



US00D928492S

(12) **United States Design Patent** (10) **Patent No.:** **US D928,492 S**  
**Kim** (45) **Date of Patent:** **\*\* Aug. 24, 2021**

- (54) **FOOTWEAR UPPER AND MIDSOLE**
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- (73) Assignee: **Deckers Outdoor Corporation**, Goleta, CA (US)
- (\*\*) Term: **15 Years**
- (21) Appl. No.: **29/722,222**
- (22) Filed: **Jan. 28, 2020**
- (51) **LOC (13) Cl.** ..... **02-04**
- (52) **U.S. Cl.**  
USPC ..... **D2/971; D2/919; D2/916**
- (58) **Field of Classification Search**  
USPC ..... 36/7.2, 7.7, 7.5, 8.1, 11.5, 9 R, 9 A, 10, 36/11, 7.3, 7.6, 4; D2/896-908, 916-927, D2/943-945, 946, 947-960, 969, 971  
CPC ..... A43B 23/00; A43B 23/02; A43B 23/0205; A43B 23/021; A43B 23/0215; A43B 23/04; A43B 3/10; A43B 3/101; A43B 3/102; A43B 3/106; A43B 3/107; A43B 3/108; A43B 3/14; A43B 3/20; A43B 13/00; A43B 13/02; A43B 13/04; A43B 13/12; A43B 3/24; A43B 3/242; A43B 3/244; A43B 3/246; A43B 3/248; A43B 5/08; A43B 5/10  
See application file for complete search history.

- D269,305 S \* 6/1983 Nakao ..... D2/916
  - D275,429 S \* 9/1984 Nakao ..... D2/918
  - D294,076 S \* 2/1988 Birrittella ..... 36/11.5
  - D332,687 S \* 1/1993 Altman ..... D2/897
  - D374,550 S \* 10/1996 Huang ..... D2/919
- (Continued)

**FOREIGN PATENT DOCUMENTS**

CN 305006012 \* 1/2019

**OTHER PUBLICATIONS**

UGG Australia catalog, Winter 2002 collection, "Fluff Slide" p. 29, Nov. 2002.

(Continued)

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(57) **CLAIM**

The ornamental design for a footwear upper and midsole, as shown and described.

