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(12) **United States Design Patent** (10) **Patent No.:** **US D802,851 S**
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(54) **BIRDSEED TOTE**

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

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(52) **U.S. Cl.**
USPC **D30/124; D30/199; D7/602**

(58) **Field of Classification Search**
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119/52.1, 51.11, 51.12, 77, 51.01;
D7/305, 300, 312, 316-321, 598, 600,
D7/589, 601, 602, 605, 619.1, 622, 629,
D7/590, 413; D9/435, 436, 439, 440,
D9/447, 516, 517, 523, 526-533, 563,
D9/575, 543, 453, 454, 683; D32/53.1,
D32/54; D23/212, 211, 211.1, 211.2,
D23/213, 223, 225, 228, 202; D10/46.2;
222/566, 544, 465.1; 220/62.12, 62.13,
220/62.22, 771, 710.5, 752, 755, 761;
206/459.5; D3/272, 273, 294

CPC A01K 5/0225; A01K 5/0275; A01K 5/01;
A01K 5/0107; A01K 5/0114; A01K
5/0135; A01K 5/0283; A01K 5/00; A01K
7/00; A47J 31/00; A47J 31/005; A47J
31/14; A47J 31/40; A47J 31/407; A47J
31/44; A47J 31/4403; A47J 31/4407;
A47J 31/46; A47J 31/462; A47J 31/465;
A47J 31/467; A47J 31/54; A47J 36/14;
B65D 2501/00; B65D 2501/0009; B65D
2501/0018; B65D

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

795,408 A * 7/1905 Nebinger B65D 81/3222
222/129
D62,233 S * 4/1923 Gray D23/212
(Continued)

OTHER PUBLICATIONS

“Roll-n-fill Easy to Fill steps for RollerFeeder Bird Feeder”
uploaded by RollerFeeder, Sep. 2, 2013 [retrieve Jul. 8, 2016]
Retrieved from the Internet <URL: <https://www.youtube.com/watch?v=qvibSJ5LEaQ>>.

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(57) **CLAIM**

The ornamental design for a birdseed tote, as shown and described.

DESCRIPTION

FIG. 1 is a top rear perspective view of a bird seed tote showing our new design.

FIG. 2 is a bottom rear perspective view of the birdseed tote.

FIG. 3 is a top front perspective view of the birdseed tote.

FIG. 4 is a bottom front perspective view of the birdseed tote.

FIG. 5 is a first side view of the birdseed tote.

FIG. 6 is a second side view of the birdseed tote.

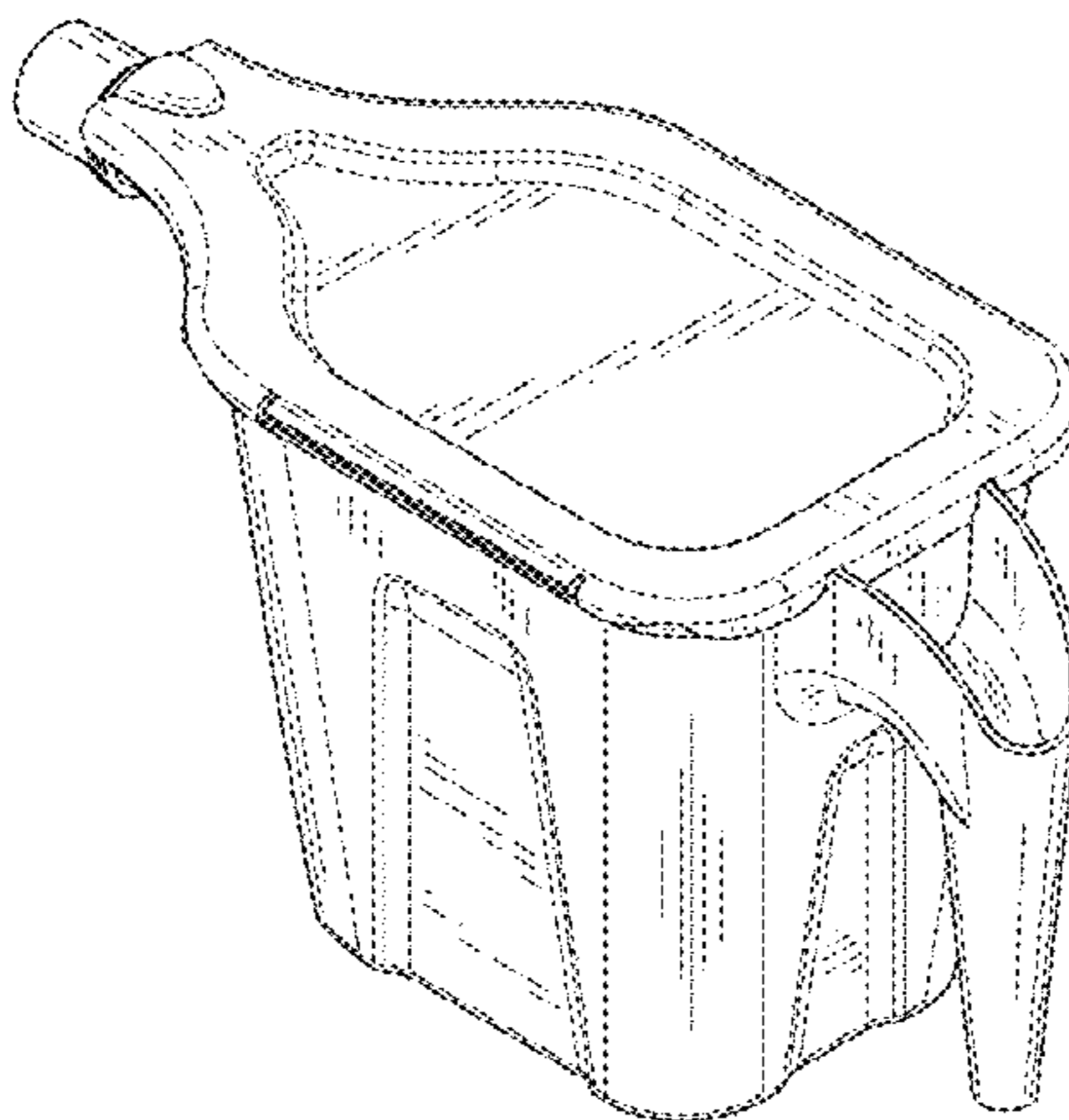
FIG. 7 is a front view of the birdseed tote.

FIG. 8 is a rear view of the birdseed tote.

FIG. 9 is a top view of the birdseed tote; and,

FIG. 10 is a bottom view of the birdseed tote.

