



US00D823062S

(12) **United States Design Patent** (10) **Patent No.:** **US D823,062 S**
Goodwin et al. (45) **Date of Patent:** **** Jul. 17, 2018**

(54) **CUP**

(71) Applicant: **Helen of Troy Limited**, St. Michael (BB)

(72) Inventors: **Brian George Goodwin**, Bend, OR (US); **Ryan James Diener**, Bend, OR (US); **Justin Taylor**, Bend, OR (US)

(73) Assignee: **Helen of Troy Limited** (BB)

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

(21) Appl. No.: **29/558,166**

(22) Filed: **Mar. 15, 2016**

(51) **LOC (11) Cl.** **07-01**

(52) **U.S. Cl.**
USPC **D7/511; D7/523**

(58) **Field of Classification Search**
USPC D7/300, 396.2, 507–509, 523, 532, 537, D7/601, 602, 608, 619.1; D3/202; D9/424, 500, 503, 504, 516, 520, 549, D9/550, 558, 715; D11/143, 144, 152; D26/6, 7, 10, 16; D27/134; D30/129; 215/377
CPC ... A47G 19/2205; A47G 19/2255; A45F 3/20; A45F 2003/205; B65D 1/22
See application file for complete search history.

4,151,923 A 5/1979 Bernardi
D267,849 S 2/1983 Groenewold et al.
D271,650 S 12/1983 Groenewold et al.
D273,651 S 5/1984 Emrick
5,076,463 A 12/1991 McGraw
(Continued)

FOREIGN PATENT DOCUMENTS

JP D1478332 S 9/2013
JP D1507855 S 9/2014
(Continued)

OTHER PUBLICATIONS

Klean Kanteen, 16oz, Tumbler, product was commercially available and could be located at <http://www.kleankanteen.com/products/cups-tumblers/steel-insulated-tumbler.php> prior to the filing date of the instant application.

(Continued)

Primary Examiner — Daniel D Bui
Assistant Examiner — Andrew Kerr
(74) *Attorney, Agent, or Firm* — Kolisch Hartwell, P.C.

(57) **CLAIM**

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

DESCRIPTION

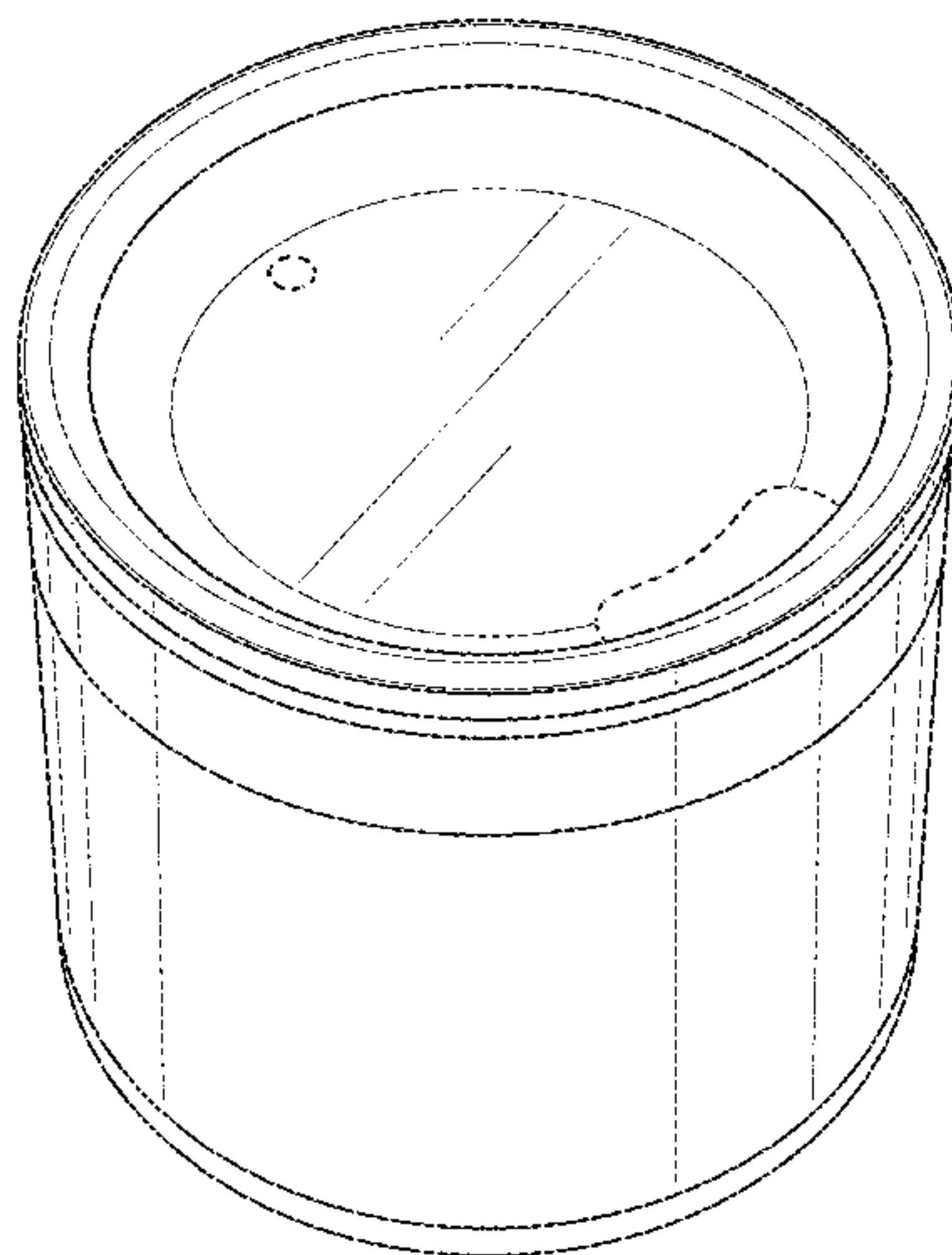
FIG. 1 is an upper and side perspective view of a cup including a lid, showing our new design;
FIG. 2 is a lower and side perspective view thereof;
FIG. 3 is a side elevation view thereof, the cup being rotationally symmetric such that the front, back, right, and left elevation views are the same;
FIG. 4 is a top plan view thereof; and,
FIG. 5 is a bottom plan view thereof.
The broken lines shown in the drawings depict portions of the cup that form no part of the claimed design.

