



US00D683106S

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

(10) **Patent No.:** **US D683,106 S**
(45) **Date of Patent:** **** May 28, 2013**

(54) **FOOD PRODUCT**

(75) Inventors: **Thomas Howe**, Glenview, IL (US);
Ferdinand Huber, Glendale, WI (US);
Gary Olson, Mukwonago, WI (US)

(73) Assignee: **Baptista's Bakery, Inc.**, Franklin, WI (US)

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

(21) Appl. No.: **29/413,715**

(22) Filed: **Feb. 17, 2012**

Related U.S. Application Data

(60) Continuation-in-part of application No. 29/397,467, filed on Jul. 15, 2011, which is a division of application No. 29/369,865, filed on Sep. 14, 2010, now Pat. No. Des. 643,178.

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

(52) **U.S. Cl.**
USPC **D1/125**

(58) **Field of Classification Search**
USPC D1/100-130, 199; D7/504, 509, D7/510, 523, 524, 555, 566, 568, 584-587, D7/602, 672, 300.1; D21/386; D19/91; 426/92, 426/94, 95, 99, 101, 138-139, 143, 279, 426/282, 283, 391, 514; D11/146, 151, 154; D14/480.5, 484.1

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D156,985 S 1/1950 Moffett, Jr.
D193,541 S 9/1962 Gordon
D193,542 S 9/1962 Gordon
D208,756 S 10/1967 Reinhart
D210,991 S 5/1968 Oelke et al.

D212,070 S 8/1968 Hreschak
D213,946 S 4/1969 Cooper et al.
D215,077 S 9/1969 Harwood, et al.
3,498,798 A * 3/1970 Hawley et al. 426/124
D219,003 S 10/1970 Harwood et al.
D219,637 S 1/1971 Holtz
D219,801 S 2/1971 Harwood et al.
D221,723 S 9/1971 Topalis

(Continued)

OTHER PUBLICATIONS

Amendment and Reply for U.S. Appl. No. 29/397,467, mail date Aug. 30, 2012, 12 pages.

(Continued)

Primary Examiner — Barbara Fox

Assistant Examiner — Katie Mroczka

(74) *Attorney, Agent, or Firm* — Foley & Lardner LLP

(57) **CLAIM**

We claim the ornamental design for a food product, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view from above of our claimed design;

FIG. 2 is a perspective view from above of the claimed design of FIG. 1;

FIG. 3 is a top plan view of the claimed design of FIG. 1;

FIG. 4 is a bottom plan view of the claimed design of FIG. 1;

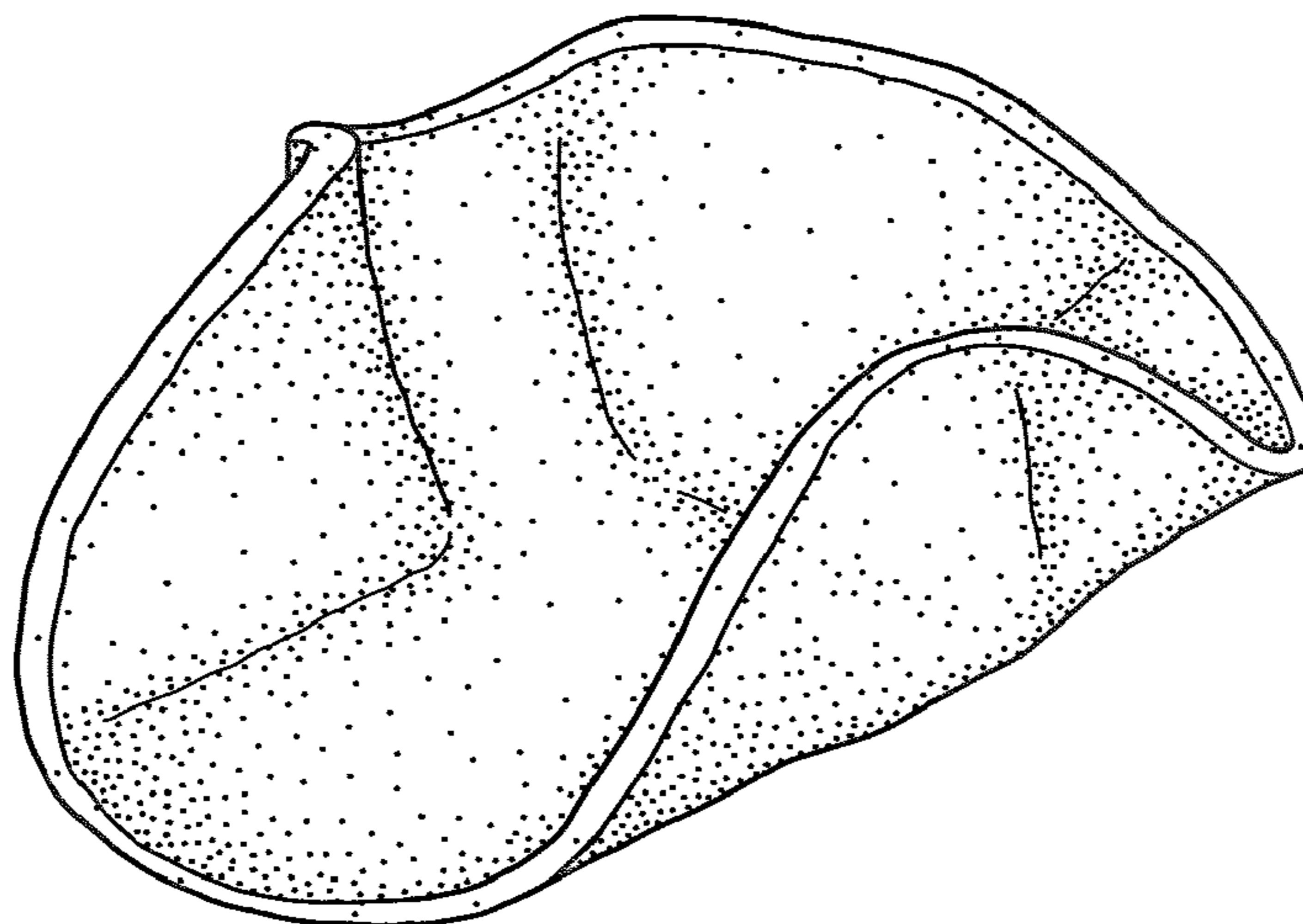
FIG. 5 is a right side elevational view of the claimed design of FIG. 1;

