

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SPANX, INC.,)	
)	
Plaintiff,)	Civil Action
)	
v.)	No. 1:13-cv-00710-WSD
)	
TIMES THREE CLOTHIER, LLC)	
d/b/a Yummie Tummie,)	
)	
Defendant.)	

**SECOND AMENDED COMPLAINT
FOR DECLARATORY RELIEF**

Plaintiff Spanx, Inc. (“Spanx”) alleges as follows for its second amended complaint against Times Three Clothier d/b/a Yummie Tummie (“Yummie Tummie”):

PARTIES

1. Plaintiff Spanx is a Georgia corporation with its principal place of business at 3344 Peachtree Road, NE, Suite 1700, Atlanta, Georgia 30326. Spanx is an apparel company that designs and manufactures, among other things, undergarments, slimming apparel and shapewear, hosiery, swimsuits, and activewear.

2. On information and belief, Defendant Yummie Tummie is a New York Limited Liability Company with its principal place of business at 561 Seventh Avenue, 12th Floor, New York, New York 10018. On information and belief, Yummie Tummie manufactures and sells bodyshaping undergarments and apparel.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code, § 1 *et seq.*, with a specific remedy sought under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. An actual, substantial, and continuing justiciable controversy exists between Spanx and Yummie Tummie that requires a declaration of rights by this Court.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Yummie Tummie by virtue of Yummie Tummie's purposeful contact with this district, including, on information and belief, Yummie Tummie's substantial business conducted with customers residing in this district; and Yummie Tummie's attempts to enforce design patents purportedly assigned to it against Spanx, an entity having a principal place of business in Georgia, for alleged infringing activity occurring in Georgia.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

7. Defendant Yummie Tummie claims to be the owner by assignment of U.S. Design Patent Nos. D606,285S (“the ‘285 Patent,” copy attached hereto as Exhibit A), D616,627S (“the ‘627 Patent,” copy attached hereto as Exhibit B), D622,477S (“the ‘477 Patent,” copy attached hereto as Exhibit C), and D623,377S (“the ‘377 Patent,” copy attached hereto as Exhibit D), D665,558S (“the ‘558 Patent,” copy attached hereto as Exhibit E) and D666,384S (“the ‘384 Patent,” copy attached hereto as Exhibit F) (collectively, the “Patents-in-Suit”).

8. The Patents-in-Suit are related to one another in that the ‘627 Patent, the ‘477 Patent, the ‘377 Patent, the ‘558 Patent, and the ‘384 Patent all claim priority to the ‘285 Patent.

9. Each of the Patents-in-Suit identifies Heather Thompson Schindler as the sole inventor.

10. On or about January 18, 2013, Yummie Tummie (through counsel) contacted Spanx by letter, informing Spanx that Yummie Tummie is the owner of some of the Patents-in-Suit, enclosing a copy of the said patents, and stating that “Spanx is making, offering for sale and selling shapewear products ... in the United States that contain Yummie’s patented designs” and that the Spanx

products “appear substantially the same as the patented designs from the point of view of an ordinary observer, thereby, constituting design patent infringement.” In its January 18 letter, Yummie Tummie identified the allegedly infringing Spanx products as including “The Total Taming Tank A226764, also known as The Spanx Total Taming Tank, the Top This Tank Style 1847 and The Top This Cami Style 1846” (collectively, the “Accused Products”). Yummie Tummie further noted in its letter that it “vigorously enforces the rights in its patents,” referenced patent infringement litigation it recently settled with Maidenform, and demanded, among other things, that Spanx cease manufacturing, offering for sale, and selling the Accused Products.

11. On or about February 14, 2013, Spanx (through counsel) responded to Yummie Tummie’s January 18, 2013 letter, describing in detail significant differences between the Accused Products and Yummie Tummie’s patents that and stating, among other things, that it does not believe the Accused Products infringe Yummie Tummie’s patents.

12. Since Yummie Tummie contacted Spanx in January 2013, counsel for Spanx and Yummie Tummie have communicated on several occasions by telephone and in writing concerning Yummie Tummie’s claims. During these telephone conferences, Yummie Tummie continued to maintain that the Accused

Products infringe its patents and expressed its willingness to enforce its patents against Spanx.

13. On April 2, 2013, a month after Spanx initially brought this action for declaratory relief, Yummie Tummie filed suit against Spanx in the Southern District of New York, asserting that the Accused Products infringe the Patents-in-Suit. Spanx has denied infringement in the New York action and has also asserted that the parties' dispute should not proceed in New York but in this, the first-filed court, the Northern District of Georgia.

14. As a result of Yummie Tummie's previous and continued assertions that Spanx is infringing the Patents-in-Suit, and Spanx's denial of the same, an actual and justiciable controversy exists between the parties of sufficient immediacy and reality to warrant issuance of a declaratory judgment under 28 U.S.C. §§ 2201 and 2202 as to the alleged infringement and invalidity of the designs claimed in the Patents-in-Suit.

FIRST CLAIM FOR RELIEF

**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF THE PATENTS-IN-SUIT)**

15. Spanx restates and incorporates by reference the allegations in paragraphs 1 through 14 above.

16. An actual controversy has arisen and now exists between the parties with respect to the alleged infringement of the Patents-in-Suit. Spanx contends that Spanx's products, including The Total Taming Tank A226764, also known as The Spanx Total Taming Tank, the Top This Tank Style 1847, and The Top This Cami Style 1846 have not infringed and do not infringe any valid claim of the Patents-in-Suit. Upon information and belief, Yummie Tummie currently disputes these contentions.

17. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to the alleged infringement of the Patents-in-Suit is necessary and appropriate under the circumstances.

SECOND CLAIM FOR RELIEF

**(DECLARATORY JUDGMENT OF INVALIDITY
OF THE PATENTS-IN-SUIT)**

18. Spanx restates and incorporates by reference the allegations in paragraphs 1 through 17 above.

19. Spanx contends that the Patents-in-Suit are invalid for failure to meet one or more of the conditions of patentability specified in 35 U.S.C. §§ 102, 103, 112, and/or 171. Upon information and belief, Yummie Tummie disputes these contentions.

20. Pursuant to 28 U.S.C. §§ 2201 and 2202, a judicial determination of the respective rights of the parties with respect to the alleged invalidity of the Patents-in-Suit is necessary and appropriate under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Spanx prays for relief as follows:

- A. For a judicial declaration that Spanx does not infringe any valid claim of U.S. Design Patent Nos. D606,285S, D616,627S, D622,477S, D623,377S, D665,558S, and D666,384S; and
- B. For a judicial declaration that U.S. Design Patent Nos. D606,285S, D616,627S, D622,477S, D623,377S, D665,558S, and D666,384S are invalid; and
- C. For an order awarding Spanx its costs, expenses, and reasonable attorneys' fees as provided by law; and
- D. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Spanx demands a trial by jury on all issues so triable as a matter of right and law.

Respectfully submitted, this ___th day of ____, 2013.

KING & SPALDING LLP

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Attorneys for Plaintiff
SPANX, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing
SECOND AMENDED COMPLAINT FOR DECLARATORY RELIEF with the
Clerk of Court using the CM/ECF system, which will send notification of such
filing to Defendant's counsel of record:

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Steven B. Pokotilow
Laura Goldbard George
Binni N. Shah
Stroock Stroock & Lavan
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New York, NY 10038-4982

This __th day of _____, 2013.

Natasha H. Moffitt

Exhibit A

(12) **United States Design Patent**
Schindler(10) **Patent No.:** **US D606,285 S**(45) **Date of Patent:** **** Dec. 22, 2009**(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier LLC**, New York, NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/302,500**(22) Filed: **Jan. 17, 2008**(51) **LOC (9) Cl.** **02-02**(52) **U.S. Cl.** **D2/840**(58) **Field of Classification Search** D2/700-703,
D2/731, 732, 828, 840, 718, 737, 847; 2/112,
2/113; 450/96, 94, 115, 116, 122-124, 127,
450/132, 154

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,977,329 A * 10/1934 Tobin 2/113
 2,052,935 A * 9/1936 Moran 450/10
 D110,662 S * 7/1938 Rielly D2/714
 D129,894 S * 10/1941 Abeles D2/703
 D174,115 S * 3/1955 Dior D2/703
 2,963,022 A * 12/1960 Spetlnik 450/15
 3,026,875 A * 3/1962 Kaupp 450/116
 3,036,574 A * 5/1962 Jeffrey 450/30
 D211,231 S * 6/1968 Sallysy D2/702
 3,454,013 A * 7/1969 Cahill 450/116
 D234,649 S * 4/1975 Cascio D2/703
 D239,475 S * 4/1976 Cascio D2/702
 4,916,755 A 4/1990 Feigenbaum et al.
 5,915,531 A * 6/1999 Hilpert et al. 2/69
 6,000,993 A * 12/1999 Erwin 450/7
 D452,600 S * 1/2002 Kim D2/702
 D453,058 S * 1/2002 Kim D2/703
 D453,255 S * 2/2002 Kim D2/702

6,430,748 B1 * 8/2002 Burkhart 2/78.1
 D556,978 S * 12/2007 Thunstedt D2/847
 2007/0094765 A1 * 5/2007 Summers et al. 2/113
 2008/0134409 A1 6/2008 Karasina

FOREIGN PATENT DOCUMENTS

JP 2006-316359 11/2006
 JP 2007-146337 6/2007
 JP 2007-303002 11/2007

* cited by examiner

Primary Examiner—Ian Simmons*Assistant Examiner*—Anna J Burmeister(74) *Attorney, Agent, or Firm*—Irah H. Donner; Wilmer Cutler Pickering Hale and Dorr LLP(57) **CLAIM**

The ornamental design for a garment, as shown and described.

DESCRIPTION

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

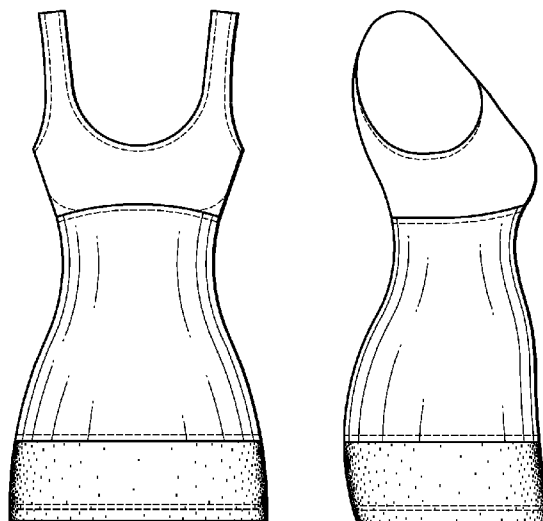
FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a multi-fabric garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a multi-fabric garment.

The center section and lower section of the claimed design is shaded to illustrate contrasting materials.

The broken lines depicting the stitching shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

U.S. Patent

Dec. 22, 2009

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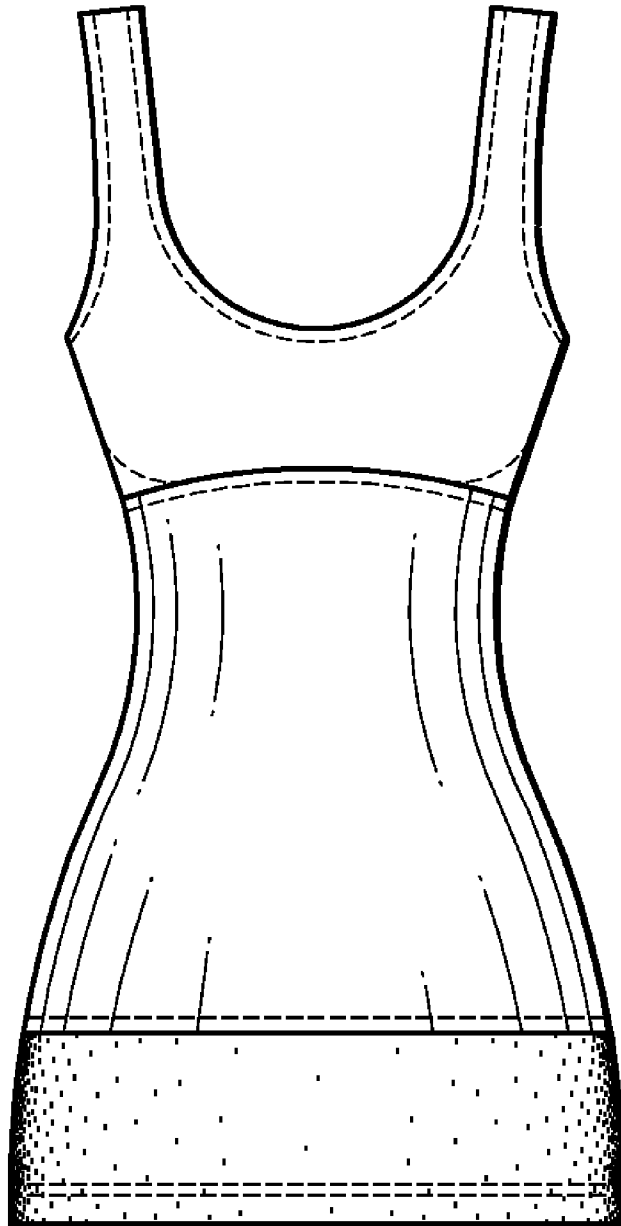


FIG. 1

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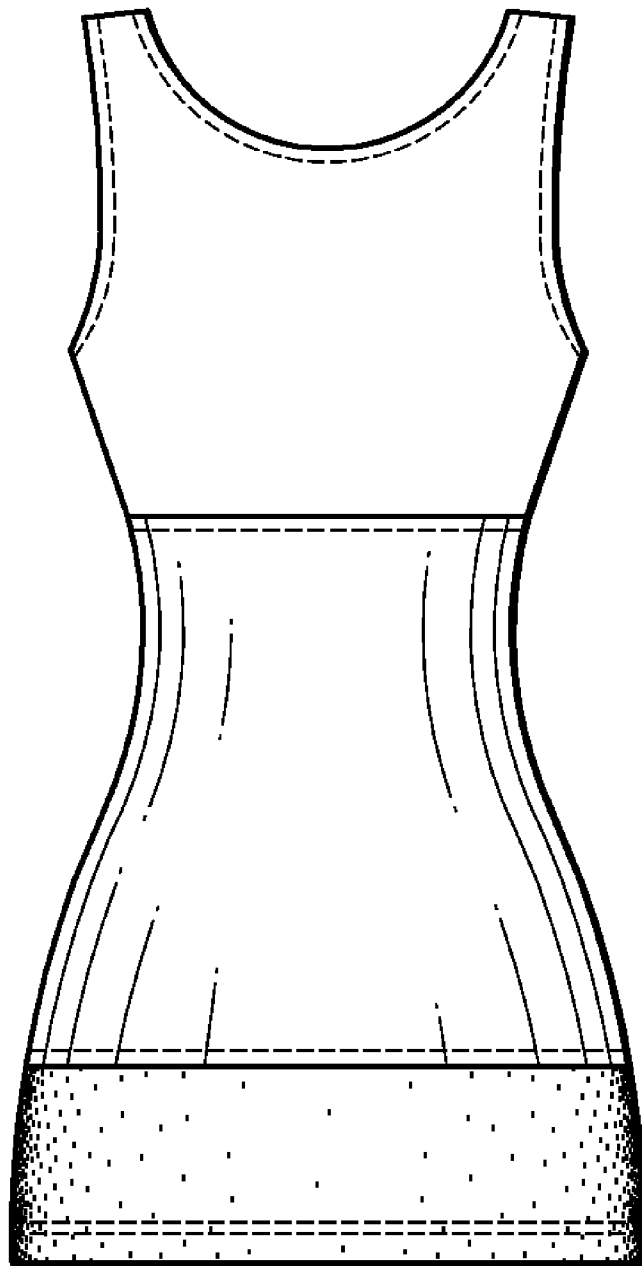


FIG. 2

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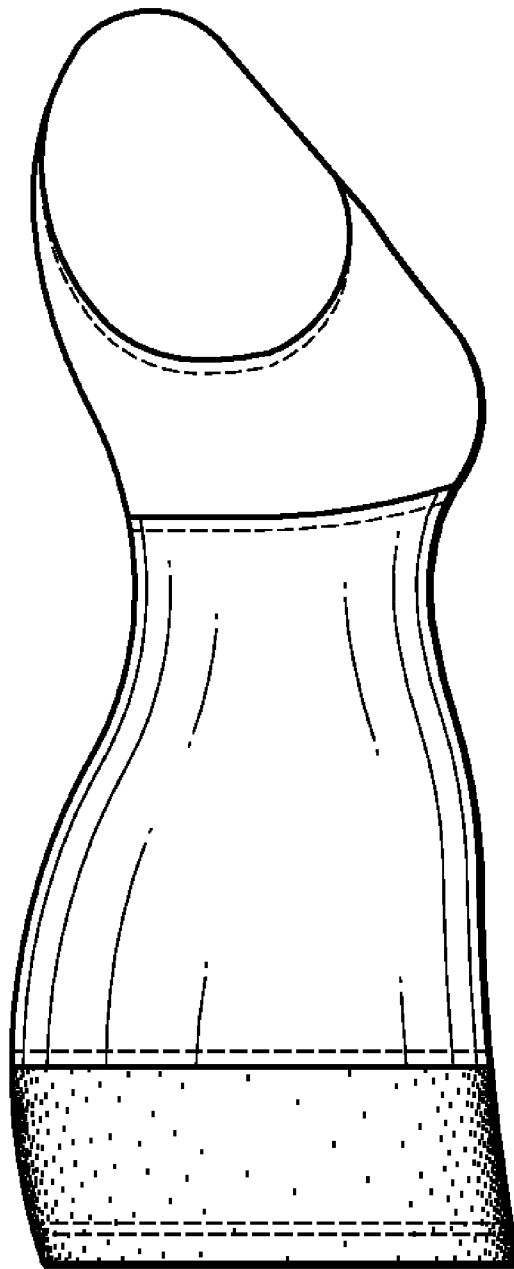


