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(54) **WHOLE BODY WEARABLE BLANKET**

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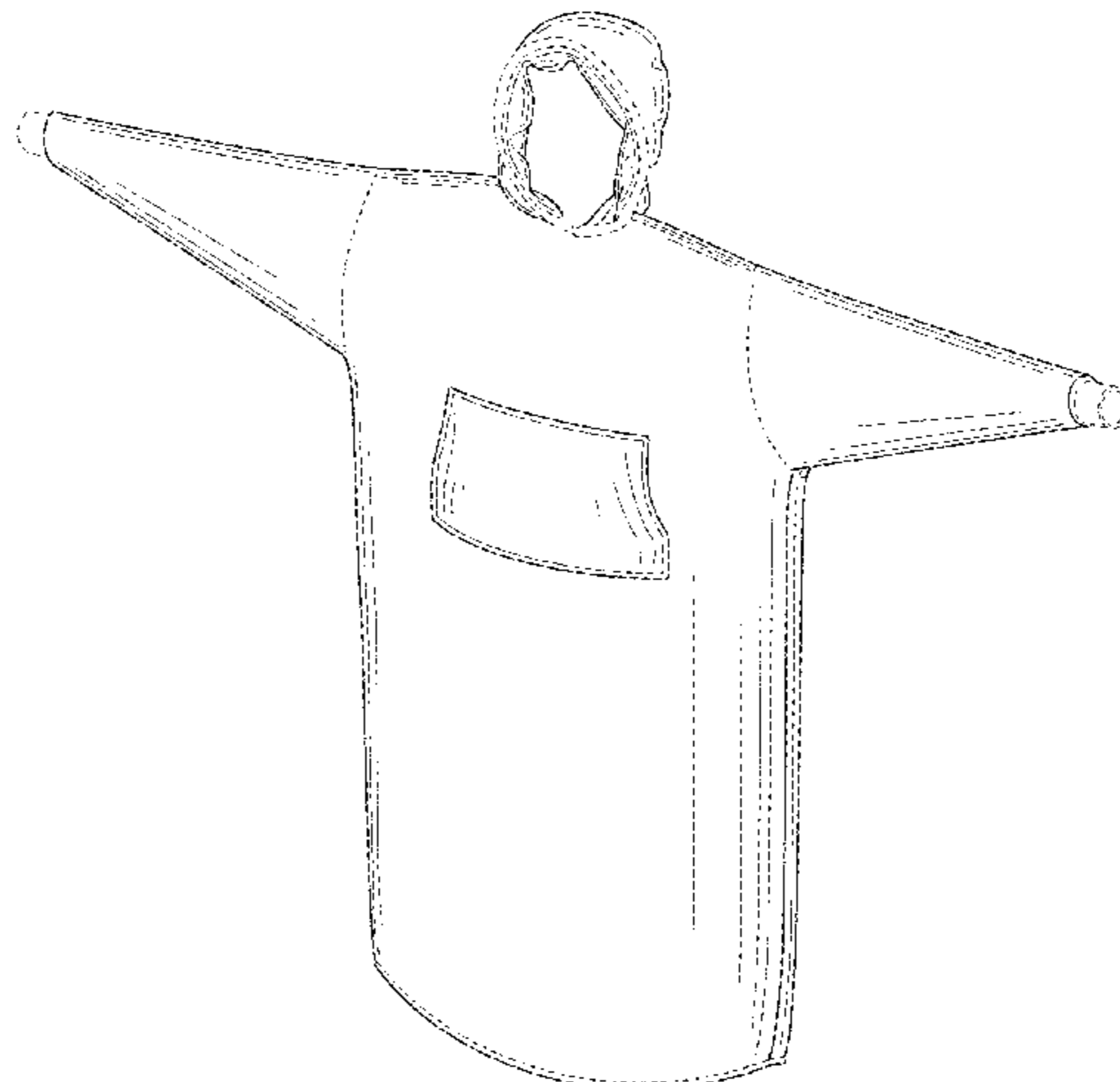
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Pleadings—Top Brand 43—Answer To First Amended Complaint for Declaratory Judgment and Counterclaims.

Pleadings—Top Brand 62—Second Amended Complaint.

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

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Amazon.com Listing: KPBLIS Wearable Blanket Sweatshirt, Giant Blanket Hoodie for Women and Men, Cozy Blanket With Sleeves and Large Front Pocket Adults, Teens (Dark Grey); disclosed as an Exhibit in Pleadings in 2:21-cv-00310-MHB; alleged access date Oct. 1, 21; URL in screenshot.

Amazon.com listing: Pullover Hoodie (P473); disclosed by Examiner in U.S. Appl. No. 29/759,308; accessed by USPTO on Oct. 14, 2021; URL in screenshot.

Amazon.com listing: The Comfy Original | Oversized Microfiber & Sherpa Wearable Blanket, Seen on Shark Tank, One Size Fits All Blue; disclosed by Examiner in U.S. Appl. No. 29/759,308; Access date and URL were not provided by USPTO.

Defendant’s Invalidation Contentions; presented as Pleadings in 2:21-cv-00310-MHB; Oct. 1, 2021.

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.

Exhibits to Defendant’s Invalidation Contentions; presented as Pleadings in 2:21-cv-00310-MHB; Oct. 1, 2021.

Expert Report, Exhibit to Defendant’s Opening Claim Construction Brief; presented as Pleadings in Case 2:21-cv-00597-SPL; created Oct. 1, 2021, filed Oct. 29, 2021.

Facebook Post and Video Clip: The Oodie Sign Up Today And Save \$20 Dec. 20, 28, 2018; URL: <https://www.facebook.com/TheOfficialOodie/videos/2206701302983818/> accessed Nov. 4, 2021.

Facebook Post and Video Clip: The Oodie The Highest Rated Wearable Blanket—Sep. 28, 2019; URL: <https://www.facebook.com/TheOfficialOodie/videos/737943896619105/> accessed Nov. 4, 2021.

Facebook.com: The Oodie—Premium Hooded Blankets Engineered For Comfort—Jul. 24, 2019; disclosed as an Exhibit in Pleadings in 2:21-cv-00310-MHB; alleged access date Oct. 1, 21; URL in screenshot.

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 the file wrapper of 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 the file wrapper of 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 the file wrapper of this application.

Video corresponding to the NPL disclosed as “YouTube.com: The Warmest blanket sweatshirt 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 the file wrapper of 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 the file wrapper of this application.

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

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

U.S. Appl. No. 29/749,764, filed Sep. 4, 2020.

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

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U.S. Appl. No. 29/759,310, filed Nov. 20, 2020.

U.S. Appl. No. 29/767,561, filed Jan. 23, 2021.

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

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

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

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

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_ar_p_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.

