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(54) **SANITARY APPARATUS AND METHOD FOR SAMPLING COSMETICS**

(52) **U.S. Cl. .... 132/200; 206/460; 132/320**

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(57) **ABSTRACT**

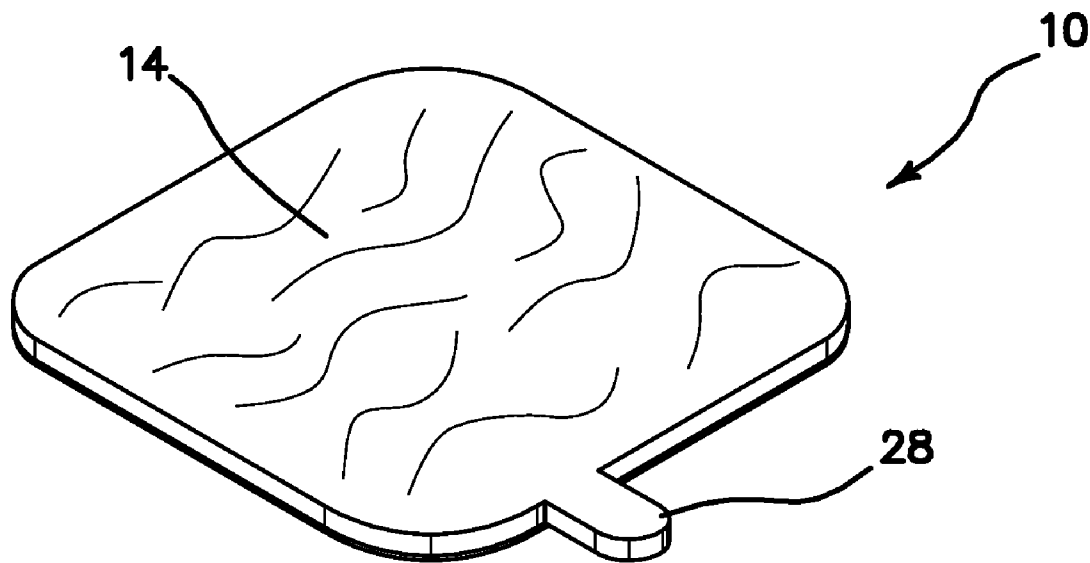
A cosmetic patch for testing and evaluating a cosmetic product. The patch comprises a top surface colored and textured to match that of a user's features, preferably that of their lips. The reverse side of the patch comprises a weak adhesive surface to temporarily bond to the user's hand, forearm, or other object. When the user deposits a sample of the cosmetic product onto the textured surface of the patch, the user may then compare and evaluate the look of the cosmetic product on their particular features, for example their lips, without having to actually place the cosmetic product on their features and thus prevent the spread of contagious diseases and maintain costs at a minimum for the cosmetics vendor.

**Related U.S. Application Data**

(60) **Provisional application No. 61/243,936, filed on Sep. 18, 2009.**

**Publication Classification**

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**B65D 73/00** (2006.01)



