

US00D796169S

(12) **United States Design Patent** (10) **Patent No.:** **US D796,169 S**
Winfield (45) **Date of Patent:** **** Sep. 5, 2017**

(54) **SHOE MIDSOLE**

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

(**) Term: **15 Years**

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

(52) **U.S. Cl.**
USPC **D2/947**

(58) **Field of Classification Search**

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D2/946–962, 977; 36/1, 1.5, 3 B, 22 R,
36/24.5, 25 R, 28, 32 R, 34 R, 59 C,
36/67 A, 101–107, 114–116, 117.3, 117.4,
36/124–136

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

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D262,158 S *	12/1981	Bartneck	.....	D2/951
D327,165 S *	6/1992	Hatfield	.....	D2/953
D327,362 S *	6/1992	Hatfield	.....	D2/977
D332,692 S *	1/1993	Hatfield	.....	D2/953
D333,556 S *	3/1993	Purdom	.....	D2/954
D334,279 S *	3/1993	Teague	.....	D2/977
D334,280 S *	3/1993	Teague	.....	D2/977

D343,045 S *	1/1994	Bailey	.....	D2/977
D372,354 S *	8/1996	Mitsu	.....	D2/951
D378,011 S *	2/1997	Lucas	.....	D2/947
D380,074 S *	6/1997	Mitsui	.....	D2/951
D395,739 S *	7/1998	Mervar	.....	D2/947
D398,743 S *	9/1998	Rask	.....	D2/947
D572,455 S *	7/2008	Lubrano	.....	D2/969
D682,516 S *	5/2013	Avar	.....	D2/947
D689,675 S *	9/2013	Hardman	.....	D2/947
D710,579 S *	8/2014	Williams, Jr.	.....	D2/947
D747,600 S *	1/2016	Greenhalgh	.....	D2/977

(Continued)

OTHER PUBLICATIONS

Jordan 23 Breakout, Nike.com, [online], [site visited Jul. 10, 2017].
<URL: https://store.nike.com/us/en_us/pd/jordan-23-breakout-mens-shoe/pid-11256804/pgid-12134400>.*

(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 shoe midsole showing my new design;

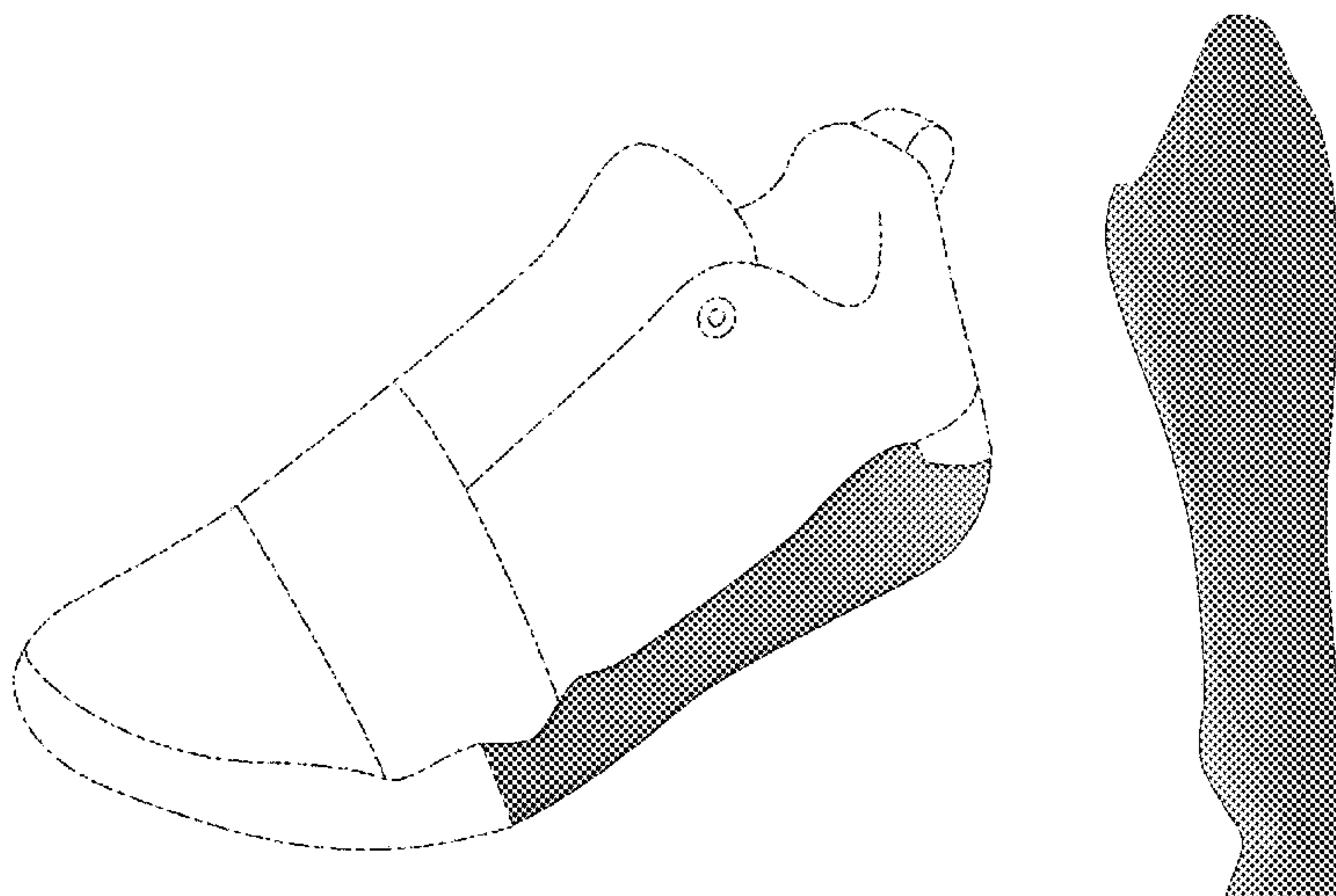
FIG. 2 is a side view thereof;

