

US00D836851S

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

(10) **Patent No.:** **US D836,851 S**
(45) **Date of Patent:** **** Dec. 25, 2018**

(54) **AVES CAFE**

(71) Applicant: **Richard Otto Bartz**, Edina, MN (US)

(72) Inventor: **Richard Otto Bartz**, Edina, MN (US)

(73) Assignee: **AVIAN CORPORATION**, Edina, MN (US)

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

(21) Appl. No.: **29/651,335**

(22) Filed: **May 14, 2018**

Related U.S. Application Data

(62) Division of application No. 29/629,923, filed on Dec. 18, 2017.

(51) **LOC (11) Cl.** **30-03**

(52) **U.S. Cl.**
USPC **D30/127; D30/124**

(58) **Field of Classification Search**
USPC D30/121, 124, 126-129, 133, 199, D30/110-112, 123, 125; 119/52.2, 51.5, 119/61.5, 57.8, 57.9, 52.3, 61.1, 531, 63, 119/428-435, 52.4, 55, 61.3, 69.5, 75, 76; 47/67, 83; 248/318; D11/164, 152; 211/128.1; D27/123; D6/495, 460, 461, D6/476, 405; D9/434; D3/328; D7/688; D34/28; D8/372, DIG. 1; 294/26, 175, 294/170; 472/4, 106, 112, 114, 125, 472/108-111, 118, 120, 123; D21/688, D21/690, 811, 814, 823, 828
CPC A01K 39/00; A01K 39/01; A01K 39/0113; A01K 39/012; A01K 39/06; A01K 5/0225; A01K 5/00; A63G 1/32; B65G 7/12

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

36,216 A * 8/1862 Hockett A47D 13/10
472/123

47,999 A * 5/1865 Thorpe A63G 11/00
472/106

89,297 A * 4/1869 Dillon A63G 11/00
472/114

172,891 A 2/1876 Poole D06F 5/00
294/23.5

192,097 A * 6/1877 Thomas A47D 13/10
472/123

194,003 A * 8/1877 Schlueter A47D 13/10
472/123

198,091 A * 12/1877 Eller A47D 13/10
472/123

213,518 A * 3/1879 McGregor A47D 13/10
472/123

246,458 A * 8/1881 Chandler A63G 11/00
472/114

323,121 A * 7/1885 Dees A63G 9/00
472/125

451,583 A * 5/1891 Spencer A63G 11/00
472/114

481,761 A 8/1892 Johnson B21F 1/06
140/102.5

516,368 A * 3/1894 Davis A63G 11/00
472/114

D24,291 S 5/1895 Somers D34/28

D25,579 S 6/1896 Thomas D21/412

589,541 A 9/1897 Wilson A62B 1/14
182/192

796,364 A * 8/1905 Smith A63G 11/00
472/111

1,220,363 A * 3/1917 Rives A63G 11/00
297/261.2

1,244,371 A * 10/1917 Reynolds A63G 11/00
297/260.1

1,270,219 A * 6/1918 Schwarz A63G 11/00
297/247

1,308,318 A * 7/1919 Wronski A63G 11/00
472/114

1,312,382 A * 8/1919 Benas A63G 11/00
297/247

1,374,902 A * 4/1921 Blocker A63G 13/00
472/109

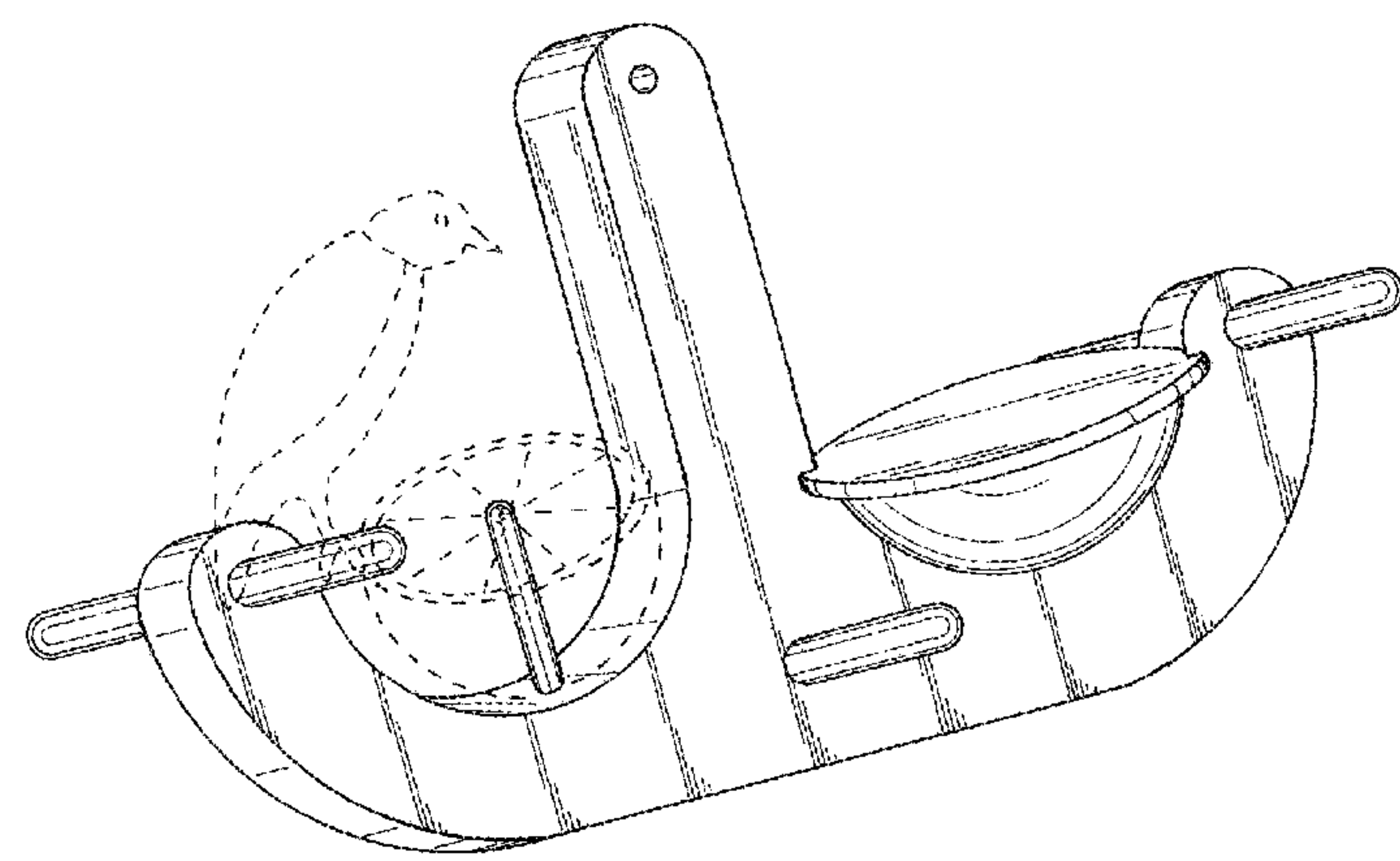
1,401,906 A * 12/1921 Haugh A63G 13/00
472/114