FIG. 3

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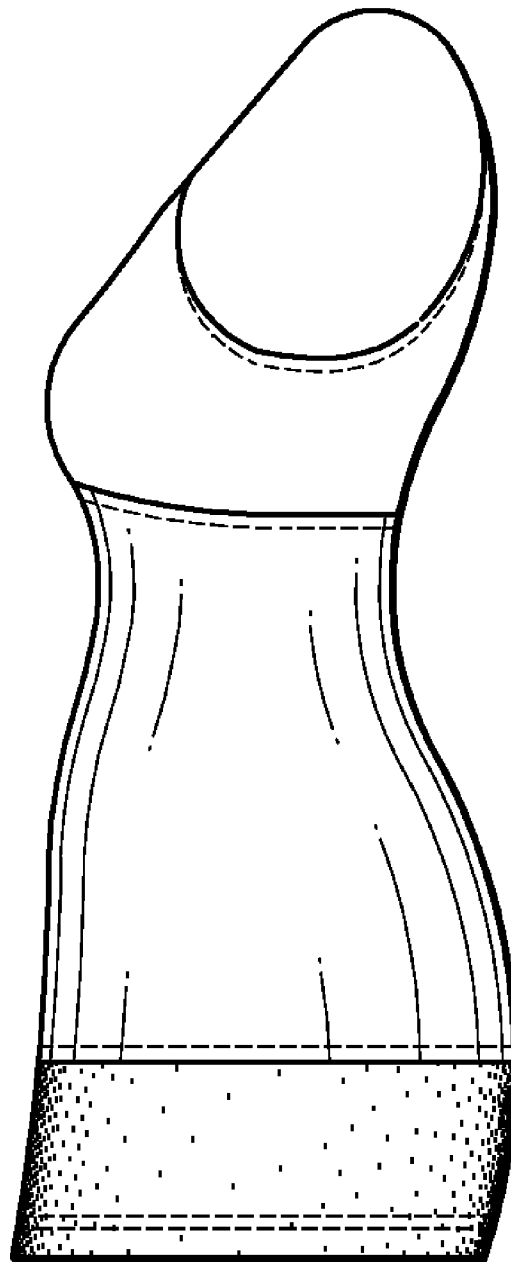


FIG. 4

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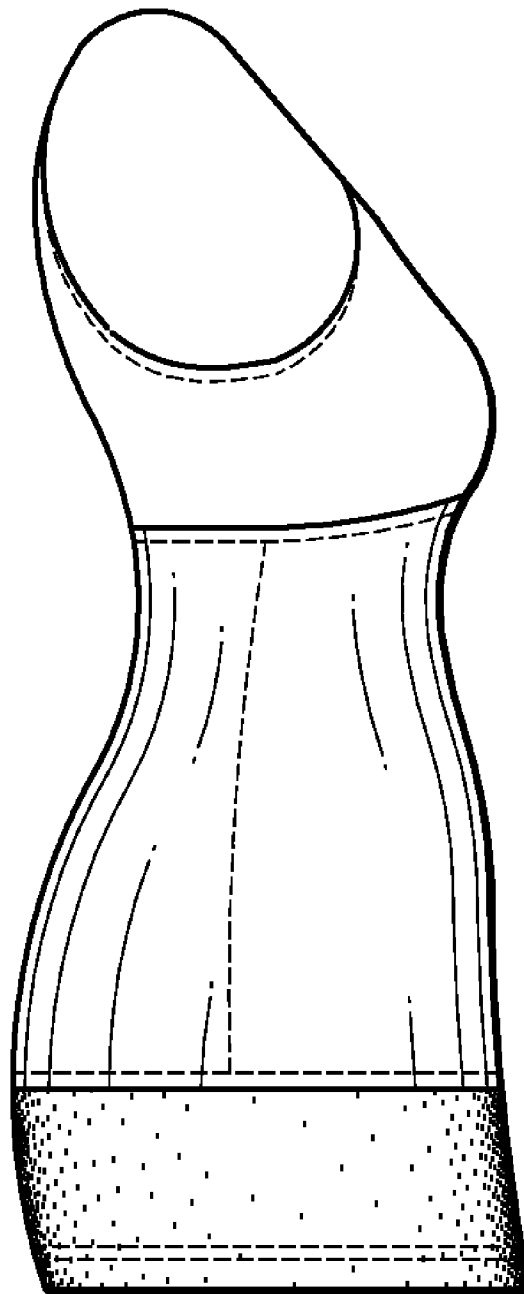


FIG. 5

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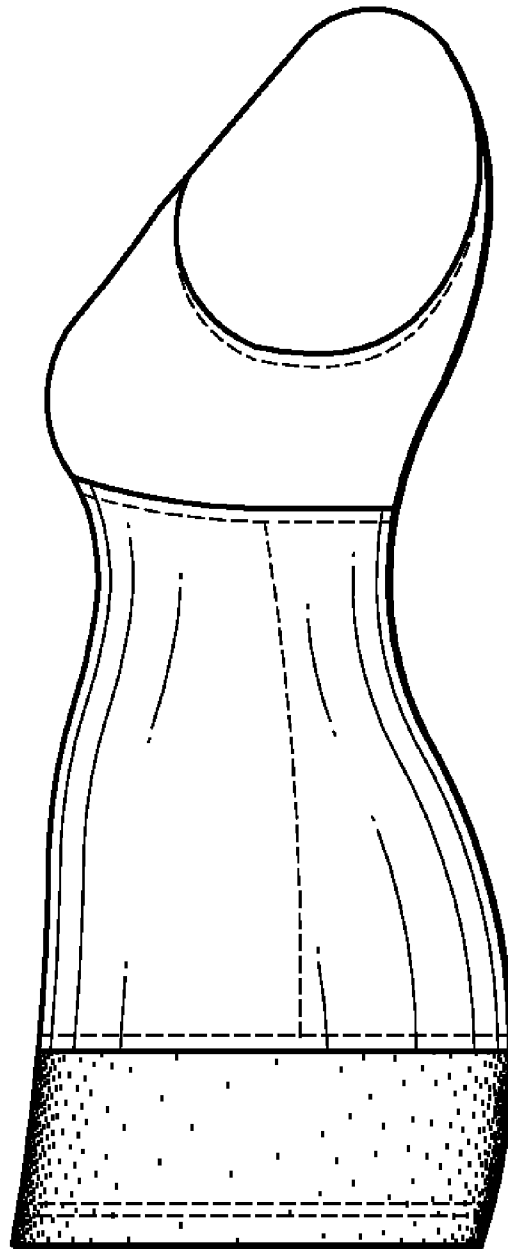


FIG. 6

Exhibit B

US00D616627S

(12) **United States Design Patent**
Schindler

(10) **Patent No.:** **US D616,627 S**
(45) **Date of Patent:** **** Jun. 1, 2010**

(54) **GARMENT**

2,963,022 A 12/1960 Spetalnik

(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)

3,026,875 A 3/1962 Kaupp

3,036,574 A 5/1962 Nellie

(73) Assignee: **Times Three Clothier, LLC.**, New York, NY (US)

(Continued)

(**) Term: **14 Years**

FOREIGN PATENT DOCUMENTS

(21) Appl. No.: **29/350,198**

JP 2006-316359 11/2006

(22) Filed: **Nov. 12, 2009**

(Continued)

Related U.S. Application Data

(63) Continuation of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285.

Primary Examiner—Philip S Hyder

Assistant Examiner—Anna J Burmeister

(74) *Attorney, Agent, or Firm*—Irah H. Donner; Wilmer Culter Pickering Hale and Dorr LLP

(51) **LOC (9) Cl.** **02-02**

(52) **U.S. Cl.** **D2/702**

(58) **Field of Classification Search** D2/700–703,
D2/731, 732, 828, 840, 718, 737, 847, 714;
2/112, 113, 69; 450/96, 94, 115, 116, 122–124,
450/127, 132, 154, 10, 15, 30

See application file for complete search history.

(57) **CLAIM**

The ornamental design for a garment, as shown and described herein.

(56) **References Cited**

U.S. PATENT DOCUMENTS

357,068 A	2/1887	Dalby	
570,696 A	11/1896	Brown	
1,774,613 A	9/1930	Pidgeon	
1,931,822 A	10/1933	Hoffman	
1,977,329 A	10/1934	Clarke	
2,052,935 A	9/1936	Moran	
D110,662 S	7/1938	Rielly	
D128,536 S *	7/1941	Weil	D2/702
D129,894 S	10/1941	Abeles	
2,310,103 A	2/1943	McDonald	
2,579,547 A *	12/1951	Cadous	450/112
D170,694 S *	10/1953	Kahn	D2/702
D174,038 S *	2/1955	Goldstein	D2/702
D174,114 S *	3/1955	Dior	D2/702
D174,115 S	3/1955	Dior	
D174,194 S *	3/1955	Prochaska	D2/702
D177,982 S *	6/1956	Kahn	D2/702

DESCRIPTION

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

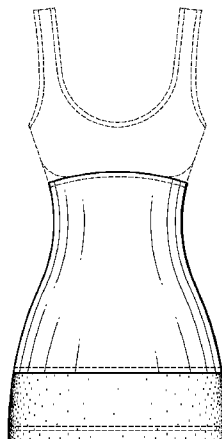
FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment.

The center section and lower section of the claimed design is shaded to illustrate different appearance. The broken lines shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets



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U.S. PATENT DOCUMENTS

D211,231 S	6/1968	Sallysy	6,430,748 B1	8/2002	Burkhart
3,454,013 A	7/1969	Cahill	D556,978 S	12/2007	Thunstedt et al.
D234,649 S	4/1975	Cascio	D595,480 S *	7/2009	Giugliano D2/702
D239,475 S	4/1976	Cascio	2007/0094765 A1	5/2007	Summers et al.
4,916,755 A	4/1990	Feigenbaum et al.	2008/0134409 A1	6/2008	Karasina
5,915,531 A	6/1999	Hilpert et al.	2008/0244805 A1	10/2008	Griffin
6,000,993 A	12/1999	Erwin	FOREIGN PATENT DOCUMENTS		
D452,600 S	1/2002	Kim et al.	JP	2007-146337	6/2007
D453,058 S	1/2002	Kim et al.	JP	2007-303002	11/2007
D453,255 S *	2/2002	Kim D2/702	* cited by examiner		

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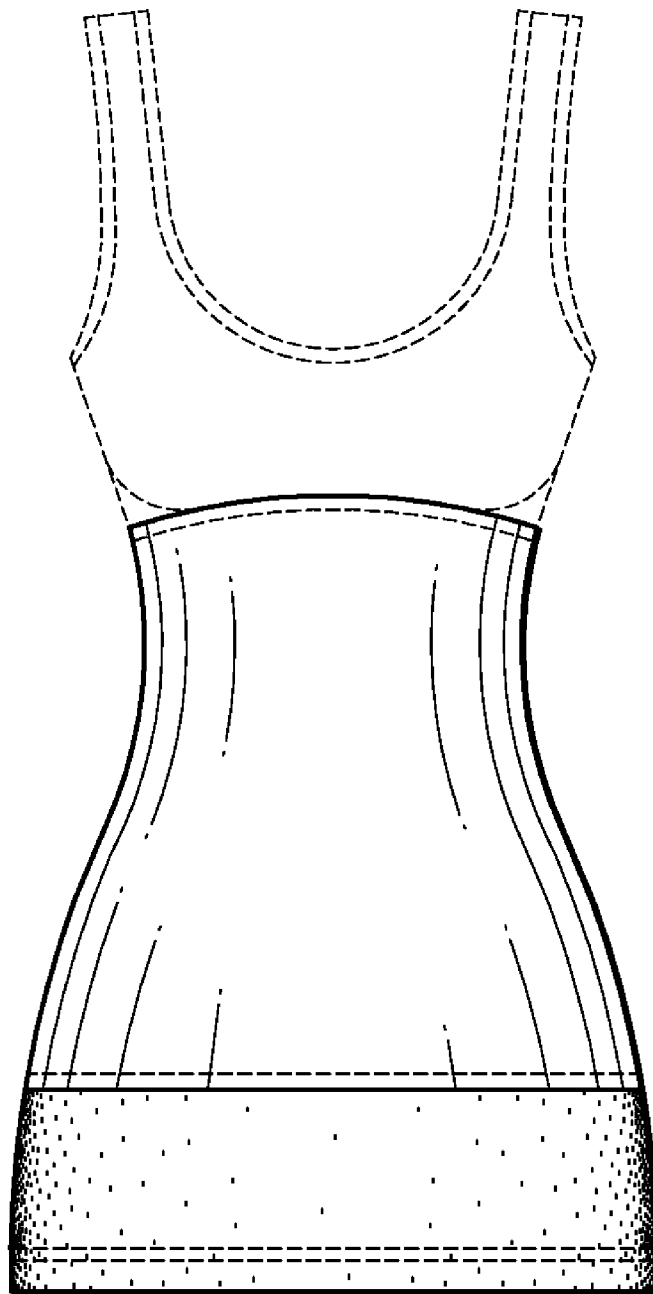


FIG. 1

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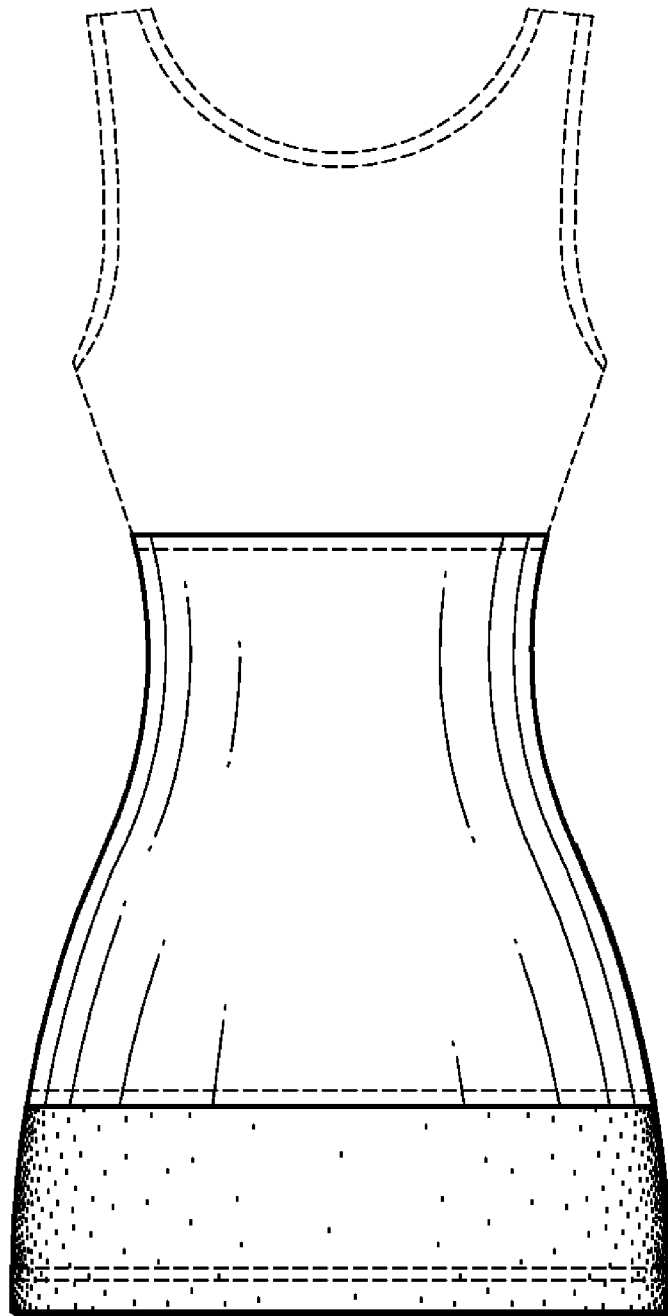


FIG. 2

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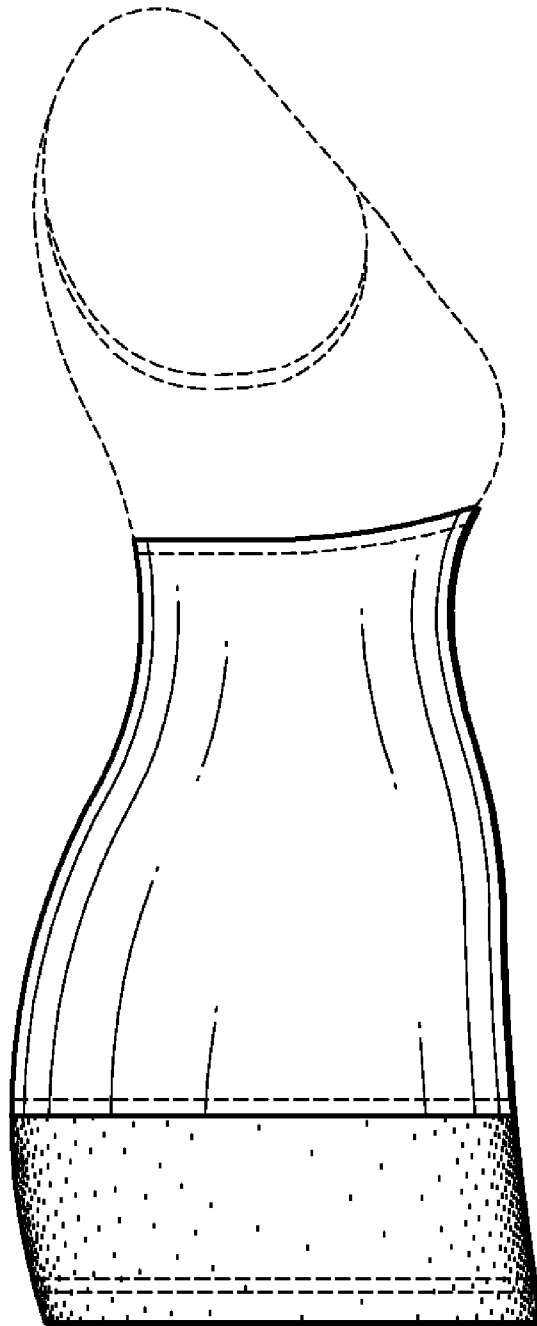


