


UNITED STATES
PATENT AND TRADEMARK OFFICE



The logo consists of a blue lowercase 'i' and a yellow uppercase 'H' with a white shadow effect.

Patent Trial and Appeal Board (PTAB)

Inventor Hour: Episode 31

John Schneider, Administrative Patent Judge

Stacey White, Lead Administrative Patent Judge

Brandy Zukanovich, Patent Attorney

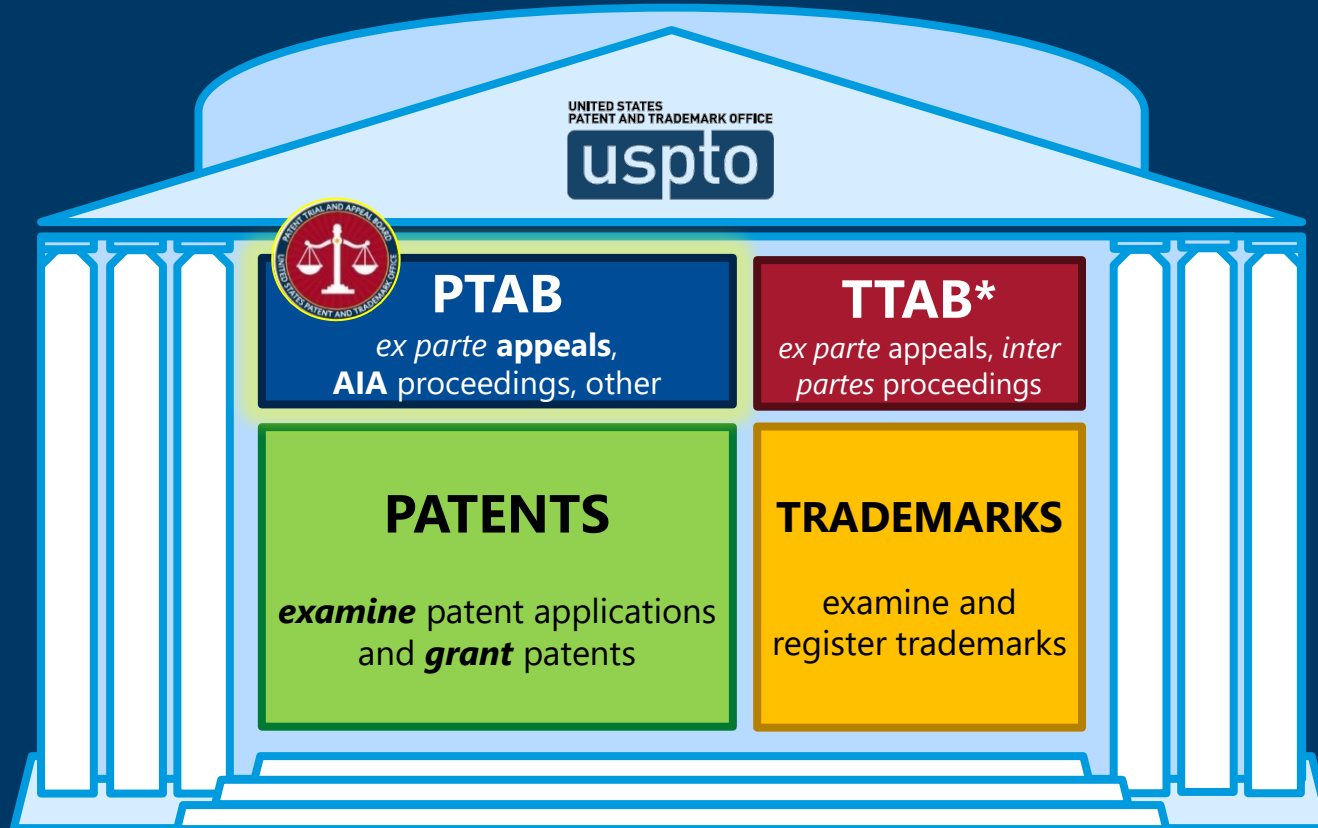
Cynthia Hardman, Administrative Patent Judge

August 22, 2024



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

What is the Patent Trial and Appeal Board?



Today's agenda

1

Interview with
Lead APJ
Stacey White

2

PTAB
case file

3

Light IP:
Food patents

4

Q&A

*Information not intended as legal advice

Question/comment submission

To send in questions or comments about the presentation, please email:

- PTABInventorHour@uspto.gov

Brandy Zukanovich, Patent Attorney



An interview with Stacey White

Lead Administrative Patent Judge



Stacey White
*Lead Administrative
Patent Judge*

Question/comment submission

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PTAB Education Clinic



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- Available monthly
- Request an appointment:
www.uspto.gov/patents/ptab/education-clinic

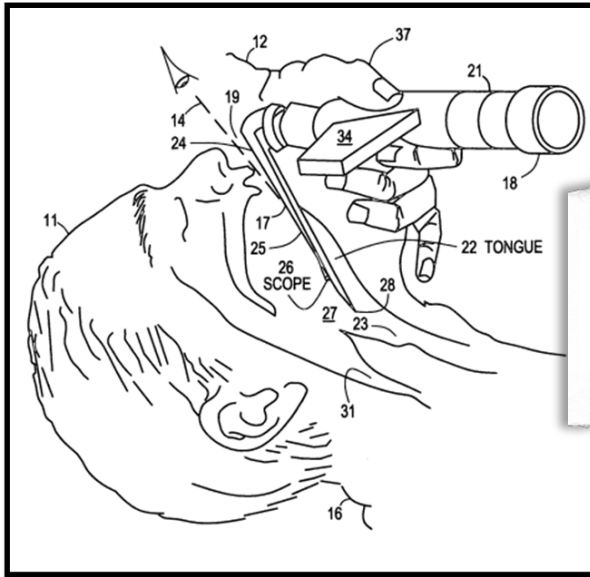
Cynthia Hardman, Administrative Patent Judge



PTAB case file

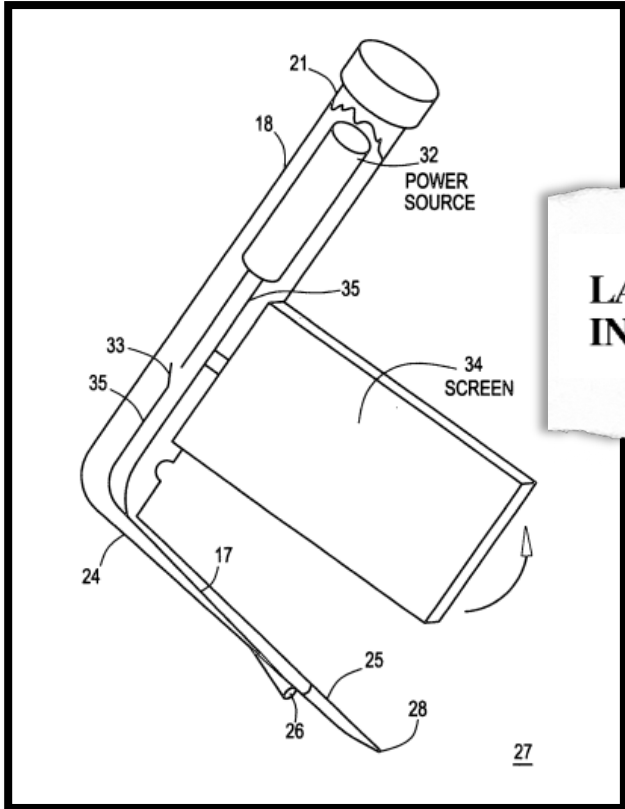
Ex parte Berall, Appeals 2015-005093, 2018-008999
Application 08/778,079; Reexamination 90/011,308