FIG. 6 is a left side elevational view of the claimed design of FIG. 1;

FIG. 7 is a front elevational view of the claimed design of FIG. 1; and,

FIG. 8 is a rear elevational view of the claimed design of FIG. 1.

1 Claim, 3 Drawing Sheets



U.S. PATENT DOCUMENTS

D222,223	S	10/1971	Topalis	
D237,339	S	10/1975	Knowles	
D241,083	S	8/1976	Sloan	
4,247,567	A *	1/1981	Momiyama	426/302
D268,539	S	4/1983	Hamann	
D271,914	S	12/1983	Uno	
4,535,688	A	8/1985	Bentson	
4,715,957	A	12/1987	Cogan et al.	
D335,758	S	5/1993	Stickle	
D340,121	S	10/1993	Russell	
D389,373	S *	1/1998	Belue	D7/354
D417,332	S	12/1999	Dawe et al.	
6,129,939	A	10/2000	Fink et al.	
D435,956	S	1/2001	Dessevre	
6,203,830	B1	3/2001	Cademartiri et al.	
D440,337	S	4/2001	Fiorato	
D440,377	S	4/2001	Keller et al.	
6,291,001	B1	9/2001	Fink et al.	
D452,360	S	12/2001	Teras	
6,338,606	B1	1/2002	Bierschenk et al.	
6,383,549	B1 *	5/2002	Agostinelli	426/646
6,403,135	B1	6/2002	Graham et al.	
6,409,461	B1	6/2002	Bierschenk et al.	
D459,853	S	7/2002	Orr et al.	
6,412,397	B1	7/2002	McNeel et al.	
6,412,399	B1	7/2002	Graham et al.	
6,467,398	B2	10/2002	Fink et al.	
6,510,937	B1	1/2003	Braithwaite	
6,578,471	B2	6/2003	Graham et al.	
6,592,923	B2	7/2003	Chandler et al.	
6,610,344	B2	8/2003	Bell et al.	
6,638,553	B2	10/2003	Bell et al.	
D487,606	S	3/2004	Sloan	
D487,951	S	4/2004	Barry et al.	
D488,282	S	4/2004	Barry et al.	
D493,271	S	7/2004	Bhaskar et al.	
D495,852	S	9/2004	Barber	
D498,033	S	11/2004	McKee et al.	
D498,342	S	11/2004	Rao et al.	
D503,256	S	3/2005	Bortone	
6,893,673	B2	5/2005	Hander et al.	
7,037,546	B2	5/2006	Hander et al.	
D540,507	S	4/2007	Aleman et al.	
D581,126	S	11/2008	Pastore	
D586,535	S	2/2009	Soliz	
D589,228	S	3/2009	Lee	
7,700,143	B2	4/2010	Baylor et al.	
D625,486	S	10/2010	Bhaskar et al.	
D629,586	S	12/2010	Griebel	
D632,046	S	2/2011	Omelchenko	
D634,098	S *	3/2011	Gillig	D1/122
D636,969	S	5/2011	Hogan	
D643,178	S	8/2011	Howe et al.	
D661,949	S *	6/2012	Geraghty	D7/586
D668,507	S *	10/2012	Williamson	D7/504
2002/0034573	A1	3/2002	McNeel et al.	
2003/0068418	A1	4/2003	Bell et al.	
2004/0018276	A1	1/2004	Hsieh	

2005/0089604	A1	4/2005	Pastore
2005/0260314	A1	11/2005	Baker et al.
2006/0177552	A1	8/2006	Baylor et al.

