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(12) **United States Design Patent**
France et al.

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(54) **CONTAINER ASSEMBLY**
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Steven Robert Baker, Omaha, NE (US)

2,600,566 A 6/1952 Moffett
2,650,485 A * 9/1953 La Greca 220/23.83
2,660,529 A 11/1953 Bloom
2,667,422 A 1/1954 Kauffman 426/86
2,714,070 A 7/1955 Welch

(73) Assignee: **ConAgra Foods RDM, Inc.**

(Continued)

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

FOREIGN PATENT DOCUMENTS

EP 0 449 643 A1 10/1991

(21) Appl. No.: **29/346,147**

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OTHER PUBLICATIONS

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U.S. Official Action Mailed Oct. 7, 2010 in U.S. Appl. No. 11/703,066.

(63) Continuation of application No. 11/423,259, filed on Jun. 9, 2006.

(Continued)

(51) **LOC (9) Cl.** **07-02**

Primary Examiner — Ricky Pham

(52) **U.S. Cl.** **D7/354; D7/409**

(74) *Attorney, Agent, or Firm* — Advent IP; Kevin E. West

(58) **Field of Classification Search** D7/323,
D7/330–331, 339, 347, 350–367, 378–379,
D7/383–384, 391, 409, 542–545, 665, 667;
99/324–328, 329 R, 330–339, 428, 430, 450;
219/432–433, 438–441, 620–622, 725–730;
220/203.1, 203.7, 303, 573.1–574, 769, 912,
220/23.83; 426/438, 441; D30/129; 210/232
See application file for complete search history.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a perspective view of a container assembly showing our new design.

FIG. 2 is a front elevation view of the container assembly of FIG. 1.

FIG. 3 is a back elevation view of the container assembly of FIG. 1.

FIG. 4 is a left elevation view of the container assembly of FIG. 1.

FIG. 5 is a right elevation view of the container assembly of FIG. 1.

FIG. 6 is a top plan view of the container assembly of FIG. 1; and,

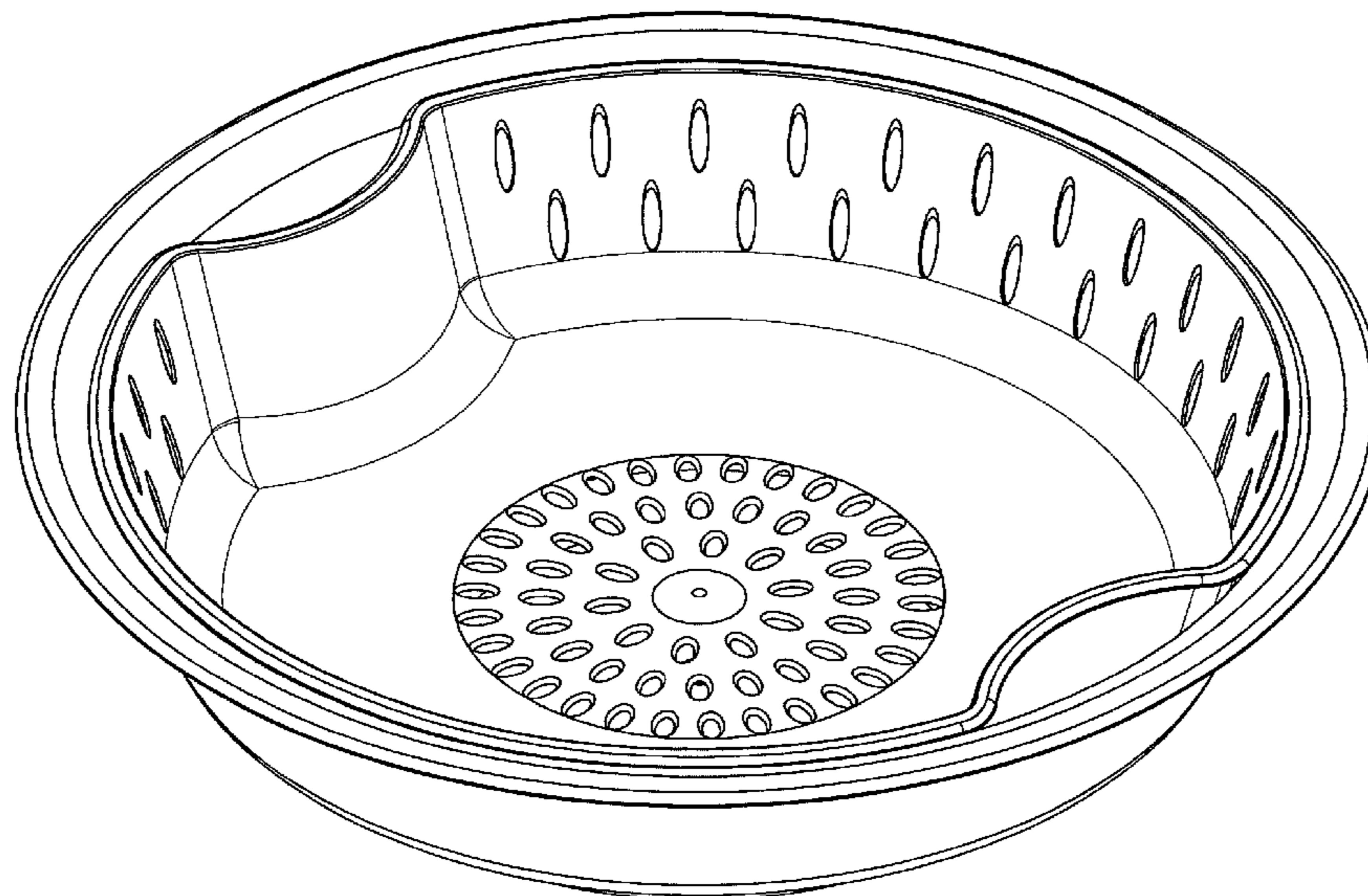
FIG. 7 is a bottom plan view of the container assembly of FIG. 1.