U.S. application 08/778,079



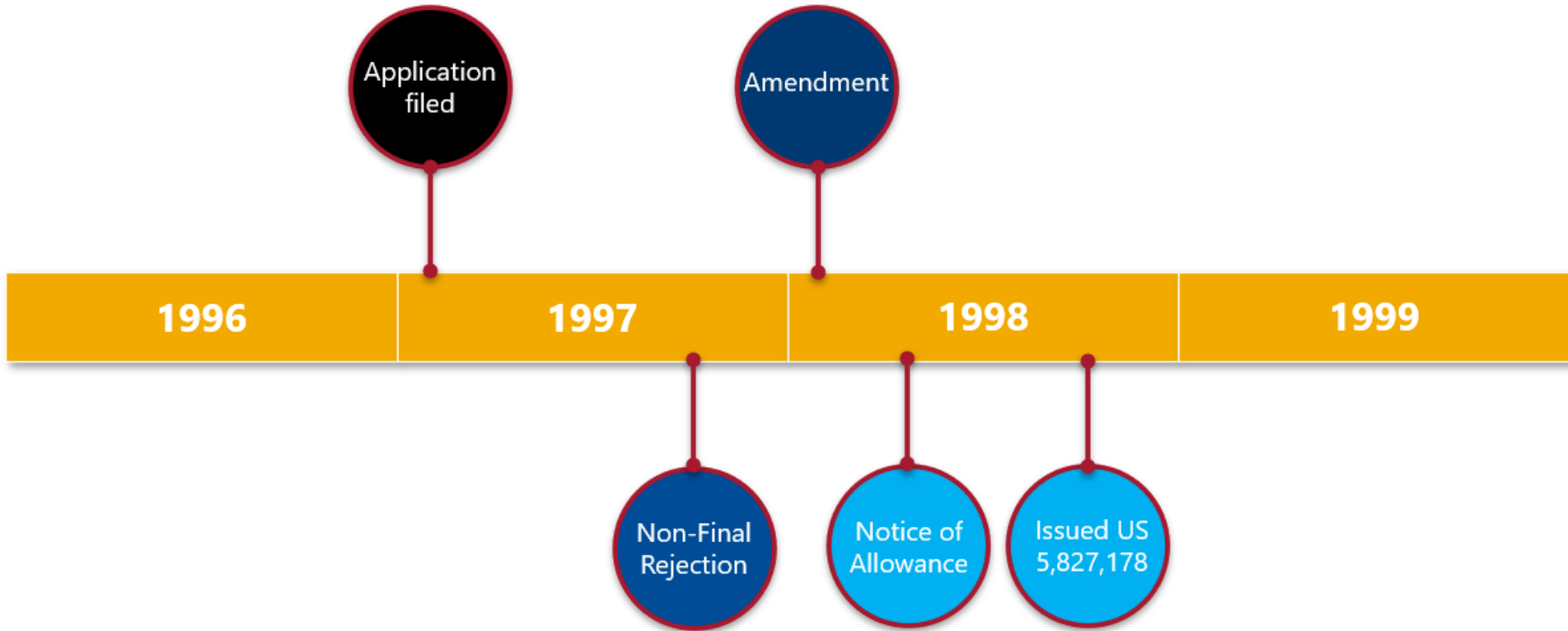
**LARYNGOSCOPE FOR USE IN TRACHEA
INTUBATION**

U.S. application 08/778,079



LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION

Prosecution timeline for 08/778,079



Claims

US005827178A

United States Patent [19] **Patent Number:** **5,827**
Berall [45] **Date of Patent:** **Oct. 27,**

[54] **LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION** [57] **ABSTRACT**

[76] **Inventor:** Jonathan Berall, 173 Columbia Heights, Brooklyn, N.Y. 11201

[21] **Appl. No.:** 778,079

[22] **Filed:** Jan. 2, 1997

[51] **Int. Cl.:** A61B 1/26

[52] **U.S. Cl.:** 600/185, 600/188

[58] **Field of Search:** 600/185, 188, 600/199, 194, 196, 237, 245

[56] **References Cited**

U.S. PATENT DOCUMENTS

4,592,343	6/1986	Upsher	600/188
5,263,472	11/1993	Ough	600/188
5,303,838	11/1994	George	600/185

*Primary Examiner—Michael Powell Butz
 Assistant Examiner—Kevin Truong
 Attorney, Agent, or Firm—Charles E. Baxley, Esq.*

16 Claims, 4 Drawing Sheets

1. A laryngoscope comprising:
 a handle and a blade, with the blade having a proximal end connected to the handle and a distal end projecting laterally therefrom;
 camera means mounted on the blade in the vicinity of the distal end for observing a visual field; and
 display means operatively connected to said camera means for displaying the visual field at a preselected location.

Reexamination 90/011,308 (US Patent 5,827,178)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan Berall Attorney Docket No. VER2-6-1023
 Patent No.: 5,827,178 Group Art Unit:
 Filing Date: January 2, 1997 Examiner:
 Title: LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION
 Confirmation No.

EX PARTE REEXAMINATION REQUEST FOR U.S. PATENT NO. 5,827,178

Mail Stop Ex Parte Reexamination
 Attn: Central Reexamination Unit
 Commissioner For Patents
 P. O. Box 1450
 Alexandria, Virginia 22313-1450

TO THE COMMISSIONER FOR PATENTS

Ex Parte Reexamination is hereby requested in accordance with 35 U.S.C. § 302-307 for U.S. Patent No. 5,827,178 (the "'178 Patent"). Requester presents nine substantial new questions of patentability (SNQs) based upon patents and printed publications concurrently submitted.

As required by 37 C.F.R. § 1.510(b)(4), a copy of the entire '178 Patent, including a copy of any disclaimer, certificate of correction, or re-examination certificate, is attached as Exhibit A. The '178 Patent presently is assigned to Jonathan Berall, the Patent Owner. Requester seeks reexamination of all claims of the '178 Patent. A full listing of the publications submitted with this request is provided in the form of a completed form PTO-1449, together with a full copy of each listed document at Exhibit B.

The submitted art was not known to the Examiner of the '178 Patent, or considered in the light presented, prior to issuance of the '178 Patent. As explained herein, and as outlined in the attached claim charts, the submitted art anticipates and renders obvious all claims of the '178 Patent.



US05827178A

United States Patent [19] Patent Number: 5,827,178
 Berall [45] Date of Patent: Oct. 27, 1998

[54] LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION

[76] Inventor: Jonathan Berall, 173 Columbia Heights, Brooklyn, N.Y. 11201

[21] Appl. No: 778,079

[22] Filed: Jan. 2, 1997

[51] Int. Cl. A61B 1/26

[52] U.S. Cl. 600/185, 600/188

[58] Field of Search 600/185, 186, 600/199, 194, 196, 237, 245

[56] References Cited

U.S. PATENT DOCUMENTS

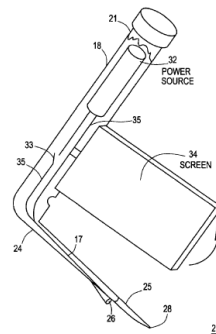
4,992,341 6/1986 Ushar 600/188
 5,263,472 11/1993 Ough 600/188
 5,263,588 11/1994 George 600/185

Primary Examiner—Michael Powell Ditz
 Assistant Examiner—Kevin Young
 Attorney, Agent, or Firm—Charles E. Baxley, Esq.

