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(54) **SHOE**

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See application file for complete search history.

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

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

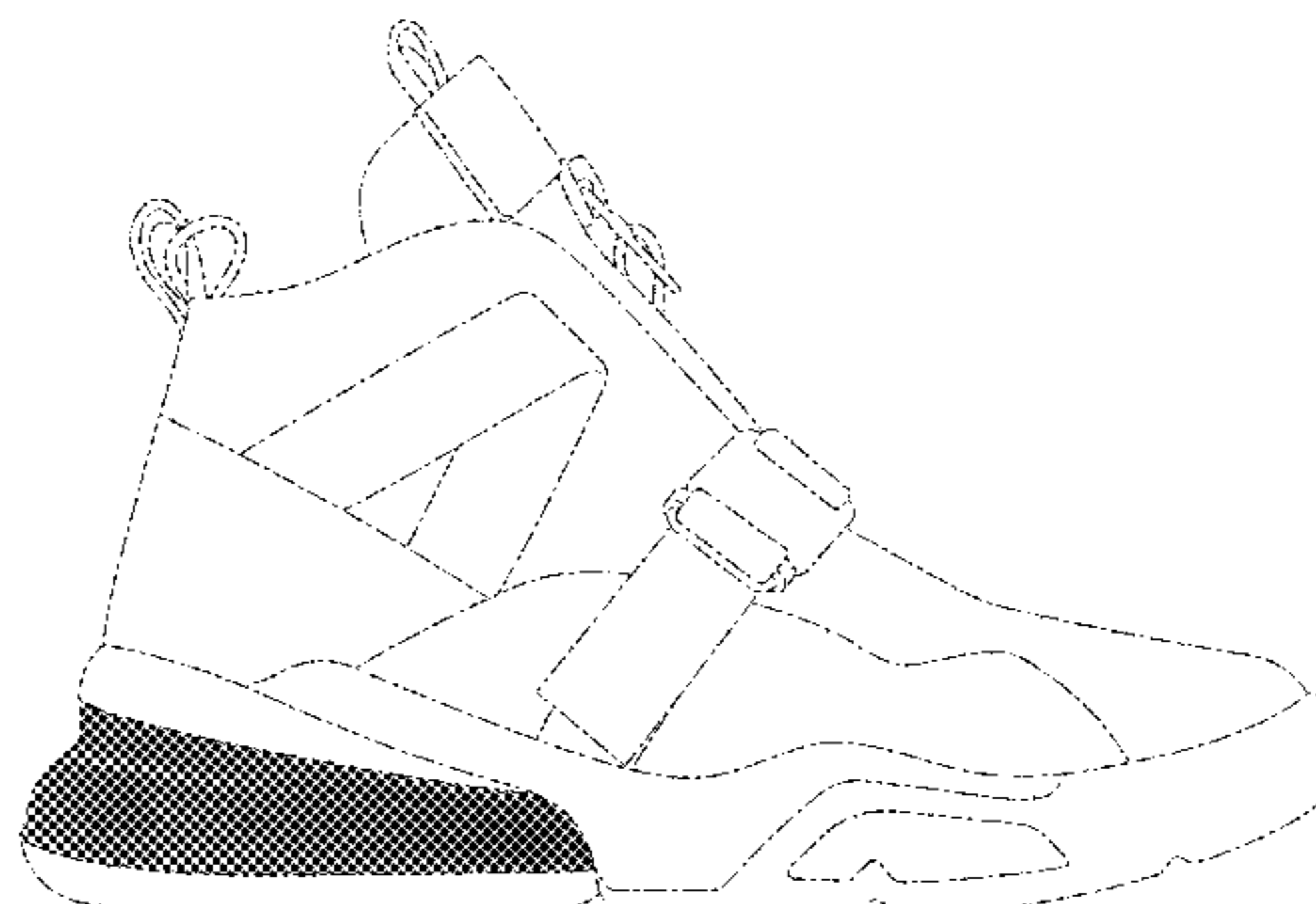
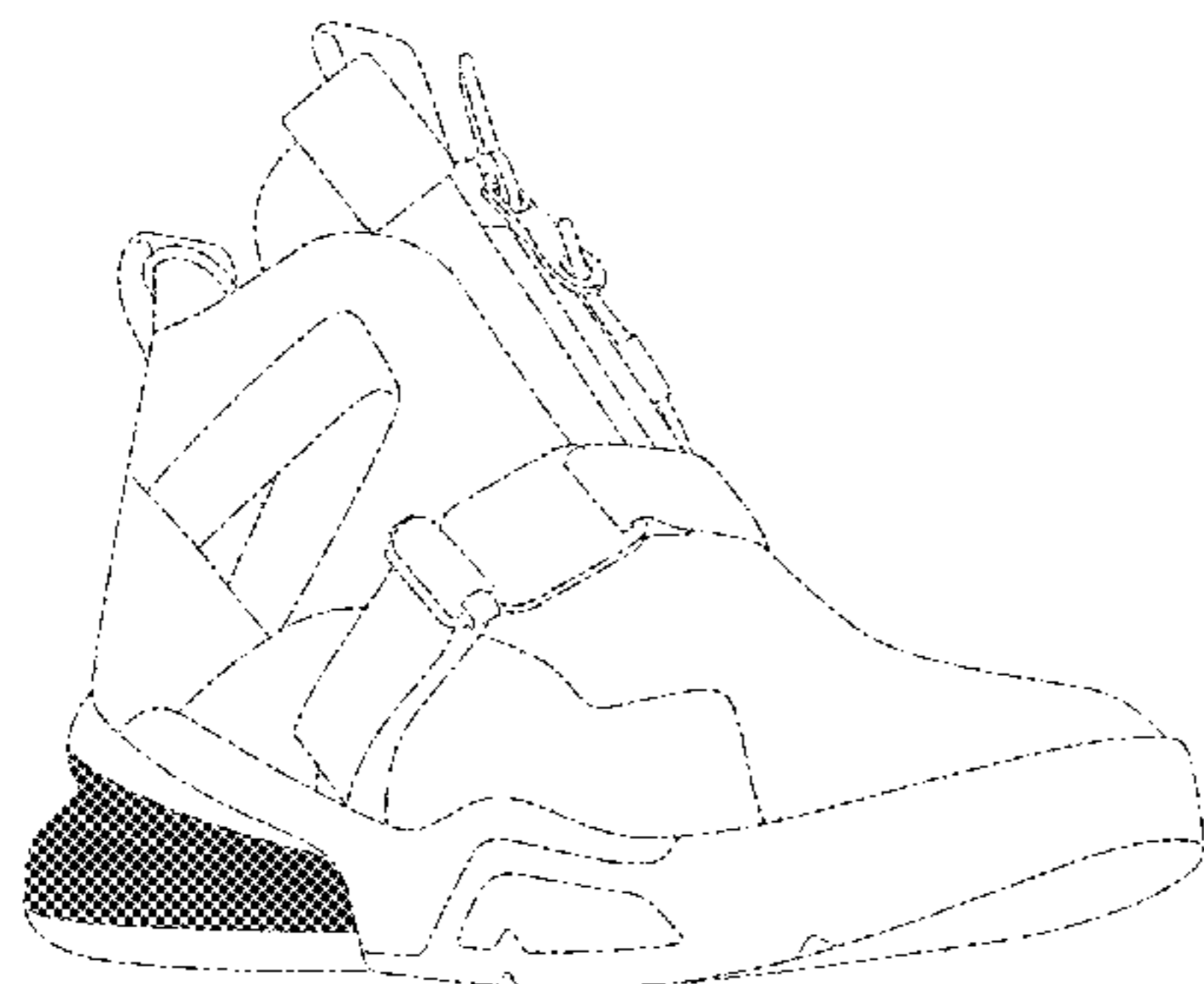
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D2/946-962, 977; 36/3 B, 22 R, 24.5,
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CPC A43B 13/00; A43B 13/02; A43B 13/023;
A43B 13/026; A43B 13/04; A43B 13/08;
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(56) **References Cited**

