



US00D828759S

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

(10) **Patent No.:** **US D828,759 S**

(45) **Date of Patent:** **\*\* Sep. 18, 2018**

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

(71) Applicant: **VACO PAK INDUSTRIES LTD.**,  
Yahud (IL)

(72) Inventor: **Roy Caly**, Kibbutz Yakum (IL)

(73) Assignee: **VACO PAK INDUSTRIES LTD.**,  
Yahud (IL)

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

(21) Appl. No.: **29/599,860**

(22) Filed: **Apr. 7, 2017**

(51) **LOC (11) Cl.** ..... **09-01**

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

(58) **Field of Classification Search**  
USPC ..... D3/270, 271.1–271.4; D7/509–511,  
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

*Primary Examiner* — Sandra L Morris

(74) *Attorney, Agent, or Firm* — Roach Brown McCarthy  
& Gruber, P.C.; Kevin D. McCarthy

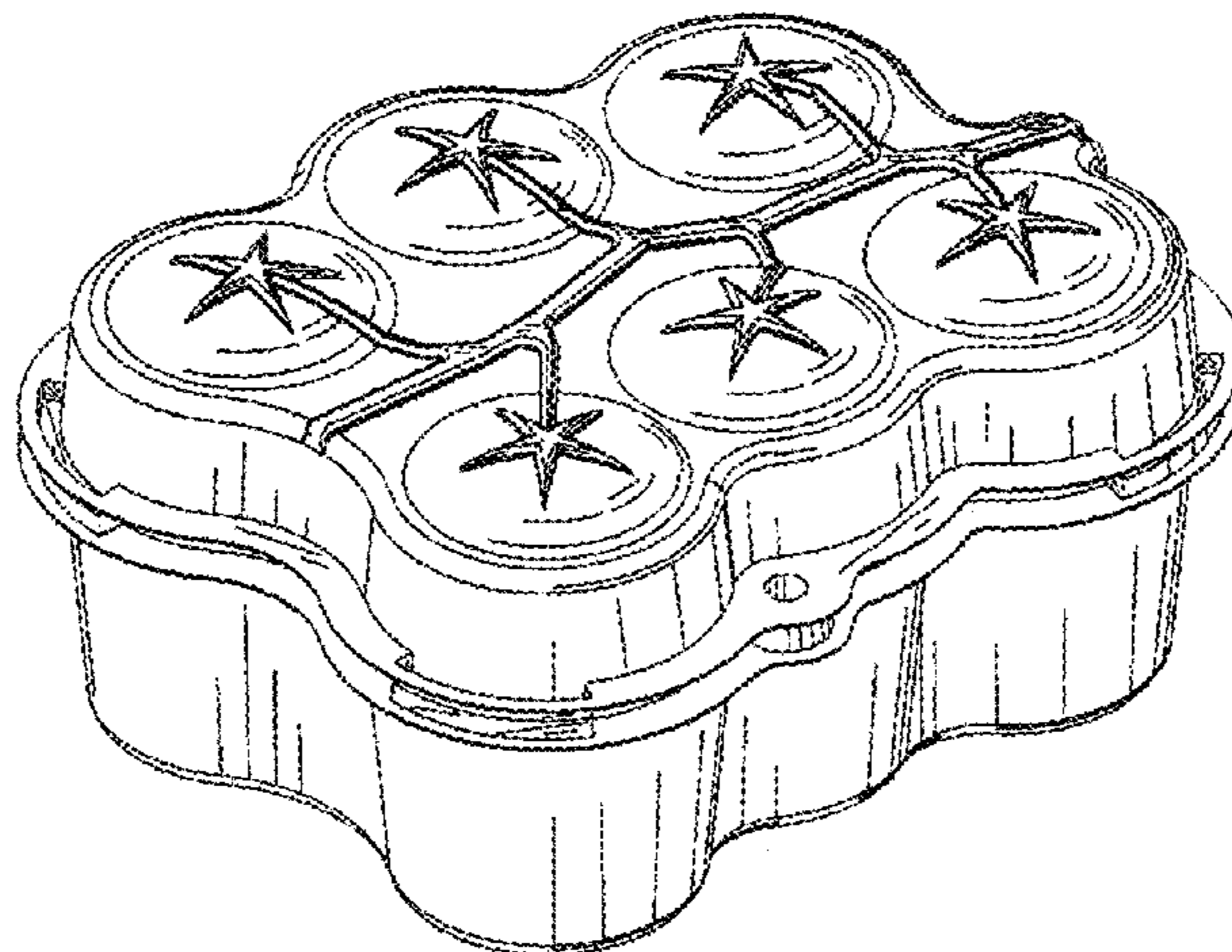
(57) **CLAIM**

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

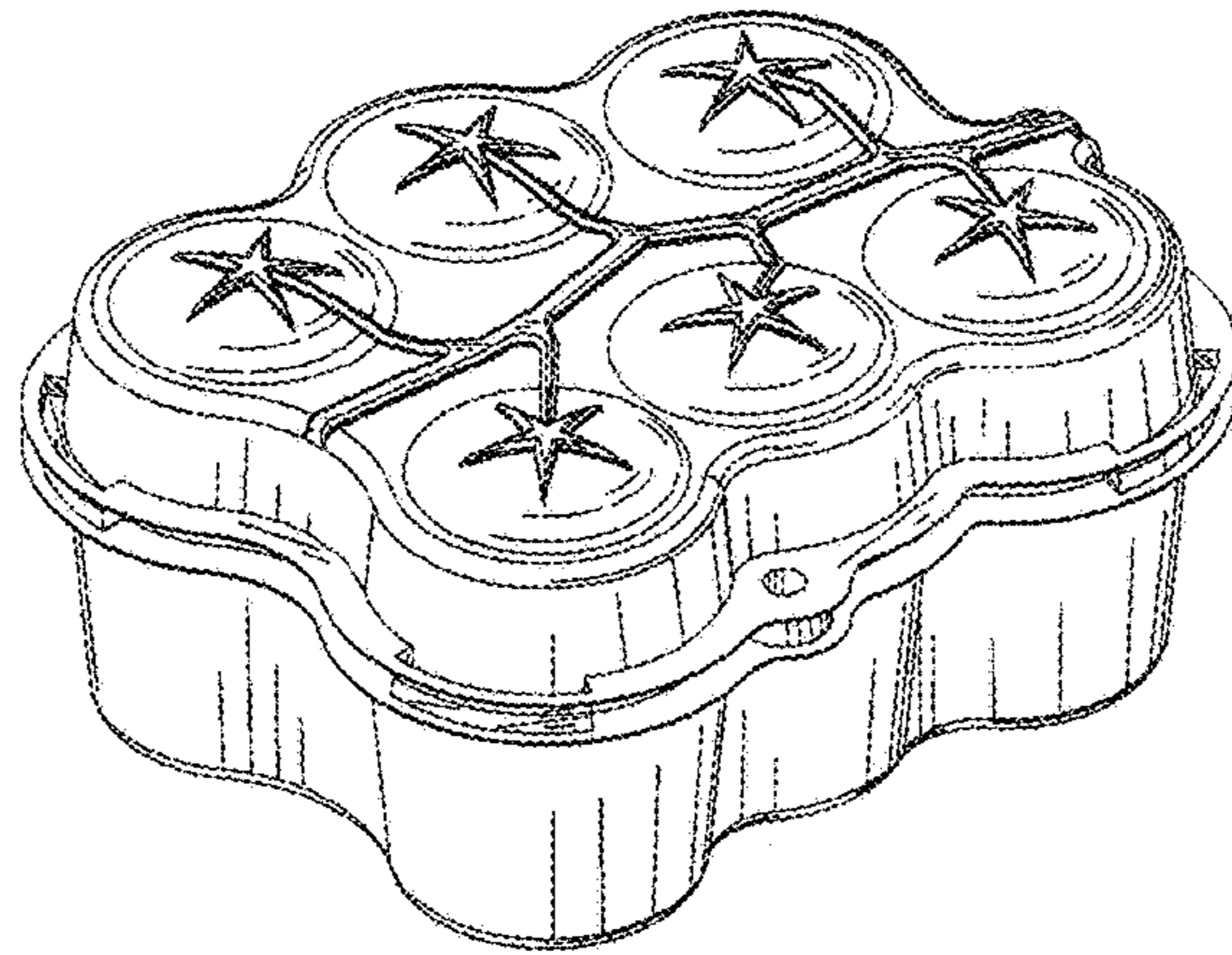
**DESCRIPTION**

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.