1 Claim, 5 Drawing Sheets

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,657,927 A	1/1928	Heinzen
1,879,820 A	9/1932	Perry
2,090,320 A	8/1937	Amick
2,500,611 A	3/1950	Kereluck
2,622,415 A	12/1952	Landers et al.
2,863,585 A	12/1958	Meshberg
D191,620 S	10/1961	Bloch et al.
3,194,468 A	7/1965	Baron
D223,704 S	5/1972	Cheladze
3,765,559 A	10/1973	Sauey et al.



(56)

References Cited**U.S. PATENT DOCUMENTS**

D352,210 S	*	11/1994	Cousins	.....	D7/612
D424,875 S		5/2000	Husted		
D446,687 S		8/2001	Furman et al.		
D474,047 S		5/2003	Hou		
D480,590 S		10/2003	Linz et al.		
D483,982 S		12/2003	Irvine		
D488,348 S		4/2004	Liu		
D489,573 S		5/2004	Li		
D490,274 S		5/2004	Irvine		
D495,199 S		8/2004	Matthews		
D502,633 S		3/2005	Liu		
D503,304 S		3/2005	Fiedeler et al.		
D506,640 S		6/2005	Marck et al.		
D506,910 S		7/2005	Tham-Itthisak		
6,913,165 B2		7/2005	Linz et al.		
6,921,179 B2		7/2005	Ghanem		
D533,748 S		12/2006	Bresler		
D537,677 S		3/2007	Bresler		
D548,534 S		8/2007	Sullivan		
D550,509 S		9/2007	Dretzka		
D552,420 S		10/2007	Liu		
D553,439 S		10/2007	Bodum		
D554,822 S		11/2007	Dretzka		
D561,535 S		2/2008	Jin		
D565,352 S		4/2008	Williams		
H002217 H	*	6/2008	Smay	.....	B65D 1/22 D9/503
D577,260 S		9/2008	Bodum		
D581,739 S		12/2008	Bodum		
D582,724 S		12/2008	Dretzka		
D587,069 S		2/2009	Bodum		
D590,662 S		4/2009	Cheng		
D621,658 S		8/2010	Rice		
D622,547 S		8/2010	Carreno		
D629,253 S		12/2010	Eubank et al.		
D640,505 S		6/2011	George		
D655,982 S		3/2012	Liu		
D679,960 S	*	4/2013	Hopkins	.....	D7/629
D682,035 S		5/2013	Monugian		
D713,204 S		9/2014	Katterheinrich et al.		
D720,185 S		12/2014	Kaiser		
D722,825 S		2/2015	Miller		
D731,251 S		6/2015	Lane		
9,052,105 B2		6/2015	Zalon		
D750,436 S		3/2016	Hopkins et al.		
D764,233 S	*	8/2016	Lee	.....	D7/509
D773,250 S	*	12/2016	Miller	.....	D7/523
D784,137 S	*	4/2017	Cates	.....	D9/500
2004/0066705 A1		4/2004	Linz et al.		
2007/0171768 A1		7/2007	Dallaire		
2010/0108693 A1		5/2010	Zhang et al.		
2012/0132658 A1		5/2012	Dans et al.		
2012/0273503 A1		11/2012	Yen		
2014/0124513 A1		5/2014	Shearer		
2014/0263368 A1		9/2014	Booska		
2014/0263602 A1		9/2014	Leser et al.		
2016/0082693 A1		3/2016	Li et al.		

