



US00D695342S

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

(10) **Patent No.:** **US D695,342 S**
(45) **Date of Patent:** **** Dec. 10, 2013**

(54) **WRITING INSTRUMENT**

(75) Inventor: **Fabian Fischer**, Berlin (DE)

(73) Assignee: **Senator GmbH & Co. KGaA**,
Gross-Bieberau (DE)

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

(21) Appl. No.: **29/420,704**

(22) Filed: **May 11, 2012**

(30) **Foreign Application Priority Data**

Nov. 14, 2011 (DE) 402011006288

(51) **LOC (9) Cl.** **19-06**

(52) **U.S. Cl.**
USPC **D19/51**

(58) **Field of Classification Search**
USPC D14/411; D19/35, 36, 41-51, 53-58;
24/11 F, 11 P, 11 R; 401/52, 99-109,
401/192, 195, 196

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D57,398 S	3/1921	Taussig
D65,352 S	7/1924	Roach
D69,719 S	3/1926	Schick
D78,723 S	6/1929	Baker
D78,777 S	6/1929	Mundstock et al.
D81,435 S	6/1930	Coby
D81,577 S	7/1930	Gardner
D82,821 S	12/1930	Furedy
D83,181 S	1/1931	Stevenson
D833,321	2/1931	Friedman
D87,385 S	7/1932	Chesler
D90,890 S	10/1933	Kinzinger

D95,135 S	4/1935	Huber
D97,203 S	10/1935	Nichols
D98,522 S	2/1936	Juelss
D99,346 S	4/1936	Deli

(Continued)

FOREIGN PATENT DOCUMENTS

DE	376692 A	6/1923
DE	M8804172-0002	4/1990

(Continued)

OTHER PUBLICATIONS

Viva M frozen 1-0762 T—pen, UMA, Jul. 2007, p. 65.

(Continued)

Primary Examiner — Elizabeth Albert

(74) *Attorney, Agent, or Firm* — Stevens & Showalter LLP

(57) **CLAIM**

The ornamental design for a writing instrument, as shown and described.

DESCRIPTION

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the Office upon request and payment of the necessary fee.

FIG. 1 is a front view of the writing instrument of the present application;

FIG. 2 is a back view thereof;

FIG. 3 is a side view taken from the left side thereof;

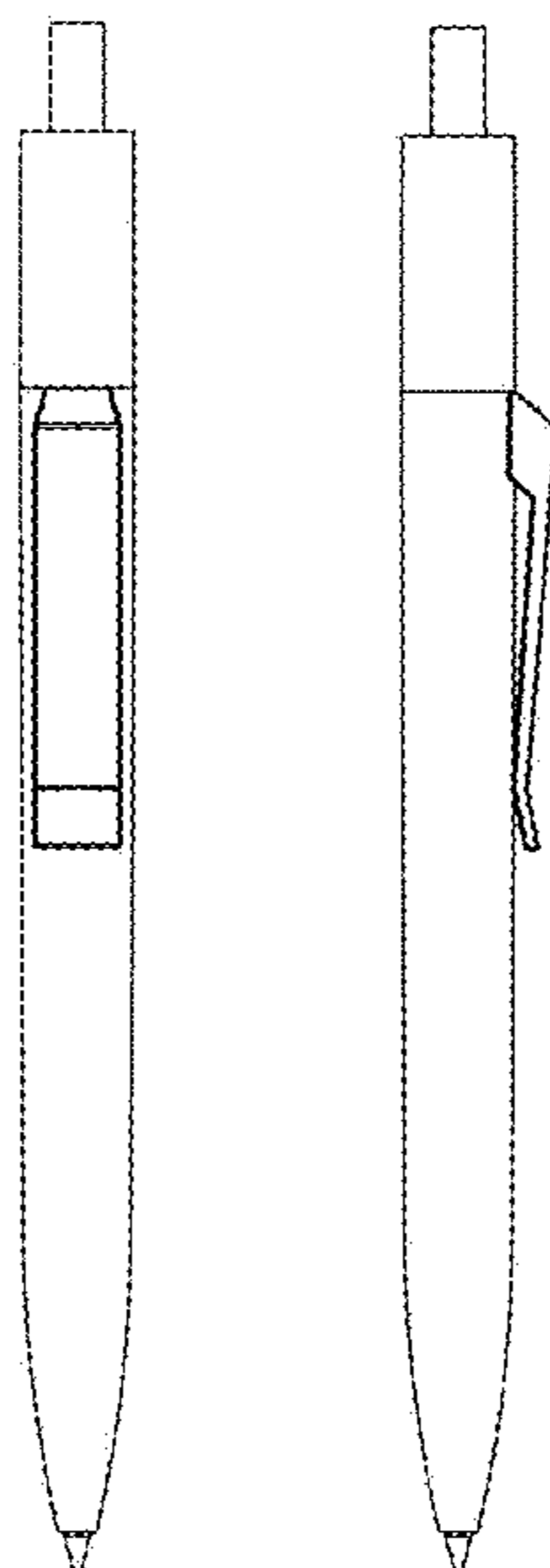
FIG. 4 is a side view taken from the right side thereof;

