



US00D723783S

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

(10) **Patent No.:** **US D723,783 S**

(45) **Date of Patent:** **** *Mar. 10, 2015**

(54) **SHOE SOLE**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventor: **Mark C. Miner**, Portland, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

(*) Notice: This patent is subject to a terminal disclaimer.

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

(21) Appl. No.: **29/492,575**

(22) Filed: **May 31, 2014**

USPC D2/902, 906, 908, 916, 918, 925,
D2/946-962, 977; 36/3 B, 22 R, 24.5, 25 R,
36/28, 32 R, 34 R, 59 C, 67 A, 103

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

500,385 A *	6/1893	Hall	36/102
641,877 A	1/1900	Merriam		
D133,176 S	7/1942	Gregg		
2,394,704 A *	2/1946	Loewer	36/33
D155,783 S *	11/1949	Crawley	D2/902
D200,846 S	4/1965	Bovay		
D224,728 S	9/1972	Franitza		
D244,642 S	6/1977	Famolare, Jr.		
D245,732 S	9/1977	Askew		

(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, 1985 Footwear, p. 7, published Dec. 1984, NIKE, Inc., USA.

(Continued)

Primary Examiner — T. Chase Nelson

(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a bottom view of a shoe outsole showing my new design;

FIG. 2 is a front perspective view thereof; and,

FIG. 3 is a lateral side view thereof.

The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

1 Claim, 3 Drawing Sheets

Related U.S. Application Data

(63) Continuation of application No. 29/481,800, filed on Feb. 10, 2014, now abandoned, which is a continuation of application No. 29/465,636, filed on Aug. 29, 2013, now abandoned, which is a continuation of application No. 29/443,440, filed on Jan. 17, 2013, now abandoned, which is a continuation of application No. 29/429,338, filed on Aug. 9, 2012, now abandoned, which is a continuation of application No. 29/414,576, filed on Feb. 29, 2012, now abandoned.

