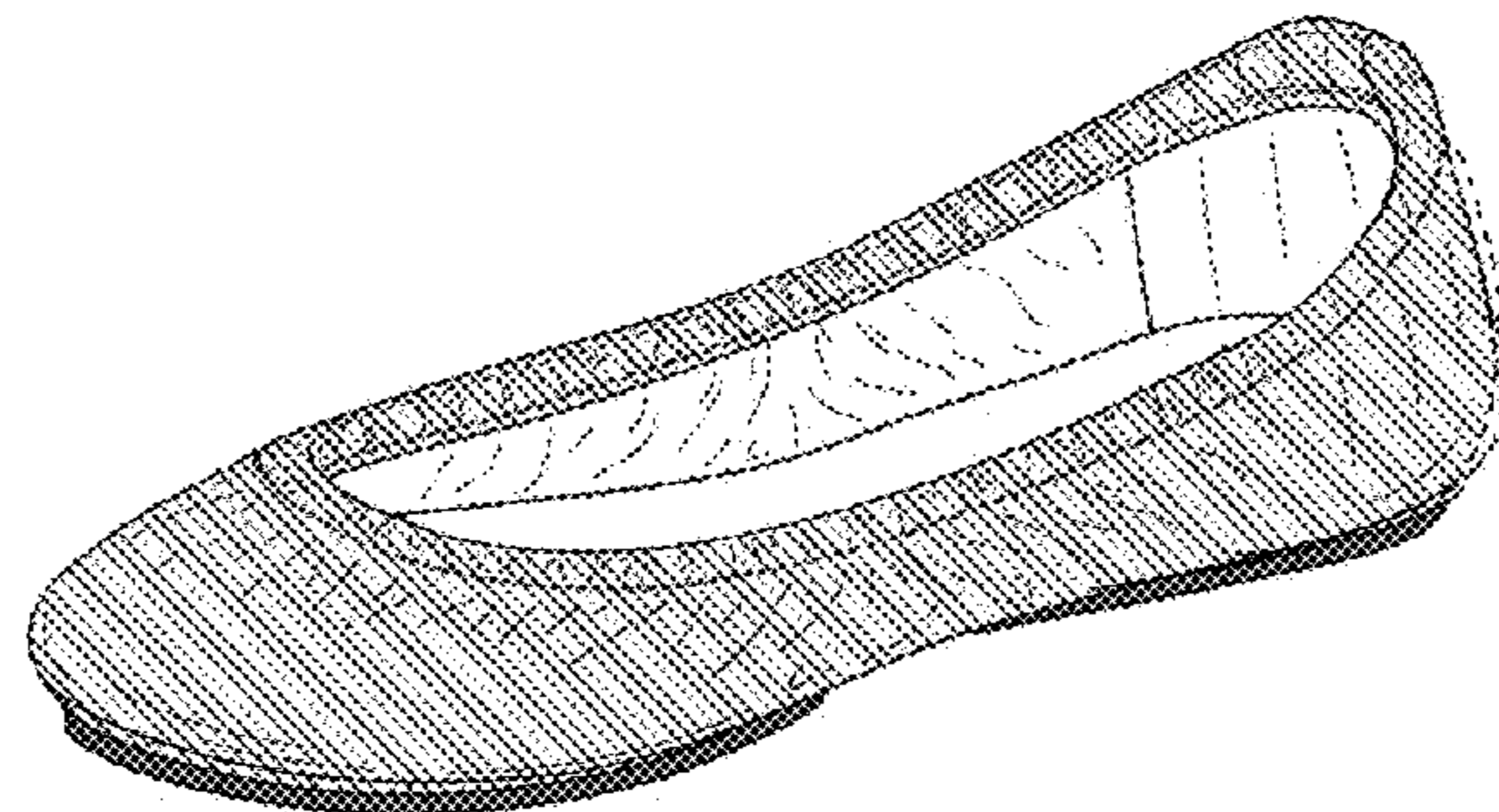




US00D853092S

(12) **United States Design Patent** (10) **Patent No.:** **US D853,092 S**  
**Gavrieli et al.** (45) **Date of Patent:** **\*\* Jul. 9, 2019**

<p>(54) <b>DUAL-SOLE SHOE WITH GREEN OUTPATCH SOLE AND CONTRASTING UPPER</b></p> <p>(71) Applicant: <b>Gavrieli Brands LLC</b>, Beverly Hills, CA (US)</p> <p>(72) Inventors: <b>Kfir Gavrieli</b>, Beverly Hills, CA (US); <b>Dikla Gavrieli</b>, Beverly Hills, CA (US)</p> <p>(73) Assignee: <b>Gavrieli Brands LLC</b>, Beverly Hills, CA (US)</p> <p>(*) Notice: This patent is subject to a terminal dis- claimer.</p> <p>(**) Term: <b>15 Years</b></p> <p>(21) Appl. No.: <b>29/658,153</b></p> <p>(22) Filed: <b>Jul. 28, 2018</b></p> <p style="text-align: center;"><b>Related U.S. Application Data</b></p> <p>(63) Continuation of application No. 29/579,917, filed on Oct. 4, 2016, now Pat. No. Des. 831,312, which is a continuation of application No. 29/509,270, filed on Nov. 14, 2014, now abandoned.</p> <p>(51) <b>LOC (11) Cl.</b> ..... <b>02-04</b></p> <p>(52) <b>U.S. Cl.</b> USPC ..... <b>D2/939</b></p> <p>(58) <b>Field of Classification Search</b> USPC ..... D2/896, 900, 919-921, 925, 939, 947, D2/950, 969, 971 CPC ..... A43B 21/10; A43B 21/06; A43B 9/14; A43B 1/0045; A43B 13/12; A43B 23/06; A43B 23/07; A43B 1/0036; A43B 7/32 See application file for complete search history.</p> <p>(56) <b>References Cited</b>  U.S. PATENT DOCUMENTS</p> <p>249,086 A 11/1881 Pienovi 773,850 A 11/1904 Cooper et al. 830,941 A 9/1906 Walden</p>	<p>1,208,209 A 12/1916 Prince 1,214,666 A 2/1917 Ford 1,519,009 A 12/1924 Reina 1,525,848 A * 2/1925 Bonaventure ..... A43B 5/12 36/113</p> <p>1,587,377 A 6/1926 Grosjean 1,650,466 A 11/1927 Righter 2,224,590 A 12/1940 Boivin 2,268,777 A 1/1942 Scholl D133,819 S * 9/1942 Harris ..... D2/939 D135,791 S 6/1943 Beebe 2,323,563 A 7/1943 Nugent 2,342,882 A 2/1944 Meltzer D141,871 S 7/1945 Braun 2,383,585 A 8/1945 Bindner D149,685 S * 5/1948 Sandler ..... D2/935 D150,729 S * 8/1948 Sandler ..... D2/923 D166,090 S * 3/1952 Maling ..... D2/897 2,772,488 A 12/1956 Meltzer 2,904,814 A 9/1959 Scholl 3,148,378 A 9/1964 Tibbitts D200,897 S * 4/1965 Mitchell ..... D2/939 D220,464 S 4/1971 Hayoshi D247,396 S * 3/1978 Schlerth ..... D2/939 4,412,393 A 11/1983 Terlizzi, Jr. et al. D275,525 S 9/1984 Nakao 4,674,206 A 6/1987 Lyden D295,692 S * 5/1988 Zuidema ..... D2/950 D300,085 S 3/1989 Ito et al. RE33,018 E 8/1989 Ostrander 4,899,412 A 2/1990 Ganon D316,773 S 5/1991 Valle 5,012,541 A 5/1991 Ganon D339,669 S * 9/1993 Miller ..... D2/939 5,282,326 A 2/1994 Schroer, Jr. et al. 5,421,050 A 6/1995 Laganas 5,699,629 A 12/1997 Munschy 5,746,014 A 5/1998 Tanemoto D420,785 S 2/2000 Perez 6,055,745 A 5/2000 Endoh 6,076,284 A 6/2000 Terlizzi 6,189,239 B1 2/2001 Gasearovic et al. 6,338,207 B1 1/2002 Chang D457,292 S * 5/2002 Sessa ..... D2/949 D461,947 S 8/2002 Merceron 6,588,124 B2 6/2003 Morrone D476,798 S 7/2003 Reynolds et al. D498,041 S 11/2004 McClaskie D500,191 S * 12/2004 Belley ..... D2/969 D501,706 S 2/2005 McClaskie 6,857,203 B2 2/2005 Minden 6,895,693 B2 5/2005 Baruck 6,978,557 B2 12/2005 Lee</p>
---	---





