



US00D564204S

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

(10) **Patent No.:** **US D564,204 S**
(45) **Date of Patent:** **** Mar. 18, 2008**

(54) **FOOTWEAR**

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

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

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

(21) Appl. No.: **29/241,478**

(22) Filed: **Oct. 26, 2005**

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

(52) **U.S. Cl.** **D2/972**

(58) **Field of Classification Search** D2/902,
D2/904, 906-908, 943, 944, 947, 969, 972-974,
D2/909, 903, 953, 954, 925-942; 36/45,
36/50.1, 77 M, 77 R, 83, 88, 113, 114, 126-131,
36/84, 87, 102, 4

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

- 1,392,350 A 10/1921 O'Brien
- D66,083 S 11/1924 Johnson
- D114,917 S * 5/1939 Cairns D2/902
- D114,918 S * 5/1939 Cairns D2/902
- 2,180,924 A 11/1939 Dunbar
- D151,304 S 10/1948 Walsh
- 2,470,089 A 5/1949 Booth
- D155,956 S 11/1949 Wood
- 2,897,566 A 8/1959 Albiniano
- D200,846 S * 4/1965 Bovay D2/908
- 3,407,517 A 10/1968 Gessner
- 3,698,107 A 10/1972 Fukuoka
- 4,032,611 A 6/1977 Fukuoka
- D247,136 S * 2/1978 Mizoguchi D2/907
- 4,100,685 A 7/1978 Dassler
- D250,857 S * 1/1979 Procter et al. D2/906
- D251,158 S 2/1979 Edmonds
- 4,408,401 A 10/1983 Seidel et al.
- 4,476,600 A 10/1984 Seidel et al.
- D284,043 S * 6/1986 Lowe et al. D2/902
- 4,888,887 A 12/1989 Solow
- 4,967,750 A 11/1990 Cherniak
- D345,245 S 3/1994 McDonald

- D350,021 S 8/1994 Stein
- D350,223 S 9/1994 Buckner
- 5,369,895 A 12/1994 Hammerschmidt
- D355,526 S 2/1995 Duclos
- 5,438,767 A 8/1995 Stein

(Continued)

FOREIGN PATENT DOCUMENTS

CA 2199084 10/1997

(Continued)

OTHER PUBLICATIONS

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

(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 front view.

FIG. 3 is a back view.

FIG. 4 is an inner side view.

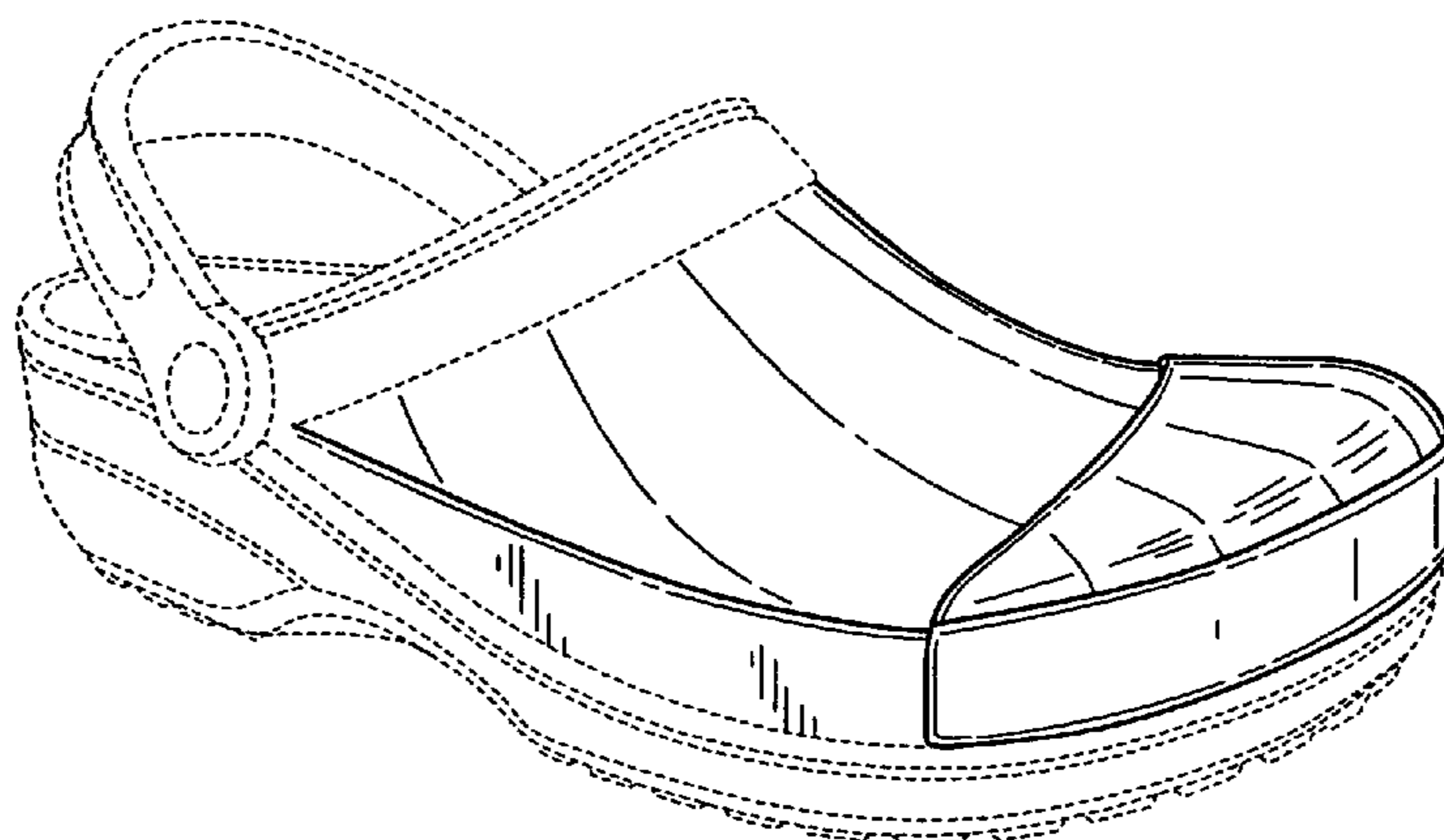
FIG. 5 is an outer side view.

