



US00D841252S

(12) **United States Design Patent** (10) **Patent No.:** **US D841,252 S**
Teller et al. (45) **Date of Patent:** **** Feb. 19, 2019**

(54) **LIP PRODUCT CONTAINER**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **EOS PRODUCTS, LLC**, New York, NY (US)

EM 001710245-0003 * 8/2010
EM 003000363-0002 * 3/2016

(Continued)

(72) Inventors: **Jonathan Teller**, New York, NY (US);
Sanjiv Mehra, New York, NY (US);
Peter Waxman, New York, NY (US);
Joseph Speter, New York, NY (US);
Karim Rashid, New York, NY (US);
Bart Ruijpers, New York, NY (US);
Olivia Blechschmidt, New York, NY (US)

OTHER PUBLICATIONS

NPL #1: 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=p3aGGwhM0RQ>.*

(Continued)

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

Primary Examiner — Shannon W Morgan

Assistant Examiner — Altaira J Swangin

(74) *Attorney, Agent, or Firm* — Martin & Ferraro, LLP

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

(21) Appl. No.: **29/577,649**

(22) Filed: **Sep. 14, 2016**

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

(52) **U.S. Cl.**
USPC **D28/85**

(58) **Field of Classification Search**
USPC D28/82, 85–89, 77, 7; D9/434, 726, 432,
D9/504, 519, 529, 549, 574, 715, 725;
220/669, 671; 206/385, 581, 823
CPC B65D 51/245; B65D 25/005; B65D 25/00;
B65D 3/00; B65D 1/00; A45D 40/0068;
A45D 40/00

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

75,524 A 3/1868 Chase, Jr.
225,785 A 3/1880 Beattie
1,852,455 A 4/1932 Friedman
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

(Continued)

(57) **CLAIM**

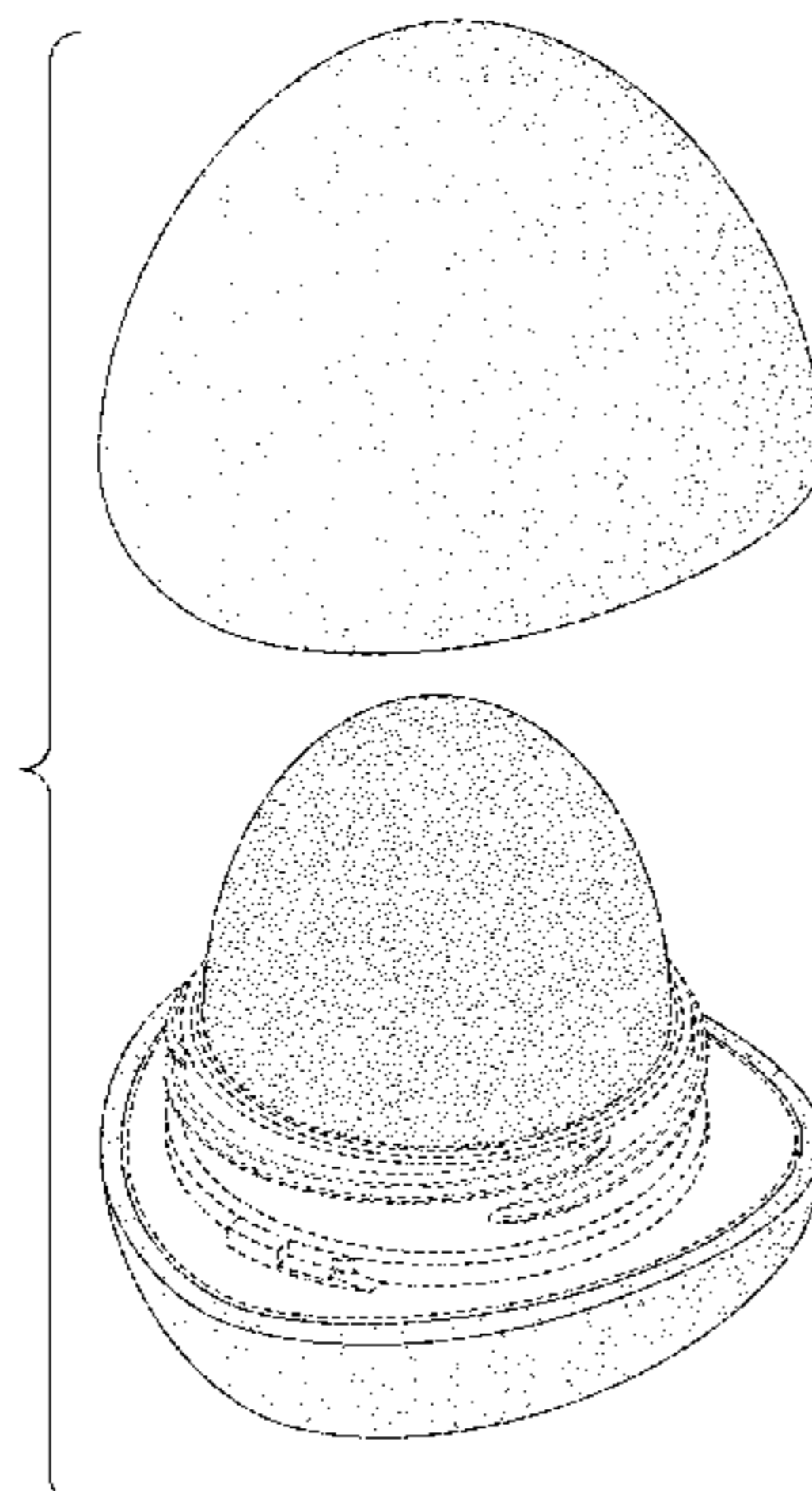
The ornamental design for a lip product container, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a lip product container in an open configuration showing our design; FIG. 2 is a front elevational view thereof; FIG. 3 is a rear elevational view thereof; FIG. 4 is a left side elevational view thereof; FIG. 5 is a right side elevational view thereof; FIG. 6 is a top plan view thereof; and, FIG. 7 is a bottom plan view thereof.