(56) **References Cited**

U.S. PATENT DOCUMENTS

254,770 A * 3/1882 Hurd 99/450
955,033 A * 4/1910 Wing 99/428
1,099,603 A 6/1914 Ingersoll
1,476,910 A 12/1923 Naugle
1,906,592 A 5/1933 Hiester
2,039,374 A 5/1936 Young
2,271,921 A 2/1942 Luker
2,290,396 A 7/1942 Webster
2,540,036 A 1/1951 Spencer
2,559,101 A 7/1951 Wool
2,576,862 A 11/1951 Smith et al.
2,591,578 A 4/1952 McNealy et al.

1 Claim, 5 Drawing Sheets



US D636,218 S

Page 2

U.S. PATENT DOCUMENTS									
2,777,769	A	1/1957	Hiram	426/113	4,848,579	A	7/1989	Barnes et al.	
D185,399	S	6/1959	Tupper		4,853,509	A	8/1989	Murakami	
2,960,218	A	11/1960	Cheeley		4,870,233	A	9/1989	McDonald et al.	
2,961,520	A	11/1960	Long		4,873,919	A	10/1989	Janssen	
3,012,895	A	12/1961	Stelnicki		4,899,925	A	2/1990	Bowden et al.	
3,141,400	A	7/1964	Powers		4,923,704	A	5/1990	Levinson	
3,179,036	A	4/1965	Luker		4,924,048	A	5/1990	Bunce et al.	
3,191,520	A	6/1965	Halter		4,935,592	A	6/1990	Oppenheimer	
3,219,460	A	11/1965	Brown		4,939,332	A	7/1990	Hahn	
3,220,856	A	11/1965	Vischer		4,952,765	A	8/1990	Toyosawa	
3,240,610	A	3/1966	Cease		4,960,598	A	10/1990	Swiontek	
3,244,537	A	4/1966	Cease		4,961,944	A	10/1990	Matoba et al.	
3,246,446	A	4/1966	Powers		4,963,708	A	10/1990	Kearns et al.	
3,262,668	A	7/1966	Luker		D312,189	S	11/1990	Noel	
3,271,169	A	9/1966	Baker et al.		4,987,280	A	1/1991	Kanafani et al.	
3,287,140	A	11/1966	Brussell		4,992,638	A	2/1991	Hewitt et al.	
3,353,707	A	11/1967	Eyles	206/519	5,025,715	A	6/1991	Sir	
3,396,868	A	8/1968	Fitzgerald	206/508	5,026,958	A	6/1991	Palacios	
3,421,654	A	1/1969	Hexel		5,041,295	A	8/1991	Perry et al.	
3,445,050	A	5/1969	Peters et al.		5,050,791	A	9/1991	Bowden et al.	
3,521,788	A	7/1970	Carter et al.	220/675	5,052,369	A	10/1991	Johnson	
3,547,661	A	12/1970	Stevenson		5,057,331	A	10/1991	Levinson	426/243
3,610,135	A	10/1971	Sheridan		D321,302	S	11/1991	Zimmerman	
3,610,458	A	10/1971	Nissley		5,075,526	A	12/1991	Sklenak et al.	
3,615,646	A	10/1971	Neely et al.		5,077,066	A	12/1991	Mattson et al.	
3,741,427	A	6/1973	Doyle	220/573.4	5,094,865	A	3/1992	Levinson	
3,811,374	A	5/1974	Mann		5,106,635	A	4/1992	McCutchan et al.	
3,836,042	A	9/1974	Petitto		5,107,087	A	4/1992	Yamada et al.	
3,865,301	A	2/1975	Pothier et al.		5,108,768	A	4/1992	So	426/77
3,881,027	A	4/1975	Levinson		5,176,284	A	1/1993	Sorensen	220/659
3,884,383	A	5/1975	Burch et al.	220/675	5,190,777	A	3/1993	Anderson et al.	
3,893,567	A	7/1975	Davis et al.	206/520	5,223,291	A	6/1993	Levinson et al.	
3,941,967	A	3/1976	Sumi et al.		5,230,914	A	7/1993	Akervik	
3,965,323	A	6/1976	Forker, Jr. et al.		5,241,149	A	8/1993	Watanabe et al.	
3,974,353	A	8/1976	Goltzos		5,300,747	A	4/1994	Simon	
3,985,990	A	10/1976	Levinson		5,315,083	A	5/1994	Green	
4,018,355	A	4/1977	Ando	220/522	D353,303	S	12/1994	Davis	
4,031,261	A	6/1977	Durst		5,370,042	A	12/1994	Tolchin et al.	
4,065,583	A	12/1977	Ahlgren		5,423,453	A	6/1995	Fritz	
4,096,948	A	6/1978	Kuchenbecker		5,520,301	A	5/1996	Sohn	220/265
4,113,095	A	9/1978	Dietz et al.		D370,598	S	6/1996	Koch	
4,133,896	A	1/1979	Standing et al.		D371,963	S	7/1996	Ahem, Jr.	
4,154,860	A	5/1979	Daswick		5,558,798	A	9/1996	Tsai	
4,186,217	A	1/1980	Tchack	426/523	D376,512	S	12/1996	Klemme	D7/538
D255,751	S	* 7/1980	Daenen	D7/667	5,588,587	A	12/1996	Stier et al.	
4,228,945	A	10/1980	Wysocki		D378,565	S	* 3/1997	Cousins	D7/667
4,233,325	A	11/1980	Slangan et al.		D378,566	S	* 3/1997	Cousins	D7/667
4,280,032	A	7/1981	Levinson		5,645,300	A	7/1997	Hill	
4,306,133	A	12/1981	Levinson		D384,555	S	10/1997	Bradley	
4,317,017	A	2/1982	Bowen		5,674,546	A	10/1997	Barnes et al.	
4,328,254	A	5/1982	Waldburger		D386,042	S	11/1997	Miller	
4,348,421	A	9/1982	Sakakibara et al.	426/394	5,698,306	A	12/1997	Prosis et al.	
4,351,997	A	9/1982	Mattisson et al.		D391,440	S	* 3/1998	Cousins	D7/360
4,373,511	A	2/1983	Miles et al.	126/369	5,726,426	A	3/1998	Davis et al.	
4,377,493	A	3/1983	Boylan et al.		5,741,534	A	4/1998	Chung	
4,390,555	A	6/1983	Levinson		5,747,086	A	5/1998	Bows et al.	
4,416,906	A	11/1983	Watkins		5,770,840	A	6/1998	Lorence	
4,425,368	A	1/1984	Watkins		5,807,597	A	9/1998	Barnes et al.	
4,439,656	A	3/1984	Peleg		D405,561	S	* 2/1999	Willinger et al.	D30/129
4,477,705	A	10/1984	Danley et al.		5,876,811	A	3/1999	Blackwell et al.	
4,478,349	A	10/1984	Haverland, Jr. et al.		5,900,264	A	5/1999	Gics	
4,481,392	A	11/1984	Nibbe et al.		5,916,470	A	6/1999	Besser et al.	
4,486,640	A	12/1984	Bowen et al.	219/729	5,925,281	A	7/1999	Levinson	
4,496,815	A	1/1985	Jorgensen		5,931,333	A	* 8/1999	Woodnorth et al.	220/573.4
4,529,089	A	7/1985	Gasbarra et al.	206/525	5,961,872	A	10/1999	Simon et al.	
4,532,397	A	7/1985	McClelland		5,988,045	A	11/1999	Housley	
D280,058	S	8/1985	Carlson	D7/629	D418,017	S	12/1999	Henry	
4,581,989	A	4/1986	Swartley	99/346	D419,371	S	1/2000	Haley	D7/392.1
4,612,431	A	9/1986	Brown et al.		6,018,157	A	1/2000	Craft	
4,661,672	A	4/1987	Nakanaga		D422,176	S	4/2000	Laib	D7/392.1
D291,522	S	* 8/1987	Daenen et al.	D7/667	6,097,017	A	8/2000	Pickford	
4,703,148	A	10/1987	Mikulski et al.		6,106,882	A	8/2000	Oh et al.	
4,703,149	A	10/1987	Sugisawa et al.		D432,914	S	10/2000	Hayes et al.	
4,745,249	A	5/1988	Daniels		6,126,976	A	10/2000	Hasse, Jr. et al.	
4,777,053	A	10/1988	Tobelmann et al.		6,136,355	A	10/2000	Fukuyama	
4,794,005	A	12/1988	Swiontek		D433,884	S	* 11/2000	Fujimoto	D7/667
4,803,088	A	2/1989	Yamamoto et al.	426/107	6,147,337	A	11/2000	Besser	
4,842,876	A	6/1989	Anderson et al.		6,150,646	A	11/2000	Lai et al.	
					6,168,044	B1	1/2001	Zettle et al.	220/784