1,412,723 A * 4/1922 Toal A63G 13/00
297/247

1,441,940 A * 1/1923 Nafe A63G 11/00
297/2

1,482,056 A 1/1924 Watkins B65G 7/12
294/26

1,553,418 A * 9/1925 Watts A63G 11/00
472/108



US D836,851 S

1,714,247 A *	5/1929	Smedley	A63G 9/00	4,051,953 A	10/1977	Shoaf	
			472/125	4,109,960 A *	8/1978	Stinchfield	A47C 3/029
D143,640 S *	1/1946	Benson et al.	D21/417				297/271.5
D144,200 S *	3/1946	King	D21/412	4,135,712 A *	1/1979	Fitzsimons	A63G 11/00
2,417,618 A *	3/1947	Scott	A63G 13/02				472/113
			297/247	D254,498 S *	3/1980	Chich	D21/417
2,470,473 A *	5/1949	Daellenbach	A63G 13/02	D256,141 S *	7/1980	Lubbe	D21/412
			472/114	4,258,952 A *	3/1981	Dutra	A47C 3/029
							248/364
2,503,068 A	4/1950	Pueschel		4,288,071 A *	9/1981	Glickson	A63G 31/12
D161,731 S *	1/1951	Borsen, Sr.	297/247				472/106
2,547,152 A *	4/1951	Burg	A63G 1/10	D264,987 S *	6/1982	Wise	D21/688
			472/1	D265,218 S *	6/1982	Robinett	D21/412
2,555,181 A	5/1951	Brandt	A47G 25/06	4,336,931 A *	6/1982	van Staden	A63G 31/12
			248/215				441/136
D169,049 S *	3/1953	Walton	297/247	4,408,105 A *	10/1983	Tanaka	H01H 23/12
2,669,089 A	2/1954	Straumann	G04B 15/12				200/244
			368/124	D276,062 S *	10/1984	Dennis	D21/688
2,680,321 A	6/1954	Premo	A01K 83/00	4,519,602 A *	5/1985	Sutherland	A63G 1/12
			43/44.82				472/18
2,714,007 A *	7/1955	Jordan	A63B 22/18	4,605,224 A *	8/1986	Torii	A63B 21/0004
			482/146				273/141 R
2,808,678 A	10/1957	Leonardi	A01K 83/02	4,607,597 A	8/1986	Sevigay	
			43/44.8	4,671,506 A *	6/1987	Sutherland	A63G 1/12
D184,535 S *	3/1959	Polhemus	D21/412				472/18
2,930,612 A *	3/1960	Goodrich	A63G 13/06	D293,122 S *	12/1987	Devaney	D21/412
			297/270.2	D296,416 S	6/1988	Fawcett	D8/354
2,941,801 A *	6/1960	Pedersen	A63B 22/16	4,801,140 A *	1/1989	Bergeron	A63B 21/0004
			482/146				280/87.01
2,950,120 A *	8/1960	Stewart	A63B 22/16	D301,947 S *	7/1989	Chan	D6/405
			280/12.1	4,865,374 A	9/1989	Gonda	B66C 1/36
D189,670 S *	1/1961	Williams et al.	D21/412				24/598.4
3,002,780 A	10/1961	Eggeman	B66C 1/14	D305,915 S *	2/1990	Hackworth	D21/417
			24/129 R	D306,884 S *	3/1990	Delorey	D21/412
3,030,764 A	4/1962	Heinrich	G04B 15/14	D308,015 S	5/1990	Volpe	D12/317
			368/125	4,955,650 A	9/1990	Davey	A47J 45/10
3,059,500 A	10/1962	Schneiter	G04B 11/022				294/12
			188/82.74	5,025,753 A	6/1991	Schneider	
D194,111 S *	11/1962	Tosti	D21/412	D318,789 S	8/1991	Oltrogge	D3/315
3,090,354 A	5/1963	Frank		D331,360 S	12/1992	Adams	24/711.4
3,100,114 A *	8/1963	Rimland	A63G 13/02	D337,806 S	7/1993	Nolan	D21/823
			472/114	D339,623 S	9/1993	Nolan	D21/823
3,151,864 A *	10/1964	Sandusky	A63G 11/00	D339,624 S	9/1993	Nolan	D21/823
			239/211	5,247,904 A	9/1993	Anderson	
3,185,524 A *	5/1965	Ryan	A63H 3/52	5,297,321 A	3/1994	Murai	A45C 13/00
			297/247				24/598.7
3,227,445 A *	1/1966	Jensen	A63G 13/02	D346,411 S *	4/1994	Glenn	D21/412
			297/271.6	5,330,399 A *	7/1994	Fan	A63B 22/16
3,298,652 A	1/1967	Burdick	B60J 7/104				403/291
			248/304	D359,235 S	6/1995	Kennedy	294/137
D208,426 S	8/1967	Lodermeier	D13/132	D363,745 S *	10/1995	McNett	D21/414
3,451,672 A *	6/1969	Kazdan	A63G 11/00	5,487,581 A	1/1996	Carmo	A45F 5/1026
			297/451.13				294/137
D219,111 S	11/1970	Moen	294/170	5,496,248 A *	3/1996	Batscher	A63B 21/0004
3,595,569 A	7/1971	Holte	A63G 1/32				482/146
			472/106	5,505,664 A *	4/1996	Nolan	A63G 9/20
3,612,520 A *	10/1971	Chang	A63B 21/0004				297/245
			482/146	5,522,773 A *	6/1996	Rich	A63G 11/00
3,620,529 A *	11/1971	Newman	A63B 67/007				472/102
			472/114	D373,948 S	9/1996	Etzel	D8/367
3,738,101 A	6/1973	Simon-Vermot	G04B 15/14	D374,620 S	10/1996	McQuade	D9/434
			368/125	5,584,787 A *	12/1996	Guidry	A63B 21/0004
D228,002 S *	7/1973	Silverman	D21/412				482/146
3,758,108 A *	9/1973	Tada	A63G 1/18	D377,512 S *	1/1997	Lenihan	D21/412
			472/19	D379,432 S	5/1997	Santini	D9/434
3,826,076 A	7/1974	Tuetey	G04B 15/08	D380,670 S	7/1997	Blocker	D9/434
			368/129	D380,878 S	7/1997	Brown	
3,831,934 A *	8/1974	Hancovsky	A63H 33/082	5,660,099 A	8/1997	Figueira, Jr.	A47J 45/10
			472/114				294/26
D237,813 S *	11/1975	England	D21/688	D385,788 S	11/1997	Risser	294/137
D237,897 S *	12/1975	England	D21/688	D386,409 S	11/1997	Santini	D9/434
D237,989 S *	12/1975	England	D21/688	D388,326 S	12/1997	Gurry	D9/434
3,967,820 A *	7/1976	Harper	A63B 22/16	5,737,778 A	4/1998	Black	A47K 13/105
			482/146				4/246.1
4,003,571 A *	1/1977	Nipper, Jr.	A63G 13/00	D399,611 S	10/1998	Ericson	
			472/114	D405,845 S *	2/1999	Blythe	D21/412
D243,469 S *	2/1977	Nipper, Jr.	D21/412	5,947,054 A	9/1999	Liethen	

