



US00D968049S

(12) **United States Design Patent** (10) **Patent No.:** **US D968,049 S**
Speciale et al. (45) **Date of Patent:** **** *Nov. 1, 2022**

(54) **WHOLE BODY WEARABLE BLANKET**

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(*) Notice: This patent is subject to a terminal disclaimer.

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

(21) Appl. No.: **29/759,310**

(22) Filed: **Nov. 20, 2020**

Related U.S. Application Data

(63) Continuation-in-part of application No. 29/705,878, filed on Sep. 16, 2019, now Pat. No. Des. 903,237, and a continuation-in-part of application No. 29/645,978, filed on Apr. 30, 2018, now Pat. No. Des. 886,416, and a continuation-in-part of application No. 29/617,421, filed on Sep. 13, 2017, now Pat. No. Des. 859,788.

(51) **LOC (13) Cl.** **02-02**

(52) **U.S. Cl.**
USPC **D2/828**

(58) **Field of Classification Search**
USPC D2/828, 830-831, 734, 750
CPC . A41D 3/00; A41D 3/08; A41D 7/008; A41D 7/00

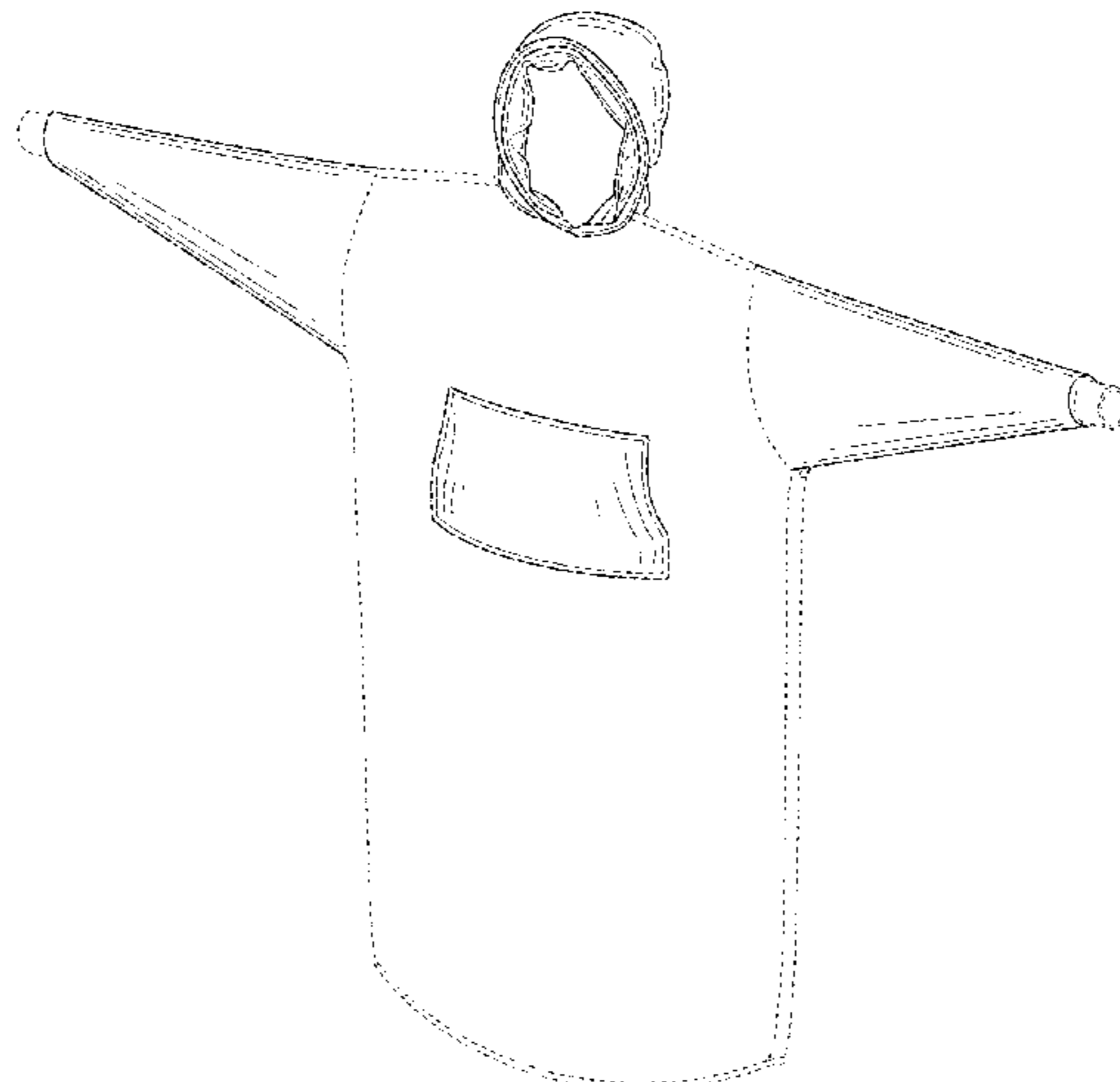
See application file for complete search history.

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“Images of prior art hooded sweatshirt” as alleged by disclosing party in Claim Construction Brief filed in Case No. 2:21-cv-00597-SPL. Date unknown and not provided by disclosing party.

Advertisements featured on “The Comfy” product packaging, as alleged by disclosing party in Claim Construction Brief filed in Case No. 2:21-cv-00597-SPL. Date unknown and not provided by disclosing party.

Amazon.com listing: Amazon Essentials Girls’ Pullover Hoodie Sweatshirt; disclosed by Examiner in U.S. Appl. No. 29/759,308; accessed by USPTO filed Oct. 14, 2021; URL in screenshot.

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Defendant’s Opening Claim Construction Brief; presented as Pleadings in Case 2:21-cv-00597-SPL; Oct. 29, 2021.

Enlarged image of Jan Claeissens’s 1628 oil on panels painting, “Four Panels: Saint Lawrence; Saint George; Saint Frances; and a Kneeling Donor”, as disclosed in Claim Construction brief in Case No. 2:21-cv-00597-SPL.

Excerpts of Webster’s New World Dictionary, © 1974 by William Collins + World Publishing Co., Inc.

Exhibit Index to Plaintiffs’ Opening Claim Construction Memorandum; presented as Pleadings in Case 2:21-cv-00597-SPL; Oct. 29, 2021.

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File History for U.S. Appl. No. 62/376,086, as disclosed by disclosing party in Claim Construction Brief filed in Case No. 2:21-cv-00597-SPL.

Image of a “The Comfy” Inner and Outer Layers, as submitted by disclosing party as Exhibit S to Claim Construction Brief filed in Case No. 2:21-cv-00597-SPL. Date unknown and not provided by disclosing party.

Kickstarter Campaign: The Comfy—Sweet Looking All Weather Sweater-knit Hoodies; URL: <https://www.kickstarter.com/projects/k-9/the-comfy-sweet-looking-all-weather-sweater-knit-h>; accessed Nov. 4, 2021.

Plaintiffs Opening Claim Construction Memorandum; presented as Pleadings in Case 2:21-cv-00597-SPL; Oct. 29, 2021.

Printout from www.sutori.com featuring article entitled “The History of the Hoodie/Sweatshirt,” as disclosed in Claim Construction brief in Case No. 2:21-cv-00597-SPL. Alleged access date Oct. 6, 2021; URL in Printout.

Printout of www.projecthatch.co Featuring Article by Brian and Michael Speciale; as disclosed in Claim Construction brief in Case No. 2:21-cv-00597-SPL; access date unknown and not provided by disclosing party in Case; URL in screenshot.

Video corresponding to NPL disclosed as “Amazon.com Listing: Catalonia Oversized Hoodie Blanket Sweatshirt . . .” A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Video corresponding to NPL disclosed as “Amazon.com Listing: KPBLIS Wearable Blanket Sweatshirt . . .” A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Video corresponding to NPL disclosed as “Facebook.com: The Oodie—Premium Hooded Blankets Engineered For Comfort” A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Video corresponding to the NPL disclosed as “YouTube.com: The Warmest blanket sweatshir ever! . . .” A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Video: The Comfy on Shark Tank, Dec. 3, 2017 episode. A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Video: Woman wearing green wearable blanket in a beige living room. Date unknown. This is the video for NPL disclosed as “Felicigeely . . .” A digital file of this video has been recorded onto to CD-ROM media and mailed to the USPTO with instructions to place that digital file into this application.

Vimeo.com Video clip: Comfy Mason Jar Video; available <https://vimeo.com/241577062>; accessed Nov. 4, 2021; alleged to be available on Nov. 6, 2017 in Pleadings in 2:21-cv-00310-MHB.

Vimeo.com: The Comfy on Shark Tank—Dec. 3, 2017; disclosed as an Exhibit in Pleadings in 2:21-cv-00310-MHB; alleged access date Oct. 1, 2021; URL in screenshot.

Website Featuring Jan Claeissens’s 1628 oil on panels painting, “Four Panels: Saint Lawrence; Saint George; Saint Frances; and a Kneeling Donor”, as disclosed in Claim Construction Brief in Case No. 2:21-cv-00597-SPL.

YouTube.com: The Warmest blanket sweatshirt ever! ‘The Oodie’ unboxing & honest review, by InfiniteBeauty7 on Nov. 10, 2012; disclosed as an Exhibit in Pleadings in 2:21-cv-00310-MHB; alleged access date Oct. 1, 2021; URL in screenshot.

Air-Flex Short Sleeve Gym Hoodie (https://tlfapparel.com/products/tlf-air-flex-short-sleeve-gym-hoodie-turbulance?variant=32297596551242¤cy=USD&utm_medium=product_sync&utm_source=google&utm_content=sag_organic&utm_campaign=sag_organic&gclid=Cj0KCQjwsZKJBhC0ARIsAJ96n3XCnYOJgB)

E6j1AcSOi5763y9f9qJh0Nk7T5_9fD2byMunrGWWEaKUaArSmEALw_wcB).
Merc Hester Zip Thru Short Sleeve Hoodie (<https://www.merc.com/products/hester-zip-thru-short-sleeve-hoodie?variant=1622014777638>).

Pleadings—Davie—Defendant’s Invalidity Contentions.
Pleadings—Top Brand 43—Answer To First Amended Complaint for Declaratory Judgment and Counterclaims.

Pleadings—Top Brand 62—Second Amended Complaint.

Pleadings—Top Brand 66—Answer, Affirmative Defenses and Counterclaims of Counterclaim-Defendant John Ngan.

Pleadings—Top Brand 74—Defendants’ Answer and Affirmative Defenses to Counterclaims of Counterclaim-Defendant John Ngan.

