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

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(54) **CONTAINER**

D73,511 S 9/1927 Schrader

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(73) Assignee: **Silgan Containers LLC**, Woodland Hills, CA (US)

(Continued)

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

FOREIGN PATENT DOCUMENTS

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Related U.S. Application Data

OTHER PUBLICATIONS

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(51) **LOC (9) Cl.** **09-01**

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(52) **U.S. Cl.** **D9/774; D9/550; D9/556**

(58) **Field of Classification Search** D9/500,
D9/502-505, 516, 537-539, 545, 549, 556,
D9/686, 688-692, 763-764, 772-774, 776-779;
D99/5; D11/143, 146, 152-154; D26/6;
215/379, 381-384; 220/660, 669-673, 675
See application file for complete search history.

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Assistant Examiner—Dana L Sipos
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(56) **References Cited**

(57) **CLAIM**

I claim the ornamental design for a container, as shown and described.

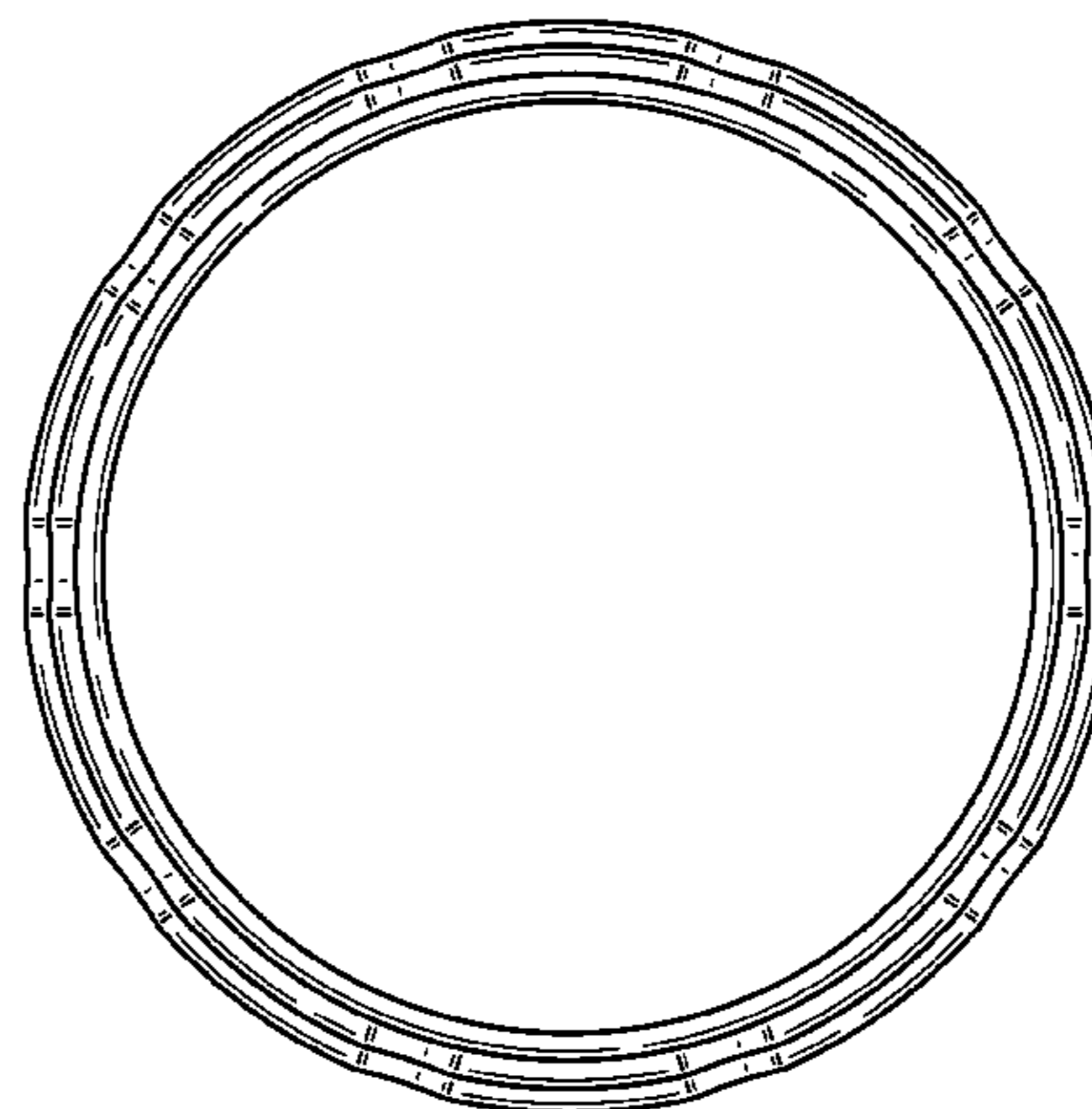
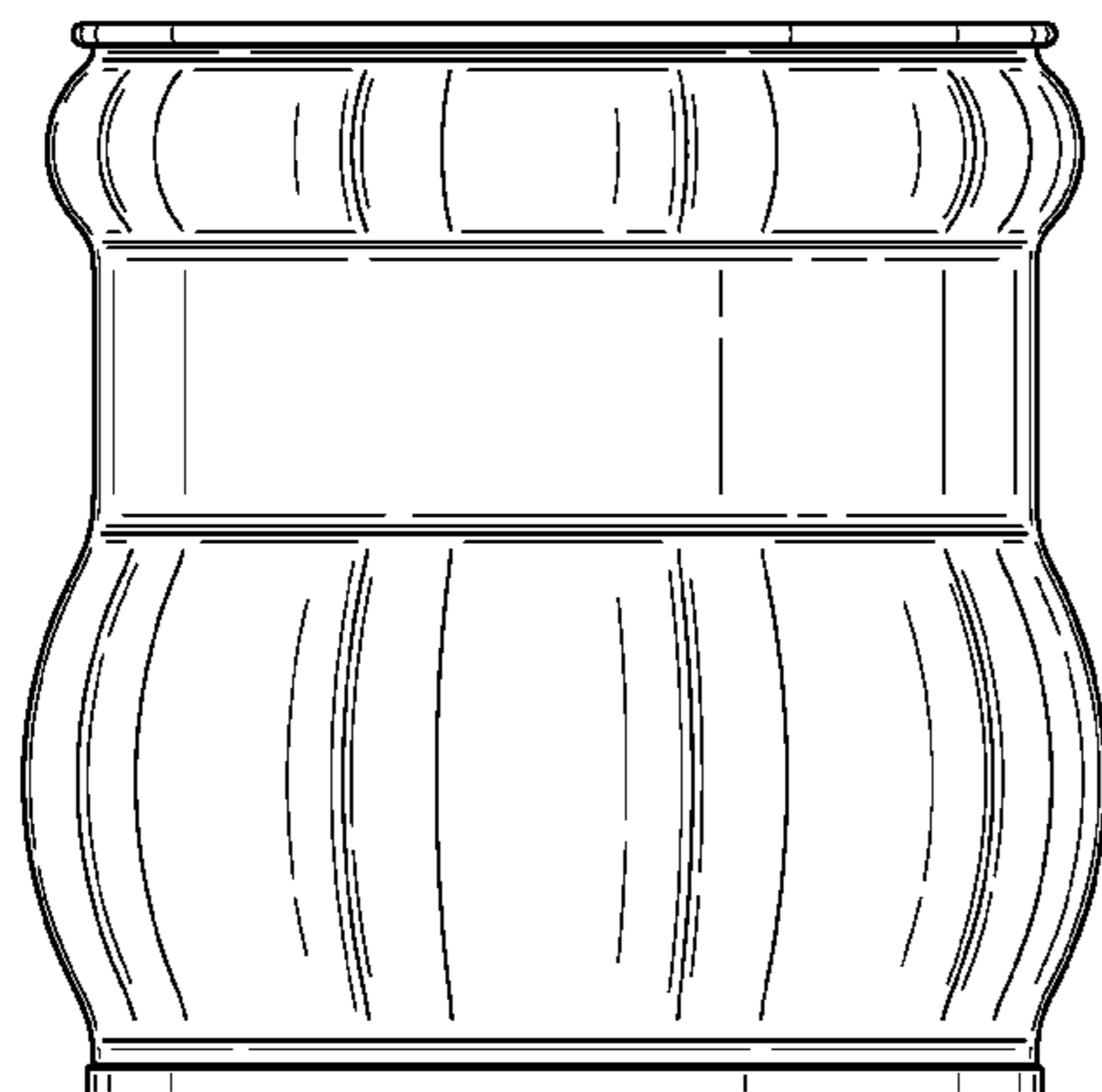
U.S. PATENT DOCUMENTS

