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**Caly**

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(54) **CHERRY TOMATOES-SHAPED CONTAINER**

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

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(52) **U.S. Cl.**  
USPC ..... **D9/644**; D9/426

(58) **Field of Classification Search**  
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D7/514–521, 576–577, 594, 599, 604,  
D7/613, 619.2, 623, 628, 392.1; D9/600,  
D9/643–647, 500–516, 523, 529,  
D9/544–547, 414–434, 756–762;  
206/457, 459.5, 527; 215/381–384, 400  
CPC .... B65D 5/4258; B65D 81/60; B65D 81/365;  
B65D 81/366; B65D 81/368; B65D  
2203/00; B65D 2203/02; B65D 85/34  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D222,828 S *	1/1972	Giraudet .....	D9/757
D346,552 S *	5/1994	Krupa .....	D9/757
D368,414 S *	4/1996	VanHalteren .....	D9/757
6,003,671 A *	12/1999	McDonough .....	B65D 85/36 206/493
D420,866 S *	2/2000	VanHalteren .....	D7/675
D420,915 S *	2/2000	Reidenbach .....	D9/451
D447,684 S *	9/2001	Hogman .....	D9/757
D506,146 S *	6/2005	Hall .....	D9/757

D562,082 S *	2/2008	Ehrenhaus .....	D7/628
D562,678 S *	2/2008	Shaver .....	D9/425
D601,015 S *	9/2009	Shaver .....	D9/425
D611,776 S *	3/2010	Yung .....	D7/628
D621,699 S *	8/2010	Shaver .....	B65D 85/36 D9/425
D774,387 S *	12/2016	Joergensen .....	D9/425
D782,334 S *	3/2017	Bishop .....	D9/757

**OTHER PUBLICATIONS**

Village Farm Beefsteak Tomato Package, dated Dec. 13, 2012.  
<https://www.packagingoftheworld.com/2012/12/village-farms-rebrand.html>.\*

\* cited by examiner

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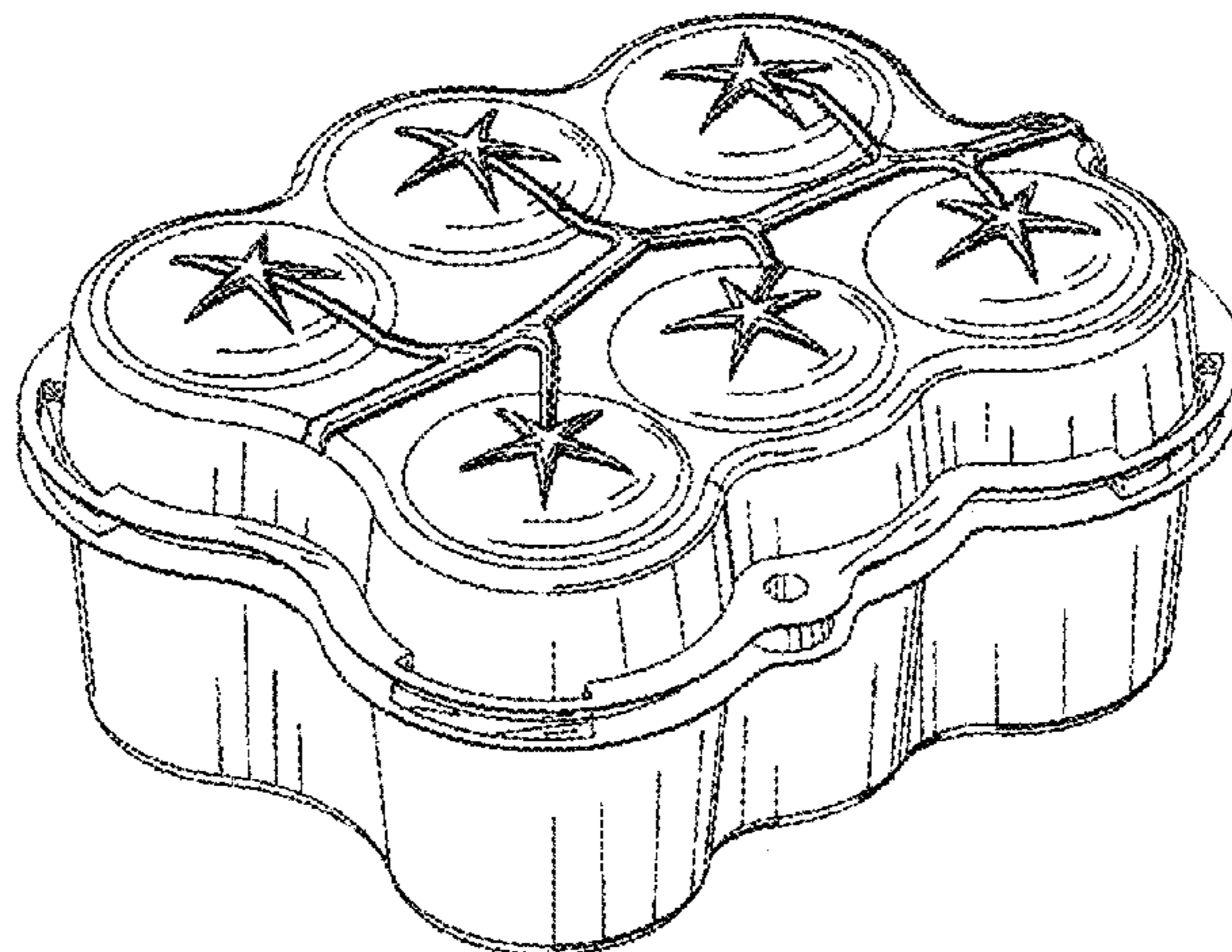
(57) **CLAIM**

