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

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(54) **SHOE MIDSOLE**

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36/67 A, 101-107, 114-116, 117.3, 117.4,  
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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  
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See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D397,848 S	9/1998	Avar	
D495,128 S *	8/2004	Avar	D2/977
D511,617 S *	11/2005	Matis	D2/947
D619,793 S *	7/2010	Raysse	D2/946
D636,566 S *	4/2011	Frantz	D2/946
D643,189 S *	8/2011	Teteriatnikov	D2/946

D643,602 S *	8/2011	Teteriatnikov	D2/946
D643,603 S *	8/2011	Teteriatnikov	D2/946
D644,418 S *	9/2011	Yi	D2/946
D666,795 S *	9/2012	Shaffer	D2/947
D672,123 S *	12/2012	Williams, Jr.	D2/947
D680,308 S *	4/2013	Hardman	D2/947
D689,675 S *	9/2013	Hardman	D2/947
D690,088 S *	9/2013	Hardman	D2/947
D694,499 S *	12/2013	Williams, Jr.	D2/947
D710,579 S *	8/2014	Williams, Jr.	D2/947
D711,081 S *	8/2014	Miner	D2/947
D717,029 S *	11/2014	Young	D2/947
D723,772 S *	3/2015	Miner	D2/947
D723,778 S *	3/2015	Miner	D2/947

(Continued)

**OTHER PUBLICATIONS**

Nike Air Zoom Pegasus 34, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/air-zoom-pegasus-34-mens-running-shoe/pid-11382129/pgid-11619090](https://store.nike.com/us/en_us/pd/air-zoom-pegasus-34-mens-running-shoe/pid-11382129/pgid-11619090)>.\*