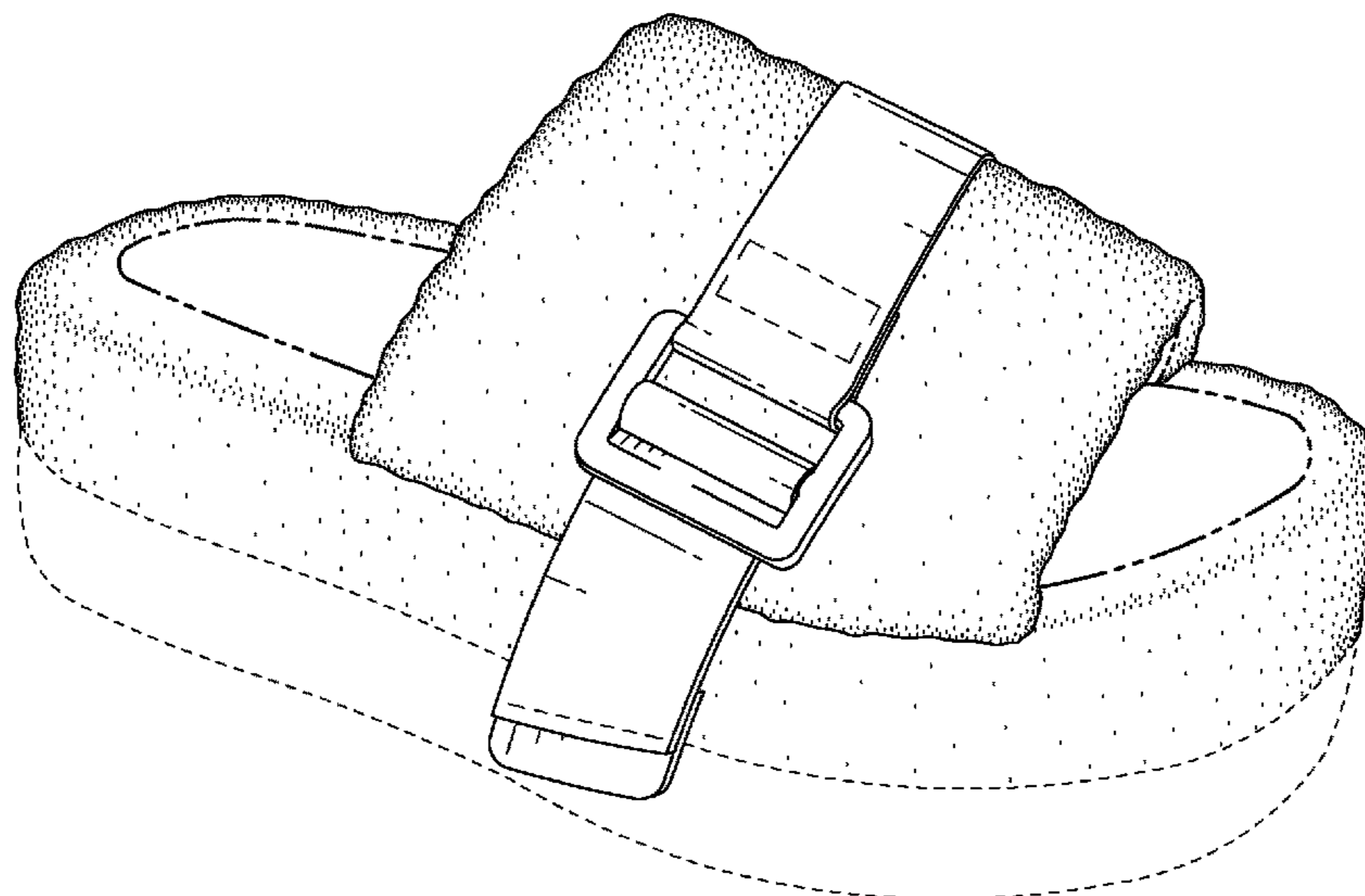
**DESCRIPTION**

FIG. 1 is a front perspective view of a footwear upper and midsole showing my new design;  
FIG. 2 is a side elevational view thereof;  
FIG. 3 is an opposite side elevational view thereof;  
FIG. 4 is a front elevational view thereof;  
FIG. 5 is a rear elevational view thereof;  
FIG. 6 is a top plan view thereof; and,  
FIG. 7 is a bottom plan view thereof.  
The dot-dot-dash broken lines depict the bounds of the claim. The even dashed lines on the strap portion of the footwear upper depict stitching and form no part of the claimed design. The remaining even dashed broken lines showing the shoe sole form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**

(56) **References Cited**  
U.S. PATENT DOCUMENTS

- D95,809 S \* 6/1935 De Liso ..... D2/938
- D185,129 S \* 5/1959 Cahn ..... D2/916
- 3,063,457 A \* 11/1962 Bittner ..... A43B 3/105  
36/174
- 3,698,108 A \* 10/1972 Brunner ..... A43B 3/105  
36/11.5
- D268,455 S \* 4/1983 Famolare, Jr. .... D2/918



(56)

**References Cited**

U.S. PATENT DOCUMENTS

D441,942	S	*	5/2001	Kelchak	.....	D2/905
D467,407	S	*	12/2002	Berg	.....	D2/916
D513,838	S	*	1/2006	Birkenstock	.....	D2/916
D535,090	S	*	1/2007	Belley	.....	D2/969
D577,479	S	*	9/2008	Weitzman	.....	D2/926
D602,685	S	*	10/2009	Barteet	.....	D2/946
D603,152	S	*	11/2009	Kovacs	.....	D2/961
D620,238	S	*	7/2010	Adams	.....	D2/926
D644,006	S	*	8/2011	Tran	.....	D2/916
D787,166	S	*	5/2017	Doak	.....	D2/916
D792,684	S	*	7/2017	Gurt	.....	D2/916
D855,950	S	*	8/2019	Post	.....	D2/916
D856,639	S	*	8/2019	Sassi	.....	D2/916
D866,941	S	*	11/2019	Kim	.....	D2/969
D879,419	S	*	3/2020	Post	.....	D2/916
D880,116	S	*	4/2020	Post	.....	D2/916
D901,869	S	*	11/2020	Kim	.....	D2/969
D901,870	S	*	11/2020	Kim	.....	D2/969