FIG. 6 is a top view; and,

FIG. 7 is a bottom view.

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

1 Claim, 7 Drawing Sheets



U.S. PATENT DOCUMENTS

D368,797	S	4/1996	Brooks et al.
5,528,841	A	6/1996	Pozzobon
5,561,919	A	10/1996	Gill
5,615,496	A	4/1997	Sharpstein
5,651,195	A	7/1997	Clancy
D381,794	S	8/1997	Gelli
5,736,167	A	4/1998	Chang
5,814,254	A	9/1998	Bisconti
D415,606	S	10/1999	Bray, Jr. et al.
D416,667	S	11/1999	Lamstein
D418,281	S	1/2000	Bray, Jr. et al.
D422,780	S	4/2000	Aguerre
6,052,920	A	4/2000	Bathum
D428,239	S	7/2000	Plamondon
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.
D452,366	S	12/2001	Wilson
6,416,610	B1	7/2002	Matis et al.
6,439,536	B1	8/2002	Piccolo
D467,065	S	12/2002	Chen
D473,040	S	4/2003	Hawker et al.
6,560,900	B2	5/2003	Bray, Jr. et al.
D476,797	S	7/2003	Schenone
D479,034	S	9/2003	Tzenos
D479,906	S	9/2003	Hawker et al.
6,625,904	B1	9/2003	Frederiksen
6,640,464	B2	11/2003	Hsin et al.
D483,929	S	12/2003	Tzenos
D490,219	S	5/2004	Lu
D492,095	S	6/2004	Sanchez et al.
D492,096	S	6/2004	Sanchez et al.
D492,841	S	7/2004	Magro
D493,611	S	8/2004	Chen
D494,345	S	8/2004	Werman
6,772,539	B1	8/2004	Tai
D498,901	S	11/2004	Hawker et al.
D499,234	S	12/2004	Dal Magro et al.
6,860,035	B2	3/2005	Girard
2001/0001350	A1	5/2001	Aguerre
2002/0124434	A1	9/2002	Hsin et al.
2003/0009909	A1	1/2003	Chen
2003/0074806	A1	4/2003	Urie et al.
2004/0231189	A1	11/2004	Seamans
2004/0231190	A1	11/2004	Seamans
2004/0231191	A1	11/2004	Seamans

FOREIGN PATENT DOCUMENTS

CA	2238842	12/1998
CA	2375957	9/2002
DE	1 057 913	5/1959
EM	000061122-0001	11/2003
EM	000257001-0001	2/2005
EM	000257001-0002	2/2005
EM	000257001-0003	2/2005
EM	000308903-0001	5/2005
EM	000308903-0002	5/2005
EM	000308903-0003	5/2005
EM	000308903-0004	5/2005
EM	000408745-0001	12/2005
EM	000408745-0002	12/2005
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
FR	2 595 213	9/1987
FR	2 774 562	8/1999

