

US00D517790S

(12) **United States Design Patent** (10) **Patent No.:** **US D517,790 S**
Seamans (45) **Date of Patent:** **** Mar. 28, 2006**

(54) **FOOTWEAR**

(75) Inventor: **Scott Seamans**, Boulder, CO (US)

(73) Assignee: **Crocs, Inc.**, Niwot, CO (US)

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

(21) Appl. No.: **29/206,450**

(22) Filed: **May 28, 2004**

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/803,569, filed on Mar. 17, 2004, which is a continuation-in-part of application No. 10/602,416, filed on Jun. 23, 2003, which is a continuation-in-part of application No. 10/603,126, filed on Jun. 23, 2003.

(51) **LOC (8) Cl.** **02-99**

(52) **U.S. Cl.** **D2/969**

(58) **Field of Classification Search** D2/903,
D2/916-918, 919, 969, 926, 932; 36/4, 8.1,
36/10, 11.5

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,392,350	A	10/1921	O'Brien	
2,180,924	A	11/1939	Dunbar	
D151,304	S	* 10/1948	Walsh D2/932
2,470,089	A	5/1949	Booth	
D155,956	S	* 11/1949	Wood D2/969
3,698,107	A	10/1972	Fukuoka	
4,032,611	A	6/1977	Fukuoka	
4,100,685	A	7/1978	Dassler	
4,408,401	A	10/1983	Seidel et al.	
4,476,600	A	10/1984	Seidel et al.	
4,888,887	A	12/1989	Solow	
4,967,750	A	11/1990	Cherniak	
5,369,895	A	12/1994	Hammerschmidt	
5,438,767	A	8/1995	Stein	

(Continued)

FOREIGN PATENT DOCUMENTS

CA	2375957	9/2002
EP	0 802 039 A2	10/1997
EP	0 802 040 A2	10/1997
EP	0 802 041 A2	10/1997
EP	0 884 005 A1	12/1998
GB	2322286	8/1998

OTHER PUBLICATIONS

Birkenstock®, *Spring & Summer 2003 Catalog*, Birkenstock Orthopudie GmbH, Germany (82 pages).

Cindy MacDonald, *The Entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies*, Canadian Plastics, O'99, v. 57(10), p. 35-50 (9 pages).

Comfortable Walking, Italian Technology, Oct. 1999, n. 3, p. 168 (abstract, 1 page).

(Continued)

Primary Examiner—Dominic Simone

(74) *Attorney, Agent, or Firm*—Faegre & Benson, LLP

(57) **CLAIM**

The ornamental design for footwear, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view.

FIG. 2 is a right side view.

FIG. 3 is a left side view

FIG. 4 is a front view.

