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

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(54) **BEVERAGE CONTAINER WITH CAP**

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

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

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**Related U.S. Application Data**

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

(52) **U.S. Cl.**

USPC ..... **D9/503**; D9/451; D9/772

(58) **Field of Classification Search**

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D9/575, 763-764, 772, 779-780, 434-435,  
D9/452-454; D7/509-511; 215/379, 381;  
220/660, 662, 675

See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D9,991 S	5/1877	Pinckney	
D35,068 S	9/1901	Lorenz	
1,079,403 A	11/1913	Crecelius	
2,157,896 A	5/1939	Held	
D227,656 S *	7/1973	Broadhead	D9/529
D234,291 S *	2/1975	Broadhead	D9/550
3,995,572 A	12/1976	Saunders	
D248,927 S	8/1978	Cassia	

D249,330 S	9/1978	Pigeon
D258,346 S	2/1981	Winchell et al.
D260,732 S	9/1981	Walker
4,741,447 A	5/1988	John
4,777,085 A	10/1988	Murray, Jr. et al.
4,878,589 A	11/1989	Webster et al.
4,928,835 A	5/1990	Collette et al.
D335,455 S	5/1993	Brown
5,251,424 A	10/1993	Zenger et al.
D347,571 S	6/1994	Wacker
D364,347 S	11/1995	Sillince et al.
5,572,893 A	11/1996	Goda et al.
5,605,996 A	2/1997	Chuu et al.
5,660,290 A	8/1997	Hayes

(Continued)

**FOREIGN PATENT DOCUMENTS**

AU	2003290205	3/2004
CA	2348438	3/2001

(Continued)

**OTHER PUBLICATIONS**

Johnson et al. U.S. Appl. No. 29/378,145, filed Oct. 29, 2010.

(Continued)

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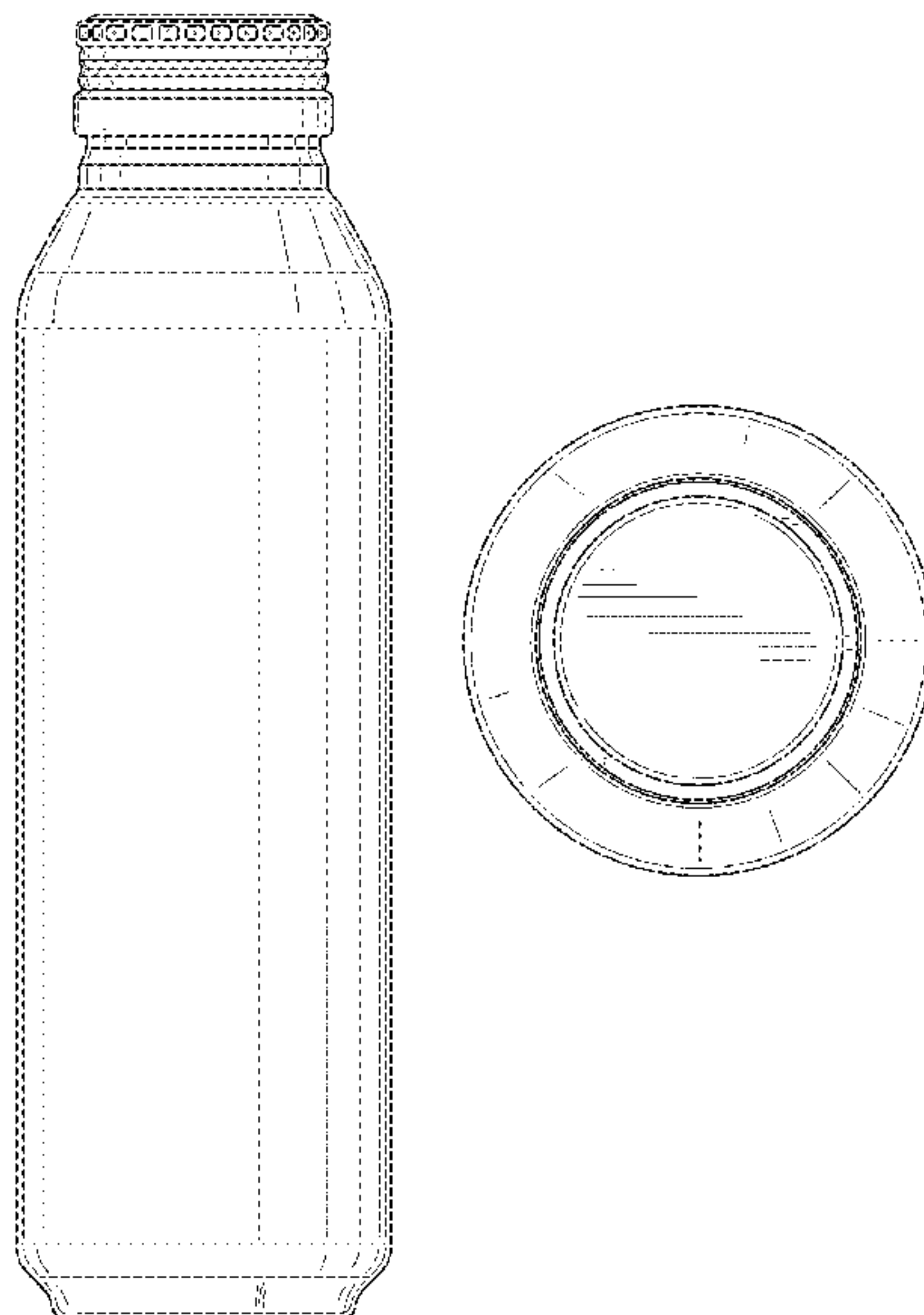
(57) **CLAIM**

