

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	58822.5US02
		Application Number	
Title of Invention	Container		
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Application Information:

Title of the Invention	Container		
Attorney Docket Number	58822.5US02	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	

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For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	12762934	2010-04-19

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This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

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Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

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B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

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Applicant Information:

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Applicant	1	Remove		
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section. Clear				
Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor		
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest		
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Assignee 1				
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This Application Data Sheet must be signed by a patent practitioner if one or more of the applicants is a juristic entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, all joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint inventor-applicants.					
See 37 CFR 1.4(d) for the manner of making signatures and certifications.					
Signature	/Alan N. Herda/			Date (YYYY-MM-DD)	2020-02-25
First Name	Alan N.	Last Name	Herda	Registration Number	50426
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CONTAINER

Cross-Reference to Related Application

[0001] This application is a continuation of U.S. Application No. 12/762,934, filed on April 19, 2010, the entire disclosure of which is hereby incorporated herein by reference.

Field of the Invention

[0002] The present invention relates to containers and more particularly to a container having a body which may be formed from plastic and a lid which may be formed from metal.

Background

[0003] Containers having an easy-open-end have been used with a metal lid and container in order to provide a source of merchandising beer and soda for a number of years. These metal containers are formed from cutting metal and folding the metal to an appropriate shape. Metal however does not lend itself well to being molded, and making a new shape by designing a mold out of the sheet of metal is time-consuming and expensive. Thus, it is difficult to achieve any type of design in order to increase the desirability of the package/container with a metal container. However, the pop top lid is very popular with consumers and fairly inexpensive to purchase. Plastic containers have been molded into various shapes and may include various designs in order to increase the attractiveness of the container.

Summary

[0004] A container for storing a liquid or a solid may include a container body having a container side wall and a container bottom, and may include a container lid having an easy-open “pop-top arm” which cooperates with a weakened (scored metal) area which provides access to the interior of the container body. The container may also operate with no lid.

[0005] The container body may be formed from plastic and the container lid is formed from metal, and the container body may include a vertical or slightly angled neck. The container body may include a lip, and the bottom wall may include a center protrusion or concave shape. The bottom wall may include a depression, and the bottom wall may include a radial extending depression.

Brief Description of the Drawings

[0006] The invention may be understood by reference to the following description taken in conjunction with the accompanying drawings, in which, like reference numerals identify like elements, and in which:

[0007] Figure 1 illustrates a side view of the container body of the present invention;

[0008] Figure 2 illustrates a side view of another container body of the present invention;

[0009] Figure 3 illustrates a bottom view of the container body of the present invention;

[0010] Figure 4 illustrates a top view of the lids and container body of the present invention;

[0011] Figure 5 illustrates a section of the lid and lip of the container body of the present invention;

[0012] Figure 6 illustrates another lid for the container body of the present invention;

[0013] Figure 7 illustrates the thicknesses of the plastic sidewalls, neck, and flange of the rounded container, and the volume of the rounded container.

[0014] Figure 8 illustrates the general dimensions of the rounded container in millimeters.

[0015] Figure 9 illustrates a bottom view of the rounded container.

Detailed Description

[0016] The present invention combines the flexibility and desirability of a container body 105 which may be formed from molding plastic or other appropriate material and a

metal lid to cooperate with the container body which may include a pop top (or easy-open) lid 131 to provide access to the user of the contents of the container body.

[0017] Figure 1 illustrates a side view of the container body 105 which may include a side wall 107 which may extend radially around a periphery of the container body 105 and may include a convex side wall 107 or a concave side wall (not shown). The container body 105 may be shaped as a truncated spherical body. The container body 105 may be hollow in order to provide for a solid or liquid which may be dispensed to the user.

[0018] The distal end of the container side wall 107 may be connected to abase/bottom wall 109 in order to seal the first end of the container 105 and the proximate end of the container side wall 107 may be connected to a substantially vertical neck 101 around the periphery of the container side wall 107. An aperture 111 may extend through the vertical neck 101 in order to provide access to the liquid/solid within the container body 105. A lip 103 may extend around the periphery of the substantially vertical neck 101 in order to cooperate with the lid 113 (Not shown on Figure 1, but it is seen on Figures 4, 5, and 6) in order to provide a seal so that the liquid or solid within the container body 105 does not leak out.

[0019] The container body 105 according to the present invention may be made of an appropriate plastic/synthetic resin, typically polyethylene terephthalate (PET) resin. Alternatively, however, the container 105 may be made from polyamide resin, polycarbonate resin, polyacetal resin, polybutylene terephthalate resin or other synthetic resin having a sufficient resistance to chemicals. The container may be formed by known molding processes, such as biaxial orientation blow molding process or direct blow molding process or injection blow molding.

[0020] Figure 2 illustrates a side view of another container body 105a which may include a cylinder side wall 107a which may extend radially around a periphery of the container body 105a and may include a substantially vertical side wall 107a. The container body 105a may be hollow in order to provide for a solid or liquid which may be dispensed to the user. The distal end of the container side wall 107a may be connected

to a base/bottom wall 109 in order to seal the first end of the container 105a and the proximate end of the container side wall 107a may be connected to a substantially vertical neck 101 around the periphery of the container side wall 107. An aperture 111 may extend through the vertical neck 101 in order to provide access to the liquid/solid within the container body 105. A lip 103 may extend around the periphery of the substantially vertical neck 101 in order to cooperate with the lid 113 (not shown in Figure 2) in order to provide a seal so that the liquid or solid within the container body 105a does not leak out.

[0021] The container body of 105a may be formed from molded plastic and may be integral without seams or portions of the container body may be formed from molded plastic in sections which may be glued, welded or otherwise attached together.

[0022] The container body 105a according to the present invention may be made of an appropriate plastic/synthetic resin, typically polyethylene terephthalate (PET) resin. Alternatively, however, the container 105a may be made from polyamide resin, polycarbonate resin, polyacetal resin, polybutylene terephthalate resin or other synthetic resin having a sufficient resistance to chemicals. The container may be formed by known molding processes, such as biaxial orientation blow molding process or direct blow molding process or injection blow molding.

[0023] Figure 3 illustrates a bottom view of the container body and illustrates the container side wall 107 extending radially outwards and illustrates the bottom wall 109 which may be connected to the container side wall 107. The bottom wall 109 may include a multitude of radially extending depressions 115 which may increase in width as the radial distance from the center increases. The depression 115 may be defined by a depression side wall 117 which extends around the periphery of the depression 115. The bottom wall 109 may include a downward extending protrusion 119 which may be centered with respect to the depressions 115 and the bottom wall 109.

[0024] Figure 4 illustrates a top view of the container which may include the container body 105 and the container lid 113 which may be deformable in order to provide access to the contents of the container body 105. The container lid 113 may be

formed from metal such as steel, aluminum or other types of metals and may include a weakened (or scored) area 135 which deforms and provides an opening when the 'pull top' arm 133 which may include an aperture for a finger of the user and may be pivoted by the user. The weakened/scored area 135 may partially open to provide access to the contents of the container.

[0025] Figure 5 illustrates a side view of the container lid 103 which may extend over the vertical neck 107 and may extend around the lip 131 in order to provide a substantially watertight seal/airtight seal for the contents of the container body 105.

[0026] Figure 6 illustrates another container lid of the present invention. The container lid 613 may be formed from metal such as steel, aluminum or other types of metals and may include a weakened (or scored) area 635 which deforms and provides an opening when the 'pull tab' arm 633 which may include an aperture for a finger of the user and may be pivoted by the user. The weakened area 635 may extend substantially across the entire lid 613 to provide a full aperture lid to allow the user to add other contents to the container.

[0027] Figure 7 illustrates the thicknesses of the plastic sidewalls, neck and flange. This also illustrates the maximum volume of fluid, and the location for the "fill line" during the container filling process.

[0028] Figure 8 illustrates the general dimensions of the rounded container in millimeters (cylindrical container measurements not shown from FIG. 2).

[0029] Figure 9 illustrates the bottom view of the container.

[0030] While the invention is susceptible to various modifications and alternative forms, specific embodiments thereof have been shown by way of example in the drawings and are herein described in detail. It should be understood, however, that the description herein of specific embodiments is not intended to limit the invention to the particular forms disclosed.

Claims

What is claimed is:

1. A container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending base connected to the container side wall, wherein the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending base defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that the container side wall extends between the circular neck and the horizontally-extending base, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body;
 wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck;
 wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall;
 wherein the container body is made out of a resin;
 wherein the container body is formed using a blow molding process;
 wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base; and
 wherein the container further comprises a lid connected to the container body and covering the opening to the interior of said container body.

2. The container of claim 1, wherein the resin is a polyethylene terephthalate (PET) resin.
3. The container of claim 1, wherein the lid is made out of a metal.
4. The container of claim 3, wherein the metal is aluminum.
5. The container of 1, wherein the base comprises a bottom wall and a depression formed therein.
6. The container of claim 1 wherein the container body further comprises a lip at the end of the circular neck opposite the upper edge of said container side wall, wherein said circular neck is adjacent to the lip.
7. The container of claim 6, wherein a first portion of the lid extends on the lip of the container body; and
wherein a second portion of the lid extends horizontally and is vertically offset from the first portion of the lid so that the second portion is located vertically between the first portion of the lid and the horizontally-extending base of the container body.
8. The container of claim 7, wherein the second portion of the lid comprises a weakened or scored area.
9. The container of claim 8, wherein the lid further comprises an arm connected to the second portion of the lid, the arm comprising an aperture to facilitate pivoting of the arm by a user; and
wherein the arm is pivotable from a first position, in which the arm extends horizontally and the weakened or scored area is not deformed, to a

second position, in which the arm does not extend horizontally and the weakened or scored area is deformed to provide an opening to the interior of said container body.

10. A container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending base connected to the container side wall, wherein the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending base defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that the container side wall extends between the circular neck and the horizontally-extending base, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body;
wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck;
wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall; and
wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base.
11. The container of claim 10, wherein the container body is made out of a resin.
12. The container of claim 11, wherein the resin is a polyethylene terephthalate (PET) resin.

