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(12) **United States Design Patent**
Hines

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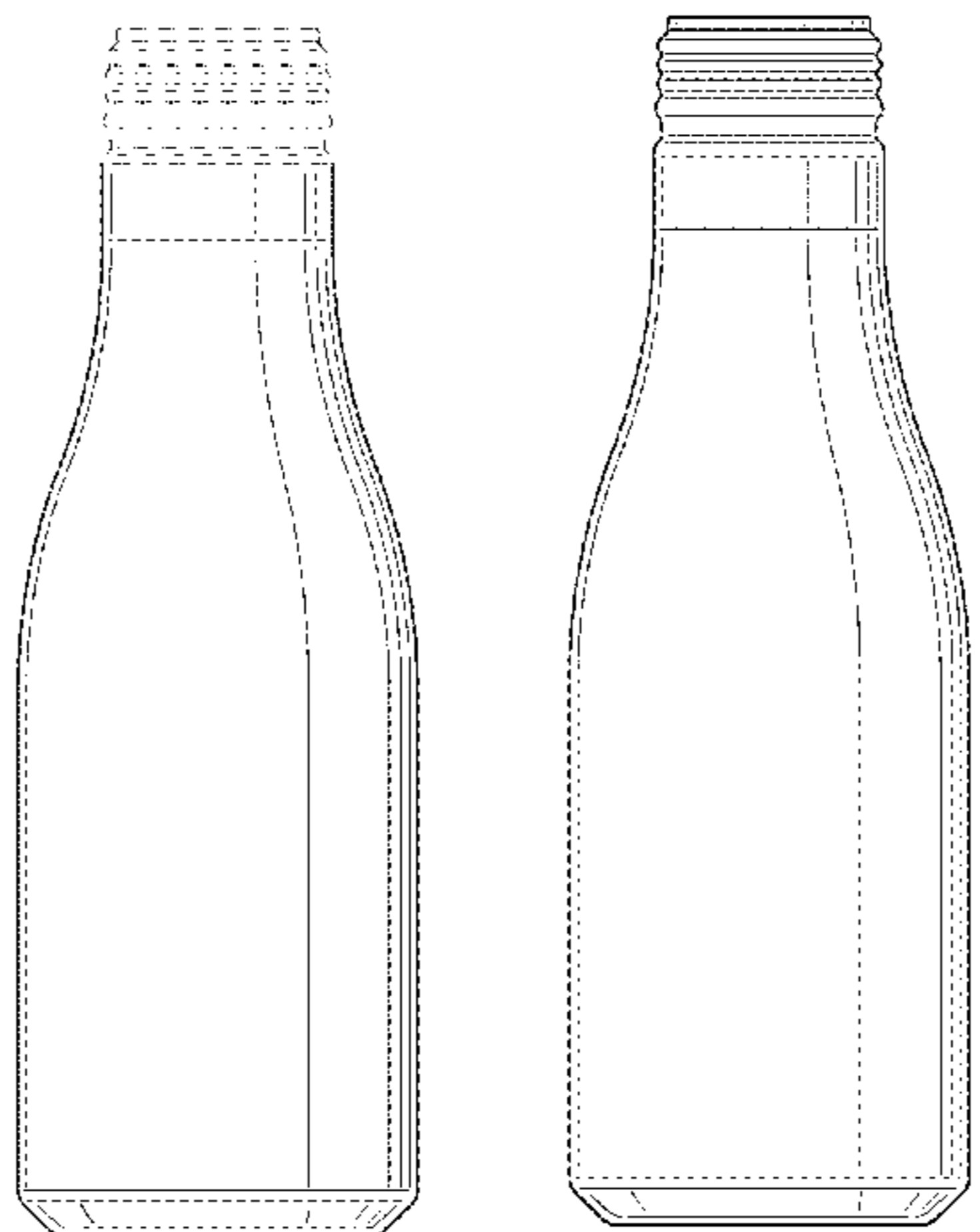
- (54) **METAL BOTTLE**
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- (73) Assignee: **Ball Corporation**, Broomfield, CO (US)
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- (52) **U.S. Cl.**
USPC **D9/500; D9/764**
- (58) **Field of Classification Search**
USPC D9/500, 502-504, 516, 530, 537-540, D9/549, 557-558, 715, 719, 763-764, D9/772; D24/197
CPC ... B65D 1/00; B65D 1/02; B65D 1/12; B65D 1/14; B65D 1/16; B65D 1/165; B65D 23/00; B65D 81/00; B65D 2501/00; B65D 2501/0009
See application file for complete search history.

3,066,821	A *	12/1962	Conklin	B65D 41/58 215/251
3,253,729	A *	5/1966	Virany	B65D 55/06 215/277
D208,884	S *	10/1967	McLeod	D9/716
D227,656	S	7/1973	Broadhead	
3,825,142	A *	7/1974	Campagna	B65D 23/0814 215/12.2
3,859,117	A *	1/1975	Erchak	C03C 17/32 215/12.2
D234,291	S	2/1975	Broadhead	
3,995,572	A	12/1976	Saunders	
D248,927	S	8/1978	Cassia	
D249,330	S	9/1978	Pigeon	
4,203,240	A	5/1980	Goodwin	
D258,346	S	2/1981	Winchell et al.	
D260,732	S	9/1981	Walker	
D282,442	S	2/1986	Kohnle	
D287,933	S *	1/1987	Mills	D9/500
4,741,447	A	5/1988	John	
4,777,085	A	10/1988	Murray, Jr. et al.	
D300,334	S *	3/1989	Pavelle	D21/478
D301,203	S	5/1989	Jolly et al.	
4,878,589	A	11/1989	Webster et al.	
4,928,835	A	5/1990	Collette et al.	
4,955,491	A	9/1990	Marshall et al.	
D315,677	S *	3/1991	Vidarsson	D9/520
D328,420	S	8/1992	Miller	
D335,455	S	5/1993	Brown	
5,251,424	A	10/1993	Zenger et al.	
D347,571	S	6/1994	Wacker	
D352,004	S	11/1994	Bikoff et al.	
D364,347	S	11/1995	Sillince et al.	
D368,528	S	4/1996	Allegre	
5,555,992	A	9/1996	Sedgeley	
D384,586	S	10/1996	Peek	
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	
D383,067	S	9/1997	Gower et al.	
D384,888	S	10/1997	Diekhoff	
5,704,240	A	1/1998	Jordan	
5,713,235	A	2/1998	Diekhoff	
5,718,352	A	2/1998	Diekhoff et al.	
5,755,354	A	5/1998	Lang	
D395,395	S	6/1998	De Muschamp Payne	
D396,640	S	8/1998	Conrad et al.	
5,822,843	A	10/1998	Diekhoff et al.	
5,896,195	A	4/1999	Juinall et al.	
D414,238	S	9/1999	Kupperman	
6,010,028	A	1/2000	Jordan et al.	
D422,914	S	4/2000	Lasky	
D429,164	S	8/2000	Peek et al.	

(56) **References Cited**

U.S. PATENT DOCUMENTS

D9,991	S	5/1877	Pinckney	
D13,323	S *	9/1882	Winn	D9/500
D35,068	S	9/1901	Lorenz	
1,079,403	A	11/1913	Crecelius	
D58,203	S	6/1921	Anderson	
D67,463	S	6/1925	Johnson	
1,728,883	A *	9/1929	Simon	B65D 1/04 215/373
1,814,638	A *	7/1931	Schofield	B65D 1/0253 215/46
D86,037	S *	1/1932	Lloyd	D9/500
D99,763	S *	5/1936	Sansby	D9/500
2,157,896	A	5/1939	Held	
D119,303	S *	3/1940	Deletzke	D9/558
2,734,650	A	2/1956	Meyer	



US D812,478 S

D431,470 S	10/2000	Henderson	D639,659 S	6/2011	Biondich
D435,648 S	12/2000	Shah et al.	7,997,434 B2	8/2011	Benetti
D435,649 S	12/2000	Shah et al.	D644,515 S	9/2011	Tieleman et al.
6,179,143 B1	1/2001	Grob	8,016,148 B2	9/2011	Walsh
D441,657 S	5/2001	Brown	D646,165 S	10/2011	Chupak
D446,455 S	8/2001	McGowan	D646,166 S	10/2011	Chupak
D447,061 S	8/2001	Peek	D653,966 S	2/2012	Kohara et al.
D447,422 S	9/2001	Peek	D654,379 S	2/2012	Kohara et al.
6,338,415 B1	1/2002	Grob	D654,380 S	2/2012	Kohara et al.
6,375,020 B1	4/2002	Marquez	D654,794 S	2/2012	Morais et al.
D461,674 S	8/2002	Dorney	D656,822 S	4/2012	Jacober
D464,569 S	10/2002	Moore et al.	D658,998 S *	5/2012	Simmons D9/449
6,463,776 B1	10/2002	Enoki et al.	D660,704 S *	5/2012	Simmons D9/449
6,499,329 B1	12/2002	Enoki et al.	D660,705 S *	5/2012	Simmons D9/449
D469,360 S	1/2003	Moore et al.	D669,356 S	10/2012	Jacober
6,543,636 B1	4/2003	Flecheux et al.	D670,167 S *	11/2012	Winter D9/452
D475,630 S	6/2003	Canino	D671,010 S	11/2012	Shefler
D478,286 S	8/2003	Futral	D675,527 S *	2/2013	Rogers D9/443
D478,287 S	8/2003	Corker et al.	D677,169 S	3/2013	Roos et al.
D479,999 S	9/2003	Moore	D678,772 S	3/2013	Johnson et al.
D480,650 S	10/2003	Moore et al.	D684,059 S	6/2013	Johnson et al.
D481,317 S	10/2003	Corker et al.	D684,483 S	6/2013	Jahina et al.
D489,984 S	5/2004	Futral et al.	D686,078 S	7/2013	Johnson et al.
D492,599 S	7/2004	Enoki et al.	D686,079 S	7/2013	Johnson et al.
6,779,677 B2	8/2004	Chupak	D687,314 S *	8/2013	Armani D9/503
6,857,304 B2	2/2005	Enoki	D687,710 S	8/2013	Johnson et al.
D503,343 S	3/2005	Canino	D688,949 S	9/2013	Johnson et al.
6,907,653 B2	6/2005	Chupak	D695,614 S *	12/2013	Crowe D9/500
D508,854 S	8/2005	Livingston et al.	D696,116 S	12/2013	Jacober et al.
6,945,085 B1	9/2005	Goda	D696,945 S *	1/2014	Newman D9/500
6,959,830 B1	11/2005	Kanou et al.	D696,946 S	1/2014	Hines
D517,417 S	3/2006	Livingston et al.	D697,404 S	1/2014	Johnson et al.
D518,732 S	4/2006	Gedanke et al.	D697,407 S	1/2014	Hines
D489,983 S	5/2006	Futral et al.	D697,409 S *	1/2014	Wilson D9/503
7,036,671 B2	5/2006	Hidalgo et al.	D702,553 S	4/2014	Jentzsch et al.
D523,341 S	6/2006	Livingston et al.	D704,557 S *	5/2014	Hamill D9/500
D523,347 S	6/2006	Livingston et al.	D707,569 S	6/2014	Stephens et al.
D525,139 S	7/2006	Livingston et al.	D713,267 S	9/2014	Stephens et al.
D525,530 S	7/2006	Livingston et al.	D722,508 S *	2/2015	Hirsberg D9/503
D528,000 S	9/2006	Davis et al.	D734,154 S *	7/2015	Johnson D9/500
D530,217 S	10/2006	Krause	D739,731 S	9/2015	Jones
D531,048 S	10/2006	Krause	D739,732 S	9/2015	Jones
D531,903 S	11/2006	Haubein	D744,833 S	12/2015	Cotton
7,140,223 B2	11/2006	Chupak	D745,396 S	12/2015	Jahina et al.
7,171,840 B2	2/2007	Kanou et al.	D745,397 S	12/2015	Gogola et al.
D540,171 S	4/2007	Ko	D745,398 S	12/2015	Cotton
D554,000 S	10/2007	Walsh	D745,399 S	12/2015	Cotton
D564,881 S	3/2008	Chupak	D765,511 S	9/2016	George
D568,746 S	5/2008	Goldsmith et al.	2003/0102278 A1	6/2003	Chupak
D569,252 S	5/2008	Borsari et al.	2004/0026352 A1	2/2004	Hidalgo et al.
D570,228 S	6/2008	van Dam	2004/0035871 A1	2/2004	Chupak
D572,590 S	7/2008	Coulis et al.	2005/0127077 A1	6/2005	Chupak
D575,154 S	8/2008	Andrews et al.	2007/0017089 A1	1/2007	Hosoi
D584,623 S	1/2009	Chupak	2007/0051687 A1	3/2007	Olson
D587,137 S	2/2009	Hayden et al.	2008/0047922 A1	2/2008	Olson et al.
D592,060 S	5/2009	Chupak	2009/0261101 A1	10/2009	Forrest et al.
D593,876 S	6/2009	Hayden et al.	2010/0252524 A1	10/2010	Dubs et al.
D596,048 S	7/2009	Hayden et al.	2010/0282706 A1	11/2010	Gilliam
D596,488 S	7/2009	Chupak	2011/0017700 A1 *	1/2011	Patcheak B65D 1/0276
D600,556 S	9/2009	Chupak			215/381
D600,557 S	9/2009	Chupak	2015/0060444 A1	3/2015	Wang et al.
D605,040 S	12/2009	Fry et al.	2015/0096913 A1	4/2015	Kitcher et al.
D607,754 S	1/2010	Hayden et al.	2015/0147497 A1	5/2015	Brouwer
7,651,651 B2	1/2010	Riffer	2017/0015582 A1	1/2017	Brouwer
D619,457 S	7/2010	Walsh			
D619,458 S	7/2010	Walsh			
D619,459 S	7/2010	Walsh			
D620,360 S	7/2010	Walsh			
D621,723 S	8/2010	Gogola et al.			
D622,145 S	8/2010	Walsh			
D624,417 S	9/2010	Bentley et al.			
7,798,357 B2	9/2010	Hanafusa et al.			
D625,616 S	10/2010	Gogola et al.			
D631,360 S	1/2011	van Westreenen			
D632,589 S	2/2011	George			
D638,708 S	5/2011	Walsh			
7,946,436 B2	5/2011	Laveault et al.			
D639,164 S	6/2011	Walsh			
D639,165 S	6/2011	Dingenouts			

