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

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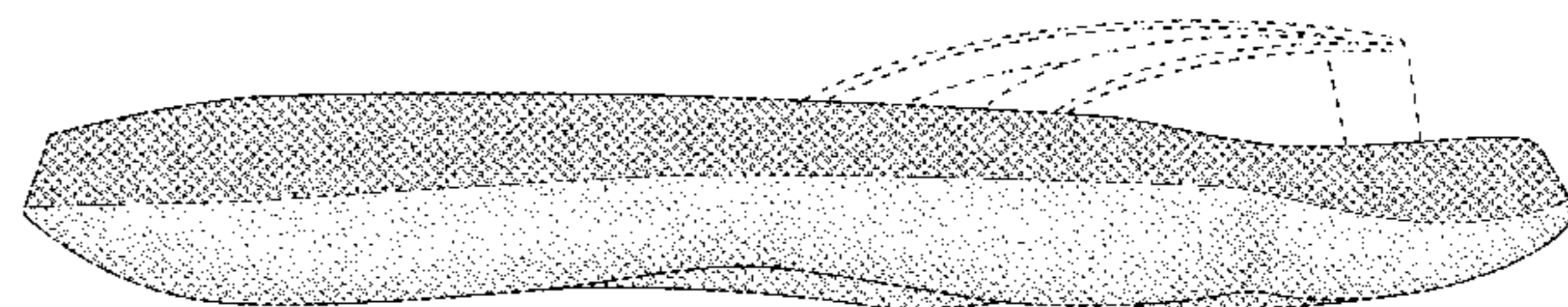
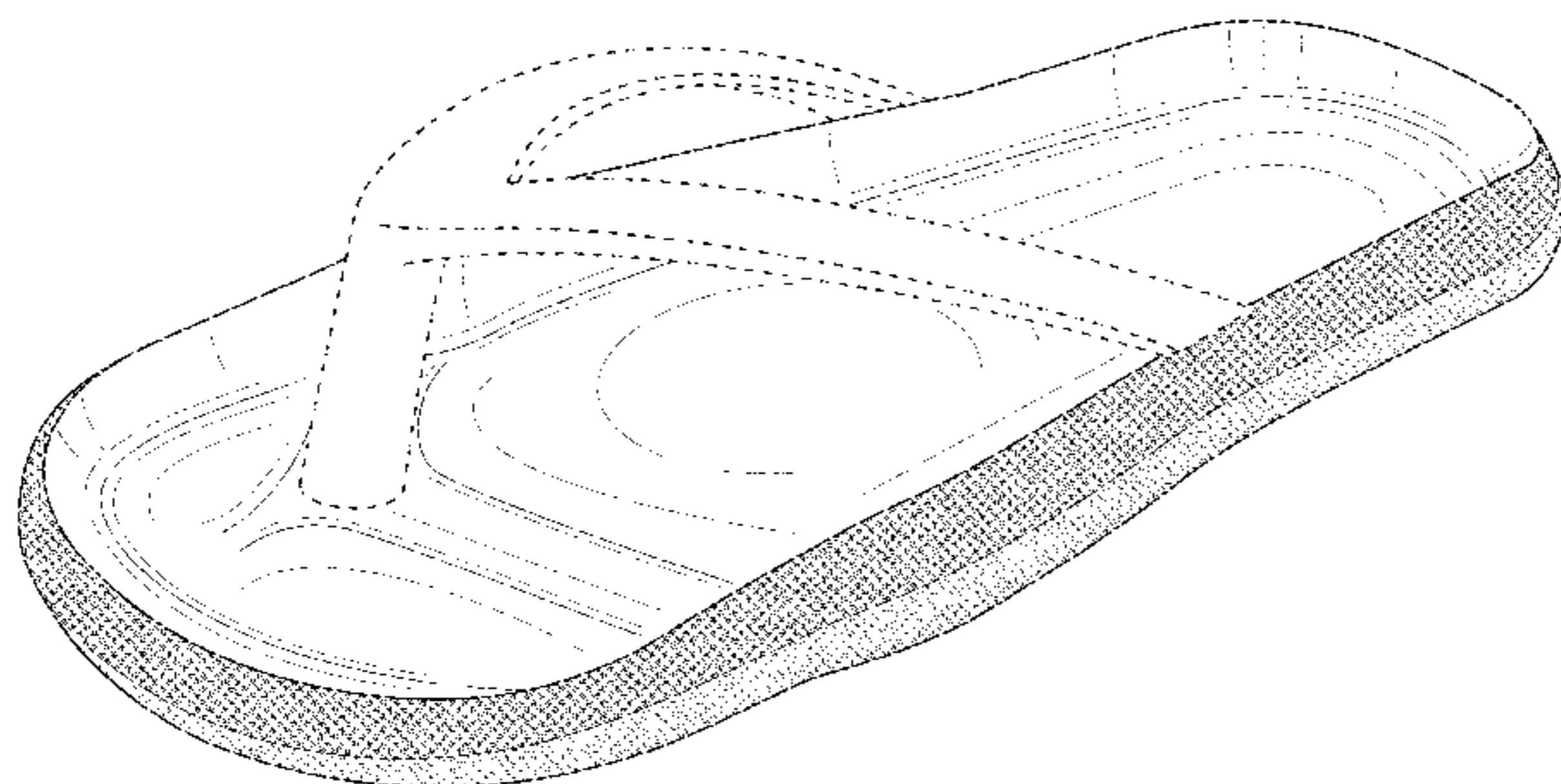
- (54) **FOOTWEAR SOLE**
- (71) Applicant: **Frampton E. Ellis**, Jasper, FL (US)
- (72) Inventor: **Frampton E. Ellis**, Jasper, FL (US)
- (73) Assignee: **ANATOMIC RESEARCH, INC.**,
Jasper, FL (US)
- (*) Notice: This patent is subject to a terminal disclaimer.
- (**) Term: **15 Years**
- (21) Appl. No.: **29/610,693**
- (22) Filed: **Jul. 14, 2017**
- (51) **LOC (11) Cl.** **02-04**
- (52) **U.S. Cl.**
USPC **D2/951**
- (58) **Field of Classification Search**
USPC D2/902, 906, 908, 916, 918, 925,
D2/946-962, 977; 36/3 B, 22 R, 24.5,
36/25 R, 28, 32 R, 34 R, 59 C, 67 A, 103
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.

D332,517 S	1/1993	Middleton	
5,572,805 A *	11/1996	Giese	A43B 13/12 36/103
D389,995 S *	2/1998	Cockrell	D2/947
D395,739 S *	7/1998	Mervar	D2/947
D405,942 S *	2/1999	Kelchak	D2/947
D408,617 S *	4/1999	Balbinot	A43B 7/141 D2/904
5,909,948 A	6/1999	Ellis, III	
D418,666 S *	1/2000	Brown	D2/961
D420,785 S	2/2000	Perez	
D421,830 S *	3/2000	Rohrbach	D2/947
D424,284 S *	5/2000	von Conta	D2/947
6,115,941 A	9/2000	Ellis, III	
6,115,945 A	9/2000	Ellis, III	
D433,556 S *	11/2000	Merceron	D2/947
6,295,744 B1	10/2001	Ellis, III	
D449,918 S	11/2001	Boncutter	
D458,740 S *	6/2002	McClaskie	D2/947
6,487,795 B1	12/2002	Ellis, III	
D474,589 S *	5/2003	Dykes	D2/961
6,584,706 B1	7/2003	Ellis, III	
6,609,312 B1	8/2003	Ellis, III	
6,629,376 B1	10/2003	Ellis, III	
6,675,498 B1	1/2004	Ellis, III	
D485,972 S	2/2004	Magro	
6,789,331 B1	9/2004	Ellis, III	
D498,902 S	11/2004	Adams	
6,810,606 B1	11/2004	Ellis, III	
D502,593 S *	3/2005	McClaskie	D2/947
7,174,658 B2	2/2007	Ellis, III	
7,243,443 B2	7/2007	Swigart	
7,334,350 B2	2/2008	Ellis, III	
7,334,356 B2	2/2008	Ellis, III	
D563,648 S	3/2008	Belley et al.	
D564,735 S *	3/2008	McClaskie	D2/947
D576,389 S *	9/2008	del Biondi	D2/916
D576,390 S *	9/2008	del Biondi	D2/916
7,562,468 B2	7/2009	Ellis, III	
D608,993 S	2/2010	McClaskie	
D612,589 S	3/2010	Kovacs	
7,793,430 B2	9/2010	Ellis	
D656,303 S *	3/2012	Muller	D2/947
D663,107 S *	7/2012	Fuerst	D2/947
8,291,614 B2	10/2012	Ellis	
D677,450 S *	3/2013	Amphyon	D2/947
D680,308 S *	4/2013	Hardman	D2/947
D682,516 S *	5/2013	Avar	D2/947
D688,852 S *	9/2013	Garvie	D2/918
D689,676 S *	9/2013	Takamoto	D2/951
D693,548 S	11/2013	Yudelowitz	
D694,499 S *	12/2013	Williams, Jr.	D2/947
D695,506 S *	12/2013	Faux	D2/961

(56) **References Cited**

U.S. PATENT DOCUMENTS

D128,249 S *	7/1941	Abbott	A43B 13/12 36/30 R
D134,932 S *	2/1943	Clausing	D2/947
D265,017 S *	6/1982	Vernonet	D2/947
D329,536 S	9/1992	Lucas	
D330,800 S	11/1992	Lucas	
D332,516 S	1/1993	Middleton	



D699,424 S	2/2014	Hamm	
D709,681 S *	7/2014	Williams, Jr.	D2/947
D710,578 S *	8/2014	Chang	A43B 7/141
			D2/947
D722,754 S *	2/2015	Vasyli	D2/961
D723,784 S *	3/2015	Miner	A43C 11/165
			D2/947
D723,787 S *	3/2015	Vasyli	D2/961
D731,766 S	6/2015	Ellis	
D739,128 S *	9/2015	Vasyli	D2/947
D747,085 S *	1/2016	Piontkowski	D2/961
D758,057 S *	6/2016	Zlatanovski	D2/947
D765,361 S *	9/2016	Johnsongriffin	D2/947
D765,365 S *	9/2016	Chang	D2/947
D770,739 S *	11/2016	Nethongkome	D2/947
D770,743 S *	11/2016	Vasyli	D2/961
D783,246 S *	4/2017	Chang	D2/947
D783,956 S *	4/2017	Mitchell	D2/916
D783,959 S *	4/2017	Chang	D2/947
D785,302 S *	5/2017	Karnazes	D2/951
D787,167 S	5/2017	Ellis	
D788,415 S *	6/2017	Caron	D2/947
D789,051 S *	6/2017	Kuerbis	D2/947
D793,681 S *	8/2017	Lombardi	D2/947
D794,289 S *	8/2017	Kanata	D2/947
D798,552 S *	10/2017	Petrie	D2/947
D799,177 S *	10/2017	Spring	D2/947
D799,181 S *	10/2017	Klein	D2/947
D799,182 S *	10/2017	Matthews	D2/947
D799,800 S *	10/2017	Engel	D2/947
D801,647 S *	11/2017	Mitchell	D2/916
D801,662 S *	11/2017	Manolian	D2/961
D804,794 S *	12/2017	Charlesworth	D2/961
9,861,165 B2 *	1/2018	Schneider	A43C 11/165
D812,872 S *	3/2018	Palmer	D2/947
D814,754 S *	4/2018	Hendrix	D2/956
2004/0216330 A1	11/2004	Swigart	
2005/0217141 A1	10/2005	Cobian	
2010/0212186 A1 *	8/2010	Cheng	A43B 7/141
			36/28
2012/0174434 A1	7/2012	Ellis	
2012/0210603 A1	8/2012	Ellis	
2012/0226353 A1	9/2012	Ellis	
2012/0324763 A1	12/2012	Ellis	
2013/0146407 A1	6/2013	Ellis	
2013/0152282 A1	6/2013	Ellis	
2013/0153346 A1	6/2013	Ellis	
2013/0157003 A1	6/2013	Ellis	
2013/0160322 A1	6/2013	Ellis	
2014/0310992 A1	10/2014	Shalom et al.	
2014/0345167 A1	11/2014	Al-Ani	
2016/0157551 A1 *	6/2016	Goldberg	A43B 5/002
			36/25 R
2017/0095033 A1 *	4/2017	Farina	A43B 13/186
2017/0265591 A1 *	9/2017	Schneider	A43C 11/165
2017/0332725 A1 *	11/2017	Hendrix	A43B 3/128

OTHER PUBLICATIONS

Complete File History for D U.S. Appl. No. 29/452,002.
 Complete File History for D U.S. Appl. No. 29/520,675.

* cited by examiner

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(57) CLAIM

The ornamental design for a footwear sole including a surface pattern applied to the footwear sole, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of one embodiment of the footwear sole also showing the surface pattern;

FIG. 2 is an anterior (front) view of the footwear sole of FIG. 1 also showing the surface pattern;
 FIG. 3 is a posterior (rear) view of the footwear sole of FIG. 1 also showing the surface pattern;
 FIG. 4 is a lateral view of the footwear sole of FIG. 1 also showing the surface pattern;
 FIG. 5 is a medial view of the footwear sole of FIG. 1 also showing the surface pattern;
 FIG. 6 is a top view of the footwear sole of FIG. 1 also showing the surface pattern;
 FIG. 7 is a bottom view of the footwear sole of FIG. 1;
 FIG. 8 is a cross-sectional view of the footwear sole of FIG. 1 taken in the direction of the arrows along the line 8-8 shown in FIG. 6 and also showing the surface pattern;
 FIG. 9 is a cross-sectional view of the footwear sole of FIG. 1 taken in the direction of the arrows along the line 9-9 shown in FIG. 6 and also showing the surface pattern;
 FIG. 10 is a cross-sectional view of the footwear sole of FIG. 1 taken in the direction of the arrows along the line 10-10 shown in FIG. 6;
 FIG. 11 is a perspective view of a second embodiment of the design of the footwear sole also showing the surface pattern. The claim of the footwear sole shown in FIG. 11 is the same in scope and structure as the footwear sole shown in FIGS. 1-10 except that the claimed design of FIG. 11 differs from the claimed design of FIGS. 1-10 in that the unclaimed edges shown in broken line in FIG. 11 are claimed FIGS. 1-10;
 FIG. 12 is a perspective view of a third embodiment of the footwear sole also showing the surface pattern;
 FIG. 13 is an anterior (front) view of the footwear sole of FIG. 12 also showing the surface pattern;
 FIG. 14 is a posterior (rear) view of the footwear sole of FIG. 12 also showing the surface pattern;
 FIG. 15 is a lateral view of the footwear sole of FIG. 12 also showing the surface pattern;
 FIG. 16 is a medial view of the footwear sole of FIG. 12 also showing the surface pattern;
 FIG. 17 is a top view of the footwear sole of FIG. 12 also showing the surface pattern;
 FIG. 18 is a bottom view of the footwear sole of FIG. 12;
 FIG. 19 is a cross-sectional view of the footwear sole of FIG. 12 taken in the direction of the arrows along the line 19-19 shown in FIG. 17 and also showing the surface pattern;
 FIG. 20 is a cross-sectional view of the footwear sole of FIG. 12 taken in the direction of the arrows along the line 20-20 shown in FIG. 17 and also showing the surface pattern;
 FIG. 21 is a cross-sectional view of the footwear sole of FIG. 12 taken in the direction of the arrows along the line 21-21 shown in FIG. 17;
 FIG. 22 is a perspective view of fourth embodiment of the design of the footwear sole also showing the surface pattern. The claim of the footwear sole shown in FIG. 22 is the same in scope and structure as the footwear sole shown in FIGS. 12-21 except that the claimed design of FIG. 22 differs from the claimed design of FIGS. 12-21 in that the unclaimed edges shown in broken line in FIG. 22 are claimed in FIGS. 12-21;
 FIG. 23 is perspective view of the footwear sole of the first embodiment shown with alternate environmental structure and also showing the surface pattern. The footwear sole of FIG. 23 is fitted with a different upper than the footwear sole of FIG. 1. As a result, certain views of the footwear sole of FIGS. 23-32 are different from the corresponding views of the footwear sole of FIGS. 1-11 because certain features of

the footwear sole that can be seen in FIGS. 1-11 are obscured from view by the presence of the upper of FIG. 23 when viewed in FIGS. 23-32 (e.g. among others in the top view of FIG. 28);

FIG. 24 is an anterior (front) view of the footwear sole of FIG. 23 also showing the surface pattern;

FIG. 25 is a posterior (rear) view of the footwear sole of FIG. 23 also showing the surface pattern;

FIG. 26 is a lateral view of the footwear sole of FIG. 23 also showing the surface pattern;

FIG. 27 is a medial view of the footwear sole of FIG. 23 also showing the surface pattern;

FIG. 28 is a top view of the footwear sole of FIG. 23 also showing the surface pattern;

FIG. 29 is a bottom view of the footwear sole of FIG. 23;

FIG. 30 is a cross-sectional view of the footwear sole of FIG. 23 taken in the direction of the arrows along the line 30-30 shown in FIG. 28 and also showing the surface pattern;

FIG. 31 is a cross-sectional view of the footwear sole of FIG. 23 taken in the direction of the arrows along the line 31-31 shown in FIG. 28 and also showing the surface pattern;

FIG. 32 is a cross-sectional view of the footwear sole of FIG. 23 taken in the direction of the arrows along the line 32-32 shown in FIG. 28;

FIG. 33 is perspective view of the footwear sole of the third embodiment shown with alternate environmental structure and also showing the surface pattern. The footwear sole of FIG. 33 is fitted with a different upper than the footwear sole of FIG. 12. As a result, certain views of the footwear sole of FIGS. 33-42 are different from the corresponding views of the footwear sole of FIGS. 12-22 because certain features of the footwear sole that can be seen in FIGS. 12-22 are obscured from view by the presence of the upper of FIG. 33 when viewed in FIGS. 33-42 (e.g. among others in the top view of FIG. 38);

FIG. 34 is an anterior (front) view of the footwear sole of FIG. 33 also showing the surface pattern;

FIG. 35 is a posterior (rear) view of the footwear sole of FIG. 33 also showing the surface pattern;

FIG. 36 is a lateral view of the footwear sole of FIG. 33 also showing the surface pattern;

FIG. 37 is a medial view of the footwear sole of FIG. 33 also showing the surface pattern;

FIG. 38 is a top view of the footwear sole of FIG. 33 also showing the surface pattern;

FIG. 39 is a bottom view of the footwear sole of FIG. 33;

FIG. 40 is a cross-sectional view of the footwear sole of FIG. 33 taken in the direction of the arrows along the line 40-40 shown in FIG. 38 and also showing the surface pattern;

FIG. 41 is a cross-sectional view of the footwear sole of FIG. 33 taken in the direction of the arrows along the line 41-41 shown in FIG. 38 and also showing the surface pattern; and,

FIG. 42 is a cross-sectional view of the footwear sole of FIG. 33 taken in the direction of the arrows along the line 42-42 shown in FIG. 38.

In FIGS. 1-42, the consistent-length broken lines depict unclaimed environmental structure as well as unclaimed portions of the footwear sole in FIGS. 11 and 22. The alternating-length broken lines seen in FIGS. 8-10, 19-21, 30-32 and 40-42 depict the boundaries of the claimed design. The broken lines and structures they depict form no part of the claimed design. The embodiments of the footwear sole shown in FIGS. 1-42 are for a left foot. Embodiments of the footwear sole for a right foot are mirror images of the embodiments shown in FIGS. 1-42 about a sagittal plane of a human body.