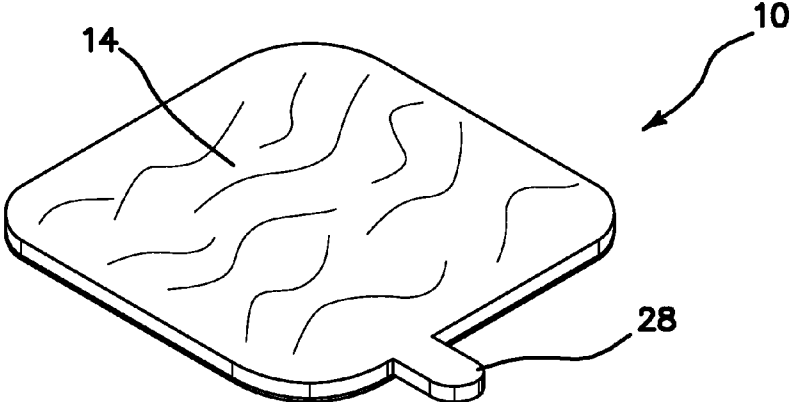


FIG. 1

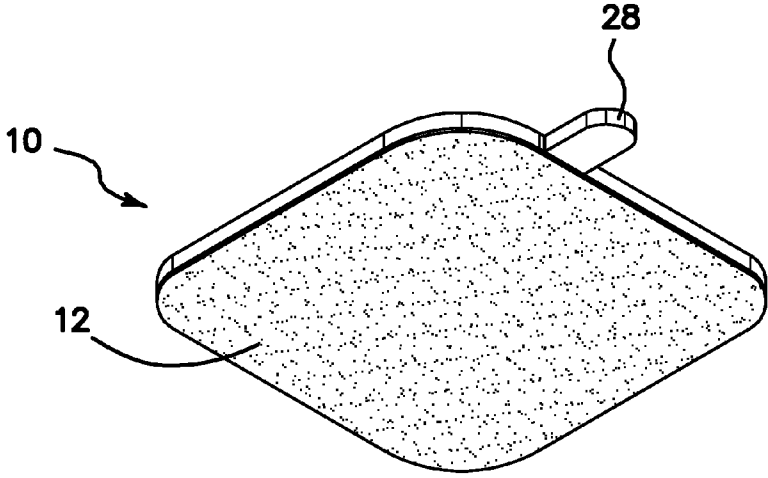


FIG. 2

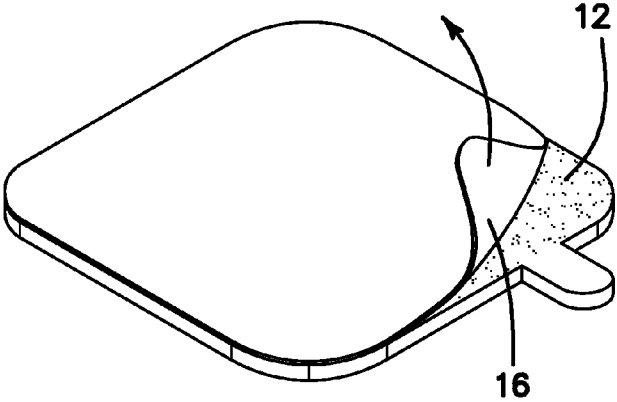
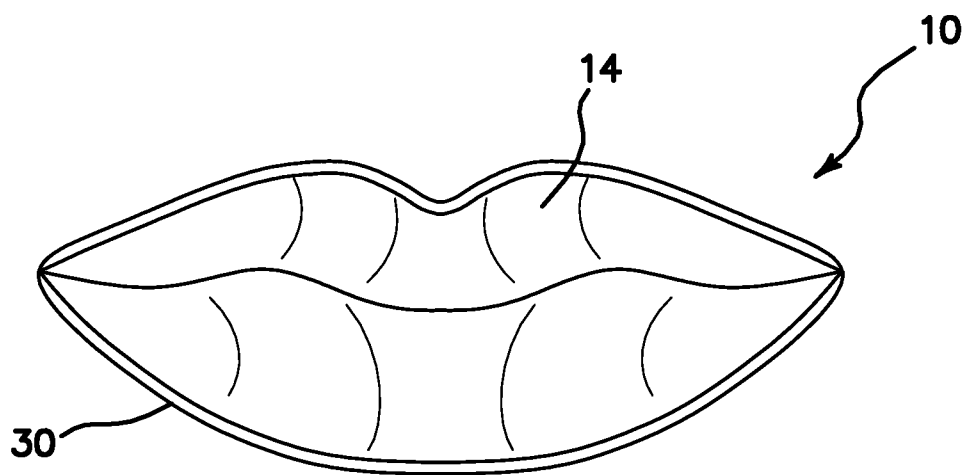
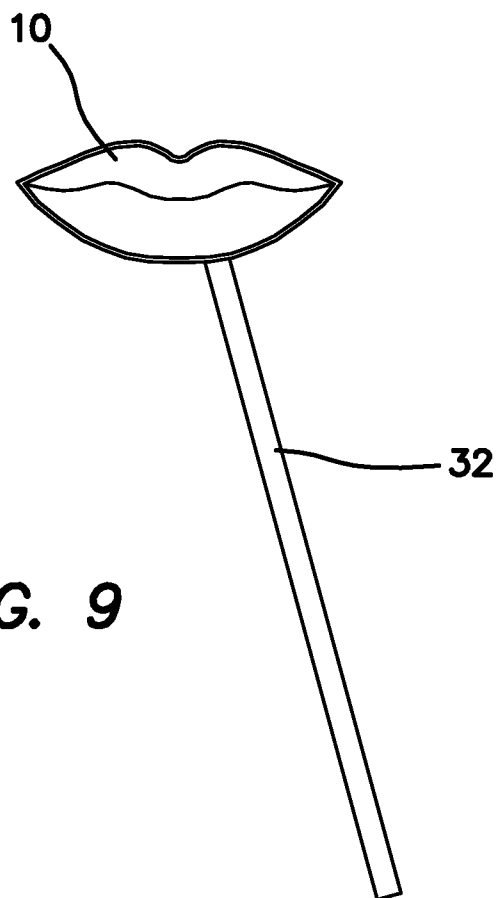


