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| APPLICATION NO.                                                                                                                  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------|--------------------------------|------------------|
| 29/838,217                                                                                                                       | 05/11/2022  | Jean-Christophe Lescot | 02426                          | 8286             |
| 27081                                                                                                                            | 7590        | 06/17/2025             |                                |                  |
| O-I Glass, Inc.<br>Attn: Stephen L. Scharf<br>One Michael Owens Way<br>Plaza One - Legal Department<br>Perrysburg, OH 43551-2999 |             |                        | EXAMINER<br>EL-NEMRI, OLIVIA B |                  |
|                                                                                                                                  |             |                        | ART UNIT                       | PAPER NUMBER     |
|                                                                                                                                  |             |                        | 2938                           |                  |
|                                                                                                                                  |             |                        | NOTIFICATION DATE              | DELIVERY MODE    |
|                                                                                                                                  |             |                        | 06/17/2025                     | 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):

Jerrica.mahn@o-i.com  
patents@o-i.com



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| APPLICATION NO. | ISSUE DATE  | PATENT NO. |
|-----------------|-------------|------------|
| 29/838,217      | 17-Jun-2025 | D1079475   |

O-I Glass, Inc.  
Attn: Stephen L. Scharf  
One Michael Owens Way  
Perrysburg, OH 43551-2999

## EGRANT NOTIFICATION

Your electronic patent grant (eGrant) is now available, which can be accessed via Patent Center at <https://patentcenter.uspto.gov>

The electronic patent grant is the official patent grant under 35 U.S.C. 153. For more information, please visit <https://www.uspto.gov/electronicgrants>



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## ISSUE FEE TRANSMITTAL FORM

|               |             |                        |                   |
|---------------|-------------|------------------------|-------------------|
| APPLICATION # | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET # |
| 29838217      | 05/11/2022  | Jean-Christophe Lescot | 02426             |

### Title of Invention

CONTAINER

### Application Information

|                  |                                             |                 |            |
|------------------|---------------------------------------------|-----------------|------------|
| APPLICATION TYPE | Nonprovisional Application under 35 USC 171 | DATE DUE        | 05/27/2025 |
| CONFIRMATION #   | 8286                                        | ISSUE FEE DUE   | \$ 1300    |
| EXAMINER         | OLIVIA EL-NEMRI                             | PUBLICATION DUE | \$ 0       |
| GROUP ART UNIT   | 2938                                        | TOTAL FEES DUE  | \$1300     |
| CLASS - SUBCLASS | D09/544000                                  | PREV. PAID FEE  | \$ 0       |
| ENTITY STATUS    | Regular Undiscounted                        |                 |            |

### 1. CHANGE OF CORRESPONDENCE ADDRESS AND/OR INDICATION OF FEE ADDRESS (37 CFR 1.33 & 1.363)

#### Correspondence Address

CURRENT ADDRESS

#### Maintenance Fee Address

CURRENT ADDRESS

☐

Change of correspondence address  
requested, system generated AIA/122-PC form  
attached

☐

Fee address indication requested, system  
generated SB/47-PC form attached

## 2. ENTITY STATUS

### Change in Entity Status

NEW STATUS

## 3. THE FOLLOWING FEES ARE SUBMITTED

☒

Issue Fee

☒

Publication Fee

## 4. FEE AUTHORIZATION

☐

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

☐

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:

☒

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: 150875

## 5. 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

## 6. ASSIGNEE NAME(S) AND RESIDENCE DATA TO BE PRINTED

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.

**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 Patent Center on the date indicated below.

| <b>Signature</b>       | <b>Name</b>          | <b>Registration #</b> | <b>Date</b> |
|------------------------|----------------------|-----------------------|-------------|
| /Michael J. Druzinski/ | Michael J. Druzinski | 58638                 | 05/13/2025  |



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## NOTICE OF ALLOWANCE AND FEE(S) DUE

27081 7590 02/27/2025  
O-I Glass, Inc.  
Attn: Stephen L. Scharf  
One Michael Owens Way  
Plaza One - Legal Department  
Perrysburg, OH 43551-2999

EXAMINER

EL-NEMRI, OLIVIA B

ART UNIT PAPER NUMBER

2938

DATE MAILED: 02/27/2025

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 29/838,217      | 05/11/2022  | Jean-Christophe Lescot | 02426               | 8286             |

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 | UNDISCOUNTED  | \$1300        | \$0.00              | \$0.00               | \$1300           | 05/27/2025 |

**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 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted 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](http://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 the USPTO patent electronic filing system.

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 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. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

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.

27081                      7590                      02/27/2025  
**O-I Glass, Inc.**  
 Attn: Stephen L. Scharf  
 One Michael Owens Way  
 Plaza One - Legal Department  
 Perrysburg, OH 43551-2999

**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 the USPTO patent electronic filing system 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. |
|-------------------------------|-------------|------------------------|---------------------|------------------|
| 29/838,217                    | 05/11/2022  | Jean-Christophe Lescot | 02426               | 8286             |
| 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 | UNDISCOUNTED  | \$1300        | \$0.00              | \$0.00               | \$1300           | 05/27/2025 |

| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| EL-NEMRI, OLIVIA B | 2938     | D09-544000     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</b><br><br><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.<br><br><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. <b>Use of a Customer Number is required.</b> | <b>2. For printing on the patent front page, list</b><br>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1<br>(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<br>_____ 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 ☐ Government

4a. Fees submitted:     ☐ Issue Fee     ☐ Publication Fee (if required)

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

☐ Electronic Payment via the USPTO patent electronic filing system     ☐ 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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| APPLICATION NO.                                                                                                                  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------|---------------------|------------------|
| 29/838,217                                                                                                                       | 05/11/2022  | Jean-Christophe Lescot | 02426               | 8286             |
| 27081                                                                                                                            | 7590        | 02/27/2025             | EXAMINER            |                  |
| O-I Glass, Inc.<br>Attn: Stephen L. Scharf<br>One Michael Owens Way<br>Plaza One - Legal Department<br>Perrysburg, OH 43551-2999 |             |                        | EL-NEMRI, OLIVIA B  |                  |
|                                                                                                                                  |             |                        | ART UNIT            | PAPER NUMBER     |
|                                                                                                                                  |             |                        | 2938                |                  |
| DATE MAILED: 02/27/2025                                                                                                          |             |                        |                     |                  |

## 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. The United States Patent and Trademark Office (USPTO) collects the information in this record under authority of 35 U.S.C. 2. The USPTO's system of records is used to manage all applicant and owner information including name, citizenship, residence, post office address, and other information with respect to inventors and their legal representatives pertaining to the applicant's/owner's activities in connection with the invention for which a patent is sought or has been granted. The applicable Privacy Act System of Records Notice for the information collected in this form is COMMERCE/PAT-TM-7 Patent Application Files, available in the Federal Register at 78 FR 19243 (March 29, 2013).

<https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>

Routine uses of the information in this record may include disclosure to:

- 1) law enforcement, in the event that the system of records indicates a violation or potential violation of law;
- 2) a federal, state, local, or international agency, in response to its request;
- 3) a contractor of the USPTO having need for the information in order to perform a contract;
- 4) the Department of Justice for determination of whether the Freedom of Information Act (FOIA) requires disclosure of the record;
- 5) a Member of Congress submitting a request involving an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record;
- 6) a court, magistrate, or administrative tribunal, in the course of presenting evidence, including disclosures to opposing counsel in the course of settlement negotiations;
- 7) the Administrator, General Services Administration (GSA), or their designee, during an inspection of records conducted by GSA under authority of 44 U.S.C. 2904 and 2906, in accordance with the GSA regulations and any other relevant (i.e., GSA or Commerce) directive, where such disclosure shall not be used to make determinations about individuals;
- 8) 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));
- 9) the Office of Personnel Management (OPM) for personnel research purposes; and
- 10) the Office of Management and Budget (OMB) for legislative coordination and clearance.

If you do not furnish the information requested on this form, the USPTO may not be able to process and/or examine your submission, which may result in termination of proceedings, abandonment of the application, and/or expiration of the patent.

|                                                                                      |                                              |                                                        |                                         |
|--------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------|-----------------------------------------|
| <p align="center"><b>Notice of Allowability<br/>For<br/>A Design Application</b></p> | <p><b>Application No.</b><br/>29/838,217</p> | <p><b>Applicant(s)</b><br/>Lescot, Jean-Christophe</p> |                                         |
|                                                                                      | <p><b>Examiner</b><br/>OLIVIA B EL-NEMRI</p> | <p><b>Art Unit</b><br/>2938</p>                        | <p><b>AIA (FITF) Status</b><br/>Yes</p> |

**-- 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. This notice does not set or reset the time period for paying the issue fee. The issue fee must be paid within THREE MONTHS FROM THE MAILING DATE of the Notice of Allowance (PTOL-85) or this application shall be regarded as ABANDONED. This statutory period cannot be extended. See 35 U.S.C.151.

