



US00D743388S

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

(10) **Patent No.:** **US D743,388 S**

(45) **Date of Patent:** **\*\* Nov. 17, 2015**

(54) **CASE FOR A SMART PHONE**

(71) Applicant: **Magpul Industries Corporation**, Erie, CO (US)

(72) Inventors: **Richard Fitzpatrick**, Longmont, CO (US); **Michael T. Mayberry**, Denver, CO (US); **Grady Barfoot**, Denver, CO (US)

(73) Assignee: **Magpul Industries Corporation**, Louisville, CO (US)

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

(21) Appl. No.: **29/461,400**

(22) Filed: **Jul. 23, 2013**

(51) **LOC (10) Cl.** ..... **14-03**

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

USPC ..... **D14/250**

(58) **Field of Classification Search**

USPC ..... D14/203.3–203.7, 217, 230, 238.1, 240, D14/247, 248, 250–253, 341, 345, 346, 439, D14/440, 447, 496; D3/201, 218, 247, 249, D3/269, 301, 273, 303; D13/103, D13/107–108, 119; D11/178.1; D19/10; 220/4.02; 248/309.1; 361/679.56; 379/426, 433.11, 455; 455/575.1, 455/575.4, 575.8; 190/100; 206/305, 320  
CPC .. H04B 1/3888; H04M 1/185; H04M 1/0283; H04M 1/0202; A45C 2011/002; A45C 11/00; A45C 13/002; A45C 2011/003

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D36,329 S 5/1903 Sackman  
D150,654 S 8/1948 Raphaels  
5,360,108 A 11/1994 Alagia

(Continued)

**OTHER PUBLICATIONS**

iLounge\_com\_Review\_Magpul\_iPhone4\_Case\_2011\_06\_29  
Review of Magpul Executive Field Case for iPhone 4 by Nick Guy published on Jun. 29, 2011, <URL:http://www.ilounge.com/index.php/reviews/entry/magpul-executive-field-case-for-iphone-4/>, retrieved from internet on Mar. 25, 2012.

(Continued)

*Primary Examiner* — Carla Jobe Wright

*Assistant Examiner* — Holly E Thurman

(74) *Attorney, Agent, or Firm* — Swanson & Bratschun, L.L.C.

