



US0D1034196S

(12) **United States Design Patent** (10) **Patent No.:** **US D1,034,196 S**  
**Kick** (45) **Date of Patent:** **\*\* Jul. 9, 2024**

(54) **BEVERAGE CONTAINER**

B65D 2543/00083; B65D 2543/00092;  
B65D 2543/00101; B65D 2543/00111;  
Y10T 29/49826

(71) Applicant: **Merrilee Kick**, Plano, TX (US)

See application file for complete search history.

(72) Inventor: **Merrilee Kick**, Plano, TX (US)

(73) Assignee: **BUZZBALLZ, LLC**, Carrollton, TX (US)

(56) **References Cited**

U.S. PATENT DOCUMENTS

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

925,861 A 6/1909 Booth  
D49,555 S 8/1916 Vivaudou  
D106,034 S 9/1937 Harrison  
2,745,642 A 5/1956 Hermann  
3,179,036 A 4/1965 Jackson

(21) Appl. No.: **29/930,383**

(Continued)

(22) Filed: **Feb. 29, 2024**

**Related U.S. Application Data**

FOREIGN PATENT DOCUMENTS

(63) Continuation of application No. 18/506,811, filed on Nov. 10, 2023, now Pat. No. 11,932,441, which is a continuation of application No. 29/824,813, filed on Jan. 27, 2022, now abandoned, which is a continuation of application No. 16/800,195, filed on Feb. 25, 2020, now Pat. No. 11,338,955, which is a continuation of application No. 12/762,934, filed on Apr. 19, 2010, now Pat. No. 10,604,296.

CR 20130449 S 3/2014  
EM 000996939-0001 4/2008

(Continued)

(51) **LOC (14) Cl.** ..... **09-01**

OTHER PUBLICATIONS

(52) **U.S. Cl.**

Translation of Office Action with Search Report for Taiwanese Design Patent Application No. 111301016, issued Aug. 31, 2022; 3 pages.

(Continued)

USPC ..... **D9/500**; D9/772  
CPC ..... **B65D 1/165** (2013.01); **B65D 1/16** (2013.01); **B65D 17/4012** (2018.01)

*Primary Examiner* — Keli L Hill

(74) *Attorney, Agent, or Firm* — HAYNES AND BOONE, LLP

(58) **Field of Classification Search**

USPC ..... D9/434, 435, 438, 500, 503, 516, 519, D9/520, 549, 574, 763-783, 902, 903  
CPC ..... B21D 51/26; B21D 51/383; B29C 66/71; B65D 1/00; B65D 1/02; B65D 1/12; B65D 1/14; B65D 1/40; B65D 1/44; B65D 1/023; B65D 1/0223; B65D 1/165; B65D 1/238; B65D 1/246; B65D 1/253; B65D 7/04; B65D 21/0209; B65D 21/0233; B65D 25/00; B65D 25/28; B65D 41/0457; B65D 41/17; B65D 53/06; B65D 75/56; B65D 2501/0036; B65D 2543/0064; B65D 2543/00074;