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
D280,778 S	10/1985	Gamm
4,878,301 A	11/1989	Kiyosawa
D310,442 S	9/1990	Hatfield
D315,054 S	3/1991	Hatfield
5,060,401 A	10/1991	Whatley
D321,584 S	11/1991	Mitsui
D324,131 S	2/1992	Lucas
D324,294 S	3/1992	Hatfield
D324,762 S	3/1992	Hatfield
D325,289 S	4/1992	Aveni
D325,464 S	4/1992	Smith
D325,667 S	4/1992	Smith, III
D326,952 S	6/1992	Smith, III
D329,938 S	10/1992	Lucas
D330,110 S	10/1992	Worthington
D330,111 S	10/1992	Hatfield et al.
D330,625 S	11/1992	Lucas
D330,797 S	11/1992	Lucas
D330,970 S	11/1992	Hatfield et al.
D331,143 S	11/1992	McDonald
D332,861 S	2/1993	Worthington
D333,034 S	2/1993	McDonald
D333,378 S	2/1993	Close
D333,551 S	3/1993	Bailey
D333,720 S	3/1993	Hatfield
D334,280 S	3/1993	Teague
D334,650 S	4/1993	Teague
D335,952 S	6/1993	Forland et al.
D336,771 S	6/1993	Hatfield et al.
D338,995 S	9/1993	Snell
D341,478 S	11/1993	Forland et al.
D343,044 S	1/1994	Kilgore et al.
D343,045 S	1/1994	Bailey
D343,046 S	1/1994	Feller et al.
D343,722 S	2/1994	Lucas
D344,848 S	3/1994	Smith
D346,486 S	5/1994	Morris et al.
D347,106 S	5/1994	Sell, Jr. et al.
D347,318 S	5/1994	Avar
D349,808 S	8/1994	Passke et al.