The ornamental design for a beverage container with cap, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of a beverage container with cap;  
FIG. 2 is a front elevation view thereof; and,  
FIG. 3 is a top plan view thereof.

**1 Claim, 3 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

D383,067 S 9/1997 Gower et al.  
 D384,888 S 10/1997 Diekhoff  
 5,718,352 A 2/1998 Diekhoff et al.  
 5,755,354 A 5/1998 Lang  
 5,822,843 A 10/1998 Diekhoff et al.  
 D414,238 S 9/1999 Kupperman  
 6,010,028 A 1/2000 Jordan et al.  
 D422,914 S 4/2000 Lasky  
 D435,648 S 12/2000 Shah et al.  
 D435,649 S 12/2000 Shah et al.  
 6,179,143 B1 1/2001 Grob  
 D441,657 S 5/2001 Brown  
 6,338,415 B1 1/2002 Grob  
 6,375,020 B1 4/2002 Marquez  
 6,463,776 B1 10/2002 Enoki et al.  
 D475,630 S 6/2003 Canino  
 6,779,677 B2 8/2004 Chupak  
 6,857,304 B2 2/2005 Enoki  
 D503,343 S 3/2005 Canino  
 6,907,653 B2 6/2005 Chupak  
 6,945,085 B1 9/2005 Goda  
 6,959,830 B1 11/2005 Kanou et al.  
 D518,732 S \* 4/2006 Gedanke et al. .... D9/529  
 D528,000 S 9/2006 Davis et al.  
 7,140,223 B2 11/2006 Chupak  
 7,171,840 B2 2/2007 Kanou et al.  
 D554,000 S 10/2007 Walsh  
 D564,881 S 3/2008 Chupak  
 D569,252 S 5/2008 Borsari et al.  
 D584,623 S 1/2009 Chupak  
 D592,060 S 5/2009 Chupak  
 D596,488 S 7/2009 Chupak  
 D600,556 S 9/2009 Chupak  
 D600,557 S 9/2009 Chupak  
 D605,040 S 12/2009 Fry et al.  
 7,651,651 B2 1/2010 Riffer  
 D619,457 S 7/2010 Walsh  
 D619,458 S 7/2010 Walsh  
 D619,459 S 7/2010 Walsh  
 D620,360 S 7/2010 Walsh  
 D622,145 S 8/2010 Walsh  
 7,798,357 B2 9/2010 Hanafusa et al.  
 D638,708 S 5/2011 Walsh  
 7,946,436 B2 5/2011 Laveault et al.  
 D639,164 S 6/2011 Walsh  
 D644,515 S 9/2011 Tieleman et al.  
 8,016,148 B2 9/2011 Walsh  
 D646,165 S 10/2011 Chupak  
 D646,166 S 10/2011 Chupak  
 D653,966 S \* 2/2012 Kohara et al. .... D9/774  
 D654,379 S \* 2/2012 Kohara et al. .... D9/774  
 D654,380 S \* 2/2012 Kohara et al. .... D9/774  
 D656,822 S 4/2012 Jacober  
 D671,010 S 11/2012 Shefler  
 2003/0102278 A1 6/2003 Chupak  
 2004/0035871 A1 2/2004 Chupak  
 2005/0127077 A1 6/2005 Chupak

