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(12) **United States Design Patent** (10) **Patent No.:** **US D797,429 S**
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(54) **SHOE INSOLE**

FOREIGN PATENT DOCUMENTS

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DE 2603716 12/1976
EP 0774219 12/1997

(Continued)

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OTHER PUBLICATIONS

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[Online] [retrieved on Jan. 22, 2013] [retrieved from Foot Science Limited website] (pdf) http://www.footscience.com/products_foot.html.

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See application file for complete search history.

(57) **CLAIM**

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

DESCRIPTION

FIG. 1 is a perspective view of a first embodiment of a shoe insole showing our new design;
FIG. 2 is a bottom view thereof;
FIG. 3 is a top view thereof;
FIG. 4 is a medial side view thereof;
FIG. 5 is a lateral side view thereof;
FIG. 6 is a front view thereof;
FIG. 7 is a back view thereof;
FIG. 8 is a perspective view of a second embodiment of a shoe insole showing our new design;
FIG. 9 is a bottom view thereof;
FIG. 10 is a top view thereof;
FIG. 11 is a medial side view thereof;
FIG. 12 is a lateral side view thereof;
FIG. 13 is a front view thereof; and,
FIG. 14 is a back view thereof.

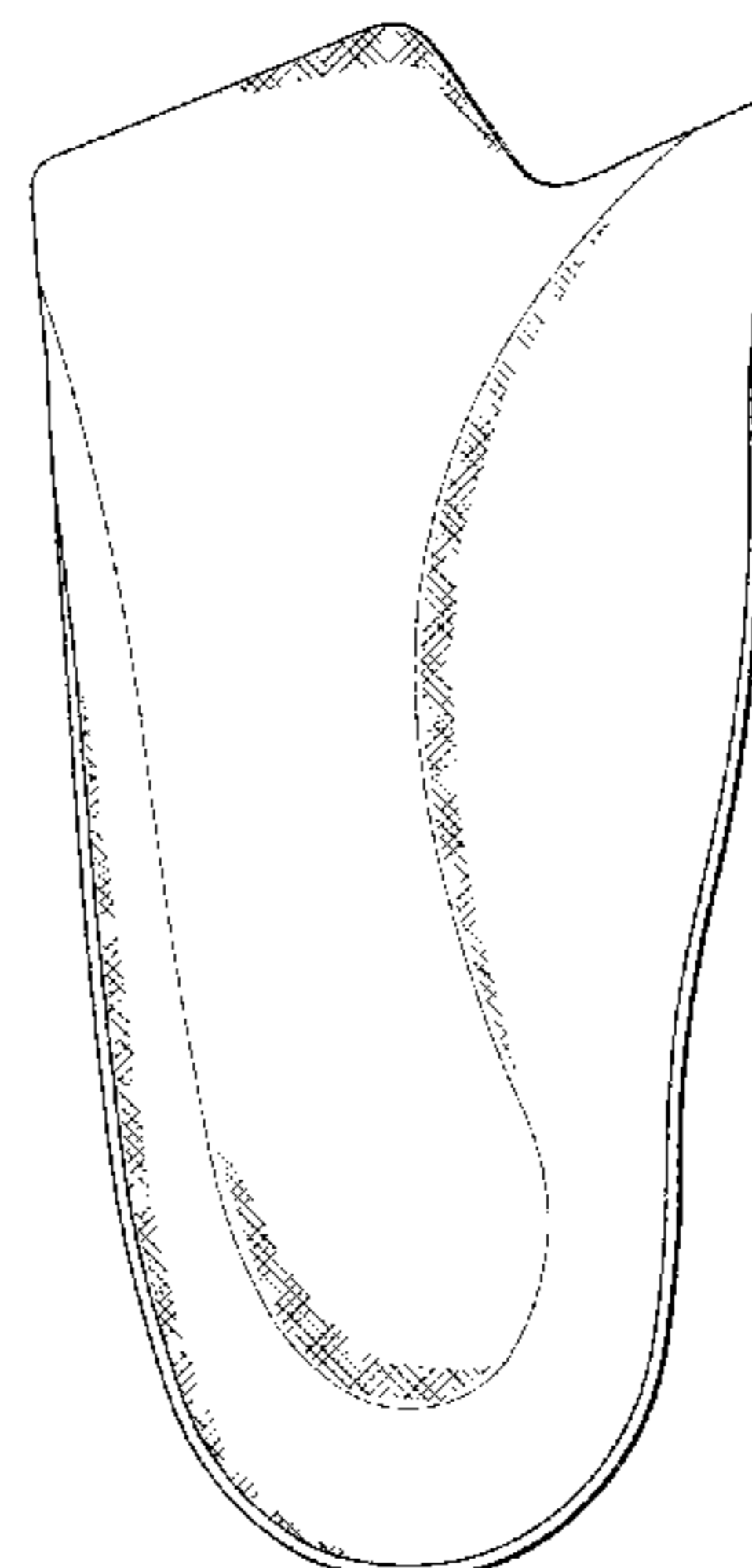
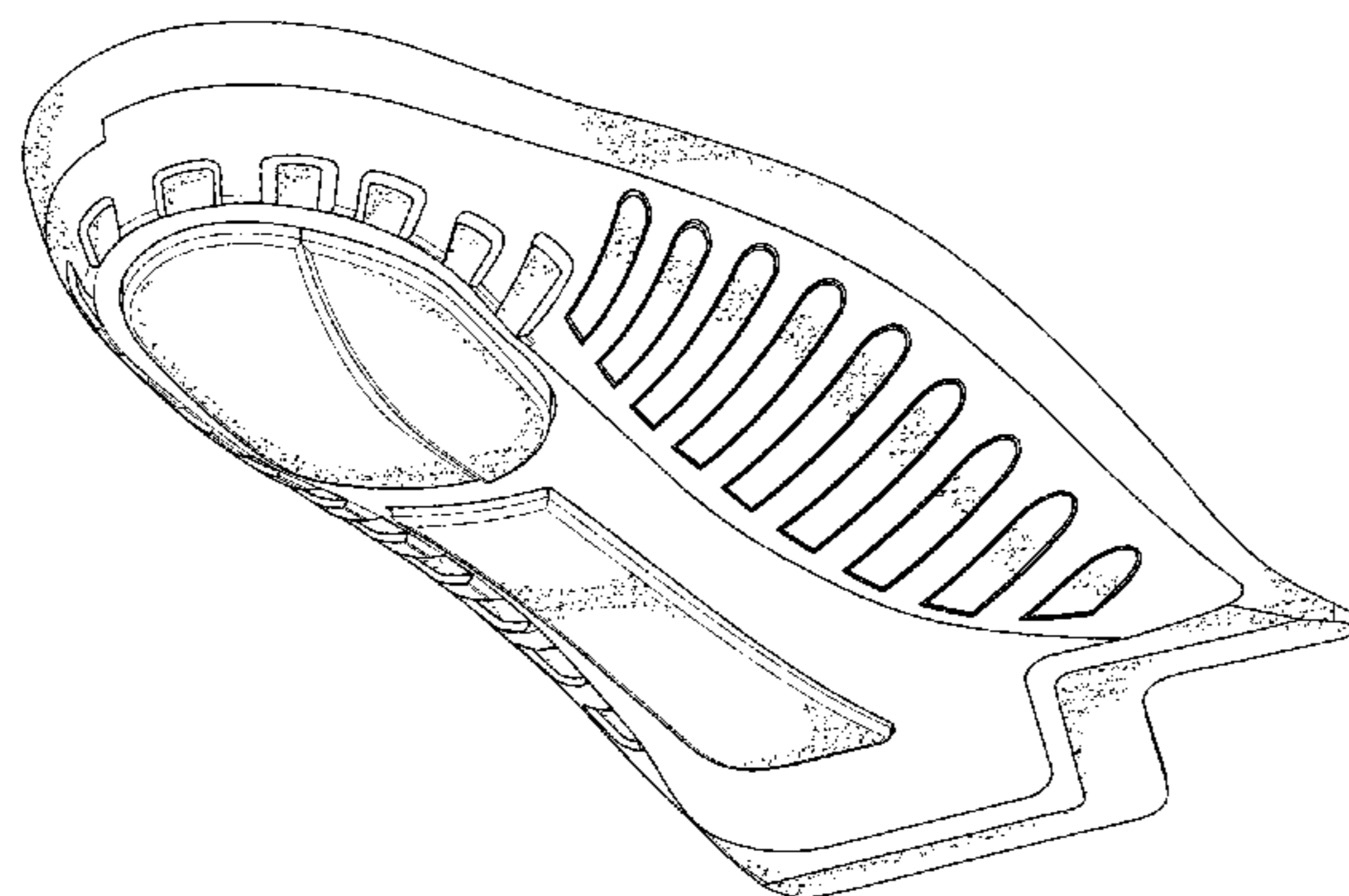
(56) **References Cited**

