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Wexler

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(54) **UNDERGARMENT GUSSET**

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(*) Notice: This patent is subject to a terminal disclaimer.

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

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Related U.S. Application Data

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(51) **LOC (10) Cl.** **02-01**

(52) **U.S. Cl.**

USPC **D2/712; D2/853**

(58) **Field of Classification Search**

CPC A41B 9/00; A41B 9/04; A41B 9/08; A41B 9/12; A41B 9/001; A41B 9/002; A41B 9/004; A41B 9/005; A41B 9/007; A41B 9/008; A41B 9/023; A41B 2300/35; A41B 2300/54; A41C 1/003; A41D 1/088; A41D 7/00; A41D 7/005; A61F 13/47; A61F 13/49; A61F 13/471; A61F 13/472; A61F 13/474; A61F 13/475; A61F 13/476; A61F 14/47245; A61F 13/47236; A61F 13/49068; A61F 2013/4708

USPC D2/700, 701, 704, 705, 711, 712, 713, D2/731, 732, 733, 736, 737, 738, 742, 743, D2/744, 853; D24/105, 122, 124, 125, D24/126, 127; D29/101.5; 2/67, 73, 75, 76, 2/78.1, 78.2, 78.3, 79, 82, 109, 113, 223, 2/227, 228, 234, 238, 267, 341, 400, 401, 2/402, 403, 404, 405, 406, 407, 408, 2/409; 66/128; 450/22, 29, 30, 37, 57, 450/95, 97, 100, 101, 102, 153; 604/304, 604/308, 354, 358, 360, 364, 370, 380, 385, 604/13, 385.14, 385.15, 385.21, 385.23, 604/395-402; 128/98.1

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

549,048 A 10/1895 Basch
39,760 A 1/1909 Moses

(Continued)

FOREIGN PATENT DOCUMENTS

GB 3011011 5/2003
JP 2006322100 A 11/2006

(Continued)

OTHER PUBLICATIONS

Office Action, Notification Date Mar. 17, 2014, U.S. Appl. No. 29/449,529, filed Mar. 15, 2013.

(Continued)

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(57) **CLAIM**

The ornamental design for an undergarment gusset, substantially as shown and described.

