



US00D825861S

(12) **United States Design Patent**
Teller et al.

(10) **Patent No.: US D825,861 S**

(45) **Date of Patent: ** *Aug. 14, 2018**

(54) **LIP PRODUCT CONTAINER**

FOREIGN PATENT DOCUMENTS

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EP 0433150 6/1991
EP 0628393 4/1994

(Continued)

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Hamish Campbell, New York, NY (US)

OTHER PUBLICATIONS

U.S. Appl. No. 29/411,931, filed Jan. 2012, Teller.

(Continued)

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Assistant Examiner — Keith Frank

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(73) Assignee: **EOS PRODUCTS, LLC**, New York, NY (US)

(57) **CLAIM**

The ornamental design for a lip product container, as shown and described.

(*) Notice: This patent is subject to a terminal disclaimer.

DESCRIPTION

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

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

(21) Appl. No.: **29/593,454**

FIG. 1 is a perspective view of a lip product container in an open configuration showing my design;

(22) Filed: **Feb. 8, 2017**

FIG. 2 is a front elevation view thereof;

(51) **LOC (11) Cl.** **28-03**

FIG. 3 is a rear elevation view thereof;

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

FIG. 4 is a left side elevation view thereof;

USPC **D28/85**; D9/519; D9/529

FIG. 5 is a right side elevation view thereof;

(58) **Field of Classification Search**

USPC D9/434, 435, 436, 449, 452, 454, 516, D9/519, 522, 529, 549, 551, 552, 554,
(Continued)

FIG. 6 is a top plan view thereof; and,

FIG. 7 is a bottom plan view thereof.

A characteristic feature of the design resides in the surface of the lip product container being black and the contrasting pattern visible on the outer surface of the lip product container and corresponding lip product being white. The broken lines in the drawings showing the lip product container illustrate the portions of the lip product container that form no part of the claimed design.

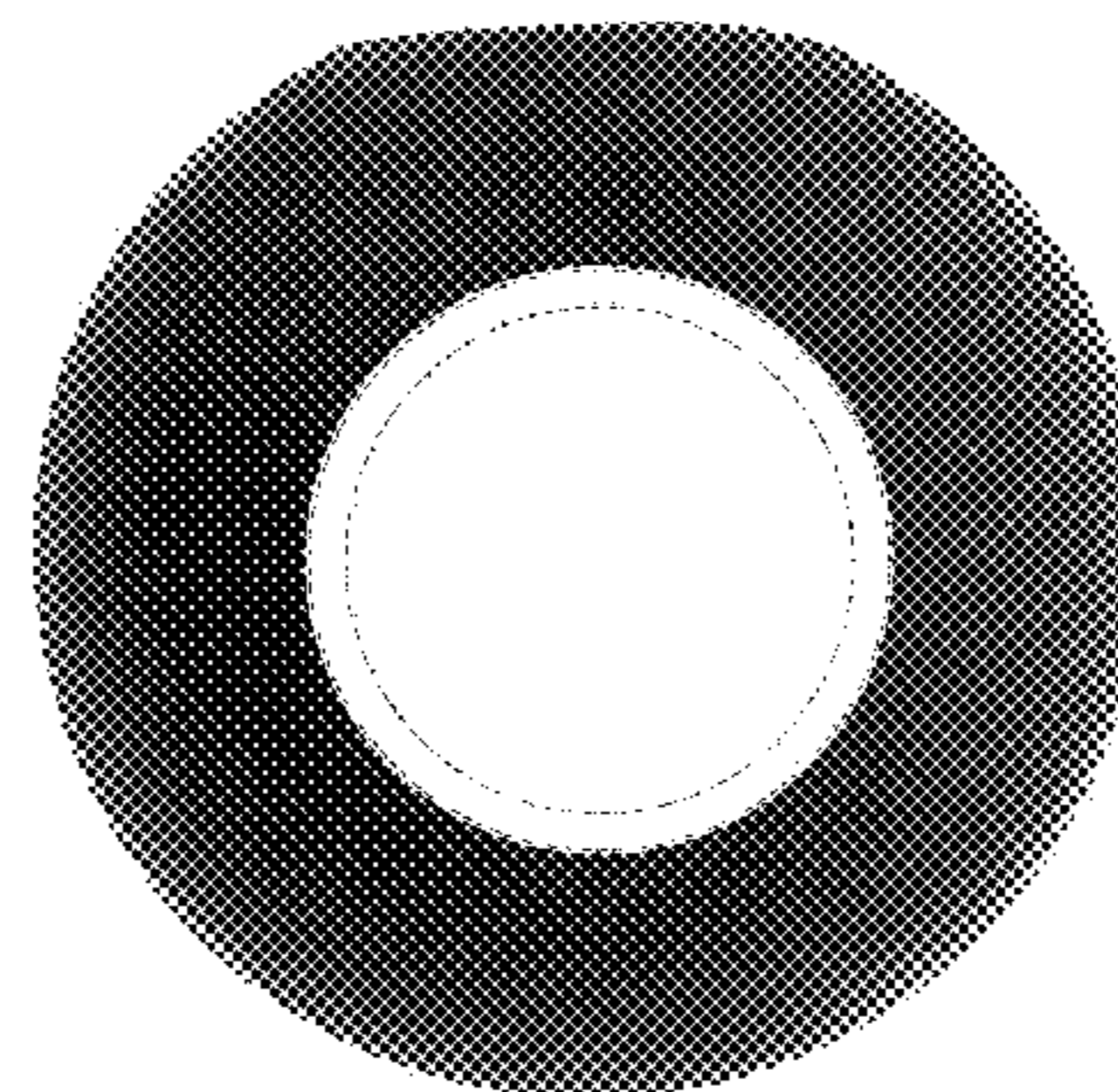
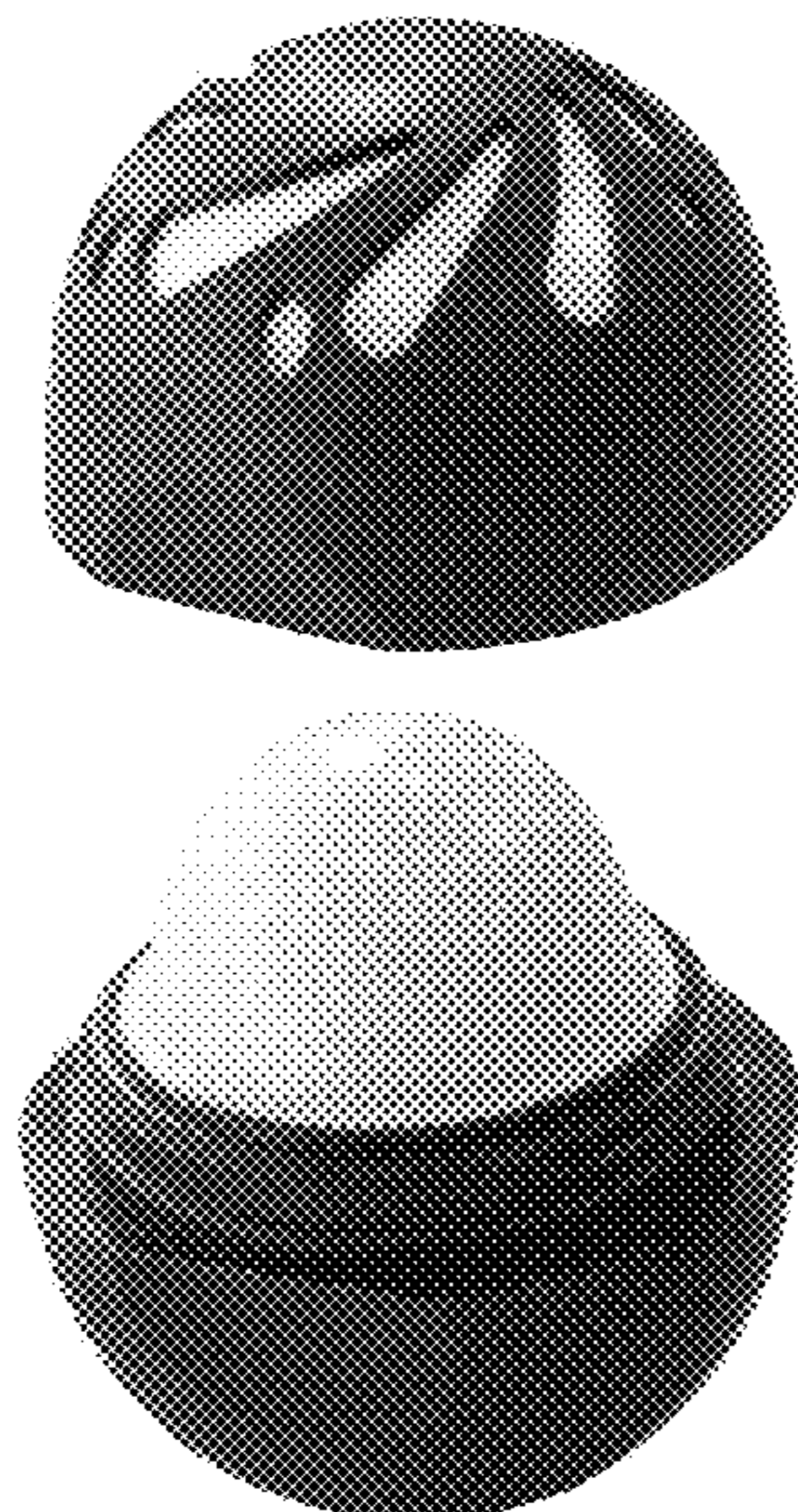
(56) **References Cited**

