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

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(54) **BOTTLE**

(71) Applicant: **Rexam Beverage Can Company**,
Chicago, IL (US)

(72) Inventors: **Michael Gogola**, Itasca, IL (US); **Rex Villasin**, Schaumburg, IL (US); **Thomas Cotton**, London (GB)

(73) Assignee: **Rexam Beverage Can Company**,
Chicago, IL (US)

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

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

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(30) **Foreign Application Priority Data**

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(52) **U.S. Cl.**
USPC **D9/500**

(58) **Field of Classification Search**
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D9/763-764, 772, 776-777; D7/300,
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CPC B65D 1/00; B65D 1/02; B65D 1/12;
B65D 1/14; B65D 1/16; B65D 1/165; B65D
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See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D33,364 S	10/1900	Lindemeyr	
1,079,403 A	11/1913	Crececius	
1,096,613 A	5/1914	Ernst et al.	
D57,672 S	4/1921	Knowles	
D58,203 S *	6/1921	Anderson D9/500
1,443,682 A	1/1923	Gueritey	

(Continued)

FOREIGN PATENT DOCUMENTS

BE	376464	11/1931
CA	678389	1/1964

(Continued)

OTHER PUBLICATIONS

“Tailgater”, Commercial Designs: Gallery; ALuminex. CCL Container, BOTTLECAN.com, 1 page, retrieved Oct. 2, 2014, <http://www.bottlecan.com/image_gallery-aluminex.html>.*

(Continued)

Primary Examiner — Dana L Meyrow

(74) *Attorney, Agent, or Firm* — Greer Burns & Crain, Ltd.; Peter Klobuchar

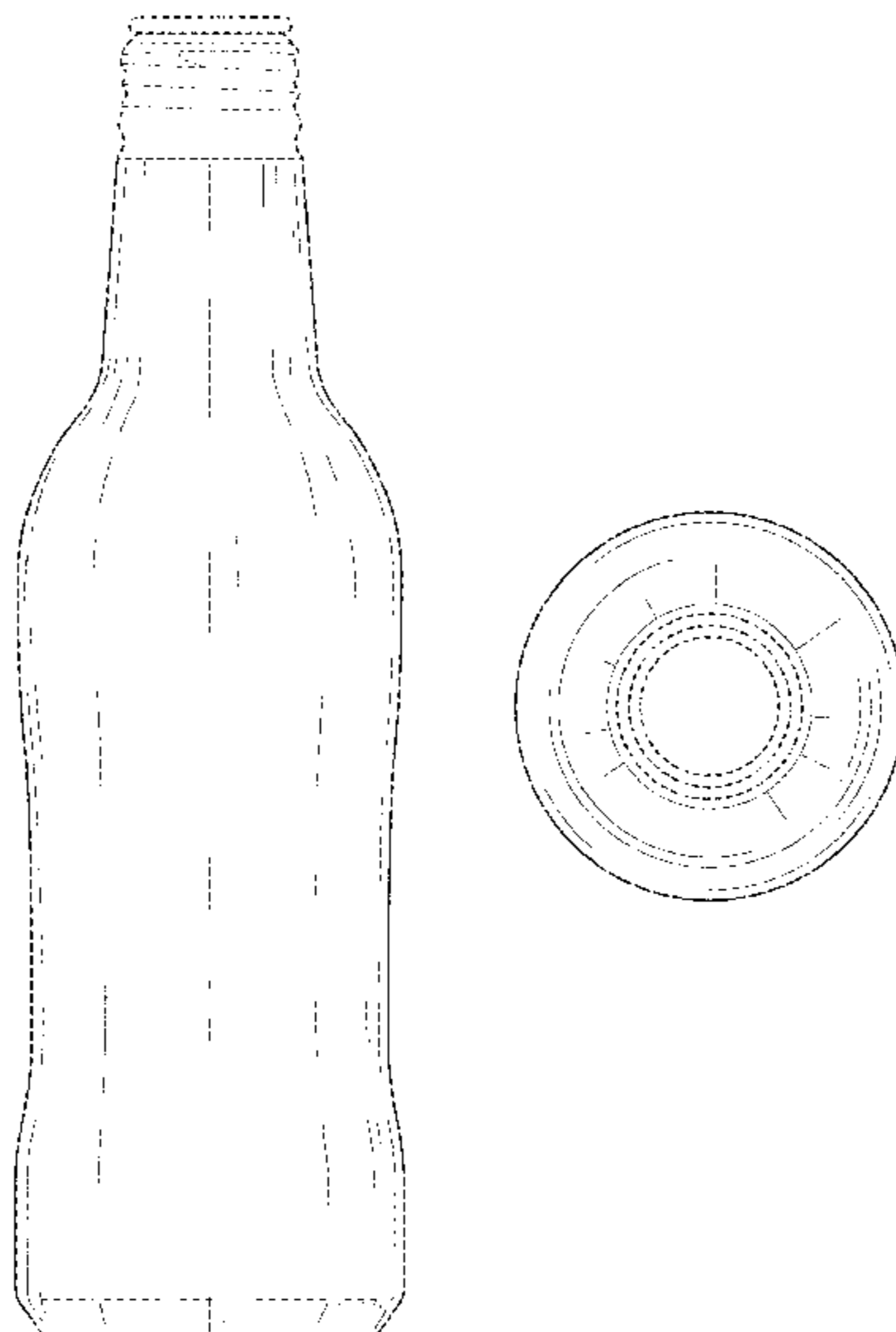
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a perspective view of the design for a bottle; FIG. 2 is a side elevation view of the design for a bottle; and, FIG. 3 is a top plan view of the design for a bottle. Features shown in broken lines in the drawings are not part of the claim.

