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(12) **United States Design Patent** (10) **Patent No.:** **US D821,028 S**
Tucker et al. (45) **Date of Patent:** **** Jun. 19, 2018**

(54) **SMOKING ARTICLE**

FOREIGN PATENT DOCUMENTS

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BE 421623 A 6/1937
CN 87104459 A 2/1988

(Continued)

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OTHER PUBLICATIONS

Certificate of Registration for Community Design No. 001025779-0001 which was published in Community Design Bulletin No. 2008/243 on Nov. 19, 2008.

(Continued)

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

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(21) Appl. No.: **29/554,326**

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(57) **CLAIM**

Related U.S. Application Data

The ornamental design for a smoking article, as shown and described.

(63) Continuation of application No. 29/469,749, filed on Oct. 14, 2013, which is a continuation of application (Continued)

DESCRIPTION

(51) **LOC (11) Cl.** **27-01**

(52) **U.S. Cl.**
USPC **D27/101**

(58) **Field of Classification Search**
USPC D27/101, 163–167, 169–170; D24/110, D24/113; 131/270–273, 329, 330, 194, 131/189, 347, 360–365

CPC A24F 7/00; A24F 7/02; A24F 7/04; A24F 47/002; A24F 47/008; A24F 47/00; A24F 47/004; A24F 47/006; A61M 15/06

See application file for complete search history.

FIG. 1 is a left end, perspective view of a smoking article showing a first embodiment of our new design.

FIG. 2 is side elevational view thereof, the other side being a mirror image.

FIG. 3 is an end elevational view thereof.

FIG. 4 is a cross-sectional view taken along line 4-4 shown in FIG. 3.

FIG. 5 is a left end, perspective view of a smoking article showing a second embodiment of our new design.

FIG. 6 is side elevational view thereof, the other side being a mirror image.

FIG. 7 is an end elevational view thereof; and,

FIG. 8 is a cross-sectional view taken along line 8-8 shown in FIG. 7.

The broken line showing illustrates portions of the smoking article which form no part of the claimed design.

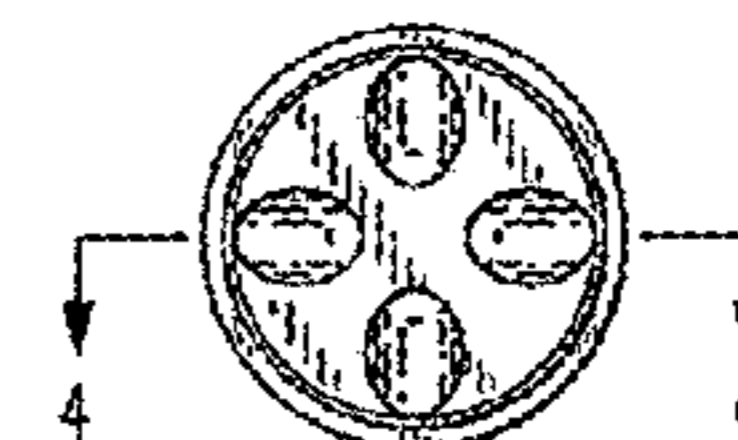
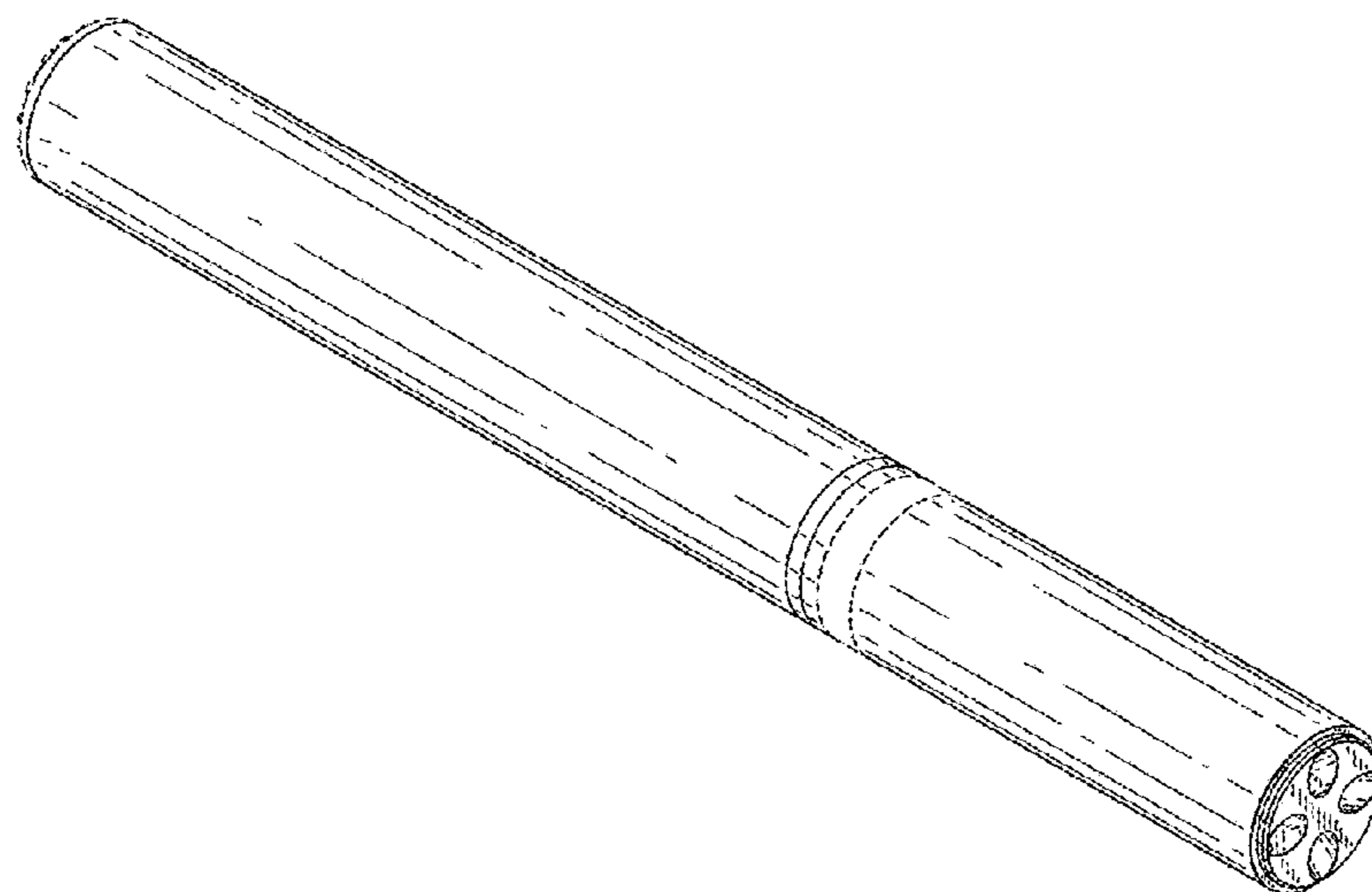
(56) **References Cited**

