

US00RE46016E

(19) **United States**
(12) **Reissued Patent**
Scherbing

(10) **Patent Number:** **US RE46,016 E**
(45) **Date of Reissued Patent:** **May 31, 2016**

(54) **INCUBATOR HOUSING**

- (71) Applicant: **Miller Manufacturing Company**,
Eagan, MN (US)
- (72) Inventor: **Gerald Scherbing**, Minneapolis, MN
(US)
- (73) Assignee: **Miller Manufacturing Company**,
Eagan, MN (US)
- (21) Appl. No.: **29/474,585**
- (22) Filed: **Oct. 9, 2014**

Related U.S. Patent Documents

Reissue of:

- (64) Patent No.: **Des. 707,823**
Issued: **Jun. 24, 2014**
Appl. No.: **29/451,204**
Filed: **Mar. 28, 2013**

- (51) **LOC (10) Cl.** **24-01**
- (52) **U.S. Cl.**
USPC **D24/163; D30/199**
- (58) **Field of Classification Search**
USPC D24/163, 164, 185, 202, 209, 231;
600/21, 22; 119/311, 315, 317;
128/202.12, 205.26; D30/108, 117,
D30/199, 109, 119
CPC A01K 41/00; A01K 41/023; A01K 41/06
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

- D250,355 S * 11/1978 Marsh D30/117
- 4,966,973 A * 10/1990 Goto et al. 119/311

(Continued)

FOREIGN PATENT DOCUMENTS

- CN 103309370 A 9/2013
- WO WO2005013678 A2 2/2005

OTHER PUBLICATIONS

Miller Manufacturing Company, "Automatic Egg Turner" Advertisement, Aug. 2007, 1 page.

(Continued)

Primary Examiner — Phillip S Hyder

(74) *Attorney, Agent, or Firm* — Briggs and Morgan, P.A.

(57) **CLAIM**

The ornamental design for an incubator housing, as shown.

DESCRIPTION

FIG. 1 is a perspective view of an outside of the incubator housing.

FIG. 2 is a perspective view of an inside of the incubator housing of FIG. 1.

FIG. 3 is an inside view of the incubator housing of FIG. 1.

FIG. 4 is an outside view of the incubator housing of FIG. 1.

FIG. 5 is a [side] top view of the outside of the incubator housing of FIG. 1; [and,]

FIG. 6 is [another] side view of the outside of the incubator housing of FIG. 1[.];

FIG. 7 is a perspective view of an outside of a second embodiment of the incubator housing;

FIG. 8 is a perspective view of an inside of the incubator housing of FIG. 7;

FIG. 9 is an inside view of the incubator housing of FIG. 7;

FIG. 10 is an outside view of the incubator housing of FIG. 7;

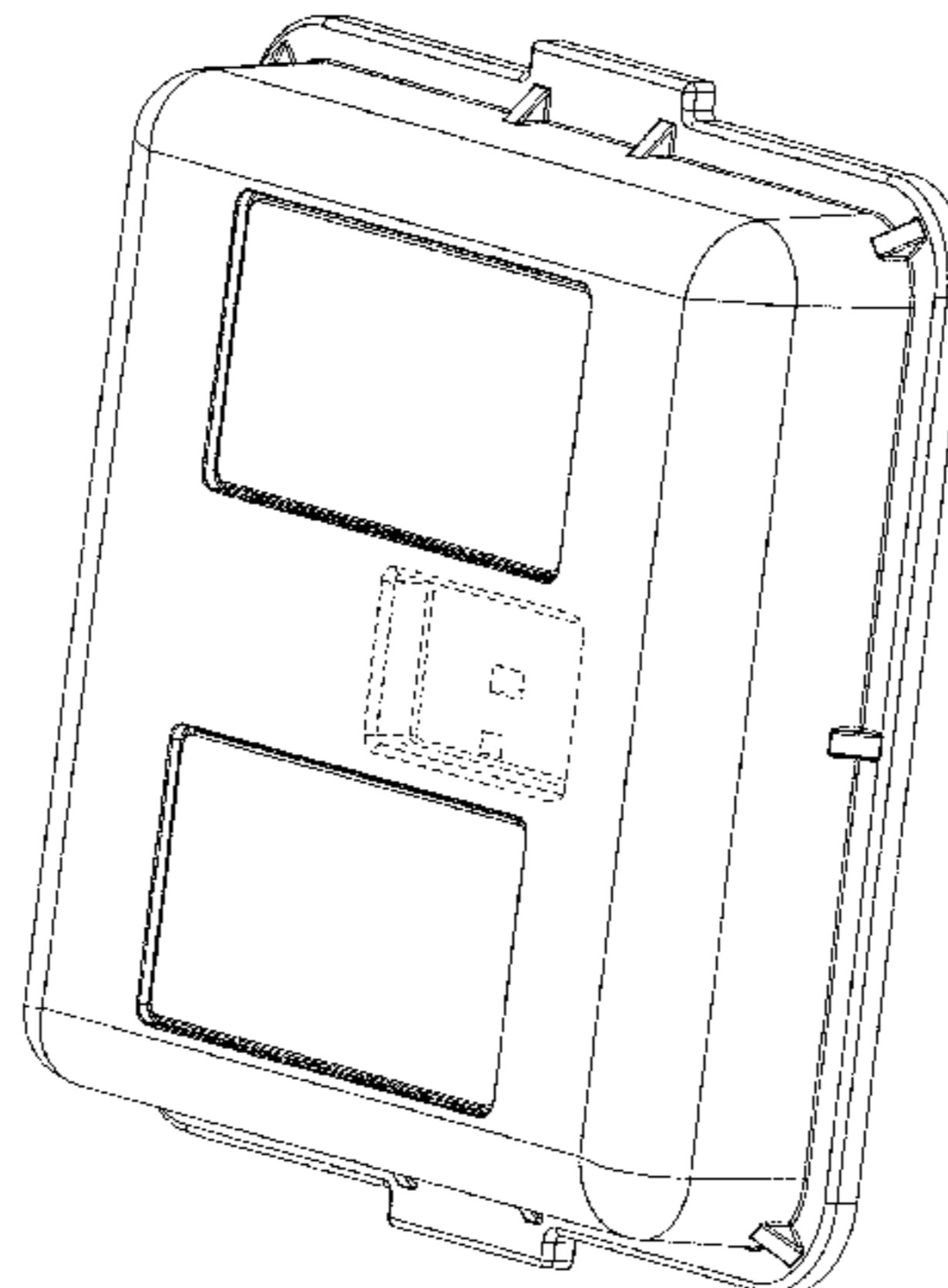
FIG. 11 is a top view of the outside of the incubator housing of FIG. 7; and,

FIG. 12 is a side view of the outside of the incubator housing of FIG. 7.

The portions of the drawings in broken lines are shown for illustrative purposes only and form no part of the claimed design.

1 Claim, 10 Drawing Sheets

Matter enclosed in heavy brackets [] appears in the original patent but forms no part of this reissue; matter printed in italics indicates the additions made by reissue.