[57] ABSTRACT

A laryngoscope, for use in intubating a patient's trachea, especially in emergency situations. The laryngoscope has a camera mounted in the vicinity of a distal end of its blade to observe the patient's trachea opening and other oral internal structures in a visual field. The camera is connected, typically via a fiberoptic cable, to a lightweight portable television screen, preferably mounted on the laryngoscope handle. For displaying the visual field to the a Professional Intubator so as to enable him or her to observe continuously the trachea opening and other oral internal structures as he or she manipulates the intubating instrument. The laryngoscope with the camera and screen thereon preferably is held in one of the Professional Intubator's hands to lift and move aside the patient's tongue steadily and constantly. The other hand of the Professional Intubator then is free to manipulate the intubating instrument. Mounting the camera and the screen on the laryngoscope, which remains quite steady, provides the Professional Intubator with a continuous steady display of the trachea opening and other oral internal structures on the screen while the intubator also sees directly down the patient's mouth.

16 Claims, 4 Drawing Sheets



Examiner's final rejection during reexamination (2013)

Claims 1-4, 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullard (5,381,787) in view of George (5,363,838). Bullard

discloses a laryngoscope camera means mounted and operatively connected to

Bullard only discloses the use of a television screen to view the image but does not disclose its location. George teaches using a television screen to view an image transmitted from a camera inserted into a body cavity. George specifically discusses the problems associated with a physician having to move his or her head to view if a viewing screen that is set off to the side. To remedy these problems George employs a small, portable and lightweight viewing screen 13 that may be placed in the physician's line of sight.

Prior art asserted in the reexamination

US00531877A

United States Patent [19] Patent Number: **5,381,787**
Bullard [45] Date of Patent: **Jan. 17, 1995**

[54] **EXTENDABLE AND RETRACTABLE LARYNGOSCOPE** 3,749,088 7/1973 Gauthier 128/20
 3,892,228 7/1975 Mitsui
 4,337,661 7/1982 Ujpler

[76] Inventor: **James R. Bullard**, P.O. Box 14727, Augusta, Ga. 30919-0727 4,360,008 1/1982 Conzatti, Jr. 128/11
 4,384,700 5/1983 Roberts 128/4
 4,573,451 3/1986 Bauman 128/11
 4,501,008 2/1990 Lee 128/11
 4,947,829 8/1990 Bullard 128/11
 5,036,835 8/1991 Füll 128/11
 5,178,133 1/1993 Pons 606/198 X

[21] Appl. No: **38,146**

[22] Filed: **Mar. 29, 1993**

Related U.S. Application Data
 [63] Continuation-in-part of Ser. No. 862,062, Apr. 2, 1992, which is a continuation-in-part of Ser. No. 780,445, Oct. 17, 1991, which is a continuation of Ser. No. 519,440, May 4, 1990.

[51] Int. Cl.⁶ **A61B 1/26**
 [52] U.S. Cl. **128/11; 128/10; 128/4**
 [58] Field of Search 128/11, 4, 6, 10, 20

References Cited
 U.S. PATENT DOCUMENTS
 1,034,000 8/1912 Fess
 3,266,059 8/1966 Stelle

14 Claims, 3 Drawing Sheets

US00536388A

United States Patent [19] Patent Number: **5,363,838**
George [45] Date of Patent: **Nov. 15, 1994**

[54] **FIBEROPTIC INTUBATING SCOPE WITH CAMERA AND LIGHTWEIGHT PORTABLE SCREEN AND METHOD OF USING SAME**

[76] Inventor: **Gordon P. George**, 255 S. Alpine Dr., Alpine, Utah 84004

[21] Appl. No: **987,673**

[22] Filed: **Dec. 9, 1992**

[51] Int. Cl.⁵ **A61B 1/04**
 [52] U.S. Cl. **128/6; 126/11; 126/207; 14; 346/65**
 [58] Field of Search 128/10, 11, 207; 14; 128/6, 4, 346/65, 74

References Cited
 U.S. PATENT DOCUMENTS
 4,651,202 3/1987 Arakawa 128/6 X

FIG. 1

Appellant's appeal arguments (2014)

3-5-14
Reexam

OPAP
MAR 04 2014
U.S. PATENT & TRADEMARK OFFICE

Response to USPTO/ Central Reexamination Unit Office Action dated 30 July, 2013 regarding
U.S. Patent No. 5,827,178 granted on October 27, 1998.

MPEP 41.37(c)(1)(i):
Real Party in Interest, Inventor and
The Patent Owner is:
Jonathan Berall
173 Columbia Heights,
Brooklyn, N.Y. 11201
Representation is Pro Se

Appeal Brief
MPEP 41.37
(c)(1)(i): Real Party in Interest, Inventor and the Patent Owner is:
Jonathan Berall
(c)(1)(ii): There are no related appeals and interferences. Previous submission to the Appeal Board was withdrawn by the Central Reexamination Unit before any Appeal Board Action was published. This was considered a non-action in the opinion of Appeal Board paralegal, M. Twitty.

-1-

Neither Bullard nor George appreciated the potential to do surer, safer and faster intubations and the marketability of Berall's Claim 1; and neither published Berall's Claim 1. Berall's Claim 1 was not obvious to these experts in the Art

Oral hearing (2015)

Appeal No. 2015-005093
Application No. 90/012340

1 P R O C E E D I N G S

2 - - - - -
3 JUDGE McCARTHY: Good morning. Is this
4 Dr. Berall?
5 DR. BERALL: Yes, it is. Good morning.
6 JUDGE McCARTHY: Good morning. My name is
7 Steven McCarthy. I'm one of the judges on the
8 Patent Trial and Appeal Board. I have with me Judge
9 Daniel Song and Judge Michael Hoelter, and we
10 will be the judges for the hearing this morning.
11 You will have --
12 DR. BERALL: Thank you very much.
13 JUDGE McCARTHY: You will have 20 minutes
14 to speak. The 20 minutes will be strictly
15 enforced. We ask you to please limit yourself to
16 the arguments made in your brief of March 4th of
17 -- I believe it's 2013, and your Reply Brief in
18 the form of a Examiner Interview Summary that was
19 filed subsequent to the Examiner's Answer. If
20 you have any questions, we invite them now.
21 DR. BERALL: Just one question. You say
22 you want my remarks pertinent to the brief that
23 was filed in 2013?
24 JUDGE SONG: That's a correction. It's

3

8 No one came up with my conception.
9 Others who would have been involved in this
10 world, designers, laryngoscope manufacturers,
11 inventors, no one came up with the idea.

PTAB's decision (2016)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JONATHAN BERALL
Appellant, Patent Owner

Appeal 2015-005093
Ex parte Reexamination Controls
90/011,383 and 90/012,121
Patent US 5,827,178
Technology Center 390

Before STEVEN D.A. McCARTHY, DANIEL S. MICHAEL L. HOELTER, *Administrative Patent Judges*,
and STEVEN D.A. McCARTHY, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Issued October 27, 1998 to Jonathan Berall. Berall is the owner of the '178 patent and the real party in interest in this proceeding. The '178 patent issued from Appl. 09/778,079, filed January 2, 1997. The Requesters, believed to be Verathon Medical (Canada) ULC and Hoya Corporation, inform us that the '178 patent is the subject of ongoing litigation, namely, *Berall v. Verathon Inc., Pentax of America, Inc., Aircraft Medical, Ltd., LMA North America, Inc. and AirTrag LLC*, Case No. 1:10-cv-05777-BSJ (SDNY) (filed July 30, 2010). ("Ex Parte Reexamination Request for U.S. Patent No. 5,827,178," dated October 29, 2010).

