



US00D858962S

(12) **United States Design Patent** (10) **Patent No.:** **US D858,962 S**
Small et al. (45) **Date of Patent:** **** *Sep. 10, 2019**

(54) **SHOE**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventors: **Jessica Small**, Portland, OR (US); **Can Eldem**, Portland, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

(*) Notice: This patent is subject to a terminal disclaimer.

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

(21) Appl. No.: **29/692,932**

(22) Filed: **May 29, 2019**

Related U.S. Application Data

(63) Continuation of application No. 29/604,274, filed on May 16, 2017.

(51) **LOC (12) Cl.** **02-04**

(52) **U.S. Cl.**
USPC **D2/947**

(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.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,208,330 A 7/1940 Oakley
3,851,411 A 12/1974 Crosbie et al.
D261,446 S 10/1981 Schmohl
D262,159 S 12/1981 Bartneck
D280,776 S 10/1985 Gamm

(Continued)

FOREIGN PATENT DOCUMENTS

CA 2014256 A1 10/1991
CA 2802538 A1 12/2011

(Continued)

OTHER PUBLICATIONS

Nike Air Max 93 "Blue Graphite" Available now [online], [retrieved Jun. 13, 2019], Retrieved from Internet <URL: <http://sneakerbardetroit.com/nike-air-max-93-blue-graphite-available-now/>>; 4 color sheets, Dated Feb. 5, 2015.

(Continued)

Primary Examiner — T Chase Nelson

(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 front perspective view of a shoe showing my new design;

