



US00D849382S

(12) **United States Design Patent** (10) **Patent No.:** **US D849,382 S**  
**Jenkins et al.** (45) **Date of Patent:** **\*\* May 28, 2019**

(54) **FOOTWEAR SOLE** 13/22; A43B 13/223; A43B 13/24; A43B 13/28; A43B 13/30; A43B 13/32; A43B 13/34; A43B 13/36

(71) Applicant: **TBL Licensing LLC**, Stratham, NH (US)

See application file for complete search history.

(72) Inventors: **Kyle M. Jenkins**, Reading, MA (US); **Pierome Sar**, Stratham, NH (US); **John Franklin**, Andover, MA (US); **Jeff Lynch**, Dover, NH (US); **Paul Grote**, Hampton, NH (US); **Suzanne Woods**, London (GB)

(56) **References Cited**

U.S. PATENT DOCUMENTS

(73) Assignee: **TBL Licensing LLC**, Stratham, NH (US)

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

(21) Appl. No.: **29/641,175**

(22) Filed: **Mar. 20, 2018**

D78,191 S *	4/1929	Bush	.....	D2/959
D78,502 S *	5/1929	Blair	.....	36/59 C
D90,057 S *	5/1933	Cleef	.....	36/59 C
D98,509 S	2/1936	Goldberg		
D117,831 S	11/1939	Johnson		
D158,361 S	5/1950	Diller		
D197,505 S *	2/1964	Bingham, Jr.	.....	D2/955
D200,846 S *	4/1965	Bovay	.....	D2/908
D239,479 S	4/1976	Senter		
4,141,158 A	2/1979	Benseler et al.		
D259,823 S	7/1981	Greenlee		
D272,963 S	3/1984	Muller et al.		
D287,182 S	12/1986	Stubblefield		
D287,304 S	12/1986	Peterson et al.		
D296,724 S	7/1988	Peterson		
D301,657 S	6/1989	Brown		
D307,817 S	5/1990	Schneider		
D316,627 S *	5/1991	Schneider	.....	D2/959
D323,739 S	2/1992	Kaiser		
D329,130 S	9/1992	Yoon		
D335,572 S	5/1993	Peterson		
D337,426 S	7/1993	Dyer et al.		
D342,375 S	12/1993	Nichol, Jr.		
D348,148 S *	6/1994	Limauro	.....	D2/954
5,352,526 A	10/1994	Solanki et al.		
D363,371 S	10/1995	Werman		
D368,575 S	4/1996	McClain		
D389,995 S	2/1998	Cockrell		
D390,346 S	2/1998	Loveder		
D394,342 S	5/1998	Schneider		
D401,743 S	12/1998	Wunsch		
D414,022 S *	9/1999	Lozano	.....	D2/947
D414,319 S	9/1999	Werman		
D415,609 S *	10/1999	Hlavacs	.....	D2/951
D415,610 S	10/1999	Cahill		
D427,758 S	7/2000	Schneider		
D431,894 S *	10/2000	Begg, II	.....	D2/957
D432,767 S *	10/2000	Fogg	.....	D2/947
D432,768 S	10/2000	Neely		
D433,790 S	11/2000	Oliver		
D438,697 S	3/2001	Matis et al.		
D440,748 S	4/2001	Morgan		
D441,946 S	5/2001	Agnew et al.		
D444,293 S	7/2001	Turner et al.		