U.S. PATENT DOCUMENTS

333,595 A 1/1886 Butterfield
360,127 A 3/1887 Wallis

(Continued)

1 Claim, 10 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

892,360 A	6/1908	Burns		D295,690 S	5/1988	Finn
1,281,987 A *	10/1918	McSweeney	A43B 7/142 36/176	D299,583 S	1/1989	Tong et al.
1,559,324 A	10/1925	Jensen		4,800,657 A	1/1989	Brown
1,693,122 A	11/1928	Schwartz		4,813,160 A	3/1989	Kuznetz
1,718,906 A	6/1929	Hurley		4,860,463 A	8/1989	Pin
1,811,641 A	6/1931	Marcelle		4,864,736 A	9/1989	Bierk
1,861,969 A	6/1932	Leighton, Jr.		4,864,740 A	9/1989	Oakley
1,920,112 A	7/1933	Shaft		4,876,758 A	10/1989	Rolloff et al.
1,945,780 A	2/1934	Johnson		4,887,368 A	12/1989	Latzke
2,031,510 A	2/1936	Stewart et al.		4,888,841 A	12/1989	Cumberland
2,045,844 A	6/1936	Everston		4,888,887 A	12/1989	Solow
2,055,574 A	9/1936	Hartl		4,928,404 A	5/1990	Scheuermann
2,090,881 A	8/1937	Wilson		D311,269 S	10/1990	Graham et al.
2,207,437 A	7/1940	Marks et al.		4,974,342 A	12/1990	Nakamura
2,224,590 A	12/1940	Boivin		5,010,661 A	4/1991	Chu
2,224,642 A	12/1940	Burns		5,014,706 A	5/1991	Philipp
2,284,947 A	6/1942	Clifford		5,025,573 A	6/1991	Giese et al.
2,302,706 A	11/1942	Margolin		5,025,575 A	6/1991	Lakic
2,347,207 A	4/1944	Margolin		5,027,461 A	7/1991	Cumberland
2,408,564 A	10/1946	Lea		5,035,068 A	7/1991	Biasi
D149,889 S	6/1948	Laybolt		D319,919 S	9/1991	Niarhos
2,502,774 A	4/1950	Alianiello		D324,761 S	3/1992	Soo-Kwan
2,553,616 A	5/1951	Walls		5,092,060 A	3/1992	Frachey et al.
2,790,254 A	4/1957	Burns		5,138,775 A	8/1992	Chu
2,827,050 A	3/1958	Fisher		5,155,927 A	10/1992	Bates et al.
2,857,689 A	10/1958	Van Ostrom et al.		5,175,946 A	1/1993	Tsai
2,985,971 A	5/1961	Murawski		5,184,409 A	2/1993	Brown
3,084,695 A	4/1963	O'Donnell		5,197,207 A	3/1993	Shorten
3,154,867 A	11/1964	Strope		5,201,125 A	4/1993	Shorten
3,475,836 A	11/1969	Brahm		D336,718 S	6/1993	Schroer, Jr.
3,922,801 A	12/1975	Zente		5,224,277 A	7/1993	Sang Do
D243,642 S	3/1977	Voorhees		5,233,767 A	8/1993	Kramer
4,020,570 A	5/1977	Shames		D342,374 S	12/1993	Wang
4,033,054 A	7/1977	Fukuoka		5,282,324 A	2/1994	Cheng
D246,486 S	11/1977	Nickel		D346,480 S	5/1994	Davidson
4,071,963 A	2/1978	Fukuoka		D348,146 S	6/1994	Nakano
4,108,928 A	8/1978	Swan, Jr.		D349,393 S	8/1994	Mishan
4,123,855 A	11/1978	Thedford		D350,432 S	9/1994	Saez
4,139,337 A	2/1979	David et al.		D350,848 S	9/1994	Tzenos
4,150,455 A	4/1979	Fukuoka		5,363,570 A	11/1994	Allen et al.
4,179,826 A	12/1979	Davidson		5,367,791 A	11/1994	Gross et al.
4,215,492 A	8/1980	Sandmeier		D353,710 S	12/1994	Brazzell
4,219,945 A	9/1980	Rudy		5,369,896 A	12/1994	Frachey et al.
4,223,457 A	9/1980	Borgeas		5,375,346 A	12/1994	Cole et al.
4,229,546 A	10/1980	Swan, Jr.		5,400,526 A	3/1995	Sessa
4,237,626 A	12/1980	Brown		5,400,528 A	3/1995	Skinner et al.
4,263,728 A	4/1981	Frecentese		5,408,761 A	4/1995	Gazzano
4,309,831 A	1/1982	Pritt		5,430,960 A	7/1995	Richardson
4,316,332 A	2/1982	Giese et al.		5,438,768 A	8/1995	Bauerfeind
4,325,380 A	4/1982	Malkin		5,443,529 A	8/1995	Phillips
4,346,205 A	8/1982	Hiles		5,467,536 A	11/1995	Ramer et al.
4,346,525 A	8/1982	Larsen et al.		5,493,791 A	2/1996	Kramer
4,364,188 A	12/1982	Turner et al.		D367,953 S	3/1996	King
4,408,402 A	10/1983	Looney		5,509,938 A	4/1996	Phillips
4,413,429 A	11/1983	Power		5,524,364 A	6/1996	Cole et al.
4,453,322 A	6/1984	Marsh		5,545,463 A	8/1996	Schmidt et al.
1,541,186 A	9/1985	Mulvihill		D374,549 S	10/1996	McDonald
4,541,184 A	9/1985	Leighton		5,615,496 A	4/1997	Sharpstein
4,546,555 A	10/1985	Spademan		5,619,809 A	4/1997	Sessa
4,557,060 A	12/1985	Kawashima		5,640,779 A	6/1997	Rolloff et al.
4,581,187 A	4/1986	Sullivan et al.		D380,290 S	7/1997	Nakagawa
4,584,782 A	4/1986	Thatcher		D383,894 S	9/1997	Snyder et al.
4,616,430 A	10/1986	McQuiggin		5,669,162 A	9/1997	Dyer
4,619,056 A	10/1986	Lin et al.		D384,797 S	10/1997	Nakagawa
4,627,178 A	12/1986	Sullivan et al.		5,675,914 A	10/1997	Cintron
4,627,179 A	12/1986	McElroy		5,678,328 A	10/1997	Schmidt et al.
4,633,597 A	1/1987	Shiang		5,685,094 A	11/1997	Lin
4,633,598 A	1/1987	Moronaga et al.		D388,947 S	1/1998	Sessa
4,633,877 A	1/1987	Pendergast		D389,296 S	1/1998	Sessa
D288,383 S	2/1987	Autry		D389,996 S	2/1998	Sessa
4,674,204 A	6/1987	Sullivan et al.		5,714,098 A	2/1998	Potter
4,694,589 A	9/1987	Sullivan et al.		5,722,186 A	3/1998	Brown
4,694,831 A	9/1987	Seltzer		5,732,481 A	3/1998	Farhad
4,729,179 A	3/1988	Quist, Jr.		5,768,801 A	6/1998	Huff
				5,771,606 A	6/1998	Litchfield et al.
				5,775,005 A	7/1998	McClelland
				D396,948 S	8/1998	Moore et al.
				5,802,737 A	9/1998	Beppu
				D399,042 S	10/1998	Strawser et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

