



US00D735413S

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

(10) **Patent No.:** **US D735,413 S**  
(45) **Date of Patent:** **\*\* Jul. 28, 2015**

(54) **COSMETIC PACKAGING**

(71) Applicant: **The Mentholatum Company**, Orchard Park, NY (US)

(72) Inventors: **Charles M. Smith**, East Aurora, NY (US); **Katherine Tocheff**, Orchard Park, NY (US); **Kevin J. Aylsworth**, Orchard Park, NY (US); **Shinjan Xie**, Torrance, CA (US)

(73) Assignee: **THE MENTHOLATUM COMPANY**, Orchard Park, NY (US)

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

(21) Appl. No.: **29/449,718**

(22) Filed: **Mar. 15, 2013**

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

(52) **U.S. Cl.**  
USPC ..... **D28/85; D28/83; D9/726**

(58) **Field of Classification Search**

USPC ..... D28/76, 85-90, 77, 7, 83; 132/317, 132/318, 320; 206/581, 823; 401/68, 88, 401/98, 126-130; D9/726, 503, 504, 770, D9/432, 424, 529, 428, 551, 539, 561, 684, D9/546, 556, 559, 569, 553, 566, 519, 541, D9/542, 560, 438, 449, 721, 724, 733, 425, D9/423; D7/672, 374, 326; D3/203.1, D3/203.2, 203.5, 203.6, 203.7, 203.8, 2, D3/273, 903, 207, 211, 270, 304, 279, 901, D3/205, 302, 294, 271.1, 257, 245, 202, D3/203.3, 203.4, 212; D1/127; D23/366; D18/15, 16, 17; D19/108; D21/499, D21/500, 488, 501

CPC ..... A45D 34/06; A45D 33/12; A45D 40/261; A45D 40/26; A45D 34/041; A45D 34/04

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D244,085 S \* 4/1977 Giddings et al. .... D9/432  
D271,180 S 11/1983 Runyon

(Continued)

**FOREIGN PATENT DOCUMENTS**

CL 2008-00214 7/2009  
CL 2008-01867 7/2009

(Continued)

**OTHER PUBLICATIONS**

Photographs of "Mentholatum Water Lip Massage Therapy" product and cosmetic container on sale in Vietnam since 2007.

(Continued)

*Primary Examiner* — Marianne Pandozzi

*Assistant Examiner* — Jae Liang

(74) *Attorney, Agent, or Firm* — Pearne & Gordon LLP

(57) **CLAIM**

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

**DESCRIPTION**

FIG. 1 is a top perspective view of a cosmetic packaging showing our new design;

FIG. 2 is a top perspective view thereof with a cover;

FIG. 3 is a left side elevational view thereof;

FIG. 4 is a right side elevational view thereof;

FIG. 5 is a front elevational view thereof;

FIG. 6 is a rear elevational view thereof;

FIG. 7 is a top view thereof;

FIG. 8 is a bottom view thereof;

FIG. 9 is a top perspective view of a second embodiment of the cosmetic packaging, wherein the container is non-transparent;

FIG. 10 is a top perspective view thereof with a cover;

FIG. 11 is a left side elevational view thereof;

FIG. 12 is a right side elevational view thereof;

FIG. 13 is a front elevational view thereof;

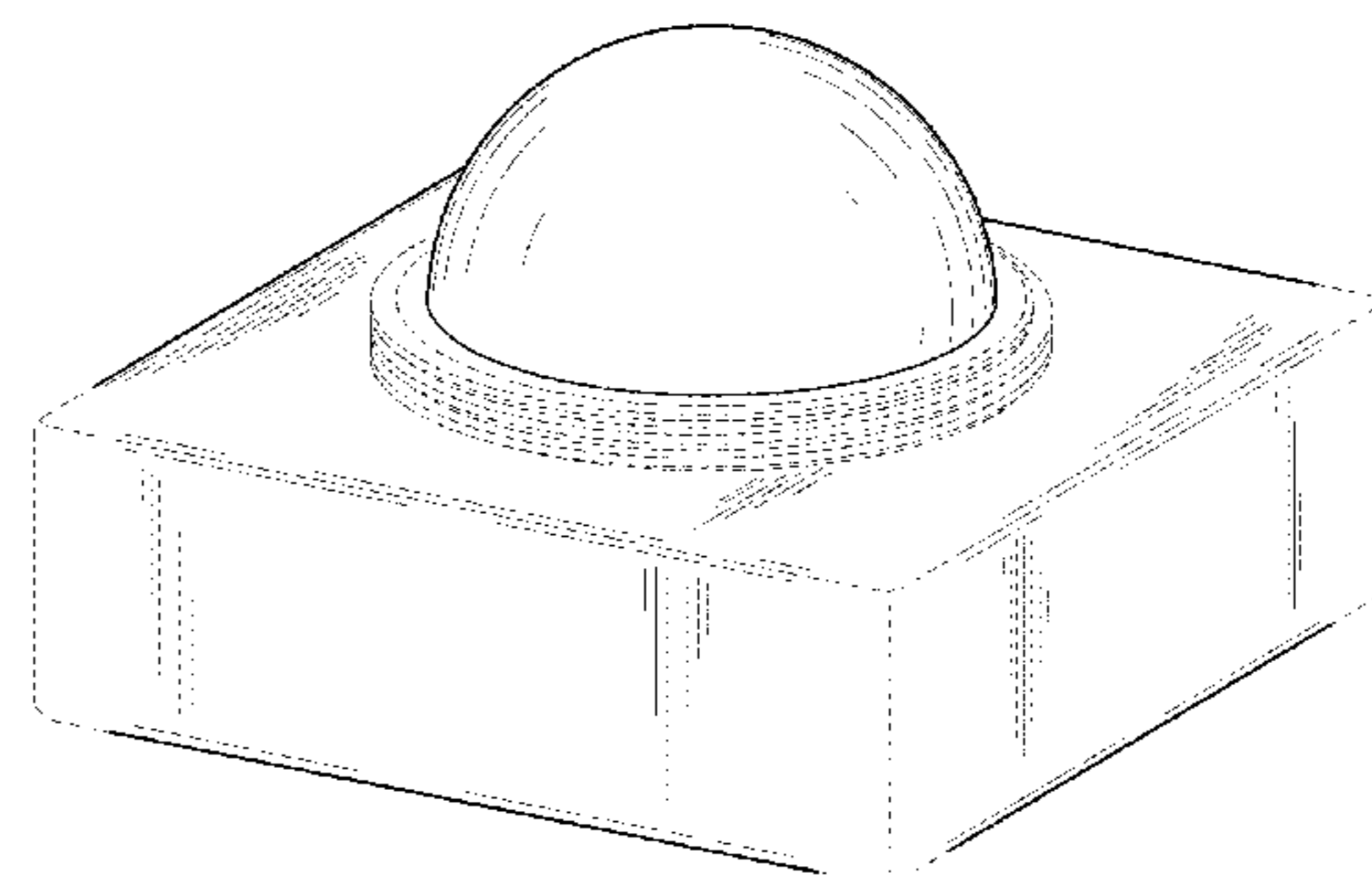
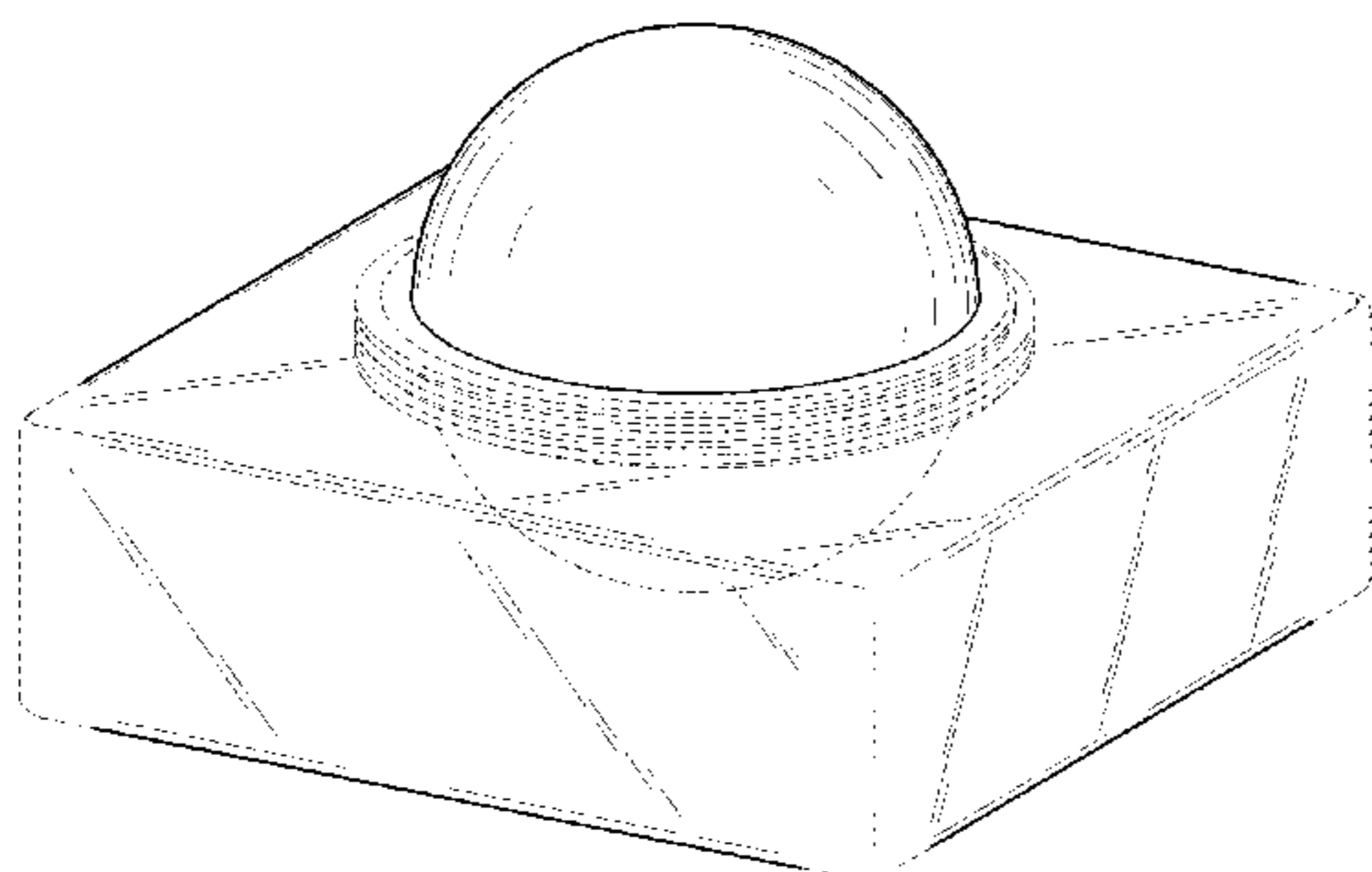
FIG. 14 is a rear elevational view thereof;

