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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ALLIANCE PACKAGING, LLC, a Washington
limited liability company,

Plaintiff,

v.

SMURFIT-STONE CONTAINER
CORPORATION, a Delaware corporation; and
ALTIVITY PACKAGING, LLC, a Delaware
limited liability company,

Defendants.

NO.

COMPLAINT FOR PATENT
INFRINGEMENT AND BREACH OF
CONTRACT

INTRODUCTION

1. Alliance Packaging LLC has been manufacturing custom corrugated containers for over 30 years. In 2004, Defendant Smurfit-Stone Container Corporation approached Alliance in urgent need of a new container and pour spout design in order to stay competitive and continue sales to one of its major customers. Alliance invested substantial resources into designing a unique container that was substantially better than any on the

1 market for its purpose, and Alliance applied for and obtained a United States Patent on the
2 container.

3 2. Smurfit-Stone and Alliance entered into an agreement under which Alliance
4 permitted Smurfit-Stone to use Alliance's container design without payment of a royalty, if
5 and so long as Alliance and Smurfit-Stone continued to share the production and sale of the
6 containers. The arrangement enabled Smurfit-Stone to continue sales to its customer and to
7 reap substantial, multi-million-dollar revenues.
8

9 3. A year later, Smurfit-Stone abruptly cancelled the contract—but continued to
10 manufacture and sell Alliance's container for its own benefit. When Alliance requested a
11 royalty for Smurfit-Stone's continued use of the container, Smurfit-Stone refused. Smurfit-
12 Stone then sold its division that manufactured and sold the containers to Defendant Altivity
13 Packaging LLC. Despite its knowledge of Alliance's patent application and other rights,
14 Altivity continued to manufacture and sell Alliance's container. And to this day, despite its
15 knowledge of Alliance's patent rights, Altivity continues to manufacture and sell Alliance's
16 now-patented container, earning multi-million dollar revenues. Alliance brings this suit to
17 enjoin the continued willful infringement of its patent rights, to recover damages attributable
18 to this ongoing willful infringement, and to recover damages for Smurfit-Stone's breach of
19 contract.
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PARTIES

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2 5. Plaintiff Alliance Packaging LLC (“Alliance”) is a limited liability company
3 formed under the laws of Washington with its principal place of business in Renton,
4 Washington and operations in Washington, Oregon, and California. Alliance is the owner,
5 by assignment, of the patent at issue in this case.

6 6. Defendant Smurfit-Stone Container Corp. (“Smurfit-Stone”) is a corporation
7 formed under the laws of Delaware with its principal place of business in Chicago, Illinois
8 and operations in multiple states, including the State of Washington.

9
10 7. Defendant Alitivity Packaging LLC (“Alitivity”) is a limited liability company
11 formed under the laws of Delaware with its principal place of business in Carol Stream,
12 Illinois and operations in multiple states, including the State of Washington. In June 2006,
13 Alitivity purchased Smurfit-Stone’s Consumer Packaging division, which included a plant in
14 Renton, Washington.

JURISDICTION AND VENUE

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17 8. This Court has subject-matter jurisdiction over Alliance’s patent-infringement
18 claims pursuant to 28 U.S.C. §§ 1331 and 1338. The Court has jurisdiction over Alliance’s
19 claims under state law pursuant to 28 U.S.C. § 1367(a). This Court also has diversity
20 jurisdiction under 28 U.S.C. § 1332(a), as there is complete diversity of citizenship and the
21 matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.
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1 9. Defendants are subject to personal jurisdiction in this judicial district because
2 both of them operate facilities and conduct substantial business in this district. Further,
3 Alliance's claim for breach of contract arises out of the transaction of business in this state.

4 10. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391(b) and
5 1400(b).

6
7 **FACTUAL ALLEGATIONS**

8 11. In 2004, Defendant Smurfit-Stone approached Alliance in need of a custom
9 container with a pour spout for packaging cat litter. At the time, Smurfit was in danger of
10 losing a large client, Church & Dwight (d/b/a Arm & Hammer), to certain competitors who
11 had developed containers that Church & Dwight found superior to those then being used by
12 Smurfit-Stone.

13 12. Alliance invested substantial resources in designing a new container with an
14 integrated pour spout that was substantially better than any offered by Smurfit-Stone's
15 competition (the "Container").

16 13. On August 23, 2004, Alliance filed U.S. Patent Application No. 10/924,529 to
17 patent the Container and the method for making it. Alliance owned all rights to the invention
18 through an assignment by the inventor, which it recorded.

19 14. On December 21, 2004, Alliance and Smurfit-Stone entered into a supply
20 agreement (the "Supply Agreement"). Under the Supply Agreement, the parties
21 acknowledged Alliance's right to a royalty for the use of its Container, but Alliance agreed to
22 waive such royalty in exchange for Smurfit-Stone's agreement to purchase the Containers
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1 from Alliance for use in packaging Church & Dwight products. The parties understood and
2 agreed that if Smurfit-Stone ceased purchasing from Alliance under the Supply Agreement
3 but wanted to continue to use the Container in its operations, Smurfit-Stone would owe
4 Alliance a royalty.

5 15. As a result of the Supply Agreement permitting Smurfit-Stone to use
6 Alliance's Container, the company was able to keep the Church & Dwight account.

7 16. Between late 2005 and early 2006, Smurfit-Stone stopped ordering Containers
8 from Alliance for sale to Church & Dwight under the Supply Agreement. Smurfit-Stone
9 nonetheless continued to manufacture and sell the Containers. Alliance therefore requested a
10 royalty fee pursuant to the Supply Agreement. Smurfit-Stone refused, stating without
11 explanation that it was "not liable for a royalty fee."
12

13 17. On July 21, 2005, Alliance's Patent Application No. 10/924,529 was
14 published (Publication No. 2005/0156021 A1). On April 5, 2006, Alliance sent notice of the
15 publication to Smurfit-Stone, who nonetheless continued manufacturing the Container for
16 Church & Dwight.
17

18 18. In June 2006, Altiivity purchased Smurfit-Stone's Consumer Packaging
19 business. That business included the Church & Dwight account for which Smurfit-Stone had
20 been using Alliance's Container. To date, Altiivity has continued those operations, including
21 the manufacture and sale of the now-patented Container.
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1 19. Altivity was aware of Patent Application No. 10/924,529 and was aware that
2 Alliance objected to Smurfit-Stone's manufacturing and selling the Container without paying
3 a royalty.

4 20. On October 5, 2006, the U.S. Patent and Trademark Office issued a notice of
5 allowance of Patent Application No. 10/924,529, as amended, and on January 2, 2007 issued
6 U.S. Patent No. 7,156,287 ("the '287 patent") based on that application. A copy of the '287
7 patent is attached as Exhibit A and incorporated in this complaint.
8

9 21. Altivity continues to manufacture and sell Containers using and embodying
10 the '287 patent.

11 **COUNT I – BREACH OF CONTRACT BY SMURFIT-STONE**

12 22. Smurfit-Stone breached the Supply Agreement with Alliance by continuing to
13 manufacture and sell Alliance's Container without paying a royalty after it stopped
14 purchasing Containers from Alliance.
15

16 23. Alliance has been damaged by Smurfit-Stone's breach in an amount to be
17 proved at trial.

18 **COUNT II – PATENT INFRINGEMENT BY ALTIVITY**

19 24. Altivity has infringed and continues to infringe the '287 patent in violation of
20 35 U.S.C. § 271(a) by making and selling the Container after issuance of the patent and by
21 actively and knowingly aiding and abetting direct infringement of the '287 patent by third
22 parties, including but not limited to Church & Dwight, in violation of 35 U.S.C. § 271(b).
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1 25. Under 35 U.S.C. § 283, Alliance is entitled to a permanent injunction
2 preventing further infringement, directly or by inducement, of the '287 patent.

3 26. Under 35 U.S.C. § 284, Alliance is entitled to damages for Altivity's
4 infringement in an amount to be proved at trial. Because Altivity's infringement has been
5 knowing and willful, Alliance is entitled to treble damages.

6 27. Under 35 U.S.C. § 285, Alliance is entitled to recover its attorneys' fees
7 incurred in this action from Altivity based on Altivity's conduct.
8

9 **JURY DEMAND**

10 Alliance hereby demands a trial by jury of all issues.

11 **PRAYER FOR RELIEF**

12 Based on the foregoing allegations, Alliance requests the following relief:

13 A. A judgment that Altivity has infringed and continues to infringe the '287
14 patent.

15 B. A judgment that Altivity's infringement has been willful and that this case is
16 exceptional.
17

18 C. A permanent injunction enjoining both Altivity and Smurfit-Stone and their
19 agents, successors, assigns, employees, and all those in privity to or in active concert and
20 participation with them, or any of them, from infringing any claim of the '287 patent by
21 making, using, selling, offering to sell, or importing any infringing product.

