

US00D804247S

(12) **United States Design Patent** (10) **Patent No.:** **US D804,247 S**
Winn et al. (45) **Date of Patent:** **** Dec. 5, 2017**

(54) **AGITATOR ON STRAW OR ROD FOR A SHAKABLE CONTAINER**

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

(21) Appl. No.: **29/578,774**

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Related U.S. Application Data

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(51) **LOC (10) Cl.** **31-00**

(52) **U.S. Cl.**
USPC **D7/412**; D7/376; D7/378; D7/384

(58) **Field of Classification Search**
USPC D7/372, 376-386, 412-413, 602, 629, D7/665-666, 669, 679, 693-694; D15/29, 138, 147; D24/220
CPC A21C 1/02; A21C 1/04; A23N 1/00; A23N 1/02; A47J 43/04; A47J 43/25; A47J 43/27; A47J 43/042; A47J 43/044; A47J 43/046;

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,201,284 A 10/1916 Gilchrist
2,484,391 A 10/1949 Treiss

(Continued)

FOREIGN PATENT DOCUMENTS

CN 101227850 7/2008
CN 101801250 8/2010

(Continued)

OTHER PUBLICATIONS

U.S. Appl. No. 29/581,484, filed Oct. 19, 2016, Winn.

(Continued)

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(57) **CLAIM**

The ornamental design for an agitator on a straw or rod for a shakable container, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of an agitator on a straw or rod for a shakable container according to the present invention;

FIG. 2 is a front view of the agitator on a straw or rod for a shakable container as shown in FIG. 1;

FIG. 3 is a rear view of the agitator on a straw or rod for a shakable container as shown in FIG. 1;

FIG. 4 is a first side view of the agitator on a straw or rod for a shakable container as shown in FIG. 1;

FIG. 5 is a second, opposite side view of the agitator on a straw or rod for a shakable container as shown in FIG. 1;

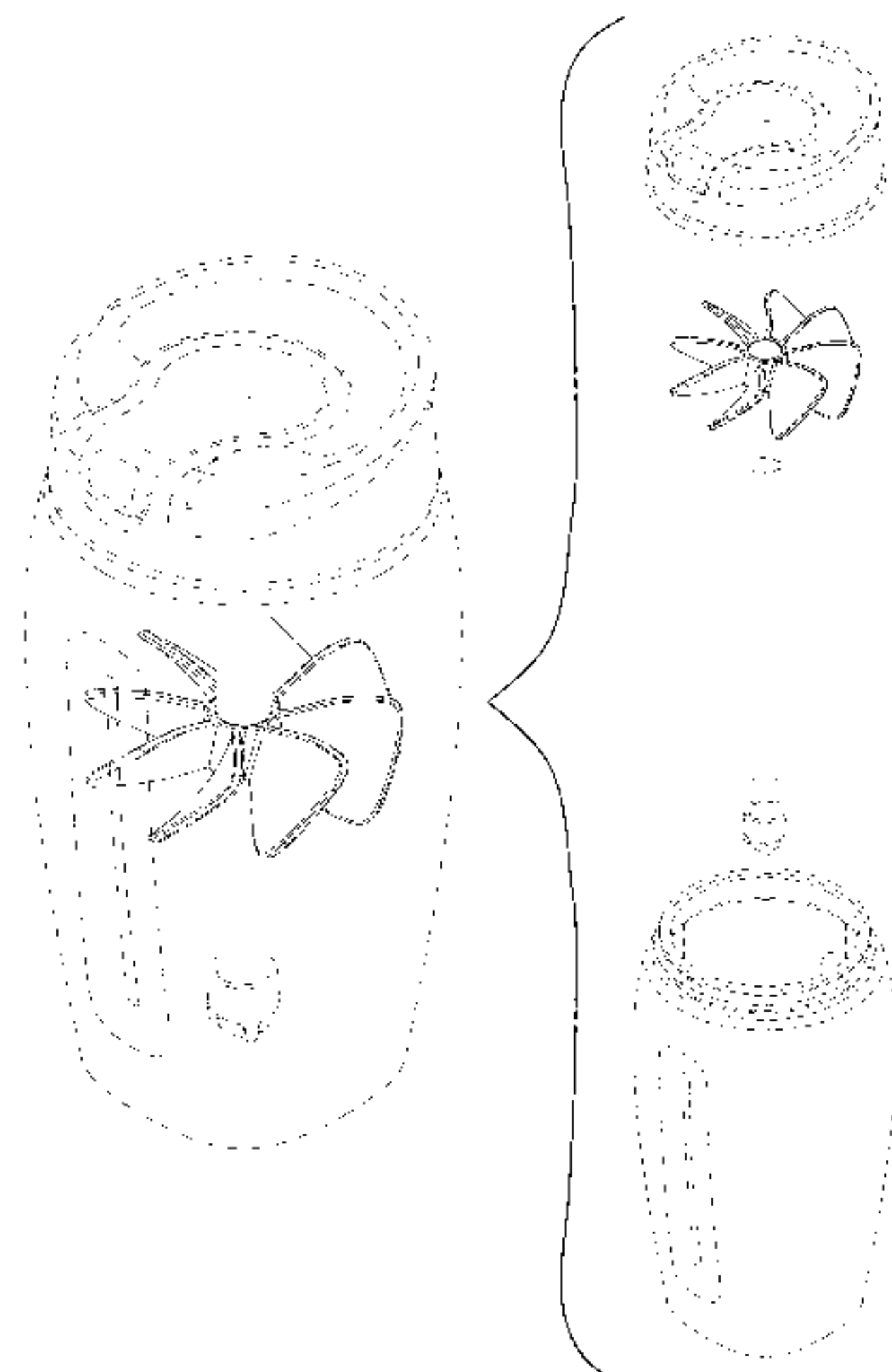
FIG. 6 is a top plan view of the agitator on a straw or rod for a shakable container as shown in FIG. 1;

FIG. 7 is a bottom view of the agitator on a straw or rod for a shakable container as shown in FIG. 1; and,

FIG. 8 is an exploded view of the agitator on a straw or rod for a shakable container as shown in FIG. 1; the agitator, straw or rod, and lid may be friction fitted to one another, and in particular the agitator may be friction fitted anywhere along the straw or rod, as desired.