“58th Annual Emmy Awards,” [http://spoonsforksandfashion.blogspot.com/2006\\_08\\_01\\_archive.html](http://spoonsforksandfashion.blogspot.com/2006_08_01_archive.html), depicting Nine West flats, 2 pgs., Aug. 1, 2006.

Pictures of Nine West flats sold in 2006, 3 pgs.

“I Love a Good Ballet Flat!,” <http://dressupfiles.com/i-love-a-good-ballet-flat/>, depicting Sue London flats, 3 pgs., Sep. 3, 2010.

Pictures of Sue London flats sold in 2010, 2 pgs.

“Miss Cathie Reviews: The Yosi Samra Foldable Ballet Flat . . . ,” <http://www.misscathie.com/2010/01/miss-cathie-reviews-the-yosi-samra-foldable-ballet-flat/>, depicting Yosi Samra flats, 9 pgs., Jan. 2010.

Pictures of Yosi Samra flats sold in 2010, 2 pgs.

“Goodbye two thousand ten,” [http://emmajoyrussell.blogspot.com/2010\\_12\\_01\\_archive.html](http://emmajoyrussell.blogspot.com/2010_12_01_archive.html), depicting Gap flats, 39 pgs., Dec. 1, 2010.

Pictures of Gap flats available for sale in 2010, 9 pgs.

“Our newest design of folding flats—Pink,” <https://fitinclouds.wordpress.com/2010/05/16/our-newest-design-of-folding-flats-pink/>, depicting Fit in Clouds flats, 1 pg., May 16, 2010.

“Fit in Clouds Satin Folding Shoes,” <http://www.goodhousekeeping.com/product-reviews/clothing/best-ballet-flats/fit-in-clouds-satin-foldable-ballet-flats/>, depicting Fit in Clouds flats, 2 pg., Aug. 2013.

Pictures of Fit in Clouds flats available for sale in 2011, 4 pgs.

“Shoes for Standing,” <https://truthinshoes.wordpress.com/2008/07/>, depicting Sam & Libby flats, 2 pgs., Jul. 31, 2008.

“Target Designer Collaboration: Announcing Sam & Libby Shoes for Target,” <http://www.therecessionista.com/2012/11/target-designer-collaboration-announcing-sam-libby-shoes-for-target.html>, depicting Sam & Libby flats, 1 pg., Nov. 26, 2012.

Pictures of Sam & Libby flats available for purchase in 2011, 5 pgs.

“Save your soles with Citisoles ballet flats,” <http://glamazondiaries.com/2009/07/save-your-soles-with-citisoles-ballet-flats/>, depicting Citisoles flats, 3 pgs., Jul. 2009.

Pictures of Citisoles flats available for purchase in 2009, 3 pgs.

“#16 Corso Como Delicious Pumps Review and Giveaway!,” <http://www.mommatoldmeblog.com/2011/01/16-corso-como-delicious-pumps-review.html>, depicting Corso Como flats, 8 pgs., Jan. 16, 2011.

Pictures of Corso Como flats available for sale in 2011, 3 pgs.

“jil-sander-navy-lead-ballet-flats-product . . . ,” [www.ebay.com](http://www.ebay.com), depicting Jil Sander flats, 4 pgs., Nov. 2013.

Pictures of Jil Sander flats available for sale in 2011, 3 pgs.

“Spare Soles: Shoes That Roll-up & Fold-up,” <http://herpackinglist.com/2011/01/spare-soles-shoes/>, depicting Spare Soles flats, 2 pgs., Jan. 2011.

Pictures of Spare Soles flats available for sale in 2011, 5 pgs.

Pictures of Roll-Upz by Spare Soles flats available for sale in 2011, 6 pgs.

“The Cutest Blog, Preppy 50 and Loving Lilly, Ballet Flat Delight,” <http://preppy50andlovinglilly.blogspot.com/2011/02/ballet-flat-delight.html>, depicting Henri Bendel flats, 1 pg., Feb. 19, 2011.

Pictures of Henri Bendel flats available for sale in 2011, 4 pgs.

“Mumsnet by parents for parents,” [http://www.mumsnet.com/Talk/style\\_and\\_beauty/a1612000-Anyone-tried-Redfoot-Flatmates-foldable-ballet-pumps/](http://www.mumsnet.com/Talk/style_and_beauty/a1612000-Anyone-tried-Redfoot-Flatmates-foldable-ballet-pumps/), depicting Redfoot Flatmates flats, 1 pg., Nov. 14, 2012.

Pictures of Redfoot Flatmates flats available for sale in 2011, 6 pgs.

“Amazon.com: Customer Reviews: Bloch London Women’s Lux Ballet Flat,” <http://www.amazon.com/Bloch-London-Womens-Ballet-Flat/Product-reviews/B004LWP7ZW>, depicting Bloch London flats, 4 pgs., Dec. 11, 2011.

Pictures of Bloch London flats offered for sale in 2011, 11 pgs.

“h&m foldable leopard print flat,” <https://8485shops.wordpress.com/2011/06/16/flats-for-7-bucks/shoe1/>, depicting h&m flats, 2 pgs., Jun. 16, 2011.

Pictures of h&m foldable flats offered for sale in 2011, 4 pgs.

“Seekyt—Juicy Couture Ballet Flats—Are They Worth the Money?,” <http://seekyt.com/juicy-couture-ballet-flats-are-they-worth-the-money/>, 2 pgs., Jun. 3, 2011.

Pictures of Juicy Couture flats offered for sale in 2011, 3 pgs.

“Purse Flats,” <http://purseflats.wordpress.com>, depicting Purse Flats by Erica Wilson, 3 pgs., Jul. 12, 2012.

Pictures of Purse Flats by Erica Wilson offered for sale in 2011, 6 pgs.

“Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day . . . ,” <http://web.archive.org/web/20110202210649/http://www.tieks.com/>, 8 pgs., Feb. 2, 2011.

“Carolina M. M. Gonzalez > Tieks by Gavrieli,” [http://m2.facebook.com/tieks?v=timeline&filter=2&timecutoff=14064279868&page=17&sectionLoadingID=m\\_timeline\\_loading\\_div\\_1293868799\\_1262332800\\_8\\_17&timeend=1293868799&timestart=1262332800&tm=AQDOvqhWQPN\\_Nbwm&refid=17](http://m2.facebook.com/tieks?v=timeline&filter=2&timecutoff=14064279868&page=17&sectionLoadingID=m_timeline_loading_div_1293868799_1262332800_8_17&timeend=1293868799&timestart=1262332800&tm=AQDOvqhWQPN_Nbwm&refid=17), 1 pg., Jan. 26, 2010.

