



US00D799179S

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

(10) **Patent No.:** **US D799,179 S**

(45) **Date of Patent:** **\*\* Oct. 10, 2017**

(54) **SHOE MIDSOLE**

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

(72) Inventor: **Ashley Comeaux**, Beaverton, OR (US)

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

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

(21) Appl. No.: **29/574,315**

(22) Filed: **Aug. 14, 2016**

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

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

(58) **Field of Classification Search**  
USPC ..... D2/902, 906, 908, 916, 918, 925,  
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**

- 2,208,330 A \* 7/1940 Oakley ..... A43B 9/06  
36/104
- D255,957 S \* 7/1980 Pasquier ..... D2/953
- D261,446 S \* 10/1981 Schmohl ..... D2/907
- D262,159 S \* 12/1981 Bartneck ..... D2/951
- D278,383 S \* 4/1985 Michaeli ..... D2/955

- D279,044 S \* 6/1985 Norton ..... D2/953
- D291,944 S \* 9/1987 Tong ..... D2/955
- D309,669 S \* 8/1990 Arai ..... D2/955
- 5,060,401 A \* 10/1991 Whatley ..... A43B 13/18  
36/114
- D324,131 S \* 2/1992 Lucas ..... D2/977
- D325,667 S \* 4/1992 Smith, III ..... D2/953
- D326,952 S \* 6/1992 Smith, III ..... D2/977
- D343,045 S \* 1/1994 Bailey ..... D2/977
- D350,023 S \* 8/1994 Hatfield ..... D2/977
- D404,896 S \* 2/1999 Cooper ..... D2/947
- D418,282 S \* 1/2000 von Conta ..... D2/947
- D437,675 S \* 2/2001 Dahlsten ..... D2/902
- D511,617 S \* 11/2005 Matis ..... D2/947

(Continued)

**OTHER PUBLICATIONS**

Jordan Trainer 2 Flyknit, Nike.com, [online], [site visited Jul. 12, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/jordan-trainer-2-flyknit-mens-training-shoe/pid-11644557/pgid-11832913](https://store.nike.com/us/en_us/pd/jordan-trainer-2-flyknit-mens-training-shoe/pid-11644557/pgid-11832913)>.\*

(Continued)

*Primary Examiner* — T. Chase Nelson

*Assistant Examiner* — Jonathan J Han

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

(57) **CLAIM**

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

**DESCRIPTION**

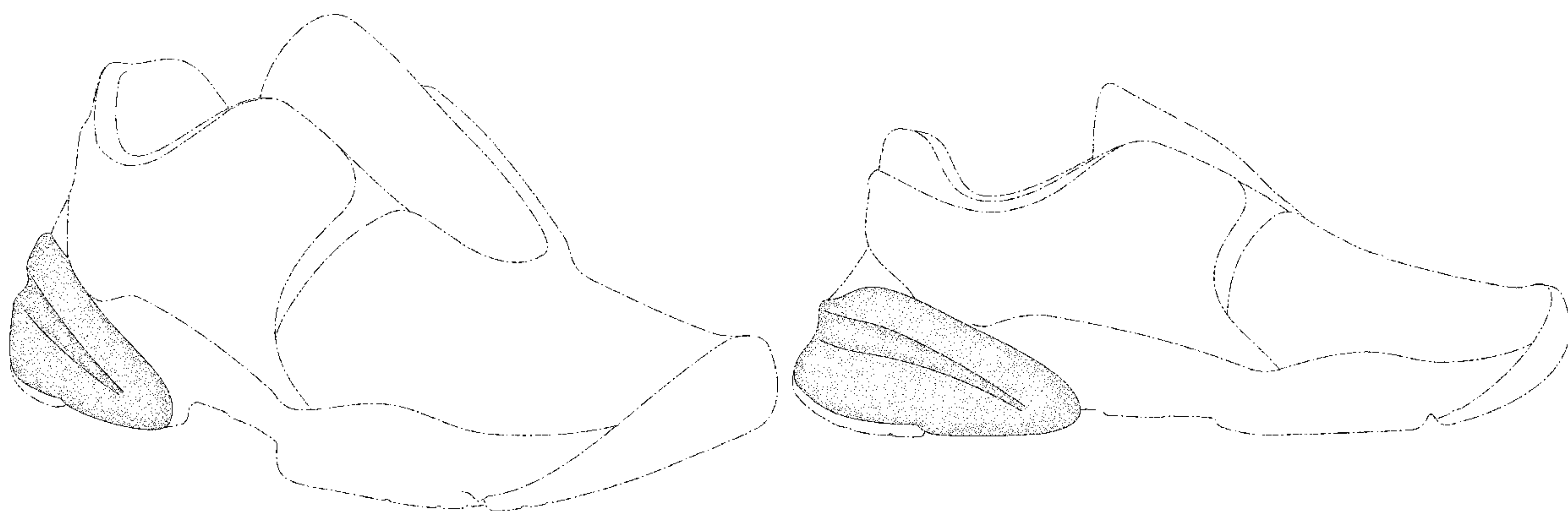
FIG. 1 is a front perspective view of a shoe midsole showing my new design;