The broken lines shown in the figures depict portions of the lip product container and the broken lines immediately adjacent to shaded portions of the lip product container depict boundaries that form no part of the claimed design. None of the broken lines form part of the claimed design.

1 Claim, 7 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D681,118 S 4/2013 Mueller et al.
 D681,278 S 4/2013 Schlatter
 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 D28/83
 D710,544 S * 8/2014 Shen D28/77
 8,844,720 B2 9/2014 Lantinen
 8,851,088 B2 * 10/2014 Dibnah A45D 26/0014
 132/294
 D717,038 S 11/2014 Lee
 8,888,391 B2 11/2014 Teller et al.
 D726,028 S * 4/2015 Thompson D28/7
 D731,180 S 6/2015 Neuhaus
 D732,341 S 6/2015 Matharu
 D735,413 S * 7/2015 Smith D28/83
 D735,415 S 7/2015 Thompson
 D737,136 S * 8/2015 Lam D9/643
 D738,028 S 9/2015 Wu
 D740,493 S 10/2015 David
 D742,593 S * 11/2015 Corey D28/83
 D747,621 S 1/2016 Amerson
 9,232,844 B2 1/2016 Thompson
 D748,484 S 2/2016 Lavigne
 D748,976 S 2/2016 Mitchell
 D755,637 S * 5/2016 Wetton D9/428
 D758,867 S * 6/2016 Tsai D28/89
 D759,897 S 6/2016 Eberlein et al.
 D760,527 S 7/2016 Jones
 D762,329 S 7/2016 Teller et al.
 D763,102 S * 8/2016 Pires D9/726
 D763,512 S 8/2016 Teller et al.
 D764,105 S 8/2016 Teller et al.
 D764,106 S * 8/2016 Teller D28/82
 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 D28/82
 D764,111 S 8/2016 Teller et al.
 D764,112 S 8/2016 Teller et al.
 D764,113 S 8/2016 Teller et al.
 D764,114 S 8/2016 Teller et al.
 D764,296 S 8/2016 Jung et al.
 D764,710 S * 8/2016 Teller D28/82
 D764,711 S 8/2016 Teller et al.
 D764,712 S 8/2016 Teller et al.
 D764,713 S * 8/2016 Teller D28/82
 D764,714 S 8/2016 Teller et al.
 D766,512 S 9/2016 Teller et al.
 D768,936 S * 10/2016 Yoshida D28/83
 D768,937 S * 10/2016 Yoshida D28/83
 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
 D772,481 S 11/2016 Paquet
 D777,847 S 1/2017 Rost
 D777,979 S 1/2017 Lozano
 D777,982 S 1/2017 Son
 D777,983 S 1/2017 Teller et al.
 D778,502 S * 2/2017 Teller D28/85
 D779,137 S 2/2017 Taylor
 D779,329 S 2/2017 Buogo et al.
 D781,151 S * 3/2017 Lerman D9/500
 9,585,458 B2 3/2017 Teller et al.
 D787,338 S 5/2017 Dorsinville
 D788,372 S 5/2017 Reed et al.
 D788,586 S * 6/2017 Molinari D9/504
 D789,241 S 6/2017 Cao
 D791,608 S * 7/2017 Dorsinville D9/504
 D793,236 S * 8/2017 Santos D9/454
 D797,190 S 9/2017 Laemle
 D797,553 S * 9/2017 Huang D28/83
 D804,099 S 11/2017 Teller et al.
 D808,080 S * 1/2018 Corey D28/85