Any broken lines shown are directed to environmental structure and are for illustrative purposes only. Such broken lines form no part of the claimed design.

1 Claim, 5 Drawing Sheets



(58) **Field of Classification Search**

CPC .. A47J 43/075; A47J 43/0722; A47J 43/0727;
 B01F 3/00; B01F 3/0478; B01F 3/04531;
 B01F 3/04539; B01F 3/0807; B01F
 3/0853; B01F 7/00341; B01F 7/00358;
 B01F 13/0059; B01F 13/0064; B02C
 1/08; B02C 2/04; B02C 4/42; B02C
 4/142; B02C 4/143; B02C 4/423; B02C
 13/1835; B28C 5/10; B28C 5/12; B28C
 5/14; B28C 5/16

See application file for complete search history.

8,191,727	B2	6/2012	Davies	
D664,262	S *	7/2012	Khan	D15/29
8,230,777	B2	7/2012	Anson et al.	
D665,222	S	8/2012	Cerasani	
8,277,114	B2 *	10/2012	Higbee	B01F 3/04539 366/270
8,318,011	B2	11/2012	O'Brien et al.	
8,334,003	B2	12/2012	Baron	
D675,110	S	1/2013	Myers	
D676,278	S	2/2013	Wong	
D676,280	S	2/2013	Wong	
8,376,173	B2	2/2013	Britto	
8,414,180	B1	4/2013	Mattingly	
D681,690	S *	5/2013	Xia	D15/29
D682,034	S	5/2013	El-Saden	
8,439,205	B1	5/2013	Nohren, Jr.	
8,464,633	B2	6/2013	Anson et al.	
8,469,226	B2	6/2013	Davies	
D685,606	S	7/2013	Keys	
D687,259	S	8/2013	Hauser	
8,505,783	B2	8/2013	Gill	
D700,807	S	3/2014	Kershaw et al.	
D704,986	S	5/2014	Manies	
D705,499	S	5/2014	Zamarripa	
8,822,209	B2	9/2014	Oldenburg	
D729,569	S	5/2015	Herbst	
9,120,063	B2 *	9/2015	Knauer	B01F 3/04539
D745,827	S	12/2015	Sorensen	
D746,883	S *	1/2016	Strommer	D15/138
D766,658	S *	9/2016	Strommer	D7/376
D767,328	S	9/2016	Boroski	

(56)

References Cited

U.S. PATENT DOCUMENTS

2,613,107	A	10/1952	Hartnett	
2,766,022	A	10/1956	Bender	
D181,143	S	10/1957	Gundelfinger	
2,922,628	A	10/1960	Koe	
3,136,532	A	6/1964	Rudnick	
3,315,405	A	4/1967	Hoffer	
4,134,494	A	1/1979	Wong	
4,408,690	A	10/1983	Ferrero	
4,472,063	A	9/1984	Eickelmann	
4,737,036	A	4/1988	Offermann	
4,911,315	A	3/1990	Shrum	
4,930,652	A	6/1990	Murphy	
5,065,909	A	11/1991	Pino	
5,158,434	A *	10/1992	Weetman	B01F 7/00341 366/330.5
5,249,702	A	10/1993	Topp	
5,326,168	A *	7/1994	Miura	B01F 7/00358 366/343
5,337,918	A	8/1994	Wang	
5,393,258	A	2/1995	Karterman	
5,461,968	A	10/1995	Portman	
5,509,605	A	4/1996	Cripe	
5,718,681	A	2/1998	Manning	
5,791,780	A *	8/1998	Bakker	B01F 3/04531 261/86
5,873,478	A	2/1999	Sullivan	
5,908,126	A	6/1999	Wang	
5,915,600	A	6/1999	Bitton	
5,939,122	A	8/1999	Brady	
D413,480	S	9/1999	Joergensen	
6,109,538	A	8/2000	Villani et al.	
6,158,722	A *	12/2000	Gigas	B01F 3/04539 261/84
6,250,797	B1 *	6/2001	Weetman	B01F 3/04531 261/93
D447,693	S	9/2001	Warner	
6,403,137	B1	6/2002	Frutin	
6,482,451	B1	11/2002	Baron	
6,523,711	B1	2/2003	Hughes	
6,609,624	B2	8/2003	Goto	
6,783,019	B2	8/2004	Zettle	
6,896,246	B2 *	5/2005	Weetman	B01F 3/0478 261/84
D510,678	S	10/2005	Krasne	
D529,526	S *	10/2006	Gringer	D15/147
D547,607	S	7/2007	Forsman	
D557,978	S	12/2007	Bodum	
D559,034	S	1/2008	Bodum	
D571,610	S	6/2008	Bodum	
7,441,941	B2	10/2008	Vernon	
7,533,783	B2	5/2009	Choi	
D611,764	S	3/2010	Wahl	
D626,838	S	11/2010	Meyers	
7,849,785	B1	12/2010	Saha	
D642,434	S	8/2011	Schofield	
D653,081	S	1/2012	George	
D655,967	S	3/2012	Bodum	
D656,280	S	3/2012	St. Clair	
D656,787	S	4/2012	Phillips	
8,182,683	B1	5/2012	Allen	