1. ☒ This communication is responsive to applicants remarks and amendments filed on 18 December 2024 .
- ☐ 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 claim is allowed.
4. ☒ Acceptable drawings:
- (a) ☒ The drawings filed on 18 December 2024 are accepted by the Examiner.
- (b) ☐ Drawing Figures filed on \_\_\_\_ and drawing Figures filed on \_\_\_\_ are accepted by the Examiner.
5. ☐ The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.

**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 requirement for corrected drawings noted in item 6 below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** See 37 CFR 1.85(c). **NOTE: This notice does not set or reset the time period for paying the issue fee.**

6. ☐ 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).**

**Attachment(s)**

- |                                                                                                           |                                                                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                          | 4. <input type="checkbox"/> Examiner's Amendment/Comment                  |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Receipt Date ____ | 5. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____                      | 6. <input type="checkbox"/> Other ____ .                                  |

**NOTE:** \_\_\_\_

\_\_\_\_

/O.B.E./  
Examiner, Art Unit 2938

/Michael A. Pratt/  
Primary Design Examiner, Art Unit 2914

**AMENDMENTS TO THE SPECIFICATION**

The Specification is amended herein to correct matters of a grammatical and/or typographical nature and to address Office Action objections.

**Substitute Specification**

In accord with 37 CFR 1.125, please see enclosed clean and marked up versions of a substitute specification. In accord with 37 CFR 1.125(b), the undersigned states that the substitute specification includes no new matter.

Attachments:           Appendix 1 - marked up version of substitute specification.  
                              Appendix 2 - clean version of substitute specification.

It is respectfully requested that the substitute specification be used for examination purposes of the subject application.

**Specification and Claim of Design Patent Application**

[0001] I, Jean-Christophe Lescot, have invented a design for a CONTAINER.

[0002] FIG. 1 is an upper perspective view of a CONTAINER in accordance with my new claimed design.

[0003] FIG. 2 is an elevational front view of the CONTAINER in FIG. 1, the elevational right side, rear, and left side views being the same as the front view.

[0004] FIG. 3 is an enlarged top view of the CONTAINER in FIG. 1

[0005] FIG. 4 is an enlarged bottom view of the CONTAINER in FIG. 1

[0006] Dash-dash broken lines shown in the drawings illustrate portions of the CONTAINER that form no part of the claimed design.

[0007] Dash-dot broken lines shown in the drawings represent boundaries of the claimed design and form no part of the claimed design.

[0008] Shading lines shown in the drawings represent surface contours, or transparency, translucency, or opacity, and not surface ornamentation, and such lines, in and of themselves, are not part of the claimed design.

[0009] Portions of the CONTAINER not shown in the drawings form no part of the claimed design.

[0010] I claim the ornamental design for a CONTAINER, as shown and described.

**AMENDMENTS TO THE DRAWINGS**

The attached replacement sheets of drawings include FIGS. 1-4. These sheets, which include replacement FIGS. 1-4, replace the previously presented sheets including FIGS. 1-4.

In FIGS. 1-4, previously unclaimed subject matter has been converted to claimed subject matter.

Attachments: Replacement Sheets

**REMARKS**

This response is being filed in reply to the non-final Office Action dated on October 9, 2024. In that Office Action, the claim was rejected on prior art grounds. The claim has been amended in accordance with the drawing amendments.

**Drawings Objections**

Applicant has addressed the inconsistency between FIGS. 3-4. In addition, in FIGS. 1-4, previously unclaimed subject matter has been converted to claimed subject matter.

Reconsideration and withdrawal of the rejections are respectfully requested.

**Specification Objection-**

Applicant has deleted from the specification the phrases objected to by the Examiner. But Applicant maintains, for the record, the following assertions.

- The terms top, left, right, bottom, rear, side, and front are used for reference only and do not limit the claimed design.
- Applicant reserves the right to amend this application, and/or to file one or more divisional or continuation applications, to specifically claim or disclaim any subject matter represented by solid lines or broken lines in the drawings. Accordingly, the disclosure and description include any version of the drawing figures wherein any solid line(s) is/(are) convertible to broken lines and vice-versa, and wherein any lines may be deleted.

The specification has been amended without prejudice, without disclaimer or disavowal as to any claim scope, and merely to advance prosecution. Reconsideration and withdrawal of the rejection are respectfully requested.

**§ 103 Rejection –**

The claim is rejected under 35 U.S.C. § 103 as being unpatentable over the Non-Patent Literature "702ml Cobalt Blue Stretch Hock Wine Bottle-Case of 12" found on (<https://www.amazon.com/12-750-Cobalt-Bottles-Creations-Swanson/dp/B018WM419S>) ("Waterloo") in view of Lauret U.S. Design Patent No. D642,469 ("Lauret"). This rejection is respectfully traversed in view of the following applicable legal principles and for the reasons discussed below.

Title 35 of the United States Code provides that “[w]hoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title”<sup>1</sup> and that “[t]he provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.”<sup>2</sup> Under 35 U.S.C. § 103, a design is unpatentable if the differences between the proposed design and the prior art are such that the proposed design as a whole would have been obvious to one of ordinary skill in the art before the effective filing date.<sup>3</sup> In determining obviousness, one must attempt to translate visual descriptions into words.<sup>4</sup>

The Federal Circuit Court decided to rework obviousness analysis in a way that amounts to a restatement of *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007) for design patent claims, but retains a requirement that the analysis starts with a “primary reference” that is “something in existence” and “visually similar” to the claimed design to protect against hindsight.<sup>5</sup>

To fully resolve the question of obviousness after *LKQ*, United States Patent and Trademark Office (USPTO) personnel must apply a flexible approach to obviousness similar to that applied in utility applications.<sup>6</sup> In this approach, the following factual inquiries must be made: (1) the scope and content of the prior art, (2) differences between the prior art and the design as claimed at issue, and (3) the level of ordinary skill in the art. In addition to these factors, “[s]uch secondary considerations as commercial success . . . might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented” and may be relevant as “indicia of obviousness or nonobviousness, when evidence of such considerations is presented.”<sup>7</sup> For the first inquiry, a primary reference must be identified, wherein the primary reference is typically in the same field of endeavor as the claimed design but need not be so long as it is analogous art. For the second inquiry, the visual appearance of the claimed design must be

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<sup>1</sup> 35 U.S.C. § 171(a).

<sup>2</sup> 35 U.S.C. § 171(b); *See also Litton Sys., Inc. v. Whirlpool Corp.*, 728 F.2d 1423, 1441 (Fed. Cir. 1984) (“35 U.S.C. § 103 (and all the case law interpreting that statute) applies with equal force to a determination of the obviousness of either a design or a utility patent.”).

<sup>3</sup> 35 U.S.C. § 103 (“A patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”) (emphasis added).

<sup>4</sup> *Egyptian Goddess, Inc. v. Swisa, Inc.*, 543 F.3d 665, 679 (Fed. Cir. 2008) (en banc), noting *Durling v. Spectrum Furniture Co.*, 101 F.3d 100, 102 (Fed. Cir. 1996).

<sup>5</sup> *LKQ Corp. v. GM Global Technology Operations LLC*, No. 2021-2348 (Fed. Cir. May 21, 2024).

<sup>6</sup> Updated Guidance and Examination Instructions for Making a Determination of Obviousness in Designs in Light of *LKQ Corp. v. GM Global Technology Operations LLC* (USPTO).

<sup>7</sup> *Id.*, slip op. at 11, 27 (citing *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)).

compared with prior art designs from the perspective of a designer of ordinary skill in the field of the claimed design. For the third inquiry, the knowledge of the designer of ordinary skill must be considered.

The rejections of the claim under 35 U.S.C. § 103 should be reversed because the claimed container design was not obvious in view of Waterloo over Lauret because: (1) Waterloo is not visually similar to the amended claimed design; (2) Lauret is not legally combinable with Waterloo; (3) there is no valid reason to apply Lauret's teachings to Waterloo's design; and/or (4) the asserted combination of Waterloo and Lauret would not result in the claimed design.

### **Waterloo's design is not visually similar to the claimed design**

There can be no serious dispute that container design is a crowded art, and an ancient one at that. Accordingly, cited below is some relevant wisdom from patent law jurisprudence.

Of course, the invention seems simple, after the fact. But simplicity, *particularly in an old and previous crowded art*, may argue for rather than against patentability. Progress in the crowded arts, usually made in small increments, is as important as it is in arts at the pioneer stage.<sup>8</sup>

[The] invention is simple. Simplicity is not inimical to patentability.<sup>9</sup>

If we adopted the logic of the Board and concluded that the substitution of [shapes of a secondary reference] for those in [a vase of a primary reference] would render the [claimed design] obvious just because the [secondary reference shapes] were well-known and frequently used in vase designs, each and every prior art bowl or vase shape ever publicly disclosed would render obvious any generally similar vase shape. Clearly, this cannot be the case.<sup>10</sup>

Below, Applicant's amended FIG. 2 is shown below lower left. An elevational view of the Waterloo design is reproduced below right and scaled for the same body diameter as that of the amended claimed design.

