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

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- (54) **MOLDABLE EARPIECE**
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- 1,668,890 A 5/1928 Curran et al.
- 1,668,910 A 5/1928 Jones
- 1,824,427 A * 9/1931 Fensky A61F 11/008
181/130
- 2,001,862 A * 5/1935 Battey A45D 44/22
604/307
- 2,321,534 A * 6/1943 Warren B65D 71/0066
206/168
- 2,377,739 A 6/1945 Wyckoff
- 2,430,229 A 11/1947 Kelsey
- 2,595,672 A 5/1952 Greenwood
- 2,754,365 A 7/1956 Walters
- 2,805,332 A 9/1957 Bell
- 2,842,142 A * 7/1958 Peck A45D 44/002
132/216

Related U.S. Application Data

- (63) Continuation of application No. 29/599,445, filed on Apr. 3, 2017, now Pat. No. Des. 836,614, which is a continuation of application No. 29/536,192, filed on Aug. 14, 2015, now Pat. No. Des. 783,003, which is a continuation of application No. 14/611,332, filed on Feb. 2, 2015, now Pat. No. 9,179,211, which is a continuation-in-part of application No. 13/761,947, filed on Feb. 7, 2013, now Pat. No. 9,451,353.

- 2,910,679 A 10/1959 Baldwin
- 2,971,065 A 2/1961 Busse
- 3,112,668 A * 12/1963 Moshay G10D 3/163
84/322
- 3,234,467 A 2/1966 Haveson
- 3,324,253 A 6/1967 Masahiko et al.
- 3,440,365 A 4/1969 Bryant et al.
- 3,442,169 A * 5/1969 Bowers G10D 3/163
84/322

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(52) **U.S. Cl.**
USPC **D14/223**

(58) **Field of Classification Search**
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- 3,457,375 A 7/1969 Haggerty
- D215,675 S 10/1969 Yran
- 3,730,181 A 5/1973 Fling
- 3,821,647 A 6/1974 Minasian
- D236,988 S 9/1975 Walters et al.
- 4,069,400 A 1/1978 Johanson et al.
- D260,529 S * 9/1981 Pearse 84/322
- 4,412,096 A 10/1983 Edgerton et al.
- 4,457,396 A 7/1984 James
- 4,539,708 A 9/1985 Norris
- 4,585,089 A 4/1986 Topholm
- D287,764 S 1/1987 Topholm
- D287,765 S 1/1987 Topholm
- 4,719,909 A * 1/1988 Micchia A45D 44/00
128/858
- D295,173 S 4/1988 Oren
- 4,793,003 A * 12/1988 Riedel A61F 9/04
128/858

