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

(10) **Patent No.:** **US D1,003,038 S**

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(54) **HORIZONTAL OPEN BAG**

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

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

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Related U.S. Application Data

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(51) **LOC (14) Cl.** **03-01**

(52) **U.S. Cl.**
USPC **D3/260; D3/905**

(58) **Field of Classification Search**
USPC D3/273, 276, 279, 283-290, 301, 230,
D3/254, 260, 232, 245, 904-905;
D7/607, 709

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

258,393 A 5/1882 Endicott
1,482,678 A 2/1924 Figley

(Continued)

FOREIGN PATENT DOCUMENTS

CN 101066048 A 11/2007
CN 101088330 A 12/2007

(Continued)

OTHER PUBLICATIONS

Academy, "H2O Xpress Pro Tackle Bag II," on sale at least as of Apr. 1, 2022 (<https://www.academy.com/p/h2o-xpress-pro-tackle-bag-ii?sku=blue>) (Year: 2022).

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(57) **CLAIM**

The ornamental design for a horizontal open bag, as shown and described herein.

DESCRIPTION

FIG. 1 is a perspective view of the horizontal open bag with the handles and strap in a downward position; FIG. 2 is a front elevation view of the bag with the handles in an upright position;

FIG. 3 is a left side elevation view of the bag;

FIG. 4 is a right side elevation view of the bag;

FIG. 5 is a rear elevation view of the bag;

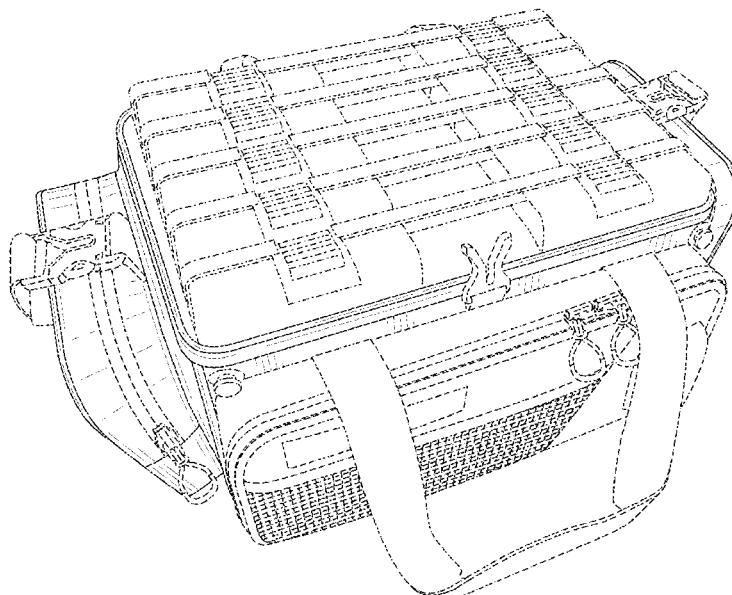
FIG. 6 is a top view of the bag with the handles in a downward position and a strap feature on the top surface;

FIG. 7 is a bottom view of the bag; and,

FIG. 8 is a perspective view of the bag showing environmental matter on the top surface.

The broken lines shown in the drawings illustrate portions of the horizontal open bag and form no part of the claimed design. Any unshaded areas bounded by broken lines forms no part of the claimed design. The broken lines shown in dot dash format illustrate environmental matter and form no part of the claimed design. Additionally, any unshaded surfaces adjacent to the dot dash environment matter forms no part of the claimed design. The broken lines shown in the FIG. 8 drawing on the top surface illustrate environmental matter and form no part of the claimed design.

1 Claim, 8 Drawing Sheets



(58) **Field of Classification Search**
 CPC A45F 3/02; A45F 3/04; A45F 3/14; A45F
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 A45C 13/02; A45C 13/26; A45C 3/00;
 A45C 3/06; A45C 3/08; A45C 7/0086;
 A45C 5/00; A45C 5/06; A45C 13/00;
 A45C 13/38; A45C 1/024; A45C 7/00;
 A45C 11/20
 See application file for complete search history.

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

1,791,346 A 2/1931 Burch et al.
 2,028,339 A 1/1936 Abraham et al.
 2,102,977 A 12/1937 Shoemaker et al.
 2,316,833 A 4/1943 Baron
 2,554,668 A 5/1951 Charles
 2,595,463 A 5/1952 Kamps
 2,616,209 A 11/1952 Ploen
 2,717,470 A 9/1955 Holdeman
 2,730,833 A 1/1956 Newell
 2,956,365 A 10/1960 Smith et al.
 2,987,846 A 6/1961 Powell
 3,047,349 A 7/1962 Powell
 3,122,225 A 2/1964 Ward
 3,122,725 A 2/1964 Romano
 3,181,751 A 5/1965 Wilson
 RE25,826 E 8/1965 Ward
 3,310,271 A 3/1967 King
 3,481,066 A 12/1969 Woolworth
 3,564,755 A 2/1971 Lindgren, Sr.
 3,813,138 A 5/1974 Dooohan
 3,850,396 A 11/1974 Orlandi
 3,985,409 A 10/1976 Kneier
 4,023,304 A 5/1977 Singer
 4,151,938 A 5/1979 Barker et al.
 4,176,491 A 12/1979 Herring
 D257,651 S * 12/1980 Katz D3/283
 4,240,222 A 12/1980 Covington
 4,245,422 A 1/1981 Souza
 4,324,446 A 4/1982 LeSage
 D280,260 S 8/1985 Leiserson
 D284,333 S 6/1986 Huston
 D284,620 S 7/1986 Calton
 D291,149 S 8/1987 Smith
 4,739,886 A 4/1988 Seaberg
 4,769,941 A 9/1988 Schmidt
 D299,587 S 1/1989 Thomas
 4,811,996 A 3/1989 Hansson
 4,854,432 A 8/1989 Carpenter et al.
 4,958,730 A 9/1990 Bunten
 D311,452 S * 10/1990 Ehret D3/286
 D312,530 S 12/1990 Gallen et al.
 5,054,669 A 10/1991 Zimbardi et al.
 5,087,105 A 2/1992 White
 D333,038 S 2/1993 Collins
 D336,218 S * 6/1993 Hague D12/411
 5,217,119 A 6/1993 Hollingsworth
 D341,026 S * 11/1993 Barker D7/607
 5,261,529 A 11/1993 Holland
 D347,521 S 6/1994 Elliott
 D349,191 S * 8/1994 Mason D3/289
 D352,827 S 11/1994 Schildkraut
 5,386,662 A 2/1995 Vader et al.
 D360,182 S 7/1995 Lovett
 5,454,477 A 10/1995 Bornhorst et al.
 5,505,297 A 4/1996 Myers
 D371,051 S * 6/1996 Melk D7/607
 D371,052 S 6/1996 Melk
 5,526,927 A 6/1996 McLemore
 D371,724 S 7/1996 Melk
 5,556,068 A 9/1996 Gorelik
 D376,044 S 12/1996 Trawick et al.