FOREIGN PATENT DOCUMENTS

AU	2003290205	3/2004
CA	2348438	3/2001
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

JP	HJ24042263	10/2012
RU	83190	10/2012
WO	WO 88/08398	11/1988
WO	WO 95/10487	4/1995
WO	WO 99/38914	8/1999
WO	DM/050584	* 12/1999
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	DM/065799	7/2009
WO	WO 2009/131994	10/2009
WO	WO 2011/053776	5/2011

OTHER PUBLICATIONS

“Pepsi, 8.5 oz, 2014, Test Bottle”, Pepsi, The Aluminum Bottle CANnoisseurs ‘ABC’ Chapter 169 of the Brewery Collectibles Club of America, U.S. Soda Bottle Listing, ABCchapter.com, 6 pages, retrieved Jun. 1, 2017 < <http://www.abcchapter.com/bottles/soda/us/sodaus.asp> >.*

“Kaptive Coca Leaf/Classic, 8.45 oz redem, 2011, New World Products”, Kaptive, The Aluminum Bottle CANnoisseurs ‘ABC’ Chapter 169 of the Brewery Collectibles Club of America, U.S. Soda Bottle Listing, ABCchapter.com, 3 pages, retrieved Jun. 1, 2016, < <http://www.abcchapter.com/bottles/soda/us/sodaus.asp> >.*

“Vio” (see document for specific types), Vio, The Aluminum Bottle CANnoisseurs ‘ABC’ Chapter 169 of the Brewery Collectibles Club of America, U.S. Soda Bottle Listing, ABCchapter.com, 9 pages, retrieved Jun. 1, 2017 < <http://www.abcchapter.com/bottles/soda/us/sodaus.asp> >.*

“Exal C2C, 8.5 oz, 2006, Exal Corporation”, Test and Prototypes, The Aluminum Bottle CANnoisseurs ‘ABC’ Chapter 169 of the Brewery Collectibles Club of America, U.S. Soda Bottle Listing, ABCchapter.com, 2 pages, retrieved Jun. 1, 2017 < <http://www.abcchapter.com/bottles/soda/us/sodaus.asp> >.*

“Sprite, 8.5 oz redem, 2009”, Sprite, The Aluminum Bottle CANnoisseurs ‘ABC’ Chapter 169 of the Brewery Collectibles Club of America, U.S. Soda Bottle Listing, ABCchapter.com, 2 pages, retrieved Jun. 1, 2017 < <http://www.abcchapter.com/bottles/soda/us/sodaus.asp> >.*

“Aluminum Bottles for Wine Adding Value to the Drinking Experience”, BestInPackaging.com, article published Jun. 20, 2009, 10 pages (see image on p. 6), < <https://bestinpackaging.com/2009/06/20/aluminium-bottles-for-wine-adding-value-to-the-drinking-experience/> >.*

“Aluminum Wine Bottles”, AluminumBottles.com, posted by Elemental Container, Apr. 22, 2010, 3 pages, < <http://www.aluminumbottles.com/2010/04/22/aluminum-wine-bottles/> >.*

U.S. Appl. No. 29/454,059, filed May 6, 2013, Johnson et al.

U.S. Appl. No. 29/466,619, filed Sep. 10, 2013, Jacober et al.

U.S. Appl. No. 29/471,556, filed Nov. 1, 2013, Jacober et al.

“100% Recyclable—Bottlecan by CCL Container,” at www.bottlecan.com/recycle.html, Jun. 22, 2011, 1 page.

“Aluminum Beer Bottles,” at 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, Jun. 22, 2011, 4 pages.

Official Action for Canada Patent Application No. 161170, dated Jul. 28, 2015 2 pages.

Notice of Allowance with English Translation for China Patent Application No. 201530059029.2, dated Jun. 23, 2015 4 pages.

U.S. Appl. No. 29/513,745, filed Jan. 5, 2016, Hines.

“Beauty Water,” youtube.com, posted Jun. 3, 2012, 2 pages [retrieved online from: www.youtube.com/watch?v=mLJqyQGBB0U].

“Design & print, print processes,” reexam.com, 1 page [retrieved online on Jul. 11, 2017 from: printguides.reexam.com/print-processes/fusion-bottles].

“Fusion bottles overview,” reexam.com, 1 page [retrieved online on Jul. 11, 2017 from: printguides.reexam.com/print-processes/fusion-bottles].

Sanina “Pepsi Has Unveiled a New Aluminum Bottle in Italy,” POPSOP, May 14, 2012, 3 pages [retrieved online from: popsop.com/2012/05/pepsi-has-unveiled-a-new-aluminum-bottle-in-italy/].

* cited by examiner

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(74) Attorney, Agent, or Firm — Sheridan Ross P.C.

(57)

CLAIM

The ornamental design for a metal bottle, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the metal bottle;
 FIG. 2 is a front elevation view thereof;
 FIG. 3 is a top plan view thereof;
 FIG. 4 is a bottom plan view thereof;
 FIG. 5 is a front perspective view of a metal bottle according to an alternative embodiment;
 FIG. 6 is a front elevation view of the embodiment of FIG. 5;
 FIG. 7 is a top plan view of the embodiment of FIG. 5;
 FIG. 8 is a bottom plan view of the embodiment of FIG. 5;
 FIG. 9 is a front perspective view of a metal bottle according to an alternative embodiment;
 FIG. 10 is a front elevation view of the embodiment of FIG. 9;
 FIG. 11 is a top plan view of the embodiment of FIG. 9;
 FIG. 12 is a bottom plan view of the embodiment of FIG. 9;
 FIG. 13 is a front perspective view of a metal bottle according to an alternative embodiment;
 FIG. 14 is a front elevation view of the embodiment of FIG. 13;
 FIG. 15 is a top plan view of the embodiment of FIG. 13;
 FIG. 16 is a bottom plan view of the embodiment of FIG. 13;
 FIG. 17 is a front perspective view of a metal bottle according to an alternative embodiment;
 FIG. 18 is a front elevation view of the embodiment of FIG. 17;
 FIG. 19 is a top plan view of the embodiment of FIG. 17;
 FIG. 20 is a bottom plan view of the embodiment of FIG. 17;
 FIG. 21 is a front perspective view of a metal bottle according to an alternative embodiment;
 FIG. 22 is a front elevation view of the embodiment of FIG. 21;
 FIG. 23 is a top plan view of the embodiment of FIG. 21; and,
 FIG. 24 is a bottom plan view of the embodiment of FIG. 21. The broken lines in the drawings illustrate the portions of the metal bottle that form no part of the claim.

