



US00D523216S

(12) **United States Design Patent** (10) **Patent No.:** **US D523,216 S**
Racine (45) **Date of Patent:** **** Jun. 20, 2006**

(54) **PORTION OF A SHOE MIDSOLE**
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(73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
(**) Term: **14 Years**
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(51) **LOC (8) Cl.** **02-99**
(52) **U.S. Cl.** **D2/964**
(58) **Field of Classification Search** D2/902,
D2/906-908, 943, 944, 946, 972-974, 964,
D2/977; 36/45, 50.1, 77 M, 77 R, 83, 88,
36/113, 114, 126-131, 27-29, 32 R
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

| | | |
|-------------|---------|----------------|
| D48,040 S | 10/1915 | Phillips |
| D54,601 S | 3/1920 | Cochrane |
| D60,607 S | 3/1922 | Delbon |
| D325,288 S | 4/1992 | Richard et al. |
| 5,247,742 A | 9/1993 | Kilgore et al. |
| D344,174 S | 2/1994 | Kilgore |
| D344,398 S | 2/1994 | Kilgore |
| D344,399 S | 2/1994 | Kilgore |
| D344,400 S | 2/1994 | Kilgore |
| D344,401 S | 2/1994 | Kilgore |
| D350,018 S | 8/1994 | Kilgore |

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog Fall 1997, p. 44, published Dec. 1996.
Nike Footwear Catalog Late Spring 2001, p. M5, published Sep. 2000.
Nike Footwear Catalog Holiday 2001, p. M34, published Feb. 2001.
Nike Footwear Catalog Spring 2002, p. M29, published Jun. 2001.

Nike Footwear Catalog Spring 2003, p. M6, published Jun. 2002.
Nike Footwear Catalog Holiday 2003, p. M82, published Mar. 2003.
Nike Footwear Catalog Spring 2004, pp. M31 and M40, published Jun. 2003.
Nike Footwear Catalog Holiday 2004, pp. M5, M7, M11, & M12, published Mar. 2004.
Nike Footwear Catalog Holiday 2004, pp. M31 and M40, M41, & M77, published Mar. 2004.
Nike Footwear Catalog Holiday 2004, pp. W6, W19, W28, W43, & M55, published Mar. 2004.
Nike Footwear Catalog Fall 2004, pp. M35, M34 & M41, published Nov. 2003.
Nike Footwear Catalog Late Spring 2004, pp. M3, M6 & M330, published Sep. 2003.

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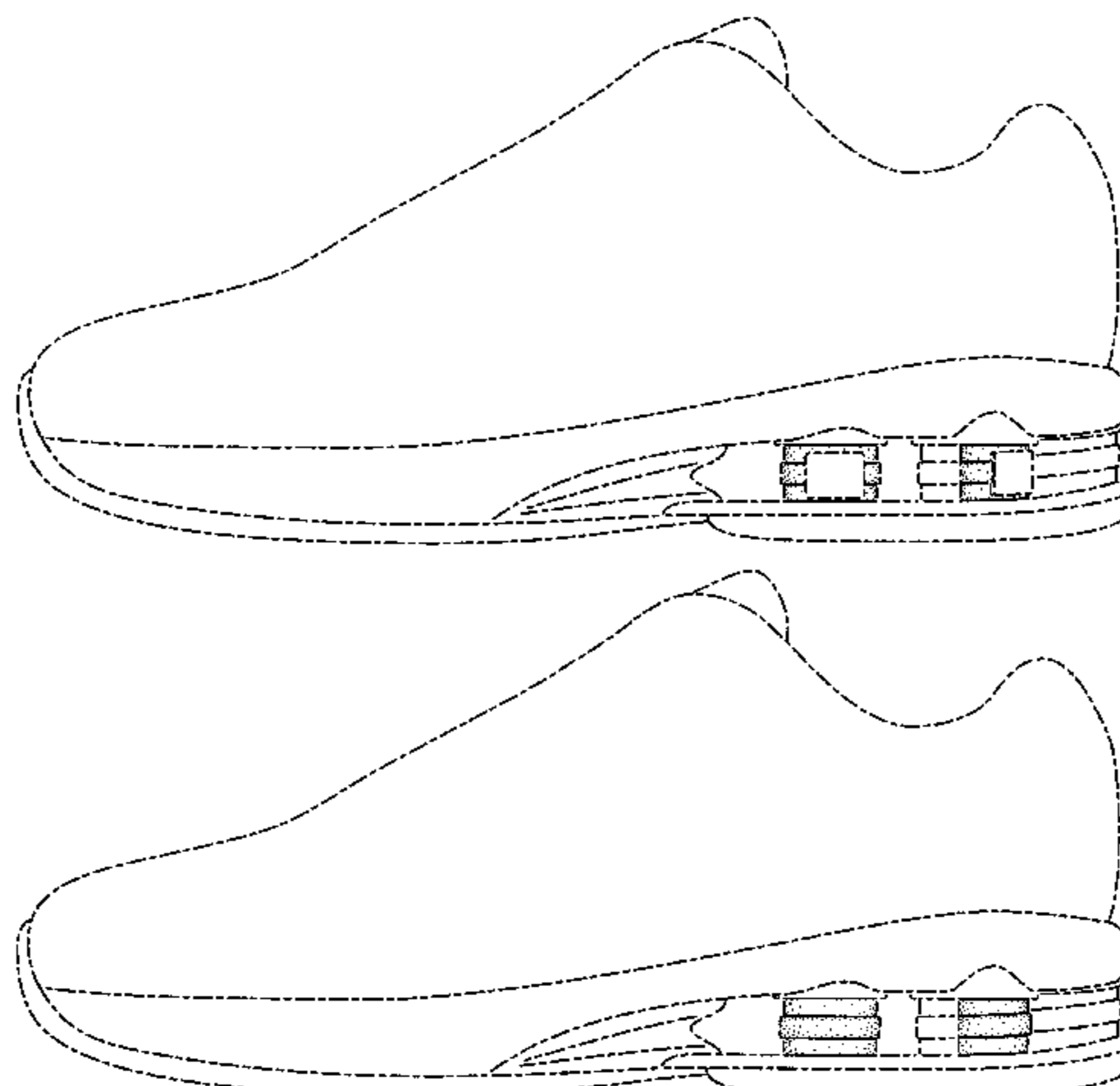
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a first embodiment of a portion of a shoe midsole showing my new design; FIG. 2 is a rear perspective view thereof; FIG. 3 is a side elevational view of one side thereof; FIG. 4 is side elevational view of the other side thereof; FIG. 5 is a front perspective view of a second embodiment of a portion of a shoe midsole showing my new design; FIG. 6 is a rear perspective view thereof; FIG. 7 is a side elevational view of one side thereof; and, FIG. 8 is a side elevational view of the other side thereof. The unshaded areas in the claimed regions shown FIGS. 1-3 are for illustrative purposes only and form no part of the claimed design. The uneven broken line immediately adjacent to the shaded area represents a portion of the unclaimed boundary of the design. The broken line showing of the shoe upper and the remainder of the shoe sole is for illustrative purposes only and forms no part of the claimed design.