22 D. An award of damages against Smurfit-Stone for its breach of the Supply
23 Agreement.
24

1 E. An award of damages against Altivity adequate to compensate Alliance for
2 Altivity's infringement of the '287 patent, and in no event less than a reasonable royalty,
3 trebled as a result of Altivity's willful infringement.

4 H. An award of a reasonable attorneys fees against Altivity.

5 I. An award of costs.

6 J. Such other relief at law or in equity as the Court may deem proper in light of
7 the facts as proved at trial.

8
9 DATED this 24th day of January, 2007.

10
11 SAVITT & BRUCE LLP

12
13 By Miles A. Yanick
14 James P. Savitt, WSBA #16847
Miles A. Yanick, WSBA #26603

15 Attorneys for Plaintiff Alliance Packaging LLC
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EXHIBIT A



US007156287B2

(12) **United States Patent**
Heise

(10) **Patent No.:** US 7,156,287 B2
(45) **Date of Patent:** Jan. 2, 2007

(54) **CONTAINER WITH INTEGRATED SPOUT AND METHOD FOR MAKING SAME**

(75) **Inventor:** John Heise, Federal Way, WA (US)

(73) **Assignee:** Alliance Packaging, LLC, Renton, WA (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 93 days.

(21) **Appl. No.:** 10/924,529

(22) **Filed:** Aug. 23, 2004

(65) **Prior Publication Data**

US 2005/0156021 A1 Jul. 21, 2005

Related U.S. Application Data

(60) Provisional application No. 60/536,904, filed on Jan. 16, 2004.

(51) **Int. Cl.**
B65D 5/74 (2006.01)
B65D 5/02 (2006.01)

(52) **U.S. Cl.** 229/215; 229/221; 493/59

(58) **Field of Classification Search** 229/214, 229/215, 217, 219, 221; 493/59-62, 87, 493/160, 161

See application file for complete search history.

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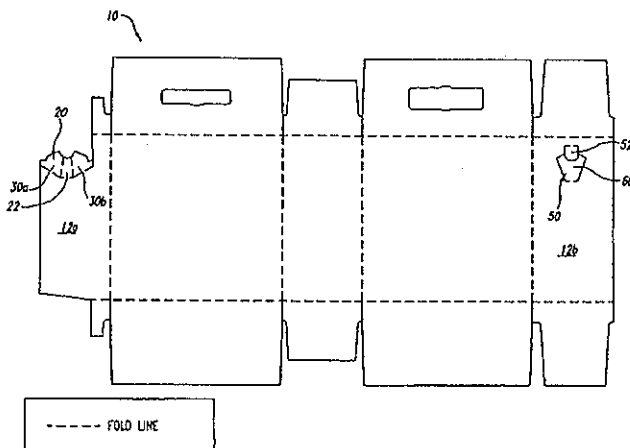
Primary Examiner—Gary E. Elkins

(74) *Attorney, Agent, or Firm*—Seed Intellectual Property Law Group PLLC

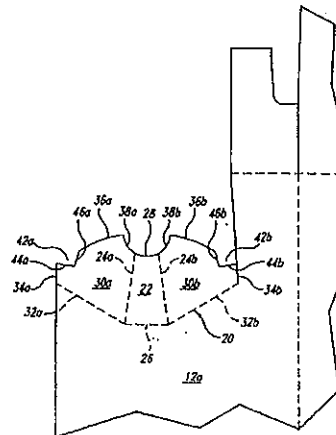
(57) **ABSTRACT**

The present invention provides a container with an integrated spout and a method for forming the container. The container includes an inner panel that defines a spout and an outer panel that defines an orifice. The width of the spout exceeds the width of the orifice. The outer panel may include a first tab adjacent to the orifice to provide access to the spout. The outer panel may also include a second tab that temporarily occludes the orifice. The orifice may be exposed when the spout on the inner panel is accessed and the second tab is at least partially detached by extracting the spout. An integrated spout on the inner panel, the width of which exceeds the width of the orifice on the outer panel, reduces the cycle time and cost of manufacturing containers with a spout and prevents the container contents from bypassing the spout upon pouring.

7 Claims, 10 Drawing Sheets



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U.S. Patent

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Sheet 1 of 10

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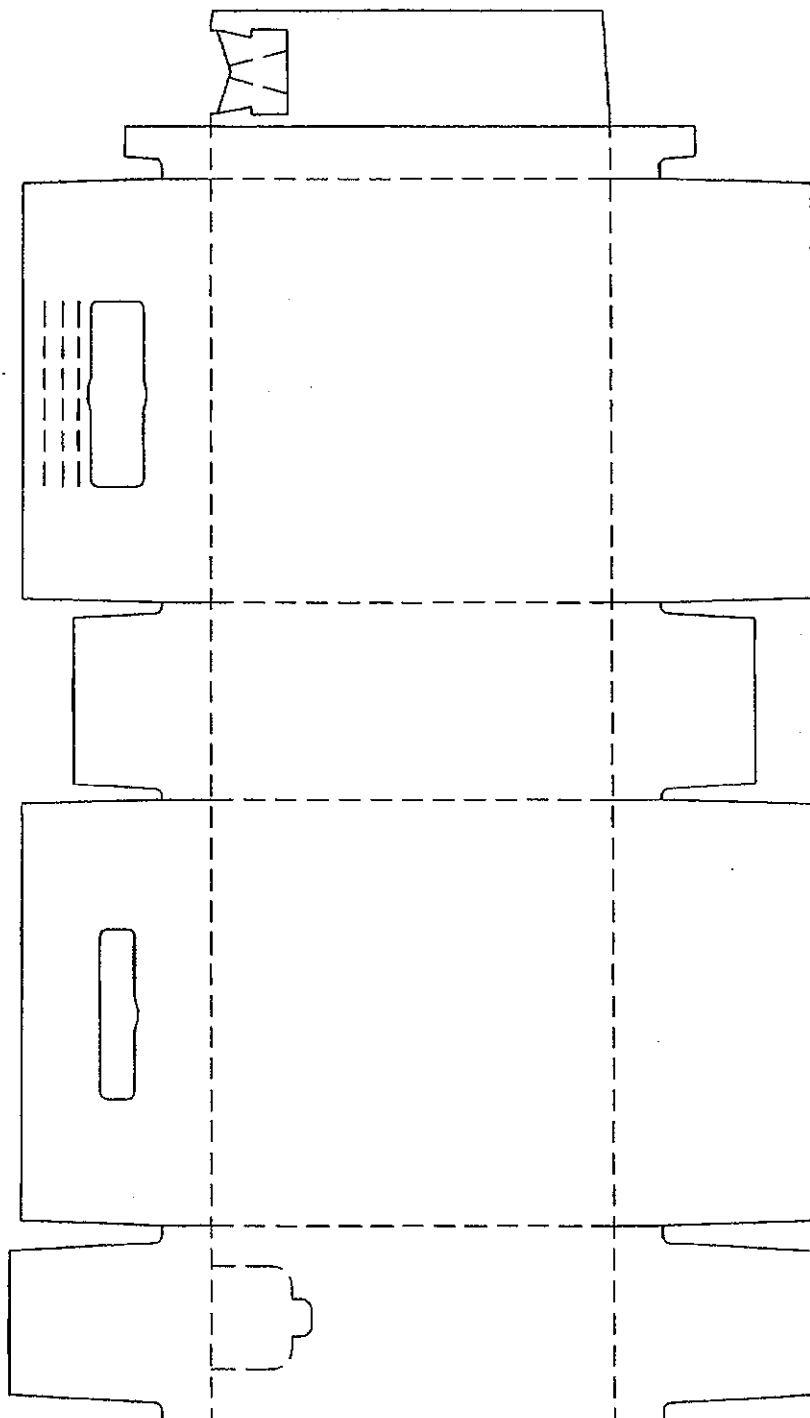