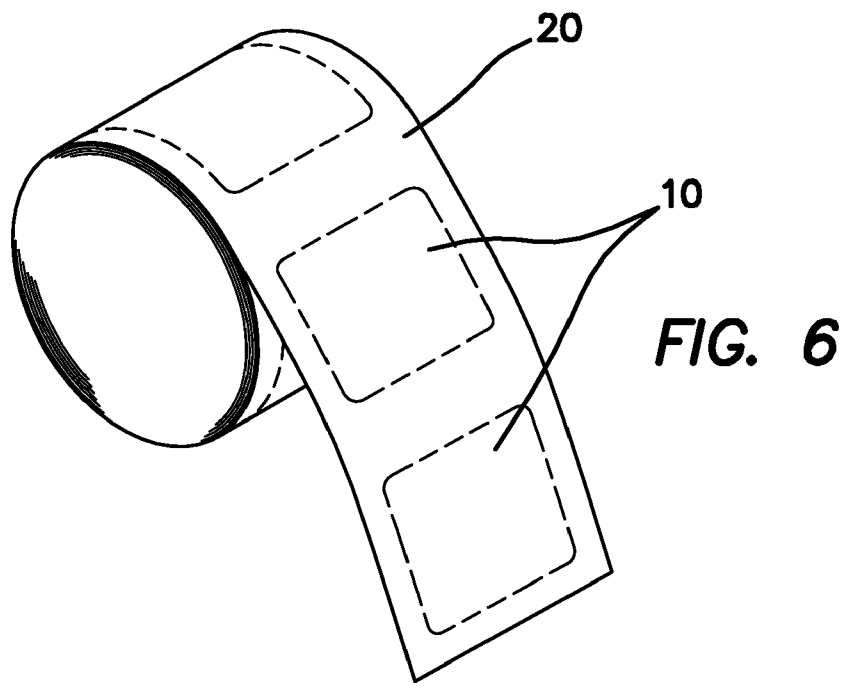
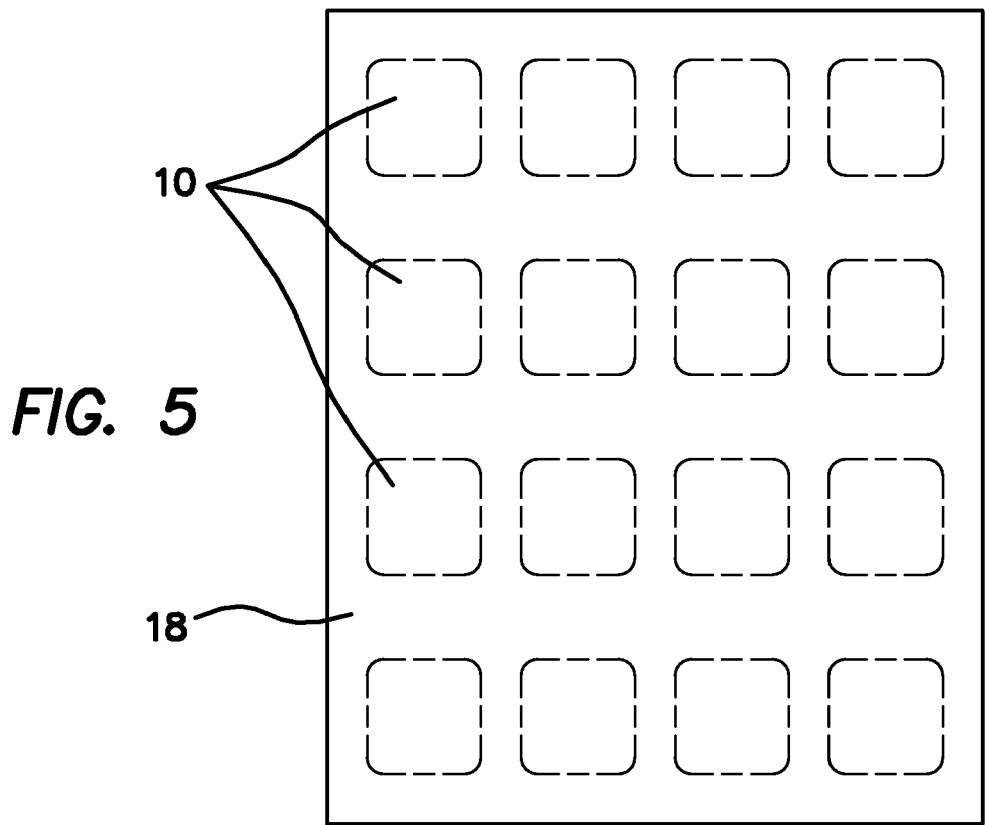
FIG. 4

