



US00D853697S

(12) **United States Design Patent** (10) **Patent No.:** **US D853,697 S**  
**Gavrieli et al.** (45) **Date of Patent:** **\*\* \*Jul. 16, 2019**

(54) <b>DUAL-SOLE SHOE WITH RED OUTPATCH SOLE AND CONTRASTING UPPER</b>	1,214,666 A	2/1917	Ford	
	1,519,009 A	12/1924	Reina	
	1,525,848 A *	2/1925	Bonaventure .....	A43B 5/12 36/112
(71) Applicant: <b>Gavrieli Brands LLC</b> , Beverly Hills, CA (US)	1,587,377 A	6/1926	Grosjean	
	1,650,466 A	11/1927	Righter	
	2,224,590 A	12/1940	Boivin	
(72) Inventors: <b>Kfir Gavrieli</b> , Beverly Hills, CA (US); <b>Dikla Gavrieli</b> , Beverly Hills, CA (US)	2,268,777 A	1/1942	Scholl	
	D133,819 S *	9/1942	Harris .....	D2/939
	D135,791 S	6/1943	Beebe	
(73) Assignee: <b>Gavrieli Brands LLC</b> , Beverly Hills, CA (US)	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	
(*) Notice: This patent is subject to a terminal disclaimer.	D149,685 S *	5/1948	Sandler .....	D2/935
	D150,729 S *	8/1948	Sandler .....	D2/923
	D166,090 S *	3/1952	Maling .....	D2/897
(**) Term: <b>15 Years</b>	2,772,488 A	12/1956	Meltzer	
	2,904,814 A	9/1959	Scholl	
(21) Appl. No.: <b>29/658,154</b>	3,148,378 A	9/1964	Tibbitts	
	D200,897 S *	4/1965	Mitchell .....	D2/939
	D220,464 S	4/1971	Hayashi	
(22) Filed: <b>Jul. 28, 2018</b>	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	Gasparovic 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	
	7,032,327 B1	4/2006	Tartaglia et al.	

**Related U.S. Application Data**

(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.

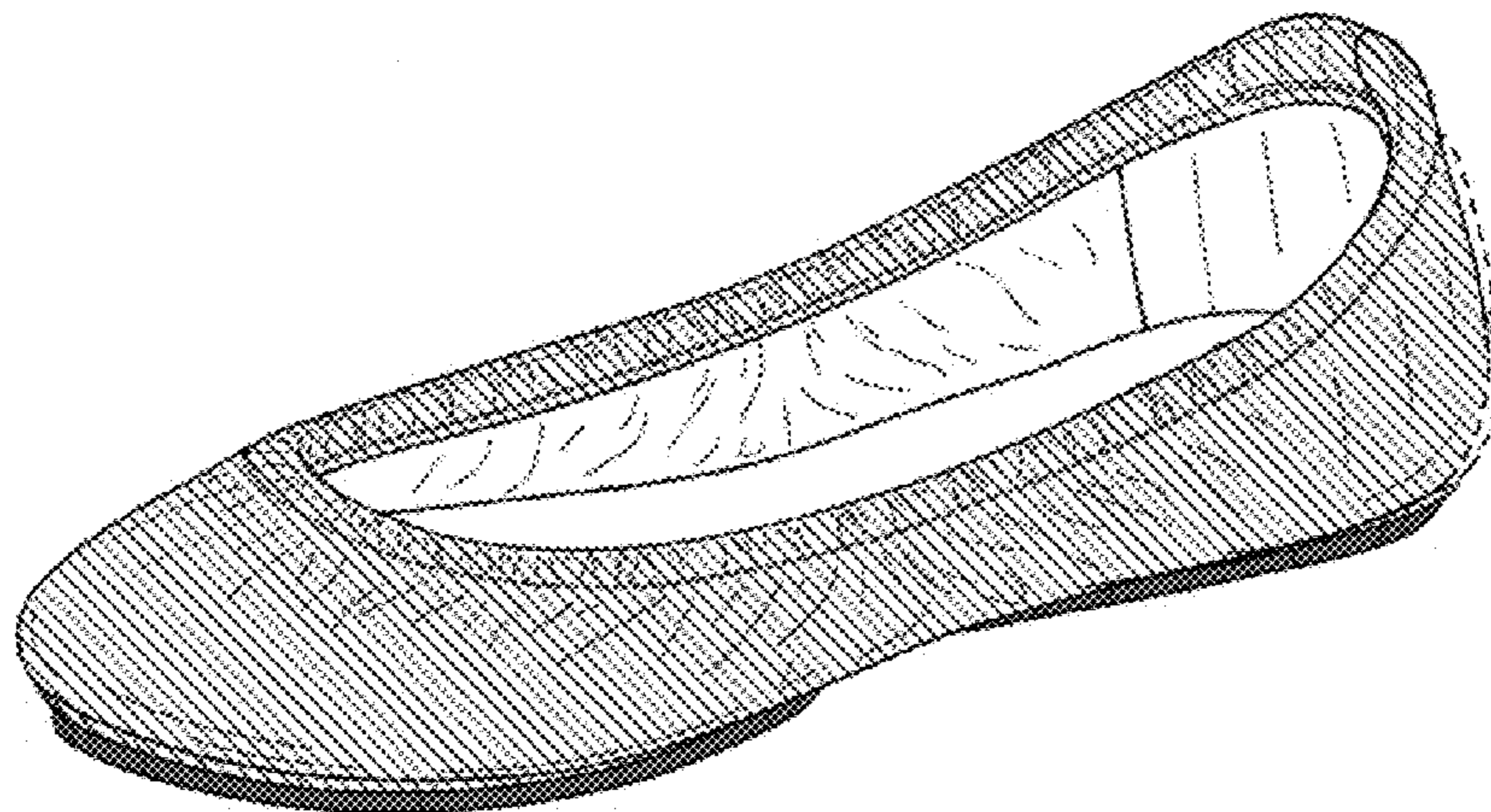
(51) **LOC (11) Cl.** ..... **02-04**  
(52) **U.S. Cl.**  
USPC ..... **D2/939**

(58) **Field of Classification Search**  
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.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

249,086 A	11/1881	Pienovi
773,850 A	11/1904	Cooper et al.
830,941 A	9/1906	Walden
1,208,209 A	12/1916	Prince