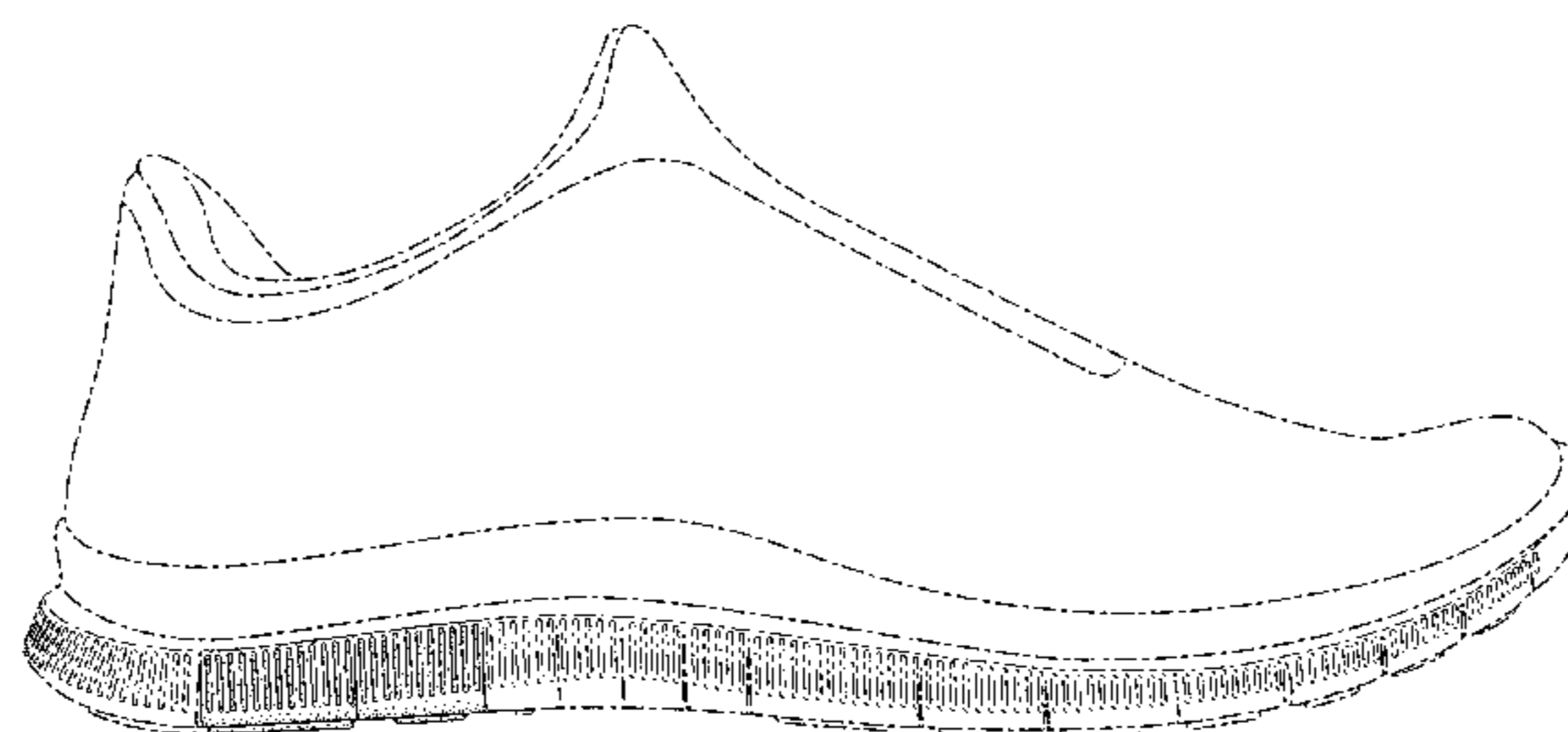
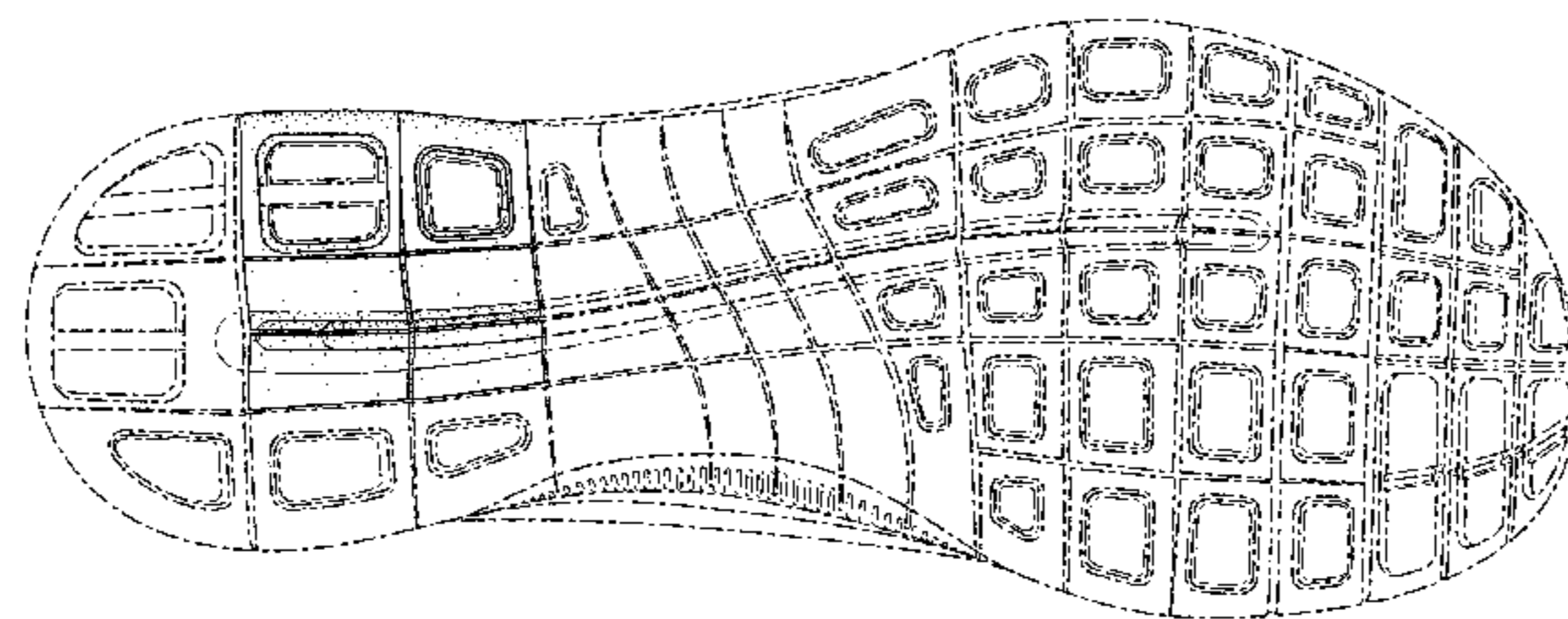
(51) **LOC (10) Cl.** **02-04**