FIG. 15 is a top view thereof; and,

FIG. 16 is a bottom view thereof.

The broken lines shown in the drawings illustrate features of the cosmetic packaging that form no part of the claimed design.

**1 Claim, 8 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

4,811,726 A \* 3/1989 Goncalves et al. .... 601/154  
 D324,172 S 2/1992 Mederer  
 5,326,185 A 7/1994 Dornbusch et al.  
 D349,976 S \* 8/1994 Connell ..... D28/76  
 5,396,913 A 3/1995 Wallschlaeger  
 5,496,122 A 3/1996 Fattori  
 5,542,561 A 8/1996 Slink et al.  
 5,598,929 A 2/1997 Jensen et al.  
 5,609,430 A 3/1997 Mazzola et al.  
 5,738,123 A 4/1998 Szekely  
 5,826,741 A 10/1998 Dumler et al.  
 5,875,795 A 3/1999 Bouix  
 5,875,918 A 3/1999 Sheffler et al.  
 5,888,004 A 3/1999 Bouix  
 5,896,866 A 4/1999 Quenessen  
 5,931,169 A \* 8/1999 Kervoalen ..... 132/294  
 6,006,937 A 12/1999 Baravaglio et al.  
 6,039,053 A 3/2000 Turrentine  
 6,102,209 A 8/2000 D'Andrea  
 D436,532 S \* 1/2001 Richardson ..... D9/428  
 6,193,427 B1 2/2001 Benguigui  
 6,293,721 B1 9/2001 Bow et al.  
 6,367,640 B1 4/2002 Julian  
 D479,128 S 9/2003 Jowett  
 D484,646 S \* 12/2003 Ditrichstein ..... D28/83  
 6,695,508 B2 \* 2/2004 Gueret ..... 401/9  
 6,820,744 B2 11/2004 Hoffman  
 6,843,611 B2 1/2005 Blondeel et al.  
 D505,517 S \* 5/2005 Baresi et al. .... D28/76  
 6,923,347 B2 8/2005 Winckels  
 6,988,630 B2 1/2006 Matsumoto  
 7,025,520 B2 4/2006 Petit  
 7,047,983 B2 5/2006 Manougian et al.  
 D532,937 S \* 11/2006 Noh ..... D28/76  
 D555,835 S \* 11/2007 Song ..... D28/76  
 D562,699 S \* 2/2008 Green et al. .... D9/726  
 D567,667 S \* 4/2008 Kikuchi ..... D9/687  
 D595,577 S \* 7/2009 Uneno ..... D9/504  
 7,614,405 B2 11/2009 Allen et al.  
 D610,458 S \* 2/2010 Martin ..... D9/500  
 D625,469 S 10/2010 Dubitsky et al.  
 D630,514 S \* 1/2011 Niikura et al. .... D9/504  
 D631,204 S 1/2011 Dubitsky et al.  
 D644,939 S 9/2011 Teller  
 D651,903 S 1/2012 Teller  
 D659,530 S 5/2012 Akana et al.  
 8,210,347 B2 7/2012 McLaughlin  
 8,226,311 B2 7/2012 Cronin  
 D686,065 S \* 7/2013 Kuo et al. .... D9/432  
 D709,652 S 7/2014 Teller

2002/0038661 A1 \* 4/2002 Gueret ..... 132/320  
 2002/0127046 A1 9/2002 Gueret  
 2004/0069677 A1 4/2004 Baudin  
 2004/0074805 A1 4/2004 Petit  
 2004/0237996 A1 12/2004 Fischer et al.  
 2005/0002724 A1 1/2005 Blondeel et al.  
 2005/0167307 A1 8/2005 Cheng  
 2005/0218560 A1 10/2005 Booth  
 2005/0257805 A1 11/2005 Williams  
 2006/0186075 A1 8/2006 Rainey et al.  
 2006/0201838 A1 9/2006 Sasaki  
 2006/0254945 A1 11/2006 Green et al.  
 2006/0272671 A1 12/2006 Dobler et al.  
 2007/0017915 A1 1/2007 Weder et al.  
 2007/0204876 A1 9/2007 Allen et al.  
 2009/0022541 A1 1/2009 De Laforcade  
 2009/0032424 A1 2/2009 McLaughlin  
 2010/0175704 A1 7/2010 Gueret  
 2010/0322693 A1 12/2010 Mallardi, III  
 2011/0024316 A1 2/2011 Ginsburg  
 2011/0135377 A1 6/2011 Teller  
 2013/0302080 A1 11/2013 Teller  
 2013/0308993 A1 11/2013 Teller  
 2013/0322950 A1 12/2013 Teller  
 2013/0341832 A1 12/2013 Teller  
 2013/0341833 A1 12/2013 Teller  
 2014/0013712 A1 1/2014 Teller