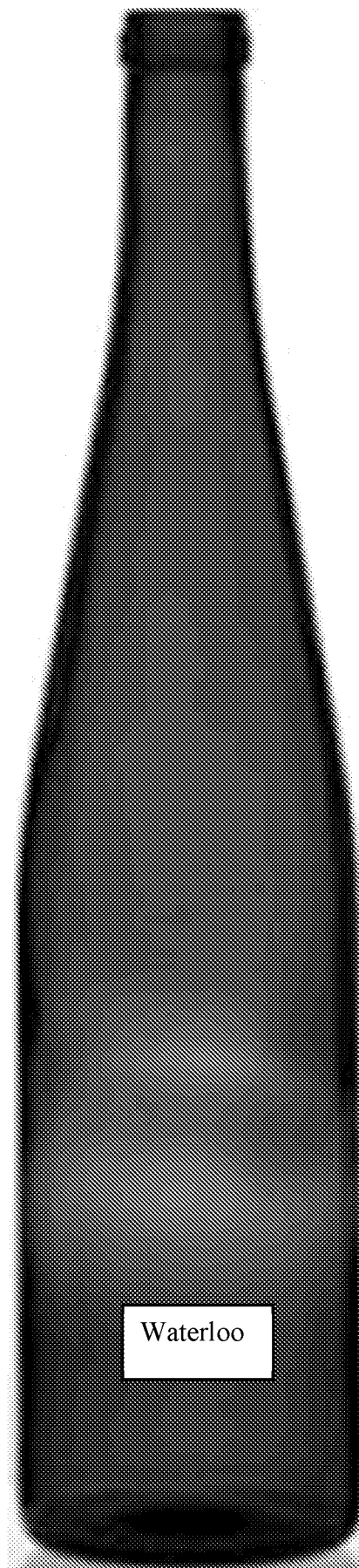
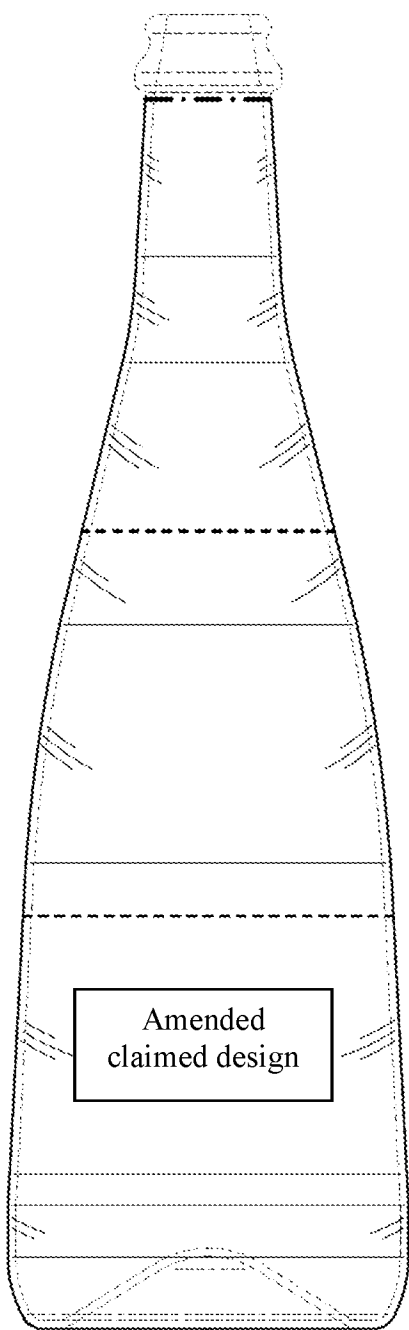
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<sup>8</sup> *In re Meng*, 492 F.2d 843, 848 (CCPA 1974) (emphasis added and citation omitted).

<sup>9</sup> *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992); *Goodyear Tire & Rubber Co. v. Ray-O-Vac Co.*, 321 U.S. 275, 279 (1944) (simplicity of itself does not negate invention), and *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1572 (Fed. Cir. 1987), *cert. denied*, 481 U.S. 1052 (patent system not foreclosed to those who make simple inventions).

<sup>10</sup> *In re Harvey*, 12 F.3d at 1065.





No matter how one looks at the issue, the comparisons above reveal substantial differences in appearance between the designs, the cumulative effect of which are manifest in an overall distinct visual impression imparted by Applicant's amended claimed design as a whole that is significantly different from, and that patentably distinguishes over Waterloo. Thus, Waterloo is not visually similar to the amended claimed design.

First and foremost, Applicant's amended claimed design is significantly shorter and squatter than Waterloo's comparatively taller and slenderer design.

Second, Applicant's amended claimed design has a short large radiused insweep, which is different from Waterloo's short tightly radiused insweep.

Third, Applicant's amended claimed design has a compound angled body including a short cylindrical lower portion extending away from the insweep and a tall straight tapered upper portion extending away from the lower portion, in contrast to Waterloo's straight cylindrical body.

Fourth, Applicant's claimed shoulder is significantly shorter than Waterloo's shoulder.

Fifth, Applicant's amended claimed neck straight tapered whereas the Waterloo neck is straight cylindrical.

The aforementioned dissimilarities imbue Applicant's amended claimed design with an overall appearance that differs significantly from that of Waterloo. Therefore, when all the differences are considered, it is evident that neither is Waterloo visually similar to Applicant's amended claimed design, nor are the differences dismissible as having an insignificant impact on the overall visual impressions of the designs. Thus, the Waterloo is not visually similar to the claimed design.

Likewise, one of ordinary skill in the art would recognize – in hindsight – the following major modifications necessary to make the Waterloo design look like Applicant's amended claimed design: A) a first major modification to significantly shorten the overall height of the Waterloo design to render it substantially squatter in appearance; B) a second major modification to replace Waterloo's short tightly radiused insweep with a taller, larger radiused insweep; C) a third major modification to replace Waterloo's straight cylindrical body with a compound angled body; D) a fourth major modification to revise Waterloo's shoulder to be almost half its height.

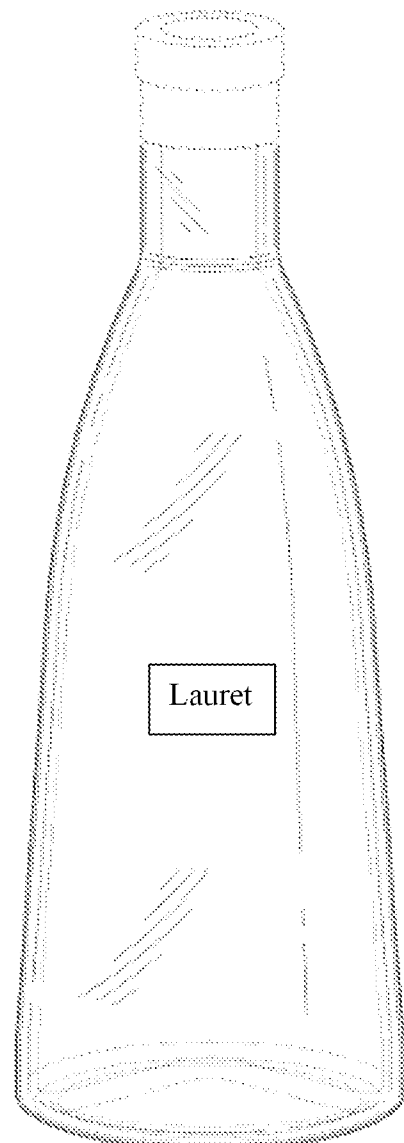
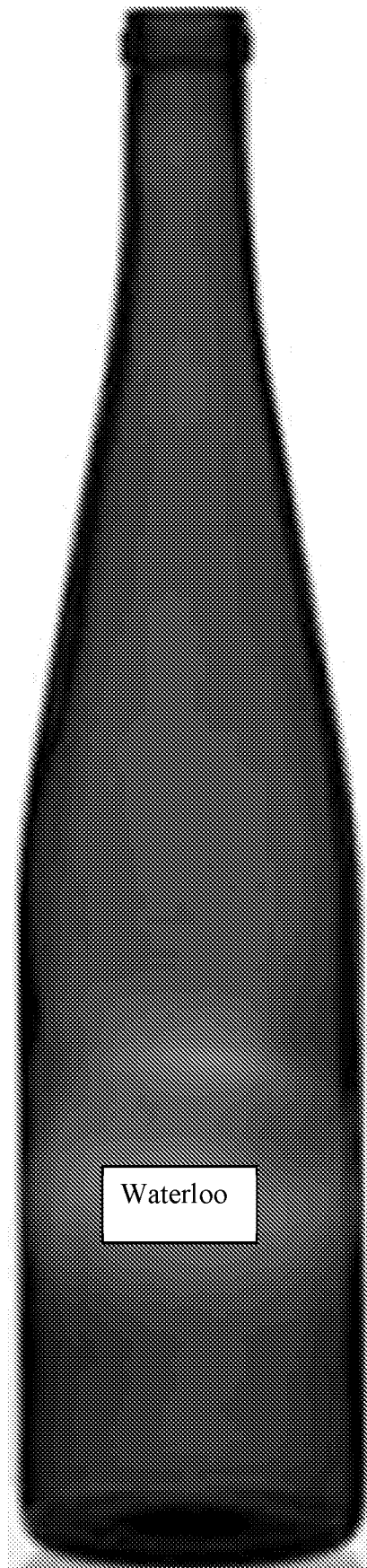
In summary, Applicant's claimed design creates a visual impression of an immediately recognizable container that is relatively squat with a unique compound angled body with a

pronounced insweep, whereas Waterloo creates a visual impression of a tall slender container with a tall typical cylindrical body, unusually tall shoulder, and typical cylindrical neck.