U.S. PATENT DOCUMENTS

539,839 A 5/1895 Voron
1,013,157 A 1/1912 Hadaway, Jr.

(Continued)

1 Claim, 4 Drawing Sheets



Related U.S. Application Data

No. 29/443,128, filed on Jan. 14, 2013, now Pat. No. Des. 691,766.

(56)

References Cited

U.S. PATENT DOCUMENTS

1,514,682 A	11/1924	Wilson	4,941,486 A	7/1990	Dube et al.
1,771,366 A	7/1930	Wyss et al.	4,945,929 A	8/1990	Egilmex
1,968,509 A	7/1934	Tiffany	4,981,522 A	1/1991	Nichols et al.
2,057,353 A	10/1936	Whittlemore, Jr.	4,991,606 A	2/1991	Serrano et al.
2,104,266 A	1/1938	McCormick	5,016,656 A	5/1991	McMurtrie
D125,122 S	2/1941	Urben	5,040,552 A	8/1991	Schleich et al.
2,406,275 A	8/1946	Wejnarth	5,042,510 A	8/1991	Curtiss et al.
2,442,004 A	5/1948	Hayward-Butt	5,045,237 A	9/1991	Washburn
2,558,127 A	6/1951	Downs	5,060,671 A	10/1991	Counts et al.
2,836,183 A	5/1958	Fay et al.	5,076,296 A	12/1991	Nystrom et al.
2,907,686 A	10/1959	Siegel	5,085,804 A	2/1992	Washburn
2,971,039 A	2/1961	Western	5,093,894 A	3/1992	Deevi et al.
2,972,557 A	2/1961	Toulmin, Jr.	5,095,921 A	3/1992	Losee et al.
2,974,669 A	3/1961	Ellis	5,116,298 A	5/1992	Bondanelli et al.
D193,753 S	10/1962	Watts	5,137,578 A	8/1992	Chan
3,062,218 A	11/1962	Temkovits	5,139,594 A	8/1992	Rabin
3,200,819 A	8/1965	Gilbert	5,144,962 A	9/1992	Counts et al.
3,255,760 A	6/1966	Selker	5,144,964 A	9/1992	Demain
3,258,015 A	6/1966	Ellis et al.	5,157,242 A	10/1992	Hetherington et al.
3,356,094 A	12/1967	Ellis et al.	5,159,940 A	11/1992	Hayward et al.
3,363,633 A	1/1968	Weber	5,179,966 A	1/1993	Losee et al.
3,396,733 A	8/1968	Allseits et al.	5,224,498 A	7/1993	Deevi et al.
3,402,723 A	9/1968	Hu	5,228,460 A	7/1993	Sprinkel et al.
3,482,580 A	12/1969	Hollabaugh	5,235,157 A	8/1993	Blackburn
3,521,643 A	7/1970	Toth	5,249,586 A	10/1993	Morgan et al.
3,559,300 A	2/1971	Fox	5,269,327 A	12/1993	Counts et al.
3,587,573 A	6/1971	Flack	5,274,214 A	12/1993	Blackburn
3,608,560 A	9/1971	Briskin et al.	5,285,050 A	2/1994	Blackburn
D223,879 S	6/1972	Chernack	5,322,075 A	6/1994	Deevi et al.
3,681,018 A	8/1972	Knauff	5,353,813 A	10/1994	Deevi et al.
3,720,235 A	3/1973	Schrock	5,369,723 A	11/1994	Counts et al.
3,738,374 A	6/1973	Bennett	5,388,594 A	2/1995	Counts et al.
3,744,496 A	7/1973	McCarty et al.	5,396,911 A	3/1995	Casey, III et al.
D229,725 S	12/1973	Berger	5,408,574 A	4/1995	Deevi et al.
D229,788 S	1/1974	Berger	5,473,251 A	12/1995	Mori
D229,789 S	1/1974	Berger	5,498,855 A	3/1996	Deevi et al.
D229,790 S	1/1974	Berger	5,505,214 A	4/1996	Collins et al.
3,789,840 A	2/1974	Rosenblatt	D375,159 S	10/1996	Johansson
3,804,100 A	4/1974	Fariello	5,591,368 A	1/1997	Fleischhauer et al.
3,875,476 A	4/1975	Crandall et al.	5,595,706 A	1/1997	Sikka et al.
3,878,041 A	4/1975	Leitnaker et al.	5,611,360 A	3/1997	Tang
3,889,690 A	6/1975	Guarnieri	5,613,504 A	3/1997	Collins et al.
3,895,219 A	7/1975	Richerson et al.	5,724,997 A	3/1998	Smith et al.
3,943,941 A	3/1976	Boyd et al.	5,865,185 A	2/1999	Collins et al.
D240,541 S	7/1976	Rupert	5,878,752 A	3/1999	Adams et al.
4,016,061 A	4/1977	Wasa et al.	5,935,975 A	8/1999	Rose et al.
4,068,672 A	1/1978	Guerra	6,155,268 A	12/2000	Takeuchi
4,077,784 A	3/1978	Vayrynen	6,196,218 B1	3/2001	Voges
4,083,372 A	4/1978	Boden	D453,854 S	2/2002	Verhoeven-Koster
4,098,725 A	7/1978	Yamamoto et al.	6,598,607 B2	7/2003	Adiga et al.
4,110,260 A	8/1978	Yamamoto et al.	6,715,487 B2	4/2004	Nichols et al.
4,131,119 A	12/1978	Blasutti	6,772,756 B2	8/2004	Shayan
4,141,369 A	2/1979	Burruss	6,854,470 B1	2/2005	Pu
4,164,230 A	8/1979	Pearlman	7,131,599 B2	11/2006	Katase
4,193,411 A	3/1980	Faris et al.	7,167,641 B2	1/2007	Tam et al.
4,215,708 A	8/1980	Bron	7,458,374 B2	12/2008	Hale et al.
4,219,032 A	8/1980	Tabatznik et al.	D590,988 S	4/2009	Hon
4,246,913 A	1/1981	Ogden et al.	D590,989 S	4/2009	Hon
4,256,945 A	3/1981	Carter et al.	D590,990 S	4/2009	Hon
4,259,970 A	4/1981	Green, Jr.	D590,991 S	4/2009	Hon
4,331,166 A	5/1982	Hale	D613,902 S	4/2010	Kaljura
D270,097 S	8/1983	Minkevitch	7,726,320 B2	6/2010	Robinson et al.
4,419,302 A	12/1983	Nishino et al.	D623,351 S	9/2010	Kirkeby
4,457,319 A	7/1984	Lamb et al.	D624,238 S	9/2010	Turner
4,493,331 A	1/1985	Porenski, Jr.	7,789,089 B2	9/2010	Dube et al.
4,517,996 A	5/1985	Vester	7,810,508 B2	10/2010	Wyss-Peters et al.
4,649,944 A	3/1987	Houck, Jr. et al.	7,832,410 B2	11/2010	Hon
4,687,008 A	8/1987	Houck, Jr. et al.	7,845,359 B2	12/2010	Montaser
4,765,347 A	8/1988	Sensabaugh, Jr. et al.	7,878,962 B2	2/2011	Karles et al.
4,804,002 A	2/1989	Herron	D638,194 S	5/2011	Lichstein
			7,938,124 B2	5/2011	Izumiya et al.
			D642,330 S	7/2011	Turner
			7,997,280 B2	8/2011	Rosenthal
			D646,431 S	10/2011	Awty et al.
			D651,338 S	12/2011	Awty et al.
			8,079,371 B2	12/2011	Robinson et al.
			D652,987 S	1/2012	Kaljura
			D653,390 S	1/2012	Kaljura
			D653,802 S	2/2012	Kaljura