1 Claim, 10 Drawing Sheets



(58) **Field of Classification Search**

CPC 2501/0054; B65D 2501/0081; B65D
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 23/00; B65D 23/10; B65D 23/104; B65D
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 25/2802; B65D 25/2805; B65D 25/2811;
 B65D 25/40; B65D 25/42; B65D 25/52;
 B65D 47/04; B65D 47/06; B65D 47/08;
 B65D 47/0804; B65D 47/0857; B65D
 47/122; B65D 77/00; B65D 77/003;
 B65D 85/00; B65D 85/70; B65D 83/06;
 B65D 2251/02; B65D 2251/00; B65D
 2251/07

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,872,771 A * 8/1932 Little B65D 83/00
 220/740
 D158,985 S * 6/1950 Lorenzen D24/123
 2,516,513 A * 7/1950 Gall, Jr. G01F 19/00
 215/DIG. 5
 D160,516 S * 10/1950 Marsh 222/465.1
 D163,117 S * 5/1951 Hobbs D7/318
 D173,455 S * 11/1954 Reinecke et al. D7/317
 2,805,561 A * 9/1957 Emmert A47G 19/12
 215/12.1
 D181,621 S * 12/1957 Blod D7/317
 D185,736 S * 7/1959 Cole D7/612
 D187,612 S * 4/1960 Wistrand D7/317
 3,016,169 A * 1/1962 Kirshenbaum B44D 3/123
 220/697
 D192,969 S * 6/1962 Vollmann D7/318
 3,081,010 A * 3/1963 Tupper B65D 47/0895
 222/465.1
 D199,037 S * 9/1964 Jackson et al. D7/318
 D208,276 S * 8/1967 Moore D32/53
 D211,047 S * 5/1968 Johnson 294/180
 3,419,196 A * 12/1968 Moore B65D 1/22
 119/72
 D214,392 S * 6/1969 Gulotta D7/316
 D215,566 S * 10/1969 Gilson D24/123
 D216,216 S * 12/1969 Kriegel D7/317
 D217,178 S * 4/1970 Crider D7/317
 3,512,686 A * 5/1970 Penniman B65D 51/04
 222/472
 D219,164 S * 11/1970 Gropius D7/317
 3,700,146 A * 10/1972 Cousins A47G 19/23
 222/465.1
 D227,535 S * 7/1973 Grimes D7/318
 3,760,972 A * 9/1973 McKirnan A47G 19/12
 206/515
 3,841,528 A * 10/1974 Eisenberg A47G 19/12
 16/DIG. 13
 3,861,565 A * 1/1975 Rickmeier, Jr. A47G 19/12
 215/12.1
 D241,248 S * 8/1976 Burke et al. D23/212
 D243,500 S * 3/1977 Cooper D10/46.2
 4,027,775 A * 6/1977 Mygatt, Jr. B65D 21/0233
 215/253
 D247,737 S * 4/1978 Alexander D7/312
 4,188,913 A * 2/1980 Earl
 D257,312 S * 10/1980 Conti D7/319
 D266,450 S * 10/1982 Swett D23/212
 D266,690 S * 10/1982 Levin D23/212
 D268,158 S * 3/1983 Doyel D10/46.3
 4,412,630 A * 11/1983 Daenen B65D 43/0218
 220/792
 D272,704 S * 2/1984 Smith D10/46.2
 D284,728 S * 7/1986 Trivison D7/629
 D286,367 S * 10/1986 Murphy D7/300.1

D287,324 S * 12/1986 Schmidt D10/46.2
 D287,325 S * 12/1986 Schmidt D10/46.2
 D293,377 S * 12/1987 Chadbourne D24/122
 D306,324 S * 2/1990 Dykes D21/472
 D311,665 S * 10/1990 Carlson D7/622
 D313,555 S * 1/1991 Jordi D7/316
 4,993,603 A * 2/1991 Polhemus B65D 51/02
 222/472
 D321,328 S * 11/1991 Duquet D10/46.2
 D330,485 S * 10/1992 Daenen D7/596
 5,205,444 A * 4/1993 Polhemus A47G 19/12
 222/472
 D336,590 S * 6/1993 Barnard D7/376
 D342,817 S * 12/1993 Lippisch D34/1
 D345,832 S * 4/1994 Frazee D32/53.1
 D345,833 S * 4/1994 Truran D32/54
 D346,720 S * 5/1994 Onneweer D7/538
 D350,876 S * 9/1994 VanValkenburg D7/612
 D351,090 S * 10/1994 Narsutis D7/629
 D353,241 S * 12/1994 Breen D32/53
 5,400,916 A * 3/1995 Weber B44D 3/126
 15/257.05
 D369,755 S * 5/1996 Burcham D10/46.2
 D375,873 S * 11/1996 Ahern, Jr. D7/602
 D377,733 S * 2/1997 Ahern, Jr. D7/391
 D379,133 S * 5/1997 Ahern, Jr. D7/391
 5,626,251 A * 5/1997 Luburic B65D 43/0256
 215/256
 5,641,065 A * 6/1997 Owens B65D 45/20
 206/363
 5,810,188 A * 9/1998 Novakoski B65D 43/169
 215/237
 5,823,345 A * 10/1998 Nask B65D 21/0222
 206/503
 D401,868 S * 12/1998 Robbins D10/46.2
 D405,703 S * 2/1999 Robbins, III D10/46.2
 D418,068 S * 12/1999 Robbins, III D10/46.2
 6,068,161 A * 5/2000 Soehrlen B65D 1/20
 215/382
 6,135,310 A * 10/2000 Svehaug B44D 3/128
 220/697
 6,138,963 A * 10/2000 Malvasio B44D 3/12
 220/555
 D440,470 S * 4/2001 Tucker D7/629
 D454,469 S * 3/2002 Jalet D7/316
 D476,787 S * 7/2003 Templeton D32/54
 D477,702 S * 7/2003 Kohn D32/53.1
 D480,257 S * 10/2003 Thun D7/312
 D480,915 S * 10/2003 Kolar D7/413
 D483,917 S * 12/2003 Frantz B44D 3/126
 D32/53.1
 D489,261 S * 5/2004 Doelling D32/54
 D495,191 S * 8/2004 Mankowitz D7/316
 D500,227 S * 12/2004 Seok D7/392.1
 D506,346 S * 6/2005 Matsumoto D7/317
 D508,825 S * 8/2005 Kim D10/46.2
 D511,655 S * 11/2005 Kim D7/612
 D517,852 S * 3/2006 Jalet D7/300
 D521,316 S * 5/2006 Katz D7/397
 D522,241 S * 6/2006 Young D3/305
 D524,087 S * 7/2006 Ali D23/209
 D525,489 S * 7/2006 Kim D7/590
 D528,363 S * 9/2006 Ulanski D7/413
 7,134,576 B2 * 11/2006 Gringer B44D 3/128
 220/701
 D537,996 S * 3/2007 Lundy D32/53.1
 D542,077 S * 5/2007 Claypool D7/312
 D552,916 S * 10/2007 Bodum D7/316
 D553,319 S * 10/2007 Martelly D32/53.1
 D559,029 S * 1/2008 Gonzalez D7/318
 D562,518 S * 2/2008 Lundy D32/54
 D568,666 S * 5/2008 Souloglou D7/316
 D574,924 S * 8/2008 Horiuchi D23/209
 D580,798 S * 11/2008 Barber G01F 19/00
 D10/46.2
 D582,117 S * 12/2008 Chafe D32/53.1
 D582,119 S * 12/2008 Chafe D32/54
 D584,913 S * 1/2009 Green D7/317

(56)

