



US00D472043S

(12) **United States Design Patent**
Kuerbis

(10) **Patent No.:** **US D472,043 S**

(45) **Date of Patent:** **** Mar. 25, 2003**

(54) **PORTION OF A MIDSOLE PERIPHERY**

(75) Inventor: **Tate E. Kuerbis**, Portland, OR (US)

(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/167,316**

(22) Filed: **Sep. 13, 2002**

(51) **LOC (7) Cl.** **02-99**

(52) **U.S. Cl.** **D2/977**

(58) **Field of Search** D2/896, 902, 907,
D2/934, 937, 942, 943-945, 946, 969, 972,
973, 976, 977; 36/45, 50.1, 51, 77 M, 77 R,
83, 88, 113, 114, 126-130, 136

(56) **References Cited**

U.S. PATENT DOCUMENTS

D90,234 S	7/1933	Daniels	
2,461,977 A *	2/1949	Gilmour	36/1
D208,248 S	8/1967	Ford	
D249,748 S	10/1978	Kitamura	
D256,067 S	7/1980	Hagg et al.	
D260,196 S	8/1981	Plagenhoef	
4,697,362 A	10/1987	Wasserman	
4,813,158 A	3/1989	Brown	
D301,657 S	6/1989	Brown	
D306,793 S	3/1990	Schwartz	
4,918,841 A	4/1990	Turner et al.	
4,972,611 A *	11/1990	Swartz	36/114
D324,940 S	3/1992	Claveria	
D329,126 S *	9/1992	Hatfield	D2/972
D336,975 S	7/1993	Turner et al.	
D339,447 S *	9/1993	McDonald	D2/977
D340,349 S	10/1993	Kilgore et al.	
D342,601 S	12/1993	Kilgore et al.	
D356,884 S	4/1995	Ho	
D387,894 S	12/1997	Crowley	
D397,846 S	9/1998	Lozano	
D397,848 S	9/1998	Avar	

(List continued on next page.)

OTHER PUBLICATIONS

- Nike Footwear Catalog Fall 1987, p. 104, published Jan. 1987.
- Nike Footwear Catalog Spring 1989, p. 84, published Dec. 1988.
- Nike Footwear Catalog Spring 1997, p. 113, published Jun. 1996.
- Nike Footwear Catalog Spring 1998, p. 11, 13, published Jun. 1997.
- Nike Footwear Catalog Fall 1999, p. M4, published Nov. 1998.
- Nike Footwear Catalog Fall 2000 #2, pp. W27 and W28, published Nov. 1999.
- Nike Footwear Catalog Late Spring 2001, pp. M20, M24, published Sep. 2000.
- Nike Footwear Catalog Holiday 2001, p. M4, published Feb. 2001.
- Nike Footwear Catalog Holiday 2002, p. W18, published Mar. 2002.
- Nike Footwear Catalog Spring 2003, p. M25, published Jun. 2002.
- Nike Air Jordan XVII Shoe, color pictures, 2 sheets, publicly released prior to Sep. 2002.
- Dada SoleSonicForce Shoe, color pictures, 3 sheets, publicly released prior to Sep. 2002.