FIG. 3

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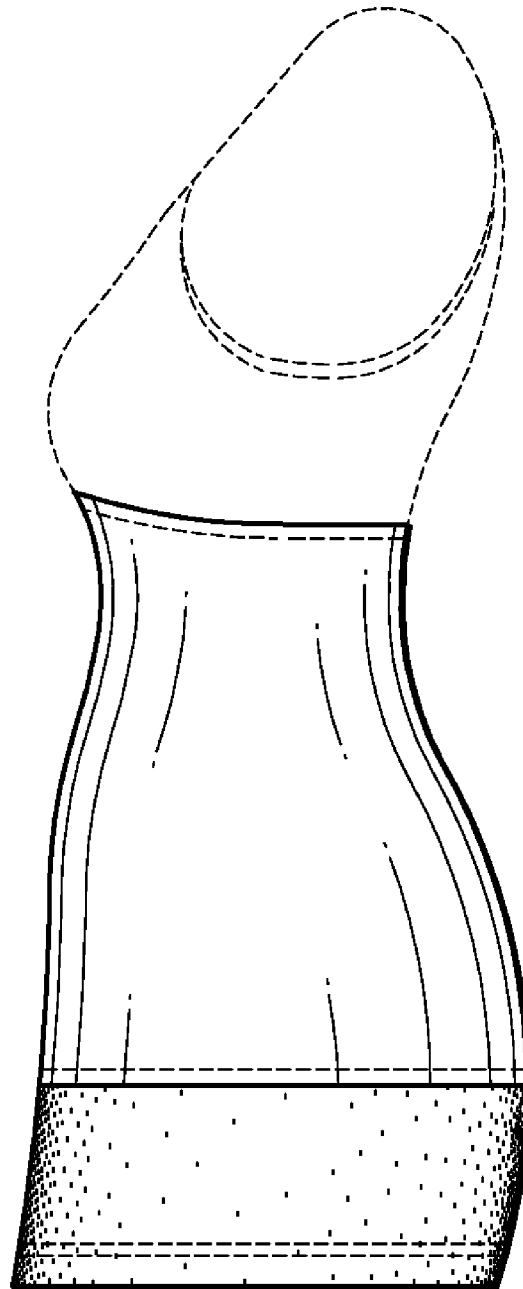


FIG. 4

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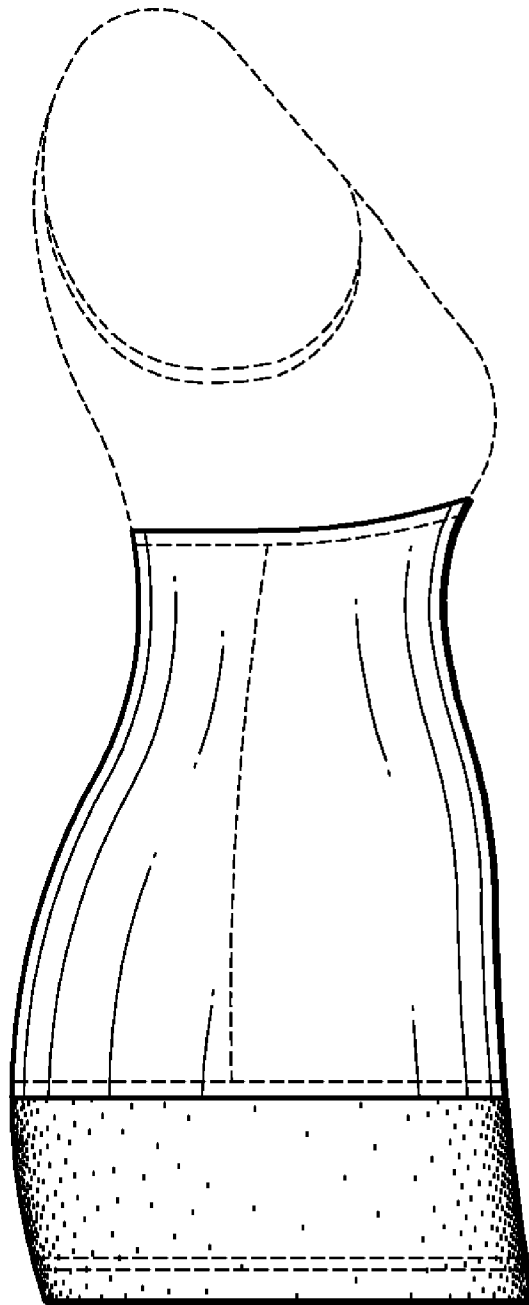


FIG. 5

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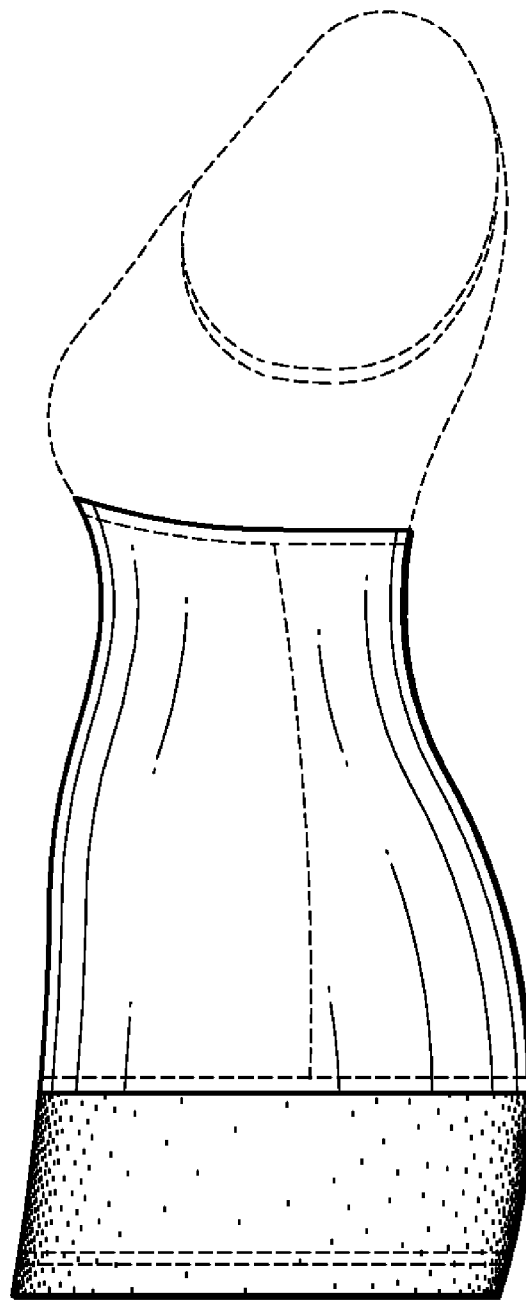


FIG. 6

Exhibit C

US00D622477S

(12) **United States Design Patent**
Schindler

(10) **Patent No.:** **US D622,477 S**

(45) **Date of Patent:** **** Aug. 31, 2010**

(54) **GARMENT**

2,310,103 A 2/1943 McDonald

D152,981 S 3/1949 Kaupp

(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)

(Continued)

(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)

FOREIGN PATENT DOCUMENTS

(**) Term: **14 Years**

JP 2006-316359 11/2006

(21) Appl. No.: **29/362,498**

(Continued)

(22) Filed: **May 26, 2010**

Primary Examiner—Philip S Hyder

Assistant Examiner—Anna J Burmeister

(74) *Attorney, Agent, or Firm*—Stroock & Stroock & Lavan LLP

Related U.S. Application Data

(63) Continuation of application No. 29/362,414, filed on May 25, 2010, which is a continuation of application No. 29/350,198, filed on Nov. 12, 2009, now Pat. No. Des. 616,627, which is a continuation of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285.

(57) **CLAIM**

The ornamental design for a garment, as shown and described herein.

(51) **LOC (9) Cl.** **02-01**

(52) **U.S. Cl.** **D2/700**

(58) **Field of Classification Search** D2/700–703, D2/731, 732, 828, 840, 718, 737, 847, 714; 2/112, 113, 69; 450/96, 94, 115, 116, 122–124, 450/127, 132, 154, 10, 15, 30

See application file for complete search history.

DESCRIPTION

FIG. 1 is a front elevation view of embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1–2; and,

FIG. 6 is a left elevation view of embodiment 2, of a garment.

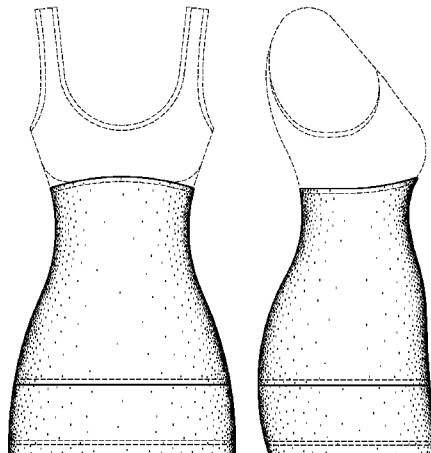
The phantom and/or broken lines are for illustrative purposes only and form no part of the claimed design. The broken lines depicting the stitching shown in the drawings are for environmental structure only and form no part of the claimed design. The broken lines depicting the human form shown in the drawings are for environmental structure only and form no part of the claimed design.

(56) **References Cited**

U.S. PATENT DOCUMENTS

357,068 A	2/1887	Dalby
570,696 A	11/1896	Brown
1,683,510 A	9/1928	Wiese
1,774,613 A	9/1930	Pidgeon
1,931,822 A	10/1933	Hoffman
1,977,329 A	10/1934	Clarke
2,052,784 A	9/1936	Martin
2,052,935 A	9/1936	Moran
D110,662 S	7/1938	Rielly
D128,536 S	7/1941	Weil
D129,078 S	8/1941	Monteil
D129,894 S	10/1941	Abeles

1 Claim, 6 Drawing Sheets



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U.S. PATENT DOCUMENTS

2,579,547 A	12/1951	Cadous	5,915,531 A	6/1999	Hilpert et al.
D170,694 S	10/1953	Kahn	6,000,993 A	12/1999	Erwin
D174,038 S	2/1955	Goldstein	D452,600 S	1/2002	Kim
D174,114 S	3/1955	Dior	D453,058 S	1/2002	Kim et al.
D174,115 S	3/1955	Dior	D453,255 S	2/2002	Kim et al.
D174,194 S	3/1955	Prochaska	6,430,748 B1	8/2002	Burkhart
D177,982 S	6/1956	Kahn	D556,978 S	12/2007	Thunstedt et al.
D181,626 S	12/1957	Cassini	D595,480 S	7/2009	Giugliano
2,963,022 A	12/1960	Spetelnik	2007/0094765 A1	5/2007	Summers et al.
3,026,875 A	3/1962	Kaupp	2008/0078208 A1	4/2008	Kronbach
3,036,574 A	5/1962	Nellie	2008/0134409 A1	6/2008	Karasina
D211,231 S	6/1968	Sallysy	2008/0229474 A1	9/2008	Fons et al.
3,454,013 A	7/1969	Cahill	2008/0244805 A1	10/2008	Griffin
D234,649 S	4/1975	Cascio			
D239,475 S	4/1976	Cascio			
4,916,755 A	4/1990	Feigenbaum et al.			

FOREIGN PATENT DOCUMENTS

JP	2007-146337	6/2007
JP	2007-303002	11/2007

U.S. Patent

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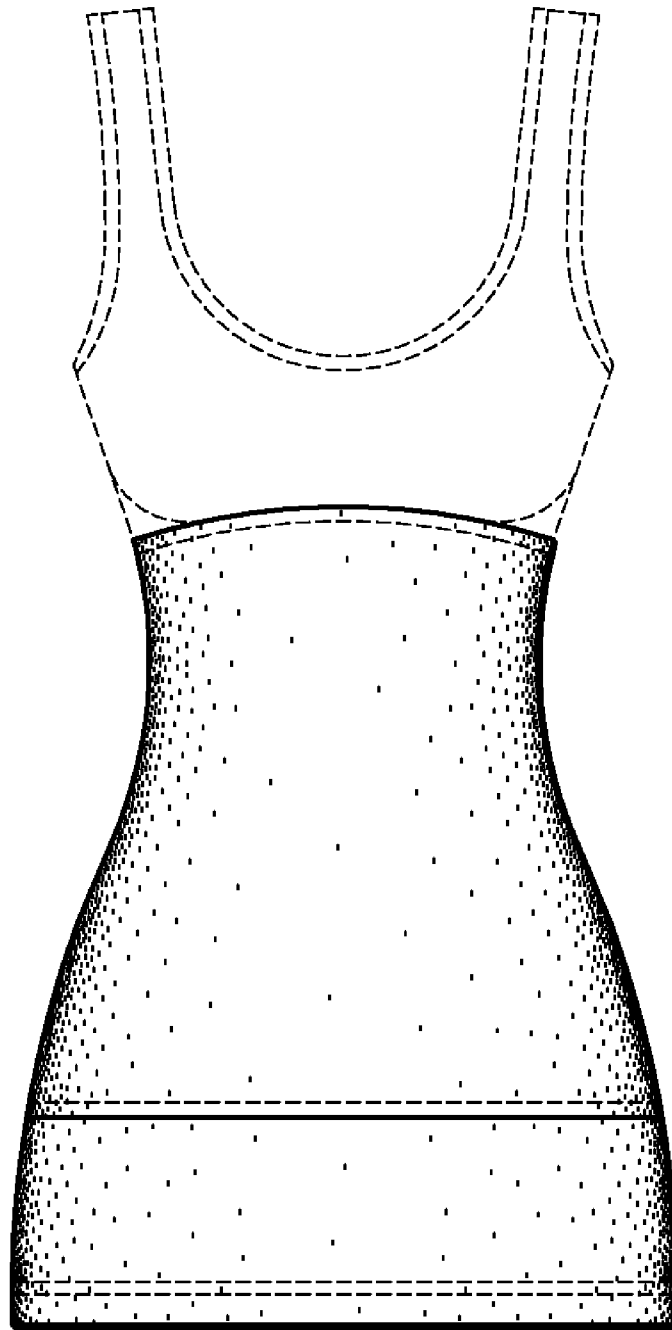


FIG. 1

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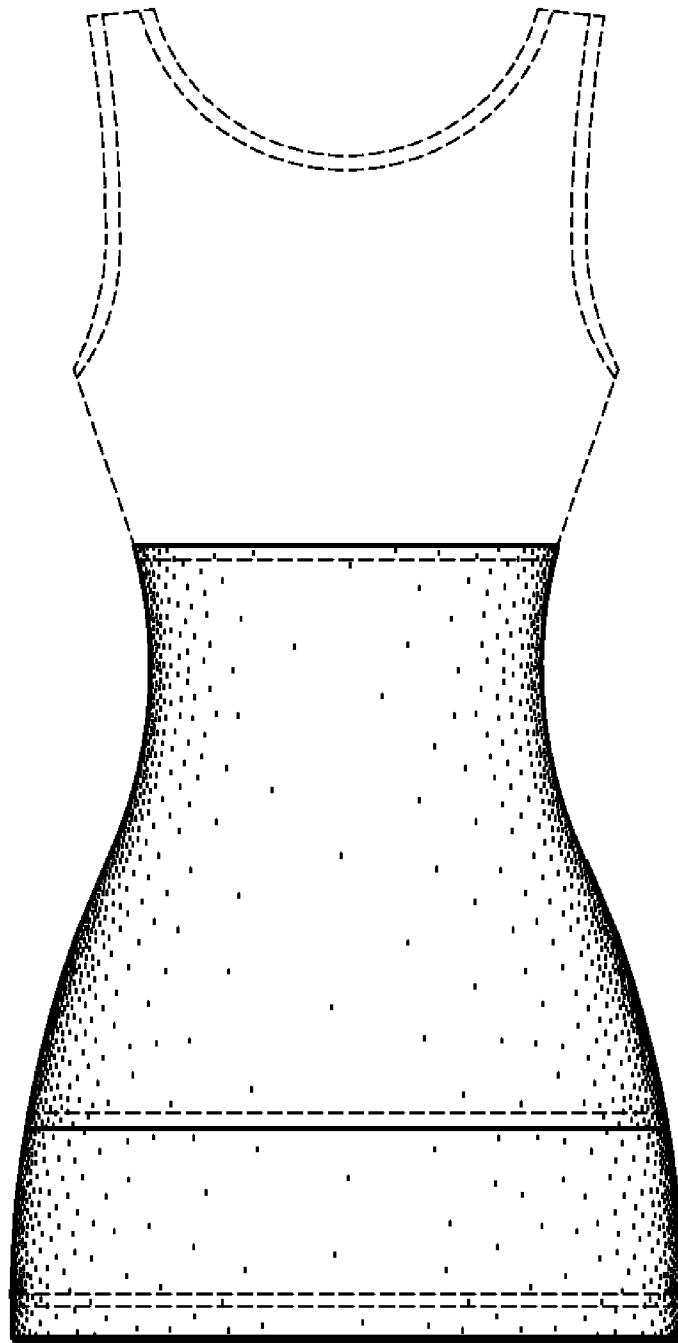


FIG. 2

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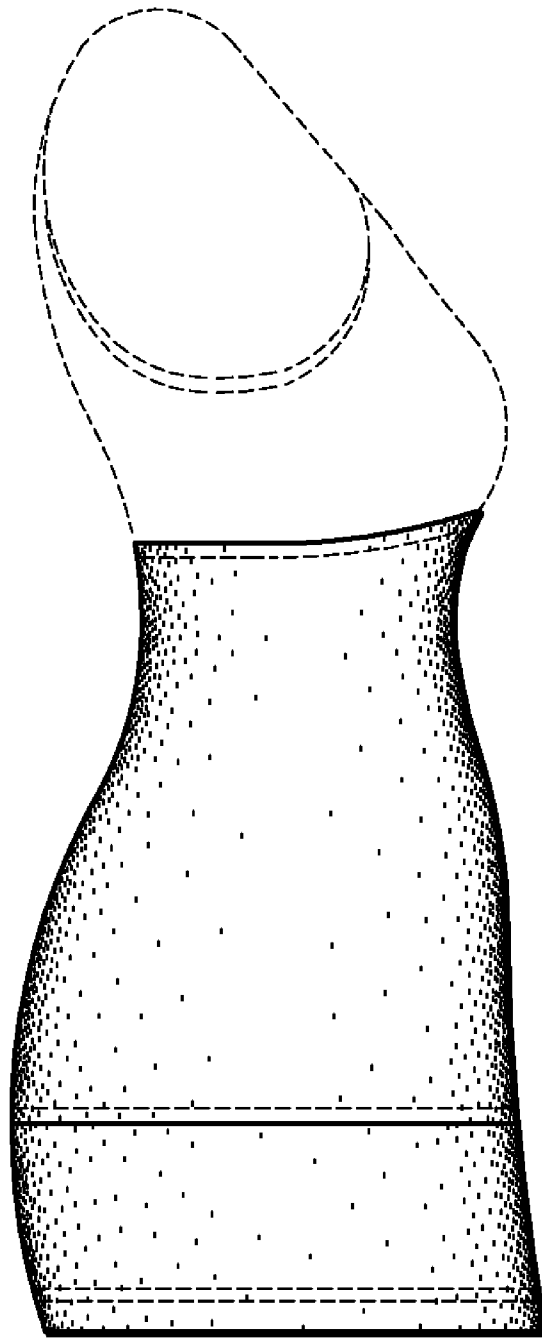