References Cited

U.S. PATENT DOCUMENTS

D586,058 S * 2/2009 Bechtold, Jr. D32/54
 D586,059 S * 2/2009 Bechtold, Jr. D32/54
 D587,526 S * 3/2009 Barnard D7/413
 D588,406 S * 3/2009 Ulanski D7/413
 D602,731 S * 10/2009 Mankowitz D7/316
 D603,226 S * 11/2009 Hood D7/629
 D611,307 S * 3/2010 Begin D7/603
 D617,517 S * 6/2010 Bergman D32/53.1
 D618,414 S * 6/2010 Bechtold, Jr. D32/54
 D621,656 S * 8/2010 Ulanski D7/378
 7,784,635 B2 * 8/2010 Luburic B65D 1/24
 220/505
 D623,465 S * 9/2010 Sheppard D7/317
 D630,895 S * 1/2011 Sheppard D7/317
 D630,896 S * 1/2011 Sheppard D7/397
 D632,928 S * 2/2011 Smyers D7/602
 D632,932 S * 2/2011 Smyers D7/629
 D633,676 S * 3/2011 Erdfarb D32/54
 D639,933 S * 6/2011 Tanguay D24/122
 D651,528 S * 1/2012 Robbins, III D10/46.2
 D661,855 S * 6/2012 Bergman D32/53.1
 D662,359 S * 6/2012 Boozer D7/376
 D664,808 S * 8/2012 Dickson, Jr. D7/376
 D671,193 S * 11/2012 Thibault D23/212
 D673,426 S * 1/2013 Heiberg D7/318
 D673,453 S * 1/2013 Luburic D9/516
 D675,057 S * 1/2013 Harvey D7/391
 D677,511 S * 3/2013 Gray D7/316
 D678,726 S * 3/2013 Palermo D7/376
 D679,958 S * 4/2013 Yang D7/629
 D682,003 S * 5/2013 Kuzmin D7/319
 D682,047 S * 5/2013 Myoung D7/629
 D683,176 S * 5/2013 Kuzmin D7/319
 D693,225 S * 11/2013 Baker D9/528
 D700,482 S * 3/2014 Yessin D7/629
 D700,483 S * 3/2014 Yessin D7/629
 8,733,550 B2 * 5/2014 Harvey B65D 53/02
 206/508
 D707,082 S * 6/2014 Duran D7/392
 D708,887 S * 7/2014 Duran D7/316
 D708,888 S * 7/2014 Duran D7/317
 D736,570 S * 8/2015 Sykes D10/46.2
 D736,571 S * 8/2015 Laskowski D7/629
 D737,619 S * 9/2015 Cornu D7/316
 D742,172 S * 11/2015 Dickson, Jr. D7/376
 D744,186 S * 11/2015 Gringer D32/53.1
 D747,968 S * 1/2016 Martin D9/453
 D753,951 S * 4/2016 Cornu D7/316

D755,448 S * 5/2016 McIntyre D30/131
 D756,246 S * 5/2016 Kent D10/46.2
 9,420,915 B2 * 8/2016 Dickson, Jr. A47J 43/046
 D767,346 S * 9/2016 Mussio D7/629
 D772,513 S * 11/2016 Mitford D32/54
 D783,356 S * 4/2017 Kim D7/376
 2002/0148846 A1 * 10/2002 Luburic B65D 43/0256
 220/792
 2003/0214875 A1 * 11/2003 Dickson, Jr. A47J 43/0716
 366/206
 2004/0129714 A1 * 7/2004 Thompson A47G 19/2266
 220/705
 2004/0206761 A1 * 10/2004 Frantz B44D 3/126
 220/570
 2006/0219720 A1 * 10/2006 Lundy B44D 3/12
 220/505
 2007/0165484 A1 * 7/2007 Branson, III A47J 43/0727
 366/192
 2009/0045229 A1 * 2/2009 McGinley A45D 19/00
 222/465.1
 2009/0238034 A1 * 9/2009 Ulanski B01F 15/00831
 366/341
 2009/0294318 A1 * 12/2009 Monahan B65D 25/56
 206/459.5
 2010/0006572 A1 1/2010 Chiou
 2010/0313816 A1 * 12/2010 McIntyre A01K 9/00
 119/71
 2011/0083609 A1 4/2011 Cote
 2011/0139781 A1 6/2011 Jin et al.
 2012/0111867 A1 5/2012 Banus
 2014/0090600 A1 4/2014 Hoysak
 2015/0096649 A1 * 4/2015 Lathim A01K 5/0114
 141/324
 2015/0232239 A1 * 8/2015 Ziegenfelder B65D 25/2897
 222/567
 2016/0114942 A1 * 4/2016 Mussio B65D 43/0222
 222/144.5
 2016/0374316 A1 * 12/2016 Mainini A01K 15/026
 119/51.02
 2017/0088344 A1 * 3/2017 Herrick B65D 47/122

OTHER PUBLICATIONS

International Search Report/Written Opinion for int'l App No. PCT/US2016/023471, dated Aug. 4, 2016.
 Classic Brands' Sales Presentation, 2015-2016 *Wild Bird Program*, shown to Walmart on Oct. 20, 2014.

