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(12) **United States Design Patent** (10) **Patent No.:** **US D893,293 S**
Fedorak et al. (45) **Date of Patent:** **** Aug. 18, 2020**

(54) **BEVERAGE CAPSULE**

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(73) Assignee: **BARTESIAN INC.**, Kitchener (CA)

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

(21) Appl. No.: **29/661,073**

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(51) **LOC (12) Cl.** **09-03**

(52) **U.S. Cl.**
USPC **D9/428; D7/400**

(58) **Field of Classification Search**
USPC **D7/400, 601, 608; D9/416, 417, 420, D9/425-429, 430, 432, 761; 206/499,**
(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

D339,028 S 9/1993 Bannigan
D428,986 S 8/2000 Dye
(Continued)

FOREIGN PATENT DOCUMENTS

CA 2755426 A1 10/2010
CA 2871082 A1 11/2013
(Continued)

OTHER PUBLICATIONS

WIPO/IB, International Preliminary Report on Patentability (Ch 1), dated Sep. 4, 2018, re PCT International Patent Application No. PCT/IB2017/051205.

(Continued)

Primary Examiner — Janice Patyk

(74) *Attorney, Agent, or Firm* — Perry + Currier

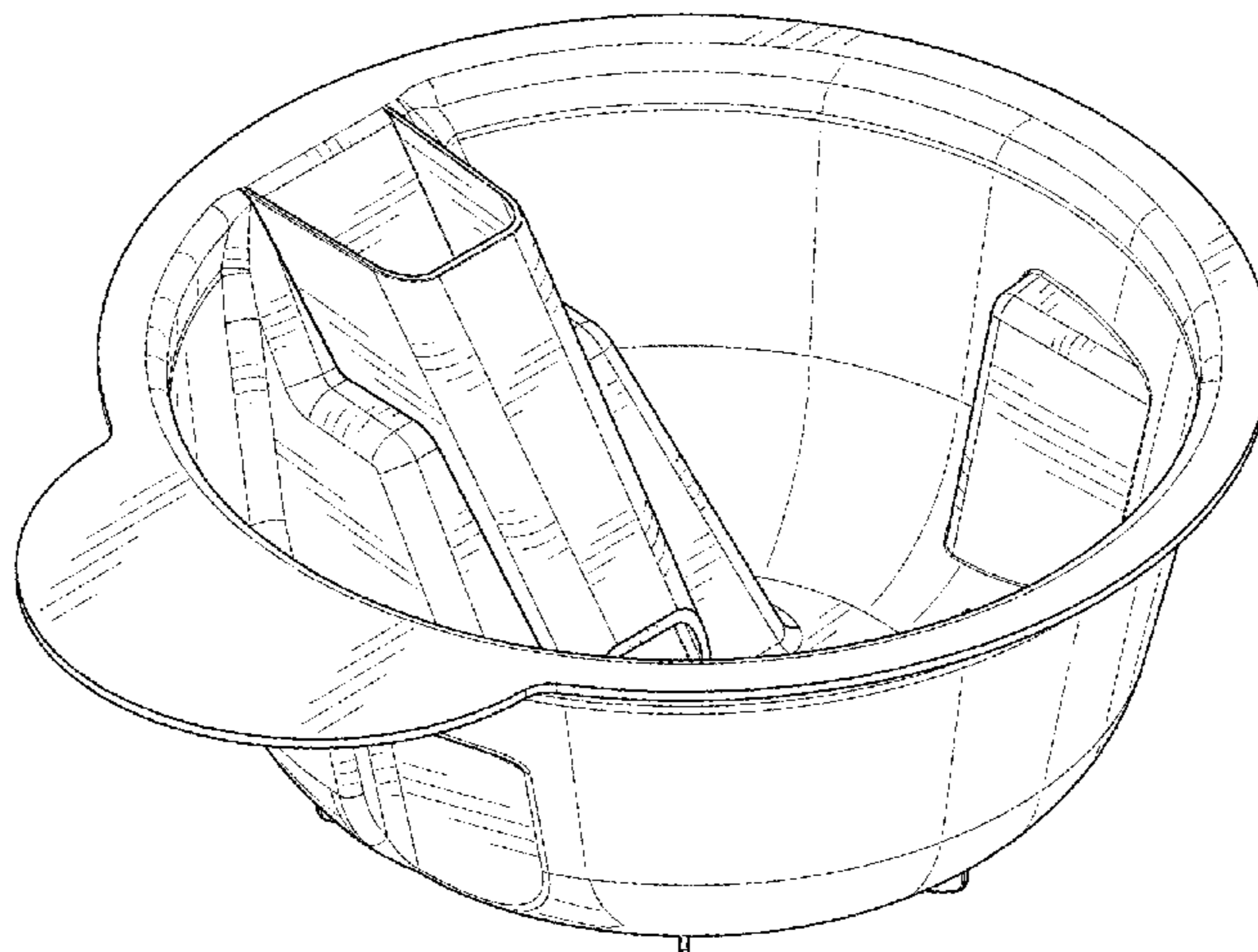
(57) **CLAIM**

The ornamental design for a beverage capsule, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a beverage capsule showing our new design.
FIG. 2 is a bottom perspective view thereof.
FIG. 3 is another top perspective view thereof.
FIG. 4 is a front elevation view thereof.
FIG. 5 is a right side elevation view thereof.
FIG. 6 is a rear elevation view thereof.
FIG. 7 is a left side elevation view thereof.
FIG. 8 is a top plan view thereof.
FIG. 9 is a bottom plan view thereof.
FIG. 10 is a top perspective view thereof, shown with the top lid.
FIG. 11 is a bottom perspective view thereof, shown with the top lid.
FIG. 12 is another top perspective view thereof, shown with the top lid.
FIG. 13 is a front elevation view thereof, shown with the top lid.
FIG. 14 is a right side elevation view thereof, shown with the top lid.
FIG. 15 is a rear elevation view thereof, shown with the top lid.
FIG. 16 is a left side elevation view thereof, shown with the top lid.
FIG. 17 is a top plan view thereof, shown with the top lid; and,
FIG. 18 is a bottom plan view thereof, shown with the top lid.
The dot-dash broken lines immediately adjacent to the claimed areas in FIGS. 10 and 12-17 represent the boundaries of the design and form no part thereof.
None of the broken lines form any part of the claimed design.

1 Claim, 18 Drawing Sheets



(58) **Field of Classification Search**

USPC 206/501, 502, 821; 220/625, 656, 669,
 220/670, 674; 229/123.1, 123.2, 125.33,
 229/125.35, 400-407, 915, 939
 CPC . B65D 1/26; B65D 1/40; B65D 5/243; B65D
 81/3453; B65D 2581/34; B65D
 2581/3404; B65D 2581/3456

See application file for complete search history.

| | | | |
|-----------------|---------|------------------|--------|
| D742,679 S | 11/2015 | Bartoli et al. | |
| D748,977 S * | 2/2016 | Doria | D9/428 |
| D753,480 S * | 4/2016 | Paton | D9/416 |
| D760,530 S | 7/2016 | Bartoli et al. | |
| D761,051 S | 7/2016 | Bartoli et al. | |
| 9,428,328 B2 | 8/2016 | Trombetta et al. | |
| 9,469,471 B2 | 10/2016 | Dran et al. | |
| D771,993 S | 11/2016 | Cai et al. | |
| D800,487 S | 10/2017 | Chawla et al. | |
| D800,497 S | 10/2017 | Fedorak et al. | |
| D830,756 S | 10/2018 | Cahen | |
| 2010/0288132 A1 | 11/2010 | Gavillet et al. | |
| 2012/0052159 A1 | 3/2012 | Doleac et al. | |
| 2014/0026761 A1 | 1/2014 | Bartoli et al. | |
| 2015/0056331 A1 | 2/2015 | Rivera | |
| 2015/0166258 A1 | 6/2015 | Gruder | |
| 2015/0307266 A1 | 10/2015 | Zanetti | |
| 2016/0255990 A1 | 9/2016 | Bartoli et al. | |

(56) **References Cited**

U.S. PATENT DOCUMENTS

| | | | |
|--------------|---------|-----------------|---------|
| D513,152 S * | 12/2005 | Cahen | D7/399 |
| D520,185 S * | 5/2006 | Zeng | D24/101 |
| D552,402 S | 10/2007 | Schwamkrug | |
| D560,950 S | 2/2008 | Schwamkrug | |
| D596,442 S | 7/2009 | Cahen | |
| 7,565,860 B1 | 7/2009 | Liu | |
| D600,967 S | 9/2009 | Cahen | |
| D602,303 S | 10/2009 | Cahen | |
| D624,785 S * | 10/2010 | Rousselin | D7/398 |
| D637,484 S * | 5/2011 | Winkler | D9/417 |
| D662,644 S | 6/2012 | Wauters | |
| D670,539 S * | 11/2012 | Starr | D7/399 |
| D690,150 S | 9/2013 | Cahen | |
| D696,888 S | 1/2014 | Cahen | |
| D718,972 S | 12/2014 | Jorgensen | |
| D724,369 S | 3/2015 | Cahen | |
| D726,478 S | 4/2015 | Cahen | |
| D726,482 S | 4/2015 | Cahen | |
| D728,481 S | 5/2015 | Schulte | |
| D728,987 S | 5/2015 | Cahen | |
| D728,988 S | 5/2015 | Warburton | |
| D731,223 S | 6/2015 | Hatherell | |
| D732,386 S * | 6/2015 | Paton | D9/428 |

FOREIGN PATENT DOCUMENTS

| | | |
|----|------------|---------|
| CA | 2895646 A1 | 7/2014 |
| CA | 2894436 A1 | 12/2015 |

OTHER PUBLICATIONS

USPTO, Notice of Allowance and Fee(s) Due, dated Nov. 2, 2018, re Design U.S. Appl. No. 29/617,245.
 International Search Report dated Jun. 15, 2017 for PCT International Application No. PCT/IB2017/051205.
 Written Opinion of the International Searching Authority dated Jun. 15, 2017 for PCT International Application No. PCT/162017/051205.