1 Claim, 12 Drawing Sheets

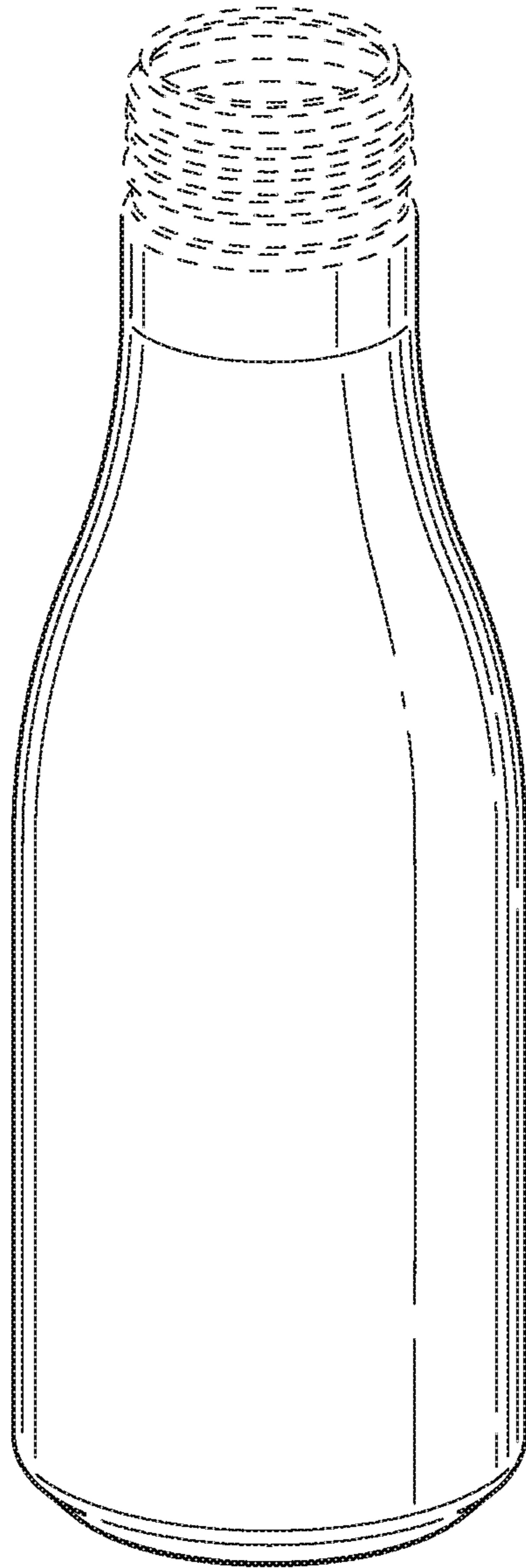


FIG. 1

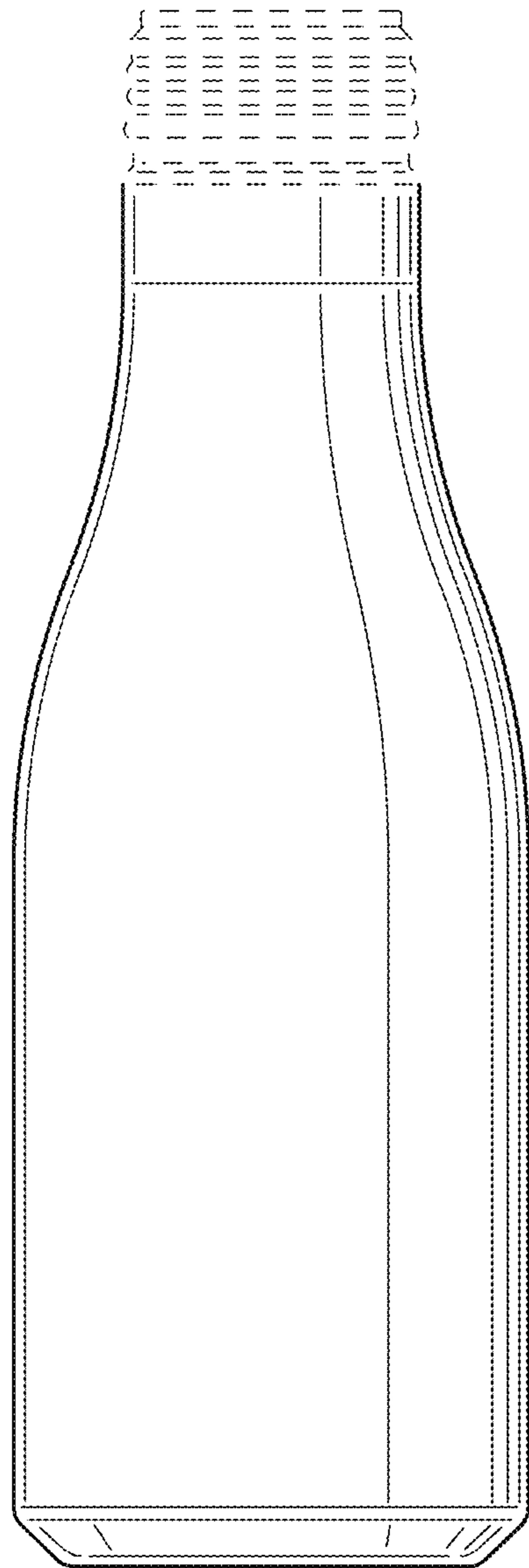


FIG. 2

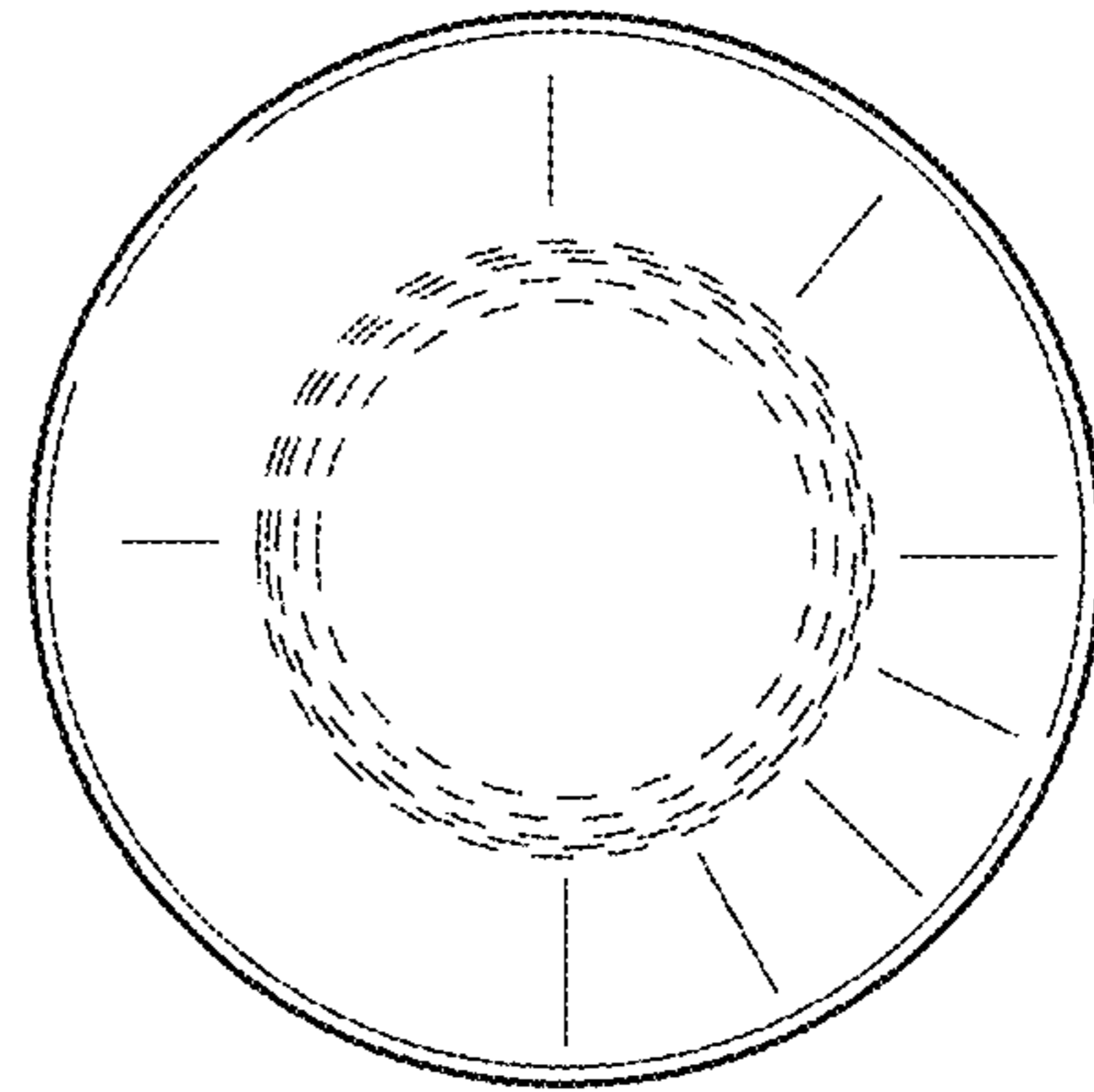


FIG. 3

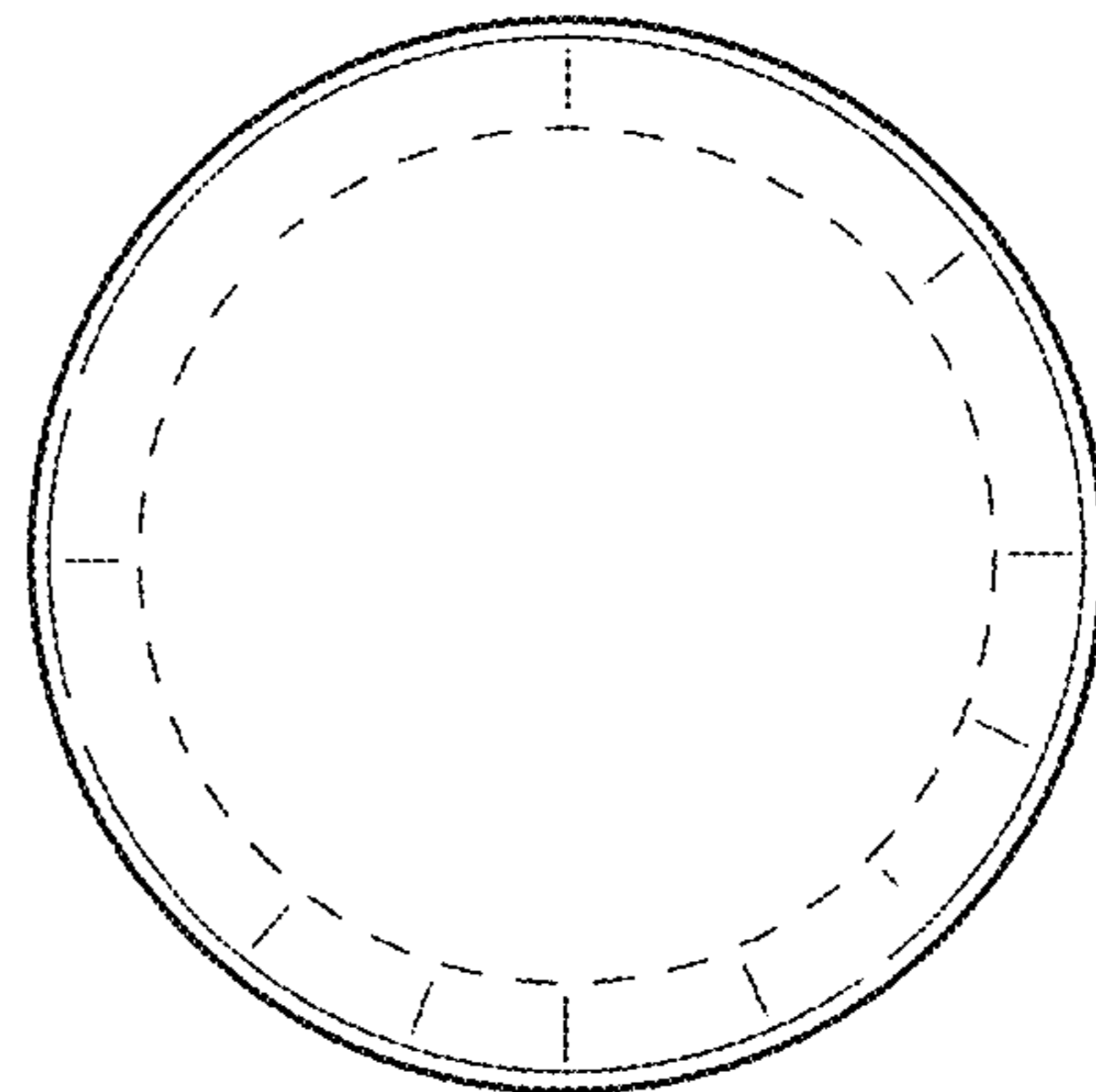