(52) **U.S. Cl.**

USPC **D2/960; D2/947; D2/951; D2/957**

(58) **Field of Classification Search**

CPC A43B 13/00; A43B 13/02; A43B 13/023;
A43B 13/026; A43B 13/04; A43B 13/08;
A43B 13/10; A43B 13/12; A43B 13/14;
A43B 13/141; A43B 13/143; A43B 13/16;
A43B 13/18; A43B 13/181; A43B 13/187;
A43B 13/189; A43B 13/20; A43B 13/22;
A43B 13/223; A43B 13/24; A43B 13/28;
A43B 13/30; A43B 13/32; A43B 13/34;
A43B 13/36



(56)

References Cited

U.S. PATENT DOCUMENTS

D245,733 S	9/1977	Askew	
D247,831 S	5/1978	Famolare, Jr.	
4,118,878 A *	10/1978	Semon	36/59 C
D256,179 S	8/1980	Famolare, Jr.	
4,297,796 A	11/1981	Stirtz et al.	
4,316,335 A	2/1982	Giese et al.	
4,439,936 A	4/1984	Clarke et al.	
D279,044 S	6/1985	Norton et al.	
D288,027 S	2/1987	Tonkel	
D293,271 S	12/1987	Lussier	
D294,423 S	3/1988	Zuidema et al.	
D294,537 S	3/1988	Le	
D294,653 S	3/1988	Le	
D294,656 S	3/1988	Liggett et al.	
D294,768 S	3/1988	Famolare, Jr.	
D295,113 S	4/1988	Zuidema et al.	
D296,035 S	6/1988	Le	
D296,490 S	7/1988	Schine	
D296,609 S	7/1988	Schine	
4,766,681 A *	8/1988	O'Rourke et al.	36/89
D298,684 S	11/1988	Pitchford	
D302,349 S	7/1989	Brown et al.	
D305,278 S *	1/1990	Kiyosawa	D2/954
D320,884 S	10/1991	Brue	
D325,294 S	4/1992	Morrow et al.	
D326,770 S	6/1992	Morrow et al.	
D330,111 S	10/1992	Hatfield et al.	
D334,652 S	4/1993	Hatfield	
D338,996 S *	9/1993	Issler et al.	D2/955
D339,905 S	10/1993	Bensley	
D343,272 S	1/1994	James	
D348,144 S	6/1994	Nakano	
D349,809 S	8/1994	Close	
5,392,532 A	2/1995	Bray, Jr. et al.	
D356,671 S	3/1995	Blanchini	
D379,861 S	6/1997	Wunsch	
D388,594 S	1/1998	Turner et al.	
D393,339 S	4/1998	Fogg	
D395,743 S	7/1998	Ryan	
D397,546 S	9/1998	Merceron	
D397,846 S	9/1998	Lozano	
D397,849 S	9/1998	Mitsui et al.	
D397,851 S *	9/1998	Greenberg	D2/960
D399,345 S *	10/1998	Koh	D2/960
D406,691 S	3/1999	McDowell	
D409,362 S	5/1999	Turner et al.	
5,901,467 A *	5/1999	Peterson et al.	36/29
5,918,385 A	7/1999	Sessa	
D414,317 S	9/1999	Lubart	
D414,318 S	9/1999	Merceron	
D416,378 S	11/1999	McNaught	
D432,768 S	10/2000	Neely	
D439,393 S	3/2001	White	
D439,394 S	3/2001	Akhidime	
6,202,325 B1	3/2001	Kim	
D440,748 S	4/2001	Morgan	
D444,939 S	7/2001	Hamel	
6,357,145 B1	3/2002	James	
D458,011 S	6/2002	Yang	
D458,012 S	6/2002	Yang	
D464,477 S	10/2002	Adams	
D470,999 S	3/2003	Schroeder et al.	
D473,041 S	4/2003	Finkelberg	
D474,586 S	5/2003	Recchi	
D478,717 S	8/2003	Adams	
D485,423 S *	1/2004	Truelsen	D2/953
D495,128 S	8/2004	Avar	
6,820,353 B2	11/2004	Oman et al.	
D499,239 S	12/2004	Burg et al.	
D500,914 S	1/2005	Ammon	
D502,595 S	3/2005	Sonnergren	
D509,049 S	9/2005	McClaskie	
6,990,755 B2	1/2006	Hatfield et al.	