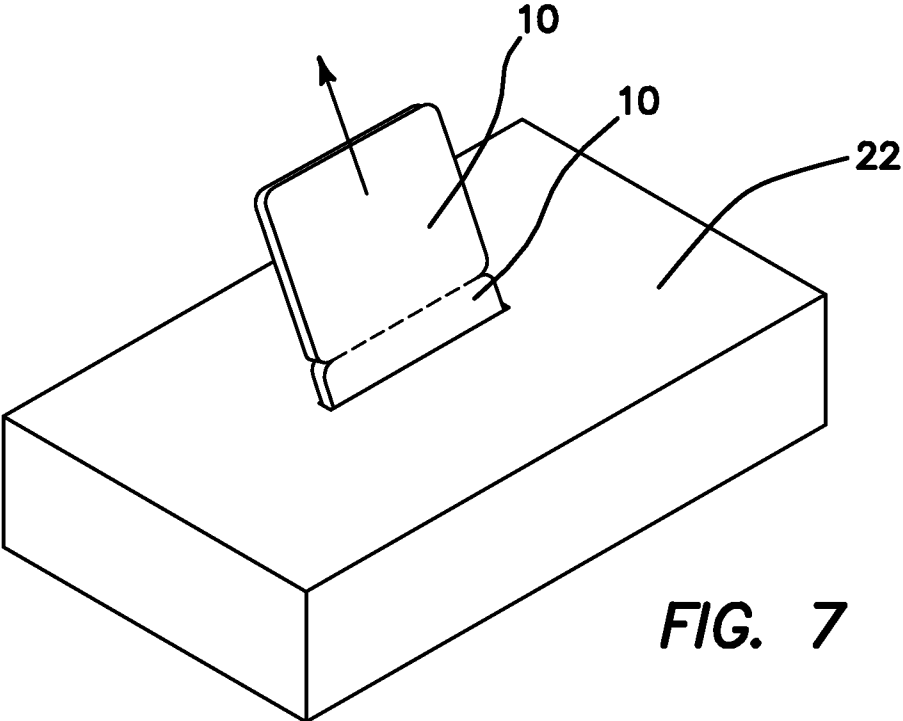


**FIG. 3**

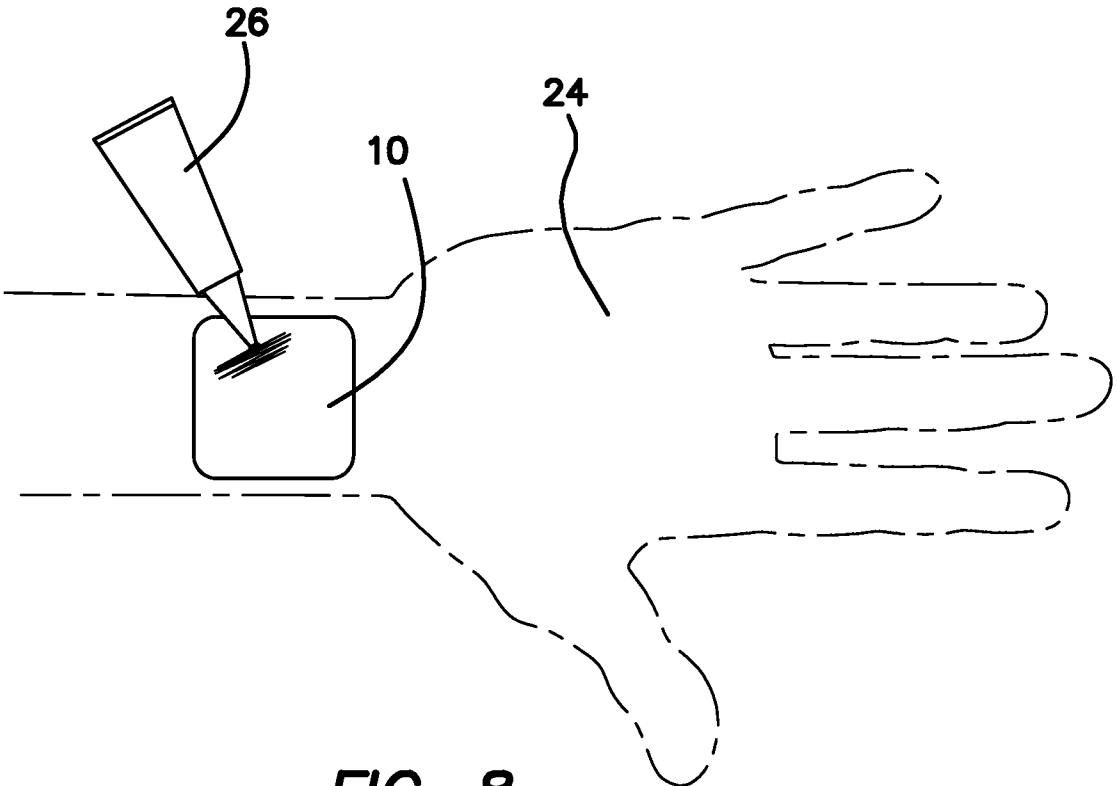


**FIG. 9**





**FIG. 7**



**FIG. 8**

## SANITARY APPARATUS AND METHOD FOR SAMPLING COSMETICS

### RELATED APPLICATIONS

**[0001]** The present application is related to U.S. Provisional Patent Application Ser. No. 61/243,936 filed on Sep. 18, 2009, which is incorporated herein by reference and to which priority is claimed pursuant to 35 USC 119.

### BACKGROUND OF THE INVENTION

**[0002]** 1. Field of the Invention

**[0003]** The invention relates to the field of cosmetics, specifically to an apparatus for testing cosmetics in a sanitary fashion

**[0004]** 2. Description of the Prior Art

**[0005]** Currently, when a customer is at a cosmetics counter within a department store, shopping mall, or other venue where popular cosmetics are sold, there are very few options for the customer to try or sample a particular type or color of cosmetic product without having to buy the product. In the case of lipstick, most stores or cosmetic vendors will only have one sample for each shade of lipstick available for the entirety of the public to use. Needless to say, in an attempt to keep costs down as well as to stop the spread of contagious diseases, it is impossible for the sample lipstick to actually be placed on a customer's lips. Therefore various options have been informally developed over the years which have been implemented in order for the customer to get a better feel and opinion of the product they are interested in without actually having to put the product on its intended area of use.

**[0006]** One option for testing cosmetic products includes the customer rubbing or placing a portion of the desired cosmetic product on their hand or other area of bare skin. While this may be ideal for a variety of skin creams, it is less than desirable when the customer wishes to test a cosmetic product such as lipstick because as is nearly the case in every person, the color of one's lips is not nearly the same color as one's hand or skin in general. Testing a particular shade or texture of lipstick on the customer's hand therefore leads to a false comparison of how that product will actually look on the customer's lips because while a particular color may look good over the customer's skin on their hand, it may not look or feel as good as when on their lips. This then forces the customer to imagine or estimate what that particular shade or texture of lipstick will really look like when properly placed in its intended position. Additionally, the concern of stopping the spread of contagious diseases is not really addressed here as the same lipstick tube could conceivably be used over and over on the back of each customer's hand, a portion of the body that is no more likely to be clean or sanitary as their lips or mouth.

