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(12) **United States Design Patent** (10) **Patent No.:** **US D1,041,310 S**
Kick (45) **Date of Patent:** **** Sep. 10, 2024**

(54) **BEVERAGE CONTAINER**

- (71) Applicant: **Merrilee Kick**, Plano, TX (US)
- (72) Inventor: **Merrilee Kick**, Plano, TX (US)
- (73) Assignee: **BUZZBALLZ, LLC**, Carrollton, TX (US)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/939,785**
- (22) Filed: **Apr. 29, 2024**

Related U.S. Application Data

- (63) Continuation of application No. 29/910,146, filed on Aug. 16, 2023, which is a continuation-in-part of (Continued)
- (51) **LOC (14) Cl.** **09-07**
- (52) **U.S. Cl.**
USPC **D9/503; D9/549**
- (58) **Field of Classification Search**
USPC D9/434-435, 439-440, 447, 449-450, D9/452-454, 500-503, 516, 523-525, D9/527-533, 541-545, 549-551, D9/558-560, 563, 571-575, 682, 686, D9/690, 715, 719; D3/201, 202, 316; D7/509-511, 533, 300, 302, 318, 320, (Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

- 925,861 A 6/1909 Booth
 - D49,555 S 8/1916 Vivaudou
- (Continued)

FOREIGN PATENT DOCUMENTS

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

OTHER PUBLICATIONS

Empty Jar. Online, published date Jul. 18, 2015. Retrieved on Jul. 19, 2024 from URL: https://www.alamy.com/stock-photo-empty-jar-115498470.html?imageid=D3964859-1551-41C9-82B4-66AD219E1D31&p=280092&pn=1&searchId=85047b14627d462ab24dec5953981efd&searchtype=0.*

(Continued)

Primary Examiner — Omeed Agilee
Assistant Examiner — David Truong
(74) *Attorney, Agent, or Firm* — HAYNES AND BOONE, LLP

(57) **CLAIM**

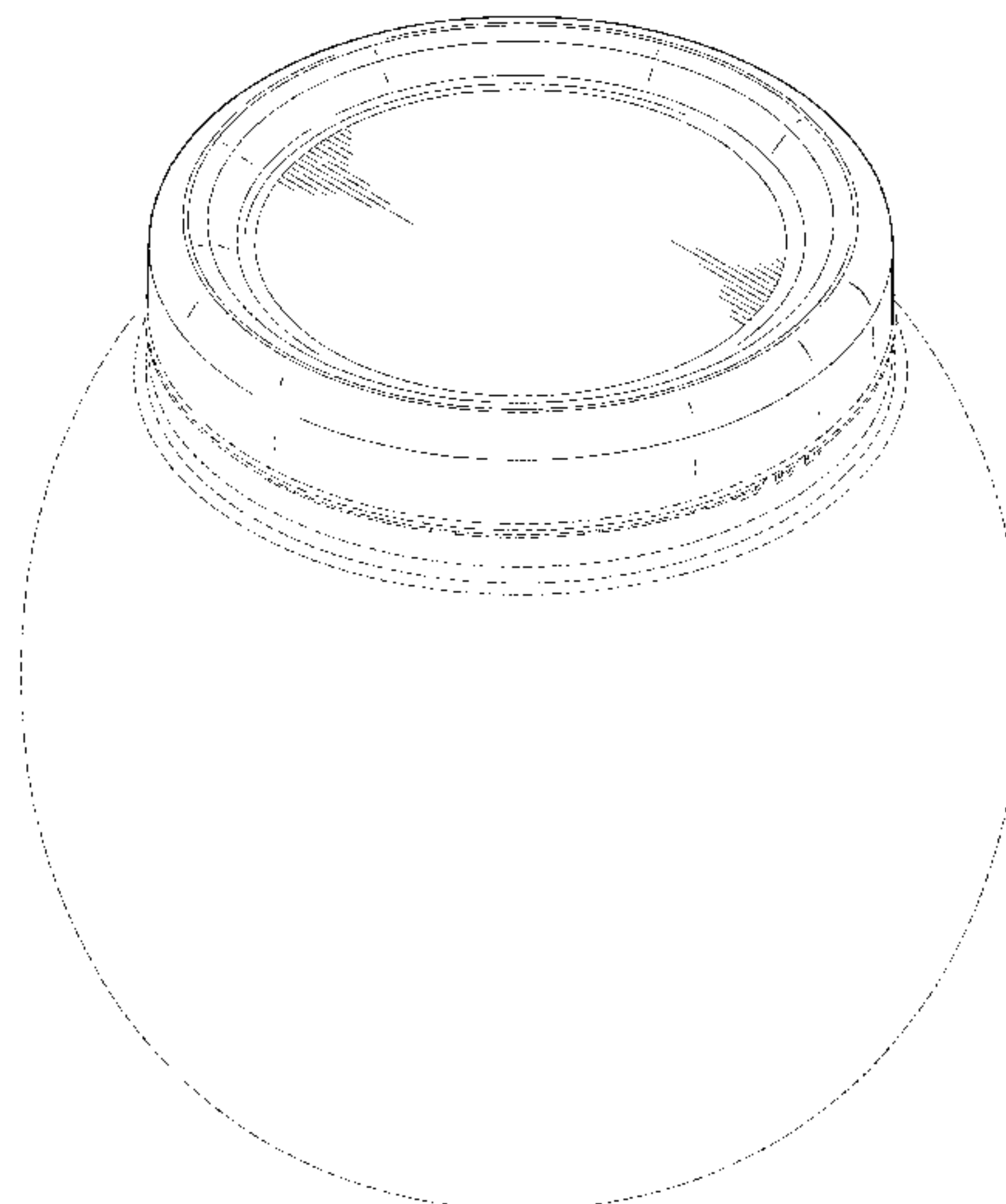
The ornamental design for a beverage container, as shown and described.

DESCRIPTION

The Application is related to U.S. application Ser. No. 18/450,668, filed Aug. 16, 2023, which is a continuation-in-part of U.S. application Ser. No. 17/465,262, filed Sep. 2, 2021, now issued as U.S. Pat. No. 11,738,903, the entire disclosures of which are hereby incorporated herein by reference.