1 Claim, 8 Drawing Sheets



US D523,216 S

Page 2

U.S. PATENT DOCUMENTS

| | | | | | | |
|-------------|---------|----------------|----------------|---------|---------------------|--------|
| D350,019 S | 8/1994 | Kilgore | D447,330 S | 9/2001 | McCourt | |
| D350,020 S | 8/1994 | Kilgore | D450,437 S | 11/2001 | Simpson et al. | |
| D350,225 S | 9/1994 | Kilgore | D462,830 S | 9/2002 | Greene | |
| D350,227 S | 9/1994 | Kilgore | 6,457,261 B1 | 10/2002 | Crary | |
| D350,433 S | 9/1994 | Kilgore | D474,581 S | 5/2003 | Cooper | |
| 5,343,639 A | 9/1994 | Kilgore et al. | D474,582 S | 5/2003 | Cooper | |
| D351,057 S | 10/1994 | Kilgore | 6,568,102 B1 * | 5/2003 | Healy et al. | 36/28 |
| D351,720 S | 10/1994 | Kilgore | D476,474 S | 7/2003 | McDowell | |
| 5,353,523 A | 10/1994 | Kilgore et al. | D483,936 S | 12/2003 | Fullum | |
| D351,936 S | 11/1994 | Kilgore | D483,937 S | 12/2003 | Fullum | |
| D352,159 S | 11/1994 | Kilgore | D485,053 S | 1/2004 | McDowell | |
| D352,160 S | 11/1994 | Kilgore | D485,975 S | 2/2004 | McDowell | |
| D354,617 S | 1/1995 | Kilgore | D498,914 S | 11/2004 | Sokolowski | |
| D429,877 S | 8/2000 | Lozano et al. | D499,248 S | 12/2004 | Sokolowski | |
| D431,898 S | 10/2000 | Clegg et al. | D500,402 S | 1/2005 | Sokolowski | |
| D432,293 S | 10/2000 | Clegg et al. | D508,162 S | 8/2005 | Harlow | |
| D432,764 S | 10/2000 | Clegg et al. | D509,051 S * | 9/2005 | O'Connor | D2/964 |
| D433,216 S | 11/2000 | Avar et al. | D510,472 S * | 10/2005 | Sokolowski | D2/964 |
| D446,387 S | 8/2001 | McCourt | 6,964,120 B1 * | 11/2005 | Cartier et al. | 36/29 |
| D446,923 S | 8/2001 | McCourt | 6,968,636 B1 * | 11/2005 | Aveni et al. | 36/28 |

