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(12) **United States Design Patent** (10) **Patent No.:** **US D838,184 S**  
**Riedel et al.** (45) **Date of Patent:** **\*\* \*Jan. 15, 2019**

(54) **CONTAINER WITH CAP**

vintage-fountain-pen-leaning-against-an-open-bottle-of-ink-on-a-48134748.html?pv=1&stamp=2&imageid=F5B0091C-B9C1-40E3-9032-86C14.\*

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(Continued)

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(57) **CLAIM**  
The ornamental design for a container with cap, as shown and described.

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

**DESCRIPTION**

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

(21) Appl. No.: **29/589,933**

(22) Filed: **Jan. 5, 2017**

(51) **LOC (11) Cl.** ..... **09-01**

(52) **U.S. Cl.**  
USPC ..... **D9/574**

(58) **Field of Classification Search**  
USPC ..... D9/434–435, 439, 447, 449, 450, 452,  
D9/454, 516, 520, 522–524, 528–531,  
(Continued)

FIG. 1 is an exploded, top perspective view of a first embodiment of a container with cap showing our new design;  
FIG. 2 is an exploded, bottom perspective view thereof;  
FIG. 3 is a non-exploded, front view thereof, the rear view being a mirror image of the front view;  
FIG. 4 is a non-exploded, right side view thereof, the left side view being a mirror image of the right side view;  
FIG. 5 is a non-exploded, top view thereof; and  
FIG. 6 is a non-exploded, bottom view thereof.  
FIG. 7 is an exploded, top perspective view of a second embodiment of a container with cap showing our new design;  
FIG. 8 is an exploded, bottom perspective view thereof;  
FIG. 9 is a non-exploded, front view thereof, the rear view being a mirror image of the front view;  
FIG. 10 is a non-exploded, right side view thereof, the left side view being a mirror image of the right side view;  
FIG. 11 is a non-exploded, top view thereof; and  
FIG. 12 is a non-exploded, bottom view thereof.  
FIG. 13 is an exploded, top perspective view of a third embodiment of a container with cap showing our new design;  
FIG. 14 is an exploded, bottom perspective view thereof;  
FIG. 15 is a non-exploded, front view thereof, the rear view being a mirror image of the front view;  
FIG. 16 is a non-exploded, right side view thereof, the left side view being a mirror image of the right side view;

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D94,101 S \* 12/1934 Spence ..... D9/556  
D203,360 S 12/1965 Becker  
(Continued)

**OTHER PUBLICATIONS**

A vintage fountain pen leaning against an open bottle of ink on a white background. Online, published date unknown. Retrieved on Nov. 14, 2017 from URL: <http://www.alamy.com/stock-photo-a->

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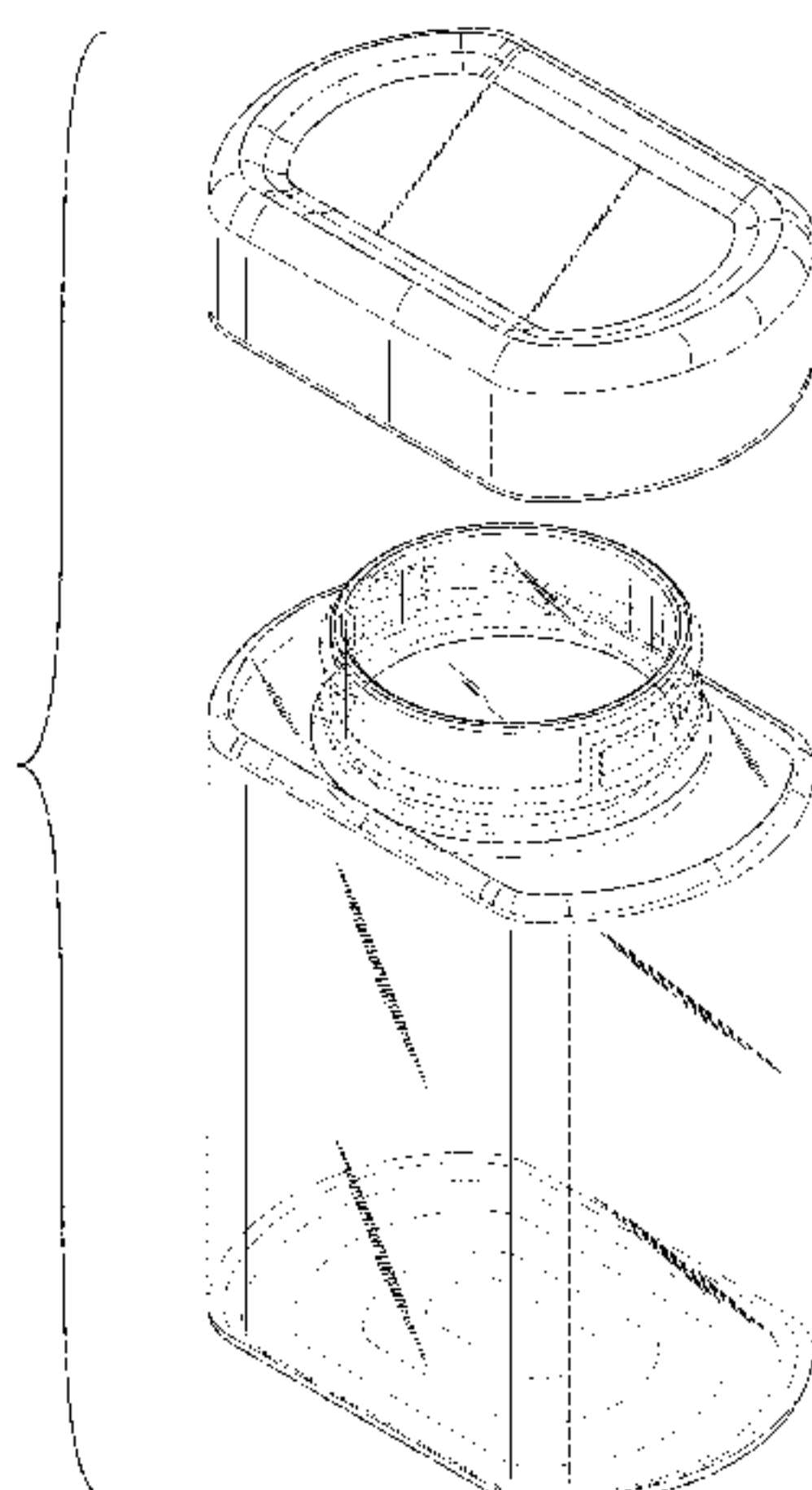


FIG. 17 is a non-exploded, top view thereof; and, FIG. 18 is a non-exploded, bottom view thereof. The evenly spaced broken lines and the areas within them depict portions of the container with cap that form no part of the claimed design. The long dash-short dash broken lines depict the boundaries of the claim and form no part thereof.

**1 Claim, 14 Drawing Sheets**

(58) **Field of Classification Search**

USPC ..... D9/541-544, 549-551, 558-560, 563, D9/565-566, 571-575, 682, 686, 687, D9/693-694, 715, 719; D7/300, 300.1, D7/316, 317, 598; D23/211, 225  
CPC ... B65D 1/00; B65D 1/02; B65D 1/12; B65D 1/18; B65D 1/20; B65D 1/0223; B65D 23/00; B65D 21/0237; B65D 2501/0009; B65D 2501/0081

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

4,832,220	A	5/1989	Quenessen	
D301,837	S	6/1989	Peterson et al.	
D334,143	S	3/1993	Rothfos	
D363,028	S	10/1995	Mansau	
5,699,925	A	12/1997	Petruzzi	
D398,241	S	9/1998	Krebs	
D484,797	S	1/2004	Kipperman et al.	
D520,877	S	5/2006	Toth et al.	
D521,380	S *	5/2006	Jackson	D9/425
D523,344	S	6/2006	Toth et al.	
D529,387	S	10/2006	Toth et al.	
D537,724	S	3/2007	Toth et al.	
D540,688	S *	4/2007	Lascaux	D9/560
D541,163	S	4/2007	Altonen et al.	
D551,970	S	10/2007	Didier	
D562,151	S	2/2008	Larocca et al.	
D563,228	S *	3/2008	Nottingham	D9/531
D563,795	S *	3/2008	Canamasas Puigbo	D9/573
D568,739	S	5/2008	Darr	
D577,292	S	9/2008	Moretti	
D577,600	S	9/2008	Kim et al.	
D579,784	S *	11/2008	Varlet	D9/544
D585,754	S	2/2009	McGregor et al.	
D587,589	S *	3/2009	Varlet	D9/558

D598,296	S	8/2009	Serrano Diaz	
D604,630	S *	11/2009	Canamasas Puigbo	D9/560
D613,177	S *	4/2010	Lee	D9/520
D621,224	S	8/2010	Wang Chen	
D625,911	S	10/2010	Lee et al.	
D627,656	S	11/2010	Wendt	
D630,100	S *	1/2011	Wanet	D9/544
D635,031	S *	3/2011	Themann	D9/520
D639,667	S	6/2011	Bogert et al.	
D646,581	S	10/2011	Baron	
D664,849	S	8/2012	Fracasso	
D677,572	S *	3/2013	Papiernik	D9/420
D684,824	S	6/2013	Sweet et al.	
D704,245	S	5/2014	Kim et al.	
D712,746	S	9/2014	Widdison	
D732,394	S	6/2015	DeMarco et al.	
D742,756	S *	11/2015	DeVore	D9/565
D747,969	S	1/2016	Baron et al.	
D756,234	S *	5/2016	Orset	D9/560
D757,560	S	5/2016	Venturini Fendi	
D764,928	S	8/2016	Staab	
D766,093	S *	9/2016	Otani	D9/452
D767,405	S *	9/2016	Orset	D9/453
9,511,890	B2 *	12/2016	Gill	B65D 1/10
D788,593	S *	6/2017	Dalton	D9/560
2016/0083280	A1	3/2016	Sato et al.	

