

US00D965804S

(12) **United States Design Patent** (10) **Patent No.:** **US D965,804 S**
Baltazar (45) **Date of Patent:** **** Oct. 4, 2022**

(54) **THERMAL PACK**

(56)

References Cited

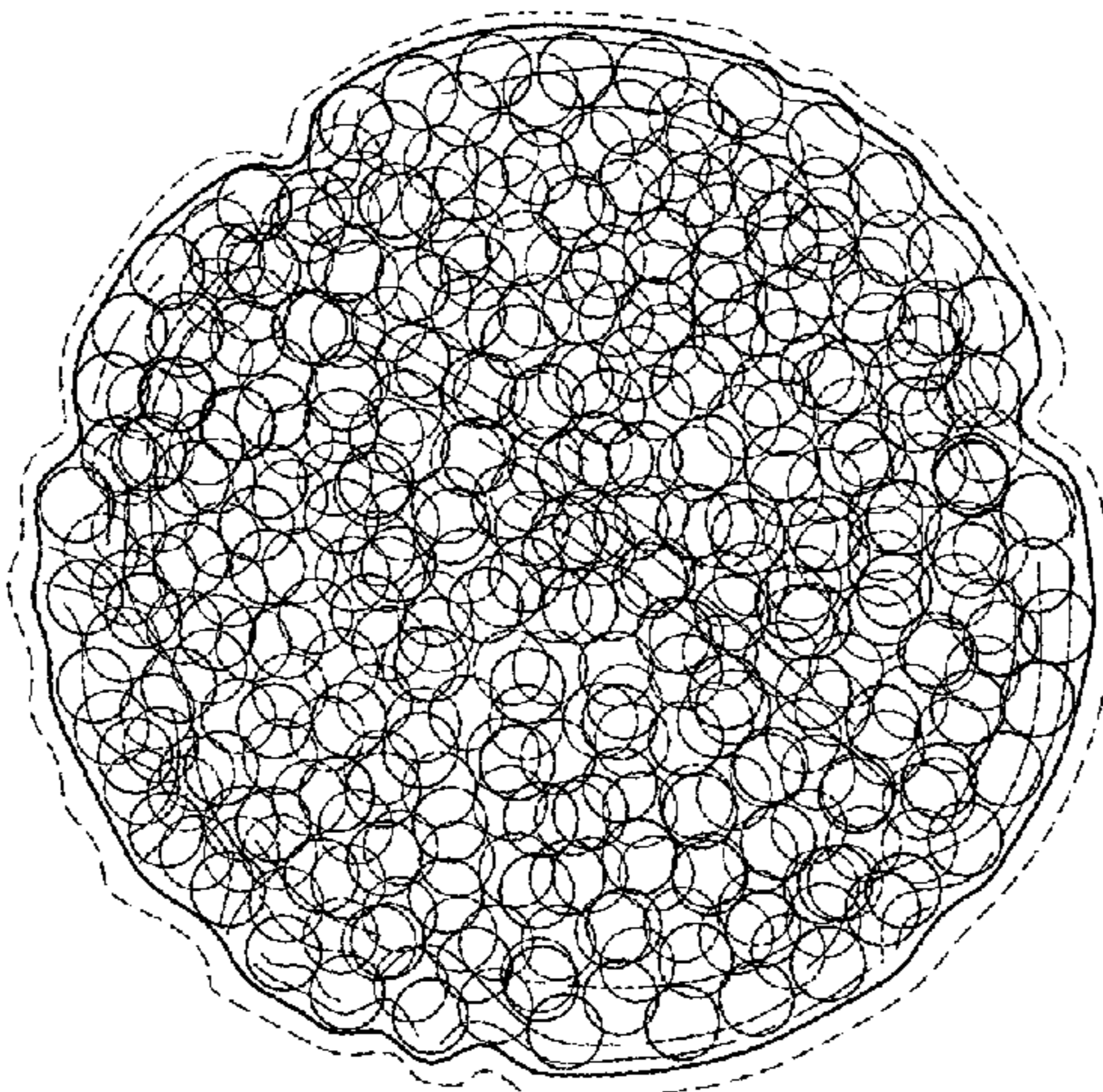
- (71) Applicant: **Biofreeze IP Holdings, LLC**, Akron, OH (US)
- (72) Inventor: **Carol Baltazar**, Glenwood, MD (US)
- (73) Assignee: **TheraPearl, LLC**, Columbia, MD (US)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/745,543**
- (22) Filed: **Aug. 6, 2020**