5,606,820 A 3/1997 Suddeth
 D381,871 S * 8/1997 Melk D7/607
 D382,108 S * 8/1997 Wheeler, Sr. D3/905
 D383,601 S 9/1997 Jones et al.
 5,676,223 A 10/1997 Cunningham
 D387,626 S * 12/1997 Melk D7/605
 D389,305 S 1/1998 Hauschild
 5,762,170 A 6/1998 Shyr et al.
 5,769,260 A 6/1998 Killinger et al.
 5,772,066 A 6/1998 Reynolds
 D396,745 S 8/1998 Peterson
 D398,083 S * 9/1998 Martz D3/273
 D401,062 S 11/1998 Hauschild
 5,829,185 A 11/1998 Myers
 5,908,147 A 6/1999 Chuang
 D414,932 S 10/1999 Platte, III
 D416,680 S * 11/1999 Latshaw D3/286
 D423,779 S 5/2000 Goatcher
 D427,768 S 7/2000 Bogert
 D435,343 S 12/2000 Eskandry
 6,202,865 B1 3/2001 Kuo
 6,202,910 B1 3/2001 Swetish
 6,290,040 B1 9/2001 Chen
 6,321,912 B1 11/2001 Lippert et al.
 D452,806 S 1/2002 King
 6,454,097 B1 9/2002 Blanco
 D465,086 S 11/2002 Watts
 D465,134 S 11/2002 Joss
 D468,101 S 1/2003 Hassett
 D469,606 S 2/2003 Su
 D471,012 S 3/2003 Peterson
 6,530,475 B1 3/2003 Penney
 D472,380 S 4/2003 Hillman
 D472,386 S 4/2003 Bauer
 D474,598 S 5/2003 Platte, III
 D476,480 S 7/2003 Hillman
 6,595,604 B1 * 7/2003 Peterson A45C 13/02
 190/110
 6,612,434 B1 9/2003 Redzisz
 D481,204 S 10/2003 Rada
 D482,525 S 11/2003 Fair
 D482,842 S 12/2003 Fair
 D484,695 S 1/2004 DePalma
 D485,144 S 1/2004 Levine et al.
 D487,189 S 3/2004 Ukitsu et al.
 D487,191 S 3/2004 Ong
 D492,160 S 6/2004 Lanman et al.
 D495,489 S 9/2004 Messina-Brown
 D504,229 S 4/2005 Duvigneau
 D506,061 S 6/2005 McGibben
 D507,734 S 7/2005 Willems
 6,926,136 B1 8/2005 Lynch-Bass
 D514,317 S * 2/2006 Conforti D3/301
 D528,295 S 9/2006 Harvey
 D530,089 S 10/2006 Silverman
 7,162,890 B2 1/2007 Mogil et al.
 D542,031 S 5/2007 Zapata
 D542,527 S 5/2007 Zapata
 7,240,513 B1 7/2007 Conforti
 D552,350 S 10/2007 Bosley
 D556,452 S 12/2007 Hydon
 D560,450 S 1/2008 Tagliati et al.
 D566,393 S 4/2008 Kidakarn
 D574,615 S 8/2008 Picot et al.
 7,604,103 B2 10/2009 Hamlin
 D603,169 S 11/2009 Smith
 7,621,074 B2 11/2009 Glidewell et al.
 D620,254 S 7/2010 Noraker
 D634,543 S 3/2011 Scicluna et al.
 D634,601 S 3/2011 Good
 7,937,884 B1 5/2011 Naylor et al.
 7,941,965 B2 5/2011 Hoover
 D639,051 S 6/2011 Dare
 D647,301 S 10/2011 Sosnovsky
 8,043,004 B2 10/2011 Mogil
 D648,533 S 11/2011 Sosnovsky
 D660,589 S 5/2012 Ayjian
 8,348,510 B2 1/2013 Mogil
 D676,652 S 2/2013 Holloway et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

8,453,813 B2 6/2013 Lai
 D692,661 S 11/2013 Gupton
 D692,662 S 11/2013 Pignotti
 8,621,720 B2 1/2014 Kao et al.
 D714,541 S 10/2014 Anderson et al.
 D720,216 S 12/2014 Luburic et al.
 D724,318 S 3/2015 Myer
 D725,908 S 4/2015 Zwetzig
 D739,653 S 9/2015 Majeau et al.
 9,144,281 B2 9/2015 Cross
 D742,637 S 11/2015 Miles
 D761,564 S 7/2016 Rhodes
 D762,384 S 8/2016 Boroski
 D762,978 S 8/2016 Boroski
 9,462,874 B1 10/2016 Samuel
 D779,824 S 2/2017 Boroski
 D781,575 S 3/2017 Etekochoy
 D787,816 S 5/2017 Slimane
 D793,728 S 8/2017 Faibish et al.
 D796,188 S 9/2017 Ho et al.
 9,854,897 B1 1/2018 Pelkey, Jr. et al.
 D818,204 S * 5/2018 Renforth D30/109
 D821,097 S 6/2018 Burton et al.
 D824,170 S 7/2018 Tobias
 D831,952 S 10/2018 Pennington
 D832,653 S 11/2018 Waskow et al.
 D833,141 S 11/2018 Carter et al.
 D835,473 S 12/2018 Jacobsen
 D835,950 S 12/2018 Jacobsen
 D836,999 S 1/2019 Jacobsen
 D837,000 S 1/2019 Jacobsen
 D837,001 S 1/2019 Jacobsen
 D838,971 S 1/2019 Deanda
 D843,107 S 3/2019 Swaggart
 D844,324 S 4/2019 Hoppe et al.
 D845,613 S 4/2019 Decker
 D856,662 S 8/2019 Breines
 D862,528 S 10/2019 Sullivan et al.
 10,477,991 B1 11/2019 Fragala
 D873,090 S 1/2020 Jacobsen
 D874,129 S 2/2020 Goldstein
 D875,385 S 2/2020 Carter et al.
 D880,253 S 4/2020 Jacobsen
 D881,655 S 4/2020 Jacobsen
 D887,135 S 6/2020 Tan
 D887,136 S 6/2020 Tan
 D888,413 S 6/2020 Dai
 D889,821 S 7/2020 Xu
 D893,183 S 8/2020 Eisenhardt et al.
 D896,504 S 9/2020 Li
 D896,505 S 9/2020 Yuan
 D896,514 S 9/2020 Tan
 D898,349 S 10/2020 He
 D899,079 S 10/2020 Priest
 D901,882 S 11/2020 Tan
 10,881,178 B2 1/2021 Johnson
 D912,974 S 3/2021 Breines
 D915,762 S 4/2021 Li
 D915,770 S 4/2021 Breines
 D919,287 S 5/2021 He
 D920,744 S 6/2021 Eisenhardt et al.
 D922,061 S 6/2021 Tan
 D922,062 S 6/2021 Shi
 D927,174 S 8/2021 Dai
 D927,261 S 8/2021 Rong
 D931,600 S 9/2021 Huang
 D932,179 S 10/2021 Mukri
 D941,578 S 1/2022 Fernandes
 2003/0234269 A1 12/2003 Shamas
 2004/0065573 A1 4/2004 Brouard
 2004/0149600 A1 8/2004 Wolter et al.
 2005/0082132 A1 4/2005 Smith
 2005/0121275 A1 6/2005 Platte
 2005/0263364 A1 12/2005 Sher
 2005/0279124 A1 12/2005 Maldonado

