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(12) **United States Design Patent** (10) **Patent No.:** **US D858,199 S**  
**Burns et al.** (45) **Date of Patent:** **\*\* Sep. 3, 2019**

(54) **BEVERAGE BOTTLE WITH DRINK-THROUGH CAP**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **Can't Live Without It, LLC**, New York, NY (US)

CA	2871267	A1	10/2013
CA	2883417	A1	9/2015
CN	304640070	S	5/2018

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OTHER PUBLICATIONS

S'well Commuter Lid: Site Visited Dec. 19, 2018. Available from Internet URL: <https://www.swellbottle.com/products/swell/accessories/commuter-lid/>.\*

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(Continued)

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

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(21) Appl. No.: **29/646,842**

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(22) Filed: **May 8, 2018**

(57) **CLAIM**

The ornamental design for a beverage bottle with drink-through cap, as shown and described.

**Related U.S. Application Data**

**DESCRIPTION**

(62) Division of application No. 29/608,700, filed on Jun. 23, 2017, now Pat. No. Des. 818,312.

(51) **LOC (12) Cl.** ..... **07-01**

(52) **U.S. Cl.**  
USPC ..... **D7/511**

(58) **Field of Classification Search**  
USPC ..... D3/10, 202, 203.1; D7/300, 300.1, 509, D7/510, 511, 514, 523, 538, 540, 591, D7/598, 601, 602, 619.1; D9/516, 520, D9/525, 529, 530, 537, 548, 551, 553, D9/559

FIG. 1 is a front top perspective view of a beverage bottle with drink-through cap, showing our new design with the drink-through cap in a closed position; FIG. 2 is a front elevational view thereof; FIG. 3 is a rear elevational view thereof; FIG. 4 is a right-side elevational view thereof; FIG. 5 is a left-side elevational view thereof; FIG. 6 is a top view thereof; FIG. 7 is a bottom view thereof; FIG. 8 is a rear top perspective view thereof; FIG. 9 is a front top perspective view thereof, showing our new design with the drink-through cap in an opened position; and, FIG. 10 is a rear top perspective view thereof. The evenly broken lines are shown for the purposes of illustrating the boundaries of the claims as well as parts of the article, none of which form part of the claim.

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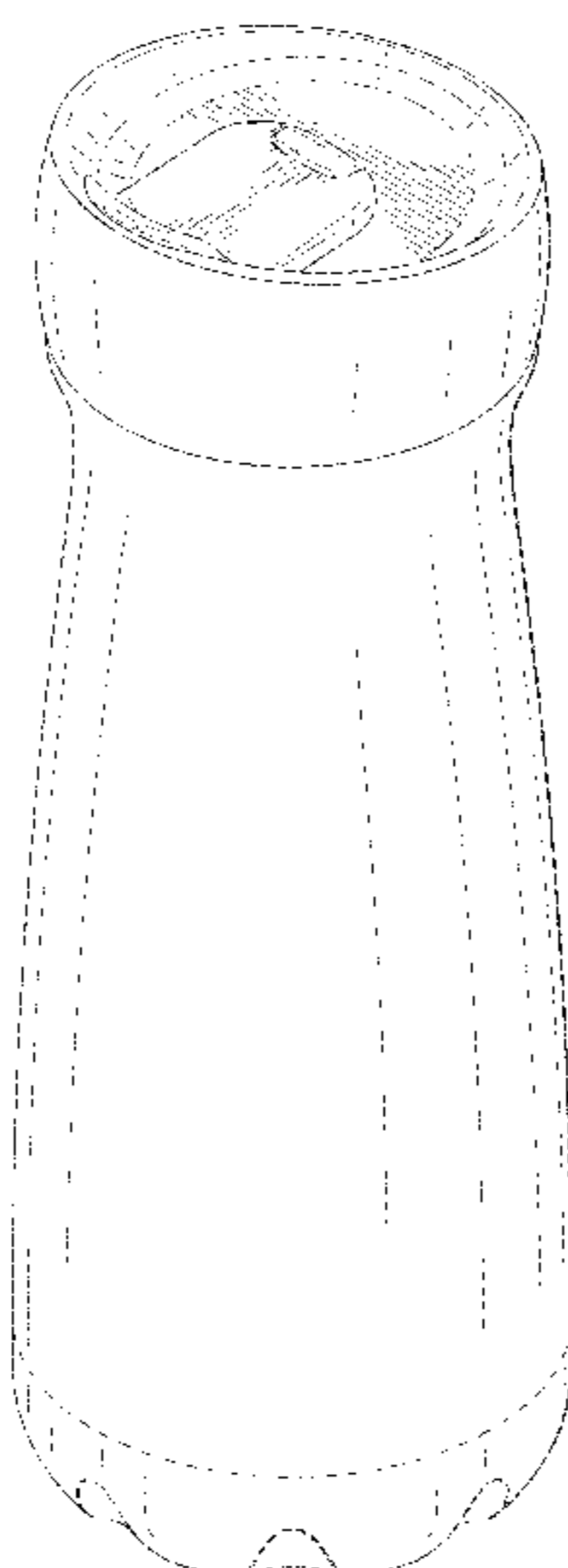
(56) **References Cited**

U.S. PATENT DOCUMENTS

D365,247 S \* 12/1995 Sokolski ..... D7/510  
D399,392 S \* 10/1998 Husted ..... D7/511

(Continued)

**1 Claim, 9 Drawing Sheets**



(58) **Field of Classification Search**

CPC .... B65D 39/00; B65D 41/0485; B65D 43/02;  
 B65D 43/22; B65D 51/18; B65D  
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 A47G 19/2272

See application file for complete search history.

