



US00D663210S

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

(10) **Patent No.:** **US D663,210 S**
(45) **Date of Patent:** **** Jul. 10, 2012**

(54) **CONTAINER**

(75) Inventors: **Thomas S. Diss**, Waukesha, WI (US);
Kamchat Soisuvann, Saugus, CA (US)

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

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

(21) Appl. No.: **29/381,515**

(22) Filed: **Dec. 20, 2010**

Related U.S. Application Data

(60) Division of application No. 29/338,654, filed on Jun. 16, 2009, now Pat. No. Des. 631,759, which is a continuation-in-part of application No. 29/333,068, filed on Mar. 2, 2009, now Pat. No. Des. 614,049.

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

(52) **U.S. Cl.** **D9/516; D9/538; D9/536; D9/558;**
D9/774; D9/776; D9/779

(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, 145, 152-154; D26/6;
215/379, 381-384; 220/660, 669-673, 675
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
D98,420 S	2/1936	Deskey

(Continued)

FOREIGN PATENT DOCUMENTS

FR 2584680 1/1987

(Continued)

OTHER PUBLICATIONS

Soudronic Image believed to be available by Apr. 24, 2007.

(Continued)

Primary Examiner — Dana L Meyrow

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

(57) **CLAIM**

We claim the ornamental design for a container, such as a metal or plastic container, as shown and described.

DESCRIPTION

FIG. 1 is a top perspective view of a container of the claimed design;

FIG. 2 is a front elevation view thereof;