13. The container of claim 10, wherein the container body is formed using a blow molding process.
14. The container of claim 10, further comprising a lid connected to the container body and covering the opening to the interior of said container body.
15. The container of claim 14, wherein the lid is made out of a metal.
16. The container of claim 15, wherein the metal is aluminum.
17. The container of 10, wherein the base comprises a bottom wall and a depression formed therein.
18. The container of claim 10, wherein the container body further comprises a lip at the end of the circular neck opposite the upper edge of said container side wall, wherein said circular neck is adjacent to the lip.
19. The container of claim 18, further comprising a lid connected to the container body and covering the opening to the interior of said container body;
wherein a first portion of the lid extends on the lip of the container body; and
wherein a second portion of the lid extends horizontally and is vertically offset
from the first portion of the lid so that the second portion is located
vertically between the first portion of the lid and the horizontally-extending
base of the container body.
20. The container of claim 19, wherein the second portion of the lid comprises a weakened or scored area;

wherein the lid further comprises an arm connected to the second portion of the lid, the arm comprising an aperture to facilitate pivoting of the arm by a user;

and

wherein the arm is pivotable from a first position, in which the arm extends horizontally and the weakened or scored area is not deformed, to a second position, in which the arm does not extend horizontally and the weakened or scored area is deformed to provide an opening to the interior of said container body.

Abstract

A container for storing a liquid or a solid may include a container body having a container side wall and a container bottom and a container lid having a pop top arm to pivot and cooperate with a weakened area to provide access to the interior of the container body. The container body may be formed from plastic and the container lid is formed from metal, and the container body may include a vertical neck. The container body may include a lip, and the bottom wall may include a center protrusion. The bottom wall may include a depression, and the bottom wall may include a radial extending depression.