U.S. PATENT DOCUMENTS

75,524 A 3/1868 Chase, Jr.
1,852,455 A 4/1932 Friedman

(Continued)

1 Claim, 7 Drawing Sheets
(7 of 7 Drawing Sheet(s) Filed in Color)



(58) **Field of Classification Search**
 USPC D9/555, 558, 682, 688, 693, 715, 719,
 D9/725, 726, 727; D23/366, 367;
 D28/82, 85, 90, 91.1
 CPC A45D 33/18; A45D 19/02; A45D 34/02;
 B65D 2543/00351; B65D 1/14
 See application file for complete search history.

(56) **References Cited**
 U.S. PATENT DOCUMENTS

D112,545 S 12/1939 Younghusband
 2,171,112 A 5/1940 Hoffman
 2,201,467 A 5/1940 Bloom
 D129,291 S 9/1941 Petzold
 D130,030 S 10/1941 Meyer
 2,568,688 A 9/1951 Sidney
 2,745,642 A 5/1956 Herman
 D180,109 S 4/1957 Slater
 2,998,896 A 9/1961 Miller
 3,085,709 A 4/1963 Klein
 3,292,840 A 12/1966 Schmidt
 3,494,515 A 2/1970 Fattori
 D219,496 S 12/1970 Lebedeff
 3,741,379 A 6/1973 Kappler et al.
 D230,954 S 3/1974 Gregorietti
 3,843,120 A 10/1974 Ricci
 D240,711 S 7/1976 Angleman et al.
 D243,585 S 3/1977 Angleman et al.
 4,044,889 A 8/1977 Orentreich et al.
 4,069,935 A 1/1978 Hampel
 4,124,135 A 11/1978 Weder et al.
 4,164,301 A 8/1979 Thayer
 D253,394 S 11/1979 Berghahn et al.
 D255,653 S 7/1980 Lipsz
 D255,990 S 7/1980 Lucas
 D256,095 S 7/1980 Sandonato
 4,235,557 A 11/1980 Hayes
 D258,199 S 2/1981 Torongo, Jr.
 4,261,468 A 4/1981 Krebs
 D261,105 S 10/1981 Schwartz
 4,342,522 A 8/1982 Mackles
 D266,146 S 9/1982 Morris
 D272,723 S 2/1984 Baker
 D273,766 S 5/1984 Lampe
 D276,705 S 12/1984 Oliveri
 D280,289 S 8/1985 Aldrich et al.
 D286,616 S 11/1986 Becker
 D291,991 S 9/1987 Lee
 4,728,210 A 3/1988 Barish et al.
 4,765,501 A 8/1988 Kao
 D302,384 S 7/1989 Holewinski
 D317,118 S 5/1991 Crawford
 5,025,817 A 6/1991 Wen
 5,061,102 A 10/1991 Rennie
 D321,319 S * 11/1991 Giuseppe D23/366
 5,092,700 A 3/1992 Susini et al.
 5,150,808 A 9/1992 Hamilton
 D333,780 S 3/1993 Jones et al.
 D333,784 S 3/1993 Goodman
 D339,986 S 10/1993 Garouste et al.
 D343,699 S 1/1994 Yang
 5,287,979 A 2/1994 Bourgeois
 D346,112 S 4/1994 Alcinder
 D354,441 S 1/1995 Fontanella
 D357,584 S 4/1995 Swingler
 D368,220 S 3/1996 Bicknell et al.
 D368,427 S 4/1996 Bicknell et al.
 D377,757 S 2/1997 Bertolini et al.
 D387,662 S 12/1997 Bright et al.
 D389,409 S 1/1998 Tucker
 D393,421 S 4/1998 Kovens
 5,743,404 A 4/1998 Melashenko et al.
 5,792,496 A 8/1998 Fekete
 D398,533 S 9/1998 Kotyuk et al.
 5,808,215 A 9/1998 Kralik et al.
 D406,764 S 3/1999 Bright et al.

5,884,637 A 3/1999 Joulia
 D408,738 S 4/1999 Wu
 5,925,391 A 7/1999 Whetstone, Jr.
 5,988,424 A 11/1999 Kovens
 6,010,264 A 1/2000 Scuderi et al.
 D422,904 S 4/2000 Lepsius et al.
 6,050,438 A 4/2000 Kovens et al.
 6,059,133 A 5/2000 Lai
 6,099,872 A 8/2000 Whetstone, Jr.
 6,193,427 B1 2/2001 Benguigui
 D443,726 S 6/2001 Faillant-Dumas
 6,283,658 B1 9/2001 Estevez et al.
 6,391,972 B1 5/2002 Hatakeyama
 D458,835 S 6/2002 Delli-Venneri
 D459,216 S 6/2002 Heijdenrijk
 D465,149 S 11/2002 Bennett et al.
 D465,614 S 11/2002 Petit
 D465,733 S 11/2002 Hill
 D466,252 S 11/2002 Yu
 D471,667 S 3/2003 Angeletta
 D476,111 S 6/2003 Karafotas
 D476,884 S 7/2003 Miranda
 6,626,313 B2 9/2003 Herbstreit et al.
 D480,633 S 10/2003 Miranda
 D484,585 S * 12/2003 Upson D23/366
 D484,646 S 12/2003 Ditrichstein
 6,688,795 B1 2/2004 Jacob et al.
 D489,148 S 4/2004 Sheng
 6,773,187 B2 8/2004 Gueret
 D504,979 S 5/2005 Lai
 D506,850 S 6/2005 Angeletta
 D507,177 S 7/2005 Weissman
 D509,890 S * 9/2005 Stavale D23/366
 D510,991 S * 10/2005 Harbutt D23/366
 D522,642 S * 6/2006 Matsuda D23/366
 D534,076 S 12/2006 Green et al.
 D536,081 S * 1/2007 Steinel D23/366
 D543,244 S * 5/2007 Tsuruha D19/73
 D552,473 S * 10/2007 Simkin D9/516
 D554,529 S 11/2007 Green et al.
 D561,608 S 2/2008 Hogben
 D562,699 S 2/2008 Green et al.
 D564,900 S 3/2008 Green et al.
 D573,026 S 7/2008 Tsai
 D577,583 S 9/2008 Porter et al.
 D577,584 S 9/2008 Porter et al.
 D578,393 S 10/2008 Canamasas
 D582,291 S 12/2008 de Baschmakoff
 D585,129 S * 1/2009 Huang D23/366
 7,503,331 B2 3/2009 Eng et al.
 D592,064 S 5/2009 Kilany
 D602,663 S 10/2009 Pennington
 D608,084 S 1/2010 Anson et al.
 D608,826 S 1/2010 Laguatan et al.
 D610,458 S 2/2010 Martin
 D611,587 S * 3/2010 Dineen D23/366
 D612,245 S 3/2010 Canamasas
 7,699,062 B2 4/2010 Sasaki
 D615,818 S 5/2010 Jansen
 D617,439 S * 6/2010 Valentino D23/367
 D625,469 S 10/2010 Dubitsky et al.
 D631,204 S 1/2011 Dubitsky et al.
 D638,880 S 5/2011 Rashid
 D643,879 S 8/2011 Rashid
 D644,939 S 9/2011 Teller
 D651,903 S 1/2012 Teller
 D660,451 S 5/2012 Matsuura
 D668,298 S 10/2012 Rashid
 D669,232 S 10/2012 Chung et al.
 8,388,252 B2 3/2013 Thiebaut
 D680,439 S 4/2013 Reetz
 D681,118 S 4/2013 Mueller et al.
 8,444,337 B2 5/2013 Teller et al.
 8,651,308 B1 2/2014 Sung
 8,747,002 B2 6/2014 Izkovitz
 D709,652 S 7/2014 Teller
 D710,544 S 8/2014 Shen
 8,851,088 B2 10/2014 Dibnah
 D717,038 S 11/2014 Lee

(56)

References Cited

U.S. PATENT DOCUMENTS

8,888,391 B2 * 11/2014 Teller A45D 40/00
206/385

D726,028 S 4/2015 Thompson

D731,180 S * 6/2015 Neuhaus D3/273

D732,341 S * 6/2015 Matharu D7/300

D735,413 S 7/2015 Smith

D737,136 S 8/2015 Lam

D740,493 S 10/2015 David

D742,593 S 11/2015 Corey

D747,621 S 1/2016 Amerson

9,232,844 B2 * 1/2016 Thompson A45D 40/00

D748,976 S 2/2016 Mitchell

D758,867 S 6/2016 Tsai

D759,897 S 6/2016 Eberlein et al.