DESCRIPTION

D2,820 S	11/1867	Barry	
D18,685 S *	10/1888	Atterbury D9/635
D22,751 S	8/1893	Lanning	
D24,991 S	12/1895	Estes	
D25,471 S	5/1896	Meinoeke	
D25,941 S	8/1896	Lindgren	
566,067 A	8/1896	Duck	
D28,732 S	5/1898	Cook	
D28,842 S	6/1898	Griffith	
D38,167 S	8/1906	Winterman	
829,477 A	8/1906	Kruse	
1,013,775 A	1/1912	Hoffman	
D46,131 S *	7/1914	Lusk D9/545
D56,181 S	8/1920	Lewis	
D67,869 S	7/1925	Boswell	
D70,513 S	7/1926	Smith	
D72,960 S	6/1927	Mas	

FIG. 1 is a top perspective view of a container showing our new design;
FIG. 2 is a front elevation view thereof, the left side, right side and rear elevation view being identical;
FIG. 3 is a top plan view thereof; and,
FIG. 4 is a bottom plan view thereof.
The ornamental design which is claimed is shown in solid lines in the drawings. The broken lines in the drawings are for illustrative purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets



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U.S. PATENT DOCUMENTS						
D74,069	S	*	12/1927 Mas D9/558	D401,152	S	11/1998 DeVore et al.
1,832,806	A		11/1931 Dawson	D403,962	S	1/1999 Ramsey
D98,420	S		2/1936 Deskey	D403,963	S	1/1999 Ramsey
D101,728	S		10/1936 Bennett	D404,254	S	1/1999 Asberg
D120,226	S		4/1940 Lundy	D404,970	S	2/1999 Asberg
D120,587	S		5/1940 Hinkins	D406,065	S	2/1999 Cheng
D124,645	S		1/1941 Palmer	D406,236	S	3/1999 Brifcani et al.
D124,880	S		1/1941 Teunisz	D408,221	S	4/1999 Asberg
2,252,915	A		8/1941 Conill	D409,496	S	5/1999 Ramsey
D129,604	S		9/1941 Forgue	D411,106	S	6/1999 Conrad
D185,649	S		7/1959 Schlumbohm	D412,118	S	7/1999 Rodea
3,297,194	A		1/1967 Schaper et al.	D412,441	S	8/1999 Cheng et al.
D207,133	S		3/1967 Stenger	D413,519	S	9/1999 Eberle et al.
3,317,110	A		5/1967 Palmer	5,957,647	A	9/1999 Hinton
3,349,987	A		10/1967 Weitzner	D414,693	S	10/1999 Cheng et al.
D212,525	S		10/1968 Kneapler	D416,200	S	11/1999 Pavely et al.
3,648,884	A		3/1972 Mansolino	5,988,416	A	11/1999 Cheng et al.
D224,516	S		8/1972 Amberg	5,988,417	A	11/1999 Cheng et al.
D224,642	S		8/1972 Mascia et al.	D417,392	S	12/1999 Zhang
D226,176	S		1/1973 Bystedt et al.	D419,058	S	1/2000 Roth et al.
D227,863	S		7/1973 Mascia	D419,444	S	1/2000 Zhang
D227,868	S		7/1973 Stanley et al.	D419,886	S	2/2000 Gans
D228,229	S		8/1973 Mascia	D420,587	S	2/2000 Cheng et al.
D231,087	S		4/1974 Edwards	D421,393	S	3/2000 Pavely et al.
D231,773	S		6/1974 Mascia	D421,720	S	3/2000 Eberle et al.
D234,251	S		2/1975 Edwards	D421,907	S	3/2000 Benge et al.
D235,184	S		5/1975 Achenbach	D423,336	S	4/2000 Gray
D237,853	S		12/1975 Katz	D423,365	S	4/2000 Eberle et al.
D242,020	S		10/1976 Kretz	D425,424	S	5/2000 Cheng et al.
4,010,860	A		3/1977 Garber	6,062,409	A	5/2000 Eberle
D249,111	S		8/1978 Geyer	D426,164	S	6/2000 Gans et al.
D252,798	S		9/1979 Vosti et al.	D427,057	S	6/2000 Roth et al.
D262,516	S		1/1982 Oshita	D427,514	S	7/2000 Roth et al.
D263,119	S		2/1982 Oshita	D427,515	S	7/2000 Roth et al.
D288,527	S		3/1987 Maguire	D427,905	S	7/2000 Eberle
D299,426	S		1/1989 Andersson et al.	6,092,688	A	7/2000 Eberle et al.
4,804,105	A		2/1989 Zysset et al.	D429,151	S	8/2000 Cheng et al.
D307,238	S		4/1990 May	D429,164	S	8/2000 Peek et al.
D317,405	S		6/1991 Yasika	6,095,360	A	8/2000 Shmagin et al.
5,040,698	A		8/1991 Ramsey et al.	6,123,211	A	9/2000 Rashid et al.
D319,580	S		9/1991 Cassai et al.	D431,465	S	10/2000 Cheng et al.
D320,153	S		9/1991 Cassai et al.	D431,470	S	10/2000 Henderson
5,052,573	A		10/1991 Zysset	D432,423	S	10/2000 Rashid
D323,290	S		1/1992 Keedy, Jr.	D432,424	S	10/2000 Andrew
D345,105	S		3/1994 Ramsey	6,131,761	A	10/2000 Cheng et al.
D345,503	S		3/1994 Murphy	D435,455	S	12/2000 Gans
D352,898	S		11/1994 Vacher	6,161,713	A	12/2000 Krich
D355,129	S		2/1995 Gruodis	6,164,474	A	12/2000 Cheng et al.
D355,368	S		2/1995 Gruodis	6,164,480	A	12/2000 Heinicke et al.
D356,501	S	*	3/1995 Kornick et al. D9/774	D437,229	S	2/2001 Andrew
D357,413	S		4/1995 Kornick et al.	D437,230	S	2/2001 Andrew
D357,414	S		4/1995 Kornick et al.	6,206,222	B1	3/2001 Cudzik
D365,021	S		12/1995 Park	6,213,325	B1	4/2001 Cheng et al.
D367,426	S		2/1996 Ruff	6,220,475	B1	4/2001 Nayar et al.
D373,084	S		8/1996 Choi	D441,295	S	5/2001 Krich
D378,572	S		3/1997 Culverwell et al.	6,230,912	B1	5/2001 Rashid
D379,589	S		6/1997 Rhodes et al.	D445,339	S	7/2001 Bazlur
D381,259	S		7/1997 Hayes	D445,693	S	7/2001 Rashid
D383,037	S		9/1997 Asberg	D445,694	S	7/2001 Gans
5,711,448	A		1/1998 Clarke, III	D446,455	S	8/2001 McGowan
5,720,412	A		2/1998 Ficken	D446,458	S	8/2001 Gans
5,722,561	A		3/1998 Biondich et al.	D447,061	S	8/2001 Peek
D393,778	S	*	4/1998 Ochs, Sr. D7/606	6,280,679	B1	8/2001 Rashid et al.
5,749,488	A		5/1998 Bagwell et al.	D447,422	S	9/2001 Peek
D398,531	S		9/1998 De Vries	D448,302	S	9/2001 Cheng et al.
D399,129	S		10/1998 Ramsey	D448,303	S	9/2001 Cheng et al.
D399,425	S		10/1998 Ramsey	D448,304	S	9/2001 Cheng et al.
D399,428	S		10/1998 Ramsey	6,294,131	B1	9/2001 Jaffrey
D399,429	S		10/1998 Ramsey	D448,666	S	10/2001 Fields
D399,430	S		10/1998 Ramsey	D448,671	S	10/2001 Gans et al.
D399,753	S		10/1998 Ramsey	D448,672	S	10/2001 Cheng et al.
				D448,675	S	10/2001 Thierjung
				D448,677	S	10/2001 Krich