FIG. 3

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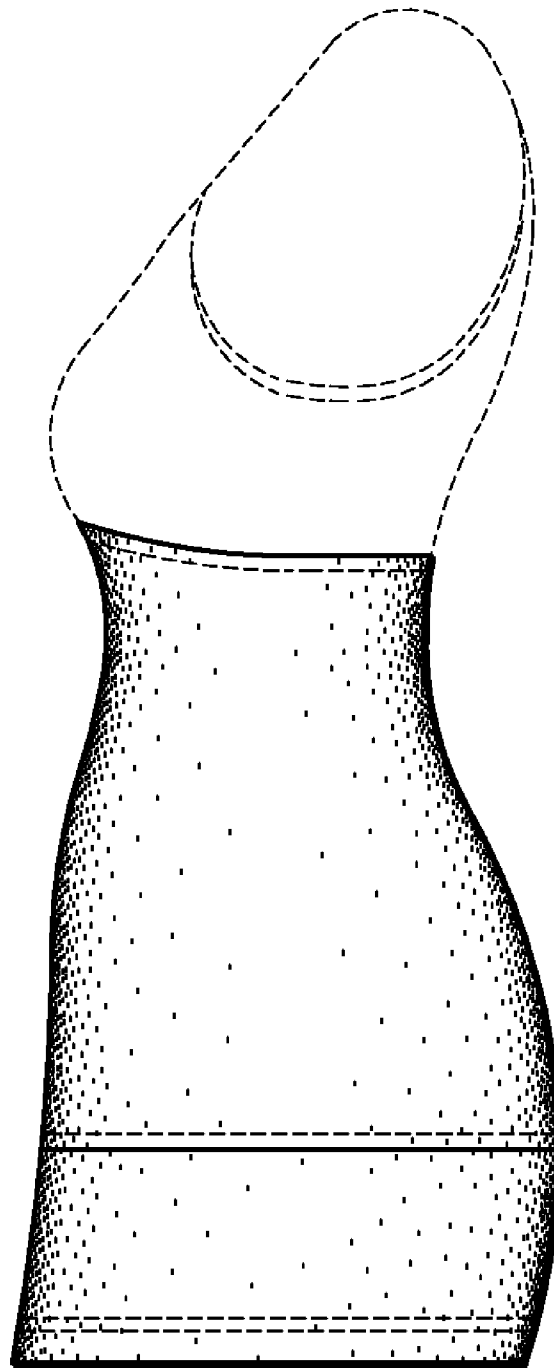


FIG. 4

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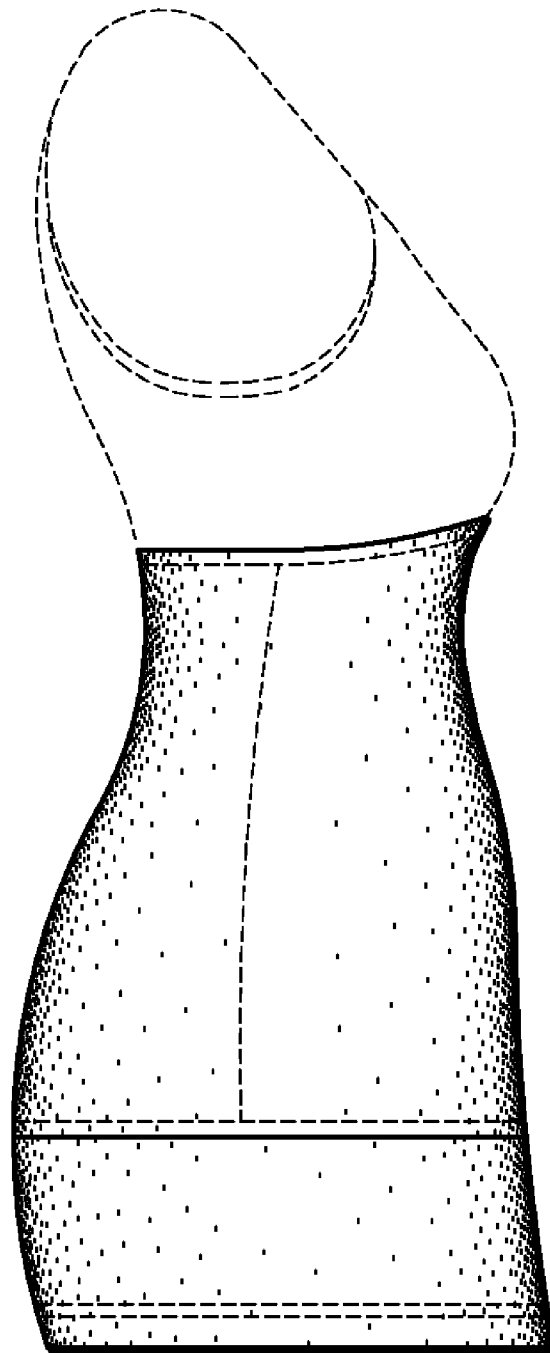


FIG. 5

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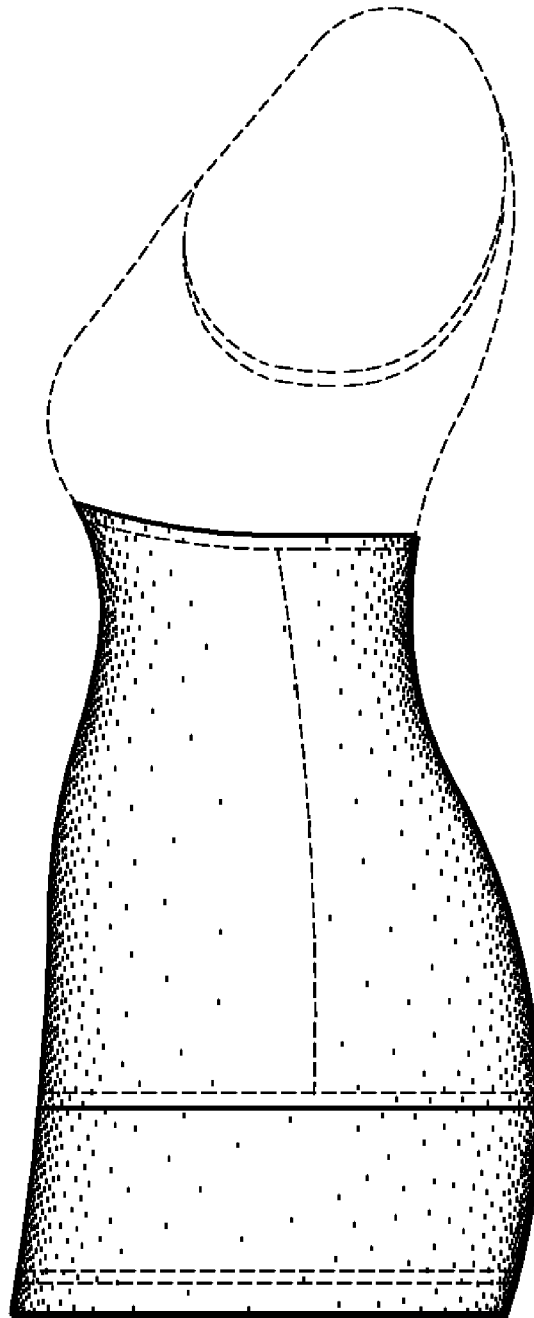


FIG. 6

Exhibit D

US00D623377S

(12) **United States Design Patent**
Schindler(10) **Patent No.:** **US D623,377 S**(45) **Date of Patent:** **** Sep. 14, 2010**(54) **GARMENT**2,579,547 A 12/1951 Cadous
D170,694 S 10/1953 Kahn(75) Inventor: **Heather Thomson Schindler**, New
York, NY (US)(73) Assignee: **Times Three Clothier, LLC**, New York,
NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/362,414**(22) Filed: **May 25, 2010****Related U.S. Application Data**(63) Continuation of application No. 29/350,198, filed on
Nov. 12, 2009, now Pat. No. Des. 616,627, which is a
continuation of application No. 29/302,500, filed on
Jan. 17, 2008, now Pat. No. Des. 606,285.(51) **LOC (9) Cl.** **02-01**(52) **U.S. Cl.** **D2/700**(58) **Field of Classification Search** D2/700–703,
D2/731, 732, 828, 840, 718, 737, 847, 714;
2/112, 113, 69; 450/96, 94, 115, 116, 122–124,
450/127, 132, 154, 10, 15, 30
See application file for complete search history.(56) **References Cited****U.S. PATENT DOCUMENTS**

357,068 A	2/1887	Dalby
570,696 A	11/1896	Brown
1,683,510 A	9/1928	Wiese
1,774,613 A	9/1930	Pidgeon
1,931,822 A	10/1933	Hoffman
1,977,329 A	10/1934	Clarke
2,052,784 A	9/1936	Martin
2,052,935 A	9/1936	Moran
D110,662 S	7/1938	Rielly
D128,536 S	7/1941	Weil
D129,078 S	8/1941	Monteil
D129,894 S	10/1941	Abeles
2,310,103 A	2/1943	McDonald
D152,981 S	3/1949	Kaupp

(Continued)

FOREIGN PATENT DOCUMENTS

JP 2006-316359 11/2006

(Continued)

Primary Examiner—Philip S Hyder*Assistant Examiner*—Anna J Burmeister(74) *Attorney, Agent, or Firm*—Stroock & Stroock & Lavan
LLP(57) **CLAIM**The ornamental design for a garment, as shown and described
herein.**DESCRIPTION**

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

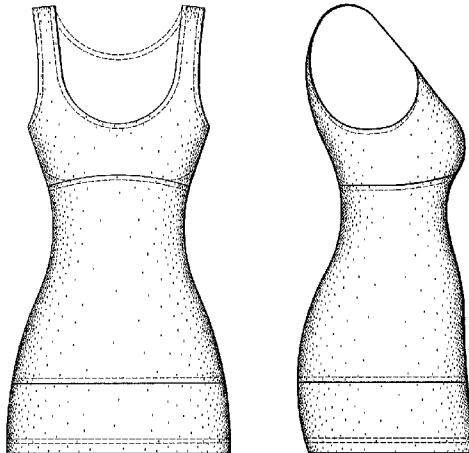
FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

FIG. 5 is a right side elevation view of Embodiment 2, of a
garment, where the front and rear elevation views are the
same as FIGS. 1–2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment.

The phantom and/or broken lines are for illustrative purposes
only and form no part of the claimed design. The broken lines
depicting the stitching shown in the drawings are for environ-
mental structure only and form no part of the claimed design.
The broken lines depicting the human form shown in the
drawings are for environmental structure only and form no
part of the claimed design.**1 Claim, 6 Drawing Sheets**

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U.S. PATENT DOCUMENTS

D174,038 S 2/1955 Goldstein
 D174,114 S 3/1955 Dior
 D174,115 S 3/1955 Dior
 D174,194 S 3/1955 Prochaska
 D177,982 S 6/1956 Kahn
 D181,626 S 12/1957 Cassini
 2,963,022 A 12/1960 Spetlnik
 3,026,875 A 3/1962 Kaupp
 3,036,574 A 5/1962 Nellie
 D211,231 S 6/1968 Sallysy
 3,454,013 A 7/1969 Cahill
 D234,649 S 4/1975 Cascio
 D239,475 S 4/1976 Cascio
 4,916,755 A 4/1990 Feigenbaum et al.
 5,915,531 A 6/1999 Hilpert et al.

6,000,993 A 12/1999 Erwin
 D452,600 S 1/2002 Kim
 D453,058 S 1/2002 Kim et al.
 D453,255 S 2/2002 Kim et al.
 6,430,748 B1 8/2002 Burkhart
 D556,978 S 12/2007 Thunstedt et al.
 D595,480 S 7/2009 Giugliano
 2007/0094765 A1 5/2007 Summers et al.
 2008/0078208 A1 4/2008 Kronbach
 2008/0134409 A1 6/2008 Karasina
 2008/0229474 A1 9/2008 Fons et al.
 2008/0244805 A1 10/2008 Griffin

FOREIGN PATENT DOCUMENTS

JP 2007-146337 6/2007
 JP 2007-303002 11/2007

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US D623,377 S

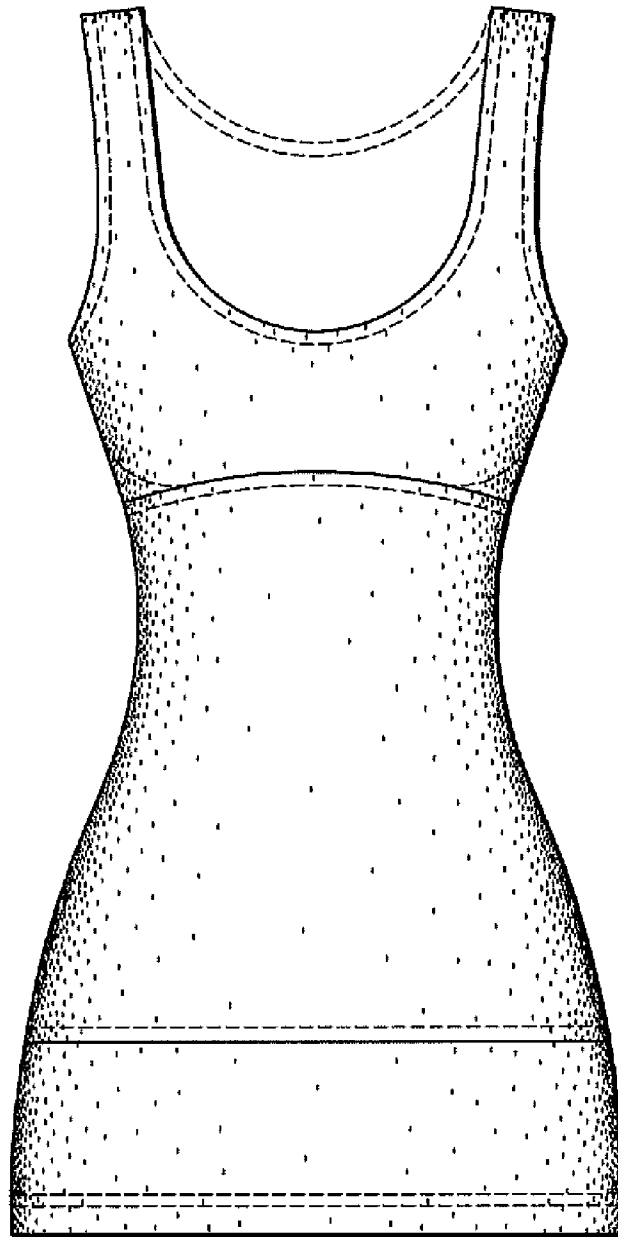


FIG. 1

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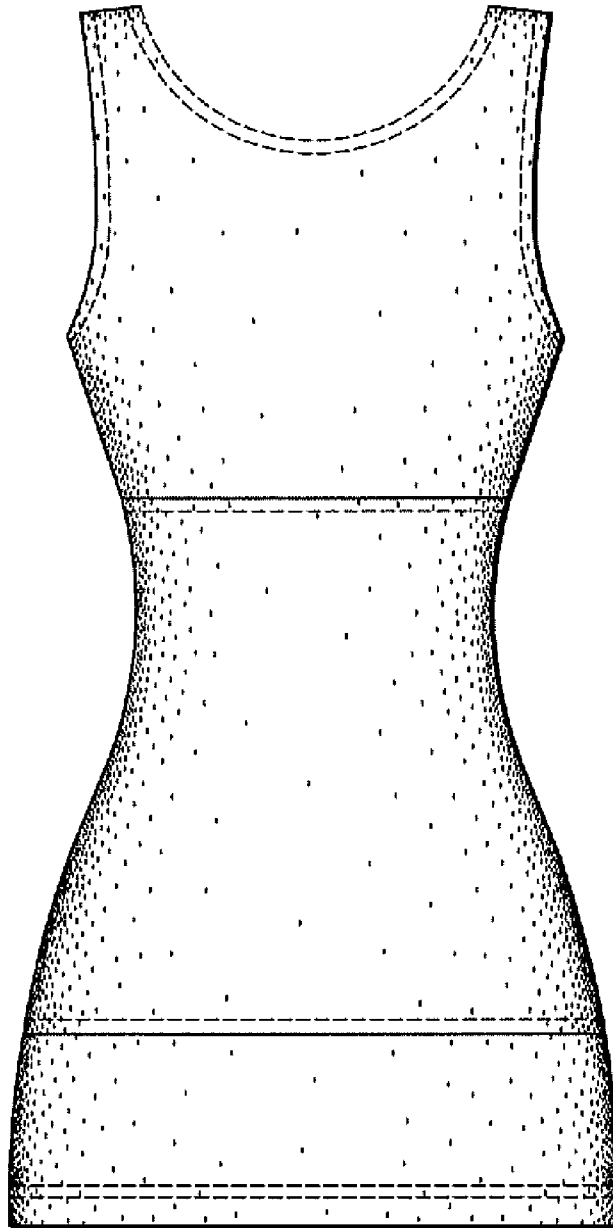


FIG. 2

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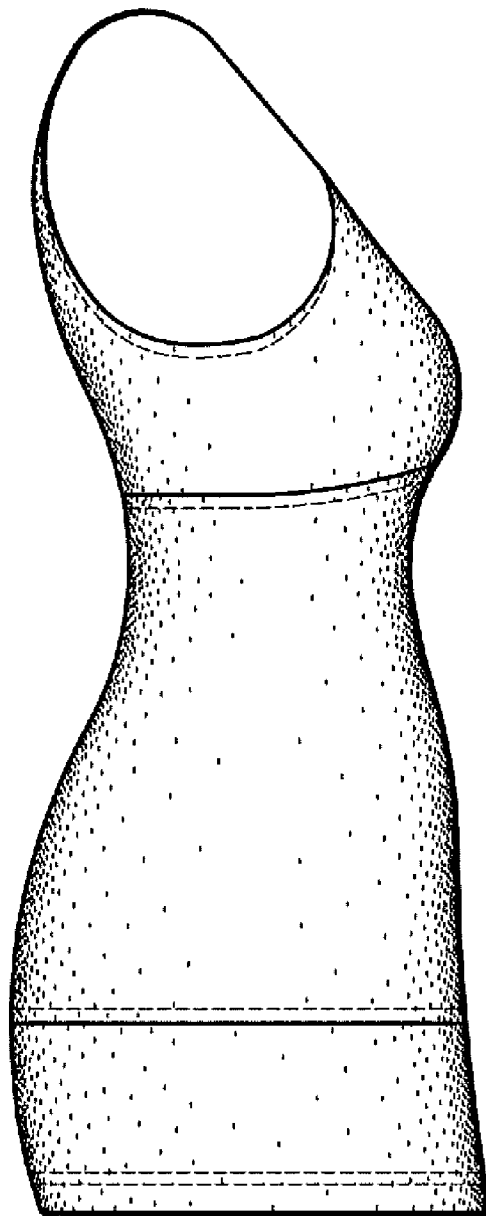