D760,527 S * 7/2016 Jones D7/300

D762,329 S 7/2016 Teller et al.

D763,102 S 8/2016 Pires

D763,512 S 8/2016 Teller et al.

D764,105 S 8/2016 Teller et al.

D764,106 S 8/2016 Teller et al.

D764,107 S 8/2016 Teller et al.

D764,108 S 8/2016 Teller et al.

D764,109 S 8/2016 Teller et al.

D764,110 S 8/2016 Teller et al.

D764,111 S 8/2016 Teller et al.

D764,112 S * 8/2016 Teller D28/82

D764,113 S 8/2016 Teller et al.

D764,114 S 8/2016 Teller et al.

D764,710 S 8/2016 Teller et al.

D764,711 S 8/2016 Teller et al.

D764,712 S 8/2016 Teller et al.

D764,713 S 8/2016 Teller et al.

D764,714 S 8/2016 Teller et al.

D766,512 S 9/2016 Teller et al.

D768,936 S 10/2016 Yoshida

D768,937 S 10/2016 Yoshida

D769,533 S 10/2016 Teller et al.

D770,685 S 11/2016 Teller et al.

D771,430 S 11/2016 Yip et al.

D771,873 S 11/2016 Teller

D777,847 S * 1/2017 Rost D21/680

D777,979 S * 1/2017 Lozano D28/38

D777,982 S 1/2017 Son

D777,983 S * 1/2017 Teller D28/82

D779,137 S 2/2017 Taylor

D779,329 S 2/2017 Buogo et al.

D781,151 S 3/2017 Lerman

9,585,458 B2 3/2017 Teller et al.

D787,338 S * 5/2017 Dorsinville D9/519

D788,372 S 5/2017 Reed et al.

D788,586 S 6/2017 Molinari

D789,241 S 6/2017 Cao

D793,236 S 8/2017 Santos et al.

D797,190 S 9/2017 Laemle

D797,553 S 9/2017 Thompson

D804,099 S 11/2017 Teller et al.

2002/0003983 A1 1/2002 Gueret

2002/0008105 A1 1/2002 Herbstreit et al.

2002/0033397 A1 3/2002 Henson

2003/0077102 A1 4/2003 Bourjal

2003/0161851 A1 8/2003 Breha, III et al.

2006/0081721 A1 * 4/2006 Caserta A01M 1/2044
239/44

2006/0201838 A1 9/2006 Sasaki

2006/0254945 A1 11/2006 Green et al.

2007/0017915 A1 1/2007 Weder et al.

2007/0108092 A1 5/2007 Minuto et al.

2008/0110854 A1 5/2008 Kelly

2008/0213028 A1 9/2008 Hosokawa et al.

2009/0022541 A1 1/2009 De LaForce

2011/0024316 A1 2/2011 Ginsburg

2011/0135377 A1 6/2011 Teller

2011/0253731 A1 10/2011 Smith

2013/0302080 A1 11/2013 Teller et al.

2013/0322950 A1 12/2013 Teller

2013/0330427 A1 12/2013 Smigel et al.

2013/0341832 A1 12/2013 Teller et al.

2013/0341833 A1 12/2013 Teller et al.

2014/0013712 A1 1/2014 Teller

2014/0105666 A1 4/2014 Teller

2014/0138273 A1 5/2014 Glass

2015/0037082 A1 2/2015 Pires et al.

2015/0096919 A1 4/2015 Thompson

2015/0182004 A1 7/2015 Teller et al.

2016/0262522 A1 9/2016 Teller et al.

2016/0295993 A1 10/2016 Wojcik

2017/0013936 A1 1/2017 Schlatter

2017/0150802 A1 6/2017 Parlionas

FOREIGN PATENT DOCUMENTS

EP 000031679-0001 11/2007

EP 001710245-0003 8/2010

EP 003000363-0002 3/2016

ES 0505578-01 11/2007

FR 2563711 5/1984

FR 2766339 7/1997

FR 040004-001 2/2007

FR 2925263 12/2007

GB 446424 10/1935

GB 2162822 5/1985

GB 2007213 5/1990

JP 1136041 3/2002

JP 455237-001 6/2003

JP 1175238 6/2003

JP 2004321410 11/2004

JP 3914892 2/2007

KR 300743262-0000 5/2014

TW D154118 6/2013

TW D174258 3/2016

WO WO2007/007288 1/2007

OTHER PUBLICATIONS

U.S. Appl. No. 29/411,933, filed Jan. 2012, Teller.

U.S. Appl. No. 13/891,264, filed May 2013, Teller.

U.S. Appl. No. 14/973,717, filed Dec. 2015, Teller.

U.S. Appl. No. 14/988,740, filed Jan. 2016, Teller.

U.S. Appl. No. 15/016,257, filed Feb. 2016, Teller.

U.S. Appl. No. 29/569,183, filed Jun. 2016, Teller.

U.S. Appl. No. 29/569,184, filed Jun. 2016, Teller.

U.S. Appl. No. 29/569,185, filed Jun. 2016, Teller.

U.S. Appl. No. 29/569,186, filed Jun. 2016, Teller et al.

U.S. Appl. No. 29/569,187, filed Jun. 2016, Dubitsky et al.

