



US00D821533S

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

(10) **Patent No.:** **US D821,533 S**
(45) **Date of Patent:** **** Jun. 26, 2018**

(54) **MAGAZINE**

(71) Applicant: **Magpul Industries Corp.**, Austin, TX (US)

(72) Inventor: **Felix Nuss**, Boulder, CO (US)

(73) Assignee: **Magpul Industries Corp.**, Austin, TX (US)

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

(21) Appl. No.: **29/588,262**

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(51) **LOC (11) Cl.** **22-01**

(52) **U.S. Cl.**
USPC **D22/108**

(58) **Field of Classification Search**
USPC D22/108, 109, 199; 89/33.1, 40.06, 89/37.04, 33.04, 191.01; 124/45, 66, 67, 124/74; 42/6, 7, 49.01–49.02, 50, 49.1
CPC F41A 9/70; F41A 9/65; F41A 9/71; F41A 9/68; F41A 9/69; F41A 11/02; F41A 9/61; F41A 9/00; F41A 9/17; F41A 9/23; F41A 9/34; F41A 9/84
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

3,453,762	A	7/1969	Fremont	
4,127,954	A	12/1978	Hausmann	
4,589,218	A	5/1986	Teppa	
4,672,760	A	6/1987	Chesnut et al.	
5,113,605	A	5/1992	Kim	
5,149,897	A	9/1992	Howard	
5,309,660	A	5/1994	Blackamore	
5,956,878	A	9/1999	Yang	
7,093,386	B1	8/2006	Vieweg	
7,533,483	B1	5/2009	Alazmora et al.	
D593,633	S *	6/2009	Fitzpatrick	..... D22/108

(Continued)

FOREIGN PATENT DOCUMENTS

CA 2612519 A1 12/2006
DE 654386 C 12/1937

(Continued)

OTHER PUBLICATIONS

PMAG 30 AR 300 B Gen M3, Magpul.com, [online], [site visited Jan. 16, 2018]. <URL: <https://www.magpul.com/products/pmag-30-ar-300-b-gen-m3-300-blk>> (Year: 2018).*

(Continued)

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(57) **CLAIM**

The ornamental design for a magazine, as shown and described.