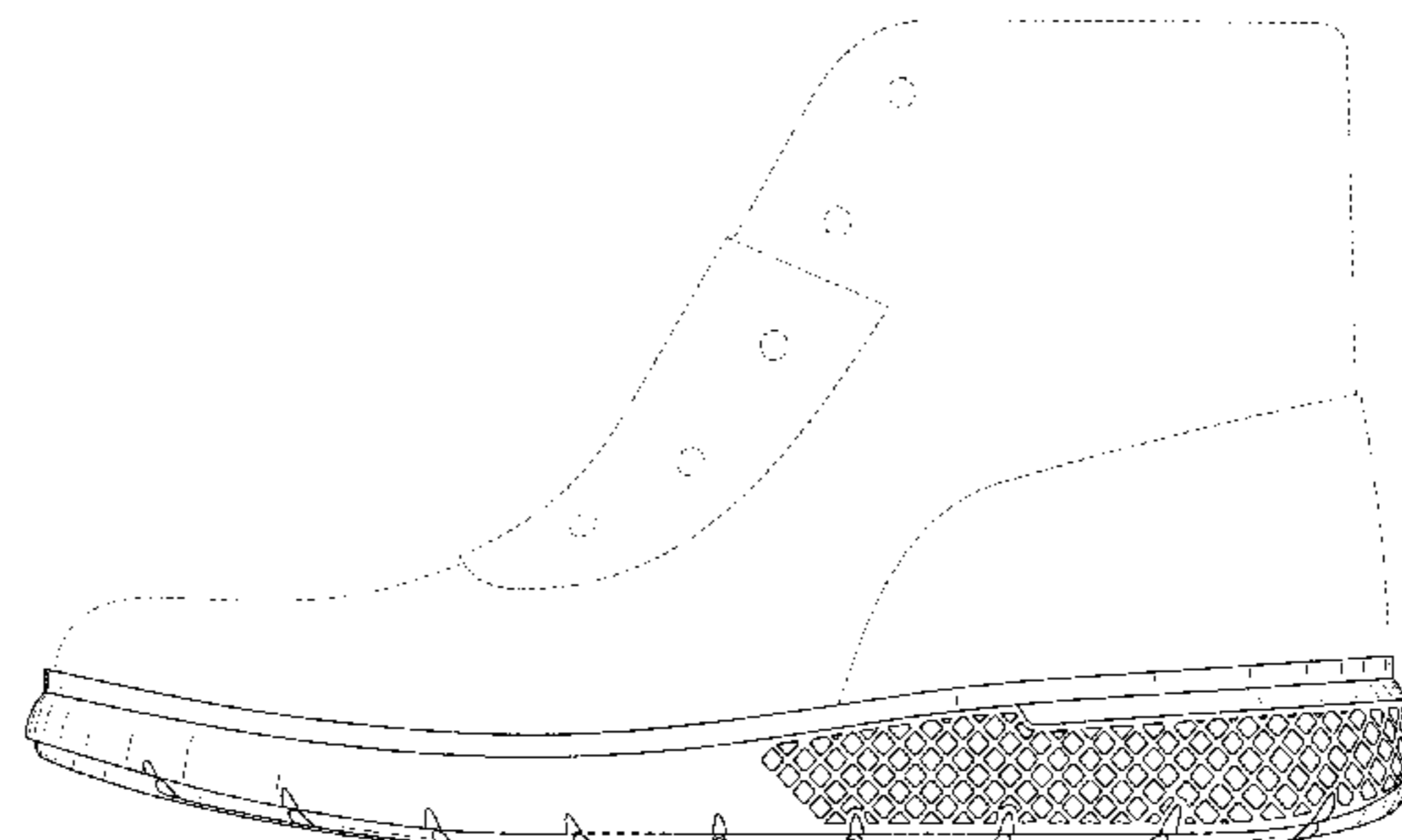
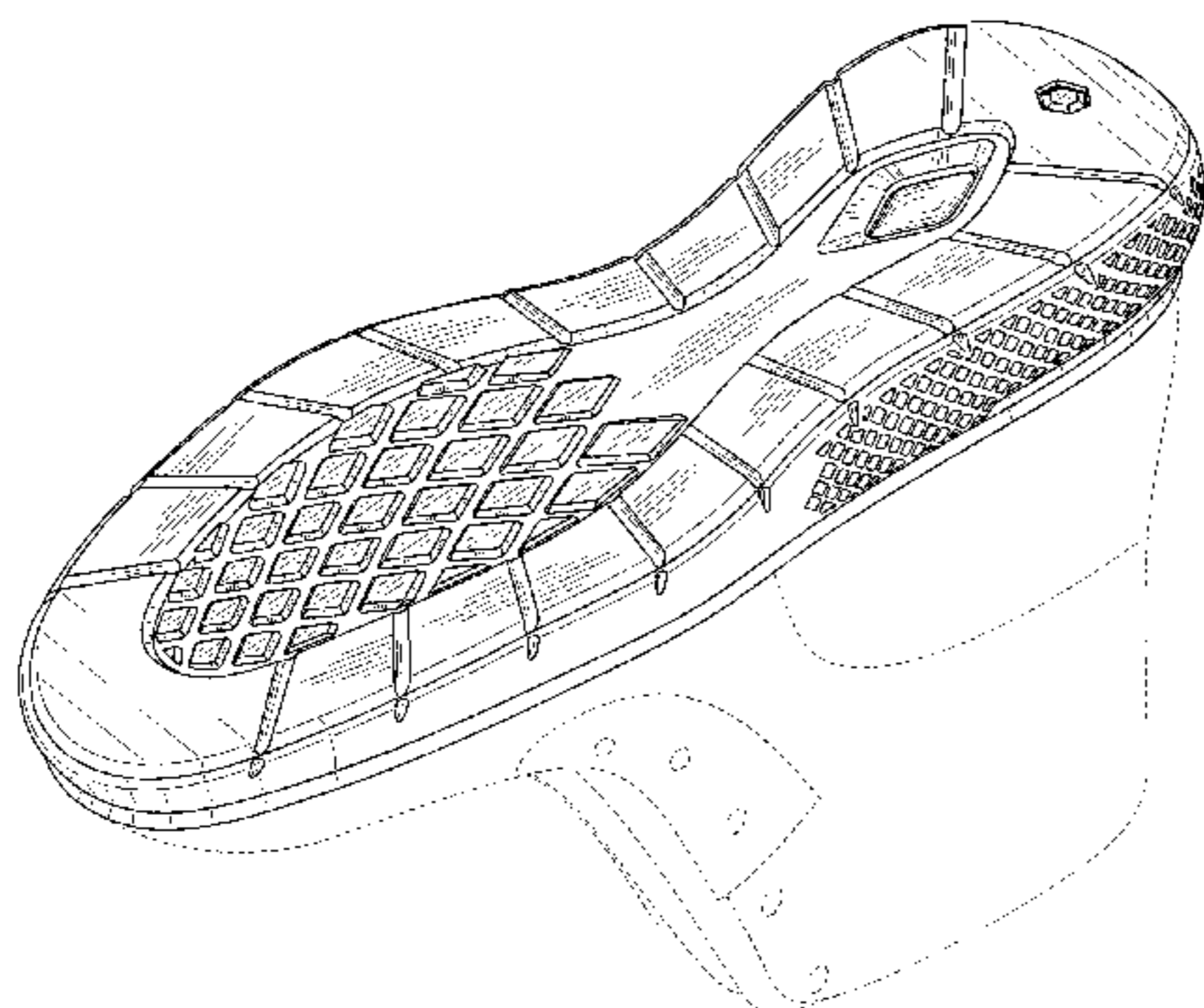
**Related U.S. Application Data**

(60) Continuation-in-part of application No. 29/619,153, filed on Sep. 27, 2017, which is a division of application No. 29/572,482, filed on Jul. 28, 2016, now Pat. No. Des. 812,882.