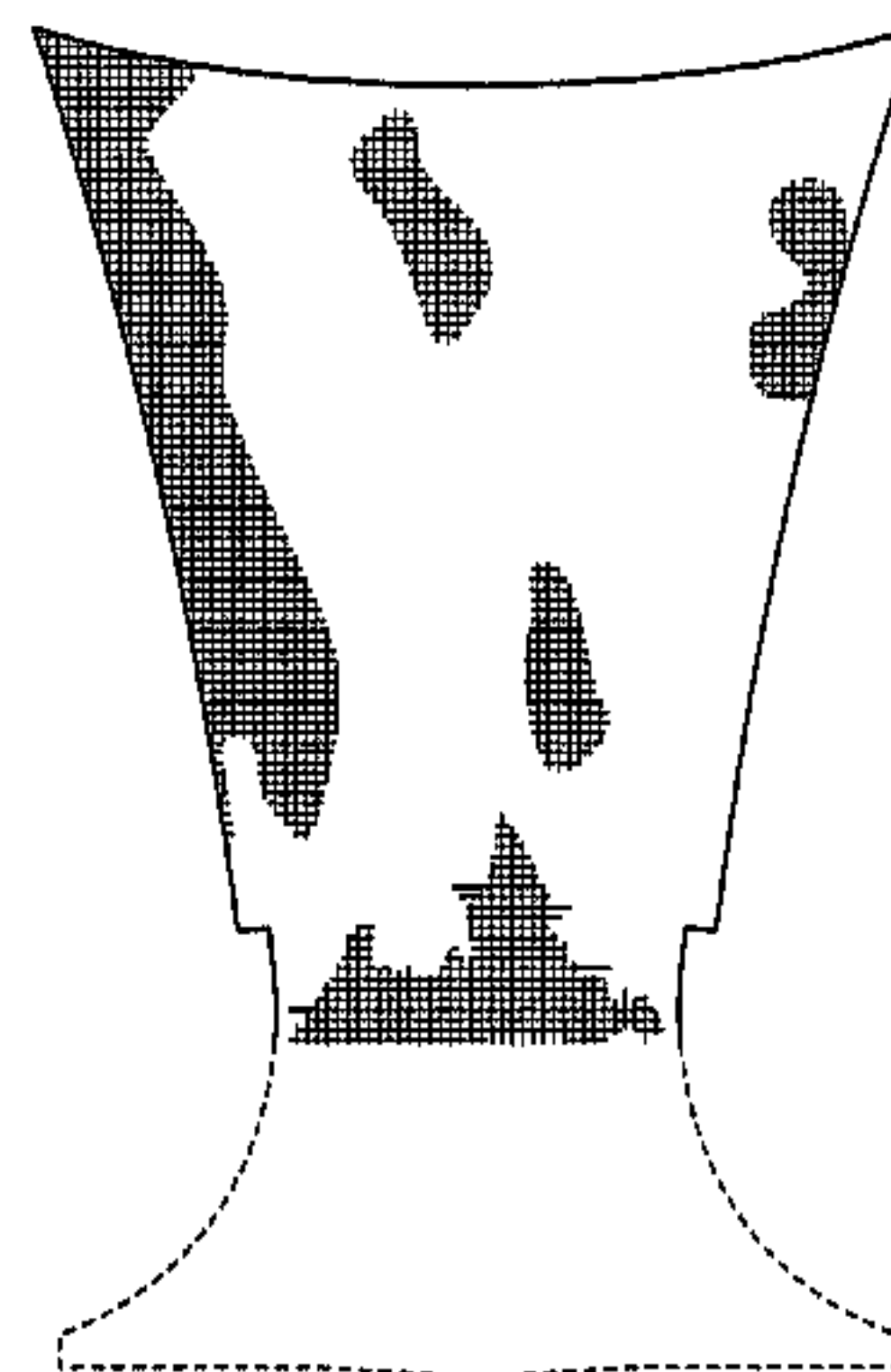
