

US00D876951S

(12) **United States Design Patent** (10) **Patent No.:** **US D876,951 S**  
**Sill et al.** (45) **Date of Patent:** **\*\* Mar. 3, 2020**

(54) **FOOD CARTON**

- (71) Applicant: **Inno-Pak, LLC**, Delaware, OH (US)
- (72) Inventors: **Jonathan D. Sill**, Delaware, OH (US);  
**Steven A. Mayer**, Indianapolis, IN (US)
- (73) Assignee: **INNO-PAK, LLC**, Delaware, OH (US)
- (\*\*) Term: **15 Years**
- (21) Appl. No.: **29/644,833**

- (22) Filed: **Apr. 20, 2018**
- (51) **LOC (12) Cl.** ..... **09-03**
- (52) **U.S. Cl.**  
USPC ..... **D9/431; D9/421**
- (58) **Field of Classification Search**  
USPC ..... D9/414-423, 430-433, 454, 456, 457,  
D9/711, 713, 721-722  
CPC ... B65D 5/00; B65D 5/02; B65D 5/18; B65D  
5/20  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D73,127 S	7/1927	Greve	
2,019,870 A	11/1935	Perry	
2,062,949 A	12/1936	Taylor	
D106,826 S	11/1937	Dieffenbach	
D126,123 S	3/1941	Clemens	
2,409,736 A	10/1946	Caimi	
D158,362 S	5/1950	Dischler	
2,568,170 A	9/1951	Ringler	
2,793,801 A	5/1957	Papadopoulos	
D183,716 S	10/1958	Burns	
3,027,063 A *	3/1962	Zastrow	..... B65D 5/2061 229/155
D194,246 S	12/1962	Engelmann	
D200,249 S	2/1965	Hancock	
D211,564 S	7/1968	Bailey	
D214,523 S	6/1969	Stone	
D217,441 S	5/1970	Kanaga	
D219,263 S	11/1970	Castelli	

(Continued)

**OTHER PUBLICATIONS**

Southern Champion Tray 0761 #1. [online] Published date unknown. Retrieved on Jul. 13, 2017 from <URL: https://www.importitall.co.za/Southern-Champion-Tray-0761-1-ChampPak-Retro-TakeOut-Container-Kraft-Paperboard-with-Poly-Coated-Inside-438-L--ap-BOODTNBD70.html>.

(Continued)

*Primary Examiner* — Vy N Koenig

(74) *Attorney, Agent, or Firm* — Ward and Smith, P.A.;  
Ryan K. Simmons

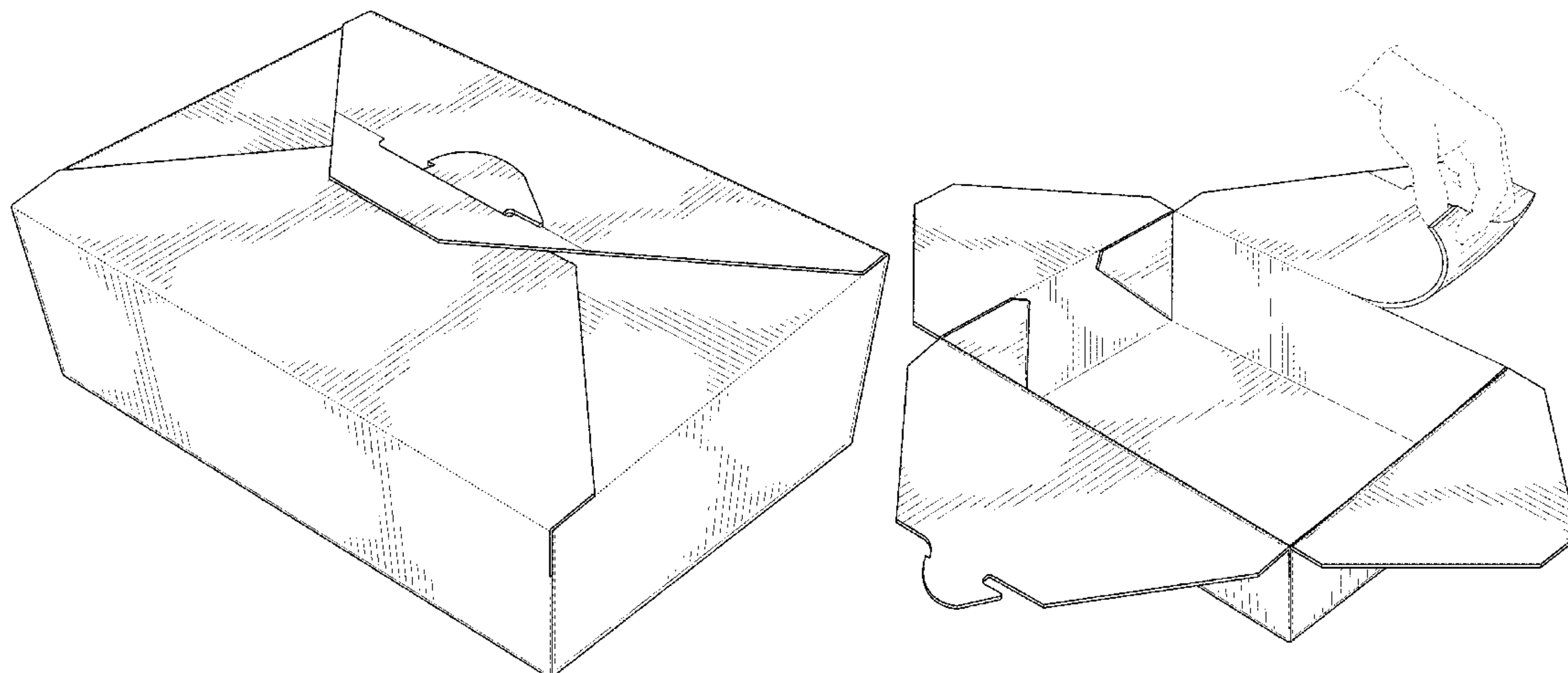
(57) **CLAIM**

The ornamental design for a food carton, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a food carton showing a new design;  
 FIG. 2 is a left side elevation view thereof;  
 FIG. 3 is a right side elevation view thereof;  
 FIG. 4 is a front elevation view thereof;  
 FIG. 5 is a rear elevation view thereof;  
 FIG. 6 is a top plan view thereof;  
 FIG. 7 is a bottom plan view thereof;  
 FIG. 8 is a perspective view of the food carton of FIG. 1 showing it in an open configuration;  
 FIG. 9 is a top plan view thereof;  
 FIG. 10 is a bottom plan view thereof; and,  
 FIG. 11 is a perspective view of the food carton of FIG. 1 showing a flap being removed therefrom.  
 In the drawings the dotted lines are for the purpose of illustrating perforations and form part of the claimed design; and the dash-dash broken lines are for the purpose of illustrating environment only and form no part of the claimed design.