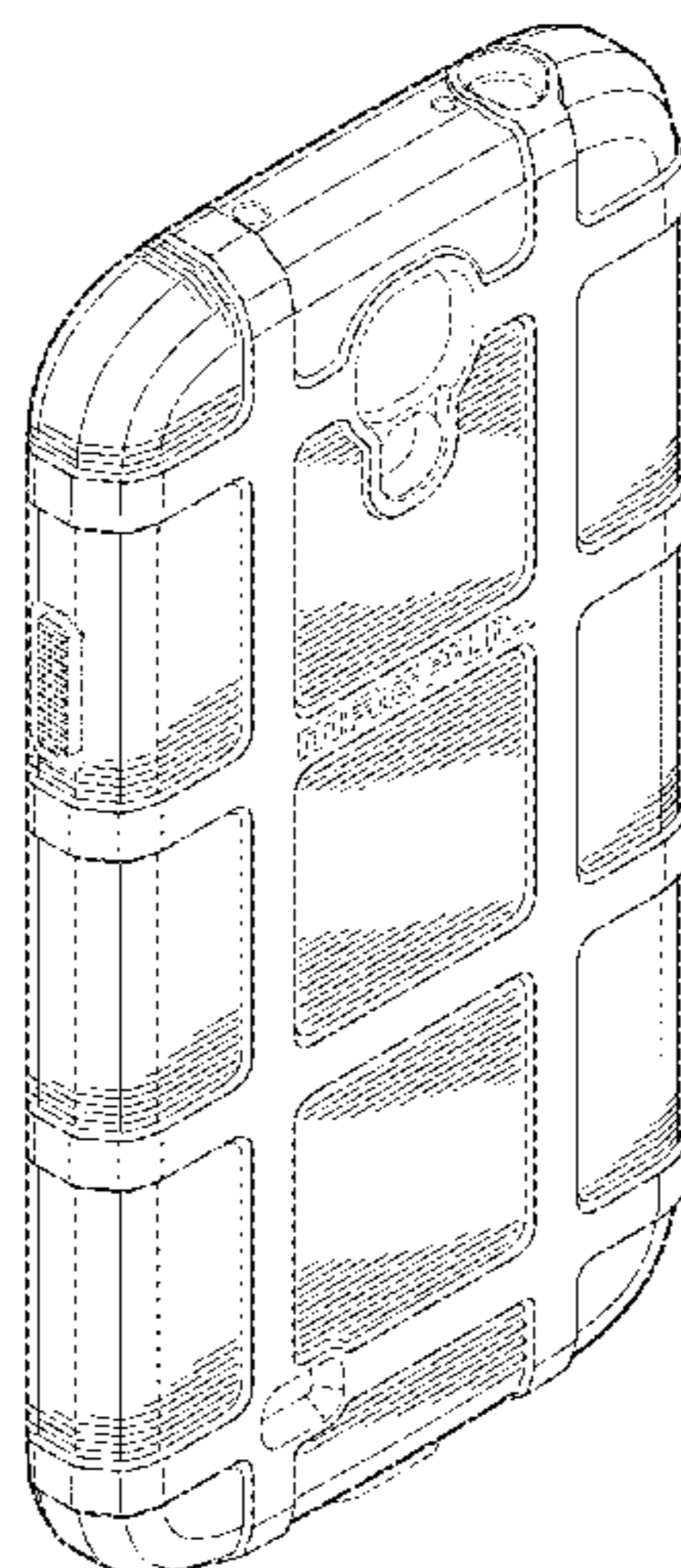
(57) **CLAIM**

The ornamental design for a case for a smart phone, as shown and described.

**DESCRIPTION**

FIG. 1 is a rear, top, right perspective view of a case for a smart phone showing our new design;  
FIG. 2 is a rear, top, left perspective view of the case of FIG. 1;  
FIG. 3 is a front, top, left perspective view of the case of FIG. 1;  
FIG. 4 is a front elevation view of the case of FIG. 1;  
FIG. 5 is a rear elevation view of the case of FIG. 1;  
FIG. 6 is a top plan view of the case of FIG. 1;  
FIG. 7 is a bottom plan view of the case of FIG. 1;  
FIG. 8 is a left side elevation view of the case of FIG. 1; and, FIG. 9 is a right side elevation view of the case of FIG. 1.  
The broken lines immediately adjacent the claimed surfaces represent boundaries of the claimed design. All other broken lines depict unclaimed environment. The broken lines and unshaded surfaces bounded by broken lines form not part of the claimed design.

**1 Claim, 7 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D357,918 S \* 5/1995 Doria ..... D14/218  
 D382,111 S 8/1997 Bardus  
 D389,158 S 1/1998 Oross  
 D419,297 S 1/2000 Richardson  
 D419,767 S 2/2000 Richardson  
 D419,768 S 2/2000 Richardson  
 D422,787 S 4/2000 Feng  
 D455,746 S 4/2002 Ronzani  
 6,646,864 B2 11/2003 Richardson  
 D488,810 S 4/2004 Lin et al.  
 6,860,053 B2 3/2005 Christiansen  
 D514,123 S 1/2006 Naruki  
 D516,309 S 3/2006 Richardson  
 D516,807 S 3/2006 Richardson  
 D524,046 S 7/2006 Pangerc  
 D528,110 S 9/2006 Cohn  
 D530,079 S 10/2006 Thomas et al.  
 7,158,376 B2 1/2007 Richardson  
 D553,352 S 10/2007 Allen  
 D556,681 S 12/2007 Kim  
 D557,897 S 12/2007 Richardson et al.  
 7,337,565 B2 3/2008 Tsutsumi et al.  
 D575,056 S 8/2008 Tan  
 D581,421 S 11/2008 Richardson  
 D592,646 S 5/2009 Sun  
 D593,319 S 6/2009 Richardson et al.  
 D593,747 S 6/2009 Lissola et al.  
 D598,407 S 8/2009 Richardson et al.  
 D600,303 S 9/2009 Fitzpatrick  
 D602,894 S 10/2009 Lepoultier  
 D606,531 S 12/2009 Ferrari  
 D606,533 S 12/2009 de Jong et al.  
 D606,986 S 12/2009 de Jong et al.  
 D607,444 S 1/2010 Ferrari  
 D607,445 S 1/2010 Ferrari et al.  
 D610,807 S \* 3/2010 Bau ..... D3/269  
 D615,078 S 5/2010 Bradley  
 D615,536 S 5/2010 Richardson  
 D619,574 S 7/2010 Richardson  
 D622,716 S 8/2010 Andre  
 D623,180 S 9/2010 Diebel  
 D623,640 S 9/2010 Freeman  
 D625,698 S 10/2010 Miyazaki  
 D626,540 S 11/2010 Brown  
 D627,770 S 11/2010 Ferrari et al.  
 D629,783 S 12/2010 Kim et al.  
 7,859,222 B2 12/2010 Woud  
 D633,164 S 2/2011 Fitzpatrick  
 D633,589 S 3/2011 Fitzpatrick  
 D634,313 S 3/2011 Fitzpatrick  
 D635,555 S 4/2011 Giles  
 D637,592 S 5/2011 Magness  
 D638,006 S 5/2011 Chang  
 D638,007 S 5/2011 Chang  
 D638,830 S 5/2011 Magness  
 D643,029 S 8/2011 Feng  
 D643,401 S 8/2011 Chen et al.  
 D643,433 S 8/2011 Hsieh  
 D644,215 S 8/2011 Dong  
 D648,332 S 11/2011 Kim  
 D650,371 S 12/2011 Wibby  
 D651,202 S 12/2011 Fathollahi  
 D651,203 S 12/2011 Michie  
 D654,483 S 2/2012 Richardson et al.  
 D655,281 S 3/2012 Turocy  
 D662,925 S 7/2012 Mayberry  
 D671,932 S 12/2012 Azoulay  
 D673,159 S 12/2012 McCarthy et al.  
 D674,792 S 1/2013 Magness  
 D679,685 S 4/2013 Cox  
 D679,698 S 4/2013 Murchison et al.

