



US00D800844S

(12) **United States Design Patent**  
**Côté**

(10) **Patent No.:** **US D800,844 S**  
(45) **Date of Patent:** **\*\* Oct. 24, 2017**

(54) **CONSTRUCTION SET ELEMENT**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **MEGA Brands Inc.**, Montreal (CA)

WO 2015/078479 A1 6/2015

(72) Inventor: **Geneviève Côté**, St-Constant (CA)

OTHER PUBLICATIONS

(73) Assignee: **MEGA Brands Inc.**, Montreal, Quebec (CA)

Office Action dated Nov. 29, 2016, from Mexican Industrial Design Application No. MX/f/2015/003781, and machine translation thereof.

(\*\*) Term: **15 Years**

(Continued)

(21) Appl. No.: **29/596,255**

*Primary Examiner* — Cynthia M Chin

(22) Filed: **Mar. 7, 2017**

(74) *Attorney, Agent, or Firm* — Plumsea Law Group, LLC

**Related U.S. Application Data**

(63) Continuation of application No. 29/556,012, filed on Feb. 26, 2016, now Pat. No. Des. 786,983, which is (Continued)

(51) **LOC (10) Cl.** ..... **21-01**

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

USPC ..... **D21/491**; D21/501

(58) **Field of Classification Search**

USPC ..... D21/386, 389, 404, 468, 470, 471, D21/484–505; 446/69, 85, 102–128; 434/208, 259, 403; 273/153, 156, 160  
CPC ..... A63H 33/00; A63H 33/04; A63H 33/044; A63H 33/06; A63H 33/08; A63H 33/084; A63H 33/086; A63H 33/088; A63H 33/10; A63H 33/12; A63H 33/105; A63H 33/108; A63H 3/00; A63H 3/16; A63H 3/46; E04C 1/00; E04C 1/40; E04B 2/14; E04B 2/16; E04B 2/18

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D236,223 S 8/1975 McAllister et al.  
D249,976 S \* 10/1978 Gronert ..... D21/491  
(Continued)

(57) **CLAIM**

The ornamental design for a construction set element, as shown and described.

**DESCRIPTION**

FIG. 1 is a top perspective view of a construction set element showing the new design;

FIG. 2 is a bottom perspective view of the construction set element of FIG. 1;

FIG. 3 is a top plan view of the construction set element of FIG. 1;

FIG. 4 is a bottom plan view of the construction set element of FIG. 1;

FIG. 5 is a left side elevational view of the construction set element of FIG. 1;