(56)

References Cited

U.S. PATENT DOCUMENTS

5,148,773	A	9/1992	Ontiveros	
5,385,529	A	1/1995	Koch	
5,410,985	A	5/1995	Schritz	
5,519,188	A	5/1996	Yuichi et al.	
5,525,512	A	6/1996	Pieler et al.	
5,568,791	A	10/1996	Dratt	
5,575,237	A	11/1996	Ferguson	
5,657,720	A	8/1997	Walters	
5,690,055	A	11/1997	Wenstrand et al.	
5,964,182	A	10/1999	Cox et al.	
5,984,002	A	11/1999	Kido et al.	
6,036,633	A	3/2000	Hodge	
6,196,159	B1	3/2001	Dratt	
6,196,160	B1	3/2001	Pas	
6,231,346	B1	5/2001	Sagi-Dolev	
6,635,471	B1	10/2003	Lee et al.	
6,711,937	B2	3/2004	Richards et al.	
7,021,552	B2	4/2006	Meter	
7,172,782	B2	2/2007	Howarth	
D557,864	S *	12/2007	Den Boer	D30/108
7,404,375	B2	7/2008	Rajcic-Spasojevic	
7,618,808	B1	11/2009	Papp	
7,648,585	B2	1/2010	Meter	
7,915,033	B2	3/2011	Higashi et al.	
D637,292	S *	5/2011	Hudson	D24/163
7,950,350	B2	5/2011	Berckmans et al.	
7,966,972	B2	6/2011	Meter	
7,966,973	B1	6/2011	Adragna, Jr. et al.	
8,012,419	B2	9/2011	Ammann et al.	
8,025,552	B2	9/2011	Cohen et al.	
8,069,819	B2	12/2011	Huisinga et al.	
8,082,879	B2	12/2011	Moran	
8,082,884	B2	12/2011	Sia	
8,098,370	B2	1/2012	Hebrank et al.	
D655,870	S *	3/2012	Carlin, Jr.	D30/117
8,137,620	B2	3/2012	Ammann et al.	
8,192,983	B2	6/2012	Kiyota et al.	
8,196,548	B2	6/2012	Hendel	
8,272,352	B2	9/2012	Hendel	
8,292,192	B1	10/2012	Purswell et al.	
8,327,798	B2	12/2012	Lahav et al.	
8,339,588	B2	12/2012	Foster	
8,615,374	B1	12/2013	Discenzo	

OTHER PUBLICATIONS

Miller Manufacturing Company, "Poultry & Game Bird," 2004-2005 Miller Manufacturing Company Catalog, Jul. 2004, p. 9.

Miller Manufacturing Company v. Farm Innovators, Inc., Complaint filed by Miller Manufacturing Company, dated Sep. 2, 2014, pp. 1-5 and Exhs. A-C.

Miller Manufacturing Company v. Farm Innovators, Inc., Plaintiff Miller Manufacturing Company's Motion to Stay, dated Oct. 10, 2014, pp. 1-2.

Miller Manufacturing Company v. Farm Innovators, Inc., Declaration of Aaron A. Myers in Support of Farm Innovators' Opposition to Plaintiff's Motion to Stay, dated Oct. 17, 2014, pp. 1-2 and Exhs. A-F.

Miller Manufacturing Company v. Farm Innovators, Inc., Memorandum in Support of Farm Innovators' Motion to Dismiss Without Prejudice, dated Oct. 27, 2014, pp. 1-4.

Miller Manufacturing Company v. Farm Innovators, Inc., Declaration of Benjamin Clark in Support of Farm Innovators' Motion to Dismiss Without Prejudice, dated Oct. 27, 2014, pp. 1-4.

Miller Manufacturing Company v. Farm Innovators, Inc., Declaration of Aaron A. Myers in Support of Farm Innovators' Motion to Dismiss Without Prejudice, dated Oct. 27, 2014, pp. 1-2 and Exhs. A-B.

Miller Manufacturing Company v. Farm Innovators, Inc., Second Declaration of Benjamin Clark in Support of Farm Innovators' Motion to Dismiss Without Prejudice, dated Dec. 1, 2014, pp. 1-3 and Exh. 1.

Miller Manufacturing Company, "Your Complete Source for Poultry Products" Advertisement, Nov. 1999, 1 page.

"1583 Hova-Bator, Circulated Air Picture Window," Web page <http://www.gqfmfg.com/store/comersus_viewItem.asp?idProduct=76#>, 2 pages, Apr. 15, 2008, retrieved from Internet Archive Wayback Machine <https://web.archive.org/web/20080415204712/http://www.gqfmfg.com/store/comersus_viewItem.asp?idProduct=76#> on Feb. 17, 2015.

"G.Q.F. Manufacturing 1602N Hova-Bator Incubator," Web page <http://www.amazon.com/G-Q-F-Manufacturing-1602N-Hova-Bator-Incubator/dp/B0050I4H6A/ref=cm_cr_pr_pl_footer_top?ie=UTF8>, 7 pages, reviews dating from 2009, retrieved on Feb. 17, 2015.

"Fall Harvest Products Circulated Air Incubator #CA115," Web page <<http://www.fallharvestproducts.com/item158.htm>>, 3 pages, Nov. 28, 2012, retrieved from Internet Archive Wayback Machine <<https://web.archive.org/web/20121128173424/http://www.fallharvestproducts.com/item158.htm>> on Feb. 17, 2015).

"9105 Chick-Bator w/ 4 Quail Eggs 110v," Web page <http://www.gqfmfg.com/store/comersus_viewItem.asp?idProduct=273#>, 2 pages, Apr. 15, 2008, retrieved from the Internet Archive Wayback Machine <https://web.archive.org/web/20080415204111/http://www.gqfmfg.com/store/comersus_viewItem.asp?idProduct=273#> on Feb. 17, 2015.

"Classroom Incubators and Brooders," Web page <http://www.brinsea.com/cat-Classroom_Incubators_and_Brooders-32.aspx>, 3 pages, Jan. 13, 2012, retrieved from Internet Archive Wayback Machine <https://web.archive.org/web/20120113215144/http://www.brinsea.com/cat-Classroom_Incubators_and_Brooders-32.aspx> on Feb. 17, 2015.

"Brinsea Octagon 20 ECO Manual Turn Egg Incubator," Web page <http://www.amazon.com/Brinsea-Octagon-20-ECO-Incubator/dp/B001UF8OSY/ref=sr_1_19?s=lawn-garden&ie=UTF8&qid=1424194709&sr=1-19&keywords=brinsea+incubator>, 10 pages, Amazon product availability date of Mar. 2, 2009, retrieved on Feb. 17, 2015.

"Incubator: Octagon 40 with Autoturn Cradle," Web page <http://www.amazon.com/Incubator-Octagon-40-Autoturn-Cradle/dp/B000KPY7RM/ref=sr_1_1?s=lawn-garden&ie=UTF8&qid=1424195526&sr=1-1&keywords=octagon+40>, 7 pages, Amazon product availability date of Nov. 8, 2006, retrieved on Feb. 17, 2015.

