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

(10) **Patent No.:** **US D697,281 S**  
(45) **Date of Patent:** **\*\* Jan. 7, 2014**

(54) **HAND-HELD CONTAINER**

2,963,003 A 12/1960 Oberg ..... 119/166  
3,014,616 A 12/1961 Kavanaugh ..... 206/509  
3,138,280 A 6/1964 Shafer

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(Continued)

FOREIGN PATENT DOCUMENTS

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GB 195523 4/1923  
JP 10 287339 10/1998

OTHER PUBLICATIONS

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

Illustration (from Sporty's website showing a "Painter's Helper"  
ID#: 1610T) of the paint container manufactured by Aqua-Tainer  
Co., of Shorewood Illinois, (Published prior to Apr. 29, 2005).

(21) Appl. No.: **29/387,914**

(Continued)

(22) Filed: **Mar. 21, 2011**

(51) **LOC (10) Cl.** ..... **07-07**

*Primary Examiner* — Kevin Rudzinski

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

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USPC ..... **D32/53.1**

(58) **Field of Classification Search**

USPC ..... D32/53, 53.1, 54, 35; D34/10, 28;  
220/570, 574.3, 695, 739, 773, 507,  
220/505; 15/257.06

(57) **CLAIM**

The ornamental design for a hand-held container, as shown  
and described.

See application file for complete search history.

**DESCRIPTION**

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,304,415 A 5/1919 Tucker  
1,590,572 A 6/1926 Fredette  
1,734,976 A 11/1929 McClellan  
1,813,670 A 7/1931 Kessler ..... 220/527  
1,950,505 A 3/1934 Matters  
2,228,536 A 1/1941 Scalph  
2,314,835 A 3/1943 Johns ..... 220/23.4  
2,626,737 A 1/1953 Pitz  
2,661,858 A 12/1953 Howell ..... 15/257.06  
2,709,540 A 5/1955 Kenney  
2,712,668 A 7/1955 Thiele ..... 15/264  
D175,865 S 10/1955 Stone  
2,765,969 A 10/1956 Bennington  
D184,315 S 1/1959 Jennings et al.

FIG. 1 is a perspective view of the hand-held container, as  
viewed from the top, rear, and right side thereof;

FIG. 2 is a top plan view of the hand-held container of FIG. 1;  
FIG. 3 is a front elevational view of the hand-held container of  
FIG. 1;

FIG. 4 is a right side view of the hand-held container of FIG.  
1;

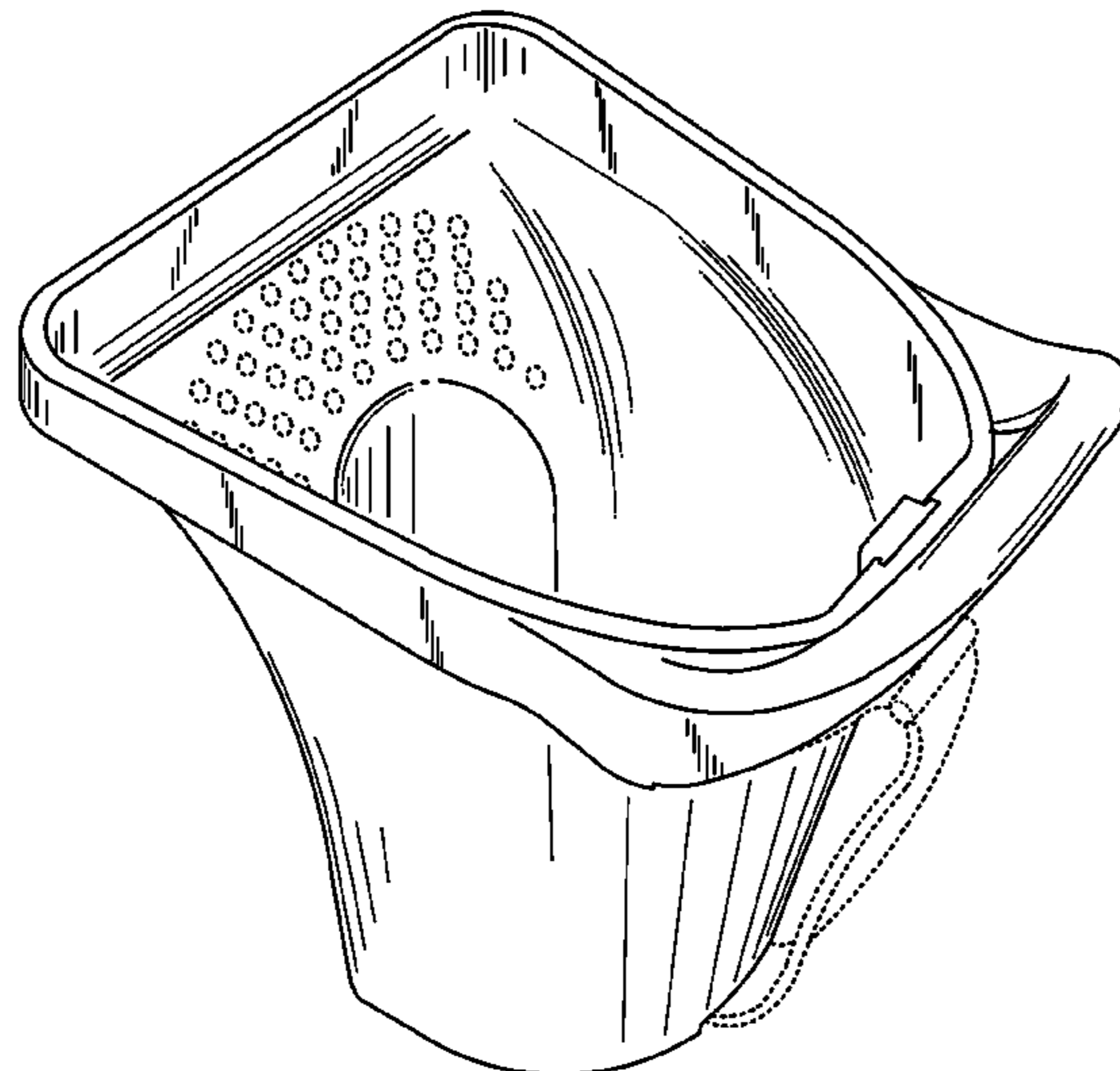
FIG. 5 is a left side view of the hand-held container of FIG. 1;