The ornamental design for a cherry tomatoes-shaped container, as shown and described.

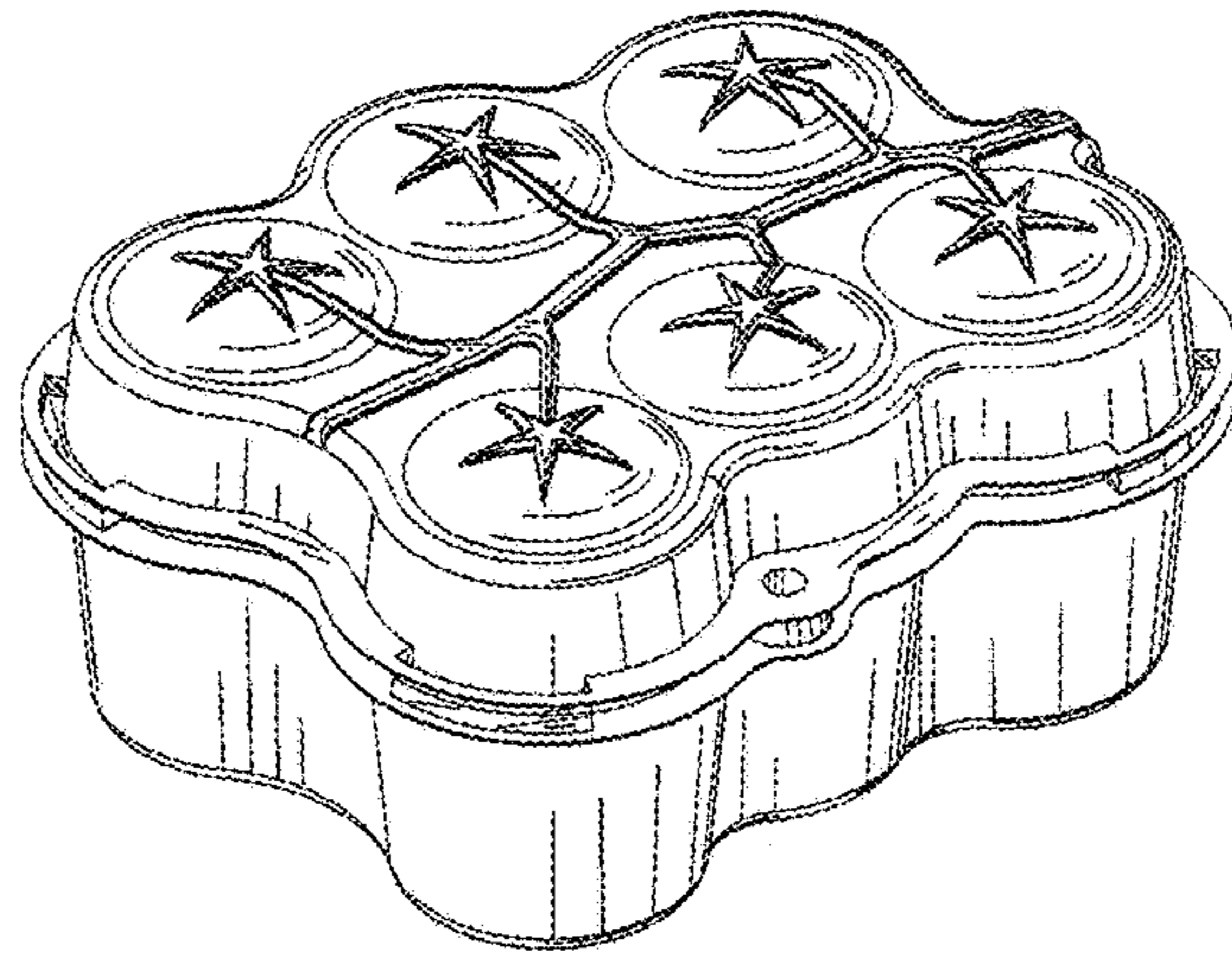
**DESCRIPTION**

FIG. 1 is an isometric view of a cherry tomatoes-shaped container of the applicant's design;  
FIG. 2 is a view of FIG. 1 with the top section flipped open thereof;  
FIG. 3 is a top view of FIG. 1;  
FIG. 4 is a bottom view of FIG. 1;  
FIG. 5 is a back view of FIG. 1;  
FIG. 6 is a front view of FIG. 1;  
FIG. 7 is a right side view of FIG. 1; and,  
FIG. 8 is a left side view of FIG. 1.  
The broken lines in FIG. 4 are included for the purpose of illustrating a portion of the bottom that forms no part of the claimed design.