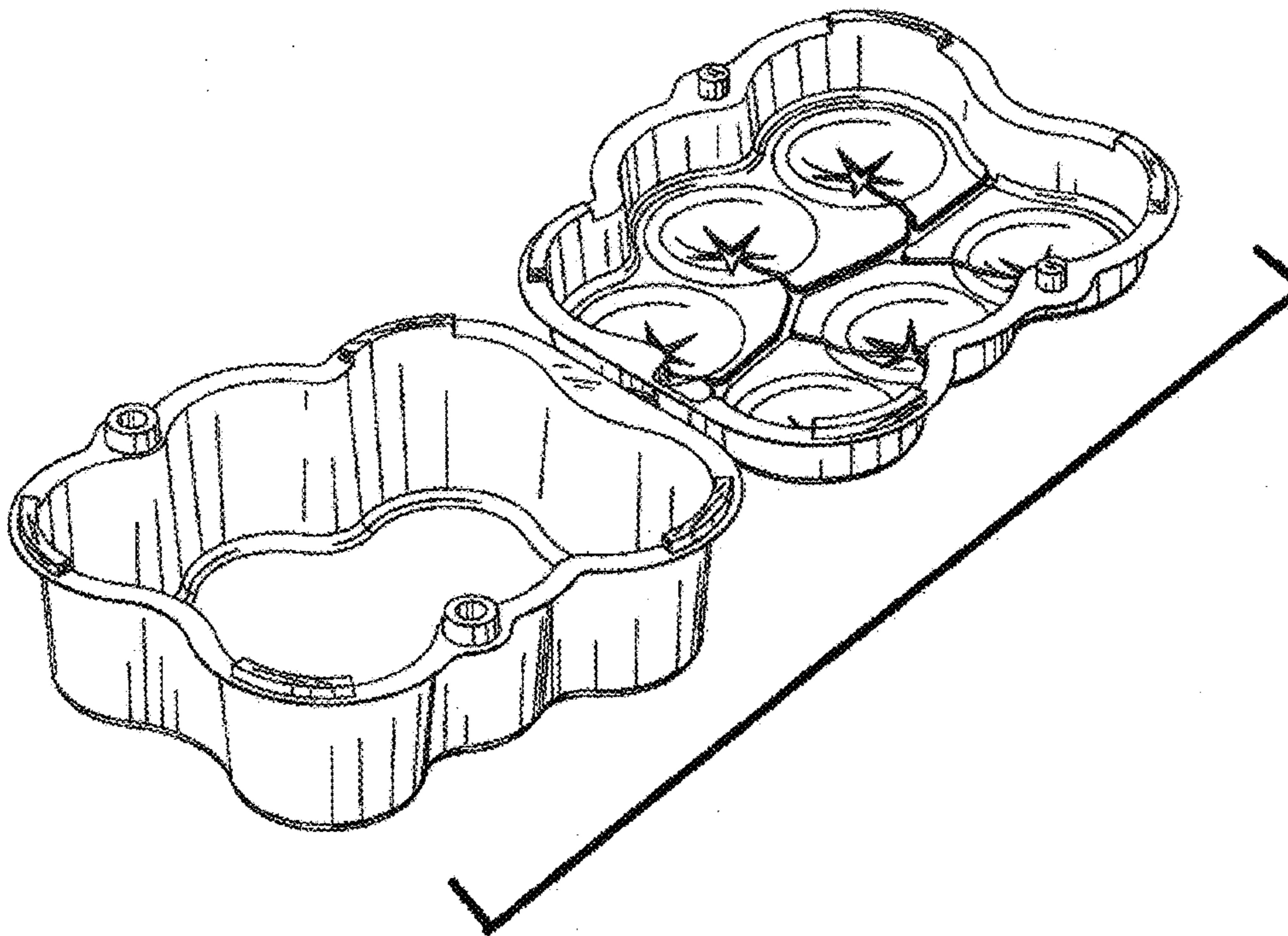
**1 Claim, 4 Drawing