(56)

**References Cited**

U.S. PATENT DOCUMENTS

D485,759 S 1/2004 Janky et al.  
 D492,157 S \* 6/2004 Bodum ..... D7/510  
 D552,926 S 10/2007 Yelland  
 D579,723 S \* 11/2008 Williams ..... D7/511  
 D587,069 S \* 2/2009 Bodum ..... D7/510  
 D604,103 S 11/2009 Alviar et al.  
 D608,140 S 1/2010 Gilbert  
 D609,970 S 2/2010 Richau et al.  
 D623,017 S 9/2010 George  
 D627,600 S 11/2010 Eyal  
 D632,132 S 2/2011 George  
 D643,245 S 8/2011 Minarsch et al.  
 D644,060 S 8/2011 Komeiji  
 D647,753 S 11/2011 Lin  
 D647,760 S 11/2011 Pearson  
 D662,354 S 6/2012 Bodum  
 D667,694 S \* 9/2012 Meyers ..... D7/510  
 D675,058 S 1/2013 Lee et al.  
 D691,416 S 10/2013 Eyal  
 D696,551 S 12/2013 Meyers et al.  
 D696,906 S 1/2014 Roth  
 D710,698 S 8/2014 Giraud et al.  
 D713,206 S 9/2014 Lane et al.  
 D715,100 S 10/2014 Eyal  
 D717,115 S 11/2014 Lane et al.  
 D721,540 S 1/2015 Grcic  
 D751,341 S 3/2016 Seiders et al.  
 D760,542 S 7/2016 Vu et al.  
 D761,618 S 7/2016 Lapsker  
 D761,624 S 7/2016 Mclean et al.  
 9,398,822 B2 \* 7/2016 Wille ..... B65D 43/0222  
 D772,651 S 11/2016 Leonard et al.  
 D779,273 S 2/2017 Lee et al.  
 D788,583 S 6/2017 Tu  
 D789,737 S 6/2017 Eyal  
 D792,155 S 7/2017 Stover  
 D794,390 S 8/2017 Boettcher  
 9,725,213 B2 8/2017 Weyrauch  
 D796,256 S 9/2017 Stover et al.  
 D804,905 S \* 12/2017 Seiders ..... D7/510  
 D806,545 S 1/2018 Circosta et al.  
 D810,511 S \* 2/2018 Harrington, III ..... D7/511  
 D811,817 S \* 3/2018 Harrington, III ..... D7/510

D817,093 S \* 5/2018 Silsby ..... D7/510  
 D817,096 S \* 5/2018 Kauss ..... D7/511  
 D818,312 S 5/2018 Burns et al.  
 D826,641 S \* 8/2018 Nickley ..... D7/510  
 D830,127 S \* 10/2018 Rohe ..... D7/510  
 2013/0140309 A1 6/2013 George  
 2014/0263476 A1 \* 9/2014 Blain ..... A45F 3/18  
 222/545  
 2016/0244217 A1 8/2016 Steininger et al.  
 2016/0264312 A1 9/2016 Choltco-Devlin  
 2017/0101231 A1 4/2017 George  
 2017/0253392 A1 9/2017 Bann  
 2017/0253396 A1 9/2017 Coon et al.  
 2017/0273484 A1 9/2017 Spivey et al.  
 2017/0354279 A1 \* 12/2017 Lohn ..... A47G 19/2272  
 2018/0244441 A1 \* 8/2018 Wodka ..... B65D 47/249  
 2018/0332987 A1 \* 11/2018 Lin ..... A47G 19/2272

OTHER PUBLICATIONS

S'well Teakwood Commuter Cup: Site Visited Dec. 19, 2018.  
 Available from Internet URL: <https://www.swellbottle.com/products/collections/wood/teakwood-commuter/>.  
 Pinterest.com, "Explore Water Bottles, Flip, and more!" Tritan 750 mi. (25 oz.) Water bottle, available online as early.  
 uoduckstore.com, "18oz O Wide Mouth Flip Lid Fifty Fifty Bottle".  
 aliexpress.com, "Spill Splash Proof Top Cap Cover Lid".  
 Rediff.com, "Probott Stainless Steel Vacuum Sports Bottle Pb354".  
 Amazon.com, "Hydro Flask Double Wall Vacuum Insulated Stainless Steel Water Bottle," Jun. 20, 2017, 7 pages.  
 Tiger photo.  
 Ioncinbottle.en.alibaba.com, "Aiiibaba Flip Caps".  
 Bodum Travel Mug.  
 Generic Flip Cap Pattern.  
 Longplay Series.  
 Mizu Flip Cap.  
 Rove-flip Walgreens.  
 Starbucks Flip Cap.  
 Starbucks Flip Generic.  
 Hydro Flip.  
 Notice of Allowance for U.S. Appl. No. 29/608,700, dated Jan. 25, 2018, 12 pages.  
 Restriction Requirement for U.S. Appl. No. 29/608,700, dated Oct. 3, 2017, 6 pages.  
 Response to Restriction Requirement for U.S. Appl. No. 29/608,700, filed Oct. 18, 2017.  
 Non-Final Office Action for U.S. Appl. No. 29/608,700, dated Oct. 3, 2017, 7 pages.  
 Aladdin tea photo.  
 Aladdin photo.  
 Mira photo.  
 Zojirushi Line Up.

