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

(10) **Patent No.:** **US D828,079 S**
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(54) **SHAKABLE CONTAINER WITH AGITATOR**

FOREIGN PATENT DOCUMENTS

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CN 101801250 7/2008
CN 101801250 8/2010

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(Continued)

(73) Assignee: **TRIMR, LLC.**, Salt Lake City, UT (US)

OTHER PUBLICATIONS

<https://www.buttonandsprung.com/iqsprings/> Dec. 25, 2015.*

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

Primary Examiner — Marianne Pandozzi

(21) Appl. No.: **29/581,484**

Assistant Examiner — Jae Liang

(22) Filed: **Oct. 19, 2016**

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Related U.S. Application Data

(63) Continuation of application No. 13/662,169, filed on Oct. 26, 2012, now Pat. No. 9,643,141.

(57) **CLAIM**

(51) **LOC (11) Cl.** **07-99**

The ornamental design for a shakable container with an agitator, as shown and described.

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

USPC **D7/376; D7/690; D7/300.2; D7/396.2; D7/213; D7/397**

DESCRIPTION

(58) **Field of Classification Search**

USPC D7/213, 400–410, 412, 417, 354, 359, D7/387, 388, 391, 399, 600.1, 600.2, D7/600.3, 600.4, 602, 603–606, 609, 610, D7/612, 614, 619.1, 629, 665, 667, 553.2, D7/555, 538, 540, 376, 300.2, 690, 396.2, D7/397; D9/349, 366, 351, 529, 153, D9/453, 734, 424, 425; D5/1, 2; D11/155, 164; 99/289 R, 323, 285;
(Continued)

FIG. 1 is a front view of a first embodiment of a shakable container with agitator showing our new design;
FIG. 2 is a rear view thereof;
FIG. 3 is a perspective view thereof;
FIG. 4 is a first side view thereof;
FIG. 5 is a second side view thereof;
FIG. 6 is a front view of a second embodiment of a shakable container with agitator;
FIG. 7 is a rear view thereof;
FIG. 8 is a perspective view thereof;
FIG. 9 is a first side view thereof; and,
FIG. 10 is a second side view thereof.

(56) **References Cited**

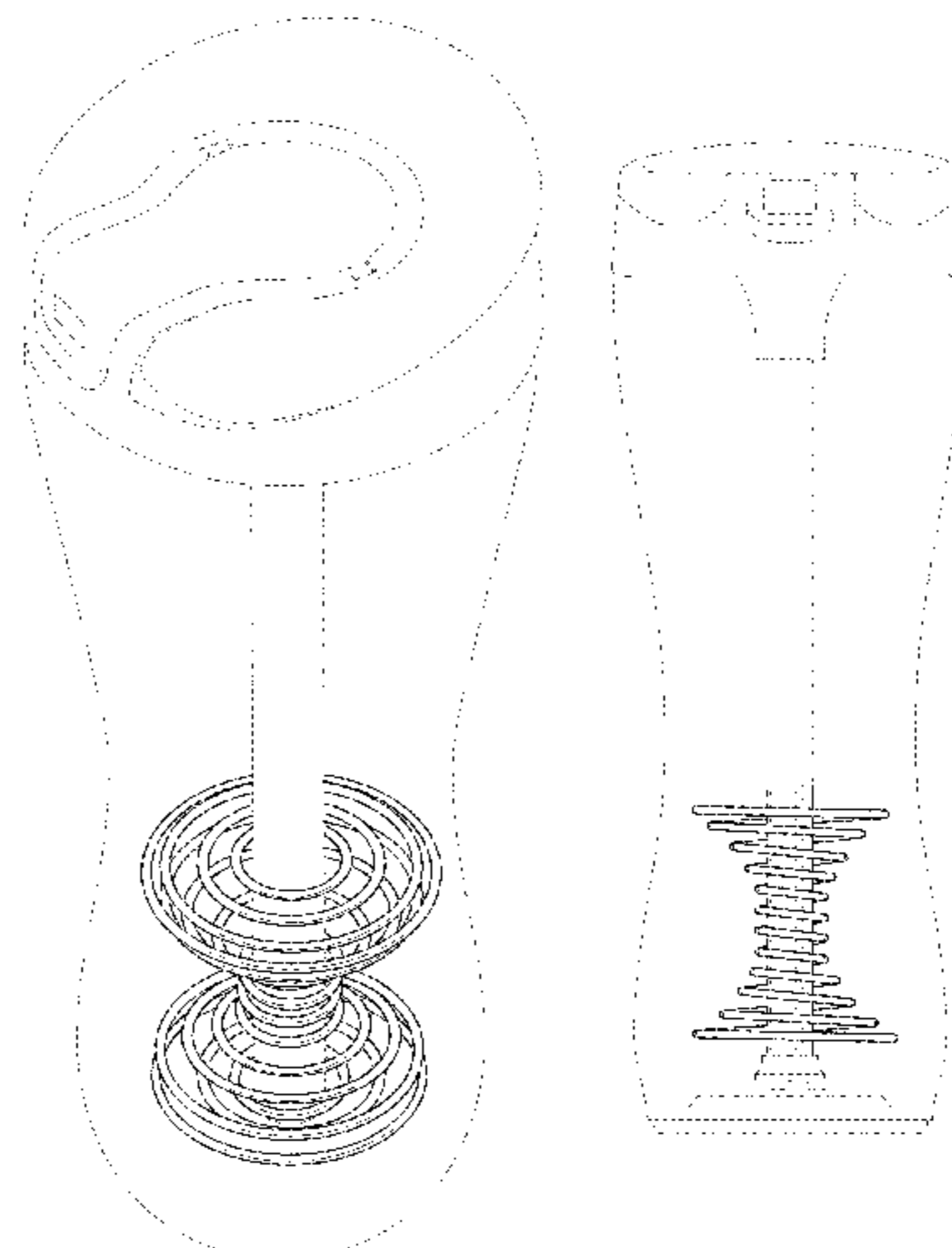
U.S. PATENT DOCUMENTS

370,861 A * 10/1887 Drum A47J 42/34
241/169
395,303 A * 12/1888 Muchner B01F 13/002
366/130

The broken lines in the drawings depict portions of the shakable container with agitator that form no part of the claimed design.