Pleadings—Top Brand 77—Answer To Second Amended Complaint for Declaratory Judgment and Counterclaims.

Pleadings—Top Brand 85—Rule 16 Case Management Order.

Zara Short Sleeve Hooded Sweatshirt (https://www.zara.com/us/en/short-sleeve-hooded-sweatshirt-p04087464.html?v1=123839629&gclid=Cj0KCQjwsZKJBhC0ARIsAJ96n3WTQ72bGJS-ChGX2GHoWJmB13a6Zjw1pR8HFxxePg2fFOLIRZrBPv1aAindEALw_wcB).

Amazon.com Listing for Amazon Essentials Girls’ Pullover Hoodie Sweatshirt, screenshot captured Oct. 14, 2021, accessed at https://www.amazon.com/Amazon-Essentials-Toddler-Pullover-Sweatshirt/dp/B07PZ8LTK3/ref=cm_cr_arp_d_product_top?ie=UTF8.

Amazon.com Listing for Joe’s USA Youth Hoodies—Pullover Hooded Sweatshirts in 24 Colors, screenshot taken Oct. 14, 2021, accessed at https://www.amazon.com/Joes-USA-Youth-Soft-Hoodies/dp/B00K6J5U46/ref=sr_1_7?crd=GPRFSQ6LPHV6&dchild=1&keywords=hoodie&2Bwithout... (as captured in screenshot).

Amazon.com Listing for Pullover Hoodie, screengrab on Oct. 14, 2021, accessed at https://www.amazon.com/Hanes-EcoSmart-Hooded-Sweatshirt-Heather/dp/B07ZJRW5PH/ref=sr_1_210?dchild=1&keywords=hoodie%2Bwithout%2B... (URL captured in screengrab).

Defendant’s Opening Claim Construction Brief, in Case 2:21-cv-00597-SPL; filed Oct. 29, 2021.

Defendant’s Responsive Claim Construction Brief, in Case 2:21-cv-00597-SPL; filed Dec. 3, 2021.

Exhibit A to Defendant’s Responsive Claim Construction Brief, in Case 2:21-cv-00597-SPL; filed Dec. 3, 2021; disclosing U.S. Appl. No. 62/558,136, filed Sep. 13, 2017.

Plaintiff’s Opening Claim Construction Memorandum, in Case 2:21-cv-00597-SPL; filed Oct. 29, 2021.

Plaintiff’s Responsive Claim Construction Memorandum, in Case 2:21-cv-00597-SPL; filed Dec. 3, 2021.

Catalonia Fleece Wearable Blanket Poncho; Walmart.com listing, accessed by USPTO on Mar. 8, 2022 at <https://www.walmart.com/ip/Fleece-Wearable-Blanket-Poncho-for-Adult-Women-Men-Wrap-Blanket-Cape-with-Pocket-Warm-Soft-Cozy-Snuggly-Comfort-Gift-No-Sleeves-Aqua/591035469>.

Cocolorist Wearable Blanket Sweatshirt; Amazon.com listing; Accessed by USPTO on Mar. 8, 2022 at https://www.amazon.com/dp/B09CK844FK/ref=sspa_dk_retail_1?pd_rd=i=B09CKLZN98&pd_rd_w=HIFKL&pd_rd_p=b9951ce4-3bd8-4b04-9123-0fda%E2%80%A6.

Office Action dated Apr. 26, 2022, in U.S. Appl. No. 90/764,005 which presented evidence comprising screenshots of various websites taken on Apr. 26, 2022, including Applicant’s own website thecomfy.com. URLs for the other websites are noted on the Trademark Examiner’s screenshots.

SoCo Hoodie The Long Flannel Blanket Hoodie Oversized Wearable Blankets; accessed by USPTO on Mar. 29, 2022 at <https://socohoodie.com/products/the-long-flannel-blanket-hoodie?variant=41201952063687¤cy=USD&utm>.

U.S. Appl. No. 29/731,086, filed Apr. 11, 2020.

U.S. Appl. No. 29/749,467, filed Sep. 4, 2020.

U.S. Appl. No. 29/749,476, filed Sep. 4, 2020.

U.S. Appl. No. 29/759,308, filed Nov. 20, 2020.

U.S. Appl. No. 29/759,210, filed Nov. 20, 2020.

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U.S. Appl. No. 29/767,562, filed Jan. 23, 2021.

U.S. Appl. No. 29/767,563, filed Jan. 23, 2021.

U.S. Appl. No. 29/767,564, filed Jan. 23, 2021.

U.S. Appl. No. 29/775,218, filed Mar. 22, 2021.

U.S. Appl. No. 16/576,125, filed Sep. 19, 2019.

* cited by examiner

Primary Examiner — Kevin K Rudzinski

Assistant Examiner — J. Thorn, Sr.

(74) *Attorney, Agent, or Firm* — Thomas W. Galvani, P.C.; Thomas W. Galvani

(57) CLAIM

The ornamental design for a whole body wearable blanket, as shown and described.

DESCRIPTION

FIG. 1 is a top front perspective view of a whole body wearable blanket shown in accordance with our new design; FIG. 2 is a top rear perspective view of the whole body wearable blanket shown in FIG. 1; and

FIG. 3 is a front elevation view of the whole body wearable blanket shown in FIG. 1;

FIG. 4 is a rear elevation view of the whole body wearable blanket shown in FIG. 1;

FIG. 5 is a left side elevation view of the whole body wearable blanket shown in FIG. 1;

FIG. 6 is a right side elevation view of the whole body wearable blanket shown in FIG. 1;

FIG. 7 is a top plan view of the whole body wearable blanket shown in FIG. 1; and

FIG. 8 is a bottom plan view of the whole body wearable blanket shown in FIG. 1;

FIG. 9 is a top front perspective view of a whole body wearable blanket shown in accordance with our new design;

FIG. 10 is a top rear perspective view of the whole body wearable blanket shown in FIG. 9; and

FIG. 11 is a front elevation view of the whole body wearable blanket shown in FIG. 9;

FIG. 12 is a rear elevation view of the whole body wearable blanket shown in FIG. 9;

FIG. 13 is a left side elevation view of the whole body wearable blanket shown in FIG. 9;

FIG. 14 is a right side elevation view of the whole body wearable blanket shown in FIG. 9;

FIG. 15 is a top plan view of the whole body wearable blanket shown in FIG. 9; and

FIG. 16 is a bottom plan view of the whole body wearable blanket shown in FIG. 9;

FIG. 17 is a top front perspective view of a whole body wearable blanket shown in accordance with our new design;

FIG. 18 is a top rear perspective view of the whole body wearable blanket shown in FIG. 17; and

FIG. 19 is a front elevation view of the whole body wearable blanket shown in FIG. 17;

FIG. 20 is a rear elevation view of the whole body wearable blanket shown in FIG. 17;

FIG. 21 is a left side elevation view of the whole body wearable blanket shown in FIG. 17;

FIG. 22 is a right side elevation view of the whole body wearable blanket shown in FIG. 17;

FIG. 23 is a top plan view of the whole body wearable blanket shown in FIG. 17; and,

FIG. 24 is a bottom plan view of the whole body wearable blanket shown in FIG. 17.

The features shown in broken lines illustrate portions of the article which form no part of the claimed design.