1 Claim, 30 Drawing Sheets

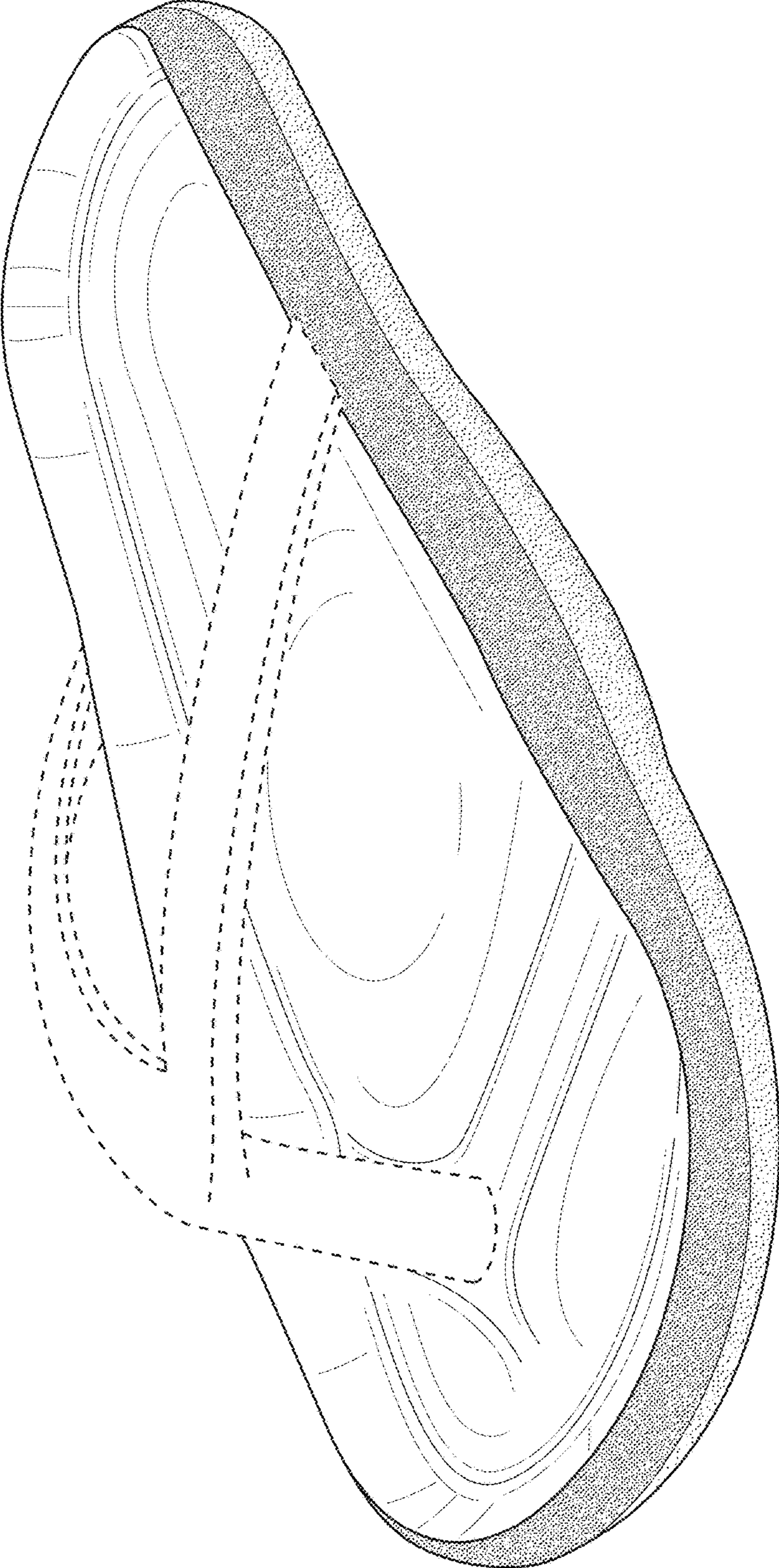


FIG. 1

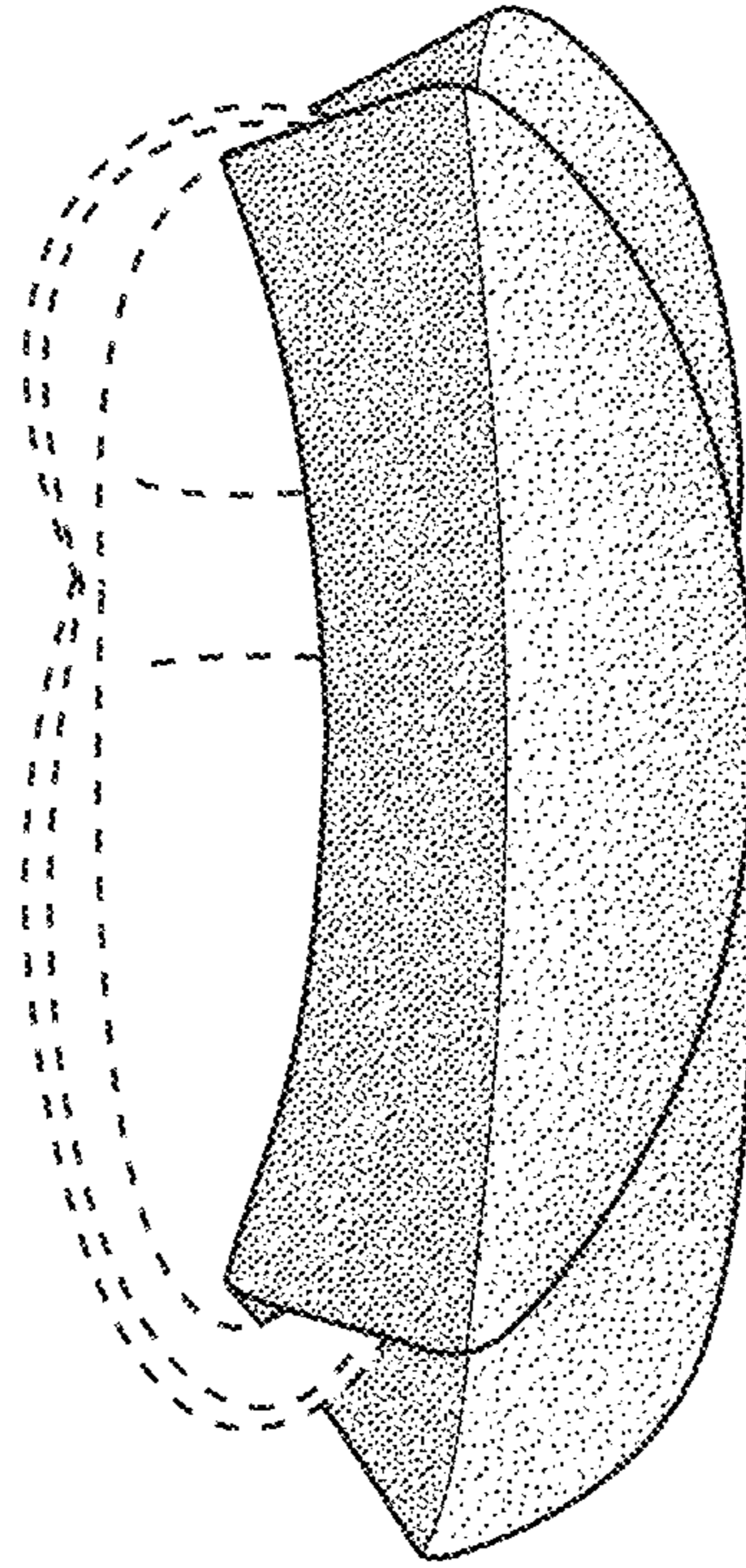


FIG. 3

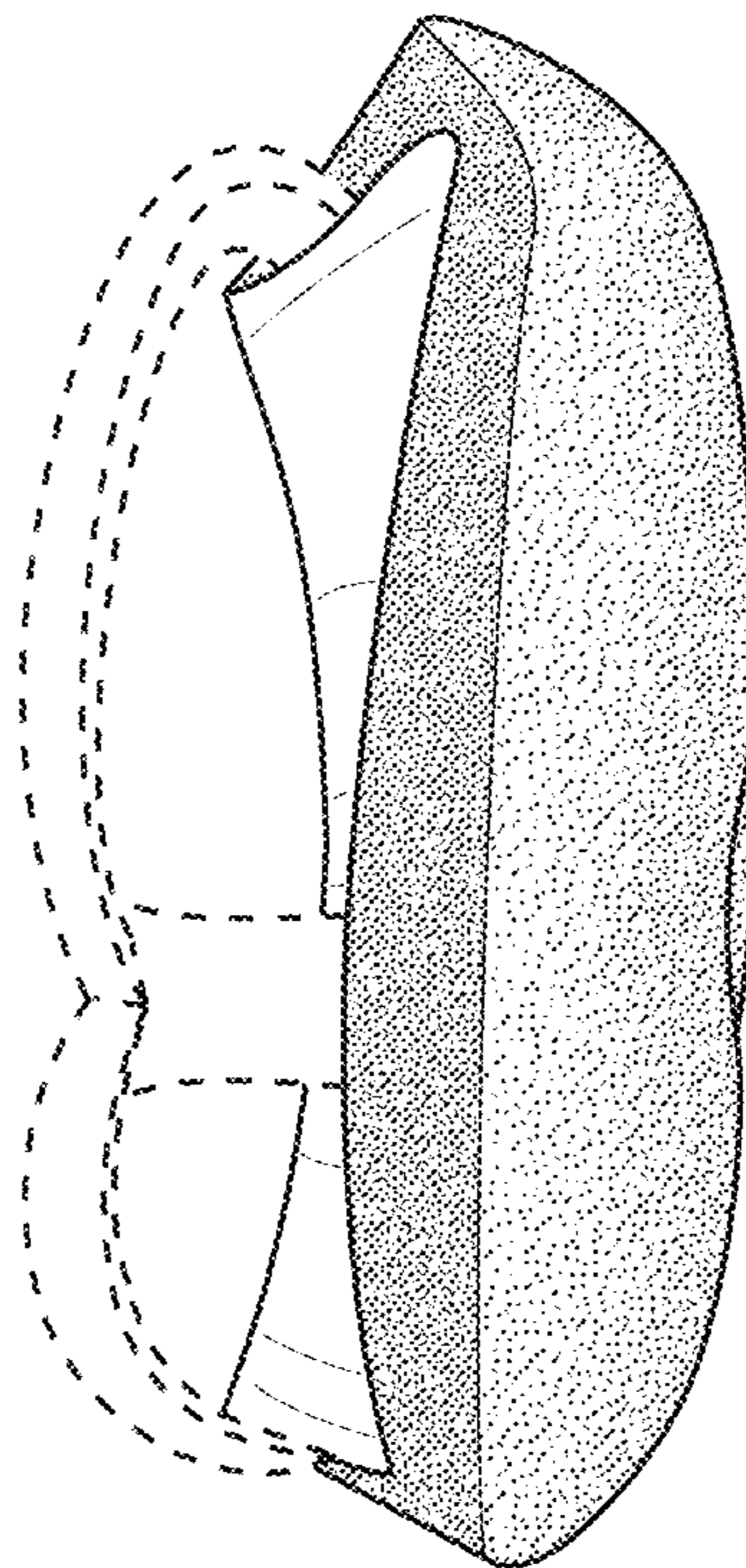


FIG. 2

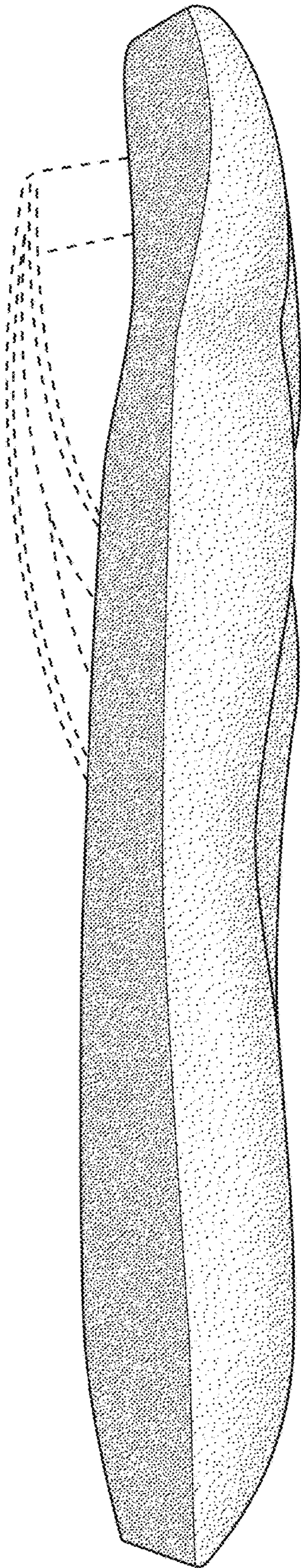


FIG. 4

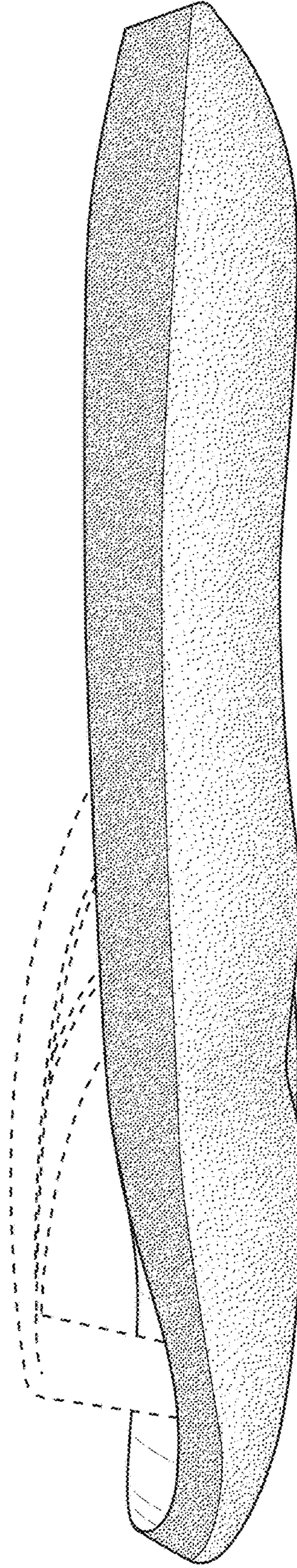


FIG. 5

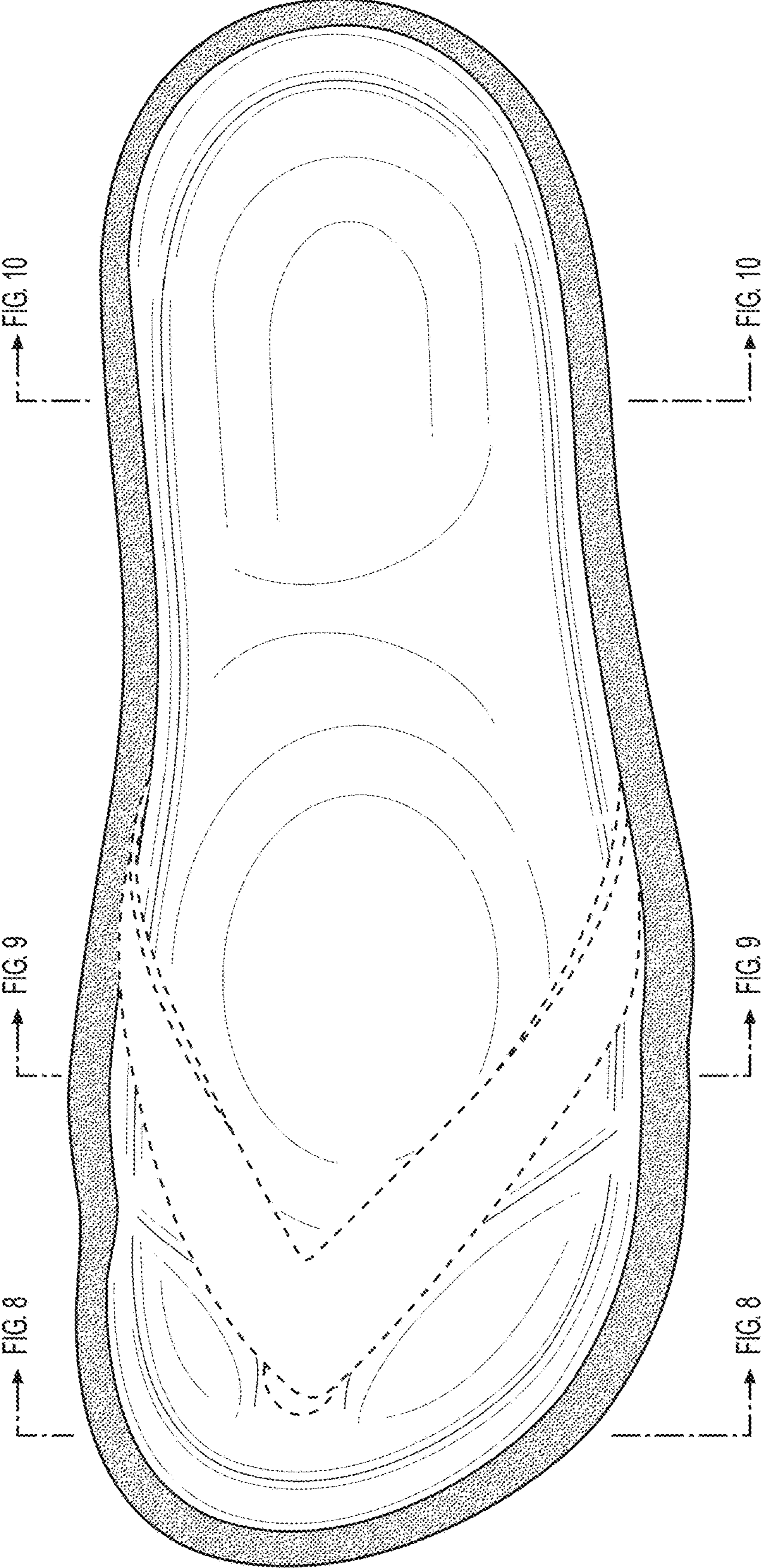


