



US00D901863S

(12) **United States Design Patent** (10) **Patent No.:** **US D901,863 S**  
**Gavrieli et al.** (45) **Date of Patent:** **\*\* Nov. 17, 2020**

- (54) **BLUE SOLE AND MIDSOLE ASSEMBLY FOR SINGLE-SOLE SHOE** 1,214,666 A 2/1917 Ford  
 1,519,009 A 12/1924 Reina  
 1,525,848 A \* 2/1925 Bonaventure ..... A43B 5/12  
 36/113
- (71) Applicant: **Gavrieli Brands LLC**, 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: **Kfir Gavrieli**, Beverly Hills, CA (US); 2,268,777 A 1/1942 Scholl  
**Dikla Gavrieli**, Beverly Hills, CA (US) D133,819 S \* 9/1942 Harris ..... D2/939  
 D135,791 S 6/1943 Beebe
- (73) Assignee: **Gavrieli Brands LLC**, 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
- (\*\*) Term: **15 Years** D149,685 S \* 5/1948 Sandler ..... D2/935  
 D150,729 S \* 8/1948 Sandler ..... D2/923  
 D166,090 S \* 3/1952 Maling ..... D2/897
- (21) Appl. No.: **29/681,286** 2,772,488 A 12/1956 Meltzer  
 2,904,814 A 9/1959 Scholl
- (22) Filed: **Feb. 24, 2019** 3,148,378 A 9/1964 Tibbitts  
 D200,897 S \* 4/1965 Mitchell ..... D2/919  
 D220,464 S 4/1971 Hayoshi  
 D247,396 S \* 3/1978 Schlerth ..... D2/939  
 4,412,393 A 11/1983 Terlizzi, Jr. et al.

**Related U.S. Application Data**

- (63) Continuation of application No. 29/657,653, filed on Jul. 24, 2018, now Pat. No. Des. 847,476, which is a continuation of application No. 29/570,760, filed on Jul. 12, 2016, now Pat. No. Des. 824,656, which is a continuation of application No. 29/493,455, filed on Jun. 10, 2014, now Pat. No. Des. 761,539.

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

(52) **U.S. Cl.**  
USPC ..... **D2/950; D2/971**

(58) **Field of Classification Search**  
USPC ..... D2/896, 900, 919-921, 925, 939, 947, D2/950, 969, 971  
CPC ..... A43B 21/00; A43B 21/02; A43B 21/06; A43B 9/14; A43B 1/0045; A43B 13/10; A43B 13/12; A43B 23/06; A43B 23/07; A43B 1/0036; A43B 5/12

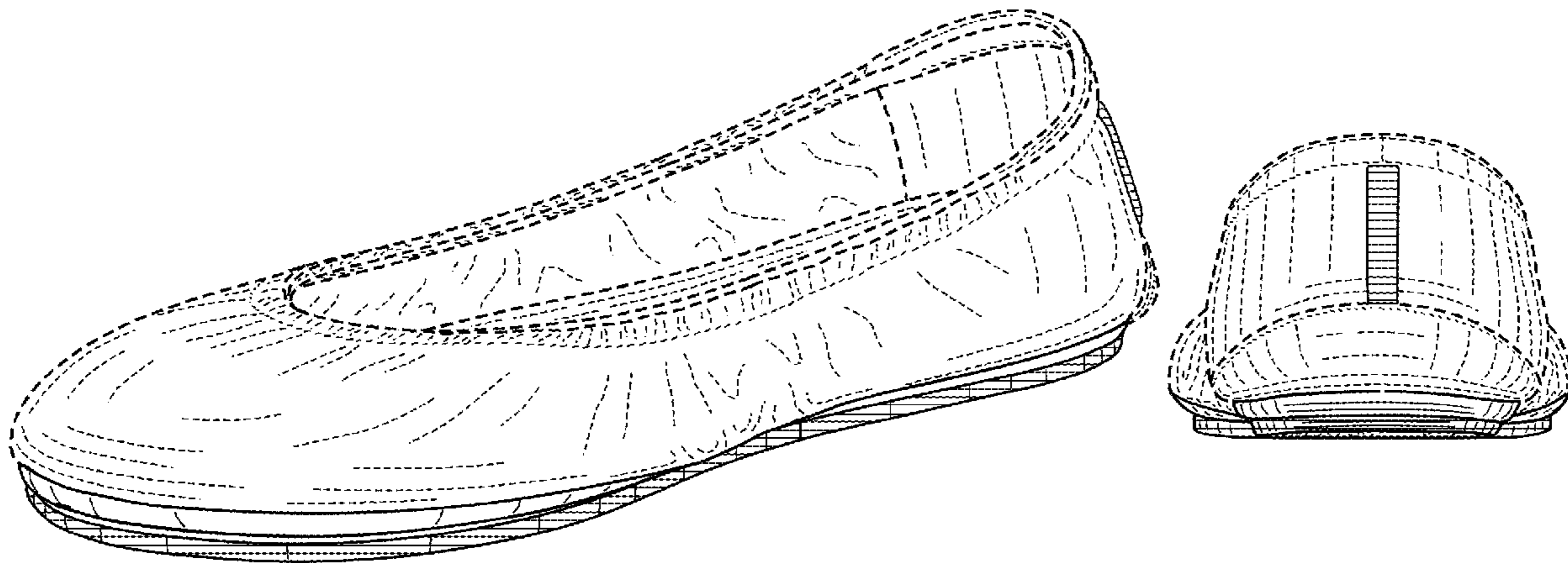
See application file for complete search history.

(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

- 1,587,377 A 6/1926 Grosjean
- 1,650,466 A 11/1927 Righter
- 2,224,590 A 12/1940 Boivin
- 2,268,777 A 1/1942 Scholl
- D133,819 S \* 9/1942 Harris ..... D2/939
- D135,791 S 6/1943 Beebe
- 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
- D149,685 S \* 5/1948 Sandler ..... D2/935
- D150,729 S \* 8/1948 Sandler ..... D2/923
- D166,090 S \* 3/1952 Maling ..... D2/897
- 2,772,488 A 12/1956 Meltzer
- 2,904,814 A 9/1959 Scholl
- 3,148,378 A 9/1964 Tibbitts
- D200,897 S \* 4/1965 Mitchell ..... D2/919
- D220,464 S 4/1971 Hayoshi
- 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 ..... D2/919
- 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.



7,036,244 B1	5/2006	Finch	D690,915 S *	10/2013	Gavrieli	A43B 13/14
D527,513 S	9/2006	Della Valle				D2/939
D529,513 S *	10/2006	Aketa	D696,500 S	12/2013	Hunt	
D531,790 S	11/2006	Wurzburg	D699,424 S	2/2014	Hamm	
D534,341 S *	1/2007	Choi	8,661,714 B2	3/2014	Sussmann	
D542,513 S	5/2007	Amado et al.	8,745,893 B2	6/2014	Gavrieli et al.	
D556,990 S	12/2007	Cabados	8,973,287 B2	3/2015	Shibata	
7,337,558 B2	3/2008	Terlizzi et al.	D761,539 S *	7/2016	Gavrieli	D2/950
D567,485 S	4/2008	James	9,398,786 B2	7/2016	Gavrieli	
D570,488 S	6/2008	Kirksey et al.	D782,167 S	3/2017	Gavrieli	
D571,084 S	6/2008	Comeau	D824,150 S *	7/2018	Gavrieli	D2/939
D571,548 S	6/2008	Seamans	D831,312 S	10/2018	Gavrieli	
D571,989 S	7/2008	Siegal	2002/0078591 A1	6/2002	Morrone	
D580,640 S	11/2008	Wurzburg	2002/0129519 A1	9/2002	Cahan	
D582,638 S	12/2008	Ringholz	2003/0070319 A1	4/2003	Minden	
7,496,982 B2	3/2009	Clark et al.	2003/0121176 A1	7/2003	Baruck	
7,506,459 B2	3/2009	Grisoni et al.	2004/0025377 A1	2/2004	Brannon	
D591,031 S	4/2009	Cofinco	2005/0022421 A1	2/2005	Bruckner	
D593,295 S *	6/2009	Belley	2005/0115115 A1	6/2005	Lacey	
D593,297 S *	6/2009	Belley	2005/0217148 A1	10/2005	Connolly et al.	
D593,307 S *	6/2009	Belley	2005/0262734 A1	12/2005	Cheng	
D599,093 S *	9/2009	Issler	2006/0086005 A1	4/2006	Yerian	
D604,030 S	11/2009	Wilson	2006/0156576 A1	7/2006	Sloan	
D607,194 S	1/2010	Zagula	2007/0074424 A1	4/2007	Lin	
D610,332 S	2/2010	Raichle	2007/0204482 A1	9/2007	Gibson-Collinson	
D610,785 S	3/2010	Smith	2007/0204483 A1	9/2007	Kirsch et al.	
D612,140 S	3/2010	Moon	2008/0052964 A1	3/2008	Taylor	
D612,141 S	3/2010	Moon	2008/0086912 A1	4/2008	Wilkenfeld	
7,694,435 B1	4/2010	Kiser et al.	2008/0110059 A1	5/2008	Kuramoto et al.	
D615,737 S	5/2010	Feller	2009/0019732 A1	1/2009	Sussmann	
7,735,244 B1	6/2010	Ameche	2009/0193685 A1	8/2009	Wilson	
7,743,530 B2	6/2010	Truelsen	2009/0205222 A1	8/2009	McLinden	
D618,891 S	7/2010	McClaskie	2009/0272009 A1	11/2009	Weisner et al.	
7,757,408 B2	7/2010	McClaskie	2010/0011625 A1	1/2010	Percival	
D630,829 S	1/2011	Weisner	2010/0018080 A1	1/2010	Smith	
D632,881 S	2/2011	Rosenberg	2010/0050469 A1	3/2010	Chen	
7,926,203 B2	4/2011	Wilkenfeld	2010/0095557 A1	4/2010	Jarvis	
7,966,747 B2	6/2011	Wilkenfeld et al.	2010/0115793 A1	5/2010	Kraisosky	
D640,861 S	7/2011	Wilkenfeld	2010/0122475 A1	5/2010	Purrrington	
8,020,320 B2	9/2011	Gillespie	2010/0146822 A1	6/2010	MacGregor	
8,127,468 B2	3/2012	Morgan	2010/0212186 A1	8/2010	Cheng	
D657,543 S	4/2012	Bove	2010/0275462 A1	11/2010	Pucci	
D659,960 S	5/2012	Bizzo	2010/0281713 A1	11/2010	Pantazes	
8,230,619 B2	7/2012	Salvatelli	2015/0089843 A1	4/2015	Gavrieli	
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				A43B 13/16 D2/939
D683,936 S *	6/2013	Gavrieli				D2/925
8,468,723 B2	6/2013	Malka-Harari				
D686,812 S	7/2013	Kfir Gavrieli et al.				
8,510,975 B2	8/2013	Krikelis				
D688,853 S *	9/2013	Gavrieli				A43B 3/108 D2/939
D688,854 S *	9/2013	Gavrieli				A43B 13/186 D2/939
D688,855 S *	9/2013	Gavrieli				A43B 9/02 D2/939
D689,270 S *	9/2013	Gavrieli				A43B 23/0245 D2/939
D689,271 S *	9/2013	Gavrieli				A43B 13/14 D2/939
D689,272 S *	9/2013	Gavrieli				A43B 3/24 D2/939
D690,914 S *	10/2013	Gavrieli				A43B 13/14 D2/939

## 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, Tieks by Gavrieli—Foldable Ballet Flats,” <http://thelovelist-carly.blogspot.com.au/2010/09/tieks-by-gavriell-foldable-ballet.html>, 2 pgs., Sep. 12, 2010.  
“Tieks by Gavrieli,” <http://tieks.com>, 1 pg., retrieved Mar. 13, 2013 from URL.  
“Try It Mummy!, Tieks by Gavrieli,” <http://tryitmummy.blogspot.com.au/2010/12/tieks-by-gavriell.html>, 3 pgs., Dec. 9, 2010.  
“Wearability—Real People Style, What came first, the City Flat or the Tieks,” <http://wearability.posterous.com/what-came-first-the-city-flat-or-the-tieks>, 2 pgs., Aug. 29, 2010.  
“The Ballet Flat . . . Reinvented; Ballet Flats . . . with a Bonus; Step Into Tieks; Going Places? Take Tieks,” <http://web.archive.org/web/2010052004346/http://www.tieks.com/>; 4 pgs., May 24, 2010.

“Tieks—Comfortable designer flats you can fit in your purse and wear all day, every day,” <http://web.archive.org/web/20110731151555/http://tieks.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/B004LWP7YW>, 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://seekyt.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. Goncalves > 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.

Third Party Submission Under 37 CFR 1.290 regarding U.S. Appl. No. 15/905,239, Feb. 9, 2019, 94 pages.

Order Granting TRO (D.I. 11), *Gavrieli Brands LLC vs. Soto Massini*, Civil Action No. 1:18-cv-00462, Mar. 28, 2018, 2 pages.

Defendants’ Opposition To Motion For Temporary Restraining Order, Civil Action No. 1:18-cv-00462-GMS, Apr. 1, 2018, 12 pages.

Declaration of Thomas Pichler In Opposition To Tro Request, C.A. No. 1:18-cv-00462-GMS, Apr. 1, 2018, 8 pages.

Exhibit A to Pichler Declaration ISO TRO Opposition (D.I. 13-1), C.A. No. 1:18-cv-00462-GMS, Apr. 1, 2018, 29 pages.

Order TRO (D.I. 18), C.A. No. 1:18, Apr. 4, 2018, 3 pages.

Defendant Soto Massini (USA) Corporation’s Answer and Counterclaims To Verified Complaint for Patent Infringement, Trade Dress Infringement, and Unfair Competition, C.A. No. 1:18-cv-00462-GMS, May 1, 2018, 26 pages.

Defendant Soto Massini (USA) Corporation’s Answer To Amended Complaint and Amended Counterclaims, C.A. No. 1:18-cv-00462-GMS, Jun. 5, 2018, 28 pages.

Defendant Soto Massini (USA) Corporation’s Answer To Amended Complaint and First Amended Counterclaims, C.A. No. 1:18-cv-00462-GMS, Jul. 12, 2018, 31 pages.

Exhibit A to SACC (45-1), Case 1:18-cv-00462-GMS, 3 pages.

Exhibit B to SACC (45-2), Case 1:18-cv-00462-GMS, 5 pages.

Exhibit C to SACC (45-3), Case 1:18-cv-00462-GMS, 5 pages.

Exhibit D to SACC (45-4), Case 1:18-cv-00462-GMS, 4 pages.

Defendant Soto-USA’s Invalidity Contentions, C.A. No. 1:18-cv-00462-MN, 16 pages.

Redacted Verdict Form (D.I. 144), Case 1:18-cv-00462-GMS, 13 pages.

Judgement (D.I. 149), C.A. No. 18-462-MN, May 13, 2019, 3 pages.

*Gavrieli Brands, LLC, v. Soto Massini (USA) Corp., et al.*, (full) Trial Transcript, C.A. No. 18-462(MN), vol. 1, 733 pages.

Expert Report of Caroline de Baere (Fed. R. CIV. P. 26(a)(2)(B)), Case No. 18-cv-00462-MN, Mar. 1, 2019, 33 pages.

Exhibit 23, Infringement Analysis in Light of the Alleged Prior Art, 41 pages.

Expert Report of Lance Rake, (Fed. R. CIV. P. 26(a)(2)(B), Mar. 1, 2019, 27 pages.

U.S. Pat. No. 1,525,848, Feb. 10, 1925, B. S. Bonaventure, 3 pages.

Design U.S. Pat. No. 247,396, Mar. 7, 1978, William A. Schlerth, 2 pages.

Design U.S. Pat. No. D611,693 S, Mar. 16, 2010, Barbara Schwartz, 7 pages.

Camper Book Excerpt—Nina Right, (pp. 334-335), The Walking Society, Lars Müller Publishers, 3 pages.

Camper History—The Shoes, Every Season We Strive To Reinvent Some Of Our Classic Concepts While Continuing To Challenge The Status Quo With New And Original Designs. We Often Find That There Is A Camper Style For Every Walk Of Life, 8 pages.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Copperhead Snake Print Tieks, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Merlot Lizard Print Tieks, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Slate Grey Tieks, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Camel, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Lilac, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Leopard Print, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, The Tieks eGift card . . . Always the perfect fit, <https://web.archive.org/web/20101230062534/http://www.tieks.com:80/>, Dec. 30, 2010, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Copperhead Snake Print, <https://web.archive.org/web/20110222174850/http://www.tieks.com:80/>, Feb. 22, 2011, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Patent Tiek Blue, <https://web.archive.org/web/20110222174850/http://www.tieks.com:80/>, Feb. 22, 2011, 1 page.

Tieks by Gavrieli—Comfortable, designer flats you can fit in your purse and wear all day, every day!, Tangerine, <https://web.archive.org/web/20110222174850/http://www.tieks.com:80/>, Feb. 22, 2011, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse California Navy, <https://web.archive.org/web/20100516173039/http://www.tieks.com:80/california-navy.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Cardinal Red, <https://web.archive.org/web/20100516173045/http://www.tieks.com:80/cardinal-red.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Metallic Gold, <https://web.archive.org/web/20100516173106/http://www.tieks.com/metallic-gold.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Patent Tiek Blue, <https://web.archive.org/web/20100516173130/http://www.tieks.com:80/tiek-blue.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Splash Page, The Ballet Flat . . . Reinvented, <https://web.archive.org/web/20100513055818/https://tieks.com/>, May 13, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Splash Page, Ballet Flats . . . with a Bonus, <https://web.archive.org/web/20100513055818/https://tieks.com/>, May 13, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Splash Page, Going Places? Take Tieks, <https://web.archive.org/web/20100513055818/https://tieks.com/>, May 13, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse Splash Page, Step Into Tieks, <https://web.archive.org/web/20100513055818/https://tieks.com/>, May 13, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse True Blue, <https://web.archive.org/web/20100516173135/http://www.tieks.com:80/true-blue.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Fashionable Flats That Fit in Your Purse White Croc Print, <https://web.archive.org/web/20100516173145/http://www.tieks.com:80/white-croc-print.html>, May 16, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Wild Copper, Be a little wild . . . even when you're not., <https://web.archive.org/web/20100819165503/https://tieks.com/>, Aug. 19, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Paradise Blue, The perfect pair for day and night, <https://web.archive.org/web/20100819165503/https://tieks.com/>, Aug. 19, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Obsidian Black, When workdays spill over into party nights., <https://web.archive.org/web/20100819165503/https://tieks.com/>, Aug. 19, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Fuchsia, Sweet and sultry, <https://web.archive.org/web/20100819165503/https://tieks.com/>, Aug. 19, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Tan Croc print Tieks, A timeless texture., <https://web.archive.org/web/20100819165503/https://tieks.com/>, Aug. 19, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Be a little wild . . . even when you're not., <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Obsidian Black, When workdays spill over into party nights. <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Tan Croc Print, A timeless texture, <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Paradise Blue, The perfect pair for day and night, <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Fuchsia, Sweet and sultry, <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

Tieks by Gavrieli—Foldable Fashionable Ballet Flats, Tiek Blue Tieks, Let yourself shine, <https://web.archive.org/web/20100902020755/https://tieks.com/>, Sep. 2, 2010, 1 page.

\* cited by examiner

*Primary Examiner* — Dominic V Simone  
(74) *Attorney, Agent, or Firm* — Morgan, Lewis & Bockius LLP

(57)

## CLAIM

The ornamental design for a blue sole and midsole assembly for a single-sole shoe, 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 our new design of a blue sole and midsole assembly for a single-sole shoe, where the blue portions are indicated using the USPTO convention of horizontal lines for blue to indicate the blue color including any one of Pantone 277-Pantone 313, any one of Pantone 317-Pantone 320, any one of Pantone 325-Pantone 330, any

one of Pantone 332-336, any one of Pantone 628-Pantone 662, Pantone 801, Pantone 808, any one of Pantone 2702-Pantone 2708, any one of Pantone 2717-Pantone 2718, Pantone 2727 and Pantone 2728, Pantone 2747 and Pantone 2748, Pantone 2757 and Pantone 2758, Pantone 2767 and Pantone 2768, any one of Pantone 2906-Pantone 2995, any one of Pantone 3005-Pantone 3165, any one of Pantone 3242-Pantone 3254, any one of Pantone 3256-Pantone 3278, any one of Pantone 5395-Pantone 5435, any one of Pantone 7453-Pantone 7465, any one of Pantone 7467-Pantone 7477, any one of Pantone 7541-Pantone 7547, any one of RAL 5016-RAL 5002, any one of RAL 5004-RAL 5014, or any one of RAL 5016-RAL 5026;

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 another embodiment of our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 293;  
 FIG. 9 is a first side view of the design of FIG. 1;  
 FIG. 10 is a second side view of the design of FIG. 1;  
 FIG. 11 is a top view of the design of FIG. 1;  
 FIG. 12 is a bottom view of the design of FIG. 1;  
 FIG. 13 is a front view of the design of FIG. 1;  
 FIG. 14 is a back view of the design of FIG. 1;  
 FIG. 15 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 314;  
 FIG. 16 is a first side view of the design of FIG. 15;  
 FIG. 17 is a second side view of the design of FIG. 15;  
 FIG. 18 is a top view of the design of FIG. 15;  
 FIG. 19 is a bottom view of the design of FIG. 15;  
 FIG. 20 is a front view of the design of FIG. 15;  
 FIG. 21 is a back view of the design of FIG. 15;  
 FIG. 22 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 331;  
 FIG. 23 is a first side view of the design of FIG. 22;  
 FIG. 24 is a second side view of the design of FIG. 22;  
 FIG. 25 is a top view of the design of FIG. 22;  
 FIG. 26 is a bottom view of the design of FIG. 22;  
 FIG. 27 is a front view of the design of FIG. 22;  
 FIG. 28 is a back view of the design of FIG. 22;  
 FIG. 29 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 644;  
 FIG. 30 is a first side view of the design of FIG. 29;  
 FIG. 31 is a second side view of the design of FIG. 29;  
 FIG. 32 is a top view of the design of FIG. 29;  
 FIG. 33 is a bottom view of the design of FIG. 29;

FIG. 34 is a front view of the design of FIG. 29;  
 FIG. 35 is a back view of the design of FIG. 29;  
 FIG. 36 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 2905;  
 FIG. 37 is a first side view of the design of FIG. 36;  
 FIG. 38 is a second side view of the design of FIG. 36;  
 FIG. 39 is a top view of the design of FIG. 36;  
 FIG. 40 is a bottom view of the design of FIG. 36;  
 FIG. 41 is a front view of the design of FIG. 36;  
 FIG. 42 is a back view of the design of FIG. 36;  
 FIG. 43 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 3255;  
 FIG. 44 is a first side view of the design of FIG. 43;  
 FIG. 45 is a second side view of the design of FIG. 43;  
 FIG. 46 is a top view of the design of FIG. 43;  
 FIG. 47 is a bottom view of the design of FIG. 43;  
 FIG. 48 is a front view of the design of FIG. 43;  
 FIG. 49 is a back view of the design of FIG. 43;  
 FIG. 50 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color Pantone 5405;  
 FIG. 51 is a first side view of the design of FIG. 50;  
 FIG. 52 is a second side view of the design of FIG. 50;  
 FIG. 53 is a top view of the design of FIG. 50;  
 FIG. 54 is a bottom view of the design of FIG. 50;  
 FIG. 55 is a front view of the design of FIG. 50;  
 FIG. 56 is a back view of the design of FIG. 50;  
 FIG. 57 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color RAL 5003;  
 FIG. 58 is a first side view of the design of FIG. 57;  
 FIG. 59 is a second side view of the design of FIG. 57;  
 FIG. 60 is a top view of the design of FIG. 57;  
 FIG. 61 is a bottom view of the design of FIG. 57;  
 FIG. 62 is a front view of the design of FIG. 57;  
 FIG. 63 is a back view of the design of FIG. 57;  
 FIG. 64 is a perspective view of yet another embodiment our new design of a blue sole and midsole assembly for single-sole shoe, where the blue portions indicate the blue color RAL 5015;  
 FIG. 65 is a first side view of the design of FIG. 64;  
 FIG. 66 is a second side view of the design of FIG. 64;  
 FIG. 67 is a top view of the design of FIG. 64;  
 FIG. 68 is a bottom view of the design of FIG. 64;  
 FIG. 69 is a front view of the design of FIG. 64; and,  
 FIG. 70 is a back view of the design of FIG. 64.  
 The broken lines showing elements in the above described Figures are for illustrative purposes only and form no part of the claimed design.

