



US00D821712S

(12) **United States Design Patent** (10) **Patent No.:** **US D821,712 S**
Avar et al. (45) **Date of Patent:** **** Jul. 3, 2018**

(54) **SHOE MIDSOLE**
(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)
(72) Inventors: **Eric P. Avar**, Lake Oswego, OR (US); **Ross Klein**, Portland, OR (US); **Bryant Klug**, Beaverton, OR (US); **Timothy K. Liles**, Portland, OR (US)
(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
(**) Term: **15 Years**

D330,798 S * 11/1992 Hatfield D2/977
D330,799 S 11/1992 Hatfield
D330,970 S * 11/1992 Hatfield D2/977
D332,344 S * 1/1993 Hatfield D2/977
D332,861 S 2/1993 Worthington
D333,034 S * 2/1993 McDonald D2/953
D333,551 S * 3/1993 Bailey D2/977
D333,720 S * 3/1993 Hatfield D2/977
D335,761 S 5/1993 Smith
D336,561 S 6/1993 Hatfield
D341,700 S * 11/1993 Avar D2/977
D341,932 S * 12/1993 Elliot D2/977
D343,044 S * 1/1994 Kilgore D2/977
D343,045 S 1/1994 Bailey

(Continued)

(21) Appl. No.: **29/623,025**
(22) Filed: **Oct. 20, 2017**
(51) **LOC (11) Cl.** **02-04**
(52) **U.S. Cl.**
USPC **D2/947**; D2/953
(58) **Field of Classification Search**
USPC D2/902, 906, 908, 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
D327,165 S * 6/1992 Hatfield D2/953
D327,362 S * 6/1992 Hatfield D2/977

OTHER PUBLICATIONS

Nike Air Huarache, Nike.com, [online], [site visited Jan. 31, 2018].
<URL: <https://www.nike.com/t/air-huarache-mens-shoe-eoToq9X2/318429-050>> (Year: 2018).*

(Continued)

Primary Examiner — T. Chase Nelson
Assistant Examiner — Jonathan J. Han
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

