



US00D858083S

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

(10) **Patent No.:** **US D858,083 S**

(45) **Date of Patent:** **** Sep. 3, 2019**

- (54) **SHOE**
- (71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)
- (72) Inventor: **Graeme McMillan**, Portland, OR (US)
- (73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
- (**) Term: **15 Years**
- (21) Appl. No.: **29/663,315**
- (22) Filed: **Sep. 13, 2018**
- (51) **LOC (12) Cl.** **02-99**
- (52) **U.S. Cl.**
USPC **D2/973**
- (58) **Field of Classification Search**
USPC D2/896, 902, 906–908, 925–942, 946,
D2/947, 969, 972–974, 978; D5/47, 49,
D5/50, 53, 54, 56, 60
CPC ... A43B 13/181; A43B 13/141; A43B 13/186;
A43B 13/188; A43B 23/00; A43B 23/02;
A43B 5/00; A43B 23/26; A43B 1/04;
A43B 11/14; A43B 7/00; A43B 3/12;
A43C 3/00; A43C 5/00; A43C 7/00;
A43C 11/004
See application file for complete search history.

- D112,780 S 1/1939 Marcello
 - D134,665 S 12/1942 Sandler
 - D163,360 S 5/1951 Braun
 - D264,392 S 5/1982 Lydiard
 - D278,185 S 4/1985 Michaeli
 - 4,553,342 A 11/1985 Derderian et al.
 - D284,613 S 7/1986 Bernault
 - 4,670,998 A 6/1987 Pastemak
 - 4,776,111 A 10/1988 Crowley
 - D328,384 S 8/1992 Rogers et al.
 - 5,184,378 A 2/1993 Batra
 - 5,271,130 A 12/1993 Batra
 - D346,478 S 5/1994 Teague
 - D348,976 S 7/1994 Van Noy
 - D376,042 S * 12/1996 Cooper D2/978
 - D377,410 S 1/1997 Crowley
- (Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, 1994 Fall Footwear, p. 50, published Nov. 1993, NIKE, Inc., USA.

(Continued)

Primary Examiner — Dominic V Simone
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(57) **CLAIM**