5,845,418 A	12/1998	Chi	D584,885 S	1/2009	Contreras	
5,846,063 A	12/1998	Lakic	7,484,319 B2	2/2009	Cheskin et al.	
5,852,885 A	12/1998	Ferniani	D592,386 S	5/2009	Baker et al.	
D403,847 S	1/1999	Blythe	D593,742 S	6/2009	Issler	
5,879,725 A	3/1999	Potter	D594,640 S	6/2009	McMillan	
D411,759 S	7/1999	Byrd	D596,833 S	7/2009	Dominquez et al.	
D418,666 S	1/2000	Brown	7,555,849 B2	7/2009	Canvin	
D420,210 S	2/2000	Allen	D601,786 S *	10/2009	Avent	D2/961
D420,788 S	2/2000	Kitagawa	D602,238 S	10/2009	Avent et al.	
6,029,372 A	2/2000	Pan	7,610,696 B2	11/2009	Davis	
D423,765 S	5/2000	Autry	7,665,169 B2	2/2010	Cheskin et al.	
D425,690 S	5/2000	Bray et al.	D611,237 S	3/2010	Torrance et al.	
D426,118 S	6/2000	Thomas	7,712,229 B2	5/2010	Yang	
6,070,342 A	6/2000	Brown	7,721,467 B2	5/2010	Cheskin et al.	
6,079,123 A	6/2000	Clark	D617,086 S *	6/2010	Avent	D2/961
6,082,023 A	7/2000	Dalton	D617,087 S	6/2010	Avent et al.	
D428,689 S	8/2000	Guiotto et al.	D627,958 S *	11/2010	Cheskin	A43B 7/141 D2/961
D429,063 S	8/2000	Rose	D628,779 S	12/2010	Martinez et al.	
6,105,283 A	8/2000	Park	D634,920 S	3/2011	Martinez et al.	
D432,769 S	10/2000	Yung et al.	D634,924 S	3/2011	Cheskin et al.	
6,151,801 A	11/2000	Frederiksen et al.	7,900,380 B2	3/2011	Rich	
6,176,025 B1	1/2001	Patterson et al.	7,908,768 B2	3/2011	Cheskin et al.	
D441,947 S	5/2001	Escobar et al.	D656,716 S	4/2012	Eades	
6,233,847 B1	5/2001	Brown	8,186,081 B2	5/2012	Wilson, III et al.	
6,266,897 B1	7/2001	Seydel et al.	D663,511 S	7/2012	Martinez et al.	
D448,542 S	10/2001	Bryant	D664,754 S *	8/2012	Klein	D2/961
D448,850 S	10/2001	Fabricant	D665,566 S *	8/2012	Klein	D2/961
6,301,805 B1	10/2001	Howlett et al.	8,241,450 B2	8/2012	Hensley et al.	
D456,128 S	4/2002	Evans et al.	8,250,784 B2	8/2012	Cheskin et al.	
D460,854 S	7/2002	Hung	8,296,969 B2	10/2012	Granger et al.	
6,425,195 B1	7/2002	Donzis	D676,637 S *	2/2013	Hane	D2/954
6,453,578 B1	9/2002	Yung et al.	8,424,222 B2	4/2013	Sulak et al.	
D465,079 S	11/2002	Merceron	D681,321 S	5/2013	Martinez et al.	
6,481,120 B1	11/2002	Xia et al.	D689,276 S *	9/2013	Klein	D2/961
6,497,057 B1	12/2002	Lee et al.	D695,000 S *	12/2013	Feldman	D2/961
6,502,330 B1	1/2003	David et al.	D696,506 S *	12/2013	Feldman	D2/961
6,510,626 B1	1/2003	Greenawalt	8,745,894 B2	6/2014	Cheskin et al.	
6,519,874 B1	2/2003	Dean	D717,528 S *	11/2014	Avent	D2/961
D471,001 S	3/2003	Beck	D723,786 S	3/2015	Martinez et al.	
6,536,137 B1	3/2003	Celia	D761,543 S *	7/2016	Granger	D2/961
6,553,690 B2	4/2003	Di Girolamo	D762,366 S *	8/2016	Granger	D2/961
D474,331 S	5/2003	Dean	D762,367 S *	8/2016	Granger	D2/961
D474,588 S	5/2003	Dean	D762,368 S *	8/2016	Granger	D2/961
D474,881 S	5/2003	Su	D766,560 S *	9/2016	Granger	D2/961
D475,844 S	6/2003	Reynolds et al.	D766,561 S *	9/2016	Pedersen	D2/961
6,581,303 B1	6/2003	Tuan	D771,921 S *	11/2016	Granger	D2/961
6,598,319 B2	7/2003	Hardt	D771,922 S *	11/2016	Granger	D2/961
6,618,960 B2	9/2003	Brown	D778,040 S *	2/2017	Granger	D2/961
6,631,568 B2	10/2003	Howlett et al.	D778,567 S *	2/2017	Granger	D2/961
D485,425 S	1/2004	Polifroni	2001/0000369 A1	4/2001	Snyder et al.	
D485,426 S	1/2004	Di Girolamo	2001/0045028 A1	11/2001	Crane et al.	
6,671,979 B2	1/2004	Cardarelli	2002/0050080 A1	5/2002	Vasyli	
6,684,532 B2	2/2004	Greene et al.	2002/0092203 A1	7/2002	Hardt	
D489,520 S	5/2004	Matis et al.	2002/0116840 A1	8/2002	Kraft	
D495,123 S	8/2004	Wakatake	2003/0009915 A1	1/2003	Bacon	
D497,473 S	10/2004	Martinez	2003/0024134 A1	2/2003	Howlett et al.	
D497,708 S	11/2004	Granger et al.	2003/0070321 A1	4/2003	Davis et al.	
D500,914 S	1/2005	Ammon	2003/0093920 A1	5/2003	Greene et al.	
6,880,266 B2	4/2005	Schoenborn et al.	2003/0121180 A1	7/2003	Poe	
6,915,598 B2	7/2005	Grisoni et al.	2003/0136025 A1	7/2003	Galbraith et al.	
6,959,505 B2	11/2005	Poe	2003/0150134 A1 *	8/2003	Hardt	A43B 7/143 36/44
6,967,044 B1	11/2005	O'Brien	2004/0020075 A1	2/2004	Garneau	
D515,292 S	2/2006	Granger et al.	2004/0025374 A1	2/2004	Basso	
7,082,702 B2	8/2006	Cretinon	2004/0118017 A1 *	6/2004	Dalton	A43B 7/142 36/44
7,107,705 B2	9/2006	Dalton et al.	2004/0181971 A1	9/2004	Turkbass et al.	
D529,691 S	10/2006	Earle	2004/0194344 A1	10/2004	Tadin	
D543,685 S	6/2007	Andersen et al.	2005/0138847 A1	6/2005	Blackburn et al.	
7,284,342 B2	10/2007	Avent et al.	2005/0166425 A1	8/2005	Seiter	
D555,341 S *	11/2007	Vasyli	2005/0262736 A1	12/2005	Peoples	
7,316,081 B1	1/2008	Cheng	2006/0010717 A1	1/2006	Finkelstein	
D563,649 S	3/2008	Andersen et al.	2006/0016099 A1	1/2006	Marco et al.	
D572,888 S *	7/2008	Cai	2006/0026779 A1	2/2006	Berg et al.	
D576,391 S	9/2008	Contreras	2006/0026865 A1	2/2006	Grisoni et al.	
D576,394 S	9/2008	Heller	2006/0096124 A1	5/2006	Moseley	
7,437,836 B2	10/2008	Kim	2006/0123664 A1	6/2006	Boyd et al.	
			2006/0130367 A1	6/2006	Liu	

(56)

References Cited

U.S. PATENT DOCUMENTS

2006/0137216	A1	6/2006	Ahlbaumer
2006/0168846	A1	8/2006	Juan
2006/0230643	A1	10/2006	Affleck
2006/0254088	A1	11/2006	McCormick
2006/0283043	A1	12/2006	Lamstein
2007/0022630	A1	2/2007	Lundy, Jr. et al.
2007/0033834	A1	2/2007	Cheskin et al.
2007/0039209	A1	2/2007	White
2007/0245592	A1	10/2007	Yamaguchi et al.
2007/0261268	A1	11/2007	Nguyen
2008/0028637	A1	2/2008	Benfatti
2008/0110060	A1	5/2008	Ritter
2008/0110064	A1	5/2008	Liu
2008/0271340	A1	11/2008	Grisoni et al.
2008/0295358	A1	12/2008	Lin et al.
2009/0025254	A1	1/2009	Smith
2009/0049712	A1	2/2009	Steszyn et al.
2009/0100722	A1	4/2009	Hoffer et al.
2009/0151194	A1	6/2009	Cheskin et al.
2009/0165334	A1	7/2009	Kantro et al.
2009/0249650	A1	10/2009	Sarantakos
2010/0015869	A1	1/2010	Hartmann et al.
2010/0083534	A1	4/2010	Howlett
2010/0095552	A1	4/2010	Cheskin et al.
2010/0126044	A1	5/2010	Davis
2010/0170116	A1	7/2010	Shim
2010/0205831	A1	8/2010	Checkin et al.
2010/0212187	A1	8/2010	Jones
2010/0218398	A1	9/2010	Reinhardt et al.
2010/0218399	A1	9/2010	Jeong
2010/0251577	A1	10/2010	Yamada
2011/0072685	A1	3/2011	Gutowksy, Jr. et al.
2011/0131835	A1	6/2011	Cheskin
2011/0162234	A1	7/2011	Dean
2011/0209360	A1	9/2011	Baker et al.
2011/0219642	A1	9/2011	Sulak et al.
2011/0232129	A1	9/2011	Roberts et al.
2011/0252665	A1	10/2011	Tsai
2011/0252671	A1	10/2011	Maron et al.
2011/0302805	A1	12/2011	Vito
2012/0090197	A1	4/2012	Wyner et al.
2012/0192452	A1	8/2012	Lewis et al.
2012/0272546	A1	11/2012	Tsai
2013/0104419	A1	5/2013	Horesh et al.
2013/0160331	A1	6/2013	Burke