(56)

References Cited

U.S. PATENT DOCUMENTS

D655,036 S 2/2012 Zhou
 8,118,161 B2 2/2012 Guerrero et al.
 8,127,772 B2 3/2012 Montaser
 8,156,944 B2 4/2012 Han
 8,157,918 B2 4/2012 Becker et al.
 D662,257 S 6/2012 Alelov
 8,205,622 B2 6/2012 Pan
 D666,355 S 8/2012 Alelov
 8,314,591 B2 11/2012 Terry et al.
 D685,522 S 7/2013 Potter et al.
 8,499,766 B1 8/2013 Newton
 8,539,959 B1 9/2013 Scatterday
 D691,324 S 10/2013 Saliman
 D691,765 S 10/2013 Tucker et al.
 D695,449 S 12/2013 Tucker et al.
 D722,196 S 2/2015 Tucker et al.
 D724,262 S 3/2015 Hearn et al.
 D724,781 S 3/2015 Hearn et al.
 D726,364 S 4/2015 Weigensberg
 D726,365 S 4/2015 Weigenberg
 D727,564 S 4/2015 LaForge et al.
 D727,565 S 4/2015 LaForge et al.
 D728,154 S 4/2015 Lavanchy et al.
 D728,852 S 5/2015 Hearn et al.
 D729,439 S 5/2015 Scatterday
 D738,036 S 9/2015 Tucker et al.
 D738,566 S 9/2015 Tucker et al.
 D738,567 S 9/2015 Tucker et al.
 D743,097 S * 11/2015 Tucker D27/101
 D748,323 S * 1/2016 Tucker D27/101
 D749,780 S * 2/2016 Bramley D27/169
 D750,834 S * 3/2016 Wei D27/101
 D750,835 S * 3/2016 Wei D27/101
 D753,872 S * 4/2016 Mittersinker D27/101
 D756,564 S * 5/2016 Yerkic-Husejnovic D27/194
 D759,296 S * 6/2016 Abroff D27/101
 D763,503 S * 8/2016 Bramley D27/101
 D767,820 S * 9/2016 Jordan D27/170
 D767,822 S * 9/2016 Jordan D27/194
 D770,086 S * 10/2016 Tucker D27/101
 D770,676 S * 11/2016 Bennett D27/101
 D779,725 S * 2/2017 Bramley D27/170
 D780,993 S * 3/2017 Bramley D27/170
 D782,108 S * 3/2017 Jordan D27/167
 D797,369 S 9/2017 Yamada et al.
 D797,990 S * 9/2017 Hawes D27/162
 D798,447 S 9/2017 Leather
 D802,207 S * 11/2017 Bramley D27/170
 D803,475 S 11/2017 Scheiber
 D804,090 S 11/2017 Verleur et al.
 D804,091 S 11/2017 Fomarelli
 2004/0020500 A1 2/2004 Wrenn et al.
 2004/0099266 A1 5/2004 Cross et al.
 2005/0016550 A1 1/2005 Katase
 2005/0016553 A1 1/2005 Iannuzzi
 2005/0175331 A1 8/2005 Tam et al.
 2006/0191546 A1 8/2006 Takano et al.
 2006/0196518 A1 9/2006 Hon
 2006/0254604 A1 11/2006 Martinez Fernandez
 2007/0095357 A1 5/2007 Besso et al.
 2007/0267031 A1 11/2007 Hon
 2007/0267032 A1 11/2007 Shan
 2008/0092912 A1 4/2008 Robinson et al.
 2008/0230052 A1 9/2008 Montaser
 2008/0276947 A1 11/2008 Martzel
 2009/0007925 A1 1/2009 Rasouli et al.
 2009/0044816 A1 2/2009 Rasouli et al.
 2009/0126745 A1 5/2009 Hon
 2009/0151717 A1 6/2009 Bowen et al.
 2009/0162294 A1 6/2009 Werner
 2009/0188490 A1 7/2009 Han
 2009/0230117 A1 9/2009 Fernando et al.
 2009/0272379 A1 11/2009 Thorens et al.
 2010/0083959 A1 4/2010 Siller
 2010/0126505 A1 5/2010 Rinker

