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(12) **United States Design Patent** (10) **Patent No.:** **US D794,892 S**  
**Bergman et al.** (45) **Date of Patent:** **\*\* Aug. 15, 2017**

(54) **PAINT CONTAINER**

2,712,668 A 7/1955 Thiele  
 D175,865 S 10/1955 Stone  
 2,765,969 A 10/1956 Bennington  
 (Continued)

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FOREIGN PATENT DOCUMENTS

GB 195523 4/1923  
 JP 10287339 10/1998

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OTHER PUBLICATIONS

Painters' Helper Sporty's Tool Shop (1 page) bearing copyright notice of 2001.

(\*\*) Term: **15 Years**

(Continued)

(21) Appl. No.: **29/564,143**

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(22) Filed: **May 11, 2016**

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

(52) **U.S. Cl.**  
USPC ..... **D32/53.1**

(57) **CLAIM**

The ornamental design for a paint container, as shown and described.

(58) **Field of Classification Search**  
USPC ..... D32/53, 53.1, 54; 220/570, 904;  
15/260–264

**DESCRIPTION**

CPC ..... A47L 13/142; A47L 13/58; B65D 25/14;  
B44D 3/12  
See application file for complete search history.

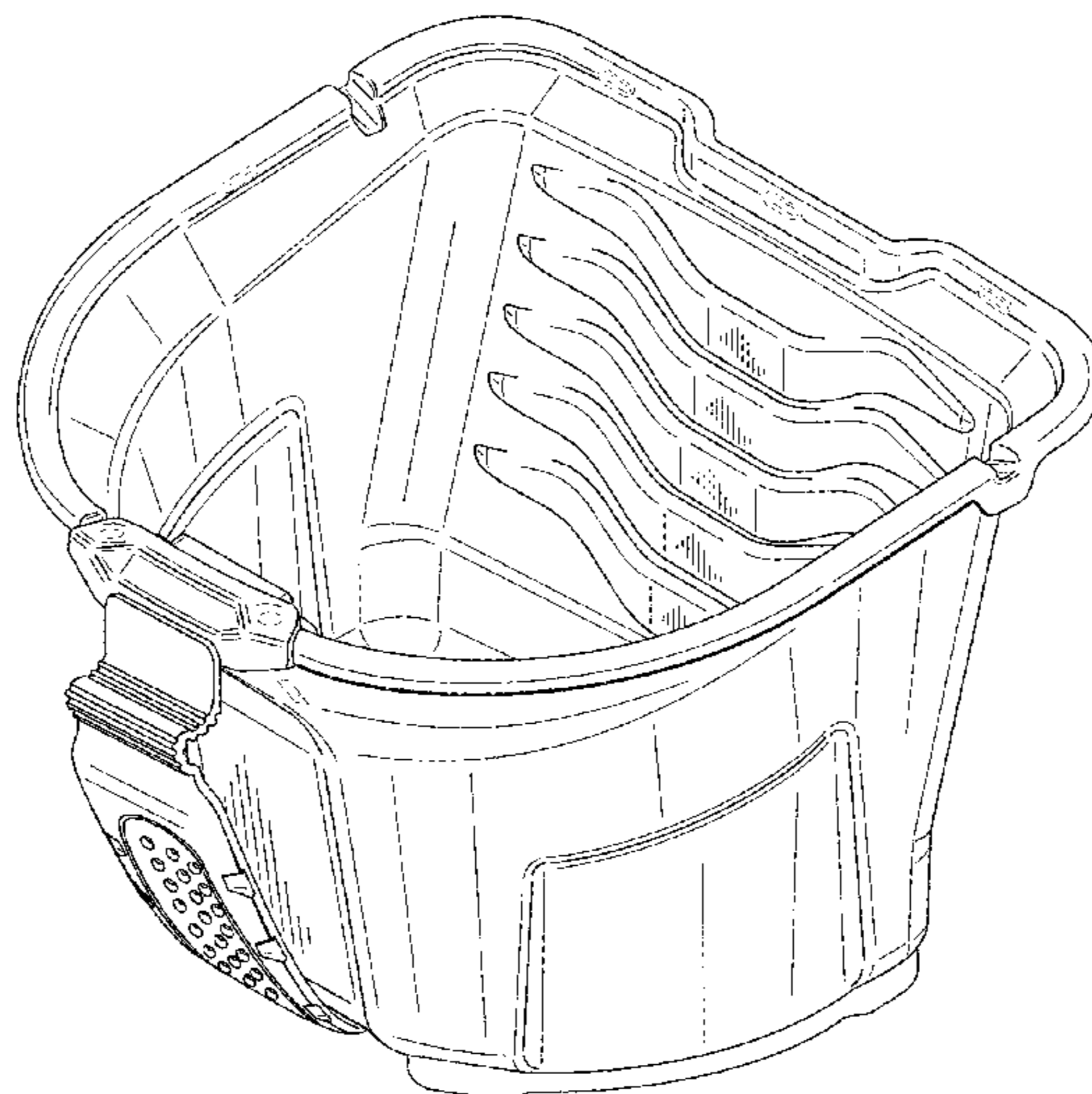
FIG. 1 is a top, right side and back perspective view of a paint container;  
 FIG. 2 is a bottom, left side and back perspective view of the container of FIG. 1;  
 FIG. 3 is a left side view of the container of FIG. 1;  
 FIG. 4 is a right side view of the container of FIG. 1;  
 FIG. 5 is a back view of the container of FIG. 1;  
 FIG. 6 is a front view of the container of FIG. 1;  
 FIG. 7 is a top view of the container of FIG. 1; and,  
 FIG. 8 is a bottom view of the container of FIG. 1.  
 The dashed lines in the FIGS. are for illustrative purposes only and form no part of the claimed design.  
 The dot-dashed-dot lines in the FIGS. represent the border between claimed and unclaimed subject matter and form no part of the claimed design.