\* cited by examiner

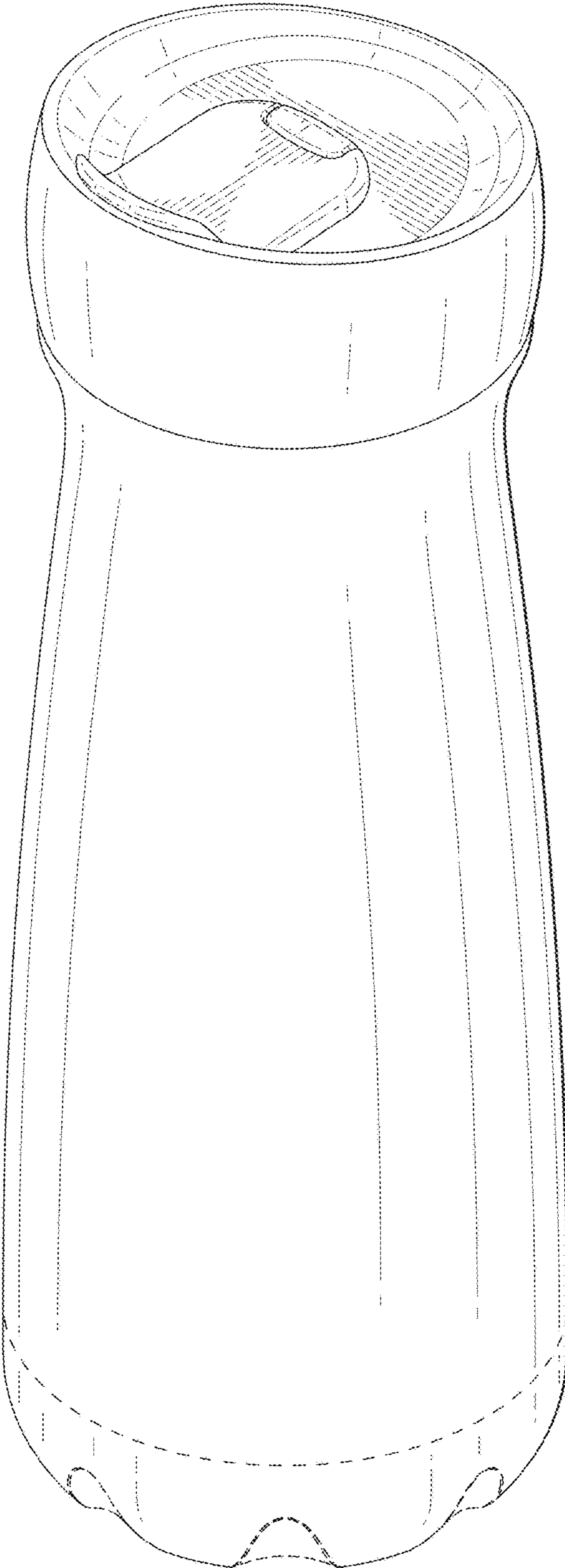


FIG. 1