1 Claim, 18 Drawing Sheets

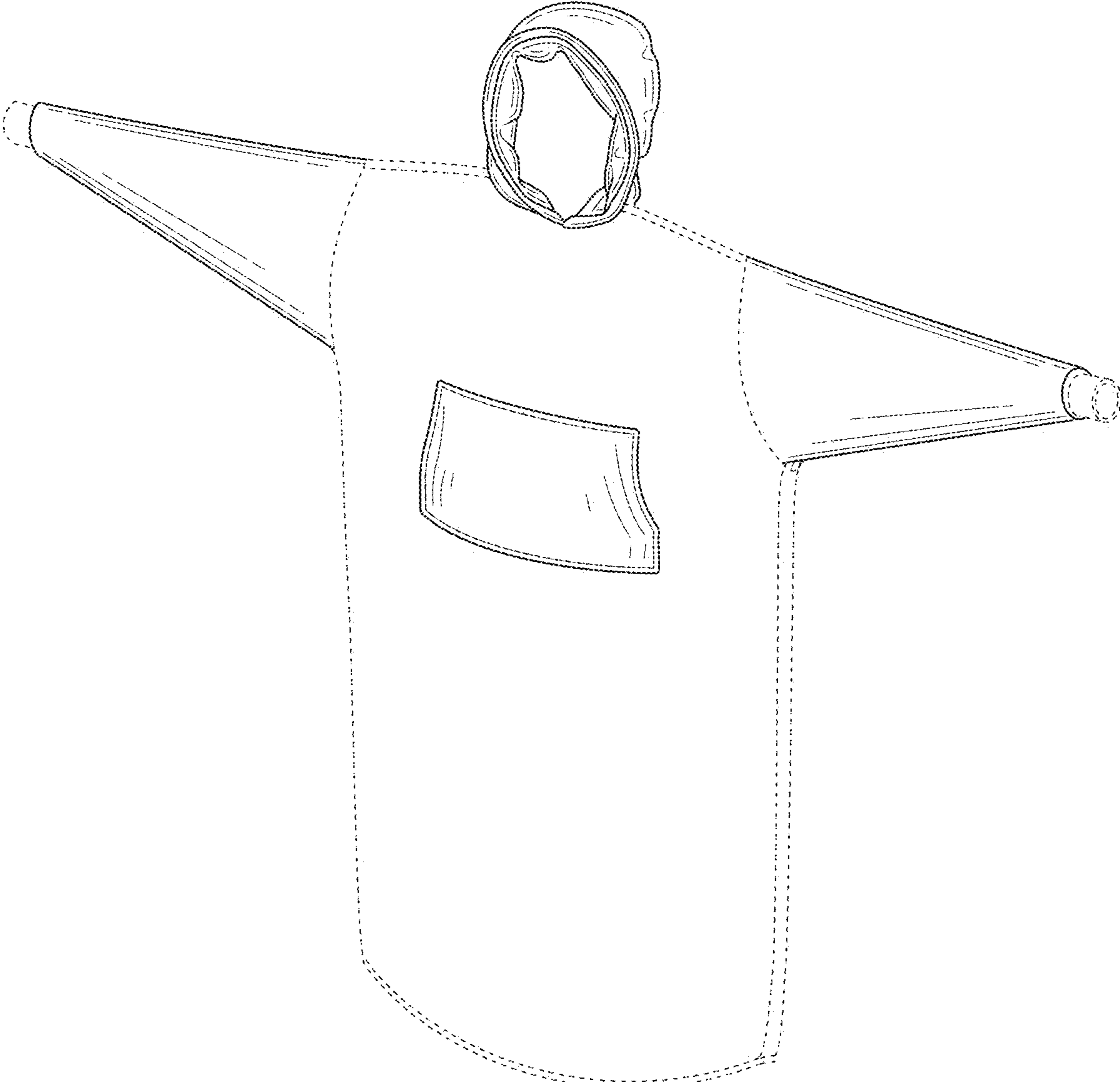


FIG. 1

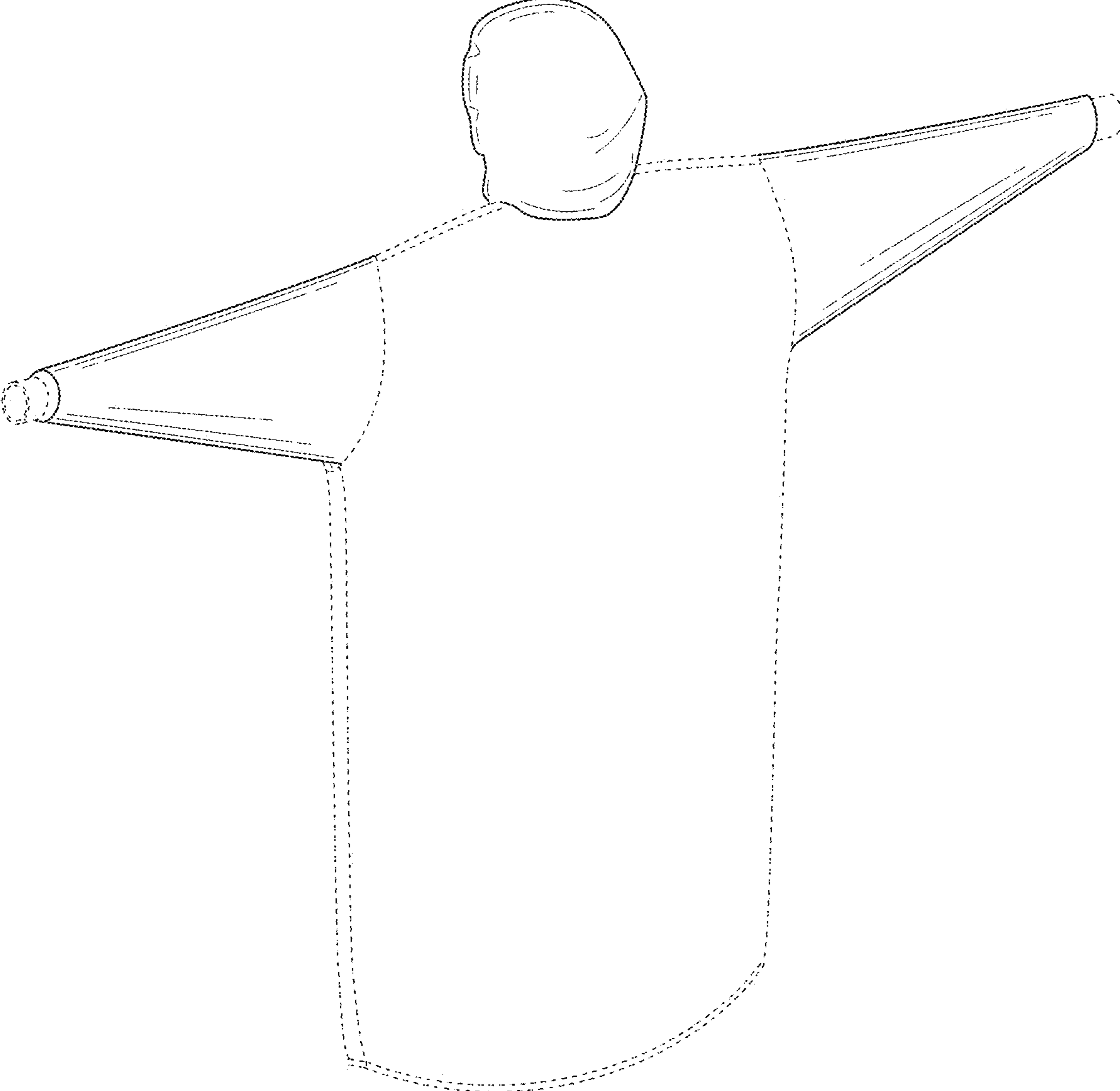


FIG. 2

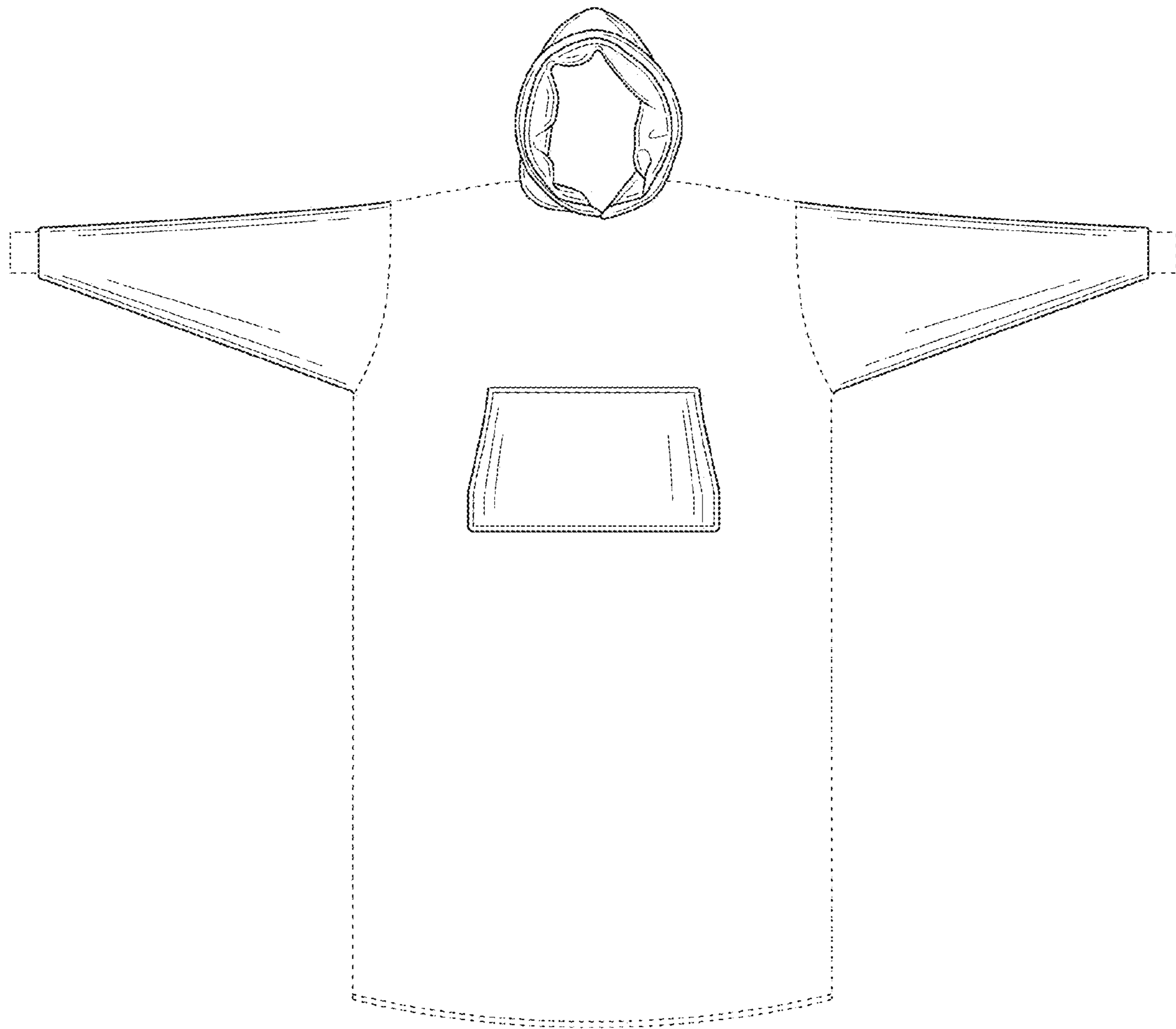


FIG. 3

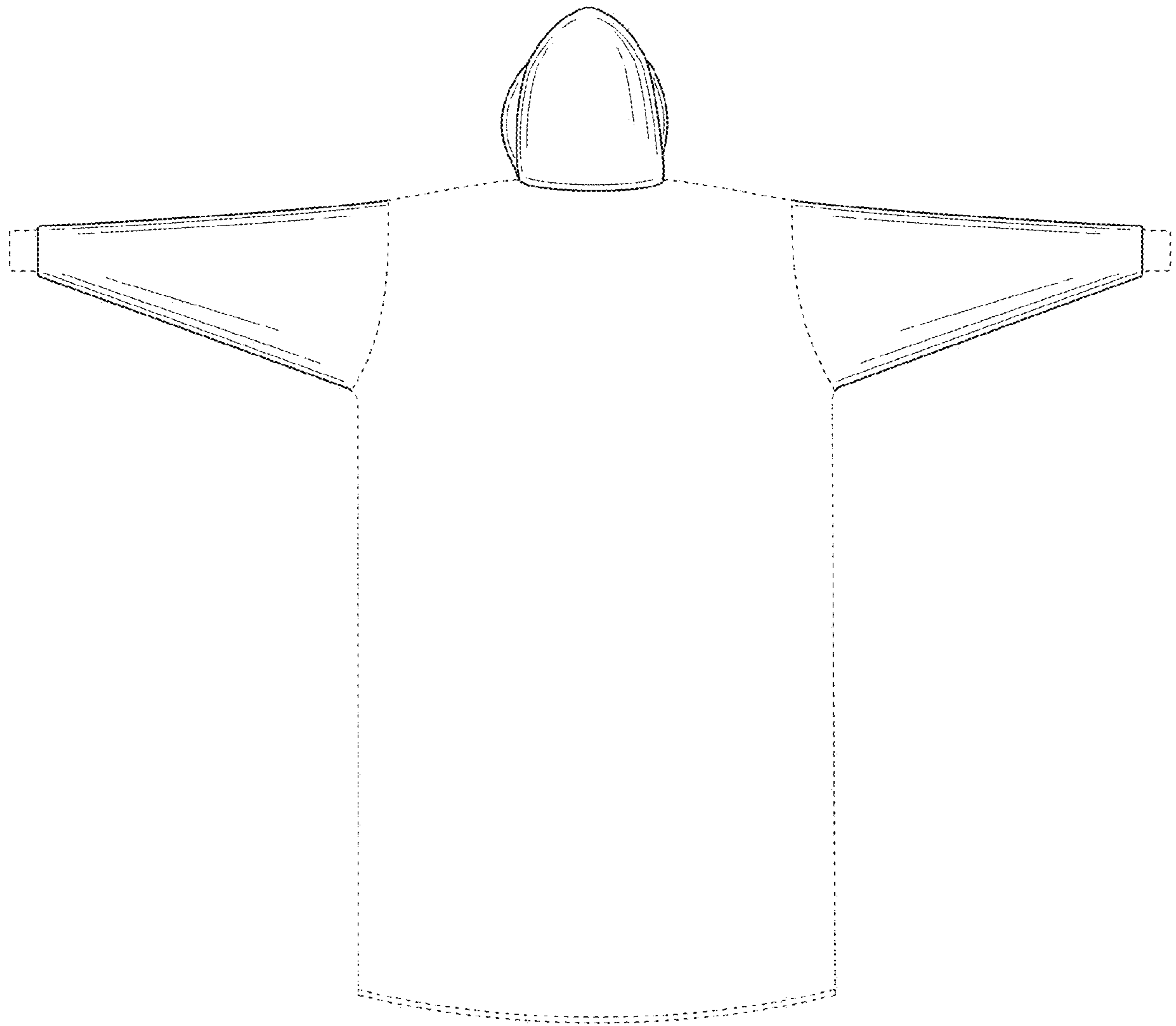