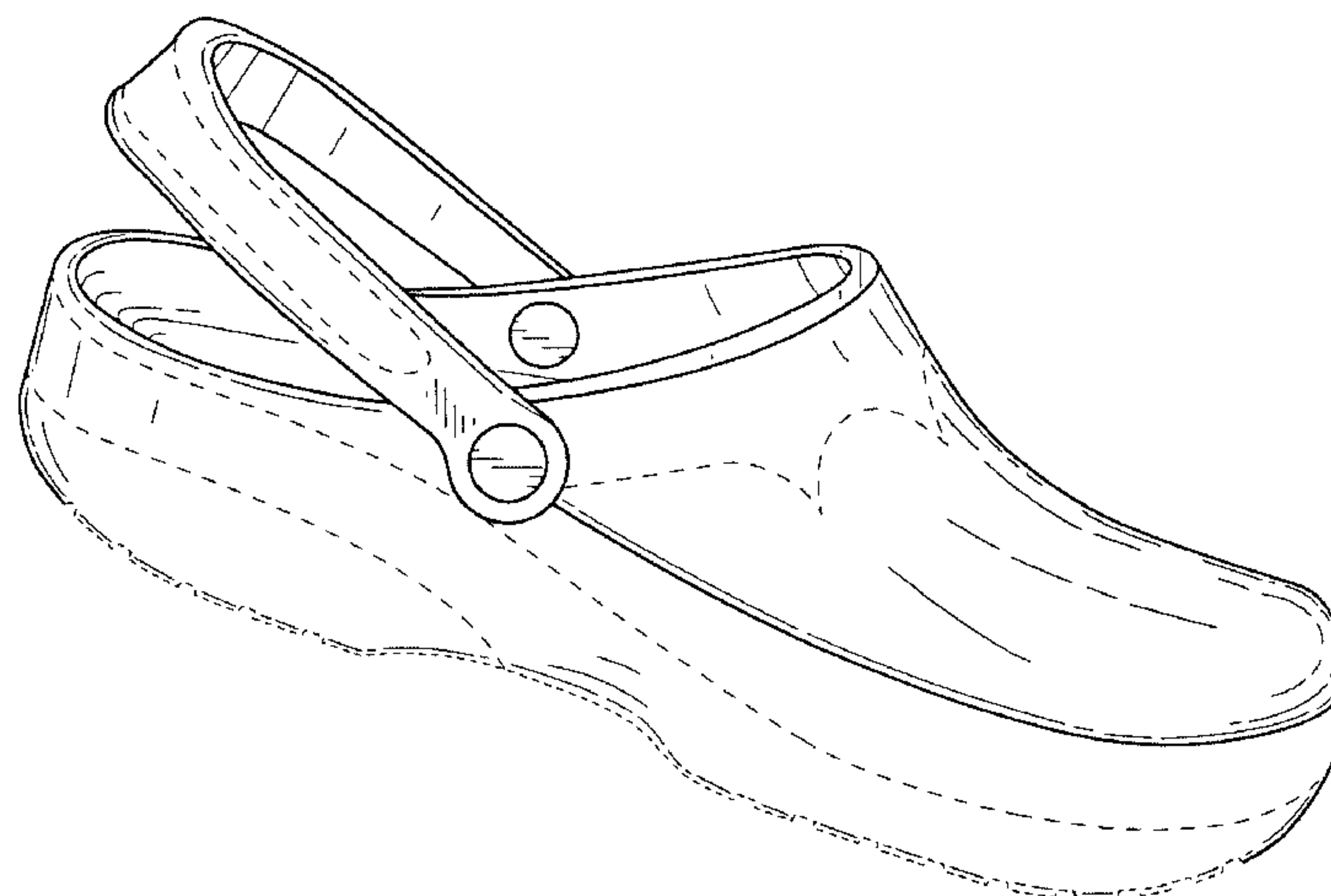
FIG. 5 is a rear view.

FIG. 6 is a top view; and,

FIG. 7 is a bottom view.

The broken line showing of the sole and surface treatment of the upper is for illustrative purpose only and forms no part of the claim design.

1 Claim, 4 Drawing Sheets



U.S. PATENT DOCUMENTS

5,528,841	A	6/1996	Pozzobon	
5,561,919	A	10/1996	Gill	
D381,794	S	8/1997	Gelli	
5,814,254	A	9/1998	Bisconti	
D415,606	S	* 10/1999	Bray et al.	D2/919
D416,667	S	* 11/1999	Lamstein	D2/916
6,052,920	A	4/2000	Bathum	
D431,346	S	10/2000	Birkenstock	
6,237,249	B1	5/2001	Aguerre	
6,237,250	B1	5/2001	Aguerre	
6,256,906	B1	7/2001	Matis et al.	
D448,918	S	* 10/2001	Hoyt et al.	D2/919
D452,366	S	* 12/2001	Wilson	D2/969
6,416,610	B1	7/2002	Matis et al.	
6,439,536	B1	8/2002	Piccolo	
6,560,900	B1	* 5/2003	Bray et al.	36/11.5
D476,797	S	7/2003	Schenone	
6,640,464	B1	11/2003	Hsin et al.	
D492,841	S	* 7/2004	Magro	D2/926
D498,901	S	* 11/2004	Hawker et al.	D2/926
6,860,035	B1	3/2005	Girard	
2002/0124434	A1	9/2002	Hsin et al.	
2003/0074806	A1	4/2003	Urie et al.	

OTHER PUBLICATIONS

Defendant's Response to Request for Particulars, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Apr. 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 236 pages).

Defendant's Statement of Defence, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Mar. 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages).

Engage® polyolefin elastomers, the critical ingredient for Success, DuPont Dow Elastomers, Copyright© 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).

FinProject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new-block and net-fit soles for shoes), Footwear News, World Week, Aug. 4, 1997, v. 53, n. 31, p. 8 (3 pages).

Injected Eva, Macplas International, Aug. 1999, n. 10, p. 90 (abstract, 1 page).

Luisa Zargani, *One Fine Year; Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Designer Respect, Recognition and a Deal with Comme Des Garcons*, Footwear News, Aug. 2, 1999, p. 102 (2 pages).