U.S. Appl. No. 29/573,625, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,688, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,703, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,704, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,710, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,712, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,717, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,719, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,721, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,723, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/573,726, filed Aug. 2016, Teller et al.

U.S. Appl. No. 15/232,450, filed Aug. 2016, Teller et al.

U.S. Appl. No. 29/577,625, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/577,649, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/577,656, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/577,660, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/577,663, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/577,666, filed Sep. 2016, Teller et al.

U.S. Appl. No. 29/593,433, filed Feb. 2017, Teller et al.

U.S. Appl. No. 29/593,445, filed Feb. 2017, Teller et al.

U.S. Appl. No. 29/593,450, filed Feb. 2017, Teller et al.

U.S. Appl. No. 29/593,453, filed Feb. 2017, Teller et al.

U.S. Appl. No. 29/593,456, filed Feb. 2017, Teller et al.

U.S. Appl. No. 15/487,057, filed Apr. 2017, Teller et al.

U.S. Appl. No. 29/600,564, filed Apr. 2017, Teller et al.

U.S. Appl. No. 29/500,571, filed Apr. 2017, Teller et al.

(56)

References Cited

OTHER PUBLICATIONS

NPL # 5 Minute Lip Balm with EOS Container, posted at youtube.com by WhatsUpMoms, published Apr. 17, 2015 © Standard YouTube License, online, site visited Sep. 25, 2017. Available from Internet, URL: <https://www.youtube.com/watch?v=p3aGGwh>. Search Report dated Oct. 27, 2017 from ROC (Taiwan) Application No. 106301253.

Born Pretty Store, “50Pcs/set Dry Wet Amphibious Sponge Powder Puff Round Rectangle Puff Beauty Makeup Tool”, Accessed Nov. 14, 2016. (<http://www.bornprettystore.com/50pcsset-amphibious-sponge-powder-puff-round-rectangle-puff-beauty-makeup-tool-p-34825.html>).

Born Pretty Store, “1Pc Pro Powder Puff Beauty Cute Egg Shape Sponge Make-up Foundation Makeup (Random Color)”, Accessed Nov. 14, 2016. (<http://www.bornprettystore.com/powder-puff-beauty-cute-shape-sponge-make-foundation-makeuprandom-color-p-20027.html>).

EP 2509461 Observations by Third Parties; Jun. 9, 2015.

Third Party Observations in Application No. EP20100836463; Jun. 15, 2015.

Letter from Oralab’s Counsel regarding ITC Case; Jul. 20, 2015.

EP 2509461 Observations by Third Parties; Jan. 29, 2016.

EP 2509461 Observations by Third Parties; Jun. 30, 2016.

Letter from John L. Welsh enclosing Draft IPR Petition; Jul. 27, 2015.

Webpage from www.amazon.com showing “Lancome Baume Baiser Hydrating Balm Sensual Massage for Lips” product and images (3 pages).

Webpage <http://www.musingsofamuse.com/2009/10/beauty-on-a-budget-eos-lip-balm-review.html>, Oct. 1, 2009.

Jackson, Junkie Obsession: Lanca’ me’s Baume Baiser, Aug. 13, 2007.

Refill for the EOS Lip Balm, posted at Fresh-Picked Beauty, published Jun. 17, 2014.