OTHER PUBLICATIONS

Are Rihanna Puma Fur Slides Worth It? They Aren't Shower Shoes But They Sure Are Comfy, Bustle.com, by Amy Sciarretto, <https://www.bustle.com/articles/161253-are-rihanna-puma-fur-slides-worth-it-they-arent-shower-shoes-but-they-sure-are-comfy>, May 17, 2016.  
 Co-pending design U.S. Appl. No. 29/690,180, filed May 6, 2019.  
 Co-pending design U.S. Appl. No. 29/663,103, filed Sep. 12, 2018.  
 Co-pending design U.S. Appl. No. 29/699,054, filed Jul. 23, 2019.

\* cited by examiner

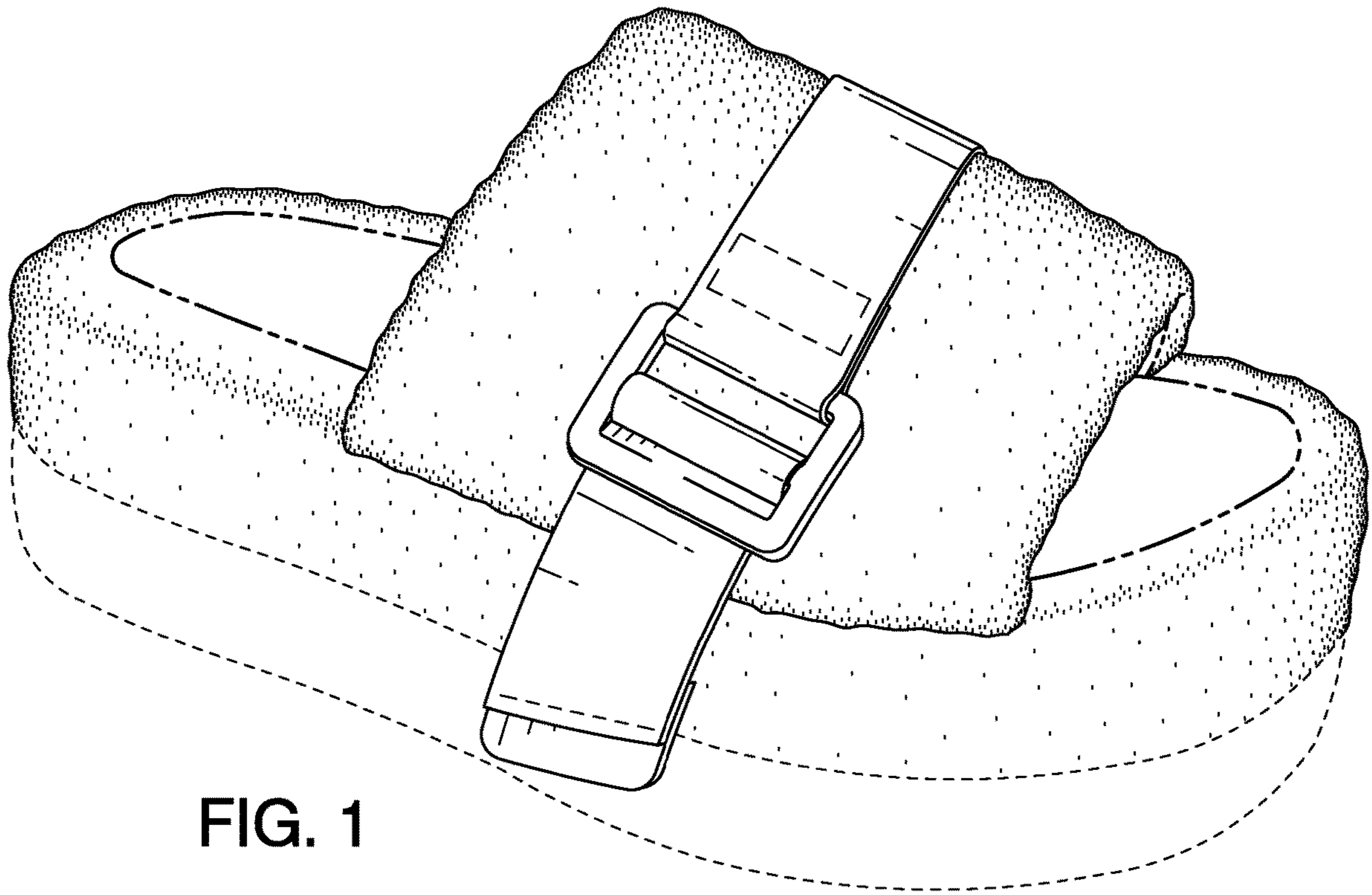