Container Shape

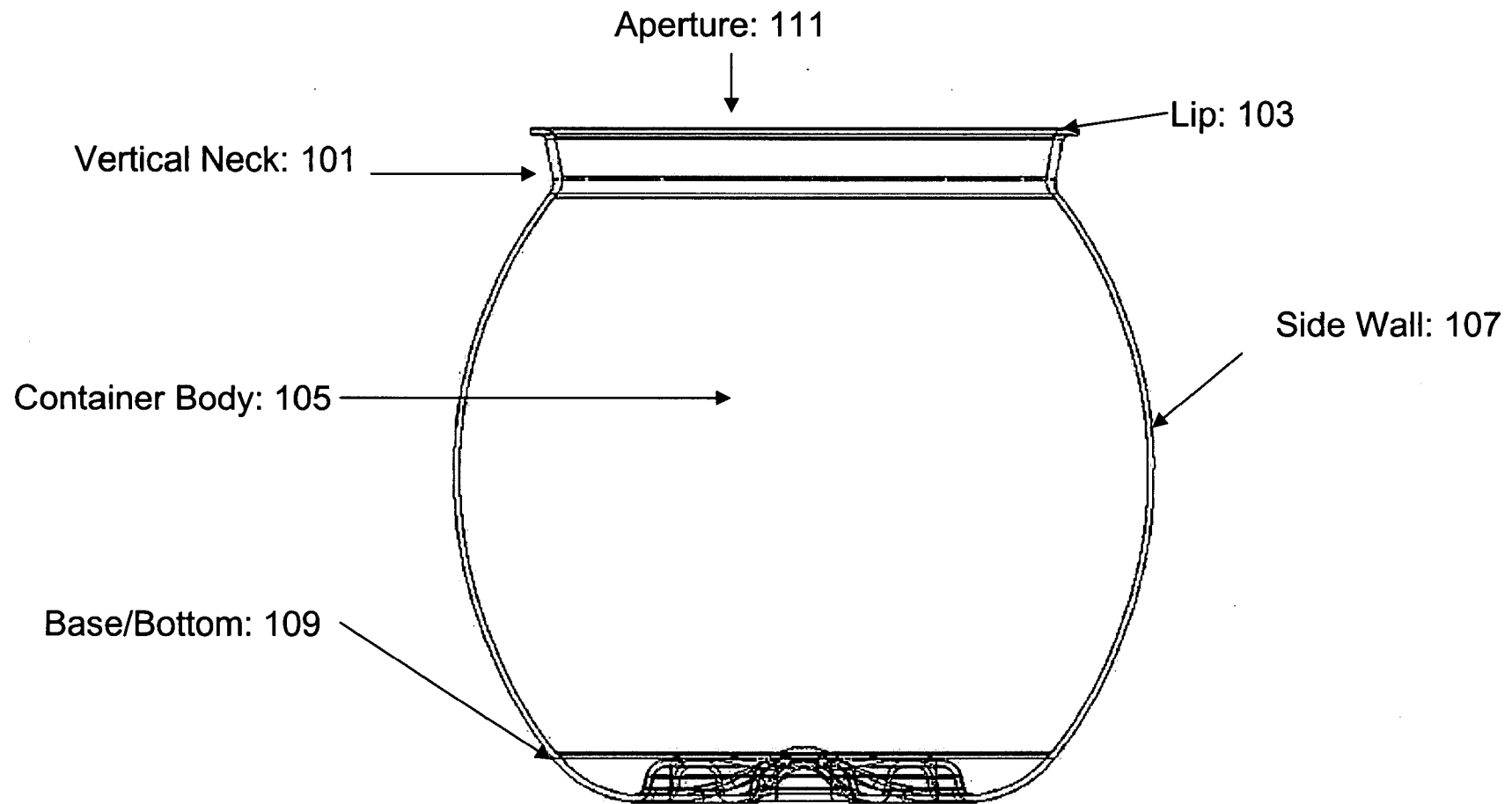


Figure 1

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Container Shape

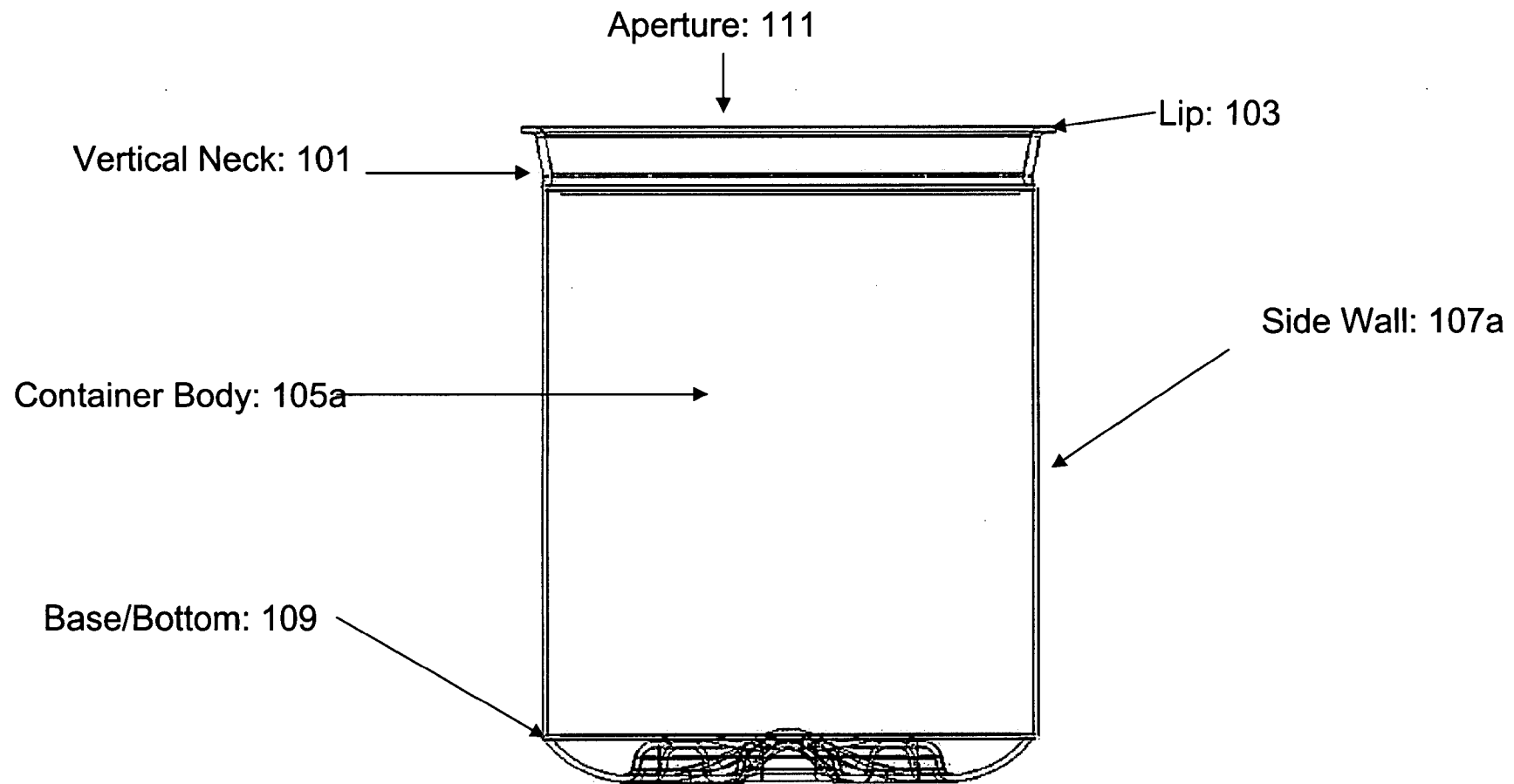


Figure 2

Bottom of Container

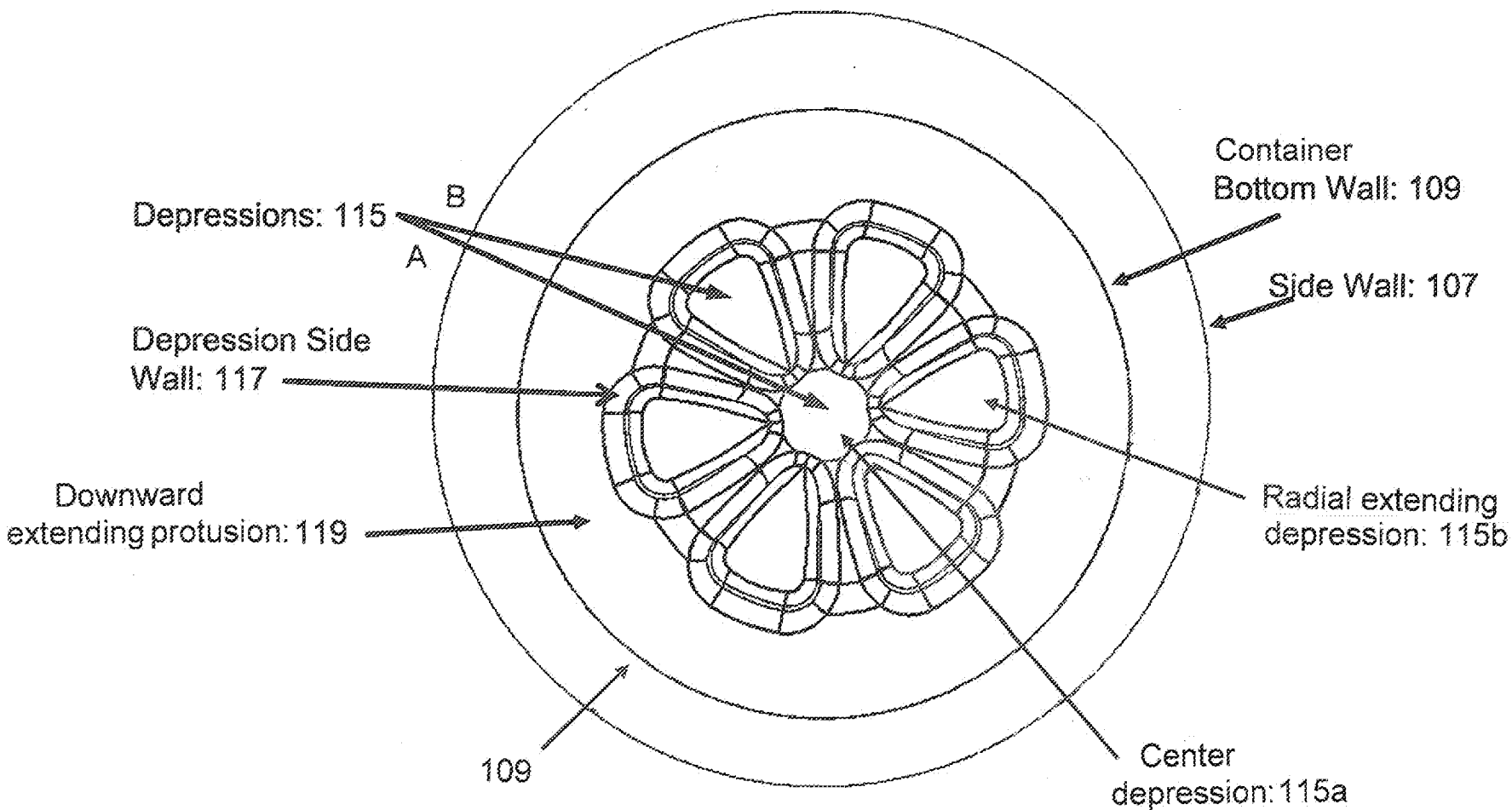
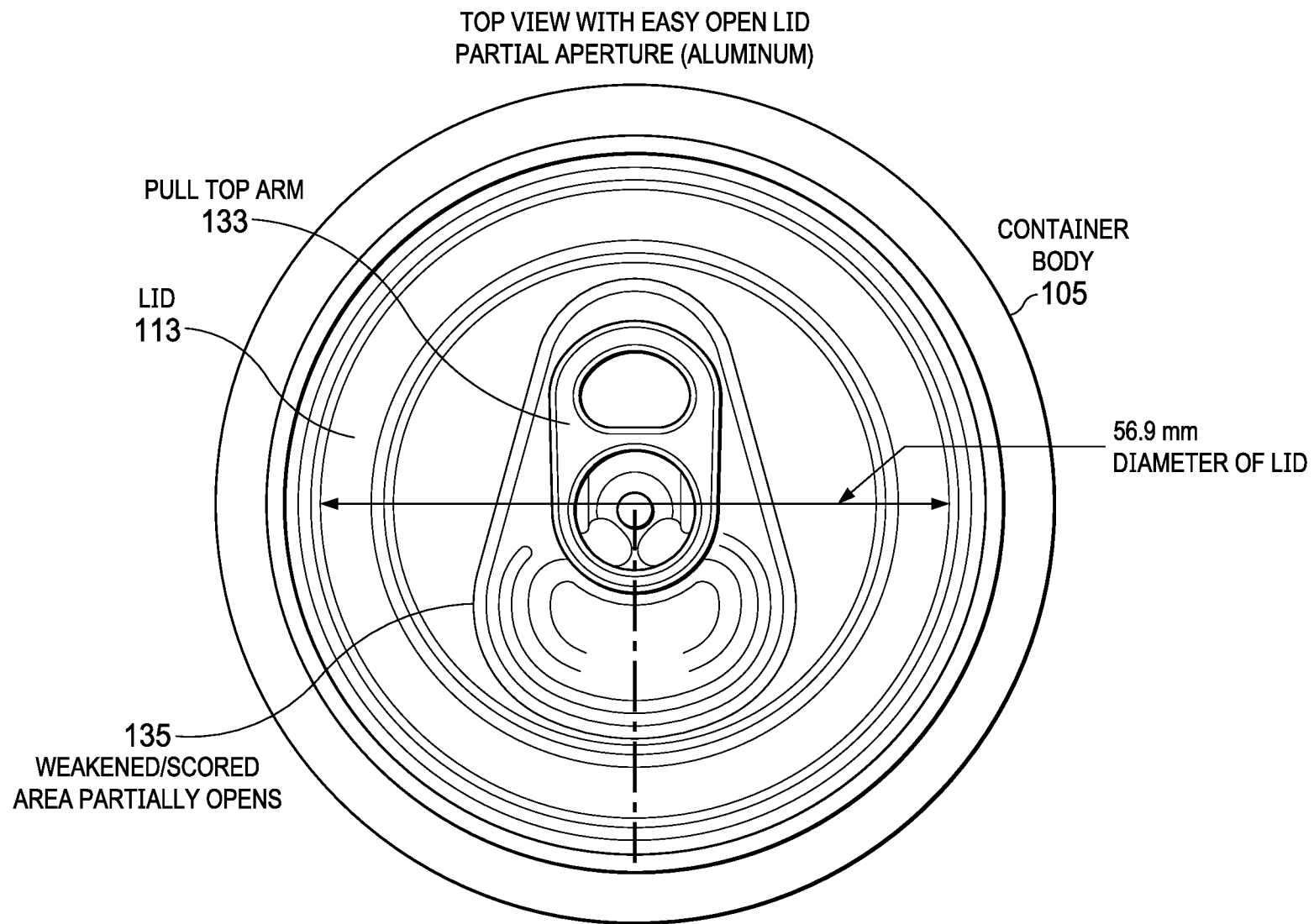


Figure 3



4/9

Figure 4

Side View - Lid & Lip of Container

(Note: The lip and lid are enlarged to show hook)

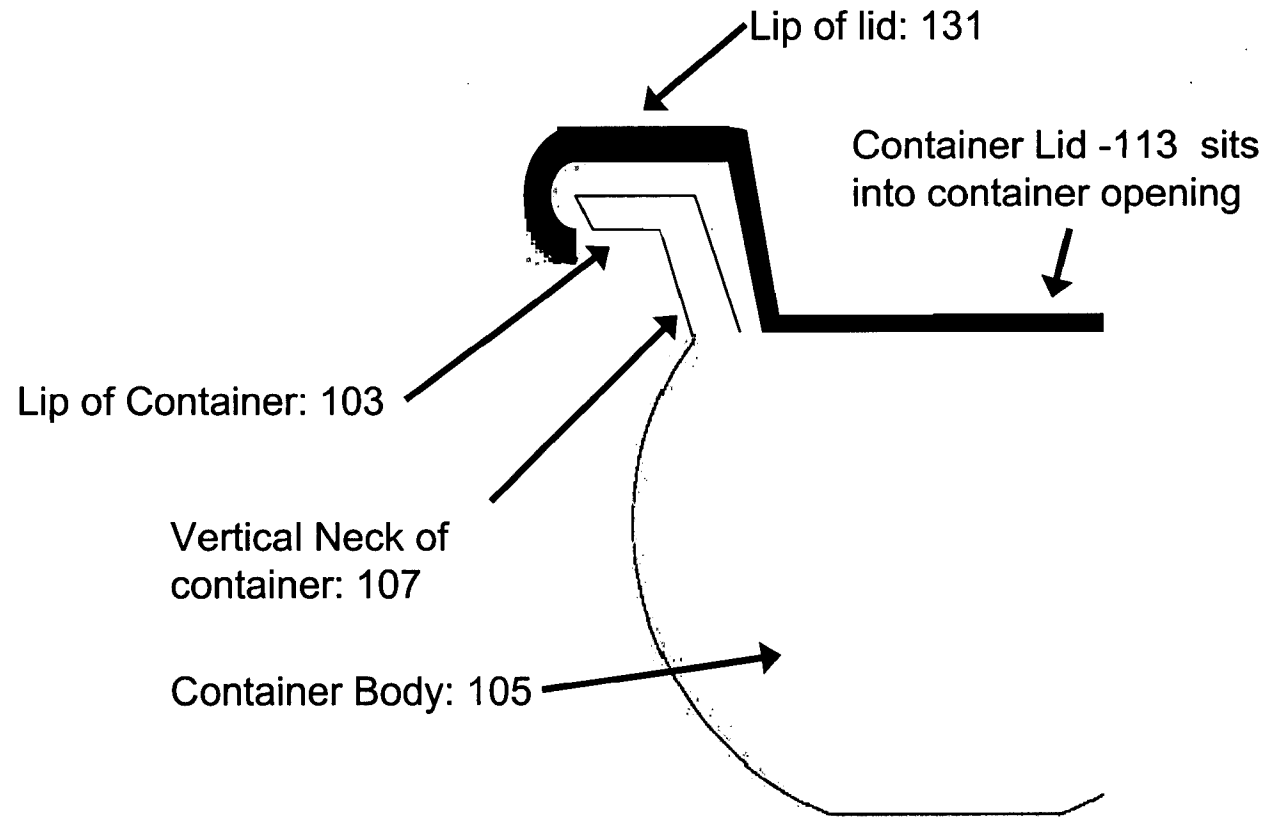


Figure 5

TOP VIEW OF CONTAINER WITH EASY OPEN LID
FULLY OPEN LID (ALUMINUM)