* cited by examiner

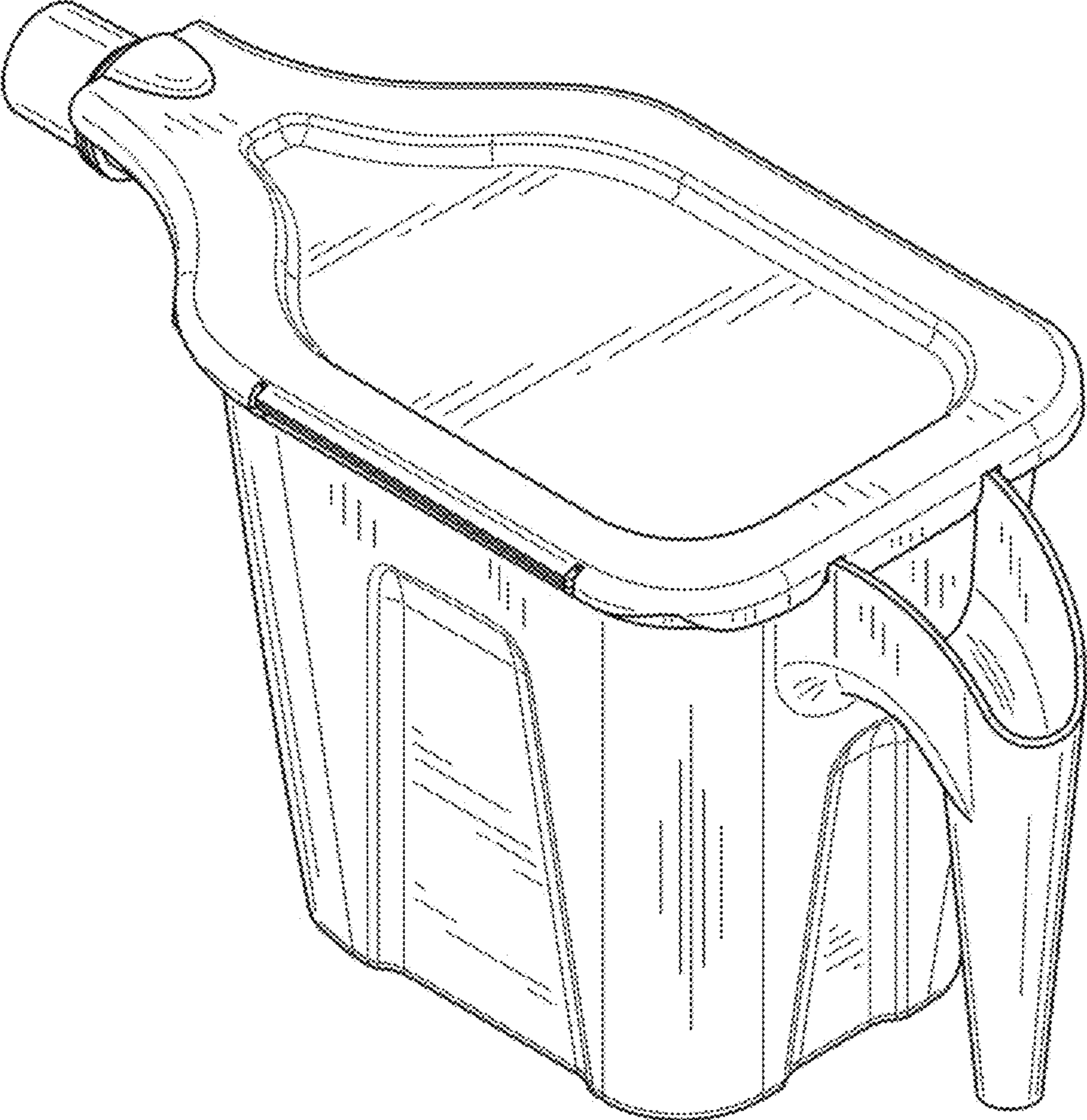


FIG. 1

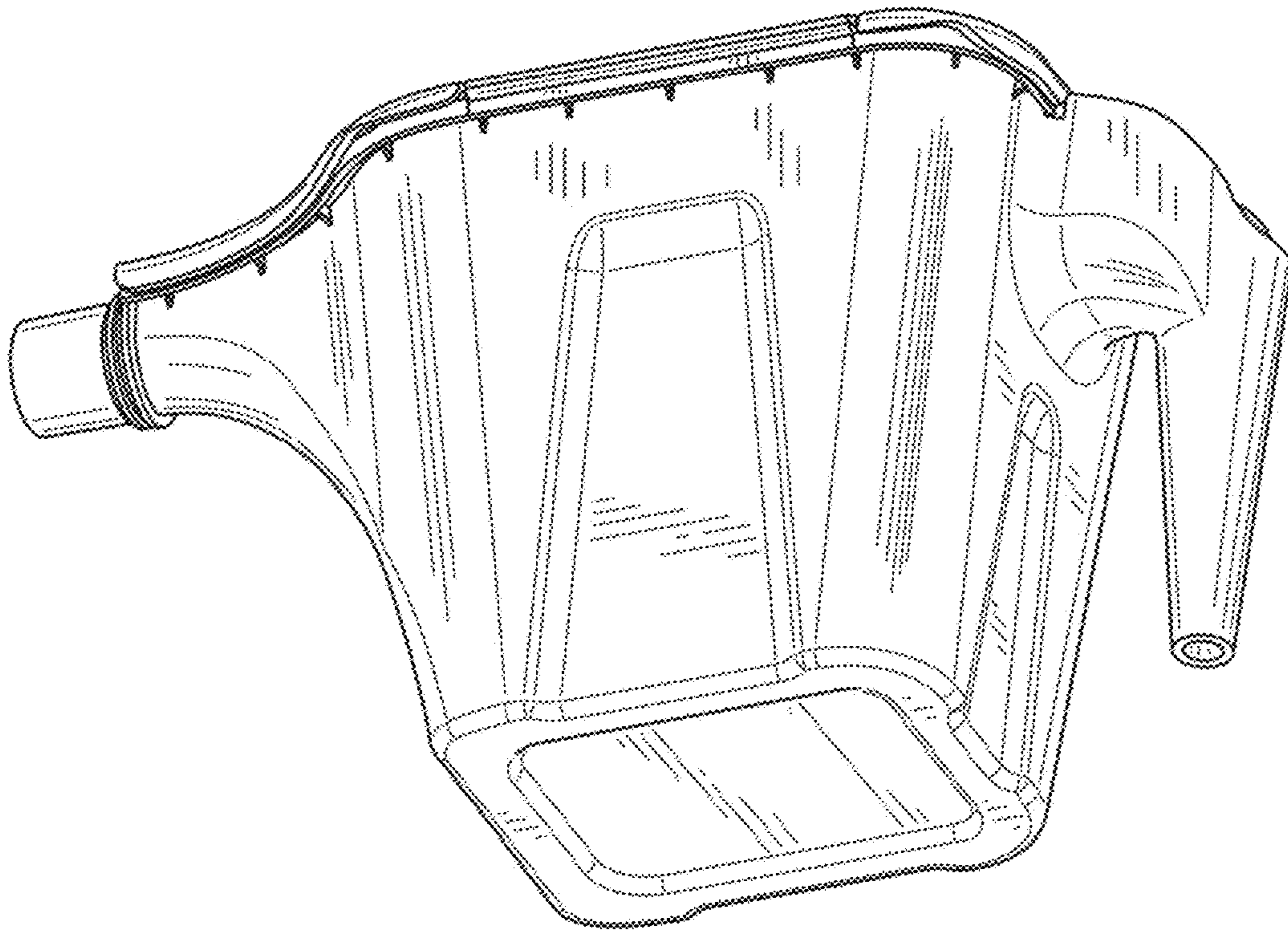


