



US00D814752S

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

(10) **Patent No.:** **US D814,752 S**
(45) **Date of Patent:** **** Apr. 10, 2018**

(54) **SHOE MIDSOLE WITH TRANSLUCENT RAINBOW COLOR APPEARANCE**

- (71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)
- (72) Inventor: **Shawn Ormsby**, Portland, OR (US)
- (73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
- (**) Term: **15 Years**

(21) Appl. No.: **29/610,905**

(22) Filed: **Jul. 17, 2017**

(51) **LOC (11) Cl.** **02-04**

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

(58) **Field of Classification Search**

USPC D2/902, 906, 916, 918, 925,
D2/946-962, 977; D12/544; 36/1, 1.5,
36/3 B, 22 R, 24.5, 25 R, 28, 32 R, 34 R,
36/59 C, 67 A, 101-107, 114-116, 117.3,
36/117.4, 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

D237,424 S	11/1975	Hannemann
D238,017 S	12/1975	Cohen
D238,216 S	12/1975	Cohen
D249,748 S	10/1978	Kitamura

(Continued)

OTHER PUBLICATIONS

Nike Unveils 2017 'Be True' Sneakers for LGBTQ Community, SoleCollector.com, by Brendan Dunne, May 26, 2017, [online], [site visited Jan. 26, 2018]. <URL: https://solecollector.com/news/2017/05/nike-be-true-2017-sneakers-lgbtq> (Year: 2017).*

(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 with translucent rainbow color appearance, as shown and described.

DESCRIPTION

The patent of application file contains at least one drawing executed in color. Copies of this patent publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

FIG. 1 is a side view of a shoe midsole with translucent color rainbow appearance showing my new design;

