



US00D564743S

(12) **United States Design Patent** (10) **Patent No.:** **US D564,743 S**
Seamans (45) **Date of Patent:** **** Mar. 25, 2008**

(54) **FOOTWEAR**

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

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

(21) Appl. No.: **29/251,316**

(22) Filed: **Jan. 6, 2006**

4,408,401 A 10/1983 Seidel et al.
4,476,600 A 10/1984 Seidel et al.
4,858,337 A * 8/1989 Barma 36/4
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
5,384,971 A * 1/1995 Ferry 36/4

(Continued)

Related U.S. Application Data

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

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

(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

D14,341 S * 10/1883 Lewis D2/909
D14,774 S * 2/1884 Preston D2/909
1,185,119 A * 5/1916 Marshall 36/4
1,392,350 A 10/1921 O'Brien
D66,083 S 11/1924 Johnson
2,180,924 A 11/1939 Dunbar
2,200,333 A * 5/1940 Herzog et al. 36/4
2,306,306 A * 12/1942 Ferrettie 36/4
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
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
4,100,685 A 7/1978 Dassler
D251,158 S 2/1979 Edmonds

FOREIGN PATENT DOCUMENTS

CA 2199084 10/1997

(Continued)

OTHER PUBLICATIONS

Birkenstock, Spring & Summer 2003 Catalog, Birkenstock Orthopodie GmbH, Germany (82 pgs.).

(Continued)

Primary Examiner—Dominic Simone

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(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 outer side view.

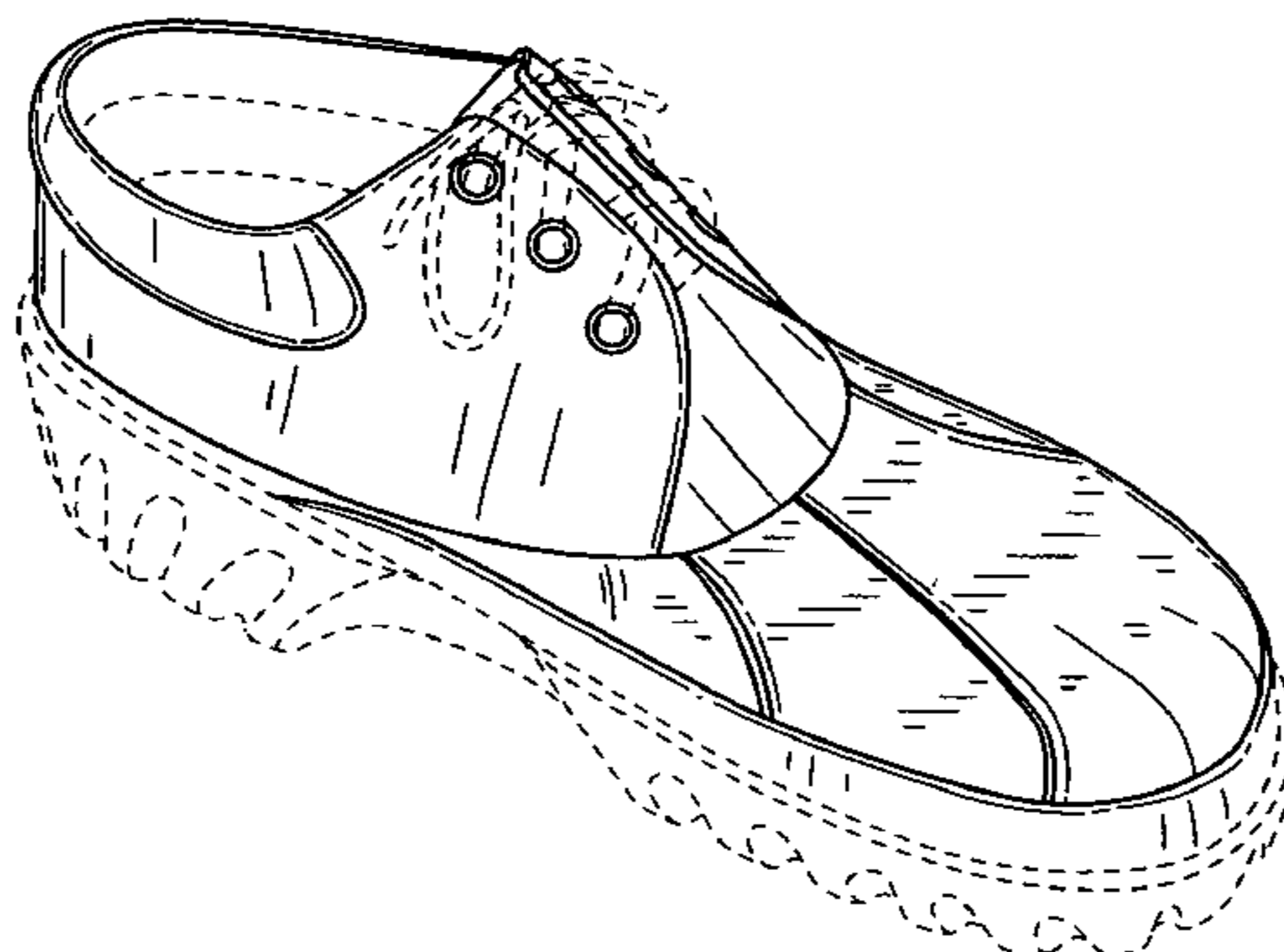
FIG. 5 is an inner side view.