* cited by examiner

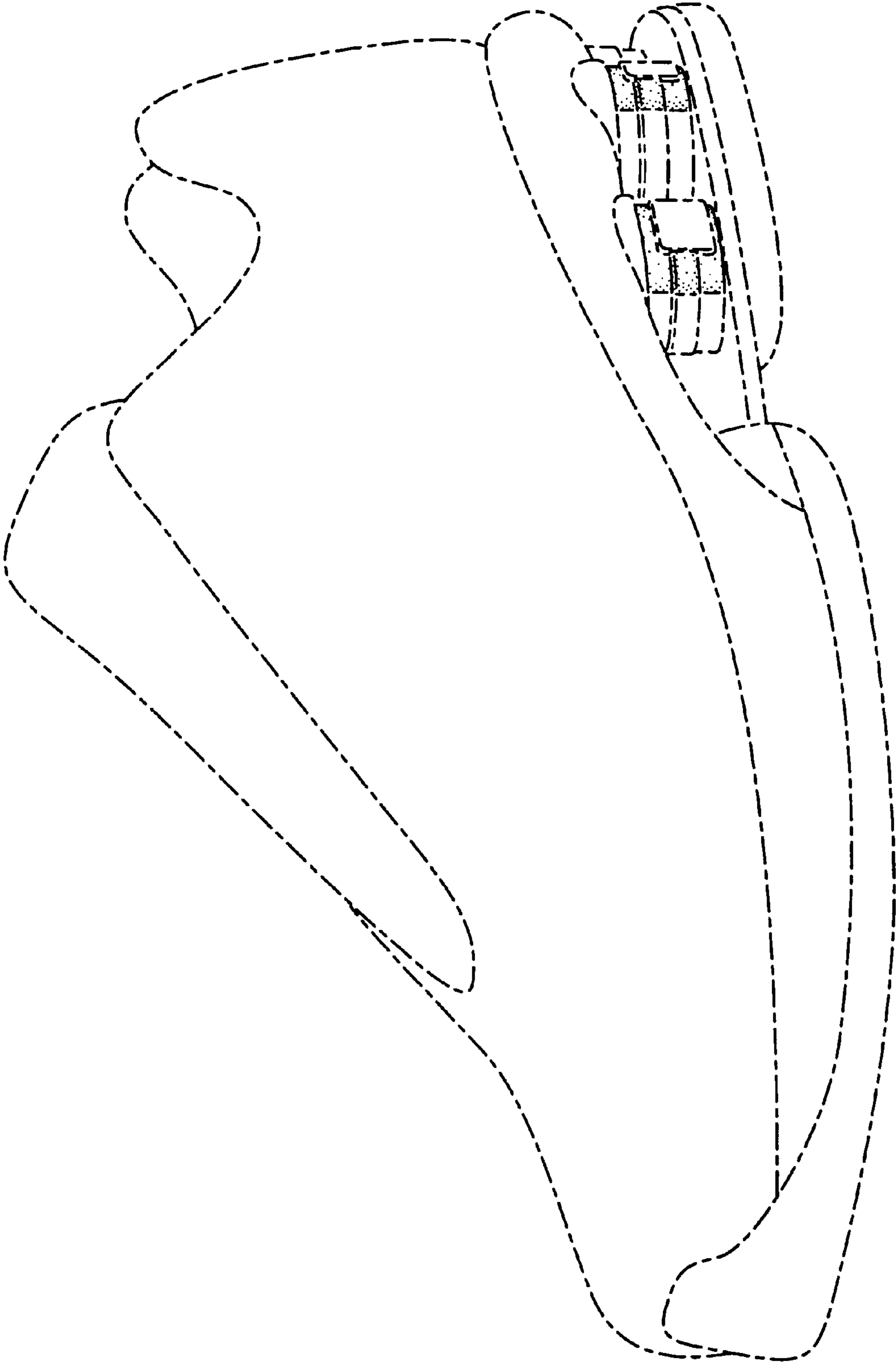


FIG. 1

