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(12) **United States Design Patent** (10) **Patent No.:** **US D528,757 S**
Lupo (45) **Date of Patent:** **** Sep. 26, 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,
 D2/907, 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.

(56) **References Cited**
 U.S. PATENT DOCUMENTS

413,693 A	10/1889	Walker
1,088,328 A	2/1914	Cucinotta
2,299,009 A	10/1942	Denk
3,777,374 A	12/1973	Hendricks
4,457,084 A	7/1984	Horibata et al.
D307,608 S	5/1990	Shure
D325,288 S	4/1992	Richard et al.
5,235,761 A	8/1993	Chang
5,247,742 A	9/1993	Kilgore et al.
D340,349 S	10/1993	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
D344,622 S	3/1994	Kilgore
5,297,349 A	3/1994	Kilgore
D348,354 S	7/1994	Lucas
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, M40, published Jun. 2003.
 Nike Footwear Catalog Late Spring 2004, pp. M3, M6, M33, published Sep. 2003.
 Nike Footwear Catalog Fall 2004, pp. M34, M35, M41, published Nov. 2003.
 Nike Footwear Catalog Holiday 2004, pp. M5, M7, M11, M12, M31, M40, M41, M77, W6, W19, W28, W43, W55, published Mar. 2004.
 Nike Footwear Catalog Holiday 2005, pp. M7, M8, M11, M23, M24, M25, M46, M105, W112, W114, W126, W130, W136, W143, W149, published Mar. 2005.
 Nike Footwear Catalog Spring 2006, pp. M16, M38, M41, M45, W132, W141, W163, published Jun. 2005.

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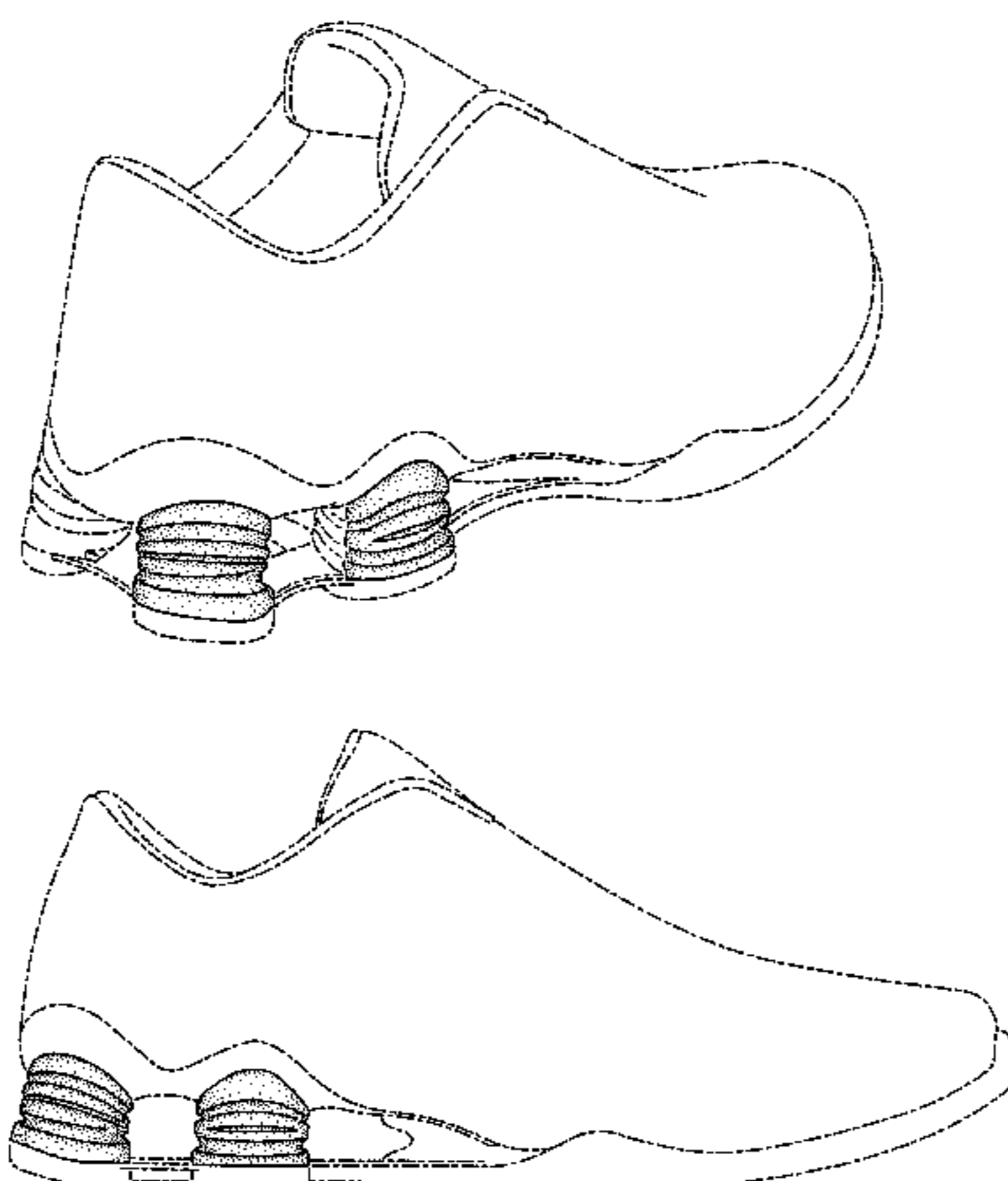
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a front perspective view of a portion of a shoe midsole showing my new design;
 FIG. 2 is a rear perspective view thereof; and,
 FIG. 3 is a side view thereof.
 The broken lines immediately adjacent to the shaded areas represent unclaimed boundaries 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, 3 Drawing Sheets