FIG. 6 is a top view; and,

FIG. 7 is a bottom view.

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

1 Claim, 7 Drawing Sheets



US D564,743 S

Page 2

U.S. PATENT DOCUMENTS

D355,526	S	2/1995	Duclos	
5,438,767	A	8/1995	Stein	
D368,797	S	4/1996	Brooks et al.	
D369,018	S	* 4/1996	Brooks et al.	D2/969
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	
D385,992	S	* 11/1997	Brooks et al.	D2/970
5,736,167	A	4/1998	Chang	
5,743,027	A	* 4/1998	Barma	36/4
5,802,738	A	9/1998	Ferniani	
5,814,254	A	9/1998	Bisconti	
5,852,885	A	12/1998	Ferniani	
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.	
D449,151	S	* 10/2001	Garcia	D2/911
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.	
D475,841	S	* 6/2003	Cook	D2/909
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	
D494,750	S	* 8/2004	Chen	D2/969
6,772,539	B1	8/2004	Tai	
D498,901	S	11/2004	Hawker et al.	
D499,234	S	12/2004	Dal Magro et al.	
D500,188	S	* 12/2004	Dabah	D2/908
6,860,035	B2	3/2005	Girard	
6,993,858	B2	2/2006	Seamans	
D517,788	S	3/2006	Seamans	
D517,789	S	3/2006	Seamans	
D517,790	S	3/2006	Seamans	
D525,419	S	* 7/2006	Seamans	D2/972
D543,341	S	* 5/2007	Seamans	D2/969
D550,441	S	* 9/2007	Seamans	D2/969
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	
2005/0262726	A1	12/2005	Ferniani et al.	

2006/0048407 A1 3/2006 Seamans

FOREIGN PATENT DOCUMENTS

CA	2238842	12/1998
CA	2375957	9/2002
DE	1057913	5/1959
EM	0000611220001	11/2003
EM	0002570010001	2/2005
EM	0002570010002	2/2005
EM	0002570010003	2/2005
EM	0003089030001	5/2005
EM	0003089030002	5/2005
EM	0003089030003	5/2005
EM	0003089030004	5/2005
EM	0004087450001	12/2005
EM	0004087450002	12/2005
EM	0005224200001	7/2006
EM	0005224200002	7/2006
EM	0005224200003	7/2006
EM	0005224200004	7/2006
EM	0005224200005	7/2006
EM	0005224200006	7/2006
EM	0005224200007	7/2006
EM	0005224200008	7/2006
EM	0005255480001	8/2006
EM	0005255480002	8/2006
EM	0005255480003	8/2006
EP	0802039 A2	10/1997
EP	0802040 A2	10/1997
EP	0802041 A2	10/1997
EP	0884005 A1	12/1998
FR	2595213	9/1987
FR	2774562	8/1999
GB	1166585	10/1969
GB	2322286	8/1998
WO	00/13537	3/2000
WO	2004/105531 A1	12/2004
WO	2004/105534 A2	12/2004

OTHER PUBLICATIONS

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

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 pgs.).

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*, '99, v. 57(10), p. 35-50 (9 pgs.).

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 pgs.).

Defendant's Statement of Defense, *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 pgs.).

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

Engage polyolefin elastomers, the critical ingredient for success, *DuPont Dow Elastomers*, Copyright 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pgs.).

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 pgs.).

G. Crocs Cayman, *Colorado Cyclist* Early Fall 2004 (stocked in Japanese Patent Office library on Sep. 30, 2004 under reference No. HD16023149) (1 pg.).