**1 Claim, 60 Drawing Sheets  
 (54 of 60 Drawing Sheet(s) Filed in Color)**

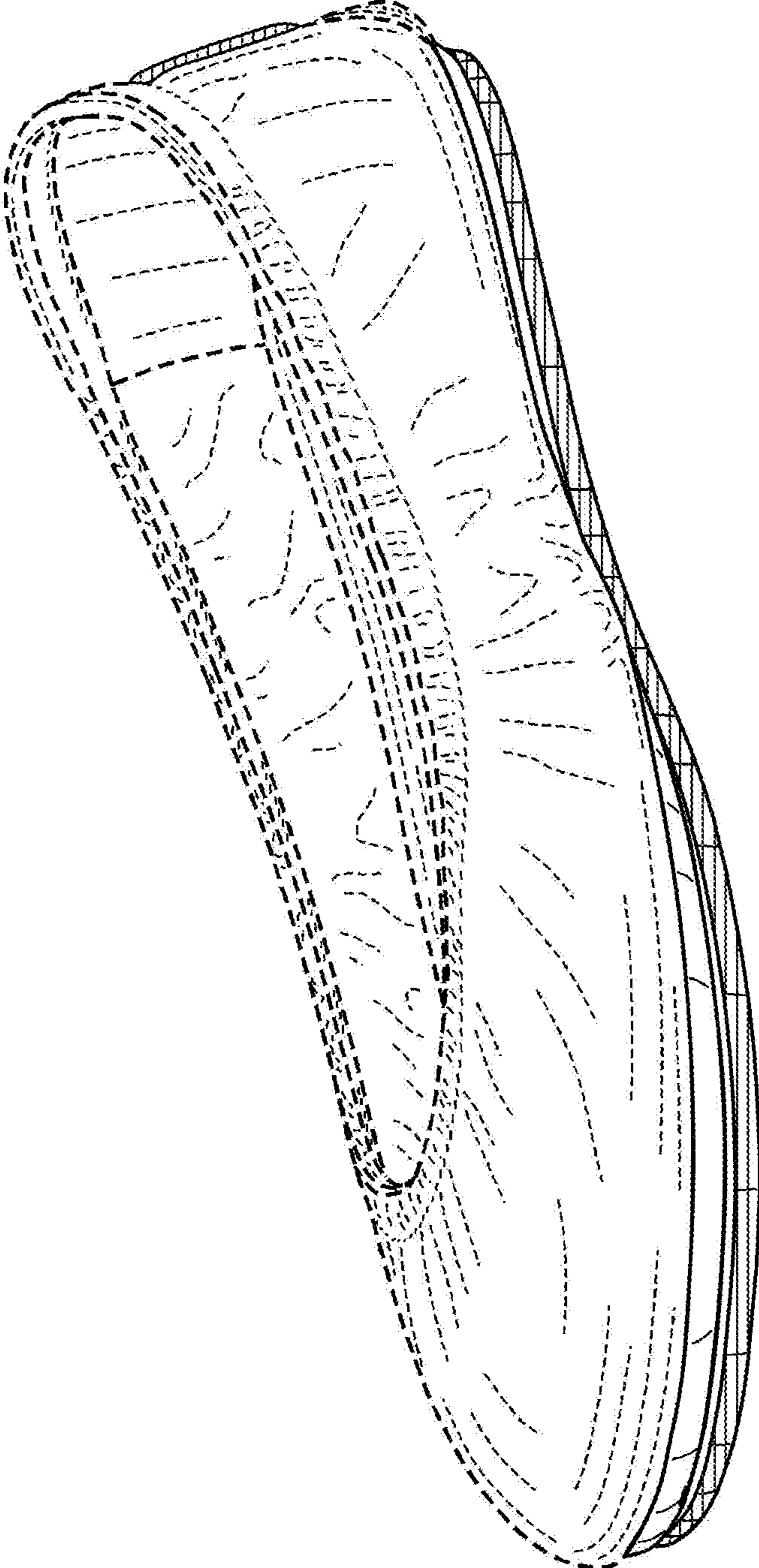


FIG. 1

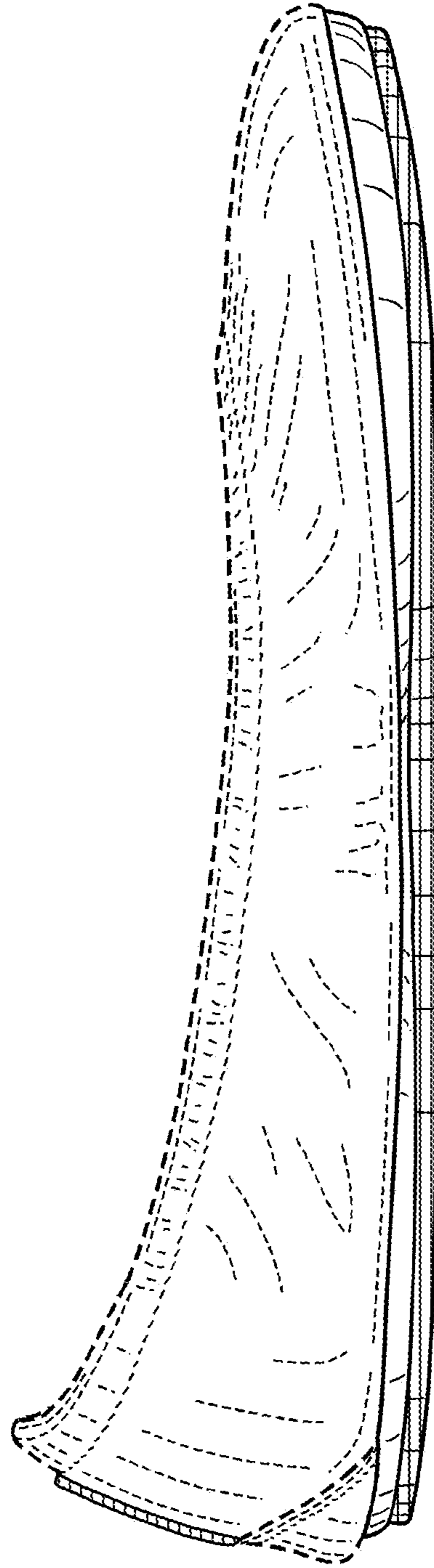


FIG. 2

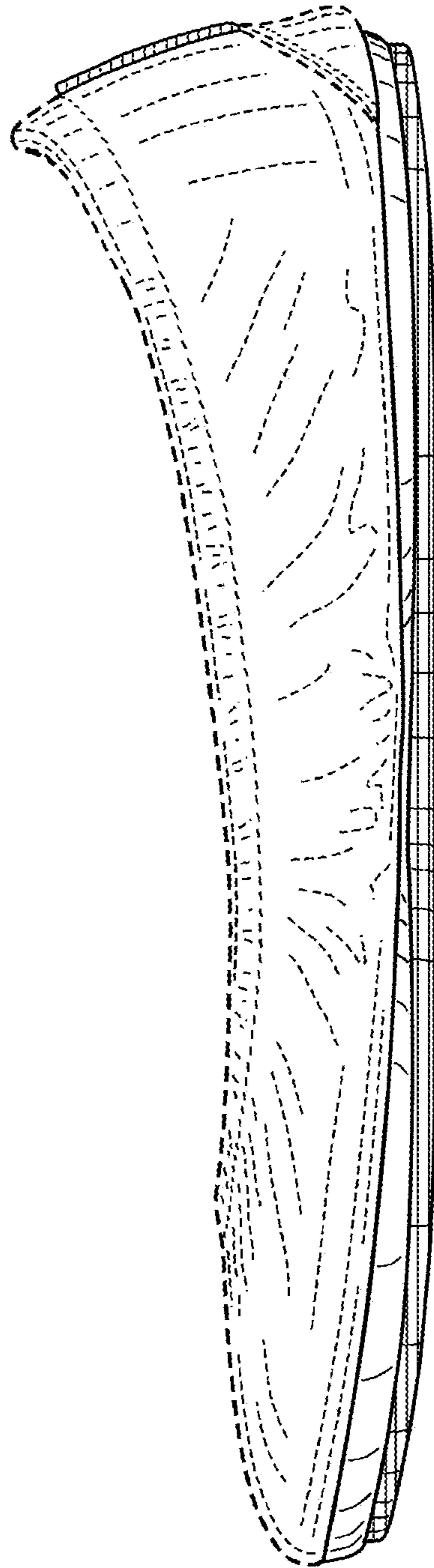


FIG. 3



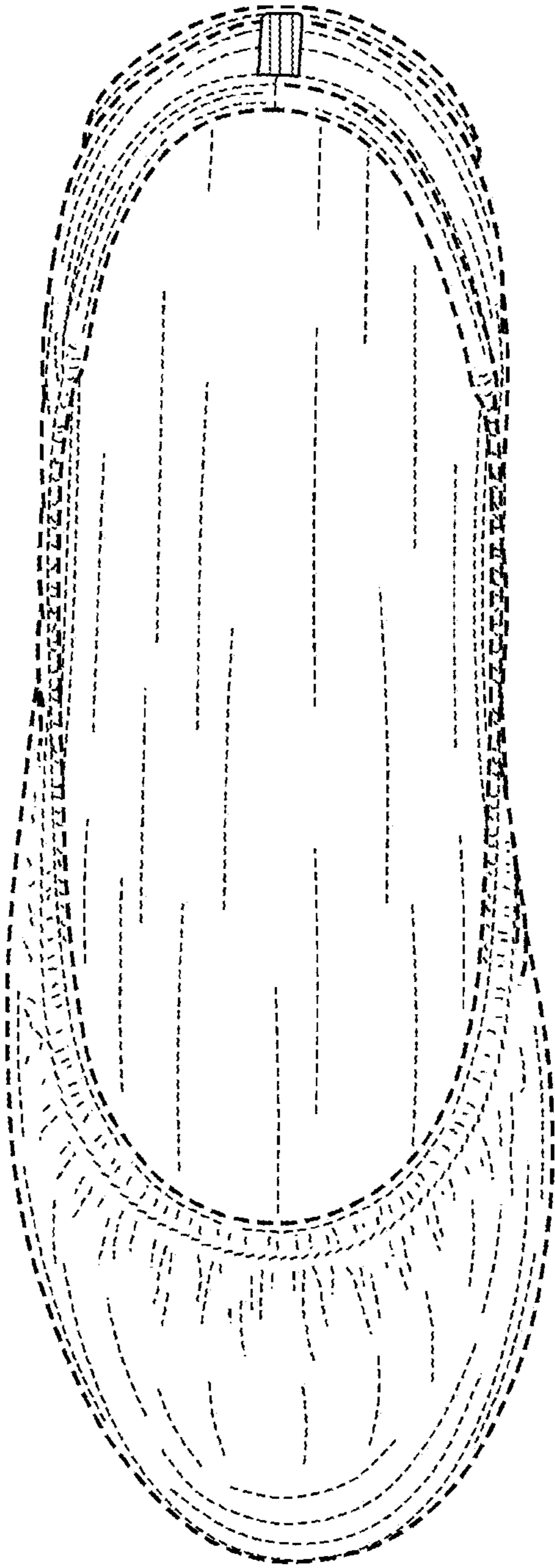


FIG. 4

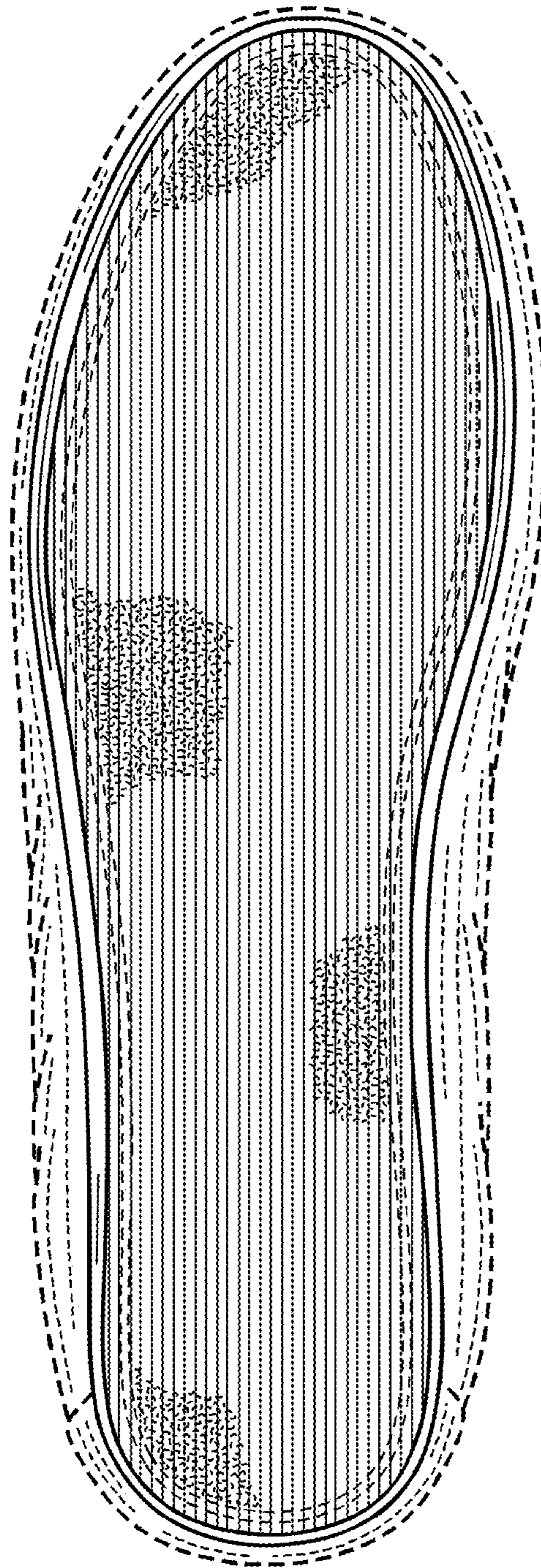


FIG. 5

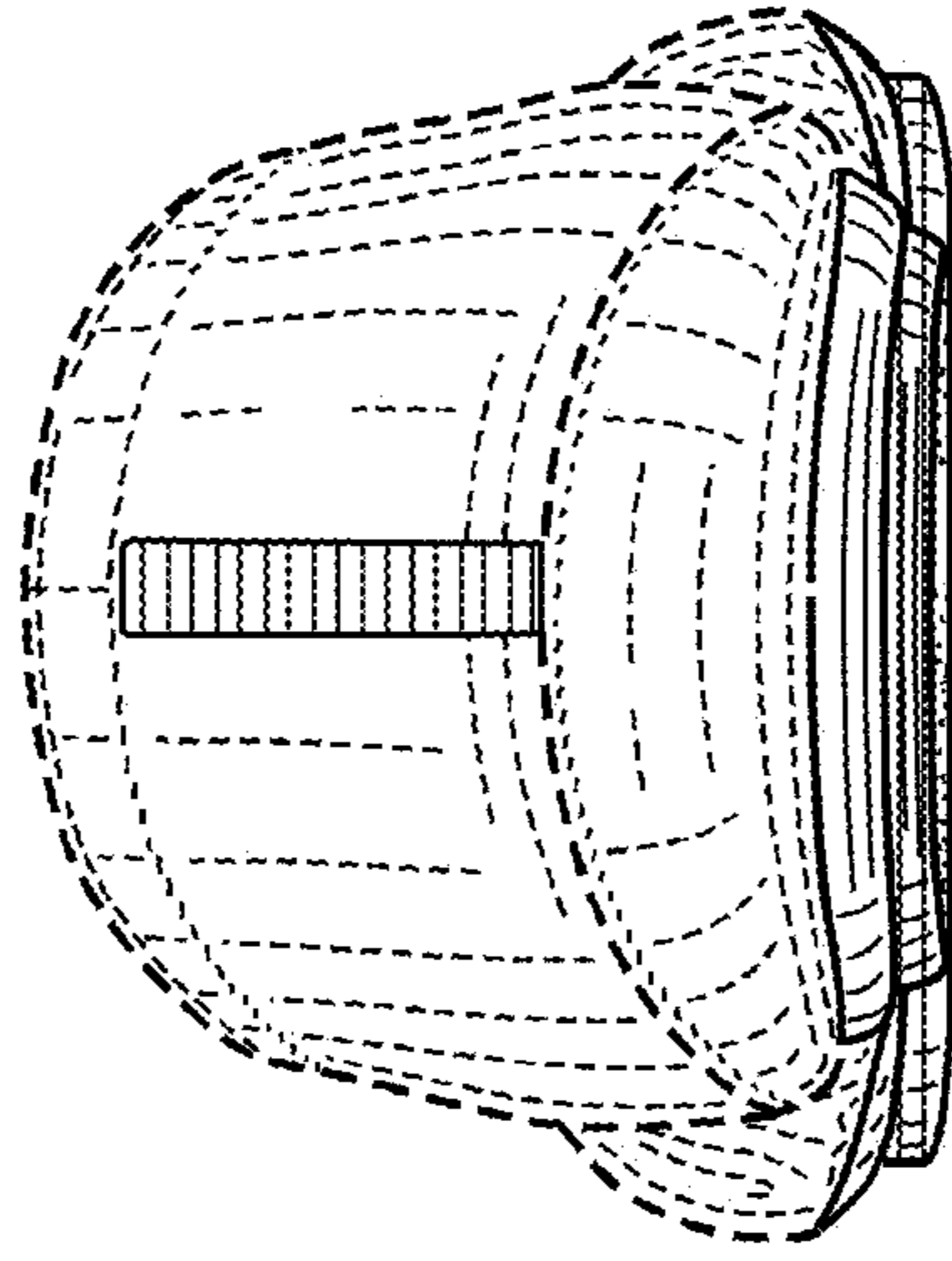


FIG. 6

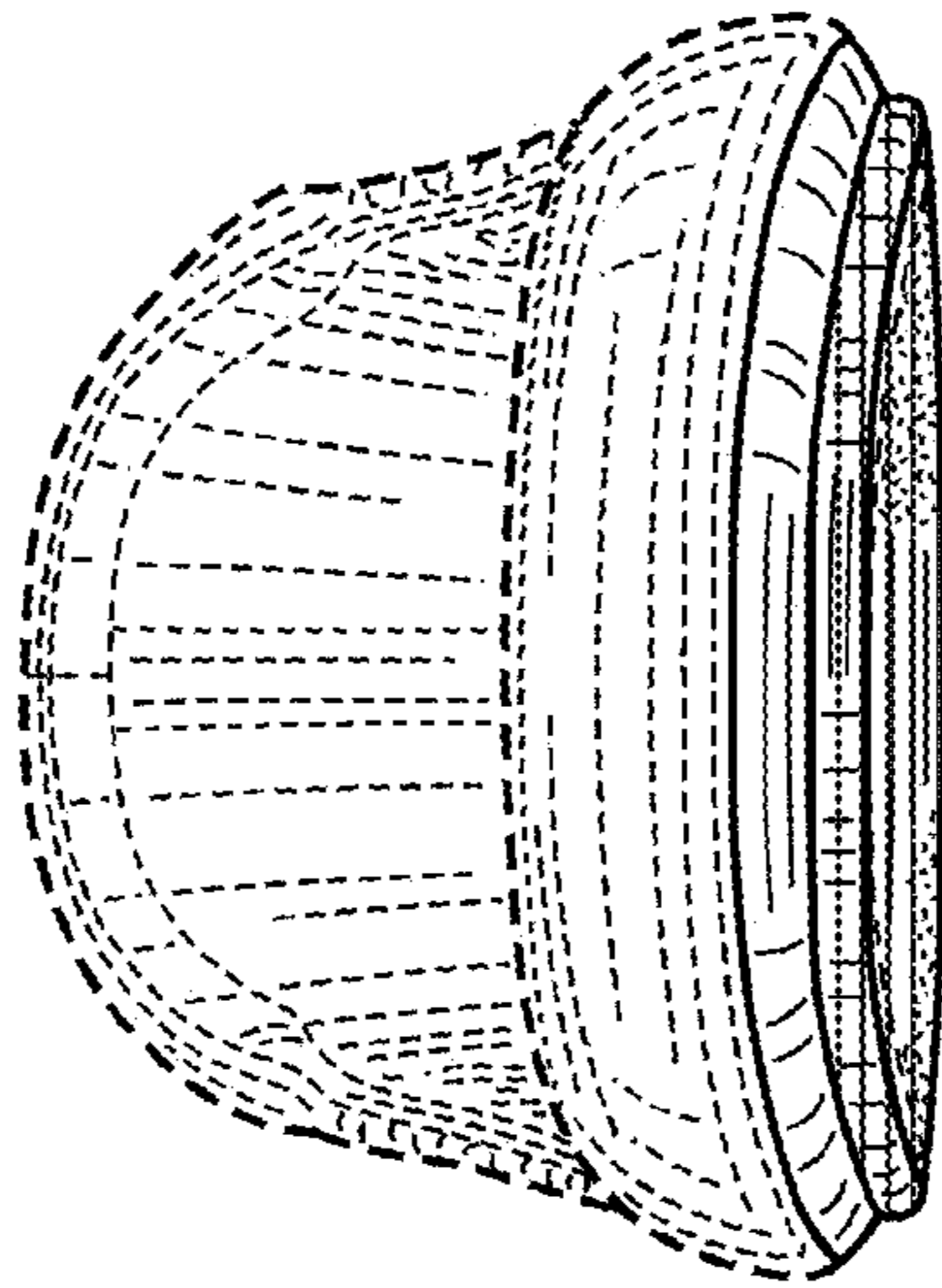


FIG. 7

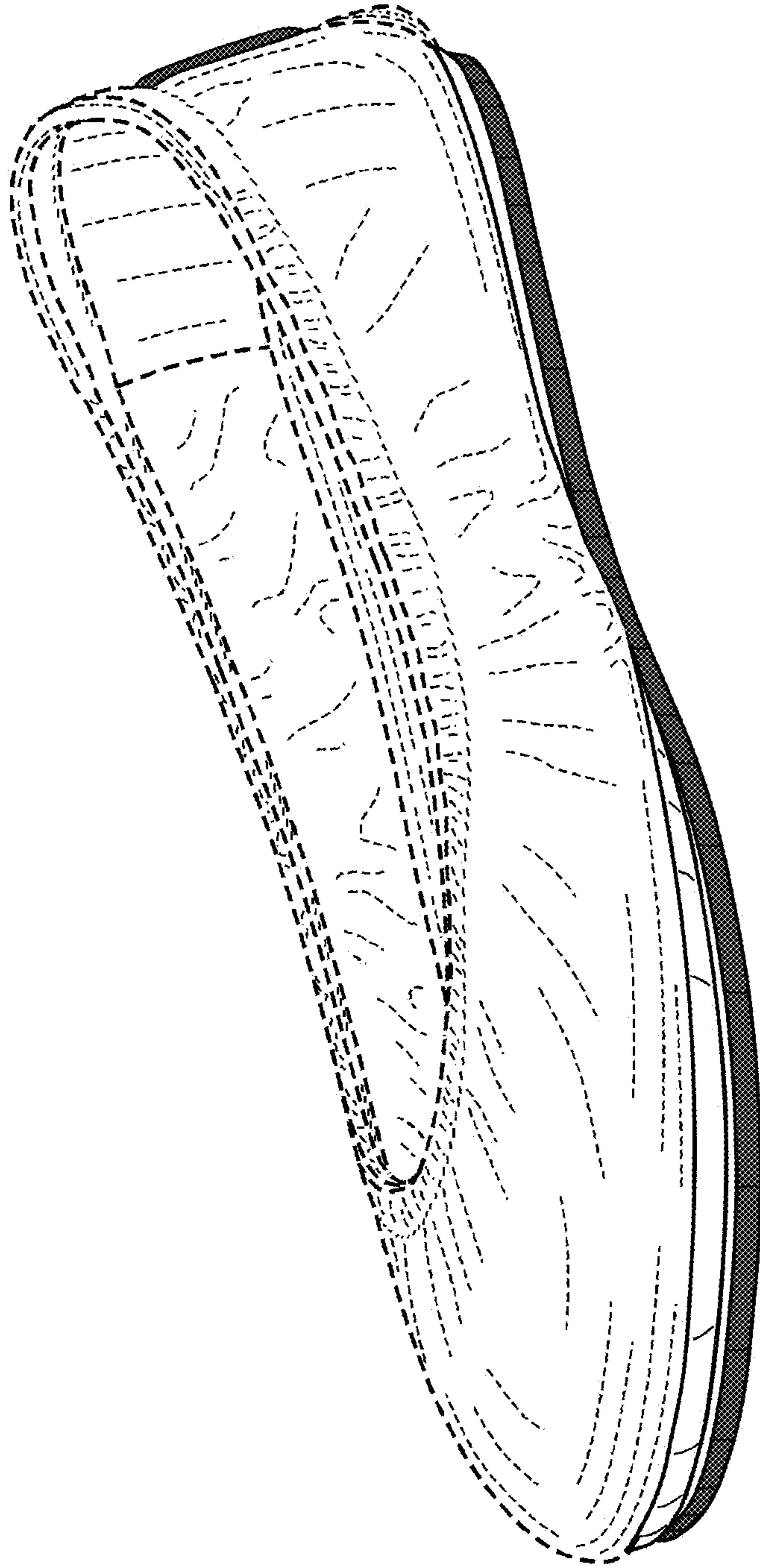


FIG. 8

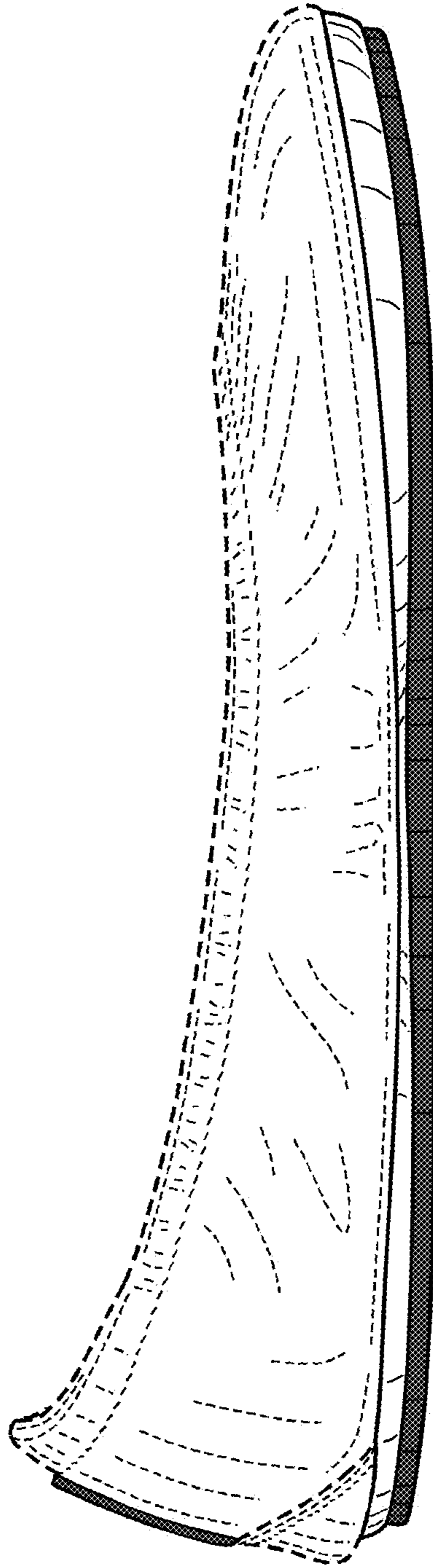