**[0007]** In some cases, the cosmetics merchant behind the counter will give the customer a white sample index card or a tissue to test the cosmetic product. However, this leads to an even larger discrepancy than that described above because the bleached white color of an index card or tissue is even further away from the true color of the customer's lips than that of their skin, thus giving the customer even less information to base their purchase on.

**[0008]** Another attempted solution to the problem of sanitarily testing cosmetic products has been to supply the customers with smaller sample sized portions of the product that they are interested in. The customer is then allowed to keep

the sample sized product for their own personal use and may test the product on its intended location. However, in addition to being expensive, very valuable counter space and storage is needed to display and house the sample units which make them unattractive for many cosmetic vendors, especially for those that are mobile or door-to-door.

**[0009]** One other method used by cosmetic counters to sanitize the lip stick is to dip the tube in rubbing alcohol. This technique has not been proven to be 100% medically effective in eliminating all bacteria and viruses left on a tube of lipstick.

**[0010]** What is needed is a safe, sterile device for testing or sampling cosmetic products that accurately gives the customer an appraisal of how that cosmetic product would look on a specific portion of their body without having to actually apply the cosmetic product to that body part.

### BRIEF SUMMARY OF THE INVENTION

**[0011]** The current invention is a cosmetic patch for testing and evaluating a cosmetic product. The patch comprises a top surface colored and textured to match that of a user's features, preferably that of their lips. The reverse side of the patch comprises a weak adhesive surface to temporarily bond to the user's hand, forearm, or other object. When the user deposits a sample of the cosmetic product onto the textured surface of the patch, the user may then compare and evaluate the look of the cosmetic product on their particular features, for example their lips, without having to actually place the cosmetic product on their features and thus prevent the spread of contagious diseases and maintain costs at a minimum for the cosmetics vendor.

