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

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(54) **PORTION OF A SHOE**

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(73) **Assignee:** **Reebok International Limited**, London (GB)

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

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(52) **U.S. Cl.** **D2/946; D2/977**

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D2/954, 960, 969, 972-974, 977; 36/45-49,
36/50.1, 77 M, 77 R, 83, 88, 113, 114, 126-131,
36/25 R-25 A

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

485,459 A *	11/1892	Crocker	.....	D2/960
1,594,056 A *	7/1926	Floyd	.....	36/128
1,607,375 A	11/1926	Whipple		
D108,320 S *	2/1938	Eldon	.....	D2/902
D133,176 S *	7/1942	Gregg	.....	D2/960
D136,381 S *	9/1943	Ghez et al.	.....	D2/960
D149,139 S *	3/1948	Parker	.....	D2/902
D157,034 S	1/1950	Eldon		
D173,030 S	9/1954	Hoza		
2,722,756 A	11/1955	Ecclesine		
3,444,632 A	5/1969	Hack et al.		
D233,805 S *	12/1974	Kubo	.....	D2/902
4,130,947 A	12/1978	Denu		
D274,574 S	7/1984	Stubblefield		
4,561,195 A	12/1985	Onoda et al.		
4,642,917 A	2/1987	Ungar		
D296,149 S *	6/1988	Diaz	.....	D2/977
4,798,010 A	1/1989	Sugiyama		
4,805,319 A	2/1989	Tonkel		

4,864,737 A	9/1989	Marrello		
D316,324 S *	4/1991	Rogers	.....	D2/953
5,044,096 A	9/1991	Polegato		
D324,131 S *	2/1992	Lucas	.....	D2/977
D325,288 S *	4/1992	Richard et al.	.....	D2/977
D326,014 S	5/1992	Issler		
D327,362 S *	6/1992	Hatfield	.....	D2/977
D334,282 S	3/1993	Greene		
D336,771 S *	6/1993	Hatfield et al.	.....	D2/977
D347,516 S	6/1994	Foster		

(Continued)

FOREIGN PATENT DOCUMENTS

JP 11000203 1/1999

(Continued)

OTHER PUBLICATIONS

Office Action dated Aug. 12, 2011 from U.S. Appl. No. 29/362,605, Vestuti et al., Shoe and Portion of Shoe, filed May 27, 2010.

(Continued)