2007/0017089 A1 1/2007 Hosoi  
 2007/0051687 A1 3/2007 Olson  
 2008/0047922 A1 2/2008 Olson et al.  
 2009/0261101 A1 10/2009 Forrest et al.  
 2010/0252524 A1 10/2010 Dubs et al.  
 2010/0282706 A1 11/2010 Gilliam

FOREIGN PATENT DOCUMENTS

CA	2352747	4/2001
CA	2495205	3/2004
CN	1675010	9/2005
DE	60218219	10/2007
EP	0381322	8/1990
EP	0949216	10/1999
EP	1461262	9/2004
EP	1531952	8/2006
EP	1731239	9/2009
EP	2119515	11/2009
WO	WO 88/08398	11/1988
WO	WO 95/10487	4/1995
WO	WO 99/38914	8/1999
WO	WO 01/15829	3/2001
WO	DM/062281	12/2002
WO	DM/063368	4/2003
WO	WO 03/047991	6/2003
WO	WO 2004/018121	3/2004
WO	WO 2004/039511	5/2004
WO	WO 2004/106426	12/2004
WO	WO 2008/103629	8/2008
WO	WO 2009/131994	10/2009

OTHER PUBLICATIONS

Johnson et al., U.S. Appl. No. 29/378,146, filed Oct. 29, 2010.  
 Johnson et al., U.S. Appl. No. 29/378,147, filed Oct. 29, 2010.  
 Johnson et al., U.S. Appl. No. 29/386,520, filed Mar. 2, 2011.  
 Jacober, U.S. Appl. No. 29/386,578, filed Mar. 2, 2011.  
 Johnson et al. U.S. Appl. No. 29/408,689, filed Dec. 15, 2011.  
 Johnson et al. U.S. Appl. No. 29/408,690, filed Dec. 15, 2011.  
 Jacober U.S. Appl. No. 29/411,487, filed Jan. 20, 2012.  
 Jacober et al. U.S. Appl. No. 29/411,761, filed Jan. 25, 2012.  
 Official Action for U.S. Appl. No. 29/378,146, mailed Nov. 10, 2011  
 6 pages Restriction Requirement.  
 Official Action for U.S. Appl. No. 29/378,146, mailed Mar. 26, 2012  
 7 pages.  
 Official Action for U.S. Appl. No. 29/408,690, mailed Mar. 28, 2012  
 9 pages.  
 Official Action for U.S. Appl. No. 29/378,145, mailed Mar. 27, 2012  
 8 pages.  
 U.S. Appl. No. 29/437,705, filed Nov. 13, 2012, Hines.  
 "100% Recyclable—Bottlecan by CCL Container," at [www.Bottlecan.com/recycle.html](http://www.Bottlecan.com/recycle.html), Jun. 22, 2011, 1 page.  
 "Aluminum Beer Bottles," at [www.bottless.org/Aluminum\\_Beer\\_Bottles\\_s/566.htm](http://www.bottless.org/Aluminum_Beer_Bottles_s/566.htm), Jun. 22, 2011, 2 pages.  
 Wikipedia, "Aluminium bottle," at [www.en.wikipedia.org/wiki/Aluminium\\_bottle](http://www.en.wikipedia.org/wiki/Aluminium_bottle), Jun. 22, 2011, 4 pages.

