

US00D609969S

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

(10) **Patent No.:** **US D609,969 S**

(45) **Date of Patent:** **** *Feb. 16, 2010**

(54) **DRINKING CONTAINER AND CAP**

(75) Inventor: **Larry T. McKinney**, Huntersville, NC
(US)

(73) Assignee: **Rubbermaid Incorporated**,
Huntersville, NC (US)

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

(**) Term: **14 Years**

(21) Appl. No.: **29/306,725**

(22) Filed: **Apr. 15, 2008**

(51) **LOC (9) Cl.** **07-01**

(52) **U.S. Cl.** **D7/510; D7/511; D7/531**

(58) **Field of Classification Search** D7/510,
D7/511, 509, 523, 536, 533, 531; D23/207;
D9/539, 537, 525, 538, 530; 210/709; 222/153.08;
220/709, 705, 703, 737; 215/388, 387
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

218,719 A	8/1879	Doyle
591,668 A	10/1897	Johnson
1,301,676 A	4/1919	Fitzgerald
1,564,019 A	12/1925	Pierce
1,633,420 A	6/1927	Schlayer
2,155,329 A	4/1939	Perdue
2,911,128 A	11/1959	Krautkramer
3,147,824 A	9/1964	Henderson
3,181,725 A	5/1965	Friedl
4,127,211 A	11/1978	Zerbey
4,448,316 A	5/1984	Hiroshige
4,478,346 A	10/1984	Spong
4,526,289 A	7/1985	Schiemann
4,669,641 A	6/1987	Holmes
4,728,037 A	3/1988	Mainhardt
4,811,865 A	3/1989	Mueller, Jr. et al.
5,044,512 A	9/1991	Giancaspro et al.

5,090,583 A	2/1992	Hoffman et al.
D337,939 S *	8/1993	Smith, Jr. D9/726
5,533,767 A	7/1996	Georgopoulos et al.
5,573,525 A	11/1996	Watson et al.
D391,448 S *	3/1998	Winer et al. D7/510
D413,067 S *	8/1999	Haley D9/539
6,079,589 A	6/2000	Matsuyama et al.
D442,434 S *	5/2001	Klima et al. D7/510

(Continued)

Primary Examiner—Marianne Pandozzi

(74) *Attorney, Agent, or Firm*—Lempia Braidwood LLC

(57) **CLAIM**

The ornamental design for a “drinking container and cap,” as shown and described.

DESCRIPTION

FIG. 1 is a top, front, and right side perspective view of a drinking container and cap showing my new design with a cap closure in a closed configuration.

FIG. 2 is a top plan view thereof.

FIG. 3 is a bottom plan view thereof.

FIG. 4 is a front view thereof.

FIG. 5 is a right side view thereof, the left side view being a mirror image thereof.

FIG. 6 is a rear view thereof.

FIG. 7 is a top, rear, and left side perspective view thereof, but with the cap closure in an opened configuration.

FIG. 8 is a top plan view thereof.

FIG. 9 is a bottom plan view thereof.

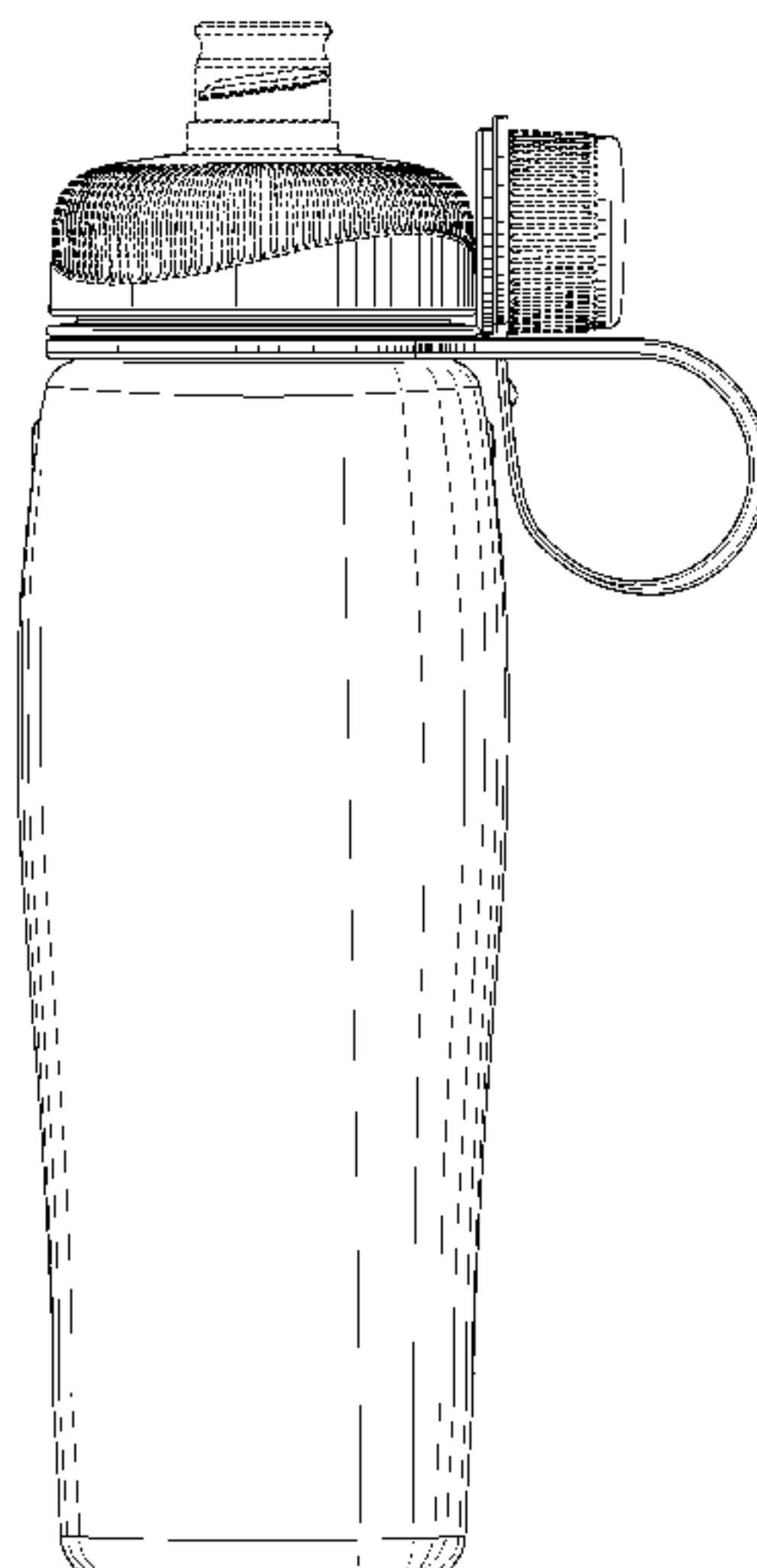
FIG. 10 is a front view thereof.