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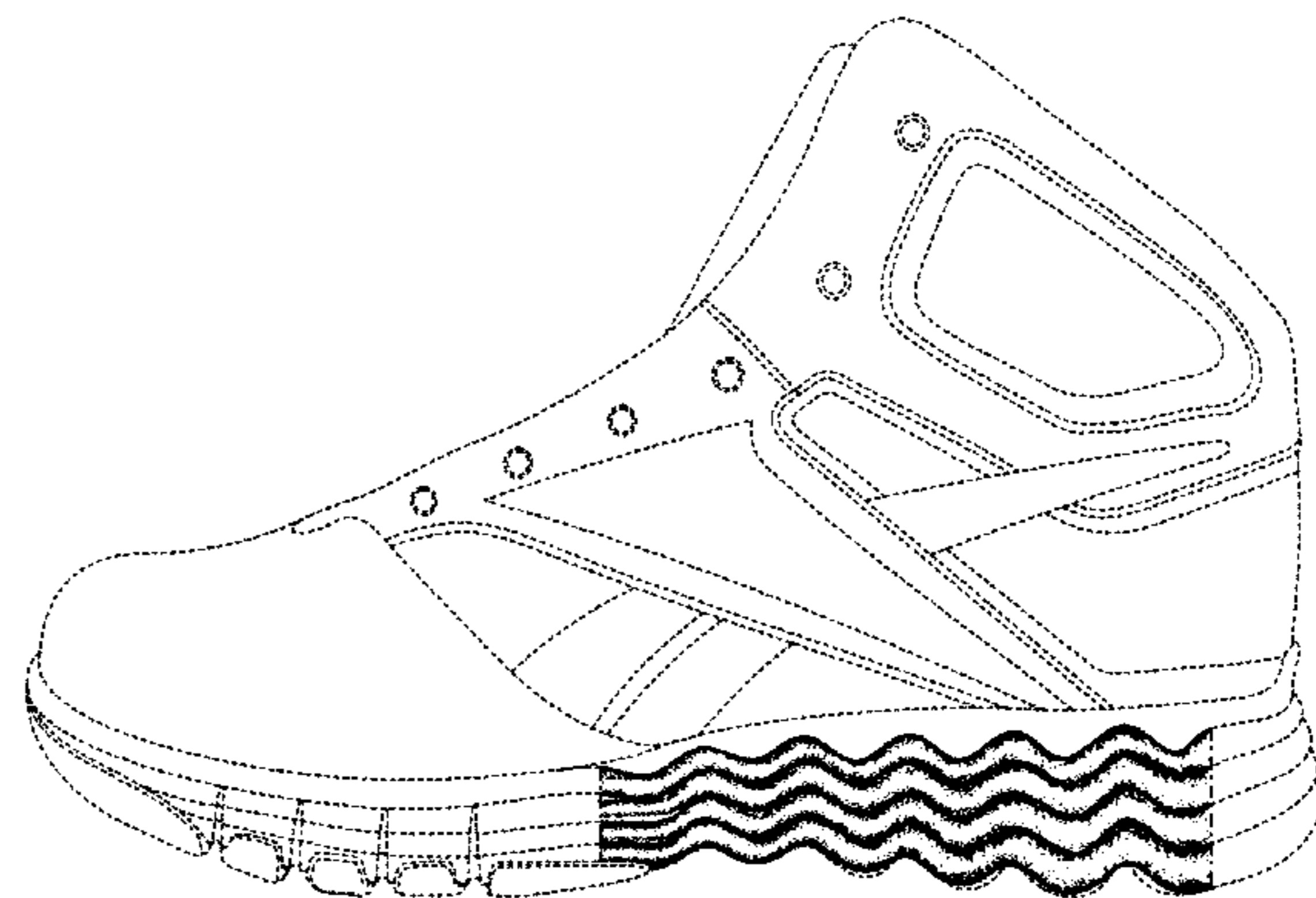
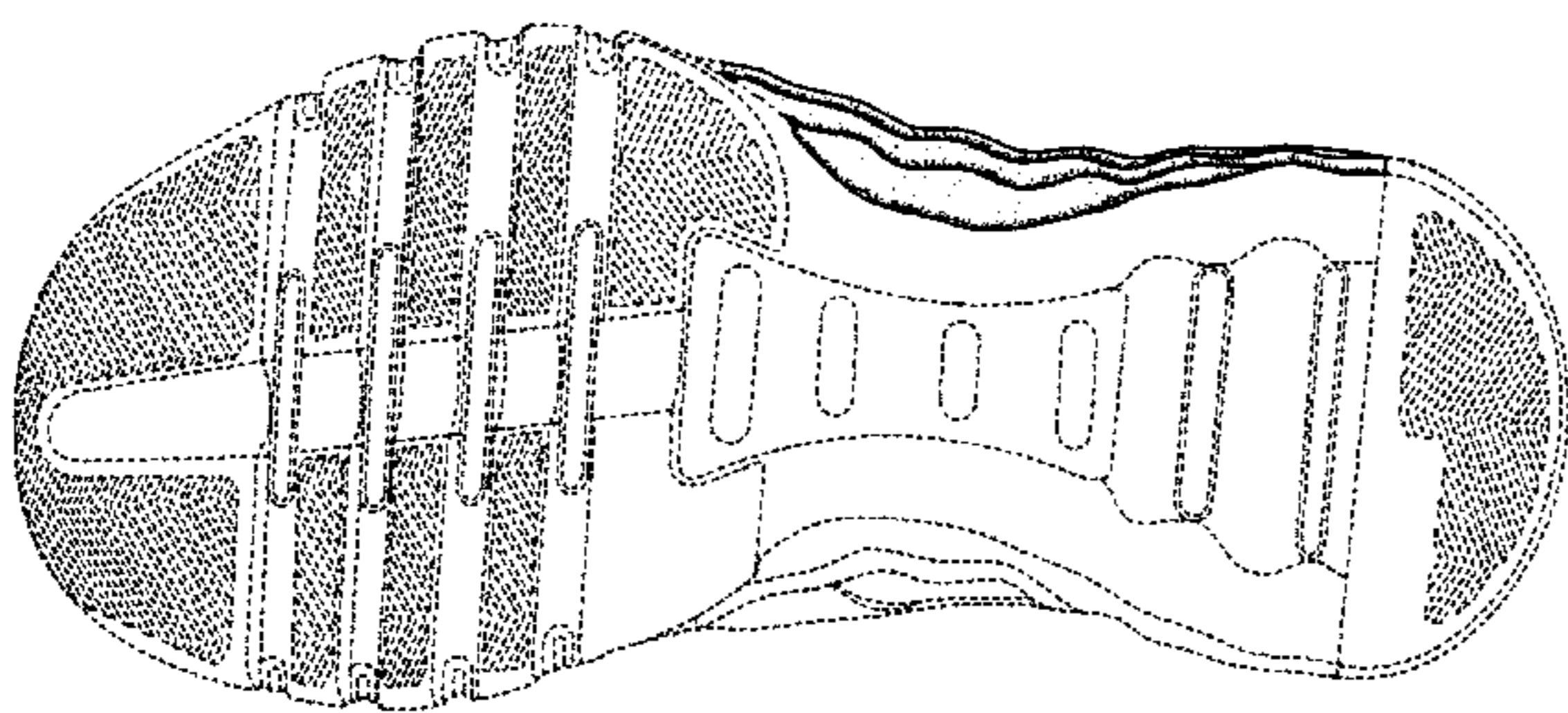
(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a bottom plan view of a portion of a shoe showing my new design; and, FIG. 2 is a side view thereof. The broken lines in the Figures show environment for illustrative purposes only and form no part of the claimed design. The dot-dashed lines in the Figures show an indeterminate border around portions of the subject matter being claimed.