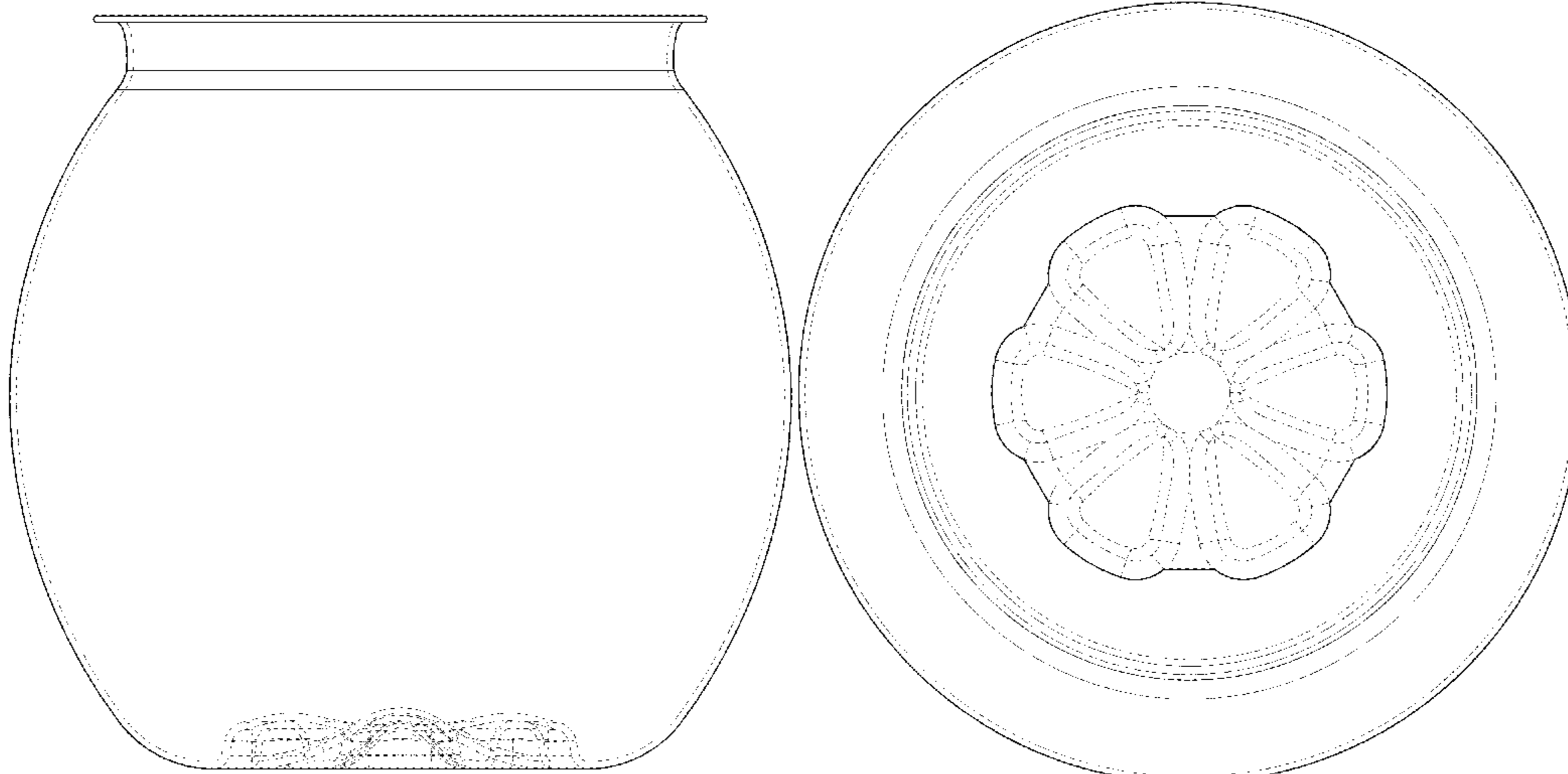
(57) **CLAIM**

The ornamental design for a beverage container, as shown and described.

**DESCRIPTION**

FIG. 1 is a side view of a beverage container showing my new design; and, FIG. 2 is a bottom view thereof. The broken lines in FIGS. 1 and 2 show portions of the beverage container that form no part of the claimed design.