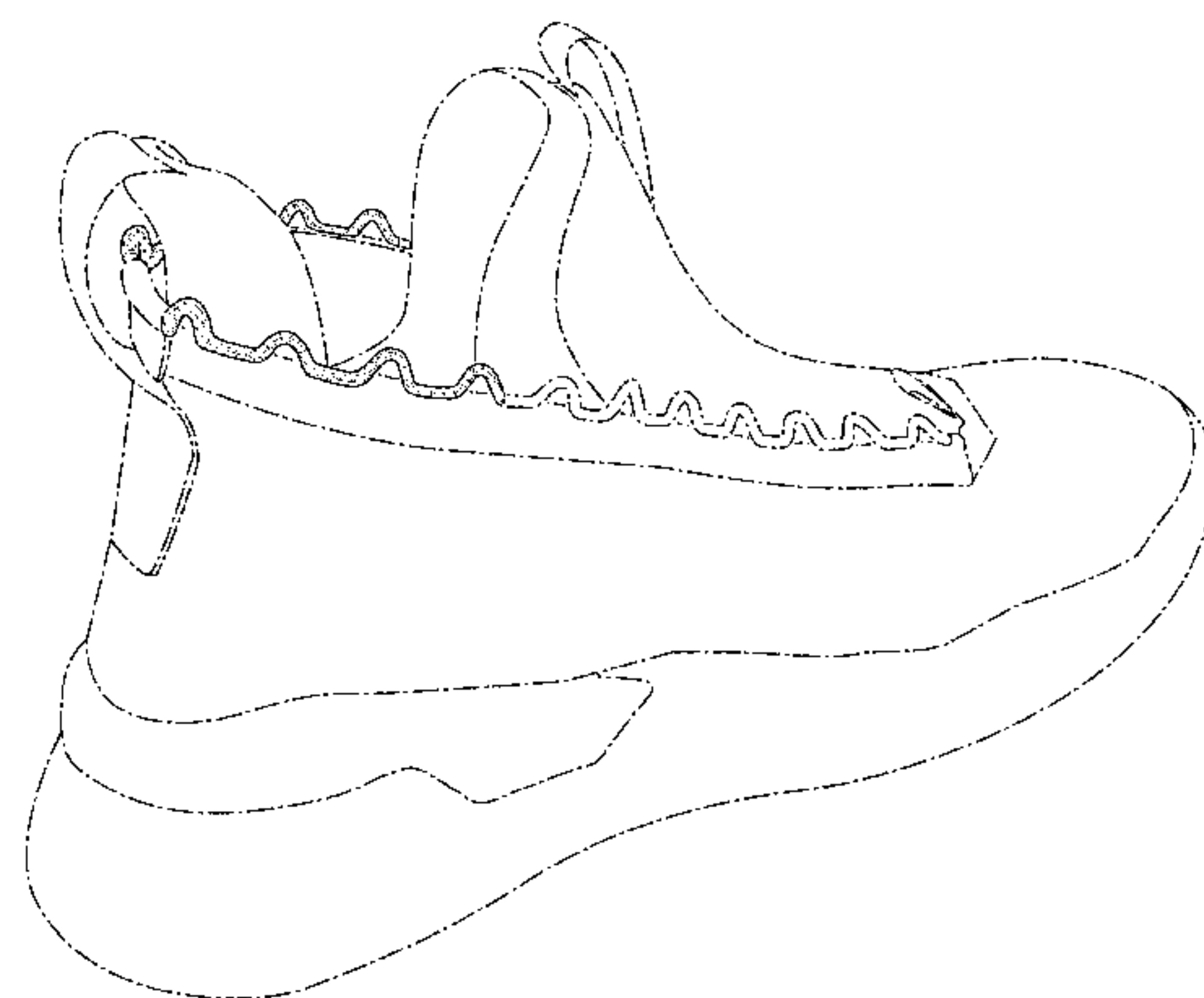
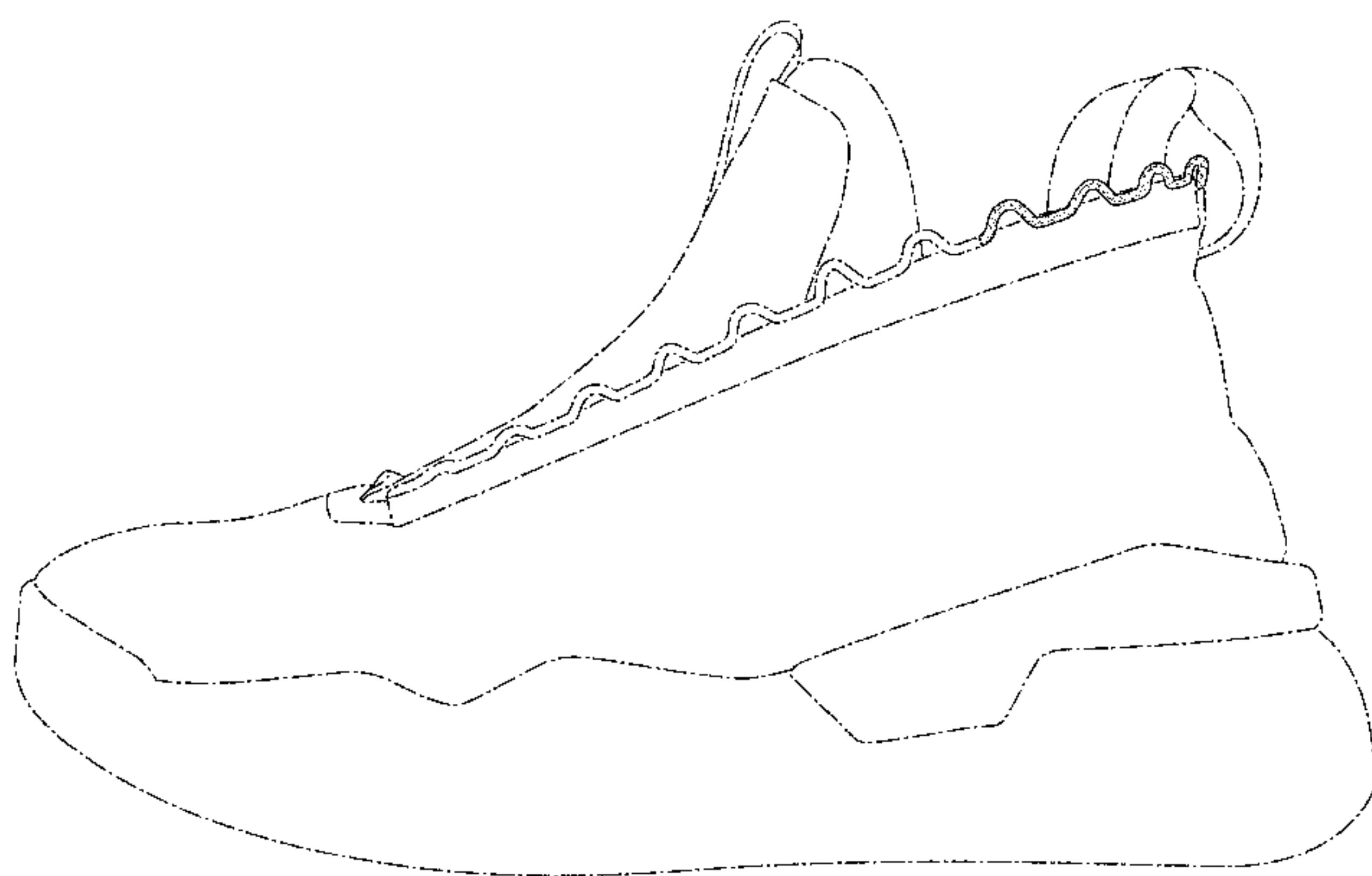
The ornamental design for a shoe, as shown and described.