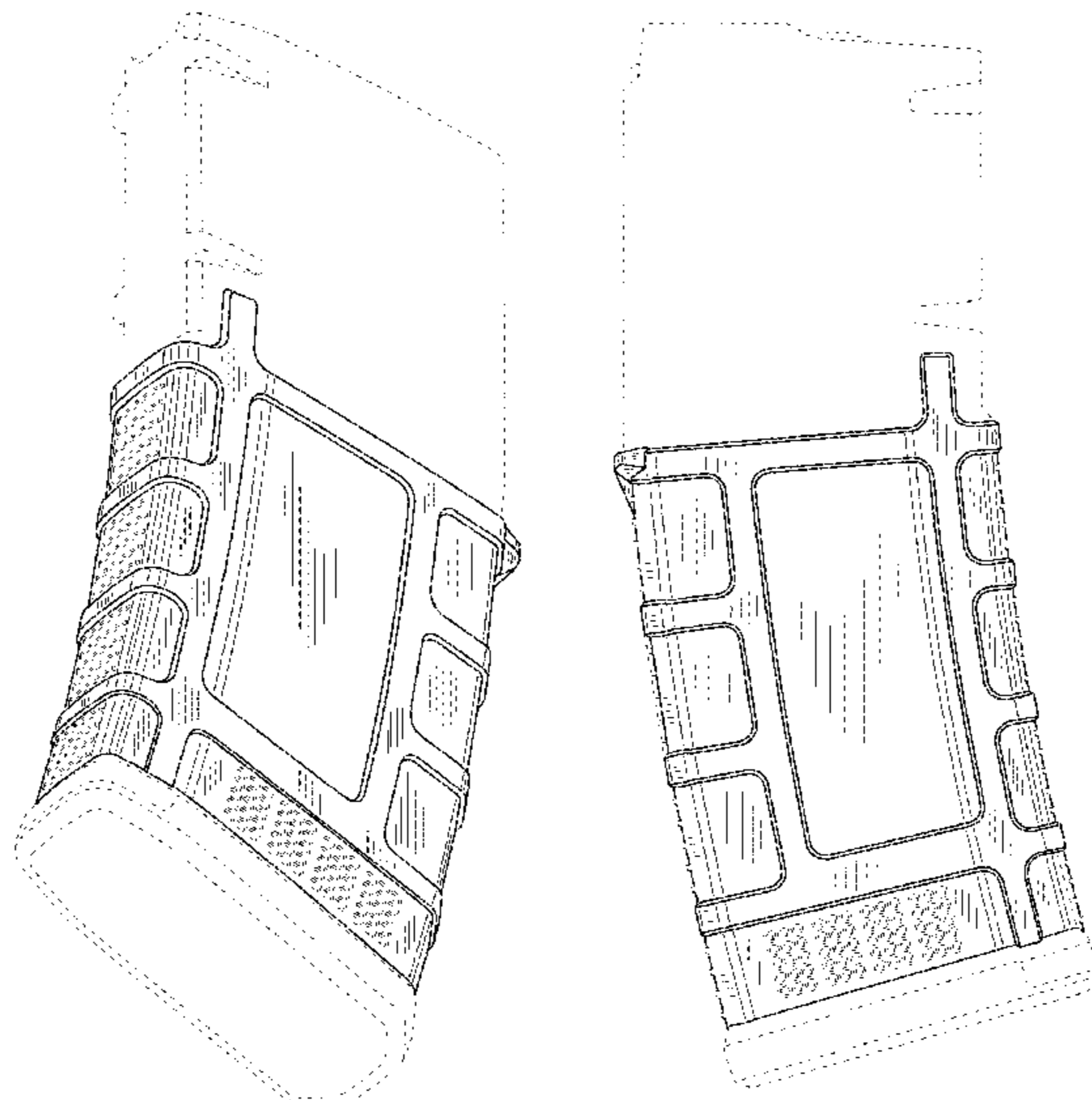
DESCRIPTION

FIG. 1 is a front, right, bottom perspective view of a magazine showing my new design; FIG. 2 is a right side elevation view of the magazine of FIG. 1; FIG. 3 is a left side elevation view of the magazine of FIG. 1; FIG. 4 is a rear elevation view of the magazine of FIG. 1; FIG. 5 is a front elevation view of the magazine of FIG. 1; FIG. 6 is a top view of the magazine of FIG. 1; and, FIG. 7 is a bottom view of the magazine of FIG. 1.

The shade lines in the Figures show contour and not surface ornamentation.

The broken lines in the Figures show portions of the magazine and environment that form no part of the claimed design.

1 Claim, 6 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D600,303	S *	9/2009	Fitzpatrick	.....	D22/108
D614,720	S *	4/2010	Fitzpatrick	.....	D22/108
D614,721	S *	4/2010	Fitzpatrick	.....	D22/108
D633,589	S *	3/2011	Fitzpatrick	.....	D22/108
7,908,780	B2	3/2011	Fitzpatrick et al.		
7,937,872	B1	5/2011	Fluhr		
8,069,601	B1	12/2011	Fitzpatrick et al.		
8,225,541	B2	7/2012	Bigley et al.		
8,356,439	B2	1/2013	Dubois		
D681,151	S *	4/2013	Fitzpatrick	.....	D22/108
D688,766	S *	8/2013	Fitzpatrick	.....	D22/108
D691,233	S *	10/2013	Bennett	.....	D22/108
D695,378	S *	12/2013	Fitzpatrick	.....	D22/108
8,635,796	B2	1/2014	Fitzpatrick et al.		
8,667,724	B2	3/2014	Zheng		
D704,790	S *	5/2014	Mayberry	.....	D22/108
D705,886	S *	5/2014	Kielsmeier	.....	D22/108
8,713,834	B2	5/2014	Daniel et al.		
8,720,095	B2	5/2014	Wright		
D706,880	S *	6/2014	Chu	.....	D21/573
D707,783	S *	6/2014	Kielsmeier	.....	D22/108
D710,479	S *	8/2014	Nakayama	.....	D22/108
D712,500	S	9/2014	Nakayama et al.		
8,839,543	B2	9/2014	Fitzpatrick et al.		
D716,903	S *	11/2014	Larmer	.....	D22/108
8,943,727	B2	2/2015	Russell		
8,966,801	B1 *	3/2015	Bentley	.....	F41A 9/71 42/49.01
9,021,731	B2	5/2015	Macy		
D735,831	S *	8/2015	Faifer	.....	D22/108
D736,337	S *	8/2015	Kielsmeier	.....	D22/108
9,255,749	B2 *	2/2016	Faifer	.....	F41A 9/65
D755,336	S *	5/2016	Nakayama	.....	D22/108
D765,812	S *	9/2016	Kielsmeier	.....	D22/108
9,746,264	B2 *	8/2017	Fitzpatrick	.....	F41A 9/70
D804,603	S *	12/2017	Kielsmeier	.....	D22/108
2003/0066227	A1	4/2003	Fitzpatrick		
2010/0101132	A1	4/2010	Jacobson		
2010/0251590	A1 *	10/2010	Fitzpatrick	.....	F41A 9/65 42/50
2010/0281736	A1 *	11/2010	Mayberry	.....	F41A 21/481 42/49.01
2011/0005113	A1	1/2011	Fitzpatrick et al.		
2012/0233899	A1 *	9/2012	Daniel	.....	F41A 9/65 42/49.01
2013/0097909	A1 *	4/2013	Watchorn	.....	F41A 9/65 42/50
2013/0180146	A1 *	7/2013	Fitzpatrick	.....	F41A 9/70 42/50
2014/0075810	A1	3/2014	Mikroulis		
2014/0215878	A1	8/2014	Fitzpatrick et al.		
2015/0000171	A1	1/2015	Roberts		
2015/0096213	A1	4/2015	Potter		
2015/0345882	A1 *	12/2015	Nakayama	.....	F41A 9/70 42/50
2017/0097202	A1 *	4/2017	Fitzpatrick	.....	F41A 9/70