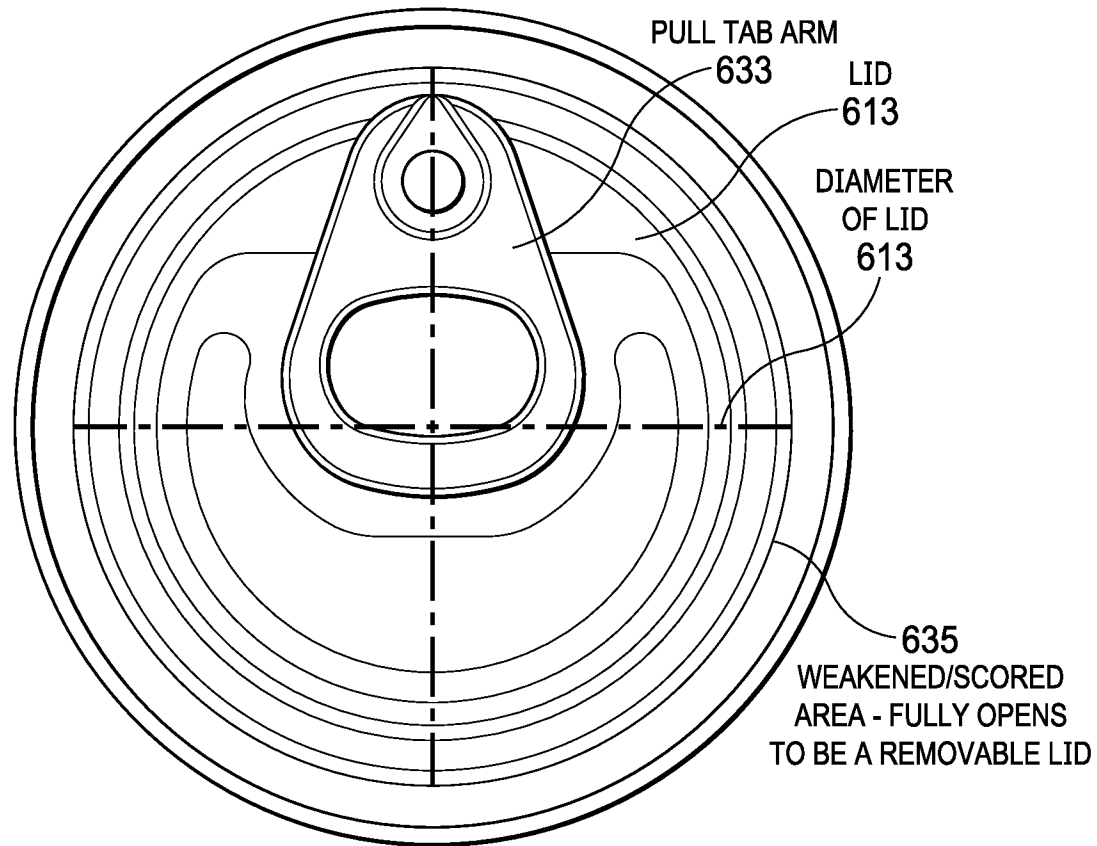


Figure 6

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Thickness of Sidewalls & Volume

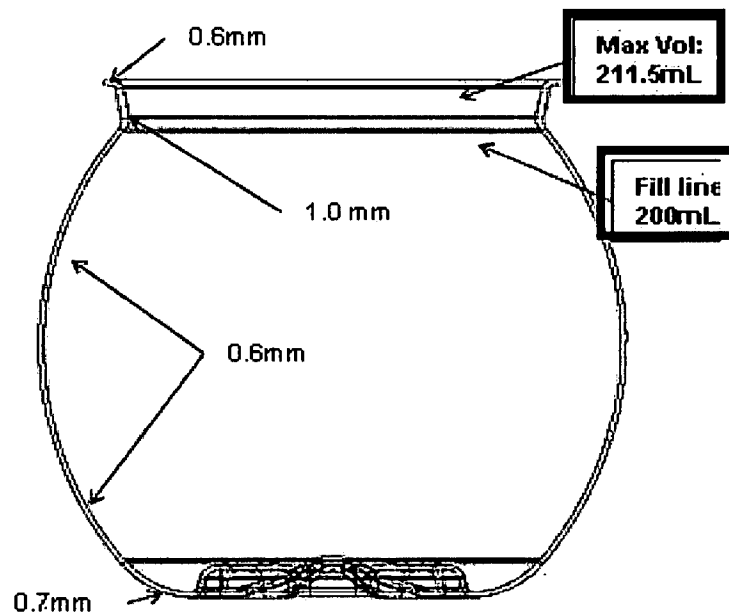
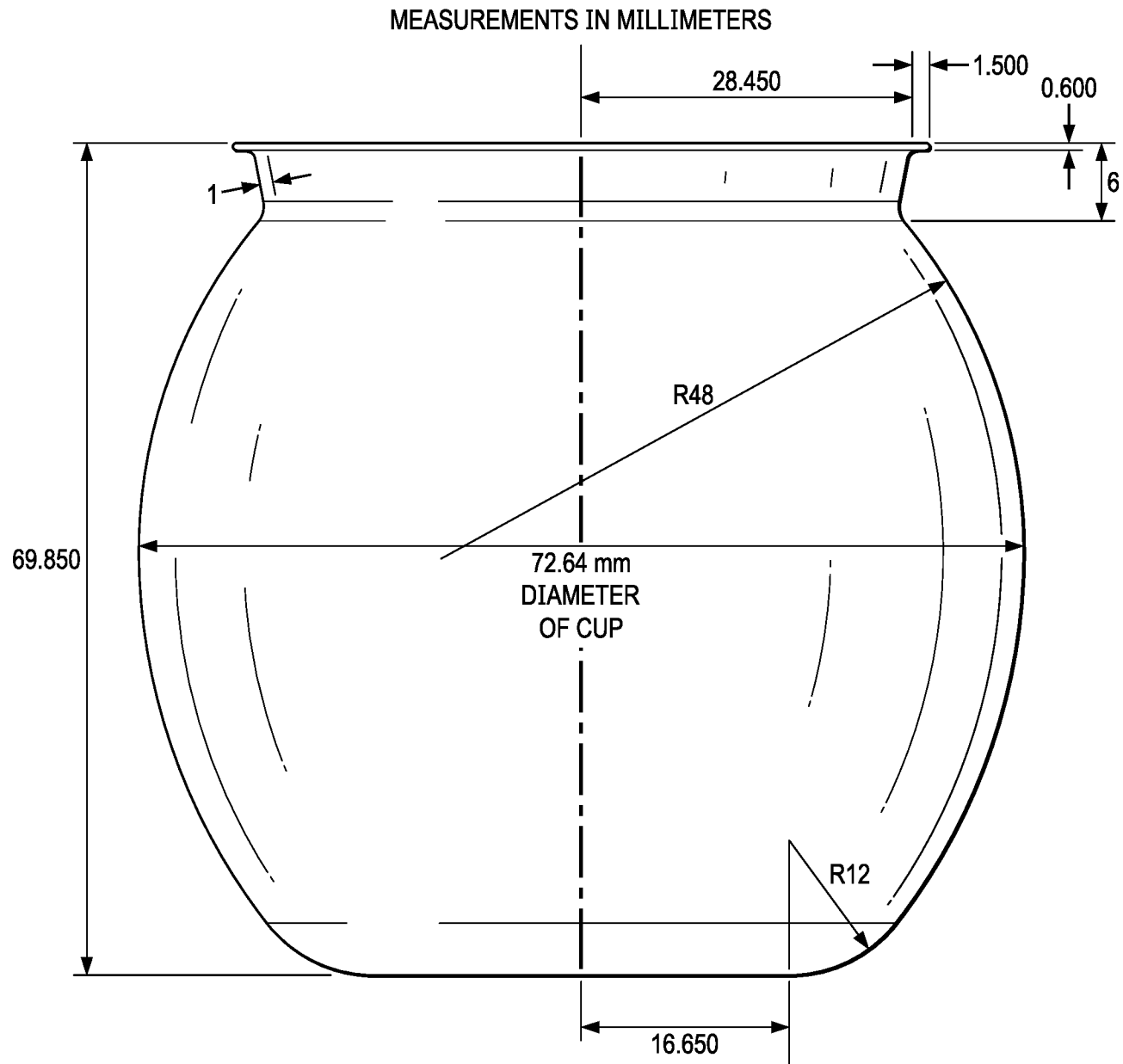