* cited by examiner

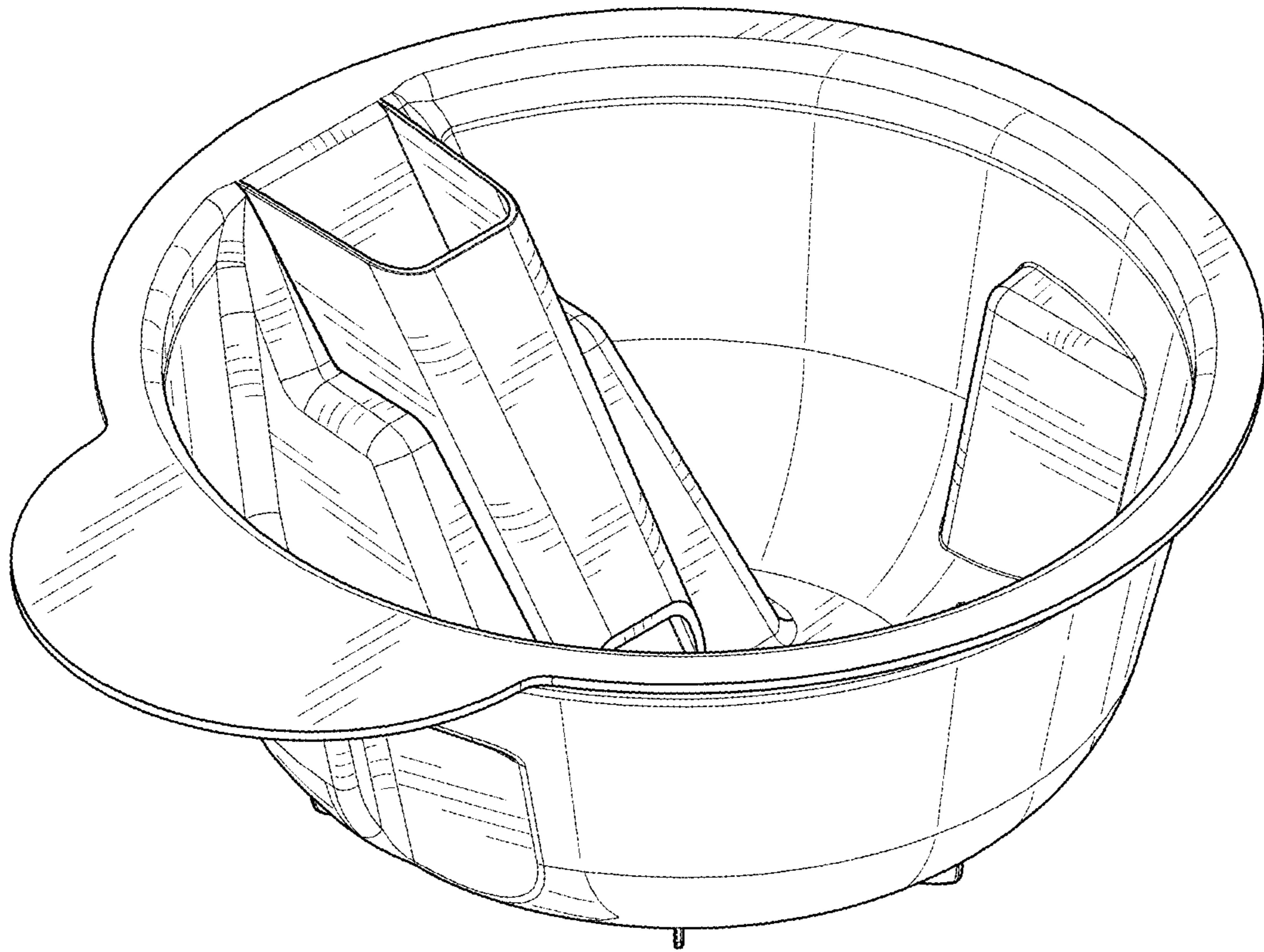


FIG. 1

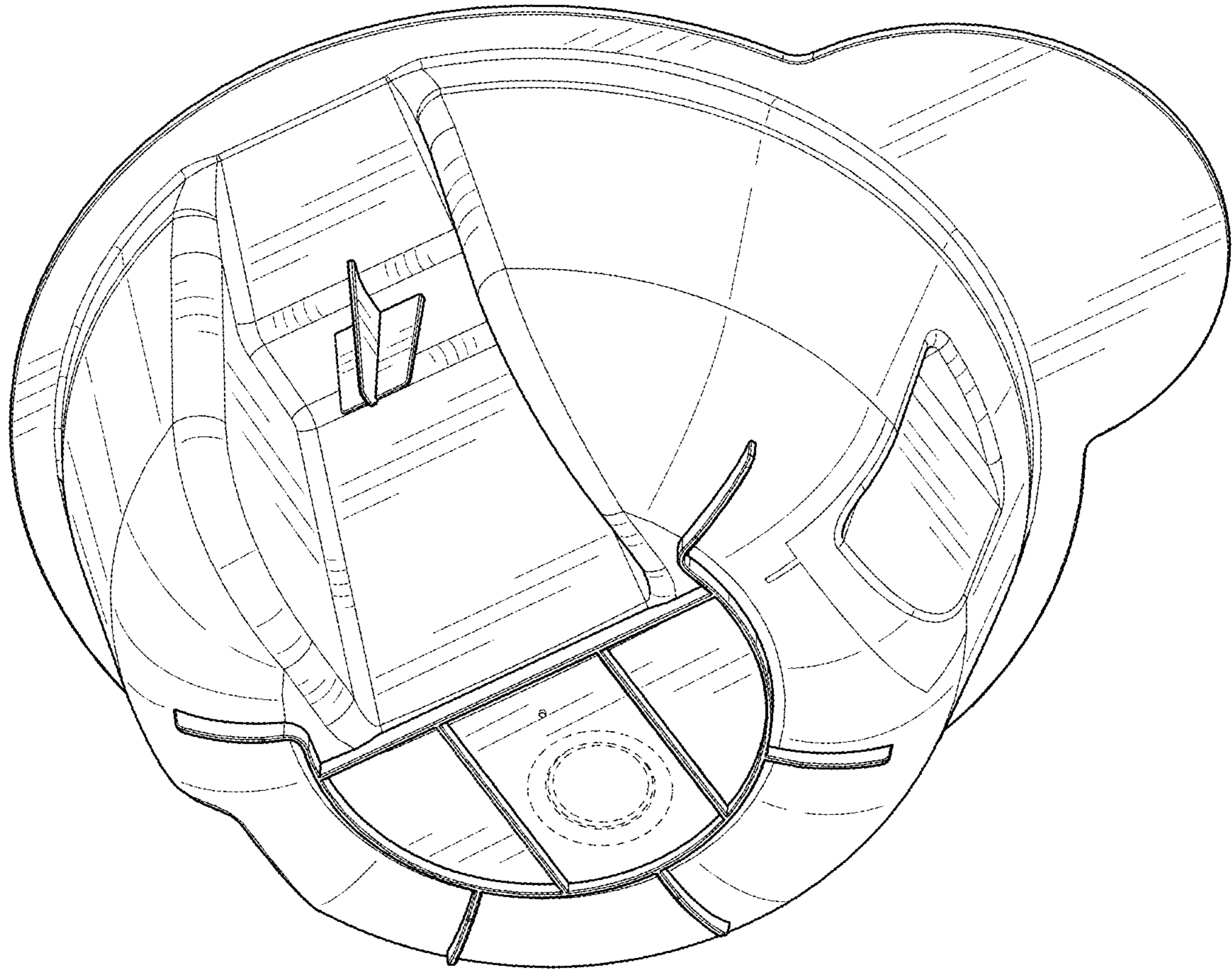


FIG. 2