FIG. 6

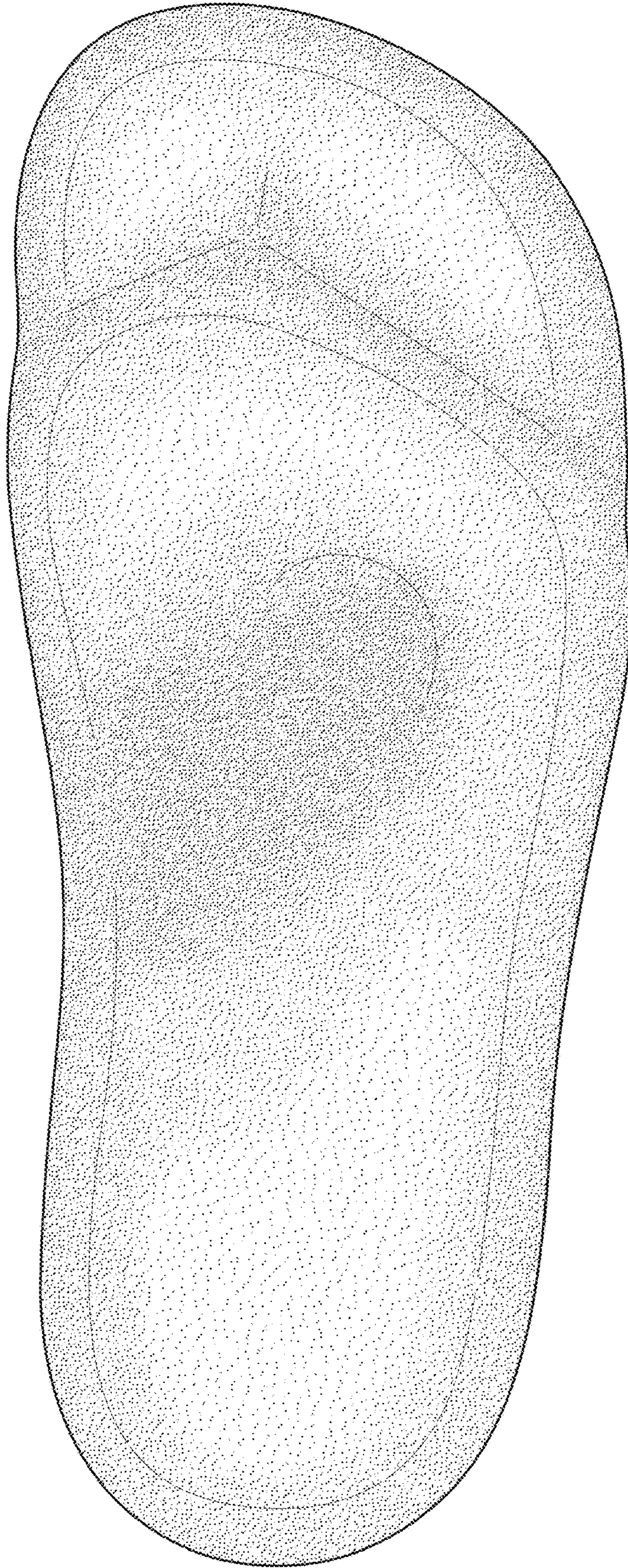


FIG. 7

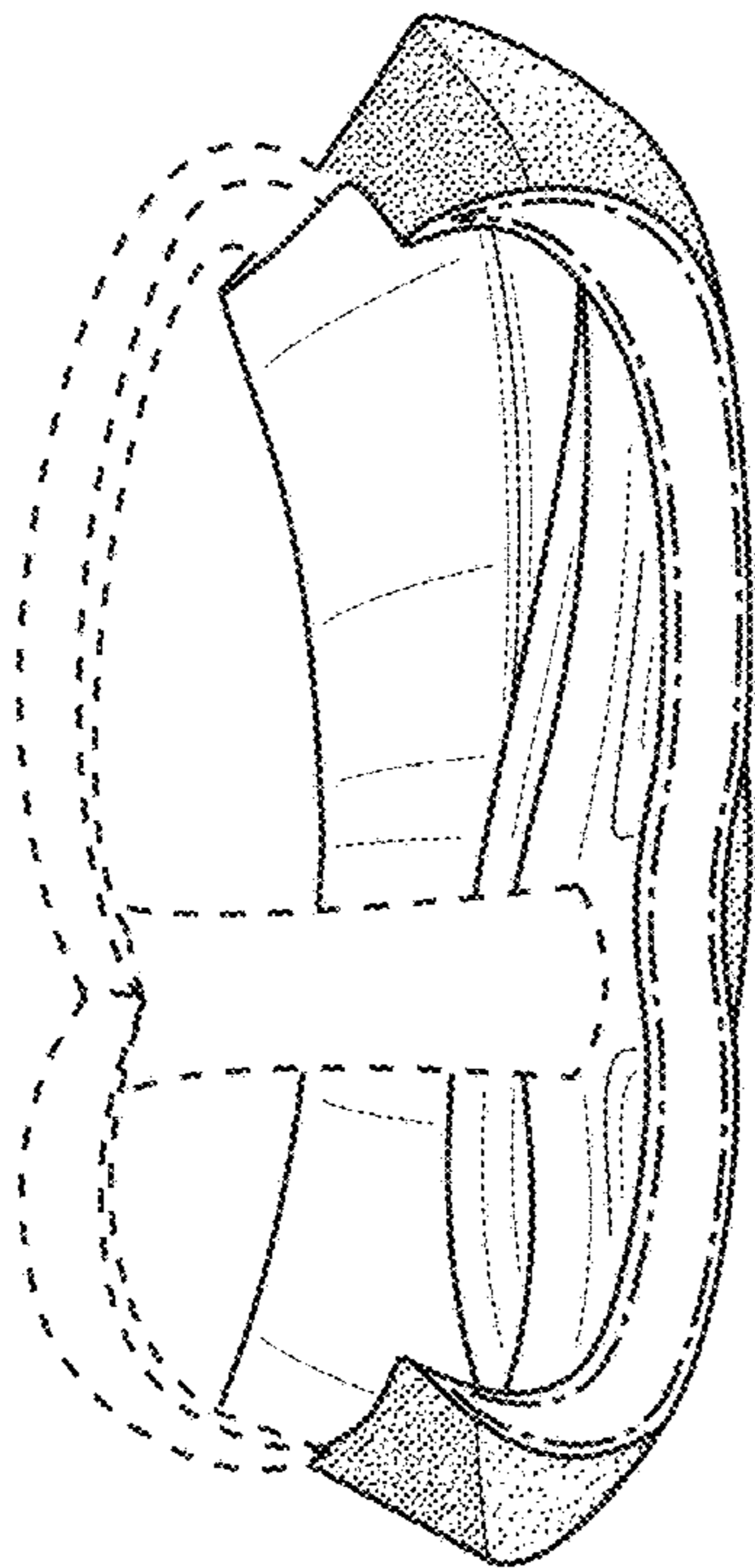


FIG. 8

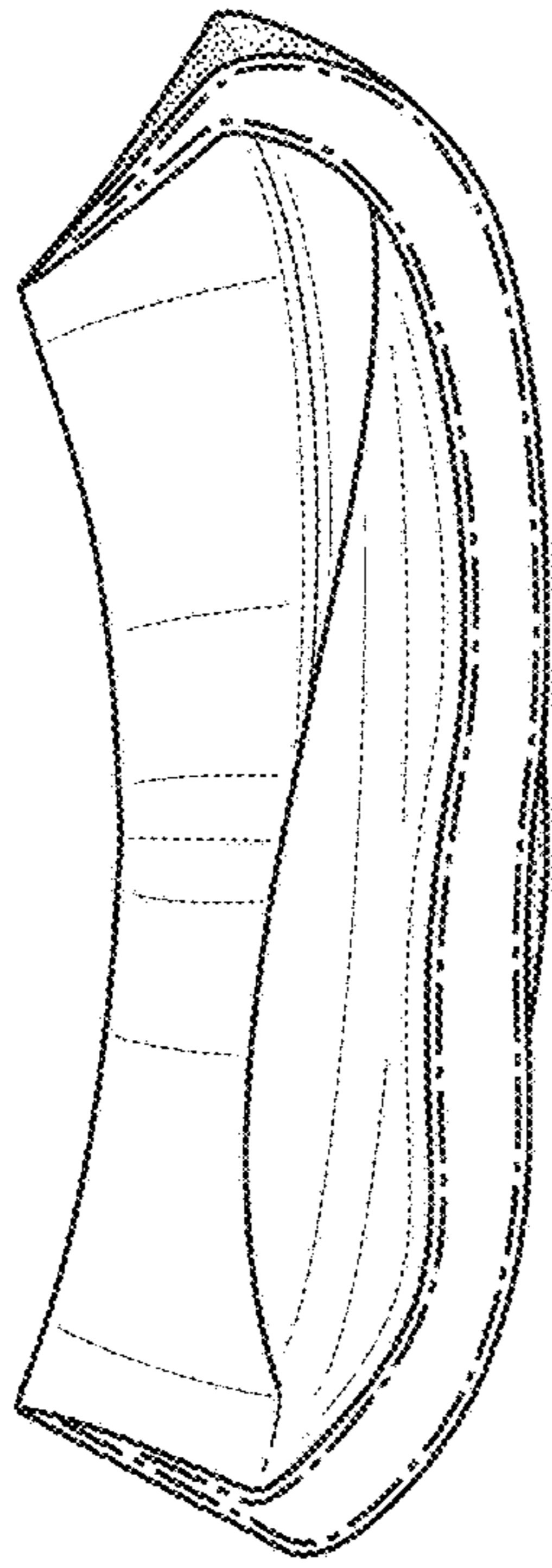


FIG. 9

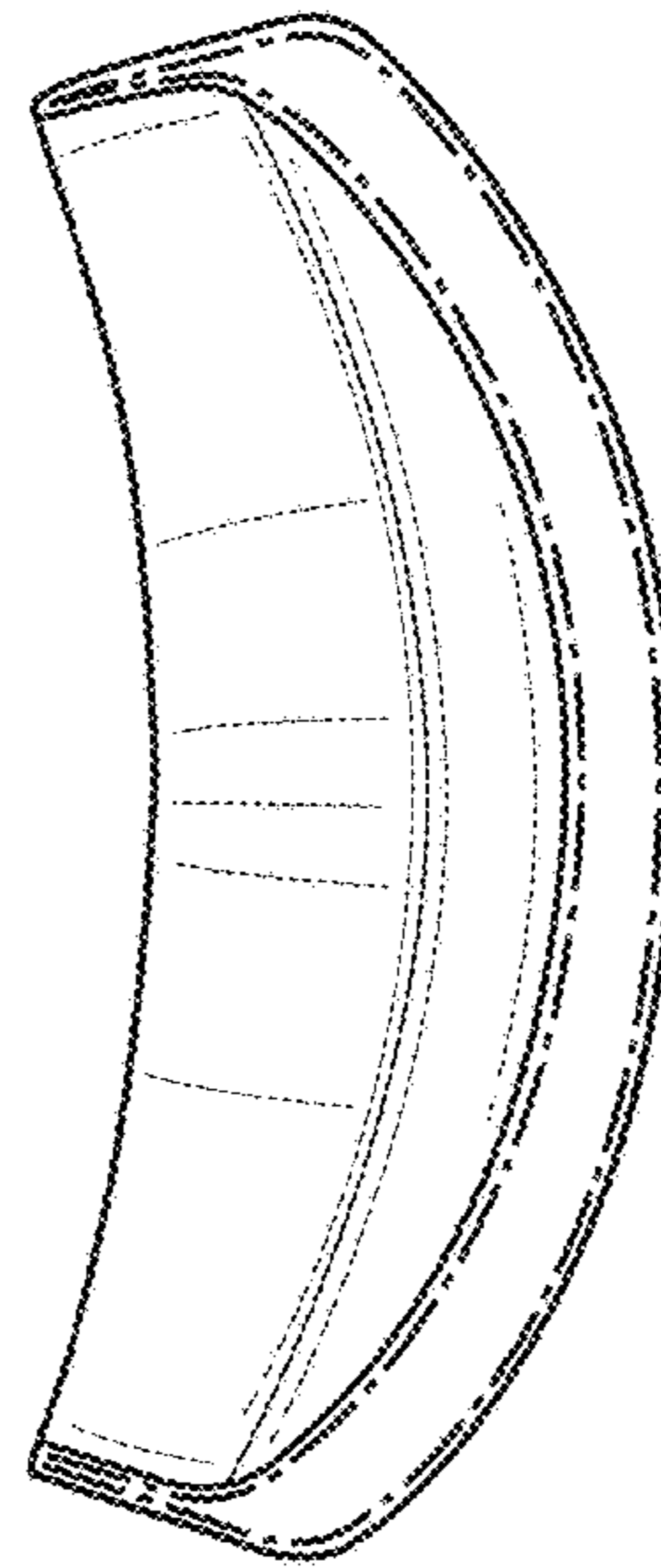


FIG. 10

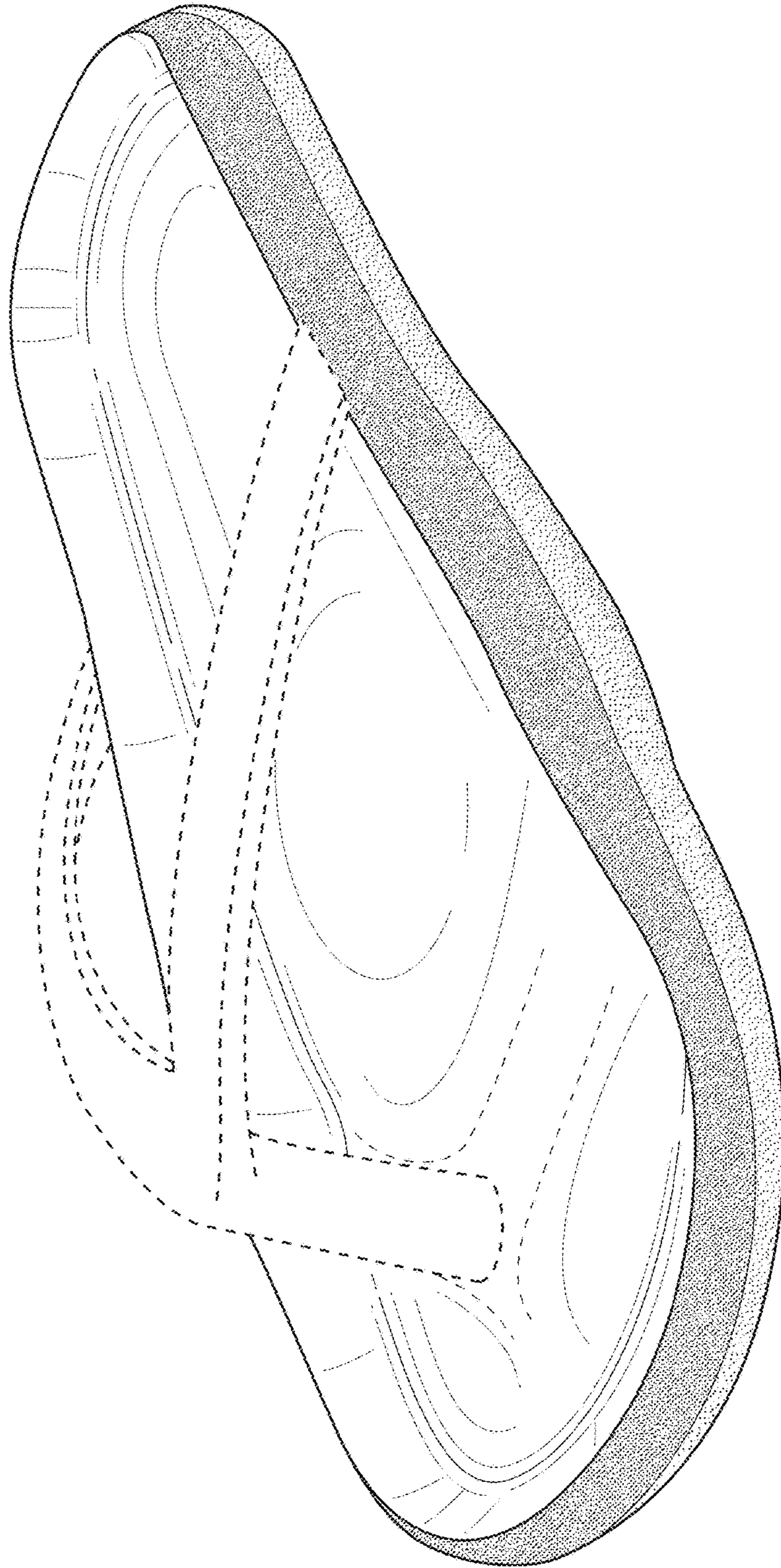


FIG. 11

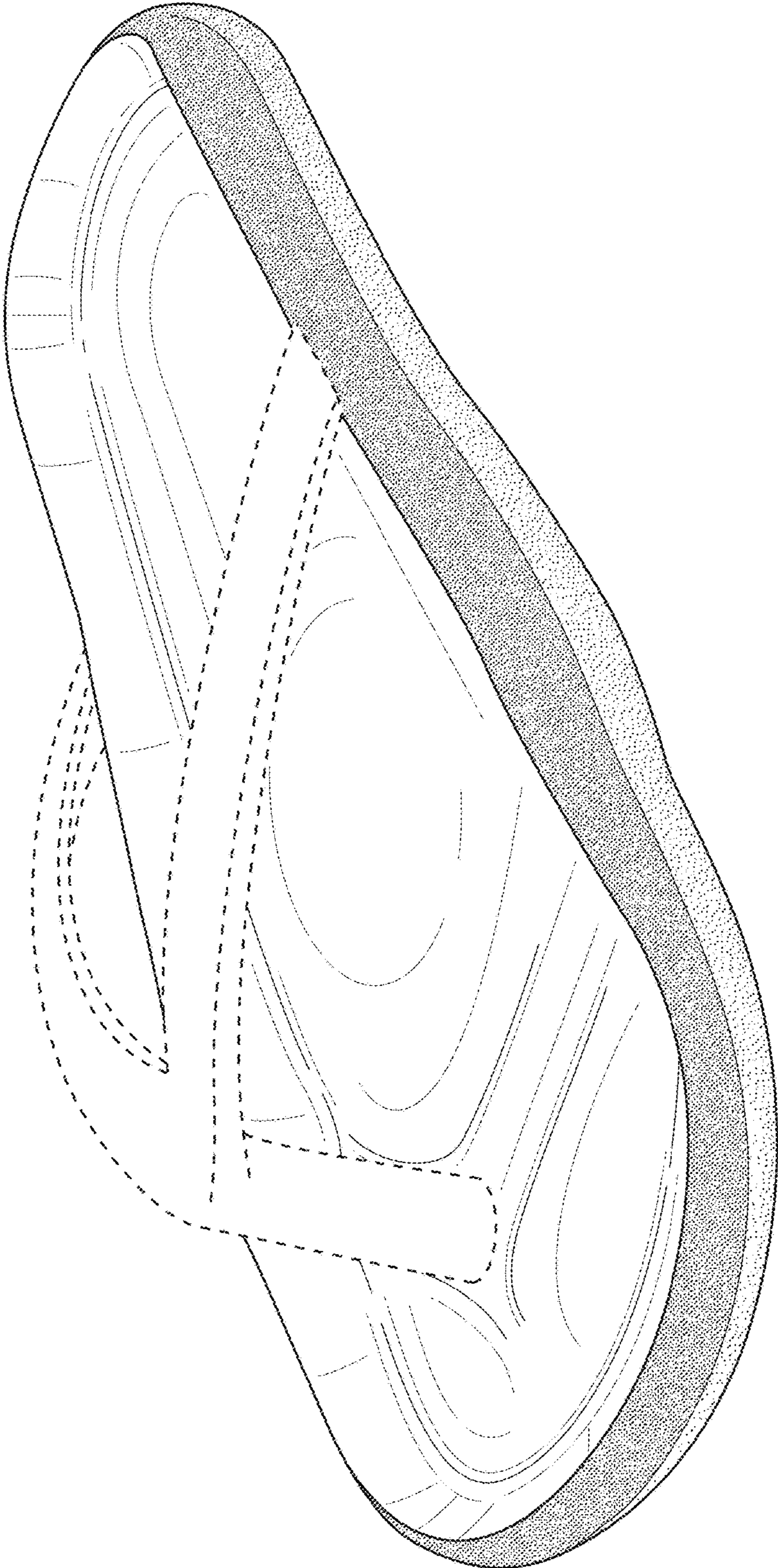