In this appeal, the fact that neither the named inventor of Bullard '787, the named inventor of George nor any other practitioner in the field of intubation published the subject matter of appealed claim 1 before the Patent Owner does not imply that claim 1 is patentable.



Not the end: Applicant reopens prosecution

Secondary Considerations:

- 1)
- 2) Experts writings regarding Berall '178's claim 1 conception as the reason for the Clinical and Commercial Success of the video laryngoscopes in the market,
- 3) Experts writings supporting Berall '178 answering a long felt problem and unsolved need.
- 4) Experts writings supporting Berall '178 as Nexus between Berall '178's claim 1 and Commercial Success, in an exploding market.
- 5) Demonstration that the leaders in the market all have their camera means in the distal region of their laryngoscope blades.
- 6) Evidence that Berall '178 separated from and improved upon previous attempts to bring to market more and better vision of the tracheal opening during intubation.
- 7) Evidence to suggest that the *magnitude* of the success of the Berall '178 conception were, " wholly unexpected".
- 8) Expert articles regarding the Revolution in Laryngoscopy.
- 9) Expert Article regarding the success of the video laryngoscope in the market and comments about 15 of the products in the video laryngoscope market.
- 10) Other.



Examiner's final rejection (2016)

companies produce and sell video laryngoscopes. There is no sales data or any other indication that any sales is not due to increased advertisement or other factors unrelated to the technical qualities of the invention. Patent Owner asserts that the fact that companies that produce video laryngoscopes were sold for millions of dollars is an indication of nonobviousness. See Evidence Appendices # 9, 10. However, the documents submitted offer no information as to why these companies where sold. While both companies sold video laryngoscopes there is no indication that they were bought because of the products produced or for some other reason. In fact, there is evidence that at least one of the companies (Verithon) marketed medical devices (e.g. Bladder Scan) other than video laryngoscopes.

Applicant's additional evidence



Response to Prosecution

Application No. 90/012,340

U.S. Patent 5,827,178 Patent Owner Jonathan Berall

New Evidence to be added to the previously submitted reopening of prosecution based on other new evidence rejected under 35 U.S.C. 103(a) and on Secondary Considerations Evidence.

- 1) Karl Storz Settlement Agreement:
See item 5.1: 'Terms and Termination' in the Karl Storz Settlement Agreement:
Agreement Termination after "patent expires".
U.S. Patent 5,827,178 expired on January 2, 2017.
information is now useable by Patent Owner.
(see also item 6.1 : Prior to patent expiration, that the parties to the Litigation have settled the case and KSEA has been granted a release and license under the Settlement in-Suit)
- 2) Aircraft Medical settlement discussions.
Confidentiality Agreement
Item 7: Confidentiality agreement expired three years from 31 March, 2008:
Result: Settlement information is useable.

Response to Examiner Wehner's Office Action dated 11/19/2016.

Page 6: **Appeal Board Judge's position:** "While Bullard'787 discloses a camera 26 mounted on the laryngoscope it is apparent that the camera is used to rerecord the intubation process rather than to assist the user in performing the procedure"

Releva

1) Karl Storz Settlement Agreement:
See item 5.1: 'Terms and Termination' in the Karl Storz Settlement Agreement:
Agreement Termination after "patent expires".
U.S. Patent 5,827,178 expired on January 2, 2017.
inform

- 3.1. License Fee. KSEA shall, within 5 business days of the Effective Date, pay to Dr. Berall a License Fee of two hundred fifty thousand dollars (\$250,000), which License Fee payment is non-refundable.
- 3.2. Royalties. As further consideration for the license granted herein, KSEA shall pay to Dr. Berall a royalty of 6% of the Sale Price for the sale of each Licensed Product in or for the United States to an end user. Royalties shall accrue when payments on invoices for

Appellant's appeal arguments (2017)

pre Exam

Reopening Prosecution to USPTO

PT Appeal Board

Regarding U.S. Patent No. 5,827,178 granted on October 27, 1998.
Application No. 90/012,340

Real Party in Interest, Inventor and
The Patent Owner is:

Jonathan Berall
173 Columbia Street
Brooklyn, NY 11201
Represented by
Se.

Reopening
(c)(1)(i): Respondent is Pro Se.
Jonathan Berall

(c)(1)(ii): There are no related appeals and interferences.
(c)(1)(iii): Respondent is Pro Se.

Arguments: Body of response and additional information/ called, "Evidence Appendix" by Primary Examiner Cary Wehner is included herein, below.



New Evidence:

Patent Owner's response includes a submission of new evidence in support of non obviousness. This evidence includes a settlement agreement between the patent owner and Karl Storz Edoscopy-America, Inc. ("Karl Storz Agreement") and **evidence of payments** to the patent owner by the Karl Storz company. The evidence further includes an agreement for confidential discussions between patent owner and Aircraft Medical.

PTAB's decision – licensing evidence

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JONATHAN BERALL
Appellant, Patent Owner

Appeal 2018-008999
Ex parte Reexamination Controls 90/011,308,
90/011,383 and 90/012,340
Patent US 5,827,178¹
Technology Center 3900

Before STEVEN D.A. McCARTHY, DANIEL S. SONG and
MICHAEL L. HOELTER, *Administrative Patent Judges*.

McCARTHY, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Issued October 27, 1998 to Jonathan Berall (the “’178 patent”). Dr. Berall is the owner of the ’178 patent and the real party in interest in this proceeding. The ’178 patent issued from Appl. 08/778,079, filed January 1997. The Requesters, believed to be Verathon Medical (Canada) ULC and Hoya Corporation, inform us that the ’178 patent is the subject of ongoing litigation, namely, *Berall v. Verathon Inc., Pentax of America, Inc., Aircut Medical, Ltd., LMA North America, Inc. and AirTraq LLC*, Case No. 1:10-cv-05777-BSJ (SDNY) (filed July 30, 2010). (“Ex Parte Reexamination Request for U.S. Patent No. 5,827,178,” dated October 29, 2010).

The Storz License Agreement provided the Patent Owner an upfront payment, characterized as a “License Fee,” of \$250,000, along with a minimum royalty of \$70,000 per year thereafter on the sale of licensed products. (*See* Storz License Agreement 3 (paras. 3.1, 3.2 & 3.5)).

The Storz License Agreement is persuasive evidence of commercial success. There exists a nexus between the Storz License Agreement and the claims of the ’178 patent because the ’178 patent is the only patent addressed by the agreement (

PTAB's decision – rejection reversed

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

Ex parte JONATHAN BERALL,
Appellant, Patent C

Appeal 2018-008
Ex parte Reexamination Cont
90/011,383 and 90/0
Patent US 5,827,1
Technology Center


Before STEVEN D.A. MCCARTHY, DANIE
MICHAEL L. HOELTER, *Administrative Pa*
MCCARTHY, *Administrative Patent Judge.*

DECISION ON AP

¹ Issued October 27, 1998 to Jonathan B
Berall is the owner of the '178 patent and the
proceeding. The '178 patent issued from App
1997. The Requesters, believed to be Verath
Verathon (Canada) U.S.C. and
Hoya Corporation, inform us that the '178 patent is the subject of ongoing
litigation, namely, *Berall v. Verathon Inc., Pentax of America, Inc., Aircraft
Medical, Ltd., LMA North America, Inc. and AirTraQ LLC*, Case No. 1:10-
cv-05777-BSJ (SDNY) (filed July 30, 2010). ("Ex Parte Reexamination
Request for U.S. Patent No. 5,827,178," dated October 29, 2010).