6,175,105 B1 1/2001 Rubbright et al.
 6,180,148 B1 1/2001 Yajima
 6,183,789 B1 2/2001 Nilsson et al.
 6,187,354 B1 2/2001 Hopkins
 6,192,792 B1 2/2001 Gremillion
 6,196,406 B1 3/2001 Ennis
 6,217,918 B1 4/2001 Oh et al.
 D441,597 S 5/2001 Wyche
 D442,425 S 5/2001 Wyche
 6,229,131 B1 5/2001 Koochaki
 D445,633 S 7/2001 Bradley
 D449,102 S 10/2001 Shin D23/366
 D449,495 S 10/2001 Tucker et al.
 6,309,684 B2 10/2001 Hopkins, Sr. 426/234
 6,455,084 B2 9/2002 Johns
 6,463,844 B1 10/2002 Wang et al.
 6,467,399 B1 10/2002 Boutte
 6,486,455 B1 11/2002 Merabet
 D466,762 S 12/2002 Cote et al. D7/545
 6,509,047 B2 1/2003 Edomwonyi
 D470,768 S 2/2003 Melhede D9/428
 6,559,431 B2 5/2003 Hopkins 219/735
 D477,187 S 7/2003 McCallister et al.
 6,645,539 B2 11/2003 Bukowski et al.
 D485,473 S 1/2004 Dais et al. D7/629
 6,727,484 B2 4/2004 Policappelli
 6,818,873 B2 11/2004 Savage et al.
 D502,847 S * 3/2005 Leonori D7/667
 D505,590 S * 5/2005 Greiner et al. D7/409
 D508,822 S 5/2005 Smith et al.
 D513,942 S * 1/2006 de Groote D7/665
 7,022,359 B2 4/2006 Montserrate Gibernau
 D521,380 S 5/2006 Jackson et al.
 7,038,181 B2 5/2006 Edmark
 7,045,190 B2 5/2006 Inagaki et al.
 D526,840 S 8/2006 Carlson D7/392.1
 7,090,090 B2 8/2006 Ohyama
 D529,797 S 10/2006 Wilcox et al. D9/428
 D543,796 S * 6/2007 Lion et al. D7/667
 D552,433 S * 10/2007 Stewart D7/667
 D557,982 S * 12/2007 Ablo D7/409
 D558,536 S * 1/2008 Curtin D7/667
 D563,157 S 3/2008 Bouveret et al.
 D564,287 S 3/2008 Bouveret et al.
 D564,307 S * 3/2008 Repp D7/667
 D571,656 S 6/2008 Maslowski D9/425
 D584,111 S * 1/2009 Eide et al. D7/667
 D584,145 S 1/2009 Young
 D590,663 S 4/2009 Simon et al.
 D591,591 S 5/2009 Moecks et al.
 D592,948 S 5/2009 Mayer D9/418
 D594,328 S 6/2009 Shapiro et al. D9/435
 D598,717 S * 8/2009 Jalet D7/667
 D607,095 S 12/2009 LeMay et al. D23/366
 D610,903 S 3/2010 Shapiro et al. D9/428
 D611,300 S * 3/2010 Chen et al. D7/409
 D612,196 S 3/2010 Furlong D7/392.1
 D613,131 S * 4/2010 Chen et al. D7/667
 2001/0043971 A1 11/2001 Johns
 2003/0003200 A1 1/2003 Bukowski et al.
 2003/0068411 A1 4/2003 McCallister 426/107
 2003/0213718 A1 11/2003 Ducharme et al.
 2004/0058038 A1 3/2004 Lee 426/107
 2004/0121049 A1 6/2004 Ebner et al.
 2005/0040161 A1 2/2005 Lin et al.
 2005/0051549 A1 3/2005 Nelson 220/23.83
 2005/0079250 A1 4/2005 Mao et al. 426/113
 2005/0082305 A1 4/2005 Dais et al.
 2005/0109772 A1 5/2005 Thorpe et al.
 2005/0208182 A1 9/2005 Gilbert et al. 426/87
 2005/0271776 A1 12/2005 Siegel 426/138
 2005/0281921 A1 12/2005 Langston et al.
 2006/0013929 A1 1/2006 Morris et al.
 2006/0088678 A1 4/2006 Berrier et al.
 2006/0110498 A1 5/2006 Dellinger et al.
 2006/0118552 A1 6/2006 Tiefenback
 2006/0121168 A1 6/2006 Flaherty et al.
 2006/0151339 A1 7/2006 Bradley et al.
 2006/0236593 A1 10/2006 Cap