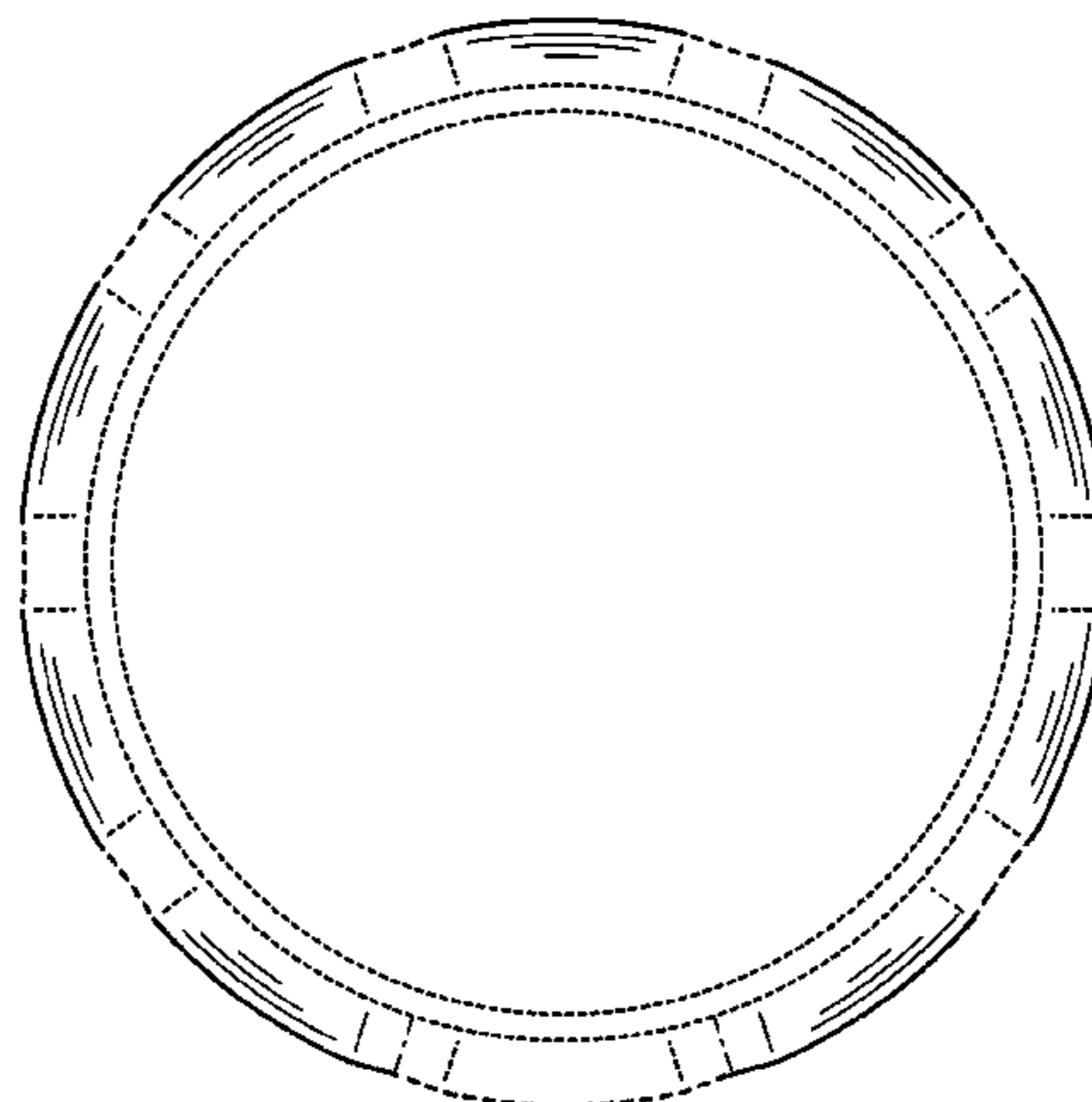
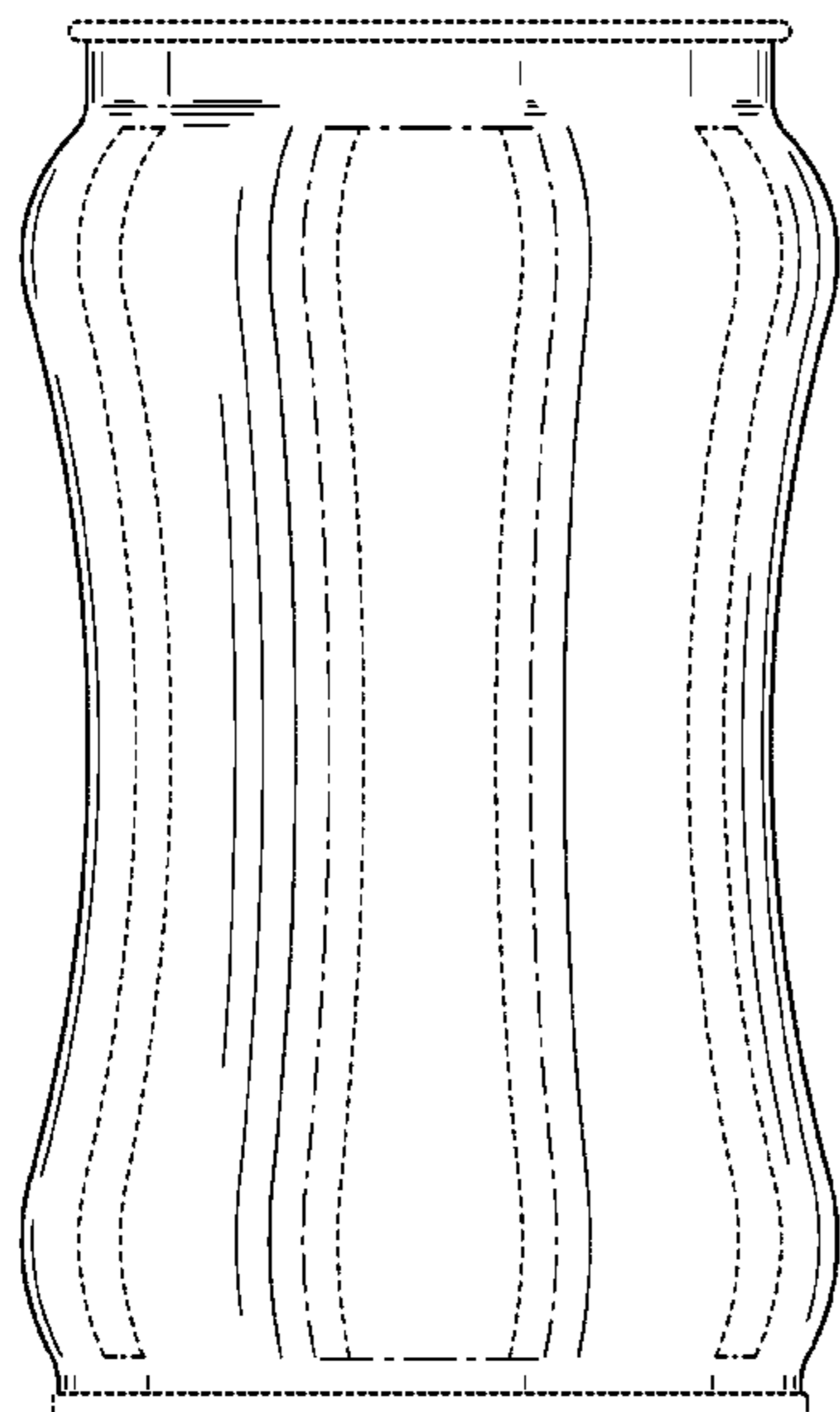
FIG. 3 is a top plan view thereof, shown at an enlarged scale;

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

FIG. 5 is a rear elevation view thereof, shown at the scale used for FIGS. 1 & 2.