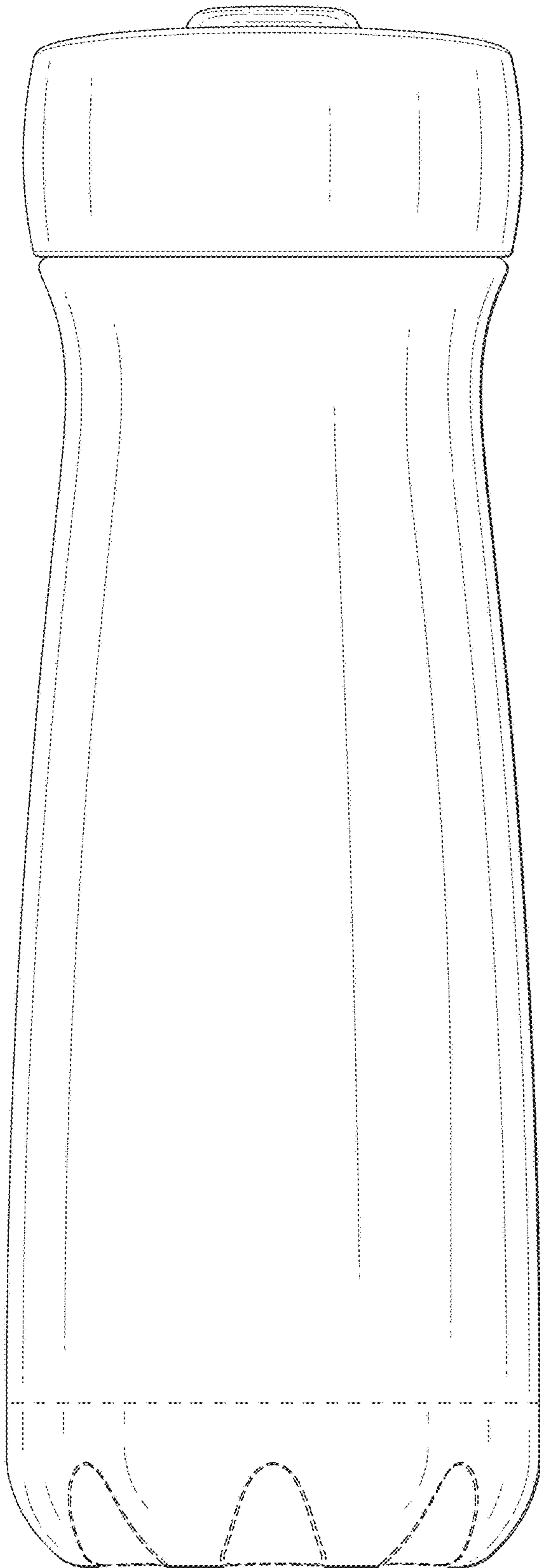


FIG. 2

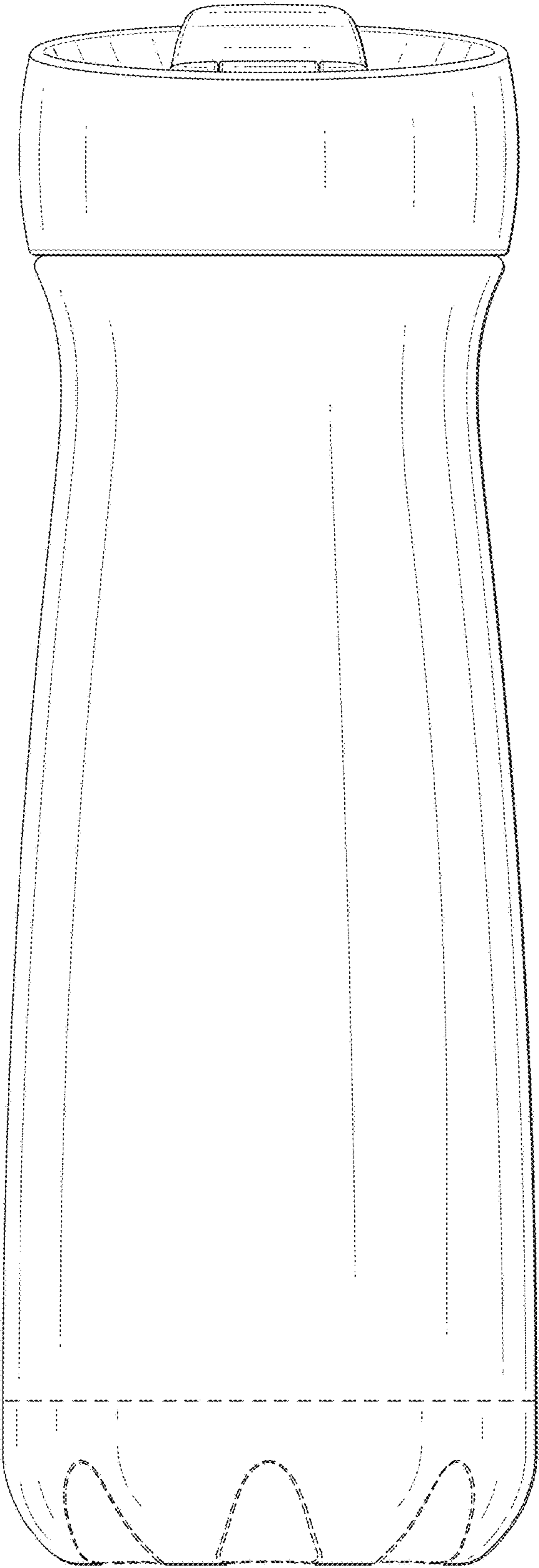


FIG. 3