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

(52) **U.S. Cl.**  
USPC ..... **D2/959**; D2/947; D2/951; D2/957; D2/958; D2/960

(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; D12/544  
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





# US D849,382 S

D446,914 S 8/2001 Cockrell  
 D446,915 S 8/2001 Cockrell  
 D446,916 S 8/2001 Cockrell  
 D447,326 S 9/2001 Cockrell  
 D457,296 S 5/2002 Burt  
 D476,141 S 6/2003 Matis  
 D476,142 S 6/2003 Matis  
 D489,881 S 5/2004 Recchi  
 D489,884 S 5/2004 Recchi  
 D496,525 S 9/2004 Dykstra  
 D509,650 S 9/2005 Burg  
 D512,827 S 12/2005 Usuki et al.  
 D524,017 S \* 7/2006 Burg ..... D2/953  
 D527,172 S \* 8/2006 Burg ..... D2/953  
 D531,789 S \* 11/2006 Kohastu ..... D2/959  
 D532,585 S 11/2006 McDonald  
 7,174,659 B2 2/2007 Delgorgue  
 D544,699 S 6/2007 Link  
 D544,700 S 6/2007 Link  
 D545,036 S \* 6/2007 Roulo ..... D2/951  
 D546,053 S 7/2007 Mayden  
 D549,941 S \* 9/2007 Dirsa ..... D2/953  
 D562,541 S 2/2008 Avar  
 D569,593 S 5/2008 Avar  
 D578,294 S 10/2008 Mervar et al.  
 D579,186 S 10/2008 Mervar et al.  
 D586,994 S \* 2/2009 Chang ..... D2/951  
 D589,692 S 4/2009 McClaskie  
 D592,847 S 5/2009 Rosenbaum  
 D593,290 S 6/2009 Chen  
 D594,194 S 6/2009 Butler  
 D603,151 S 11/2009 Roundhouse  
 D608,534 S 1/2010 Bullard  
 D612,135 S 3/2010 Borel et al.  
 D613,489 S 4/2010 Horton  
 D614,389 S 4/2010 Petrie  
 D625,500 S \* 10/2010 Dekovic ..... D2/951  
 D634,923 S \* 3/2011 Lacey ..... D2/951  
 D638,616 S \* 5/2011 Gibson ..... D2/951  
 7,954,259 B2 6/2011 Antonelli et al.  
 D649,763 S 12/2011 Chang  
 D655,902 S 3/2012 Debiase  
 D656,304 S 3/2012 Debiase  
 8,151,488 B2 4/2012 Aveni  
 D662,296 S 6/2012 Christopherson  
 D662,695 S 7/2012 McVicker et al.  
 D672,543 S 12/2012 Williams, Jr.  
 D675,418 S 2/2013 Van Zyll De Jong et al.  
 D677,451 S 3/2013 Amphyon  
 D687,220 S 8/2013 Aveni  
 D702,422 S 4/2014 Dougherty  
 D712,128 S 9/2014 Zaedow  
 D721,474 S 1/2015 Miner  
 D722,220 S 2/2015 Miner  
 D722,425 S 2/2015 Cin  
 D724,830 S 3/2015 Joseph  
 D725,357 S 3/2015 Miner  
 D735,454 S 8/2015 Yun  
 D737,038 S 8/2015 Dolce  
 D740,012 S 10/2015 O'Connor  
 D742,196 S 11/2015 Dow et al.  
 D744,728 S 12/2015 Remmele  
 D746,561 S 1/2016 Bikowski  
 D765,383 S 9/2016 Chang  
 D767,861 S 10/2016 Wattimena  
 D770,749 S 11/2016 Paz et al.  
 D770,752 S 11/2016 McMillan  
 D772,554 S 11/2016 McMillan et al.  
 D773,790 S 12/2016 Raysse  
 D773,791 S 12/2016 Raysse  
 D773,795 S 12/2016 Lok  
 D779,174 S 2/2017 de Montgolfier  
 D781,543 S 3/2017 Raysse  
 D782,799 S 4/2017 Caron et al.  
 D783,247 S 4/2017 McMillan  
 D784,666 S 4/2017 Lok  
 D785,305 S \* 5/2017 Adam ..... D2/951  
 D792,067 S 7/2017 Raysse  
 D794,929 S \* 8/2017 Petrie ..... D2/951

D796,170 S 9/2017 Raysse  
 D796,814 S 9/2017 Hatfield  
 D796,823 S 9/2017 Schenone  
 D797,418 S 9/2017 Lee et al.  
 D797,423 S \* 9/2017 Bischoff ..... D2/951  
 D802,276 S \* 11/2017 de Montgolfier ..... D2/959  
 D802,899 S \* 11/2017 Bischoff ..... D2/957  
 D803,534 S \* 11/2017 Strother ..... D2/957  
 D805,749 S 12/2017 Mokos et al.  
 D806,372 S \* 1/2018 Boudreau ..... D2/957  
 D811,708 S \* 3/2018 Diard ..... D2/959  
 D812,882 S \* 3/2018 Jenkins ..... D2/959  
 2006/0059715 A1 3/2006 Aveni  
 2012/0180341 A1 7/2012 Crowley, II et al.  
 2013/0019505 A1 1/2013 Borel et al.  
 2013/0145653 A1 6/2013 Bradford  
 2015/0089842 A1 4/2015 Lamer-Juarez  
 2016/0324260 A1 11/2016 Guyan  
 2016/0360828 A1 12/2016 Guyan  
 2016/0374428 A1 12/2016 Kormann et al.  
 2017/0071283 A1 3/2017 James

## OTHER PUBLICATIONS

Men's Britton Hill Side-Zip Boots, Timberland.com, [online], [site visited Sep. 19, 2018]. <URL: <https://www.timberland.com/shop/mens-boots/mens-britton-hill-side-zip-boots-brown-a1jt9919#hero=3>> (Year: 2018).\*

Men's Cross Mark Utility Boots, Timberland.com, [online], [site visited Sep. 19, 2018]. <URL: <https://www.timberland.com/shop/mens-boots/mens-cross-mark-utility-boots-wheat-a1tt4231#hero=3>> (Year: 2018).\*

Men's City's Edge Waterproof Boots, Timberland.com, [online], [site visited Sep. 19, 2018]. <URL: <https://www.timberland.com/shop/mens-boots/mens-citys-edge-waterproof-boots-black-a1slz001#hero=2>> (Year: 2018).\*

Men's 1978 Flyroam Waterproof Hiking Boots, Timberland.com, [online], [site visited Sep. 19, 2018]. <URL: <https://www.timberland.com/shop/mens-boots/mens-1978-aerocore-waterproof-hiking-boots-brown-alrma201#hero=3>> (Year: 2018).\*

Men's Cityforce Raider Sneaker Boots, Timberland.com, [online], [site visited Sep. 19, 2018]. <URL: <https://www.timberland.com/shop/mens-boots/mens-cityforce-raider-boots-blue-a1lux3019#hero=3>> (Year: 2018).\*

SportShoes.com Brochure "Spring, no fun standing still", Everun Continuous Cushioning Saucony, printed Jul. 27, 2016, p. 3 and p. 24.