FOREIGN PATENT DOCUMENTS

JP	D1533483 S	9/2015
JP	D1533673 S	9/2015
KR	30-0733635 S	3/2014
TW	D107807 S	11/2005
TW	D125097 S	10/2008
TW	D165870 S	2/2015
TW	D167181 S	4/2015
TW	D172083 S	12/2015
TW	D178994 S	10/2016

OTHER PUBLICATIONS

Innate, 16 oz Siason Beer Sleeve, product was commercially available and could be located at [http://www.innate.gear.com/prod-](http://www.innate.gear.com/prod-uct-info/new-saison-beer-sleeve)

uct-info/new-saison-beer-sleeve prior to the filing date of the instant application.

Yeti, 20 oz & 30 oz Rambler Tumblers, product was commercially available and could be located at <http://yeticoolers.com/rambler-tumblers/> prior to the filing date of the instant application.

Steelys, Double Walled but not vacuum insulated, Product was commercially available and could be located at <http://steelysdrinkware.com/product/steelys-insulated-stainless-pint-cup/> prior to the filing date of the instant application.

July 3, 2013, Thermos Vacuum Insulated Tumbler, available at basetdelighttokyo.wordpress.com, see Oct. 23, 2015 final Office action in Design U.S. Appl. No. 29/498,609, which is another application of Applicant Steel Technology, LLC.

May 14, 2014, Klean Kanteen Stainless Steel Pint Cups, available at <http://www.kleankanteen.com/products/cups-tumblers/steel-cups-tumblers.php>, see Oct. 23, 2015 final Office action in Design U.S. Appl. No. 29/498,609, which is another application of Applicant Steel Technology, LLC.

Jul. 16, 2015, Office action from US Patent and Trademark Office, in Design U.S. Appl. No. 29/498,609, which is another application of Applicant Steel Technology, LLC.

Aug. 21, 2015, Office action from the Taiwanese Intellectual Property Office, in Taiwanese Patent Application No. 104300571, which is a foreign application of Applicant Steel Technology, LLC.

Oct. 23, 2015 final Office action from US Patent and Trademark Office, in Design U.S. Appl. No. 29/498,609, which is another application of Applicant Steel Technology, LLC.

Jun. 27, 2016 Notice of Allowance from US Patent and Trademark Office, in Design U.S. Appl. No. 29/498,609, which is another application of Applicant Steel Technology, LLC.

Feb. 2, 2017, Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 104300571, which is a foreign application of Applicant Helen of Troy Limited.

Feb. 24, 2017, Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 105305474, which is a foreign application of Applicant Helen of Troy Limited.

Apr. 10, 2017, Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 105305475, which is a foreign application of Applicant Helen of Troy Limited.

Thermos Vacuum Insulating Tumbler 2 set Silver 400ml JMO-GP2, image retrieved Oct. 18, 2017 from https://www.amazon.com/THERMOS-Vacuum-Insulating-Tumbler-JMO-GP2/dp/B000TUR6RG/ref=sr_1_1?s=home-garden&ie=UTF8&qid=1508373719&sr=1-1&keywords=JMO-GP2, previously available at http://shop.benesse.ne.jp/tamahiyo/disp/CSfGoodsImage_001.jsp?MSK_NO=1488382055000000, Kabushiki Kaisha Benesse Corporation, published Mar. 23, 2009.

