

## (12) United States Design Patent (10) Patent No.: US D790,169 S da Costa Pereira Machado (45) Date of Patent: \*\* Jun. 27, 2017

(54) **SHOE MIDSOLE** 

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(\*\*) Term: 15 Years

D325,288 S 4/1992	Richard et al.
D379,861 S * 6/1997	Wunsch D2/947
D415,607 S * 10/1999	Merceron D2/951
D495,128 S 8/2004	Avar
D523,627 S 6/2006	o Avar
D564,741 S * 3/2008	8 Covatch D2/953
D579,649 S 11/2008	8 McDowell
D611,232 S 3/2010	) Della Valle et al.
D613,482 S 4/2010	) Della Valle et al.
7,752,772 B2* 7/2010	Hatfield A43B 7/1415
	36/29

D624.291 S = 9/2010 Henderson

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  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 13/28; A43B 13/30; A43B 13/32; A43B

See application file for complete search history.

<i>DVD</i> 1, <i>DYI</i>	$\sim$	27 <b>Z</b> V I V		
D634,918	S	3/2011	Katz et al.	
D635,748	S	4/2011	Katz et al.	
		(Continued)		

### OTHER PUBLICATIONS

Nike Footwear Catalog, 2006 Holiday Footwear, p. 27, published Mar. 2006, NIKE, Inc., USA.

(Continued)

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## (57) **CLAIM**

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

## DESCRIPTION

FIG. 1 is a front perspective view of a show midsole showing my new design;
FIG. 2 is a side view thereof; and,
FIG. 3 is a rear perspective view thereof.
The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The unshaded region between the two wavy vertical broken lines forms no part of the claimed design. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

## **References Cited**

(56)

#### U.S. PATENT DOCUMENTS

D120,248 S	4/1940	Sbicca
D268,299 S	* 3/1983	Argyropoulos D2/960
D294,537 S	* 3/1988	Le D2/960
D296,384 S	6/1988	Tong
4,766,681 A	* 8/1988	O'Rourke A43B 7/20
		36/114
5 014 440 A	5/1001	Dichard at al

5,014,449 A 5/1991 Richard et al.

1 Claim, 3 Drawing Sheets



## US D790,169 S

## Page 2

(56)		Referen	ces Cited	2013/0247422 A	A1* 9/2013	Holt	
	U.S. ]	PATENT	DOCUMENTS	2014/0259789 A	A1* 9/2014	Dojan	
	7,941,938 B2*	5/2011	Yu A43B 7/1415	2014/0277631 A	A1* 9/2014	Rice	36/103 G01L 1/2206
	D642 180 S	Q/2011	36/25 R	2015/0101215	A1* A/2015	Henderson	700/91
	D643,189 S D643,602 S		Teteriatnikov Teteriatnikov	2013/0101213 P	AI 4/2013		36/103
	/		Teteriatnikov D2/947	2015/0150339 A	A1* 6/2015	Van Hook	
	,		Williams, Jr. Hardman				36/84
	/		Dolce D2/972		OTHER PU	BLICATIONS	
	D690,088 S D692,217 S	10/2013	Hardman Fogg			DLICIMICIUS	
	-	12/2013	~~~	Nike Footwear C	atalog, 2007 S	Spring Footwear, p.	22. published

D694,498	S	12/2013	Carboy
8,607,474	B2 *	12/2013	Spanks A43B 1/0027
			36/11.5
D696,852	S	1/2014	Madore
D713,625		9/2014	Raasch D2/947
D713,626			Raasch
D714,035			O'Connor
D717,034			Bramani D2/951
D730,035			Henderson
D731,767			Lan
D735,462			Pauk
D737,039			Pauk D2/972
D737,040			Pauk D2/972
D742,107			Kasprzak D2/951
D743,153			Taylor
D746,560			Verfl
D747,083			Verfl
D747,600			Greenhalgh D2/977
D747,859	5		Henderson D2/947
D748,383			Raysse
D748,386			Henderson $D2/947$
D748,900			Weeks
9,289,030			Peyton
9,301,566			Dojan A43B 1/0018
D756,620			Boys D2/947
D768,969			Boys D2/947 Boys D2/947
D708,505			Pauk D2/947
D778,551			Chang D2/947
D779,175			Greenhalgh D2/947
D779,175			McGhee
D781,541			McGhee D2/947
2007/0169379			Hazenberg A43B 13/125
2007/0109379	AI	1/2007	36/102
2010/0225017	A 1 *	12/2010	Cass A43B 13/181
2010/0323917	AL	12/2010	
2012/0005020	A 1 🕸	1/2012	36/88
2012/0003920	$A1^{*}$	1/2012	Alvear A43B 13/125
0010/0170 100	1 a -D-	C/0010	36/28
2013/0152428	Al*	6/2013	Bishop A43B 13/141
			36/103

Nike Footwear Catalog, 2007 Spring Footwear, p. 22, published Jun. 2006, NIKE, Inc., USA. Nike Footwear Catalog, 2009 Summer Sport Performance Footwear, p. 11, published Aug. 2008, NIKE, Inc., USA. Nike Footwear Catalog, 2010 Fall Performance Footwear, p. 9, published Nov. 2009, NIKE, Inc., USA. Nike Footwear Catalog, 2010 Spring Performance Footwear, p. 7, published May 2009, NIKE, Inc., USA. Nike Footwear Catalog, 2011 Fall Men's Performance Footwear, p. 3, published Nov. 2010, NIKE, Inc., USA. Nike Footwear Catalog, 2011 Fall Women's Performance Footwear, p. 3, published Nov. 2010, NIKE, Inc., USA. Nike Footwear Catalog, 2011 Fall Women's Performance Footwear, p. 6, published Nov. 2010, NIKE, Inc., USA. Nike Footwear Catalog, 2011 Holiday Women's Performance Footwear, p. 3, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA. Nike Footwear Catalog, 2011 Spring Men's Running Footwear, p. 32, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA. Nike Footwear Catalog, 2012 Spring Men's Performance Footwear, p. 3, published May 2011, NIKE, Inc., USA. Nike Footwear Catalog, 2012 Summer Livestrong Footwear, p. 5,

published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA. Nike Footwear Catalog, 2013 Fall Womens Performance Footwear, p. 16, published Nov. 2012, NIKE, Inc., USA. Nike Footwear Catalog, 2014 Holiday Men's Performance Footwear, p. 11, published Feb. 1, 2014, NIKE, Inc., USA. Nike Footwear Catalog, 2014 Spring Men's Nike Sportswear Footwear Better, p. 7, published May 17, 2013, NIKE, Inc., USA. Nike Footwear Catalog, 2015 Spring Men's Performance Footwear, p. 29, published May 14, 2014, NIKE, Inc., USA.

\* cited by examiner

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