Amazon.com, "Clarks Men's Lace-Up Trainers Shoes Seremax Avion", downloaded Sep. 2, 2016, pp. 1-3.

Amazon.com, "Clarks Men's Lace-Up Trainers Shoes Seremax Avion", Various views of shoes, downloaded Sep. 2, 2016, pp. 1-7.

Amazon.com, "Clarks Men's Seremax Lace Lace Up Sneaker ", downloaded Sep. 2, 2016, p. 1-3.

Amazon.com, "Clarks Men's Seremax Lace Lace Up Sneaker ", Various images, downloaded Sep. 2, 2016, pp. 1-7.

Men's Flyroam Sport Chukka Shoes, Timberland.com, [online], [site visited Apr. 28, 2017], <URL: <https://www.timberland.com/shop/mens-footwear/mens-fly-roam-sport-chukka-shoes-wheat-a1hrp260>>, 1 page.

Men's Flyroam Oxford Shoes, Timberland.com, [online], [site visited Apr. 28, 2017]. <URL: <https://www.timberland.com/shop/mens-footwear/mens-fly-roam-oxford-shoes-grey-a1kxm100>>, 1 page.

Timberland's Fresh New Flyroam Is the Dynamic Sneakerboot You Need This Spring, Highsnobiety.com, by Jack Drummond, Feb. 17, 2017, [online], [site visited Apr. 28, 2017]. <URL: <http://www.highsnobiety.com/2017/02/17/timberland-flyroamsneakerboot!>>, 2 pages.

Timberland's Flyroam Collection Is Made for Urban Seekers, Hypebeast.com, Feb. 2, 2017, [online], [site visited Apr. 28, 2017], <URL: <https://hypebeast.com/2017/2/timberland-flyroam-collection-353>>, 2 pages.

Adidas Previews the Future of 3D Printed Sneakers, SoleCollector.com, by Brian Dunne, Oct. 7, 2015, [online], [site visited Apr. 28,

2017], <URL:https://solecollector.com/news/2015/10/adidas-futurecraft-3d-printed-running-sneakers>, 6 pages.

Nike Air Huarache, Nike.com, [online], [site visited Apr. 28, 2017], <URL:http://store.nike.com/us/en\_us/pd/air-huarache-mensshoe/pid-11380351/pgid-10978234>, 2 pages.

Taiwanese Search Report (English translation only) for Application No. 105307033, dated May 5, 2017.

Did Timberland Flyroam Stealing Adidas Boost?, YouTube.com, CjCityTv, Published on Aug. 22, 2017, [online], [site visited Mar. 5, 2018]. <URL: https://www.youtube.com/watch?v=Y221eE\_17qY> (Year: 2017).

Men's Flyroam Leather Hiker Boots, Timberland.com, [online], [site visited Mar. 5, 2018]. <URL: https://www.timberland.com/shop/mens-flyroam-leather-hiker-boots-black-a1ovb001 #hero=0> (Year: 2018).

Pureboost Shoes, Adidas.com, [online], [site visited Mar. 5, 2018]. <URL: https://www.adidas.com/us/pureboost-shoes/BB6288.html> (Year: 2018).

Timberland Unveils a Complete Look at Its 2017 Flyroam Collection, HypeBeast.com, Feb. 17, 2017, [online], [site visited Mar. 5, 2018]. <URL: https://hypebeast.com/2017/2/timberland-flyroam-collection-lookbook> (Year: 2017).

\* cited by examiner

*Primary Examiner* — T Chase Nelson

*Assistant Examiner* — Jonathan J. Han

(74) *Attorney, Agent, or Firm* — Lerner, David, Littenberg, Krumholz & Mentlik, LLP

(57)

**CLAIM**

The ornamental design for a footwear sole, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a footwear sole in accordance with an embodiment of the ornamental design;

FIG. 2 is a front elevational view of the footwear sole in accordance with the embodiment;

FIG. 3 is a back elevational view of the footwear sole in accordance with the embodiment;

FIG. 4 is a left side elevational view of the footwear sole in accordance with the embodiment;

FIG. 5 is a right side elevational view of the footwear sole in accordance with the embodiment;

FIG. 6 is a top plan view of the footwear sole in accordance with the embodiment; and,

FIG. 7 is a bottom plan view of the footwear sole in accordance with the embodiment.

Broken lines are used to show unclaimed environment only and form no part of the claimed design.