FIG. 6 is a rear elevational view of the hand-held container of  
FIG. 1; and,

FIG. 7 is a bottom plan view of the hand-held container of  
FIG. 1.

The broken lines illustrating portions of the hand-held con-  
tainer in the Figures form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

3,139,646 A 7/1964 Vernon  
 3,219,233 A 11/1965 Whiteford  
 3,229,820 A 1/1966 Hentzi et al.  
 3,311,252 A 3/1967 Swartwood et al.  
 3,341,876 A 9/1967 Campbell ..... 15/1  
 3,351,970 A 11/1967 Engh ..... 15/257.06  
 3,425,012 A 1/1969 Gottinger  
 D216,277 S 12/1969 James ..... D32/53  
 3,536,285 A 10/1970 Vaughn  
 3,590,416 A 7/1971 Henningsen  
 3,595,431 A 7/1971 Bird  
 3,602,939 A 9/1971 Schoenholz  
 D223,302 S \* 4/1972 Golden et al. .... D32/53.1  
 D223,864 S 6/1972 Vines ..... D32/53.1  
 3,682,352 A 8/1972 Douchette  
 3,729,158 A 4/1973 Nagy  
 3,828,389 A 8/1974 Heisler  
 3,940,824 A 3/1976 Gioia et al.  
 4,061,242 A 12/1977 Donlon  
 4,101,046 A 7/1978 Puntillo  
 4,145,789 A 3/1979 Morgan, Sr. .... 15/257.06  
 4,164,299 A 8/1979 Fuhr  
 D254,482 S 3/1980 Bell ..... D9/435  
 D277,080 S 1/1985 Gagnon  
 4,519,565 A 5/1985 Whitmore  
 4,627,546 A 12/1986 Carranza  
 4,691,840 A 9/1987 Ferbrache  
 4,798,307 A 1/1989 Evrard ..... 220/501  
 4,860,891 A 8/1989 Biggio  
 4,895,269 A 1/1990 Cade  
 4,927,046 A 5/1990 Armstrong  
 4,928,873 A 5/1990 Johnson  
 5,011,536 A 4/1991 Boom  
 5,033,704 A 7/1991 Kerr  
 5,083,733 A 1/1992 Marino et al.  
 5,092,481 A 3/1992 Skelton  
 5,147,067 A 9/1992 Effertz  
 5,169,025 A 12/1992 Guo  
 5,207,348 A 5/1993 Fischer et al. .... 220/697  
 5,222,656 A 6/1993 Carlson  
 5,297,695 A \* 3/1994 Provence ..... 220/697  
 5,320,249 A 6/1994 Strech  
 5,341,969 A 8/1994 Accardo et al.  
 D350,632 S 9/1994 Cummins ..... D32/53  
 D353,241 S \* 12/1994 Breen ..... D32/53  
 D353,697 S 12/1994 Breen et al.  
 5,400,916 A 3/1995 Weber  
 5,429,262 A 7/1995 Sharkey  
 5,493,751 A 2/1996 Misiukowicz et al.  
 5,511,279 A 4/1996 Ippolito  
 5,549,216 A 8/1996 Scholl  
 5,570,807 A 11/1996 Busch  
 5,624,093 A 4/1997 Gemmell  
 5,641,087 A 6/1997 Moffitt  
 D389,626 S \* 1/1998 Lundy ..... D32/53  
 5,746,346 A 5/1998 Crilly  
 D397,833 S 9/1998 Adams Zurawin  
 5,810,196 A 9/1998 Lundy  
 RE35,933 E 10/1998 Scholl  
 D401,116 S 11/1998 Demore  
 5,836,469 A 11/1998 Zebrowski