"Reptibator," Web page <<http://www.zoomed.com/db/products/EntryDetail.php?EntryID=315&DatabaseID=2&SearchID=1>>, 2 pages, Jun. 15, 2011, retrieved from Internet Archive Wayback Machine <<https://web.archive.org/web/20110615144057/http://www.zoomed.com/db/products/EntryDetail.php?EntryID=315&DatabaseID=2&SearchID=1>> on Feb. 17, 2015.

"Juragon RX Reptile Egg Incubator," Web page <<http://www.amazon.co.uk/Juragon-RX-Reptile-Egg-Incubator/dp/B007YLF81Y>>, 5 pages, Amazon.co.uk product availability date of Mar. 26, 2013, retrieved on Feb. 17, 2015.

"RCOM 20 Pro Egg Incubator," Web page <http://www.amazon.co.uk/RCOM-20-Pro-Egg-Incubator/dp/B007YJYMD6/ref=pd_sim_sbs_ce_14?ie=UTF8&refRID=1XDWFZF59BBNX34FDNVN>, 5 pages, Amazon.co.uk product availability date of Jul. 2012, retrieved on Feb. 17, 2015.

"Incubator Full Automatic Incubator with User Manual Chicken Eggs," Web page <http://www.amazon.co.uk/Incubator-automatic-incubator-manual-chicken/dp/B00LXNDXLG/ref=sr_1_45?ie=UTF8&qid=1424208028&sr=8-45&keywords=48+egg+incubator>, 5 pages, Amazon.co.uk product availability date of Apr. 16, 2010, retrieved on Feb. 17, 2015.

Photographs of Miller Manufacturing Company Still Air Incubator, Model 5200, product released in 1985.

Photographs of Miller Manufacturing Company Still Air Incubator, Model 9200, product released in 1995.

Photographs of Miller Manufacturing Company Circulated Air Incubator with Forced Air Fan Kit, Model 10200, product released in 1995.

Photographs of Farm Innovators, Inc. Still Air Incubator, Model 2100, Product Released by 2012.

Photographs of Farm Innovators, Inc. Circulated Air Incubator, Model 2200, Product Released by 2012.

(56)

References Cited

OTHER PUBLICATIONS

Photographs of Farm Innovators, Inc. Circulated Air Incubator, Model 4200, Product Released by 2012.

Miller Manufacturing Company, "Incubator & Accessory Instruction Manual," instruction manual for Little Giant products, including incubators released in 1995, 2 pages.

Farm Innovators, Inc., instructions manual for products including Model 2100 Still Air Incubator, Jun. 2012, 2 pages.

GQF Mfg. Co., 2362N Circulated Air Hova-Bator, copyright 2009, 1 page.

GQF Mfg. Co., 1602N Thermal Air Hova-Bator, copyright 2009, 1 page.

GQF Mfg. Co., Hova-Bator, copyright 2009, 1 page.