D449,539 S 10/2001 Lakatos et al.
 D449,993 S 11/2001 Schumann
 D450,244 S 11/2001 Rashid
 6,321,927 B2 11/2001 Cavella
 D453,003 S 1/2002 Rashid
 6,341,709 B1 1/2002 Wilson
 6,347,717 B1 2/2002 Eberle
 D454,073 S 3/2002 Crawford
 D455,656 S 4/2002 Gans et al.
 6,374,657 B1 4/2002 Kirk et al.
 D456,712 S 5/2002 Krich
 D457,435 S 5/2002 Rashid
 6,398,052 B1 6/2002 Cheng et al.
 6,419,874 B2 7/2002 Rashid et al.
 D464,569 S 10/2002 Moore et al.
 D465,158 S 11/2002 Peek et al.
 D465,418 S 11/2002 Thierjung
 D466,019 S 11/2002 Thierjung et al.
 D466,021 S 11/2002 Thierjung et al.
 D466,024 S 11/2002 Thierjung et al.
 D466,813 S 12/2002 Thierjung et al.
 D466,817 S 12/2002 Thierjung et al.
 D469,360 S 1/2003 Moore et al.
 D473,469 S 4/2003 Claessen
 6,575,684 B2 6/2003 Heinicke et al.
 D476,889 S 7/2003 Fields
 D476,896 S 7/2003 Cheng et al.
 6,585,125 B1 7/2003 Peek
 D478,286 S 8/2003 Futral et al.
 D478,287 S 8/2003 Corker et al.
 D479,999 S 9/2003 Moore
 D480,650 S 10/2003 Moore et al.
 D480,956 S 10/2003 Mooney et al.
 D480,957 S 10/2003 Mooney et al.
 D481,317 S 10/2003 Corker et al.
 D484,808 S 1/2004 Thierjung et al.
 D485,182 S 1/2004 Gaydon
 6,685,417 B2 2/2004 Heinicke et al.
 D489,983 S 5/2004 Futral et al.
 D489,984 S 5/2004 Futral et al.
 D490,317 S * 5/2004 Chang D9/774
 D491,288 S 6/2004 Young
 D493,370 S 7/2004 Kamineni et al.
 D494,475 S 8/2004 Thierjung et al.
 6,769,561 B2 8/2004 Futral et al.
 D498,143 S 11/2004 Rashid
 6,877,607 B2 4/2005 Jenkins
 6,889,862 B2 5/2005 Vaughan
 D507,485 S 7/2005 Fields
 D510,024 S 9/2005 Jacober et al.
 D511,458 S 11/2005 Dunwoody et al.
 D512,315 S * 12/2005 Holm D9/506
 D512,917 S 12/2005 Frisch et al.
 D514,937 S * 2/2006 Chang D9/506
 D517,417 S 3/2006 Livingston et al.
 D522,371 S 6/2006 Livingston
 D523,341 S 6/2006 Livingston et al.
 D523,347 S 6/2006 Livingston
 D524,160 S * 7/2006 Endou et al. D9/518
 D525,129 S 7/2006 Hutter et al.
 D525,139 S 7/2006 Livingston et al.
 D525,530 S 7/2006 Livingston et al.
 7,108,469 B2 9/2006 Jenkins
 7,112,771 B2 9/2006 Richardson et al.
 D530,614 S 10/2006 Gatewood
 D532,306 S 11/2006 MacLeod et al.
 7,134,565 B1 11/2006 Wan et al.
 D533,783 S 12/2006 Klinger et al.
 D534,079 S 12/2006 Livingston
 D534,428 S 1/2007 Reed et al.
 D536,262 S 2/2007 Ioannides et al.
 D536,263 S 2/2007 Ioannides et al.
 D536,264 S 2/2007 Ioannides et al.