2002/0040909	A1	4/2002	Goto	
2002/0048215	A1	4/2002	McGill	
2004/0069783	A1	4/2004	Chen	
2005/0263006	A1	12/2005	Saha	
2006/0180593	A1	8/2006	White	
2006/0226110	A1	10/2006	Choi	
2006/0237489	A1	10/2006	De Lataulade	
2006/0250887	A1	11/2006	Vernon	
2007/0211562	A1	9/2007	Pitsis	
2008/0080299	A1	4/2008	Takumah	
2008/0128529	A1	6/2008	Fernandez	
2008/0187628	A1	8/2008	Champion et al.	
2008/0259723	A1	10/2008	Rhodes	
2009/0026218	A1	1/2009	Wong	
2010/0127005	A1	5/2010	Sanbrook	
2010/0170902	A1	7/2010	Britto	
2010/0181329	A1	7/2010	Davies	
2010/0302897	A1	12/2010	George	
2010/0308046	A1	12/2010	Serra	
2011/0026360	A1	2/2011	Greller	
2011/0058447	A1	3/2011	Reif	
2011/0058448	A1	3/2011	Reif	
2011/0059216	A1	3/2011	Takumah	
2012/0301579	A1	11/2012	Lee et al.	
2012/0325835	A1	12/2012	Merino	
2013/0010568	A1	1/2013	Bodum	
2013/0087571	A1	4/2013	Yao	
2013/0126527	A1	5/2013	Chiu	
2013/0201783	A1	8/2013	Stewart	
2013/0295232	A1	11/2013	Baron	
2013/0319915	A1	12/2013	Gellibolian et al.	
2014/0119154	A1	5/2014	Kershaw	
2014/0124393	A1	5/2014	Anson et al.	
2015/0307265	A1	10/2015	Winn	

FOREIGN PATENT DOCUMENTS

JP	2009/528094	6/2009
JP	2006-256622	9/2016
TW	2008/35456	9/2008
WO	2008/055296	5/2008
WO	2010/050647	5/2010
WO	2013/063535	5/2013

OTHER PUBLICATIONS

U.S. Appl. No. 15/349,177, filed Nov. 11, 2016, Kershaw.
 U.S. Appl. No. 29/435,733, filed Oct. 17, 2013, Notice of allowance.

(56)

References Cited

OTHER PUBLICATIONS

U.S. Appl. No. 13/662,169, filed Jan. 14, 2015, Office Action.
 U.S. Appl. No. 13/662,169, filed Oct. 5, 2015, Final Office Action.
 U.S. Appl. No. 13/662,169, filed Feb. 23, 2016, Office Action.
 U.S. Appl. No. 13/662,169, filed Jul. 28, 2016, Final Office Action.
 U.S. Appl. No. 13/662,169, filed Oct. 17, 2016, Notice of Allowance.
 U.S. Appl. No. 29/525,829, filed May 4, 2015, Winn.
 U.S. Appl. No. 14/695,351, filed Apr. 24, 2015, Winn.
 "Salute-24 oz. Tritan Bottle-Flip Straw Lid," Found Online Oct. 27, 2016 at waterbottles.com, Page dated Oct. 10, 2014, Retrieved from <http://web.archive.org/we/20141010061310/http://waterbottles.com/salute-24-oz-tritan-bottle-flip-straw-lid>.
 "Best Water Bottles Ever by Contigo!" Found online Oct. 25, 2016 at charlottesmartypants.com. Page dated Aug. 29, 2014. Retrieved from <http://charlottesmartypants.com/2014/08/smarty-back-to-school-giveaway-the-best-water-bottles-ever-bycontigo/>.
 "Tervis Tumbler 24 oz. Water Bottle Review". Found online Nov. 9, 2016 at the-gadgeteer.com. Page dated Apr. 8, 2012. Retrieved from <http://the-gadgeteer.com/2012/04/08/tervis-tumbler-24oz-water-bottle-review/>.
 "Contigo Tranquil Bottle, 20 oz." Found online Oct. 25, 2016 at amazon.com. Page dated Feb. 12, 2014. Retrieved from <https://www.amazon.com/Contigo-Tranquil-Bottle-20-Ounce-Blush/dp/BOO1R77J5W>.

Burns, Chris. "One Keepable Cap, Lots Less Bottles." Yanko Design, Jun. 22, 2010. Web. Accessed May 5, 2015. <<http://www.yankodesign.com/2010/06/22/one-keepable-cap-lots-less-bottles/>>.
 "Camelback Groove." Camelback Products, LLC, n.d. Web. Accessed Apr. 11, 2014. <<http://www.camelbak.com/Sports-Recreation/GrooveLanding/Main.aspx>>.
 Gay, Andy. "Cirkul Bottle: Flavor on the Fly." Kickstarter, Inc., Nov. 23, 2014. Web. Accessed Jan. 8, 2015. <<https://www.kickstarter.com/projects/cirkul/cirkul-your-drink-your-way>>.
 "LiveWell Enhancement Tablets." LiveWell Water LLC, n.d. Web. Accessed May 5, 2015. <<https://www.livewellwater.com/wp/products/livewell-supplements?>>.
 "LiveWell Fresh Filter." LiveWell Water LLC, n.d. Web. Accessed May 5, 2015. <<https://www.livewellwater.com/wp/products/livewell-filter?>>.
 LiveWell Healthy Hydration System—Featuring Innovative Flow-Through Technology. LiveWell Water LLC, n.d. Web. Accessed May 5, 2015. <<https://www.livewellwater.com>>.
 PCT International Search Report and Written Opinion of the International Searching Authority for PCT/US15/27457, dated Jul. 14, 2015, 13 pages.
 "The LiveWell Enhancement Chamber." LiveWell Water LLC, n.d. Web. Accessed May 5, 2015. <<https://www.livewellwater.com/wp/products/livewell-supplement-chamber?>>.
 "TruMarine Collagen SIP." Unistraw, n.d. Web. Accessed Jan. 1, 2015. <<http://www.unistraw.com/#!/collagen-sip/c11hm>>.
 U.S. Appl. No. 15/349,177, filed Feb. 2, 2017, Office Action.
 U.S. Appl. No. 29/525,829, filed Apr. 14, 2017, Office Action.