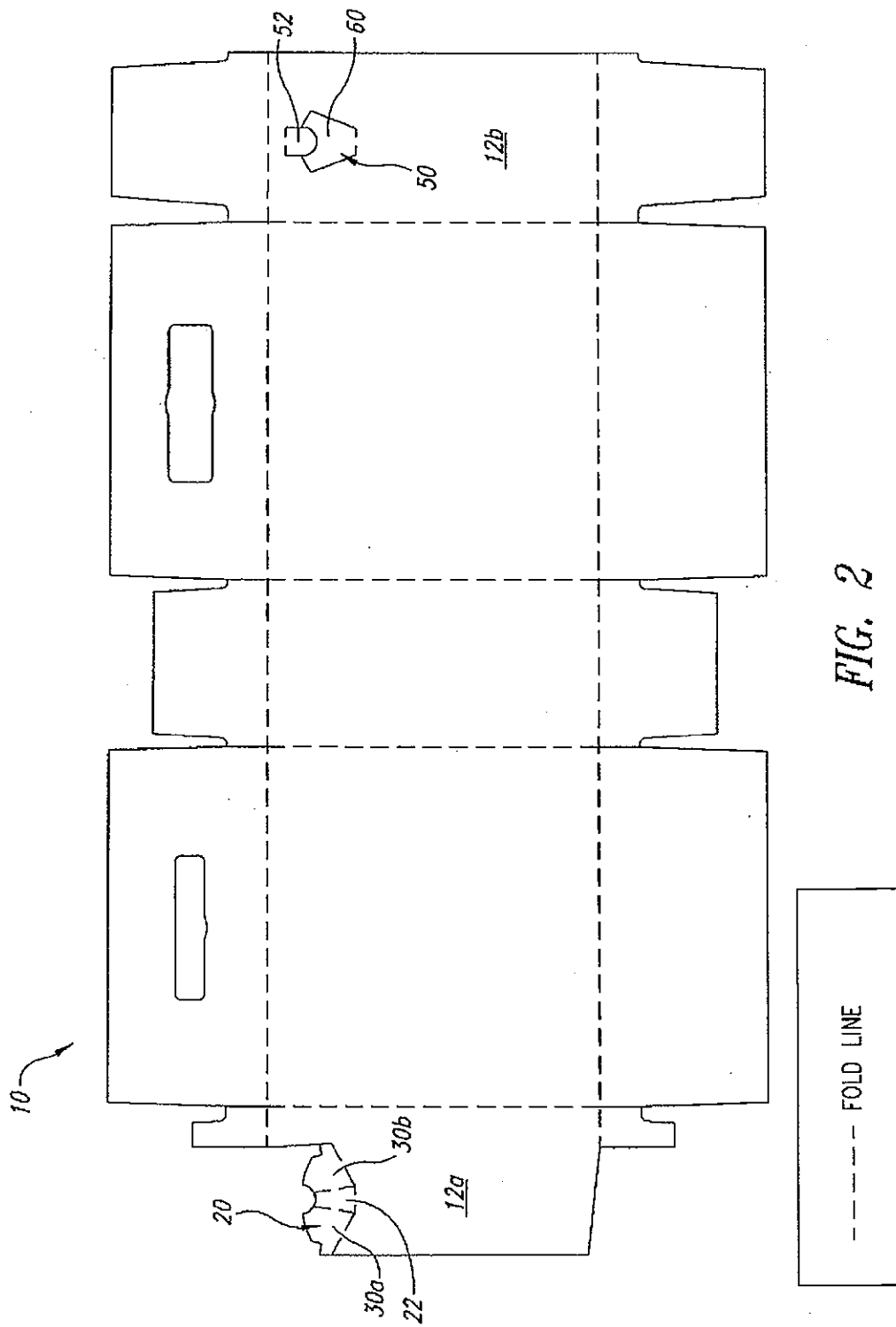
FIG. 1
(Prior Art)

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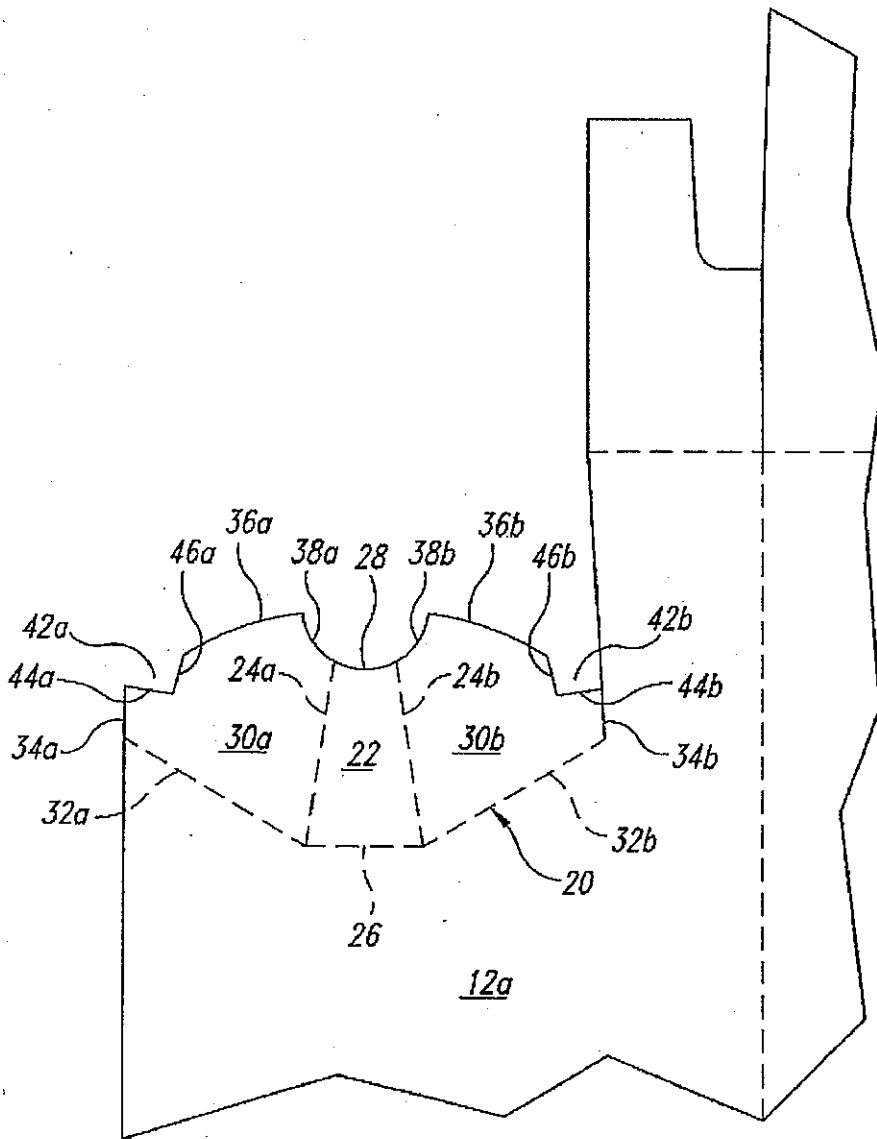