(56) **References Cited**

U.S. PATENT DOCUMENTS

606,100 A	6/1898	Thompson
D33,891 S	1/1901	Kennedy
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
1,950,505 A	3/1934	Matters
2,314,835 A	12/1940	Johns et al.
2,228,536 A	1/1941	Scalph
2,626,737 A	1/1953	Pitz
2,661,858 A	12/1953	Howell
2,709,540 A	5/1955	Kenney

**1 Claim, 8 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

2,963,003 A	2/1958	Oberg et al.	5,549,216 A	8/1996	Scholl
D184,315 S	1/1959	Jennings et al.	5,570,807 A	11/1996	Busch
2,922,176 A	1/1960	Bernhardt	5,624,093 A	4/1997	Gemmell
3,014,616 A	12/1961	Kavanaugh et al.	5,641,087 A	6/1997	Moffitt
3,014,621 A	12/1961	Povitz	D390,596 S	2/1998	Domhoff et al.
D193,382 S	8/1962	Goetz	5,746,346 A	5/1998	Crilly
3,138,280 A	6/1964	Shafer	D395,531 S	6/1998	Mandell et al.
3,139,646 A	7/1964	Vernon	D397,833 S	9/1998	Adams Zurawin
3,157,902 A	11/1964	Hardwick	5,810,196 A	9/1998	Lundy
D202,134 S	8/1965	Bryan	RE35,933 E	10/1998	Scholl
3,219,233 A	11/1965	Whiteford	D401,116 S	11/1998	Demore
3,229,820 A	1/1966	Hentzi et al.	5,836,469 A	11/1998	Zebrowski
3,292,815 A	12/1966	Smith	5,899,354 A	5/1999	Garcia
3,311,252 A	3/1967	Swartwood et al.	D415,864 S	10/1999	Axhamre
3,341,876 A	9/1967	Campbell	5,971,201 A	10/1999	Daw
D208,969 S	10/1967	Paxton	6,019,241 A	2/2000	Burns
3,351,970 A	11/1967	Engh	D422,450 S	4/2000	Conti
D211,611 S	7/1968	Fox, Jr. et al.	D423,729 S	4/2000	Morgan
D212,831 S	11/1968	Koch	6,065,633 A	5/2000	Abbey
3,425,012 A	1/1969	Gottinger	6,119,303 A	9/2000	Passafiume
D216,277 S	12/1969	James	6,138,963 A	10/2000	Malvasio
3,536,285 A	10/1970	Vaughn	D435,728 S	1/2001	Miles et al.
3,590,416 A	7/1971	Henningsen	D444,604 S	7/2001	Hoffert et al.
3,595,431 A	7/1971	Bird	D444,929 S	7/2001	Cox
3,602,939 A	9/1971	Schoenholz	6,260,730 B1	7/2001	Fellman
D223,864 S	6/1972	Vines	6,276,554 B1	8/2001	Lallement et al.
3,682,352 A	8/1972	Doucette	D452,130 S	12/2001	Richardson
3,707,242 A	12/1972	Golden	D453,243 S	1/2002	Burke
3,729,158 A	4/1973	Nagy	D458,723 S	6/2002	Malvasio
3,828,389 A	8/1974	Heisler	D460,845 S	7/2002	Bergman
3,837,034 A	9/1974	Leffert	6,419,106 B1	7/2002	Bebak
3,940,824 A	3/1976	Gioia et al.	D462,902 S	9/2002	Gittins et al.
3,947,135 A	3/1976	Hawk	6,446,829 B1	9/2002	Malvasio et al.
4,023,702 A	5/1977	McKnight	D466,407 S	12/2002	Nance
4,061,242 A	12/1977	Donlon	D466,787 S	12/2002	Clancy
4,101,046 A	7/1978	Puntillo	D467,784 S	12/2002	Maier
4,145,789 A	3/1979	Morgan, Sr.	D469,233 S	1/2003	Begnani
4,164,299 A	8/1979	Fuhr	6,622,340 B2	9/2003	Rosa
D254,482 S	3/1980	Bell	D482,274 S	11/2003	Walsh et al.
D270,961 S	10/1983	Hawkins et al.	D482,830 S	11/2003	Kohn
4,445,250 A	5/1984	Seidl	D483,917 S	12/2003	Frantz
D277,080 S	1/1985	Gagnon	6,708,838 B2	3/2004	Bergman et al.
4,519,565 A	5/1985	Whitmore	D492,196 S	6/2004	Hyhlik et al.
4,627,546 A	12/1986	Carranza	D493,035 S	7/2004	Bergman
D289,452 S	4/1987	Fuller	6,802,431 B2	10/2004	Schinkel
D291,612 S	8/1987	Inui	D499,027 S	11/2004	Walsh et al.
4,691,840 A	9/1987	Ferbrache	D509,420 S	9/2005	Hauber
4,798,307 A	1/1989	Evrard	6,991,829 B2	1/2006	Bergman
D301,785 S	6/1989	Goetz	6,996,872 B2	2/2006	Tennant
D302,614 S	8/1989	Beatty	D518,263 S	3/2006	Verhaar
4,860,891 A	8/1989	Biggio	D524,501 S	7/2006	Prokop et al.
D305,467 S	1/1990	Dagge	D526,748 S	8/2006	Van Skiver
4,895,269 A	1/1990	Cade	D527,153 S *	8/2006	Morad ..... D32/53
4,927,046 A	5/1990	Armstrong	7,083,044 B1	8/2006	Kilian et al.
4,928,873 A	5/1990	Johnson	D528,706 S	9/2006	Jefferson
5,011,536 A	4/1991	Boom	D535,794 S	1/2007	Lundy et al.
5,033,704 A	7/1991	Kerr	7,191,913 B2	3/2007	Byrne
5,083,733 A	1/1992	Marino et al.	D544,669 S *	6/2007	Casteel ..... D32/53
5,092,481 A	3/1992	Skelton	D546,160 S	7/2007	Reithmeyer
5,147,067 A	9/1992	Effertz	D546,514 S	7/2007	Byrne et al.
5,169,025 A	12/1992	Guo	D548,913 S	8/2007	Van Landingham
5,201,439 A	4/1993	Davies	D549,913 S	8/2007	Bergman
5,207,348 A	5/1993	Fischer et al.	D553,818 S	10/2007	Moon
5,222,656 A	6/1993	Carlson	D562,518 S	2/2008	Lundy
5,308,181 A	5/1994	Hull et al.	D569,567 S	5/2008	Kohn
5,320,249 A	6/1994	Strech	D571,969 S	6/2008	Byers
5,320,279 A	6/1994	Giblin et al.	D578,874 S	10/2008	Smith
5,341,969 A	8/1994	Accardo et al.	D581,118 S	11/2008	Bergman
D350,632 S	9/1994	Cummins	D581,119 S *	11/2008	Bergman ..... D32/53.1
D353,241 S	12/1994	Breen	D583,521 S	12/2008	Arvinte et al.
D353,697 S	12/1994	Breen et al.	D586,056 S	2/2009	Shea
5,400,916 A	3/1995	Weber	D594,163 S	6/2009	Sparano
5,429,262 A	7/1995	Sharkey	D607,624 S	1/2010	Bergman
5,493,751 A	2/1996	Misiukowiec et al.	D612,119 S	3/2010	Bergman
5,511,279 A	4/1996	Ippolito	D617,517 S	6/2010	Bergman
			7,963,418 B2	6/2011	Arvinte et al.
			D645,627 S	9/2011	Arvinte et al.
			D654,644 S	2/2012	Davidson
			D692,198 S	10/2013	Bergman