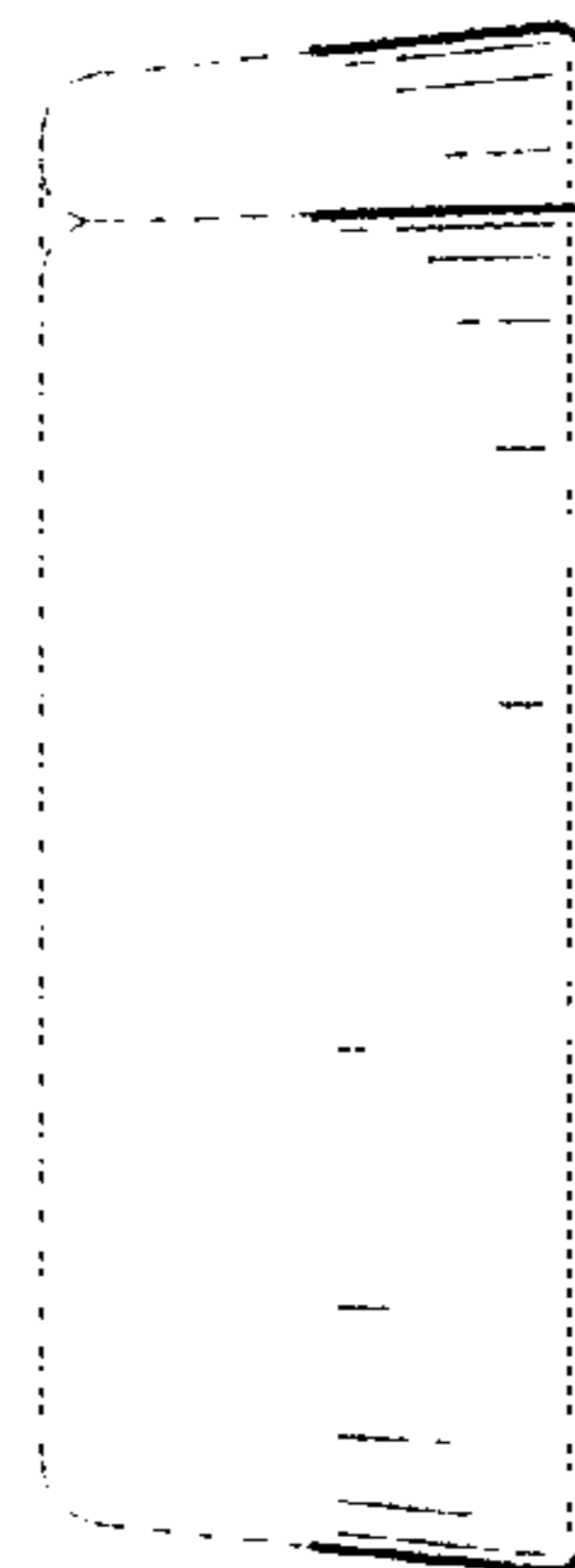
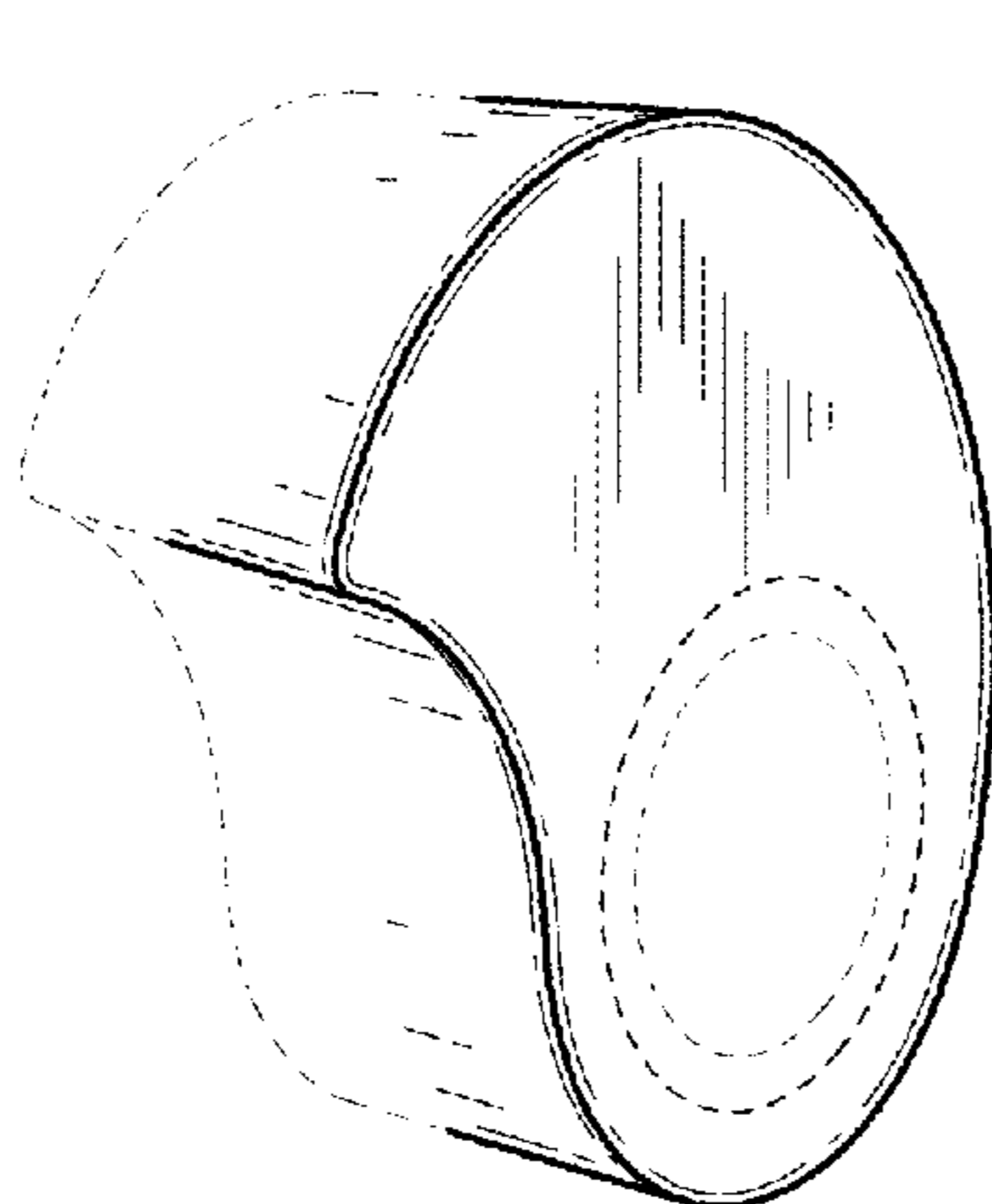
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

- 1,312,493 A 8/1919 Theis
- 1,624,144 A 4/1927 Mathieu
- 1,651,650 A * 12/1927 Walsh A45D 44/12
128/866

- 4,880,076 A 11/1989 Ahlberg et al.
- 5,002,151 A 3/1991 Oliveira et al.
- 5,048,092 A 9/1991 Yamagishi et al.
- 5,054,079 A 10/1991 Frielingsdorf et al.
- D321,881 S 11/1991 Hopewell
- 5,185,802 A 2/1993 Stanton
- D348,066 S 6/1994 Lucey
- 5,321,757 A 6/1994 Woodfill, Jr.
- D355,489 S * 2/1995 Almond D24/189
- 5,659,156 A * 8/1997 Mauney H04R 1/1016
181/130