FIG. 3 is a rear perspective view thereof; and,

FIG. 4 is an enlarged view of FIG. 2 with unclaimed subject matter omitted.

The photographic area is claimed. The broken lines immediately adjacent to the photographic area represent unclaimed boundaries of the design. The broken lines showing the remainder of the shoe represent unclaimed subject matter and form no part of the claimed design.

1 Claim, 4 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D748,899	S	*	2/2016	Bartel	.....	D2/908
D765,366	S	*	9/2016	Fogg	.....	D2/947
D776,420	S	*	1/2017	Petrie	.....	D2/977
D778,553	S	*	2/2017	DeAlmeida	.....	D2/947
D783,246	S	*	4/2017	Chang	.....	D2/947
D783,247	S	*	4/2017	McMillan	.....	D2/947
D784,667	S	*	4/2017	Wright	.....	D2/947
D789,051	S	*	6/2017	Kuerbis	.....	D2/947
D789,053	S	*	6/2017	Ruark	.....	D2/947
D790,173	S	*	6/2017	Raasch	.....	D2/947
2014/0196313	A1	*	7/2014	Hatfield	.....	A43B 3/06 36/83
2015/0237958	A1	*	8/2015	Cross	.....	A43B 13/181 36/103
2017/0150777	A1	*	6/2017	Youngs	.....	A43B 13/186

OTHER PUBLICATIONS

Nike Jordan Men’s Air 23 Breakout Basketball Shoe, Amazon.com, Date first available at Amazon.com: Dec. 9, 2016, [online], [site

visited Jul. 10, 2017]. <URL: <https://www.amazon.com/Jordan-Mens-Breakout-BLACK-WHITE/dp/B01N6ETMNS>>.*
The New Jordan 23 Breakout Training Shoe Is Available Now, HypeBeast.com, By Nicolaus Li, Jan. 24, 2017, [online], [site visited Jul. 10, 2017]. <URL: <https://hypebeast.com/2017/1/jordan-23-breakout-training-shoe>>.*
Just In: Altra Escalante, FutureTrackRunning.com, Mar. 24, 2017, [online], [site visited Jul. 10, 2017]. <URL: <http://futuretrackrunning.com/blog/>>.*
An All-White Jordan Eclipse for the Summer Is Here! [online], [retrieved Jan. 12, 2017], retrieved from Internet, <URL: <http://www.kicksonfire.com/an-all-white-jordan-eclipse-for-the-summer-is-here/>>; 2 color pages, Dated May 7, 2015.
Air Jordan 2012 Deluxe ‘Year of the Dragon’—Arriving at Retailers [online], [retrieved Jan. 18, 2017], retrieved from Internet, <URL: <http://sneakernews.com/2012/02/23/air-jordan-2012-deluxe-year-of-the-dragon-arriving-at-retailers/>>; 4 color pages, Dated Feb. 23, 2012.