2006/0064852 A1 3/2006 Willems
 2007/0011939 A1 1/2007 Sakai
 2007/0237432 A1 10/2007 Mogil
 2007/0245521 A1 10/2007 Chehebar
 2008/0029666 A1 2/2008 Hurt
 2008/0116026 A1 5/2008 Bass et al.
 2008/0121554 A1 5/2008 Townsend
 2008/0164265 A1 7/2008 Conforti
 2008/0289925 A1 11/2008 Sapyta
 2009/0301911 A1 12/2009 Rubin
 2012/0043228 A1 2/2012 Ezzo et al.
 2013/0043293 A1 2/2013 Connell
 2013/0068776 A1 3/2013 Patterson
 2013/0145581 A1 6/2013 Bailey
 2014/0132131 A1 5/2014 Thomas
 2014/0290025 A1 10/2014 Custer
 2015/0014108 A1 1/2015 Vecellio
 2015/0101958 A1 4/2015 Cross
 2016/0205913 A1 7/2016 Aston et al.
 2016/0244239 A1 8/2016 Nash
 2016/0374440 A1 12/2016 Lundy et al.
 2017/0073146 A1 3/2017 Kuhn et al.
 2018/0220759 A1 8/2018 Johnson
 2018/0252458 A1 9/2018 Furneaux et al.
 2020/0077760 A1 3/2020 Grill et al.
 2020/0228056 A1 7/2020 Miller
 2021/0007451 A1 1/2021 Tan
 2021/0007452 A1 1/2021 Tan
 2021/0068510 A1 3/2021 Johnson
 2021/0212442 A1 7/2021 Webb
 2021/0368955 A1 12/2021 Fernandes
 2023/0027563 A1 1/2023 Fadal et al.

FOREIGN PATENT DOCUMENTS

CN 201360487 Y 12/2009
 CN 102972367 A 3/2013
 CN 205357836 U 7/2016
 EP 0071274 A2 2/1983
 JP H07241210 A 9/1995
 JP D1128650 12/2001

OTHER PUBLICATIONS

Amazon, "Westfield Fishing Tackle Bag Water Resistant Soft Sided Waist Shoulder Carry Storage Hiking Climbing Fly," on sale at least as of Apr. 1, 2022 (<https://www.amazon.co.uk/Westfield-Fishing-Resistant-Shoulder-Climbing/dp/B01H6WE47Y>) (Year: 2022).
 Bass Pro Shops, "Bass Pro Shops Advanced Anglers II Large Tackle System," on sale at least as of 204-01-2022, (<https://www.basspro.com/shop/en/bass-pro-shops-advanced-anglers-ii-large-tackle-system>) (Year: 2022).
 Bass Pro Shops, "Cabela's Extreme Wide-Top Tackle Bag," on sale at least as of Apr. 1, 2022 (<https://www.basspro.com/shop/en/cabelas-extreme-wide-top-3600-tackle-bag>) (Year: 2022).
 Bass Pro Shops, "Plano B-Series 3600 Tackle Bag," on sale at least as of Apr. 1, 2022 (<https://www.basspro.com/shop/en/plano-b-series-3600-tackle-bag>) (Year: 2022).
 Amazon, "Flambeau 4007 Heritage Tackle Bag, Fir Green/Pewter/Rust, FL40001", First on sale Apr. 23, 2020. (<https://www.amazon.com/Fiambeau-Heritage-Bait-Binder/dp/B089469PPT>) (Year: 2020).
 Amazon, "Piscifun Fishing Tackle Backpack with 4 Trays Large Waterproof Tackle Bag Storage . . .", (<https://www.amazon.com/Piscifun-Backpack-Capacity-Waterproof-Protective/dp/B07CGJDTNGI>) (Year: 2018), 13 pgs.
 Evolution Outdoor Drift Series Topless Horizontal Tackle Bag, first available Feb. 24, 2021, amazon.com [online], [site visited Jun. 28, 2021], Available at internet URL: <https://www.amazon.com/Evolution-Outdoor-Topless-Horizontal-Tackle/dp/B08WRNXBXV?th=1&psc=1> (Year: 2021).
 Evolution Outdoor Drift Series Topless Vertical Tackle Bag, first available Mar. 2, 2021, amazon.com [online], [site visited Jun. 28, 2021], Available at internet URL: <https://www.amazon.com/Evolution-Outdoor-Topless-Vertical-Tackle/dp/B08WRVCF31?th=1> (Year: 2021).

(56)

References Cited

OTHER PUBLICATIONS

Flambeau 5007 Pro-Angler Tackle Bag (Grey/Red), first available Apr. 23, 2020, amazon.com [online], [site visited Nov. 24, 2020], w Available from internet U RL: https://www.amazon.com/Fiarnbeau-5007-Pro-Angler-Tackle-Grey/dp/B089458PL7/ref=sr_1_2?dchild=1&gclid=EAiaiQobCh M 10uut0b6b 7QIVCDiGC% E2%80%A6 (Year: 2020).

Internal Search Report and Written Opinion dated May 19, 2017 of PCT Application No. PCT/US2016/047971, 14 pages.

KastKing Fishing Tackle Bag, first available Jun. 27, 2018, amazon.com [online], [site visited Jun. 28, 2021], Available at internet URL: https://www.amazon.com/KastKing-Saltwater-Waterproof-Medium-Hoss-15x11x10-25/dp/B07XRFSFPN/ref=pd_lpo_3?pd_rd_i=B07F2GH9VS&pvc=1 (Year: 2018).

