



US00D827040S

(12) **United States Design Patent** (10) **Patent No.:** **US D827,040 S**
Effler (45) **Date of Patent:** **** Aug. 28, 2018**

(54) **TOY AIRPLANE**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **KIDS II, INC.**, Atlanta, GA (US)

EM 000523626-0001 6/2006
EP 1870351 A1 12/2007
WO 2011057203 A2 5/2011

(72) Inventor: **Timothy Effler**, Marietta, GA (US)

(73) Assignee: **KIDS II, INC.**, Atlanta, GA (US)

OTHER PUBLICATIONS

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

Oball Go Grippers Cargo Jet by Target. dated 2018. found online [Feb. 1, 2018] https://www.target.com/p/oball-go-grippers-153-cargo-jet/-/A-52133515?sid=2133S&ref=tgt_adv_XS000000&AFID=bing_pla_df&CPNG=PLA_Toys%2BShopping&ad-group=SC_Toys&LID=700000001230728pbs&network=s&device=c&guerystring=oball%20toy%20airplane&gclid=...

(21) Appl. No.: **29/604,588**

(22) Filed: **May 18, 2017**

(51) **LOC (11) Cl.** **21-01**

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

USPC **D21/447**

(58) **Field of Classification Search**

USPC D12/16.1, 319, 325, 326, 327, 328,
D12/329-345; D21/436, 441, 442, 443,
D21/444, 445-453

CPC B64C 39/024; B64C 2201/141; B64C
2201/00; B64C 2201/108

See application file for complete search history.

(Continued)

Primary Examiner — Brandon M Rosati

Assistant Examiner — Marissa J Cash

(74) *Attorney, Agent, or Firm* — Gardner Groff
Greenwald & Villanueva, PC

(57) **CLAIM**

The ornamental design for a toy airplane, substantially as shown and described.

(56) **References Cited**

DESCRIPTION

U.S. PATENT DOCUMENTS

D180,196 S 7/1876 Butler
D183,209 S 10/1876 Rich
449,146 A 3/1891 Watrous
693,064 A 2/1902 Proben et al.
1,077,340 A 11/1913 Graham
1,188,904 A 6/1916 Cosgriff
1,319,297 A 10/1919 Limacher
1,429,198 A 9/1922 Fawcett
1,457,360 A 6/1923 Gilbert
1,626,425 A 4/1927 Pelsue
2,006,230 A 6/1935 Dobbins
D111,043 S * 8/1938 Seversky D12/344
2,211,102 A 3/1939 Davis
2,211,330 A 8/1940 Hochberg
2,270,553 A 1/1942 Potito
2,310,515 A 2/1943 Chester
D138,150 S 6/1944 Davidson

(Continued)

FIG. 1 is a top perspective view of a toy airplane;
FIG. 2 is a bottom perspective view of the toy airplane of FIG. 1;

FIG. 3 is a front view of the toy airplane of FIG. 1;

FIG. 4 is a rear view of the toy airplane of FIG. 1;

FIG. 5 is a right side view of the toy airplane of FIG. 1;

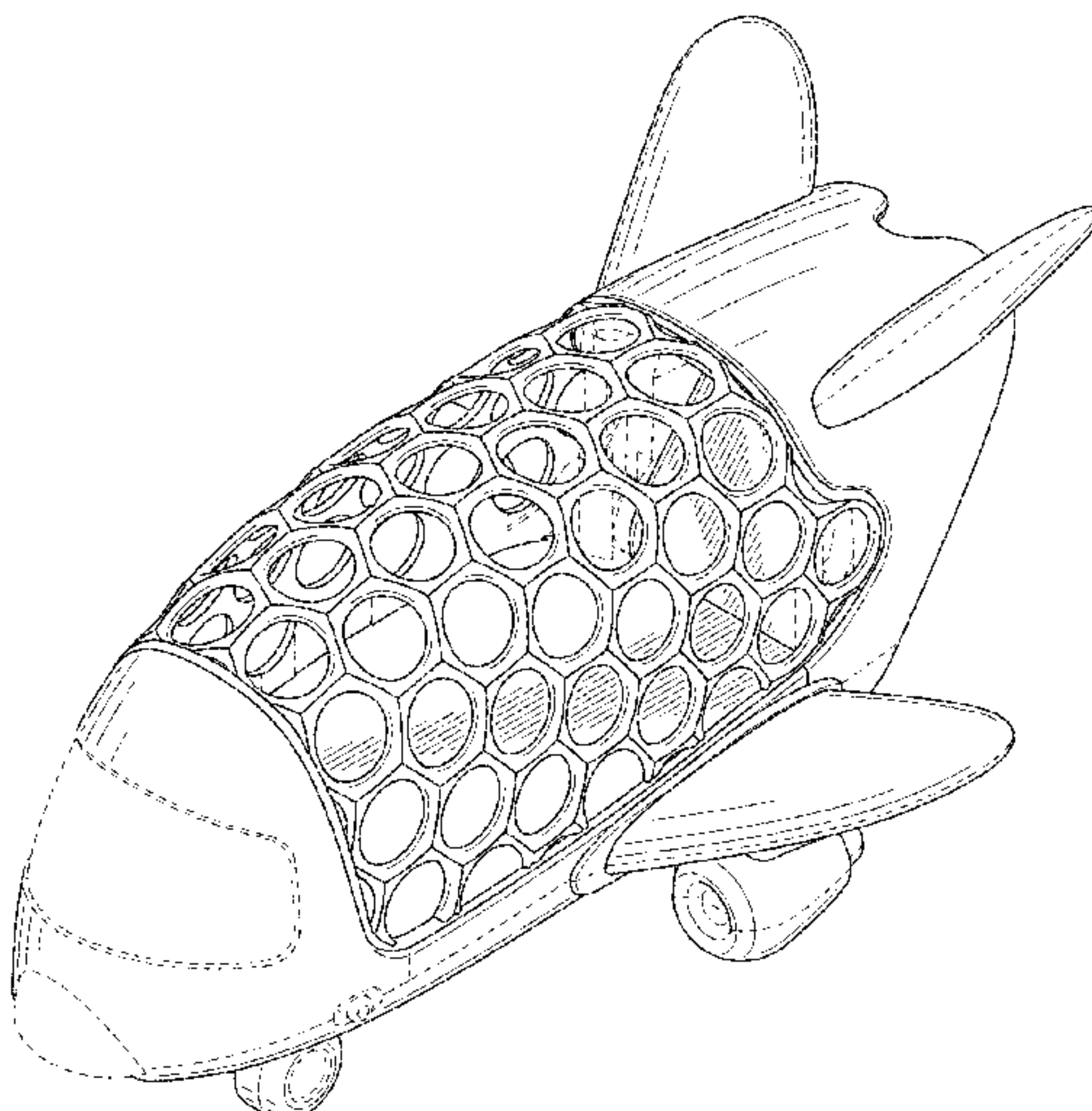
FIG. 6 is a left side view of the toy airplane of FIG. 1;