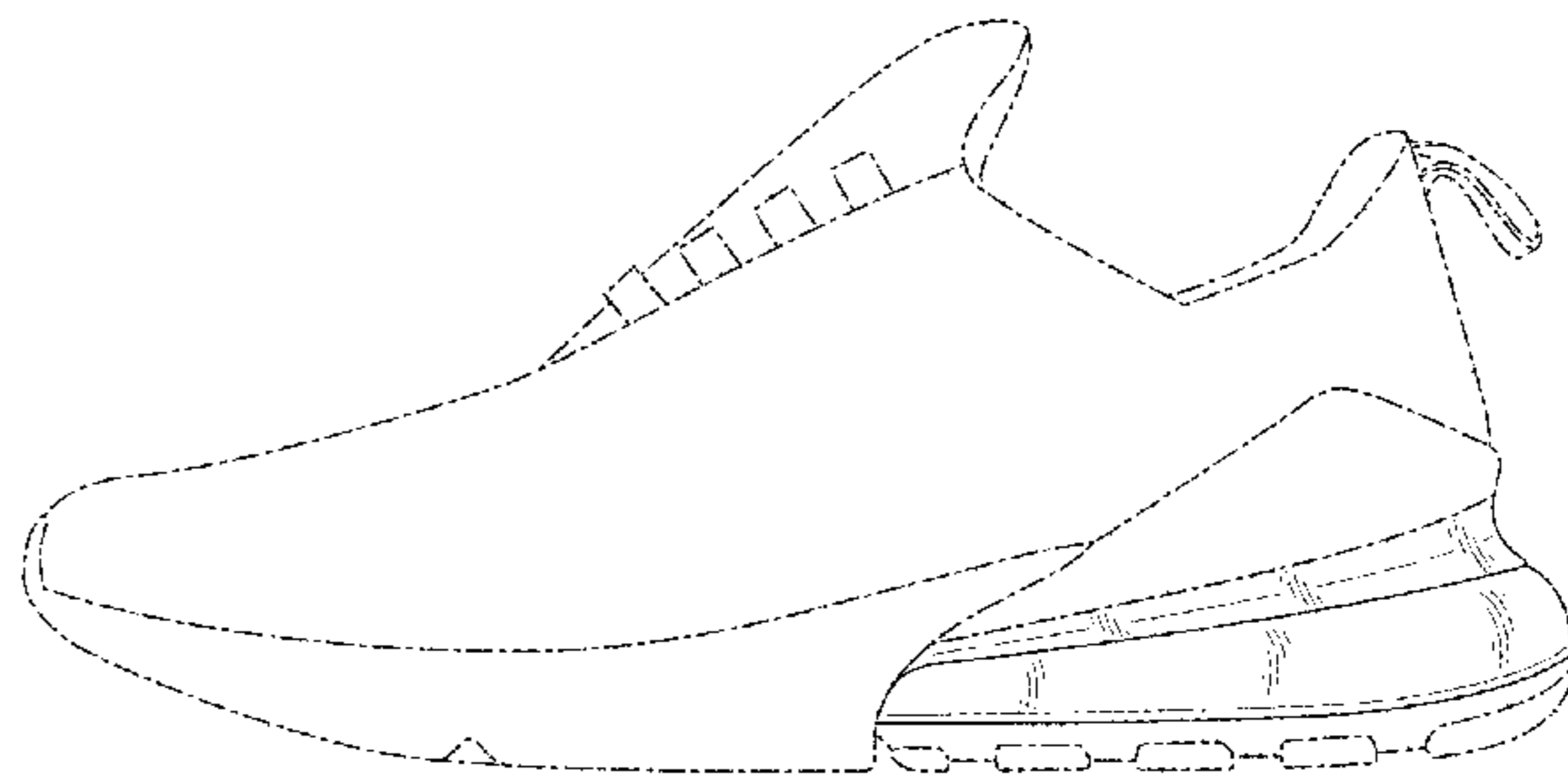
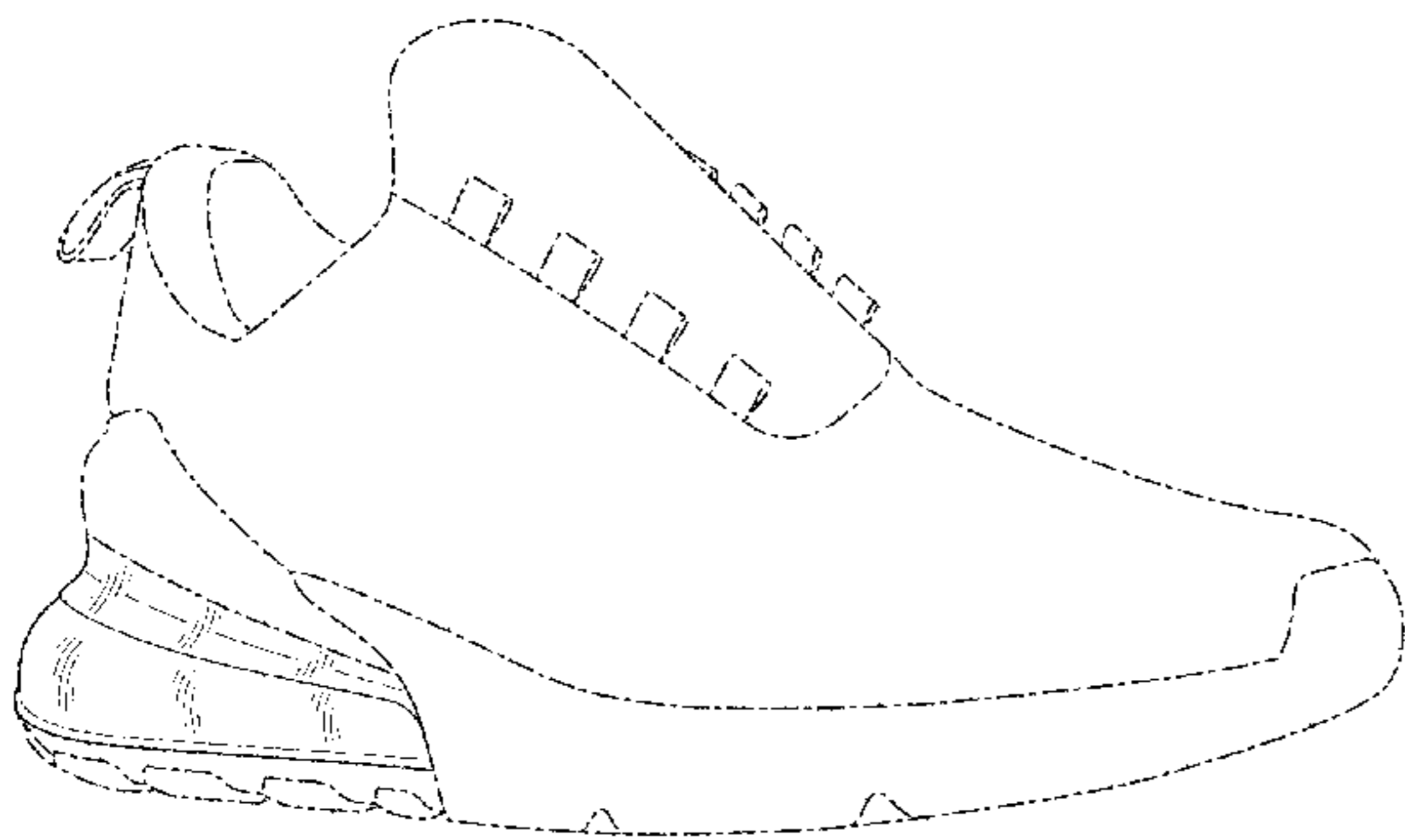
FIG. 2 is a side view thereof;

FIG. 3 is an opposite side view thereof; and,

FIG. 4 is a front view thereof.

The broken line immediately adjacent to the top of the shaded area defines the upper bounds of the claimed design and forms no part thereof. The curved oblique shade lines represent a translucent or transparent appearance. The broken lines depicting the remainder of the shoe show features that form no part of the claimed design.