GB	2322286	8/1998
WO	WO 00/13537	3/2000
WO	WO 2004/105531 A1	12/2004
WO	WO 2004/105534 A2	12/2004
WO	WO 2004/105534 A3	12/2004

OTHER PUBLICATIONS

Comfortable Walking, Italian Technology, Oct. 1999, n. 3, p. 168 (abstract, 1 page).
 COMPLAINT, *Holey Soles Holdings LTD v. Foam Creations, Inc. and CROCS, Inc.* (05CV6893 (MBM) (AJP) S.D.N.Y. filed Aug. 2, 2005) (including Appendices A-D, 59 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).
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).
The Elastomers Times: Engage Adds Comfort to Sporting Components, Chemical Business New Base: The Elastomer Times, Dec. 1, 2000 (2 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).
<http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.htm> (3 pages).
 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 Statement of Claim, Foam Creations Inc. vs. Holey Soles Holdings Ltd., Ontario, Canada Federal Court, Jan. 28, 2005, Ridout & Maybee LLP (8 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 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).
 Rhoda Miel, *Snowshoe Walks Away with Best Design*, Plastics News, Apr. 22, 2002, v. 14, n. 8, p. 4 (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*, 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).
 G. Crocs Cayman, Colorado Cyclist Early Fall 2004 (stocked in Japanese Patent Office Library on Sep. 30, 2004 under reference No. HD16023149) (1 pg.).
 Pye, R.G.W., *Injection Mould Design*, 4th Ed., 1983 (Chapter 9, 20 pgs.).
 Taplin, Craig, Letter to Australian Commissioner of Patents dated Feb. 23, 2006 (12 pgs.).

