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

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(54) **THREE-TOED SHOE**

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(73) Assignee: **S9, LLC**, Fort Myers, FL (US)

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

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D295,114 S 4/1988 Horne
4,827,631 A 5/1989 Thornton et al.
4,907,350 A 3/1990 Chilewich et al.
4,989,349 A 2/1991 Ellis, III
D321,084 S 10/1991 Miller et al.
5,063,692 A 11/1991 Suginaka

(Continued)

FOREIGN PATENT DOCUMENTS

CN 200987364 12/2007

(Continued)

Related U.S. Application Data

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(51) **LOC (9) Cl.** **02-99**

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

(58) **Field of Classification Search** D2/896-898,
D2/902, 903, 906-908, 943, 944, 946, 947,
D2/951, 953, 957, 960, 969, 972-974, 977;
36/1, 9 R, 45-49, 50.1, 77 M, 77 R, 83, 88,
36/93, 94, 113, 114, 126-131, 25 R-25 A

See application file for complete search history.

OTHER PUBLICATIONS

Birthday Shoes. BodyGlove 3T Barefoot (3-Toed Shoes) Review, on-line catalog, <http://birthdayshoes.com>, originally downloaded Apr. 30, 2012, 6 total pages.

(Continued)

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(57) **CLAIM**

We claim the ornamental design for a three-toed shoe, as shown and described.