**1 Claim, 2 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

3,314,569 A 4/1967 Seiferth  
 D223,898 S 6/1972 Edwards  
 D224,516 S \* 8/1972 Amberg ..... D9/500  
 D235,193 S 5/1975 Edwards  
 4,140,464 A 2/1979 Spurr et al.  
 D254,716 S 4/1980 Mascia  
 D259,292 S 5/1981 Conrad  
 D287,767 S 1/1987 Simmons  
 D292,462 S 10/1987 Petrusek  
 4,936,482 A 6/1990 Gallagher et al.  
 D352,898 S 11/1994 Vacher  
 5,407,086 A 4/1995 Ota  
 D375,226 S 11/1996 Blankenburg et al.  
 D383,646 S 9/1997 Jeppesen  
 D405,639 S 2/1999 Clark et al.  
 D416,173 S 11/1999 Hersch  
 D427,514 S 7/2000 Roth et al.  
 D448,666 S 10/2001 Fields  
 6,375,031 B1 4/2002 Kwan  
 D460,693 S 7/2002 Flowers  
 6,574,883 B2 6/2003 Giblin et al.  
 6,793,094 B2 9/2004 Turnbough  
 D511,654 S 11/2005 Bailey  
 D512,917 S 12/2005 Frisch et al.  
 7,051,892 B1 5/2006 O'Day  
 D562,685 S 2/2008 Millspaw et al.  
 D565,413 S 4/2008 Honkawa et al.  
 D596,489 S 7/2009 Weiss  
 D606,404 S 12/2009 Diss  
 D606,405 S 12/2009 Takata et al.  
 D612,732 S 3/2010 Takata et al.  
 D614,971 S 5/2010 Millspaw et al.  
 7,731,053 B2 6/2010 Ivey  
 7,784,639 B2 8/2010 Milkowski et al.  
 D634,635 S 3/2011 Araujo et al.  
 D650,280 S 12/2011 de Peyerimhoff et al.  
 D663,619 S 7/2012 Pillet  
 D675,528 S 2/2013 Beaver  
 D699,578 S 2/2014 Marina et al.  
 D701,767 S 4/2014 Marina et al.  
 D703,068 S 4/2014 Kick  
 D704,567 S 5/2014 Sanders  
 D711,247 S 8/2014 Sanders  
 D732,978 S 6/2015 Kick  
 D739,267 S 9/2015 Kick  
 D772,722 S \* 11/2016 Kick ..... D9/551  
 9,522,482 B2 12/2016 Milkowski et al.  
 D803,376 S 11/2017 Gobber et al.  
 D809,391 S 2/2018 Funk  
 D820,106 S 6/2018 Jasani  
 10,336,496 B2 7/2019 Zimmer  
 D864,725 S 10/2019 Staab et al.  
 10,604,296 B2 3/2020 Kick  
 D889,266 S 7/2020 Pun  
 D951,493 S \* 5/2022 Wang ..... D26/9  
 11,484,152 B2 11/2022 Kick  
 D976,704 S 1/2023 Stammen  
 D996,218 S \* 8/2023 Sha ..... D9/549

11,738,904 B2 \* 8/2023 Kick ..... B65D 1/165  
 220/608  
 D1,013,512 S \* 2/2024 Kick ..... D9/503  
 D1,025,491 S \* 4/2024 Sha ..... D28/76  
 2010/0133729 A1 6/2010 Shah  
 2014/0061328 A1 3/2014 Haymond  
 2015/0344177 A1 12/2015 Kick  
 2019/0009952 A1 1/2019 Pedmo et al.  
 2020/0262601 A1 8/2020 Kick  
 2023/0064312 A1 \* 3/2023 Kick ..... B65D 41/3447  
 2023/0391501 A1 \* 12/2023 Kick ..... B65D 43/0283

FOREIGN PATENT DOCUMENTS

EM 001155980-0023 8/2009  
 EM 001632233-0002 11/2009  
 JP 05-032248 A 2/1993  
 JP 05032248 A 2/1993  
 JP D1608809 S 7/2021  
 KR 3006720360000 S 1/2014  
 TW D180616 S 1/2017  
 WO WO-2005049434 A1 6/2005  
 WO WO-2006029441 A1 3/2006  
 WO WO-2009072910 A2 6/2009

OTHER PUBLICATIONS

Office Action for related U.S. Appl. No. 29/824,813, mailed Oct. 6, 2022; 7 pages.  
 Office Action for related U.S. Appl. No. 29/824,813, mailed Feb. 15, 2023; 8 pages.  
 Office Action for related U.S. Appl. No. 29/824,813, mailed Jun. 20, 2023; 11 pages.  
 Andrews, A Fishkeeper's Guide to Fancy Goldfishes, Tetra Press No. 16058, 1987, Salamander Books Ltd., Morris Plains, NJ, 4 pages.  
 U.S. Registration No. 549,097, Miscellaneous Juice Bottle Design, File History retrieved May 3, 2024, 96 pages.  
 General Foam Plastics Corporation Catalog, Pumpkin Buckets, 2005, Norfolk, VA, 23 pages.  
 DW Staff, McDonald's, Coke Run Afoul of German Law with Ball-Bottle, Published Jun. 2, 2006, Screenshot dated May 6, 2024, Retrieved from www.dw.com.  
 Staff Writer, Coke Kicks Off World Cup Activity, Published Apr. 24, 2006, Screenshot dated May 6, 2024, Retrieved from www.talkingretail.com.  
 Football Shaped Diet Coke Bottle on a White Background, Promotional Bottle to Celebrate the 2006 World Cup, May 12, 2006, Screenshot May 6, 2024, Retrieved from www.alamy.com.  
 Hoffman, Coca Cola 2009 Holiday Ornament Bottles, Published Nov. 30, 2009, Screenshot dated May 6, 2024, Retrieved from thedieline.com.  
 The JoyServe Store, 16 Oz Plastic Fish Bowl (12 Pack) 4 Inch Heavy Duty Plastic Ivy Bowls, for Candy, Carnival Games, Prizes, Centerpieces, and Party Decoration Supplies, BPA-Free, retrieved from www.amazon.com, 10 pages.