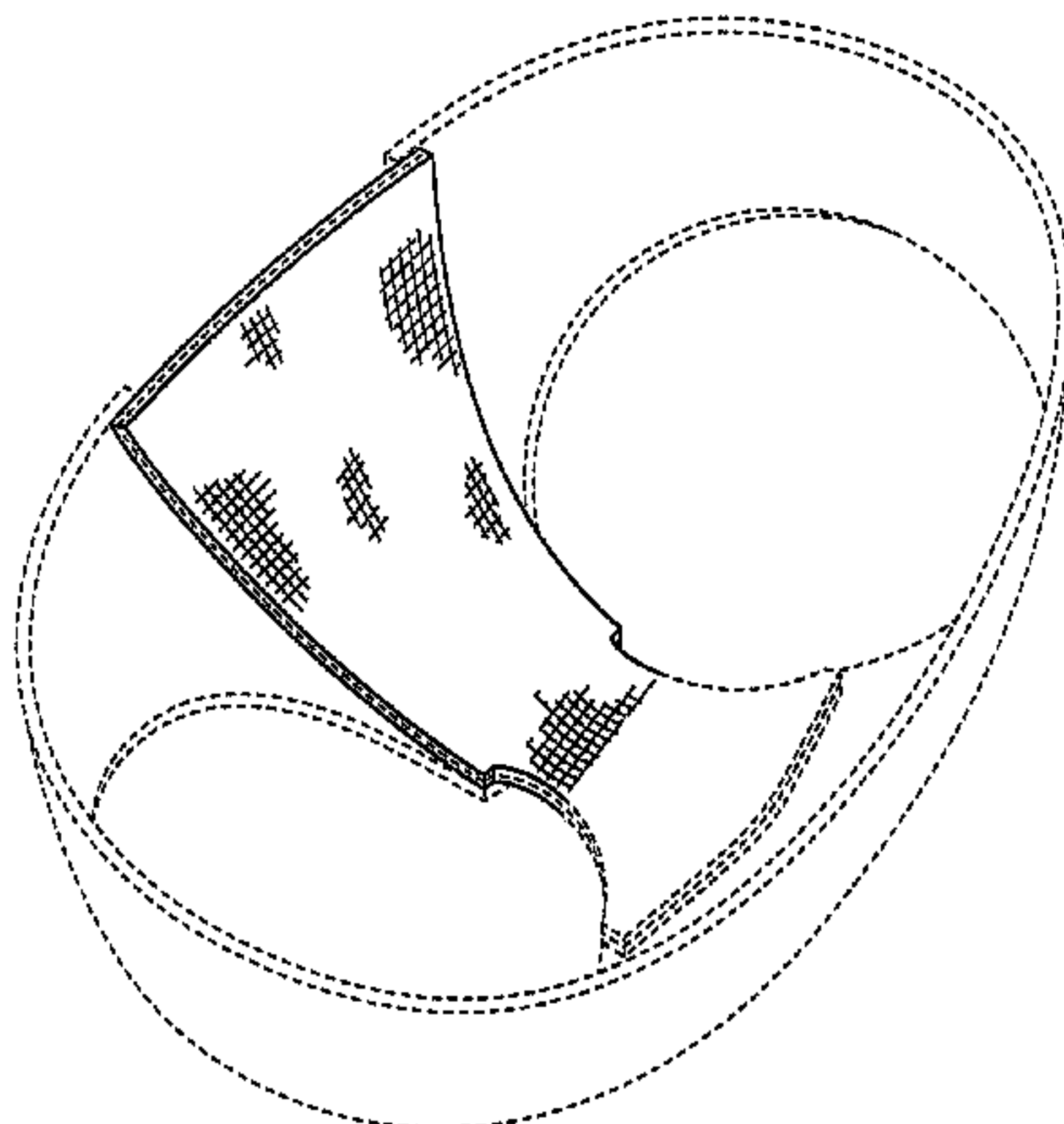
DESCRIPTION