* cited by examiner

FIG. 1

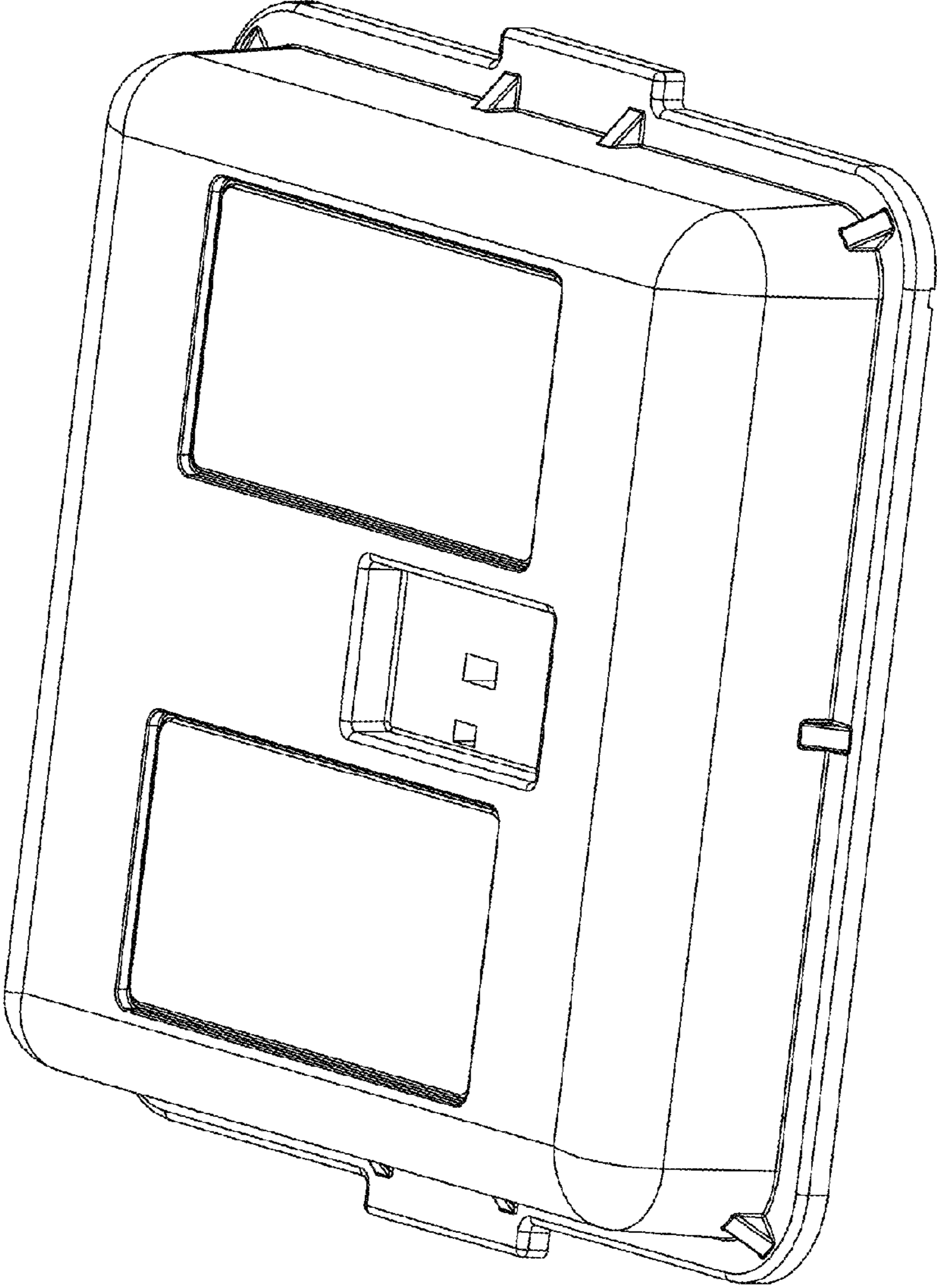


FIG. 2

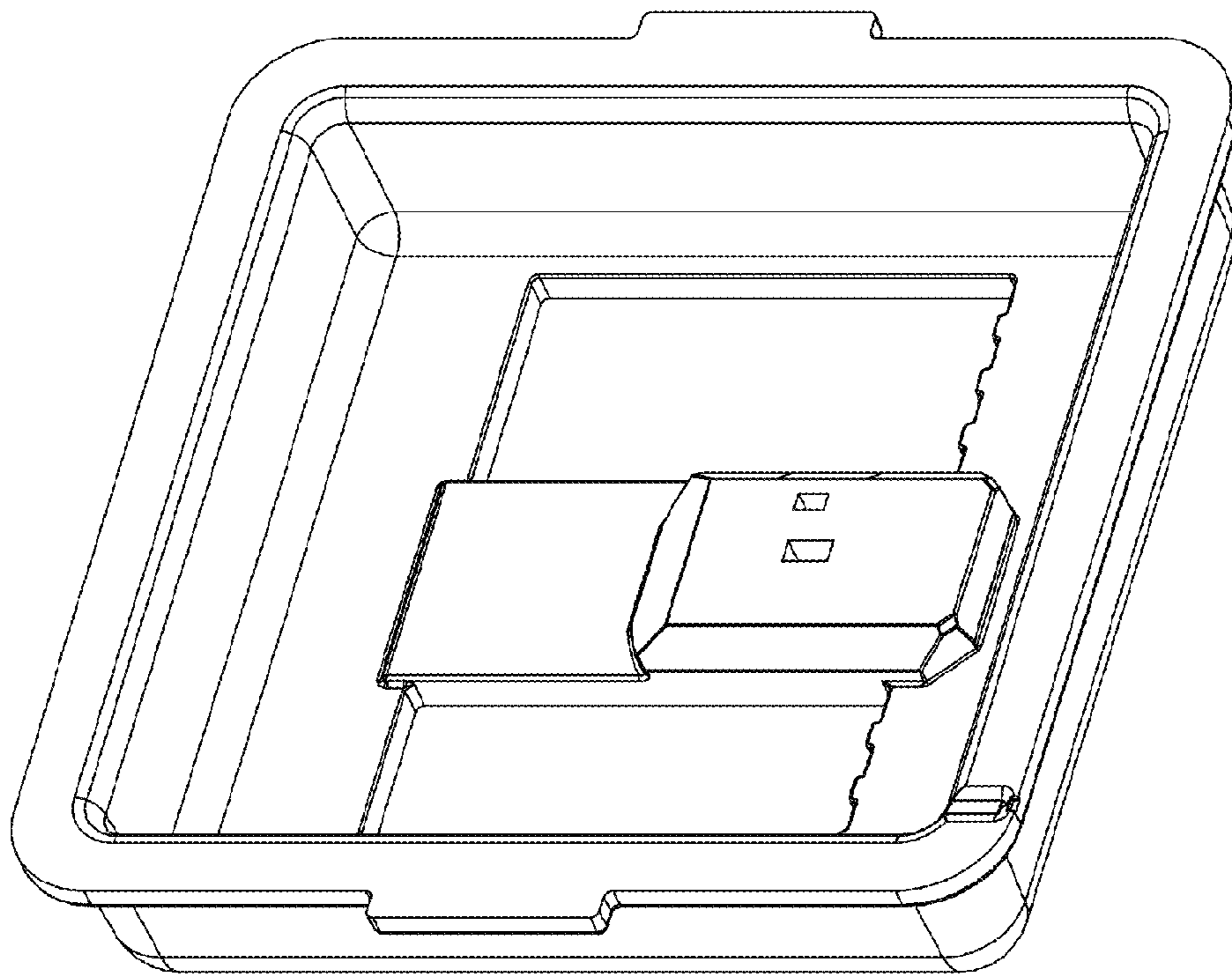