FIG. 4

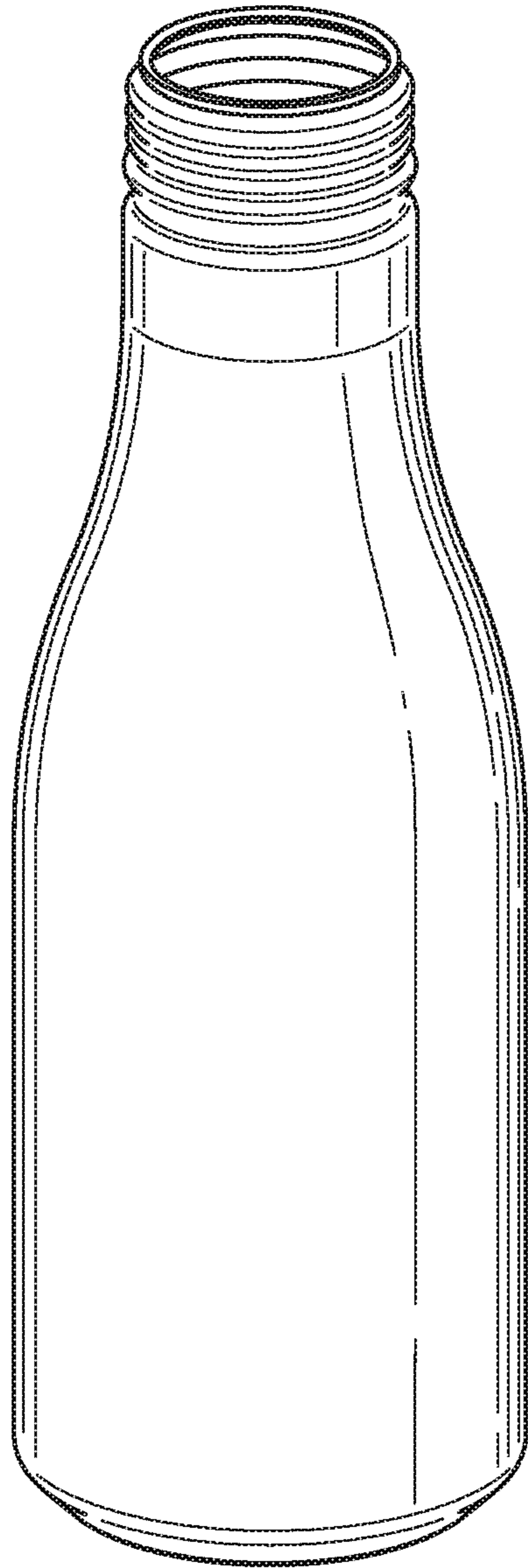


FIG. 5

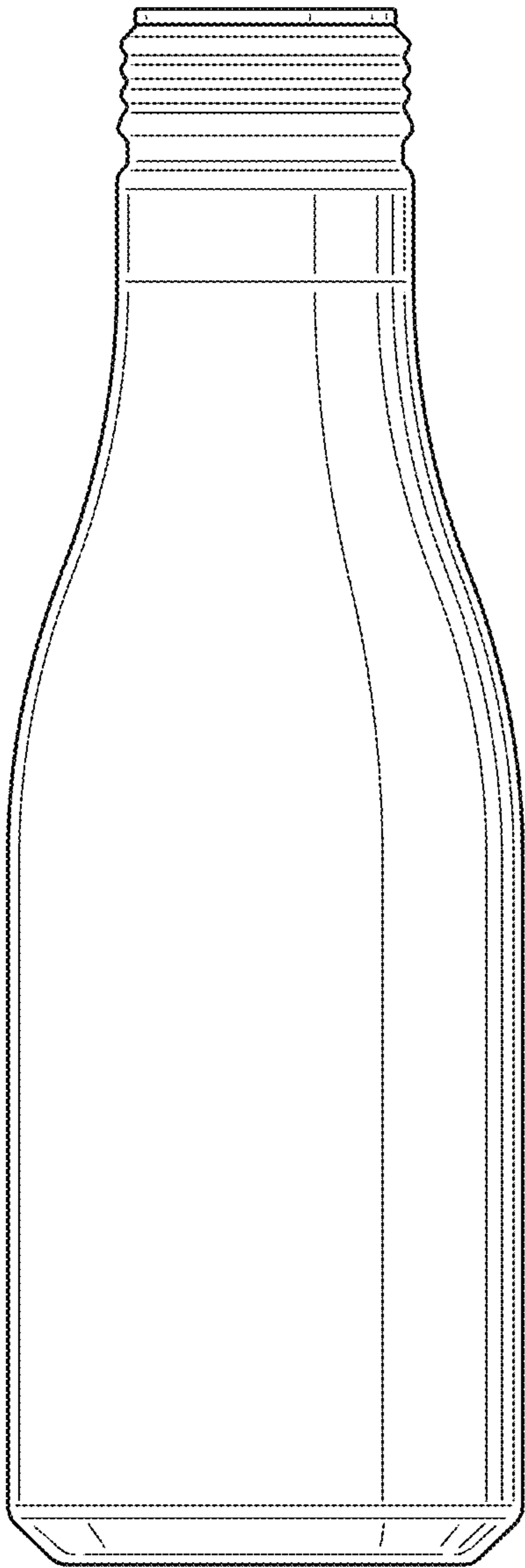


FIG. 6

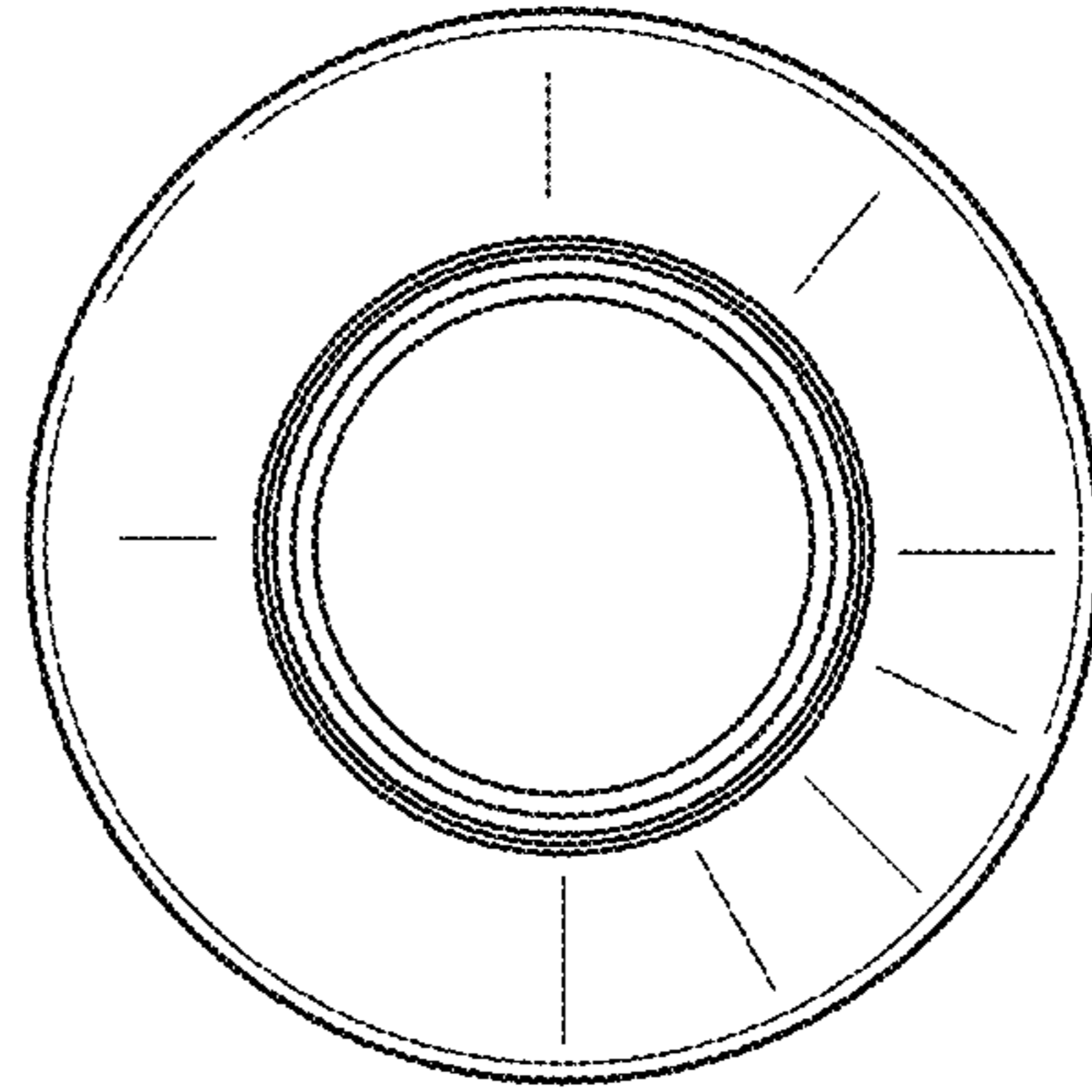


FIG. 7

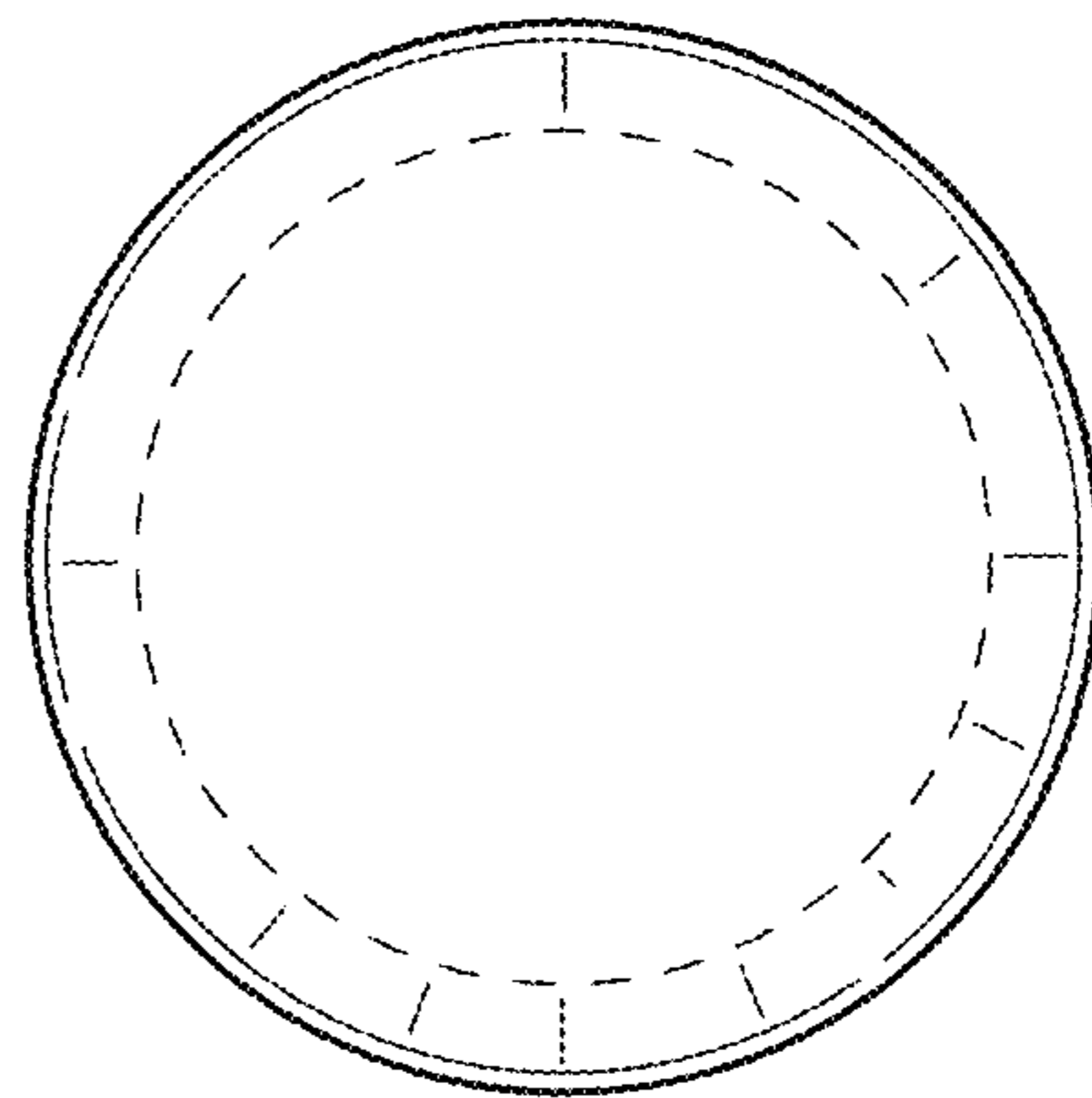