Figure 7



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Figure 8

View:
Bottom of Container

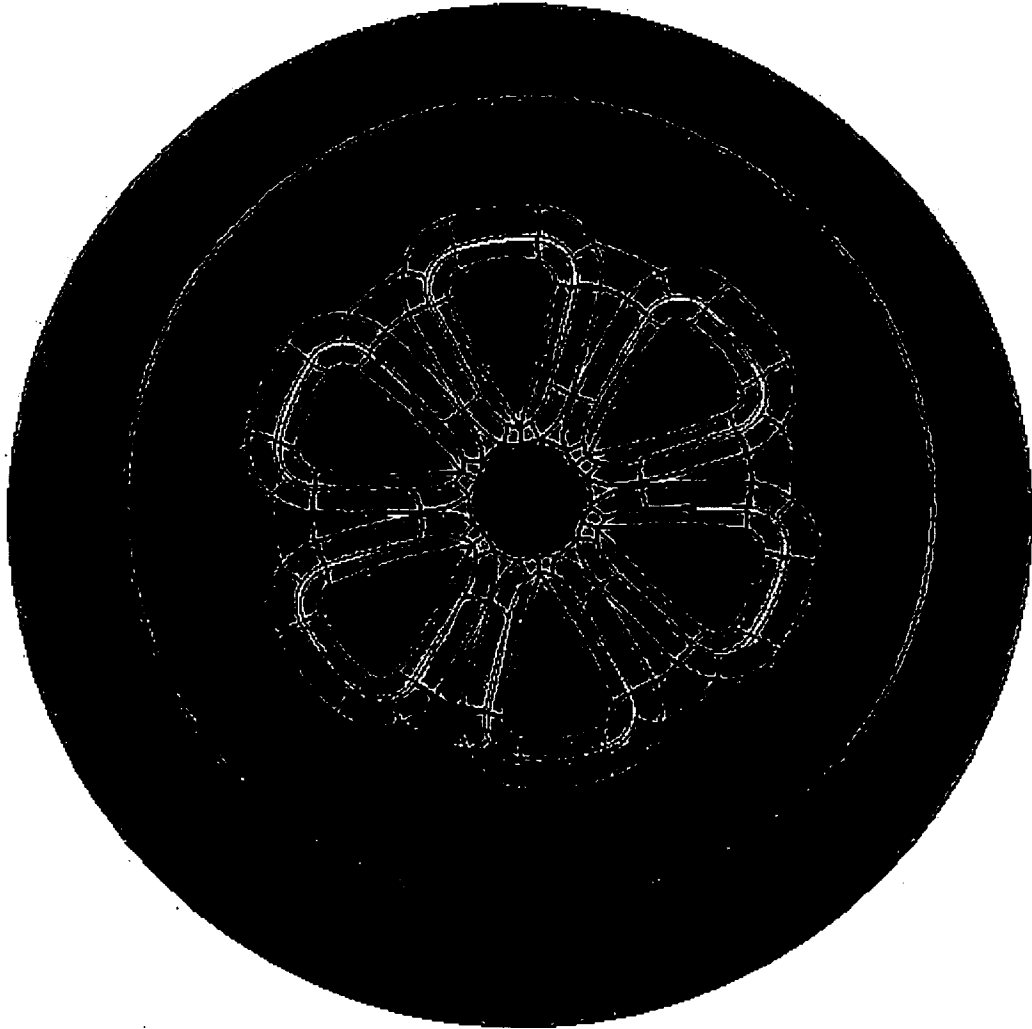


Figure 9

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		CONTAINER		
First Named Inventor/Applicant Name:		Merrilee Kick		
Filer:		Alan Herda/Leslie Austin		
Attorney Docket Number:		58822.5US02		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY FILING FEE (ELECTRONIC FILING)	4011	1	75	75
UTILITY SEARCH FEE	2111	1	330	330
UTILITY EXAMINATION FEE	2311	1	380	380
Pages:				
Claims:				
Miscellaneous-Filing:				
LATE FILING FEE FOR OATH OR DECLARATION	2051	1	80	80
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				865

Electronic Acknowledgement Receipt

EFS ID:	38682980
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	CONTAINER
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Leslie Austin
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	25-FEB-2020
Filing Date:	
Time Stamp:	13:23:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$865
RAM confirmation Number	E202020D24357418
Deposit Account	081394
Authorized User	Leslie Austin

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:
37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	58822-5US02-ADS.pdf	1255690	no	8
			7f2b654a5458f2de682f902734af339a22a72488		
Warnings:					
Information:					
2		58822-5US02-ContinuationApplication.pdf	99879	yes	11
			c7b48ed6ebf13061b1ec86702caaeaf1b3ec35de		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	5	
	Claims		6	10	
	Abstract		11	11	
Warnings:					
Information:					
3	Drawings-only black and white line drawings	58822-5US02-Drawings.pdf	252380	no	9
			35101c7aad6e70aea4145f39c1da2c4b9dc6e478		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	36324	no	2
			477f3162b79db96475e19c5ba15e2dec98d70d3d		
Warnings:					
Information:					
Total Files Size (in bytes):			1644273		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
16/800,195	02/25/2020	3781	865	58822.5US02	20	2

CONFIRMATION NO. 6906

FILING RECEIPT



0000000115351136

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 03/13/2020

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Merrilee Kick, Plano, TX;

Applicant(s)

Merrilee Kick, Plano, TX;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 12/762,934 04/19/2010 PAT 10604296

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/11/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/800,195**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Container

Preliminary Class

220

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/800,195	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	75		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	330		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	380		N/A	
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 230 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
			TOTAL	785		TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x =	OR	x =
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x =	OR	x =
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/800,195	02/25/2020	Merrilee Kick	58822.5US02

CONFIRMATION NO. 6906

FORMALITIES LETTER



OC000000115351137

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 03/13/2020

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 3.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Merrilee Kick

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/kgebremichael/



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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/800,195	02/25/2020	Merrilee Kick	58822.5US02

CONFIRMATION NO. 6906

FORMALITIES LETTER



OC000000115351137

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 03/13/2020

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- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 3.

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Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Merrilee Kick

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/kgebremichael/

Bottom of Container

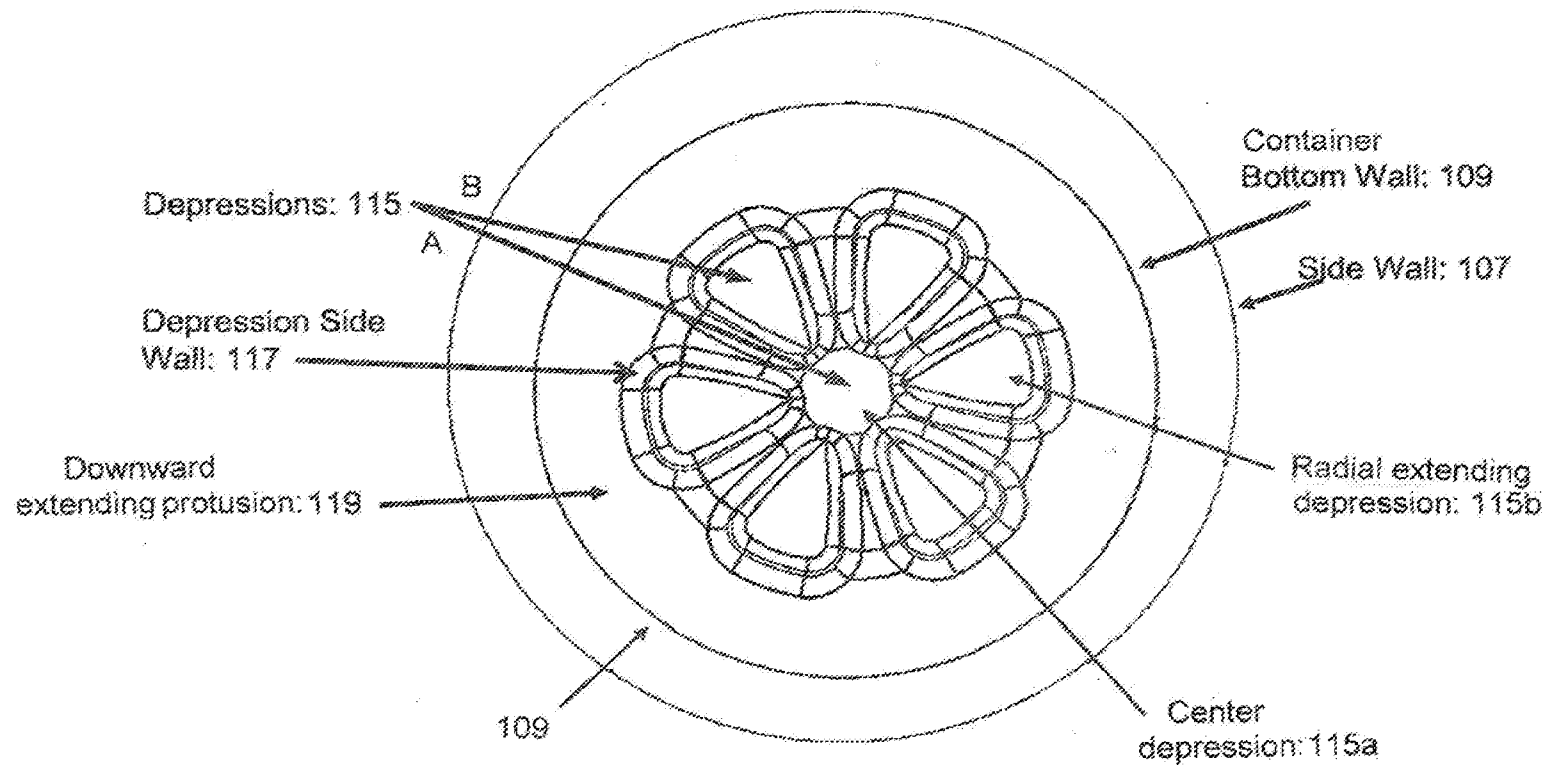


Figure 3

Electronic Acknowledgement Receipt	
EFS ID:	39416262
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Leslie Austin
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	12-MAY-2020
Filing Date:	25-FEB-2020
Time Stamp:	13:13:41
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	58822-5US02-AmendmentNFCAP-filed-5-12-20.pdf	100997	no	3
			21a41a5afb0b29ba3166d47971d1a1d25166eeae		
Warnings:					

Information:					
2	Miscellaneous Incoming Letter	58822-5US02-NFCAP.pdf	79537	no	2
			cebb3317debeaf44f6367c176fca69c63a2a635d		
Warnings:					
Information:					
3	Drawings-only black and white line drawings	58822-5US02- ReplacementSheet-Fig3.pdf	2720668	no	1
			cb8a3563446d6fd6fe2027558b5d9166fb570b0b		
Warnings:					
Information:					
Total Files Size (in bytes):			2901202		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Merrilee Kick	§	Confirmation No.: 6906
	§	
Application No.: 16/800,195	§	Group Art Unit: 3781
	§	
Filed: February 25, 2020	§	Examiner: TBD
	§	
For: CONTAINER	§	Attorney Docket No.: 58822.5US02
	§	

**AMENDMENT IN RESPONSE TO NOTICE TO FILE
CORRECTED APPLICATION PAPERS MAILED MARCH 13, 2020**

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. Introductory Comments

This document is submitted in response to the Notice to File Corrected Application Papers mailed March 13, 2020.

