



US00D800553S

(12) **United States Design Patent** (10) **Patent No.:** **US D800,553 S**  
**Fitzwater** (45) **Date of Patent:** **\*\* Oct. 24, 2017**

- (54) **CARTON BLANK**
- (71) Applicant: **GRAPHIC PACKAGING INTERNATIONAL, INC.**, Atlanta, GA (US)
- (72) Inventor: **Kelly R. Fitzwater**, Lakewood, CO (US)
- (73) Assignee: **Graphic Packaging International, Inc.**, Atlanta, GA (US)
- (\*\*) Term: **15 Years**
- (21) Appl. No.: **29/541,969**
- (22) Filed: **Oct. 9, 2015**

- (56) **References Cited**
- U.S. PATENT DOCUMENTS
- |               |         |                  |                       |
|---------------|---------|------------------|-----------------------|
| 359,435 A     | 3/1887  | Elliott          |                       |
| 1,516,090 A   | 11/1924 | Gary et al.      |                       |
| 2,108,343 A * | 2/1938  | McAllister ..... | B65D 27/08<br>206/299 |
| 2,132,966 A   | 10/1938 | O'Brien          |                       |
| 3,240,419 A   | 3/1966  | Spiering et al.  |                       |
- (Continued)

- FOREIGN PATENT DOCUMENTS
- |    |               |        |
|----|---------------|--------|
| CA | 2 586 472 A1  | 5/2006 |
| DE | 203 00 817 U1 | 4/2003 |
- (Continued)

- OTHER PUBLICATIONS
- Defendant's Statement of Case filed Oct. 26, 2015 in the United States District Court for the District of Minnesota, Case No. 15-cv-3476 (ADM/LIB).
- (Continued)

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- Related U.S. Application Data**
- (60) Continuation of application No. 29/524,201, filed on Apr. 17, 2015, now Pat. No. Des. 740,657, which is a continuation of application No. 29/469,960, filed on Oct. 16, 2013, now Pat. No. Des. 727,145, which is a division of application No. 29/444,521, filed on Jan. 31, 2013, now Pat. No. Des. 694,106, which is a continuation of application No. 13/046,901, filed on Mar. 14, 2011, now Pat. No. 8,440,947, which is a division of application No. 11/567,364, filed on Dec. 6, 2006, now Pat. No. 7,928,349.
  - (51) **LOC (10) Cl.** ..... **09-03**
  - (52) **U.S. Cl.**  
USPC ..... **D9/433**
  - (58) **Field of Classification Search**  
USPC ..... D9/414-418, 420-423, 430-434, D9/702-705, 709-713, 715; D3/302, D3/303; D7/601, 602  
CPC ..... B65D 5/00-5/02; B65D 5/0209-5/0272; B65D 5/2047; B65D 5/40; B65D 5/5455; B65D 5/727; B65D 31/10-31/18; B65D 35/04; B65D 35/56
- See application file for complete search history.