OTHER PUBLICATIONS

U.S. Trademark Application No. 76373837, Feb. 2002, 7 pages.
 U.S. Trademark Application No. 76373837, Feb. 2002, Specimen 15—Jul. 15, 2008, 12 pages.
 Fluted or Ruffled Edged, posted Oct. 18, 2011 [online], [retrieved Nov. 15, 2012], <http://www.landolakes.com>, 6 pages.
 Office Action for U.S. Appl. No. 29/397,467, mail date Nov. 16, 2012, 7 pages.
 Advisory Action for U.S. Appl. No. 29/397,467, mail date Feb. 4, 2013, 3 pages.
 4 ½" Edibowls® —100% Baked, No Trans Fat, believed to be commercially available at <http://www.truenaturalfoods.com> by at least Sep. 13, 2010, 2 pages.
 6 ¼" Edibowls® —100% Baked, No Trans Fat, believed to be commercially available at <http://www.truenaturalfoods.com> by at least Sep. 13, 2010, 2 pages.
 7 ½" Edibowls® —Traditional, No Trans Fat, believed to be commercially available at <http://www.truenaturalfoods.com> by at least Sep. 13, 2010, 2 pages.
 Photographs of 3 ½" Edibowls® product, believed to be publicly available by at least Sep. 13, 2010, 4 pages.
 Photographs of Fiesta Crunch Tortilla Bowlz™, known at least by Jul. 15, 2011, 9 pages.
 Photographs of Great Value™ Bowlz Tortilla Chip Dippers bag and chips, believed to be commercially available by at least Feb. 16, 2012, 5 pages.
 Photographs of Tostitos™ Scoops! bag and chips, believed to be commercially available by at least Sep. 13, 2010, 5 pages.
 Trademark Registration No. 2,766,278, registered Sep. 23, 2003, 1 page.
 Notice of Allowance for U.S. Appl. No. 29/369,865, mail date Apr. 14, 2011, 8 page.
 Office Action for Canadian Application No. 138998, Feb. 23, 2011, 2 pages.
 Response for Canadian Application No. 138998, mail date Jun. 20, 2011, 4 pages.
 Office Action for Canadian Application No. 138998, mail date Jul. 25, 2011, 2 pages.
 Preliminary Amendment for U.S. Appl. No. 29/413,717, mail date Mar. 1, 2012, 5 pages.
 Office Action for U.S. Appl. No. 29/397,467, mail date May 15, 2012, 6 pages.
 Medallion Bowlz, posted Mar. 3, 2012 [online], [retrieved Apr. 26, 2012], retrieved from Internet, <http://foodidentityblog.com>, 3 pages.
 Ralcorp Tortilla Chip Dippers, posted Feb. 24, 2012 [online], [retrieved Apr. 26, 2012], retrieved from Internet, <http://www.bizjournals.com>, 4 pages.
 Tostitos Scoops, posted Dec. 14, 2009 [online], [retrieved Apr. 26, 2012], retrieved from internet, <http://www.fastcompany.com>, 3 pages.