Sheets**



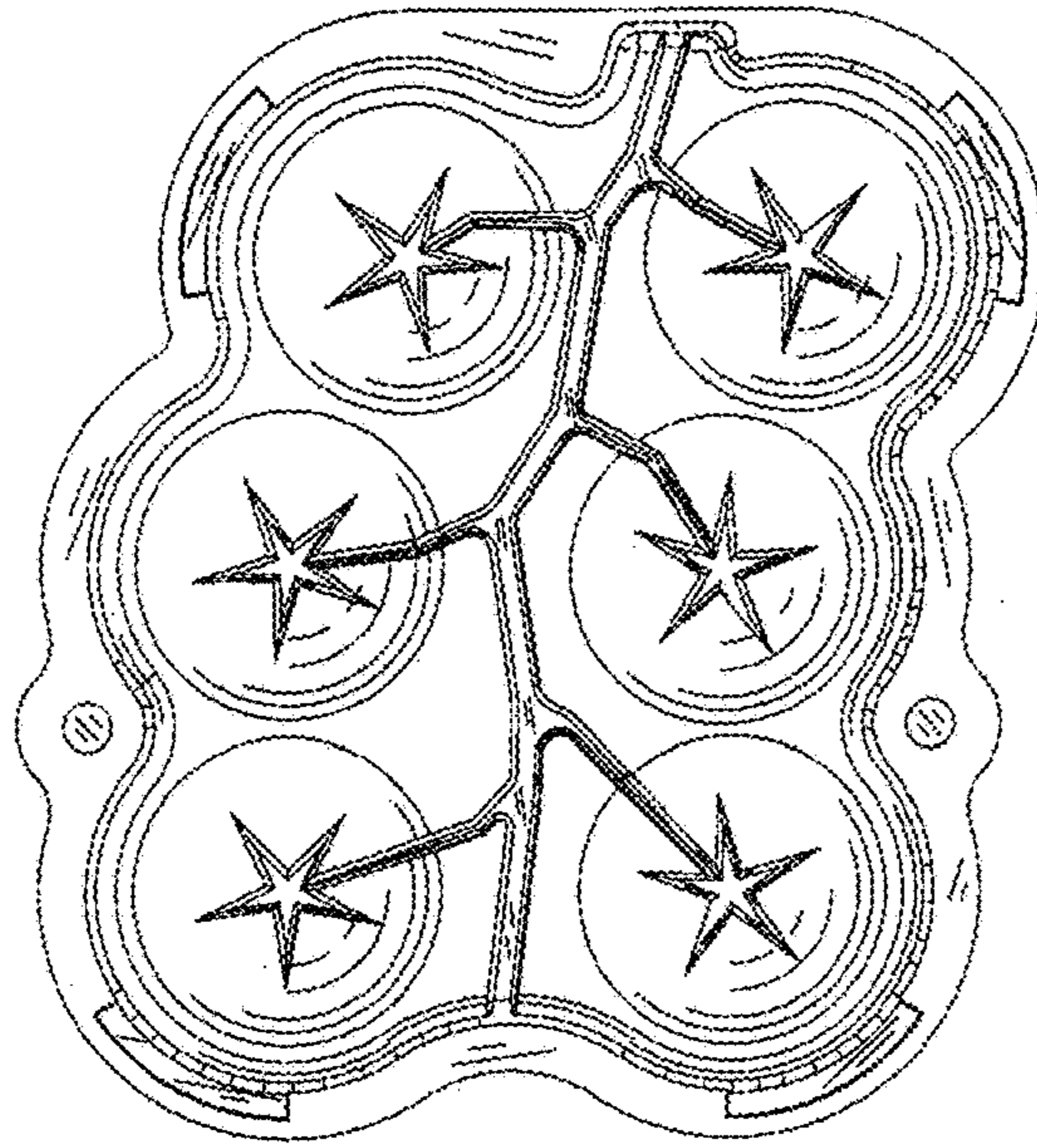
**FIGURE 1**