1 Claim, 3 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

1,549,080 A	8/1925	Henson	6,082,944 A	7/2000	Bachmann et al.
1,582,681 A	4/1926	Hammer	6,105,807 A	8/2000	McCrosen
1,621,487 A	3/1927	Aulbach	D432,015 S	10/2000	Holiday
1,635,070 A *	7/1927	Clark 215/2	D434,323 S	11/2000	Pattison
D81,520 S	7/1930	Bromilet	D434,608 S	12/2000	Hansen
D86,037 S	1/1932	Lloyd	D435,648 S	12/2000	Shah et al.
1,891,794 A *	12/1932	Bobrick 215/387	D435,649 S	12/2000	Shah et al.
D104,696 S	5/1937	Mas	D437,233 S	2/2001	Gibert
2,195,257 A	3/1940	Paris	6,206,222 B1	3/2001	Cudzik
2,337,616 A	12/1943	McManus et al.	D444,385 S	7/2001	Dixon
2,384,810 A	9/1945	Calleson et al.	D451,027 S	11/2001	Dugrot
D193,032 S	6/1962	Waser	6,463,776 B1	10/2002	Enoki et al.
3,402,844 A	9/1968	Chin	6,499,329 B1	12/2002	Enoki et al.
D216,627 S	2/1970	Lawton	6,543,636 B1	4/2003	Flecheux et al.
D217,850 S	6/1970	Lawton et al.	D478,286 S	8/2003	Futral et al.
D221,836 S	9/1971	Giles	D478,287 S	8/2003	Corker et al.
3,785,519 A	1/1974	Huh	D481,949 S	11/2003	Pinnavaia
3,823,032 A	7/1974	Ukai	D483,264 S	12/2003	Canepa
3,995,572 A	12/1976	Saunders	D489,620 S	5/2004	Goodell et al.
D245,964 S	10/1977	Sexton, Sr. et al.	6,761,280 B2	7/2004	Zonker et al.
D246,030 S	10/1977	Sexton et al.	6,779,677 B2	8/2004	Chupak
D246,229 S	11/1977	Saunders	D501,140 S *	1/2005	Fung et al. D9/503
4,058,998 A	11/1977	Franek et al.	6,857,304 B2	2/2005	Enoki
4,065,589 A	12/1977	Lenard et al.	D503,343 S	3/2005	Canino
D247,772 S	4/1978	Sexton, Jr.	6,907,653 B2	6/2005	Chupak
D248,927 S	8/1978	Cassia	6,959,830 B1	11/2005	Kanou et al.
D250,933 S	1/1979	Saunders	7,014,060 B2	3/2006	Richardson
D260,732 S	9/1981	Walker	D523,345 S	6/2006	Kamineni
D271,281 S	11/1983	Abbott et al.	7,069,763 B2	7/2006	Cook et al.
D271,854 S	12/1983	Berry	D525,870 S *	8/2006	Allen et al. D9/500
4,441,354 A	4/1984	Bodega	D528,000 S *	9/2006	Davis et al. D9/500
D275,834 S	10/1984	Slade	7,152,766 B1	12/2006	Walsh et al.
4,512,172 A	4/1985	Abbott et al.	D536,616 S	2/2007	Rubin et al.
D287,933 S	1/1987	Mills et al.	7,171,840 B2	2/2007	Kanou et al.
4,643,330 A	2/1987	Kennedy	D549,595 S	8/2007	Lowther, Sr. et al.
D288,906 S	3/1987	Strand	D550,080 S	9/2007	Rica
D290,811 S	7/1987	Cleveland, Jr.	D554,000 S	10/2007	Walsh
4,768,667 A	9/1988	Magnusson	D559,694 S	1/2008	Le Bras-Brown et al.
4,844,270 A	7/1989	Coffman	D564,881 S	3/2008	Chupak