FIG. 9

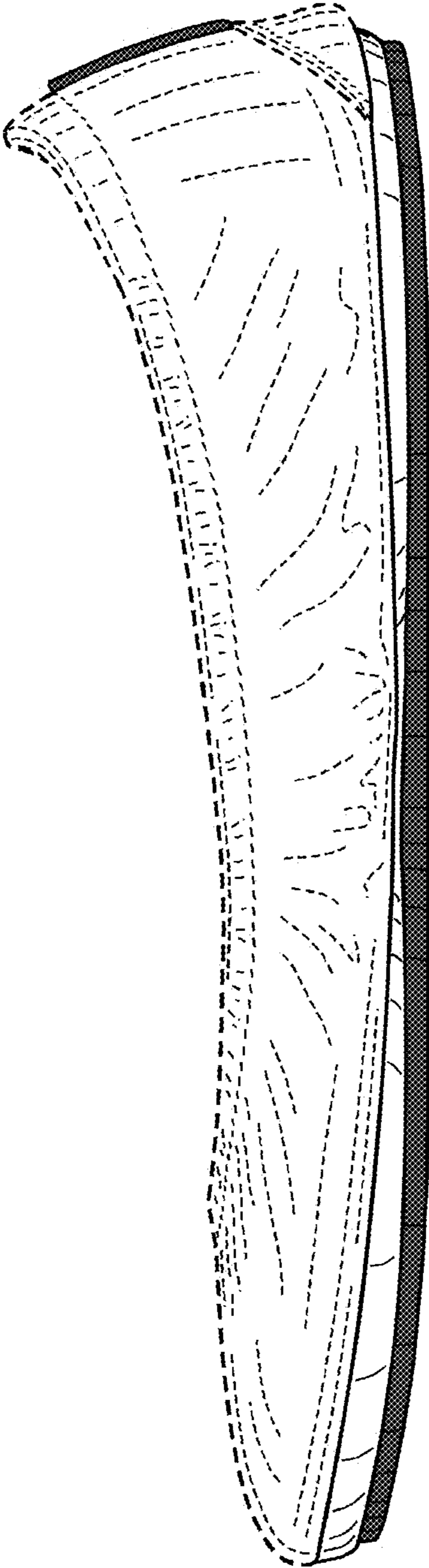


FIG. 10

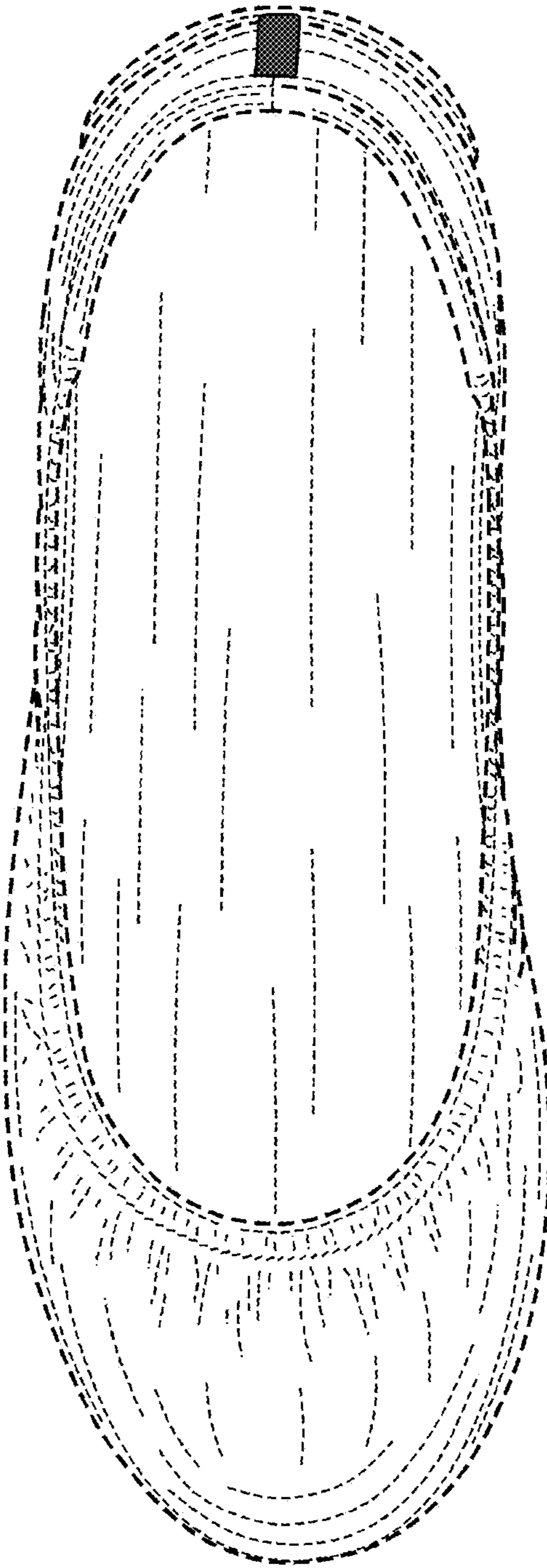


FIG. 11

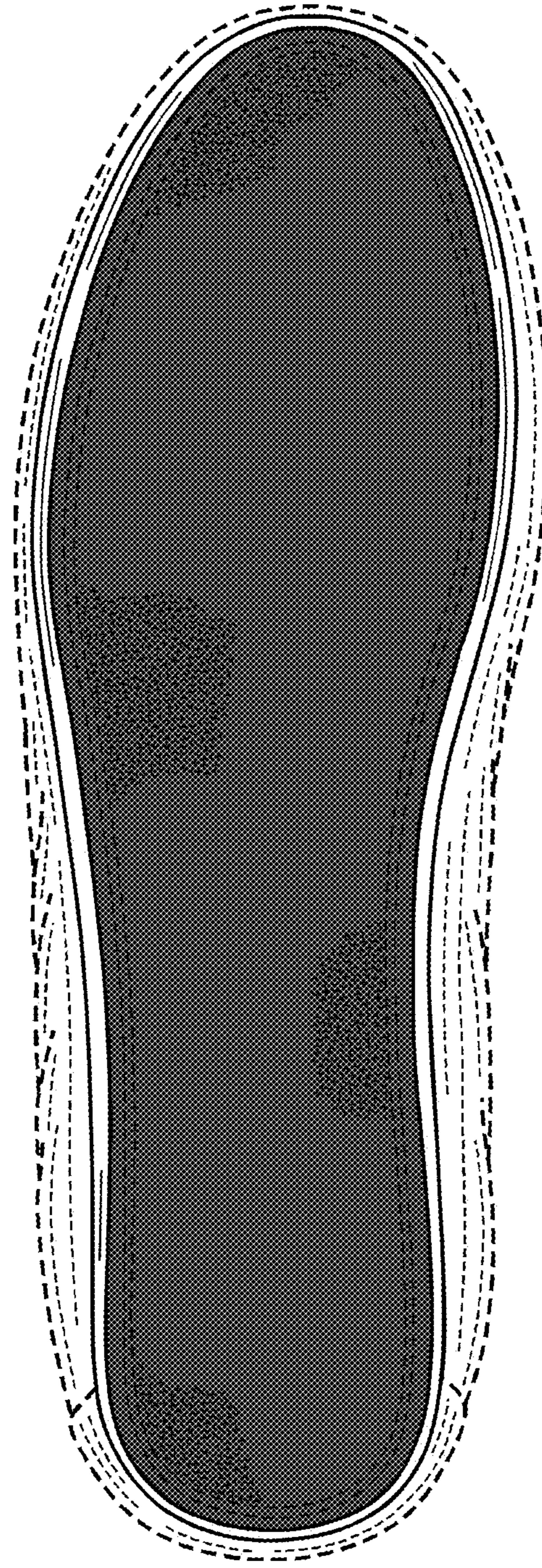


FIG. 12



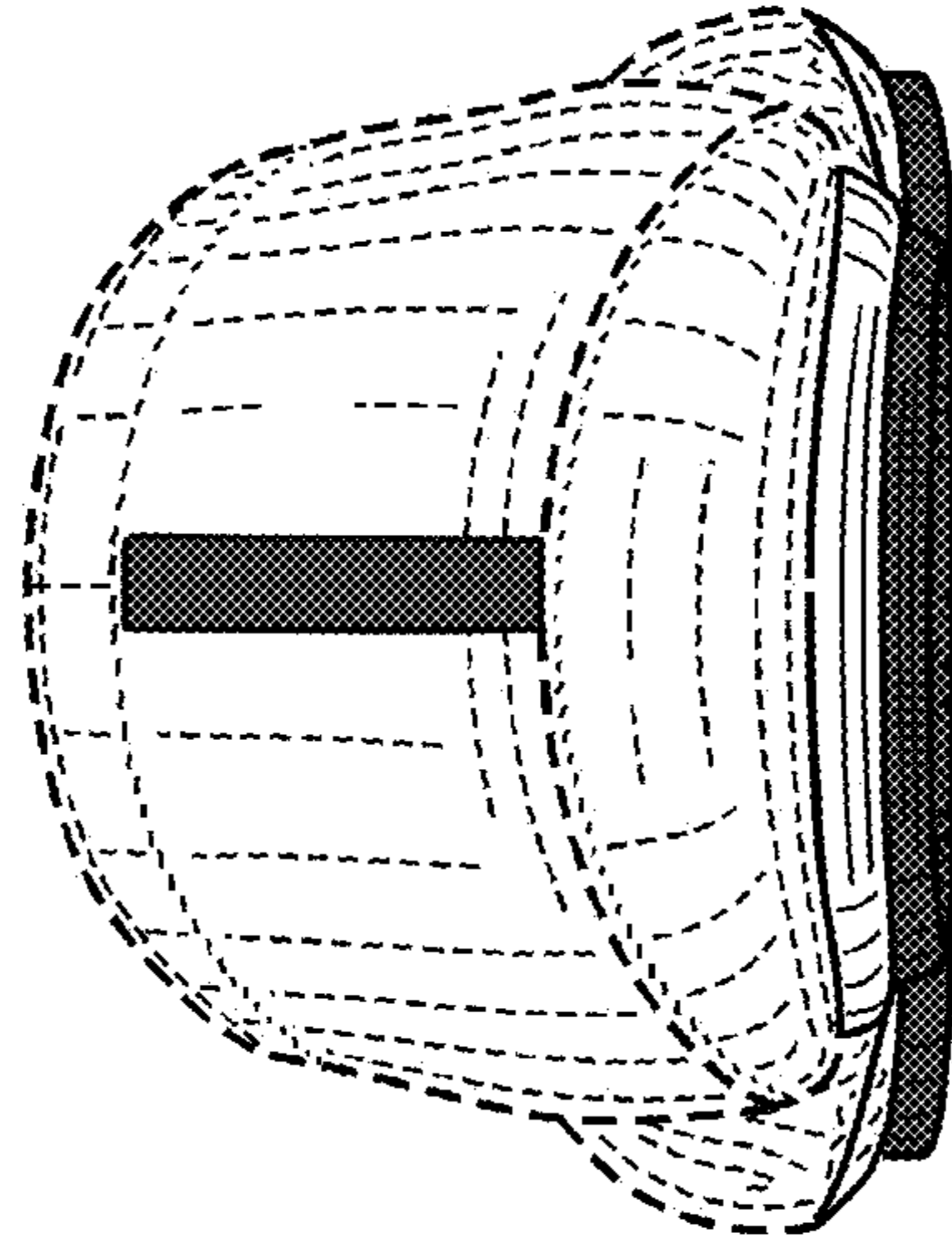


FIG. 14

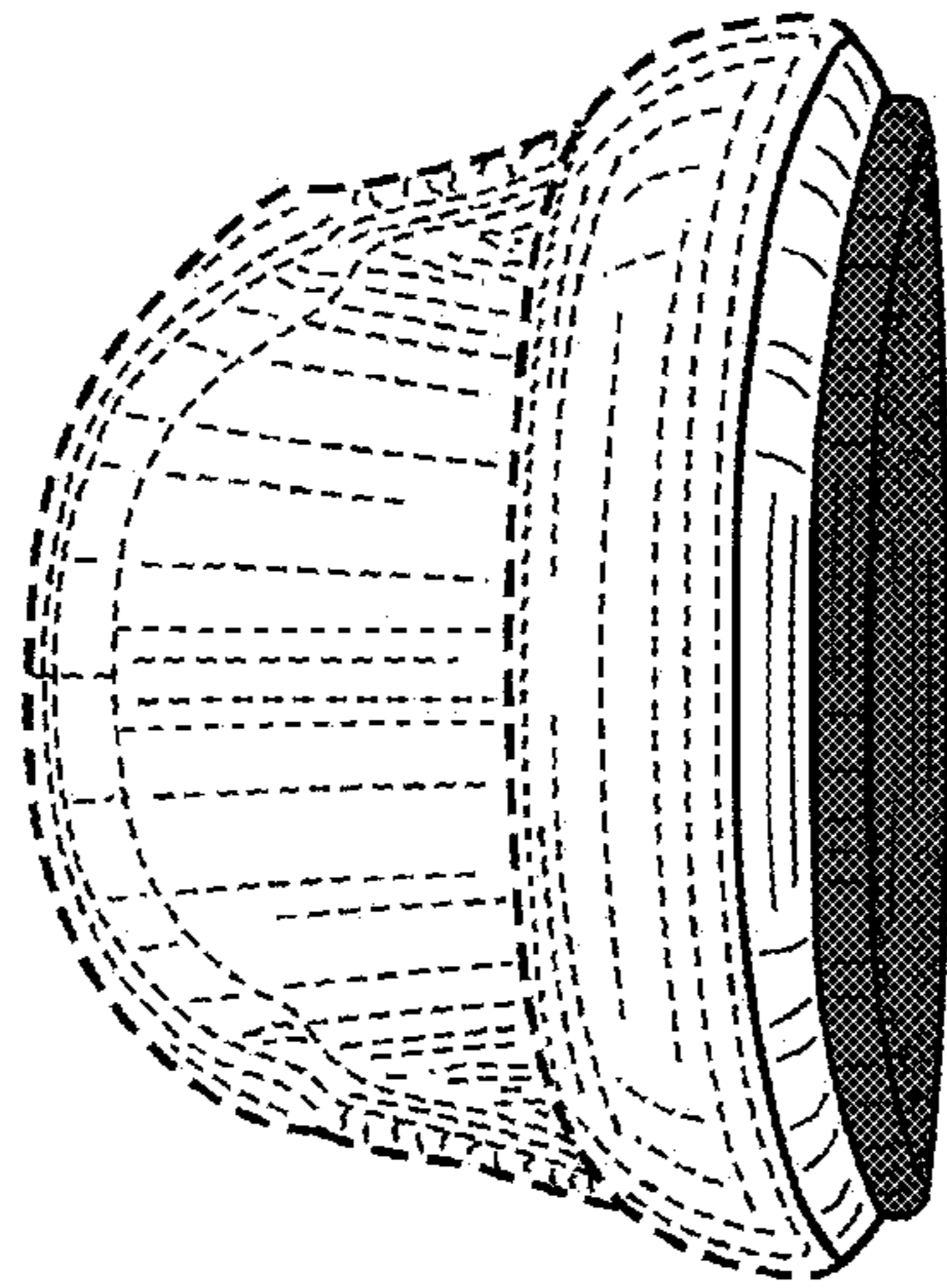


FIG. 13

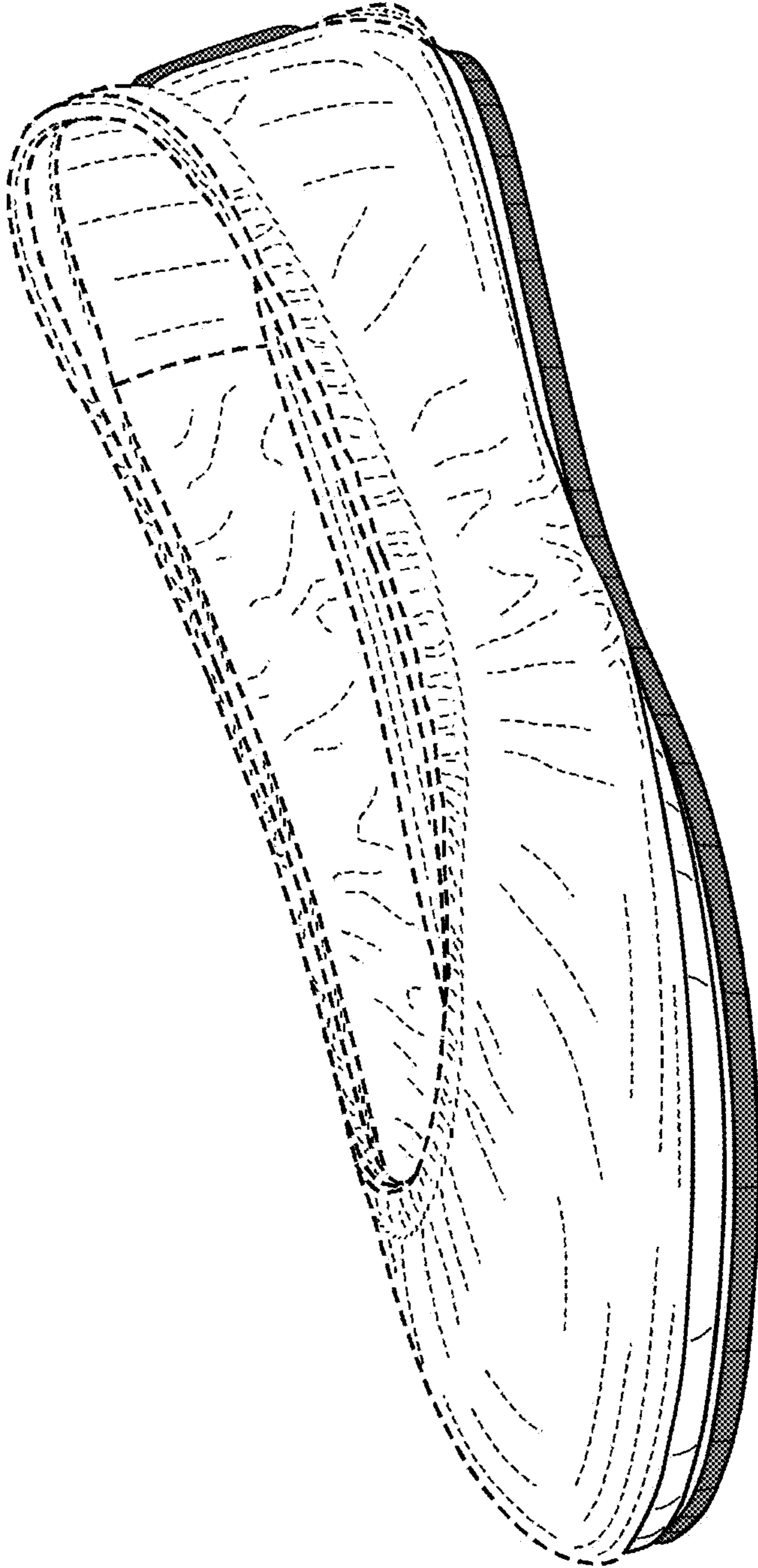


FIG. 15

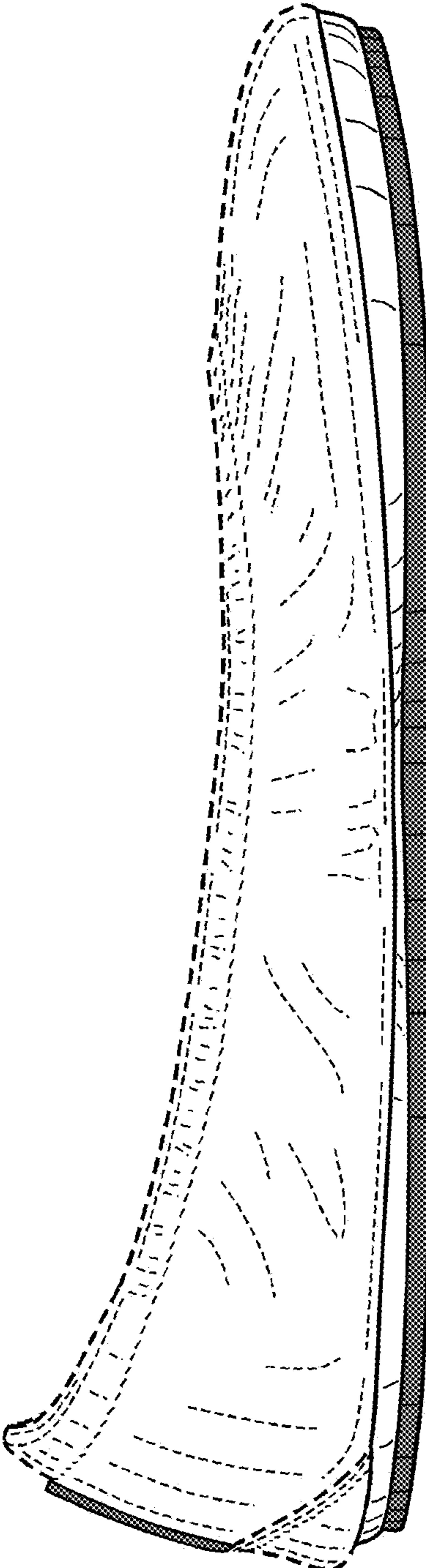


FIG. 16

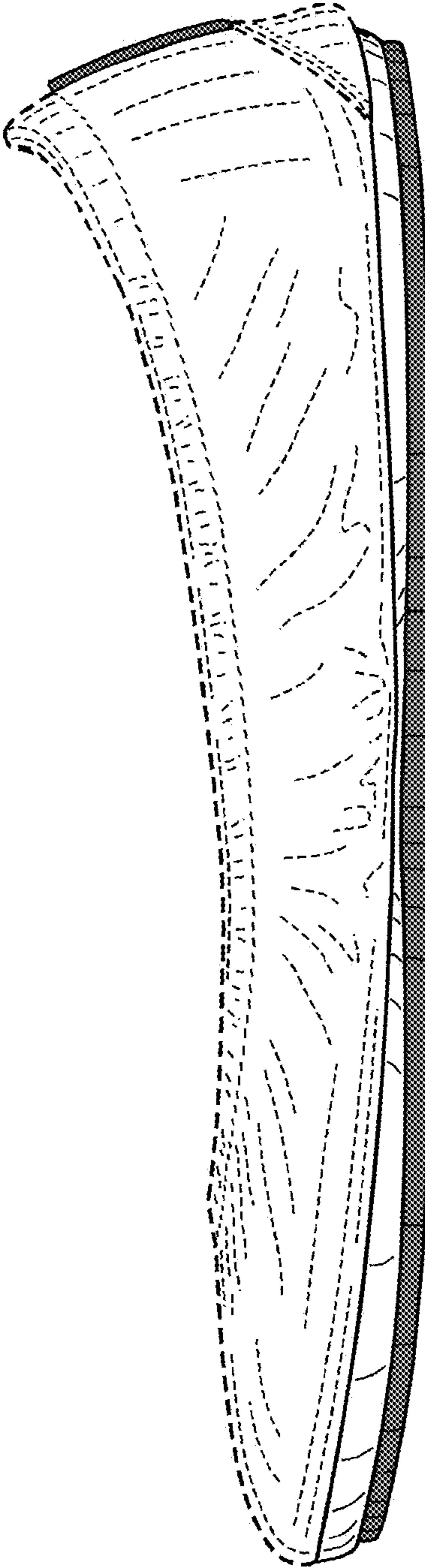


FIG. 17

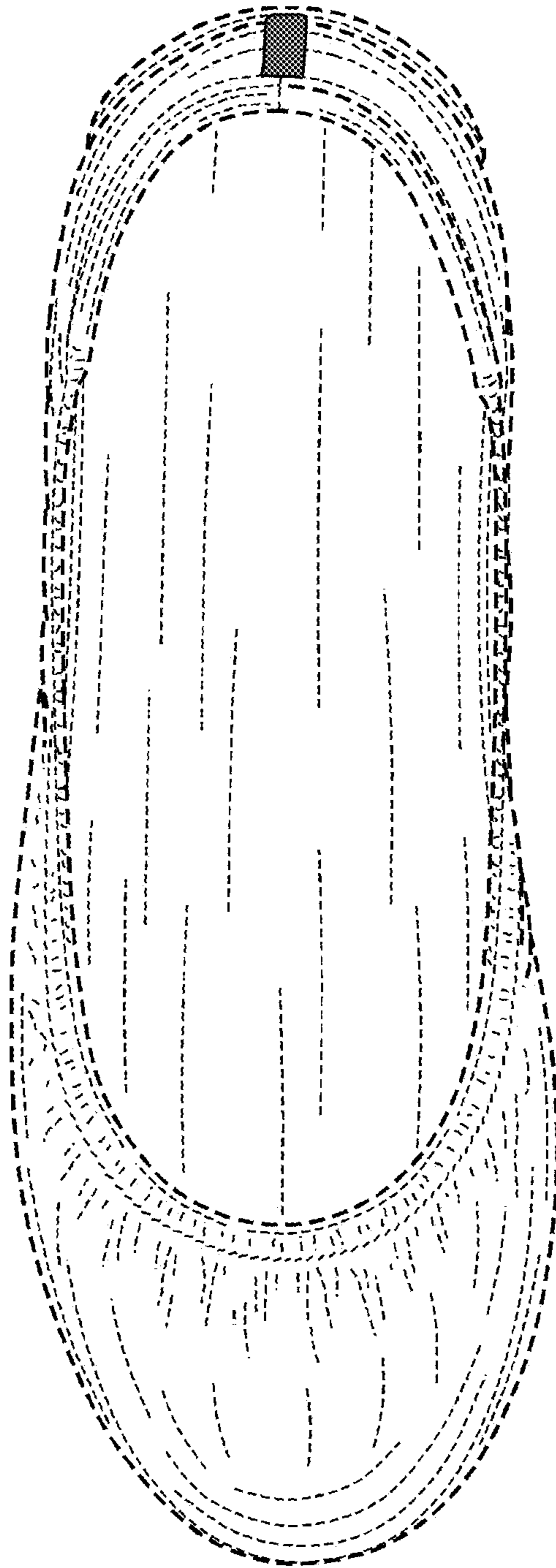


FIG. 18

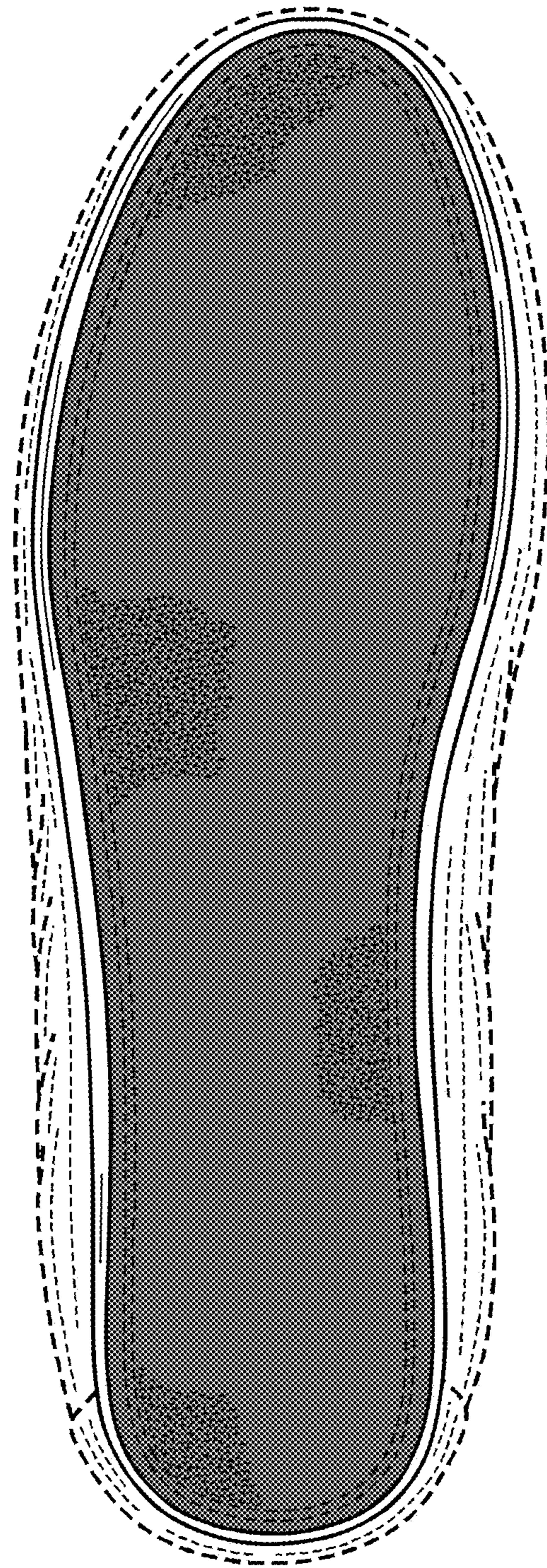


FIG. 19