2006/0260598 A1 11/2006 Bjork et al.
 2007/0029314 A1 2/2007 Rodgers et al.
 2007/0090103 A1 4/2007 France et al. 219/400
 2007/0116806 A1 5/2007 Parsons 426/107
 2007/0116807 A1 5/2007 Parsons 426/107
 2007/0131679 A1 6/2007 Edwards et al.
 2007/0181008 A1 8/2007 Pawlick et al. 99/450
 2007/0251874 A1 * 11/2007 Stewart 210/232
 2008/0069485 A1 3/2008 France et al.
 2008/0138473 A1 6/2008 Pawlick et al.
 2008/0210686 A1 9/2008 Shapiro et al.
 2009/0022858 A1 1/2009 Pawlick
 2009/0035433 A1 2/2009 France et al. 426/510
 2009/0078125 A1 3/2009 Pawlick et al. 99/448
 2009/0142455 A1 6/2009 Parsons 426/120
 2010/0015293 A1 1/2010 Shapiro

FOREIGN PATENT DOCUMENTS

EP 1 245 504 A1 10/2002
 EP 1 352 841 A1 10/2003
 EP 1 352 848 A1 10/2003
 EP 1 464 262 B1 7/2005
 EP 1 612 150 A1 1/2006
 FR 2 774 262 A1 8/1999
 GB 1 560 488 2/1980
 GB 2 295 371 A 5/1996
 GB 2 308 465 A 6/1997
 GB 2 340 823 A 3/2000
 JP 2-109882 4/1990
 JP 06293366 10/1994
 JP 09051767 2/1997
 JP 10-129742 5/1998
 JP 11113511 4/1999
 WO WO 86/00275 1/1986
 WO WO 96/07604 3/1996
 WO WO 99/59897 11/1999
 WO WO 03/086882 A1 10/2003
 WO WO 2006/098950 A2 9/2006
 WO WO 2006/128156 A2 11/2006
 WO WO 2006/136825 A1 12/2006
 WO WO 2008/109448 A2 9/2008
 WO WO 2008/109448 A3 9/2008
 WO WO 2009/097030 A1 8/2009

OTHER PUBLICATIONS

U.S. Appl. No. 29/346,147 filed Oct. 27, 2009 entitled "Container Assembly".
 U.S. Appl. No. 29/346,148 filed Oct. 27, 2009 entitled Container Basket.
 U.S. Appl. No. 29/364,804 filed Jun. 29, 2010 entitled "Container Assembly".
 U.S. Appl. No. 29/364,807 filed Jun. 29, 2010 entitled "Container Basket".
 McCallister, "Microwaveable Pasta Product," U.S. Appl. No. 09/965,300, filed Sep. 28, 2001.
 Certified copy of priority document in U.S. Appl. No. 12/012,403 filed Feb. 2, 2008 (filed in Int'l Application No. PCT/US2008/080874 on Nov. 3, 2008).
 "Cafe Steamers," HealthyChoice.com, http://www.healthychoice.com/products/meals/cafe_steamers.jsp (Retrieved Aug. 2007), 1 pg.
 "Ziploc® Containers With Snap'n'Seal Lids: Designed With You in Mind," brochure found at <http://www.ziploc.com/food-storage-containers/>, (Retrieved Nov. 14, 2005), 2 pgs.
 "Ziploc® Containers With Snap'n'Seal Lids: Storage Made Simpler!," brochure found at http://www.ziploc.com/new_containers.html, (Retrieved Nov. 14, 2005), 1 pg.
 Anchor Hocking '70 Catalog, p. 83, baking dishes at #4, 5 and 6 (Oct. 1970), 1 pg.
<http://www.pastanmoresale.com>, site accessed Jun. 15, 2010, 2 pgs.
 Machine translation FR 2774262, Etimble et al., Aug. 1999, 9 pgs.
 Docket Sheet for *Green v. ConAgra Foods*, Case # 8:08-cv-00200, 11 pgs.
Green v. ConAgra Foods, Case #8:08-cv-00200, Complaint for Patent Infringement and Injunctive Relief, filed May 5, 2008, 13 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Answer, Affirmative Defenses and Counterclaims of Defendant ConAgra Foods, Inc., filed, May 5, 2008, 12 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Answer to Counterclaims, filed May 5, 2008, 2 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Joint Claim Construction Chart, filed Sep. 24, 2008, 3 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Plaintiffs Opening Brief on Claim Construction, filed Oct. 10, 2008, 27 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Index of Evidence in Support of ConAgra Foods, Inc.'s Opening Markman Brief, filed Oct. 10, 2008, 105 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Plaintiffs Responsive Brief on Claim Construction, filed Oct. 31, 2008, 16 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Defendant ConAgra Foods, Inc.'s Brief in Response to Plaintiffs Opening Brief on Claim Construction, filed Oct. 31, 2008, 17 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Memorandum and Order, filed Jan. 9, 2009, 14 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Transcript of Markman Hearing Proceedings Before the Honorable Lyle E. Strom, filed Jan. 15, 2009, 76 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Joint Stipulation of Dismissal with Prejudice, filed Feb. 2, 2009, 3 pgs.