U.S. PATENT DOCUMENTS

264,814 A	9/1882	Wood	
D45,122 S	1/1914	Meinecke	
1,690,405 A	11/1928	Du Rocher	
1,924,315 A	8/1933	Hemphill et al.	
2,038,275 A	4/1936	Fogg	
D111,793 S	10/1938	Myers	
D164,087 S	7/1951	Atkin	
2,932,052 A	4/1960	Morse	
2,955,331 A	10/1960	Nelson	
3,164,151 A *	1/1965	Nicoll	A61F 5/055 602/18
D204,884 S	5/1966	Waddington	
3,301,254 A	1/1967	Erich	
3,382,511 A	5/1968	Brooks	
3,545,230 A	12/1970	Morse	
3,561,435 A *	2/1971	Nicholson	A61F 5/05816 602/14
D223,701 S	5/1972	Lausch	
3,736,769 A	6/1973	Petersen	
3,768,485 A	10/1973	Linick	
3,804,077 A	4/1974	Williams	
D232,995 S	10/1974	Molzen	
3,885,403 A	5/1975	Spencer	
D242,958 S	1/1977	Manshot et al.	
D243,121 S	1/1977	Ralston, Jr. et al.	
D243,715 S	3/1977	Trimnell	
D245,119 S	7/1977	Harris	
4,122,847 A	10/1978	Craig	
D251,258 S	3/1979	Power	
D251,576 S	4/1979	Geenen-Megens	
D258,532 S	3/1981	Wagner	
4,316,287 A	2/1982	Rule	
D265,704 S	8/1982	Yamamoto et al.	
4,462,224 A	7/1984	Dunshee et al.	
4,470,417 A	9/1984	Gruber	
D278,363 S	4/1985	Schenkel et al.	
4,530,220 A	7/1985	Nambu et al.	
4,559,047 A	12/1985	Kapralis et al.	
4,580,547 A *	4/1986	Kapralis	A61F 7/03 126/263.03
4,585,797 A	4/1986	Cioca	
4,614,189 A	9/1986	MacKenzie	
4,645,498 A	2/1987	Kosak	
4,668,564 A	5/1987	Orchard	
D293,004 S	12/1987	Emms	
D293,829 S	1/1988	Johnston	
4,727,869 A	3/1988	Leonardi	
D296,838 S	7/1988	Diaz	
D296,930 S	7/1988	Carabelli	

Related U.S. Application Data

- (60) Continuation-in-part of application No. 29/740,215, filed on Jul. 1, 2020, now Pat. No. Des. 950,745, which is a continuation-in-part of application No. 29/644,302, filed on Apr. 16, 2018, now Pat. No. Des. 904,632, which is a continuation-in-part of application No. 29/558,755, filed on Mar. 21, 2016, now abandoned, which is a continuation of application No. 29/498,785, filed on Aug. 7, 2014, now Pat. No. Des. 787,081, which is a continuation-in-part of application No. 29/429,154, filed on Aug. 7, 2012, now abandoned, which is a division of application No. 12/794,576, filed on Jun. 4, 2010, now abandoned.
- (51) **LOC (13) Cl.** **24-02**
- (52) **U.S. Cl.**
USPC **D24/206**
- (58) **Field of Classification Search**
USPC D24/206-208, 189-192, 118; 602/1-7, 602/17-27, 61-66, 74, 30; 128/112.1, 128/117.1, 95.1, 96.1, 97.1, 100.1, 101.1, 128/876; 606/204, 27; 607/96, 108, 109, 607/111, 112; D29/121.2, 122, 101.2, D29/101.5, 120.1, 121.1, 108; D3/327; D9/707; 601/15, DIG. 1; 126/204
CPC .. A47G 9/1036; A61F 7/10; A61F 2007/0002
See application file for complete search history.