FIG. 3

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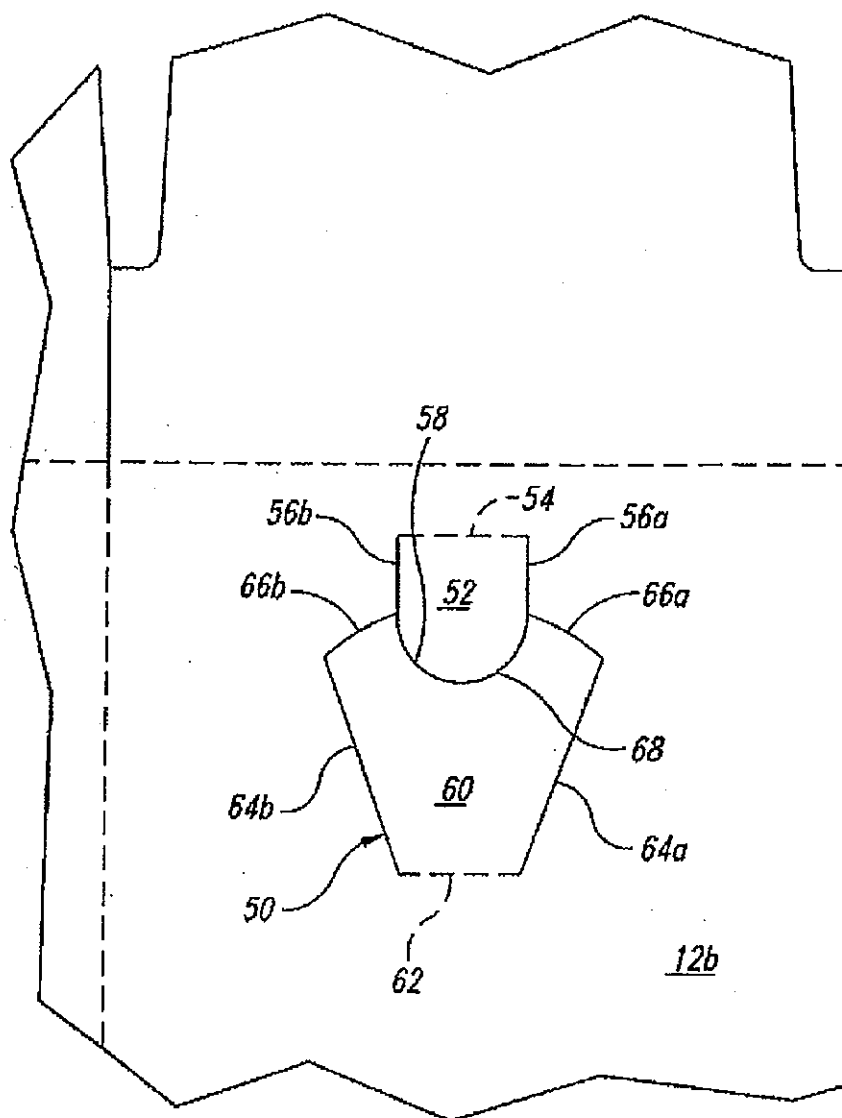
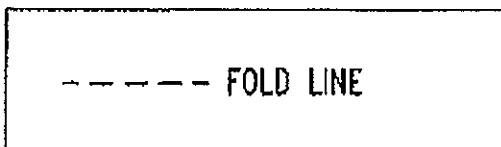


FIG. 4

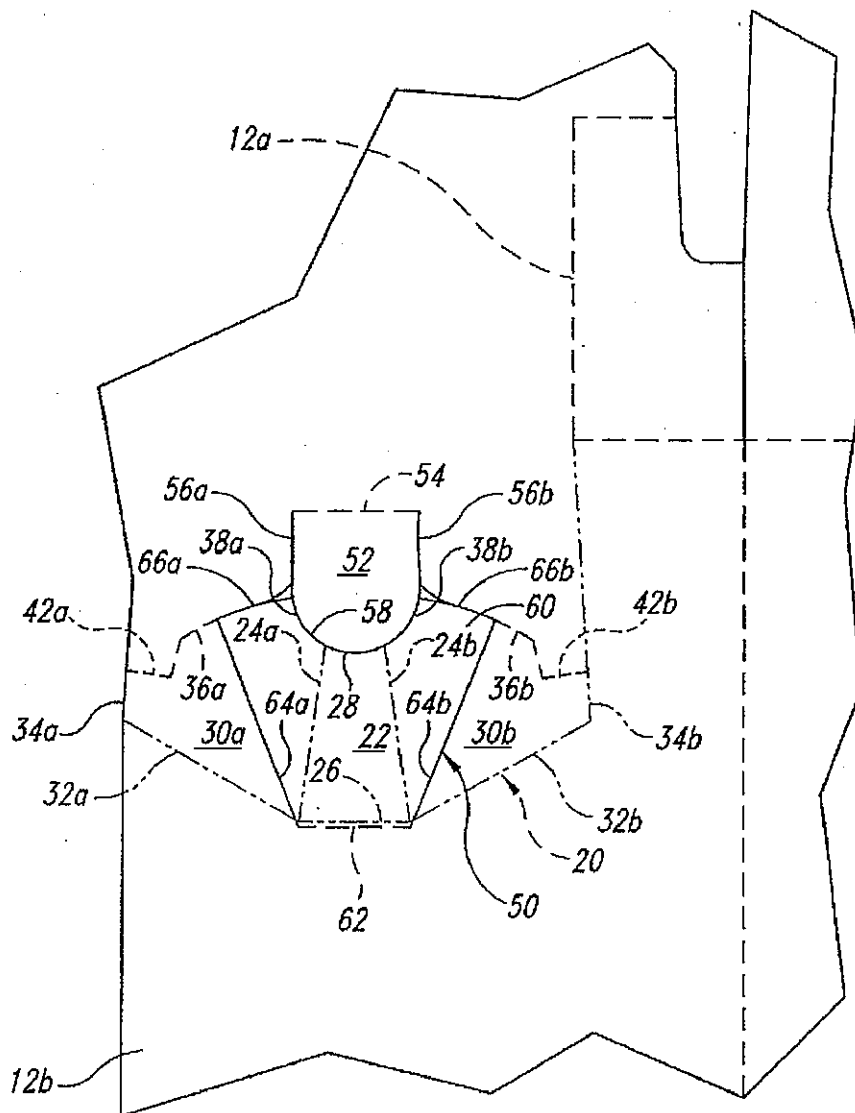
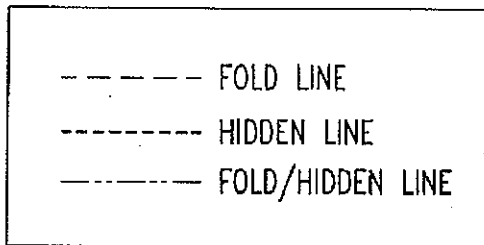
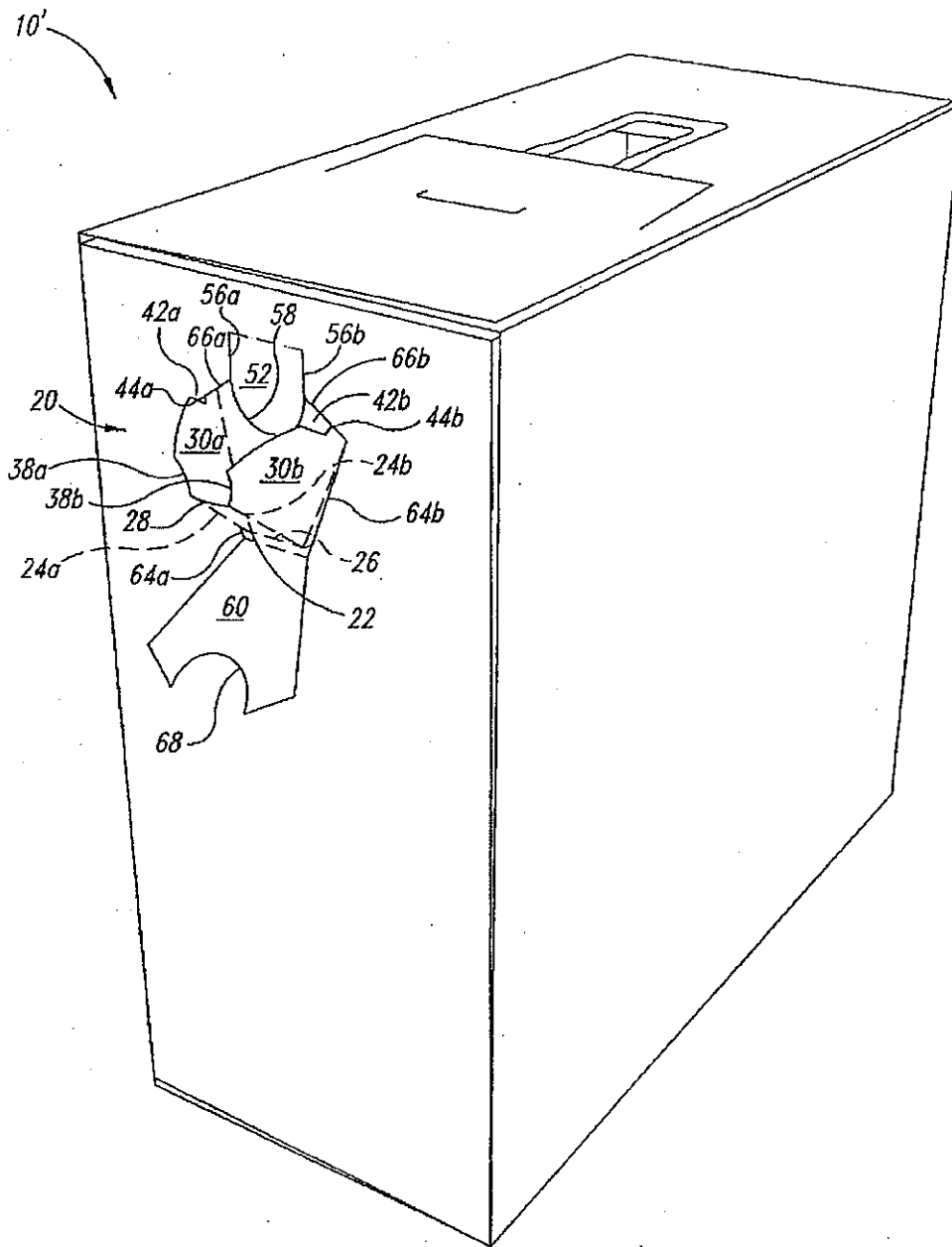