(Continued)

1 Claim, 6 Drawing Sheets



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(58) **Field of Classification Search**
 USPC 73/426, 427; D10/46.1, 46.2; 210/474;
 220/781
 CPC .. A47J 27/21166; A47J 31/06; A47J 31/0605;
 A47J 31/061; A47J 31/0626; A47J
 31/0684; A47J 31/08; A47J 31/10; A47G
 7/00; A47G 7/04; A47G 19/2283; A47G
 19/14
 See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

915,577 A * 3/1909 Farmer A47J 19/04
 241/169.2
 1,060,419 A * 4/1913 Benjamin B01F 7/00408
 366/130
 1,116,988 A * 11/1914 Burke A47J 43/14
 366/343
 1,201,284 A 10/1916 Gilchrist
 1,208,862 A * 12/1916 Velissarides B63H 1/30
 366/129
 1,649,874 A * 11/1927 Taylor A47J 43/22
 416/71
 1,963,055 A * 6/1934 Powers A47C 23/0438
 267/286
 2,040,648 A * 5/1936 Fortes A47J 29/06
 211/181.1
 D140,707 S * 4/1945 Gisson D7/409
 2,382,222 A * 8/1945 Havas A47J 43/14
 210/469
 2,484,391 A 10/1949 Treiss
 2,520,818 A * 8/1950 Terry A45F 3/44
 248/153
 2,613,107 A 10/1952 Hartnett
 2,766,022 A 10/1956 Bender
 2,776,120 A * 1/1957 Terrett B01F 11/008
 366/117
 2,793,012 A * 5/1957 Wolf A45D 34/048
 215/228
 D181,143 S 10/1957 Gundelfinger
 2,922,628 A * 1/1960 Koe A47J 43/105
 366/129
 3,111,846 A * 11/1963 Callanen G01K 13/10
 374/116
 3,116,770 A * 1/1964 Tanuma B26D 3/26
 30/114
 3,136,532 A * 6/1964 Rudnick A47J 43/27
 366/130
 3,315,405 A 4/1967 Hoffer
 4,081,057 A * 3/1978 Corradini B66B 7/08
 187/411
 4,134,494 A 1/1979 Wong
 4,408,690 A 10/1983 Ferrero
 4,472,063 A 9/1984 Eickelmann
 4,575,255 A * 3/1986 Kafka A47J 43/044
 366/129
 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
 D331,150 S * 11/1992 Hartel D28/7
 5,228,521 A * 7/1993 Sing A01D 34/412
 171/53
 5,249,702 A 10/1993 Topp
 5,326,168 A 7/1994 Miura
 5,336,536 A * 8/1994 Oberzan A47G 33/06
 211/196
 5,337,918 A 8/1994 Wang
 5,393,258 A 2/1995 Karterman
 D362,793 S * 10/1995 Khan D32/35
 5,461,968 A 10/1995 Portman
 D367,998 S * 3/1996 Graw D7/620
 5,509,605 A 4/1996 Cripe

D372,624 S * 8/1996 Chein D7/300.2
 D375,229 S * 11/1996 DiBella A47G 23/0216
 D7/619.1
 5,718,681 A 2/1998 Manning
 5,791,780 A 8/1998 Bakker
 D404,074 S * 1/1999 Sarriugarte D19/86
 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 Joergen
 6,048,590 A * 4/2000 Phillips A47G 33/06
 211/196
 6,109,538 A 8/2000 Villani et al.
 6,135,017 A * 10/2000 Wang A23J 1/09
 99/497
 6,158,722 A 12/2000 Gigas
 6,250,797 B1 6/2001 Weetman
 D447,693 S 9/2001 Warner
 6,379,032 B1 * 4/2002 Sorensen B01F 13/002
 366/130
 6,403,137 B1 6/2002 Frutin
 6,419,898 B1 * 7/2002 Flashinski A01M 1/2066
 424/40
 6,482,451 B1 11/2002 Baron
 6,523,711 B1 2/2003 Hughes
 6,600,255 B1 * 7/2003 Kai H01K 1/14
 313/271
 6,609,624 B2 8/2003 Goto
 D479,956 S * 9/2003 Bellander D7/667
 D487,862 S * 3/2004 Tincher D7/620
 D488,339 S * 4/2004 Lee D7/300.2
 6,783,019 B2 8/2004 Zettle
 D496,768 S * 9/2004 Izumoto D99/25
 D498,701 S * 11/2004 Libuda D11/125
 D502,223 S * 2/2005 Kaplan D20/41
 6,896,246 B2 5/2005 Weetman
 6,922,943 B1 * 8/2005 Paille A01G 9/12
 47/44
 D510,678 S 10/2005 Krasne
 7,089,878 B2 * 8/2006 Huang E01F 9/688
 116/63 C
 D527,959 S * 9/2006 Fung D7/690
 D529,526 S 10/2006 Gringer
 D533,107 S * 12/2006 King D11/152
 D541,601 S * 5/2007 Fung D7/690
 D542,102 S * 5/2007 Cheung D7/690
 D547,607 S 7/2007 Forsman
 D557,978 S 12/2007 Bodum
 D559,034 S 1/2008 Bodum
 7,354,225 B1 * 4/2008 Cohen G09F 19/00
 40/645
 D568,203 S * 5/2008 Lindberg D11/146
 D571,610 S 6/2008 Bodum
 7,387,283 B2 * 6/2008 Franczyk A47F 5/04
 211/181.1
 7,441,941 B2 * 10/2008 Vernon A47J 43/10
 366/130
 7,445,823 B2 * 11/2008 Tennison A47G 33/06
 362/123
 D582,223 S * 12/2008 Vendl D7/690
 D585,708 S * 2/2009 Gransbury D7/682
 D587,643 S * 3/2009 Slagel D12/400
 D589,873 S * 4/2009 Banks D12/411
 7,533,783 B2 5/2009 Choi
 D594,593 S * 6/2009 Ohmori D26/140
 D611,764 S 3/2010 Wahl
 D613,559 S * 4/2010 Goodman D7/601
 D620,752 S * 8/2010 Daniels D7/504
 D626,838 S 11/2010 Meyers
 7,849,785 B1 12/2010 Saha
 D632,908 S * 2/2011 Tincher D6/513
 D642,434 S 8/2011 Schofield
 D647,366 S * 10/2011 Enghard D7/376
 D649,709 S * 11/2011 Loman D27/183
 D650,225 S * 12/2011 Bartol D7/354
 D653,081 S 1/2012 George
 D655,967 S 3/2012 Bodum