* cited by examiner

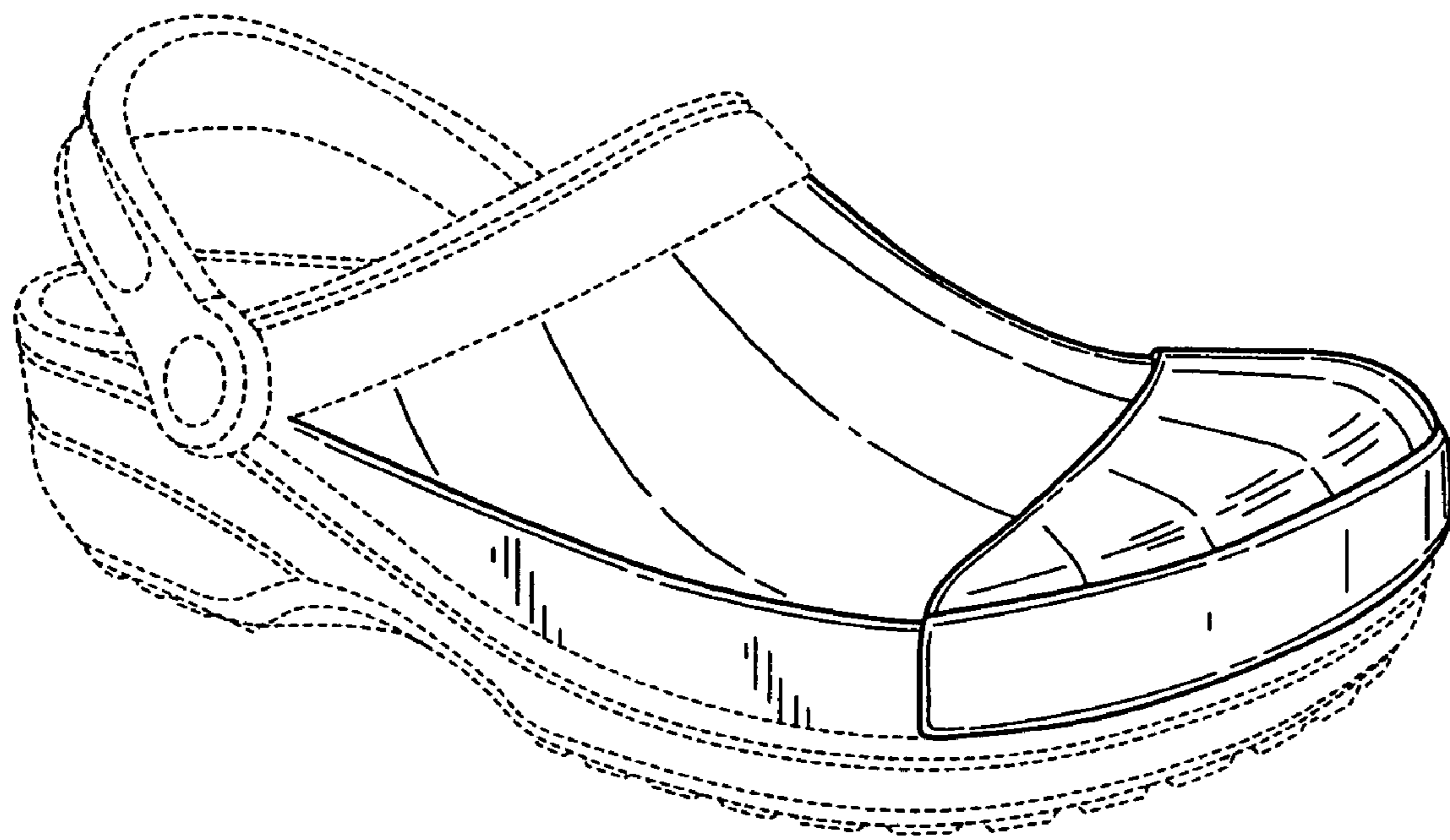


FIG.1