The evenly dashed broken lines in the drawings illustrate the portions of the design that form no part of the claim. The dot-dash broken lines in the drawings define the bounds of the claim and form no part thereof.

1 Claim, 5 Drawing Sheets



US D663,210 S

Page 2

U.S. PATENT DOCUMENTS							
D101,728	S	10/1936	Bennett	D416,200	S	11/1999	Pavely et al.
D120,226	S	4/1940	Lundy	5,988,416	A	11/1999	Cheng et al.
D120,587	S	5/1940	Hinkins	5,988,417	A	11/1999	Cheng et al.
D124,645	S	1/1941	Palmer	D417,392	S	12/1999	Zhang
D124,880	S	1/1941	Teunisz	D419,058	S	1/2000	Roth et al.
2,252,915	A	8/1941	Conill	D419,444	S	1/2000	Zhang
D129,604	S	9/1941	Forgue	D419,886	S	2/2000	Gans
D185,649	S	7/1959	Schlumbohm	D420,587	S	2/2000	Cheng et al.
3,297,194	A	1/1967	Schaper et al.	D421,393	S	3/2000	Pavely et al.
D207,133	S	3/1967	Stenger	D421,720	S	3/2000	Eberle et al.
3,317,110	A	5/1967	Palmer	D421,907	S	3/2000	Benge et al.
3,349,987	A	10/1967	Weitzner	D423,336	S	4/2000	Gray
D212,525	S	10/1968	Kneapler	D423,365	S	4/2000	Eberle et al.
3,648,884	A	3/1972	Mansolino	D425,424	S	5/2000	Cheng et al.
D224,516	S	8/1972	Amberg	6,062,409	A	5/2000	Eberle
D224,642	S	8/1972	Mascia et al.	D426,164	S	6/2000	Gans et al.
D226,176	S	1/1973	Bystedt	D427,057	S	6/2000	Roth et al.
D227,863	S	7/1973	Mascia	D427,514	S	7/2000	Roth et al.
D227,866	S	7/1973	Stanley et al.	D427,515	S	7/2000	Roth et al.
D228,229	S	8/1973	Mascia	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
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
D288,527	S	3/1987	Maguire	D432,424	S	10/2000	Andrew
D299,426	S	1/1989	Andersson	6,131,761	A	10/2000	Cheng et al.
4,804,105	A	2/1989	Zysset et al.	D435,455	S	12/2000	Gans
D307,238	S	4/1990	May	6,161,713	A	12/2000	Krich
D317,405	S	6/1991	Yasika	6,164,474	A	12/2000	Cheng et al.
5,040,698	A	8/1991	Ramsey et al.	6,164,480	A	12/2000	Heinicke et al.
D319,580	S	9/1991	Cassai et al.	D437,229	S	2/2001	Andrew
D320,153	S	9/1991	Cassai et al.	D437,230	S	2/2001	Andrew
5,052,573	A	10/1991	Zysset	6,206,222	B1	3/2001	Cudzik
D323,290	S	1/1992	Keedy, Jr.	6,213,325	B1	4/2001	Cheng et al.
5,261,558	A	11/1993	Claydon	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	DeVries	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	Lakatosh 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.
				D466,021	S	11/2002	Thierjung et al.