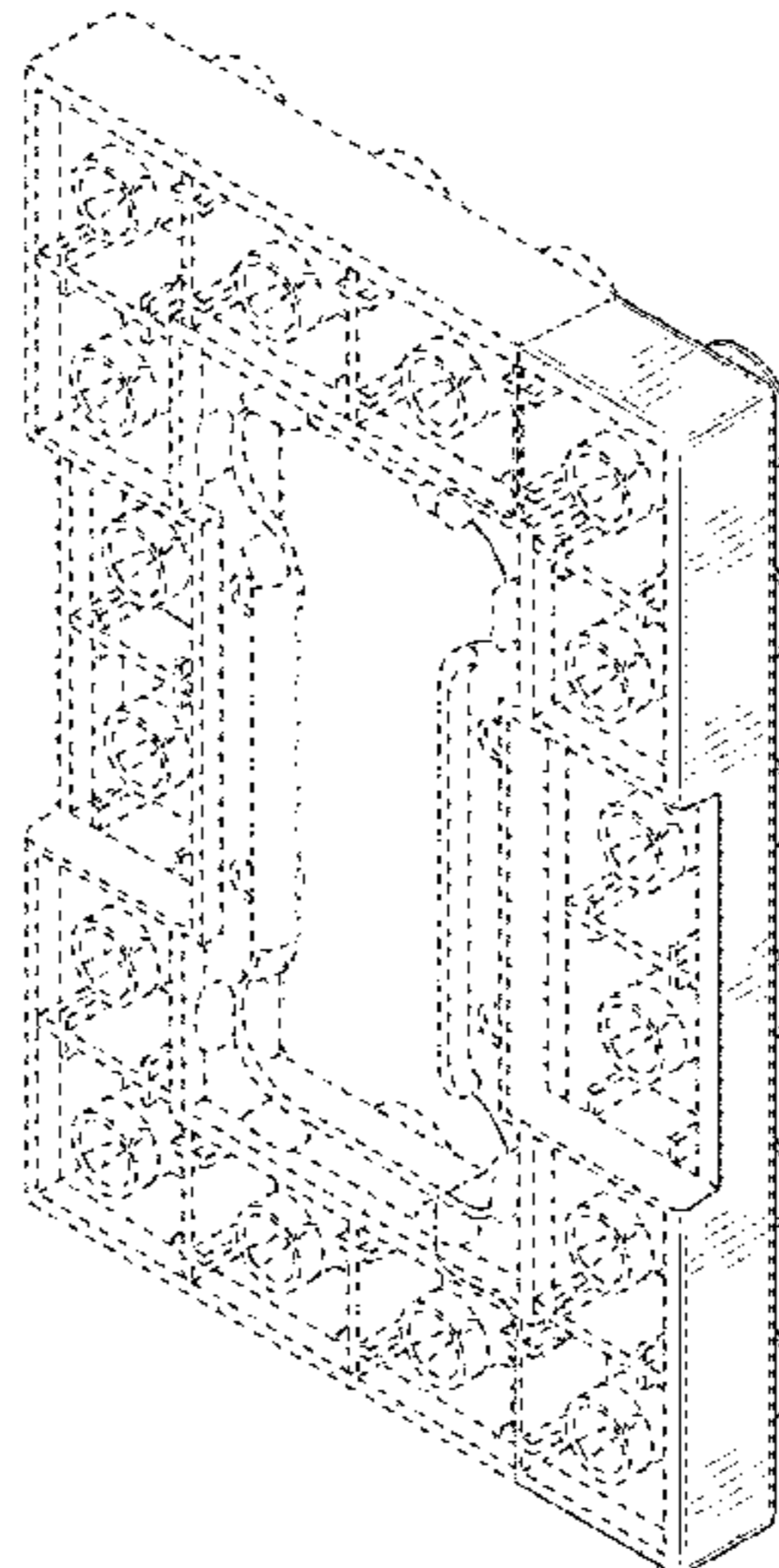
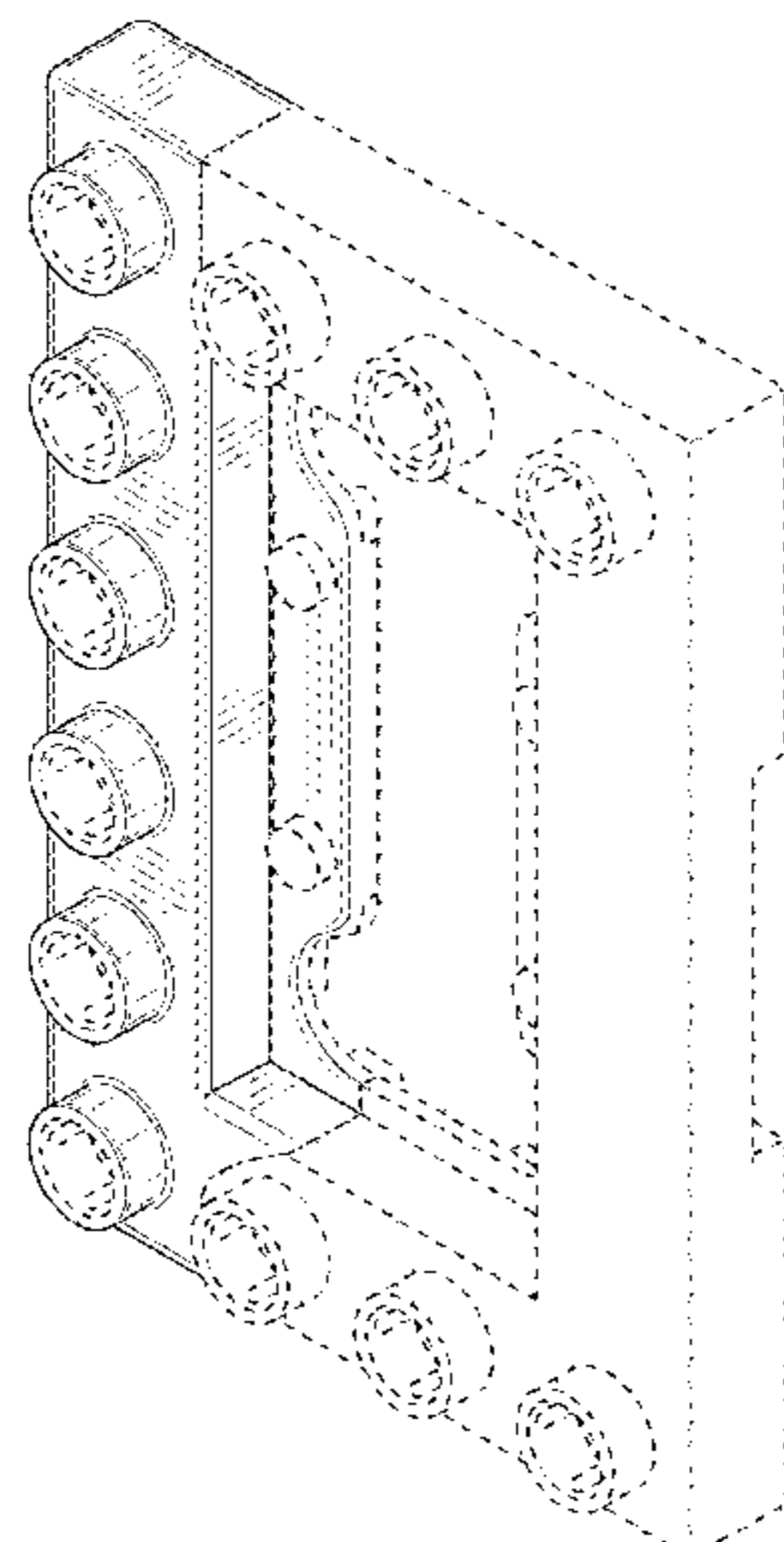
FIG. 6 is a right side elevational view of the construction set element of FIG. 1;