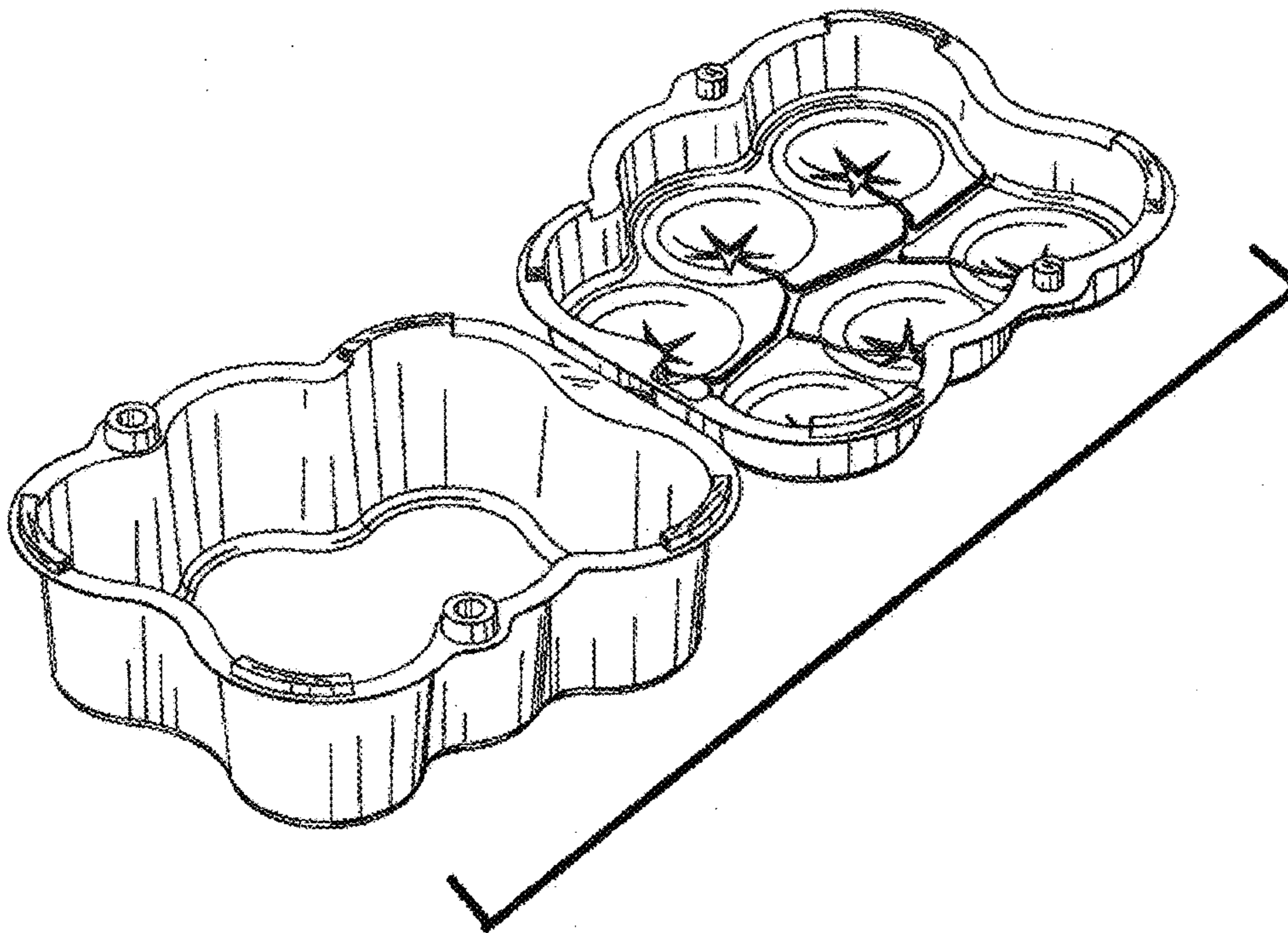
**1 Claim, 4 Drawing