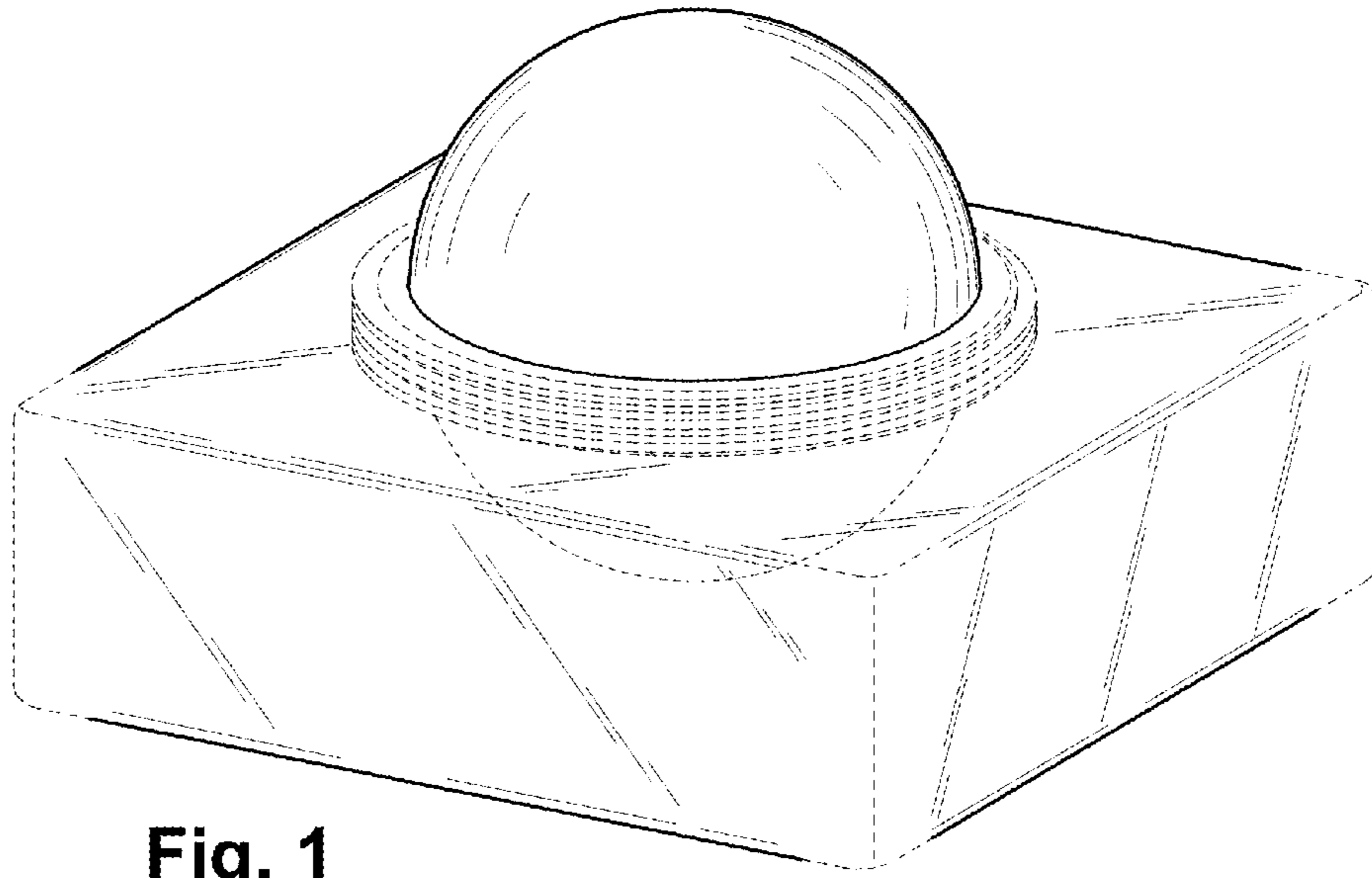
FOREIGN PATENT DOCUMENTS

CL 2009-01526 8/2010  
 CL 2012-00483 10/2012  
 CL 201301766 2/2014  
 EM 001149918-0001 2/2009  
 EM 001598350-0001 5/2009  
 GB 3007936 10/2002  
 GB 3009382 12/2002  
 JP D1488404 12/2013  
 JP D1488405 12/2013  
 KR 30-0588936 11/2010  
 KR 30-0608676 8/2011  
 PH 3-2001-000516 4/2003  
 PH 3-2007-000071 5/2007  
 PH 3-2010-000473 8/2010  
 PH 3-2011-000307 10/2011  
 TW D113013 9/2006  
 TW D144113 12/2011

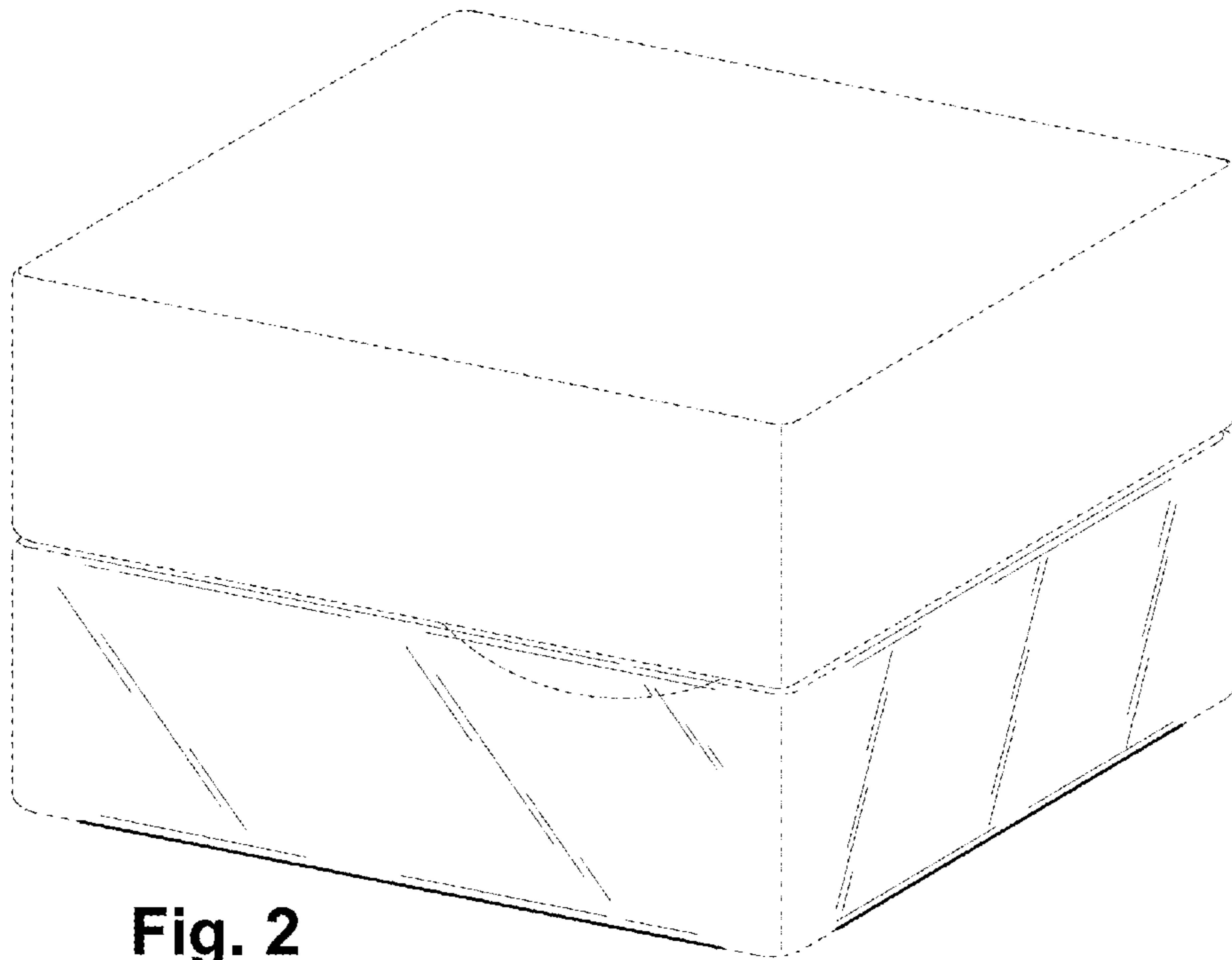
OTHER PUBLICATIONS

Photographs of "Water Replenish" cosmetic container on sale in China from 2005 to 2011.