* cited by examiner

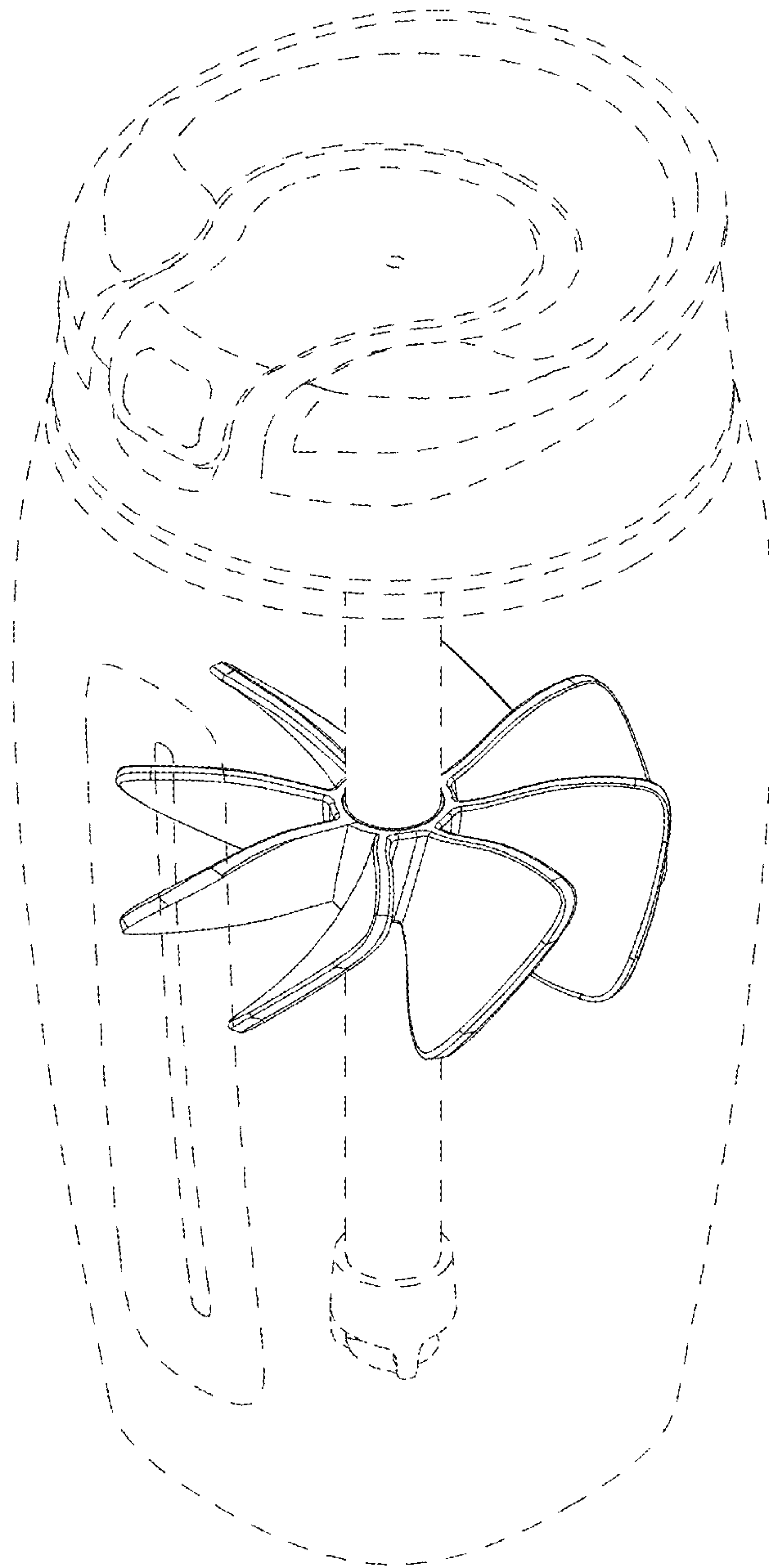


FIG. 1