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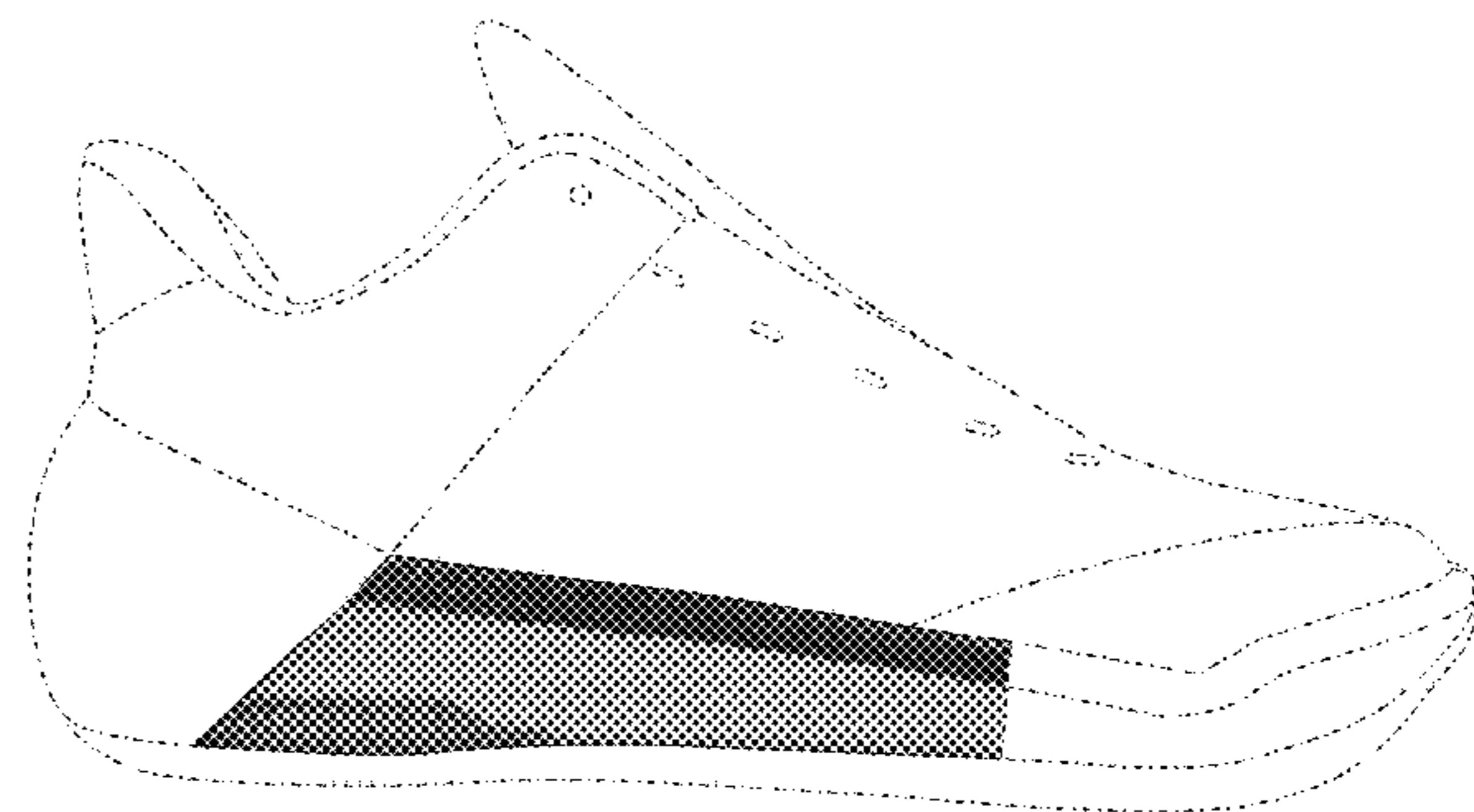
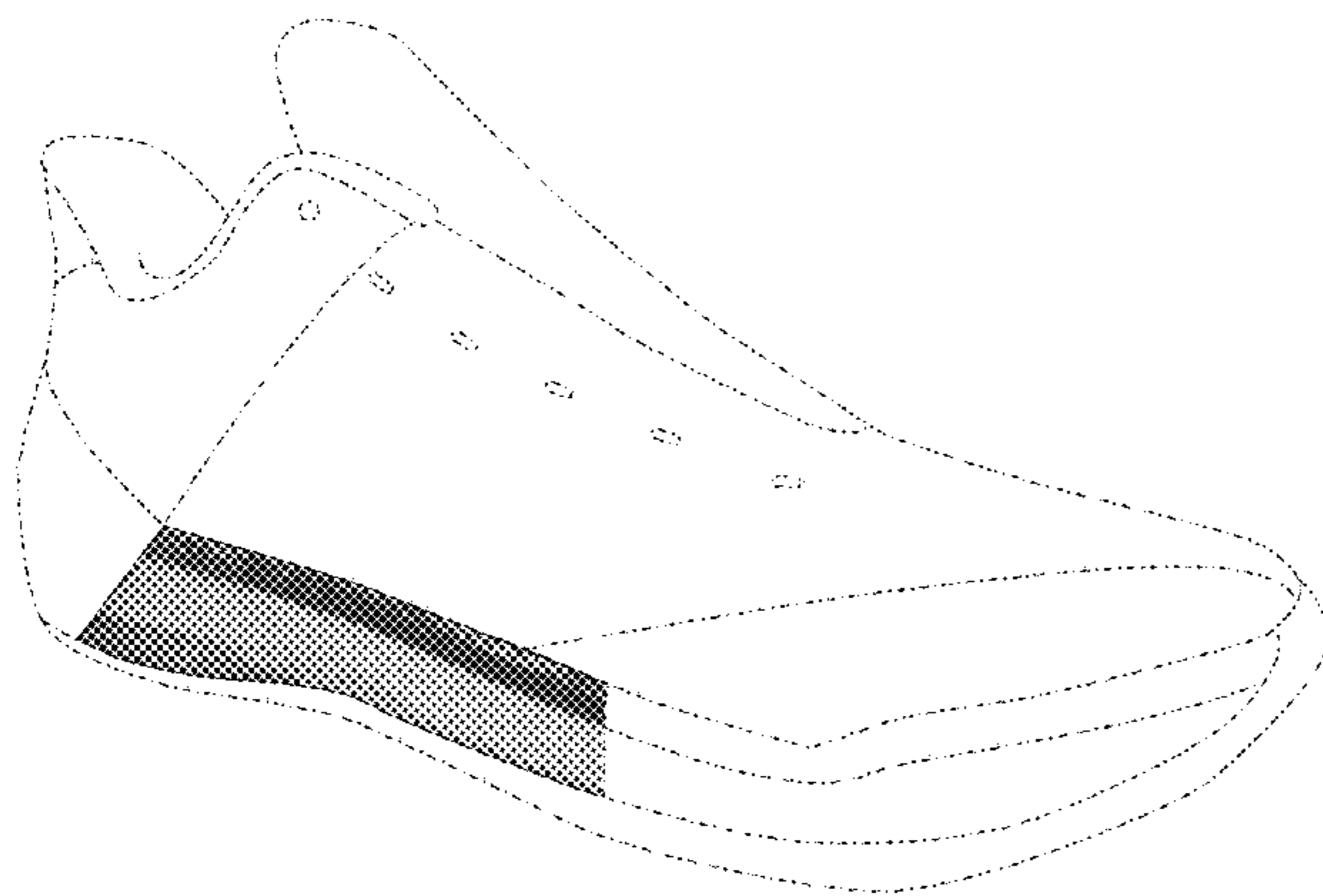
(57) **CLAIM**