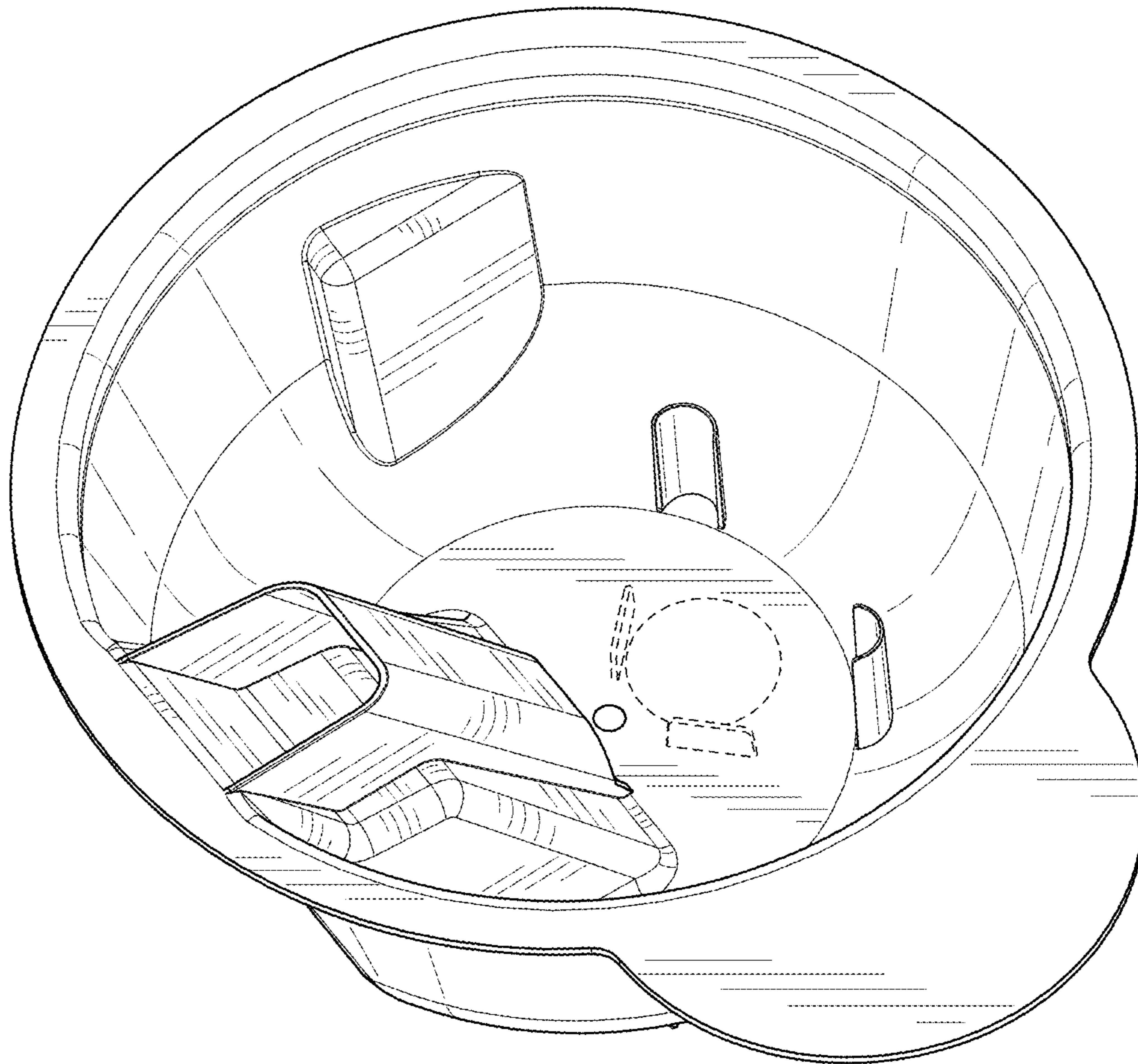


FIG. 3

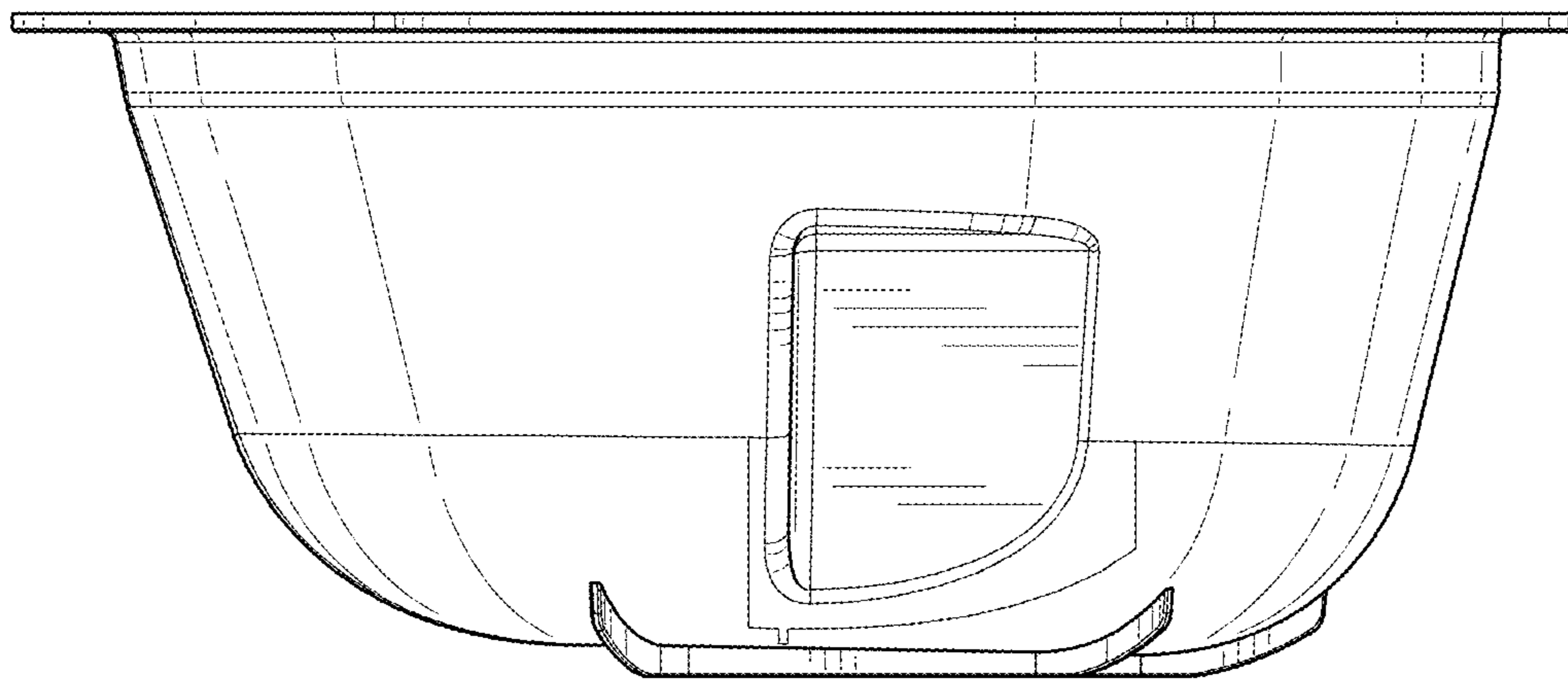


FIG. 4

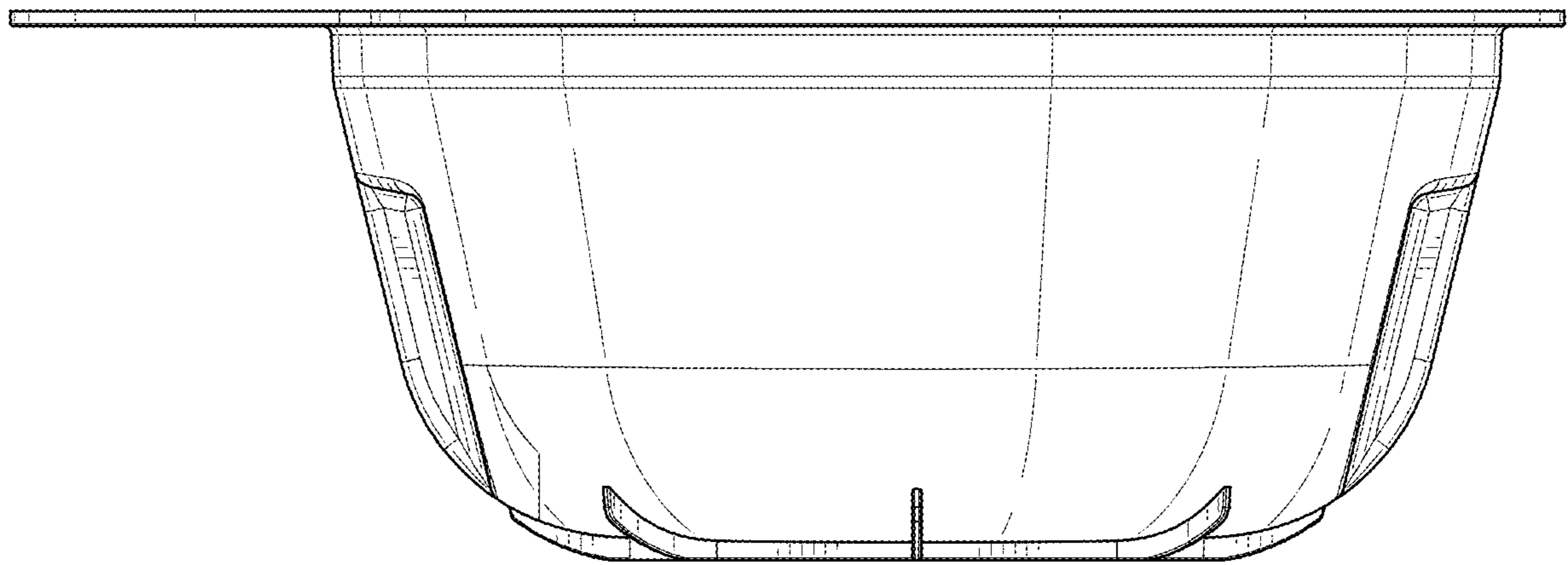