(56)

References Cited

U.S. PATENT DOCUMENTS

D656,280 S 3/2012 St. Clair
 D656,787 S 4/2012 Phillips
 D657,159 S * 4/2012 Rosaen D6/403
 8,182,683 B1 5/2012 Allen
 8,191,727 B2 6/2012 Davies
 D664,262 S 7/2012 Khan
 D664,392 S * 7/2012 Enghard D7/376
 8,230,777 B2 7/2012 Anson et al.
 D665,222 S 8/2012 Cerasani
 8,277,114 B2 10/2012 Higbee
 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
 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 D7/510
 D704,986 S 5/2014 Maines
 D705,499 S * 5/2014 Zamarripa D30/124
 8,800,980 B2 * 8/2014 Sawai B60G 11/14
 267/131
 8,822,209 B2 9/2014 Oldenburg
 D729,569 S 5/2015 Herbst
 D736,559 S * 8/2015 Enghard D7/213
 9,120,063 B2 9/2015 Knauer
 D745,827 S 12/2015 Sorensen
 D746,883 S 1/2016 Strommer
 D766,658 S 9/2016 Strommer
 D767,328 S 9/2016 Boroski
 D808,216 S * 1/2018 Holowaychuk D7/412
 2001/0025825 A1 * 10/2001 Therber A47F 5/16
 211/196
 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
 2008/0099968 A1 * 5/2008 Schroeder B62K 25/08
 267/166
 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
 2011/0210132 A1 * 9/2011 Enghard A47J 43/27
 220/694
 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

2013/0305993 A1 * 11/2013 Lush A01K 39/0113
 119/51.01

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 8/2009
 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. 29/578,774, filed Sep. 23, 2016, Winn.
 U.S. Appl. No. 15/349,177, filed Nov. 11, 2016, Kershaw.
 U.S. Appl. No. 13/662,169, dated Jan. 14, 2015, Office Action.
 U.S. Appl. No. 13/662,169, dated Oct. 5, 2015, Final Office Action.
 U.S. Appl. No. 13/662,169, dated Feb. 23, 2016, Office Action.
 U.S. Appl. No. 13/662,169, dated Jul. 28, 2016, Final Office Action.
 U.S. Appl. No. 13/662,169, dated Oct. 17, 2016, Notice of Allowance.
 U.S. Appl. No. 29/435,733, dated Oct. 26, 2012, 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/BOOIR77J5W>.
 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/cllhm>>.
 U.S. Appl. No. 15/349,177, dated Feb. 2, 2017, Office Action.

(56)

References Cited

OTHER PUBLICATIONS

U.S. Appl. No. 29/525,829, dated Apr. 14, 2017, Office Action.
Adkins, Mark, "CamelBak Groove Insulated 0.6L Filtration Bottle Review" The Gadgeteer, Apr. 14, 2012, 13 pages, available at <http://the-gadgeteer.com/2012/04/14/camelbak-groove-insulated-0-6l-filtration-bottle-review/>.

U.S. Appl. No. 14/695,351, dated May 15, 2017, Office Action.
U.S. Appl. No. 29/578,774, dated May 24, 2017, Office Action.
U.S. Appl. No. 15/349,177, dated Jun. 19, 2017, Final Office Action.
U.S. Appl. No. 29/578,774, dated Aug. 4, 2017, Notice of Allowance.
U.S. Appl. No. 15/349,177, dated Aug. 16, 2017, Notice of Allowance.
U.S. Appl. No. 29/525,829, dated Dec. 21, 2017, Notice of Allowance.