FIG. 3

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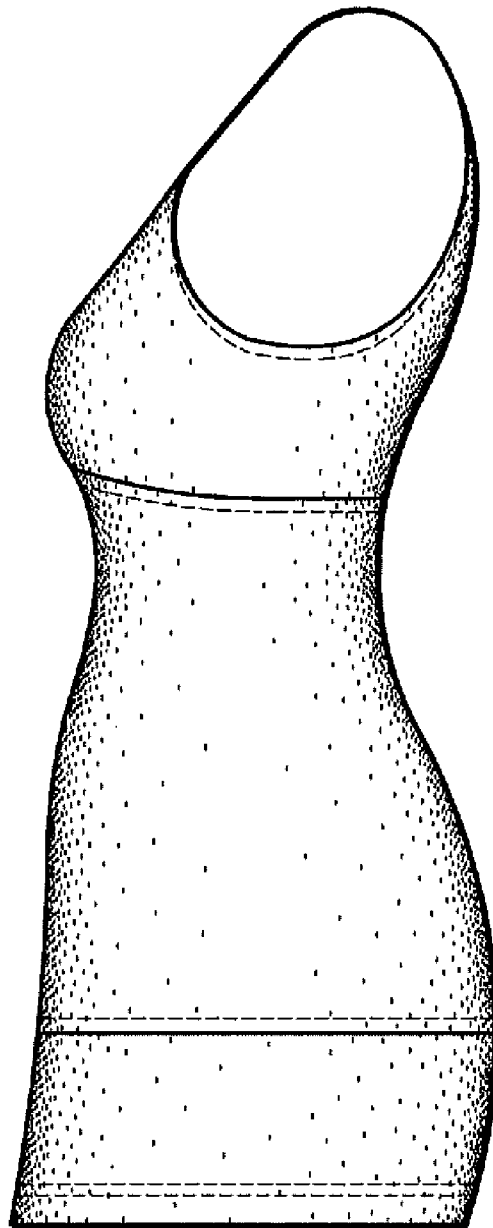


FIG. 4

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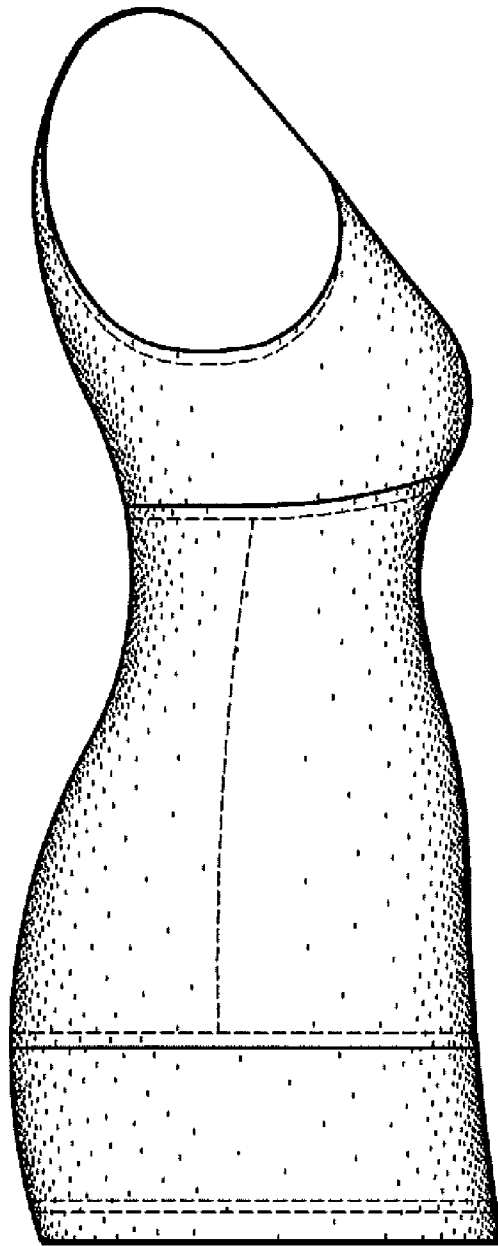


FIG. 5

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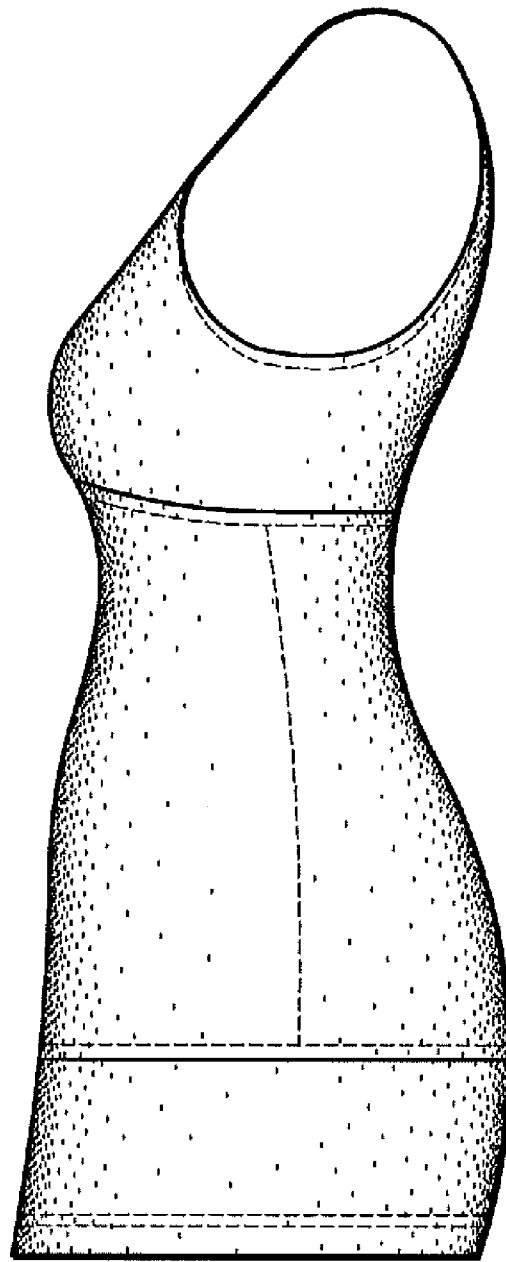


FIG. 6

Exhibit E

(12) **United States Design Patent**
Schindler

(10) **Patent No.:** **US D665,558 S**

(45) **Date of Patent:** **** *Aug. 21, 2012**

(54) **GARMENT**

(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)

(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)

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

(**) Term: **14 Years**

(21) Appl. No.: **29/350,288**

(22) Filed: **Nov. 13, 2009**

Related U.S. Application Data

(60) Division of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285, and a division of application No. 29/350,198, filed on Nov. 12, 2009, which is a continuation of application No. 29/302,500.

(51) **LOC (9) Cl.** **02-01**

(52) **U.S. Cl.** **D2/701**

(58) **Field of Classification Search** D2/700–703, D2/706, 708, 731, 732, 828, 840, 718, 737, D2/847, 714, 800, 717, 723, 756, 793, 841; 450/96, 94, 115, 116, 122–124, 127, 132, 450/154, 10, 15, 30, 112, 1, 3, 7, 11, 20, 450/31, 34, 63, 64, 86, 95; 2/112, 113, 69, 2/67, 70, 73, 78.1, 78.2, 78.3, 104, 105, 109, 2/110; 66/176

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

26,473 A * 12/1859 Brown 450/95
(Continued)

FOREIGN PATENT DOCUMENTS

DE 8513103.2 5/1985
(Continued)

OTHER PUBLICATIONS

Left-hand image on Contents page, "Self" magazine, Jan. 2006 issue. (2 pages).*

(Continued)

Primary Examiner — Karen E. Eldridge Powers

(74) *Attorney, Agent, or Firm* — Stroock & Stroock & Lavan LLP

(57) **CLAIM**

The ornamental design for a garment, as shown and described herein.

DESCRIPTION

This application is related to co-pending U.S. Design Application 29/350,290, filed on Nov. 13, 2009, the contents of which are hereby incorporated by reference.

FIG. 1 is a front elevation view of Embodiment 1, of a garment;

FIG. 2 is a rear elevation view thereof;

FIG. 3 is a right elevation view thereof;

FIG. 4 is a left elevation view thereof;

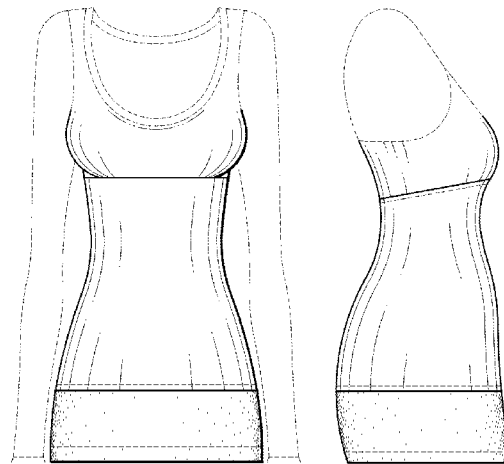
FIG. 5 is a right side elevation view of Embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,

FIG. 6 is a left elevation view of Embodiment 2, of a garment.

The sleeves are not shown in FIGS. 3-6 for ease of illustration. The center section and lower section of the claimed design is shaded to illustrate a different appearance. The dashed broken lines shown in the drawings illustrate environmental features that form no part of the claimed design. The dash-dot-dot-dash broken lines shown at the junction of the bodice with the sleeve and the interior of the bodice represent the bounds of the design and form no part of the claimed design.

The broken lines shown in the drawings are for environmental structure only and form no part of the claimed design.

1 Claim, 6 Drawing Sheets



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Page 2

U.S. PATENT DOCUMENTS

240,569 A * 4/1881 Appleton 66/176
 357,068 A * 2/1887 Dably 66/176
 432,442 A * 7/1890 Sanford 2/113
 445,945 A * 2/1891 Bohne 66/176
 570,696 A * 11/1896 Brown 66/176
 672,028 A * 4/1901 Appleton 66/176
 839,699 A * 12/1906 Anderson 2/67
 933,739 A * 9/1909 Bodensiek 450/7
 1,007,047 A * 10/1911 Albers et al. 2/109
 1,088,371 A * 2/1914 Rossiter 450/94
 1,110,749 A * 9/1914 De Blieux
 1,121,005 A * 12/1914 Farnsworth
 1,191,865 A * 7/1916 Workman
 1,249,446 A * 12/1917 Mell
 1,323,748 A * 12/1919 Gitenstein 2/78.3
 1,342,188 A * 6/1920 Jacob 2/78.1
 1,587,099 A * 6/1926 Williams 2/78.2
 1,683,510 A * 9/1928 Carl 450/20
 1,770,615 A * 7/1930 Herlich 2/67
 1,774,613 A * 9/1930 Pidgeon 450/20
 1,777,215 A * 9/1930 McGill
 1,813,043 A * 7/1931 Foreman
 1,828,310 A * 10/1931 Bergh 2/67
 1,886,049 A * 11/1932 Rothblum
 1,894,062 A * 1/1933 Schrank 2/73
 1,897,619 A * 2/1933 Powell 2/67
 1,899,022 A * 2/1933 Duisdieker 2/67
 D91,329 S * 5/1933 Redman
 1,931,822 A * 10/1933 Hoffman 450/95
 1,953,797 A * 4/1934 Daniel 2/67
 1,977,329 A * 10/1934 Tobin 2/113
 RE19,380 E * 11/1934 Craig 2/78.2
 2,000,073 A * 5/1935 Goas 66/176
 2,033,456 A * 3/1936 Cunningham
 2,035,377 A * 3/1936 Redmond 2/111
 2,040,058 A * 5/1936 Craig 66/176
 2,040,561 A * 5/1936 Ernst 450/34
 2,052,784 A * 9/1936 Charles 66/176
 2,052,935 A * 9/1936 Moran 450/10
 2,076,748 A * 4/1937 Schweig
 2,097,777 A * 11/1937 Rothman
 2,098,881 A * 11/1937 Robbins 450/27
 2,098,882 A * 11/1937 Robbins 450/27
 D110,662 S * 7/1938 Rielly D2/714
 2,190,030 A * 2/1940 Kops
 D128,536 S * 7/1941 Weil D2/702
 D129,078 S * 8/1941 Monteil D2/800
 D129,894 S * 10/1941 Abeles D2/703
 2,274,382 A * 2/1942 Richman
 2,310,103 A * 2/1943 McDonald 2/113
 2,335,751 A * 11/1943 Friedman
 2,579,547 A * 12/1951 Cadous 450/112
 D170,694 S * 10/1953 Kahn D2/702
 D174,038 S * 2/1955 Goldstein D2/702
 D174,114 S * 3/1955 Dior D2/702
 D174,115 S * 3/1955 Dior D2/703
 D174,194 S * 3/1955 Prochaska D2/702
 D174,329 S * 3/1955 Katz D2/700
 2,723,396 A * 11/1955 Stack 450/58
 D177,982 S * 6/1956 Kahn D2/702
 D181,626 S * 12/1957 Cassini D2/800
 2,963,022 A * 12/1960 Spetelnik 450/15
 D191,347 S * 9/1961 Herman
 3,026,875 A * 3/1962 Kaupp 450/116
 3,036,574 A * 5/1962 Jeffrey 450/30
 3,060,446 A * 10/1962 Horne
 3,066,675 A * 12/1962 Herman
 3,217,713 A * 4/1964 Kunel
 D211,231 S * 6/1968 Sallasky D2/702
 3,421,513 A * 1/1969 Landau
 3,422,818 A * 1/1969 Erteszek
 3,454,013 A * 7/1969 Cahill 450/116
 3,479,844 A * 11/1969 Silvain
 3,556,106 A * 1/1971 Rosner
 3,582,993 A * 6/1971 Keller
 3,683,910 A * 8/1972 McKenna 602/68
 D224,700 S * 9/1972 Bienefeld D2/700
 3,699,590 A * 10/1972 Webber et al.

D234,649 S * 4/1975 Casclo D2/703
 D239,475 S * 4/1976 Casclo D2/702
 3,949,426 A * 4/1976 George
 4,377,007 A * 3/1983 Sudjian
 4,916,755 A * 4/1990 Feigenbaum et al. 2/67
 4,976,653 A * 12/1990 White
 5,083,316 A * 1/1992 Kuehner
 5,094,648 A * 3/1992 Turner
 5,461,725 A * 10/1995 Witczak
 5,566,392 A * 10/1996 Dzelzkalns
 5,605,060 A * 2/1997 Osborne
 D391,740 S * 3/1998 Barrington et al.
 5,915,531 A * 6/1999 Hilpert et al. 2/69
 6,000,993 A * 12/1999 Erwin 450/7
 6,061,832 A * 5/2000 Morrison
 6,185,741 B1 * 2/2001 Kehoe
 6,282,720 B1 * 9/2001 Mayer 2/113
 D452,600 S * 1/2002 Kim D2/702
 D453,058 S * 1/2002 Kim D2/703
 D453,255 S * 2/2002 Kim D2/702
 6,430,748 B1 * 8/2002 Burkhardt 2/78.1
 D476,464 S * 7/2003 Jenkins
 6,846,217 B1 * 1/2005 Struble et al.
 D556,978 S * 12/2007 Thunstedt D2/847
 7,395,557 B1 * 7/2008 Ledyard
 D595,480 S * 7/2009 Giugliano D2/702
 7,905,117 B2 * 3/2011 Kronback 66/176
 2006/0242748 A1 * 11/2006 Martz
 2007/0094765 A1 * 5/2007 Summers et al. 2/113
 2008/0134409 A1 * 6/2008 Karasina 2/117
 2008/0229474 A1 * 9/2008 Fons et al. 2/113
 2008/0244805 A1 * 10/2008 Griffin 2/74

FOREIGN PATENT DOCUMENTS

DE 202005000716 U1 4/2005
 EP 0174179 3/1986
 EP 0774241 5/1997
 EP 1082951 3/2001
 EP 1125566 8/2001
 EP 000385562-0106 7/2005
 EP 000454202-0027 12/2005
 EP 000454202-0121 12/2005
 EP 000633755-0027 12/2006
 EP 000730403-0023 5/2007
 GB 116526 6/1918
 GB 212307 3/1924
 GB 1603600 11/1981
 GB 3020687 7/2005
 GB 4004524 10/2007
 JP 2-82707 6/1990
 JP 2001-172806 6/2001
 JP 2002-138302 5/2002
 JP 2003-129303 A 5/2003
 JP 2005-281893 A 10/2005
 JP 2006-316359 * 11/2006
 JP 2006-316359 A 11/2006
 JP 2007-146337 * 6/2007
 JP 2007-146337 A 6/2007
 JP 2007-303002 * 11/2007
 JP 2008-156812 A 7/2008
 WO 96/08217 3/1996
 WO 01/75201 10/2001

OTHER PUBLICATIONS

Cover and ad page picturing Serena Williams, "Lucky" magazine, Oct. 2003. (2 pages).*

Mila Kunis Magazine Cover, [on-line]; [downloaded from the Internet on May 5, 2012]; [cover identified is for Oct. 2003 issue]; URL: <http://www.whosdatedwho.com/tpx_1783/mila-kunis/magazinecovers_13>. (4 pages).*

Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—PRNewswire via COMTEX/ Aug. 10, 2011.

US D665,558 S

Page 3

Associated Press, "Maidenform 2Q net income drops on settlement," *Forbes.com* (Aug. 10, 2011), http://www.forbes.com/feeds/ap/2011/08/10/business-specialized-consumer-services-us-earns-maidenform_8611962.html?partner=email—printed Aug. 12, 2011. Maidenform's Responses and Objections to TTC's First Set of Request for Production of Documents (Nos. 1-144)—Aug. 24, 2010. Maidenform's Second Set of Requests for the Production of Documents and Things (Nos. 78-123)—Sep. 3, 2010.