US D965,804 S

Page 2

D300,645 S	4/1989	Bowden	6,080,121 A	6/2000	Madow et al.
D301,280 S	5/1989	Craig et al.	6,083,254 A	7/2000	Evans
D302,213 S	7/1989	Motazed	D429,818 S	8/2000	Lamping et al.
4,917,112 A	4/1990	Kalt	6,099,555 A	8/2000	Sabin
D308,787 S	6/1990	Youngblood	D431,269 S	9/2000	Soderstrom
D312,558 S	12/1990	Ilsen et al.	D433,757 S	11/2000	Jordan
D318,075 S	7/1991	Capper et al.	D434,506 S	11/2000	Jordan
5,050,595 A	9/1991	Krafft	6,146,413 A	11/2000	Harman
D320,457 S	10/1991	Dickinson	6,152,892 A	11/2000	Masini
D324,915 S	3/1992	Wastchak	D436,019 S	1/2001	Thomas
D325,089 S	3/1992	Shaw	D436,179 S	1/2001	Small
D326,222 S	5/1992	McAtarian	D436,525 S	1/2001	Lin
D327,329 S	6/1992	Hubbard et al.	D438,307 S	2/2001	Scheppke
D327,330 S	6/1992	Noble	D442,078 S	5/2001	Fuquen
5,129,391 A	7/1992	Brodsky et al.	D442,278 S	5/2001	Rury
D328,792 S	8/1992	Salmon et al.	D442,285 S	5/2001	Perry
D329,497 S	9/1992	Pryor	6,226,820 B1	5/2001	Navarro
D330,427 S	10/1992	Meijer	6,241,711 B1	6/2001	Weissberg et al.
5,163,425 A	11/1992	Nambu et al.	D446,927 S	8/2001	Rothschild
D332,310 S	1/1993	Ahlen	D448,850 S	10/2001	Fabricant
5,179,944 A	1/1993	McSymytz	6,320,094 B1	11/2001	Arnold et al.
5,190,033 A	3/1993	Johnson	D453,223 S	1/2002	Sherman
D336,339 S	6/1993	Pryor	6,336,220 B1	1/2002	Sacks et al.
5,219,625 A	6/1993	Matsunami et al.	D453,541 S	2/2002	Steele et al.
D341,022 S	11/1993	Zona	6,361,553 B1	3/2002	Bowen
D341,284 S	11/1993	Martin	D459,986 S	7/2002	Yourist
5,274,865 A	1/1994	Takehashi	D460,914 S	7/2002	Yourist
D343,903 S	2/1994	Perteet	6,420,623 B2	7/2002	Augustine et al.
5,300,103 A	4/1994	Stempel et al.	D461,903 S	8/2002	Garcia
5,300,105 A	4/1994	Owens	D466,610 S	12/2002	Ashton et al.
5,304,215 A	4/1994	MacWhinnie et al.	6,524,331 B1	2/2003	Kohout et al.
5,314,005 A	5/1994	Dobry	D473,940 S	4/2003	Hantke et al.
D348,174 S	6/1994	Genis	D473,947 S	4/2003	Jacobson
D349,018 S	7/1994	Kaiser	D476,080 S	6/2003	Hantke et al.
D351,472 S	10/1994	Mason et al.	D477,086 S	7/2003	Tsuruda et al.
D352,633 S	11/1994	Berggren	6,610,084 B1	8/2003	Torres
D353,892 S	12/1994	Shaw et al.	6,648,909 B2	11/2003	Helming
5,375,278 A	12/1994	VanWinkle et al.	D484,240 S	12/2003	Lyons et al.
D354,138 S	1/1995	Kelly	D484,985 S	1/2004	Takizawa et al.
D355,457 S	2/1995	Miller	D486,603 S	2/2004	Larkin et al.
D356,329 S	3/1995	Frilot	6,755,852 B2	6/2004	Lachenbruch et al.
D357,747 S	4/1995	Kelly	D505,041 S	5/2005	Lesosky
5,409,500 A	4/1995	Dyrek	D507,056 S	7/2005	Friedland
D360,920 S	8/1995	Lessard	6,916,334 B2	7/2005	Noonan
D363,670 S	10/1995	Sullivan	D512,511 S	12/2005	Friedland
D369,218 S	4/1996	Vandenbelt	6,972,029 B2	12/2005	Mayrhofer et al.
5,545,197 A	8/1996	Bowen	7,022,130 B2	4/2006	Gammons et al.
5,628,772 A	5/1997	Russell	D525,533 S	7/2006	Edwards
D383,213 S	9/1997	Ingram	D527,108 S	8/2006	Krahner
D383,546 S	9/1997	Amis et al.	D531,790 S	11/2006	Wurzberg
D383,547 S	9/1997	Mason et al.	D532,523 S	11/2006	Krahner et al.
D383,848 S	9/1997	Mason et al.	D533,668 S	12/2006	Brown
D384,703 S	10/1997	Chuang	D537,161 S	2/2007	Sinkiewicz
D387,506 S	12/1997	Kosh	7,182,777 B2	2/2007	Mills
5,707,645 A	1/1998	Wierson	D538,974 S	3/2007	Eknoian et al.
D390,057 S	2/1998	Gower	7,195,660 B2	3/2007	Little et al.
D392,742 S	3/1998	Clark	7,220,889 B2	5/2007	Sigurjonsson et al.
D392,787 S	3/1998	Barratt	D545,441 S	6/2007	Miyachika et al.
5,800,491 A	9/1998	Kolen et al.	D548,405 S	8/2007	Purnell
D401,317 S	11/1998	Gillies	D550,852 S	9/2007	Hoffman et al.
D402,147 S	12/1998	Scarborough	7,291,164 B2	11/2007	Peterman et al.
5,842,475 A	12/1998	Duback et al.	D557,810 S	12/2007	Eknoian et al.
D403,774 S	1/1999	Laughlin et al.	D564,705 S	3/2008	Ohnishi et al.
D406,350 S	3/1999	Cutler	D565,740 S	4/2008	Sybrandts
D407,823 S	4/1999	Davis et al.	D569,035 S	5/2008	Eknoian et al.
D407,939 S	4/1999	Bear	7,370,689 B2	5/2008	Wang
5,895,656 A	4/1999	Hirshowitz et al.	D570,488 S	6/2008	Kirksey et al.
5,897,580 A	4/1999	Silver	D570,541 S	6/2008	Ohnishi et al.
D410,090 S	5/1999	Podd	7,393,336 B2	7/2008	Sloot
D410,165 S	5/1999	Bear	D574,962 S	8/2008	Atkins et al.
D410,167 S	5/1999	Bear	D574,999 S	8/2008	Eknoian et al.
D410,749 S	6/1999	Podd	D575,875 S	8/2008	Robinson et al.
D410,750 S	6/1999	Podd	D576,282 S	9/2008	Yanaki
D411,624 S	6/1999	Podd	D577,606 S	9/2008	Friedland et al.
5,925,072 A	7/1999	Cramer et al.	D588,703 S	3/2009	Boleratz
5,978,962 A	11/1999	Hamowy	D592,001 S	5/2009	Smith
5,984,953 A	11/1999	Sabin et al.	D596,305 S	7/2009	Usui et al.
D420,178 S	2/2000	Bionde et al.	D597,678 S	8/2009	Wagner
D426,308 S	6/2000	Negron	D605,299 S	12/2009	Iwahashi et al.