OTHER PUBLICATIONS

Sanford's Tug Boat Ink Bottle. Online, published date unknown. Retrieved on Nov. 14, 2017 from URL: <http://www.marthasvintageattic.com/ink-bottles-and-inkwells/sanfords-tug-boat-ink-bottle-vintage/>.\*  
A vintage fountain pen leaning against an open bottle of ink on a white background. Online, published date unknown. Retrieved on Nov. 14, 2017 from URL: <http://www.alamy.com/stock-photo-a-vintage-fountain-pen-leaning-against-an-open-bottle-of-ink-on-a-48134748.html?pv=1&stamp=2&imageid=F5B0091C-B9C1-40E3-9032-86C1477>.  
Sanford's Tug Boat Ink Bottle. Online, published date unknown. Retrieved Nov. 14, 2017 from URL: <http://www.marthasvintageattic.com/ink-bottles-and-inkwells/sanfords-tug-boat-ink-bottle-vintage/>.  
U.S. Appl. No. 29/589,929, filed Jan. 5, 2017 (95 pages).  
U.S. Appl. No. 29/589,931, filed Jan. 5, 2017 (58 pages).  
U.S. Appl. No. 20/589,930, filed Jan. 5, 2017 (95 pages).  
"Lock Ups", printed from [www.containerstore.com/s/gift-packaging/containers/boxes/lock-ups/123d?productId=10028612](http://www.containerstore.com/s/gift-packaging/containers/boxes/lock-ups/123d?productId=10028612), publicly available at least as early as Aug. 18, 2016 (4 pages).  
Photographs of CVS Health Packaged Vitamins publicly available at least as early as Oct. 31, 2016 (1 page).