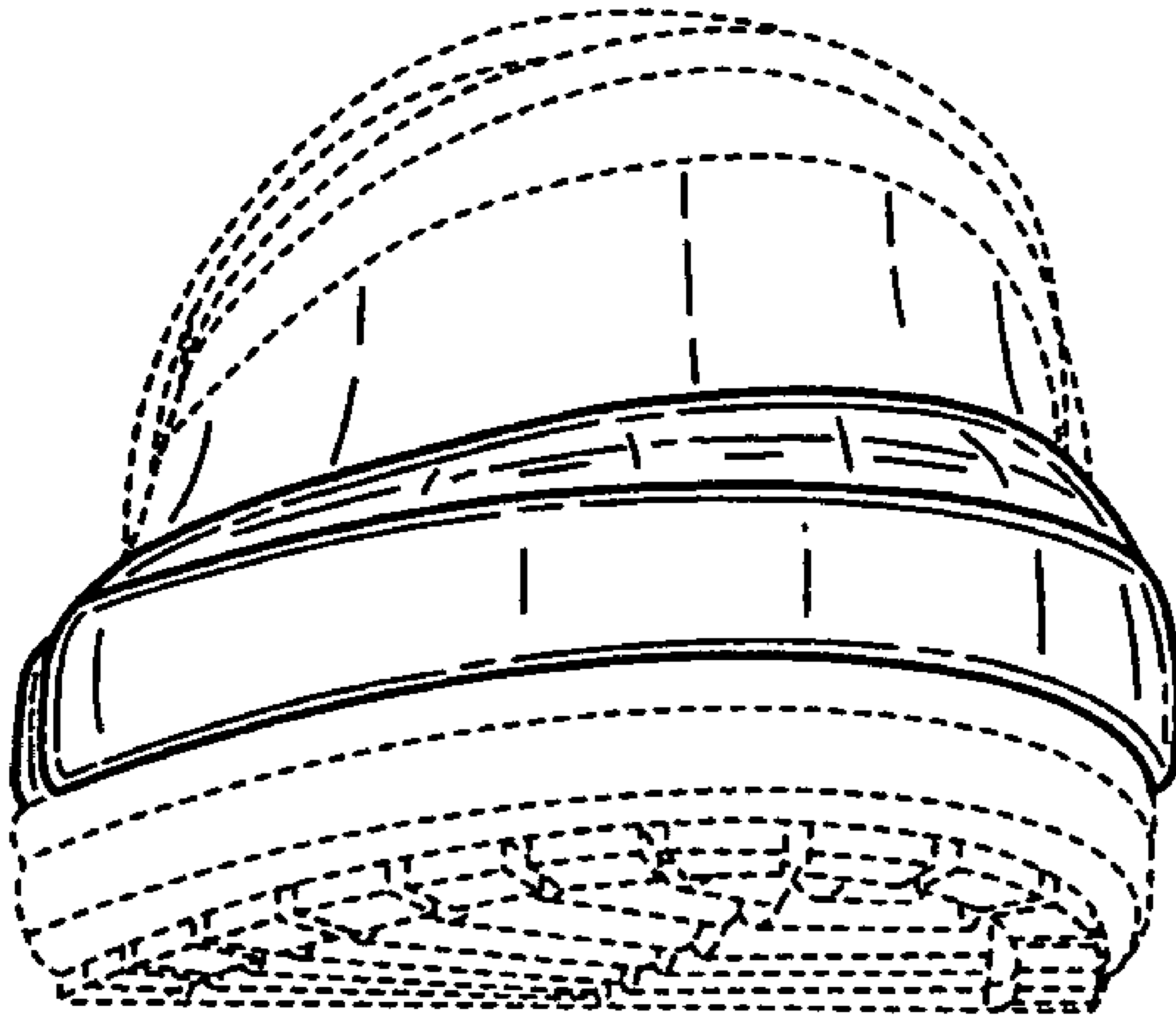


FIG.2

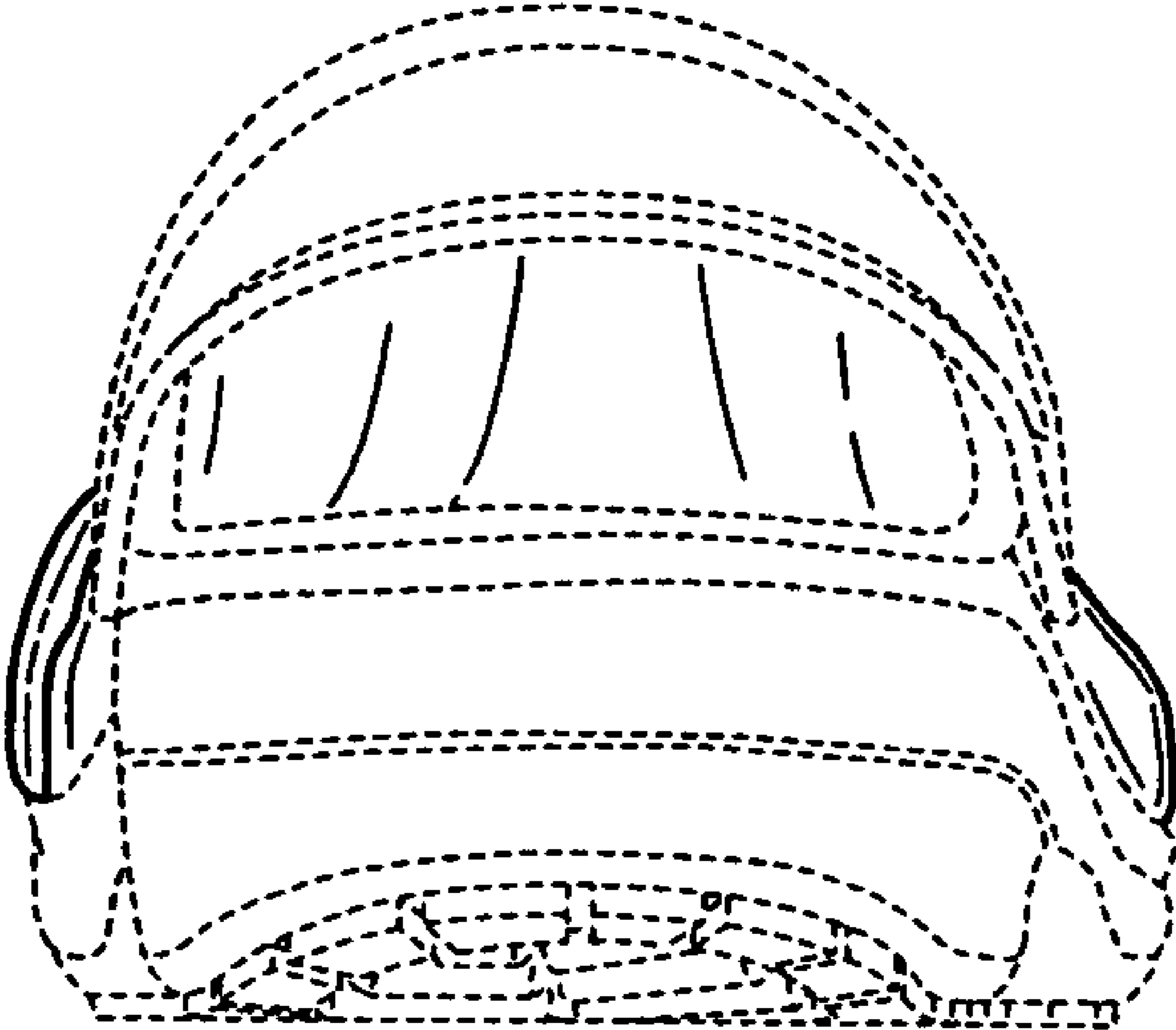