FIG. 1 is a top-front-left perspective view of a beverage bottle showing my new design;
FIG. 2 is a front view thereof;
FIG. 3 is a rear view thereof;
FIG. 4 is a right side view thereof;
FIG. 5 is a left side view thereof;
FIG. 6 is a top view thereof;
FIG. 7 is a bottom view thereof; and,
FIG. 8 bottom-rear-right perspective view thereof.
The broken lines in FIGS. 1-8 show portions of the beverage container that form no part of the claimed design.

1 Claim, 8 Drawing Sheets



Related U.S. Application Data

application No. 29/806,332, filed on Sep. 2, 2021, now Pat. No. Des. 1,013,512, which is a continuation-in-part of application No. 29/784,376, filed on May 19, 2021, now Pat. No. Des. 1,023,762, which is a continuation of application No. 29/771,082, filed on Feb. 19, 2021, now Pat. No. Des. 1,010,448, which is a continuation of application No. 29/740,976, filed on Jul. 8, 2020, now Pat. No. Des. 911,179, said application No. 29/784,376 is a continuation of application No. 16/598,443, filed on Oct. 10, 2019, now Pat. No. 11,484,152, said application No. 29/740,976 is a continuation of application No. 29/708,953, filed on Oct. 10, 2019, now Pat. No. Des. 911,843, said application No. 29/771,082 is a continuation of application No. 16/598,443, filed on Oct. 10, 2019, now Pat. No. 11,484,152.

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

CPC *A47J 43/04* (2013.01); *A47J 42/04* (2013.01); *A47J 42/14* (2013.01); *A47J 42/24* (2013.01); *A47J 42/34* (2013.01); *A47J 42/40* (2013.01); *A47J 42/50* (2013.01); *B24B 23/024* (2013.01)

(58) **Field of Classification Search**

USPC D7/368, 590–592, 669, 679, 572, D7/412–414; D24/107, 121–123, 216, D24/217, 224
 CPC .. A61J 1/00; A61J 1/1412; B65D 1/00; B65D 1/02; B65D 1/10; B65D 1/46; B65D 5/46; B65D 41/00; B65D 41/38; B65D 41/56; B65D 41/62; B65D 47/00; B65D 47/06; B65D 47/08; B65D 2251/00
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D106,034 S	9/1937	Harrison
D168,471 S	12/1952	Nielsen
2,745,642 A	5/1956	Hermann
3,179,036 A	4/1965	Jackson
3,281,024 A	10/1966	Henchert et al.
3,314,569 A	4/1967	Seiferth
D208,885 S	10/1967	Roehrich et al.
D223,898 S	6/1972	Edwards et al.
D224,516 S	8/1972	Amberg
D230,953 S *	3/1974	Edwards D9/500
D235,193 S	5/1975	Edwards
D237,854 S *	12/1975	Achenbach D7/615
D252,445 S	7/1979	Rhodes
D254,716 S	4/1980	Mascia
D259,292 S	5/1981	Conrad
D284,536 S	7/1986	Kelly
D287,767 S	1/1987	Simmons
D292,462 S	10/1987	Petrasek
D298,592 S	11/1988	Stoop
D303,761 S	10/1989	Desgrippes
4,936,482 A	6/1990	Gallagher et al.
D312,778 S	12/1990	Tacconelli
D321,319 S	11/1991	Giuseppe
D325,697 S	4/1992	Parr
D336,855 S	6/1993	Tacconelli
D340,077 S	10/1993	Turner
D344,214 S	2/1994	Jorgensen
D352,898 S	11/1994	Vacher
5,407,086 A	4/1995	Ota et al.
D375,226 S	11/1996	Blankenburg et al.
5,638,982 A	6/1997	Spector
D381,561 S	7/1997	Manca

D383,646 S	9/1997	Jeppesen
D400,400 S	11/1998	Hurst
D404,195 S	1/1999	Beals
D405,639 S	2/1999	Clark et al.
D416,173 S	11/1999	Hersch
D423,360 S	4/2000	Hirato et al.
D427,514 S	7/2000	Roth et al.
D435,794 S	1/2001	Schmidt
D437,226 S	2/2001	Sadeghi
D448,666 S	10/2001	Fields
D449,990 S	11/2001	Odet
D460,693 S	7/2002	Flowers
D474,378 S	5/2003	Brandenburg
6,574,883 B2	6/2003	Giblin et al.
D479,995 S	9/2003	Duceppe
D483,672 S	12/2003	Kuder et al.
D483,673 S	12/2003	Kudert et al.
D491,288 S	6/2004	Young
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
D562,134 S	2/2008	Studee
D562,685 S	2/2008	Millspaw et al.
D565,413 S	4/2008	Honkawa et al.
D596,489 S	7/2009	Weiss
D601,022 S	9/2009	Zamberlan
D603,260 S	11/2009	Domoy et al.
D606,404 S	12/2009	Diss
D606,405 S	12/2009	Takata et al.
D607,334 S	1/2010	Domoy et al.
D612,732 S	3/2010	Takata et al.
D614,971 S	5/2010	Millspaw et al.
D616,749 S	6/2010	Tivelli et al.
7,731,053 B2	6/2010	Ivey
D624,419 S	9/2010	Tivelli et al.
D634,635 S	3/2011	Araujo et al.
D648,217 S	11/2011	Fahey
D650,280 S	12/2011	de Peyerimhoff et al.
D658,061 S	4/2012	Furlan
D661,588 S	6/2012	Irani et al.
D663,619 S	7/2012	Pillet
D666,461 S *	9/2012	Siegel D9/503
D675,528 S	2/2013	Beaver
D694,112 S *	11/2013	Brown D9/503
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
D705,077 S	5/2014	Martin
D710,153 S	8/2014	Marini
D711,247 S	8/2014	Sanders
D716,660 S	11/2014	Quinones et al.
D719,829 S *	12/2014	Ferber D9/503
D721,585 S	1/2015	Gonzalez Rodriguez
D729,593 S	5/2015	Myoung
D731,315 S	6/2015	Pires
D732,978 S	6/2015	Kick
D739,267 S	9/2015	Kick
D746,389 S	12/2015	Rohanna
D749,368 S	2/2016	Risso et al.
D755,022 S	5/2016	Dukat
D759,438 S	6/2016	Dukat
D772,709 S	11/2016	Kick
D772,722 S	11/2016	Kick
9,521,929 B1	12/2016	Raphael
D795,505 S	8/2017	Yang
D809,391 S	2/2018	Funk
D809,880 S	2/2018	Perkail
D812,479 S	3/2018	Li
D813,618 S	3/2018	Witko et al.
D814,239 S *	4/2018	Arora D7/300.2
D820,106 S	6/2018	Jasani
D827,388 S *	9/2018	Kander D9/503
D835,509 S	12/2018	Cowan
D847,642 S	5/2019	Dunn et al.
D847,656 S	5/2019	Catoio
D860,577 S *	9/2019	Reynolds D9/503
D864,725 S	10/2019	Staab et al.