FIG. 4

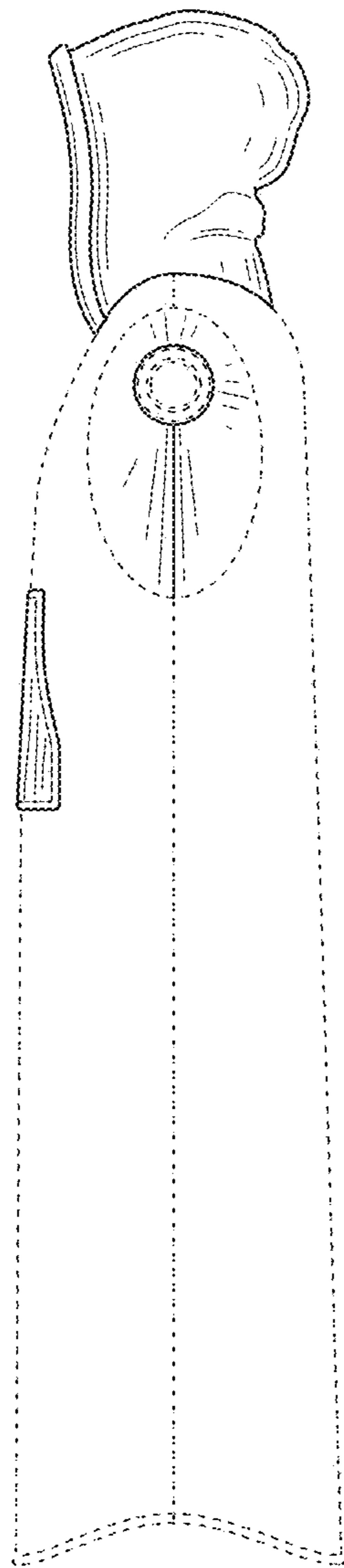


FIG. 5

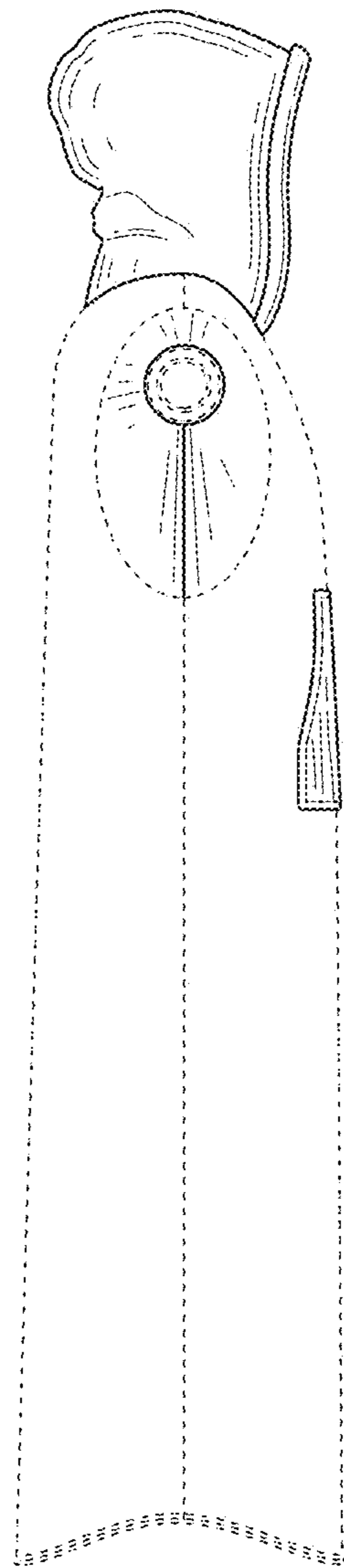


FIG. 6

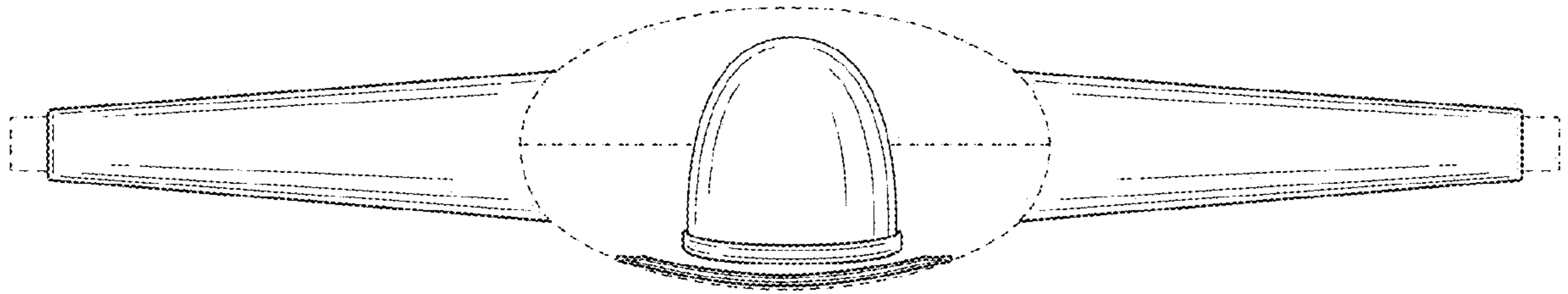


FIG. 7

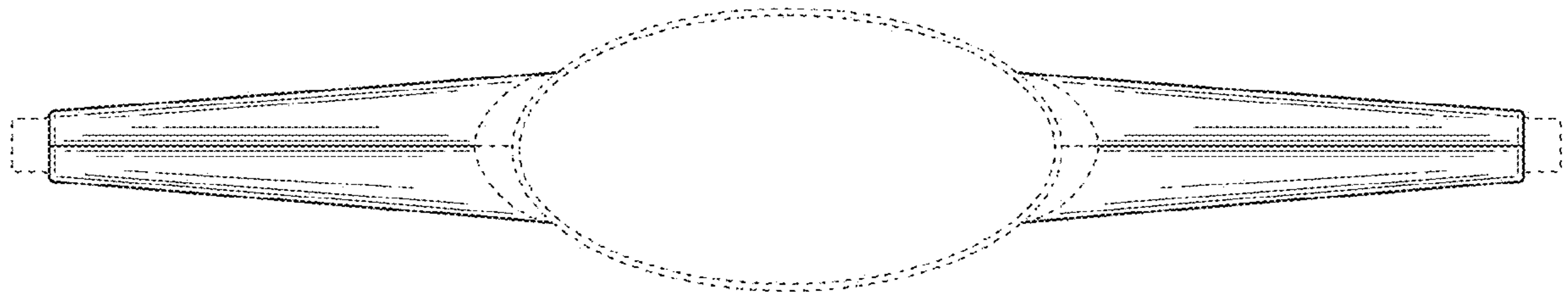