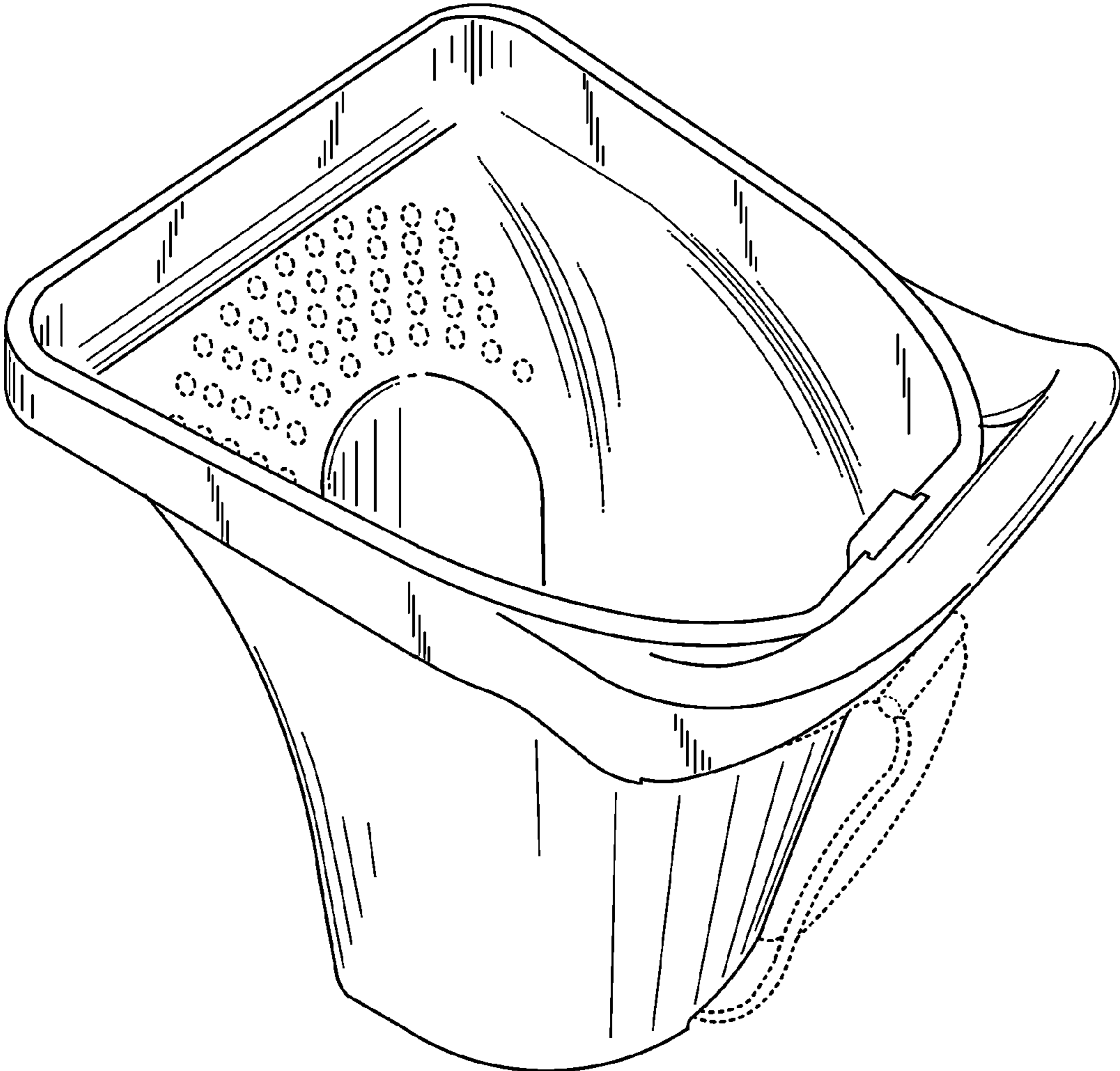
5,899,354 A 5/1999 Garcia ..... 220/669  
 5,971,201 A 10/1999 Daw  
 D422,450 S 4/2000 Conti  
 6,065,633 A 5/2000 Abbey  
 6,119,303 A 9/2000 Passafiume  
 6,138,963 A 10/2000 Malvasio  
 D435,728 S 1/2001 Miles et al.  
 D444,929 S 7/2001 Cox  
 6,260,730 B1 7/2001 Fellman  
 6,276,554 B1 8/2001 Lallement et al. .... 220/570  
 D452,130 S 12/2001 Richardson  
 D458,723 S 6/2002 Malvasio  
 D460,845 S 7/2002 Bergman  
 6,419,106 B1 7/2002 Bebak  
 6,446,829 B1 9/2002 Malvasio et al.  
 D466,407 S 12/2002 Nance  
 D466,787 S 12/2002 Clancy  
 D467,784 S 12/2002 Maier  
 D477,702 S \* 7/2003 Kohn ..... D32/53.1  
 D482,274 S 11/2003 Walsh et al.  
 D482,830 S 11/2003 Kohn  
 D483,917 S \* 12/2003 Frantz ..... D32/53.1  
 6,708,838 B2 3/2004 Bergman et al.  
 D493,035 S 7/2004 Bergman  
 D499,027 S 11/2004 Walsh et al.  
 D509,420 S 9/2005 Hauber  
 6,991,829 B2 1/2006 Bergman  
 D518,263 S \* 3/2006 Verhaar ..... D32/53.1  
 D528,706 S 9/2006 Jefferson ..... D30/108  
 D535,794 S 1/2007 Lundy et al. .... D32/53.1  
 D537,996 S \* 3/2007 Lundy ..... D32/53.1  
 7,191,913 B2 \* 3/2007 Byrne ..... 220/570  
 D546,160 S 7/2007 Reithmeyer  
 D546,514 S \* 7/2007 Byrne ..... D32/53  
 D548,913 S 8/2007 Van Ledingham, Jr. .... D32/53  
 D549,913 S \* 8/2007 Bergman ..... D32/53  
 D562,518 S 2/2008 Lundy ..... D32/54  
 D578,874 S 10/2008 Smith et al. .... D9/418  
 D581,118 S \* 11/2008 Bergman ..... D32/53.1  
 D607,624 S \* 1/2010 Bergman ..... D32/54  
 D617,517 S \* 6/2010 Bergman ..... D32/53.1  
 D630,393 S \* 1/2011 Bergman ..... D32/54  
 7,959,030 B2 \* 6/2011 Bergman ..... 220/769  
 D661,855 S \* 6/2012 Bergman et al. .... D32/53.1  
 D673,339 S \* 12/2012 Bergman et al. .... D32/54  
 D678,638 S \* 3/2013 Bergman et al. .... D32/54  
 2002/0036206 A1 3/2002 Bergman et al.  
 2002/0056714 A1 5/2002 Schinkel  
 2004/0118861 A1 6/2004 Bergman et al.  
 2004/0173622 A1 9/2004 Findleton  
 2004/0195248 A1 10/2004 Garcia  
 2004/0206761 A1 10/2004 Frantz  
 2004/0208083 A1 10/2004 Armendariz et al.  
 2004/0256335 A1 12/2004 Sholem  
 2005/0161462 A1 \* 7/2005 Bergman ..... 220/757  
 2006/0219720 A1 \* 10/2006 Lundy et al. .... 220/505  
 2006/0226154 A1 \* 10/2006 Lundy et al. .... 220/507  
 2006/0243732 A1 \* 11/2006 Bergman ..... 220/757