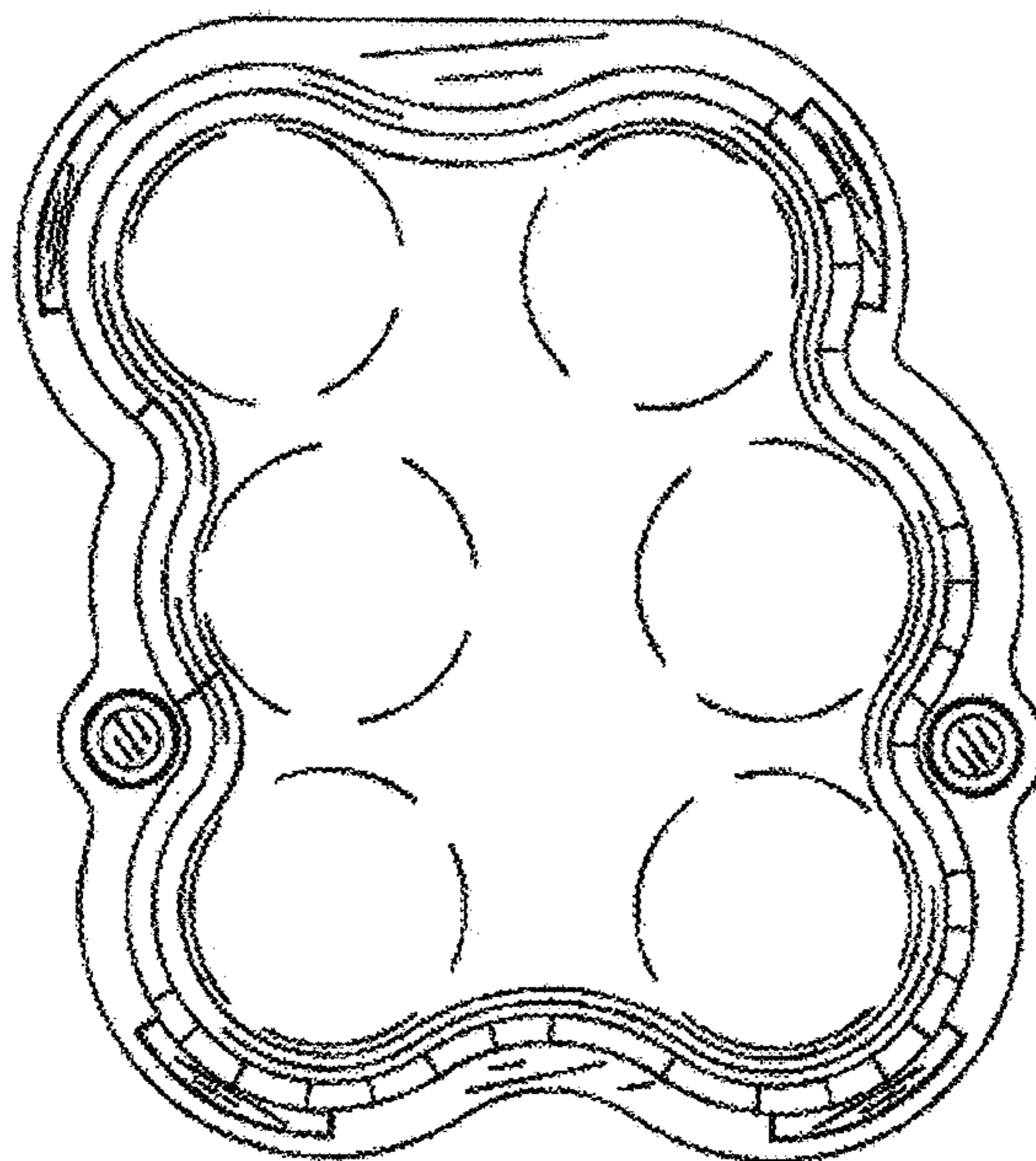
**FIGURE 2**