4,892,214 A	1/1990	Hamaguchi et al.	D569,252 S	5/2008	Borsari et al.
D306,967 S	4/1990	Matsuura et al.	D570,228 S	6/2008	van Dam
D308,828 S	6/1990	Magnusson	D572,134 S *	7/2008	Bourne D9/500
D319,580 S	9/1991	Cassai et al.	D572,589 S	7/2008	Coulis et al.
5,052,576 A	10/1991	Büdenbender	D573,023 S	7/2008	Pivert
5,061,140 A	10/1991	Hamaguchi et al.	D581,278 S *	11/2008	Shibata et al. D9/529
D327,218 S	6/1992	Nickerson	D582,774 S *	12/2008	Klemm et al. D9/500
5,135,124 A	8/1992	Wobser	D584,623 S	1/2009	Chupak
D329,803 S	9/1992	Otsuka	D592,060 S	5/2009	Chupak
D333,434 S *	2/1993	Sosenko D9/539	D596,488 S	7/2009	Chupak
5,190,181 A	3/1993	Büdenbender	D596,942 S	7/2009	Britto
5,293,765 A	3/1994	Nussbaum-Pogacnik	D600,556 S	9/2009	Chupak
5,355,710 A	10/1994	Diekhoff	D600,557 S	9/2009	Chupak
D353,771 S	12/1994	Klitsner	D608,204 S	1/2010	Caroen et al.
5,448,903 A	9/1995	Johnson	D619,457 S	7/2010	Walsh
5,497,900 A	3/1996	Caleffi et al.	D619,458 S	7/2010	Walsh
D369,977 S	5/1996	Sexton, Jr.	D619,459 S	7/2010	Walsh
D371,075 S	6/1996	Stonehouse	D620,360 S	7/2010	Walsh
5,557,963 A	9/1996	Diekhoff	D621,723 S	8/2010	Gogola et al.
5,572,893 A	11/1996	Goda et al.	D622,145 S	8/2010	Walsh
5,605,248 A	2/1997	Jentzsch	D625,616 S	10/2010	Gogola et al.
D379,307 S	5/1997	Marriage	D630,519 S	1/2011	Toms et al.
5,660,301 A	8/1997	Kaplowitz	D638,708 S	5/2011	Walsh
D384,888 S	10/1997	Diekhoff	D639,164 S	6/2011	Walsh
D384,889 S	10/1997	Nasrallah	D639,659 S *	6/2011	Biondich et al. D9/500
5,704,240 A	1/1998	Jordan	D642,469 S	8/2011	Lauret
5,711,447 A	1/1998	Plester	8,016,148 B2	9/2011	Walsh
D390,467 S	2/1998	Blackburn	D646,165 S	10/2011	Chupak
5,713,235 A	2/1998	Diekhoff	D665,265 S *	8/2012	Fonseca D9/668
5,718,352 A	2/1998	Diekhoff et al.	D670,167 S	11/2012	Winter
5,778,723 A	7/1998	Diekhoff	D675,527 S	2/2013	Rogers et al.
5,822,843 A	10/1998	Diekhoff et al.	D697,803 S *	1/2014	Cox et al. D9/500
5,875,909 A	3/1999	Guglielmini	D699,576 S *	2/2014	Rogers et al. D9/500
5,881,907 A	3/1999	Schutz	D699,577 S *	2/2014	Rogers et al. D9/500
6,010,026 A	1/2000	Diekhoff et al.	D708,522 S *	7/2014	Santamaria et al. D9/500
6,010,028 A	1/2000	Jordan et al.	D710,206 S *	8/2014	Rajesh et al. D9/538
			D714,150 S *	9/2014	Vendramin D9/500
			D719,839 S *	12/2014	De Carvalho et al. D9/621
			D723,371 S *	3/2015	Laib et al. D9/500

