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(12) **United States Design Patent** (10) **Patent No.:** **US D796,784 S**
Hays et al. (45) **Date of Patent:** **** Sep. 12, 2017**

(54) **LOWER BODY GARMENT**

D165,698 S 1/1952 Rockwell
2,644,945 A 7/1953 Lewis
D179,336 S 12/1953 Bayer et al.
(Continued)

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Sylma Colon-Otten, Atlanta, GA (US)

FOREIGN PATENT DOCUMENTS

(73) Assignee: **Spanx, Inc.**, Atlanta, GA (US)

DE 19942996 3/2001
FR 2808972 11/2001
(Continued)

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

(21) Appl. No.: **29/488,647**

OTHER PUBLICATIONS

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Non-Final Office Action dated Oct. 3, 2014, in copending U.S. Appl. No. 29/462,332.

(Continued)

Related U.S. Application Data

(63) Continuation of application No. 29/462,338, filed on Aug. 1, 2013, now Pat. No. Des. 707,920.

Primary Examiner — John Windmuller

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

(74) *Attorney, Agent, or Firm* — Meunier Carlin & Curfman LLC

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

USPC **D2/738**; D2/701

(57) **CLAIM**

The ornamental design for a lower body garment, as shown and described.

(58) **Field of Classification Search**

USPC D2/712, 738, 742, 731
See application file for complete search history.

DESCRIPTION

(56) **References Cited**

U.S. PATENT DOCUMENTS

- 1,156,757 A 10/1915 Collett
- 1,909,273 A 5/1933 Hennessy et al.
- 2,168,009 A 8/1939 Praag
- D123,777 S 12/1940 Greco
- 2,250,218 A 7/1941 Cadous et al.
- D132,058 S 4/1942 Sarge
- 2,305,736 A 12/1942 Rhea
- 2,310,864 A 2/1943 Pegg
- RE23,202 E 3/1950 Long
- 2,527,926 A * 10/1950 Frischer A41C 1/00
450/124
- 2,531,769 A 11/1950 Desrochers et al.

FIG. 1 is a front perspective view of a lower body garment showing our new design.

FIG. 2 is front view thereof.

FIG. 3 is a back view thereof.

FIG. 4 is a right side view thereof.

FIG. 5 is a left side view thereof.