D681,622 S 5/2013 Melanson  
 D682,815 S 5/2013 Chang  
 D683,723 S 6/2013 Murchison et al.  
 D685,357 S 7/2013 Rekuc  
 D688,233 S \* 8/2013 Dong ..... D14/250  
 D691,122 S 10/2013 Bau  
 D691,142 S 10/2013 Diebel  
 D693,823 S 11/2013 Chen  
 8,584,847 B2 11/2013 Tages et al.  
 D694,759 S 12/2013 Chang et al.  
 D695,378 S \* 12/2013 Fitzpatrick et al. .... D22/108  
 D696,257 S 12/2013 Ward et al.  
 D702,803 S 4/2014 Barfoot et al.  
 D705,886 S \* 5/2014 Kielsmeier et al. .... D22/108  
 D706,256 S 6/2014 Ward et al.  
 D706,272 S 6/2014 Poon  
 D706,880 S \* 6/2014 Chu ..... D21/573  
 D709,510 S 7/2014 Soare  
 D711,362 S \* 8/2014 Poon ..... D14/250  
 D718,289 S \* 11/2014 Brand ..... D14/250  
 D718,294 S 11/2014 Barfoot  
 D718,756 S 12/2014 Barfoot  
 D718,759 S 12/2014 Barfoot  
 D719,145 S \* 12/2014 Barfoot et al. .... D14/250  
 D721,370 S \* 1/2015 Barfoot et al. .... D14/400  
 D724,320 S \* 3/2015 Russell et al. .... D3/273  
 2010/0008028 A1 1/2010 Richardson  
 2010/0089779 A1 4/2010 Bowers  
 2010/0104814 A1 4/2010 Richardson et al.  
 2010/0224519 A1 9/2010 Kao  
 2010/0251590 A1 10/2010 Fitzpatrick  
 2012/0261289 A1 10/2012 Wyner et al.  
 2012/0321294 A1 12/2012 Tages et al.  
 2014/0194167 A1 7/2014 Grimes  
 2014/0215878 A1 8/2014 Fitzpatrick et al.

OTHER PUBLICATIONS

Incipio IPH-539 Bombproof Silicone Case for iPhone 4, URL:<http://www.daydeal.com/product.php?productid=47512&cat=4974>, retrieved from internet Nov. 4, 2010.  
 Pierce\_Grip\_1998\_Shooting\_Industry\_Ad\_v43\_p21 Pierce Grip, advertisement (Nov. 1998)Shooting Industry 43(11):21 Publishers Development Corp., San Diego, CA USA.  
 Store\_Magpul\_2012\_03\_31\_Exec\_Field\_Case\_iPhone4 Magpul Executive Field Case—I Phone 4/4S, <URL:<http://store.magpul.com/products/MAG450/125>>, retrieved from internet on Mar. 31, 2012.  
 Design U.S. Appl. No. 29/452,374, filed Apr. 16, 2013, “Case for a Smart Phone” by Barfoot.  
 Design U.S. Appl. No. 29/460,398, filed Jul. 10, 2013, “Case for a Tablet” by Barfoot.  
 Design U.S. Appl. No. 29/462,944, filed Aug. 9, 2013, “Smart Phone Case with Interior Design” by Barfoot.  
 WayBack\_Machine\_2011\_06\_12\_Magpul\_iPhone4\_Case Intern et Archive WayBack Machine showing earliest capture of Executive Field Case—iPhone 4 (product/MAG450/125) on Magpul website on Jun. 12, 2011, <URL:<http://web.archive.org/web/20110612024247/http://store.magpul.com/product!MAG450/125>>, retrieved from internet on Mar. 31, 2012.  
 Policestore\_com\_2012\_03\_25\_Flat\_Dark\_Earth iPhone3GS\_Case Policestore.com (Mar. 25, 2012) Flat Dark Earth iPhone3GS Filed Case; Website [Online] Available Web Site: <URL:[http://www.policestore.com/.aspx/sid=78673/pid=42016/Color\\_1008=Black/ProductiMAGPUL-IPHONE-CASES?mc\\_id=p1503&srch=1](http://www.policestore.com/.aspx/sid=78673/pid=42016/Color_1008=Black/ProductiMAGPUL-IPHONE-CASES?mc_id=p1503&srch=1)>, retrieved from internet on Mar. 25, 2012.  
 Review\_2014\_Magpul\_Bump\_Case\_for\_iPhone\_5-5s Review: Magpul Bump Case for iPhone 5/5s, published on 03/19/201, URL: <<http://www.ilounge.com/index.php/reviews/entry/magpul-bump-case-for-iphone-5-5s/>>, retrieved from internet on Sep. 5, 2014.