FIG. 7 is a front elevational view of the construction set element of FIG. 1; and,

FIG. 8 is a rear elevational view of the construction set element of FIG. 1.

The evenly spaced broken lines and unshaded surfaces are included to identify parts of the article's appearance that form no part of the claimed design. The dash-dot broken lines define the boundaries of the claimed design and form no part thereof.

**1 Claim, 6 Drawing Sheets**



**Related U.S. Application Data**

a continuation-in-part of application No. 29/530,408,  
filed on Jun. 16, 2015, now Pat. No. Des. 777,845.

D759,980 S \* 6/2016 Toth ..... D6/300  
D777,845 S \* 1/2017 Marcil ..... D21/491  
D784,459 S \* 4/2017 Wallace ..... D21/491

(56)

**References Cited**

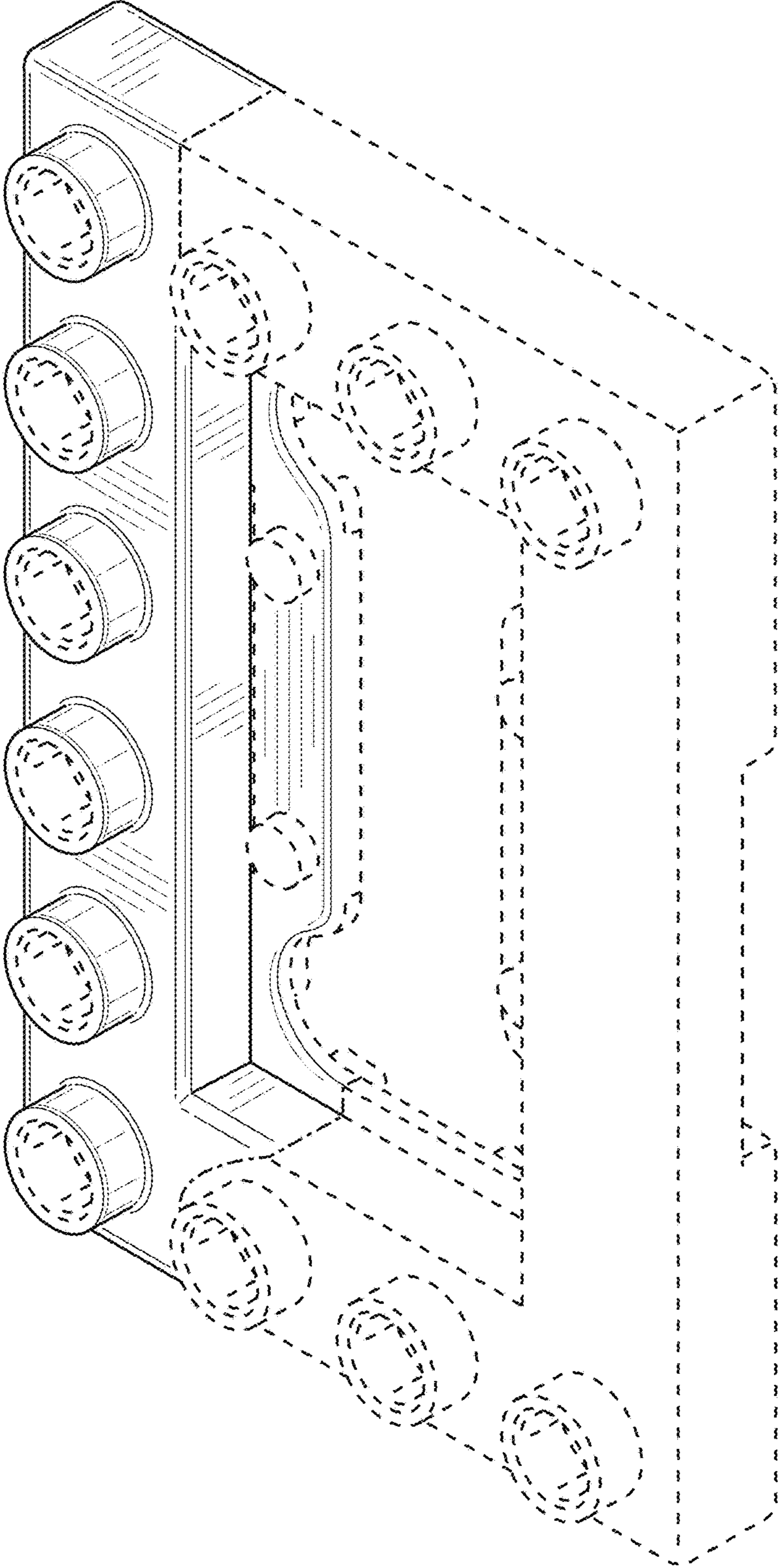
**U.S. PATENT DOCUMENTS**

D284,611 S	7/1986	Cotney et al.	
D290,628 S	6/1987	Dideriksen	
D296,343 S	6/1988	Knudsen	
D297,033 S	8/1988	Yamada	
D313,436 S	1/1991	Erickson	
D335,159 S *	4/1993	Olsen .....	D21/503
D360,659 S	7/1995	Knudsen	
D375,331 S	11/1996	Pagel	
D380,789 S	7/1997	Gabriel	
D395,470 S *	6/1998	Rahbek .....	D21/484
5,810,639 A *	9/1998	Liu .....	A63H 33/10 446/102
5,876,261 A *	3/1999	Bach .....	A63H 33/044 446/105
D422,035 S	3/2000	Cyrus	
7,666,054 B2	2/2010	Glickman et al.	
D612,434 S *	3/2010	Christensen .....	D21/491
D614,250 S	4/2010	Frederiksen	
D624,605 S *	9/2010	Kichijo .....	D21/501
D683,409 S	5/2013	Lomax et al.	
D701,919 S	4/2014	Madsen	
D731,595 S	6/2015	Jensen	
D731,596 S	6/2015	Jensen	
D736,862 S	8/2015	Karunaratne	
D748,203 S	1/2016	Karunaratne	

