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

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(54) **COSMETIC CONTAINER**

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

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Related U.S. Application Data

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(51) **LOC (10) Cl.** **28-03**

(52) **U.S. Cl.**
USPC **D28/88**

(58) **Field of Classification Search**
USPC 206/385, 823, 581; D28/76, 85-90, 7;
132/317, 218; 401/68-79, 126-130,
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See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,766,990	A *	6/1930	Freeman	132/318
D114,442	S	4/1939	Dexter	D28/88
2,595,403	A	5/1952	Neuschaefer	40/307
3,317,036	A	5/1967	Cherba	401/78
3,348,670	A	10/1967	Bau	401/63
D209,340	S	11/1967	Jones, Jr.	D9/426
3,677,271	A	7/1972	Luciano	132/314
3,990,577	A	11/1976	Delia	206/457
3,991,777	A	11/1976	Powers et al.	132/320
D252,161	S *	6/1979	Flower	D28/87

D263,807	S	4/1982	Kingsford	D9/504
D280,032	S *	8/1985	Holloway	D28/89
D283,454	S	4/1986	Holloway	D28/88
4,579,134	A	4/1986	Moore	132/320
D303,302	S *	9/1989	McCready	D28/85
D303,303	S	9/1989	Cardia	D28/88
D307,646	S	5/1990	Kingsford	D28/76

(Continued)

FOREIGN PATENT DOCUMENTS

CN	2340258	Y	9/1999
CN	2358745		1/2000

(Continued)

OTHER PUBLICATIONS

“Trade Yellow Pages,” Trade Yellow Pages Group: Trade Yellow Pages Corp., Taiwan Trade Pages Corp., World Phone Limited, p. 1074, 2001.

(Continued)

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(57) **CLAIM**

The ornamental design for a cosmetic container, as shown and described.

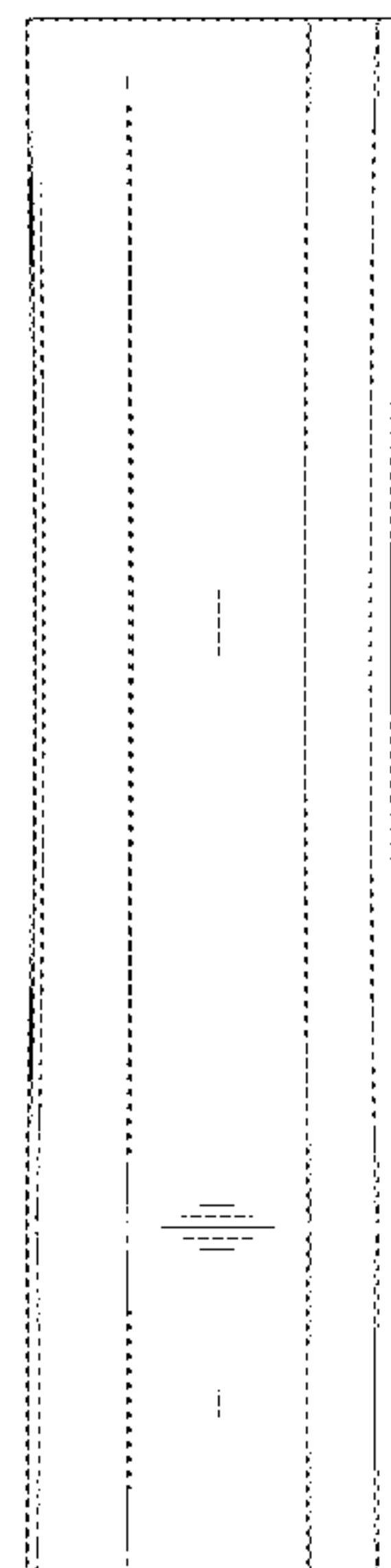
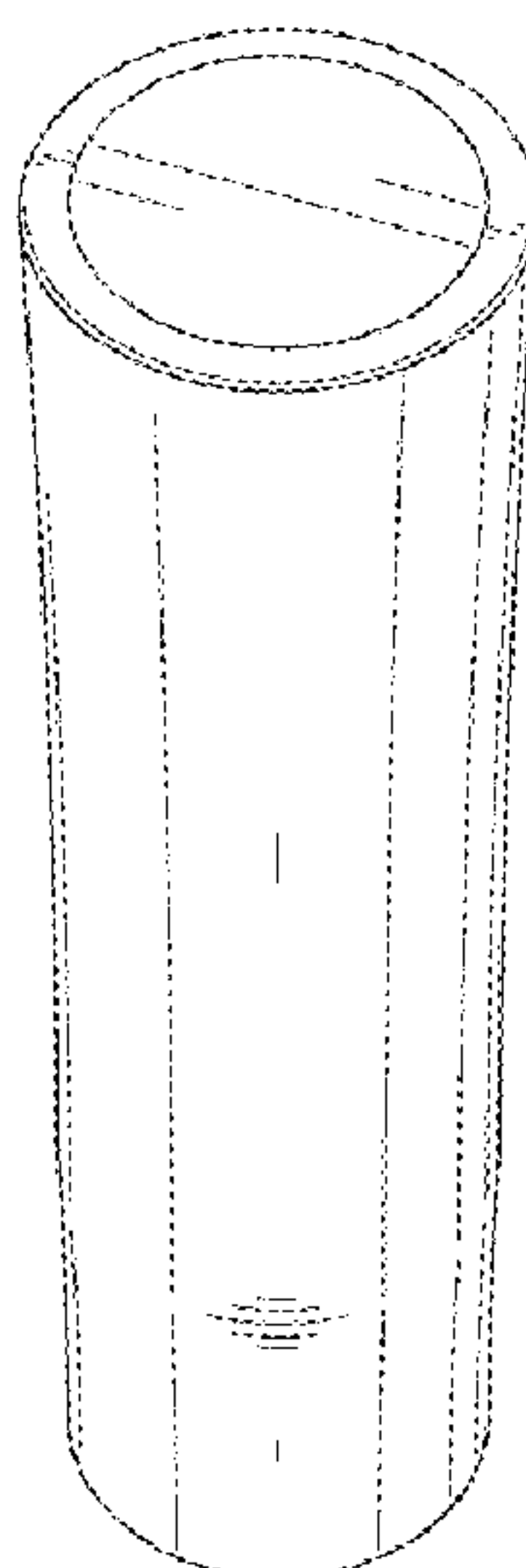
DESCRIPTION