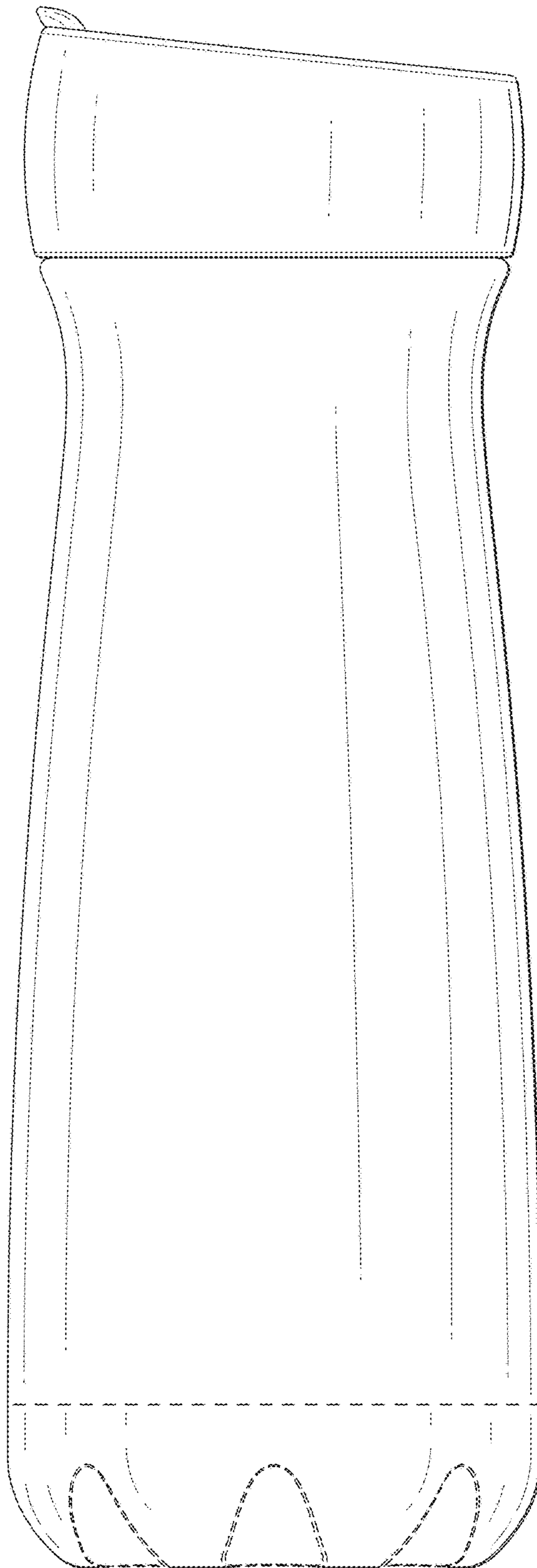


FIG. 4

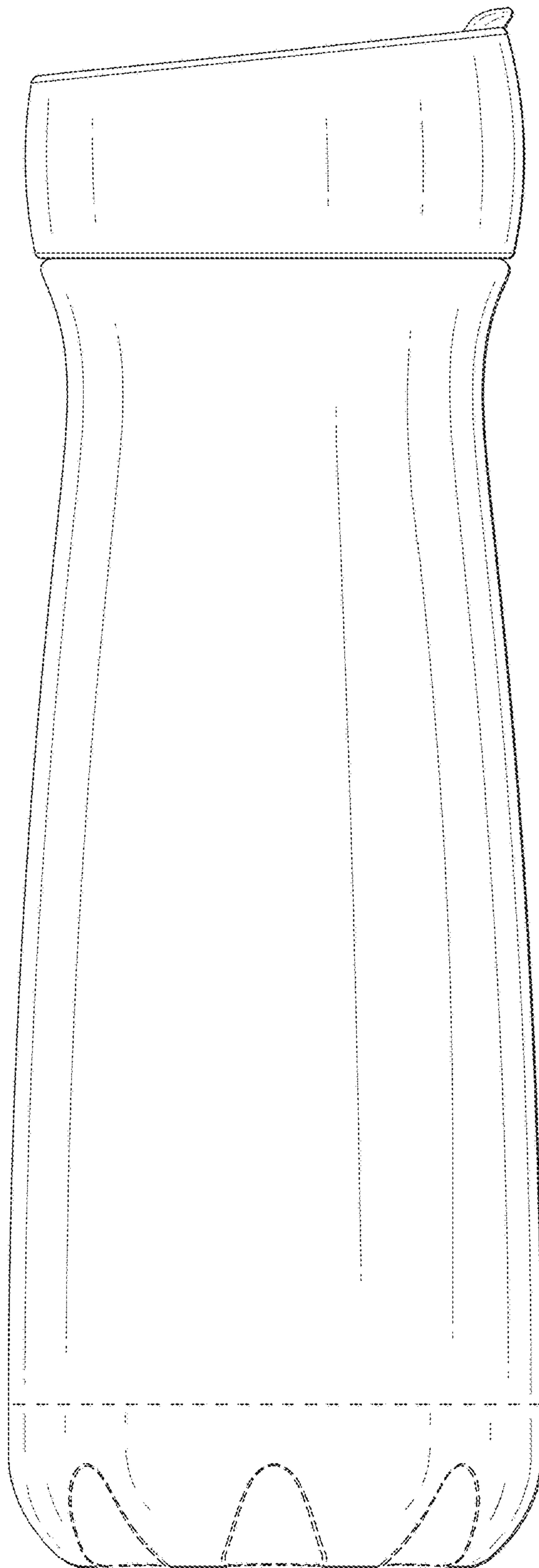