# US D853,697 S

Page 2

7,036,244 B1 5/2006 Finch  
D527,513 S 9/2006 Della Valle  
D529,513 S \* 10/2006 Aketa ..... D15/5  
D531,790 S 11/2006 Wurzburg  
D534,341 S \* 1/2007 Choi ..... D2/971  
D542,513 S 5/2007 Amado et al.  
D556,990 S 12/2007 Cabados  
7,337,558 B2 3/2008 Terlizzi et al.  
D567,485 S 4/2008 James  
D570,488 S 6/2008 Kirksey et al.  
D571,084 S 6/2008 Comeau  
D571,548 S 6/2008 Seamans  
D571,989 S 7/2008 Siegal  
D580,640 S 11/2008 Wurzburg  
D582,638 S 12/2008 Ringholz  
7,496,982 B2 3/2009 Clark et al.  
7,506,459 B2 3/2009 Grisoni et al.  
D591,031 S 4/2009 Cofinco  
D593,295 S \* 6/2009 Belley ..... D2/969  
D593,297 S \* 6/2009 Belley ..... D2/969  
D593,307 S \* 6/2009 Belley ..... D2/969  
D599,093 S \* 9/2009 Issler ..... D2/925  
D604,030 S 11/2009 Wilson  
D607,194 S 1/2010 Zagula  
D610,332 S 2/2010 Raichle  
D610,785 S 3/2010 Smith  
D612,140 S 3/2010 Moon  
D612,141 S 3/2010 Moon  
7,694,435 B1 4/2010 Kiser et al.  
D615,737 S 5/2010 Feller  
7,735,244 B1 6/2010 Ameche  
7,743,530 B2 6/2010 Truelsen  
D618,891 S 7/2010 McClaskie  
7,757,408 B2 7/2010 McClaskie  
D630,829 S 1/2011 Weisner  
D632,881 S 2/2011 Rosenberg  
7,926,203 B2 4/2011 Wilkenfeld  
7,966,747 B2 6/2011 Wilkenfeld et al.  
D640,861 S 7/2011 Wilkenfeld  
8,020,320 B2 9/2011 Gillespie  
8,127,468 B2 3/2012 Morgan  
D657,543 S 4/2012 Bove  
D659,960 S 5/2012 Bizzo  
8,230,619 B2 7/2012 Salvatelli  
D664,755 S 8/2012 Gavrieli et al.  
D665,157 S 8/2012 Wu  
8,240,067 B2 8/2012 Sussmann  
8,245,420 B2 8/2012 Wilson  
D668,027 S 10/2012 Millieret  
D668,438 S 10/2012 Millieret  
D668,847 S \* 10/2012 Gavrieli ..... D2/925  
D668,848 S \* 10/2012 Gavrieli ..... D2/925  
D668,849 S 10/2012 Pozzi  
D668,850 S 10/2012 Pozzi  
D672,542 S 12/2012 Gray et al.  
D676,634 S \* 2/2013 Gavrieli ..... D2/925  
D681,927 S \* 5/2013 Gavrieli ..... D2/925  
D681,928 S \* 5/2013 Gavrieli ..... D2/925  
D681,929 S \* 5/2013 Gavrieli ..... D2/925  
D683,936 S \* 6/2013 Gavrieli ..... D2/925  
8,468,723 B2 6/2013 Malka-Harari  
D686,812 S 7/2013 Gavrieli et al.  
8,510,975 B2 8/2013 Krikelis  
D688,853 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D688,854 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D688,855 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D689,270 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D689,271 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D689,272 S \* 9/2013 Gavrieli ..... A43B 3/248  
D2/939  
D690,914 S \* 10/2013 Gavrieli ..... A43B 3/248  
D2/939

D690,915 S \* 10/2013 Gavrieli ..... A43B 3/248  
D2/939  
D696,500 S 12/2013 Hunt  
D699,424 S 2/2014 Hamm  
8,661,714 B2 3/2014 Sussmann  
8,745,893 B2 6/2014 Gavrieli et al.  
8,973,287 B2 3/2015 Shibata  
D831,312 S \* 10/2018 Gavrieli ..... D2/939  
2002/0078591 A1 6/2002 Morrone  
2002/0129519 A1 9/2002 Cahan  
2003/0070319 A1 4/2003 Minden  
2003/0121176 A1 7/2003 Baruck  
2004/0025377 A1 2/2004 Brannon  
2005/0022421 A1 2/2005 Bruckner  
2005/0115115 A1 6/2005 Lacey  
2005/0217148 A1 10/2005 Connolly et al.  
2005/0262734 A1 12/2005 Cheng  
2006/0086005 A1 4/2006 Yerian  
2006/0156576 A1 7/2006 Sloan  
2007/0074424 A1 4/2007 Lin  
2007/0204482 A1 9/2007 Gibson-Collinson  
2007/0204483 A1 9/2007 Kirsch et al.  
2008/0052964 A1 3/2008 Taylor  
2008/0086912 A1 4/2008 Wilkenfeld  
2008/0110059 A1 5/2008 Kuramoto et al.  
2009/0019732 A1 1/2009 Sussmann  
2009/0193685 A1 8/2009 Wilson  
2009/0205222 A1 8/2009 Mclinden  
2009/0272009 A1 11/2009 Weisner et al.  
2010/0011625 A1 1/2010 Percival  
2010/0018080 A1 1/2010 Smith  
2010/0050469 A1 3/2010 Chen  
2010/0095557 A1 4/2010 Jarvis  
2010/0115793 A1 5/2010 Kraiosky  
2010/0122475 A1 5/2010 Purrington  
2010/0146822 A1 6/2010 MacGregor  
2010/0212186 A1 8/2010 Cheng  
2010/0275462 A1 11/2010 Pucci  
2010/0281713 A1 11/2010 Pantazes  
2015/0089843 A1 4/2015 Gavrieli

## FOREIGN PATENT DOCUMENTS

DE	20 2006 000230	U1	5/2007
GB	2443937	A	5/2008
GB	2 446 205	A	8/2008
TW	D119165		10/2007

## OTHER PUBLICATIONS

Examination Report for AU 341324, 3 pgs., dated Oct. 24, 2012.  
Letter from TMI and Associates with Office Action, 2 pgs, dated Sep. 19, 2012 <http://www.payless.com/store/?&TLC=Womens&SLC=WomensNewArrivals&BLC=WomensNewArrivalsNewArrivals&With+Regular&ItemCode=60131&LotNumber=062642&Type=Adult&Popularity=637&Descriptvein>.  
Taiwanese Office Action for TW 101300726, 10 pgs., dated Sep. 6, 2012.  
“The Love List, Tiefs by Gavrieli—Foldable Ballet Flats,” <http://thelovelist-carly.blogspot.com.au/2010/09/tiefs-by-gavrieli-foldable-ballet.html>, 2 pgs., Sep. 12, 2010.  
“Tiefs by Gavrieli,” <http://tiefs.com>, 1 pg., retrieved Mar. 13, 2013 from URL.  
“Try It Mummy!, Tiefs by Gavrieli,” <http://tryitmummy.blogspot.com.au/2010/12/tiefs-by-gavrieli.html>, 3 pgs., Dec. 9, 2010.  
“Wearability—Real People Style, What came first, the City Flat or the Tiefs,” <http://wearability.posterous.com/what-came-first-the-city-flat-or-the-tiefs>, 2 pgs., Aug. 29, 2010.  
“The Ballet Flat . . . Reinvented; Ballet Flats . . . with a Bonus; Step Into Tiefs; Going Places? Take Tiefs,” <http://web.archive.org/web/2010052004346/http://www.tiefs.com/>; 4 pgs., May 24, 2010.  
“Tiefs—Comfortable designer flats you can fit in your purse and wear all day, every day,” <http://web.archive.org/web/20110731151555/http://tiefs.com/>; 6 pgs., Jul. 31, 2011.