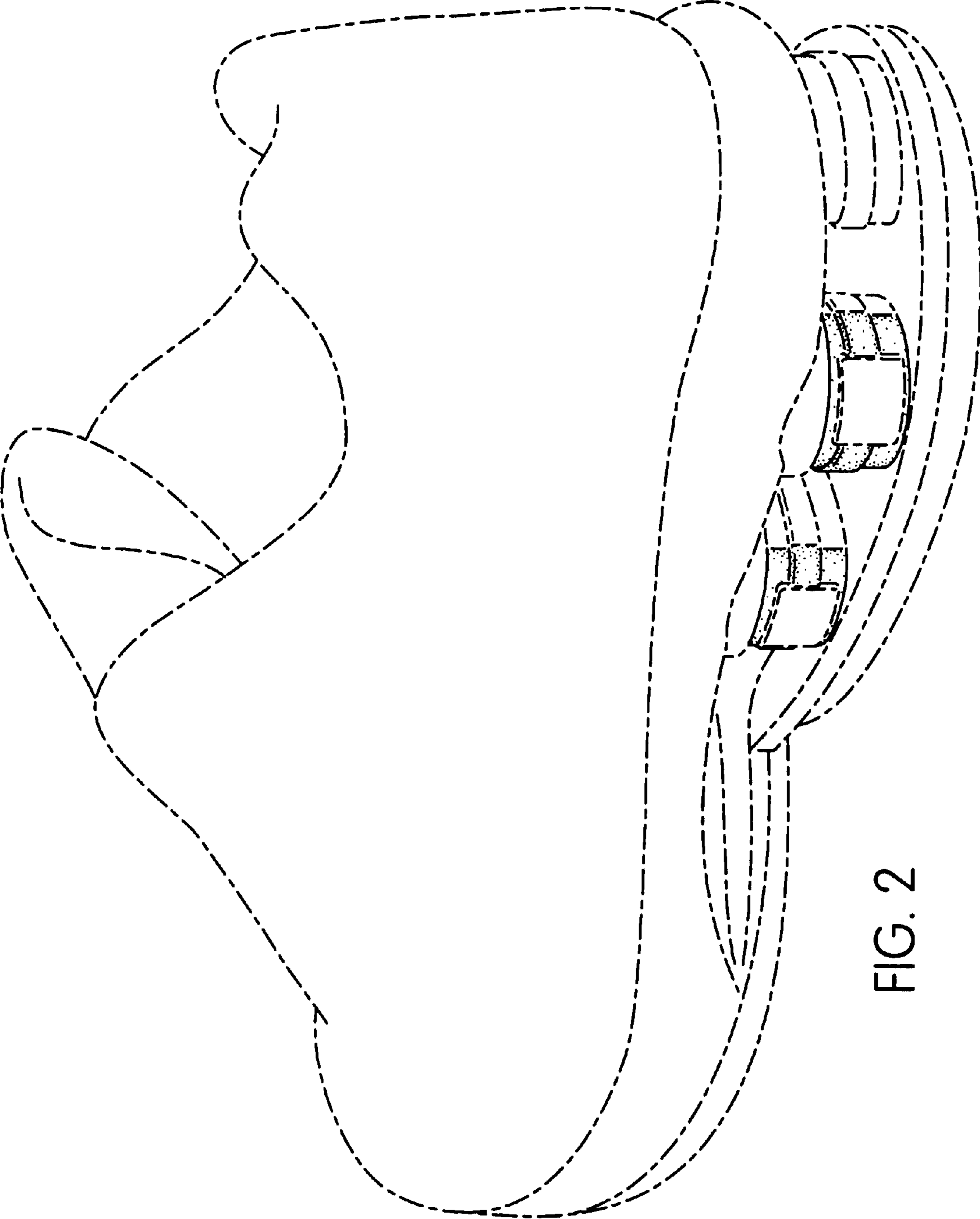


FIG. 2