Primary Examiner—Dominic Simone

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **CLAIM**

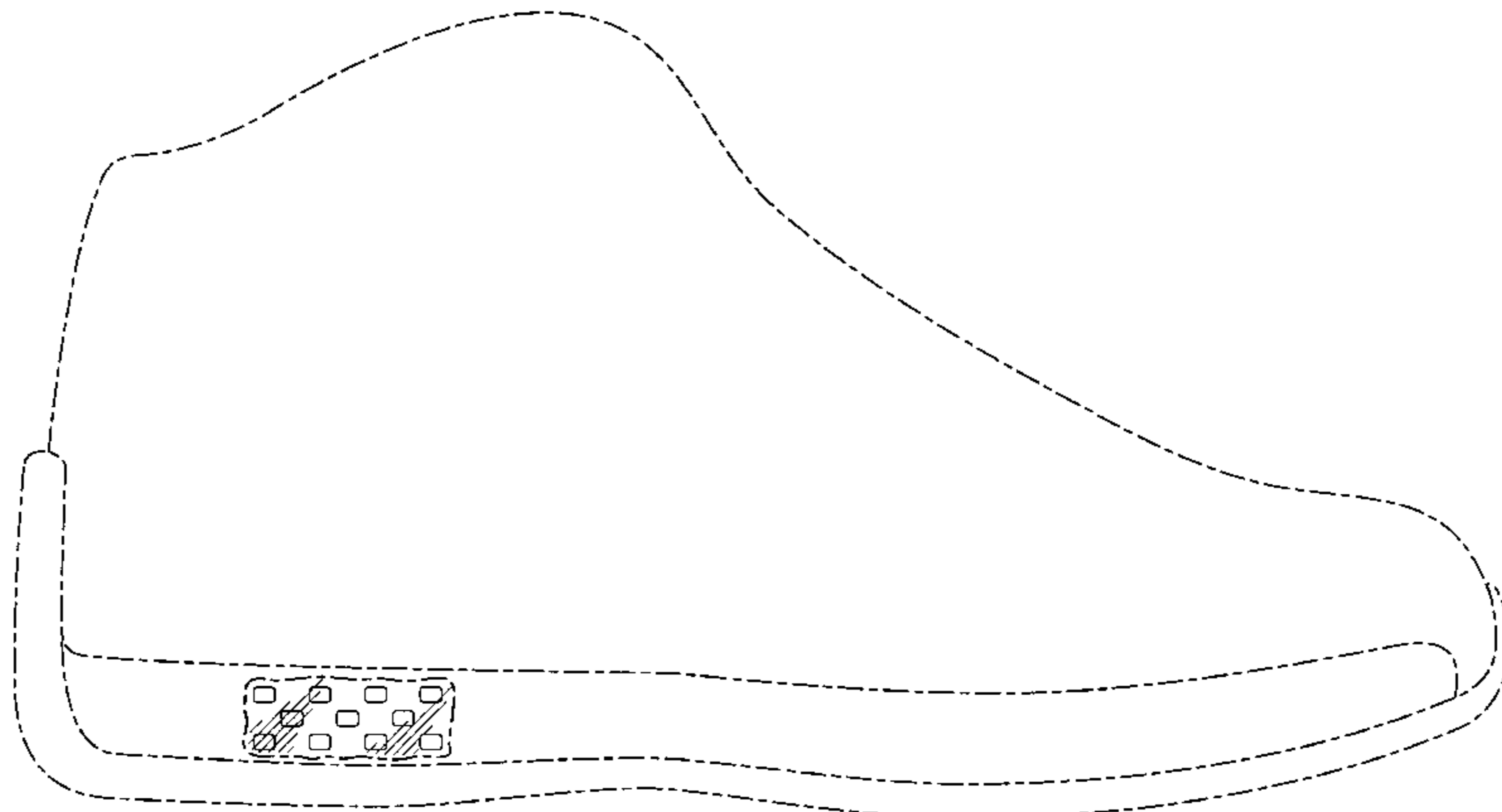
The ornamental design for a portion of a midsole periphery, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a portion of a midsole periphery showing my new design; and, FIG. 2 is a side view thereof.

The broken lines immediately adjacent to the shaded areas represent an unclaimed boundary of the design. The broken line showing of the remainder of the shoe is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 2 Drawing Sheets



US D472,043 S

Page 2

U.S. PATENT DOCUMENTS

D398,742 S	9/1998	Avar					
D401,038 S	11/1998	Gray					
D407,550 S	* 4/1999	Clarke	D2/972			
D409,367 S	* 5/1999	Maxwell	D2/972			
D411,579 S	6/1999	Dolinsky					
					5,950,333 A	* 9/1999	Tsen 36/127
					D461,302 S	* 8/2002	Neely et al. D2/972
					D466,277 S	12/2002	Wilson
					D466,278 S	12/2002	Wilson