Sheets**



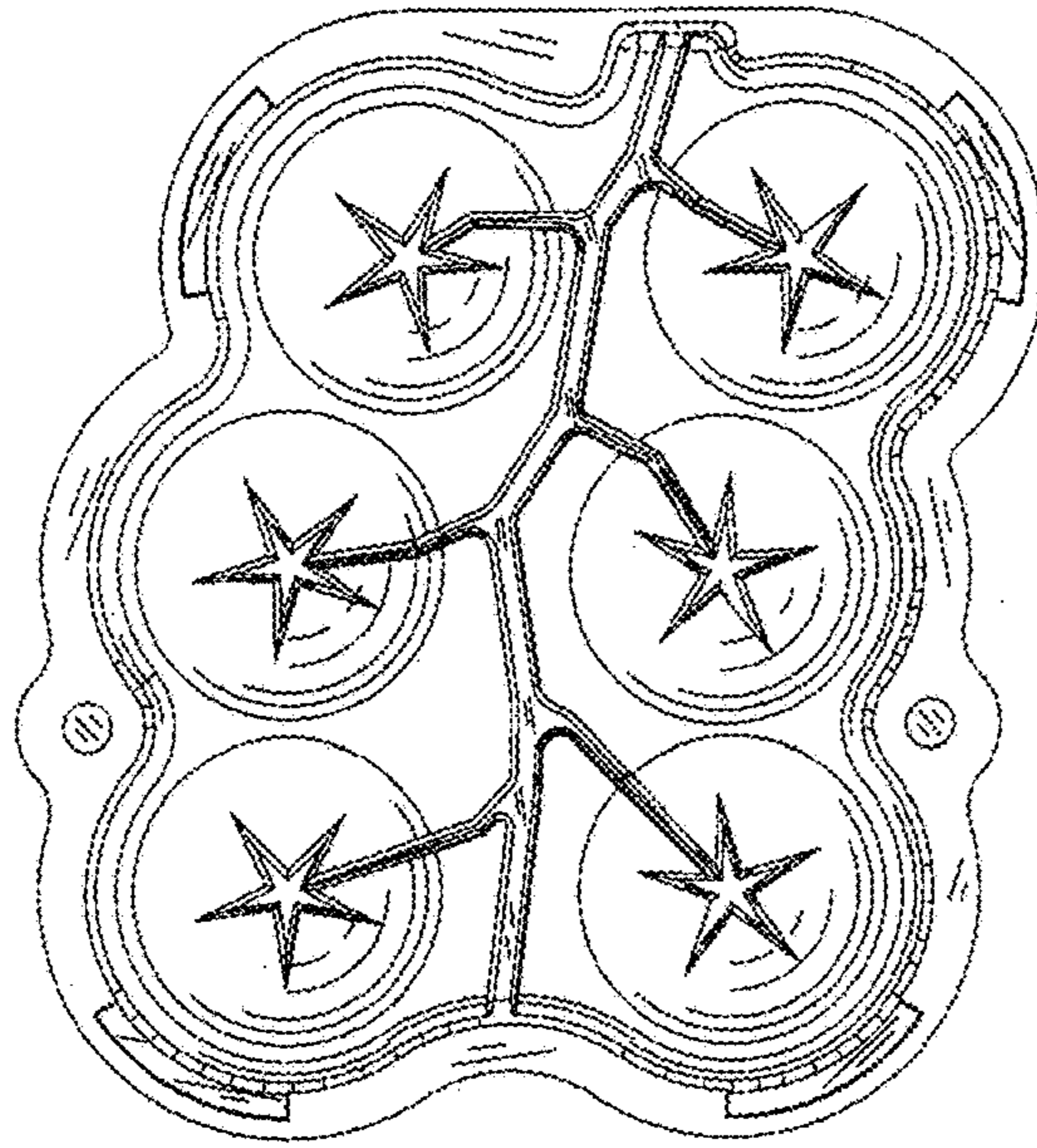
**FIGURE 1**