\* cited by examiner



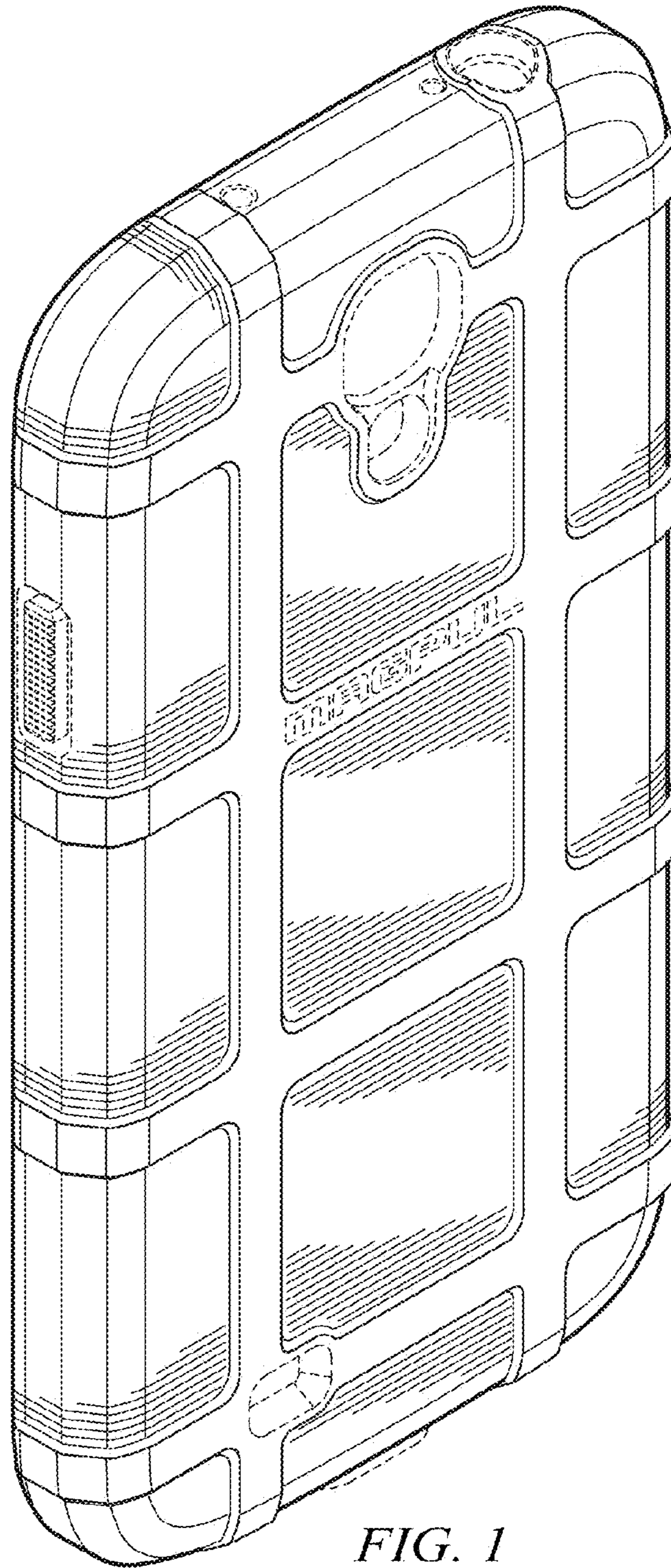


FIG. 1

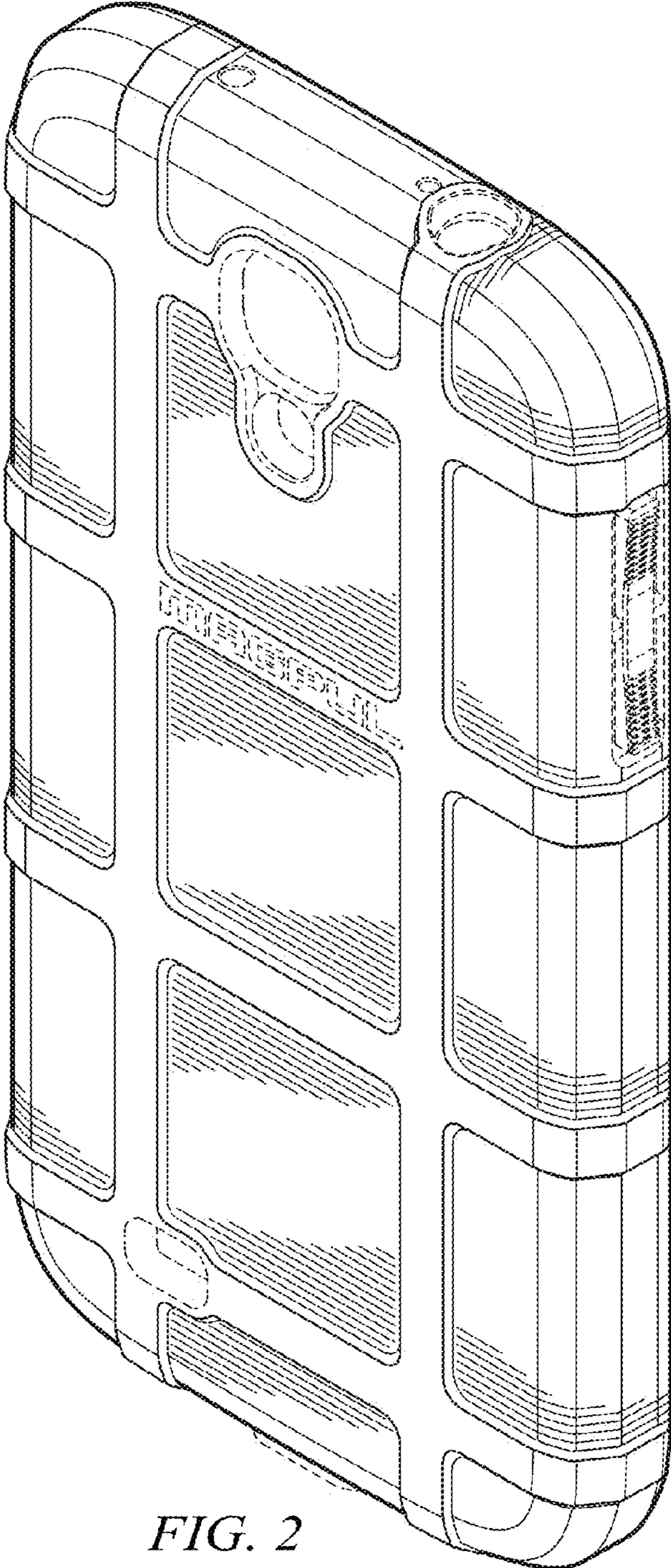