US D836,851 S

Page 3

D418,563 S *	1/2000	Hwang	.....	D21/688	D722,255 S	2/2015	Daudelin	.....	D8/14
D420,469 S	2/2000	Marshall	.....	D29/124	9,055,939 B2	6/2015	Fujisaki	.....	A61B 17/0487
D421,221 S	2/2000	O’Kane	.....	D3/328	9,056,222 B2 *	6/2015	Thomason	.....	A63B 23/1236
6,019,712 A *	2/2000	Duncan	.....	A63B 21/0004 446/168	9,089,111 B2	7/2015	King et al.		
D422,122 S	3/2000	Vore et al.			9,126,757 B2	9/2015	Dunham	.....	B65G 7/12
D422,755 S	4/2000	Calwell			D746,091 S *	12/2015	Chen	.....	D6/385
D431,330 S	9/2000	Jones			D748,473 S	2/2016	Rendo	.....	D9/434
D436,024 S	1/2001	Freedland	.....	D8/367	9,320,940 B2 *	4/2016	Rainey	.....	A63B 26/003
D443,503 S	6/2001	Harvey	.....	D8/367	9,364,737 B1 *	6/2016	McCurry	.....	A63B 71/06
6,267,343 B1	7/2001	Waisbrod	.....	F16L 3/11 248/317	9,462,790 B2	10/2016	King et al.		
6,383,083 B1 *	5/2002	Johnston	.....	A63G 11/00 472/106	D806,959 S	1/2018	Bartz	.....	D30/127
6,402,627 B1 *	6/2002	Gordon	.....	A63G 13/02 472/114	D808,085 S	1/2018	Bartz	.....	D30/127
6,422,983 B1 *	7/2002	Weck	.....	A63B 21/0004 482/146	D810,846 S *	2/2018	Scott	.....	D21/688
6,454,658 B1 *	9/2002	Drouin	.....	A63G 11/00 472/109	D819,896 S *	6/2018	Bartz	.....	D30/127
6,482,096 B1	11/2002	Rieber	.....	A63G 9/00 472/118	2003/0022723 A1 *	1/2003	Johnston	.....	A63G 11/00 472/106
6,575,885 B1 *	6/2003	Weck	.....	A63B 21/0004 482/146	2004/0198573 A1 *	10/2004	Brydson	.....	A63B 21/0004 482/146
6,634,611 B1	10/2003	Shih	.....	F16M 11/10 248/291.1	2007/0207901 A1 *	9/2007	Traub	.....	A63B 26/003 482/52
6,672,249 B2	1/2004	Lucio			2007/0298947 A1 *	12/2007	Eksteen	.....	A63B 21/0004 482/141
D493,094 S	7/2004	Goodman	.....	D8/372	2008/0066370 A1	3/2008	Wichern	.....	A01K 83/00 43/44.83
D507,961 S	8/2005	Goodman	.....	D6/323	2009/0186711 A1 *	7/2009	Habing	.....	A63G 11/00 472/106
D512,746 S *	12/2005	Habing	.....	D21/412	2013/0316886 A1 *	11/2013	Lynch	.....	A63B 26/003 482/146
D512,747 S *	12/2005	Habing	.....	D21/412	2014/0162858 A1 *	6/2014	Dalebout	.....	A63B 23/02 482/142
D523,094 S *	6/2006	Copeland	.....	D21/414	2016/0089609 A1 *	3/2016	Hatfield	.....	A63G 11/00 472/112
D532,833 S *	11/2006	Cline	.....	D21/414	2017/0188560 A1	7/2017	Graham	.....	A01K 83/00
7,137,938 B2 *	11/2006	Gottlieb	.....	A63B 21/0004 482/146					
D541,881 S *	5/2007	Habing	.....	D21/412					
D548,986 S *	8/2007	McCoy	.....	D6/344					
D561,844 S *	2/2008	Habing	.....	D21/412					
D564,243 S	3/2008	Zhang	.....	D6/323					
D569,446 S	5/2008	VanElverdinghe	.....	D21/412					
D574,224 S	8/2008	Zhang	.....	D8/372					
7,413,516 B2 *	8/2008	Habing	.....	A63G 11/00 472/106					
D581,174 S *	11/2008	Beckerman	.....	D6/346					
D587,182 S	2/2009	Walton	.....	D12/215					
D589,331 S	3/2009	Zhang	.....	D8/367					
D591,004 S	4/2009	Rickman	.....	D29/124					
D595,130 S	6/2009	Bizzell	.....	D9/434					
7,563,216 B1 *	7/2009	Kest	.....	A63B 22/16 482/140					
D607,311 S	1/2010	Snider	.....	D8/367					
D627,015 S *	11/2010	Senegal	.....	D21/662					
D635,844 S	4/2011	Boothby	.....	D8/367					
7,993,208 B2 *	8/2011	Gordon	.....	A63G 1/32 472/106					
D648,145 S *	11/2011	Chuang	.....	D6/344					
8,105,220 B2 *	1/2012	Schultheisz	.....	A63B 21/0004 472/14					
8,118,480 B2	2/2012	Gigandet	.....	G04B 17/06 368/133					
8,147,119 B2	4/2012	Kien							
D663,646 S	7/2012	Gigandet	.....	D10/128					
D678,625 S	3/2013	Carter	.....	D30/119					
8,613,416 B2	12/2013	White	.....	A47G 7/047 211/106.01					
D697,403 S	1/2014	Rendo	.....	D9/434					
D702,120 S	4/2014	Rendo	.....	D9/434					
D702,550 S	4/2014	Rendo	.....	D9/434					