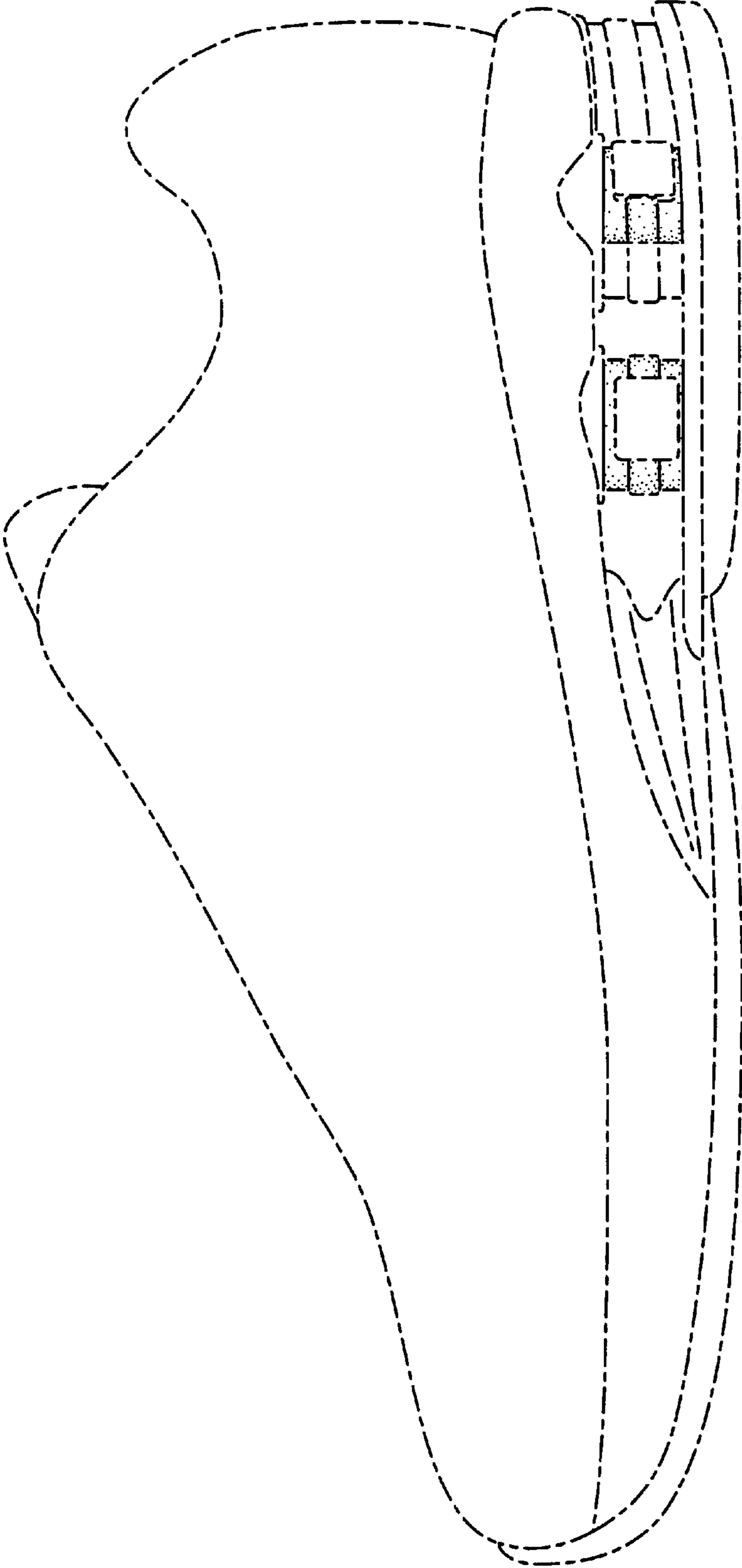


FIG. 3

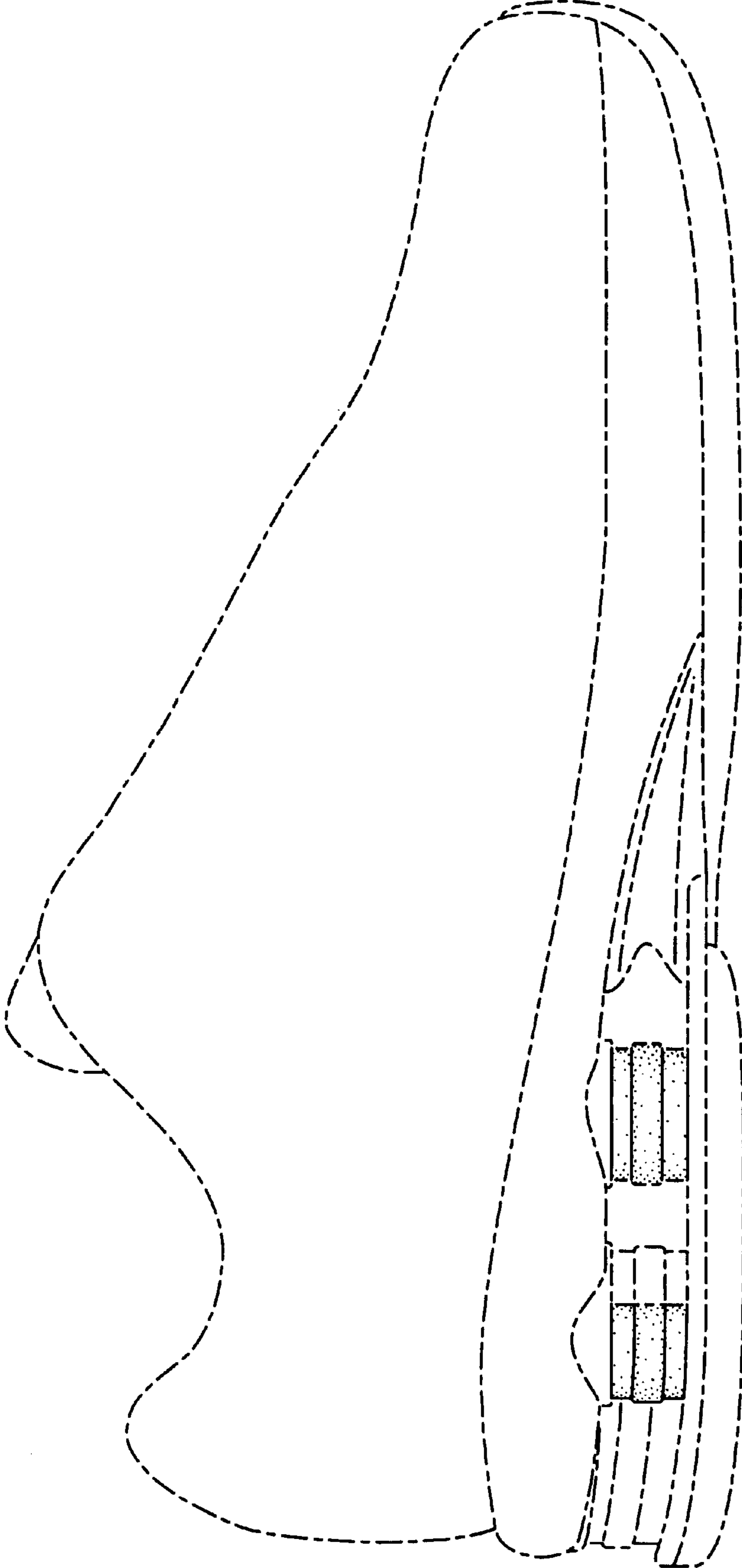