(56)

References Cited

OTHER PUBLICATIONS

U.S. PATENT DOCUMENTS

D869,290	S	12/2019	Son	
D876,175	S *	2/2020	Barrett	D7/629
10,604,296	B2	3/2020	Kick	
D891,867	S	8/2020	Faria et al.	
D894,420	S *	8/2020	Nemeth	D24/224
D906,116	S *	12/2020	Liu	D9/503
D911,179	S	2/2021	Kick	
D911,843	S	3/2021	Kick	
D934,036	S *	10/2021	Jenkins	D9/504
D945,883	S	3/2022	Griffin et al.	
D973,494	S *	12/2022	Levinson	D9/549
D979,174	S *	2/2023	Chen	D99/5
D995,214	S *	8/2023	Wyse	D7/629
D1,010,448	S	1/2024	Kick	
D1,023,762	S	4/2024	Kick	
D1,035,446	S *	7/2024	Syrquin	D7/629
2011/0253720	A1	10/2011	Kick	
2014/0061328	A1	3/2014	Haymond	
2015/0344177	A1	12/2015	Kick	
2018/0126386	A1	5/2018	Witko et al.	
2018/0271327	A1	9/2018	Haskins	
2020/0262601	A1	8/2020	Kick	

FOREIGN PATENT DOCUMENTS

EM	001155980-0023	8/2009
EM	001632233-0002	11/2009
JP	05032248	2/1993
JP	D1608809 S	7/2021
KR	20-2010-0010225 U	10/2010
KR	20-0467746 Y1	7/2013
KR	3006720360000 S	1/2014
KR	3006721230000 S	1/2014
KR	10-1518718 B1	5/2015
KR	10-2017-0091122 A	8/2017
TW	D131664 S	11/2009
TW	D180616 S	1/2017
TW	D195752 S	2/2019

Candy Bottle. Online, published date Apr. 30, 2013. Retrieved on Aug. 23, 2023 from URL: <https://www.turbosquid.com/3d-models/candy-bottle-3ds/739844>, 2 pages.

Ikea Rajtan Spice Jar. Online, published date Aug. 9, 2013. Retrieved on Aug. 23, 2023 from URL: <https://www.amazon.com/IKEA-RAJTAN-Aluminum-400-647-02-4-Count/dp/B00A6F1OE0?th=1,5> pages.

International Search Report and Written Opinion issued by the Korean Intellectual Property Office for related International Application No. PCT/US2020/054815 mailed Jan. 20, 2021, 10 pages.

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

English translation of Office Action for Taiwanese related application No. 110304264, dated Feb. 22, 2022, 2 pages.

Onyxprj; Jam Jar; <https://graphicriver.net/item/jam-jar/> U.S. Appl. No. 29/745,889; published Jan. 1, 2021, 5 pages.

Examination Report for related Indian Design Application No. 359505-001, dated Apr. 21, 2022, 2 pages.

Examination Report for related Canadian Application No. 210796, dated Feb. 10, 2023, 2 pages.

English Translation of Search Report for related Taiwanese Design Patent Application No. 111305965, completed Dec. 9, 2022, 1 page.

Zejia Small Travel Container. Online, published date Jun. 19, 2018. Retrieved on Jul. 28, 2023 from URL: <https://www.amazon.com/ZEJIA-Containers-Cosmetic-Disposable-Spatula/dp/B07DW11V2H/>, 8 pages.

For Round Glass Food Storage Container. Online, published date Feb. 11, 2019. Retrieved on Aug. 2, 2023 from URL: <https://www.amazon.de/-/en/Litre-Round-Storage-Containers-Copper/dp/B07NJ5&IX1?th=1,2> pages.