**1 Claim, 9 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

3,595,425	A	7/1971	Eicholtz	D631,743	S	2/2011	Hubbard, Jr.
D224,090	S	7/1972	Cyr	D633,341	S	3/2011	Smyers
D232,524	S	8/1974	Schy	D643,311	S	8/2011	Meyers
3,853,220	A	12/1974	Luray	D645,708	S	9/2011	Stamper
D241,016	S	8/1976	Reynold	8,061,585	B2	11/2011	Nikolai
D255,011	S	5/1980	Cooper	D649,838	S	12/2011	Stamper
D259,615	S	6/1981	Morris, Jr.	D652,316	S	1/2012	Ren
D260,604	S	9/1981	Otto	D653,496	S	2/2012	Henry
D280,290	S	8/1985	Bakus	D669,352	S	10/2012	Paslowski
D329,376	S	9/1992	Burd	D674,690	S	1/2013	Sill
5,322,182	A	6/1994	Fritz	D675,092	S	1/2013	Sill
D352,203	S	11/1994	Campbell	D675,520	S	2/2013	Sill
5,411,204	A	5/1995	DeMay	D675,920	S	2/2013	Sill
D363,856	S	11/1995	Westbrooks, Jr.	D676,742	S	2/2013	Walter
D367,172	S	2/1996	Brightbill	D678,760	S	3/2013	Cooper
D371,940	S	7/1996	Krupa	D678,761	S	3/2013	Cooper
D394,385	S	5/1998	Laughlin	D678,762	S	3/2013	Cooper
D395,547	S	6/1998	Sussman	D678,779	S	3/2013	Lee
D397,294	S	8/1998	Saulas	D679,950	S	4/2013	Cooper
D398,526	S	9/1998	Schwarz	D682,085	S	5/2013	Hannant
5,873,220	A	2/1999	Haraldsson et al.	D682,684	S	5/2013	Walter
D409,908	S	5/1999	Besana	D684,465	S	6/2013	Vernon
2,927,502	A	7/1999	Hunter	D684,858	S	6/2013	Sill
D412,398	S	8/1999	Watabe	D688,552	S	8/2013	Vernon
D440,118	S	4/2001	Claffy	D688,921	S	9/2013	Miros
D442,859	S	5/2001	Hirschey	D691,035	S	10/2013	Sill
D444,703	S	7/2001	Allasia	D693,180	S	11/2013	Peterson
D448,130	S	9/2001	Wagner	D693,215	S	11/2013	Sill
D451,769	S	12/2001	Stanos	D693,216	S	11/2013	Sill
D454,495	S	3/2002	Bryan	D693,217	S	11/2013	Sill
D460,689	S	7/2002	Robinson	D693,218	S	11/2013	Sill
D461,406	S	8/2002	Iacovelli	D693,218	S	11/2013	Sill
D467,798	S	12/2002	Cohon	D693,646	S	11/2013	Katterheinrich
D484,364	S	12/2003	Bailey	D693,679	S	11/2013	Sill
D484,799	S	1/2004	Hoffman	D695,101	S	12/2013	Keberlein
D495,251	S	8/2004	Zack	D695,104	S	12/2013	Sill
D497,309	S	10/2004	Nordland	D695,107	S	12/2013	Clements
D504,813	S	5/2005	Chou	D695,575	S	12/2013	Katz
D509,733	S	9/2005	Jongens	D695,605	S	12/2013	Johnson
D512,836	S	12/2005	Marnell, II	D697,789	S	1/2014	Gerdes
D519,366	S	4/2006	Epstein	D706,132	S	6/2014	Sill
D519,830	S	5/2006	Yocum	D707,042	S	6/2014	Ruzzenente
D521,376	S	5/2006	Mosto	D707,123	S	6/2014	Marchetti
D521,862	S	5/2006	Siethoff	D710,691	S	8/2014	Genender
D531,498	S	11/2006	Fluegel	D712,153	S	9/2014	Lee
D542,129	S	5/2007	Moorman	D714,638	S	10/2014	Mohn
D549,456	S	8/2007	Dretzka	8,939,350	B2	1/2015	Valencia
D549,457	S	8/2007	Dretzka	D726,533	S	4/2015	Northrup
D557,047	S	12/2007	Dretzka	D727,732	S	4/2015	Petty
D561,023	S	2/2008	Jacxsens	D728,359	S	5/2015	Iwegbu
D561,408	S	2/2008	Marsh	D728,364	S	5/2015	Baker
D562,125	S	2/2008	Kienemund-Paroll	D730,178	S	5/2015	Fullan
D563,673	S	3/2008	Dretzka	D731,325	S	6/2015	Loessin
D567,671	S	4/2008	Say Ulin	D735,576	S	8/2015	Aldridge
D568,765	S	5/2008	Miles	D737,820	S	9/2015	Yu
D573,408	S	7/2008	Lovett	9,211,970	B2	12/2015	Hubbard, Jr.
D576,482	S	9/2008	DeBusk	9,216,837	B2	12/2015	Hubbard
D578,387	S	10/2008	Lovett	D746,643	S	1/2016	Kraemer
D582,268	S	12/2008	Zanaletti	D752,429	S	3/2016	Mayer
D584,108	S	1/2009	Olsson	9,309,023	B2	4/2016	Hubbard, Jr.
D590,596	S	4/2009	Dretzka	D758,184	S	6/2016	Tu
D595,155	S	6/2009	Larson	D763,706	S	8/2016	Shum
D596,027	S	7/2009	Kalberer	D764,276	S	8/2016	Das
D596,448	S	7/2009	Nolan	D764,281	S	8/2016	Mayer
D596,449	S	7/2009	Nolan	D767,409	S	9/2016	Nickell
D596,903	S	7/2009	Willis	D770,270	S	11/2016	McGarry
D599,611	S	9/2009	Hoekstra	D771,486	S	11/2016	Mayer
D605,896	S	12/2009	Zalewski	D772,053	S	11/2016	Mayer
D608,153	S	1/2010	Furlong	D775,946	S	1/2017	Ghini
D615,822	S	5/2010	Klein	D777,029	S	1/2017	Stratton
D622,139	S	8/2010	Marcott et al.	D778,115	S	2/2017	Strachan
D630,508	S	1/2011	Hubbard et al.	D778,155	S	2/2017	Strachan
D630,885	S	1/2011	Stein	D778,722	S	2/2017	Strachan
D631,741	S	2/2011	Hubbard et al.	D784,769	S	4/2017	Beckman
D631,742	S	2/2011	Hubbard, Jr.	D786,621	S	5/2017	Davis
				D792,160	S	7/2017	Ng
				D792,161	S	7/2017	Ng
				D792,211	S	7/2017	Foster
				D792,222	S	7/2017	Sill
				D792,761	S	* 7/2017	Duval ..... D9/431



(56)

References Cited

U.S. PATENT DOCUMENTS

D798,707	S	10/2017	Mayer	
10,017,290	B2 *	7/2018	Faulkner	..... B65D 5/2047
2002/0108955	A1	8/2002	Erb	
2003/0217946	A1	11/2003	Hsu	
2004/0182916	A1	9/2004	Roseth	
2005/0051461	A1	3/2005	Bryant	
2005/0150788	A1	7/2005	Feusner	
2008/0269034	A1	10/2008	Stier	
2009/0186132	A1	7/2009	Mangino	
2010/0065620	A1	3/2010	Smith	
2011/0240653	A1	10/2011	Castner	
2012/0234904	A1	6/2012	Costanzo, Jr.	
2014/0203070	A1	7/2014	Lee	
2014/0263353	A1	9/2014	Bell	
2014/0263600	A1	9/2014	Valencia	
2016/0107830	A1	4/2016	Baryshyan	

OTHER PUBLICATIONS

Southern Champion Tray 0764 #4. [online] Published date unknown. Retrieved on Jul. 13, 2017 from <URL: <https://www.importitall.co.za/Southern-Champion-Tray-0764-4-ChampPak-Retro-TakeOut-Container-Kraft-Paperboard-with-Poly-Coated-Inside-734-L--ap-BOODE035YG.html>>.

Curved lid box, available Nov. 2, 2013, [online], [site visited Oct. 30, 2015]. Available from internet, <URL: <http://www.robves.com/category/tags/highlight?page=3>>.