D813,687 S 3/2018 Ferreira et al.
 D815,950 S 4/2018 Zhang
 D817,174 S 5/2018 Weinrich
 D818,648 S 5/2018 Cleij
 D819,191 S 5/2018 Atabaki et al.
 9,994,384 B2 * 6/2018 Glass B65D 81/365
 D825,858 S * 8/2018 Teller D28/85
 D825,861 S * 8/2018 Teller D28/85
 D827,205 S * 8/2018 Teller D28/85
 D827,935 S * 9/2018 Teller D28/85
 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.
 2004/0005186 A1 1/2004 Ueda et al.
 2006/0081721 A1 4/2006 Caserta
 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 B65D 11/02
 206/581
 2008/0213028 A1 9/2008 Hosokawa et al.
 2009/0022541 A1 1/2009 De LaForce
 2011/0024316 A1 * 2/2011 Ginsburg A45D 40/0068
 206/385
 2011/0135377 A1 * 6/2011 Teller A45D 40/00
 401/88
 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 A45D 40/00
 206/525
 2015/0182004 A1 7/2015 Teller et al.
 2016/0262522 A1 9/2016 Teller et al.
 2016/0295993 A1 * 10/2016 Wojcik A45D 40/0068
 2017/0013936 A1 * 1/2017 Schlatter A45D 33/02
 2017/0150802 A1 * 6/2017 Parlionas A45D 40/18
 2017/0325568 A1 * 11/2017 Teller A45D 40/12
 2018/0044077 A1 * 2/2018 Teller B65D 51/245
 2018/0206614 A1 * 7/2018 Lusheski A45D 40/24
 2018/0255906 A1 * 9/2018 Delia A45D 40/00

FOREIGN PATENT DOCUMENTS

EM 003545870-0005 * 3/2017
 EP 0433150 6/1991
 EP 0628393 4/1994
 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 2006204821 9/2006
 JP 3914892 2/2007
 KR 20090006972 1/2009
 KR 300743262-0000 * 5/2014
 KR 300913854-0000 7/2017
 TR 092079-0003 11/2016

(56)

References Cited

FOREIGN PATENT DOCUMENTS

| | | |
|----|---------------|--------|
| TW | D154118 | 6/2013 |
| TW | D174258 | 3/2016 |
| WO | WO2007/007288 | 1/2007 |

OTHER PUBLICATIONS

NPL #1: 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.

U.S. Appl. No. 29/411,931, filed Jan. 2012, Teller.
 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. 29/577,656, 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. 29/593,454, 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.
 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>).

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>).

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.

Lancome Baume Baiser.

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.

NPL #1: Refill for the EOS Lip Balm, posted at Fresh-Picked Beauty, published Jun. 17, 2014.

Lip Balm, EOS, posted at amourtera.com by Kelly Armetta, published Jun. 25, 2013 Copyright 2018 Amourtera, online, site visited Mar. 23, 2018. Available from Internet, URL: <http://www.amourtera.com/2013/06/reuse-your-eos-lip-balm.html> (Year: 2013).

Egg Pore, Tony Moly Egg Pore Blackhead Steam Balm, posted on youtube.com by Rachel Ann, published Dec. 6, 2015 Copyright Standard YouTube License, online, site visited Apr. 26, 2018. Available from Internet, URL: <https://www.youtube.com/watch?v=x5Atq8pptiQ> (Year: 2015).

Egg Pore Balm, Tony Moly, posted at thegloss.com, posted by Heather Cichowski, published Jan. 26, 2016 Copyright 2015 Defy Media, online, site visited Apr. 26, 2018. Available from Internet, URL: <http://thegloss.com/beauty/best-egg-based-skin-care-korean-products> (Year: 2016).

Volleysparkleblog, "Well at Walgreens Watermelon Lip Balm / Review", Posted Feb. 18, 2014, Accessed Apr. 4, 2017. (<http://volleysparkle.weebly.com/makeup/wall-at-walgreens-watermelon-lip-balm-review>).