FIG. 1 is a perspective view of the undergarment gusset as used in an undergarment with the undergarment shown in broken lines for context (the broken lines of the undergarment and those shown on the undergarment gusset represent unclaimed features);

FIG. 2 is an exploded view of the undergarment gusset as used in an undergarment with the undergarment shown in broken lines for context (the broken lines of the undergarment and those shown on the undergarment gusset represent unclaimed features); and,

FIG. 3 is a plan view of the claimed undergarment gusset (the broken lines on the undergarment gusset represent unclaimed features).

1 Claim, 3 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

1,154,280 A *	9/1915	Wylie	2/78.2	D444,554 S	7/2001	O'Hara	
1,679,206 A	7/1928	Crossingham		D445,498 S	7/2001	Renz et al.	
1,808,614 A	6/1931	Stein		6,313,371 B1	11/2001	Conant et al.	
1,946,626 A *	2/1934	Jurgensen	604/358	6,397,397 B1	6/2002	Chen	
2,003,654 A	6/1935	Poison		6,398,770 B1	6/2002	Drevik	
2,013,554 A	9/1935	De Benedetto		6,409,712 B1	6/2002	Dutari	
2,232,246 A	2/1941	Klein		D460,818 S	7/2002	Levy et al.	
2,306,514 A	12/1942	Wilker et al.		D474,273 S	5/2003	Yamamoto	
2,321,123 A	6/1943	Bogart		6,557,183 B1	5/2003	Truong et al.	
2,363,959 A	11/1944	Hanes		6,560,786 B2	5/2003	Lipton	
2,435,945 A	2/1948	Redmond		6,565,548 B1	5/2003	Glaug et al.	
D160,328 S	10/1950	Marks		D476,082 S	6/2003	Gell	
D165,872 S	2/1952	Royce		D482,782 S	11/2003	Glaug et al.	
2,617,112 A	11/1952	Neilson		D483,481 S	12/2003	Ceman et al.	
2,629,094 A	2/1953	Goldsmith		D483,866 S	12/2003	Pollard	
2,739,314 A	3/1956	Friedman		6,680,421 B1 *	1/2004	Ravo	604/358
2,809,510 A	10/1957	West		D486,228 S	2/2004	Fonseca et al.	
3,119,120 A *	1/1964	Faust	2/405	D489,451 S	5/2004	Glaug et al.	
3,314,422 A	4/1967	Phillips		D489,821 S	5/2004	Glaug et al.	
3,339,208 A	9/1967	Marbach		6,807,685 B1	10/2004	Hasegawa et al.	
3,411,504 A	11/1968	Glassman		6,824,535 B2	11/2004	Kolby-Falk	
3,570,491 A	3/1971	Sneider		D500,131 S	12/2004	Choice	
D228,034 S	7/1973	Krusko		6,908,456 B1	6/2005	Drevik	
D231,142 S	4/1974	Koury		7,001,239 B2 *	2/2006	Russell	450/57
D231,274 S	4/1974	Krusko		D516,731 S	3/2006	Harris et al.	
3,823,419 A *	7/1974	Breitbart	2/227	D528,656 S	9/2006	Glaug et al.	
D234,162 S	1/1975	Andersen		D537,525 S	2/2007	Buchanan	
RE28,483 E	7/1975	Ralph		7,288,080 B2	10/2007	Edens et al.	
3,894,542 A	7/1975	Sacristan		7,291,136 B1	11/2007	Drevik et al.	
D243,561 S	3/1977	Alvarez		D560,802 S	1/2008	Stratton	
4,014,044 A	3/1977	Figueroa et al.		7,316,673 B2	1/2008	Drevik et al.	
4,072,151 A	2/1978	Levine		7,341,579 B2	3/2008	Kinoshita et al.	
D252,656 S	8/1979	Bergh		7,341,580 B2 *	3/2008	Hamilton-Vance	604/385.14
