



US00D528754S

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

(10) **Patent No.:** **US D528,754 S**
(45) **Date of Patent:** **** Sep. 26, 2006**

- (54) **PORTION OF A SHOE MIDSOLE**
- (75) Inventor: **David Joseph Dirsa**, Beaverton, OR (US)
- (73) Assignee: **Nike, Inc.**, Beaverton, OR (US)
- (**) Term: **14 Years**
- (21) Appl. No.: **29/251,834**
- (22) Filed: **Jan. 17, 2006**
- (51) **LOC (8) Cl.** **02-99**
- (52) **U.S. Cl.** **D2/964**
- (58) **Field of Classification Search** D2/902, D2/907, 908, 943, 944, 969, 972-974, 964, D2/977; 36/45, 50.1, 77 M, 77 R, 83, 88, 36/113, 114, 126-131, 34 R, 35 R, 38
See application file for complete search history.

Nike Footwear Catalog Fall 1994, p. 4, published Nov. 1993.
 Nike Footwear Catalog Spring 1995, pp. 40, 94, 109, published Jun. 1994.
 Nike Footwear Catalog Fall 1995, p. 25, published Nov. 1994.
 Nike Footwear Catalog Holiday 1995, pp. 68, 82, 98, published Mar. 1995.
 Nike Footwear Catalog Spring 1996, p. 7, published Jun. 1995.
 Nike Footwear Catalog Late Spring 1996, pp. 67, 68, published Aug. 1995.
 Nike Footwear Catalog Fall 1996, p. 208, published Dec. 1995.
 Nike Footwear Catalog Spring 1997, p. 54, published Jun. 1996.
 Nike Footwear Catalog Late Spring 1997, p. 211, published Sep. 1996.
 Nike Footwear Catalog Fall 1997, pp. 30, 51, 178, 214, 222, published Dec. 1996.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D216,662 S	3/1970	Babaresi
4,438,573 A	3/1984	McBarron
4,536,974 A	8/1985	Cohen
4,817,304 A	4/1989	Parker et al.
4,972,611 A	11/1990	Swartz et al.
5,005,300 A	4/1991	Diaz et al.

(Continued)

OTHER PUBLICATIONS

- Nike Footwear Catalog Fall 1989, pp. 8, 102, published Dec. 1988.
- Nike Footwear Catalog Spring 1991, pp. 7, 42, published Jun. 1990.
- Nike Footwear Catalog Fall 1991, pp. 6, 8, 30, 50, 146, 152, published Dec. 1990.
- Nike Footwear Catalog Spring 1993, p. 94, published Jun. 1992.
- Nike Footwear Catalog Fall 1993, p. 80, published Dec. 1992.

(Continued)

Primary Examiner—Dominic Simone
(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