* cited by examiner

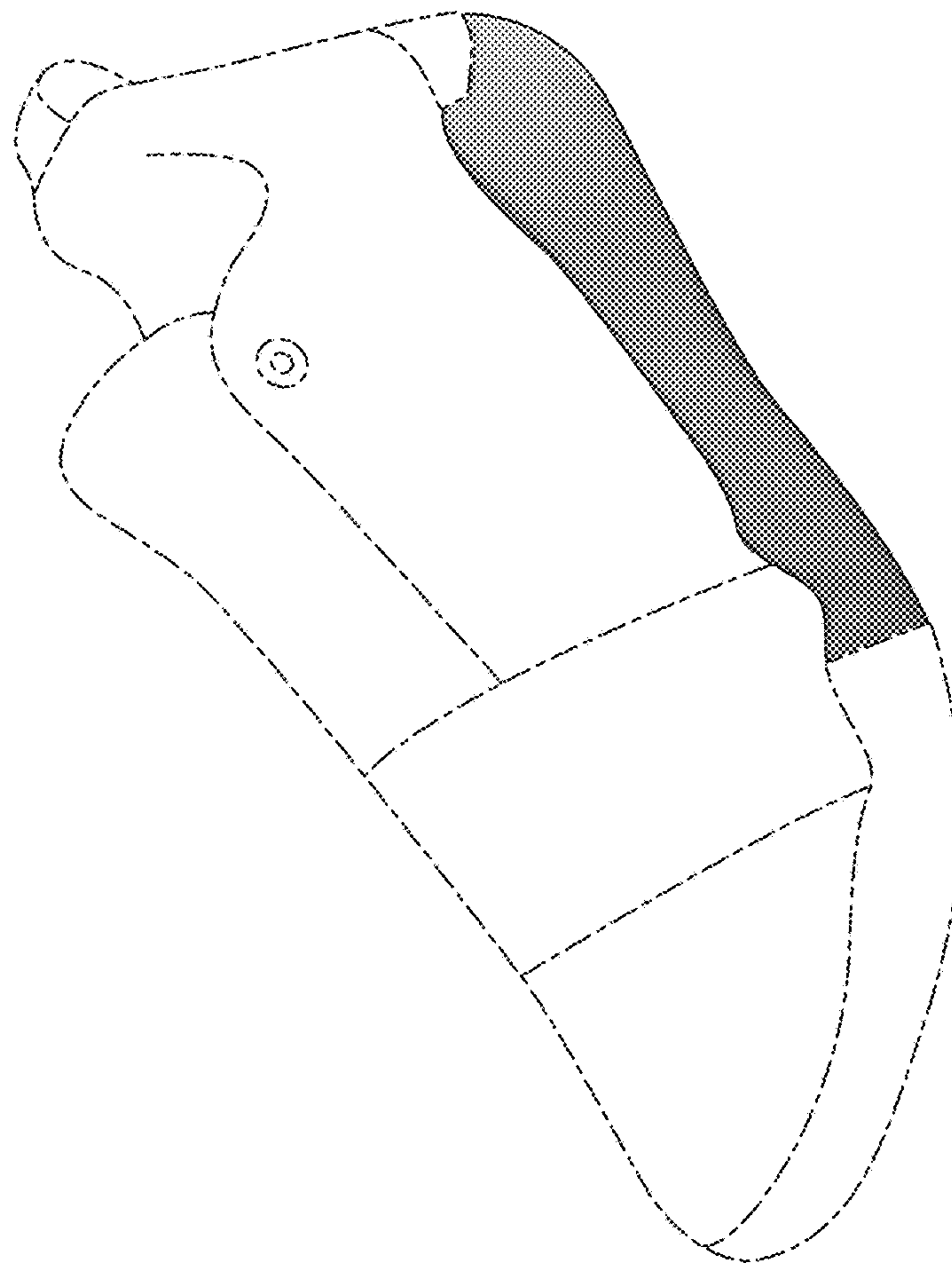


FIG. 1