FIG. 11 is a rear view thereof; and,

FIG. 12 is a left side view thereof, the right side view being a mirror image thereof.

The dashed lines are for illustrative purposes only and form no part of my claimed design.

1 Claim, 7 Drawing Sheets



US D609,969 S

Page 2

U.S. PATENT DOCUMENTS

6,227,399	B1	5/2001	Angus et al.	
D443,337	S *	6/2001	Mark et al.	D23/238
6,478,180	B1	11/2002	Dehn, Sr.	
D496,559	S *	9/2004	Bodum	D7/510
D501,362	S *	2/2005	Gauss	D7/510
7,040,499	B1	5/2006	Reif	
D528,862	S *	9/2006	Li	D7/510
D529,338	S *	10/2006	Poulson et al.	D7/510
D536,929	S *	2/2007	Kingsley	D7/510
D537,676	S *	3/2007	Kingsley	D7/510
D588,871	S *	3/2009	Miller et al.	D7/510
D591,160	S *	4/2009	Windmiller	D9/540
2004/0164079	A1	8/2004	Alois	
2005/0199631	A1	9/2005	Alois	
2005/0247714	A1	11/2005	Backes et al.	
2005/0274741	A1	12/2005	Cho	

* cited by examiner

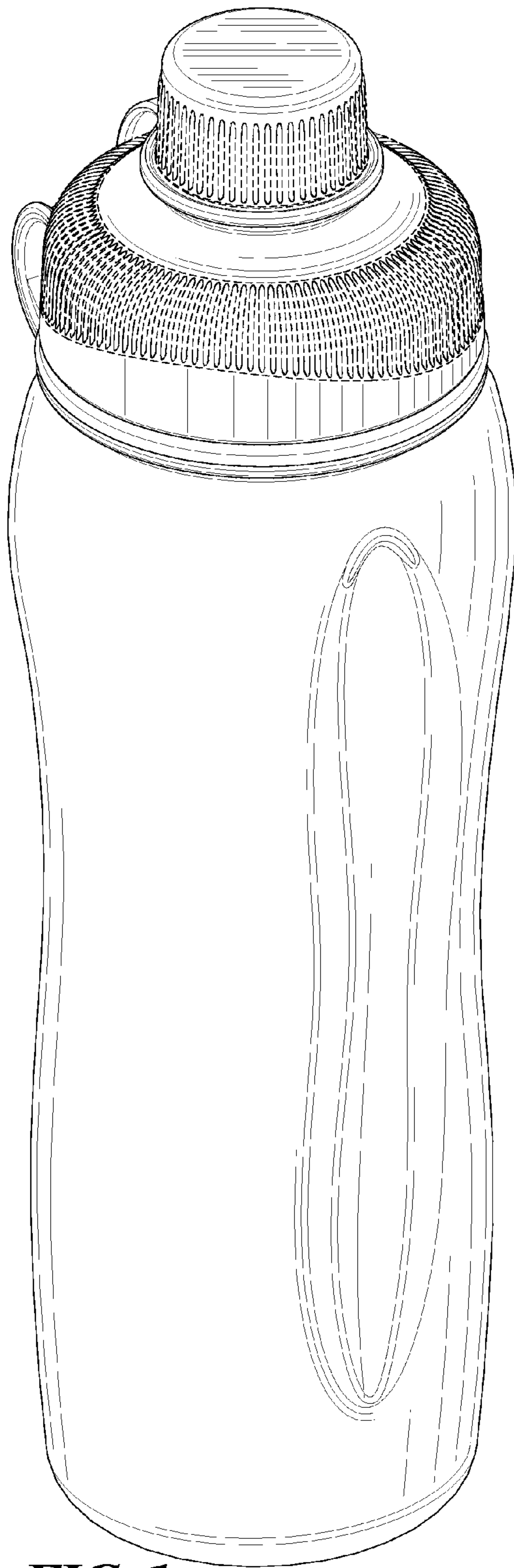


FIG. 1

FIG. 4

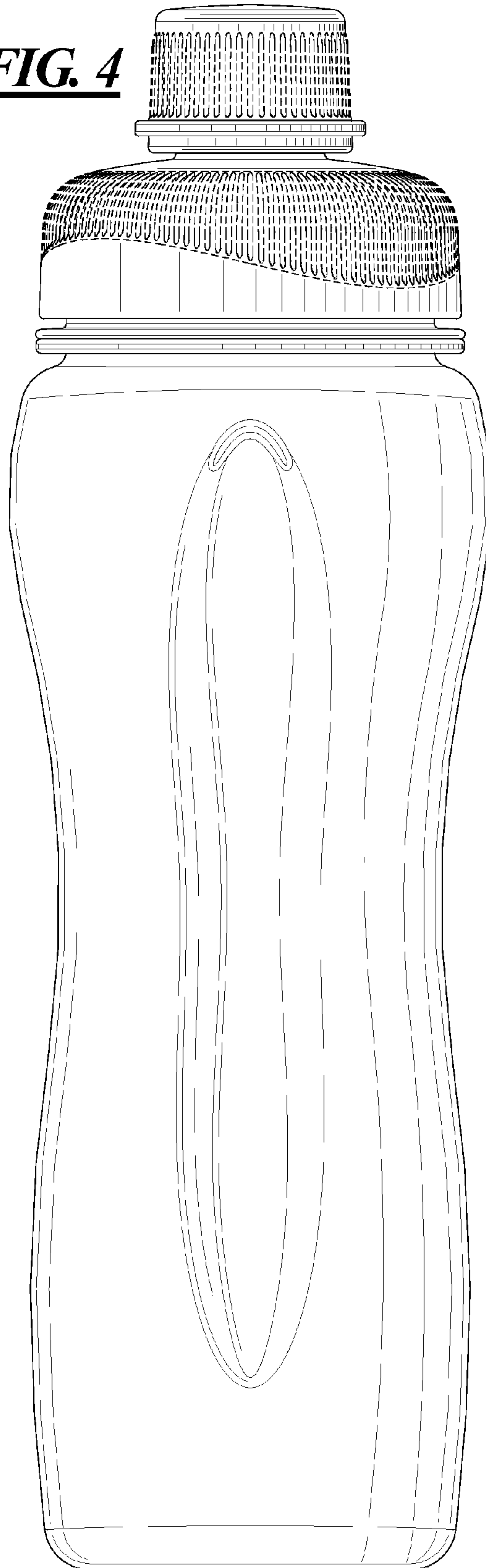


FIG. 2

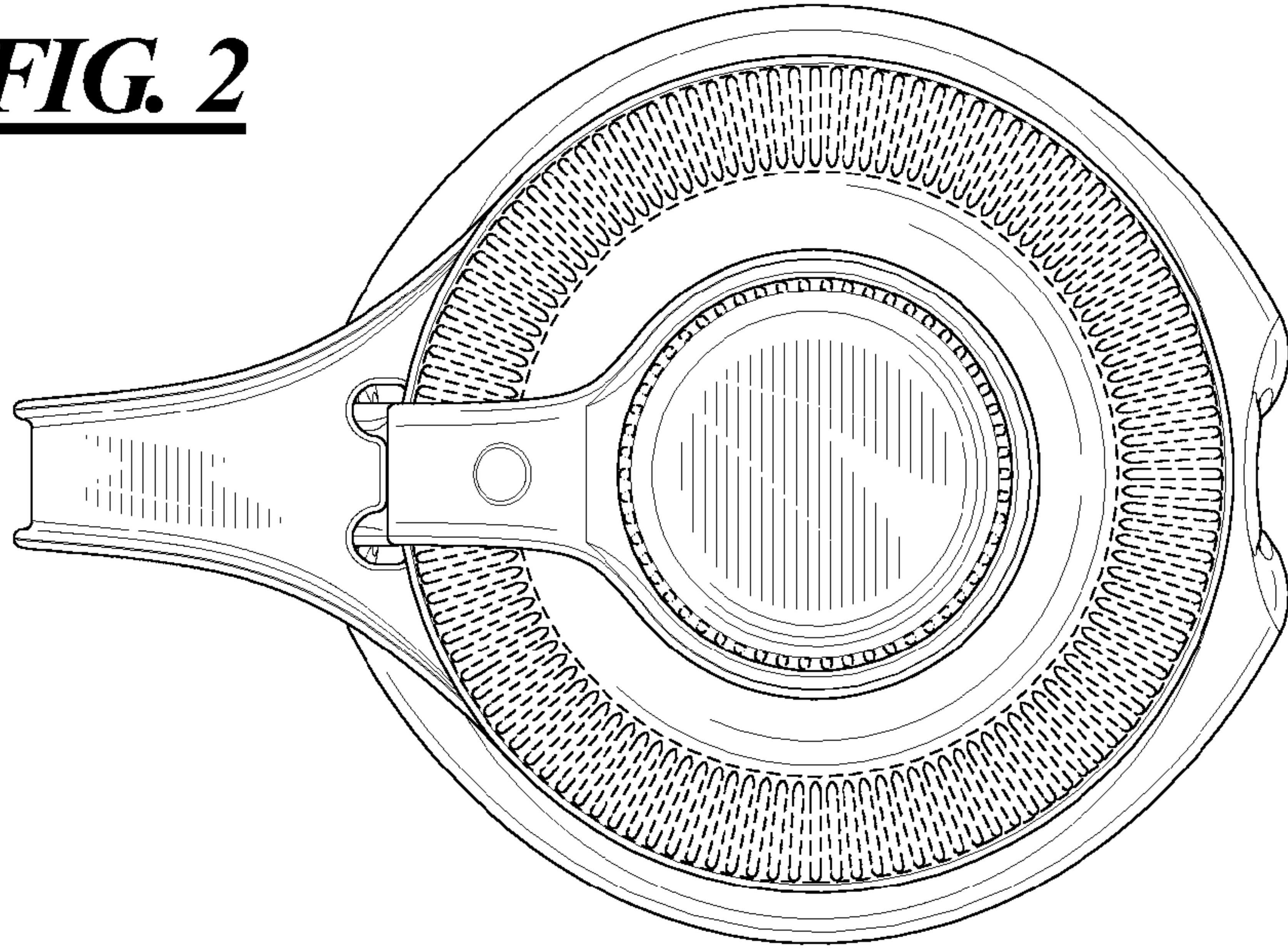


FIG. 3

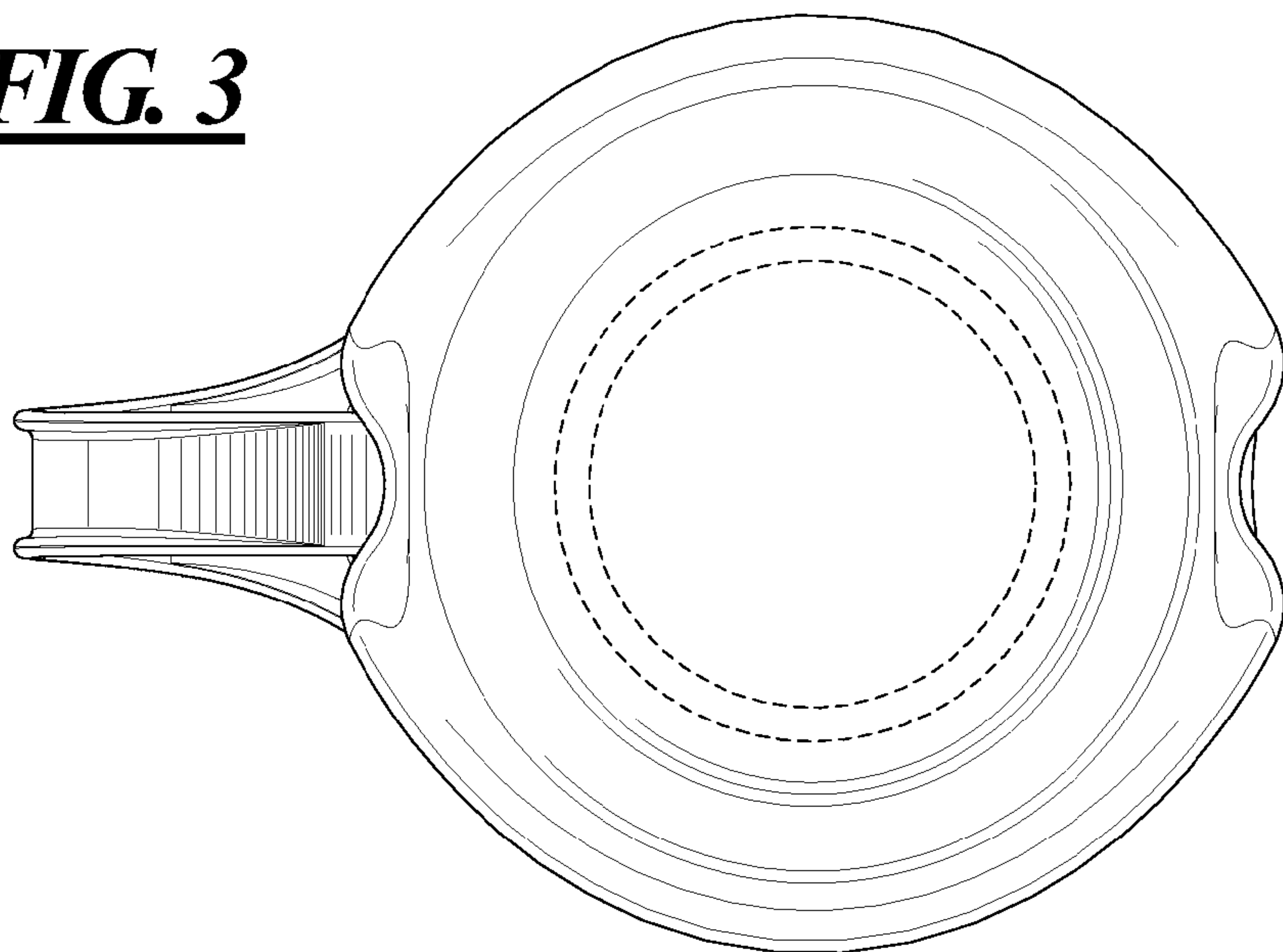
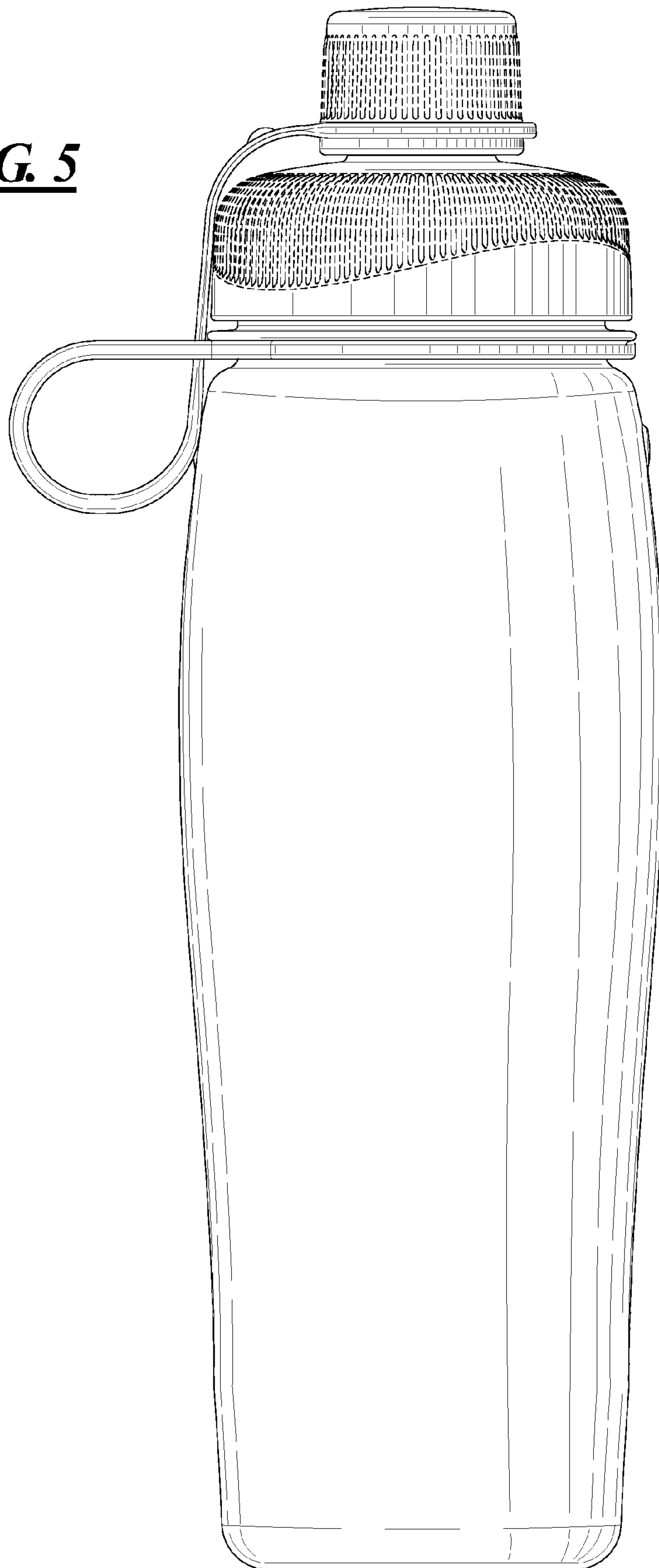


