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# United States Patent [19]

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Apps et al.

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[54] UPPER SURFACE OF A COMPARTMENT DIVIDER STRUCTURE OF A BOTTLE CASE

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[75] Inventors: William P. Apps, Alpharetta; Gerald R. Koefeldt, Atlanta, both of Ga.

(List continued on next page.)

[73] Assignee: Rehrig Pacific Co., Inc., Los Angeles, Calif.

### OTHER PUBLICATIONS

[\*\*] Term: 14 Years

Exhibits A & B: Two photos of an embodiment of U.S. Pat. No. 4,773,554 to Warwick.

[21] Appl. No.: 67,185

Exhibits D-F: Three photos of a bottle neck resting type crate with projections above the outer side walls.

[22] Filed: Feb. 28, 1997

Exhibits G-J: Four photos of a bottle neck resting type crate without projections above the outer side walls.

### Related U.S. Application Data

(List continued on next page.)

[60] Division of Ser. No. 39,952, Jun. 7, 1995, Pat. No. Des. 378,249, which is a continuation-in-part of Ser. No. 37,469, Apr. 13, 1995, Pat. No. Des. 380,901, which is a continuation-in-part of Ser. No. 18,317, Feb. 3, 1994, Pat. No. Des. 361,431, and Ser. No. 34,317, Feb. 1, 1995, Pat. No. Des. 379,717, which is a continuation-in-part of Ser. No. 919,376, Jul. 29, 1992, Pat. No. 5,529,176.

Primary Examiner—M. N. Pandozzi  
Attorney, Agent, or Firm—Banner & Witcoff, Ltd.

[51] LOC (6) Cl. .... 03-01

### [57] CLAIM

[52] U.S. Cl. .... D3/318

The ornamental design for a upper surface of a compartment a divider structure of bottle case, as shown and described.

[58] Field of Search ..... D3/304, 307, 310, D3/311, 312, 313, 314, 315, 317, 318, 319; D7/550, 553, 372; D9/414, 424, 430; D11/155; 206/201; 220/509, 673, 672

### DESCRIPTION

### [56] References Cited

FIG. 1 is a top perspective view of a upper surface of a compartment divider structure of a bottle case showing our new design;

FIG. 2 is a view like FIG. 1 but omitting the depiction of environmental structure;

FIG. 3 is a side elevational view thereof;

FIG. 4 is a cross-sectional view taken on line 4—4 in FIG. 5; and,

FIG. 5 is a top plan thereof.

The broken line showing of environmental structure is for illustrative purposes only and forms no part of the claimed design. The broken line showing which defines the bounds of the claimed design, forms no part thereof.