D514,288 S	2/2006	Burg	
D518,284 S	4/2006	Chen	
D519,265 S	4/2006	Gerber	
D520,220 S *	5/2006	Morgan et al.	D2/957
D523,627 S	6/2006	Avar	
D529,693 S *	10/2006	Le	D2/957
D530,493 S *	10/2006	Holmes	D2/957
D530,494 S *	10/2006	Holmes	D2/957
D532,585 S	11/2006	McDonald	
7,171,767 B2	2/2007	Hatfield et al.	
D550,939 S	9/2007	Smith et al.	
7,290,357 B2	11/2007	McDonald et al.	
7,313,875 B2	1/2008	Morgan	
D560,887 S	2/2008	Belley	
D561,438 S *	2/2008	Belley	D2/957
D565,283 S	4/2008	Smith et al.	
D565,285 S	4/2008	Duffy et al.	
D569,587 S	5/2008	James	
D569,588 S	5/2008	James	
7,383,647 B2	6/2008	Chan et al.	
7,392,605 B2	7/2008	Hatfield et al.	
D580,139 S	11/2008	McClaskie	
D581,641 S	12/2008	Bethke, Jr.	
D582,133 S	12/2008	Del Biondi	
D584,491 S *	1/2009	Matis	D2/956
D584,492 S *	1/2009	Lee	D2/957
D584,887 S *	1/2009	Earle	D2/960
D588,787 S	3/2009	Dolce et al.	
D589,692 S *	4/2009	McClaskie	D2/957
D594,639 S	6/2009	Alfaro	
7,555,851 B2	7/2009	Hazenberg et al.	
D600,895 S	9/2009	Morgan	
7,607,241 B2	10/2009	McDonald et al.	
7,637,035 B1	12/2009	Gillespie	
D607,188 S	1/2010	Teteriatnikov	
D608,534 S *	1/2010	Bullard	D2/947
D611,689 S	3/2010	Stubblefield	
D611,690 S	3/2010	Stubblefield	
D611,692 S	3/2010	Bizzo	
D614,837 S	5/2010	Teteriatnikov	
D614,838 S	5/2010	Bramani	
D619,793 S	7/2010	Raysse	
7,752,772 B2 *	7/2010	Hatfield et al.	36/29
7,762,008 B1	7/2010	Clark et al.	
D621,142 S	8/2010	Teteriatnikov	
D621,594 S	8/2010	Diaz	
7,793,428 B2 *	9/2010	Shenone	36/25 R
D625,492 S	10/2010	Teteriatnikov	
D625,493 S	10/2010	Akhidime	
D626,315 S	11/2010	Teteriatnikov	
D628,369 S	12/2010	Teteriatnikov	
D638,210 S	5/2011	Del Biondi	
7,941,938 B2 *	5/2011	Yu et al.	36/25 R
7,941,941 B2	5/2011	Hazenberg et al.	
7,946,058 B2	5/2011	Johnson et al.	
D640,453 S	6/2011	Del Biondi	
D642,362 S *	8/2011	Miner	D2/957
D643,601 S	8/2011	Raysse	
D643,602 S	8/2011	Teteriatnikov	
D643,603 S	8/2011	Teteriatnikov	
D643,604 S	8/2011	Yi	
D644,007 S	8/2011	Akhidime	
D644,418 S	9/2011	Yi	
8,020,320 B2	9/2011	Gillespie	
8,104,197 B2	1/2012	Flannery et al.	
D653,437 S	2/2012	Mongelli	
D657,542 S	4/2012	Duan	
D659,356 S	5/2012	Van Zyll De Jong et al.	
D659,967 S	5/2012	Miner	
8,181,365 B2 *	5/2012	Cass et al.	36/103
8,186,078 B2	5/2012	Avar et al.	
D662,293 S	6/2012	Christopherson	
D662,701 S	7/2012	Raysse	
D667,617 S *	9/2012	Spring	D2/954
8,272,149 B2 *	9/2012	Cooper et al.	36/102
D668,437 S	10/2012	Mahoney	
D671,723 S *	12/2012	Teteriatnikov	D2/947
D672,543 S *	12/2012	Williams, Jr.	D2/960
D675,002 S	1/2013	Marvin et al.	
D675,815 S	2/2013	Dazai et al.	
D679,901 S *	4/2013	Raysse	D2/960

(56)