FIG. 12

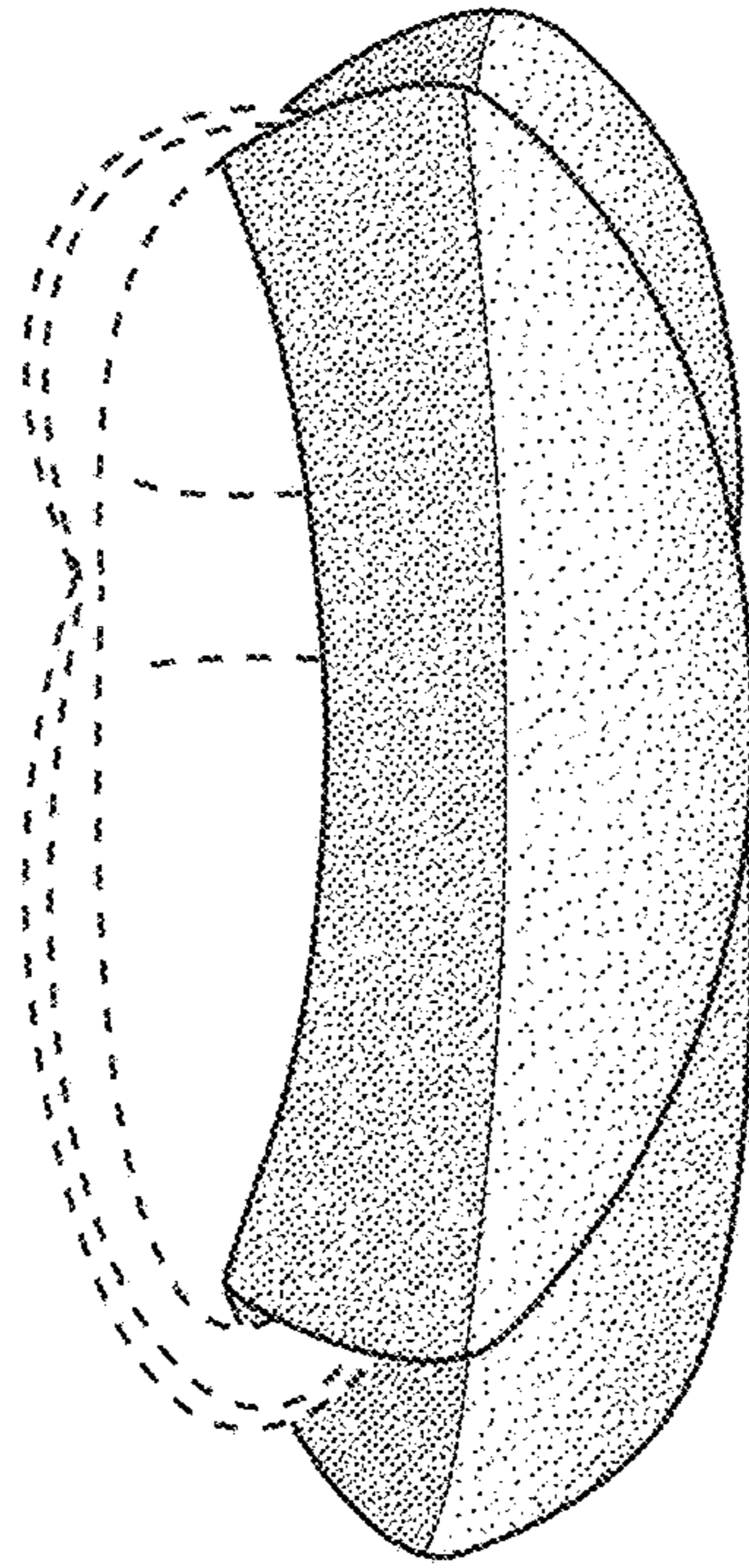


FIG. 13

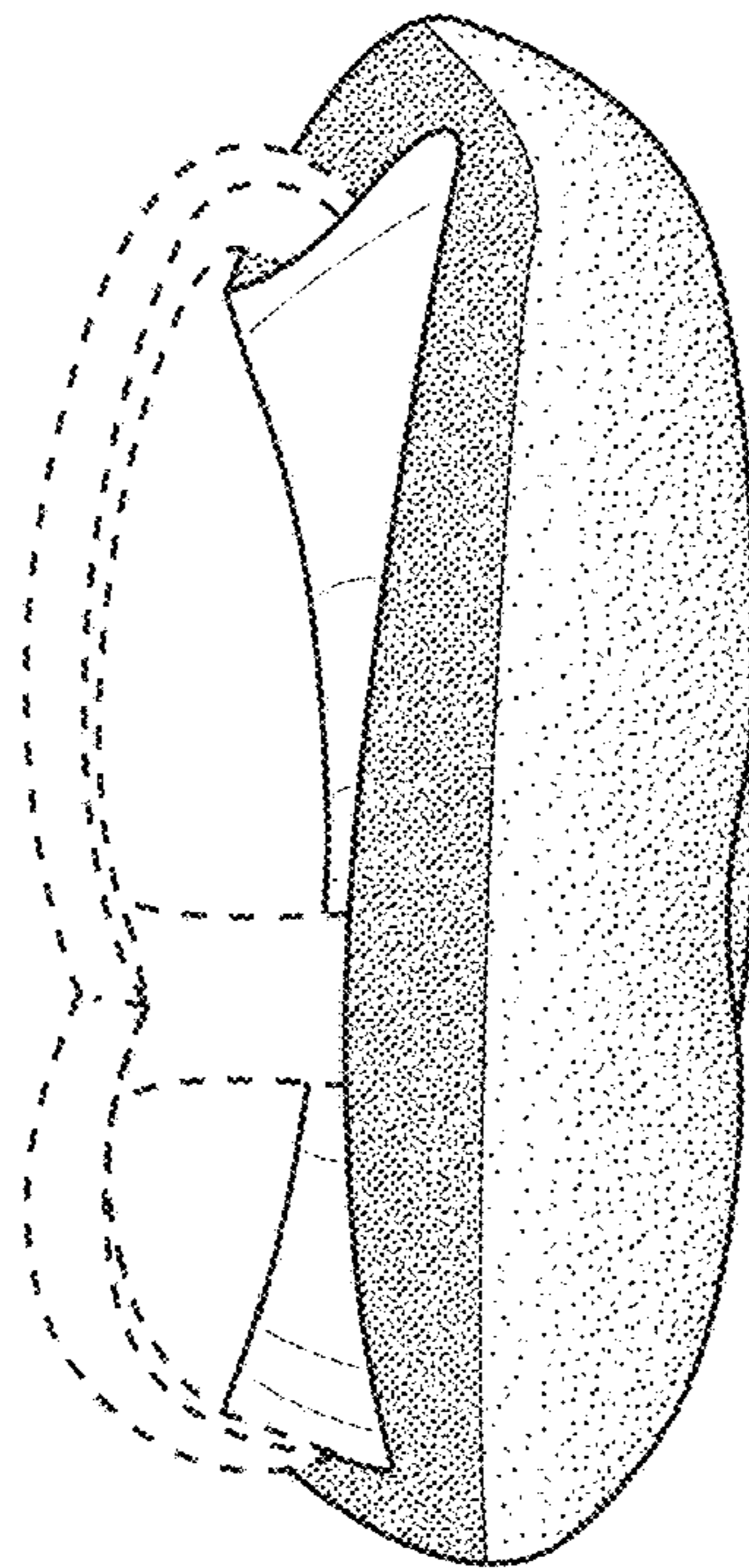


FIG. 14

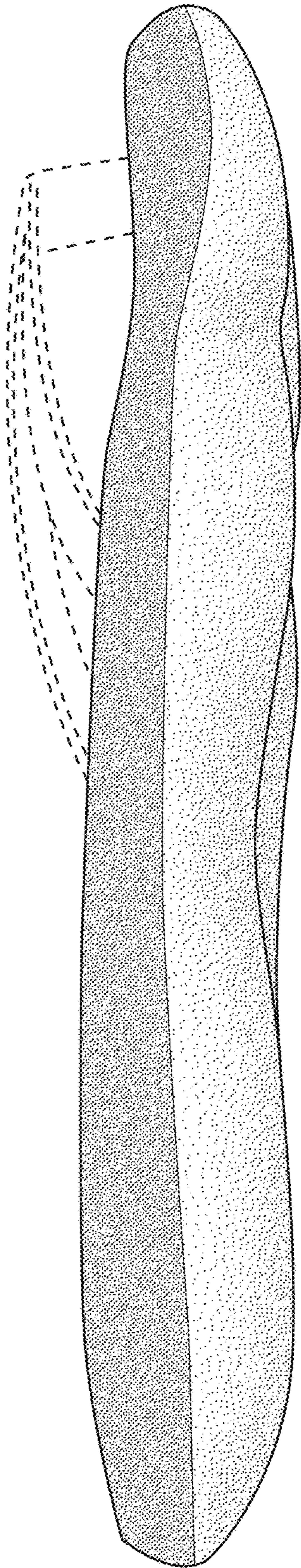


FIG. 15

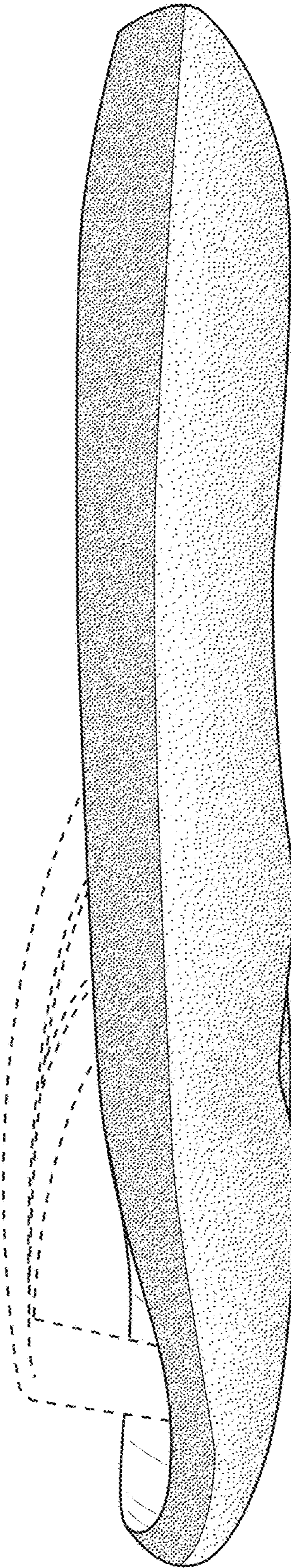


FIG. 16

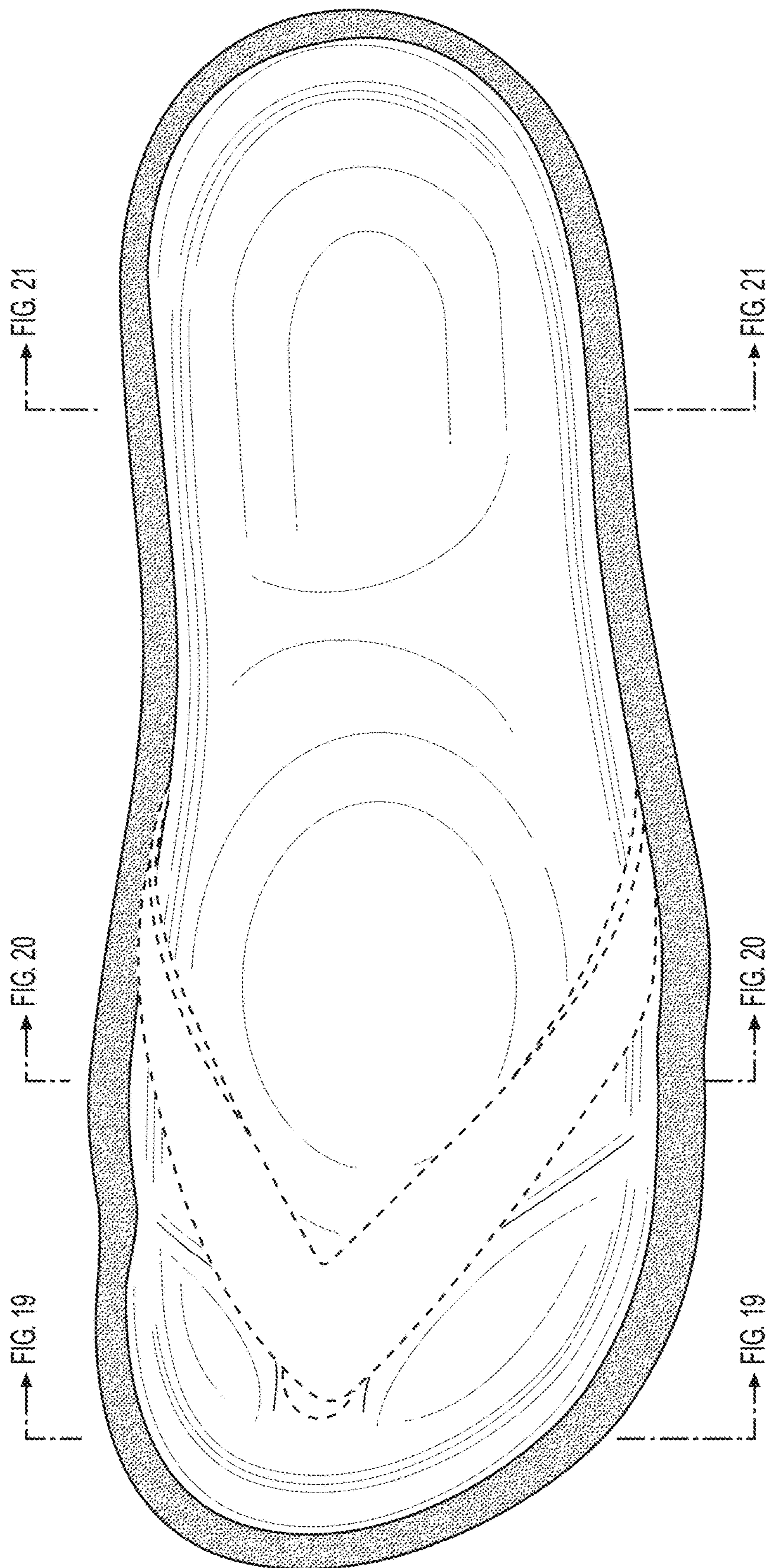


FIG. 17

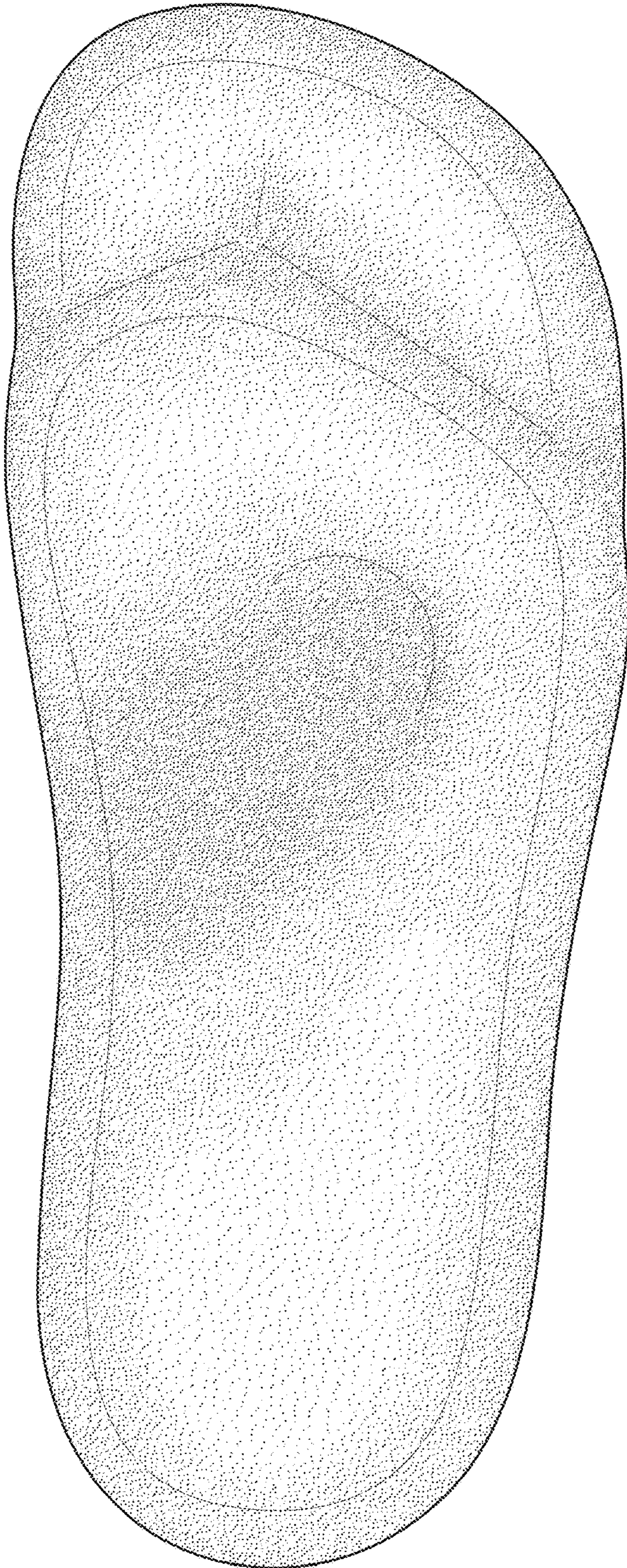