\* cited by examiner



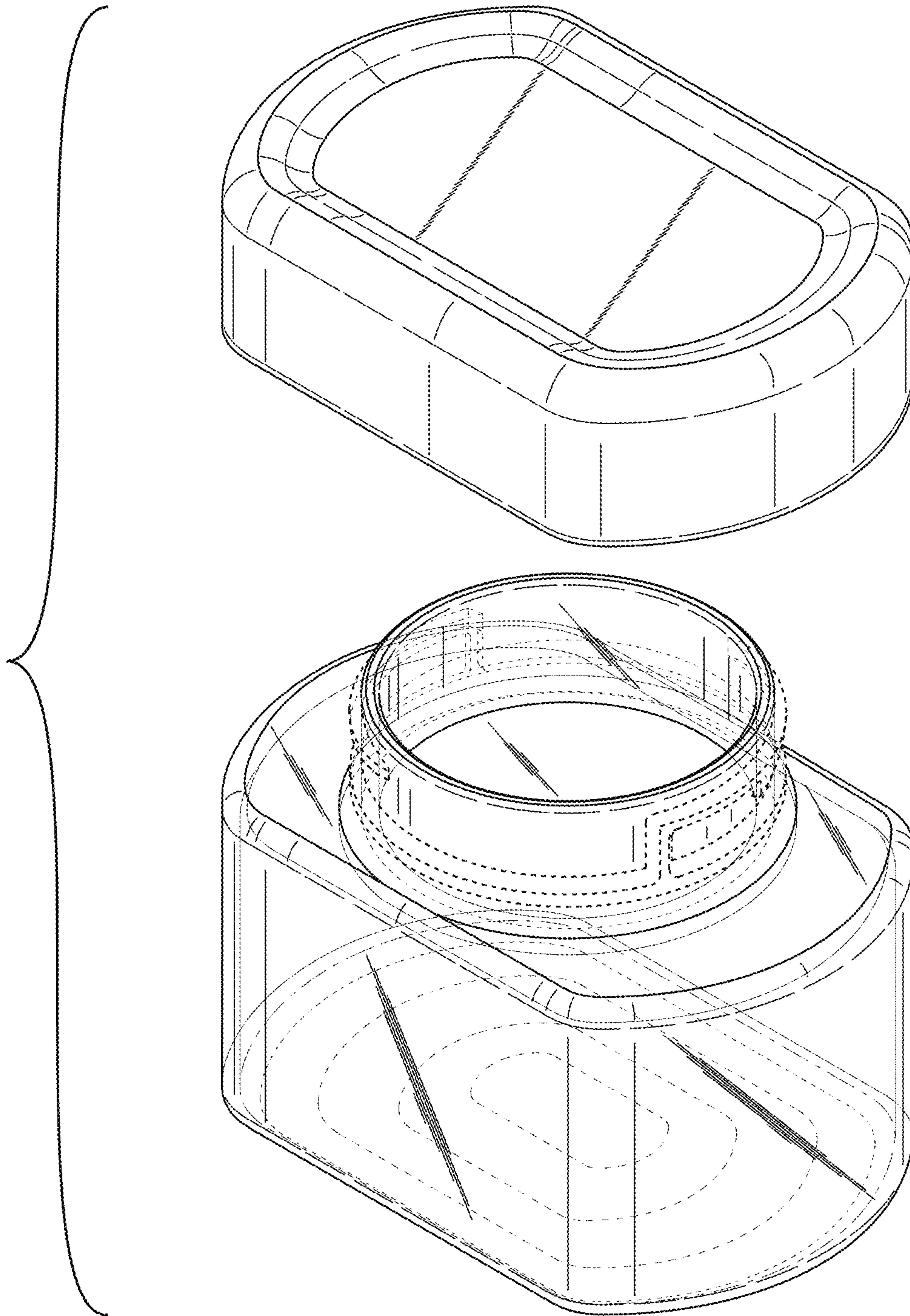


FIG. 1

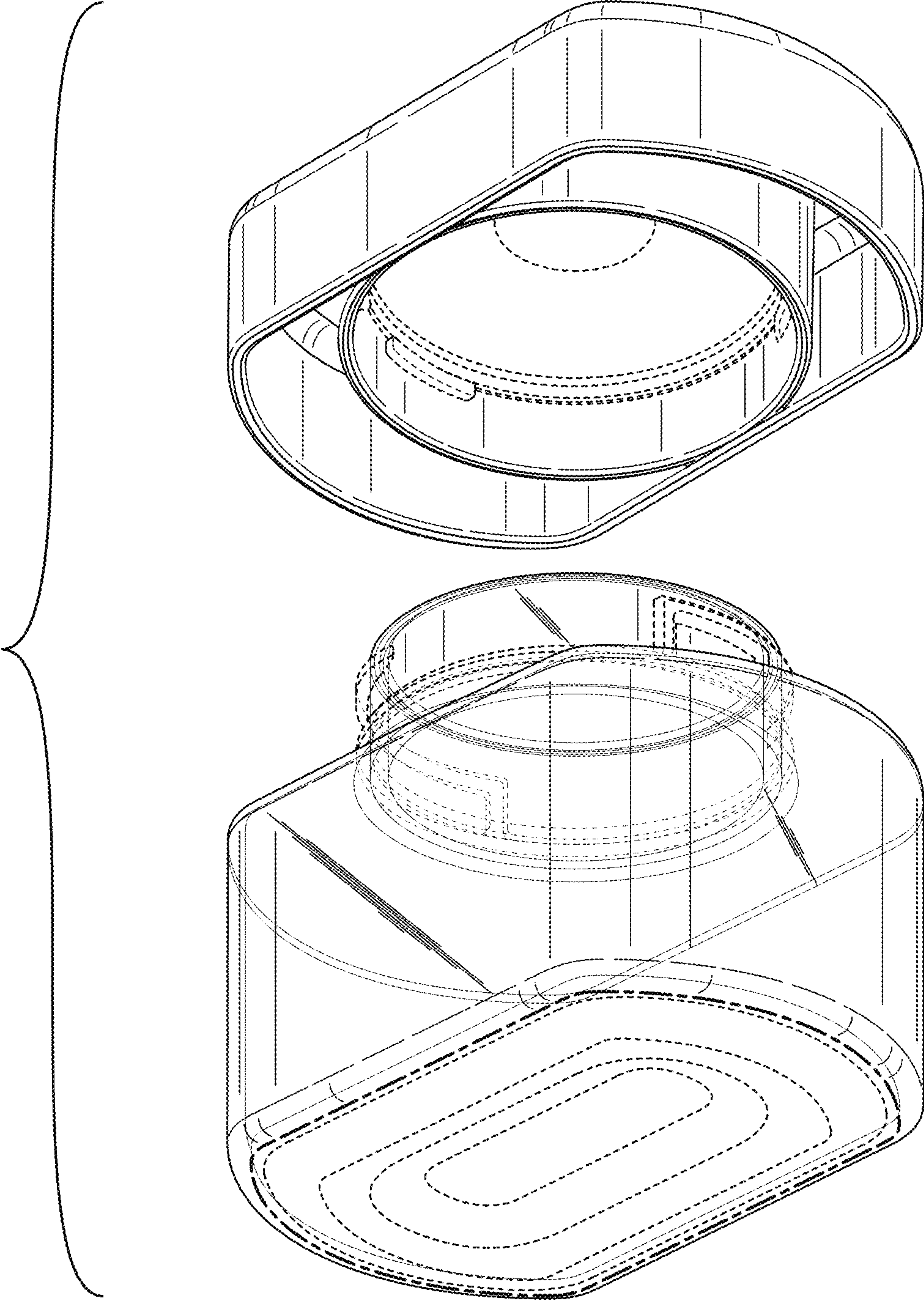


FIG. 2

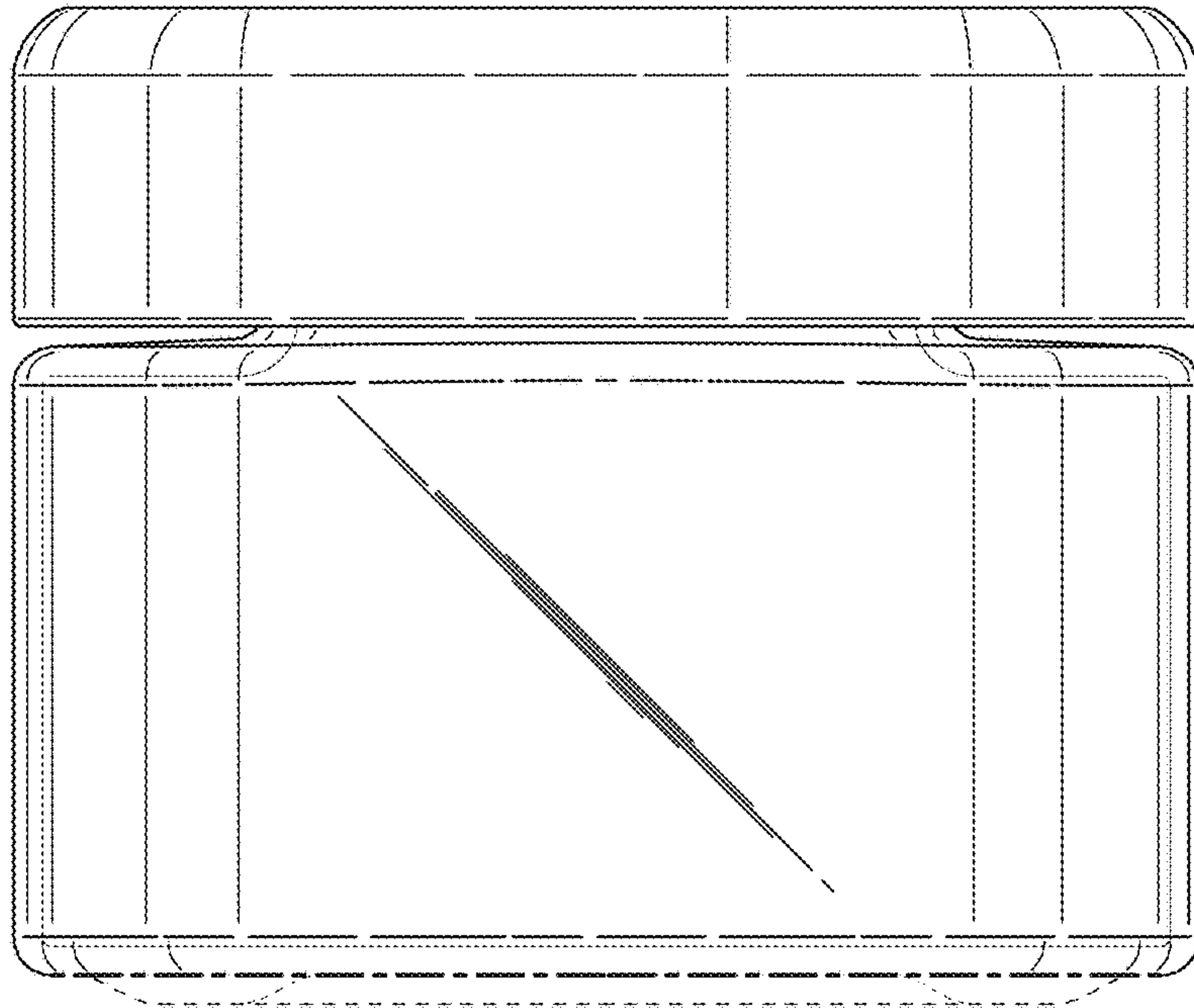