(56) **References Cited**

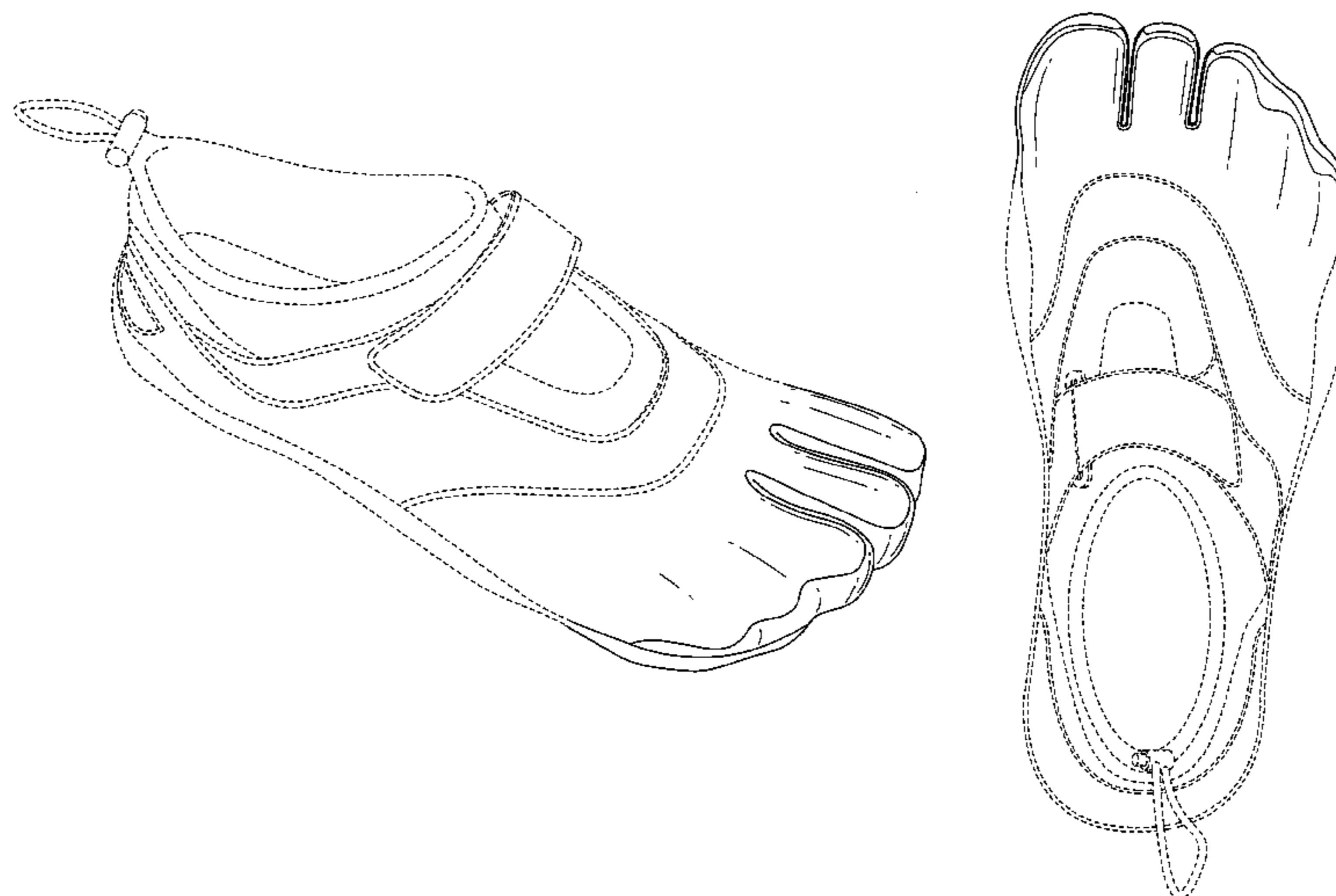
U.S. PATENT DOCUMENTS

1,090,731 A 3/1914 Lindberg
1,772,179 A 8/1930 Finkelstein
2,129,226 A 9/1936 Montano
2,121,907 A 6/1938 Easton
2,952,082 A 9/1960 Murray
3,013,564 A * 12/1961 Levey 36/94
D196,948 S 11/1963 Roman
3,128,763 A 4/1964 Langenfeld et al.
3,129,520 A 4/1964 Funk
3,967,390 A * 7/1976 Anfruns 36/94
4,094,081 A 6/1978 Reiner et al.
4,096,649 A 6/1978 Saurwein et al.
D259,296 S 5/1981 Meyer
4,294,022 A 10/1981 Stockli et al.
D278,608 S 4/1985 Thompson
4,651,354 A 3/1987 Petrey
4,689,898 A 9/1987 Fahey

DESCRIPTION

FIG. 1 is a top and right side perspective of the second embodiment of our new three-toed shoe design; FIG. 2 is a front elevation view thereof; FIG. 3 is a rear elevation view thereof; FIG. 4 is a left side elevation view thereof; FIG. 5 is a right side elevation view thereof; FIG. 6 is a top plan view thereof; and, FIG. 7 is a bottom plan view thereof. The broken lines shown are included for the purpose of illustrating the unclaimed portions of the article and form no part of the claim.

1 Claim, 6 Drawing Sheets



U.S. PATENT DOCUMENTS

D321,971	S	*	12/1991	Bajork	.....	D2/903
5,205,071	A		4/1993	Hergenroeder		
5,317,819	A		6/1994	Ellis, III		
D349,601	S		8/1994	Buck, IV		
5,384,973	A		1/1995	Lyden		
5,544,429	A		8/1996	Ellis, III		
5,647,145	A		7/1997	Russell et al.		
5,774,898	A		7/1998	Malpee		
5,815,949	A		10/1998	Sessa et al.		
5,913,592	A	*	6/1999	Moore	.....	36/94
6,016,575	A		1/2000	Prychak		
6,076,283	A		6/2000	Boie		
6,115,941	A		9/2000	Ellis, III		
6,470,599	B1		10/2002	Chu		
6,708,348	B1		3/2004	Romay		
D489,515	S		5/2004	Ganim, II et al.		
D492,476	S		7/2004	Stanley		
7,051,457	B1		5/2006	Huggins et al.		
7,082,703	B2		8/2006	Greene et al.		
D579,181	S	*	10/2008	Swanson et al.	.....	D2/903
D582,134	S	*	12/2008	Von Conta et al.	.....	D2/903
D586,088	S		2/2009	Rubalsky et al.		
D586,982	S	*	2/2009	Fliri	.....	D2/897
D622,038	S		8/2010	Bracken		
D625,906	S	*	10/2010	Zhang	.....	D2/902
7,805,860	B2	*	10/2010	Fliri	.....	36/94
D626,311	S	*	11/2010	Zhang	.....	D2/902
D630,005	S	*	1/2011	Fliri	.....	D2/897
D639,535	S	*	6/2011	Eggert et al.	.....	D2/898
D640,043	S		6/2011	Buck		
D647,290	S		10/2011	Bramani		
D650,977	S	*	12/2011	Eggert et al.	.....	D2/946
2003/0172555	A1		9/2003	Chu		
2005/0091729	A1		5/2005	Alley		
2005/0166427	A1		8/2005	Greene et al.		
2005/0229430	A1		10/2005	Takaba		
2007/0144039	A1		6/2007	Fliri		
2008/0115386	A1		5/2008	Geuss		
2008/0156044	A1		7/2008	Patterson		
2010/0170027	A1		7/2010	Steel		
2010/0251569	A1		10/2010	Stern		
2010/0299962	A1		12/2010	Fliri		
2011/0005105	A1		1/2011	Hong		
2011/0047825	A1		3/2011	Young		