D538,645 S 3/2007 McDowell et al.
 D538,646 S 3/2007 McDowell et al.
 D538,660 S 3/2007 Gatewood
 7,198,168 B2 4/2007 Mizuma
 D542,130 S 5/2007 McDowell et al.
 D542,650 S 5/2007 McDowell et al.
 D543,845 S 6/2007 Ioannides et al.
 D546,183 S 7/2007 Clutter
 7,243,808 B2 7/2007 Livingston et al.
 D549,596 S 8/2007 Ioannides et al.
 D562,685 S 2/2008 Millspaw et al.
 D596,500 S 7/2009 Diss
 D596,501 S 7/2009 Diss et al.
 D596,502 S 7/2009 Diss et al.
 D596,503 S 7/2009 Diss
 D596,504 S 7/2009 Diss
 D596,505 S 7/2009 Diss et al.
 D596,955 S 7/2009 Diss et al.
 D596,956 S 7/2009 Diss et al.
 D596,957 S 7/2009 Diss
 D596,958 S 7/2009 Diss et al.
 2001/0002671 A1 6/2001 Heinicke et al.
 2001/0009107 A1 7/2001 Cheng et al.
 2001/0009244 A1 7/2001 Cheng et al.
 2002/0172578 A1 11/2002 Heinicke et al.
 2005/0082299 A1 4/2005 Jenkins
 2006/0131257 A1 6/2006 Gatewood et al.
 2006/0186082 A1 8/2006 Gatewood et al.
 2007/0012648 A1 1/2007 Gatewood
 2007/0068943 A1 3/2007 Ramsey et al.
 2007/0102425 A1 5/2007 Richardson et al.
 2007/0108196 A1 5/2007 Richardson et al.
 2007/0108197 A1 5/2007 Richardson et al.
 2007/0108198 A1 5/2007 Richardson et al.
 2007/0138181 A1 6/2007 Heinicke et al.

FOREIGN PATENT DOCUMENTS

WO DM/046294 10/1998
 WO DM/051799 3/2000

OTHER PUBLICATIONS

U.S. Appl. No. 29/302,067, filed Jan. 9, 2008, Millspaw et al.
 U.S. Appl. No. 29/304,271, filed Feb. 27, 2008, Metzger et al.
 U.S. Appl. No. 29/306,261, filed Apr. 4, 2008, VanScoyoc et al.
 U.S. Appl. No. 29/306,263, filed Apr. 4, 2008, Ziegler et al.
 U.S. Appl. No. 29/306,258, filed Apr. 4, 2008, Ziegler.
 U.S. Appl. No. 29/306,257, filed Apr. 4, 2008, Ziegler et al.
 U.S. Appl. No. 29/318,021, filed May 12, 2008, Takata et al.
 U.S. Appl. No. 29/318,022, filed May 12, 2008, Murphy et al.
 U.S. Appl. No. 29/318,023, filed May 12, 2008, Diss.
 U.S. Appl. No. 29/318,024, filed May 12, 2008, Diss.
 U.S. Appl. No. 29/318,025, filed May 12, 2008, Diss.
 U.S. Appl. No. 29/318,026, filed May 12, 2008, Takata et al.
 U.S. Appl. No. 29/318,027, filed May 12, 2008, Diss.
 U.S. Appl. No. 29/318,029, filed May 12, 2008, Takata et al.
 U.S. Appl. No. 29/312,033, filed May 12, 2008, Murphy et al.
 U.S. Appl. No. 29/318,036, filed May 12, 2008, Murphy et al.
 U.S. Appl. No. 29/318,041, filed May 12, 2008, Takata et al.
 U.S. Appl. No. 29/331,956, filed Feb. 5, 2009, Hu.
 U.S. Appl. No. 29/331,957, filed Feb. 5, 2009, Hu.
 U.S. Appl. No. 29/332,322, filed Feb. 12, 2009, Diss.
 U.S. Appl. No. 29/332,323, filed Feb. 12, 2009, Metzger et al.
 U.S. Appl. No. 29/332,328, filed Feb. 12, 2009, Metzger.
 U.S. Appl. No. 29/332,329, filed Feb. 12, 2009, VanScoyoc et al.
 U.S. Appl. No. 29/332,376, filed Feb. 13, 2009, Ziegler et al.
 U.S. Appl. No. 29/332,378, filed Feb. 13, 2009, Ziegler et al.
 U.S. Appl. No. 29/332,379, filed Feb. 13, 2009, Ziegler.
 U.S. Appl. No. 29/332,382, filed Feb. 13, 2009, Ziegler et al.
 U.S. Appl. No. 29/333,068, filed Mar. 2, 2009, Diss.
 U.S. Appl. No. 29/335,885, filed Jun. 16, 2009, Metzger et al.
 U.S. Appl. No. 29/338,649, filed Jun. 16, 2009, Diss.
 U.S. Appl. No. 29/338,651, filed Jun. 16, 2009, Diss et al.

US D614,969 S

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U.S. Appl. No. 29/338,652, filed Jun. 16, 2009, Diss et al.
U.S. Appl. No. 29/338,654, filed Jun. 16, 2009, Diss et al.
U.S. Appl. No. 29/338,656, filed Jun. 16, 2009, Diss.
U.S. Appl. No. 29/338,657, filed Jun. 16, 2009, Hu.
U.S. Appl. No. 29/338,660, filed Jun. 16, 2009, Diss.
U.S. Appl. No. 29/338,661, filed Jun. 16, 2009, Diss et al.
U.S. Appl. No. 29/338,665, filed Jun. 16, 2009, Diss et al.
U.S. Appl. No. 29/338,667, filed Jun. 16, 2009, Diss et al.
U.S. Appl. No. 29/338,669, filed Jun. 16, 2009, Diss et al.

U.S. Appl. No. 29/338,670, filed Jun. 16, 2009, Diss et al.
“The Revolutionary Stretching Technology” brochure, believed to be available by 2001 at www.canstretch.com, 1 page.
“Stretch Machine” brochure, believed to be available by 2001 at www.canstretch.com, 1 page.
Photograph of Six Cans, believed to be available by 2001 at www.canstretch.com, 1 page.