US D860,602 S

D350,016 S	8/1994	Passke et al.	D679,485 S	4/2013	Raysse	
D350,023 S	8/1994	Hatfield et al.	D680,712 S *	4/2013	Della Valle	D2/908
D350,433 S	9/1994	Kilgore	D680,713 S	4/2013	Della Valle et al.	
5,353,526 A	10/1994	Foley et al.	D681,314 S	5/2013	Dumain	
D356,884 S	4/1995	Ho	D686,805 S	7/2013	Day, Jr.	
D357,575 S	4/1995	Dahlsten	8,584,377 B2	11/2013	Blevens et al.	
D358,702 S	5/1995	Edwards	8,640,361 B2	2/2014	Testa et al.	
5,425,184 A	6/1995	Lyden et al.	D702,025 S	4/2014	Della Valle et al.	
D363,372 S	10/1995	Hatfield et al.	D708,828 S	7/2014	Avar et al.	
D366,756 S	2/1996	Forland et al.	D713,133 S	9/2014	Della Valle et al.	
D377,411 S *	1/1997	Murray	D716,535 S	11/2014	Seo	
D378,550 S	3/1997	Morris	D722,749 S	2/2015	Svensson et al.	
D379,865 S	6/1997	Hewett	8,997,380 B2	4/2015	Dombrow et al.	
D381,796 S	8/1997	Kittle et al.	D765,360 S	9/2016	Petrie	
D383,300 S	9/1997	Teague	D765,363 S	9/2016	Petrie	
D386,291 S	11/1997	Napurano, Jr.	D772,547 S	11/2016	Raysse	
D401,043 S	11/1998	Truelsen	D777,410 S	1/2017	Takahashi et al.	
D404,896 S	2/1999	Cooper	D778,551 S	2/2017	Pauk	
D407,540 S	4/1999	Dolinsky	D778,553 S	2/2017	DeAlmeida	
D408,618 S	4/1999	Wilborn et al.	D783,246 S *	4/2017	Chang	D2/947
D410,691 S	6/1999	Boyer	D783,960 S	4/2017	Hatfield	
D413,013 S	8/1999	Koh	D783,991 S	4/2017	Chang	
D418,282 S	1/2000	von Conta et al.	9,629,414 B2	4/2017	Elder et al.	
D439,399 S	3/2001	Matis et al.	D789,044 S	6/2017	Taestensen	
D441,175 S	5/2001	Ritter et al.	D789,047 S	6/2017	Bruder et al.	
D458,013 S	6/2002	Matis	D789,051 S	6/2017	Kuerbis	
D458,014 S	6/2002	Matis	D789,052 S	6/2017	Hardman	
D458,442 S	6/2002	Matis	D789,054 S	6/2017	Shyllon	
D458,443 S	6/2002	Matis	D789,504 S	6/2017	Won	
D459,575 S	7/2002	Garcia	D790,173 S *	6/2017	Raasch	D2/947
D466,276 S	12/2002	Tomczak	9,687,042 B2	6/2017	Berend et al.	
D474,879 S	5/2003	Nason	D794,287 S	8/2017	Raasch	
6,662,474 B2	12/2003	Tomat	D795,539 S	8/2017	Mason et al.	
D489,525 S	5/2004	Snow et al.	D796,800 S *	9/2017	Chang	D2/947
D503,267 S	3/2005	Matis et al.	D796,802 S	9/2017	Kinley	
D503,523 S	4/2005	Matis et al.	D798,555 S	10/2017	Enayah	
D506,597 S	6/2005	Matis et al.	D799,179 S	10/2017	Comeaux	
D511,617 S	11/2005	Matis	D799,180 S	10/2017	Sokol	
D511,886 S	11/2005	Galway	D799,182 S *	10/2017	Matthews	D2/947
D515,305 S	2/2006	Andrews-Kramer	D799,798 S	10/2017	Knoll	
D520,726 S	5/2006	Duclos	D799,799 S	10/2017	Knoll	
D522,722 S	6/2006	Wilkenfeld et al.	D802,266 S	11/2017	Hardman	
7,162,815 B2	1/2007	Miyauchi et al.	D803,531 S	11/2017	Petrie	
D559,509 S	1/2008	Hayes et al.	D805,753 S	12/2017	Enayah	