**Lauret is not legally combinable with Waterloo**

Below left, Waterloo is presented in a side-by-side comparison with Lauret, shown below right, wherein the Waterloo and Lauret are sized for a common body diameter.

[Intentionally Blank]



It is difficult to imagine why an artisan would wholesale replace claimed features and proportions of Waterloo with features and proportions of Lauret unless, of course, the artisan already had the benefit of hindsight through the looking glass of Applicant's own claimed design. Each applied reference teaches a base, body, and shoulder of principally different shape from the other. Therefore, it is difficult to imagine why one of ordinary skill in the art – without knowledge of Applicant's claimed design – would seek to combine two very different base, body, and shoulder contours of principal shapes that are plainly disparate from one another. Thus, the principal shapes of the primary and secondary references are so divergent from one another that the references facially teach away from their combination. Moreover, replacing the tall straight tapered body of Waterloo with Lauret's tapered body would impermissibly destroy fundamental design characteristics of Waterloo's design, such that one of ordinary skill in the art would not seek to do it absent hindsight.

**There is no valid reason to modify Waterloo with Lauret**

Contrary to the Examiner's assertion that it would have been obvious to modify the Waterloo design to include Lauret's container shoulder and body features, Applicant respectfully asserts that there would be no reason to do so, and that the Examiner has not set forth any underlying motivational facts to do so. It is important to note that the Examiner's assertion that modifying the Waterloo with the Lauret's shoulder and body would have been obvious is merely a conclusion that one *could* attempt to combine the references as a matter of legal procedure, without any supporting design or appearance rationale that one *would* have arrived at Applicant's claimed subject matter as a matter of factual reasoning. More specifically, the Office Action fails to acknowledge all of the factual design differences between the Waterloo design and Applicant's claimed design and, thus, certainly did not articulate any factual rationale as to why each corresponding modification to the Waterloo design *would* have been obvious for one of ordinary skill to carry out. Absent hindsight, there is no valid rationale that a designer of ordinary skill *would* have sought to modify the Waterloo with Lauret container's shoulder and body in an attempt to produce Applicant's claimed subject matter. For this reason alone, the rejection is improper and should be withdrawn.

And the assertion that it would be a simple substitution to replace Waterloo's straight cylindrical body with Lauret's straight tapered body is a classic example of impermissible

hindsight. But using Applicant's invention as a roadmap to find its prior art components discounts the value in combining various existing features in a new way to achieve a new result which is the very definition of invention.<sup>11</sup>

The fact that design elements are known separately and could be combined does not constitute motivation to combine, especially where the number of possible combinations of container bodies are almost infinite.<sup>12</sup> By analogy to the principles of obviousness for utility patents, this is like the concept of "obvious to try" which has long been held not to constitute obviousness.<sup>13</sup>

Therefore, it appears that the asserted combination is nothing more than the result of picking and choosing only certain selective features from different references and assembling them merely in an attempt to replicate Applicant's claimed subject matter. Thus, it appears that the Examiner has relied upon impermissible hindsight in piecing together selectively chosen teachings from amongst the applied references in an attempt to obtain the claimed subject matter. The question is not what one "could" have done, the question is what "would" have been obvious to an artisan of ordinary skill.<sup>14</sup>

The Examiner is reminded that container design is one of the oldest and most crowded arts in the world. Therefore, as discussed in *In re Meng*,<sup>15</sup> progress in such an art is typically made in small increments, such that seemingly small differences are important. Even if a change to a prior design appears to be small, such small increments are important in such an old and crowded art. In the container art, every design feature can be found somewhere in the prior art. Therefore, every container design can be rejected on some combination of references. But this fact does not legitimize such a combination.

Instead, for a combination of references to be legitimate, there must be some suggestion or teaching in the prior art, that the combination should be made. There is no such suggestion among

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<sup>11</sup> See e.g. *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1275 (Fed. Cir. 2004).

<sup>12</sup> See e.g. *In re Glavas*, 230 F.2d 447, 451 (CCPA 1956) (The Court held that the Board erroneously rejected an application for a design patent where the component features of the claimed design were all found in the prior art, but there was no suggestion in the prior art to combine the components.").

<sup>13</sup> See *In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1680-81 (Fed. Cir. 1988).

<sup>14</sup> See 35 U.S.C. 103 - "A patent for a claimed invention may not be obtained... if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious... to a person having ordinary skill in the art..." (emphasis added).

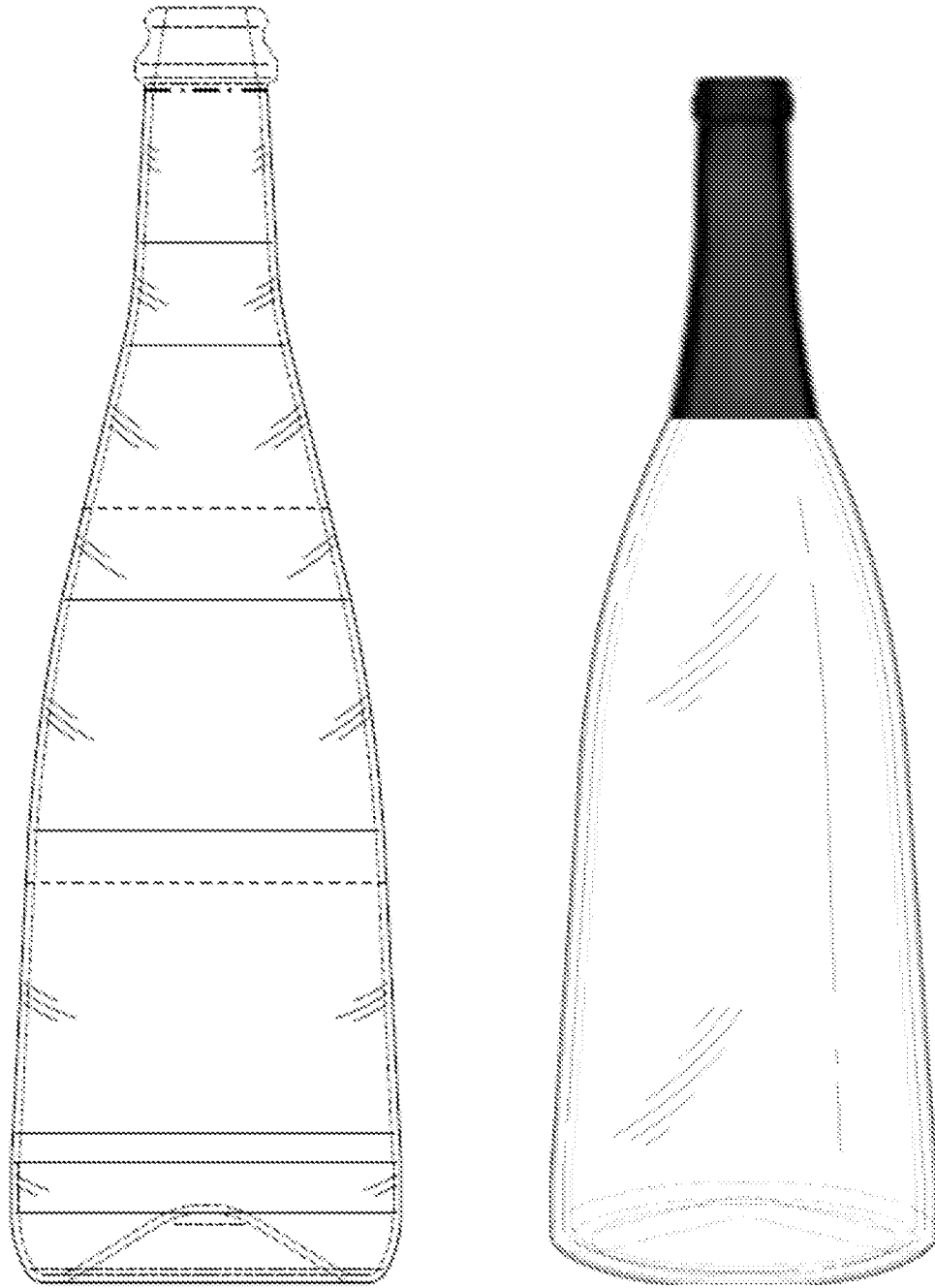
<sup>15</sup> *In re Meng*, 492 F.2d 843, 848 (C.C.P.A. 1974).

the applied references. Stated another way: a person of ordinary skill in the art of container design would not assemble the applied references in the first place, side by side, in the course of designing a new container. But even if such a designer could, by a very remote chance, assemble the applied references side by side, and decide to pick and choose various features from among the references and combine them, the chances are only one in an almost infinite number, that the various design features disclosed in those references would be selected in the particular combination that was selected for purposes of rejecting the claim in the present application. In other words: every container design has a multitude of design features. Therefore, the chances that any given one feature from each of applied references (each of those designs embodying a multitude of design features) would be selected and assembled, are one in an almost infinite number. Nevertheless, this was done in the rejection, and is without proper basis in U.S. design law.