“The Shoes Oprah Would Wear to Work (if She Had to Walk),” <http://www.inc.com/30under30/christina-desmarais/kfir-gavrieli-and-elram-gavrieli-founders-of-tieks.html>, 2 pgs., Jul. 2, 2012.

“Tieks by Gavrieli,” [http://m2.facebook.com/Tieks?v=timeline&filter=2&timecutoff=1406427986&page=14&sectionLoadingID=m\\_timeline\\_loading\\_div\\_1293868799\\_1262332800\\_8\\_14&timeend=1293868799&timestart=1262332800&tm=AQDOvqhWQPN\\_Nbwm&refid=17](http://m2.facebook.com/Tieks?v=timeline&filter=2&timecutoff=1406427986&page=14&sectionLoadingID=m_timeline_loading_div_1293868799_1262332800_8_14&timeend=1293868799&timestart=1262332800&tm=AQDOvqhWQPN_Nbwm&refid=17), 4 pgs., Jan. 26, 2010.

“Mighty Life List, Sensible Shoes,” <http://mightygirl.com/2010/08/24/sensible-shoes/>, 11 pgs., Aug. 24, 2010.

“Find! Tieks: Fab & sexy flats for fall,” <http://thefabmom.com/2013/08/29/find-tieks-fab-sexy-flats-for-fall/>, 3 pgs., Aug. 29, 2013.

“Step into Tieks,” <http://sliceofpink.typepad.com/blog/2010/09/tieks-1.html>, 5 pgs., Sep. 22, 2010.

“In Need of Flat-Soled Shoes,” <http://www.kellywickham.com/mochamomma/2010/10/4/in-need-of-flat-soled-shoes.html>, 4 pgs., Oct. 3, 2010.

“Say Hello to the Flat Shoes You Need for Fall . . . All 88 of Them!”, Picture of Adam Tucker Shoe/Slipper, <https://www.facebook.com/search/top/?q=adam%20shoes%20slipper>, last accessed Oct. 28, 2016, dated Oct. 1, 2013, 1 page.

Picture of Adam Tucker Rainbow Shoes, <https://www.facebook.com/search/top/?q=adam%20shoes%20rainbow>, last accessed Oct. 28, 2016, dated Aug. 14, 2013, 1 page.

\* cited by examiner

*Primary Examiner* — Dominic V Simone

(74) *Attorney, Agent, or Firm* — Morgan, Lewis & Bockius LLP

(57)

## CLAIM

An ornamental design of a dual-sole shoe with green out-patch sole and contrasting upper, as shown and described.

## DESCRIPTION

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

FIG. 1 is a perspective view of yet another embodiment of our new design of a dual-sole shoe with color outpatch sole and contrasting upper, where the portions of the upper and the midsole that contrast with the outpatch sole are indicated using a dotted pattern;

FIG. 2 is a first side view of the design of FIG. 1;

FIG. 3 is a second side view of the design of FIG. 1;

FIG. 4 is a top view of the design of FIG. 1;

FIG. 5 is a bottom view of the design of FIG. 1;

FIG. 6 is a front view of the design of FIG. 1;

FIG. 7 is a back view of the design of FIG. 1;

FIG. 8 is a perspective view of yet another embodiment of our new design of a dual-sole shoe with color outpatch sole and contrasting upper, where the color portions are indicated using the USPTO convention of solid diagonal lines extending from the upper left to the lower right for green, and where the portions of the upper and the midsole that contrast with the outpatch sole are indicated using a dotted pattern;

FIG. 9 is a first side view of the design of FIG. 8;  
FIG. 10 is a second side view of the design of FIG. 8;  
FIG. 11 is a top view of the design of FIG. 8;  
FIG. 12 is a bottom view of the design of FIG. 8;  
FIG. 13 is a front view of the design of FIG. 8; and,  
FIG. 14 is a back view of the design of FIG. 8.  
The broken lines illustrating the half moon patch and the heel stripe in the above described Figures are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 12 Drawing Sheets**  
**(5 of 12 Drawing Sheet(s) Filed in Color)**