* cited by examiner

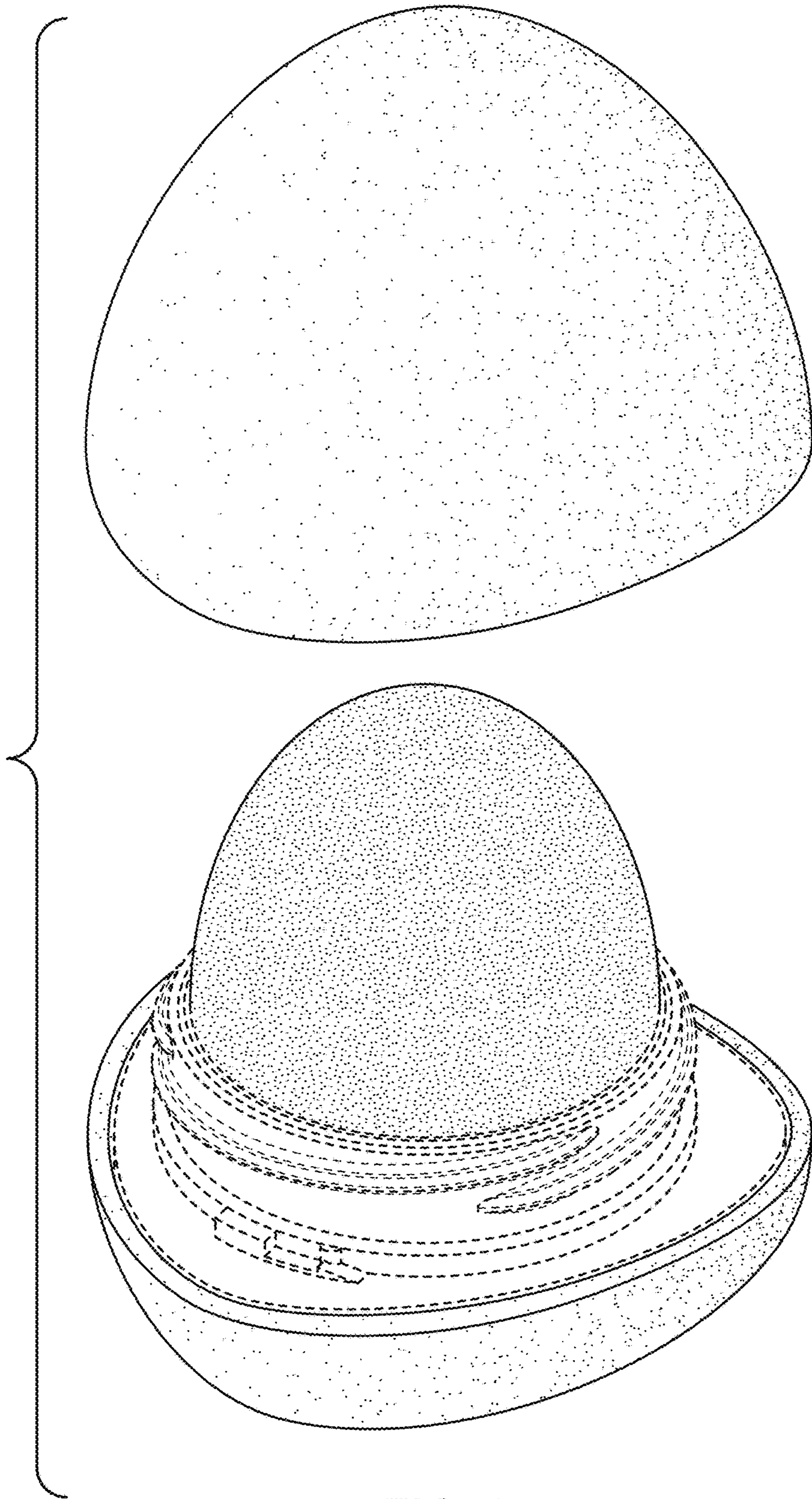


FIG. 1