OTHER PUBLICATIONS

Duncraft Fruit and Jelly Feeders, <https://duncraft.com/Oriole-and-Jelly-Bird-Feeders> 2014 (Year: 2014).*

* cited by examiner

Primary Examiner — Susan Moon Lee
(74) Attorney, Agent, or Firm — Richard Otto Bartz

(57) CLAIM

I claim the ornamental design for an aves cafe, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of an aves cafe of my design; FIG. 2 is a front elevational view thereof; FIG. 3 is a top plan view thereof; FIG. 4 is a bottom plan view thereof; FIG. 5 is a right side elevational view thereof; FIG. 6 is a left side elevational view thereof; and, FIG. 7 is a rear elevational view thereof. The broken line showing of a bird and citrus fruit half in FIG. 1 illustratively depicts environment and exemplary in-use elements, and forms no part of the design claim.

1 Claim, 7 Drawing Sheets

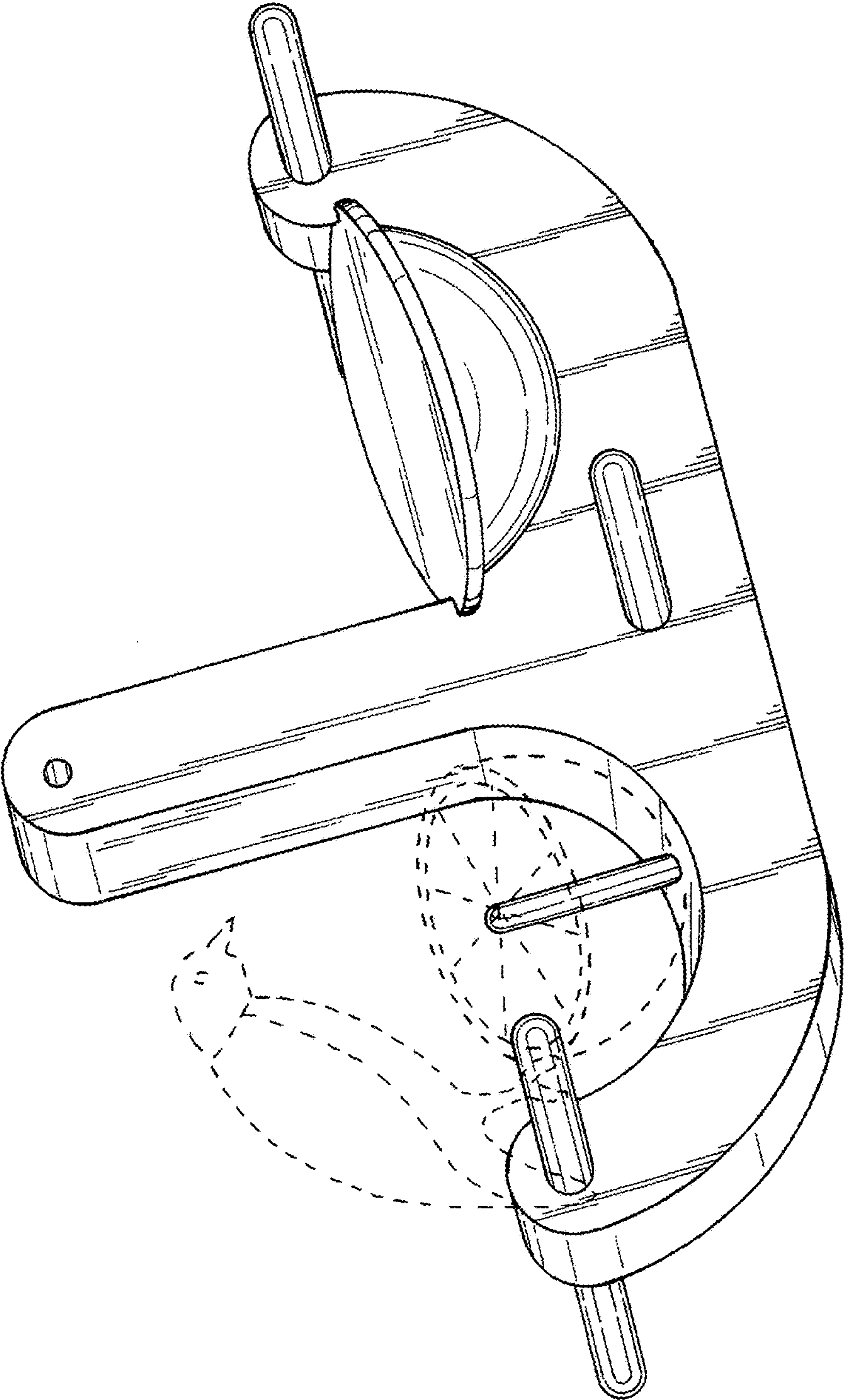


FIG.1

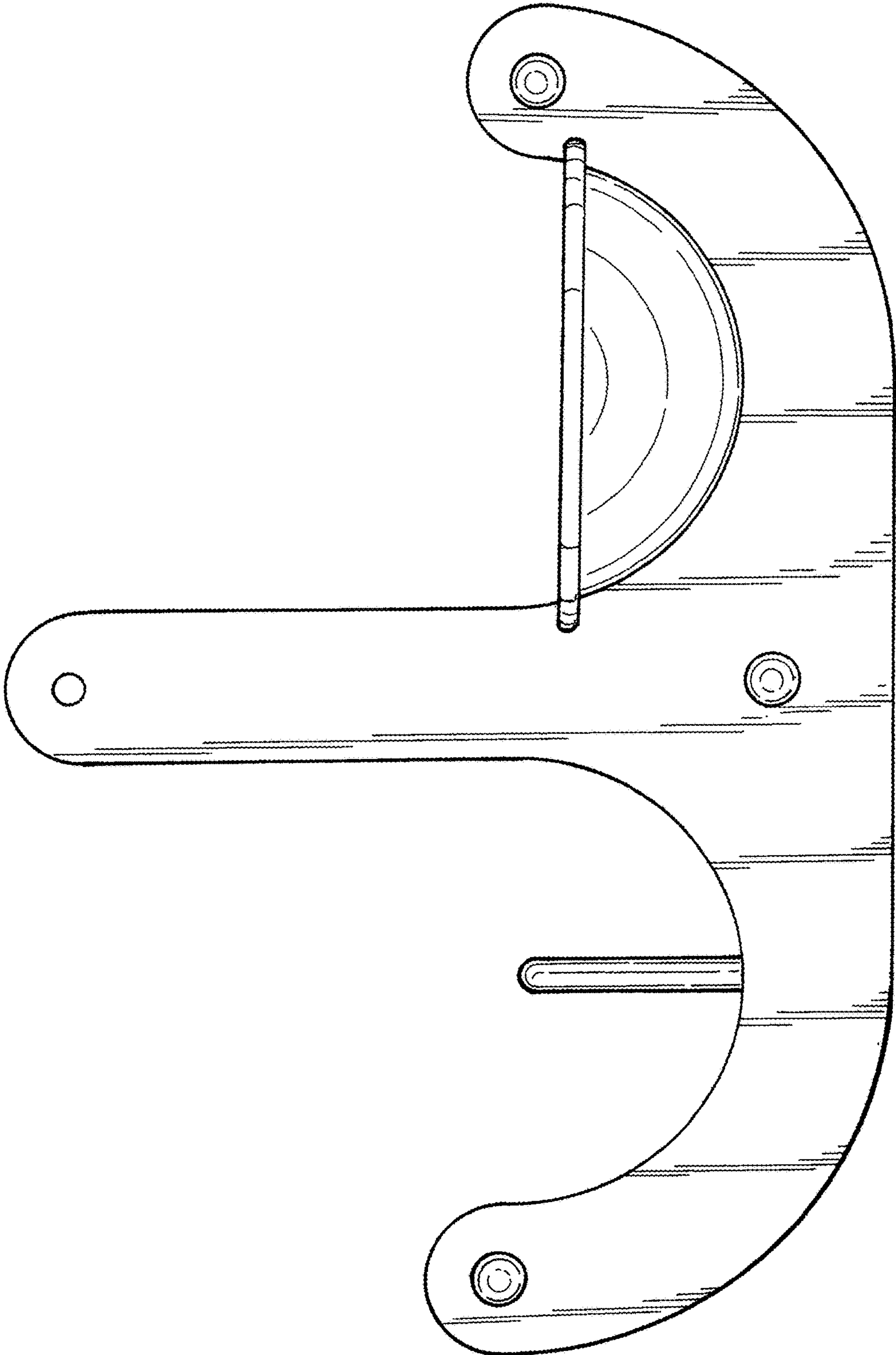


FIG. 2