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

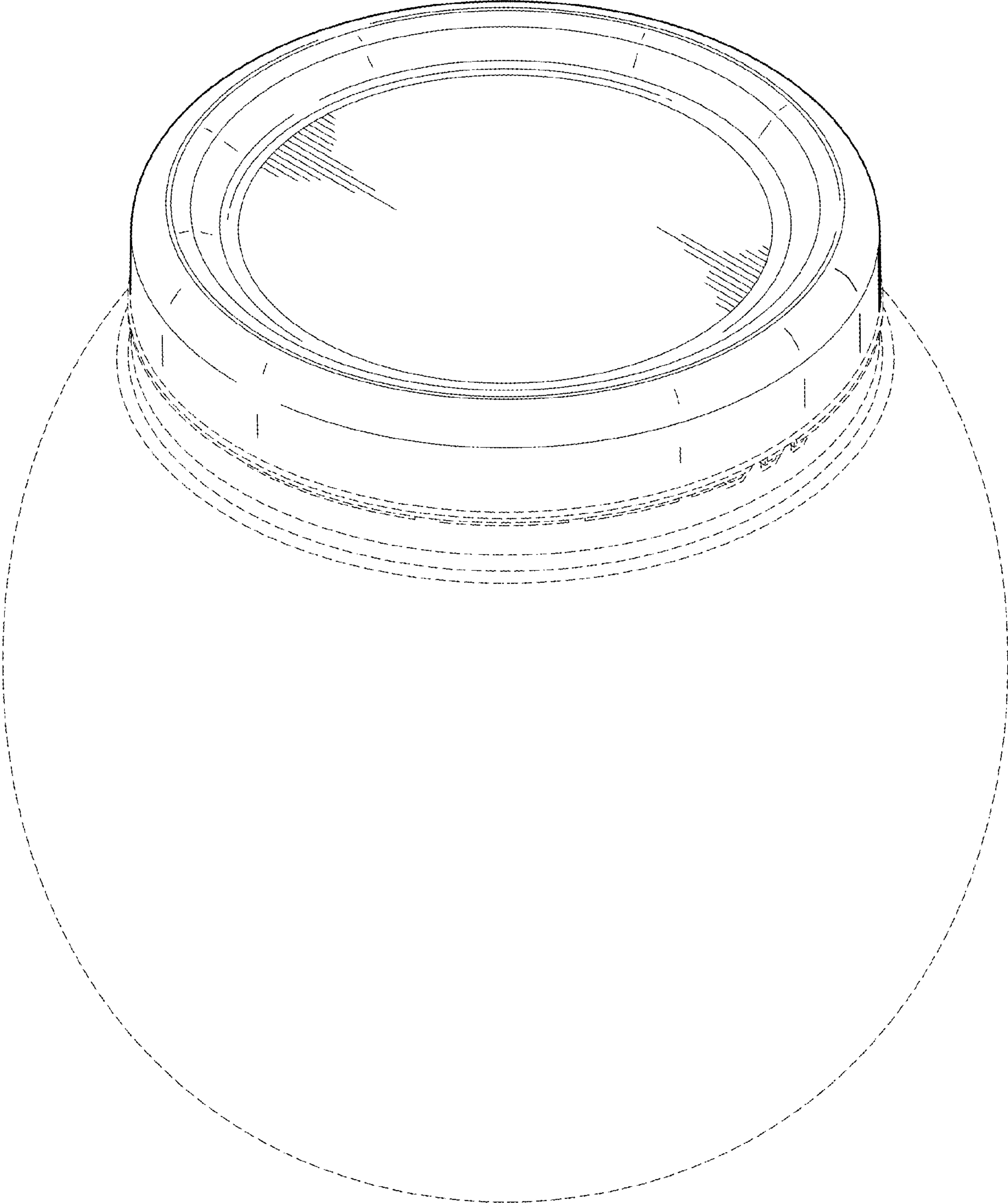