FIG.2

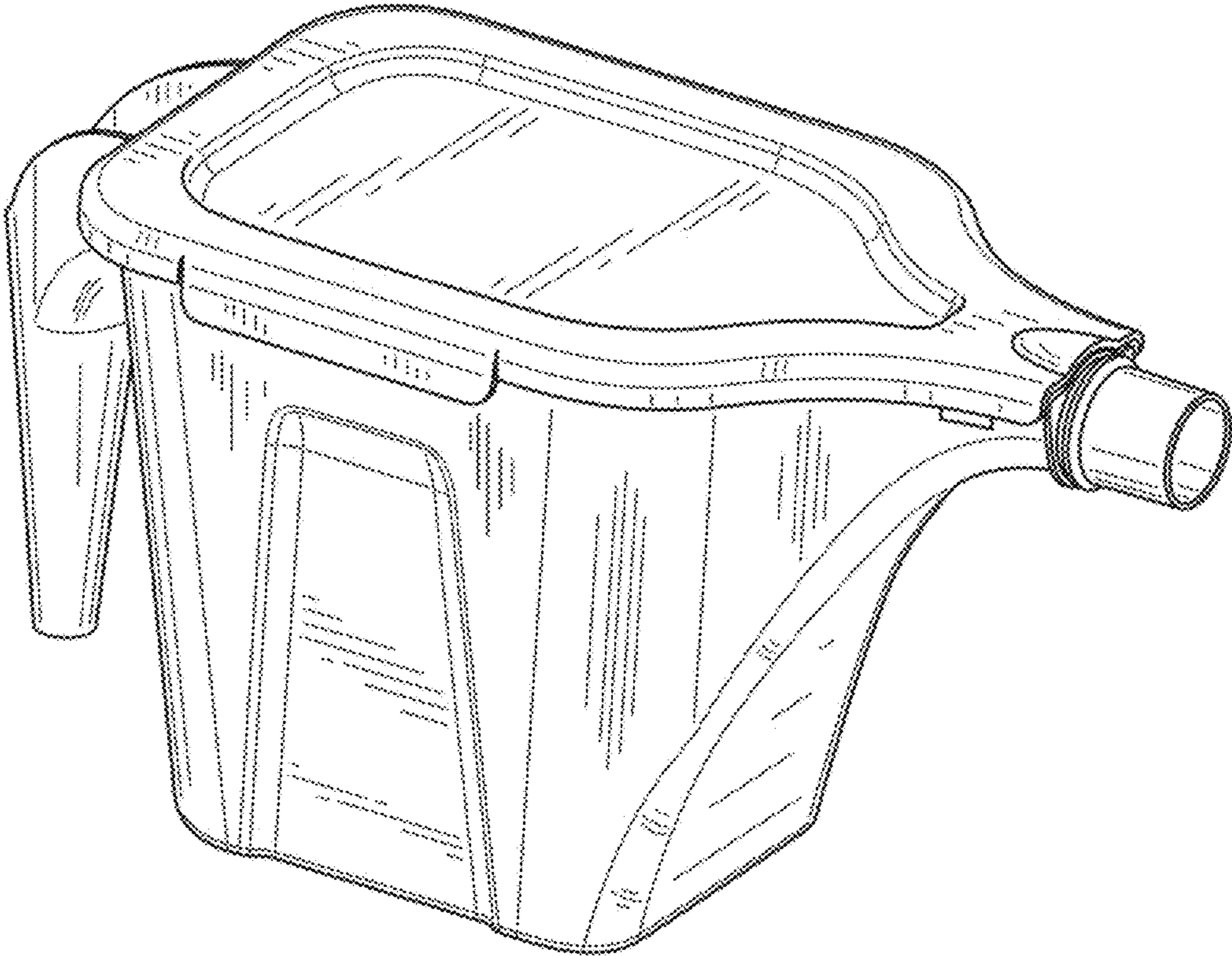


FIG. 3

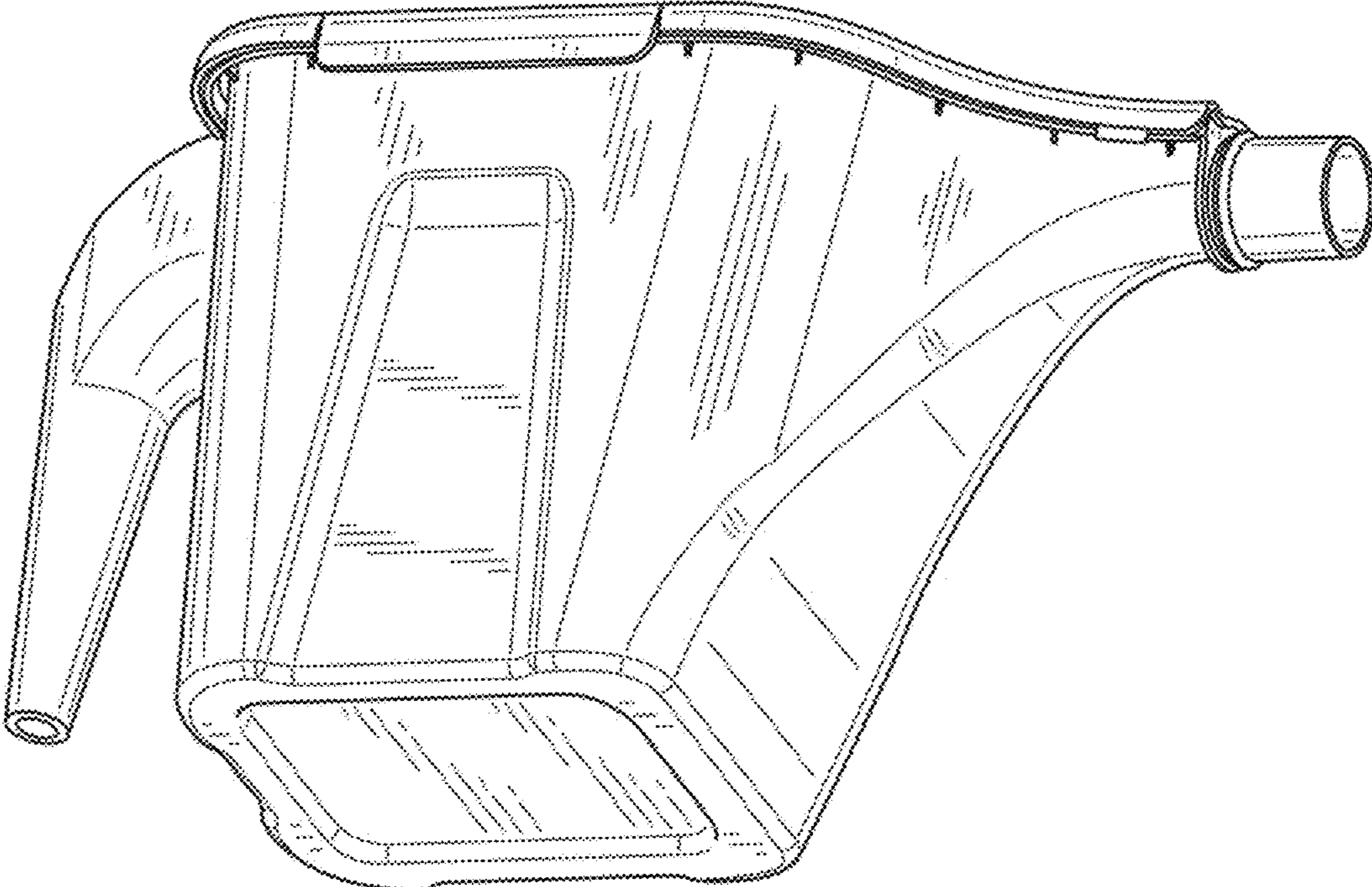