US D865,721 S

Page 2

5,718,244 A 2/1998 Thornton
 5,881,159 A 3/1999 Aceti et al.
 5,950,794 A 9/1999 Porco et al.
 D417,465 S 12/1999 Kreitz et al.
 6,122,388 A 9/2000 Feldman
 D449,633 S * 10/2001 Suzuki D16/219
 6,310,961 B1 10/2001 Oliveira et al.
 6,354,990 B1 3/2002 Juneau et al.
 6,434,248 B1 8/2002 Juneau et al.
 6,445,805 B1 * 9/2002 Grugel H04R 5/0335
 181/129
 D477,593 S 7/2003 Komiyama
 D477,822 S 7/2003 Komiyama
 6,595,317 B1 7/2003 Widmer et al.
 D481,709 S 11/2003 Solderits
 D488,461 S * 4/2004 Okada D14/223
 6,761,789 B2 7/2004 Juneau et al.
 D505,411 S 5/2005 Sakai
 D507,051 S * 7/2005 Bell D24/125
 D519,108 S 4/2006 Yang
 D527,997 S * 9/2006 Kudo D9/425
 7,120,267 B2 10/2006 Ito et al.
 7,130,437 B2 10/2006 Stonikas et al.
 7,217,335 B2 5/2007 Juneau et al.
 D549,094 S * 8/2007 Oner D9/418
 7,403,629 B1 7/2008 Aceti
 D588,111 S 3/2009 Komiyama
 D603,380 S 11/2009 Hutchieson
 7,627,131 B2 12/2009 Nielsen et al.
 7,628,366 B2 12/2009 Scott
 7,778,434 B2 8/2010 Juneau et al.
 D637,997 S 5/2011 Peller
 D637,999 S 5/2011 Brunner et al.
 8,027,638 B2 9/2011 Sanguino et al.
 D652,817 S 1/2012 Lee et al.
 D652,822 S 1/2012 Lee et al.
 D654,056 S 2/2012 Hoggarth
 D656,129 S 3/2012 Kelly et al.
 D656,489 S * 3/2012 Kumagai D14/223
 8,184,838 B2 5/2012 Solomito et al.
 8,201,561 B2 6/2012 Blanchard
 D666,581 S 9/2012 Perez
 8,275,166 B2 9/2012 Wu
 D668,244 S * 10/2012 Matsumura D14/223
 D668,504 S * 10/2012 Lane D7/300.1
 8,280,093 B2 10/2012 Siahaan et al.
 D685,351 S * 7/2013 Morimoto D14/223
 8,477,985 B2 * 7/2013 Kim H04R 1/1016
 181/135
 D699,226 S 2/2014 Yoon
 8,776,801 B2 7/2014 McIntosh
 D716,866 S * 11/2014 Chappo D17/20
 D725,082 S 3/2015 Palmberg et al.
 8,983,108 B2 3/2015 Ho
 D733,102 S 6/2015 Palmberg et al.
 9,087,506 B1 7/2015 Kraft et al.
 9,131,308 B2 9/2015 Kraft et al.
 9,179,211 B2 11/2015 Kirkpatrick
 D764,445 S * 8/2016 Czaniecki D14/223
 9,451,353 B2 * 9/2016 Kirkpatrick H04R 1/1058
 D773,032 S 11/2016 Palmberg et al.
 D777,710 S 1/2017 Palmberg et al.
 9,565,491 B2 2/2017 Baker et al.
 D780,721 S 3/2017 Brunner et al.
 D781,269 S 3/2017 Choe et al.
 D782,997 S 4/2017 Shin et al.
 D782,998 S 4/2017 Shin et al.
 D783,003 S * 4/2017 Kirkpatrick D14/223
 9,628,889 B2 * 4/2017 Kirkpatrick H04R 1/1058
 9,769,555 B2 * 9/2017 Kirkpatrick H04R 1/1058
 D805,054 S 12/2017 Liu
 D810,053 S 2/2018 Otani et al.
 D813,205 S 3/2018 Palmberg et al.
 D813,848 S 3/2018 Palmberg
 10,091,571 B2 * 10/2018 Kirkpatrick H04R 1/1058
 D836,614 S * 12/2018 Kirkpatrick D14/223
 D841,626 S * 2/2019 Tang D14/223
 D851,770 S * 6/2019 Christiansen D24/174
 2001/0043708 A1 11/2001 Brimhall

2005/0147269 A1 7/2005 Oliveira et al.
 2006/0098833 A1 5/2006 Juneau et al.
 2007/0102006 A1 * 5/2007 Falco A61F 11/12
 128/864
 2007/0263896 A1 11/2007 Chen
 2008/0187161 A1 8/2008 Tiemens et al.
 2009/0041287 A1 2/2009 Quinlisk
 2009/0232342 A1 9/2009 Oliveira et al.
 2009/0252362 A1 10/2009 Ooi et al.
 2012/0087532 A1 * 4/2012 Yang H04R 1/10
 381/380

FOREIGN PATENT DOCUMENTS

EP	0895703	2/1999
EP	1032243	8/2000
EP	2107827	10/2009
GB	2470177	11/2010
WO	WO 1992/003894	3/1992
WO	WO 1999/031935	6/1999
WO	WO 00/42817	7/2000
WO	WO 2012/024656	2/2012