FIG. 1

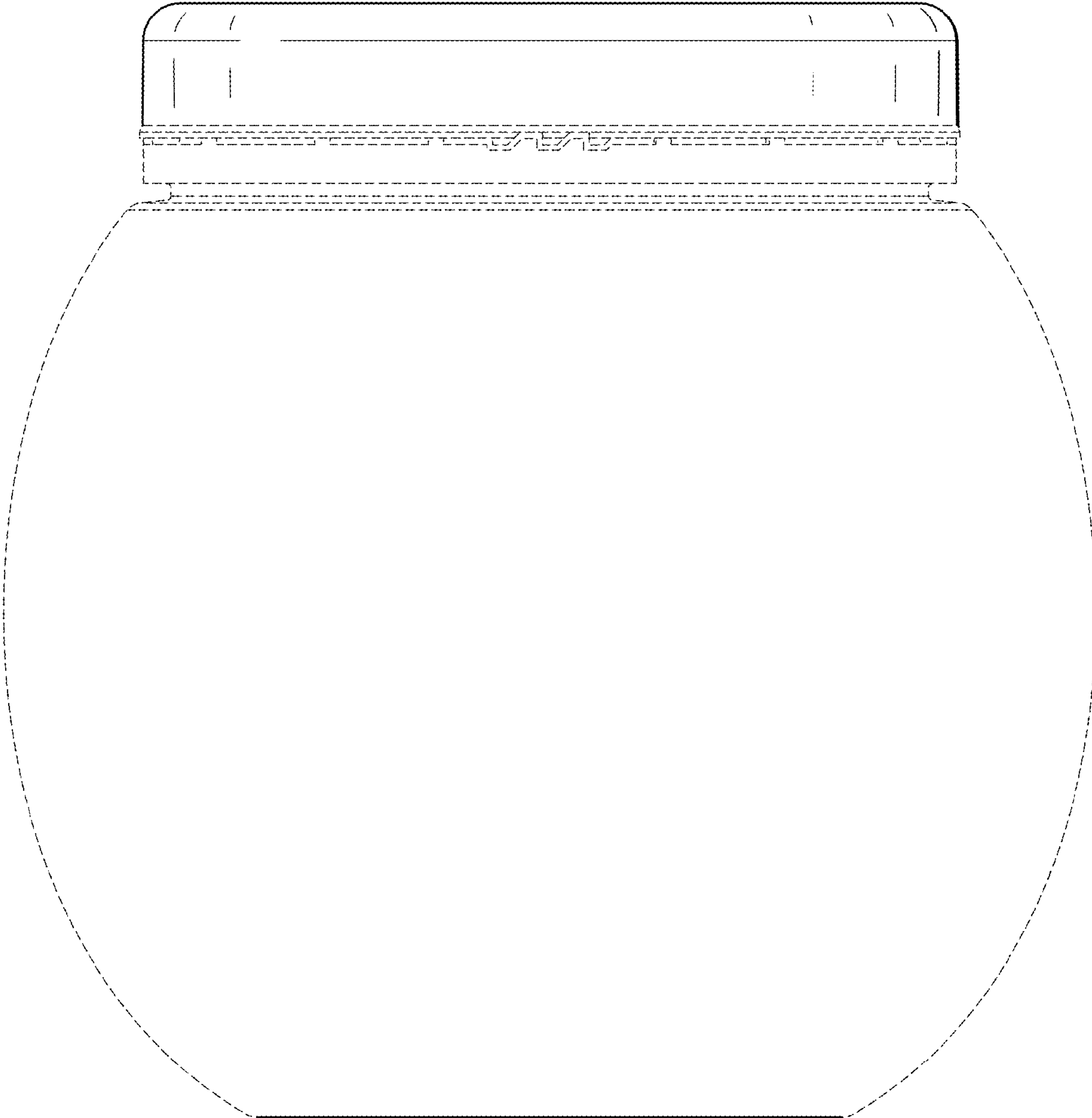


FIG. 2

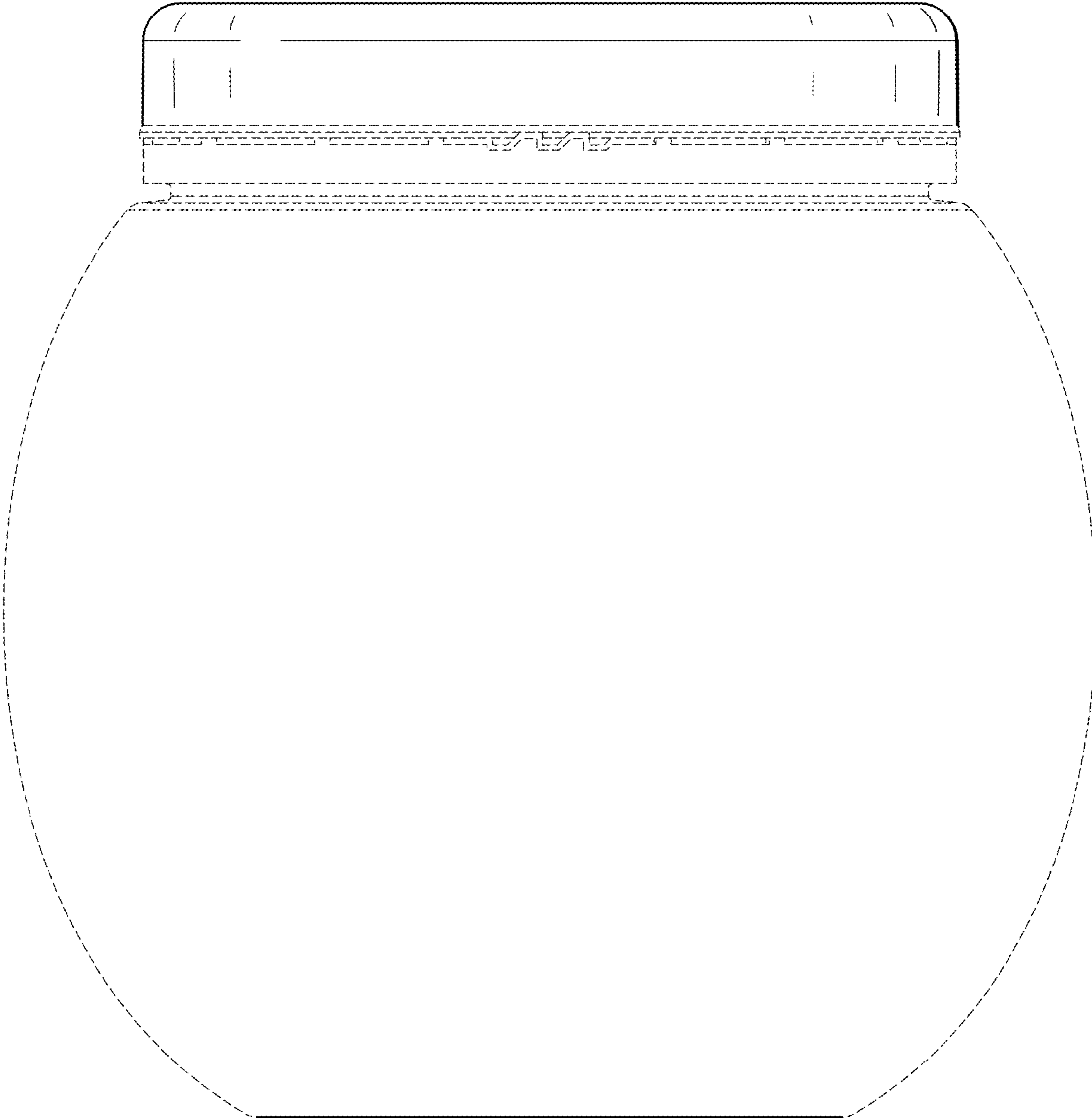