FIG. 2 is a side view thereof; 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 broken lines showing the remainder of the shoe represent unclaimed subject matter and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



(56)

References Cited

U.S. PATENT DOCUMENTS

|          |   |   |         |               |       |        |
|----------|---|---|---------|---------------|-------|--------|
| D624,291 | S | * | 9/2010  | Henderson     | ..... | D2/946 |
| D644,418 | S | * | 9/2011  | Yi            | ..... | D2/946 |
| D682,516 | S | * | 5/2013  | Avar          | ..... | D2/947 |
| D689,675 | S | * | 9/2013  | Hardman       | ..... | D2/947 |
| D770,740 | S | * | 11/2016 | Teteriatnikov | ..... | D2/947 |
| D776,420 | S | * | 1/2017  | Petrie        | ..... | D2/977 |
| D778,553 | S | * | 2/2017  | DeAlmeida     | ..... | D2/947 |
| D778,568 | S | * | 2/2017  | Kinley        | ..... | D2/964 |
| D783,246 | S | * | 4/2017  | Chang         | ..... | D2/947 |
| D783,958 | S | * | 4/2017  | Petrenka      | ..... | D2/947 |
| D783,960 | S | * | 4/2017  | Hatfield      | ..... | D2/947 |
| D786,545 | S | * | 5/2017  | Link          | ..... | D2/947 |
| D789,052 | S | * | 6/2017  | Hardman       | ..... | D2/947 |

OTHER PUBLICATIONS

Nike Sock Dart Graphic N7, Nike.com, [online], [site visited Jul. 12, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/sock-dart-graphic-n7-mens-shoe/pid-11468077/pgid-11616474](https://store.nike.com/us/en_us/pd/sock-dart-graphic-n7-mens-shoe/pid-11468077/pgid-11616474)>.\*

Nike Hyperdunk Low Lux, Nike.com, [online], [site visited Jul. 12, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/hyperdunk-low-lux-mens-shoe/pid-11255972/pgid-12134366](https://store.nike.com/us/en_us/pd/hyperdunk-low-lux-mens-shoe/pid-11255972/pgid-12134366)>.\*

Nike Arrowz, Nike.com, [online], [site visited Jul. 12, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/arrowz-mens-shoe/pid-11390787/pgid-12084382](https://store.nike.com/us/en_us/pd/arrowz-mens-shoe/pid-11390787/pgid-12084382)>.\*

Nike Hyperdunk Low CRFT, Nike.com, [online], [site visited Jul. 12, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/hyperdunk-low-crft-mens-shoe/pid-11398647/pgid-12084387](https://store.nike.com/us/en_us/pd/hyperdunk-low-crft-mens-shoe/pid-11398647/pgid-12084387)>.\*

The Battle for the Best Slip-On Summer Sneaker Continues With the Nike Juvenate, [online], [retrieved Mar. 16, 2017], retrieved from Internet <URL: <http://sneakernews.com/2015/05/20/the-battle-for-the-best-slip-on-summer-sneaker-continues-with-the-nike-juvenate/>>; 7 color pages, Dated May 20, 2015.