US D663,210 S

Page 3

D466,024 S	11/2002	Thierjung et al.	D588,020 S	3/2009	Van Scoyoc et al.
D466,813 S	12/2002	Thierjung et al.	D588,021 S	3/2009	Ziegler et al.
D466,817 S	12/2002	Thierjung et al.	D596,500 S	7/2009	Diss
D469,360 S	1/2003	Moore et al.	D596,501 S	7/2009	Diss et al.
6,575,684 B2	6/2003	Heinicke et al.	D596,502 S	7/2009	Diss et al.
D476,889 S	7/2003	Fields	D596,503 S	7/2009	Diss
D476,896 S	7/2003	Cheng et al.	D596,504 S	7/2009	Diss
6,585,125 B1	7/2003	Peek	D596,505 S	7/2009	Diss et al.
D478,286 S	8/2003	Futral et al.	D596,955 S	7/2009	Diss et al.
D478,287 S	8/2003	Corker et al.	D596,956 S	7/2009	Diss et al.
D479,999 S	9/2003	Moore	D596,957 S	7/2009	Diss
D480,650 S	10/2003	Moore et al.	D596,958 S	7/2009	Diss et al.
D480,956 S	10/2003	Mooney et al.	D599,677 S	9/2009	Ziegler et al.
D480,957 S	10/2003	Mooney et al.	D599,678 S	9/2009	Ziegler et al.
D481,317 S	10/2003	Corker et al.	D606,402 S	12/2009	Diss
D484,808 S	1/2004	Thierjung et al.	D606,403 S	12/2009	Diss
D485,182 S	1/2004	Gaydon	D606,404 S	12/2009	Diss
6,685,417 B2	2/2004	Heinicke et al.	D606,405 S	12/2009	Takata et al.
D489,983 S	5/2004	Futral et al.	D606,406 S	12/2009	Takata et al.
D489,984 S	5/2004	Futral et al.	D607,329 S	1/2010	Diss
D490,317 S	5/2004	Chang	D607,727 S	1/2010	Takata et al.
D491,288 S	6/2004	Young	D611,838 S	3/2010	Metzger et al.
D492,193 S	6/2004	Miller et al.	D612,732 S	3/2010	Takata et al.
D493,370 S	7/2004	Kamineni et al.	D613,617 S	4/2010	Metzger et al.
D494,475 S	8/2004	Thierjung et al.	D614,049 S	4/2010	Diss
6,769,561 B2	8/2004	Futral et al.	D614,508 S	4/2010	Hu
D498,143 S	11/2004	Rashid	D614,969 S	5/2010	Diss
D502,396 S	3/2005	Frisch et al.	D614,970 S	5/2010	Diss et al.
6,877,607 B2	4/2005	Jenkins	D614,971 S	5/2010	Millspaw et al.
6,889,862 B2	5/2005	Vaughan	D615,877 S	5/2010	Hu
D507,485 S	7/2005	Fields	D618,563 S	6/2010	Ziegler
D510,024 S	9/2005	Jacobson et al.	D618,564 S	6/2010	Van Scoyoc et al.
D510,270 S	10/2005	Khalifa	D619,022 S	7/2010	Diss
D511,458 S	11/2005	Dunwoody et al.	D620,377 S	7/2010	Diss et al.
D512,917 S	12/2005	Frisch et al.	D621,724 S	8/2010	Ziegler et al.
D514,937 S	2/2006	Chang	D624,438 S	9/2010	Diss
D517,417 S	3/2006	Livingston et al.	D624,827 S	10/2010	Hartman
D522,371 S	6/2006	Livingston	D626,015 S	10/2010	Diss et al.
D523,341 S	6/2006	Livingston et al.	2001/0002671 A1	6/2001	Heinicke et al.
D523,347 S	6/2006	Livingston	2001/0009107 A1	7/2001	Cheng et al.
D525,129 S	7/2006	Hutter et al.	2001/0009244 A1	7/2001	Cheng et al.
D525,139 S	7/2006	Livingston et al.	2002/0172578 A1	11/2002	Heinicke et al.
D525,530 S	7/2006	Livingston et al.	2005/0082299 A1	4/2005	Jenkins
7,108,469 B2	9/2006	Jenkins	2006/0131257 A1	6/2006	Gatewood et al.
D529,822 S	10/2006	Munn	2006/0186082 A1	8/2006	Gatewood et al.
D530,614 S	10/2006	Gatewood	2007/0012648 A1	1/2007	Gatewood
D532,306 S	11/2006	MacLeod et al.	2007/0068943 A1	3/2007	Ramsey et al.
7,134,565 B1	11/2006	Wan et al.	2007/0102425 A1	5/2007	Richardson et al.
D533,783 S	12/2006	Klinger et al.	2007/0108196 A1	5/2007	Richardson et al.
D534,079 S	12/2006	Livingston	2007/0108197 A1	5/2007	Richardson et al.
D534,428 S	1/2007	Reed et al.	2007/0108198 A1	5/2007	Richardson et al.
D536,262 S	2/2007	Ioannides et al.	2007/0138181 A1	6/2007	Heinicke 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.			
D587,137 S	2/2009	Hayden et al.			
D588,016 S	3/2009	Ziegler			
D588,017 S	3/2009	Ziegler et al.			
D588,018 S	3/2009	Metzger et al.			
D588,019 S	3/2009	Diss			

FOREIGN PATENT DOCUMENTS

WO	DM/046294	10/1998
WO	DM/051799	3/2000
WO	DM/067190	* 10/2005

OTHER PUBLICATIONS

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, 2006, 1 page.
 "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