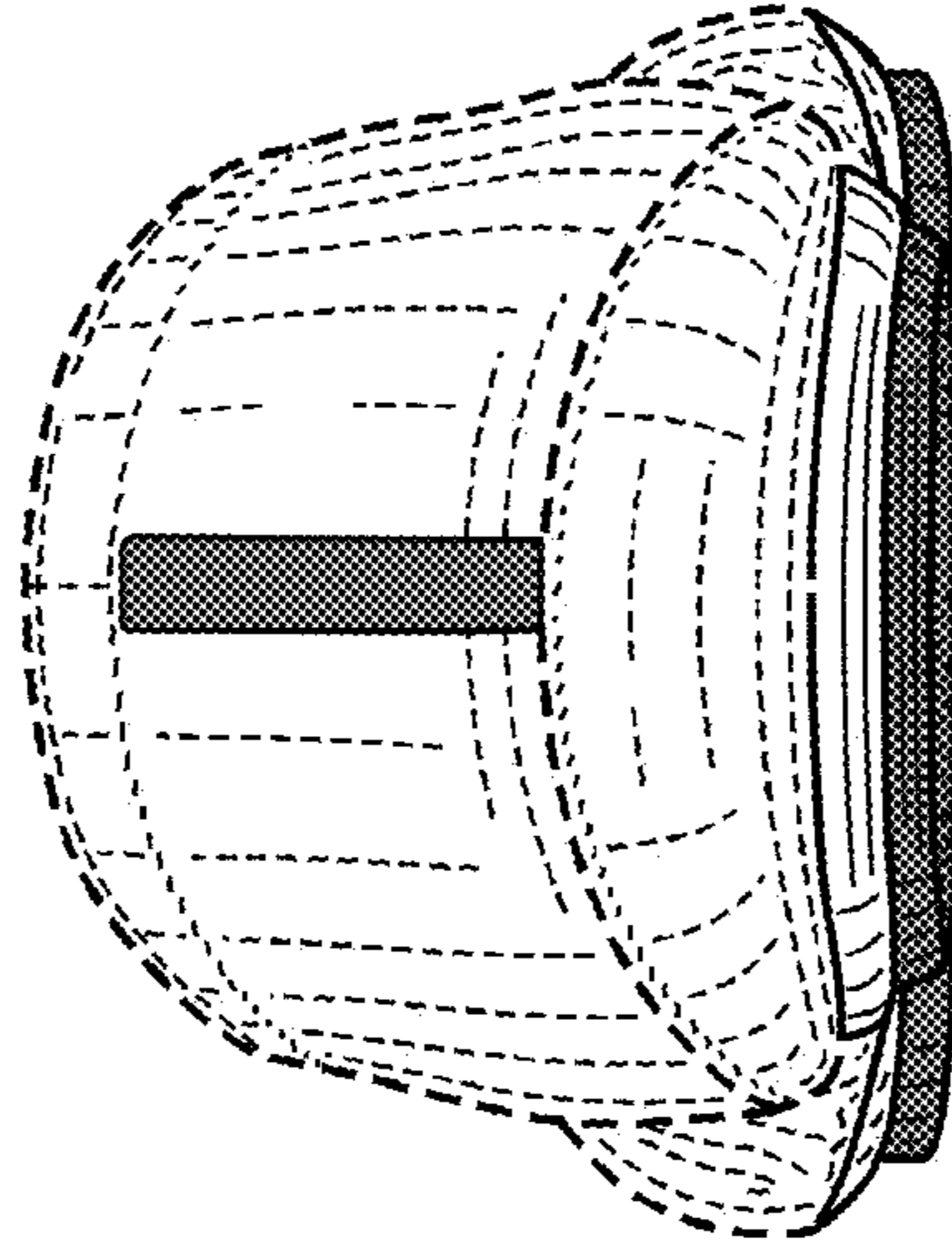


FIG. 21

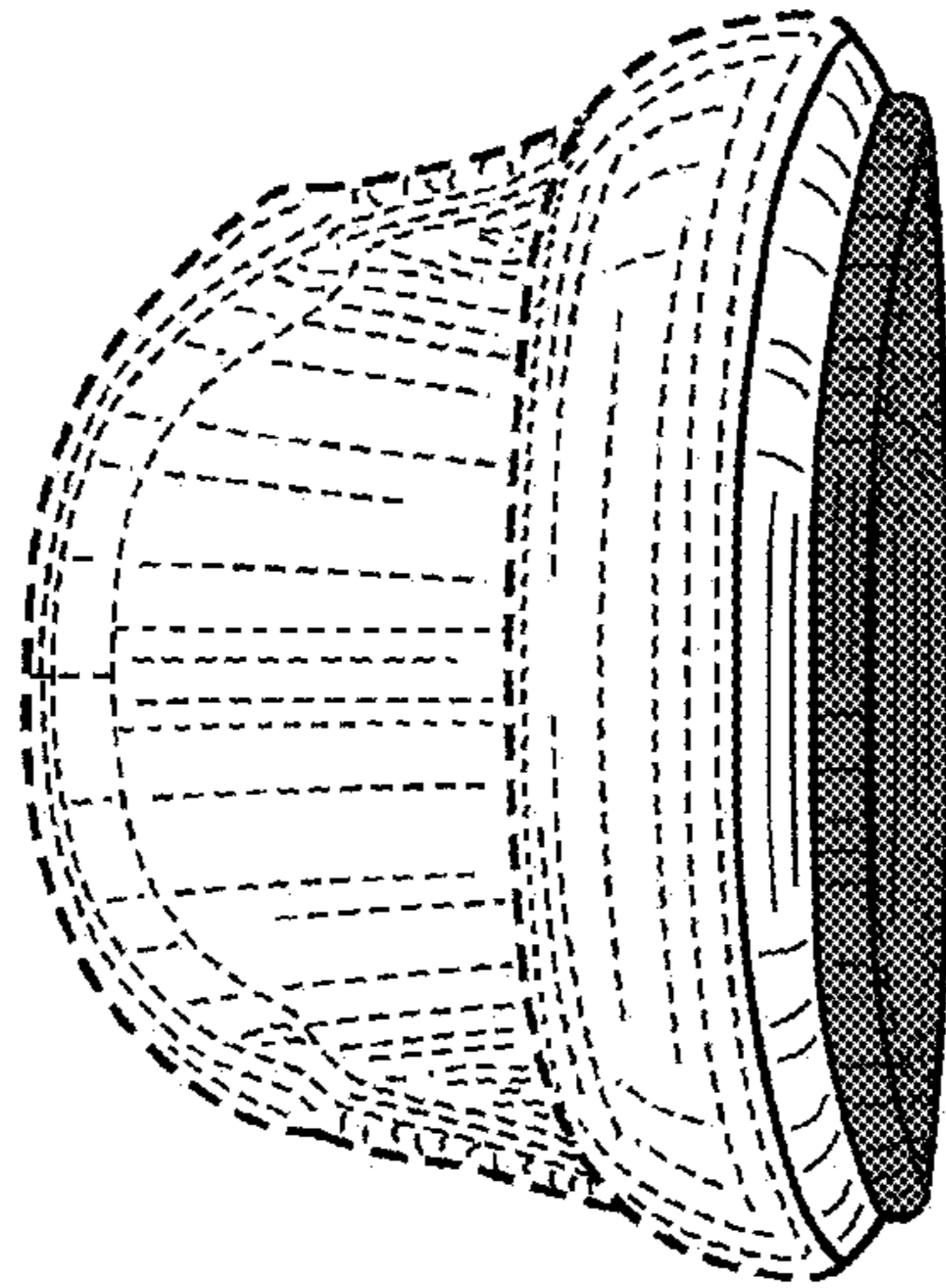


FIG. 20

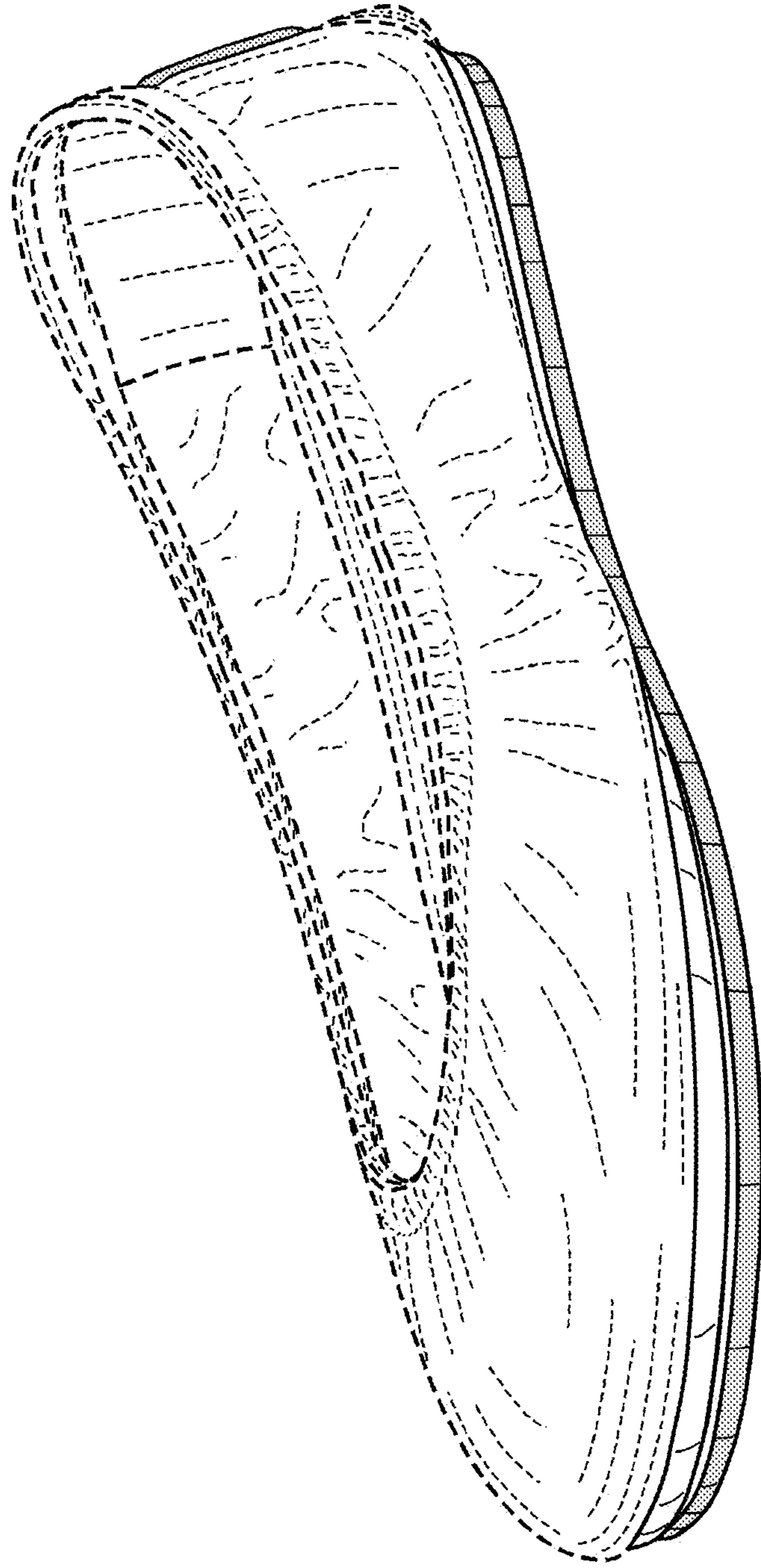


FIG. 22



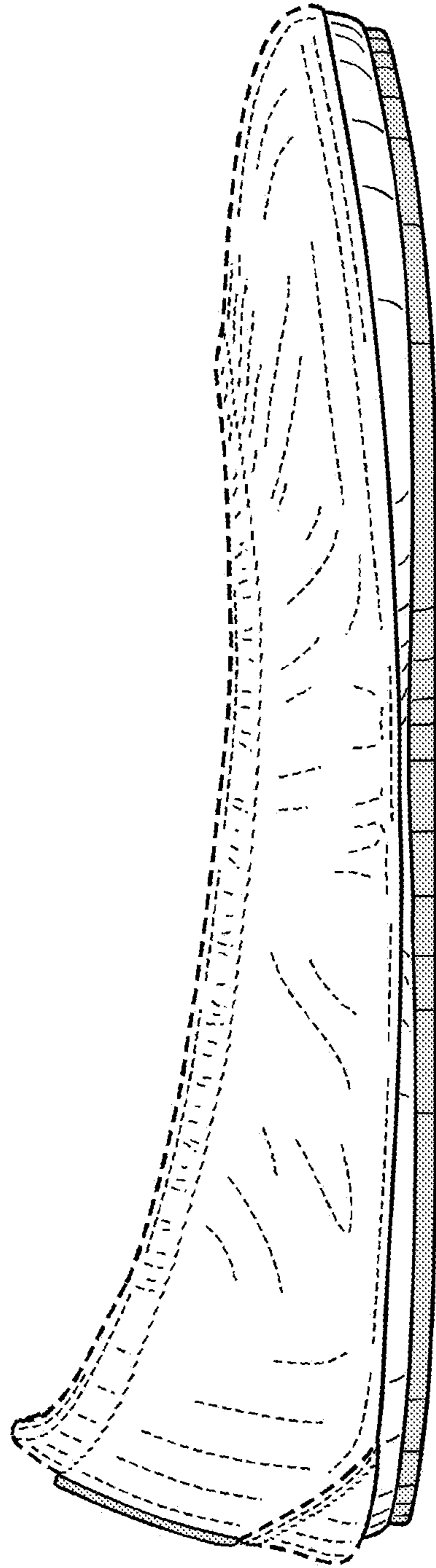


FIG. 23

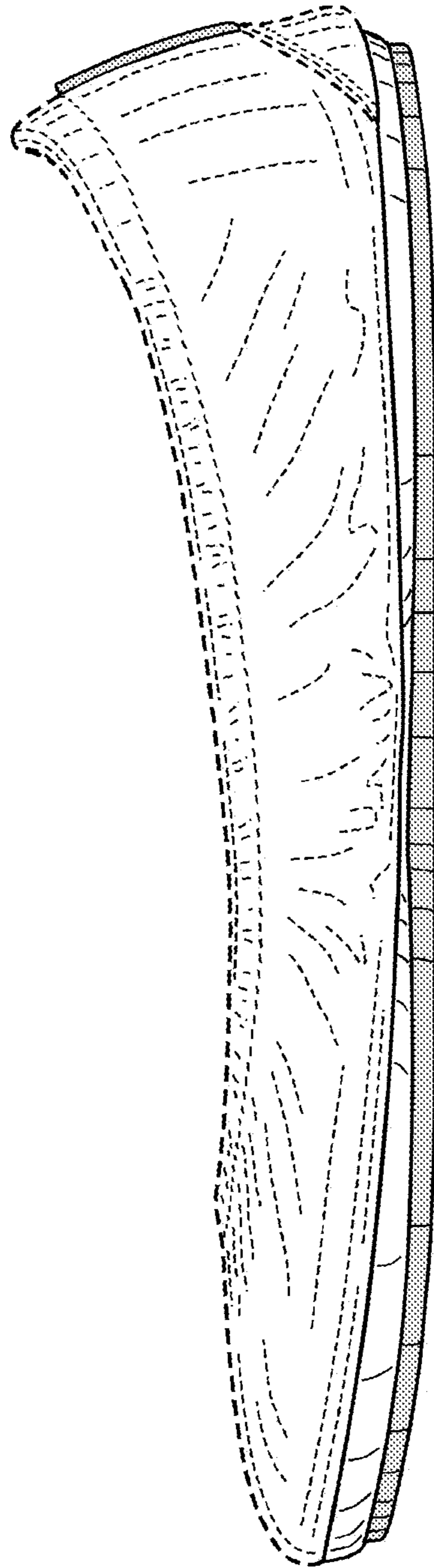


FIG. 24

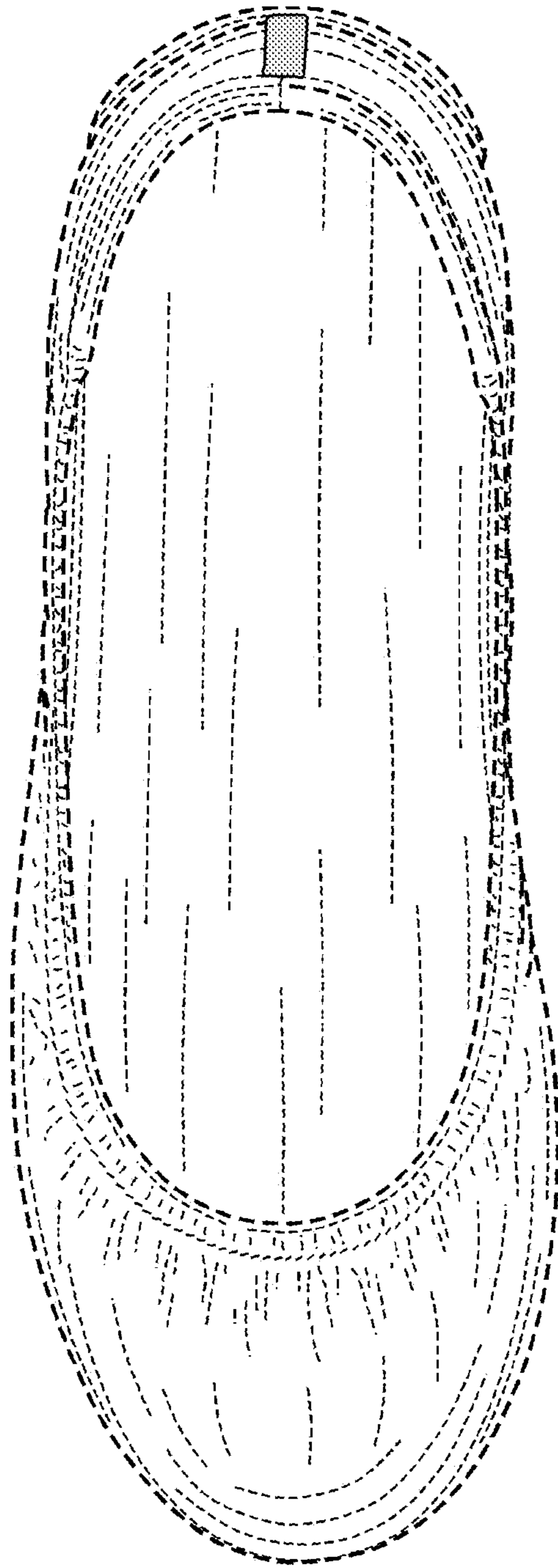


FIG. 25

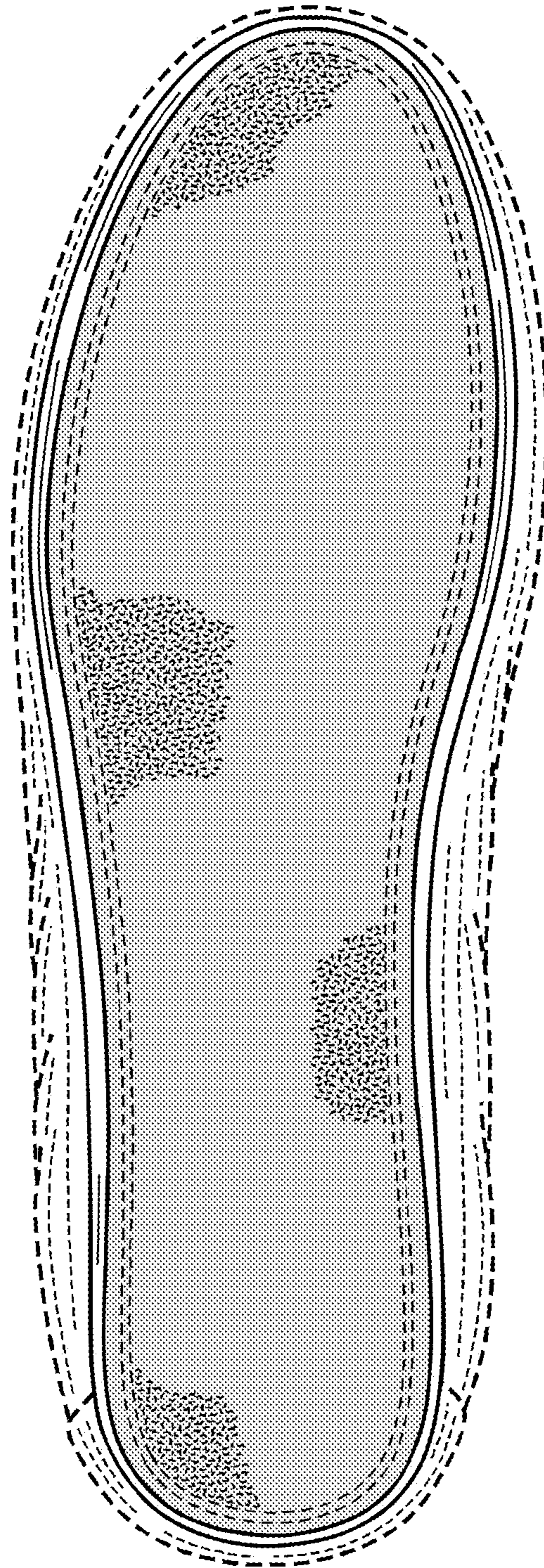


FIG. 26

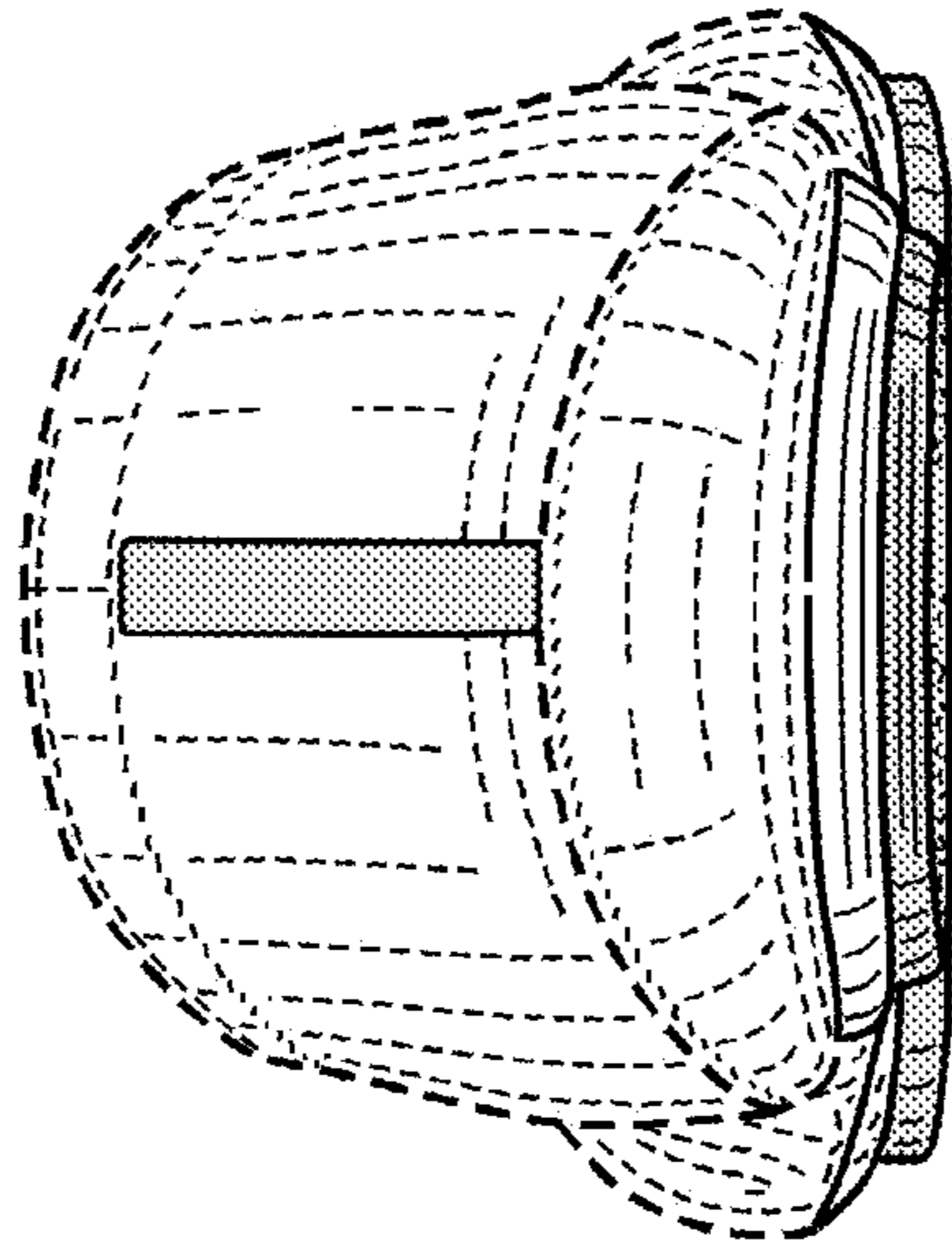


FIG. 27

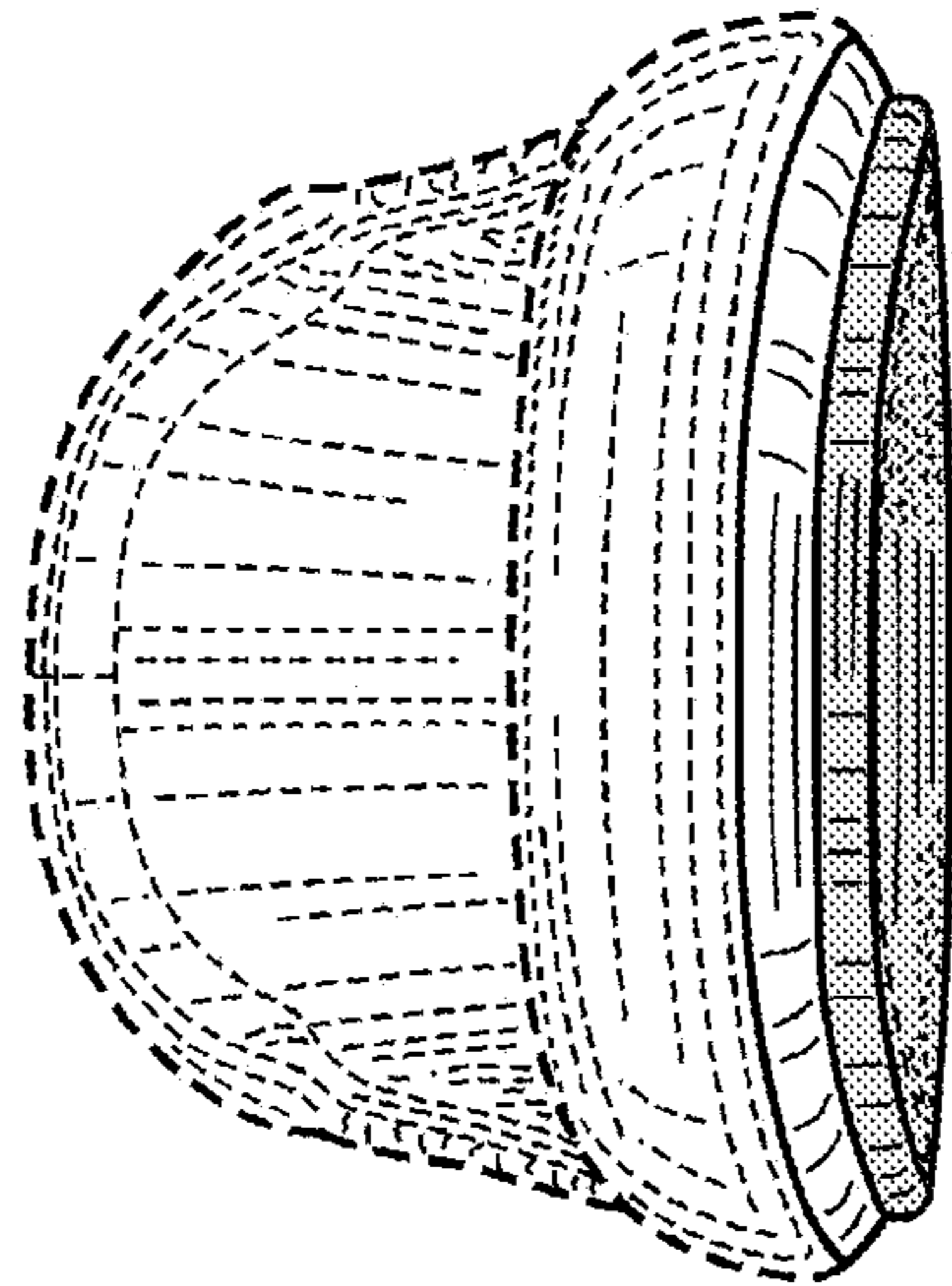


FIG. 28

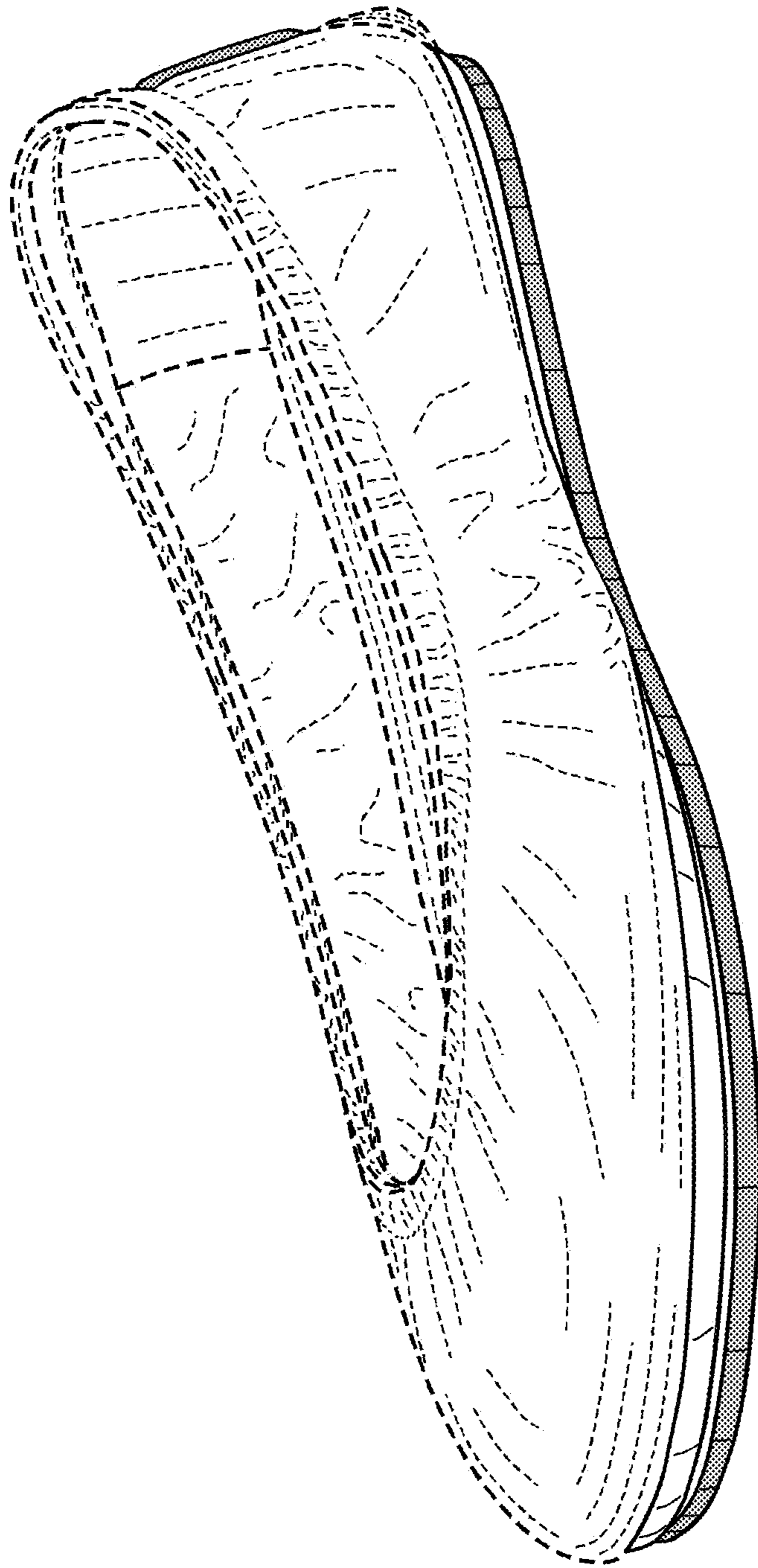


FIG. 29