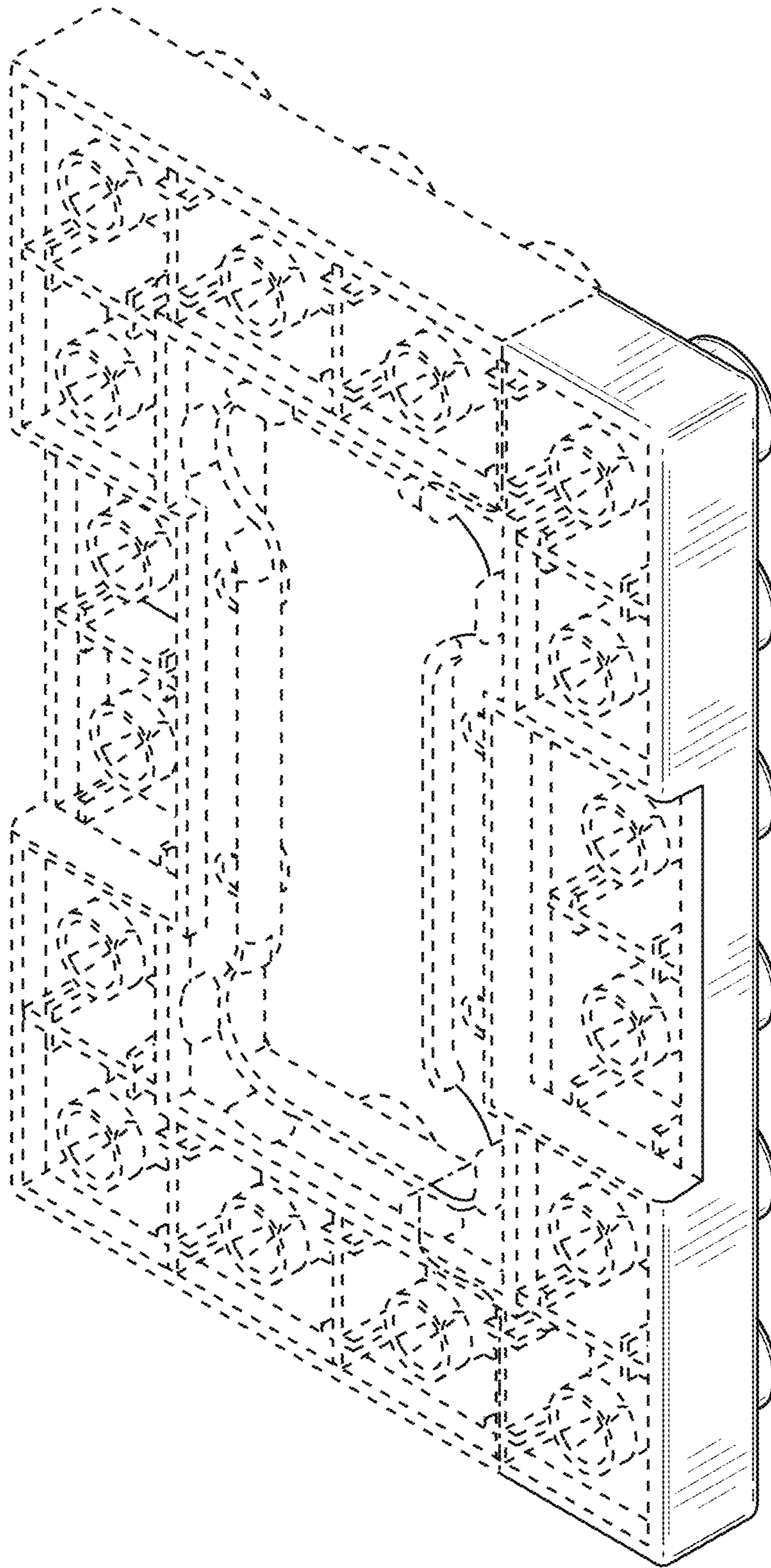
**OTHER PUBLICATIONS**

Photograph of Box for Mega Bloks toy construction set No. 327U, "Dora Blok Town Playground," set sold in 2010, 1 page.  
Excerpt of 2010 Mega Bloks Catalog, showing Mega Bloks toy construction set No. 3057, "Park Adventure (Dora)," 1 page.  
Photographs of Box for Mega Bloks toy construction set No. 3057, "Dora's Park Adventure," set sold in 2010, 2 pages.  
Excerpt of 2012 Mega Bloks Catalog, showing Mega Bloks Chuggington toy construction set Nos. 96624 ("Go Koko Go!"), 96627 ("RoundHouse Racing"), and 96629 ("JetPack Adventure"), 2 pages.  
Mega Bloks Chuggington toy construction set No. 96629 ("Jet-Pack Adventure") instruction manual, 2011, 20 pages.  
Image of Mega Bloks frame part; part sold in 2010, 1 page.  
Image of Mega Bloks frame part; part sold in 2012, 1 page.  
Canadian Industrial Design Application No. 165841 filed Dec. 14, 2015.  
Canadian Intellectual Property Office Examiner's Report dated Mar. 1, 2016, from Canadian Industrial Design Application No. 165841. Office Action Response filed Oct. 17, 2016 in Mexican Industrial Design Application No. MX/f/2015/003781, and machine translation thereof.  
Response to Office Action, dated Jun. 5, 2017, from Mexican Industrial Design Application No. MX/f/2015/003781, and machine English translation thereof.