DESCRIPTION

FIG. 1 is a side view of a shoe showing my new design; FIG. 2 is a rear perspective view thereof; FIG. 3 is a rear view thereof; FIG. 4 is an opposite rear perspective view thereof; and, FIG. 5 is an opposite side 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 depicting the remainder of the shoe show features that form no part of the claimed design.

1 Claim, 5 Drawing Sheets

- (56) **References Cited**
U.S. PATENT DOCUMENTS
- 752,712 A 2/1904 Sarafian
- D53,233 S 4/1919 Benedetti
- 1,949,318 A 2/1934 Markowsky
- D92,737 S 7/1934 Miller
- D93,544 S 10/1934 De Liso
- D93,590 S 10/1934 Werthiem
- D95,788 S 6/1935 Audino
- D96,250 S 7/1935 Heil
- D101,099 S 9/1936 Baldwin
- D102,238 S 12/1936 Samuels
- D107,447 S 12/1937 Odencrants



(56)

References Cited

U.S. PATENT DOCUMENTS

D379,030	S	5/1997	Egelja	
D383,288	S	9/1997	Avar	
D385,043	S	10/1997	Worthington	
D385,994	S	11/1997	Clegg	
D385,995	S	11/1997	Horn	
D390,695	S	2/1998	Prats	
D394,742	S	* 6/1998	Gaudio	D2/969
D398,441	S	9/1998	Werman	
D410,410	S	5/1999	Joseph	
6,029,376	A	2/2000	Cass	
D437,991	S	* 2/2001	Matis	D2/969
D438,697	S	* 3/2001	Matis	D2/969
D441,521	S	* 5/2001	Matis	D2/969
D467,714	S	* 12/2002	Wilson	D2/969
D501,072	S	1/2005	Matis et al.	
D503,526	S	4/2005	Matis et al.	
D516,788	S	3/2006	Matis et al.	
D546,043	S	* 7/2007	Belley	D2/969
D577,185	S	9/2008	Link	
D593,305	S	6/2009	St-Louis et al.	
D635,347	S	4/2011	Castellon	
D672,129	S	12/2012	Bell et al.	
D672,135	S	12/2012	Williams, Jr.	
D675,426	S	2/2013	Williams, Jr.	
D675,427	S	2/2013	Williams, Jr.	
D676,227	S	2/2013	Lee	
D676,643	S	2/2013	Lee	
D676,647	S	2/2013	O'Connor	
D676,648	S	2/2013	O'Connor	
D683,543	S	6/2013	Yang	
D683,946	S	6/2013	Williams, Jr.	
D683,948	S	6/2013	Shyllon	
D688,040	S	* 8/2013	Williams, Jr.	D2/973
D692,224	S	10/2013	Fogg	
D692,225	S	10/2013	Madore	
D700,426	S	3/2014	Ho et al.	
D700,769	S	3/2014	Parrett	
D749,834	S	2/2016	Kuerbis	
D751,803	S	3/2016	Fogg	
D766,568	S	9/2016	Payne	
D778,589	S	2/2017	Hui	
D780,425	S	3/2017	Abe et al.	
D781,566	S	3/2017	Nethongkome	
D792,697	S	7/2017	Seamarks	
D793,072	S	8/2017	Kanata	
D794,313	S	8/2017	Yun	
D799,190	S	10/2017	Enayah	
D801,663	S	11/2017	Kirschner	
D804,796	S	12/2017	Kirschner	
D807,014	S	1/2018	Sullivan	
D809,770	S	2/2018	Hardman	
D814,759	S	4/2018	Kirschner	
D824,652	S	8/2018	Benzien	
D838,095	S	1/2019	McMillan	

OTHER PUBLICATIONS

Nike Footwear Catalog, 1994 Fall Footwear, p. 52, published Nov. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Fall Footwear, p. 54, published Nov. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Fall Footwear, p. 56, published Nov. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Holiday Footwear, p. 26, published Mar. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 26, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 28, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 31, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 32, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 37, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 40, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 41, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 42, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 50, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 54, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 96, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 102, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 105, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 119, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 136, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 138, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 140, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 143, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 147, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 150, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 159, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Fall Footwear, p. 162, published Nov. 1994, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 6, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 13, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 14, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 19, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 20, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 22, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 26, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 39, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 40, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 42, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 48, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 51, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 52, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 53, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 82, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 106, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 108, published Mar. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1995 Holiday Footwear, p. 121, published Mar. 1995, NIKE, Inc., USA.