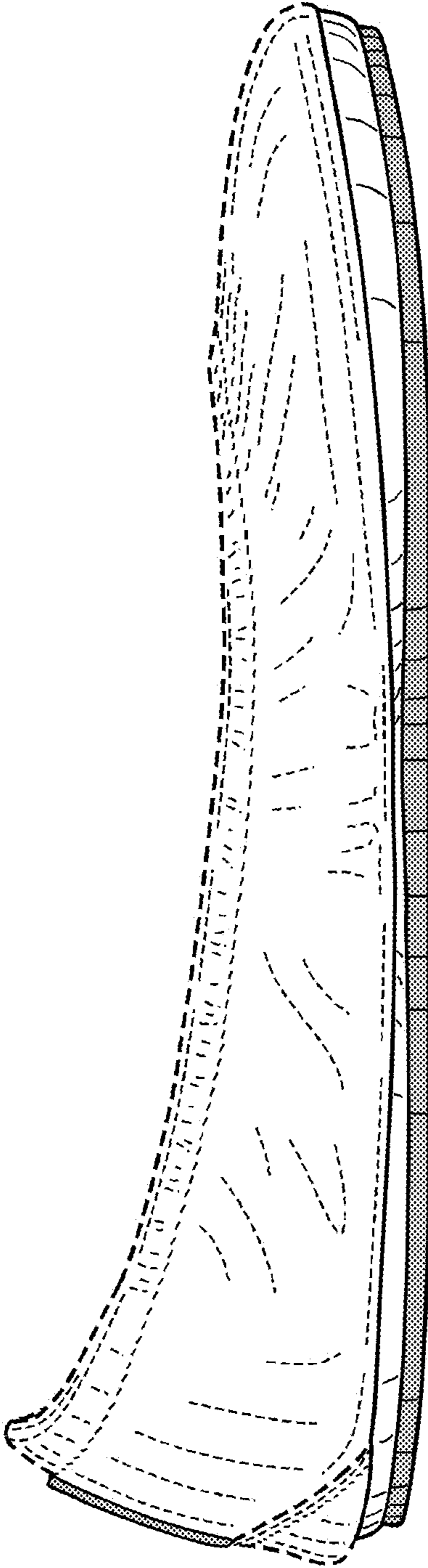


FIG. 30

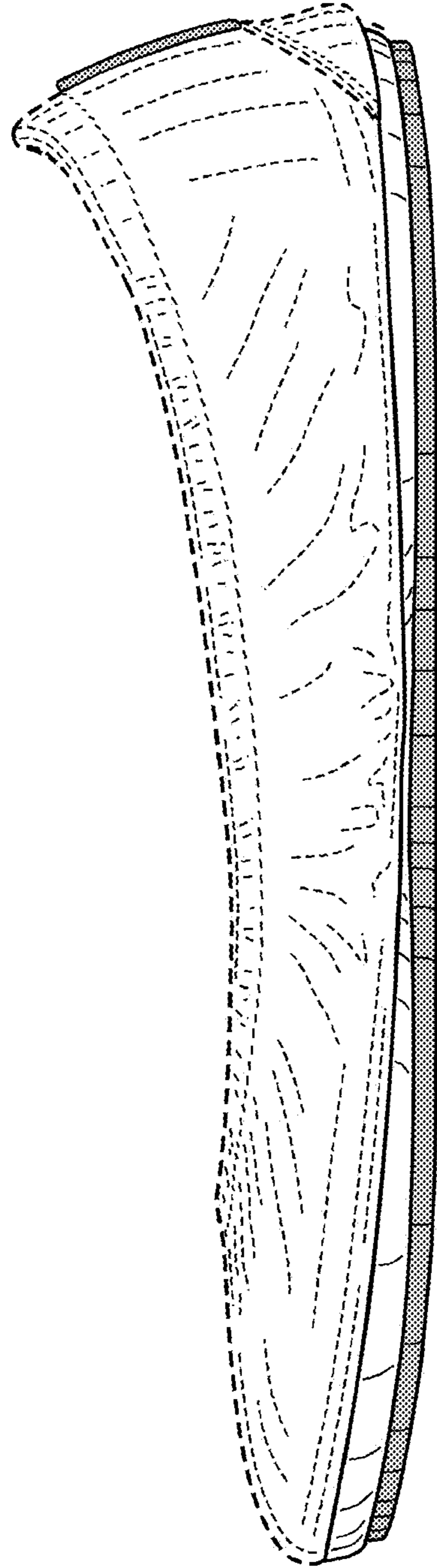


FIG. 31



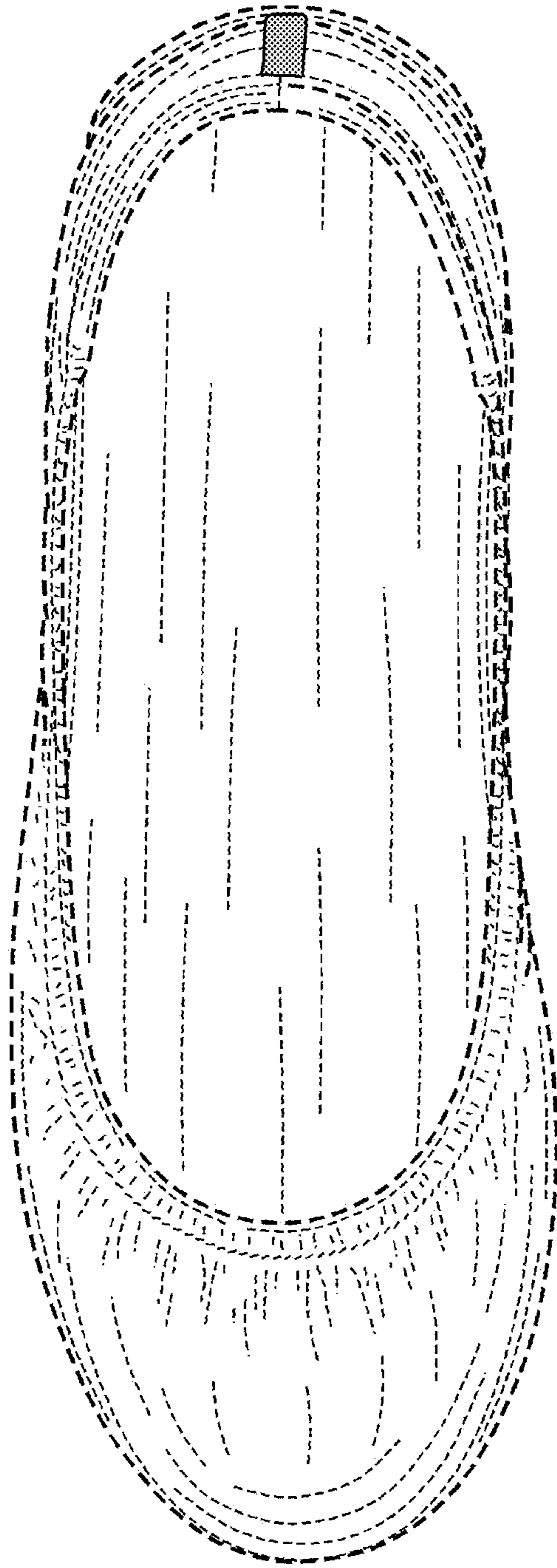


FIG. 32

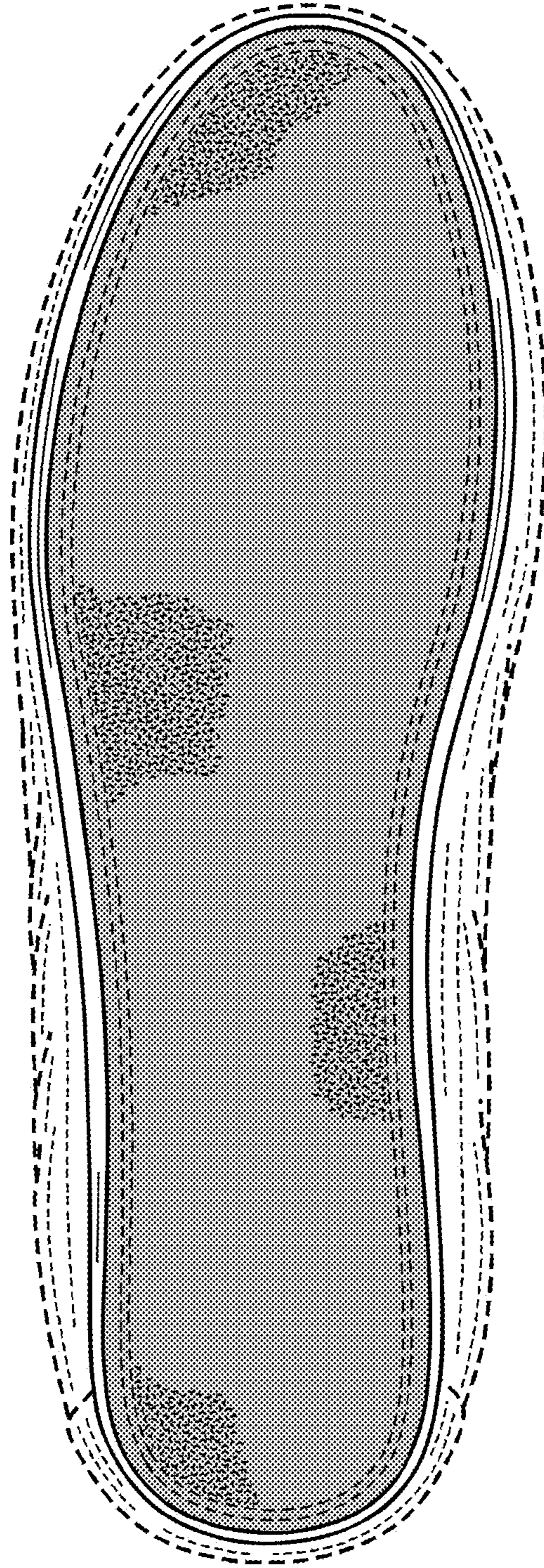


FIG. 33

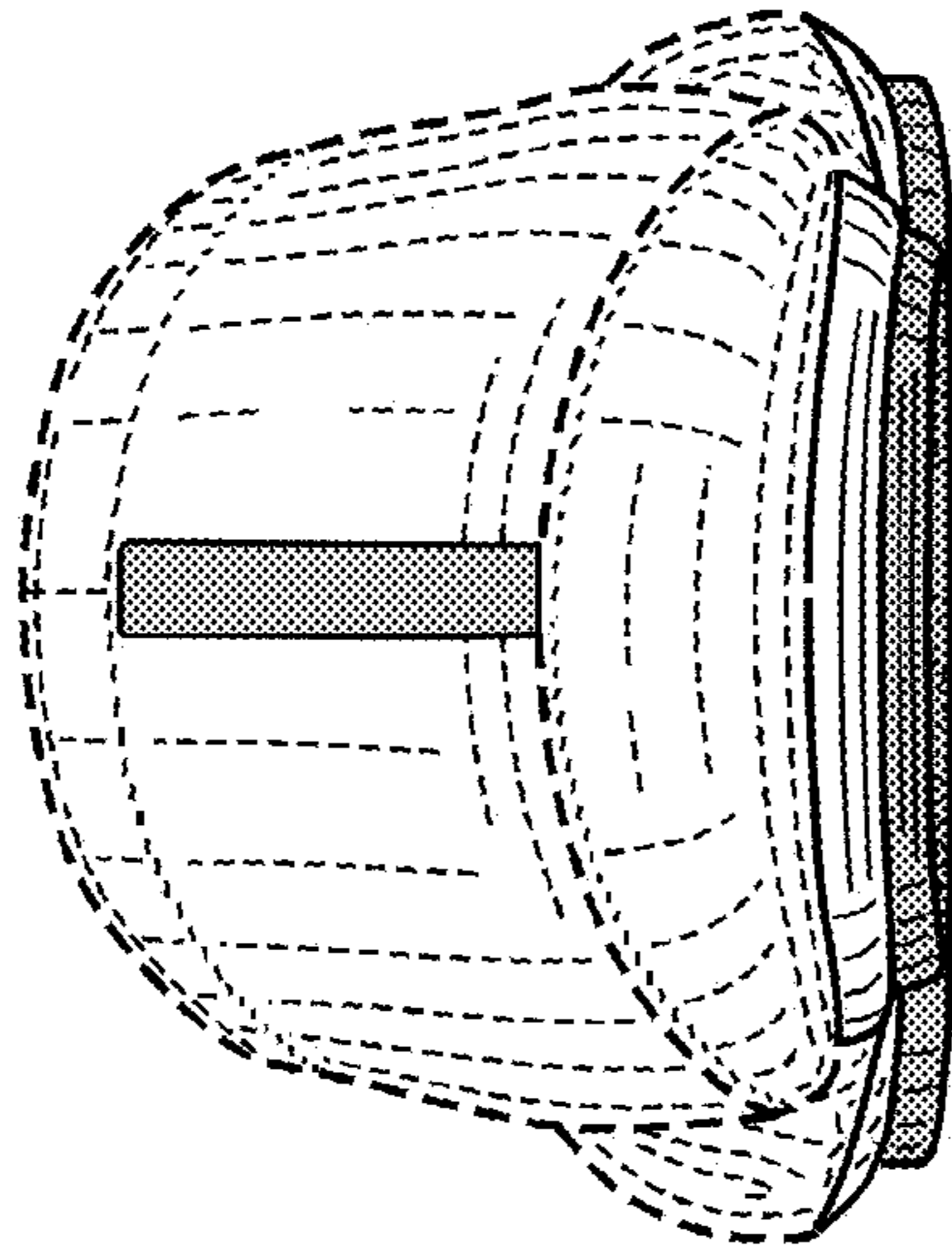


FIG. 35

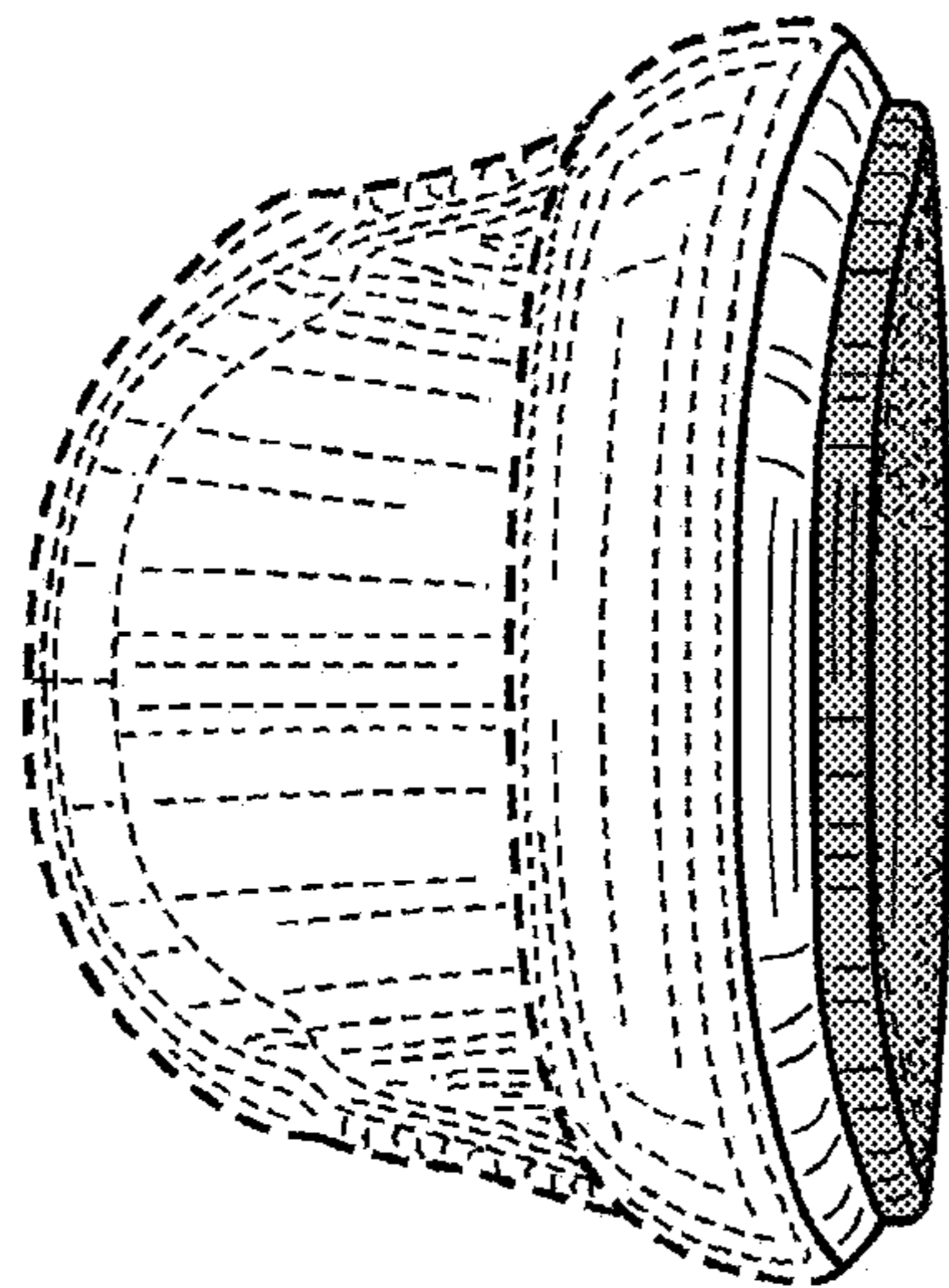


FIG. 34

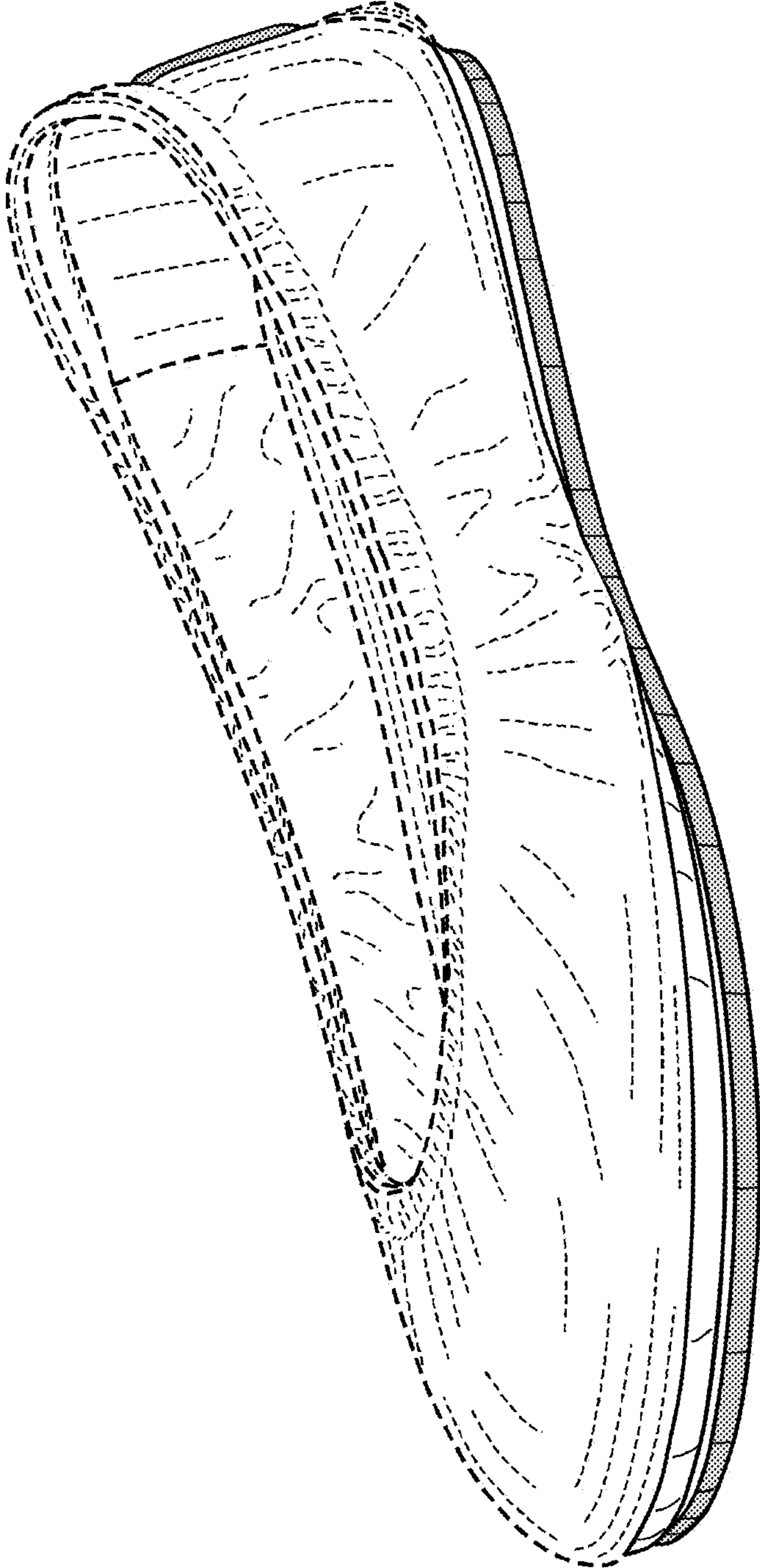


FIG. 36

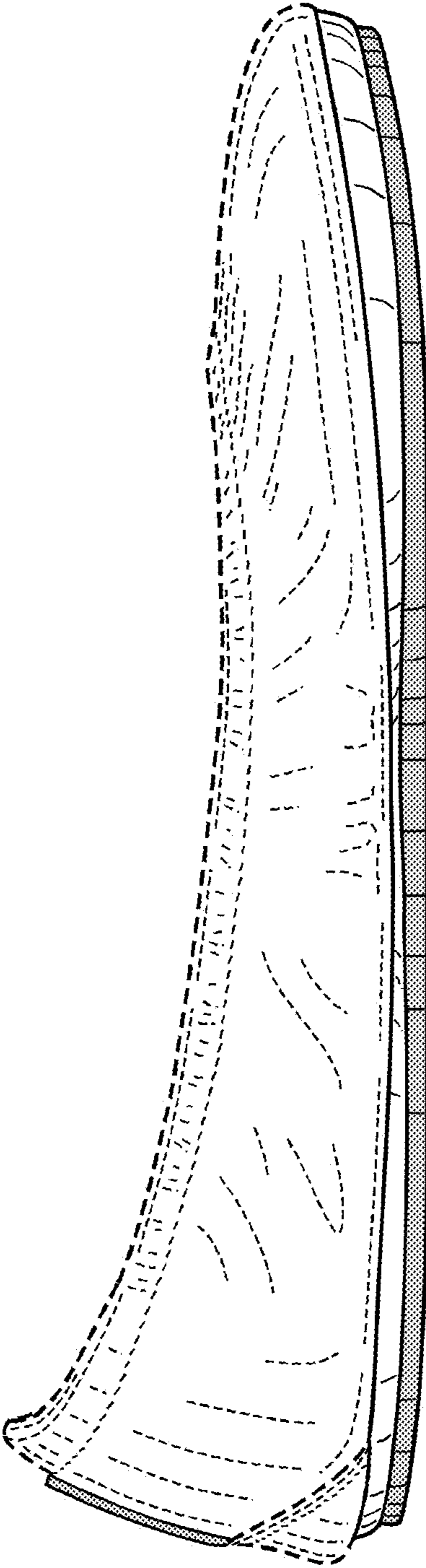


FIG. 37

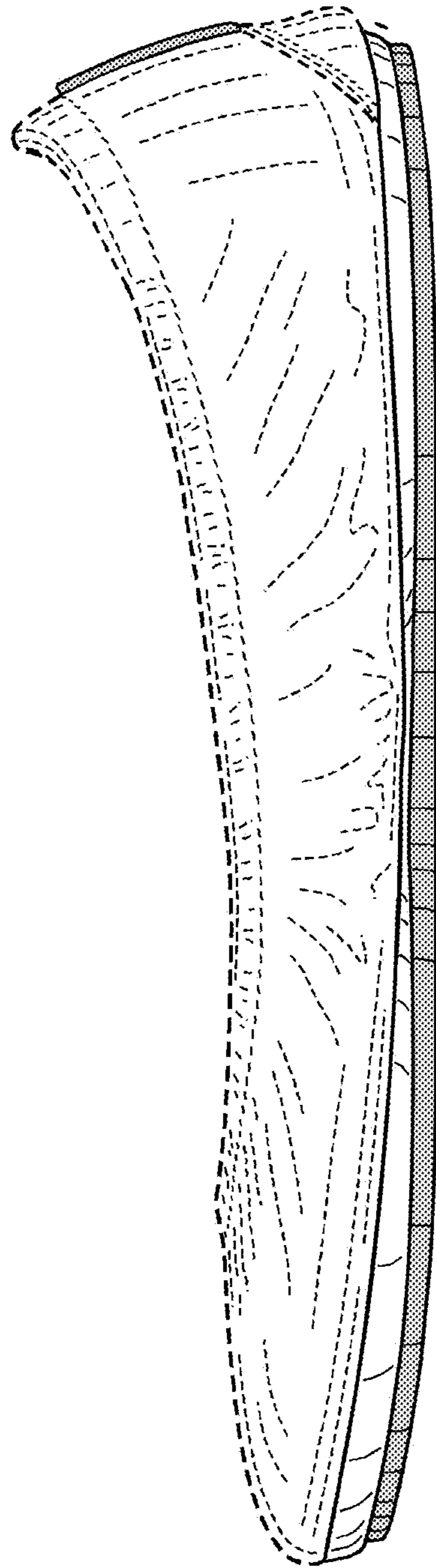


FIG. 38

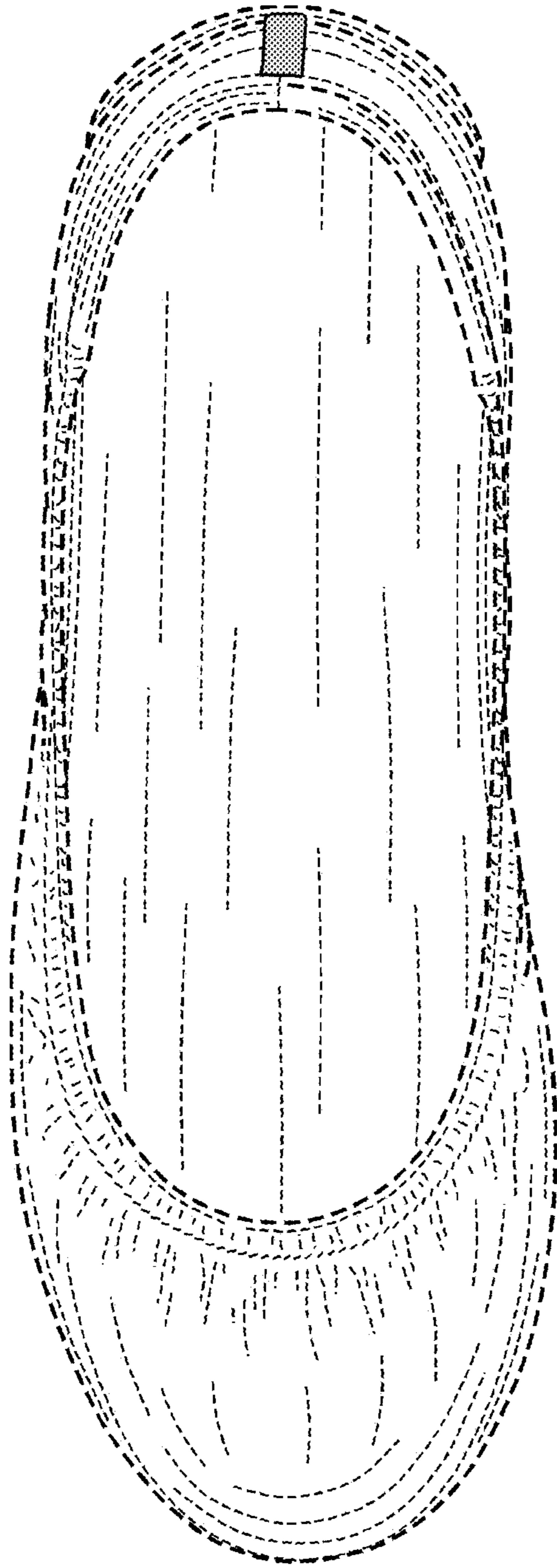


FIG. 39

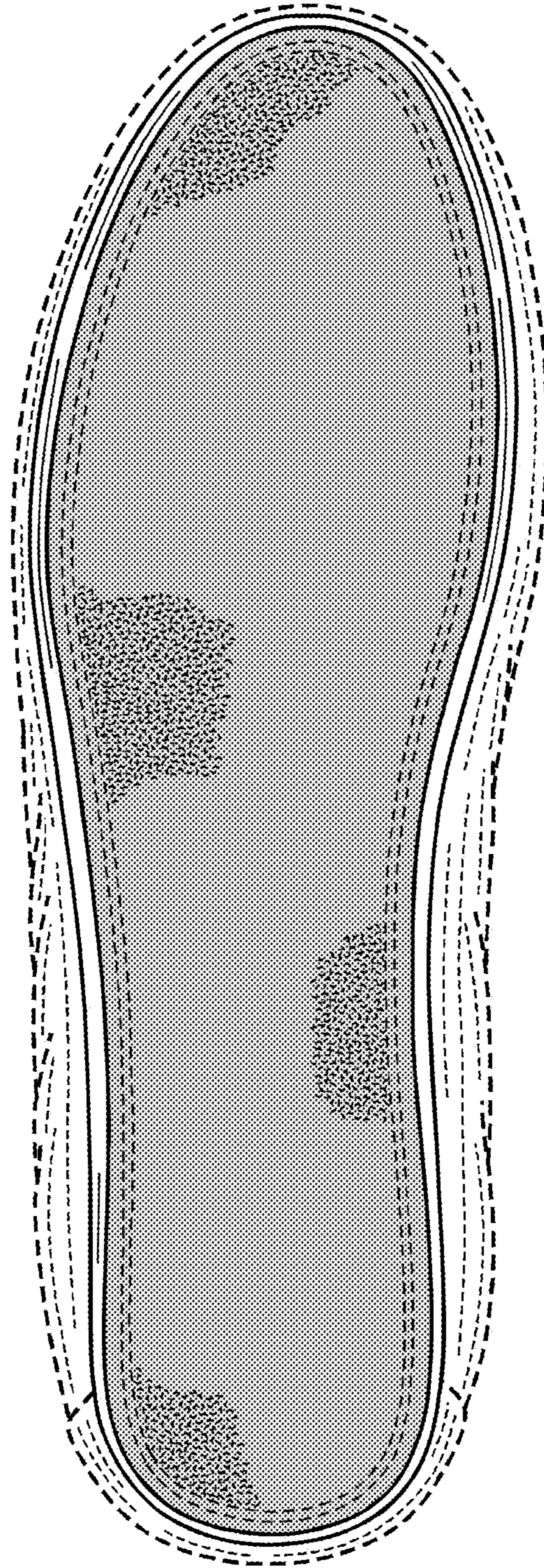