D256,288 S	8/1980	Stern		D571,534 S	6/2008	Rudolph	
4,394,781 A	7/1983	Axmann		7,430,766 B2	10/2008	Coccia	
4,490,856 A	1/1985	Dost		D589,611 S	3/2009	Parker	
4,548,603 A	10/1985	Ichijo		D593,200 S	5/2009	Gagliardi et al.	
4,581,771 A	4/1986	Williams		7,628,778 B2	12/2009	Zehner et al.	
4,602,388 A	7/1986	Underwood et al.		7,662,138 B2	2/2010	Hermansson et al.	
D293,617 S	1/1988	Barrett		7,669,248 B2	3/2010	Toratani	
D301,080 S	5/1989	Gay, Jr.		7,799,007 B2	9/2010	Hermansson et al.	
4,838,886 A	6/1989	Kent		7,842,022 B2	11/2010	Veglio et al.	
4,917,697 A	4/1990	Osborn et al.		7,854,022 B2	12/2010	Warren et al.	
5,114,419 A	5/1992	Daniel et al.		7,857,798 B2	12/2010	Buettner	
5,131,386 A	7/1992	Simmons		D636,487 S *	4/2011	Nnenna Idima Igwe	D24/124
5,167,655 A	12/1992	McCoy		7,931,639 B2	4/2011	Suga et al.	
5,182,815 A *	2/1993	Young	2/406	D638,118 S	5/2011	Mateo	
D336,549 S	6/1993	Stabile		D638,119 S	5/2011	Mateo	
5,274,854 A	1/1994	Wenner et al.		7,941,872 B2	5/2011	Martz	
D352,151 S	11/1994	Warnock		7,951,128 B1 *	5/2011	Lewis	604/385.14
5,388,275 A	2/1995	Oram		D646,047 S	10/2011	Arensdorf	
D356,660 S	3/1995	Leonard et al.		8,042,194 B2	10/2011	Connor	
5,396,662 A	3/1995	Leonard et al.		D660,551 S	5/2012	Steele	
D359,609 S	6/1995	Deslippe		D663,920 S	7/2012	Wexler	
D360,971 S	8/1995	Speth et al.		D663,921 S	7/2012	Wexler	
5,467,482 A *	11/1995	Crawford, II	2/67	8,230,520 B2	7/2012	Riondato	
5,514,104 A	5/1996	Cole et al.		D668,332 S *	10/2012	Hough et al.	D24/124
D378,700 S *	4/1997	Taylor et al.	D24/124	8,292,862 B2	10/2012	Dennis et al.	
5,620,430 A	4/1997	Bamber		D675,809 S	2/2013	Silva	
5,651,779 A	7/1997	Burrell		D679,004 S	3/2013	Norman et al.	
D384,152 S	9/1997	Raufman		8,419,699 B2	4/2013	Giloh	
5,713,884 A	2/1998	Osborn et al.		D681,913 S	5/2013	Wexler	
5,832,535 A	11/1998	Davis		D690,898 S	10/2013	Wexler	
5,870,778 A	2/1999	Tharpe		D690,899 S	10/2013	Wexler	
D411,007 S	6/1999	Peck		D690,900 S	10/2013	Wexler	
D414,914 S	10/1999	Rauterkus		D690,901 S	10/2013	Wexler	
6,042,575 A	3/2000	Osborn et al.		D690,903 S	10/2013	Wexler	
D424,195 S	5/2000	Talon		D701,367 S *	3/2014	Wexler	D2/712
D425,687 S	5/2000	Gonzalez		D713,619 S *	9/2014	Wexler	D2/713
6,093,178 A	7/2000	Osborn et al.		2002/0065497 A1	5/2002	Kolby-Falk	
6,107,572 A	8/2000	Miyazaki		2004/0068247 A1	4/2004	Connor	
6,156,951 A	12/2000	Gustafsson et al.		2004/0092898 A1	5/2004	Schafer et al.	
6,210,387 B1	4/2001	Rudberg et al.		2005/0066408 A1	3/2005	Varela	
6,231,556 B1	5/2001	Osborn, III		2007/0060901 A1	3/2007	Alletsee	
D444,231 S	6/2001	Renz et al.		2007/0124850 A1	6/2007	Buettner	
				2008/0222781 A1	9/2008	Rhew	
				2008/0229487 A1	9/2008	Kweon	
				2008/0312630 A1	12/2008	Seo	
				2009/0131899 A1	5/2009	Ross	

