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(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.

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Related U.S. Application Data

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

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

(58) **Field of Classification Search**
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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
D280,778 S	10/1985	Gamm
4,878,301 A	11/1989	Kiyosawa
D310,442 S	9/1990	Hatfield

(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.

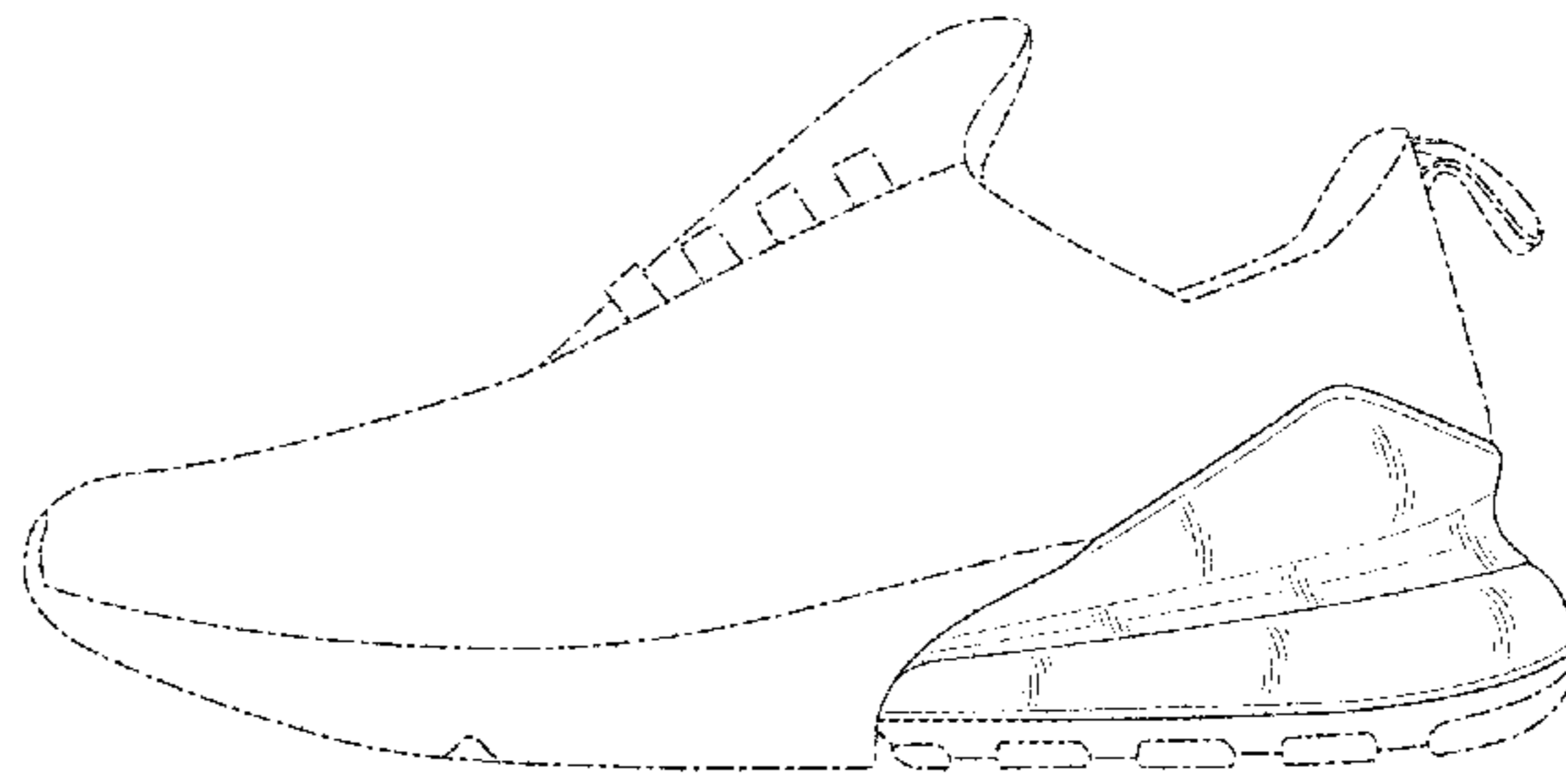
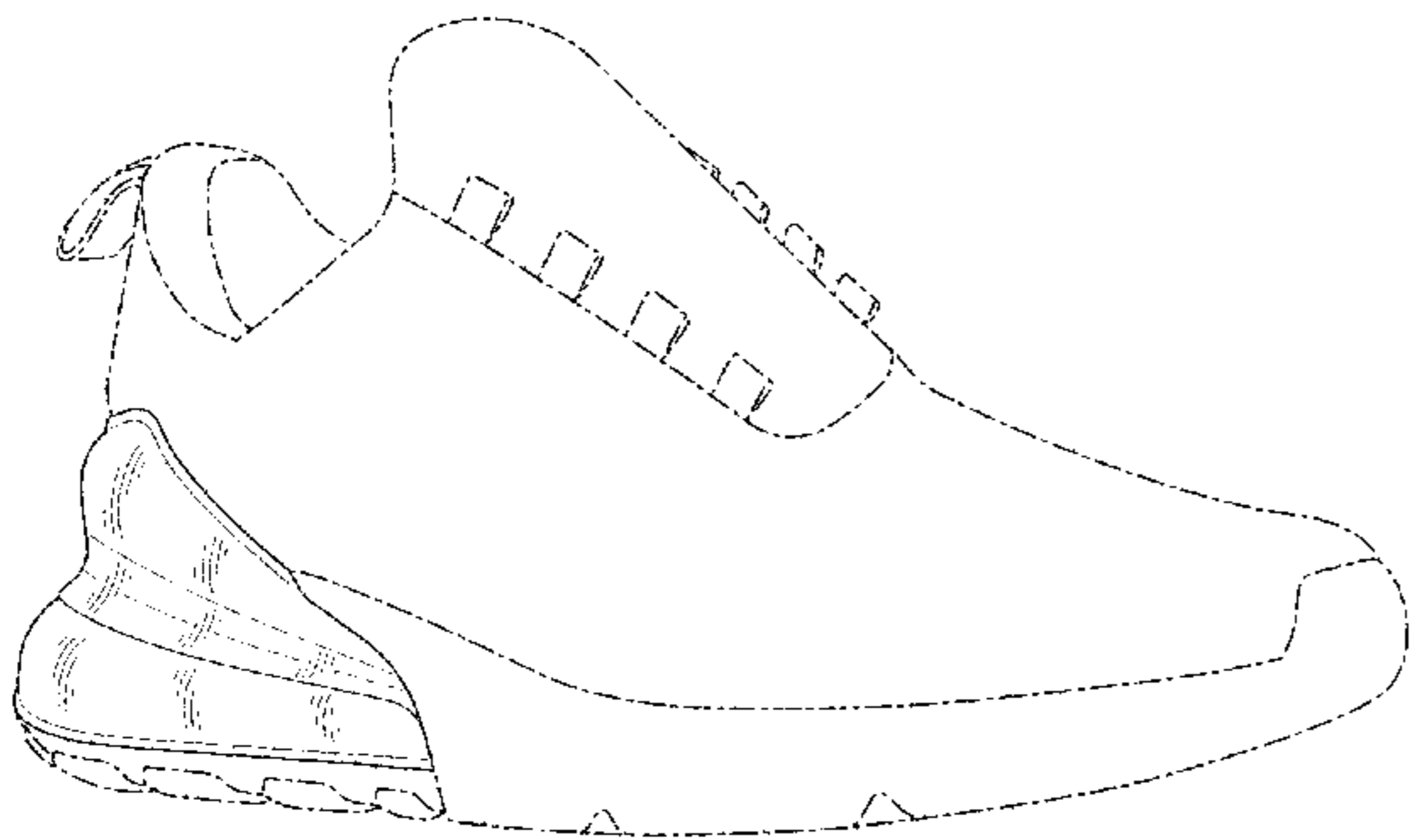
(57) **CLAIM**

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 rear view 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

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.
D503,523 S	4/2005	Matis et al.	D794,287 S	8/2017	Raasch
D506,597 S	6/2005	Matis et al.	D795,539 S	8/2017	Mason et al.
D511,617 S	11/2005	Matis	D796,800 S *	9/2017	Chang D2/947
			D796,802 S	9/2017	Kinley
			D798,555 S	10/2017	Enayah
			D799,179 S	10/2017	Comeaux
			D799,180 S	10/2017	Sokol

(56)

References Cited

U.S. PATENT DOCUMENTS

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-pg-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 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).