FIG. 40



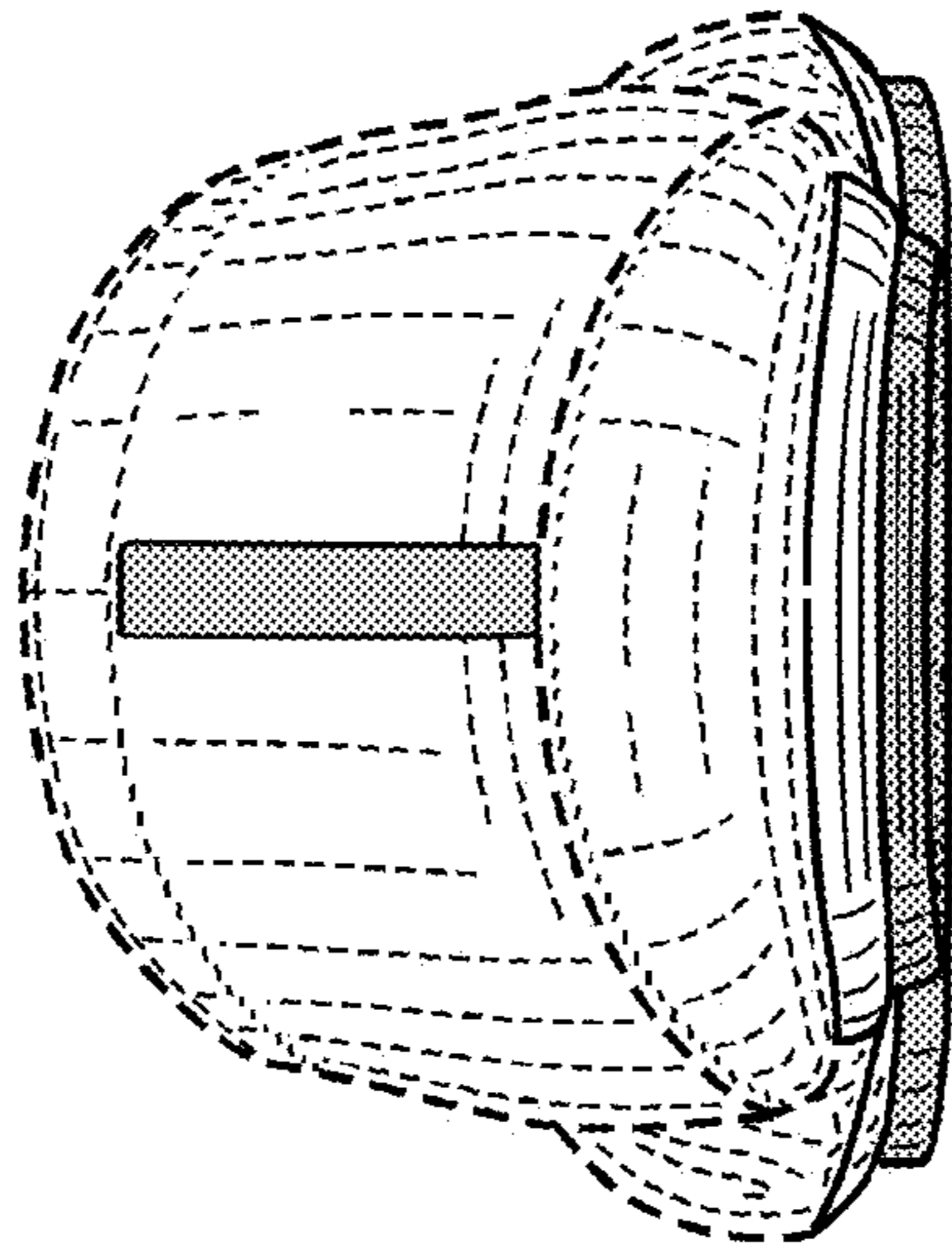


FIG. 42

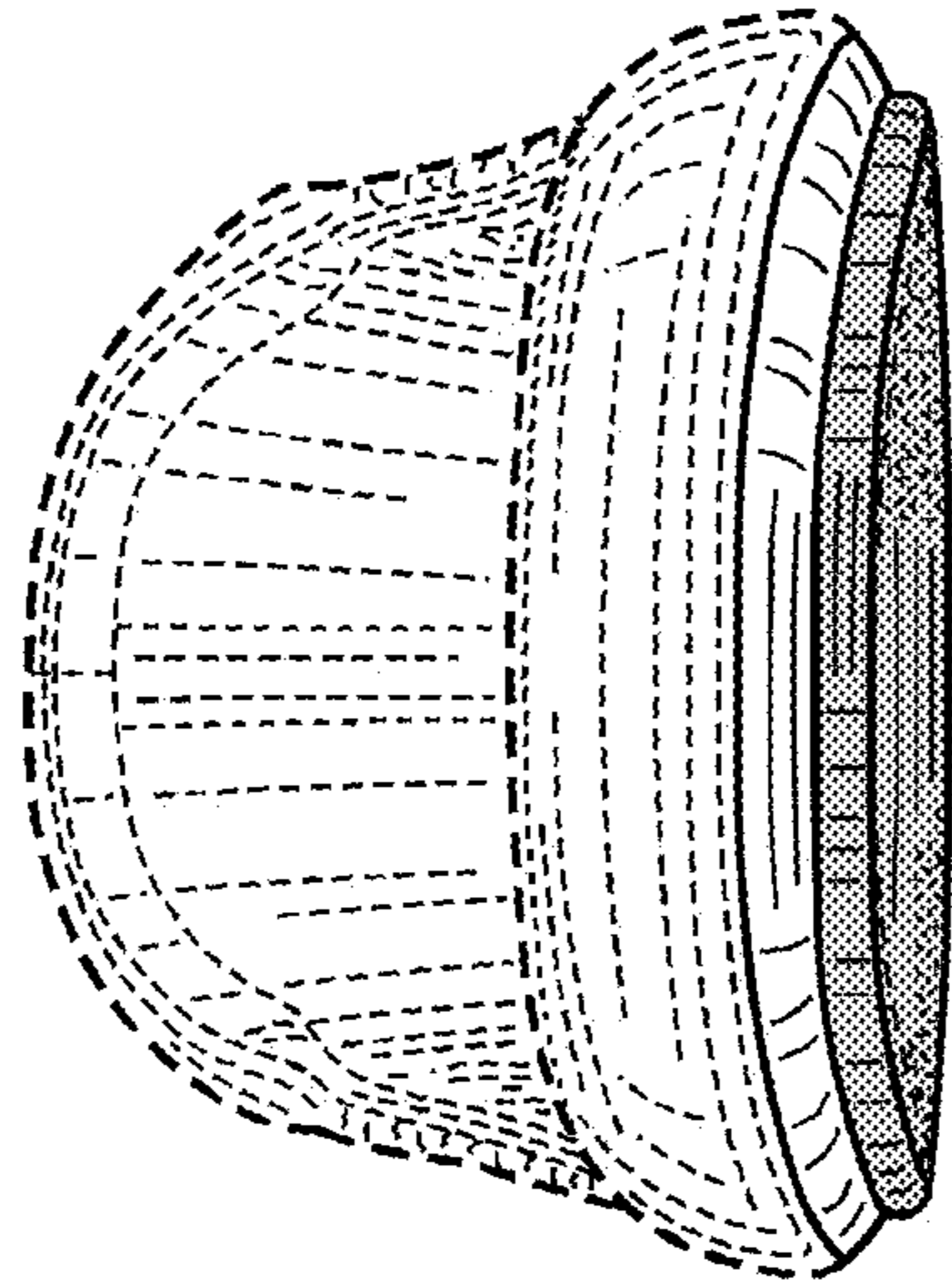


FIG. 41

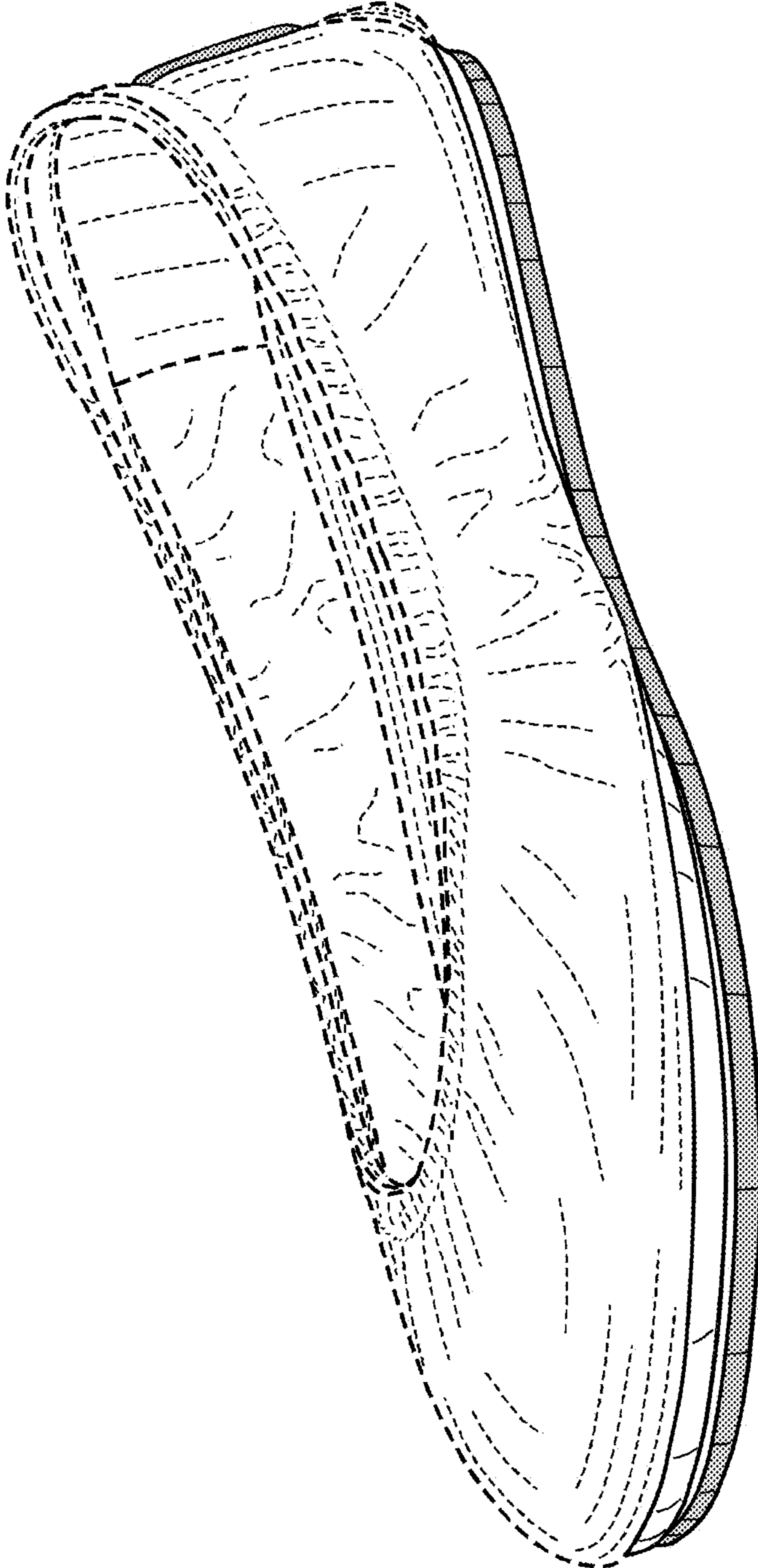


FIG. 43

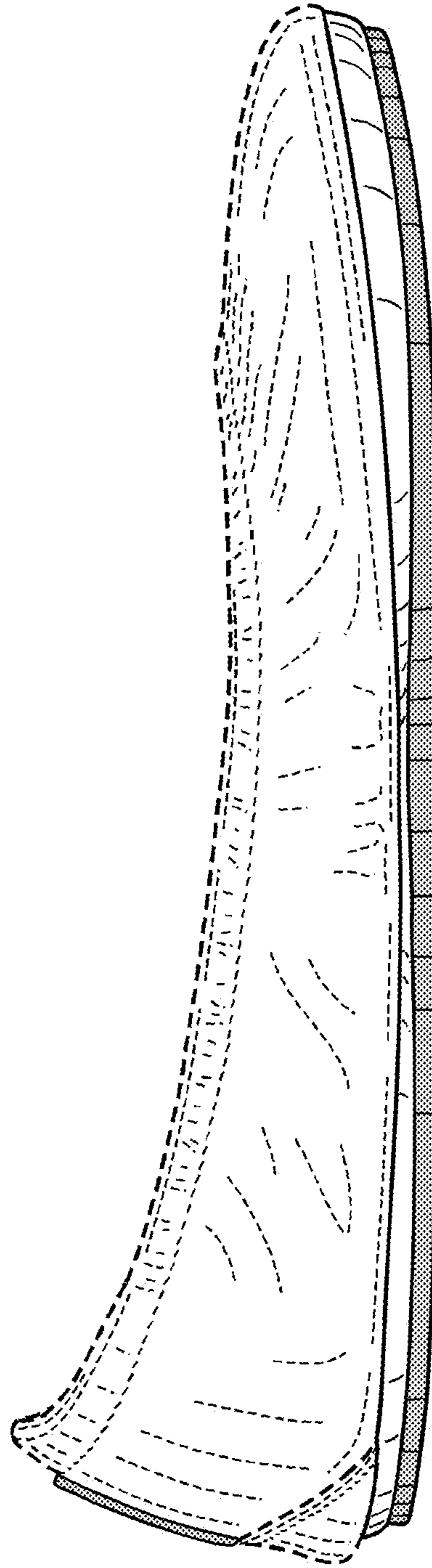


FIG. 44

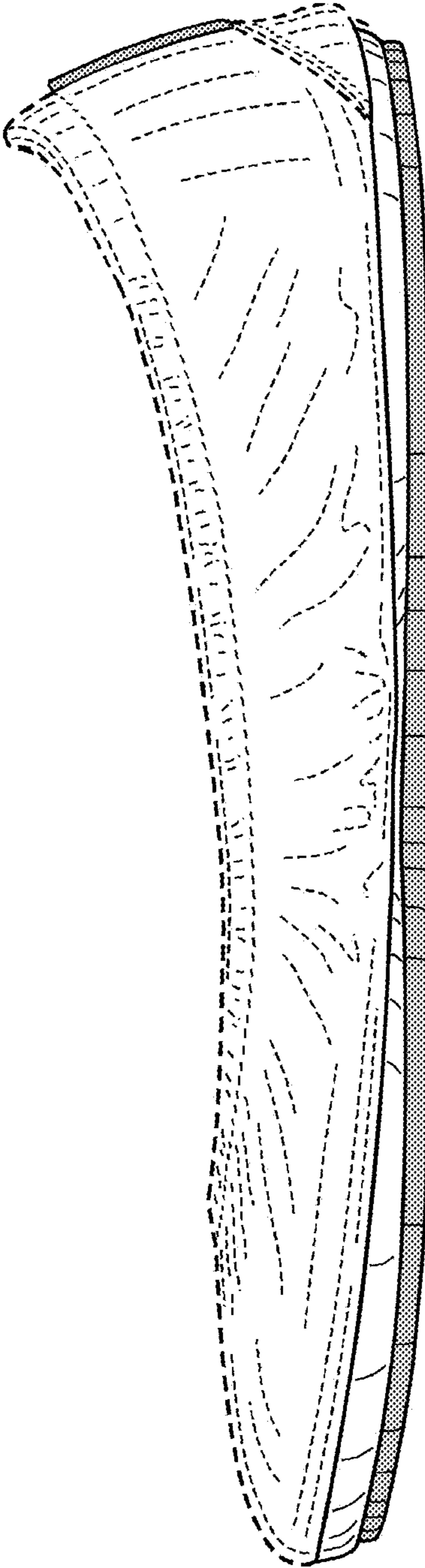


FIG. 45

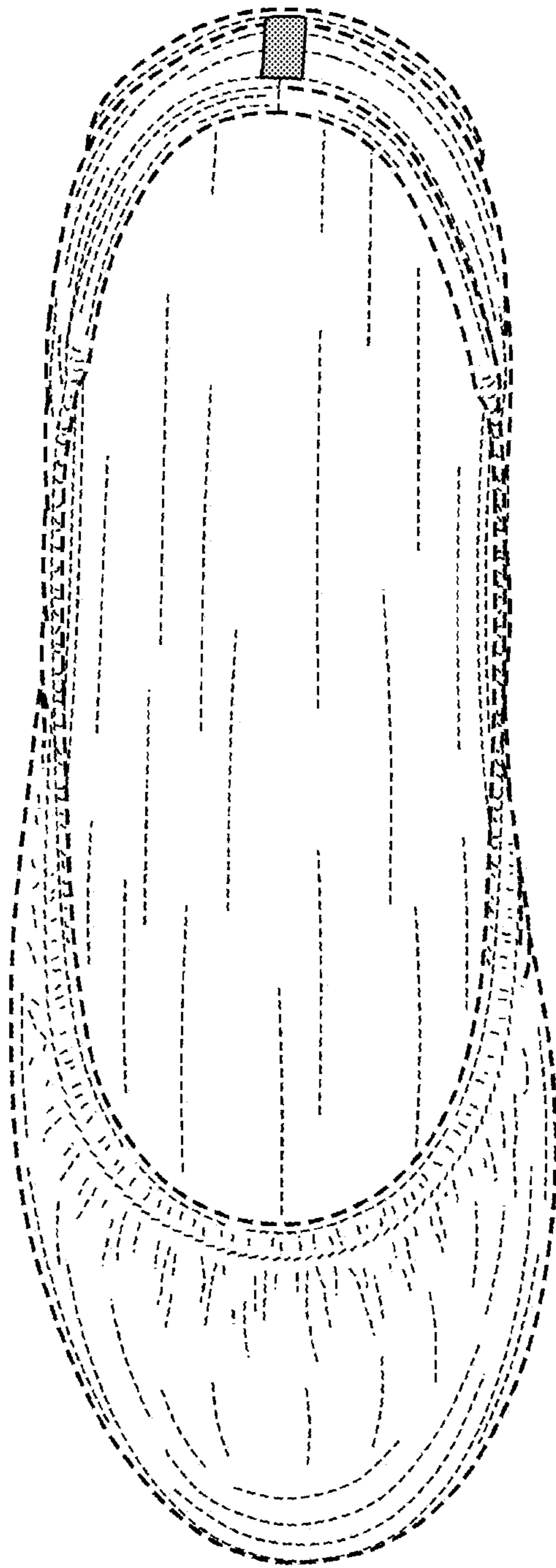


FIG. 46

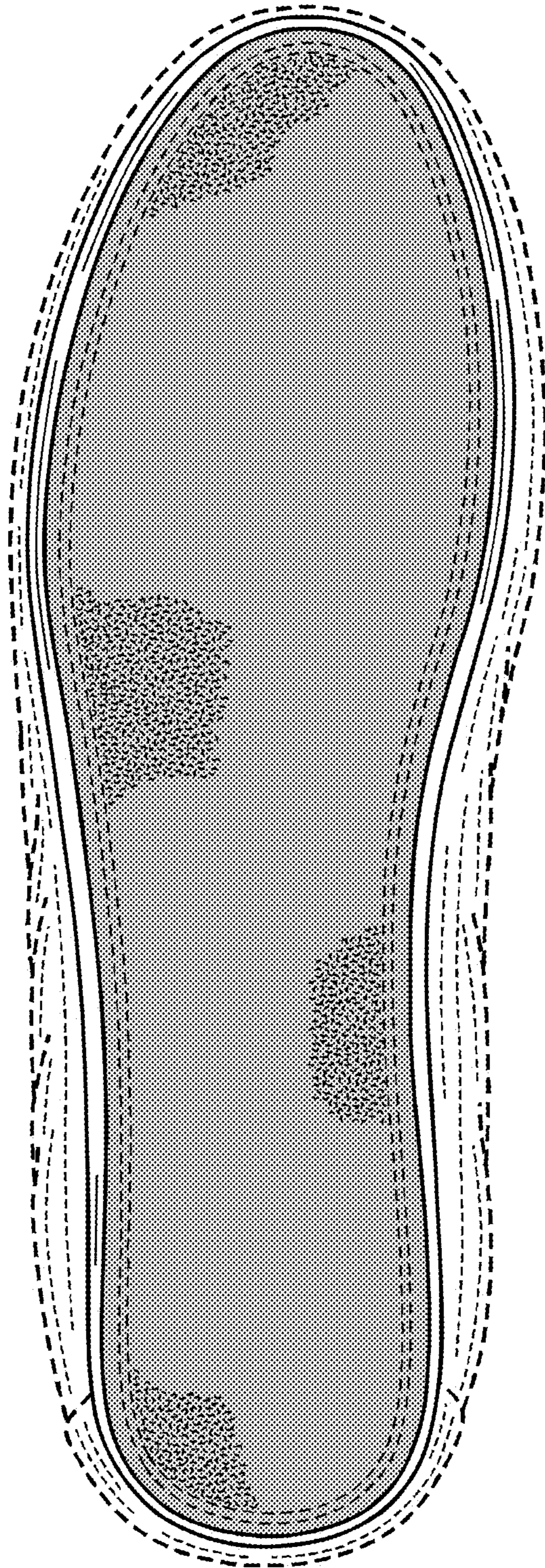


FIG. 47

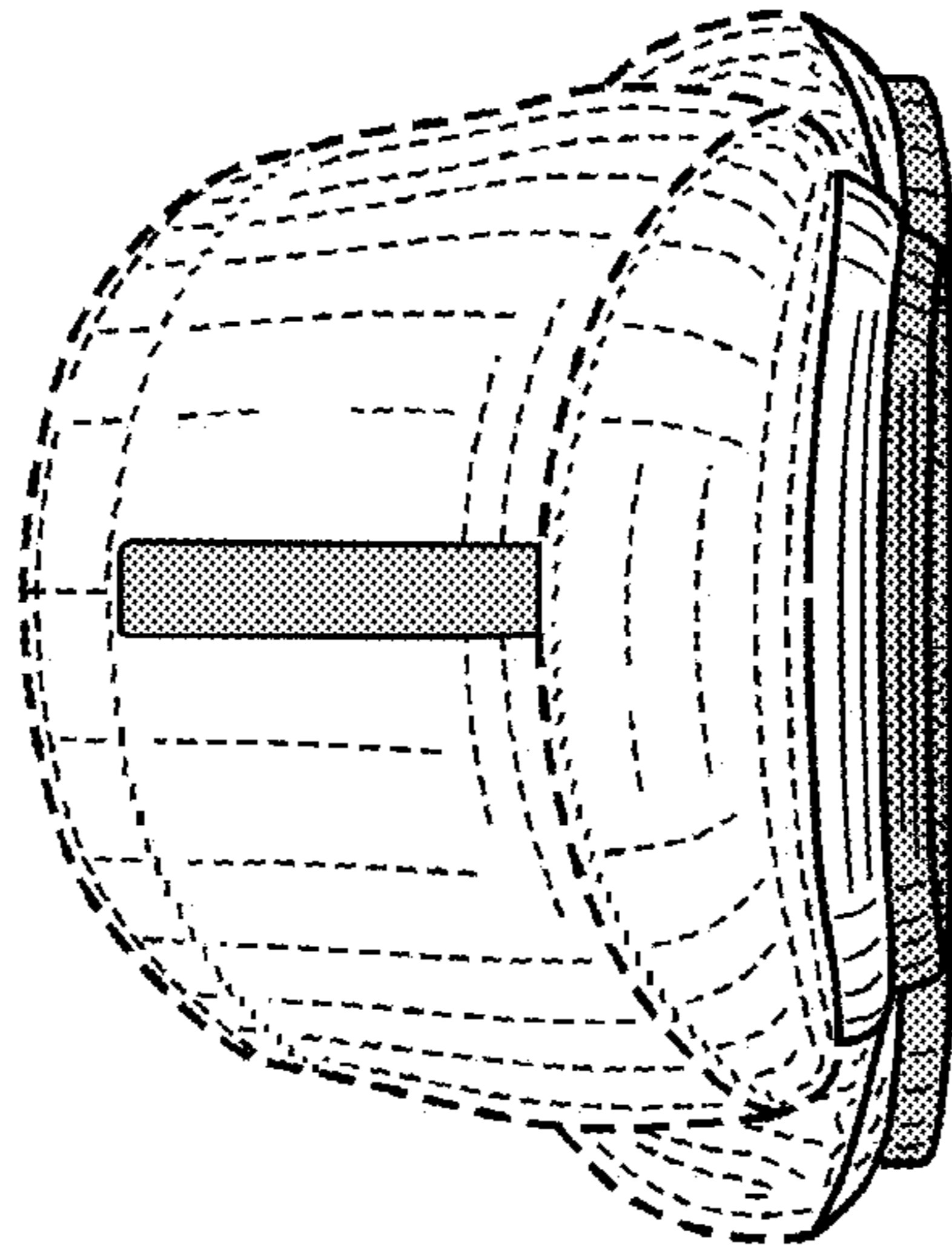


FIG. 49

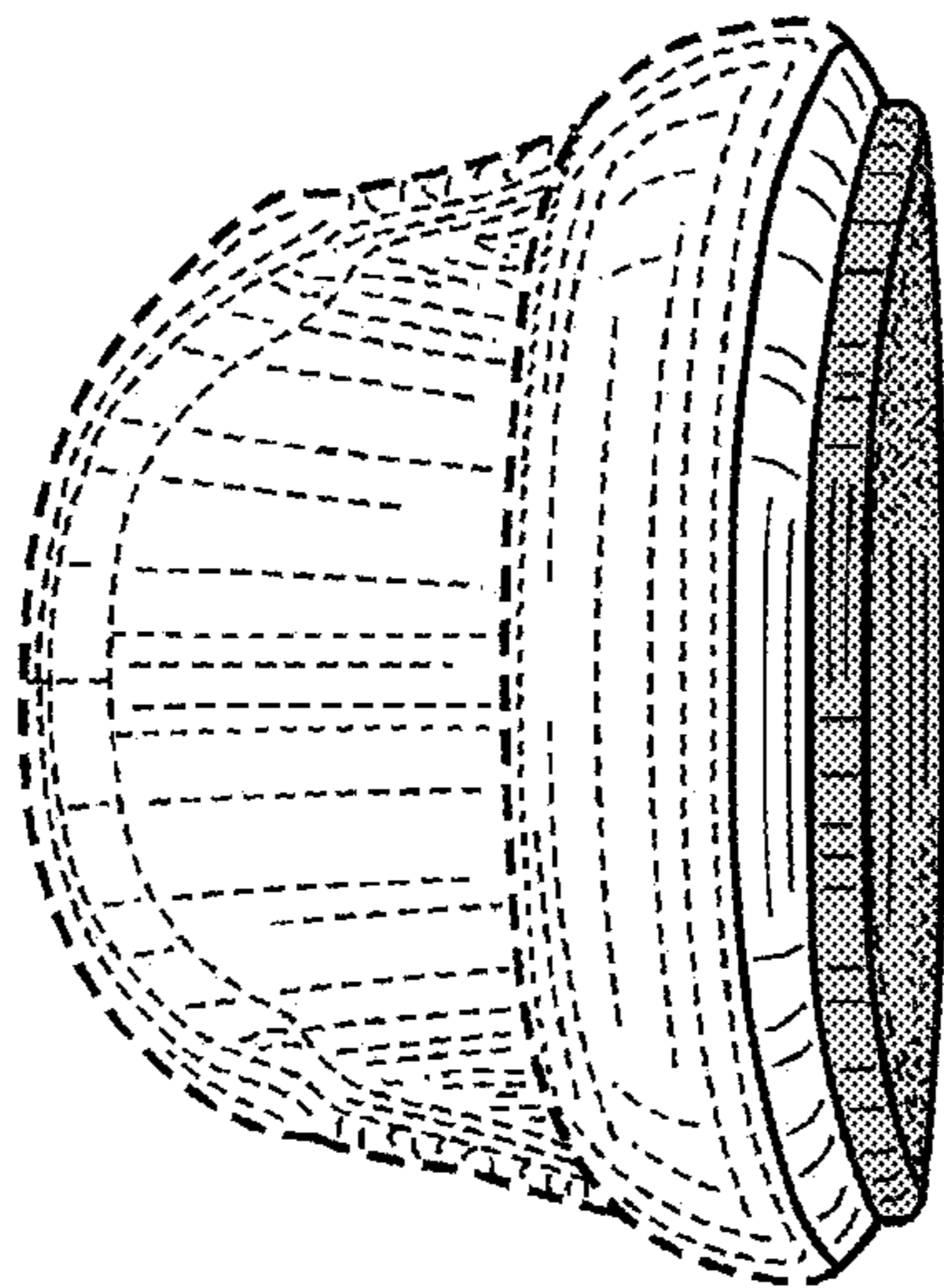


FIG. 48

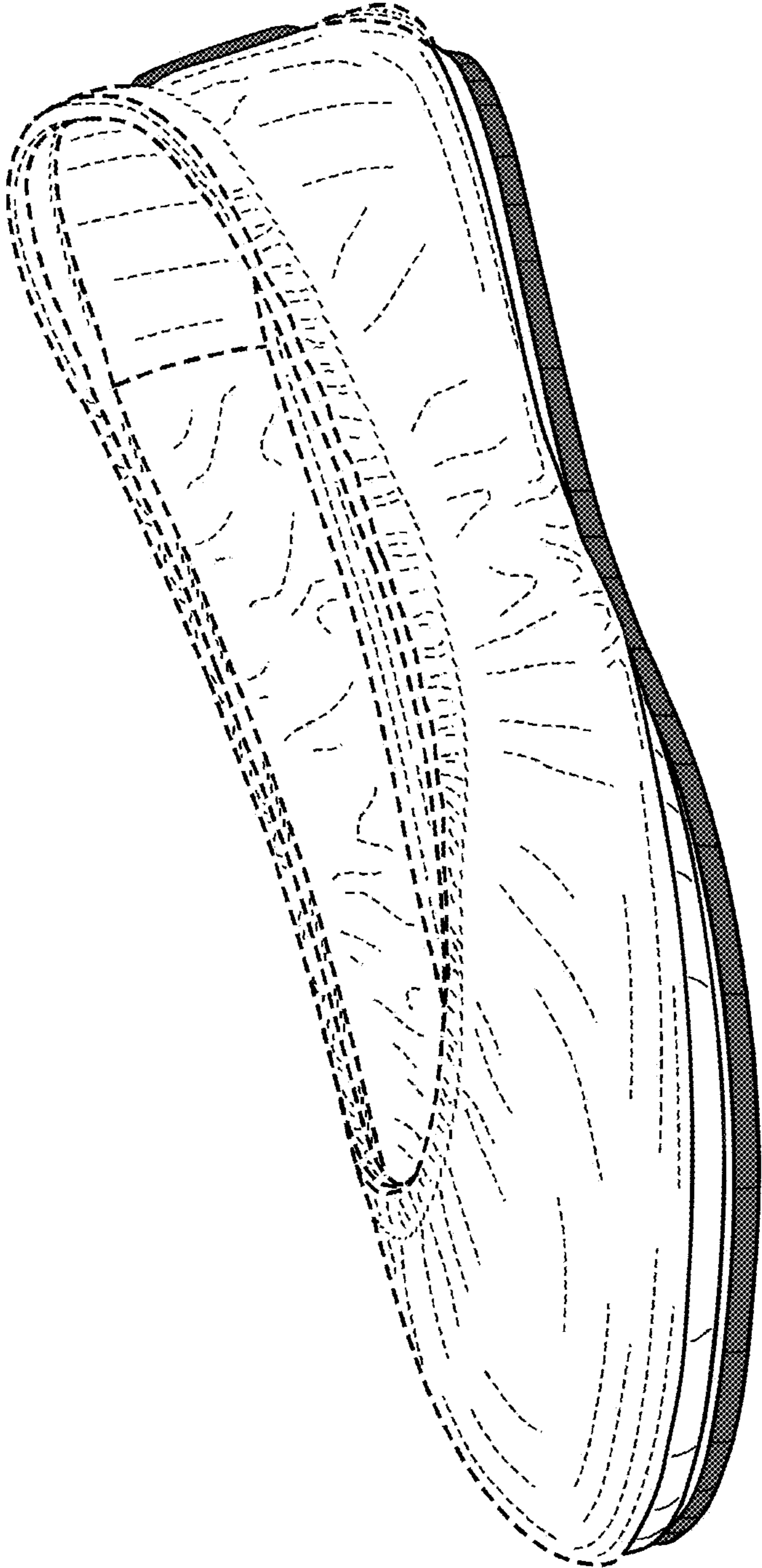