OTHER PUBLICATIONS

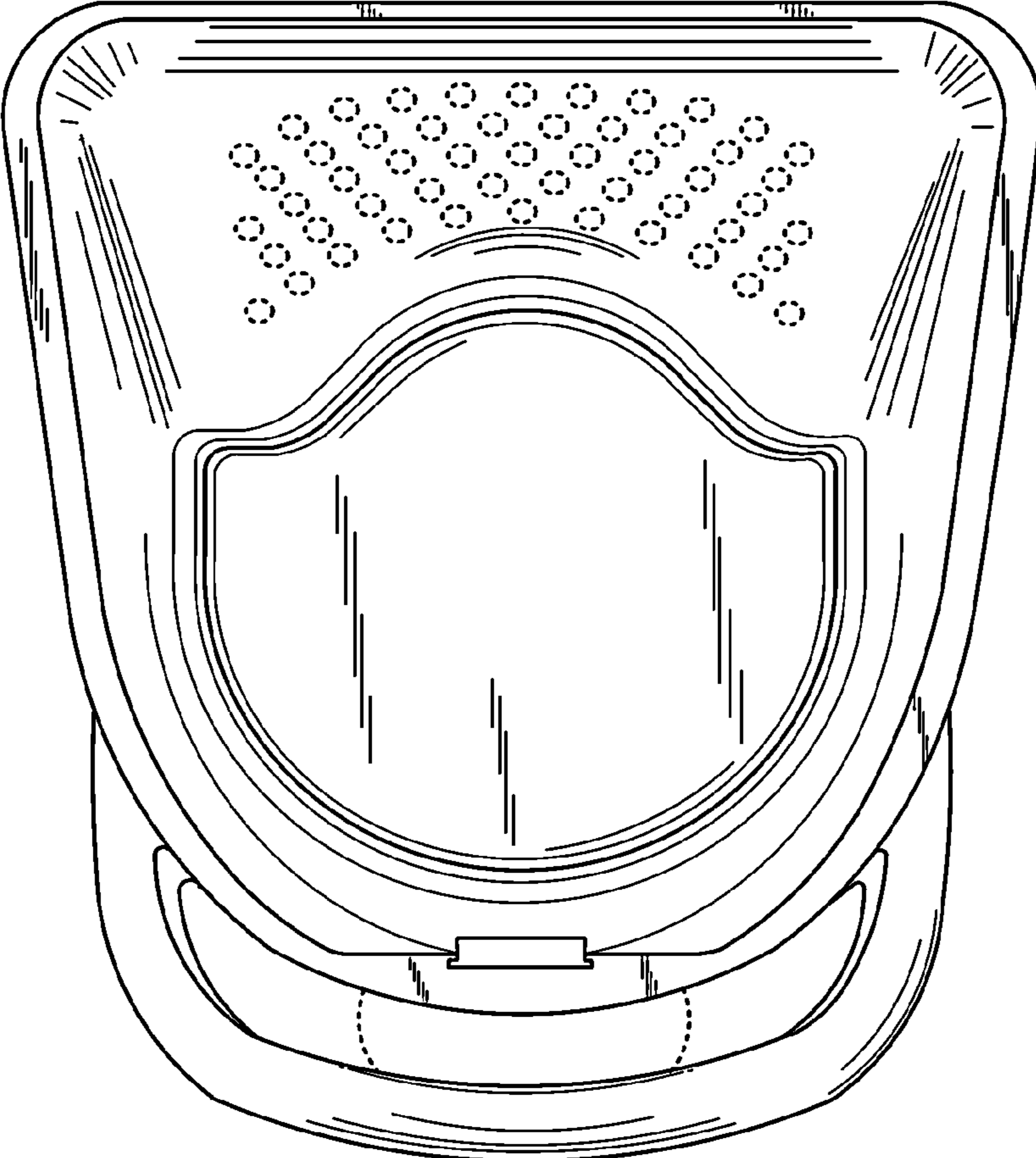
Fourteen (14) photos of a pail known to the public prior to Apr. 29, 2004 (14 pages).