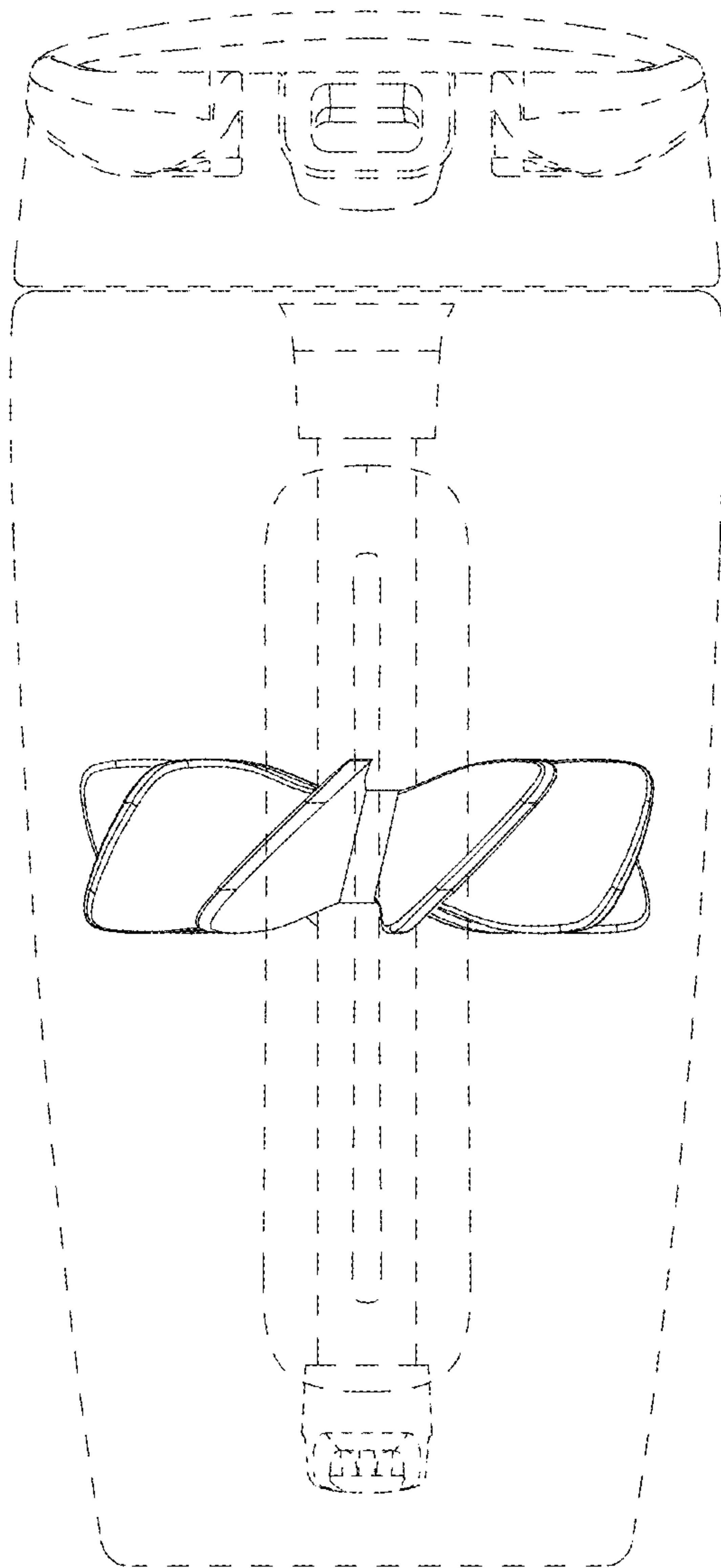


FIG. 2

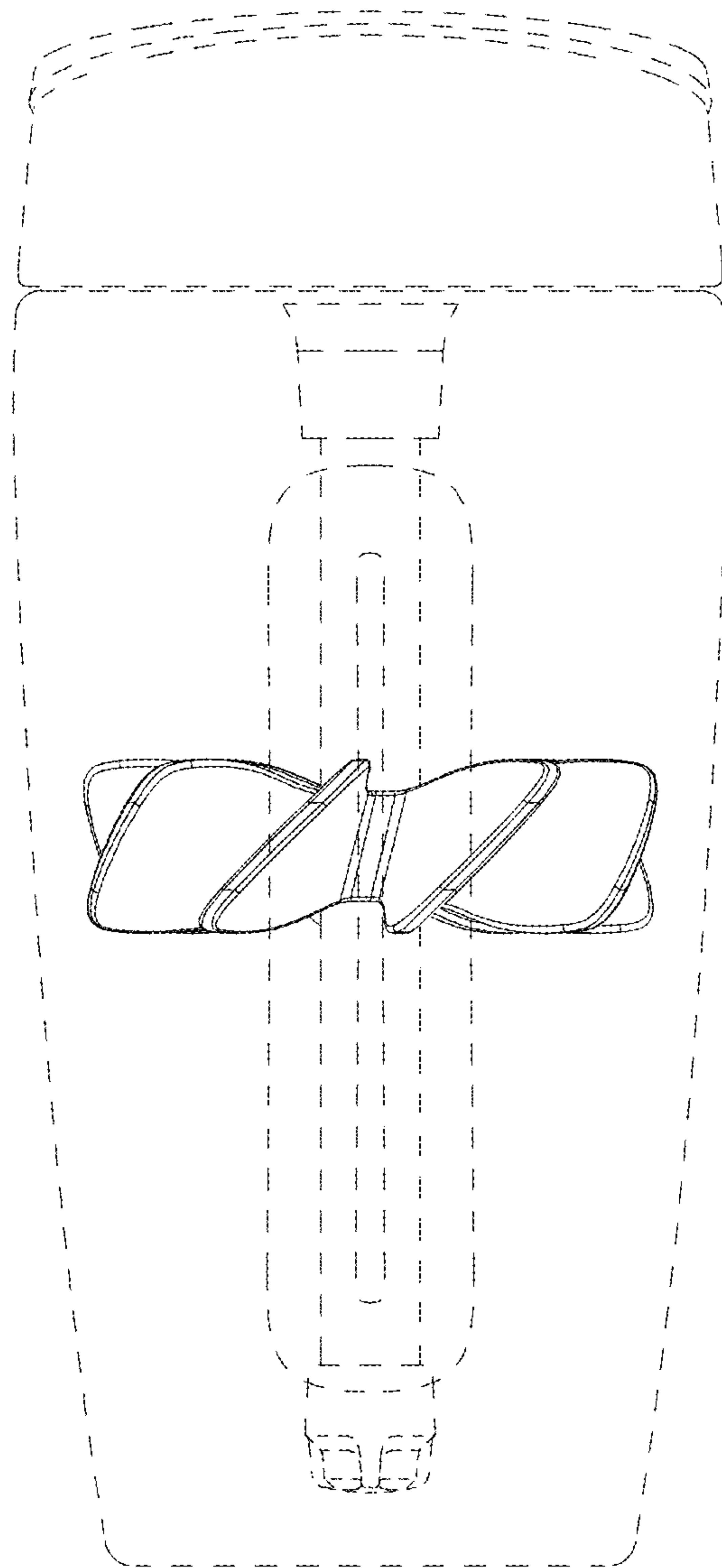


FIG. 3