FIG. 8

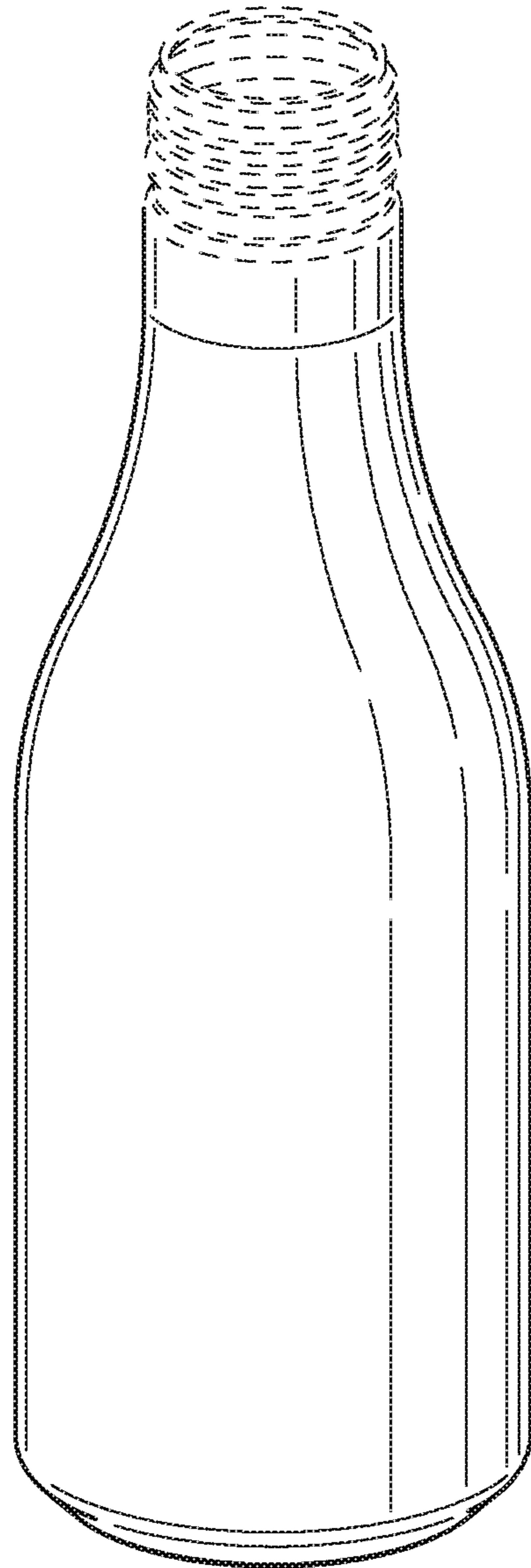


FIG. 9

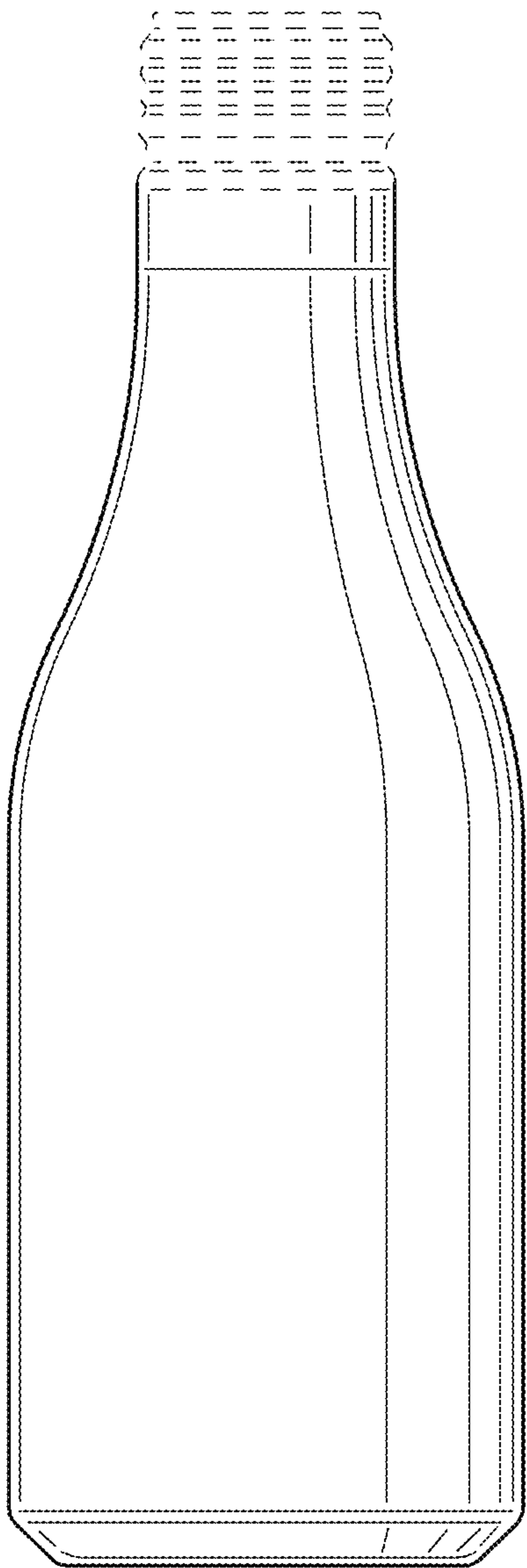


FIG. 10

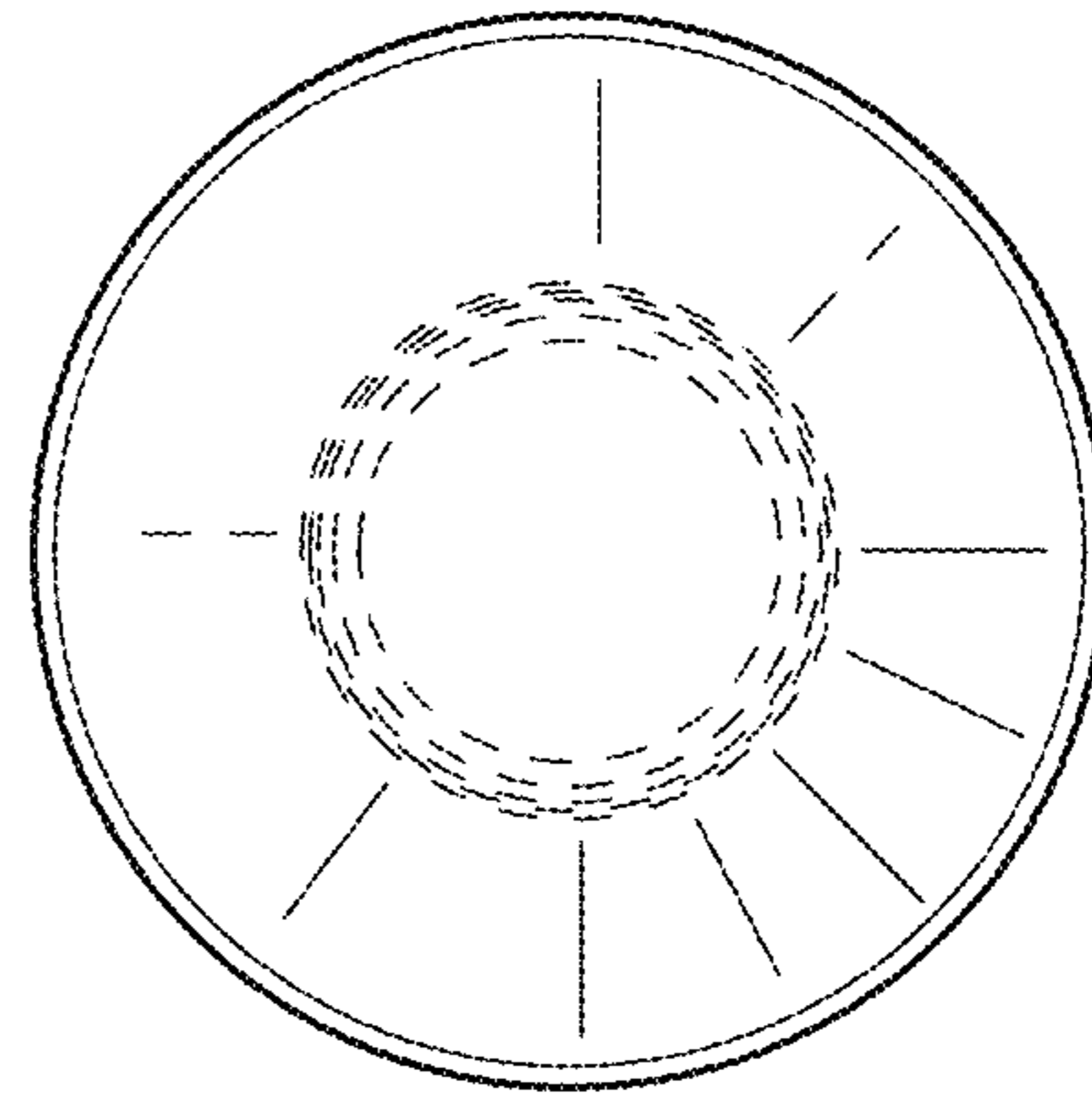


FIG. 11

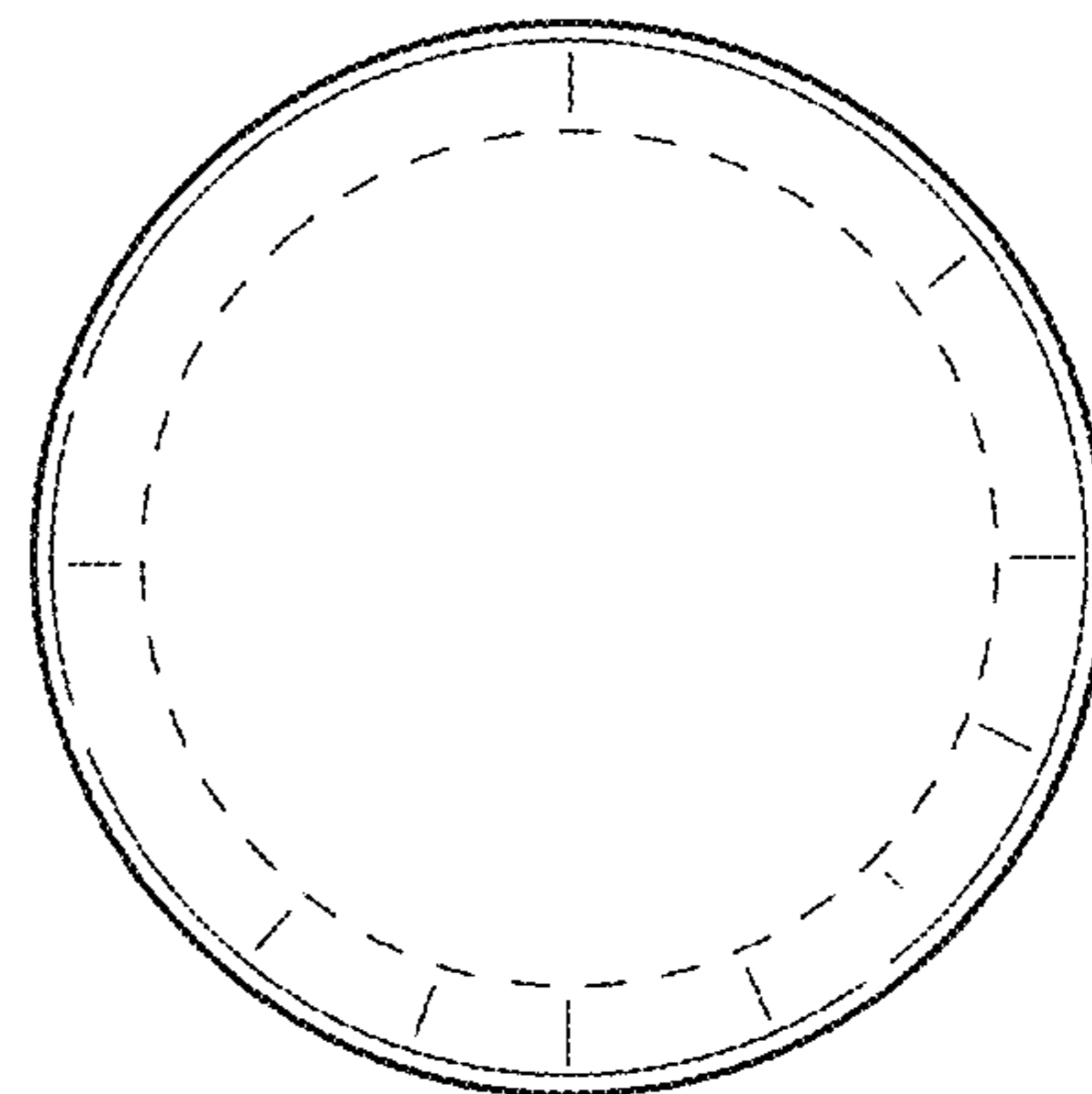