Empty candy boxes, available 10/12/2013, [on line], [site visited Oct. 30, 2015]. Available from internet, <URL: <http://NWW.blaircandy.com/emcabo.html>>.

Inno-Pak is Staying Put, available Jun. 13, 2015, [on line], [site visited 12/11/2015]. Available from internet, <URL: <http://delgazette.com/news/295/inno-pak-is-staying-put>>.

Kalifornia Love. Jul. 28, 2010 [earliest on line date], [site visited Nov. 4, 2016]. Available from Internet, <URL: <http://www.kalifornialove.com/2010/07/extra-fruit-sensations-sweet-watermelon.html>>.

Natural Krall Windowed Boxes, available Oct. 4, 2014, [online], [site visited 12/11/2015]. Available from internet, <URL: <http://www.splashpackaging.com/Natural-Kraft-Window-Bakery-Boxes>>.

NEAROF! Review: Stride Spark Vitamin Chewing Gum. Sep. 7, 2011 [earliest on line date], [site visited Nov. 4, 2016]. Available from Internet, <URL: <http://www.nearof.com/?p=540>>.

Origami treasure chest {YouTube}, available Nov. 29, 2010, [on line], [site visited Oct. 30, 2015]. Video available from internet, <URL: <https://www.youtube.com/watch?v=WpgGqeBQvj4>>.

Southern Champion Tray Window Bakery Box, available Mar. 15, 2013, [online], [site visited 12/11/2015]. Available from internet, <URL: [http://www.amazon.com/gp/product/B008WCWJ9S/ref=s9\\_zwish\\_hd\\_bw\\_g328\\_i1?pf\\_rd\\_m=ATVPDKIKXODER&pf\\_rd\\_s=merchandise-search-5&pf\\_rd\\_r=OF299N2PNPMAY8WZM12D&pf\\_rd\\_1=101&pf\\_rd\\_p=2223275202&pf\\_rd\\_i=5016466011](http://www.amazon.com/gp/product/B008WCWJ9S/ref=s9_zwish_hd_bw_g328_i1?pf_rd_m=ATVPDKIKXODER&pf_rd_s=merchandise-search-5&pf_rd_r=OF299N2PNPMAY8WZM12D&pf_rd_1=101&pf_rd_p=2223275202&pf_rd_i=5016466011)>.

Take-out Container, available Jan. 17, 2013, [on line], [site visited Oct. 30, 2015]. Available from internet, <URL: [http://www.amazon.com/Southern-Champion-Tray-0731-Paperboard/productreviews/B004NG9A2Q/ref=cm\\_er\\_pr\\_btm\\_link\\_2?ie=UTF8&showViewpoints=1&sortBy=bySubmissionDateDescending&reviewerType=all\\_reviews&formatType=all\\_formals&pageNumber=2](http://www.amazon.com/Southern-Champion-Tray-0731-Paperboard/productreviews/B004NG9A2Q/ref=cm_er_pr_btm_link_2?ie=UTF8&showViewpoints=1&sortBy=bySubmissionDateDescending&reviewerType=all_reviews&formatType=all_formals&pageNumber=2)>.

Alibaba.com. Black Disposable Divided Food Trays. Oct. 17, 2013 [earliest on line date], [site visited Apr. 3, 2017]. Available from Internet, <URL: <https://thai.alibaba.com/product-detail/black-disposable-divided-food-trays-plastic-1238104653.html>>.

Youtube. Inno-Pak Rigid Microwavable Take Out Containers. Sep. 17, 2014 [earliest online date], [site visited Feb. 2, 2017]. Available from Internet, <URL: [https://www.youtube.com/watch?time\\_continue=28&v=WoIGFg\\_sHsKY](https://www.youtube.com/watch?time_continue=28&v=WoIGFg_sHsKY)>.

Inno-Pak. Innobox Edge Insert. Oct. 25, 2016 [earliest on line date], [site visited Feb. 2, 2017]. Available from Internet, <URL: <http://www.innopak.com/product/food-service/take-out-packaging/innobox-edge-insert/>>.

Flex Active Sports. Buy 3-Compartment Food Prep Containers. Jan. 5, 2016 [earliest online date], [site visited Apr. 17, 2017]. Available from Internet, <URL: <http://flexactivesports.com/buy-3-compartment-food-prep-containers/>>.

Webstaurant Store. Cambro 9113CW414 Camwear Teal 9" x11" 3 Compartment Meal Delivery Tray. Mar. 14, 2010 [earliest online date], [site visited Apr. 17, 2017]. Available from Internet, <URL: <http://www.webstaurantstore.com/cambro-9113cw414-camwear-teal-9-x-11-3-compartment-meal-delivery-tray-24-case/2149113CWTE.html>>.

Amazon. Food Containers 3 Compartment Premium. Jul. 18, 2017 [earliest online date], [site visited Mar. 8, 2018]. Available from Internet, <URL: [https://www.amazon.com/dp/80741BQMY7/ref=sspa\\_dk\\_detail\\_2?psc=1&pd\\_rd\\_i=B0741BQMY7&pd\\_rd\\_wg=gDStp&pd\\_rd\\_r=ACEV1YJAC97ZZPCCXWCW&pd\\_rd\\_w=XZKtg](https://www.amazon.com/dp/80741BQMY7/ref=sspa_dk_detail_2?psc=1&pd_rd_i=B0741BQMY7&pd_rd_wg=gDStp&pd_rd_r=ACEV1YJAC97ZZPCCXWCW&pd_rd_w=XZKtg)>. (Year: 2017).

Dean Supply. Disposable Takeout Containers. 2018 [earliest online date], [site visited Mar. 8, 2018]. Available from Internet, <URL: <https://www.shopatdean.com/collections/disposable-takeout-containers-foam-paper-plastic-compostable/rectangular>>. (Year: 2018).