“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/B004LWPT/W>, 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://seeyt.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=1406427986&page=17&sectionLoadingID=m\\_timeline\\_loading\\_div\\_1293868799\\_1262332800\\_8\\_17&timeend=1293868799&timestart=1262332800&tm=AQDOvghWQPN\\_Nbwm&refid=17](http://m2.facebook.com/Tieks?v=timeline&filter=2&timecutoff=1406427986&page=17&sectionLoadingID=m_timeline_loading_div_1293868799_1262332800_8_17&timeend=1293868799&timestart=1262332800&tm=AQDOvghWQPN_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=AQDOvghWQPN\\_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=AQDOvghWQPN_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 red outpatch 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 vertical lines for red or pink, 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)**

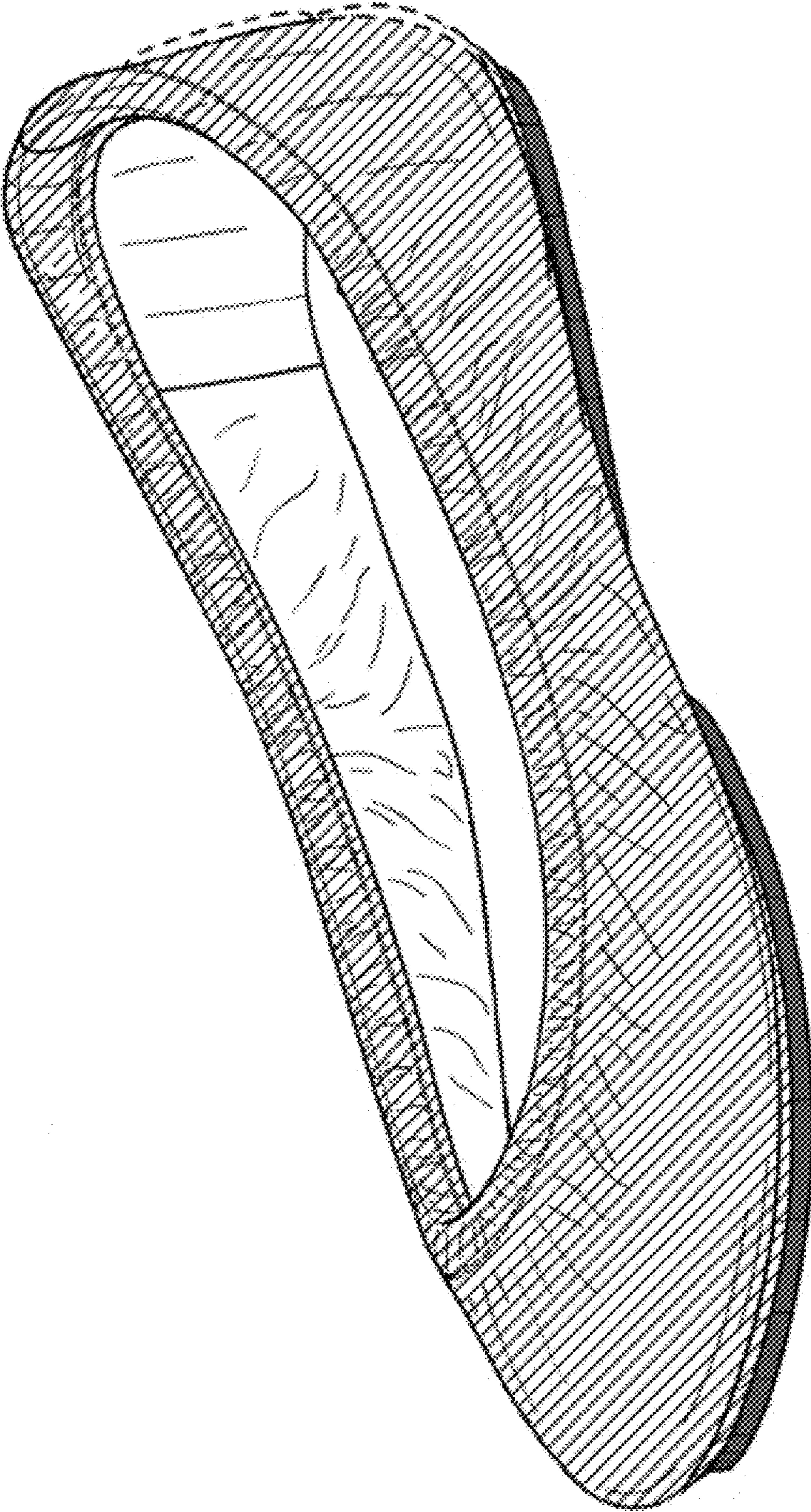


FIG. 1

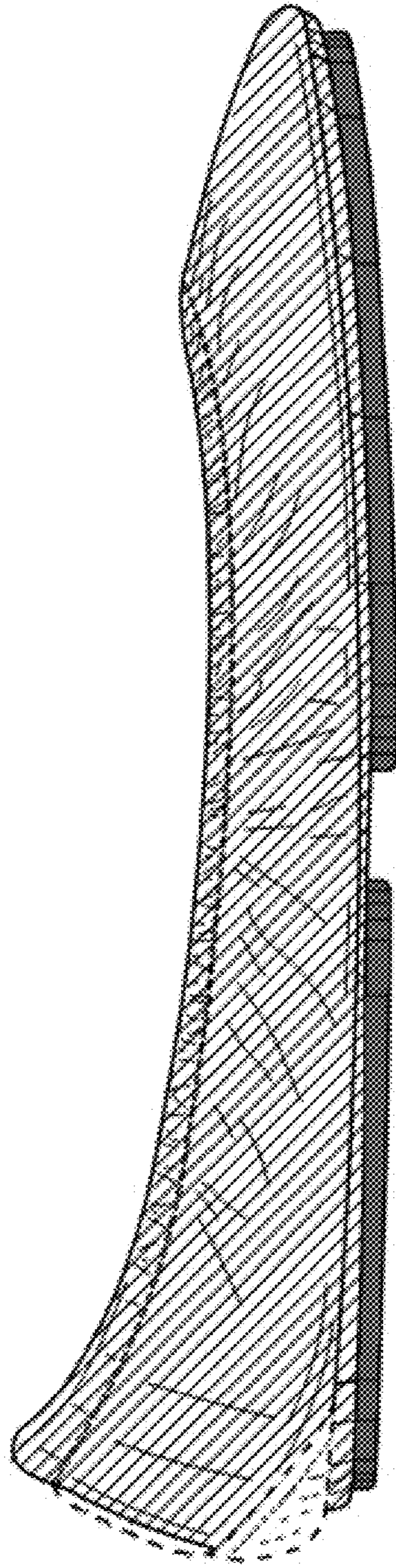


FIG. 2

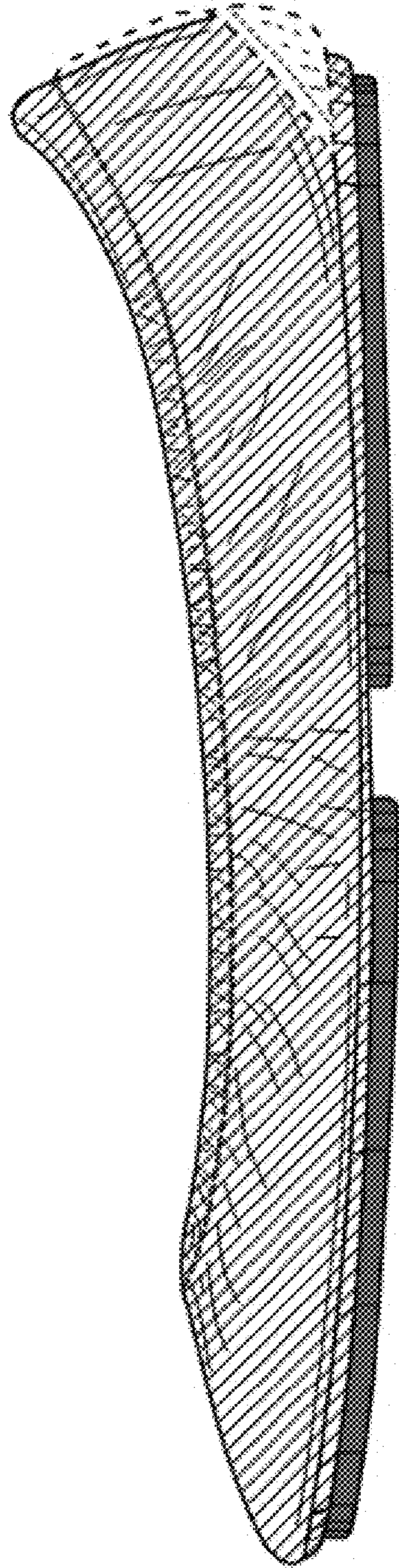


FIG. 3

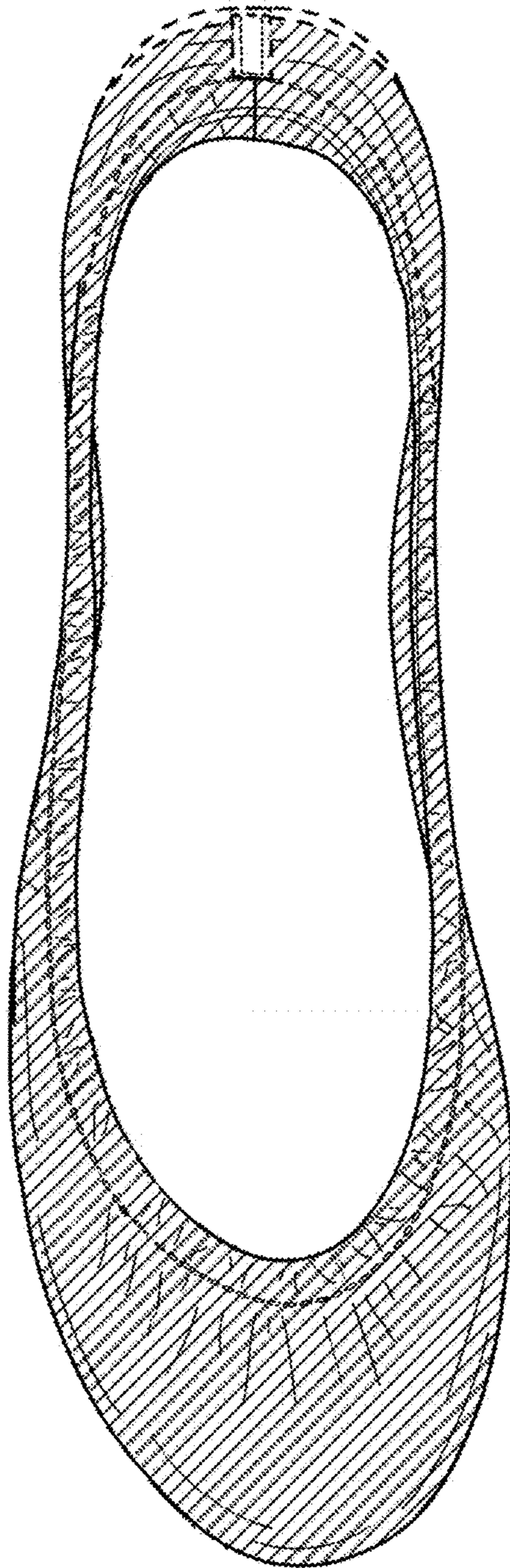