OTHER PUBLICATIONS

U.S. Appl. No. 61/596,567, filed Feb. 8, 2012.
 U.S. Appl. No. 13/761,947, filed Feb. 7, 2013.
 PCT Interantional Patent Application No. PCT/US2013/025288, filed Feb. 8, 2013.
 Angell. PodFitKit for Apple earbuds announced. iLounge, website, <http://www.ilounge.com>, originally downloaded Dec. 31, 2012, 4 total pages.
 E-Bay. New SUGRU Black 3 pack Moldable Self Setting Rubber Customize Your Earbuds. Website, <http://www.ebay.com>, originally downloaded Dec. 31, 2012, 4 total pages.
 Fuze Custom Earphones. On-line Catalog, <http://www.earfuze.com>, originally downloaded Dec. 31, 2012, 1 page.
 How-To Geek. How to Make Custom Silicone Ear Molds for Your In-Ear Monitors. Website, <http://www.howtogeek.com>, originally downloaded Dec. 31, 2012, 20 total pages.
 Lloyds. Custom Ear Mold—Standard. On-line Catalog, <http://lloydhearingaid.com>, originally downloaded Dec. 31, 2012, 1 page.
 mylobie.com. Lobies—comfortable earbuds adapters for iPod, iPhone, and portable audio. Website, <http://www.mylobie.com>, originally downloaded Dec. 31, 2012, 1 page.
 ZapConnect. Hearing Aid Moldable Impression Silicone Putty. Website, <http://www.zapconnect.com>, originally downloaded Dec. 31, 2012, 1 page.
 Zenplugs Moulded Earplug Shop. Zenpods Blue Molded Earphone Adaptors . . . On-line Catalog, <http://shop.zenplugs.com>, originally downloaded Dec. 24, 2013, 1 page.
 PCT Interantional Patent Application No. PCT/US2013/025288; ISR mailed Jun. 2, 2013, 11 total pages.
 Flugz. Advanced Hearing Protection. Website, <https://www.flugz.com>, originally downloaded Aug. 17, 2015, 15 pages total.
 Flugz. Form and Fit. Website, <https://www.flugz.com>, originally downloaded Aug. 17, 2015, 3 pages total.
 Flugz. Why Flugz. Website, <https://www.flugz.com>, originally downloaded Aug. 17, 2015, 3 pages total.
 Flugz. Advanced Hearing Protection. Website, <https://www.flugz.com>, originally downloaded Aug. 17, 2015, 2 pages total.
 U.S. Appl. No. 14/930,066, filed Nov. 2, 2015.
 Corresponding European Patent Application No. 13746012.7; European Search Report, dated Jan. 27, 2016, 6 pages total.
 Corresponding Chinese Patent Application No. 201380013425.X; Office Action and Search Report dated Oct. 8, 2016, 8 pages total.
 Corresponding European Patent Application No. 13746012.7; Office Action dated Nov. 18, 2016, 5 pages total.
 Design U.S. Appl. No. 29/599,445, filed Apr. 3, 2017.
 Chinese Patent Application No. 201380013425.X; 2nd Office Action dated Mar. 31, 2017, 8 pages total.

Chinese Patent Application No. 201380013425.X; 3d Office Action dated Aug. 2, 2017, 7 pages total.

* cited by examiner

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(57) **CLAIM**

I claim the ornamental design for a moldable earpiece, as shown and described.

DESCRIPTION

FIG. 1 is a top and right side perspective view of a moldable earpiece, embodying our new moldable earpiece design;
FIG. 2 is a front plan view thereof;
FIG. 3 is a rear plan view thereof;
FIG. 4 is a left side elevation view thereof;
FIG. 5 is a right side elevation view thereof;
FIG. 6 is a top elevation view thereof; and,
FIG. 7 is a bottom elevation view thereof.
In the drawing, the claimed design is defined by the shaded surfaces; the broken lines depict environment that form no part of the claimed design.

