



US00D653124S

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

(10) **Patent No.:** **US D653,124 S**

(45) **Date of Patent:** **** Jan. 31, 2012**

(54) **CONTAINER**

(75) Inventor: **Thomas S. Diss**, Waukesha, WI (US)

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

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

(21) Appl. No.: **29/338,656**

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

D98,420 S 2/1936 Deskey
D101,728 S 10/1936 Bennett
D120,226 S 4/1940 Lundy
D120,587 S 5/1940 Hinkins
D124,645 S 1/1941 Palmer
D124,880 S 1/1941 Teunisz
2,252,915 A 8/1941 Conill
D129,604 S 9/1941 Forgue

(Continued)

FOREIGN PATENT DOCUMENTS

FR 2584680 1/1987

(Continued)

Related U.S. Application Data

(60) Continuation-in-part of application No. 29/332,322, filed on Feb. 12, 2009, now abandoned, which is a division of application No. 29/298,989, filed on Dec. 17, 2007, now Pat. No. Des. 588,019.

(51) **LOC (9) Cl.** **09-02**

(52) **U.S. Cl.** **D9/776**

(58) **Field of Classification Search** D9/763,
D9/772-780; 206/459.1, 497, 505, 515;
220/212, 269-271, 600, 678, 906

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D2,820 S 11/1867 Barry
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 Wintermann
829,477 A 8/1906 Kruse
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

OTHER PUBLICATIONS

Notice of Allowance for U.S. Appl. No. 29/344,036, mail date Nov. 17, 2009, 6 pages.

(Continued)

Primary Examiner — Thomas Johannes

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

(57) **CLAIM**

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

DESCRIPTION

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

FIG. 2 is a front elevation view thereof, with the rear elevation view being the same as the front view;

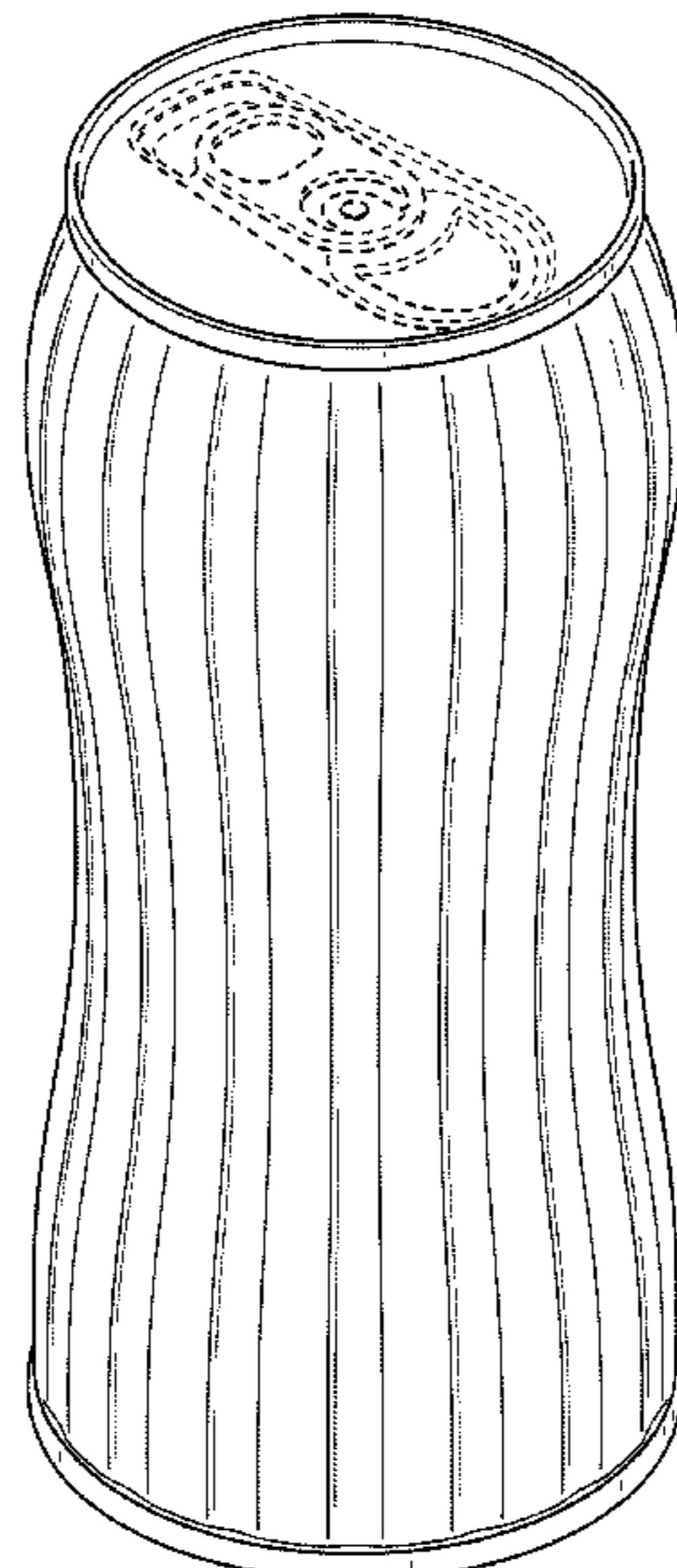
FIG. 3 is a side elevation view thereof, with the left and right side elevation views being the same;