* cited by examiner

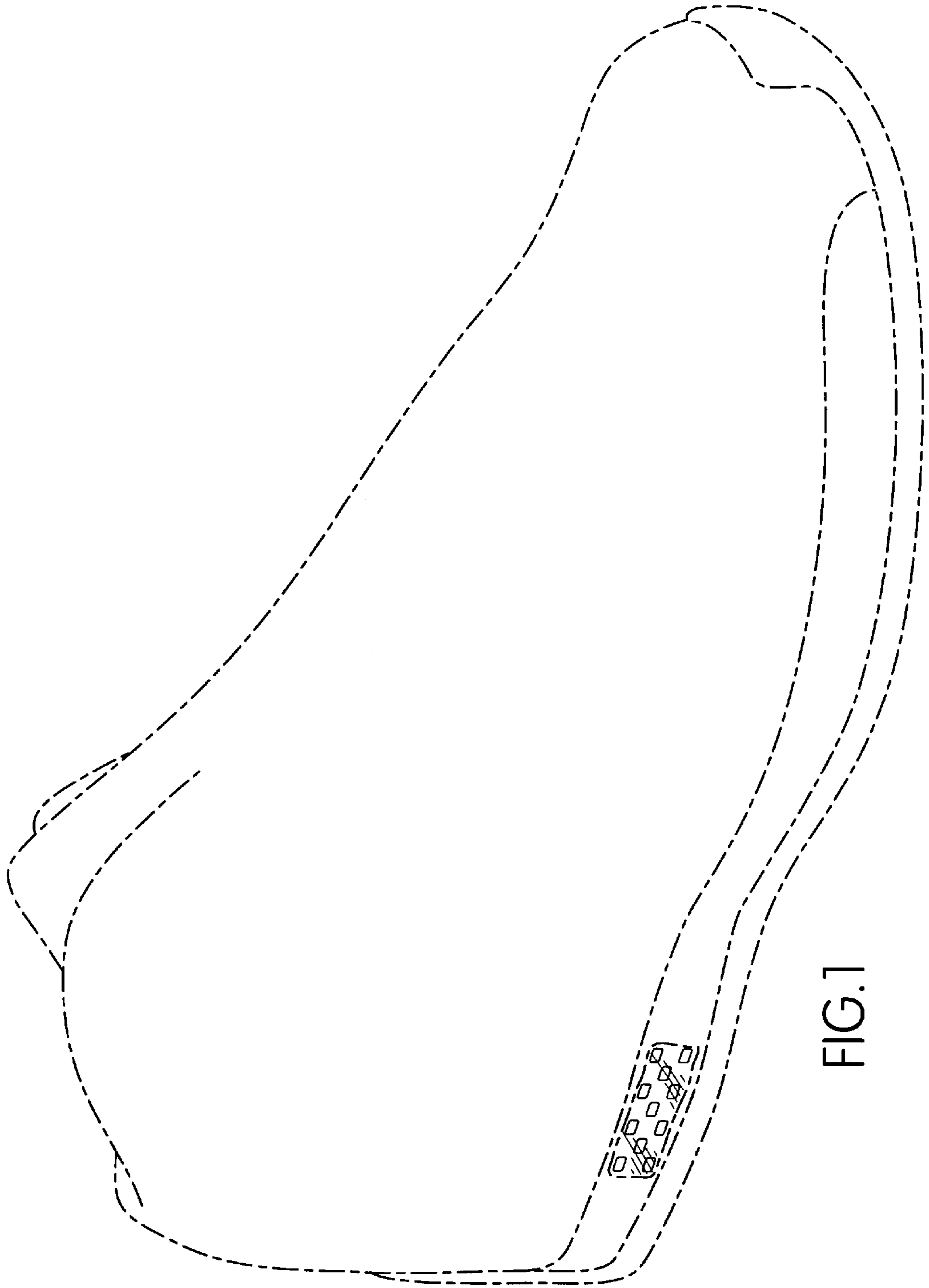