FIG. 4

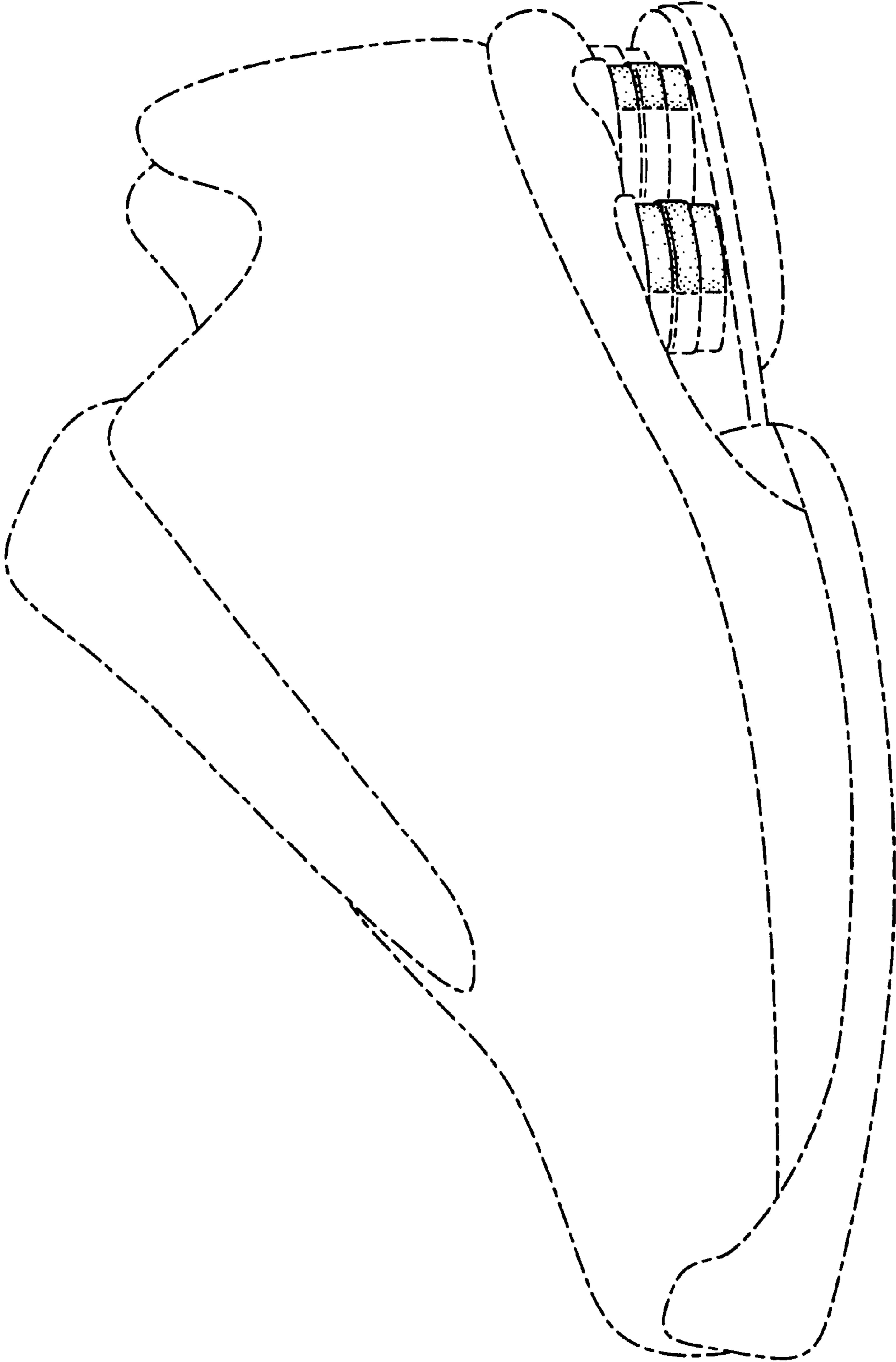


FIG. 5