FIG. 5

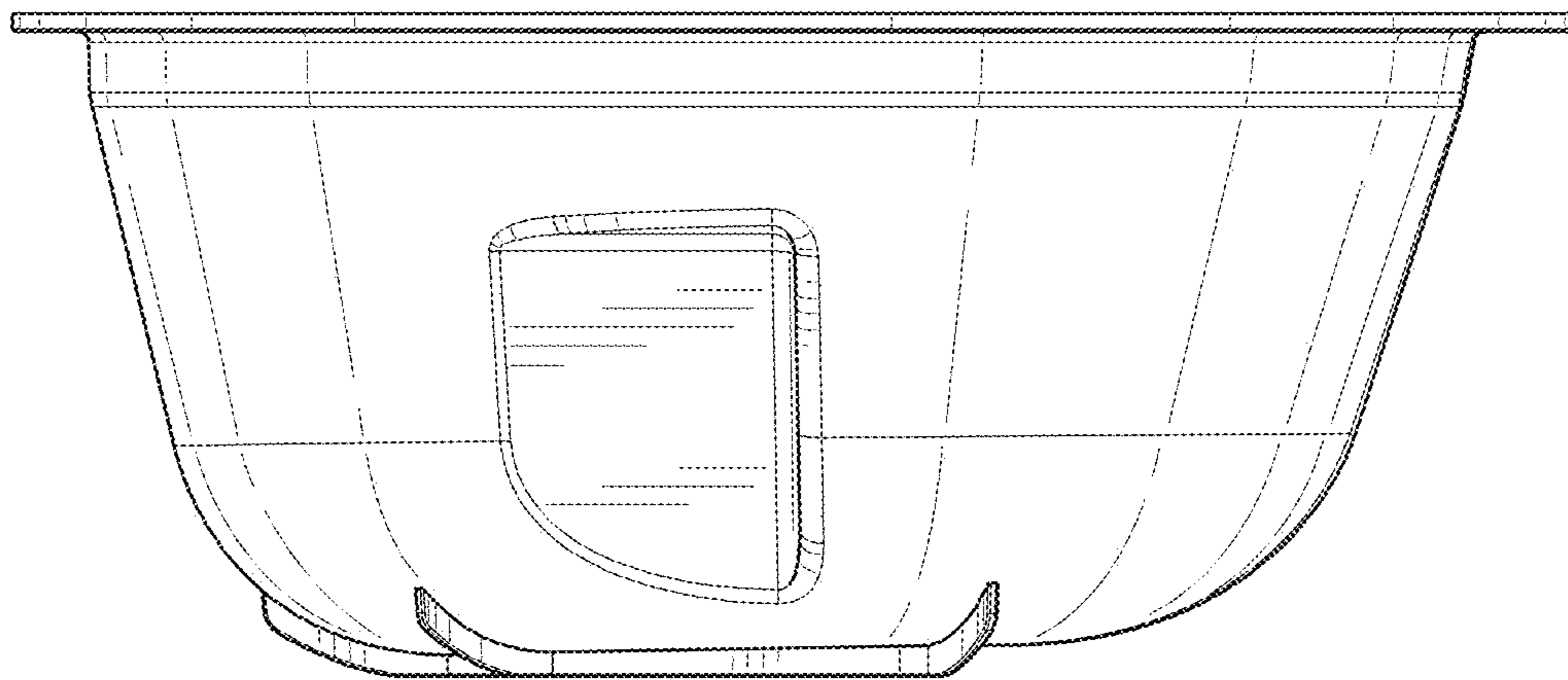


FIG. 6

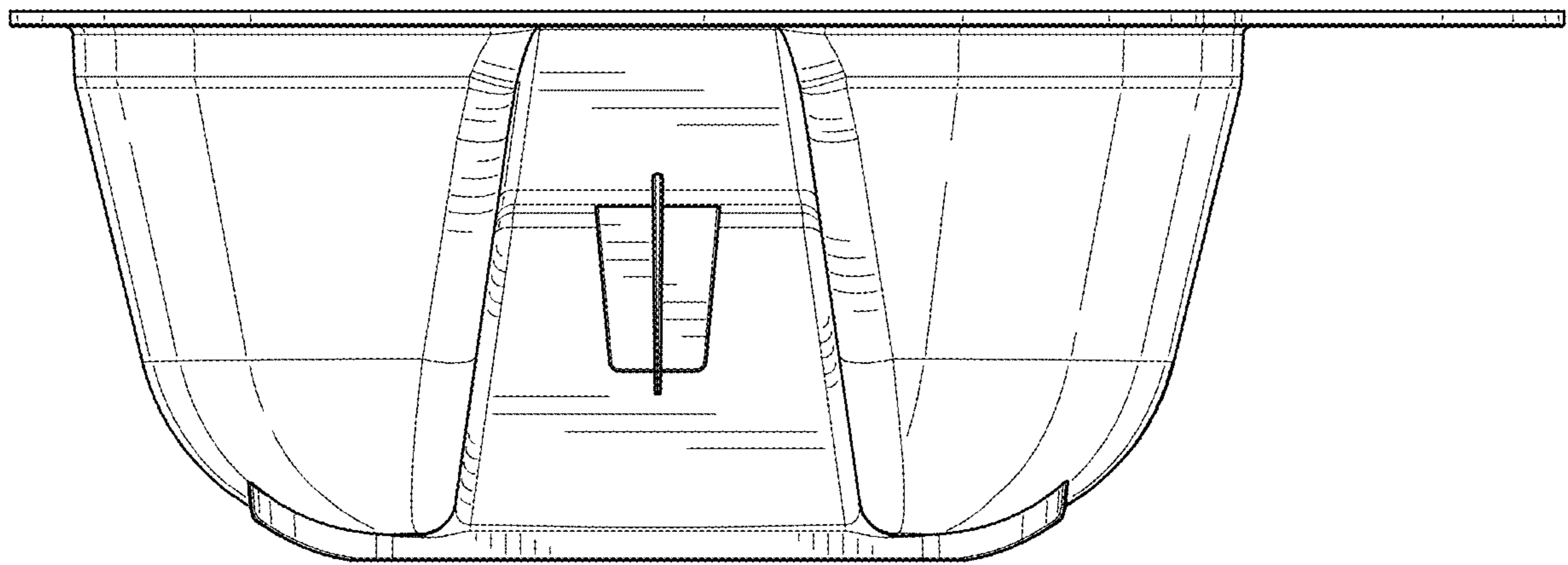


FIG. 7

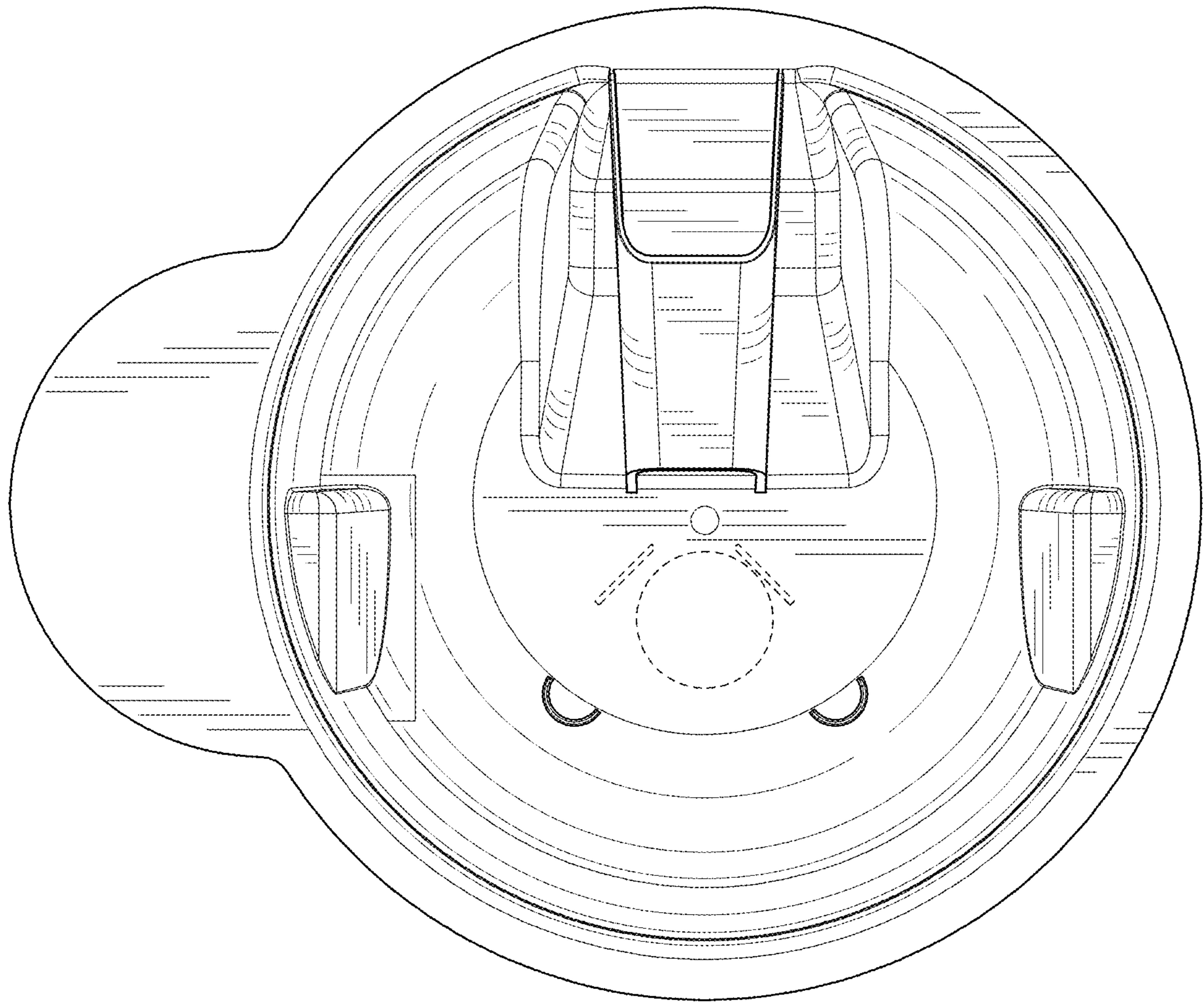