FIG. 3

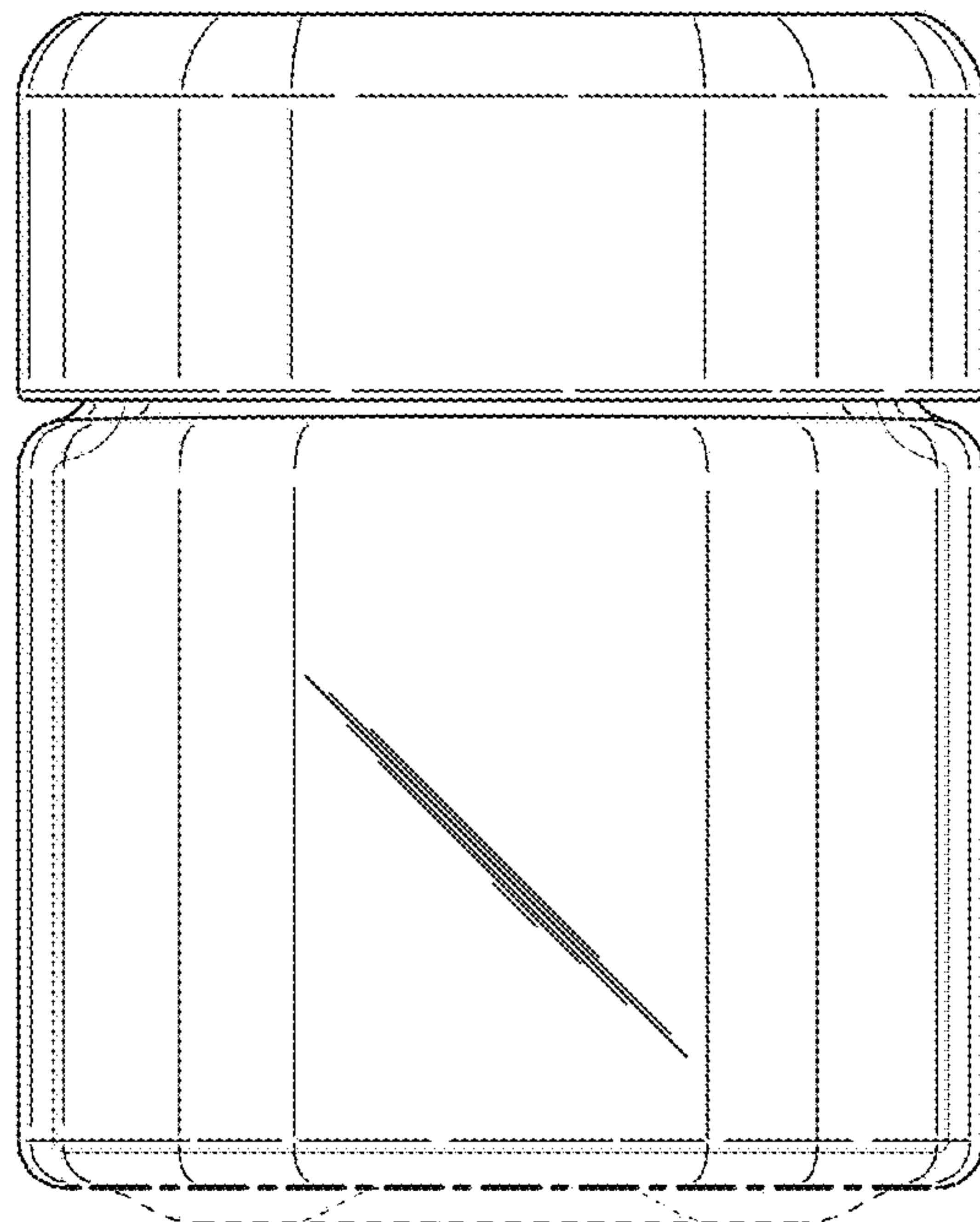
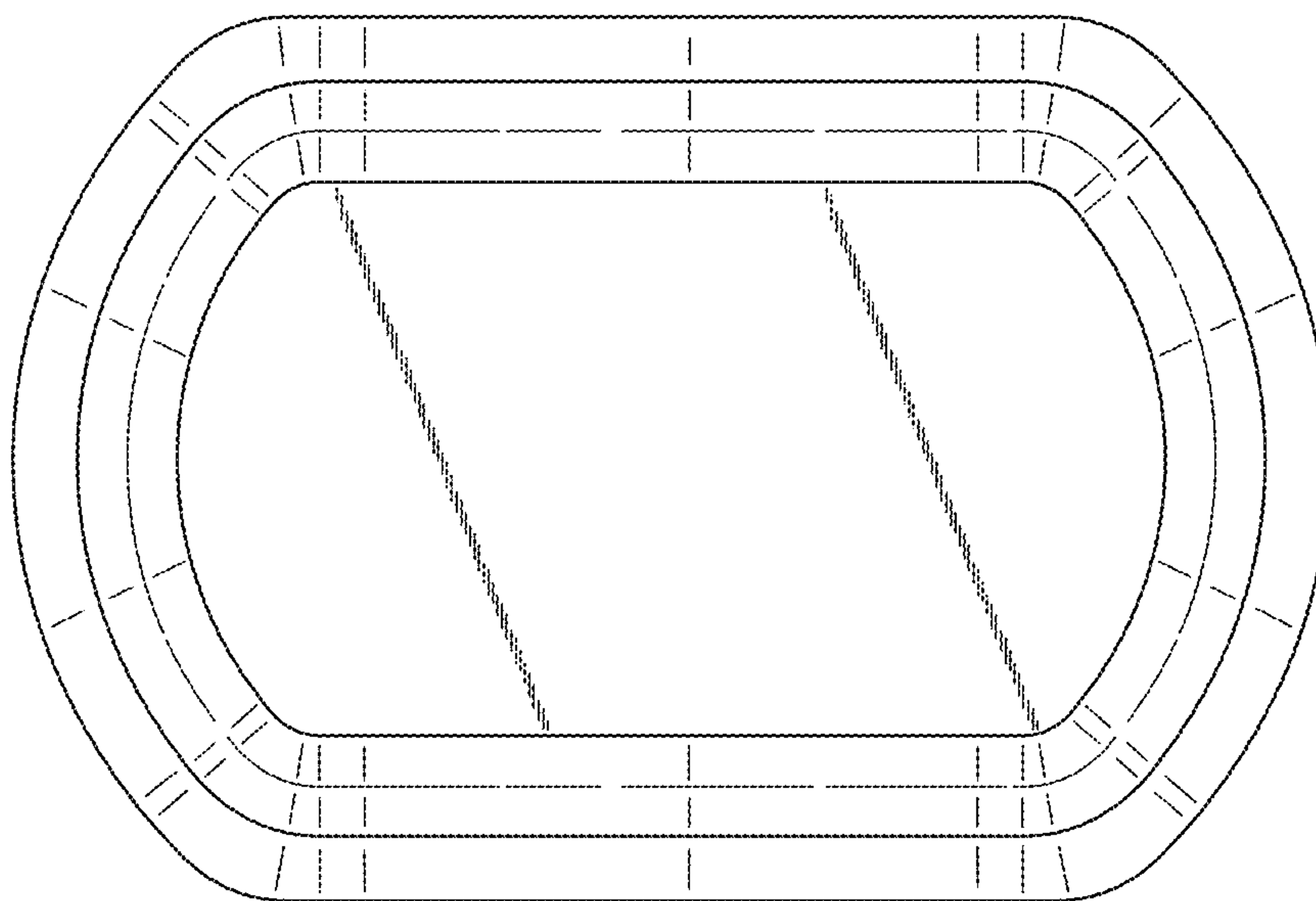
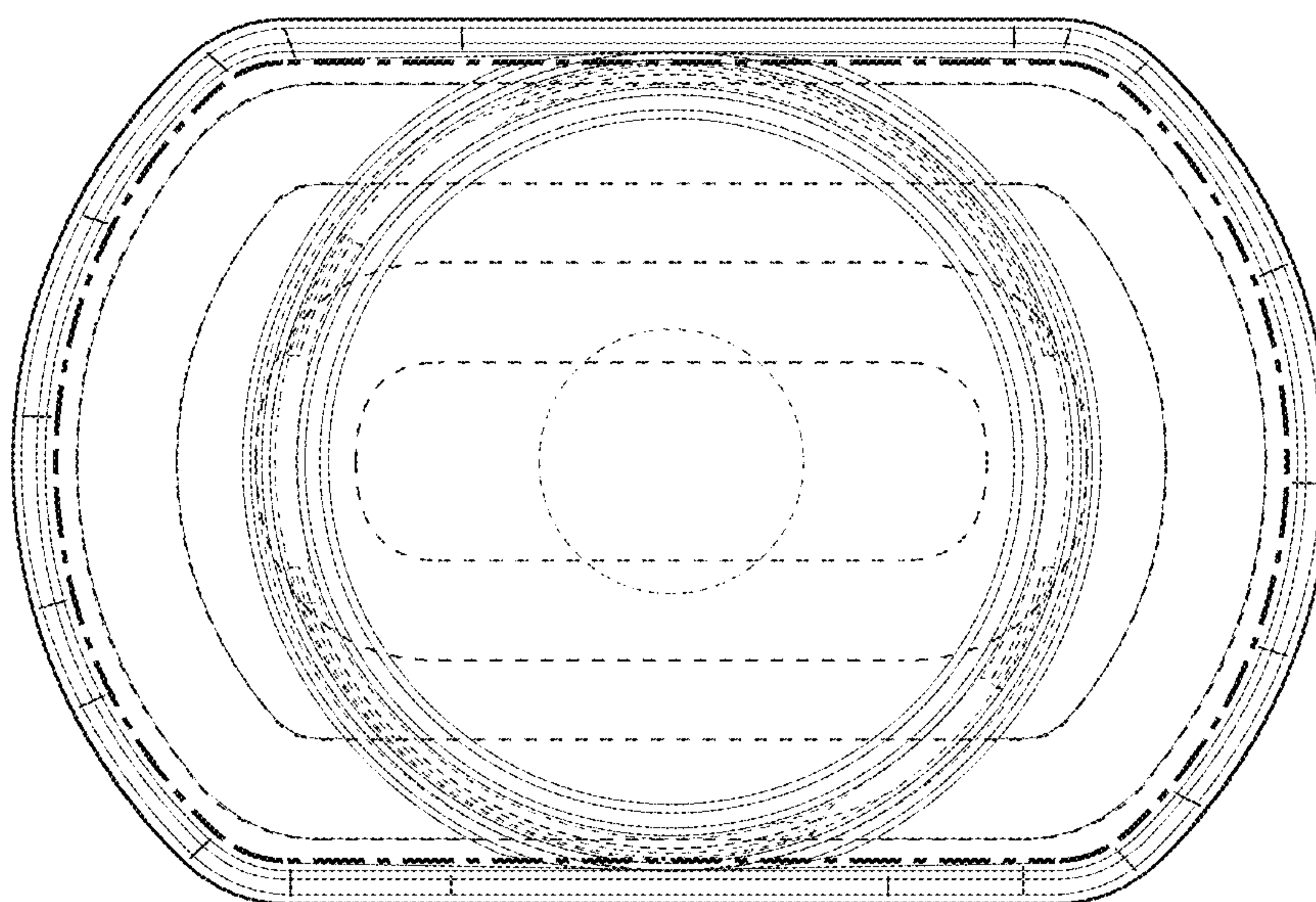