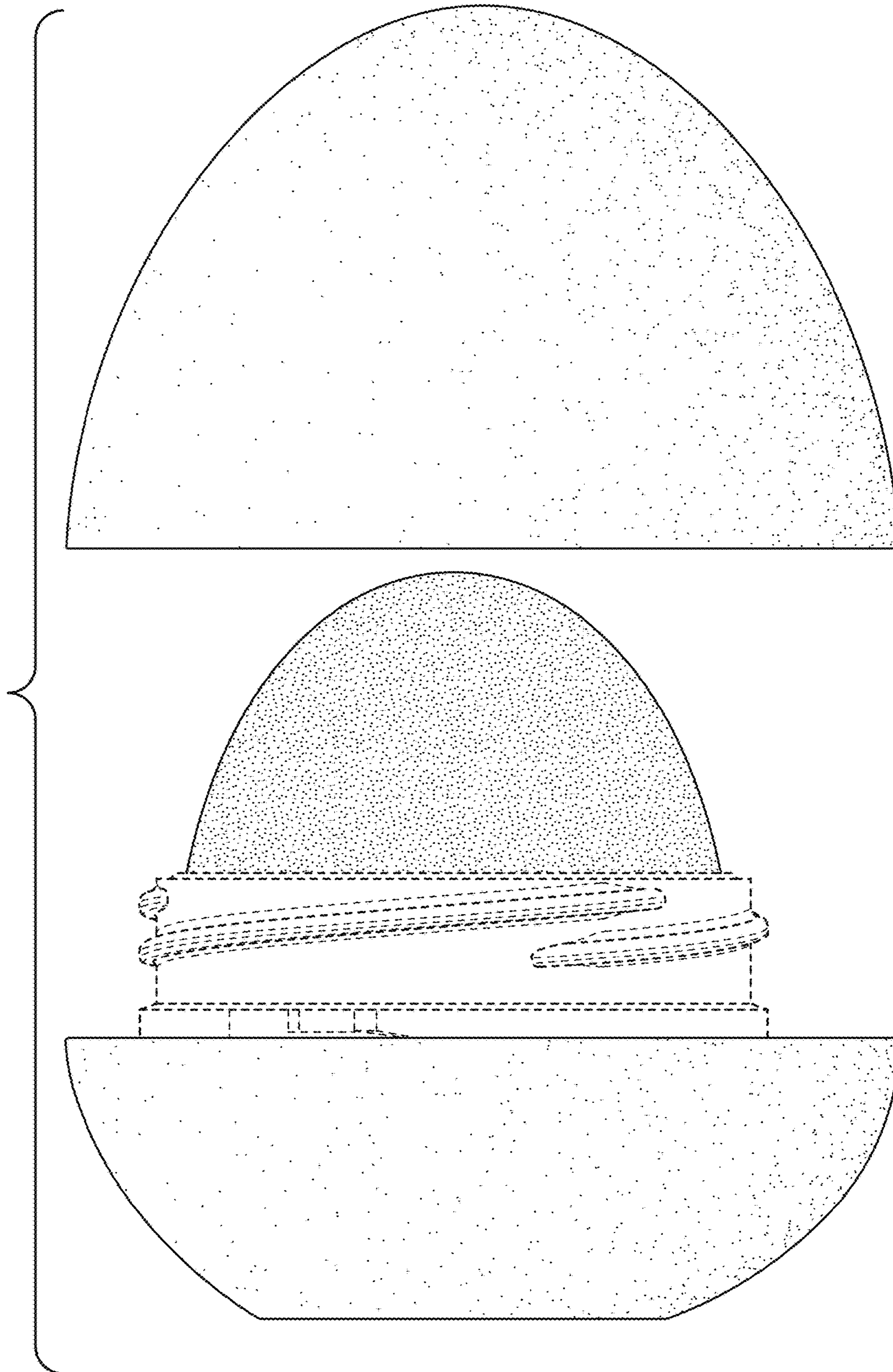


FIG. 2

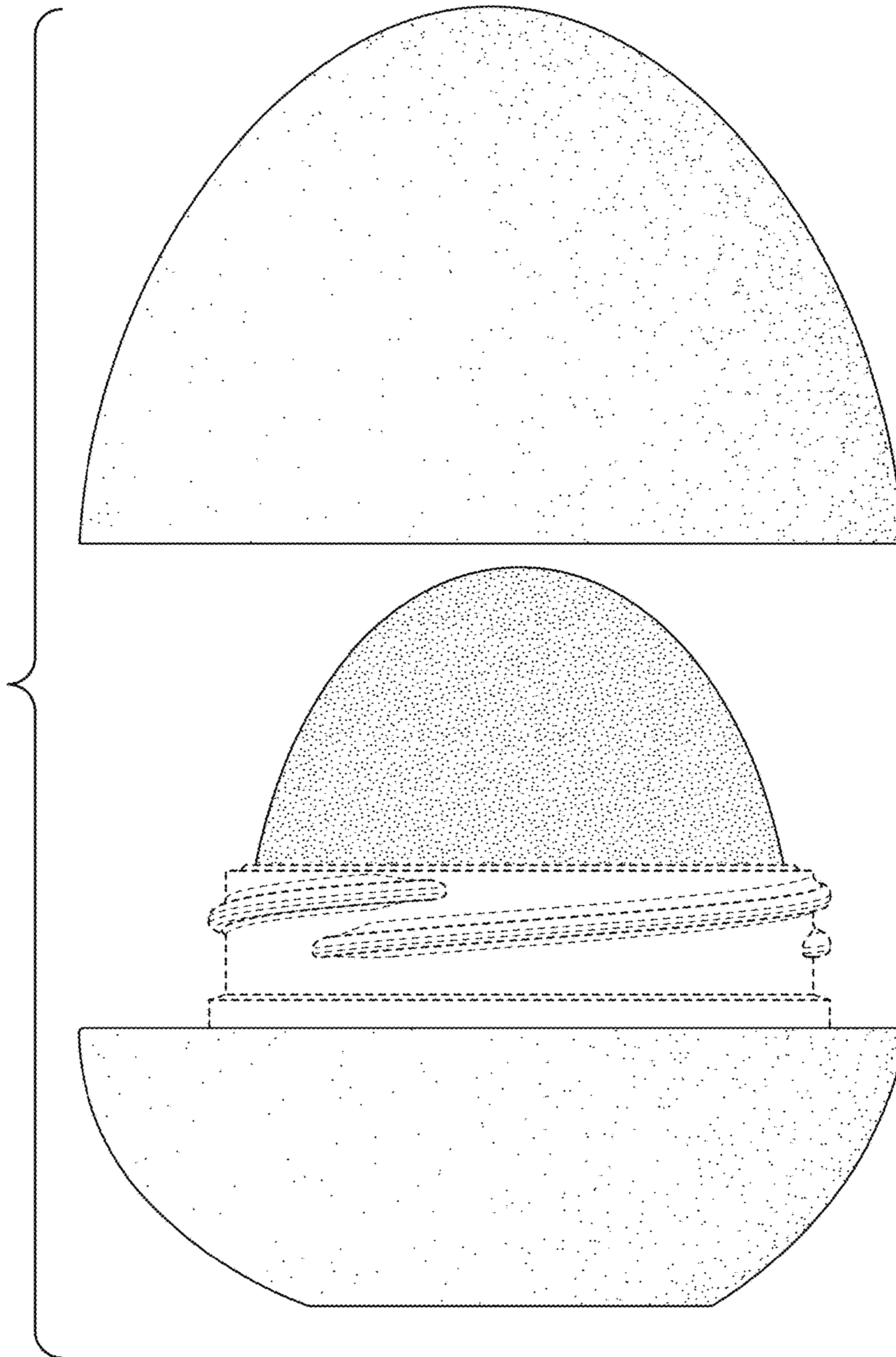