KastKing Fishing Tackle Bags, first available Jun. 27, 2018, amazon.com [online], [site visited Nov. 14, 2018], Available from internet U R L: https://www.amazon.com/dp/B07F2HV28F/ref=sspa_dk_detail_6?pd_rd_i=B07XRFSFPN&pd_rd_w=a6HTH&pf_rd_p=7d37a48b-2b1a-4373-8c1a-bd9%E2%80%A6 (Year: 2018).

Okuma Fishing Tackle Soft Sided Tackle Bag, first available Oct. 23, 2015, amazon.com [online], [site visited Nov. 24, 2020], Available from internet U RL: <https://www.amazon.com/Okuma-Fishing-Tackle-Soft-Sided/dp/B018M56S28> (Year: 2015).

Ozark Trail Outdoor Equipment “Mesh Bottom Tackle Bag”, 6 pgs. Plano Guide Series Tackle Bag, first available Feb. 10, 2020, amazon.com [online], [site visited Jun. 28, 2021], Available at internet URL: https://www.amazon.com/Piano-Premium-Storage-included-PLABG371/dp/B084NQLFMH/ref=pd_lpo_2?pd_rd_i=B084NQLFMH&pvc=1 (Year: 2020).

U.S. Appl. No. 29/800,528, filed Jul. 21, 2021, Colt Fadal.

U.S. Appl. No. 29/800,529, filed Jul. 21, 2021, Colt Fadal.

U.S. Appl. No. 29/800,531, filed Jul. 21, 2021, Colt Fadal.

U.S. Appl. No. 29/823,196, filed Jan. 14, 2022, Tyler Fernandes.

Plano A-Series 2.0 Quick Top, unknown first available date, planomolding.com [online], [site visited Jan. 9, 2023], Available at URL:

<https://planomolding.com/products/aseries-20-quick-top-plaba700?variant=40468054278304> (Year: 2023).

Plano Guide Series 3600 Tackle Bag, unknown first available date, tacklecove.com [online], [site visited Jan. 9, 2023], Available at URL: <https://www.tacklecove.com/store/p/496-Plano-Guide-Series-3600-Tackle-Bag.aspx> (Year: 2023).

5.11 Tactical 56298-092-1SZ-UCR 13.7L Storm Tactical Sling Bag; unknown first available date, recreationid.com [online], [site visited Nov. 24, 2020], Available from internet U RL: <https://www.recreationid.com/511tactical/ucr-13-7-l-storm-tactical-sling-bag-mpn-56298-092-1-sz.html> (Year: 2020).

5007 Flambeau Pro-Angler Sling Pack (Kinetic Blue), unknown first available date, evolutionoutdoor.com [online], [site visited Nov. 24, 2020], Available from internet U RL: <https://evolutionoutdoor.com/products/5007-flambeau-pro-angler-sling-pack-kinetic-blue?variant=35241408331932> (Year: 2020).

Amazon, “Evolution Outdoor Design Large Mouth Double Decker Mossy Oak Tackle Backpack 3600 Manta Grey Camo Evolution”, Date first listed on Amazon Sep. 14, 2017. (<https://www.amazon.com/Evolution-Outdoor-Design-Backpack-Fishing/dp/B07PJWZXHY>) (Year: 2017).

Flambeau Heritage 4007 Tackle Bag, unknown first available date, DicksSportingGoods.com [online], [site visited Nov. 24, 2020], Available from internet U RL: <https://www.dicksportinggoods.com/p/flambeau-heritage-4007-tackle-bag-20frnbafmbhrtg370tbx/20fmbafmbhrtg370tbx?sku=21521402&camp=CSE:%E2%80%A6> (Year: 2020).

Reebow Gear Tactical Sling Bag . . . , first available Jan. 7, 2018, amazon.com [online], [site visited Nov. 24, 2020], Available from internet U RL: <https://www.amazon.com/Tactical-Sling-Military-Shoulder-Backpack/dp/B0768G7H9N?th=1> (Year: 2018).

Walmart—Ozark Trail Outdoor Equipment “Mesh Bottom Tackle Bag”—As early as 2019.

Walmart, “Ozark Trail 370 Large Pro Quick Access Soft Sided Fishing Tackle Bag”, on sale at least as of Apr. 1, 2022. (<https://www.walmart.com/ip/Ozark-Trail-370-Large-Pro-Quick-Access-Soft-Sided-Fishing-Tackle-Bag-Black/474776073>) (Year: 2022).