(56)

References Cited

OTHER PUBLICATIONS

- Nike Footwear Catalog, 1995 Holiday Footwear, p. 122, published Mar. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 9, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 10, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 11, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 12, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 24, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 26, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 27, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 32, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 33, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 34, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 37, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 46, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 57, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 61, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 62, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 85, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 92, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 130, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 132, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 133, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 138, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 144, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 164, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 165, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 168, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 170, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 171, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 172, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 173, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 174, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 177, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 194, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Spring Footwear, p. 199, published Jun. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 20, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 25, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 26, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 28, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 29, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 40, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 49, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 52, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 58, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 89, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 90, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 99, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Late Spring Footwear, p. 100, published Aug. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Fall Footwear, p. 6, published Dec. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Fall Footwear, p. 45, published Dec. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Fall Footwear, p. 51, published Dec. 1995, NIKE, Inc., USA.
- Nike Footwear Catalog, 1996 Holiday Footwear, p. 82, published Mar. 1996, NIKE, Inc., USA.
- Nike Footwear Catalog, 1997 Spring Footwear, p. 6, published Jun. 1996, NIKE, Inc., USA.
- Nike Footwear Catalog, 2010 Fall Performance Footwear, p. M9, published Nov. 2009, NIKE, Inc., USA.
- Nike Footwear Catalog, 2012 Fall Sportswear Lab Footwear, p. 6, published Nov. 2011, NIKE, Inc., USA.
- Nike Footwear Catalog, 2014 Fall Sporting Goods Footwear Best, p. 21, published Nov. 1, 2013, NIKE, Inc., USA.
- Nike Footwear Catalog 2014 Fall City Specialty Footwear Best Final p. 84, published Nov. 1, 2013, NIKE, Inc., USA.
- Jordan Trainer Pro in "Gym Red" to Match This Year's Holiday Air Jordan 11 [online], retrieved Jan. 16, 2019, retrieved from Sneaker Bar Detroit [Internet] <<https://sneakerbardetroit.com/jordan-trainer-pro-gym-red-release-date/>>; 5 color sheets, Dated Sep. 18, 2017.
- The Jordan Trunner LX Is Releasing in the Original "Bulls" Colorway [online], retrieved Jan. 16, 2019, retrieved from Sneaker News [Internet] <<https://sneakernews.com/2017/03/13/jordan-trunner-lx-original-bulls-black-red-white/>>; 5 color sheets, Dated Mar. 13, 2017.
- Direct Descendants: The 360 Air Max Era [online], retrieved Jan. 16, 2019, retrieved from Sneaker News [Internet] <<https://sneakernews.com/2014/03/27/direct-descendants-360-air-max-era/>>; 12 color sheets, Dated Mar. 17, 2014.
- Nike Designer Sean McDowell Says the Air Max Plus Was Inspired by Beaches and Whales [online], retrieved Jan. 16, 2019, retrieved from Sneaker News [Internet] <<https://sneakernews.com/2017/11/21/nike-air-max-plus-inspiration-sean-mcdowell/>>; 6 color sheets, Dated Nov. 21, 2017.