(56)

**References Cited**

U.S. PATENT DOCUMENTS

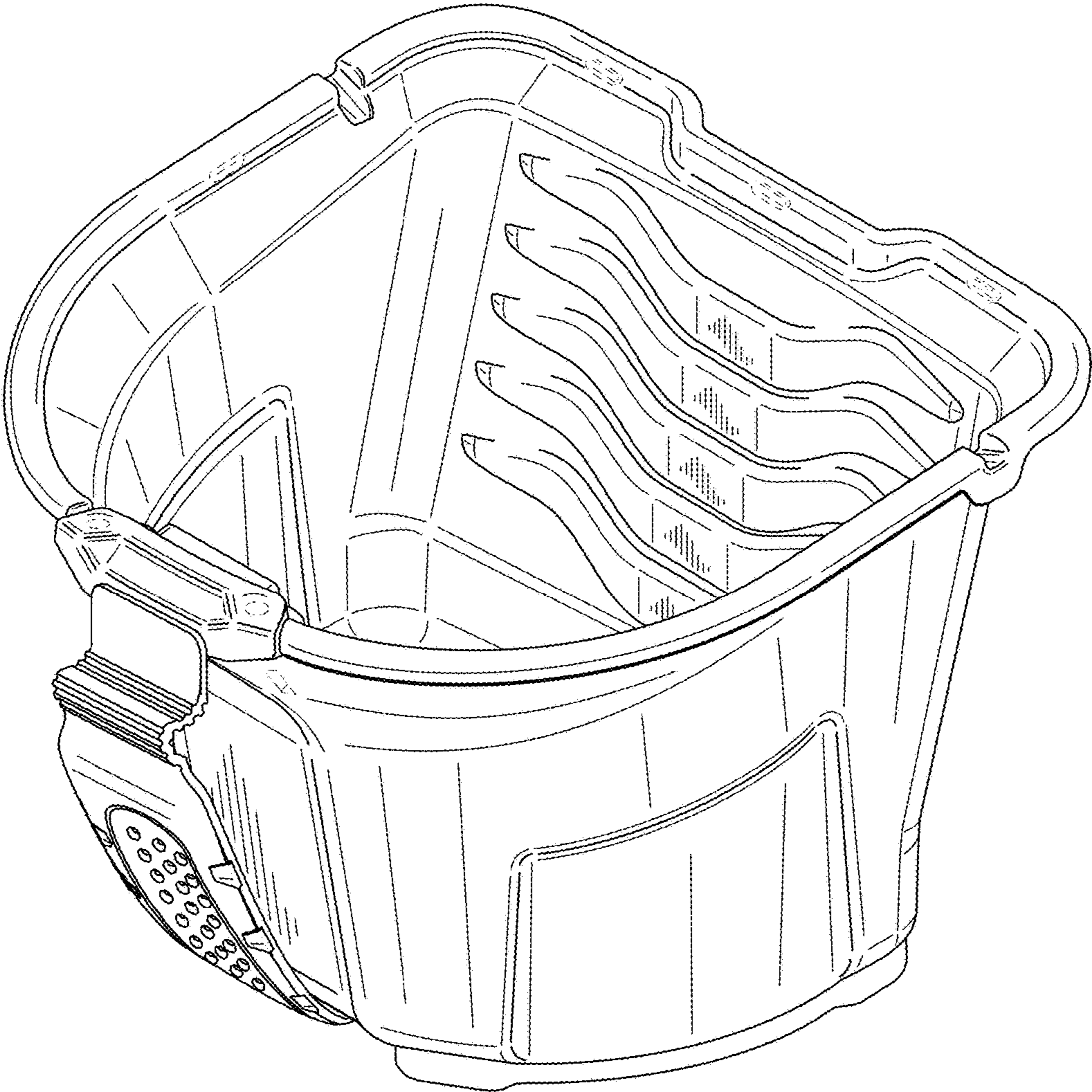
8,556,116 B2 10/2013 Bergman et al.  
 D694,976 S 12/2013 Lambertson  
 D697,281 S \* 1/2014 Bergman ..... D32/53.1  
 8,919,604 B2 12/2014 Bergman et al.  
 D728,884 S 5/2015 Waffensmith et al.  
 D744,186 S 11/2015 Gringer et al.  
 D744,711 S 12/2015 Gringer et al.  
 D756,049 S \* 5/2016 Arvinte ..... D32/53  
 D762,033 S \* 7/2016 Gooden ..... D32/53  
 2002/0005409 A1 1/2002 Rose  
 2002/0036206 A1 3/2002 Bergman et al.  
 2002/0056714 A1 5/2002 Schinkel  
 2004/0118861 A1 6/2004 Bergman et al.  
 2004/0134917 A1 7/2004 Carnegie  
 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