FIG. 18

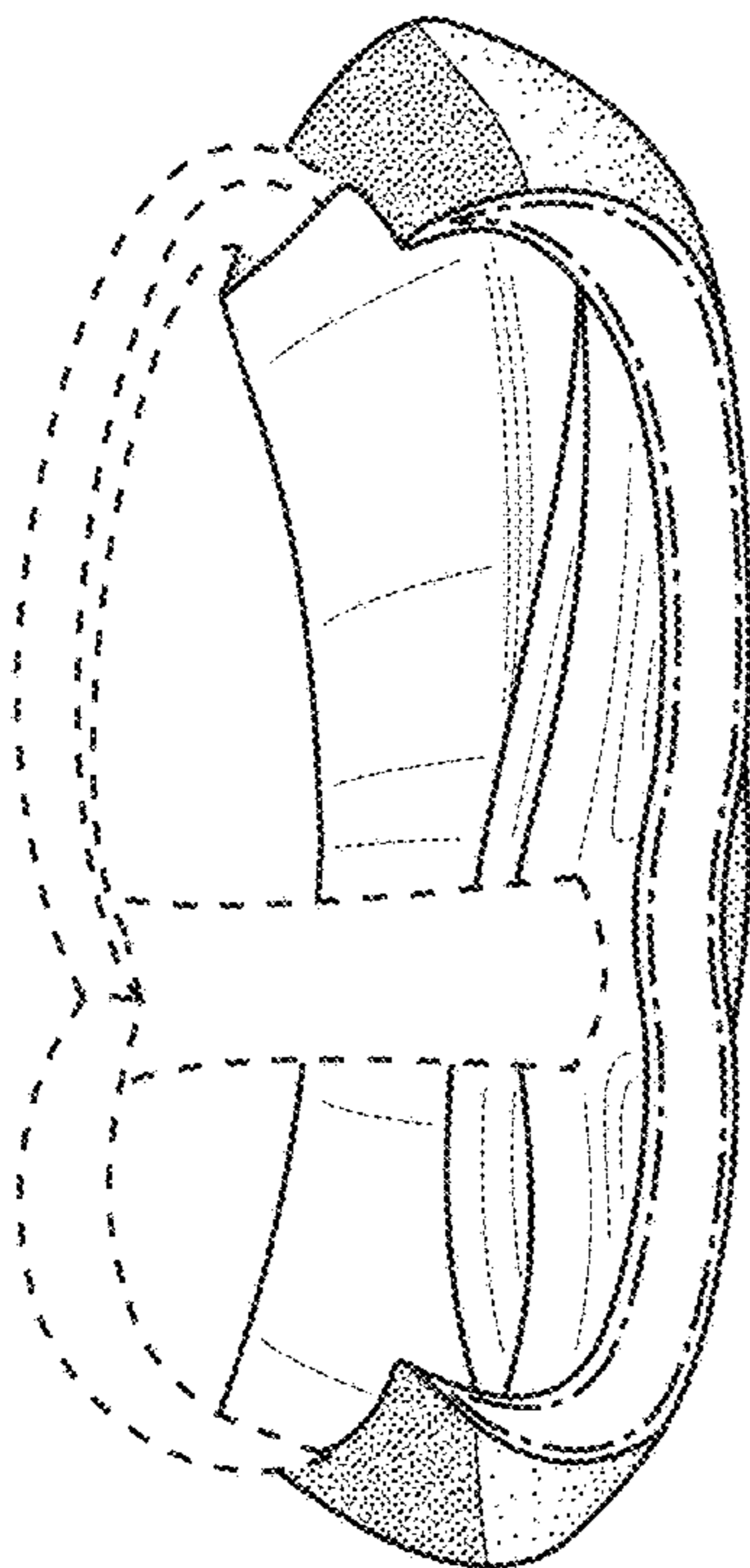


FIG. 19

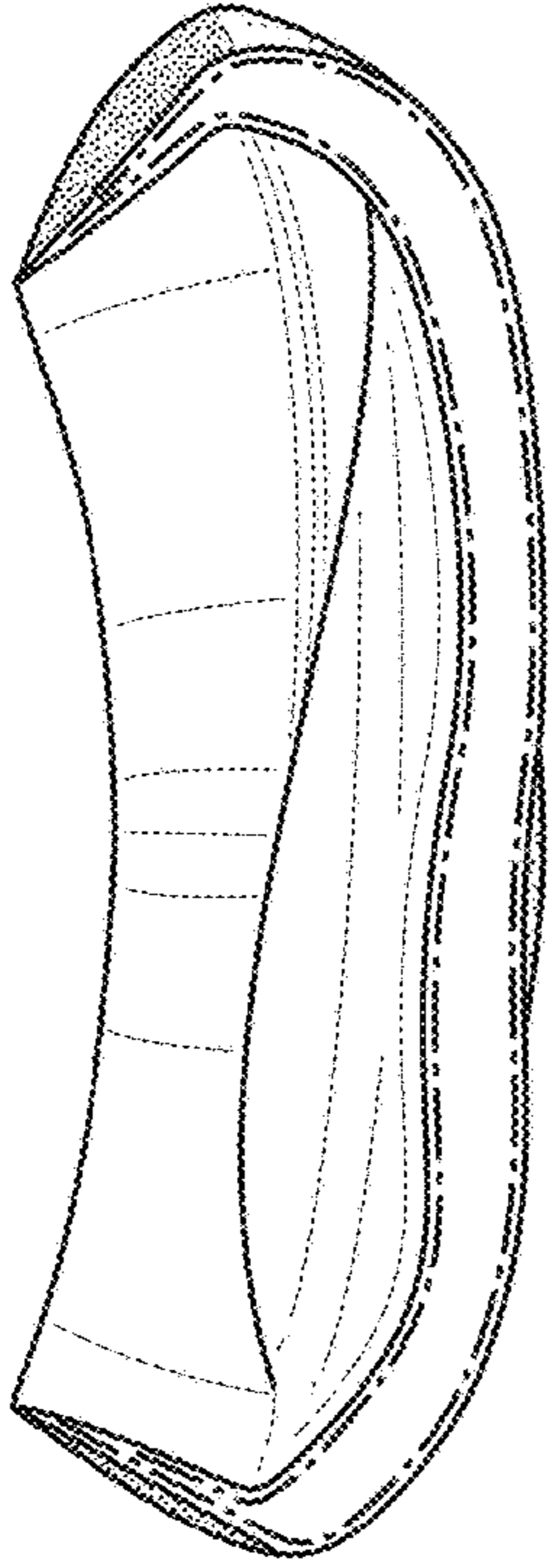


FIG. 20

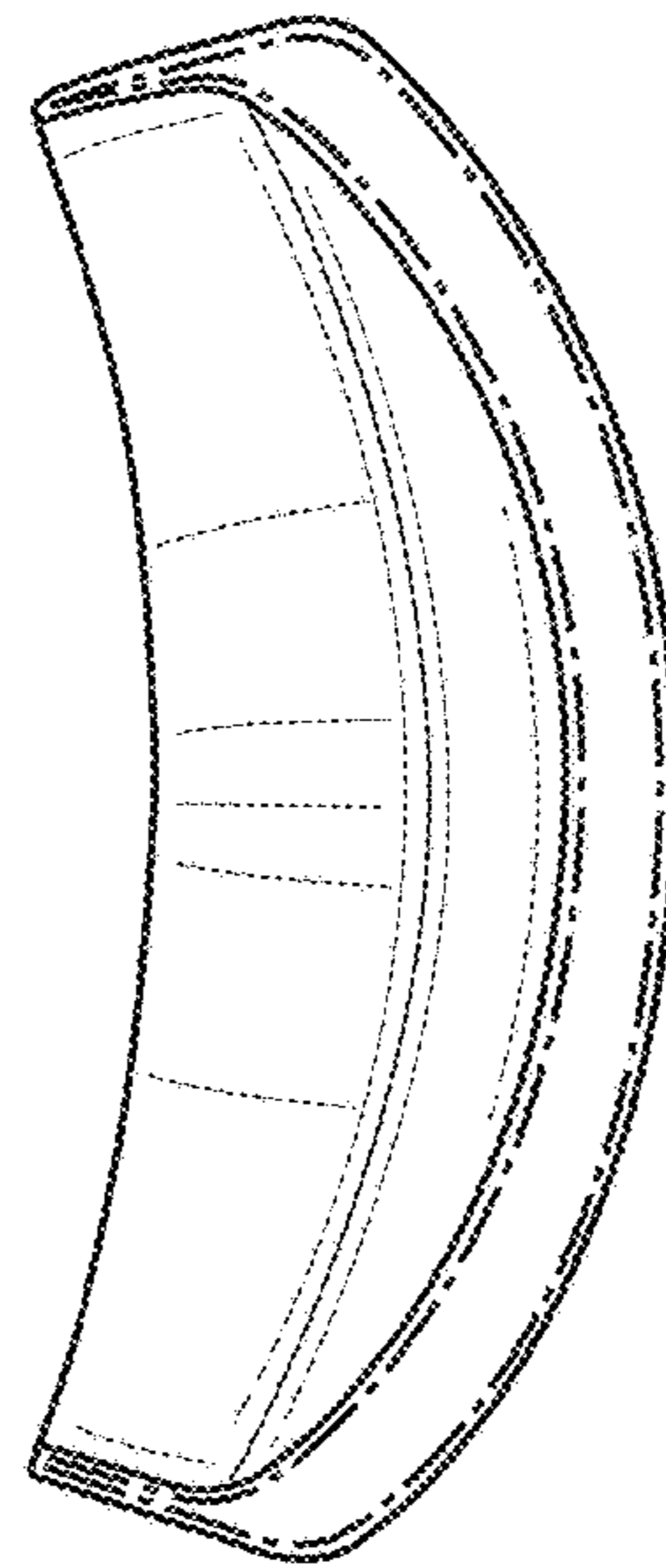


FIG. 21

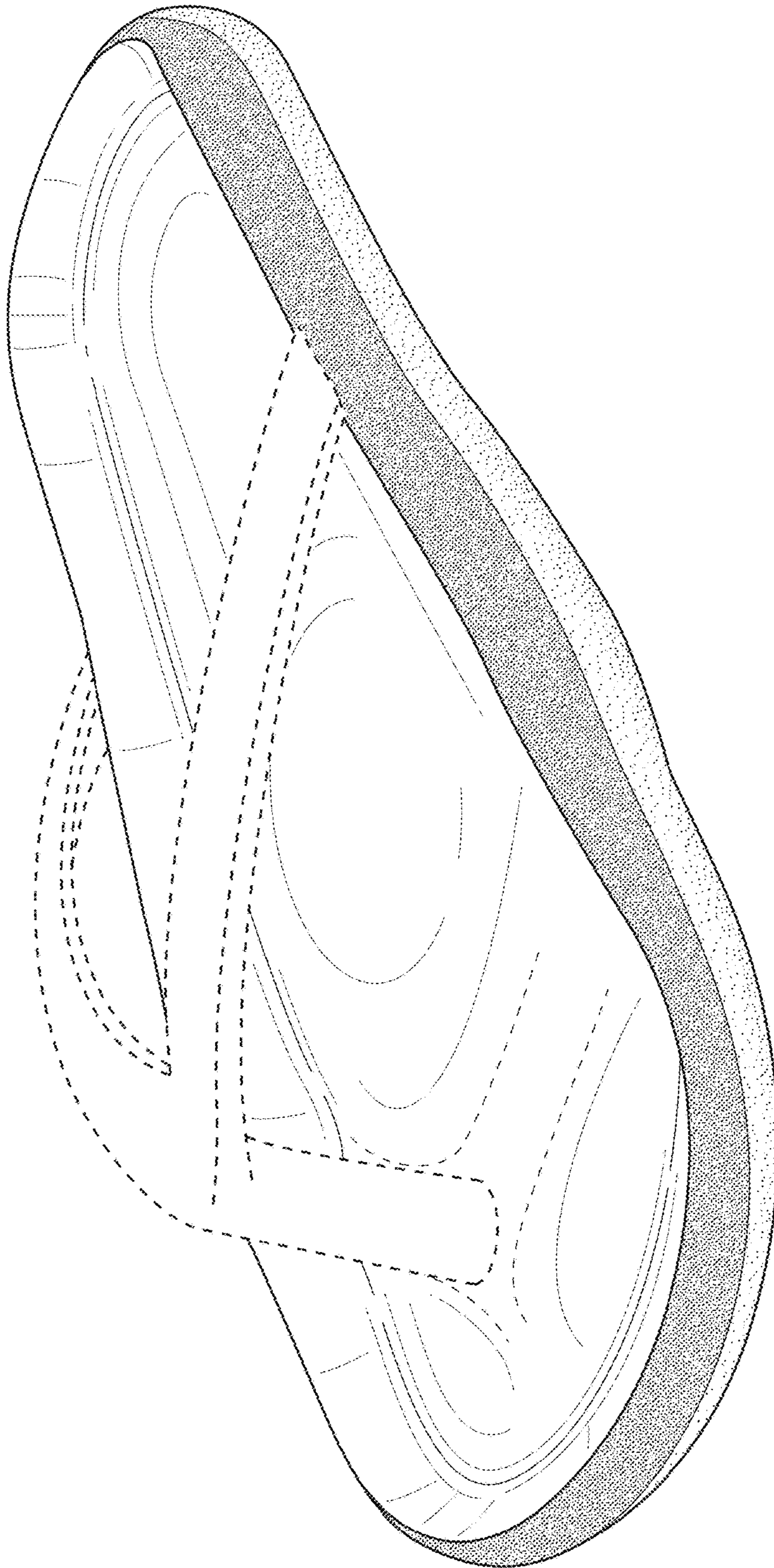


FIG. 22



FIG. 23

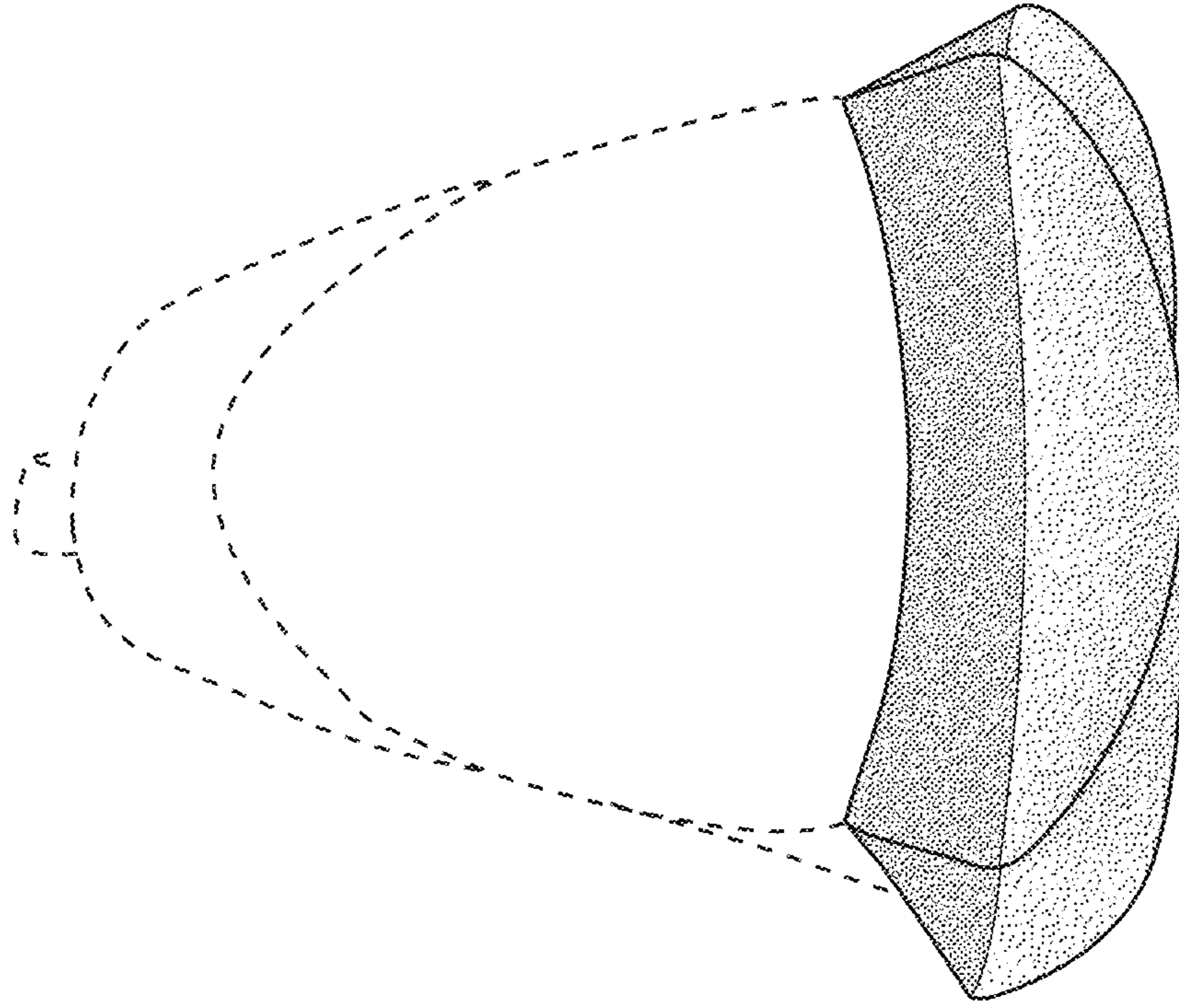


FIG. 25