* cited by examiner

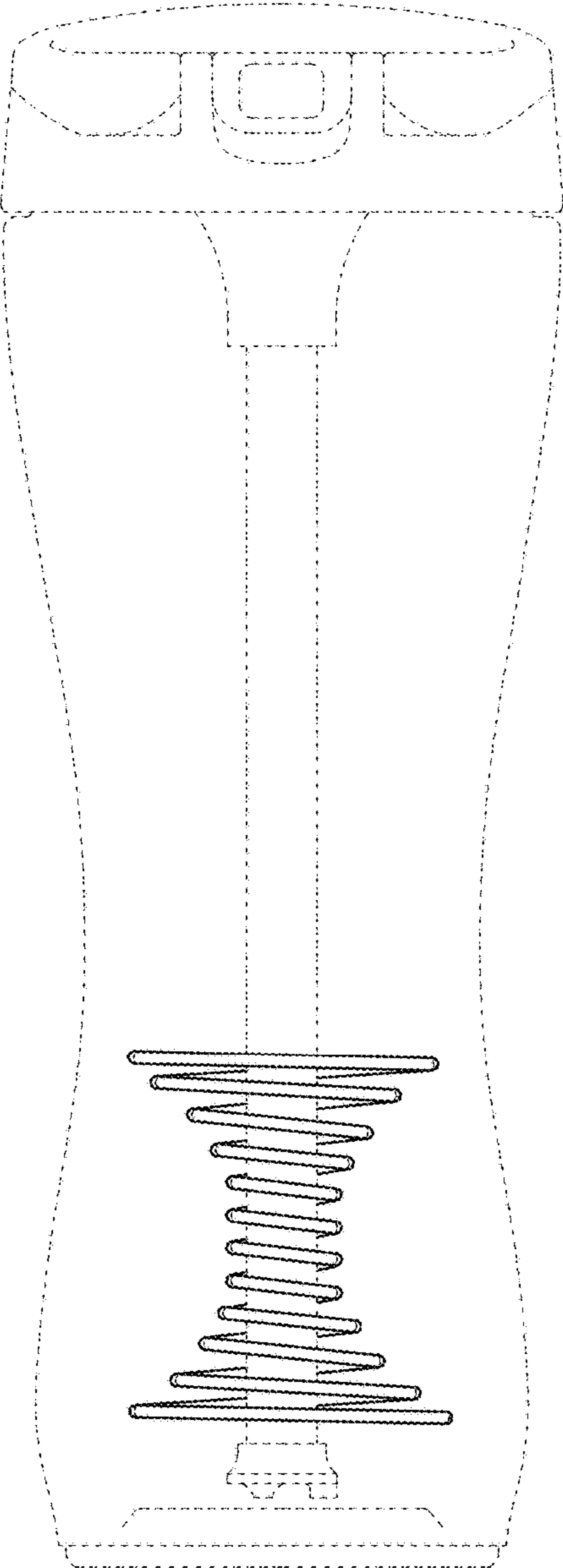


FIG. 1

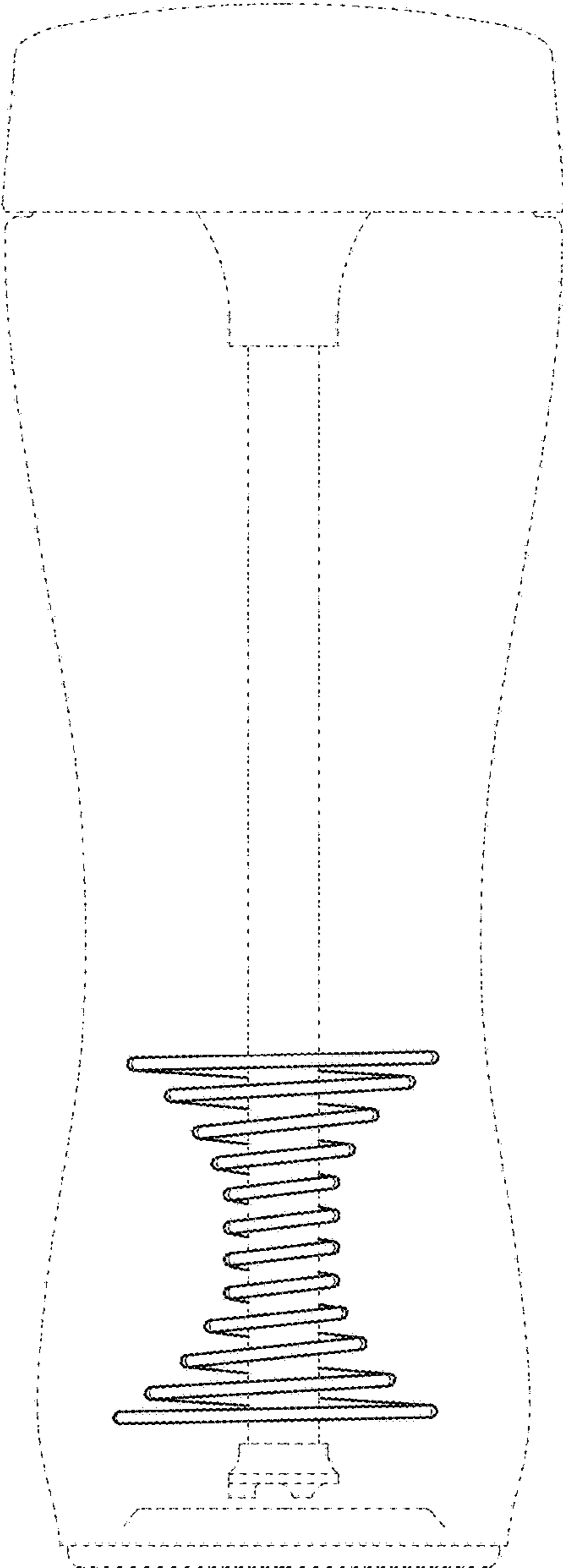


