



US00D641261S

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

(10) **Patent No.:** **US D641,261 S**
(45) **Date of Patent:** **** *Jul. 12, 2011**

- (54) **CONTAINER**
- (75) Inventors: **Thomas S. Diss**, Waukesha, WI (US);
Kamchat Soisuvann, Saugus, CA (US)
- (73) Assignee: **Silgan Containers, LLC**, Woodland Hills, CA (US)

- 1,013,775 A 1/1912 Hoffman
- D56,181 S 8/1920 Lewis
- D67,869 S 7/1925 Boswell
- D73,511 S 9/1927 Schrader
- 1,832,806 A 11/1931 Dawson
- D98,420 S 2/1936 Deskey

(Continued)

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

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

(21) Appl. No.: **29/338,661**

(22) Filed: **Jun. 16, 2009**

FOREIGN PATENT DOCUMENTS

FR 2584680 1/1987

(Continued)

OTHER PUBLICATIONS

“The Revolutionary Stretching Technology” brochure, believed to be available by 2001 at www.canstretch.com, 1 page.

(Continued)

Related U.S. Application Data

(63) Continuation-in-part of application No. 29/305,883, filed on Mar. 28, 2008, now Pat. No. Des. 596,958.

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

(52) **U.S. Cl.** **D9/778; 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.

Primary Examiner — Ian Simmons

Assistant Examiner — Dana L Sipos

(74) *Attorney, Agent, or Firm* — Reinhart Boerner Van Deuren s.c.

(57) **CLAIM**

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

DESCRIPTION

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

FIG. 2 is a front elevation view thereof, the rear elevation view being identical;

FIG. 3 is a top plan view thereof, shown at a reduced scale; and,

FIG. 4 is a bottom plan view thereof.