FOREIGN PATENT DOCUMENTS

DE	1674858	4/1954
EP	0152033	8/1985
EP	000037767-0006	5/2003
EP	000382999-0005	8/2005
EP	000382999-0017	8/2005
EP	000664388-0001	2/2007
EP	000731963-0005	5/2007
EP	000943048-0001	5/2008
EP	000943113-0001	5/2008
EP	001008486-0001	9/2008
EP	001008486-0002	9/2008
EP	001101927-0015	3/2009
EP	001101927-0021	3/2009
EP	001101927-0023	3/2009

EP	001101927-0024	3/2009
EP	001101927-0025	3/2009
EP	001101927-0026	3/2009
EP	001101927-0027	3/2009
EP	001158943-0006	8/2009
EP	001158943-0009	8/2009
EP	001158943-0010	8/2009
EP	001158943-0015	8/2009
EP	001158943-0018	8/2009
EP	001158943-0027	8/2009
EP	001158943-0028	8/2009
EP	001158943-0029	8/2009
EP	001158943-0030	8/2009
EP	001725482-0001	6/2010
EP	001725482-0005	6/2010
EP	001725482-0006	6/2010
GB	2249939	10/1998
JP	11032805	2/1999
JP	2007144075	6/2007
JP	2009019317	1/2009
JP	2010090519	4/2010
JP	2010121227	6/2010
JP	2010285732	12/2010
WO	WO/2005/037004	4/2005
WO	WO/2007/038487	4/2007
WO	WO/2009/116818	3/2009

OTHER PUBLICATIONS

Birthday Shoes. Fila Skele-toes Voltage Toe Shoes Review, on-line catalog, <http://birthdayshoes.com>, originally downloaded Apr. 27, 2012, 10 total pages.

Fila. Online Store, <http://www.fila.com>, originally downloaded Apr. 27, 2012, 3 total pages.

Finish Line. Fila Skele-toes Voltage Men's Running Shoes, on-line catalog, <http://www.finishline.com>, originally downloaded Apr. 27, 2012, 3 total pages.

U.S. Appl. No. 13/247,674, filed Sep. 9, 2011.

U.S. Appl. No. 13/206,063.

U.S. Appl. No. 12/856,709, filed Aug. 16, 2010.

U.S. Appl. No. 60/720,750, filed Sep. 25, 2005.

U.S. Appl. No. 60/830,922, filed Jul. 15, 2006.

U.S. Appl. No. 29/392,345, filed May 19, 2011.

U.S. Appl. No. 29/392,337, filed May 19, 2011.

U.S. Appl. No. 29/380,701, filed Dec. 9, 2010.

U.S. Appl. No. No. 29/406,245, filed Nov. 10, 2011.

Birthday Shoes. Adidas Toe Shoes? Meet the AdiPure Trainer Bare-foot Shoe, on-line catalog, <http://birthdayshoes.com>, originally downloaded Nov. 8, 2011, 4 total pages.

Fila. On-line catalog, <http://www.fila.com>, originally downloaded Nov. 8, 2011, 5 total pages.

TRAVELCOUNTRY.COM. Vibram Fivefingers, on-line catalog, <http://www.travelcountry.com>, originally downloaded Nov. 8, 2011, 2 total pages.

Zemgear. Webcite, <http://www.zemgear.com>, originally downloaded Nov. 9, 2011, 7 total pages.