FIG. 1 is a top perspective view of a cosmetic container, the container being symmetrical about its axis;

FIG. 2 is a side view of the container shown in FIG. 1; and, FIG. 3 is a top view of the container shown in FIG. 1.

The bottom of the cosmetic container, and all other surface(s) or portion(s) of the cosmetic container not shown in the figures or otherwise described in the specification form no part of the claimed design.

1 Claim, 2 Drawing Sheets



(56)

References Cited**U.S. PATENT DOCUMENTS**

D343,028 S	1/1994	Chen	D28/87
D349,176 S	7/1994	Litton	D28/76
D350,899 S	9/1994	Vasas	D9/503
D351,049 S *	9/1994	Schlueter	D28/77
D353,689 S	12/1994	Yang	D28/87
5,451,113 A	9/1995	Lund et al.	401/98
D362,925 S	10/1995	Granai	D28/88
D408,593 S	4/1999	Nakano	D28/87
5,957,607 A	9/1999	Tsai	401/194
D415,319 S	10/1999	Bakic	D28/76
D419,266 S	1/2000	Gobe	D28/89
D420,466 S	2/2000	Coates et al.	D28/76
D420,766 S	2/2000	Coates et al.	D28/76
D420,767 S	2/2000	Coates et al.	D28/76
D421,156 S	2/2000	Coates et al.	D28/76
D421,819 S	3/2000	Heeter et al.	D28/85
D422,902 S	4/2000	Kikuchi	D9/689
D428,212 S	7/2000	Gavin	D28/85
D431,324 S	9/2000	Hirato et al.	D28/76
D436,225 S	1/2001	Garofano et al.	D28/7
D439,705 S	3/2001	Lerolle	D28/76
D441,916 S	5/2001	Faillant-Dumas	D28/88
D448,121 S	9/2001	Gebb et al.	D28/88
6,375,375 B1	4/2002	Gebb et al.	401/194
D464,773 S	10/2002	Fischer et al.	D28/77
D467,391 S	12/2002	Orsomando	D28/76
D469,694 S	2/2003	Lerolle	D9/522
D472,812 S	4/2003	Lerolle	D9/504
6,561,711 B1	5/2003	Pierpont	401/78
D479,017 S *	8/2003	Sgariboldi	D28/85
D480,513 S	10/2003	Fuller	D28/85
6,669,389 B2	12/2003	Gueret	401/122
D486,270 S	2/2004	Kurumada et al.	D28/76
D491,691 S	6/2004	Braaten et al.	D28/76
D491,810 S	6/2004	Kostow	D9/504
D502,572 S	3/2005	Dumler et al.	D28/76
D503,244 S	3/2005	Campbell et al.	D28/76
D506,392 S	6/2005	Dedancourt	D9/522
D518,239 S	3/2006	Martinez	D28/76
D521,383 S	5/2006	Priestman	D9/529
D521,384 S	5/2006	Priestman	D9/529
D521,385 S	5/2006	Priestman	D9/529
D523,179 S	6/2006	Py et al.	D28/88
D526,205 S	8/2006	Priestman	D9/529
D527,269 S	8/2006	Priestman	D9/529
D528,920 S	9/2006	Priestman	D9/529
D532,557 S	11/2006	Bakic	D28/76
D538,478 S	3/2007	Chen	D28/85
D538,479 S	3/2007	Martinez	D28/88
D538,480 S	3/2007	Chen	D28/88
D538,481 S	3/2007	Decker	D28/89
D538,482 S	3/2007	Martinez	D28/89
D538,483 S	3/2007	Bakic	D28/89
D539,984 S	4/2007	Egawa	D28/89
D552,798 S	10/2007	Py et al.	D28/88

D553,800 S	10/2007	Hollmann et al.	D28/89
D565,795 S	4/2008	Ivanova	D28/76
D565,797 S	4/2008	Maddy	D28/88
D570,051 S	5/2008	Bakic	D28/88
D570,545 S	6/2008	Althoff et al.	D28/76
D583,998 S	12/2008	Tani	D28/88
D597,257 S	7/2009	Uneno et al.	D28/85
D616,608 S *	5/2010	Maddy	D28/76
D618,397 S	6/2010	Dubitsky et al.	D28/89
D632,014 S	2/2011	Lee	D28/76
D632,017 S	2/2011	Lee	D28/89
8,083,427 B2	12/2011	Maddy	401/194
D671,836 S *	12/2012	DeMarco	D9/503
2005/0183737 A1	8/2005	Dumler	132/317
2006/0065282 A1	3/2006	Hartstock et al.	132/320
2008/0152418 A1	6/2008	Maddy	401/61
2009/0039115 A1	2/2009	Hartstock	222/478
2010/0108553 A1	5/2010	McLaughlin	206/385

FOREIGN PATENT DOCUMENTS

CN	2704248	6/2005
EM	000349378-003	9/2005
EM	360755-0001	10/2005
GB	604534	7/1948
GB	2354228	* 3/2001
JP	2002-326491	11/2002
JP	D1263549	2/2006
JP	D1391223	6/2010
JP	D1426655	11/2011
TW	245431	4/1995
TW	D105005	6/2005
TW	D125992	12/2006
WO	WO 01/95760	12/2001

OTHER PUBLICATIONS

Office Communication issued in Chinese Patent Application No. 200780047428, dated Oct. 13, 2010 (English translation).

Office Communication issued in Taiwanese Patent Application No. 096302609, dated Mar. 3, 2008 (English Translation).

Office Communicated issued in Russian Design Application No. 2007502088, dated Mar. 18, 2008. (English Translation).

Office Communication issued in Chinese Patent Application 200780047428 dated Jul. 2, 2010 (English translation).

Office Communication, issued in Chinese Patent Application No. 200780047428, dated Jul. 19, 2011. (English translation).

Office Communication, issued in Chinese Patent Application No. 200780047428, dated Apr. 8, 2011. (English translation).

PCT International Search Report and Written Opinion, issued in International Application No. PCT/US2007/088713, dated Jul. 24, 2008.

Search Report issued in ROC (Taiwan) Design Patent Application No. 100306757, dated Aug. 21, 2012.