* cited by examiner

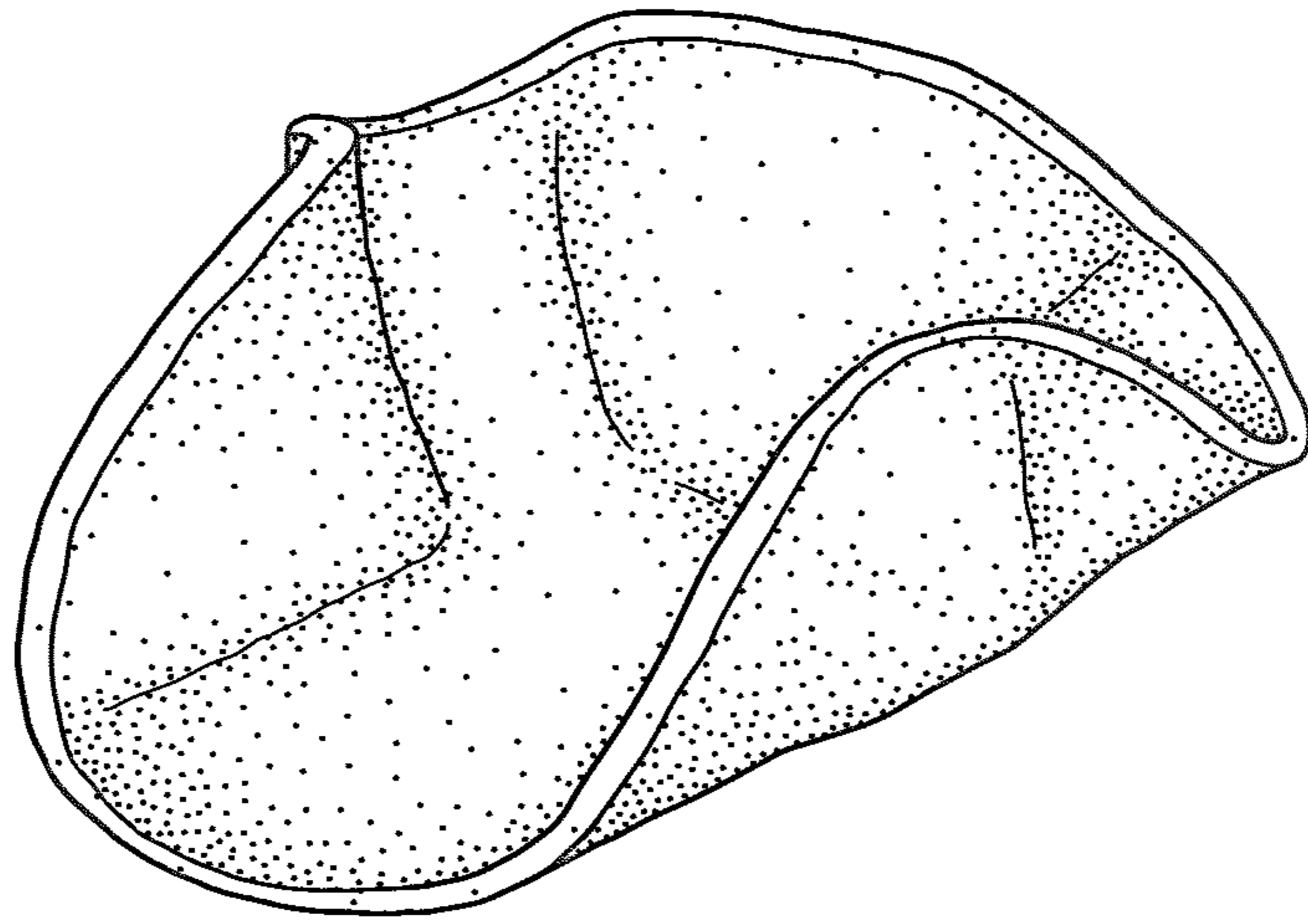


FIG. 1