U.S. Appl. No. 13/372,414, filed Feb. 13, 2012.

* cited by examiner

FIG. 1

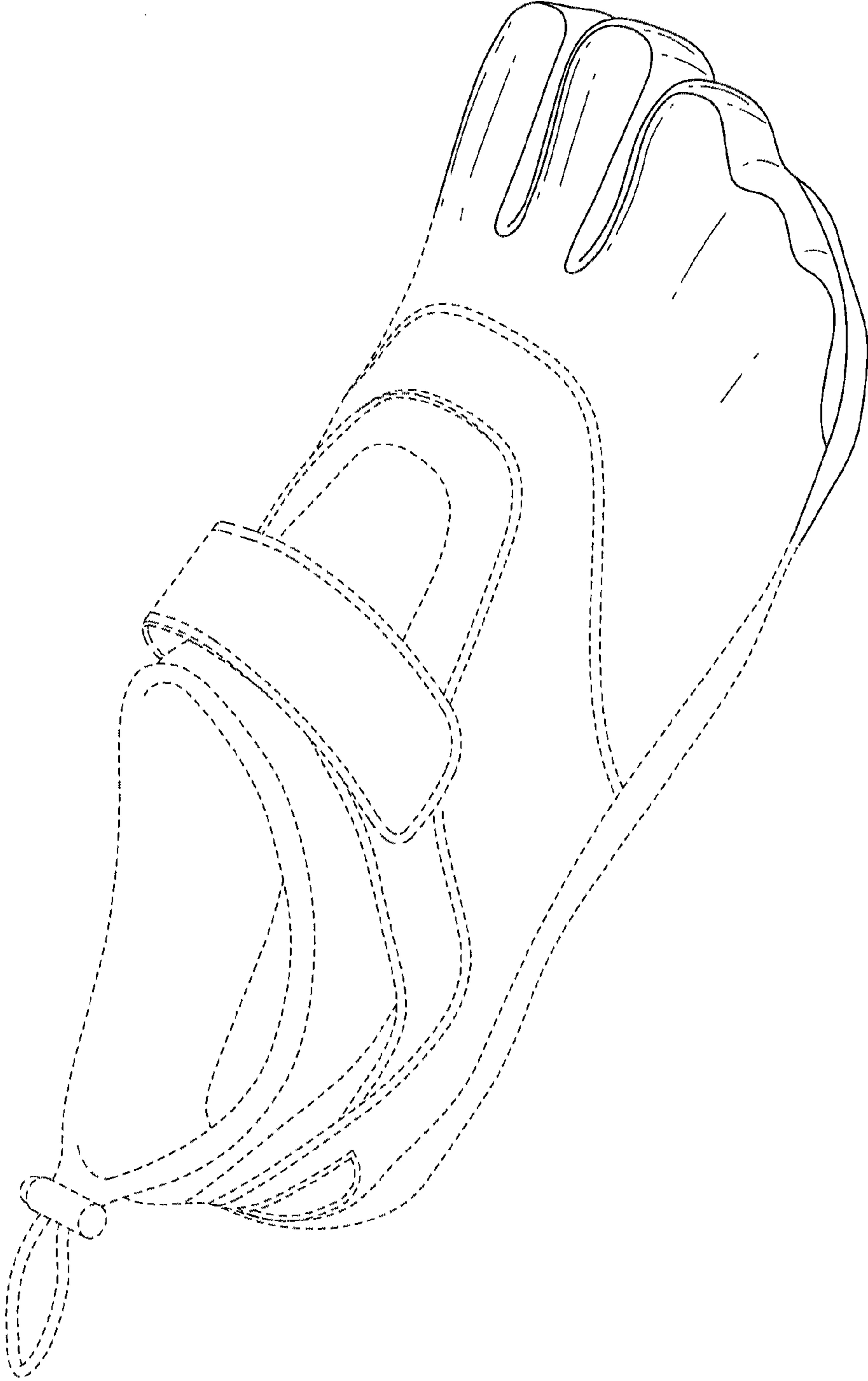


FIG. 2

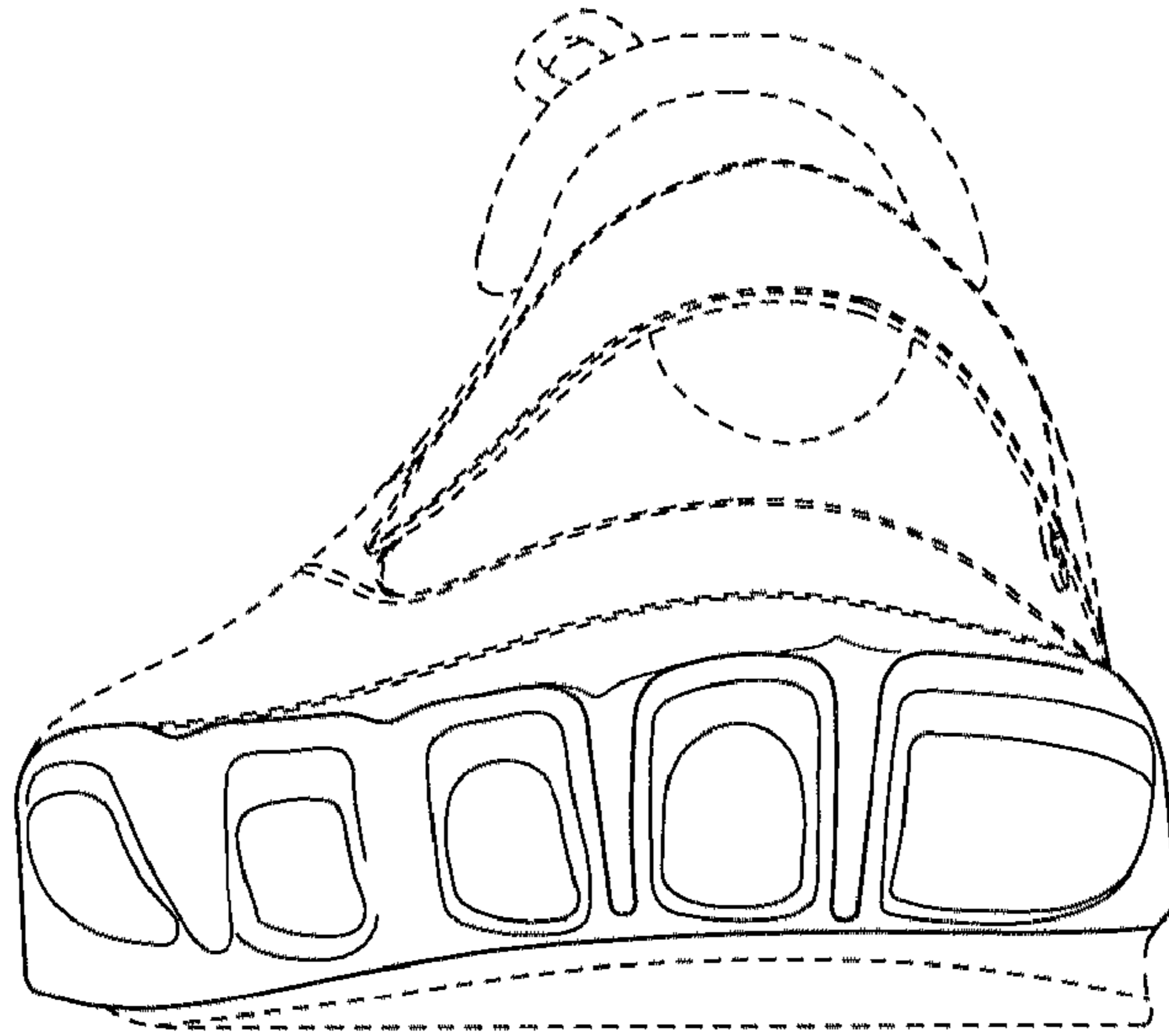