2006/0124649 A1 6/2006 Campbell  
 2006/0219720 A1 10/2006 Lundy et al.  
 2006/0225959 A1 10/2006 Pohl  
 2006/0226154 A1 10/2006 Lundy et al.  
 2006/0243732 A1 11/2006 Bergman

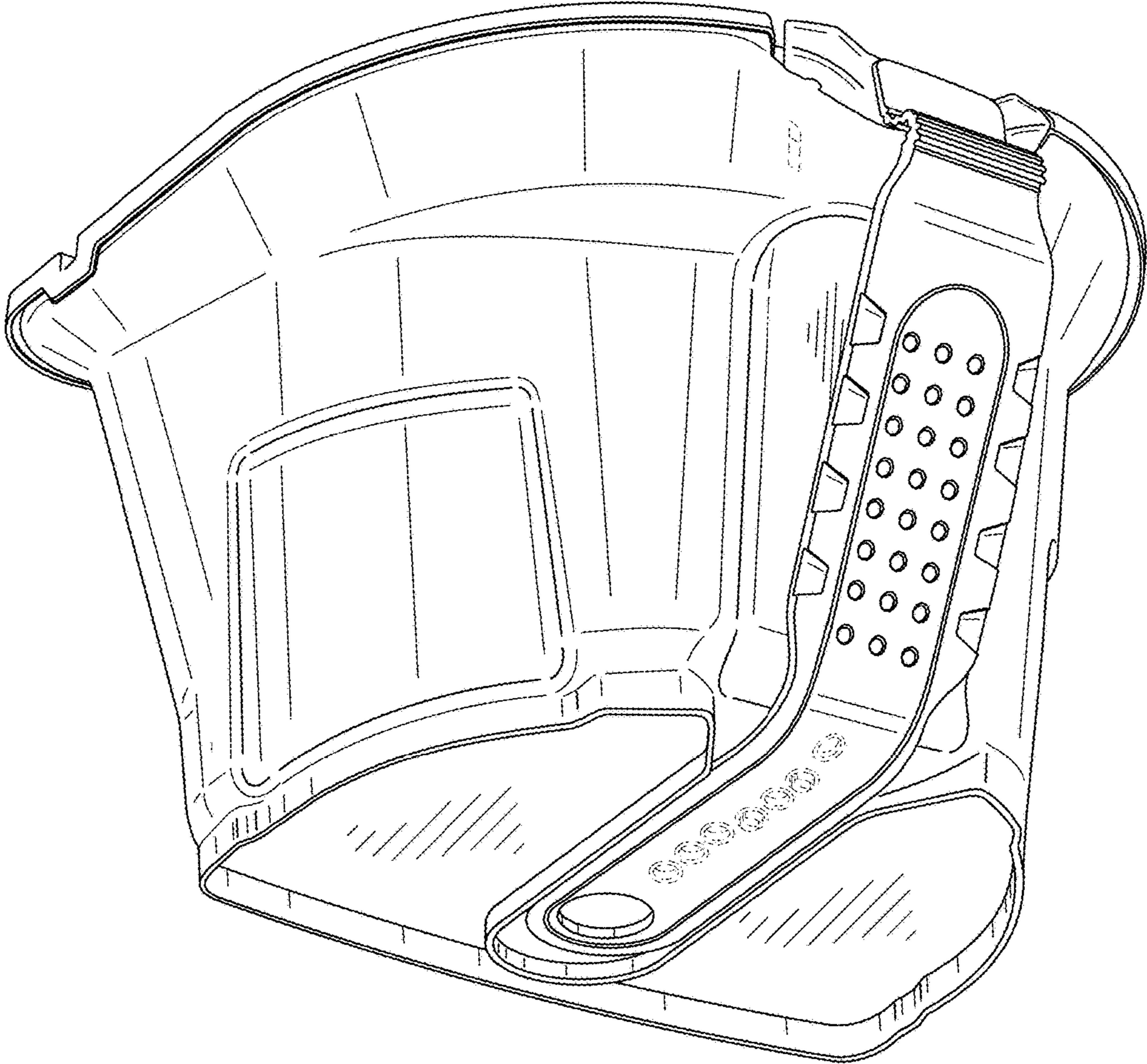
OTHER PUBLICATIONS

Fourteen (14) page of photos of a pail known to the public prior to Apr. 29, 2004.  
 Purdy Product Catalog, pp. 1, 3, 6, 52, 54-56, 60, Jan. 2013.  
 Purdy press release "Purdy dual roll off five-gallon bucket increases production speed for professional painters," (2 pages) Jan. 2013.  
 Description of "Dual Roll Off Bucket" from www.purdy.com, (1 page) printed Sep. 10, 2013.  
 Description of "Dual Roll Off Bucket" from www.purdy.com, (1 page) printed Nov. 18, 2013.  
 Three (3) photos of a Monarch Handy Paint Pot with liners, obtained Feb. 23, 2016.