Maidenform's Second Set of Interrogatories (Nos. 16-17)—Sep. 3, 2010.

Maidenform's First Supplemental Responses and Objections to TTC's First Set of Interrogatories—Sep. 10, 2010.

TTC's Responses to Maidenform's Second Set of Requests for Production (Nos. 78-123)—Oct. 12, 2010.

TTC's Written Responses to Maidenform's Second Set of Interrogatories (Nos. 16-17). *San Francisco Chronicle* article—MF0001240-1242. *Women's Wear Daily* article—MF0001087-1088. Oct. 12, 2010.

Maidenform's Responses and Objections to TTC's Supplemental First Set of Interrogatories (Nos. 1A-18A)—Nov. 2010.

Donner's Objections to Maidenform's Request for Production of Documents Included in the Subpoena to I. Donner—Feb. 22, 2011.

1A—Nike Fly Lightweight + Women's Sports Top, Nike, <http://clothing-and-accessories.become.com/nike-fly-lightweight-womens-sports-top-com> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

2A—Pretty Shapewear Camisole, SassyBax, www.sassybax.com/pretty-camisole.php received by Applicant Aug. 24, 2010.

3A—Underwire Torso Trim, SassyBax, www.sassybax.com/underwire-trim.php received by Applicant Aug. 24, 2010.

4A—The Torso Trim, SassyBax, www.sassybax.com/torso_trim.php received by Applicant Aug. 24, 2010.

5A—Belly Bra, JCPenney, www.jcpenney.com/jcp/X6.aspx?DeptID=51669&CatID=51669&Grptp=Siz&Item . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

6A—Secret Sculptor Tunic, Shape Fx, www.shapefx.com/store/Shapewear_Shop_by_Category_Camis_Tanks_Se . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

7A—The Skinny, www.skinnycami.biz/files/ received by Applicant Aug. 24, 2010.

8A—Simplicity Lingerie Strap Camisole, Spanx, www.spanx.com/product/index.jsp?productId=3977353&cp=2992553.4015964&par . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

9A—Hide & Slek Cami, Spanx, <http://web.archive.org/> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

10A—Hide & Slek Full Slip 18 Inch 060A, Spanx, www.herroom.com/Spanx-060A-Hide-Slek-Full-Slip-18-Inch.shtml received by Applicant Aug. 24, 2010.

11A—Teez-Her The Skinny Tank, Teez-Her, www.essentialapparel.com/index.cfm/a/catalog.prodshow/vid/72638/catid/267/Teez . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

12A—Cami-Rolls, <http://camirolls.com/shop.shtml> received by Applicant Aug. 24, 2010.

13A—TummyTee, www.redefyne.com/tummytee.html received by Applicant Aug. 24, 2010.

14A—Champion Seamless Empire Top with Built-In Sports Bra, Champion, www.championusa.com/Champion/Products/Women-Champion/Women_ShopByCa . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

15A—Cosabella Smooth Bodyshaper Cami SHPE702, CosaBella, www.herroom.com/Cosabella-Shpe702-Smooth-Bodyshaper-Cami.shtml received by Applicant Aug. 24, 2010.

16A—Daisy Fuentes Slimming Camisole, Kohls, www.kohls.com/upgrade/webstore/product_page.jsp?Product%3C%3Eprd_id=8 received by Applicant Aug. 24, 2010.

17A—582L Countouring Balconet Bra Cami-Long Torso, Dumi Shapewear, www.du-mi.com/store/product-info.php?pid12.html received by Applicant Aug. 24, 2010.

18A—Very Precious, Great Glam, <http://greatglam.com/pd-very-precious.cfm> received by Applicant Aug. 24, 2010.

19A—Sensual Charm, Great Glam, <http://greatglam.com/pd-sensual-charm1.cfm> received by Applicant Aug. 24, 2010.

20A—Yalof Schwartz, Suze, "Too Busy for the Gym?" *Glamour*, www.glamour.com/fashion/blogs/slaves-to-fashion/2007/10/too-busy . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet approximately Oct. 2007.

21A—Underwire Torso Trim, Sassybax, <http://web.archive.org/web/20071020033219/sassybax.com> received by Applicant Aug. 24, 2010. Page shown present on Internet on Oct. 20, 2007.

22A—Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Nancy Ganz, www.herroom.com/NancyGanz . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet on Nov. 25, 2007.

23A—Spanx Hide & Slek Full Slip 060A, Spanx, www.herroom.com/Spanx-Hide . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown on Internet on Nov. 1, 2007.

24A—Spanx Hide & Slek Cami 050, Spanx, www.herroom.com/Spanx . . . (URL is incomplete) received by Applicant Aug. 24, 2010. Page shown present on Internet on Oct. 30, 2007.

25Aa, 25Ab, 25Ac—Collection of Photographs received by Applicant on Dec. 8, 2010 received by Applicant Aug. 24, 2010.

26A—Alleged Ann Mason Receipt; Nov. 26, 2006.

27Aa, 27Ab—Declaration of Ann Mason; May 19, 2007.

28A—Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, *Fox News* 44, *PR Newswire* (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

29A—Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, *News Releases—General News*, Iselin, NJ—*PRNewswire* via COMTEX/ Aug. 10, 2011.

30A—Associated Press, "Maidenform 2Q net income drops on settlement," *Yahoo News* (Aug. 10, 2011). <http://news.yahoo.com/maidenform-2q-net-income-drops-settlement-125621767.html>—printed Apr. 20, 2012.

1—Email from Christine Conforte to Heather Schindler "FW: Tummy Tee," sent Dec. 1, 2006.

2—Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 13, 2006.

3—Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 13, 2006.

4—Email from Christine Conforte "Liz Lange," sent Dec. 11, 2006.

5—Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 9, 2006.

6—Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 7, 2006.

7—Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 7, 2006.

8—Email from Christine Conforte to Heather Schindler, "Liz Lange," sent Dec. 6, 2006.

9—Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte, "Follow Up," sent Jan. 24, 2007.

10—Email from Liz Lange to Heather Schindler copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

11—Email from Heather Schindler to Liz Lange copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

12—Email from Liz Lange to Heather Schindler copying Christine Conforte "Follow Up," sent Jan. 19, 2007.

13—Email from Heather Schindler to Christine Conforte copying Michelle Mooring "FW: TummyTube," sent Jan. 31, 2007.

14—Email from Christine Conforte to Heather Schindler copying Liz Lange "Tummy Tube," sent Jan. 30, 2011.

15—Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte "TummyTube," sent Feb. 6, 2007.

16—Email from Liz Lange to Heather Schindler and Christine Conforte "TummyTube," sent Feb. 2, 2007.

17—Email from Heather Schindler to Christine Conforte copying Liz Lange "TummyTube," sent Feb. 2, 2007.

18—Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2007.

19—"Style Spy," *Lucky Magazine*, p. 26, Jan. 2002 issue.

20—LeCove swimwear catalog, p. 26 received by Applicant Aug. 24, 2010.

US D665,558 S

Page 4

- 21—JC Penney maternity catalog, p. 165 received by Applicant Aug. 24, 2010.
- 22—WWD Intimates catalog, cover received by Applicant Aug. 24, 2010.
- 23—“Fashion Q & A,” Shape Magazine, p. 68. Jan. 2008 issue.
- 24—Vogue Magazine, vol. 15, cover received by Applicant Aug. 24, 2010.
- 25—“Self Selects,” Self Magazine, p. 162. Jun. 2000 issue.
- 26—“Do good while you shop,” Lucky Magazine, p. 286. Oct. 2006 issue.
- 27—“Photo Finish,” WWD Intimates catalog. 2006.
- 28—“Shapewear Report,” In Style Magazine, pp. 338-346. Sep. 2007 issue.
- 29—Self Magazine advertisements. Jun. 2007 issue.
- 30—Self Magazine, p. 33. Dec. 2007 issue.
- 31—“My best stress bust is . . .,” Self Magazine, p. 200. Apr. 2002 issue.
- 32—Times Three Clothier, LLC Sales Order No. 1000, Sales Order Date Apr. 30, 2007.
- 33—Email from Ivan A. Saperstein to Heather Schindler copying Michelle Mooring and J. Schindler “Gatsby’s” sent Jul. 20, 2007.
- 34—Email from Heather Schindler to Ivan A. Saperstein copying Michelle Mooring and J. Schindler “Gatsby’s” Jul. 20, 2007.
- 35—Email from Ivan A. Saperstein to Michelle Mooring, Heather Schindler and J. Schindler “Gatsby’s” Jul. 20, 2007.
- 36—Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006138, Aug. 11, 2006.
- 37—Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006155, Aug. 25, 2006.
- 38—Packing Slip to Seams Beautiful, Aug. 25, 2006.
- 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i—*Maidenform v. Times Three Clothier LLC* d/b/a Yummie Tummie, Case No. 10-cv-1661 (GBD)—Skinny Cami Declarations. pp. 1-118 (submitted in 9 parts) received by Applicant Dec. 14, 2010.
- 40—Applicant’s Specifications. pp.1-3 (submitted in 1 part) dated May 24, 2007-Jun. 11, 2007.
- 41—Maidenform’s Initial Disclosures—Jul. 9, 2010. pp. 1-13 (submitted in 1 part).
- 42—Maidenform’s Responses and Objections to TTC’s First Set of Interrogatories (Nos. 1-18)—Aug. 24, 2010. pp. 1-12 (submitted in 1 part).
- 43—Skinny Camisole Slimmer Corset Shaper Girdle, http://co103w.co1103.mail.live.com/mail/RteTrame_15.1.3059.0405.html?pf=pf (URL is incomplete). Pages 1-3 (submitted in 1 part) received by Applicant Aug. 24, 2010.
- 44a, 44b, 44c—Applicant’s Tummy Tees. pp. 1-3 (submitted in 3 parts). 6Ba is Applicant’s Tummy Tee early prototype sewn in Feb./Mar. 2005. 6Bb and 6Bc are photos of Applicant’s production sample first received May 30, 2007.
- 45—Gazelle Sleeveless Long Shirt, Adidas, www.shopadidas.com/product/index.jsp?productID=3847890&v2=y&cp=3748175.3 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- 46—Super Soft Slimmer Tank, MyShape, www.myshape.com/shop/style/11906?ci_sku=11906&utm_source . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- 47—Ann Michell Spaghetti Strap Tank Top Style 982, Lauren Silva, www.laurensilva.com/Ann_Michell_Spaghetti_Strap_Camisole_Control_Shirt_p/an . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- 48—New Marilyn Monroe Smoothing Camisole 7762, ebay, cgi.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- 49—Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Her Room, www.herroom.com/Nancy-Ganz-3313-The-Belly-Band-Convertible-Bodyvriefer.sht . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- 50—Nike Seamless Airborne Women’s Long Tank Top, Nike, http://store.nike.com/us/en_us/?l=shop,pdp,ctr-inline/cid-1/pid-282277/pgid-238467 received by Applicant Aug. 24, 2010.
- * cited by examiner

U.S. Patent

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Sheet 1 of 6

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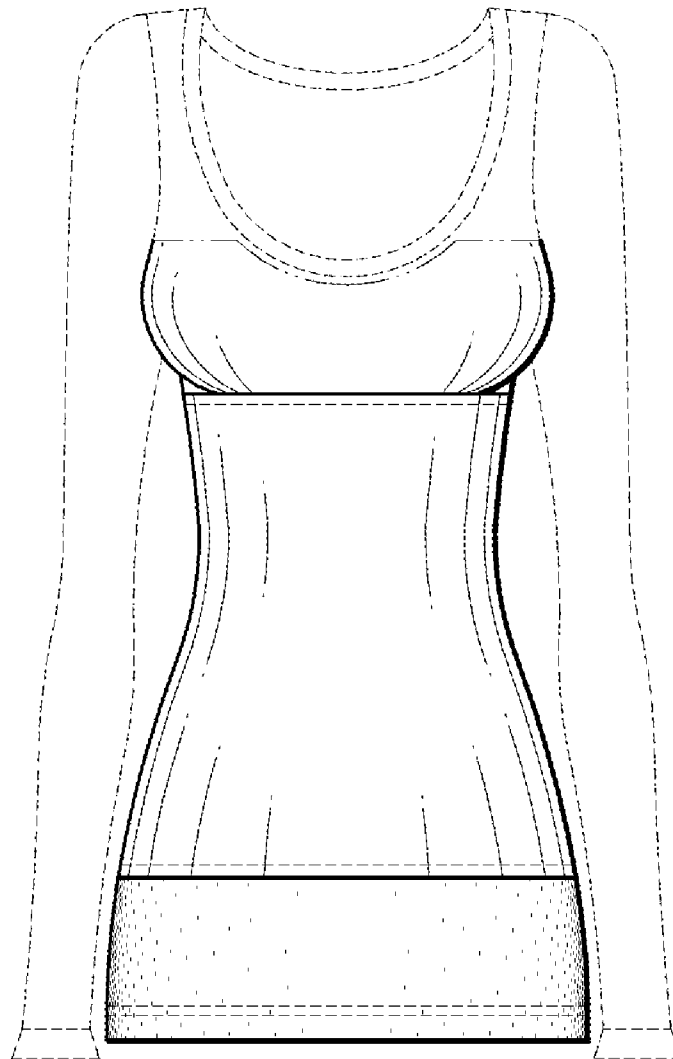


FIG. 1

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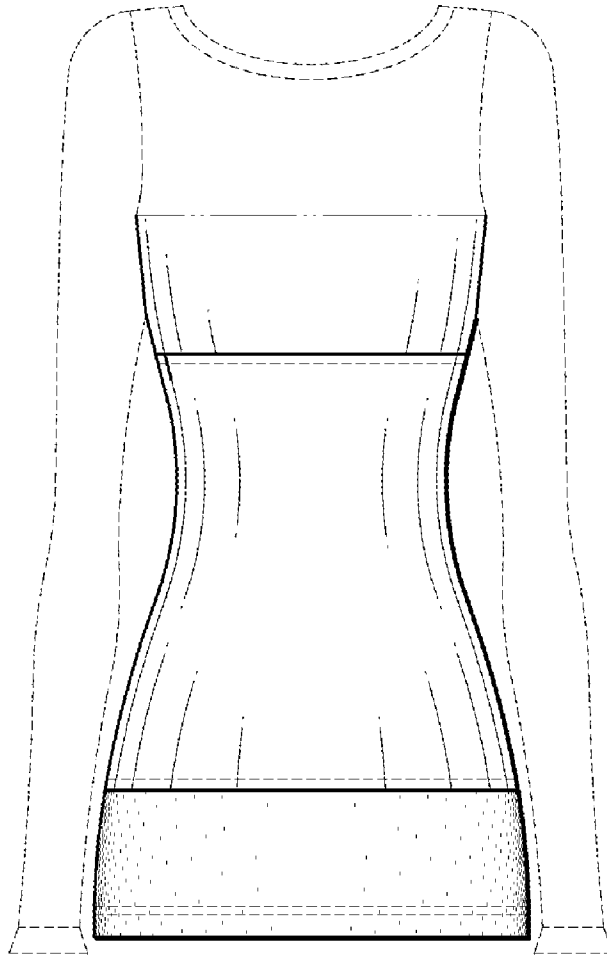


FIG. 2

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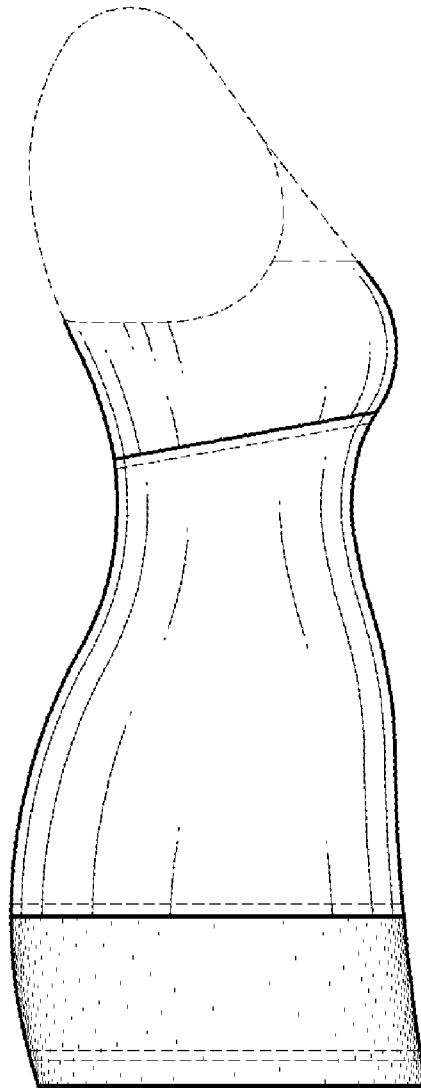


FIG. 3

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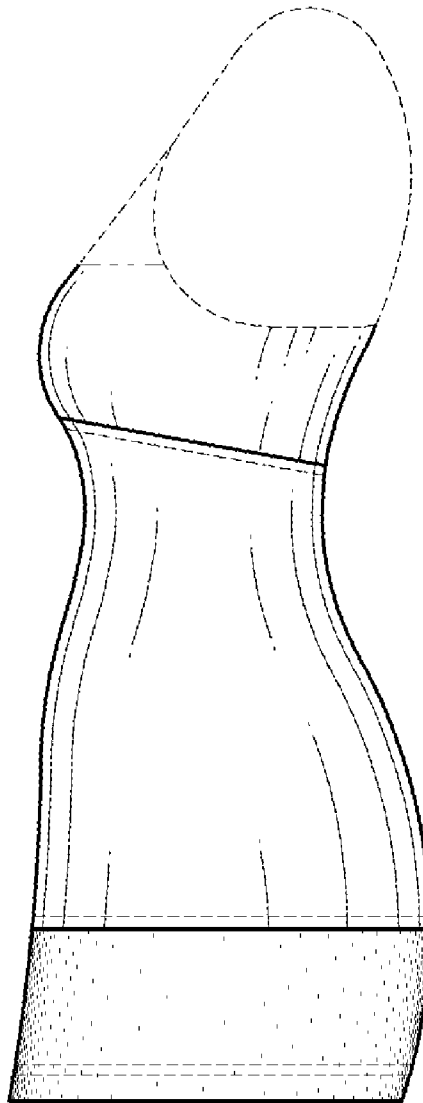