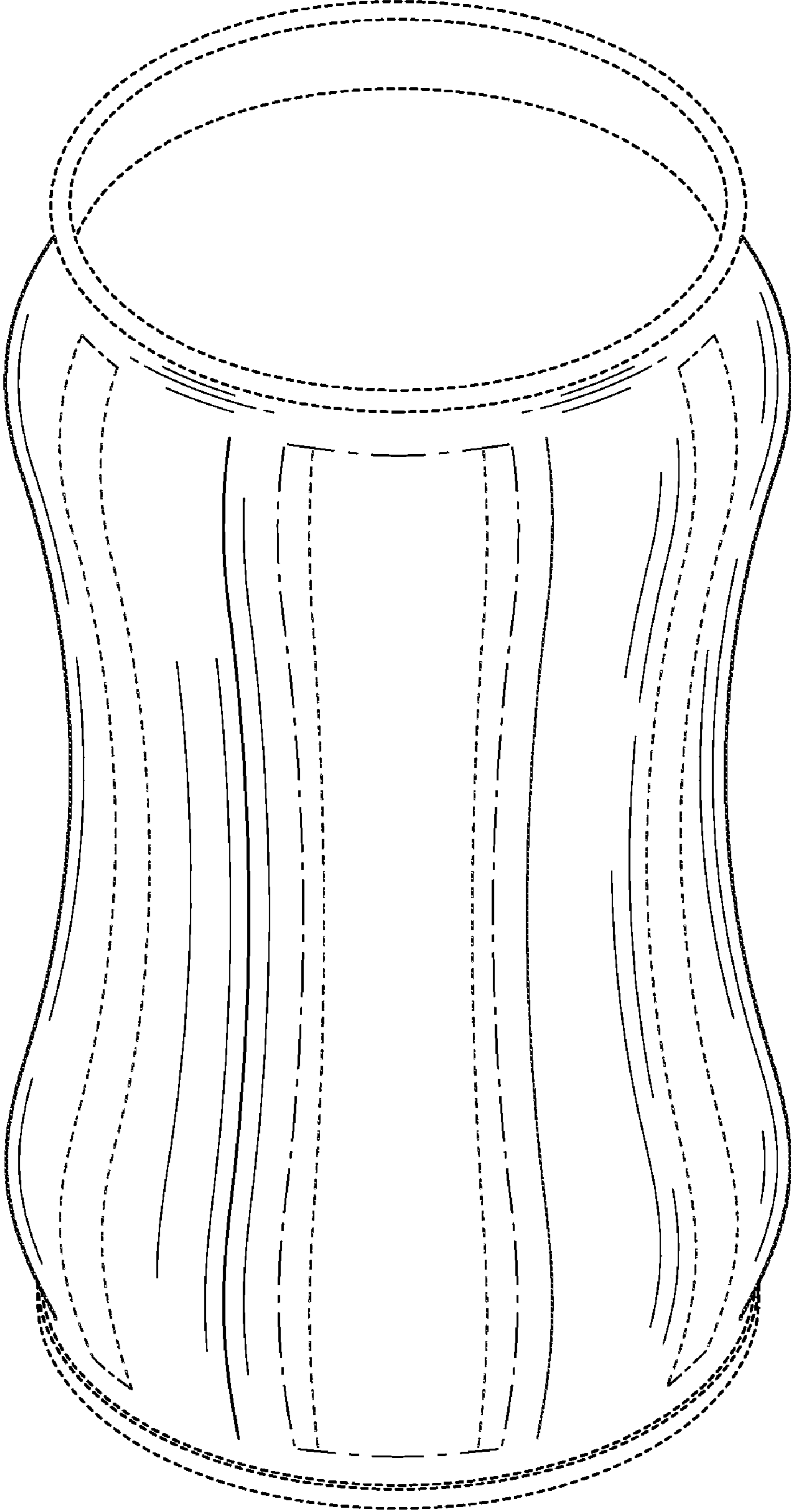


FIG. 1