FIG. 8

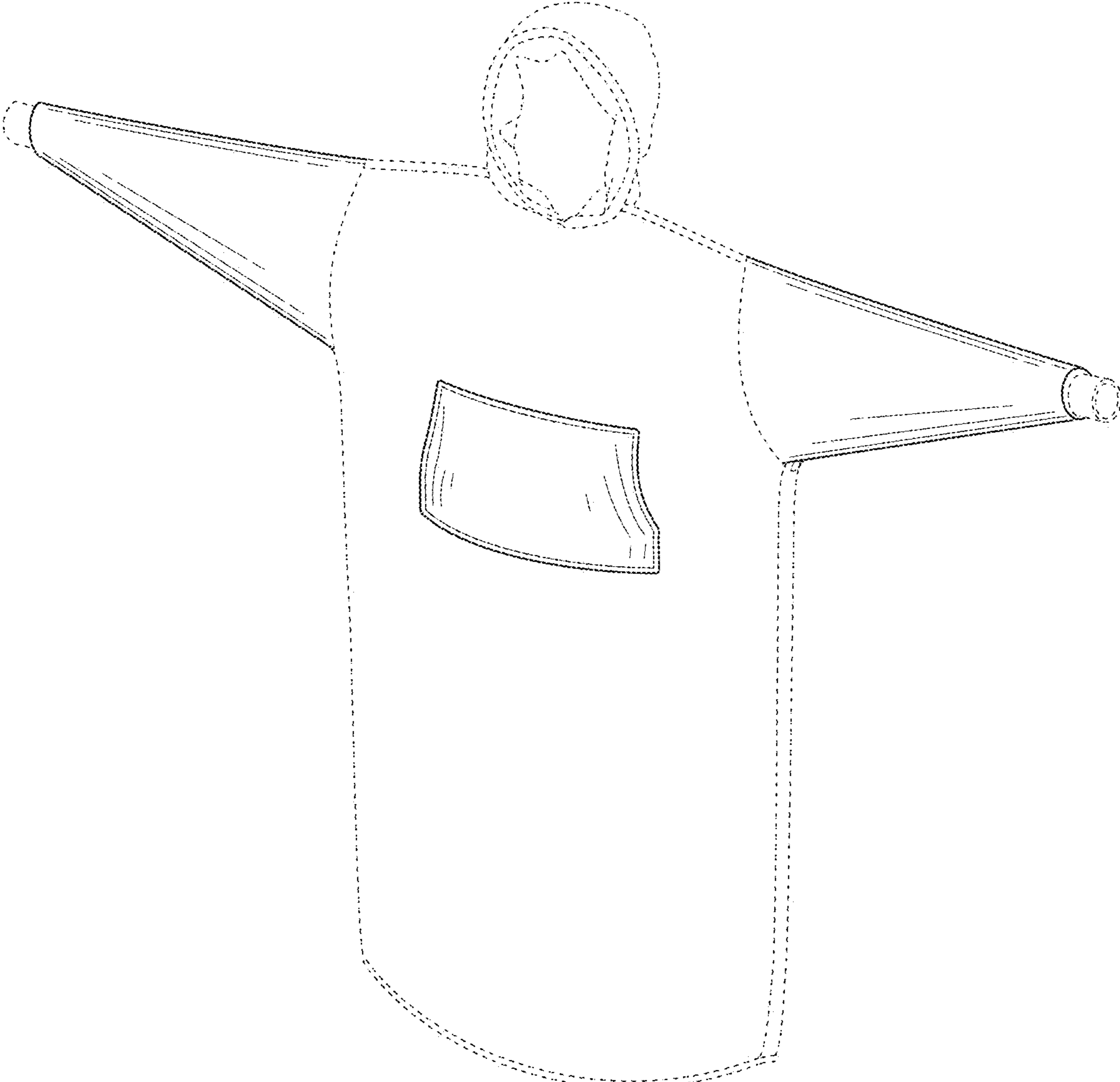


FIG. 9

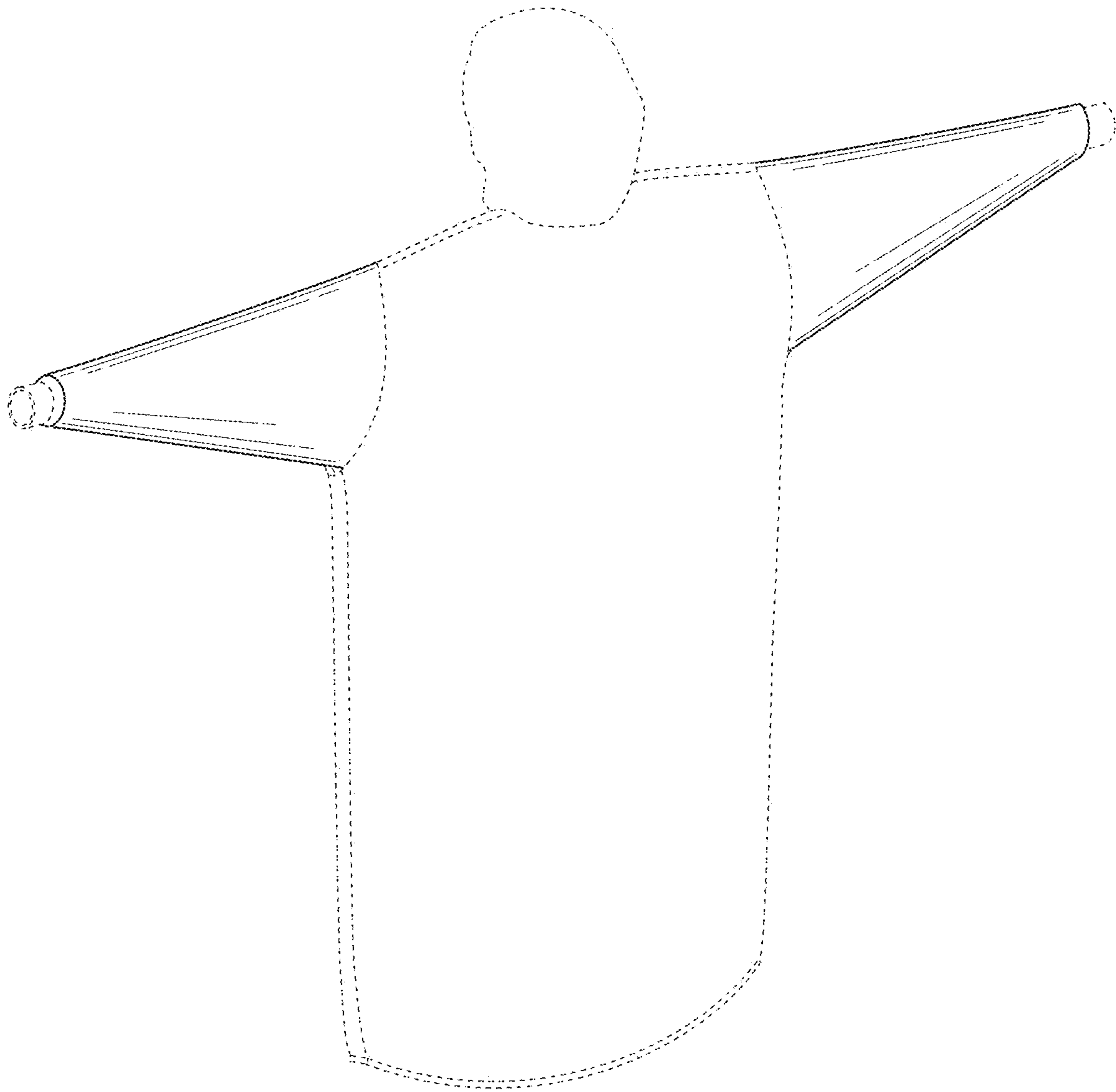


FIG. 10

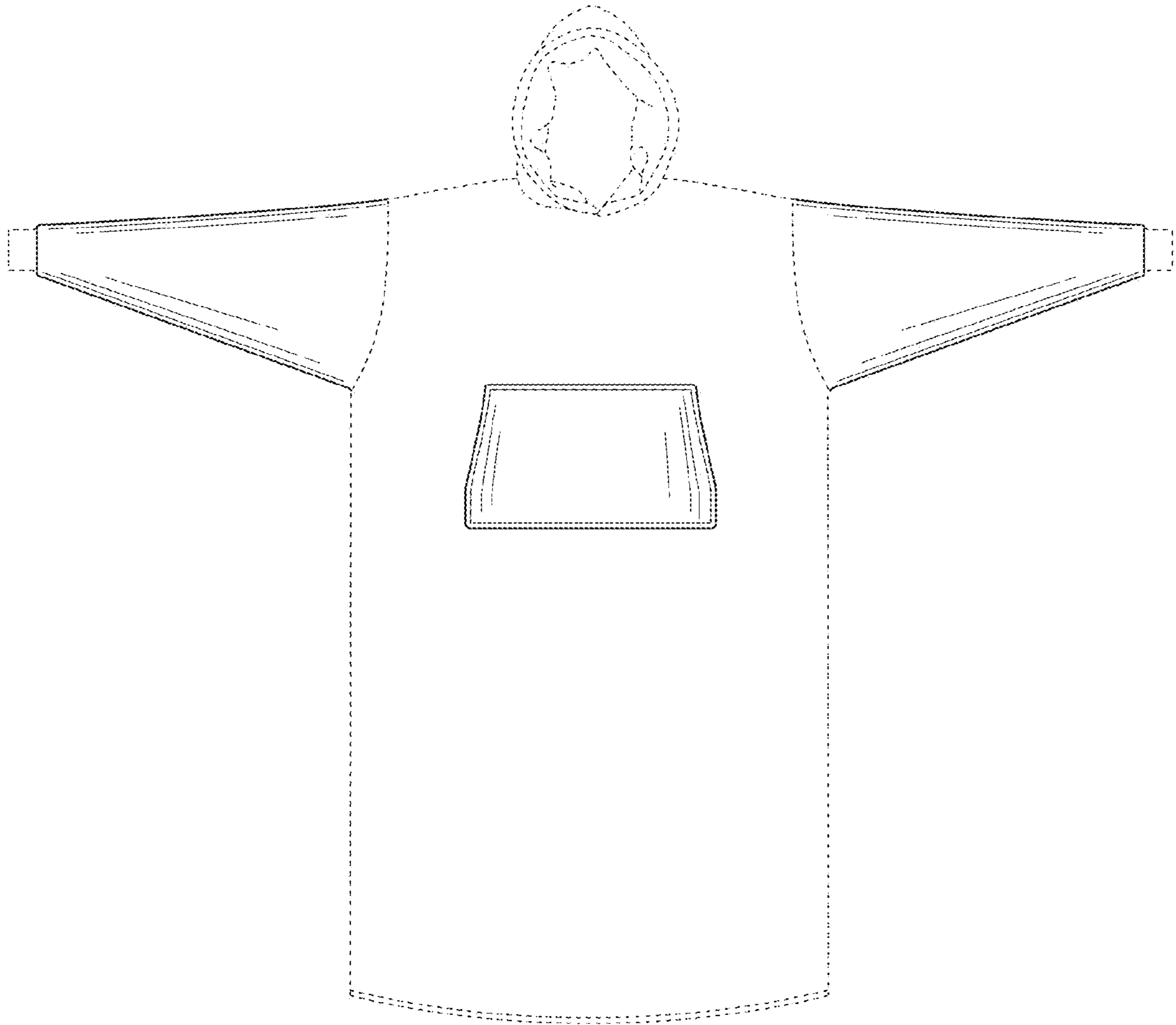


FIG. 11

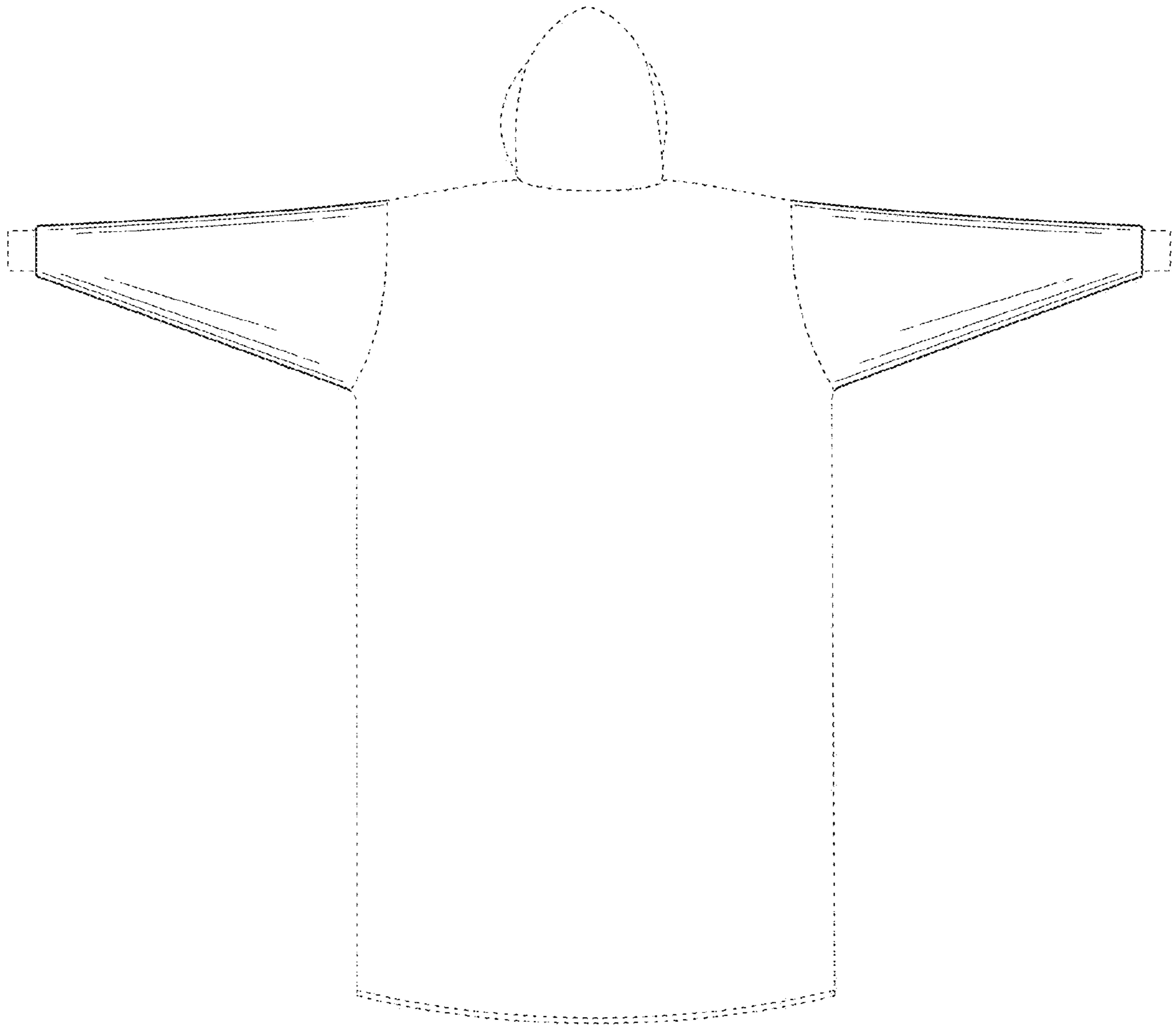