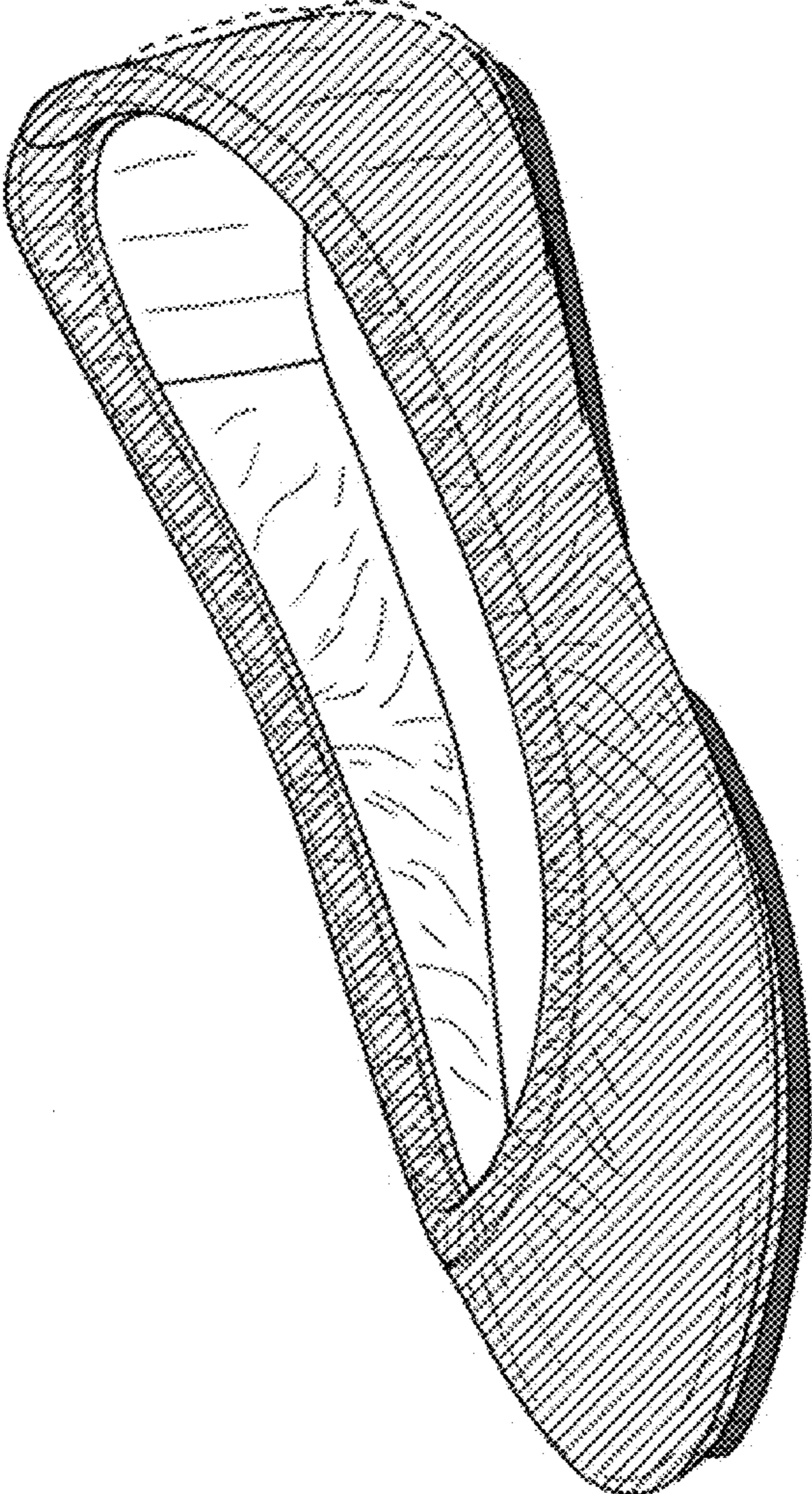


FIG. 1

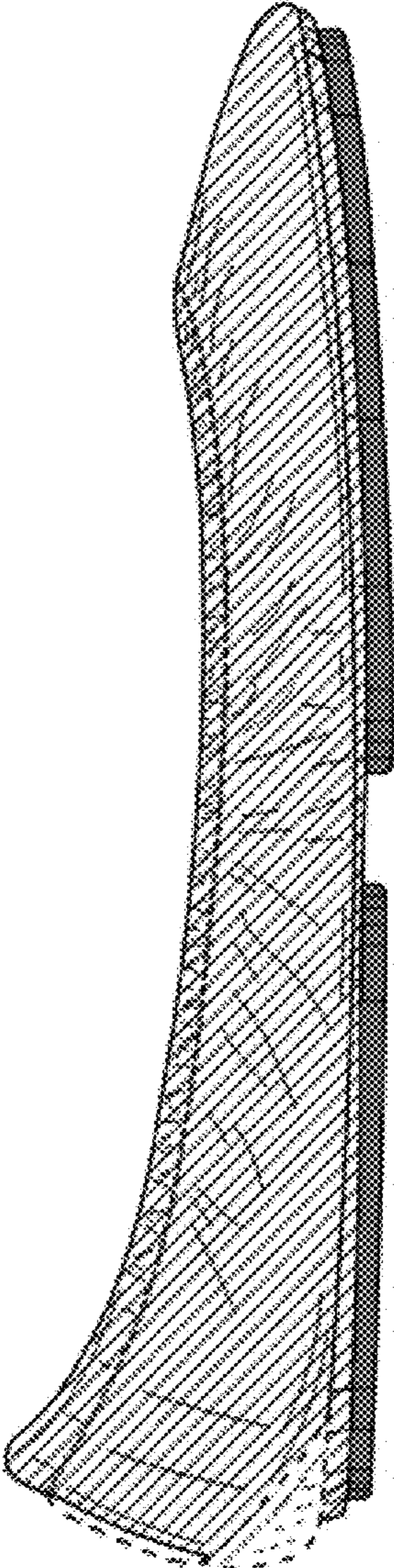


FIG. 2

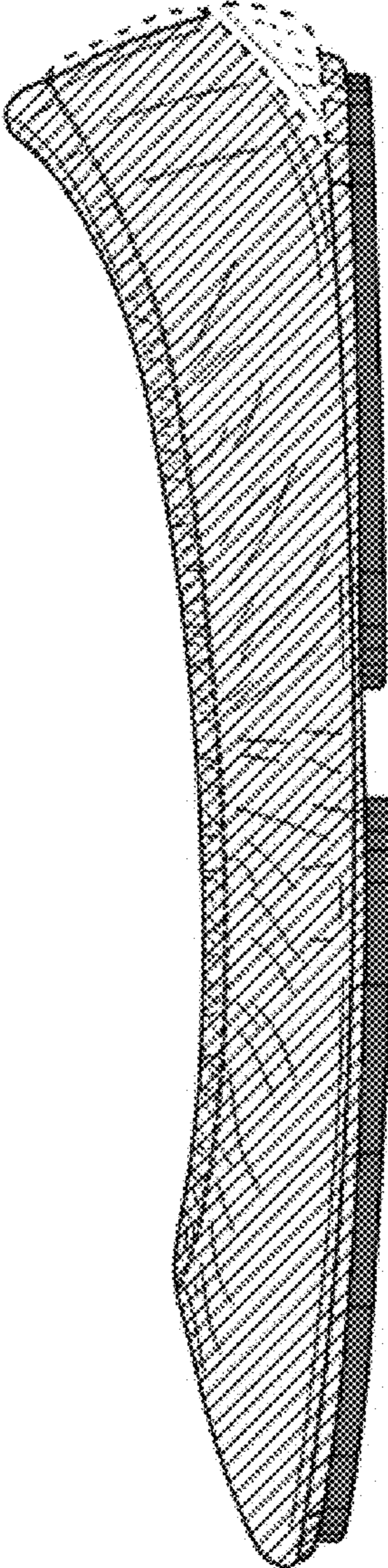