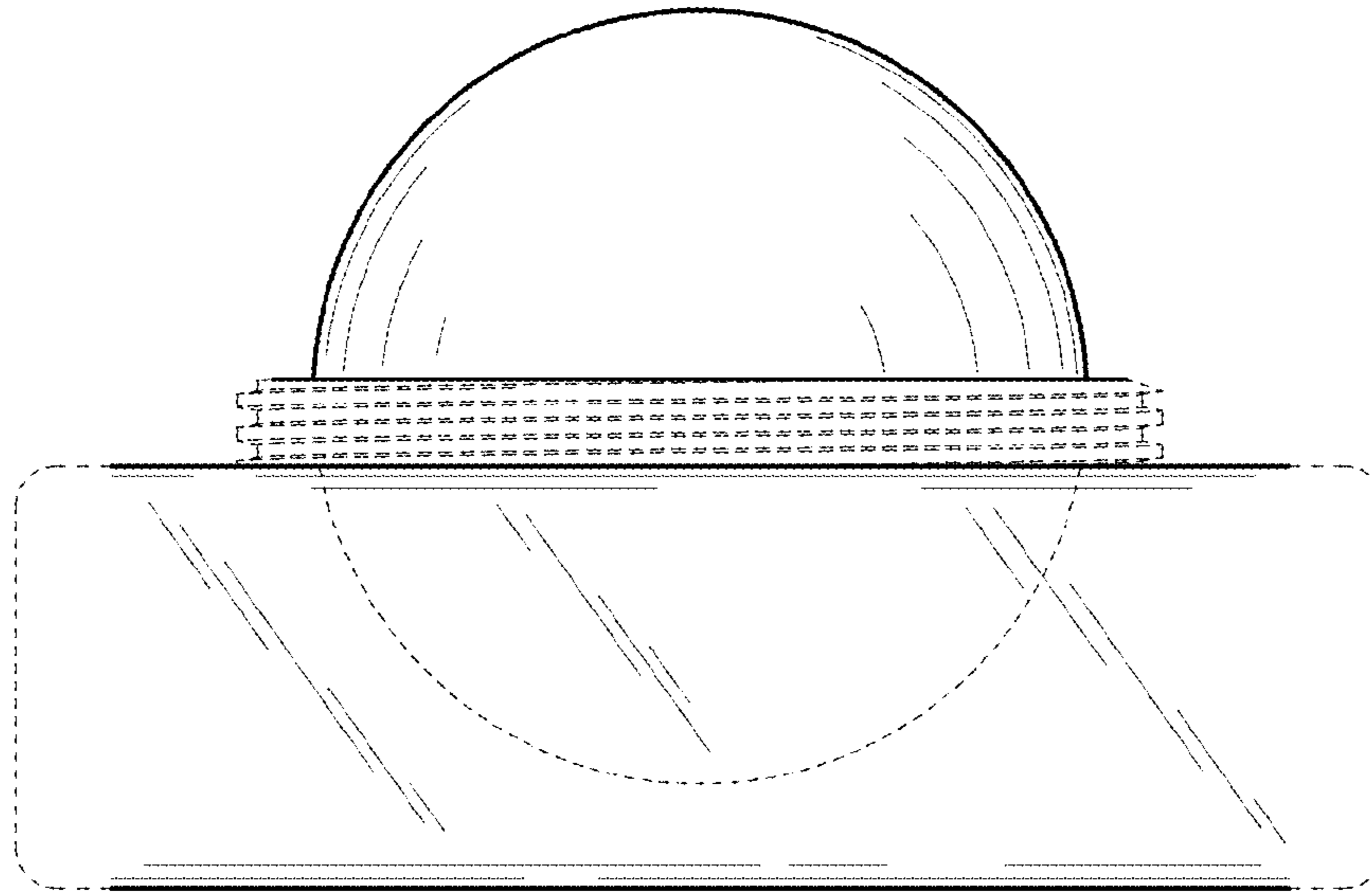
\* cited by examiner



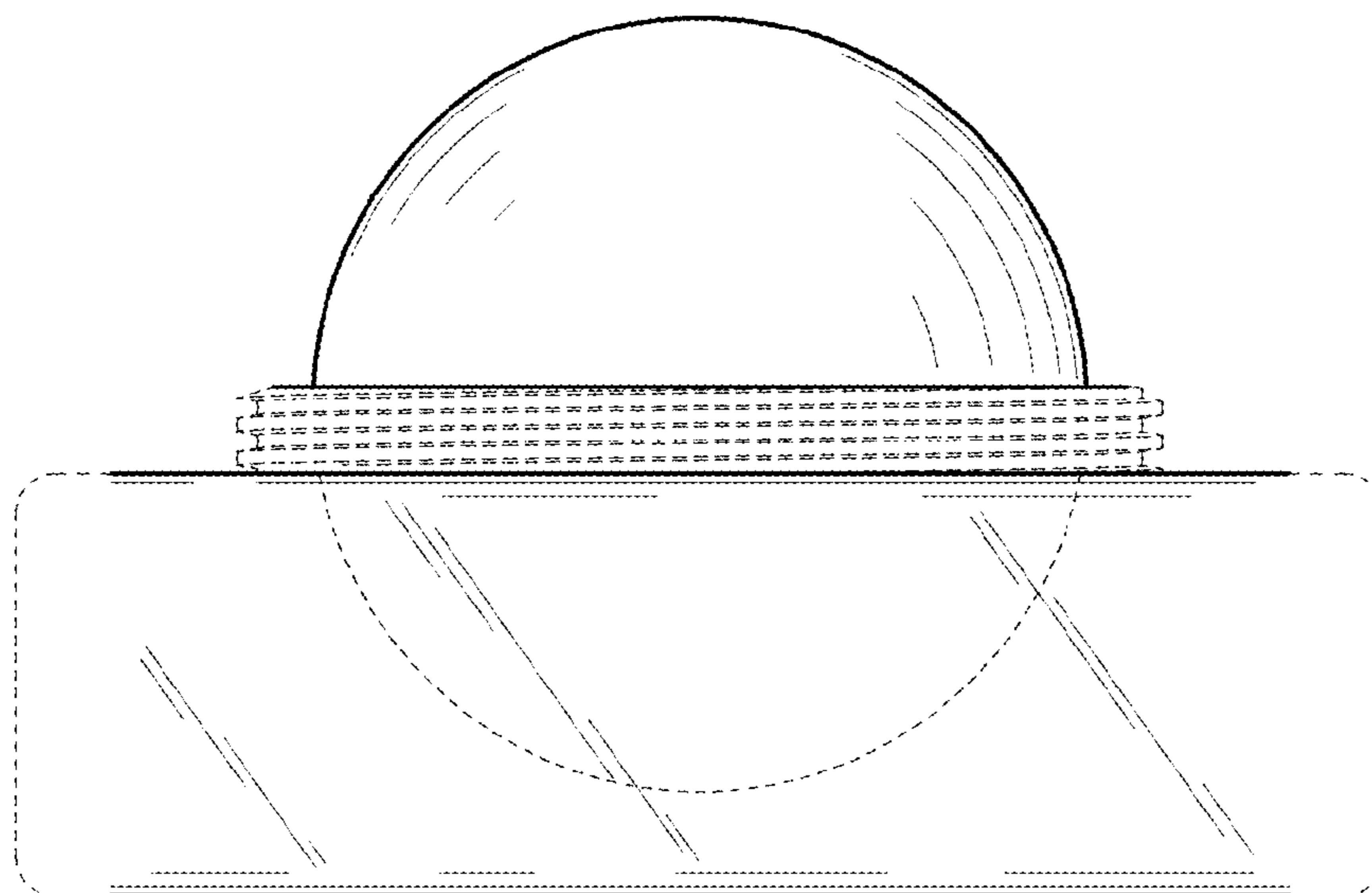
**Fig. 1**



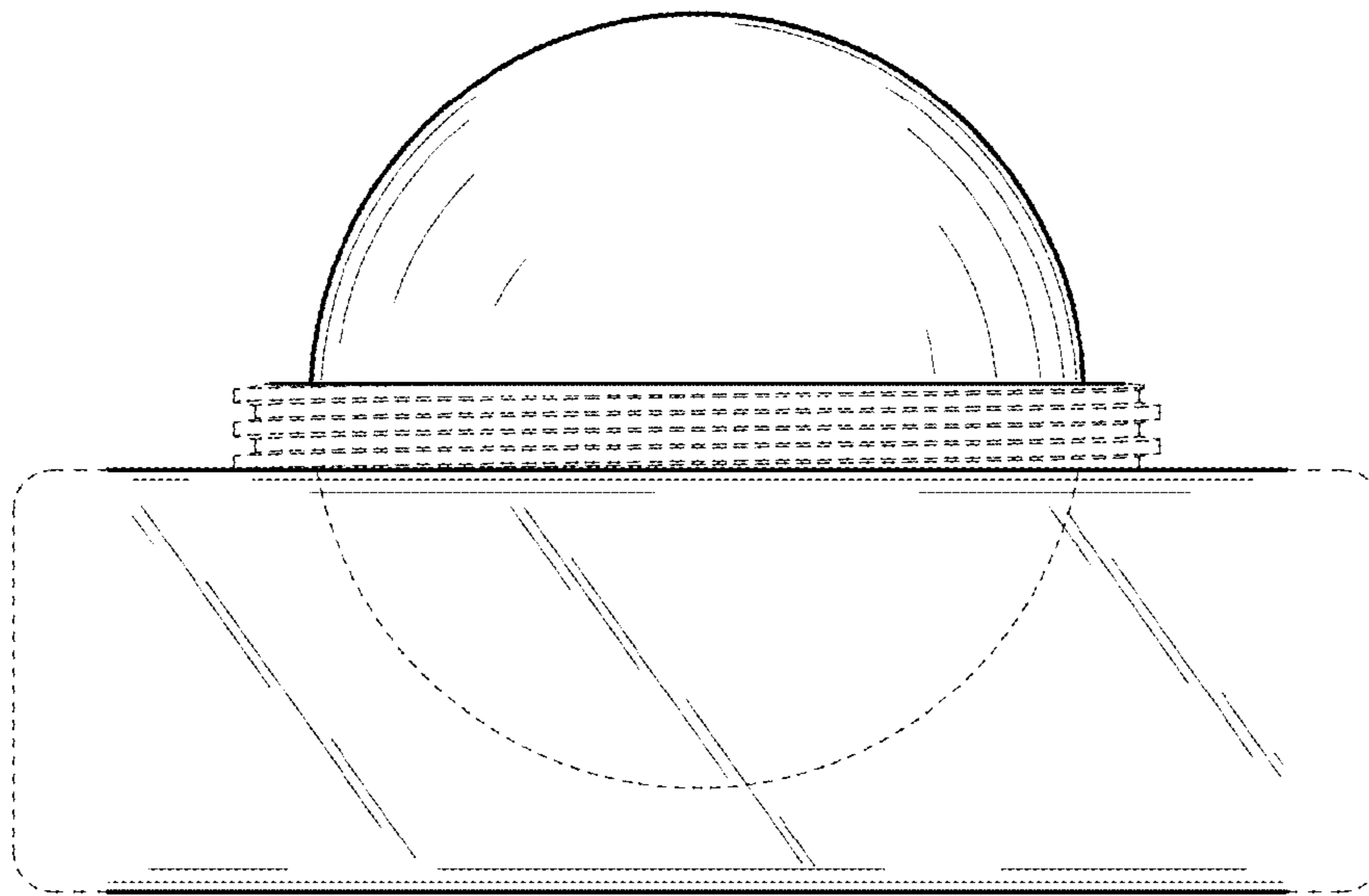