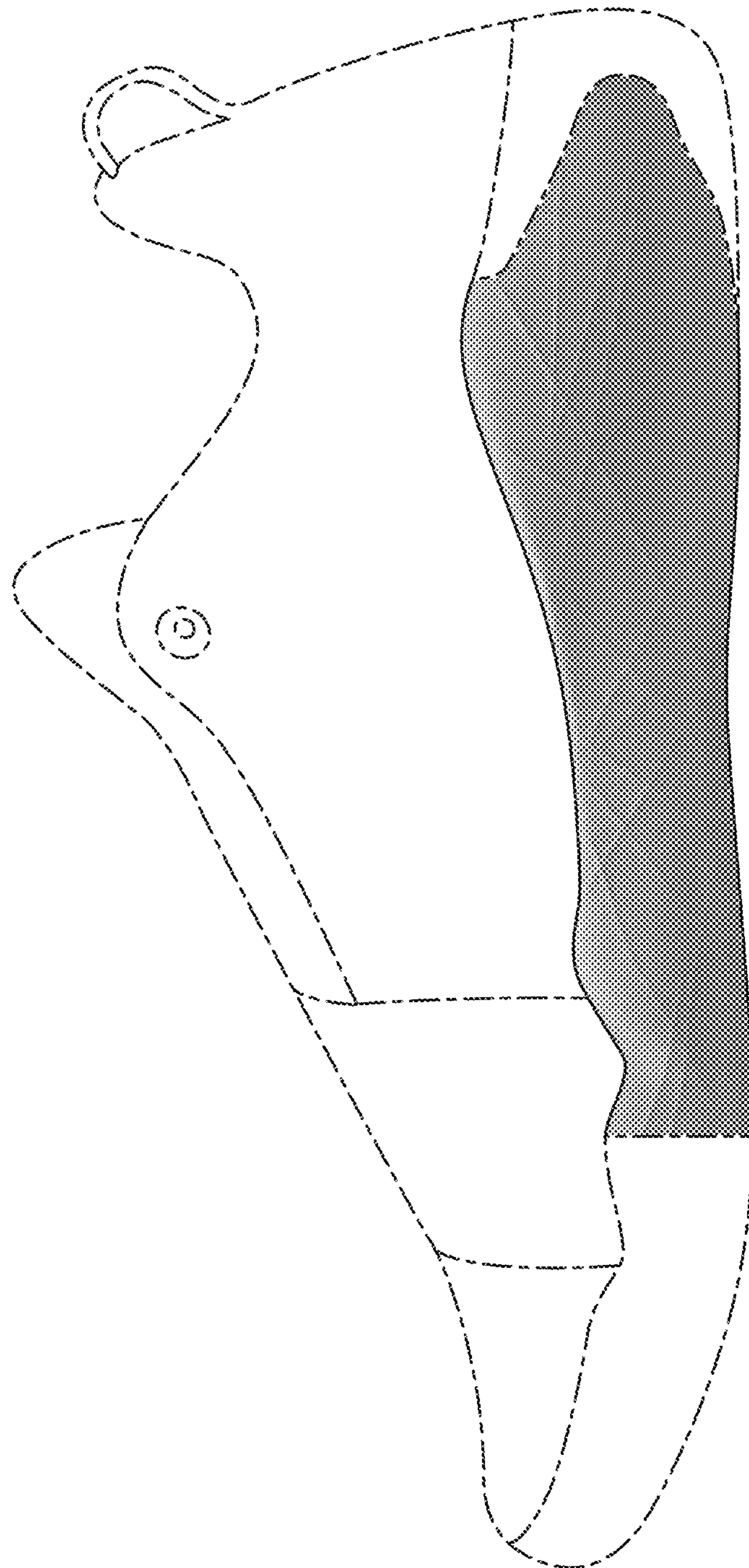


FIG. 2

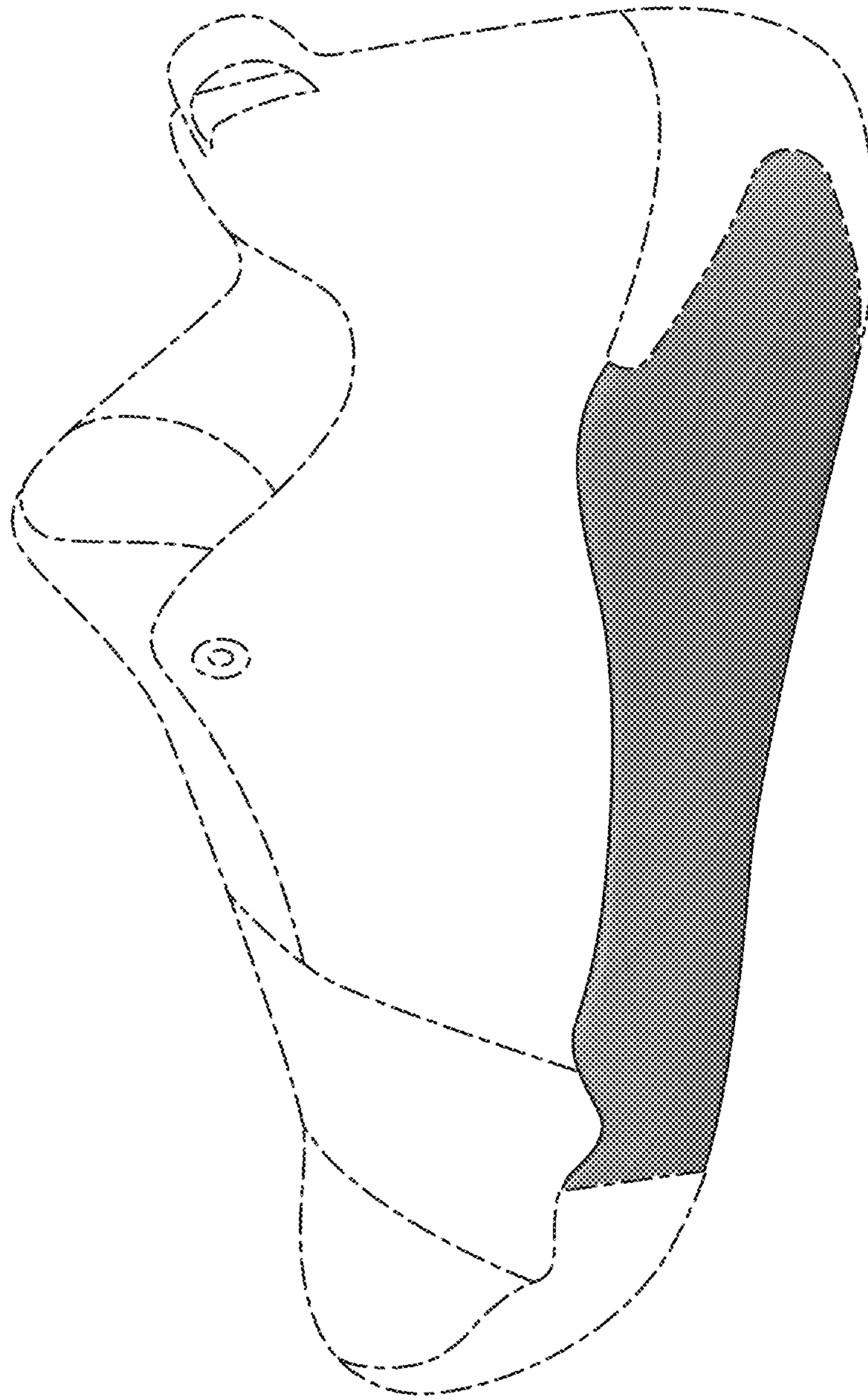