FIG. 3

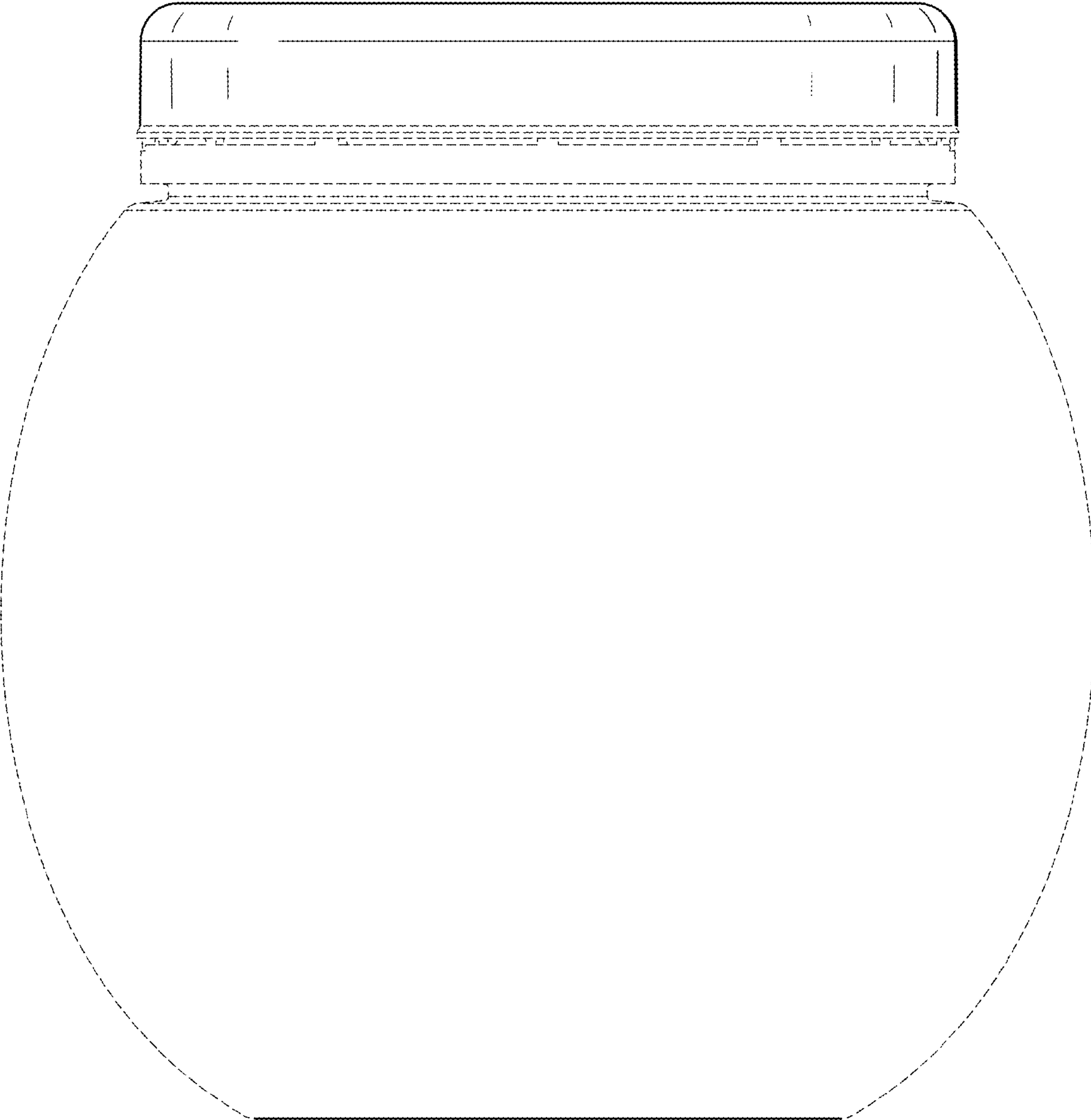


FIG. 4