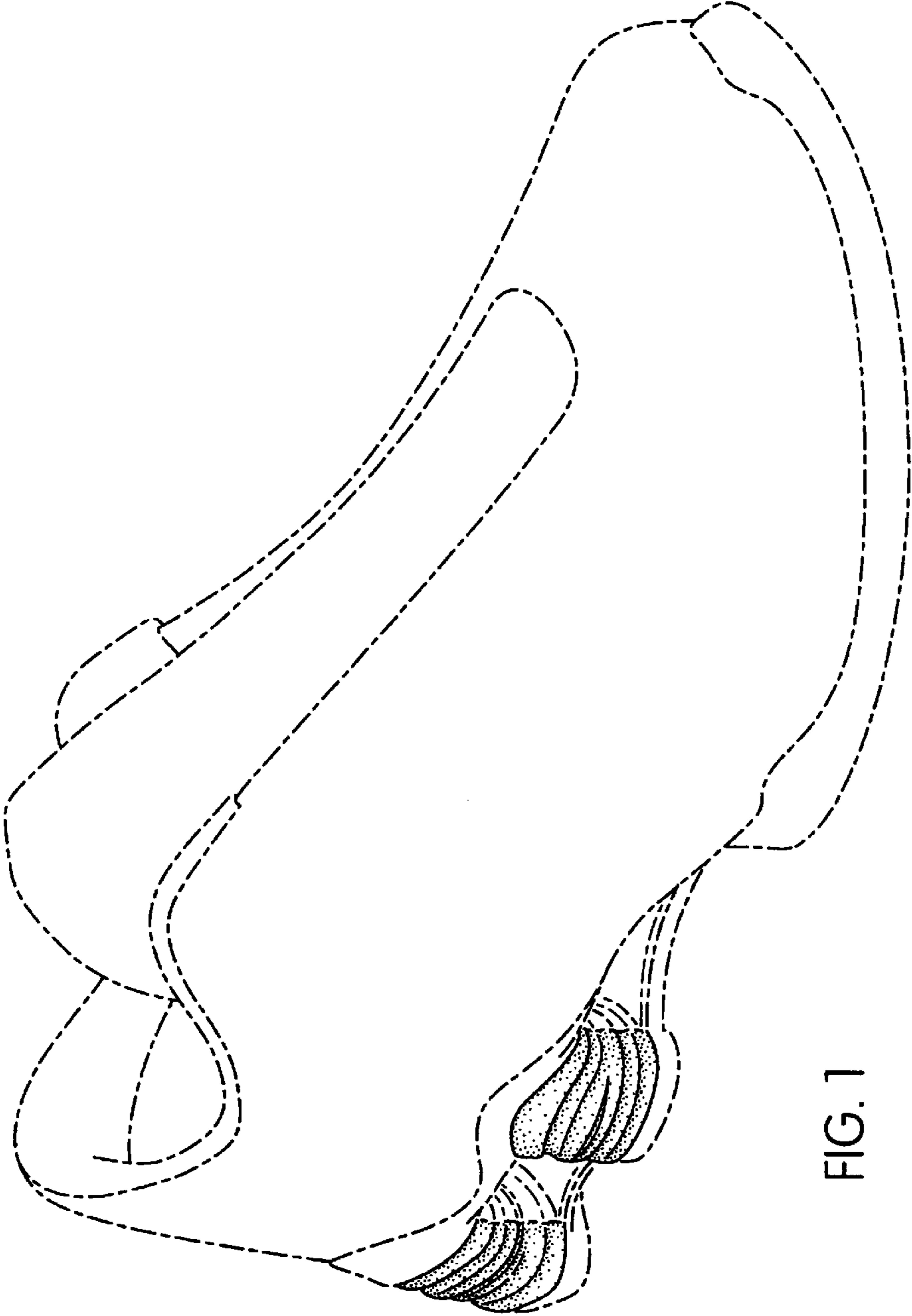
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U.S. PATENT DOCUMENTS