**Fig. 2**



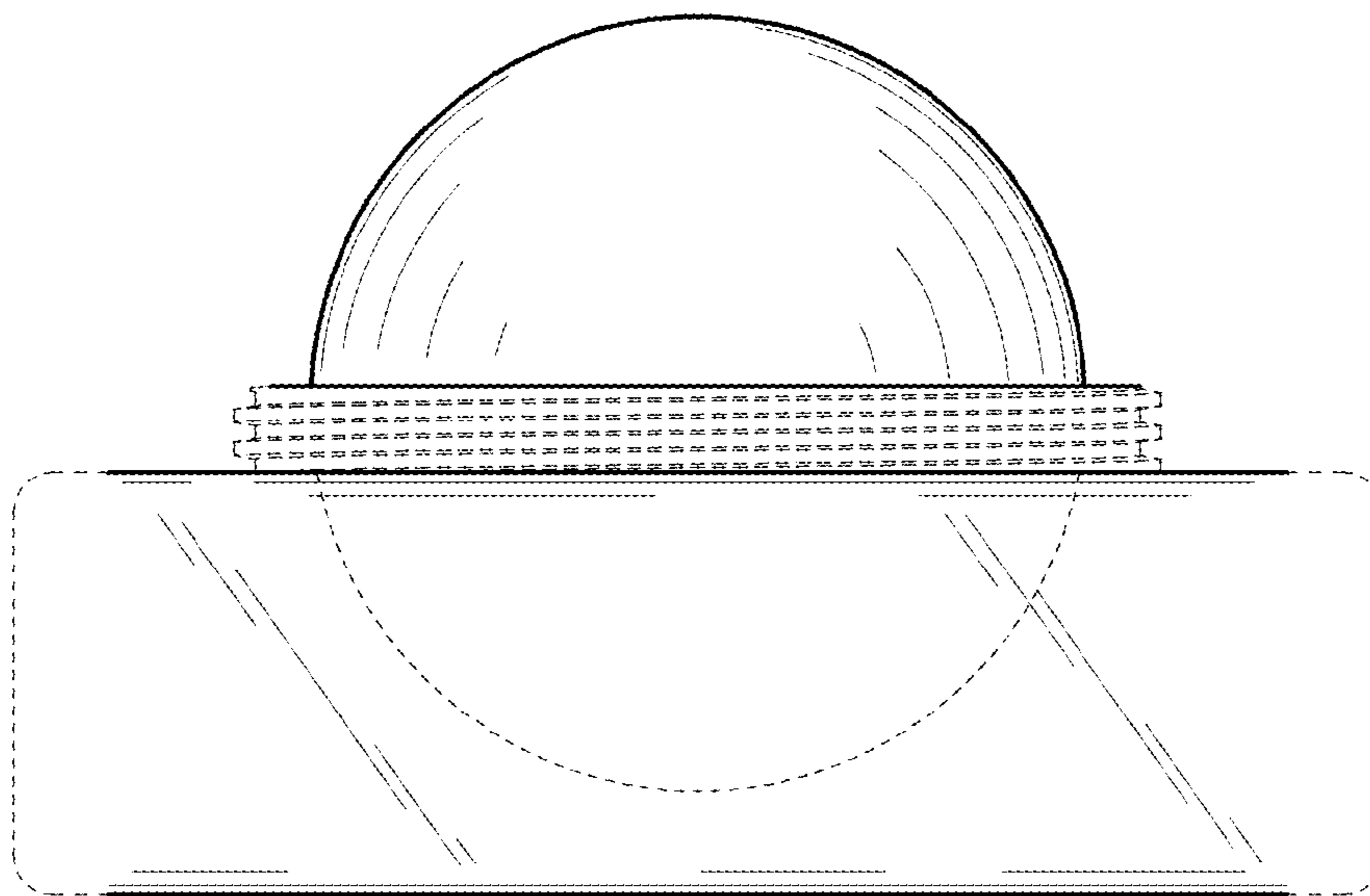
**Fig. 3**



**Fig. 4**

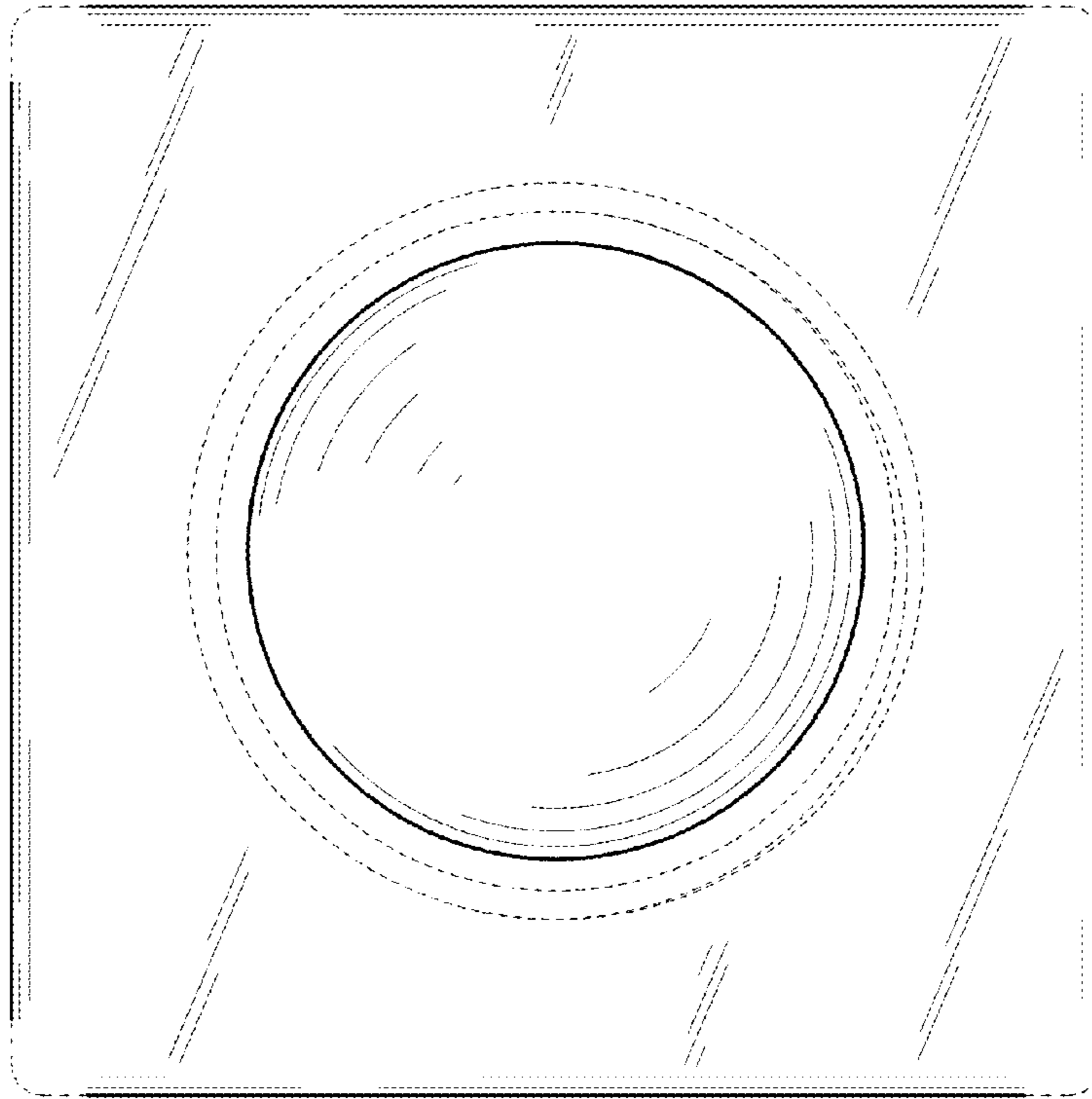


**Fig. 5**