FIG. 2

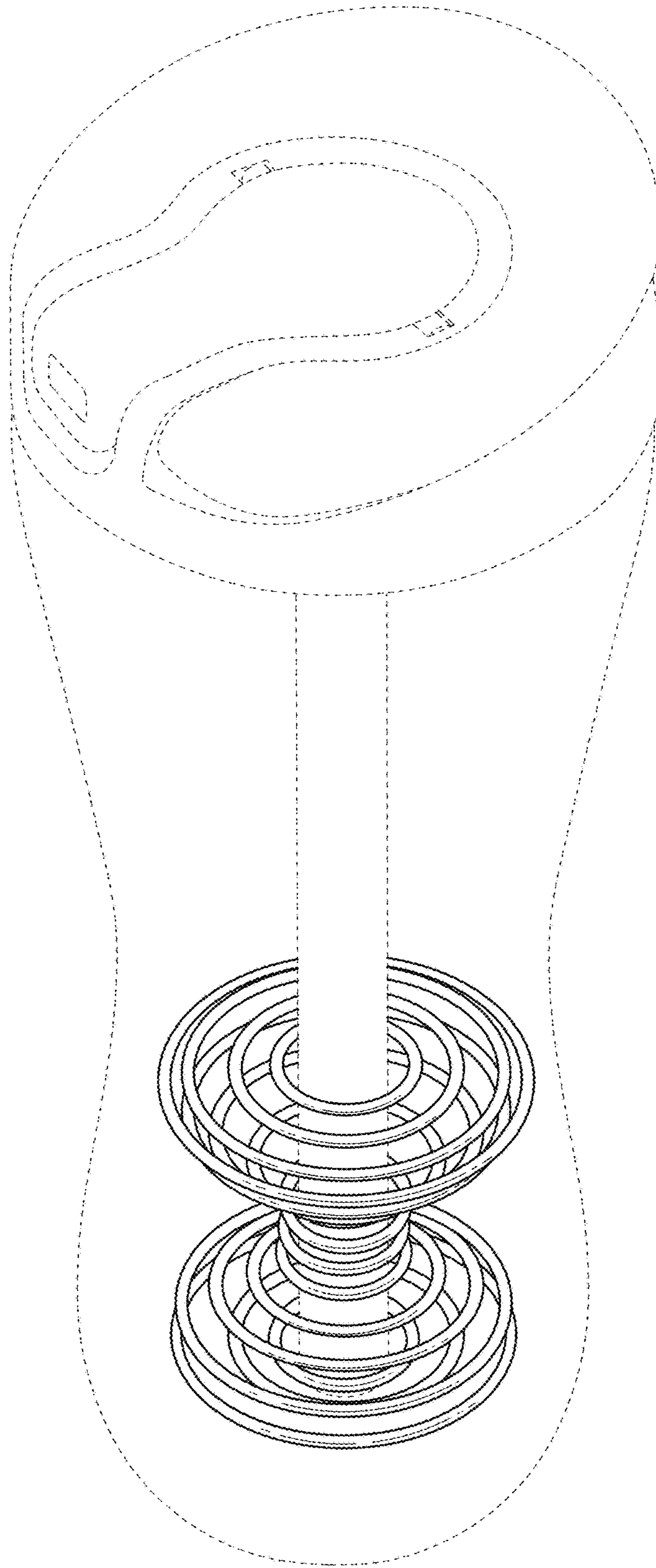


FIG. 3

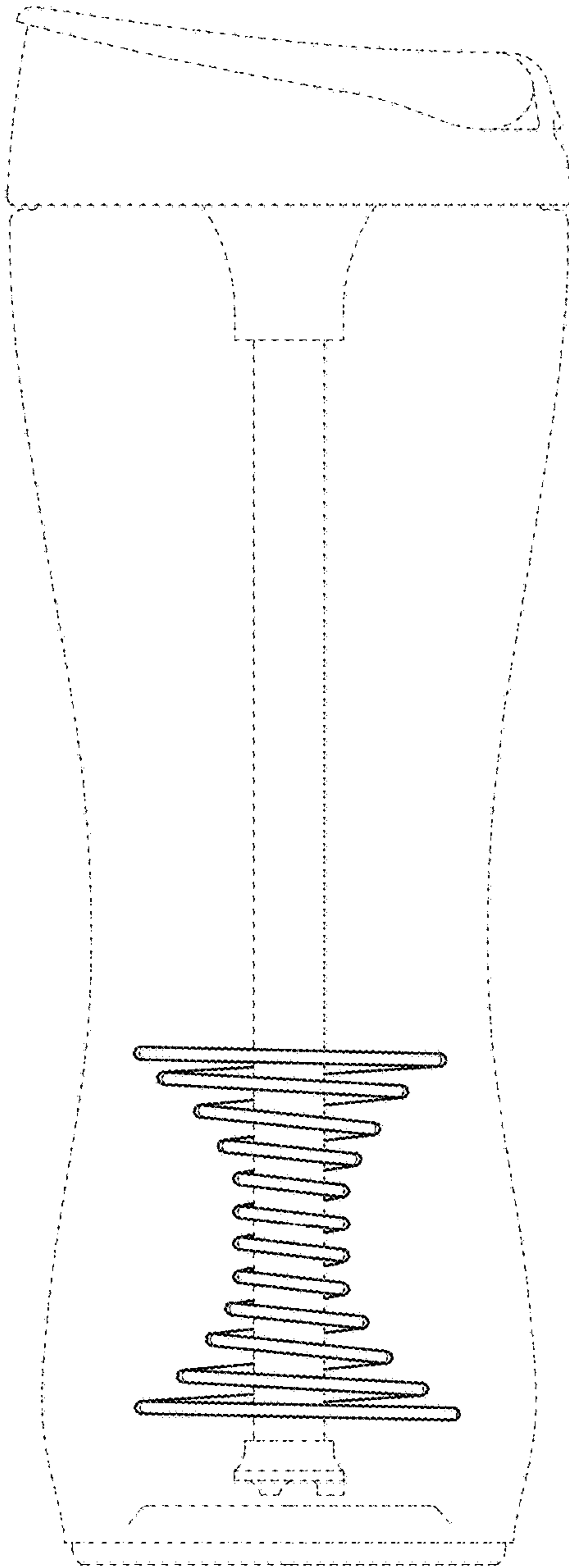