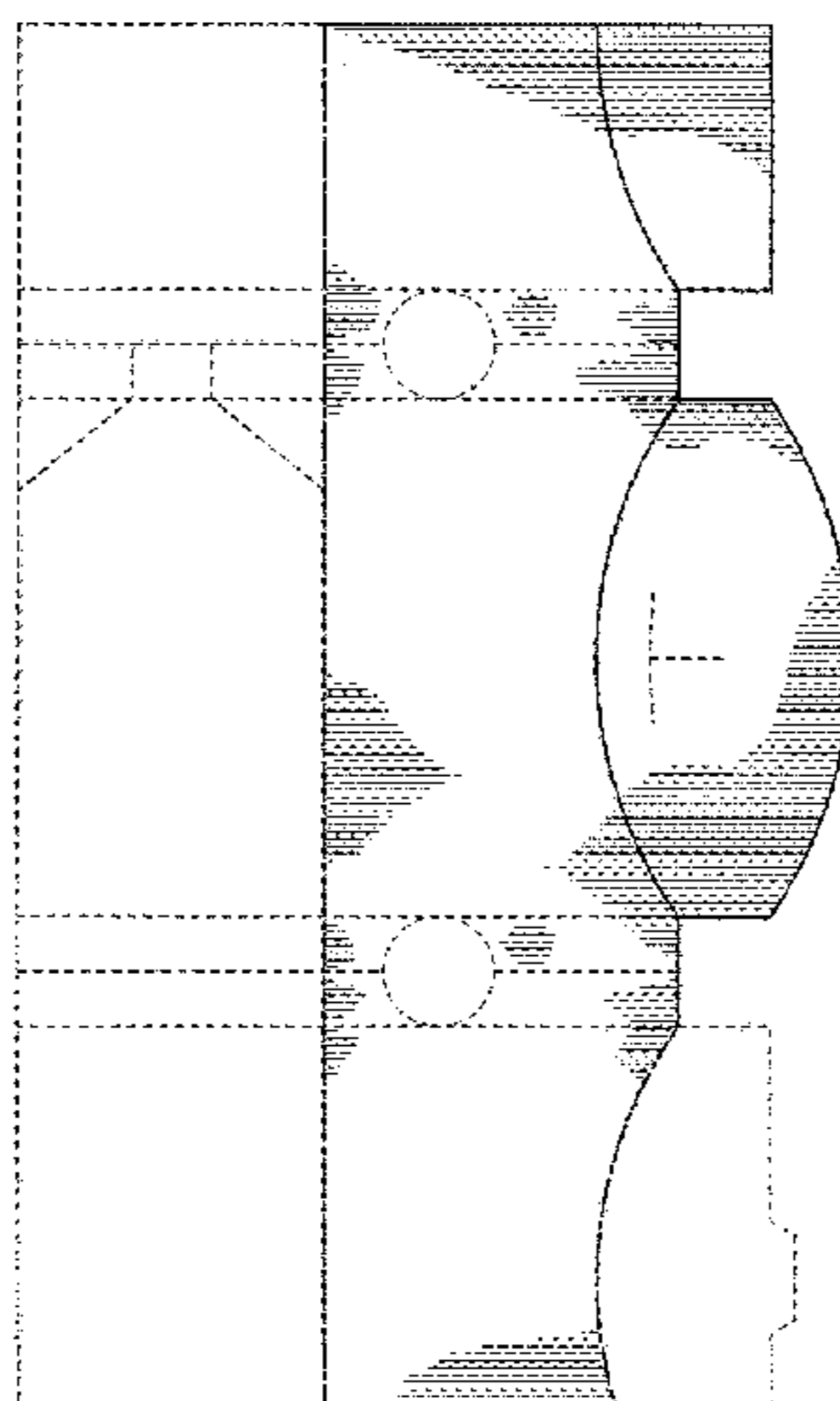
(57) **CLAIM**

The ornamental design for a carton blank, as shown and described.

**DESCRIPTION**

The sole FIGURE is a plan view of carton blank in accordance with the present invention. The broken lines shown herein depict environmental subject matter and form no part of the claimed design. The broken line in the form of an alternating series of relatively short dashes and relatively long dashes represents a boundary of the claimed design.

**1 Claim, 1 Drawing Sheet**



(56)