* cited by examiner

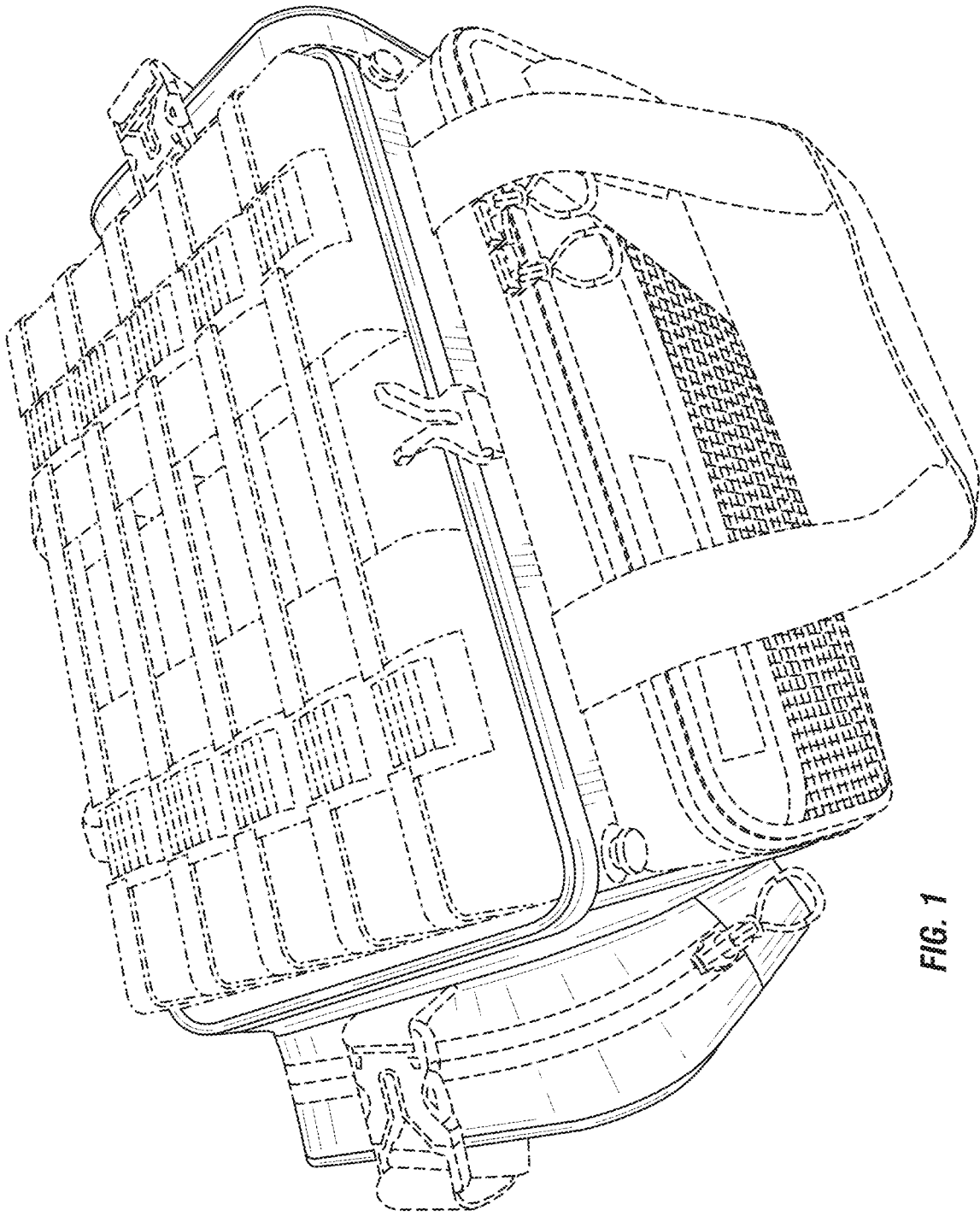


FIG. 1

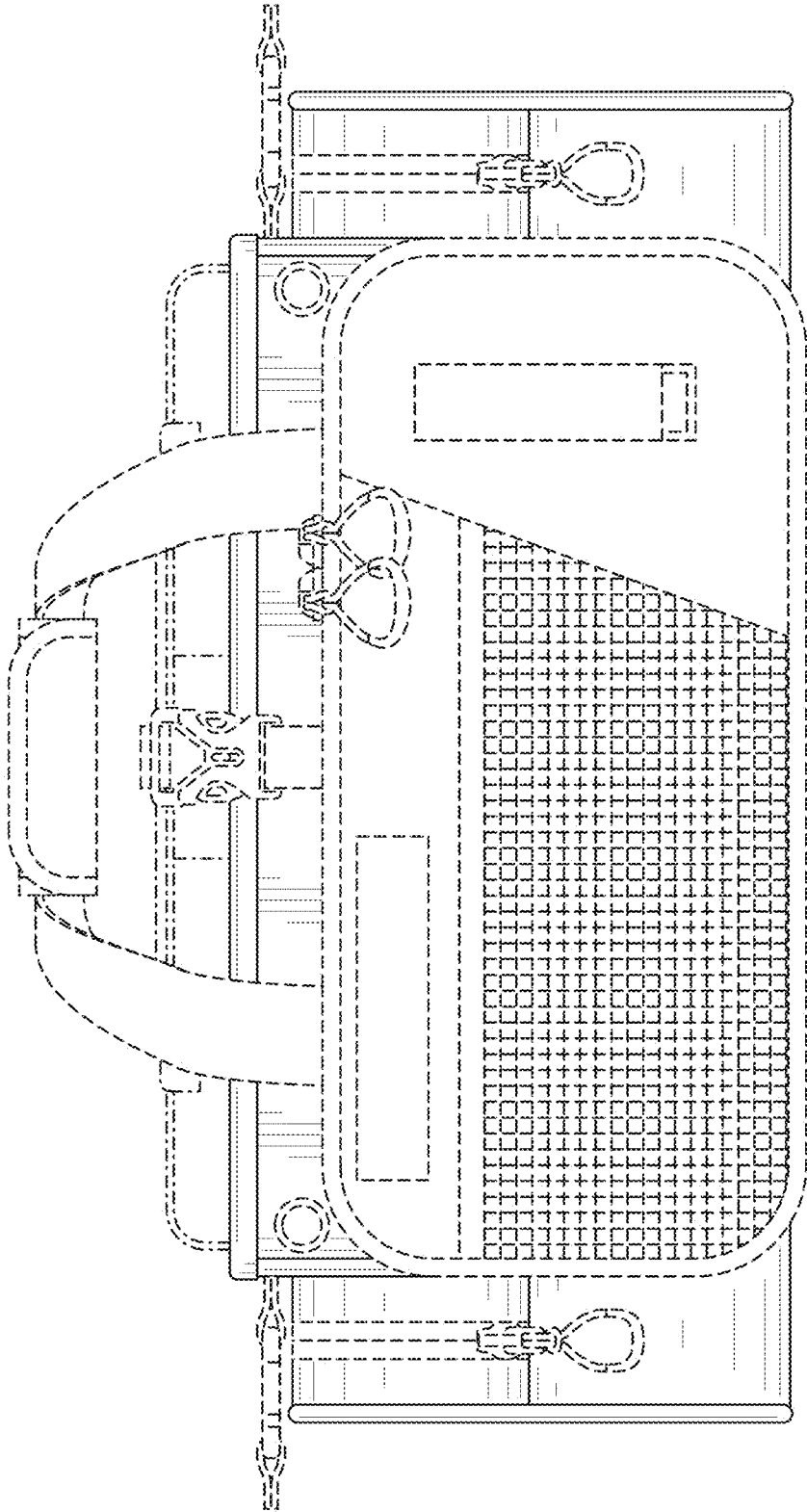