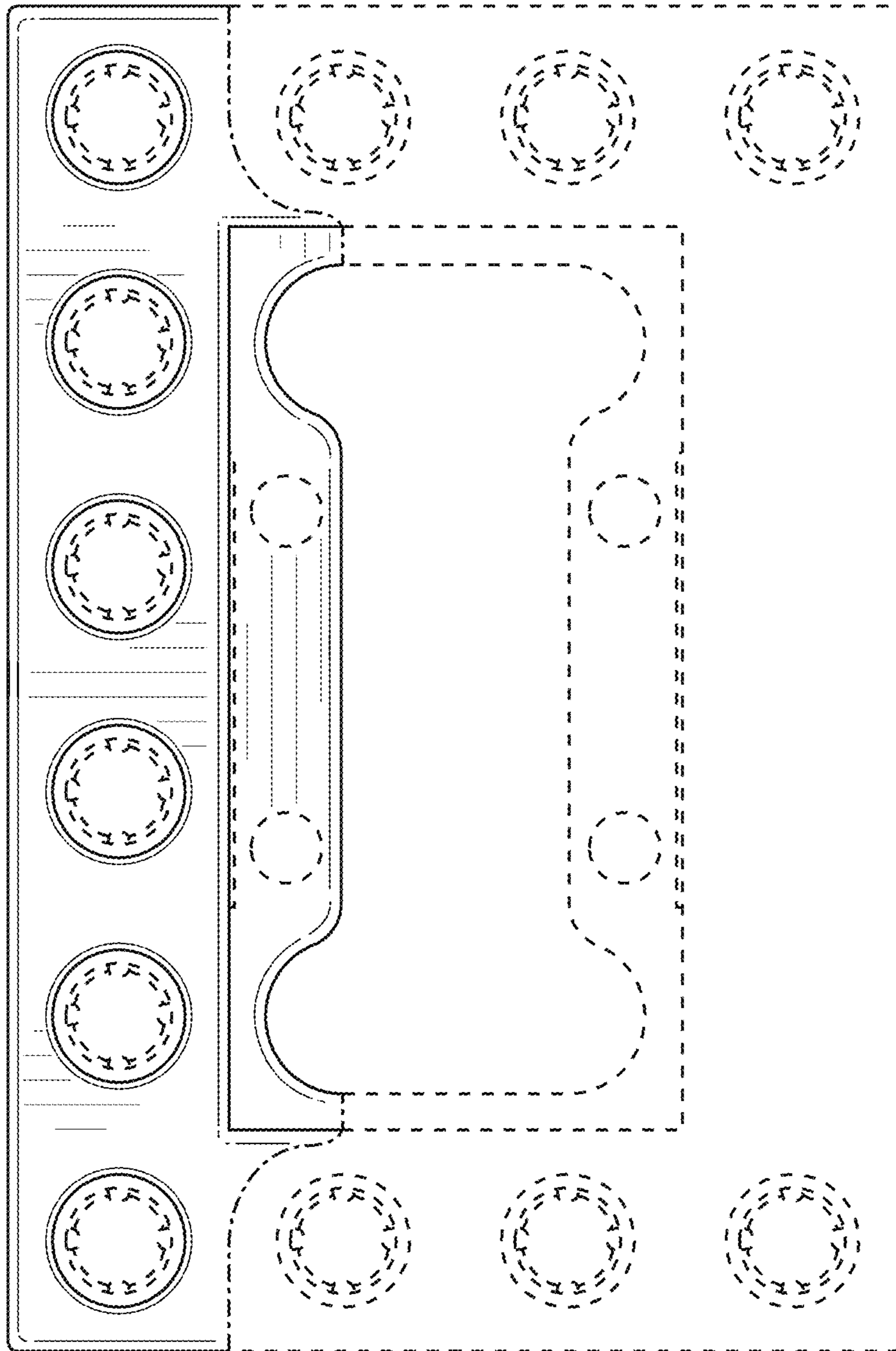
\* cited by examiner



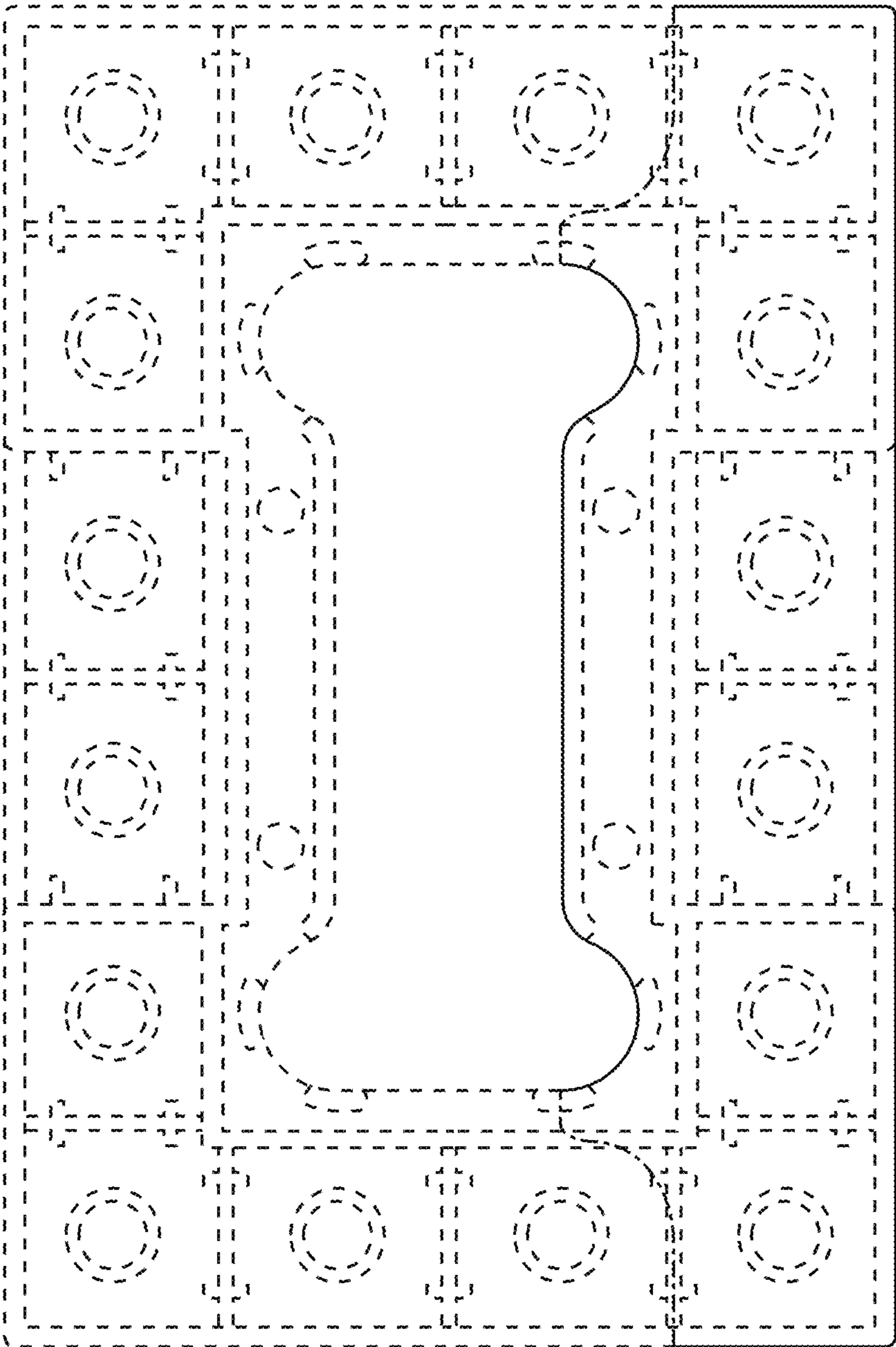
**FIG. 1**