1 Claim, 2 Drawing Sheets



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U.S. PATENT DOCUMENTS

5,319,866 A 6/1994 Foley et al.
D356,206 S * 3/1995 Martin D2/902
D357,346 S * 4/1995 Ho D2/902
D360,065 S 7/1995 Werman
D364,497 S 11/1995 Schelling
5,469,639 A 11/1995 Sessa
D367,952 S 3/1996 Shea
D378,011 S 2/1997 Lucas
D379,259 S 5/1997 Kayano
D385,987 S 11/1997 Bramani
D390,346 S 2/1998 Loveder
5,713,140 A 2/1998 Baggenstoss
D394,945 S 6/1998 Doxey
D395,739 S 7/1998 Mervar
D396,947 S 8/1998 Serna
D397,847 S 9/1998 Hudson
5,799,415 A 9/1998 Kenji et al.
D402,455 S 12/1998 Greenberg
D412,236 S * 7/1999 von Conta D2/946
D414,316 S * 9/1999 Lozano D2/948
D415,610 S * 10/1999 Cahill D2/960
5,987,782 A 11/1999 Bramani
D420,497 S 2/2000 Panella
D421,834 S 3/2000 Cooper
D424,287 S 5/2000 Edwards
6,079,125 A 6/2000 Quellais et al.
6,108,943 A 8/2000 Hudson et al.
6,138,385 A 10/2000 Jungkind et al.
6,205,681 B1 3/2001 Kita
6,219,939 B1 4/2001 Kita et al.
6,219,940 B1 4/2001 Kita
D442,357 S 5/2001 Burt
6,226,896 B1 5/2001 Friton
6,289,608 B1 9/2001 Kita et al.
D449,433 S * 10/2001 Matis et al. D2/969
6,295,741 B1 10/2001 Kita
6,311,414 B1 11/2001 Kita
6,314,664 B1 11/2001 Kita et al.
6,338,206 B1 1/2002 Kita
6,389,713 B1 5/2002 Kita
6,393,732 B1 5/2002 Kita
6,401,365 B2 6/2002 Kita et al.
D465,079 S 11/2002 Merceron
6,516,539 B2 2/2003 Nishiwaki et al.
6,557,270 B2 5/2003 Nakano et al.
D475,509 S 6/2003 Avar
6,606,804 B2 8/2003 Kaneko et al.
6,625,905 B2 9/2003 Kita
6,647,645 B2 11/2003 Kita
6,675,500 B1 1/2004 Cadamuro
6,694,642 B2 2/2004 Turner
6,711,834 B1 3/2004 Kita
D489,525 S 5/2004 Snow et al.
D489,881 S 5/2004 Recchi
D490,599 S 6/2004 Snow et al.
6,754,981 B1 6/2004 Edwards
D495,128 S 8/2004 Avar
D497,046 S 10/2004 Scott
6,810,605 B2 11/2004 Nakano et al.
D499,247 S 12/2004 Wahoske et al.
6,964,119 B2 11/2005 Weaver, III
D515,305 S * 2/2006 Andrews-Kramer D2/977
D515,306 S * 2/2006 Andrews-Kramer D2/977
D516,293 S 3/2006 Smith, III
D523,232 S 6/2006 Shaffer
D523,614 S 6/2006 Mitchell
D523,627 S 6/2006 Avar
D523,628 S 6/2006 Young
7,055,198 B2 6/2006 Cadamuro et al.
D524,034 S 7/2006 Hlavacs
D524,035 S 7/2006 Greene et al.
D524,535 S 7/2006 Cass
7,089,152 B2 8/2006 Oda et al.
D528,776 S 9/2006 Hui
D528,778 S 9/2006 Avar et al.
D529,267 S 10/2006 Portzline
D530,905 S 10/2006 Jonsson
7,162,815 B2 1/2007 Miyauchi et al.

D537,611 S 3/2007 Matis et al.
D546,532 S 7/2007 Matis et al.
D552,832 S * 10/2007 Hardy D2/902
D553,837 S 10/2007 Hubbard
D553,846 S 10/2007 Kayano et al.
D555,348 S * 11/2007 Bettencourt D2/977
D555,891 S * 11/2007 Bettencourt D2/977
D561,985 S 2/2008 Andersen et al.
7,337,559 B2 3/2008 Russell
D569,594 S 5/2008 Horne et al.
D569,595 S 5/2008 Le
D570,078 S 6/2008 Davis
D574,141 S * 8/2008 Kaufman D2/977
D574,581 S * 8/2008 Cooper D2/902
D574,583 S 8/2008 St-Louis et al.
D574,602 S 8/2008 Grenet
D574,604 S 8/2008 McMillan
D576,394 S 9/2008 Heller
7,441,346 B2 10/2008 Hardy et al.
D584,490 S 1/2009 Ong
D586,991 S 2/2009 Fuerst
D586,993 S 2/2009 Banik et al.
D592,383 S 5/2009 Wawrousek
D592,847 S 5/2009 Rosenbaum
D594,195 S 6/2009 Nakano
7,549,236 B2 6/2009 Dillon et al.
D595,937 S 7/2009 Morris
D596,386 S 7/2009 Brambilla
7,556,846 B2 7/2009 Dojan et al.
D599,986 S 9/2009 Reiss
D600,895 S 9/2009 Morgan
D601,334 S 10/2009 Werman
D605,838 S 12/2009 Foust
D607,193 S 1/2010 Recchi
D607,633 S 1/2010 Mongelli
7,644,518 B2 1/2010 Chandler et al.
D609,440 S 2/2010 Morris
D609,441 S 2/2010 Wawrousek
D615,741 S 5/2010 Matis et al.
D616,188 S 5/2010 Chan
D617,085 S 6/2010 Recchi et al.
D617,983 S * 6/2010 Raysse D2/977
7,762,008 B1 7/2010 Clark et al.
D622,043 S 8/2010 Hauglin
7,784,196 B1 8/2010 Christensen et al.
D624,293 S 9/2010 Recchi et al.
D634,922 S 3/2011 Pauk et al.
D636,567 S 4/2011 Raysse
7,946,058 B2 5/2011 Johnson et al.
D642,776 S 8/2011 Raysse
D643,194 S 8/2011 Raysse
D644,419 S * 9/2011 Raysse D2/946
D644,420 S * 9/2011 Christopherson D2/946
D644,824 S 9/2011 Leleu
D646,871 S 10/2011 Christopherson
D649,753 S 12/2011 Callahan et al.
D649,754 S 12/2011 Callahan et al.
D652,201 S 1/2012 Vestuti et al.
2001/0008053 A1 7/2001 Belli
2003/0101621 A1 6/2003 Nishiwaki et al.
2004/0154189 A1 8/2004 Wang
2006/0137227 A1 6/2006 Kita et al.
2006/0283045 A1 12/2006 Kita et al.
2007/0209230 A1 9/2007 Dillon et al.
2008/0052965 A1 3/2008 Sato
2008/0066347 A1 3/2008 Suzuki
2008/0229617 A1 9/2008 Johnson et al.
2010/0175280 A1 7/2010 Rinehart et al.
2010/0192420 A1 8/2010 Favraud
2010/0325917 A1 12/2010 Cass et al.
2011/0016746 A1 1/2011 Callahan et al.
2011/0016749 A1 1/2011 Callahan et al.
2011/0232130 A1 9/2011 Boudreau et al.
2011/0289799 A1 12/2011 Keating et al.
2012/0000095 A1 1/2012 Torrance