FIG. 12

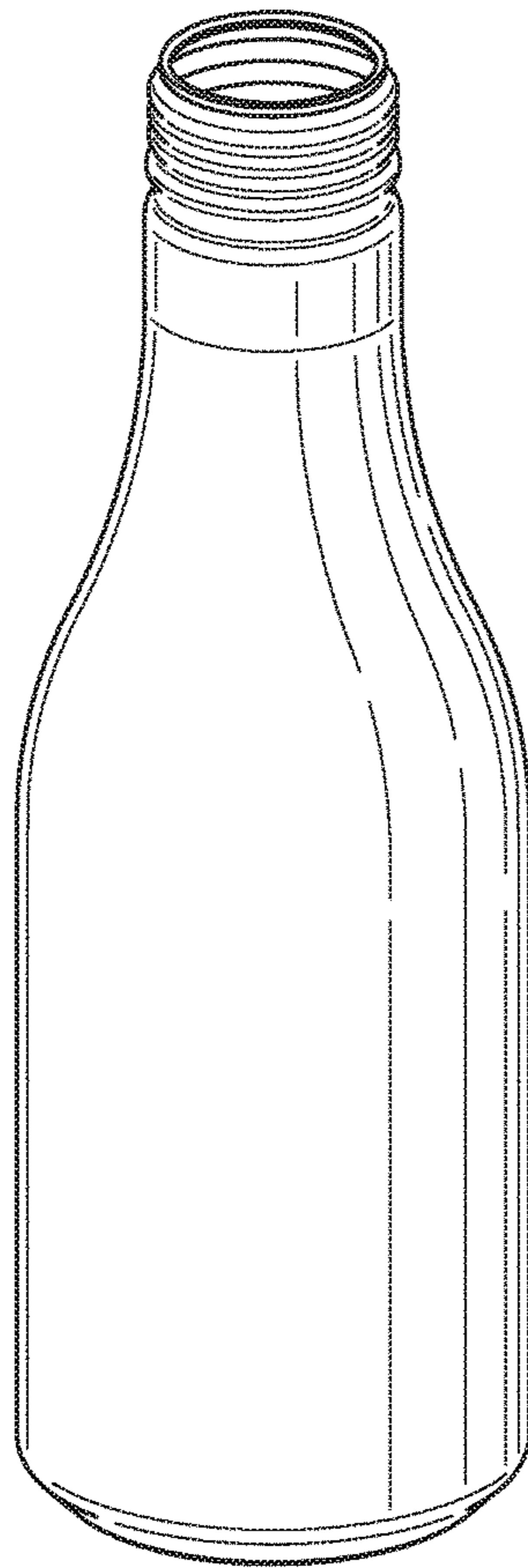


FIG. 13

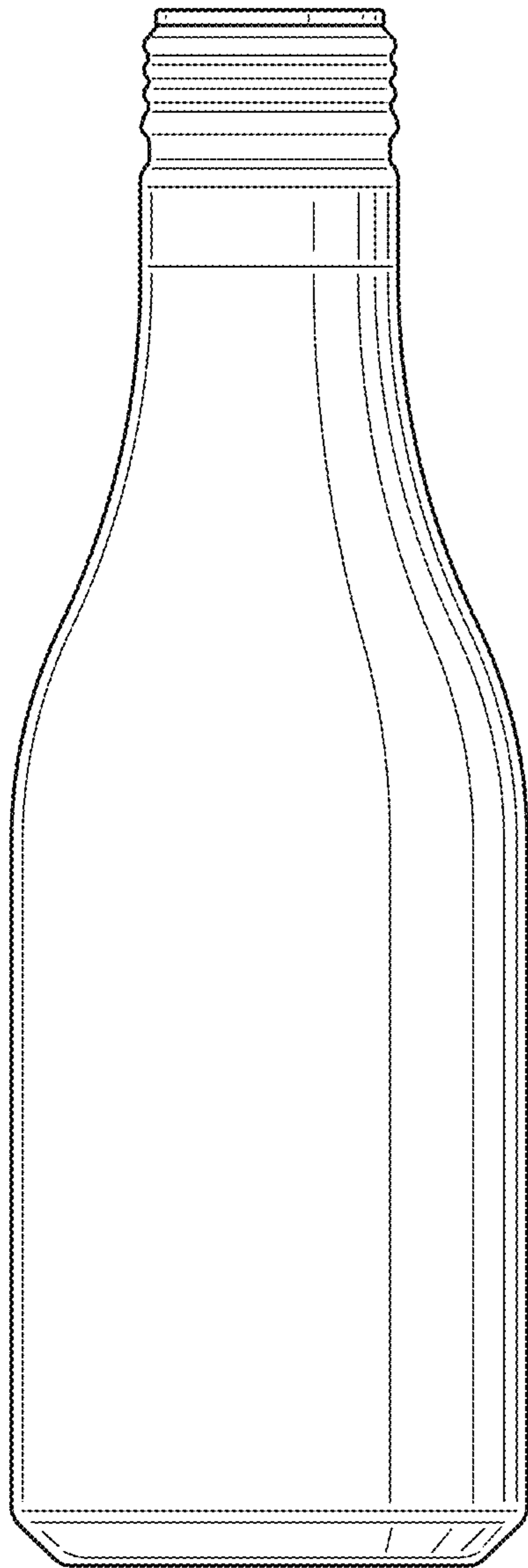


FIG. 14

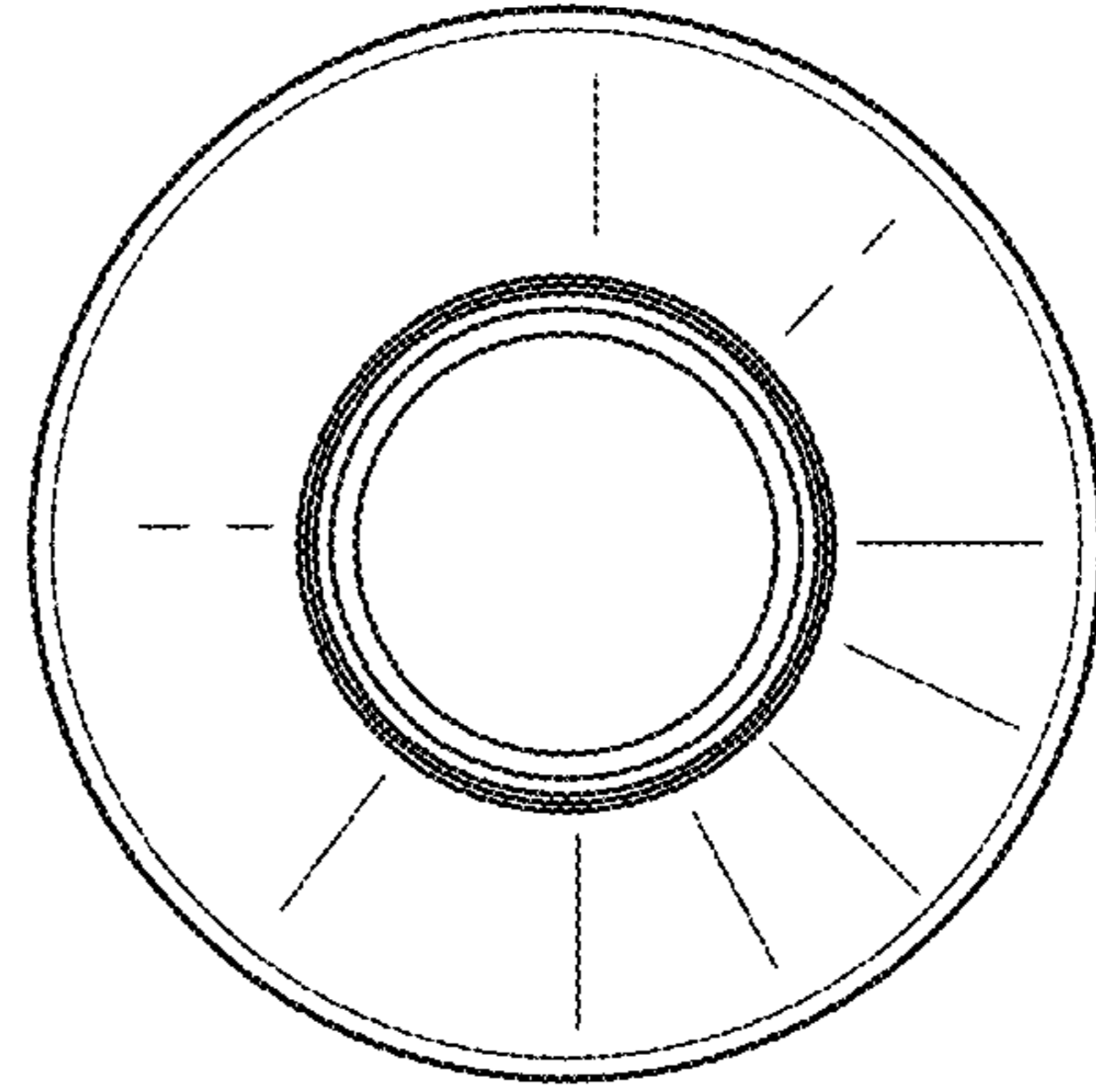


FIG. 15

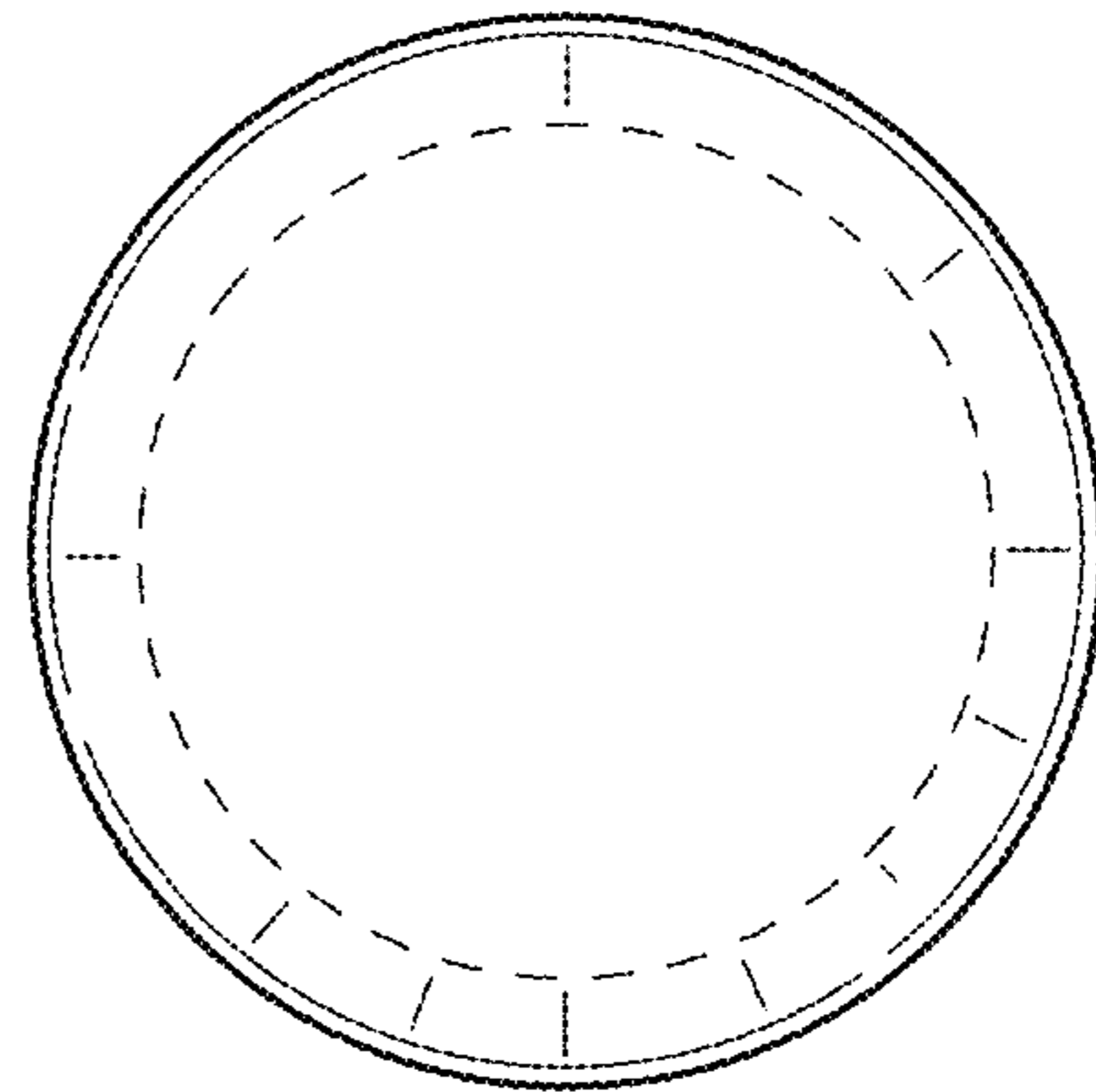