References Cited

U.S. PATENT DOCUMENTS

D680,726	S	4/2013	Propet	
D685,566	S	7/2013	Pope	
8,479,417	B2	7/2013	Flannery et al.	
8,505,220	B2	8/2013	James et al.	
8,505,221	B2*	8/2013	Gillespie	36/102
D688,856	S*	9/2013	Miner	D2/953
8,613,122	B2*	12/2013	Hazenberg et al.	12/146 B
8,621,767	B2*	1/2014	Vestuti et al.	36/28
8,650,776	B2*	2/2014	Hazenberg et al.	36/102
8,656,613	B2*	2/2014	Stockbridge et al.	36/102
8,732,986	B2*	5/2014	Miner	36/29
8,752,307	B2*	6/2014	Cooper et al.	36/102
8,763,276	B2*	7/2014	Greene et al.	36/15
8,776,401	B2*	7/2014	James et al.	36/102
D711,637	S*	8/2014	Miner	D2/957
2001/0007176	A1*	7/2001	Attilieni	36/3 B
2001/0016993	A1	8/2001	Cagner	
2004/0088883	A1*	5/2004	Workman	36/15
2005/0076536	A1*	4/2005	Hatfield et al.	36/3 B
2005/0262739	A1*	12/2005	McDonald et al.	36/102
2006/0059721	A1*	3/2006	Hatfield et al.	36/102
2007/0169379	A1*	7/2007	Hazenberg et al.	36/102
2007/0220777	A1*	9/2007	Richardson	36/11.5
2008/0022553	A1	1/2008	McDonald et al.	
2008/0060225	A1	3/2008	Kilgore	
2008/0201992	A1*	8/2008	Avar et al.	36/25 R
2008/0216355	A1	9/2008	Becker et al.	
2008/0216360	A1*	9/2008	Schenone	36/30 R
2008/0229617	A1*	9/2008	Johnson et al.	36/102
2008/0244926	A1*	10/2008	Yu et al.	36/28
2009/0013558	A1*	1/2009	Hazenberg et al.	36/88
2009/0013559	A1	1/2009	Chan et al.	
2009/0044432	A1*	2/2009	O'Connor et al.	36/30 R
2009/0049714	A1*	2/2009	Abadjian et al.	36/103
2009/0205223	A1*	8/2009	Vlaho	36/103
2009/0293314	A1	12/2009	Dekovic et al.	
2010/0083535	A1	4/2010	Meschter et al.	
2010/0095554	A1*	4/2010	Gillespie	36/102
2010/0180474	A1*	7/2010	Clark et al.	36/3 B
2010/0212185	A1*	8/2010	Cooper et al.	36/12
2010/0269376	A1*	10/2010	Flannery et al.	36/30 R
2010/0299965	A1	12/2010	Avar et al.	
2010/0325917	A1*	12/2010	Cass et al.	36/88
2011/0078922	A1*	4/2011	Cavaliere et al.	36/54
2011/0154688	A1*	6/2011	Yu et al.	36/28
2011/0214313	A1*	9/2011	James et al.	36/103
2011/0308107	A1*	12/2011	Gillespie	36/31
2012/0073160	A1*	3/2012	Marvin et al.	36/28
2012/0174439	A1	7/2012	O'Connor	
2012/0222332	A1*	9/2012	Greene et al.	36/103
2012/0324761	A1*	12/2012	Sills	36/103
2013/0000152	A1*	1/2013	Cooper et al.	36/102
2013/0000159	A1*	1/2013	Hatfield et al.	36/59 C
2013/0104423	A1*	5/2013	Hatfield et al.	36/103
2013/0152428	A1*	6/2013	Bishop et al.	36/103
2013/0212905	A1*	8/2013	Hazenberg et al.	36/28
2013/0213146	A1*	8/2013	Amos et al.	73/862.046
2013/0213147	A1*	8/2013	Rice et al.	73/862.046
2014/0000129	A1*	1/2014	Mueller et al.	36/103
2014/0013623	A1*	1/2014	James et al.	36/102
2014/0013624	A1*	1/2014	Stockbridge et al.	36/103
2014/0013626	A1*	1/2014	James et al.	36/103
2014/0015169	A1*	1/2014	Wan et al.	264/328.1
2014/0033571	A1*	2/2014	Gillespie	36/102
2014/0150297	A1*	6/2014	Holmes et al.	36/103

2014/0165304	A1*	6/2014	Hazenberg et al.	12/146 B
2014/0223672	A1*	8/2014	Miner	12/146 B
2014/0277631	A1*	9/2014	Rice et al.	700/91
2014/0290094	A1*	10/2014	Miner	36/29
2014/0310991	A1*	10/2014	Greene et al.	36/103