(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

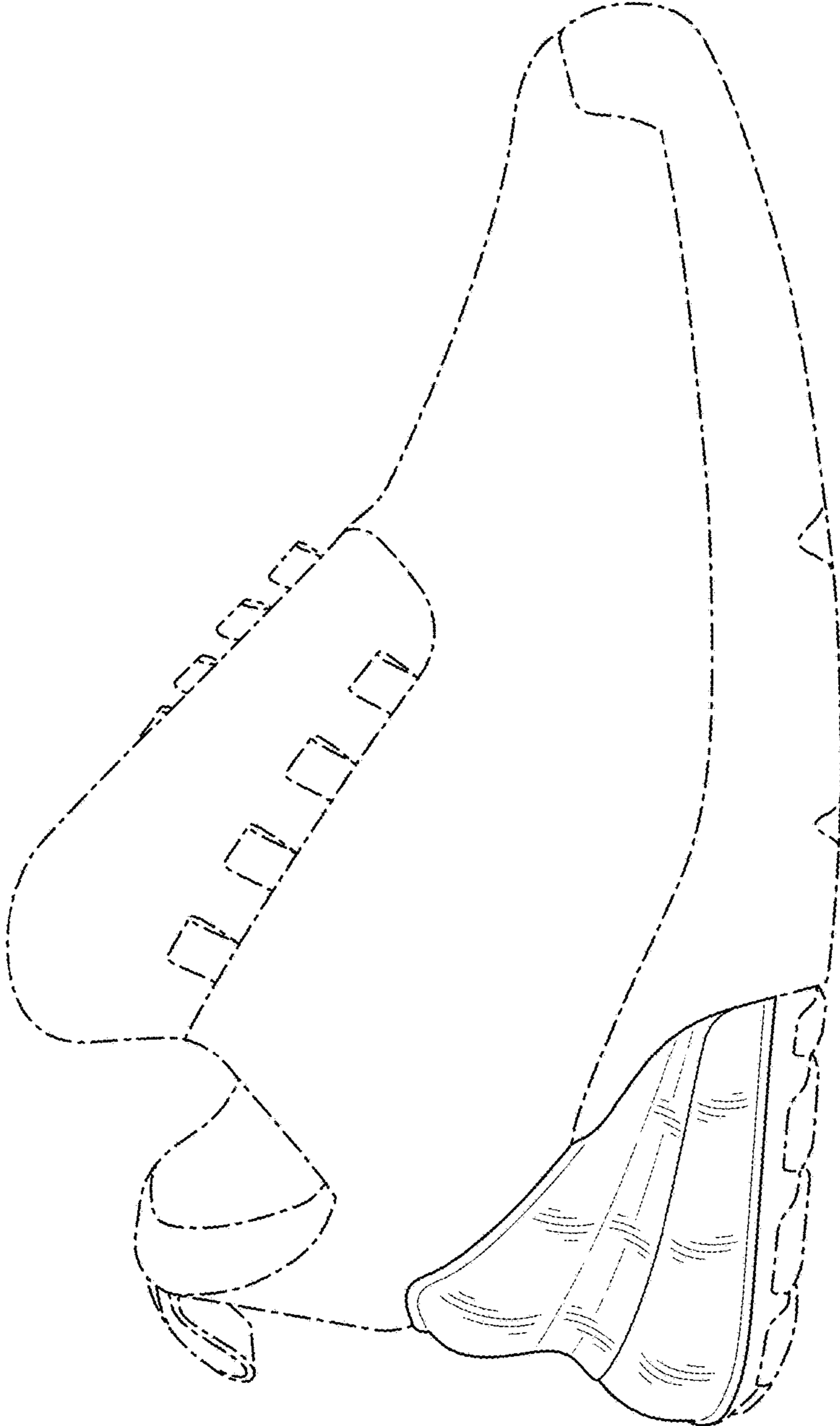


FIG. 1

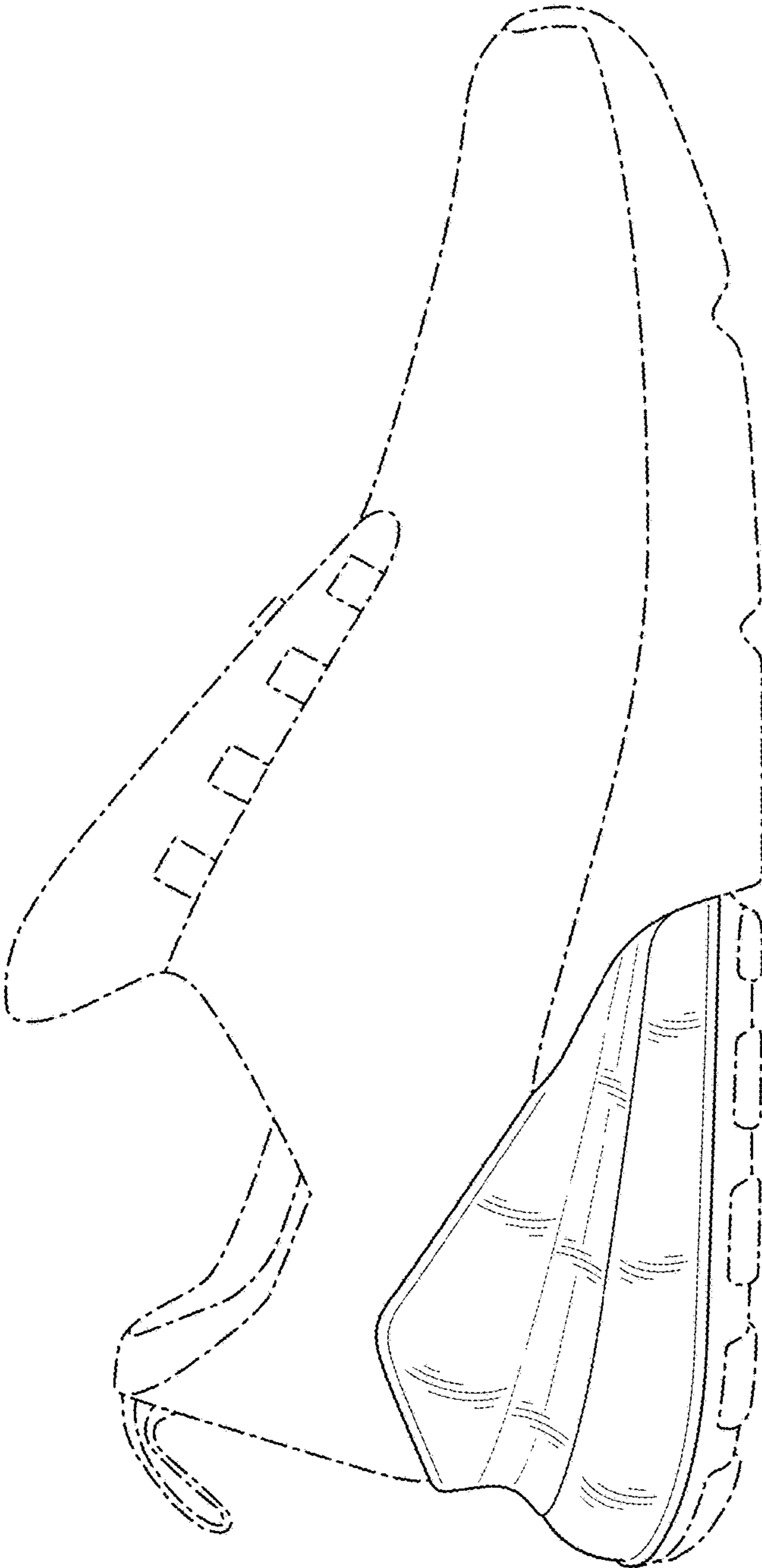