FIG. 8

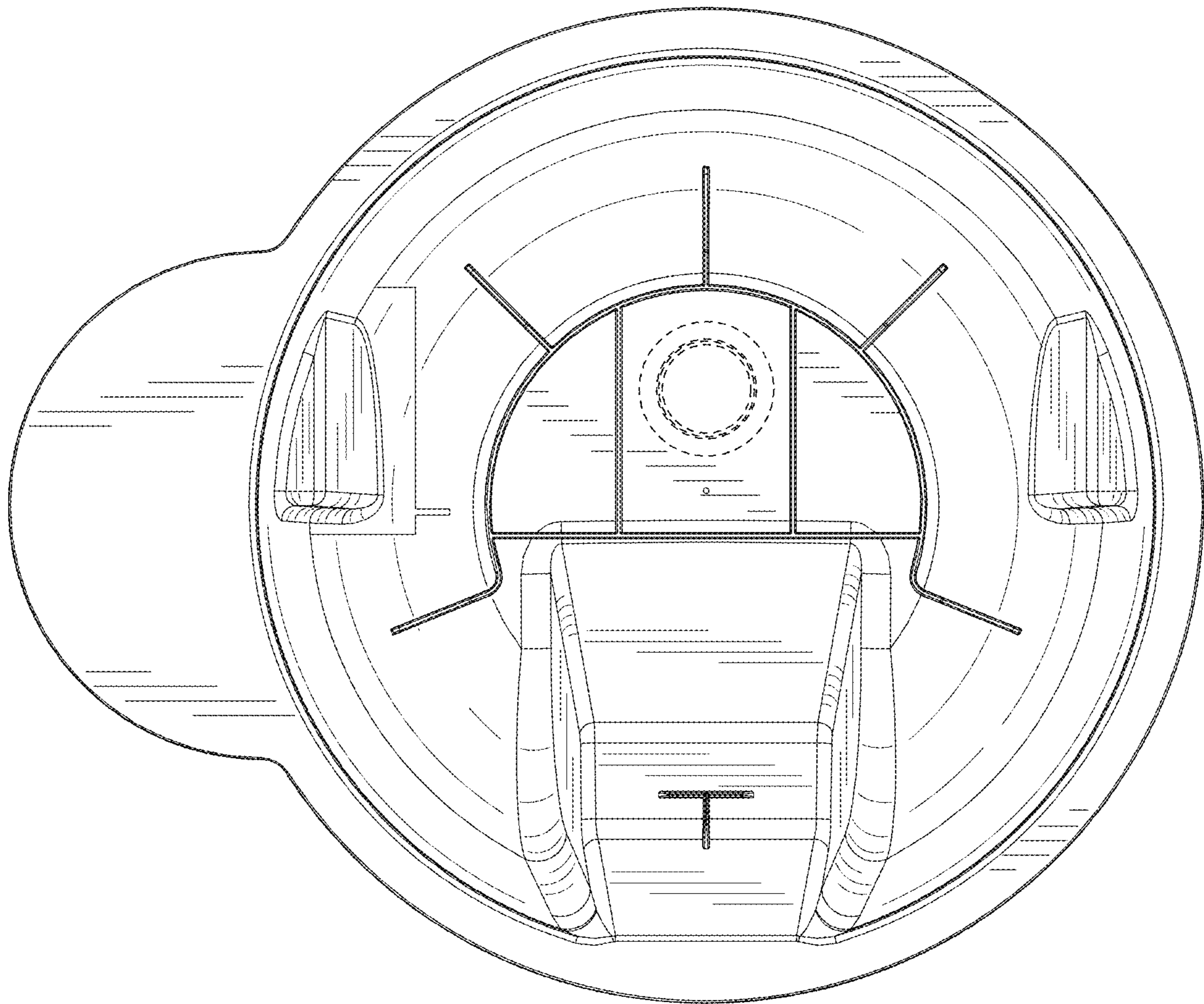


FIG. 9

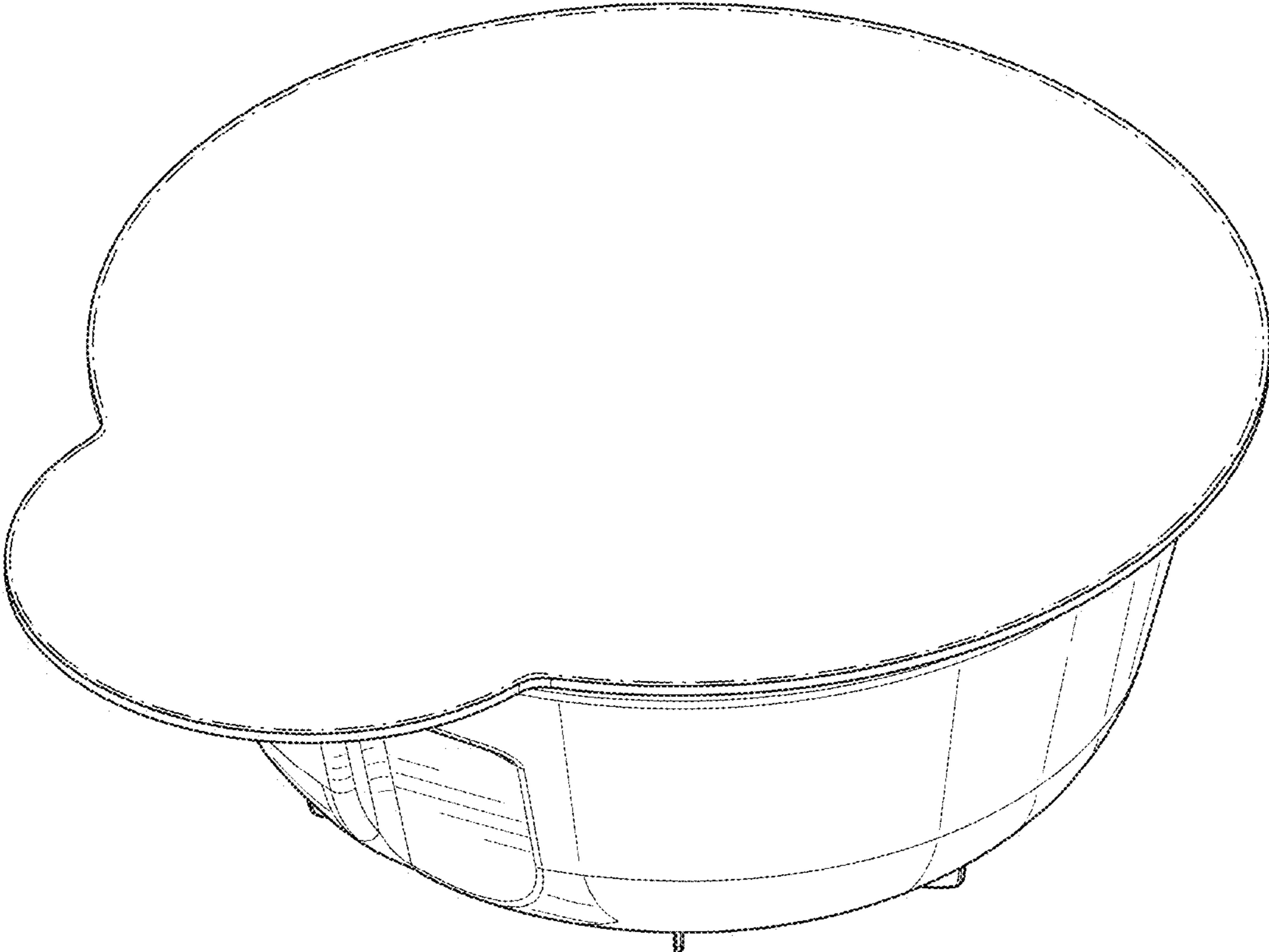


FIG. 10