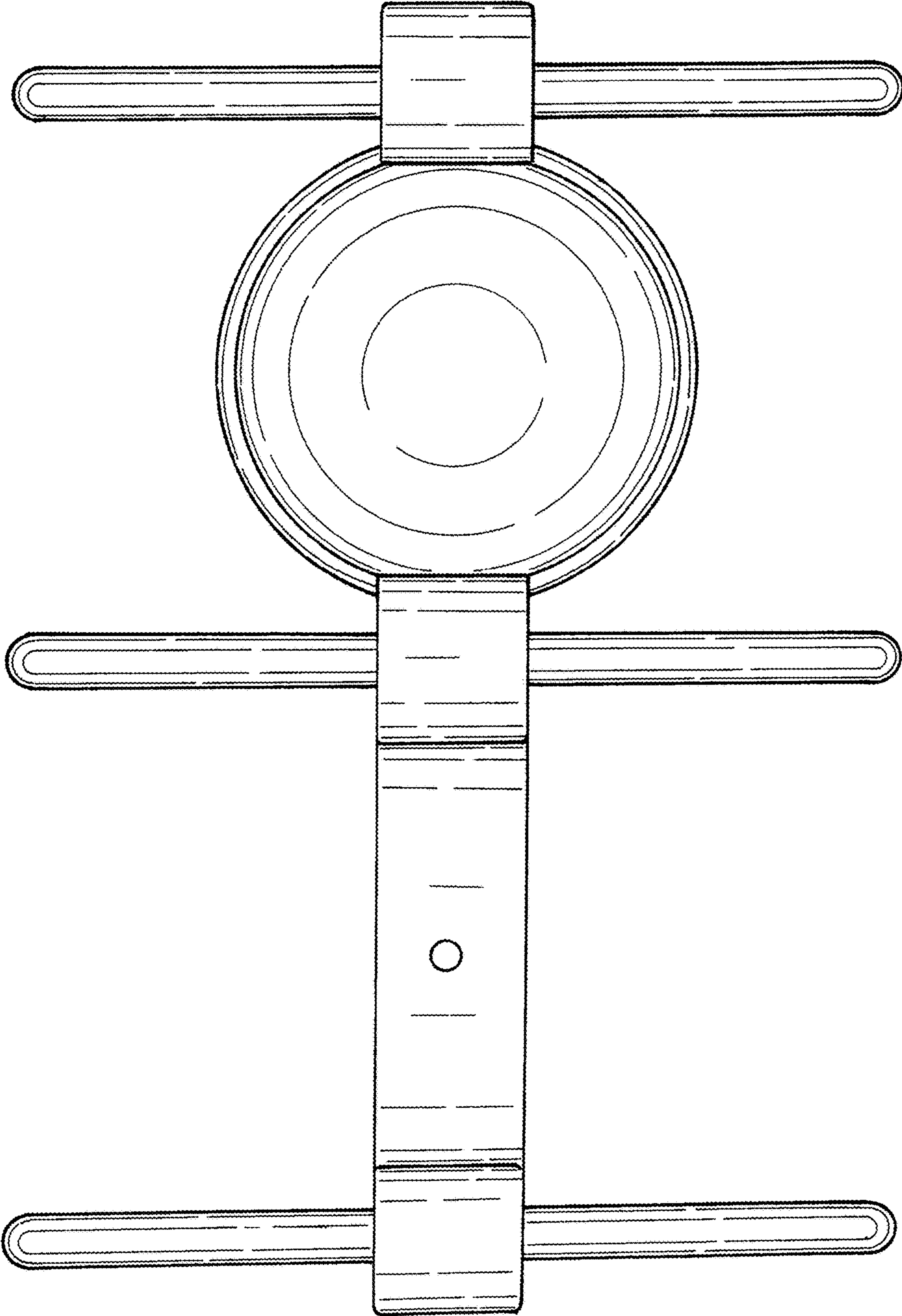


FIG. 3

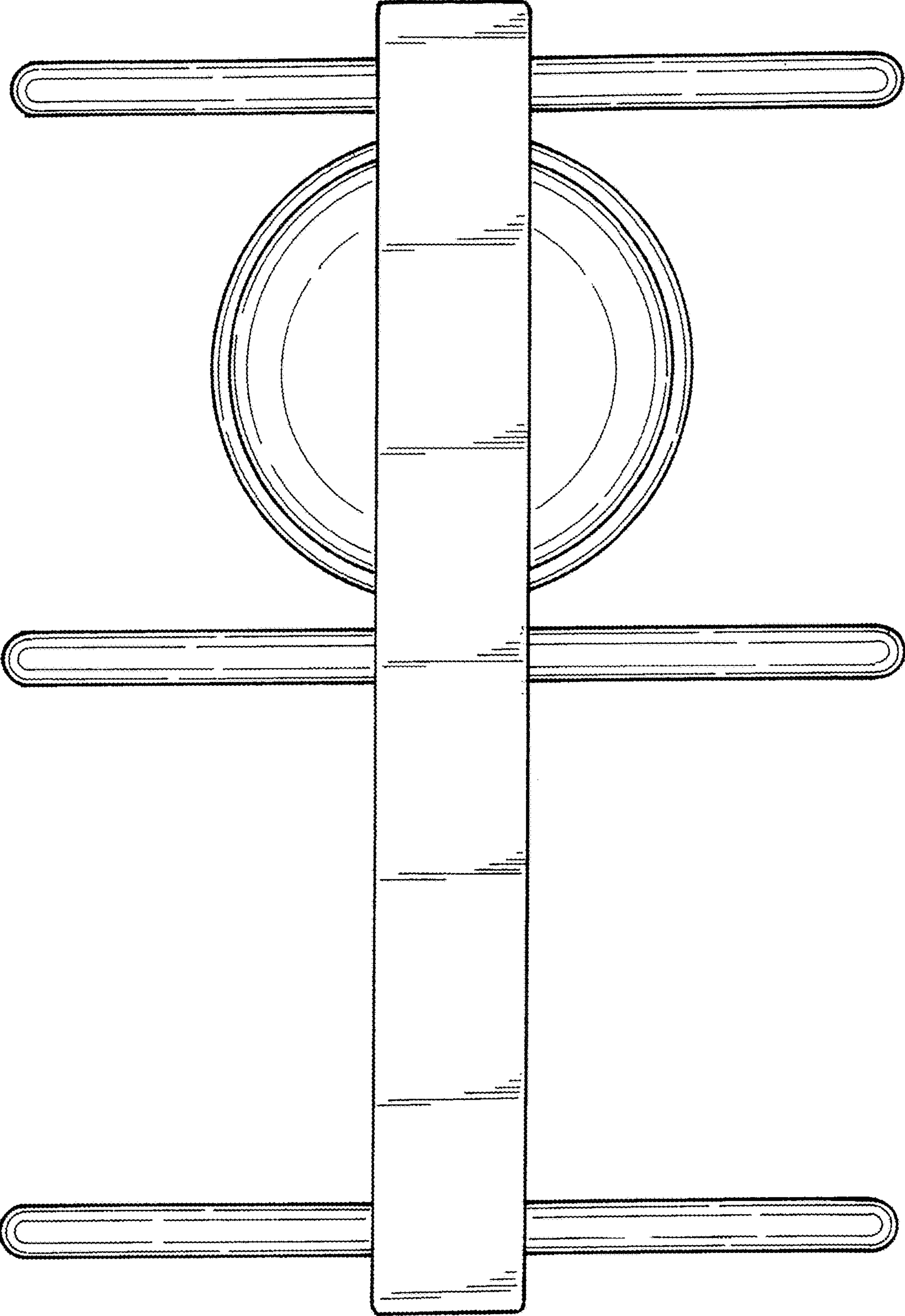


FIG.4

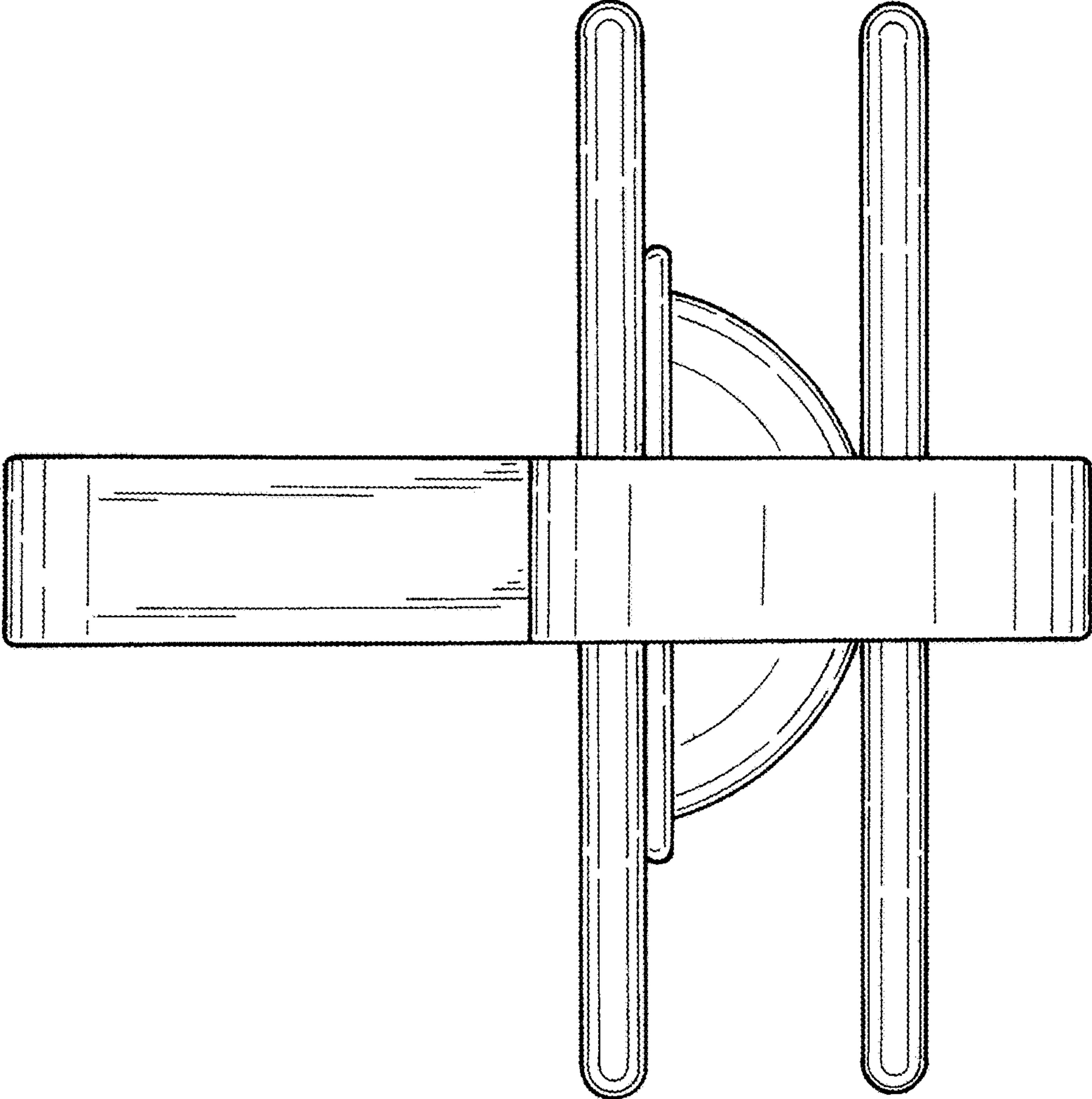


FIG. 5

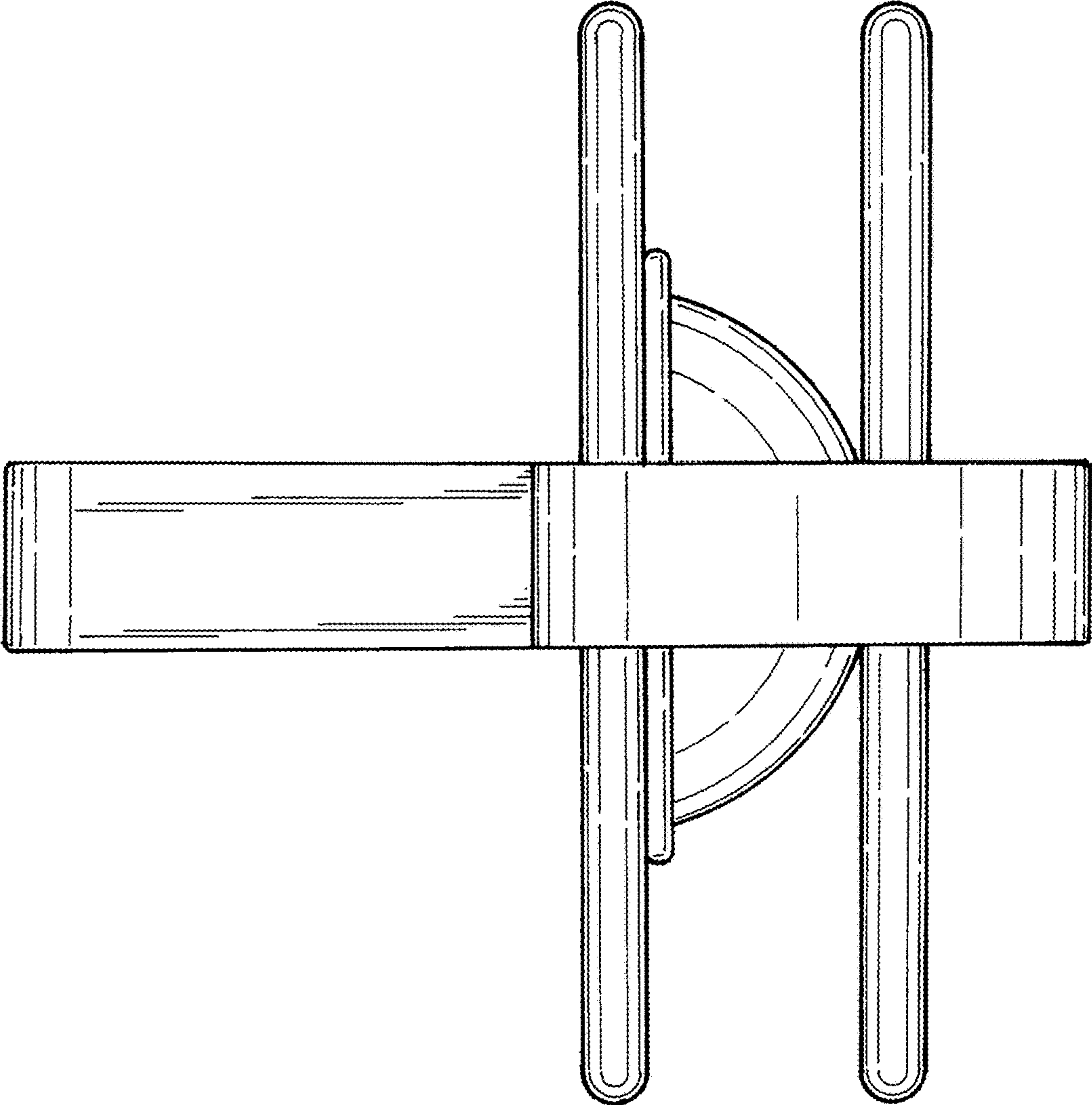


FIG. 6

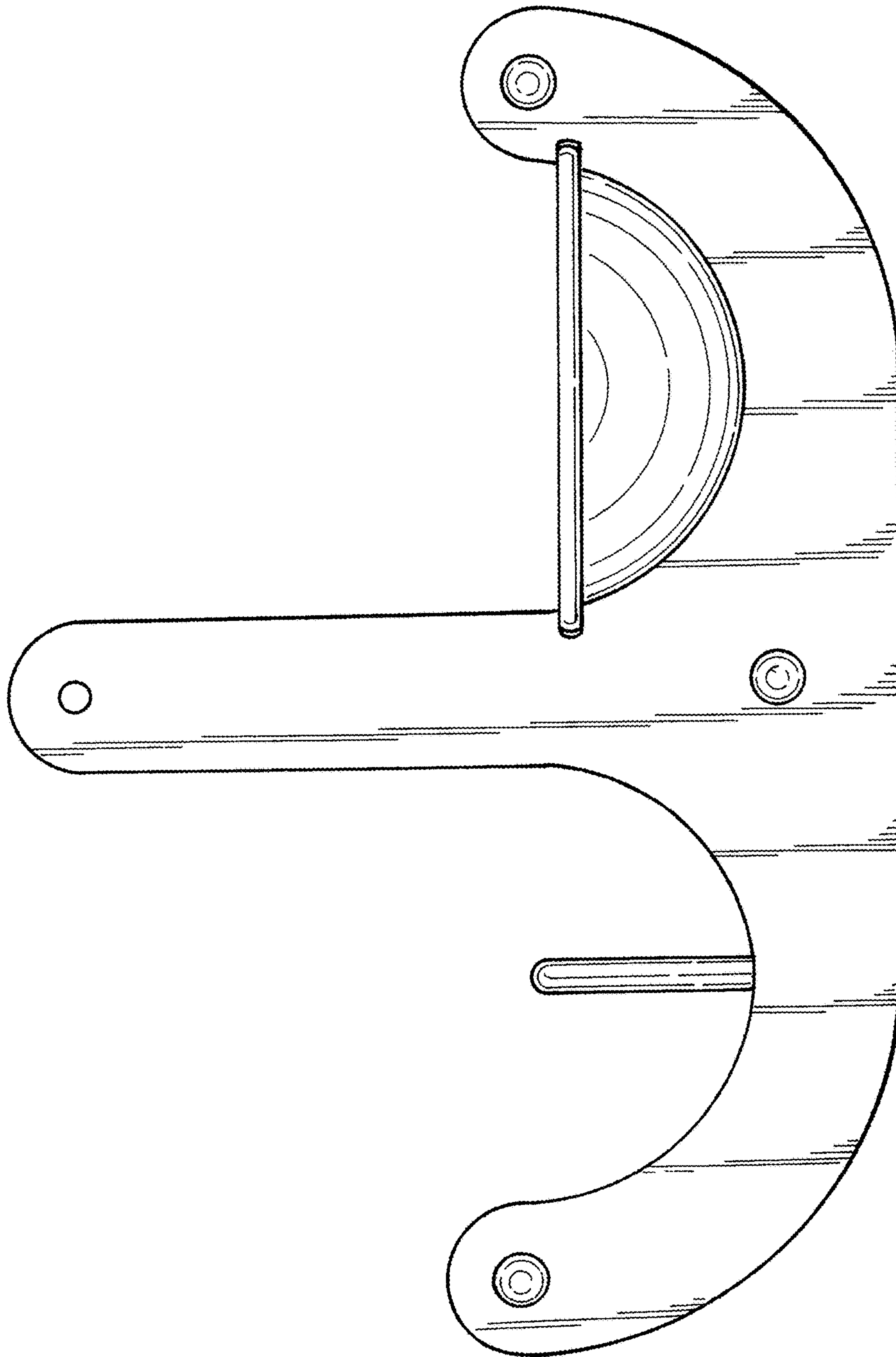


FIG. 7