* cited by examiner

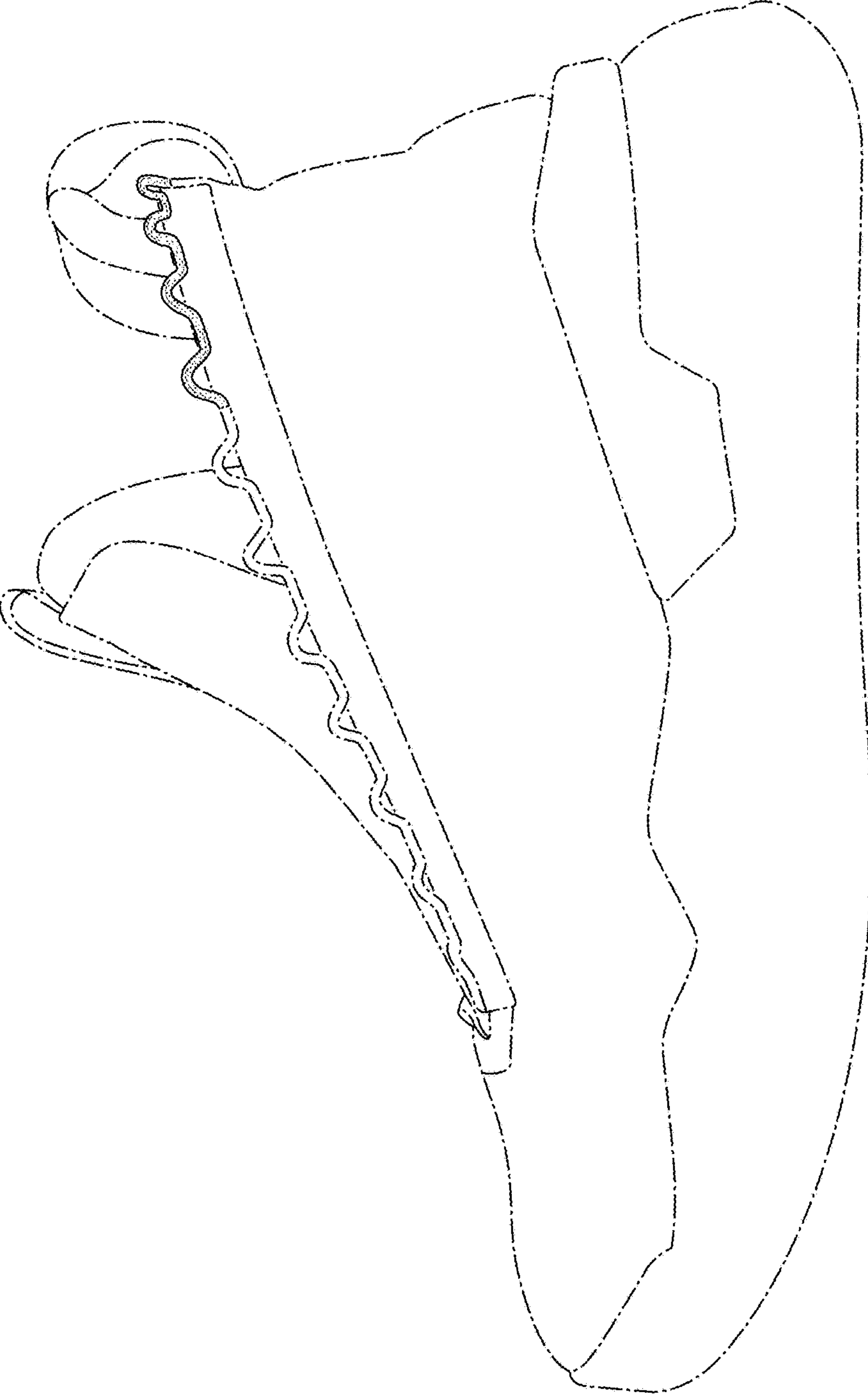


FIG. 1