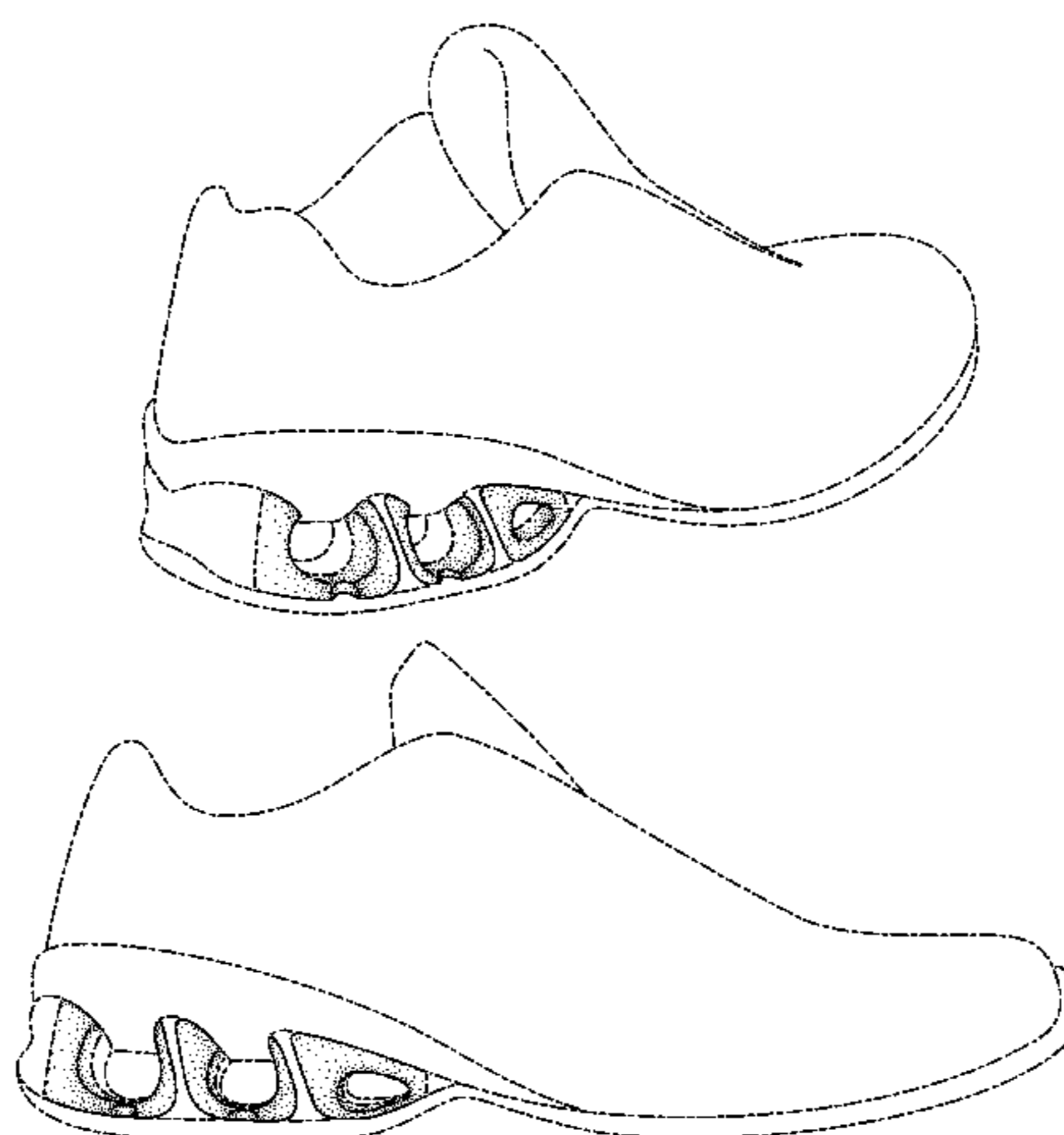
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a portion of a shoe midsole showing my new design;
 FIG. 2 is a rear perspective view thereof; and,
 FIG. 3 is a side elevational view of one side thereof.
 The uneven broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The unshaded areas in the claimed regions are for illustrative purposes only and form no part of the claimed 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, 3 Drawing Sheets



U.S. PATENT DOCUMENTS

D328,968 S	9/1992	Tinker	
D344,622 S	3/1994	Kilgore	
D350,226 S	9/1994	Kilgore	
D355,755 S	2/1995	Kilgore	
5,461,800 A	10/1995	Luthi et al.	
D366,951 S	2/1996	Ho	
D376,471 S	12/1996	Kallin et al.	
D378,012 S	2/1997	Le	
5,628,128 A	5/1997	Miller et al.	
D383,593 S	9/1997	Lozano	
D386,589 S	11/1997	Cass	
D390,344 S	2/1998	Elliott	
D393,339 S	4/1998	Fogg	
5,778,560 A	* 7/1998	Danieli	36/35 R
5,797,199 A	* 8/1998	Miller et al.	36/35 R
D397,543 S	9/1998	Silvers	
5,822,886 A	10/1998	Luthi et al.	
D429,875 S	8/2000	Liou	
D467,725 S	12/2002	McDowell	
D469,948 S	2/2003	Lin	
D470,650 S	2/2003	Lin	
D474,581 S	5/2003	Cooper	
D490,220 S	5/2004	Edauw	
D490,221 S	5/2004	Edauw	
D499,247 S	* 12/2004	Wahoske et al.	D2/972
D499,541 S	12/2004	Dolan	
D500,585 S	* 1/2005	Wahoske et al.	D2/972

OTHER PUBLICATIONS

Nike Footwear Catalog Holiday 1997, pp. 8, 41, published Mar. 1997.
 Nike Footwear Catalog Spring 1998, pp. 8, 40, 90, 92, 164, published Jun. 1997.
 Nike Footwear Catalog Late Spring 1998, pp. 150, 179, 215, published Sep. 1997.
 Nike Footwear Catalog Late Fall 1998, p. 64, published Mar. 1998.