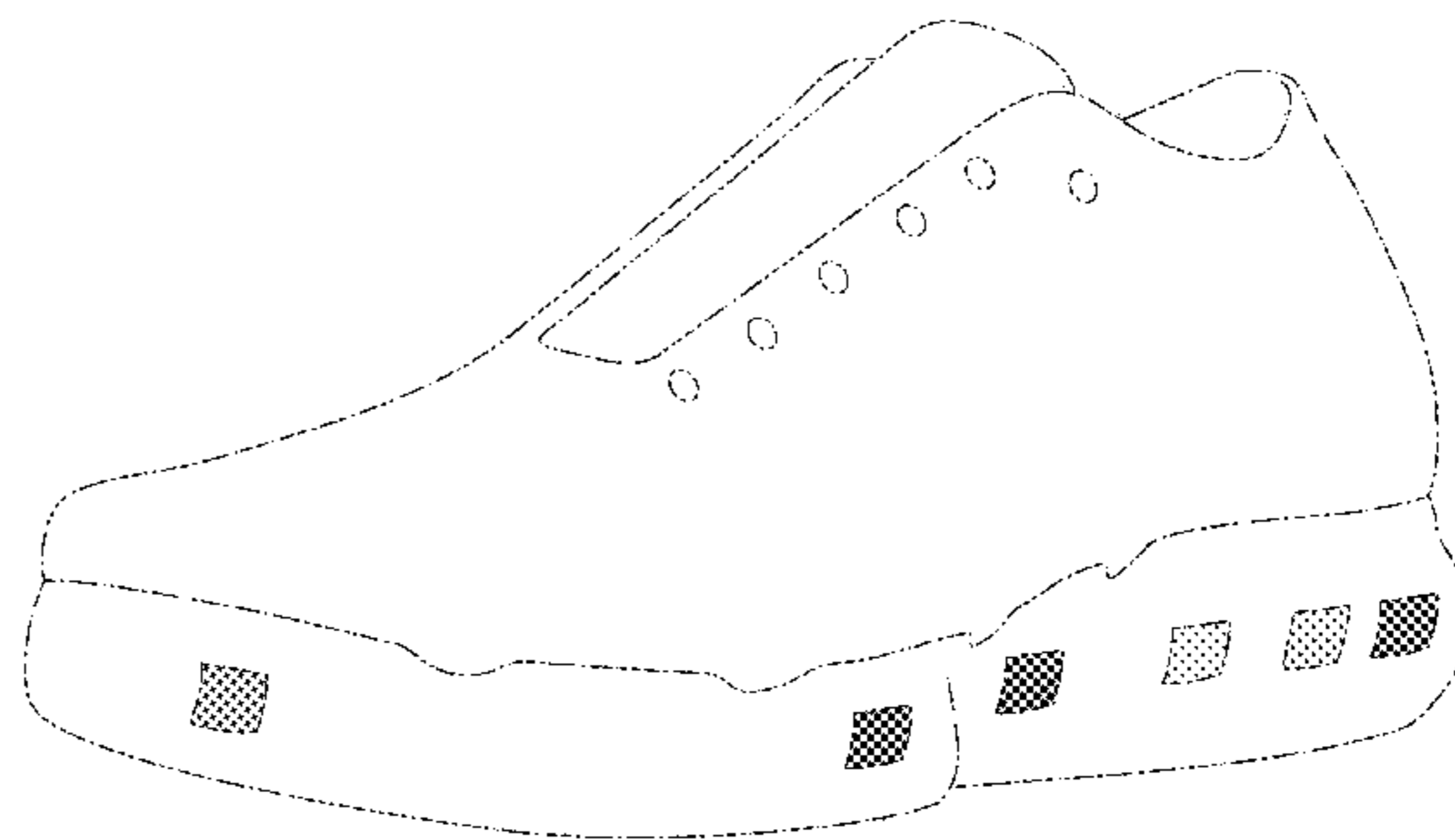
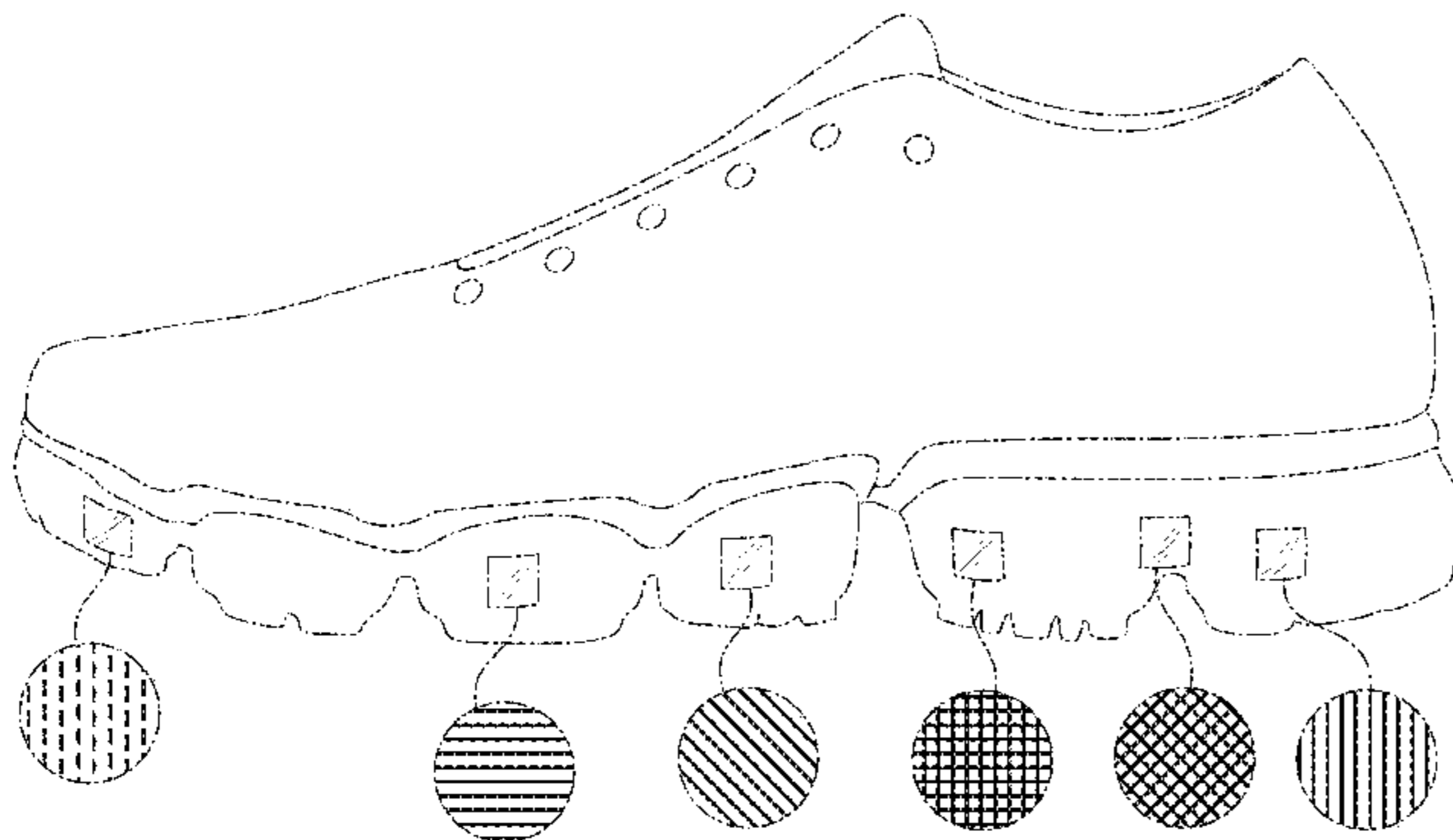
FIG. 2 is a front perspective view thereof;