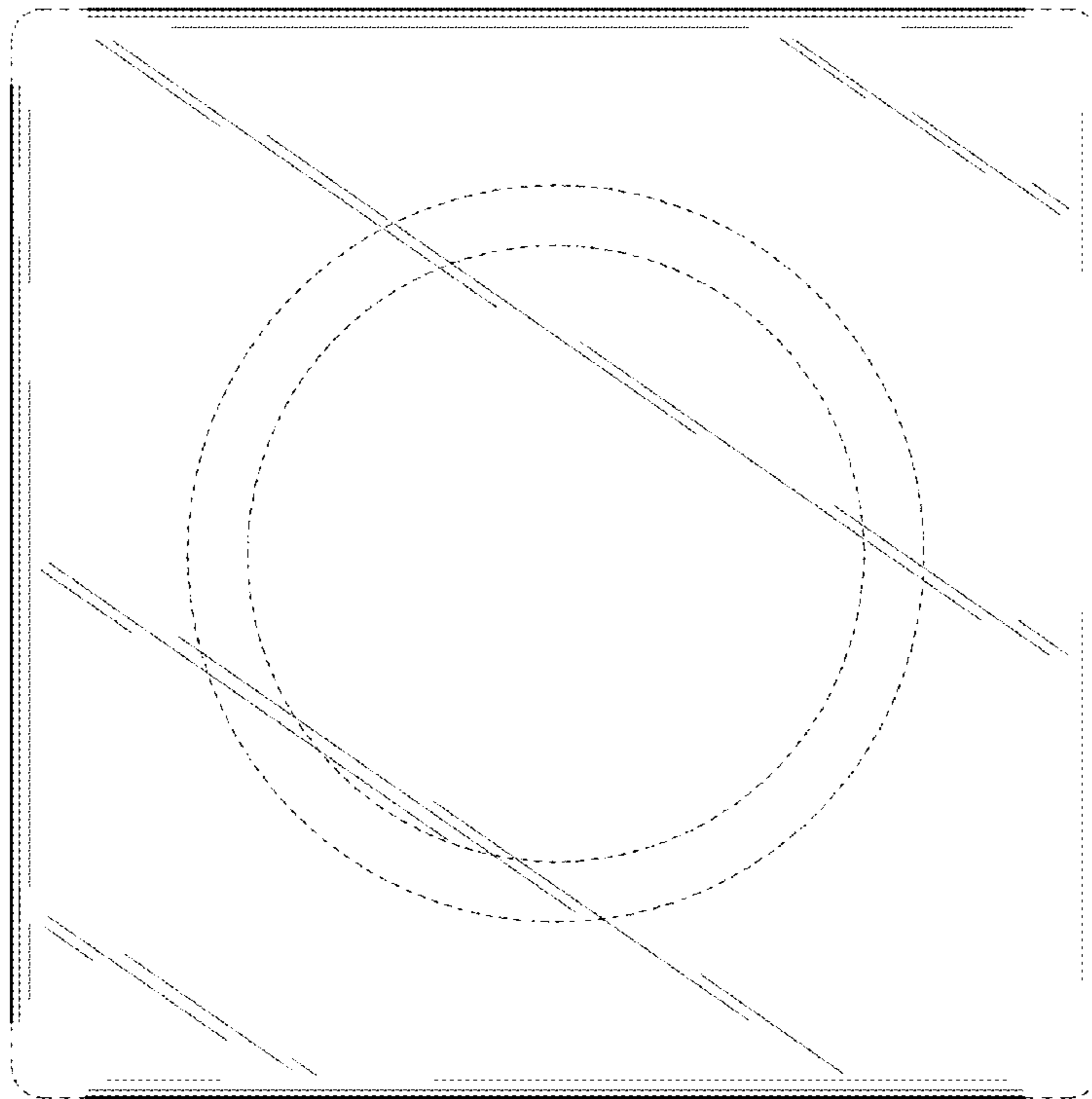


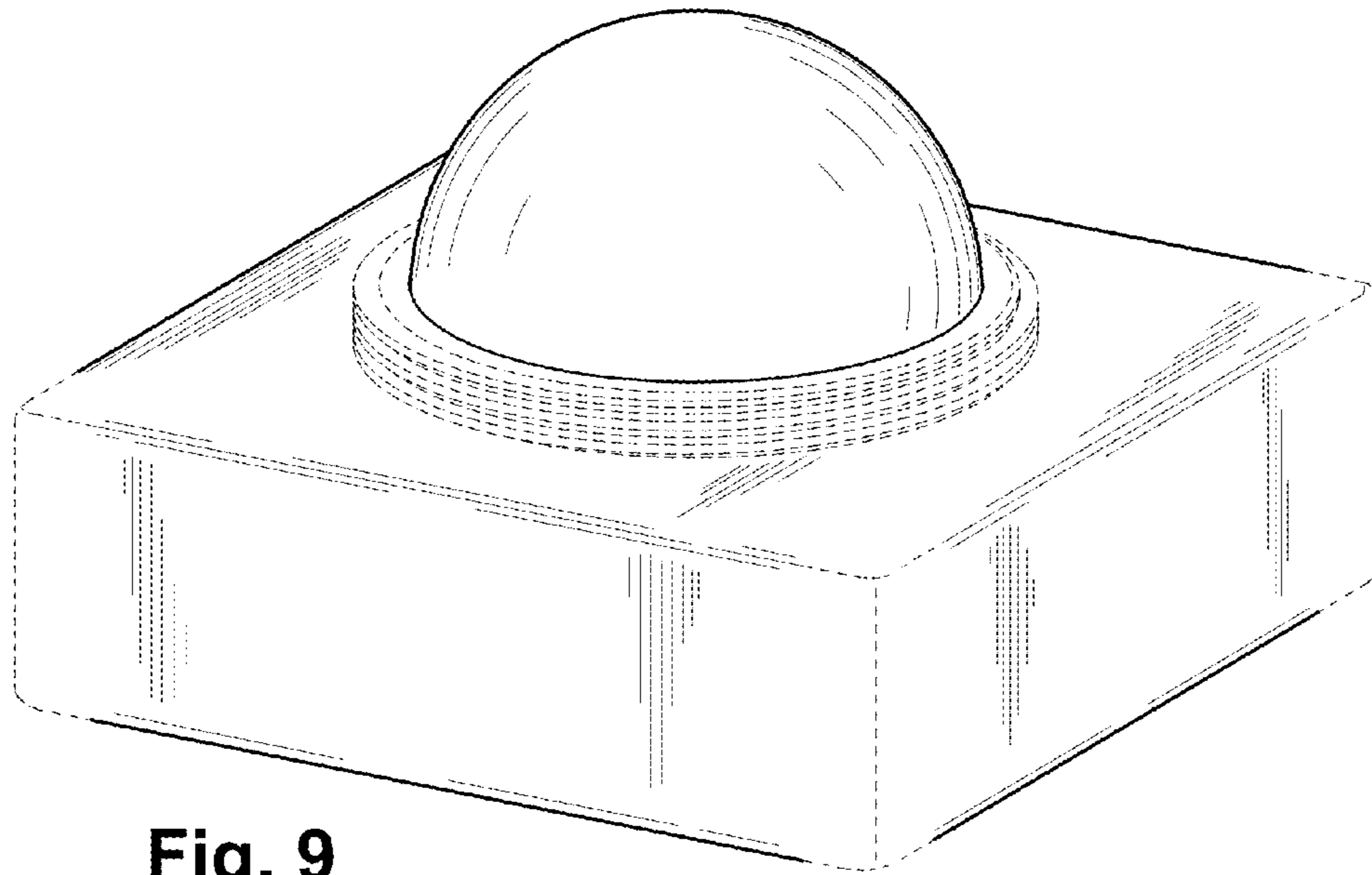
**Fig. 6**

**Fig. 7**

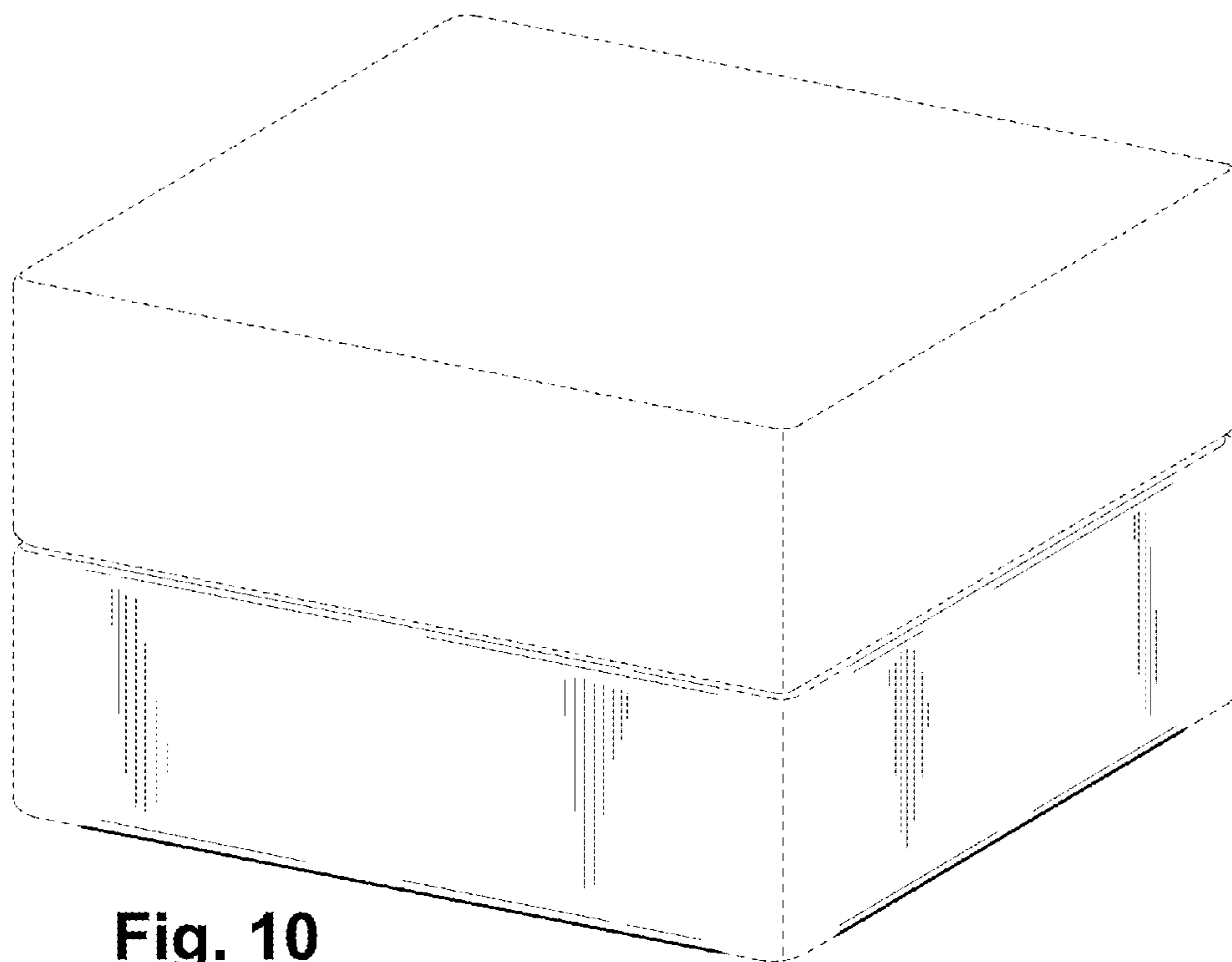


**Fig. 8**