FIG. 5 is a top view thereof shown on an enlarged scale;

FIG. 6 is a bottom view thereof shown on an enlarged scale; and,

FIG. 7 is a perspective view thereof.

1 Claim, 2 Drawing Sheets



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References Cited

U.S. PATENT DOCUMENTS

D104,676 S 5/1937 Deli
 D105,622 S 8/1937 Trollen
 D105,623 S 8/1937 Trollen
 D108,111 S 1/1938 Trollen
 D108,899 S 3/1938 Tammen et al.
 D112,750 S 12/1938 Blake
 D114,529 S 5/1939 Deli et al.
 D114,530 S 5/1939 Deli et al.
 D115,288 S 6/1939 Fish
 D128,388 S 7/1941 Christenson, Jr.
 D128,389 S 7/1941 Christenson, Jr.
 D128,390 S 7/1941 Christenson, Jr.
 D128,391 S 7/1941 Christenson, Jr.
 D132,920 S 6/1942 Christenson, Jr.
 D137,496 S 3/1944 Lustig
 D139,903 S 1/1945 Baff
 D148,129 S 12/1947 Burge
 D149,672 S 5/1948 Phillips
 D150,320 S 7/1948 Starr
 D159,095 S 6/1950 Peterson et al.
 D170,539 S 10/1953 Lovejoy
 D172,355 S 6/1954 Zimmer
 D179,450 S 12/1956 Harper et al.
 D183,917 S 11/1958 Dreyfuss
 D189,735 S * 2/1961 Platt D19/50
 D191,185 S 8/1961 Burnham
 D210,810 S * 4/1968 Wakai D19/51
 D213,341 S 2/1969 Fields
 D215,626 S 10/1969 Jonkers
 D218,492 S 8/1970 Bich
 D219,248 S 11/1970 Zierhut
 D220,070 S 3/1971 Iwasaki
 D228,690 S 10/1973 Gomez
 D229,357 S 11/1973 Defores
 D229,636 S 12/1973 Defores
 D233,613 S 11/1974 Hand, III
 D233,631 S 11/1974 Defores
 D238,068 S 12/1975 Maryynissen
 D242,246 S 11/1976 Butler et al.
 D242,449 S * 11/1976 Jahraus D19/45
 D246,658 S 12/1977 Ortega et al.
 D258,069 S 1/1981 Malamoud
 D258,219 S * 2/1981 Oka D19/49
 D273,395 S 4/1984 Wilkinson
 D275,297 S 8/1984 Ohyabu
 D284,774 S 7/1986 Ludvig et al.
 D286,549 S 11/1986 Erlendson
 D312,837 S * 12/1990 Oka D19/51
 D314,978 S 2/1991 Oka
 D317,324 S 6/1991 Chuang
 D323,186 S 1/1992 Clark et al.
 D328,611 S 8/1992 Longarzo
 D330,565 S 10/1992 Dallaire
 D332,627 S 1/1993 Anavil et al.
 D334,407 S 3/1993 Petterson
 D334,589 S 4/1993 Shike et al.
 D345,577 S 3/1994 Hohner
 D356,598 S 3/1995 Thompson et al.
 D358,842 S 5/1995 Shiau
 D374,893 S 10/1996 Yazawa
 D387,803 S 12/1997 Izushima
 D392,999 S 3/1998 Varholik
 D397,148 S 8/1998 Luntz
 D404,765 S 1/1999 Izushima et al.
 D406,166 S 2/1999 Grannis
 D421,772 S 3/2000 Maruyama
 D442,226 S 5/2001 Briggl
 D444,502 S 7/2001 Luntz
 D450,765 S 11/2001 Rosenbaum
 D450,873 S 11/2001 Opolka
 D451,548 S 12/2001 Banasik
 D452,274 S 12/2001 Keda
 D456,845 S 5/2002 Rommel
 D471,591 S 3/2003 Lecce
 D478,932 S 8/2003 Moon