OTHER PUBLICATIONS

Nike Footwear Catalog, 1986 Fall: Performance, p. 104, published Jan. 1986, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Fall: Men's and Women's Footwear, p. M80, published Nov. 1998, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Holiday: Men's and Women's Footwear, p. M52, published Mar. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Late Fall: October & November Flow Footwear, p. 118, published Mar. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Late Fall: October & November Flow Footwear, p. 11, published Mar. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (blue cover), p. 82, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (blue cover), p. 28, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Spring: Men's and Women's Footwear (black shoes), p. W21, published Jun. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Spring: Men's and Women's Footwear (black shoes), p. 98, published Jun. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Fall: Men's and Women's Footwear, p. M17, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Spring: Men's and Women's Footwear, p. 37, published Jun. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 127, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 130, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2007 Fall Footwear, p. 11, published Nov. 2006, NIKE, Inc., USA.

Nike Footwear Catalog, 2008 Spring Footwear, p. 44, published May 2007, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Spring: Performance Footwear, p. 123, published May 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Spring: Performance Footwear, p. 101, published May 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Summer: Performance Footwear, p. 62, published Aug. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Summer: Performance Footwear, p. 9, published Aug. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Summer: Performance Footwear, p. 81, published Aug. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Holiday: Women's Footwear: Performance, p. 26, published Feb. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Spring: Women's Training Footwear, p. 25, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Summer: Women's Footwear: Performance, p. 25, published Aug. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Young Athletes Footwear, p. 6, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Women's Sportswear Footwear, p. 5, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Men's Performance Footwear, p. 45, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Men's Performance Footwear, p. 46, published Nov. 2010, NIKE, Inc., USA.