FIG. 4



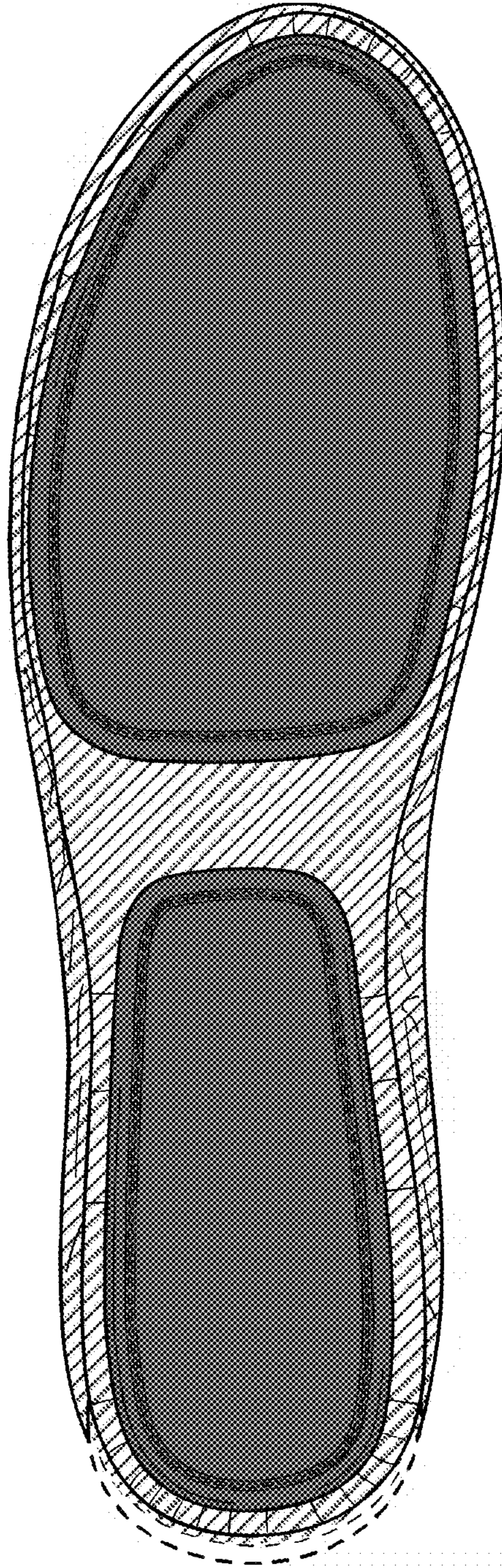


FIG. 5

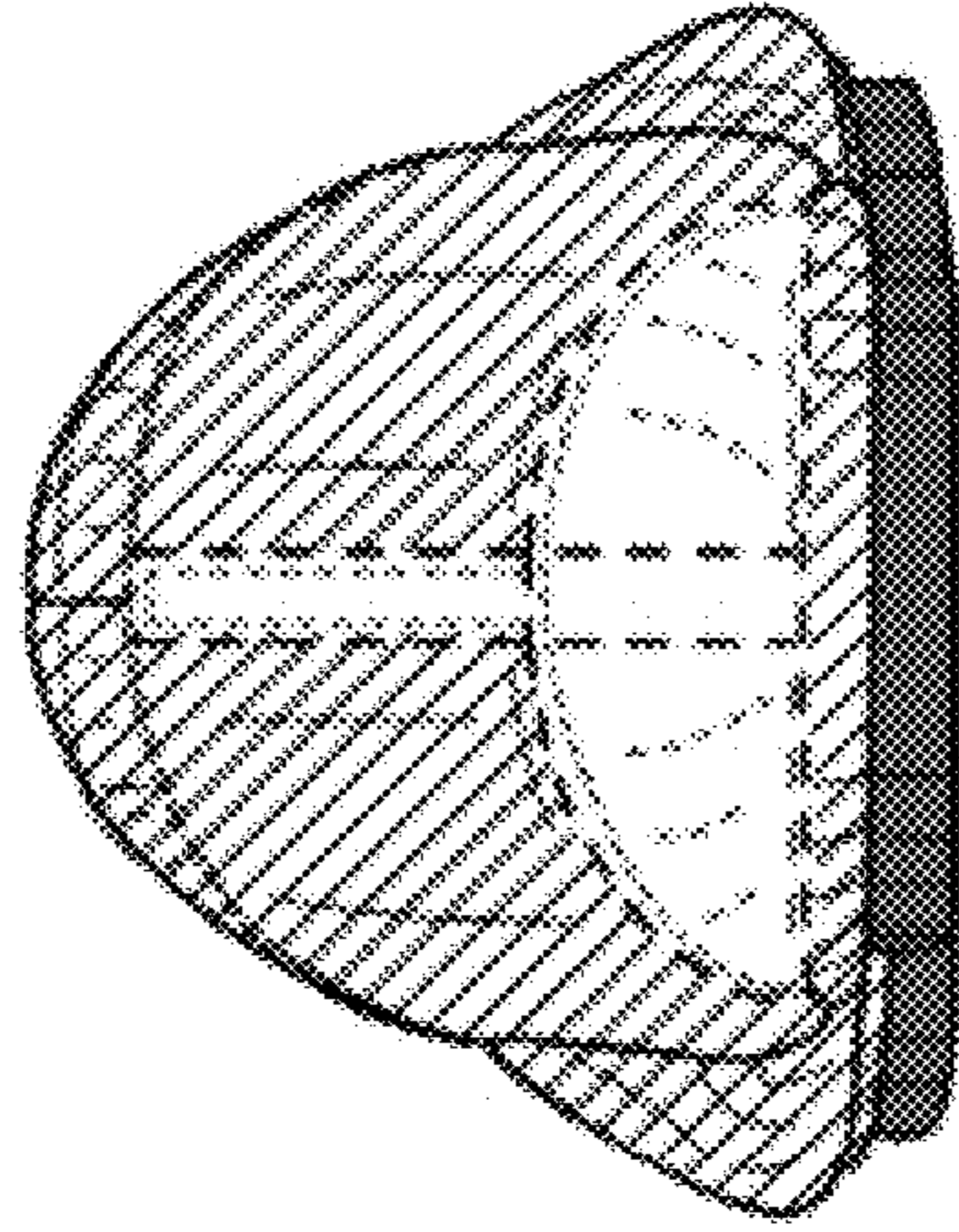


FIG. 7

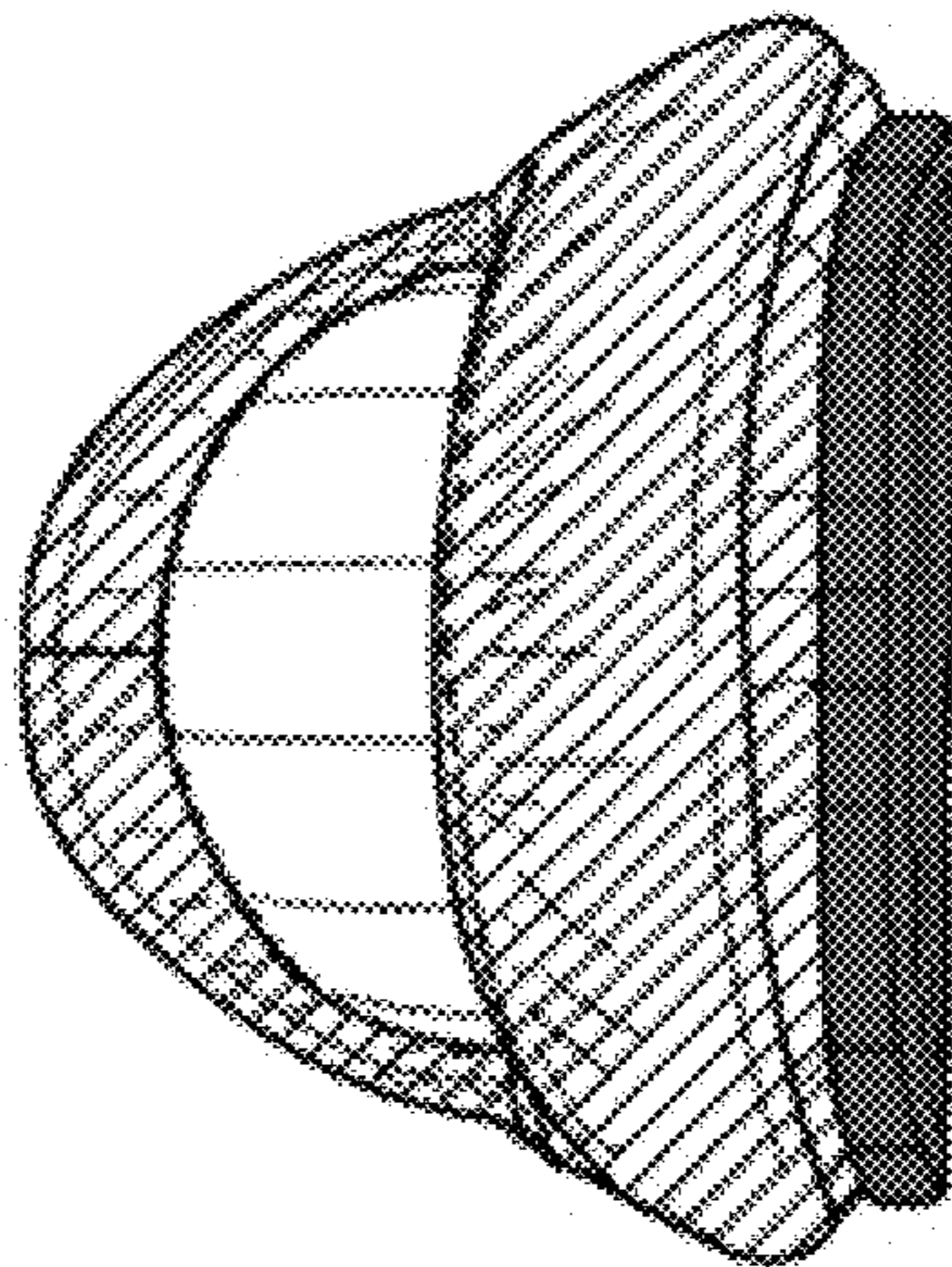


FIG. 6

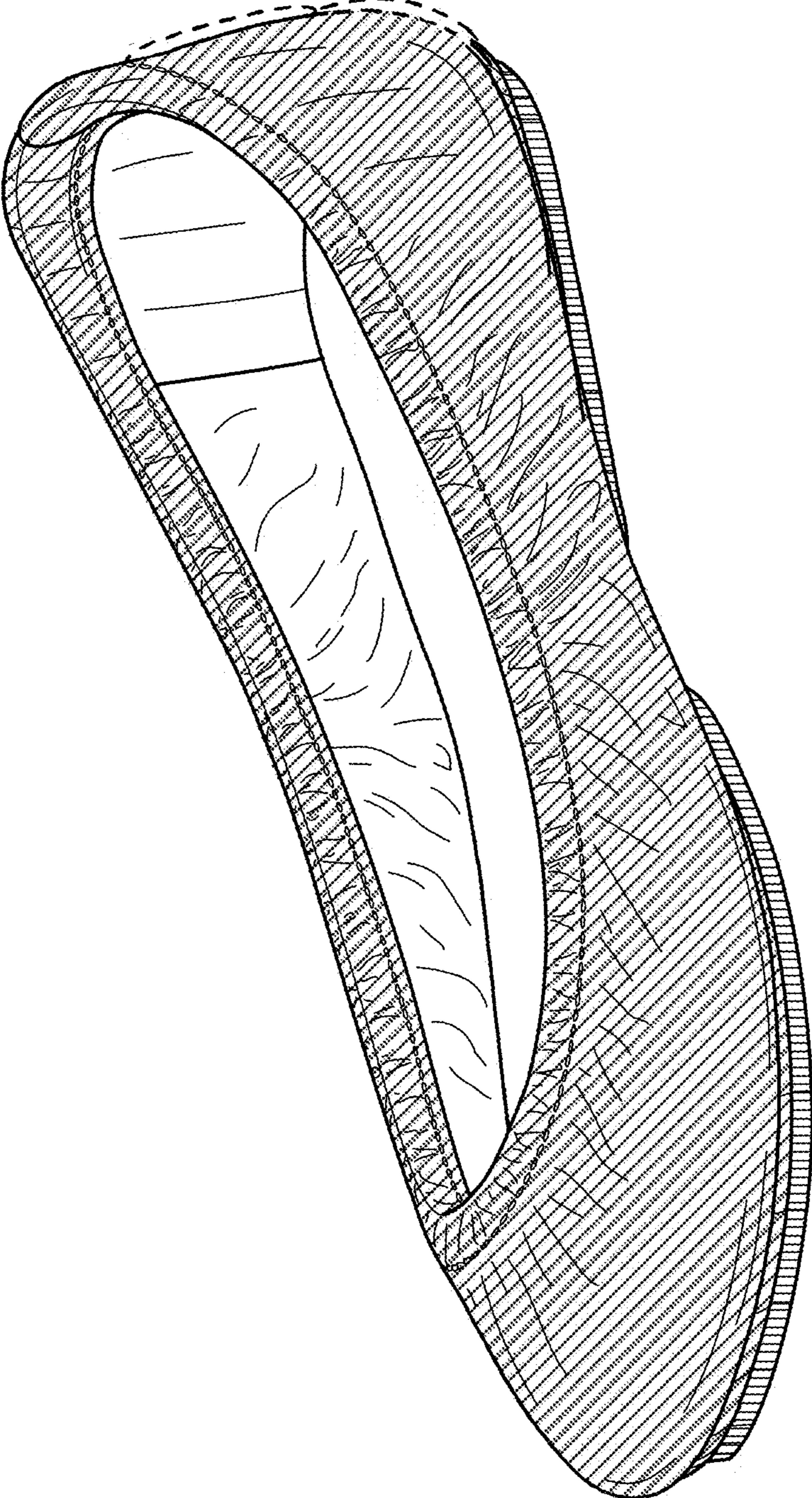


FIG. 8

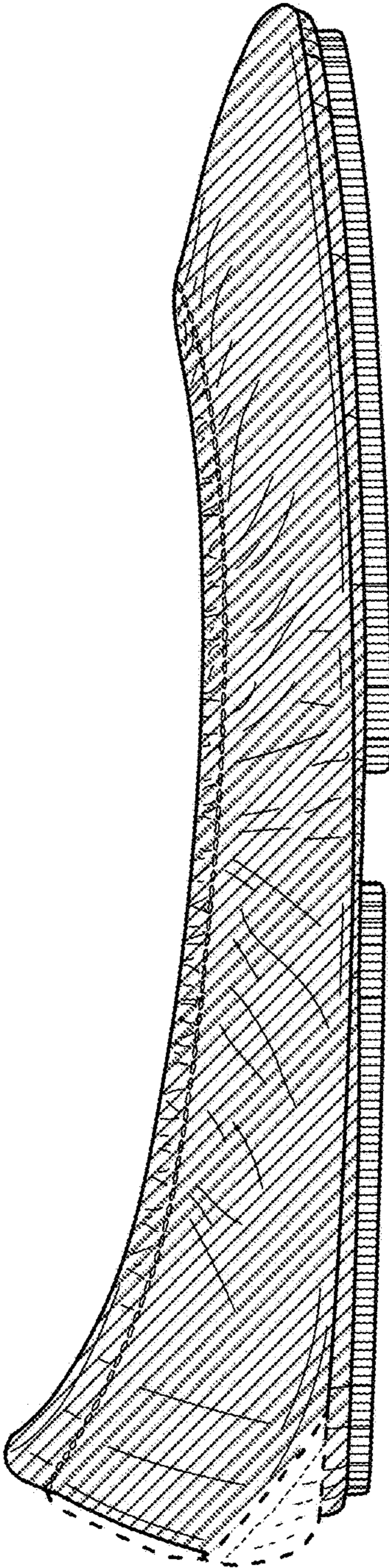