\* cited by examiner

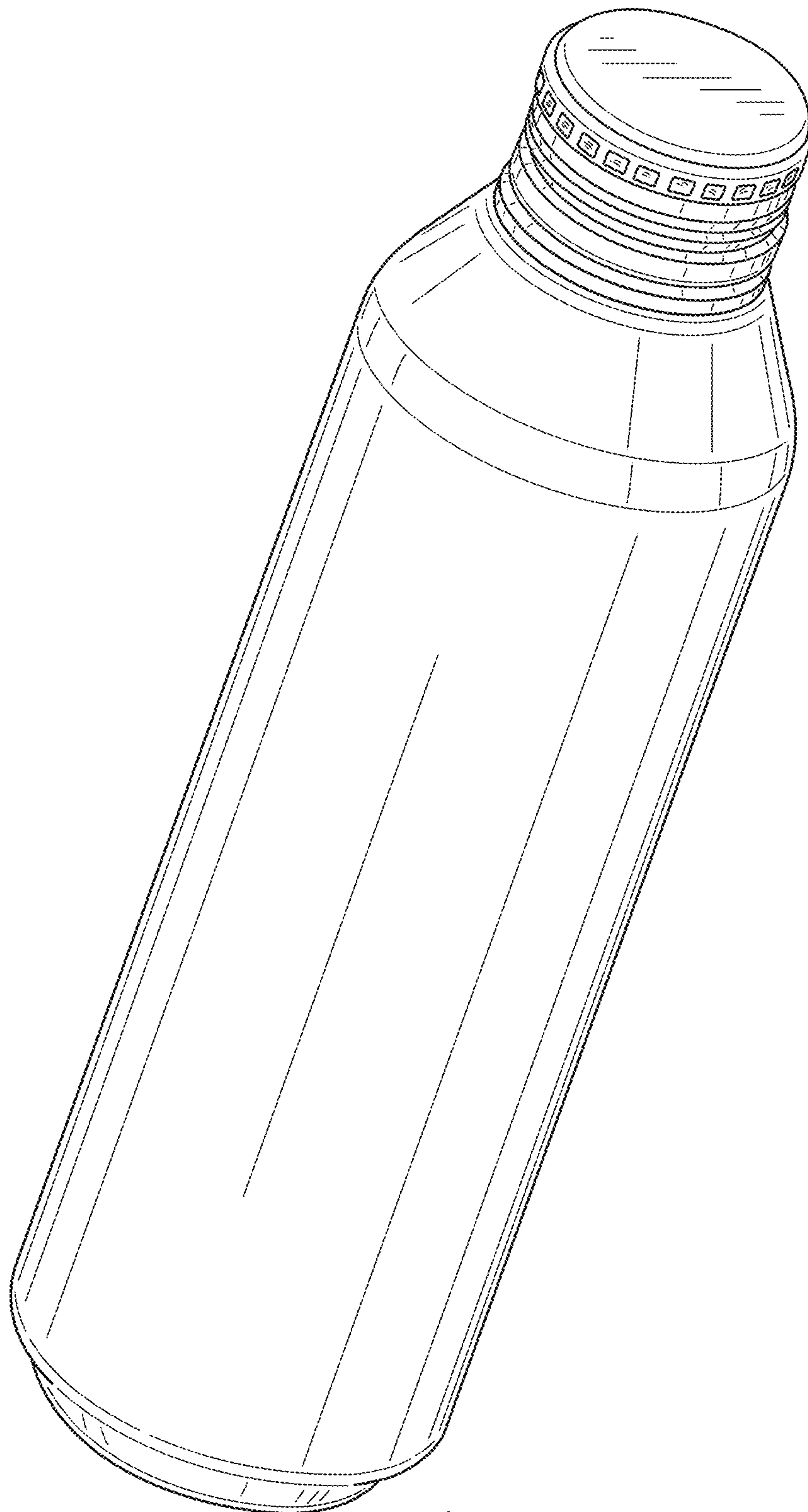


FIG. 1