Concolorist 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&pf_rd_p=b9951ce4-3bd8-4b04-9123-0fda%E2%80%A6.

TOP003700 (www.womansday.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party.

A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003750 (ebay.com); Document produced in Case 2:21-cv-00597-SPL; Access date and full URL unknown and not provided by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003752 (www.ebay.com, allegedly accessed Mar. 15, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A

digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003755 (web.archive.org, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003757 (web.archive.org, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

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TOP003761 (web.archive.org, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003763 (www.nhluniforms.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party.

A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003765 (www.amazon.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL unknown and not provided by the disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instruction to place that digital file into the file wrapper of this application.

TOP003770 (www.amazon.com, allegedly accessed Mar. 22, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP003780; Document produced in Case 2:21-cv-00597-SPL; Alleged access date, publication type or information, and/or URL not provided by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004301; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and URL not provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004302 (target.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and URL not provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004305 (target.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and URL not provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004308 (target.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and URL not provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004310; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and URL not provided by disclosing party. A digital file

of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004312; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL not provided by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004313 (www.goalmonkey.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004318 (web.archive.org; allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004324 (www.amazon.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004341 (lilypichu.3blackdot.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004346; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004347 (www.ebay.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004351 (www.amazon.com, allegedly accessed Mar. 25, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004360 (amazon.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004365 (www.amazon.com); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004370; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004446 (www.ebay.com, allegedly accessed Mar. 17, 2022); Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party. A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

TOP004679; Document produced in Case 2:21-cv-00597-SPL; Alleged access date and full URL provided in screenshot by disclosing party.

A digital file of this document has been recorded onto CD-ROM media and mailed to the USPTO with instructions to place that digital file into the file wrapper of this application.

Lasuntin Blanket Sweatshirt; Amazon.com Listing; accessed by USPTO on Mar. 7, 2022 at https://www.amazon.com/Blanket-Sweatshirt-Oversized-Wearable-Blankets/dp/B08LC2G4H/ref=sr_1_2?crid=2QDDFNU3YD6B&keywords=the+pin%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>.

* 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.