FOREIGN PATENT DOCUMENTS

KR	20-19930024801	5/1992
KR	20-0427687	4/2006
KR	10-0641278	10/2006
KR	10-0736813	7/2007
KR	10-0780086	11/2007
WO	WO 2004060095	7/2004

WO	WO 2006035469	4/2006
WO	WO 2006090398	8/2006
WO	WO 2007021328	2/2007
WO	WO 2007056101	5/2007
WO	WO 2008015195	12/2008
WO	WO 2009068298	6/2009
WO	WO 2009126111	10/2009
WO	WO 2009136685	11/2009
WO	WO 2011108011	9/2011

OTHER PUBLICATIONS

[Online] [retrieved on Jan. 22, 2013] [retrieved from geldoctor website] (pdf) <http://www.geldoctor.com/flosole.html>.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Gerbing's website] (pdf) <http://www.gerbing.com/Products/insoles.php>.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Heat Factory website] (pdf) <http://www.heatfactory.com/english/product.pht?cat=3&id>.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Dr. Rosenberg's Foot Products website] (pdf) <http://www.instantarches.com/cool-soles.shtml>.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Mean and Green website]web page] (pdf) http://www.meanandgreen.com/army/-Thermal-Foil_insoles/2660/2303.html.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Superfeet website] (pdf) <http://www.superfeet.com/products/REDHot.aspx>.

[Online] [retrieved on Jan. 22, 2013] [retrieved from Thermo Soles website] (pdf) <http://www.thermosoles.com/>.

[Online] [retrieved on Jan. 22, 2014] [retrieved from Warmers.com website] (pdf) <http://www.warmers.com/grabber-got-warmers-medium-5-hour-10pr-bundle>.

PCT, International Search Report & Written Opinion of the International Searching Authority for PCT/US2013/026932. Jun. 18, 2013.

PCT, International Search Report & Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2006/014681. Jul. 27, 2006.

PCT, International Search Report & Written Opinon of the International Searching Authority for Counterpart International Pataent Application No. PCT/US2013/057141. Nov. 12, 2013.

PCT, International Search Report & Written Opinon of the International Searching Authority for Counterpart International Patent Application No. PCT/US2014/0055133. Jan. 15, 2015.

PCT, International Search Report and Written Opinon of the International Searching Authority for Counterpart International Patent Application No. PCT/US2006/042885. Mar. 13, 2007.

Supplementary Extended European Search Report of the European Patent Office for European Search Report No. EP 13754536.4. Jun. 1, 2015.

PCT, International Search Report & Written Opinon of the International Searching Authority for Counterpart International Patent Application No. PCT/US2015/011960. Apr. 30, 2015.