FIG. 12

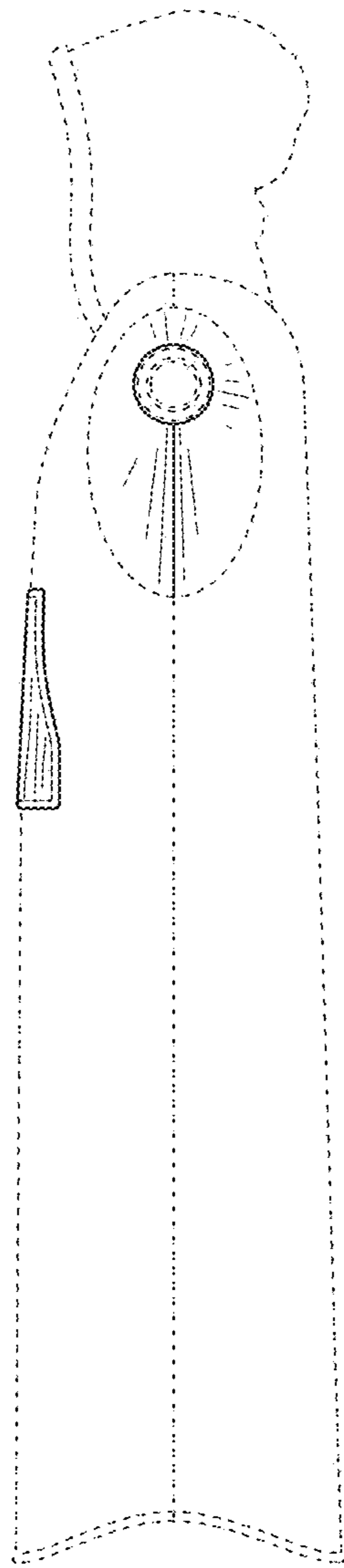


FIG. 13

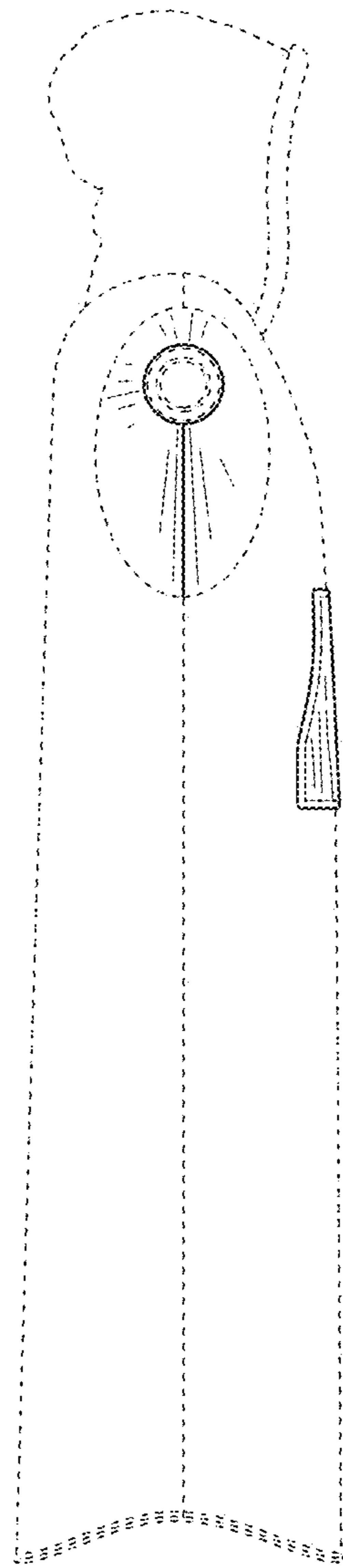


FIG. 14

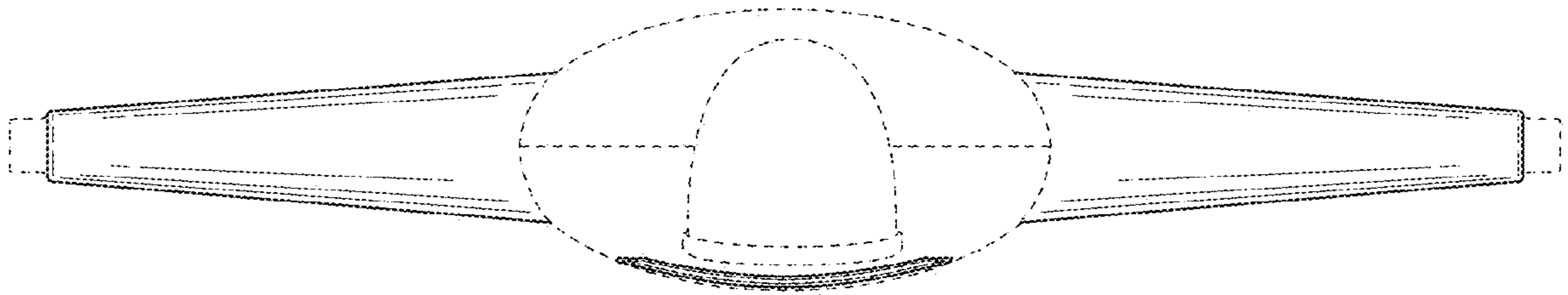


FIG. 15

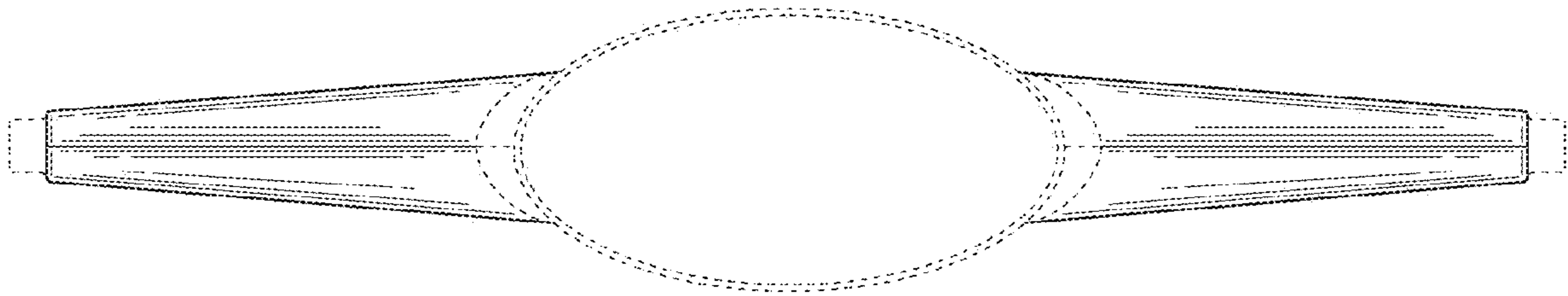