Injected Eva, Macplasp International, Aug. 1999, n. 10, p. 90 (abstract, 1 pg.).

Pye, R.G.W., Injection Mould Design, 4th ed., 1983 (Chapter 9, 20 pgs.).

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

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

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

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

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 pgs.).

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

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

Taplin, Craig, Letter to Australian Commissioner of Patents dated Feb. 23, 2006 (12 pgs.).

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

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

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

Crocs, Inc., Prospectus, Feb. 7, 2006 (127 pgs.).

Pizzey's, Alison McMillan, Letter to European Patent Office dated Apr. 20, 2006 (12 pgs.).

MediPlogs OR shoe, http://www.krauth-medical.de/km-wb/mm/english/html/produkte/FR_prod_start.html (including TUV certificate, 4 pgs.).

<http://web.archive.org/web/20021213112059/http://www.crocs.com/footwear.asp?p=footwear> (2 pgs.).

<http://web.archive.org/web/20021016072815/http://www.crocs.com/> (1 pg.).

Examination Report No. 1, Australian Government, IP Australia, Design Registration No. 305846 in the name of Crocs, Inc. (6 pgs.).

Examination Report No. 1, Australian Government, IP Australia, Design Registration No. 306059 in the name of Crocs, Inc. (6 pgs.).

* cited by examiner

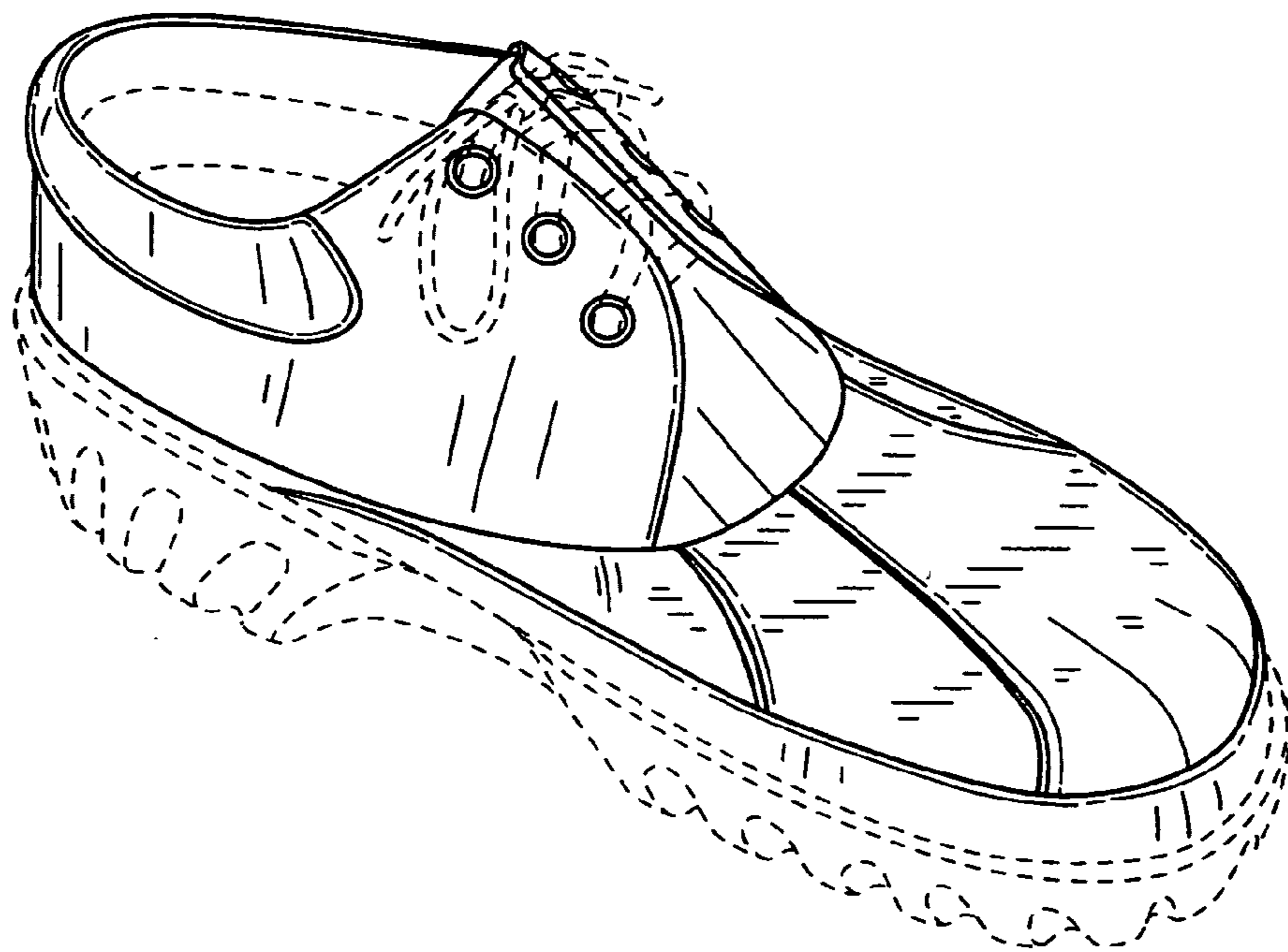