FIG. 3

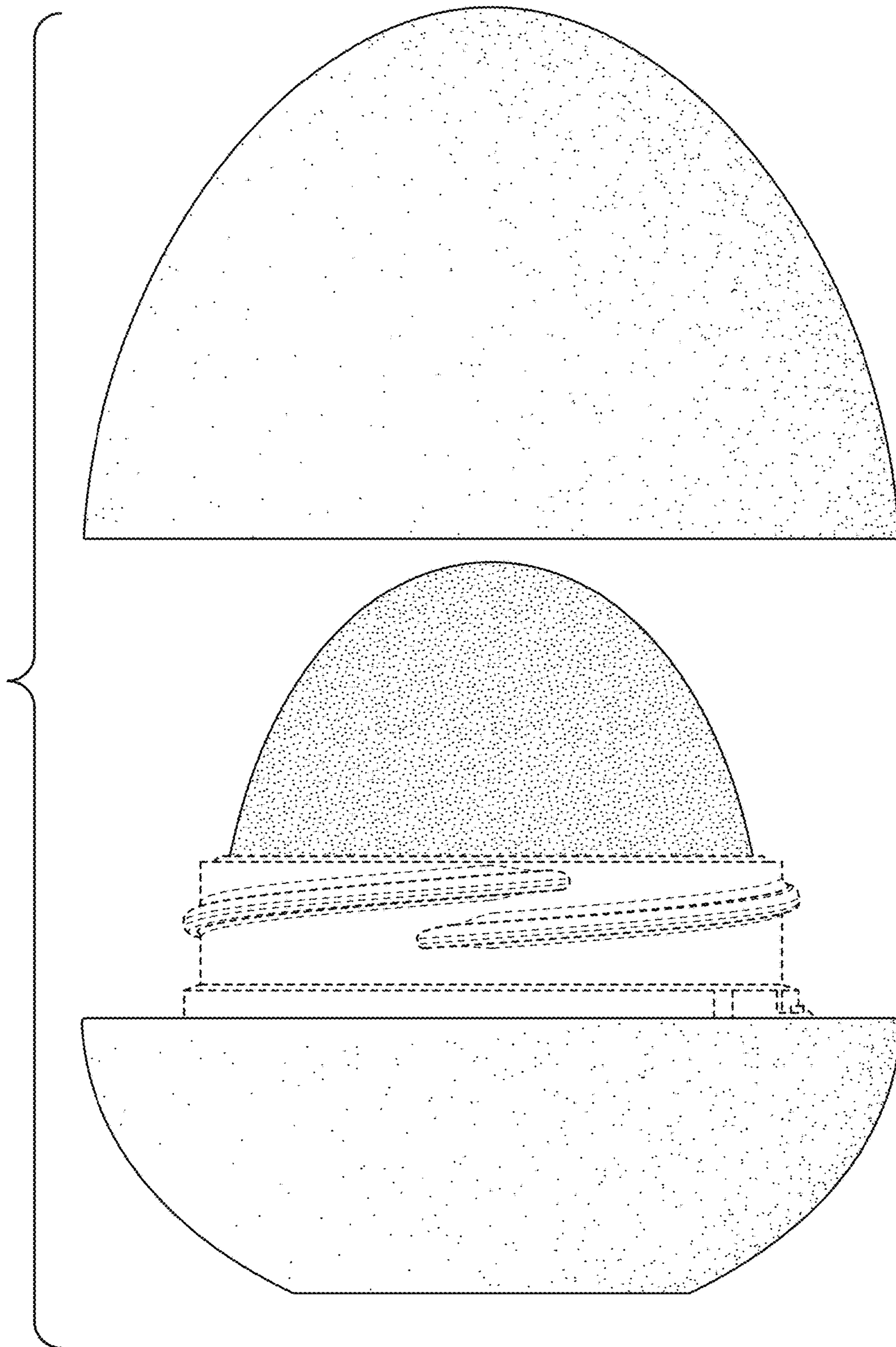


FIG. 4