D350,019 S	8/1994	Kilgore	D446,923 S	8/2001	McCourt	
D350,020 S	8/1994	Kilgore	D447,330 S	9/2001	McCourt	
D350,225 S	9/1994	Kilgore	D450,437 S	* 11/2001	Simpson et al. D2/977
D350,226 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	D476,474 S	7/2003	McDowell	
D351,720 S	10/1994	Kilgore	D483,936 S	12/2003	Fullum	
5,353,523 A	10/1994	Kilgore et al.	D483,937 S	12/2003	Fullum	
D351,936 S	11/1994	Kilgore	D485,053 S	* 1/2004	McDowell D2/972
D352,159 S	11/1994	Kilgore	D485,975 S	2/2004	McDowell	
D352,160 S	11/1994	Kilgore	D498,914 S	11/2004	Sokolowski	
D354,617 S	1/1995	Kilgore	D499,248 S	* 12/2004	Sokolowski D2/972
D355,755 S	2/1995	Kilgore	D500,402 S	1/2005	Sokolowski	
6,006,449 A	12/1999	Orlowski et al.	D508,162 S	8/2005	Harlow	
D429,877 S	8/2000	Lozano et al.	D509,051 S	9/2005	O'Connor	
D431,898 S	10/2000	Clegg et al.	D510,472 S	10/2005	Sokolowski	
D432,293 S	10/2000	Clegg et al.	D513,843 S	* 1/2006	Smith D2/964
D432,764 S	10/2000	Clegg et al.	D514,290 S	* 2/2006	Smith, III D2/964
D433,216 S	11/2000	Avar et al.	D516,784 S	* 3/2006	Wiper et al. D2/964
D446,387 S	8/2001	McCourt	D519,267 S	* 4/2006	Hlavacs D2/964