\* cited by examiner

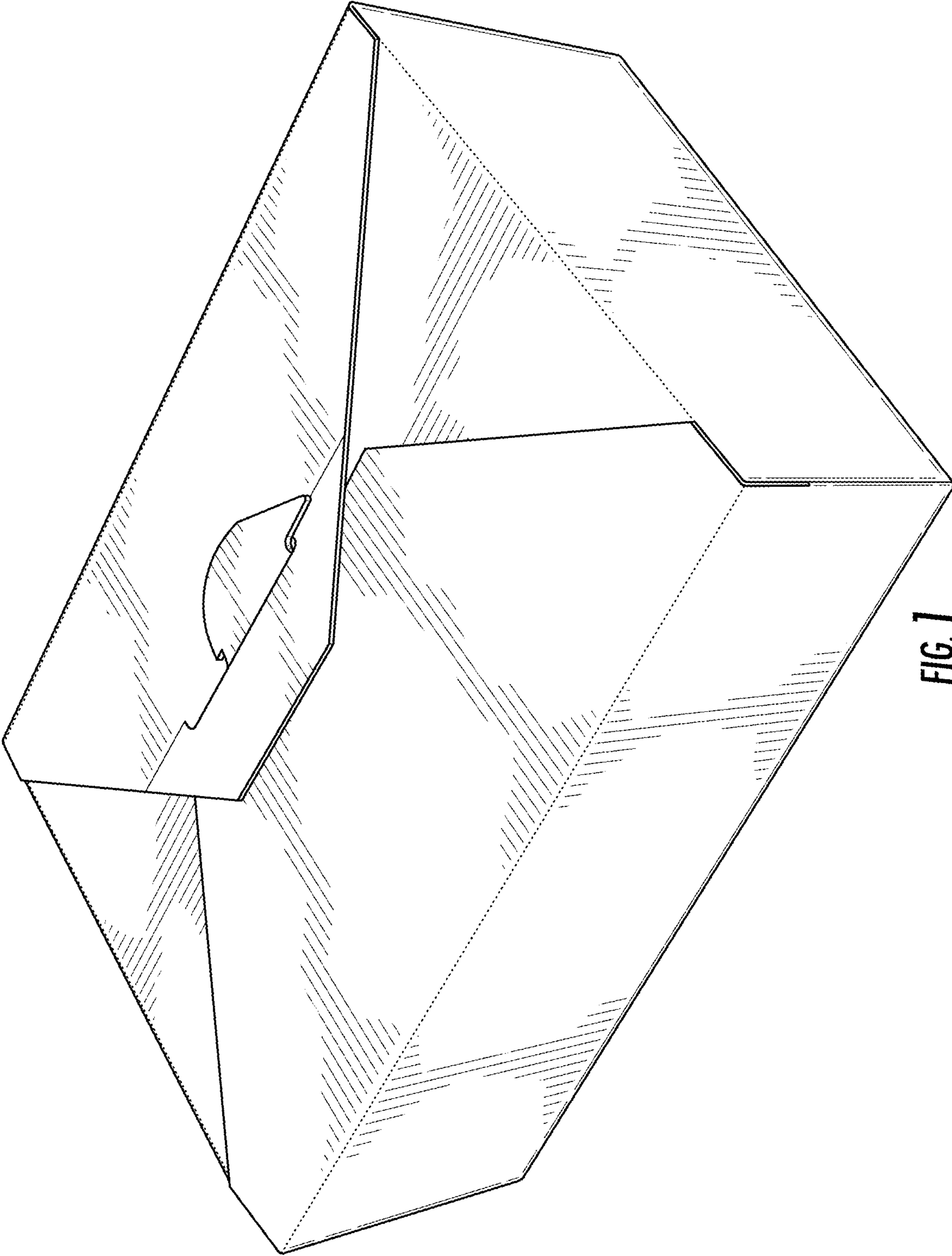


FIG. 1

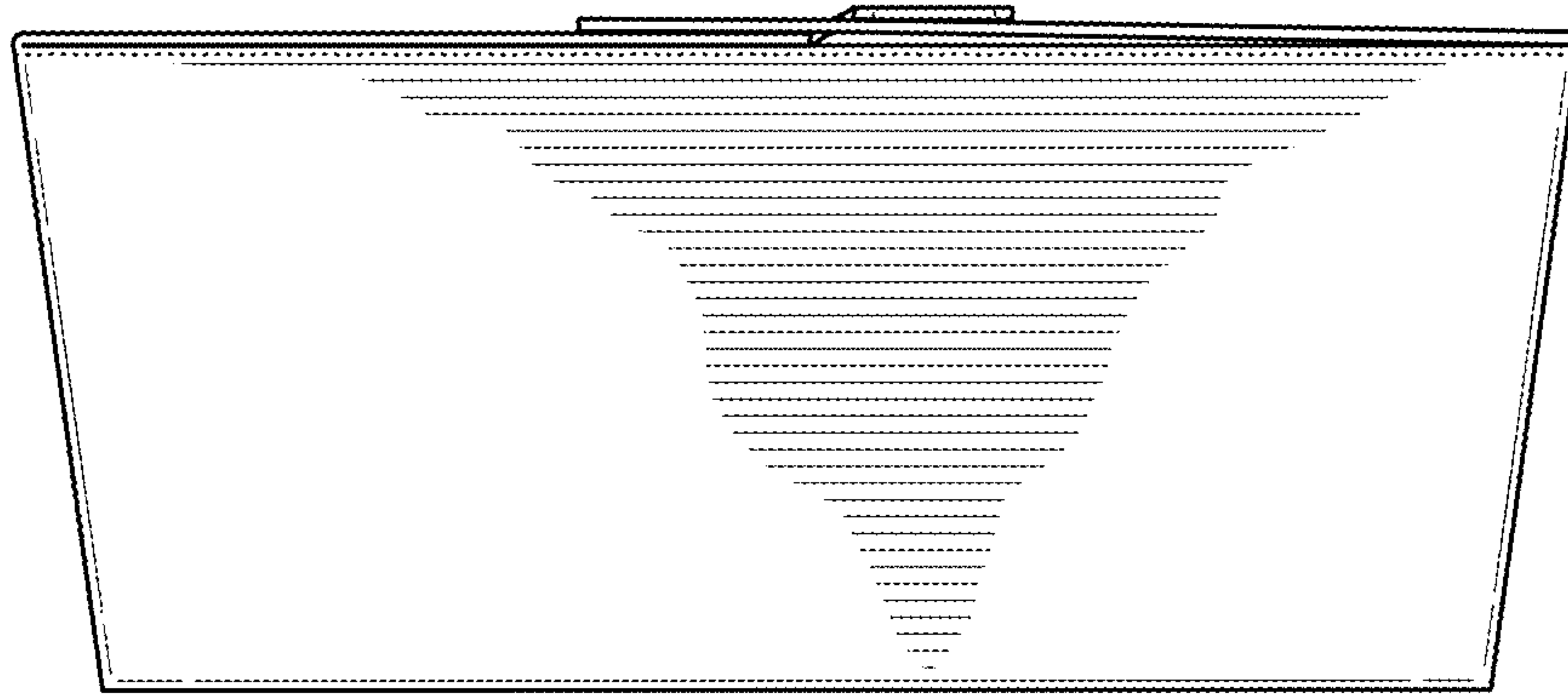