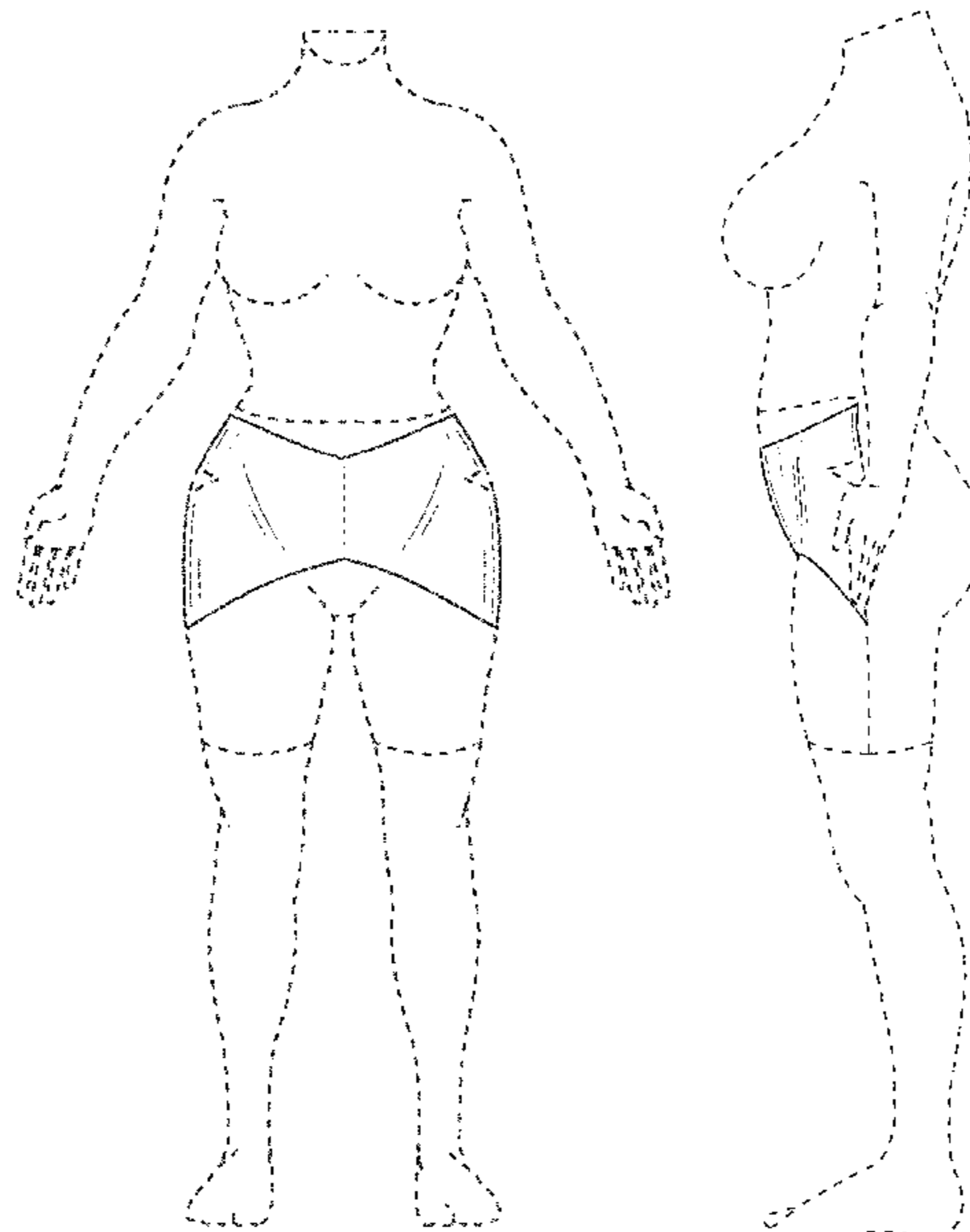
FIG. 6 is a top view thereof; and,

FIG. 7 bottom view thereof.

The broken lines consisting of only dashes, showing the remaining portions of the lower body garment and portions of the human figure, illustrate the design as worn and form no part of the claimed design.

The dot-dash broken lines define the bounds of the claimed design and form no part thereof.

1 Claim, 5 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

2,758,310 A 8/1956 Lewis et al.
 3,168,099 A 2/1965 Morano
 3,339,554 A * 9/1967 Nobbs A41C 1/003
 450/104
 3,393,675 A 7/1968 Trznadel et al.
 3,431,913 A * 3/1969 Melin A41C 1/02
 450/122
 D213,667 S 4/1969 Salisky
 D213,947 S 4/1969 Dubner
 3,683,935 A 8/1972 Rosner
 3,813,697 A 6/1974 Belpaume
 D238,623 S 2/1976 Lo Cascio
 5,465,594 A 11/1995 Imboden et al.
 5,756,180 A 5/1998 Squires et al.
 5,863,633 A 1/1999 Squires et al.
 5,944,708 A 8/1999 Philpott
 6,430,752 B1 * 8/2002 Bay A41C 1/003
 2/228
 6,874,337 B2 4/2005 Uno et al.
 7,074,204 B2 7/2006 Fujii et al.
 7,087,032 B1 8/2006 Ikeda
 7,418,742 B2 9/2008 Yoo
 7,509,822 B2 3/2009 Ishida et al.
 7,559,093 B2 7/2009 Sudo et al.
 D622,477 S 8/2010 Schindler
 D642,768 S 8/2011 Sawle et al.
 D645,644 S * 9/2011 Iamartino D2/742
 D654,247 S 2/2012 Osbourne
 D661,872 S * 6/2012 Iamartino D2/742
 D662,281 S * 6/2012 Iamartino D2/742
 8,381,314 B2 2/2013 Takamoto et al.
 D692,208 S 10/2013 LaCour-Phillippi
 8,752,216 B2 * 6/2014 Sawle A41D 13/0525
 2/228
 D707,920 S 7/2014 Hays
 8,784,351 B2 7/2014 Dumpson
 8,784,651 B2 7/2014 Moe
 8,850,619 B2 10/2014 Rush et al.
 D730,624 S * 6/2015 Prpic D2/742
 D733,994 S * 7/2015 Hays D2/701
 9,179,713 B2 11/2015 Hays et al.
 D760,471 S 7/2016 Colon-Otten et al.
 2001/0008672 A1 7/2001 Norvell et al.
 2004/0107479 A1 6/2004 Dicker et al.
 2008/0292788 A1 11/2008 Giloh
 2009/0038047 A1 * 2/2009 Di Lorenzo A41D 7/00
 2/67
 2009/0221982 A1 9/2009 Cecconi et al.
 2009/0271914 A1 11/2009 Bauer
 2011/0314590 A1 12/2011 Perron et al.
 2012/0029407 A1 2/2012 Sawle et al.
 2012/0164406 A1 6/2012 Defaux et al.
 2013/0186150 A1 7/2013 Pilawa et al.
 2014/0208484 A1 7/2014 Huff et al.
 2015/0038052 A1 2/2015 Hays
 2015/0296894 A1 10/2015 Turlan-Van Der Hoeven et al.
 2015/0342265 A1 12/2015 Hays