(56)

References Cited

U.S. PATENT DOCUMENTS

2009/0240255	A1	9/2009	Noda et al.	
2010/0049154	A1	2/2010	Burd	
2010/0095442	A1	4/2010	Kuipers	
2010/0152687	A1	6/2010	Carlozzi	
2010/0180359	A1	7/2010	Andrews	
2010/0191205	A1	7/2010	Carbonari et al.	
2012/0010582	A1*	1/2012	Newnam	604/360
2012/0311770	A1	12/2012	Nakajima et al.	
2012/0324632	A1	12/2012	Hurvitz	
2013/0042394	A1	2/2013	Wexler	
2013/0263362	A1	10/2013	Wexler	

FOREIGN PATENT DOCUMENTS

JP	2006322120	A2	11/2006
WO	WO D075666		7/2011

OTHER PUBLICATIONS

4-page printout from Website: <http://www.robinsonsequestrian.co.uk/equine-product-details.asp?ID=2392> Equitech Pro Brief—Equine products and Outdoor Clothing from Robinsons Equestrian; images, content and design (c) 2008 Lady Hall Ltd T/A Equitech.
 8-page printout from Website: <http://www.robinsonsequestrian.co.uk/equine-product-details.asp?ID=2392>, online advertisement for

Equitech Horse Riding Wear—Underwear, as accessed on Aug. 22, 2013.
 Office Action, Notification Date Jul. 11, 2013, U.S. Appl. No. 29/449,529, filed Mar. 15, 2013.
 Notice of Allowance and Fee(s) Due, mailed Jul. 16, 2013, U.S. Appl. No. 29/449,184, filed Mar. 14, 2013.
 Office Action, Notification Date Jul. 8, 2013, U.S. Appl. No. 29/449,193, filed Mar. 14, 2013.
 Notice of Allowance and Fee(s) Due, mailed Jul. 10, 2013, U.S. Appl. No. 29/420,577, filed May 10, 2012.
 Office Action, Notification Date Jul. 18, 2013, U.S. Appl. No. 29/448,745, filed Mar. 13, 2013.
 Notice of Allowance and Fee(s) Due, mailed Jul. 17, 2013, U.S. Appl. No. 29/438,867, filed Dec. 4, 2012.
 Office Action, Notification Date Aug. 1, 2013, U.S. Appl. No. 29/448,091, filed Mar. 8, 2013.
 Office Action, Notification Date Jul. 16, 2013, U.S. Appl. No. 29/448,760, filed Mar. 13, 2013.
 Office Action, Notification Date Dec. 20, 2012, regarding U.S. Appl. No. 29/431,954, filed Sep. 12, 2012. “Response to Final Office Action of Apr. 23, 2013” filed on May 22, 2013.
 Office Action, Notification Date Mar. 13, 2013, U.S. Appl. No. 29/448,773, filed Mar. 13, 2013.
 Office Action, Notification Date Jul. 18, 2013, U.S. Appl. No. 29/448,777, filed Mar. 13, 2013.
 2-page printout from Website <http://myshreddies.com/store/incontinence/for-healthcare-underwear>, as accessed on Nov. 18, 2013.