FIG. 2

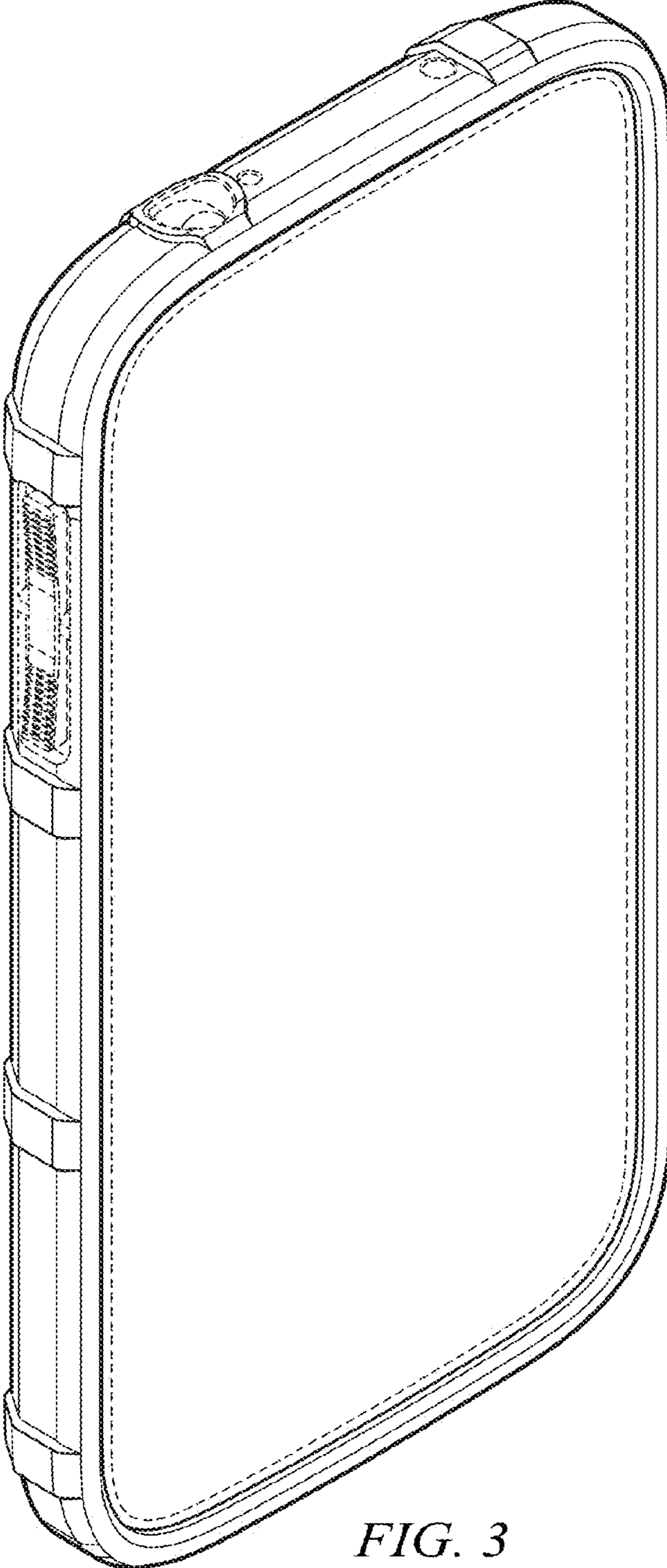


FIG. 3