FIG. 5



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FIG. 6

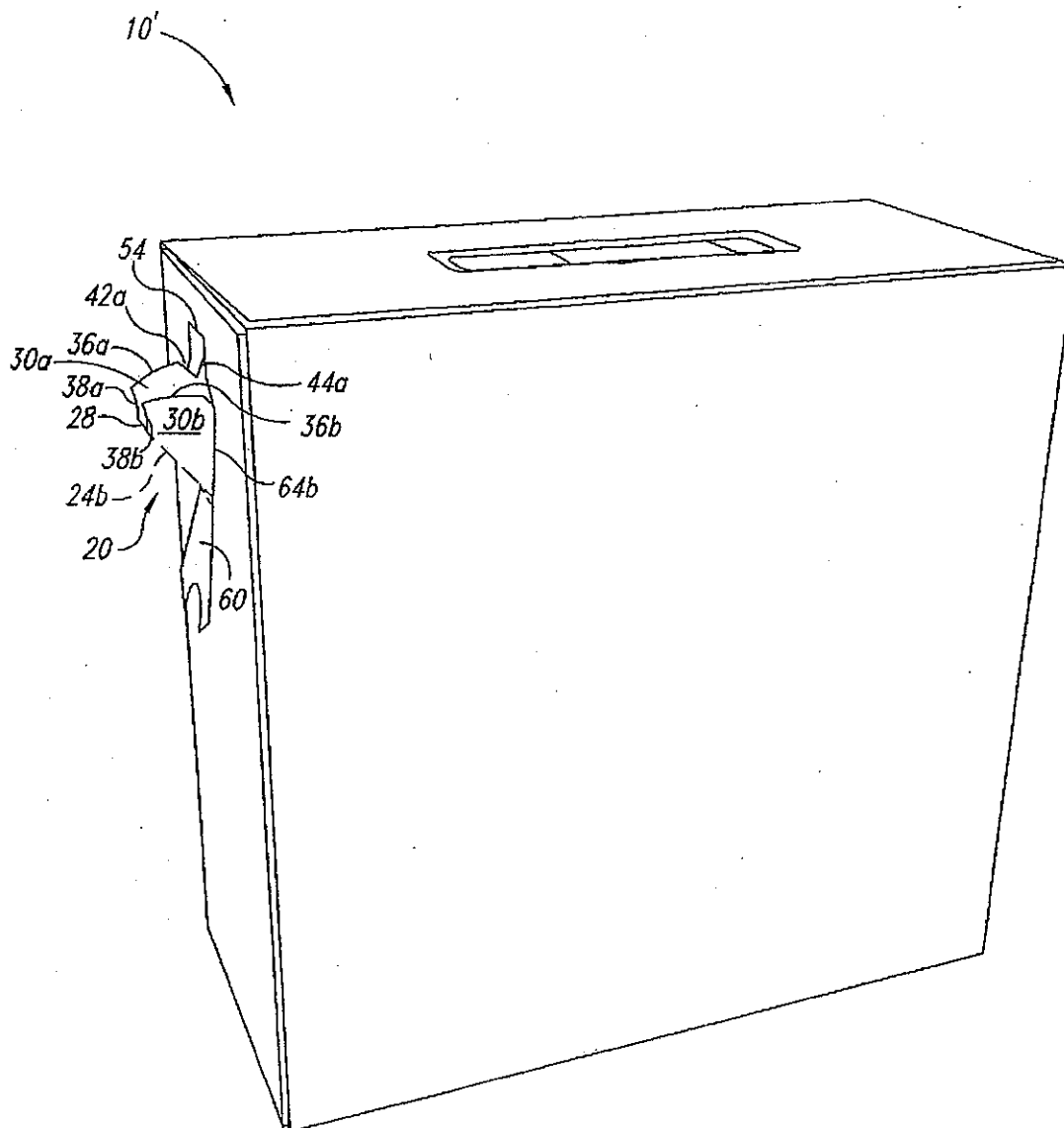
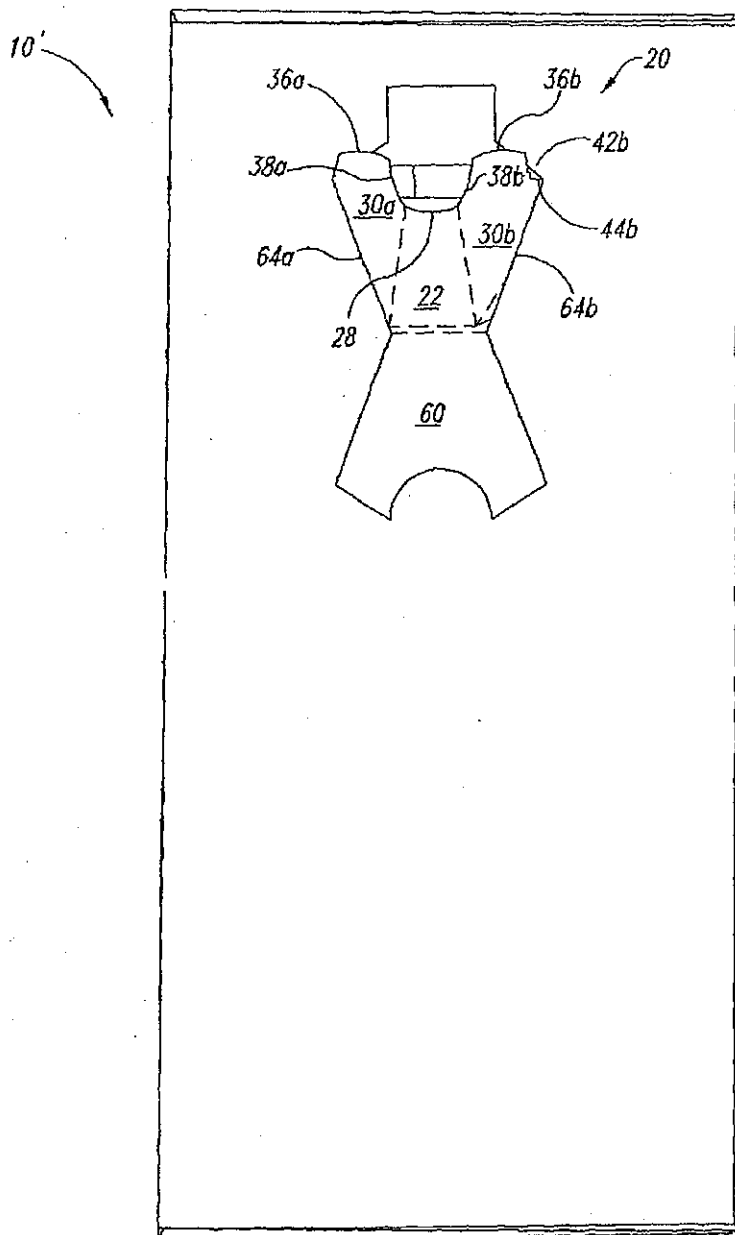