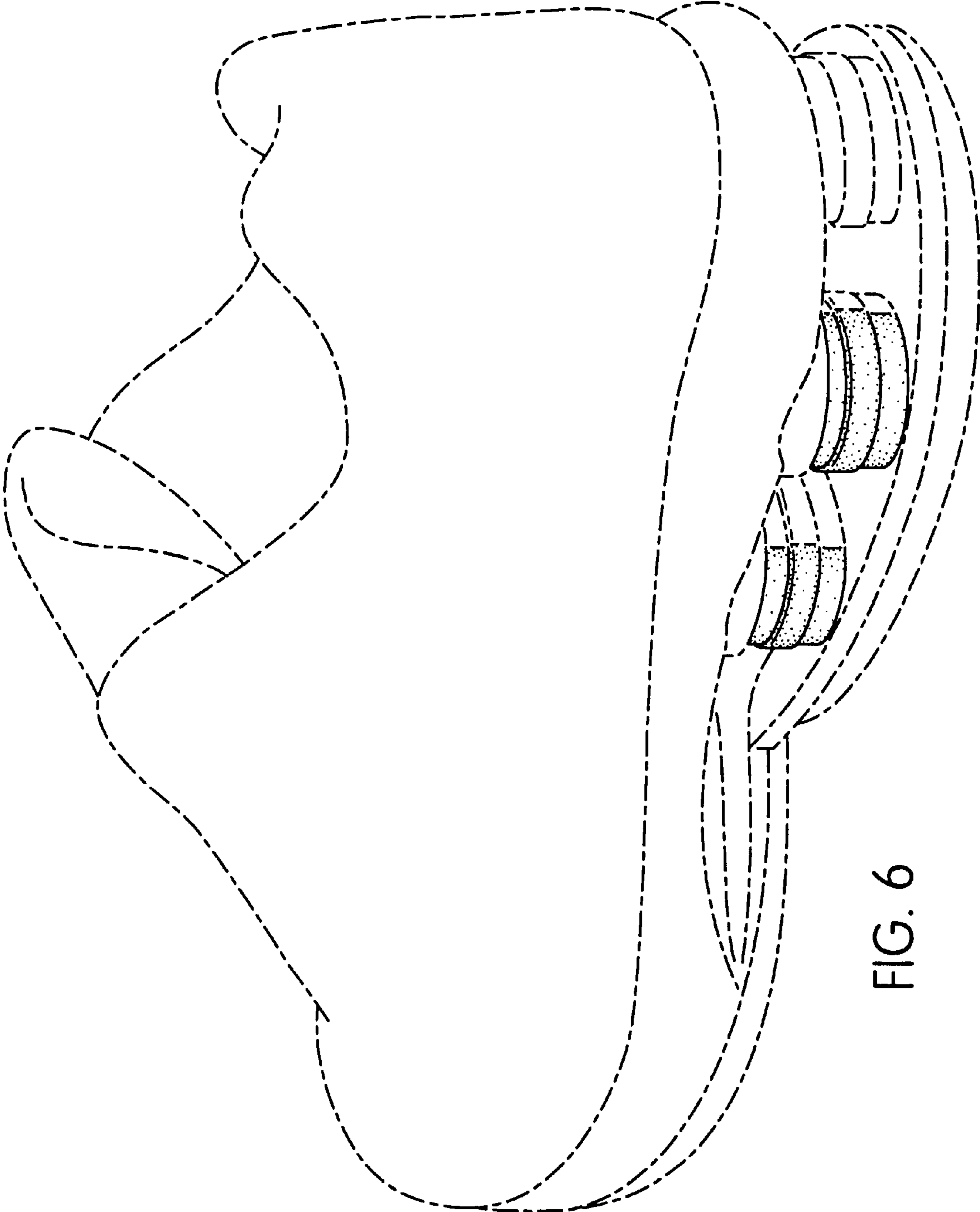


FIG. 6

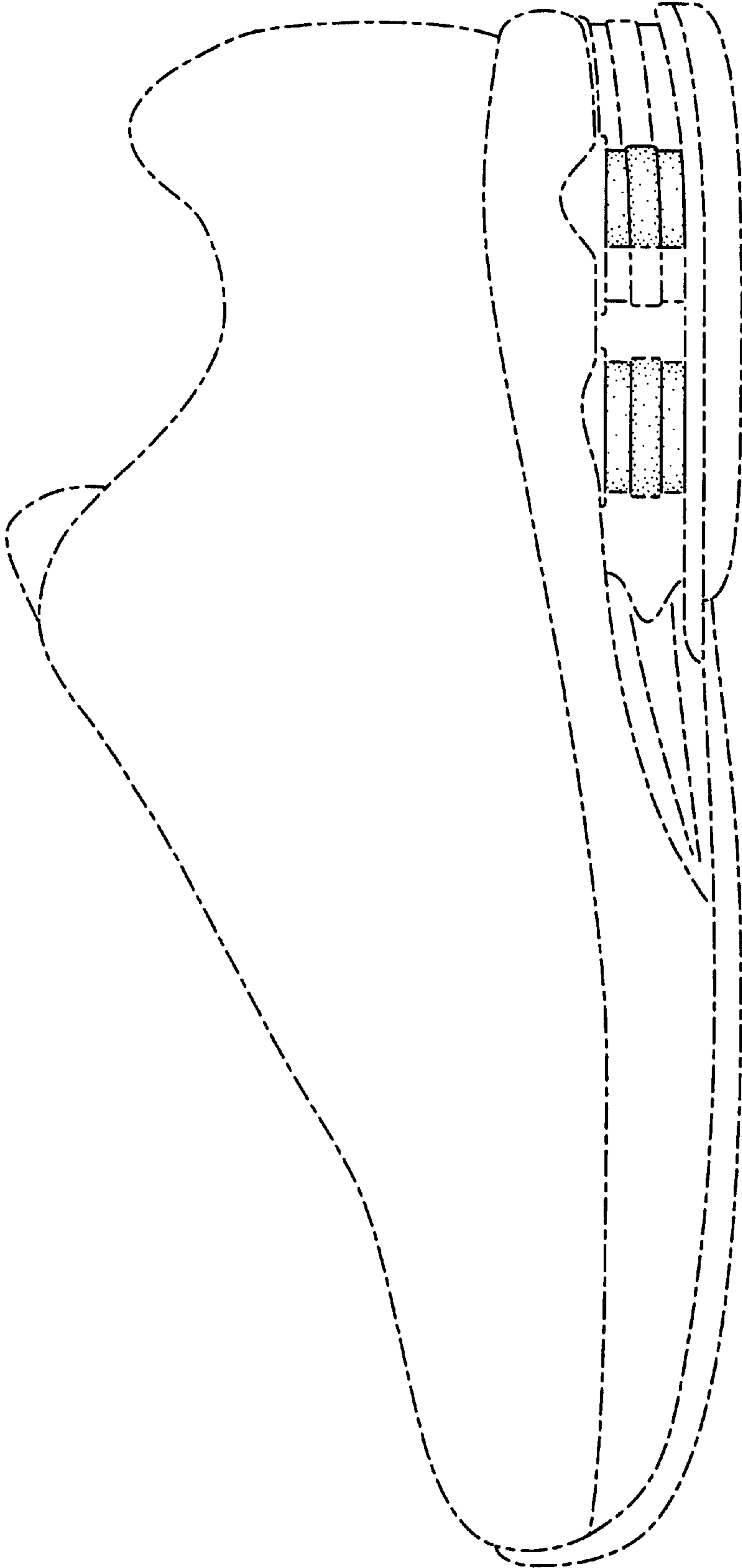