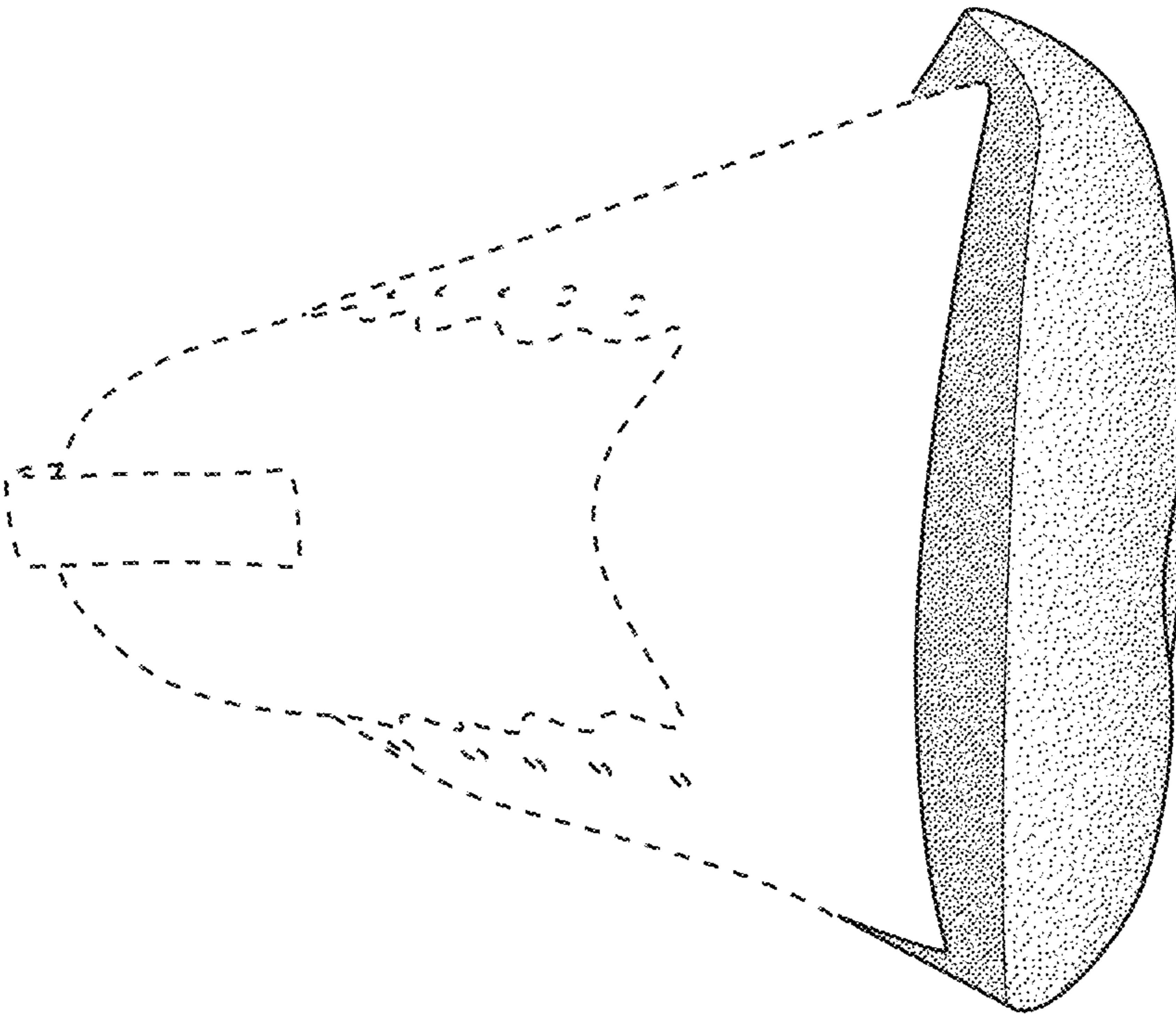


FIG. 24

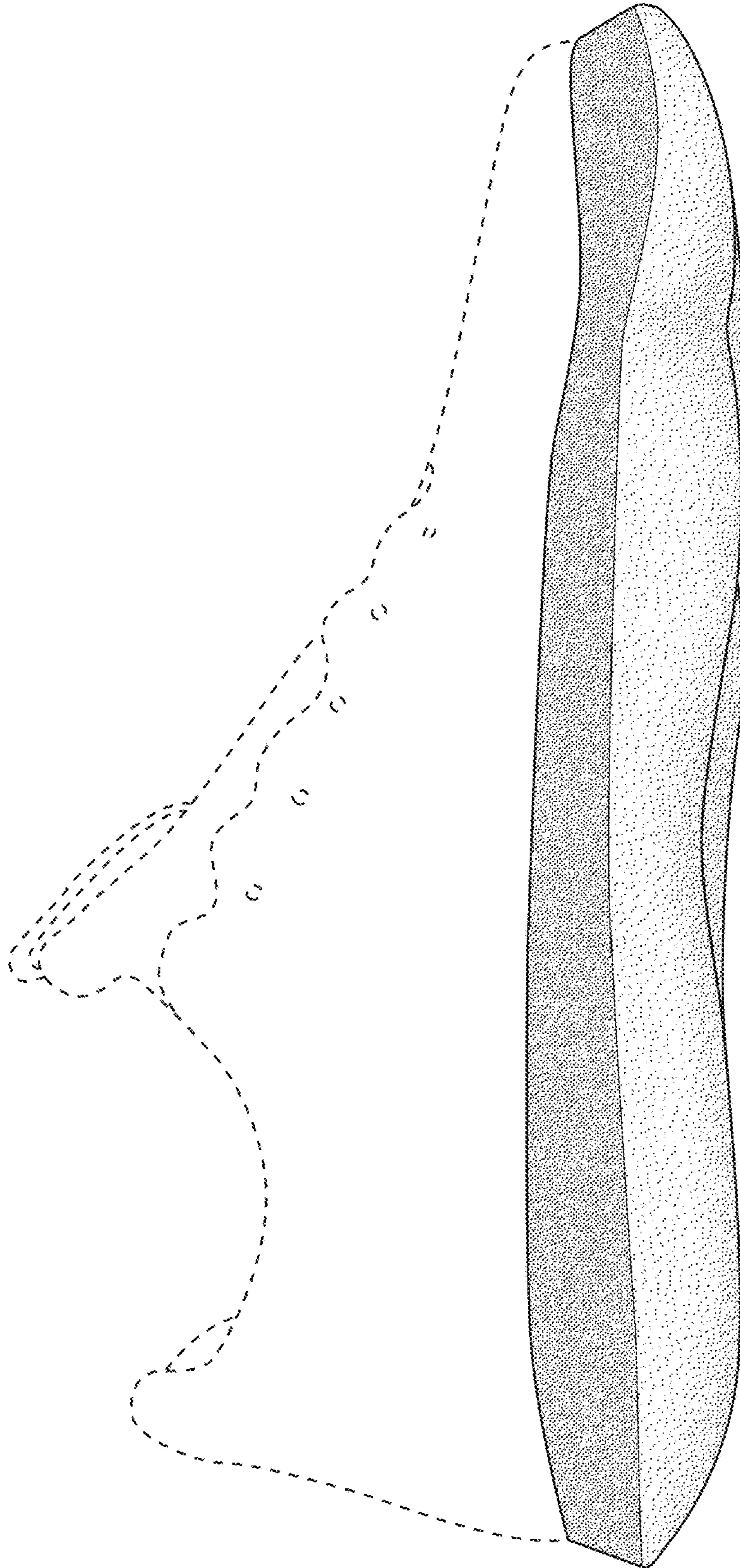


FIG. 26

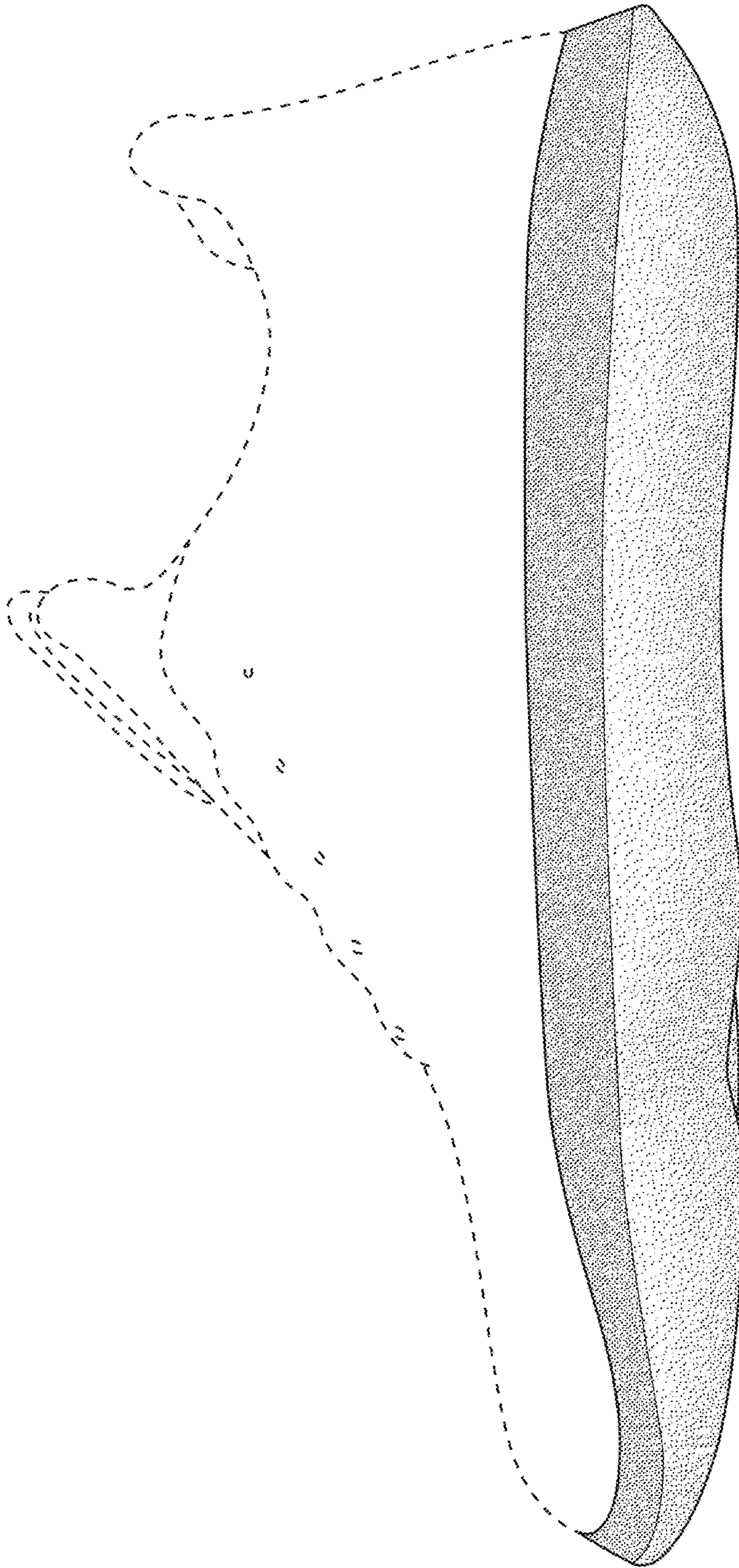


FIG. 27

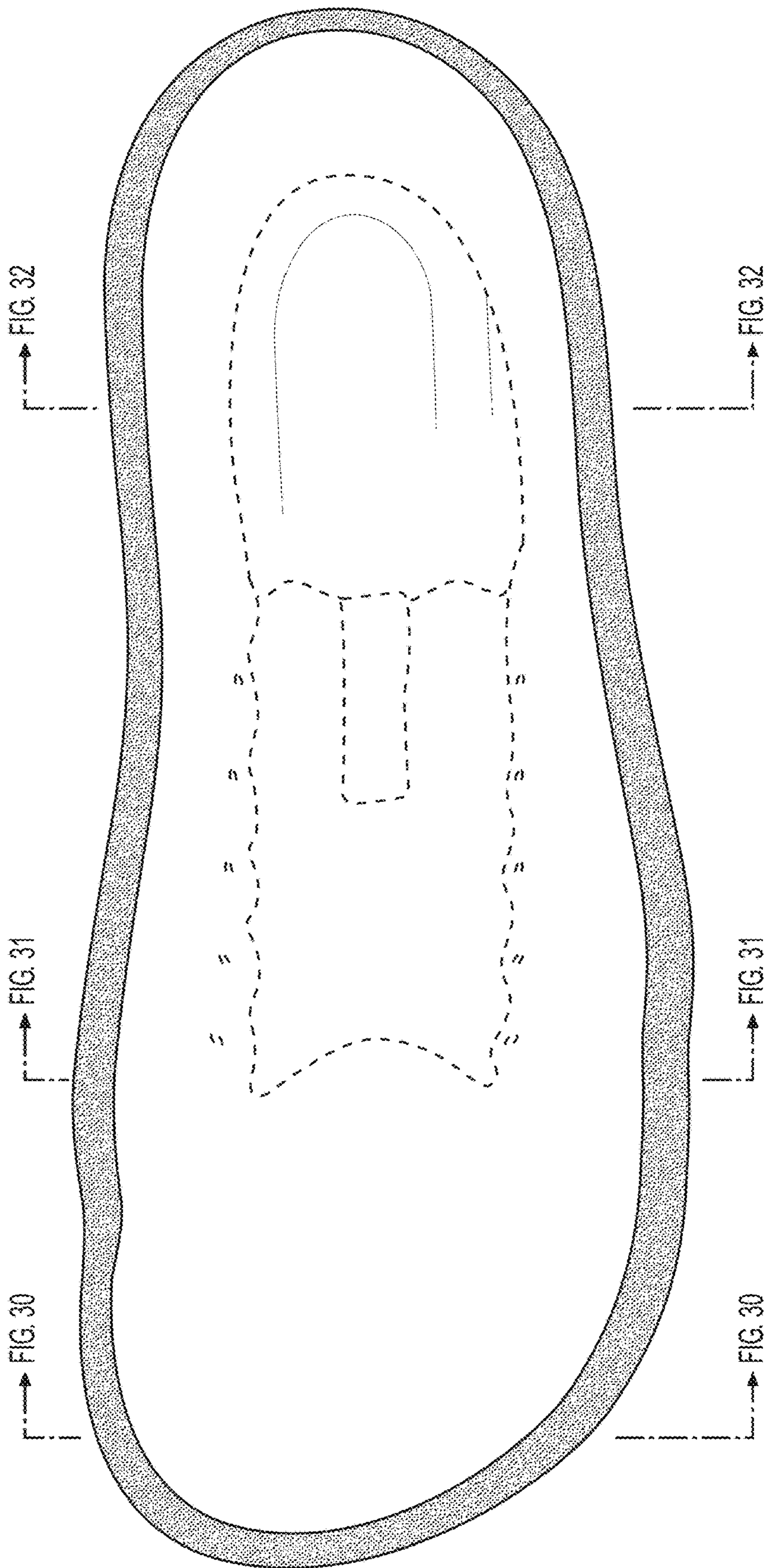


FIG. 28

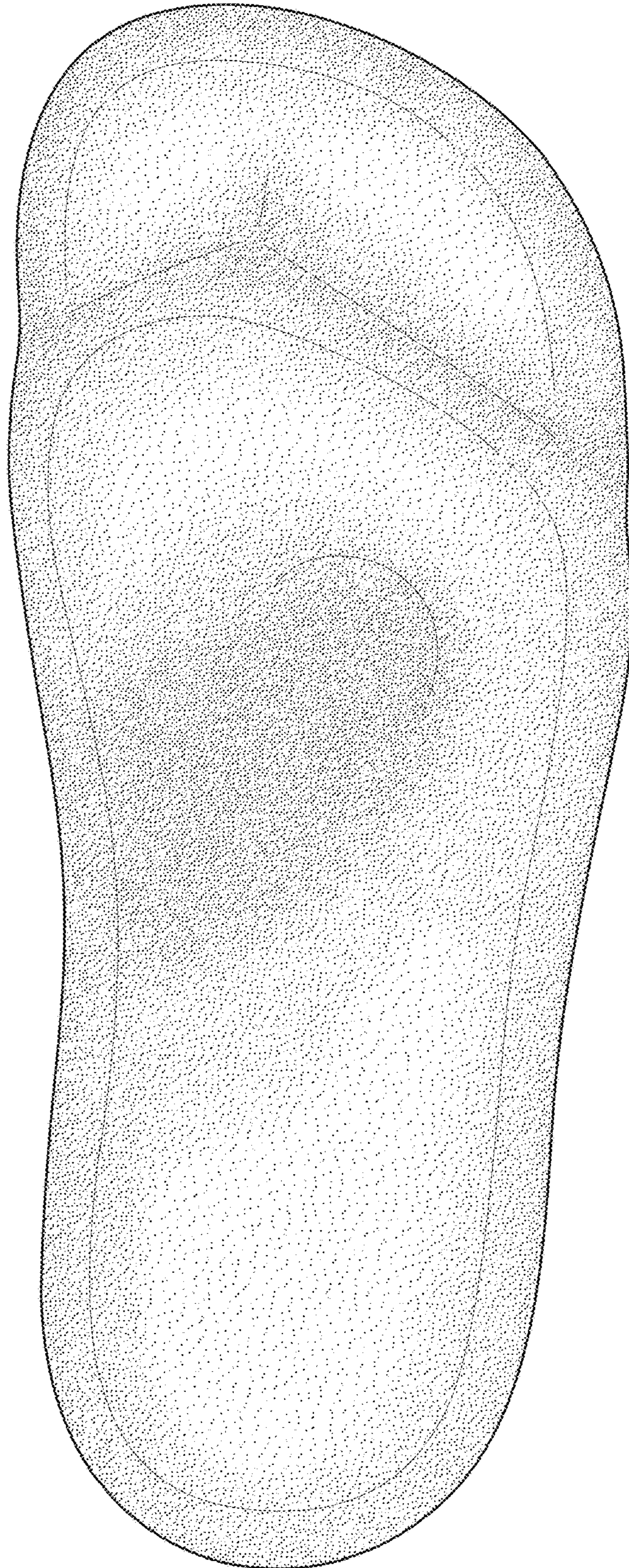


FIG. 29

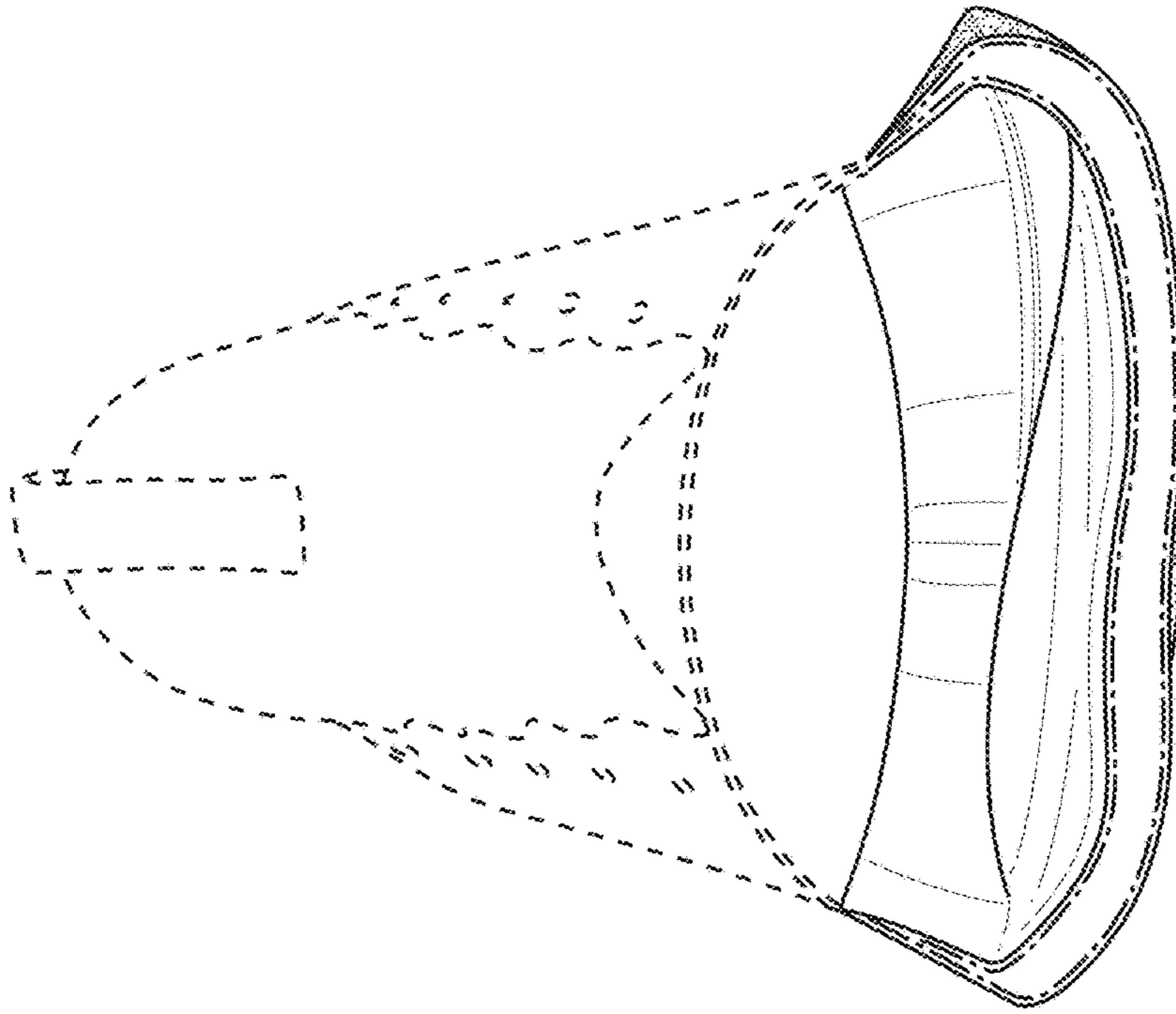


FIG. 31