FIG. 4 is a top plan view thereof; and,

FIG. 5 is a bottom plan view thereof.

The broken lines in the drawings show unclaimed subject matter only and form no part of the claimed design.

1 Claim, 5 Drawing Sheets



US D653,124 S

Page 2

U.S. PATENT DOCUMENTS							
D185,649	S	7/1959	Schlumbohm	D421,393	S	3/2000	Pavely et al.
3,297,194	A	1/1967	Schaper et al.	D421,720	S	3/2000	Eberle et al.
D207,133	S	3/1967	Stenger	D421,907	S	3/2000	Benge et al.
3,317,110	A	5/1967	Palmer	D423,336	S	4/2000	Gray
3,349,987	A	10/1967	Weitzner	D423,365	S	4/2000	Eberle et al.
D212,525	S	10/1968	Kneapler	D425,424	S	5/2000	Cheng et al.
3,648,884	A	3/1972	Mansolino	6,062,409	A	5/2000	Eberle
D224,516	S	8/1972	Amberg	D426,164	S	6/2000	Gans et al.
D224,642	S	8/1972	Mascia et al.	D427,057	S	6/2000	Roth et al.
D226,176	S	1/1973	Bystedt et al.	D427,514	S	7/2000	Roth et al.
D227,863	S	7/1973	Mascia	D427,515	S	7/2000	Roth et al.
D227,868	S	7/1973	Stanley et al.	D427,905	S	7/2000	Eberle
D228,229	S	8/1973	Mascia	6,092,688	A	7/2000	Eberle et al.
D231,087	S	4/1974	Edwards	D429,151	S	8/2000	Cheng et al.
D231,773	S	6/1974	Mascia	D429,164	S	8/2000	Peek et al.
D234,251	S	2/1975	Edwards	6,095,360	A	8/2000	Shmagin et al.
D235,184	S	5/1975	Achenbach	6,123,211	A	9/2000	Rashid et al.
D237,853	S	12/1975	Katz	D431,465	S	10/2000	Cheng et al.
4,010,860	A	3/1977	Garber	D431,470	S	10/2000	Henderson
D249,111	S	8/1978	Geyer	D432,423	S	10/2000	Rashid
D252,798	S	9/1979	Vosti et al.	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.	D447,693	S	9/2001	Warner et al.
D381,259	S	7/1997	Hayes	D448,302	S	9/2001	Cheng et al.
D383,037	S	9/1997	Asberg	D448,303	S	9/2001	Cheng et al.
5,711,448	A	1/1998	Clarke, III	D448,304	S	9/2001	Cheng et al.
5,720,412	A	2/1998	Ficken	6,294,131	B1	9/2001	Jaffrey
5,722,561	A	3/1998	Biondich et al.	D448,666	S	10/2001	Fields
5,749,488	A	5/1998	Bagwell et al.	D448,671	S	10/2001	Gans et al.
D398,531	S	9/1998	De Vries	D448,672	S	10/2001	Cheng et al.
D399,129	S	10/1998	Ramsey	D448,675	S	10/2001	Thierjung
D399,425	S	10/1998	Ramsey	D448,677	S	10/2001	Krich
D399,428	S	10/1998	Ramsey	D449,539	S	10/2001	Lakatos et al.
D399,429	S	10/1998	Ramsey	D449,993	S	11/2001	Schumann
D399,430	S	10/1998	Ramsey	D450,244	S	11/2001	Rashid