* cited by examiner

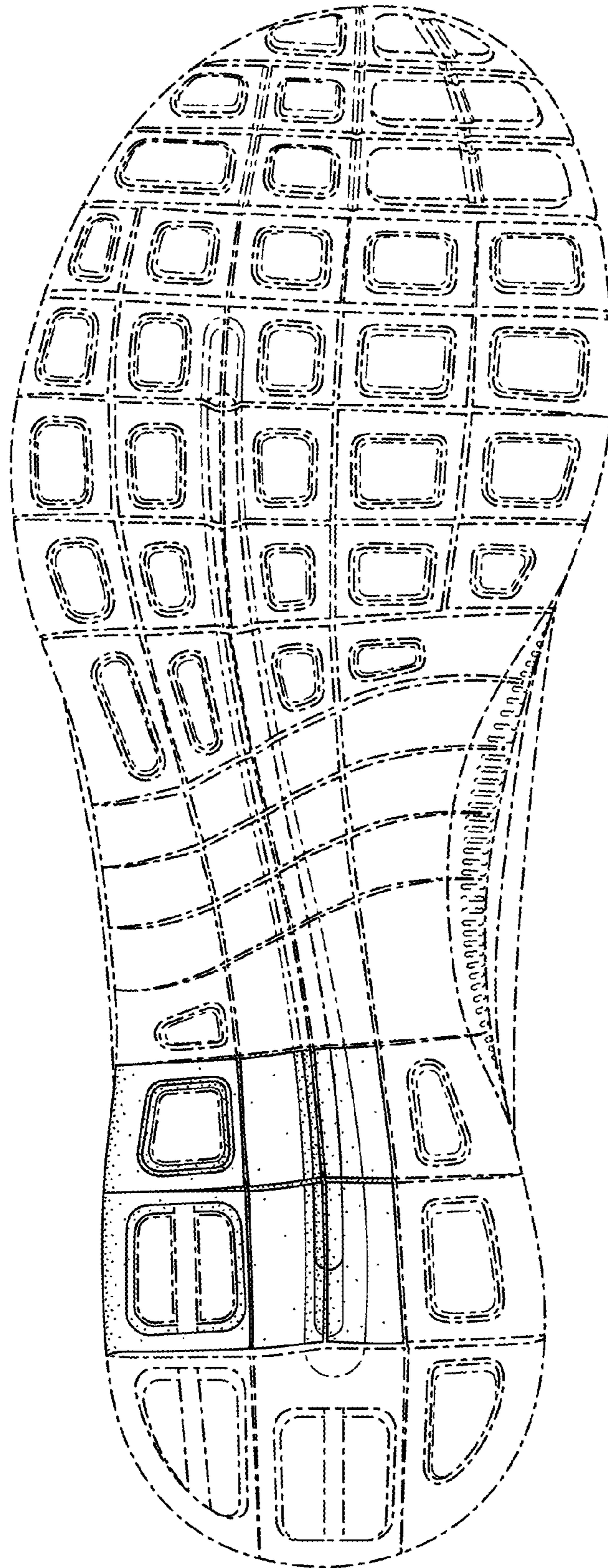


FIG. 1

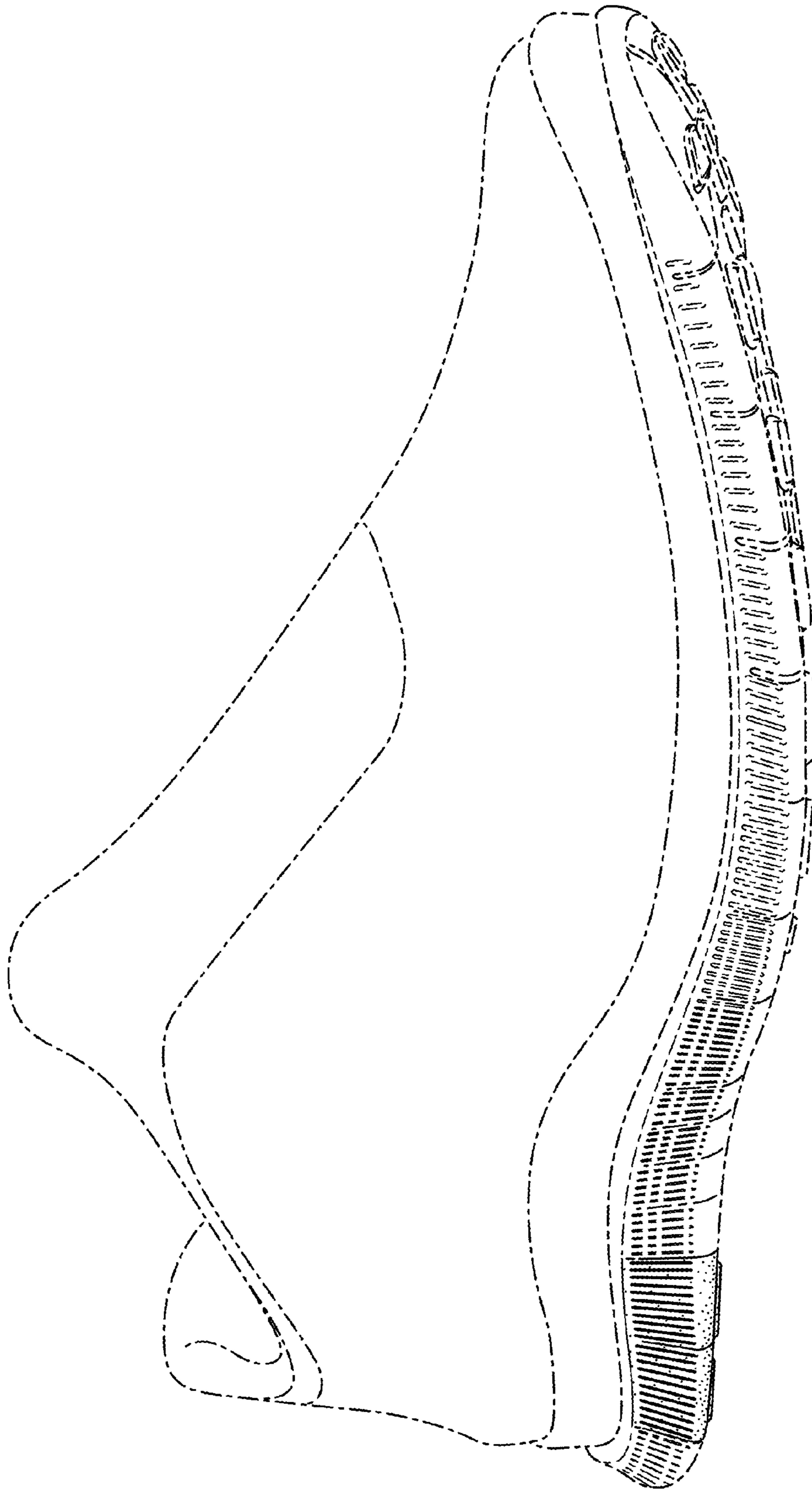


FIG. 2

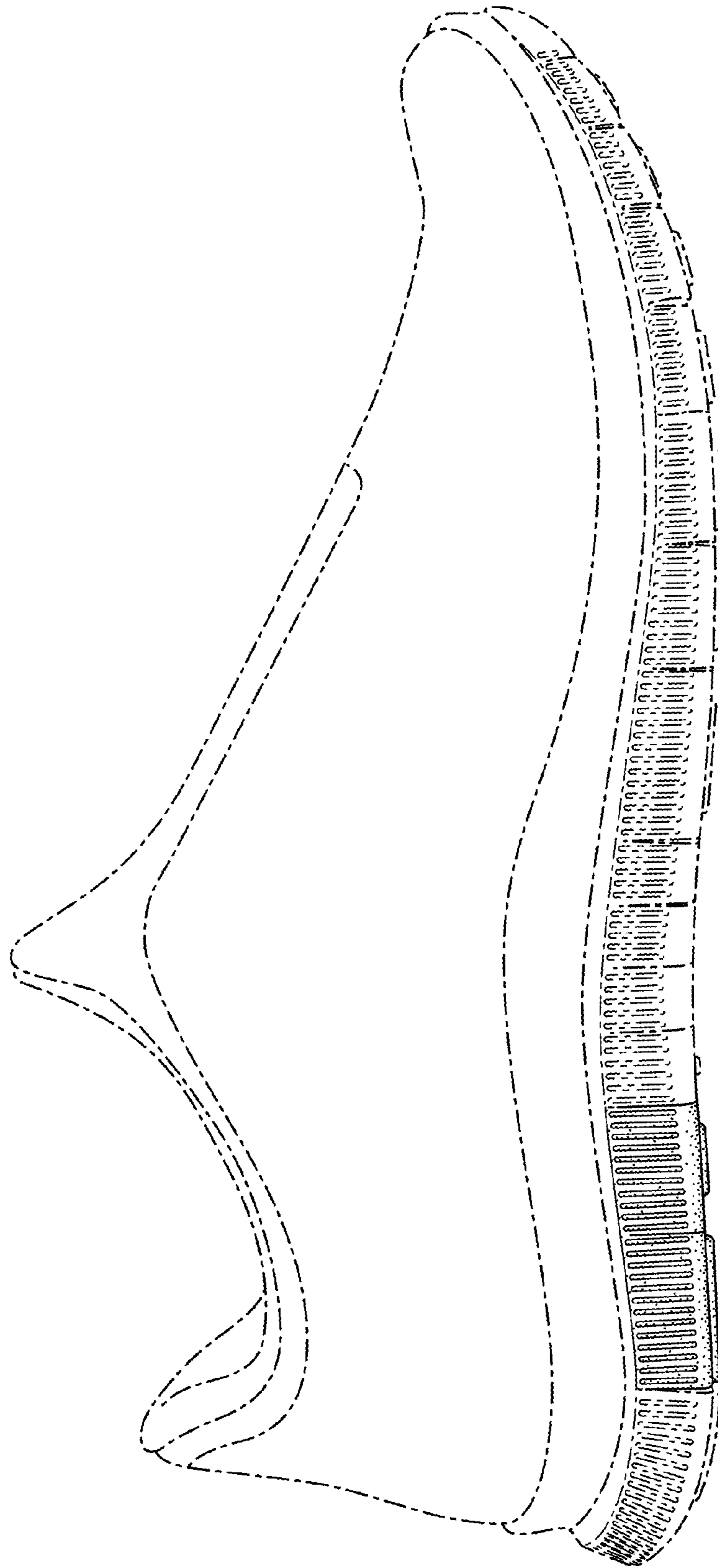


FIG. 3

(12) INTER PARTES REVIEW CERTIFICATE (1329th)

**United States Patent
Miner**

**(10) Number: US D723,783 K1
(45) Certificate Issued: Sep. 3, 2019**

(54) SHOE SOLE

(71) Applicant: Mark C. Miner

(72) Inventor: Mark C. Miner

(73) Assignee: NIKE, INC.

Trial Number:

IPR2017-00620 filed Jan. 6, 2017

Inter Partes Review Certificate for:

Patent No.: **D723,783**

Issued: **Mar. 10, 2015**

Appl. No.: **29/492,575**

Filed: **May 31, 2014**

The results of IPR2017-00620 are reflected in this inter partes review certificate under 35 U.S.C. 318(b).

INTER PARTES REVIEW CERTIFICATE
U.S. Patent D723,783 K1
Trial No. IPR2017-00620
Certificate Issued Sep. 3, 2019

1

2

AS A RESULT OF THE INTER PARTES
REVIEW PROCEEDING, IT HAS BEEN
DETERMINED THAT:

The claim is found patentable.

5

* * * * *