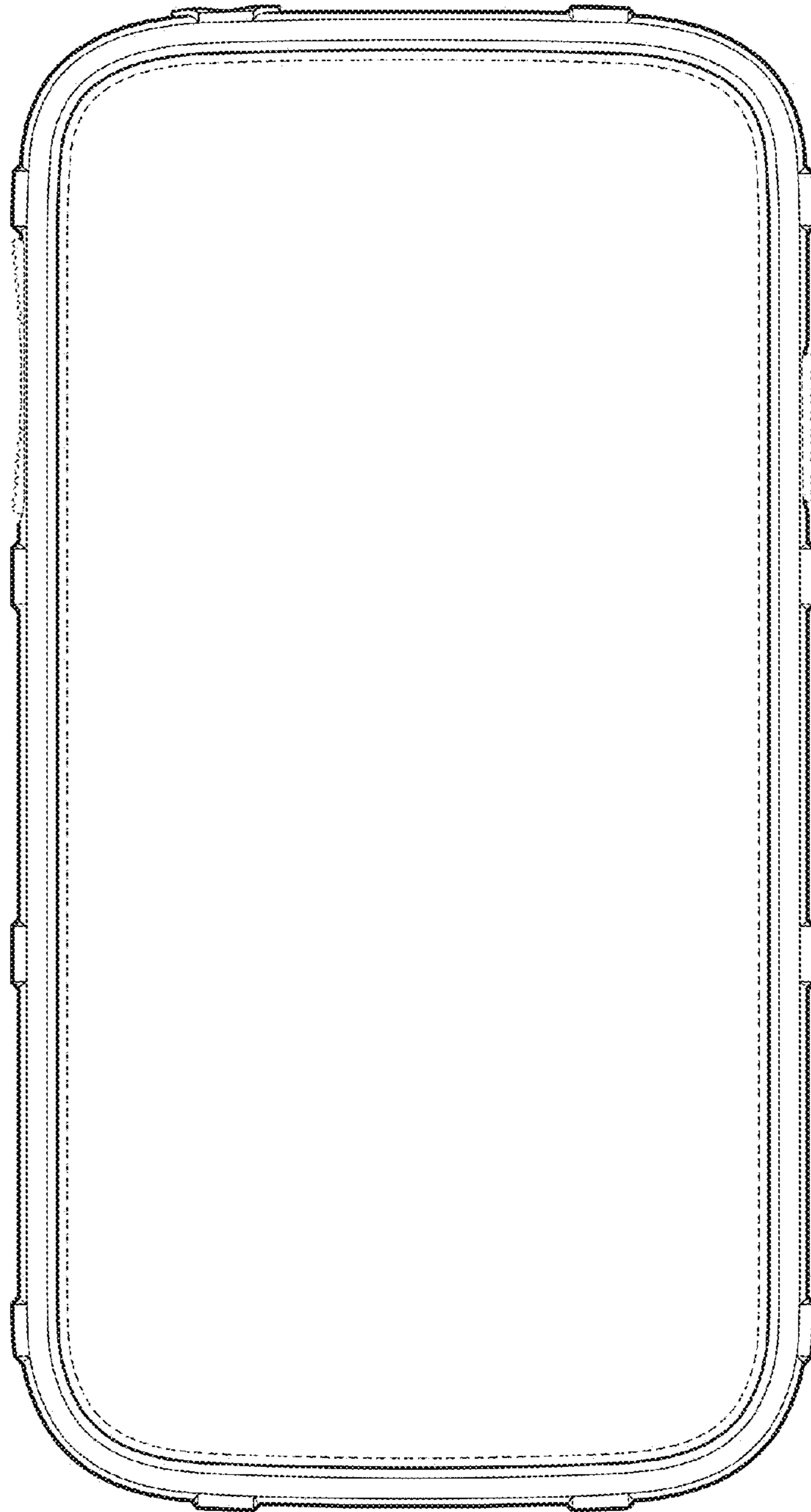


FIG. 4

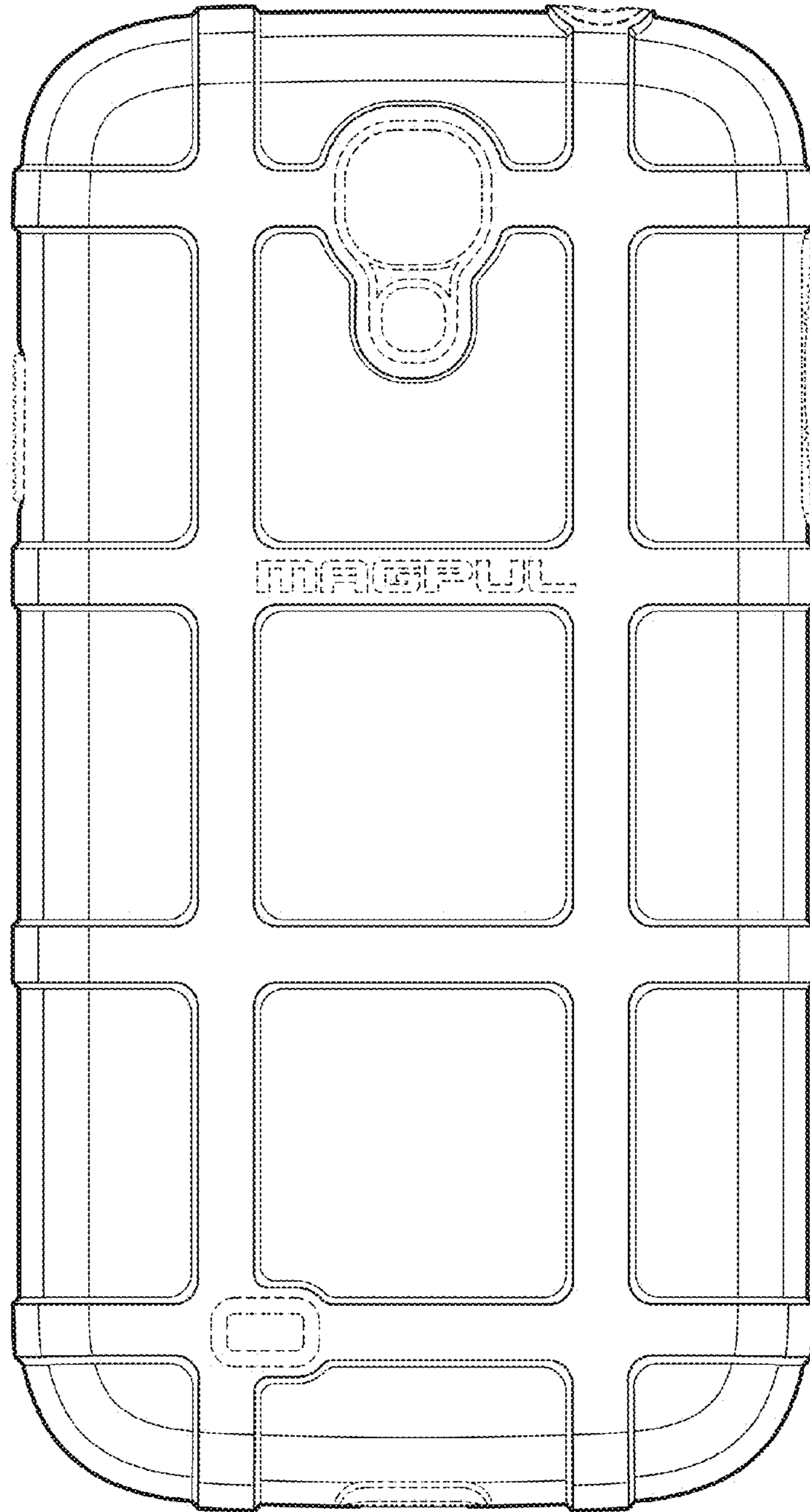


FIG. 5