FIG. 3

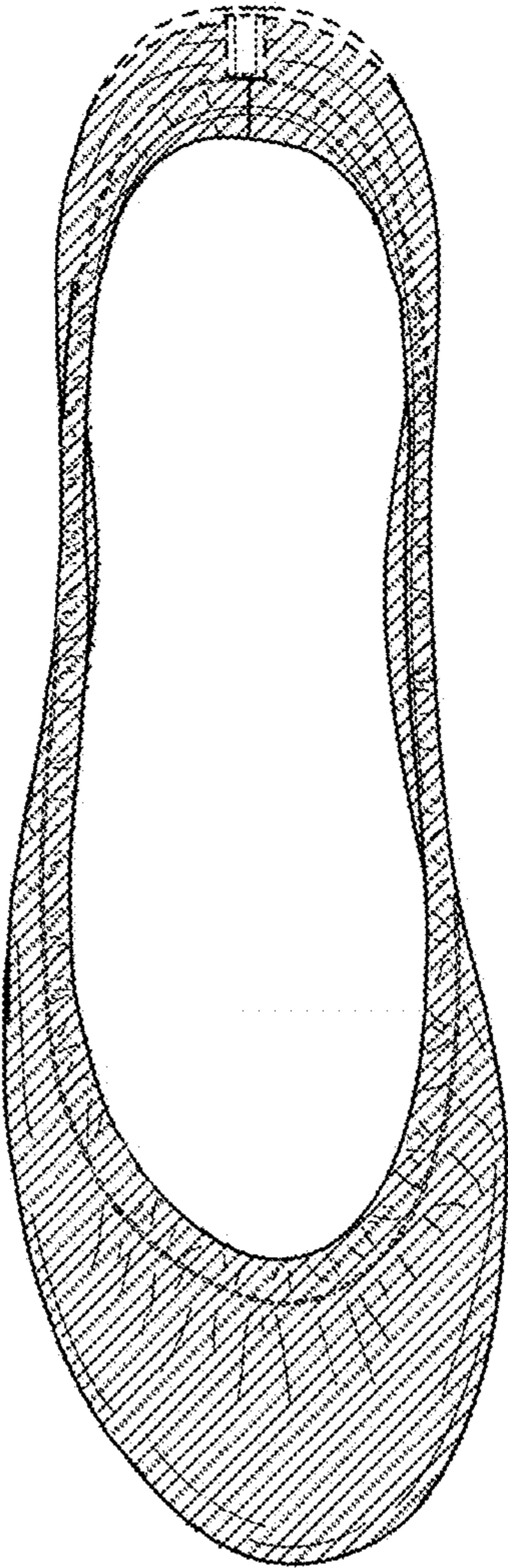


FIG. 4



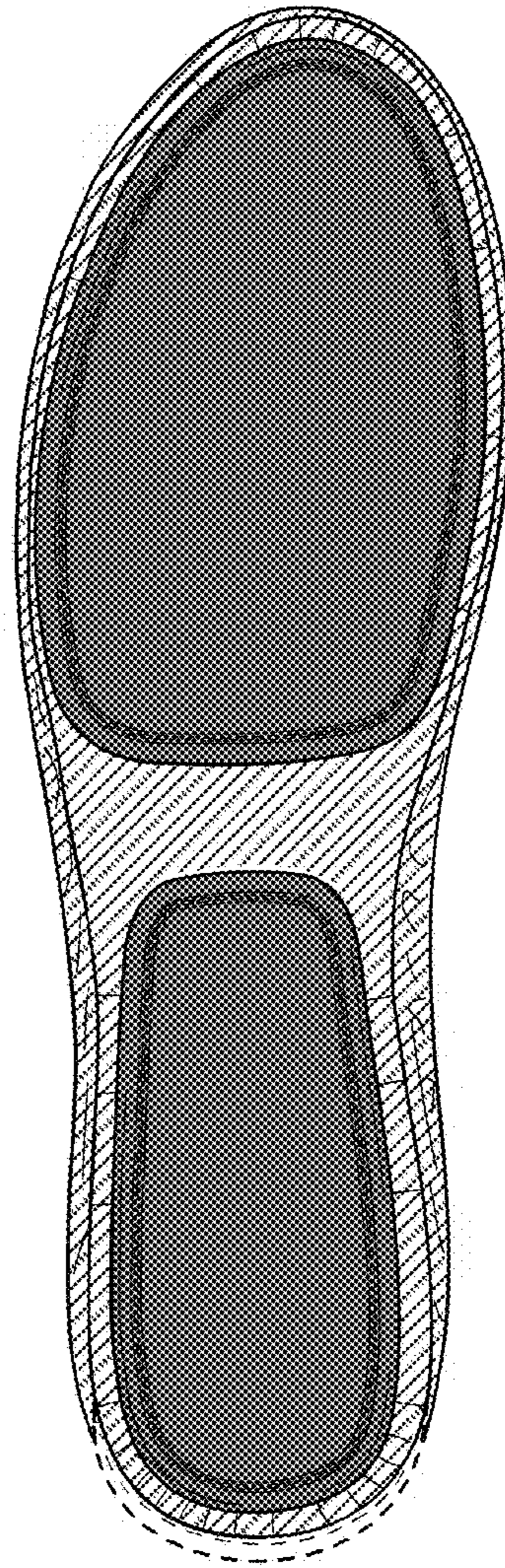


FIG. 5

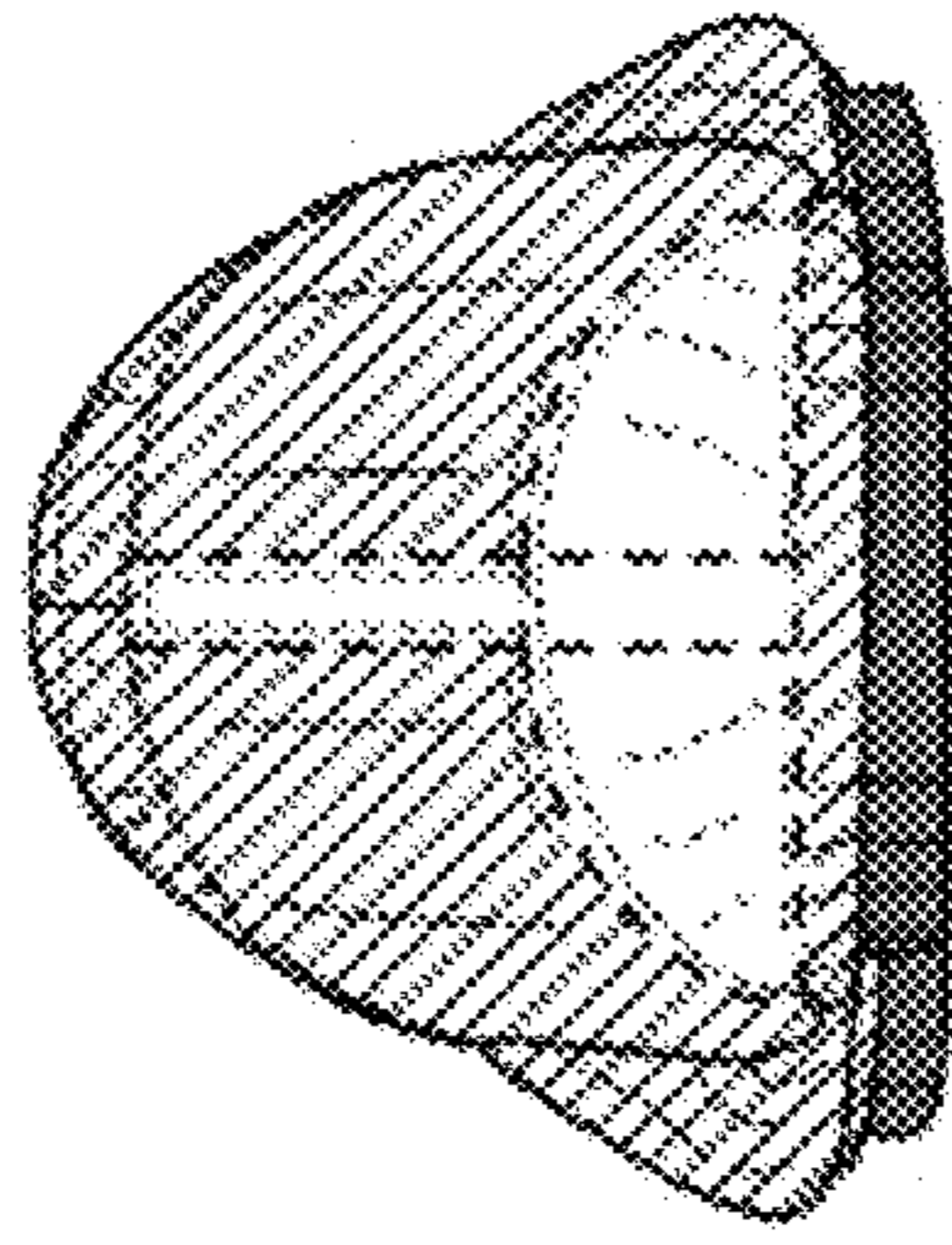