FOREIGN PATENT DOCUMENTS

WO 03034853 5/2003
 WO 03034853 A1 5/2003
 WO 2009/133469 11/2009
 WO 2011/045655 4/2011

OTHER PUBLICATIONS

Spanx Skinny Britches Open-Bust Mid-Thigh Body, in Office Action dated Oct. 3, 2014, available at URL:http://www.spanx.com/...ar/style/open-bust/skinny-britches-open-bust-mid-thigh-body-zid38-1909/cat-38-catidfncat_spxsw_sty
 l_openb?CategoryOo mainName=SPXNA-38&varid=38-1909
 &t=pfm%3Ocategory%26pfmvalue%3Dfaceted.
 Skinny Britches Underbust Mid Thigh Shaper, in Office Action dated Oct. 3, 2014, available at URL: <http://shop.nordstrom.com/s/spanx-skinny-britchesunderbust-mid-thigh-shaper/3465205>
 Spanx Skinny Britches Super Open-Bust Mid-Thigh Body Shaper, in Office Action dated Oct. 3, 2014, available at URL: <http://www.zappos.com/spanx-skinnybritches-super-open-bust-mid-thigh-body-shaper?orderBy=latest>.
 Spanx Skinny Britches Open-Bust Mid-Thigh Body, in Office Action dated Oct. 3, 2014, available at URL: http://www.amazon.com/SPANX-Britches-Open-Bust-Mid-Thigh-Natural/dp/B00945C8QQ/ref=cm_cr_pr_pb_i.
 Hays, Non-Final Office Action dated Jan. 2, 2015, from copending Utility U.S. Appl. No. 13/957,101, filed Aug. 1, 2013.
 Hays et al, Notice of Allowance dated Apr. 11, 2014, in related Design U.S. Appl. No. 29/462,338, filed Aug. 1, 2013.
 Skinny Britches Mid-Thigh Shaper (on-line); in copending U.S. Appl. No. 29/462,332, Similar article for sale with reviews posted to Nordstrom.com as early as May 3, 2013. Retrieved from the internet on Feb. 2, 2015. URL: <http://shop.nordstrom.com/s/spanx-skinny-britches-mid-thigh-shaper/3465206>.
 Design U.S. Appl. No. 29/462,332, filed Aug. 1, 2013, and the prosecution history thereof.
 U.S. Appl. No. 13/957,101 to Tosha L. Hays, filed Aug. 1, 2013, and the prosecution history thereof.
 U.S. Appl. No. 29/462,332 to Tosha L. Hays and Sylma Colon-Otten, filed Aug. 1, 2013, and issued Jul. 14, 2015, and the prosecution history thereof.
 U.S. Appl. No. 29/462,338 to Tosha L. Hays and Sylma Colon-Otten, filed Aug. 1, 2013, and issued Jul. 14, 2015, and the prosecution history thereof.
 U.S. Appl. No. 29/488,6478 to Tosha L. Hays and Sylma Colon-Otten, filed Apr. 22, 2014, and the prosecution history thereof.
 U.S. Appl. No. 29/529,616 to Tosha L. Hays and Sylma Colon-Otten, filed Jun. 9, 2015, and the prosecution history thereof.
 U.S. Appl. No. 14/822,280 to Tosha L. Hays and Sylma Colon-Otten, filed Aug. 10, 2015, and the prosecution history thereof.