FIG. 4





**FIG. 5**



**FIG. 6**

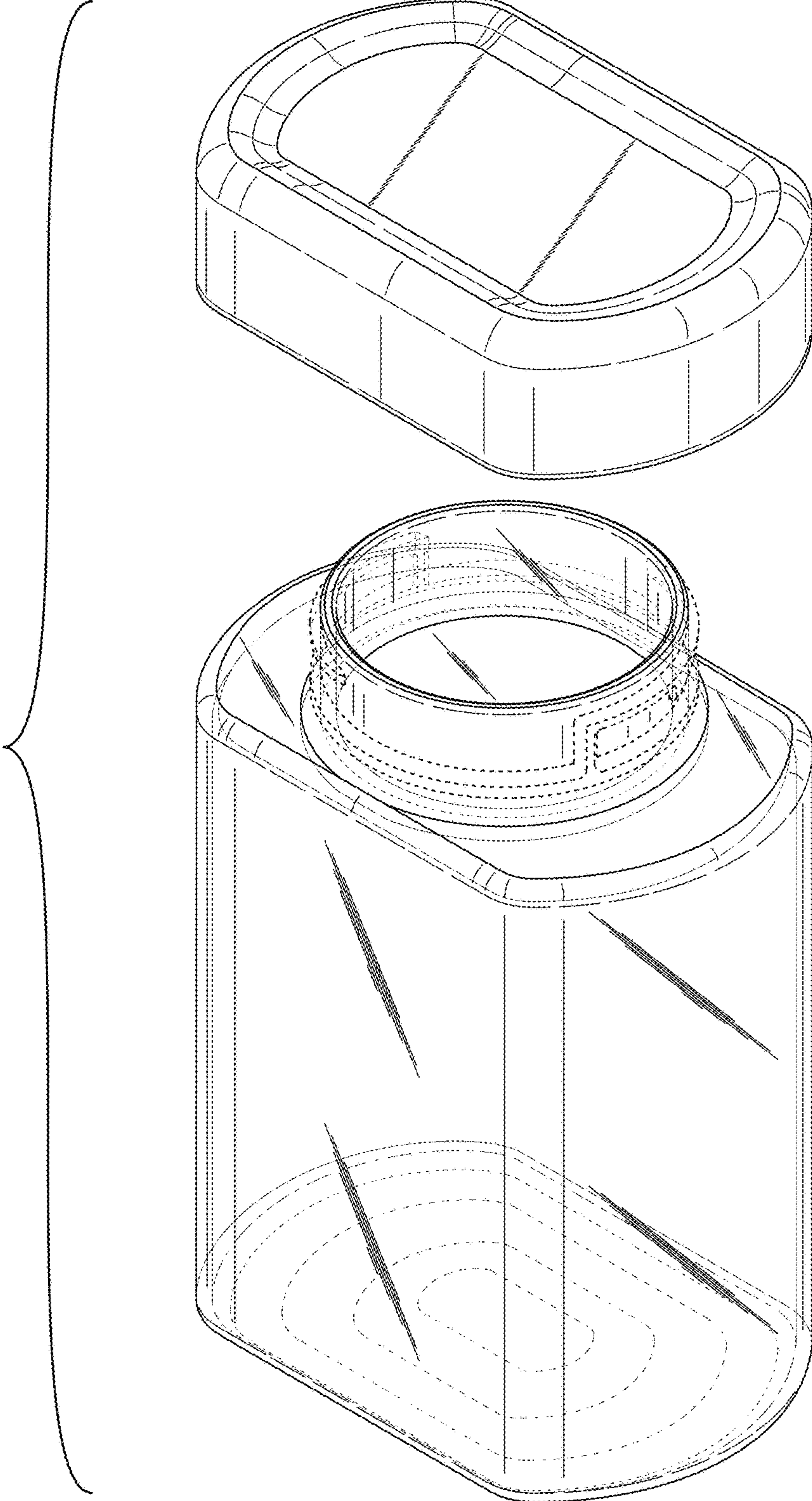


FIG. 7

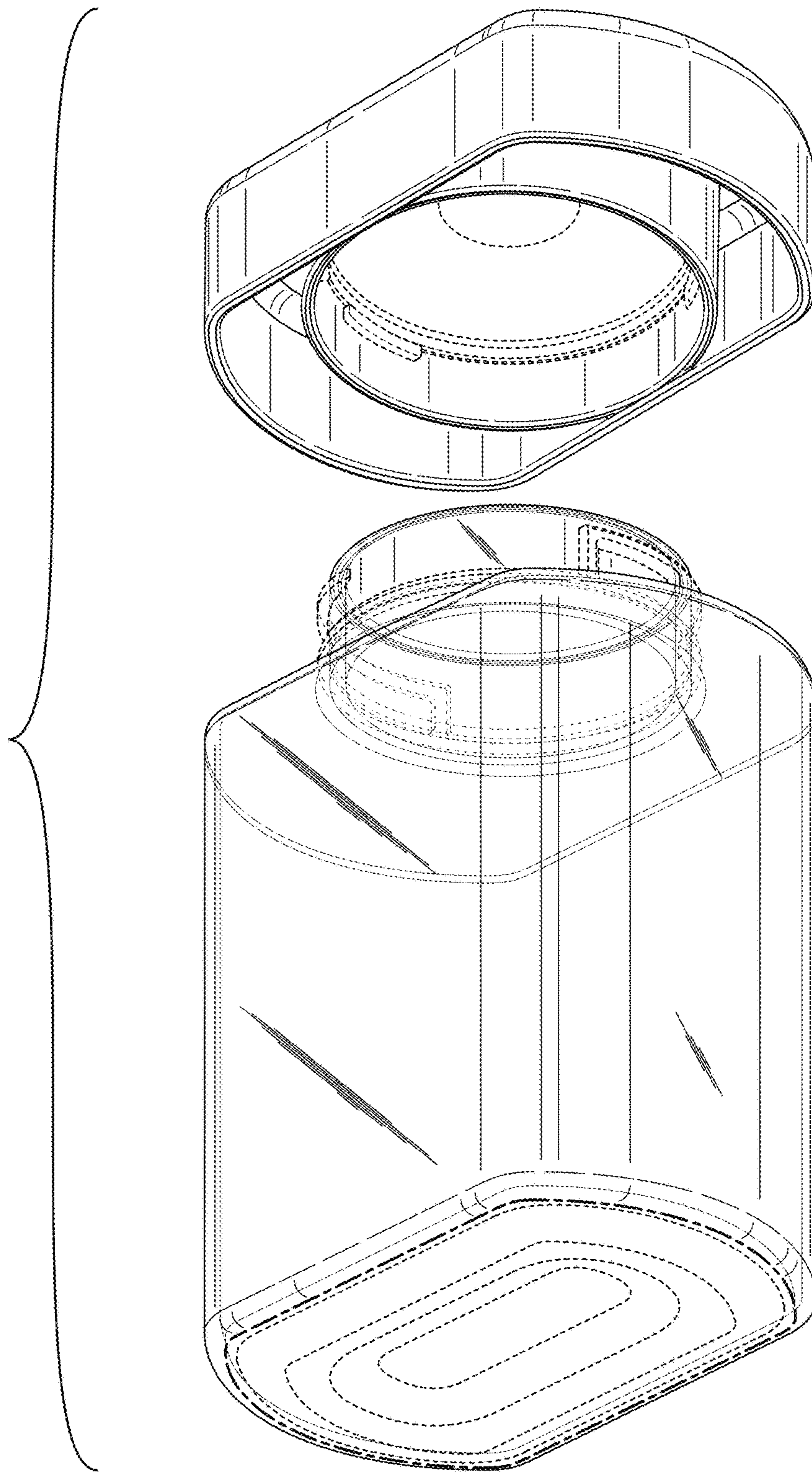


FIG. 8