FIG. 3

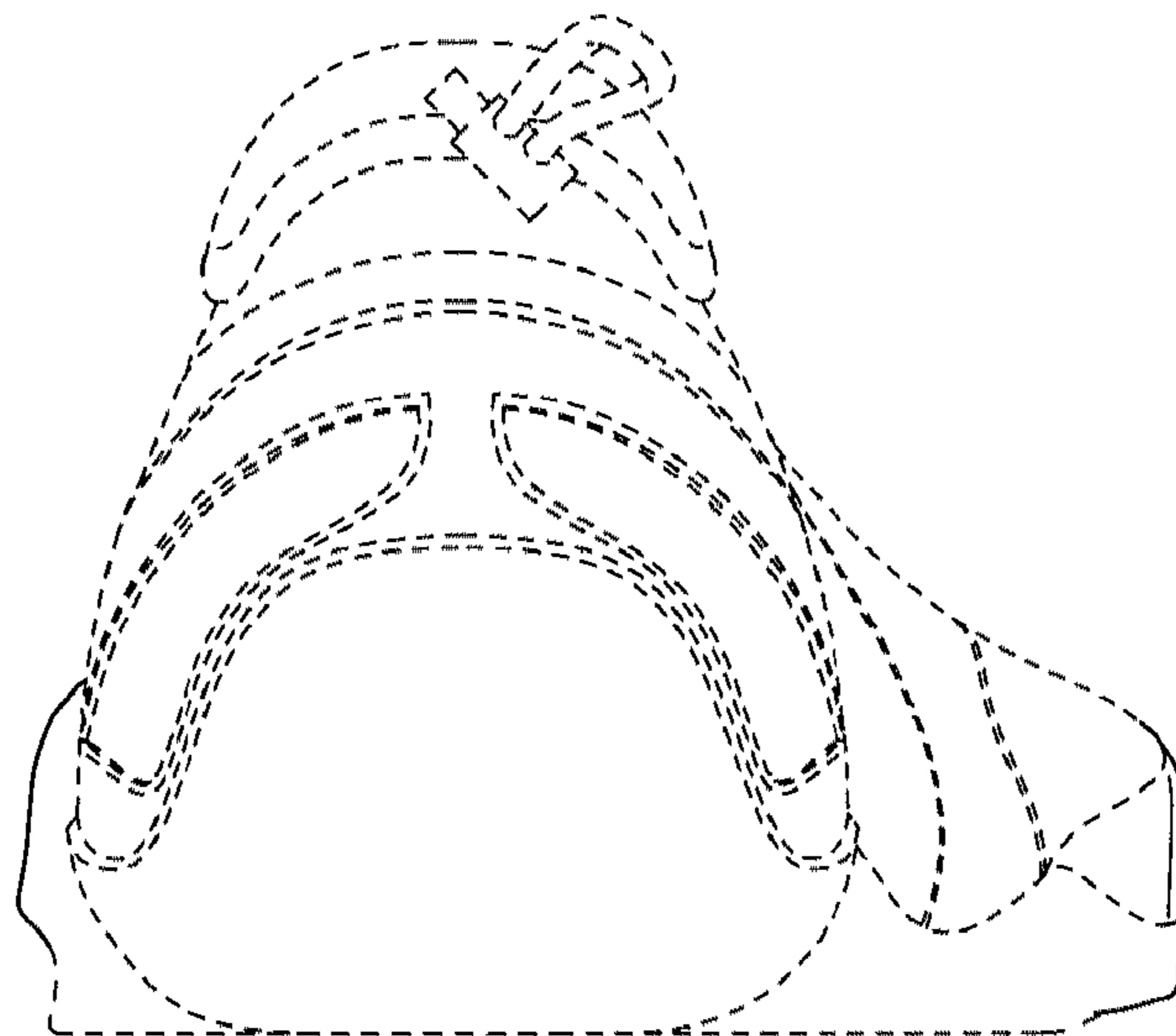


FIG. 4