* cited by examiner

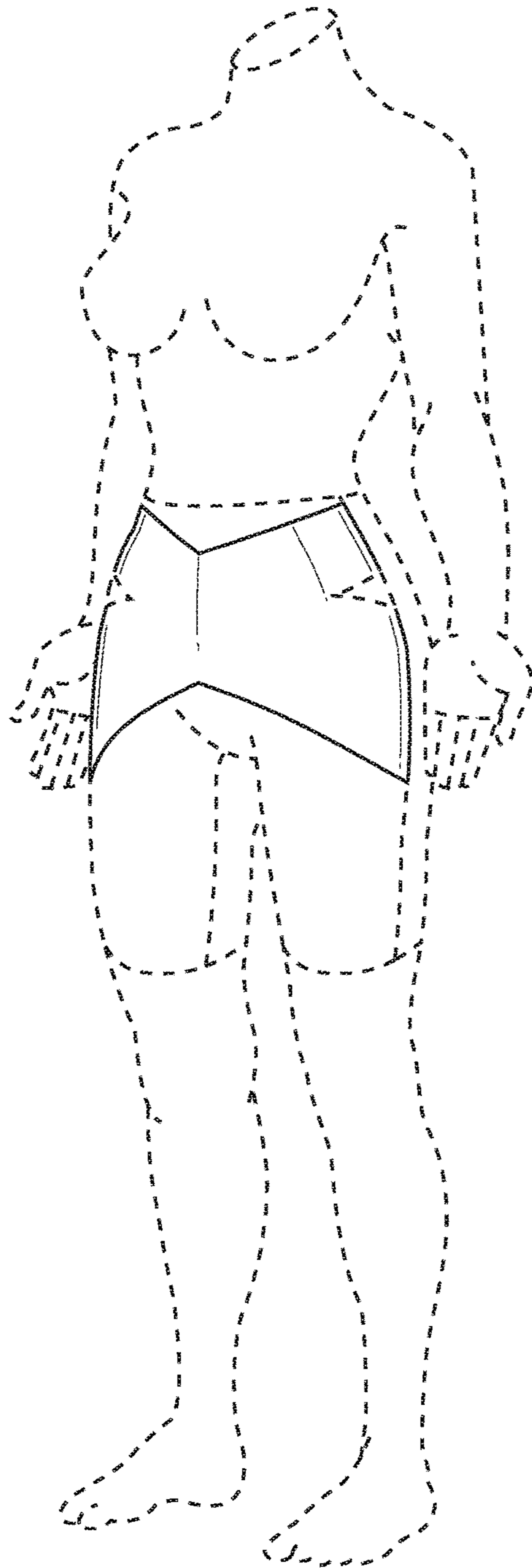


FIG. 1