1 Claim, 4 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D280,778 S	10/1985	Gamm	D503,523 S	4/2005	Matis et al.
4,878,301 A	11/1989	Kiyosawa	D506,597 S	6/2005	Matis et al.
D310,442 S	9/1990	Hatfield	D511,617 S	11/2005	Matis
D315,054 S	3/1991	Hatfield	D511,886 S	11/2005	Galway
5,060,401 A	10/1991	Whatley	D515,305 S	2/2006	Andrews-Kramer
D321,584 S	11/1991	Mitsui	D520,726 S	5/2006	Duclos
D324,131 S	2/1992	Lucas	D522,722 S	6/2006	Wilkenfeld et al.
D324,294 S	3/1992	Hatfield	7,162,815 B2	1/2007	Miyauchi et al.
D324,762 S	3/1992	Hatfield	D559,509 S	1/2008	Hayes
D325,289 S	4/1992	Aveni	D563,653 S	3/2008	Schoenborn et al.
D325,464 S	4/1992	Smith	D566,942 S	4/2008	Juan
D325,667 S	4/1992	Smith, III	D566,960 S	4/2008	Rivas et al.
D326,952 S	6/1992	Smith, III	D572,455 S	7/2008	Lubrano
D329,938 S	10/1992	Lucas	D572,462 S	7/2008	Hatfield et al.
D330,110 S	10/1992	Worthington	D576,394 S	9/2008	Heller
D330,111 S	10/1992	Hatfield et al.	D577,478 S	9/2008	Peveto et al.
D330,625 S	11/1992	Lucas	7,421,806 B2	9/2008	Braynock et al.
D330,797 S	11/1992	Lucas	D577,892 S	10/2008	St-Louis et al.
D330,970 S	11/1992	Hatfield et al.	D577,893 S	10/2008	St-Louis et al.
D331,143 S	11/1992	McDonald	D580,134 S	11/2008	Belley et al.
D332,861 S	2/1993	Worthington	D593,308 S	6/2009	St-Louis et al.
D333,034 S	2/1993	McDonald	D594,202 S	6/2009	Sorofman
D333,378 S	2/1993	Close	7,549,236 B2	6/2009	Dillon et al.
D333,551 S	3/1993	Bailey	D599,102 S	9/2009	Purdom et al.
D333,720 S	3/1993	Hatfield	7,644,518 B2	1/2010	Chandler et al.
D334,280 S	3/1993	Teague	7,730,640 B2	6/2010	Clark et al.
D334,650 S	4/1993	Teague	7,797,856 B2	9/2010	Andrews et al.
D335,952 S	6/1993	Forland et al.	D625,097 S	10/2010	Portzline
D336,771 S	6/1993	Hatfield et al.	D626,316 S *	11/2010	Akhidime D2/946
D338,995 S	9/1993	Snell	D629,598 S	12/2010	Portzline et al.
D341,478 S	11/1993	Forland et al.	D634,918 S	3/2011	Katz et al.
D343,044 S	1/1994	Kilgore et al.	D635,748 S	4/2011	Katz et al.
D343,045 S	1/1994	Bailey	D636,567 S	4/2011	Raysse
D343,046 S	1/1994	Feller et al.	D636,568 S	4/2011	McMillan
D343,722 S	2/1994	Lucas	D636,570 S	4/2011	Merritt et al.
D344,848 S	3/1994	Smith	D638,615 S	5/2011	McMillan
D346,486 S	5/1994	Morris et al.	7,980,006 B2	7/2011	Aveni et al.
D347,106 S	5/1994	Sell, Jr. et al.	D650,980 S	12/2011	Raysse
D347,318 S	5/1994	Avar	D655,483 S	3/2012	Portzline
D349,808 S	8/1994	Passke et al.	D661,878 S	6/2012	Grenet
D350,016 S	8/1994	Passke et al.	D661,879 S	6/2012	Raysse
D350,023 S	8/1994	Hatfield et al.	8,241,450 B2	8/2012	Hensley et al.
D350,433 S	9/1994	Kilgore	8,327,560 B2	12/2012	Berend
5,353,526 A	10/1994	Foley et al.	D674,996 S	1/2013	Sallee
D356,884 S	4/1995	Ho	D679,485 S	4/2013	Raysse
D357,575 S	4/1995	Dahlsten	D680,712 S *	4/2013	Della Valle D2/908
D358,702 S	5/1995	Edwards	D680,713 S	4/2013	Della Valle et al.
5,425,184 A	6/1995	Lyden et al.	D681,314 S	5/2013	Dumain
D363,372 S	10/1995	Hatfield et al.	D686,805 S	7/2013	Day, Jr.
D366,756 S	2/1996	Forland et al.	8,584,377 B2	11/2013	Blevens et al.
D377,411 S *	1/1997	Murray D2/953	8,640,361 B2	2/2014	Testa et al.
D378,550 S	3/1997	Morris	D702,025 S	4/2014	Della Valle et al.
D379,865 S	6/1997	Hewett	D708,828 S	7/2014	Avar et al.
D381,796 S	8/1997	Kittle et al.	D713,133 S	9/2014	Della Valle et al.
D383,300 S	9/1997	Teague	D716,535 S	11/2014	Seo
D386,291 S	11/1997	Napurano, Jr.	D722,749 S	2/2015	Svensson et al.
D401,043 S	11/1998	Truelsen	8,997,380 B2	4/2015	Dombrow et al.
D404,896 S	2/1999	Cooper	D765,360 S	9/2016	Petrie
D407,540 S	4/1999	Dolinsky	D765,363 S	9/2016	Petrie
D408,618 S	4/1999	Wilborn et al.	D772,547 S	11/2016	Raysse
D410,691 S	6/1999	Boyer	D777,410 S	1/2017	Takahashi et al.
D413,013 S	8/1999	Koh	D778,551 S	2/2017	Pauk
D418,282 S	1/2000	von Conta et al.	D778,553 S	2/2017	DeAlmeida
D439,399 S	3/2001	Matis et al.	D783,246 S *	4/2017	Chang D2/947
D441,175 S	5/2001	Ritter et al.	D783,960 S	4/2017	Hatfield
D458,013 S	6/2002	Matis	D783,991 S	4/2017	Chang
D458,014 S	6/2002	Matis	9,629,414 B2	4/2017	Elder et al.
D458,442 S	6/2002	Matis	D789,044 S	6/2017	Taestensen
D458,443 S	6/2002	Matis	D789,047 S	6/2017	Bruder et al.
D459,575 S	7/2002	Garcia	D789,051 S	6/2017	Kuerbis
D466,276 S	12/2002	Tomczak	D789,052 S	6/2017	Hardman
D474,879 S	5/2003	Nason	D789,054 S	6/2017	Shyllon
6,662,474 B2	12/2003	Tomat	D789,504 S	6/2017	Won
D489,525 S	5/2004	Snow et al.	D790,173 S *	6/2017	Raasch D2/947
D503,267 S	3/2005	Matis et al.	9,687,042 B2	6/2017	Berend et al.
			D794,287 S	8/2017	Raasch
			D795,539 S	8/2017	Mason et al.
			D796,800 S *	9/2017	Chang D2/947
			D796,802 S	9/2017	Kinley