* cited by examiner

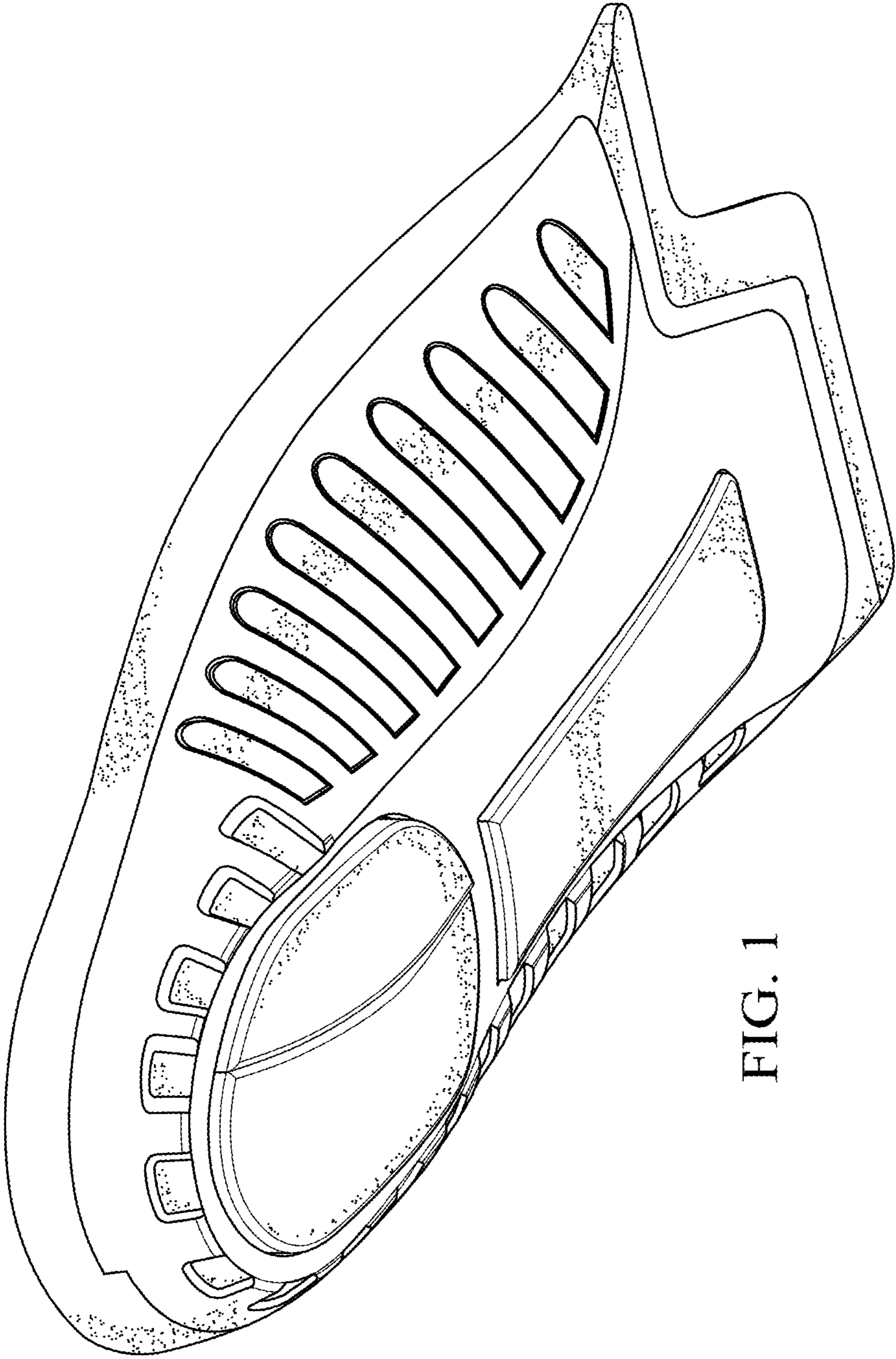


FIG. 1

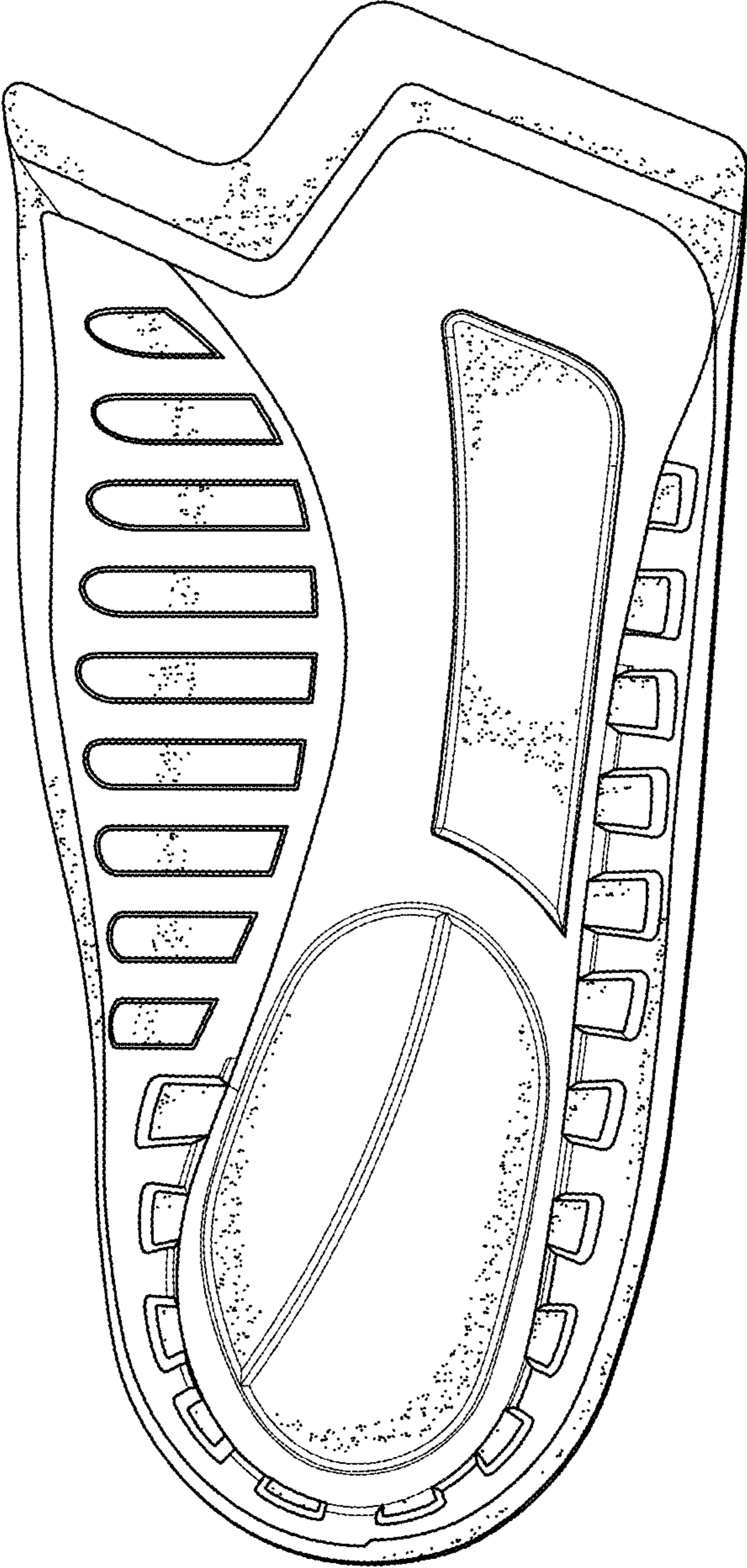


FIG. 2

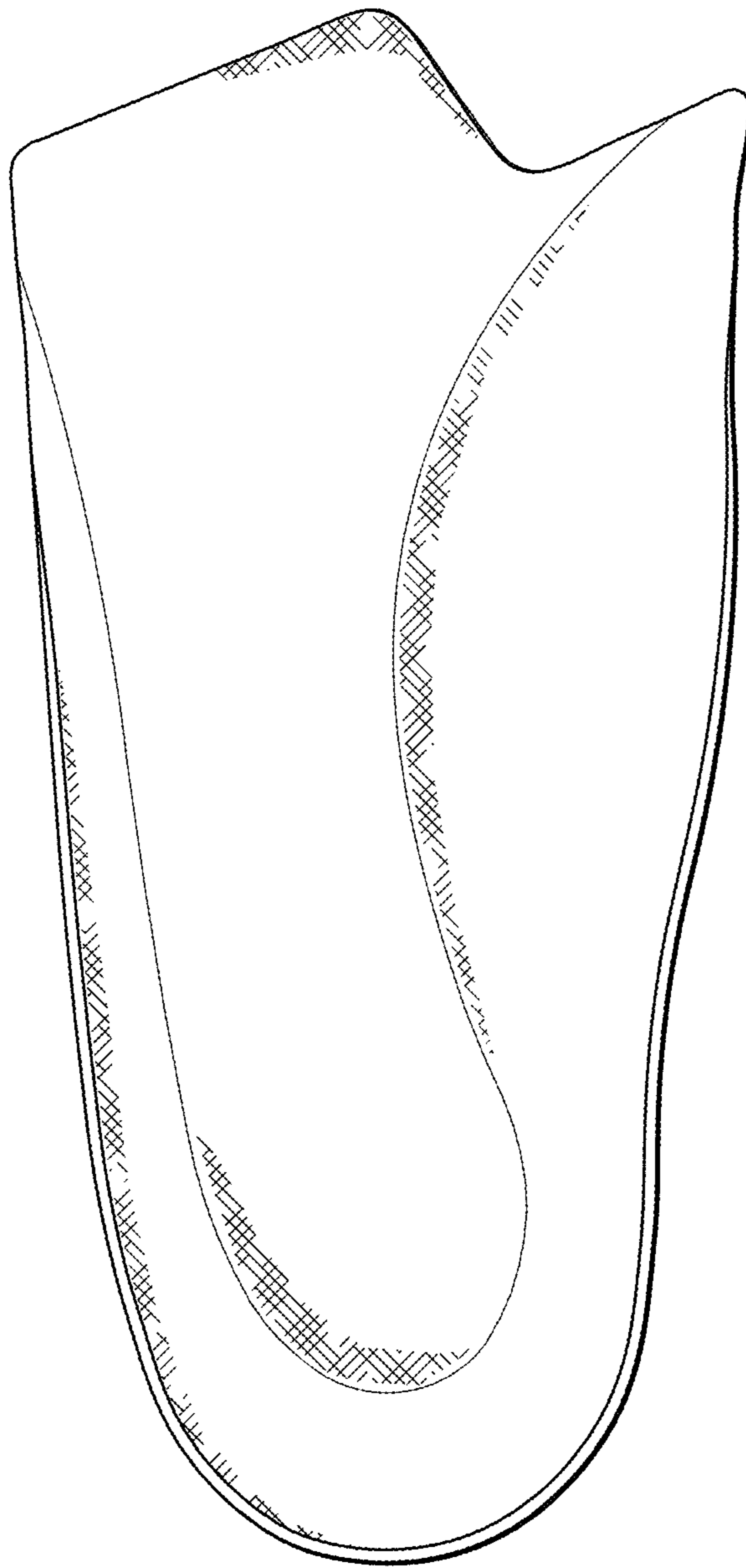


FIG. 3