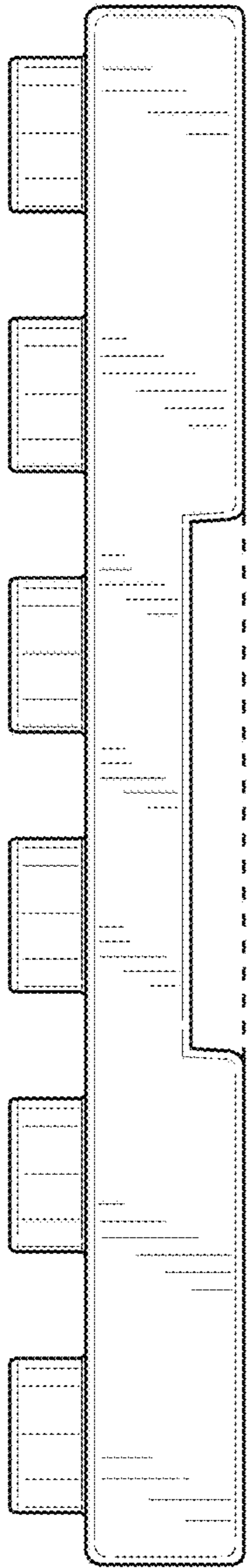
**FIG. 2**



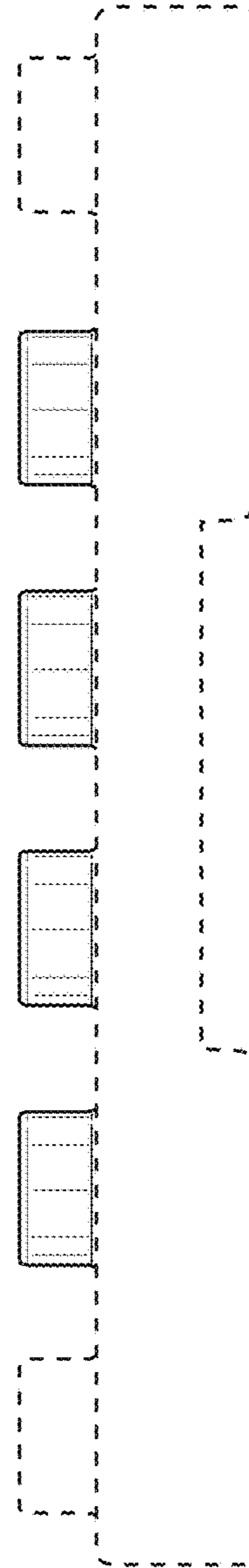
**FIG. 3**



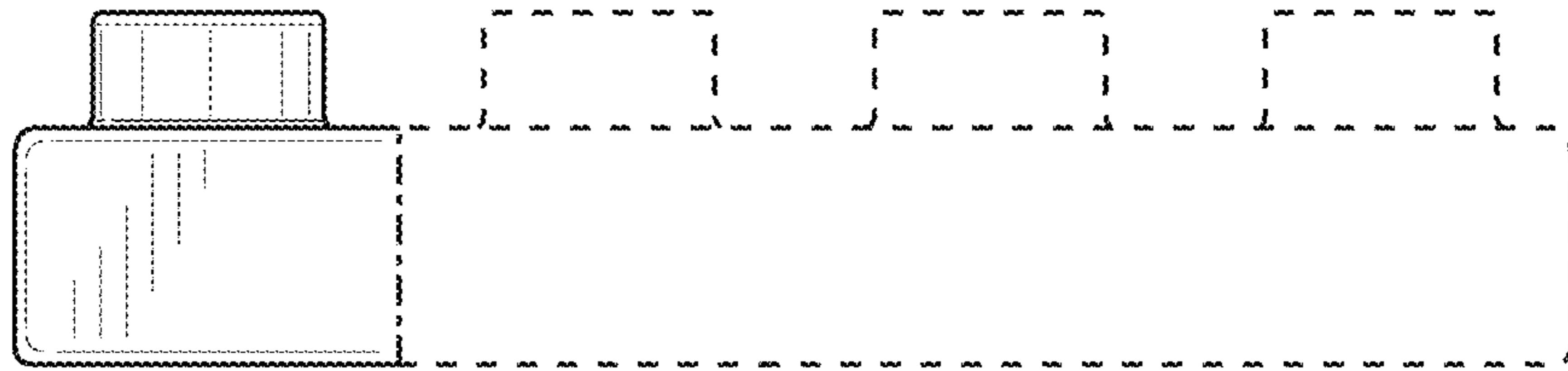