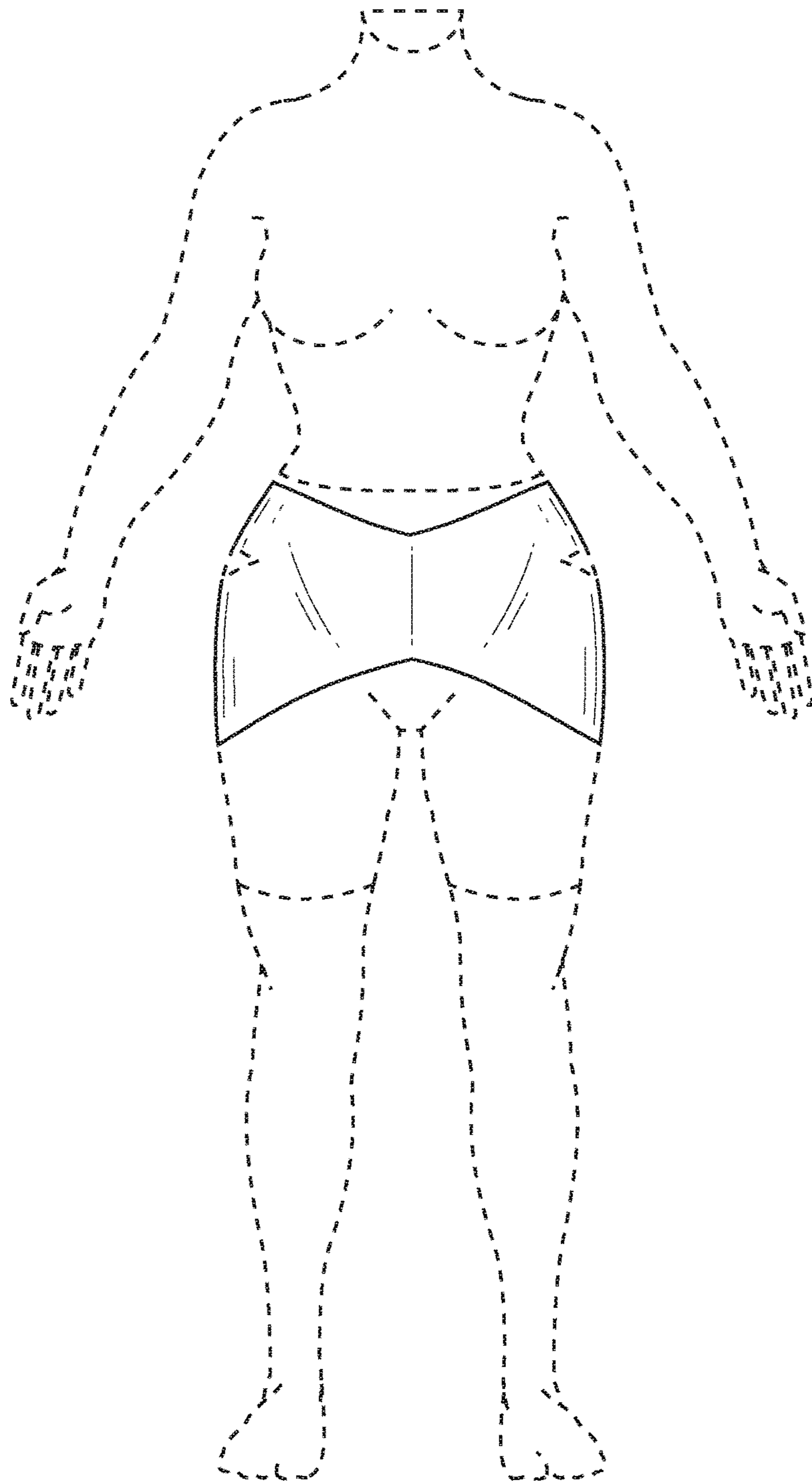


FIG. 2

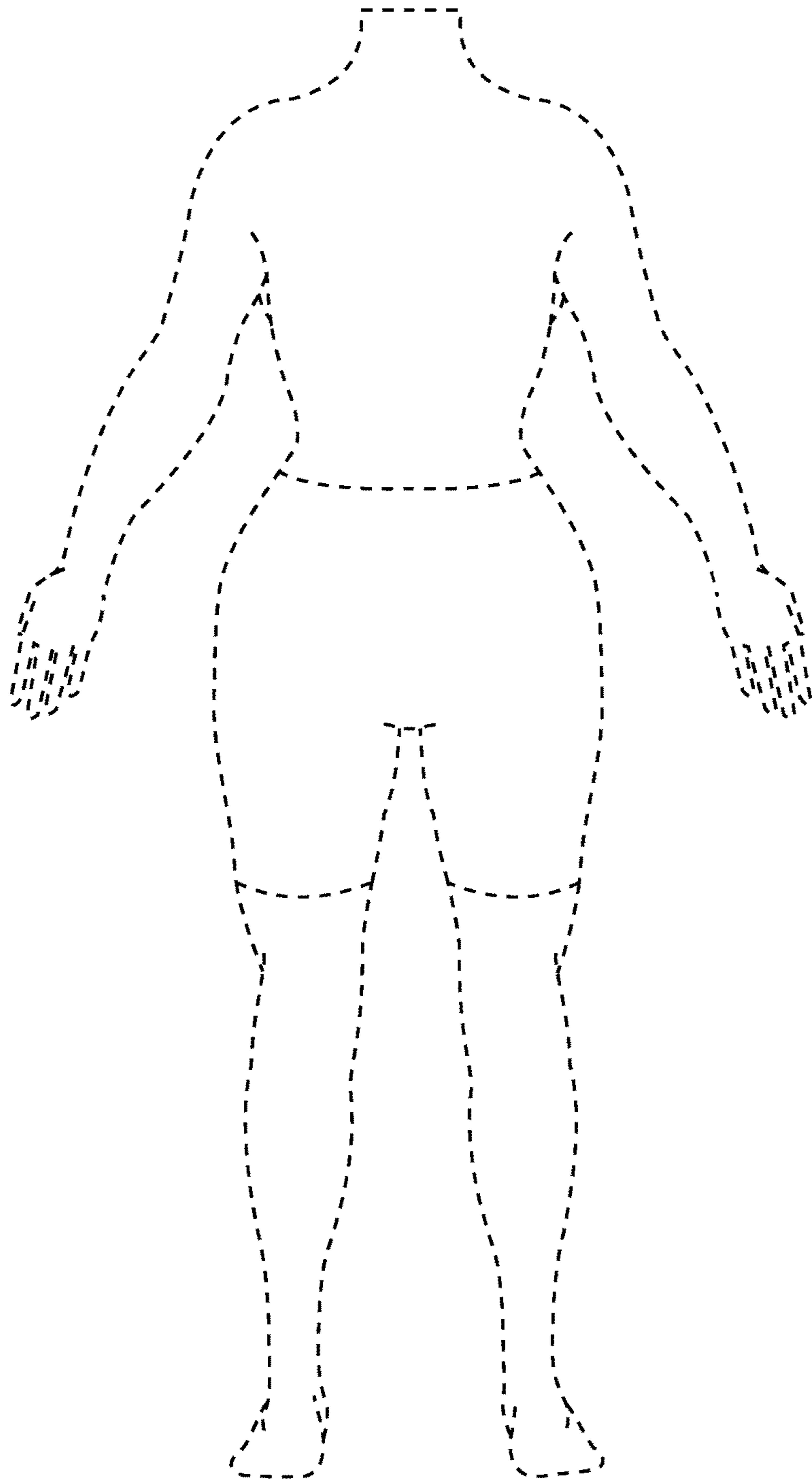