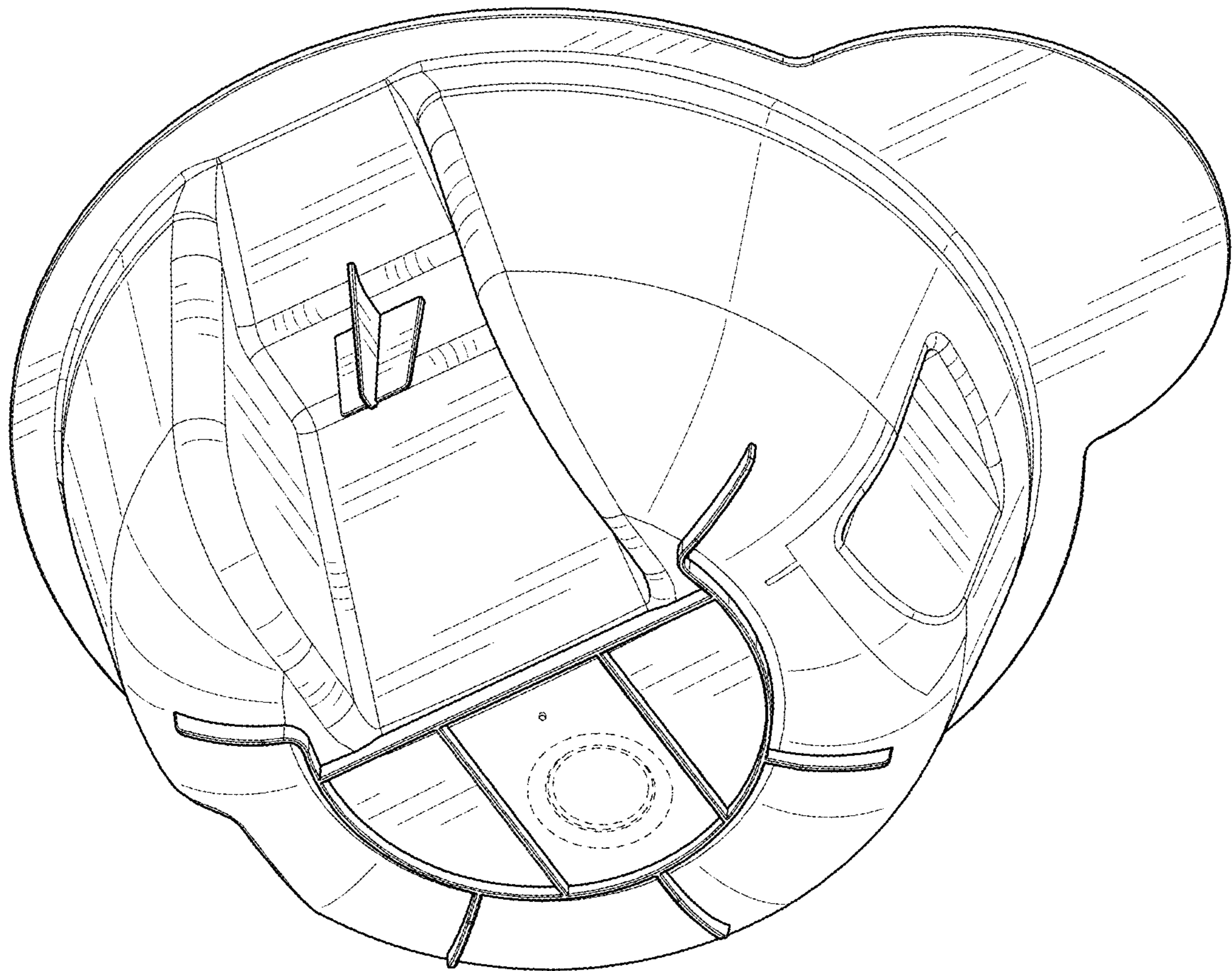


FIG. 11

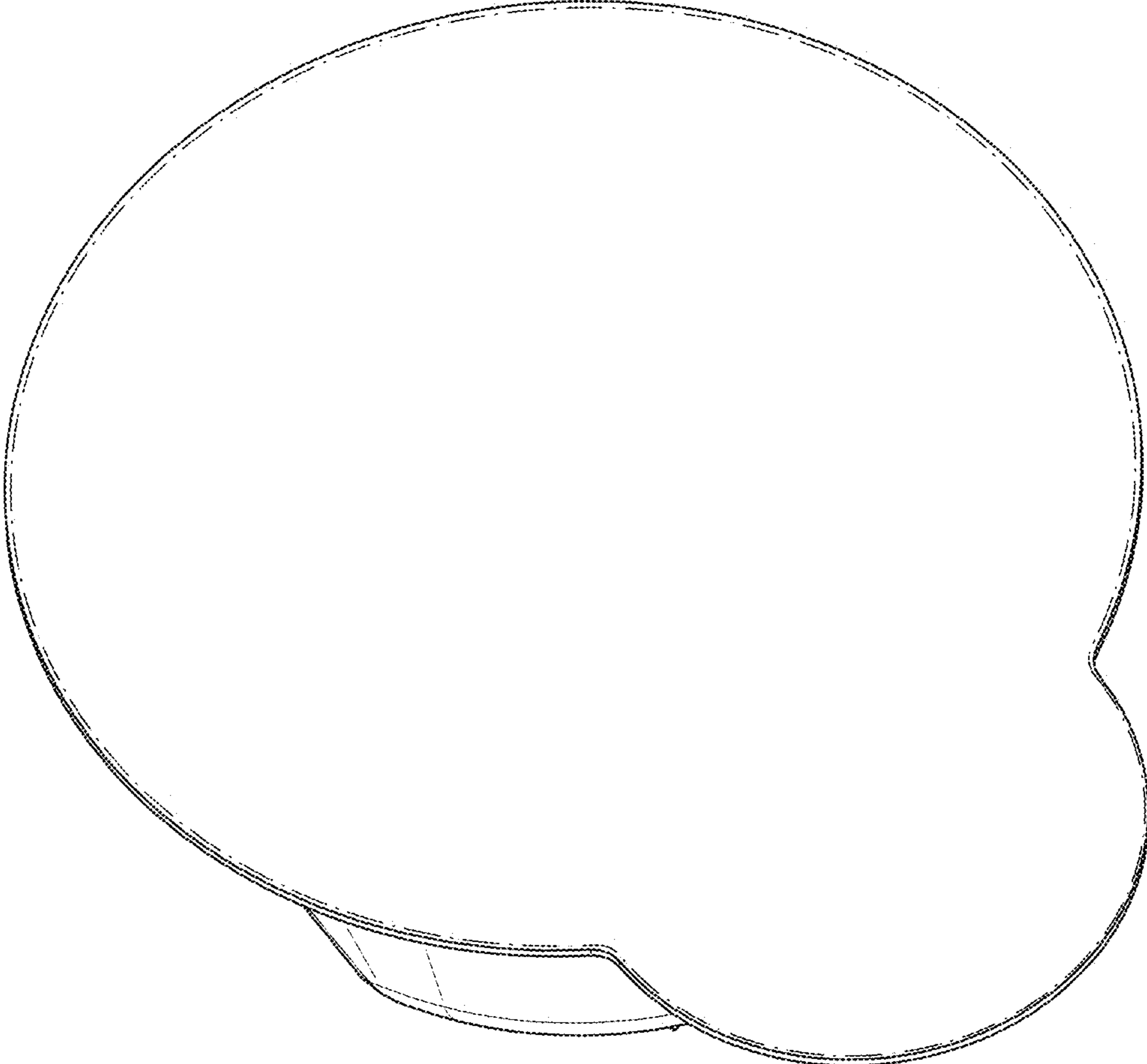


FIG. 12

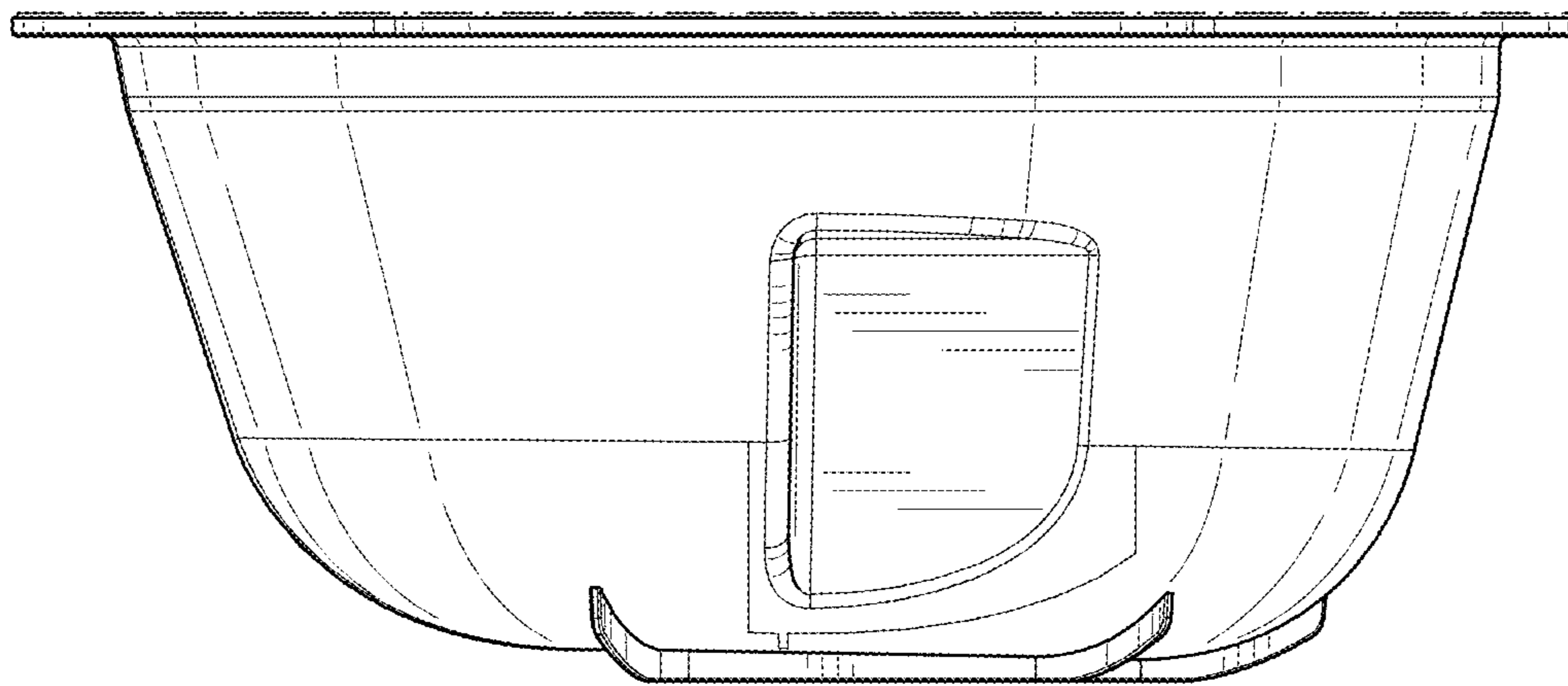