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

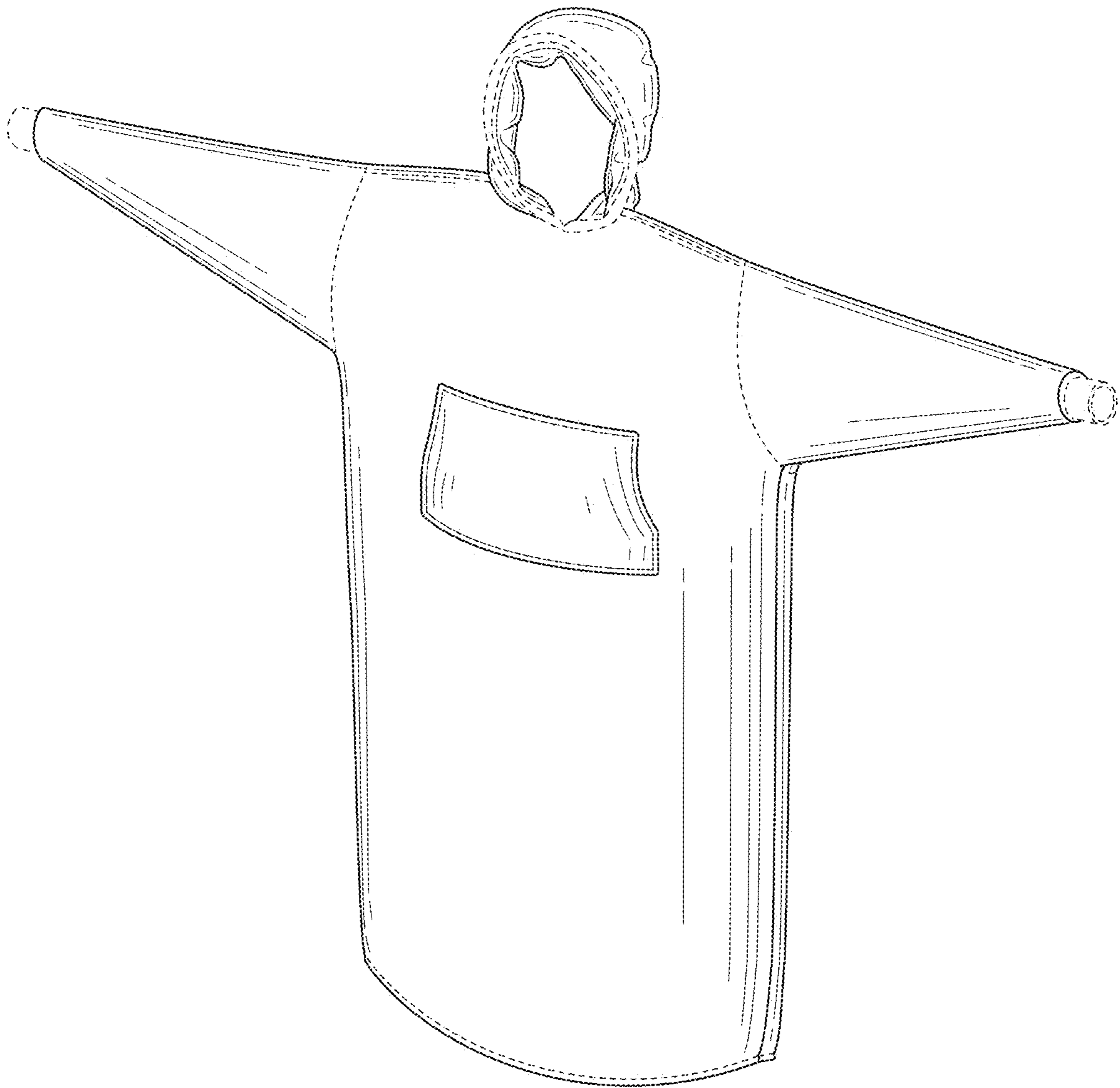


FIG. 1

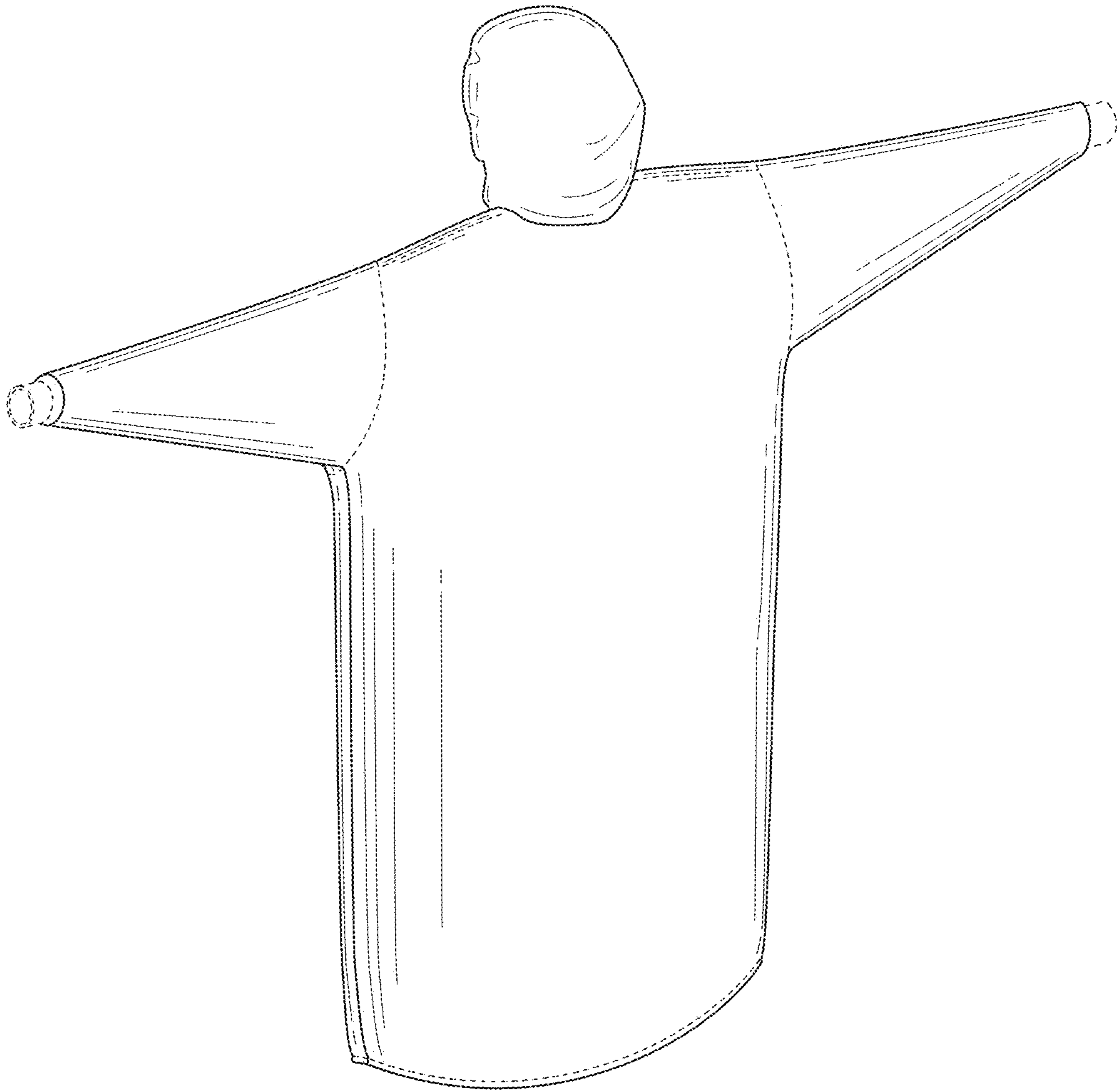