FIG. 4

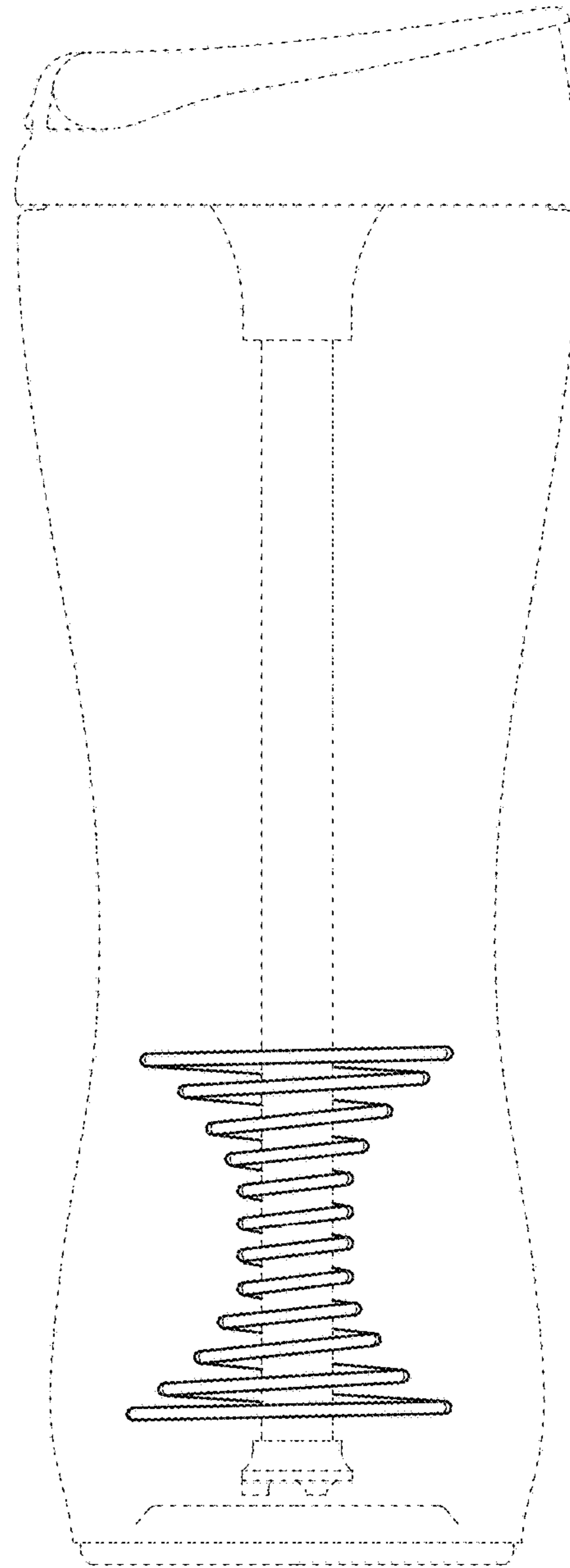


FIG. 5

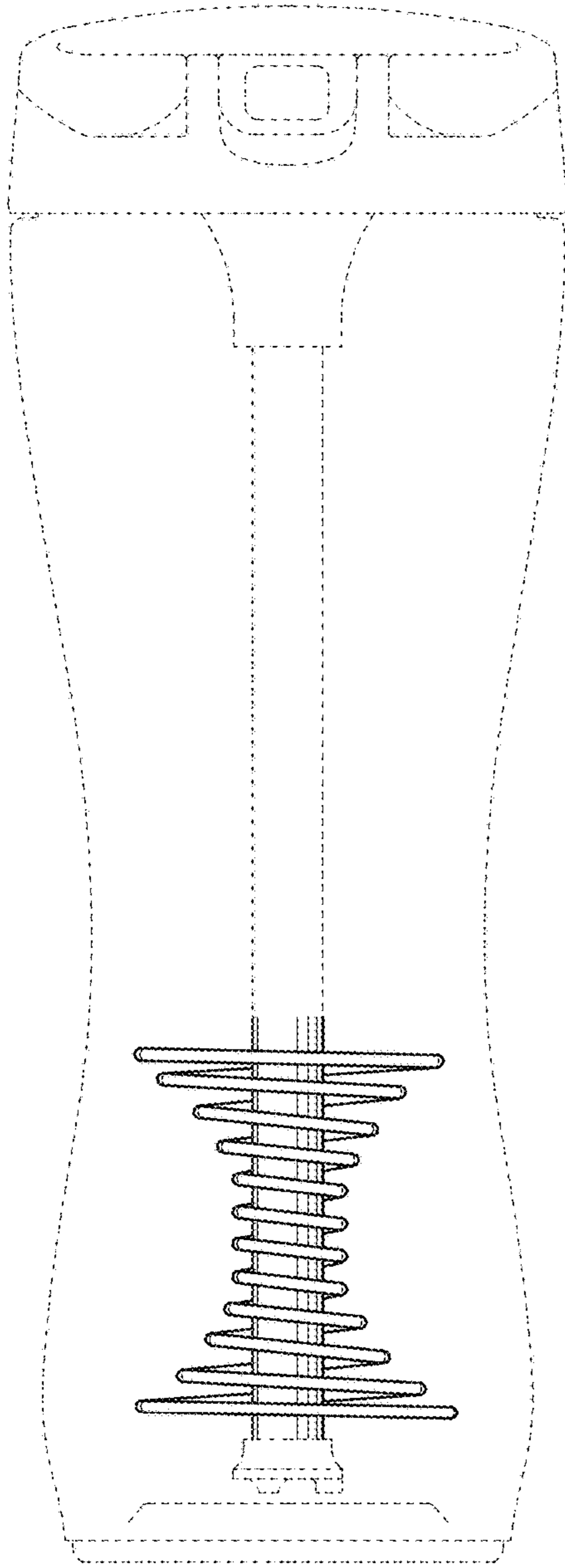