(56)

References Cited

U.S. PATENT DOCUMENTS

2001/0040167 A1 11/2001 Flecheux et al.
 2005/0205575 A1 9/2005 Kobayashi et al.
 2006/0011633 A1 1/2006 Cook et al.

FOREIGN PATENT DOCUMENTS

DE 4439464 C1 5/1996
 DE 19513886 A1 10/1996
 DE 29512058 U1 12/1996
 DE 19806481 A1 8/1998
 DE 19722628 A1 12/1998
 DE 40402024-0003 3/2005
 DE 40402706-0007 3/2005
 DE 40405124-0002 3/2005
 DE 40405388-0004 4/2005
 DE 40405388-0005 4/2005
 EP 0281543 A2 9/1988
 EP 0182646 B1 3/1989
 EP 0380662 A1 8/1990
 EP 0510291 A1 10/1992
 EP 0512131 A2 11/1992
 EP 0537773 A1 4/1993
 EP 0549987 A1 7/1993
 EP 0581568 B1 2/1994
 EP 0667299 A1 8/1995
 EP 0693434 B1 1/1996
 EP 0743260 A1 11/1996
 EP 0864385 A2 9/1998
 EP 1134046 A1 9/2001
 EP 1136154 A1 9/2001
 EP 1459997 A1 9/2004
 EP 1468925 A1 10/2004
 FR 633497 1/1928
 FR 26884341 A1 9/1993
 FR 942042-017 4/1994
 FR 942042-020 4/1994
 FR 2708252 A1 2/1995
 GB 2330548 A 4/1999
 GB 3000547 1/2002
 IT 458853 3/1951
 JP 01210136 8/1989

JP 11139438 5/1999
 JP 2001-90898 4/2001
 JP 2002037442 2/2002
 JP 2002-137032 A 5/2002
 JP 2003-181577 A 7/2003
 JP 2003-290854 A 10/2003
 JP 2007-039095 A 2/2007
 RU 50159 S 5/2001
 RU 52780 7/2003
 RU 58096 11/2005
 RU 59523 7/2006
 UA 5333 11/2011
 WO 91/11274 A1 8/1991
 WO 96/15865 A1 5/1996
 WO 96/16754 A1 6/1996
 WO 97/42091 A1 11/1997
 WO 98/06636 A1 2/1998
 WO DM/047733 3/1999
 WO 99/18013 A1 4/1999
 WO 99/32363 A1 7/1999
 WO 99/43558 A1 9/1999
 WO 99/46176 A1 9/1999
 WO 99/48764 A1 9/1999
 WO 01/15829 A1 3/2001
 WO DM/062281 12/2002
 WO DM/063368 4/2003
 WO 03/047991 A1 6/2003
 WO 2005/108216 A1 11/2005
 WO DM/052387 7/2007
 WO DM/069480 7/2007
 WO DM/073013 1/2010
 WO DM/079130 9/2012
 WO DM/081760 9/2013

OTHER PUBLICATIONS

Boxside marketing & advertising decisions, Index 05, fascicle 5, 2005, p. 94.
 Doronenkova, O.V., Leading State IP Examiner of the Industrial Designs Department, Rospatent Federal Office for Intellectual Property, Patents and Trademarks, Inquiry of Substantive Examination dated Dec. 19, 2011 in co-pending Russian Design Application No. 2010503861 (in Russian, with English translation attached).