FIG.3

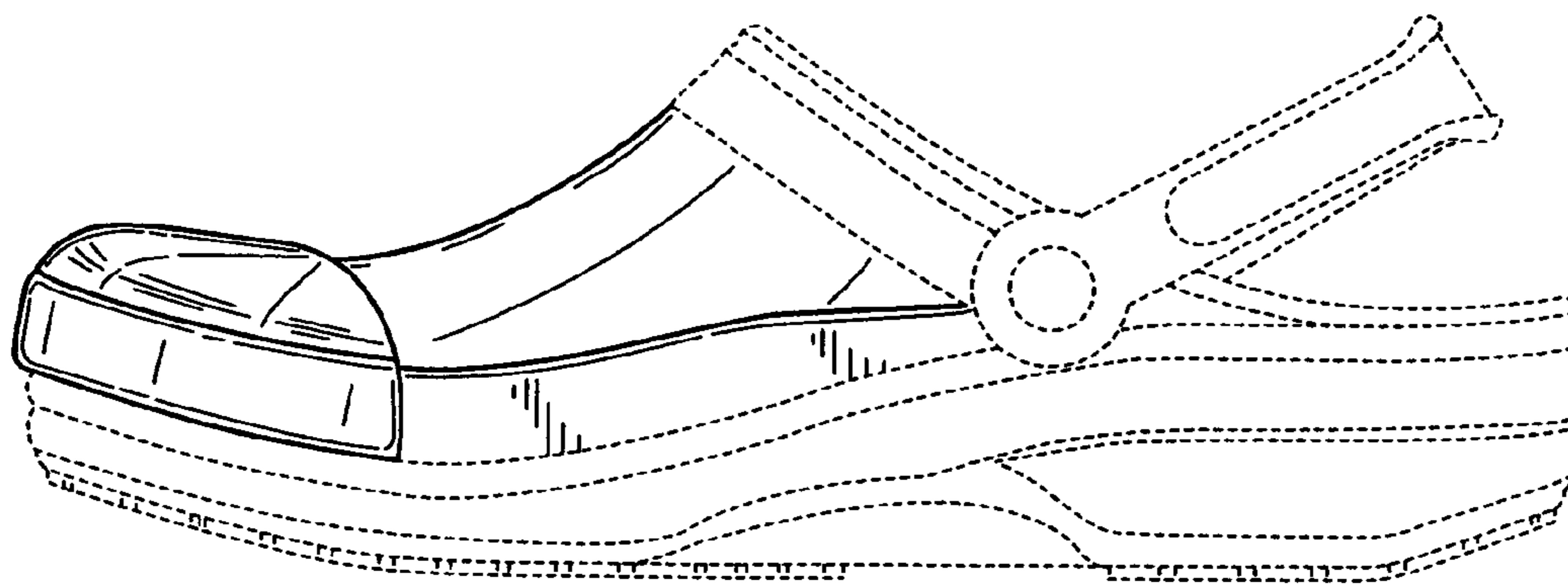


FIG.4