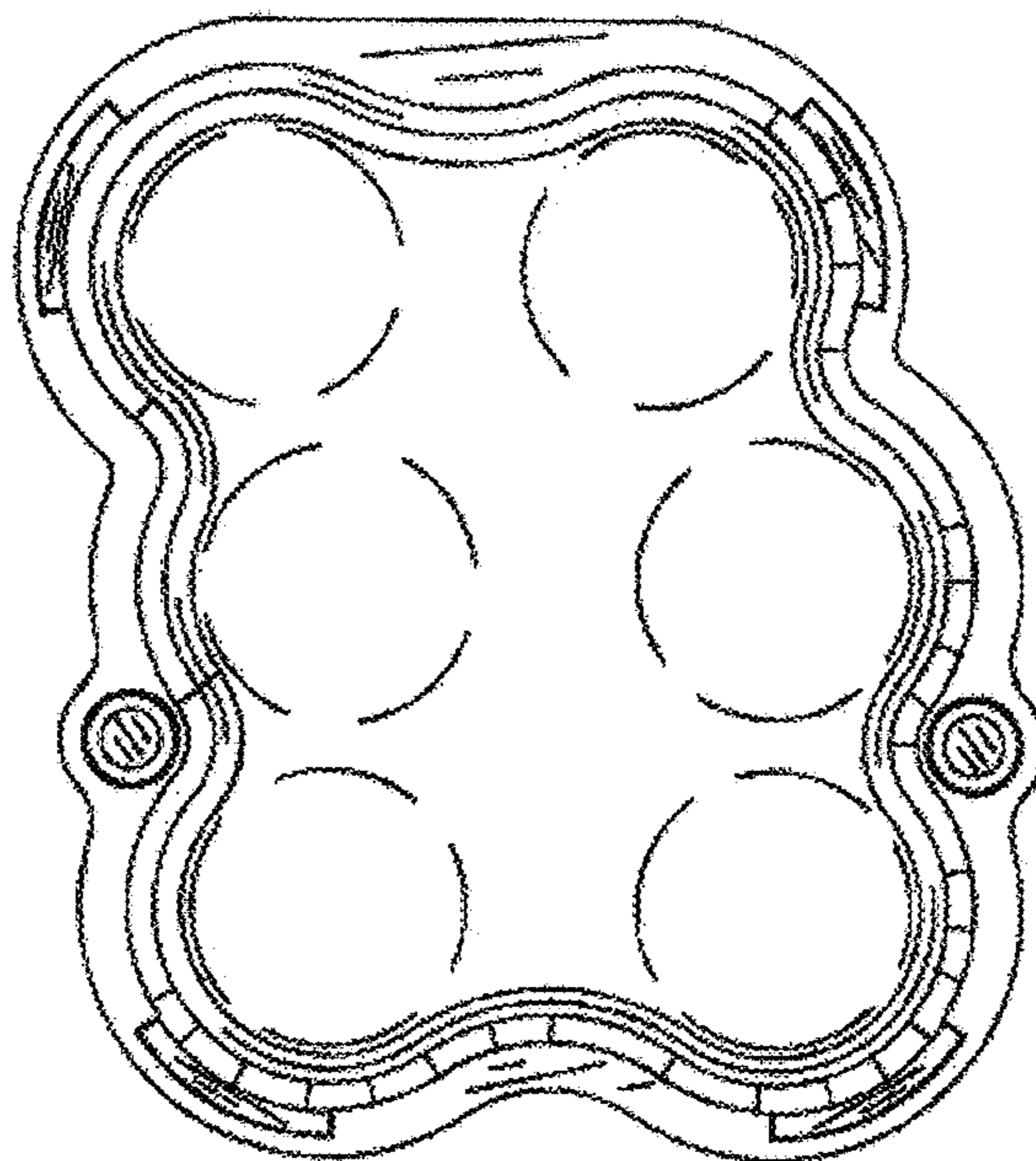
**FIGURE 2**