**1 Claim, 6 Drawing Sheets**



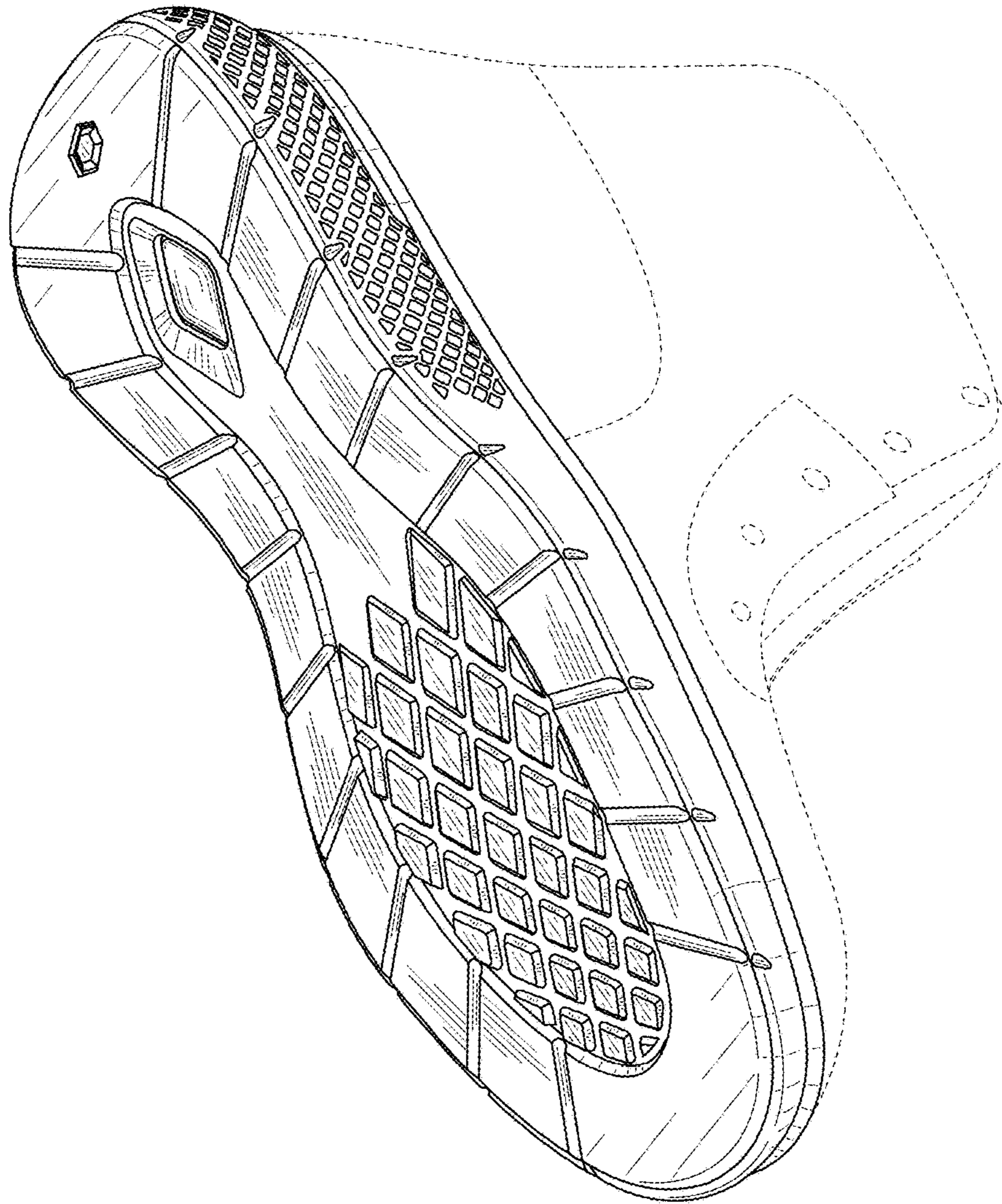


FIG. 1