* cited by examiner

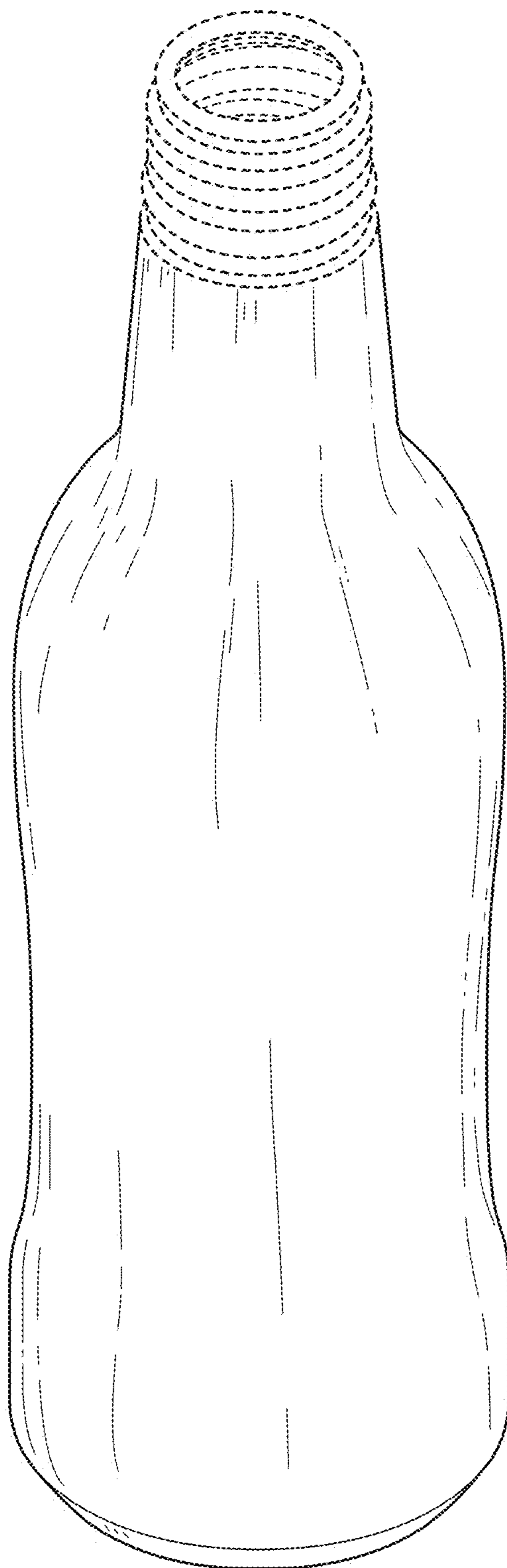


FIG. 1