FIG. 5

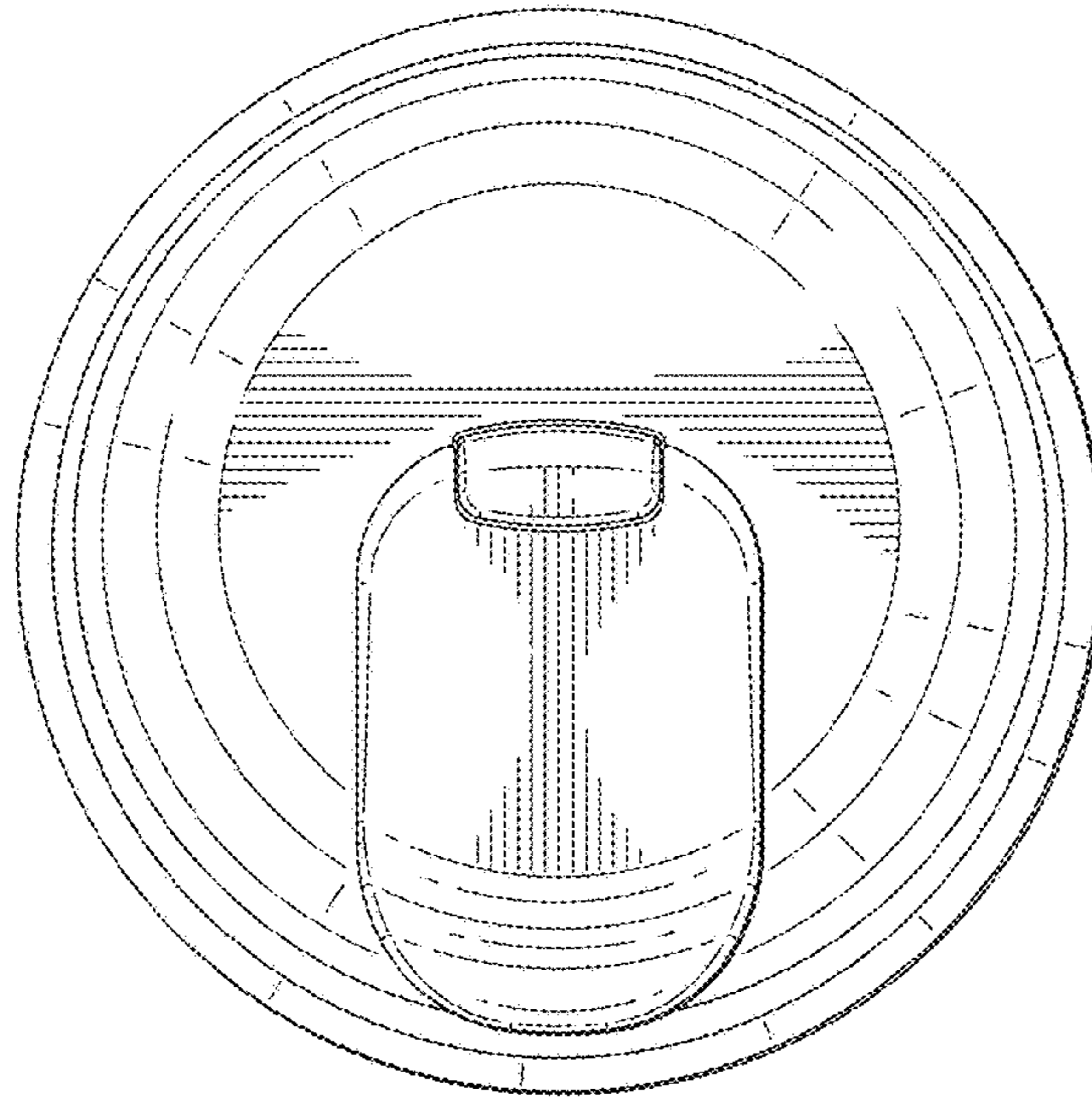


FIG. 6

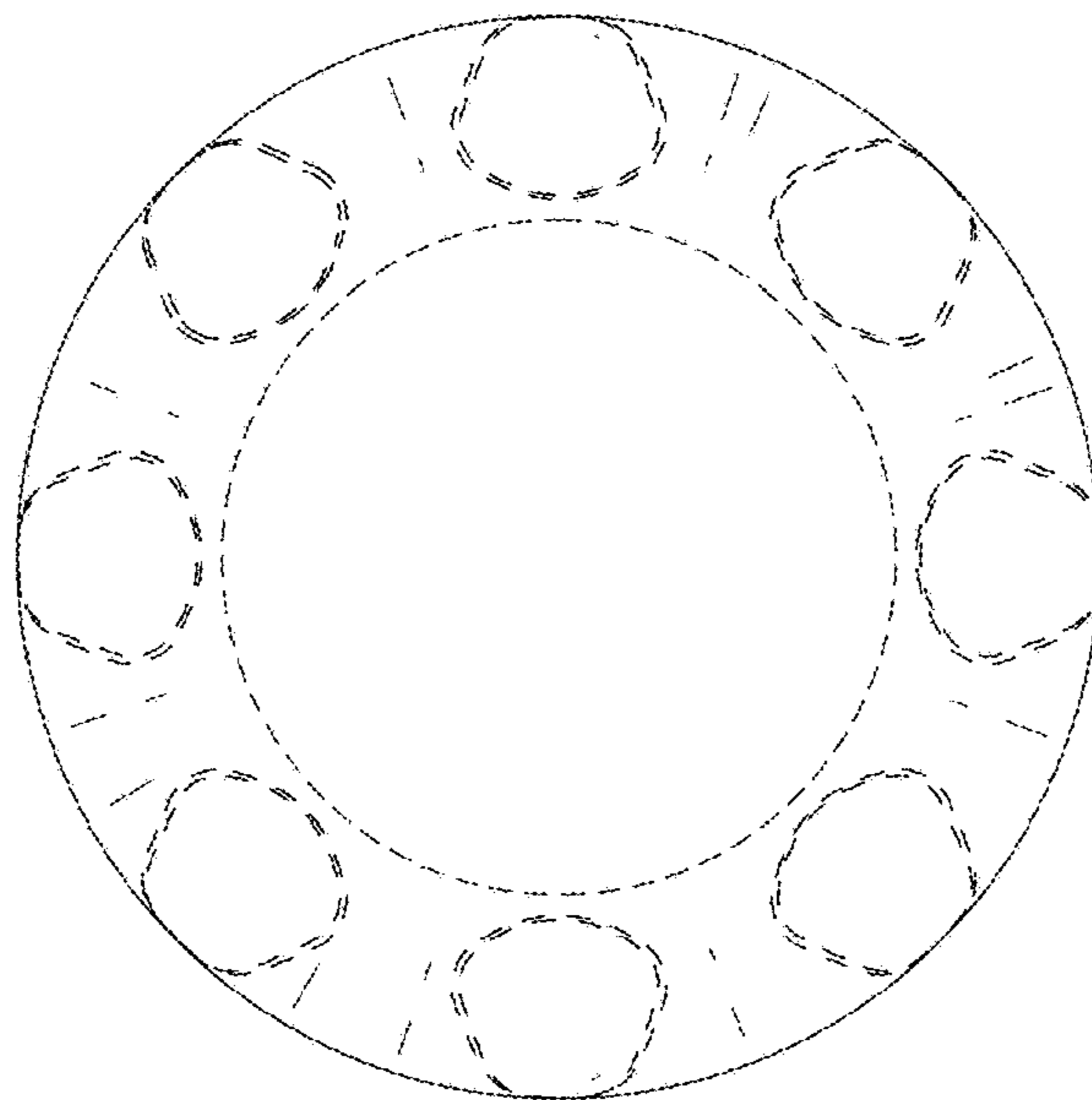