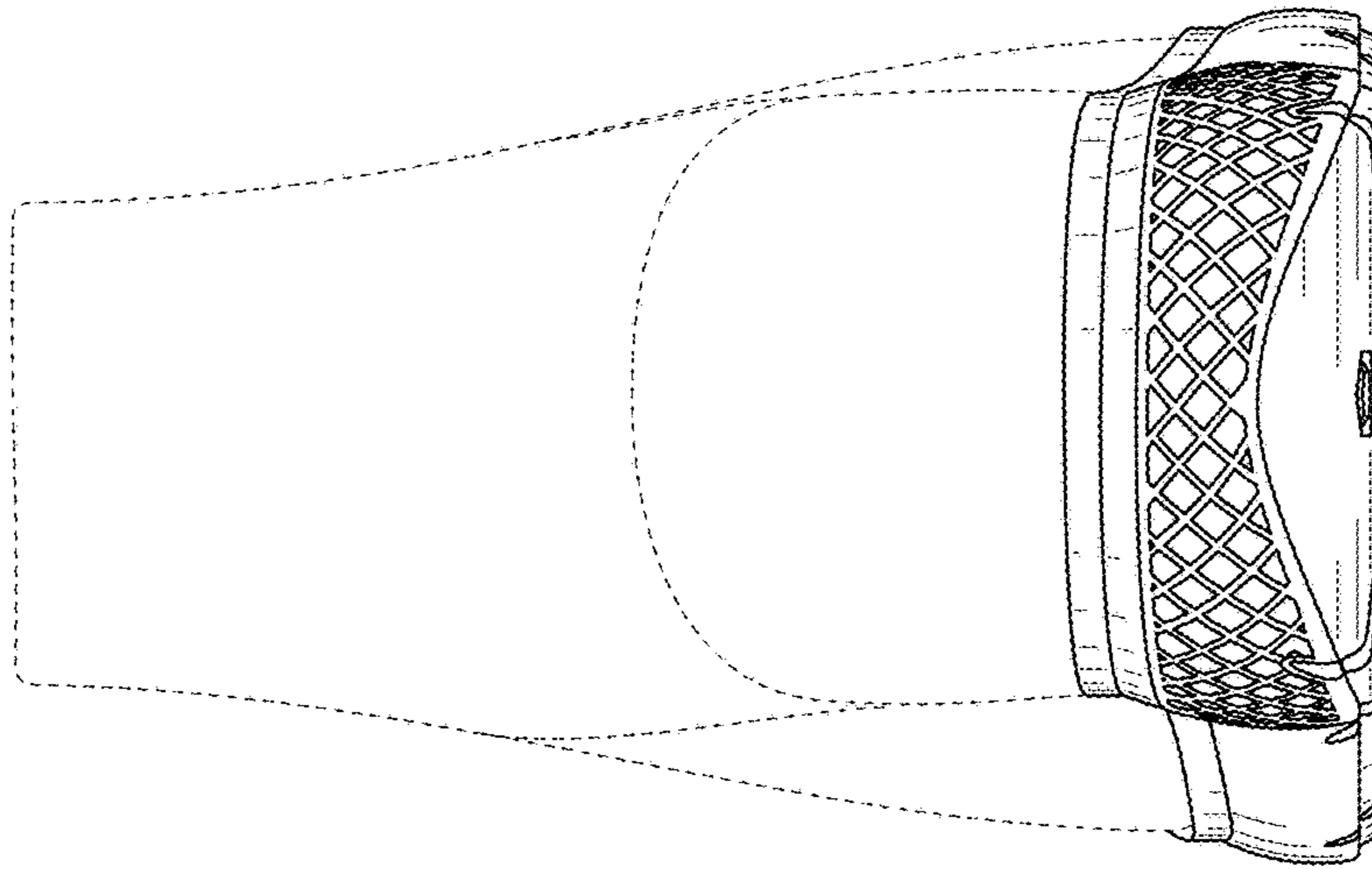


FIG. 3

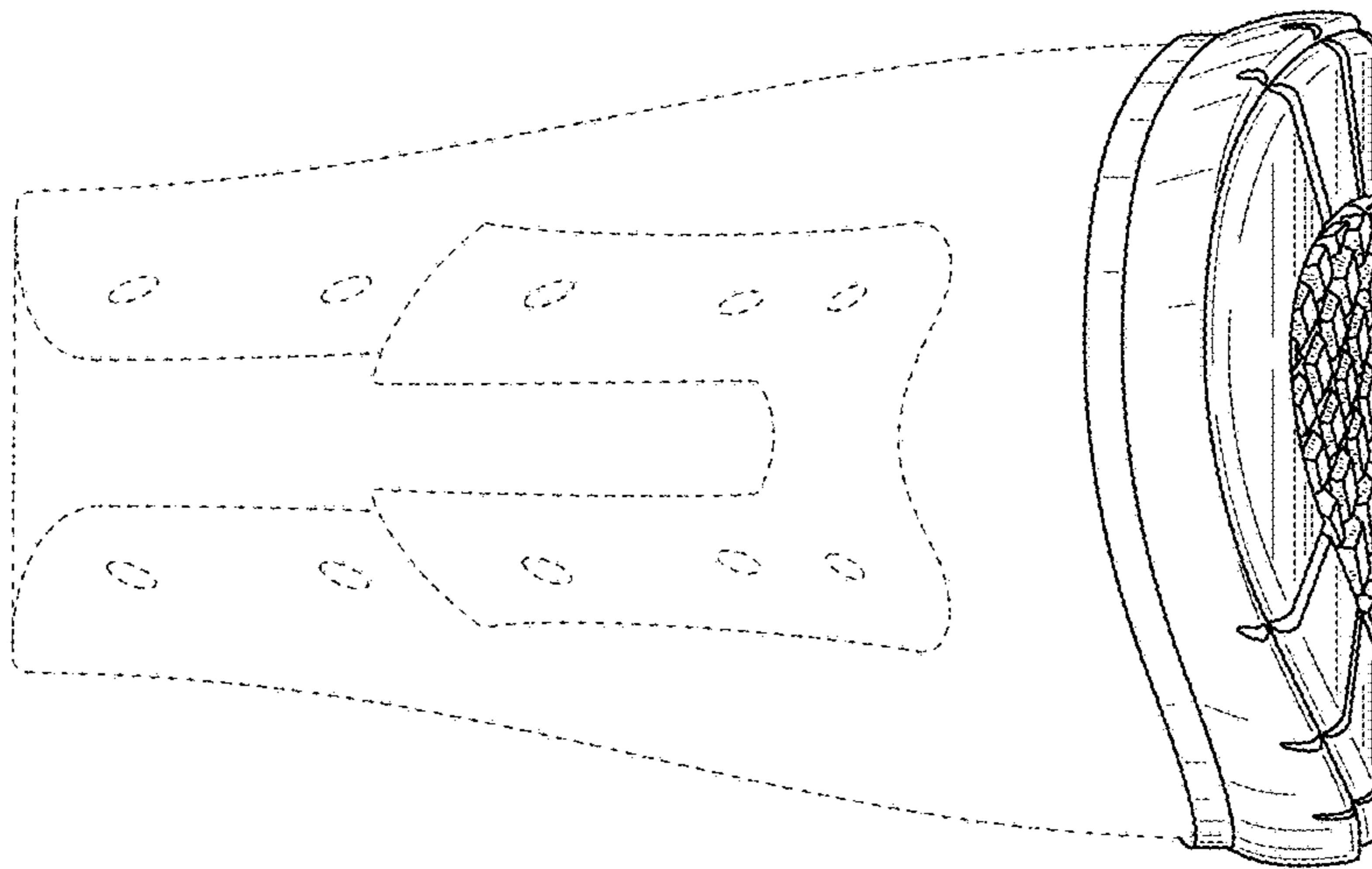


FIG. 2