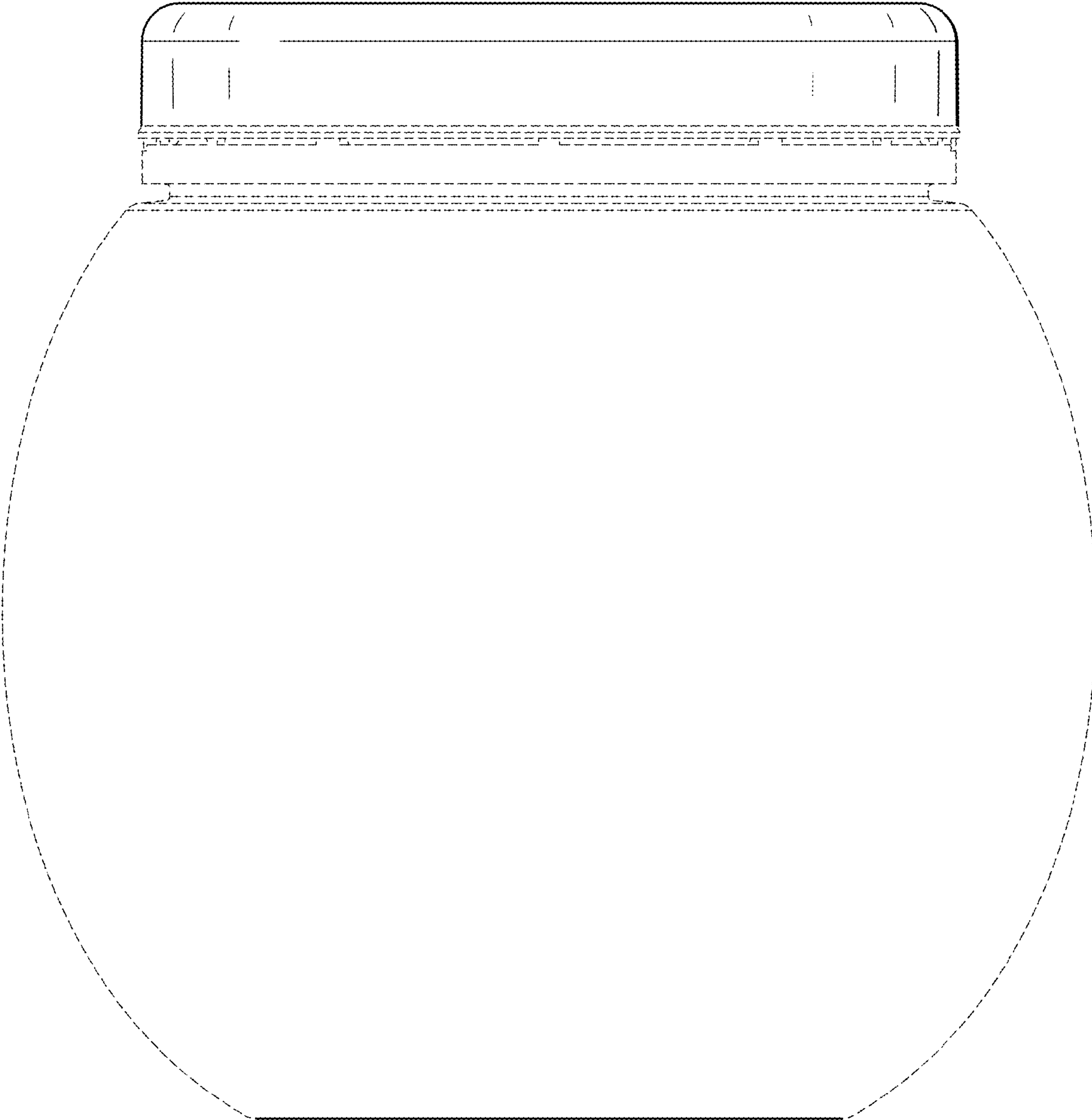


FIG. 5

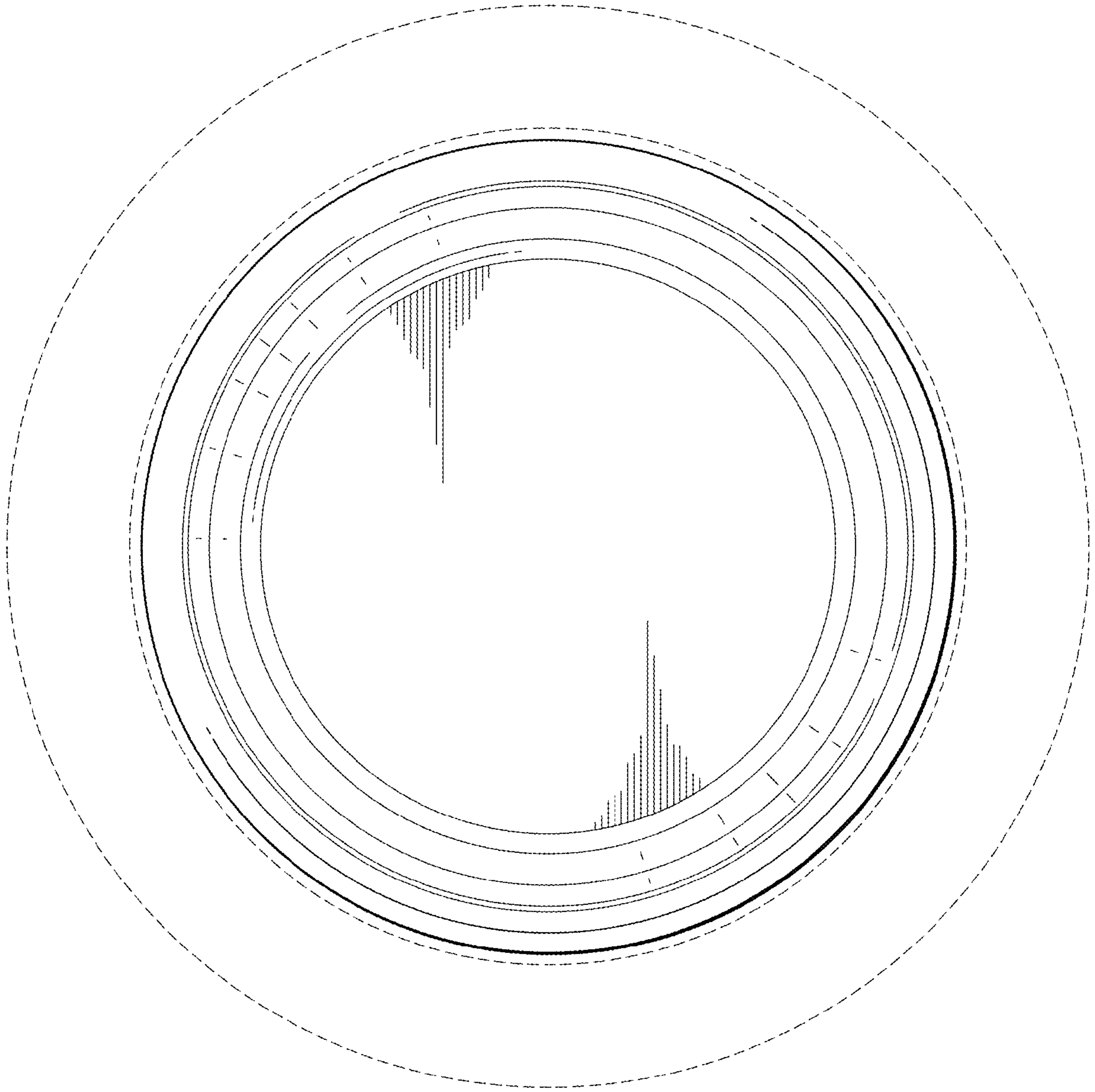


FIG. 6