2010/0206317 A1 8/2010 Albino et al.
 2010/0307518 A1 12/2010 Wang
 2011/0011396 A1 1/2011 Fang
 2011/0036346 A1 2/2011 Cohen et al.
 2011/0036363 A1 2/2011 Urtsev et al.
 2011/0088707 A1 4/2011 Hajaligol
 2011/0094523 A1 4/2011 Thorens et al.
 2011/0120455 A1 5/2011 Murphy
 2011/0120482 A1 5/2011 Brenneise
 2011/0155153 A1 6/2011 Thorens et al.
 2011/0209717 A1 9/2011 Han
 2011/0220134 A1 9/2011 Duke et al.
 2011/0232654 A1 9/2011 Mass
 2011/0245493 A1 10/2011 Rabinowitz et al.
 2011/0265806 A1 11/2011 Alarcon et al.
 2011/0277756 A1 11/2011 Terry et al.
 2011/0277757 A1 11/2011 Terry et al.
 2011/0277760 A1 11/2011 Terry et al.
 2011/0277761 A1 11/2011 Terry et al.
 2011/0277764 A1 11/2011 Terry et al.
 2011/0277780 A1 11/2011 Terry et al.
 2011/0303231 A1 12/2011 Li et al.
 2011/0304282 A1 12/2011 Li et al.
 2012/0006342 A1 1/2012 Rose et al.
 2012/0090629 A1 4/2012 Turner et al.
 2012/0111347 A1 5/2012 Hon
 2012/0118301 A1 5/2012 Montaser
 2012/0145169 A1 6/2012 Wu
 2012/0167906 A1 7/2012 Gysland
 2012/0186593 A1 7/2012 Grano et al.
 2012/0186594 A1 7/2012 Liu
 2012/0199146 A1 8/2012 Marangos
 2012/0199663 A1 8/2012 Qiu
 2012/0211015 A1 8/2012 Li et al.
 2012/0230659 A1 9/2012 Goodman et al.
 2012/0260927 A1 10/2012 Liu
 2012/0285475 A1 11/2012 Liu
 2012/0312313 A1 12/2012 Frija
 2012/0318882 A1 12/2012 Abehasera
 2013/0014772 A1 1/2013 Liu
 2013/0019887 A1 1/2013 Liu
 2013/0025809 A1 1/2013 Liu
 2013/0032159 A1 2/2013 Capuano
 2013/0081642 A1 4/2013 Safari
 2013/0118509 A1 5/2013 Richardson
 2014/0238421 A1 8/2014 Shapiro

FOREIGN PATENT DOCUMENTS

CN 2777995 Y 5/2006
 CN 101322579 A 12/2008
 CN 201571500 U 9/2010
 CN 201709398 U 1/2011
 CN 201789924 U 4/2011
 CN 201797997 U 4/2011
 CN 102106611 A 6/2011
 CN 201860753 U 6/2011
 CN 102188044 A 8/2011
 CN 201986689 U 9/2011
 CN 202014571 10/2011
 CN 202014572 U 10/2011
 CN 202026802 10/2011
 CN 202026804 U 11/2011
 CN 20223305 U 5/2012
 CN 20223307 5/2012
 DE 3640917 A1 8/1988
 DE 3735704 A1 5/1989
 EM 000054630-0001-0002 9/2003
 EM 000084876-0001-0017 1/2004
 EM 002272559-0007 7/2013
 EP 0117355 A2 9/1984
 EP 0277519 A2 8/1988
 EP 0295122 A2 12/1988
 EP 0358 002 A2 3/1990
 EP 0358114 A2 3/1990
 EP 0430566 A2 6/1991
 EP 0438862 A2 7/1991
 EP 0608783 A1 8/1994
 EP 0845220 A1 6/1998

(56)

References Cited

FOREIGN PATENT DOCUMENTS		
EP	0893071	A1 1/1999
EP	1128741	A1 9/2001
EP	1618803	A1 1/2006
EP	1736065	A1 12/2006
EP	2113178	A1 11/2009
NL	8201585	A 11/1982
WO	WO-86/02528	A1 5/1986
WO	WO-95/02970	A1 2/1995
WO	WO-00/28843	A1 5/2000
WO	WO-2004/043175	A1 5/2004
WO	WO-2004/080216	A1 9/2004
WO	WO-2004/095955	A1 11/2004
WO	WO-2005/099494	A1 10/2005
WO	WO-2007/066374	A1 6/2007
WO	WO-2007/078273	A1 7/2007
WO	WO-2007/098337	A2 8/2007
WO	WO-2007/131449	A1 11/2007
WO	WO-2007/131450	A1 11/2007
WO	WO-2007/141668	A2 12/2007
WO	WO-2008/055423	A1 5/2008
WO	WO-2010/091593	A1 8/2010
WO	WO-2010/145468	A1 12/2010
WO	WO-2011/121326	A2 10/2011
WO	WO-2011/124033	A1 10/2011
WO	WO-2011/146372	A2 11/2011
WO	WO-2012/088675	A1 7/2012
WO	WO-2012/109371	A2 8/2012
WO	WO-2012/129812	A1 10/2012
WO	WO-2012/142293	A2 10/2012
WO	WO-2012129787	A1 10/2012

OTHER PUBLICATIONS

Certificate of Registration for Community Design No. 000054630-0001 which was published in Community Design Bulletin No. 2003/017 on Sep. 30, 2003.

Certificate of Registration for Community Design No. 000054630-0002 which was published in Community Design Bulletin No. 2003/017 on Sep. 30, 2003.

Brazilian Office Action dated May 9, 2016 issued in corresponding Brazilian Application No. 302014001648-2.