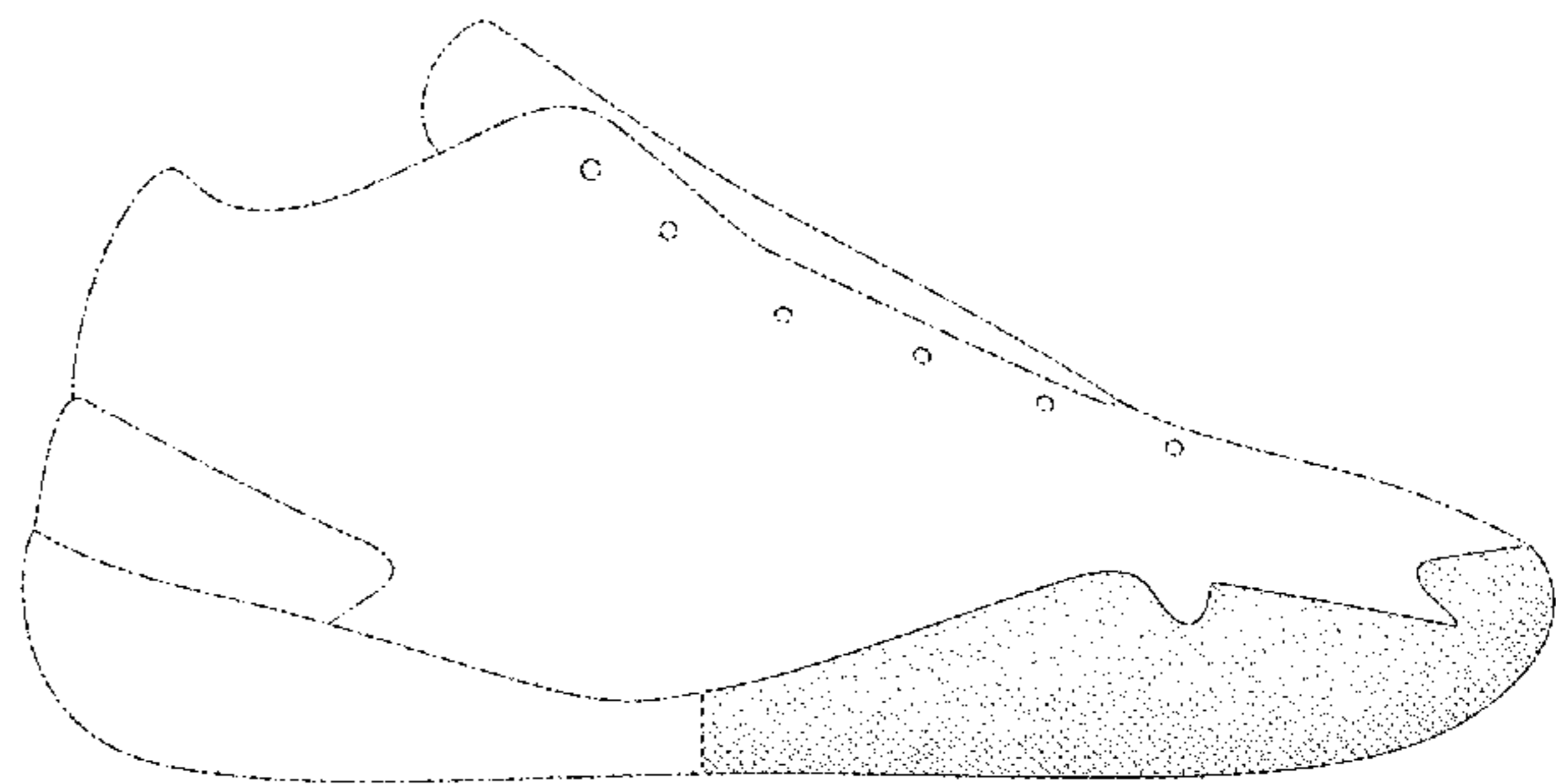
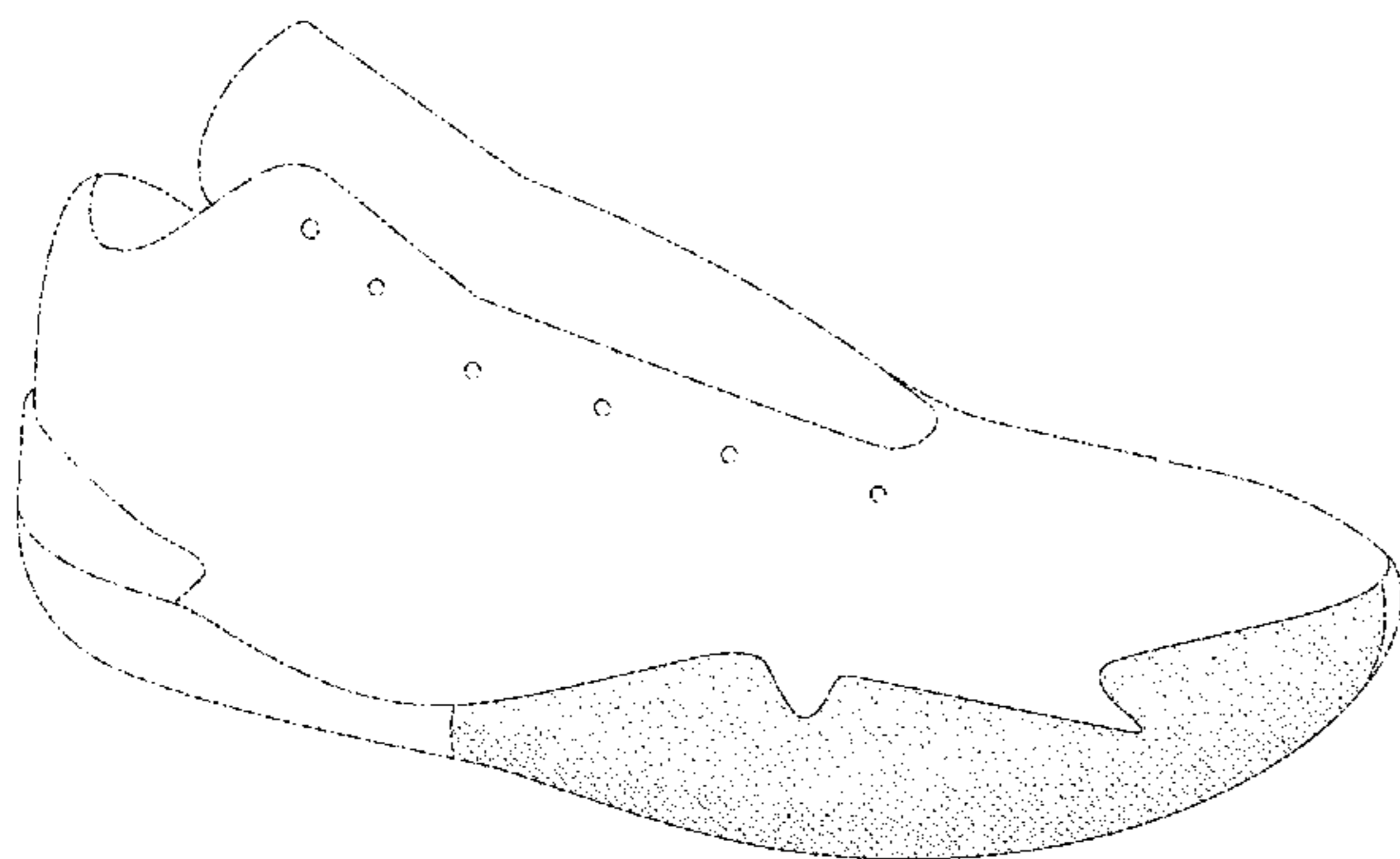
(57) **CLAIM**