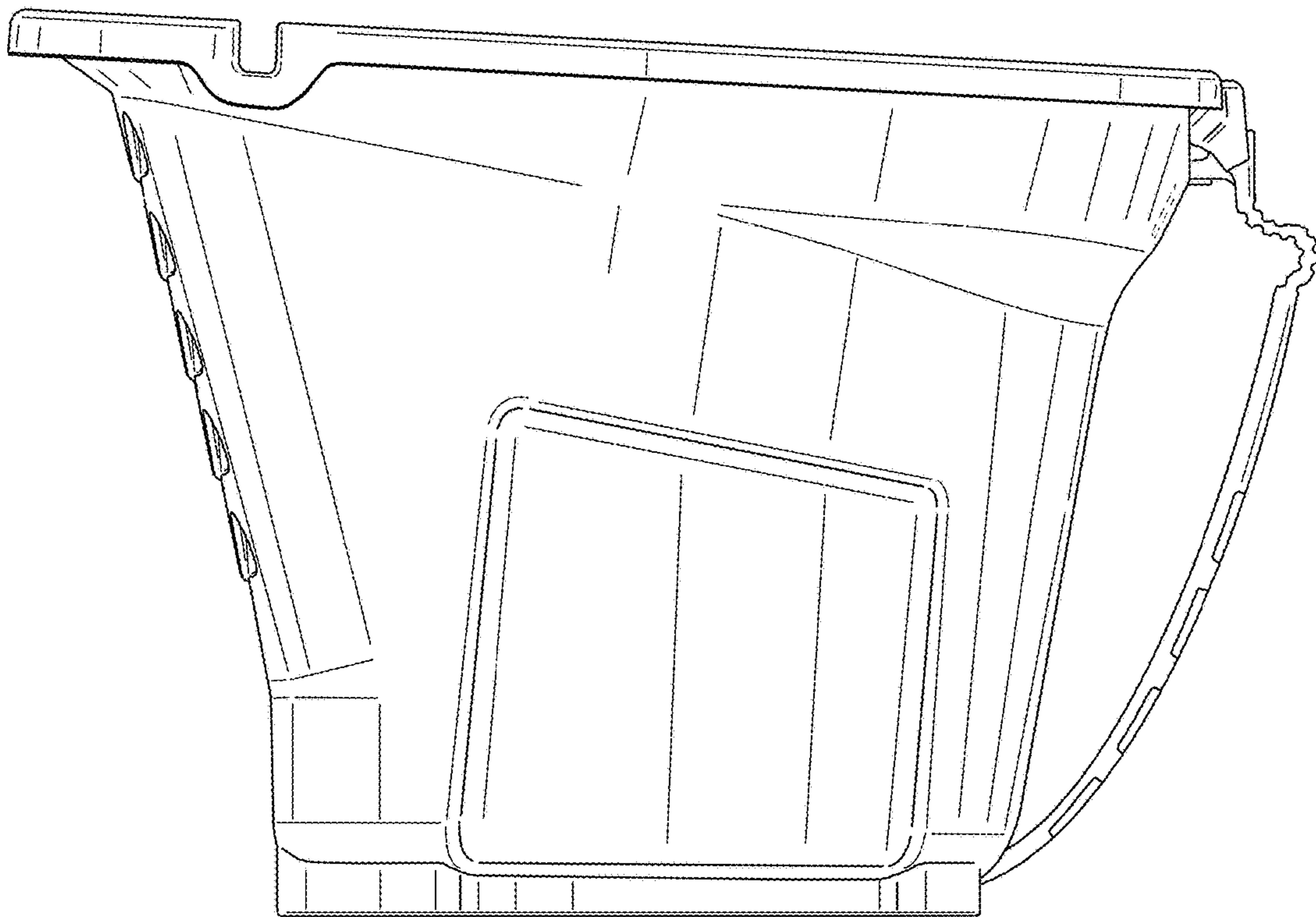
\* cited by examiner



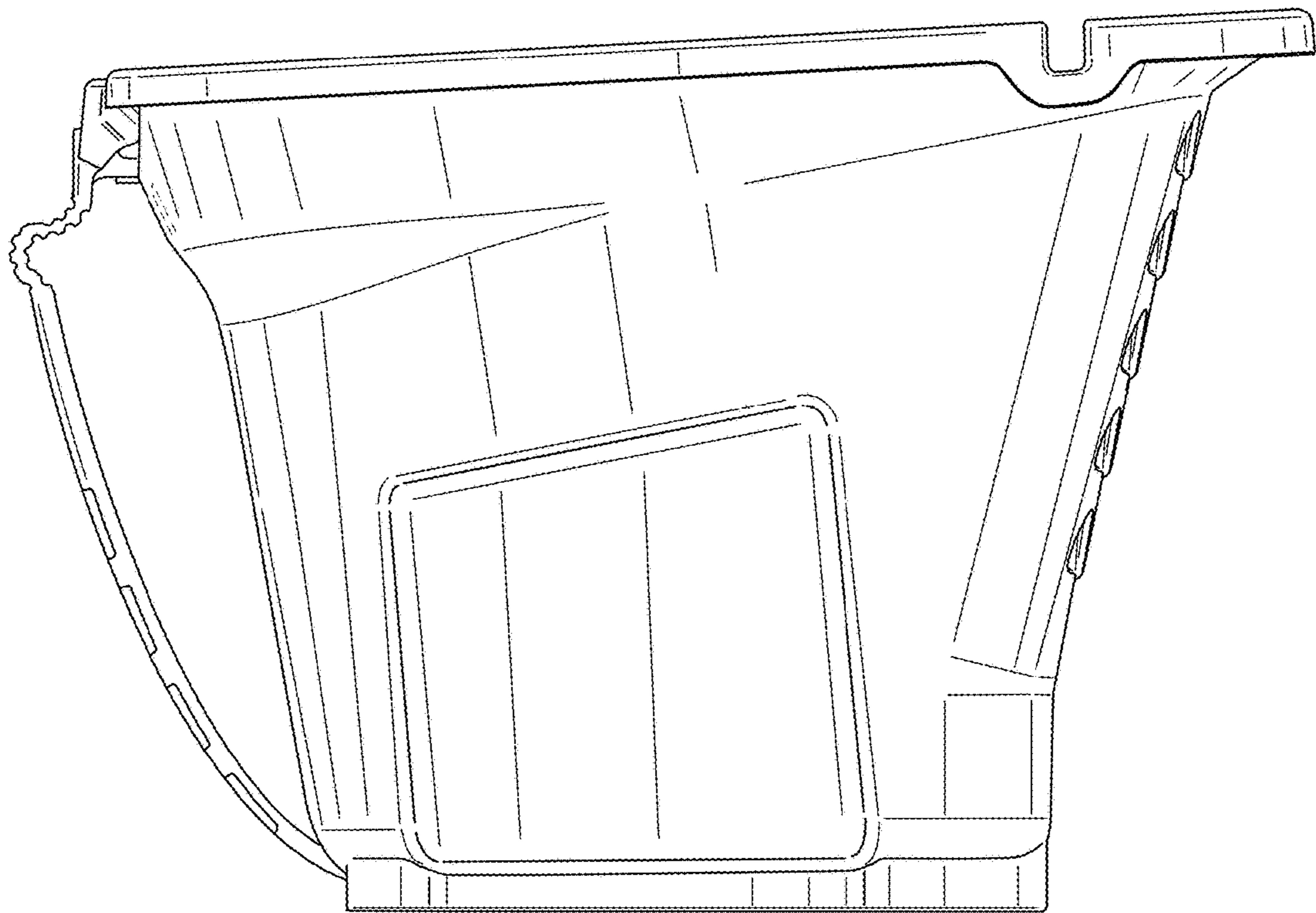