A di Alessi 3/4-Inch Glass Family Water Glass, Crystalline Glass, Set of 4, image retrieved Oct. 18, 2017 from <https://www.amazon.com/Alessi-4-Inch-Glass-Family-Crystalline/dp/B00165TF04>, product was commercially available prior to the filing date of the instant application, circa before Mar. 15, 2016.

Jul. 18, 2017, Office action from the Japan Patent Office in Japanese Patent Application No. 2016-020015, which is a foreign counterpart application to this U.S. application and claims the benefit of priority to this U.S. application.

Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 106302813, dated Sep. 12, 2017, which is a foreign application of Applicant Helen of Troy Limited. Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 106302815, dated Sep. 12, 2017, which is a foreign application of Applicant Helen of Troy Limited. Office action from the Taiwanese Intellectual Property Office in Taiwanese Patent Application No. 106302816, dated Sep. 11, 2017, which is a foreign application of Applicant Helen of Troy Limited. https://www.amazon.ca/...shi-SX-DA60-Stainless-20-Ounce/dp/BOOTD82BX0/ref=pd_sim_79_1/139-9421015-1664816?_encoding=UTF8&psc=1&ref RI D=9D8JE5B2K4G5046C47D0 ZOJI Zojirushi SX-DA60 Stainless Tumbler Jul. 17, 2015.

(56)

References Cited

OTHER PUBLICATIONS

Nov. 30, 2017, Office action from U.S. Patent and Trademark Office, in Design U.S. Appl. No. 29/558,146, which is another application of applicant.

Jan. 16, 2018, from the Japan Patent Office in Japanese Patent Application No. 2016-020014, which is a foreign application of Applicant Helen of Troy Limited.

Jan. 16, 2018, from the Japan Patent Office in Japanese Patent Application No. 2017-007970, which is a foreign application of Applicant Helen of Troy Limited.

Jan. 16, 2018, Office action from the Japan Patent Office in Japanese Patent Application No. 2016-020015, which is a foreign counterpart application to this U.S. application and claims the benefit of priority to this U.S. application.