(56)

References Cited

U.S. PATENT DOCUMENTS

D798,555 S 10/2017 Enayah
 D799,179 S 10/2017 Comeaux
 D799,180 S 10/2017 Sokol
 D799,182 S * 10/2017 Matthews D2/947
 D799,798 S 10/2017 Knoll
 D799,799 S 10/2017 Knoll
 D802,266 S 11/2017 Hardman
 D803,531 S 11/2017 Petrie
 D805,753 S 12/2017 Enayah
 D807,631 S 1/2018 Sullivan
 D807,632 S 1/2018 Sullivan
 D808,629 S 1/2018 Parrett et al.
 D809,769 S 2/2018 Hong
 D810,407 S 2/2018 DeAlmeida
 D810,408 S 2/2018 Hernandez
 D813,506 S 3/2018 O'Connor
 D817,611 S 5/2018 Small
 D817,612 S 5/2018 Small
 D817,628 S 5/2018 Hatfield
 D819,311 S * 6/2018 Jury D2/947
 D819,323 S 6/2018 Hobson
 D822,349 S 7/2018 Petrenka
 D822,965 S * 7/2018 DeAlmeida D2/947
 D823,581 S * 7/2018 Umehara A43B 13/16
 D825,902 S * 8/2018 Tokumoto A43B 13/20
 D826,526 S * 8/2018 Small A43B 13/223
 D827,279 S 9/2018 Taylor et al.
 D829,423 S 10/2018 Robusti
 D835,389 S 12/2018 Durflinger
 D838,463 S * 1/2019 Durflinger A43B 13/20
 D840,135 S * 2/2019 Dombrow D2/947
 D841,297 S * 2/2019 Small A43B 13/12
 D841,298 S * 2/2019 Small B29D 35/122
 D841,306 S * 2/2019 Small D2/972
 D841,954 S * 3/2019 Petrenka D2/953
 D843,098 S 3/2019 Natowich McPhee et al.
 D846,840 S 4/2019 Howe
 D846,841 S 4/2019 Howe
 D846,858 S 4/2019 Bacon et al.
 D851,877 S * 6/2019 Small D2/947
 D851,878 S * 6/2019 Pauk D2/947
 D853,701 S * 7/2019 Hong D2/947
 D853,702 S * 7/2019 Mokos D2/953
 2002/0129516 A1 9/2002 Lucas et al.
 2004/0148803 A1 * 8/2004 Grove A43B 13/223
 2005/0138846 A1 6/2005 O'Connor
 2010/0122471 A1 5/2010 Edington et al.
 2010/0251565 A1 * 10/2010 Litchfield A43B 13/12
 2012/0131819 A1 5/2012 Loverin
 2012/0167413 A1 * 7/2012 Marvin A43B 13/20
 2013/0118035 A1 5/2013 Segato et al.
 2013/0152428 A1 * 6/2013 Bishop A43B 13/16
 2014/0150298 A1 6/2014 Crowley et al.
 2014/0230276 A1 * 8/2014 Campos, II B29D 35/122
 2014/0259784 A1 9/2014 Jenkins et al.
 2016/0192737 A1 * 7/2016 Campos, II A43B 13/20
 2016/0366976 A1 12/2016 Cross
 2016/0374428 A1 12/2016 Kormann et al.
 2017/0150778 A1 6/2017 Youngs et al.
 2017/0273404 A1 9/2017 Doenges et al.
 2017/0347747 A1 12/2017 Groeneweg et al.