**Fig. 1**



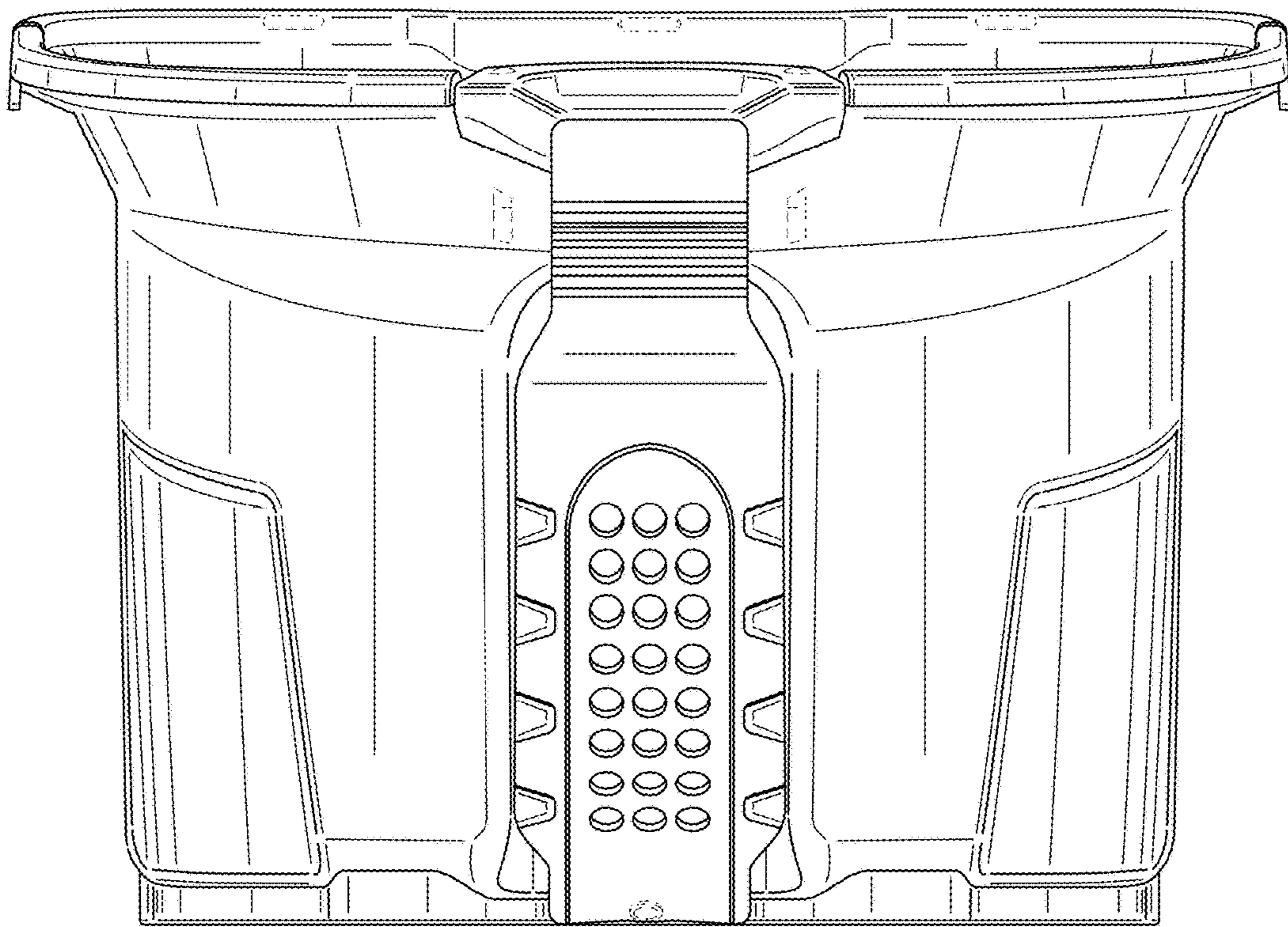
**Fig. 2**



**Fig. 3**