\* cited by examiner

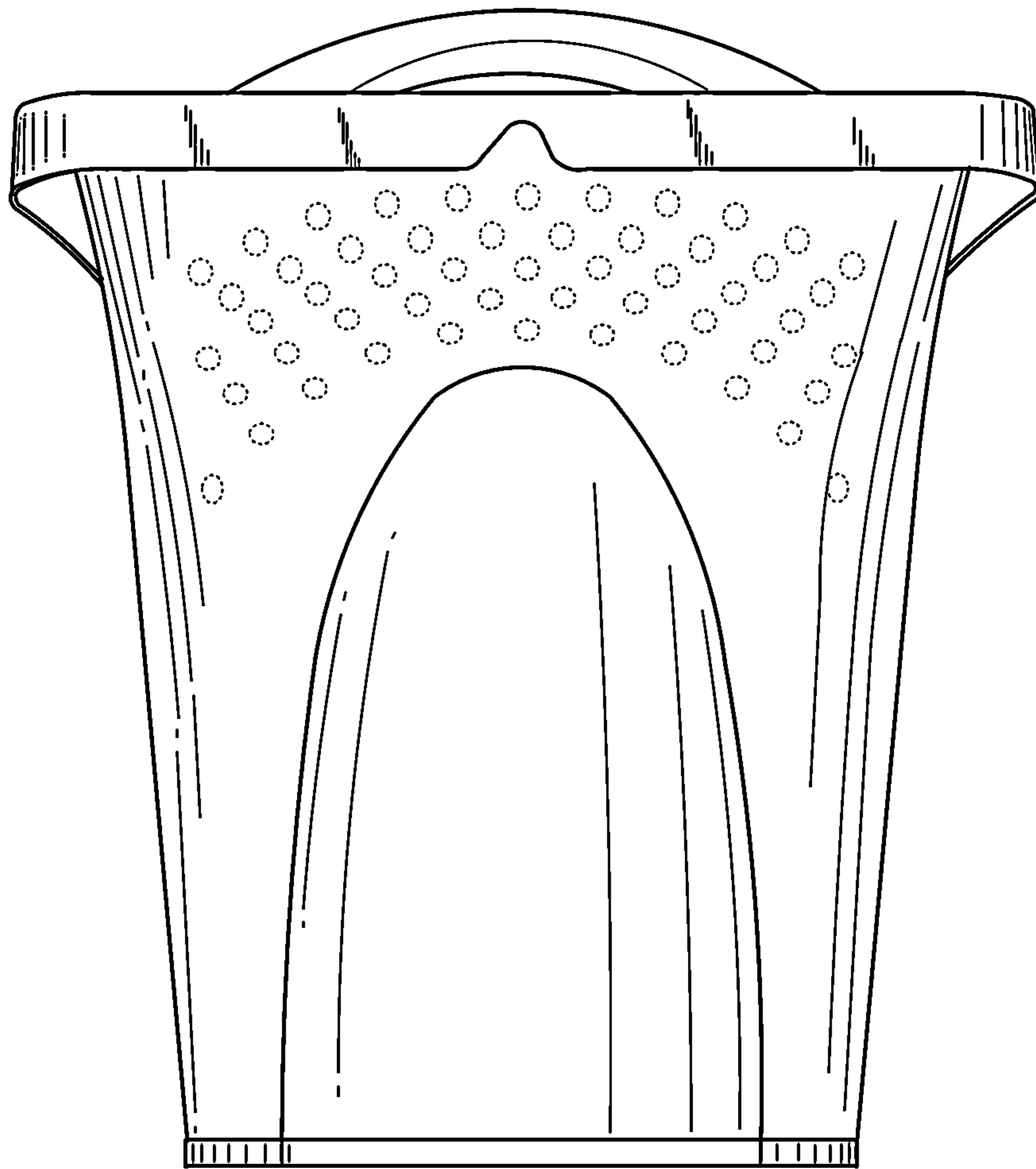