FOREIGN PATENT DOCUMENTS

DE	1094155	B	12/1960
GB	275606	A	10/1927
WO	2015016996	A2	2/2015
WO	2015042284	A1	3/2015

OTHER PUBLICATIONS

Magpul—PMAG 30 AR 300 B Gen M3, YouTube.com, Magpul, Published on Jan. 11, 2017, [online], [site visited Jan. 16, 2018]. <URL: <https://www.youtube.com/watch?v=9UkH4GrpjUs>> (Year: 2017).*

Magpul's New PMAG 30 AR 300 B Gen M3 Mags for 300BLK, TheFirearmBlog.com, Posted Jan. 16, 2017 by Ray I., [online], [site

visited Jan. 16, 2018]. <URL: <http://www.thefirearmblog.com/blog/2017/01/16/magpuls-new-pm> (Year: 2017).*

Magpul PMAG M2 MOE Magazine AR-15 223 Remington 30-Round, MidwayUSA.com, [online], [site visited Jan. 16, 2018]. <URL: <https://www.midwayusa.com/product/2319180134/magpul-pmag-m2-moe-magazine-ar-15-223-remington-30-round>> (Year: 2018).*

Prior Art Exhibit B in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 4,589,218 (Teppa)”, p. 28 Published in: US.

Fitzpatrick, et al., “Specification for related U.S. Appl. No. 14/098,467”, filed Dec. 5, 2013, p. 21 Published in: US.

Fitzpatrick, et al., “Specification for related U.S. Appl. No. 60/941646”, filed Jun. 1, 2007, p. 7 Published in: US.

Prior Art Exhibit J in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 5,638,626 (Westrom)”, p. 21 Published in: US.

Magpul, “Magpul PMAG Versus a Chew Truck”, Retrieved from <https://www.youtube.com/watch?v=UCFXcOOB4jc>, Feb. 24, 2007, p. 3 Published in: US.

Magpul, “PMAG 20 AR/M4 Gen M3 5.56x45MM NATO”, Retrieved from <https://www.magpul.com/products/pmag-30-ar-m4-gen-m3>, Known to exist as early as Mar. 21, 2017, p. 3.

Magpul, “PMAG 30 AR/M4 Gen M3 5.56x45MM NATO”, Retrieved from <https://www.magpul.com/products/pmag-30-ar-m4-gen-m3>, Known to exist as early as Mar. 21, 2017, p. 3.

Magpul, “PMAG 30 AR/M4 Gen M2 MOE Window 5.56x44MM NATO”, Retrieved from <https://www.magpul.com/products/pmag-30-ar-m4-gen-m2-moe-window>, Known to exist as early as Mar. 21, 2017, p. 3.

Johnson, Stephen, “United States Office Action re U.S. Appl. No. 14/632,804”, dated Aug. 8, 2016, p. 10, Published in: US.

Johnson, Stephen, “United States Office Action re U.S. Appl. No. 14/632,804”, dated Feb. 2, 2017, p. 8, Published in: US.

Johnson, Stephen, “United States Office Action re U.S. Appl. No. 14/632,804”, dated Apr. 15, 2016, p. 35, Published in: US.

Gruber, Stephen, “Response to United States Office Action re U.S. Appl. No. 14/632,804”, dated Jan. 9, 2017, p. 11, Published in: US.

Gruber, Stephen S., “Response to United States Office Action re U.S. Appl. No. 14/632,804”, dated Jun. 15, 2016, p. 16, Published in: US.

Han, Jonathan J., “United States Office Action re U.S. Appl. No. 29/551,629”, dated Feb. 17, 2017, p. 11, Published in: US.

Nash, William B., “*Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries* Civil Action No. 1:13-cv-01938-”, “First Amended Answer, Affirmative Defenses, and Counterclaims”, Feb. 18, 2014, p. 19, Published in: US.

Nash, William B., “Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*”, “Defendant Brookshire Tool and MFG Company, Inc. dba PROMAG Industries’ Second Amended Answer, Affirmative Defenses, and Counterclaims”, Mar. 11, 2014, p. 19, Published in: US.

Prior Art Exhibit A in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 7,533,483 (Alzamora)”, p. 34, Published in: US.

D&H Industries, “AR Style Magazine, 300 Blackout, 30 Round | D&H”, Retrieved from <http://shopwilsoncombat.com/AR-Style-Magazine-300-Blackout-30-Round-DH/productinfo/TR-DHMAG30-300BLK>, Known to exist as early as Dec. 6, 2016, p. 2.

Adams, W. Thad, “Re: *Magpul Industries Corp. v. Big Rock Sports, LLC; Magpul Industries Corp. v. Plinker Arms, LLC*”, Sep. 9, 2013, p. 8 Published in: US.

Prior Art Exhibit K in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,377,732 (Bivens)”, p. 26 Published in: US.

Prior Art Exhibit F in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba*

(56)

References Cited

OTHER PUBLICATIONS

Promag Industries, “Claims Chart re U.S. Pat. No. 7,497,044 (Cammenga)”, p. 22 Published in: US.