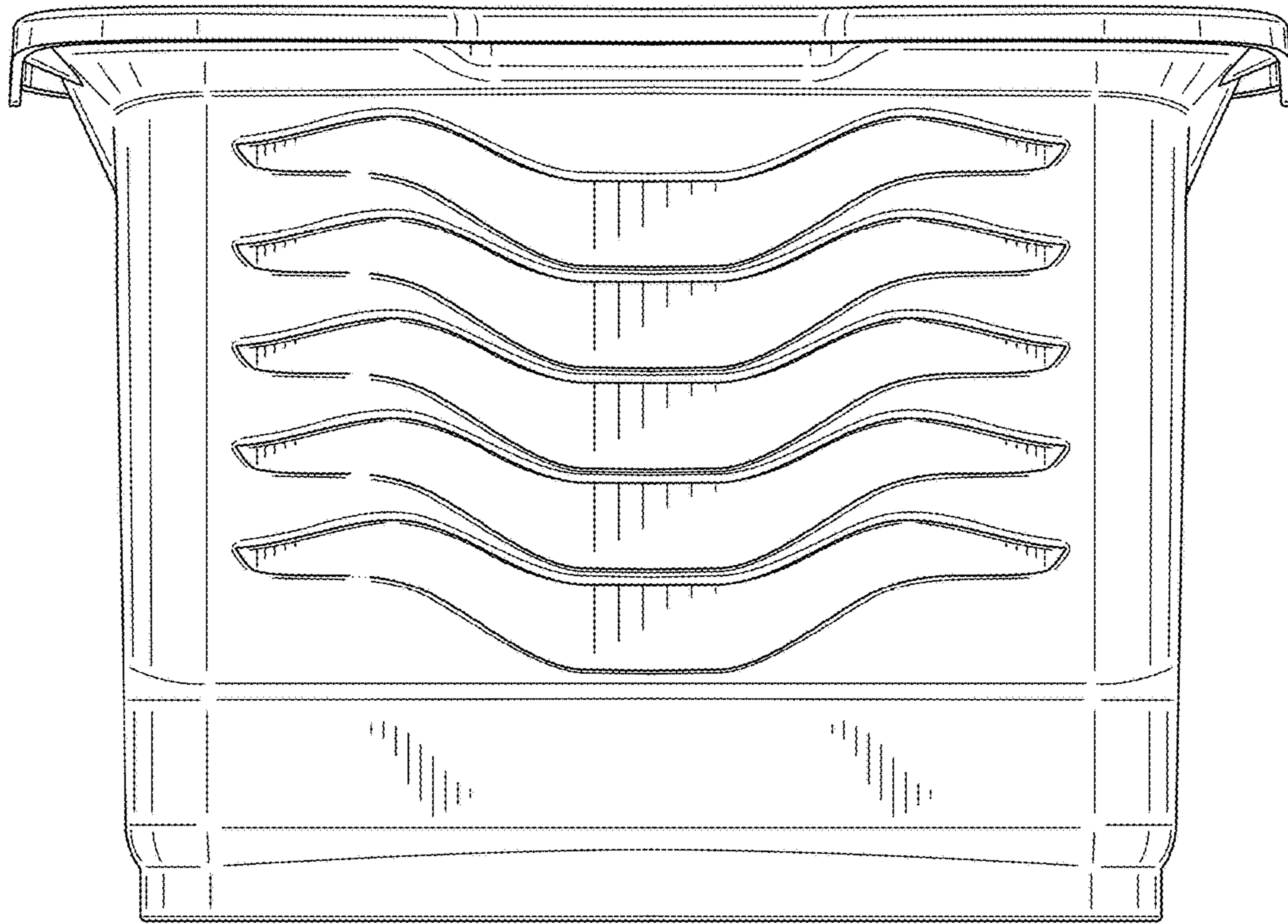


**Fig. 4**

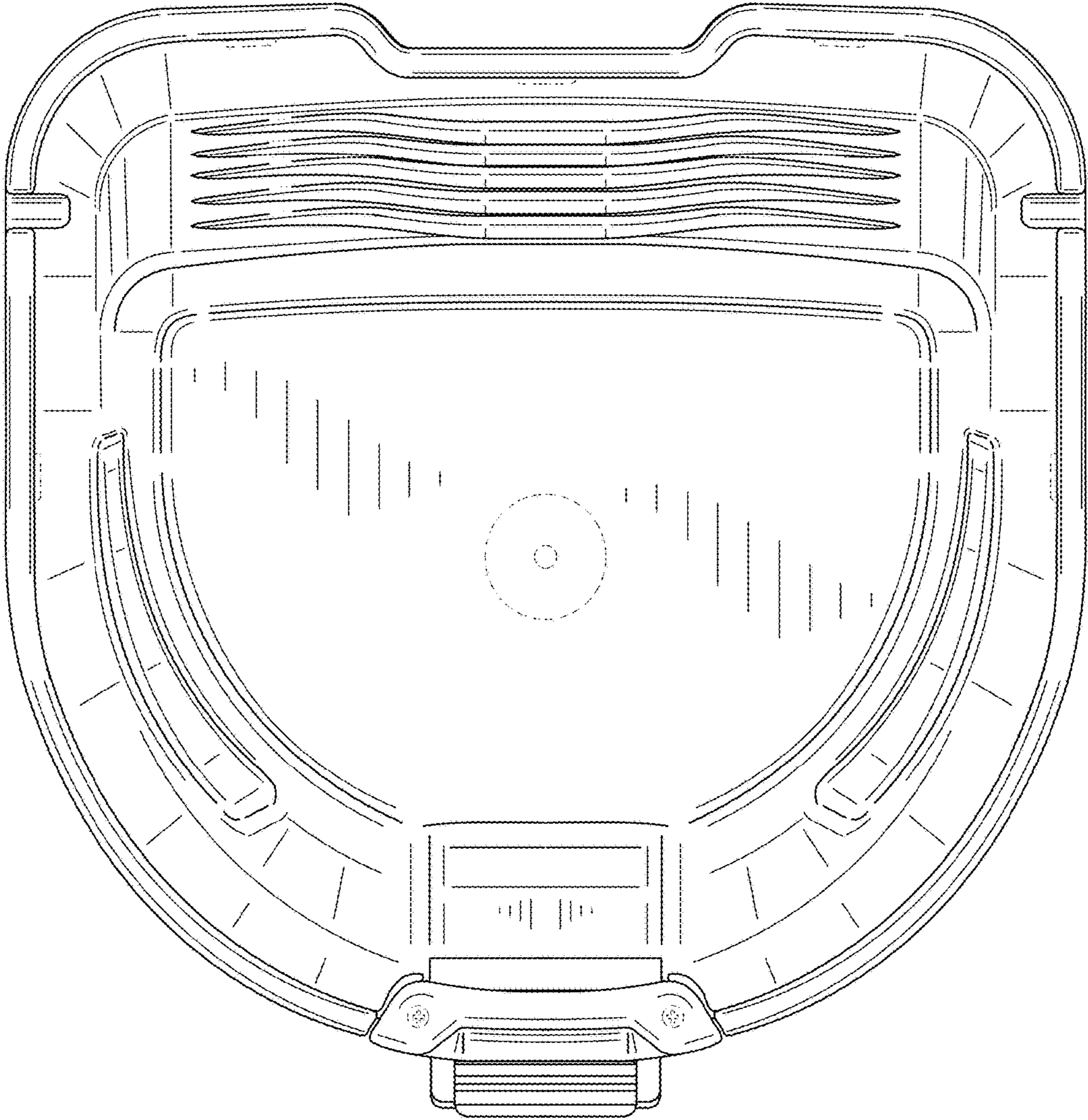