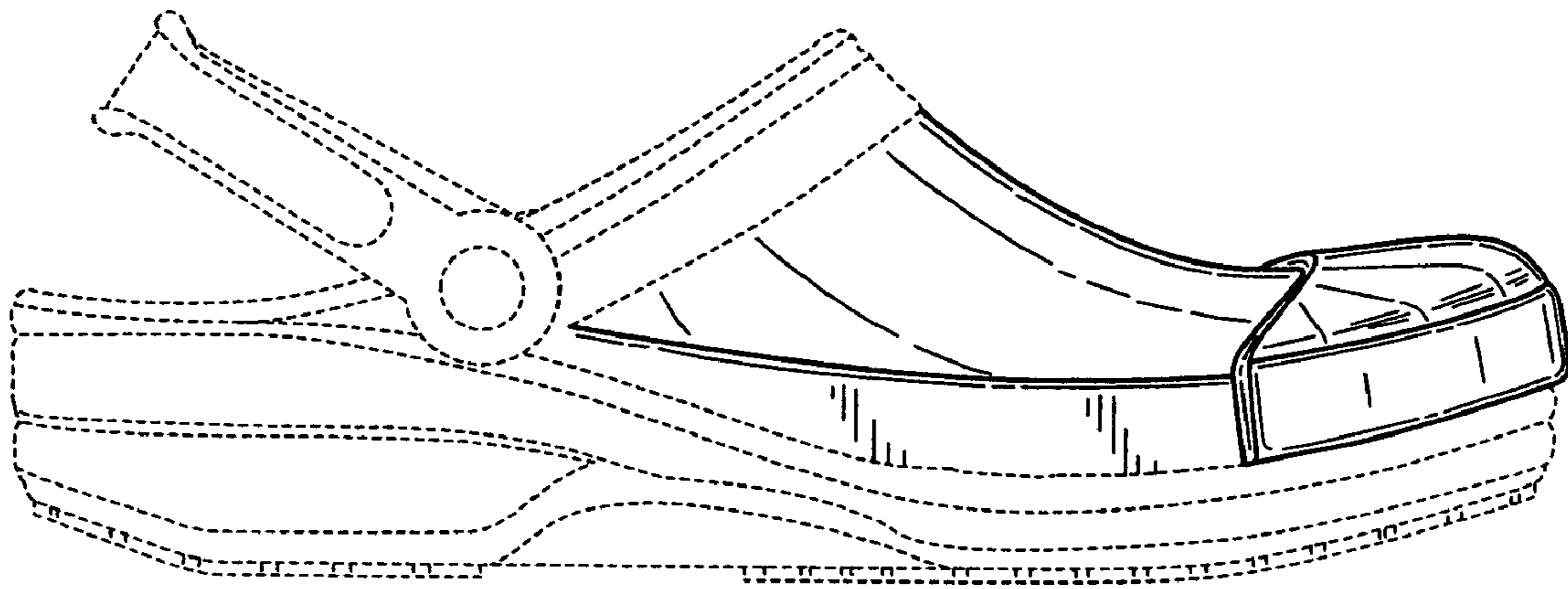


FIG.5

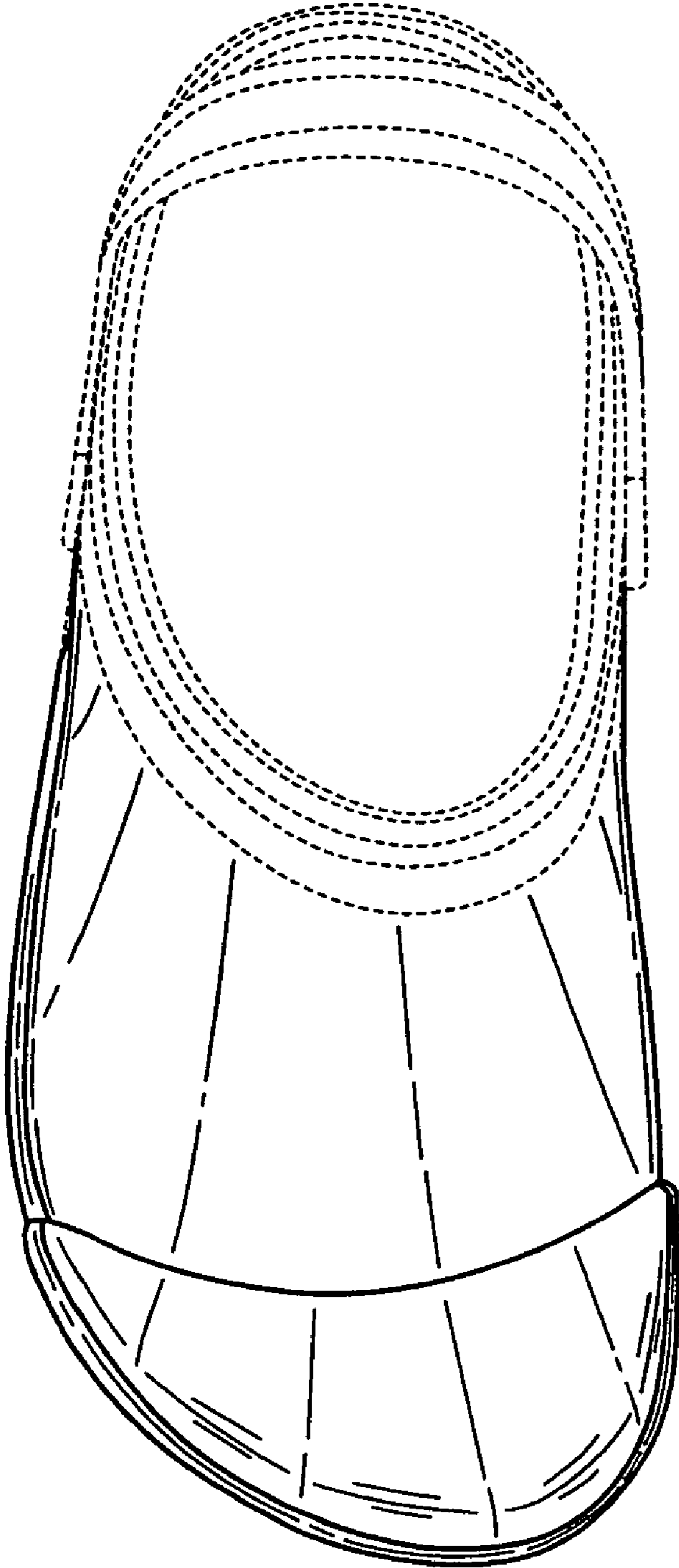