FIG. 3

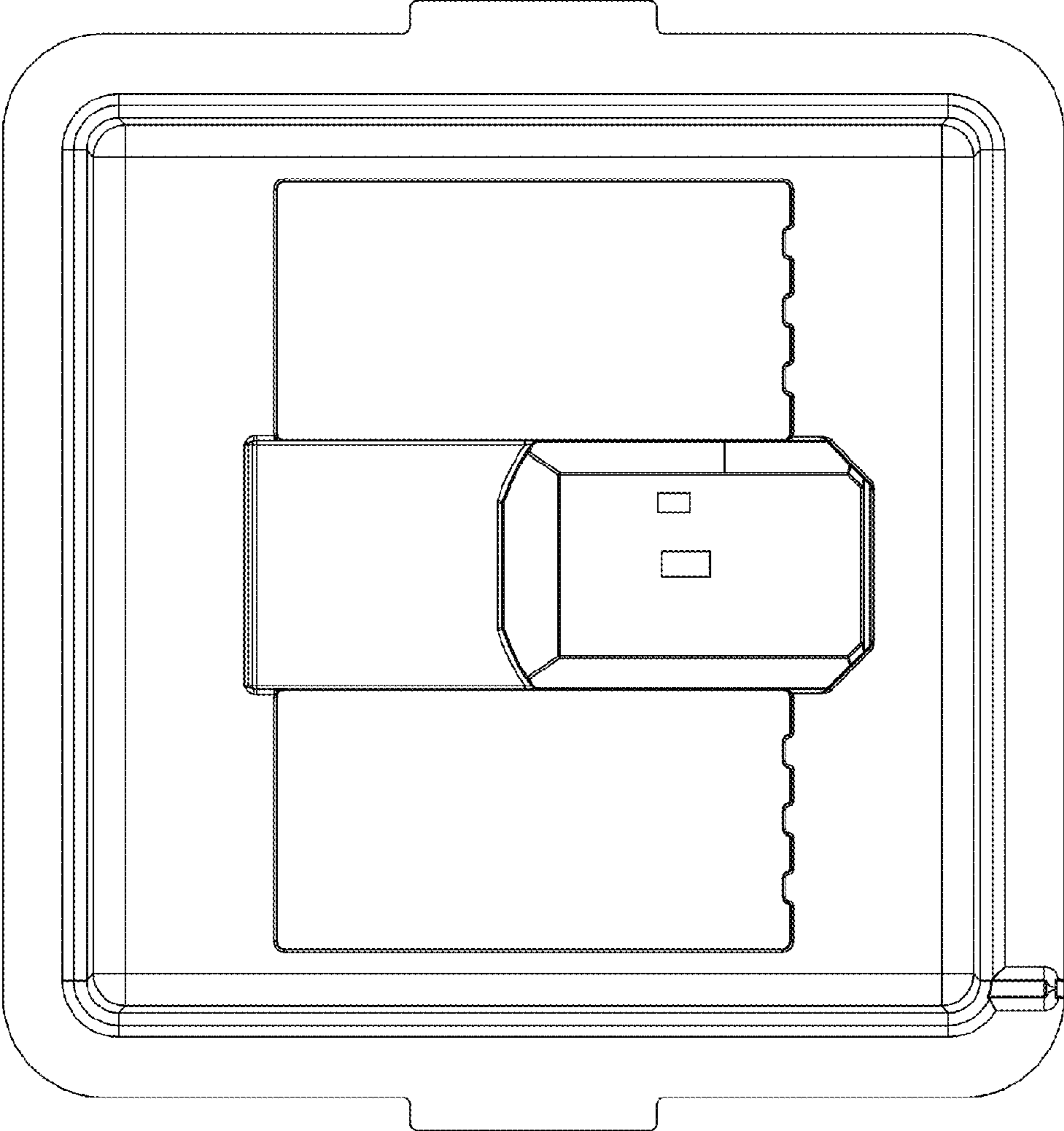


FIG. 4

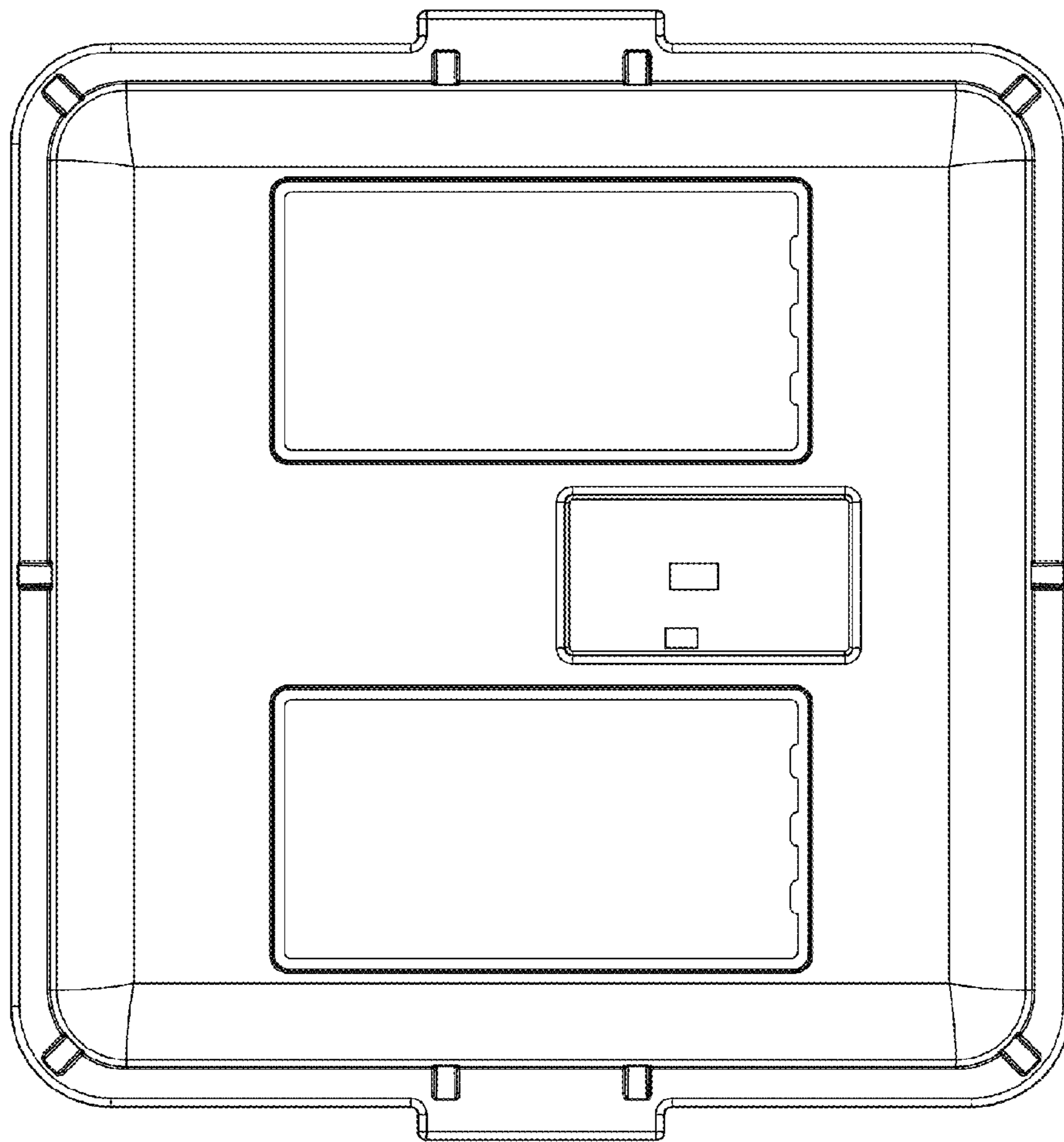