FIG. 2

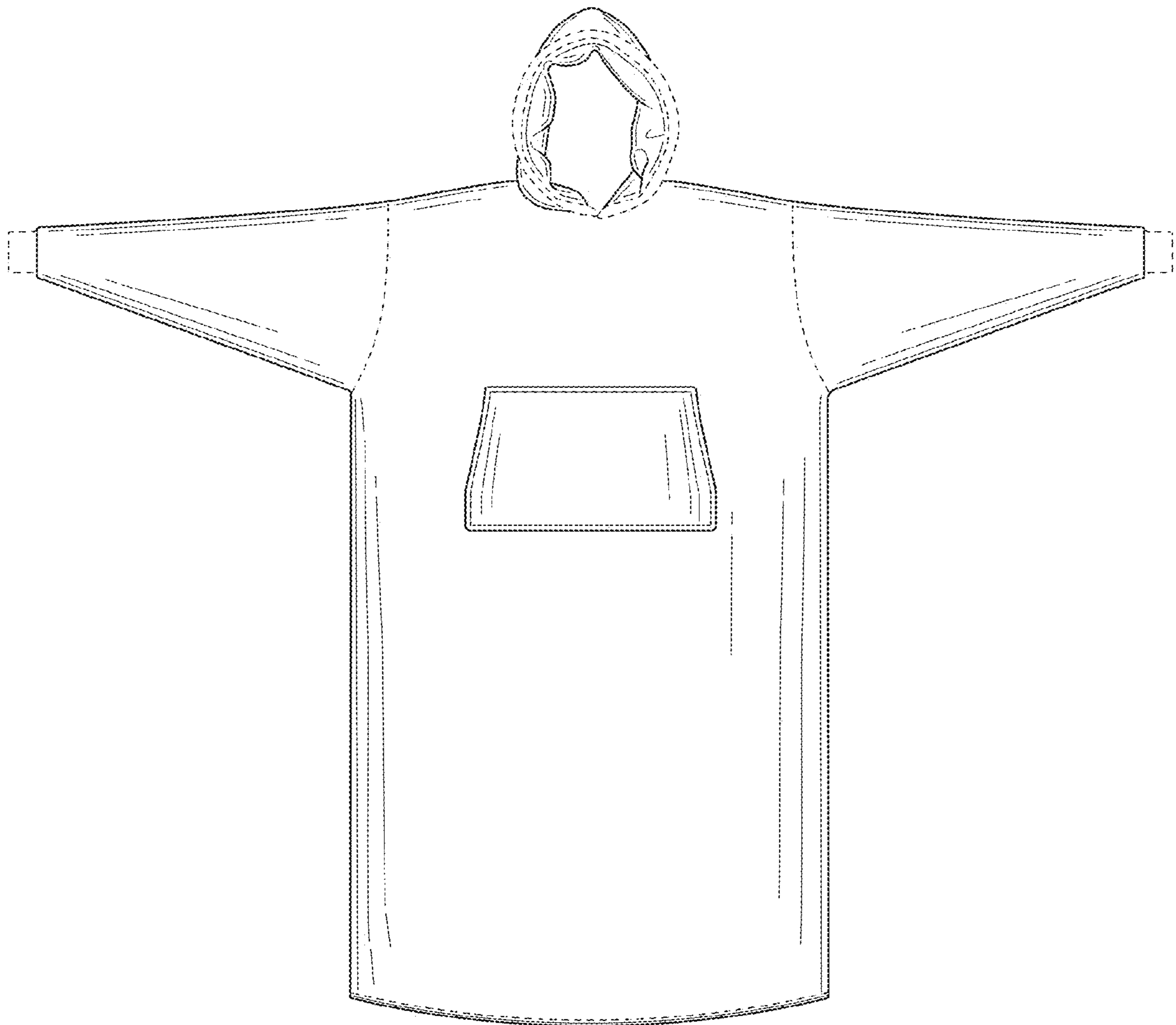


FIG. 3

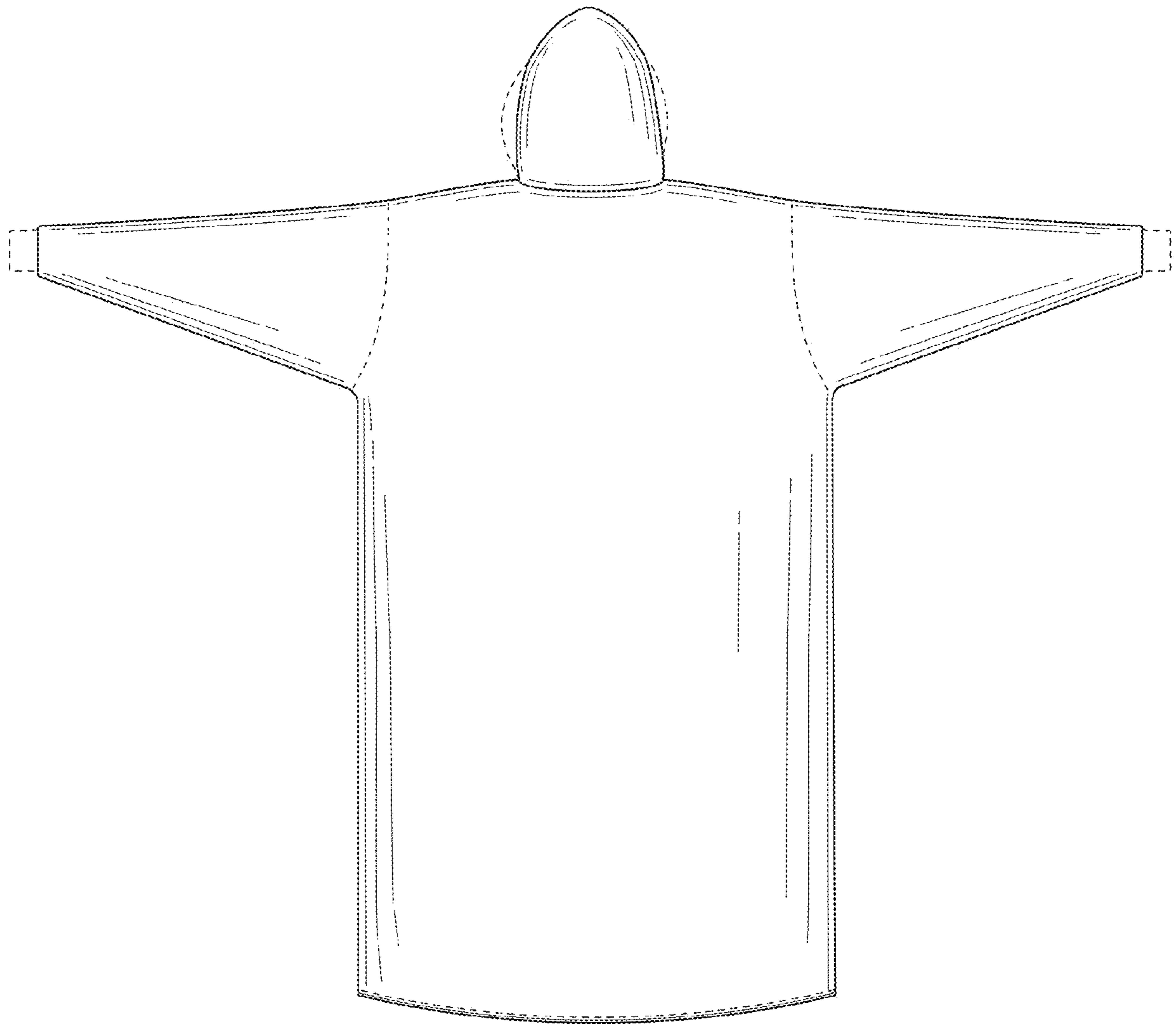


FIG. 4

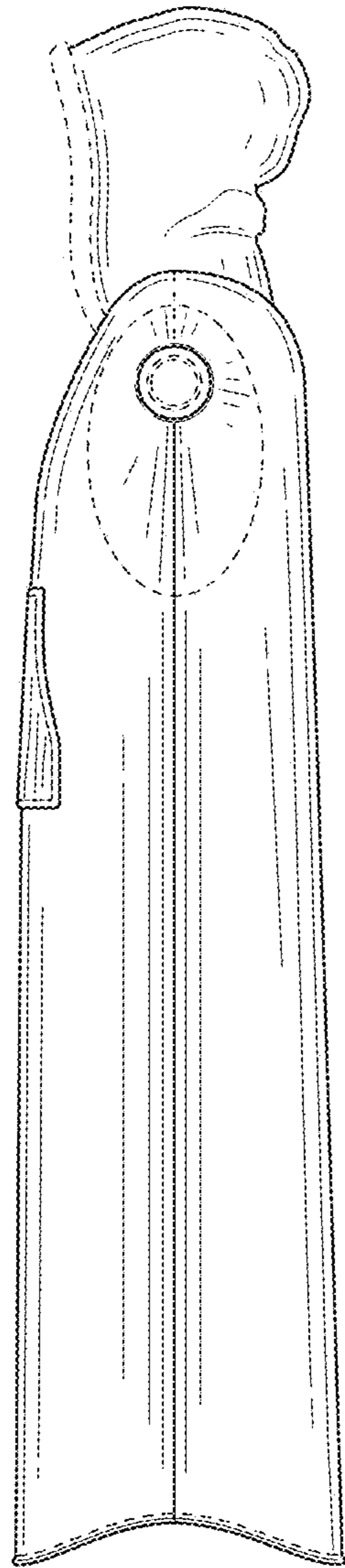