D483,065 S 12/2003 Cetera
 D485,297 S * 1/2004 Reda et al. D19/36
 D489,085 S 4/2004 Willat et al.
 D489,764 S 5/2004 Richardson et al.
 D492,723 S 7/2004 Kuo Chiang
 D495,365 S 8/2004 Cetera
 D500,793 S 1/2005 Koch
 D518,523 S 4/2006 Cetera
 D523,081 S * 6/2006 Pellissa Beneyto D19/51
 D539,349 S 3/2007 Katami
 D541,860 S 5/2007 Kung
 D552,176 S 10/2007 Schnug
 D552,177 S 10/2007 Cetera
 D552,681 S 10/2007 Koch
 D557,741 S 12/2007 Lecce
 D558,826 S 1/2008 Tam
 D562,896 S 2/2008 Delaney
 D564,026 S 3/2008 Bhavnani
 D566,180 S 4/2008 Mori
 D573,185 S 7/2008 Qiu et al.
 D584,772 S * 1/2009 Hackenberg et al. D19/51
 D585,093 S 1/2009 Schnug
 D585,938 S 2/2009 Feng et al.
 D589,559 S * 3/2009 Slemp D19/51
 D593,154 S 5/2009 Bruzzi
 D596,228 S 7/2009 Koch
 D607,932 S 1/2010 Zhang
 D610,619 S 2/2010 Fang
 D626,176 S 10/2010 Rommel
 D626,177 S 10/2010 Koehler
 D631,095 S 1/2011 Mizutani
 D651,246 S * 12/2011 Beyer D19/51
 D662,544 S * 6/2012 Losel D19/48

FOREIGN PATENT DOCUMENTS

DE M8902938-0001 10/1990
 DE M8906371-0001 11/1990
 DE M9105438-0002 4/1992
 DE M9106218-0003 5/1992
 DE M9108400-0002 5/1992
 DE M9200871-0001 7/1992
 DE M9403617-0001 11/1994
 DE M9406230-0002 2/1995
 DE M9406230-0003 2/1995
 DE M9410036-0004 6/1995
 DE M9510219-0001 6/1996
 DE M9508873-0001 7/1996
 DE M9508873-0005 7/1996
 DE M9508873-0009 7/1996
 DE M9600641-0005 8/1996
 DE M9705931-0012 1/1998
 DE M9705931-0017 1/1998
 DE M9705931-0038 1/1998
 DE M9707041-0001 1/1998
 DE M9800754-0001 10/1998
 DE M9802639-0001 11/1998
 DE 49903115-0001 8/1999
 DE 49903156-0001 8/1999
 DE 40000081-0002 6/2000
 DE 40004660-0007 10/2000
 DE 40004793-0001 10/2000
 DE 40006864-0006 12/2000
 DE 40008292-0010 12/2000
 DE 40007845-0001 1/2001
 DE 40100311-0002 5/2001
 DE 40100311-0005 5/2001
 DE 40100786-0003 6/2001
 DE 40101636-0001 6/2001
 DE 40101636-0002 6/2001
 DE 40100898-0001 8/2001
 DE 40100898-0005 8/2001
 DE 40100883-0005 9/2001
 DE 40100883-0006 9/2001
 DE 40100883-0013 9/2001
 DE 40105338-0001 12/2001
 DE 40106130-0003 2/2002
 DE 40110191-0006 8/2002
 DE 40110191-0017 8/2002

(56)