No fees are believed to be due. If any fees are necessary, the Commissioner is hereby authorized to charge any fees, including those for any extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Amendments to the Drawings begin on page 2 of this document.

Remarks begin on page 3 of this document.

II. Amendments to the Drawings

The attached Replacement Sheet, which includes Figure 3, replaces the original sheet including Figure 3 filed on February 25, 2020.

III. Remarks

Figure 3 has been amended to address the issues noted in the Notice to File Corrected Application Papers mailed March 13, 2020.

The amendment introduces no new matter.

Respectfully submitted,

/Alan N. Herda/

Alan N. Herda
Registration No. 50,426

Dated: May 11, 2020
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, Texas 75219
Telephone: 214/651-5924
IP Facsimile: 214/200-0853

Attachments:

- Replacement Sheet including Figure 3
- Notice to File Corrected Application Papers mailed March 13, 2020



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/800,195	02/25/2020	Merrilee Kick	58822.5US02

CONFIRMATION NO. 6906

INFORMAL NOTICE



27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 05/14/2020

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
Merrilee Kick

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/nbekele/

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/800,195				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	75		N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	330		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	380		N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20 = *	x 50 =	0.00	OR					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 230 =	0.00						
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00						
			TOTAL	785		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
16/800,195	02/25/2020	3781	865	58822.5US02	20	2

CONFIRMATION NO. 6906

UPDATED FILING RECEIPT



27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 05/14/2020

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Merrilee Kick, Plano, TX;

Applicant(s)

Merrilee Kick, Plano, TX;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 12/762,934 04/19/2010 PAT 10604296

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/11/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/800,195**

Projected Publication Date: 08/20/2020

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Container

Preliminary Class

220

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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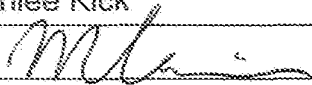
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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	Container
As the below named inventor, I hereby declare that: This declaration is directed to: ☐ The attached application, or ☒ United States application or PCT international application number <u>16/800,195</u> filed on <u>February 25, 2020</u> The above-identified application was made or authorized to be made by me I believe that I am the original inventor or an original joint inventor of a claimed invention in the application. I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both. WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. LEGAL NAME OF INVENTOR Inventor: <u>Merrilee Kick</u> Date (Optional): _____ Signature: <u></u> Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Times will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	40062251
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Leslie Austin
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	21-JUL-2020
Filing Date:	25-FEB-2020
Time Stamp:	15:02:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Oath or Declaration filed	58822-5US02-Signed-Declaration.pdf	763246	no	1
			e8f7fc94a9e4e048a6149bfe7608530808680211		

Warnings:

Information:	
Total Files Size (in bytes):	763246
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/800,195	02/25/2020	Merrilee Kick	58822.5US02

CONFIRMATION NO. 6906

PUBLICATION NOTICE



OC000000119364664

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Title:Container

Publication No.US-2020-0262601-A1

Publication Date:08/20/2020

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <https://portal.uspto.gov/pair/PublicPair>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/800,195	02/25/2020	Merrilee Kick	58822.US02	6906

27683 7590 10/04/2021
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER

POOS, MADISON LYNN

ART UNIT	PAPER NUMBER
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3733

NOTIFICATION DATE	DELIVERY MODE
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10/04/2021

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocketing@haynesboone.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file

provisions of the AIA as explained in MPEP § 2159. See MPEP § 2146 *et seq.* for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

3. Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 10,604,296. Although the claims at issue are not identical, they are not patentably distinct from each other because they both teach a container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending base connected to the container side wall, wherein the container side wall and the horizontally- extending base are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending base defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that

the container side wall extends between the circular neck and the horizontally-extending base, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body; wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck; wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall; wherein the container body is made out of a resin; wherein the container body is formed using a blow molding process; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base; and wherein the container further comprises a lid connected to the container body and covering the opening to the interior of said container body.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. PGPUB 2019/0009952 A1 to Pedmo et al. discloses a plastic container with a base with reinforcing ribs.
- U.S. PGPUB 2015/0344177 A1 to Kick discloses a spherical stackable beverage container.
- U.S. Patent No. 7,051,892 B1 to O'Day, Jr. discloses a plastic, blow molded, disposable water bottle having a spherical shape.
- U.S. Patent No. 6,796,094 B2 to Turnbough discloses a container with a semi-spherical outer surface.

- U.S. Patent No. 5,407,086 to Ota et al. discloses a bottle with reinforcing ribs on the bottom of the bottle.

5. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADISON LYNN POOS whose telephone number is (571)270-7427. The examiner can normally be reached on Mon-Thus 10-3 EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Fristoe, Jr can be reached on 571-272-4926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.L.P/
Examiner, Art Unit 3733

/JOHN K FRISTOE JR/
Supervisory Patent Examiner, Art Unit 3733

Notice of References Cited	Application/Control No. 16/800,195		Applicant(s)/Patent Under Reexamination Kick, Merrilee	
	Examiner MADISON L POOS		Art Unit 3733	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20190009952-A1	01-2019	Pedmo; Marc A.	B65D41/0471	1/1
*	B	US-20150344177-A1	12-2015	Kick; Merrilee	B65D1/16	206/505
*	C	US-7051892-B1	05-2006	O'Day, Jr.; William R.	B65D1/0223	215/10
*	D	US-6793094-B2	09-2004	Turnbough; Mitchell	A47G19/2272	215/11.1
*	E	US-5407086-A	04-1995	Ota; Akiho	B65D1/0223	215/383
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Search Notes</i> 	Application/Control No. 16/800,195	Applicant(s)/Patent Under Reexamination Kick, Merrilee
	Examiner MADISON L POOS	Art Unit 3733

CPC - Searched*		
Symbol	Date	Examiner
B65D 1/10, 1/12, 1/14, 1/16, 1/165, 17/4012, 2501/00, 2501/0009, 2501/14, 2501/24	09/23/2021	MLP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
220	269, 608, 669	09/23/2021	MLP

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
See EAST Search History	09/23/2021	MLP

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S8	0	b65d2501/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:04
S15	13	kick-merrilee.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:05
S16	906	220/269.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:07
S17	633	b65d1/165.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:19
S18	1,492	b65d17/4012.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/21 15:03
S19	340	b65d1/16.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/21 15:04
S20	26	b65d2501/0009.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:39
S21	5	b65d2501/24.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:52
S22	7	b65d2501/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:53
S23	96	b65d1/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:53
S24	331	b65d1/12.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:55
S25	218	b65d1/10.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 11:02
S26	529	220/608.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 11:06
S27	1,086	220/669.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 13:30

9/23/2021 12:14:34 PM

C:\Users\mwright3\Documents\EAST\Workspaces\16800195.wsp

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	16/800,195
Filing Date	February 25, 2020
First Named Inventor	Merrilee Kick
Title	Container
Art Unit	3733
Examiner Name	Madison Lynn Poos
Attorney Docket Number	58822.5US02

SIGNATURE of Applicant or Patent Practitioner

Signature	/Alan N. Herda/	Date (Optional)	October 29, 2021
Name	Alan N. Herda	Registration Number	50,426
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number

Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)



I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

27683

OR



I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:



The address associated with the above-mentioned Customer Number

OR



The address associated with Customer Number:

OR



Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):



Inventor or Joint Inventor (title not required below)



Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)



Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)



Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature

Date (Optional)

Name

Memlee Kick

Title

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.



Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Acknowledgement Receipt

EFS ID:	44160429
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Q Dismuke
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	29-OCT-2021
Filing Date:	25-FEB-2020
Time Stamp:	14:49:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	58822-5US02-POA.pdf	298664	no	2
			be8893b28f9cbfaed0ef00d73bf1a6c2b9db75f3		

Warnings:

Information:	
Total Files Size (in bytes):	298664
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/800,195	02/25/2020	Merrilee Kick	58822.5US02

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

CONFIRMATION NO. 6906
POA ACCEPTANCE LETTER



Date Mailed: 11/03/2021

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/29/2021.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/dtdinh/

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed		PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		
Application Number	16800195		
Filing Date	25-Feb-2020		
First Named Inventor	Merrilee Kick		
Attorney Docket Number	58822.5US02		
Title of Invention	Container		
☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action ☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.			
Owner		Percent Interest	
Merrilee Kick		100%	
The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s) 10604296 as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: - expires for failure to pay a maintenance fee; - is held unenforceable; - is found invalid by a court of competent jurisdiction; - is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; - has all claims canceled by a reexamination certificate; - is reissued; or - is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.			

☐ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	
Applicant claims the following fee status:	
☒ Small Entity ☐ Micro Entity ☐ Regular Undiscounted	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am:	
☒ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u>50426</u>	
☐ A sole inventor	
☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application	
☐ A joint inventor; all of whom are signing this request	
Signature	/Alan Herda/
Name	Alan Herda

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	16800195			
Filing Date:	25-Feb-2020			
Title of Invention:	Container			
First Named Inventor/Applicant Name:	Merrilee Kick			
Filer:	Alan Herda			
Attorney Docket Number:	58822.5US02			
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	2814	1	170	170
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				170

Doc Code: DISQ.E.FILE

Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 16800195

Filing Date: 25-Feb-2020

Applicant/Patent under Reexamination: Kick

Electronic Terminal Disclaimer filed on December 20, 2021

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	44565424
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda
Filer Authorized By:	
Attorney Docket Number:	58822.5US02
Receipt Date:	20-DEC-2021
Filing Date:	25-FEB-2020
Time Stamp:	16:27:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 170
RAM confirmation Number	E2021BJG27222943
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	41128	no	2
			a9e12e9cea3d7dae98d0eebb8b215f3e6e0660f3		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37461	no	2
			bd7c2916489ea91a97e9057ded4d9069e0209a65		
Warnings:					
Information:					
Total Files Size (in bytes):			78589		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Merrilee Kick	§	Group Art Unit: 3733
	§	
Application No.: 16/800,195	§	Examiner: Madison Lynn Poos
	§	
Filed: February 25, 2020	§	Confirmation No.: 6906
	§	
For: CONTAINER	§	Attorney Docket No.:
	§	58822.5US02

AMENDMENT IN RESPONSE TO OFFICE ACTION DATED OCTOBER 4, 2021

I. Introductory Comments

This document is submitted in response to the Non-Final Office Action dated October 4, 2021.

