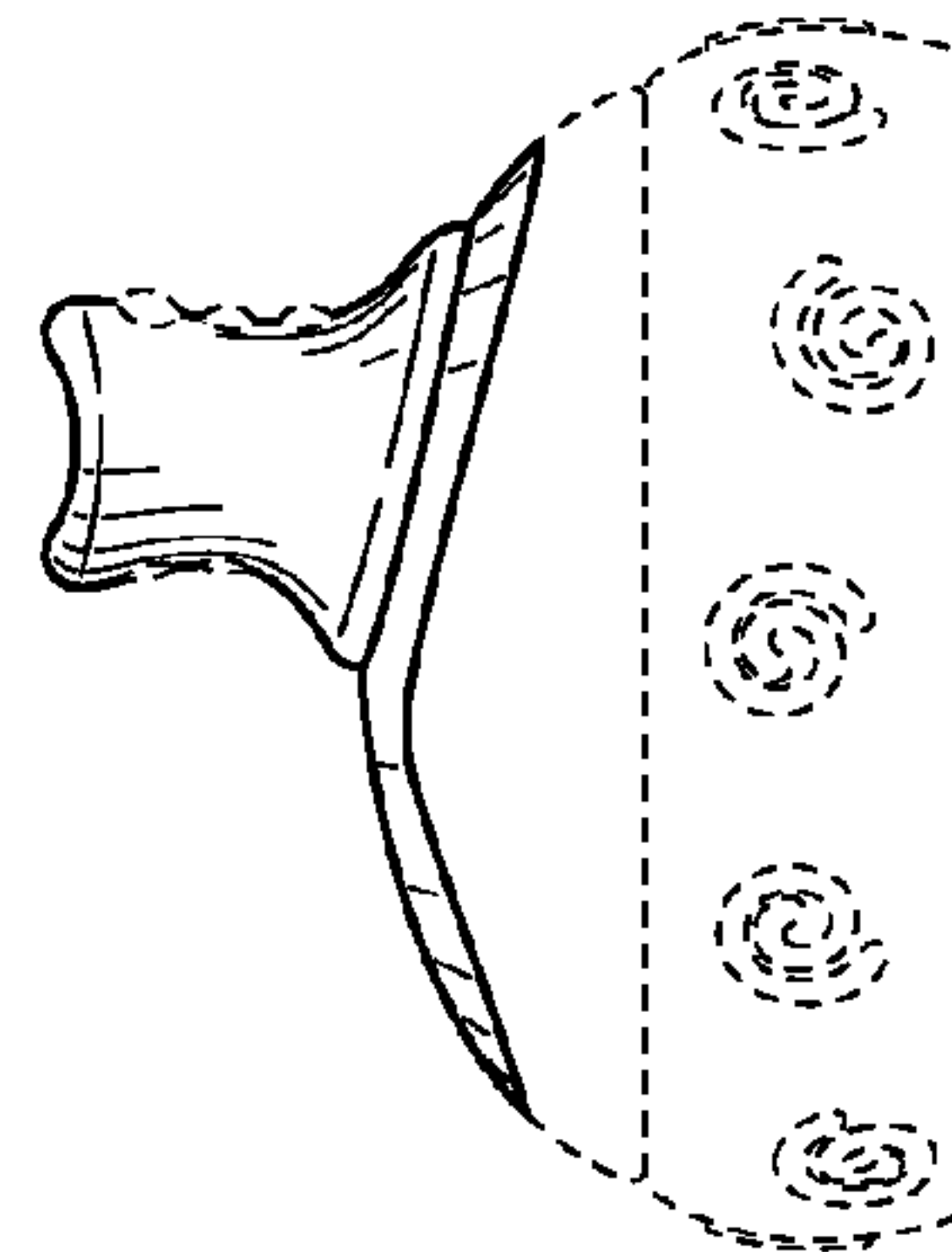


FIG. 11