FIG. 2

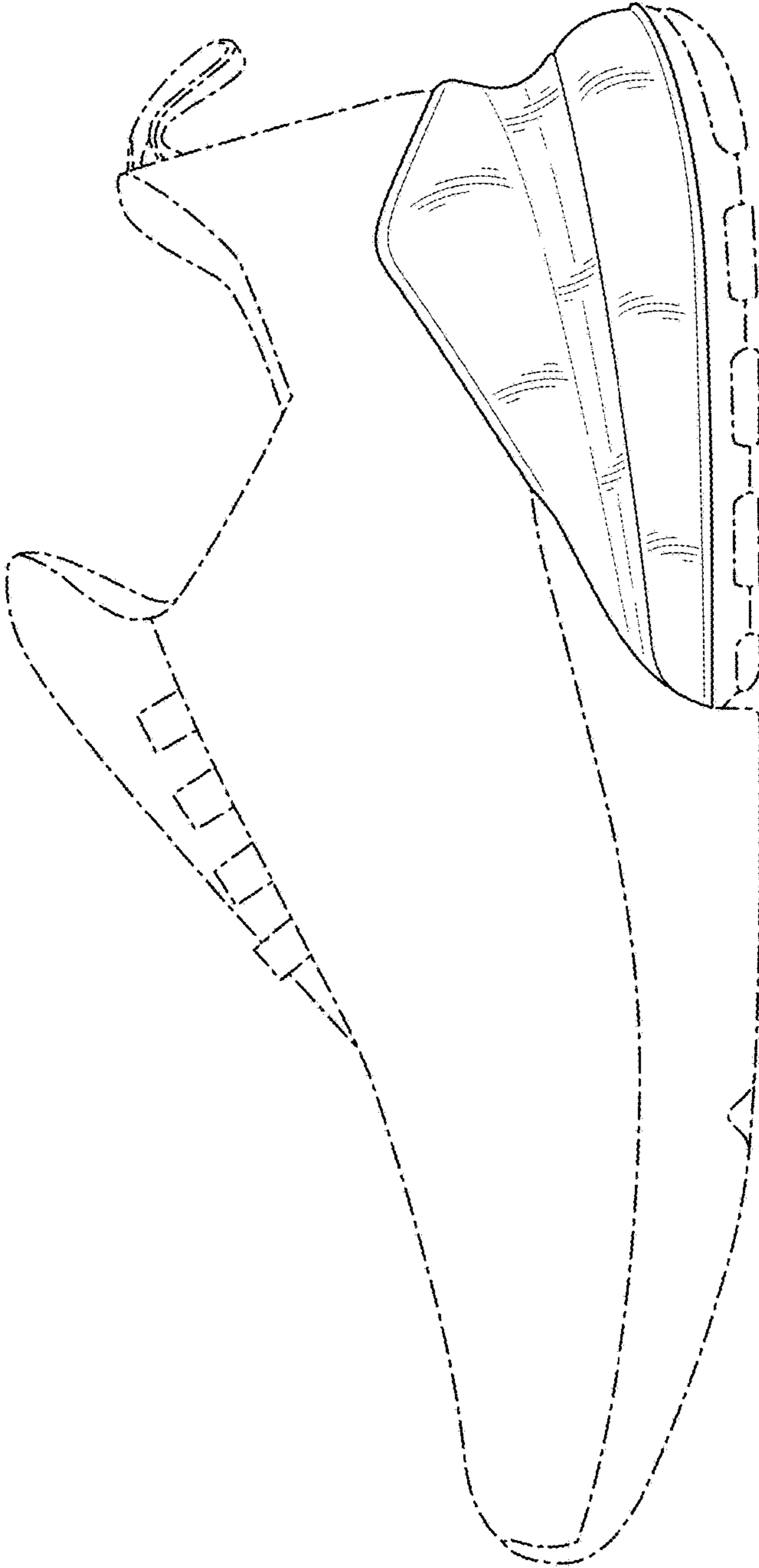