References Cited

FOREIGN PATENT DOCUMENTS

DE	40111190-0003	10/2002
DE	40111190-0004	10/2002
DE	40209104-0001	3/2003
DE	40204726-0031	4/2003
DE	40204726-0040	4/2003
DE	40210757-0001	5/2003
DE	40210757-0002	5/2003
DE	40210761-0001	5/2003
DE	40304549-0002	11/2003
DE	40308150-0007	5/2004
DE	40402513-0001	1/2005
DE	40402513-0004	1/2005
DE	40405707-0001	8/2005
DE	40405720-0006	8/2005
DE	40405720-0007	8/2005
DE	40502886-0002	9/2005
DE	40505248-0003	3/2006
DE	40506175-0002	5/2006
DE	40600747-0014	6/2006
DE	40600747-0016	6/2006
DE	40600001-0002	7/2006
DE	40600001-0006	7/2006
DE	40600001-0007	7/2006
DE	40602936-0002	12/2006
DE	40603501-0001	2/2007
DE	40704027-0004	12/2007
DE	40704375-0002	12/2007
DE	40705594-0001	3/2008
DE	40705685-0001	3/2008
DE	402008003796-0008	10/2008
DE	402008005205-0001	12/2008
DE	402009002509-0007	5/2009
DE	402009002488-0001	8/2009
DE	402009005130-0001	5/2010
DE	402009005130-0003	5/2010
DE	402009005252-0001	5/2010
DE	402009005685-0038	5/2010
DE	402010000811-0006	5/2010
DE	402010003122-0001	10/2010
DE	402010004880-0003	12/2010
DE	402010004880-0007	12/2010
DE	402010005923-0003	1/2011
EM	000019625-0001	7/2003
EM	000015730-0003	9/2003
EM	000060462-0002	11/2003
EM	000087846-0003	2/2004
EM	000116058-0001	4/2004
EM	000177472-0001	8/2004
EM	000177472-0002	8/2004
EM	000294525-0001	4/2005
EM	000367164-0009	8/2005
EM	000365838-0002	10/2005
EM	000250733-0012	12/2005
EM	000250733-0018	12/2005
EM	000250733-0021	12/2005
EM	000250733-0023	12/2005
EM	000458492-0001	3/2006
EM	000458492-0002	3/2006
EM	000484522-0002	3/2006
EM	000494497-0001	4/2006
EM	000517115-0003	6/2006
EM	000612106-0001	11/2006
EM	000621065-0013	12/2006
EM	000604111-0004	1/2007
EM	000641147-0002	1/2007
EM	000668801-0001	3/2007
EM	000734025-0005	7/2007
EM	000734025-0007	7/2007
EM	000778196-0001	9/2007
EM	000778196-0002	9/2007
EM	000605241-0001	11/2007
EM	000605241-0002	11/2007
EM	000815774-0002	1/2008
EM	000846761-0002	1/2008
EM	000674866-0001	2/2008

EM	00856026-0002	2/2008
EM	000887989-0001	4/2008
EM	000935861-0002	6/2008
EM	000935861-0005	6/2008
EM	000929112-0001	7/2008
EM	000953955-0012	7/2008
EM	000985130-0001	9/2008
EM	001075352-0004	3/2009
EM	001076061-0002	3/2009
EM	001108021-0001	3/2009
EM	001139166-0003	8/2009
EM	001139166-0007	8/2009
EM	001541723-0001	9/2009
EM	001599028-0001	9/2009
EM	001611393-0002	9/2009
EM	000772918-0005	3/2010
EM	001210629-0001	7/2010
EM	001212252-0001	7/2010
EM	001220891-0002	7/2010
EM	001730599-0002	7/2010
EM	001795287-0001	12/2010
EM	000969613-0004	1/2011
EM	001806324-0001	1/2011
EM	001807017-0001	2/2011
EM	001818196-0002	2/2011
ES	157372	12/2003
RU	51347	10/2002
WO	DM/002240	2/1983
WO	DM/010075	1/1988
WO	DM/015534	1/1990
WO	DM/019633	5/1991
WO	DM/022915	5/1992
WO	DM/028602	2/1994
WO	DM/029053	3/1994
WO	DM/032515	3/1995
WO	DM/036159	4/1996
WO	DM/038017	10/1996
WO	DM/039494	3/1997
WO	DM/039615	3/1997
WO	DM/041665	10/1997
WO	DM/042549	12/1997
WO	DM/043147	12/1997
WO	DM/042705	1/1998
WO	DM/043592	4/1998
WO	DM/044502	6/1998
WO	DM/045076	7/1998
WO	DM/045639	7/1998
WO	DM/046173	12/1998
WO	DM/047525	4/1999
WO	DM/049066	6/1999
WO	DM/051073	3/2000
WO	DM/052829	3/2000
WO	DM/051877	5/2000
WO	DM/054487	12/2000
WO	DM/056664	7/2001
WO	DM/059877	4/2002
WO	DM/062436	10/2002
WO	DM/063630	12/2002
WO	DM/062861	1/2003
WO	DM/063561	4/2003
WO	DM/065764	7/2004
WO	DM/067650	11/2005
WO	DM/067506	2/2006
WO	DM/070042	3/2008
WO	DM/070260	5/2008
WO	DM/071170	1/2009
WO	DM/074154	8/2010