D563,653 S	3/2008	Schoenborn et al.	D807,631 S	1/2018	Sullivan	
D566,942 S	4/2008	Juan	D807,632 S	1/2018	Sullivan	
D566,960 S	4/2008	Rivas et al.	D808,629 S	1/2018	Parrett et al.	
D572,455 S	7/2008	Lubrano	D809,769 S	2/2018	Hong	
D572,462 S	7/2008	Hatfield et al.	D810,407 S	2/2018	DeAlmeida	
D576,394 S	9/2008	Heller	D810,408 S	2/2018	Hernandez	
D577,478 S	9/2008	Peveto et al.	D813,506 S	3/2018	O'Connor	
7,421,806 B2	9/2008	Braynock et al.	D817,611 S	5/2018	Small	
D577,892 S	10/2008	St-Louis et al.	D817,612 S	5/2018	Small	
D577,893 S	10/2008	St-Louis et al.	D817,628 S	5/2018	Hatfield	
D580,134 S	11/2008	Belley et al.	D819,311 S *	6/2018	Jury	D2/947
D593,308 S	6/2009	St-Louis et al.	D819,323 S	6/2018	Hobson	
D594,202 S	6/2009	Sorofman	D822,349 S	7/2018	Petrenka	
7,549,236 B2	6/2009	Dillon et al.	D822,965 S *	7/2018	DeAlmeida	D2/947
D599,102 S	9/2009	Purdom et al.	D823,581 S *	7/2018	Umehara	A43B 13/16
7,644,518 B2	1/2010	Chandler et al.				D2/951
7,730,640 B2	6/2010	Clark et al.	D825,902 S *	8/2018	Tokumoto	A43B 13/20
7,797,856 B2	9/2010	Andrews et al.				D2/951
D625,097 S	10/2010	Portzline	D826,526 S *	8/2018	Small	A43B 13/223
D626,316 S *	11/2010	Akhidime				D2/957
D629,598 S	12/2010	Portzline et al.				
D634,918 S	3/2011	Katz et al.	D827,279 S	9/2018	Taylor et al.	
D635,748 S	4/2011	Katz et al.	D829,423 S	10/2018	Robusti	
D636,567 S	4/2011	Raysse	D835,389 S	12/2018	Durflinger	
D636,568 S	4/2011	McMillan	D838,463 S *	1/2019	Durflinger	A43B 13/20
D636,570 S	4/2011	Merritt et al.				D2/972
D638,615 S	5/2011	McMillan	D840,135 S *	2/2019	Dombrow	D2/947
7,980,006 B2	7/2011	Aveni et al.	D841,297 S *	2/2019	Small	A43B 13/12
D650,980 S	12/2011	Raysse				D2/947
D655,483 S	3/2012	Portzline	D841,298 S *	2/2019	Small	B29D 35/122
D661,878 S	6/2012	Grenet				D2/947
D661,879 S	6/2012	Raysse	D841,306 S *	2/2019	Small	D2/972
8,241,450 B2	8/2012	Hensley et al.	D841,954 S *	3/2019	Petrenka	D2/953
8,327,560 B2	12/2012	Berend	D843,098 S	3/2019	Natowich McPhee et al.	
D674,996 S	1/2013	Sallee	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 36/103
2005/0138846	A1	6/2005	O'Connor	
2010/0122471	A1	5/2010	Edington et al.	
2010/0251565	A1 *	10/2010	Litchfield	A43B 13/12 36/28
2012/0131819	A1	5/2012	Loverin	
2012/0167413	A1 *	7/2012	Marvin	A43B 13/20 36/83
2013/0118035	A1	5/2013	Segato et al.	
2013/0152428	A1 *	6/2013	Bishop	A43B 13/16 36/103
2014/0150298	A1	6/2014	Crowley et al.	
2014/0230276	A1 *	8/2014	Campos, II	B29D 35/122 36/84
2014/0259784	A1	9/2014	Jenkins et al.	
2016/0192737	A1 *	7/2016	Campos, II	A43B 13/20 36/28
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