FIG. 16

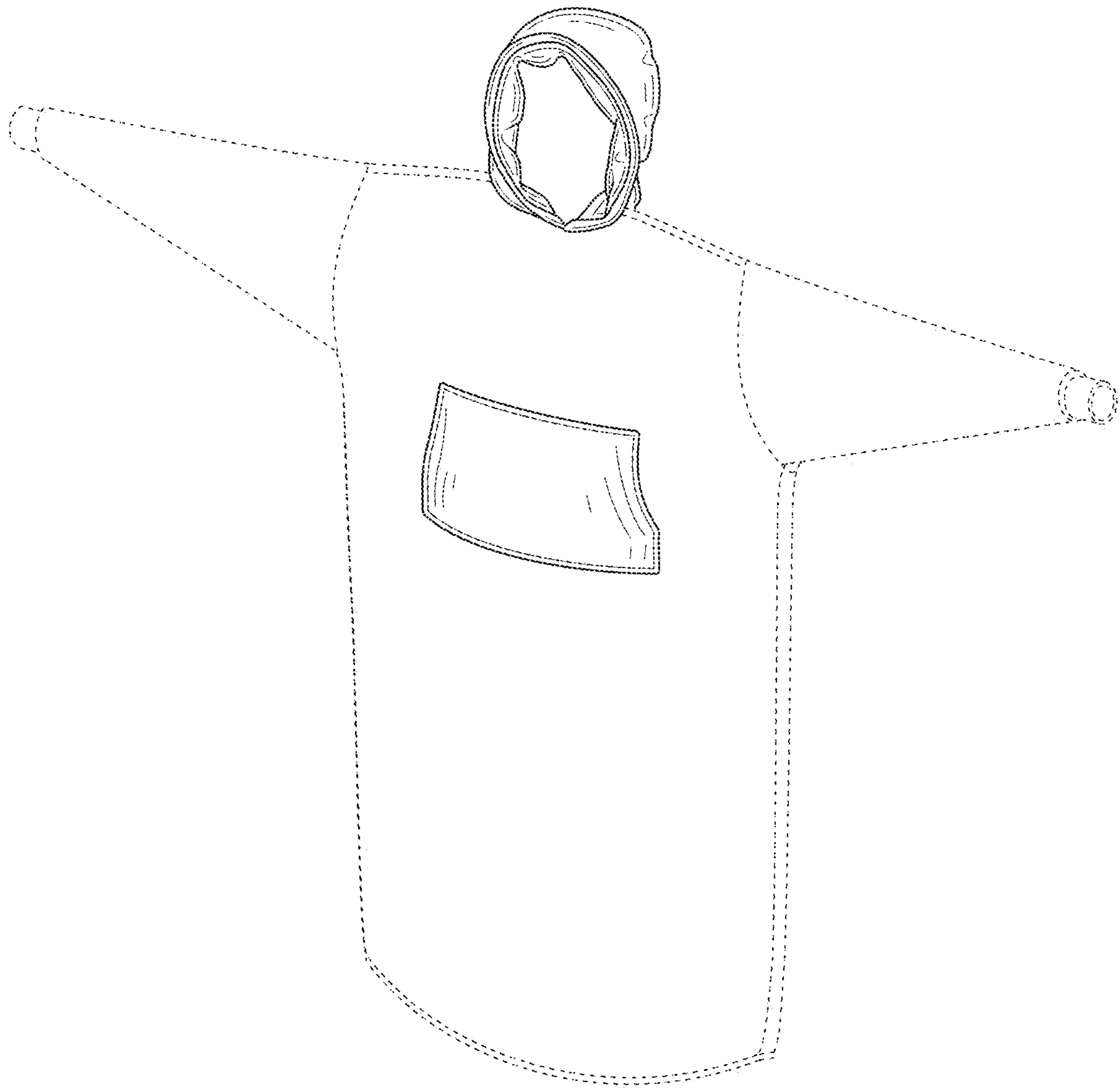


FIG. 17

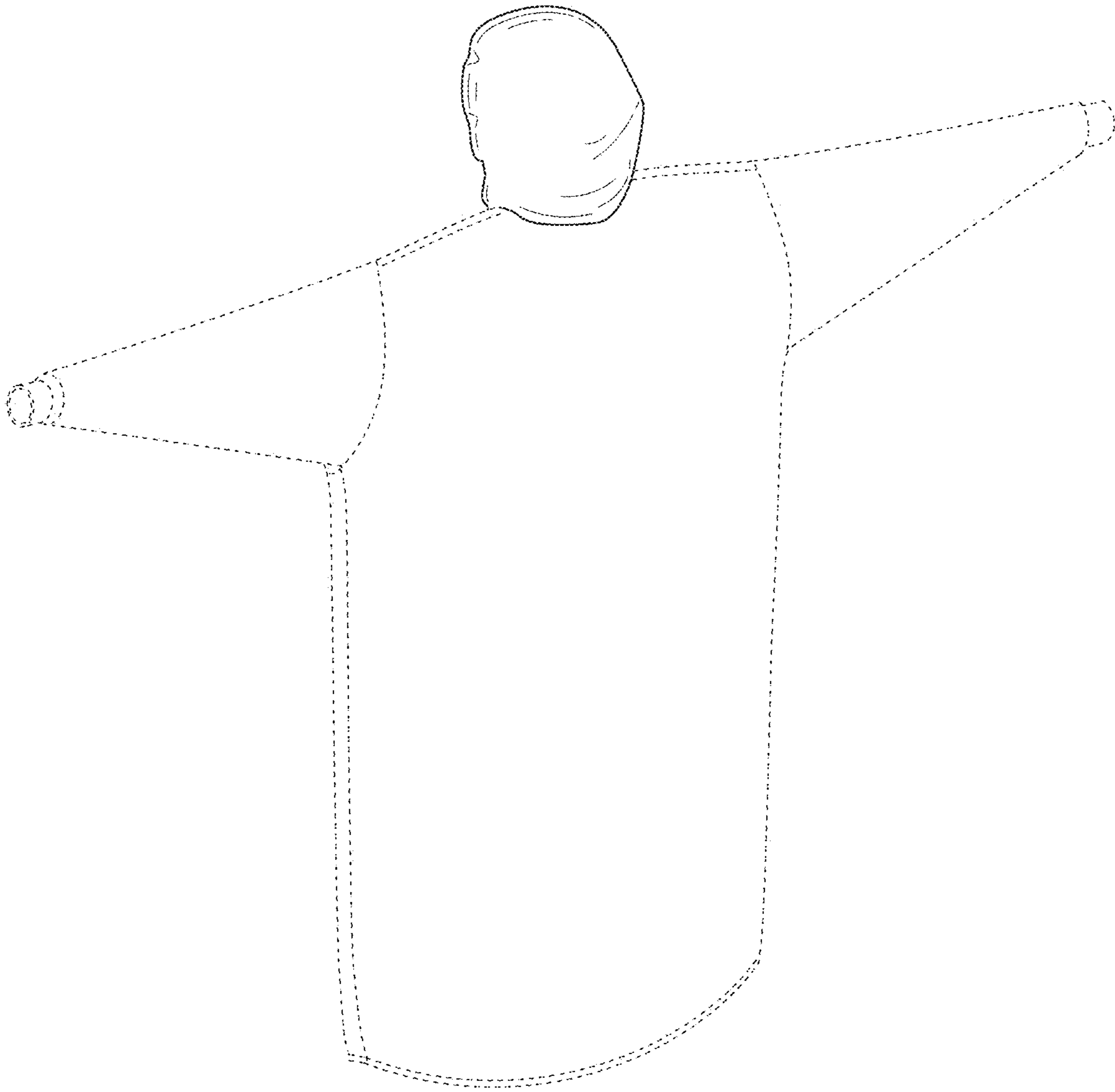


FIG. 18

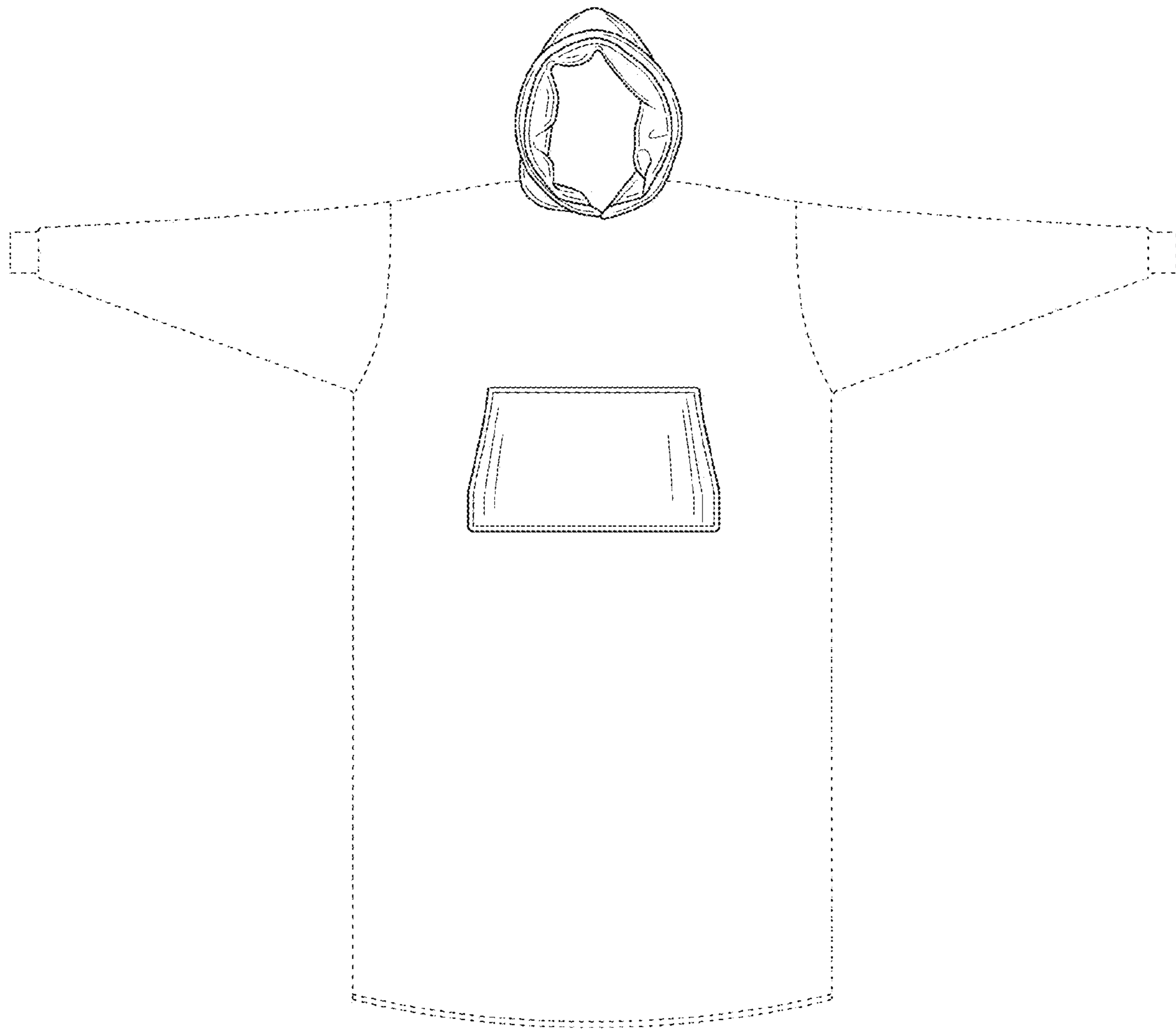


FIG. 19

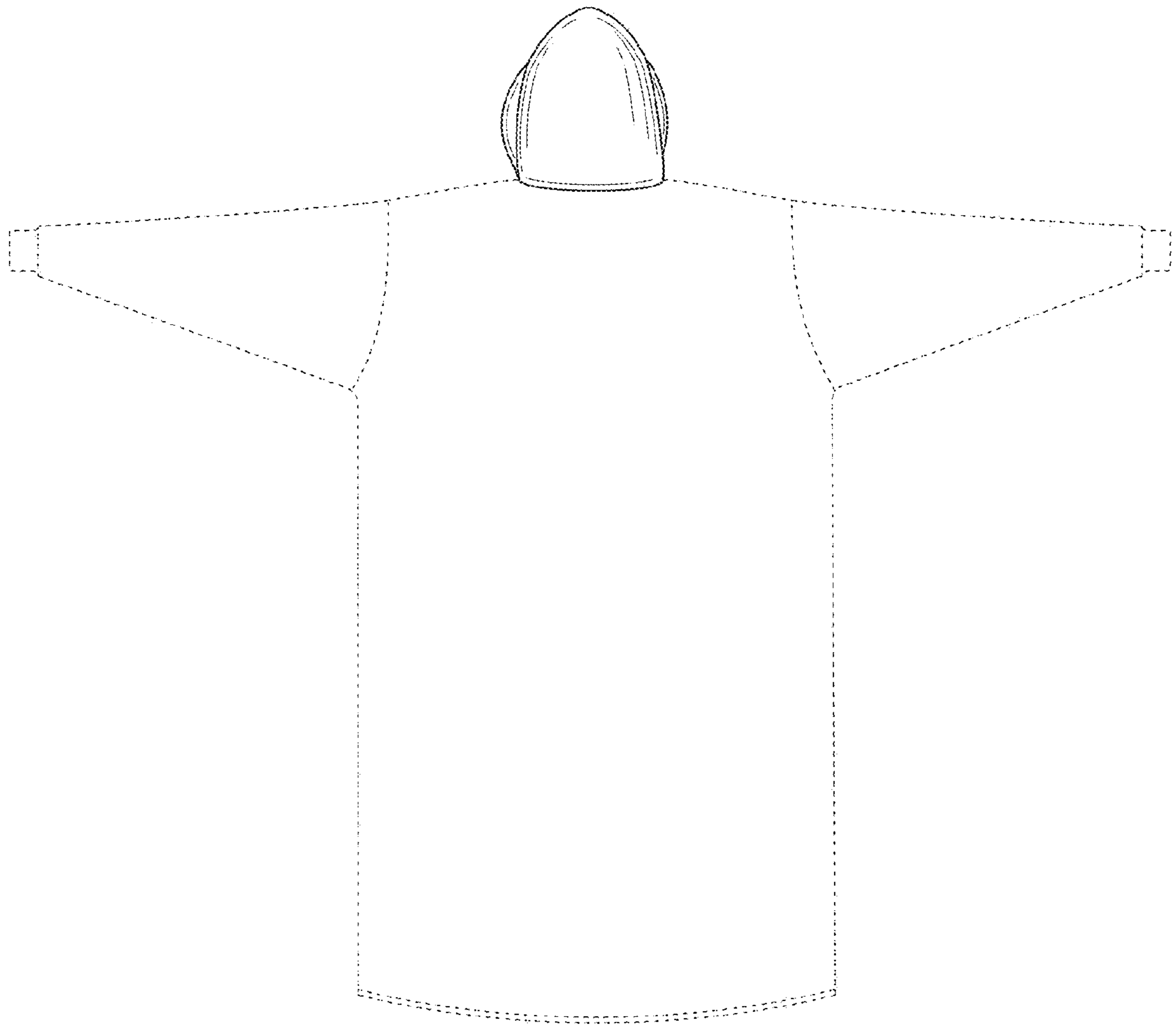