* cited by examiner



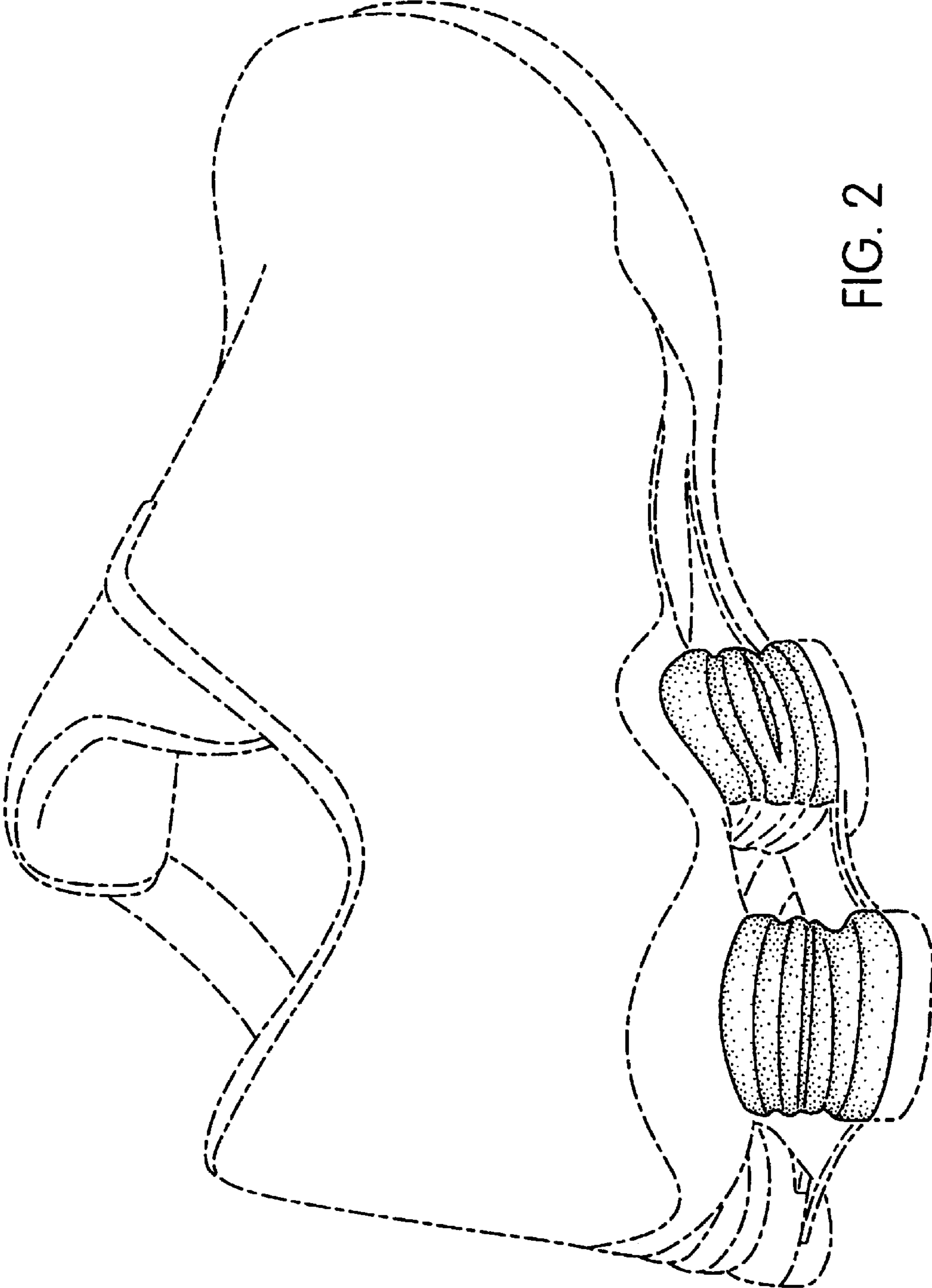


FIG. 2

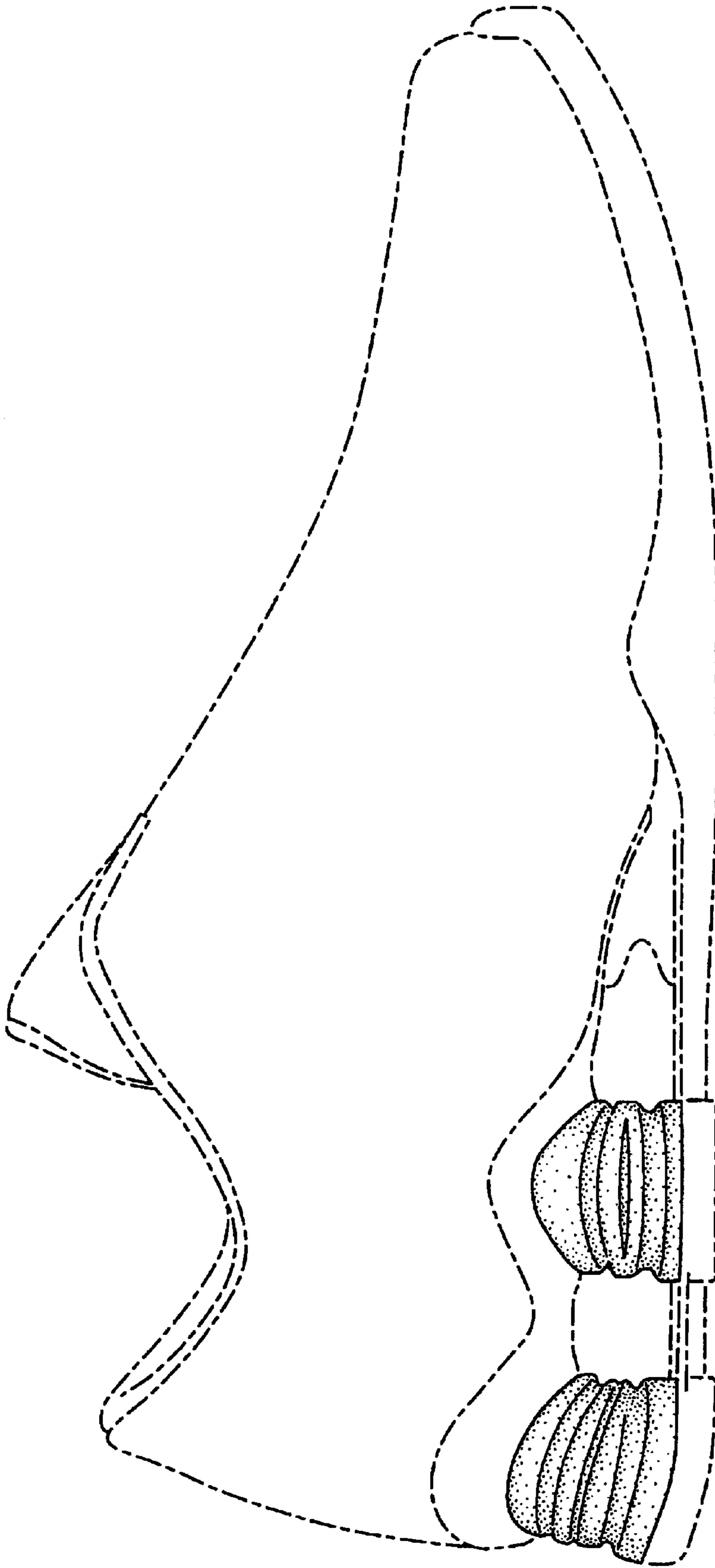


FIG. 3