FIG. 3

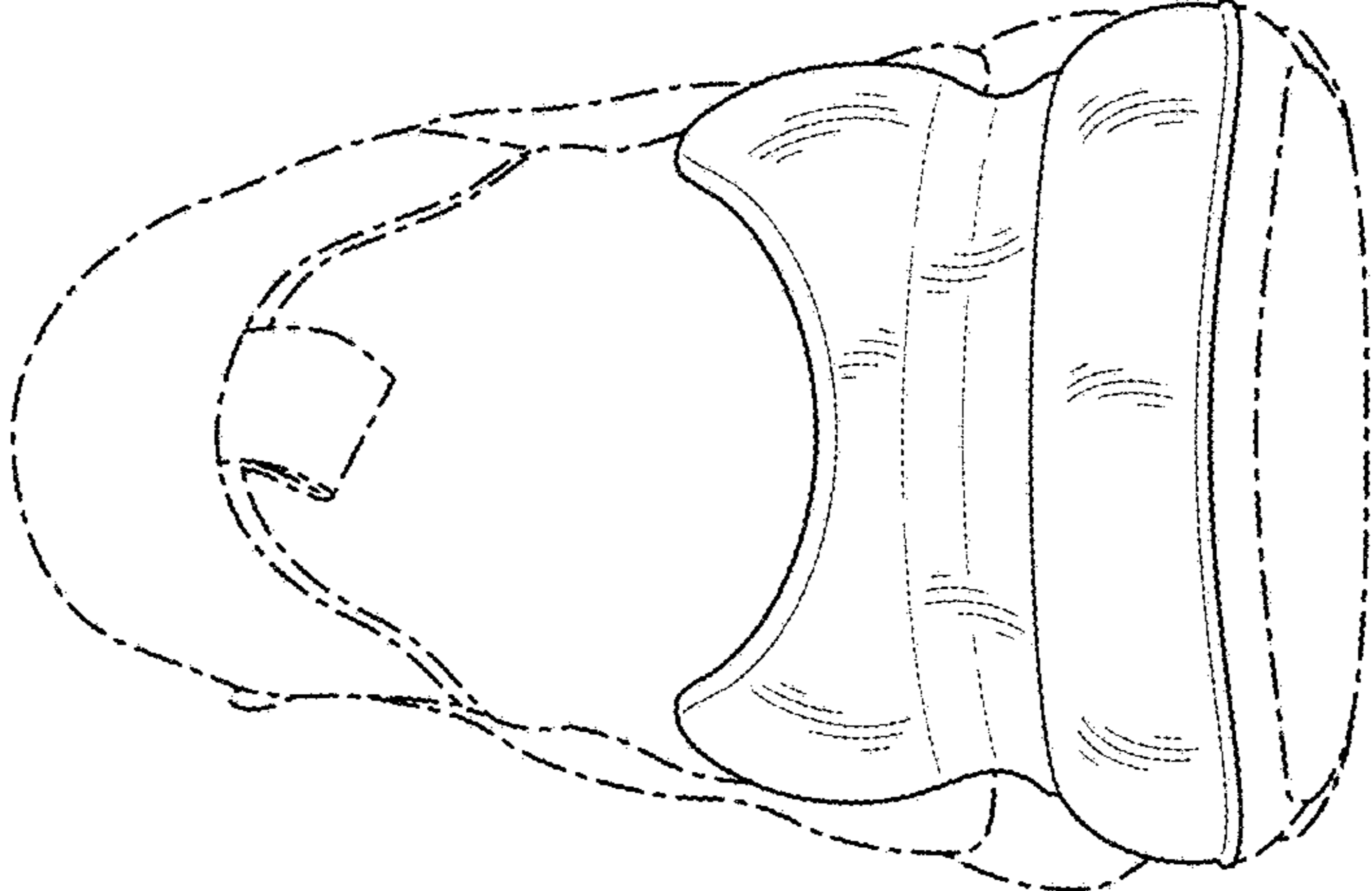


FIG. 4