FOREIGN PATENT DOCUMENTS

JP 11235202 8/1999
JP 2001275711 10/2001

JP	2002336003	11/2002
JP	2003339405	12/2003
JP	2004173884	6/2004
JP	2004267516	9/2004
JP	2005253578	9/2005

OTHER PUBLICATIONS

Office Action dated Sep. 13, 2011 from U.S. Appl. No. 29/345,964, Pope, Portion of a Shoe, filed Oct. 23, 2009.

K-Swiss, Inc. Online Store—Tubes Run 100A, http://www.kswiss.com/item/201.200/02316-162/Men/Footwear_Running/Tubes_Run_100_A/Wht_Blk_Sunorng.html (visited on Oct. 2, 2009), 2 pages.

Adidas Q2 2007 Footwear Catalog, p. 5, showing the T 7 ATS shoe, and p. 122, showing the J S3 W shoe.

U.S. Appl. No. 12/506,957, Erica Callahan, “Article of Footwear Having an Undulating Sole”, filed Jul. 21, 2009.

U.S. Appl. No. 12/748,246, Matthew Boudreau, “Article of Footwear with Support Element”, filed Mar. 26, 2010.

U.S. Appl. No. 12/832,464, Erica Callahan, “Article of Footwear and Methods of Making Same”, filed Jul 8, 2010.

U.S. Appl. No. 12/980,961, Brian Christensen, “Sole and Article of Footwear”, filed Dec. 29, 2010.

U.S. Appl. No. 29/342,098, Erica Callahan, “Shoe Sole and Portion of a Shoe Sole”, filed Aug. 8, 2009.

U.S. Appl. No. 29/345,964, Christopher S. Pope, “Shoe Sole and Portion of a Shoe”, filed Oct. 23, 2009.

U.S. Appl. No. 29/353,673, Erica Callahan, “Portion of a Shoe Sole”, filed Jan. 12, 2010.

U.S. Appl. No. 29/362,605, Ricardo Vestuti, “Shoe and Portion of a Shoe”, filed May 27, 2010.

U.S. Appl. No. 29/405,483, Erica Callahan, “Portion of a Shoe”, filed Nov. 2, 2011.