* cited by examiner

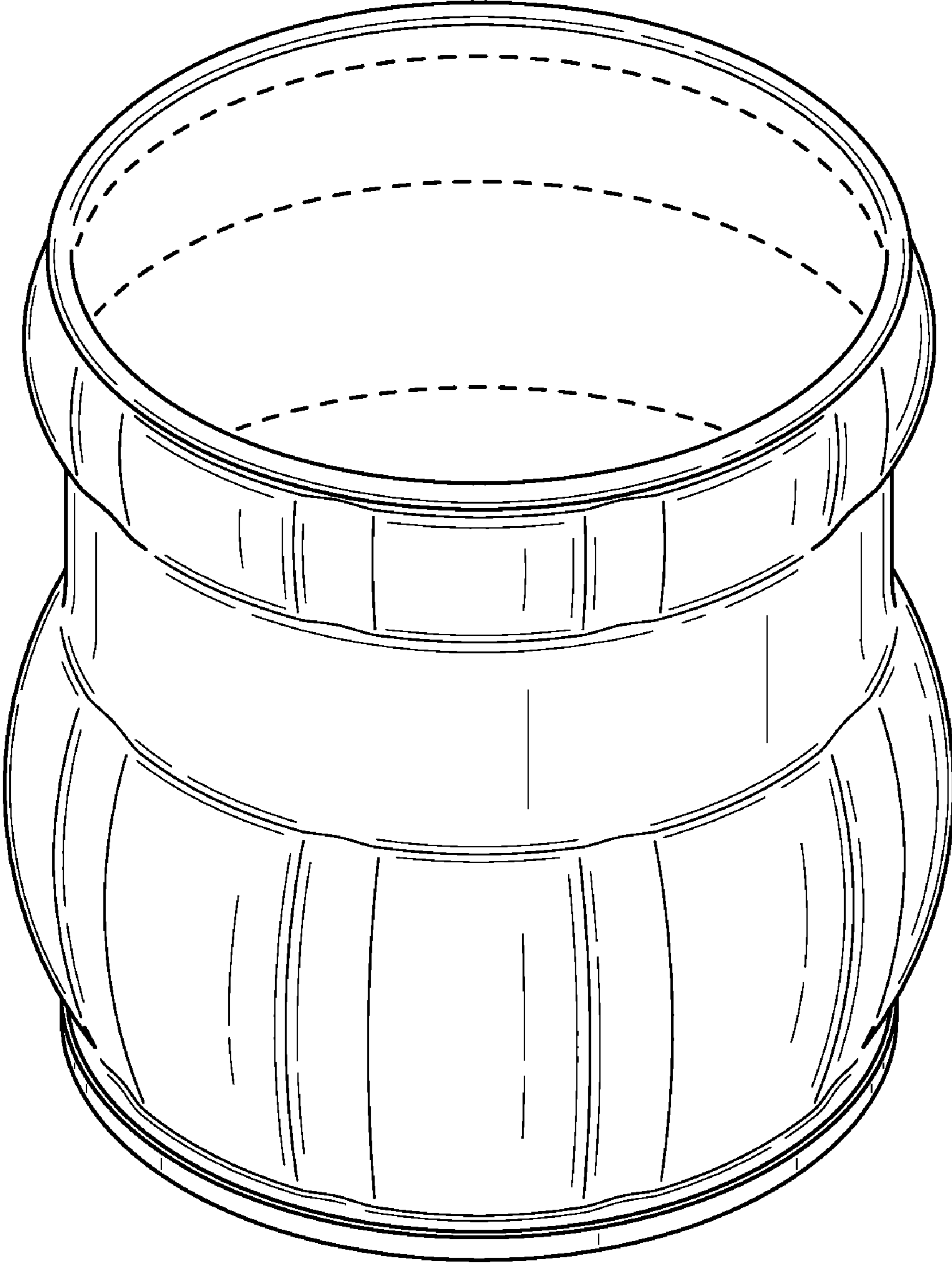


FIG. 1