FIG. 2

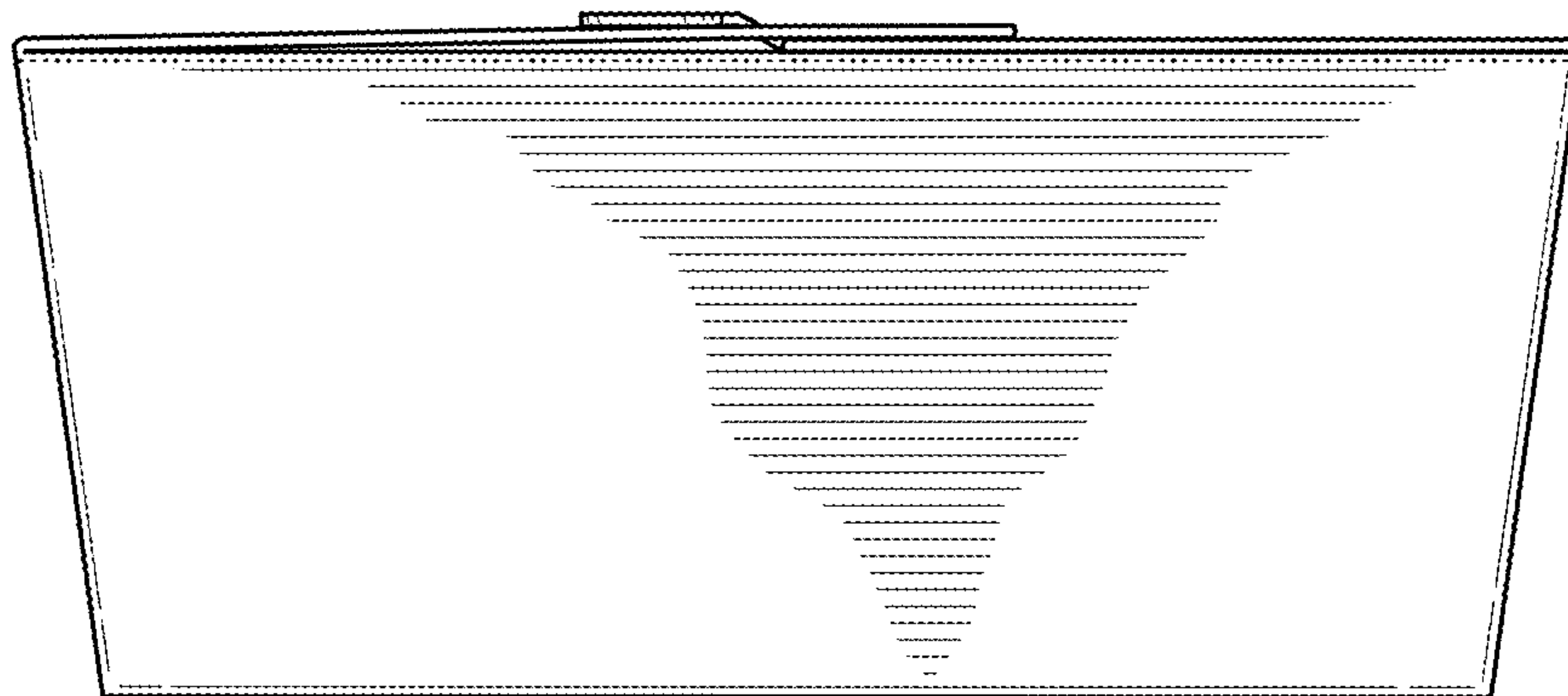


FIG. 3

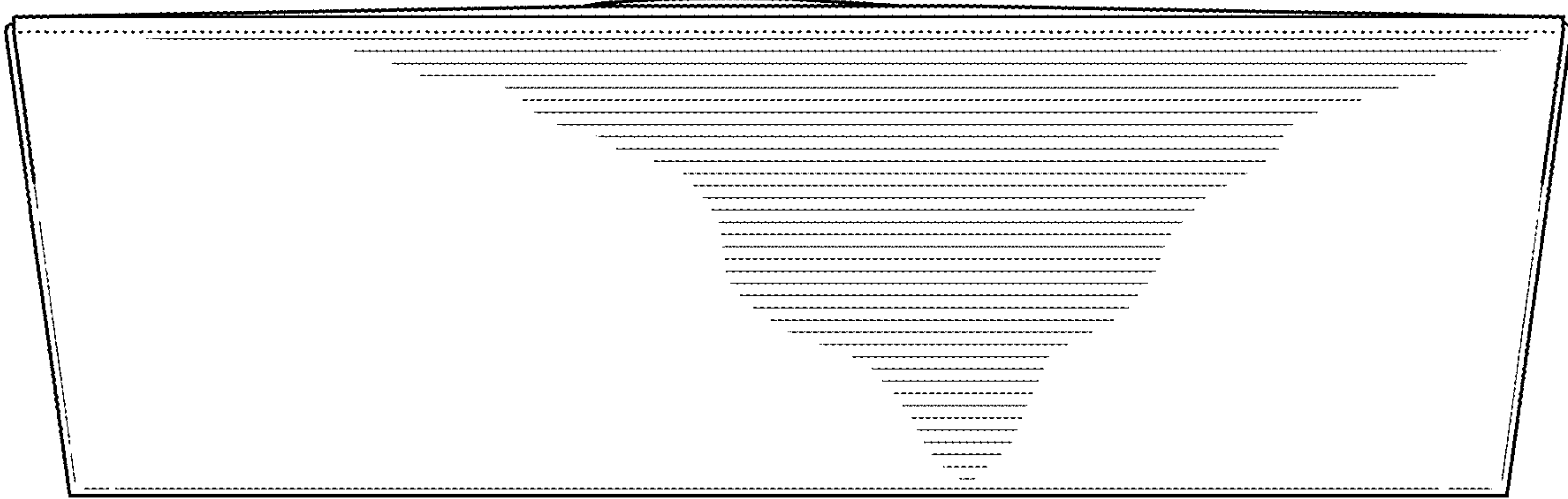


FIG. 4