FIG.4

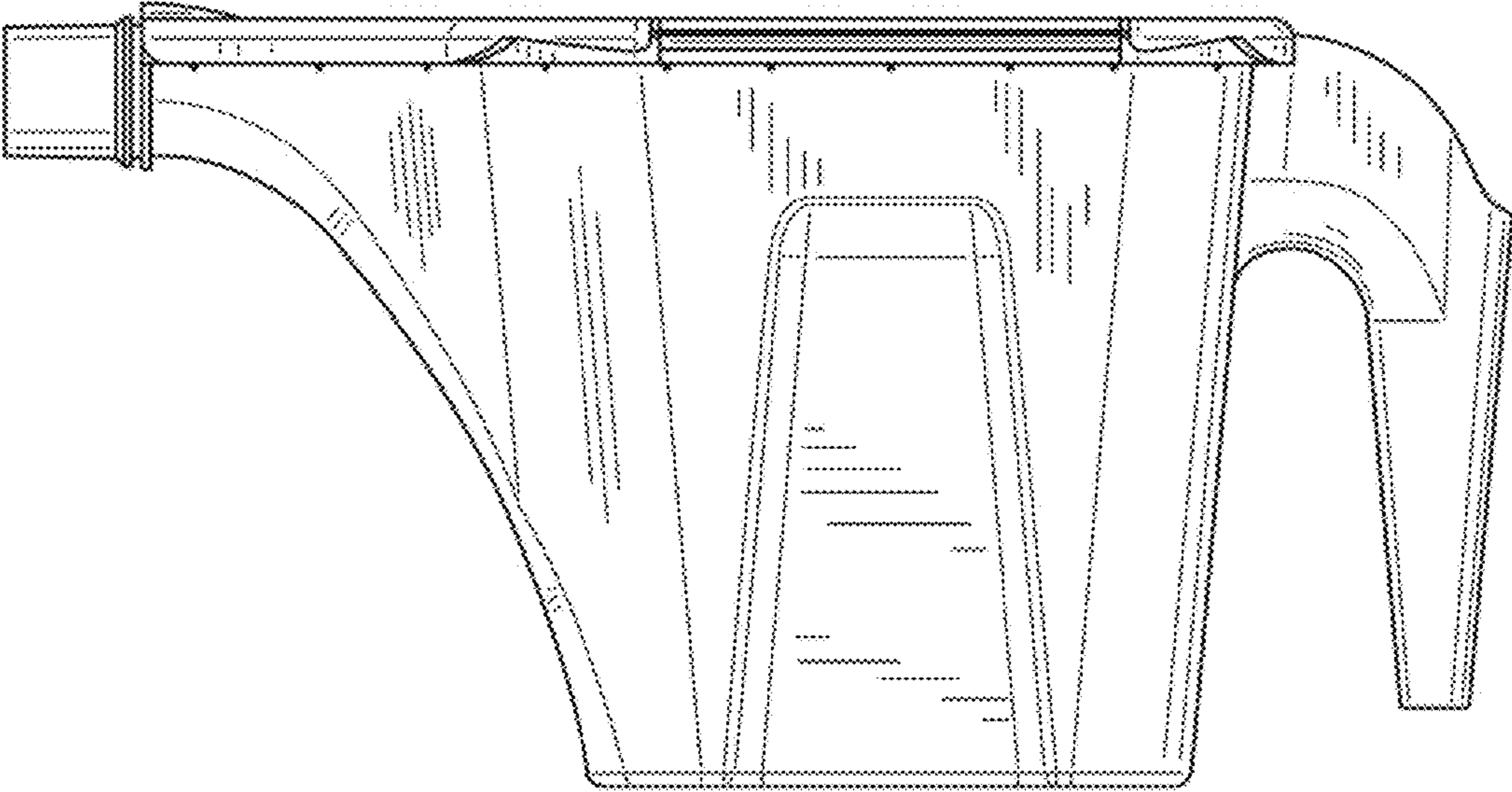


FIG.5

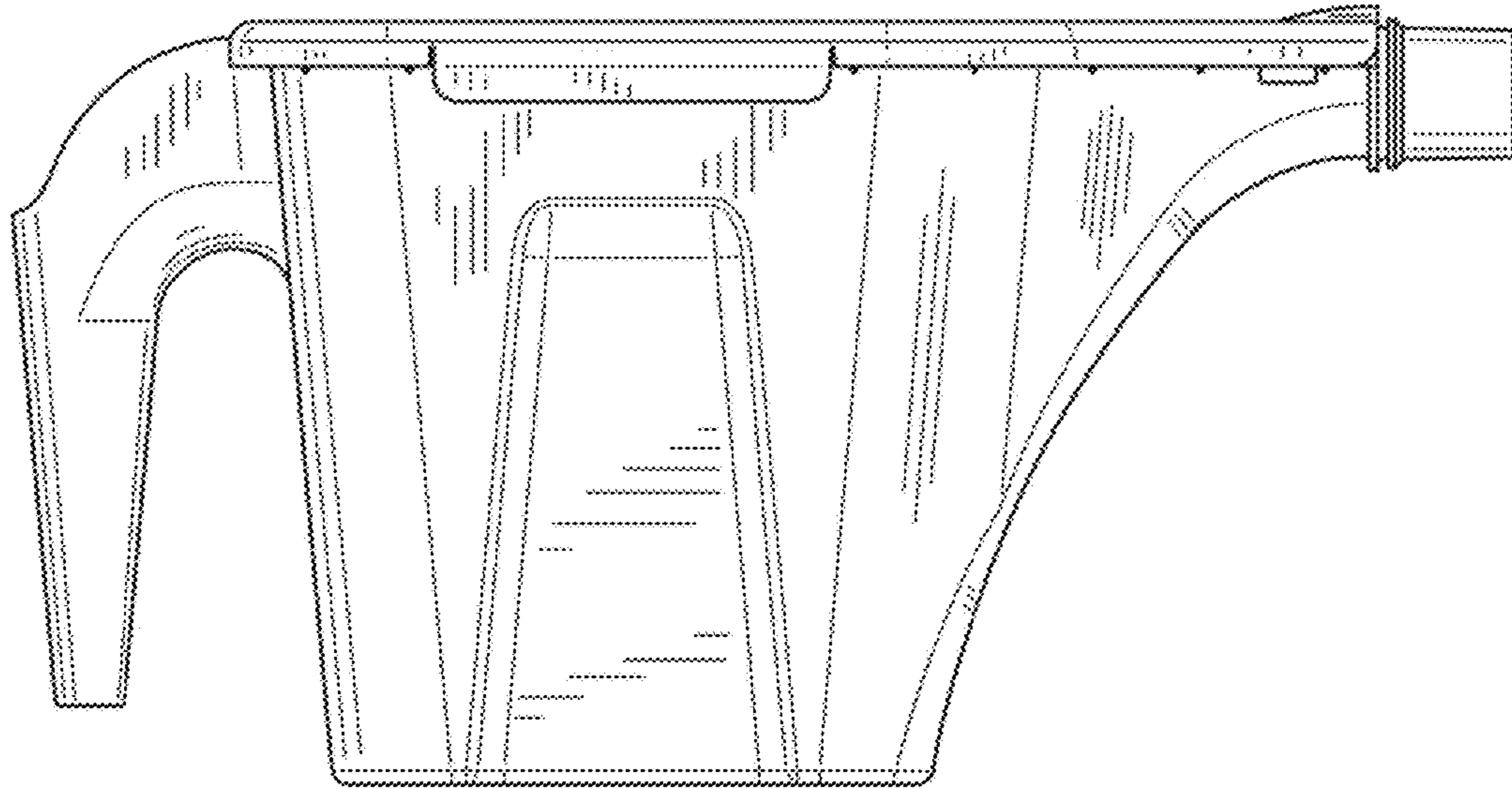