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 define the bounds of the claimed design and form no part thereof. 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

D344,848	S	3/1994	Smith	
D345,243	S	3/1994	Hatfield	
D347,318	S	5/1994	Avar	
D395,738	S	7/1998	Hatfield et al.	
D432,762	S	10/2000	Weege	
6,314,664	B1 *	11/2001	Kita	A43B 13/12 36/28
D474,587	S	5/2003	Wilson	
D481,854	S	11/2003	Belley et al.	
D515,305	S	2/2006	Andrews-Kramer	
D515,306	S	2/2006	Andrews-Kramer	
D571,087	S	6/2008	Dillenbeck et al.	
D580,141	S	11/2008	Banik et al.	
D644,824	S	9/2011	Leleu	
D648,514	S *	11/2011	Avar	D2/946
D661,476	S	6/2012	Loverin	
D667,205	S	9/2012	Campbell et al.	
D680,713	S *	4/2013	Della Valle	2/908
D682,516	S *	5/2013	Avar	D2/947
D689,273	S *	9/2013	Hardman	D2/947
D691,785	S *	10/2013	Chang	D2/947
8,752,306	B2 *	6/2014	Goldston	A43B 3/0031 36/27
D708,829	S *	7/2014	Taylor	D2/947
D713,624	S *	9/2014	Petrie	D2/947
D736,506	S	8/2015	Kasprzak	
D743,153	S *	11/2015	Taylor	D2/947
D765,366	S *	9/2016	Fogg	D2/947
D776,420	S *	1/2017	Petrie	D2/977
D778,553	S *	2/2017	DeAlmeida	D2/947
D788,414	S	6/2017	Golliff	
D789,052	S *	6/2017	Hardman	D2/947
D793,681	S	8/2017	Lombardi	
D796,169	S *	9/2017	Winfield	D2/947
D796,802	S *	9/2017	Kinley	D2/947
D796,816	S *	9/2017	Klein	D2/972
D798,555	S *	10/2017	Enayah	D2/947
D802,266	S *	11/2017	Hardman	D2/947
2009/0293313	A1 *	12/2009	Bruce	A43B 3/18 36/103
2011/0162232	A1 *	7/2011	Gazzara	A43B 1/0072 36/29
2012/0324762	A1 *	12/2012	Soumokil	A43B 1/0027 36/103

OTHER PUBLICATIONS

Nike Mamba Rage Premium, Nike.com, [online], [site visited Jan. 31, 2018]. <URL: <https://www.nike.com/t/mamba-rage-premium-mens-basketball-shoe-RgopgE/AJ7281-006>> (Year: 2018).*

PG1 iD, Nike.com, [online], [site visited Jan. 31, 2018]. <URL: https://store.nike.com/us/en_us/product/pg-1-id-shoe/?piid=44085&pbid=536218410> (Year: 2018).*

Nike Footwear Catalog, 2002 Fall Men's and Women's Footwear, p. 68, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Late Spring Men's, Women's, and Kids' Footwear, p. 49, published Sep. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Jordan Catalog, p. 67, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

Review: Nike Zoom Kobe IV [online], [retrieved Dec. 19, 2017] Retrieved from Kicksologists.com [Internet] <URL: <http://www.kicksologists.com/2010/03/17/nike-zoom-kobe-iv/>>; 6 color sheets, Dated Mar. 17, 2010.