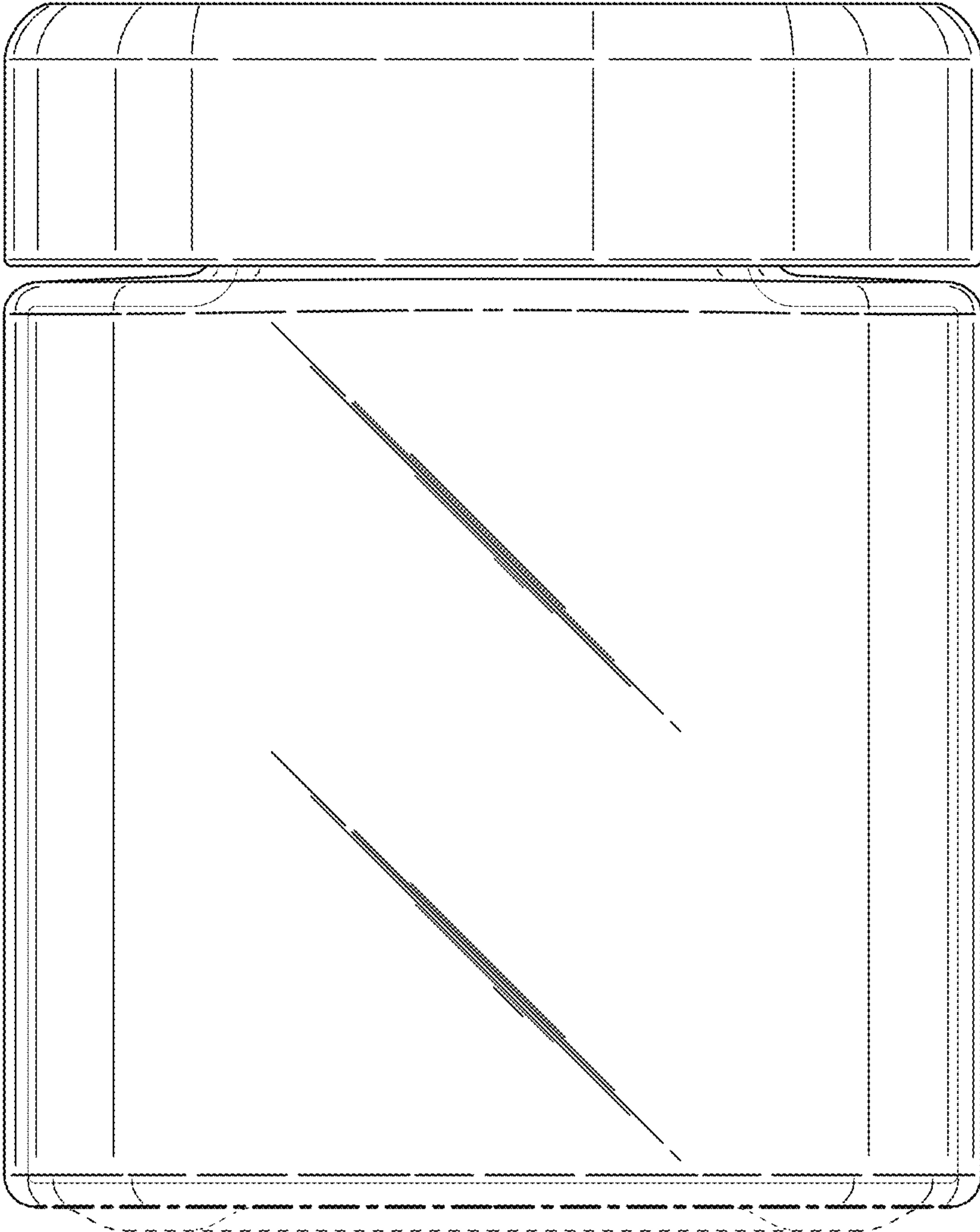


FIG. 9

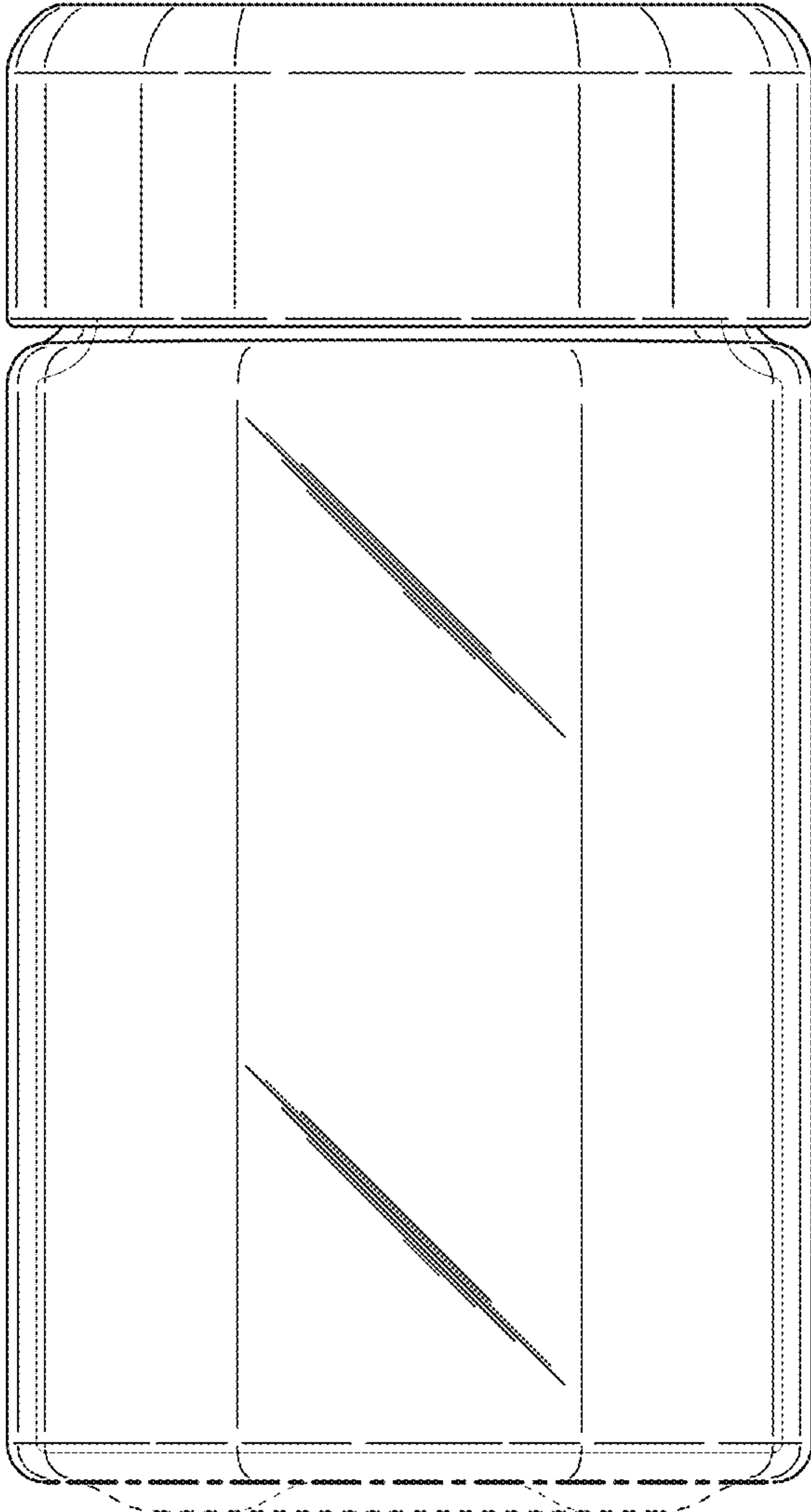
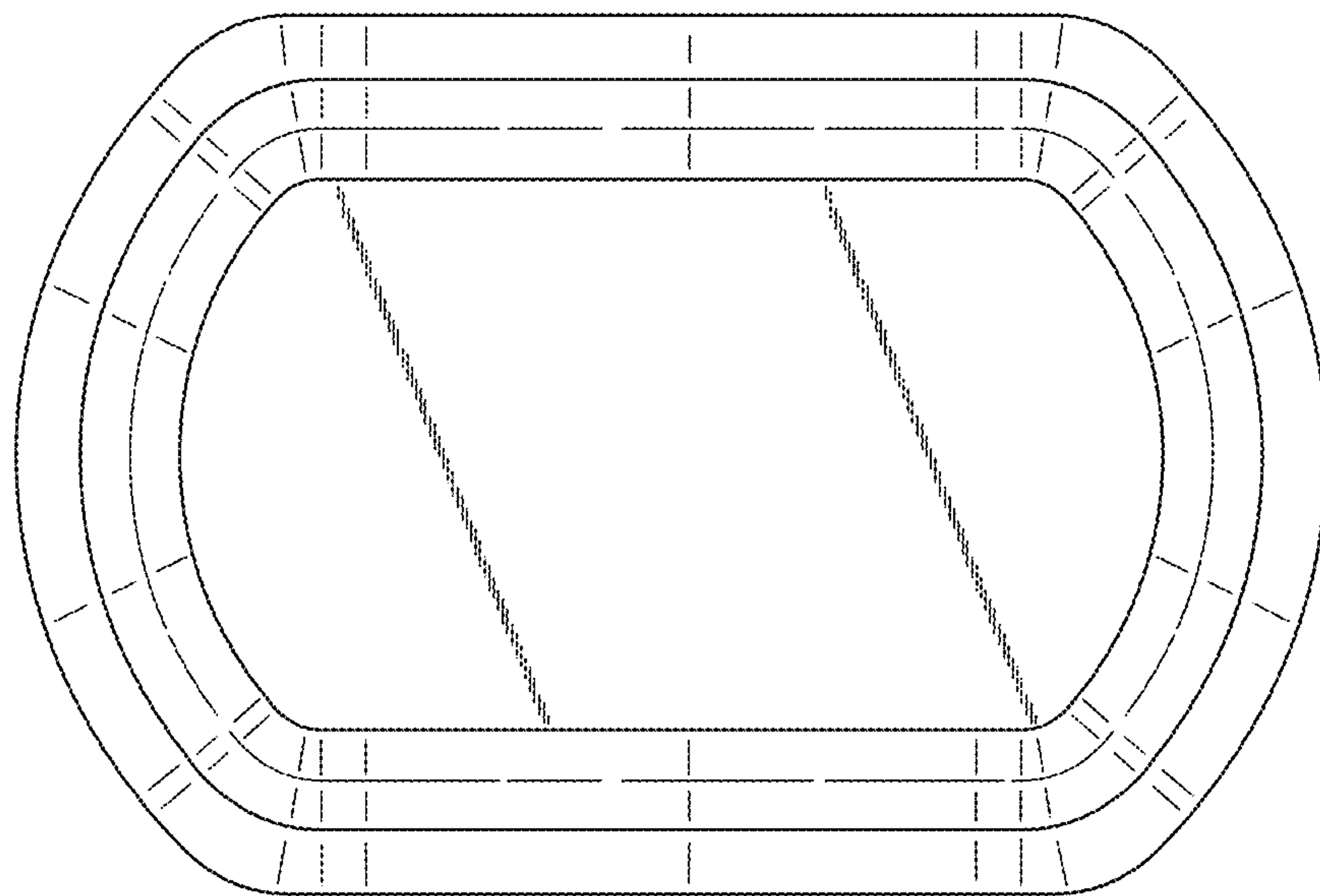
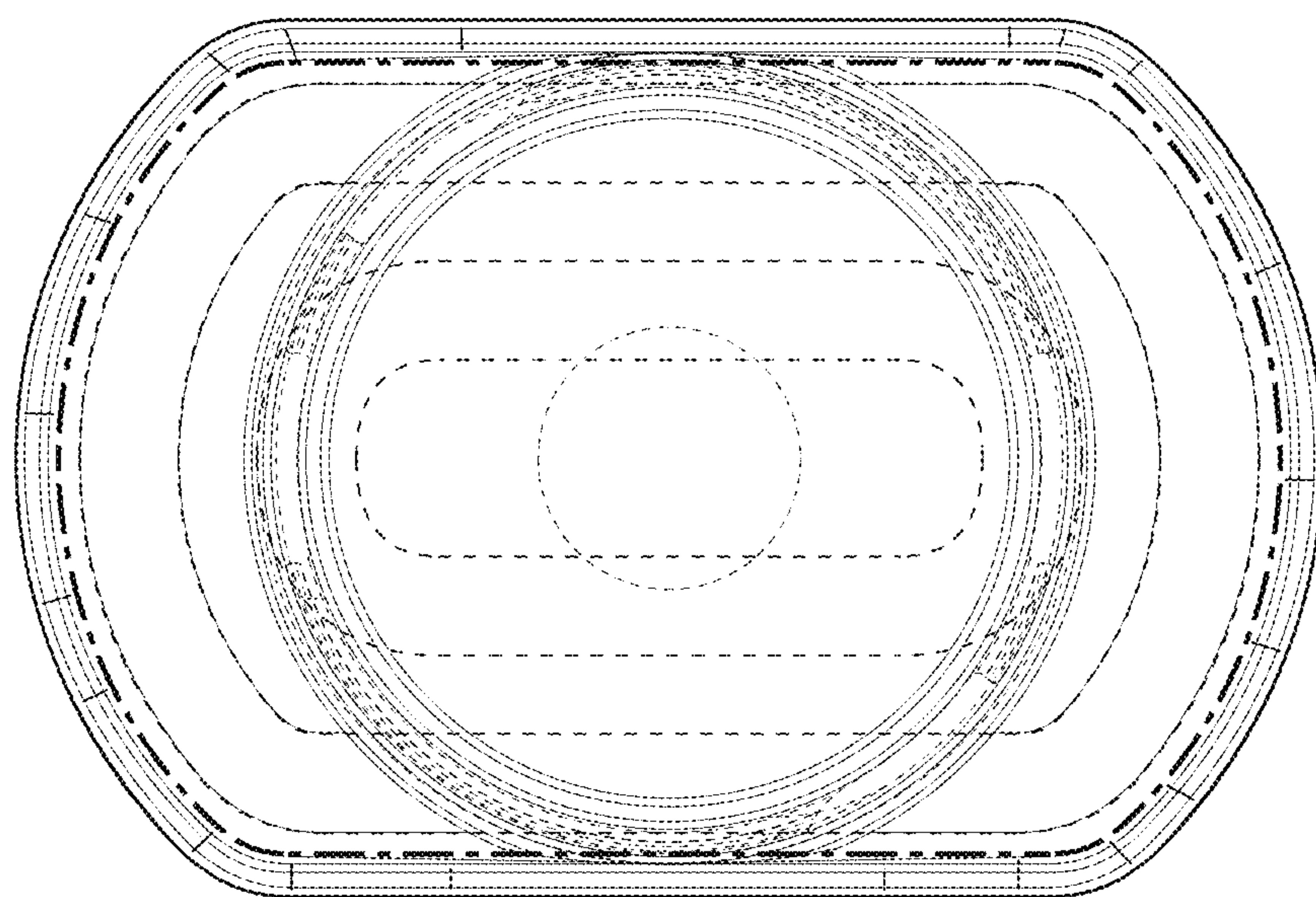