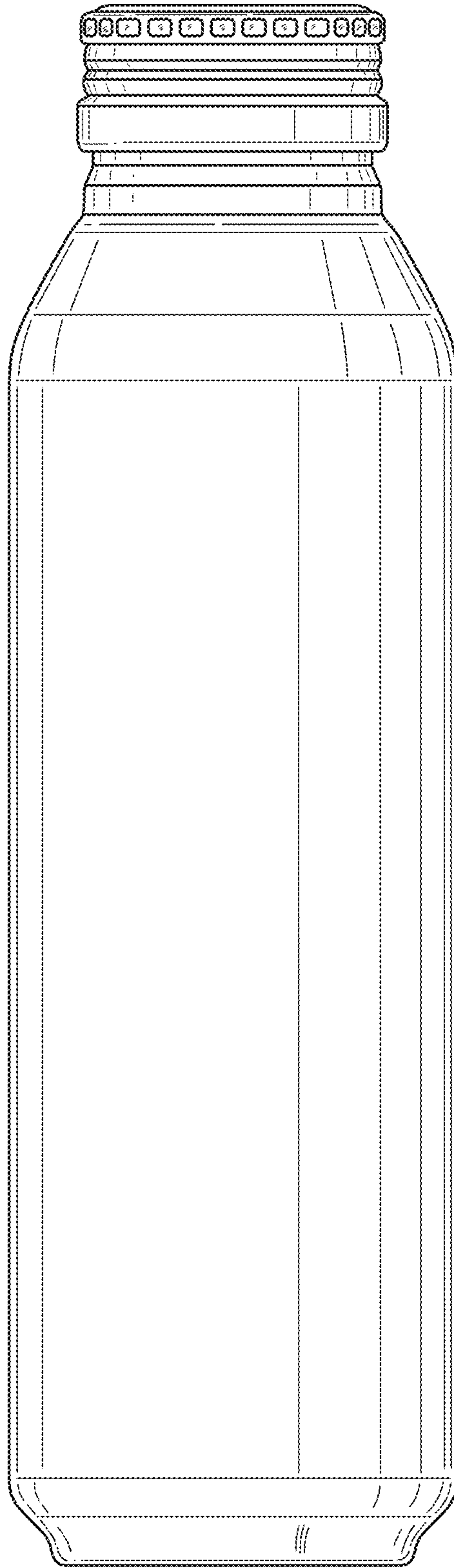


FIG.2

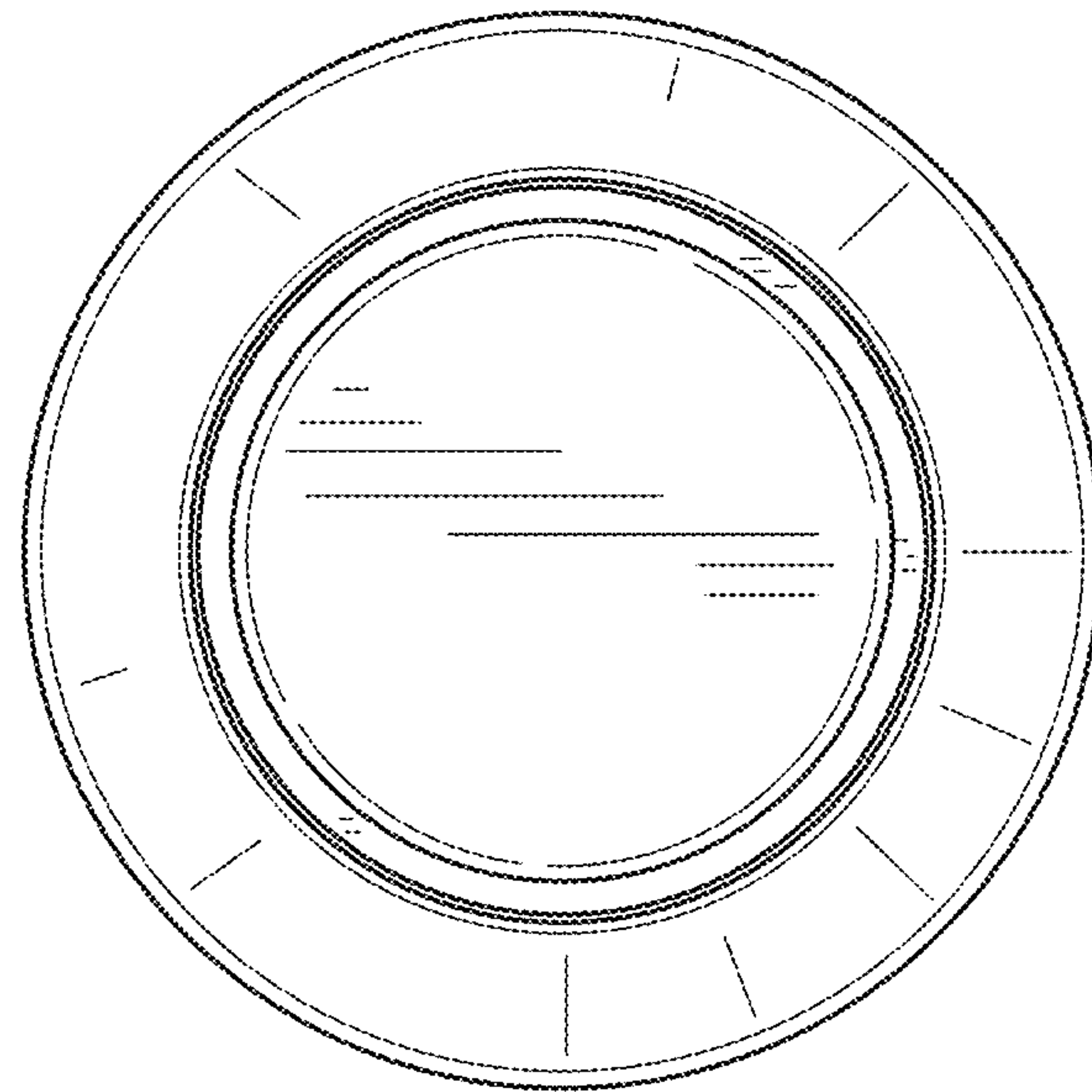


FIG.3