Green v. ConAgra Foods, Case #8:08-cv-00200, Order, filed Feb. 3, 2009, 1 pg.

Green v. ConAgra Foods, Case #8:08-cv-00200, Report on the Determination of an Action Regarding Patent, filed Feb. 4, 2009, 2 pg.

Invitation to Pay Additional Fees with Partial International Search mailed Jun. 25, 2008.

International Search Report dated Aug. 20, 2008, Application No. PCT/US2008/055512.

International Search Report dated Oct. 20, 2008, Application No. PCT/US2008/071917.

International Search Report dated Jan. 12, 2009, Application No. PCT/US2008/077353.

U.S. Official Action Mailed Sep. 18, 2008 in U.S. Appl. No. 11/424,520.

U.S. Official Action Mailed Apr. 24, 2009 in U.S. Appl. No. 11/286,008.

U.S. Official Action Mailed Apr. 30, 2009 in U.S. Appl. No. 11/424,520.

U.S. Official Action Mailed Oct. 16, 2009 in U.S. Appl. No. 11/903,732.

U.S. Official Action Mailed Oct. 29, 2009 in U.S. Appl. No. 11/890,297.

U.S. Official Action Mailed Nov. 12, 2009 in U.S. Appl. No. 11/286,008.

U.S. Official Action Mailed Nov. 25, 2009 in U.S. Appl. No. 11/424,520.

U.S. Official Action Mailed Mar. 10, 2010 in U.S. Appl. No. 11/903,732.

U.S. Official Action Mailed Mar. 29, 2010 in U.S. Appl. No. 29/351,253.

U.S. Official Action Mailed Apr. 14, 2010 in U.S. Appl. No. 11/424,520.

U.S. Official Action Mailed May 21, 2010 in U.S. Appl. No. 11/286,008.