FIG. 2

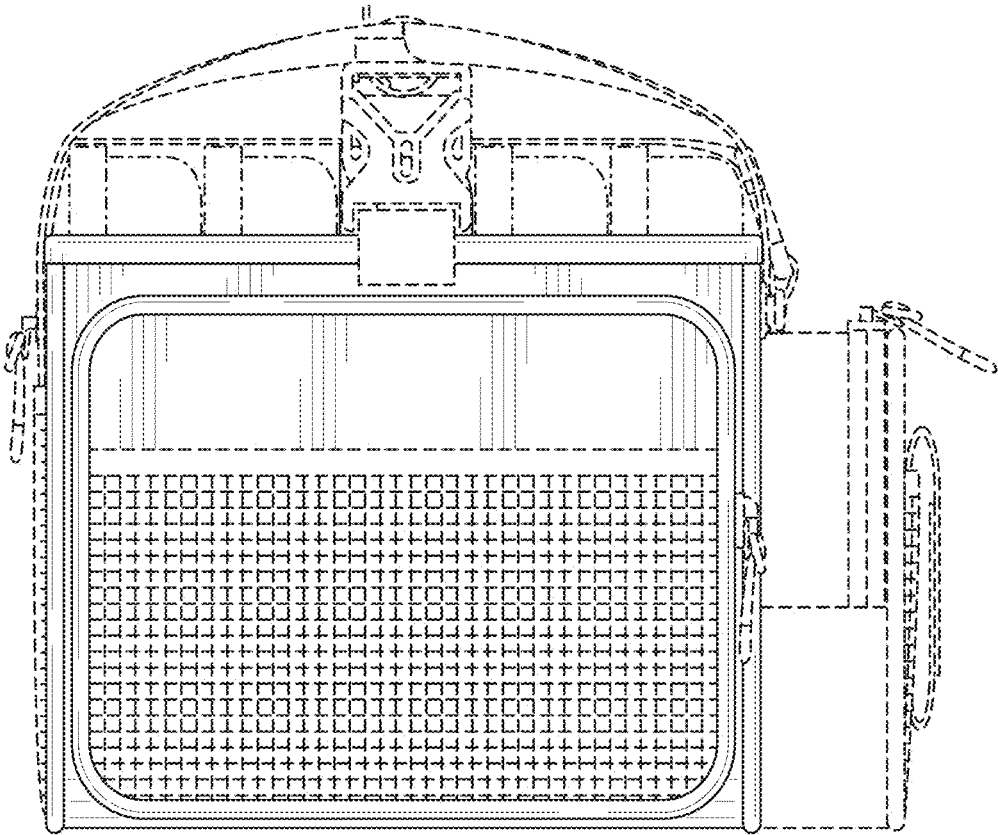


FIG. 3

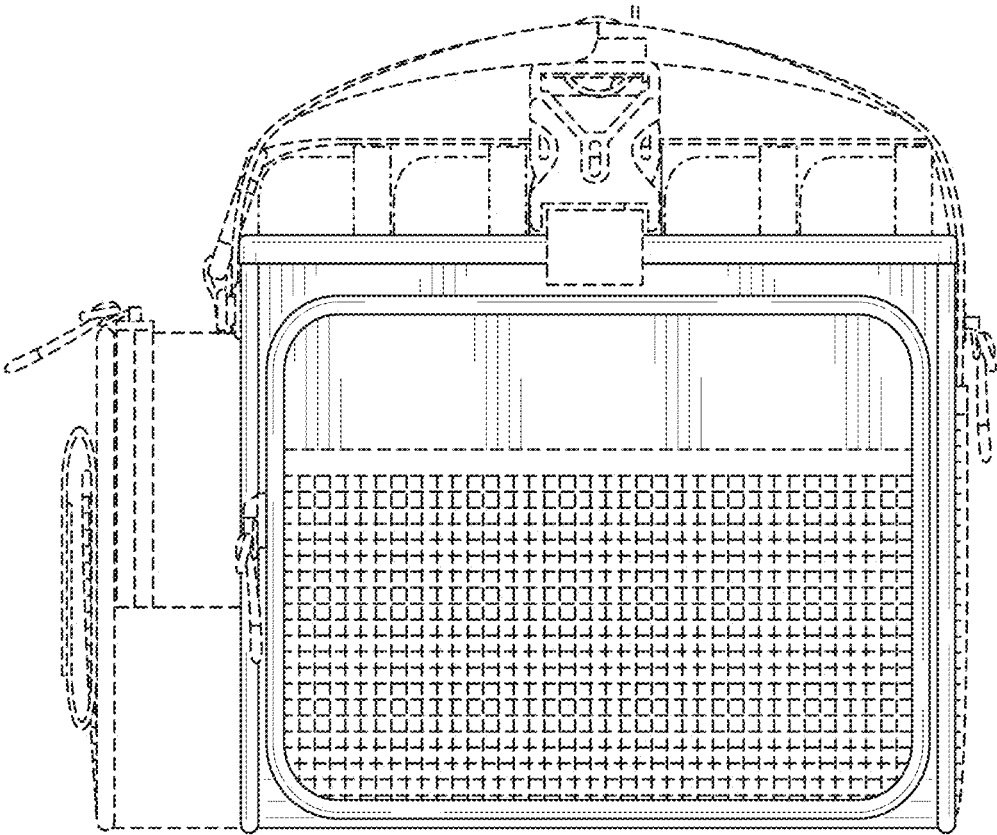