FOREIGN PATENT DOCUMENTS

EP 0096542 A1 12/1983
 EP 1880626 B1 10/2011

OTHER PUBLICATIONS

The Legend of Future Past the Air Max 95 OG [online], [retrieved Jun. 13, 2019], Retrieved from Internet <URL: <http://news.nike.com/news/the-legend-of-future-past-the-air-max-95-og>>; 8 color sheets, Dated Jul. 23, 2015.
 Closer Look at the Nike Air Max 97 in Navy and Royal [online], [retrieved Jun. 13, 2019], Retrieved from Sneakernews.com [Internet] <URL: <https://sneakernews.com/2017/07/07/nike-air-max-97-navy-royal-retro-colorways-coming-soon/>>; Dated Jul. 7, 2017.
 Nike Air Max 360 // Throwback Thursday [online], [retrieved Jun. 13, 2019], Retrieved from Internet <<https://www.nicekicks.com/nike-air-max-360-throwback-thursday/>>; Dated Feb. 28, 2019.
 Nike Air Max 2014 | First Look [online], [retrieved Jun. 13, 2019], Retrieved from Internet <URL:<http://www.nikeblog.com/2013/05/09/nike-air-max-2014-first-look/>>>; 4 color sheets, Dated May 9, 2013.
 Nike Air Vapormax Reveals the Pinnacle of Air [online], [retrieved Jun. 13, 2019], retrieved from internet <URL: <http://news.nike.com/news/air-max-vapor/>>; 3 color sheets, Dated Feb. 20, 2017.
 The Nike Air Max 270 Is More Than Just Hot Air, GQ.com, by Tyler Watamanuk, Oct. 31, 2017, [online], [site visited Jun. 13, 2019]. <URL: <https://www.gq.com/story/nike-air-max-270-announced>> (Year: 2017).
 Nike Air Max 270, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/air-max-270-mens-shoe-DNTBj14e/AH8050-002>> (Year: 2018).
 Nike Air Max 270 Review, YouTube.com, Seth Fowler, Published on Feb. 5, 2018, [online], [site visited Jun. 13, 2019]. <URL: <https://www.youtube.com/watch?v=8-AkYj7cp14>> (Year: 2018).
 Nike Air Force 270 Utility, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/air-force-270-utility-mens-shoe-JNM5hJ>> (Year: 2018).
 Nike Air Max 270, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/air-max-270-mens-shoe-6mG33D>> (Year: 2018).
 Nike Air Max 270 Futura, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/air-max-270-futura-mens-shoe-KxqGHg>> (Year: 2018).
 Air Jordan 3 Retro OG, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/air-jordan-3-retro-og-mens-shoe-VbxR2D>> (Year 2018).
 PG 2 "Palmdale", Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/pg-2-palmdale-mens-basketball-shoe-wXw2n/AO1750-300>> (Year: 2018).
 LeBron Soldier XI, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/lebron-soldier-xi-basketball-shoe-gXT0xmg8/897644-010>> (Year: 2018).
 Jordan Spizike, Nike.com, [online], [site visited Jun. 13, 2019]. <URL: <https://www.nike.com/t/jordan-spizike-mens-shoe-ERTBikNW/315371-034>> (Year: 2018).
 Nike Free Hypervenom Mid with Speckled Midsole, SneakerFiles.com, By Brian Betschart—Jan. 13, 2015, [online], [site visited Jun. 13, 2019]. <URL: <https://www.sneakerfiles.com/nike-free-hypervenom-mid-speckled-midsole/>> (Year: 2015).
 Nike Air Zoom Pegasus 33 Review, SoleReview.com, Oct. 10, 2016, [online], [site visited Jun. 13, 2019]. <URL: <https://www.solereview.com/nike-air-zoom-pegasus-33-review/>> (Year: 2016).
 Introducing the Nike Zoom Vaporfly Elite Featuring Nike ZoomX Midsole, News.Nike.com, Mar. 7, 2017, [online], [site visited Jun. 13, 2019]. <URL: <https://news.nike.com/news/nike-zoom-vaporfly-elite>> (Year: 2017).

(56)

References Cited

OTHER PUBLICATIONS

Sneaker Talk: Let's Talk—Air Jordan 5 Retro “Sport Royal”, SneakerBarDetroit.com, Sep. 29, 2013, [online], [site visited Jun. 13, 2019] <URL: <https://sneakerbardetroit.com/air-jordan-5-retro-sport-royal/>> (Year: 2013).