D608,500 S 1/2010 Lu et al.
 7,652,228 B2 1/2010 Igaki et al.
 D613,181 S 4/2010 Friedland et al.
 D615,278 S 5/2010 Reed
 7,707,655 B2 5/2010 Braunecker et al.
 D616,760 S 6/2010 Deuerer
 D618,357 S 6/2010 Navies
 D618,811 S 6/2010 Navies
 D620,123 S 7/2010 Igwebuikwe
 D622,449 S 8/2010 Culley et al.
 D624,346 S 9/2010 Salzman
 D626,243 S 10/2010 Sagnip et al.
 D627,527 S 11/2010 Ferguson, III et al.
 D627,586 S 11/2010 Holdridge
 D629,589 S 12/2010 Mayo
 7,854,712 B2 12/2010 Evans et al.
 D630,376 S 1/2011 Yamamoto
 D634,473 S 3/2011 Koike
 D635,272 S 3/2011 Gruber et al.
 7,937,909 B2 5/2011 Carvallo
 D646,842 S 10/2011 Román
 D647,146 S 10/2011 Islava
 D648,439 S 11/2011 Greener et al.
 D649,647 S 11/2011 Williams
 D651,719 S 1/2012 Kusmierz
 D656,235 S 3/2012 Howell
 D660,447 S 5/2012 Baltazar
 8,226,699 B2 7/2012 Evans
 D667,957 S 9/2012 Baumwald
 D668,343 S 10/2012 Baumwald et al.
 D668,344 S 10/2012 Baumwald et al.
 D668,345 S 10/2012 Baumwald
 8,281,450 B2 10/2012 Spain
 D670,816 S 11/2012 Suzuki et al.
 D671,225 S 11/2012 Higley
 D674,903 S 1/2013 Harder
 D676,469 S 2/2013 Vanettes, Jr. et al.
 D677,394 S 3/2013 Grust et al.
 D683,018 S * 5/2013 Herivel D24/118
 D693,015 S * 11/2013 Dubbe D24/206
 D694,309 S 11/2013 Shelledy
 8,581,017 B2 11/2013 Holm et al.
 D701,611 S * 3/2014 Baumwald D24/206
 8,887,962 B2 * 11/2014 Herivel A45F 3/20
 222/175

 D722,727 S 2/2015 Maruyama et al.
 D726,245 S 4/2015 Johnson
 D728,810 S * 5/2015 Baumwald D24/206
 D736,394 S 8/2015 Owoc
 D738,576 S * 9/2015 Harrell D29/122
 D741,474 S 10/2015 Chen et al.
 9,170,059 B2 10/2015 Johnson et al.
 9,186,276 B2 11/2015 Parziale
 D749,232 S * 2/2016 Baumwald D24/208
 D771,014 S * 11/2016 Dubbe D14/206
 D787,080 S * 5/2017 Baltazar A61F 7/02
 D24/206

 D787,694 S 5/2017 Baltazar
 D793,569 S * 8/2017 Baumwald D24/206
 D805,648 S * 12/2017 Baumwald D24/206
 D818,596 S 5/2018 Zheng
 D821,597 S 6/2018 Martinez
 D822,219 S 7/2018 Coates et al.
 D836,208 S * 12/2018 Dubbe D24/206
 2003/0064042 A1 4/2003 Bergquist et al.
 2004/0010302 A1 1/2004 Hoffmann et al.
 2004/0024438 A1 2/2004 Hoffmann et al.
 2004/0138601 A1 7/2004 Chalmers
 2004/0147991 A1 7/2004 Lu
 2004/0199114 A1 10/2004 Noda
 2005/0187598 A1 8/2005 Shimizu et al.
 2006/0015052 A1 1/2006 Crisp
 2007/0021810 A1 1/2007 Paulin
 2007/0068508 A1 3/2007 Wong
 2007/0252115 A1 * 11/2007 Arehart C09K 9/00
 252/583

 2007/0262290 A1 11/2007 Beck et al.
 2008/0039763 A1 2/2008 Sigurjonsson et al.
 2008/0119916 A1 5/2008 Choucair et al.