FIG. 4

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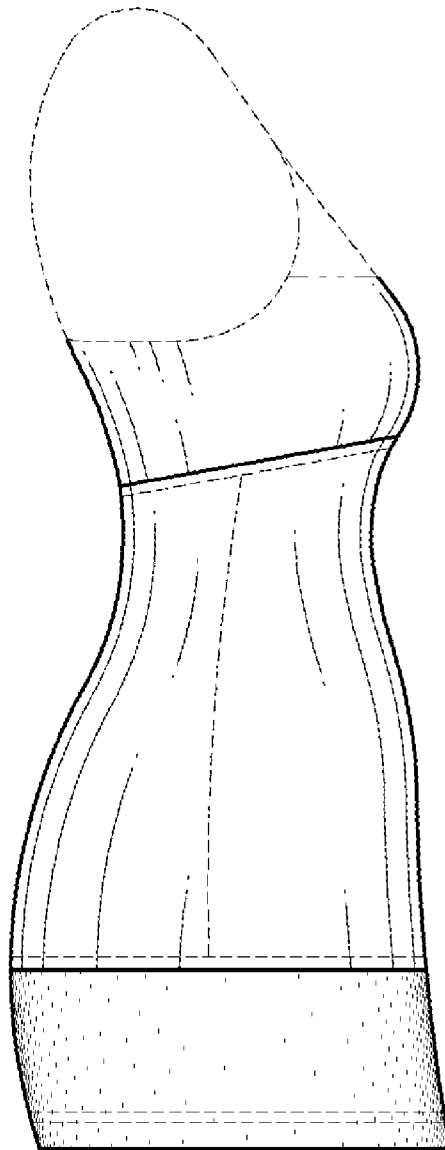


FIG. 5

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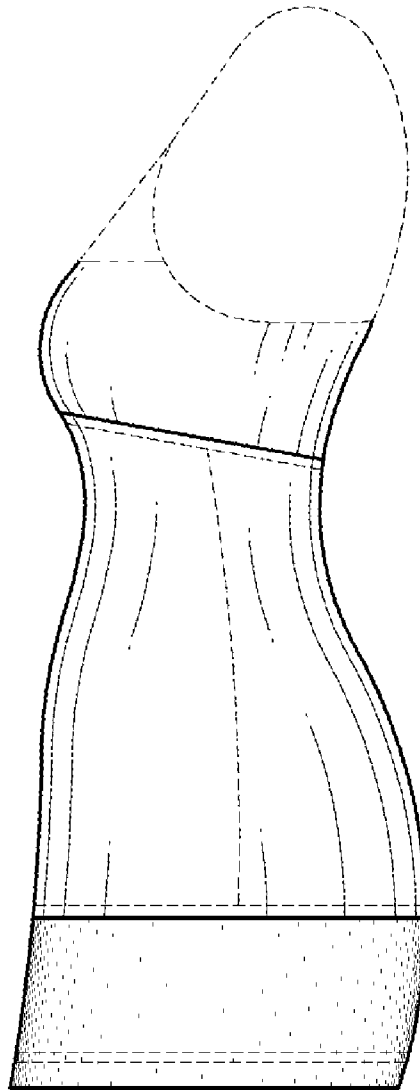


FIG. 6

Exhibit F

US00D666384S

(12) **United States Design Patent**
Schindler(10) **Patent No.:** **US D666,384 S**(45) **Date of Patent:** **** Sep. 4, 2012**(54) **GARMENT**(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)(**) Term: **14 Years**(21) Appl. No.: **29/392,830**(22) Filed: **May 26, 2011****Related U.S. Application Data**

(60) Continuation of application No. 29/350,290, filed on Nov. 13, 2009, now abandoned, which is a division of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285, said application No. 29/392,830 is a continuation of application No. 29/350,288, filed on Nov. 13, 2009, which is a division of application No. 29/302,500.

(51) **LOC (9) Cl.** **02-01**(52) **U.S. Cl.** **D2/701**(58) **Field of Classification Search** D2/700,
D2/701, 702, 703, 706, 708, 714, 717, 718,
D2/723, 731, 732, 756, 793, 800, 828, 840,
D2/841, 847; 2/67, 69, 70, 73, 78.1, 78.2,
2/78.3, 104, 105, 109, 110, 112, 113; 66/176;
450/1, 3, 7, 10, 11, 15, 20, 30, 31, 34, 63,
450/64, 86, 94, 95, 96, 112, 115, 116, 122,
450/123, 124, 127, 132, 154

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

357,068 A 2/1887 Dalby

(Continued)

FOREIGN PATENT DOCUMENTS

DE G8513103.2 8/1985

(Continued)

OTHER PUBLICATIONS

Left-hand image on Contents page, "Self" magazine, Jan. 2006 issue. (2 pages).*

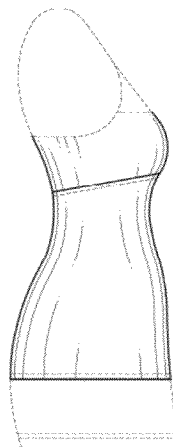
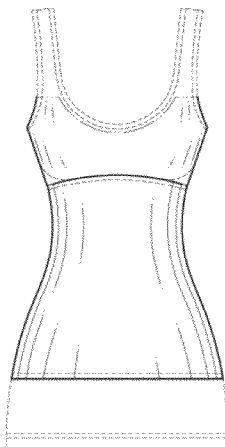
(Continued)

Primary Examiner — Karen E Eldridge Powers(74) *Attorney, Agent, or Firm* — Stroock & Stroock & Lavan LLP(57) **CLAIM**

I claim the ornamental design for a garment, as shown and described.

DESCRIPTION

This application is related to the following applications:
U.S. Design application Ser. No. 29/362,414, filed on May 25, 2010 now U.S. Pat. No. D623,377,
U.S. Design application Ser. No. 29/362,498, filed on May 26, 2010 now U.S. Pat. No. D622,477,
U.S. Design application Ser. No. 29/350,198, filed on Nov. 12, 2009 now U.S. Pat. No. D616,627, the contents of each of the above applications are hereby incorporated by reference. FIG. 1 is a front elevation view of embodiment 1, of a garment;
FIG. 2 is a rear elevation view thereof;
FIG. 3 is a right elevation view thereof;
FIG. 4 is a left elevation view thereof;
FIG. 5 is a right side elevation view of embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and,
FIG. 6 is a left elevation view of embodiment 2, of a garment. The dashed broken lines depicting stitching and the human form shown in the drawings are for environmental structure only and form no part of the claimed design. The dash-dot-dot-dash broken lines shown at the junction of the bodice with the sleeve and the interior of the bodice represent the bounds of the design and form no part of the claimed design.

1 Claim, 6 Drawing Sheets

US D666,384 S

Page 2

U.S. PATENT DOCUMENTS

570,696 A 11/1896 Brown
 709,200 A * 9/1902 Buckley 2/73
 933,739 A 9/1909 Bodensiek
 1,110,749 A 9/1914 De Blieux
 1,121,005 A 12/1914 Farnsworth
 1,191,865 A 7/1916 Workman
 1,249,446 A 12/1917 Mell
 1,683,510 A * 9/1928 Wiese 450/20
 1,774,613 A 9/1930 Pidgeon
 1,777,215 A 9/1930 McGill
 1,813,043 A 7/1931 Foreman
 1,886,049 A 11/1932 Rothblum
 D91,329 S 5/1933 Redman
 1,931,822 A 10/1933 Hoffman
 1,977,329 A 10/1934 Tobin
 2,033,456 A 3/1936 Cunningham
 2,040,058 A 5/1936 Mendel et al.
 2,040,657 A * 5/1936 Kops et al. 139/421
 2,052,935 A 9/1936 Moran
 2,076,748 A 4/1937 Schweig
 2,097,777 A 11/1937 Rothman
 D110,662 S 7/1938 Rielly
 D111,201 S * 9/1938 Imerman D2/723
 2,190,030 A 2/1940 Kops
 D128,536 S 7/1941 Weil
 D129,894 S 10/1941 Abeles
 2,274,382 A 2/1942 Richman
 2,310,103 A 2/1943 McDonald
 2,335,751 A * 11/1943 Friedman 2/73
 2,579,547 A 12/1951 Cadous
 D170,694 S 10/1953 Kahn
 D174,038 S 2/1955 Goldstein
 D174,114 S 3/1955 Dior
 D174,115 S 3/1955 Dior
 D174,194 S 3/1955 Prochaska
 D177,982 S 6/1956 Kahn
 2,963,022 A 12/1960 Spetelnik
 2,976,708 A * 3/1961 Gordon 66/176
 D191,347 S 9/1961 Herman
 3,026,875 A 3/1962 Kaupp
 3,036,574 A 5/1962 Jeffrey
 3,060,446 A 10/1962 Horne
 3,066,675 A 12/1962 Herman
 3,217,713 A 11/1965 Kunel
 D211,231 S 6/1968 Salisky
 3,421,513 A 1/1969 Landau
 3,422,818 A 1/1969 Erteszek
 3,454,013 A 7/1969 Cahill
 3,479,844 A 11/1969 Silvain
 3,490,449 A * 1/1970 Ewehvahn 450/155
 3,556,106 A 1/1971 Rosner
 3,582,993 A 6/1971 Keller
 3,699,590 A 10/1972 Webber et al.
 D234,649 S 4/1975 Lo Cascio
 D239,475 S 4/1976 Lo Cascio
 3,949,426 A 4/1976 George
 4,377,007 A 3/1983 Sudjian
 4,916,755 A 4/1990 Feigenbaum et al.
 4,976,653 A 12/1990 White
 5,083,316 A 1/1992 Kuehner
 5,094,648 A 3/1992 Turner
 5,461,725 A 10/1995 Witzczak
 5,566,392 A 10/1996 Dzelzkalns
 5,605,060 A 2/1997 Osborne
 5,667,422 A * 9/1997 Erwin 450/30
 D391,740 S 3/1998 Barrington et al.
 D393,736 S * 4/1998 Rubin D2/717
 5,772,492 A * 6/1998 Erwin 450/30
 5,915,531 A 6/1999 Hilpert et al.
 6,000,993 A 12/1999 Erwin
 6,061,832 A 5/2000 Morrison
 6,185,741 B1 2/2001 Kehoe
 D452,600 S 1/2002 Kim
 D453,058 S 1/2002 Kim
 D453,255 S 2/2002 Kim
 6,430,748 B1 8/2002 Burkhart
 D476,464 S 7/2003 Jenkins
 6,766,533 B1 * 7/2004 Meier et al. 2/67

6,846,217 B1 1/2005 Struble et al.
 D521,712 S * 5/2006 Overby D2/717
 7,115,015 B2 * 10/2006 Horii et al. 450/33
 7,181,775 B2 * 2/2007 Carney 2/311
 D556,978 S 12/2007 Thunstedt
 7,395,557 B1 7/2008 Ledyard
 D595,480 S 7/2009 Giugliano
 RE41,654 E * 9/2010 Struble et al. 450/31
 7,878,881 B2 * 2/2011 Hendrickson 450/36
 7,900,276 B2 * 3/2011 Hendrickson et al. 2/237
 D644,411 S * 9/2011 Guerrier D2/703
 D644,412 S * 9/2011 Reuther D2/714
 2001/0054303 A1 * 12/2001 Browder, Jr. 66/171
 2004/0163159 A1 * 8/2004 Edwards et al. 2/338
 2006/0242748 A1 11/2006 Martz
 2007/0094765 A1 5/2007 Summers et al.
 2007/0118062 A1 * 5/2007 Fleck 602/75
 2008/0078208 A1 * 4/2008 Kronbach 66/171
 2008/0134409 A1 6/2008 Karasina
 2008/0244805 A1 10/2008 Griffin
 2009/0299258 A1 * 12/2009 Cureington-Sims 602/61
 2011/0061147 A1 * 3/2011 Welfeld 2/237

FOREIGN PATENT DOCUMENTS

DE 202005000716 U1 4/2005
 EP 0174179 3/1986
 EP 0774241 5/1997
 EP 1082951 3/2001
 EP 1125566 8/2001
 EP 000385562-0106 7/2005
 EP 000454202-0027 12/2005
 EP 000454202-0121 12/2005
 EP 000633755-0027 12/2006
 EP 000730403-0023 5/2007
 GB 116526 6/1918
 GB 212307 3/1924
 GB 1603600 11/1981
 GB 3020687 7/2005
 GB 4004524 10/2007
 JP 2-82707 6/1990
 JP 2001-172806 6/2001
 JP 2002-138302 5/2002
 JP 2003-129303 A 5/2003
 JP 2005-281893 A 10/2005
 JP 2006-316359 A 11/2006
 JP 2007-146337 A 6/2007
 JP 2007-303002 11/2007
 JP 2008-156812 A 7/2008
 WO 96/08217 3/1996
 WO 01/75201 10/2001

OTHER PUBLICATIONS

Cover and ad page picturing Serena Williams, "Lucky" magazine, Oct. 2003. (2 pages).*

Mila Kunis Magazine Cover, [on-line]; [downloaded from the Internet on May 5, 2012]; [cover identified is for Oct. 2003 issue]; URL: <http://www.whosdatedwho.com/tpx_1783/mila-kunis/magazinecovers_13>. (4 pages).*

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—/PRNewswire via COMTEX/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Forbes.com (Aug. 10, 2011). http://www.forbes.com/feeds/ap/2011/08/10/business-specialized-consumer-services-us-earn-maidenform_8611962.html?partner=email-printed Aug. 12, 2011.

Maidenform's Responses and Objections to TTC's First Set of Requests for Production of Documents (Nos. 1-144)—Aug. 24, 2010.

Maidenform's Second Set of Requests for the Production of Documents and Things (Nos. 78-123)—Sep. 3, 2010.

Maidenform's Second Set of Interrogatories (Nos. 16-17)—Sep. 3, 2010.

Maidenform's First Supplemental Responses and Objections to TTC's First Set of Interrogatories—Sep. 10, 2010.

TTC's Responses to Maidenform's Second Set of Requests for Production (Nos. 78-123)—Oct. 12, 2010.

US D666,384 S

Page 3

TTC's Written Responses to Maidenform's Second Set of Interrogatories (Nos. 16-17). San Francisco Chronicle article—MF0001240-1242. Women's Wear Daily article—MF0001087-1088. Oct. 12, 2010.

Maidenform's Responses and Objections to TTC's Supplemental First Set of Interrogatories (Nos. 1A-18A)—Nov. 26, 2010.

I. Donner's Objections to Maidenform's Request for Production of Documents Included in the Subpoena to I. Donner—Feb. 22, 2011.

Email from Christine Conforte to Heather Schindler "FW: Tummy Tee," sent Dec. 1, 2006.

Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 13, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 13, 2006.

Email from Christine Conforte "Liz Lange," sent Dec. 11, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 9, 2006.

Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 7, 2006.

Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 7, 2006.

Email from Christine Conforte to Heather Schindler, "Liz Lange," sent Dec. 6, 2006

Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte, "Follow Up," sent Jan. 24, 2007.

Email from Liz Lange to Heather Schindler copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

Email from Heather Schindler to Liz Lange copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.

Email from Liz Lange to Heather Schindler copying Christine Conforte "Follow Up," sent Jan. 19, 2007.

Email from Heather Schindler to Christine Conforte copying Michelle Mooring "FW: TummyTube," sent Jan. 31, 2007.

Email from Christine Conforte to Heather Schindler copying Liz Lange "Tummy Tube," sent Jan. 30, 2011.

Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte "TummyTube," sent Feb. 6, 2007.

Email from Liz Lange to Heather Schindler and Christine Conforte "TummyTube," sent Feb. 2, 2007.

Email from Heather Schindler to Christine Conforte copying Liz Lange "TummyTube," sent Feb. 2, 2007.

Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2007.

"Style Spy," Lucky Magazine, p. 26, Jan. 2002 issue.

LeCove swimwear catalog, p. 26 received by Applicant Aug. 24, 2010.

JC Penney maternity catalog, p. 165 received by Applicant Aug. 24, 2010.

WWD Intimates catalog, cover received by Applicant Aug. 24, 2010.

"Fashion Q & A," Shape Magazine, p. 68. Jan. 2008 issue.

Vogue Magazine, vol. 15, cover received by Applicant Aug. 24, 2010.

"Self Selects," Self Magazine, p. 162. Jun. 2000 issue.

"Do good while you shop," Lucky Magazine, p. 286. Oct. 2006 issue.

"Photo Finish," WWD Intimates catalog. 2006.

"Shapewear Report," In Style Magazine, pp. 338-346. Sep. 2007 issue.

Self Magazine advertisements. Jun. 2007 issue.

Self Magazine, p. 33. Dec. 2007 issue.

"My best stress bust is . . .," Self Magazine, p. 200. Apr. 2002 issue.

Times Three Clothier, LLC Sales Order No. 1000, Sales Order Date Apr. 30, 2007.

Email from Ivan A. Saperstein to Heather Schindler copying Michelle Mooring and J. Schindler "Gatsby's" sent Jul. 20, 2007.

Email from Heather Schindler to Ivan A. Saperstein copying Michelle Mooring and J. Schindler "Gatsby's" Jul. 20, 2007.

Email from Ivan A. Saperstein to Michelle Mooring, Heather Schindler and J. Schindler "Gatsby's" Jul. 20, 2007.

Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006138, Aug. 11, 2006.

Invoice billed and shipped to Seams Beautiful Carolyn Weaver, Invoice # 00006155, Aug. 25, 2006.

Packing Slip to Seams Beautiful, Aug. 25, 2006.

Maidenform v. Times Three Clothier LLC d/b/a Yummie Tummie, Case No. 10-cv-1661 (GBD)—Skinny Cami Declarations. pp. 1-118 (submitted in 9 parts) received by Applicant Dec. 14, 2010.

Applicant's Specifications. pp 1-3 (submitted in 1 part) dated May 24, 2007-Jun. 11, 2007.

Maidenform's Initial Disclosures—Jul. 9, 2010. pp. 1-13 (submitted in 1 part).

Maidenform's Responses and Objections to TTC's First Set of Interrogatories (Nos. 1-18)—Aug. 24, 2010. pp. 1-12 (submitted in 1 part).

Skinny Camisole Slimmer Corset Shaper Girdle, http://co103w.co1103.mail.live.com/mail/RteFrame_15.1.3059.0405.html?pf=pf (URL is incomplete). pp. 1-3 (submitted in 1 part) received by Applicant Aug. 24, 2010.

Applicant's Tummy Tees. pp. 1-3 (submitted in 3 parts). 6Ba is Applicant's Tummy Tee early prototype sewn in Feb./Mar. 2005. 6Bb and 6Bc are photos of Applicant's production sample first received May 30, 2007.