FIG. 7 is a top view of the toy airplane of FIG. 1; and,

FIG. 8 is a bottom view of the toy airplane of FIG. 1.

In the drawings, the claimed design is defined by the shaded surfaces; broken lines immediately adjacent shaded surfaces represent boundaries of the claim and form no part thereof; all other broken lines depict unclaimed environmental subject matter and form no part of the claim.

1 Claim, 5 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

2,400,981 A	5/1946	Dishmaker	5,788,554 A	8/1998	Goodwin et al.	
2,499,483 A	3/1950	Foy	5,853,313 A	12/1998	Zheng	
2,519,248 A	8/1950	Hulbert	D431,846 S *	10/2000	Le Porcher	D21/452
2,687,302 A	8/1954	Stiegler	D437,010 S	1/2001	Meys	
2,717,473 A	9/1955	Moore	6,203,393 B1	3/2001	Flynn	
D176,566 S *	1/1956	Soucy	6,279,984 B1	8/2001	Reina, Jr.	
2,742,771 A	4/1956	Negaard	D449,658 S *	10/2001	Ma	D21/448
2,770,915 A	11/1956	Hicks	D453,571 S	2/2002	Hall	
2,937,475 A	5/1960	Crawford	6,418,673 B1	7/2002	Flowerday	
3,018,583 A	1/1962	Novotney	6,488,556 B2	12/2002	Galomb	
3,046,016 A	7/1962	Laws	6,517,406 B1	2/2003	Cash	
3,154,882 A	11/1964	Bossiere	6,524,272 B1	2/2003	Berry, Sr.	
3,274,596 A	9/1966	Raabe	D477,441 S	7/2003	Willinger et al.	
3,276,148 A	10/1966	Snelson	6,609,944 B1	8/2003	Viola	
3,483,907 A	12/1969	Corridon	D479,897 S	9/2003	Willinger	
3,531,009 A	9/1970	Saperstein	D489,494 S	5/2004	Silvergate	
3,571,970 A	3/1971	Dunn	6,729,984 B2	5/2004	Silvergate	
3,603,023 A	9/1971	McHugh	6,769,588 B2	8/2004	Zheng	
3,633,587 A	1/1972	Hunt	D514,263 S	1/2006	Willinger	
3,691,704 A	9/1972	Novak	7,152,750 B2	12/2006	Coffey	
3,758,116 A	9/1973	Pieronek	7,169,120 B2	1/2007	Murdock et al.	
3,768,202 A	10/1973	Vvheelock	D539,367 S	3/2007	Jones	
3,777,392 A	12/1973	Span et al.	D563,609 S	3/2008	Gick	
3,841,039 A	10/1974	Farnsworth, II	D582,035 S *	12/2008	Morrison	D24/106
3,866,348 A	2/1975	Roby et al.	7,520,793 B2	4/2009	Pillai et al.	
3,889,950 A	6/1975	Kasravi	D596,248 S *	7/2009	Silvergate	D21/398
3,913,879 A	10/1975	Wright, Jr.	D597,148 S *	7/2009	Lin	D21/448
3,959,937 A	6/1976	Spunt	7,600,488 B2	10/2009	Mann	
4,088,319 A	5/1978	Clarke	7,662,012 B2	2/2010	Wright	
4,128,909 A	12/1978	Kawabe et al.	D621,259 S	8/2010	Joy et al.	
4,213,266 A	7/1980	Hyland et al.	D624,971 S *	10/2010	Cohen	D21/452
4,274,224 A	6/1981	Pugh et al.	7,806,746 B2	10/2010	Walterscheid	
4,282,679 A	8/1981	Grubb et al.	7,867,101 B2	1/2011	Chiang	
4,309,852 A	1/1982	Stolpin	7,867,115 B2	1/2011	Zawitz	
D265,488 S *	7/1982	Appel	7,901,375 B2	3/2011	Dunn et al.	
4,381,620 A	5/1983	Panzarella	D635,685 S	4/2011	Hendricks et al.	
4,403,441 A	9/1983	White et al.	D636,949 S	4/2011	Axelrod et al.	
4,476,649 A	10/1984	Zaruba	7,931,520 B2	4/2011	Bryce	
4,514,995 A	5/1985	Curtis et al.	D646,792 S	10/2011	Pope	
4,579,538 A	4/1986	Bass et al.	8,052,552 B2	11/2011	Silvergate	
D284,493 S	7/1986	King	8,282,518 B2	10/2012	Silvergate et al.	
4,610,637 A	9/1986	Ferguson	8,348,712 B2	1/2013	De La Torre	
D287,988 S	1/1987	Billinghurst	8,371,899 B1	2/2013	Vvalterscheid	
4,637,941 A	1/1987	Rochte	D688,760 S *	8/2013	Silvergate	D21/713
4,645,471 A	2/1987	Herring et al.	8,506,345 B2	8/2013	Tigan et al.	
4,778,429 A	10/1988	Todokoro	D690,376 S *	9/2013	Silvergate	D21/712
4,813,674 A	3/1989	Lorhpiapat	8,579,133 B2	11/2013	Marcus et al.	
4,836,787 A	6/1989	Boo	8,764,511 B2	7/2014	Verbera et al.	
4,869,701 A	9/1989	Kawai et al.	8,851,956 B2	10/2014	Niu	
4,883,441 A	11/1989	Byer	8,932,101 B2	1/2015	Silvergate et al.	
4,929,216 A	5/1990	Morris et al.	8,998,670 B1	4/2015	De Leon	
4,941,579 A	7/1990	Lee	9,101,535 B2	8/2015	Silvergate et al.	
D312,667 S *	12/1990	Visco	9,101,849 B2	8/2015	Bedolla et al.	
5,104,125 A	4/1992	Wilson	9,161,888 B2	10/2015	Lamar	
D327,722 S *	7/1992	Chih	9,271,552 B2	3/2016	Van Ostenbridge	
5,174,580 A	12/1992	Pratt	9,289,695 B2	3/2016	Sadri et al.	
5,195,917 A	3/1993	Russell et al.	D762,157 S *	7/2016	Faure	D12/342
D336,317 S	6/1993	Thomson et al.	D767,688 S *	9/2016	Nelson	D21/398
5,219,162 A	6/1993	Orbanes et al.	D778,803 S *	2/2017	Faure	D12/319
5,224,959 A	7/1993	Kasper	D795,160 S *	8/2017	Koppenwallner	D12/343
5,236,196 A	8/1993	Blankenburg et al.	D801,856 S *	11/2017	Zhou	D12/16.1
D340,991 S	11/1993	Clements	D808,089 S *	1/2018	Wilson	D30/160
5,309,586 A	5/1994	Sies et al.	2004/0221885 A1	11/2004	Zheng	
D352,753 S	11/1994	Giannini et al.	2005/0142980 A1	6/2005	Rivero	
5,364,348 A	11/1994	Berry, Sr.	2007/0077857 A1	4/2007	Wright	
5,411,262 A	5/1995	Smith	2008/0032826 A1	2/2008	Mubarak et al.	
D359,327 S	6/1995	Gould	2009/0170643 A1	7/2009	Silvergate	
5,449,174 A	9/1995	Criner	2009/0170645 A1	7/2009	Silvergate	
5,451,436 A	9/1995	Shelleman	2010/0179593 A1 *	7/2010	Lamar	A61J 17/007 606/236
D366,288 S	1/1996	Kino	2011/0256797 A1	10/2011	Chernick et al.	
5,611,721 A	3/1997	Hoeting et al.	2012/0171924 A1	7/2012	Karnick et al.	
D379,206 S	5/1997	Meffert	2013/0005215 A1	1/2013	Tell et al.	
5,759,083 A	6/1998	Polumbaum et al.	2015/0297955 A1	10/2015	Silvergate et al.	
5,766,701 A	6/1998	Lee	2015/0328515 A1	11/2015	Prendergast	
5,772,204 A	6/1998	Phelps	2016/0051862 A1	2/2016	Silvergate et al.	