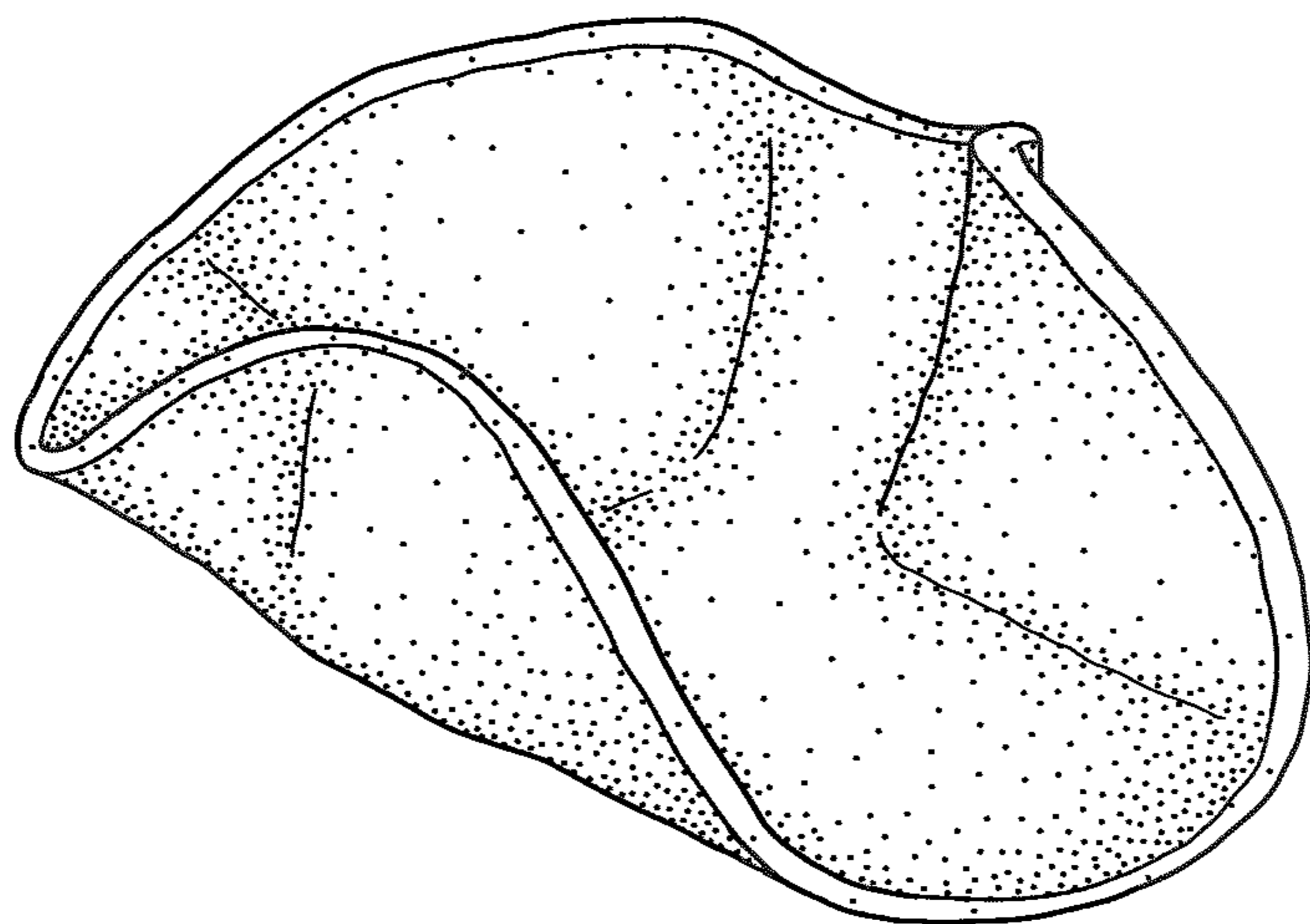


FIG. 2

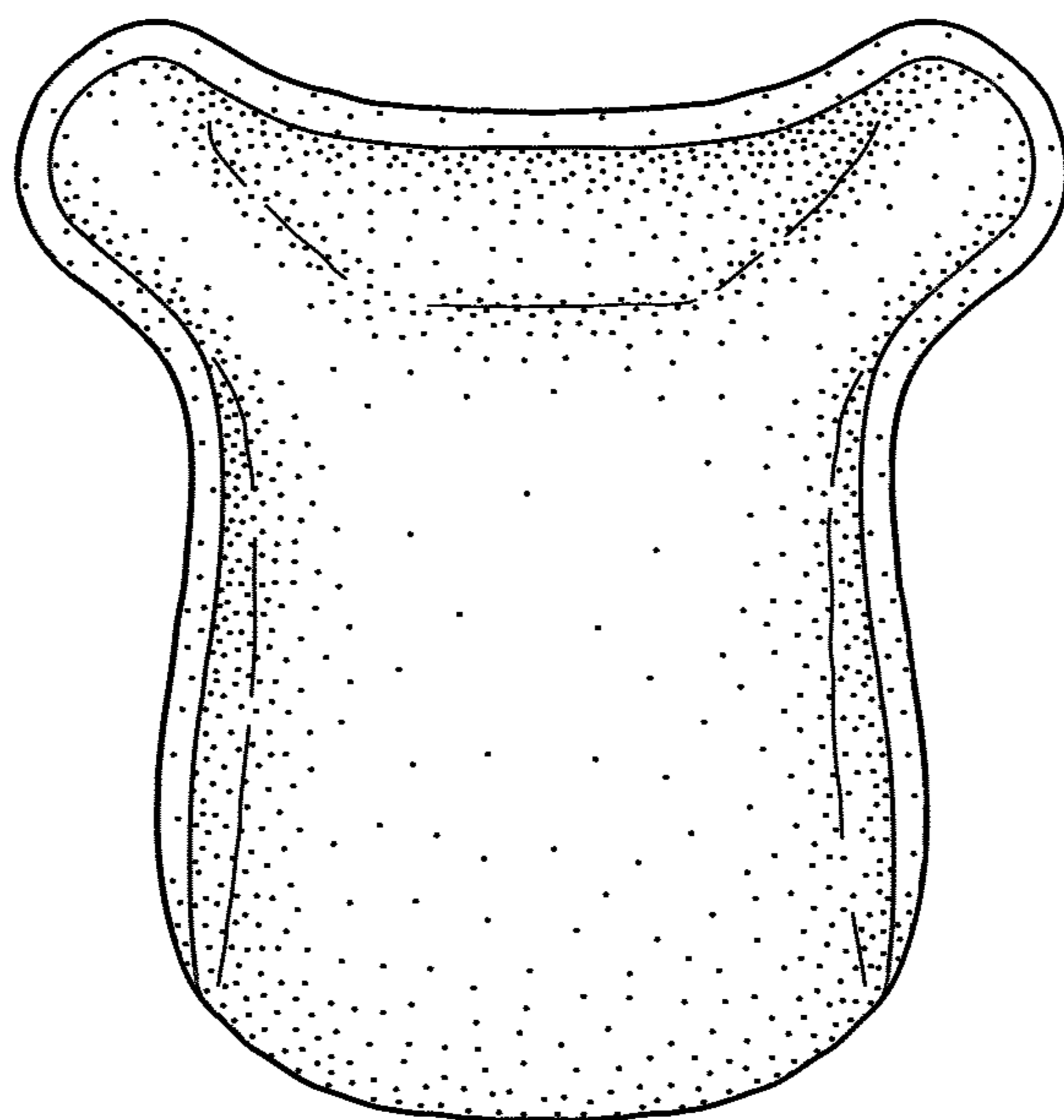


FIG. 3