FIG. 5



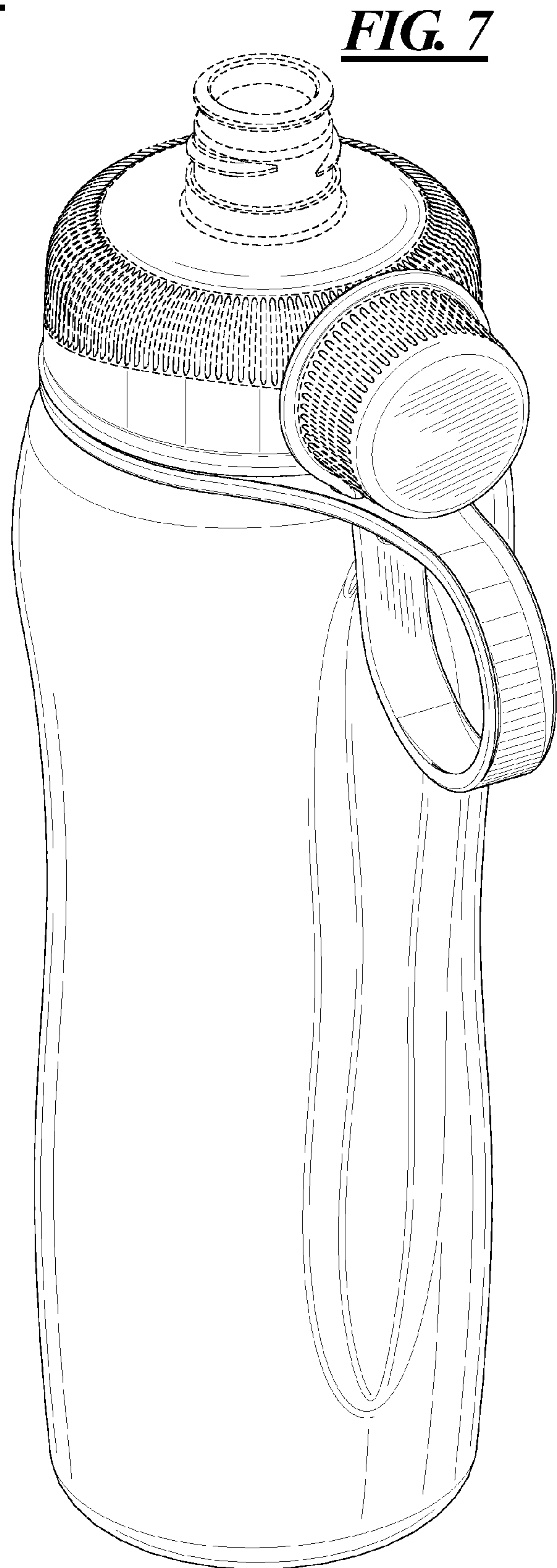


FIG. 8