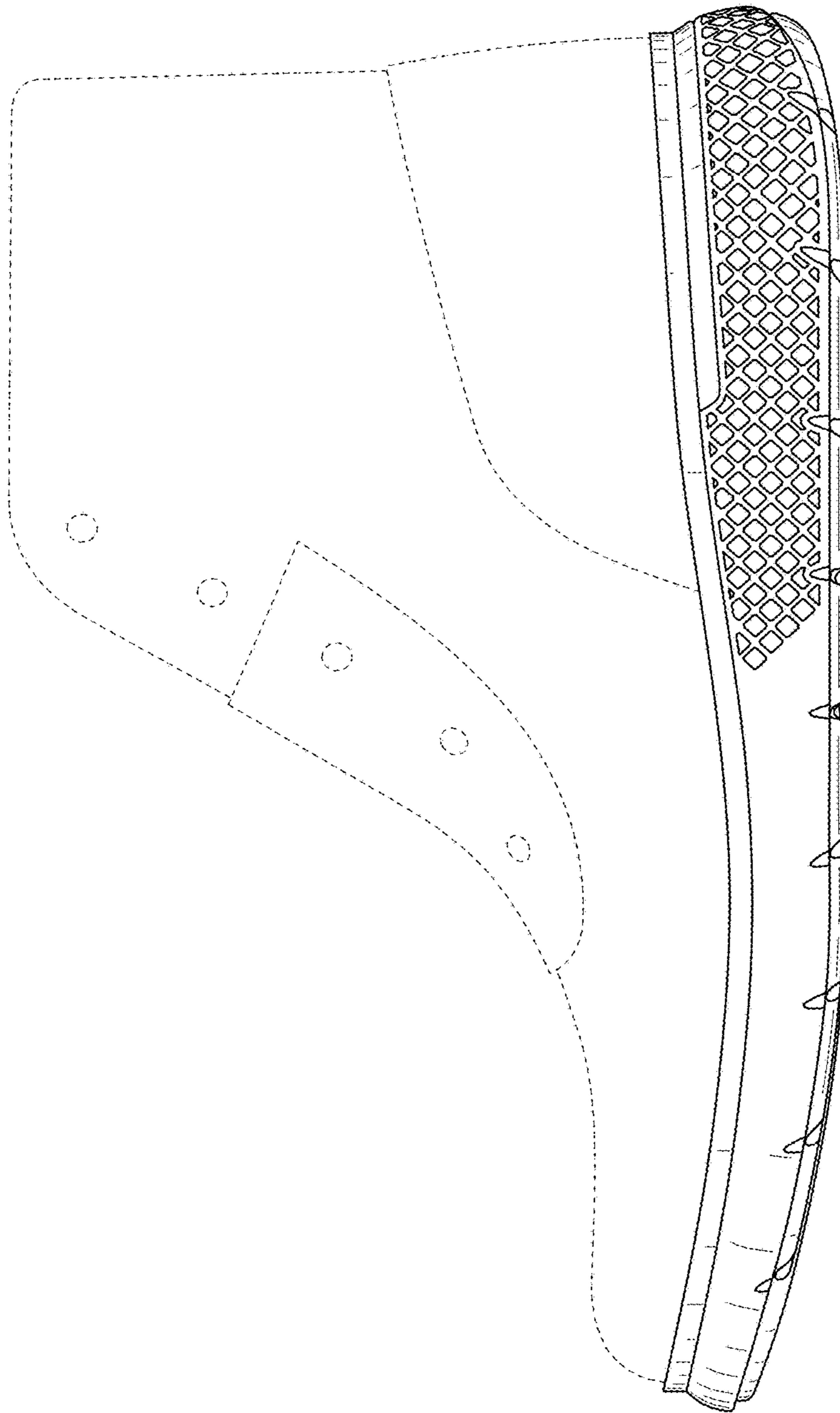


FIG. 4

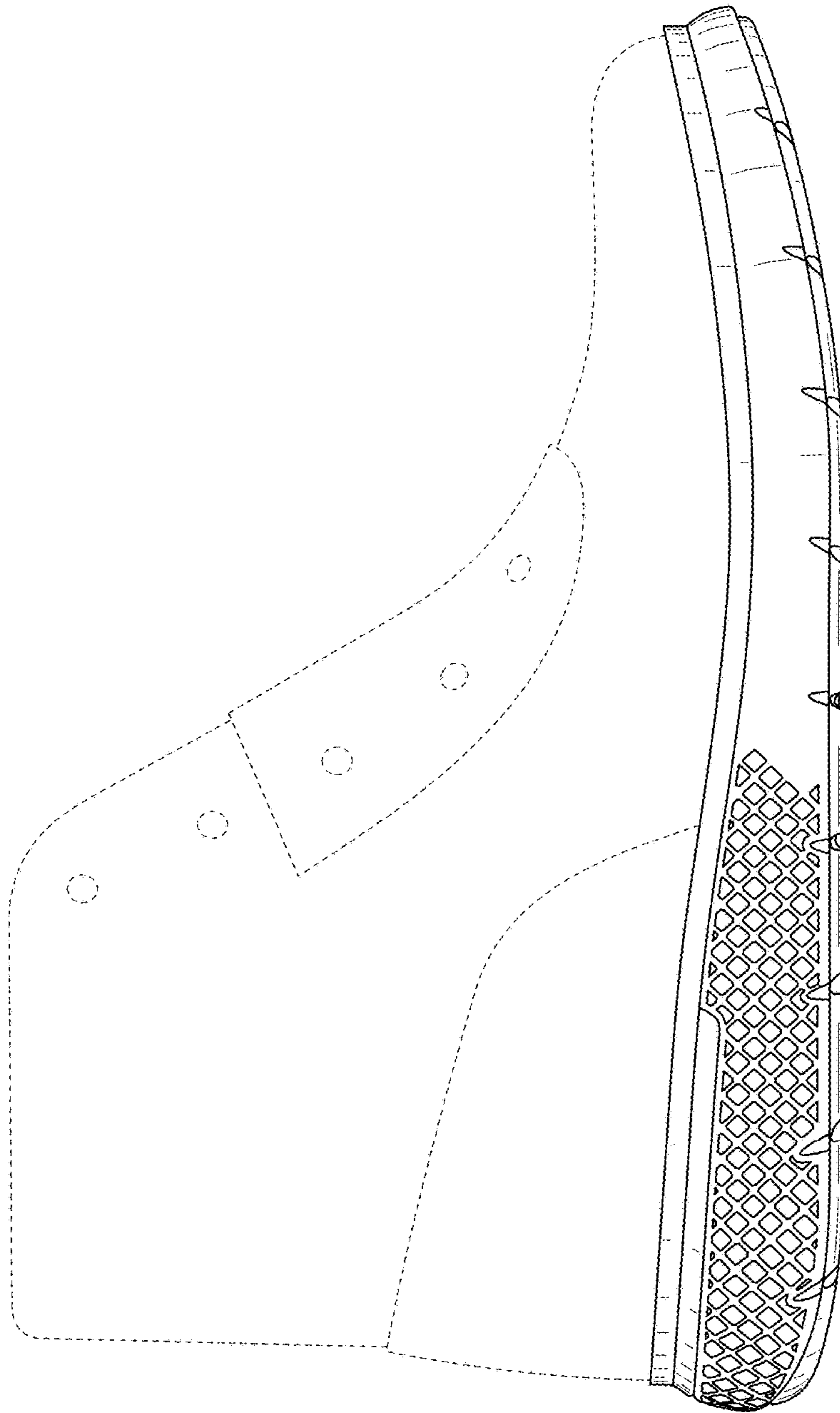


FIG. 5