FIG. 9

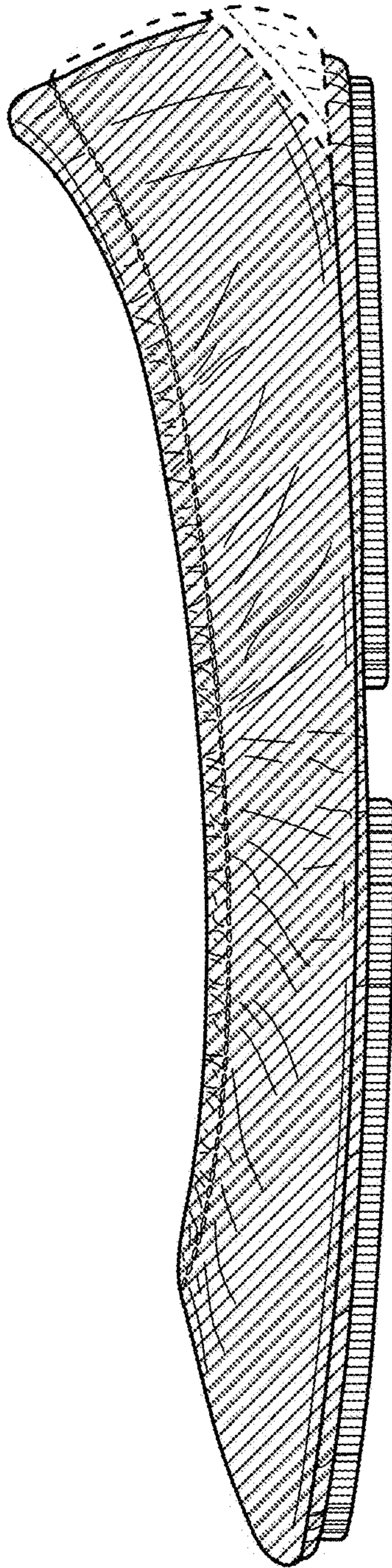


FIG. 10

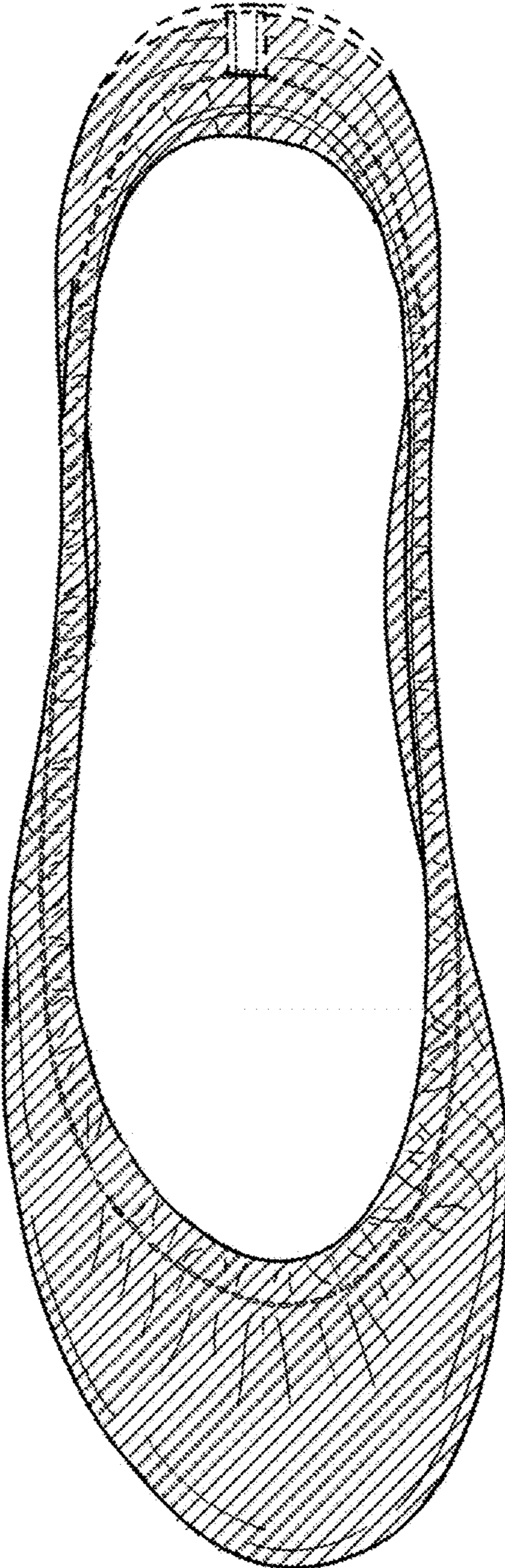


FIG. 11

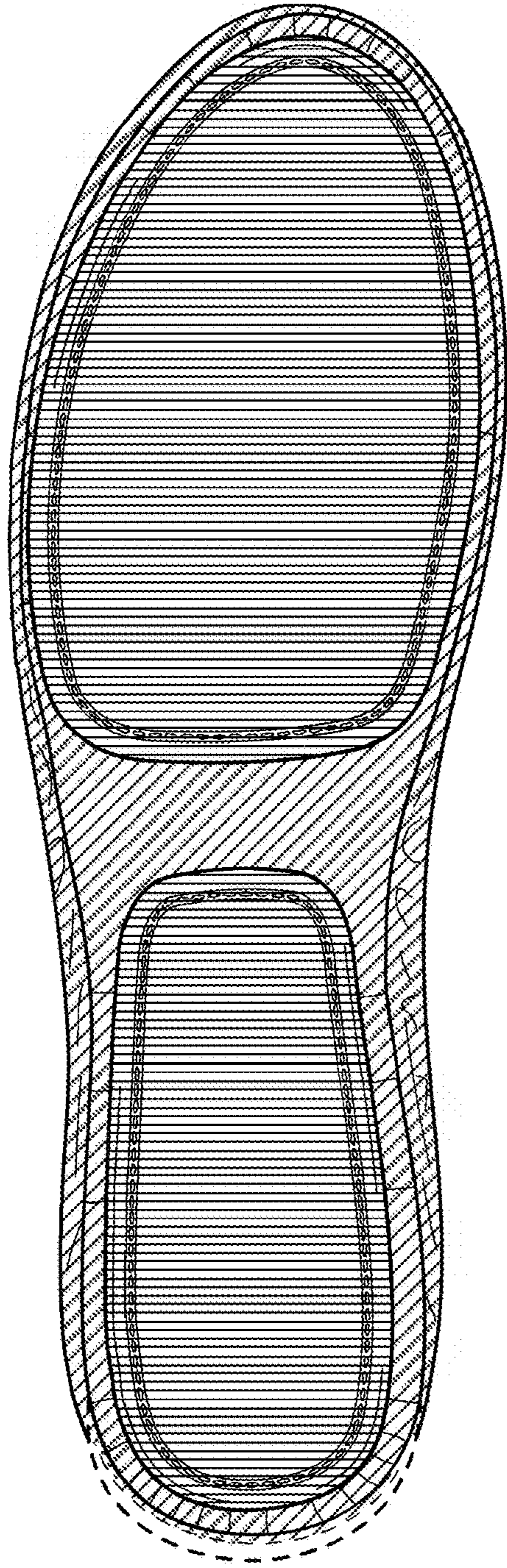


FIG. 12

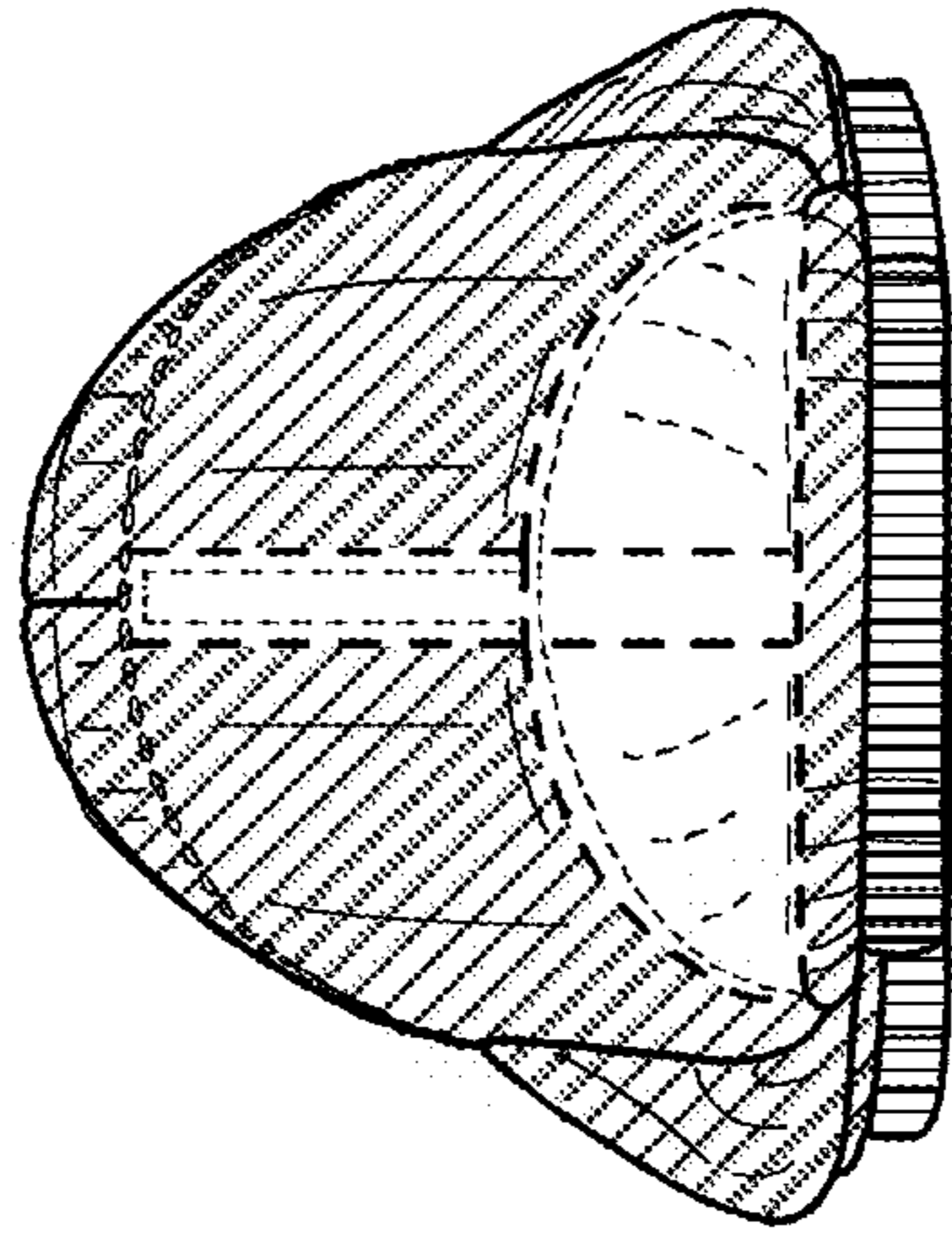


FIG. 14

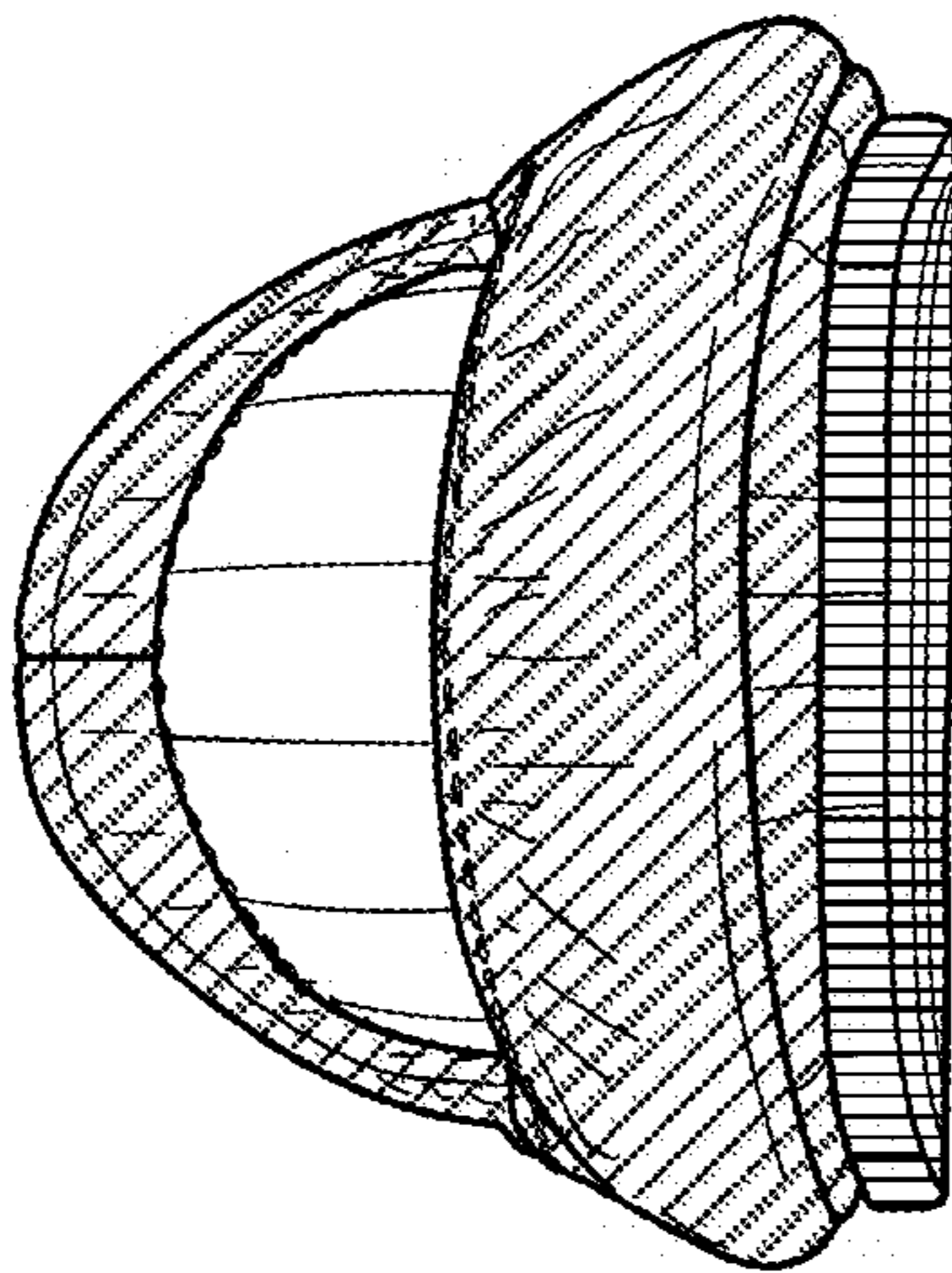


FIG. 13