The Storz License Agreement was not available at the time the Prior Board Decision was written. Taking into account the evidence as a whole, as it exists at this time, we are no longer persuaded that the subject matter of appealed claims 1–15 would have been obvious from the teachings of Bullard '787 and George, as applied in the Prior Board Decision and the Second Final Action.

Reexamination certificate



US005827178C1

(12) EX PARTE REEXAMINATION CERTIFICATE (11539th)
United States Patent
Berall

(10) **Number:** US 5,827,178 C1
(45) **Certificate Issued:** Jul. 16, 2019

(54) **LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION**

(76) Inventor: **Jonathan Berall**, Brooklyn, NY (US)

Reexamination Request:
No. 90011,308, Oct. 29, 2010
No. 90011,383, Dec. 10, 2010
No. 90012,340, Jan. 6, 2012

Reexamination Certificate for:
Patent No.: 5,827,178
Issued: Oct. 27, 1998
Appl. No.: 08/778,079
Filed: Jan. 2, 1997

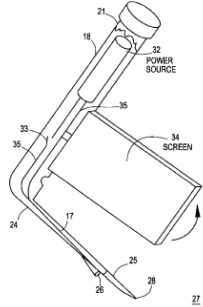
(51) **Int. Cl.**
A61B 1/267 (2006.01)
A61B 1/05 (2006.01)

(52) **U.S. Cl.**
CPC *A61B 1/05* (2013.01); *A61B 1/267* (2013.01)

(58) **Field of Classification Search**
USPC 600/185
See application file for complete search history.

(56) **References Cited**
To view the complete listing of prior art documents cited during the proceedings for Reexamination Control Numbers 90011,308, 90011,383 and 90012,340, please refer to the USPTO's public Patent Application Information Retrieval (PAIR) system under the Display References tab.
Primary Examiner — Cary E. Wehner

(57) **ABSTRACT**
A laryngoscope, for use in intubating a patient's trachea, especially in emergency situations. The laryngoscope has a camera mounted in the vicinity of a distal end of its blade to observe the patient's trachea opening and other oral internal structures in a visual field. The camera is connected, typically via a fiberoptic cable, to a lightweight portable television screen, preferably mounted on the laryngoscope handle, for displaying the visual field to the Professional Intubator so as to enable him or her to observe continuously the trachea opening and other oral internal structures as he or she manipulates the intubating instrument. The laryngoscope with the camera and screen thereon preferably is held in one of the Professional Intubator's hands to lift and move inside the patient's tongue steadily and constantly. The other hand of the Professional Intubator then is free to manipulate the intubating instrument. Mounting the camera and the screen on the laryngoscope, which remains quite steady, provides the Professional Intubator with a continuous steady display of the trachea opening and other oral internal structures on the screen while the intubator also sees directly down the patient's mouth.





US005827178C1

(12) EX PARTE REEXAMINATION CERTIFICATE (11539th)
United States Patent
Berall

(10) **Number:** US 5,827,178 C1
(45) **Certificate Issued:** Jul. 16, 2019

(54) **LARYNGOSCOPE FOR USE IN TRACHEA INTUBATION**

(56) **References Cited**
To view the complete listing of prior art documents cited



Takeaways



Robust prior art searches can be helpful

Patent proceedings may take a while and there's no guarantee

Pro se vs. legal representation

Ex parte appeal to PTAB is an option for patentable claims

Evidence and addressing rejections matter on appeal

Question/comment submission

To send in questions or comments about the presentation, please email:

- PTABInventorHour@uspto.gov

Journeys of Innovation



- Relatable stories that chronicle the journeys of inventors and entrepreneurs
 - Learn how they got their start, challenges they faced, and what it took to bring their ideas to fruition
 - Learn about the importance of creating and protecting intellectual property
- A new story each month:
 - www.uspto.gov/Journeys
 - Example: Developing a revolutionary dental filling material

John Schneider, Administrative Patent Judge



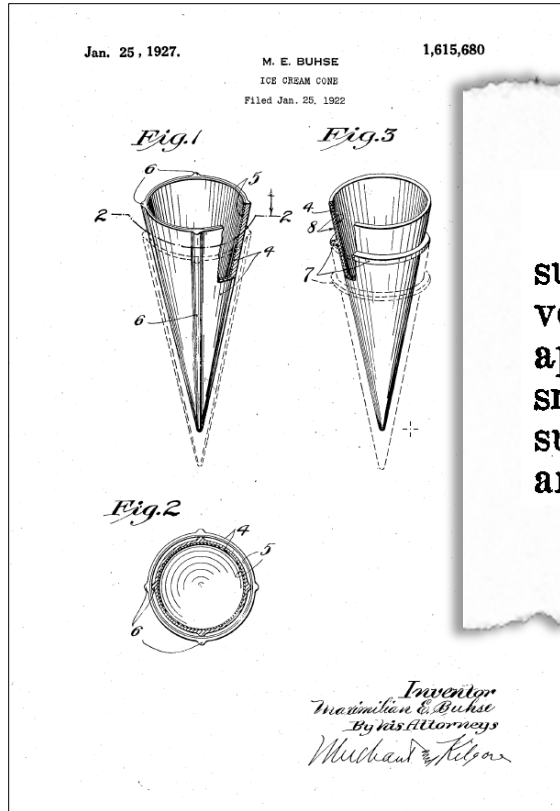
Light IP: Food patents

Food patents

- Can I patent my recipe?
- Can I patent a food product?
- Can I patent a method of making a food?



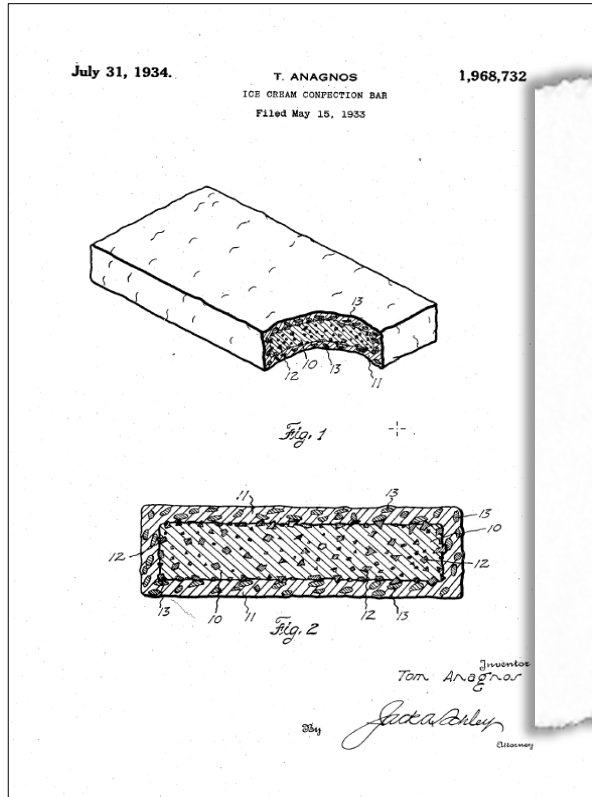
Ice cream cone



What I claim is:

1. An ice cream cone having on the outer surface of the cone a plurality of narrow vertical ribs equi-spaced and at least 45° apart, said ribs being adapted to engage the smooth inside surface of nested cones to support each cone from the cone above it and to minimize the area of contact.