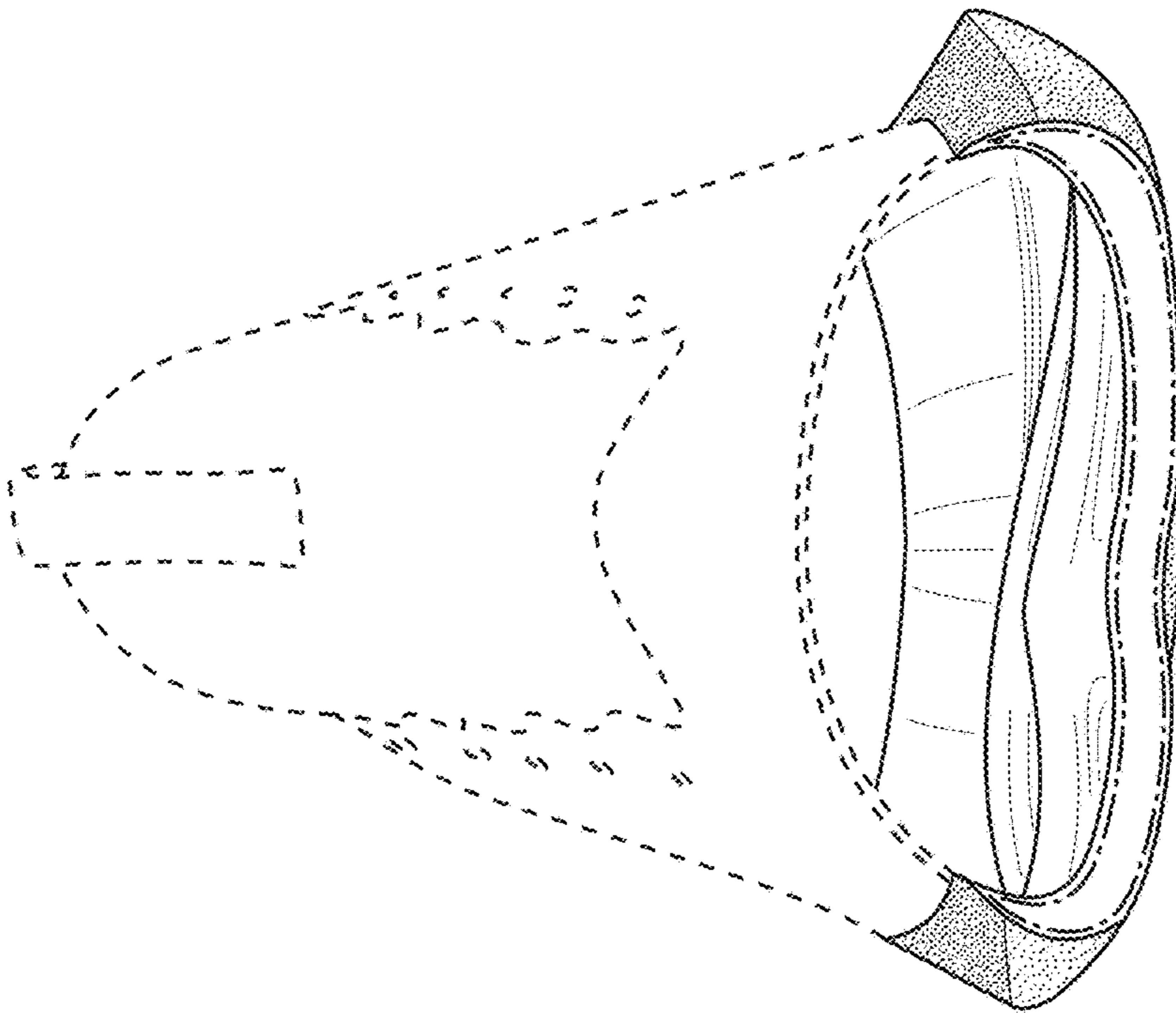


FIG. 30

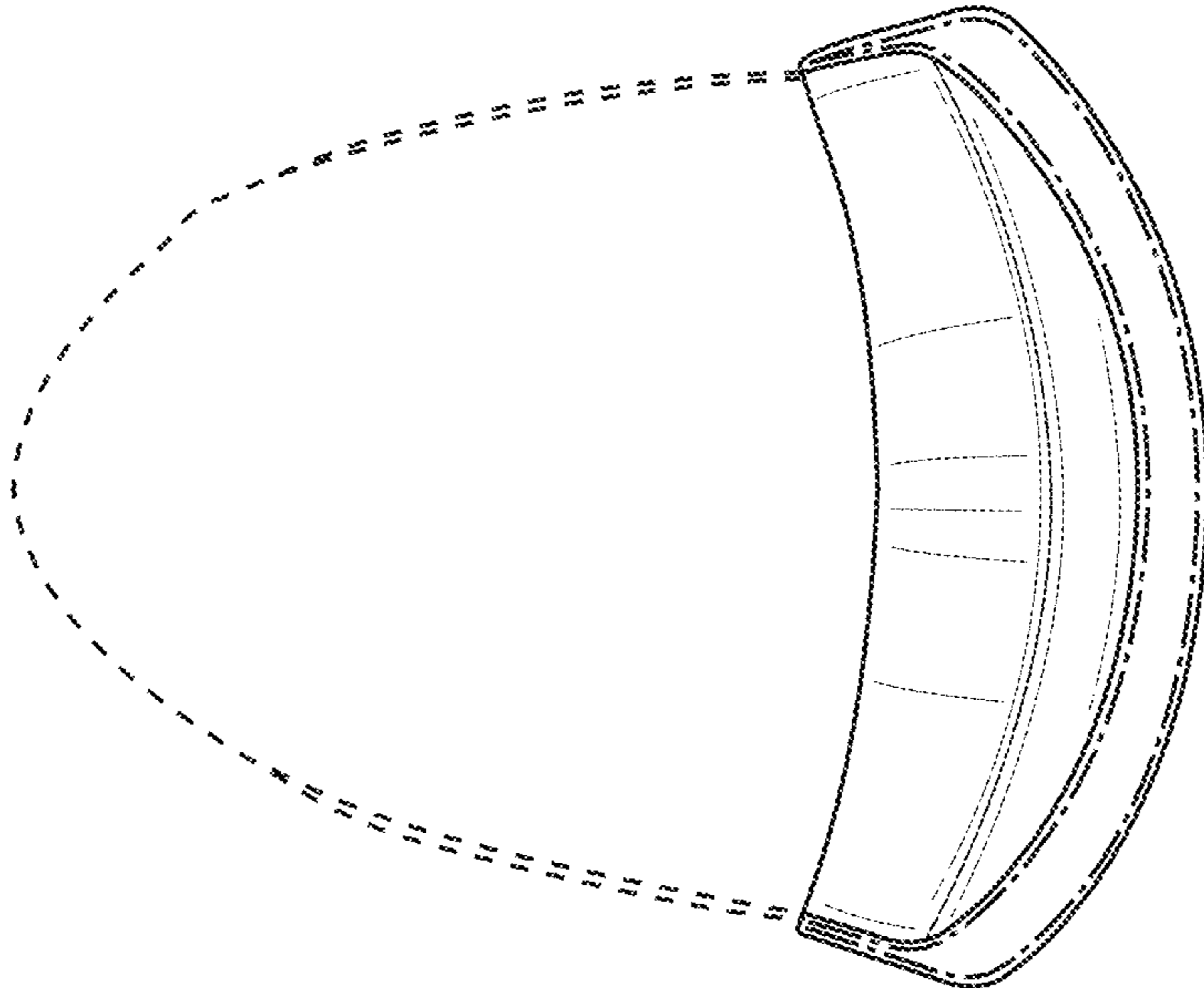


FIG. 32

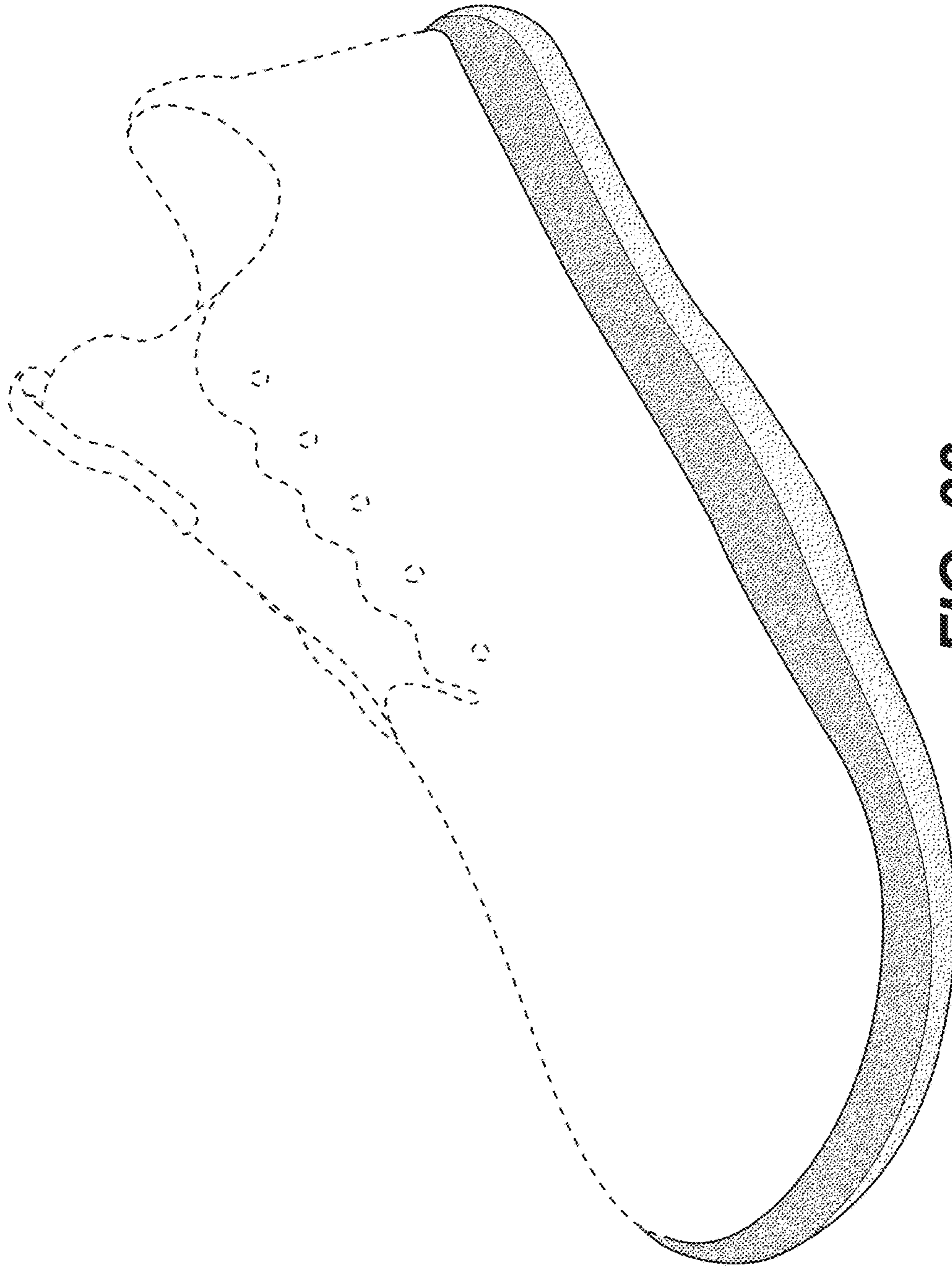


FIG. 33

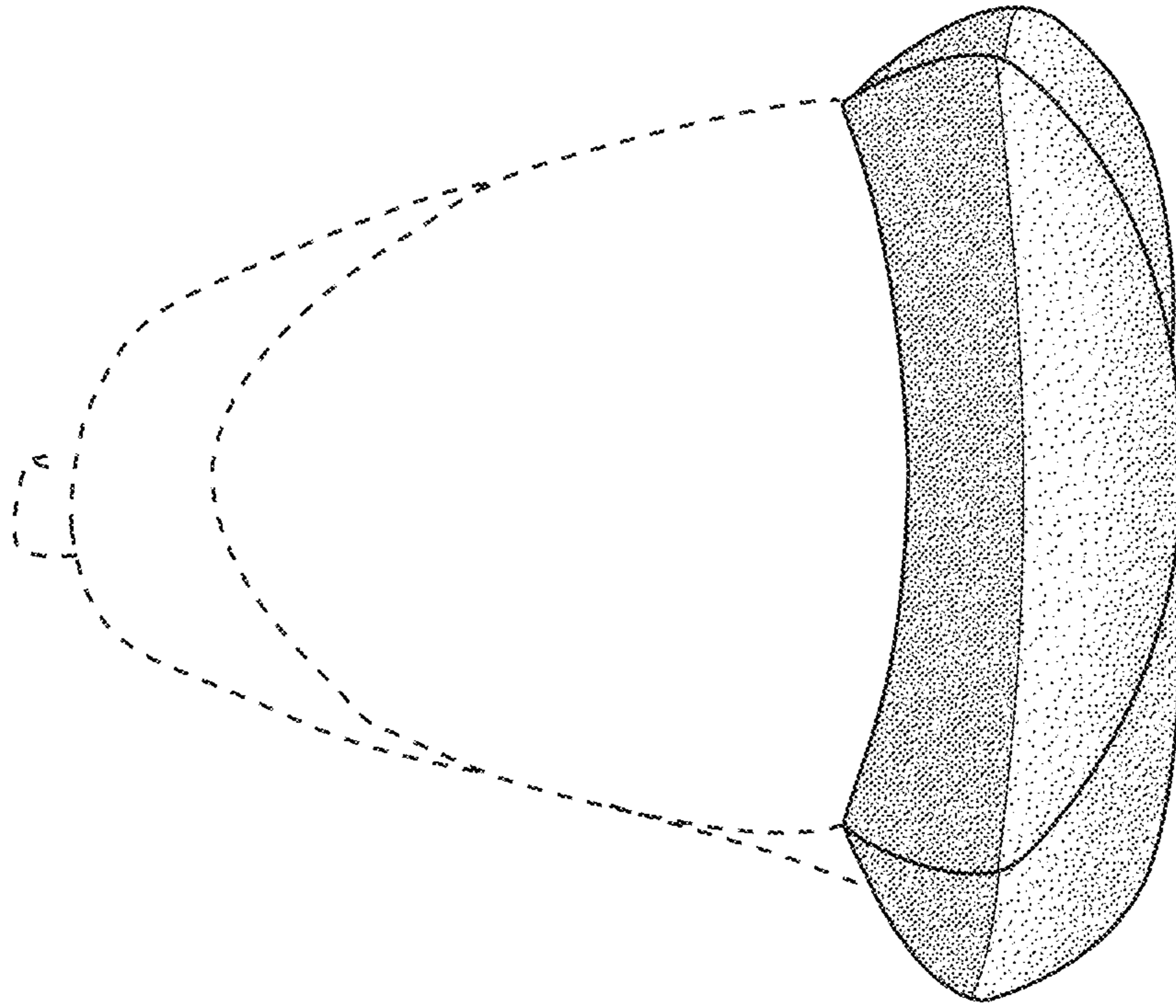


FIG. 35

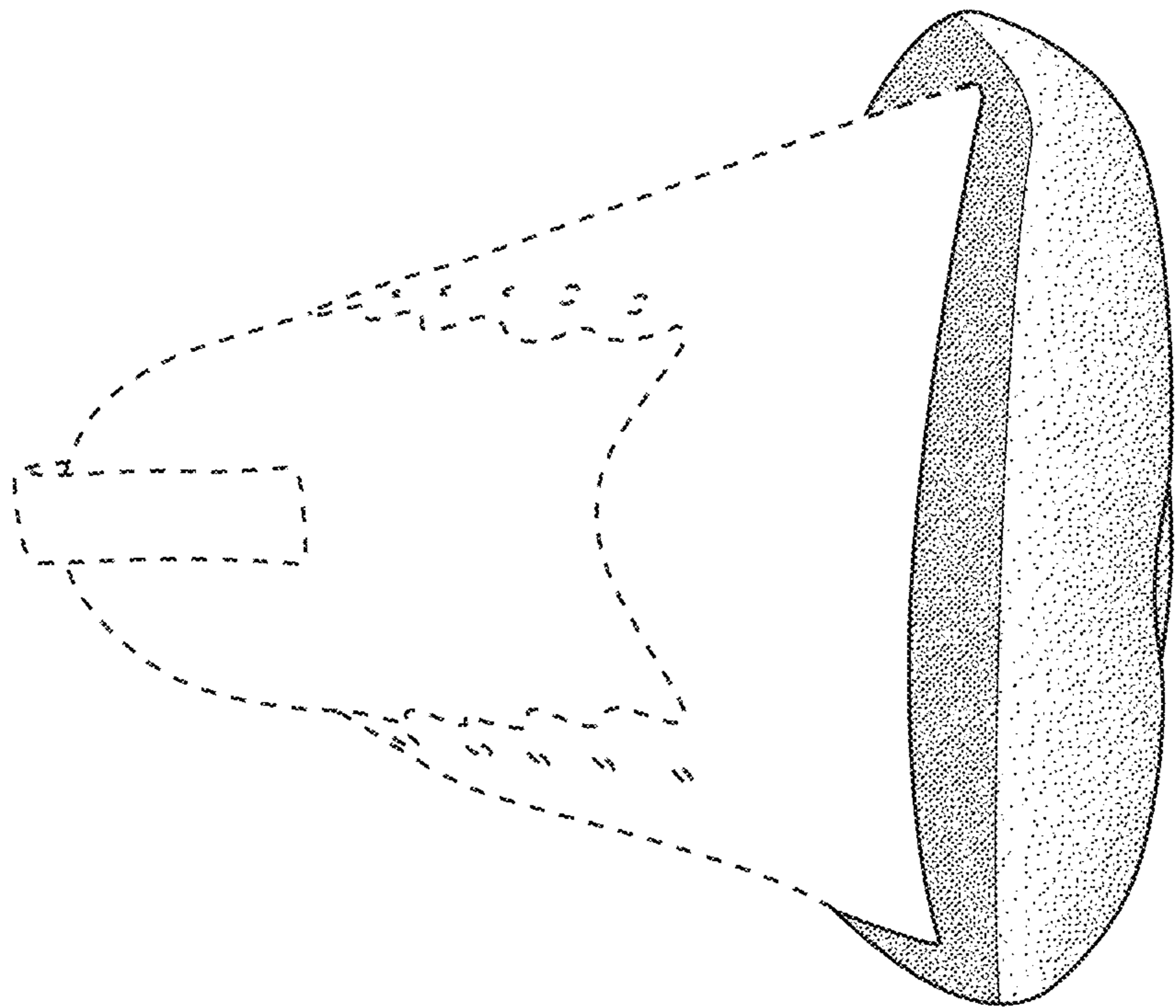


FIG. 34

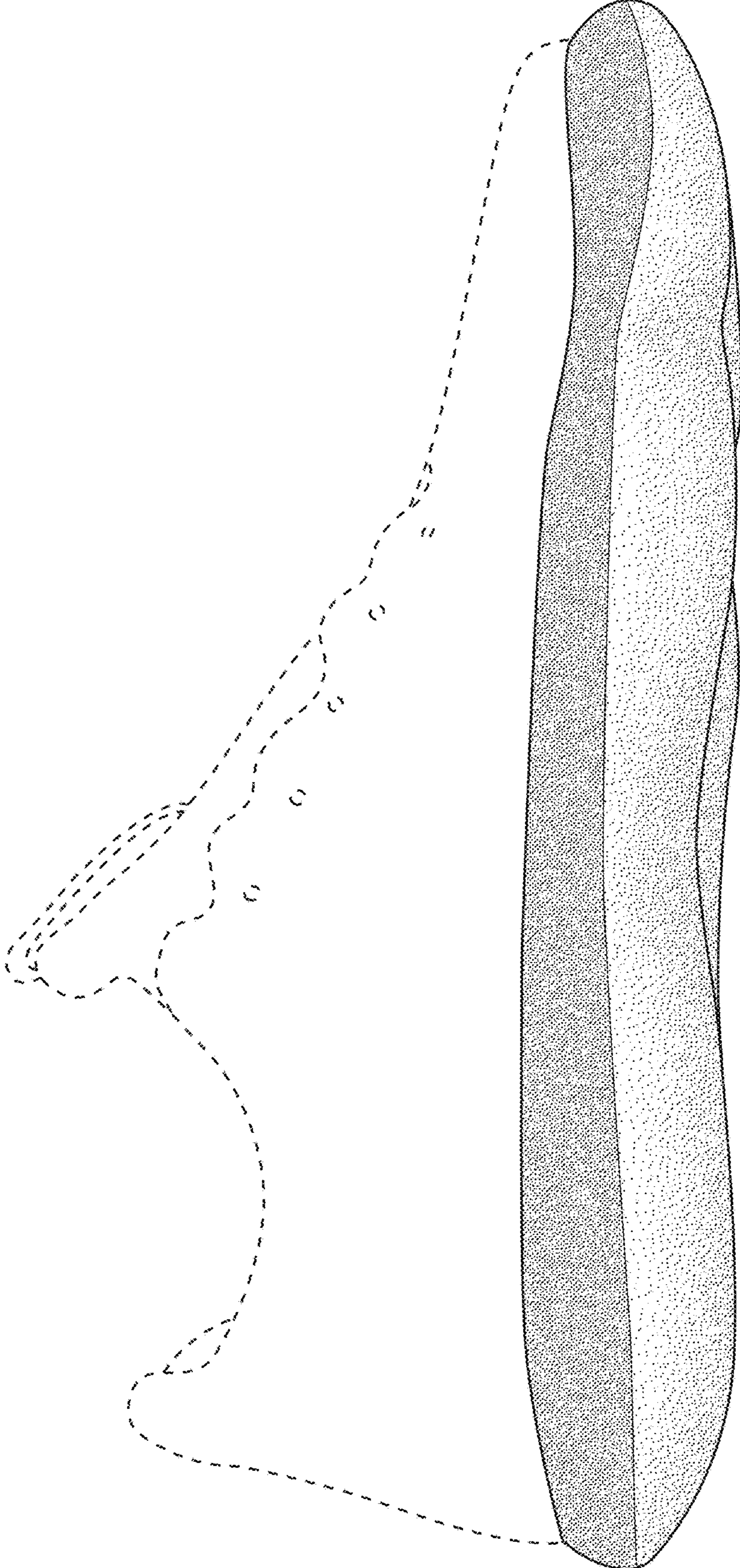


FIG. 36