King James Shoots For His Third NBA Championship With The Nike LeBron 13 Elite, [online], [retrieved Mar. 16, 2017], retrieved from Internet <URL: <http://sneakernews.com/2016/03/15/lebron-13-elite-release-details/>>; 13 color pages, Dated Mar. 15, 2016.

Nike Zoom Hyperrev, [online], [retrieved Mar. 17, 2017], publish date unknown but at least as early as Aug. 14, 2016.

\* cited by examiner

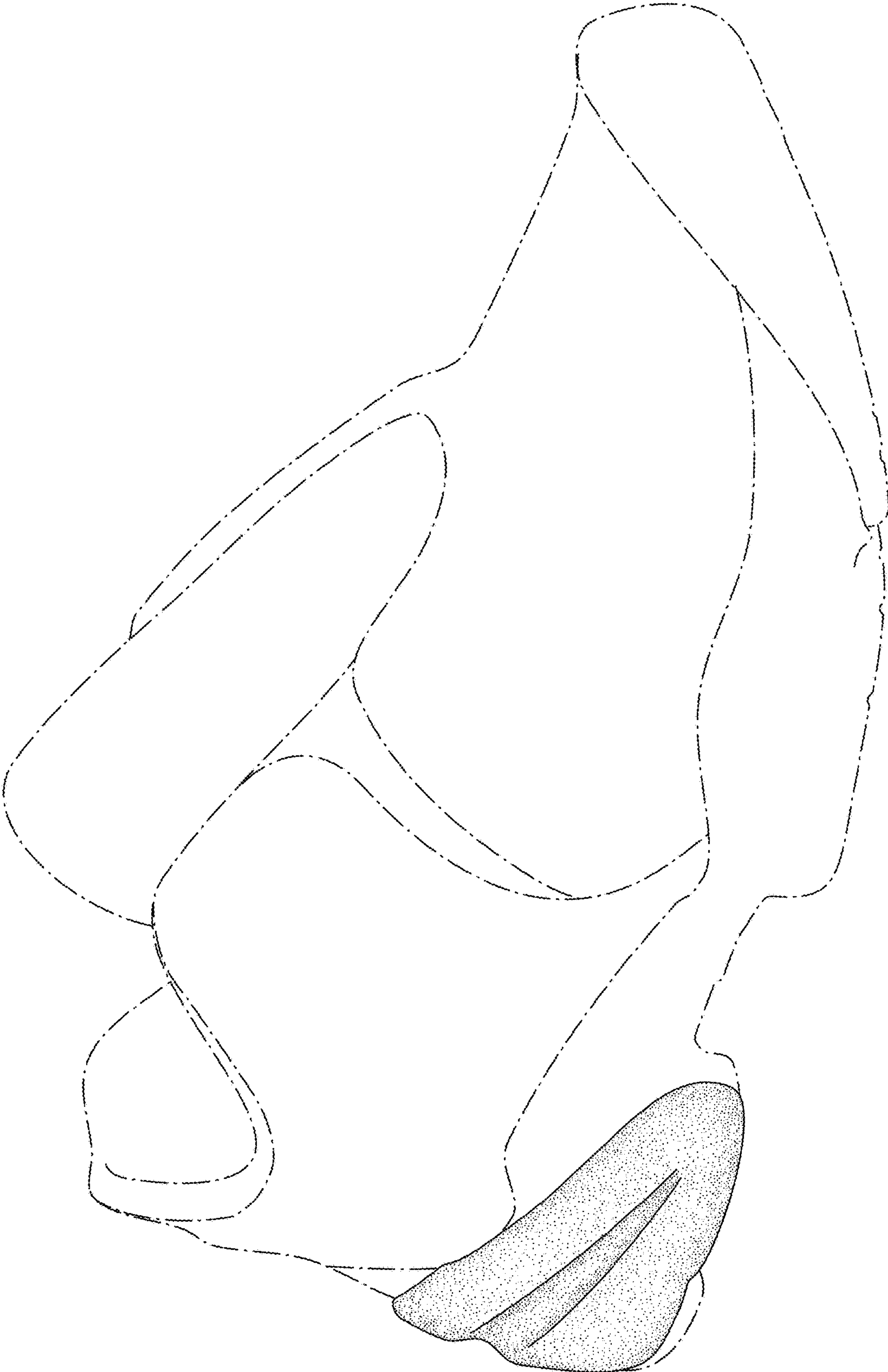


FIG. 1

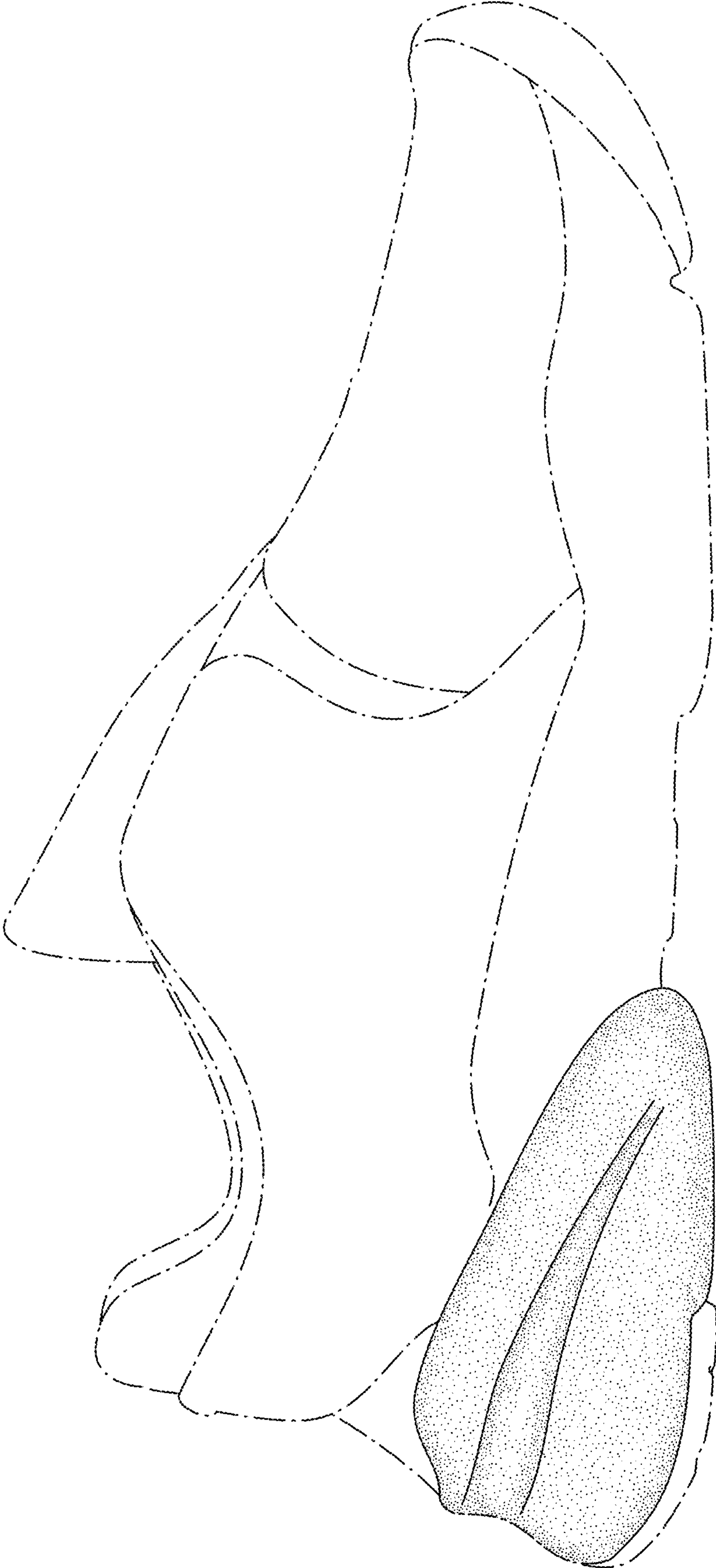


FIG. 2



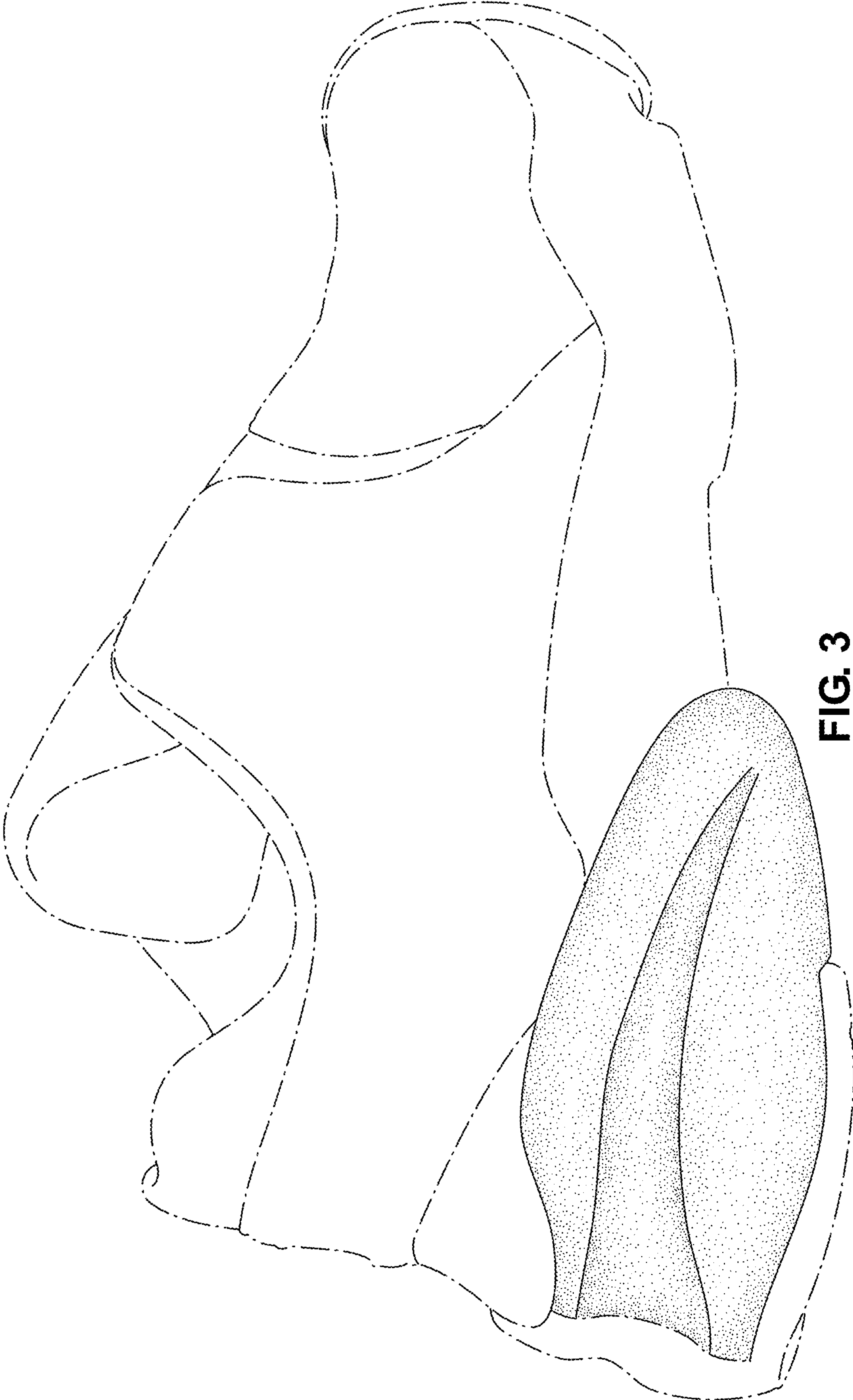


FIG. 3