**The asserted combination of references would not result in the claimed design**

Assuming, *arguendo*, that one of ordinary skill in the art would have modified the Waterloo “by incorporating tapered body towards the base” the resulting combination would not have the same overall visual appearance as the amended claimed design.

[ Intentionally Blank ]



As can be easily seen from above, merely incorporating Lauret's tapered body towards the base does not result in the same overall visual appearance of the claimed design. All or nearly all the differences between the Waterloo and the claimed design remain. Assuming for the sake of argument only that 1) Waterloo is visually similar to the claimed design, 2) Waterloo and Lauret references are even combinable, and 3) an artisan of ordinary skill would modify Waterloo in the



hindsight manner suggested in the Office Action, the alleged combination would result in substantial differences in appearance between the designs, the cumulative effect of which are manifest in an overall distinct visual impression imparted by Applicant's claimed design as a whole that is significantly different from, and that patentably distinguishes over, the hindsight-constructed container.

**Conclusion**

Waterloo's design is not visually similar to the claimed design, Lauret is not combinable with Waterloo in the manner proposed by the examiner, there is no valid reason to apply Lauret's teachings to Waterloo's design, and a combination of Waterloo with Lauret would not result in the same overall visual appearance as Applicant's amended claimed design. Accordingly, a designer of ordinary skill in the crowded art of container design would not have considered the claimed container design to be obvious in view of the Waterloo and Lauret.

Therefore, Applicant respectfully asserts that the claimed container design is patentable over the asserted references, individually and collectively and, thus, Applicant respectfully requests the examiner to withdraw the rejection of the claim.

If the Examiner has any questions with respect to any matter now of record, the Applicant's attorney may be reached at the telephone number below. The Commissioner is hereby authorized to charge Deposit Account No. 50-0852 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING ETHINGTON P.C.

***/Steven B. Walmsley/***

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Steven B. Walmsley  
Registration No. 48,021  
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Troy, Michigan 48084  
(248) 689-3500

Date: December 18, 2024  
SBW/YY

**Specification and Claim of Design Patent Application**

[0001] I, Jean-Christophe Lescot, have invented a design for a CONTAINER.

[0002] FIG. 1 is an upper perspective view of a CONTAINER in accordance with my new claimed design.

[0003] FIG. 2 is an elevational front view of the CONTAINER in FIG. 1, the elevational right side, rear, and left side views being substantially the same as the front view.

[0004] FIG. 3 is an enlarged top view of the CONTAINER in FIG. 1

[0005] FIG. 4 is an enlarged bottom view of the CONTAINER in FIG. 1

[0006] Dash-dash broken lines shown in the drawings illustrate portions of the CONTAINER that form no part of the claimed design.

[0007] Dash-dot broken lines shown in the drawings represent boundaries of the claimed design and form no part of the claimed design.

[0008] ~~The terms top, left, right, bottom, rear, side, and front are used for reference only and do not limit the claimed design.~~

[0009][0008] Shading lines shown in the drawings represent surface contours, or transparency, translucency, or opacity, and not surface ornamentation, and such lines, in and of themselves, are not part of the claimed design.

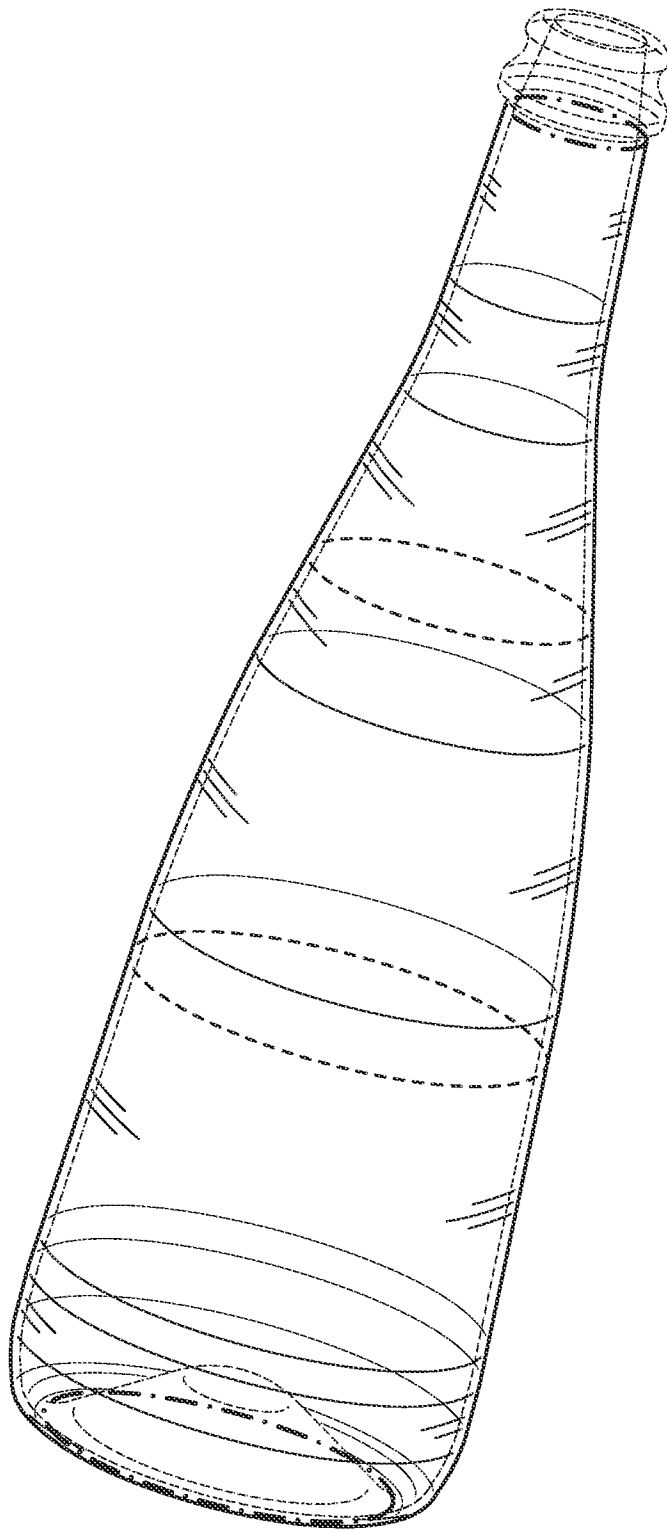
[0010][0009] Portions of the CONTAINER not shown in the drawings form no part of the claimed design.

[0011] ~~Applicant reserves the right to amend this application, and/or to file one or more divisional or continuation applications, to specifically claim or disclaim any subject matter~~

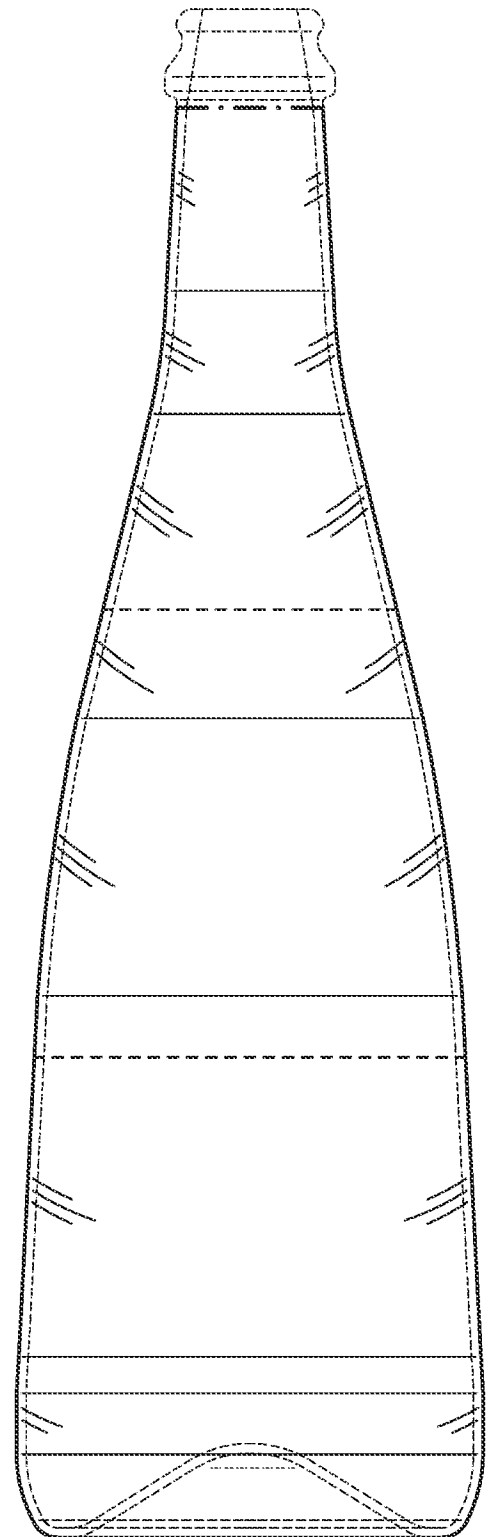
~~represented by solid lines or broken lines in the drawings. Accordingly, the disclosure and description include any version of the drawing figures wherein any solid line(s) is/(are) convertible to broken lines and vice versa, and wherein any lines may be deleted.~~