* cited by examiner

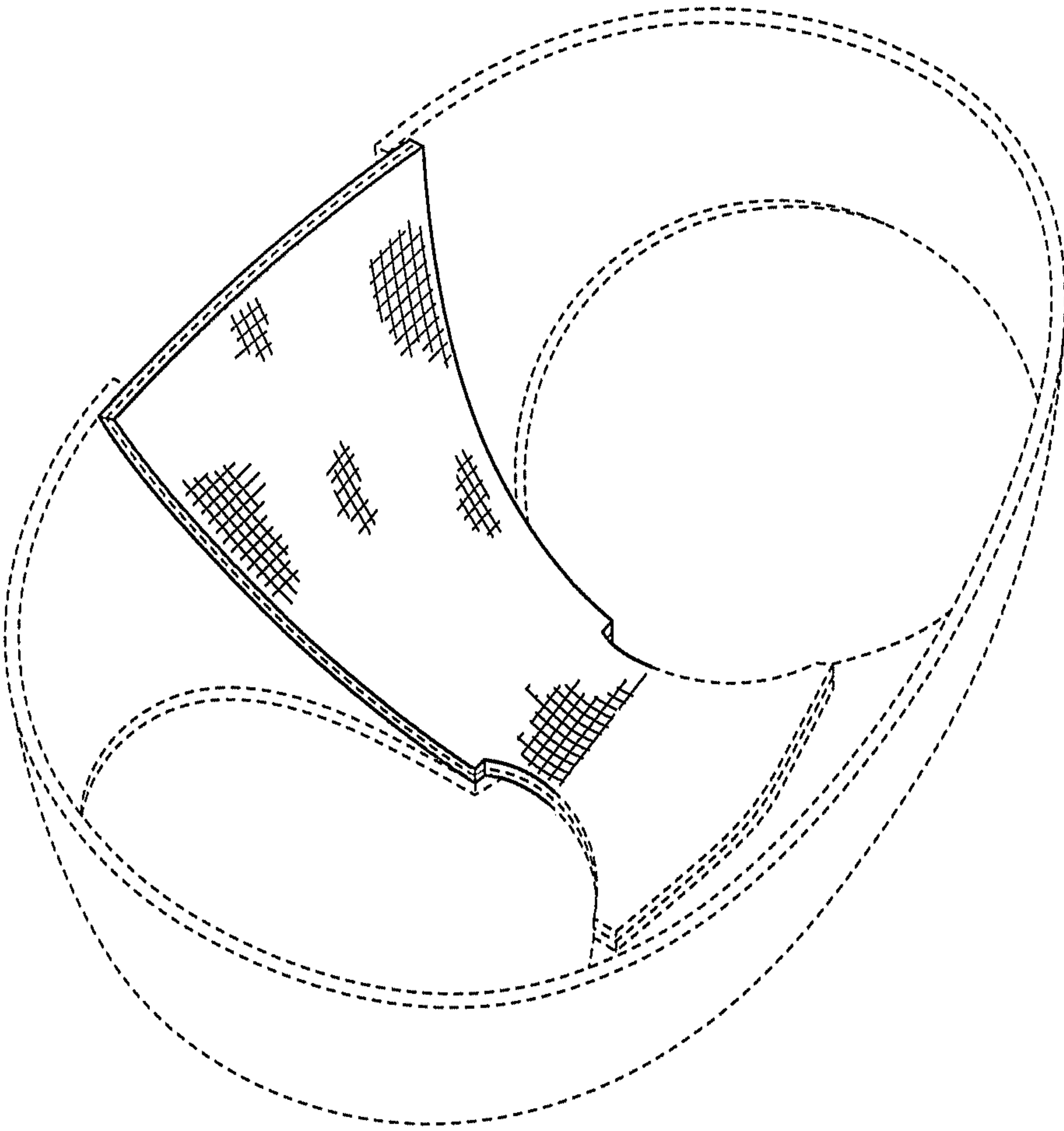


FIG. 1