2008/0208299 A1 8/2008 Martineau
 2009/0048650 A1 2/2009 Junkins
 2009/0143516 A1 6/2009 MacDonald et al.
 2009/0163984 A1 6/2009 Robinson et al.
 2010/0010597 A1 1/2010 Evans
 2010/0010598 A1 1/2010 Igaki et al.
 2010/0217363 A1 8/2010 Whitely
 2012/0165910 A1 6/2012 Choucair et al.
 2013/0073018 A1 3/2013 Harwood et al.
 2014/0291585 A1 10/2014 Tozuka et al.
 2014/0316314 A1 10/2014 Schubert
 2015/0173942 A1 * 6/2015 Whitely A61F 7/02
 607/114

FOREIGN PATENT DOCUMENTS

CA 146063 S 1/2013
 CA 144326 S 3/2013
 CA 146073 S 4/2013
 CA 146980 S 7/2013
 CA 156435 S 2/2015
 CA 160958 S 12/2015
 EP 162583 B1 8/1992
 WO 2001078797 A1 10/2001
 WO 2016093788 A1 6/2016

OTHER PUBLICATIONS

Pakcare Catalog: 2008 Presentations.
 Office Action (and reference cited) issued in U.S. Appl. No. 29/435,900 dated Sep. 25, 2020.
 Office Action (and reference cited) issued in U.S. Appl. No. 29/435,901 dated Sep. 25, 2020.
 Office Action (and references cited) issued in U.S. Appl. No. 15/844,977 dated Jun. 12, 2020.
 Document entitled: "Thermal Gel Beads Innovations: the easier way to enjoy a cozy & effective relief"; author unknown; authenticity unknown and in question; unknown if ever published; date of creation unknown and in question. Disclosed by Applicant in abundance of caution.
 Entire prosecution history of U.S. Appl. No. 10/672,132.
 Entire prosecution history of U.S. Appl. No. 12/794,576.
 Entire prosecution history of U.S. Appl. No. 29/402,951.
 Entire prosecution history of U.S. Appl. No. 29/402,971.
 Entire prosecution history of U.S. Appl. No. 29/402,974.
 Entire prosecution history of U.S. Appl. No. 29/403,056.
 Entire prosecution history of U.S. Appl. No. 29/403,478.
 Entire prosecution history of U.S. Appl. No. 29/406,622.
 Entire prosecution history of U.S. Appl. No. 29/406,623.
 Entire prosecution history of U.S. Appl. No. 29/406,624.
 Entire prosecution history of U.S. Appl. No. 29/410,928.
 Entire prosecution history of U.S. Appl. No. 29/410,930.
 Entire prosecution history of U.S. Appl. No. 29/413,705.
 Entire prosecution history of U.S. Appl. No. 29/429,143.
 Entire prosecution history of U.S. Appl. No. 29/429,147.
 Entire prosecution history of U.S. Appl. No. 29/429,154.
 Entire prosecution history of U.S. Appl. No. 29/429,157.
 Entire prosecution history of U.S. Appl. No. 29/431,148.
 Entire prosecution history of U.S. Appl. No. 29/431,399.
 Entire prosecution history of U.S. Appl. No. 29/433,566.
 Entire prosecution history of U.S. Appl. No. 29/433,567.
 Entire prosecution history of U.S. Appl. No. 29/433,568.
 Entire prosecution history of U.S. Appl. No. 29/433,570.
 Entire prosecution history of U.S. Appl. No. 29/433,806.
 Entire prosecution history of U.S. Appl. No. 29/433,907.
 Entire prosecution history of U.S. Appl. No. 29/433,805.
 Entire prosecution history of U.S. Appl. No. 29/434,757.
 Entire prosecution history of U.S. Appl. No. 29/434,760.
 Entire prosecution history of U.S. Appl. No. 29/434,763.
 Entire prosecution history of U.S. Appl. No. 29/435,893.
 Entire prosecution history of U.S. Appl. No. 29/435,896.
 Entire prosecution history of U.S. Appl. No. 29/435,900.
 Entire prosecution history of U.S. Appl. No. 29/435,901.
 Entire prosecution history of U.S. Appl. No. 29/480,356.

Entire prosecution history of U.S. Appl. No. 29/498,780.
Entire prosecution history of U.S. Appl. No. 29/498,781.
Entire prosecution history of U.S. Appl. No. 29/498,785.
Entire prosecution history of U.S. Appl. No. 29/498,786.
Entire prosecution history of U.S. Appl. No. 29/499,977.
Entire prosecution history of U.S. Appl. No. 29/558,747.
Entire prosecution history of U.S. Appl. No. 29/558,750.
Entire prosecution history of U.S. Appl. No. 29/558,755.
Entire prosecution history of U.S. Appl. No. 29/558,760.
Entire prosecution history of U.S. Appl. No. 29/644,299.
Entire prosecution history of U.S. Appl. No. 29/644,302.
Entire prosecution history of U.S. Appl. No. 29/644,303.
Entire prosecution history of U.S. Appl. No. 29/647,787.
<https://www.itamed.com/our-products/maternity-women-s-health-collection/post-surgical.html>, printed Sep. 13, 2004.
Kendall Obstetric & Neonatal Products Brochure, Jan. 2004 ed.
<https://www.amazon.com/THERA-PEARL-Eye-Mask-Reusable/dp/B00KL4Y024#customerReviews>, last accessed Dec. 6, 2021.
https://www.amazon.com/Therapearl-Oval-Pack-2/dp/B002OSWW3E/ref=cm_cr_ar_p_d_bdc_r_top?ie=UTF8, last accessed Dec. 6, 2021.
https://www.amazon.com/TheraPearl-Reusable-Flexible-Compress-Swelling/dp/B002OSX0WG/ref=cm_cr_ar_p_d_bdc_r_top?ie=UTF8&th=1, last accessed Dec. 6, 2021.