FIG. 3 is a side view of the shoe midsole of FIGS. 1-2 showing the design in a color representation; and,

FIG. 4 is a front perspective view thereof.

The broken lines immediately surrounding each of the areas with shading representing translucency define the bounds of the claimed design and form no part thereof. From the rear to the front of the shoe, the color symbols represent the colors on the respective translucent panels as follows: red, orange, yellow, green, blue, and violet, as shown in FIGS. 3 and 4. 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
(2 of 4 Drawing Sheet(s) Filed in Color)



(56)

References Cited

U.S. PATENT DOCUMENTS

D310,906 S	10/1990	Hase	
5,461,800 A *	10/1995	Luthi	A43B 13/181 36/114
D376,902 S *	12/1996	Avar	D2/977
D472,043 S	3/2003	Kuerbis	
D485,672 S	1/2004	Holmes	
D499,878 S	12/2004	Rask	
D528,776 S	9/2006	Hui	
D547,033 S	7/2007	Canavan	
7,430,817 B2 *	10/2008	Abadjian	A43B 5/00 36/102
D626,731 S *	11/2010	Yi	D2/946
D655,487 S *	3/2012	Blakeslee	D2/946
8,225,530 B2 *	7/2012	Sokolowski	A43B 3/0031 12/142 G
D669,254 S *	10/2012	Vestuti	D2/947
D677,868 S *	3/2013	Kue	D2/951
D683,937 S *	6/2013	Raysse	D2/947
D686,401 S *	7/2013	Portzline	D2/951
D686,402 S *	7/2013	Portzline	D2/951
D689,275 S *	9/2013	Mahoney	D2/947
D696,501 S	12/2013	Miner	
D696,503 S *	12/2013	Miner	D2/947
D699,420 S *	2/2014	Teteriatnikov	D2/947
D714,532 S	10/2014	Miner	
D714,533 S *	10/2014	Seo	D2/947
D721,474 S	1/2015	Miner	
D722,220 S	2/2015	Miner	
D725,357 S	3/2015	Miner	
D733,411 S *	7/2015	Lonigan	D2/947
D733,412 S *	7/2015	Lonigan	D2/947
D737,032 S *	8/2015	Bizzo	D2/951
D756,085 S	5/2016	Spring	
D759,359 S *	6/2016	Dombrow	D2/951
D764,786 S *	8/2016	Nascimento	D2/977
D767,263 S *	9/2016	Reiser	D2/947
D774,287 S *	12/2016	Taestensen	D2/908
D782,789 S	4/2017	O'Connor	
D783,972 S	4/2017	O'Connor	
D787,168 S	5/2017	O'Connor	
D789,044 S *	6/2017	Taestensen	D2/908
9,687,044 B2 *	6/2017	Schindler	A43B 13/223
D792,068 S *	7/2017	Lee	D2/947
9,717,304 B2 *	8/2017	Bernhard	A43B 13/125
D797,412 S *	9/2017	Taestensen	D2/902
2008/0229617 A1 *	9/2008	Johnson	A43B 3/0057 36/102
2009/0013558 A1 *	1/2009	Hazenberg	A43B 1/0009 36/88
2012/0073160 A1 *	3/2012	Marvin	A43B 13/186 36/28
2014/0013624 A1 *	1/2014	Stockbridge	A43B 13/00 36/103
2014/0033574 A1 *	2/2014	Wan	A63B 21/00061 36/103
2015/0033577 A1 *	2/2015	Dahl	A43B 13/181 36/28
2017/0273402 A1 *	9/2017	Dupre	A43B 13/223