* cited by examiner

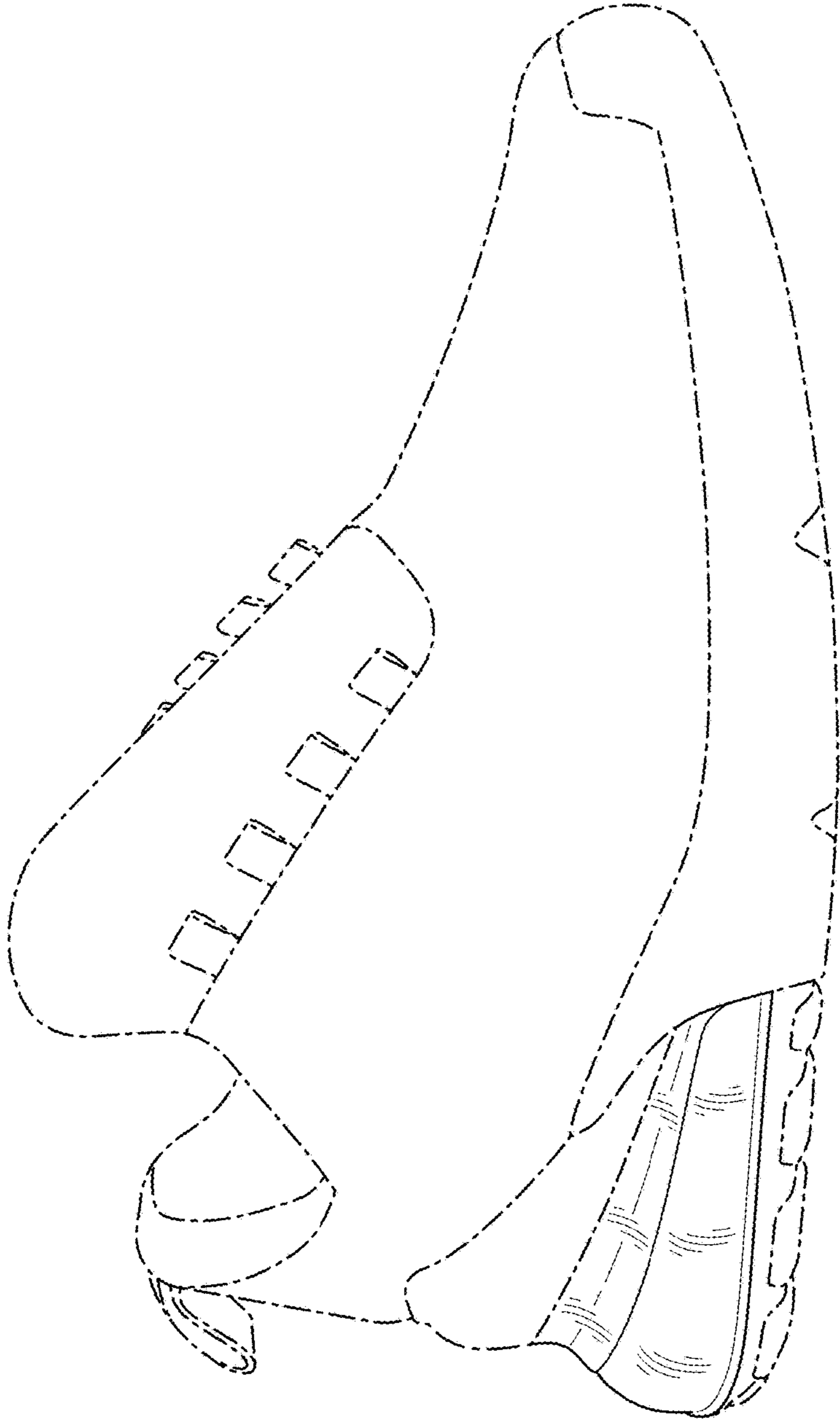


FIG. 1