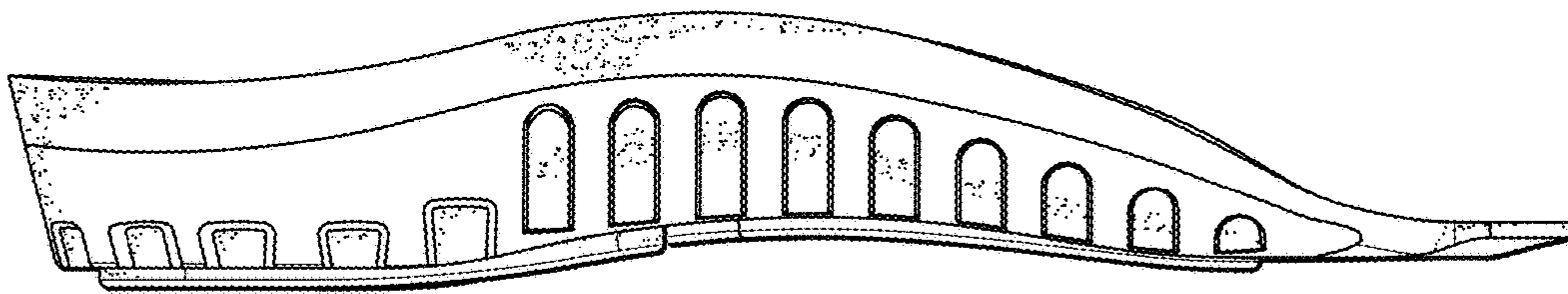


FIG. 4

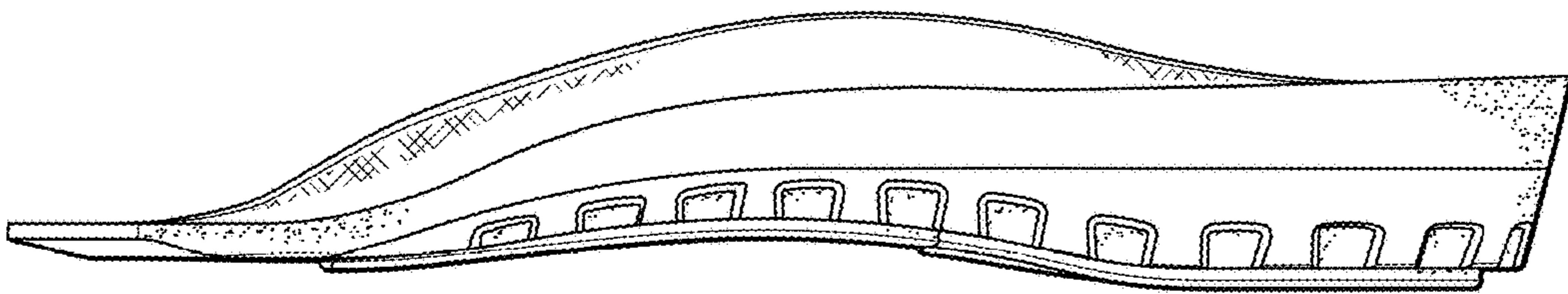


FIG. 5

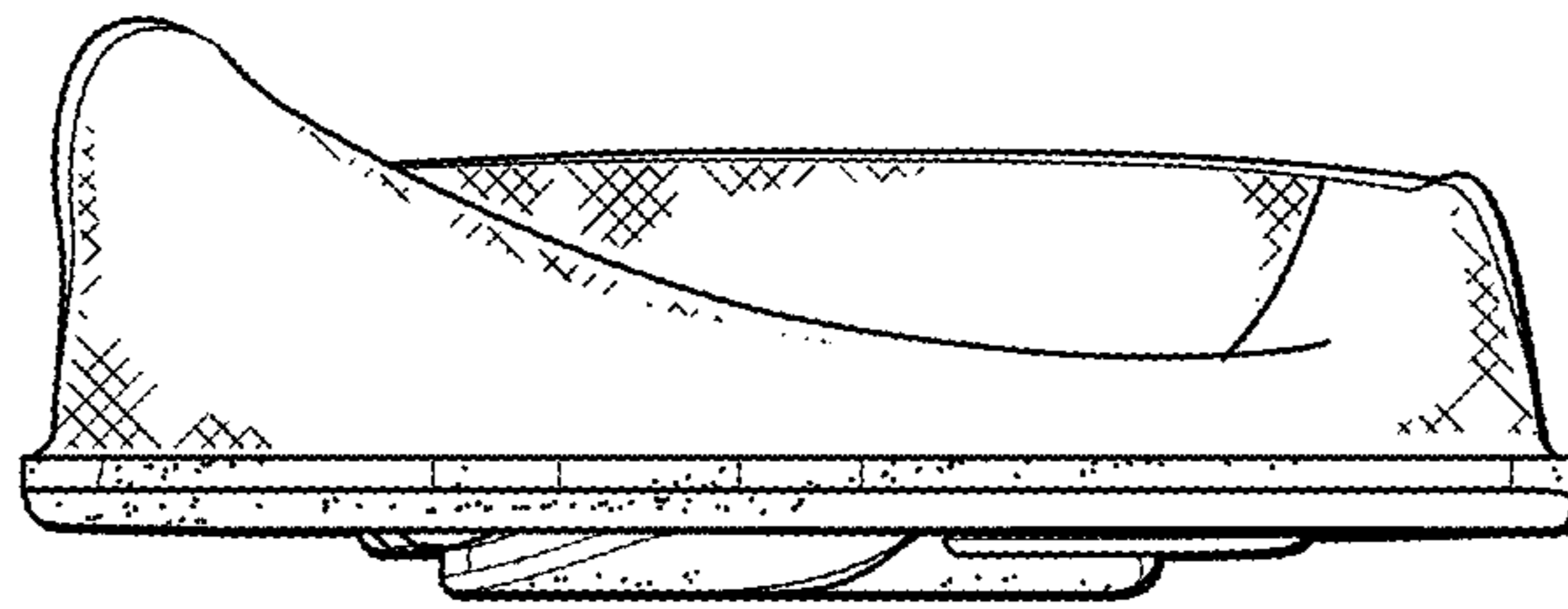


FIG. 6

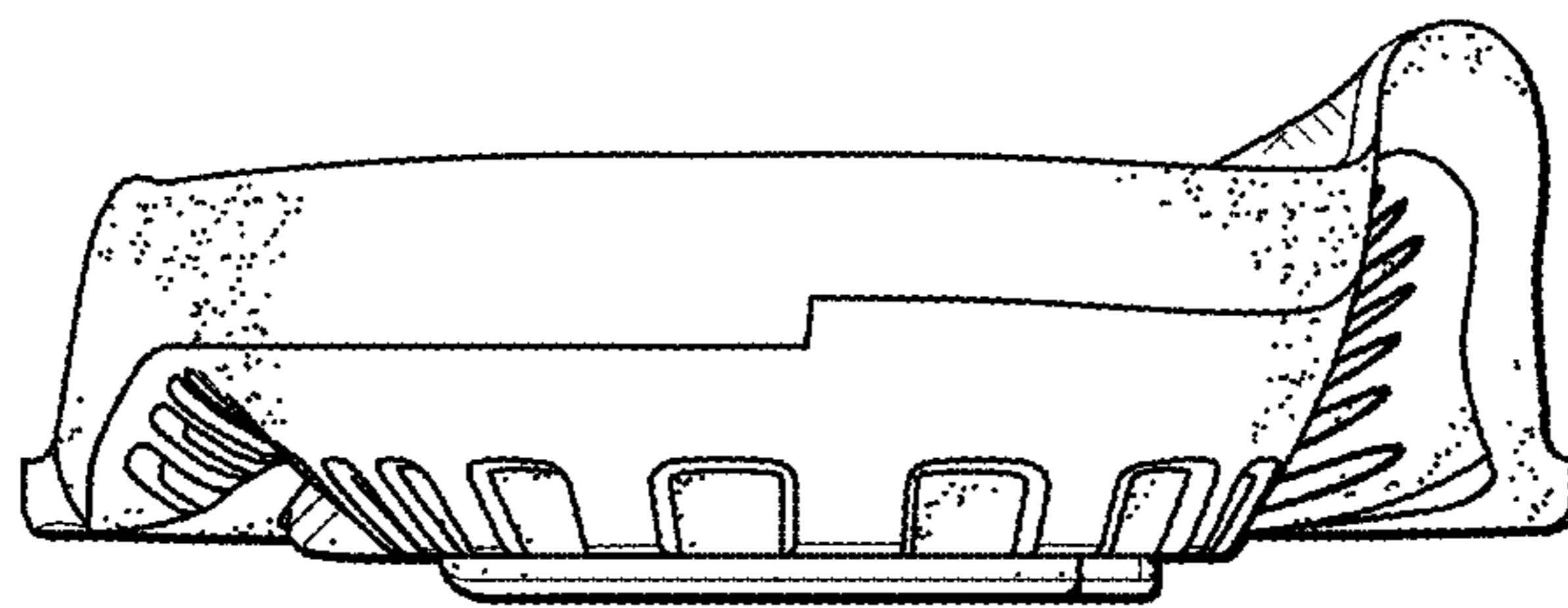