* cited by examiner

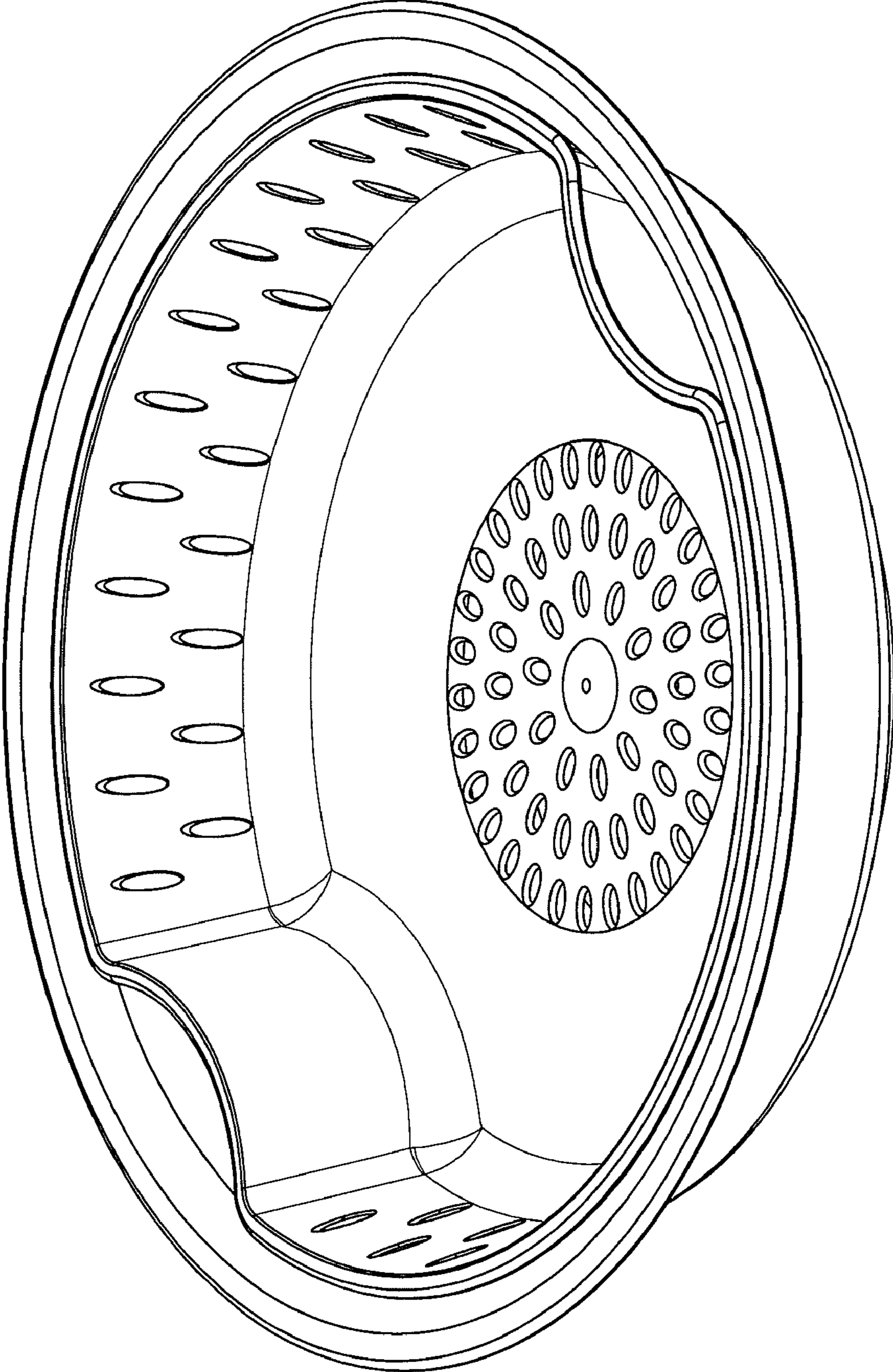


FIG. 1

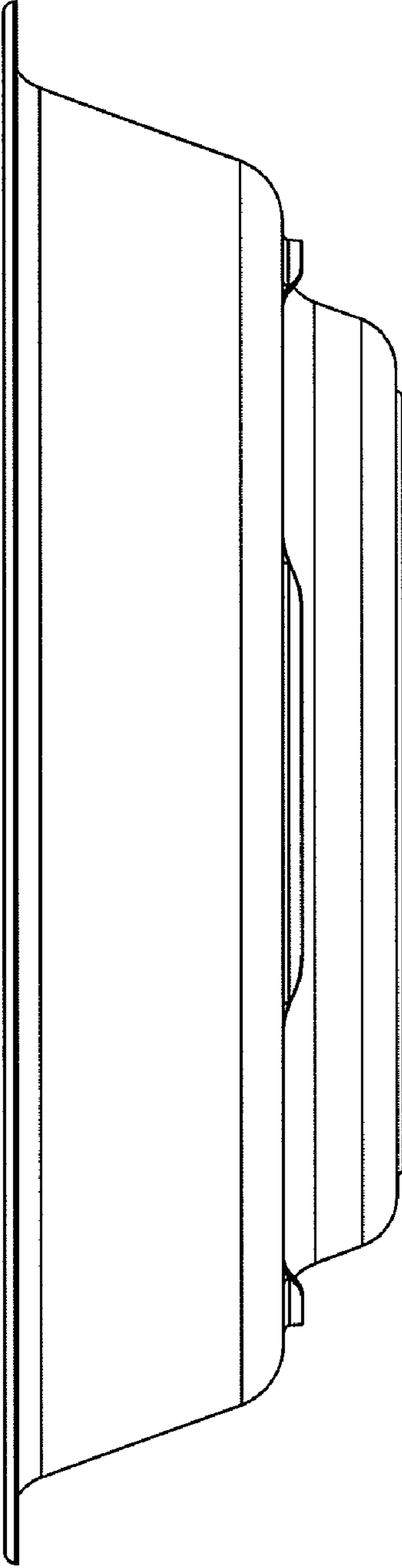


FIG. 2