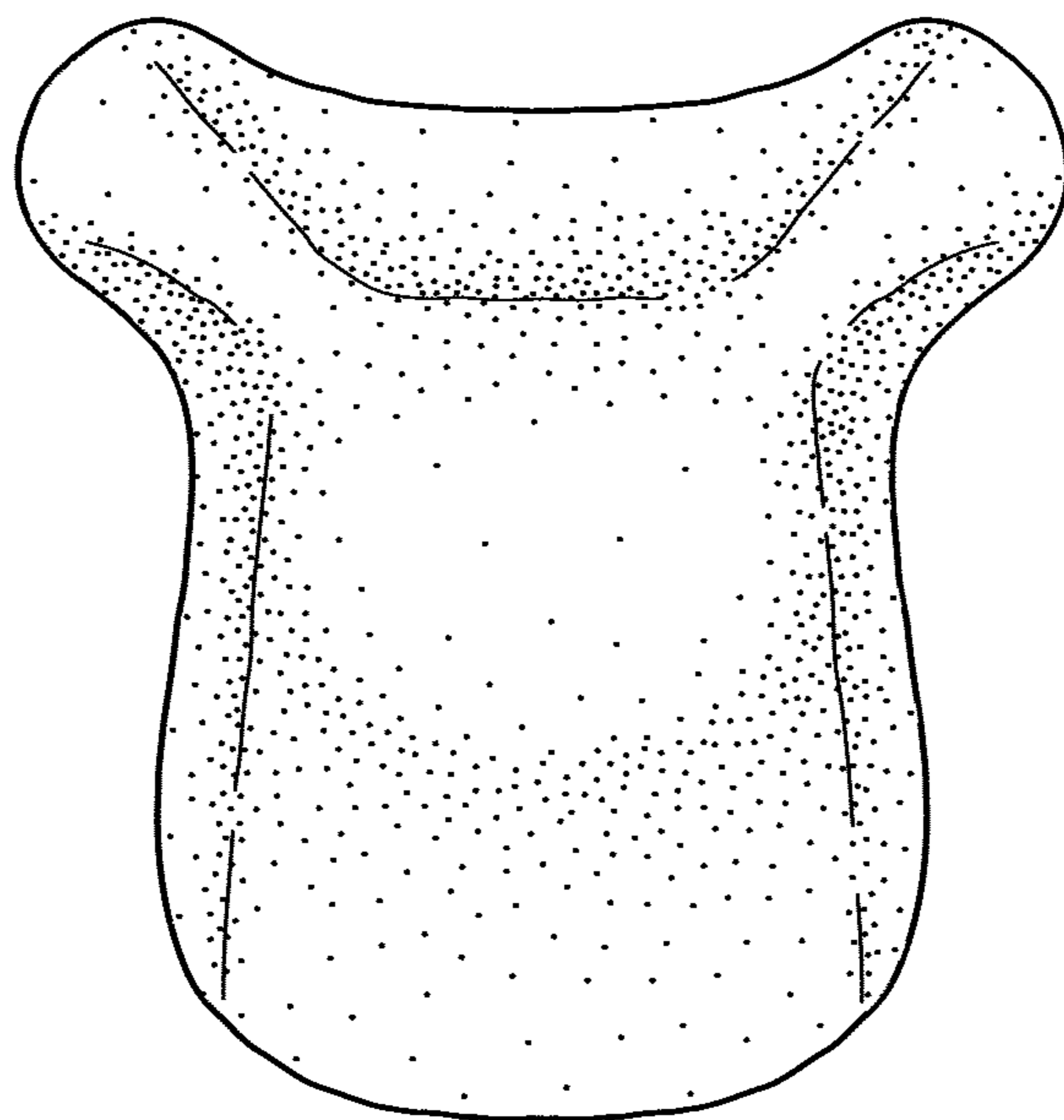


FIG. 4

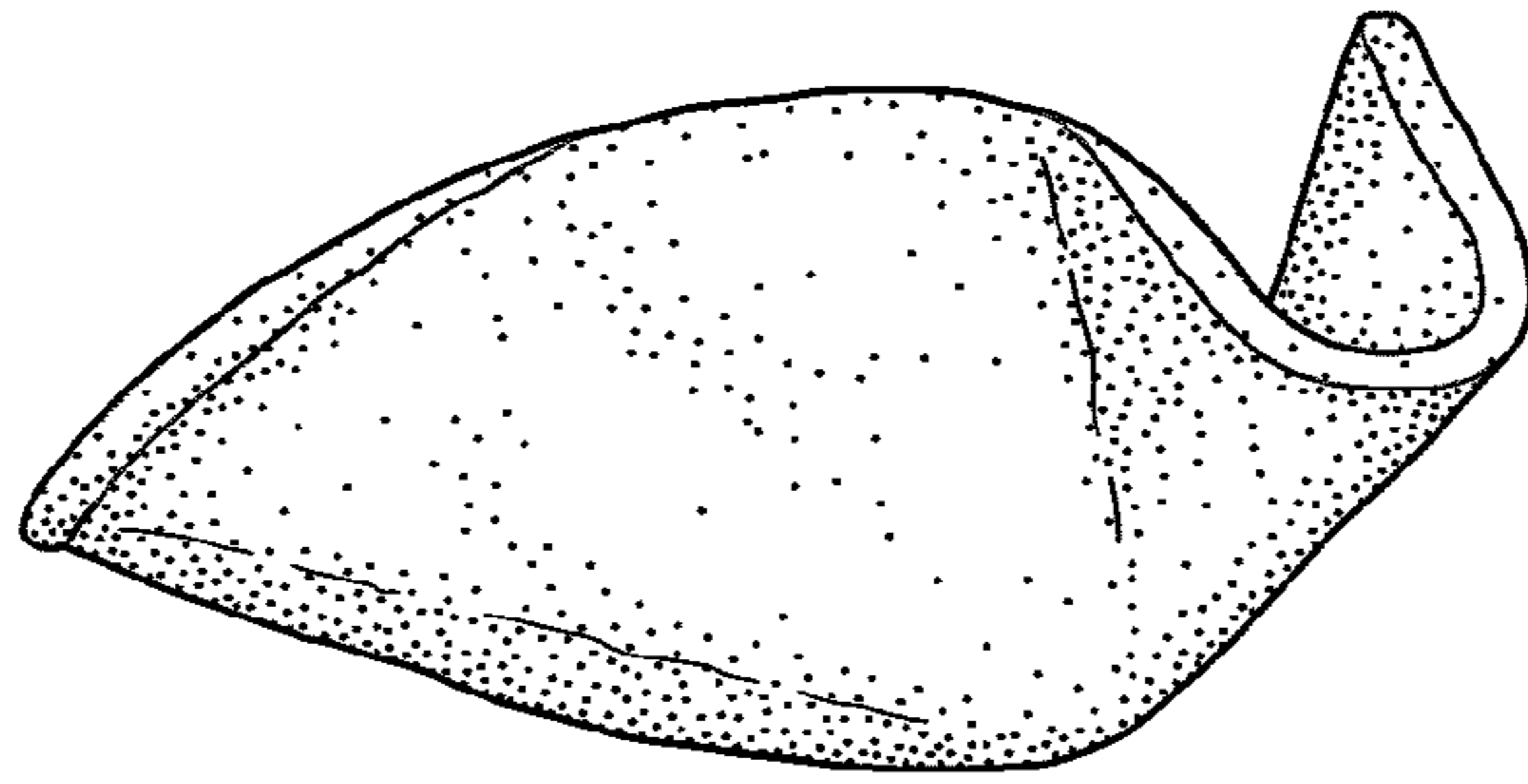