* cited by examiner

Primary Examiner — David G Muller

(74) *Attorney, Agent, or Firm* — Pequignot + Myers;
Matthew A. Pequignot

(57) **CLAIM**

The ornamental design for a thermal pack, as substantially shown and described.

DESCRIPTION

FIG. 1 is a front elevation view of a thermal pack showing the new design.

FIG. 2 is a rear elevation view thereof.

FIG. 3 is a top elevation view thereof.

FIG. 4 is a bottom elevation view thereof.

FIG. 5 is a right-side elevation view thereof.

FIG. 6 is a left-side elevation view thereof; and,

FIG. 7 is a perspective view thereof.

The spheres or beads illustrated in the drawings are drawn to appear transparent or semi-transparent. The contour lines depicted in the drawings depict the surface and contours of the clear or transparent flexible outer pack shell, which encloses the illustrated spheres or beads. Structure illustrated in broken lines is not otherwise part of the claimed design.

1 Claim, 3 Drawing Sheets

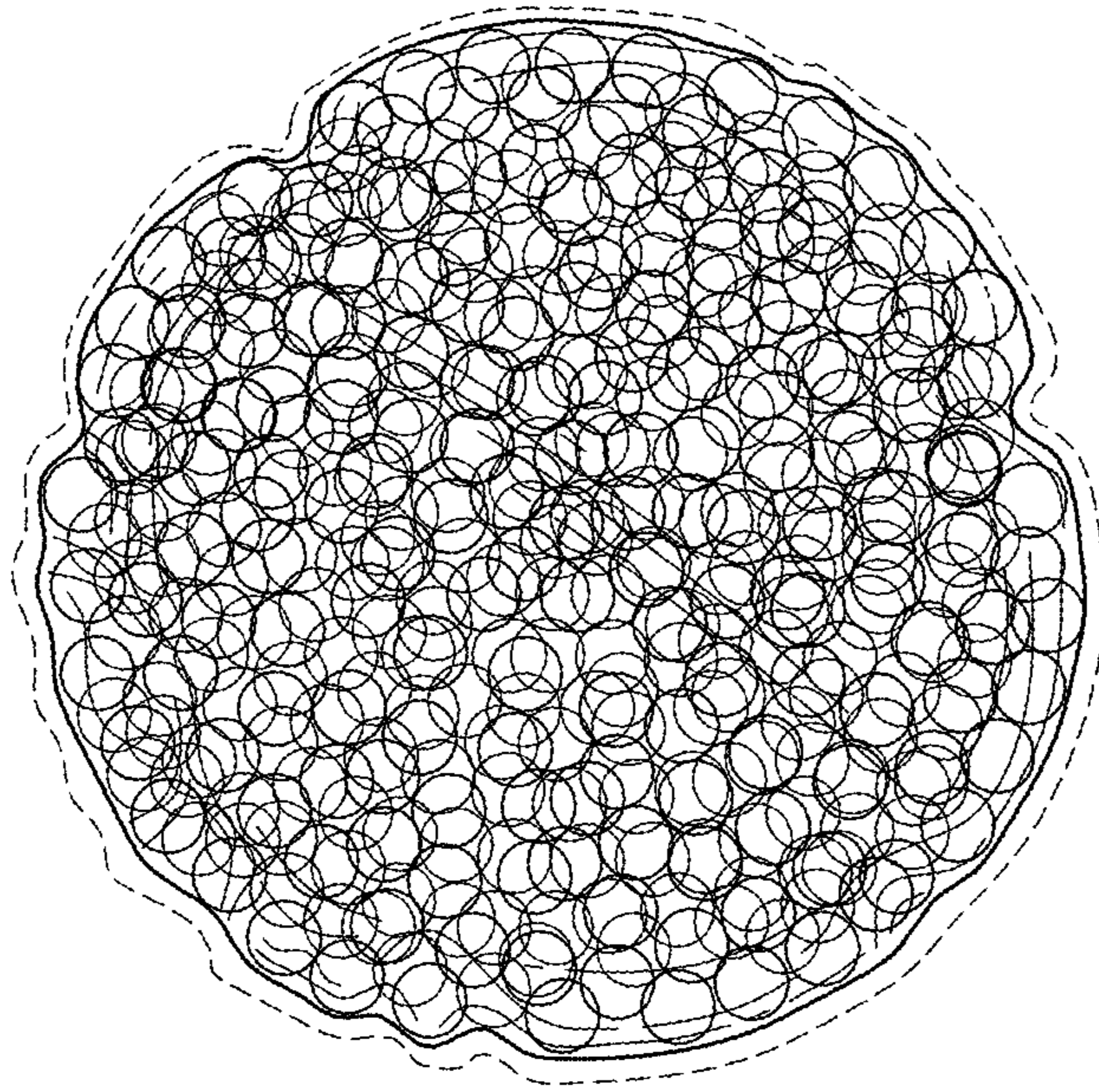


FIG. 1

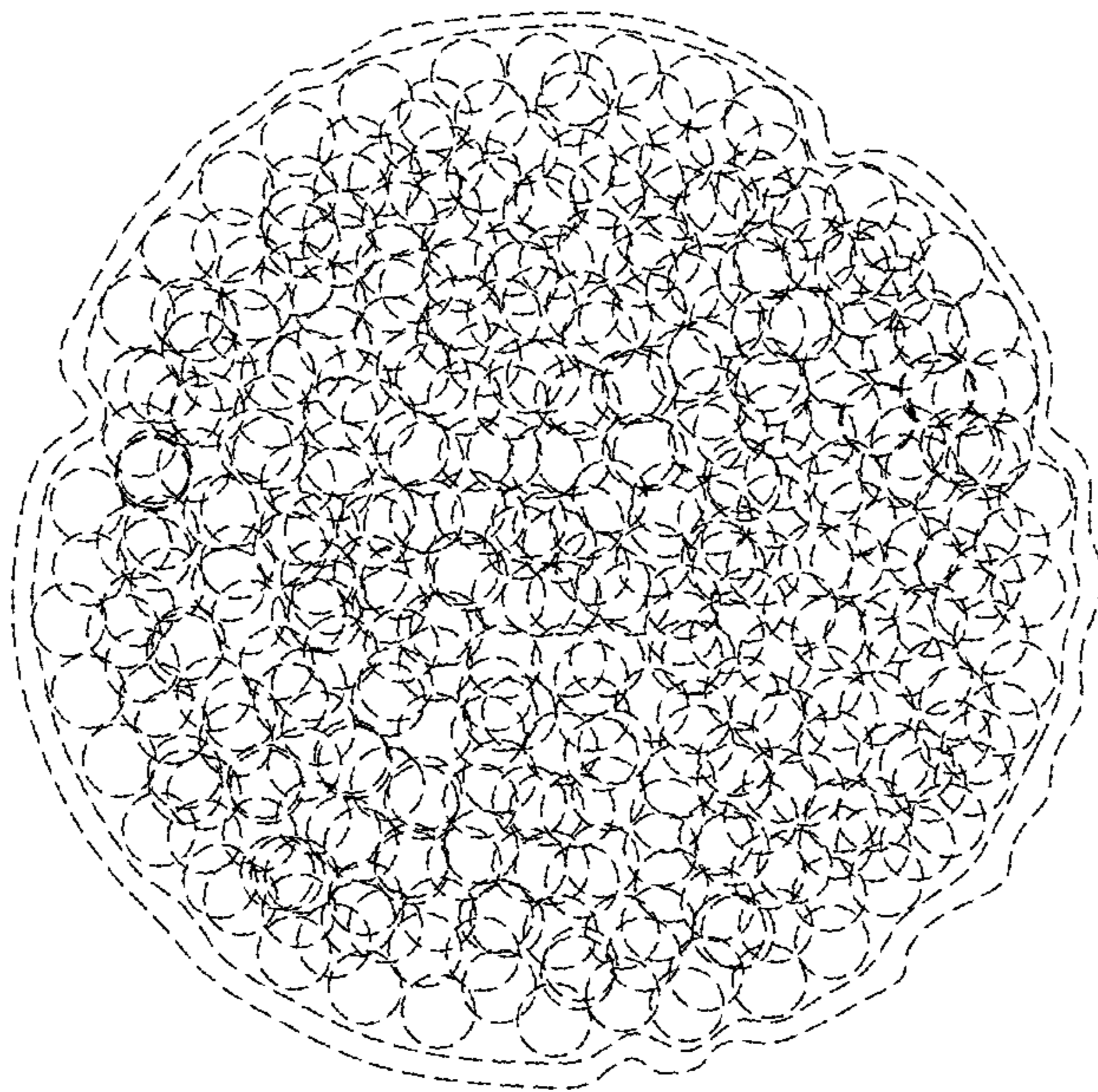


FIG. 2



FIG. 3

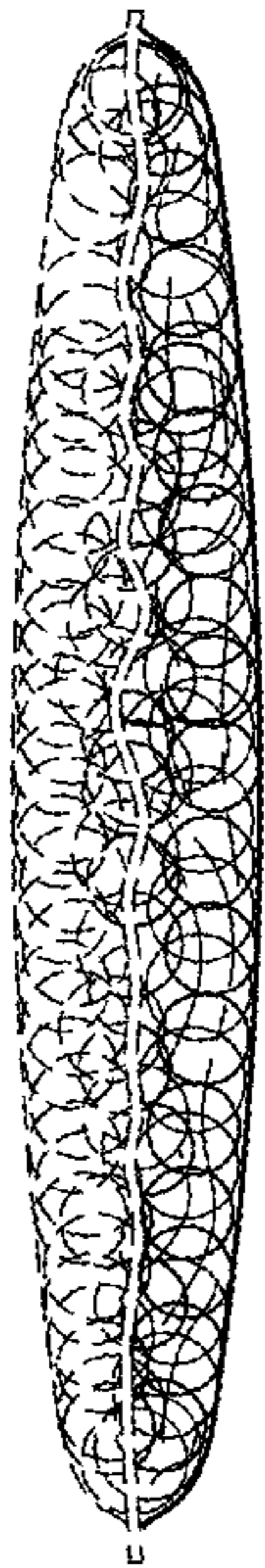


FIG. 5



FIG. 6



FIG. 4

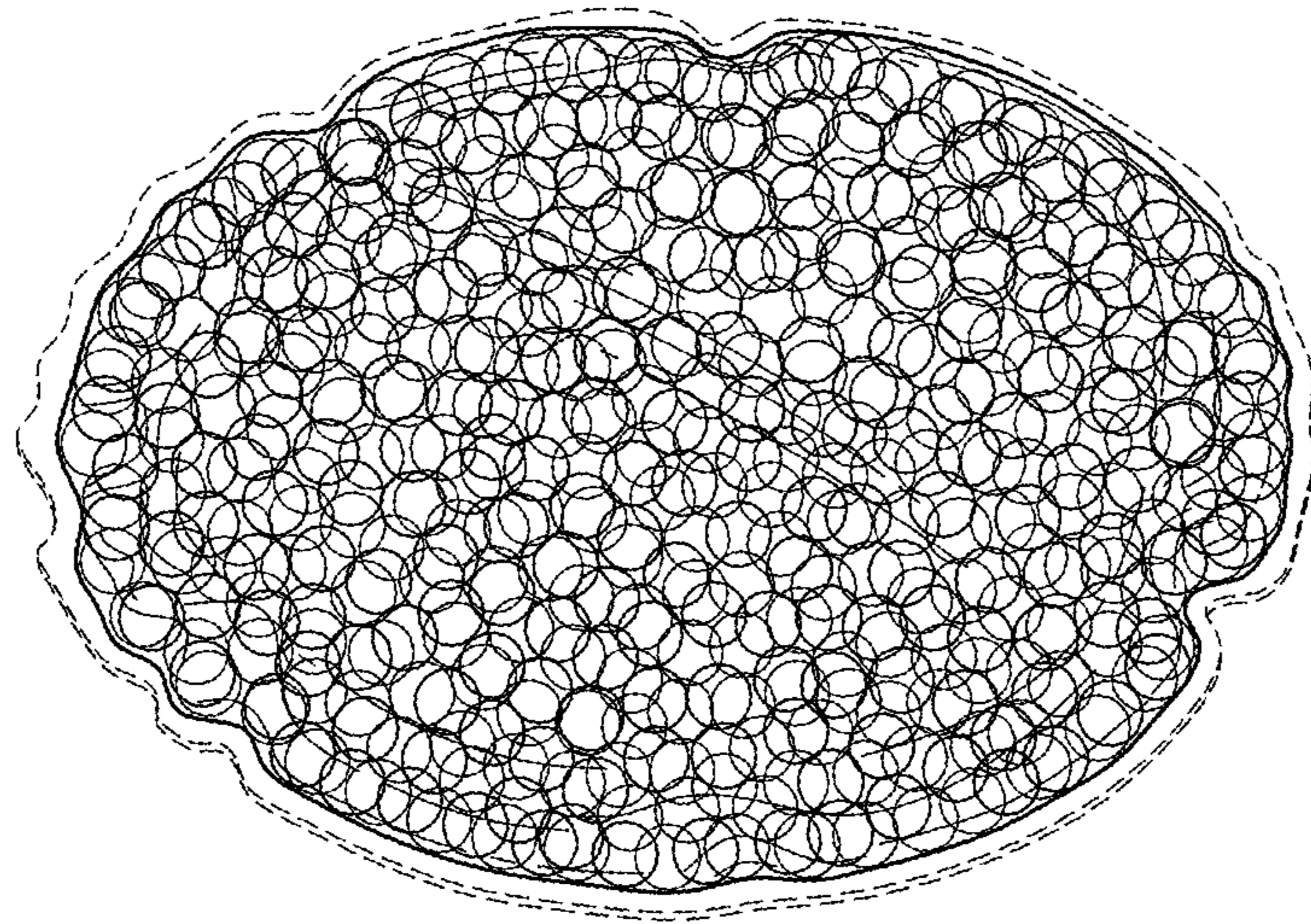


FIG. 7