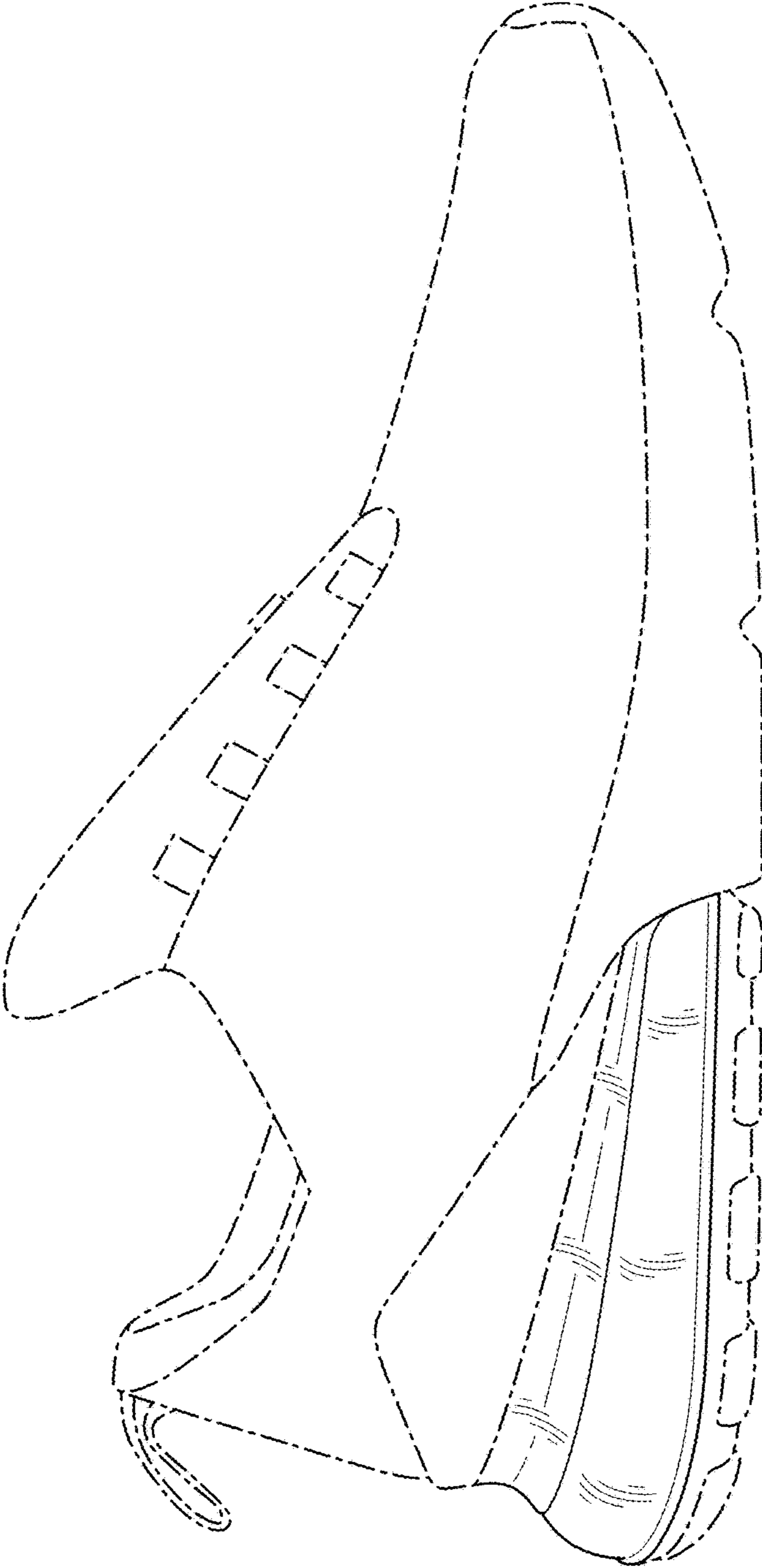


FIG. 2

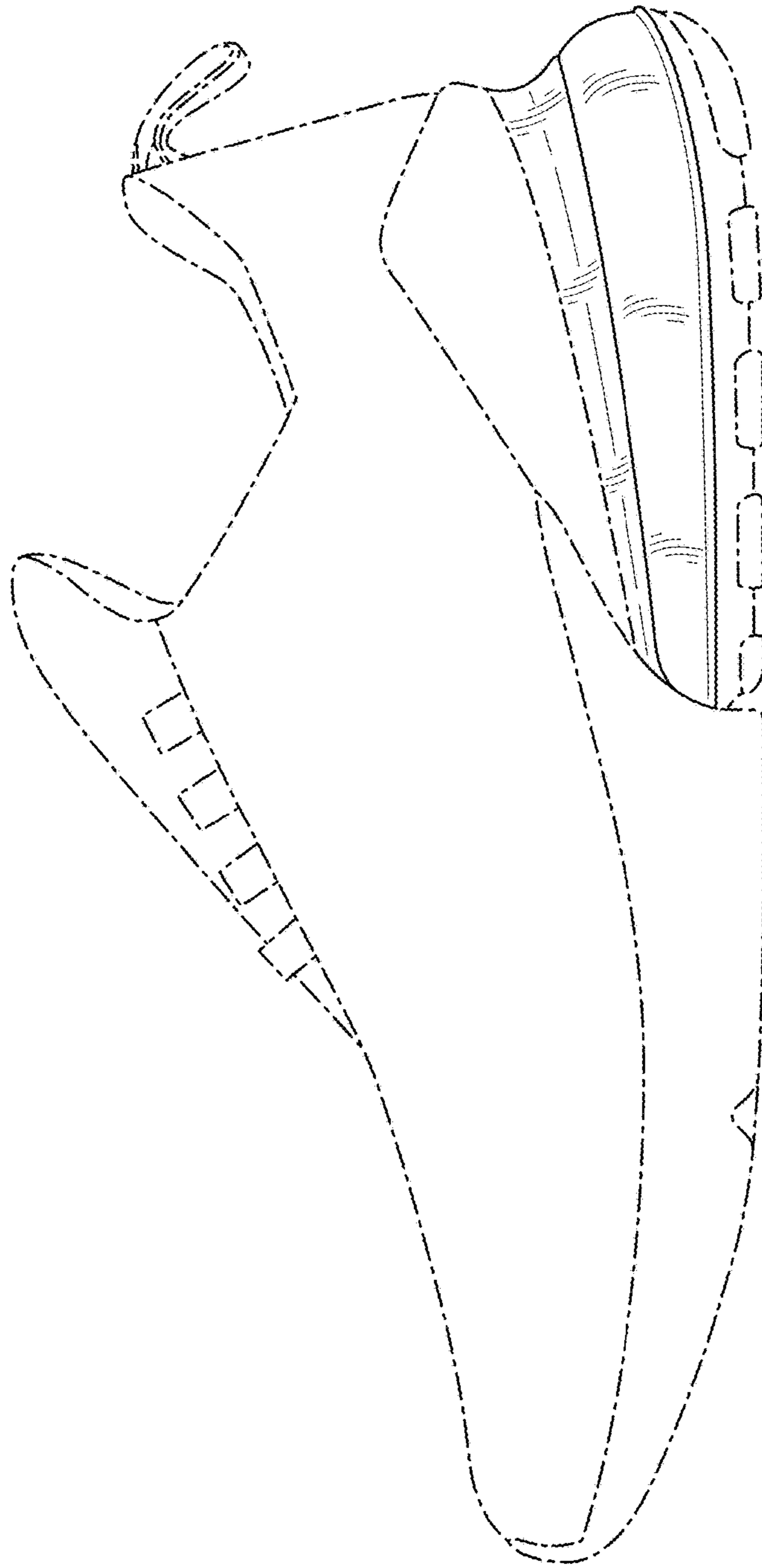