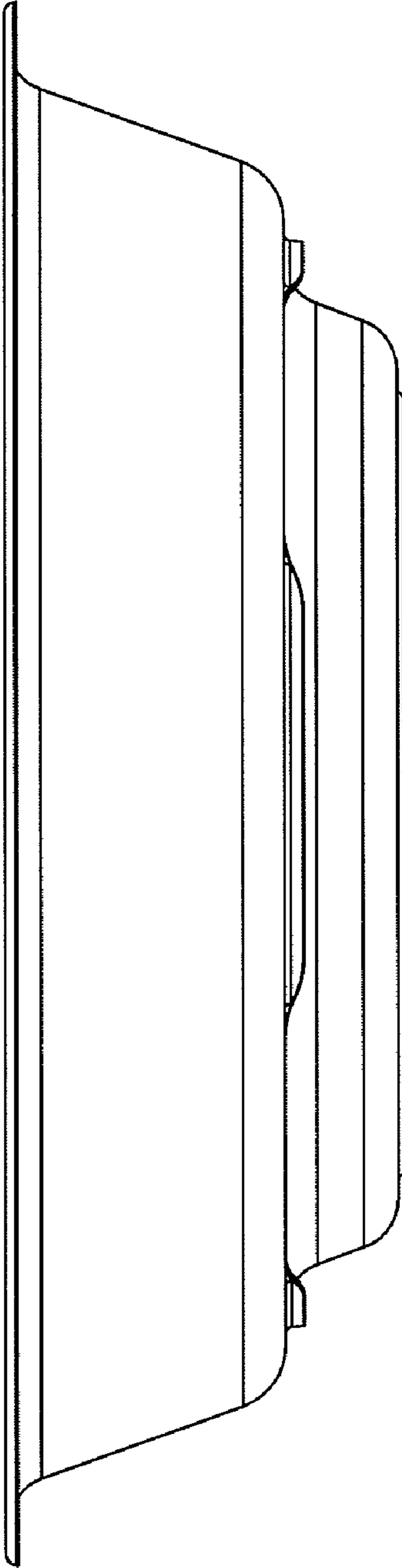


FIG. 3

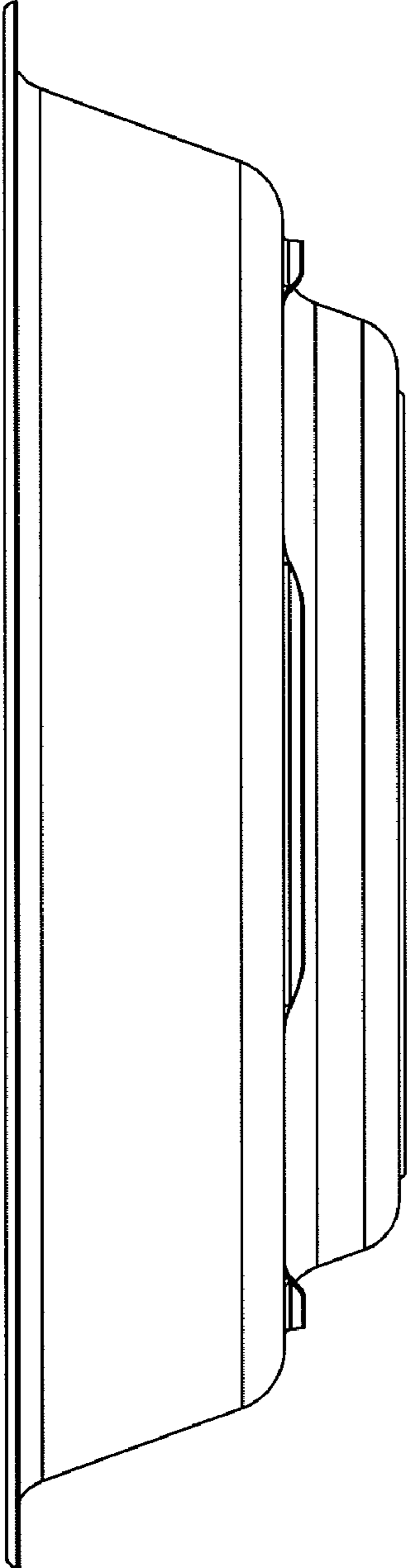


FIG. 4

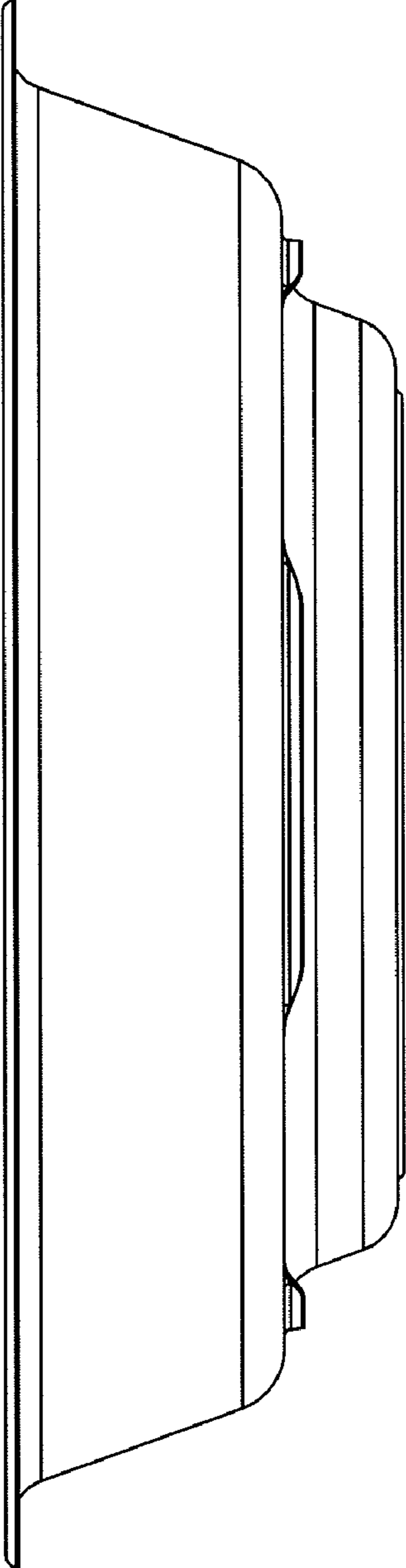