FIG. 10



**FIG. 11**



**FIG. 12**



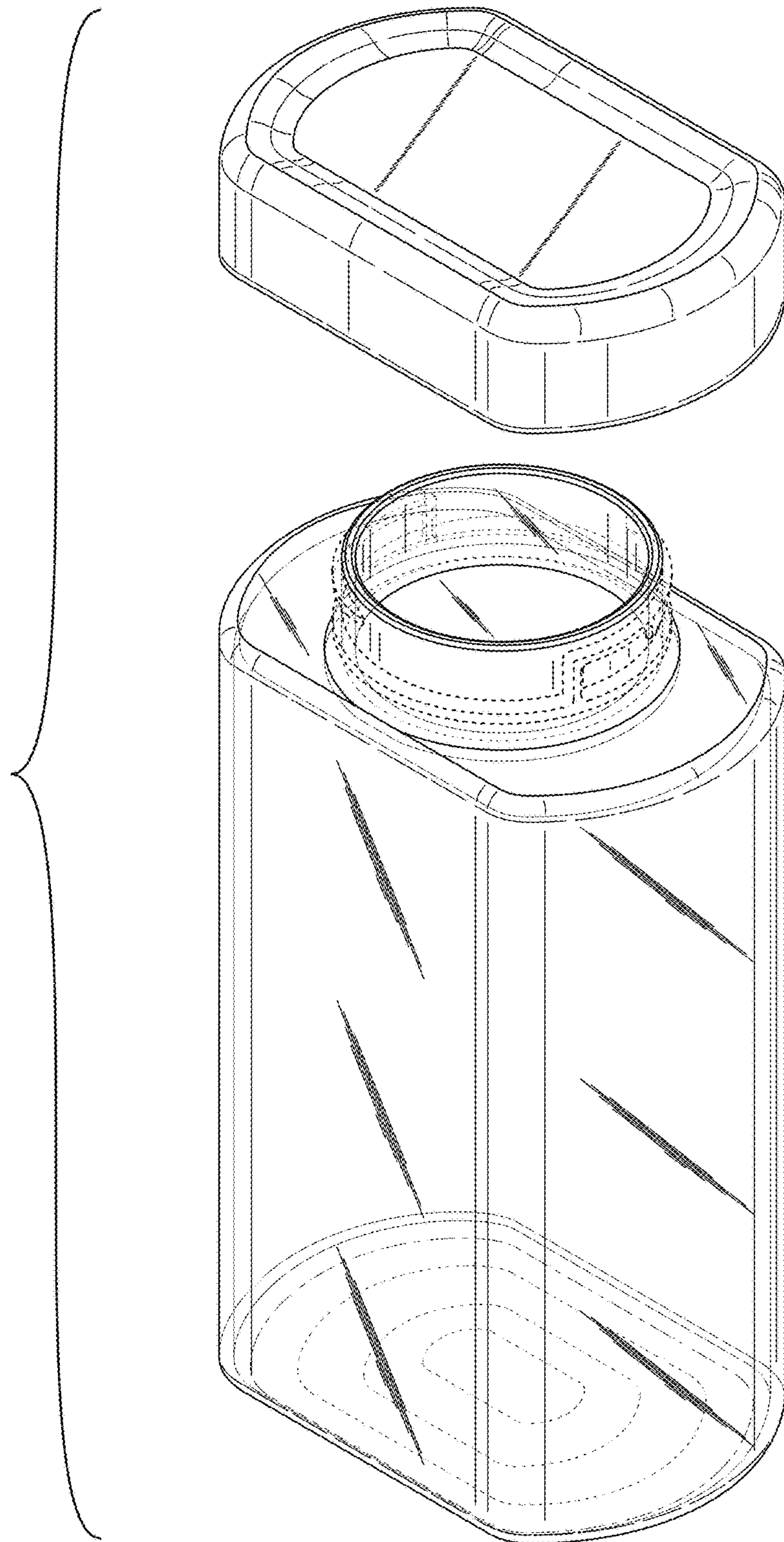


FIG. 13

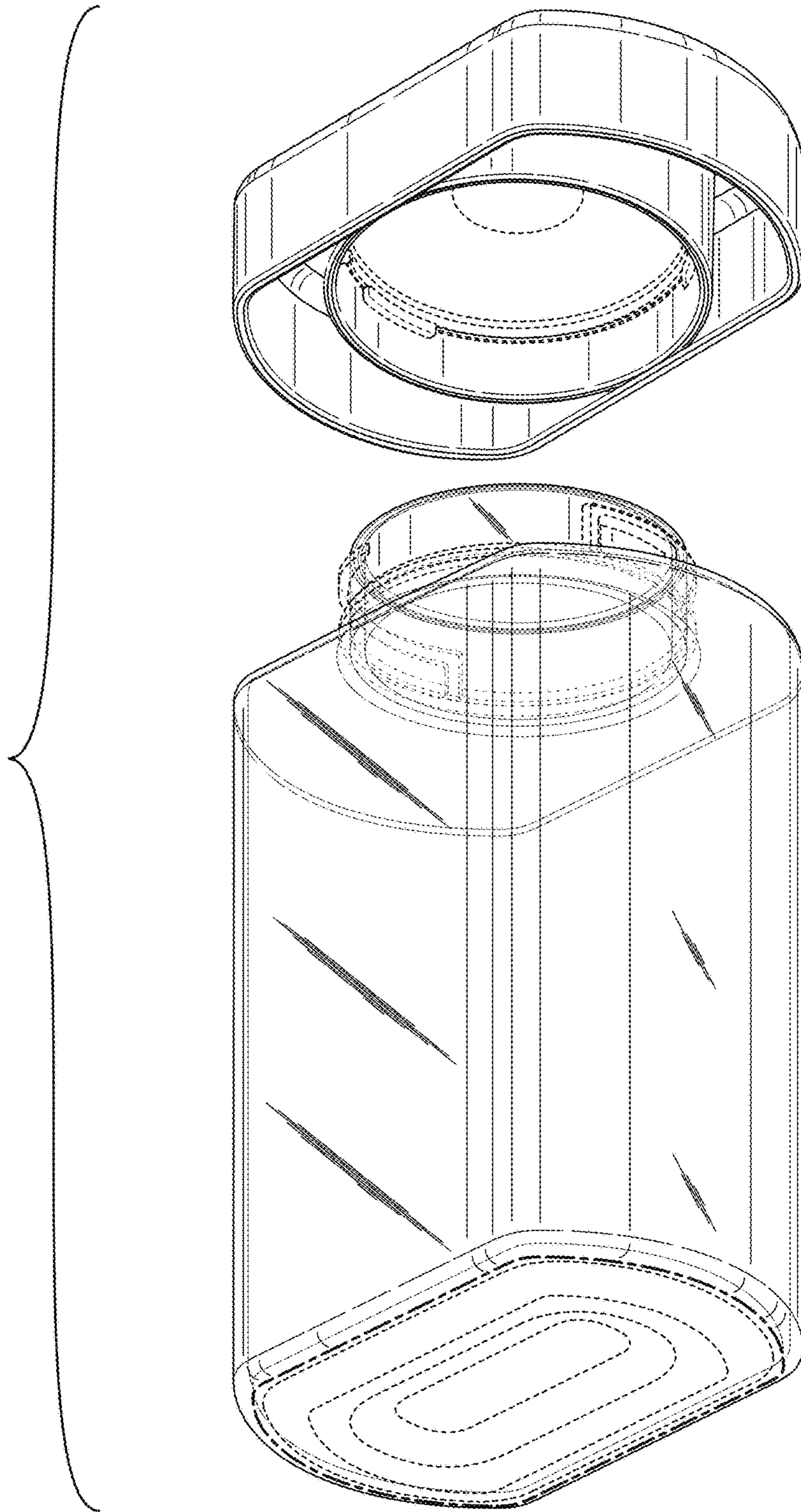


FIG. 14

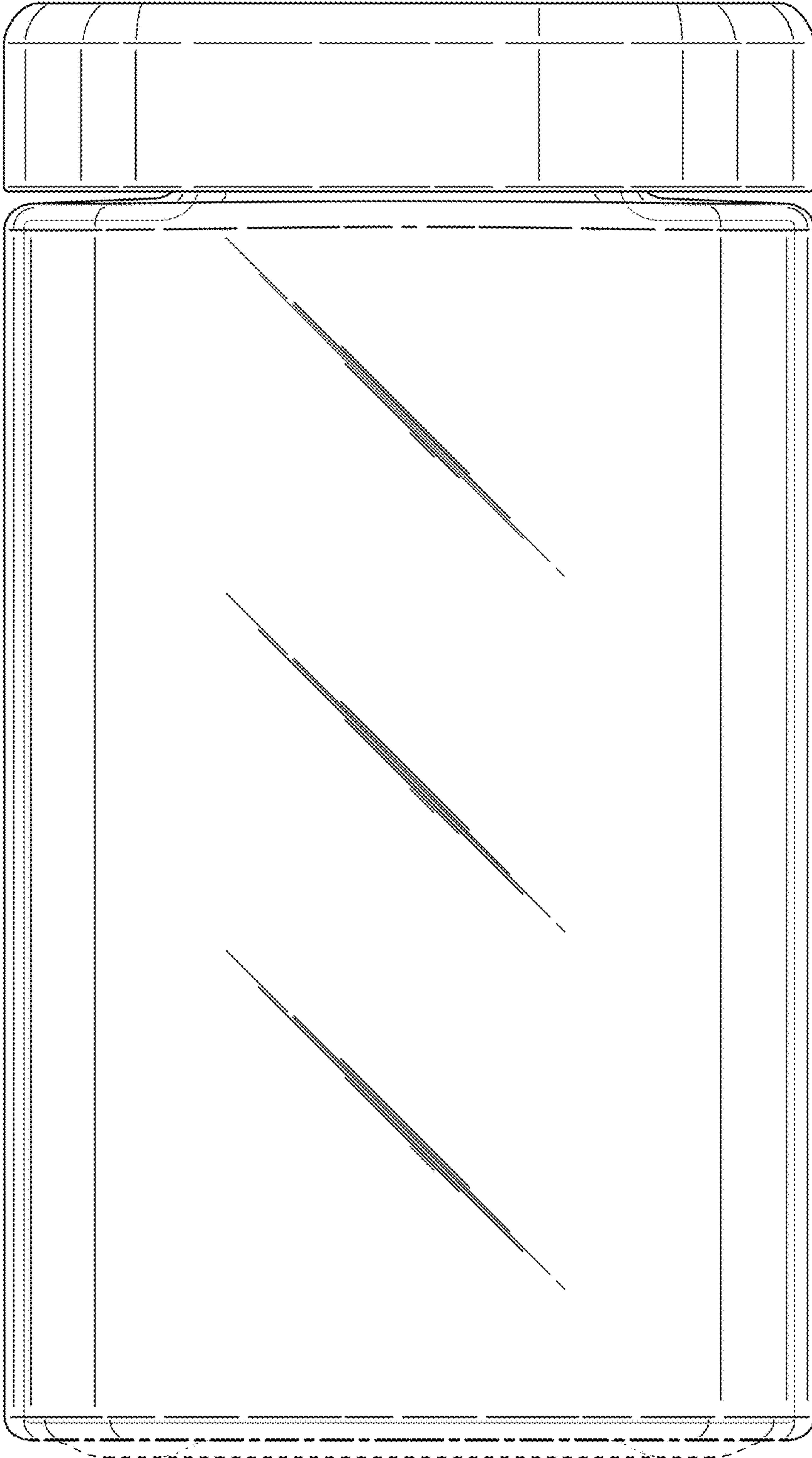