U.S. Office Action dated Sep. 25, 2017 for corresponding U.S. Appl. No. 29/554,552.

Russian Office Action dated Apr. 11, 2017 issued in corresponding Russian Application No. 2016503504/49.

International Search Report and Written Opinion for PCT/US13/24211 dated Mar. 19, 2013.

International Search Report and Written Opinion for PCT/US13/24219 dated Mar. 14, 2013.

International Search Report and Written Opinion for PCT/US13/24229 dated Mar. 19, 2013.

International Search Report and Written Opinion for PCT/US13/24215 dated Mar. 19, 2013.

International Search Report and Written Opinion for PCT/US13/24228 dated Mar. 21, 2013.

Office Action for corresponding U.S. Appl. No. 29/557,503 dated Dec. 14, 2017.

Office Action for corresponding U.S. Appl. No. 29/554,836 dated Dec. 15, 2017.

U.S. Notice of Allowance for corresponding U.S. Appl. No. 29/553,863 dated Feb. 26, 2018.

Brazilian Office Action dated Feb. 21, 2018 issued in corresponding Brazilian Application No. 2013003369-4.

* cited by examiner

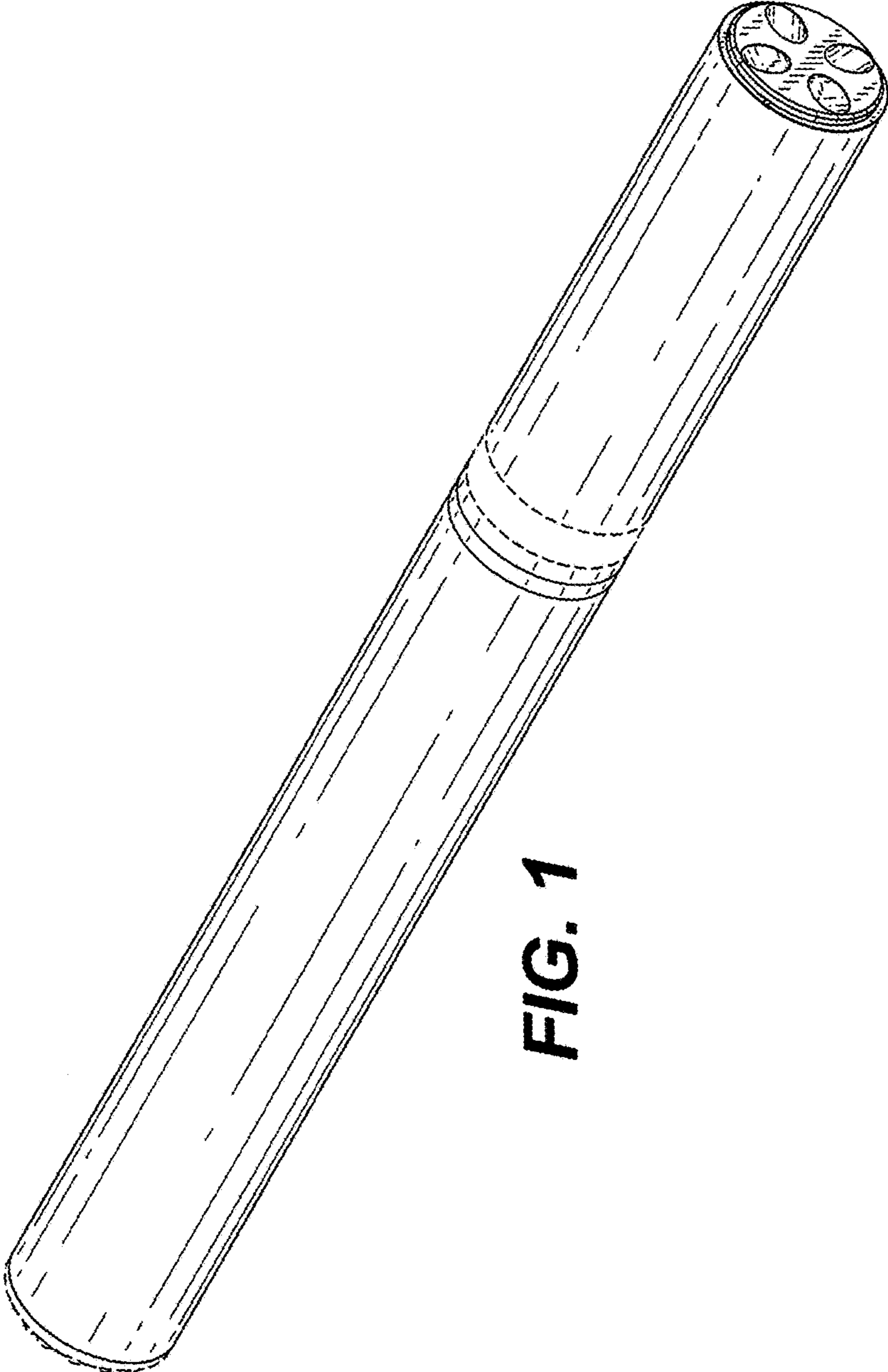


FIG. 1

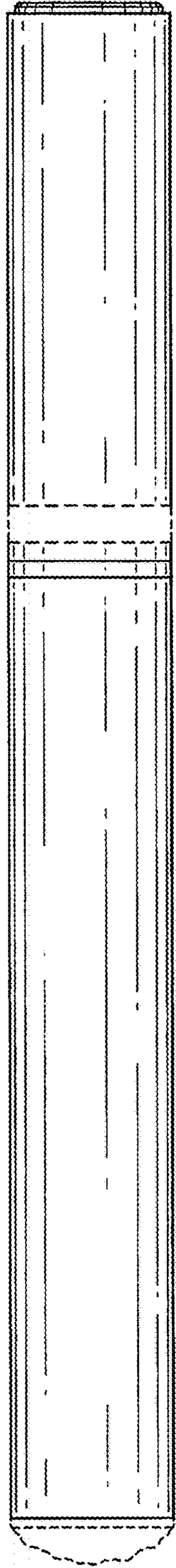


FIG. 2

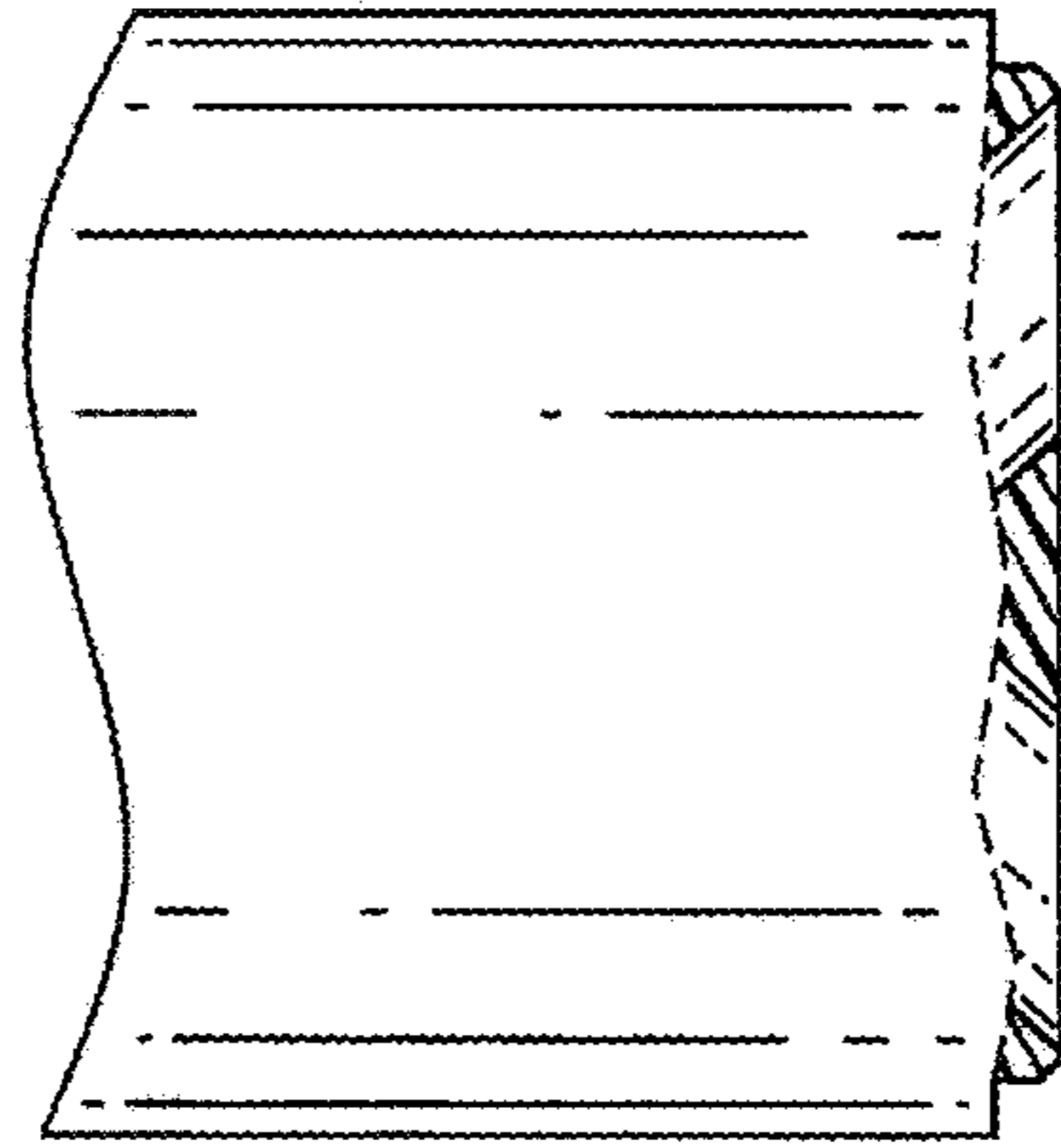


FIG. 4

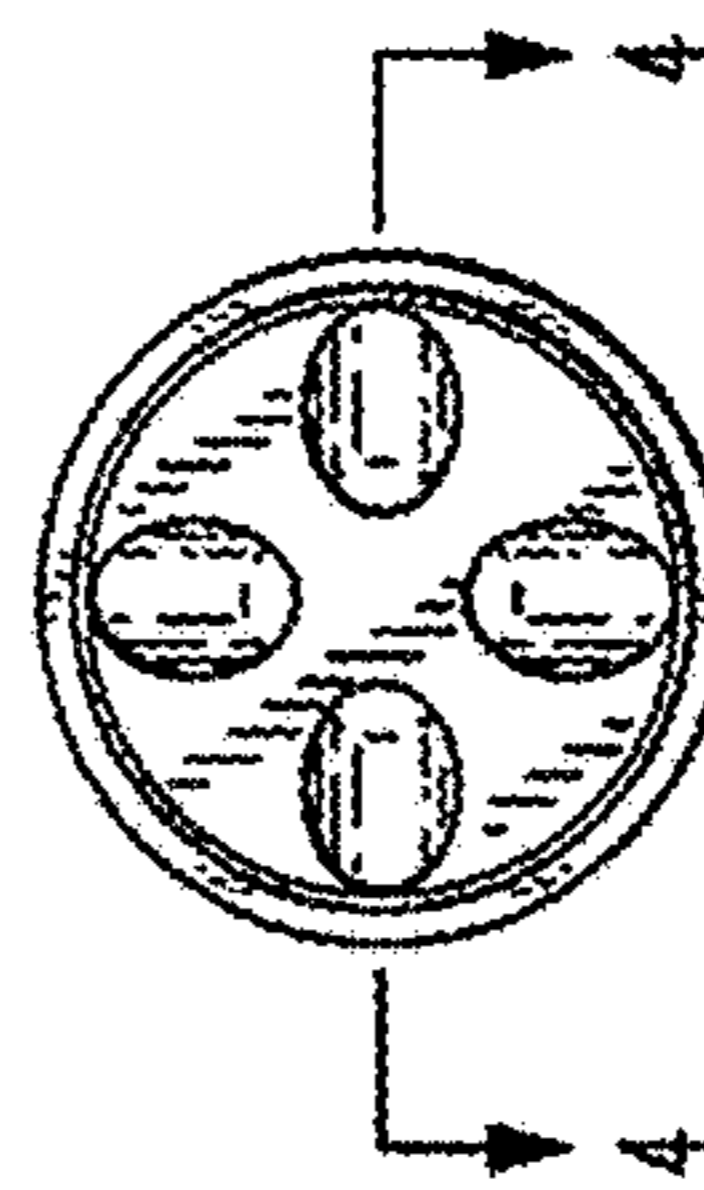


FIG. 3

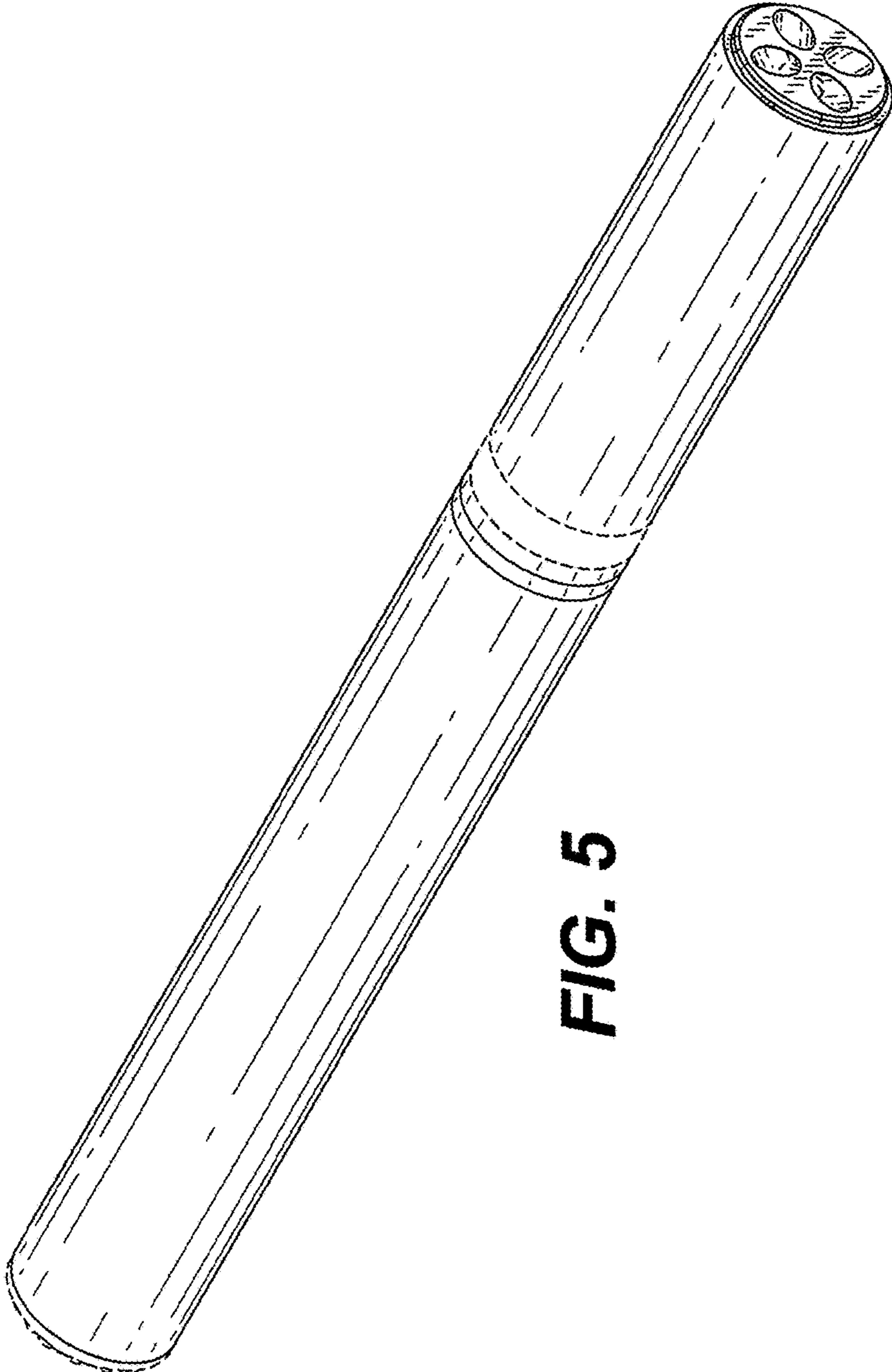


FIG. 5

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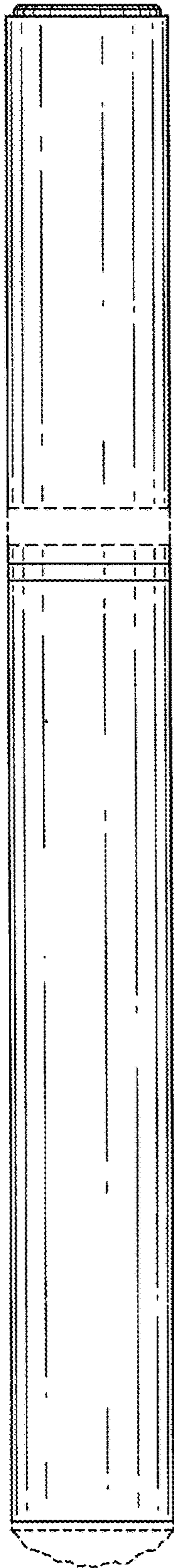