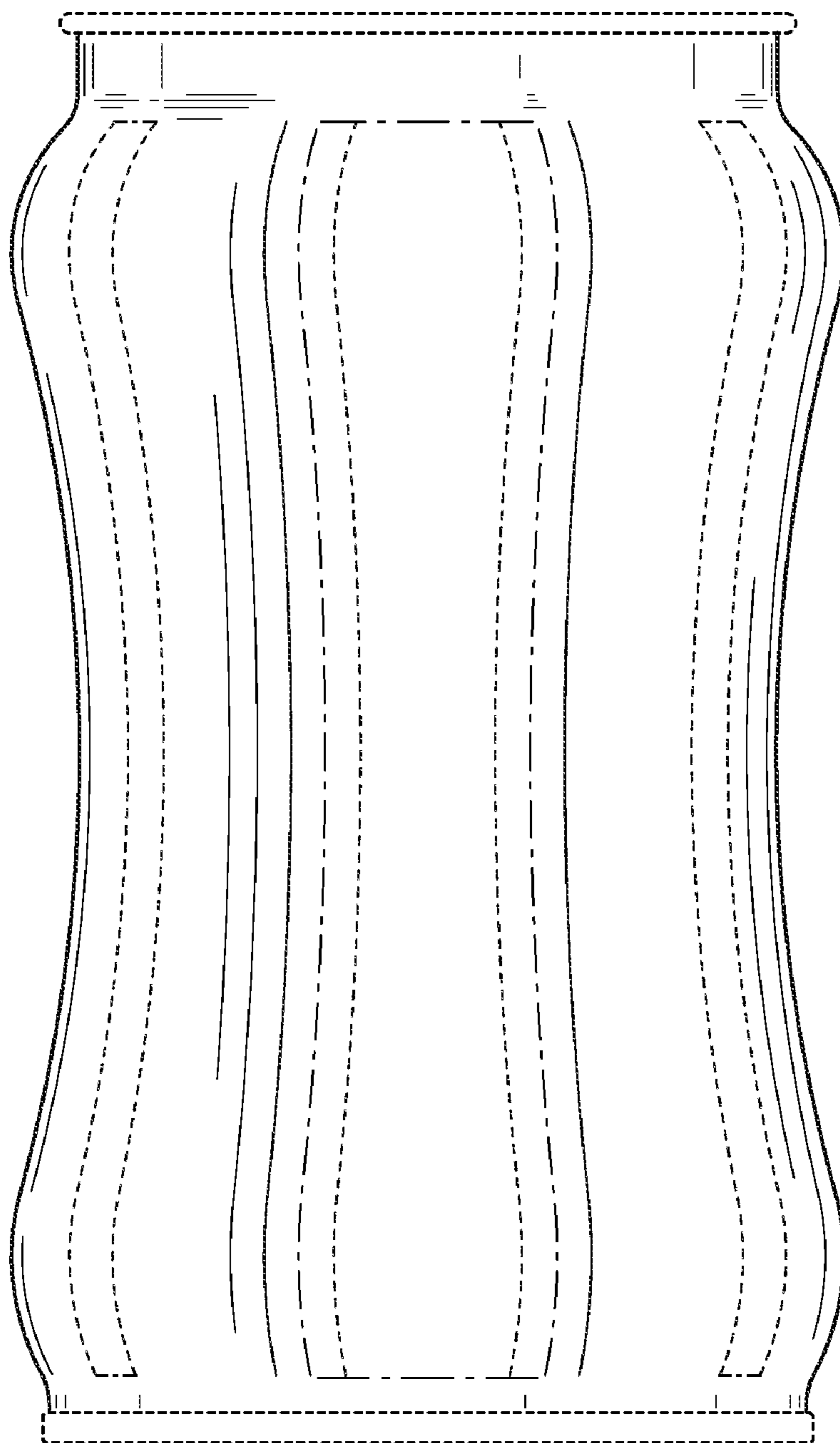


FIG. 2

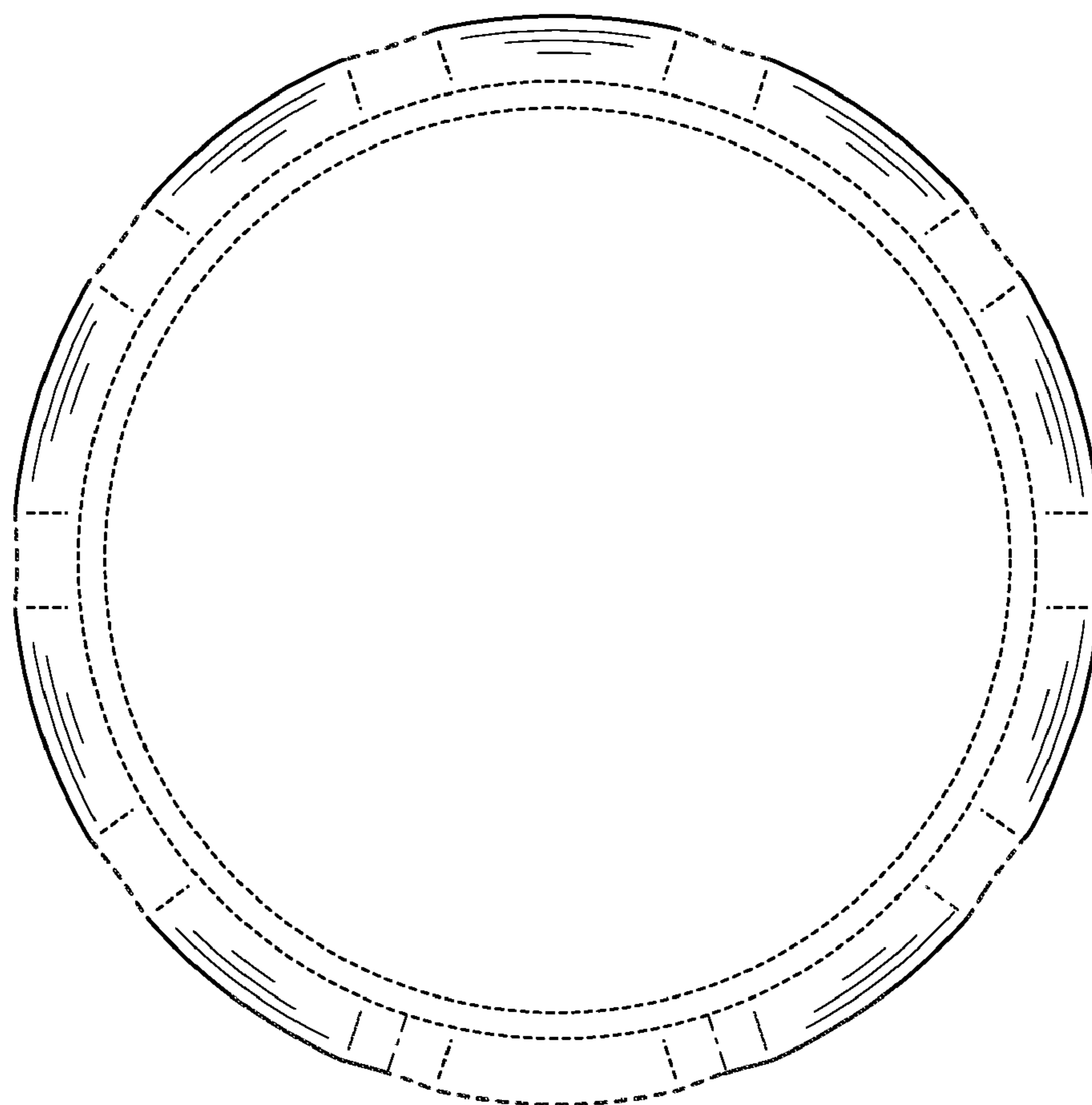