OTHER PUBLICATIONS

Classico P 0-8800 P—pen, UMA, Jul. 2007, p. 65.
 Argon 0-9400 and 0-9407—pen, UMA, Jul. 2007, p. 82.
 Brasil 0-8400—pen, UMA, Jul. 2007, p. 83.
 Lucky 0-9415—pen, UMA, Jul. 2007, p. 83.
 Nexus 0-8500—pen, UMA, Jul. 2007, p. 86.
 Orion 0-9420 and 0-9427—pen, UMA, Jul. 2007, p. 86.
 Gala 0-8700—pen, UMA, Jul. 2007, p. 87.
 Cosmos 0-9440 and 0-9447—pen, UMA, Jul. 2007, p. 87.

(56)

References Cited

OTHER PUBLICATIONS

- KB164600-BM—retractable ballpoint pen, Chenglu, BEIFA Eco Products, May 2009.
- RS202000-AC—liquid ink pen, Chenglu, BEIFA Eco Products, May 2009.
- RS202200-AC—liquid ink pen, Chenglu, BEIFA Eco Products, May 2009.
- MB710600CB—mechanical pencil, Chenglu, BEIFA Office Pens, May 2009.
- MB711600AB—mechanical pencil, Chenglu, BEIFA Office Pens, May 2009.
- AL-9001—aluminum pen, Rip Tonglu Guanghua Stationery Co, Jul. 2009.
- AL-9035—aluminum pen, Rip Tonglu Guanghua Stationery Co, Jul. 2009.
- YC7037A—promotion pen, Rip yc-pen.com, Jul. 2009.
- YC7037B—promotion pen, Rip yc-pen.com, Jul. 2009.
- YC7706—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5016—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5020—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5024—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5038B—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5052—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5075—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5089—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5090—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5169—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5278—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5282—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5460D—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5495—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5726—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5798B—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5836—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5836D—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5927—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP5950—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP6092D—promotion pen, Rip yc-pen.com, Jul. 2009.
- YCP9013—metal pen, Rip yc-pen.com, Jul. 2009.
- CLD2974—pen, Chenglu, Mar. 2005.
- cle3035-a—pen, Chenglu, Mar. 2005.
- CLE3035-E—pen, Chenglu, Mar. 2005.
- AC5240—Bravissimo ball pen, The Guide, Jun. 2007, p. 4.
- AC15—Parma ball pen, The Guide, Jun. 2007, p. 4.
- PC410—Vendome ball pen / fountain pen set by Pierre Cardin, The Guide, Jun. 2007, p. 5.
- PC200—Vendome ball pen by Pierre Cardin, The Guide, Jun. 2007, p. 6.