FIG.1

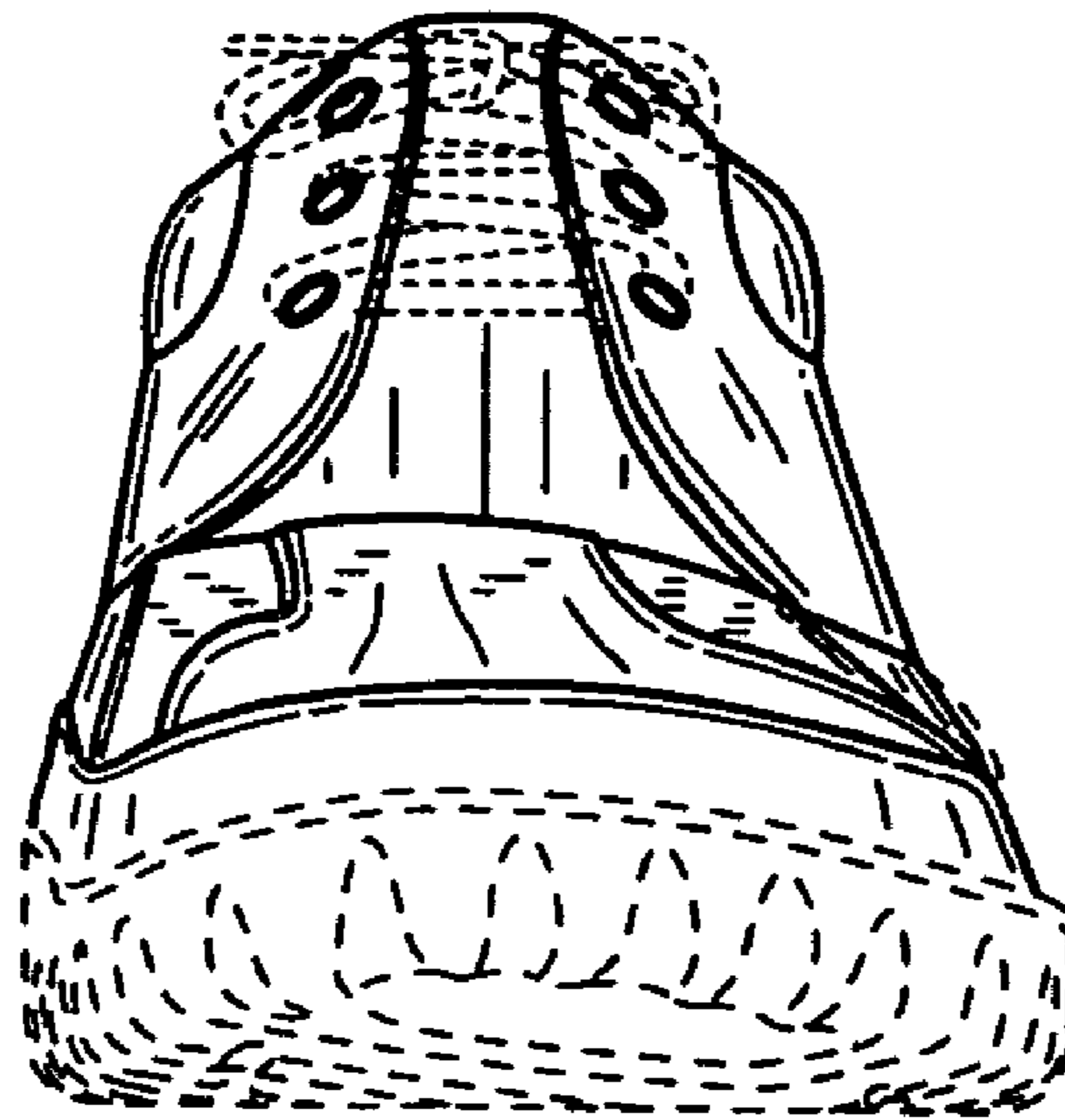


FIG.2

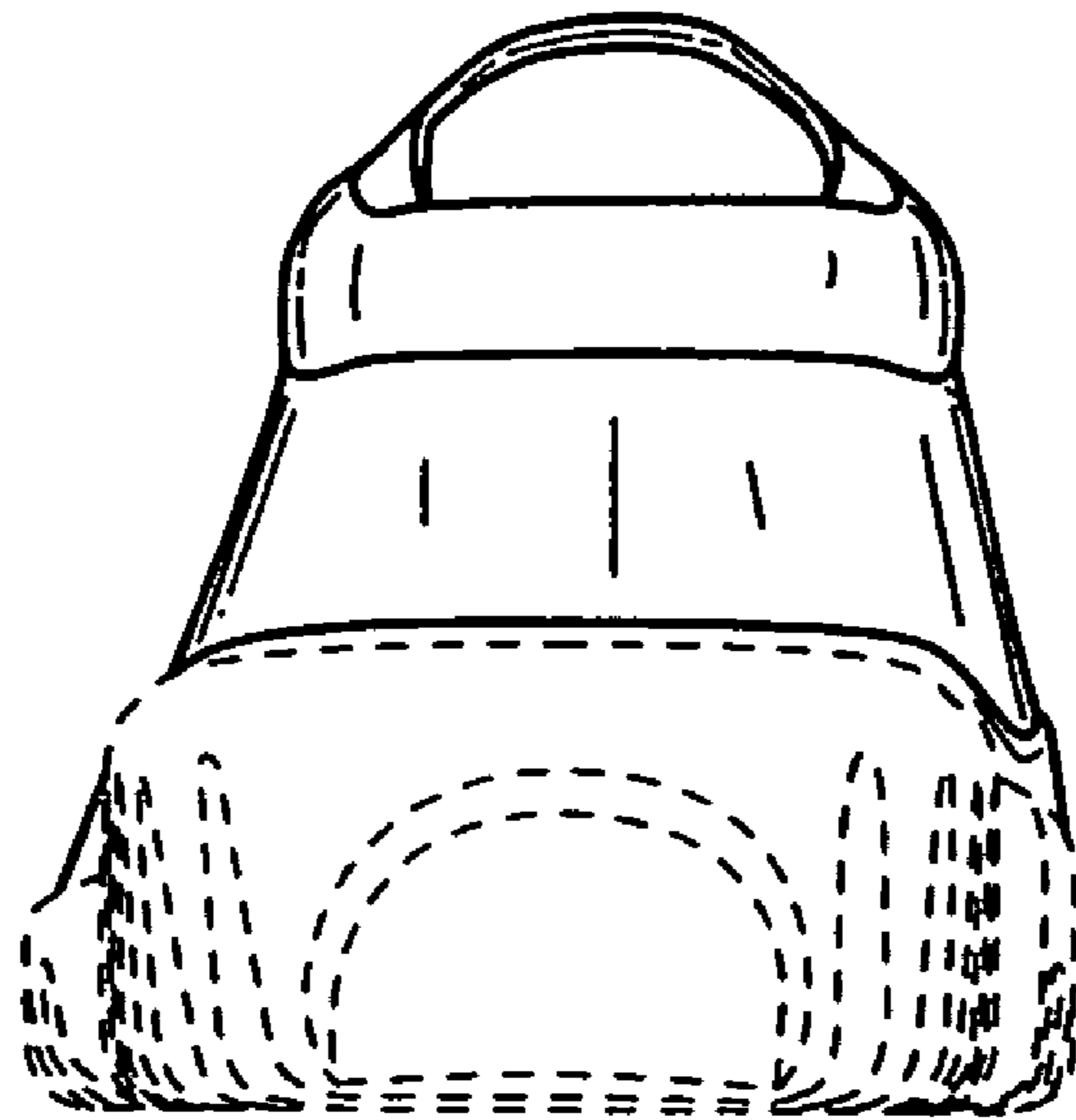


FIG.3

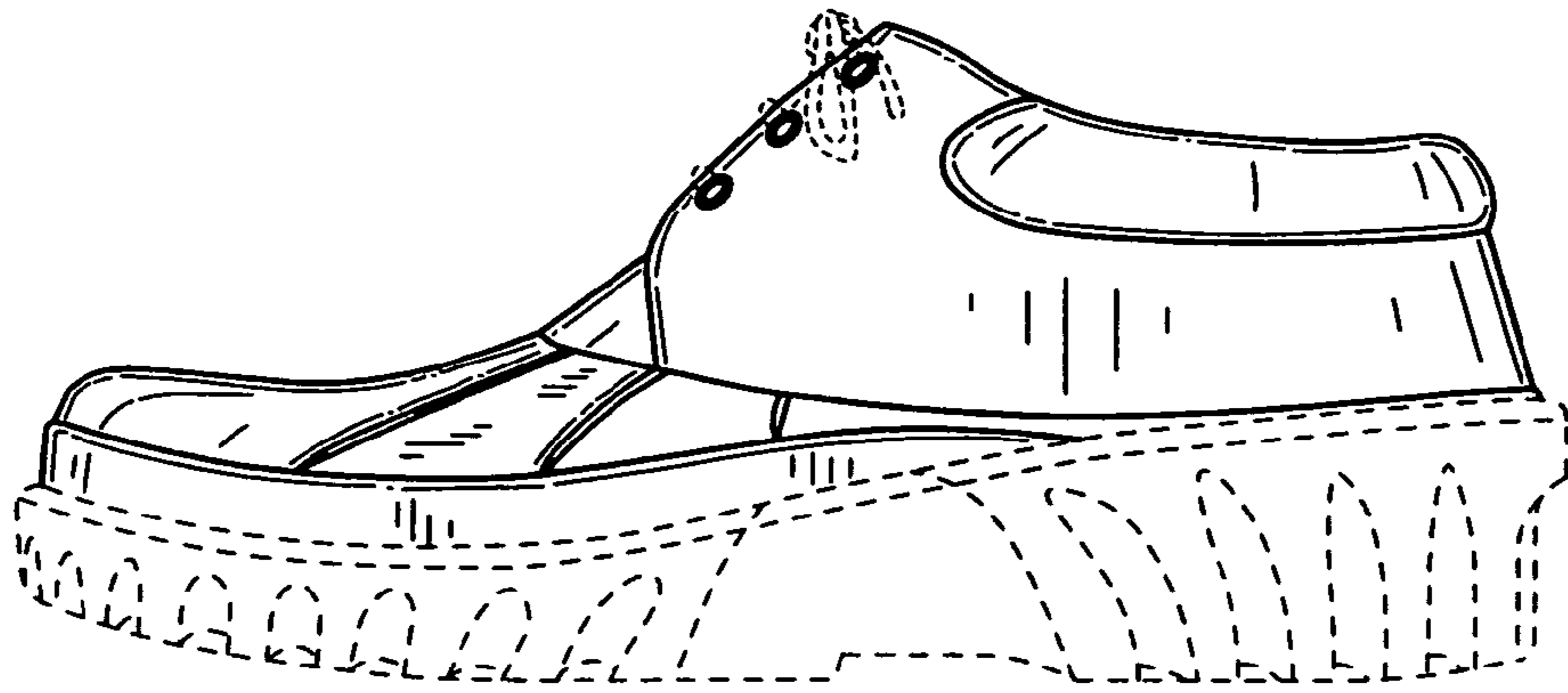


FIG.4

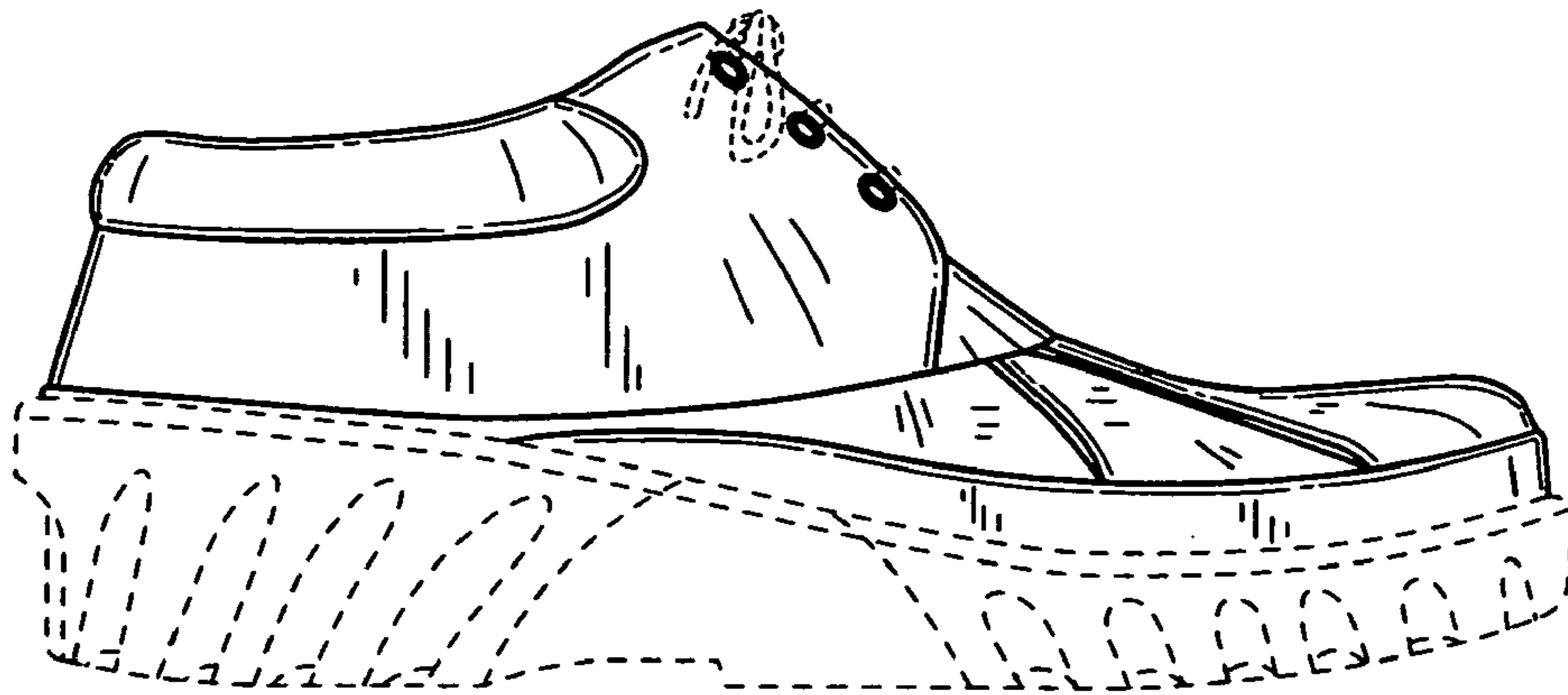


FIG.5

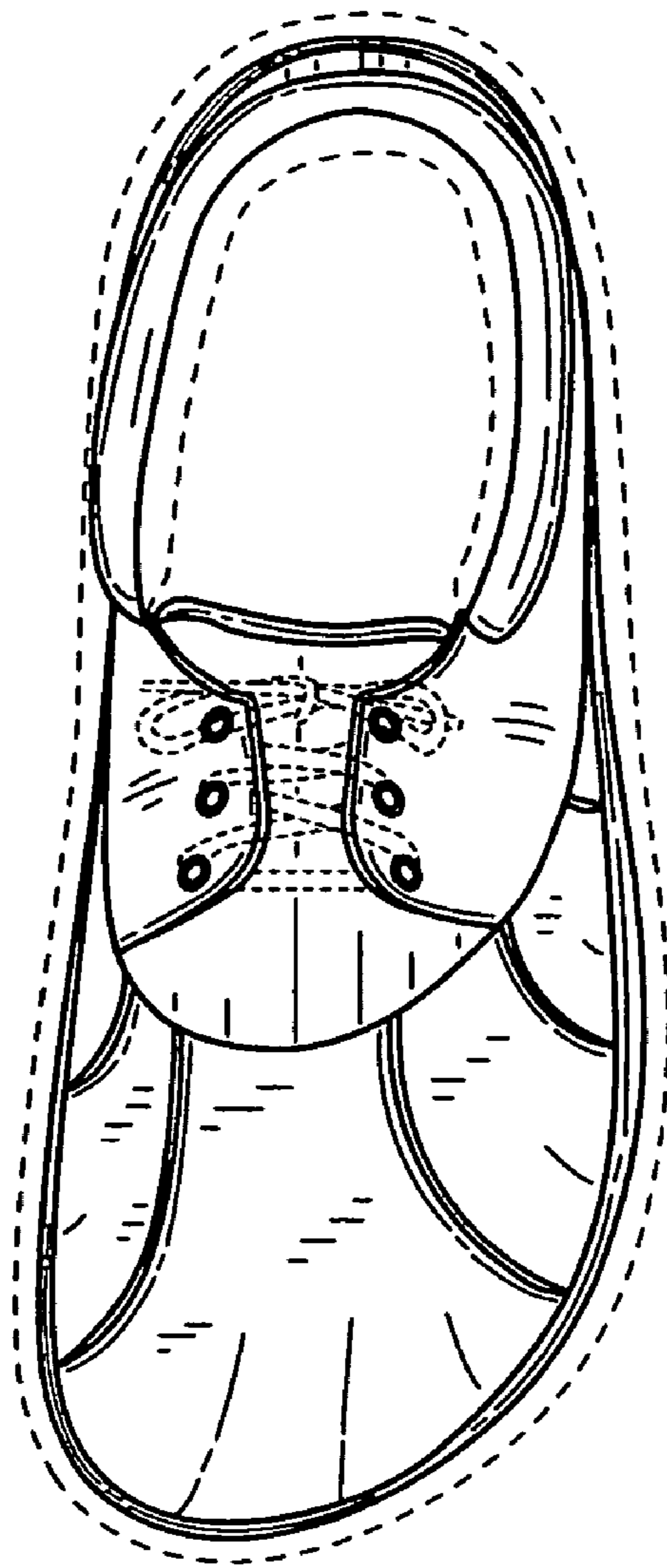


FIG.6

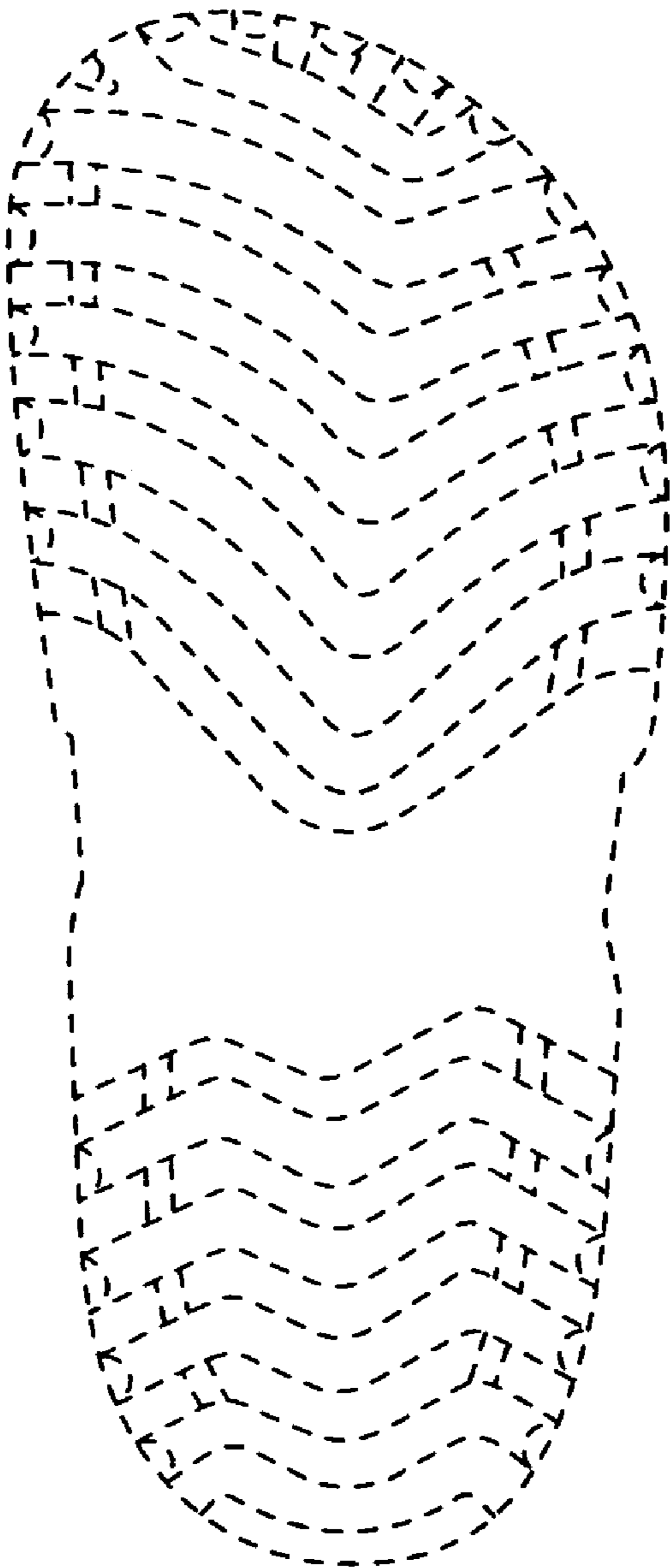


FIG.7