FIG. 7

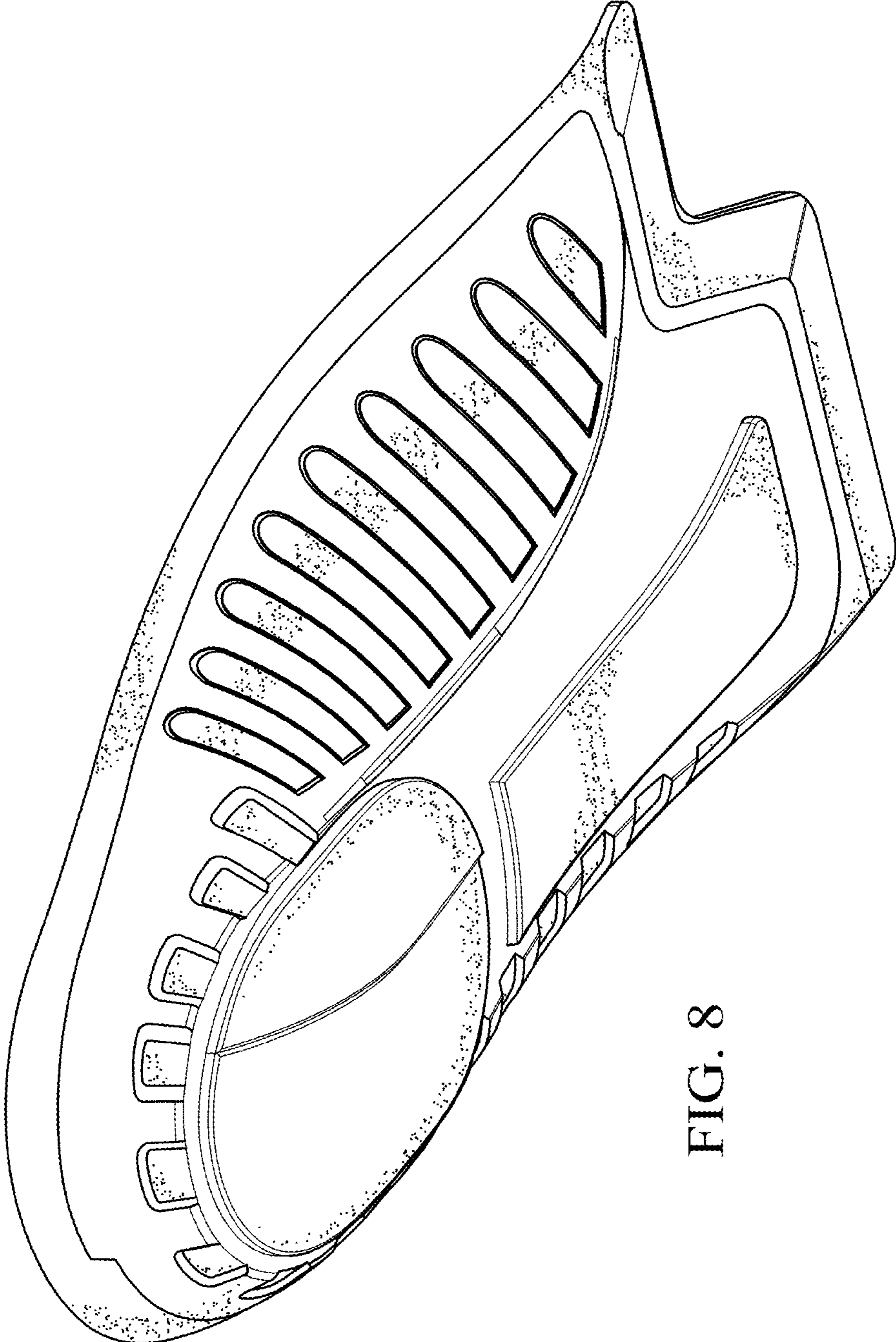


FIG. 8

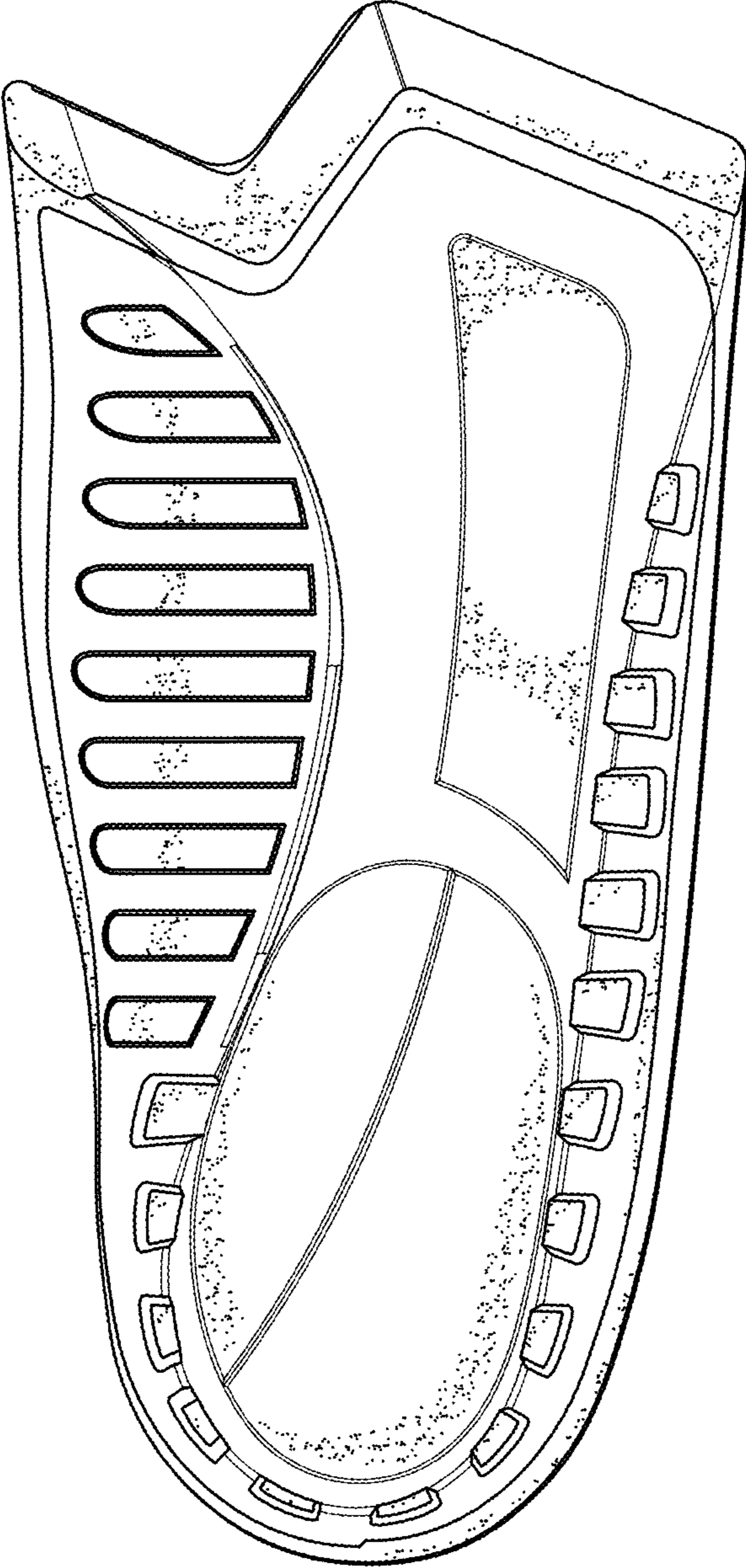


FIG. 9

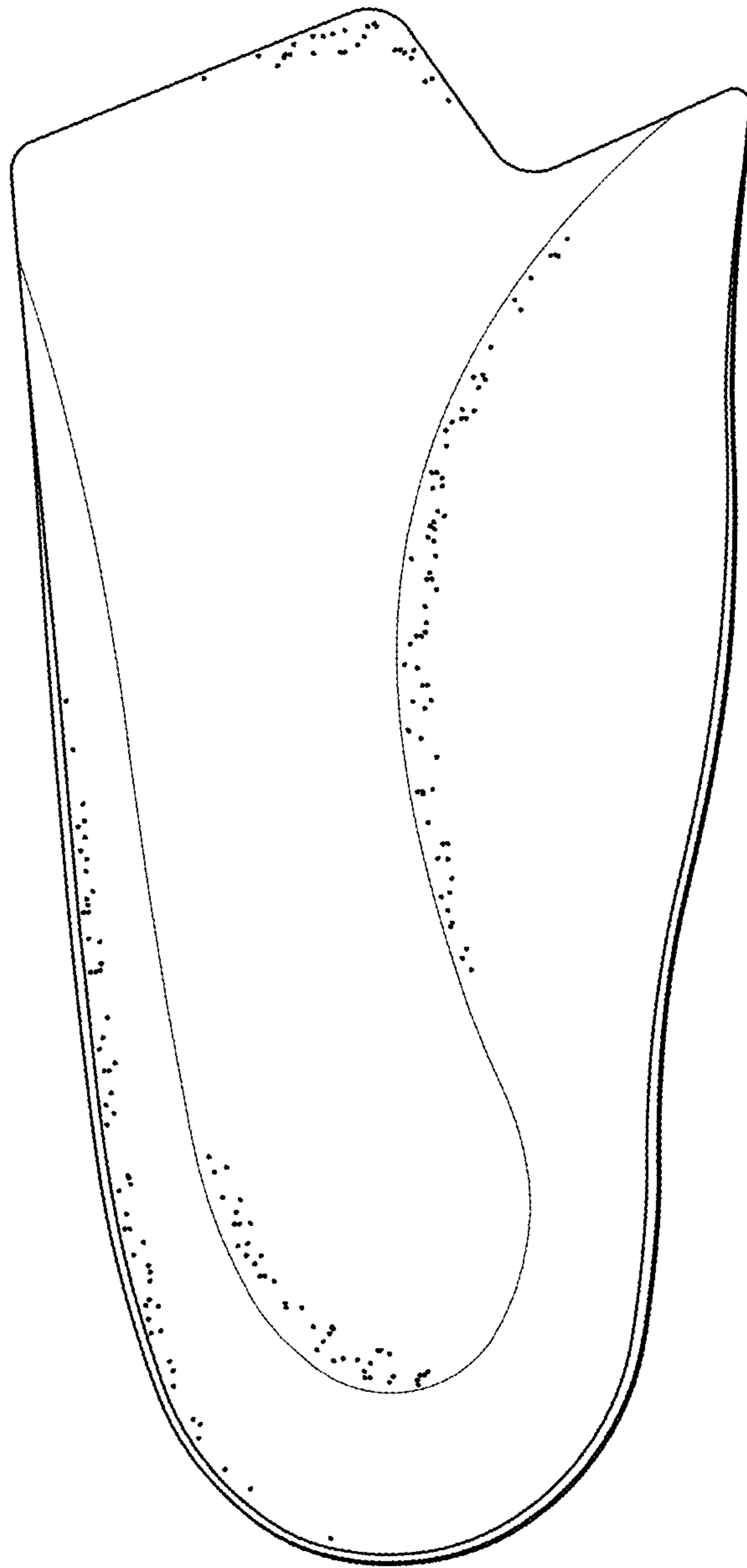


FIG. 10