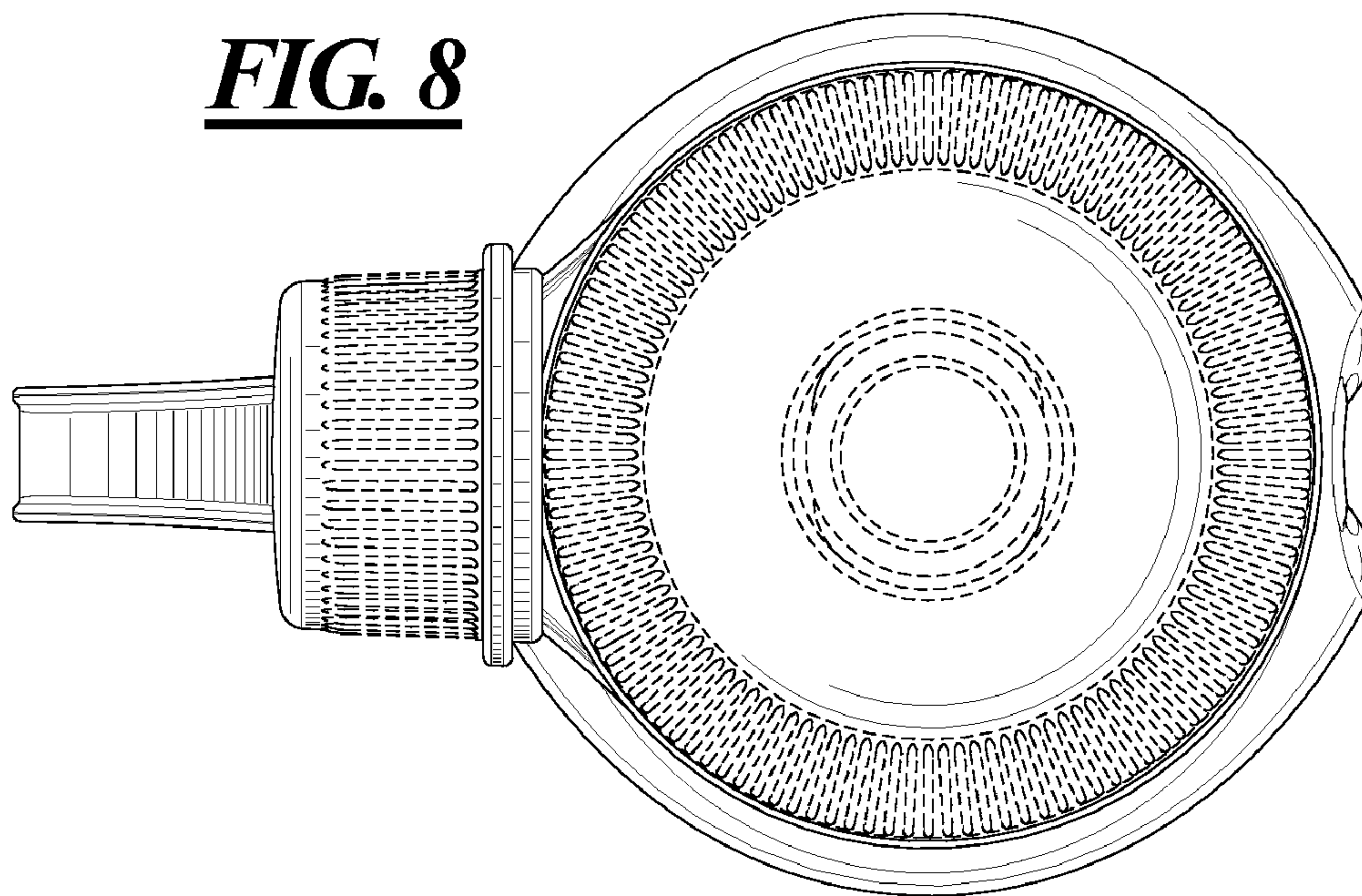
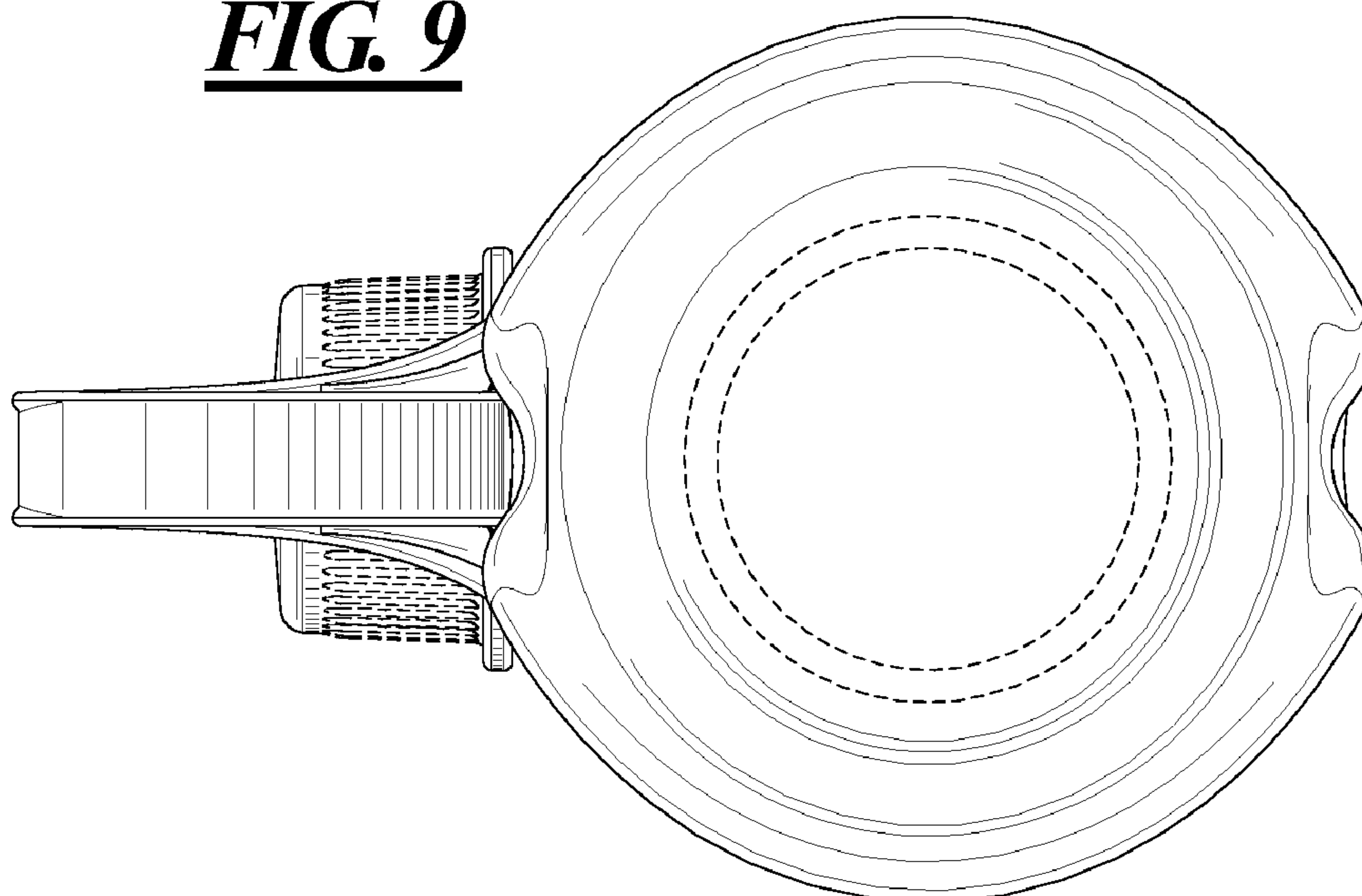