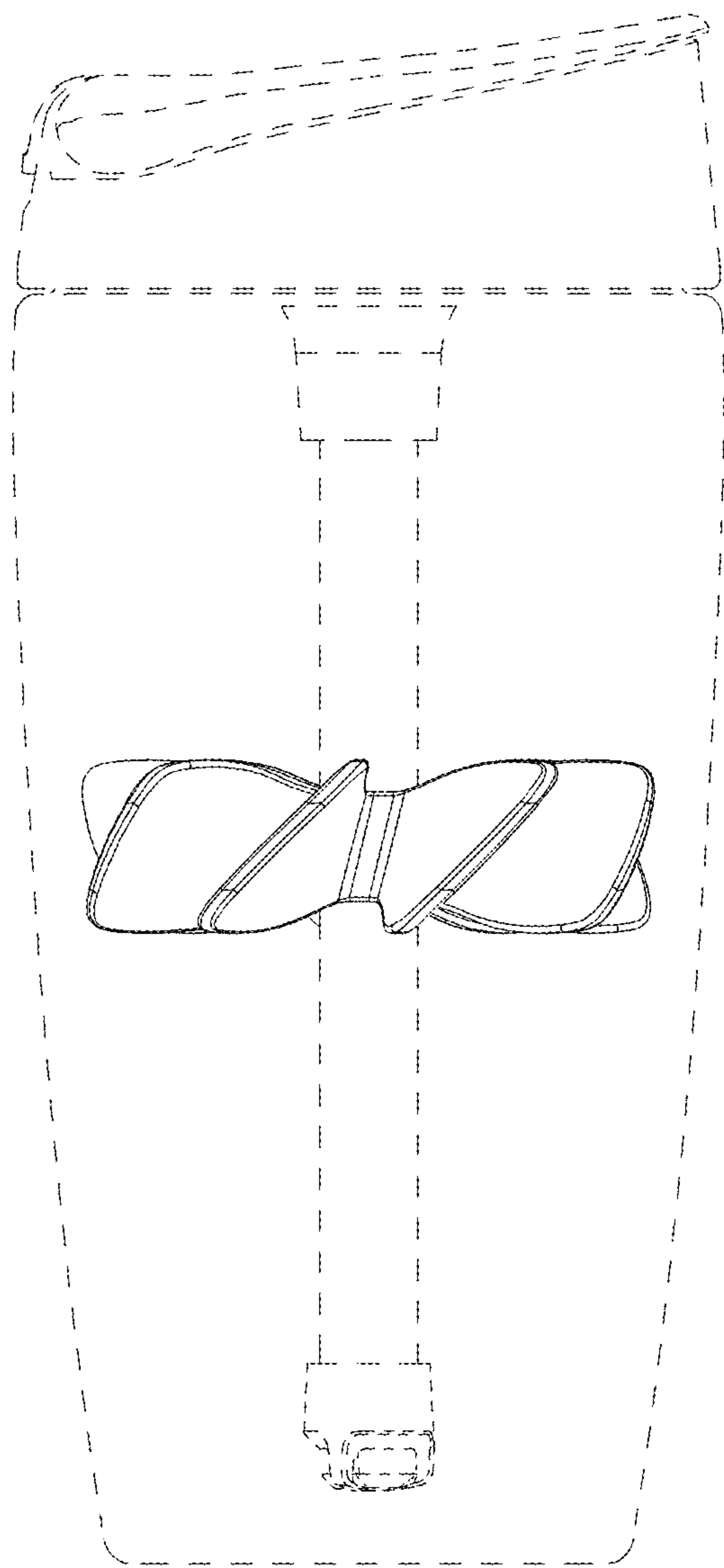


FIG. 4

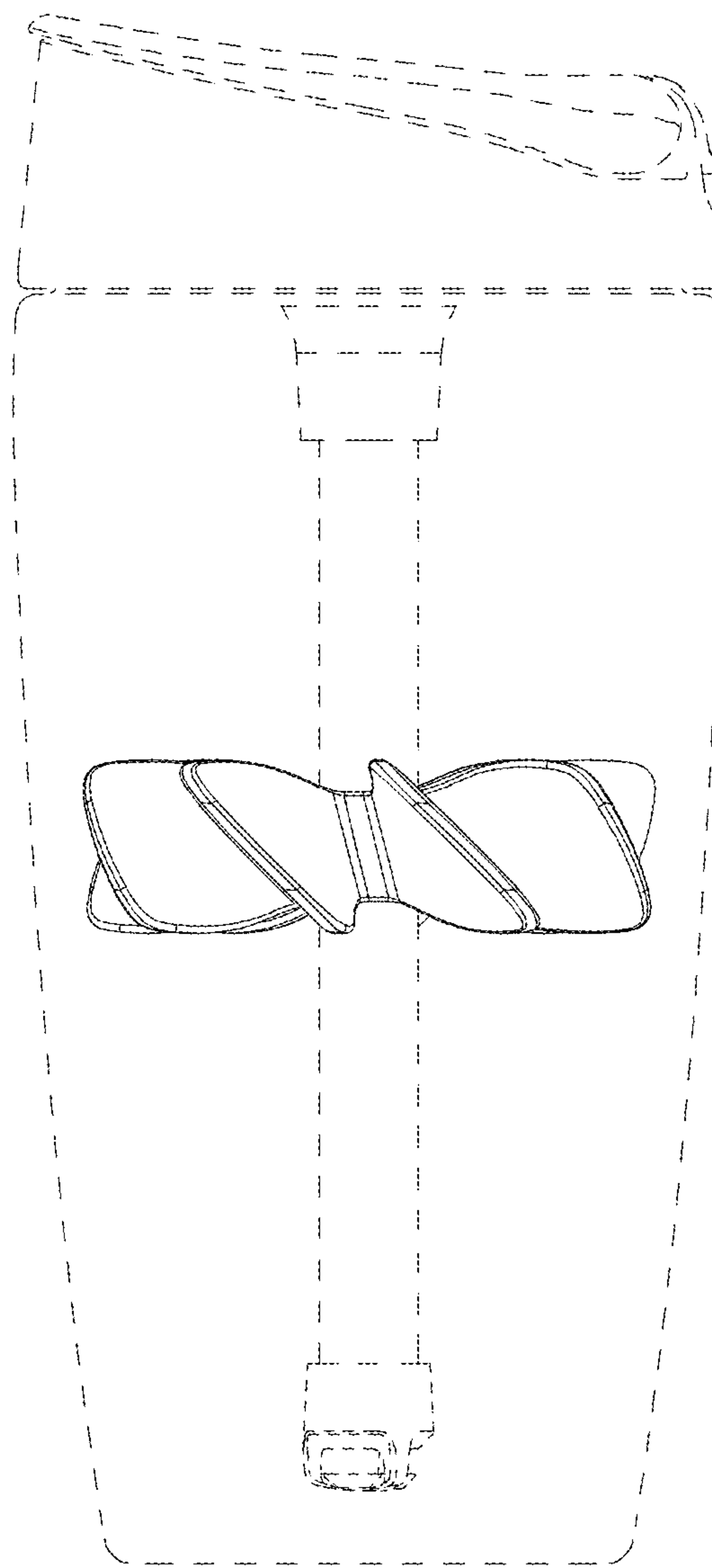