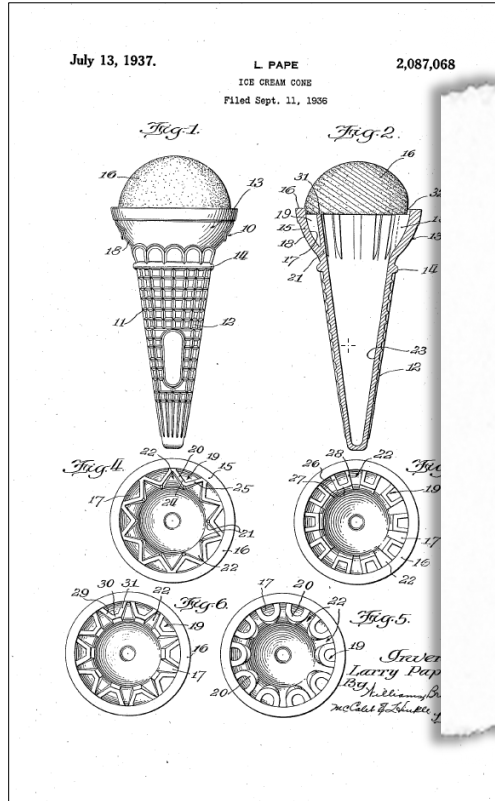
Ice cream confection bar



What I claim and desire to secure by Letters Patent, is:

A confection comprising, a core of normally liquid material frozen to a substantially solid state, the core being adapted to be coated by dipping into molten edible coating material, said first mentioned material having mixed therein hard candy granules, some of which protrude from its surface and are softened by the heat of the molten coating material when the core is dipped therein, whereby to provide for adhesion of the coating material to said core, and an edible coating for the core containing pieces of solid edible material for adhering to the candy granules when the same are softened by the heat of the coating.

Ice cream cone



1. An ice cream cone comprising an edible container having on its interior wall adjacent the top a plurality of separate spaced pockets adapted to receive drippings from the ice cream as the ice cream melts, said pockets having their upper edges below the upper edge wall of the cone whereby drippage is directed into the pockets and confined in the cone by the outer wall of the cone, said pockets being spaced from each other peripherally of the cone, thereby providing conduits between the pockets whereby drippage may run into the handle of the cone, the upper edge surfaces of the pockets being adapted to support the portion of ice cream which is located within the outer upper wall of the cone.

Jelly beans

Patented Nov. 12, 1940

2,221,373

UNITED STATES PATENT OFFICE

2,221,373

CANDY

Jesse K. Farley, Jr., Evanston, Ill.

No Drawing. Application June 14, 1940.

Serial No. 345,459

4 Claims. (Cl. 93-124)

This invention relates to improvements in coated candies having jelly or gum centers and, among other objects, aims to provide a more pleasing and attractive candy of this character.

The nature of the invention may be readily understood by reference to one illustrative product and its method of manufacture. Candy of the character here involved falls in the class of so-called pan coated candies having gum or jelly centers. Such centers were originally designated as "gum" because of the use of gum arabic. Commercial corn syrup (dextrose) has long ago displaced gum arabic and together with so-called soluble or thin boiling starch has provided a center which is much softer than true gum arabic centers and which is more properly called a jelly. However, in the trade "jelly" and "gum" are generally used synonymously. The jelly produced with commercial corn sugar is clear soft jelly. One form of candy with a coated jelly center is the familiar so-called jelly bird eyes. Jelly beans are another form. Both the jelly eyes and jelly beans are characterized by a smooth or polished colored coating. Though they are quite wholesome and inexpensive, they have lost favor because of their cheap exterior appearance with the result that it is difficult to sell candy of this character, and they have now become regarded as cheap candy, this appellation also implying poor or inferior quality.

The cheap appearance of these candies apparently resides in the poor color or lack of uniformity of color. This is particularly noticeable in the delicate pastel coatings which are ordinarily preferred and generally regarded as essential in high grade and attractive candies. The trade has attempted to conceal this defect by the use of brilliant and striking colors, such as reds, oranges, dark greens and black. These dark and striking colors, however, had the effect of accentuating the "cheap" appearance of the candy.

The unattractive appearance of coated candy of this character has been a defect of long standing. In an effort to improve the salability of these candies, I have discovered that the cause of the unattractive appearance of the coating is probably due to transmission of light through the jelly centers and the coating itself. Whether it results from a non-uniform transmission of light through the coating or simply because light is permitted to pass through the coating, I am not certain. In any event, I have discovered that it may be entirely eliminated

by the use of relatively opaque centers should be sufficient transmission of light to an Opaque jelly centers produce attractive color effect in the most delicate pastel shades; these coated candies may be attractive pastel shades. This has a vastly improved appearance looks cheap with the result being restored to favor with it. In making the improved methods of manufacture are centers may be made from that is, commercial corn syrup small amount (about 10%) of To these standard ingredients amount of material for cloud is, making it relatively opaque clouded or opaque effect in various edible colloids, such as modified starches, flour, etc., also by edible whipped materials containing air, such as marshmallow. The material added should, of course, be wholesome and should not affect the quality of the finished product and should be preferably inexpensive so as not to increase the cost of manufacture.

A typical formula for jelly centers is the following:

Sugar	Percent
.....	25 to 40
Corn syrup	50 to 65
.....	10
Cooking starch
Jelly clouding material	2 to 10

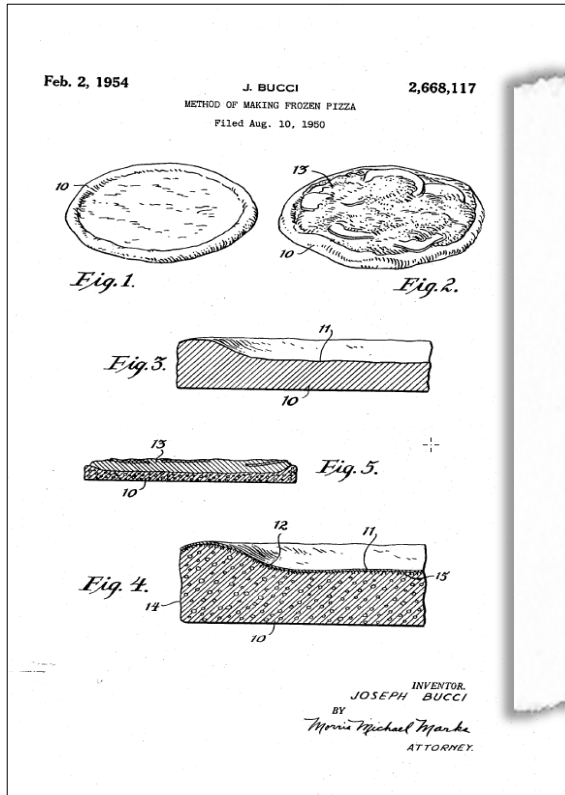
Flavoring materials are, of course, used and I prefer to color the jelly although the external appearance of the coated candy is the same whether the jelly center be colored or uncolored. The jelly may be molded in the conventional manner, such as in conventional starch molds.