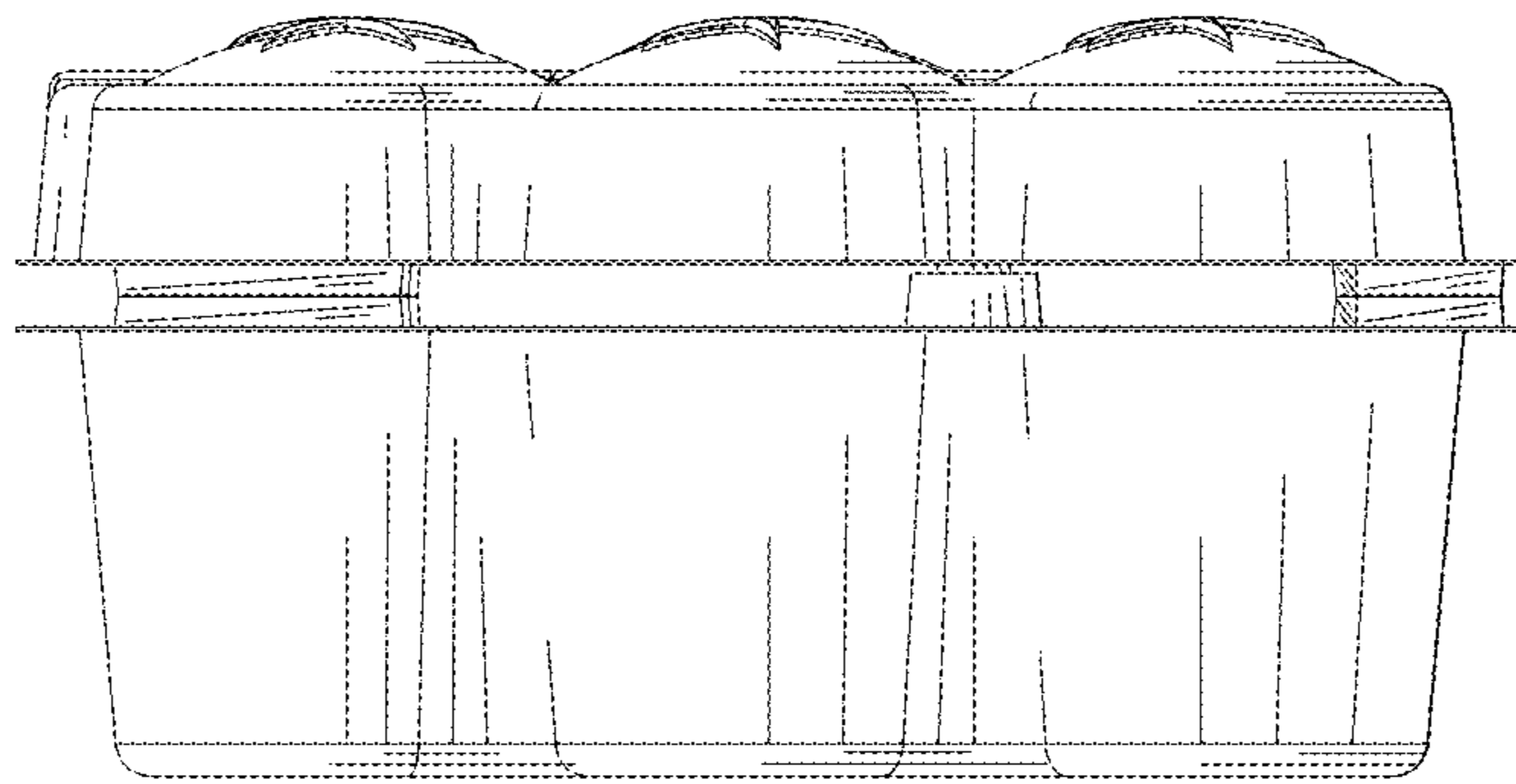
**FIGURE 3**



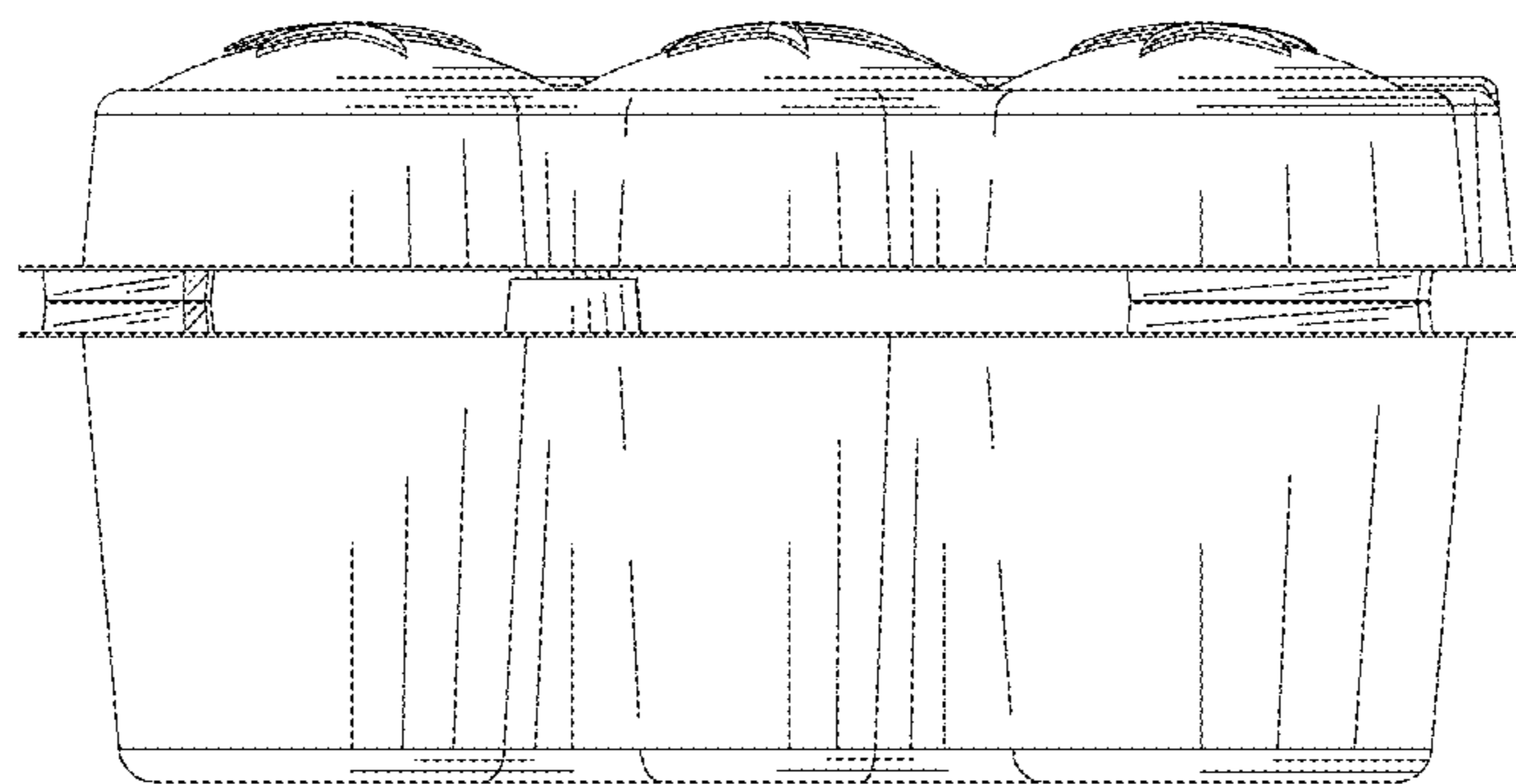