OTHER PUBLICATIONS

Nike is Dropping a "Be True" Air VaporMax to Celebrate Pride Month, Highsnobiety.com, by Lia McGarrigle, May 26, 2017, [online], [site visited Jan. 26, 2018]. <URL: <https://www.highsnobiety.com/2017/05/26/nike-vapormax-be-true-release/>> (Year: 2017).*

Nike Air VaporMax "Be True" Features Rainbow Sole, NiceKicks.com, May 11, 2017, Darren Griffin, [online], [site visited Jan. 26, 2018]. <URL: <http://www.nicekicks.com/nike-air-vapormax-true-features-rainbow-sole/>> (Year: 2017).*

Nike Vapormax for Comme Des Garcon [online], [retrieved Sep. 6, 2017], Retrieved from Nikenews.com [Internet] <URL: <https://news.nike.com/news/nike-vapormax-for-comme-des-garcons>>; 5 color sheets, Dated Oct. 5, 2016.

Nike Footwear Catalog, 2014 Fall City Specialty Footwear Best Final, p. 165, published Nov. 1, 2013, NIKE, Inc., USA.

Nike Footwear Catalog, 2015 Spring Women's Performance Footwear, p. 6, published May 14, 2014, NIKE, Inc., USA.

Nike KD 10 Be True Hits the WNBA Hardwood [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/06/12/nike-kd-10-true-hits-wnba-hardwood/>>; 4 color sheets, Dated Jun. 12, 2017.

The 2017 Converse LGBT Pride Shoes Collection [online], [retrieved Nov. 17, 2017], Retrieved from Soleracks.com [Internet] <URL: <http://www.soleracks.com/converse-lgbt-pride-shoes-collection>>; 13 color sheets, Date unknown but prior to Jul. 17, 2017.

Nike Lunar Pegasus NSW Rainbow Sole [online], [retrieved Nov. 17, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2015/02/16/air-jordan-1-retro-high-gg-rainbow-sole/>>; 5 color sheets, Dated Nov. 22, 2014.

Nike WMNA Dunk High Skinny Rainbow Pack Detailed Images [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2010/11/02/nike-wmns-dunk-high-skinny-rainbow-pack-detailed-images/>>; 3 color sheets, Dated Nov. 2, 2010.

New Balance 574 Rainbow Pack [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2013/05/29/new-balance-574-rainbow-pack>>; 5 color sheets, Dated May 29, 2013.

New Balance 760 Night Race Rainbow Pack [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2010/08/28/new-balance-760-night-race-rainbow-pack>>; 7 color sheets, Dated Aug. 28, 2010.

New Balance 890V3 Tie-Dye [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2013/04/16/new-balance-890v3-tie-dye>>; 3 color sheets, Dated Apr. 16, 2013.