FIG. 16

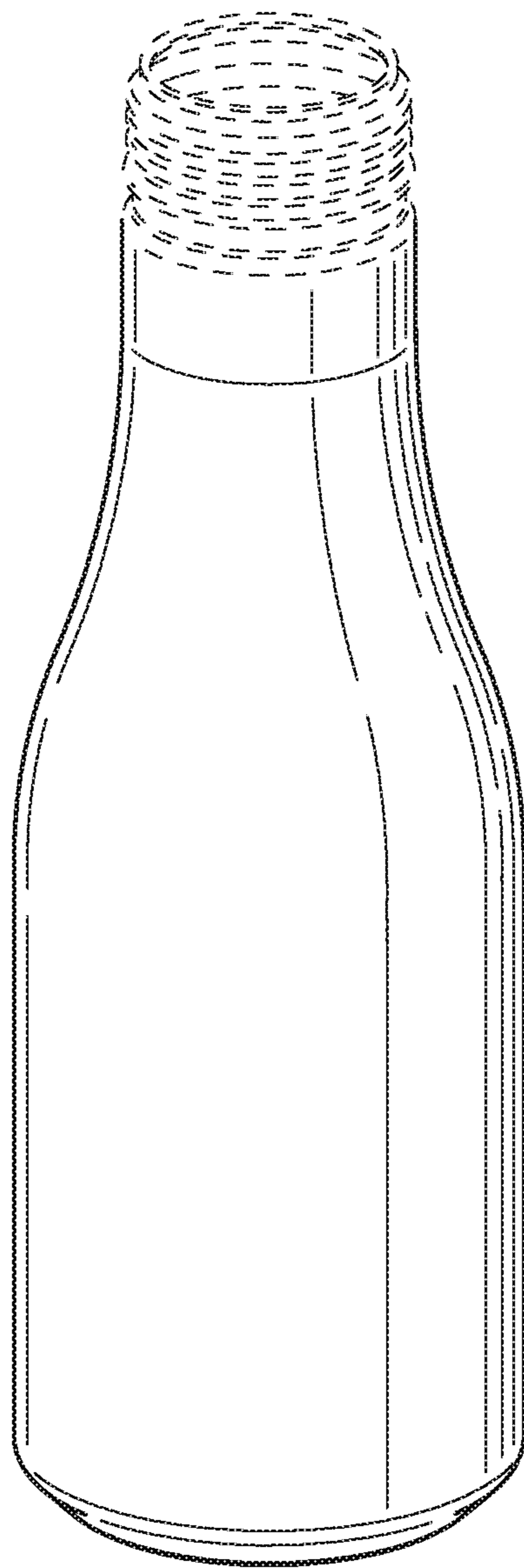


FIG. 17

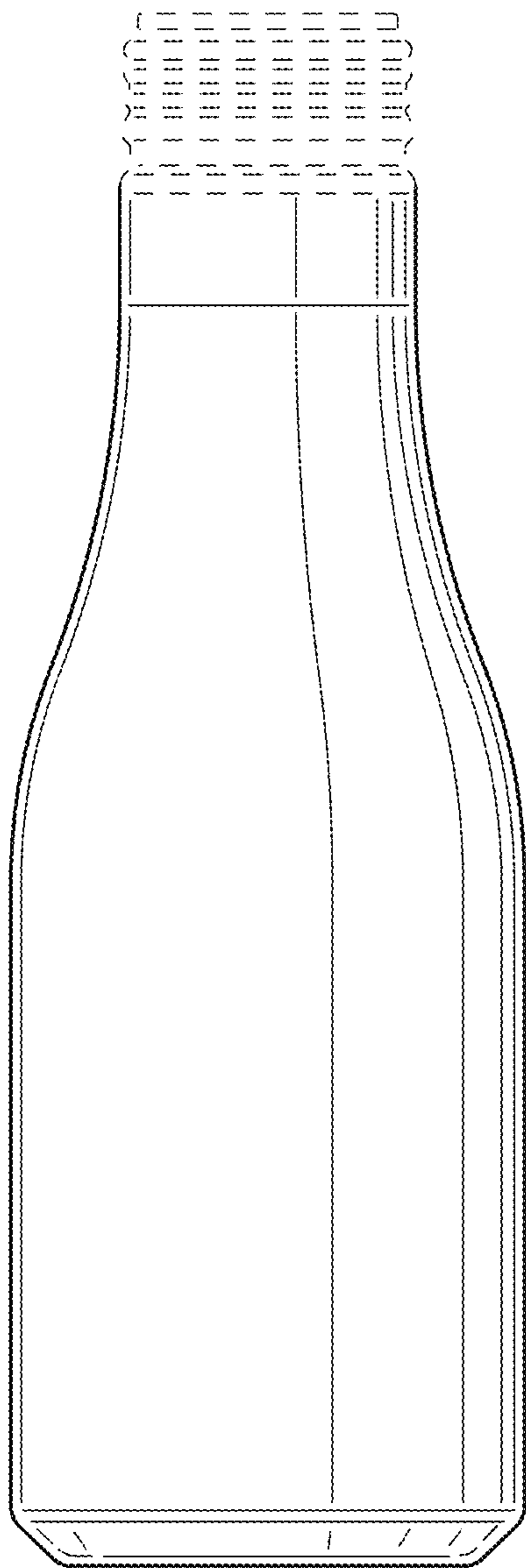


FIG.18

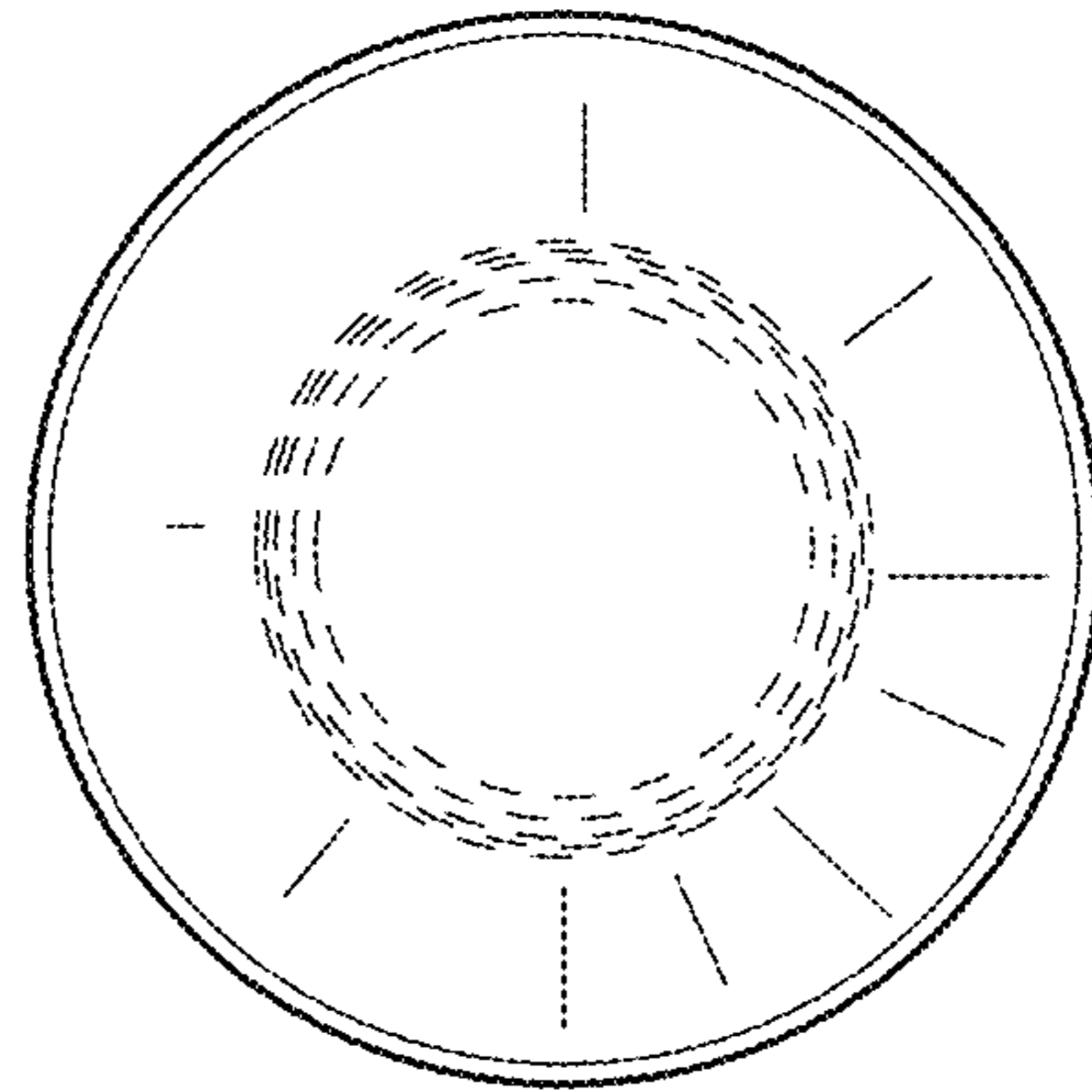


FIG.19

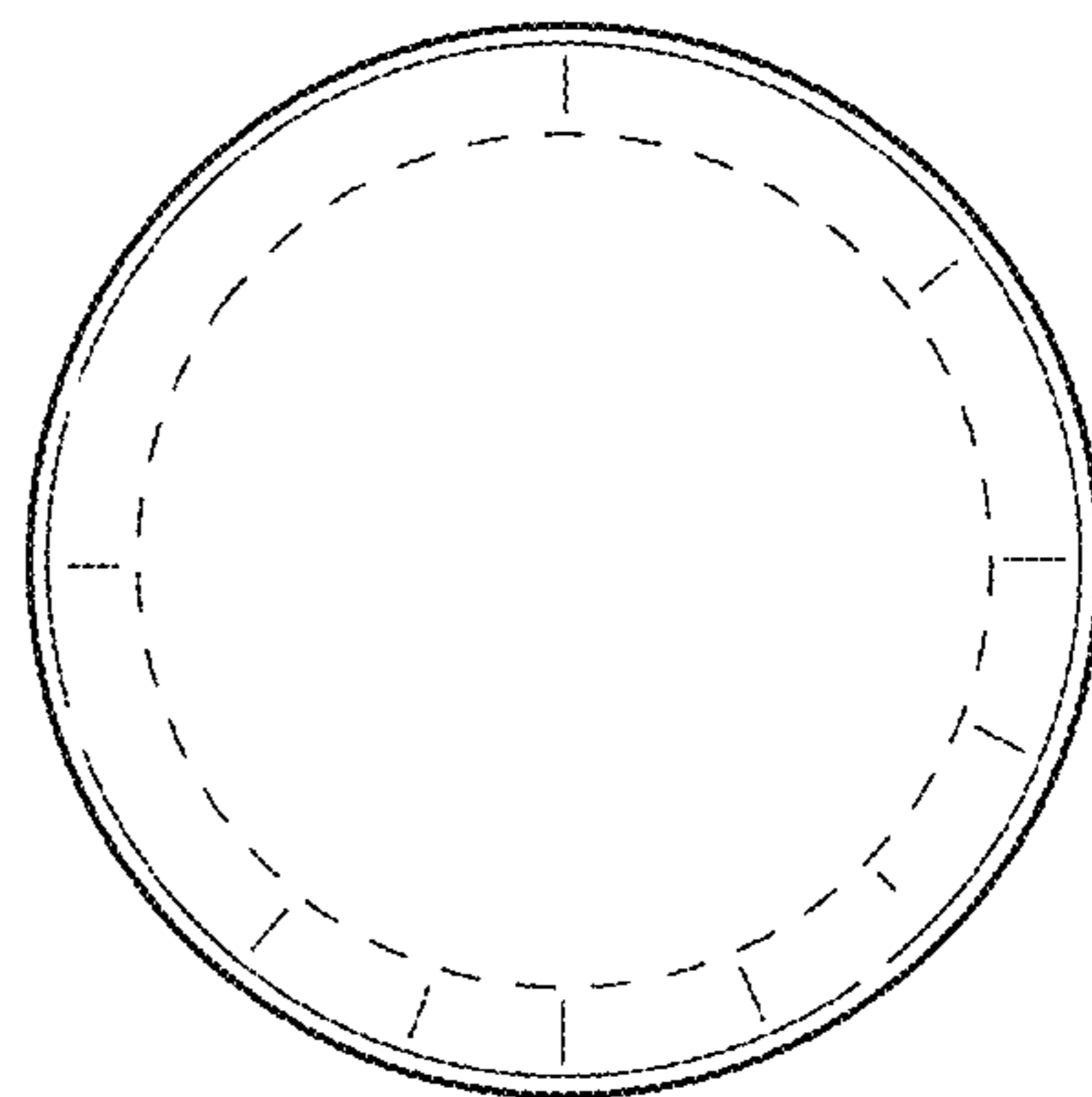