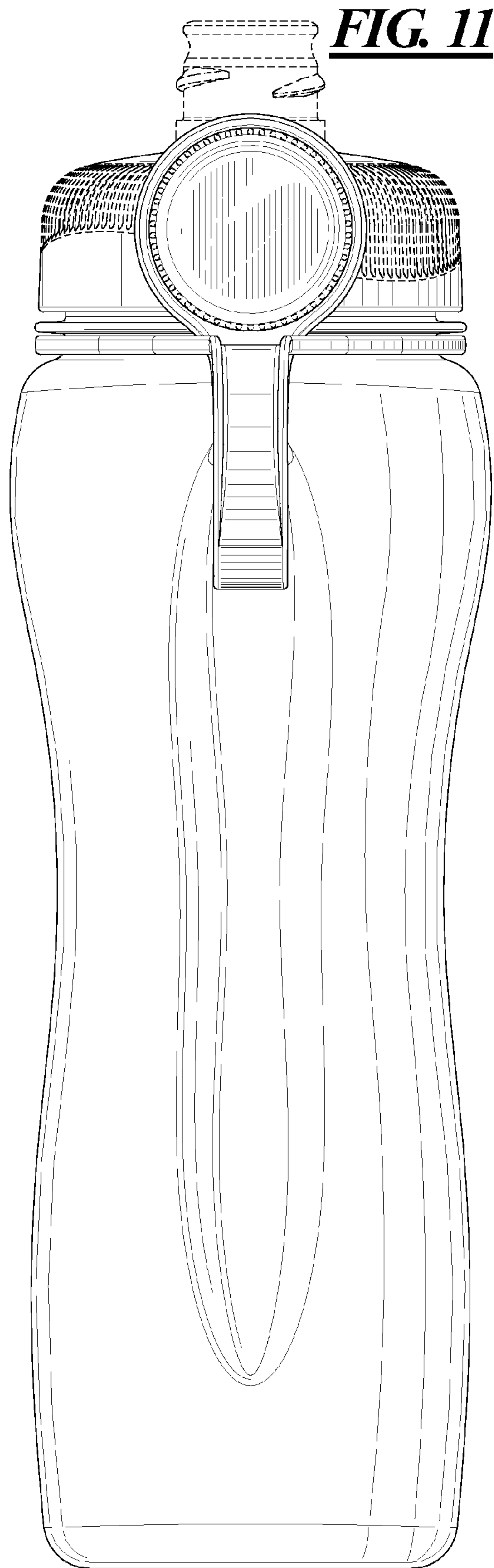