FIG. 6

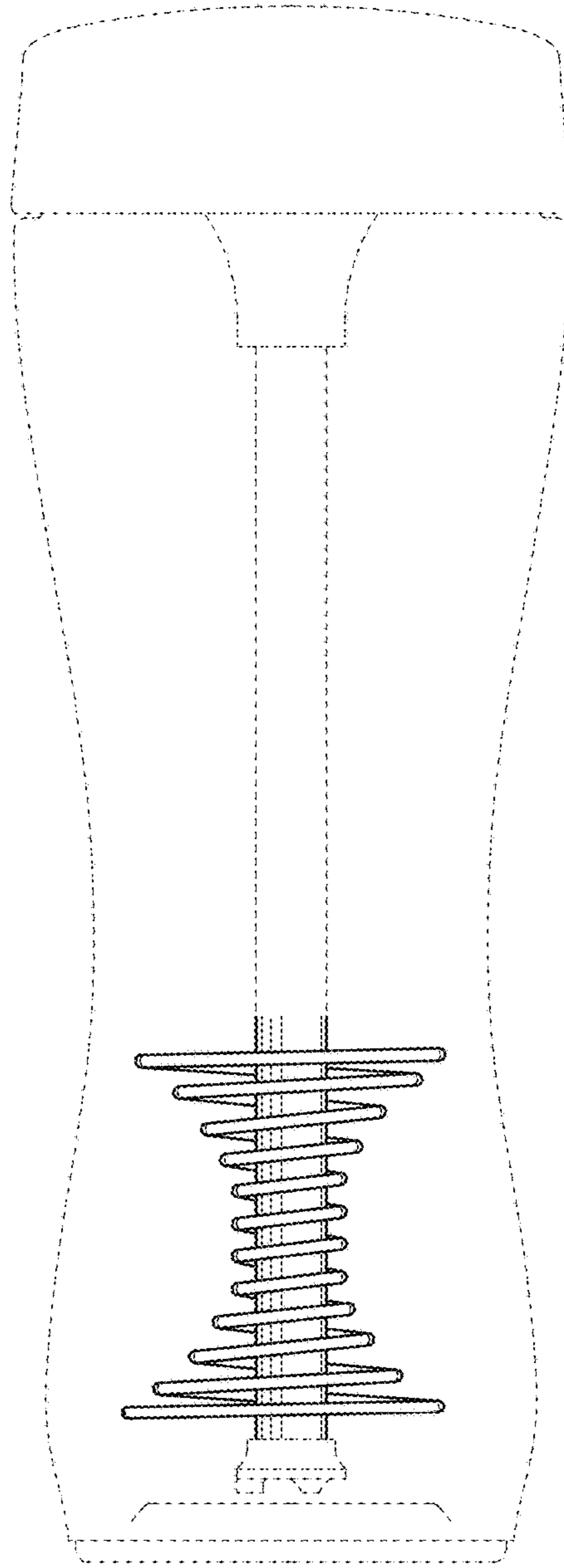


FIG. 7

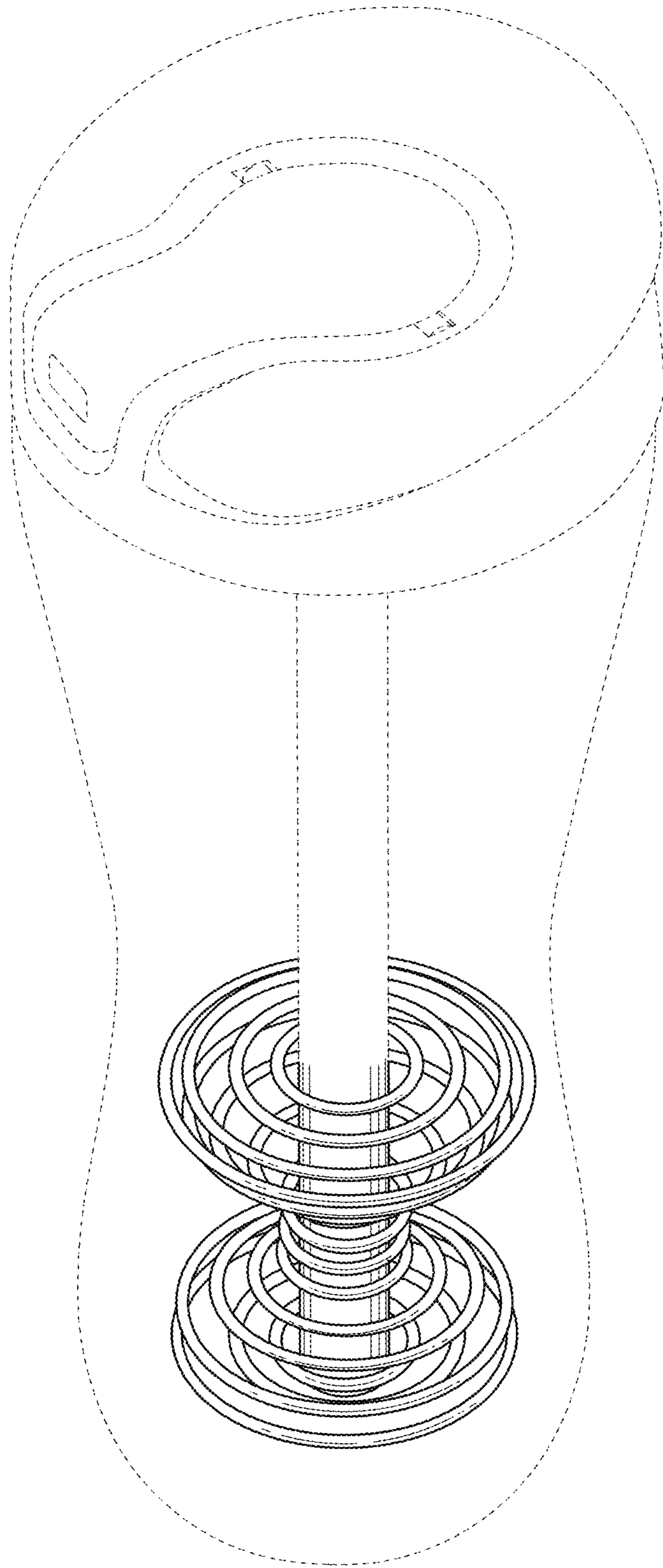