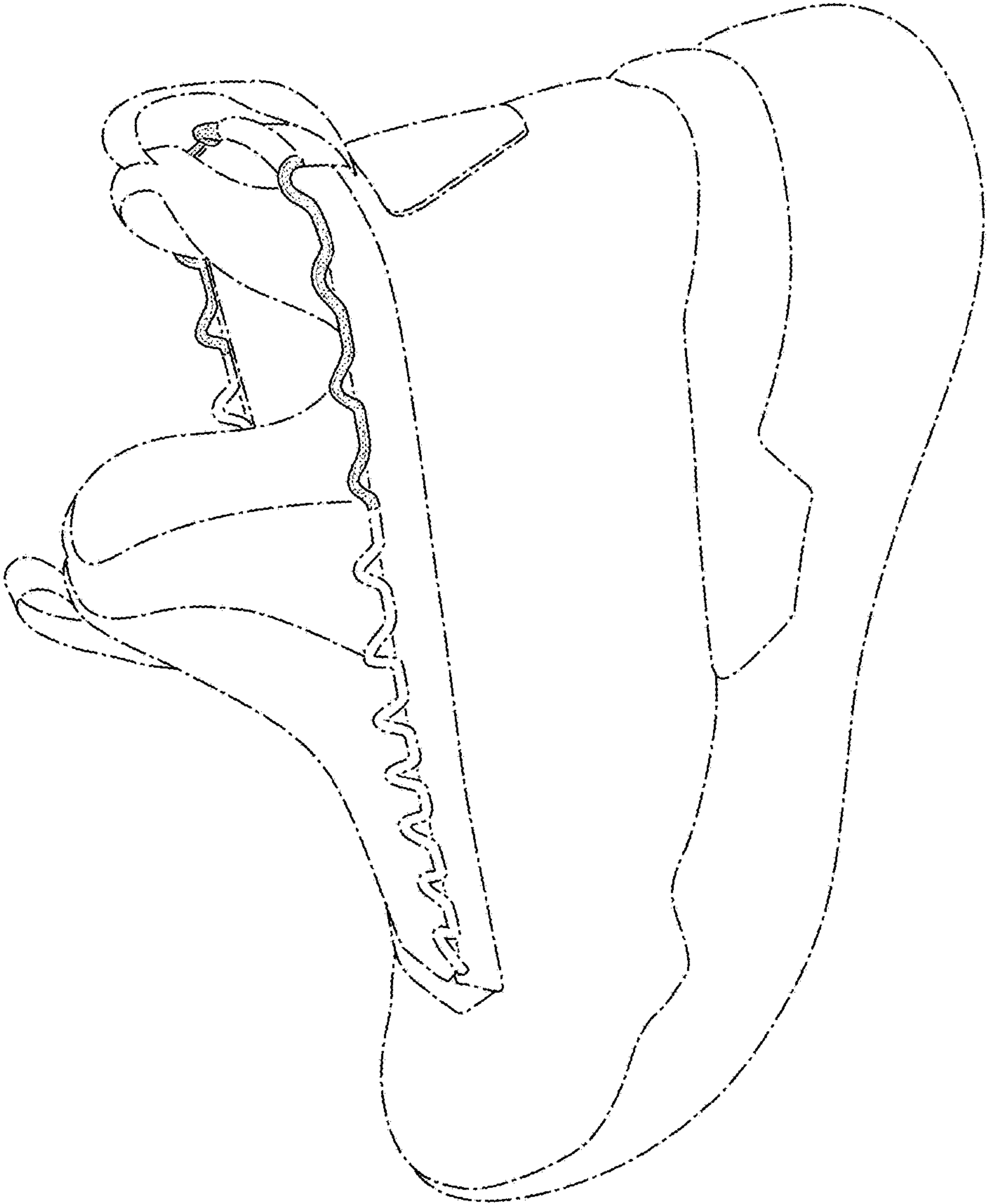


FIG. 2