FIG. 7



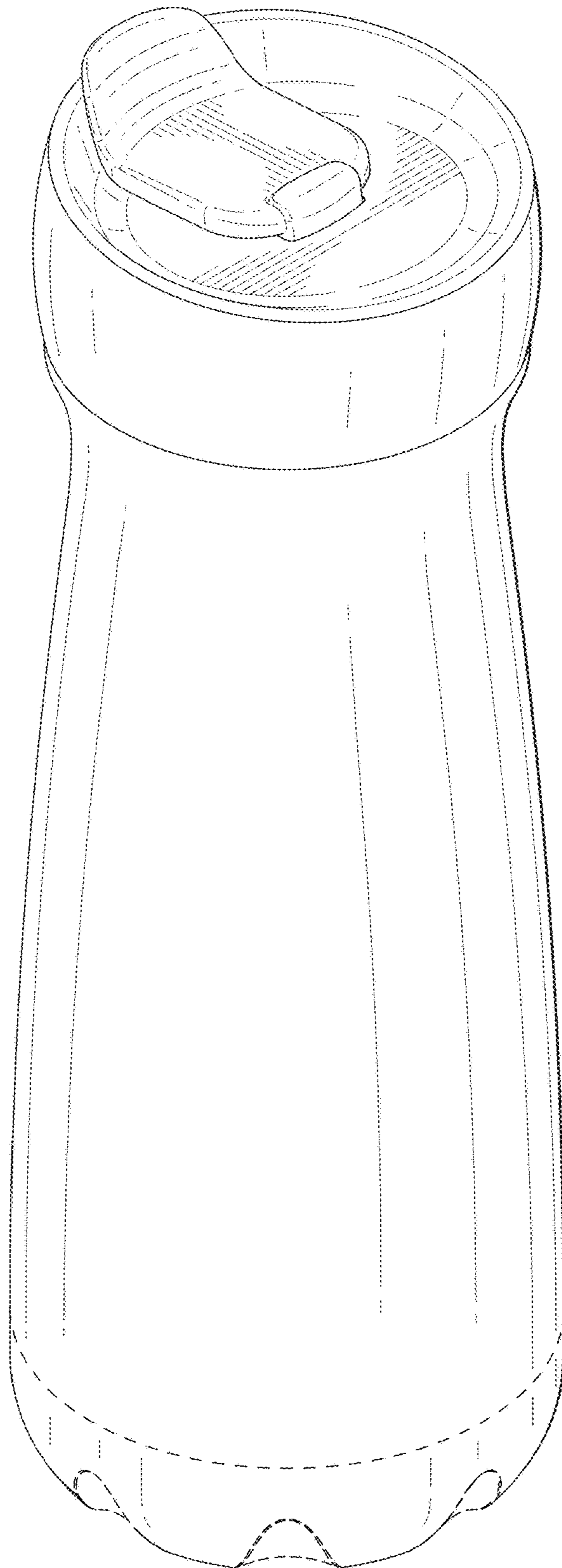


FIG. 8