FIG. 4

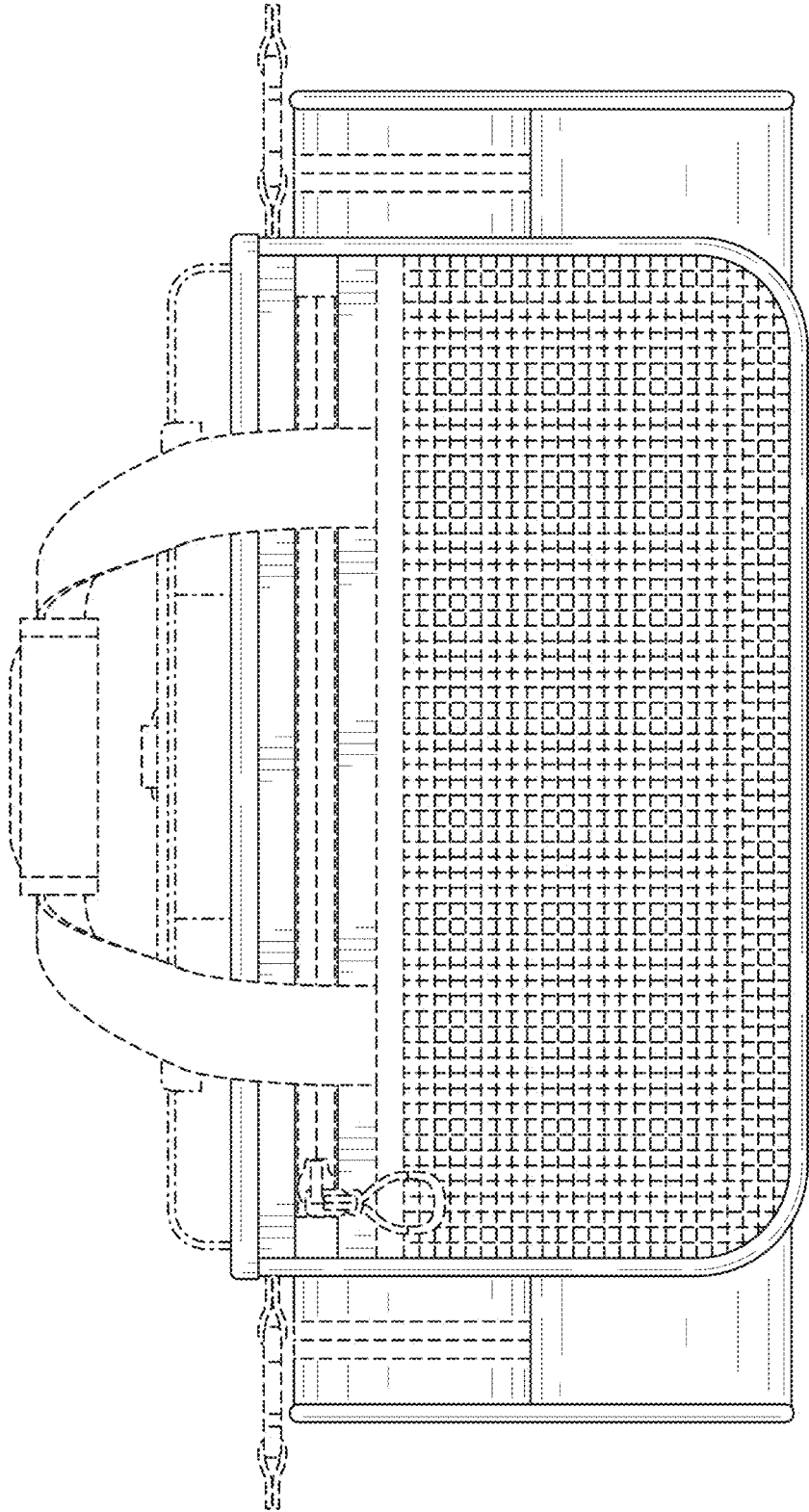


FIG. 5

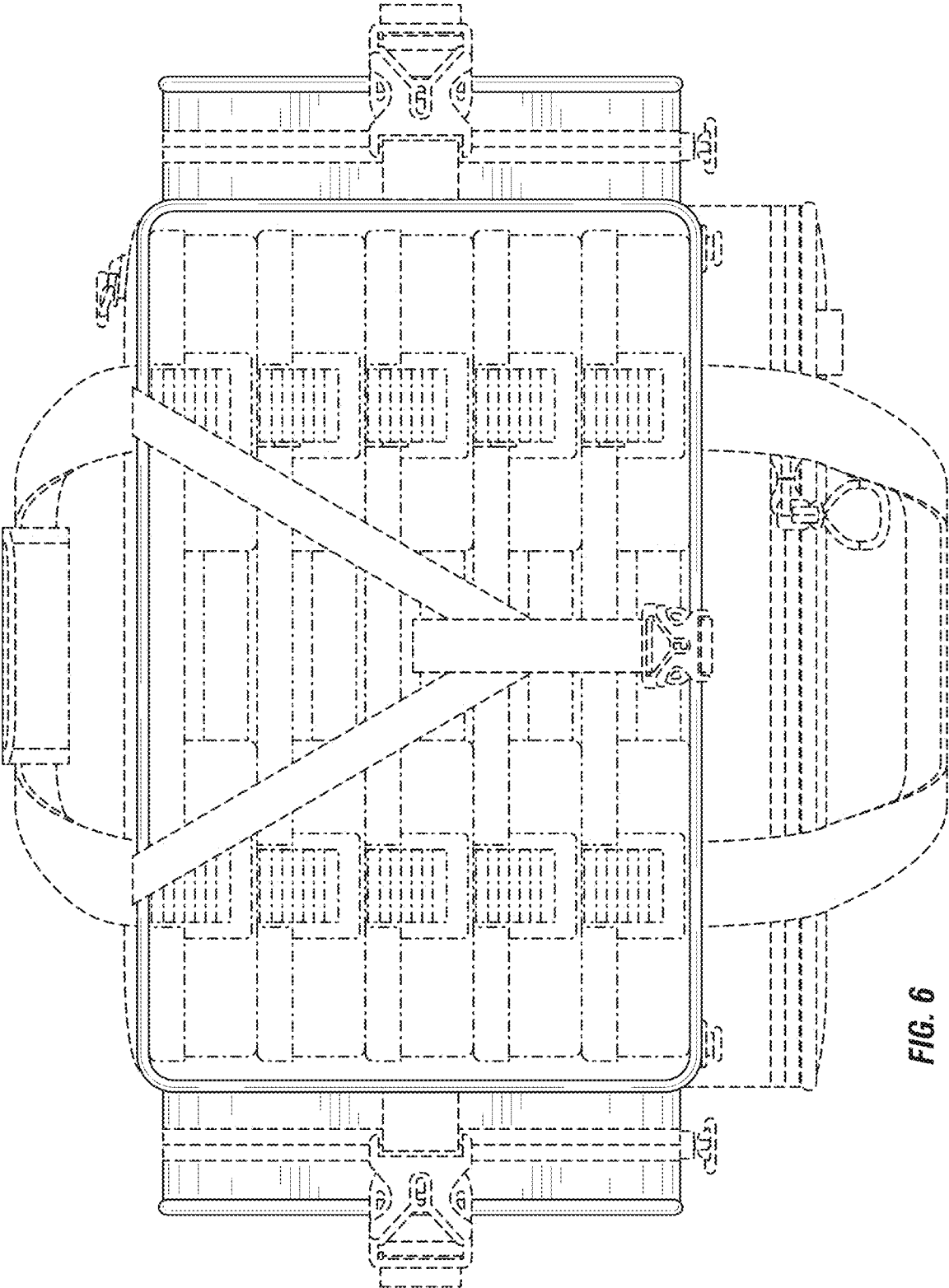