FIG. 3

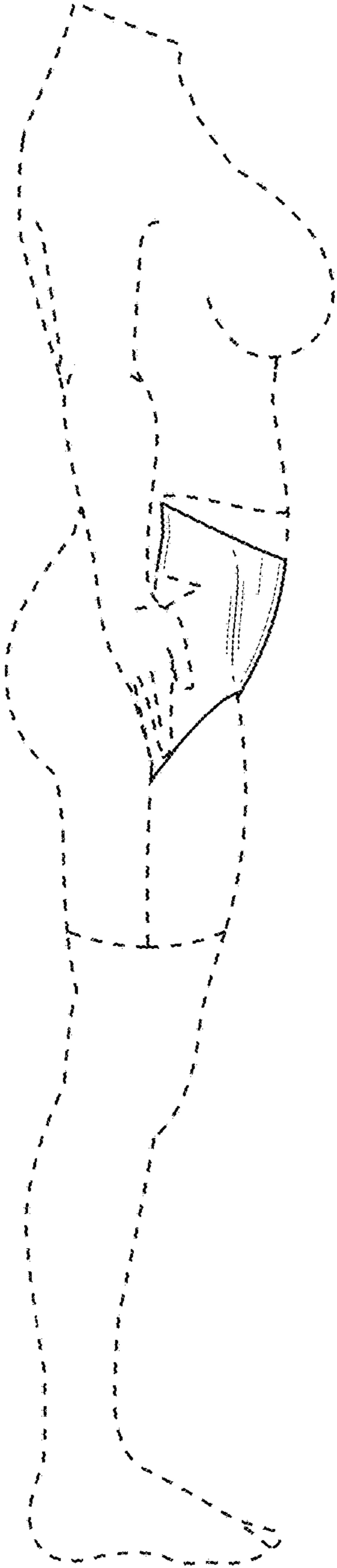


FIG. 4