FIG. 3

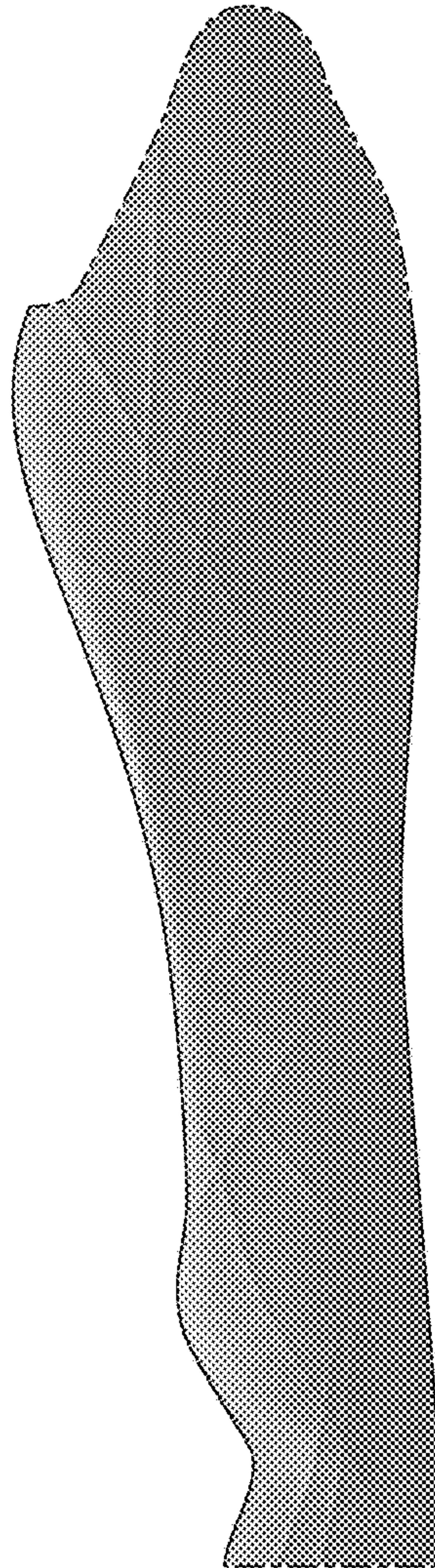


FIG. 4