FIG. 9





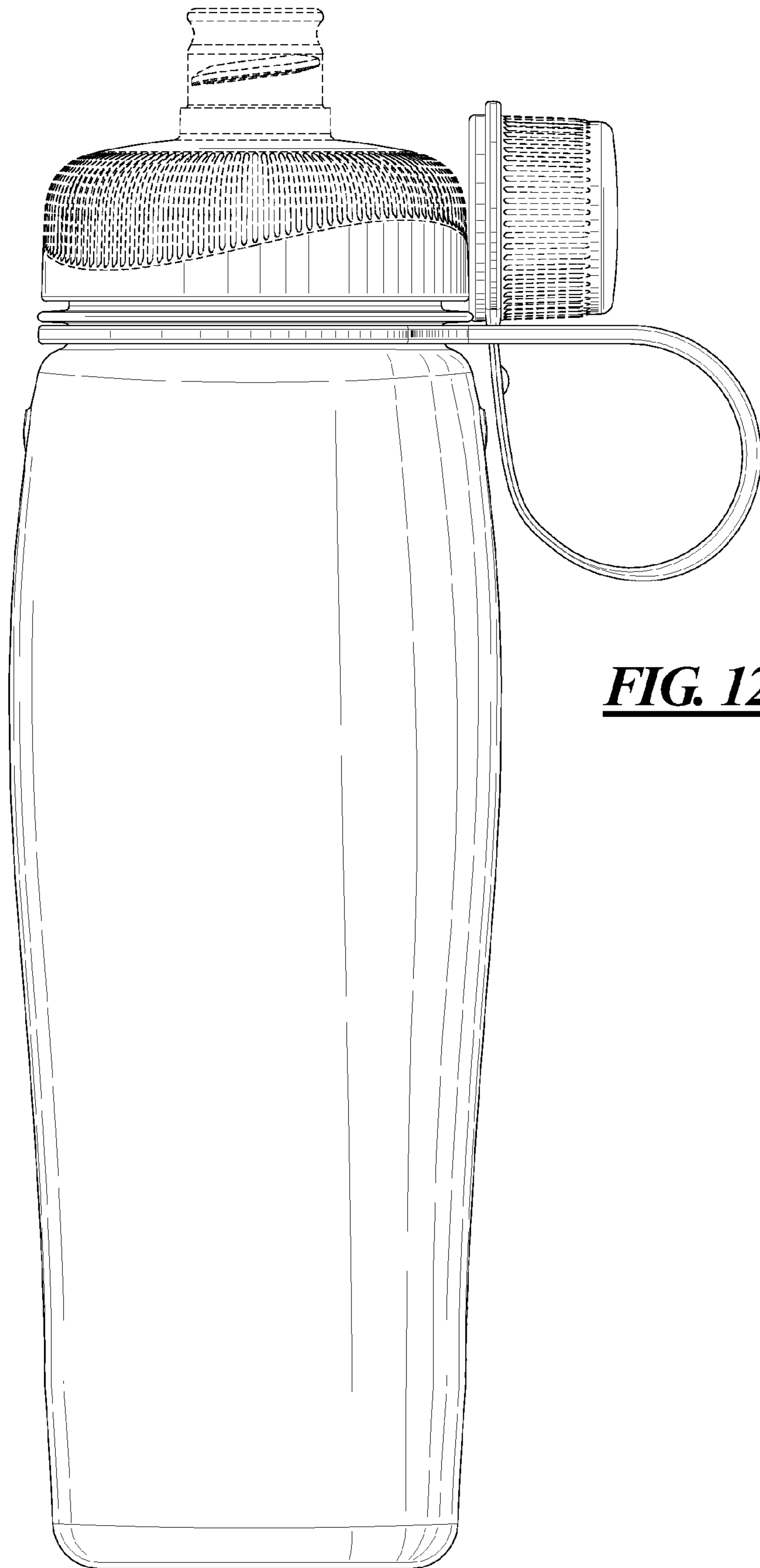


FIG. 12