FIG. 5

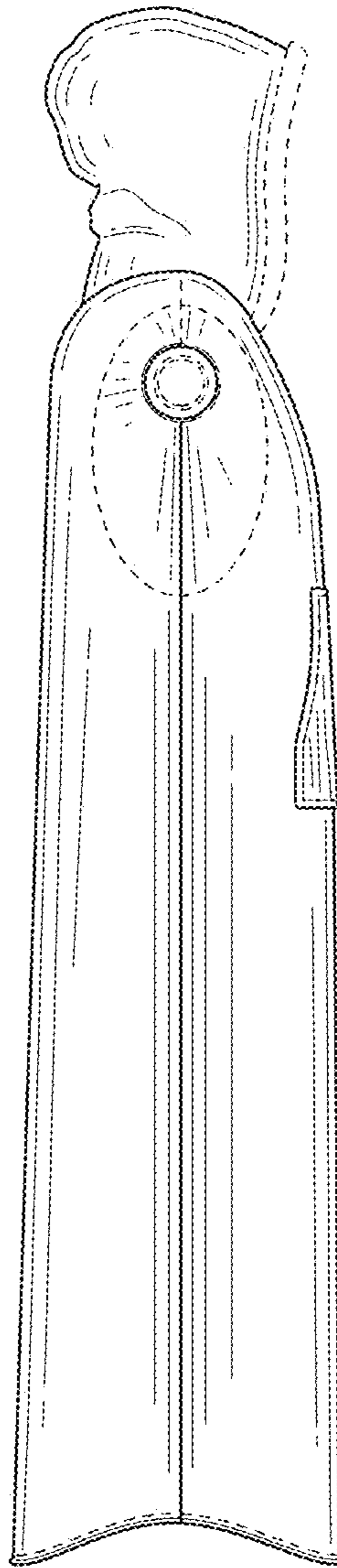


FIG. 6

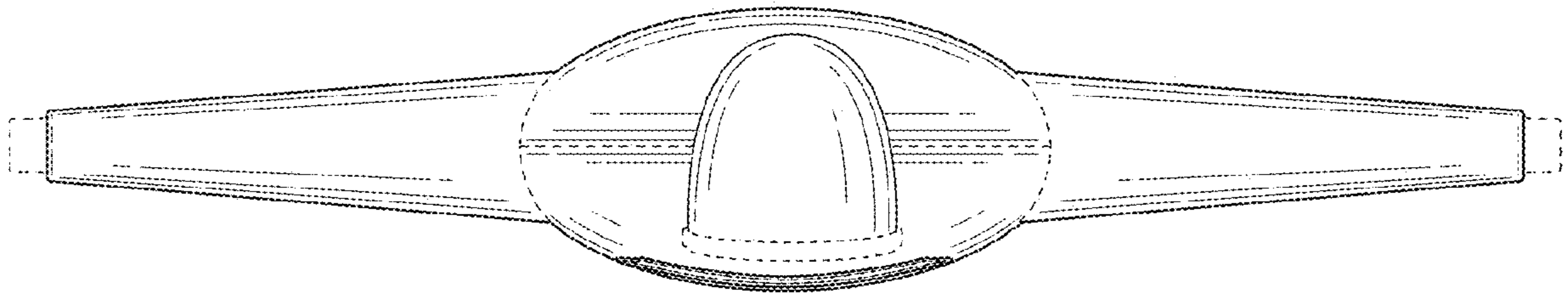


FIG. 7

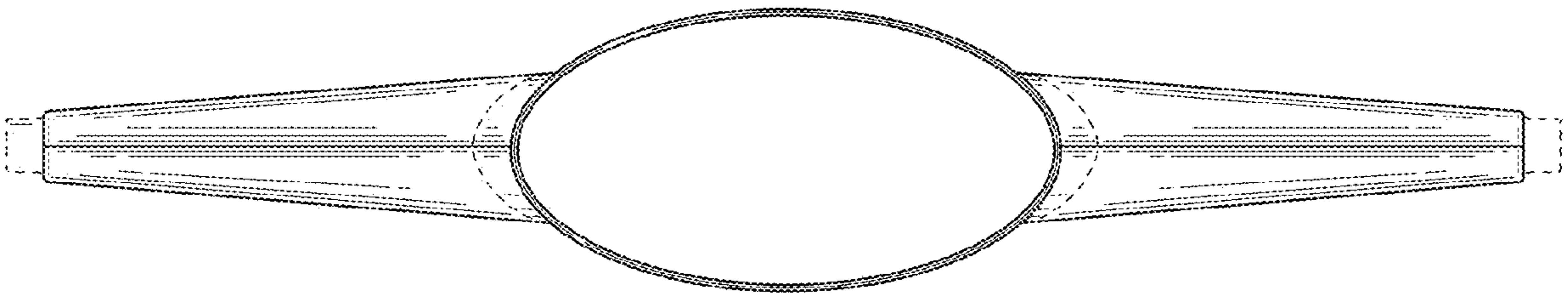