D399,753	S	10/1998	Ramsey	6,321,927	B2	11/2001	Cavella
D401,152	S	11/1998	DeVore et al.	D452,954	S	1/2002	Westphal
D403,962	S	1/1999	Ramsey	D453,003	S	1/2002	Rashid
D403,963	S	1/1999	Ramsey	6,341,709	B1	1/2002	Wilson
D404,254	S	1/1999	Asberg	6,347,717	B1	2/2002	Eberle
D404,970	S	2/1999	Asberg	D454,073	S	3/2002	Crawford
D406,065	S	2/1999	Cheng	D455,656	S	4/2002	Gans et al.
D406,236	S	3/1999	Brifcani et al.	6,374,657	B1	4/2002	Kirk et al.
D408,221	S	4/1999	Asberg	D456,712	S	5/2002	Krich
D409,496	S	5/1999	Ramsey	D457,435	S	5/2002	Rashid
D411,106	S	6/1999	Conrad	6,398,052	B1	6/2002	Cheng et al.
D412,118	S	7/1999	Rodea	6,419,874	B2	7/2002	Rashid et al.
D412,441	S	8/1999	Cheng et al.	D464,569	S	10/2002	Moore et al.
D413,519	S	9/1999	Eberle et al.	D465,158	S	11/2002	Peek et al.
5,957,647	A	9/1999	Hinton	D465,418	S	11/2002	Thierjung
D414,693	S	10/1999	Cheng et al.	D466,019	S	11/2002	Thierjung et al.
D416,200	S	11/1999	Pavely et al.	D466,021	S	11/2002	Thierjung et al.
5,988,416	A	11/1999	Cheng et al.	D466,024	S	11/2002	Thierjung et al.
5,988,417	A	11/1999	Cheng et al.	D466,813	S	12/2002	Thierjung et al.
D417,392	S	12/1999	Zhang	D466,817	S	12/2002	Thierjung et al.
D419,058	S	1/2000	Roth et al.	D469,360	S	1/2003	Moore et al.
D419,444	S	1/2000	Zhang	6,575,684	B2	6/2003	Heinicke et al.
D419,886	S	2/2000	Gans	D476,889	S	7/2003	Fields
D420,587	S	2/2000	Cheng et al.	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
 D502,396 S 3/2005 Frisch et al.
 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.
 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
 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.
 D529,822 S 10/2006 Munn
 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
 D540,194 S 4/2007 Cummings
 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
 D562,685 S 2/2008 Millspaw et al.
 D588,018 S 3/2009 Metzger et al.
 D588,019 S * 3/2009 Diss D9/776
 D596,500 S 7/2009 Diss
 D596,501 S * 7/2009 Diss et al. D9/776
 D596,502 S * 7/2009 Diss et al. D9/776
 D596,503 S 7/2009 Murphy et al.
 D596,504 S 7/2009 Murphy et al.
 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.
 D614,508 S * 4/2010 Hu D9/776
 D615,877 S * 5/2010 Hu D9/774
 D626,015 S * 10/2010 Diss et al. D9/774