FIG. 20

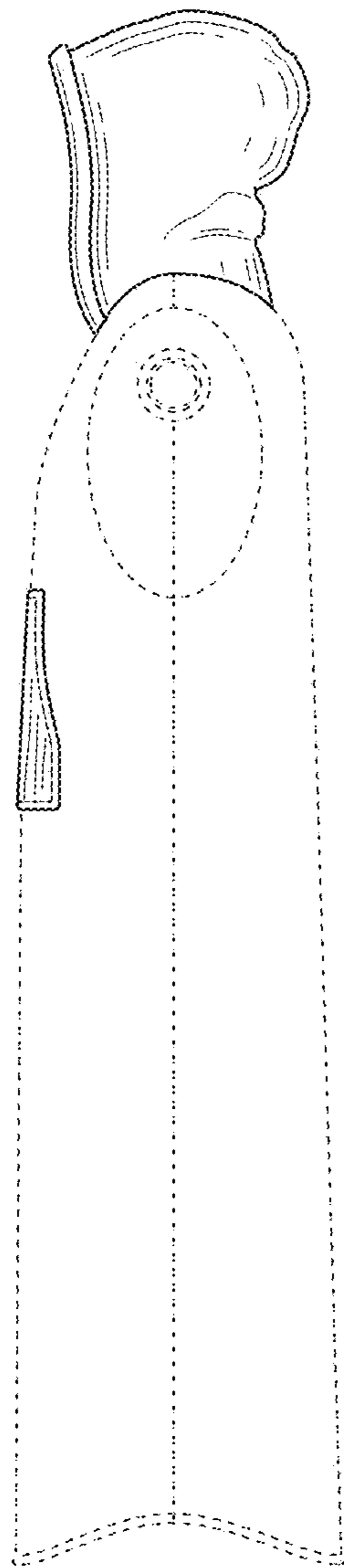


FIG. 21

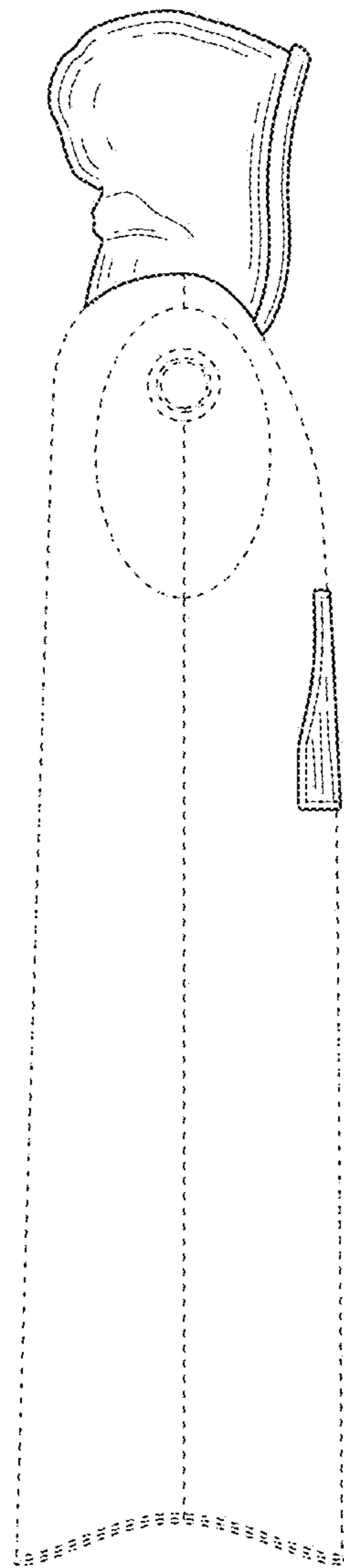


FIG. 22

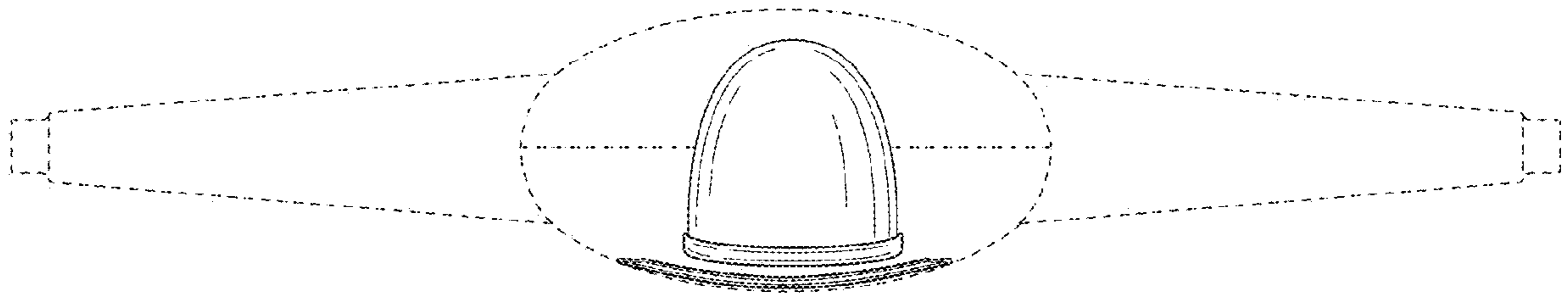


FIG. 23

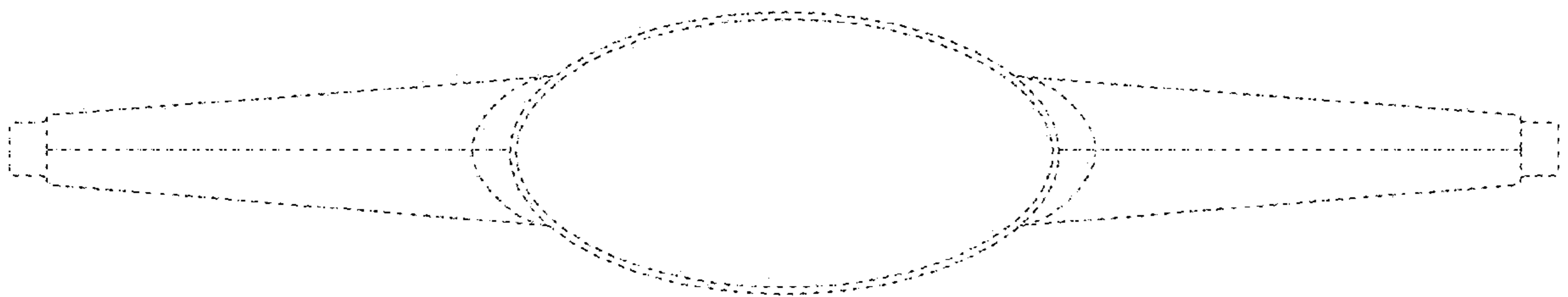


FIG. 24