Nike Zoom Kobe VII—White—Purple—Gold | Arriving @ Retailers [online], [retrieved Dec. 19, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2012/10/31/nike-zoom-kobe-vii-white-purple-gold-arriving-retailers/>>; 5 color sheets, Dated Oct. 31, 2012.

Kobe 8 System—Black/Yellow [online], [retrieved Dec. 19, 2017] Retrieved from Kicksologists.com [Internet] <URL: <http://www.kicksologists.com/2013/03/27/kobe-8-system-blackyellow/>>; 3 color sheets, Dated Mar. 27, 2013.

Nike Release Date: Kobe Venomenon 4 Court Purple Wolf Grey Volt [online], [retrieved Dec. 19, 2017] Retrieved from Kicksologists.com [Internet] <URL: <http://www.kicksologists.com/2013/12/30/nike-release-date-kobe-venomenon-4-court-purple-wolf-grey-volt/>>; 5 color sheets, Dated Dec. 30, 2013.

Sophisticated Simplicity: Unveiling the Kobe X, Kobe Bryant's Tenth Signature Shoe [online], [retrieved Dec. 9, 2017] Retrieved from News.nike.com [Internet] <URL: <https://news.nike.com/news/sophisticated-simplicity-unveiling-the-kobe-x-kobe-bryant-s-tenth-signature-shoe/>>; 15 color sheets, Dated Jan. 31, 2015.

Nike Hyperchase—Black—Metallic Silver [online], [retrieved Dec. 19, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2015/04/08/nike-hyperchase-black-metallic-silver/>>; 4 color sheets, Dated Apr. 8, 2015.

Nike Uses Multicolor Flyknit for BHM Kobe 11 [online], [retrieved Dec. 14, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://solecollector.com/news/2016/01/nike-kobe-11-bhm/>>; 7 color sheets, Dated Jan. 10, 2016.

Kobe's Last and Greatest on Court Sneaker: Nike Kobe XI Elite Low Review [online], [retrieved Dec. 19, 2017] Retrieved from Hypebeast.com [Internet] <URL: <https://hypebeast.com/2016/1/the-last-and-greatest-cobe-sneaker-to-date-kobe-xi-elite-low-review/>>; 17 color sheets, Dated Jan. 27, 2016.

Nike Kobe Mentality 2 Performance Review! [online], [retrieved Dec. 19, 2017] Retrieved from Thesolebros.com [Internet] <URL: <http://thesolebros.com/2016/01/29/nike-kobe-mentality-2-performance-review/>>; 17 color sheets, Dated Jan. 29, 2016.

Nike Kobe 11 Eulogy Drops Saturday [online], [retrieved Dec. 19, 2017] Retrieved from Footweamews.com [Internet] <URL: <http://footweamews.com/2016/focus/athletic-outdoor/nike-kobe-11-eulogy-sneakers-release-196168/>>; 6 color sheets, Dated Feb. 24, 2016.

Official Images of the Nike Kobe 8 Black Mamba [online], [retrieved Dec. 19, 2017] Retrieved from Kicksonfire.com [Internet] <URL: <https://www.kicksonfire.com/nike-kobe-8-black-mamba/>>; 11 color sheets, Dated Mar. 23, 2016.

Kobe Bryant's Love of FC Barcelona Inspires New Nikes [online], [retrieved Dec. 14, 2017] Retrieved from Solecollector.com [Internet] <URL: <https://solecollector.com/news/2016/09/mambacurial-nike-kobe-11-barclone/>>; 12 color sheets, Dated Sep. 1, 2016.

The Nike Kobe Mentality III is Releasing Soon [online], [retrieved Dec. 19, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2016/11/26/nike-kobe-mentality-iii-preview-kobe-takedown-shoe/>>; 3 color sheets, Dated Nov. 26, 2016.