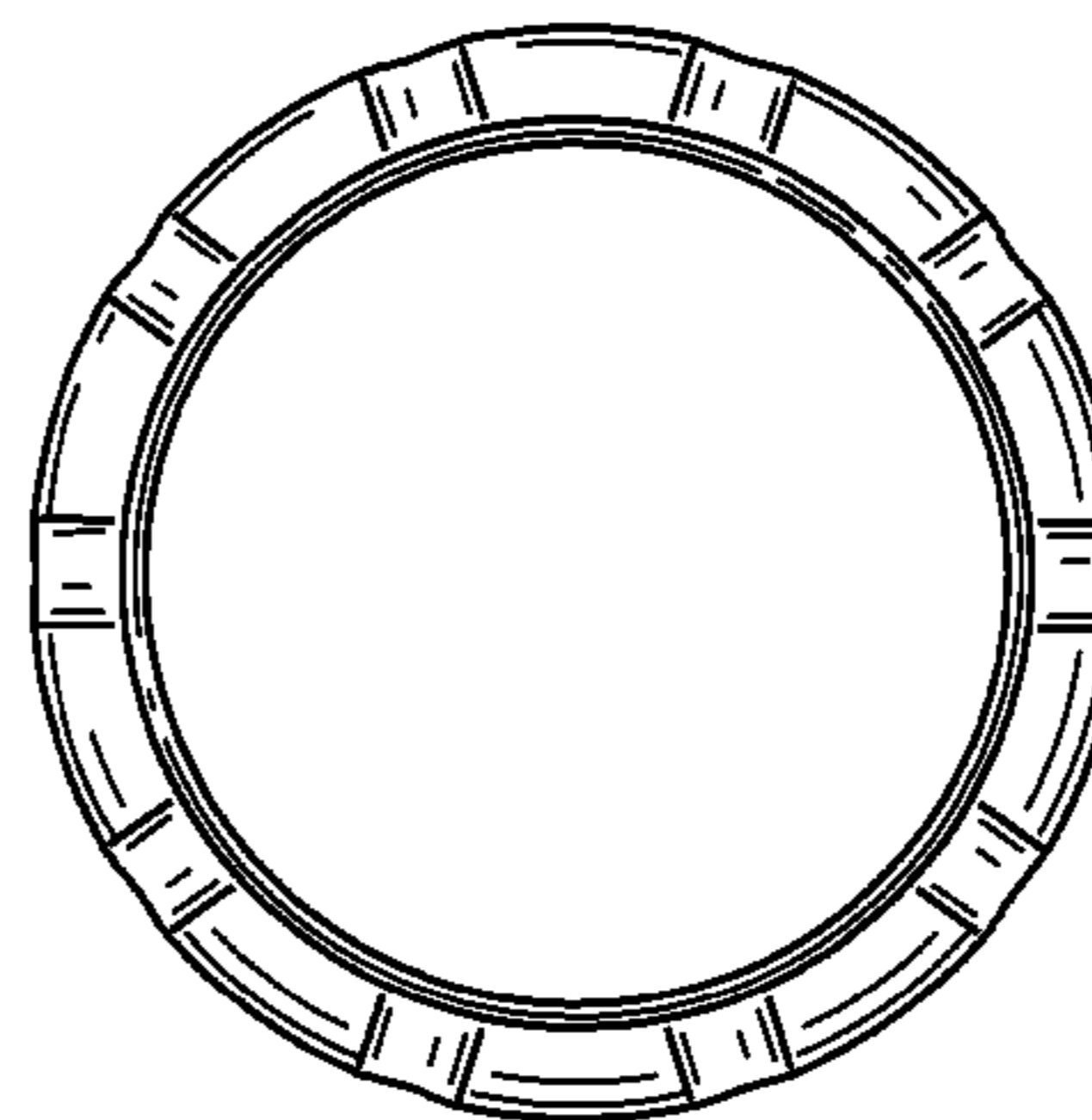
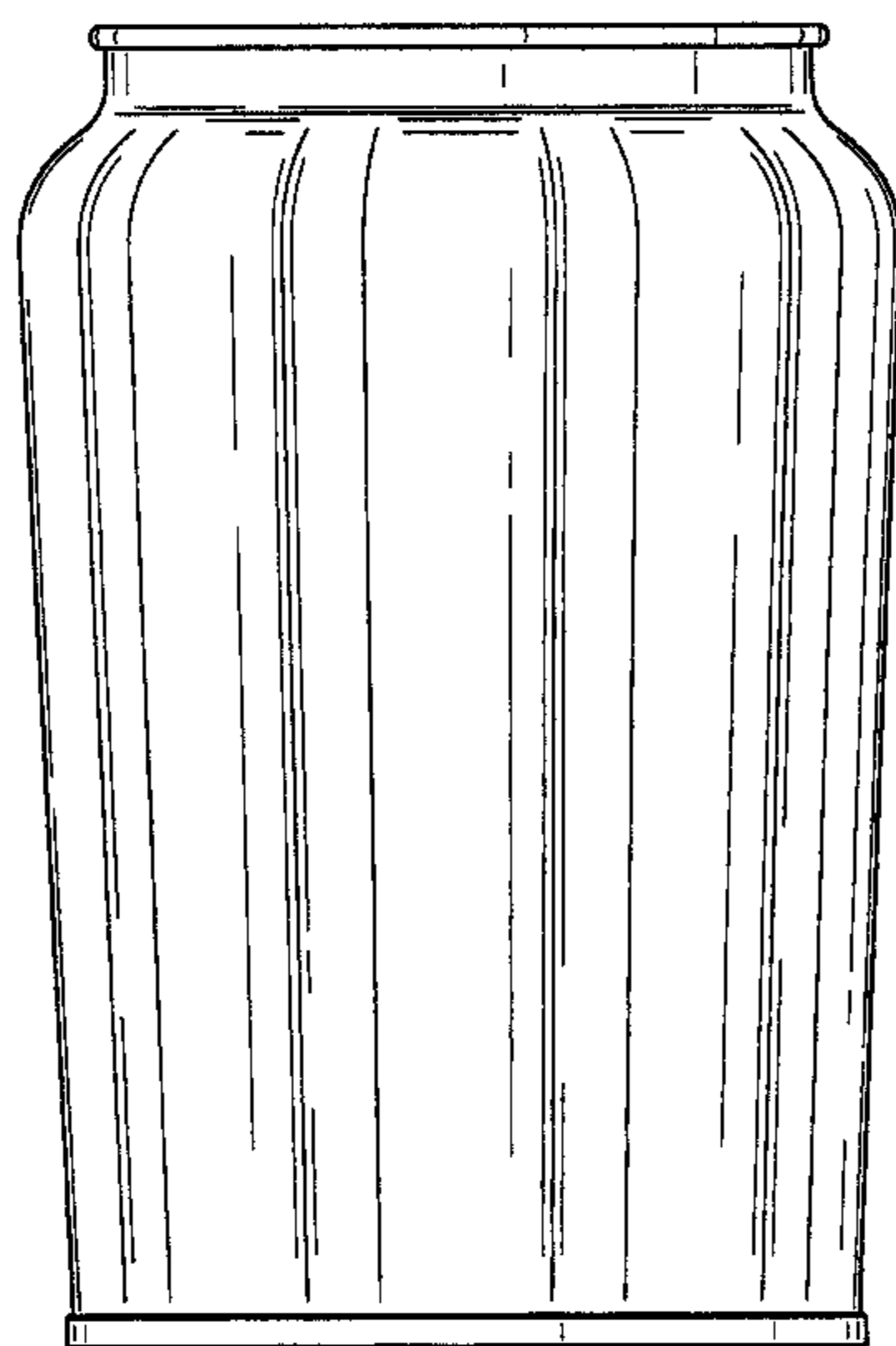
The ornamental design which is claimed is shown in solid lines in the drawings. The broken lines in the drawings are for illustrative purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets

(56) **References Cited**

U.S. PATENT DOCUMENTS

- D2,820 S 11/1867 Barry
- D6,985 S 11/1873 Sleeper
- D22,751 S 8/1893 Lanning
- D24,991 S 12/1895 Estes
- 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



US D641,261 S

U.S. PATENT DOCUMENTS							
D101,728	S	10/1936	Bennett	5,957,647	A	9/1999	Hinton
D120,226	S	4/1940	Lundy	D414,693	S	10/1999	Cheng et al.
D120,587	S	5/1940	Hinkins	D416,200	S	11/1999	Pavely et al.
D124,645	S	1/1941	Palmer	5,988,416	A	11/1999	Cheng et al.
D124,880	S	1/1941	Teunisz	5,988,417	A	11/1999	Cheng et al.
2,252,915	A	8/1941	Conill	D417,392	S	12/1999	Zhang
D129,604	S	9/1941	Forgue	D419,058	S	1/2000	Roth et al.
D185,488	S	6/1959	Burck et al.	D419,444	S	1/2000	Zhang
D185,649	S	7/1959	Schlumbohm	D419,886	S	2/2000	Gans
3,297,194	A	1/1967	Schaper et al.	D420,587	S	2/2000	Cheng et al.
D207,133	S	3/1967	Stenger	D421,393	S	3/2000	Pavely et al.
3,317,110	A	5/1967	Palmer	D421,720	S	3/2000	Eberle et al.
3,349,987	A	10/1967	Weitzner	D421,907	S	3/2000	Benge et al.
D212,525	S	10/1968	Kneapler	D423,336	S	4/2000	Gray
3,648,884	A	3/1972	Mansolino	D423,365	S	4/2000	Eberle et al.
D224,516	S	8/1972	Amberg	D425,424	S	5/2000	Cheng et al.
D224,642	S	8/1972	Mascia et al.	6,062,409	A	5/2000	Eberle
D226,176	S	1/1973	Bystedt et al.	D426,164	S	6/2000	Gans et al.
D227,863	S	7/1973	Mascia	D427,057	S	6/2000	Roth et al.
D227,868	S	7/1973	Stanley et al.	D427,514	S	7/2000	Roth et al.
D228,229	S	8/1973	Mascia	D427,515	S	7/2000	Roth et al.
D230,953	S	3/1974	Edwards	D427,905	S	7/2000	Eberle
D231,087	S	4/1974	Edwards	6,092,688	A	7/2000	Eberle et al.
D231,773	S	6/1974	Mascia	D429,151	S	8/2000	Cheng et al.
D234,251	S	2/1975	Edwards	D429,164	S	8/2000	Peek et al.
D235,184	S	5/1975	Achenbach	6,095,360	A	8/2000	Shmagin et al.
D237,853	S	12/1975	Katz	6,123,211	A	9/2000	Rashid et al.
4,010,860	A	3/1977	Garber	D431,465	S	10/2000	Cheng et al.
D249,111	S	8/1978	Geyer	D431,470	S	10/2000	Henderson
D252,798	S	9/1979	Vosti et al.	D432,423	S	10/2000	Rashid
D281,670	S	* 12/1985	Thieffry D9/503	D432,424	S	10/2000	Andrew
D288,527	S	3/1987	Maguire	6,131,761	A	10/2000	Cheng et al.
D299,426	S	1/1989	Andersson et al.	D435,455	S	12/2000	Gans
4,804,105	A	2/1989	Zysset et al.	6,161,713	A	12/2000	Krich
D307,238	S	4/1990	May	6,164,474	A	12/2000	Cheng et al.
D317,405	S	6/1991	Yasika	6,164,480	A	12/2000	Heinicke et al.
5,040,698	A	8/1991	Ramsey et al.	D437,229	S	2/2001	Andrew
D319,580	S	9/1991	Cassai et al.	D437,230	S	2/2001	Andrew
D320,153	S	9/1991	Cassai et al.	6,206,222	B1	3/2001	Cudzik
5,052,573	A	10/1991	Zysset	6,213,325	B1	4/2001	Cheng et al.
D323,290	S	1/1992	Keedy, Jr.	6,220,475	B1	4/2001	Nayar et al.
D345,105	S	3/1994	Ramsey	D441,295	S	5/2001	Krich
D352,898	S	11/1994	Vacher	6,230,912	B1	5/2001	Rashid
D355,129	S	2/1995	Gruodis	D445,339	S	7/2001	Bazlur
D355,368	S	2/1995	Gruodis	D445,693	S	7/2001	Rashid
D357,413	S	4/1995	Kornick et al.	D445,694	S	7/2001	Gans
D357,414	S	4/1995	Kornick et al.	D446,455	S	8/2001	McGowan
D365,021	S	12/1995	Park	D446,458	S	8/2001	Gans
D367,426	S	2/1996	Ruff	D447,061	S	8/2001	Peek
D373,084	S	8/1996	Choi	6,280,679	B1	8/2001	Rashid et al.
D378,572	S	3/1997	Culverwell et al.	D447,422	S	9/2001	Peek
D379,589	S	6/1997	Rhodes et al.	D448,302	S	9/2001	Cheng et al.
D381,259	S	7/1997	Hayes	D448,303	S	9/2001	Cheng et al.
D383,037	S	9/1997	Asberg	D448,304	S	9/2001	Cheng et al.
5,711,448	A	1/1998	Clarke, III	6,294,131	B1	9/2001	Jaffrey
5,720,412	A	2/1998	Ficken	D448,666	S	10/2001	Fields
5,722,561	A	3/1998	Biondich et al.	D448,671	S	10/2001	Gans et al.
5,749,488	A	5/1998	Bagwell et al.	D448,672	S	10/2001	Cheng et al.
D398,531	S	9/1998	DeVries	D448,675	S	10/2001	Thierjung
D399,129	S	10/1998	Ramsey	D448,677	S	10/2001	Krich
D399,425	S	10/1998	Ramsey	D449,539	S	10/2001	Lakatosh et al.
D399,428	S	10/1998	Ramsey	D449,993	S	11/2001	Schumann
D399,429	S	10/1998	Ramsey	D450,244	S	11/2001	Rashid
D399,430	S	10/1998	Ramsey	6,321,927	B2	11/2001	Cavella
D399,753	S	10/1998	Ramsey	D453,003	S	1/2002	Rashid
D401,152	S	11/1998	DeVore et al.	6,341,709	B1	1/2002	Wilson
D403,962	S	1/1999	Ramsey	6,347,717	B1	2/2002	Eberle
D403,963	S	1/1999	Ramsey	D454,073	S	3/2002	Crawford
D404,254	S	1/1999	Asberg	D455,656	S	4/2002	Gans et al.
D404,970	S	2/1999	Asberg	6,374,657	B1	4/2002	Kirk et al.
D406,065	S	2/1999	Cheng	D456,712	S	5/2002	Krich
D406,236	S	3/1999	Brifcani et al.	D457,435	S	5/2002	Rashid
D408,221	S	4/1999	Asberg	6,398,052	B1	6/2002	Cheng et al.
D409,496	S	5/1999	Ramsey	6,419,874	B2	7/2002	Rashid et al.
D411,106	S	6/1999	Conrad	D464,569	S	10/2002	Moore et al.
D412,118	S	7/1999	Rodea	D465,158	S	11/2002	Peek et al.
D412,441	S	8/1999	Cheng et al.	D465,418	S	11/2002	Thierjung
D413,519	S	9/1999	Eberle et al.	D466,019	S	11/2002	Thierjung et al.
				D466,021	S	11/2002	Thierjung et al.