* cited by examiner

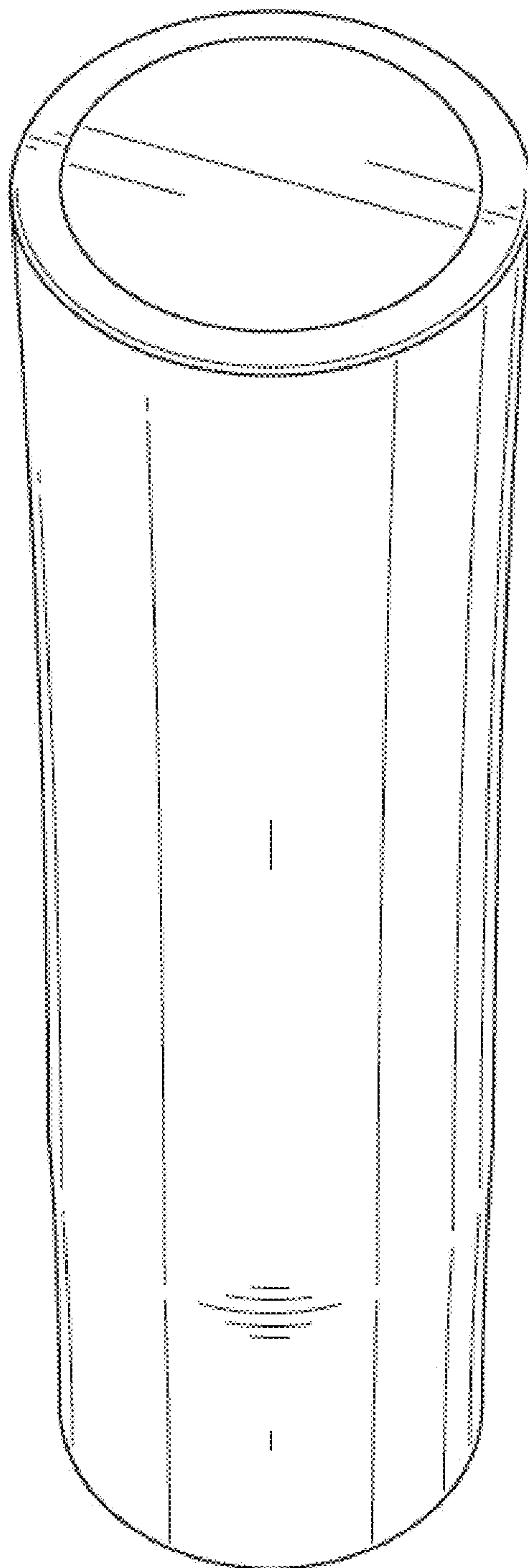


FIG. 1