FIG. 7

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FIG. 8

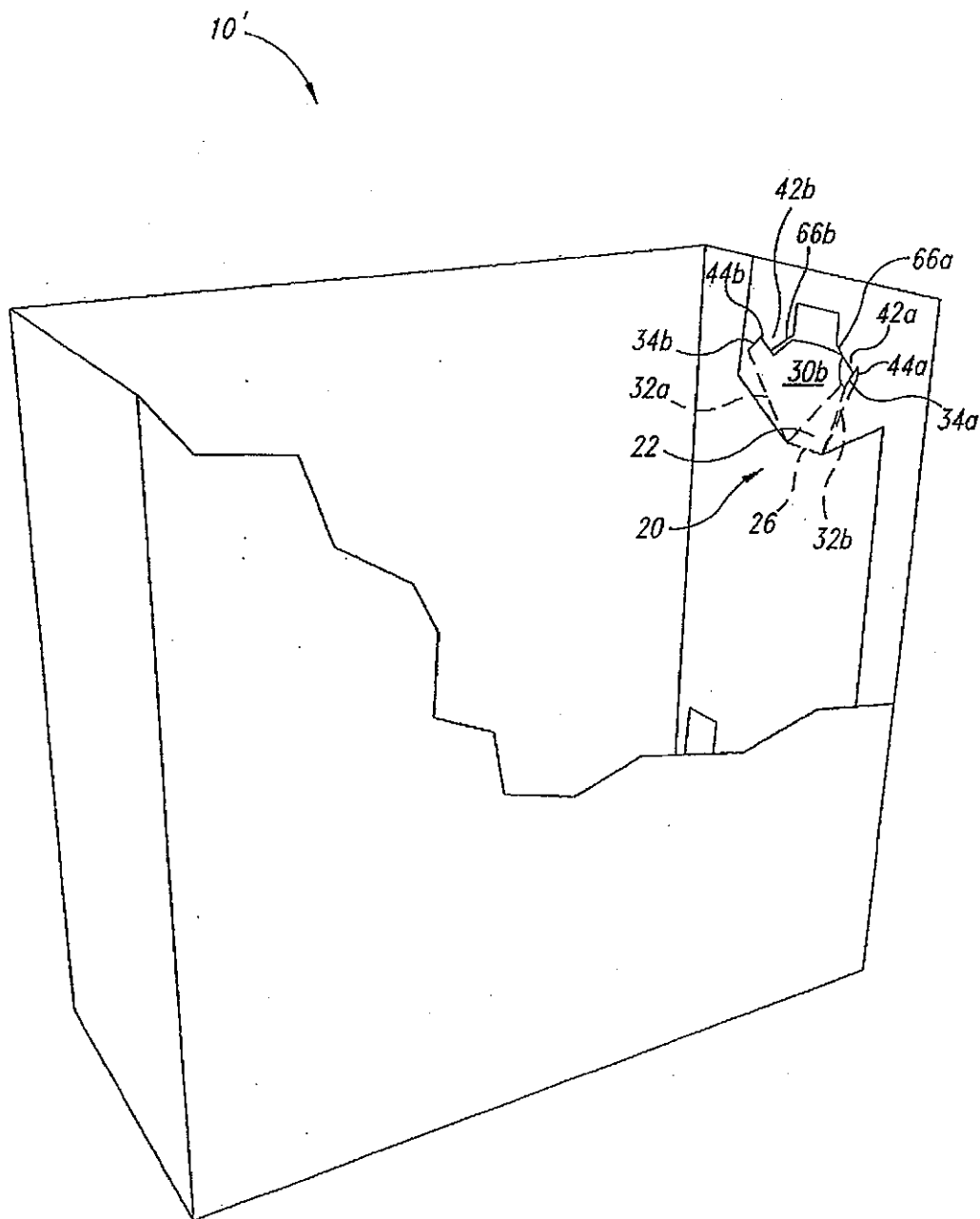
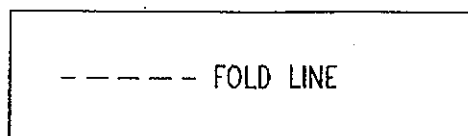


FIG. 9



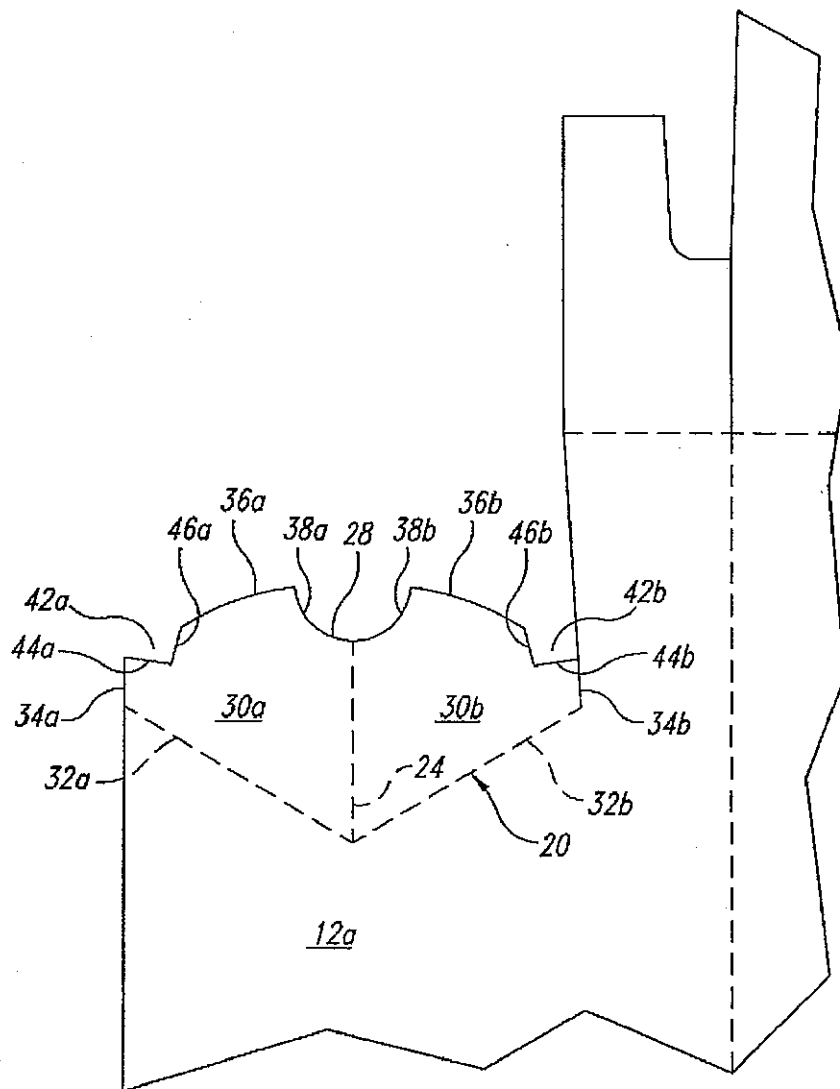
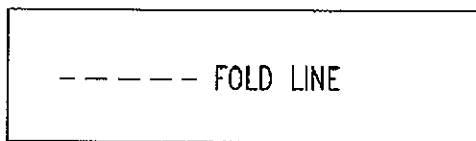


FIG. 10

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CONTAINER WITH INTEGRATED SPOUT AND METHOD FOR MAKING SAME

CROSS-REFERENCE TO RELATED APPLICATION

This application claims the benefit of U.S. Provisional Patent Application No. 60/536,904 filed Jan. 16, 2004, where this provisional application is incorporated herein by reference in its entirety.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to containers, and more specifically, containers with pour spouts.

2. Description of the Related Art

Heretofore prior art solids dispensing pour spouts for containers used stamped steel or injection molded plastic spouts that required special box manufacturing steps. Attempts to create an integrated spout container, i.e., one that formed the spout from the container material, provided a solution to the excess manufacturing steps but resulted in a spout that undesirably permitted dispensed solids to bypass the spout. Thus, a need arose to provide an integrated spout solution that minimized the solids bypass problem of the prior art.

BRIEF SUMMARY OF THE INVENTION

The invention provides for an integrated solids dispensing pour spout for use in solids dispensing containers and methods for fabricating a container having the same. The invention comprises a first panel defining a spout and a second panel defining an orifice. During use of the invention, the first panel is overlapped by the second panel to permit a portion of the spout to emerge from the orifice upon application of a bias force to the spout. In a container application, the first panel is defined as an inner panel and the second panel is defined as an outer panel. The lateral centerline of the spout is aligned with the lateral centerline of the orifice and further positioned so that the spout may emerge through the orifice upon application of a tension force to the spout.

As previously described, the first panel defines the spout. The spout remains contiguous with the first panel at a lower hinge segment; otherwise, it is separate or separable from the first panel. The spout comprises a central portion from which first and second lateral wings hingedly extend. Each lateral wing has a perimeter edge comprising a lower edge segment (which may include a lateral edge segment) and an upper edge segment. The central portion may be discrete or may be characterized as the area of intersection between the first and second lateral wings. A maximum spout width is identified as " SW_{max} ", and represents the maximum distance from the first wing edge to the second wing edge prior to deployment of the spout.