\* cited by examiner

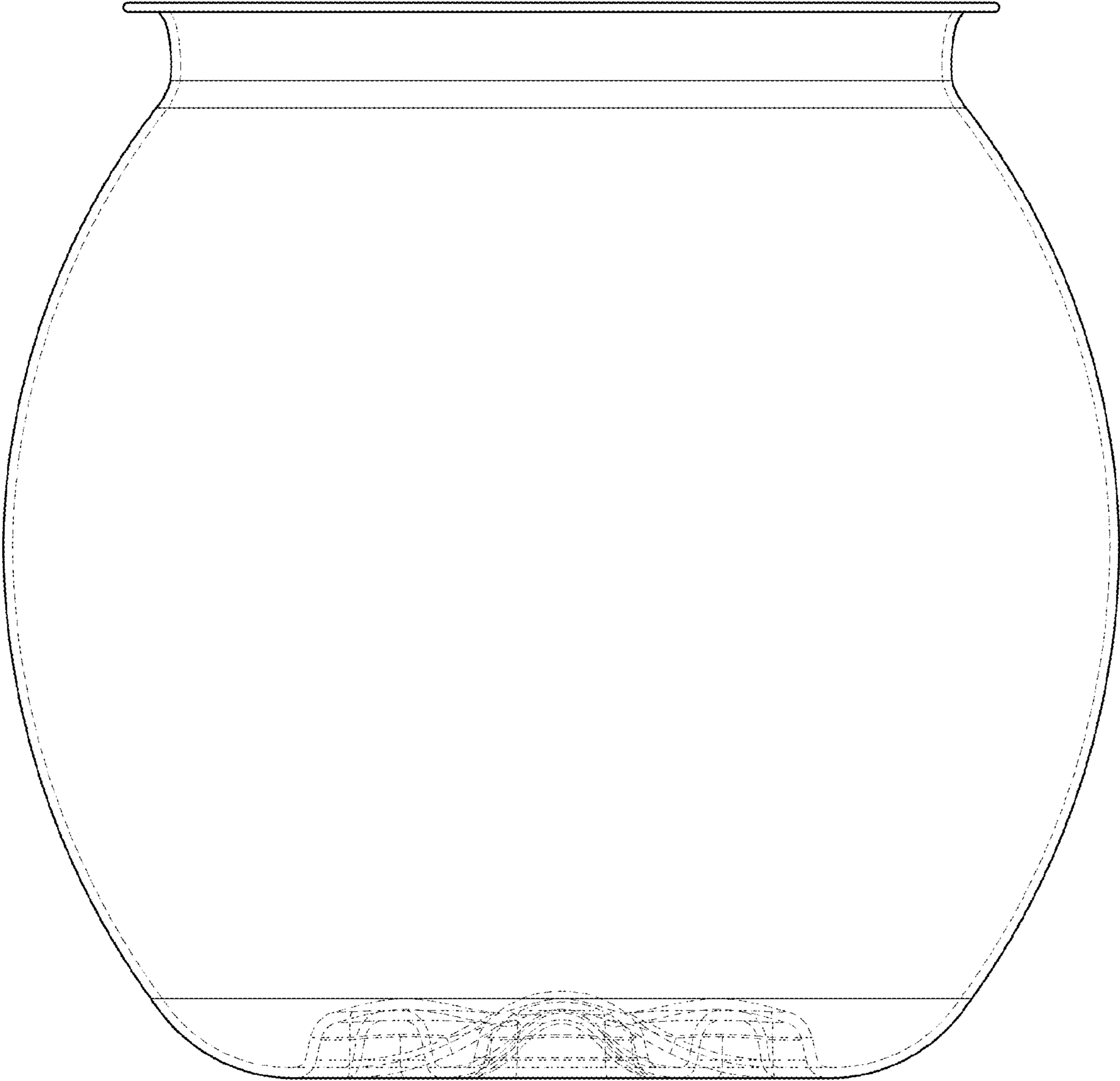