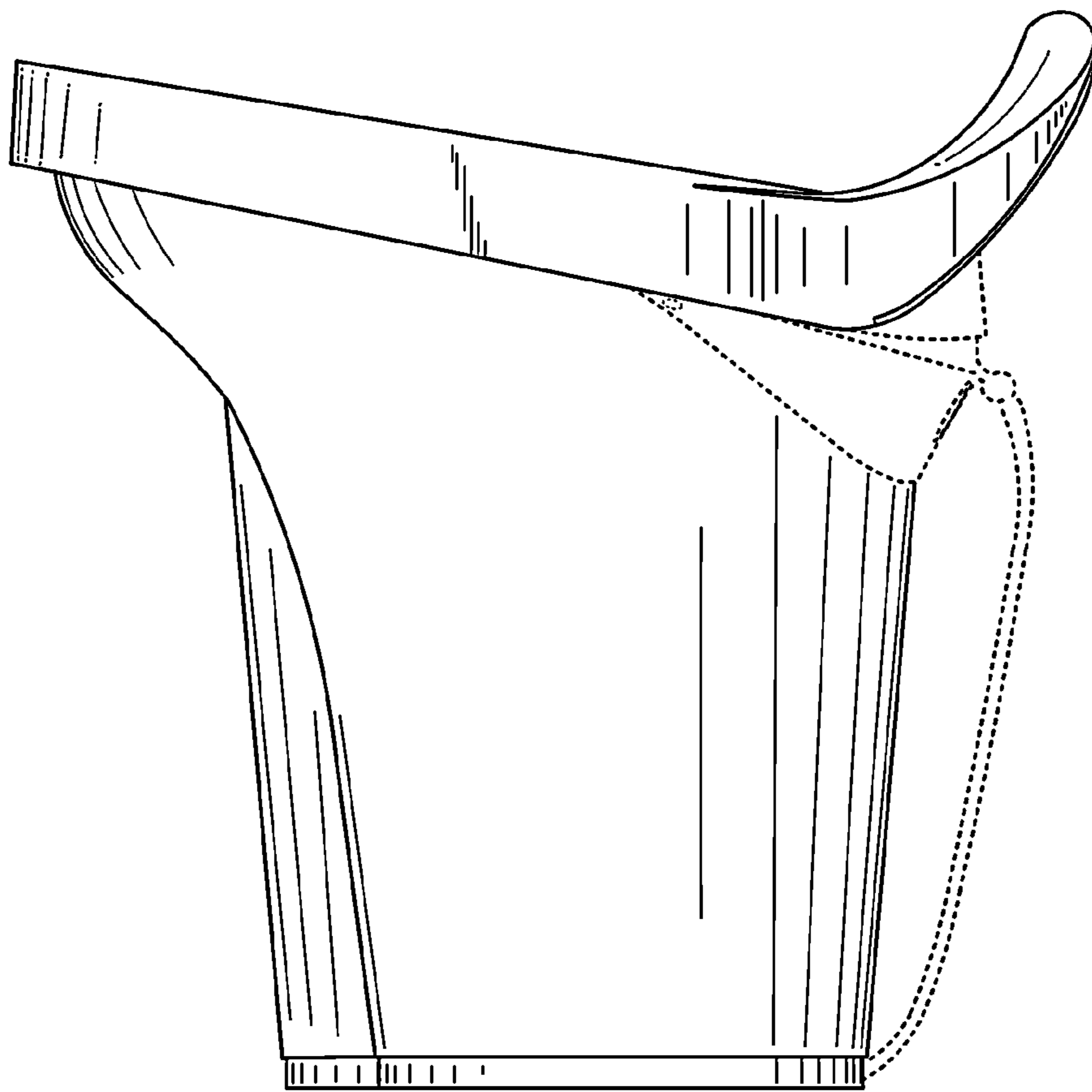
*Fig. 1*



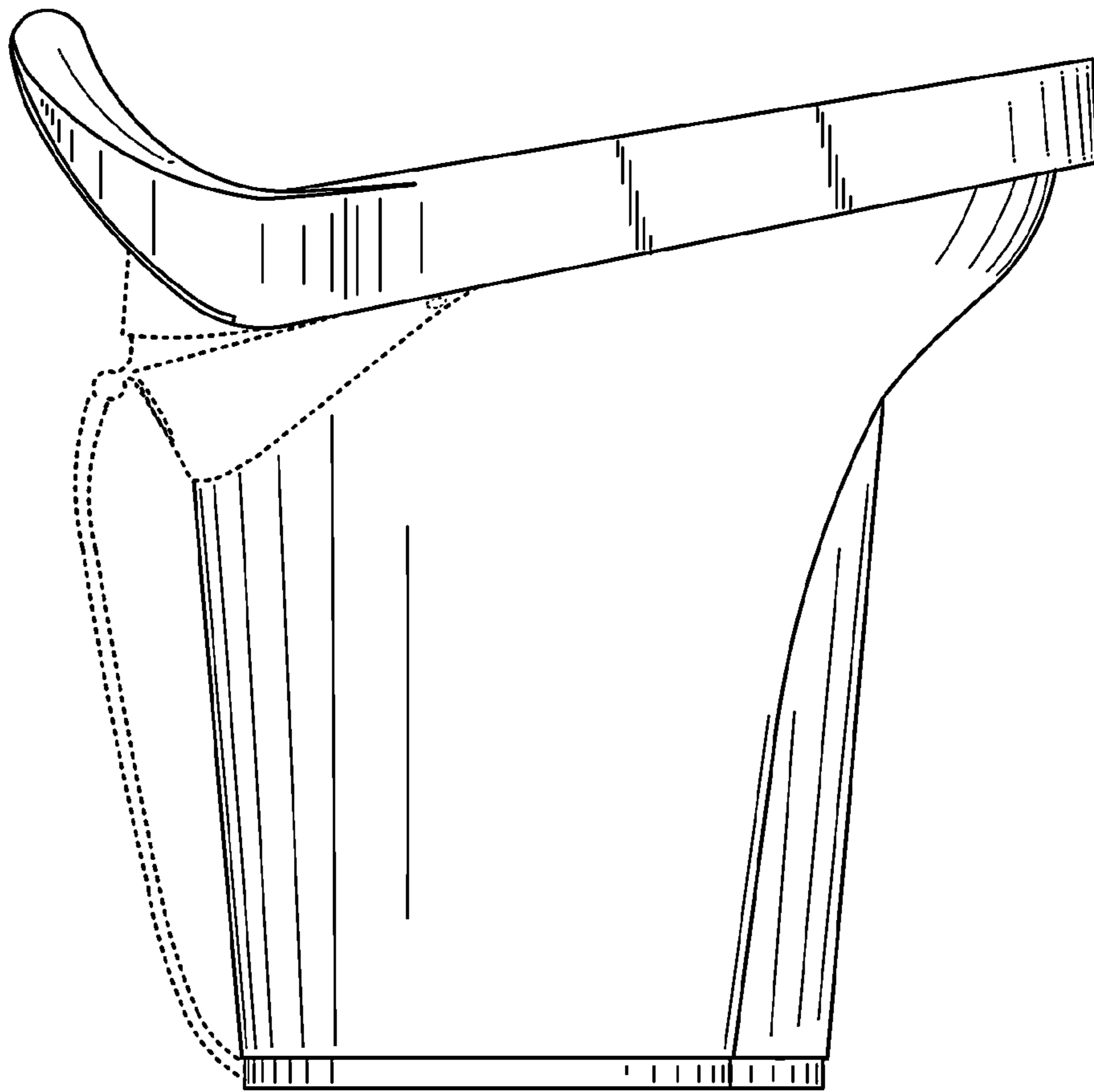