US D641,261 S

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.
 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.
 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.
 D512,917 S 12/2005 Frisch 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 Kliger 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.
 D555,514 S * 11/2007 Munn D9/776
 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.
 D614,969 S * 5/2010 Diss D9/774
 D614,970 S * 5/2010 Diss et al. D9/774
 D615,877 S * 5/2010 Hu D9/774

D624,438 S * 9/2010 Diss D9/774
 D626,015 S * 10/2010 Diss et al. D9/774
 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

“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.
 U.S. Appl. No. 29/298,989, filed Dec. 17, 2007, Diss.
 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. 29/318,033, 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.
 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 Apr. 23, 2009, Diss.
 U.S. Appl. No. 29/338,657, filed Jun. 16, 2009, Hu.
 U.S. Appl. No. 29/338,659, filed Jun. 16, 2009, Diss.
 U.S. Appl. No. 29/338,660, filed Jun. 16, 2009, Diss.
 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.

* cited by examiner

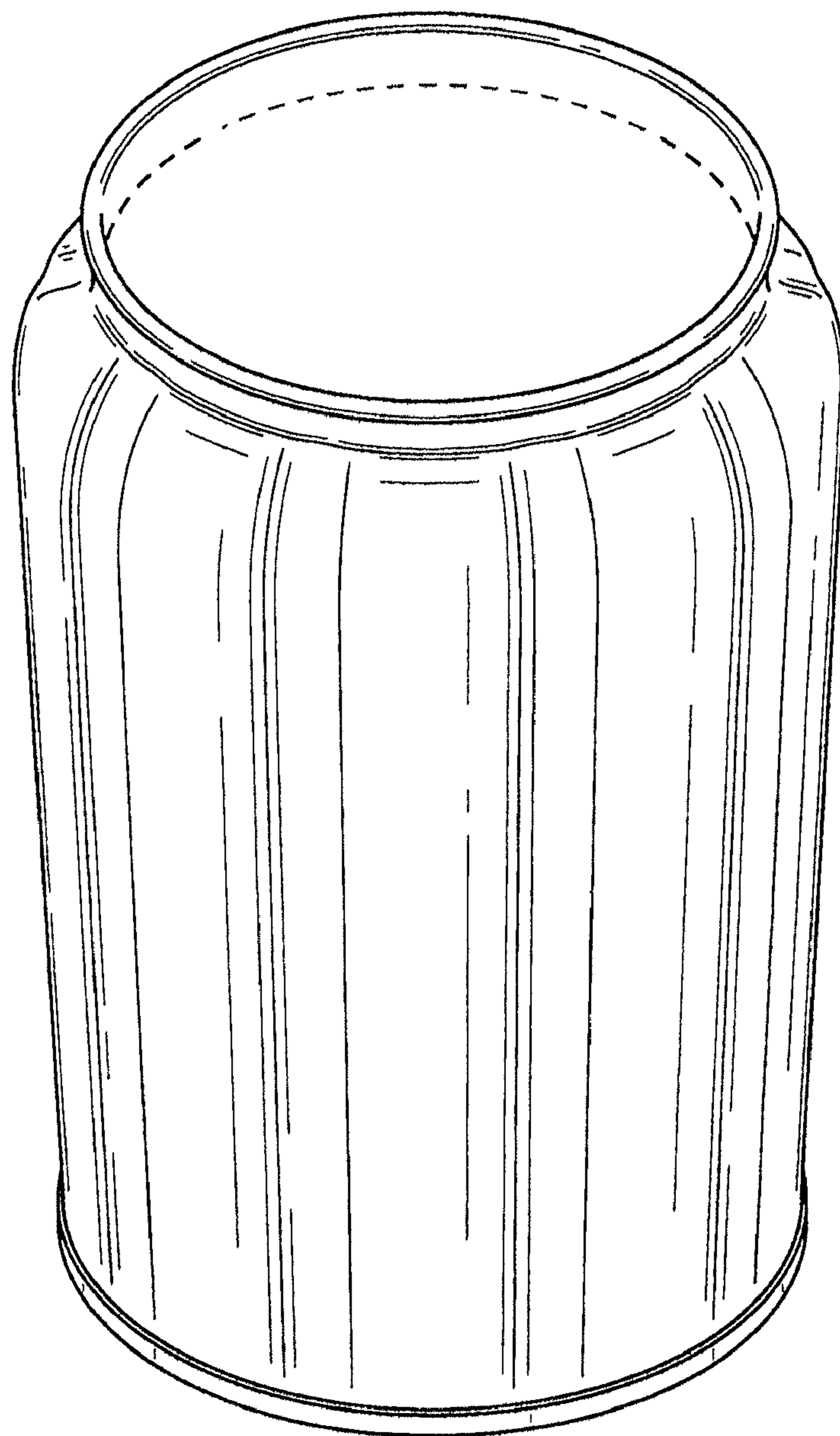


FIG. 1

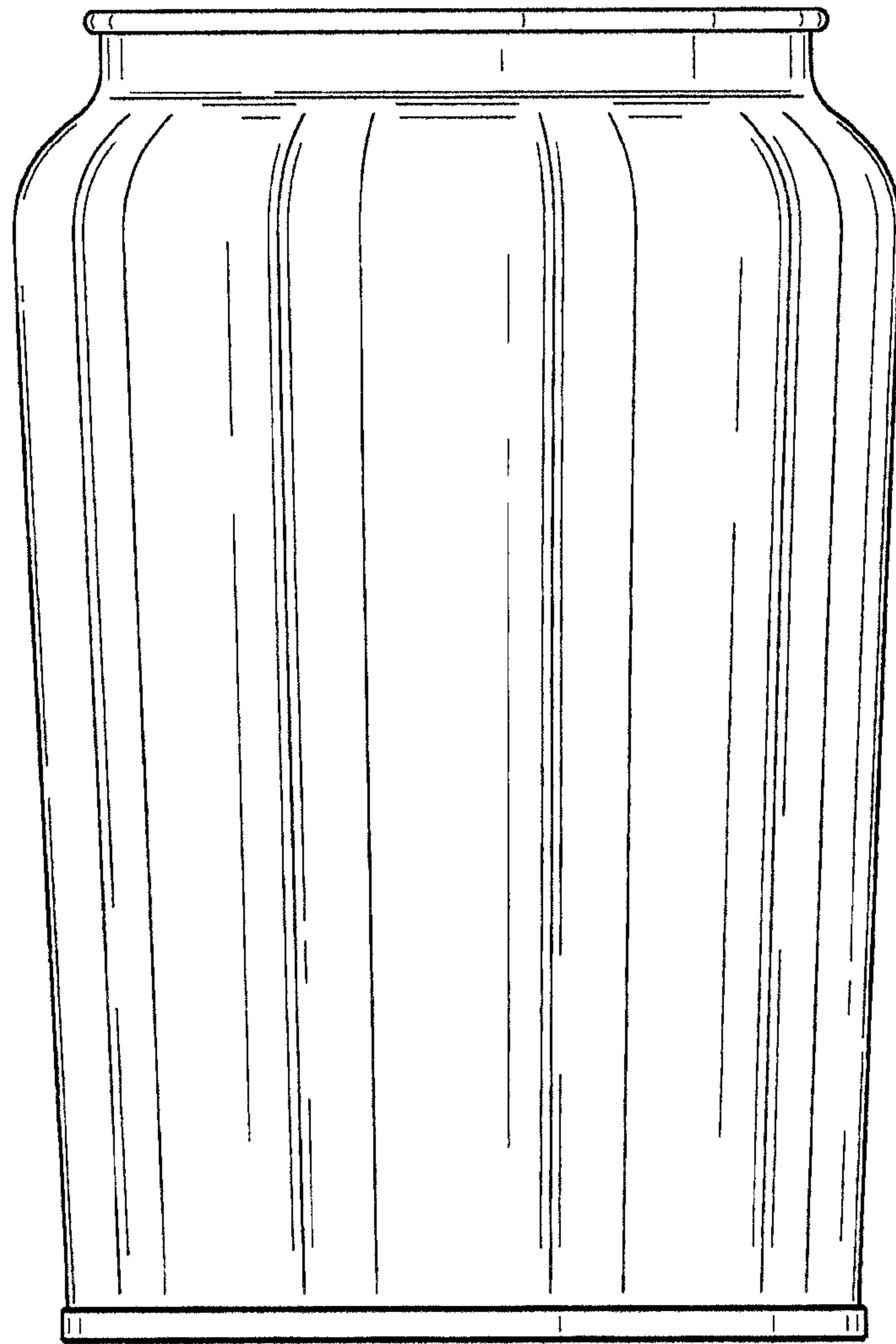


FIG. 2

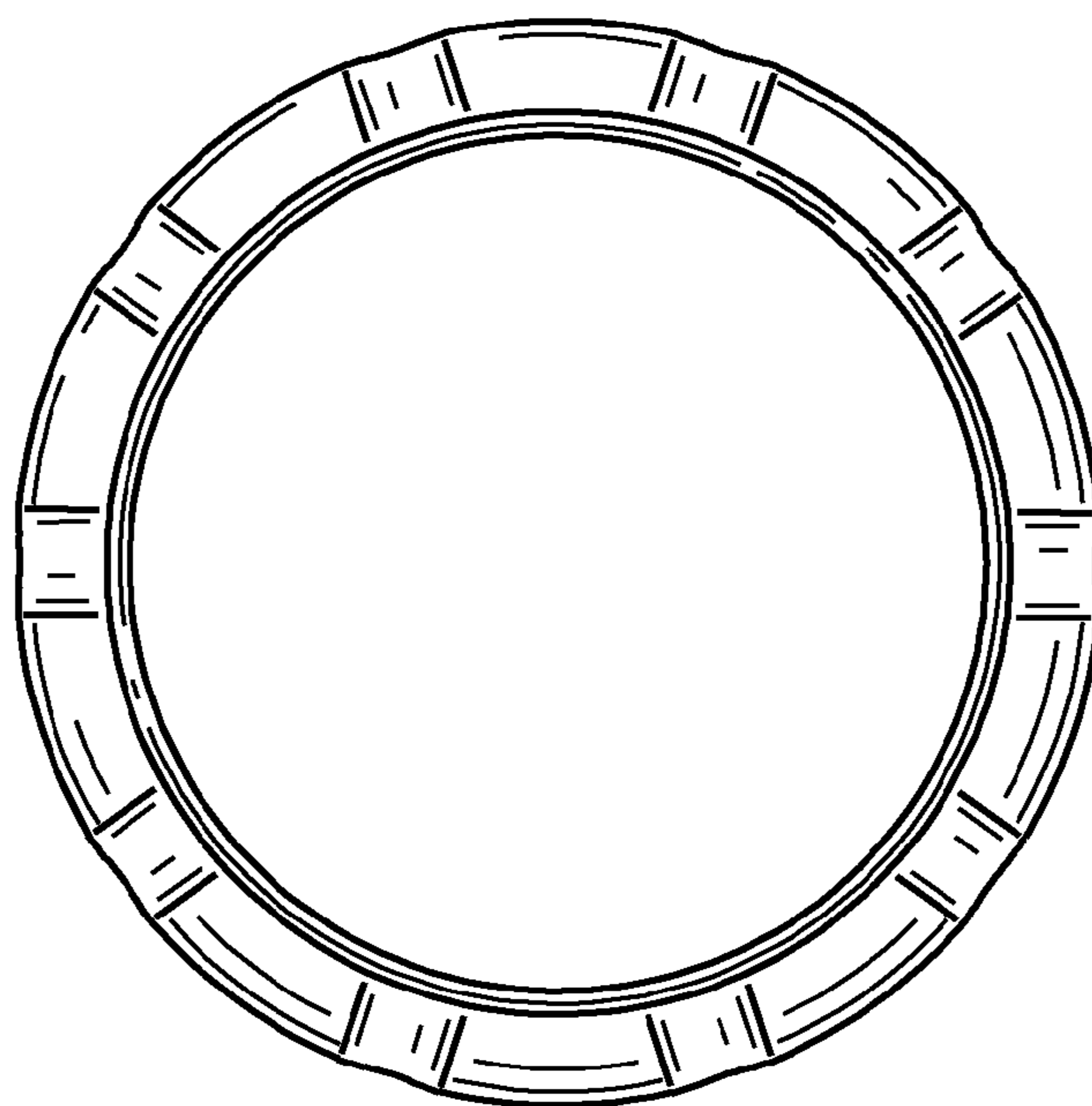


FIG. 3

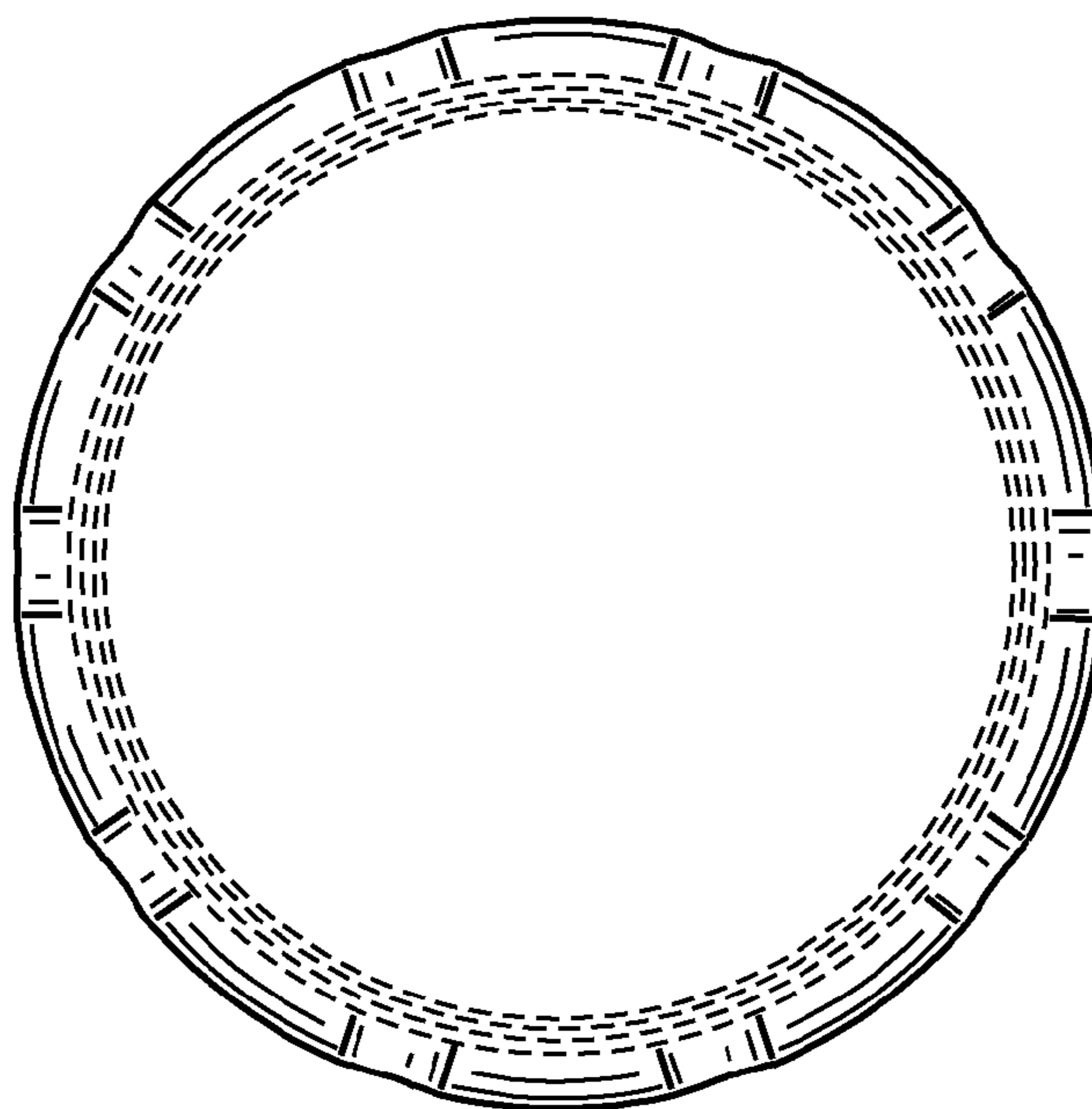


FIG. 4