FIG. 8

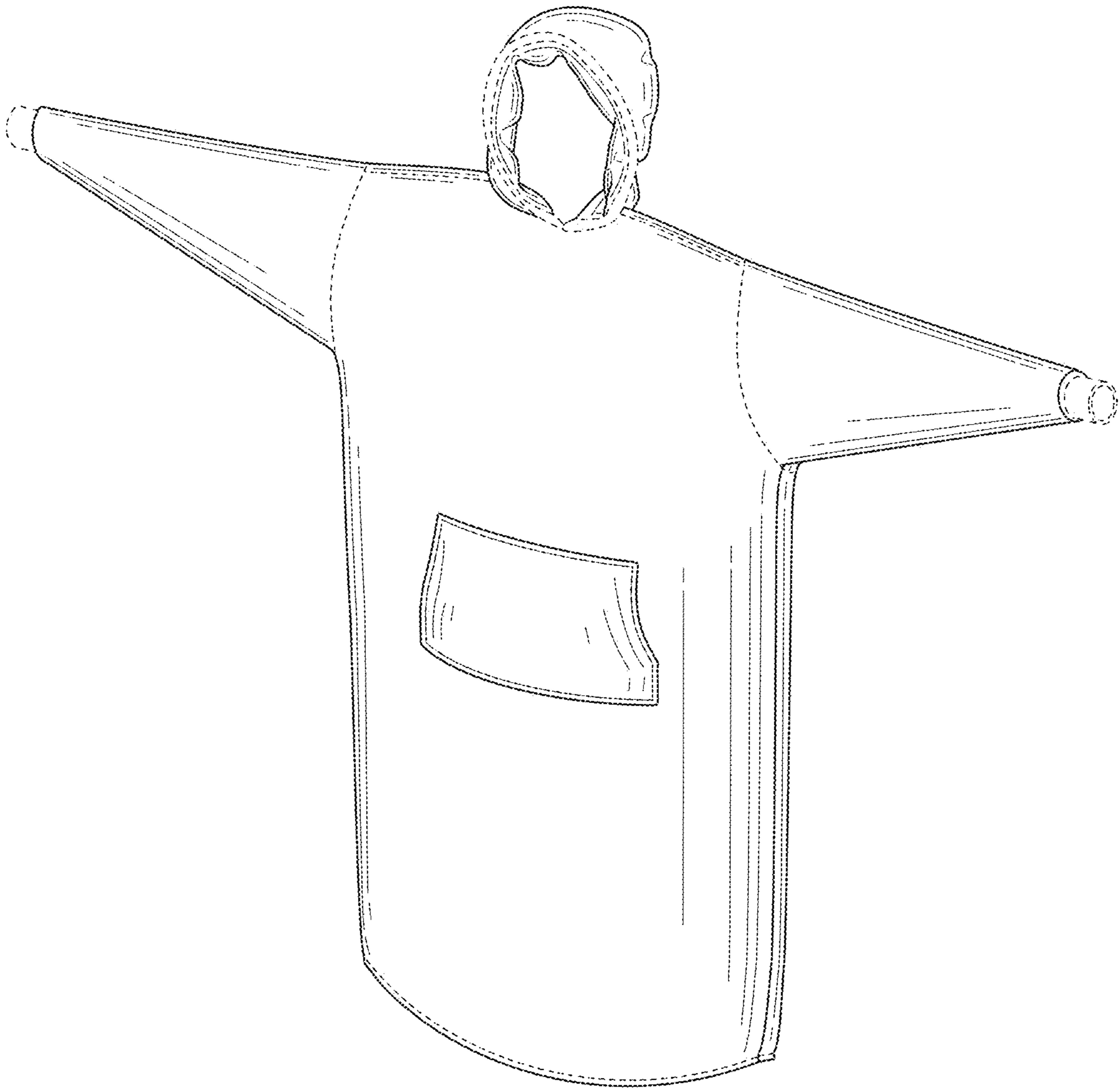


FIG. 9

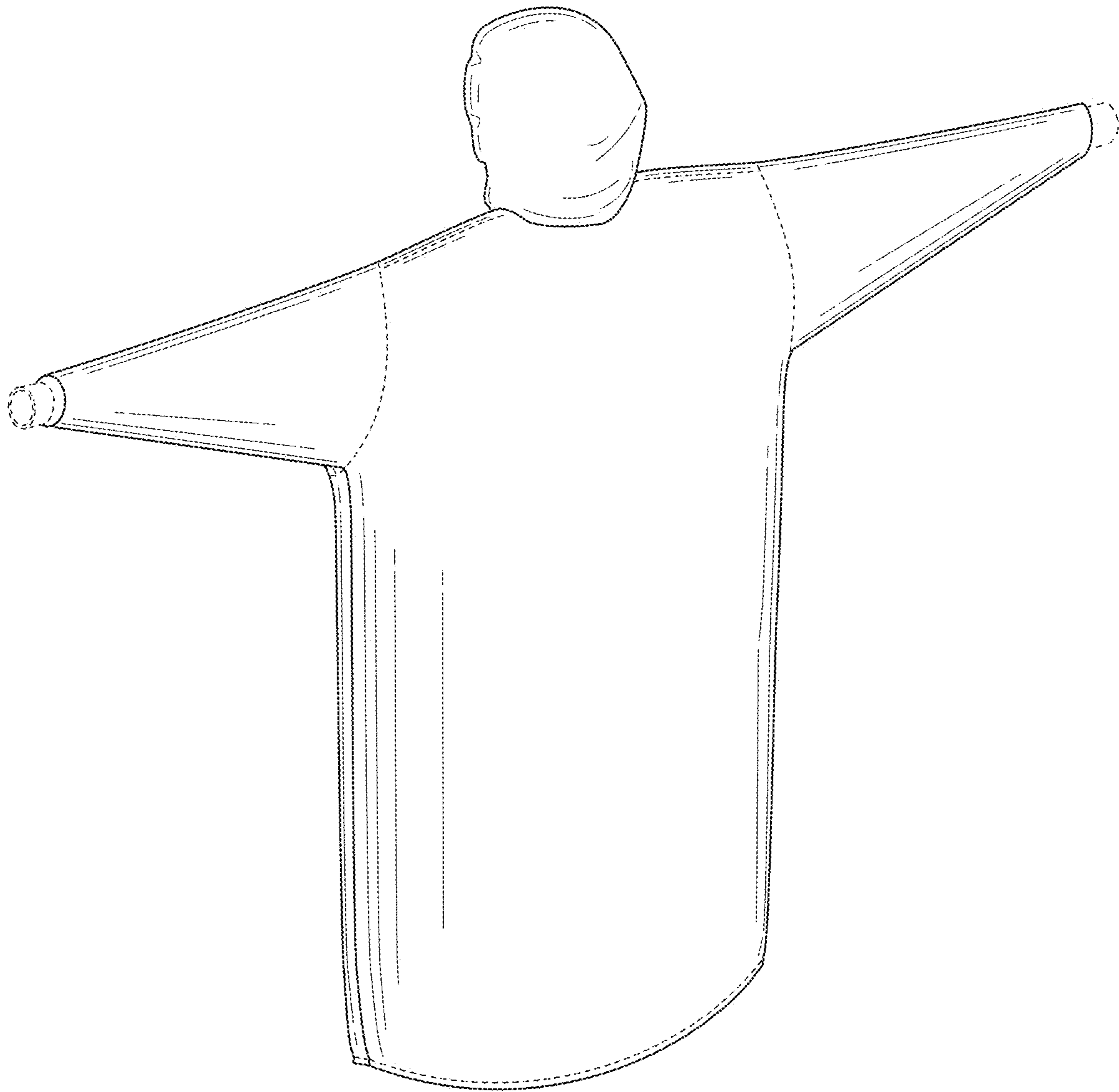


FIG. 10