FIG. 50



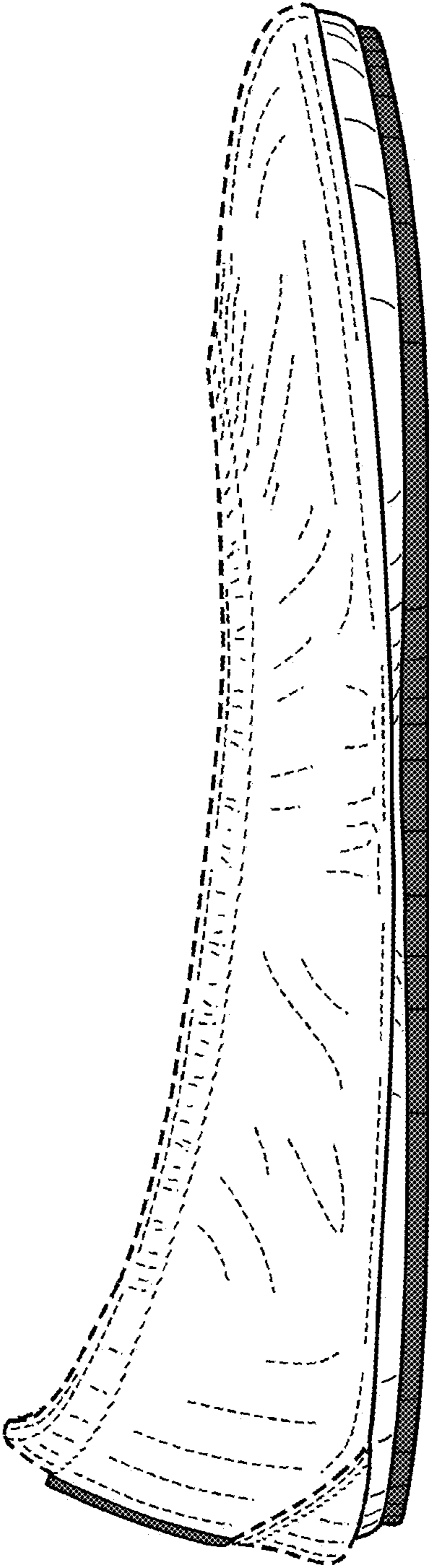


FIG. 51

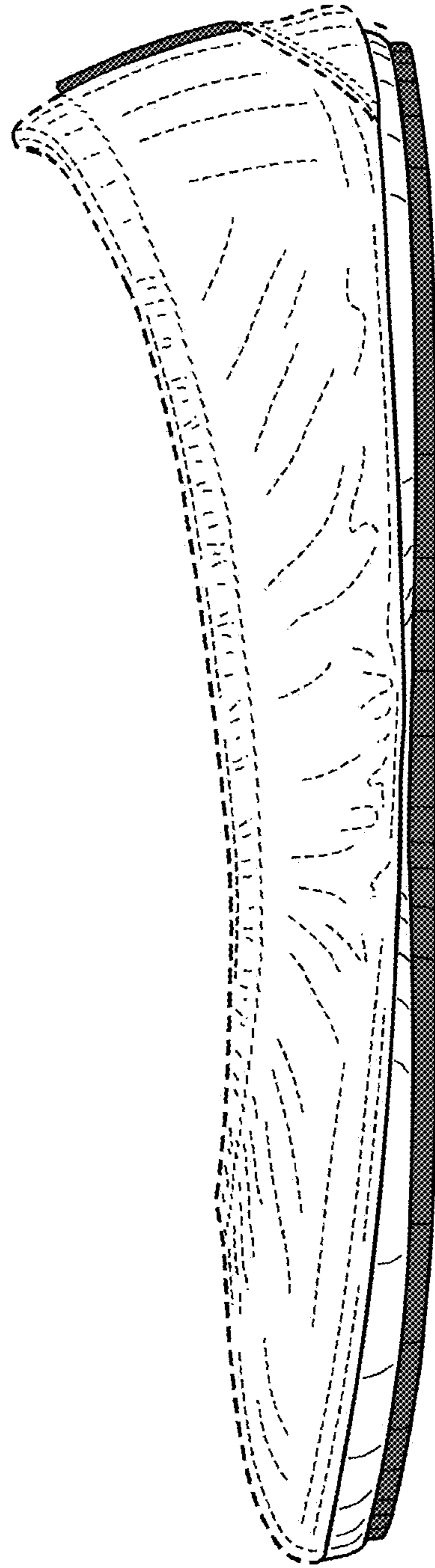


FIG. 52

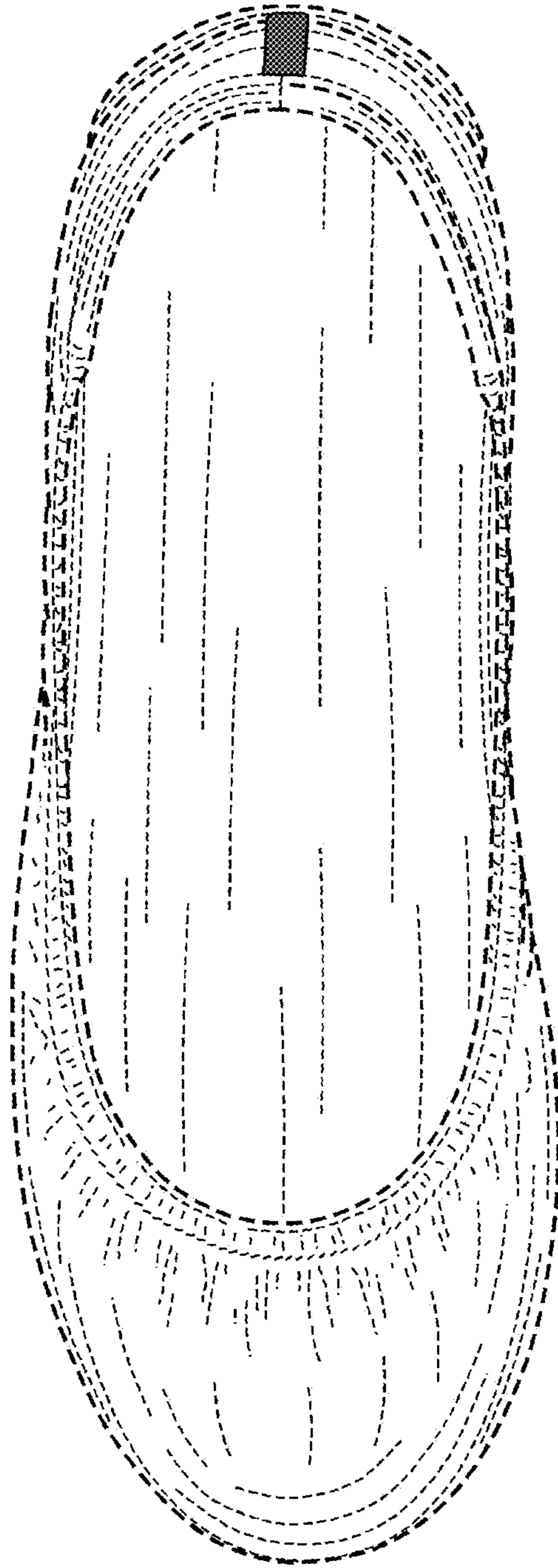


FIG. 53

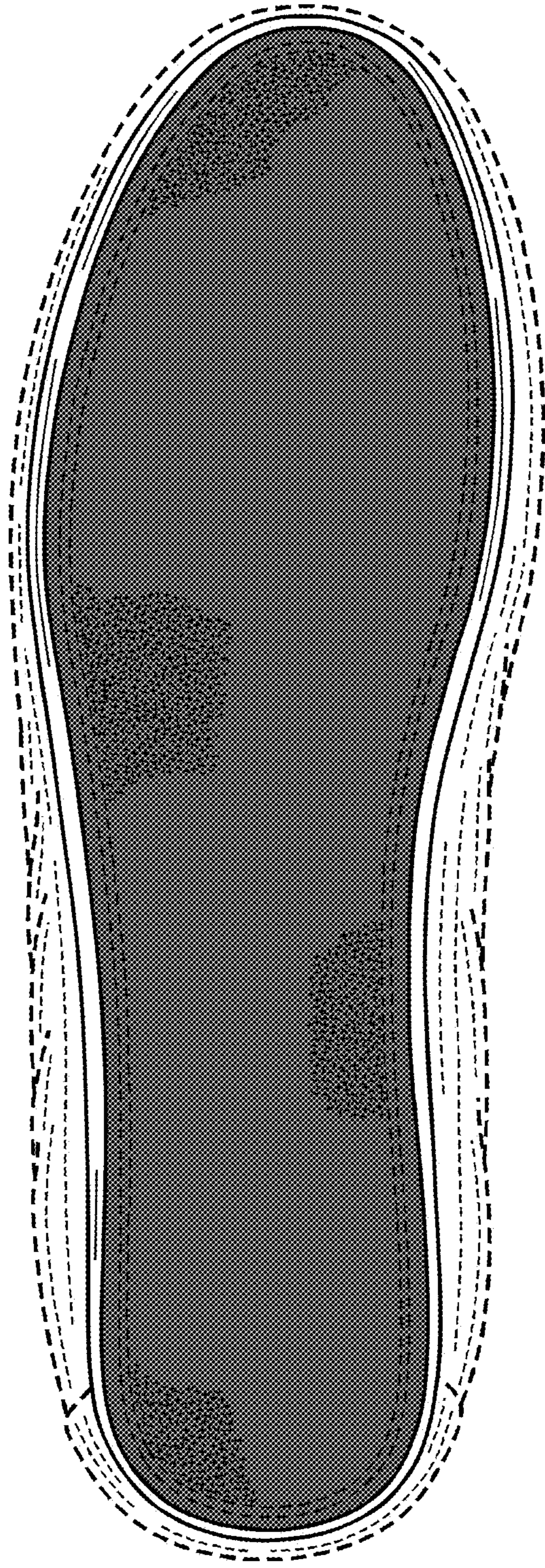


FIG. 54

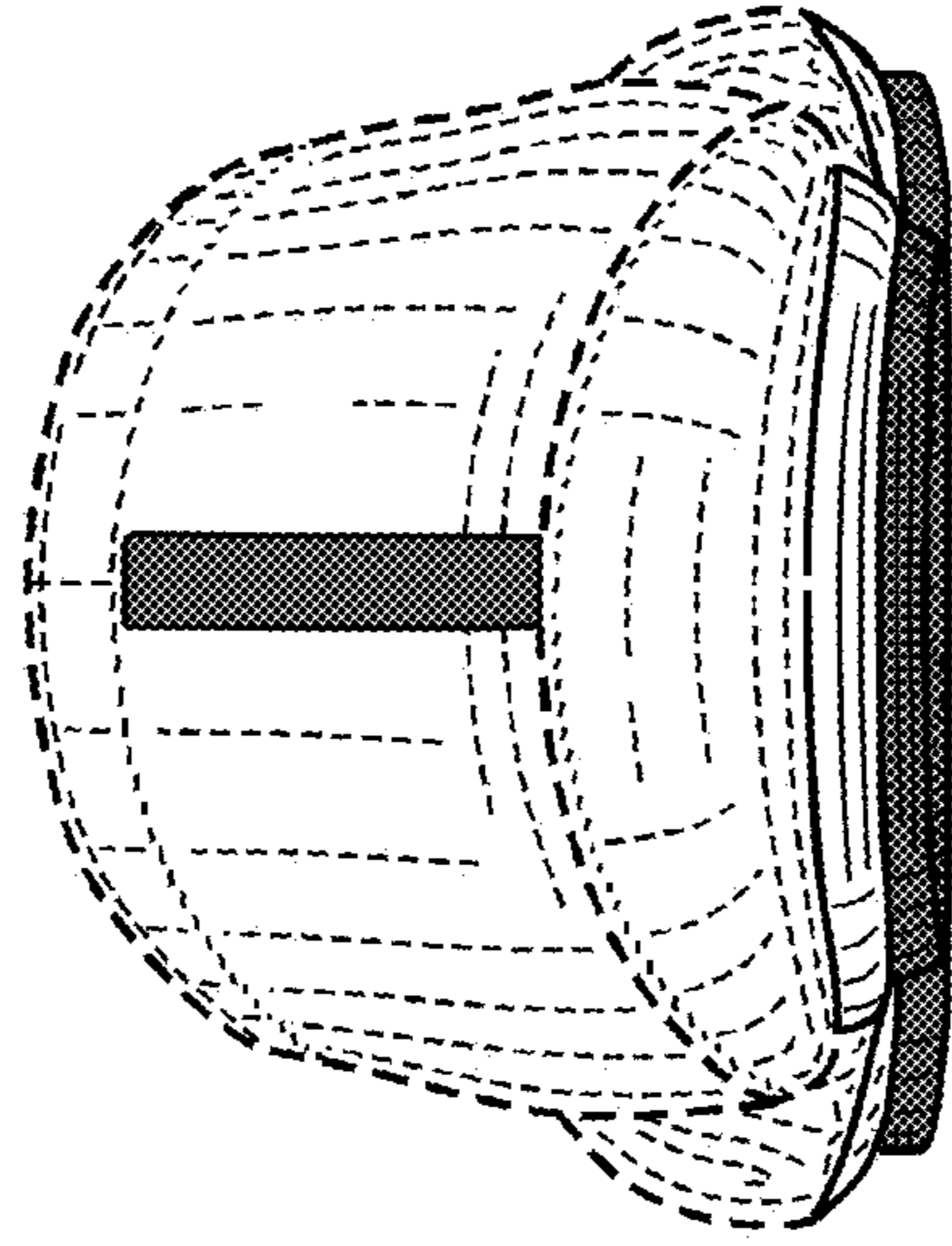


FIG. 55

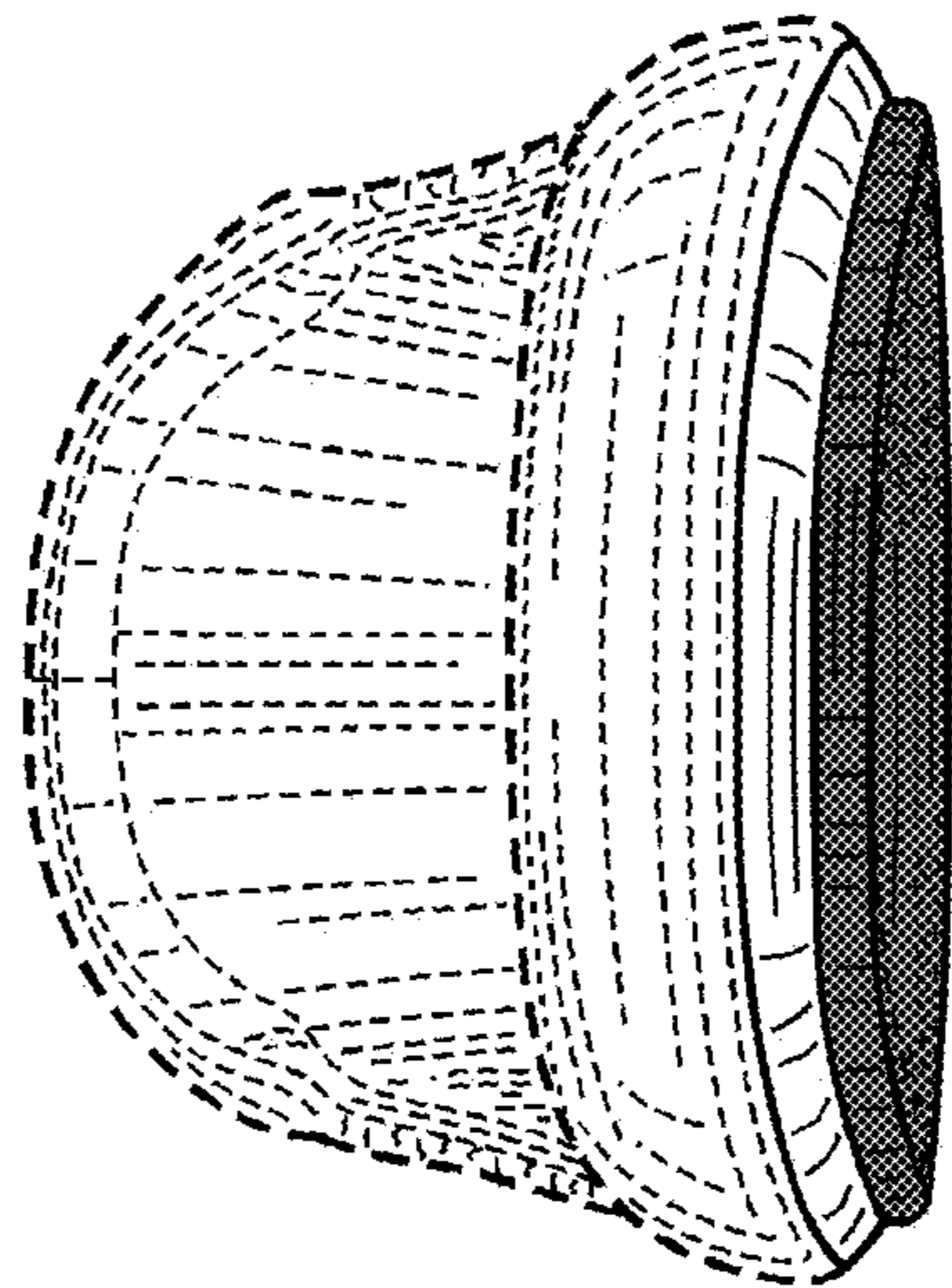


FIG. 56

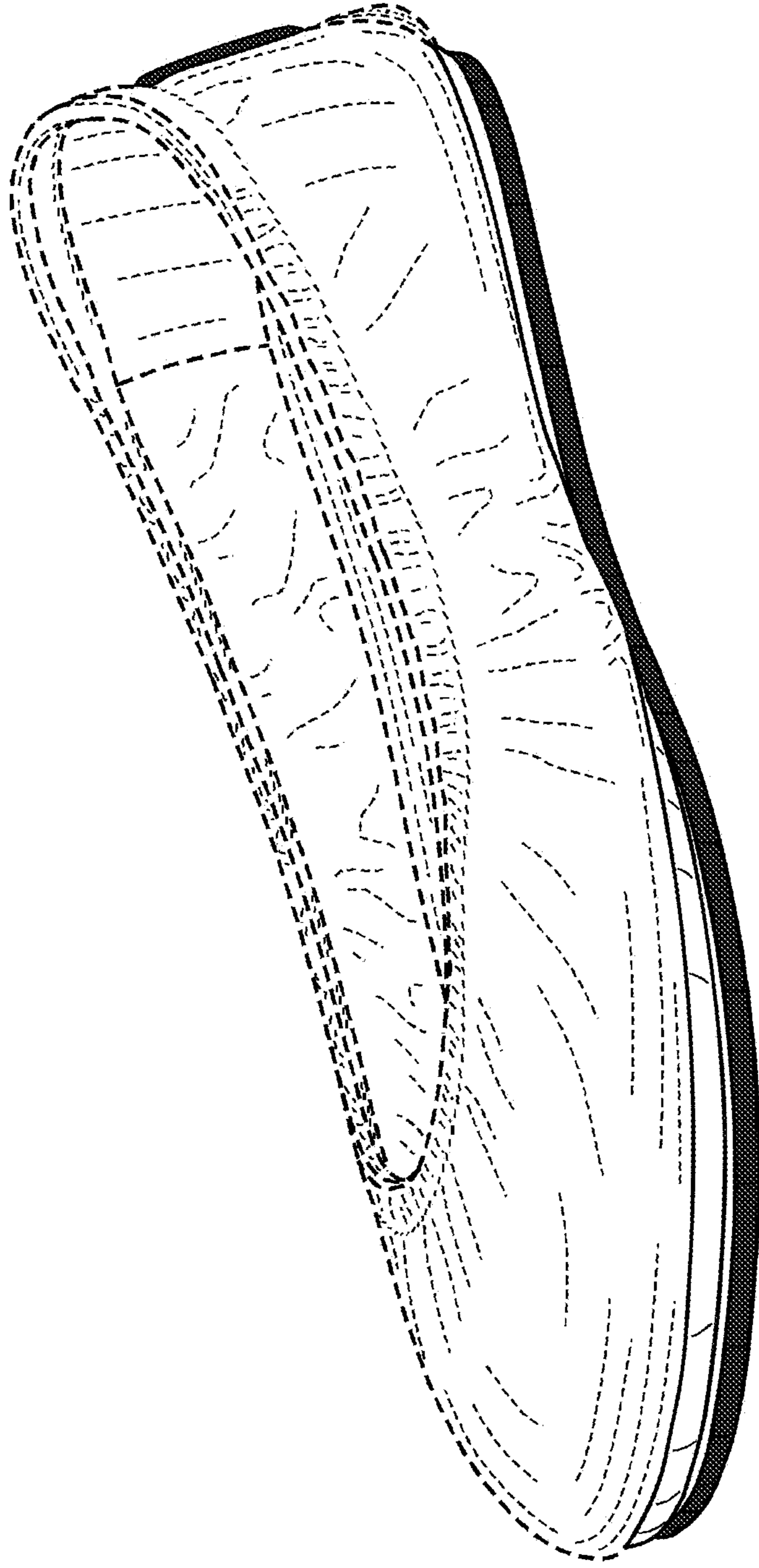


FIG. 57

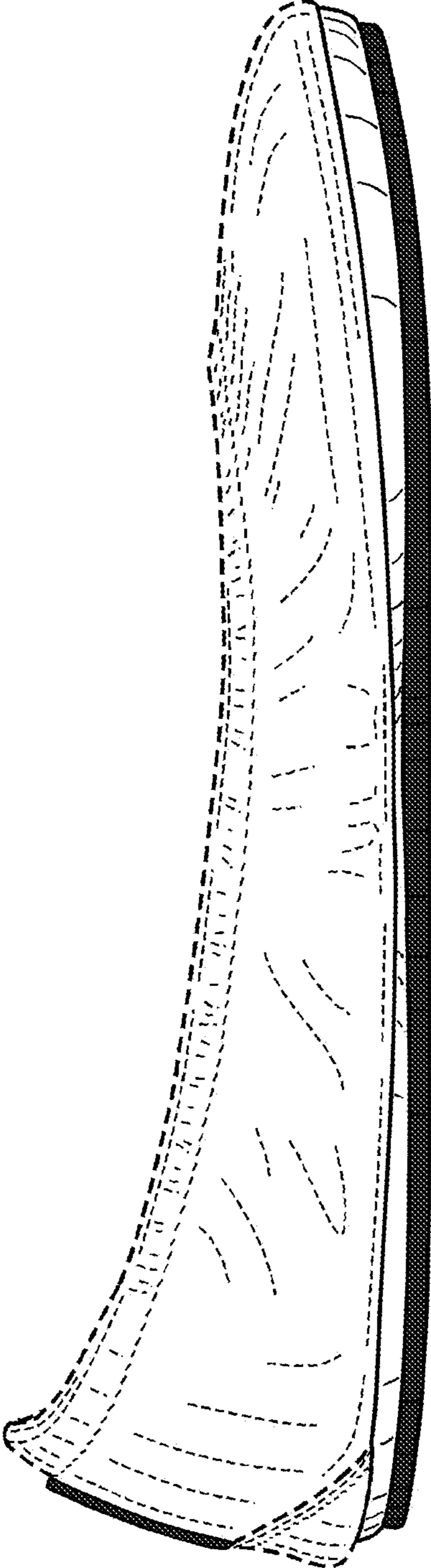


FIG. 58

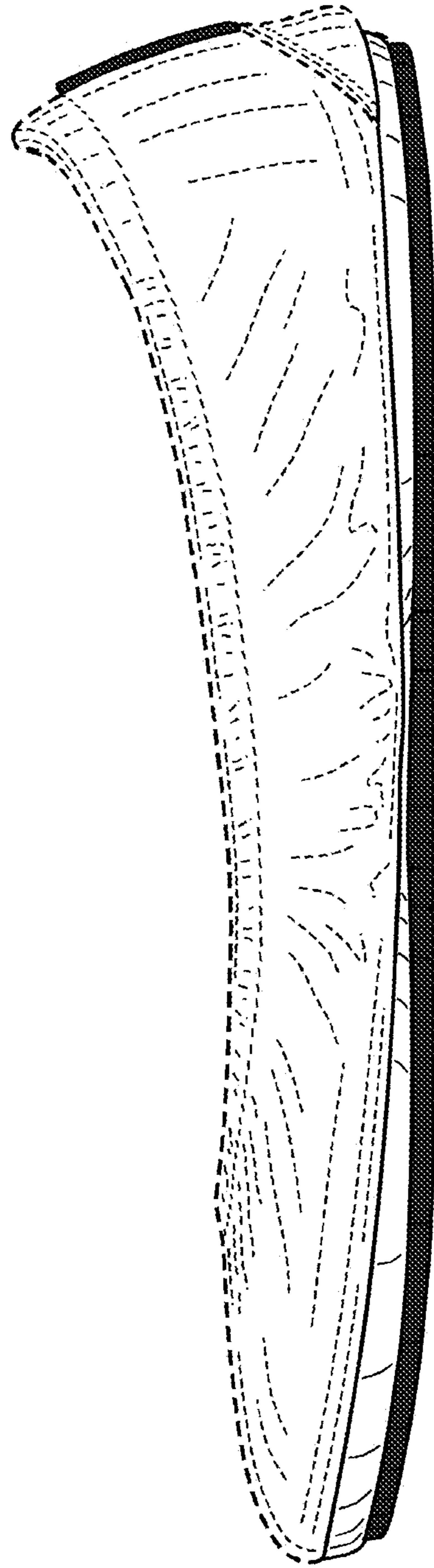


FIG. 59



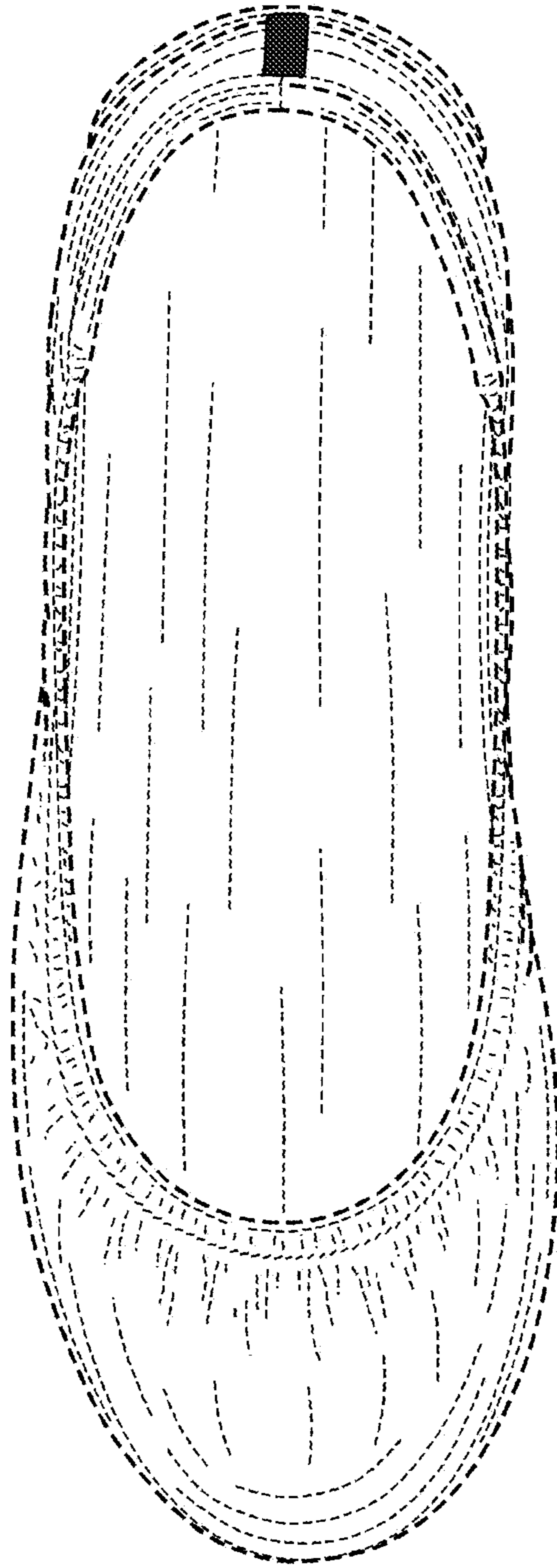