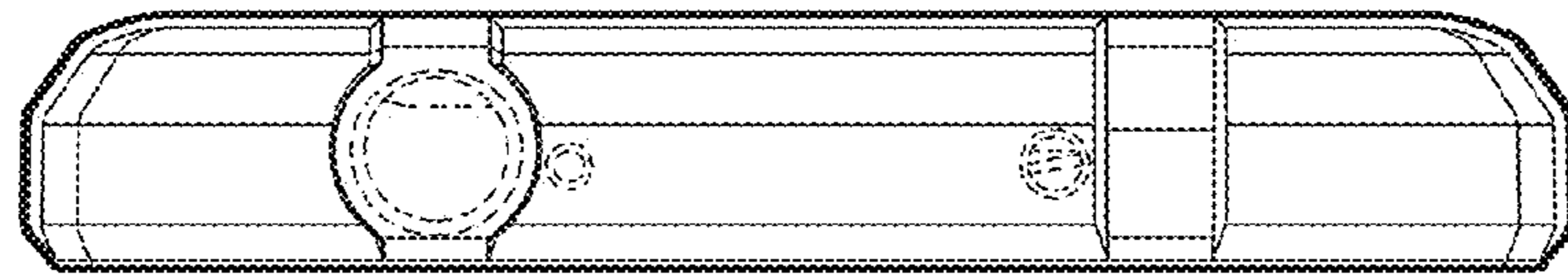


FIG. 6

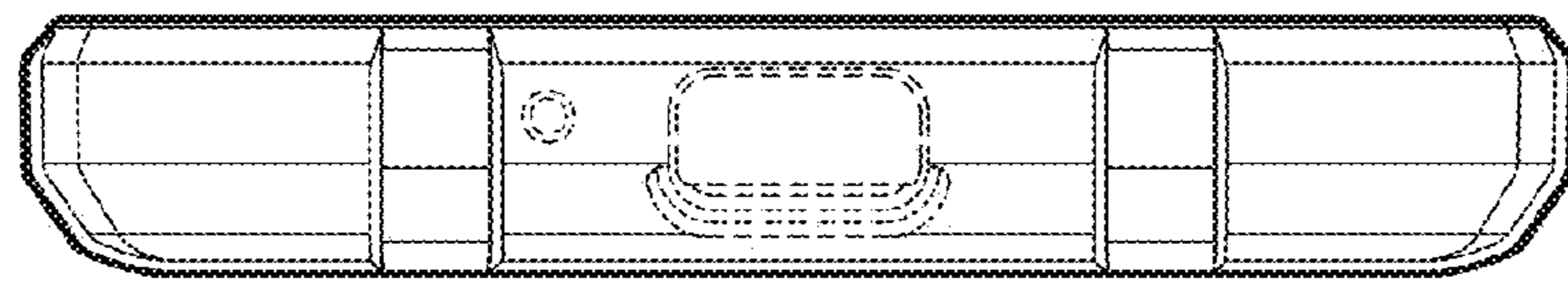


FIG. 7