FIG. 7

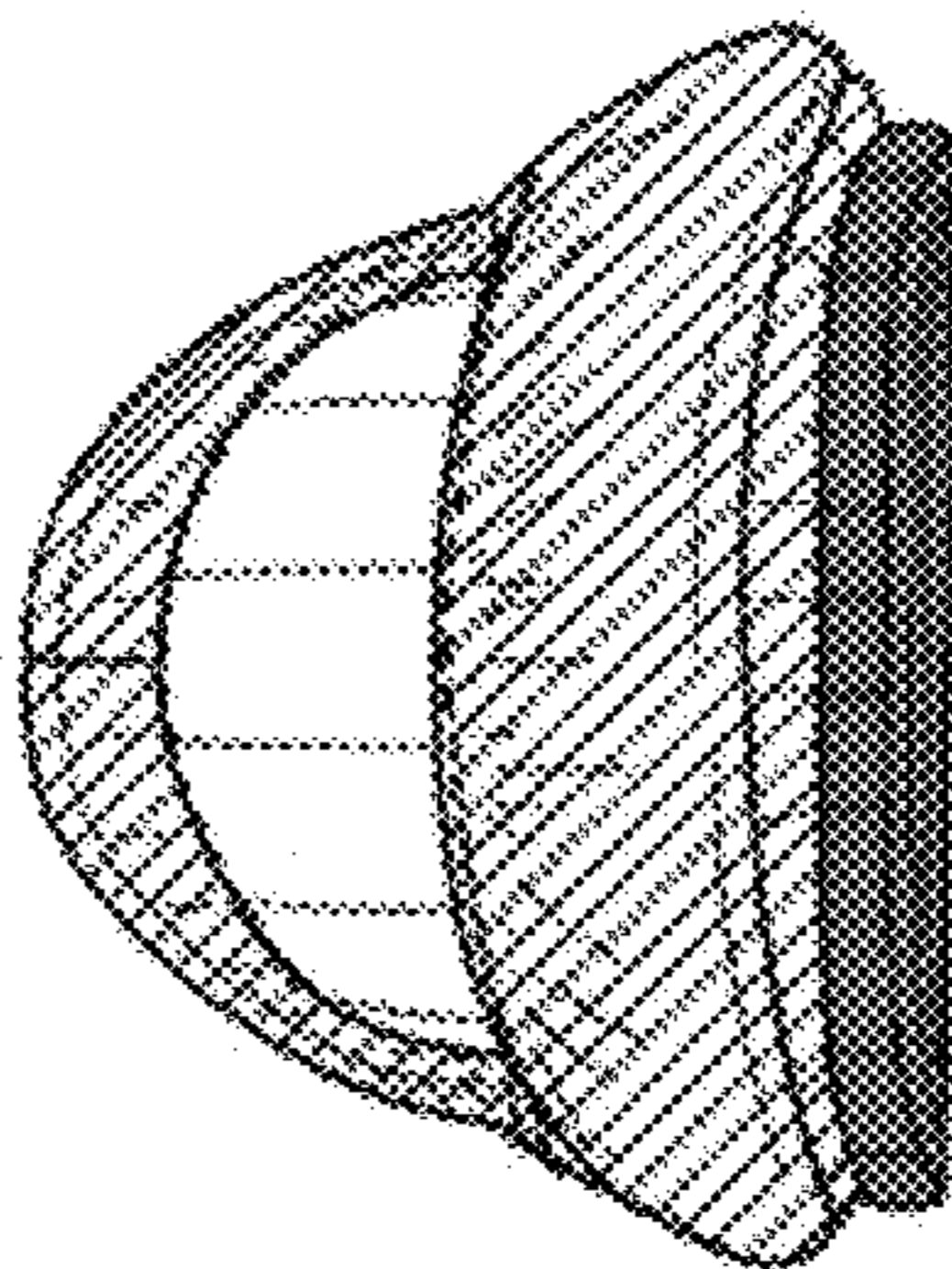


FIG. 6

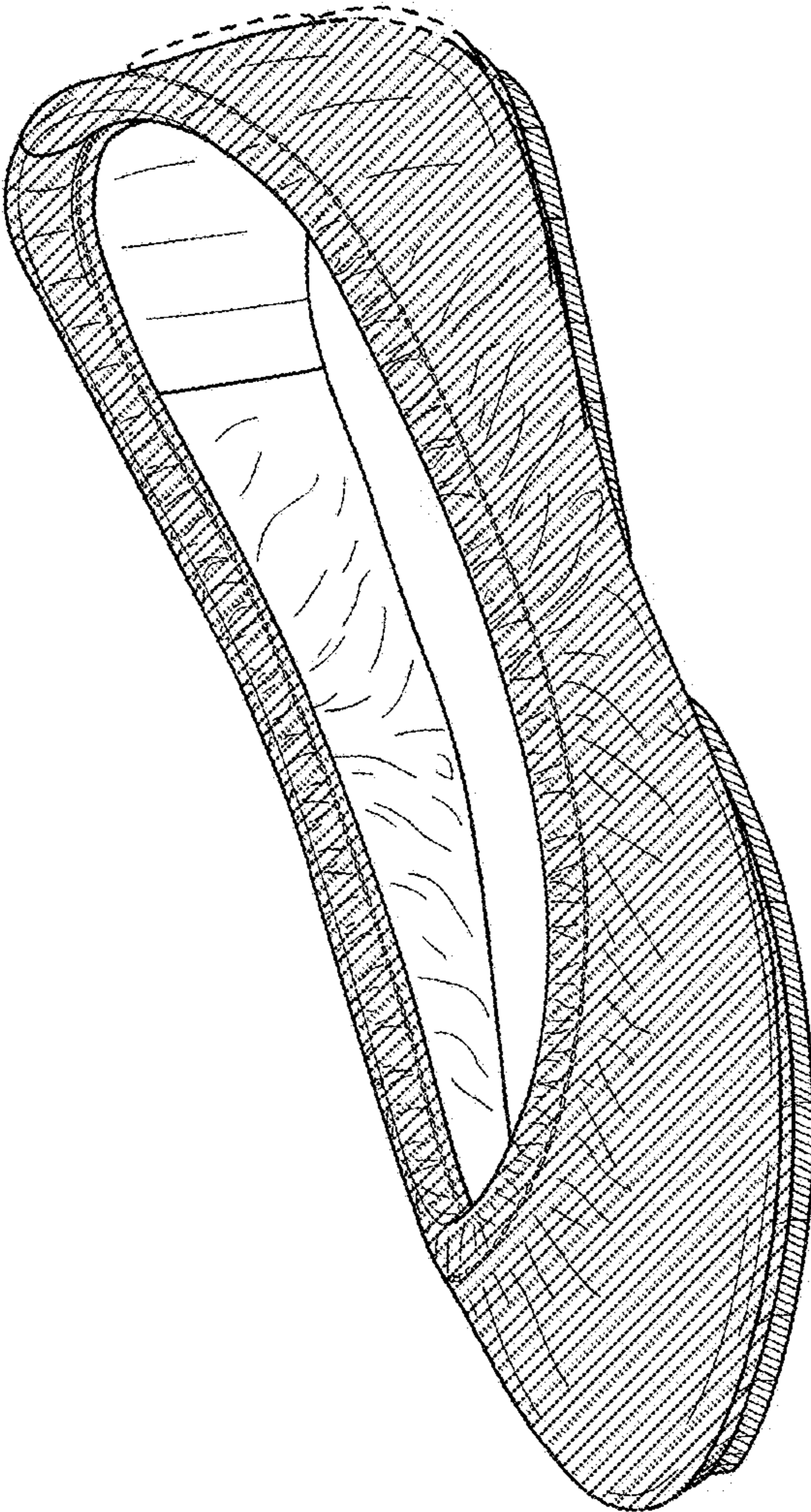


FIG. 8