Gazelle Sleeveless Long Shirt, Adidas, www.shopadidas.com/product/index.jsp?productID=3847890&v2=y&cp=3748175.3 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Super Soft Slimmer Tank, MyShape, www.myshape.com/shop/style/11906?ci_sku=11906&utm_source . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Ann Michell Spaghetti Strap Tank Top Style 982, Lauren Silva, www.laurensilva.com/Ann_Michell_Spaghetti_Strap_Cami-sole_Control_Shirt_p/an . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

New Marilyn Monroe Smoothing Camisole 7762, ebay, www.cgi.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Her Room, www.herroom.com/Nancy-Ganz-3313-The-Belly-Band-Convertible-Bodybriefer.sht . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Nike Seamless Airborne Women's Long Tank Top, Nike, http://store.nike.com/us/en_us/?l=shop.pdp.ctr-inline/cid-1/pid-282277/pgid-238467 received by Applicant Aug. 24, 2010.

Nike Fly Lightweight + Women's Sports Top, Nike, <http://clothing-and-accessories.become.com/nike-fly-lightweight-womens-sports-top-com> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Pretty Shapewear Camisole, SassyBax, www.sassybax.com/pretty-camisole.php received by Applicant Aug. 24, 2010.

Underwire Torso Trim, SassyBax, www.sassybax.com/underwire_trim.php received by Applicant Aug. 24, 2010.

The Torso Trim, SassyBax, www.sassybax.com/torso_trim.php received by Applicant Aug. 24, 2010.

Belly Bra, JCPenney, www.jcpenney.com/jcp/X6.aspx?DeptID=51669&CatID=51669&Grptyp=Siz&Item . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Secret Sculptor Tunic, Shape Fx, www.shapefx.com/store/Shapewear_Shop_by_Category_Camis_Tanks_Se . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

The Skinny, www.skinnycami.biz/files/ received by Applicant Aug. 24, 2010.

Simplicity Lingerie Strap Camisole, Spanx, www.spanx.com/product/index.jsp?productID=3977353&cp=2992553.4015964&par . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Hide & Slek Cami, Spanx, <http://web.archive.org/> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Hide & Slek Full Slip 18 Inch 060A, Spanx, www.herroom.com/Spanx-060A-Hide-Slek-Full-Slip-18-Inch.shtml received by Applicant Aug. 24, 2010.

Teez-Her The Skinny Tank, Teez-Her, www.essentialapparel.com/index.cfm/a/catalog.prodshow/vid/72638/catid/267/Teez . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Cami-Rolls, <http://camirolls.com/shop.shtml> received by Applicant Aug. 24, 2010.

TummyTee, www.redefine.com/tummytee.html received by Applicant Aug. 24, 2010.

US D666,384 S

Page 4

Champion Seamless Empire Top with Built-In Sports Bra, Champion, www.championusa.com/Champion/Products/Women-Champion/Women_ShopByCa . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Cosabella Smooth Bodyshaper Cami SHPE702, CosaBella, www.herroom.com/Cosabella-Shpe702-Smooth-Bodyshaper-Cami.shtml received by Applicant Aug. 24, 2010.

Daisy Fuentes Slimming Camisole, Kohls, www.kohls.com/up-grade/webstore/product_page.jsp?PRODUCT%3C%3Eprd_id=8 received by Applicant Aug. 24, 2010.

582L Countouring Balconet Bra Cami-Long Torso, Dumi Shapewear, www.du-mi.com/store/product-info.php?pid12.html received by Applicant Aug. 24, 2010.

Very Precious, Great Glam, <http://greatglam.com/pd-very-precious.cfm> received by Applicant Aug. 24, 2010.

Sensual Charm, Great Glam, <http://greatglam.com/pd-sensual-charm1.cfm> received by Applicant Aug. 24, 2010.

Yalof Schwartz, Suze, "Too Busy for the Gym?" Glamour, www.glamour.com/fashion/blogs/slaves-to-fashion/2007/10/too-bus . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet approximately Oct. 2007.

Underwire Torso Trim, Sassybax, <http://webarchive.org/web/20071020033219/sassybax.com> received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 20, 2007.

Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Nancy Ganz, www.herroom.com/NancyGanz . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 25, 2007.

Spanx Hide & Sleek Full Slip 060A, Spanx, www.herroom.com/Spanx-Hide . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 1, 2001.

Spanx Hide & Sleek Cami 050, Spanx, www.herroom.com/Spanx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 30, 2007.

Collection of Photographs received by Applicant (submitted in 3 parts) on Dec. 8, 2010 received by Applicant Aug. 24, 2010.

Alleged Ann Mason Receipt; Nov. 26, 2006.

Declaration of Ann Mason; May 19, 2007.

Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—PRNewswire via COMTEXT/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Yahoo News (Aug. 10, 2011). <http://news.yahoo.com/maidenform-2q-net-income-drops-settlement-125621767.html>—printed Apr. 20, 2012.

* cited by examiner

U.S. Patent

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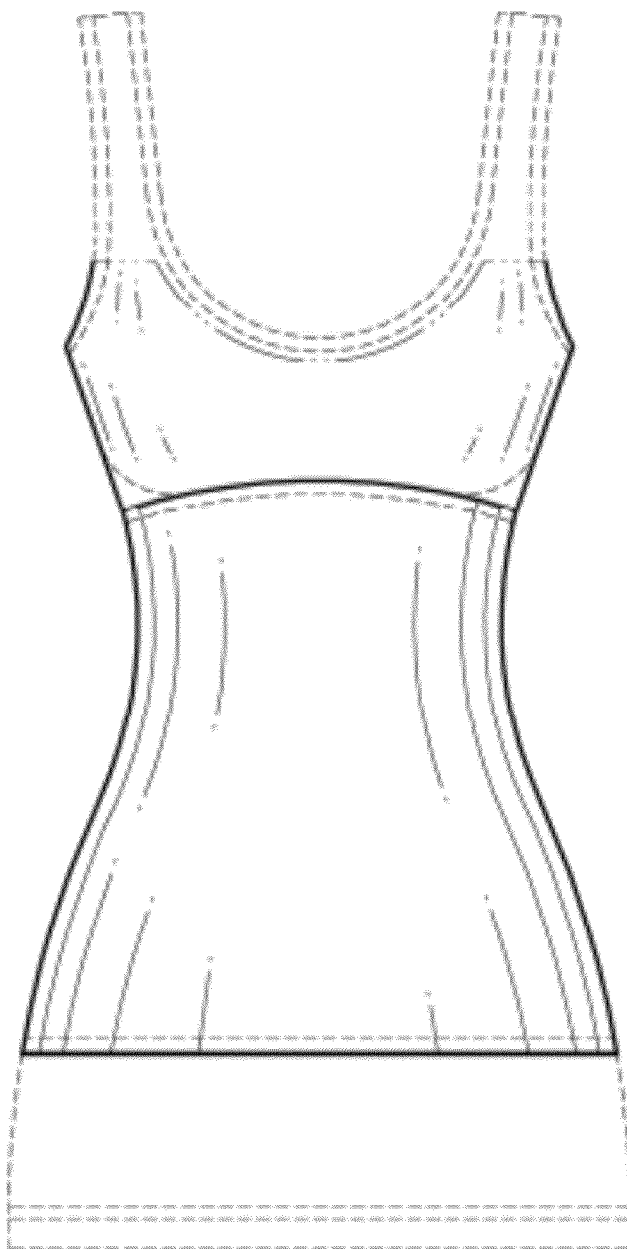


FIG. 1

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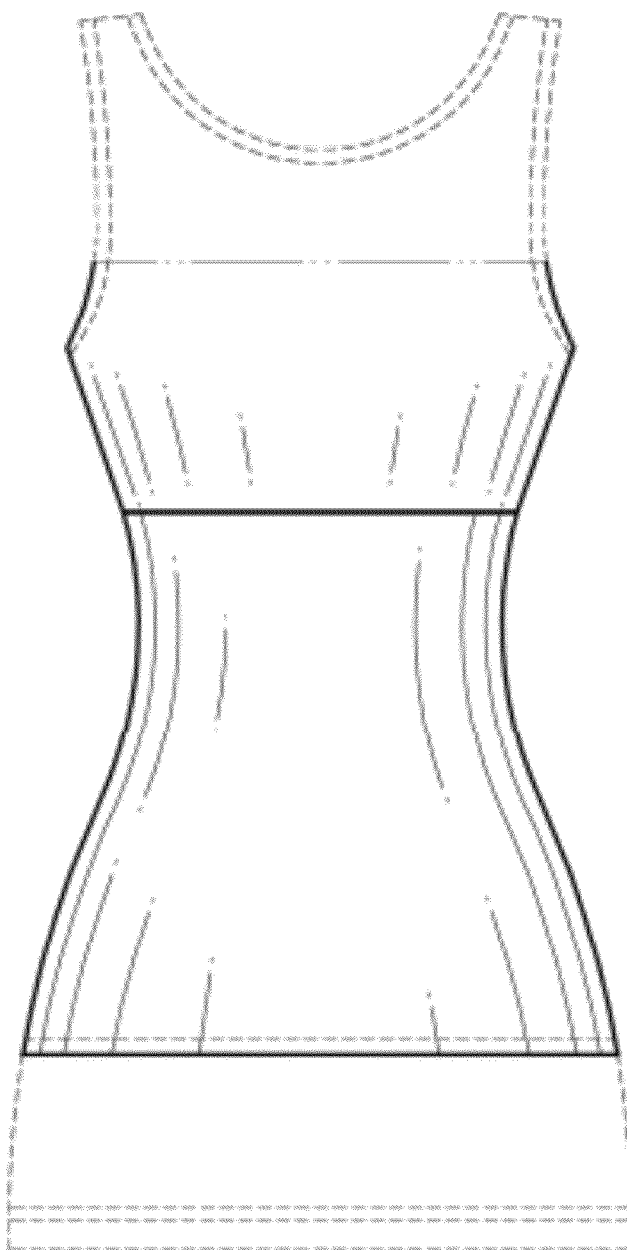


FIG. 2

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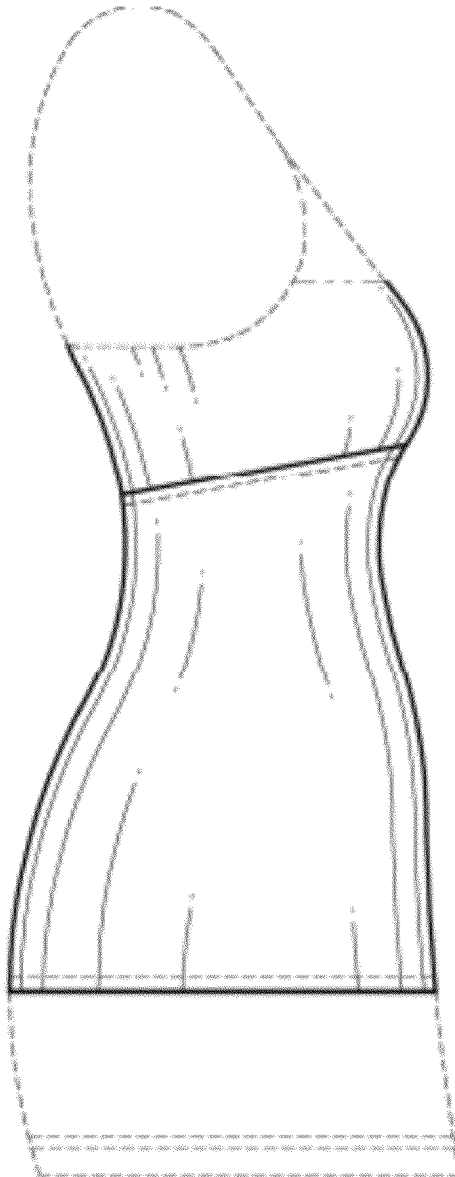


FIG. 3

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Sep. 4, 2012

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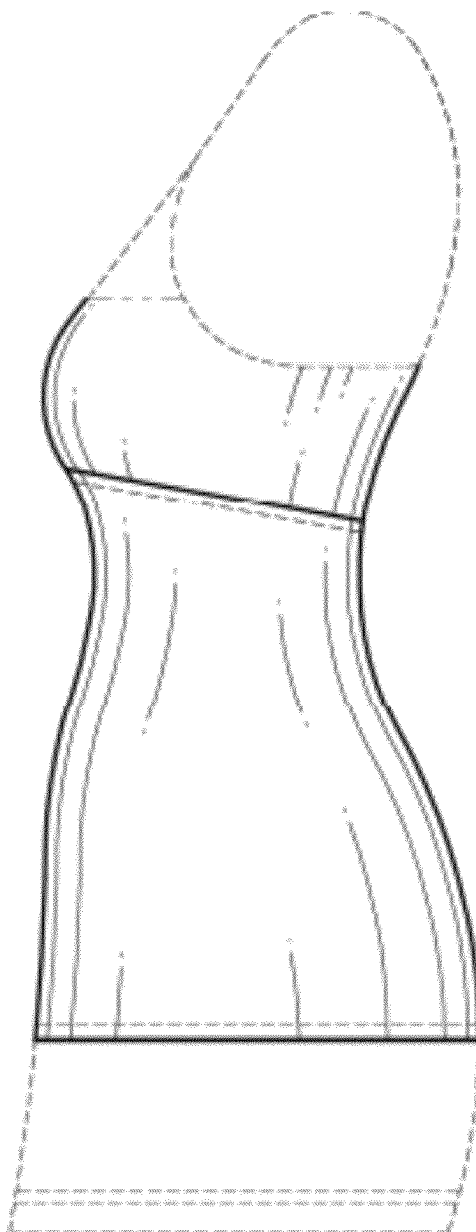


FIG. 4

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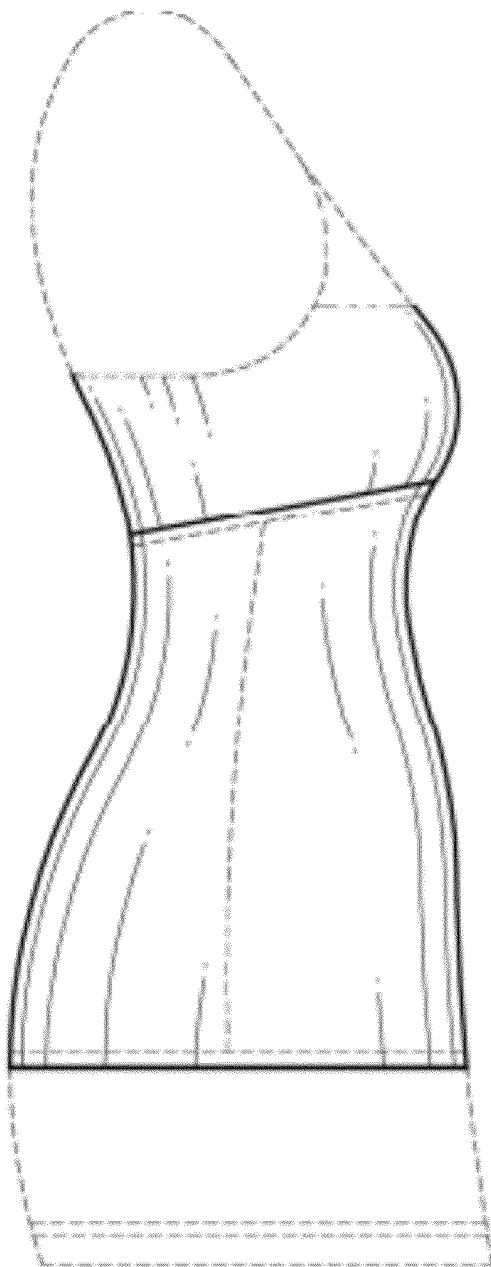


FIG. 5

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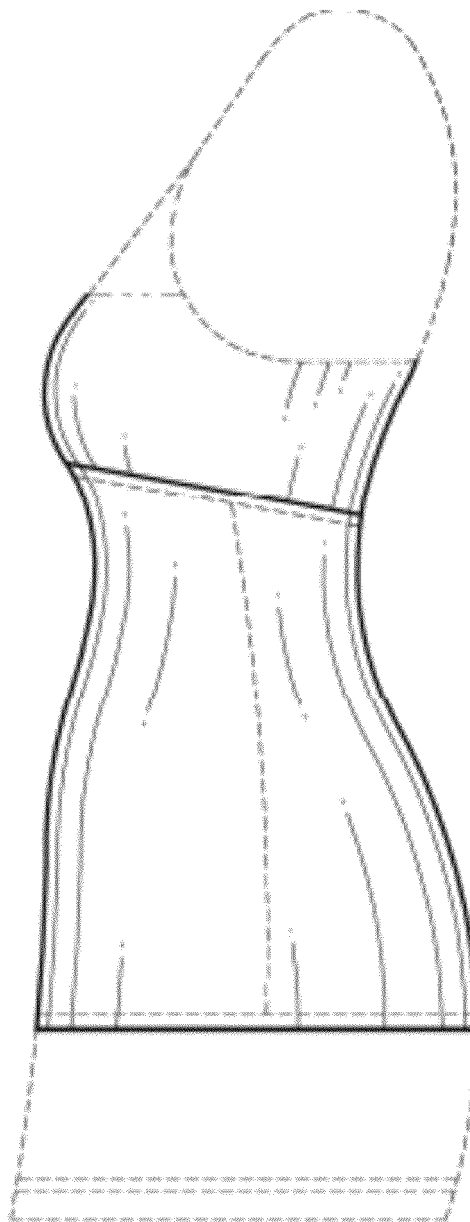


FIG. 6

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D666,384 S
APPLICATION NO. : 29/392830
DATED : September 4, 2012
INVENTOR(S) : Heather Thomson Schindler

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page:

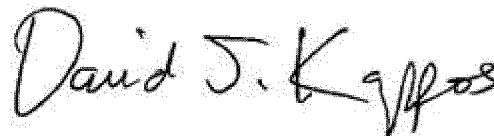
Change the following from:

“Continuation of application No. 29/350,290, filed on November 13, 2009, now abandoned, which is...”

to

-- Continuation of application No. 29/350,290, filed on November 13, 2009, now Pat. No. Des. 667,607, which is... --

Signed and Sealed this
Thirteenth Day of November, 2012

A handwritten signature in black ink that reads "David J. Kappos". The signature is written in a cursive, flowing style.

David J. Kappos
Director of the United States Patent and Trademark Office