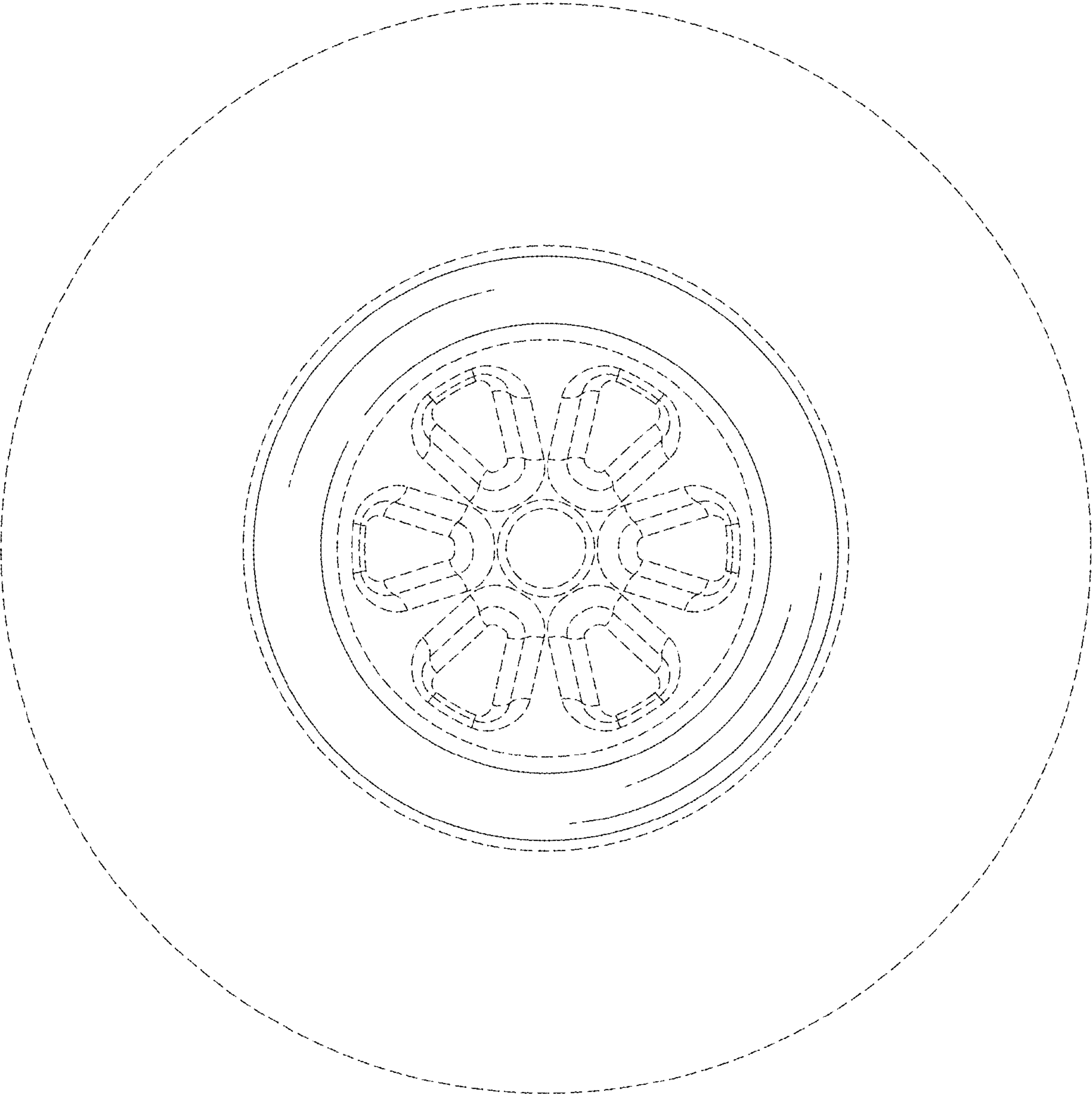


FIG. 7

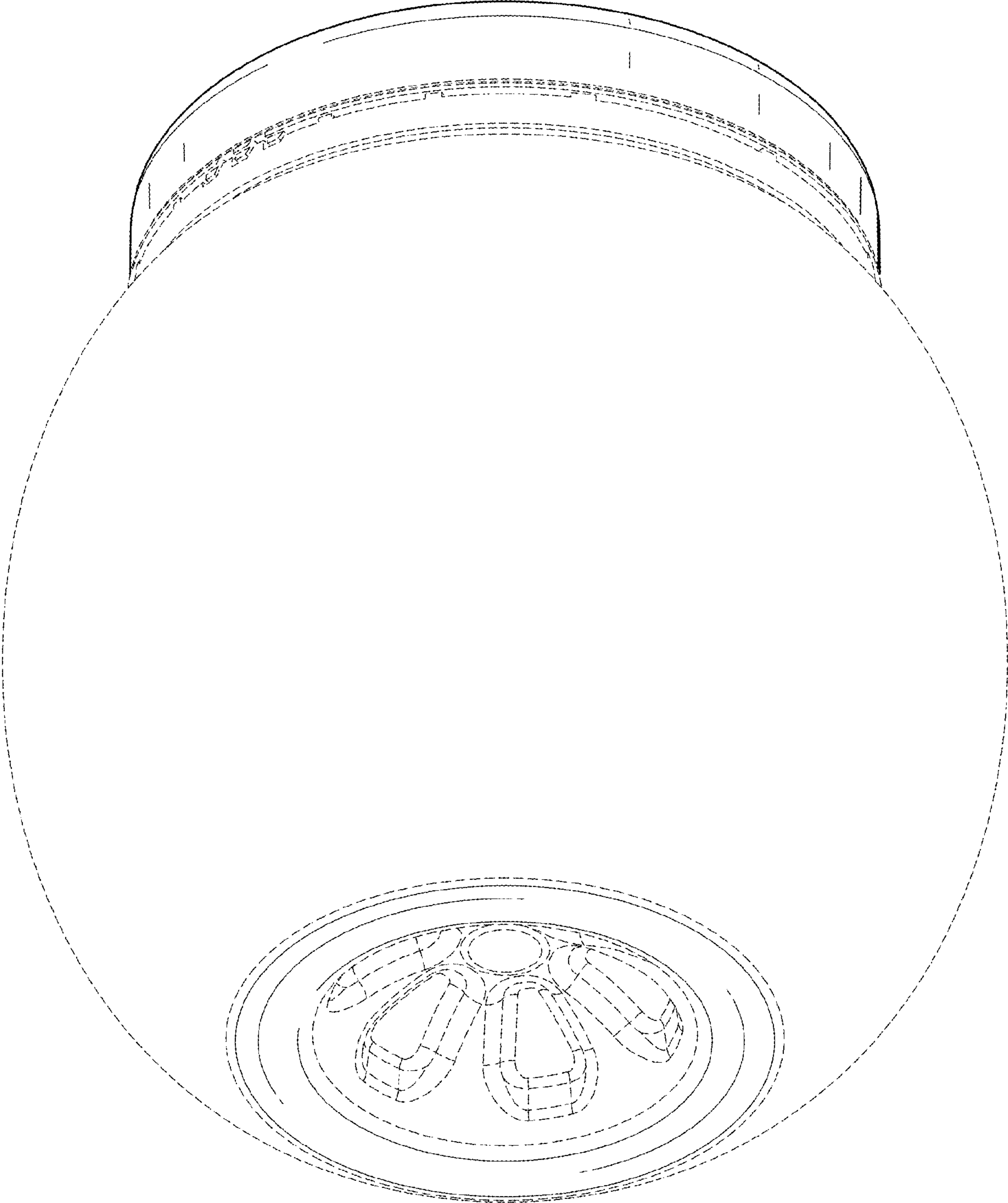


FIG. 8