FIG. 5

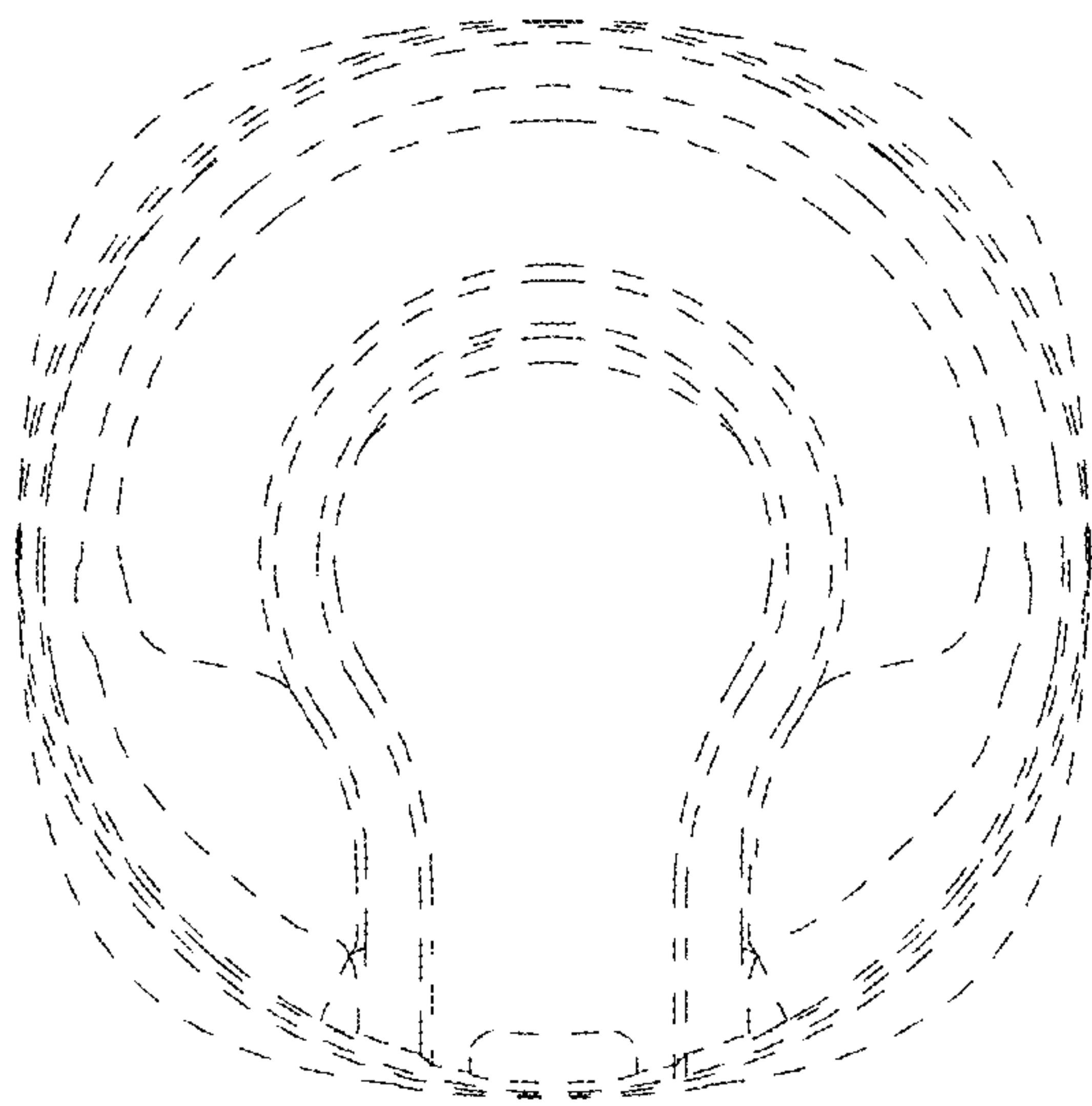


FIG. 6