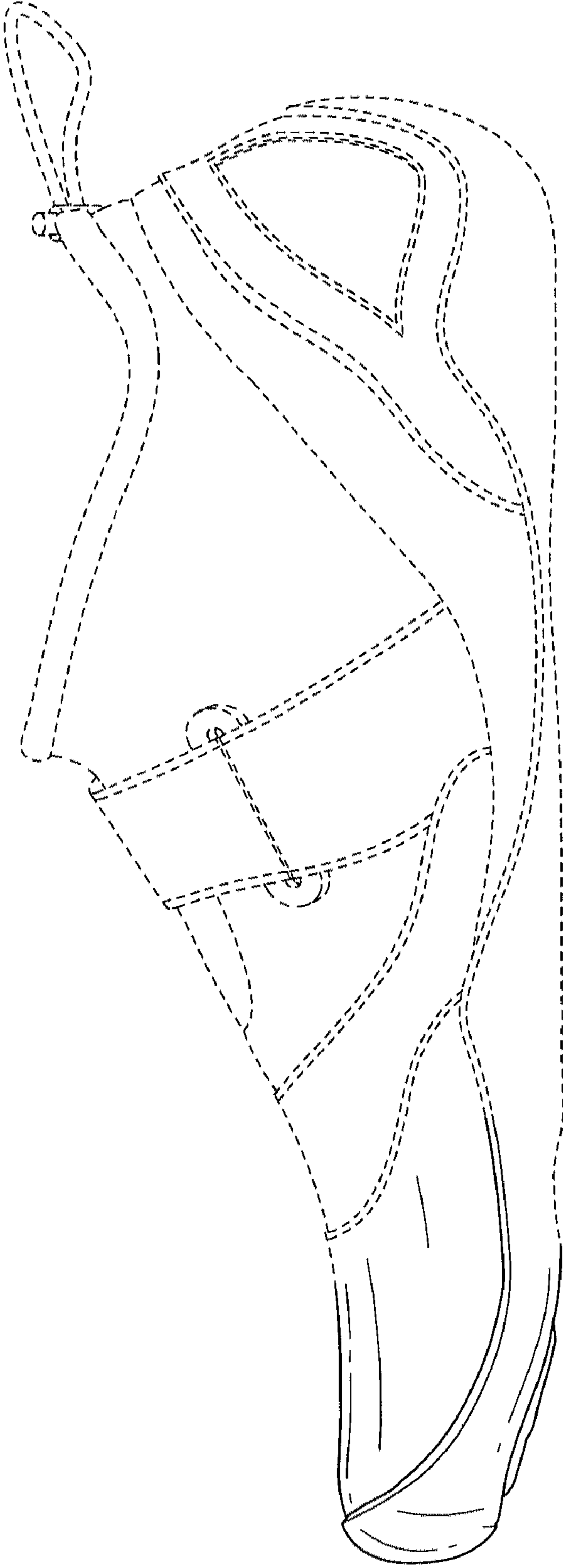


FIG. 5

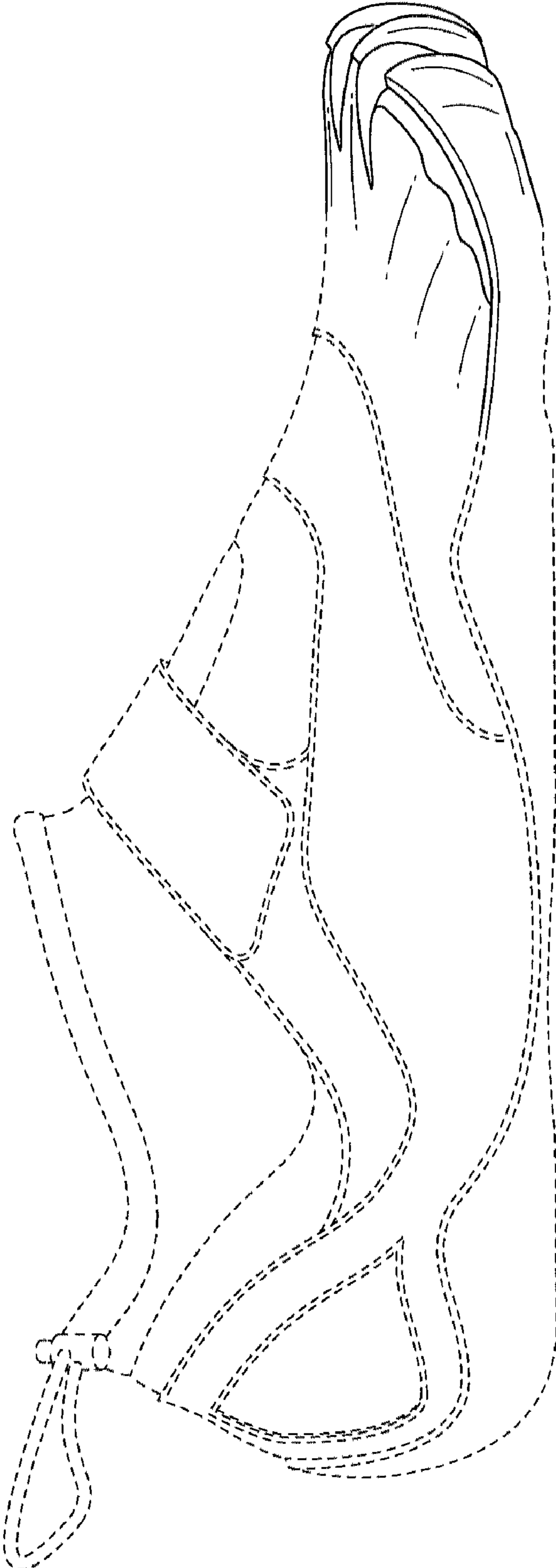