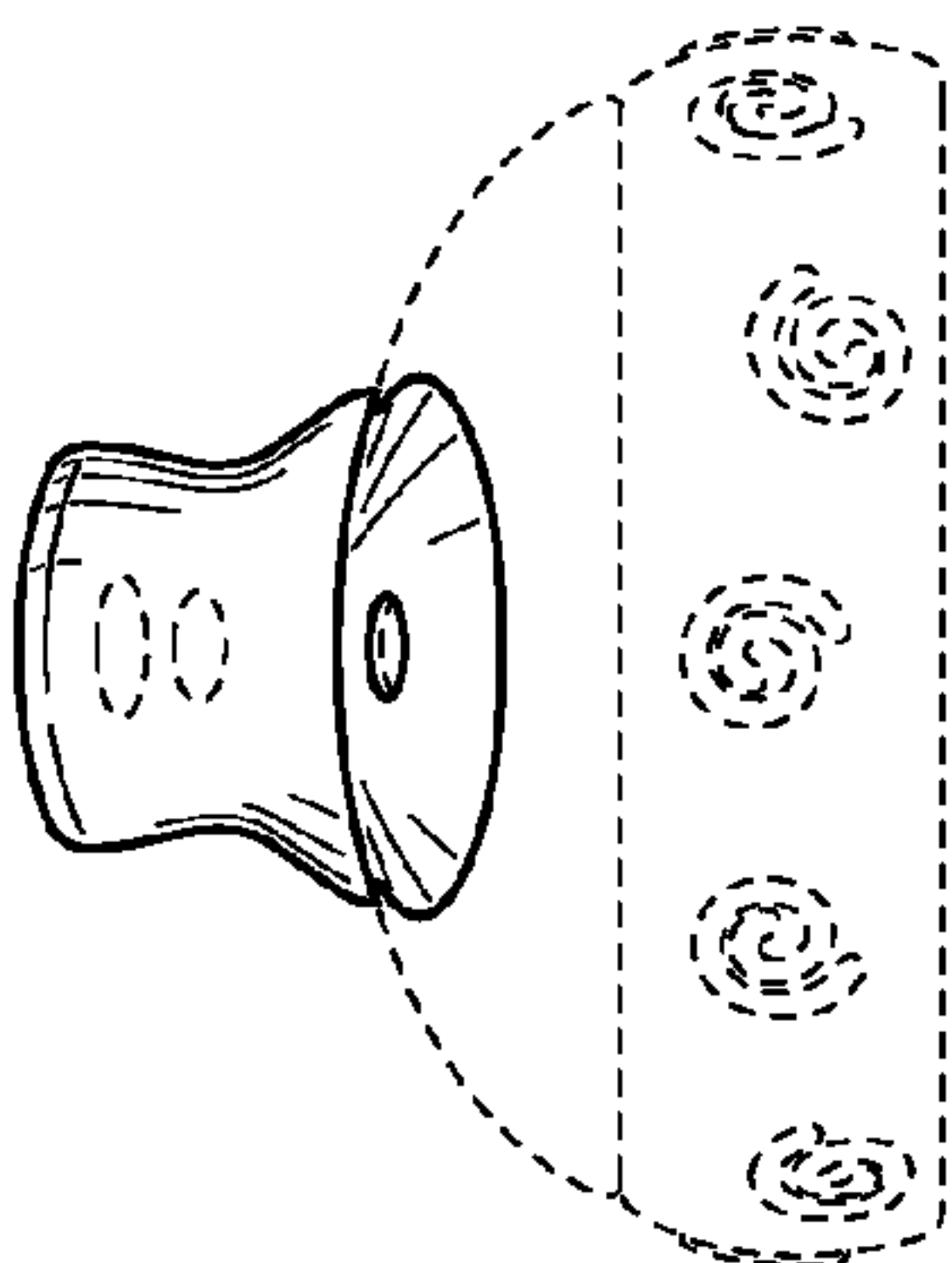


FIG. 7