- PC210—Vendome fountain pen by Pierre Cardin, The Guide, Jun. 2007, p. 6.
- AC132—Luino automatic ball pen, The Guide, Jun. 2007, p. 7.
- AC133—Luino automatic pencil, The Guide, Jun. 2007, p. 7.
- AC265—Luino ball pen / pencil set, The Guide, Jun. 2007, p. 7.
- AC46—San Remo automatic ball pen, The Guide, Jun. 2007, p. 7.
- AC49—San Remo automatic pencil, The Guide, Jun. 2007, p. 7.
- AC95—San Remo ball pen / pencil set, The Guide, Jun. 2007, p. 7.
- AC5800—Bergamo automatic ball pen, The Guide, Jun. 2007, p. 13.
- AC50—Opalino automatic ball pen, The Guide, Jun. 2007, p. 17.
- AC180—Merano automatic ball pen, The Guide, Jun. 2007, p. 17.
- AC19—Automatic Twincolour Thermopen, The Guide, Jun. 2007, p. 32.
- LS11—Rapallo automatic ball pen, The Guide, Jun. 2007, p. 32.
- LS12—Rapallo automatic pencil, The Guide, Jun. 2007, p. 32.
- LS23—Rapallo ball pen / pencil set, The Guide, Jun. 2007, p. 32.
- EP36—Everflow Boston ball pen, The Guide, Jun. 2007, p. 43.
- EP70—Everflow Montreal ball pen, The Guide, Jun. 2007, p. 43.
- EP85—Everflow Twin 2 colour ball pen, The Guide, Jun. 2007, p. 43.
- PC30—Chic ball pen by Pierre Cardin, The Guide, Jun. 2007, p. 49.
- PC11—La Plume fountain pen by Pierre Cardin, The Guide, Jun. 2007, p. 49.
- TMR 013—metal retractable pen, TTI Promotional, Jul. 2007.
- TMW 009—metal twist type pen, TTI Promotional, Jul. 2007.
- TMW 028—metal twist type pen, TTI Promotional, Jul. 2007.
- TMW 055—metal twist type pen, TTI Promotional, Jul. 2007.
- TPC 014 F—plastic ball point pen, TTI Promotional, Jul. 2007.
- TPM 008—plastic ball point pen, TTI Promotional, Jul. 2007.
- TPM 008 S—plastic ball point pen, TTI Promotional, Jul. 2007.
- TPR-153—plastic retractable ball point pen, TTI Promotional, Jul. 2007.
- TPR-163M—plastic retractable ball point pen, TTI Promotional, Jul. 2007.
- TPR-176M—plastic retractable ball point pen, TTI Promotional, Jul. 2007.
- TPR-209M—plastic retractable ball point pen, TTI Promotional, Jul. 2007.
- TPW-003M—plastic twist type ball point pen, TTI Promotional, Jul. 2007.
- Hepla 8801—pen, Hepla, Jul. 2007.
- Hepla 8806—pen, Hepla, Jul. 2007.
- Hepla 8929—pen, Hepla, Jul. 2007.
- Hepla 8931—pen, Hepla, Jul. 2007.
- Spiralo 1-0750—pen, UMA, Jul. 2007, pp. 26-27.
- Twist frozen 0-0049 TF—pen, UMA, Jul. 2007, p. 28.
- Jet 0-0035—pen, UMA, Jul. 2007, p. 28.
- Twisty 0-0040—pen, UMA, Jul. 2007, p. 29.
- Arctis 0-8600 and 0-8607—pen, UMA, Jul. 2007, p. 48.
- Jazz 0-0580—pen, UMA, Jul. 2007, p. 49.
- Spirit 1-0765 T and Viani 1-0735—pen, UMA, Jul. 2007, p. 64.
- Russian Office Action; Application No. 2012501528; Jul. 15, 2013; 2 pages.