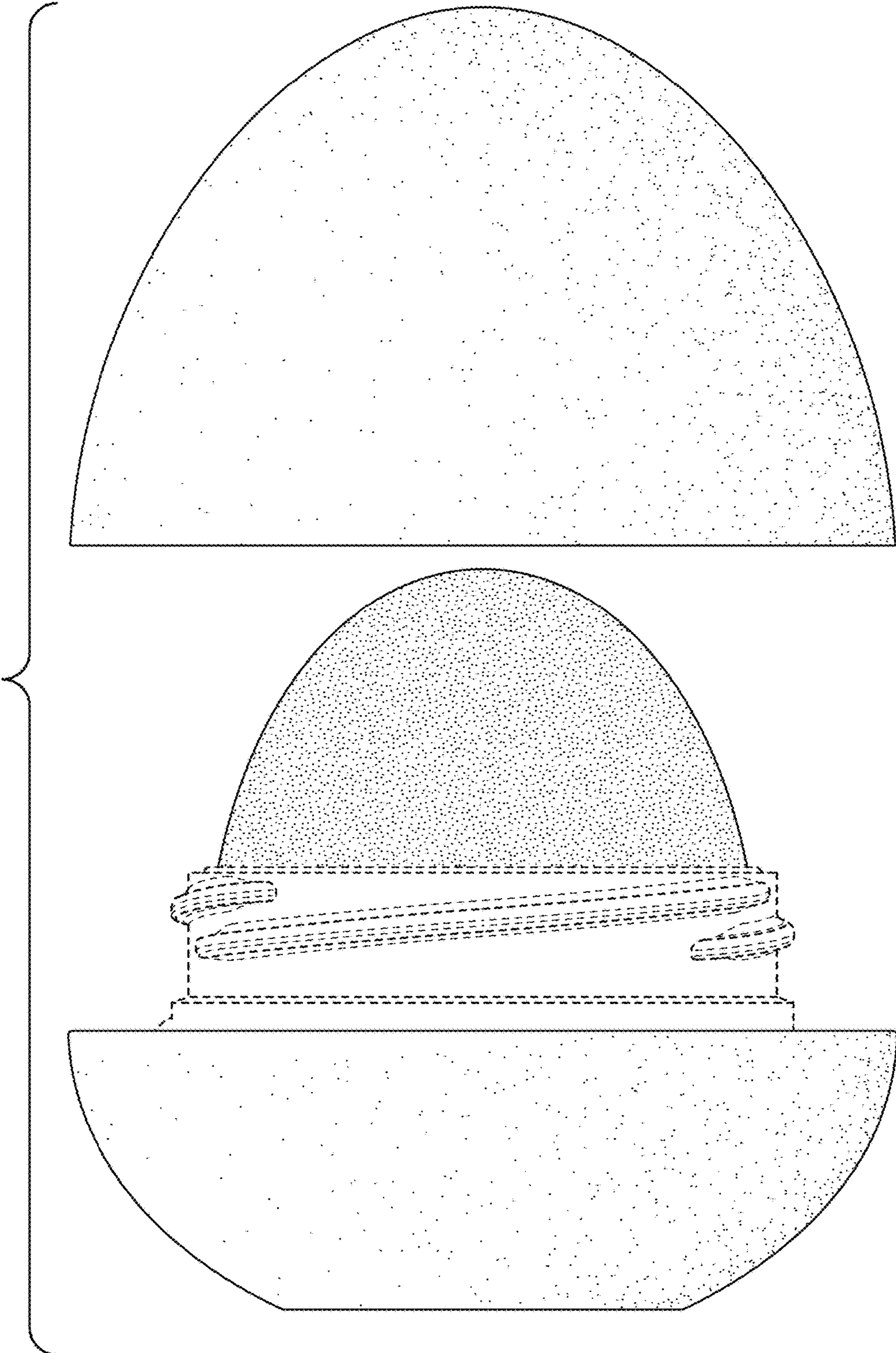


FIG. 5

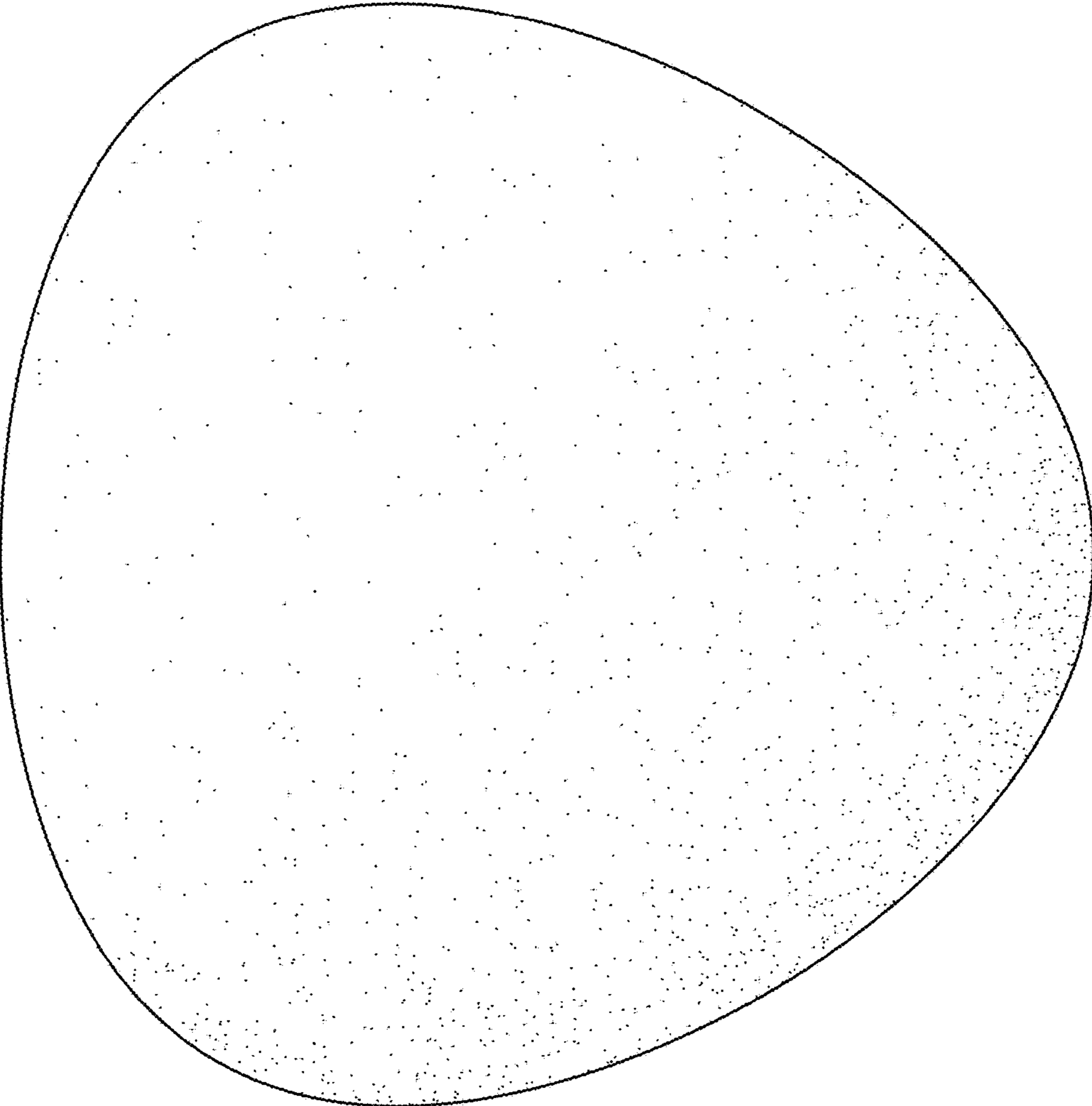