There Was Actually a Campout for the Nike LIL Posite Rainbow [online], [retrieved 11/17/0017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2015/02/25/actually-campout-nike-lil-posite-rainbow>>; 5 color sheets, Dated Feb. 25, 2015.

Air Jordan 1 Retro High GG Rainbow Sole [online], [retrieved Nov. 17, 2017], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2015/02/16/air-jordan-1-retro-high-gg-rainbow-sole>>; 5 color sheets, Dated Feb. 16, 2015.

* cited by examiner

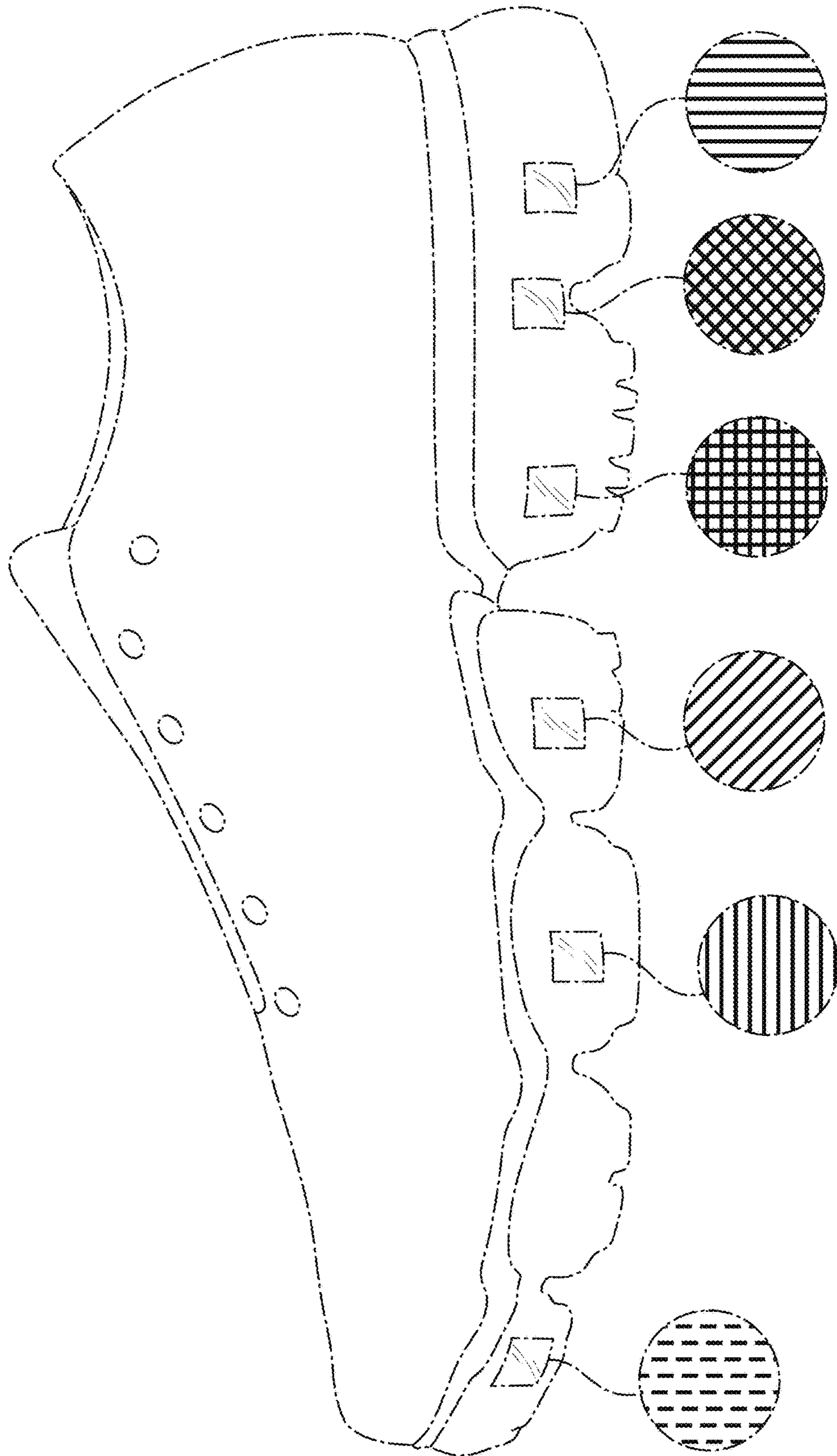