FIG. 15



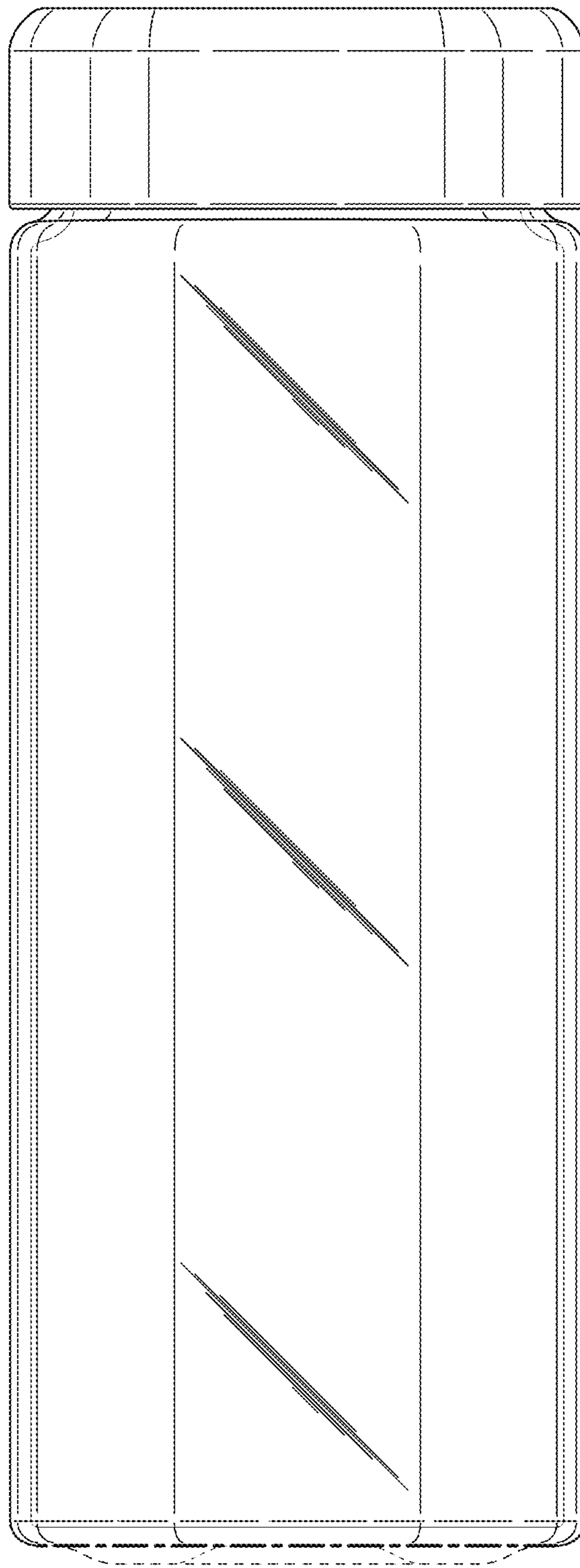
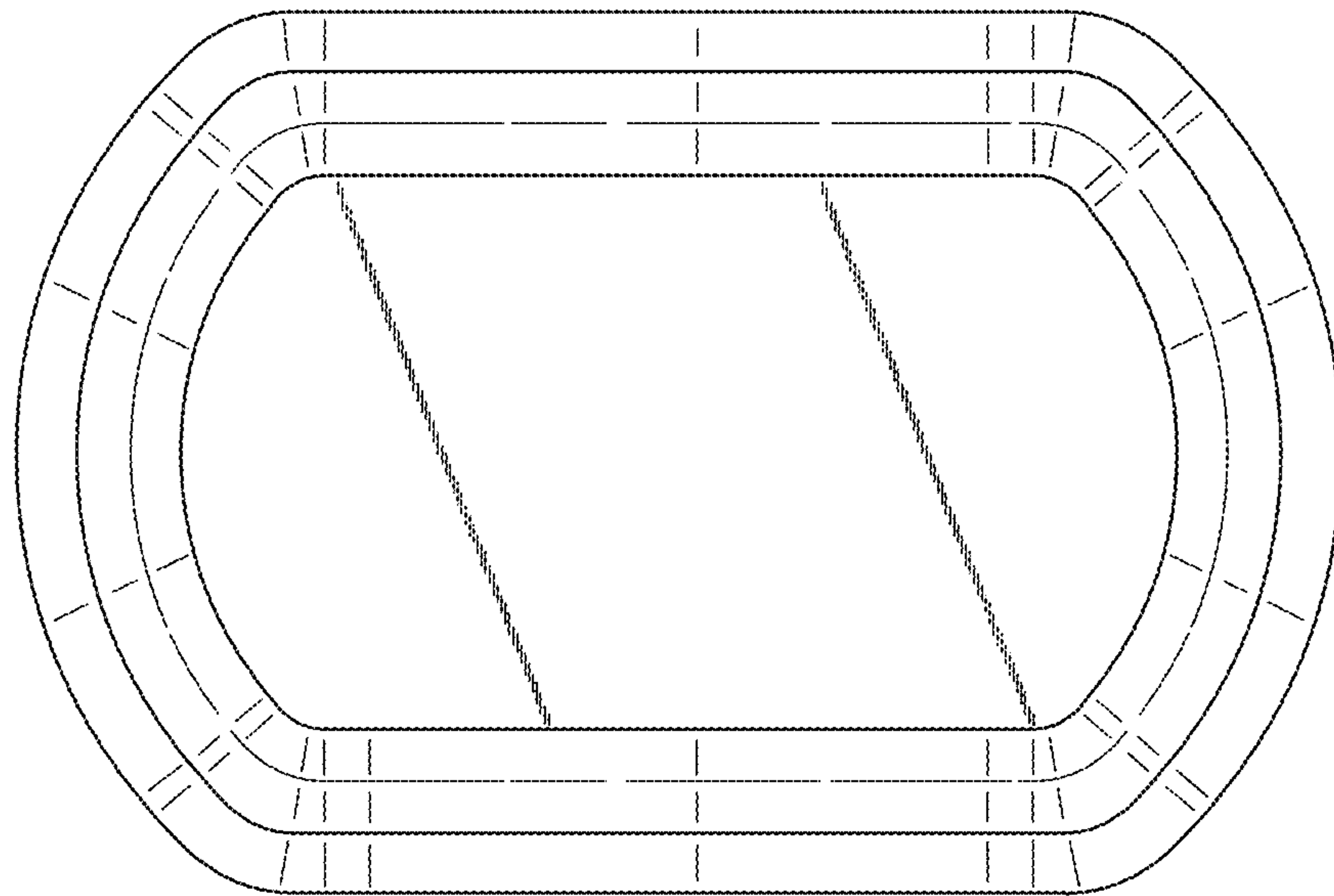
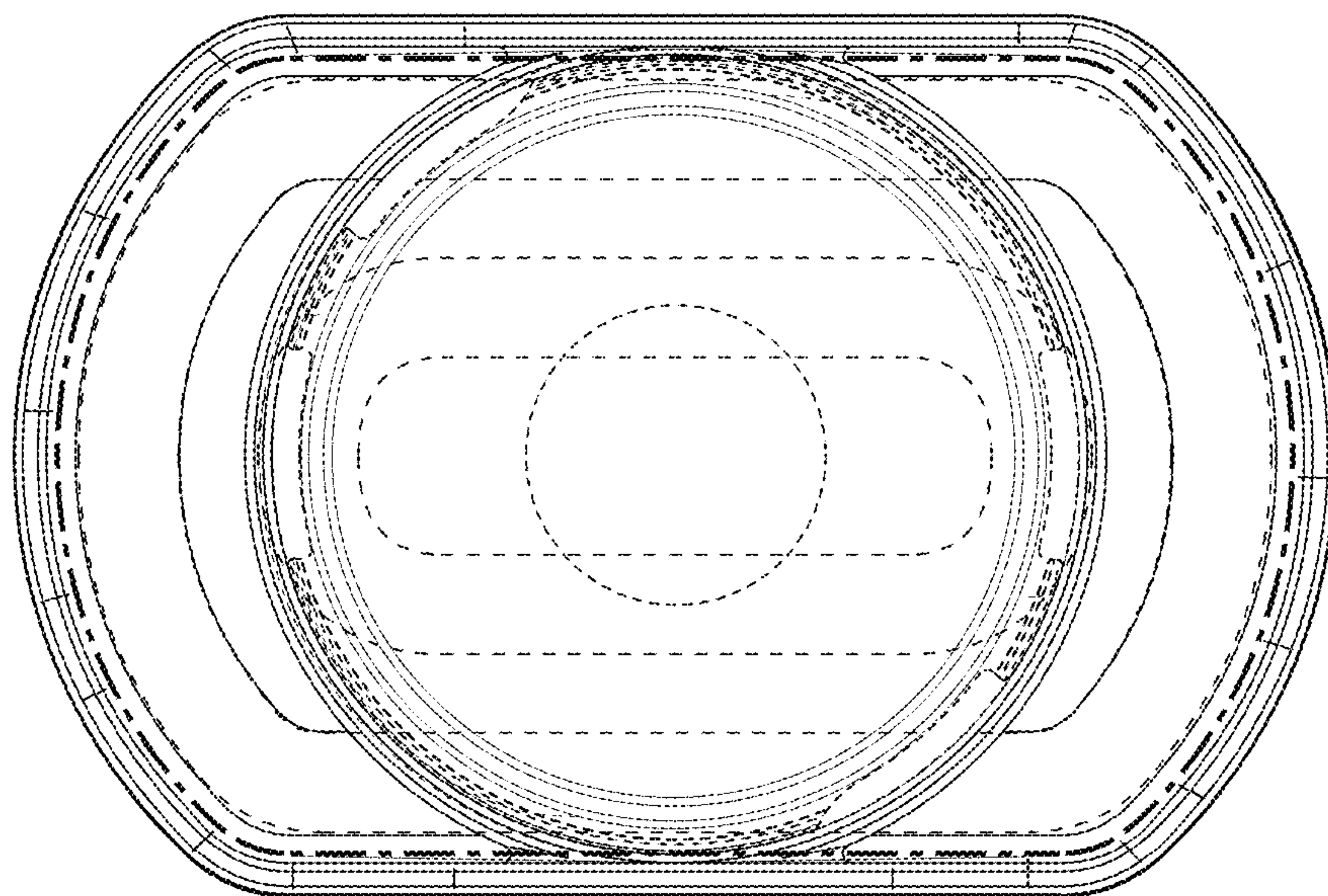


FIG. 16



**FIG. 17**



**FIG. 18**