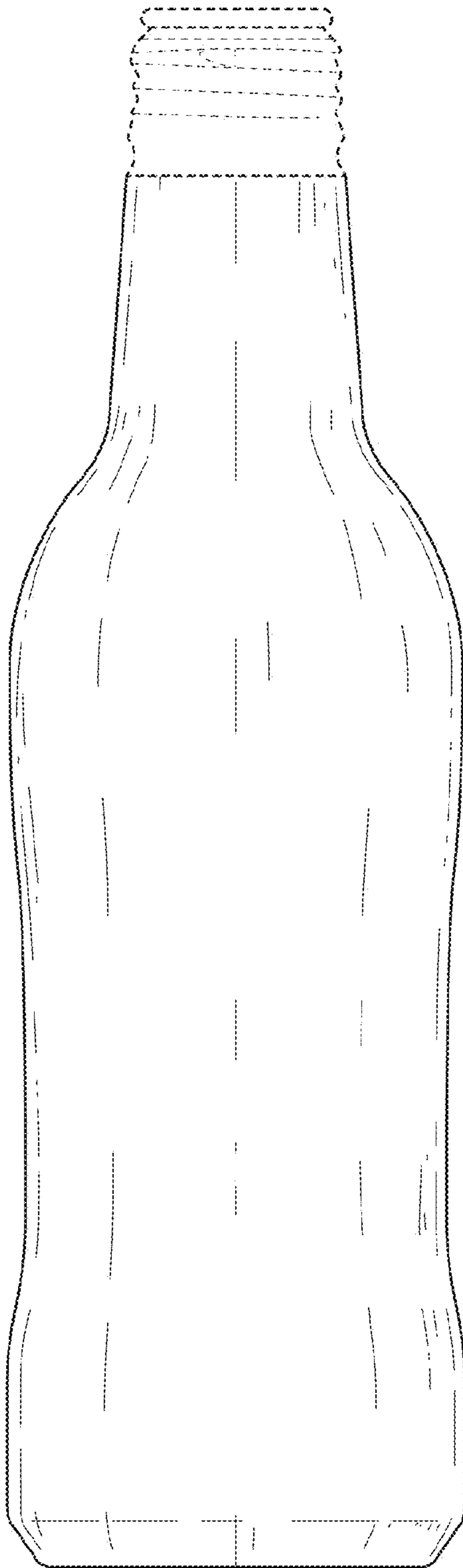


FIG. 2

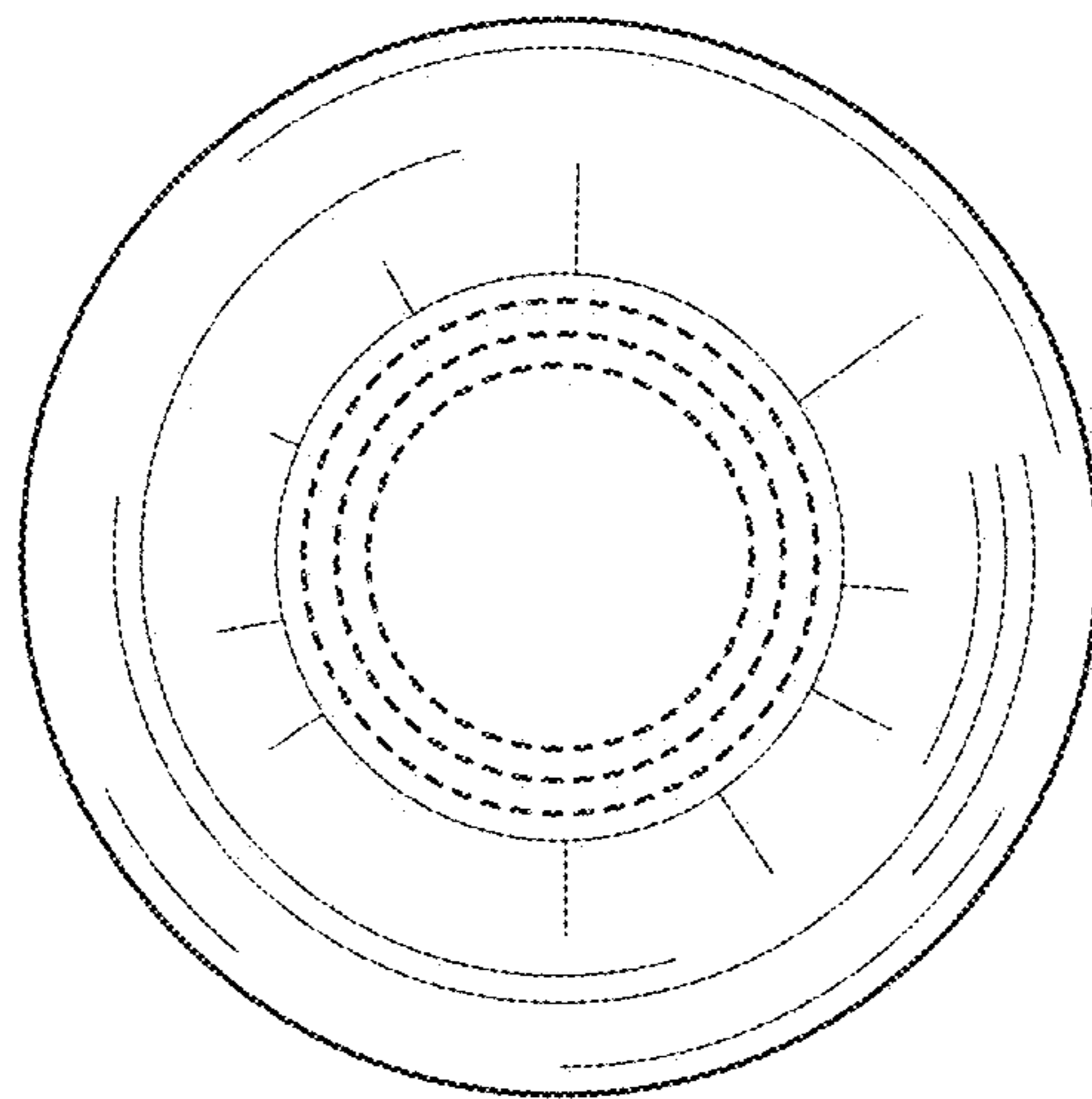


FIG. 3