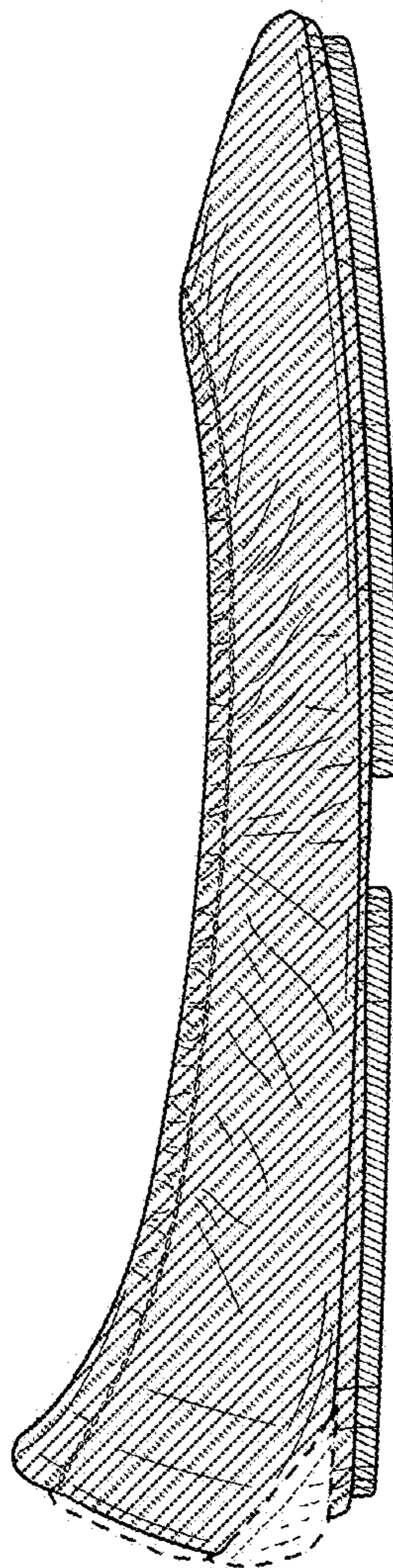


FIG. 9

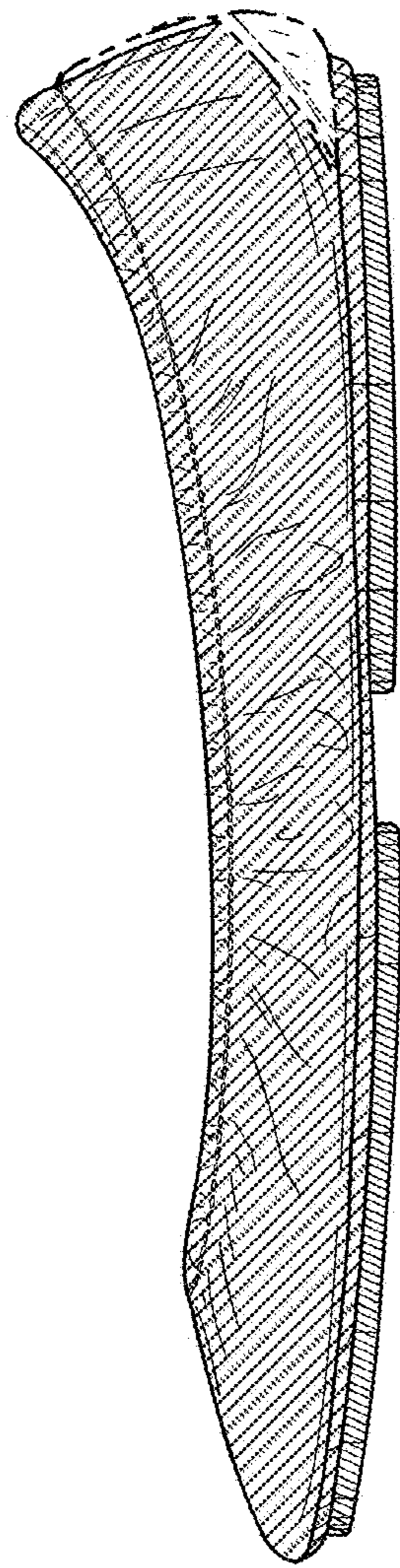


FIG. 10

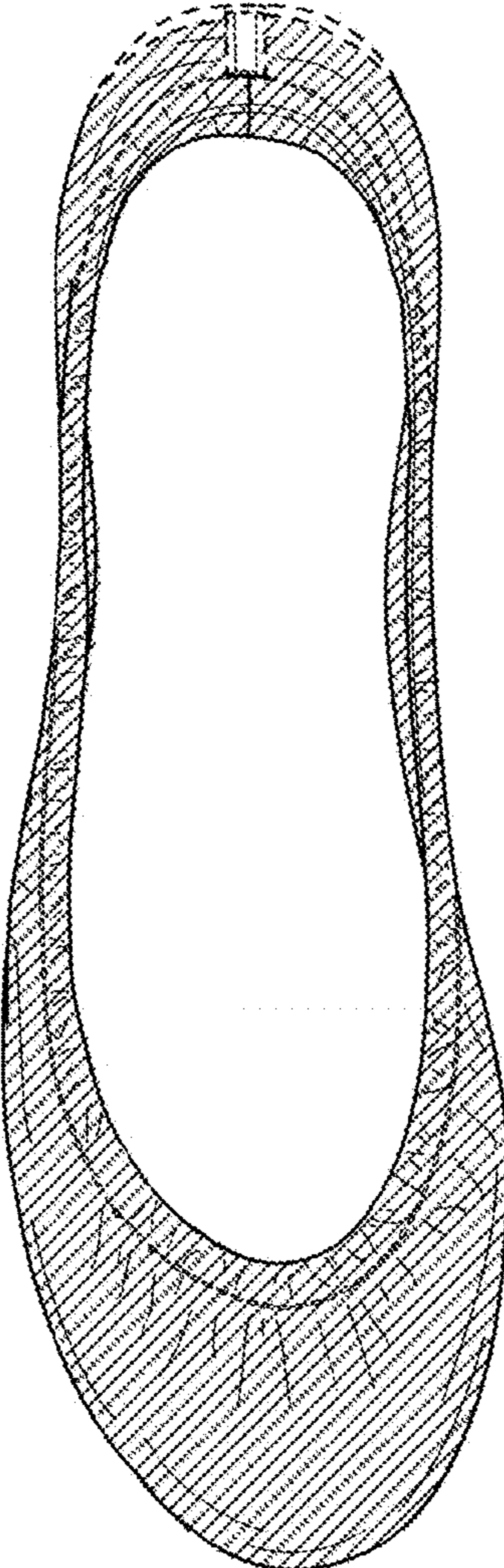


FIG. 11