Nike Footwear Catalog Holiday 1998, pp. M26, M34, M42, published Feb. 1998.
 Nike Footwear Catalog Spring 2000 #1, pp. M24, M25, M63, published Jul. 1999.
 Nike Footwear Catalog Holiday 2000, p. W71, published Mar. 2000.
 Nike Footwear Catalog Spring 2001, p. M3, M81, W46, published Jun. 2000.
 Nike Footwear Catalog Late Spring 2001, p. M30, published Sep. 2000.
 Nike Footwear Catalog Fall 2001, pp. M27, M40, published Nov. 2000.
 Nike Footwear Catalog Holiday 2001, pp. M10, W67, published February 2001.
 Nike Footwear Catalog Spring 2002, p. W38, published Jun. 2001.
 Nike Footwear Catalog Late Spring 2003, p. M101, published Jun. 2002.
 Nike Footwear Catalog Fall 2004, pp. M4, M26, published Nov. 2003.
 Nike Footwear Catalog Holiday 2004, pp. M17, M32, published Mar. 2004.
 Nike Footwear Catalog Spring 2005, p. M37, published Jun. 2004.
 Nike Footwear Catalog Late Spring 2005, pp. 181, 180, published Aug. 2004.
 Nike Footwear Catalog Fall 2005, pp. 13, 33, 43, 56, 115, 130, 141, 147, published Nov. 2004.
 Nike Footwear Catalog Holiday 2005, pp. 12, 26, 64, published Mar. 2005.
 Nike Footwear Catalog Spring 2006, pp. 52, 133, published Jun. 2005.