FIG. 5

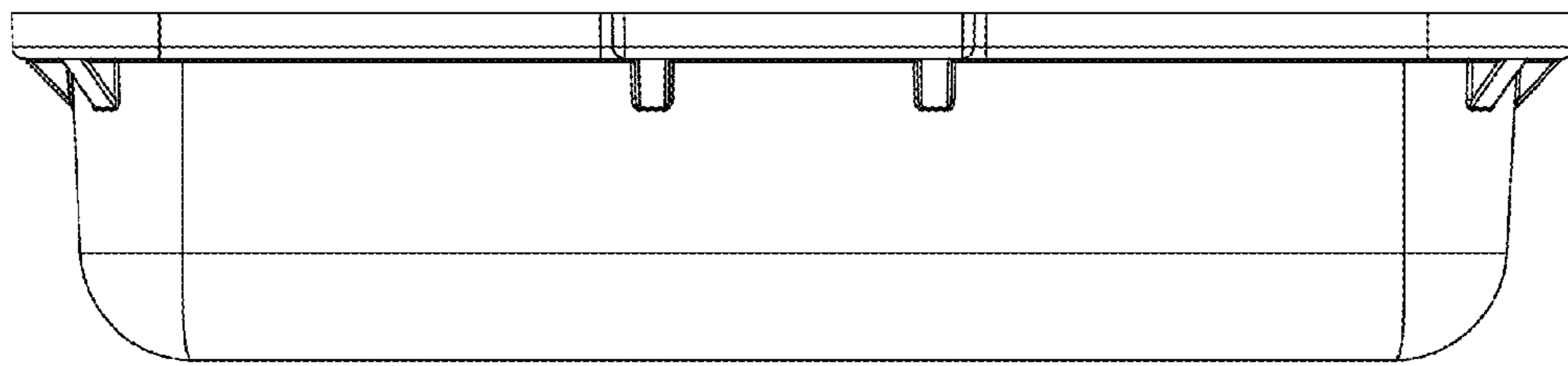


FIG. 6

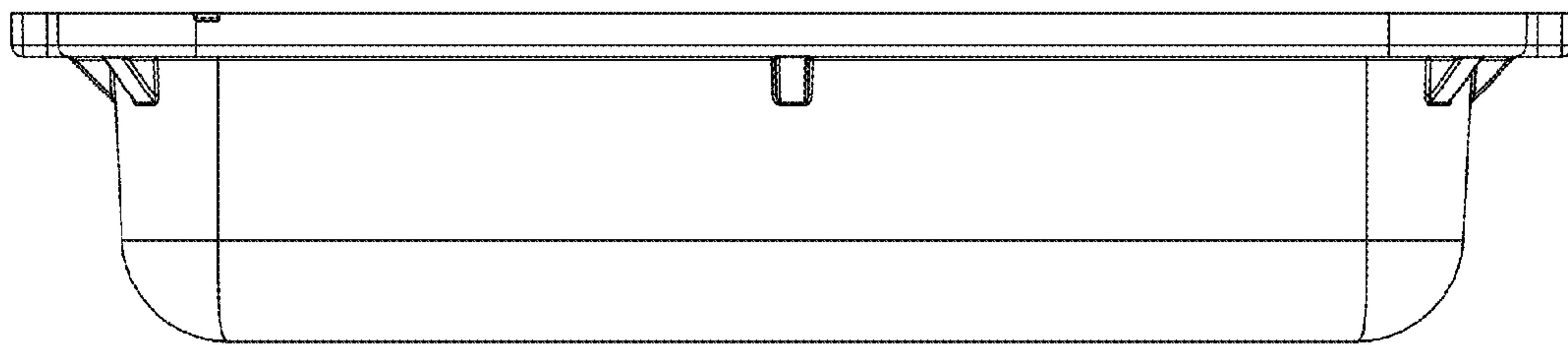