FIG.6

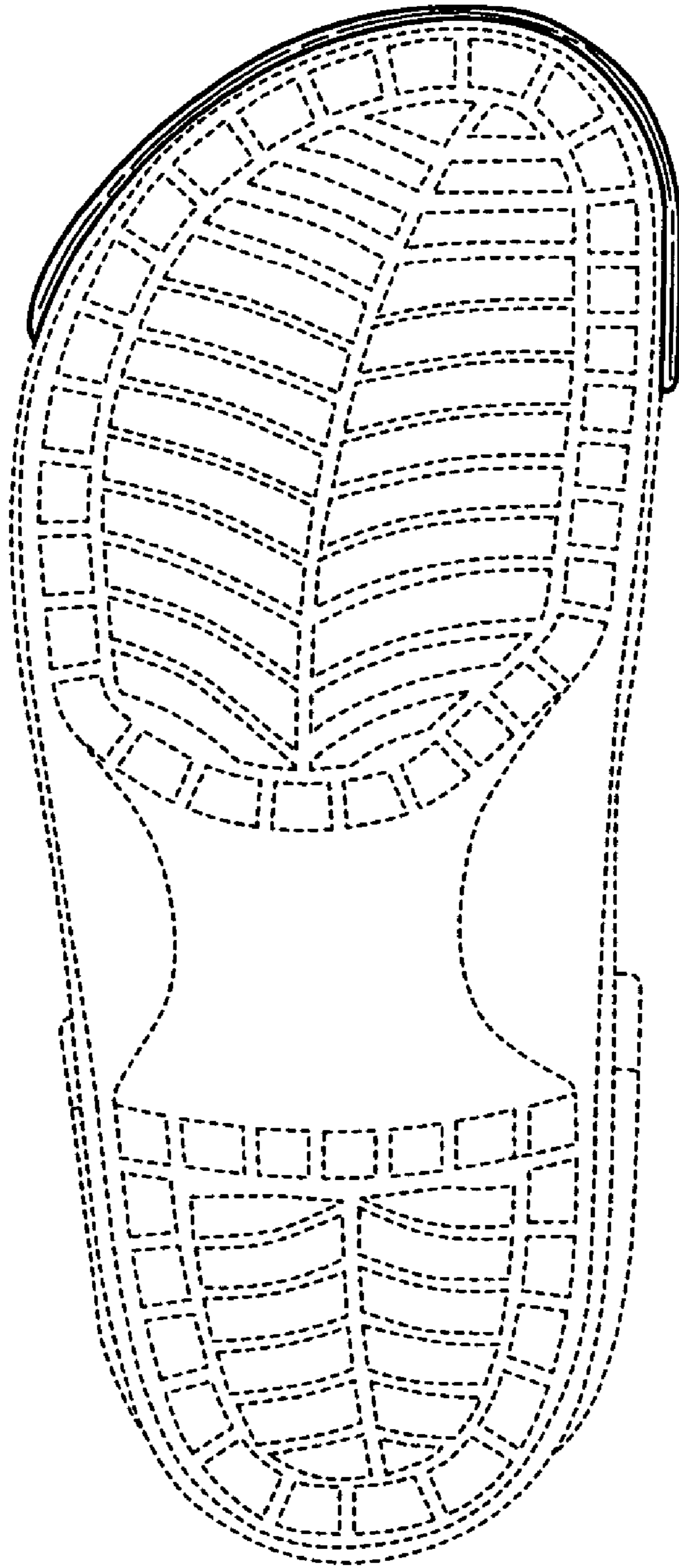


FIG.7