**Fig. 5**

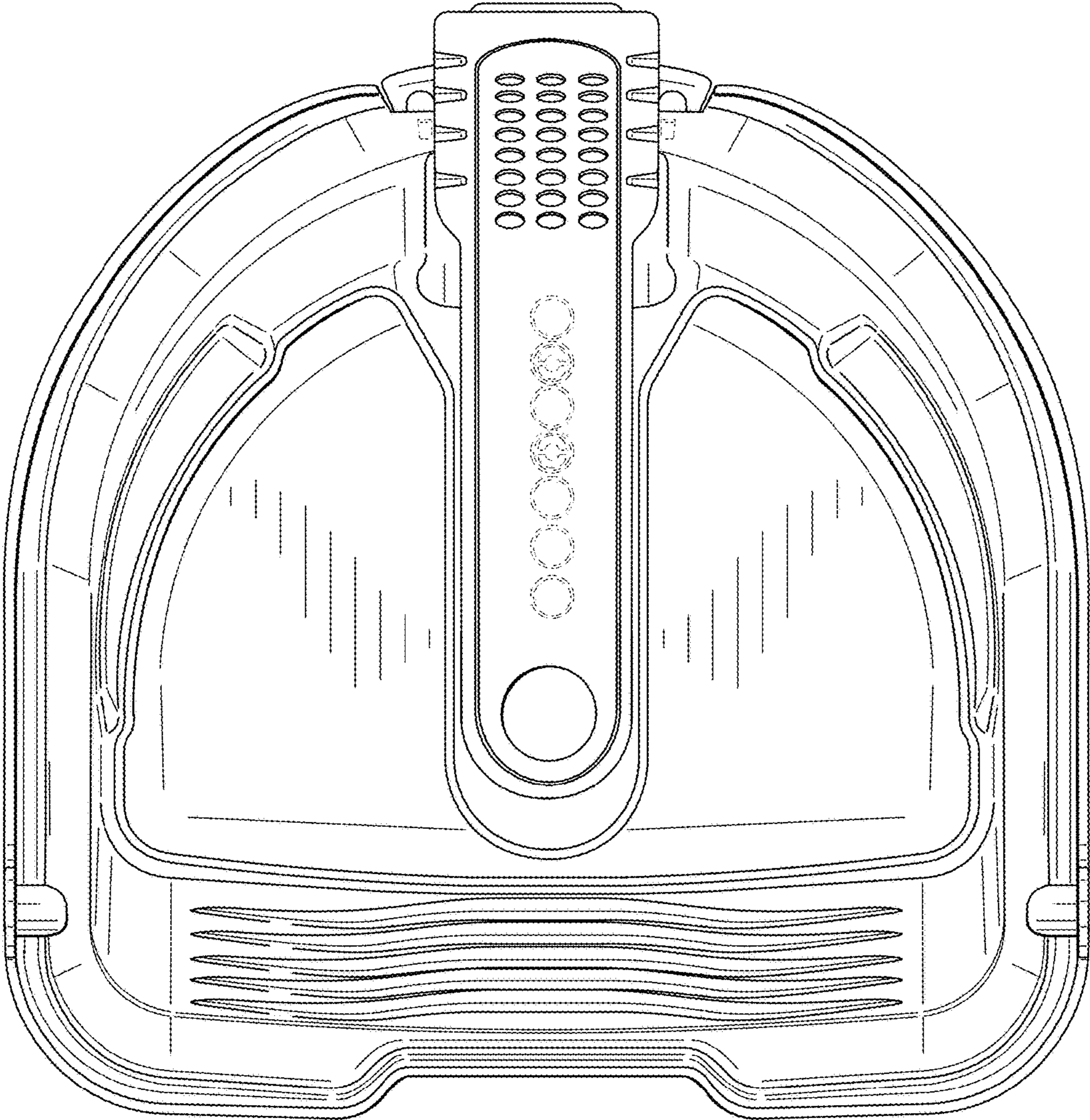




**Fig. 6**



**Fig. 7**



**Fig. 8**