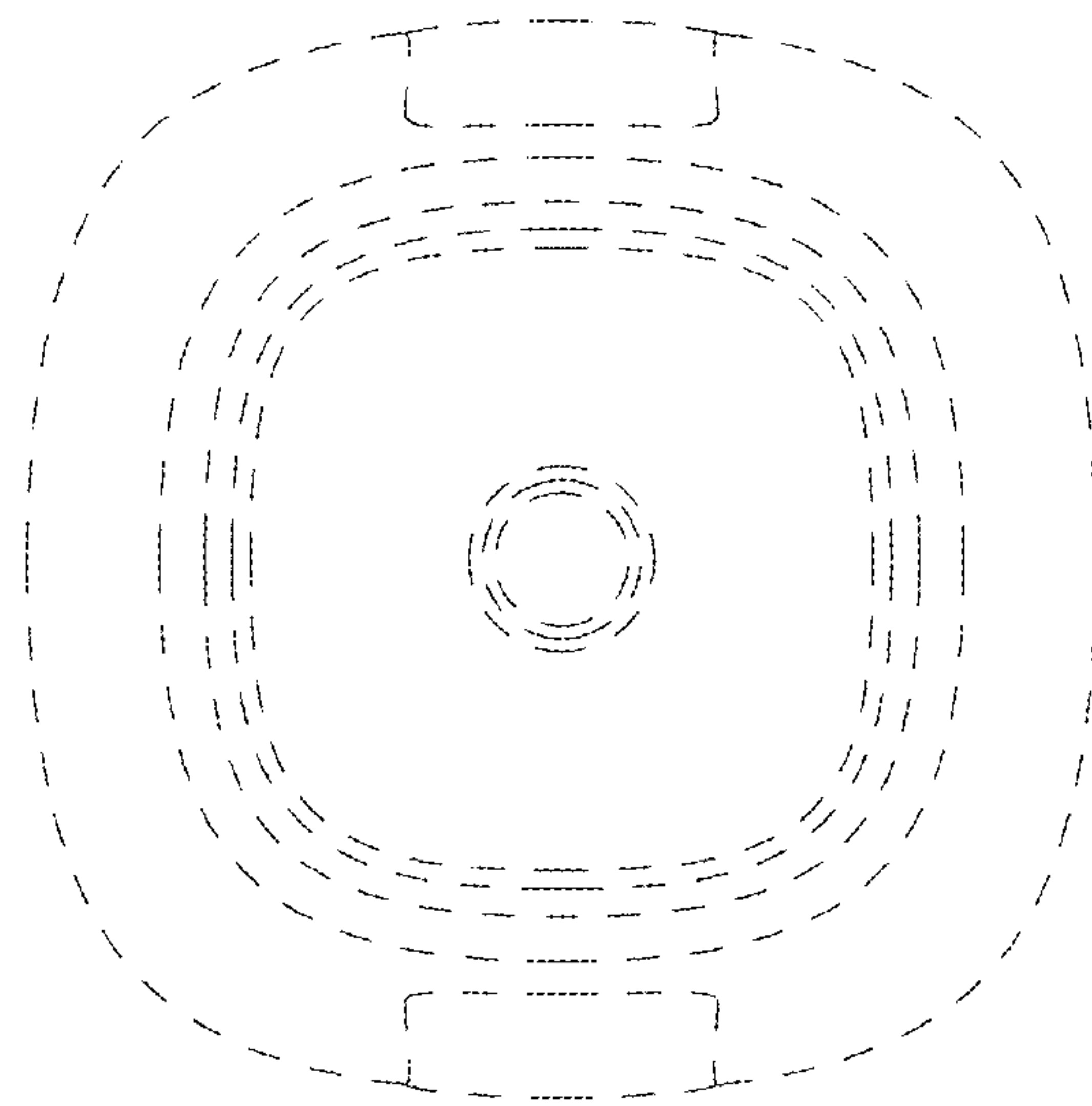


FIG. 7

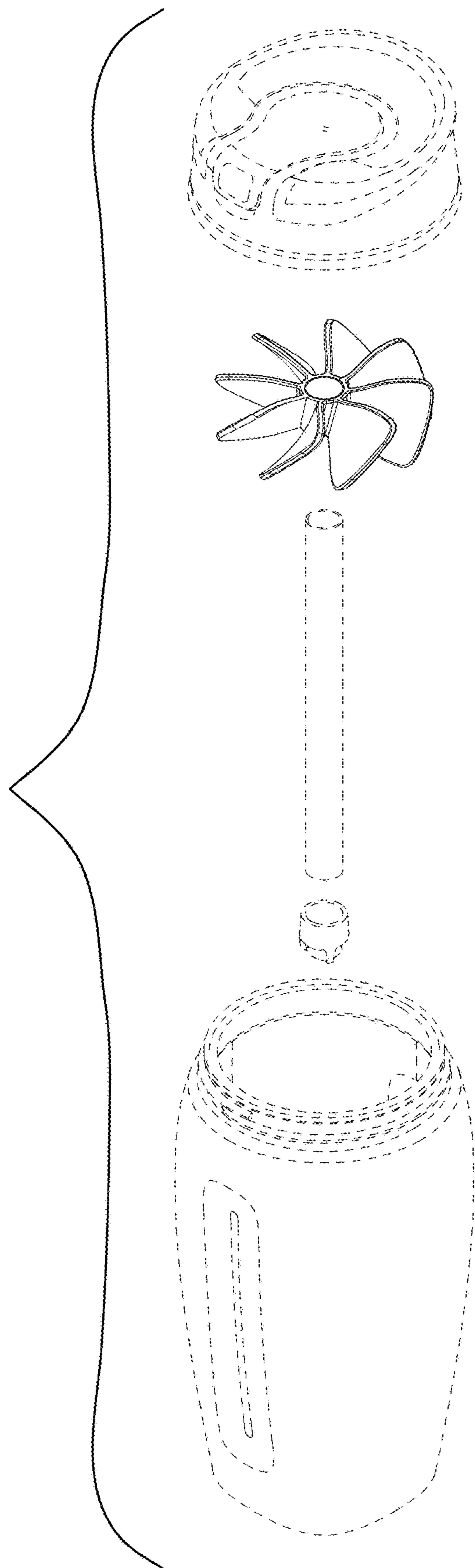


FIG. 8