FIG. 3

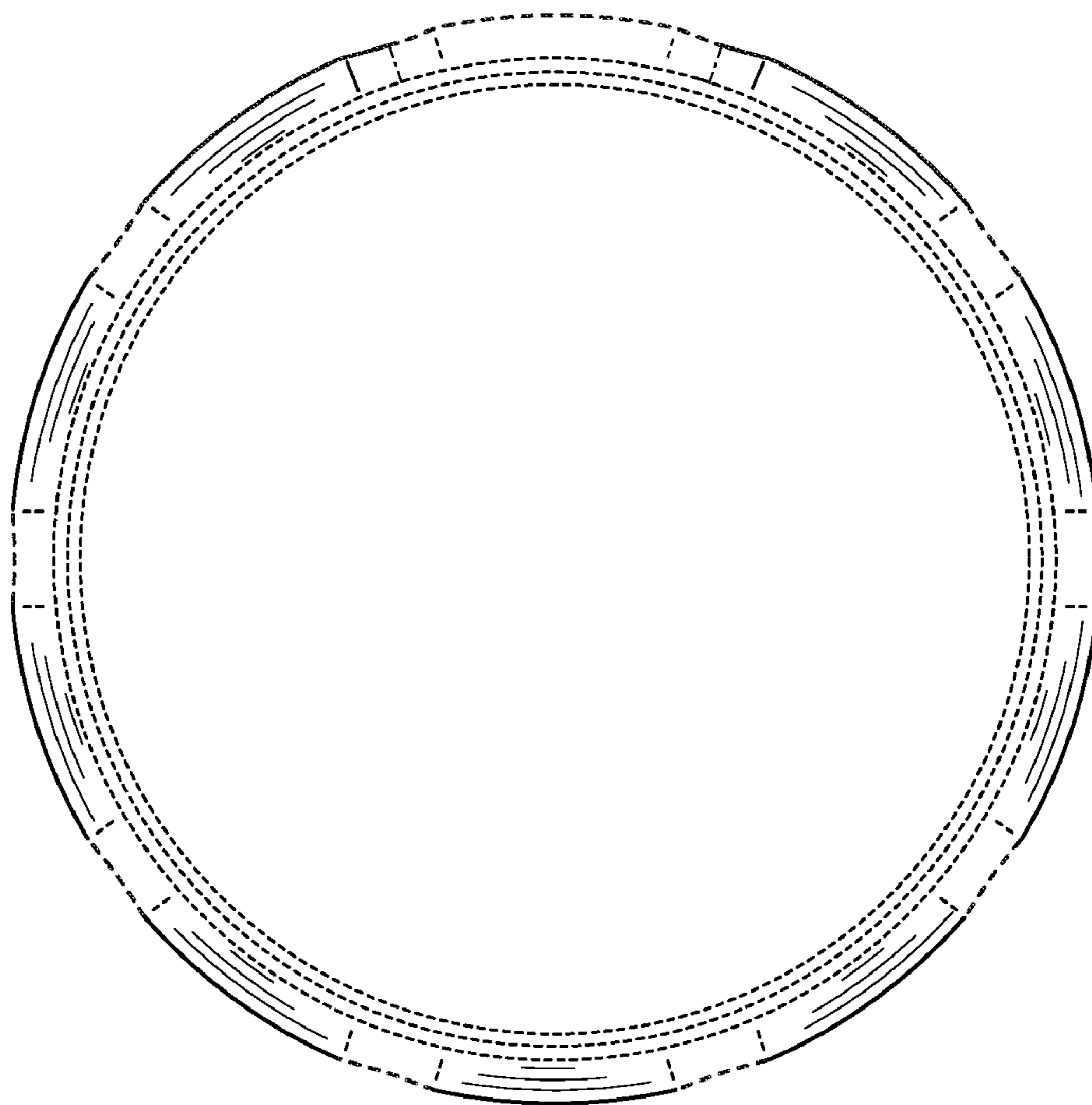