FIG. 5

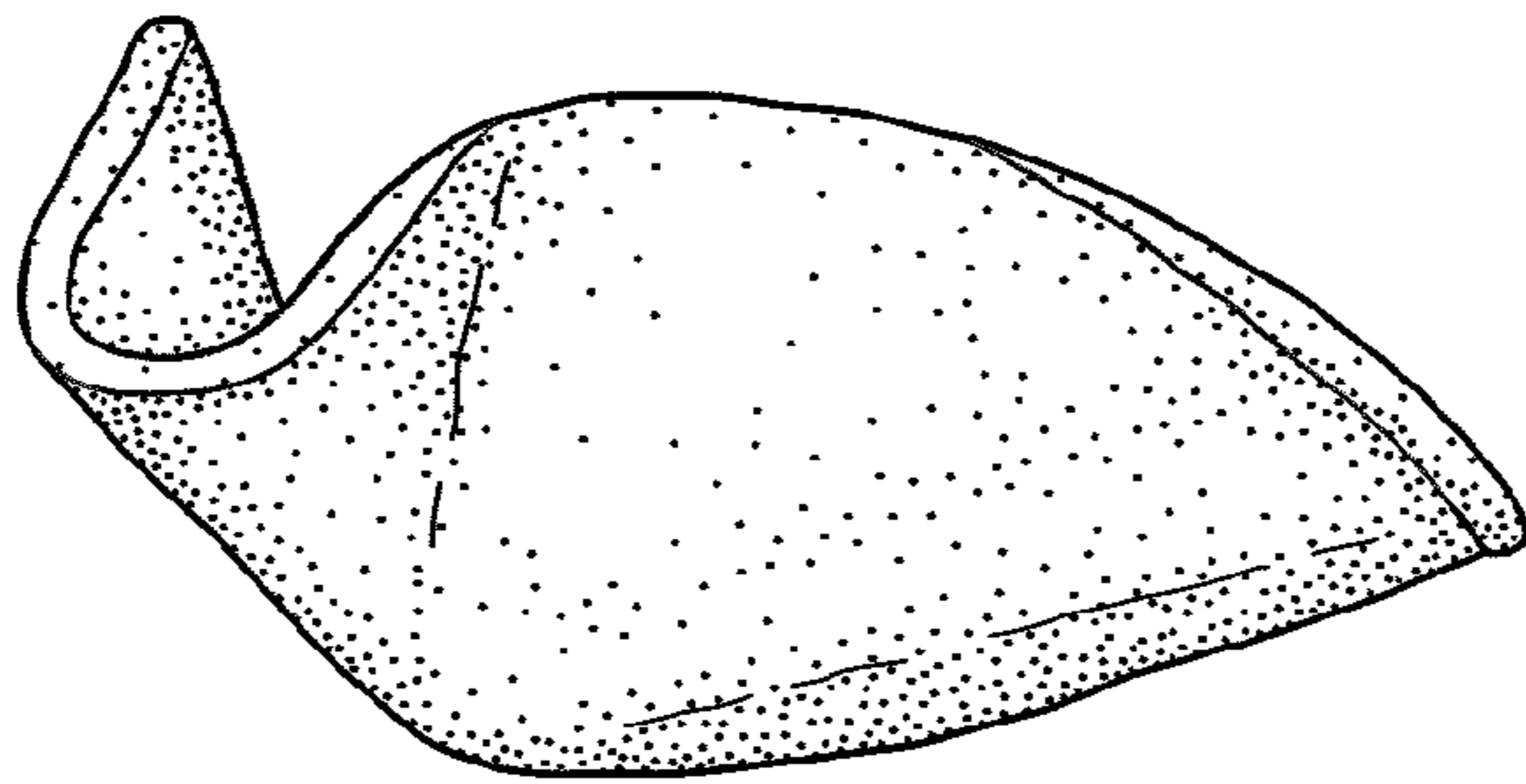


FIG. 6