**[0012]** While the apparatus and method has or will be described for the sake of grammatical fluidity with functional explanations, it is to be expressly understood that the claims, unless expressly formulated under 35 USC 112, are not to be construed as necessarily limited in any way by the construction of "means" or "steps" limitations, but are to be accorded the full scope of the meaning and equivalents of the definition provided by the claims under the judicial doctrine of equivalents, and in the case where the claims are expressly formulated under 35 USC 112 are to be accorded full statutory equivalents under 35 USC 112. The invention can be better visualized by turning now to the following drawings wherein like elements are referenced by like numerals.

### BRIEF DESCRIPTION OF THE DRAWINGS

**[0013]** FIG. 1 is top perspective view of the current cosmetic patch with a pull tab disposed on the material construction surface of the patch.

**[0014]** FIG. 2 is a bottom perspective view of the cosmetic patch seen in FIG. 1.

**[0015]** FIG. 3 is an alternative embodiment of the cosmetic patch wherein it is substantially shaped like the lips of a user.

**[0016]** FIG. 4 is a side plan view of the cosmetic patch seen in FIG. 1 being peeled away a backing surface.

**[0017]** FIG. 5 is a plan view of a sheet of backing surface comprising a plurality of material construction surfaces.

**[0018]** FIG. 6 is a perspective view of a roll of backing surface comprising a plurality of material construction surfaces.

**[0019]** FIG. 7 is a perspective view of a container comprising a plurality of patches seen in FIG. 1.

**[0020]** FIG. 8 is a plan view of the cosmetic patch seen in FIG. 1 when adhered to the skin of a user.

[0021] FIG. 9 is a perspective view of the cosmetic patch seen in FIG. 3 coupled to a rod.

[0022] The invention and its various embodiments can now be better understood by turning to the following detailed description of the preferred embodiments which are presented as illustrated examples of the invention defined in the claims. It is expressly understood that the invention as defined by the claims may be broader than the illustrated embodiments described below.

#### DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0023] The current invention is a device and method for testing or sampling cosmetic products in a safe, sanitary way. In one embodiment, the current device is a removable cosmetic patch, generally denoted by reference numeral 10 seen in FIGS. 1 and 2, with an adhesive back 12 that is capable of being applied anywhere a user desires including but not limited to their hand, arm, or fingers. Additionally the patch 10 may be temporarily adhered to inanimate objects such as clothing or a handbag. The adhesive 12 may be any type of temporary adhesive now known or later devised such as weak bonding glue commonly used on the back of stickers, band-aids, sticky notes, and the like. On the non-adhesive side of the patch is a flat latex, latex-composite, or material construction surface 14. The latex or latex-composite surface 14 is pre-colored and pre-textured so as to match the color and texture of a user's lips. The cosmetic patch 10 may be colored in any color, however it is preferable that the cosmetic patch 10 be colored according to the shade and general color scheme of a variety of people's lips in order to reflect the varying ethnicities of the general public. The patch 10 is sufficiently shaped and sized so that it may be manipulated and maneuvered easily with as little as two fingertips. The cosmetic patch 10 may be shaped in any number of geometric shapes such as the substantially square shape seen in FIGS. 1 and 2, or alternatively may actually be in the general shape of a person's lips as seen in FIG. 3. Having the cosmetic patch 10 in the shape of one's lips would emphasize the point that the cosmetic products being sampled are meant for the lips, or in the case of a cosmetic product such as lip liner, may provide a more accurate depiction of how that product would look once properly applied. The cosmetic patch 10 also comprises a backing surface 16 seen in FIG. 4 that keeps the adhesive surface 12 covered and free from debris until the cosmetic patch 10 is to be used. The backing surface 16 may be comprised of wax paper or any other similar paper that is disposable and may be easily peeled away from the adhesive surface 12 of the patch 10.

[0024] In another embodiment, the patch 10 comprises a tab 28 or an extended edge defined on the material surface and disposed on one of the external sides of the patch 10. The tab portion 28 of the patch 10 is large enough for a user to pinch between two fingers and drag in a peeling motion. The tab 28, unlike the rest of the patch 10, does not contain any adhesive backing in its reverse side. Furthermore, the patch 10 may comprise a clear perimeter 30 disposed around the colored lip shape as seen in FIG. 3 so as to ascertain a more realistic skin tone to lip tone comparison if the patch 10 is placed on the hand 24.