* cited by examiner

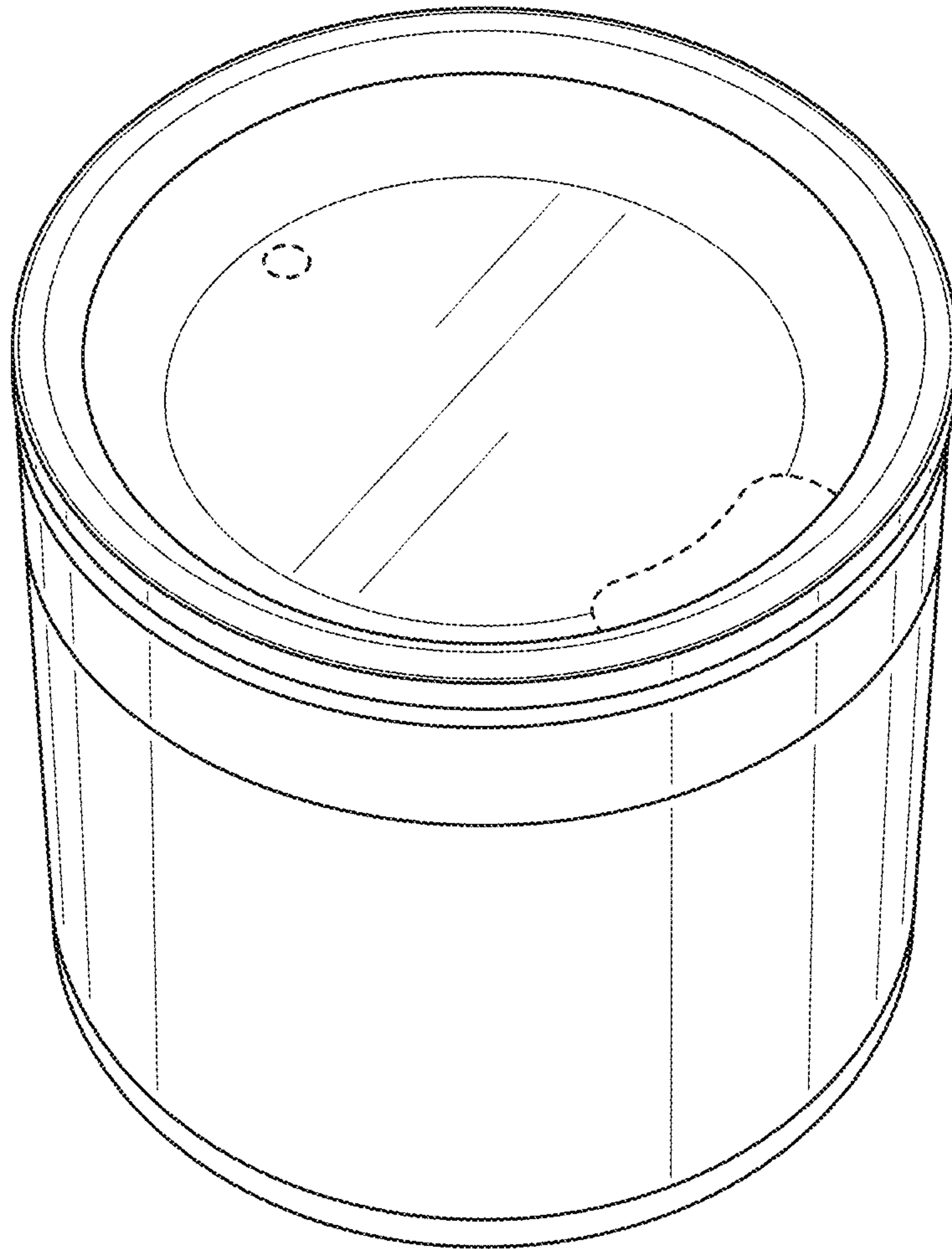


FIG. 1