**FIGURE 4**



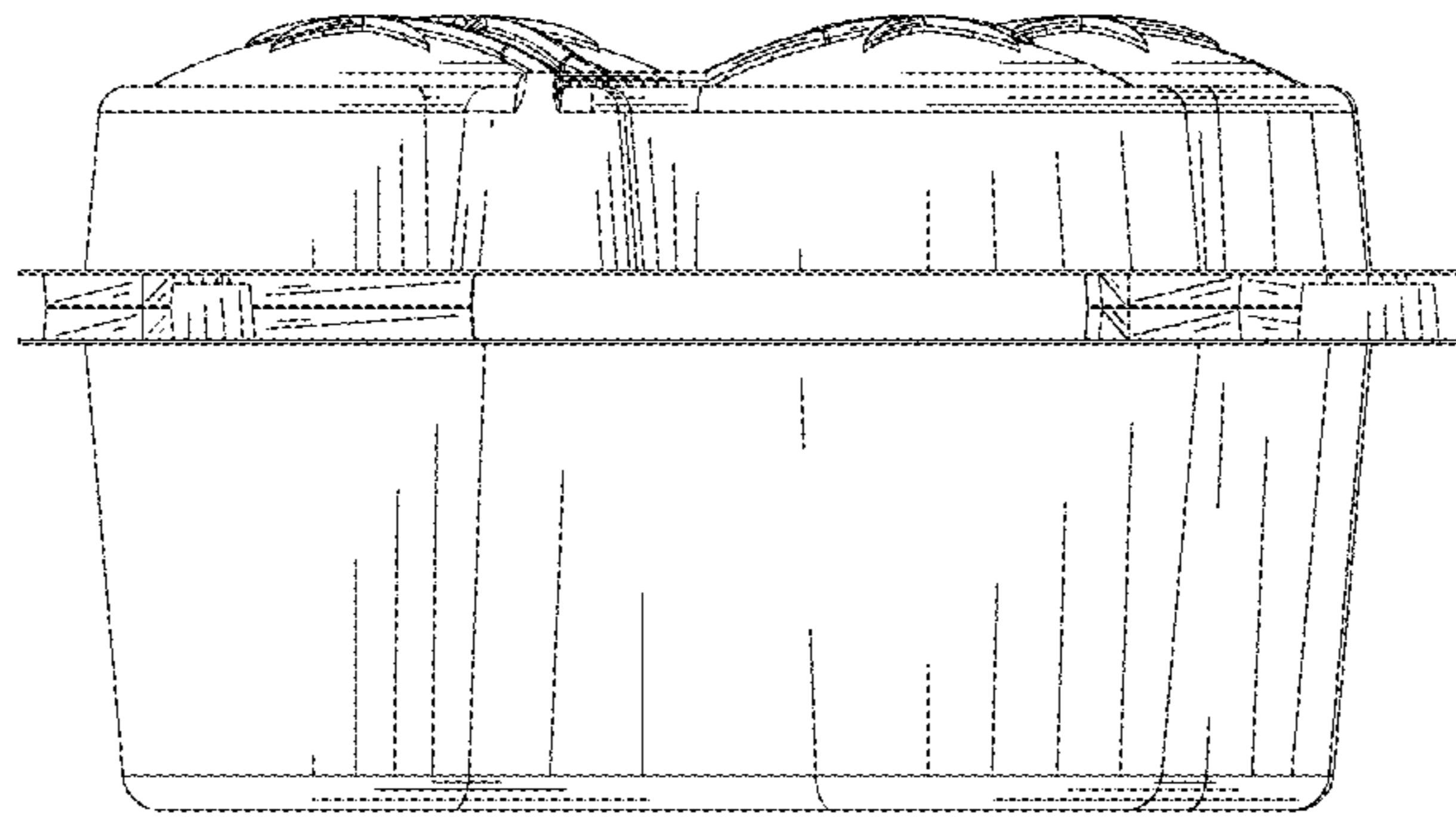
**FIGURE 5**



**FIGURE 6**



**FIGURE 7**



**FIGURE 8**