[0025] When a user approaches a cosmetics vendor and selects a lipstick, lip gloss, or a lip liner that they are interested in, the vendor hands the user an individual cosmetic patch 10 that matches the user's own lip color along with the sample

unit of the cosmetic product that they selected. Ideally, the cosmetic vendor would select the cosmetic patch 10 from a plurality of different groups of patches, each patch group bearing the color of the lips of a different ethnicity so that a maximum match between the cosmetic patch 10 and user's lips is achieved. Each cosmetic patch 10 may be individually wrapped and hermetically sealed thus ensuring the cleanliness and sterility of the cosmetic patch. In another embodiment, a plurality of cosmetic patches 10 may be disposed on a single sheet seen 18 in FIG. 5 or, alternatively, on a roll 20 seen in FIG. 6 and be dispensed in much the same way a paper towel is dispensed. In yet another embodiment seen in FIG. 7, the cosmetic patches 10 may be stored and configured within a hermetically sealed container 22 so that when one cosmetic patch 10 is pulled from the container 22 in the direction shown by the arrow, the next patch 10 is automatically put into the dispensing position, much like when a nasal tissue or wet wipe is pulled from its box.

[0026] With the correct cosmetic patch 10 and a cosmetic sample 26 in hand, the user removes the backing surface 16 from the cosmetic patch 10 and places it anywhere that is convenient for the user, such as the hand or forearm 24 as seen in FIG. 8. The user may then take the cosmetic product sample 26 and run it across the cosmetic patch 10, thus depositing a small amount of cosmetic product sample 26 on the latex or latex-composite surface 14 of the cosmetic patch 10. With the cosmetic sample product 26 disposed on the cosmetic patch 10, the user may then judge and compare the look of the color of the cosmetic product 26 against the cosmetic patch 10 which represents the color of their own lips and thus gain an accurate opinion of how that particular cosmetic product 26 would look on their own mouth. If the user is satisfied with how the cosmetic product 26 would look on their lips, they may remove the cosmetic patch 10 by lifting up a corner of the patch 10 or the tab 28 disposed on the external edge of the patch 10 and then peeling it away from surface that it was adhered to. If the user is not satisfied with how the cosmetic product 26 would look on their lips, the user may try another cosmetic product sample 26 on the same cosmetic patch 10, or alternatively may remove the cosmetic patch 10 and replace it with another clean, unmarked cosmetic patch 10. It is important to note that at no point does the cosmetic product 26 touch the actual skin of the user. All contact between the user and the cosmetic product 26 is prevented by use of the cosmetic patch 10.

[0027] In another embodiment seen in FIG. 9, the cosmetic patch 10 is shaped substantially like a pair of a typical user's lips and is coupled to a straight, rigid hand held rod 30. The rod 30 is preferably comprised out of material such as wood or plastic, however any material that is inexpensive and light weight may be used without departing from the original spirit and scope of the invention. The rod 30 is coupled to the center of the reverse side of the patch 10 by means of glue, staples, or any other permanent coupling means. After applying the appropriate cosmetic product to the lip shaped patch 10, the user grips the rod 30 and angles it close to their mouth to make an accurate judgment of how that particular cosmetic product would look on themselves. After making a judgment, the user may dispose of the entire device, including the rod 30, into the trash. If further cosmetic testing is desired, the user may select a new cosmetic patch 10 and coupled rod 30 and repeat the entire process. Alternatively, the patch 10 can be removably coupled to the rod 30 by any means known in the art such as buttons, snaps, low tack glue, or Velcro. When the first patch

**10** has been used, the user removes the patch **10** from the rod **30** and attaches a second clean patch **10** to the same rod **30** and repeats the same process. In another embodiment, the rod **30** itself can be sized and shaped like a pair of lips with the material construction surface disposed on the distal tip of the rod. Once the material construction surface has been used, the user may dispose of the entire device and select another if desired.

**[0028]** Many alterations and modifications may be made by those having ordinary skill in the art without departing from the spirit and scope of the invention. Therefore, it must be understood that the illustrated embodiment has been set forth only for the purposes of example and that it should not be taken as limiting the invention as defined by the following invention and its various embodiments.

**[0029]** Therefore, it must be understood that the illustrated embodiment has been set forth only for the purposes of example and that it should not be taken as limiting the invention as defined by the following claims. For example, notwithstanding the fact that the elements of a claim are set forth below in a certain combination, it must be expressly understood that the invention includes other combinations of fewer, more or different elements, which are disclosed in above even when not initially claimed in such combinations. A teaching that two elements are combined in a claimed combination is further to be understood as also allowing for a claimed combination in which the two elements are not combined with each other, but may be used alone or combined in other combinations. The excision of any disclosed element of the invention is explicitly contemplated as within the scope of the invention.