* cited by examiner



FIG. 1

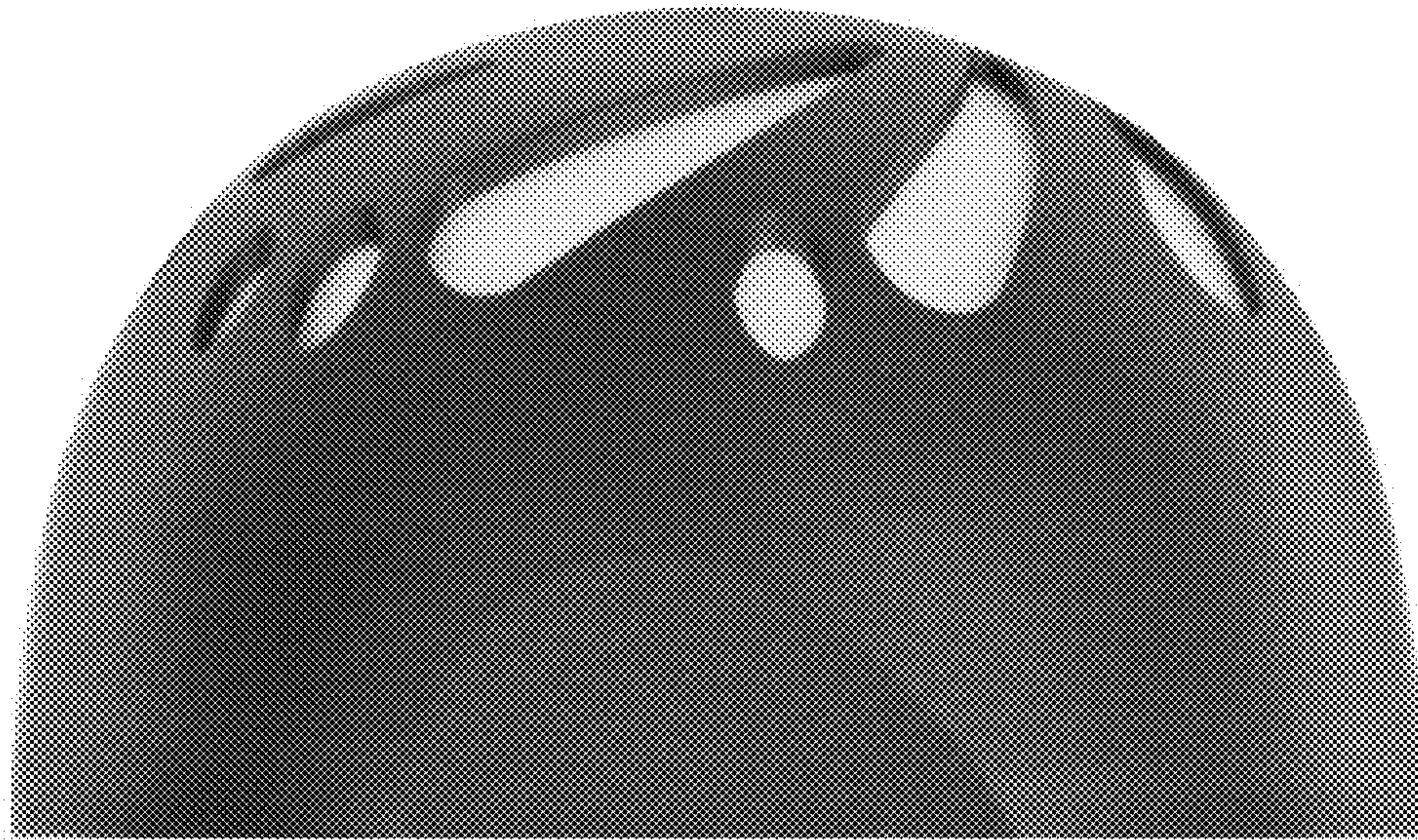


FIG. 2

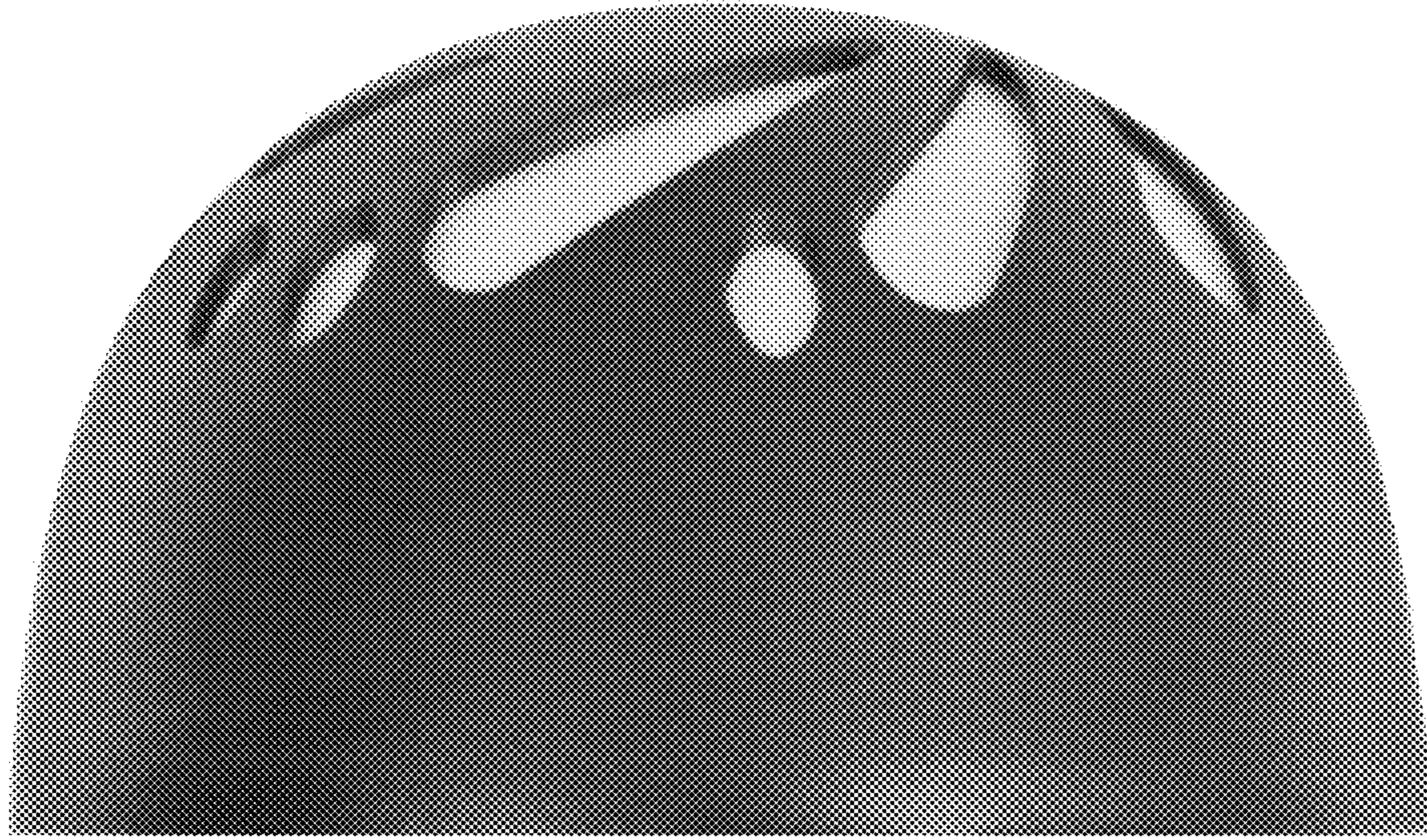


FIG. 3

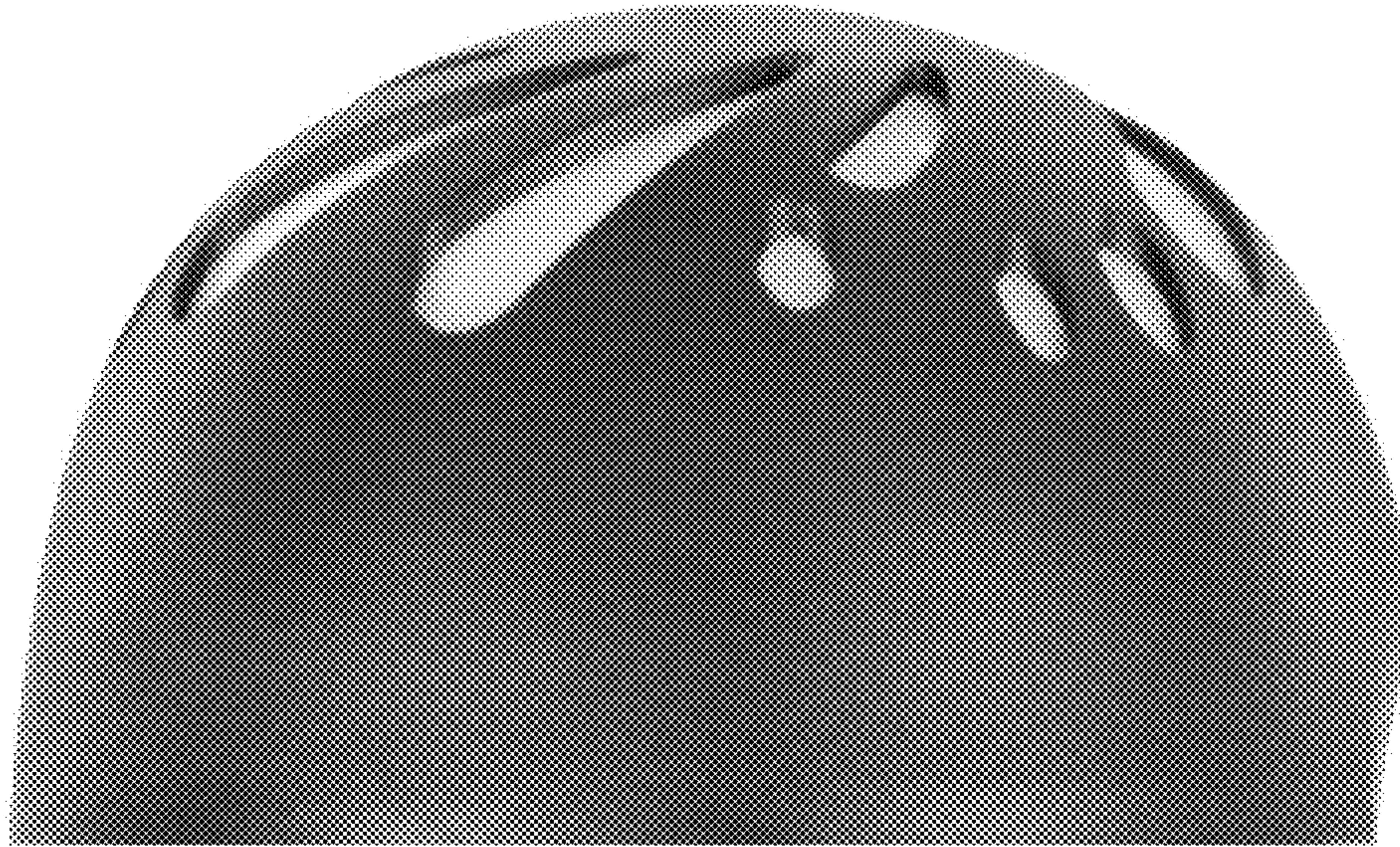


FIG. 4

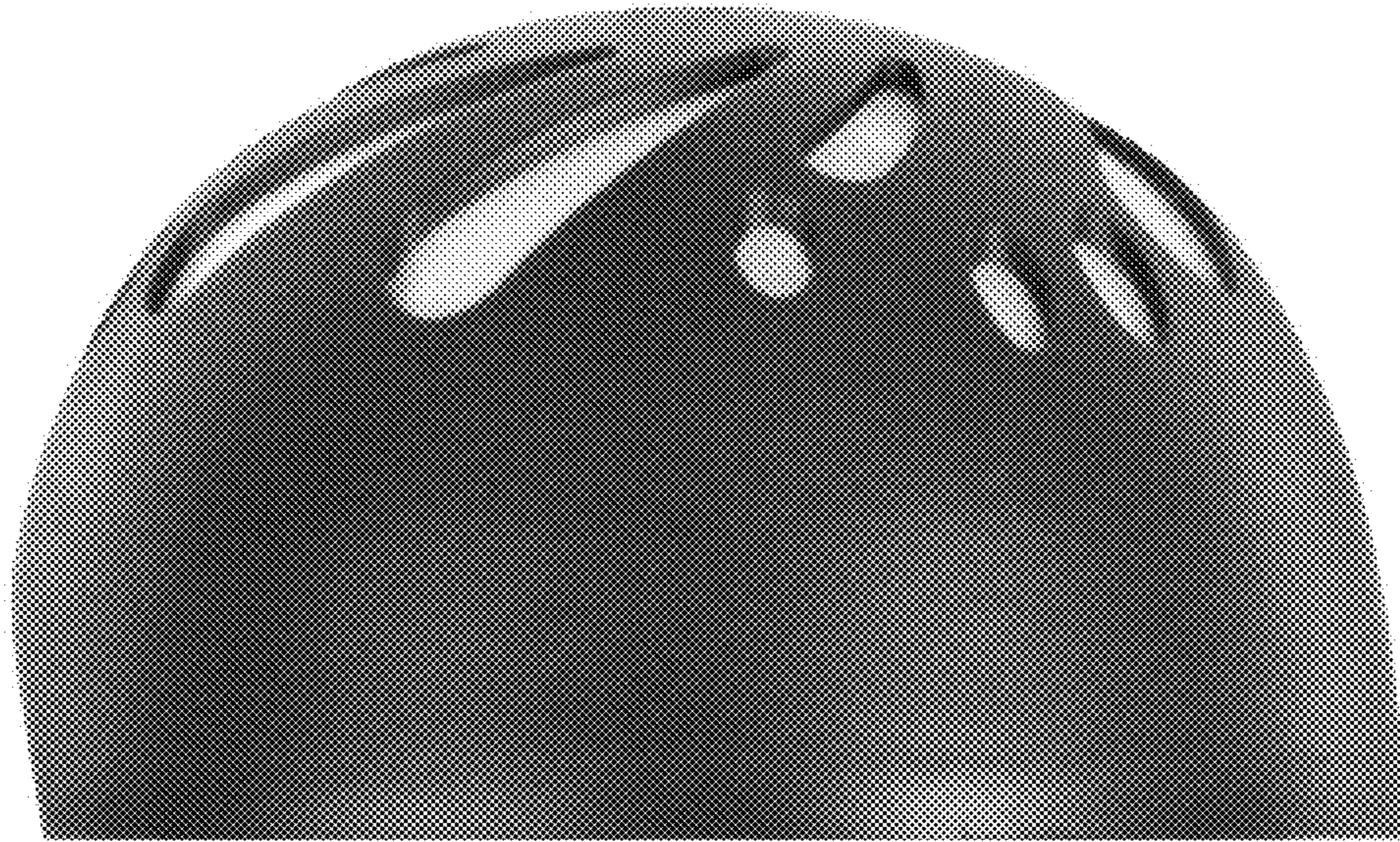


FIG. 5



FIG. 6

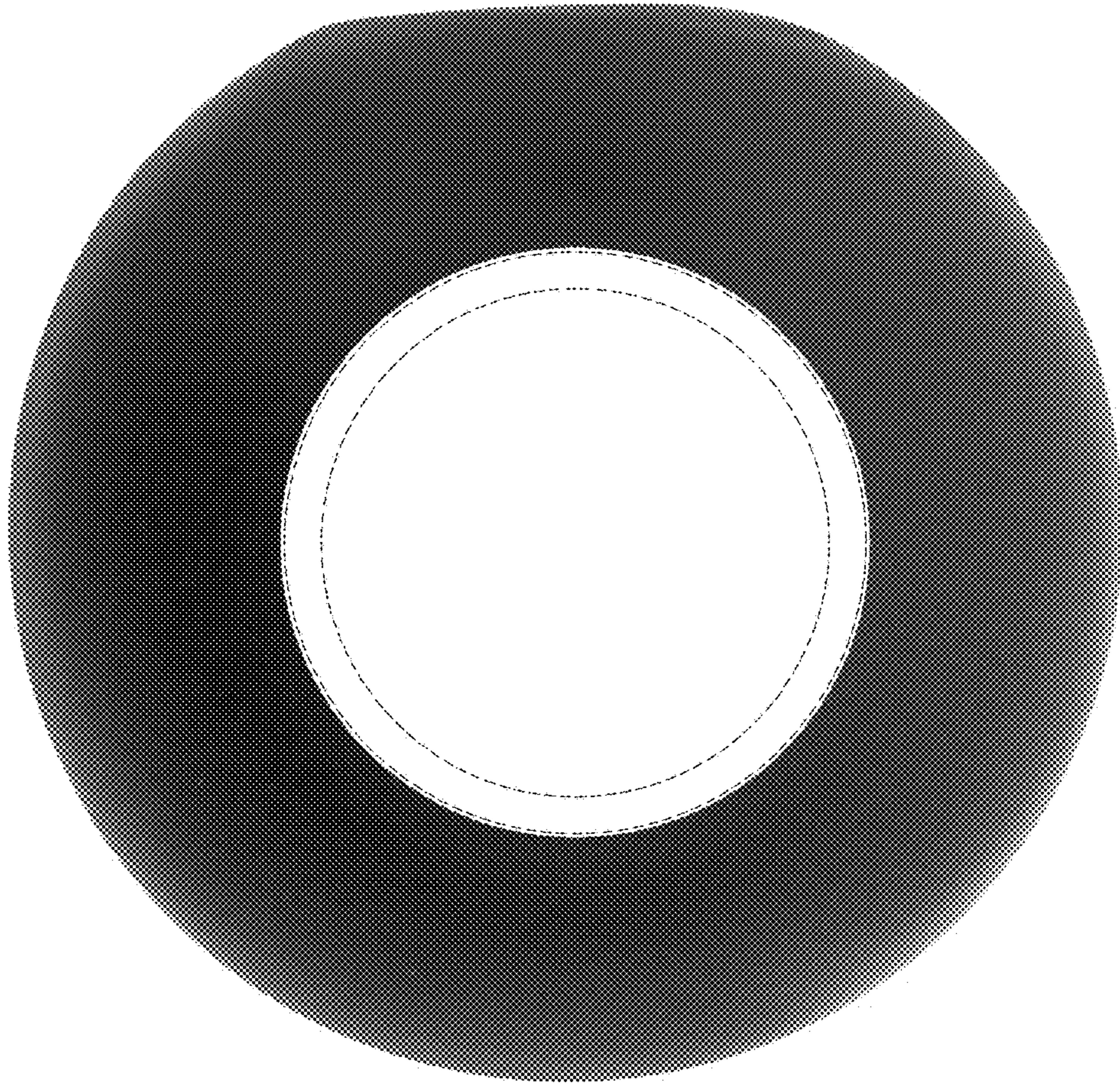


FIG. 7

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D825,861 S
APPLICATION NO. : 29/593454
DATED : August 14, 2018
INVENTOR(S) : Jonathan Teller et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

Page 2, Item (56) References Cited, U.S. Patent Documents:

Column 2, Lines 47 and 57: after "Canamasas" insert -- Puigbo --.

Page 3, Item (56) References Cited, Other Publications:

Column 2, Line 66: change "296/593,450" to -- 29/593,450 --.

Page 4, Item (56) References Cited, Other Publications:

Column 1, Line 3: change "NPL # 5 Minute" to -- NPL #1: 5 Minute --.

Signed and Sealed this
Twelfth Day of February, 2019



Andrei Iancu
Director of the United States Patent and Trademark Office