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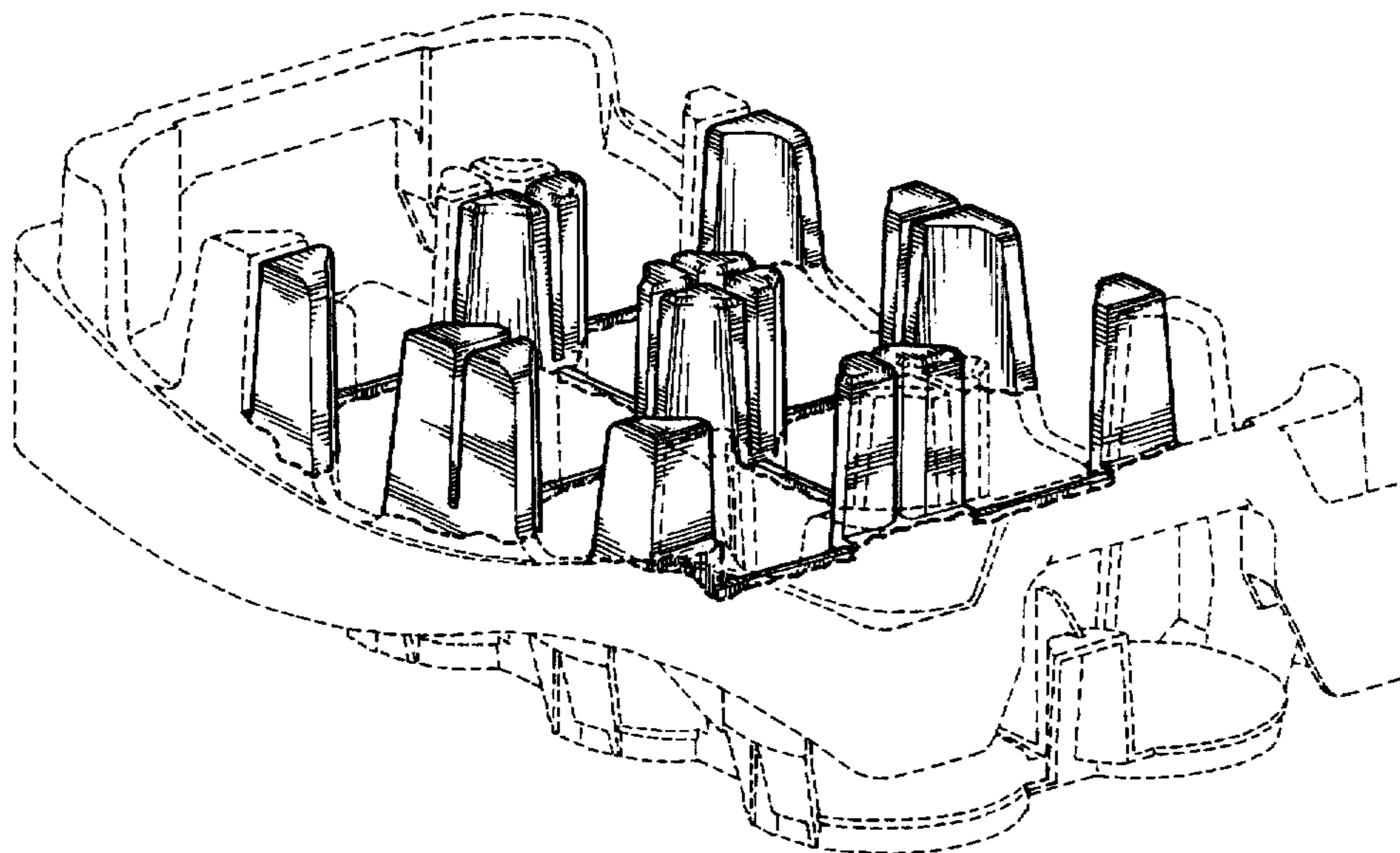
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1 Claim, 6 Drawing Sheets



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**OTHER PUBLICATIONS**

**Exhibit K:** One photo of a bottle neck resting type crate with different height outer side walls.

**Exhibit L:** Four photos of an embodiment of Great Britain Patent Publication No. 2,158,044 & U.S. Design Patent No. D. 289,938.

**Exhibit M:** Copy of a brochure illustrating an embodiment of GB No. 2,158,044/U.S. D. 289,938.

**Exhibit N:** Copy of a brochure illustrating an embodiment of U.S. Pat. No. 4,773,554 & an embodiment of GB No. 2,158,044/U.S. D. 289,938.