FIG. 6

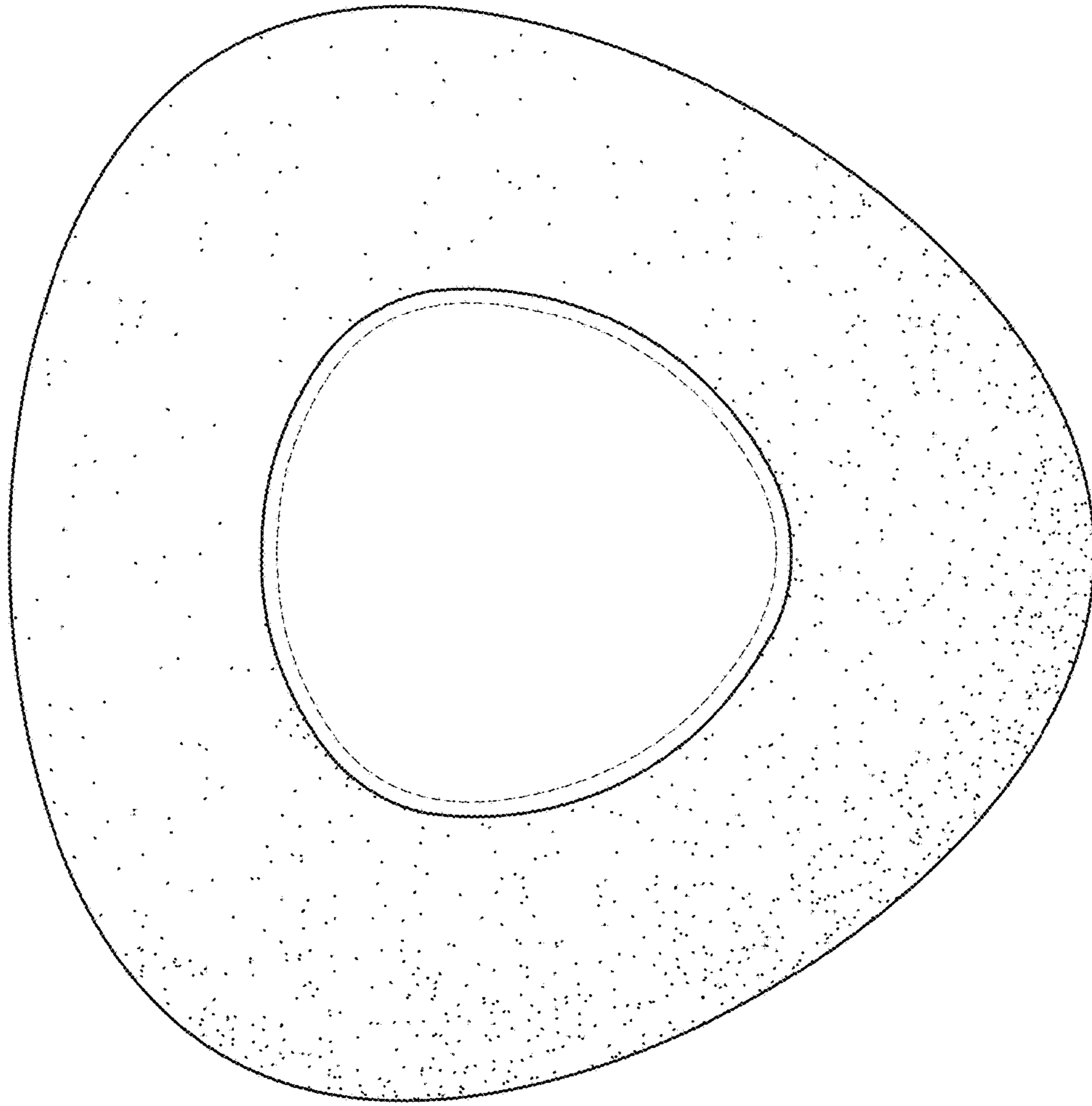


FIG. 7