Circle 10 AK, “AK Magazines”, Retrieved from <http://circle10ak.com/AKMagazines.shtml>, Known to exist as early as Dec. 18, 2015, p. 7.

Song, Alexander S., “Report of the conduct of Geoffrey E. Dobbin pursuant to 37 C.F.R. 11.803”, Dec. 13, 2013, p. 8, Published in: US. “Document Production for Civil Action No. 1:13-cv-0193 RBJ, PRO001269-PRO001360, *Magpul Industries Corp. v. Brookshire Tool & MFG Company, Inc. dba Promag Industries*”, p. 92 Published in: US.

Prior Art Exhibit L in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,906,652 (Evans)”, p. 17 Published in: US.

Prior Art Exhibit H in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,465,463 (Grandy)”, p. 18 Published in: US.

Prior Art Exhibit E in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 2,081,235 (Hillyard)”, p. 21 Published in: US.

Adam Webber—hkparts.net, “Product page for G36 30 Round Mag”, Retrieved from www.hkparts.net/shop/pc/G36-30-Round-Mag-13p624.htm, Oct. 9, 2013, p. 2.

Prior Art Exhibit G in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 2,783,570 (Kunz)”, p. 15 Published in: US.

Magpul, “30 Round Standard PMAG”, Retrieved from http://www.magpul.com/catalog/index.php?main_page..., Jul. 16, 2007, p. 2, Published in: US.

Prior Art Exhibit C in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,736,686 (Moller)”, p. 24 Published in: US.

Prior Art Exhibit I in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,110,122 (Musgrave)”, p. 20, Published in: US.

Prior Art Exhibit D in Civil Action No. 1:13-cv-01983-RBJ; *Magpul Industries Corp. v. Brookshire Tool and MFG Company, Inc. dba Promag Industries*, “Claims Chart re U.S. Pat. No. 3,226,869 (Musgrave)”, p. 22, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 14/098,467”, dated Mar. 21, 2014, p. 42, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 13/307,431”, dated Apr. 5, 2013, p. 7, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 14/098,467”, dated Apr. 8, 2014, p. 5, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 14/461,229”, dated Oct. 9, 2014, p. 27, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 13/307,431”, dated Nov. 2, 2012, p. 8, Published in: US.

Johnson, Stephen, “Office Action re U.S. Appl. No. 13/307,431”, dated Nov. 22, 2013, p. 21, Published in: US.

Magpul Industries, Corp., “PMAG 10K/AKM MOE 7.62x39MM”, Retrieved from <https://www.magpul.com/products/pmag-10-ak-akm-moe>, Known to exist as early as Dec. 18, 2015, p. 5.

Magpul Industries, Corp., “PMAG 30AK/AKM MOE 7.62x39MM”, Retrieved from <https://www.magpul.com/products/pmag-30-ak-akm-moe>, Known to exist as early as Dec. 18, 2015, p. 5.

Printed Publications on [www.magpul.com](http://www.magpul.com/catalog/images/pmag1_02.jpg), “http://www.magpul.com/catalog/images/pmag1_02.jpg”, Jul. 16, 2007, p. 2, Publisher: Magpul Industries Corp, Published in: US.

Printed Publications on [www.magpul.com](http://www.magpul.com/catalog/images/pmag1_03.jpg), “http://www.magpul.com/catalog/images/pmag1_03.jpg”, Dec. 2, 2007, p. 2, Publisher: Magpul Industries Corp., Published in: US.

Printed Publications on [www.magpul.com](http://www.magpul.com/catalog/images/pmag1_04.jpg), “http://www.magpul.com/catalog/images/pmag1_04.jpg”, Dec. 2, 2007, p. 2, Publisher: Magpul Industries Corp., Published in: US.

Printed Publications on [www.magpul.com](http://www.magpul.com/catalog/images/pmag1_05.jpg), “http://www.magpul.com/catalog/images/pmag1_05.jpg”, Jul. 16, 2007, p. 2, Publisher: Magpul Industries Corp., Published in: US.

Printed Publications on [www.magpul.com](http://www.magpul.com/catalog/images/pmag1_06.jpg), “http://www.magpul.com/catalog/images/pmag1_06.jpg”, Jul. 16, 2007, p. 2, Publisher: Magpul Industries Corp, Published in: US.

Magpul Industries, Corp “The sale and/or offer for sale of the Magpul PMAG”, Apr. 28, 2007, p. 6, Published in: US.

Nash, William B., “ProMag’s Invalidity Contentions”, “Civil Action No. 1:13-cv-01983-RBJ, *Magpul Industries Corp v. Brookshire Tool & MFG Company, Inc. dba Promag Industries*”, Apr. 28, 2014, p. 11 Published in: US.

Nash, William B., “Promag’s Invalidity Contentions for U.S. Pat. No. D614,7195”, “Civil Action No. 1:13-cv-01983-RBJ- *Magpul Industries Corp., V. Brookshire Tool and MFG Company, Inc. dba Promag Industries*”, May 12, 2014, p. 9, Published in: US.