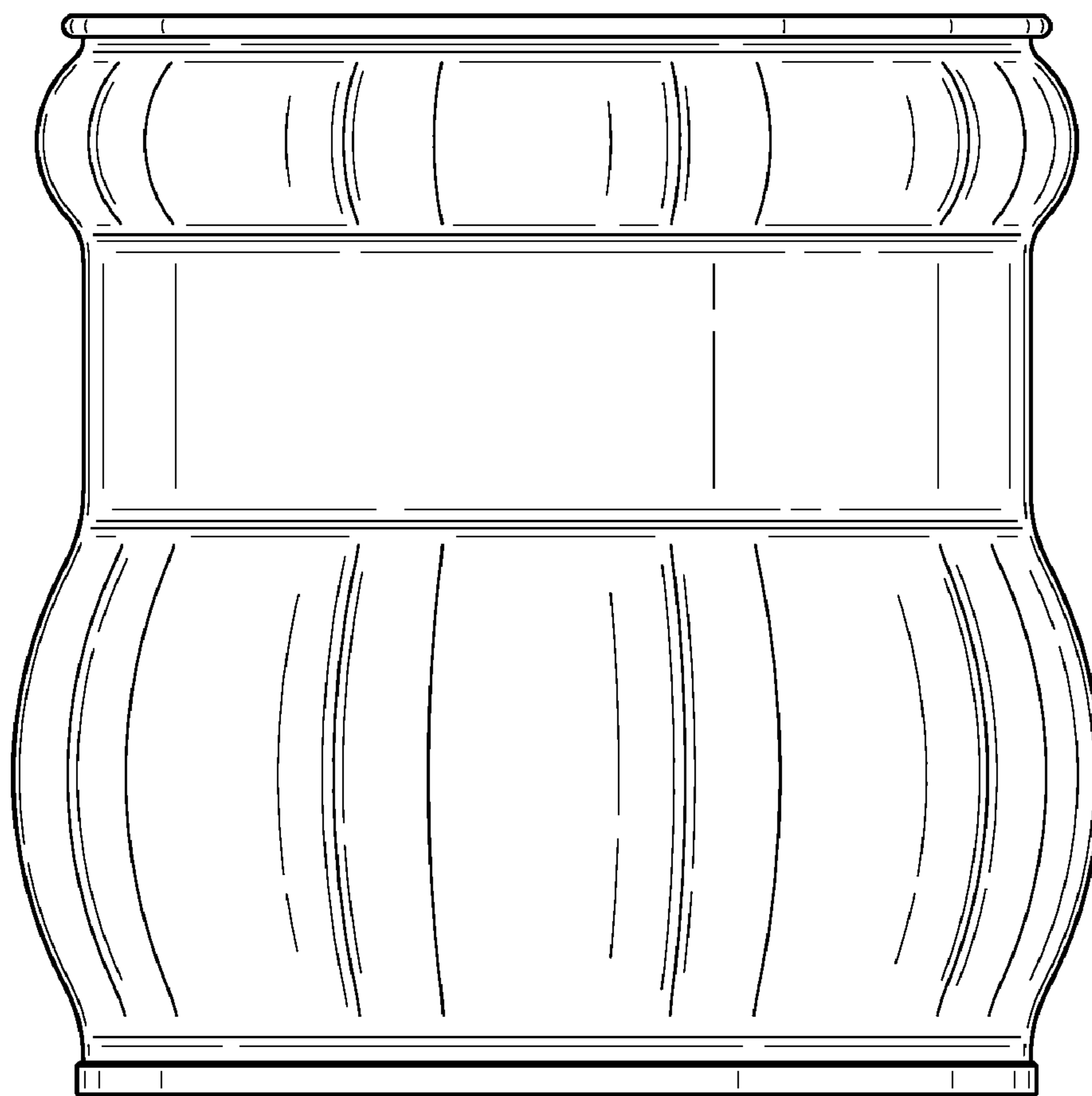


FIG. 2

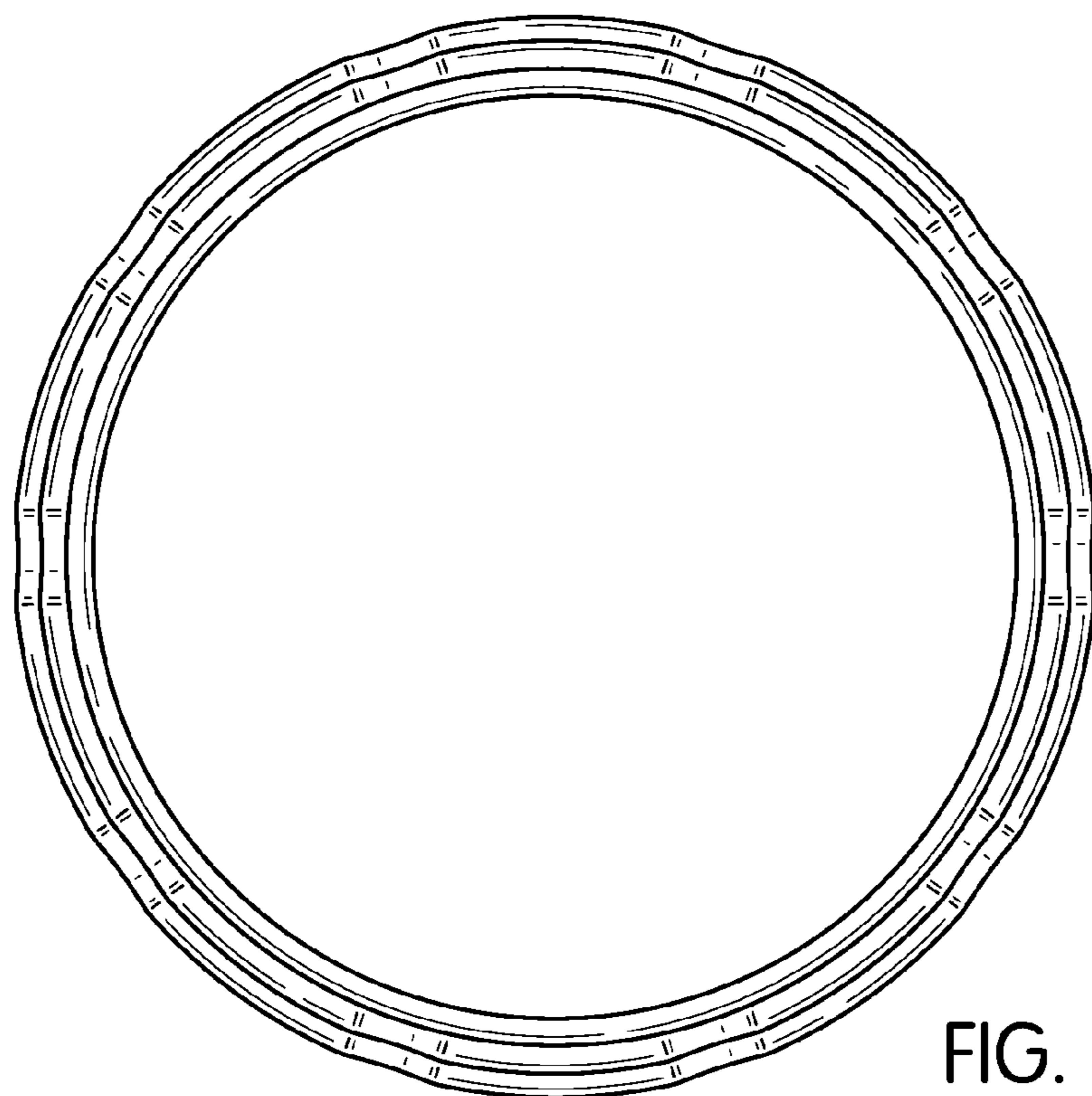