CA	2014256	A1	10/1991
CA	2802538	A1	12/2011
EP	0096542	A1	12/1983
EP	1880626	B1	10/2011

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.

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-gXTOxmg8/897644-010> (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 Vaportly 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).

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

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(57) CLAIM

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

DESCRIPTION

FIG. 1 is a photographic front perspective view of a shoe showing my new design; and, FIG. 2 is a side view thereof. The broken lines immediately adjacent to the photographic 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, 2 Drawing Sheets

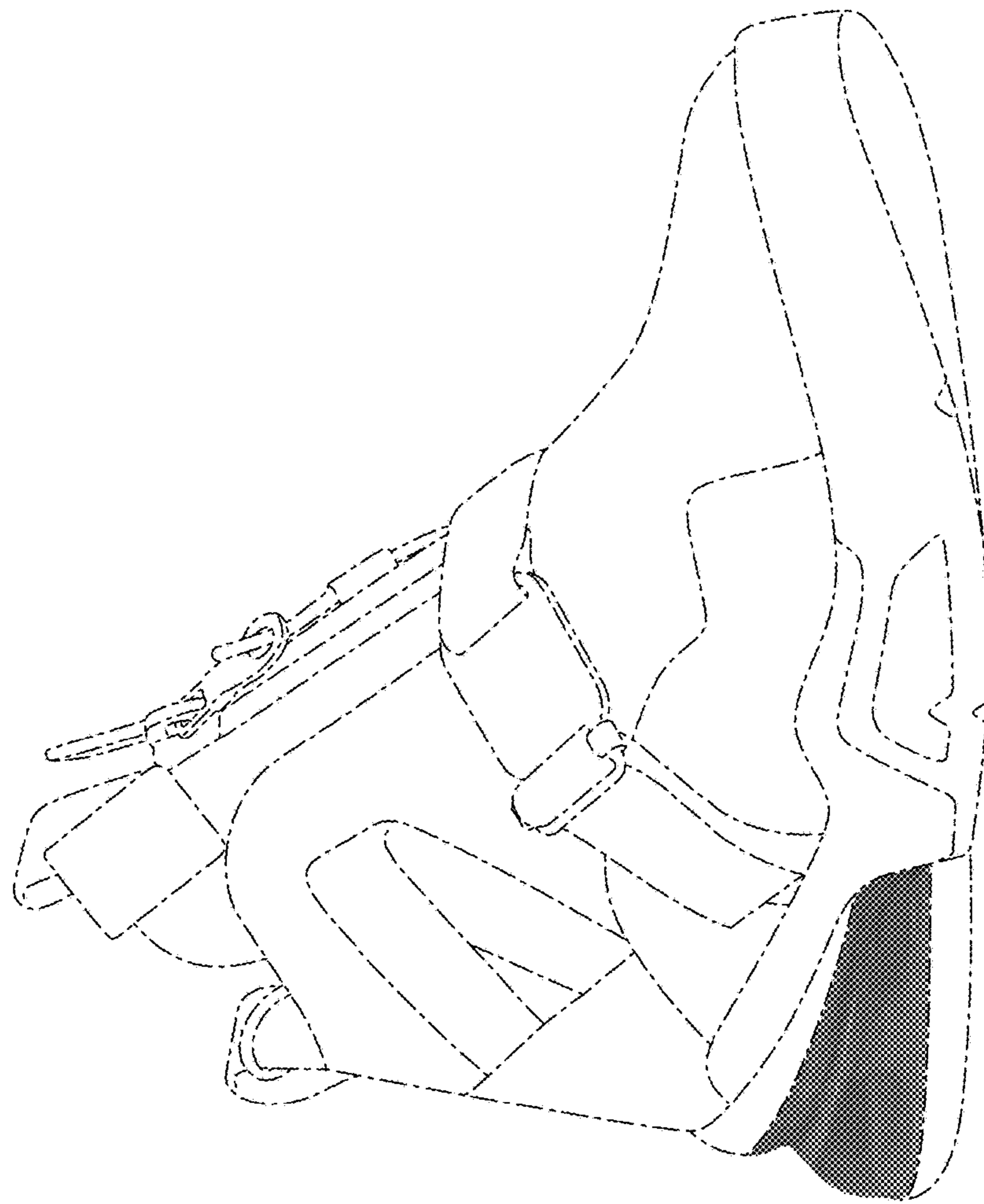


FIG. 1

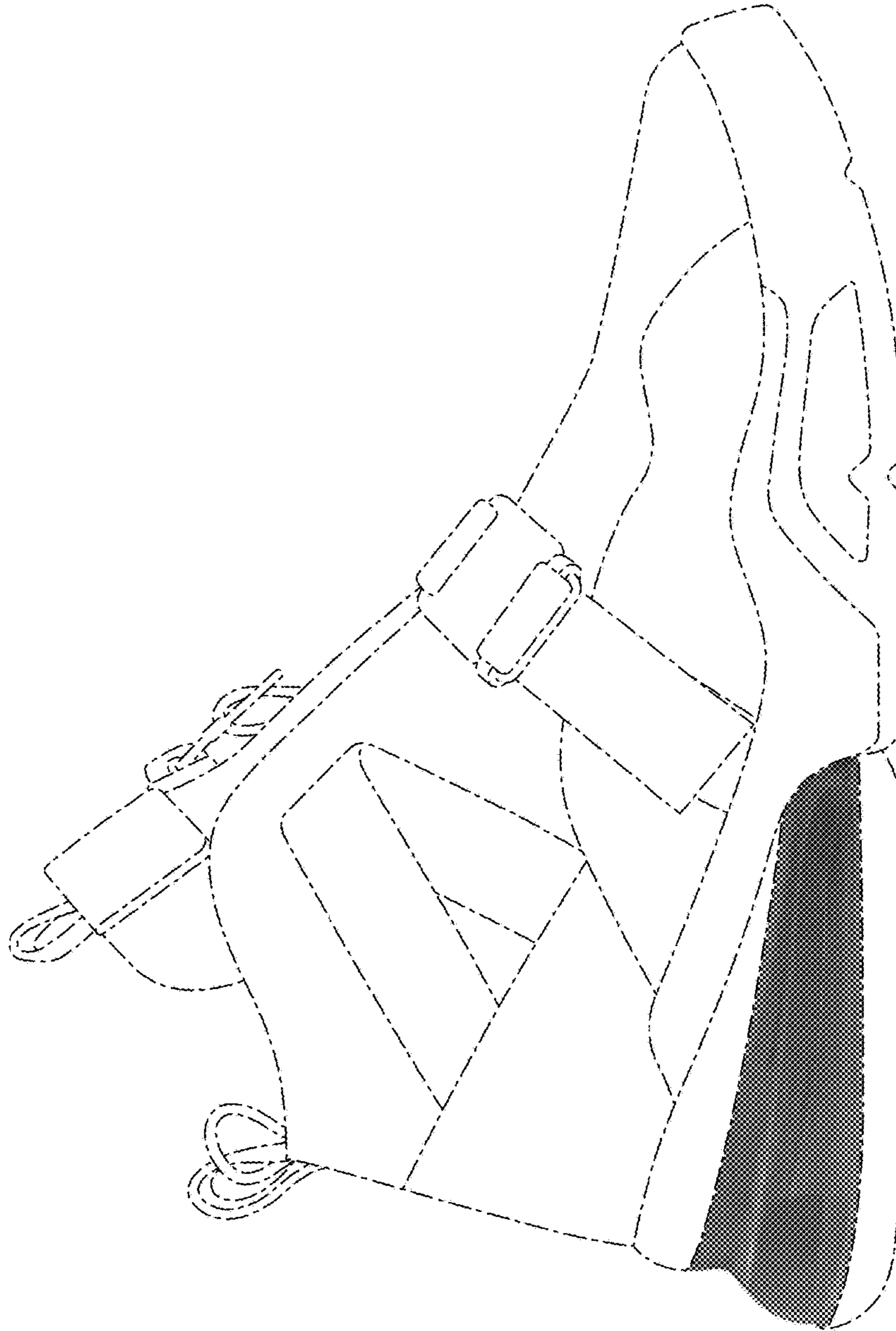


FIG. 2