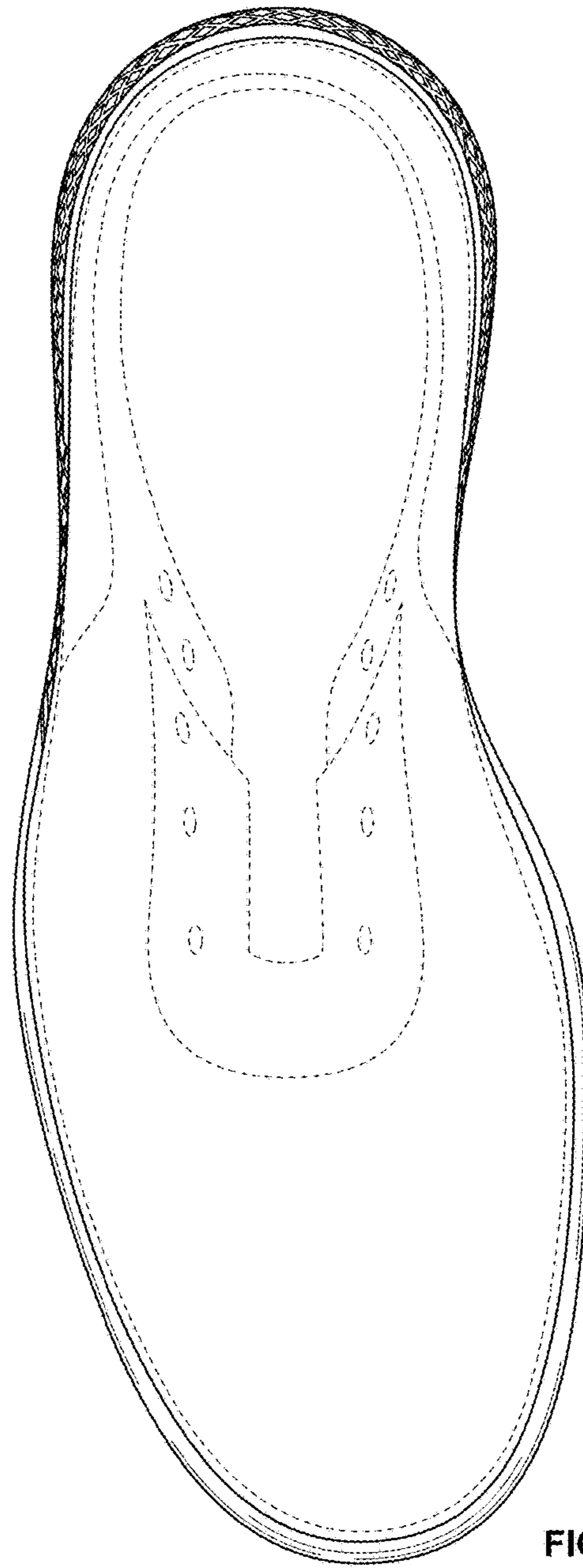


FIG. 6



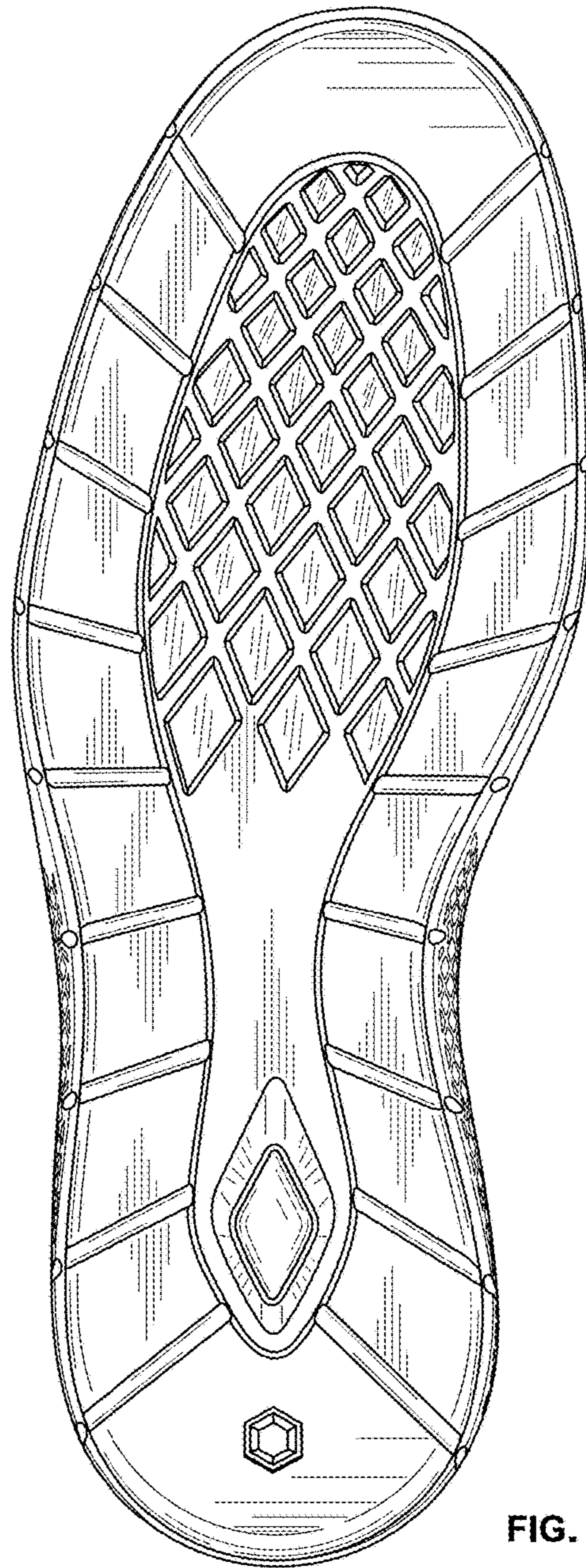


FIG. 7