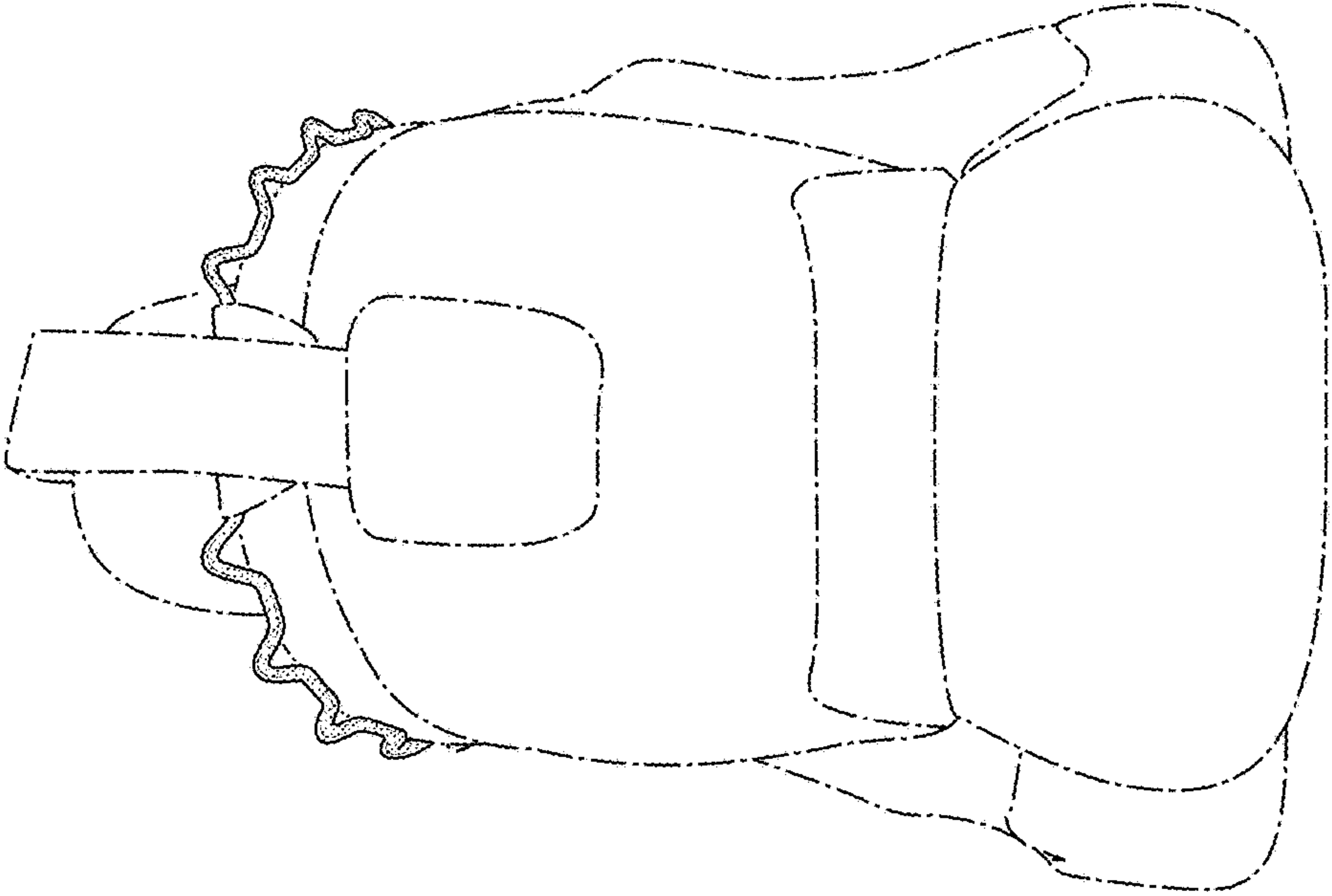


FIG. 3

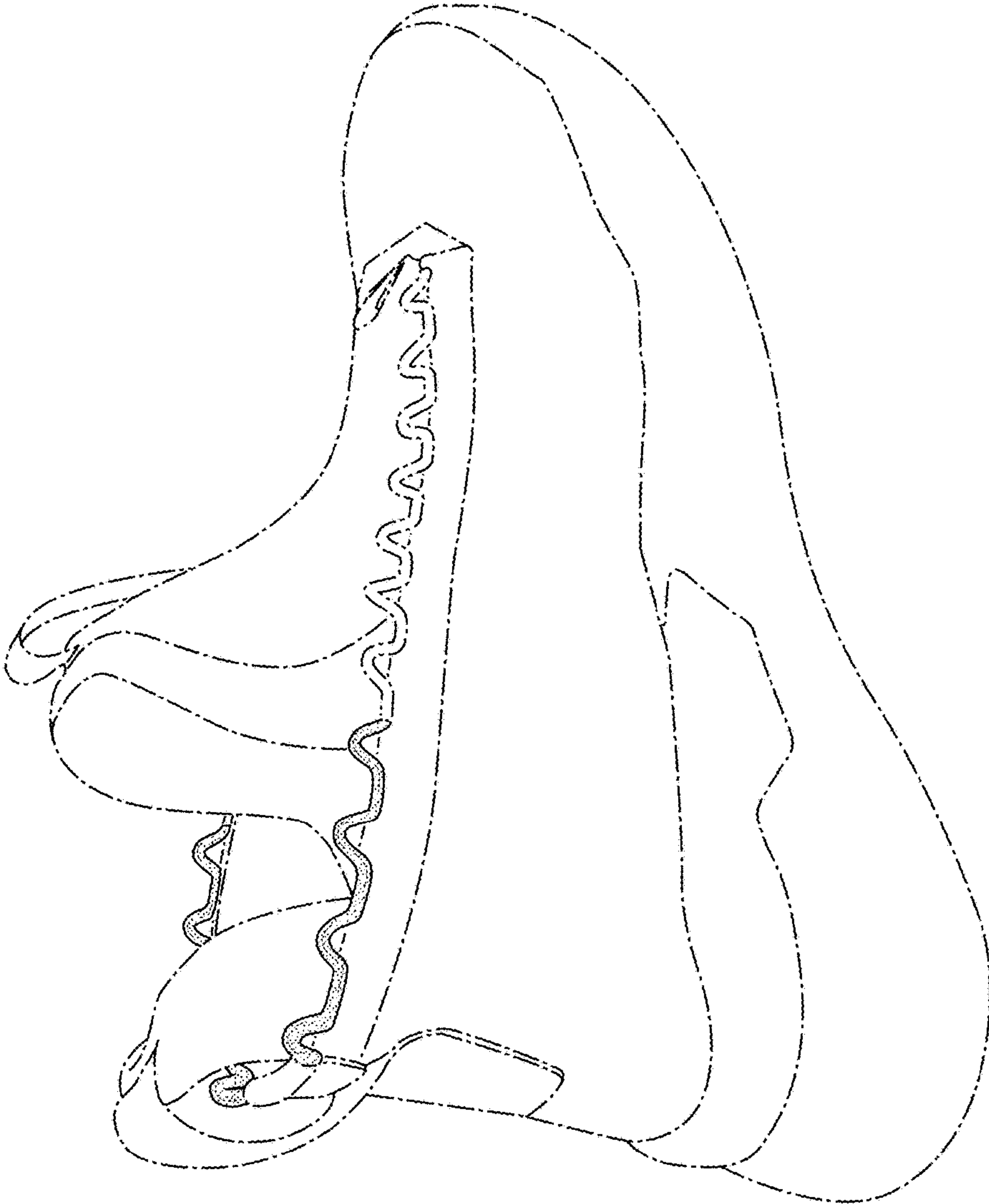