[0012] ~~To the extent a Patent Office Examiner objects to any of the aforementioned paragraphs 0008 through 0011, the Examiner is authorized to delete those paragraph(s) and this paragraph, without prejudice, without disclaimer or disavowal as to any claim scope, and merely to advance prosecution.~~

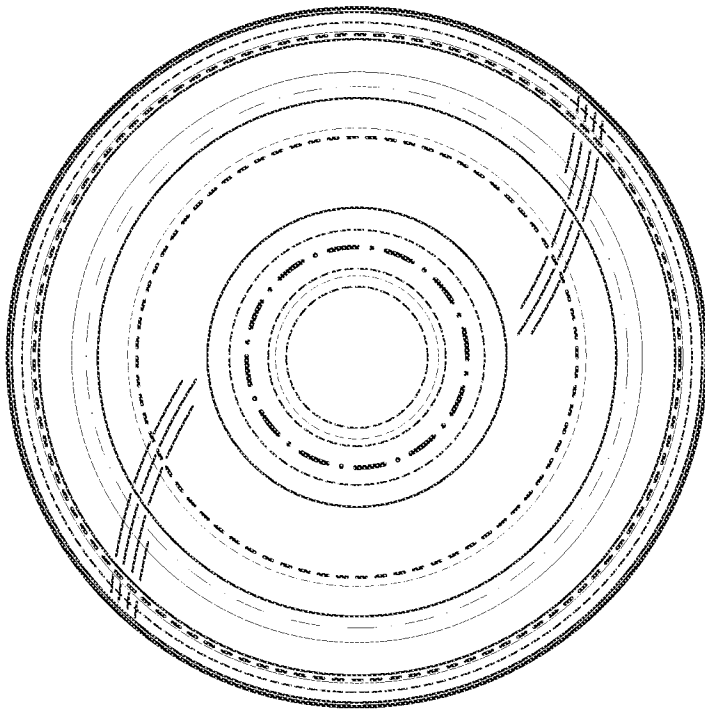
[0013][0010] I claim ~~an~~ the ornamental design for a CONTAINER, as shown and described.



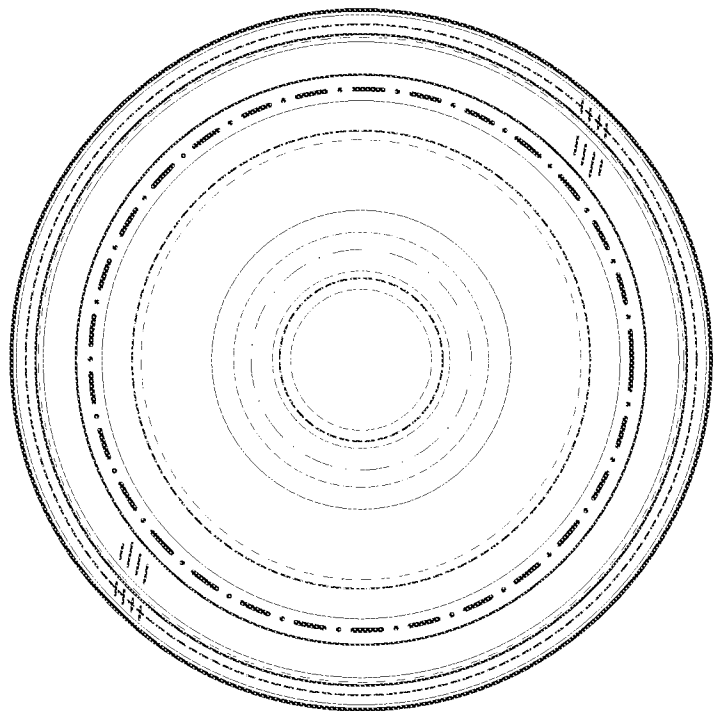
**FIG. 1**



**FIG. 2**



***FIG. 3***



***FIG. 4***

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 29/838,217  
Inventor: Jean-Christophe Lescot  
Title: Container  
Filed: May 11, 2022  
Group Art Unit: 2938  
Confirmation No.: 8286  
Examiner: EL-NEMRI, OLIVIA B  
Attorney Docket No.: 02426

**REPLY TO OFFICE ACTION AND AMENDMENT UNDER 37 CFR § 1.111**

**Filed Via Patent Center on December 18, 2024**

Dear Commissioner:

This response is being filed in reply to the non-final Office Action dated October 9, 2024.

**Amendments to the specification** begin on page 2.

**Amendments to the drawings** begin on page 3.

**Remarks** follow the amendments.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 29/838,217      | 05/11/2022  | Jean-Christophe Lescot | 02426               | 8286             |

27081 7590 10/09/2024  
O-I Glass, Inc.  
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One Michael Owens Way  
Plaza One - Legal Department  
Perrysburg, OH 43551-2999

|          |
|----------|
| EXAMINER |
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EL-NEMRI, OLIVIA B

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2938

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

10/09/2024

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):

Jerrica.mahn@o-i.com  
patents@o-i.com





*DETAILED ACTION*

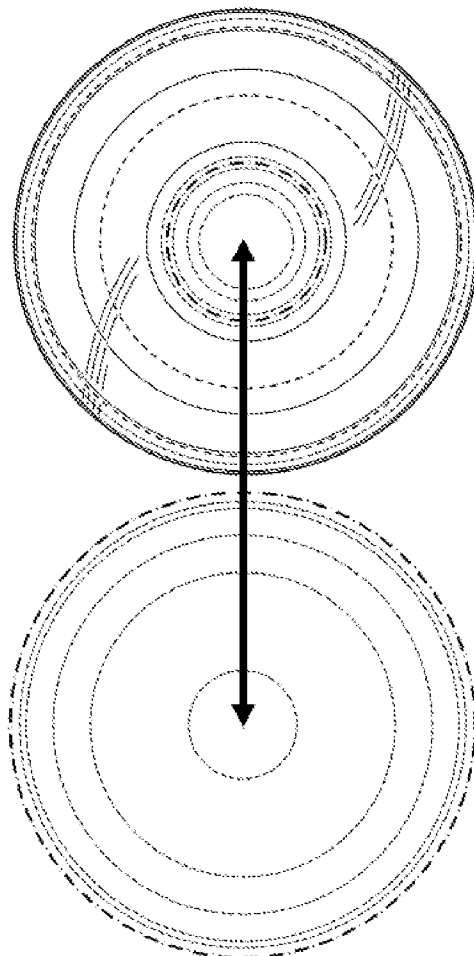
***Notice of Pre-AIA or AIA Status***

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

***Drawings***

As per MPEP 1503.02, the drawings are objected to due to the following inconsistencies:

- In Figs. 3 and 4, the bottom should be visible in the top view, and similarly, the top should be visible in the bottom view. However, they are depicted separately, despite the bottle's transparency, creating inconsistencies with all other figures.



Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as amended. If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. If all the figures on a drawing sheet are canceled, a replacement sheet is not required. A marked-up copy of the drawing sheet (labeled as "Annotated Sheet") including an annotation showing that all the figures on that drawing sheet have been canceled must be presented in the amendment or remarks section that explains the change to the drawings. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d) . If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

When preparing new or replacement drawings, be careful to avoid introducing new matter. New matter is prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

### ***Specification Objections***

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention (35 U.S.C. 112).

Paragraph [0003] describes the elevational right side, rear, and left side views as being “substantially the same” as the front view. The term “substantially” should be removed from the Fig. 2 description, as its use implies that the views may differ to some extent from the front view, thereby introducing ambiguity and raising concerns of indefiniteness.

The descriptive statements included in the specification [0008, 0011, and 0012] are impermissible because they are attempting to enlarge the scope. See MPEP § 1503.01, subsection II. Therefore, the descriptions below should be canceled as any description of the design in the specification, other than a brief description of the drawing, is generally not necessary, since as a general rule, the illustration in the drawing views is its own best description.

[[[0008] The terms top, left, right, bottom, rear, side, and front are used for reference only and do not limit the claimed design.]]