FIG.6

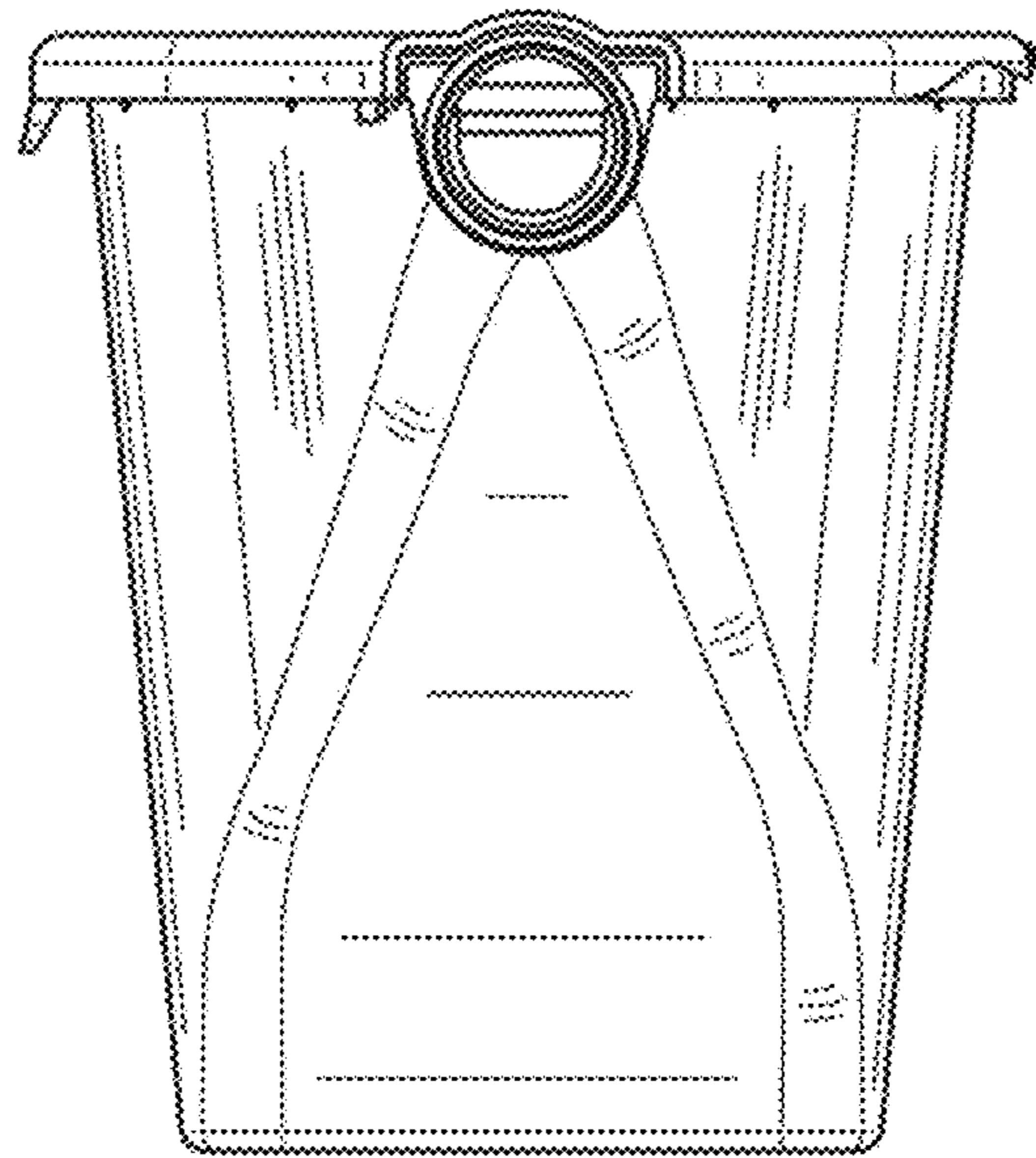


FIG.7

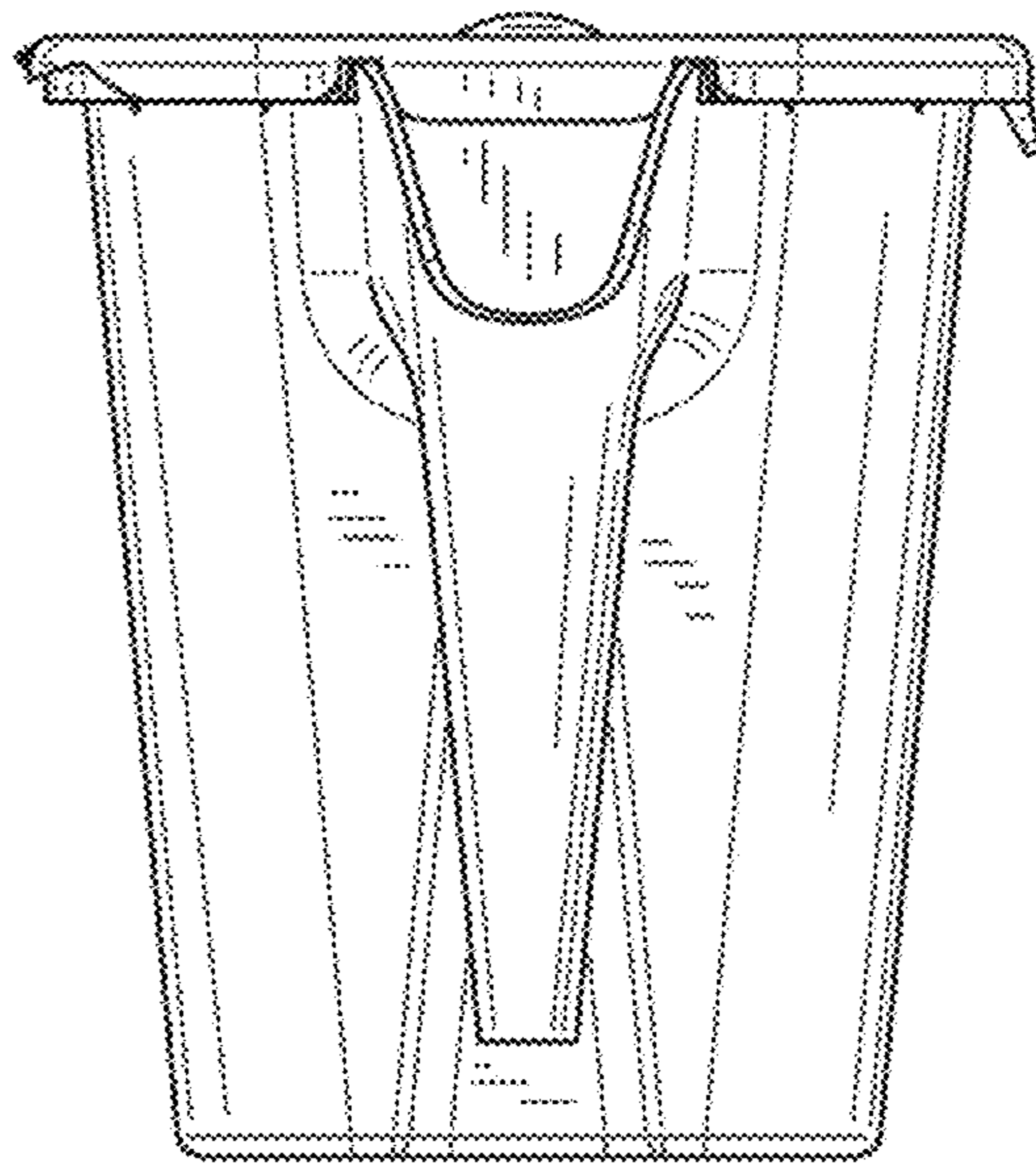