FIG. 6

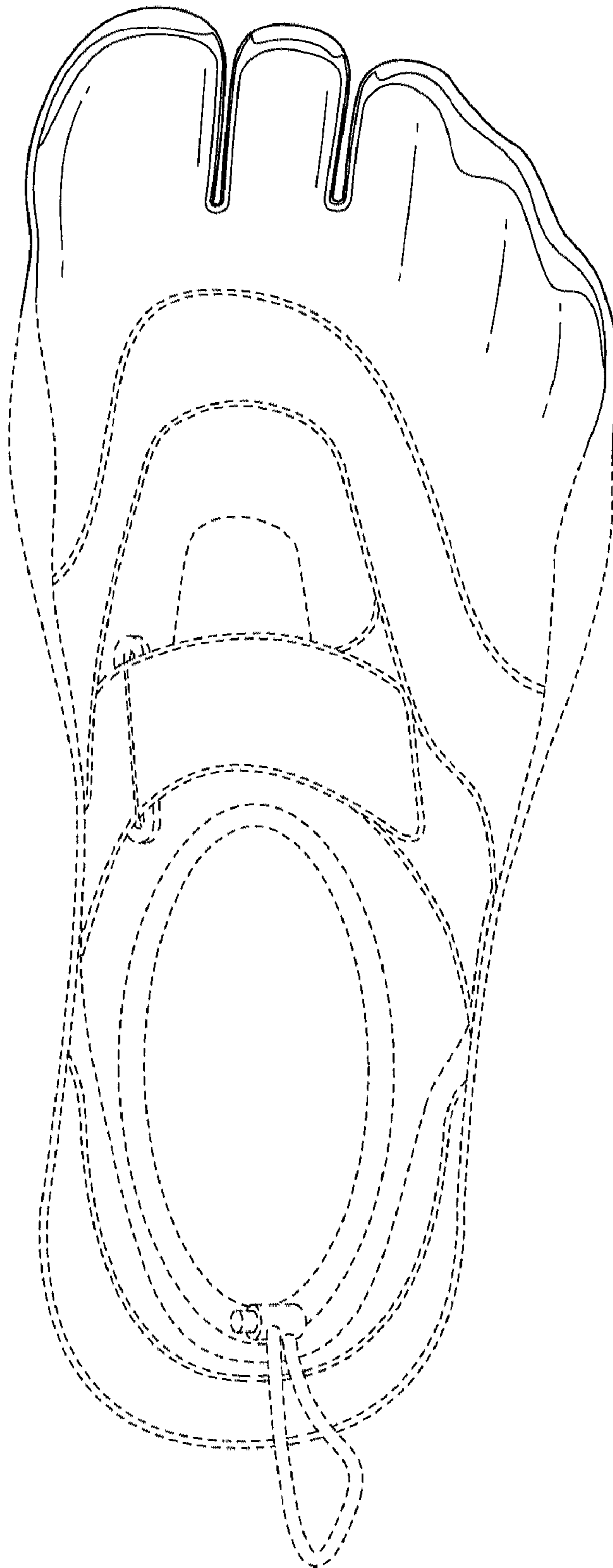


FIG. 7