* cited by examiner

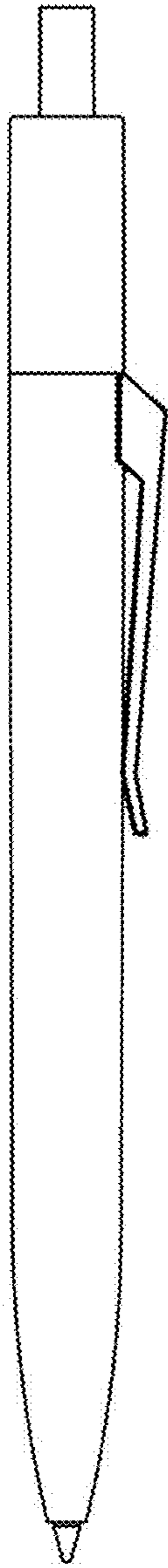


Fig. 3

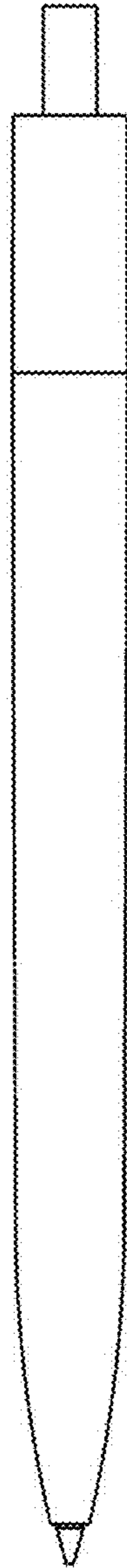


Fig. 2

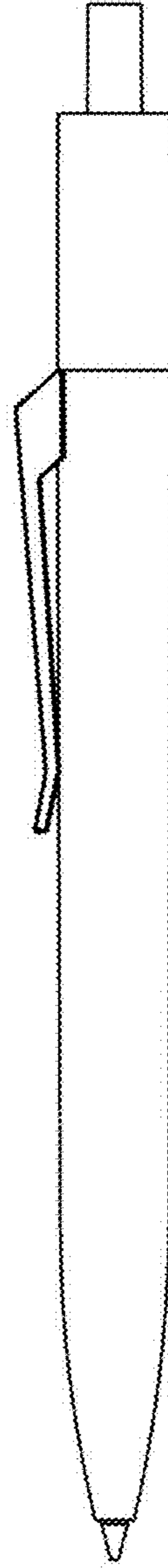


Fig. 4

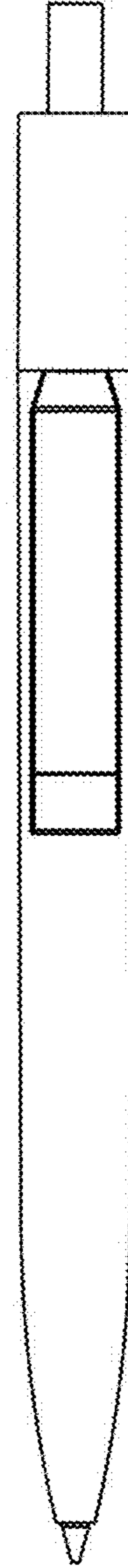


Fig. 1

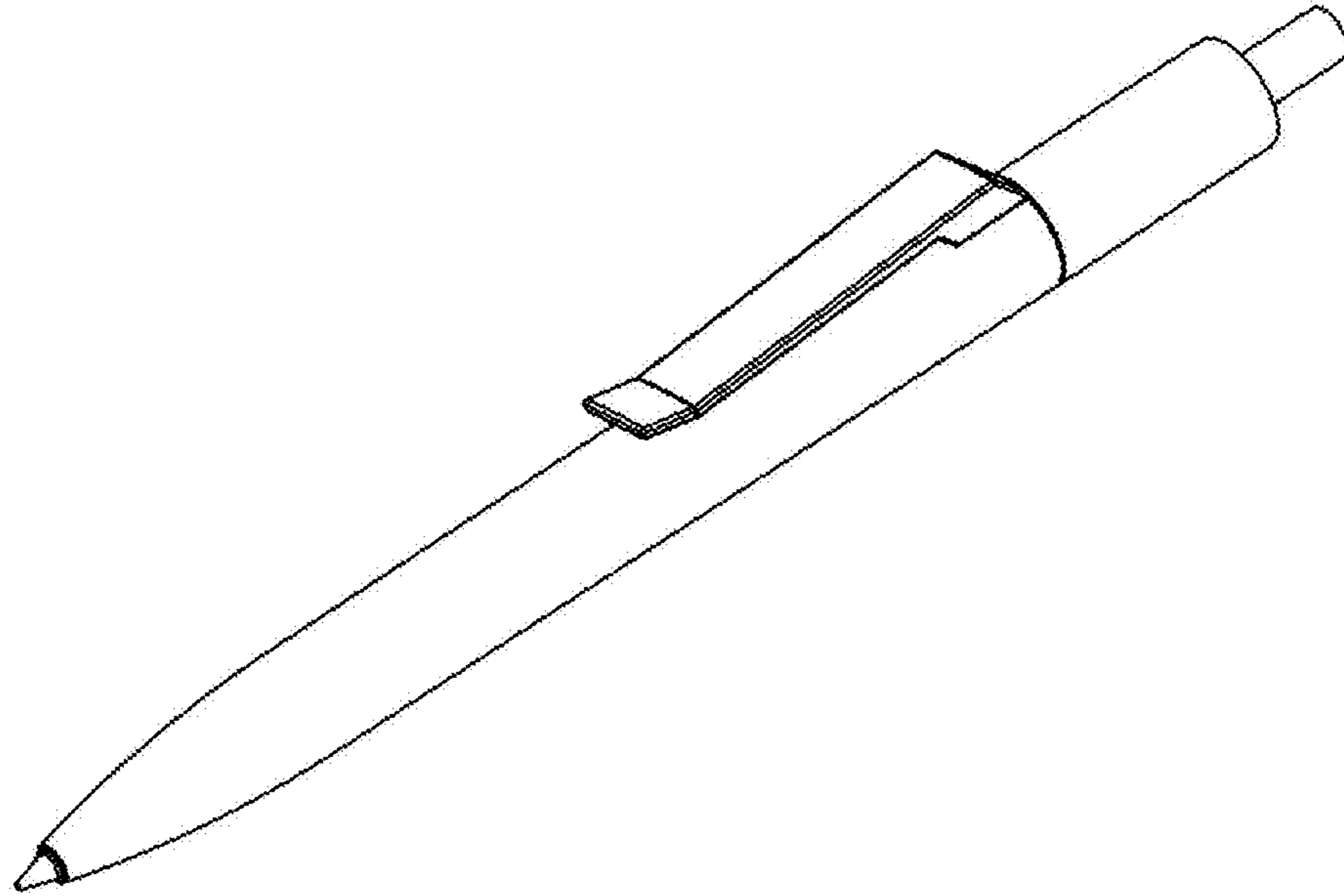


Fig. 7

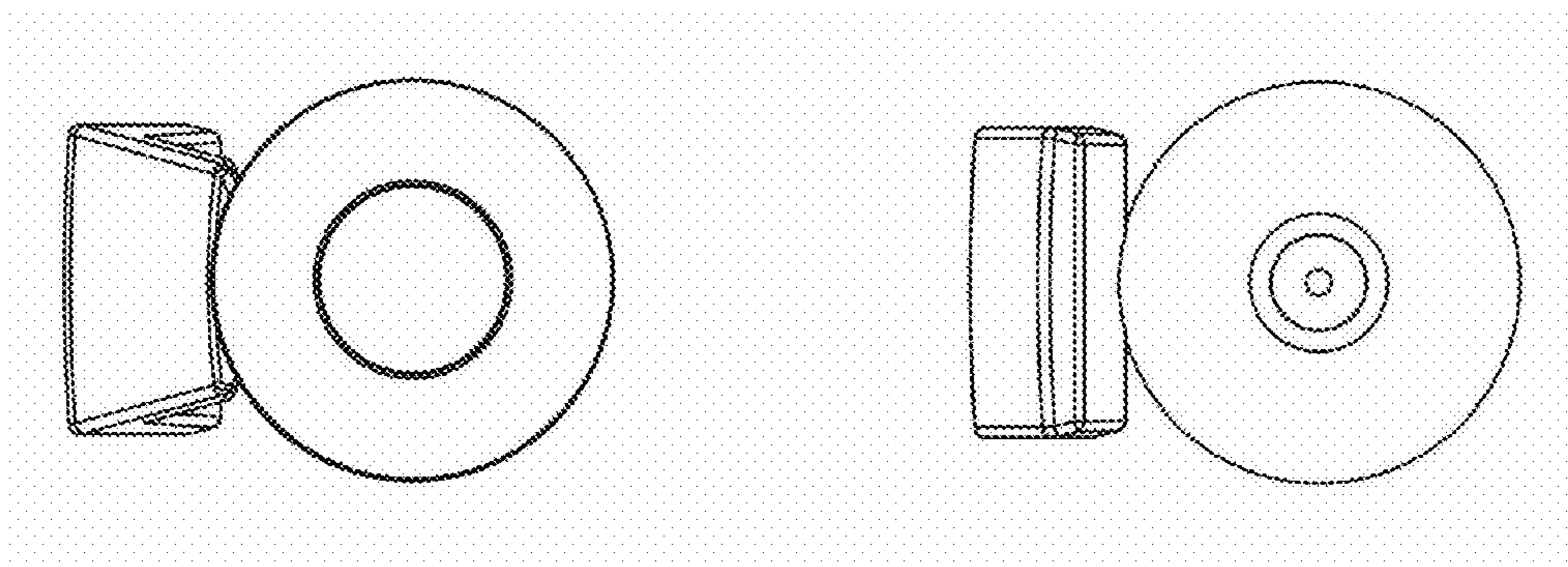


Fig. 5

Fig. 6

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D695,342 S
APPLICATION NO. : 29/420704
DATED : December 10, 2013
INVENTOR(S) : Fabian Fischer

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page:

In the Description:

Delete the following paragraph:

“The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the Office upon request and payment of the necessary fee.”

Signed and Sealed this
Eighteenth Day of March, 2014



Michelle K. Lee
Deputy Director of the United States Patent and Trademark Office