Estimated fees have been provided for by credit card separately but concurrently herewith for consideration of this document. If any additional fees, including extension-of-time fees, are necessary, the extension of time is hereby requested, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this document.

Remarks begin on page 7 of this document.

II. Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Original) A container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending base connected to the container side wall, wherein the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending base defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that the container side wall extends between the circular neck and the horizontally-extending base, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body;
wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck;
wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall;
wherein the container body is made out of a resin;
wherein the container body is formed using a blow molding process;
wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base; and
wherein the container further comprises a lid connected to the container body and covering the opening to the interior of said container body.

2. (Original) The container of claim 1, wherein the resin is a polyethylene terephthalate (PET) resin.
3. (Original) The container of claim 1, wherein the lid is made out of a metal.
4. (Original) The container of claim 3, wherein the metal is aluminum.
5. (Original) The container of 1, wherein the base comprises a bottom wall and a depression formed therein.
6. (Original) The container of claim 1 wherein the container body further comprises a lip at the end of the circular neck opposite the upper edge of said container side wall, wherein said circular neck is adjacent to the lip.
7. (Original) The container of claim 6, wherein a first portion of the lid extends on the lip of the container body; and
wherein a second portion of the lid extends horizontally and is vertically offset from the first portion of the lid so that the second portion is located vertically between the first portion of the lid and the horizontally-extending base of the container body.
8. (Original) The container of claim 7, wherein the second portion of the lid comprises a weakened or scored area.
9. (Original) The container of claim 8, wherein the lid further comprises an arm connected to the second portion of the lid, the arm comprising an aperture to facilitate pivoting of the arm by a user; and
wherein the arm is pivotable from a first position, in which the arm extends horizontally and the weakened or scored area is not deformed, to a second position, in which the arm does not extend horizontally and the

weakened or scored area is deformed to provide an opening to the interior of said container body.

10. (Original) A container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending base connected to the container side wall, wherein the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending base defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that the container side wall extends between the circular neck and the horizontally-extending base, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body;
wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck;
wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall; and
wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base.
11. (Original) The container of claim 10, wherein the container body is made out of a resin.
12. (Original) The container of claim 11, wherein the resin is a polyethylene terephthalate (PET) resin.

13. (Original) The container of claim 10, wherein the container body is formed using a blow molding process.
14. (Original) The container of claim 10, further comprising a lid connected to the container body and covering the opening to the interior of said container body.
15. (Original) The container of claim 14, wherein the lid is made out of a metal.
16. (Original) The container of claim 15, wherein the metal is aluminum.
17. (Original) The container of 10, wherein the base comprises a bottom wall and a depression formed therein.
18. (Original) The container of claim 10, wherein the container body further comprises a lip at the end of the circular neck opposite the upper edge of said container side wall, wherein said circular neck is adjacent to the lip.
19. (Original) The container of claim 18, further comprising a lid connected to the container body and covering the opening to the interior of said container body; wherein a first portion of the lid extends on the lip of the container body; and wherein a second portion of the lid extends horizontally and is vertically offset from the first portion of the lid so that the second portion is located vertically between the first portion of the lid and the horizontally-extending base of the container body.
20. (Original) The container of claim 19, wherein the second portion of the lid comprises a weakened or scored area; wherein the lid further comprises an arm connected to the second portion of the lid, the arm comprising an aperture to facilitate pivoting of the arm by a user;

and

wherein the arm is pivotable from a first position, in which the arm extends horizontally and the weakened or scored area is not deformed, to a second position, in which the arm does not extend horizontally and the weakened or scored area is deformed to provide an opening to the interior of said container body.

21. (New) A container, the container comprising a container body, the container body comprising a container side wall and a horizontally-extending portion connected to the container side wall, wherein the container side wall and the horizontally-extending portion are shaped so that an interior of said container body has a truncated spherical shape, wherein a cross-sectional diameter of a top portion of said container body is less than a cross-sectional diameter of a middle portion of said container body, wherein the horizontally-extending portion defines a diameter that is less than the cross-sectional diameter of the middle portion of said container body, wherein the container body further comprises a circular neck extending vertically from the container side wall so that the container side wall extends between the circular neck and the horizontally-extending portion, wherein an upper edge of said container side wall is adjacent to the circular neck of the container body, and wherein said container body defines an opening to the interior of said container body;
- wherein the cross-sectional diameter of the top portion of said container body is defined by the circular neck;
- wherein the cross-sectional diameter of the middle portion of said container body is defined by the container side wall; and
- wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending portion.

III. Remarks

A. Status of Claims

Claims 1-20 were previously pending.

Claims 1-20 remain in their original form.

Claim 21 has been added.

As a result, claims 1-21 are pending.

Favorable consideration of this application is respectfully requested.

B. Non-Statutory Double Patenting Rejection

Claims 1-20 stand rejected on the ground of non-statutory double patenting over claims 1-3 of U.S. Patent No. 10,604,296.

In response to the double patenting rejection, a Terminal Disclaimer was submitted and approved on December 20, 2021 to obviate the non-statutory double patenting rejection over U.S. Patent No. 10,604,296. Therefore, the double patenting rejection should be withdrawn and claims 1-20 are allowable.

C. New Claim 21

New claim 21 has been added. Claim 21 is identical to claim 10 except that every instance of the term “base” has been replaced with the term “portion.” Accordingly, claim 21, in addition to claims 1-20, is allowable.

D. Conclusion

It is believed that all matters set forth in the Office Action dated October 4, 2021 have been addressed.

The allowance of claims 1-21 is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

Date: December 29, 2021

/Alan N. Herda/

Alan N. Herda
Registration No. 50,426

HAYNES AND BOONE, LLP
Customer No. 27683
Telephone: 214-651-5924
IP Facsimile: 214-200-0853

Electronic Patent Application Fee Transmittal				
Application Number:		16800195		
Filing Date:		25-Feb-2020		
Title of Invention:		Container		
First Named Inventor/Applicant Name:		Merrilee Kick		
Filer:		Alan Herda/Q Dismuke		
Attorney Docket Number:		58822.5US02		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
CLAIMS IN EXCESS OF 20	2202	1	50	50
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				50

Electronic Acknowledgement Receipt

EFS ID:	44631086
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Q Dismuke
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	29-DEC-2021
Filing Date:	25-FEB-2020
Time Stamp:	13:09:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$50
RAM confirmation Number	E2021BSD11142561
Deposit Account	081394
Authorized User	Q Dismuke

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:
37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		58822-5US02-Response.pdf	40479	yes	8
			a61c21babc4481fa8673a5023fd60ab3cd30 feee		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	8	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37417	no	2
			35aad76298ffc523fa335d160a8b5ad42d0d 457d		
Warnings:					
Information:					
Total Files Size (in bytes):			77896		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/800,195	Filing Date 02/25/2020	☐ To be Mailed
---	--	---------------------------	---------------------------------------

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$230 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)	RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT	12/29/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		
	Total (37 CFR 1.16(i))	* 21	Minus	** 21	= 0	x \$50 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$240 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						PSA	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/CHERYL A CLARK/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

27683 7590 03/03/2022
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER

POOS, MADISON LYNN

ART UNIT

PAPER NUMBER

3733

DATE MAILED: 03/03/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/800,195	02/25/2020	Merrilee Kick	58822.5US02	6906

TITLE OF INVENTION: Container

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	06/03/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27683 7590 03/03/2022
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

_____ (Typed or printed name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/800,195	02/25/2020	Merrilee Kick	58822.5US02	6906

TITLE OF INVENTION: Container

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	06/03/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
POOS, MADISON LYNN	3733	220-269000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29☐ Applicant asserting small entity status. See 37 CFR 1.27☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/800,195	02/25/2020	Merrilee Kick	58822.5US02	6906
27683	7590	03/03/2022	EXAMINER	
HAYNES AND BOONE, LLP			POOS, MADISON LYNN	
IP Section			ART UNIT	
2323 Victory Avenue			PAPER NUMBER	
Suite 700			3733	
Dallas, TX 75219			DATE MAILED: 03/03/2022	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to the Federal Bureau of Investigation or other law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 16/800,195	Applicant(s) Kick, Merrilee	
	Examiner MADISON L POOS	Art Unit 3733	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/29/2021.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-21. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

/MADISON L POOS/ Examiner, Art Unit 3733	/DON M ANDERSON/ Primary Examiner, Art Unit 3733
---	---

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

None of the prior art of record is seen to disclose or suggest the limitation of claim 1 that the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape; wherein the container body is made out of a resin; wherein the container body is formed using a blow molding process; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base. For example, the closest reference found, Mascia, teaches a beverage container with a rounded sidewall but does not teach the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape; wherein the container body is made out of a resin; wherein the container body is formed using a blow molding process; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base.

None of the prior art of record is seen to disclose or suggest the limitation of claim 10 that the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base. For example, the closest reference found, Mascia, teaches

a beverage container with a rounded sidewall but does not teach the container side wall and the horizontally-extending base are shaped so that an interior of said container body has a truncated spherical shape; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending base.