FIG.20

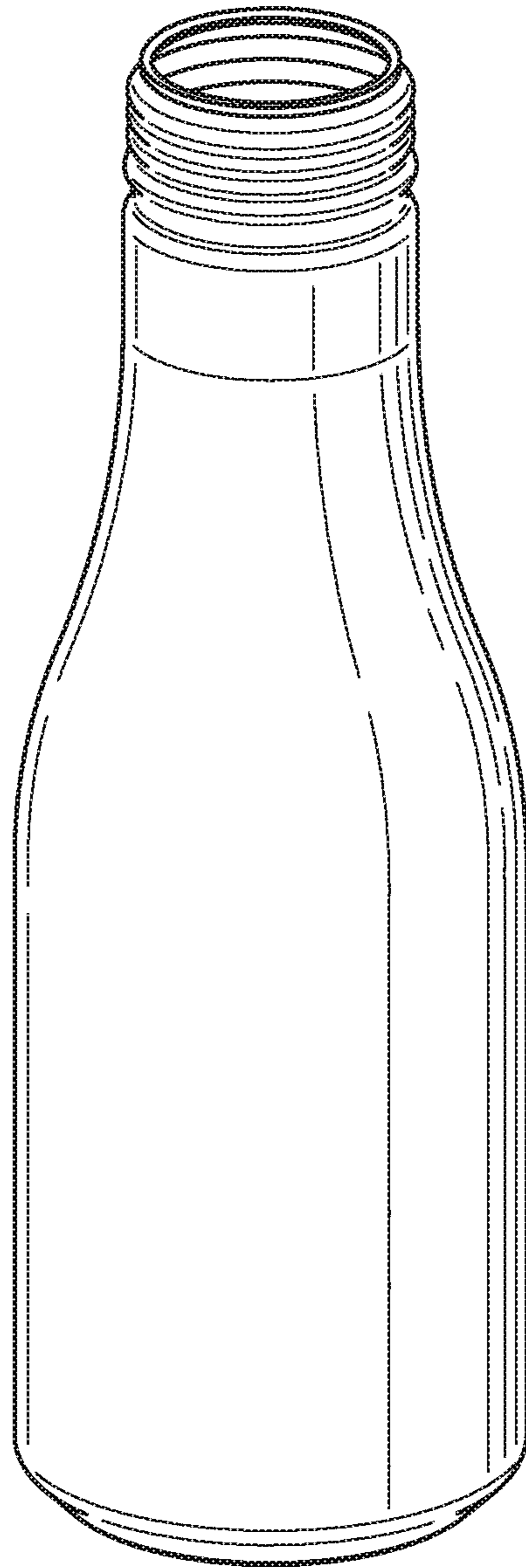


FIG.21

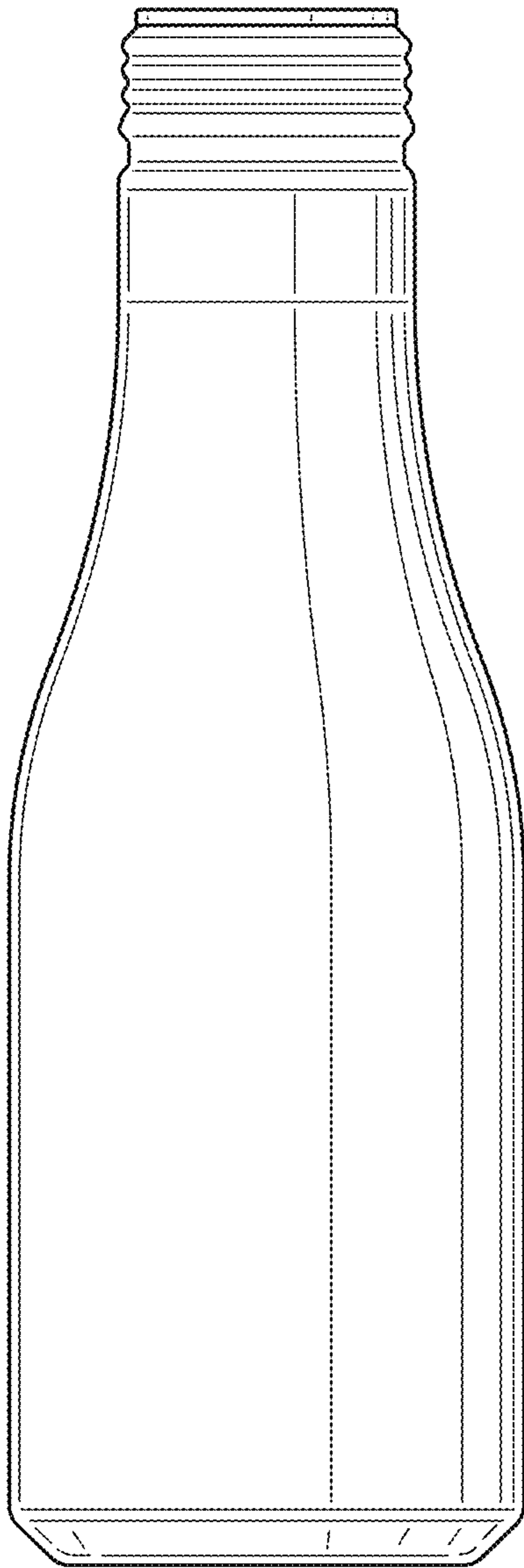


FIG. 22

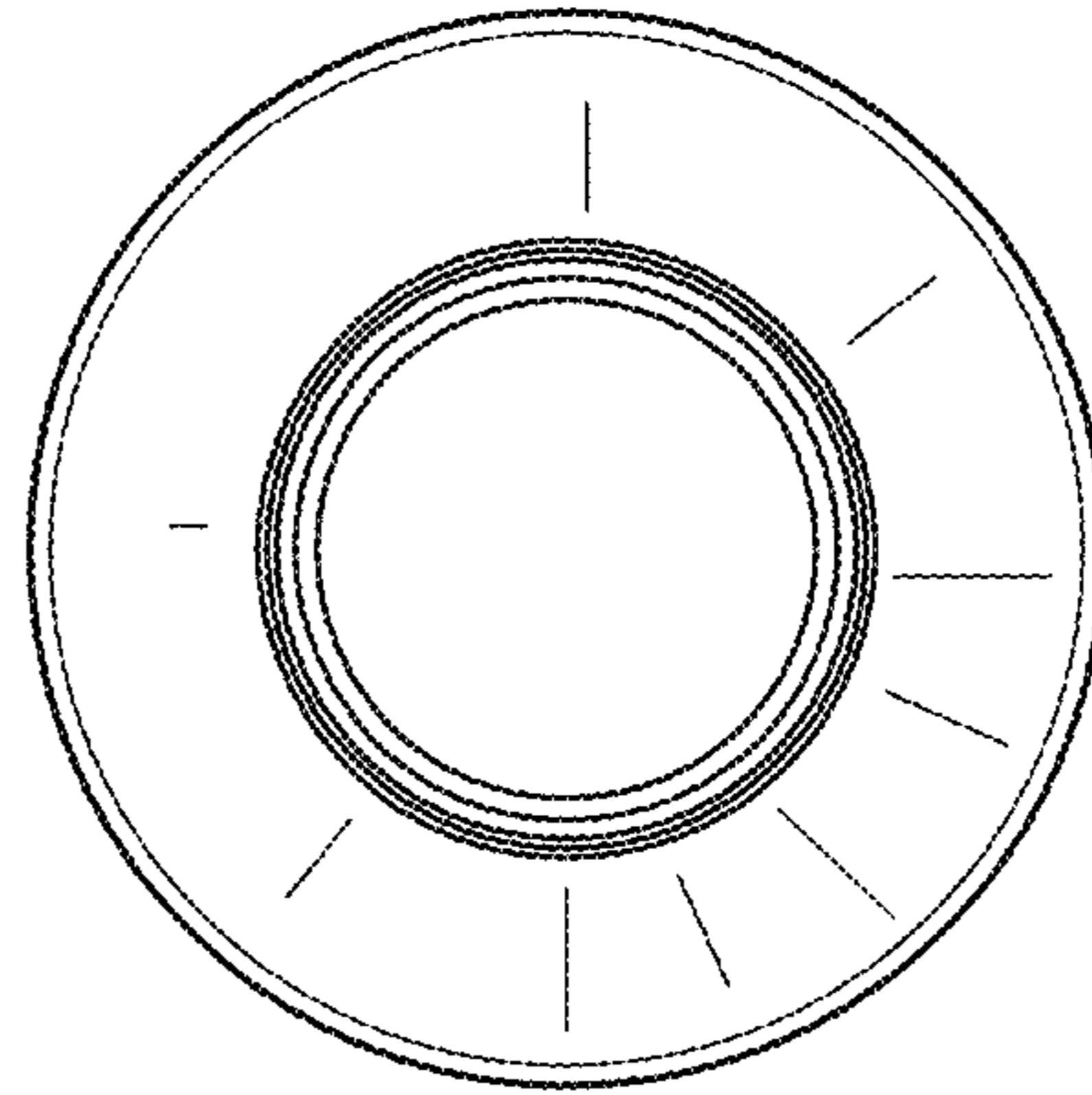


FIG. 23

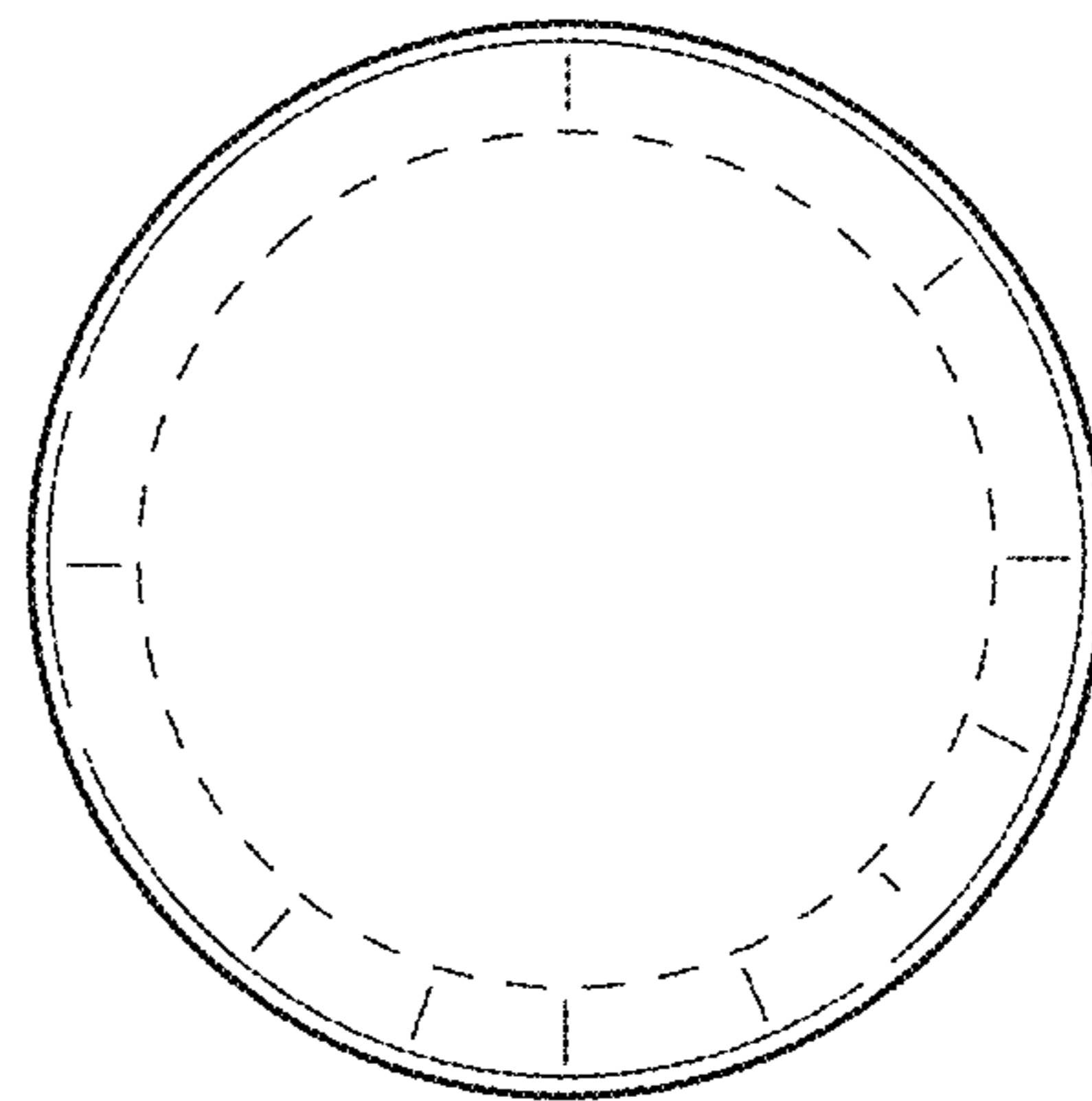


FIG. 24