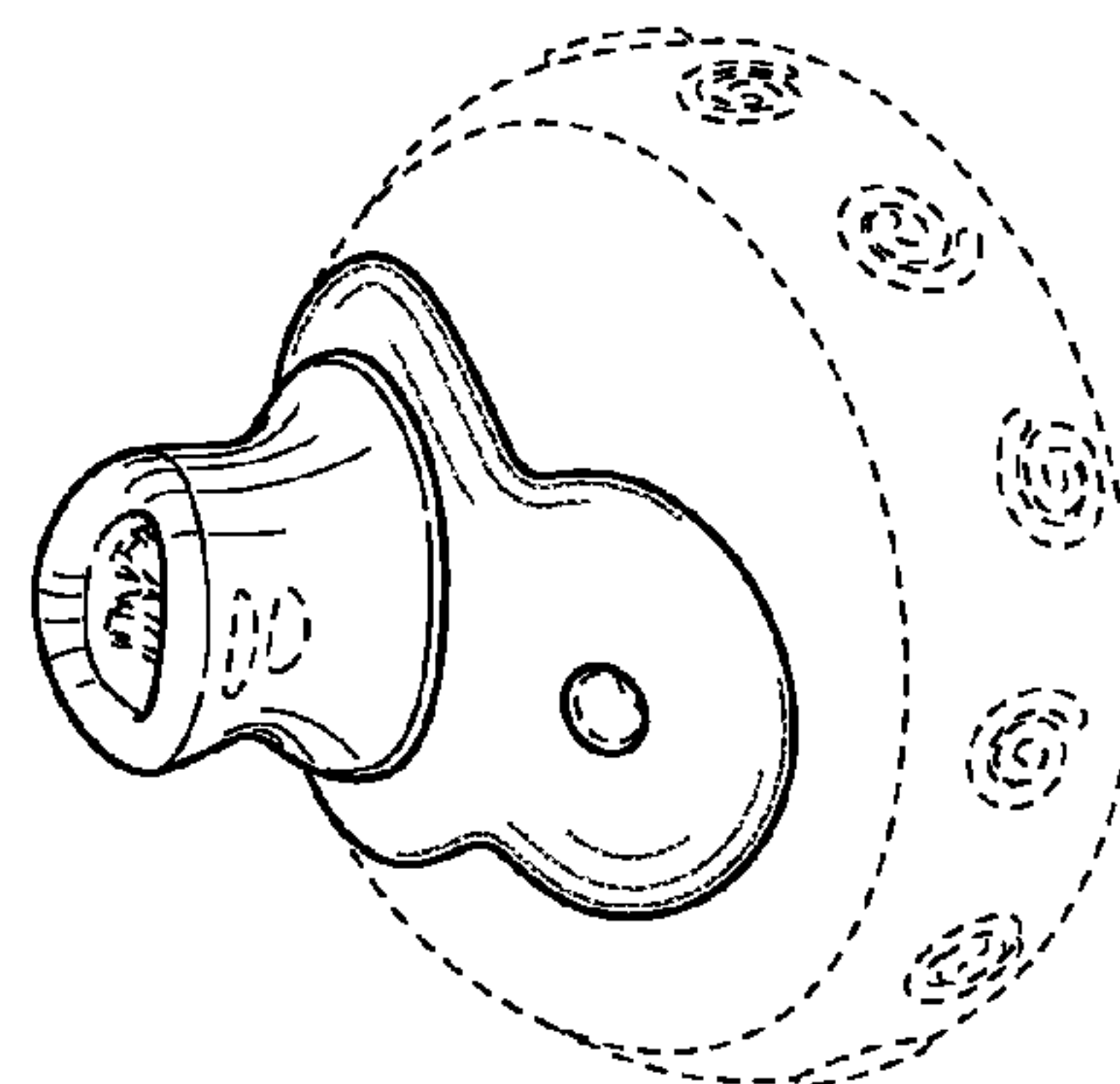


FIG. 10