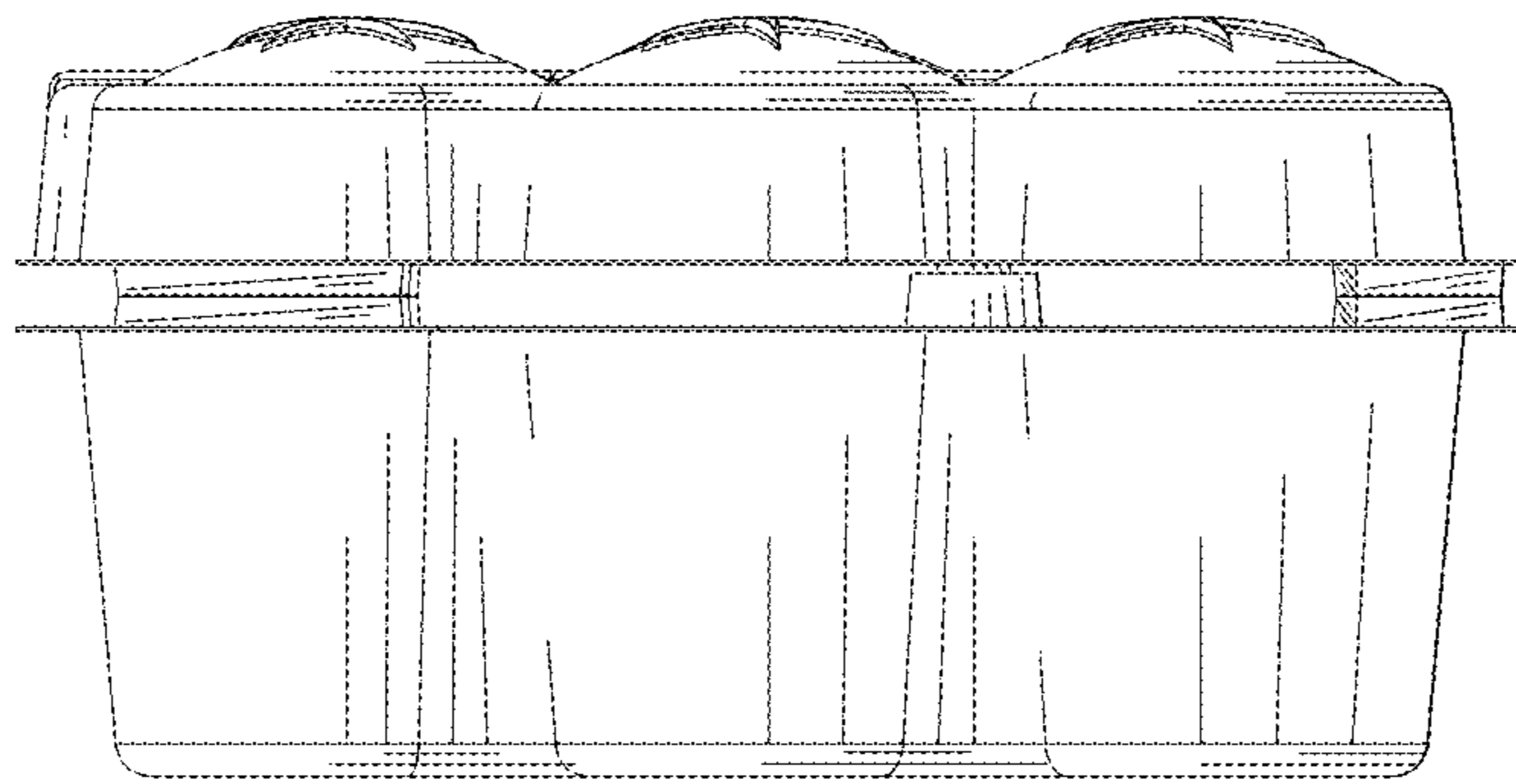
**FIGURE 3**



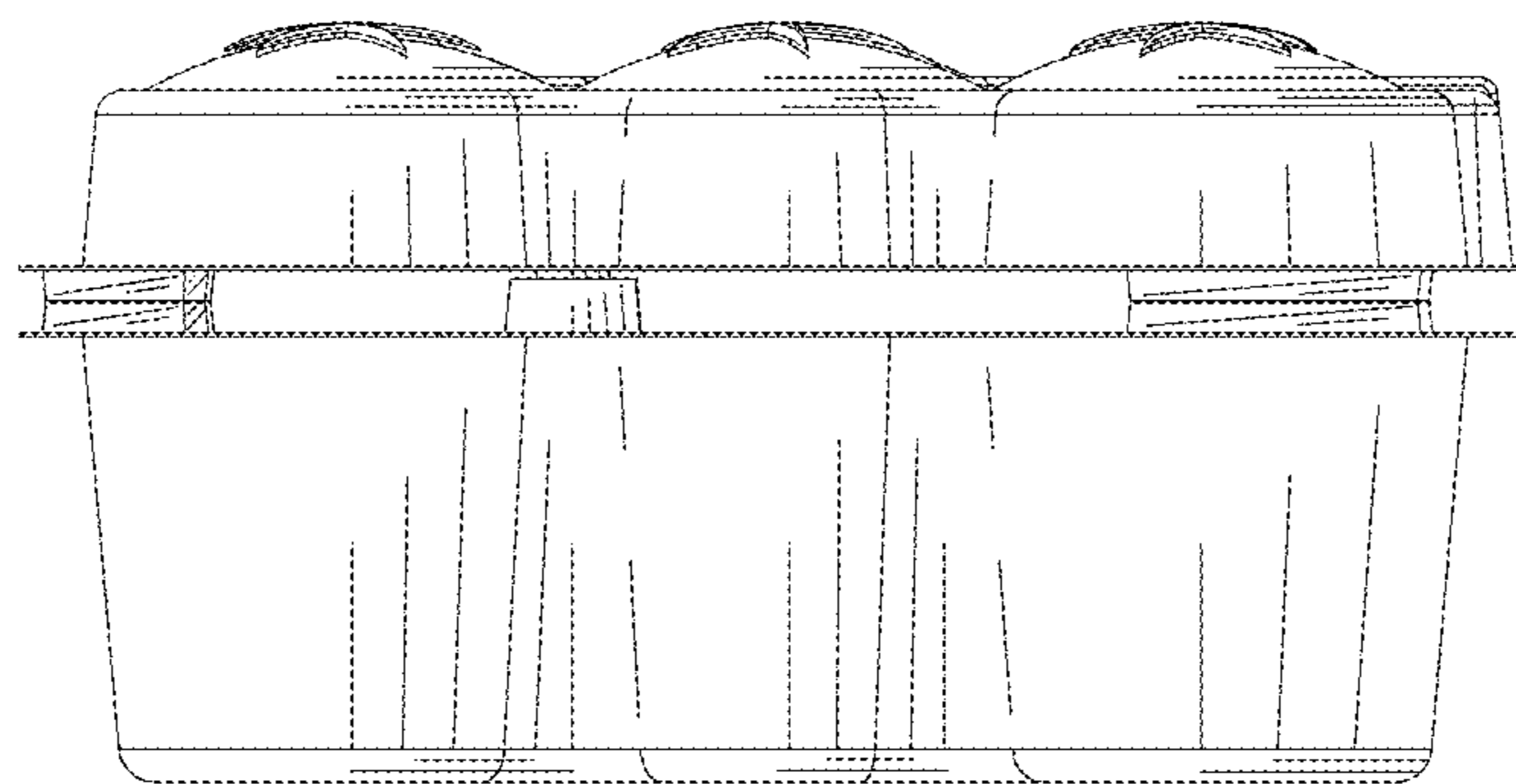