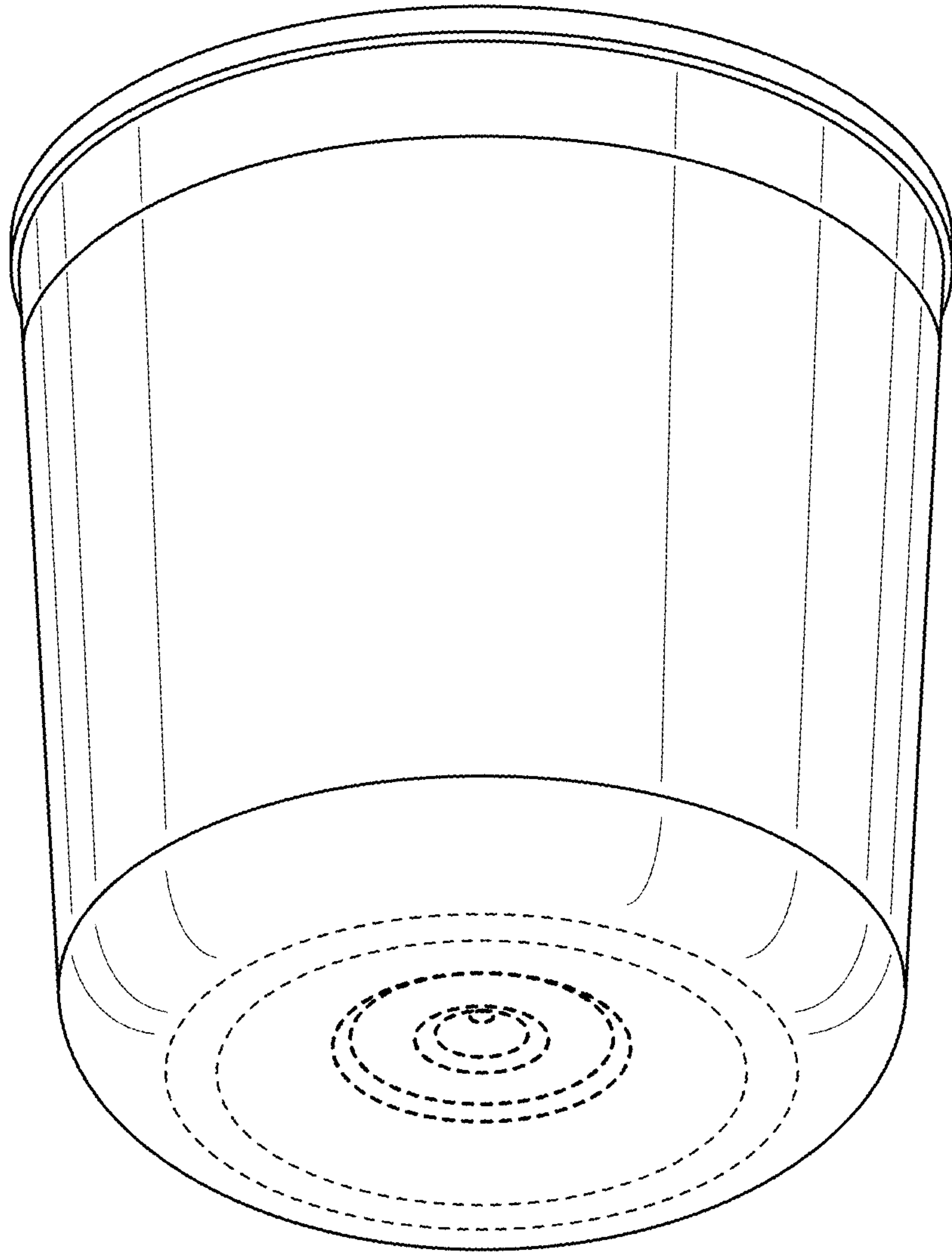


FIG. 2