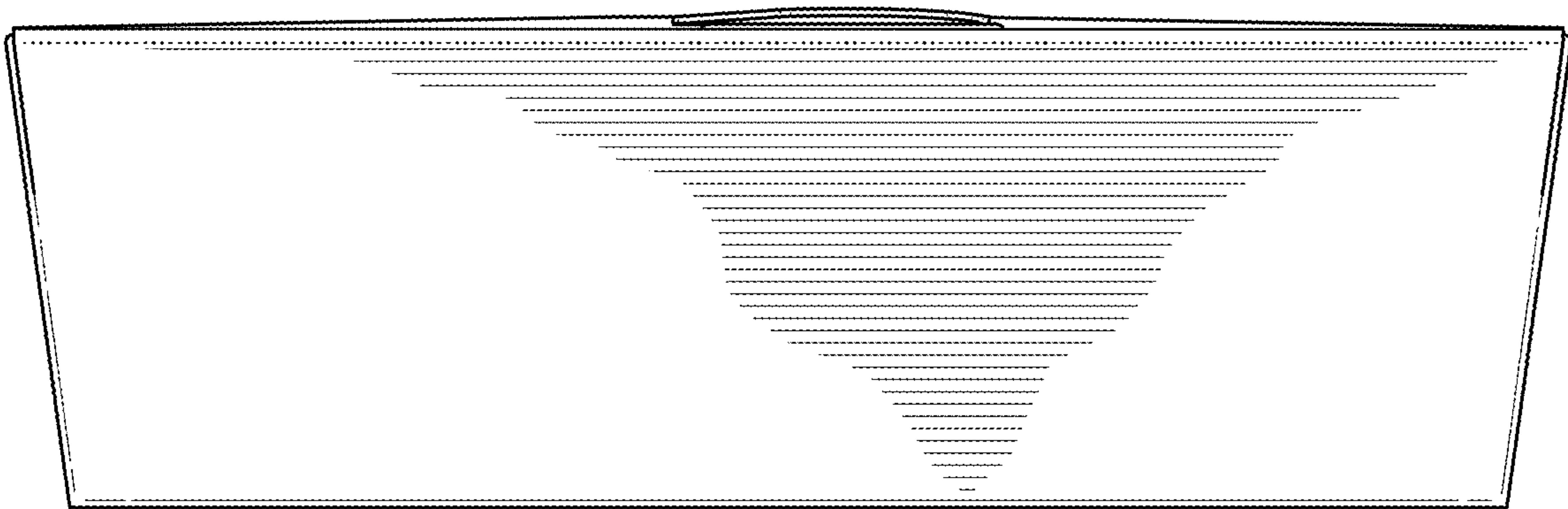
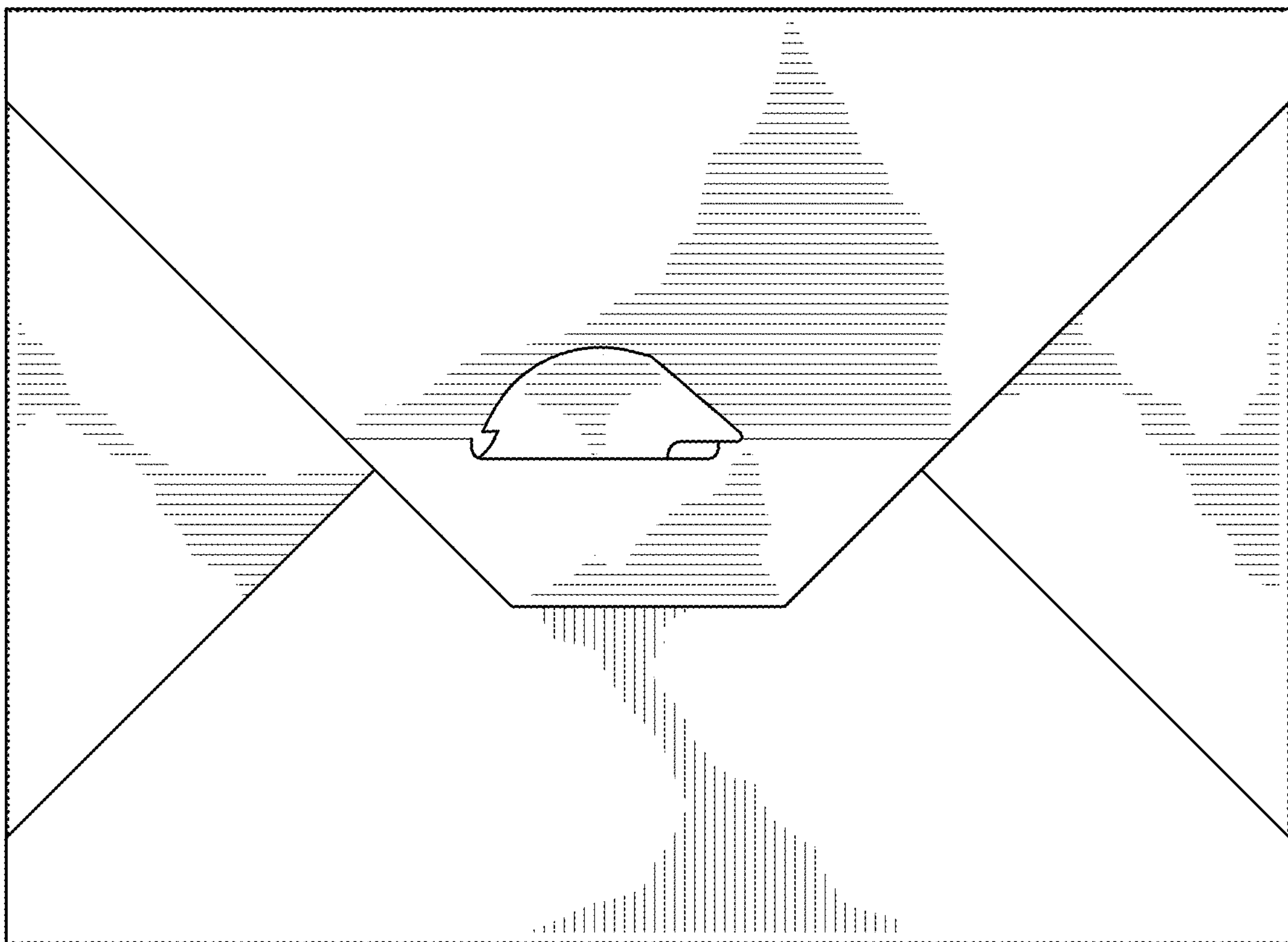
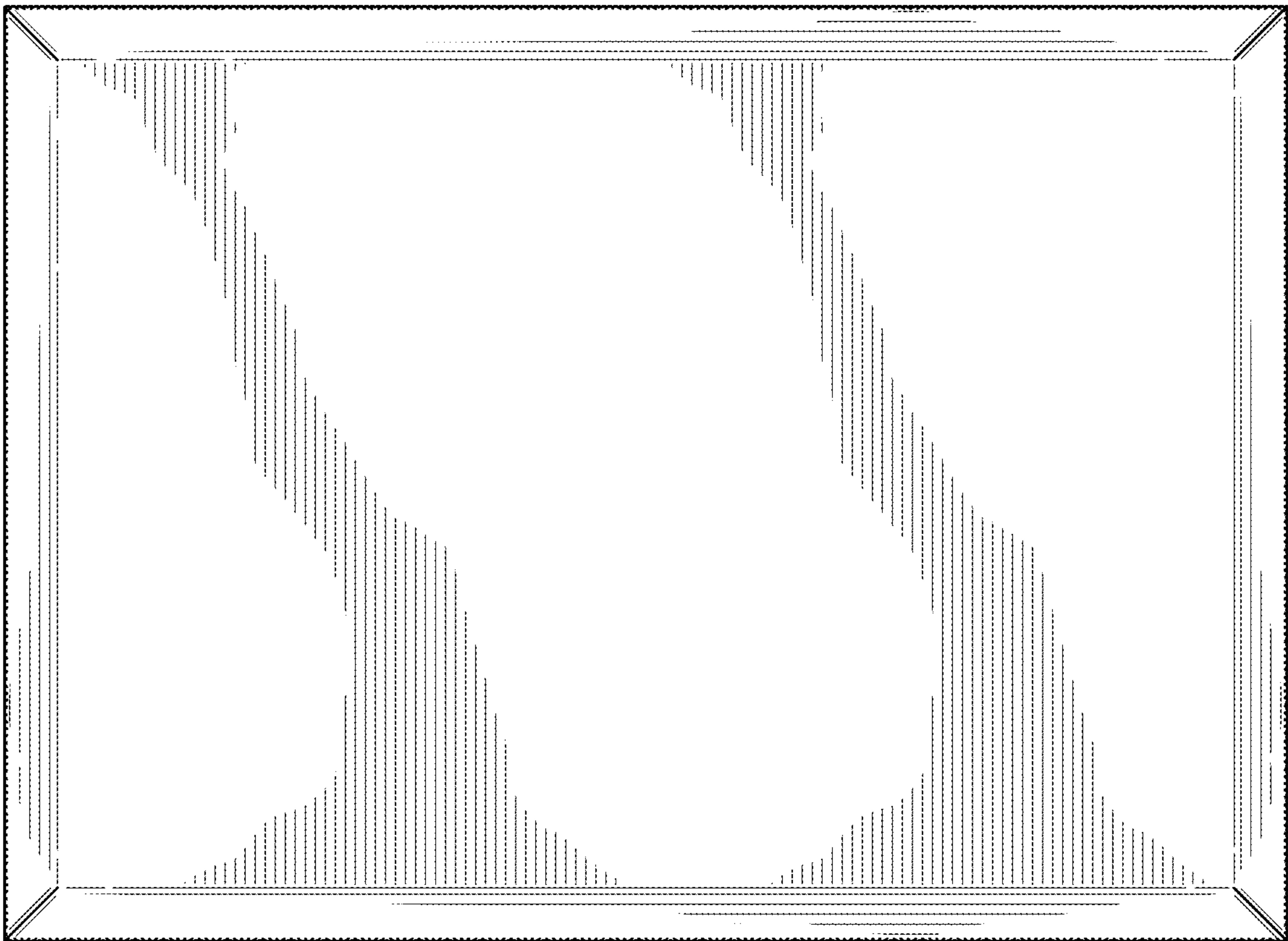