FIG. 3

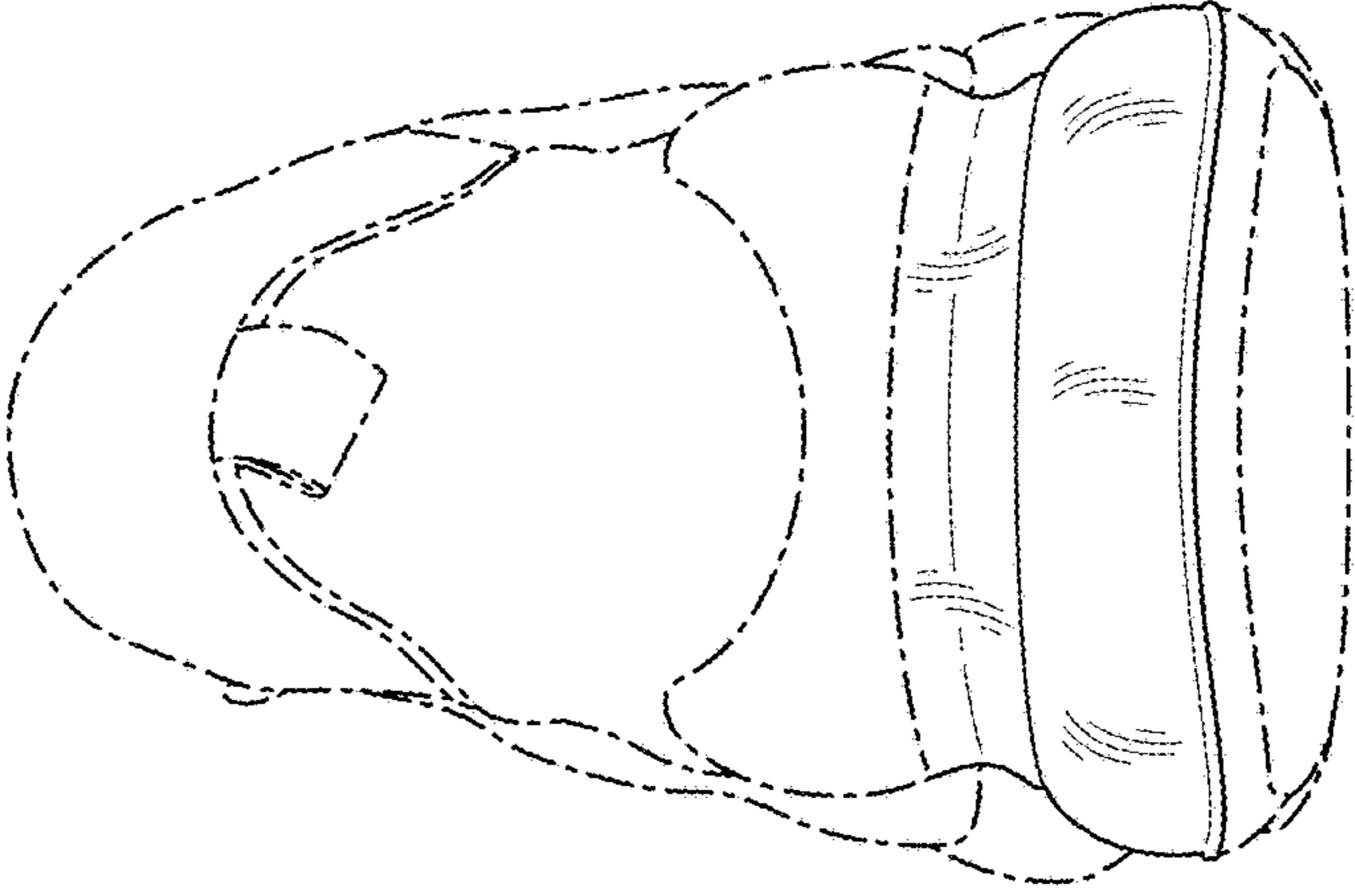


FIG. 4