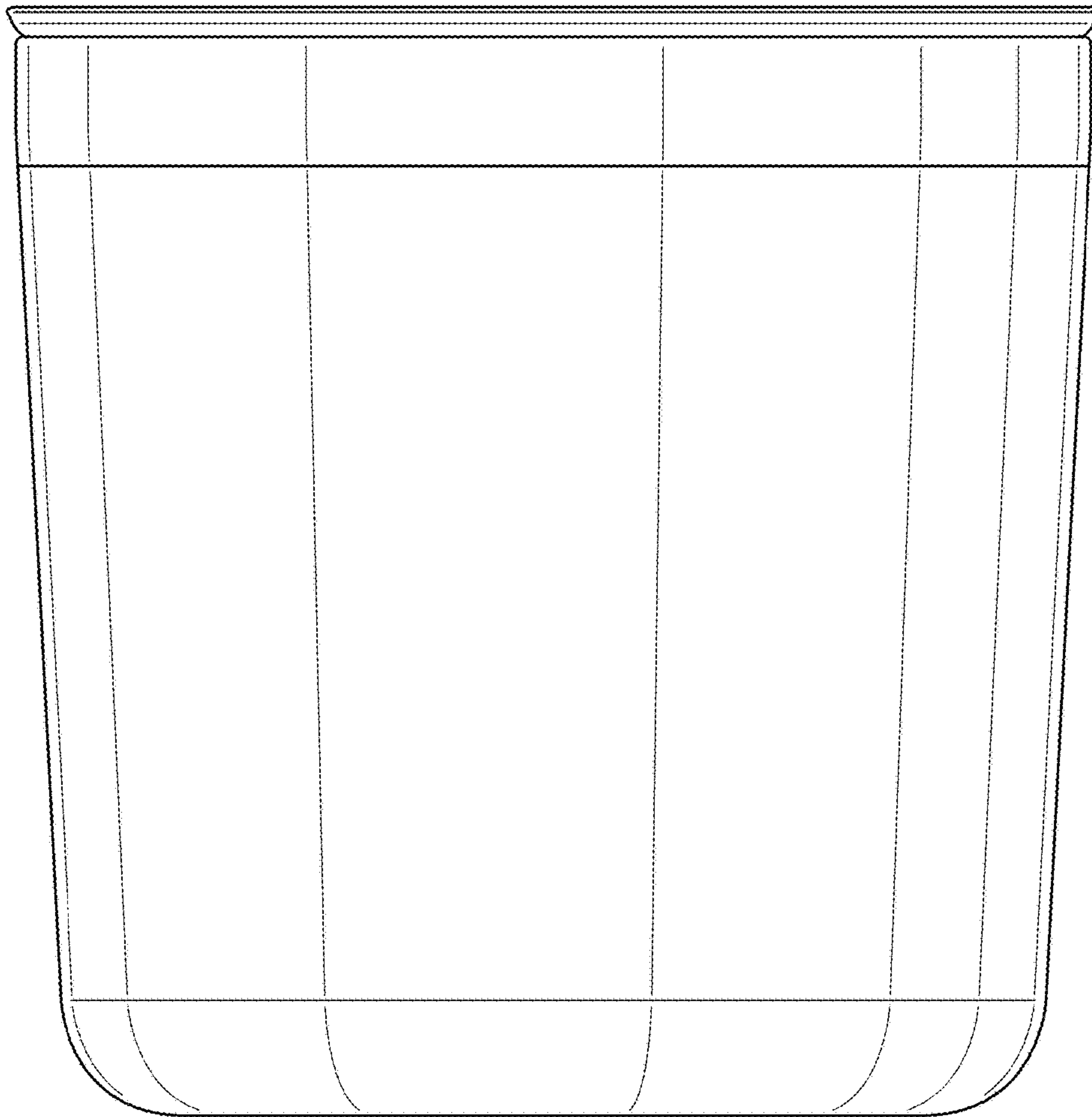


FIG. 3

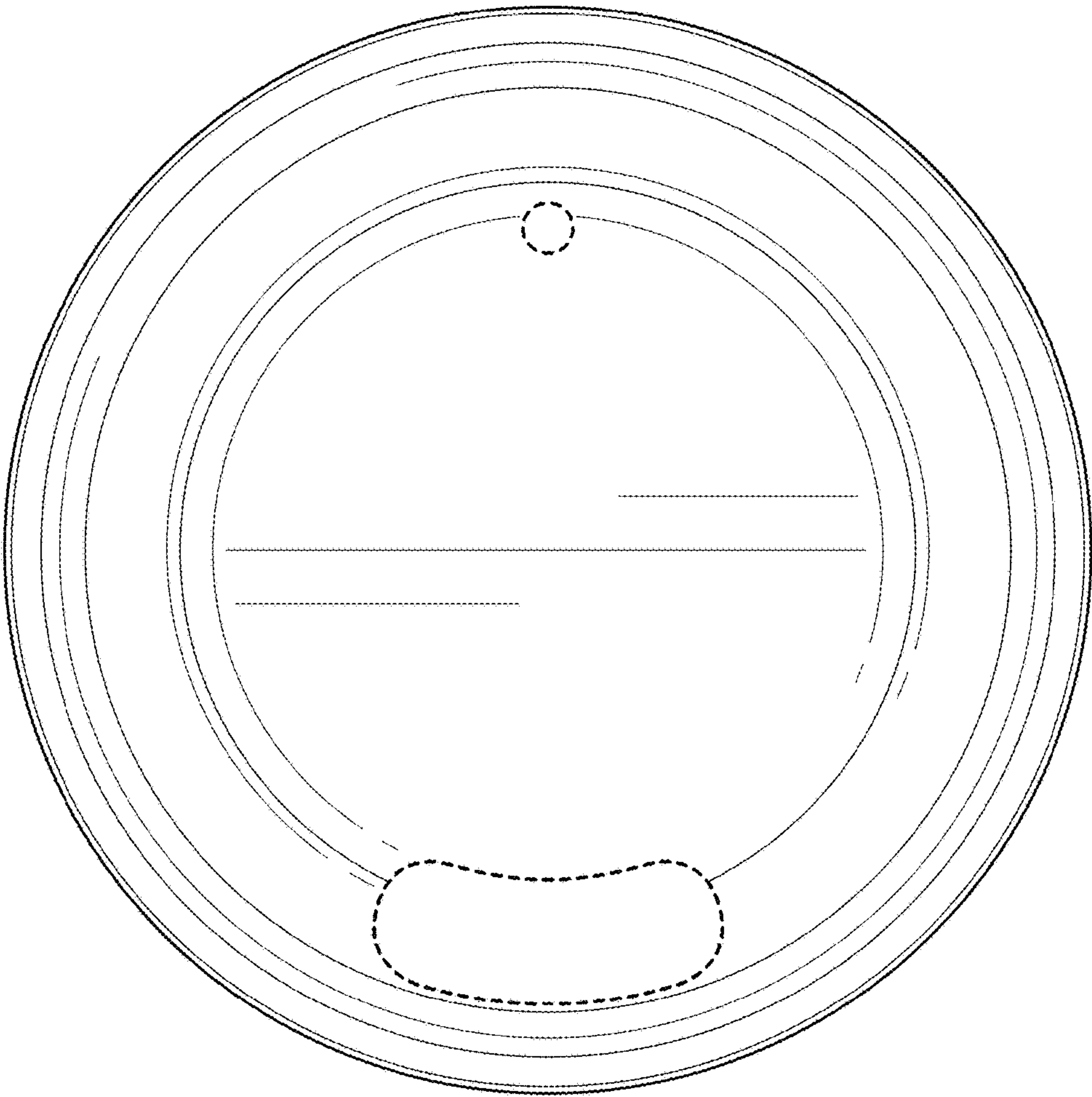