FIG. 6

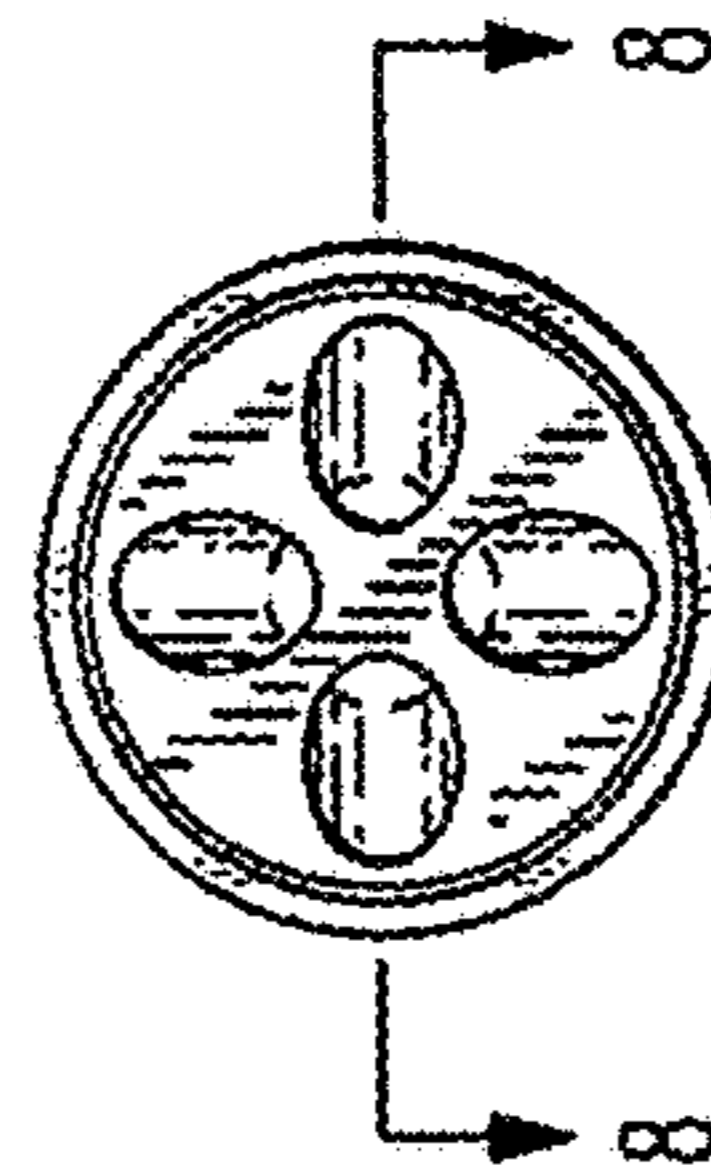


FIG. 7

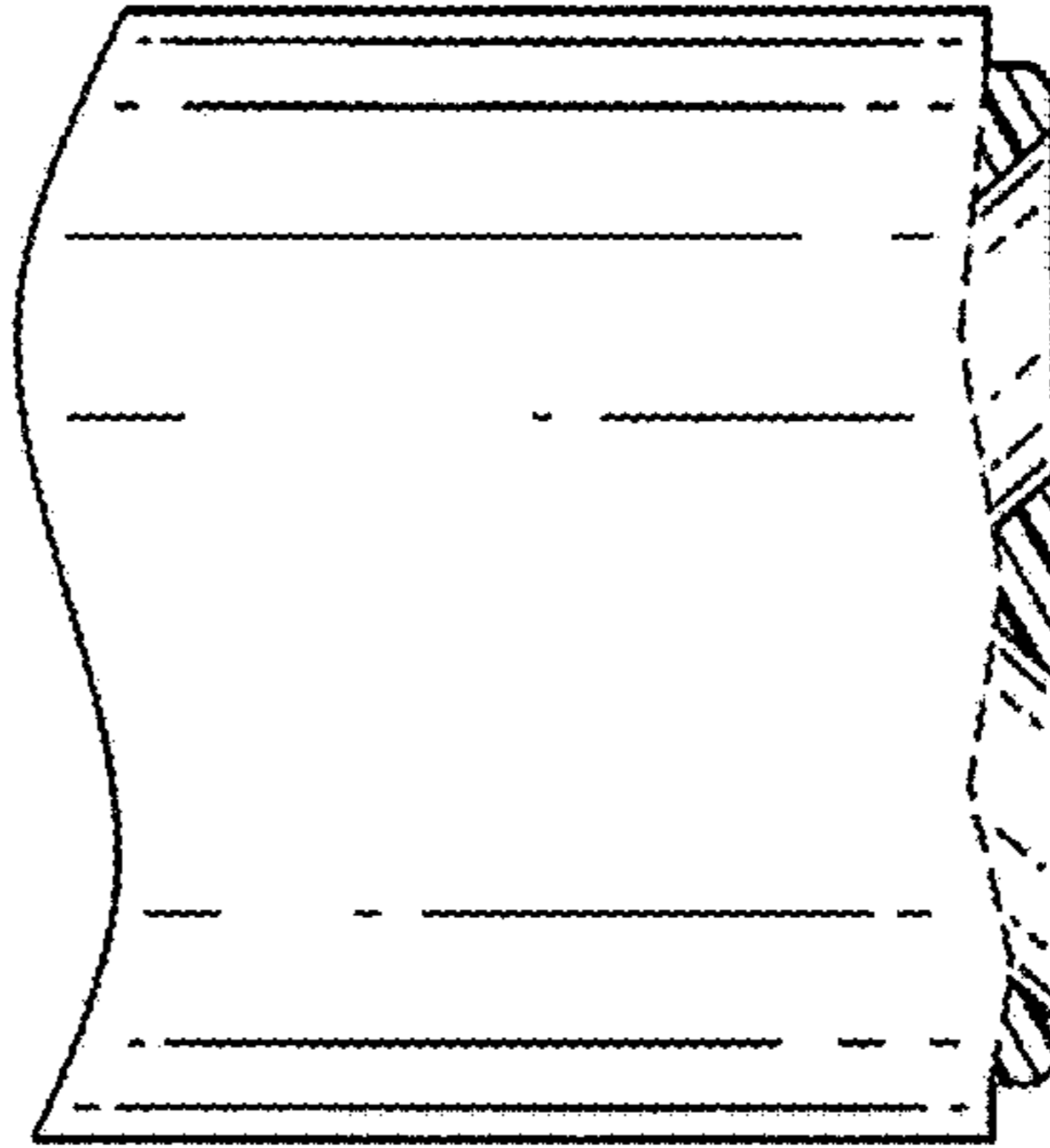


FIG. 8