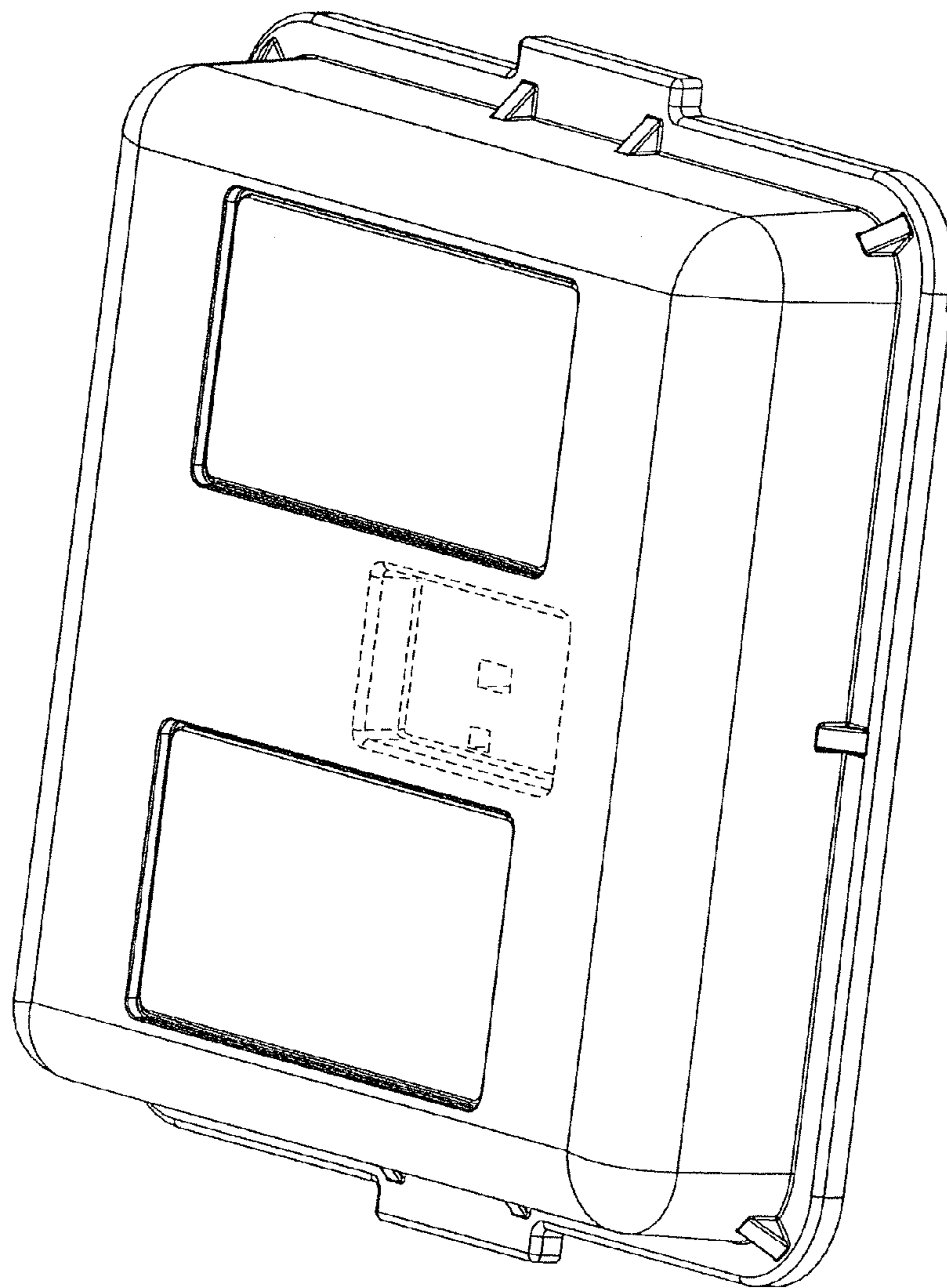
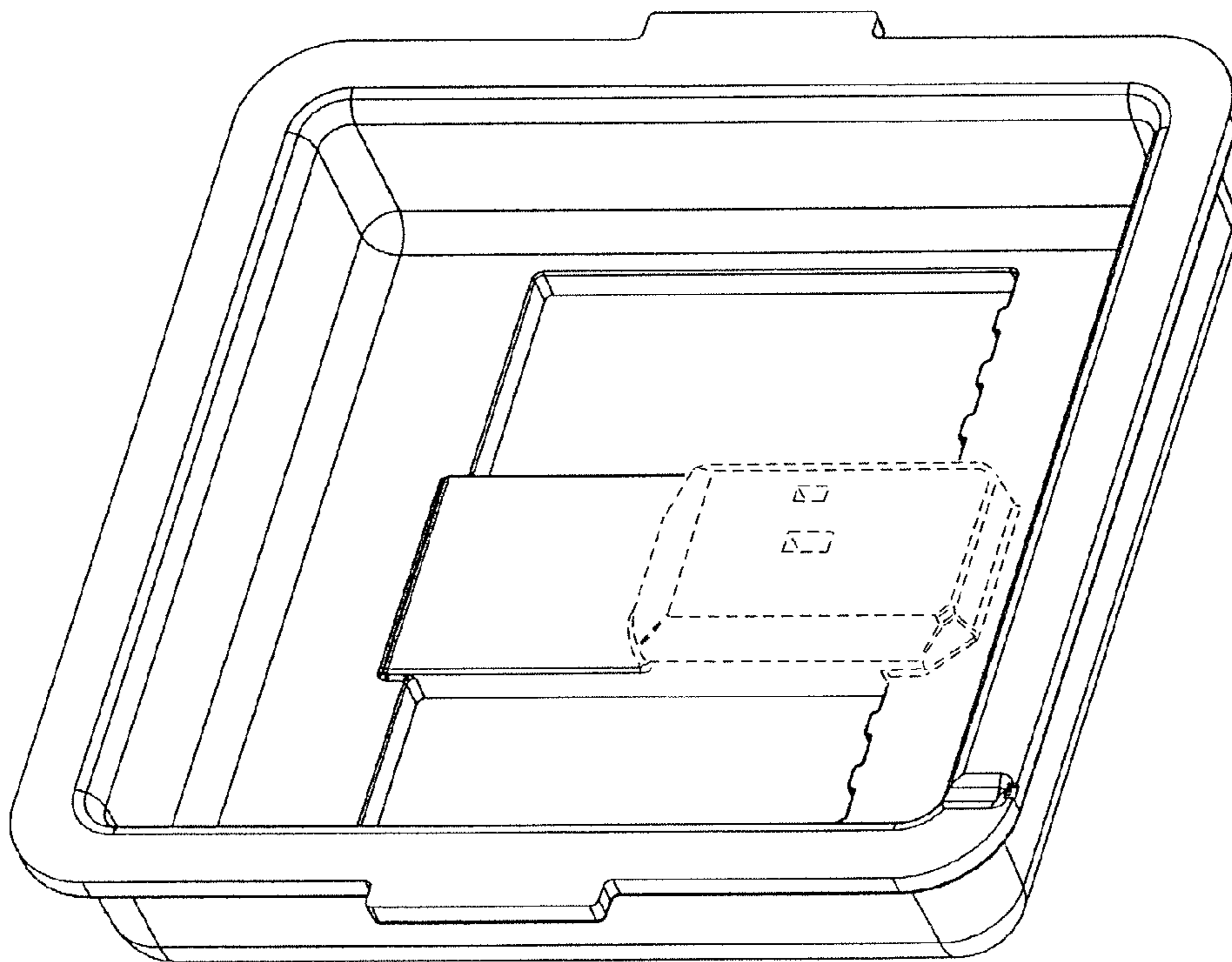