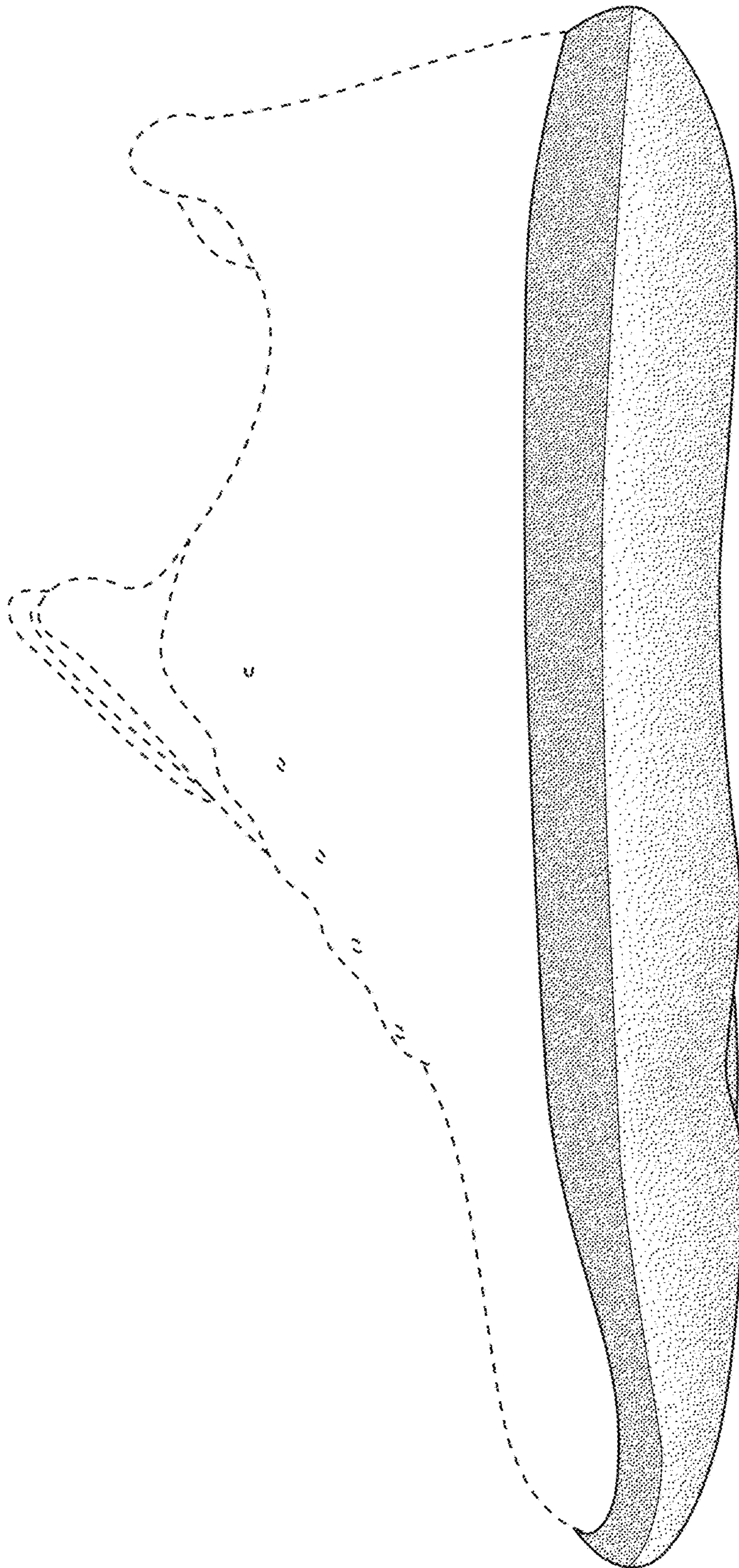


FIG. 37

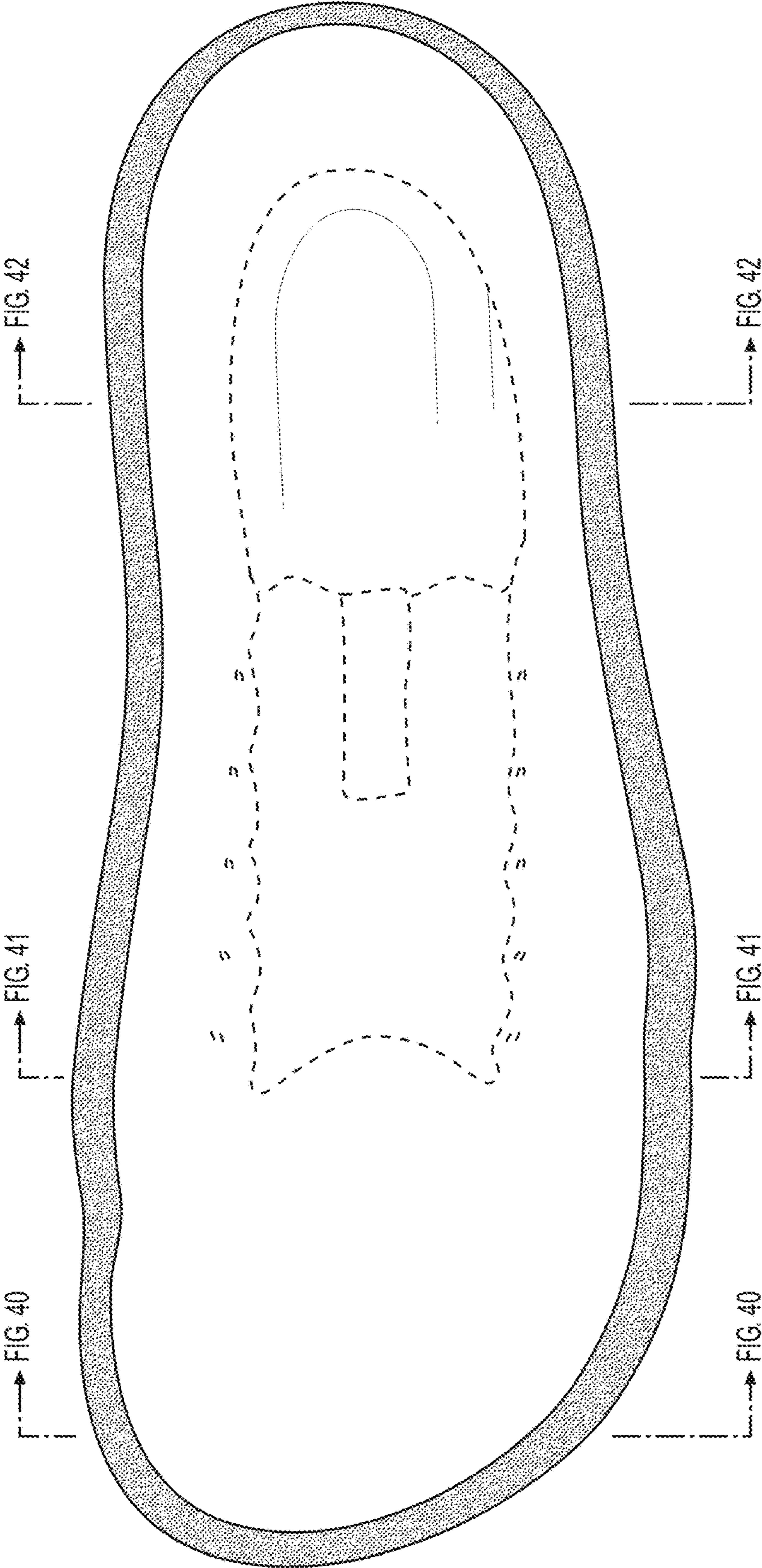


FIG. 38

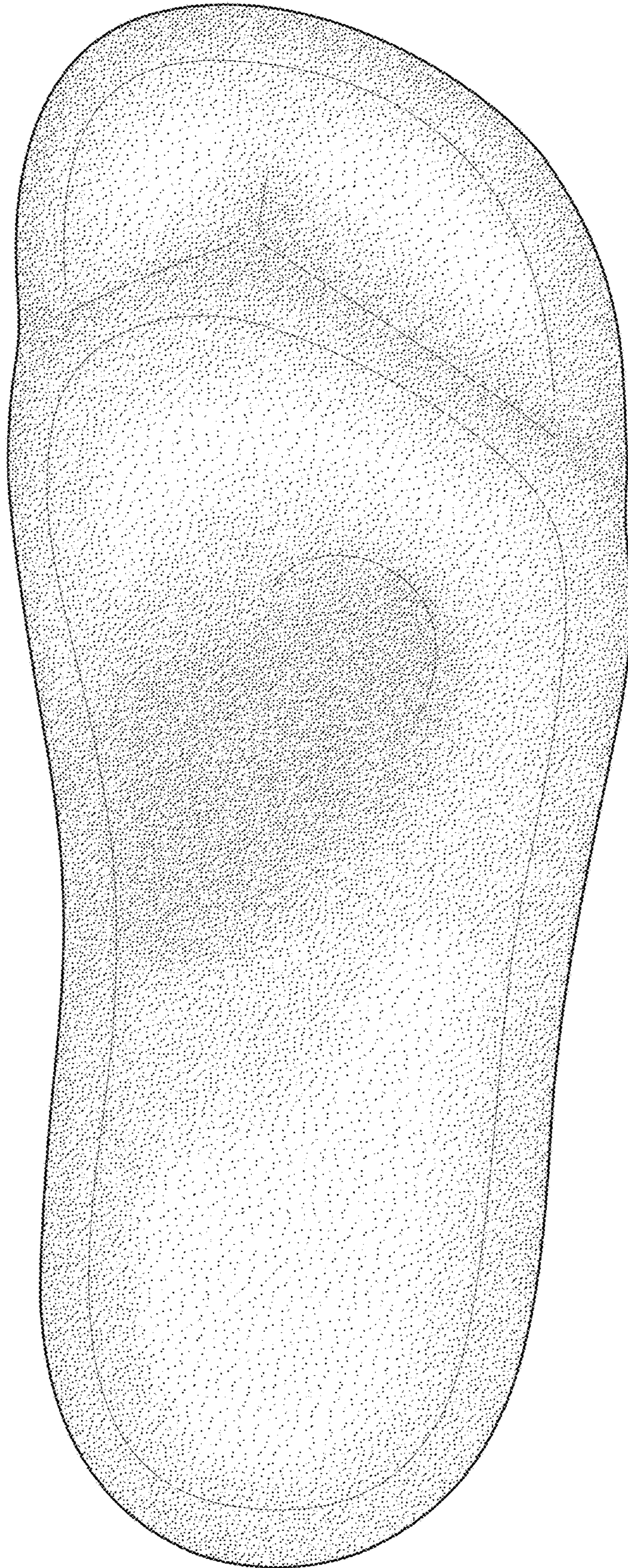


FIG. 39

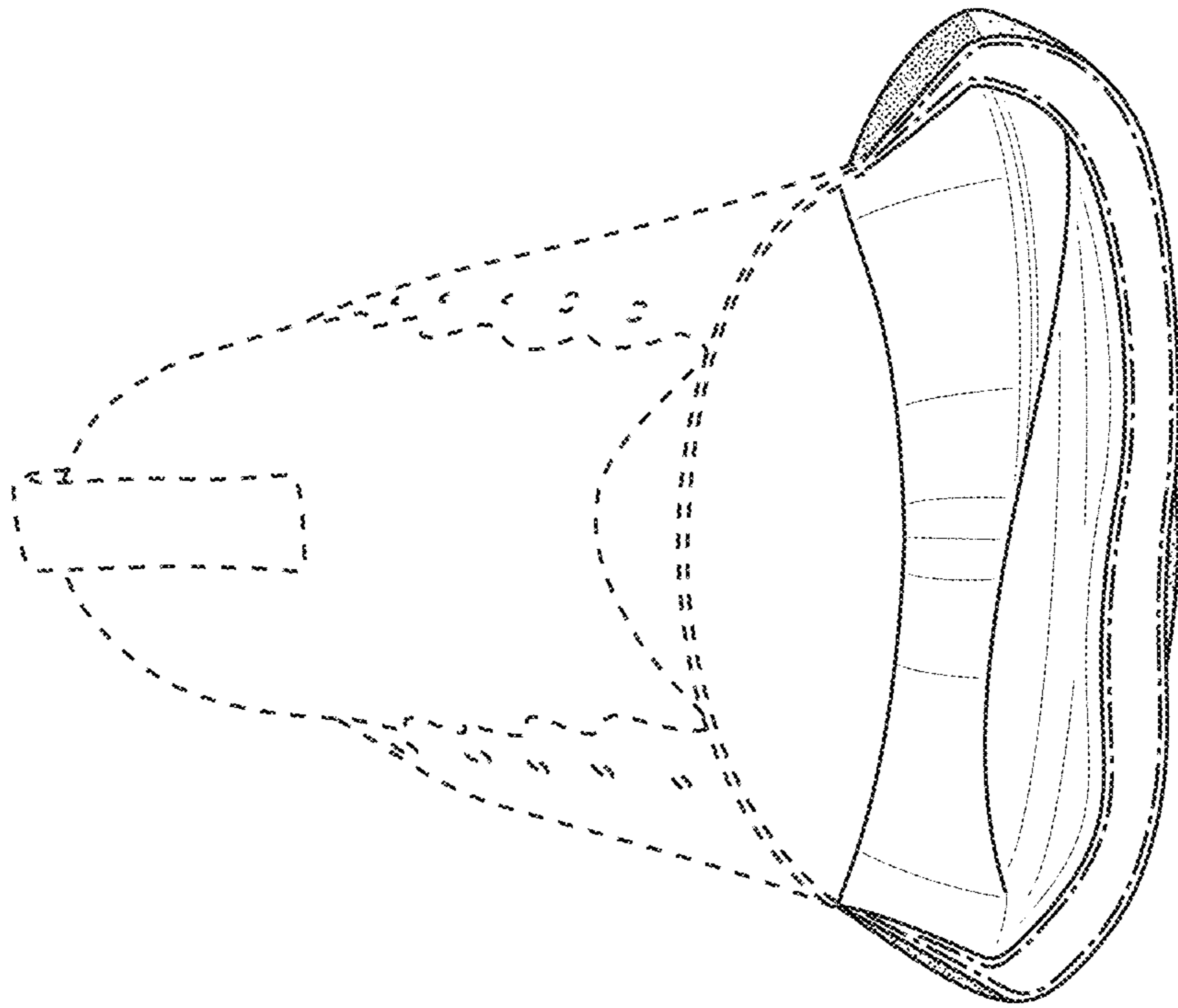


FIG. 41

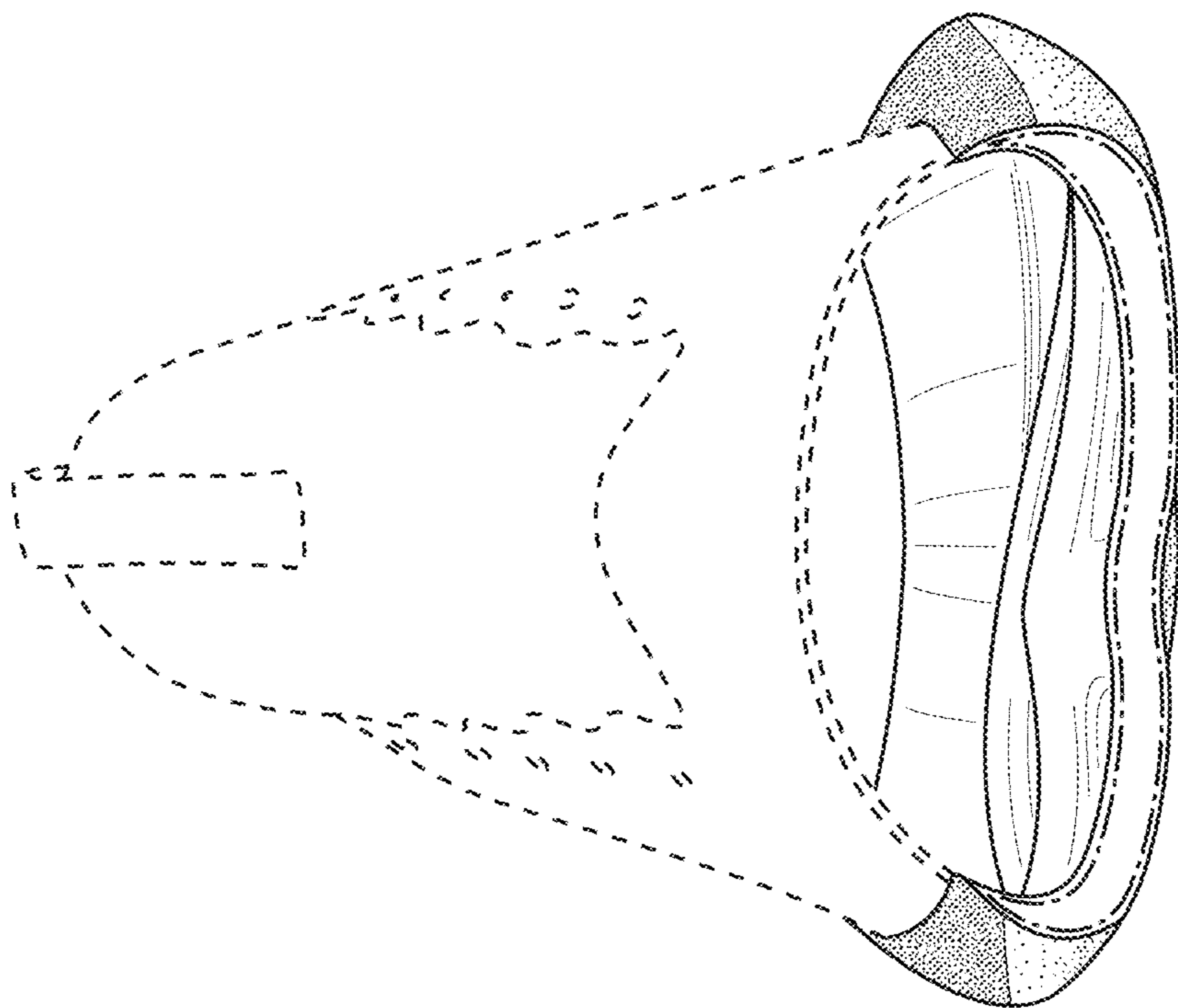


FIG. 40

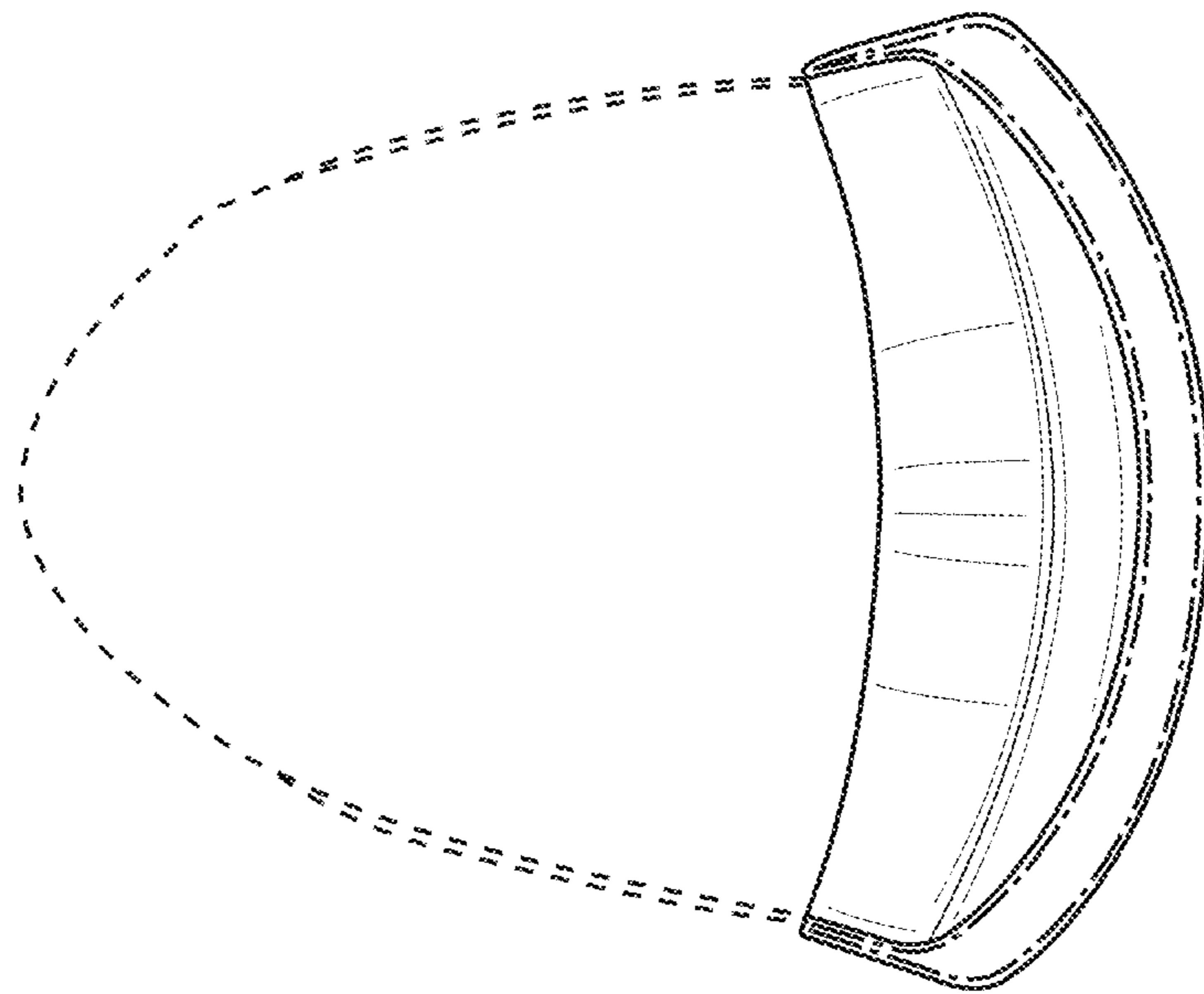


FIG. 42