FIG. 4

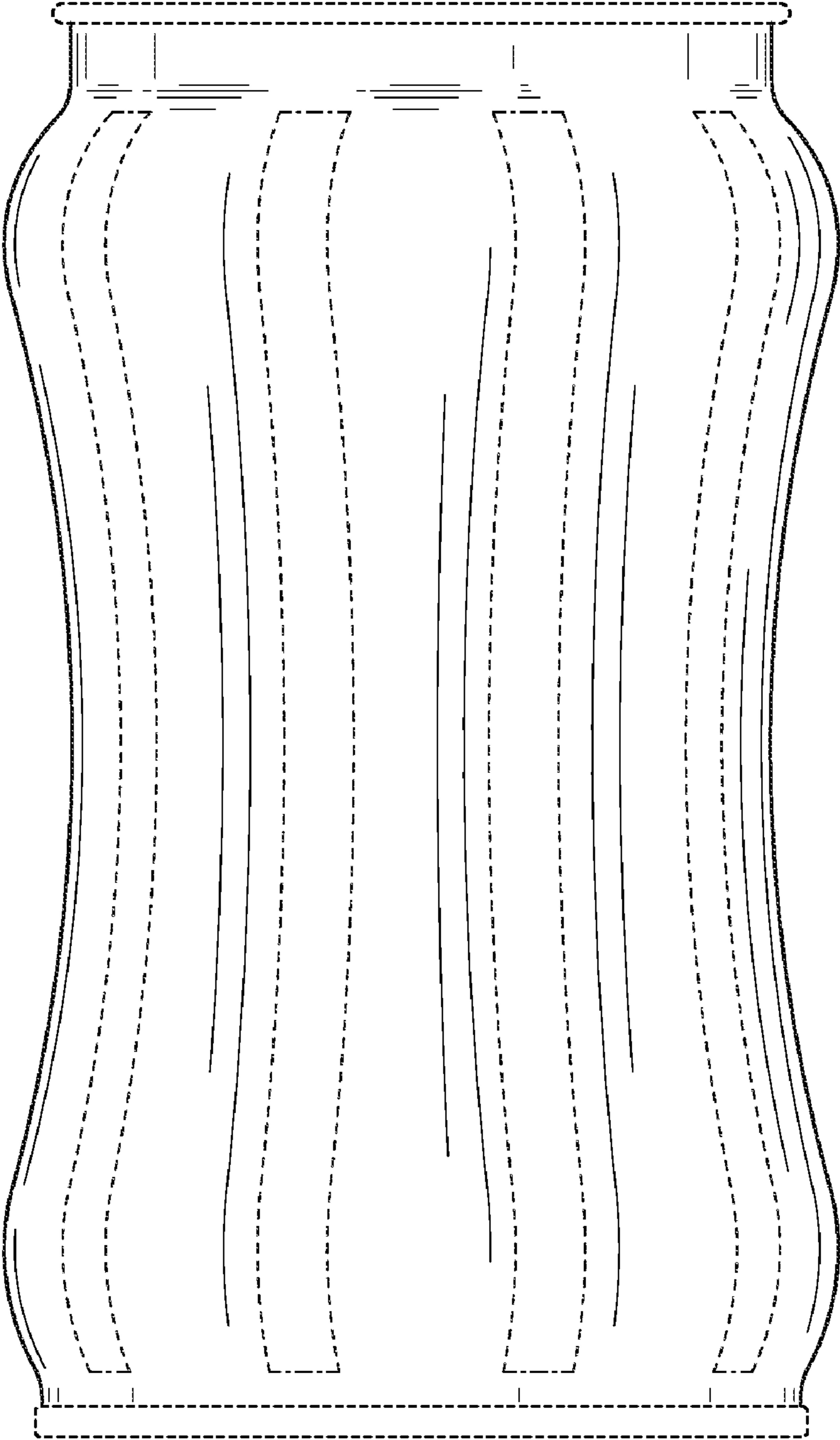


FIG. 5