Gruber, Stephen S., “Response to Office Action re Application No. 14/098,467”, dated Mar. 28, 2014, p. 15 Published in: US.

Gruber, Stephen S., “Response to Office Action re U.S. Appl. No. 14/098,467”, dated Apr. 8, 2014, p. 13, Published in: US.

Gruber, Stephen S., “Response to Office Action re U.S. Appl. No. 13/307,431”, dated Oct. 4, 2013, p. 22, Published in: US.

Gruber, Stephen S., “Response to Office Action re U.S. Appl. No. 13/307,431”, dated Nov. 25, 2013, p. 22, Published in: US.

Gruber, Stephen S., “Response to Office Action re U.S. Appl. No. 14/461,229”, dated Dec. 11, 2014, p. 13, Published in: US.

Dobbin, Geoffrey, “Response to Office Action re U.S. Appl. No. 13/307,431”, dated Mar. 14, 2013, p. 10, Published in: US.

Tapco, “30rd AK-74 Magazine—Black”, Retrieved from <http://www.tapco.com/products/ak/index.php?a=viewProd&productId=417>, Known to exist as early as Dec. 18, 2015, p. 1.

* cited by examiner

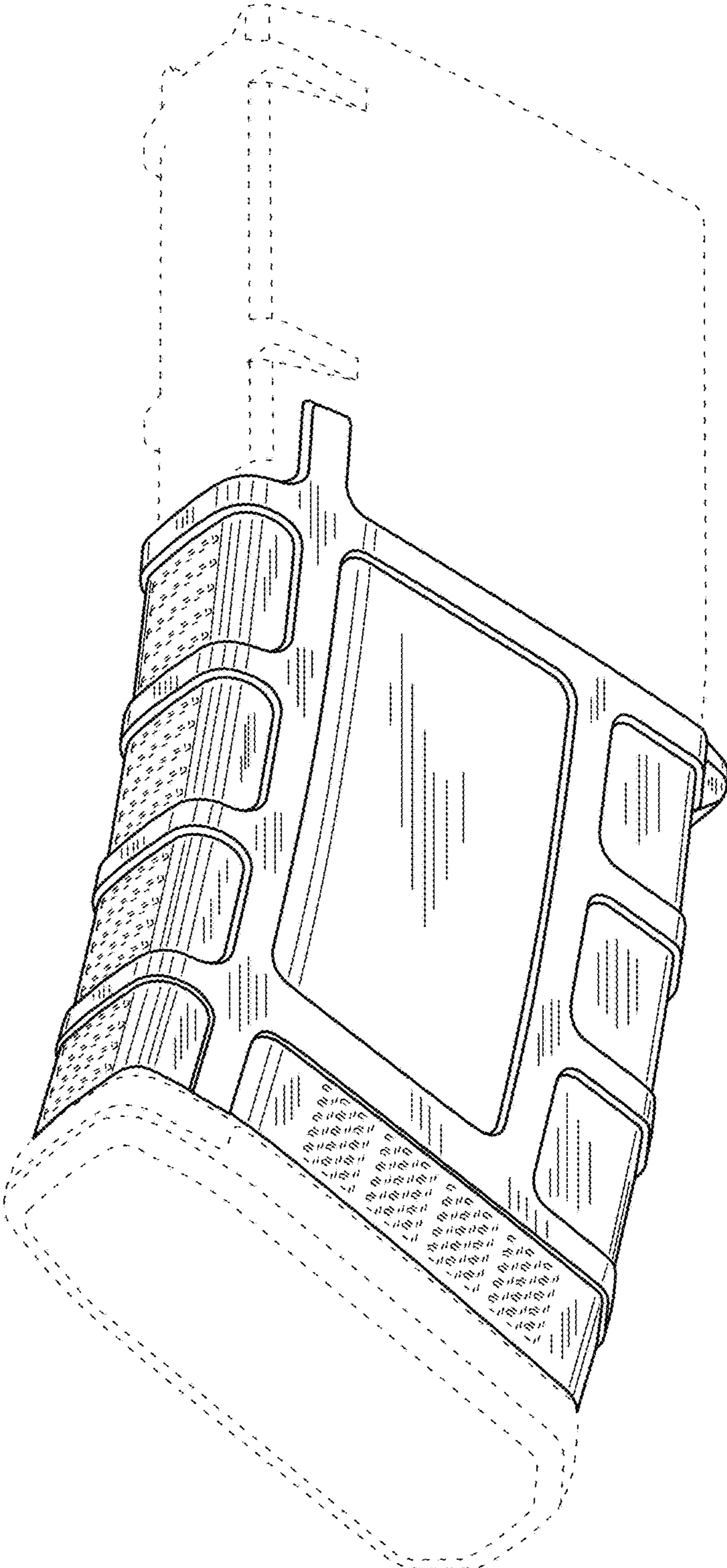