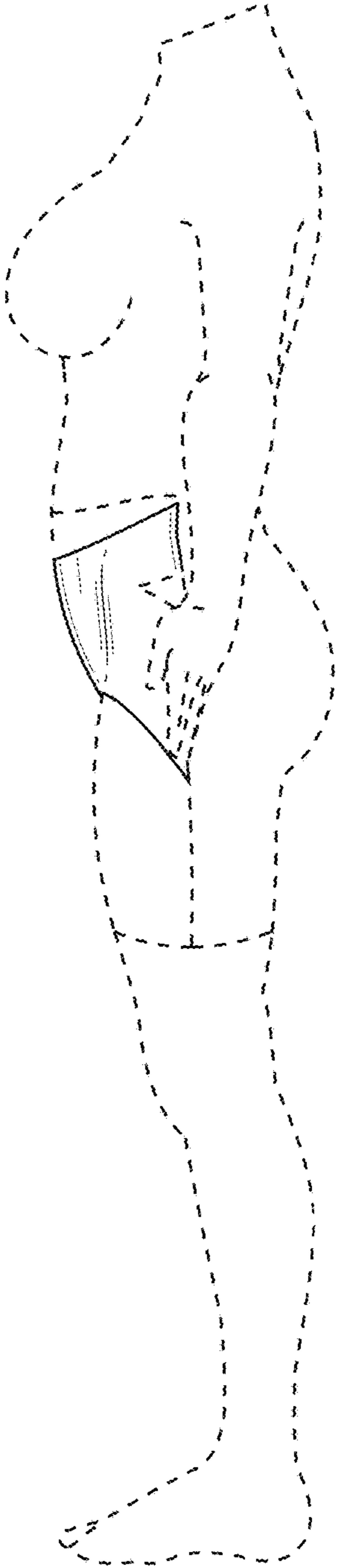


FIG. 5

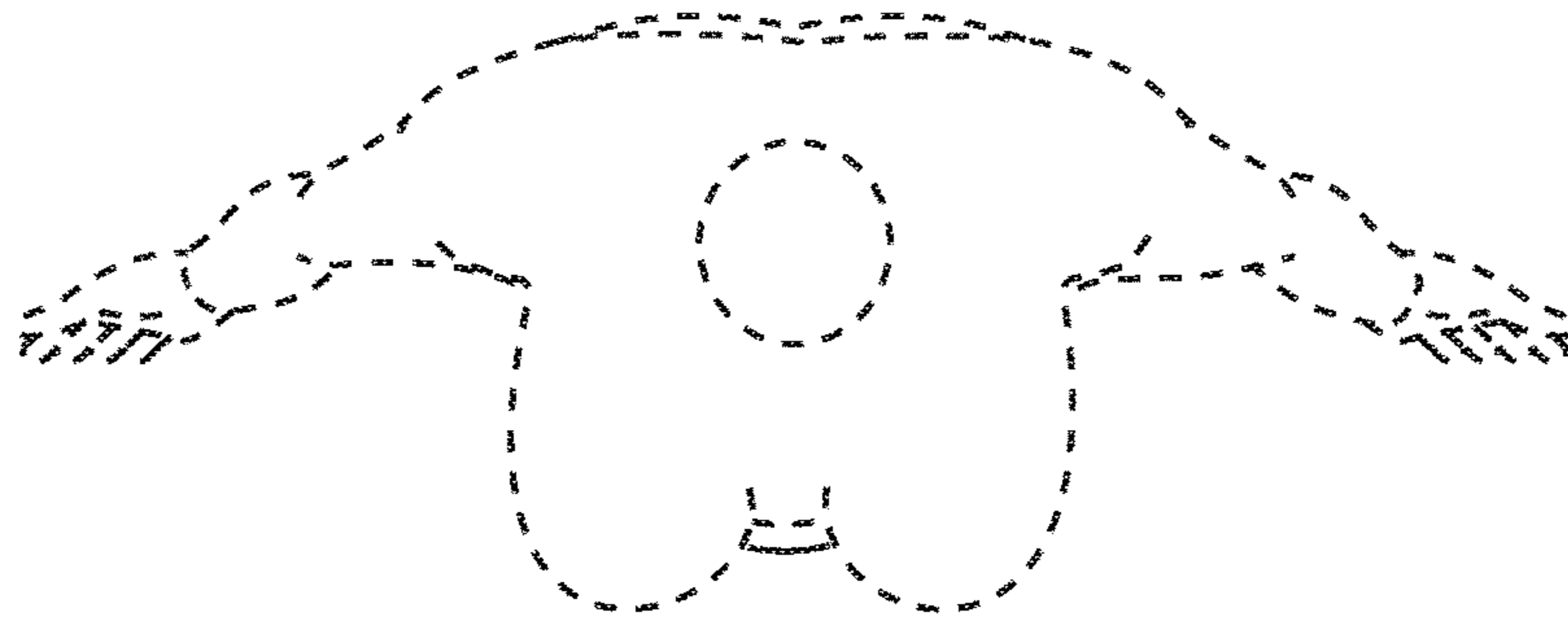