FIG. 4

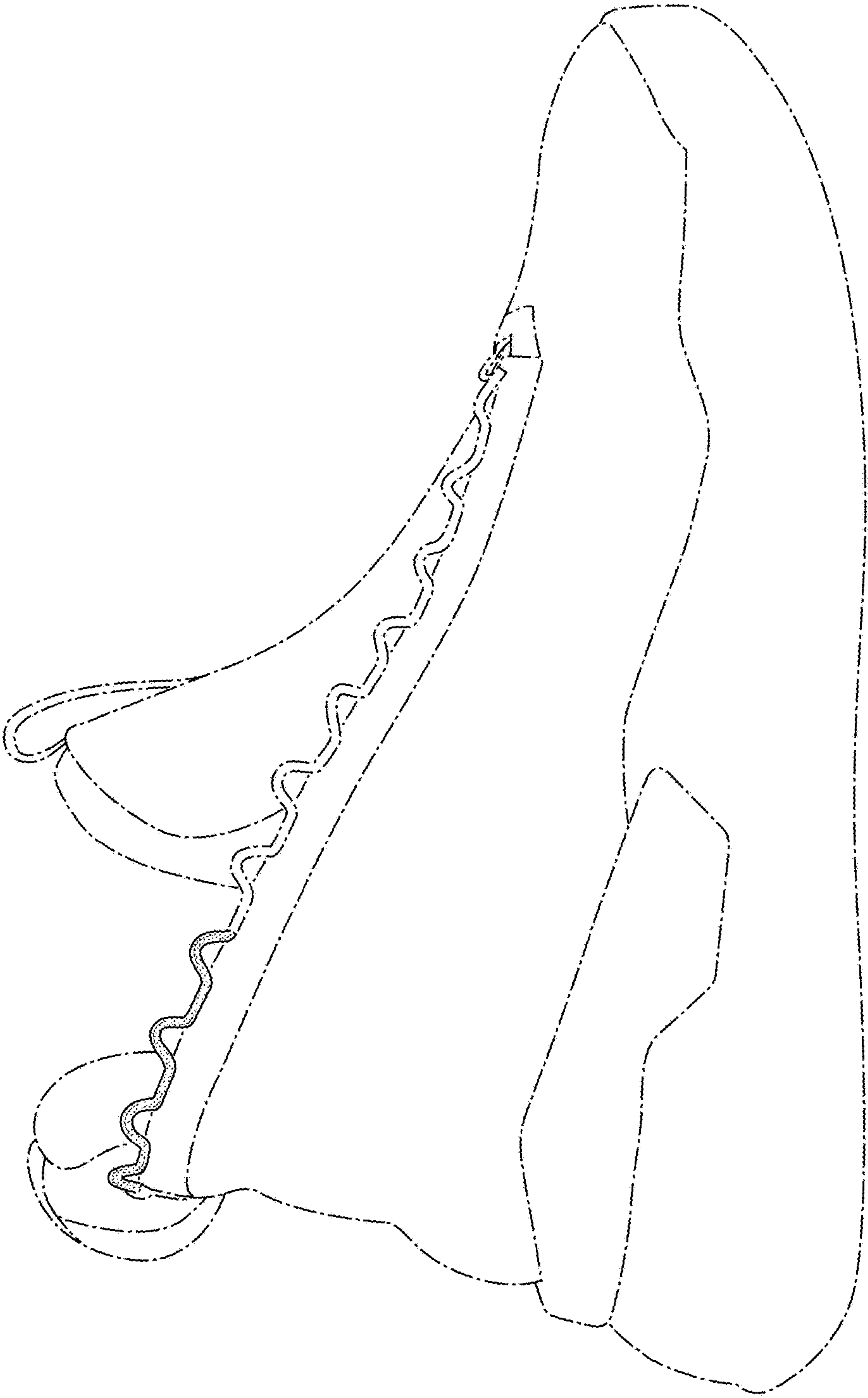


FIG. 5