FIG.1

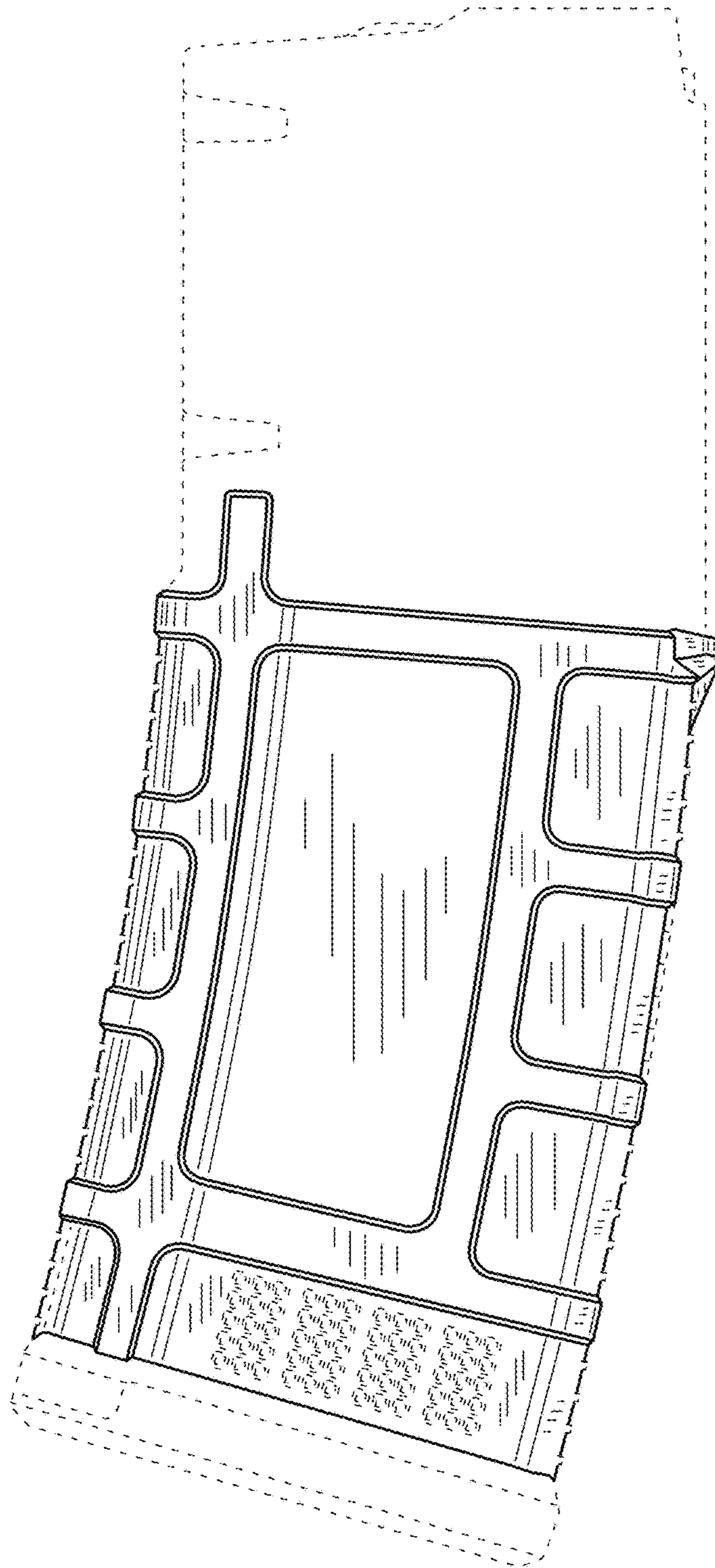


FIG.2

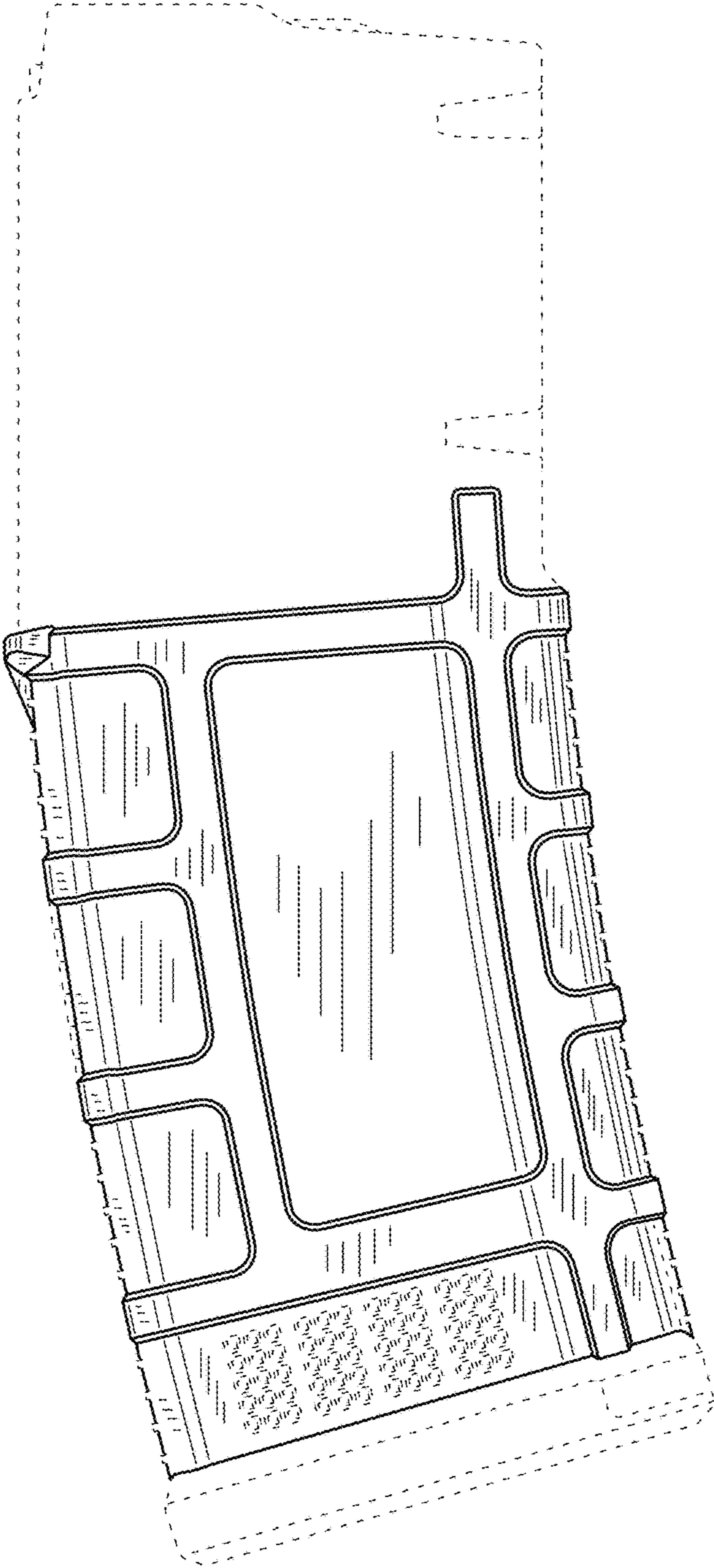


FIG.3

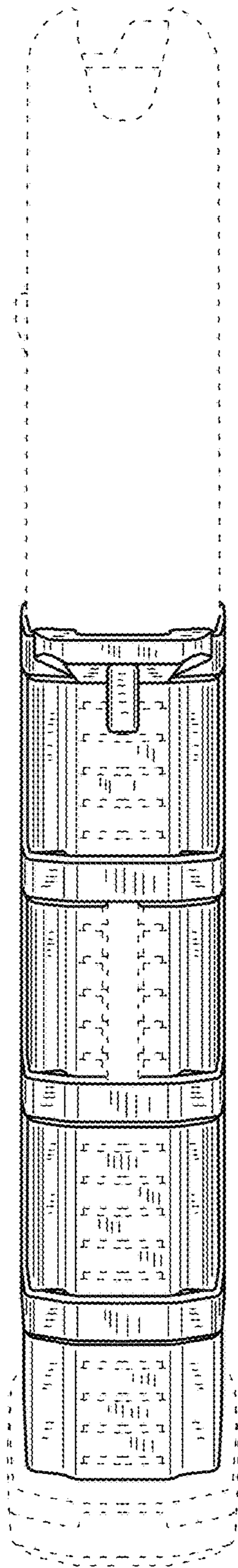


FIG.4

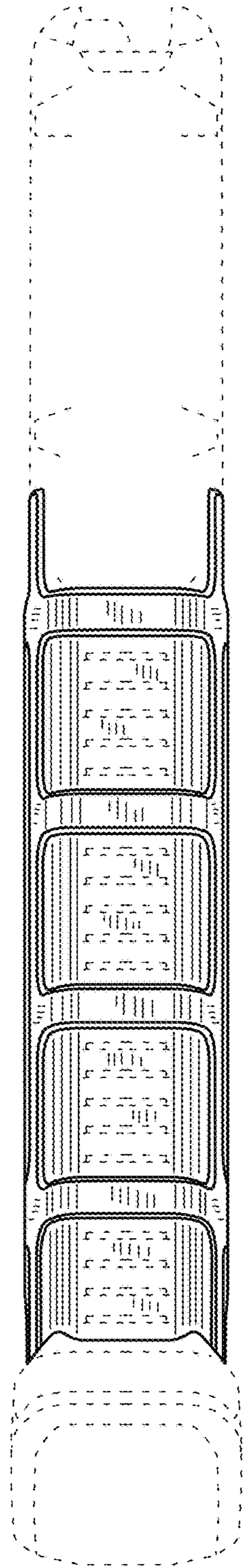


FIG.5

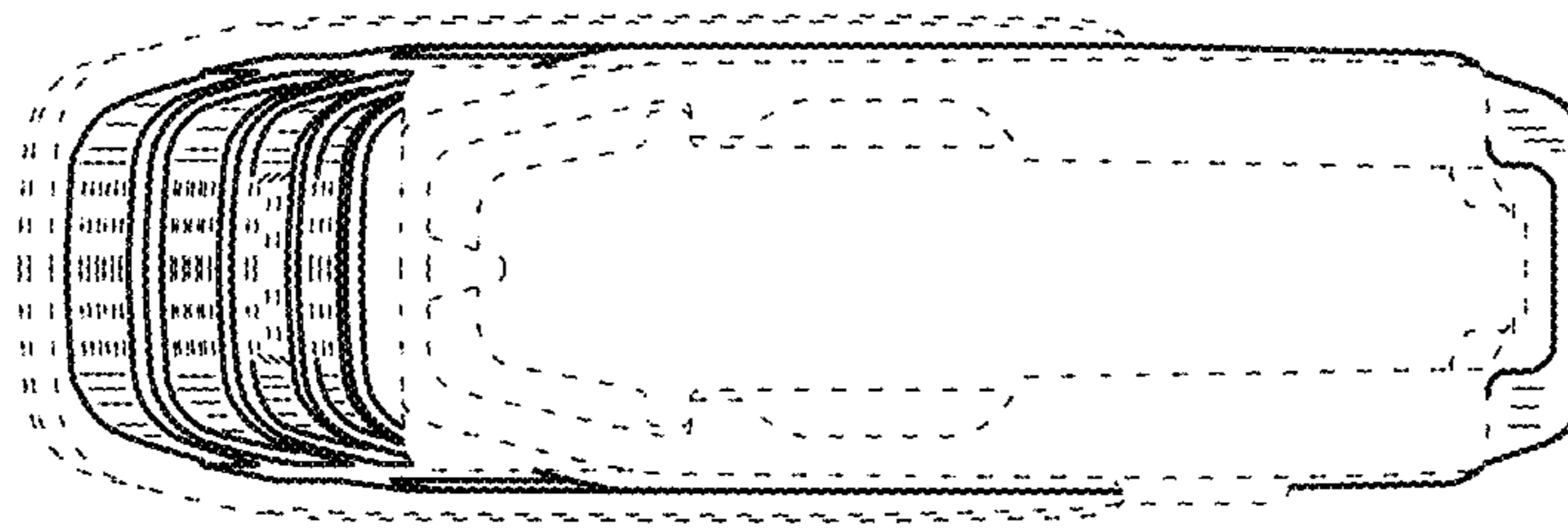


FIG. 6

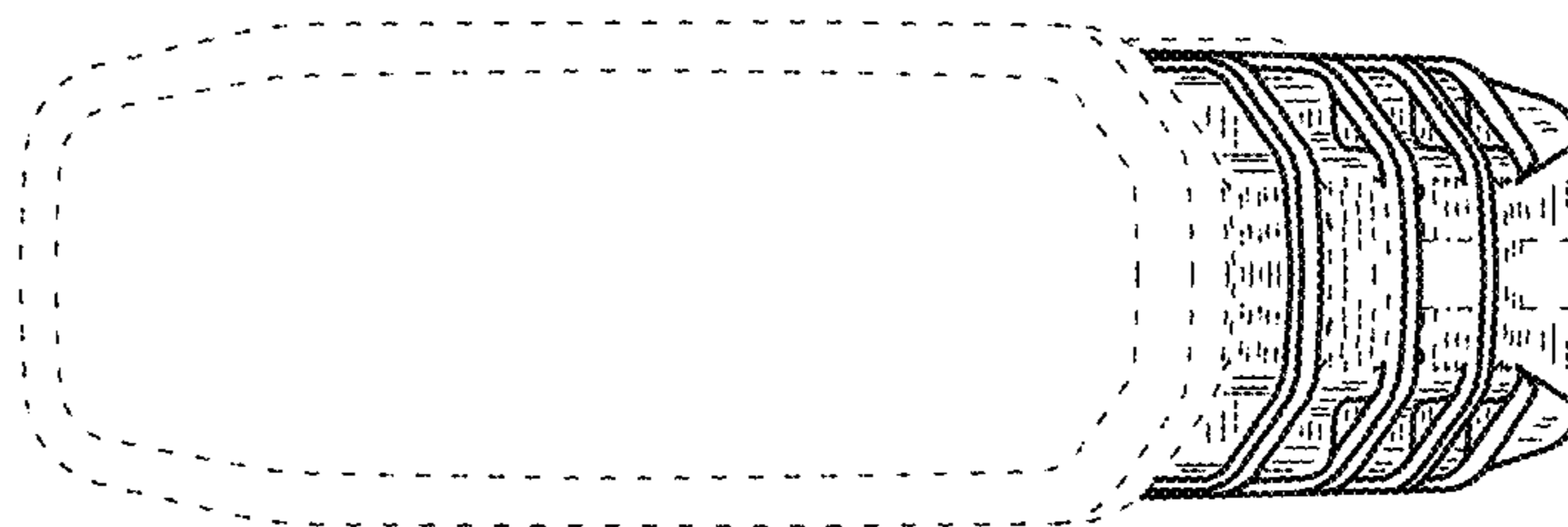


FIG. 7