FIG. 7



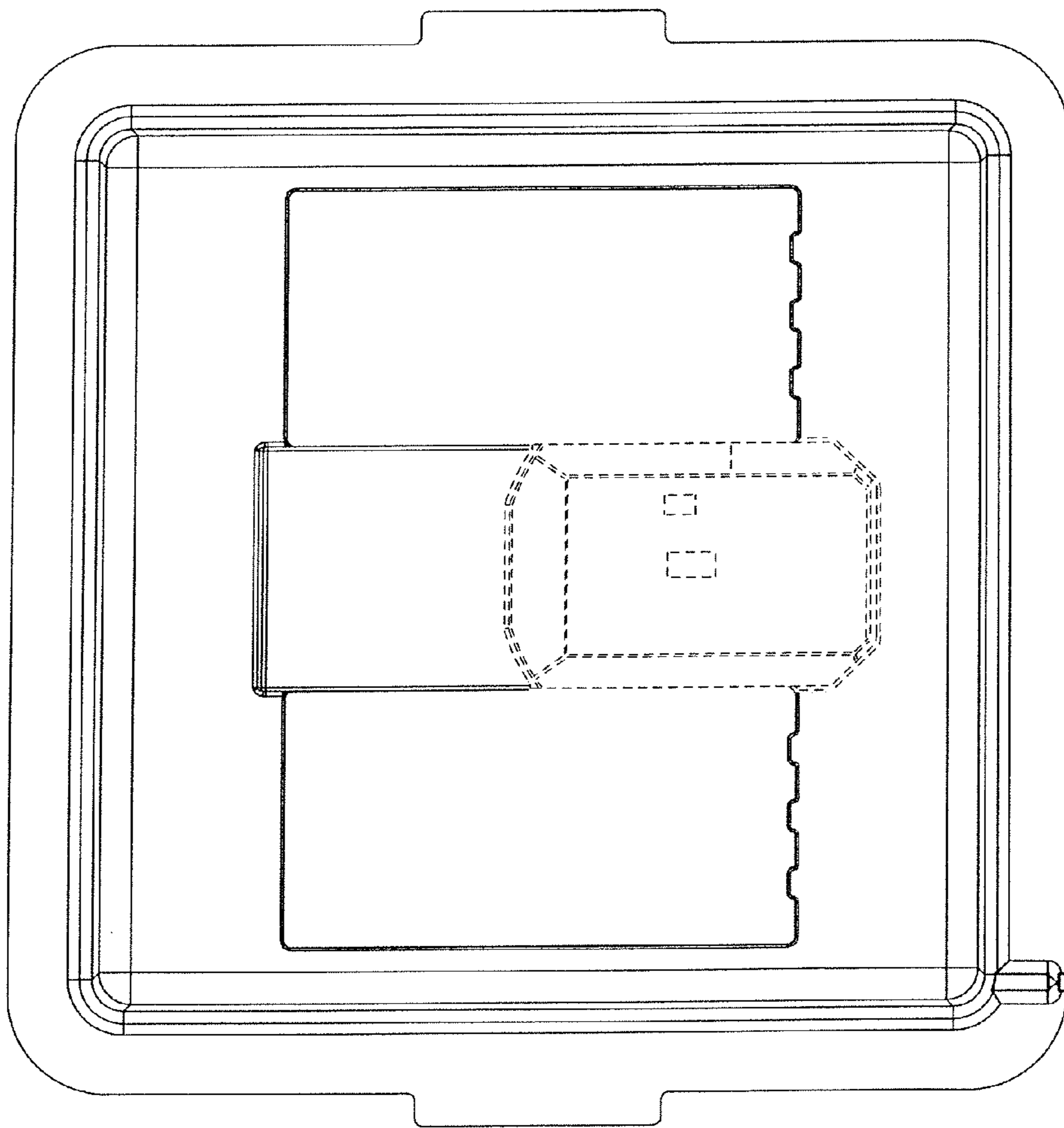
New

FIG. 8



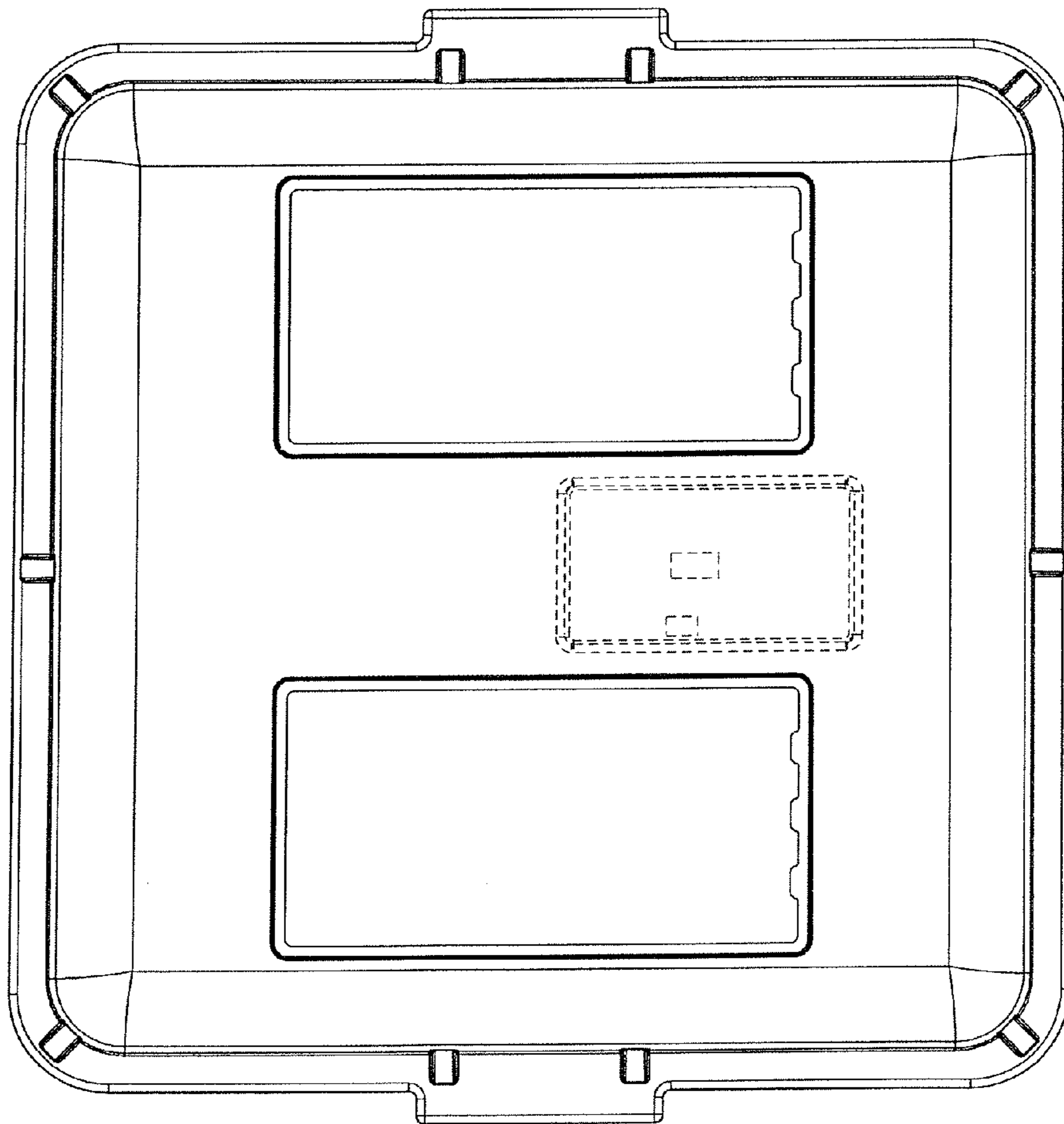
New

FIG. 9



New

FIG. 10



New

FIG. 11

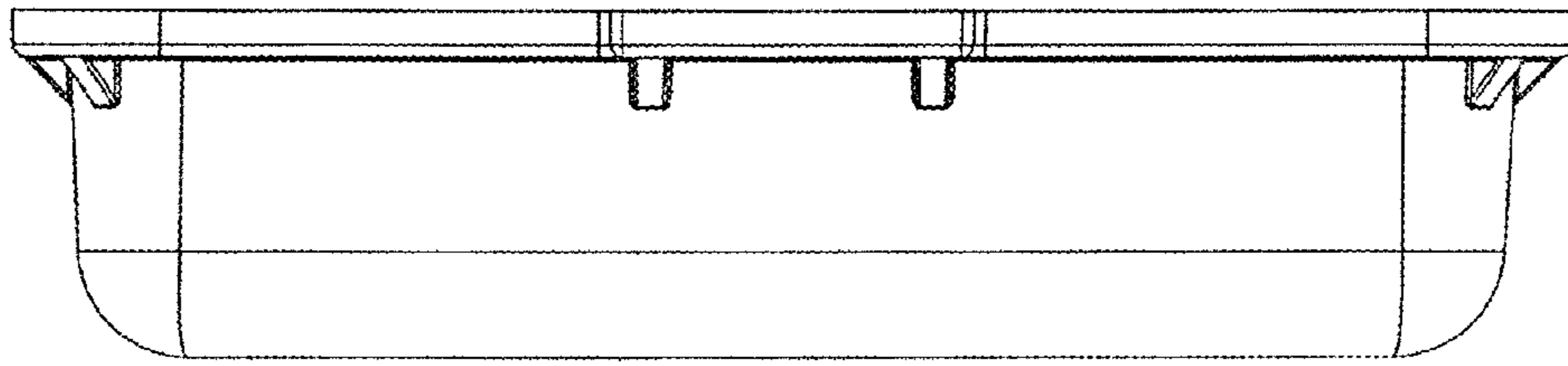
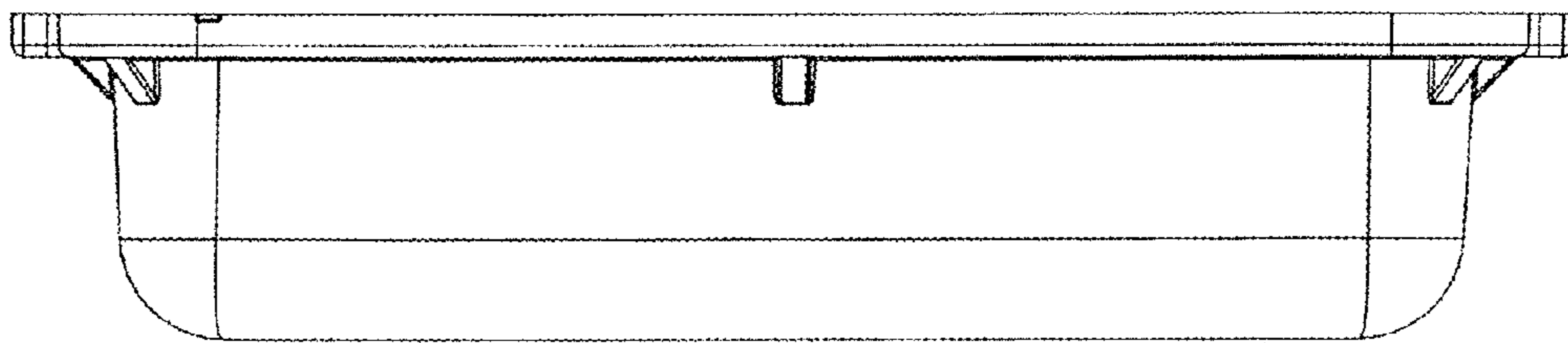


FIG. 12



New