1 Claim, 2 Drawing Sheets

FIG. 1

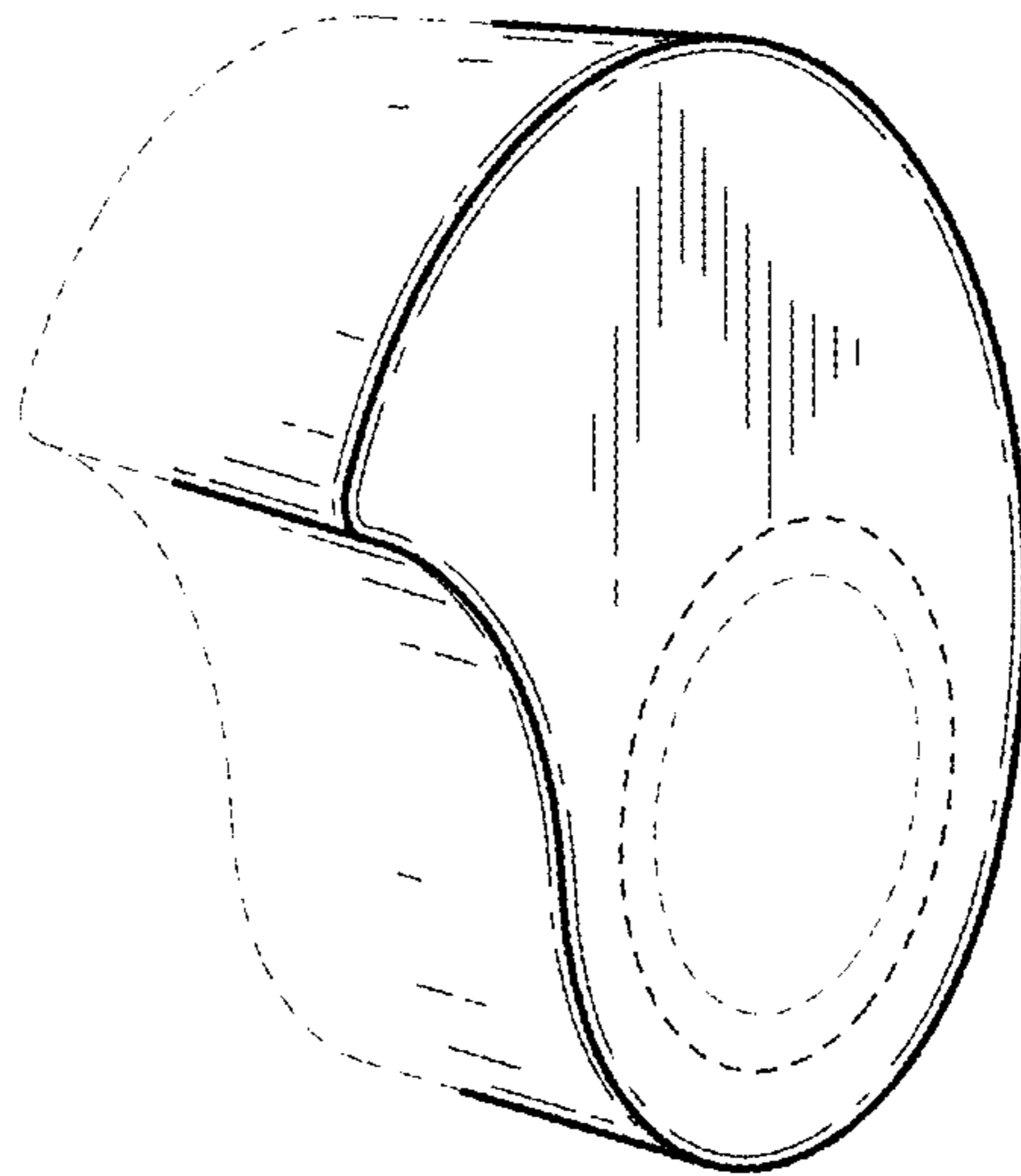


FIG. 2