(56)

References Cited

U.S. PATENT DOCUMENTS

2016/0310856 A1 10/2016 Mitchell et al.
2017/0007937 A1 1/2017 Elson et al.

OTHER PUBLICATIONS

Binxy (Paci-Sphere) Product Description Document; Sep. 13, 2009;
2 pgs.

Popko, Edward; Geodesics; Fig. No. 62 of "Bicycle Wheel" Dome;
University of Detroit Press; 1 pg.; 1968.

Grab Ball Toy Product Description Document; 2 pgs; Jul. 28, 2001.

Hol-ee Roller Toy Product Description Document; 2 pgs; Jul. 28,
2001.

ISA Korean Intellectual Property Office, International Search
Report of PCT/US2010/055855; Jul. 27, 2011; 9 pgs.

International Search Report for PCT/US2011/023339; 3 pgs; Oct.
27, 2011.

Mother's Cubbard Booth Listing; Sep. 13, 2009; 2 pgs.

Mother's Cubbard Name Tag; Sep. 13, 2009; 2 pgs.

Sportime(R) Fall 2003 Catalog; p. 21; 2003.

* cited by examiner

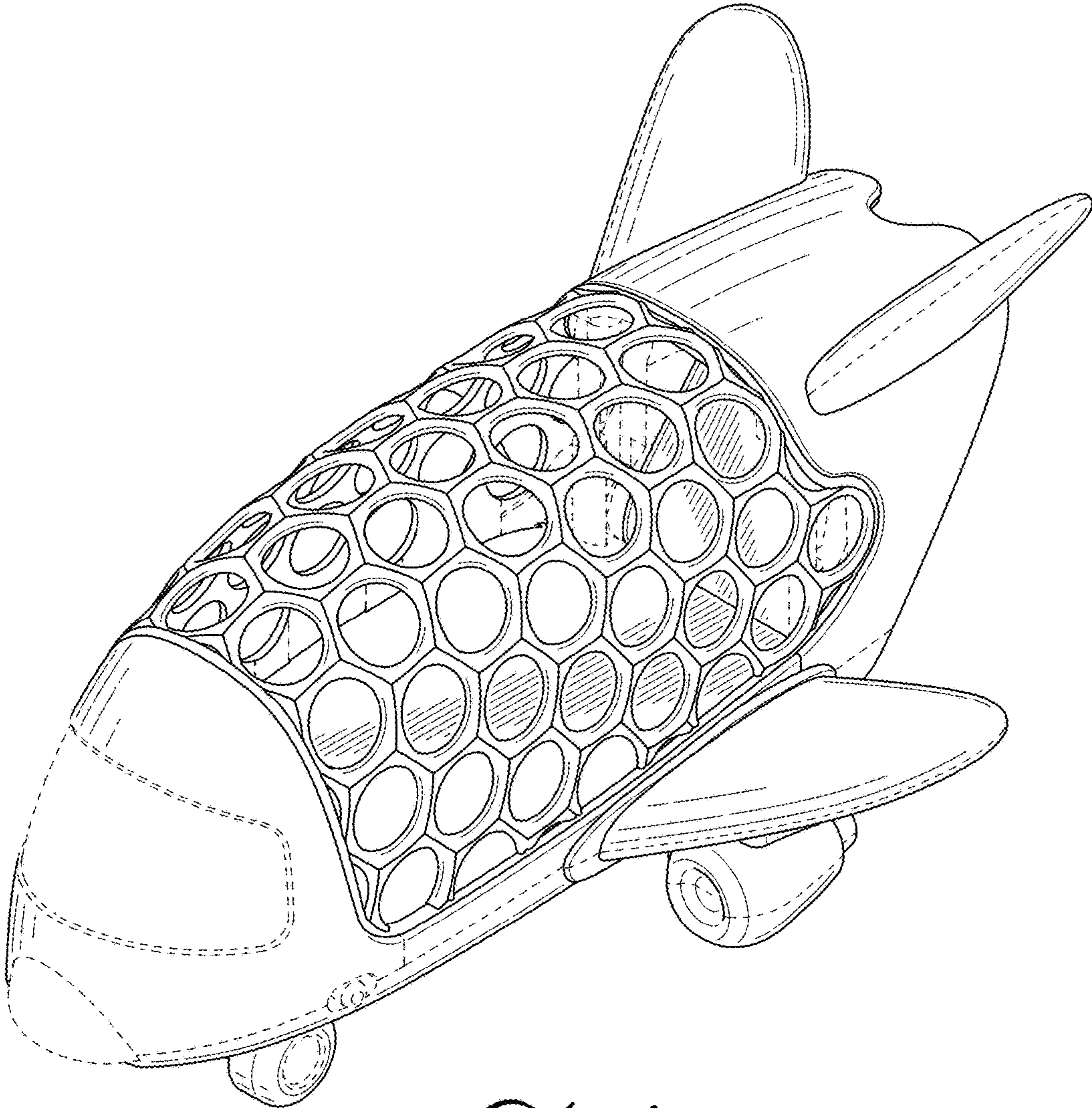


FIG. 1

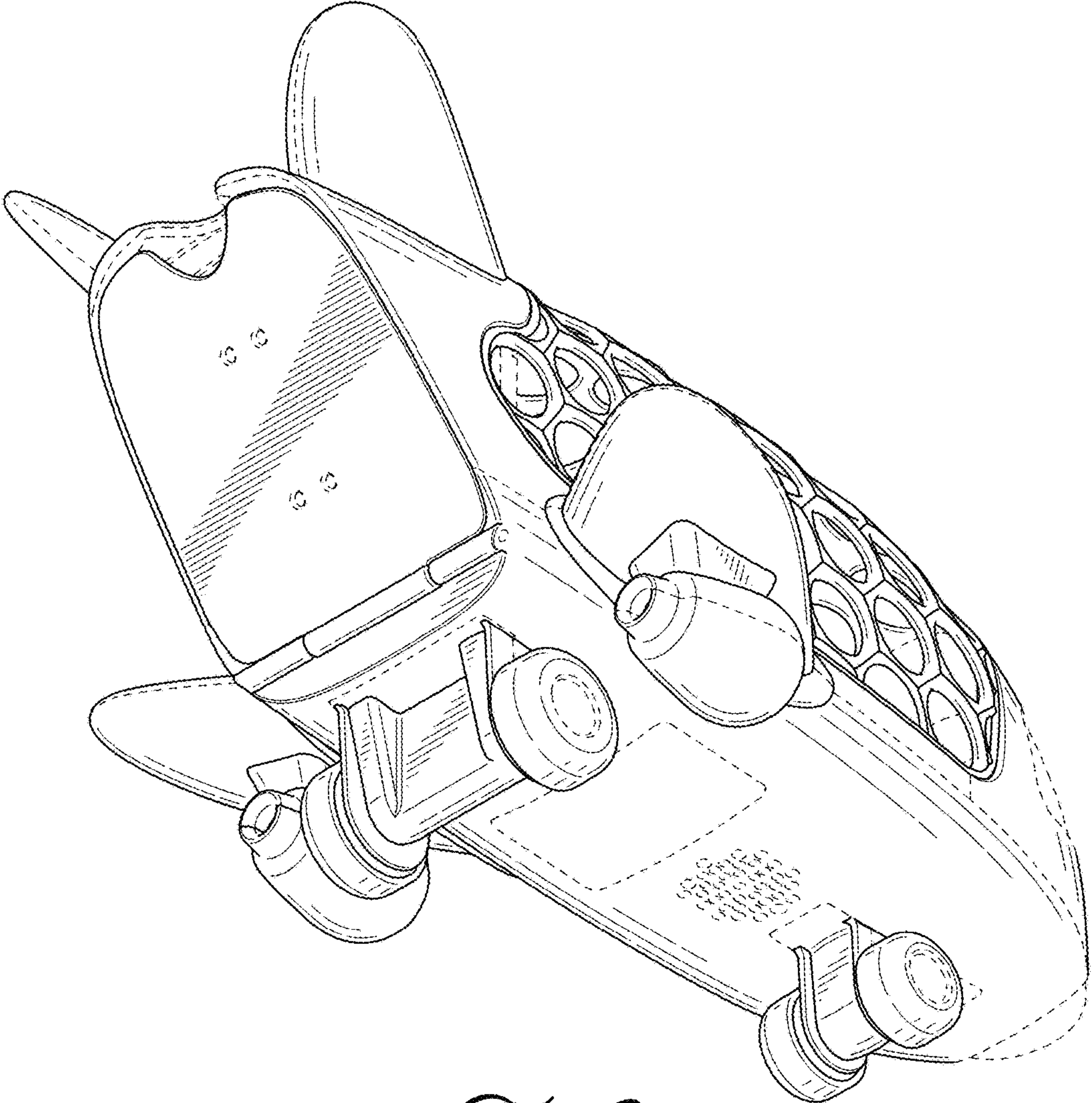


FIG. 2

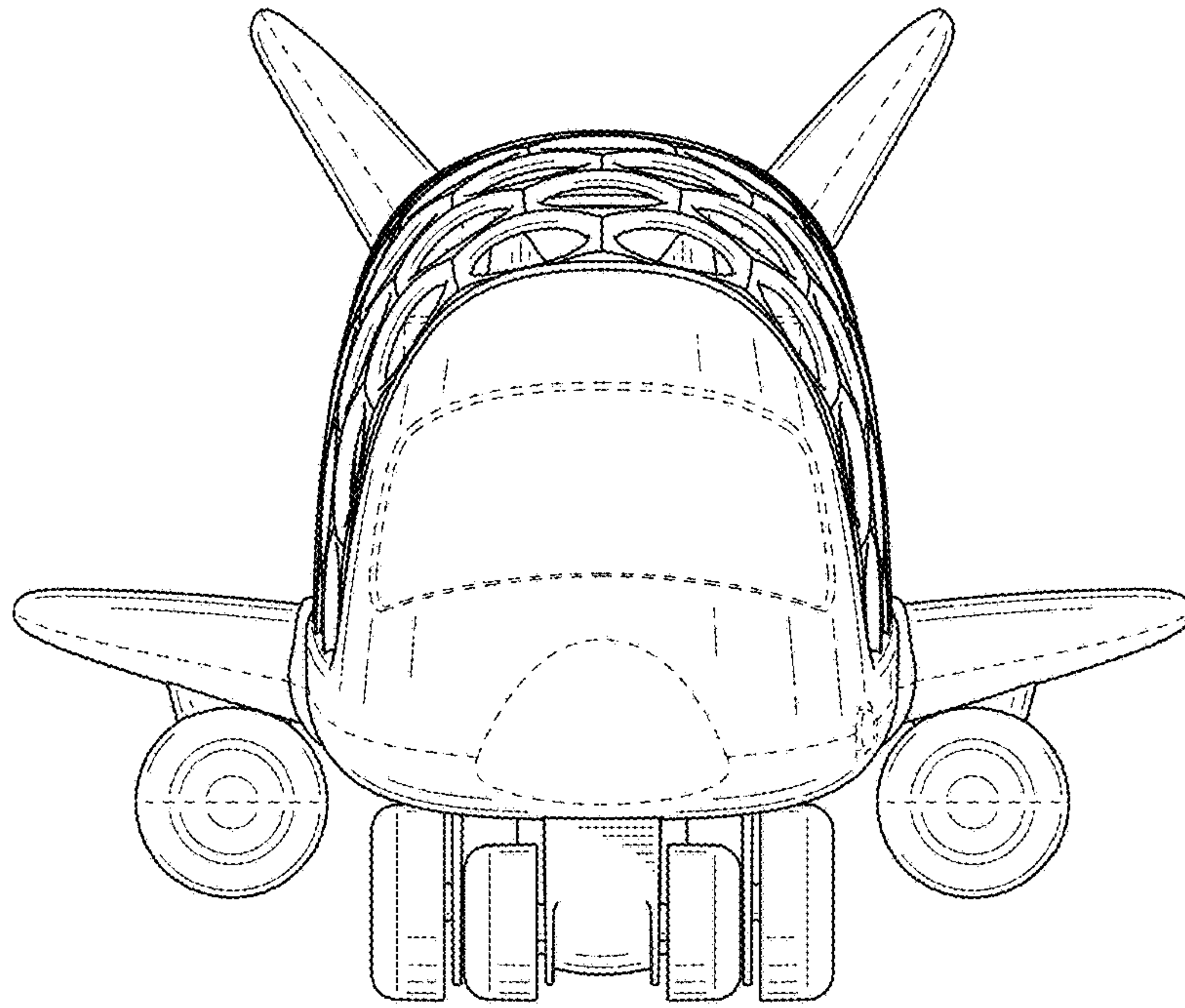


FIG. 3

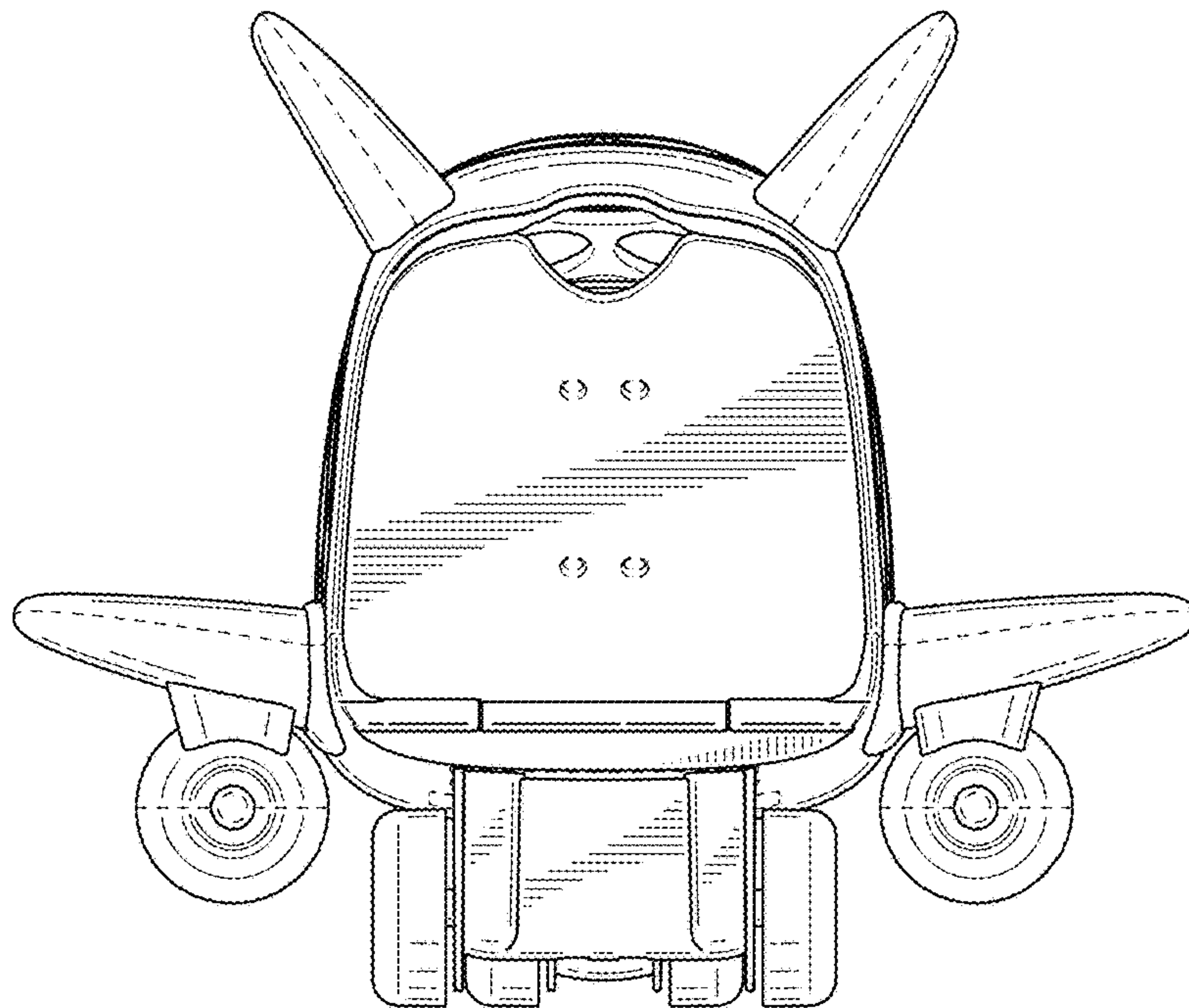


FIG. 4