D631,759 S * 2/2011 Diss et al. D9/774
 D632,187 S * 2/2011 Diss et al. D9/774
 D632,190 S * 2/2011 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

“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.
 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. 29/331,956, 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 Jan. 13, 2009, Ziegler et al.
 U.S. Appl. No. 29/332,378, filed Jan. 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. 29/338,657, 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. 29/338,661, 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.
 A237 Soudronic Image believed to be available by Apr. 24, 2007.
 Engineering Drawing of Cans developed by Assignee at least by Jul. 12, 2006, 1 page.
 Photograph of Can developed by Assignee at least by Aug. 4, 2008, 1 page.

* cited by examiner

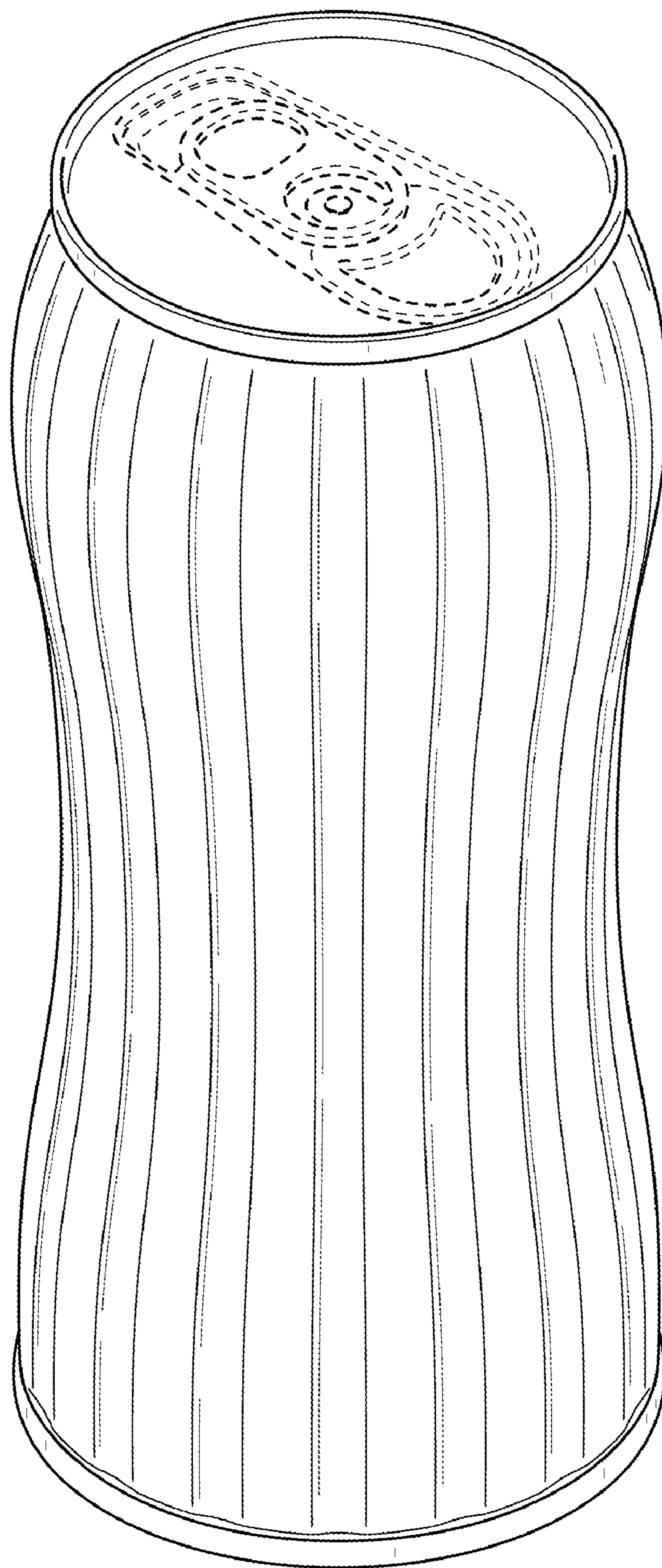


FIG. 1

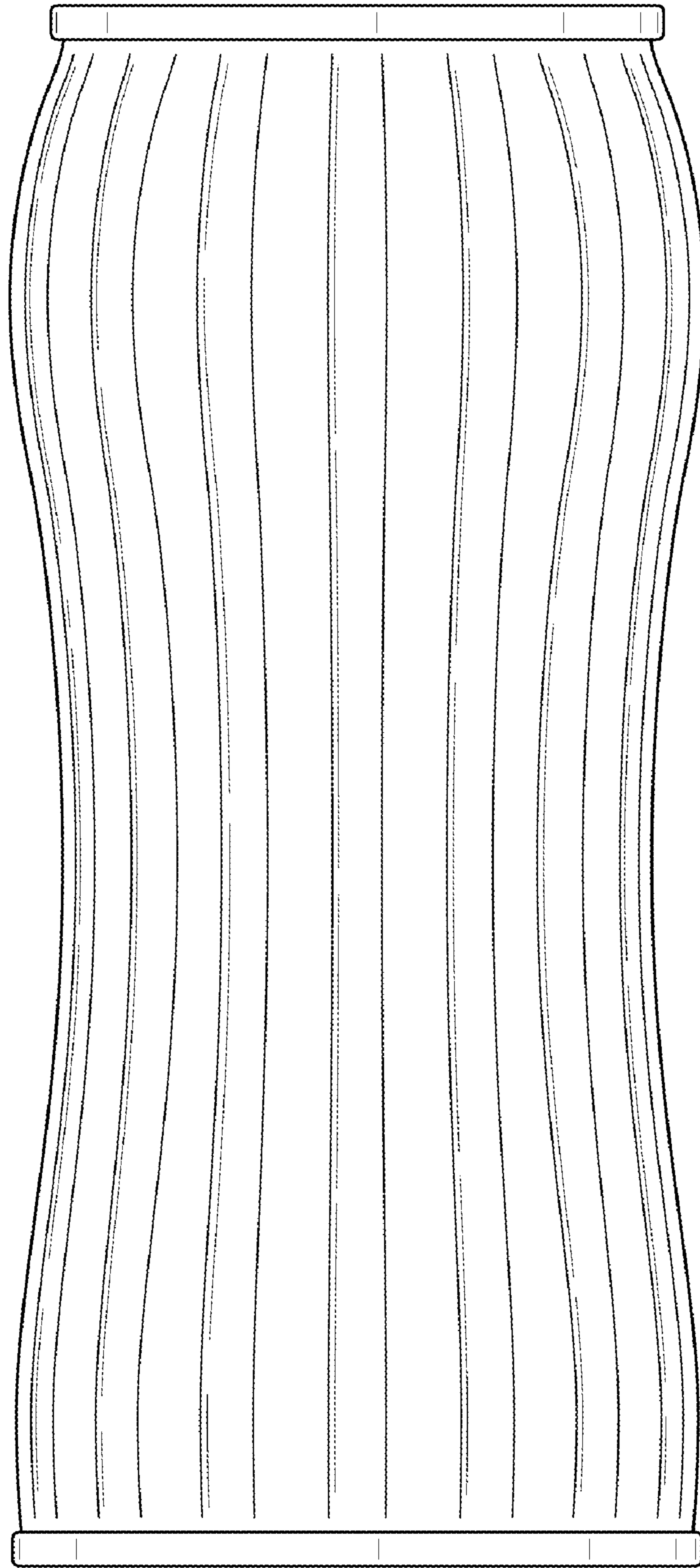


FIG. 2

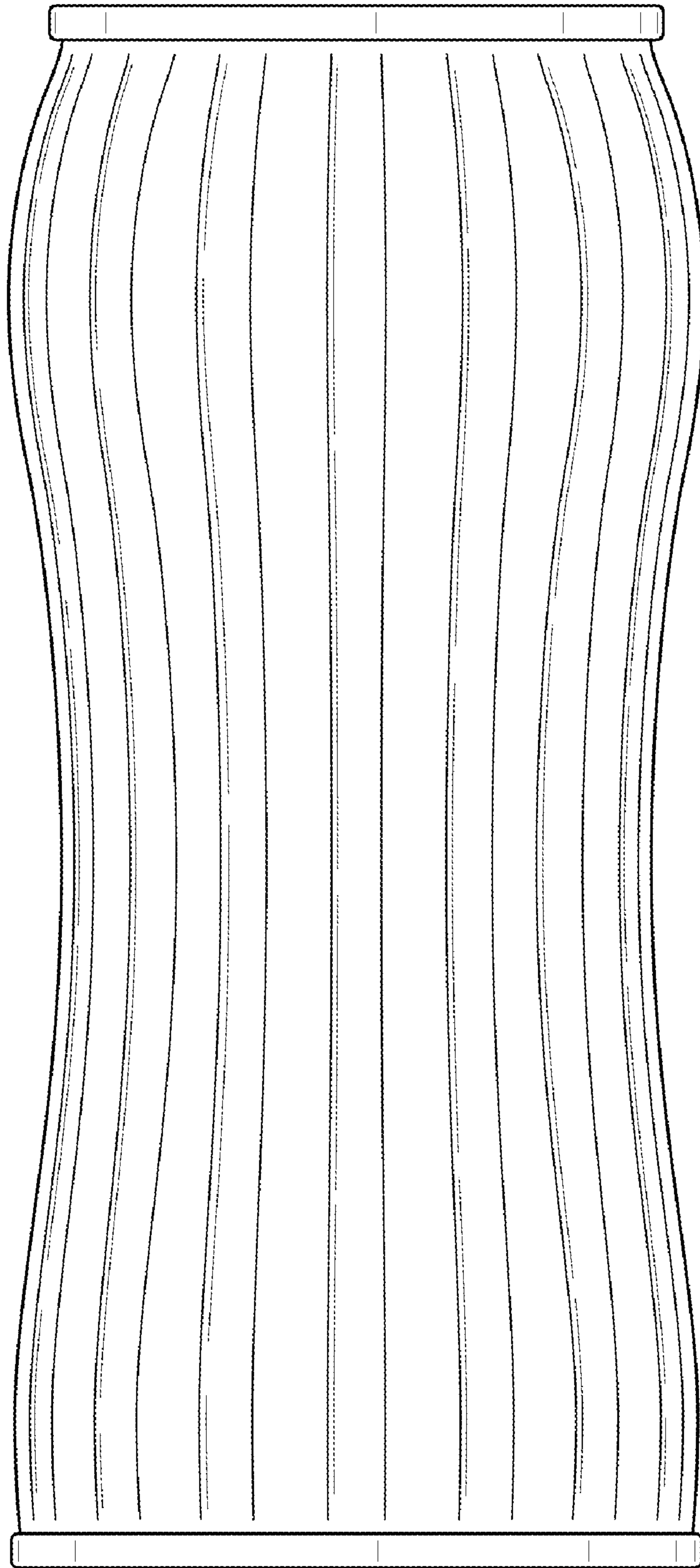


FIG. 3

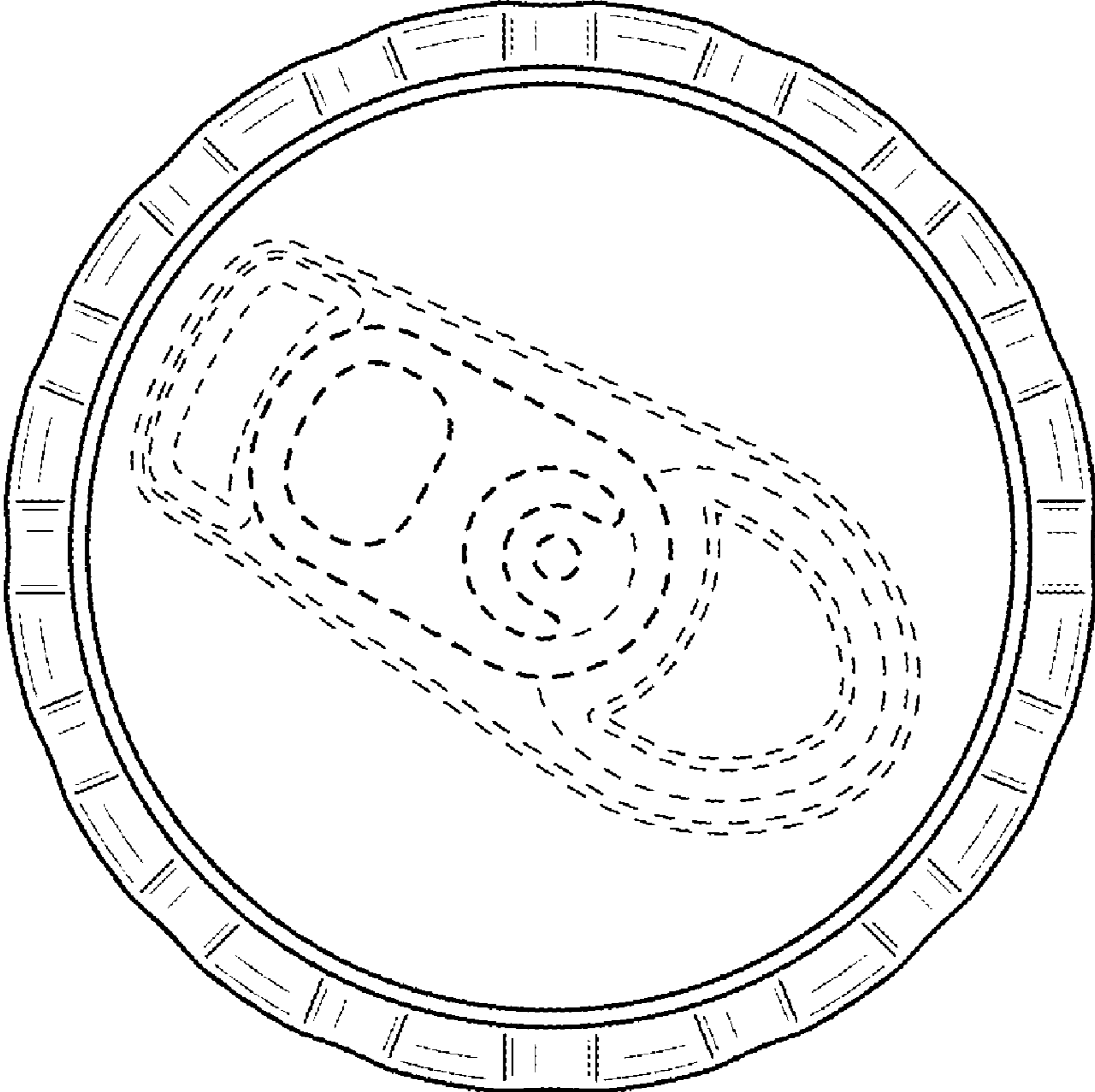


FIG. 4

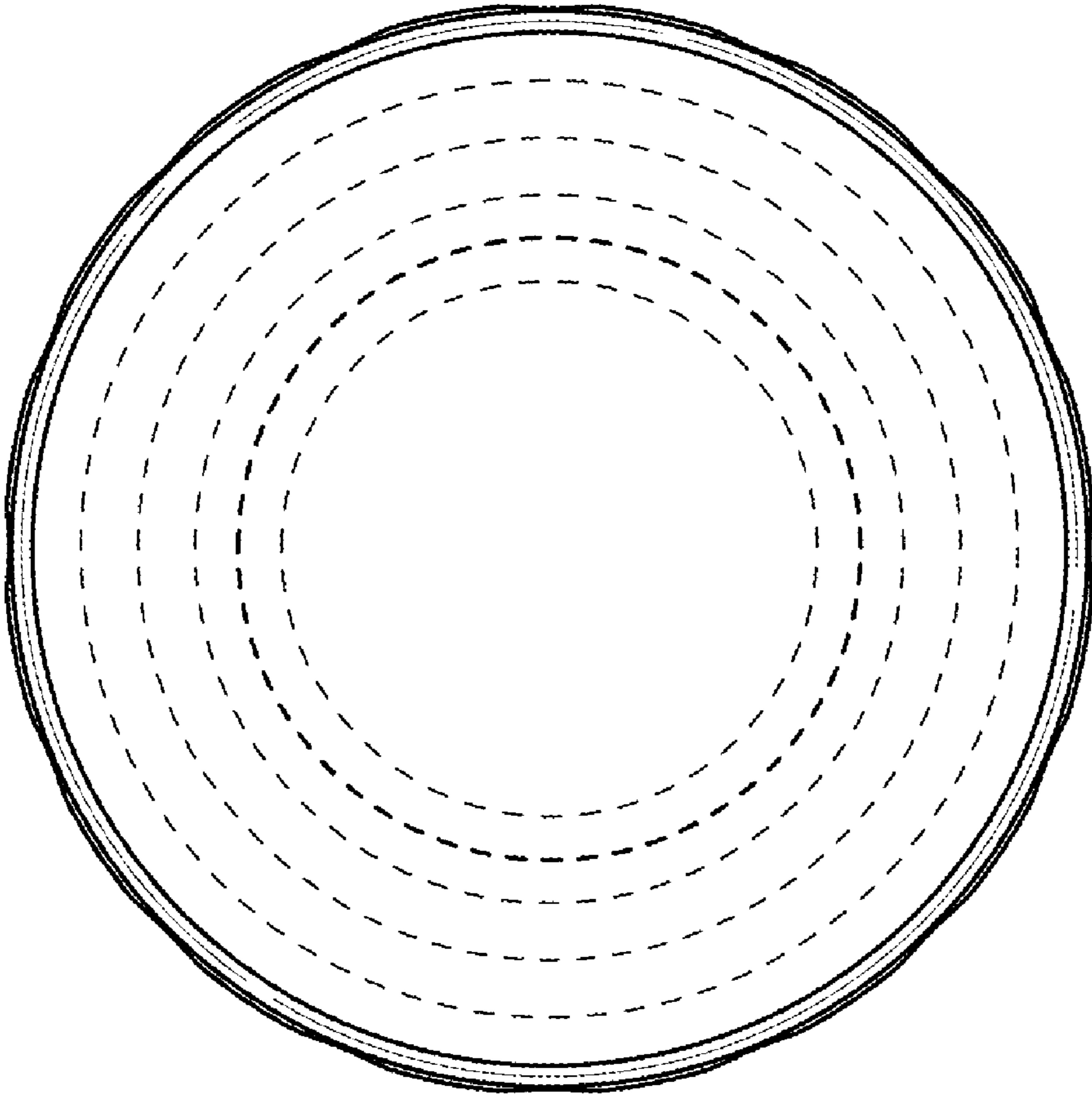


FIG. 5