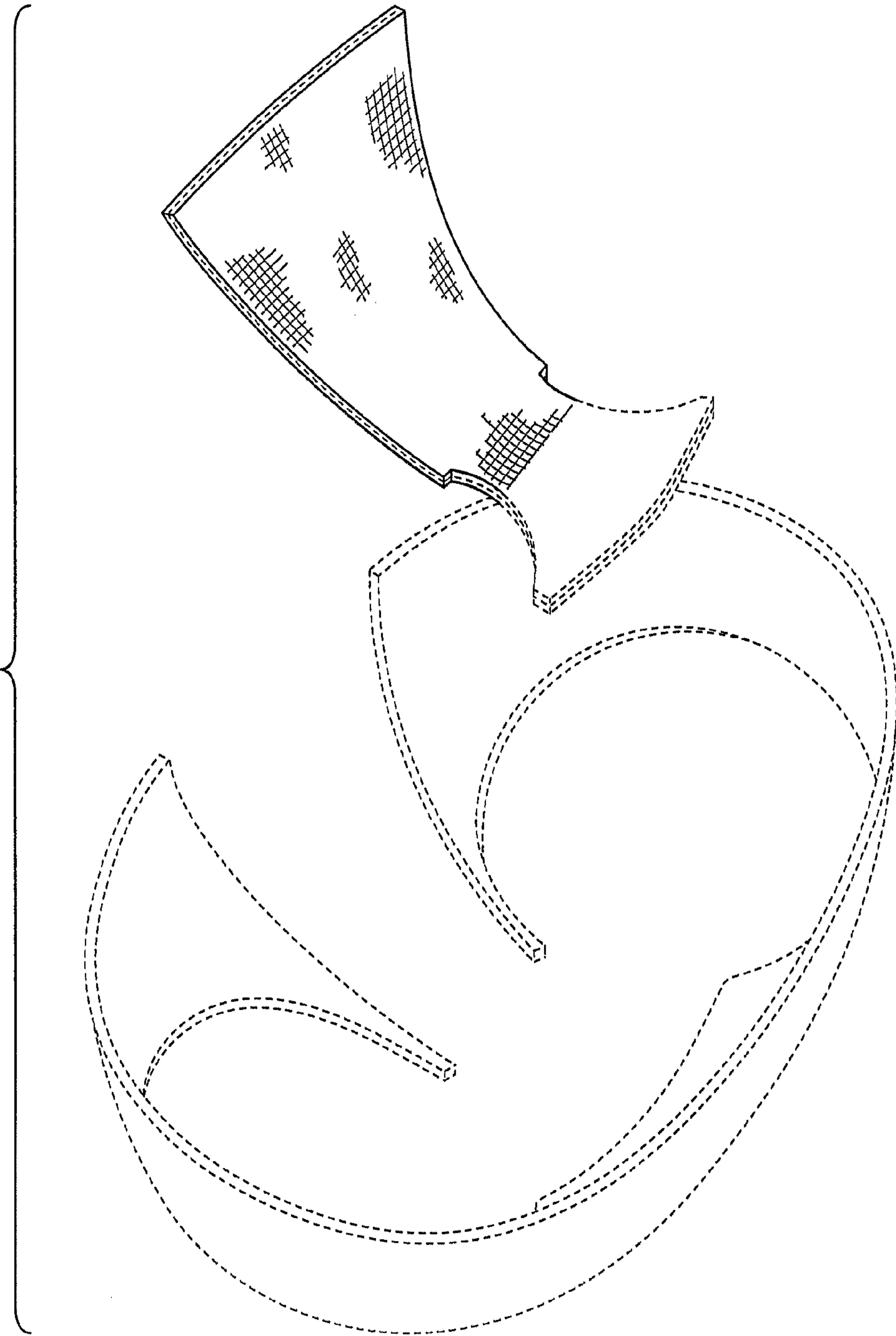


FIG. 2

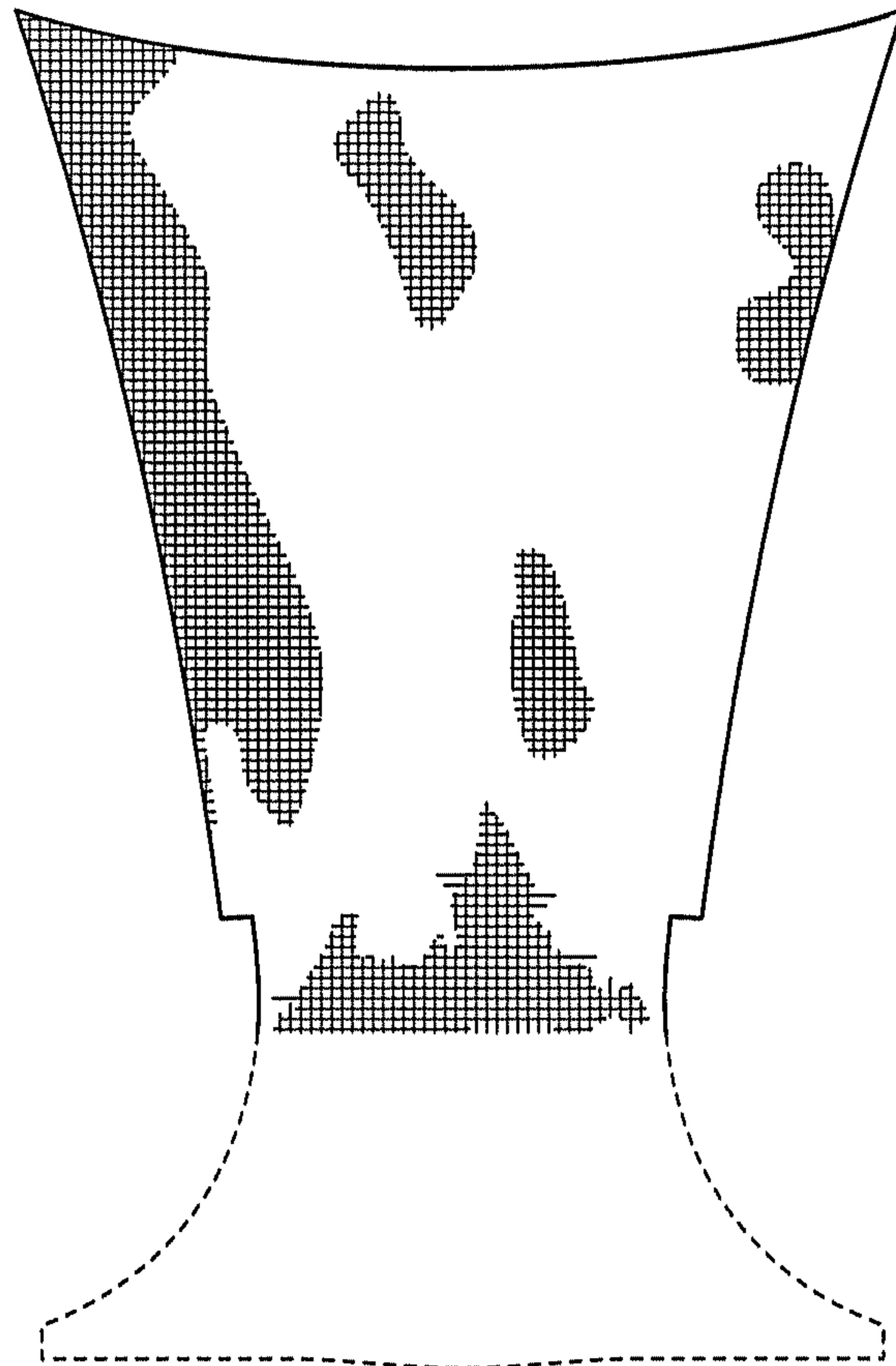


FIG. 3