FIG. 60

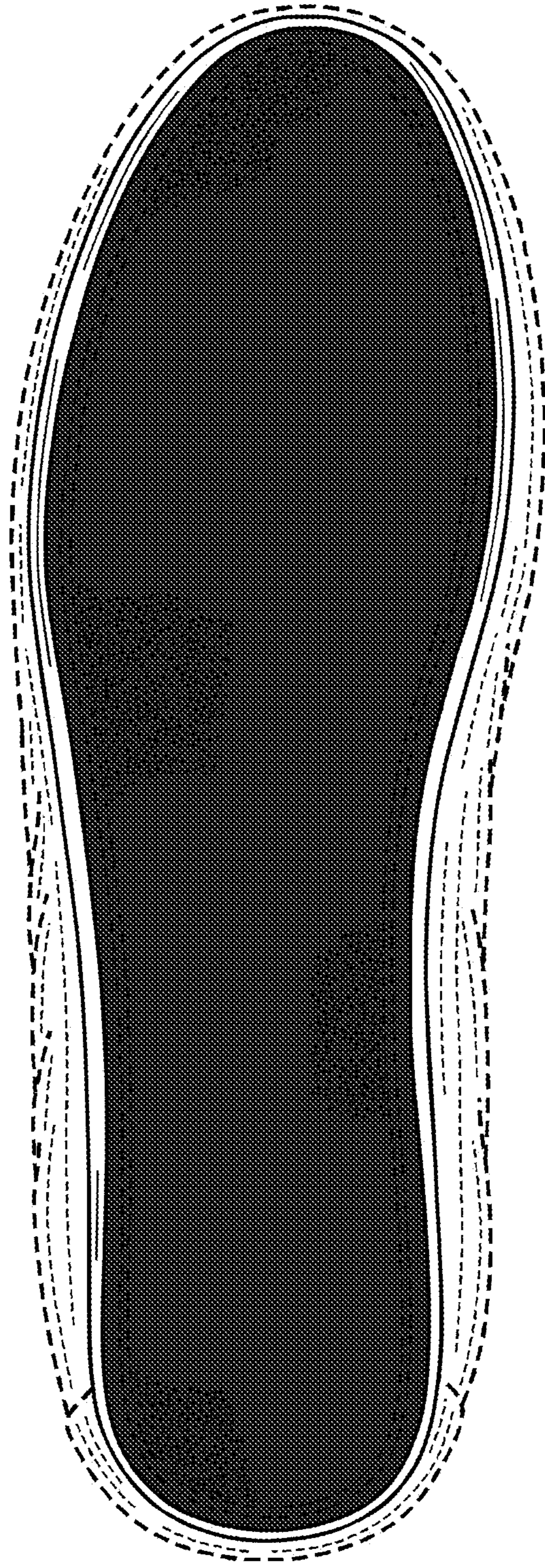


FIG. 61

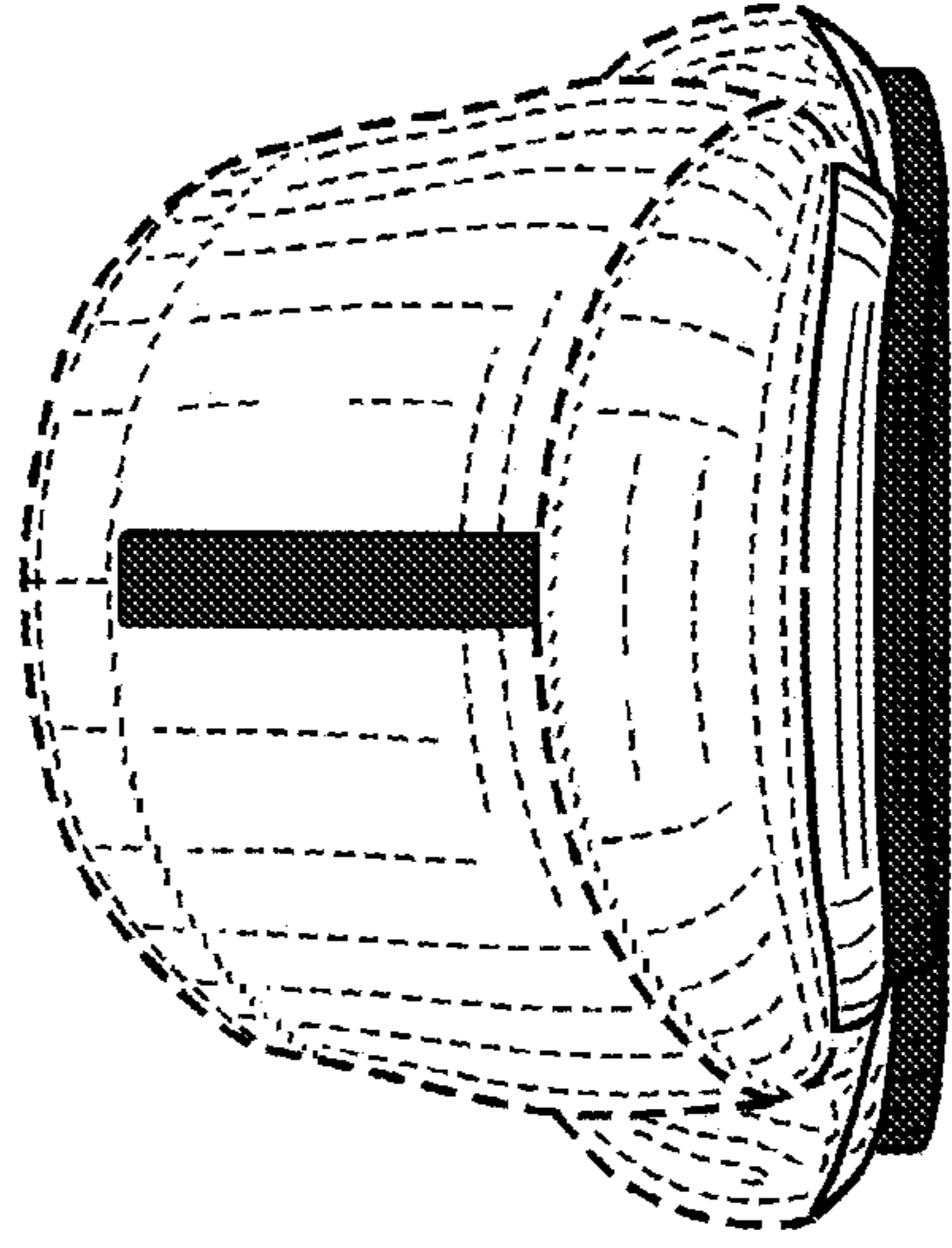


FIG. 63

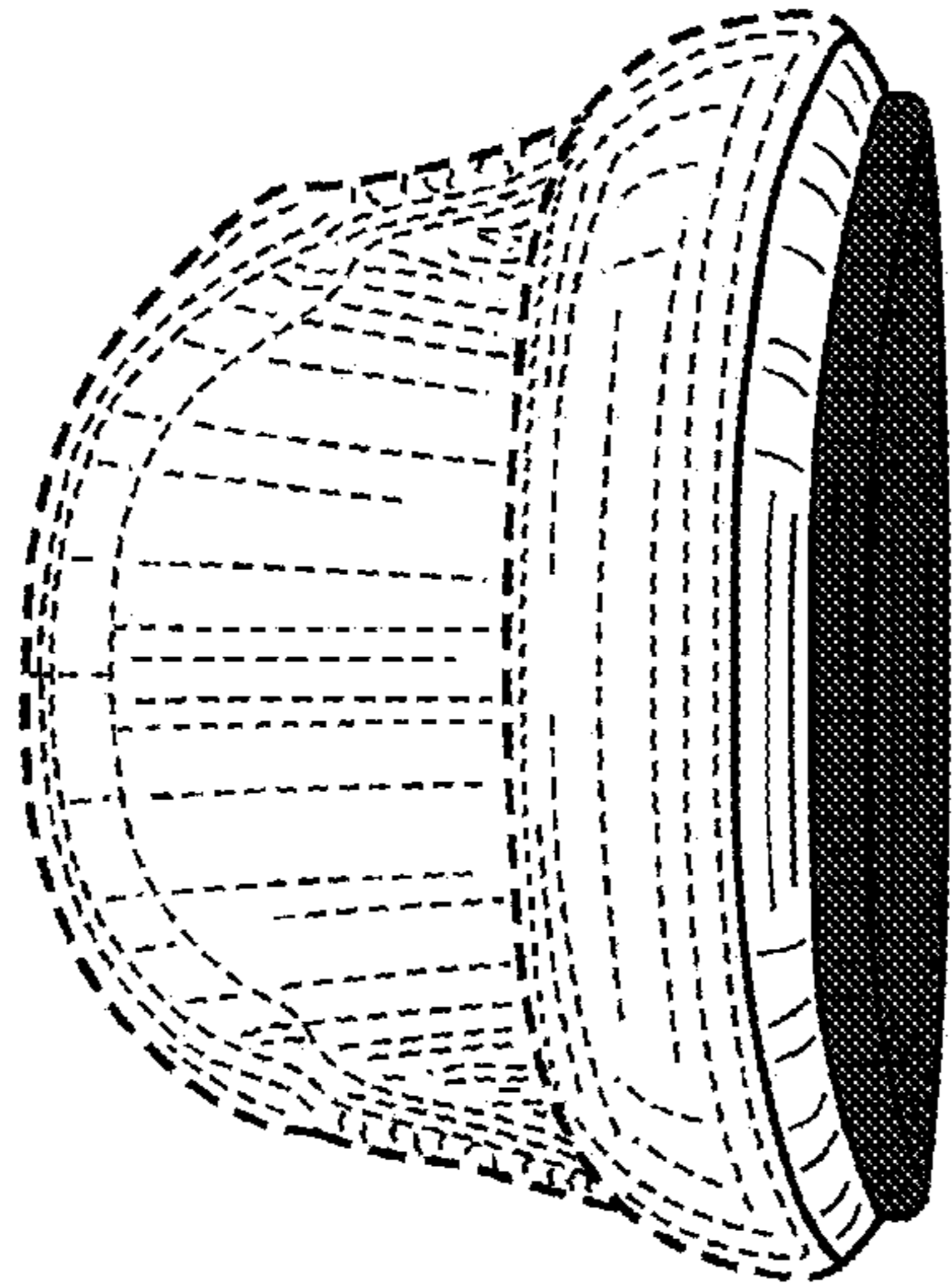


FIG. 62

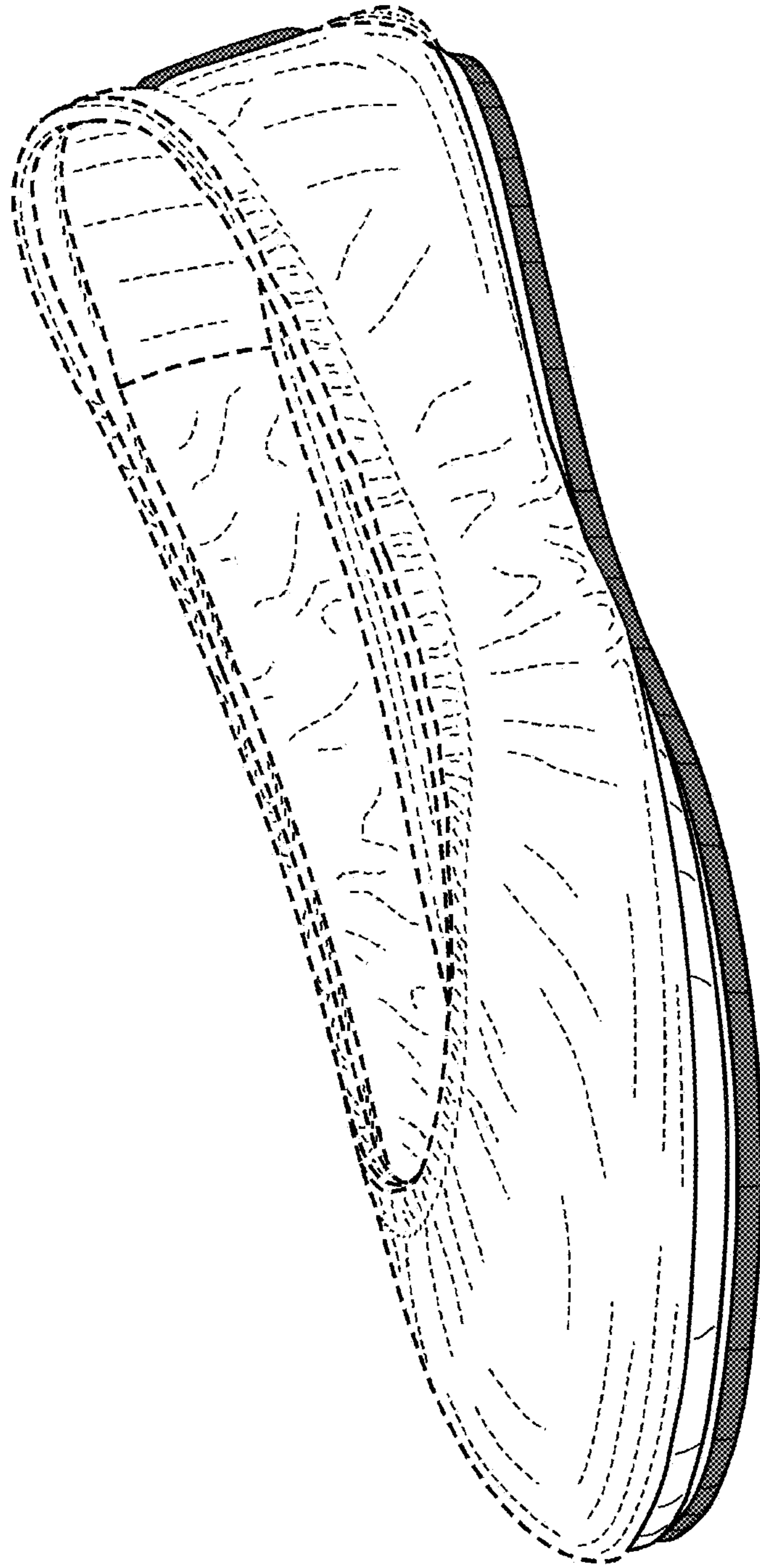


FIG. 64

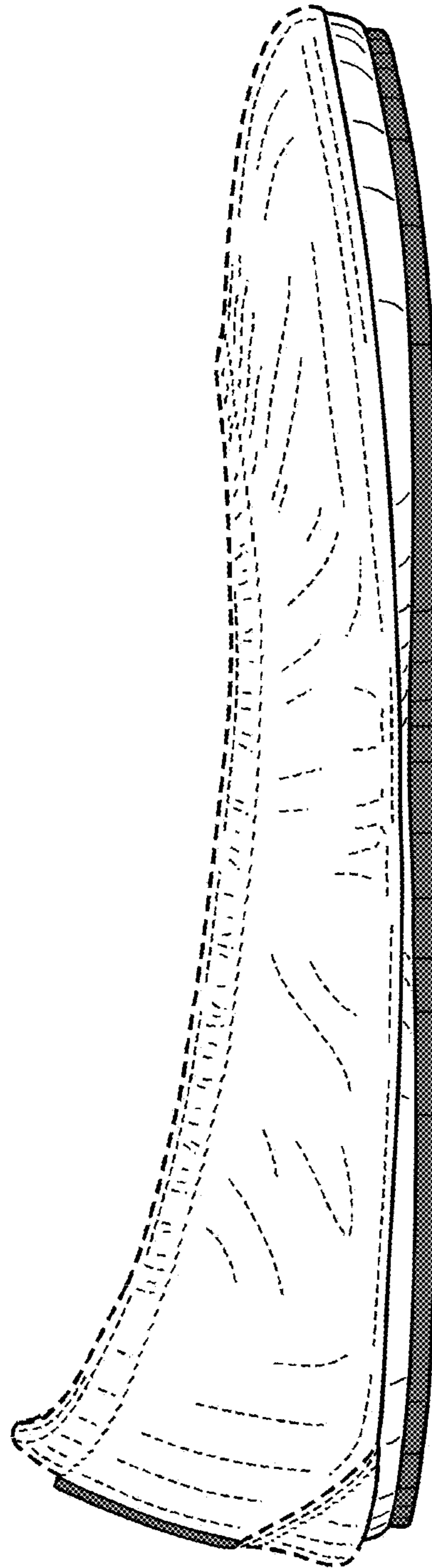


FIG. 65

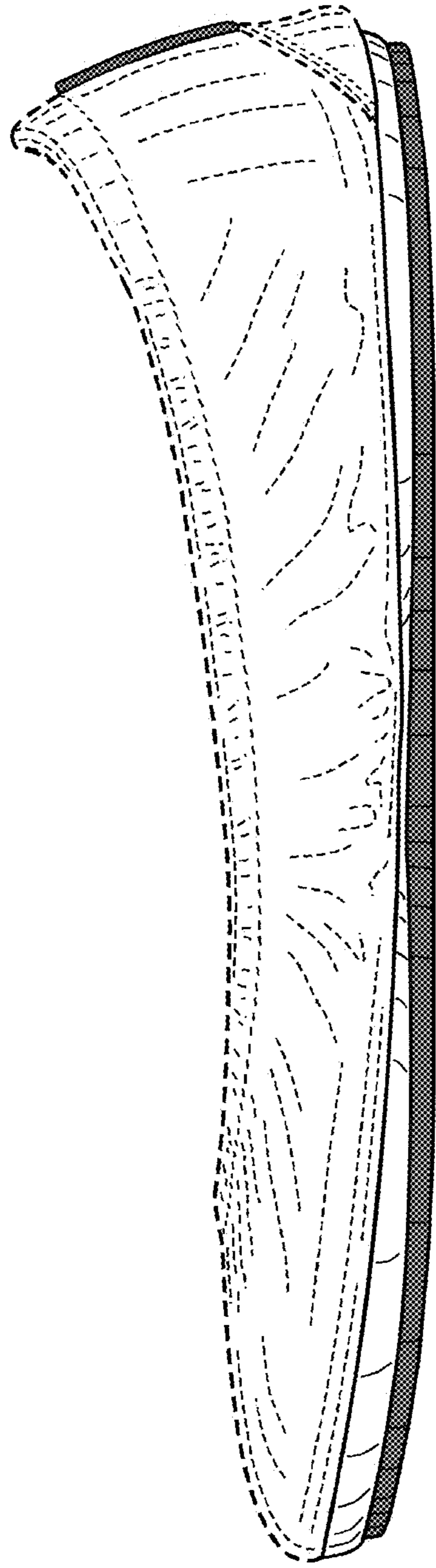


FIG. 66

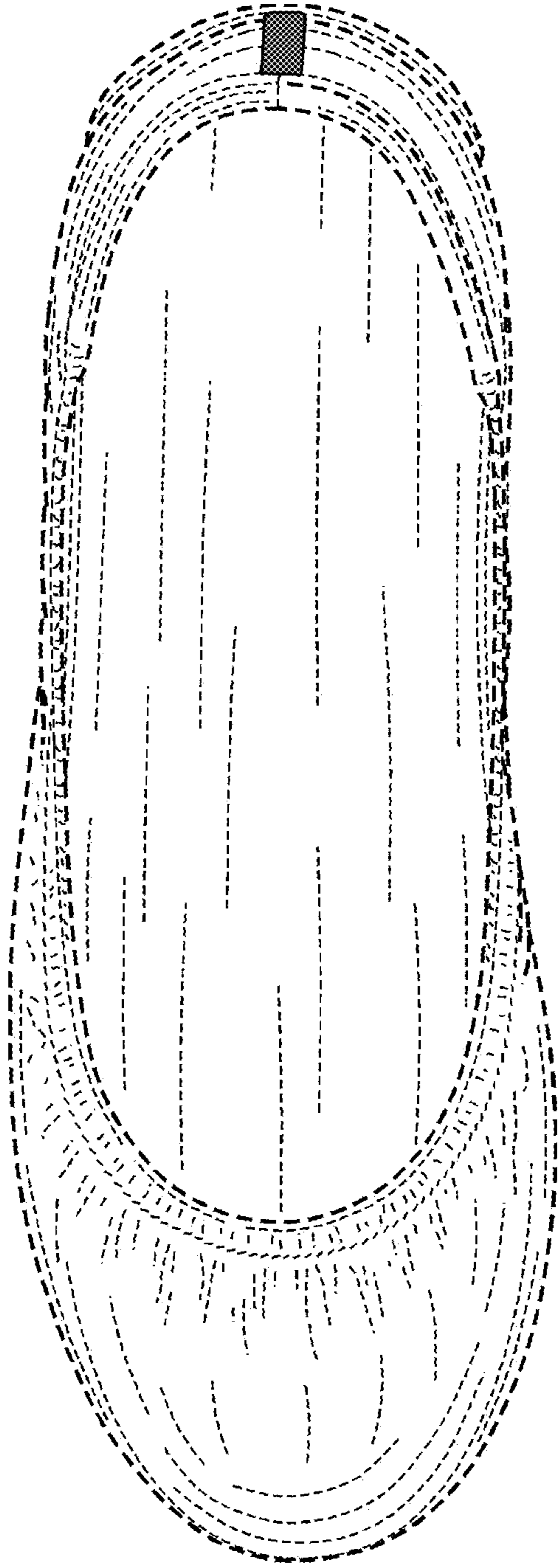


FIG. 67

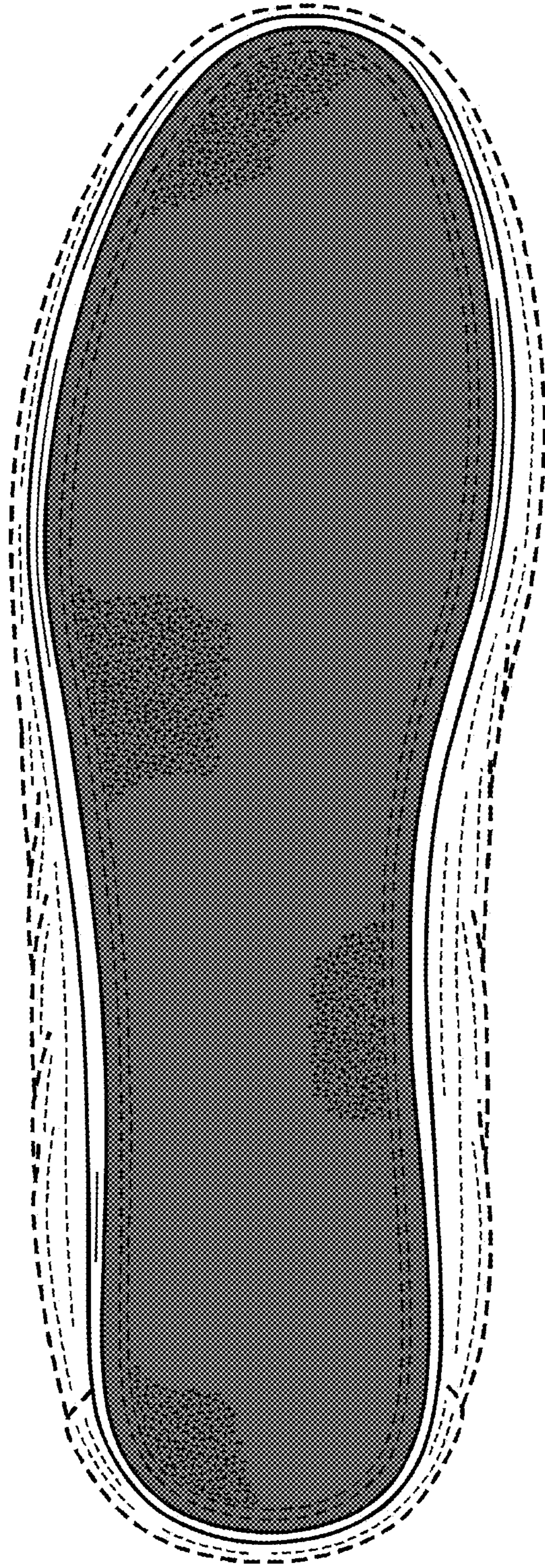


FIG. 68



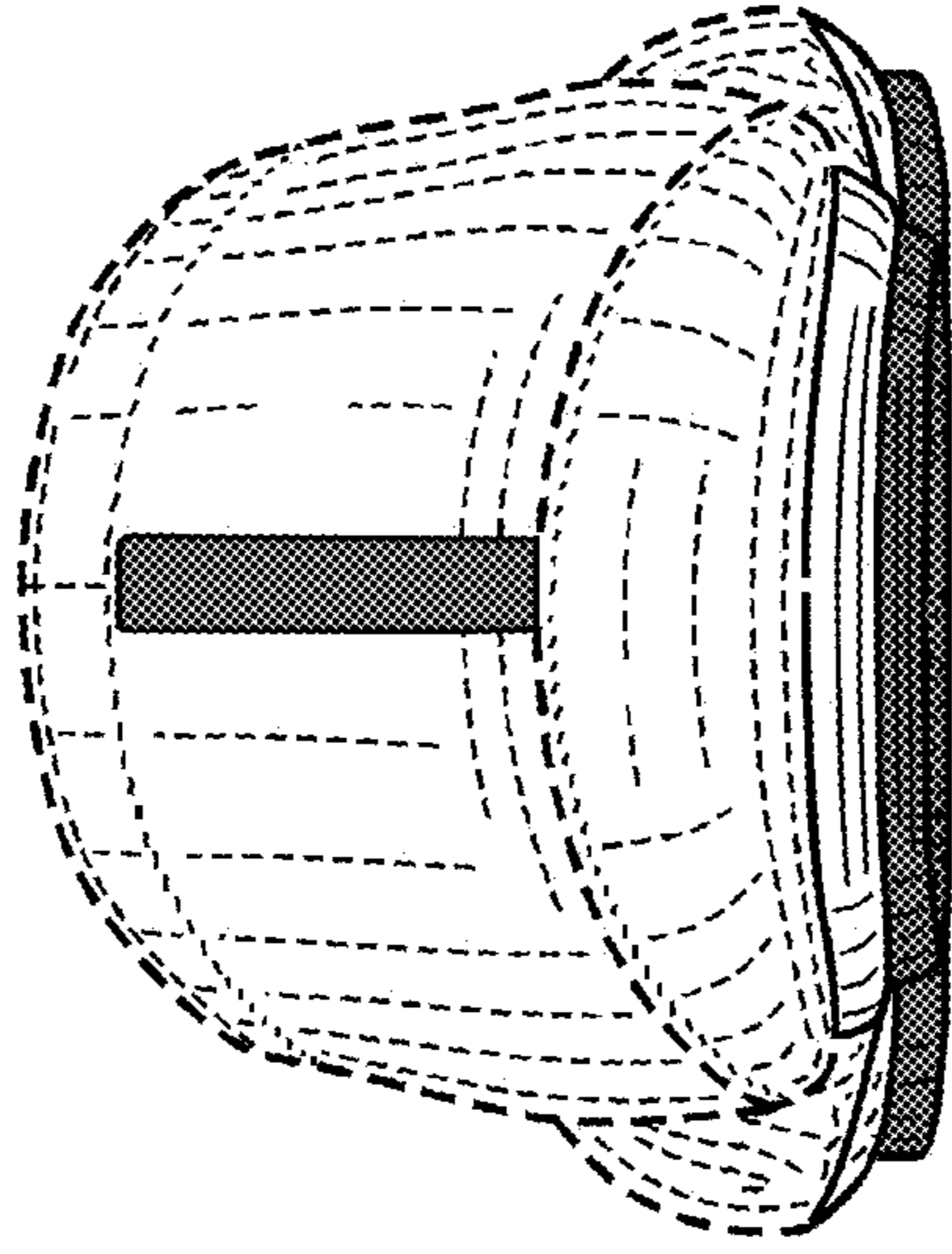


FIG. 69

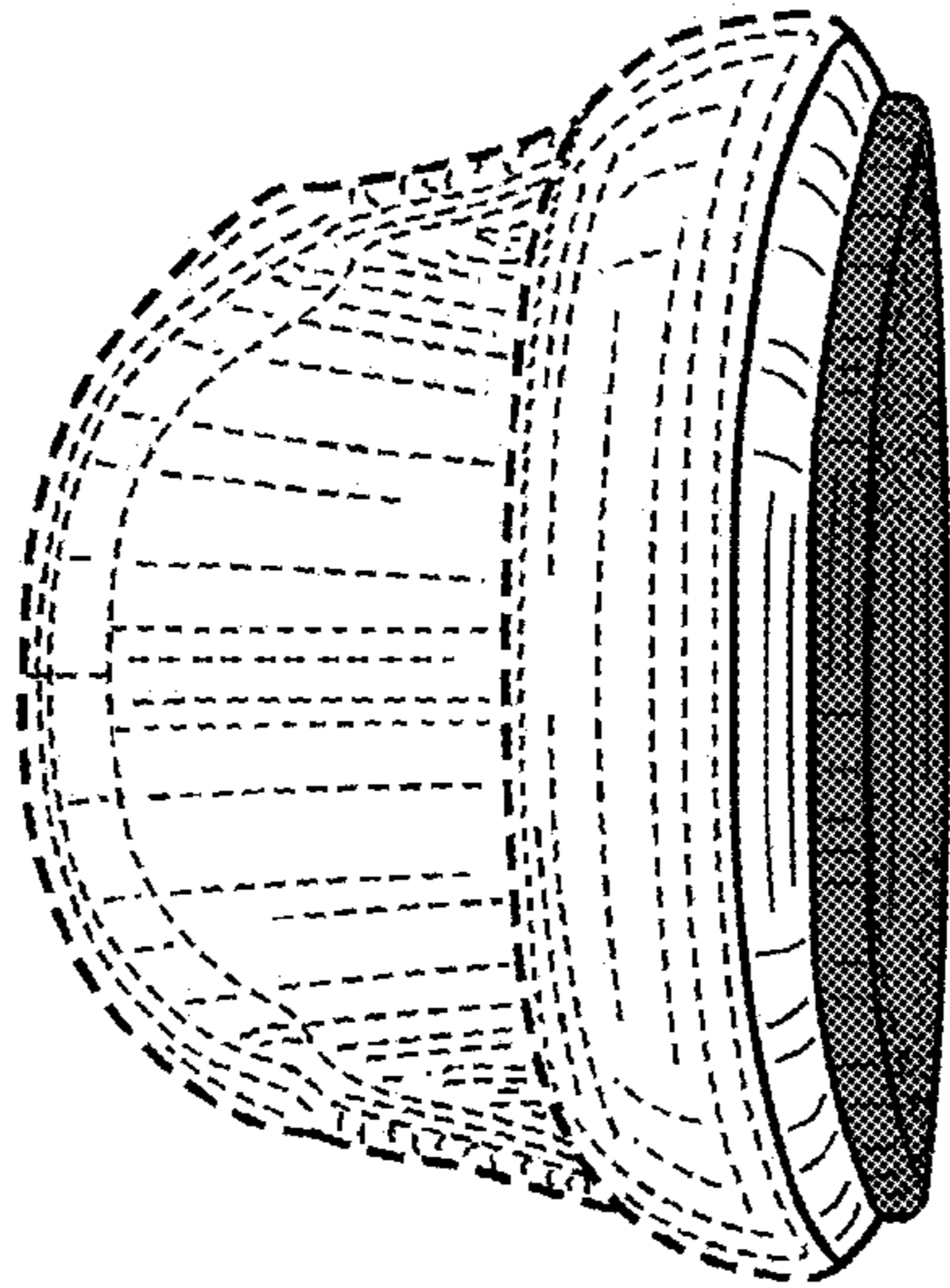


FIG. 70