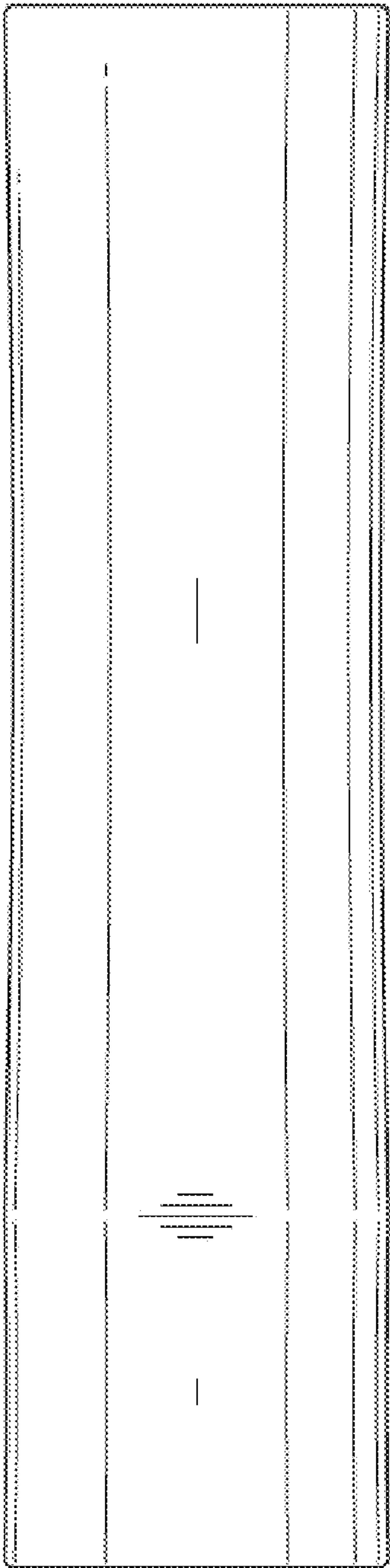


FIG. 2

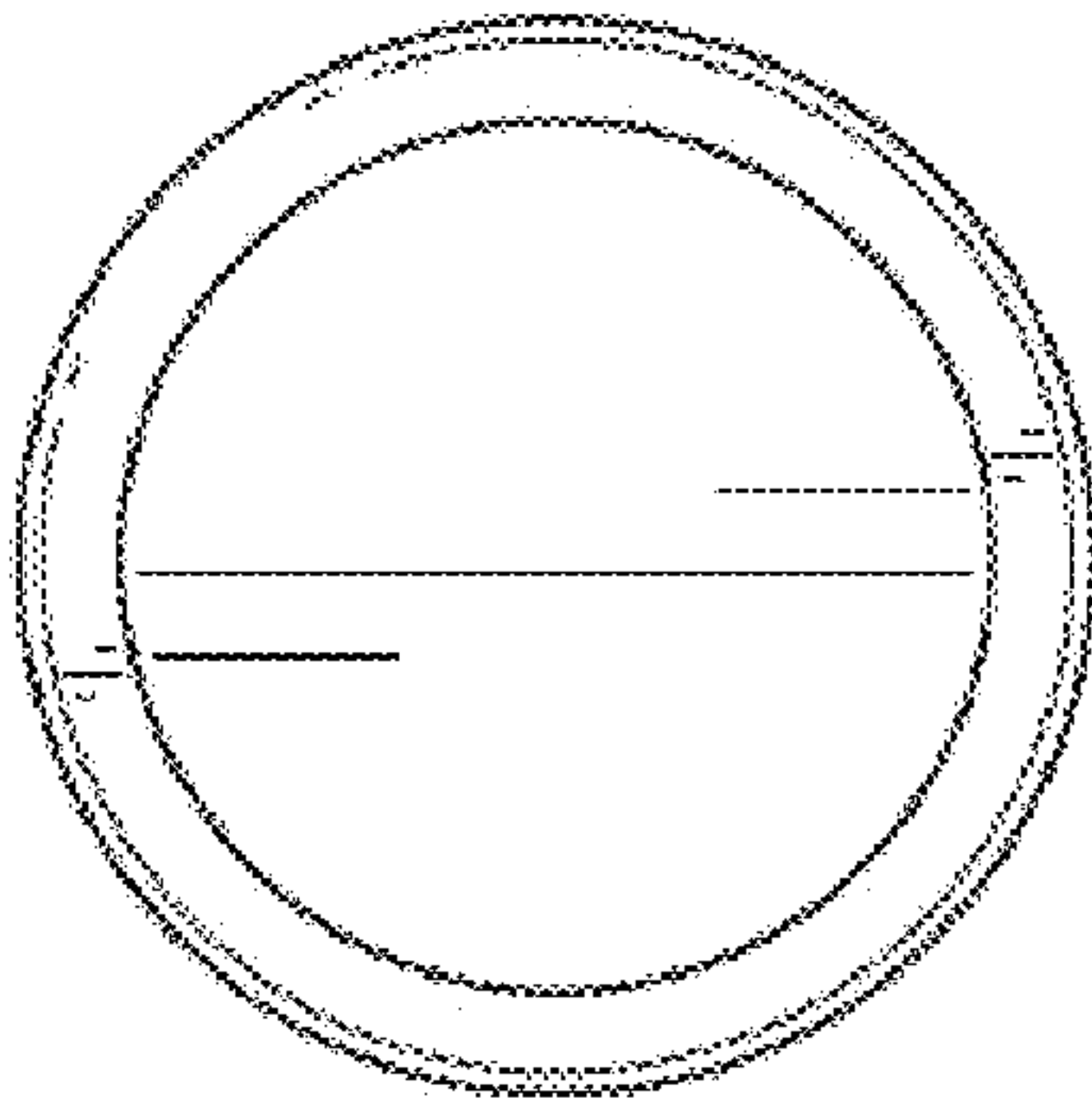


FIG. 3