FIG. 13

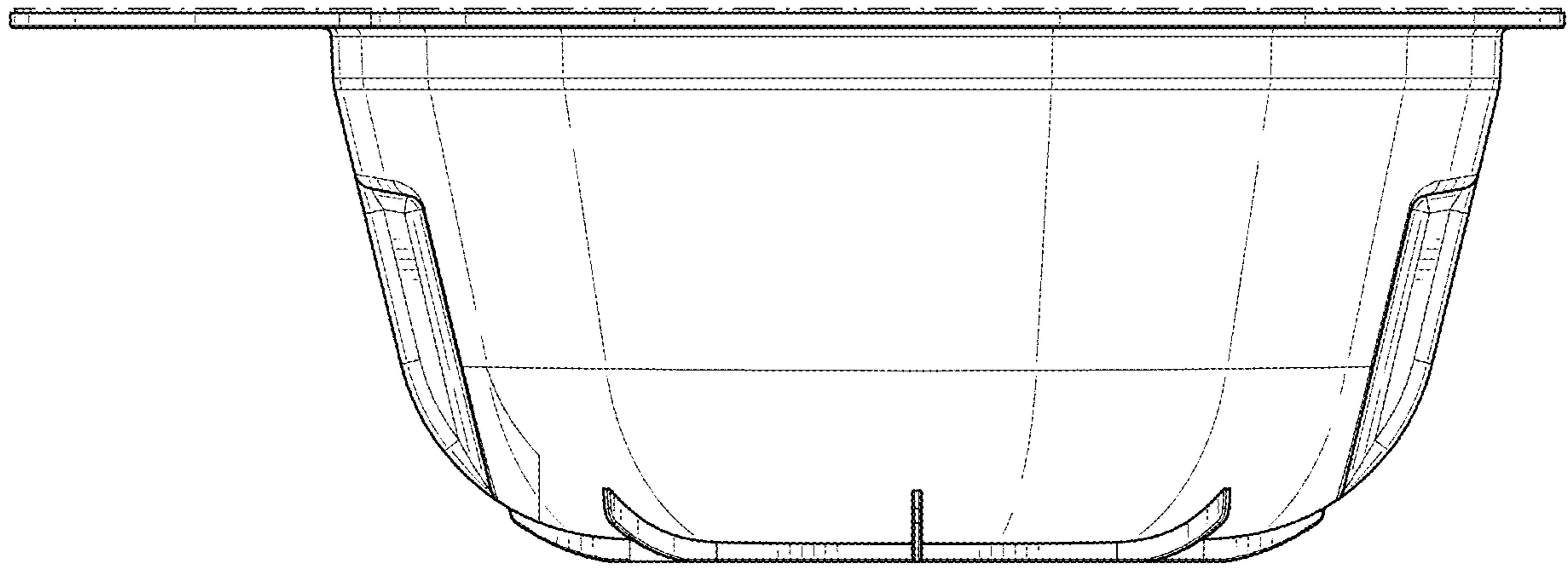


FIG. 14

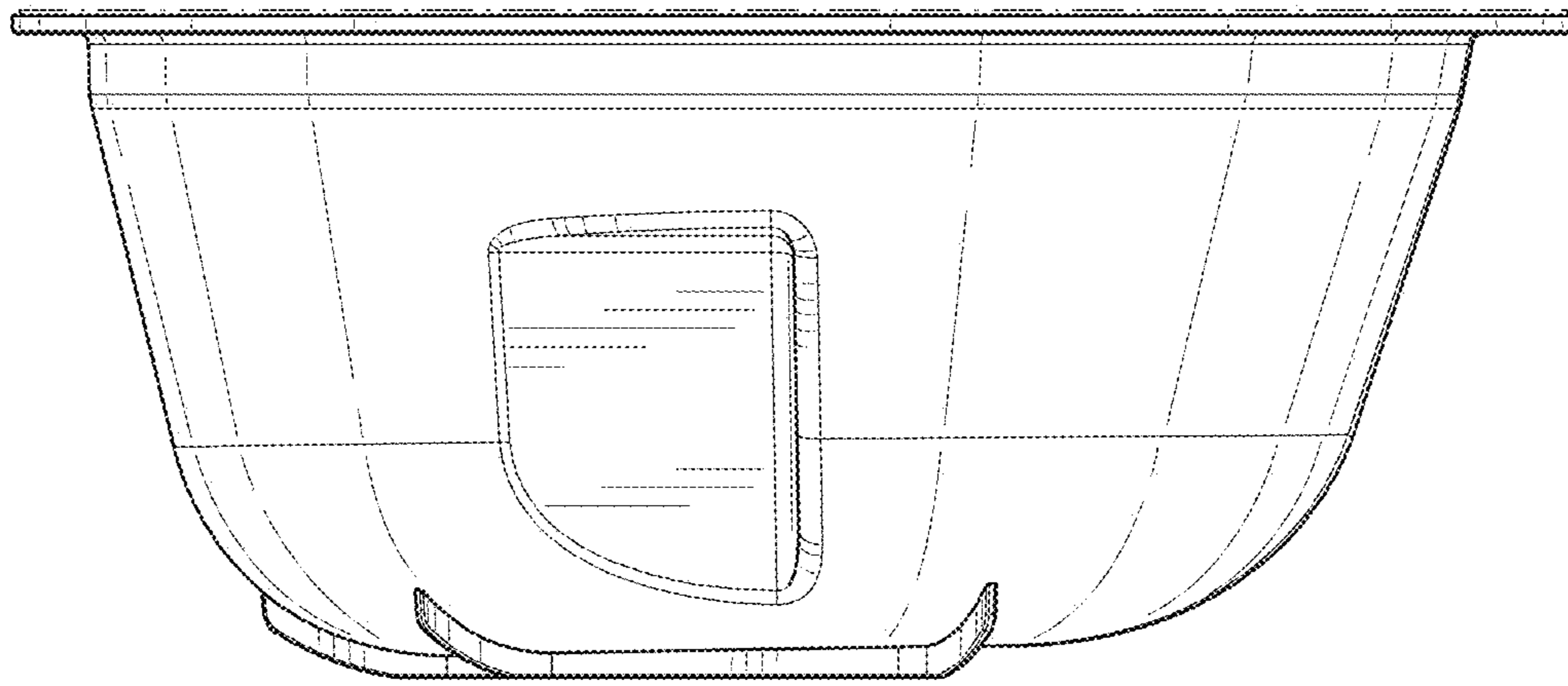


FIG. 15