None of the prior art of record is seen to disclose or suggest the limitation of claim 21 that the container side wall and the horizontally-extending portion are shaped so that an interior of said container body has a truncated spherical shape; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending portion. For example, the closest reference found, Mascia, teaches a beverage container with a rounded sidewall but does not teach the container side wall and the horizontally-extending portion are shaped so that an interior of said container body has a truncated spherical shape; wherein the container side wall extends uninterruptedly between the circular neck and the horizontally-extending portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADISON LYNN POOS whose telephone number is (571)270-7427. The examiner can normally be reached Mon-Thus 10-3 EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Fristoe, Jr can be reached on 571-272-4926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.L.P/
Examiner, Art Unit 3733

/DON M ANDERSON/
Primary Examiner, Art Unit 3733

<i>Search Notes</i> 	Application/Control No. 16/800,195	Applicant(s)/Patent Under Reexamination Kick, Merrilee
	Examiner MADISON L POOS	Art Unit 3733

CPC - Searched*		
Symbol	Date	Examiner
B65D 1/10, 1/12, 1/14, 1/16, 1/165, 17/4012, 2501/00, 2501/0009, 2501/14, 2501/24	09/23/2021	MLP

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

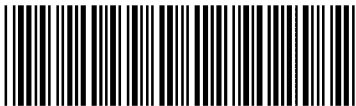
US Classification - Searched*			
Class	Subclass	Date	Examiner
220	269, 608, 669	09/23/2021	MLP

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
See EAST Search History	09/23/2021	MLP
See Updated EAST Search History	02/16/2022	MLP

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	See EAST Search History	02/16/2022	MLP

/MADISON L POOS/ Examiner, Art Unit 3733	
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Issue Classification 	Application/Control No. 16/800,195	Applicant(s)/Patent Under Reexamination Kick, Merrilee
	Examiner MADISON L POOS	Art Unit 3733

CPC						
Symbol					Type	Version
B65D	/	1	/	165	F	2013-01-01
B65D	/	17	/	4012	I	2018-01-01
B65D	/	1	/	16	I	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

/MADISON L POOS/ Examiner, Art Unit 3733 (Assistant Examiner)	17 February 2022 (Date)	Total Claims Allowed: 21	
/DON M ANDERSON/ Primary Examiner, Art Unit 3733 (Primary Examiner)	22 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

Issue Classification 	Application/Control No. 16/800,195	Applicant(s)/Patent Under Reexamination Kick, Merrilee
	Examiner MADISON L POOS	Art Unit 3733

INTERNATIONAL CLASSIFICATION			
CLAIMED			
B65D	/	1	/ 16
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

/MADISON L POOS/ Examiner, Art Unit 3733 (Assistant Examiner)	17 February 2022 (Date)	Total Claims Allowed: 21	
/DON M ANDERSON/ Primary Examiner, Art Unit 3733 (Primary Examiner)	22 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

Issue Classification 	Application/Control No. 16/800,195	Applicant(s)/Patent Under Reexamination Kick, Merrilee
	Examiner MADISON L POOS	Art Unit 3733

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original

/MADISON L POOS/ Examiner, Art Unit 3733 (Assistant Examiner)	17 February 2022 (Date)	Total Claims Allowed: 21	
/DON M ANDERSON/ Primary Examiner, Art Unit 3733 (Primary Examiner)	22 February 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 1

EAST Search History

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L6	1	(container and body and side and wall and base and horizon\$5 and interior and truncated and spherical and shape and diameter and top and middle and less and circular and neck and open\$3 and resin and blow and mold\$3 and lid).clm.	USPAT	OR	OFF	2022/02/16 12:47
L7	1	(container and body and side and wall and base and horizon\$5 and interior and truncated and spherical and shape and diameter and top and middle and less and circular and neck and upper and edge and adjacent and uninterrupted\$2).clm.	USPAT	OR	OFF	2022/02/16 12:56
L8	1	(container and body and side and wall and portion and horizon\$5 and interior and truncated and spherical and shape and diameter and top and middle and less and circular and neck and open\$3 and resin and blow and mold\$3 and lid).clm.	USPAT	OR	OFF	2022/02/16 12:57

2/16/2022 12:59:17 PM

C:\Users\mwright3\Documents\EAST\Workspaces\16800195.wsp

Bibliographic Data

Application No: 16/800,195

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☐ No ☐ Met After Allowance

Verified and Acknowledged: /MADISON L POOS/

Examiner's Signature

Initials

Title: Container

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/25/2020	220	3733	58822.5US02
RULE			

APPLICANTS

INVENTORS

Merrilee Kick, Plano, TX, UNITED STATES

CONTINUING DATA

This application is a CON of 12762934 04/19/2010 PAT 10604296

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/11/2020

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

HAYNES AND BOONE, LLP

IP Section

2323 Victory Avenue

Suite 700

Dallas, TX 75219

UNITED STATES

FILING FEE RECEIVED

\$865

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S8	0	b65d2501/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:04
S15	13	kick-merrilee.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:05
S16	906	220/269.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:07
S17	633	b65d1/165.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/20 13:19
S18	1,492	b65d17/4012.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/21 15:03
S19	340	b65d1/16.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/21 15:04
S20	26	b65d2501/0009.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:39
S21	5	b65d2501/24.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:52
S22	7	b65d2501/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:53
S23	96	b65d1/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 10:53
S24	331	b65d1/12.cpc.	US-PGPUB; USPAT;	OR	OFF	2021/09/22 10:55

			USOCR; EPO; JPO			
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S26	529	220/608.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 11:06
S27	1,086	220/669.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2021/09/22 13:30
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S29	0	b65d2501/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:45
S30	906	220/269.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:45
S31	648	b65d1/165.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:45
S32	1,514	b65d17/4012.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:45
S33	348	b65d1/16.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S34	29	b65d2501/0009.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S35	5	b65d2501/24.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46

S36	7	b65d2501/00.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S37	98	b65d1/14.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S38	335	b65d1/12.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S39	225	b65d1/10.cpc.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S40	529	220/608.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46
S41	1,086	220/669.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2022/02/16 09:46

2/16/2022 12:44:09 PM

C:\Users\mwright3\Documents\EAST\Workspaces\16800195.wsp

Document Description: Issue Fee Payment (PTO-85B)

Issue Fee Transmittal Form

Application Number	Filing Date	First Named Inventor	Atty. Docket No.	Confirmation No.
16800195	25-Feb-2020	Merrilee Kick	58822.5US02	6906

TITLE OF INVENTION :

Container

Entity Status	Application Type	Art Unit	Class - Subclass	EXAMINER
Small	Utility under 35 USC 111(a)	3733	269000	
Issue Fee Due	Publication Due	Total Fee(s) Due	Date Due	Prev. Paid Fee
\$600	\$0	\$600	03-Jun-2022	\$0

1.Change of Correspondence Address and/or Indication Of Fee Address (37 CFR 1.33 & 1.363)

Current Correspondence Address:	Current Indicated Fee Address :
27683 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas TX 75219 UNITED STATES 214-651-5000 ipdocketing@haynesboone.com	
☐ Change of correspondence address requested, system generated AIA/122-EFS form attached	☐ Fee Address indication requested, system generated SB/47-EFS form attached

2.Entity Status**Change in Entity Status**

Applicant certifying micro entity status; system generated Micro Entity certification form attached. See 37 CFR 1.29.

Note: Absent a valid certification of micro entity status, issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment. If this box is checked, you will be prompted to choose a micro entity status on the gross income basis (37 CFR 1.29(a)) or the institution of higher education basis (37 CFR 1.29(d)), and make the applicable certification online.



Applicant asserting small entity status. See 37 CFR 1.27.

Note: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.



Applicant changing to regular undiscounted fee status.

Note: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.



Document Description: Issue Fee Payment (PTO-85B)

3.The Following Fee(s) Are Submitted:

☒ Issue Fee

☐ I authorize USPTO to apply my previously paid issue fee to the current fees due

☐ Publication Fee

☐ The Director is hereby authorized to apply my previously paid issue fee to the current fee due and to charge deficient fees to Deposit Account Number _____

☐ Advance Order - # of copies _____

☒ If in **addition** to the payment of the issue fee amount submitted with this form, there are any discrepancies in any amount(s) due, the Director is authorized to charge any deficiency, or credit any overpayment, to Deposit Account Number 081394.
The **issue fee must be submitted** with this form. **If payment of the issue fee does not accompany this form, checking this box and providing a deposit account number will NOT be effective to satisfy full payment of the fee(s) due.**

4.Firm and/or Attorney Names To Be Printed

NOTE: If no name is listed, no name will be printed
For printing on the patent front page, list to be displayed as entered

1. HAYNES AND BOONE, LLP
2.
3.

5.Assignee Name(s) and Residence Data To Be Printed

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

Name	City	State	Country	Category

6.Signature

I certify, in accordance with 37 CFR 1.4(d)(4) that I am an attorney or agent registered to practice before the Patent and Trademark Office who has filed and has been granted power of attorney in this application. I also certify that this Fee(s) Transmittal form is being transmitted to the USPTO via EFS-WEB on the date indicated below.

Signature	/Alan N. Herda/	Date	04-22-2022
Name	Alan N. Herda	Registration Number	50426

Electronic Patent Application Fee Transmittal				
Application Number:		16800195		
Filing Date:		25-Feb-2020		
Title of Invention:		Container		
First Named Inventor/Applicant Name:		Merrilee Kick		
Filer:		Alan Herda/Q Dismuke		
Attorney Docket Number:		58822.5US02		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPL ISSUE FEE	2501	1	600	600
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				600

Electronic Acknowledgement Receipt

EFS ID:	45535669
Application Number:	16800195
International Application Number:	
Confirmation Number:	6906
Title of Invention:	Container
First Named Inventor/Applicant Name:	Merrilee Kick
Customer Number:	27683
Filer:	Alan Herda/Q Dismuke
Filer Authorized By:	Alan Herda
Attorney Docket Number:	58822.5US02
Receipt Date:	22-APR-2022
Filing Date:	25-FEB-2020
Time Stamp:	12:52:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$600
RAM confirmation Number	E20224LC52524142
Deposit Account	081394
Authorized User	Q Dismuke

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.20 (Post Issuance fees)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	Web85b.pdf	62357	no	2
			816cccf3163d1826dfb4af1ef94434e01b71ef81		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	40141	no	2
			42fcb6a3ba6a8dfd1874586acdfed8c32f70b572		
Warnings:					
Information:					
Total Files Size (in bytes):			102498		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/800,195	05/24/2022	11338955	58822.5US02	6906

27683 7590 05/04/2022

HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219**ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 162 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional inventors):

Merrilee Kick, Plano, TX;

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.