**FIG. 4**



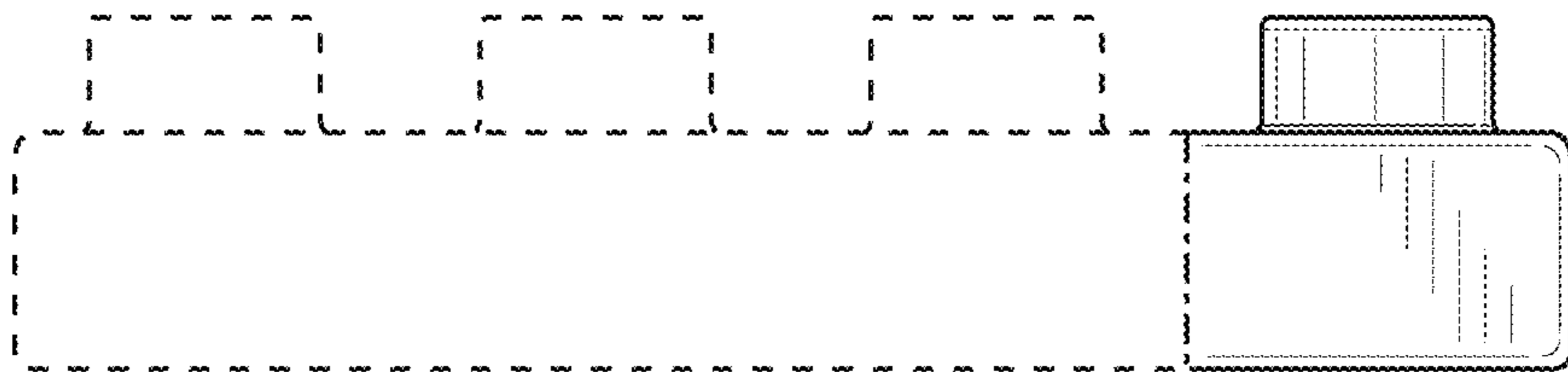
**FIG. 5**



**FIG. 6**



**FIG. 7**



**FIG. 8**