[[[0011] Applicant reserves the right to amend this application, and/or to file one or more divisional or continuation applications, to specifically claim or disclaim any subject matter represented by solid lines or broken lines in the drawings. Accordingly, the disclosure and description include any version of the drawing figures wherein any solid line(s) is/(are) convertible to broken lines and vice-versa, and wherein any lines may be deleted.]]

[[[0012] To the extent a Patent Office Examiner objects to any of the aforementioned paragraphs 0008 through 0011, the Examiner is authorized to delete those paragraph(s) and this paragraph, without prejudice, without disclaimer or disavowal as to any claim scope, and merely to advance prosecution.]]

***Claim Objection***

The claim shall be in formal terms to the ornamental design for the article (specifying name using the appropriate “a” or “an” before the name) as shown, or as shown and described. See 37 CFR 1.153(a) and *In re Application of William Schnell*, 8 USPQ 19, 25 (CCPA 1931). Accordingly, for proper form, the claim should be amended to read:

I claim ~~[[an]]~~ --the-- ornamental design for a container, as shown and described.

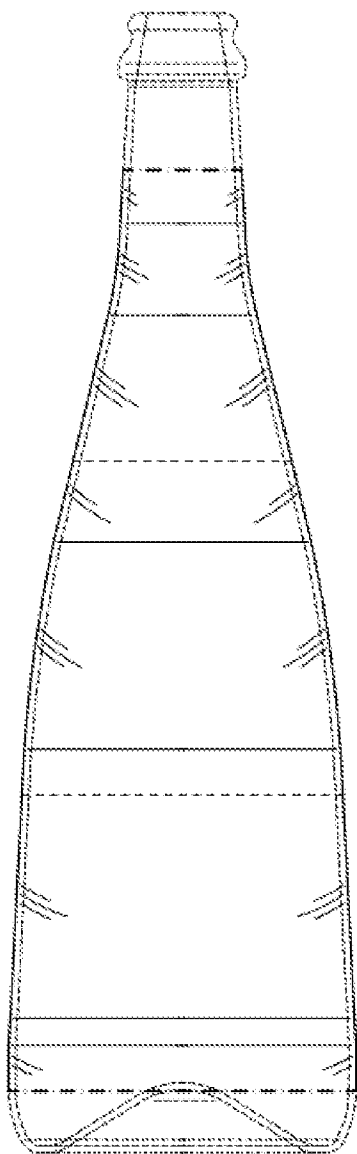
***Rejection under 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

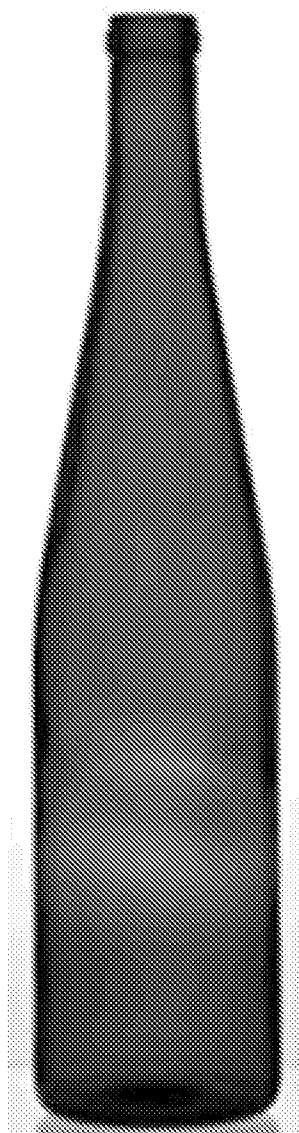
A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

The claim is rejected under 35 U.S.C. 103 as being unpatentable over <https://www.amazon.com/12-750-Cobalt-Bottles-Creations-Swanson/dp/B018WM419S/> “750mL Cobalt Blue Stretch Hock Wine Bottles - Case of 12” published by Waterloo Container on August 24, 2016 (hereinafter Waterloo Container) in view of US Design Patent D642,469 S to Lauret (hereinafter Lauret).

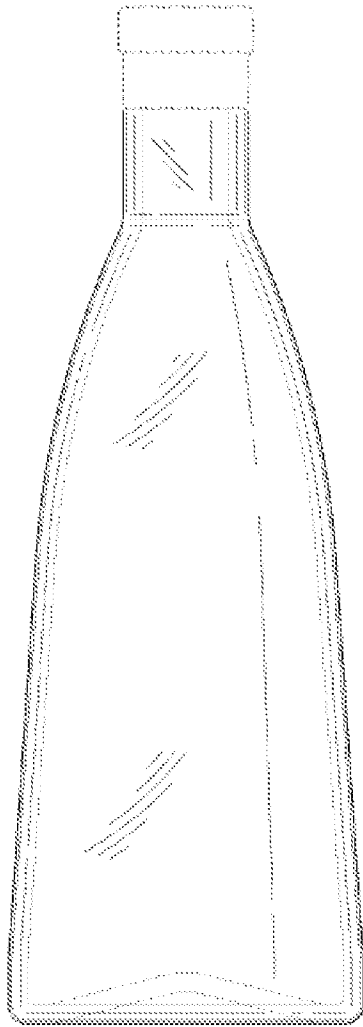
Claimed Design



Waterloo Container



Lauret



Waterloo Container teaches a bottle having an overall appearance with design characteristics that are visually similar to those of the claimed design, in showing a bottle with a tall, slender body and a narrow neck that gradually slopes into the body.

The claimed design differs from Waterloo Container by incorporating a bottle that tapers outward towards the base.

Lauret teaches a bottle that tapers outward towards the base.

It would have been obvious to a designer of ordinary skill in the art before the effective filing date of the claimed invention to modify Waterloo Container by Lauret by substituting the tapered base of Lauret on the bottle of Waterloo Container because such a modification is no more than a simple substitution of one known design element (tapered base) for another (straight base). Moreover, substitution of one known design element for another known design element in the same field would have been within the skill of an ordinarily skilled designer.

### ***Conclusion***

The claim stands rejected under 35 USC § 103.

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

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLIVIA B EL-NEMRI whose telephone number is (703)756-1585. The examiner can normally be reached Mon-Fri 8am-5pm.

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, RICHARD KEARNEY can be reached on 571-272-8312. 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

Art Unit: 2938

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.

/O.B.E./

Examiner, Art Unit 2938

/RICHARD EDGAR/

Supervisory Patent Examiner, Art Unit 2931





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|--------------------|-----------------------|------------------------|------------------------|
| 29/838,217         | 05/11/2022            | Jean-Christophe Lescot | 02426                  |

**CONFIRMATION NO. 8286**

**INFORMAL NOTICE**



27081  
O-I Glass, Inc.  
Attn: Stephen L. Scharf  
One Michael Owens Way  
Plaza One - Legal Department  
Perrysburg, OH 43551-2999

Date Mailed: 05/13/2022

**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):  
Jean-Christophe Lescot

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.

/elbanaybanay/

**Specification and Claim of Design Patent Application**

[0001] I, Jean-Christophe Lescot, have invented a design for a CONTAINER.

[0002] FIG. 1 is an upper perspective view of a CONTAINER in accordance with my new claimed design.

[0003] FIG. 2 is an elevational front view of the CONTAINER in FIG. 1, the elevational right side, rear, and left side views being substantially the same as the front view.

[0004] FIG. 3 is an enlarged top view of the CONTAINER in FIG. 1

[0005] FIG. 4 is an enlarged bottom view of the CONTAINER in FIG. 1

[0006] Dash-dash broken lines shown in the drawings illustrate portions of the CONTAINER that form no part of the claimed design.