**Exhibit O:** Four photos of an embodiment of U.S. Pat. No. 4,344,530 to deLarosiere.

**Exhibit P:** Two photos of an embodiment of U.S. Pat. No. 4,700,837 to Hammett.

**Exhibit Q:** Four photos of an embodiment of U.S. Pat. No. 4,344,530 for 3-liter PET bottles.

**Exhibit R:** Four photos of a modified embodiment of U.S. Pat. No. 4,700,837 for 3-liter PET bottle.

**Exhibit S:** Three photos of an embodiment of U.S. Pat. No. 3,392,869 to Needt.

**Exhibit T:** Four photos of a prior art crate of Rehrig-Pacific Company, Model No. PLBC-8-2L-HD.

**Exhibit U:** Four photos of a prior art crate of Rehrig-Pacific Company Model No. PLBC-6-2L-HD.

**Exhibit V:** Four photos of a prior art crate of Rehrig-Pacific Company, Model No. PLBC-8-2L-PET-QD.

**Exhibits W & X:** Brochures including a PBC-6-2L (LO) crate for 2-liter bottles.

**Exhibit Y:** Brochure and photo, "Interlocking bottom grid. Cross stackable".

**Exhibit Z:** One-page brochure disclosing a prior art 2-liter PET case having a plurality of notches on the top wall.

**Exhibit AA:** One-page brochure illustrating a prior art 2-liter PET case.

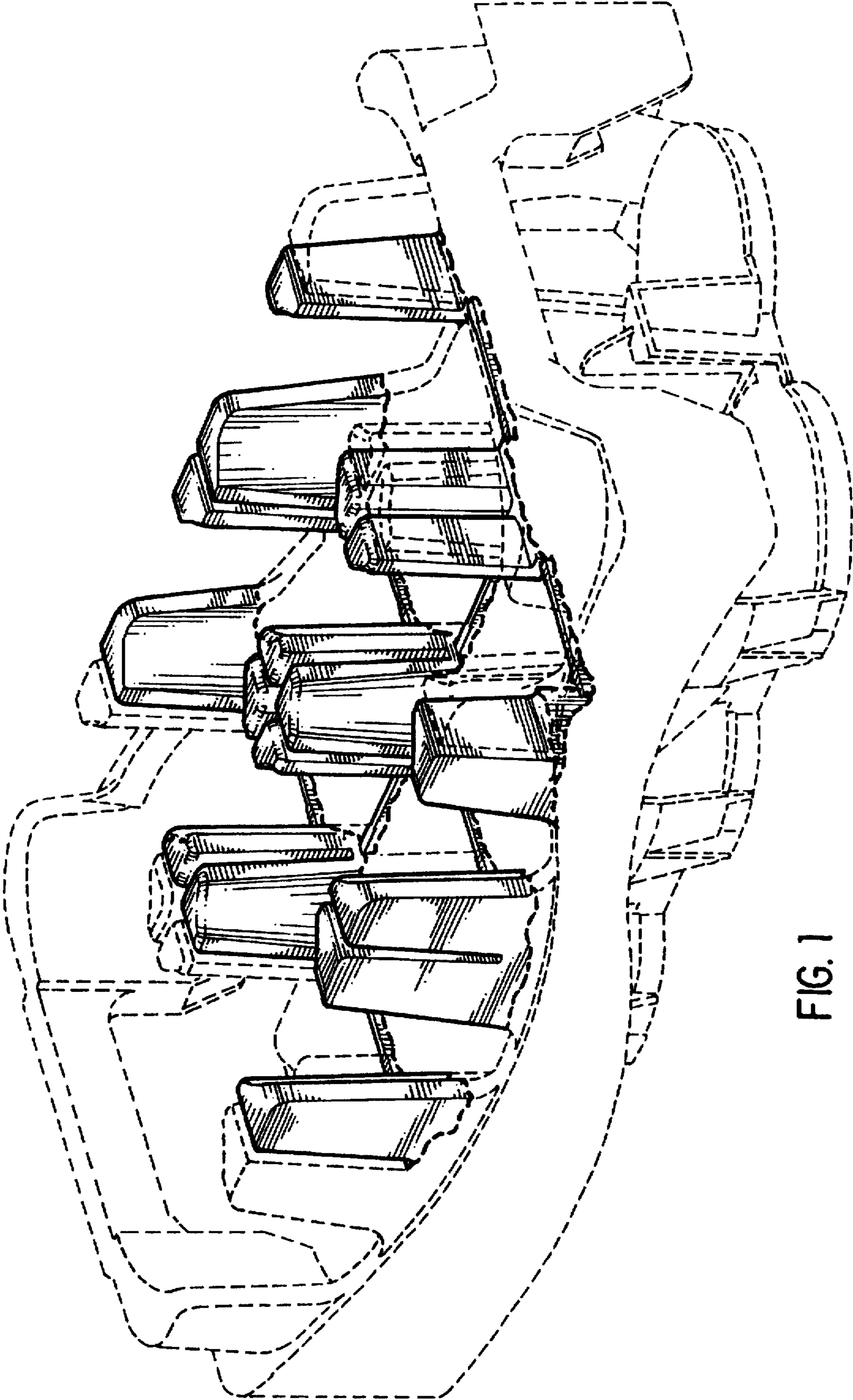