FIG. 5



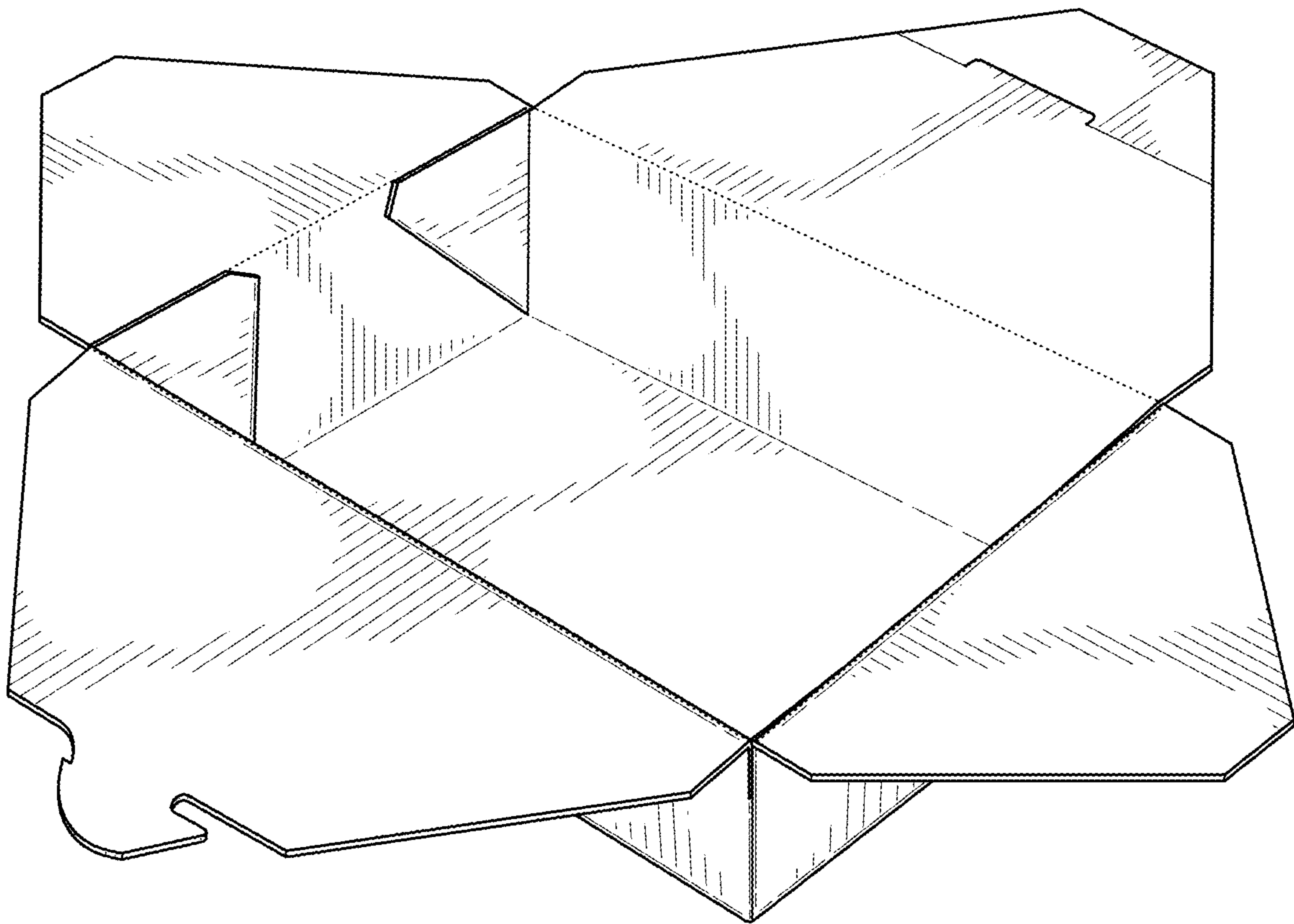


**FIG. 6**

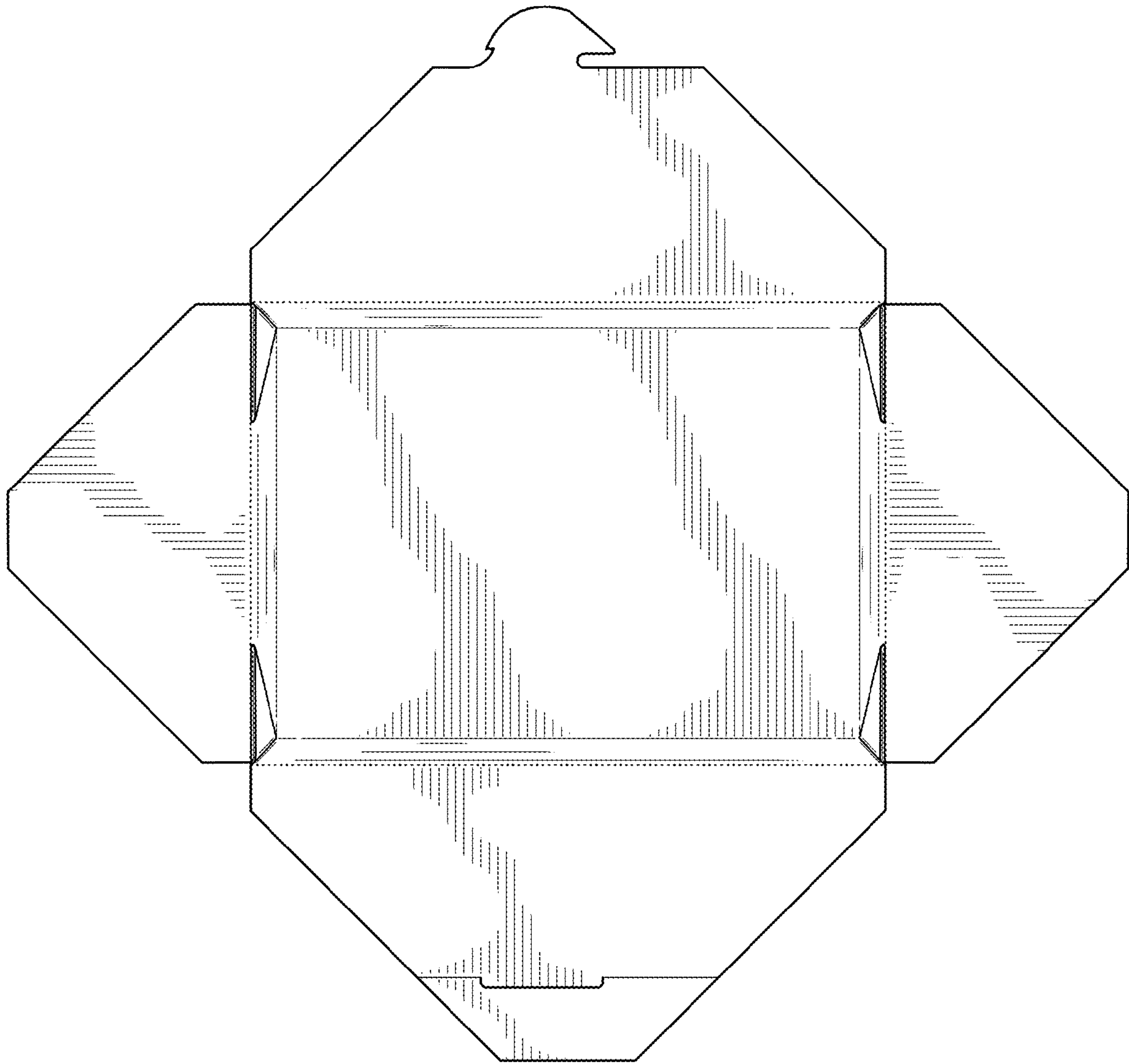


**FIG. 7**