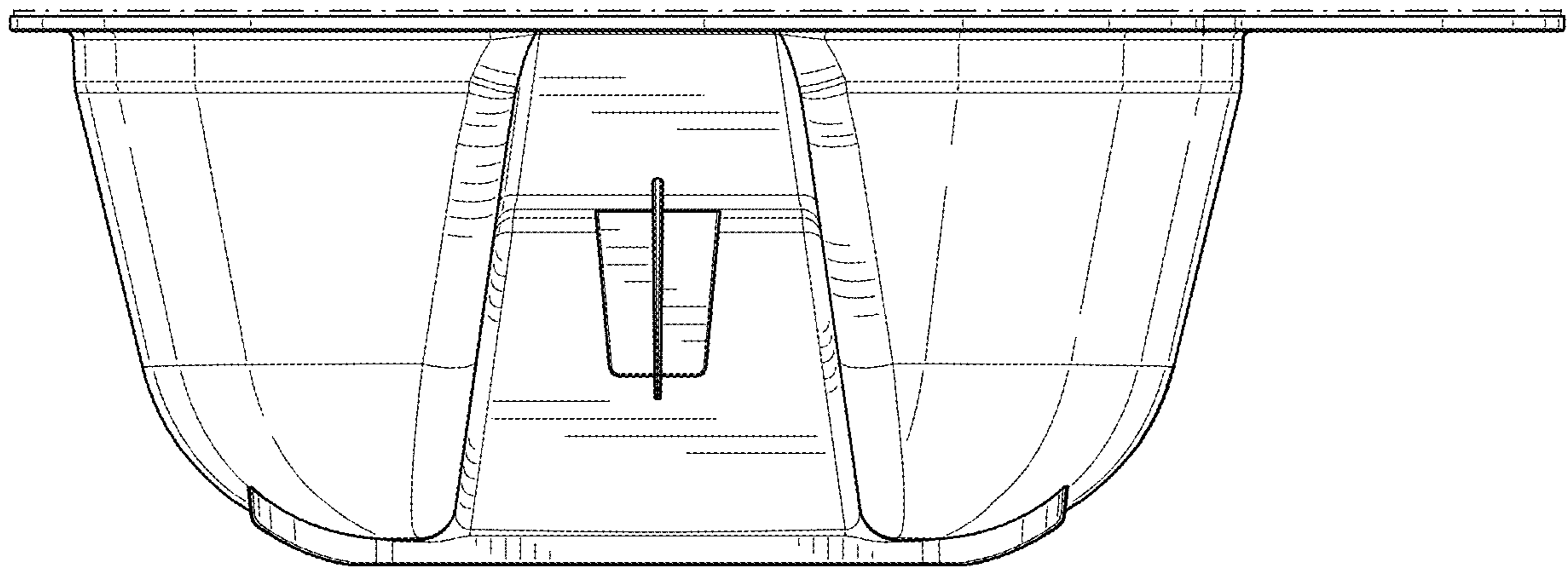


FIG. 16

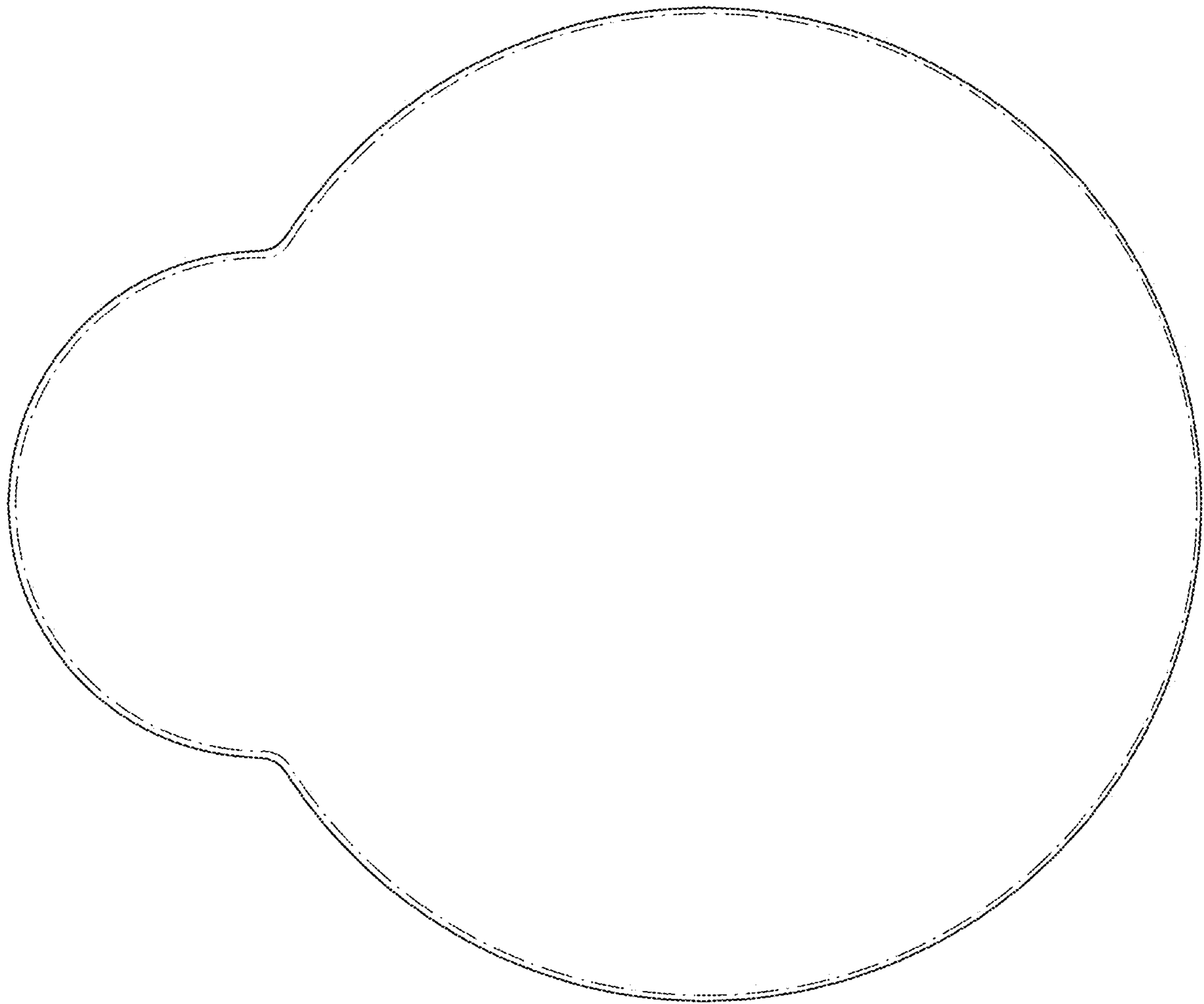


FIG. 17

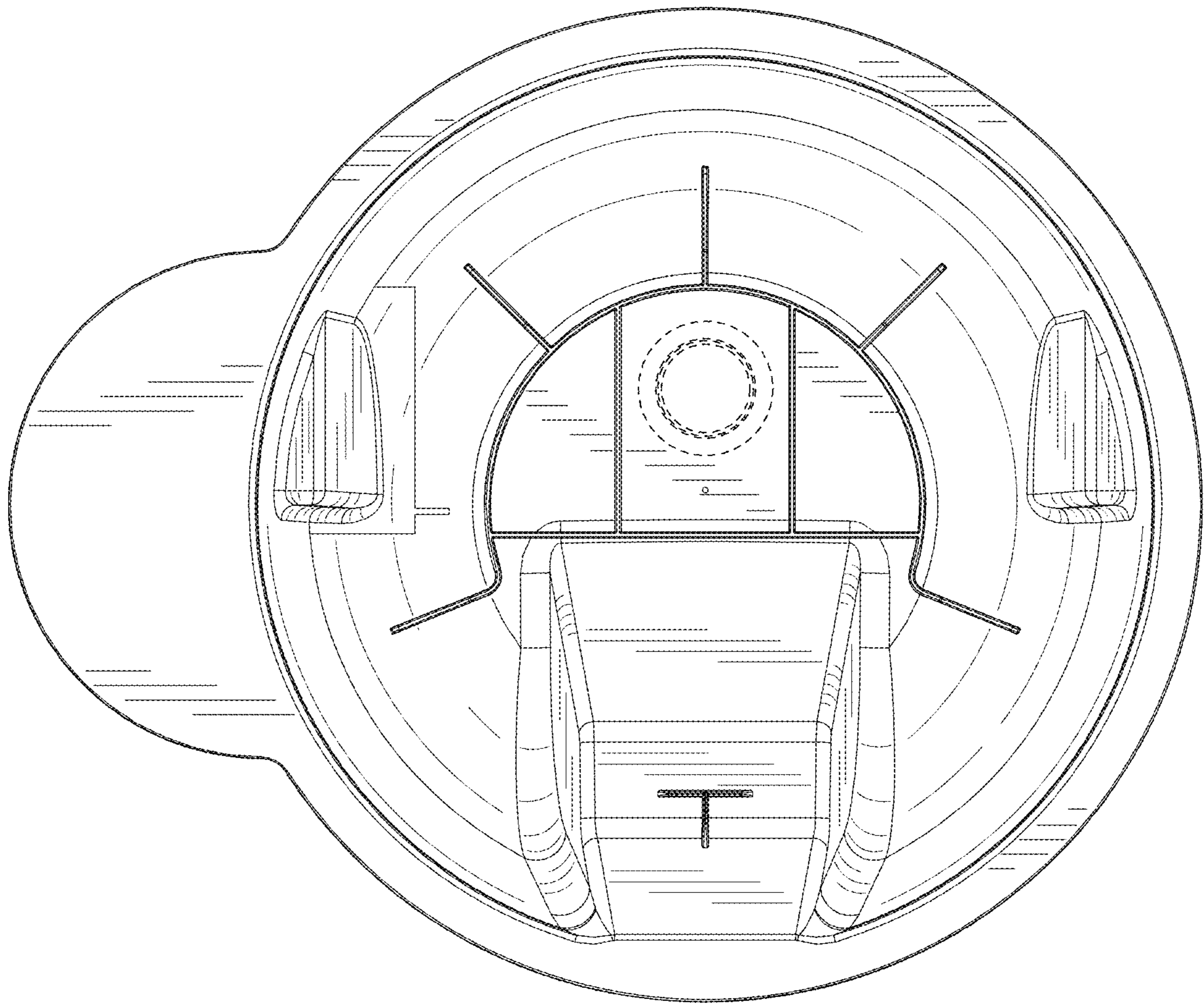


FIG. 18