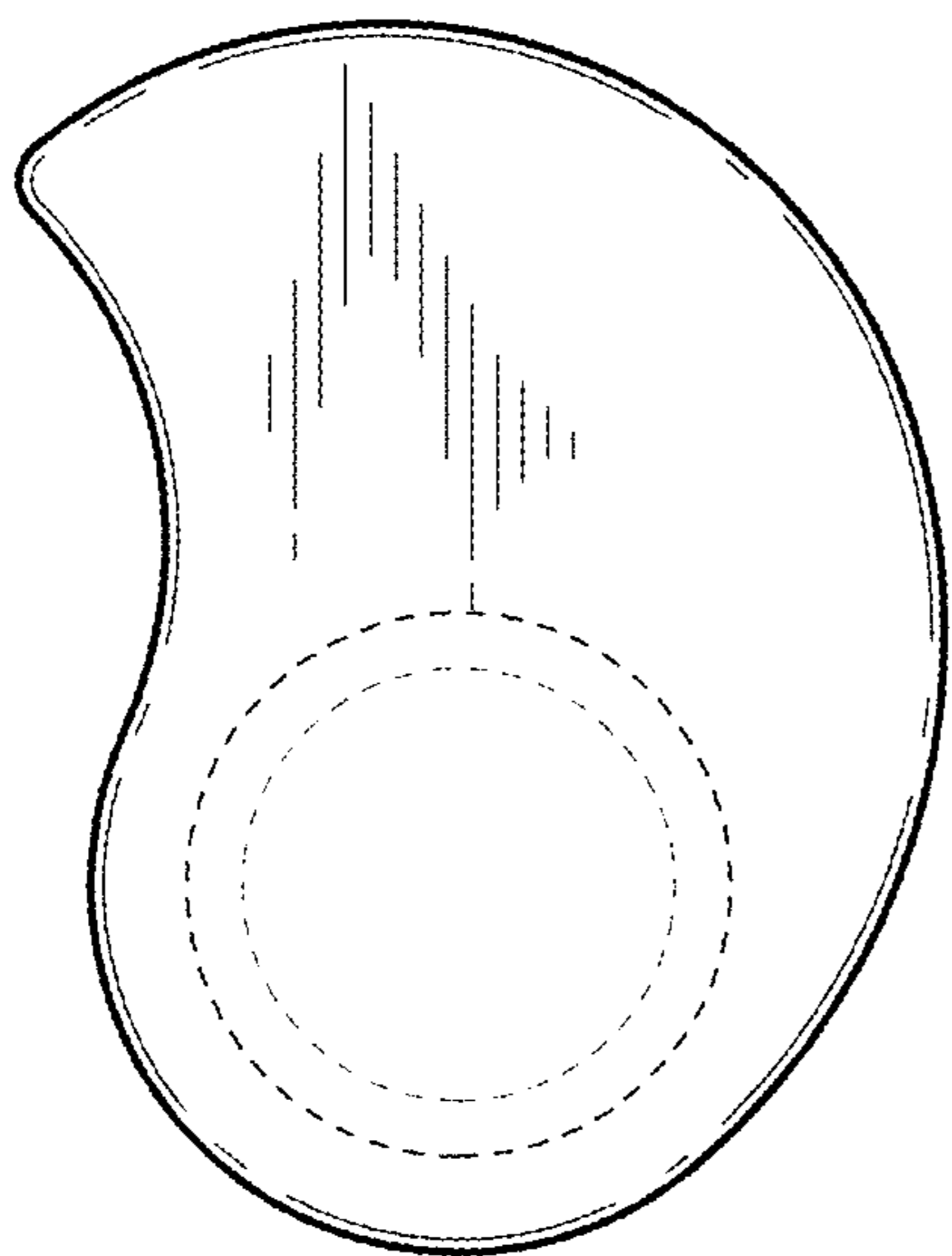


FIG. 3

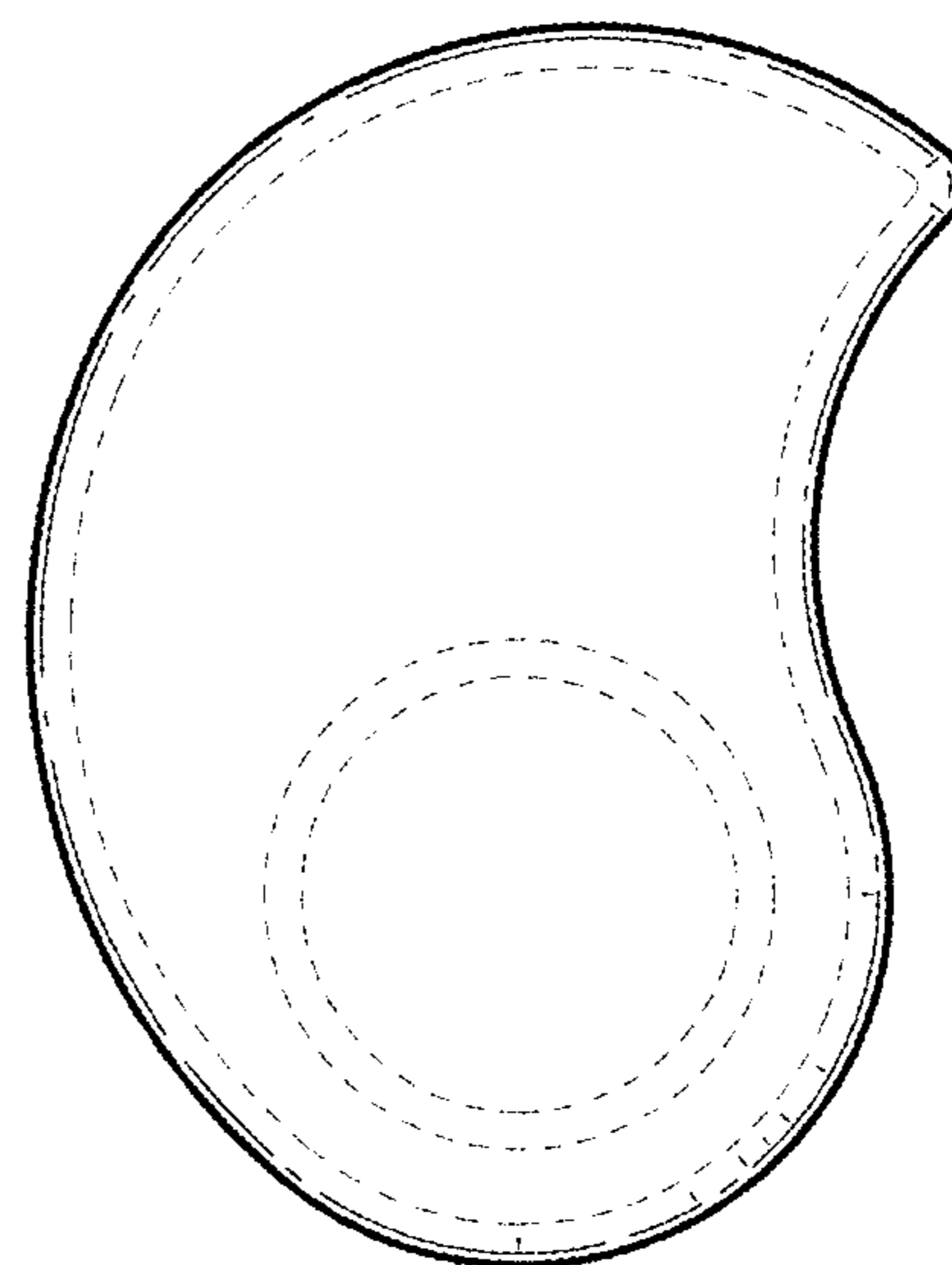