References Cited

U.S. PATENT DOCUMENTS

3,324,998 A 6/1967 Farquhar  
 3,637,130 A 1/1972 Farquhar  
 D234,396 S 2/1975 Killy  
 3,929,222 A \* 12/1975 Smith ..... B65D 5/0209  
 206/783  
 4,190,757 A 2/1980 Turpin et al.  
 4,228,945 A 10/1980 Wysocki  
 4,267,420 A 5/1981 Brastad  
 4,626,641 A 12/1986 Brown  
 4,775,771 A 10/1988 Pawlowski  
 4,780,587 A 10/1988 Brown  
 4,794,005 A 12/1988 Swiontek  
 4,865,921 A 9/1989 Hollenberg  
 4,890,439 A 1/1990 Smart  
 4,919,785 A 4/1990 Willey et al.  
 4,936,935 A 6/1990 Beckett  
 4,948,932 A 8/1990 Clough  
 4,963,424 A 10/1990 Beckett  
 5,034,234 A 7/1991 Andreas et al.  
 5,039,364 A 8/1991 Beckett  
 5,071,062 A 12/1991 Bradley et al.  
 5,078,273 A 1/1992 Kuchenbecker  
 5,096,723 A 3/1992 Turpin  
 5,117,078 A 5/1992 Beckett  
 5,175,404 A 12/1992 Andreas et al.  
 5,213,902 A 5/1993 Beckett  
 5,221,419 A 6/1993 Beckett  
 5,260,537 A 11/1993 Beckett  
 5,266,386 A 11/1993 Beckett  
 RE34,683 E 8/1994 Maynard  
 5,340,436 A 8/1994 Beckett  
 5,354,973 A 10/1994 Beckett  
 5,410,135 A 4/1995 Pollart  
 5,424,517 A 6/1995 Habeger  
 5,484,100 A 1/1996 Rigby  
 5,510,132 A 4/1996 Gallo, Jr.  
 D369,972 S 5/1996 Solheim  
 5,519,195 A 5/1996 Keefer  
 5,585,027 A 12/1996 Young  
 5,628,921 A 5/1997 Beckett  
 5,672,407 A 9/1997 Beckett  
 5,688,427 A 11/1997 Gallo, Jr.  
 5,759,422 A 6/1998 Schmelzer  
 5,800,724 A 9/1998 Habeger  
 5,938,110 A 8/1999 Bernstein  
 6,063,415 A 5/2000 Walters  
 6,114,679 A 9/2000 Lai  
 6,150,646 A 11/2000 Lai et al.  
 6,204,492 B1 3/2001 Zeng et al.  
 6,251,451 B1 6/2001 Zeng  
 D450,578 S 11/2001 Tomaselli et al.  
 6,414,290 B1 7/2002 Cole  
 6,433,322 B2 8/2002 Zeng et al.  
 6,455,827 B2 9/2002 Zeng  
 6,552,315 B2 4/2003 Zeng et al.  
 D484,798 S 1/2004 Bukowski  
 6,677,563 B2 1/2004 Lai  
 6,683,289 B2 1/2004 Whitmore et al.  
 6,717,121 B2 4/2004 Zeng  
 6,744,028 B2 6/2004 Chisholm et al.  
 6,765,182 B2 7/2004 Cole  
 6,877,634 B2 4/2005 Tramontina et al.  
 D573,458 S 7/2008 Anderson et al.  
 7,414,230 B2 8/2008 Fitzwater  
 D582,791 S \* 12/2008 Elmerhaus ..... D9/721  
 7,473,875 B2 1/2009 Fitzwater  
 D600,940 S 9/2009 Elias et al.  
 D604,607 S 11/2009 Elias et al.  
 D608,194 S 1/2010 Gajardo  
 7,667,167 B2 2/2010 Fitzwater  
 D621,282 S 8/2010 Yagi  
 D626,010 S 10/2010 Criss et al.  
 7,851,730 B2 \* 12/2010 Carmichael ..... B65D 81/3453  
 219/725  
 7,893,389 B2 2/2011 Fitzwater

D635,469 S 4/2011 Buitrago  
 7,928,349 B2 4/2011 Fitzwater  
 7,982,167 B2 7/2011 Fitzwater  
 D642,934 S 8/2011 Ly  
 8,061,265 B2 11/2011 Cambay  
 8,063,344 B2 11/2011 Cole et al.  
 D652,295 S 1/2012 Hipperson et al.  
 D657,261 S 4/2012 De Gast  
 D662,412 S 6/2012 Delaney et al.  
 D662,428 S 6/2012 Martinez Rodriguez  
 D664,444 S 7/2012 Delaney et al.  
 8,217,325 B2 7/2012 Russell et al.  
 D668,964 S 10/2012 Althoff  
 D670,557 S 11/2012 Hamina et al.  
 8,309,896 B2 11/2012 Fitzwater  
 8,440,947 B2 5/2013 Fitzwater  
 D694,106 S 11/2013 Fitzwater  
 D694,124 S 11/2013 Fitzwater  
 8,872,078 B2 10/2014 Fitzwater  
 D719,443 S 12/2014 Jones et al.  
 D727,145 S 4/2015 Fitzwater  
 D740,657 S 10/2015 Fitzwater  
 D743,810 S \* 11/2015 El-Afandi ..... D9/711  
 9,499,296 B2 \* 11/2016 Mills ..... A47G 21/001  
 D786,063 S \* 5/2017 Choi ..... D9/433  
 2003/0080120 A1 5/2003 Whitmore et al.  
 2003/0106899 A1 6/2003 Langen  
 2003/0206997 A1 11/2003 Winkelman et al.  
 2004/0023000 A1 2/2004 Young et al.  
 2004/0101605 A1 5/2004 Sigel  
 2005/0284865 A1 12/2005 Fogle et al.  
 2006/0049190 A1 3/2006 Middleton  
 2006/0096978 A1 5/2006 Lafferty et al.  
 2006/0113300 A1 6/2006 Wnek et al.  
 2007/0087090 A1 \* 4/2007 Russell ..... B65D 81/3446  
 426/113  
 2007/0131742 A1 6/2007 Fitzwater  
 2007/0131743 A1 6/2007 Fitzwater  
 2007/0131744 A1 6/2007 Fitzwater  
 2007/0131745 A1 6/2007 Fitzwater  
 2007/0138247 A1 6/2007 Fitzwater  
 2008/0308614 A1 12/2008 Fitzwater  
 2009/0039077 A1 2/2009 Fitzwater  
 2010/0193509 A1 8/2010 Fitzwater  
 2011/0163090 A1 7/2011 Fitzwater  
 2013/0026158 A1 1/2013 Fitzwater  
 2013/0142921 A1 6/2013 Fitzwater