FIG. 3

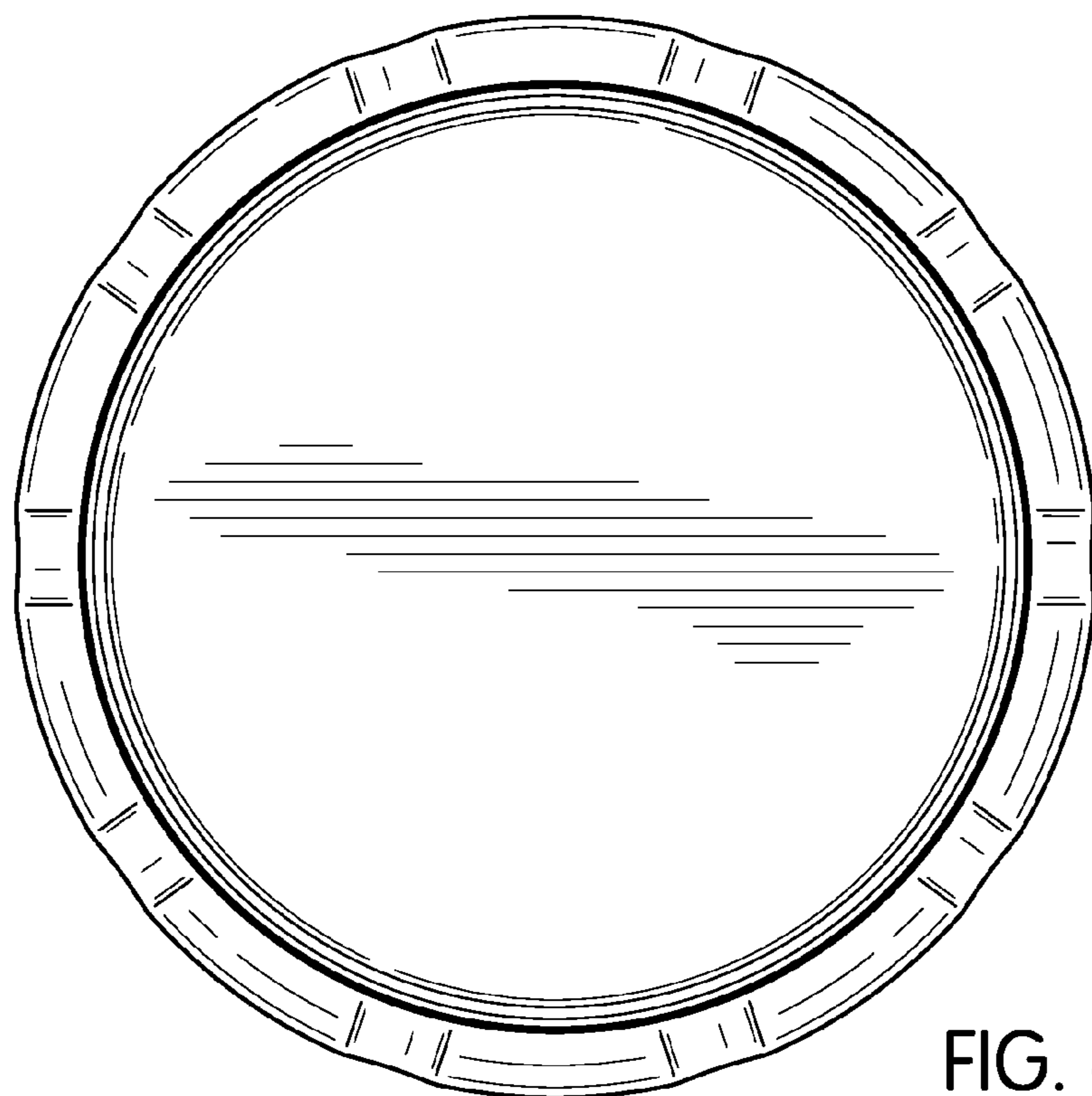


FIG. 4