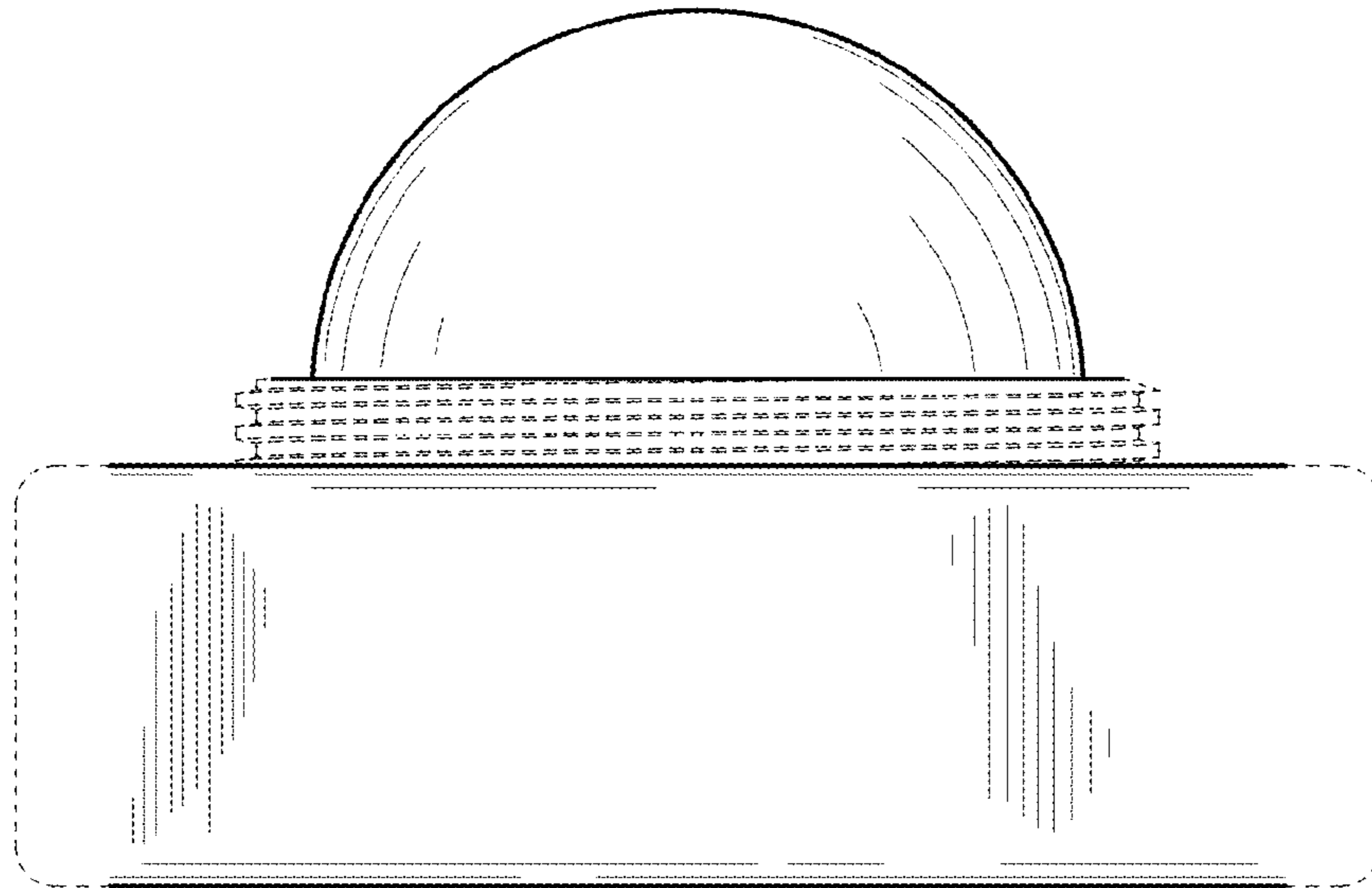




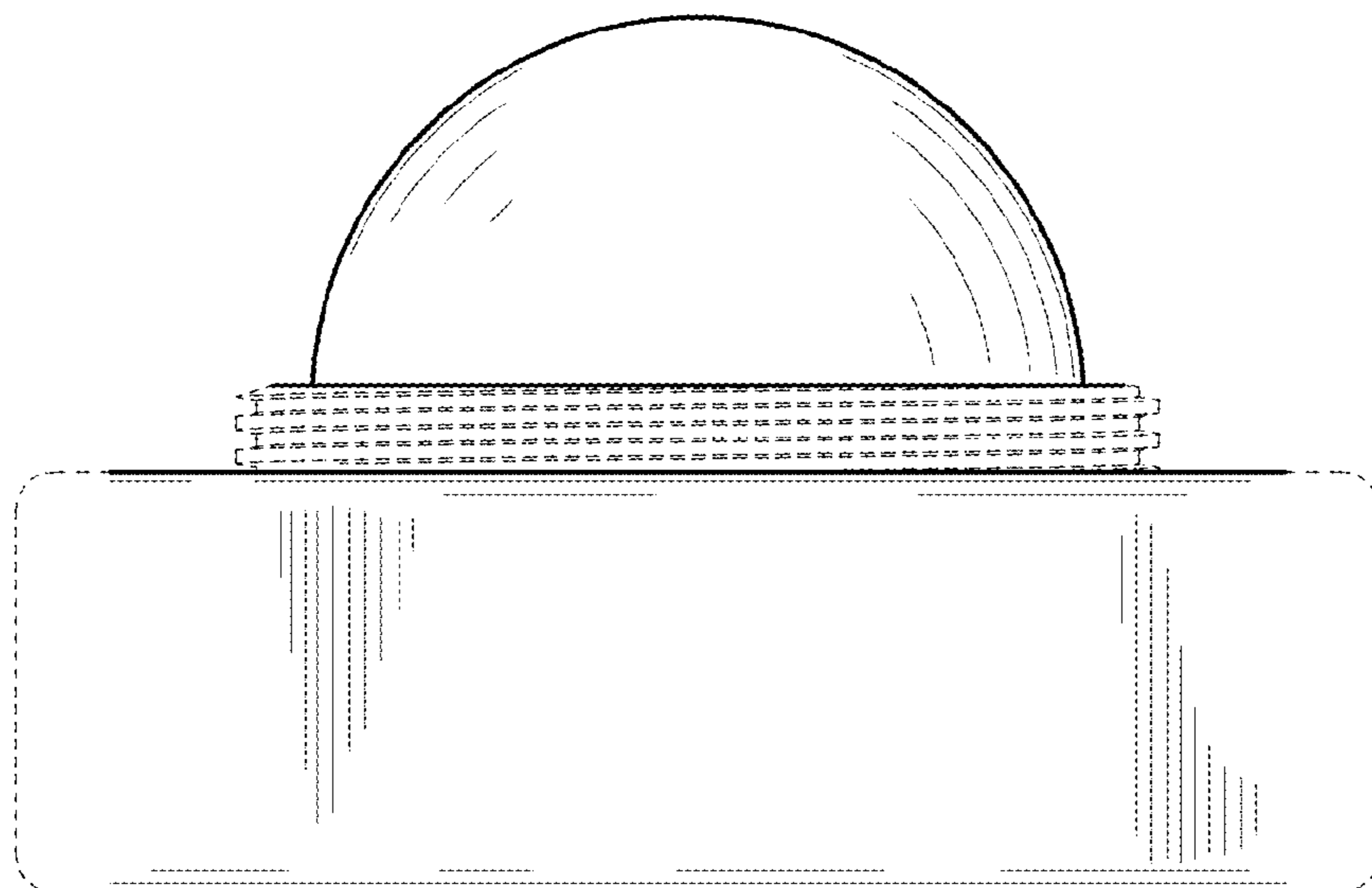
**Fig. 9**



**Fig. 10**

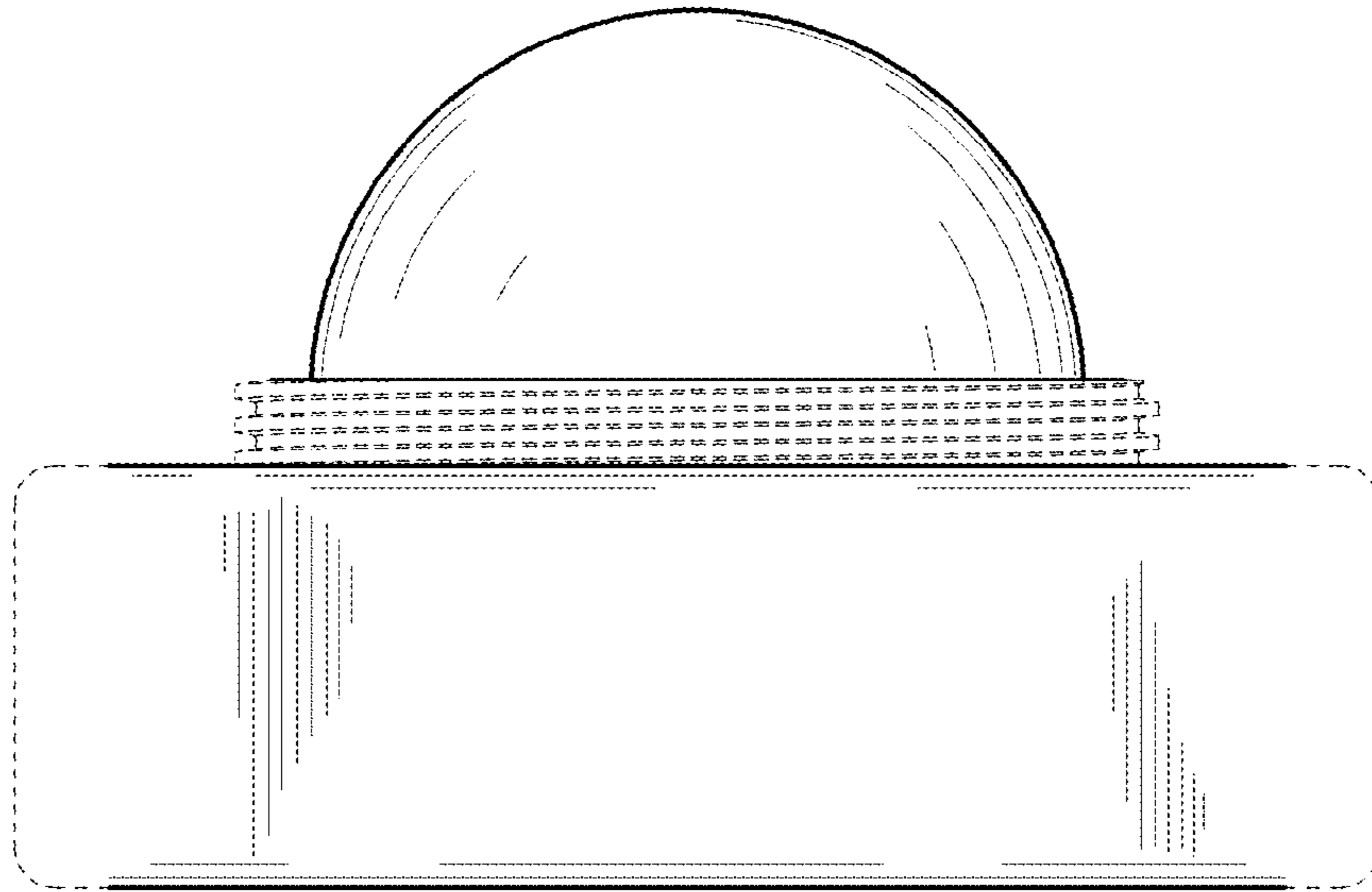