FIG. 1

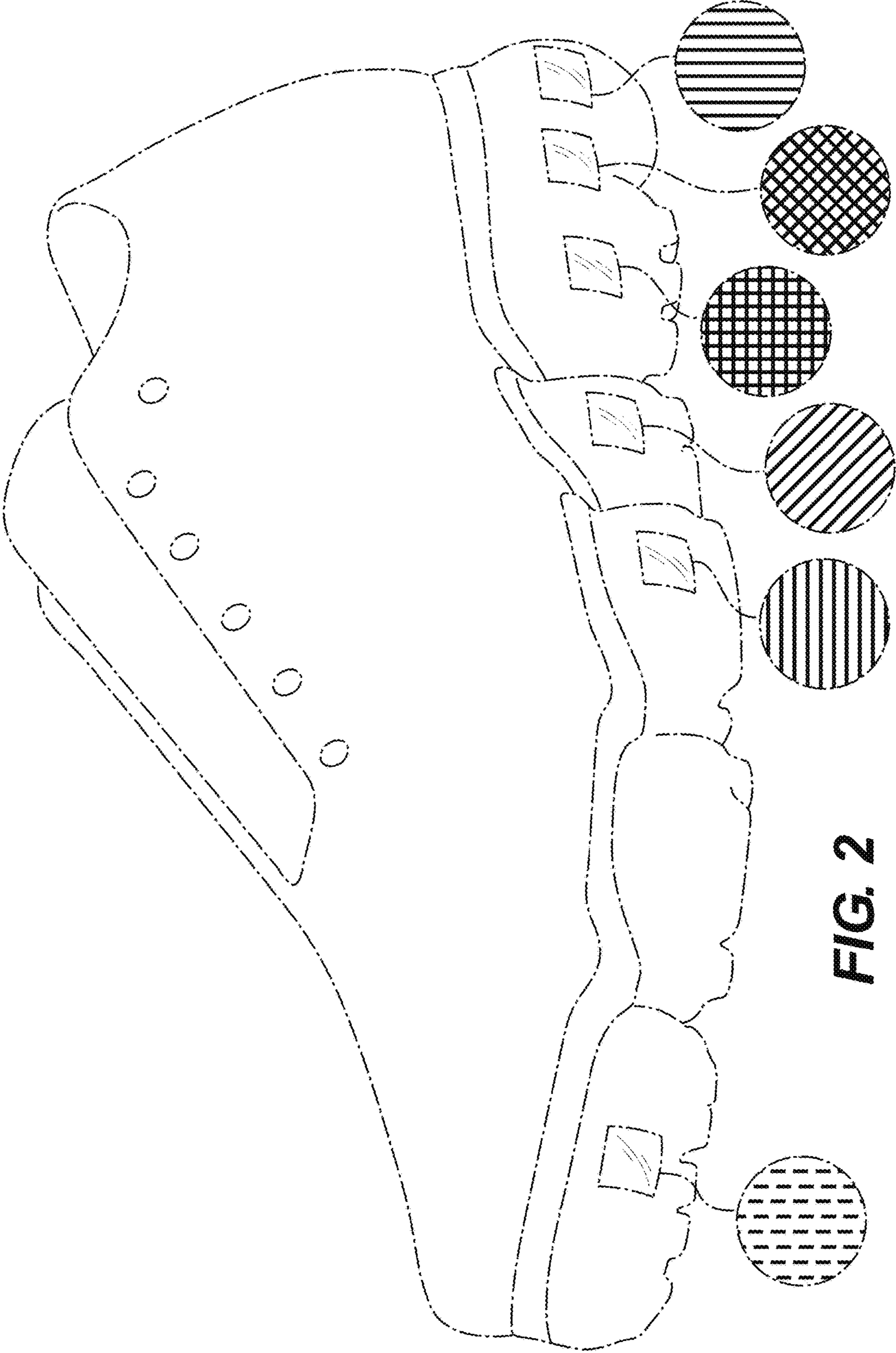


FIG. 2

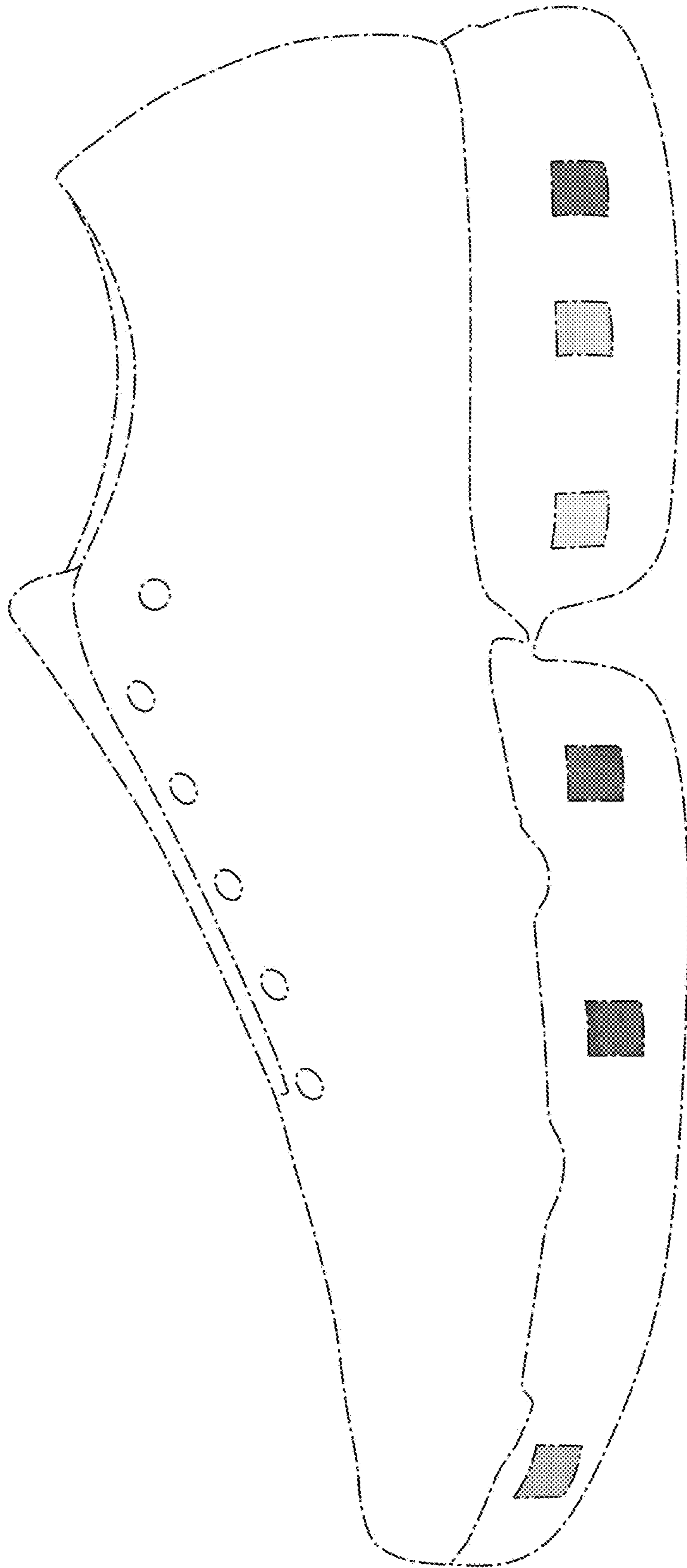


FIG. 3

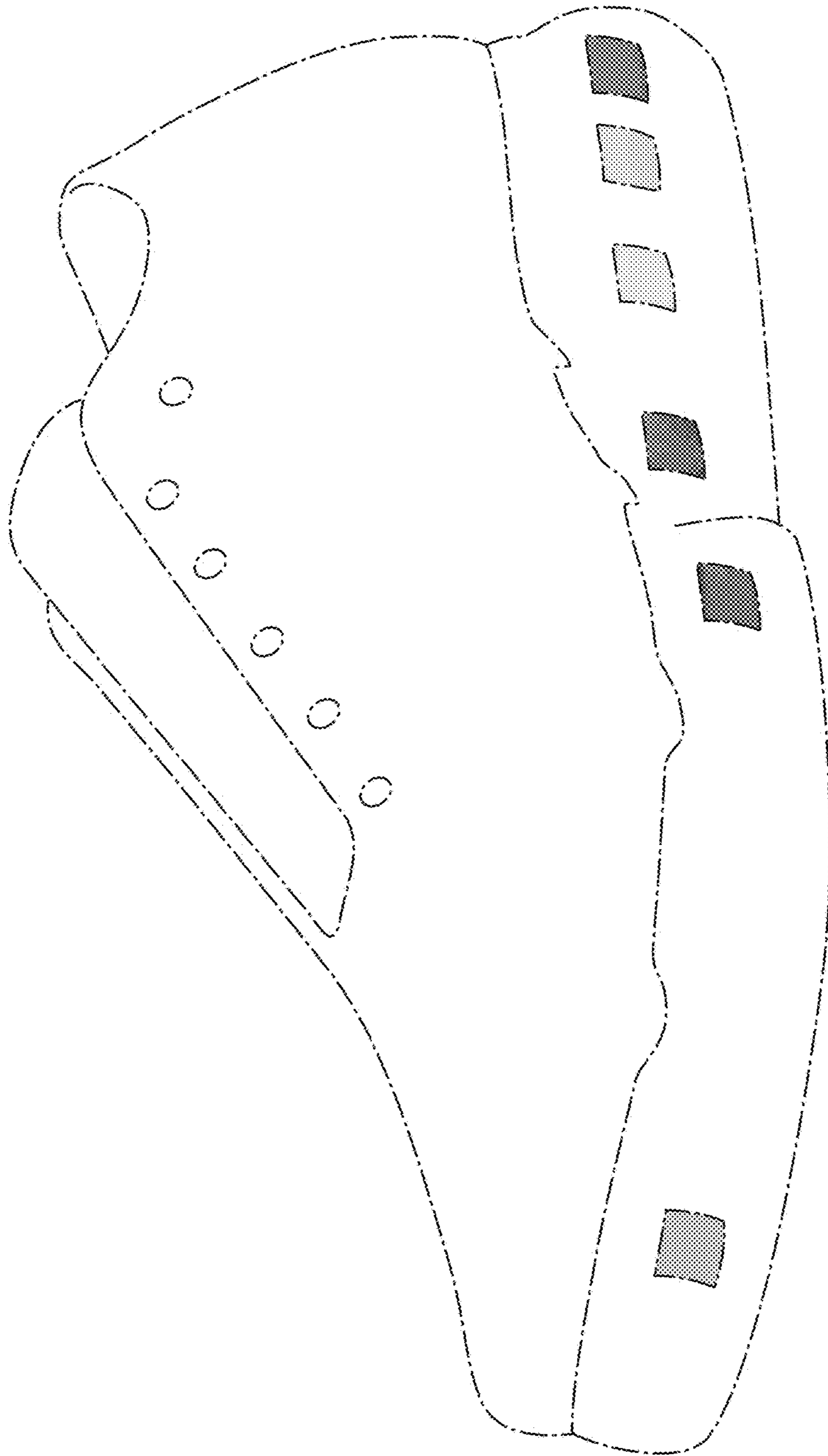


FIG. 4