The completed centers are relatively opaque instead of clear but in other respects they have the same consistency as the old form of jelly centers. They are then finished by so-called panning operations which generally comprise tumbling the centers in rotating pans together with the coating materials. In general the first step in the panning operation is to wet the centers with sugar syrup and then to add fine granulated sugar which adheres to the centers and forms a sugar coating. This coating is made smooth by successive syrup wettings and the addition of finer sugar and eventually powdered sugar.

1. Candy having a clouded colored jelly center and a smooth colored translucent coating.

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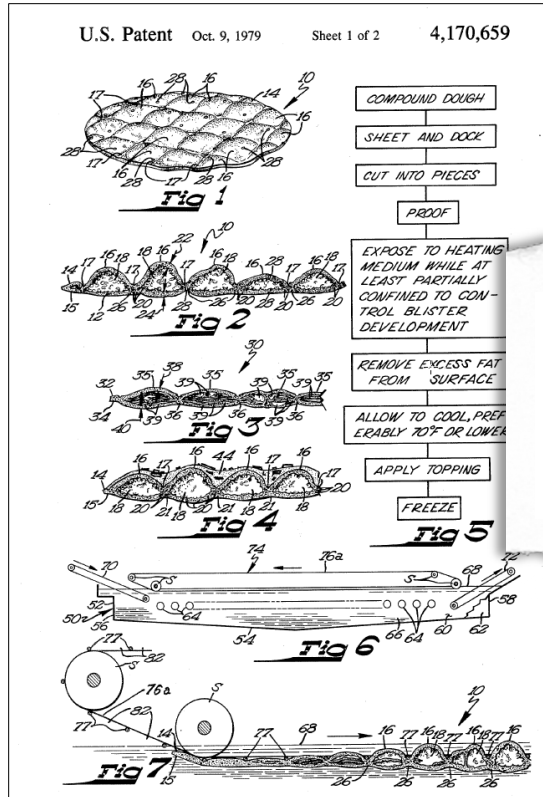
Method of making frozen pizza



1. The method of making a frozen pizza, comprising preparing a dough, disposing said dough in preliminary condition for cooking; providing an edible sealing agent selected from the group consisting of tomato puree, cooked tomatoes, diluted tomato paste, and tomato juice; spreading said sealing agent on a surface of said dough; pre-cooking said dough and sealing agent; quick-freezing said dough and sealing agent; disposing a wet food constituent on said sealing agent; and quick freezing said dough, sealing agent and wet constituent combination.



Fried dough product and method



United States Patent [19]

[11] 4,170,659

Totino et al.

[45] Oct. 9, 1979

[54] FRIED DOUGH PRODUCT AND METHOD

3,989,858 11/1976 Williams 426/496

[75] Inventors: **Rose W. Totino; James R. Behnke,**
both of Minneapolis; **Jack D.**
Westover, St. Paul; **Richard L. Keller,**
Minneapolis, all of Minn.

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Method of making a multi-layer pizza type product

United States Patent [19]

[11] 4,283,431

Giordano et al.

[45] Aug. 11, 1981

[54] METHOD OF MAKING A MULTI-LAYER
PIZZA TYPE PRODUCT

Primary Examiner—Joseph M. Golian
Assistant Examiner—Elizabeth J. Curtin
Attorney, Agent, or Firm—Scrivener, Clarke, Scrivener
and Johnson

[76] Inventors: Gene Giordano; Flora Giordano, both
of 1226 Taylor Ave., Arnold, Md.
21012

[57] ABSTRACT

What is claimed is:

1. The method of making a double-layered pizza type product comprising the steps of applying at least one layer of ingredients, which includes tomato sauce, to a pre-baked pastry layer, distributing over said layer of ingredients a layer of cheese comprising a blend of mozzarella and provolone cheese, stretching a second layer of rolled out, unbaked pastry over the entire surface of said layer of cheese, partially baking the two pastry layers with the said at least one layer of ingredients and the layer of cheese there-between, allowing the foregoing layers to cool, applying to the upper surface of the second layer of pastry a layer of ingredients, and then baking the entire assembly until done.

Doughs and cookies providing storage-stable texture variability

United States Patent [19]

Hong et al.

[11] **4,455,333**

[45] **Jun. 19, 1984**

[54] **DOUGHS AND COOKIES PROVIDING STORAGE-STABLE TEXTURE VARIABILITY**

[75] Inventors: **Charles A. Hong**, Deerfield Township, Hamilton County;
William J. Brabbs, Springfield Township, Hamilton County, both of Ohio

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2414177 9/1915 Fed. Rep. of Germany 426/94
2511847 9/1976 Fed. Rep. of Germany 426/658

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10. A baked, sweetened food product in the form of a cookie, comprising a crumb-continuous matrix made from cookie ingredients and being characterized and having distributed therein discrete regions of crumb containing crystallized sugar and discrete regions of crumb containing crystallization resistant sugar comprising a mono- or di-saccharide or mixture thereof, which crystallizes, at the water content and water activity of the cookie substantially more slowly than sucrose under the same conditions, whereby the product provides a storage-stable plurality of textures, the regions containing crystallized sugar providing a crisp texture in the regions containing crystallization resistant sugar providing a chewy texture and having a

$$\left[\log \frac{\max(\text{stiffness}/\text{plasticity})}{\min(\text{stiffness}/\text{plasticity})} \right]$$

of at least about 1.75.

Cookie sandwich



US00D628766S

(12) **United States Design Patent** (10) Patent No.: **US D628,766 S**
Zubanas et al. (45) Date of Patent: **** Dec. 14, 2010**

(54) **COOKIE SANDWICH** D585,176 S 1/2009 Piccoli D11/89
D591,193 S * 4/2009 Swarovski D11/29
(75) Inventors: **Steven P. Zubanas**, Verona, NJ (US); D615,277 S * 5/2010 Piccoli D11/29
Bio-Yee Chiang, Cedar Knolls, NJ (US) 2005/018379 A1 8/2005 Bowen
2006/018285 A1 8/2006 Onoda, Jr.

(73) Assignee: **Kraft Foods Global Brands LLC**, Northfield, IL (US)

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

(21) Appl. No.: **29/338,538**

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

(51) **LOC (9) CL** **01/01**
U.S. CL **D1/128**

(58) **Field of Classification Search** D1/100-195;
D21/436, 483, 426/94, 194, 281, 282, 283,
426/446, 808, 249, 446, 504, 505, 92, 102
See application file for complete search history.

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- D281,042 S * 10/1985 Sutton et al. D7/539
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http://thewearygourmet.blogspot.com, captured Jul. 29, 2010. "13 Petite Madeleine" cookies, Oct. 1, 2009.
Quick & Easy: Cookies, by Myra Street, Salamander Books, Howell Press, VA, © 1994. "Tulip/Mocha Fingers" sandwich cookie, p. 51.
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Primary Examiner—Catharin C. Deeks

Assistant Examiner—Barbara Fox

(74) *Attorney, Agent, or Firm*—Fitch, Even, Tabin & Flansbury

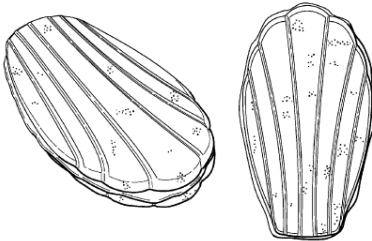
(57) **CLAIM**

We claim the ornamental design for a cookie sandwich, as shown and described.