FIG. 8

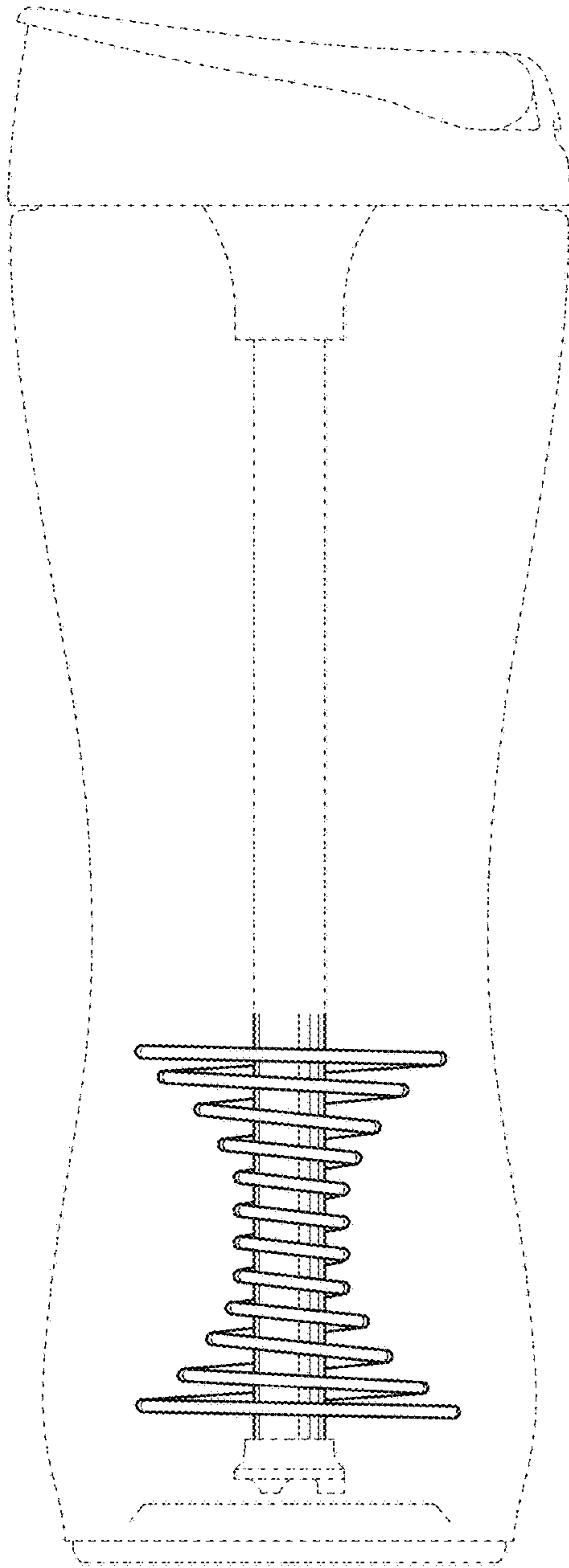


FIG. 9

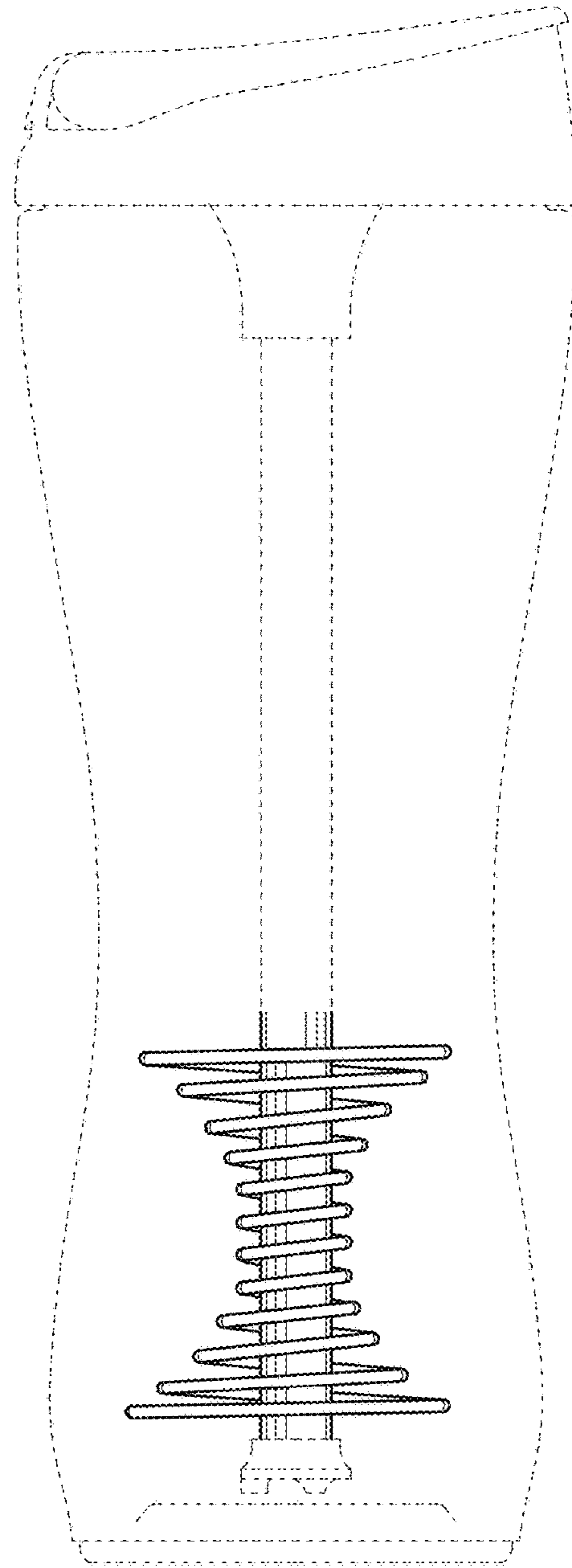


FIG. 10