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



(56)

**References Cited**

## U.S. PATENT DOCUMENTS

D725,359 S *	3/2015	Miner .....	D2/947
D747,600 S *	1/2016	Greenhalgh .....	D2/977
D748,899 S *	2/2016	Bartel .....	D2/908
D748,900 S *	2/2016	Weeks .....	D2/947
D757,419 S *	5/2016	Spring .....	D2/977
D758,706 S *	6/2016	Grosko .....	D2/907
D765,361 S *	9/2016	Johnsongriffin .....	D2/947
D770,740 S *	11/2016	Teteriatnikov .....	D2/947
D776,419 S *	1/2017	VanHook .....	D2/947
D788,416 S *	6/2017	Chang .....	D2/947
D789,051 S *	6/2017	Kuerbis .....	D2/947
D789,663 S *	6/2017	Seamarks .....	D2/947

## OTHER PUBLICATIONS

Nike Flyknit Racer, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/flyknit-racer-unisex-running-shoe/pid-11390975/pgid-11410871](https://store.nike.com/us/en_us/pd/flyknit-racer-unisex-running-shoe/pid-11390975/pgid-11410871)>.\*

Nike Air Zoom Structure 20, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/air-zoom-structure-20-mens-running-shoe/pid-11156984/pgid-11286342](https://store.nike.com/us/en_us/pd/air-zoom-structure-20-mens-running-shoe/pid-11156984/pgid-11286342)>.\*

Air Jordan XXXI Low Q54, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/air-jordan-xxxi-low-q54-mens-basketball-shoe/pid-11852384/pgid-12143278](https://store.nike.com/us/en_us/pd/air-jordan-xxxi-low-q54-mens-basketball-shoe/pid-11852384/pgid-12143278)>.\*

Nike Zoom Streak 6 HK, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/zoom-streak-6-hk-unisex-racing-shoe/pid-11315742/pgid-12134421](https://store.nike.com/us/en_us/pd/zoom-streak-6-hk-unisex-racing-shoe/pid-11315742/pgid-12134421)>.\*

Nike Lunar Vapor Ultrafly Elite, Nike.com, [online], [site visited Jul. 17, 2017]. <URL: [https://store.nike.com/us/en\\_us/pd/lunar-vapor-ultrafly-elite-mens-baseball-cleat/pid-11258433/pgid-12178204](https://store.nike.com/us/en_us/pd/lunar-vapor-ultrafly-elite-mens-baseball-cleat/pid-11258433/pgid-12178204)>.\*

Nike Zoom Kobe 1 “Houston All-Star Game” Sample—Available on eBay [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://sneakernews.com/2014/10/22/nike-zoom-kobe-1-houston-star-game-sample-available-ebay/>>; 9 color pages, Dated Oct. 22, 2014.

Nike Zoom Kobe 2 Retro [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.G0m/nike-Kobe-2-retro/>>; 2 color pages, Dated Nov. 18, 2013.

Nike Zoom Kobe 3—“MPLS” Colorway—Now Available [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://sneakernews.com/2008/02/03/nike-zoom-kobe-3-mlps-colorway-now-available/>>; 5 color pages, Dated Feb. 3, 2008.

Nike Zoom Kobe 4 ‘3-D Lakers’ New Images [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-zoom-kobe-4-3-d-lakers-new-images/>>; 2 color pages, Dated Oct. 28, 2011.