* cited by examiner

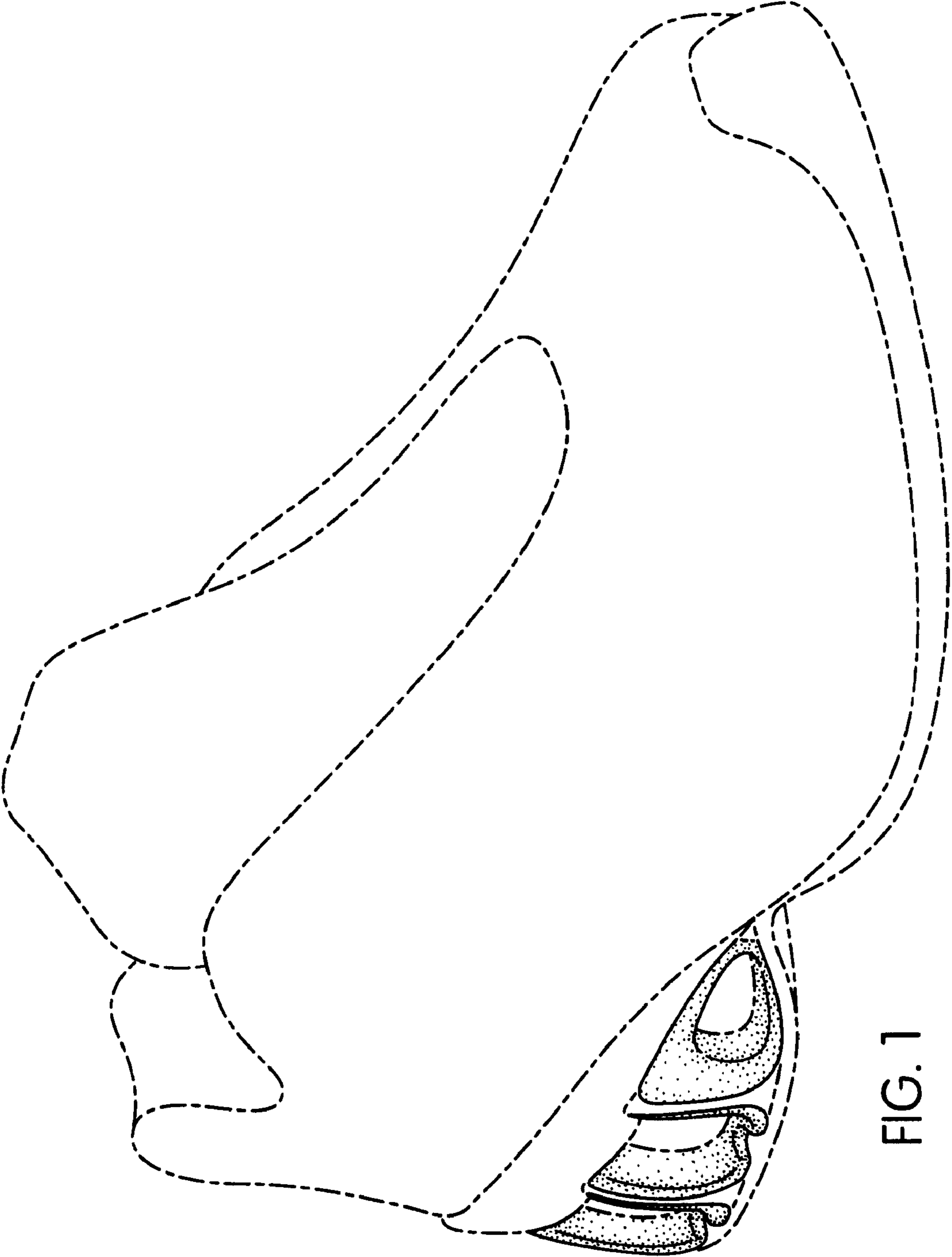


FIG. 1