FOREIGN PATENT DOCUMENTS

EP 1 452 458 A2 9/2004  
 FR 2 516 481 5/1983  
 FR 2 665 882 2/1992  
 FR 2 687 384 8/1993  
 GB 2 365 000 A 2/2002  
 JP 2002-347756 12/2002  
 JP 2003-63565 3/2003  
 JP 20040224402 A 8/2004  
 WO WO 2006/052326 A2 5/2006  
 WO WO 2007/067705 A1 6/2007  
 WO WO 2009/023286 A1 2/2009

OTHER PUBLICATIONS

U.S. Appl. No. 29/469,964, filed Oct. 16, 2013, Fitzwater.  
 U.S. Appl. No. 29/534,409, filed Jul. 28, 2015, Fitzwater.  
 Picture of HOT POCKETS® from 2002 Management Report for Nestlé.  
 International Search Report and Written Opinion—PCT/US2006/046755, dated Jun. 27, 2007, Graphic Packaging International, Inc.  
 International Search Report and Written Opinion—PCT/US2008/050578, dated May 28, 2008, Graphic Packaging International, Inc.  
 International Preliminary Report on Patentability—PCT/US2006/046755, dated Mar. 25, 2008, Graphic Packaging International, Inc.  
 International Preliminary Report on Patentability—PCT/US2008/050578, dated Feb. 25, 2010, Graphic Packaging International, Inc.

(56)

**References Cited**

OTHER PUBLICATIONS

European Search Report—EP App. No. 10004338, dated Jun. 4, 2010, Graphic Packaging International, Inc.

European Search Report—EP App. No. 11005496, dated Sep. 8, 2011, Graphic Packaging International, Inc.

European Search Report—EP App. No. 11005497, dated Sep. 8, 2011, Graphic Packaging International, Inc.

European Search Report—EP App. No. 1200441, dated Aug. 10, 2012, Graphic Packaging International, Inc.

United States Patent and Trademark Office, Petition for Inter Partes Review of U.S. Pat. No. 8,872,078, *Inline Packaging, LLC* (Petitioner) v. *Graphic Packaging International, Inc.* (Patent Owner), filed Jul. 22, 2015.

Exhibit 1003—Declaration of Dr. Claire Koelsch Sand Ph.D.; United States Patent and Trademark Office, Petition for Inter Partes Review of U.S. Pat. No. 8,872,078, *Inline Packaging, LLC* (Petitioner) v. *Graphic Packaging International, Inc.* (Patent Owner), filed Jul. 22, 2015.

Exhibit 1018—Redlined Comparisons of Independent Claims of U.S. Pat. No. 8,872,078; United States Patent and Trademark Office, Petition for Inter Partes Review of U.S. Pat. No. 8,872,078, *Inline Packaging, LLC* (Petitioner) v. *Graphic Packaging International, Inc.* (Patent Owner), filed Jul. 22, 2015.

\* cited by examiner