*Fig. 2*



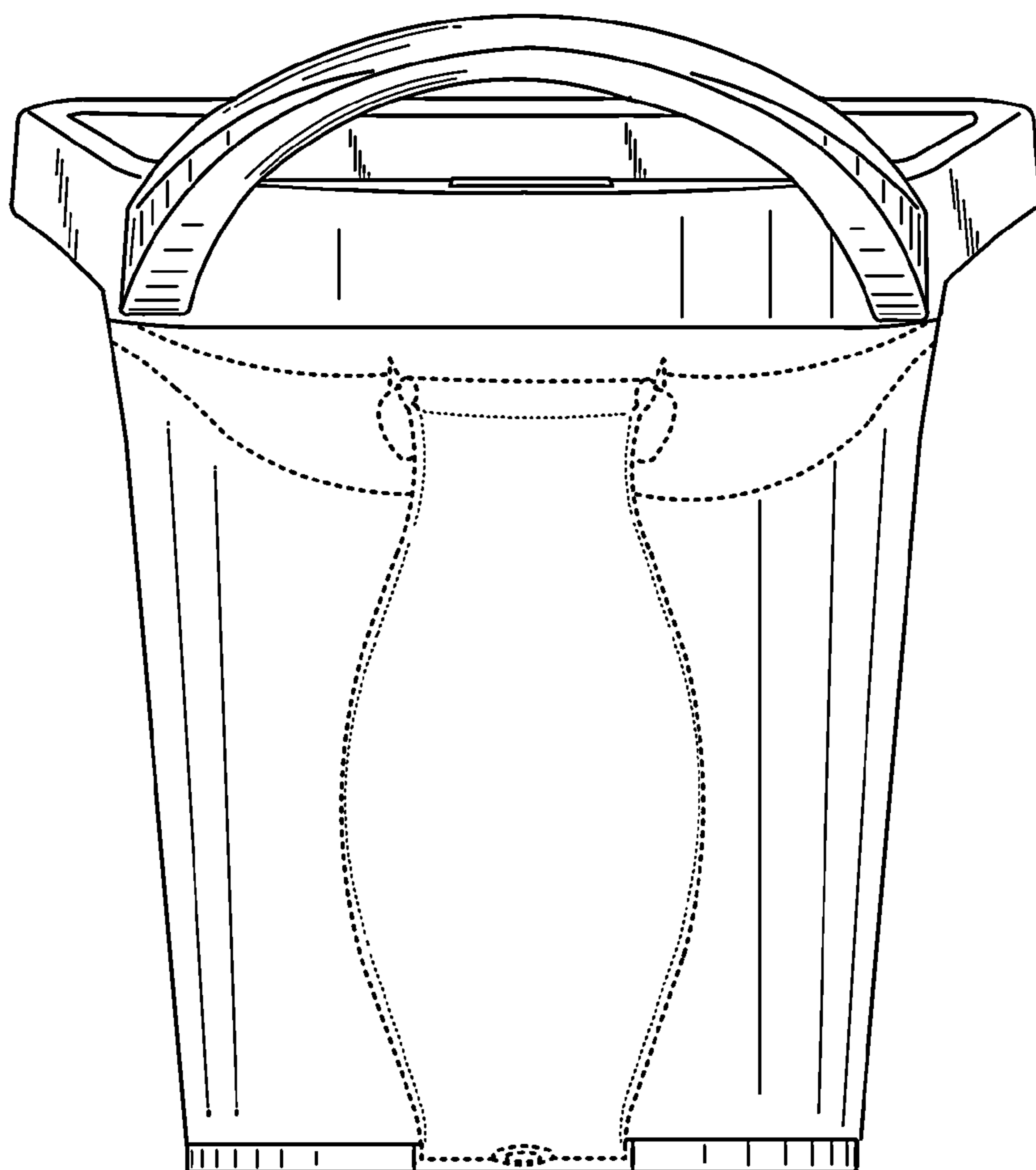
*Fig. 3*



*Fig. 4*