FIG. 1

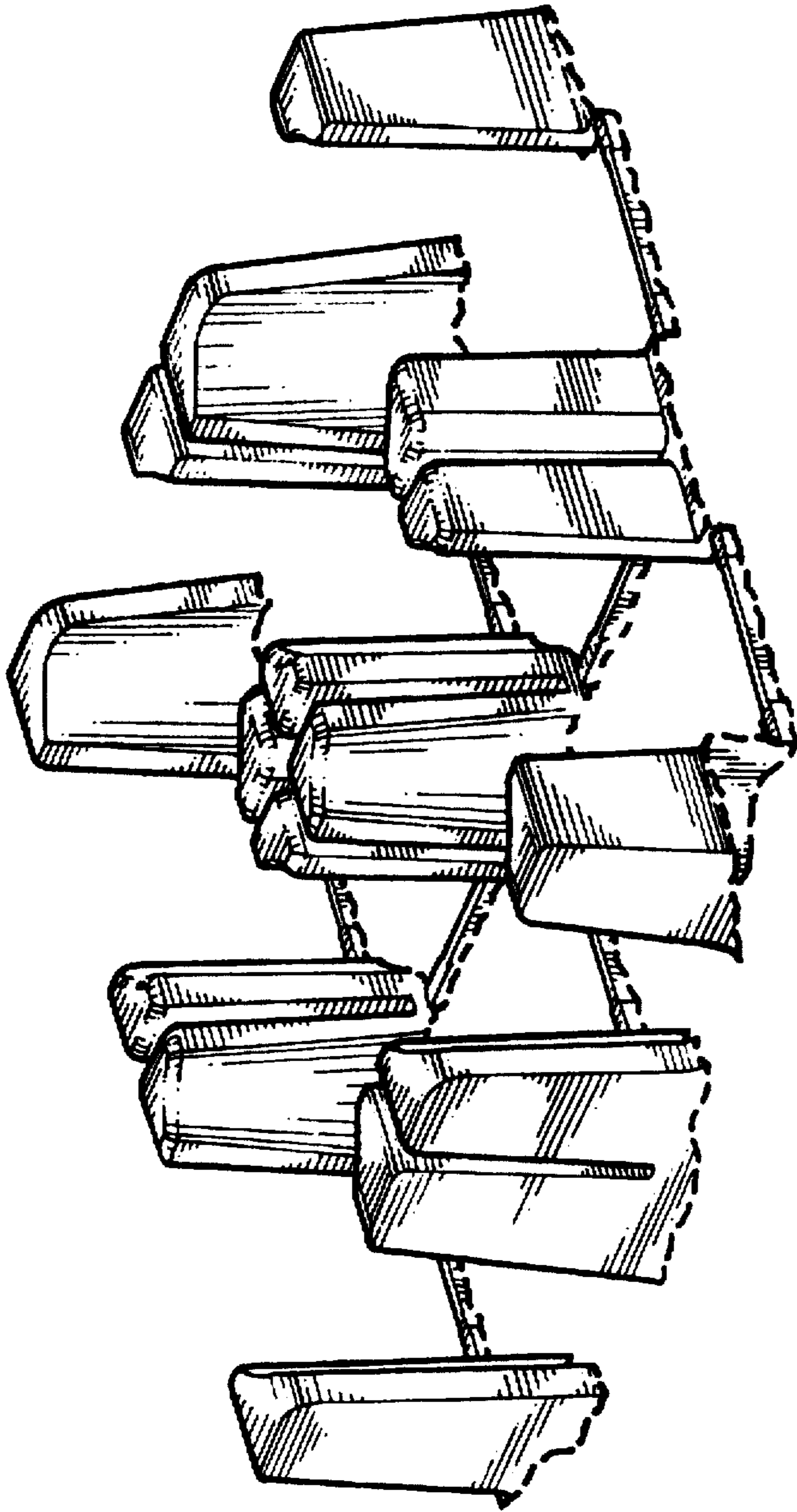


FIG. 2

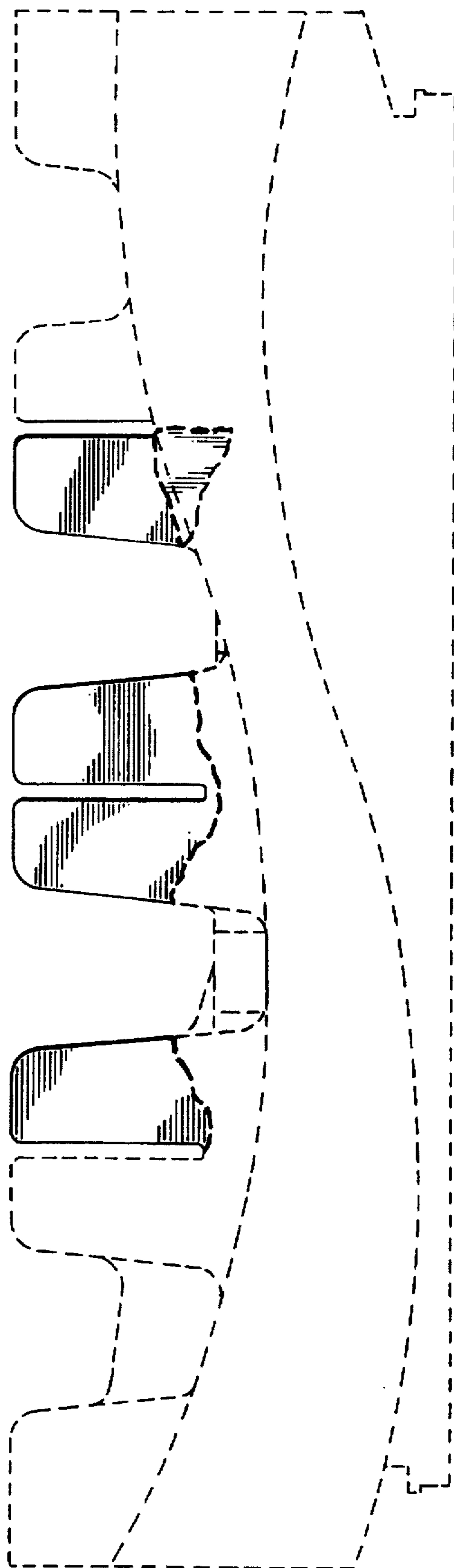


FIG. 3

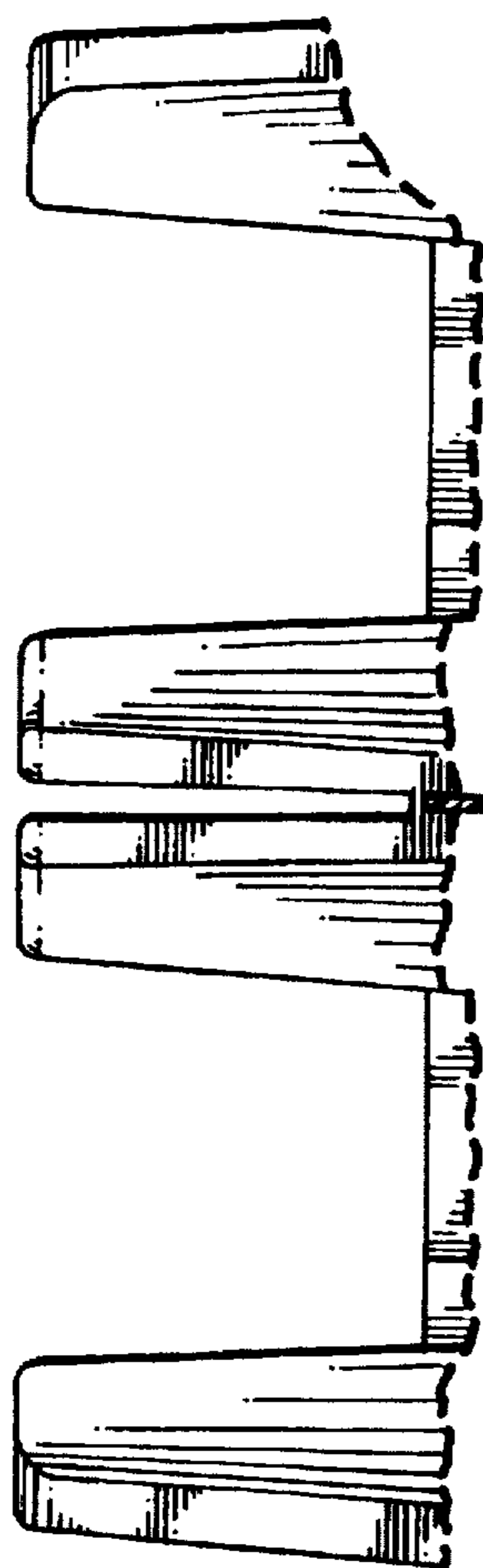


FIG. 4

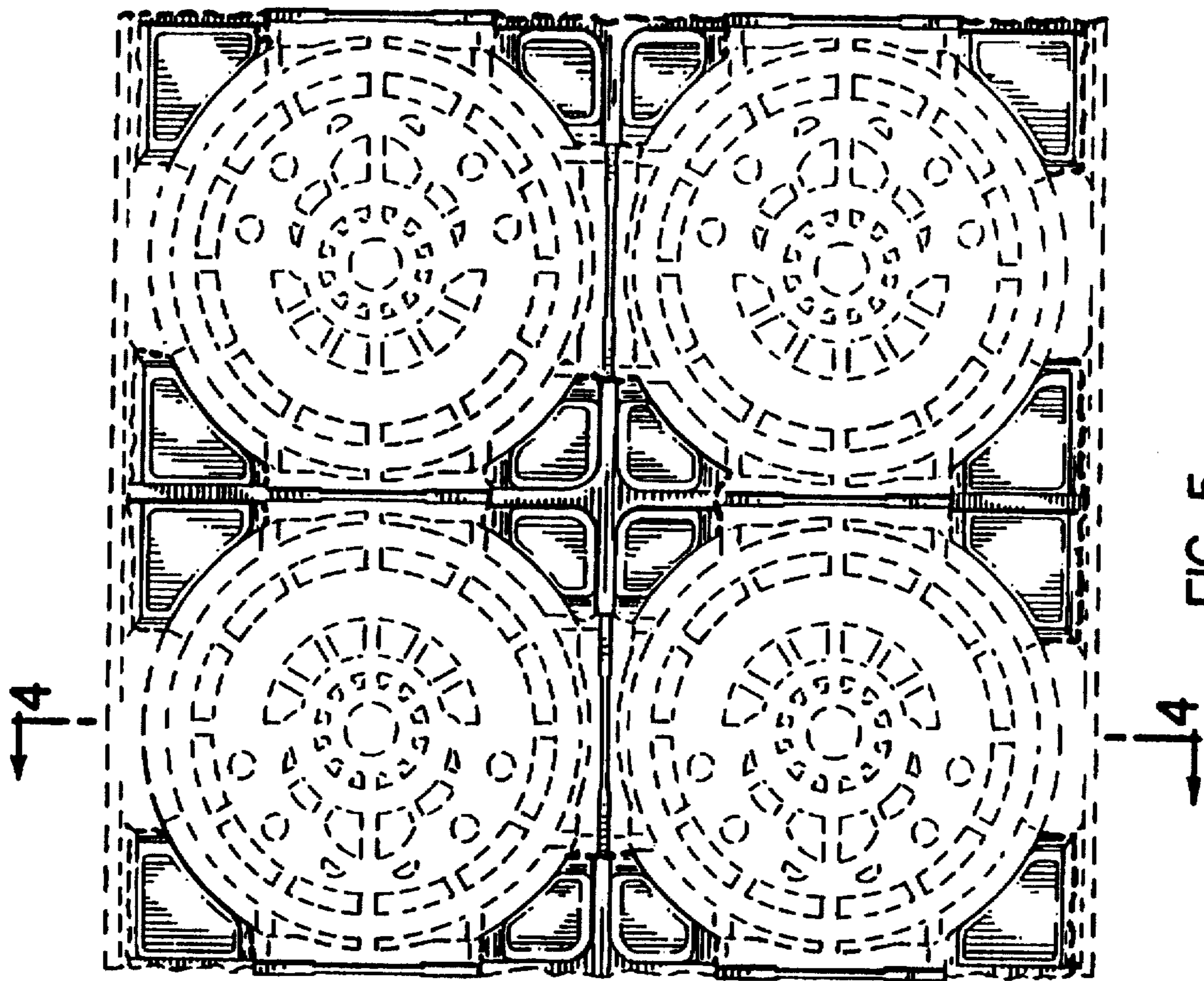


FIG. 5



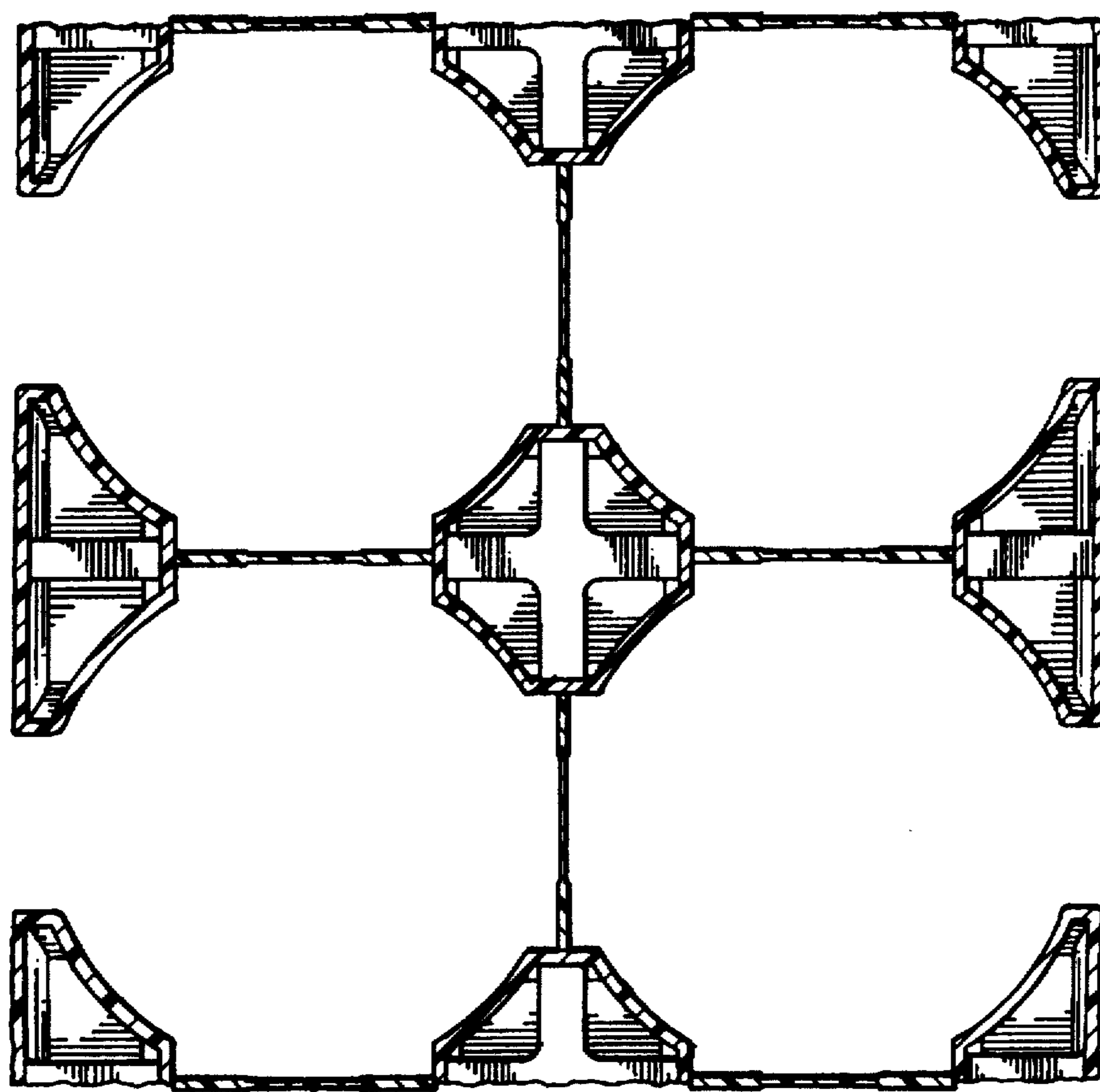


FIG. 6