FIG. 6

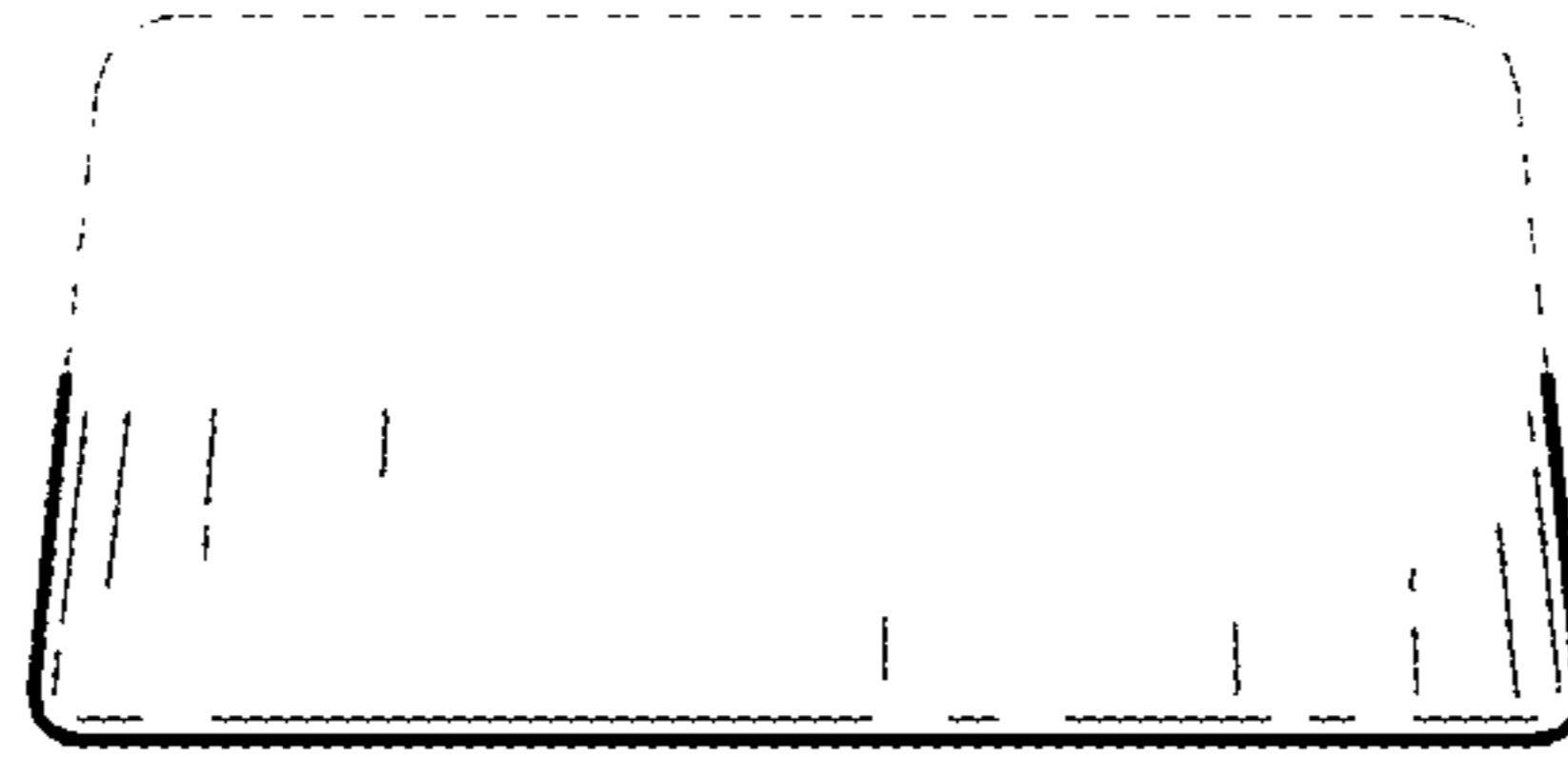


FIG. 5