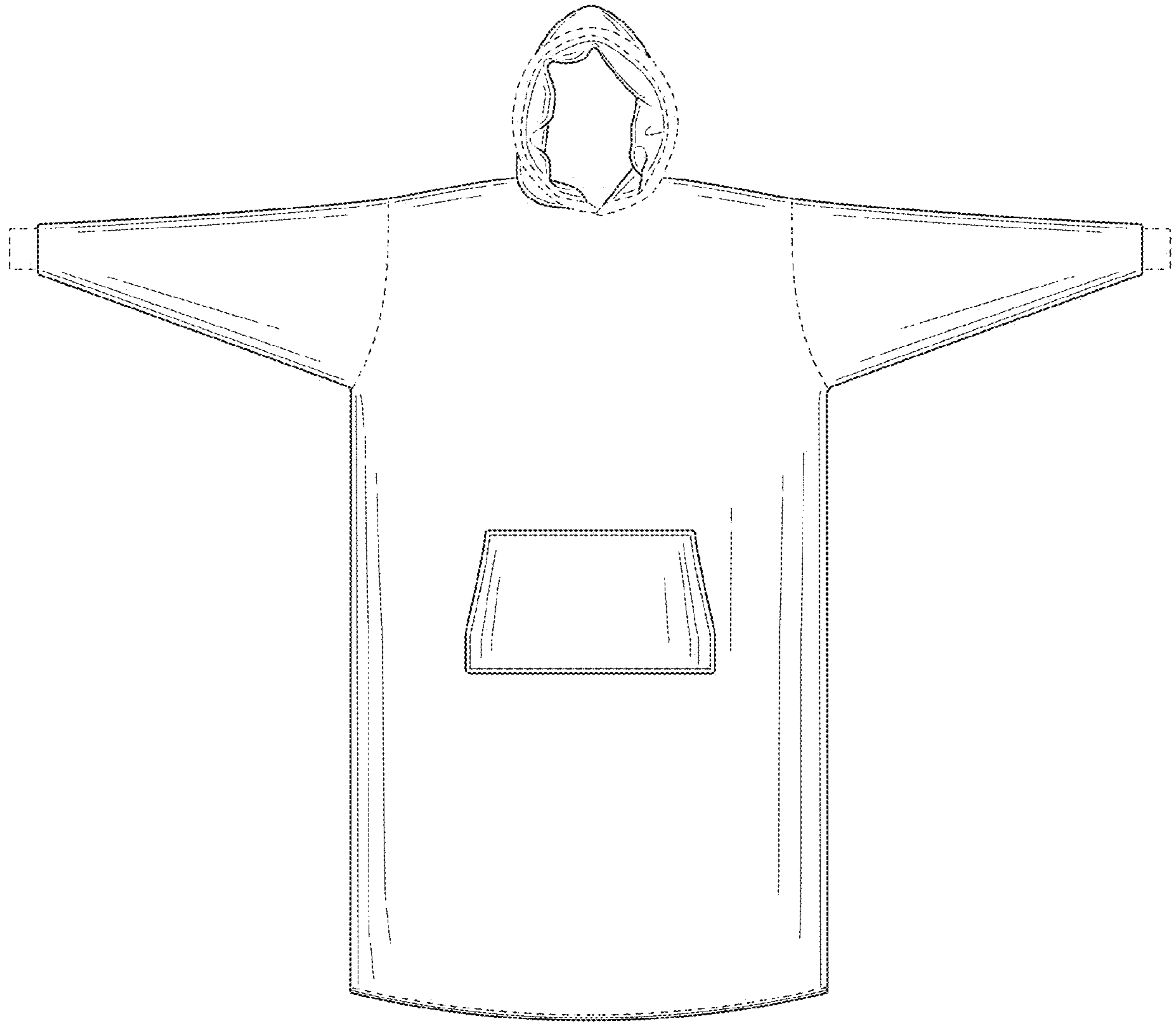


FIG. 11

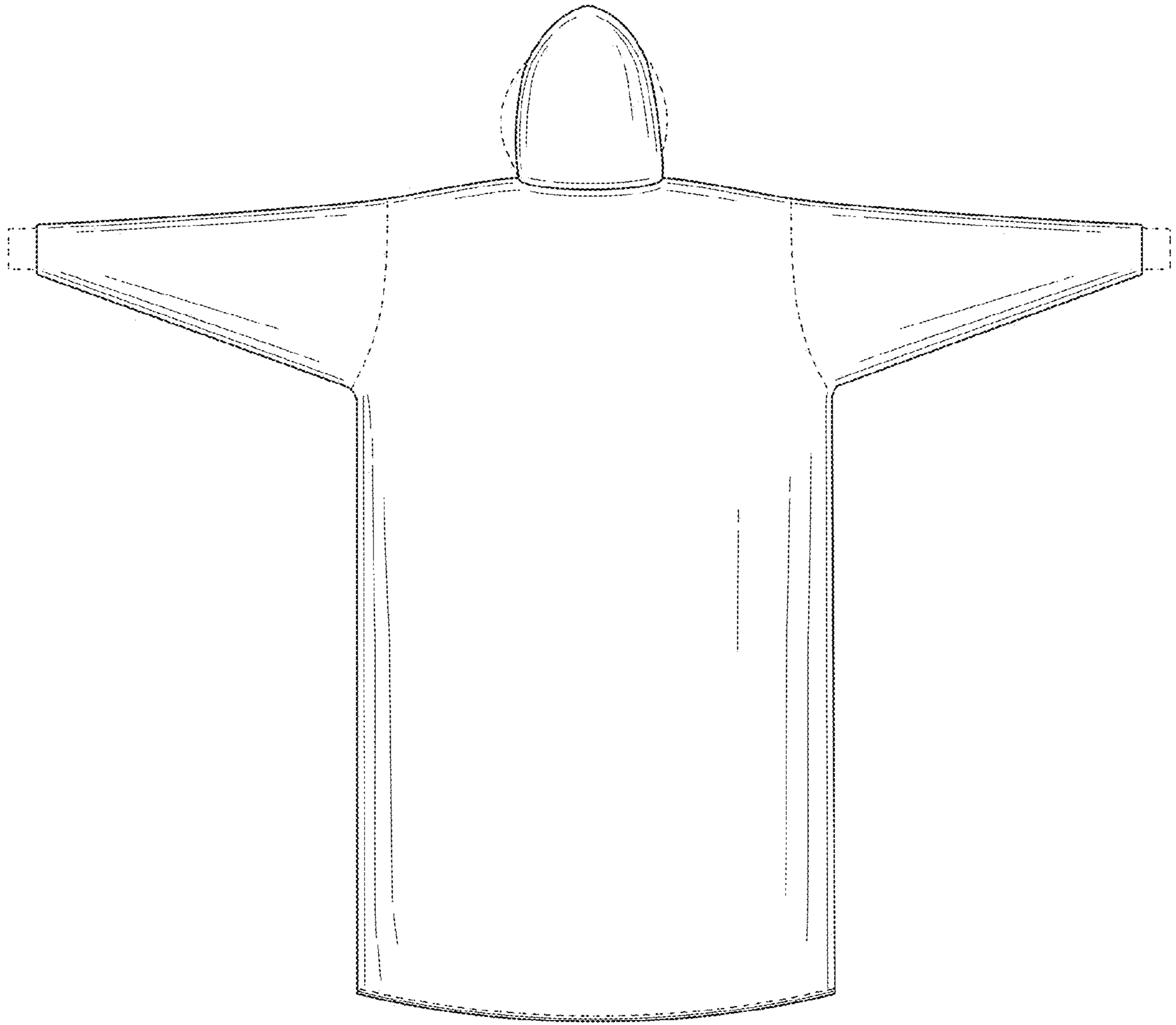


FIG. 12

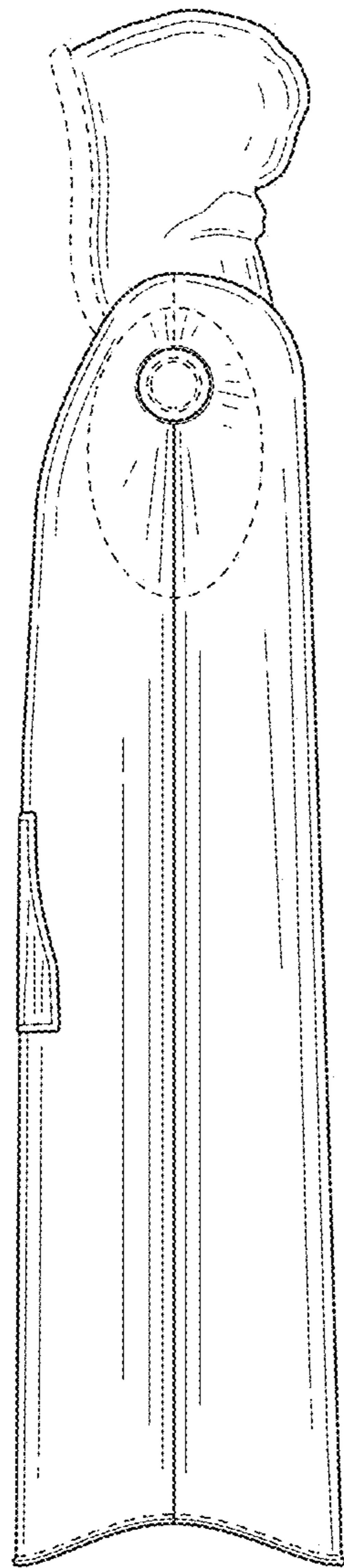


FIG. 13