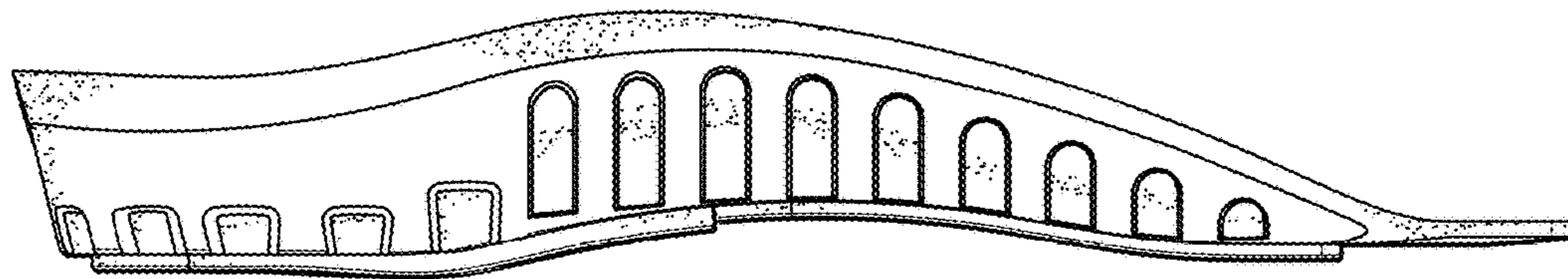


FIG. 11

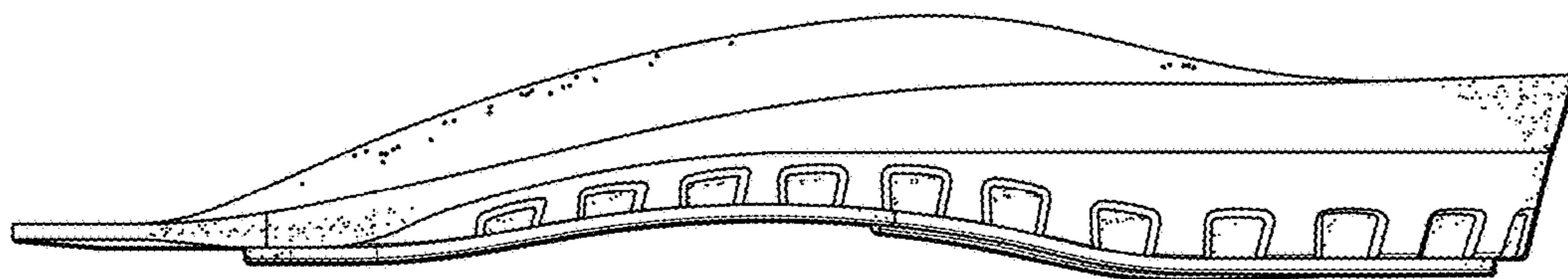


FIG. 12

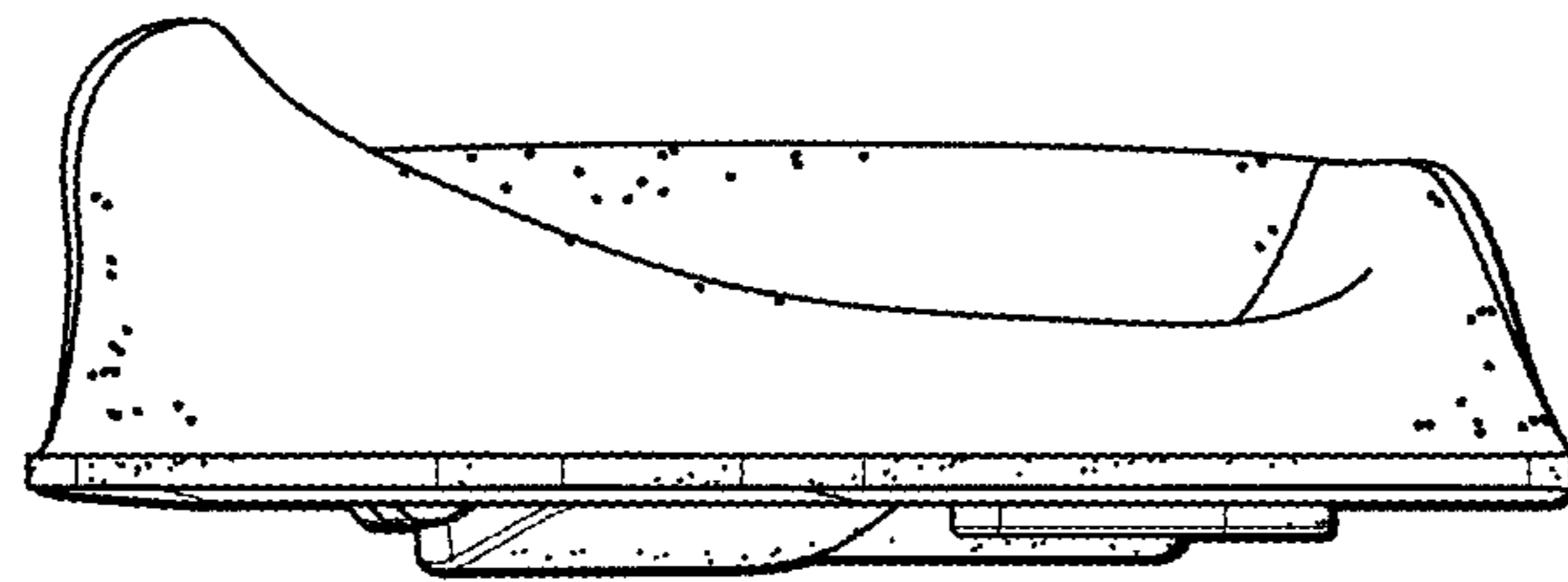


FIG. 13

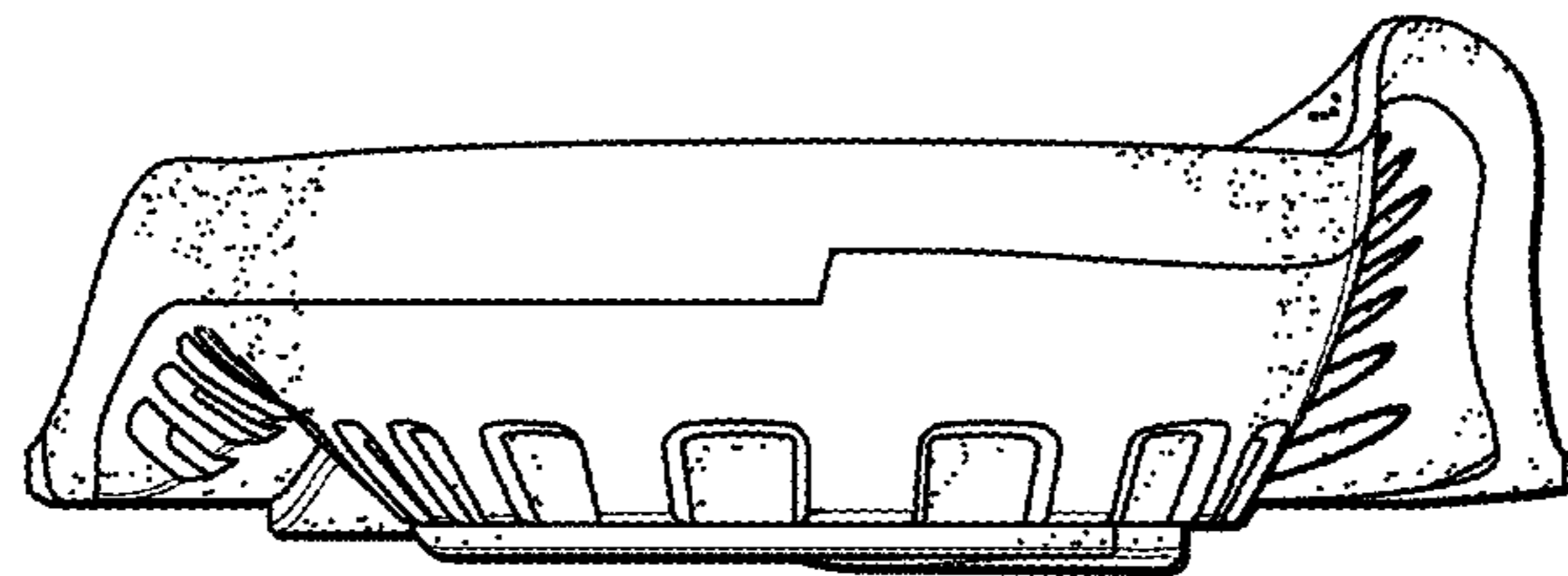


FIG. 14