Nike's Kobe A.D. Silhouette Joins the Eye-Catching "Flip the Switch" Collection [online], [retrieved Dec. 19, 2017] Retrieved from Hypebeast.com [Internet] <URL: <https://hypebeast.com/2017/4/nike-kobe-ad-flip-the-switch/>>; 3 color sheets, Dated Apr. 27, 2017.

Nike Kobe AD NXT Mambacurial [online], [retrieved Dec. 19, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/07/26/nike-kobe-ad-nxt-mambacurial/>>; 7 color sheets, Dated Jul. 26, 2017.

Nike Kobe AD "White/Gum" Releasing in October [online], [retrieved Dec. 14, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/09/05/nike-kobe-ad-baseline-release-white-gum-release-info/>>; 7 color sheets, Dated Sep. 5, 2017.

Nike's New Kobe AD Mid Releases in Seven Team Colorways [online], [retrieved Dec. 14, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/09/15/nike-kobe-ad-team-colorways/>>; 9 color sheets, Dated Sep. 15, 2017.

Kyrie Irving's Next Shoe Release Features "All-Over" Signatures [online], [retrieved Dec. 14, 2017] Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/09/21/nike-kyrie-3-red-suede/>>; 8 color sheets, Dated Sep. 21, 2017.

* cited by examiner

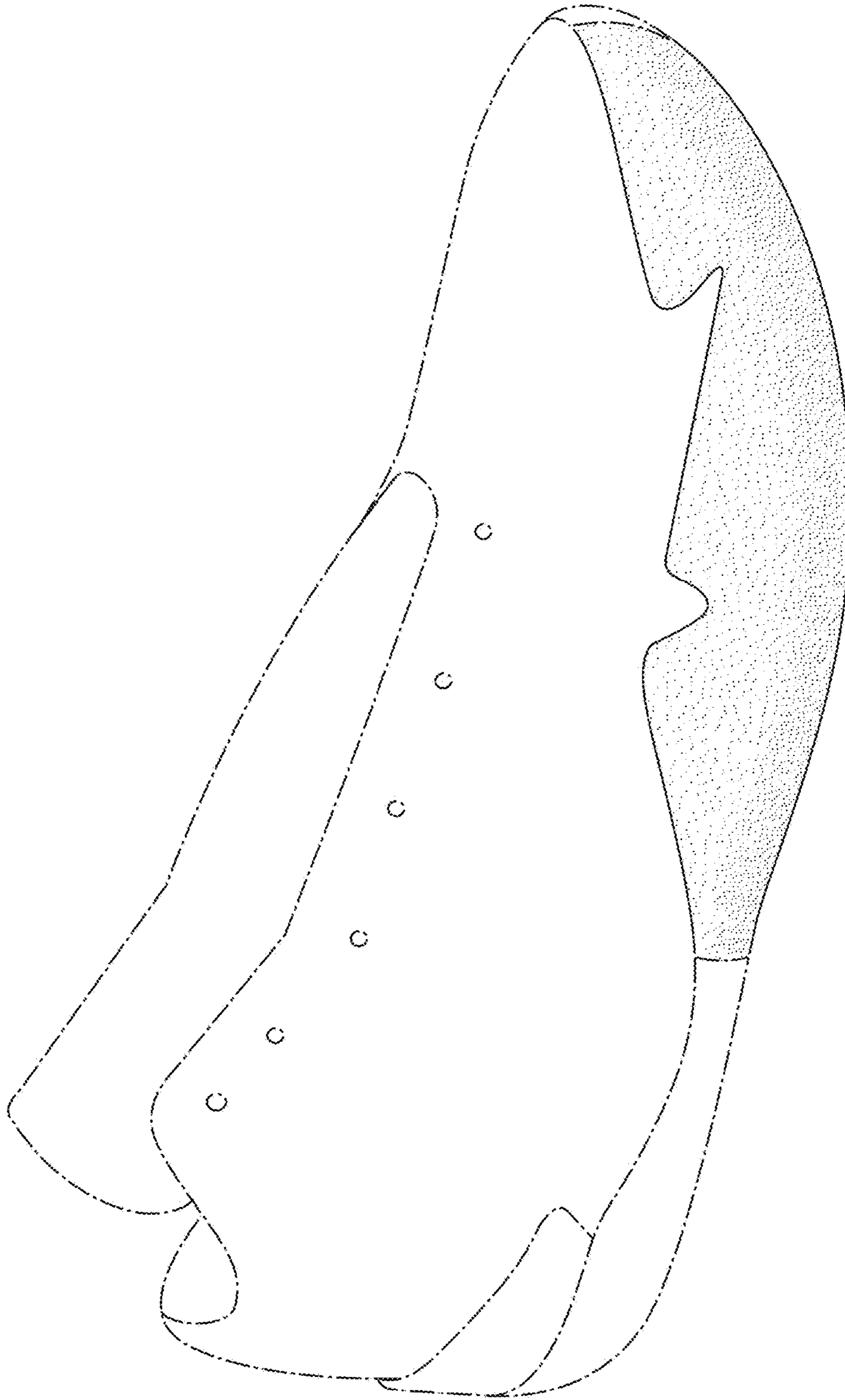


FIG.1

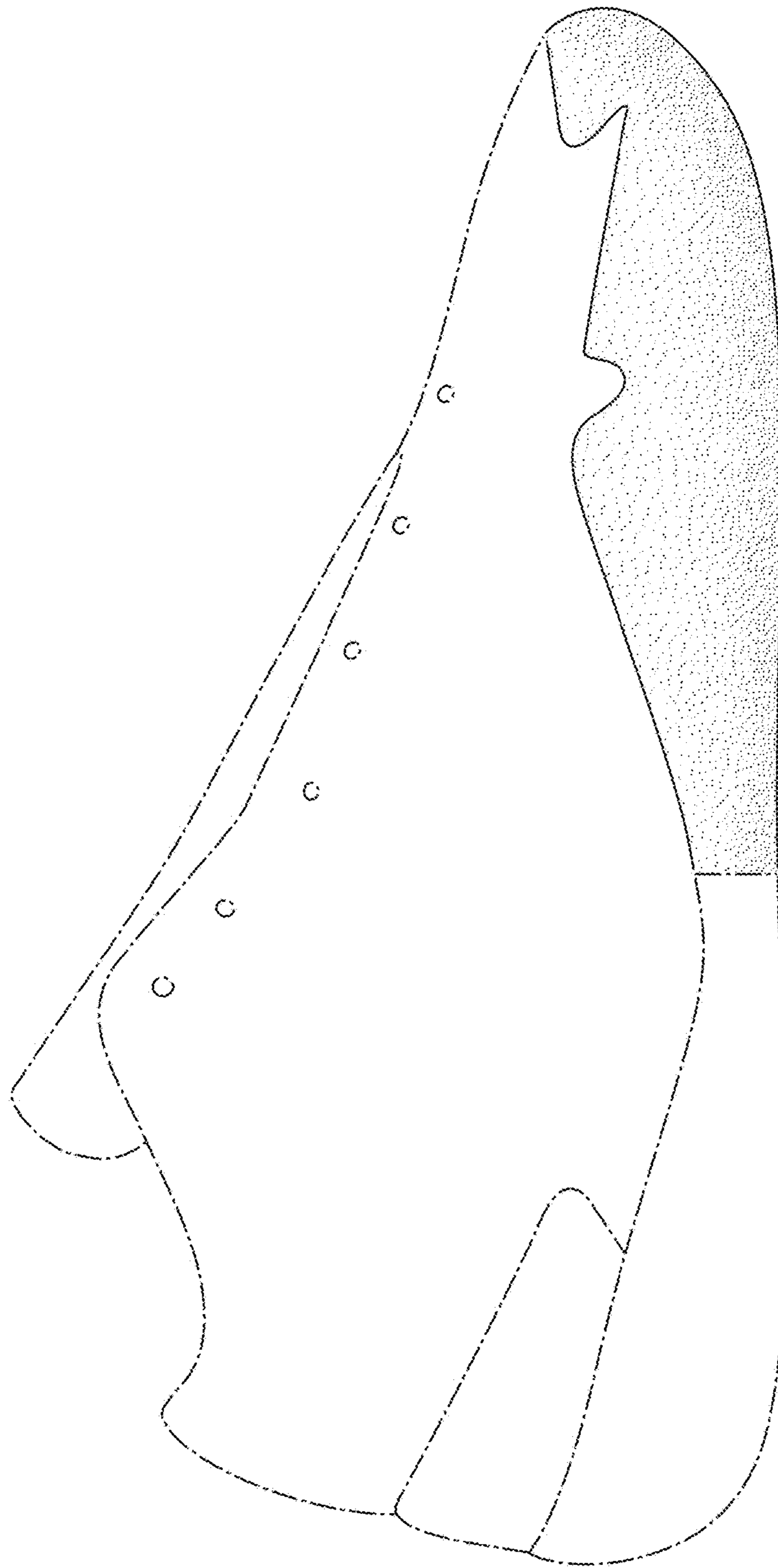


FIG.2

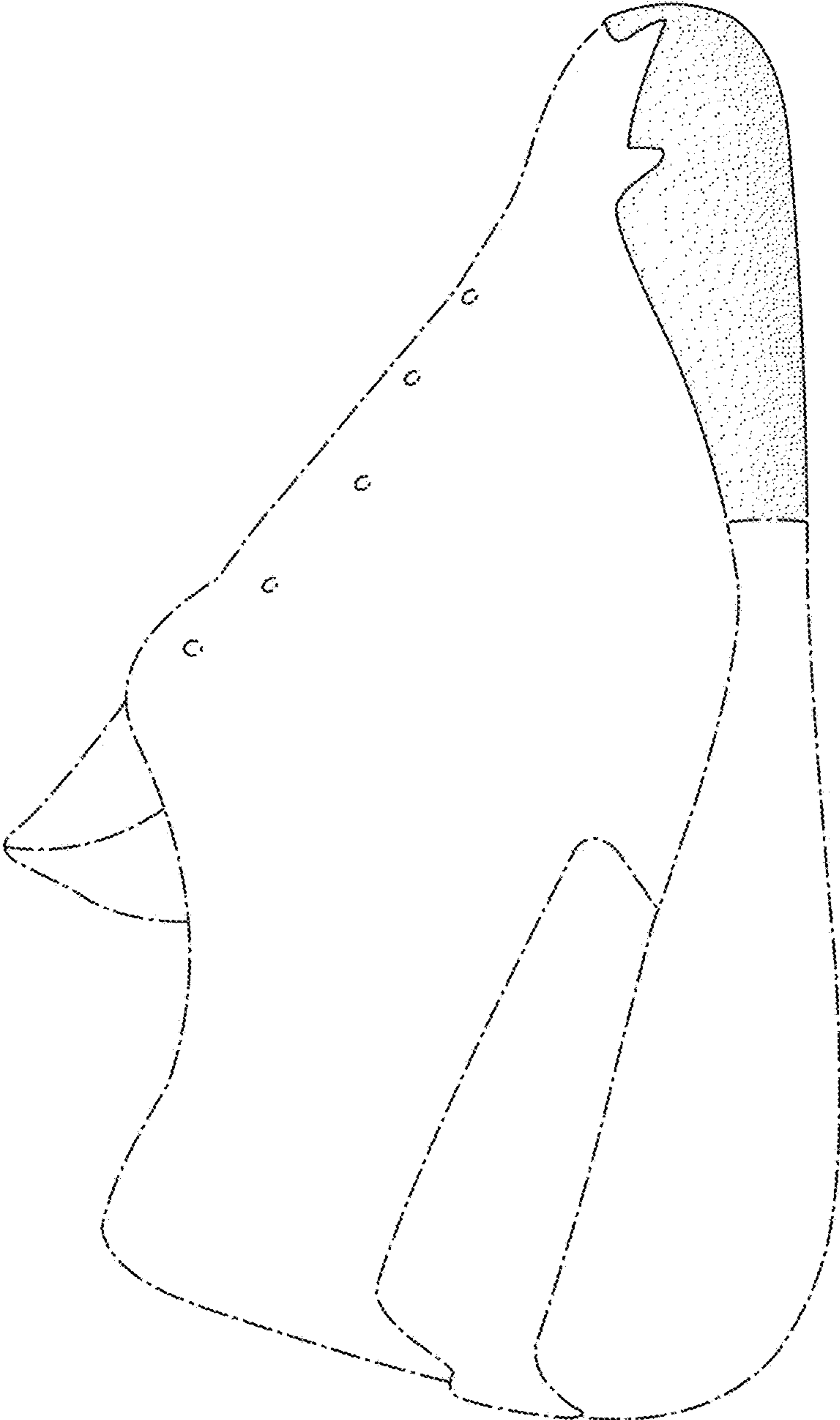


FIG.3