DESCRIPTION

FIG. 1 is a top, front, right side perspective view of a cookie sandwich of our new design;
FIG. 2 is a top plan view thereof, the bottom plan view thereof being identical thereto;
FIG. 3 is a front elevational view thereof;
FIG. 4 is a rear elevational view thereof; and,
FIG. 5 is a right side elevational view thereof, the left side elevational view being a mirror image thereof.

1 Claim, 3 Drawing Sheets



(12) **United States Design Patent** (10) Patent No.: **US D628,766 S**
Zubanas et al. (45) Date of Patent: **** Dec. 14, 2010**

(54) **COOKIE SANDWICH**

D585,176 S 1/2009 Piccoli D11/89
D591,193 S * 4/2009 Swarovski D11/29



Potato chip products

United States Patent [19]

[11] **3,998,975**

Liepa

[45] **Dec. 21, 1976**

[54] **POTATO CHIP PRODUCTS AND PROCESS FOR MAKING SAME**

[56]

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[75] Inventor: **Alexander L. Liepa**, Montgomery, Ohio

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3,297,450

8/1968
1/1967

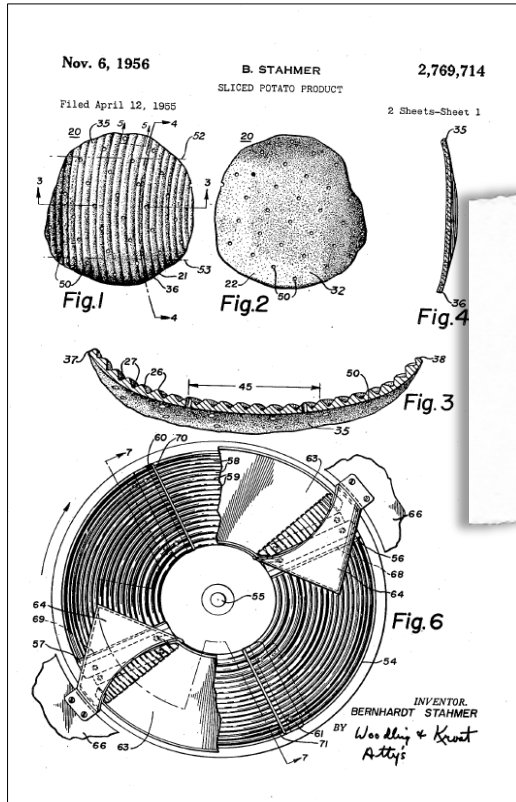
Fritzberg 426/441
Loska 426/441

[57]

ABSTRACT

A potato chip product and process wherein a dough is prepared from dehydrated cooked potatoes and water and subsequently fried. The dough has an iodine index of from about 0.01 to about 6 and a lipid content of from 0 to about 6%, by weight.

Sliced potato product



The invention relates in general to cooked sliced potato products and more particularly to cooked sliced potato products having one side of a corrugated configuration and the other side of a flat configuration and the method of making the same.

Granola

UNITED STATES PATENT OFFICE.

GEORGE MOORE, OF JOPLIN, MISSOURI.

FOOD PRODUCT AND PROCESS.

Specification of Letters Patent. Patented May 16, 1922.

1,415,893.

No Drawing.

Application filed July 30, 1919. Serial No. 314,257.

What I claim is:—

1. A semi-confection product comprising a sweetening element, peanut meat, and bran in such proportion that the quantity of bran is sufficiently great for therapeutical action and is less than forty per cent of the product.

Pet food



US006312746B2

(12) **United States Patent**
Patuch

(10) Patent No.: **US 6,312,746 B2**
(45) Date of Patent: ***Nov. 6, 2001**

(54) **MULTICOMPONENT PET FOOD PRODUCT AND METHODS OF MAKING AND USING THE SAME**

(75) Inventor: **Laura Patuch**, Yorba Linda, CA (US)

(73) Assignee: **Kal Kan Foods, Inc.**, Vernon, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **09/799,288**

(22) Filed: **Feb. 5, 2001**

Related U.S. Application Data

(63) Continuation of application No. 09/570,646, filed on May 15, 2000, now Pat. No. 6,254,910, which is a continuation-in-part of application No. 09/040,399, filed on Mar. 18, 1998, now Pat. No. 6,117,477.

(51) Int. Cl. 7: **A23K 100**

(52) U.S. Cl.: **426/282, 426/283, 426/450, 426/623, 426/635, 426/805**

(58) Field of Search: **426/282, 283, 426/450, 623, 635, 805**

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Primary Examiner—Nina Bhat

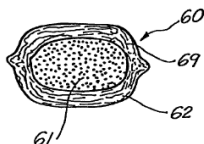
(74) Attorney, Agent, or Firm—Fulbright & Jaworski

(57)

ABSTRACT

A dual texture pet or animal food product having inner components. The soft inner component contains a mixture of lipid and solid ingredients and has a moisture content less than about 0.65 and a total moisture content less than about 15 wt %. The outer component is a cereal based shell containing at least one ingredient comprising carbohydrate, fat, protein or combination thereof, the component having a total moisture content less than about 20 wt %. The shell component completely surrounds the inner component and is formed by the co-extrusion of soft inner component within the shell component to one dual component pet or animal food product.

94 Claims, 1 Drawing Sheet



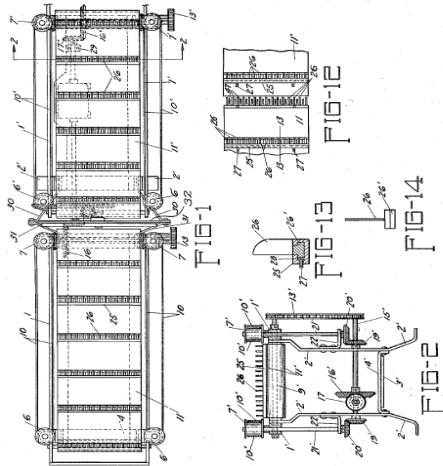
What is claimed is:

1. A dual texture pet or animal food product comprising: a soft inner component of a dual texture pet or animal food product containing a mixture of lipid and solid ingredients, the first component having a water activity, a_w , less than about 0.65 and a total moisture content less than about 15 wt %; a cereal based shell component of the dual texture pet or animal food product containing at least one ingredient comprising a carbohydrate, fat, protein or combination thereof, the shell component having a total moisture content less than about 20 wt %; wherein the shell component completely surrounds the soft inner component and is formed by the co-extrusion of the soft inner component within the shell component to form one dual component pet or animal food product.

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Sliced bread

July 12, 1932. O. F. ROHWEDDER 1,867,377
MACHINE FOR SLICING AN ENTIRE LOAF OF BREAD AT A SINGLE OPERATION
Filed Nov. 26, 1928 3 Sheets-Sheet 1



Otto F. Rohweder INVENTOR

BY
Curtis P. Bush ATTORNEY

What I claim is:—
1. In a bread slicing machine having a frame and a series of continuous cutting bands mounted thereon, an adjusting mechanism comprising a plurality of arms pivoted at one end to the frame, a series of guides mounted upon each arm adjacent to and bearing upon the cutting bands, and means for varying the inclination of the arms to the vertical axis of the frame.

Question/comment submission

To send in questions or comments about the presentation, please email:

- PTABInventorHour@uspto.gov



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Questions?

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Thursday, Sept. 26, 2024, noon (ET)

Inventor Hour, Episode 33

Thursday, Oct. 24, 2024, noon (ET)