**Fig. 11**

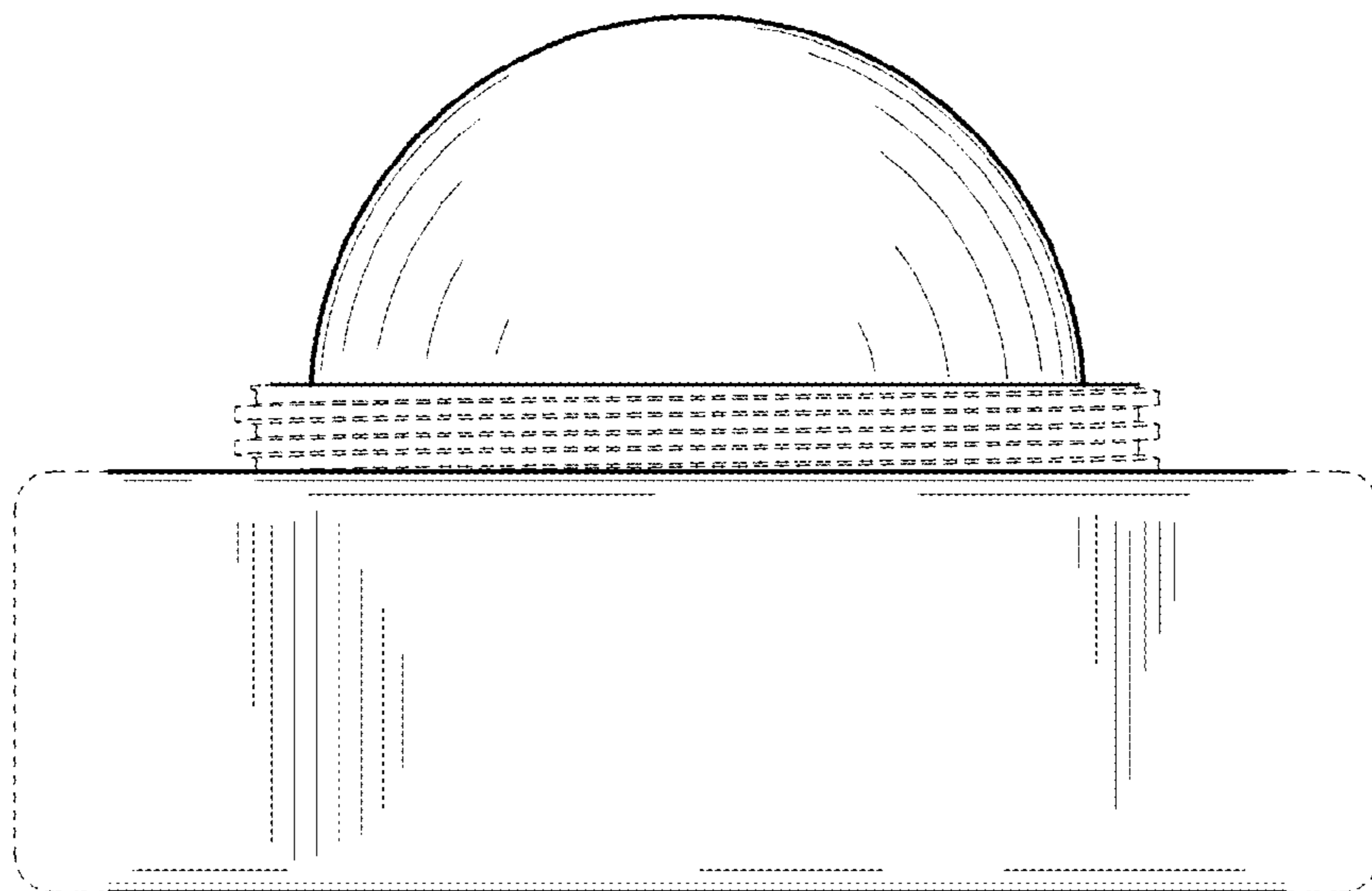


**Fig. 12**



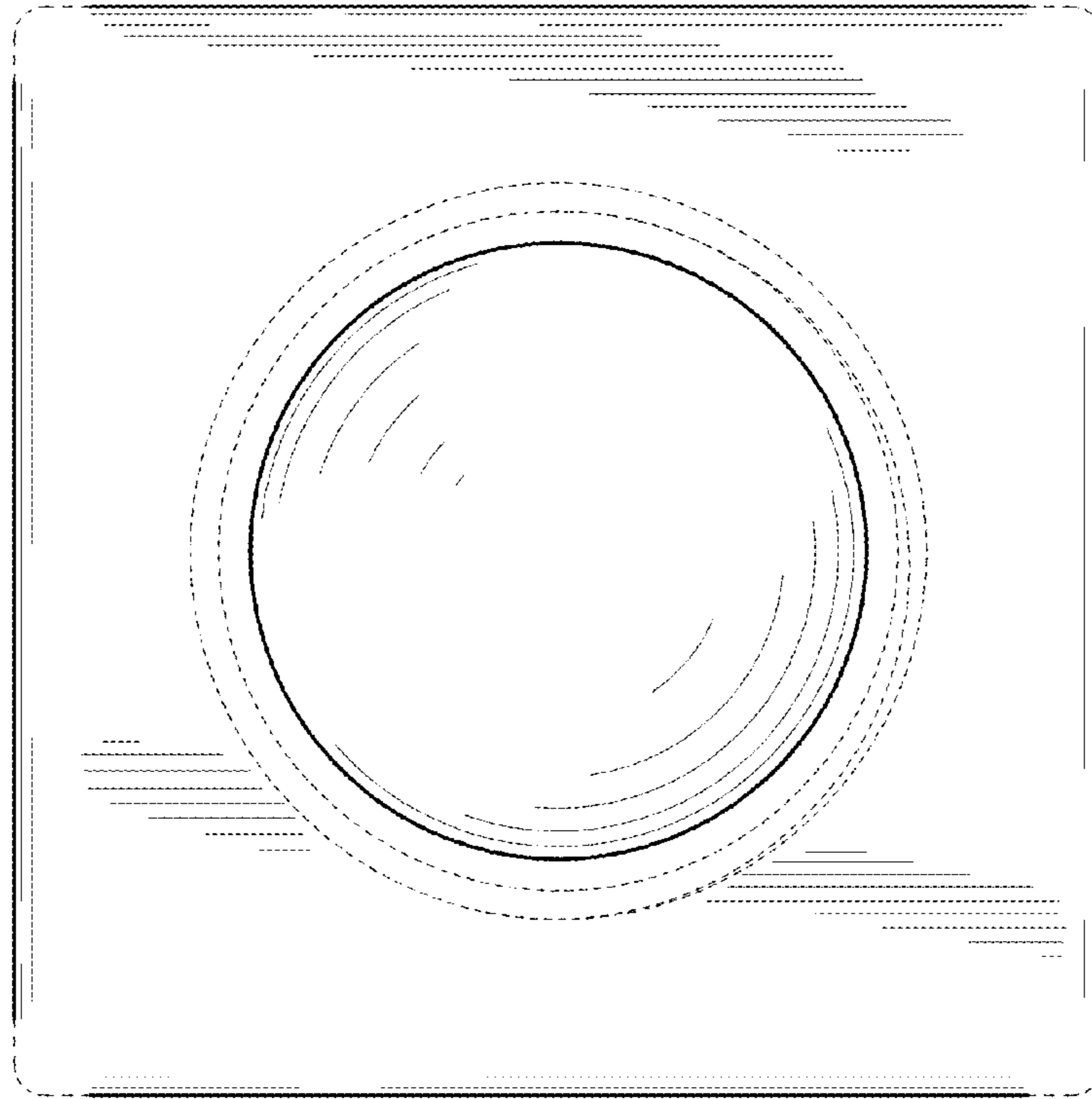


**Fig. 13**



**Fig. 14**

**Fig. 15**



**Fig. 16**