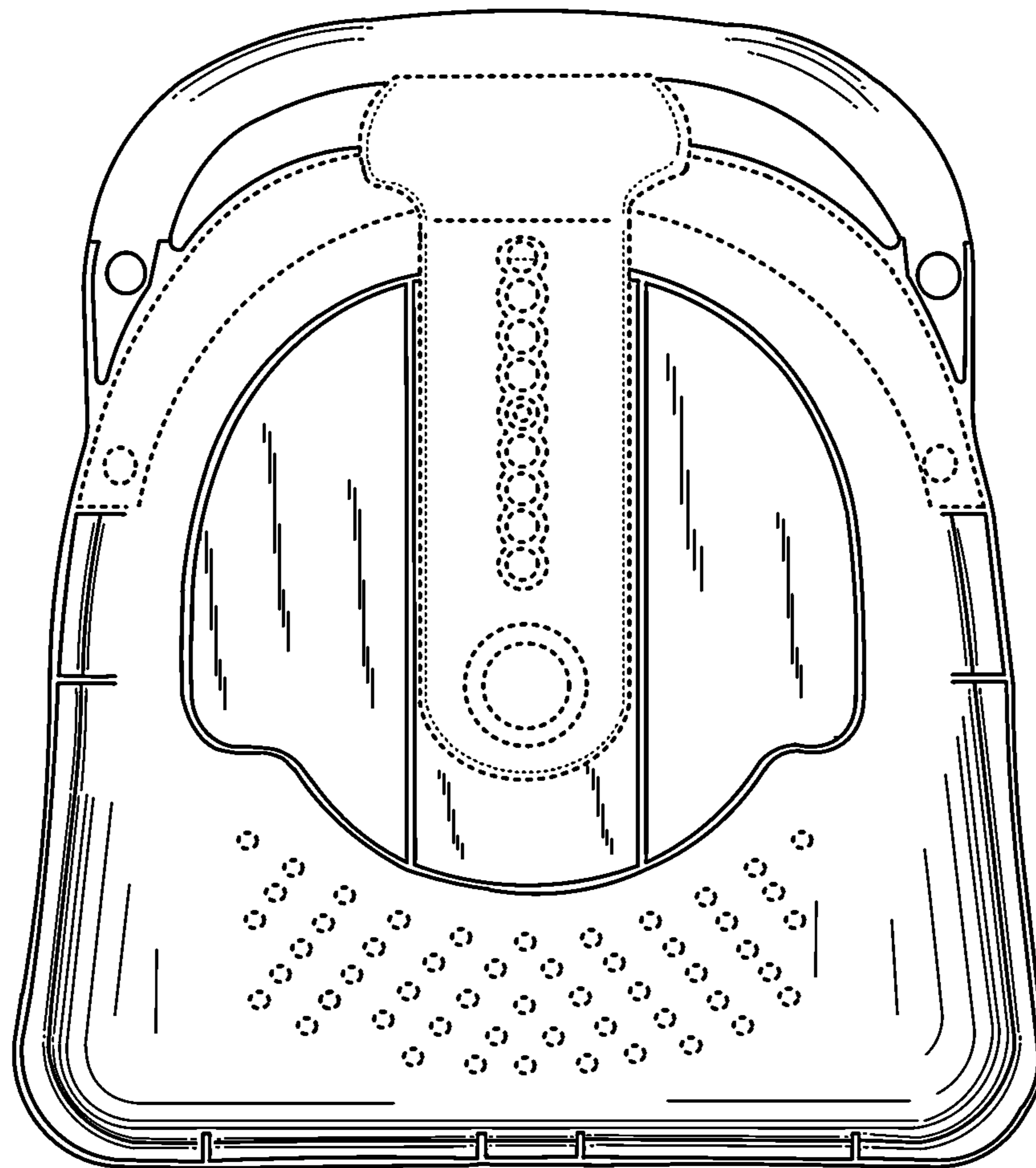


*Fig. 5*



*Fig. 6*





*Fig. 7*