**[0030]** The words used in this specification to describe the invention and its various embodiments are to be understood not only in the sense of their commonly defined meanings, but to include by special definition in this specification structure, material or acts beyond the scope of the commonly defined meanings. Thus if an element can be understood in the context of this specification as including more than one meaning, then its use in a claim must be understood as being generic to all possible meanings supported by the specification and by the word itself.

**[0031]** The definitions of the words or elements of the following claims are, therefore, defined in this specification to include not only the combination of elements which are literally set forth, but all equivalent structure, material or acts for performing substantially the same function in substantially the same way to obtain substantially the same result. In this sense it is therefore contemplated that an equivalent substitution of two or more elements may be made for any one of the elements in the claims below or that a single element may be substituted for two or more elements in a claim. Although elements may be described above as acting in certain combinations and even initially claimed as such, it is to be expressly understood that one or more elements from a claimed combination can in some cases be excised from the combination and that the claimed combination may be directed to a subcombination or variation of a subcombination.

**[0032]** Insubstantial changes from the claimed subject matter as viewed by a person with ordinary skill in the art, now known or later devised, are expressly contemplated as being equivalently within the scope of the claims. Therefore, obvious substitutions now or later known to one with ordinary skill in the art are defined to be within the scope of the defined elements.

**[0033]** The claims are thus to be understood to include what is specifically illustrated and described above, what is conceptually equivalent, what can be obviously substituted and also what essentially incorporates the essential idea of the invention.

I claim:

**1.** An apparatus for testing and evaluating a cosmetic product comprising:

a material construction surface having a selected color and for receiving the cosmetic product; and

an adhesive surface disposed on the opposite side of the material construction surface for adhering the apparatus to a supporting surface for display.

**2.** The apparatus of claim **1** where the selected color of the material surface matches the color of a user's lips or a selected portion of the face.

**3.** The apparatus of claim **2** where the color of the material construction surface is substantially colored to match the lips of the user according to the user's ethnicity.

**4.** The apparatus of claim **1** further comprising a removable backing disposed to the adhesive surface.

**5.** The apparatus of claim **4** further comprising a plurality of material construction surfaces disposed on a single roll or sheet of removable backing.

**6.** The apparatus of claim **4** further comprising means for dispensing a plurality of material construction surfaces in succession from a container.

**7.** The apparatus of claim **1** where the material construction surface is textured to substantially mimic that of a user's lips.

**8.** The apparatus of claim **1** wherein the material construction surface is substantially geometrically shaped.

**9.** The apparatus of claim **1** where the material construction surface is substantially shaped like a pair of lips.

**10.** The apparatus of claim **1** where the material construction surface is coupled to a rod with means for being angled close to a user's face.

**11.** The apparatus of claim **4** where the material construction surface comprises a tab on its outer edge so as to be more easily peeled away from the removable backing.

**12.** The apparatus of claim **10** where the material construction surface is removably coupled to the rod.

**13.** A method for sanitarily sampling cosmetic products comprising:

selecting one of a plurality of material construction surfaces most closely matching the color of a user's lips, selected portion of the face, or user's skin;

placing the selected material construction surface having the matching color onto a testing surface;

disposing a sample portion of the cosmetic product on the material construction surface; and

comparing the sample portion of the cosmetic product to the selected color of the material construction surface.

**14.** The method of claim **13** further comprising removing the material construction surface from a backing surface before placing onto the testing surface.

**15.** The method of claim **13** further comprising removing the material construction surface from the testing surface after comparing the sample portion of the cosmetic product to the color of the material construction surface.

**16.** The method of claim **14** where removing the material construction surface from a backing surface before placing onto the testing surface comprises removing the material construction surface from a roll or sheet comprised of the backing surface.



**17.** The method of claim **13** where comparing the sample portion of the cosmetic product to the selected color of the material construction surface comprises disposing the material construction surface in close proximity the face of the user by means of a rod coupled to the material construction surface.

**18.** The method of claim **13** where placing the selected material construction surface having the matching color onto a testing surface comprises disposing the material construction surface on the user's skin.

**19.** The method of claim **13** where placing the selected material construction surface having the matching color onto a testing surface comprises disposing the material construction surface on the distal end of a rod.

**20.** The method of claim **14** where removing the material construction surface from a backing surface before placing onto the testing surface comprises pulling a pull tab disposed on the material construction surface.

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