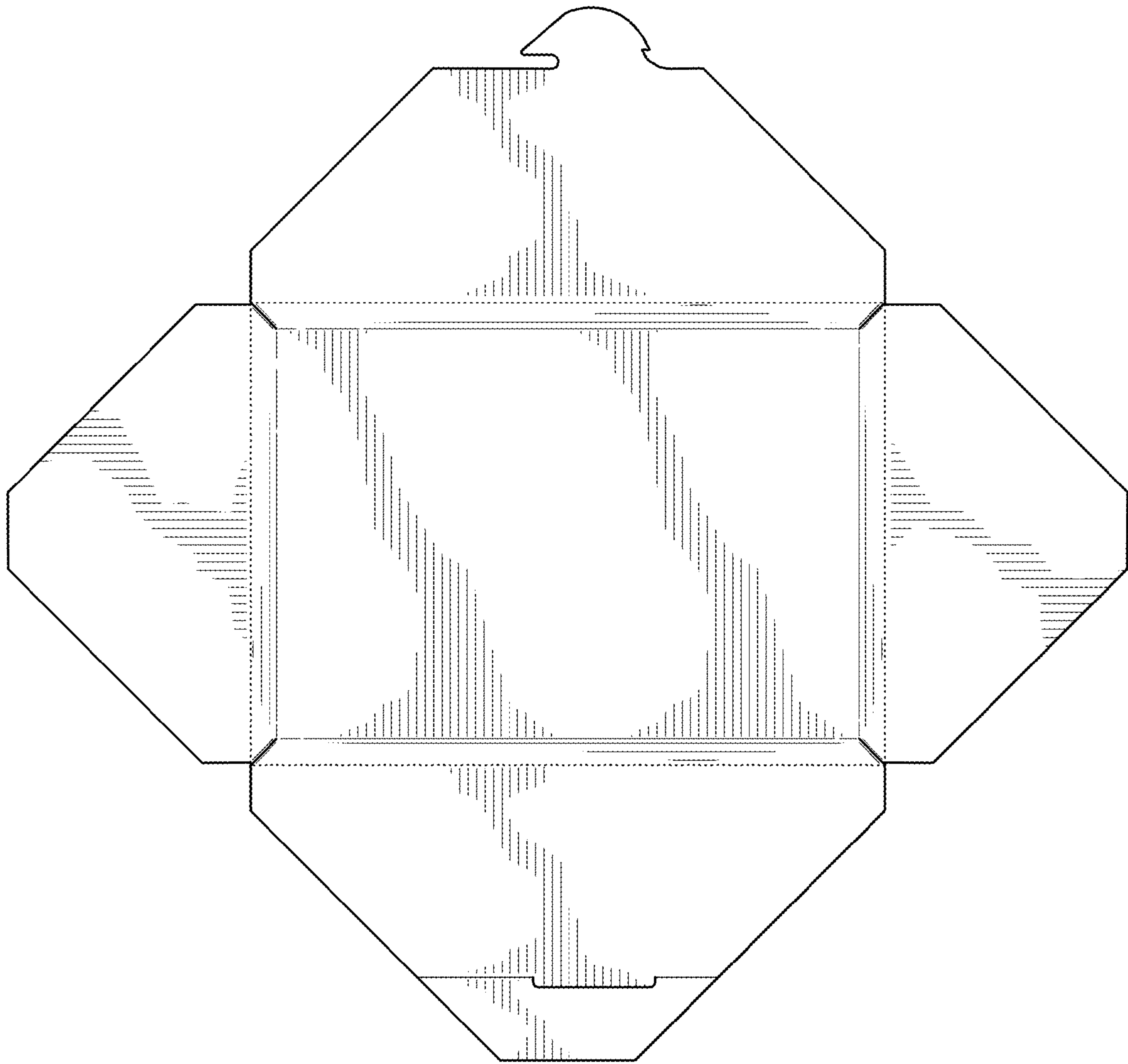




**FIG. 8**

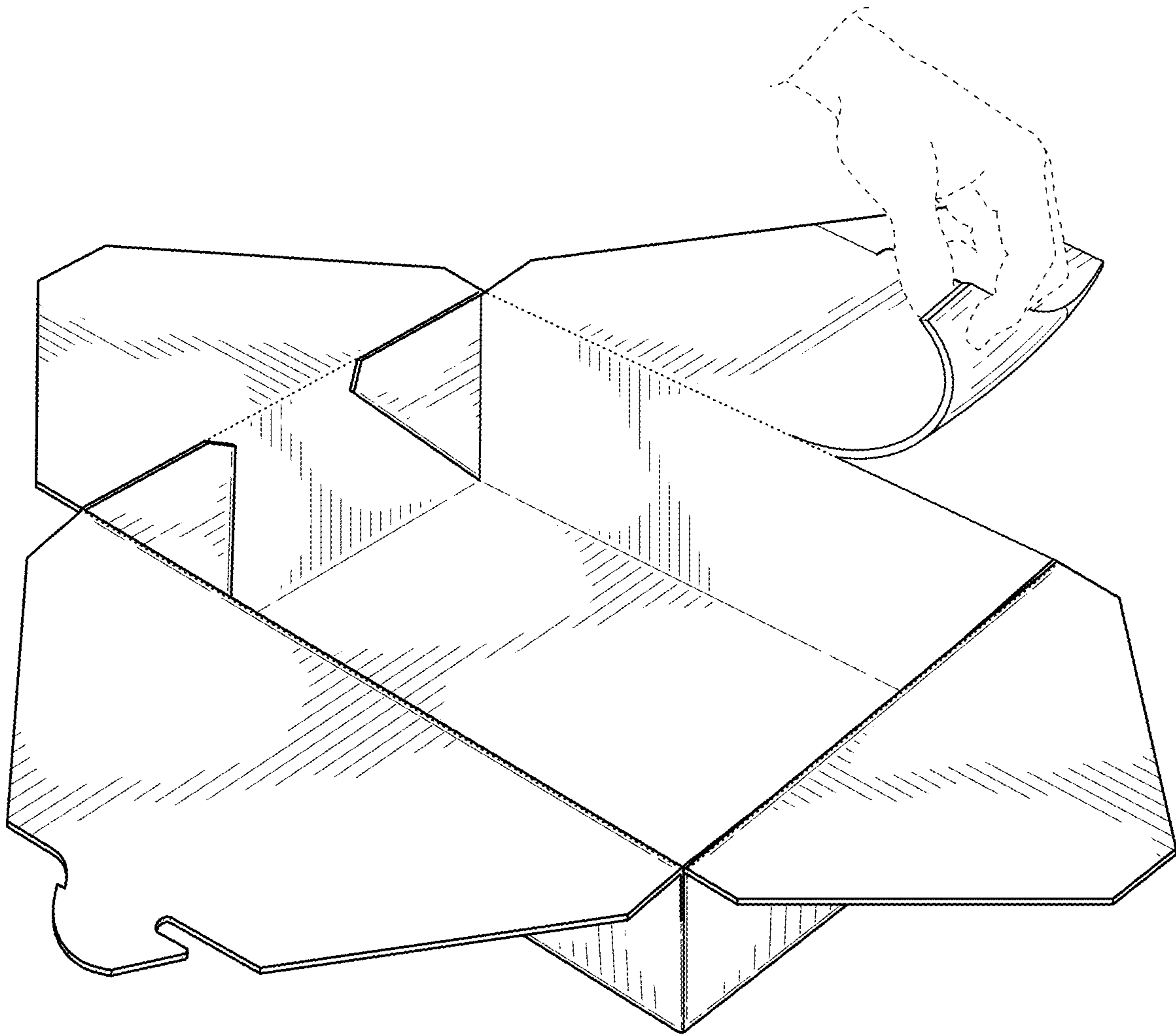


**FIG. 9**



**FIG. 10**





**FIG. 11**