FIG. 7

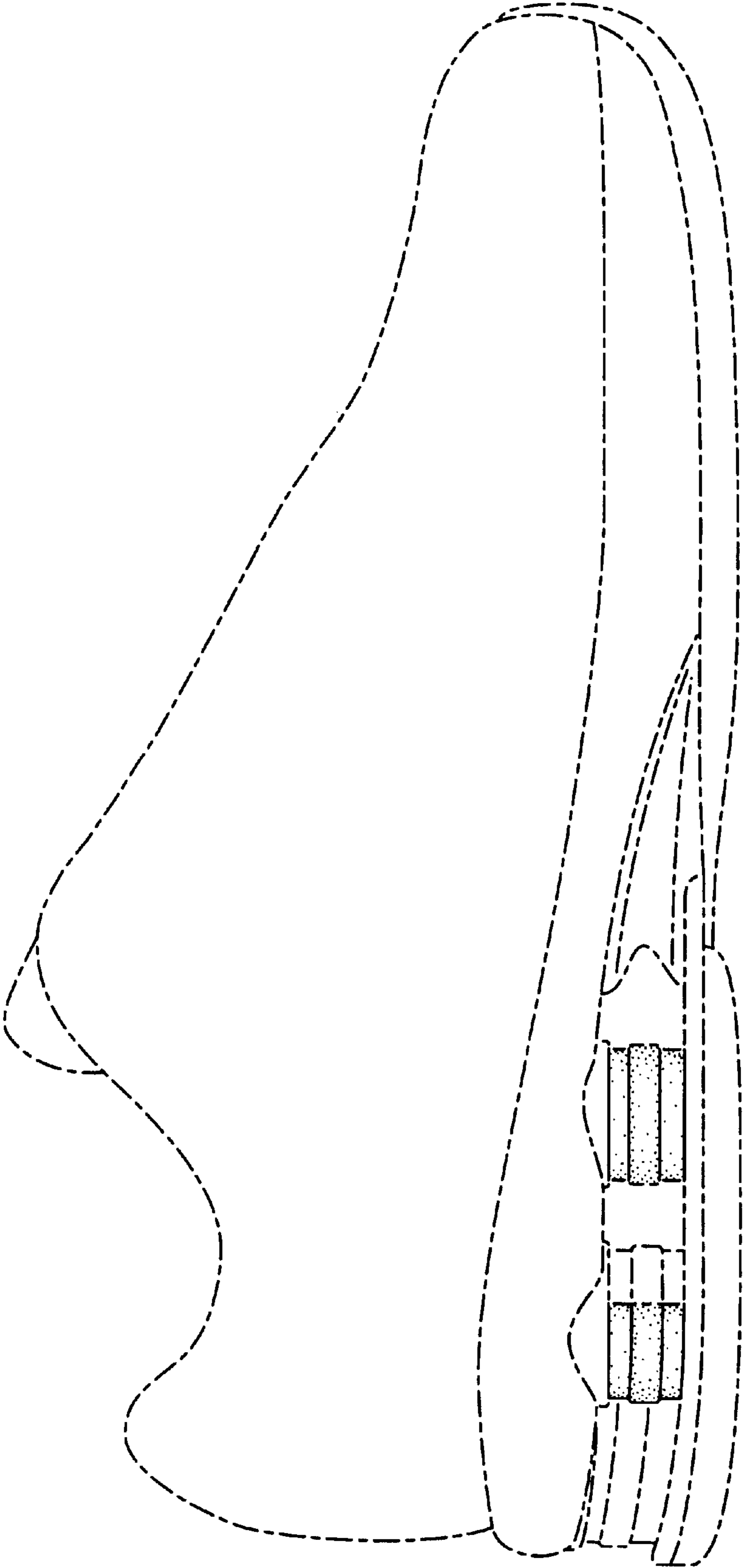


FIG. 8