FIG. 5

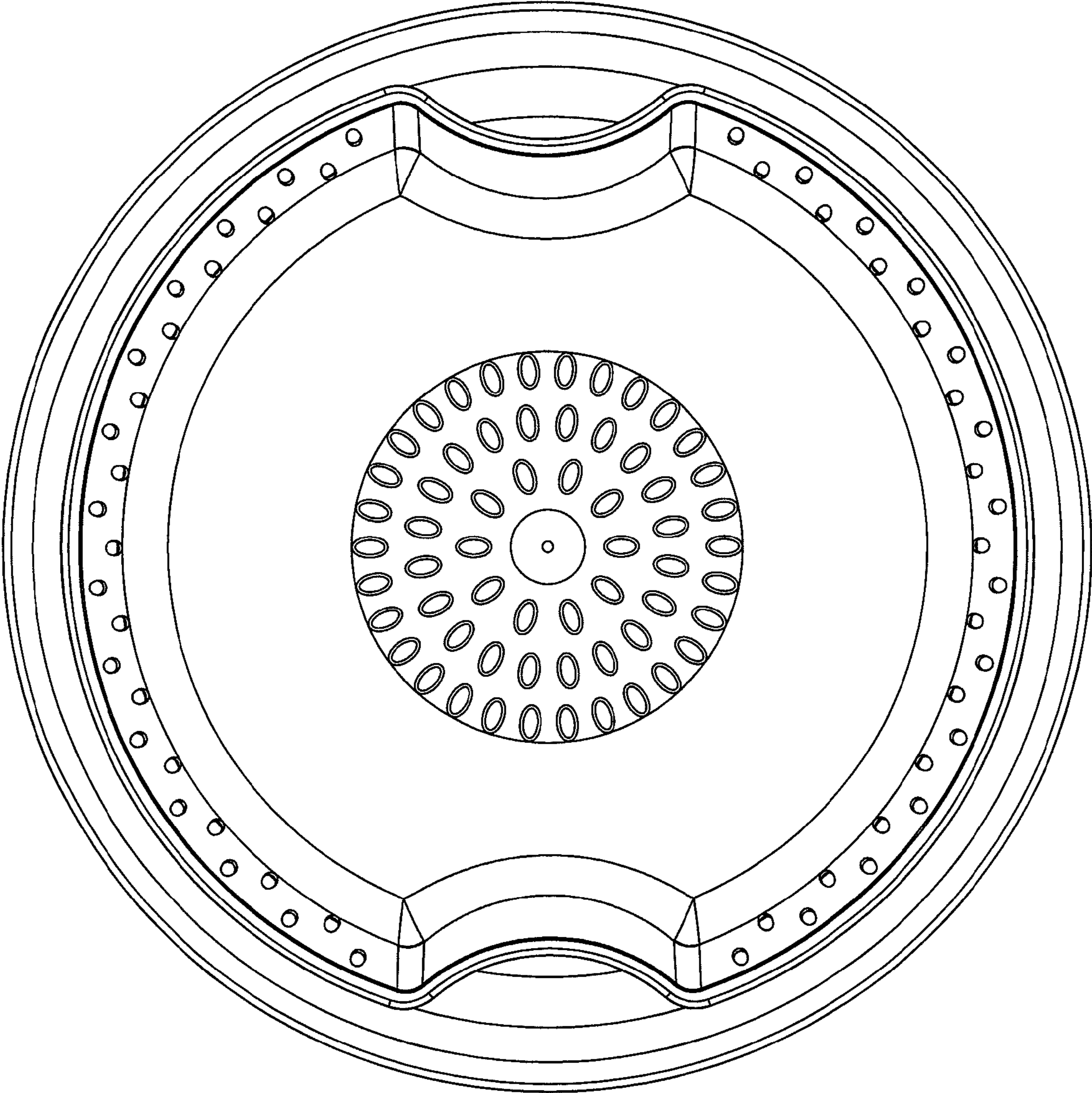


FIG. 6

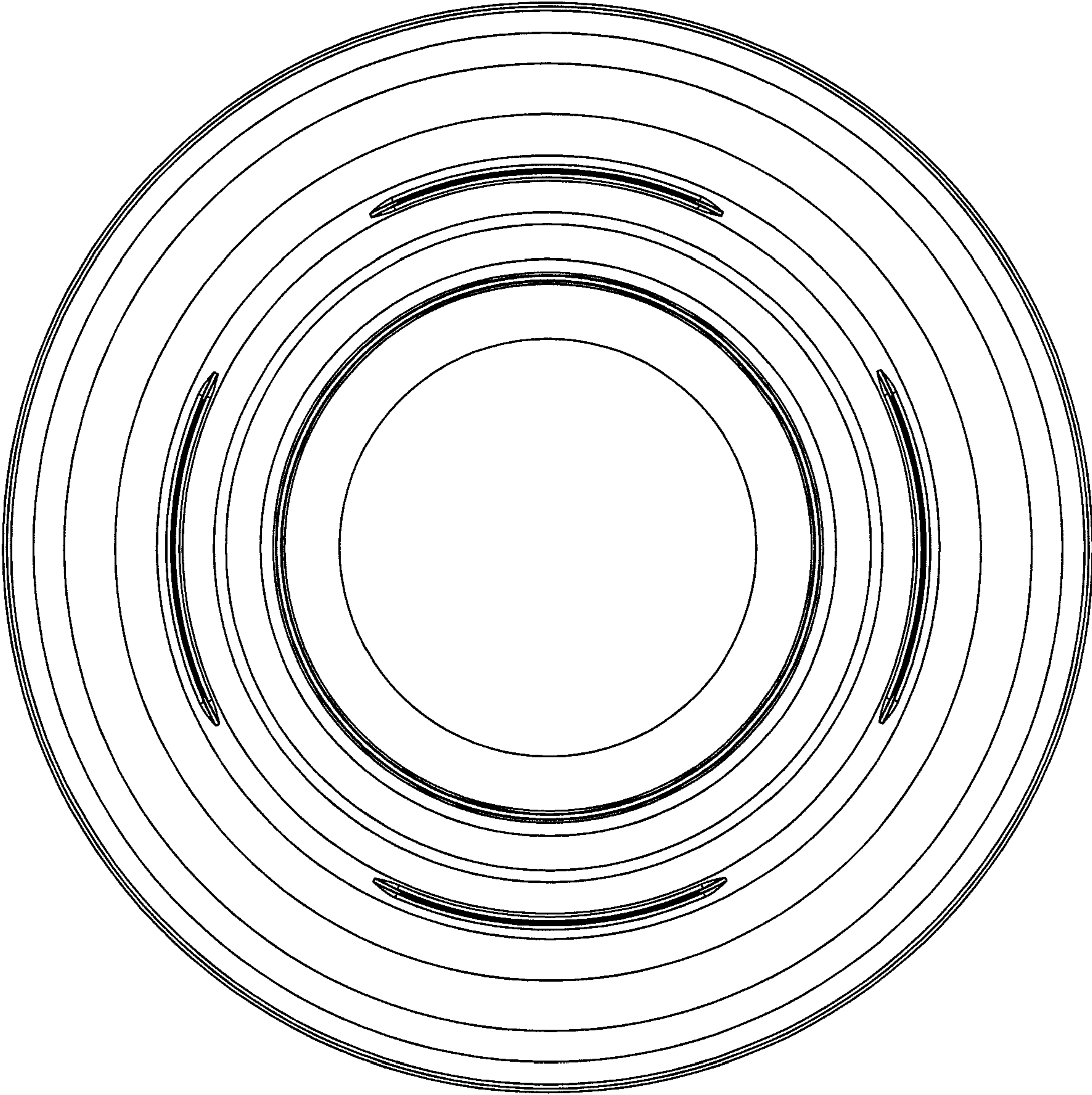


FIG. 7