**FIGURE 4**



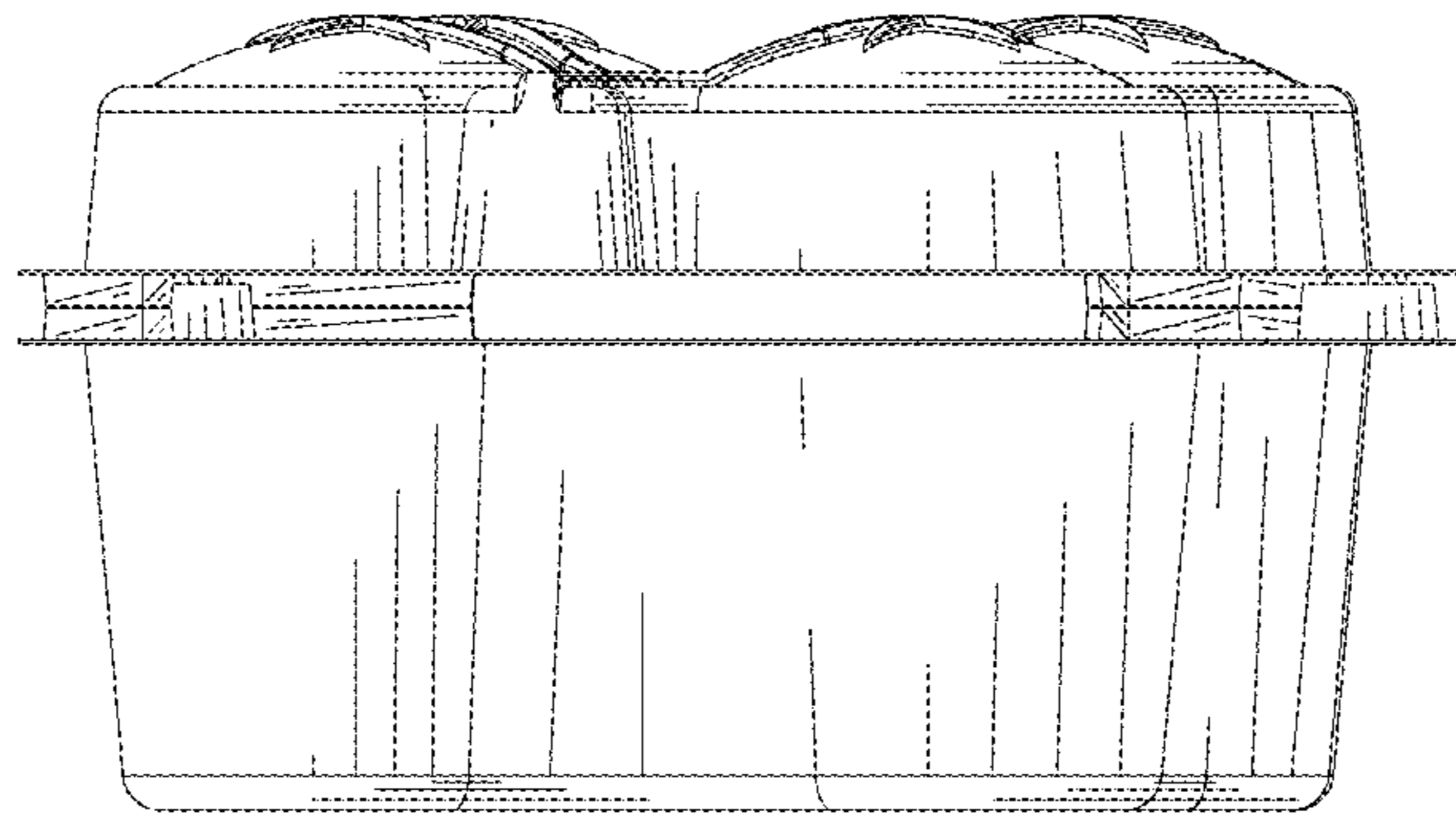
# FIGURE 5



# FIGURE 6



**FIGURE 7**



**FIGURE 8**