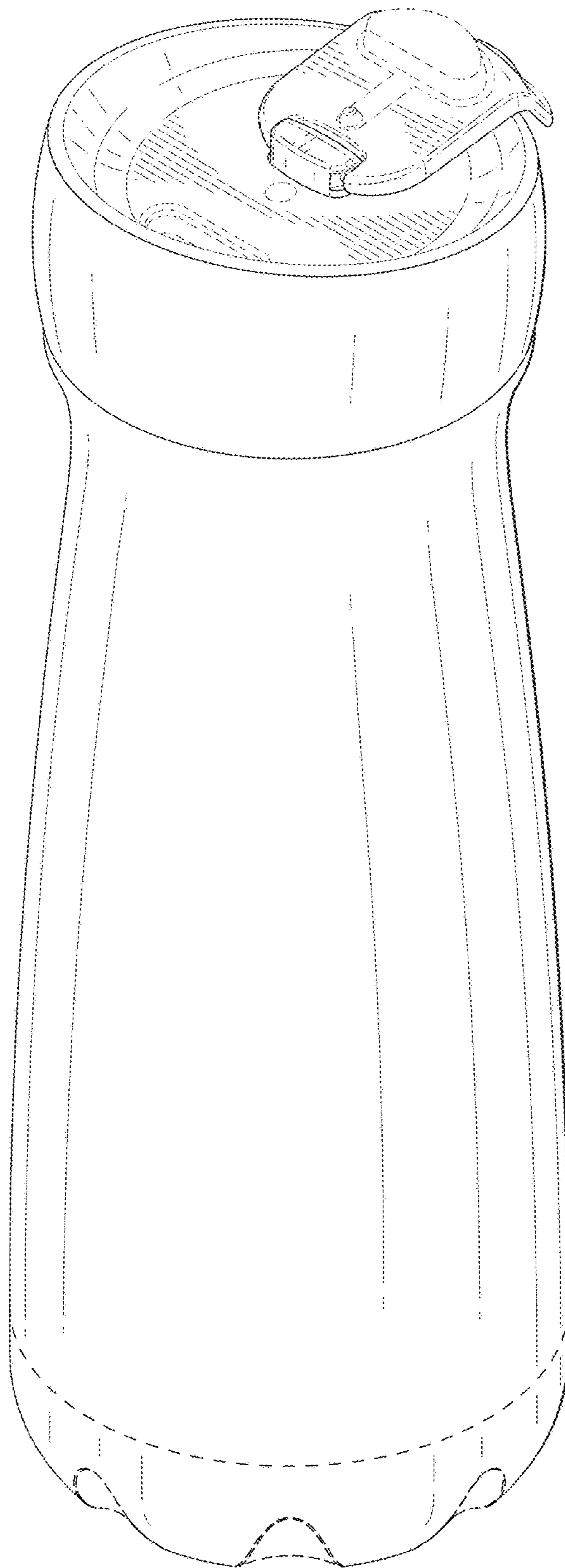


FIG. 9

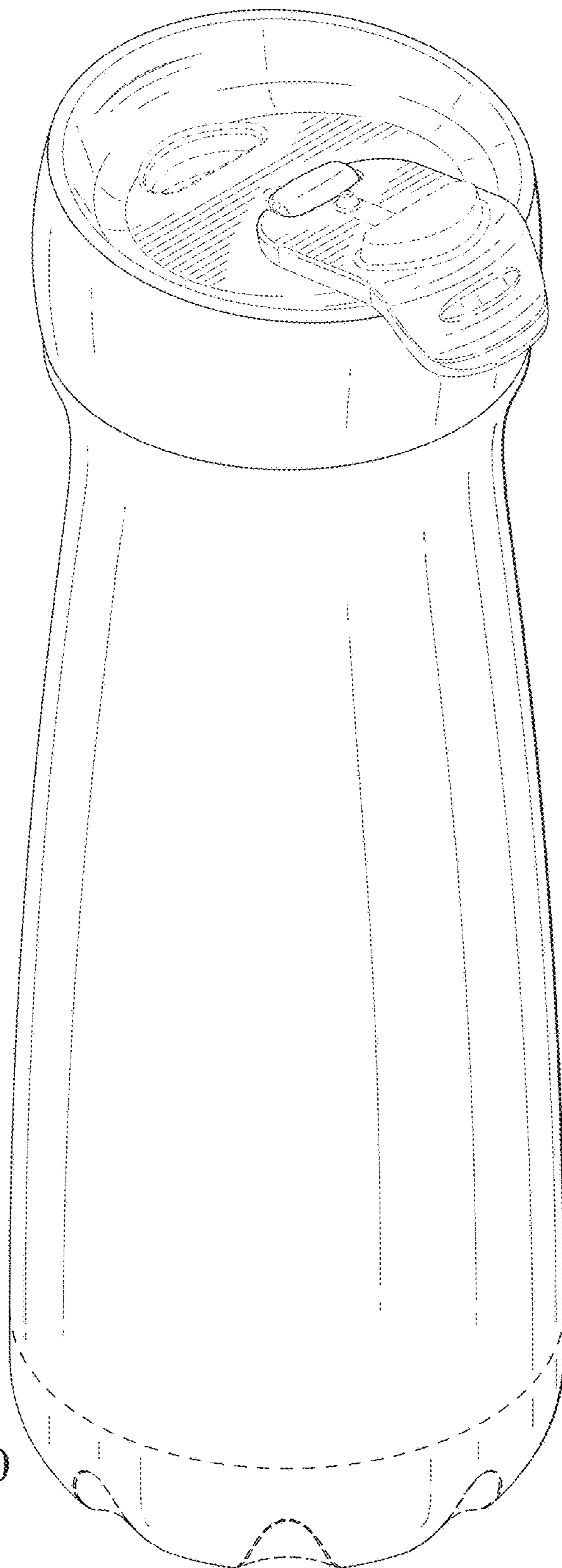


FIG. 10