U.S. Appl. No. 29/405,484, Erica Callahan, “Portion of a Shoe”, filed Nov. 2, 2011.

U.S. Appl. No. 29/408,163, Ricardo Vestuti, “Shoe and Portion of a Shoe”, filed Dec. 7, 2011.

U.S. Appl. No. 29/411,762, Hardigan et al., “Portion of a Shoe Sole”, filed Jan. 25, 2012.

* cited by examiner

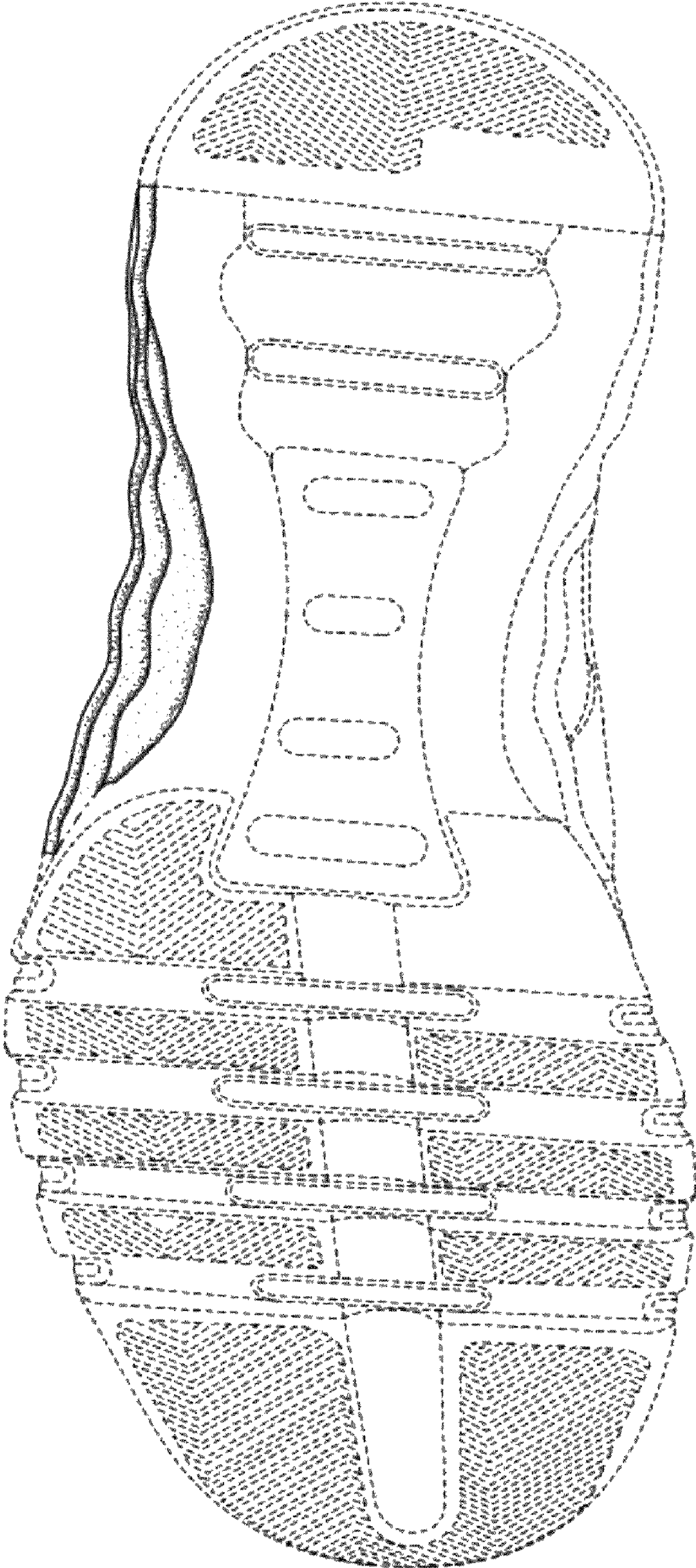


FIG. 1

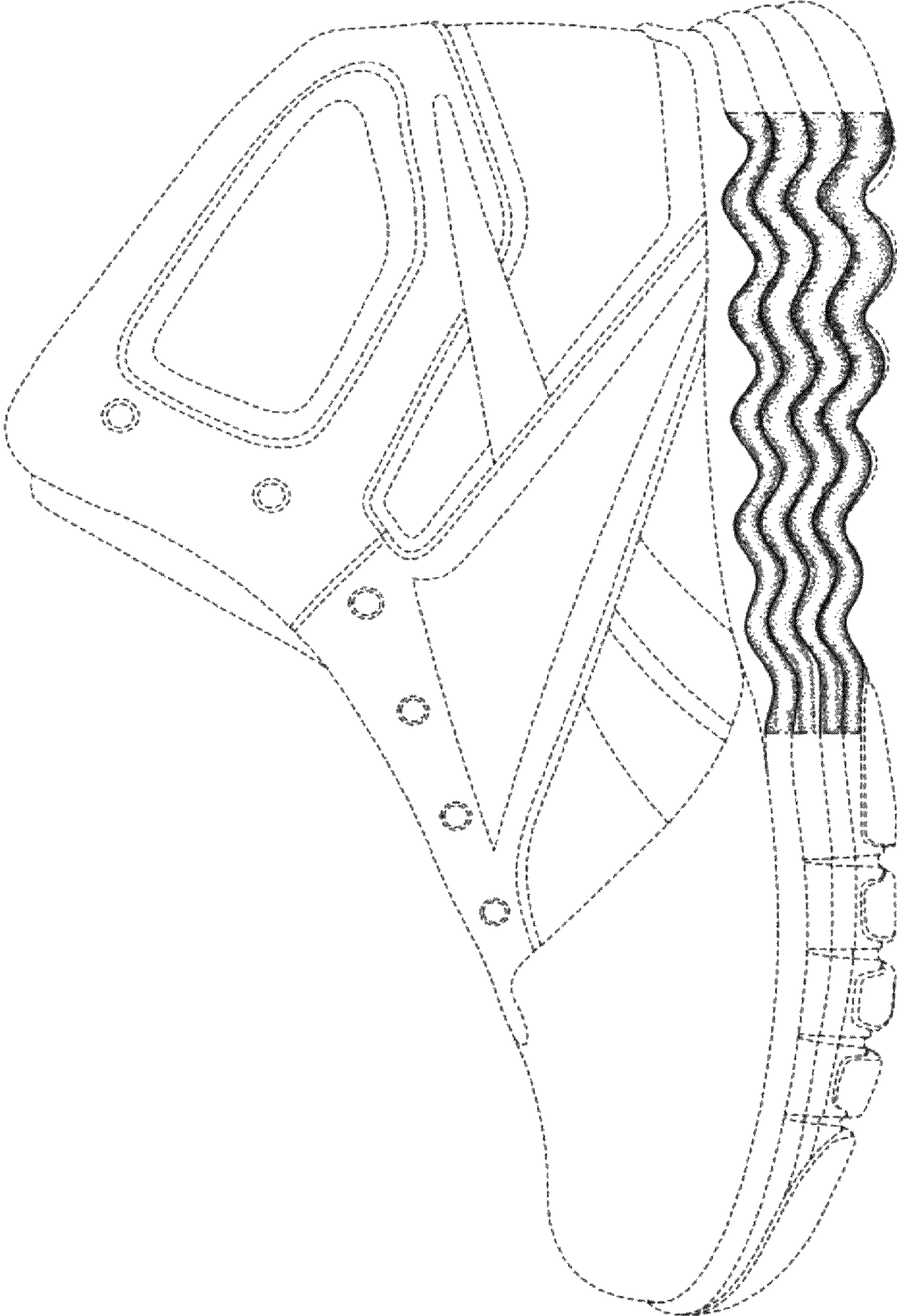


FIG. 2