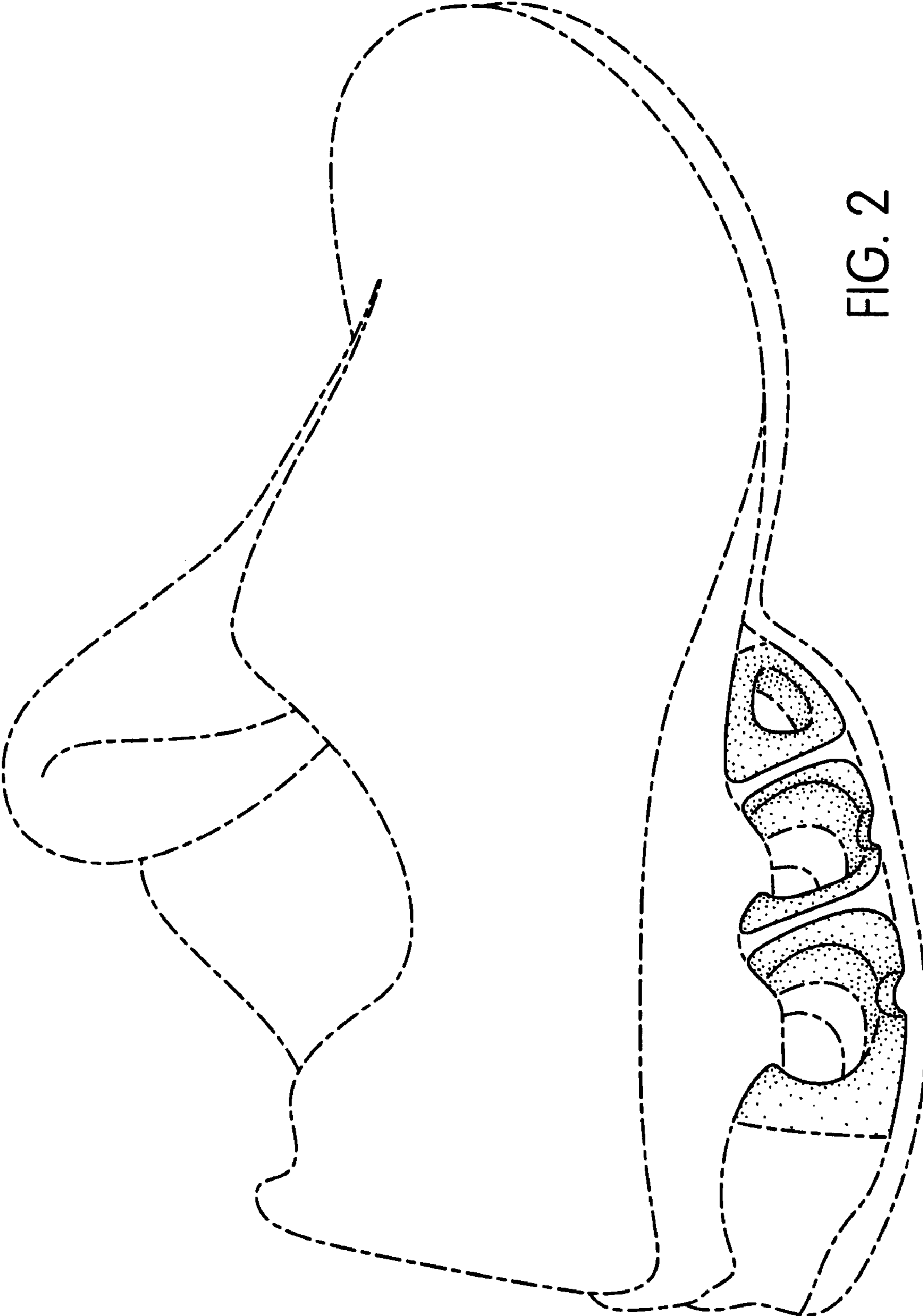


FIG. 2

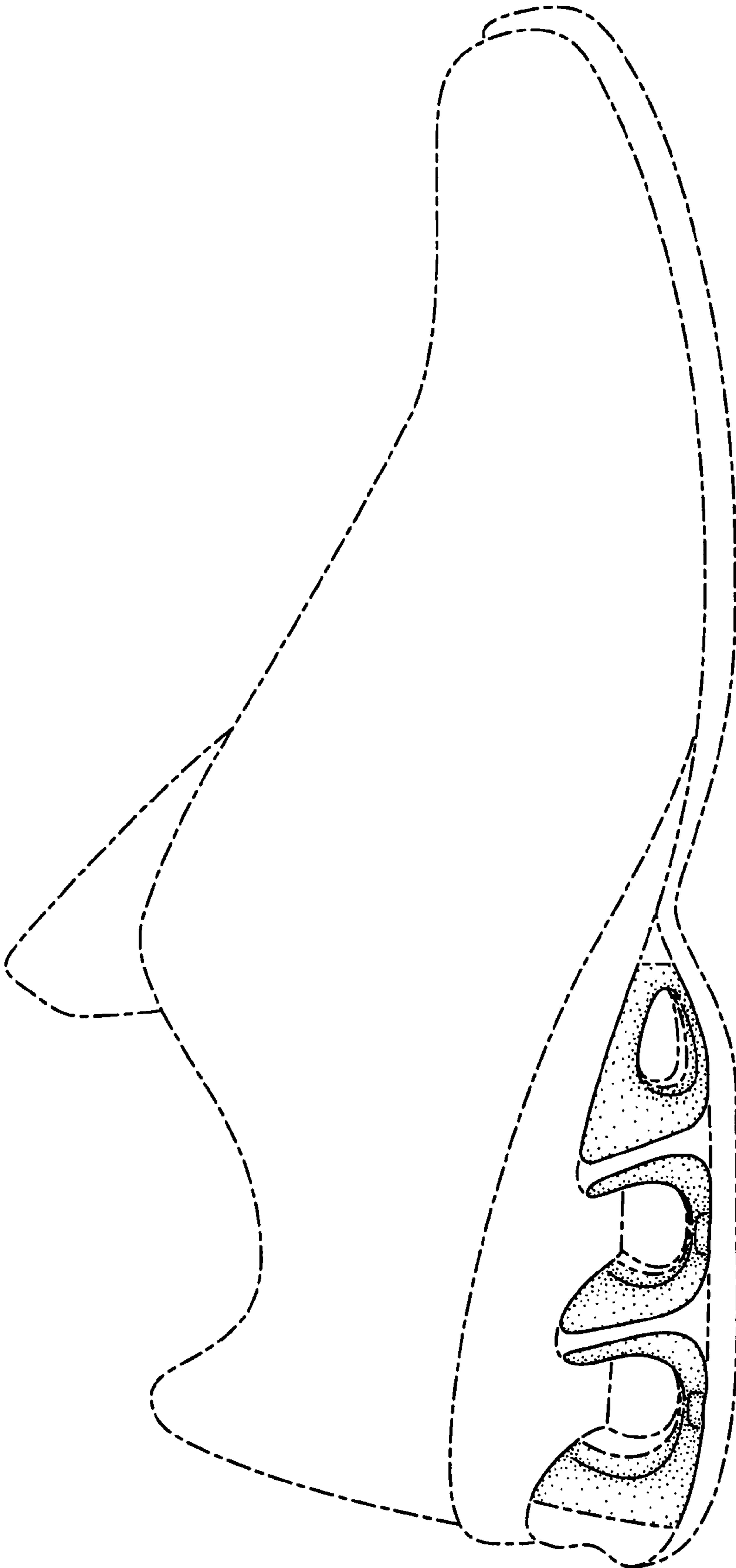


FIG. 3