FIG. 8

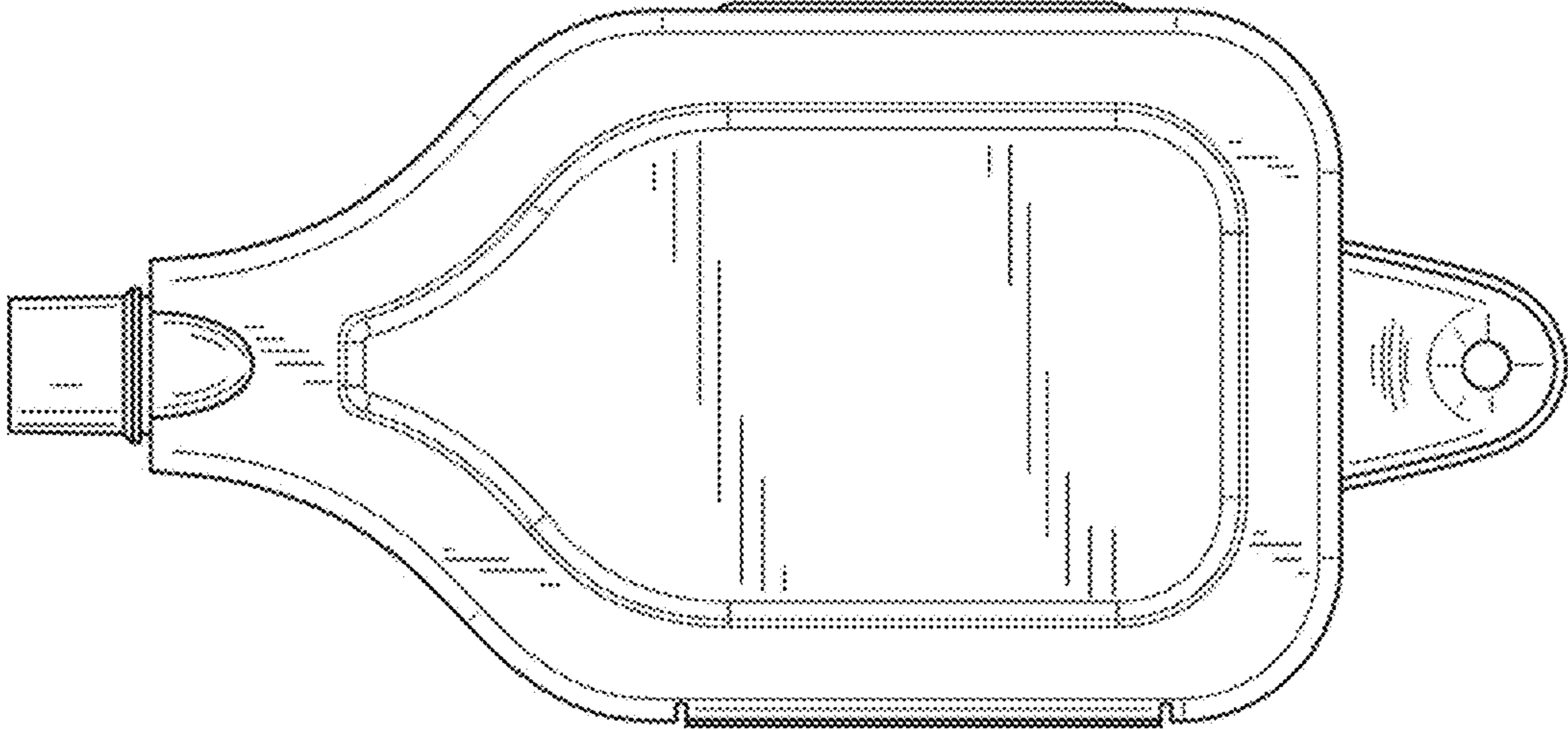


FIG.9

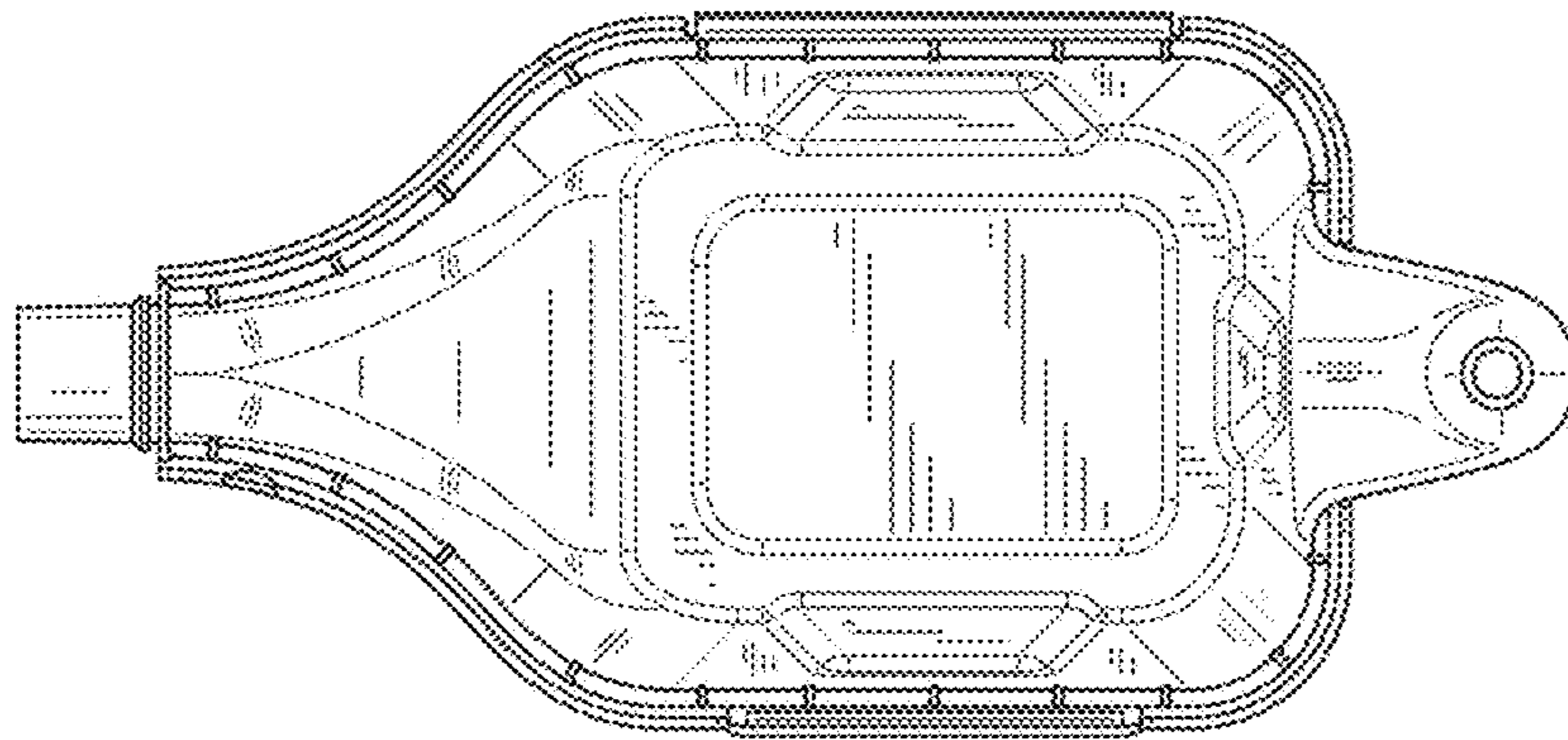


FIG.10