FIG. 1

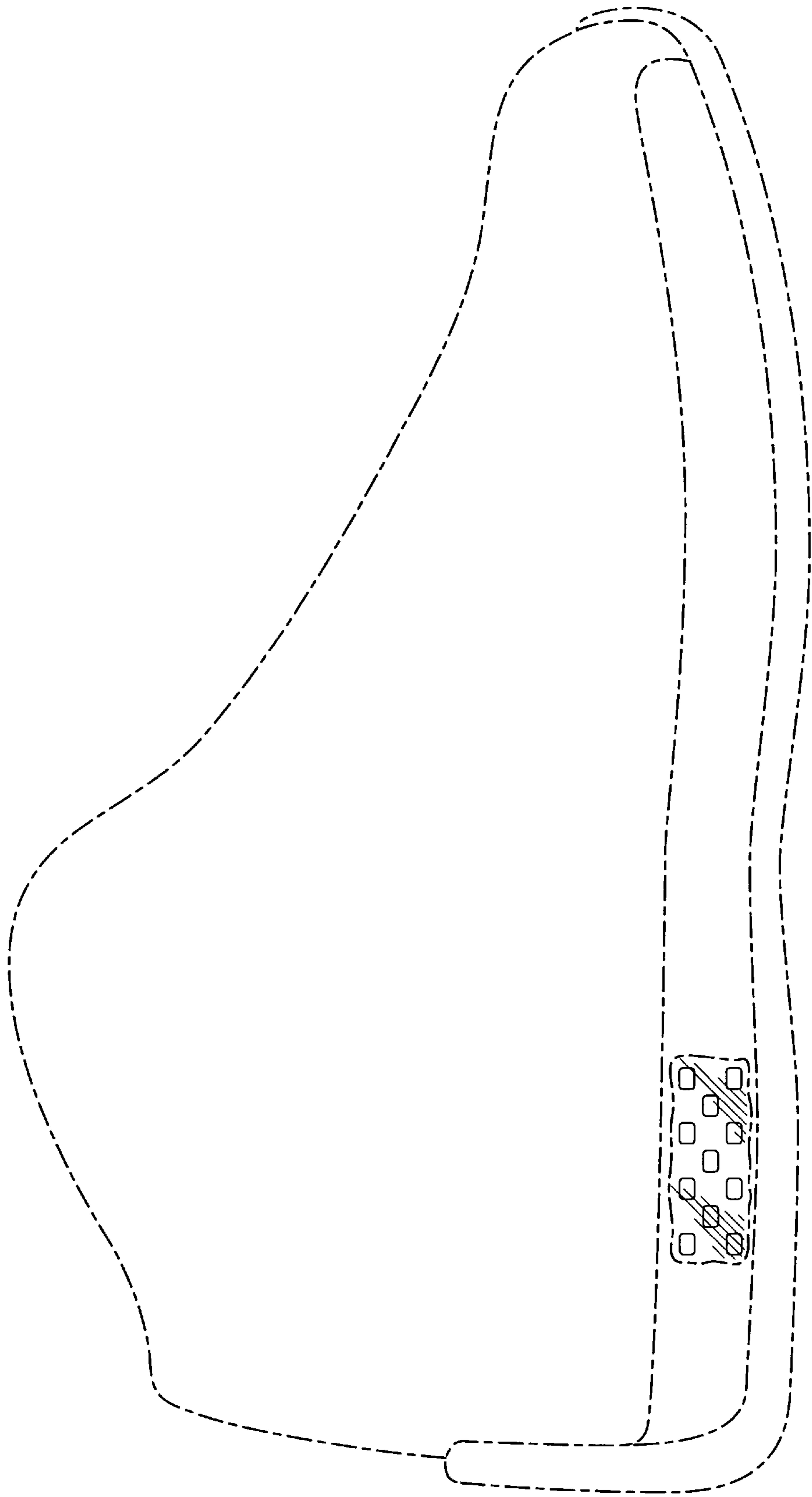


FIG. 2