Sneaker Grails: The Chase for the Nike Zoom Kobe 5 Big Stage [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/sneaker-grails-nike-zoom-kobe-5-big-stage/>>; 4 color pages, Dated Nov. 30, 2015.

Nike Zoom Kobe VI White/Purple-Yellow [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-zoom-kobe-vi-whitepurple-yellow-2/>>; 1 color page, Dated Sep. 6, 2011.

Nike Kobe 7 ‘All Star Game’ New Images [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-kobe-7-all-star-game-new-images/>>; 2 color pages, Dated Feb. 9, 2012.

Nike Kobe 8 “Python” (Release Info) [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-kobe-8-python-release-info/>>; 1 color page, Dated Jan. 24, 2013.

Nike Kobe 9 EM “CH” [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-kobe-9-em-ch/>>; 1 color page, Dated Jul. 10, 2014.

Nike Kobe 10 “Blue Lagoon” (New Images) [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-kobe-10-blue-lagoon-new-images/>>; 1 color page, Dated Jan. 28, 2015.

Introducing the Nike Kobe 11 [online], [retrieved Jan. 20, 2017], retrieved from Internet <URL: <http://www.kicksonfire.com/nike-kobe-11-achilles/>>; 2 color pages, Dated Dec. 14, 2015.

\* cited by examiner

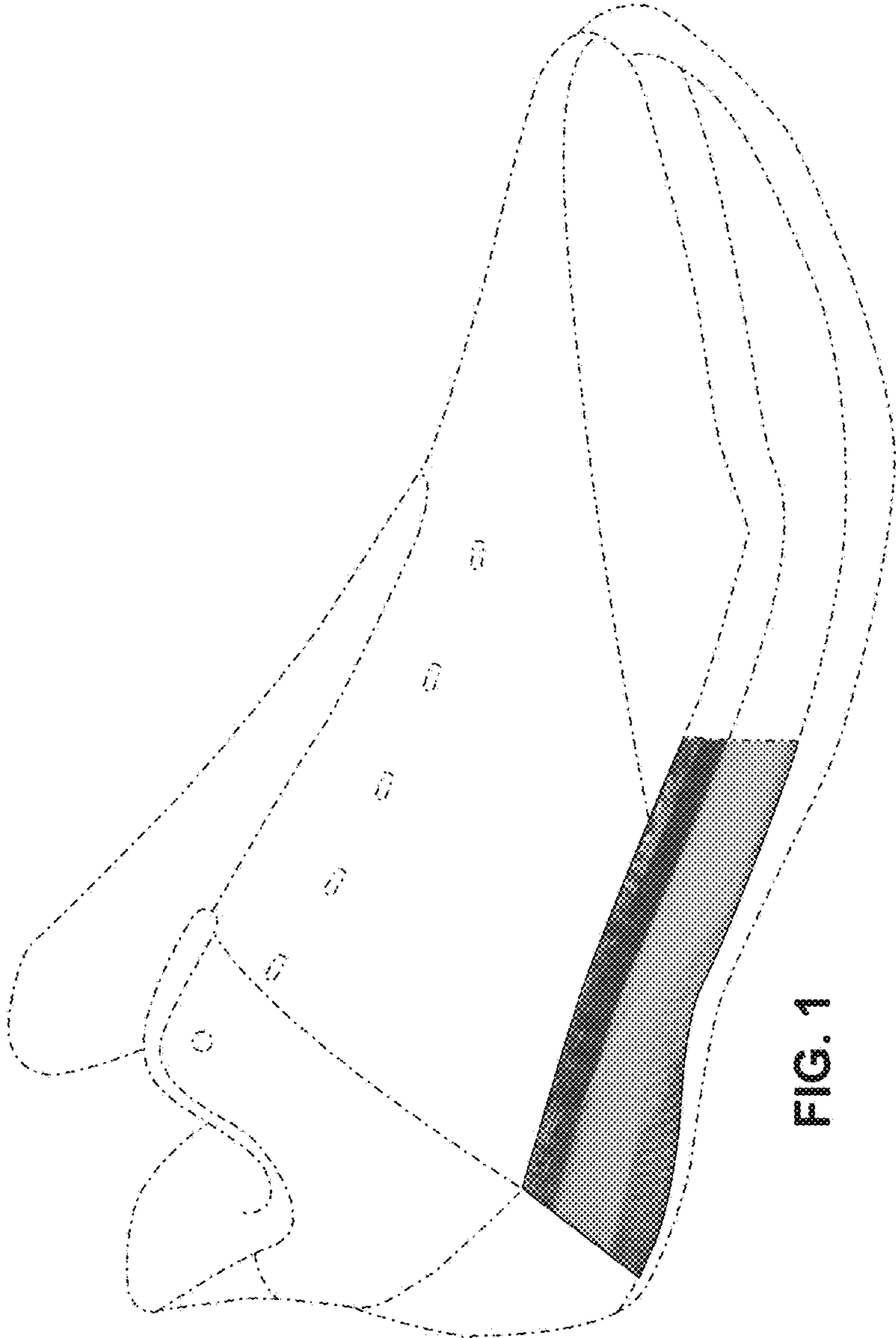


FIG. 1

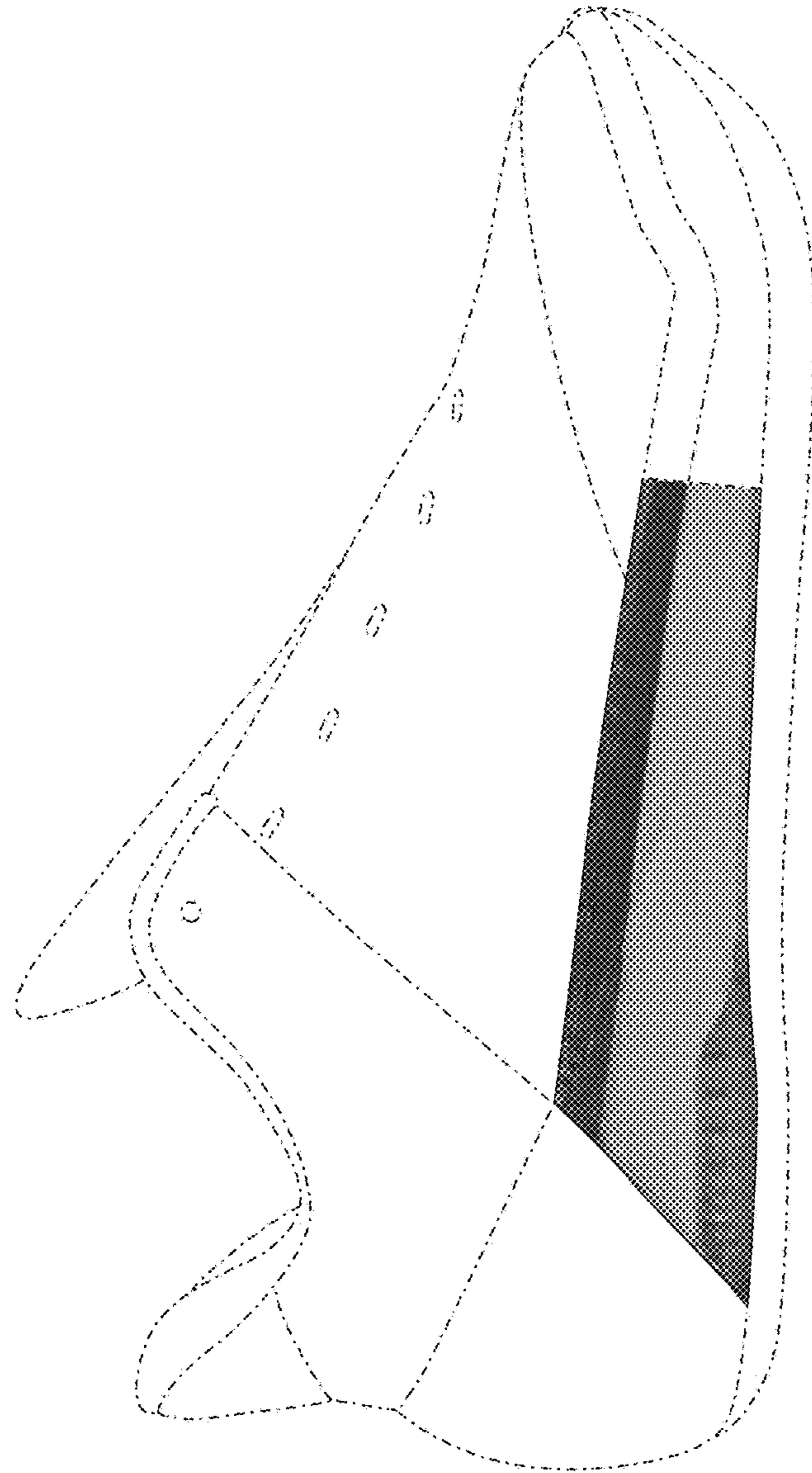


FIG. 2

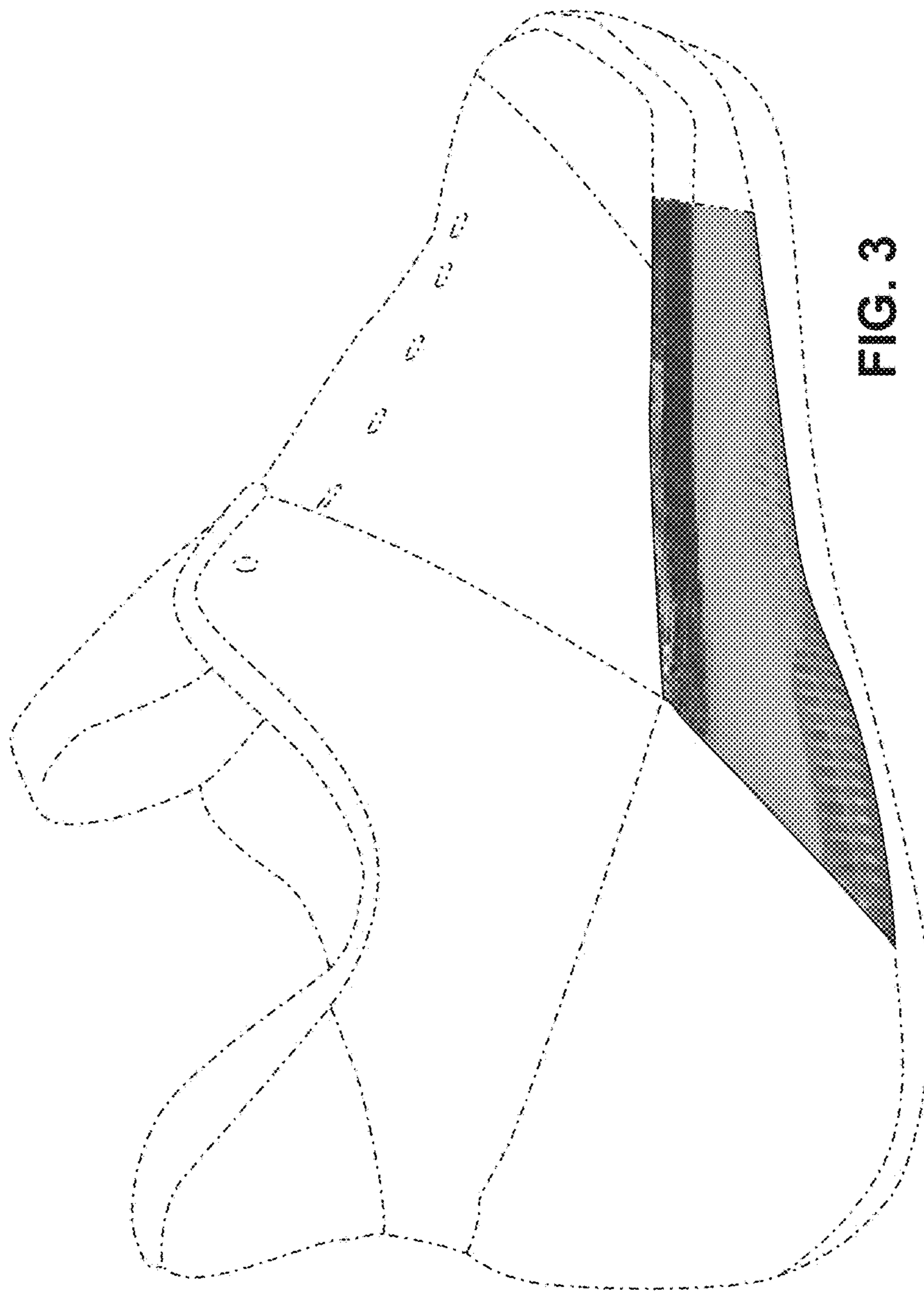


FIG. 3