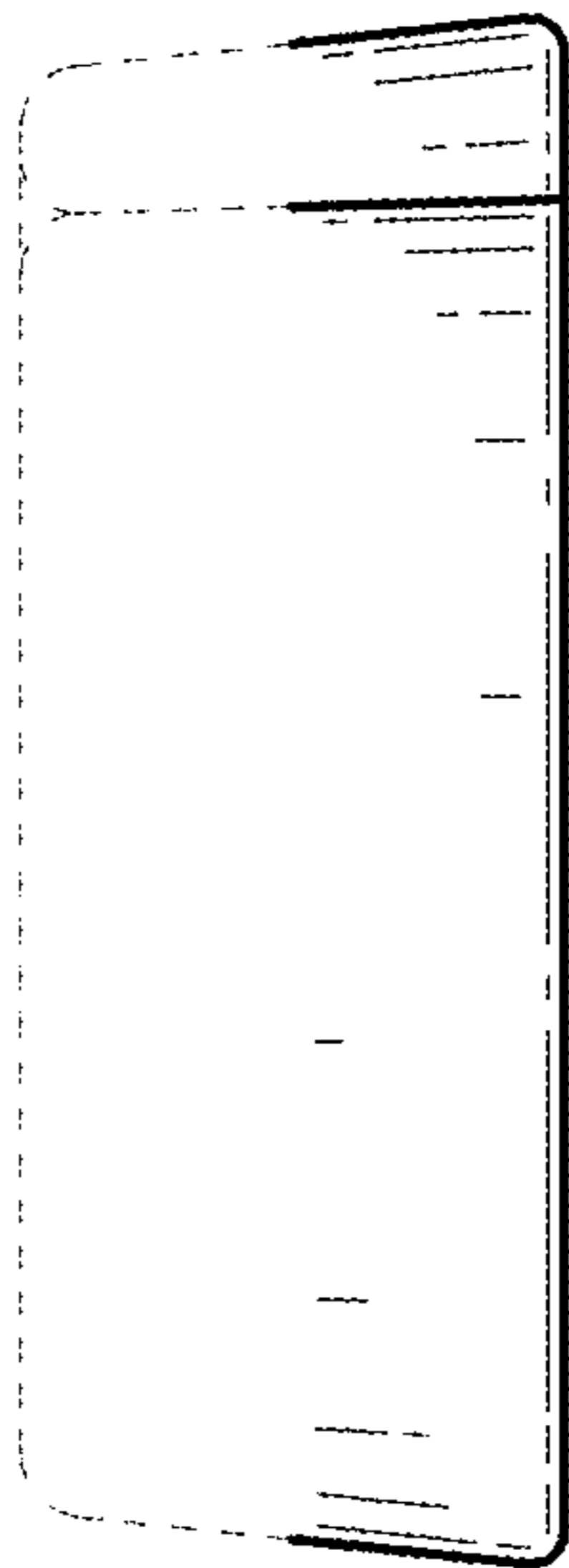


FIG. 4

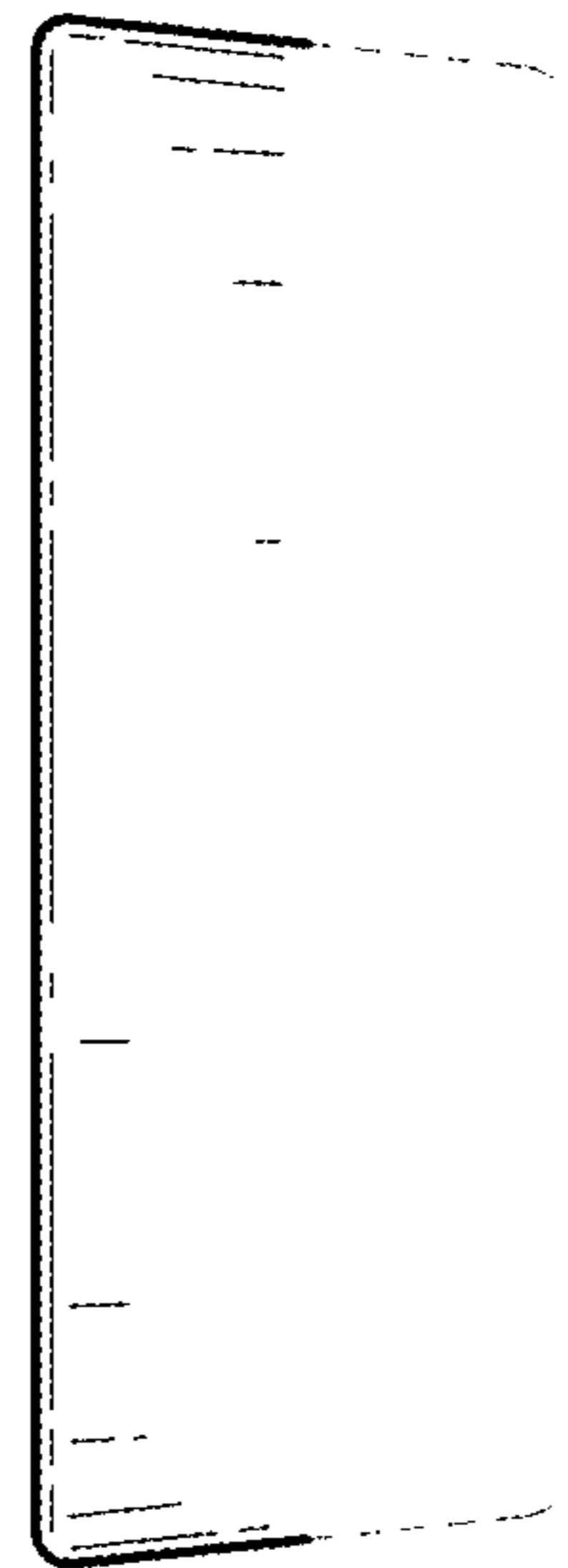


FIG. 7