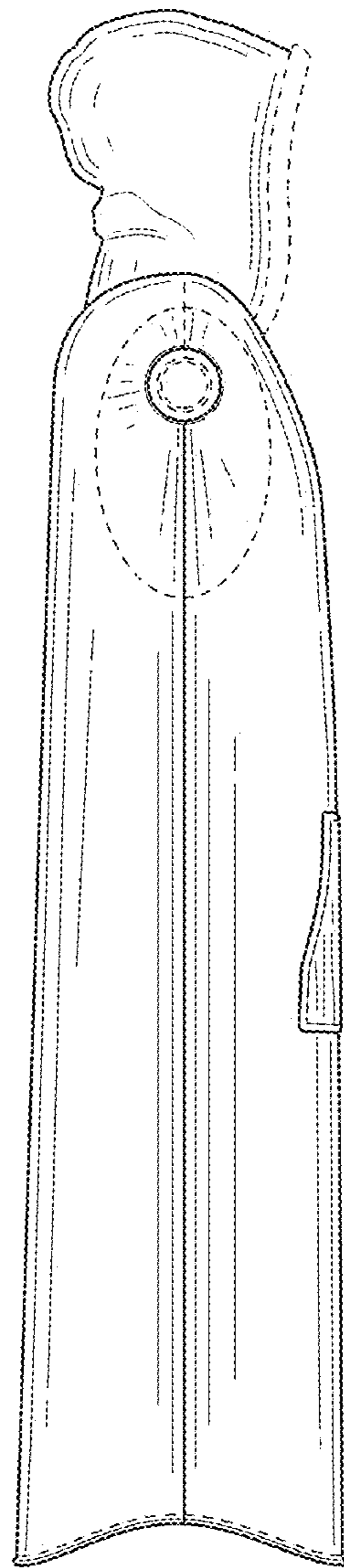


FIG. 14

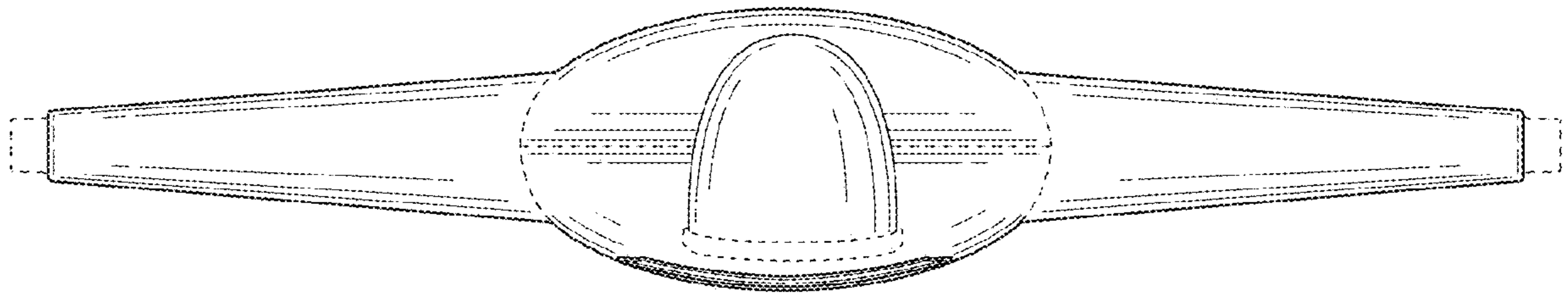


FIG. 15

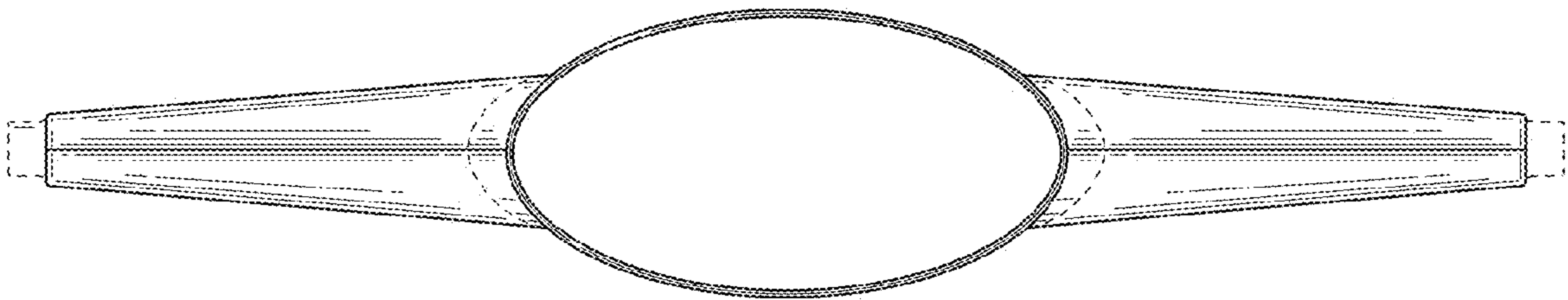


FIG. 16