Plaintiff's Further Request for Particulars, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario Canada Federal Court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages).

Plaintiff's Reply, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages).

Plaintiff's Request for Particulars of Defence, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Court File No. T-161-05, May 1, 2005, Ridout & Maybee (5 pages).

Plaintiff's Statement of Claim, Foam Creations Inc. vs. Holey Soles Holdings, Ltd., Ontario, Canada Federal Court, Jan. 28, 2005, Ridout & Maybee LLP (8 pages).

Rhoda Miel, *Snowshoe Walks Away with Best Design*, Plastics News, Apr. 22, 2002, v. 14, n. 8, p. 4 (2 pages).

The Elastomers Times: Engage Adds Comfort to Sporting Components, Chemical Business New Base: The Elastomers Times, Dec. 1, 2000 (2 pages).

Trade Name Record, Official Gazette of the US Patents and Trademarks Office, Mar. 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).

[waldenstore.com, Footwear Waldies](http://waldenstore.com/footwear/Waldies), Aug. 4, 2003, <http://www.waldenstore.com/waldies.html>, (1 page).

Walking on Modified Eva, Italian Technology, May 1999, n. 2, p. 121, (abstract, 1 page).

<http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.htm> (3 pages).

* cited by examiner

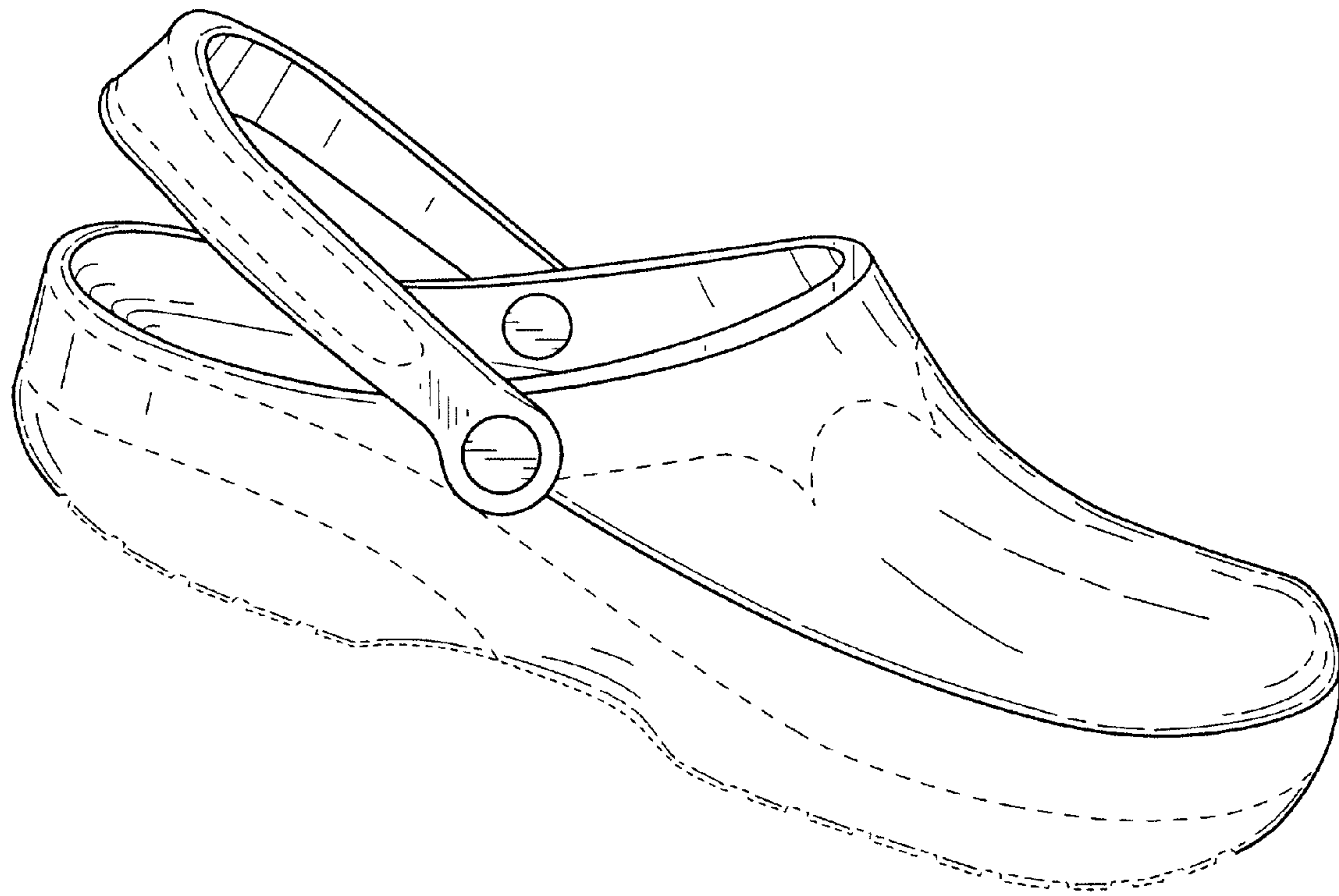


FIG. 1

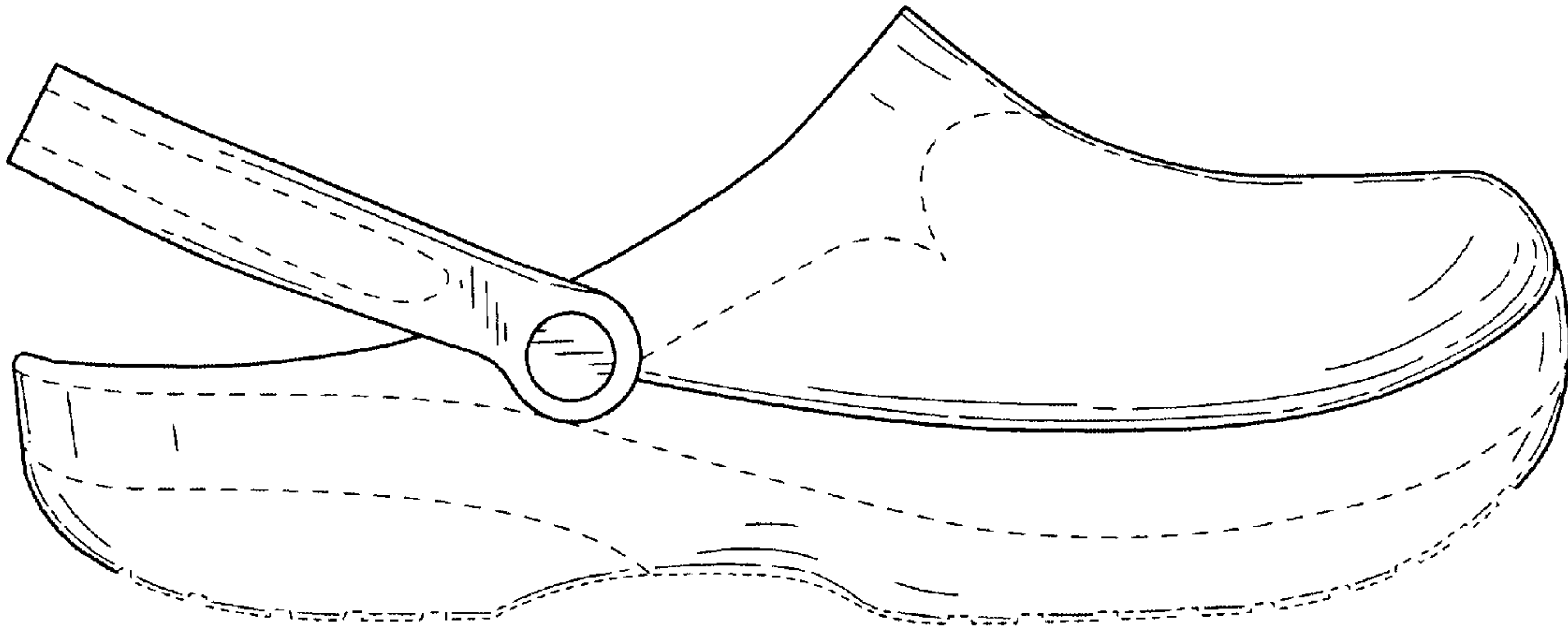