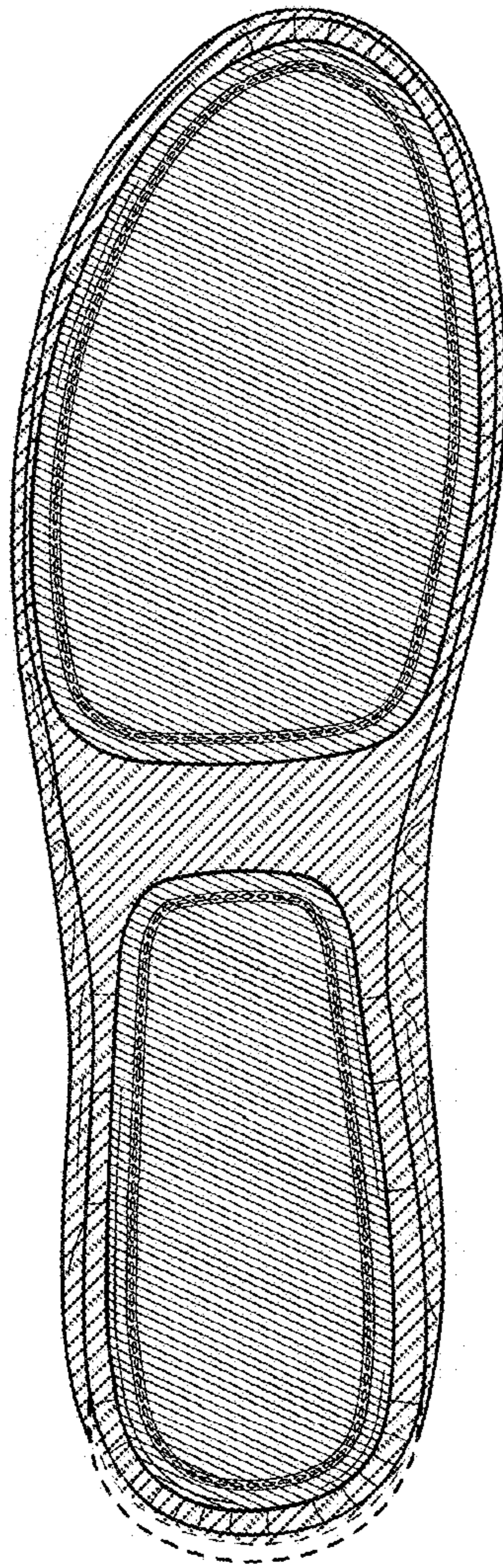


FIG. 12

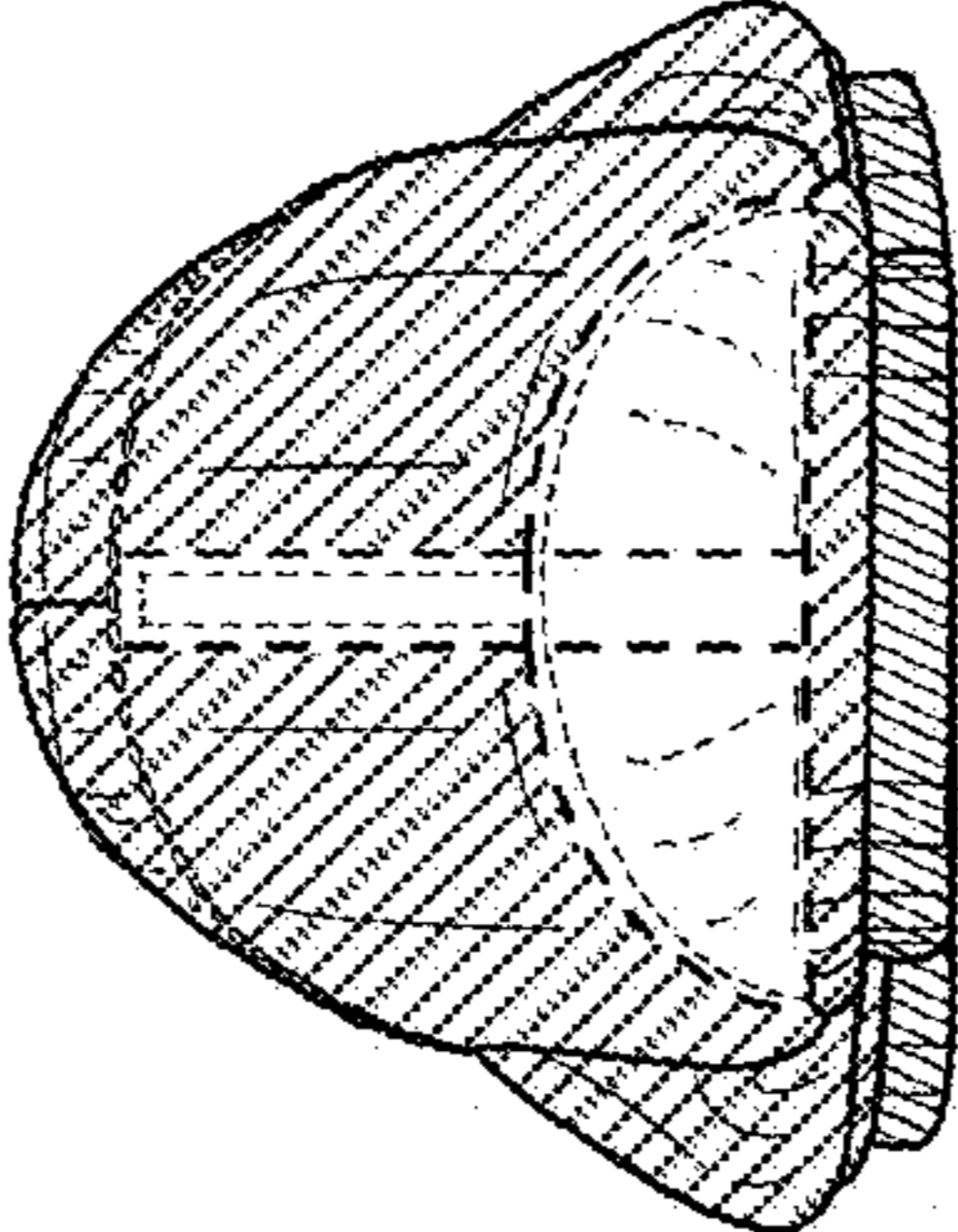


FIG. 14

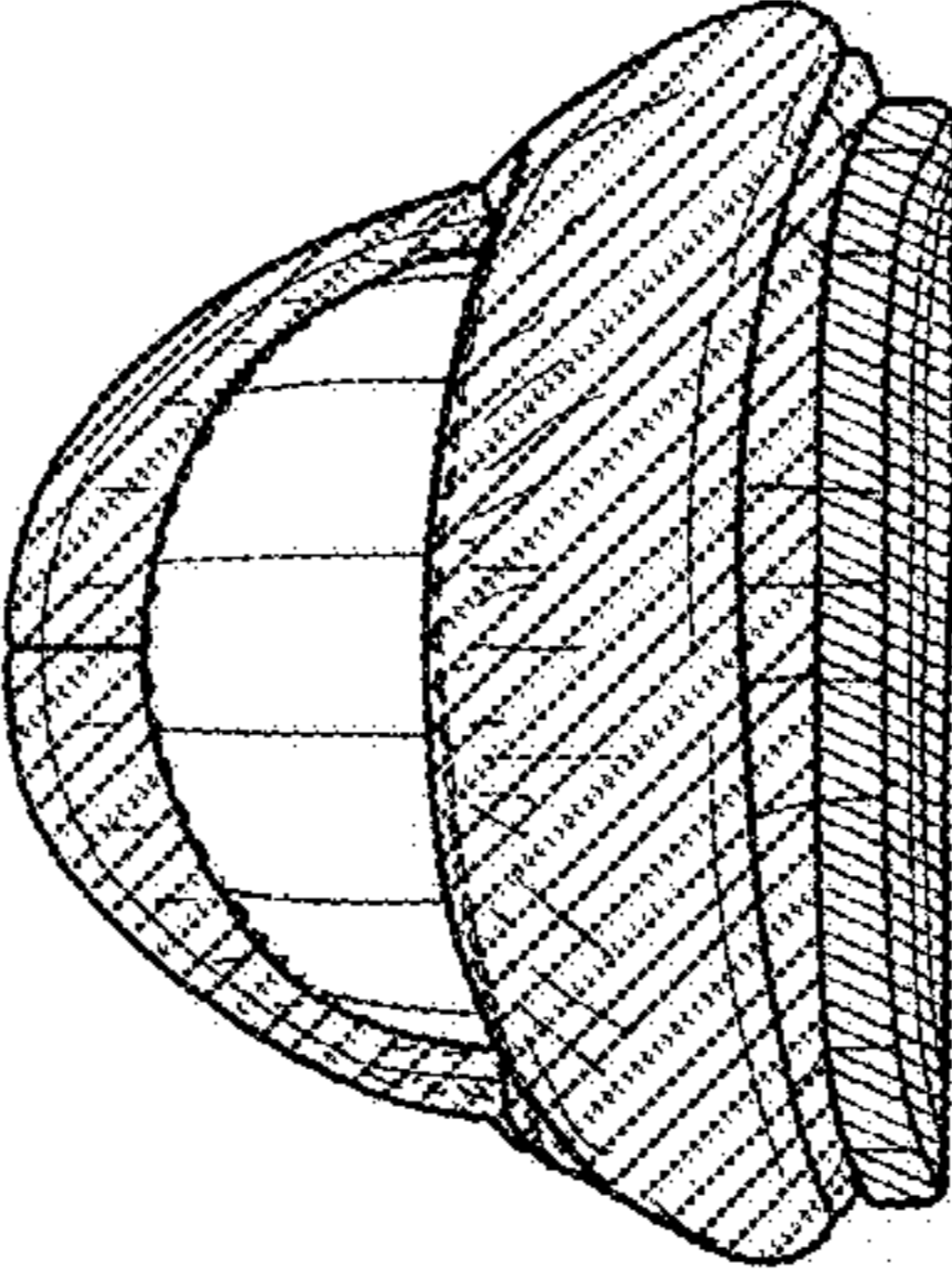


FIG. 13