FIG. 1

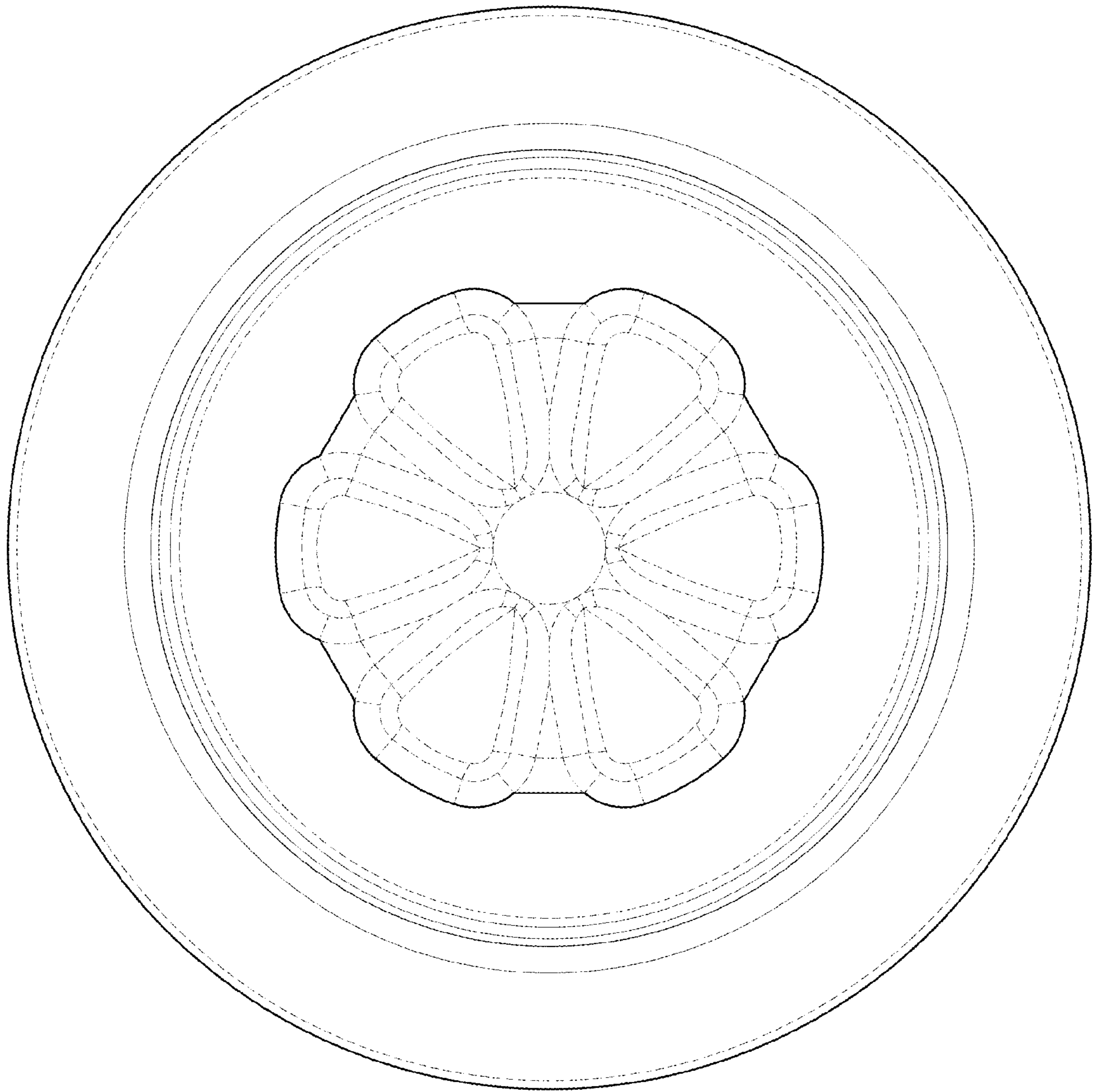


FIG. 2