FIG. 4

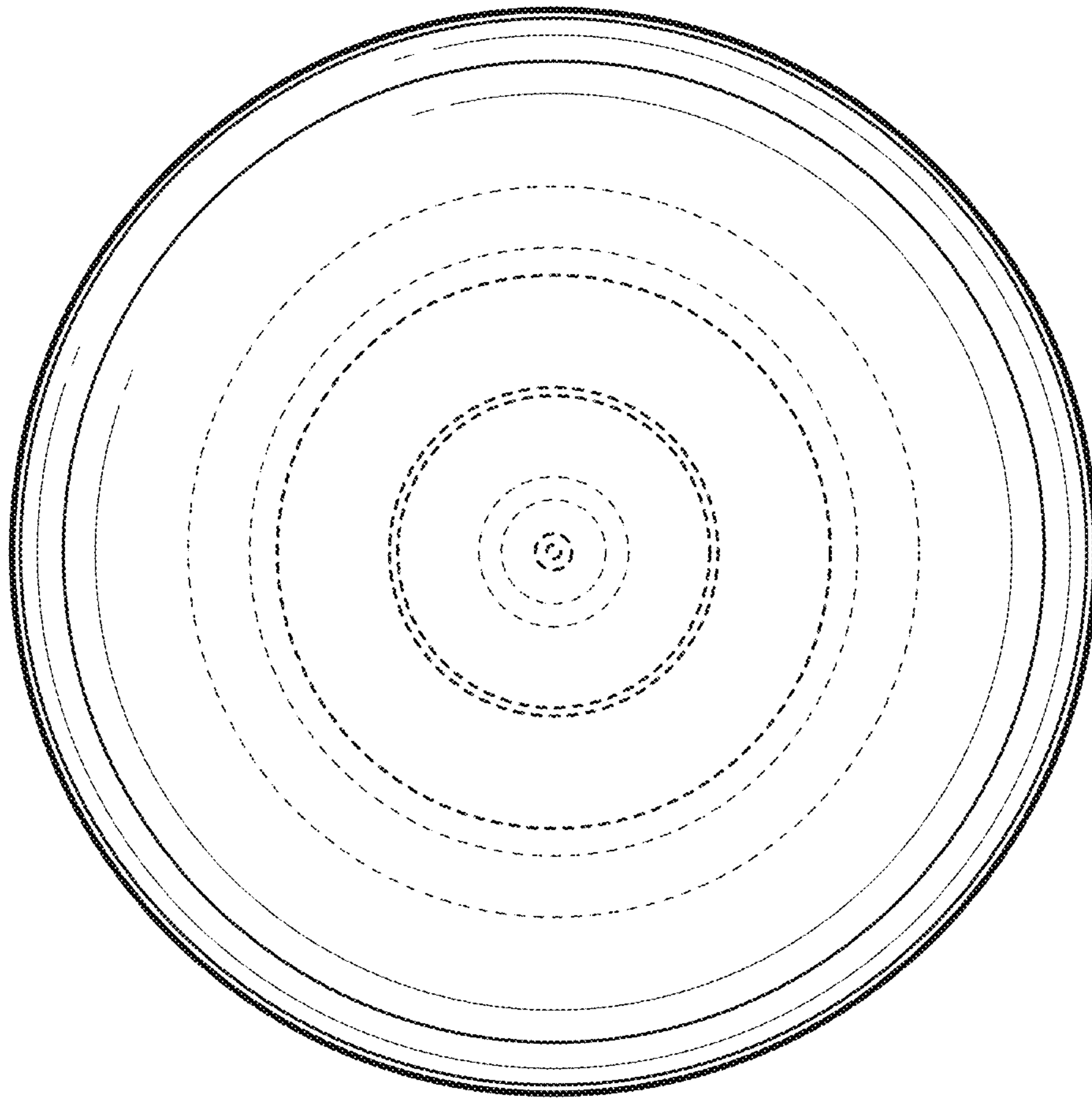


FIG. 5