FIG. 6

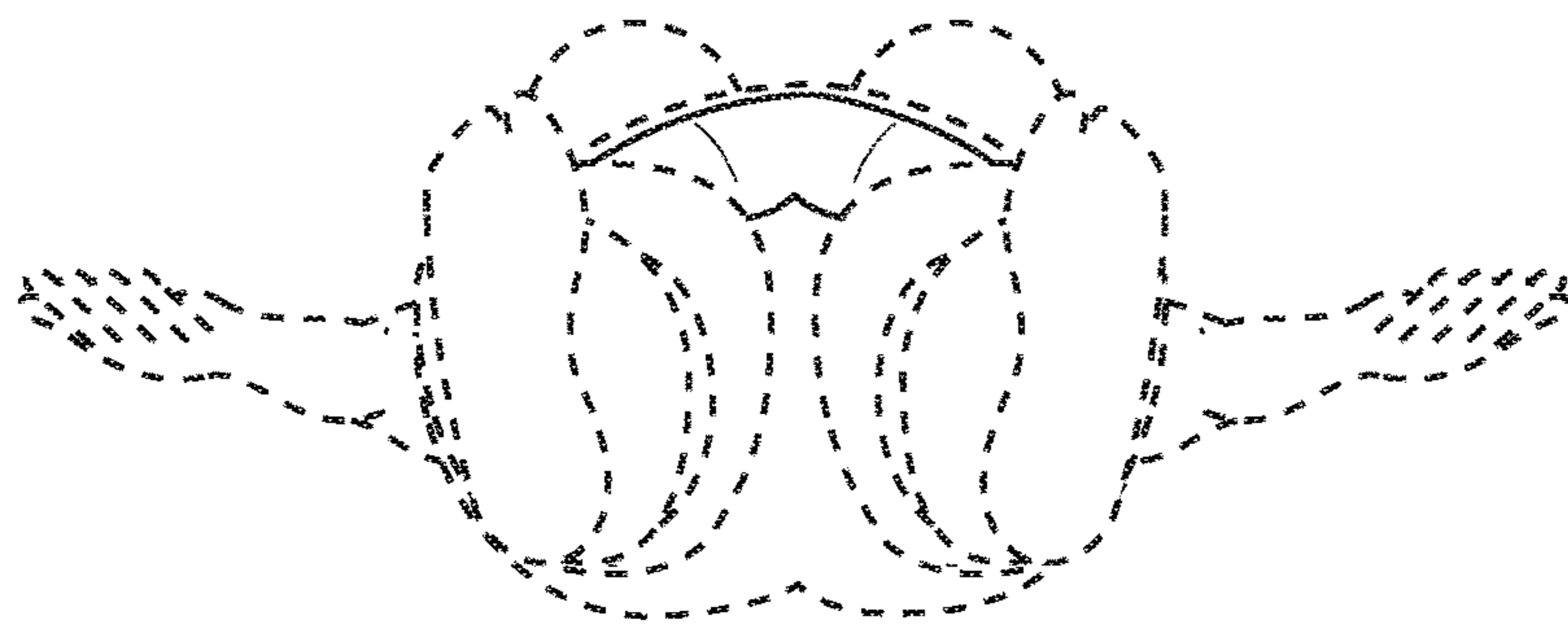


FIG. 7