FIG. 2

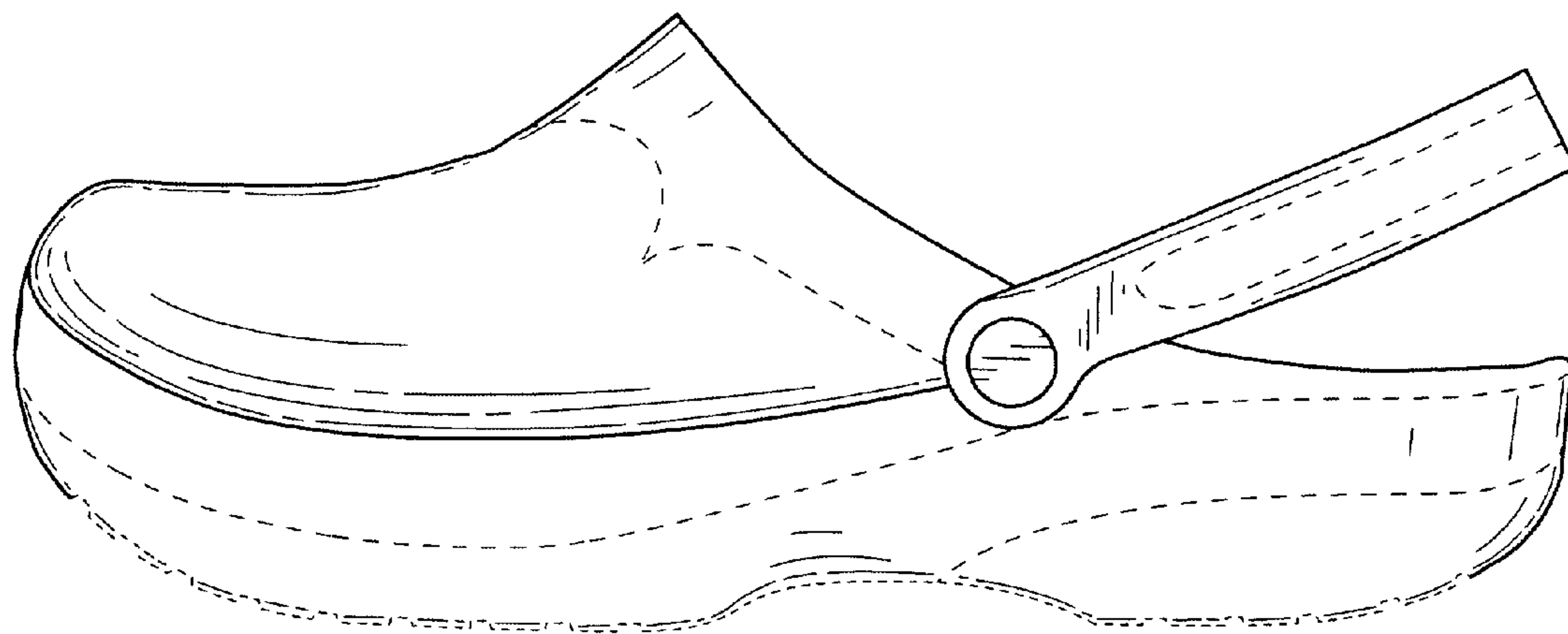


FIG. 3

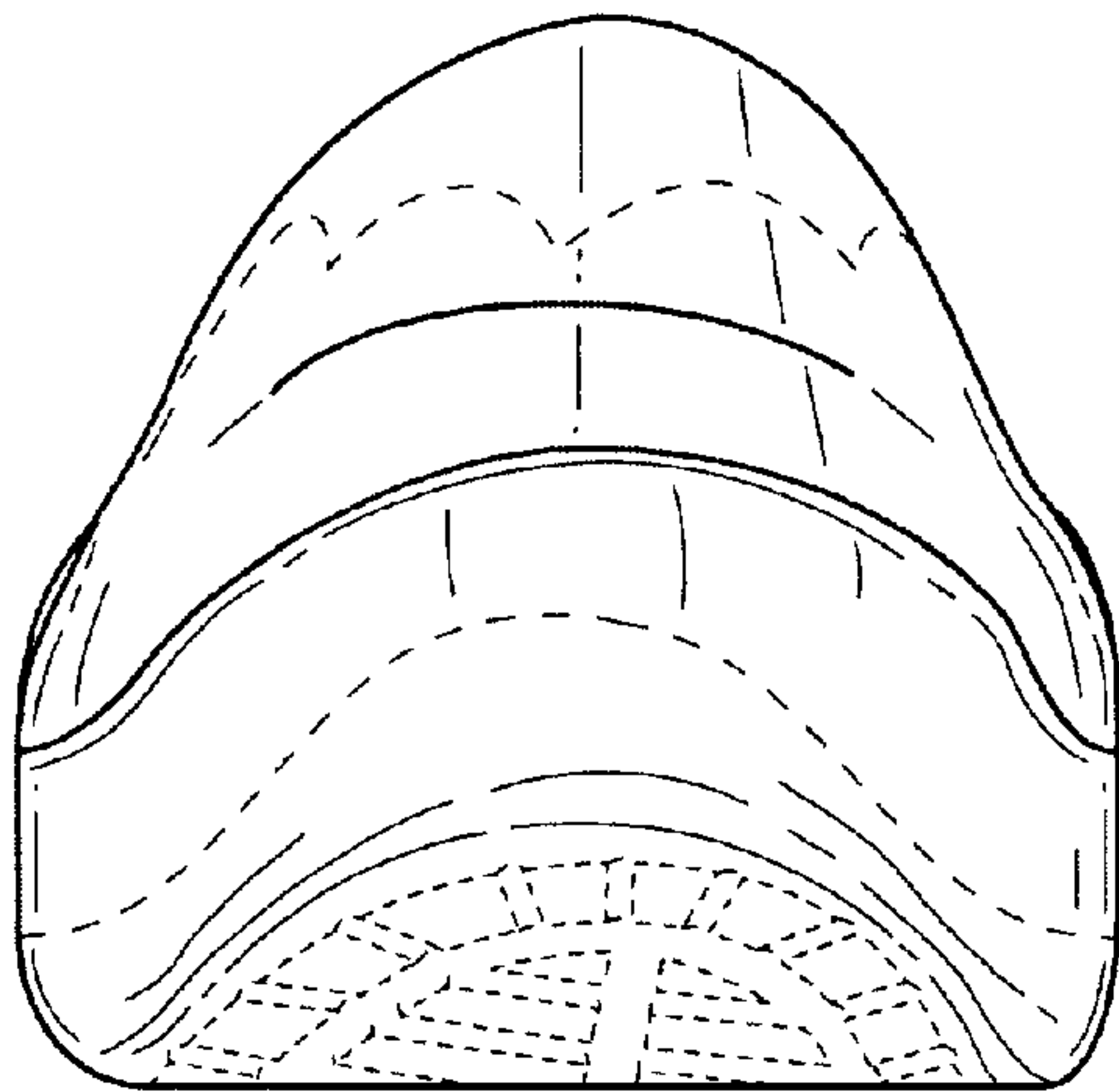


FIG. 4

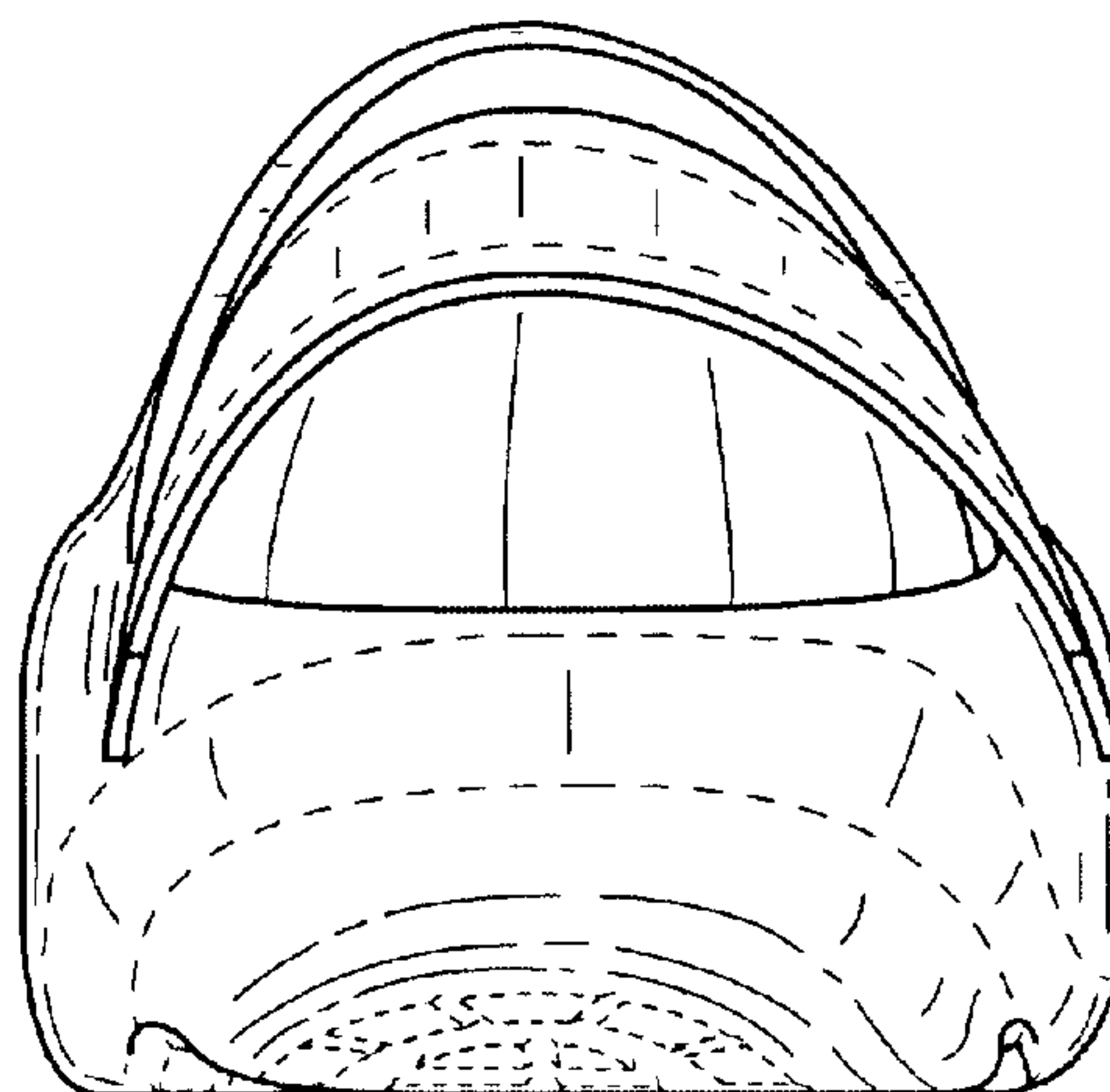


FIG. 5

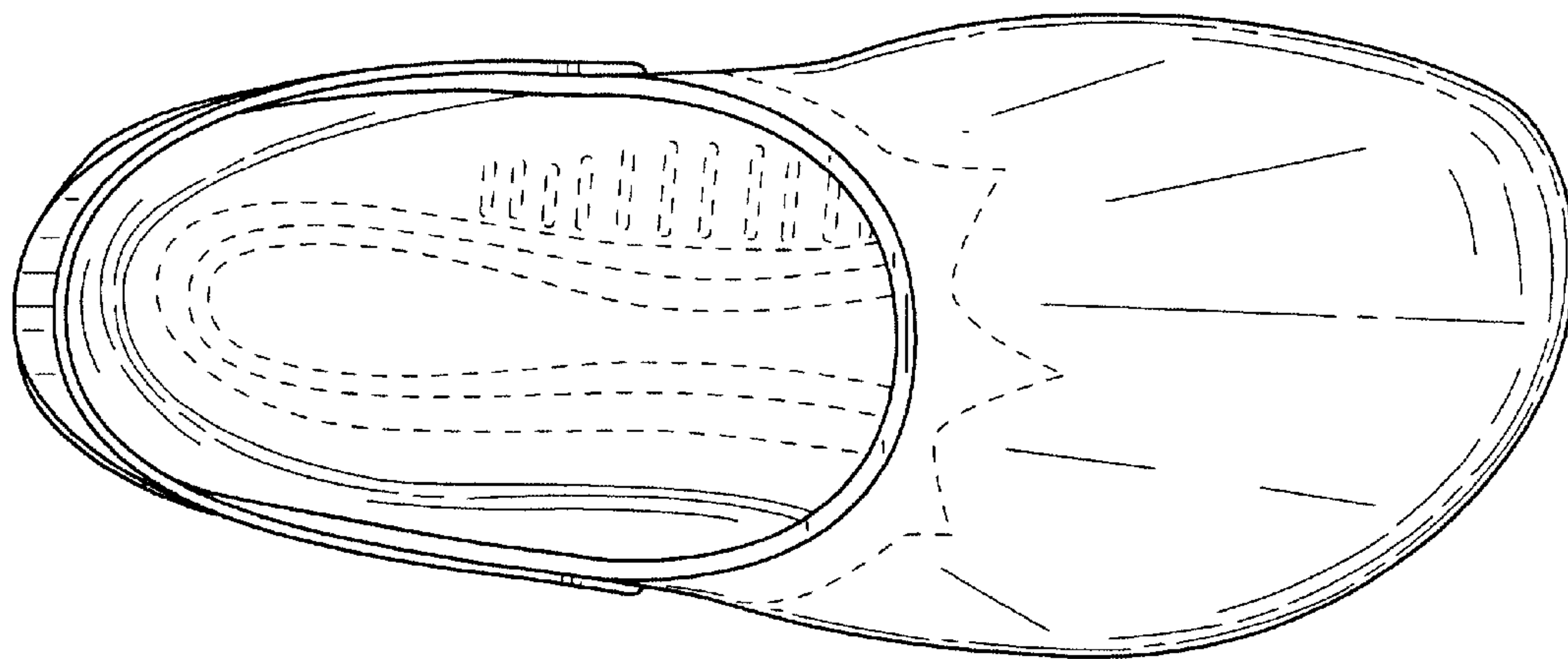


FIG. 6

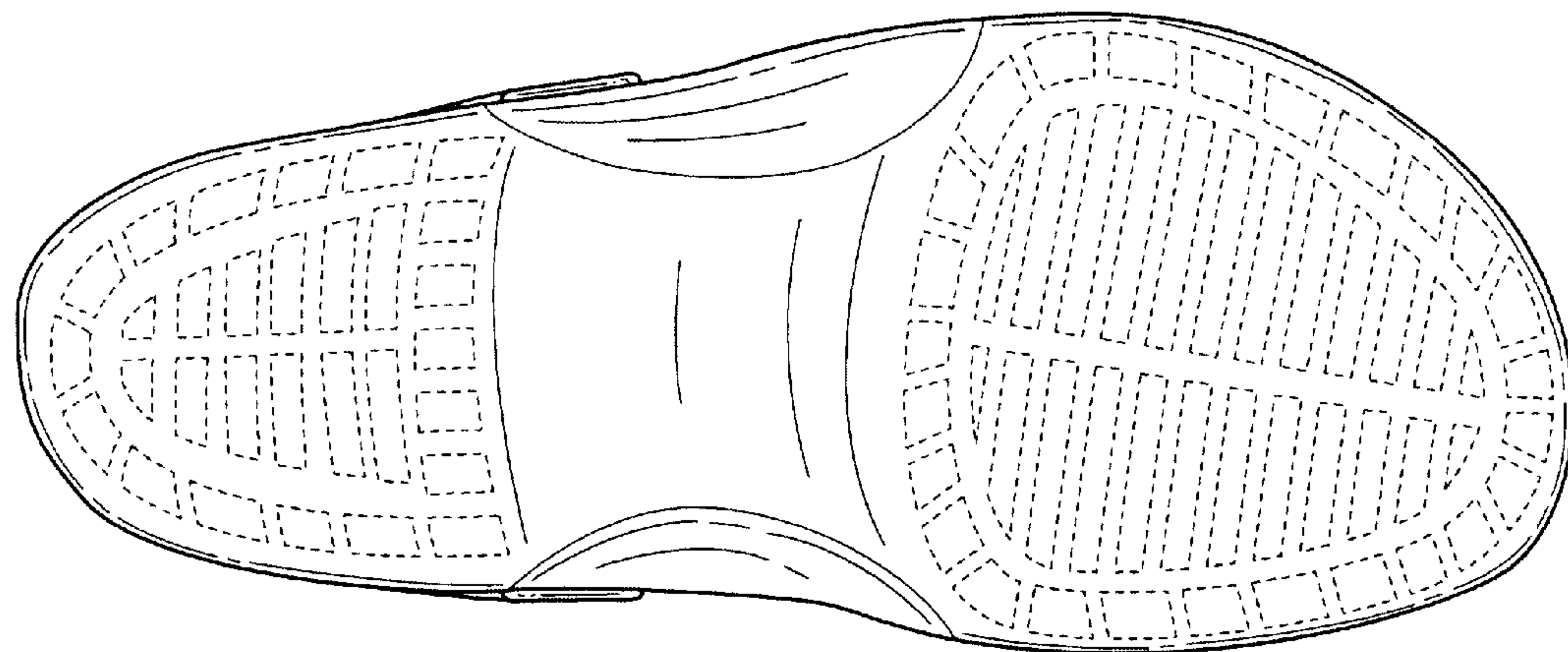


FIG. 7