Also as previously described, the second panel defines an orifice. The orifice has a lower perimeter edge segment generally corresponding in length to the lower hinge segment of the spout. Lateral and upper perimeter edge segments complete the definition of the orifice, where the lateral perimeter edge segments are generally rectilinear and preferably converge towards the lower edge segment. The lateral perimeter edge segments also define a maximum orifice width, " OW_{max} ", which is less than " SW_{max} ". As will be described in more detail below, this feature causes the

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hinged first and second wings to fold towards the central portion when the spout is pivotally extended through the orifice.

Operation of the invention requires that the first and second panels be overlapped so that the lower hinge of the spout is generally congruent with the lower edge segment of the orifice. As an upper portion of the spout is caused to emerge from the orifice, the first and second wings are caused to fold by the partial obstruction provided by the orifice lateral perimeter edge segments, i.e., " OW_{max} " is less than " SW_{max} ". Because of the compound angles involved and the regular surface of the wings, there is a high degree of latitude for selection of the orifice angle (the angle formed between the orifice lateral perimeter edge and centerline) and the spout angle (the angle formed between the lateral hinge and the centerline). Thus, a "wide" spout and a "narrow" spout can be used with the same orifice geometry, or vice versa. The degree of spout extension through the orifice is only limited by the depth of the wings (wing depth is defined as the arc length of the wing to orifice edge contact area as determined from the lower hinge thereof) and/or any over-extension prevention feature as described below.

A feature of the invention is the interaction between the first and second panels when establishing a spout. By forming a notch in each wing's upper edge segments, and ensuring that the length of each wing's lower edge segment is generally equal to or greater than the length of each lateral perimeter edge segment, over-extension of the spout can be prevented by the interference between the spout notches and upper perimeter edge segments of the orifice. Note that selective positioning of the first panel relative to the second panel can create such over-rotation interference even though the length of the wing's lower edge segment may be less than that of the orifice lateral perimeter edge segment. Thus, functional interference between the spout and the orifice overrides dimensional limitations in some circumstances.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a schematic plan view of a prior art container blank incorporating a conventional pour spout;

FIG. 2 is a schematic plan view of a container blank incorporating a first embodiment of the invention;

FIG. 3 is an enlarged view of the spout portion of the first embodiment shown in FIG. 2;

FIG. 4 is an enlarged view of the pull tab portion of the first embodiment shown in FIG. 2;

FIG. 5 is a registered composite overlay of FIGS. 3 and 4 wherein the relative relationship between the spout portion and the pull tab portion of the first embodiment is shown;

FIG. 6 is a perspective view of a container incorporating the first embodiment of the invention after extension of the spout portion;

FIG. 7 is a side elevational view in perspective of the container of FIG. 6 incorporating the first embodiment of the invention after extension of the spout portion;

FIG. 8 is a front elevational view of the container of FIG. 6 incorporating the first embodiment of the invention after extension of the pull tab portion and the spout portion;

FIG. 9 is a perspective view with cut-out to reveal the interior of the container of FIG. 6 illustrating the engagement of an overextension feature with the container; and

FIG. 10 is a partial front elevational view of a spout provided in accordance with an alternative embodiment of the invention.

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DETAILED DESCRIPTION OF THE
INVENTION

The following discussion is presented to enable a person skilled in the art to make and use the invention. Various modifications to the preferred embodiment will be readily apparent to those skilled in the art, and the generic principles herein may be applied to other embodiments and applications without departing from the spirit and scope of the present invention as defined by the appended claims. Thus, the present invention is not intended to be limited to the embodiment shown, but is to be accorded the widest scope consistent with the principles and features disclosed herein.

Turning then to the several Figures wherein like numerals indicate like parts, and more particularly to FIG. 2, a plan view of a corrugated container blank incorporating an embodiment of the invention is shown. Container blank 10 is preferably constructed from 40 pound basis corrugated material having a "B" flute size, and has general dimensions of 22" by 39", with the corrugation running in the vertical direction. End panel 12a defines spout 20 while end panel 12b defines orifice 50, which when container blank 10 is formed into a container 10' such as shown in FIG. 5, is non-permanently occluded by tab "A" 52 and tab "B" 60.

In FIG. 3, which is a detailed view of spout 20, the elements thereof will now be described. Spout 20 comprises central portion 22, and lateral wings 30a and 30b. To permit the required deflection of wings 30a and 30b, lateral hinge segments 24a and 24b are provided at the interface between central portion 22 and wings 30a/b, and comprise a plurality of perforations formed in the container blank. Those persons skilled in the art will appreciate that the use of perforations may not be necessary in all instances; if wings 30a and 30b are constructed from a sufficiently pliable or resilient material, there may not be a need to localize the stress in order to achieve deflection of the wings. However, since the illustrated embodiment is constructed from corrugated paperboard and the axis of pivot is askew to the direction of corrugation, perforations are considered desirable.

Spout 20 is hingedly linked to panel 12a at lower hinge segment 26, which is also characterized as comprising a plurality of perforations. Again, the use of perforations to enhance the functionality of the described embodiment is considered desirable in view of the materials used, however, their presence is not required depending upon material selection and spout geometry. Alternatives to perforation include scoring.

Each wing 30a/b further includes lower edge segment 32a/b, lateral edge segment 34a/b, stop edge segment 44a/b, upper edge segment 36a/b and recess edge segment 38a/b, respectively. Each wing also comprises an over-extension prevention feature in the form of notch 42a/b, which comprises stop edge segment 44a/b and cut-back edge segment 46a/b. As will be described below, the over-extension prevention feature prevents unintended extension of spout 20 from orifice 50 defined by panel 12b. Recess edge segments 38a/b of wings 30a/b and recess edge segment 28 of central portion 22 may be formed to accommodate the intrusion of tab "A" 52 as will be described below.

In an alternate embodiment of the present invention as illustrated in FIG. 10, wings 30a/b may be joined directly by a singular hinge segment 24, thereby obviating the need for a central portion. In this embodiment, wings 30a/b may be hingedly connected to the inner panel at least at a portion of wing lower segments 32a/b, about which the spout may rotate into the extended position. In this embodiment of the present invention, when the spout is extended, wings 30a/b

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interact with the orifice to form a "V" geometry hinged at hinge segment 24. Although such a configuration still permits use of the invention, the volume of dispensed solids will be reduced and clogging of the spout may increase depending upon the shape and size of the dispensed solids. Through incorporation of a central portion with moderately inclined wings, the size of the dispensing orifice can be maximized.

Panel 12b defines orifice 50 as shown in FIG. 4 and as previously described. While only orifice 50 is desirable for operation of spout 20, the illustrated embodiment includes occluding tab "A" 52 and tab "B" 60, which have been perforated for consumer breach in order to access spout 20 after purchase of the container comprising the embodiment. For convenience, reference to an "edge" applies to both the tab edge and the orifice edge, since they are common to one another.

Turning then to tab "B" 60, it has lower hinge segment 62, which is characterized as comprising a plurality of perforations to permit hinged movement of tab "B" 60. Tab "B" 60 also includes lower lateral perimeter edge segments 64a/b and upper lateral perimeter edge segments 66a/b. In addition, it has common perimeter 68, which corresponds to common perimeter 58 of tab "A" 52. In turn, tab "A" 52 has lateral perimeter edge segments 56a/b as well as upper hinge segment 54, which is characterized as comprising a plurality of perforations to permit hinged movement of tab "A" 52. With respect to all tab edge segments (this does not apply to perforated hinge segments), it is understood that the perforations are such that a consumer may easily breach the frangible connection created thereby to cause either tab "A" 52 or tab "B" 60 to pivot about its respective hinge.

Turning to FIGS. 5 through 9, operation of the invention will now be described. As shown best in FIG. 5, when panel 12b is overlapped and bonded to panel 12a (note that no portion of spout 20 or orifice 50 is bonded), the resulting alignment creates a symmetrical overlay of spout 20 and orifice 50 about an imaginary vertical centerline. In addition, lower hinge segment 26 of spout 20 is generally superposed over lower hinge segment 62 of tab "B" 60 (note that slight displacement of lower hinge segment 26 relative to lower hinge segment 62 is permissible and accounts for reduced interference; as used herein, "generally superposed" includes this relationship). In addition, both wings 30a and 30b extend beyond lower lateral perimeter edge segments 64a and 64b, respectively.

When a consumer of the contents of container 10' desires to access the contents, sufficient inward pressure is applied to tab "A" 52 so as to cause lateral perimeter edge segments 56a/b, and common perimeter 58 to fail. Because inward pivoting of tab "A" 52 is unrestricted by spout 20 (recall that spout 20 includes recess segments 28 and 38a/b), both tab "B" 60 and spout 20 are now accessible and extendable by the consumer.