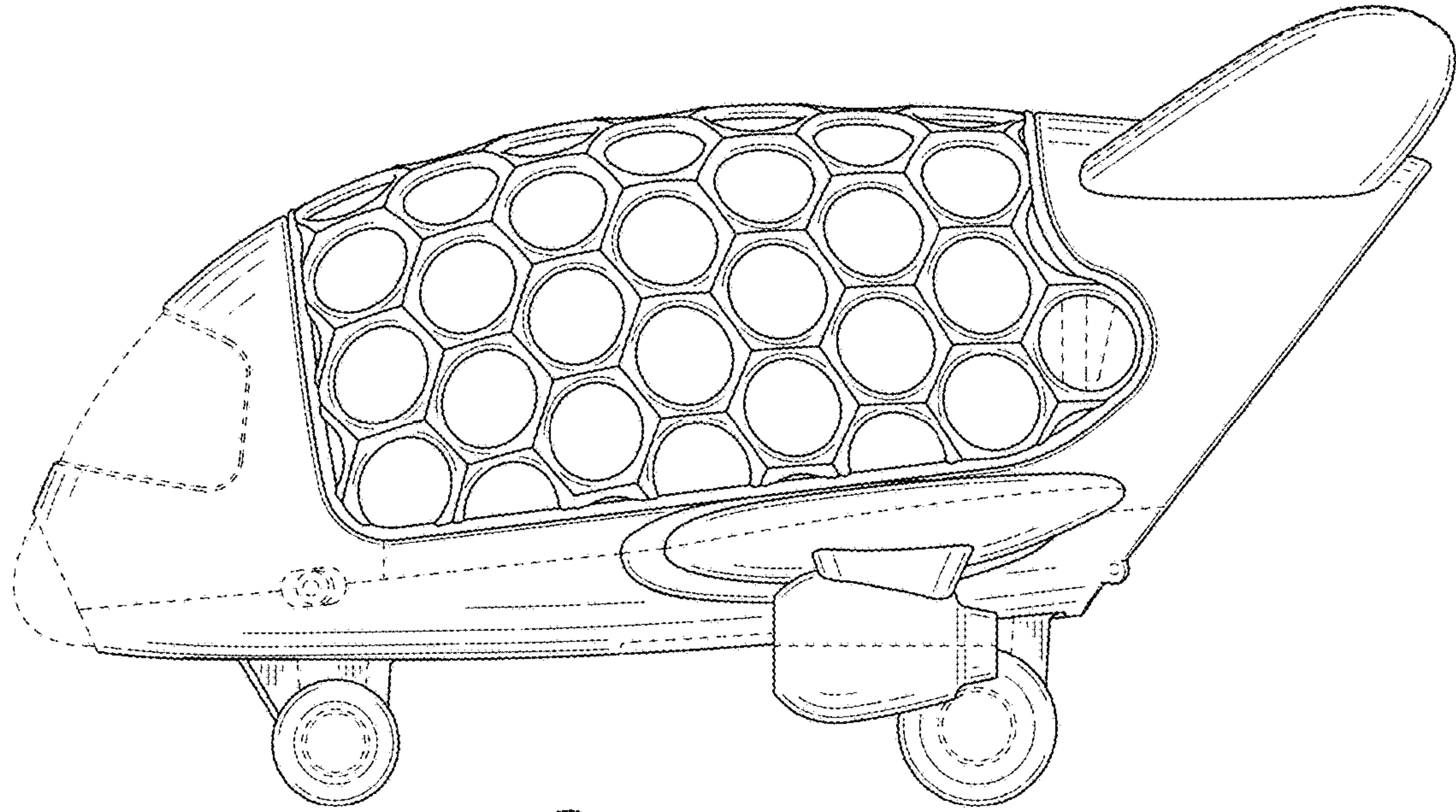


Fig. 5

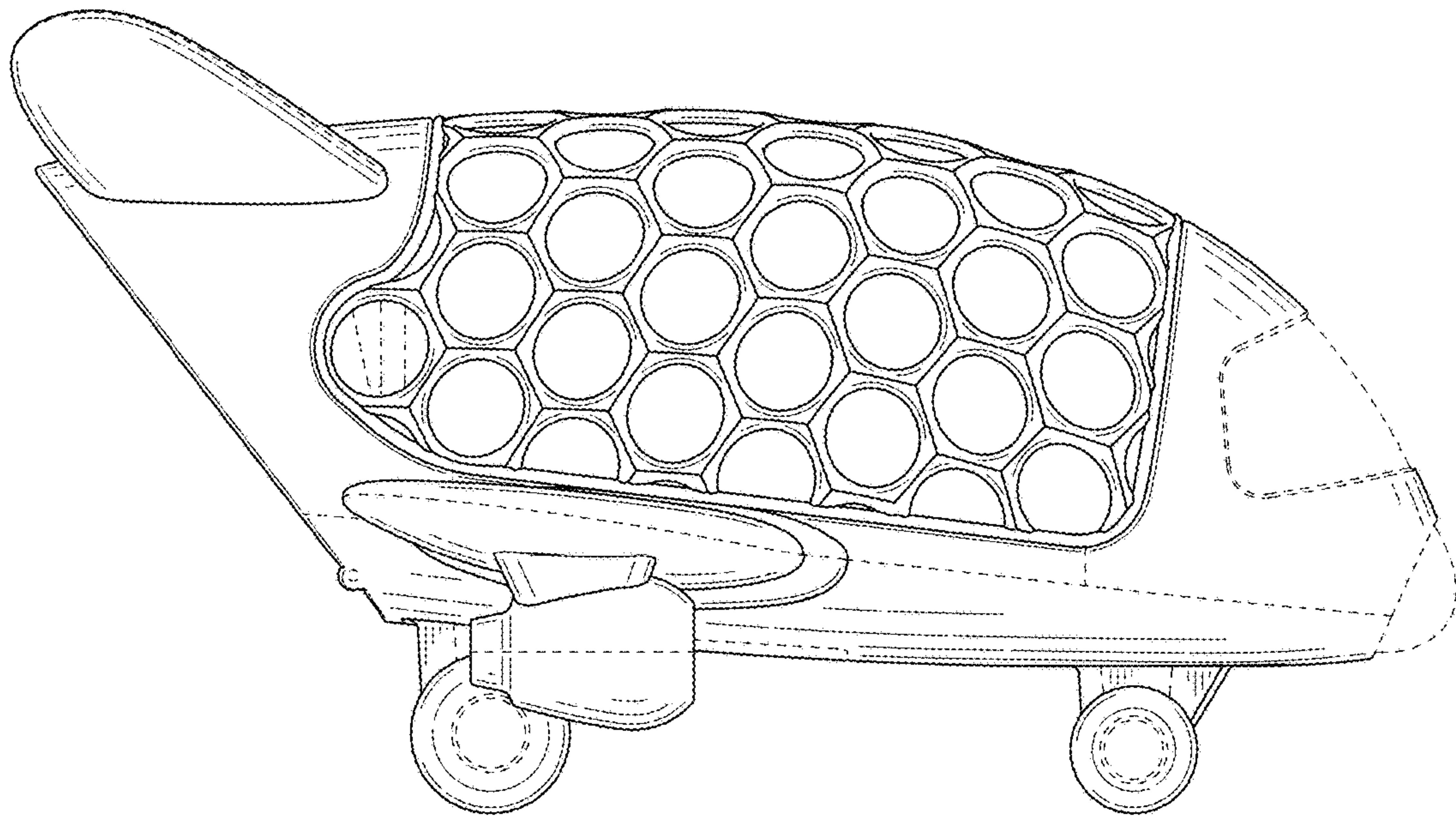


Fig. 6

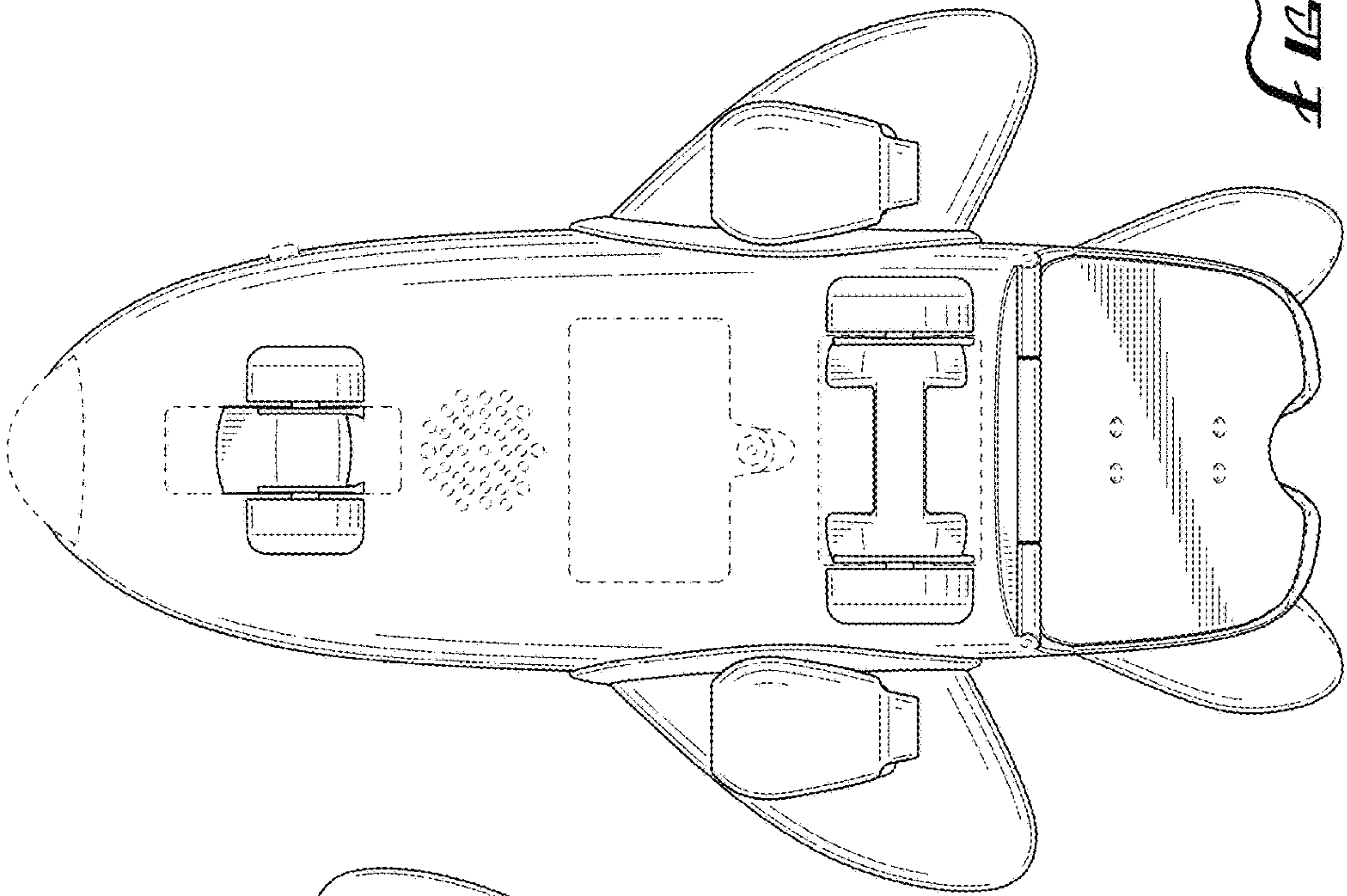


FIG. 8

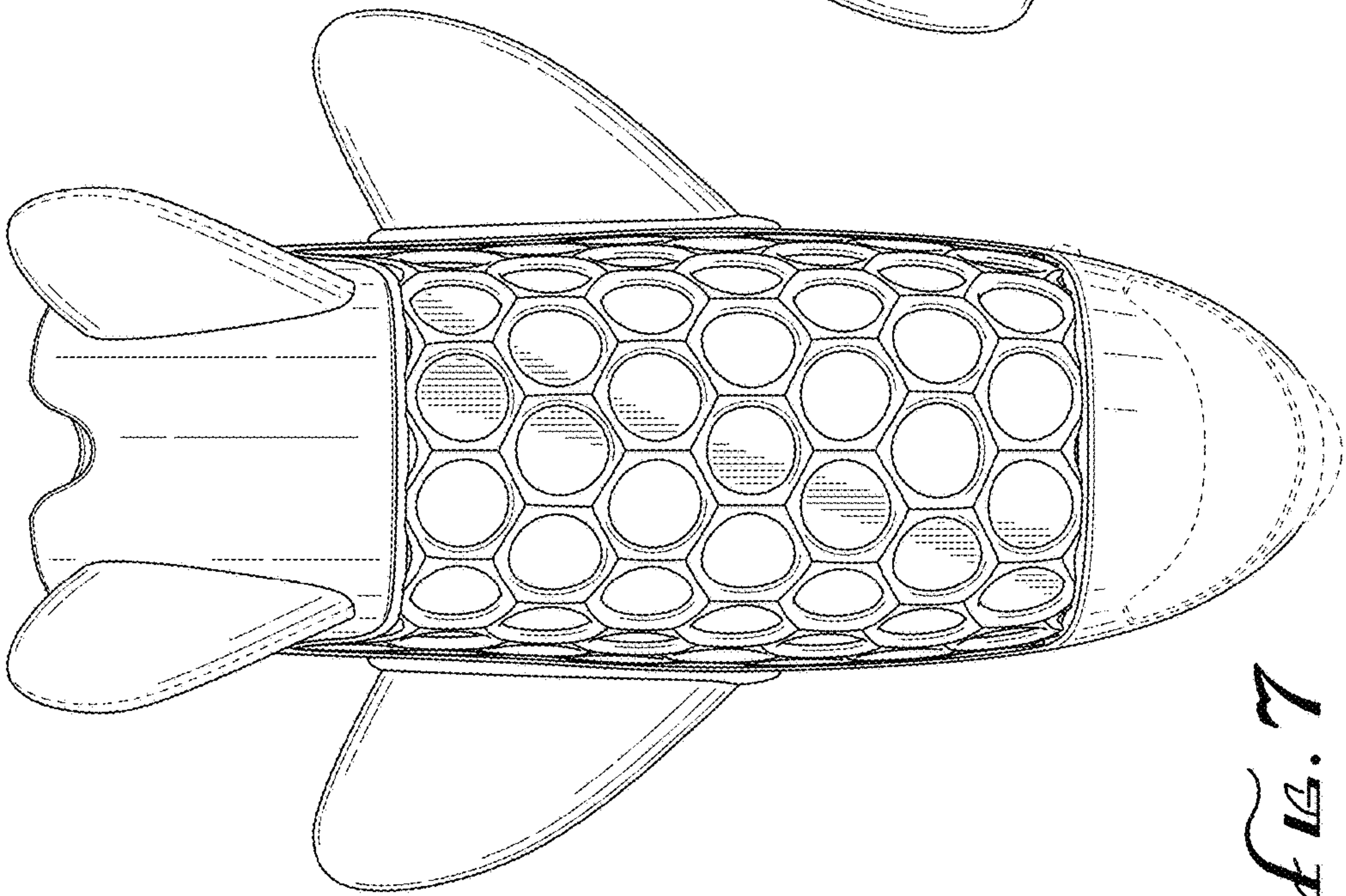


FIG. 7