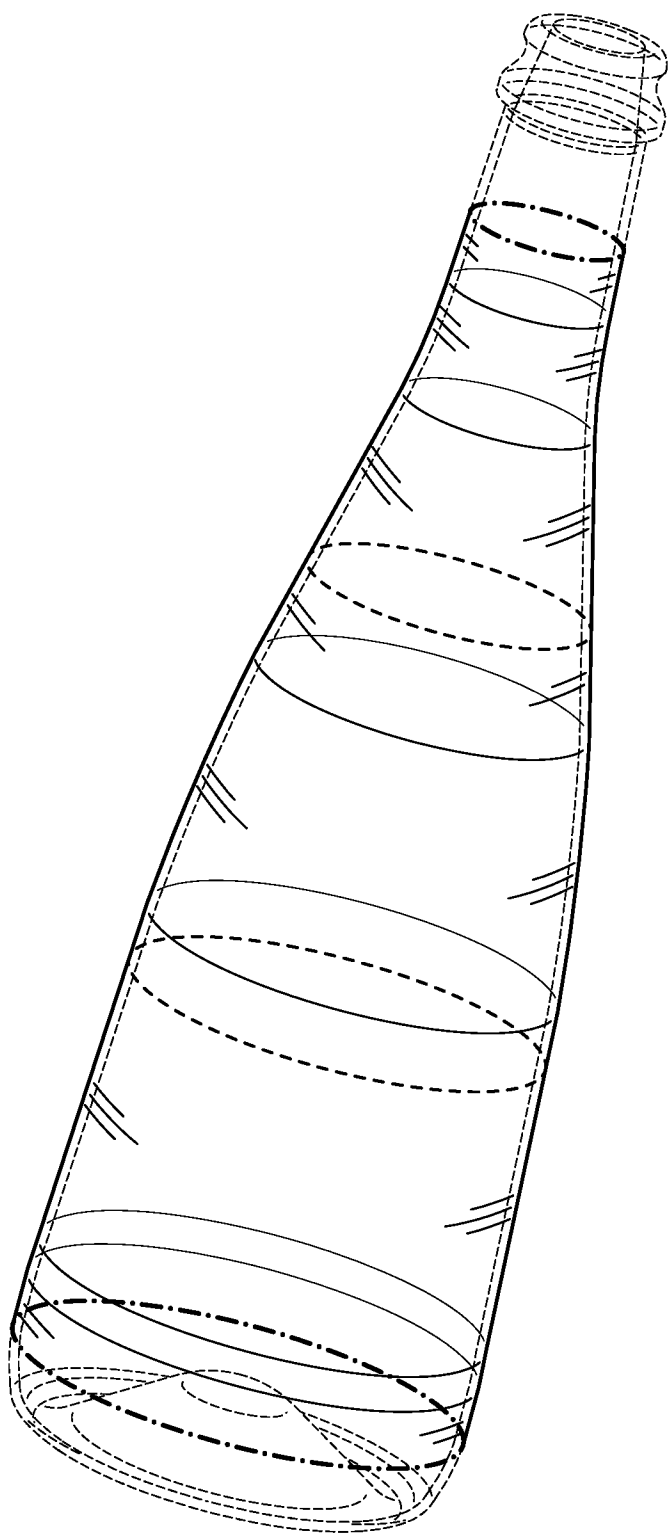
[0007] Dash-dot broken lines shown in the drawings represent boundaries of the claimed design and form no part of the claimed design.

[0008] The terms top, left, right, bottom, rear, side, and front are used for reference only and do not limit the claimed design.

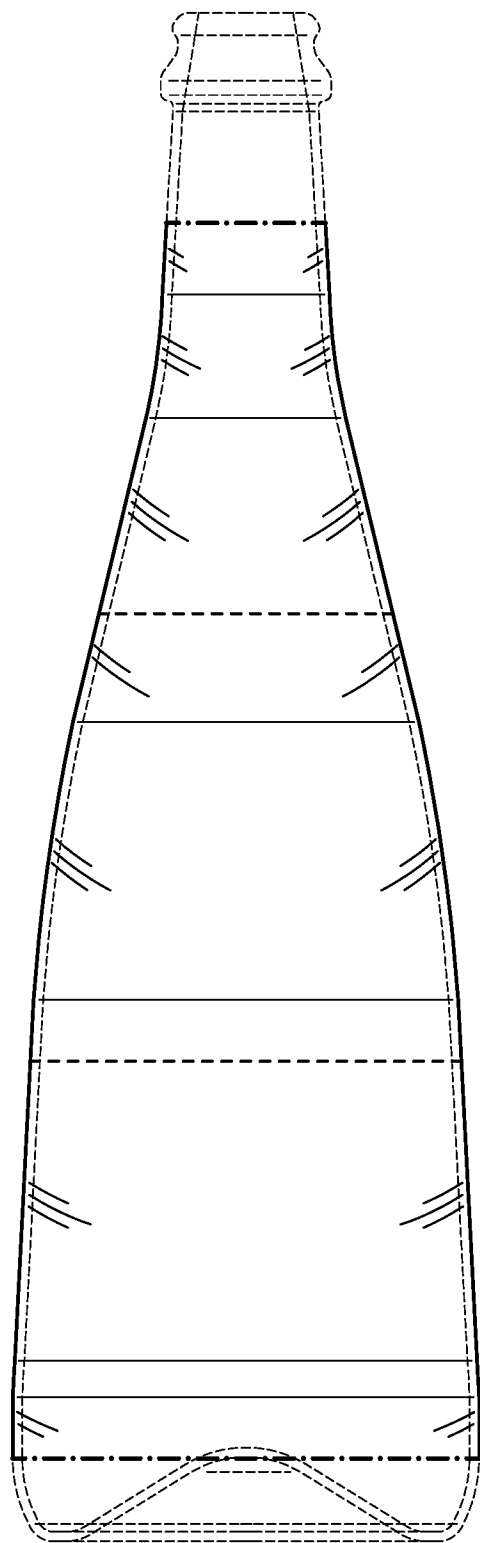
[0009] Shading lines shown in the drawings represent surface contours, or transparency, translucency, or opacity, and not surface ornamentation, and such lines, in and of themselves, are not part of the claimed design.

[0010] Portions of the CONTAINER not shown in the drawings form no part of the claimed design.

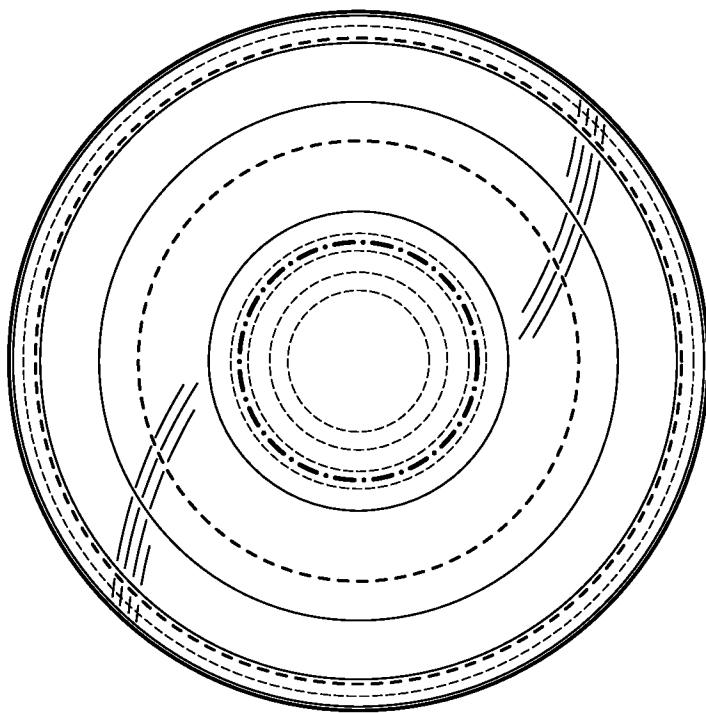
[0011] Applicant reserves the right to amend this application, and/or to file one or more divisional or continuation applications, to specifically claim or disclaim any subject matter



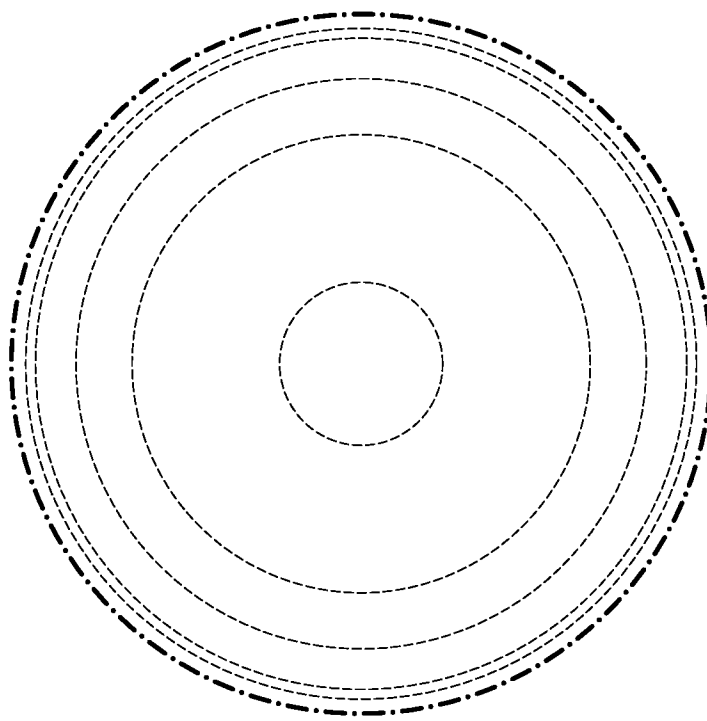
***FIG. 1***



***FIG. 2***



***FIG. 3***



***FIG. 4***

represented by solid lines or broken lines in the drawings. Accordingly, the disclosure and description include any version of the drawing figures wherein any solid line(s) is/(are) convertible to broken lines and vice-versa, and wherein any lines may be deleted.

[0012] To the extent a Patent Office Examiner objects to any of the aforementioned paragraphs 0008 through 0011, the Examiner is authorized to delete those paragraph(s) and this paragraph, without prejudice, without disclaimer or disavowal as to any claim scope, and merely to advance prosecution.

[0013] I claim an ornamental design for a CONTAINER, as shown and described.