FIG. 6 is a perspective view of a container 10' according to one embodiment of the present invention after extension of the spout portion. As illustrated in FIG. 6, the consumer will pull at common perimeter 68 of tab "B" 60 and recess edge segment 28 of central portion 22, causing failure of lower lateral perimeter edge segments 64a/b and upper lateral perimeter edge segments 66a/b, resulting in the outward pivoting of tab "B" 60. In addition, spout 20 will pivot about lower hinge segment 26, causing inward pivoting of wings 30a/b about their respective lateral hinge segments 24a/b. As outward pivoting of spout 20 continues, wings 30a/b continue to ride against lower lateral perimeter edge segments 64a/b until notches 42a/b, and particularly

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stop edge segments 44a/b, engage upper lateral perimeter edge segments 66a/b, respectively. FIG. 7 is a side elevational view in perspective of the container of FIG. 6 after extension of the spout portion. As illustrated in FIG. 7, further outward pivoting of spout 20 is arrested, while beneficially retaining the proximate arrangement between wings 30a/b, and respective lower lateral perimeter edge segments 64a/b. FIG. 8 is a front elevational view of the container of FIG. 6 after extension of the pull tab portion and the spout portion. As illustrated in FIG. 8, when the spout 20 is extended, the recess edges 38a/b of the two opposing wings and the recess edge 28 of the central portion are formed to guide the container contents toward the recess edge 28 of the central portion and prevent the contents from bypassing the spout when poured.

FIG. 9 is a perspective view with cut-out to reveal the interior of the container of FIG. 6 in order to further illustrate the engagement of an overextension feature with the container. FIG. 9 shows a view from the interior of the container, depicting the interference between notches 42a/b and upper lateral perimeter edge segments 66a/b at stop edge segments 44a/b to prevent overrotation of the spout 20. In addition, because only outward pivotal motion is arrested by notches 42a/b, when the consumer is finished with dispensing the contents of the container, spout 20 may be pivoted inwardly, thereby minimizing external interference due to an extended spout and generally restricting unintentional escapement of the container contents.

All of the above U.S. patents, U.S. patent application publications, U.S. patent applications, foreign patents, foreign patent applications and non-patent publications referred to in this specification and/or listed in the Application Data Sheet, are incorporated herein by reference, in their entirety.

From the foregoing it will be appreciated that, although specific embodiments of the invention have been described herein for purposes of illustration, various modifications may be made without deviating from the spirit and scope of the invention. Accordingly, the invention is not limited except as by the appended claims.

I claim:

1. A container for storing and dispensing a content of the container, comprising:
 an outer panel;
 an inner panel contiguous to and formed from a unitary body of material with the outer panel;
 a spout formed from a planar portion of the inner panel and comprising a lower side hingedly connected to the inner panel allowing the spout to pivot between a first closed position and a second extended position, a center panel laterally interposed between first and second wing panels, the center panel having an upper side forming a dispensing portion of the spout and comprising a concavity along at least a portion thereof, and two opposing lateral sides forming hinged connections with the first and second wing panels, respectively, an inner surface of each wing panel forming an obtuse angle with an inner surface of the center panel and an acute angle with the inner panel when the spout is in the second position;
 a first tab formed in the outer panel detachable around at least a portion of a periphery thereof and sized to at least partially detach in response to a force exerted by a finger of a user, the first tab having an upper side hingedly connected to the outer panel allowing the first tab to pivot between a first closed position and a second open position when partially detached and a curvilinear lower side configured to cover the concavity of the

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upper side of the center panel of the spout when the first tab is in the first position and provide access to the spout when in the second position; and

a second tab formed in the outer panel detachable around at least a portion of a periphery thereof and positioned contiguous a portion of the spout when the spout is in the first position, the second tab having a lower side hingedly connected to the outer panel allowing the second tab to pivot between a first closed position and a second open position, an orifice being formed in the outer panel when the second tab is in the second position, a maximum width of the spout exceeding a maximum width of the orifice.

2. The container according to claim 1, wherein a lateral centerline of the orifice is aligned with a lateral centerline of the spout.

3. The container according to claim 1 further comprising: a notch provided in a perimeter of the spout, the notch being positionable to engage a perimeter of the orifice as the spout is pivoted through the orifice, to prevent overrotation of the spout.

4. A method for forming a spout on a container, the container and the spout being formed from a unitary body of material and the container comprising an inner panel and an outer panel, the method comprising:

breaching a first portion of the outer panel to form a first tab detachable around a periphery thereof, the detachable periphery of the first tab having a curvilinear lower side interposed between first and second lateral sides extending up and terminating at first and second laterally spaced terminal ends, and forming a first fold line on the outer panel extending between the first and second terminal ends of the detachable periphery of the first tab to form a hinged upper side, allowing the first tab to pivot between a first closed position and a second open position, the first tab being sized to at least partially detach in response a force exerted by a finger of a user;

breaching a second portion of the outer panel to form a second tab detachable around a periphery thereof and having first and second lateral boundaries longitudinally converging toward a lower end of the container with respect to the spout and terminating at first and second laterally spaced terminal ends, the lateral centerline of the second tab being aligned with the lateral centerline of the first tab, and forming a second fold line on the outer panel extending between the first and second terminal ends of the detachable periphery of the second tab to form a hinged lower side, allowing the second tab to pivot between a first closed position and a second open position;

forming a first fold line on a portion of the inner panel to form a lower hinged segment of the spout interposed between first and second lateral edge hinged segments of the spout, the lateral edge segments diverging toward the upper end of the container and terminating at lateral boundaries of the spout, the lower hinged segment being positioned adjacent the hinged lower side of the second tab;

forming a detached upper boundary of the spout from a portion of a detached upper boundary of the inner panel, a central portion of the detached upper boundary being adjacent the upper side of the second tab and having a concavity having a lateral centerline substantially aligned with a lateral centerline of the spout; and forming at least second and third fold lines respectively originating from respective points on the concavity on

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opposing sides of the lateral centerline and converging to terminate at lateral terminal ends of the lower hinged segment of the spout, such that pivoting the first tab to the second position and exerting a force on a portion of the spout extends the spout and detaching the detachable periphery of the second tab forms an orifice in the outer panel, first and second lateral boundaries of the orifice inducing a folding of the first, second and third fold lines and the spout forming as the spout extends through the orifice.

5. The method according to claim 4 further comprising; forming first and second notches toward first and second lateral ends of the detached upper boundary of the spout, the first and second notches configured to engage the first and second lateral boundaries of the orifice to prevent overrotation of the spout.
6. A container blank adapted to form a container having a spout formed from a unitary body of material with the container, the container blank comprising:
- a first panel forming an outer panel of the container when the container is formed;
 - a second panel formed from a unitary body of material with the first panel and forming an inner panel of the container positioned contiguous the outer panel when the container is formed;
 - a spout flat pattern formed from a planar portion of the second panel and comprising a lower side hingedly connected to the second panel allowing the spout to pivot between a first closed position and a second extended position, a center panel laterally interposed between first and second wing panels, the center panel having an upper side forming a dispensing portion of the spout and comprising a concavity along at least a portion thereof, and two opposing lateral sides forming hinged connections with the first and second wing panels, respectively, an inner surface of each wing

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panel forming an obtuse angle with an inner surface of the center panel and an acute angle with the second panel when the container is formed and the spout is in the second position;

- a first tab formed in the first panel detachable around at least a portion of a periphery thereof and sized to at least partially detach in response to a force exerted by a finger of a user, the first tab having an upper side hingedly connected to the first panel allowing the first tab to pivot between a first closed position and a second open position when partially detached and a curvilinear lower side configured to cover the concavity of the upper side of the center panel of the spout when the container is formed and the first tab is in the first position and to provide access to the spout when the container is formed and the first tab is in the second position; and
 - a second tab formed in the first panel detachable around at least a portion of a periphery thereof and positioned contiguous a portion of the spout when the spout is in the first position, the second tab having a lower side hingedly connected to the first panel allowing the second tab to pivot between a first closed position and a second open position, an orifice being formed in the first panel when the second tab is in the second position, a maximum width of the spout exceeding a maximum width of the orifice.
7. The container blank according to claim 6, further comprising:
- a notch provided in a perimeter of the spout, the notch being positionable to engage a perimeter of the orifice as the spout is pivoted through the orifice, to prevent overrotation of the spout, when the container is formed and the spout is extended.

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