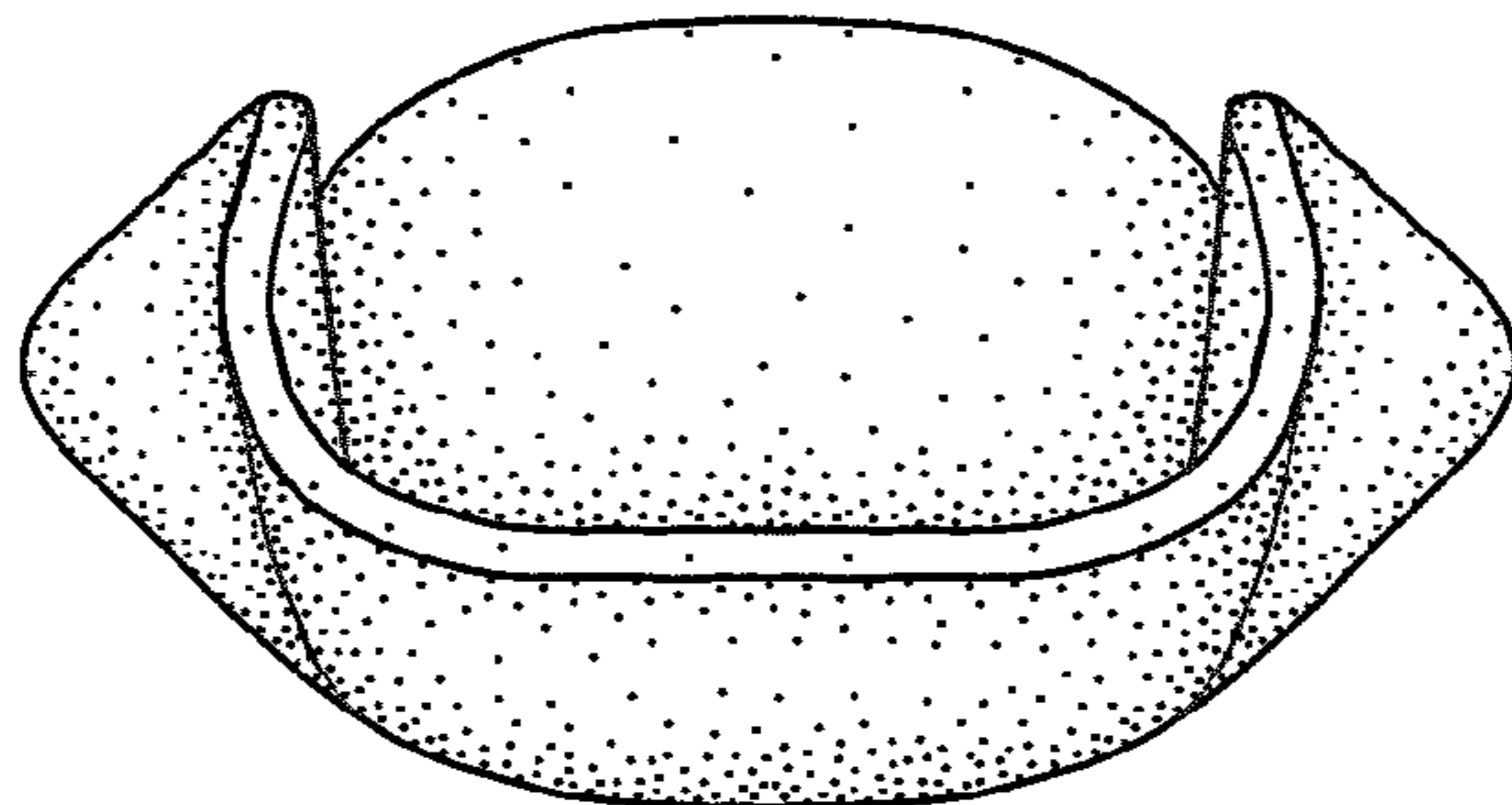


FIG. 7

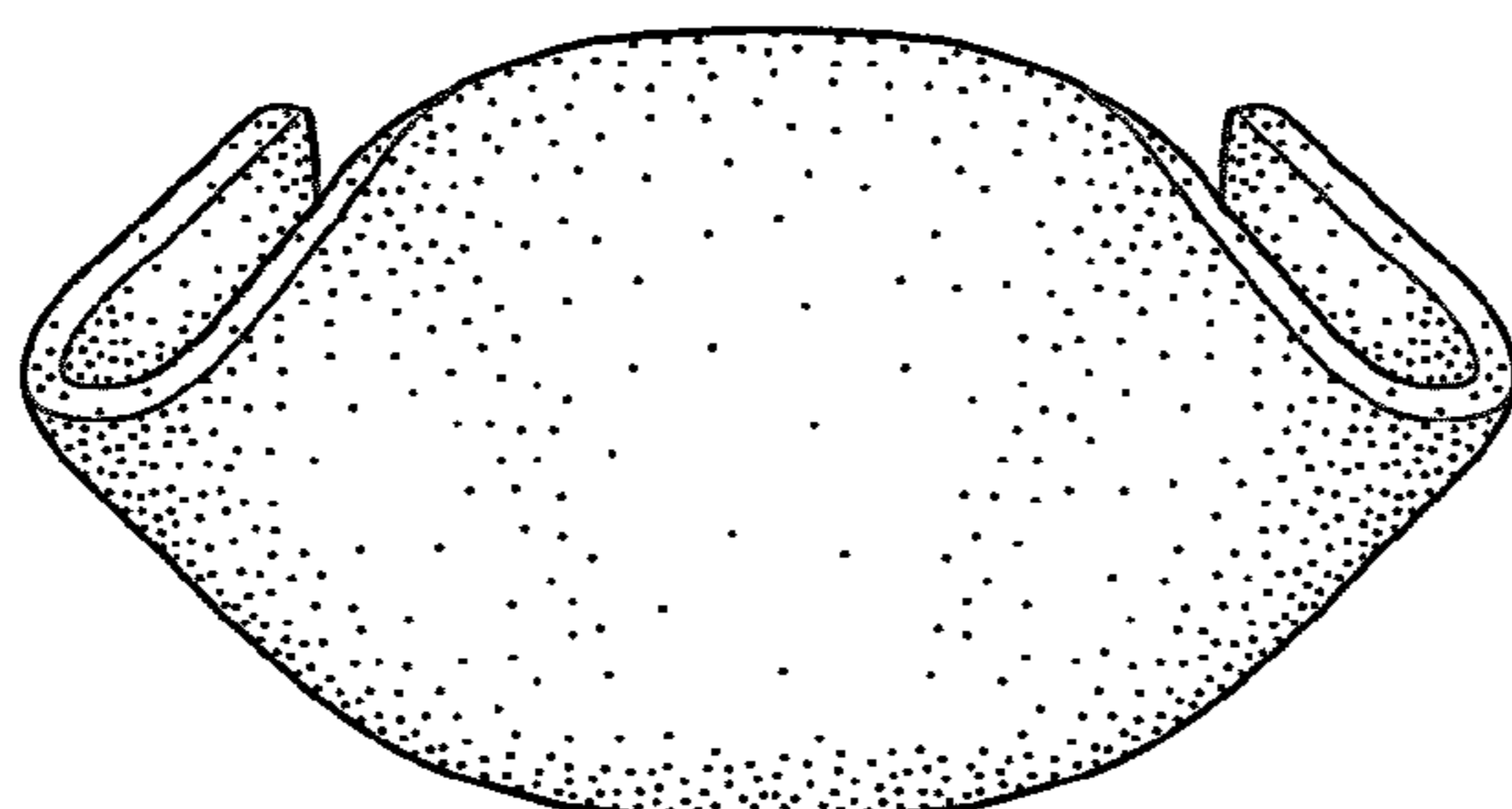


FIG. 8