FIG. 6

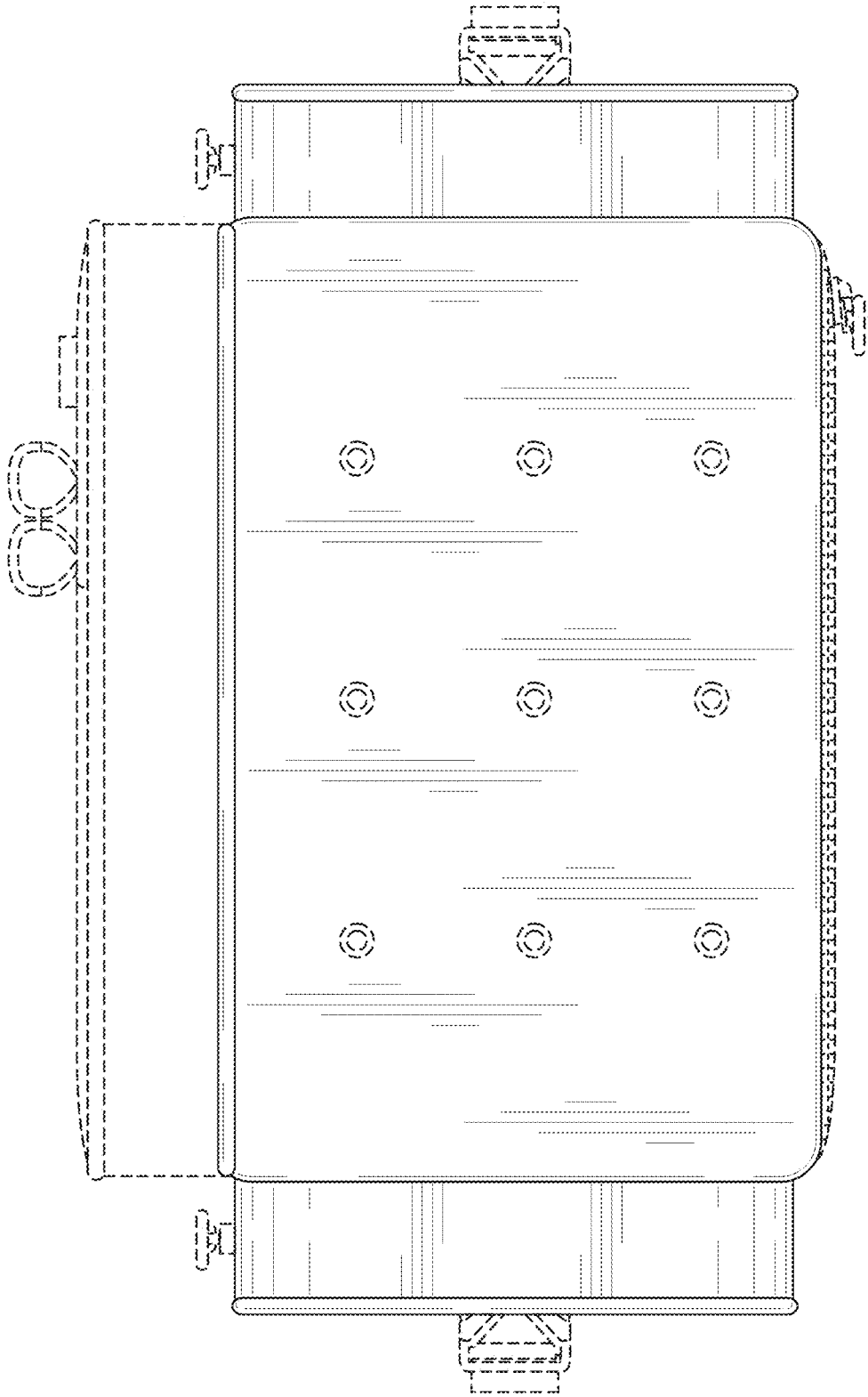


FIG. 7

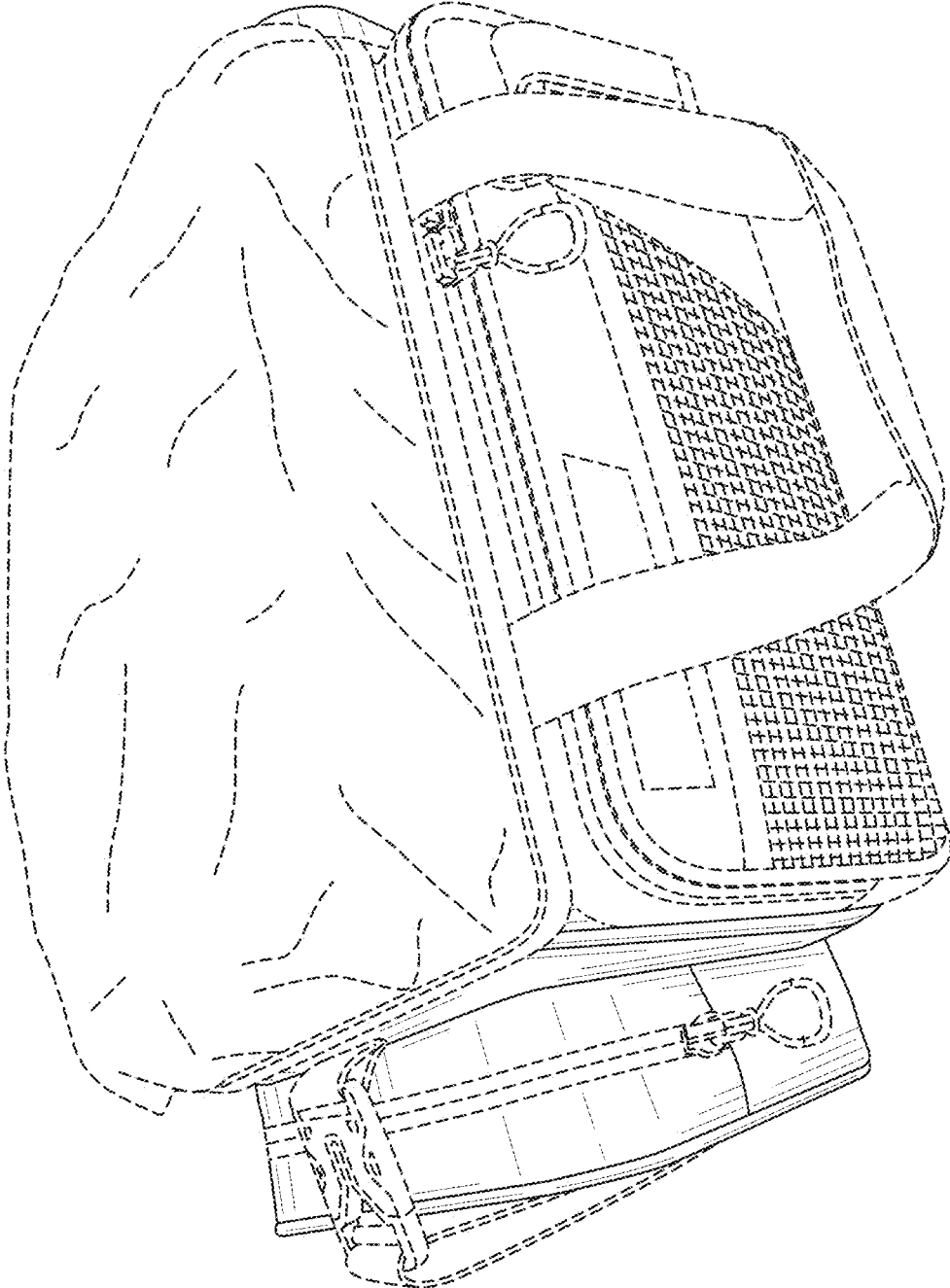


FIG. 8