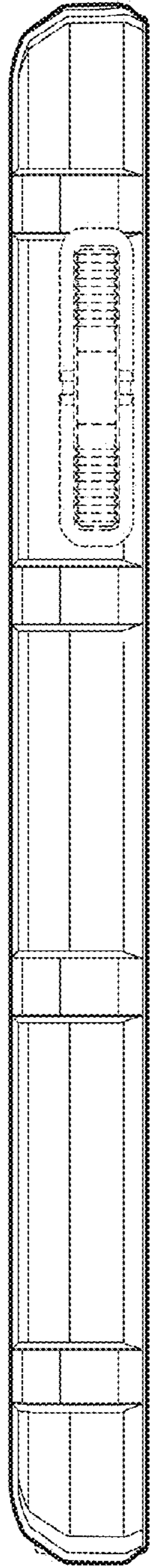


FIG. 8

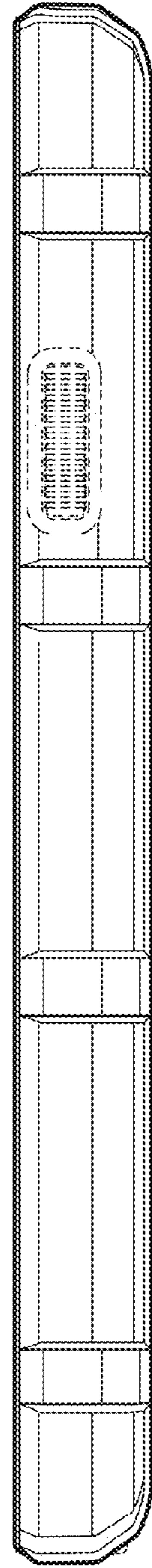


FIG. 9