FIG. 1

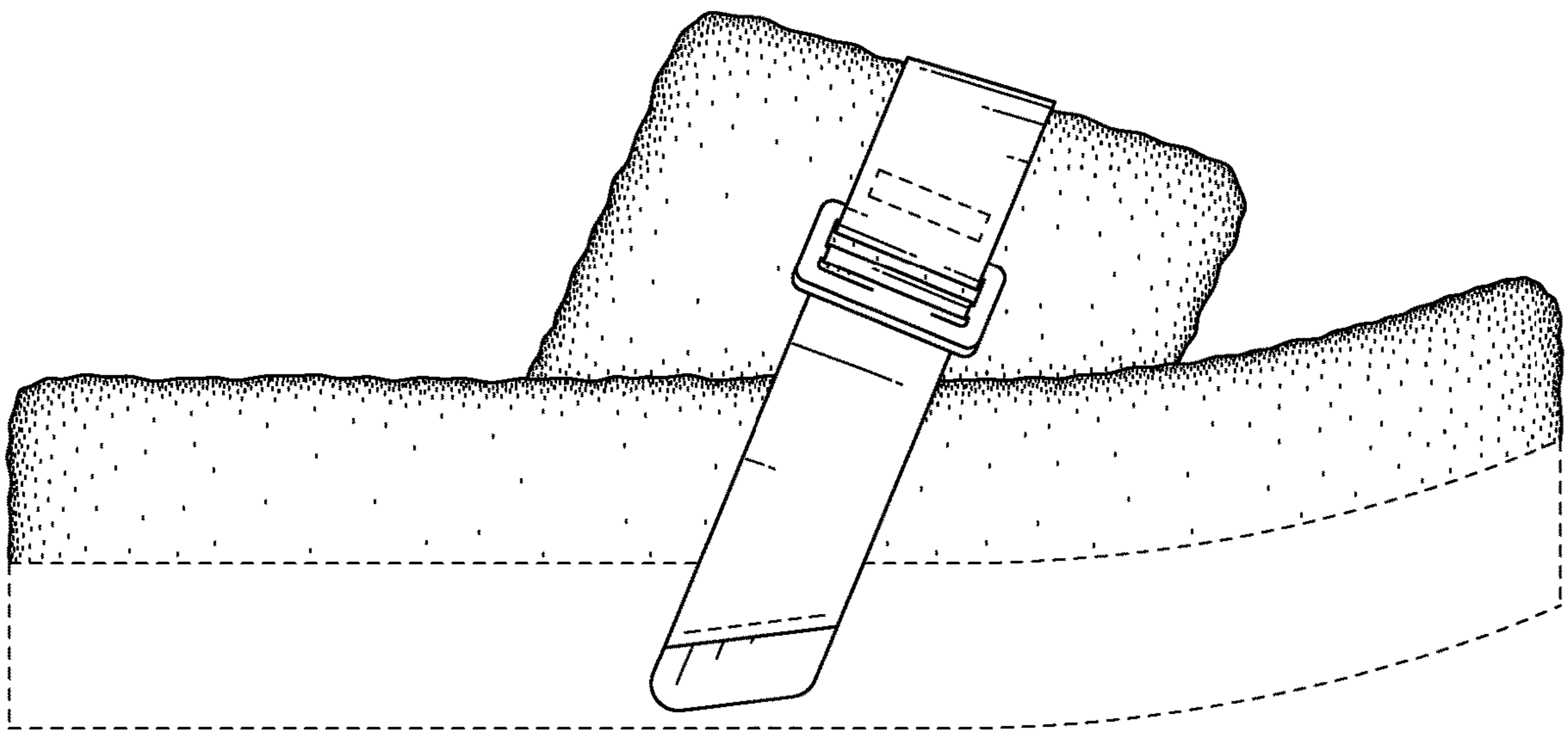


FIG. 2



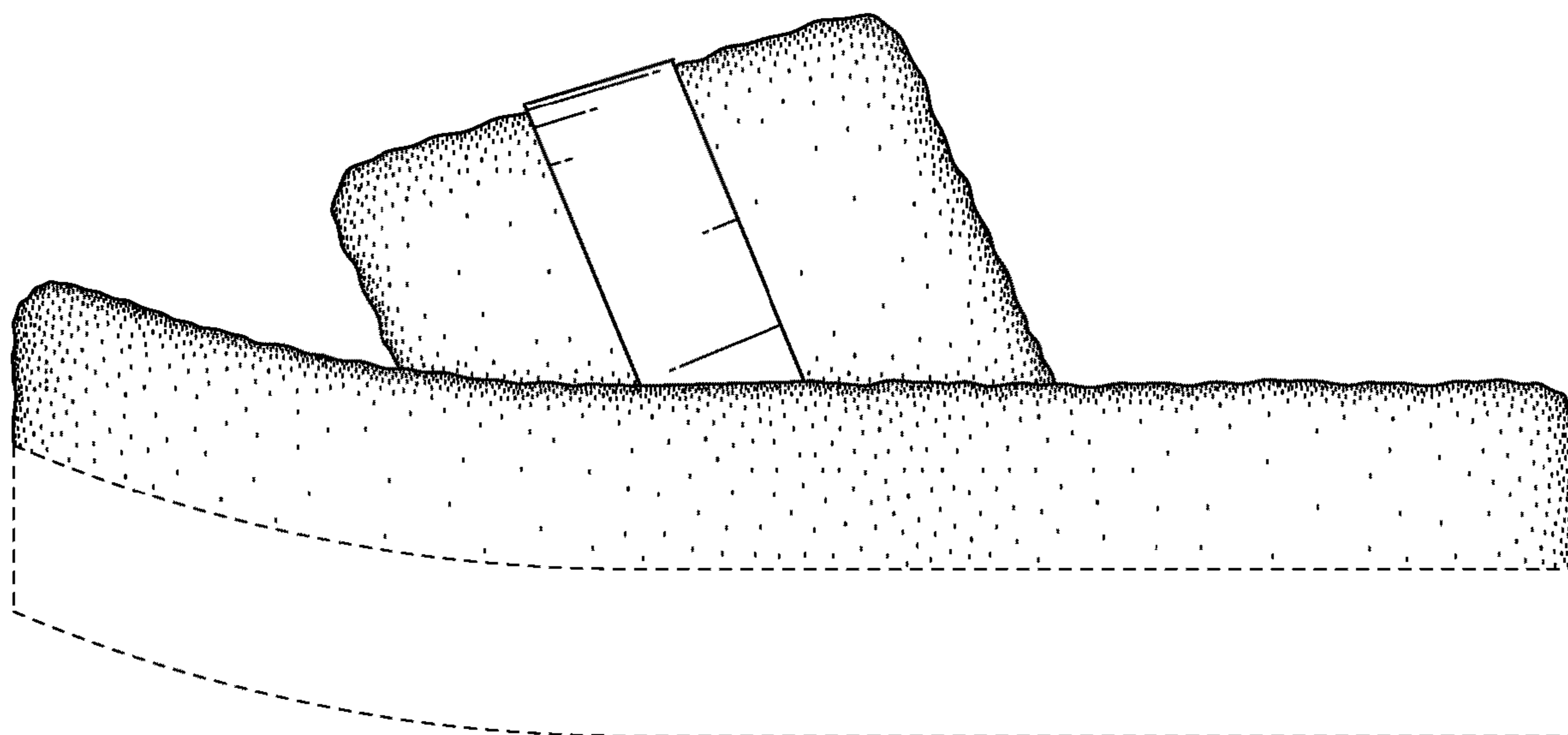


FIG. 3

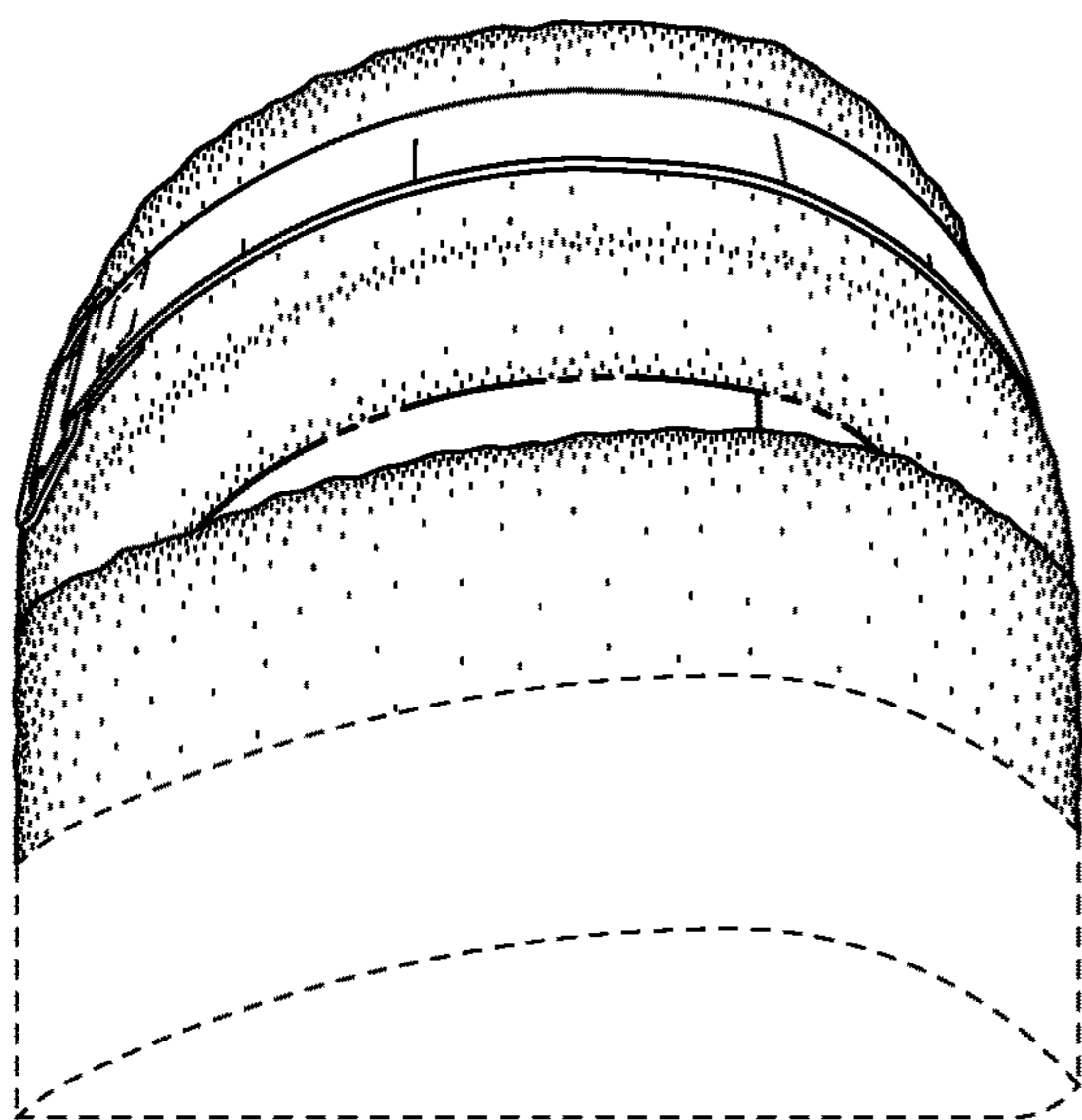


FIG. 4

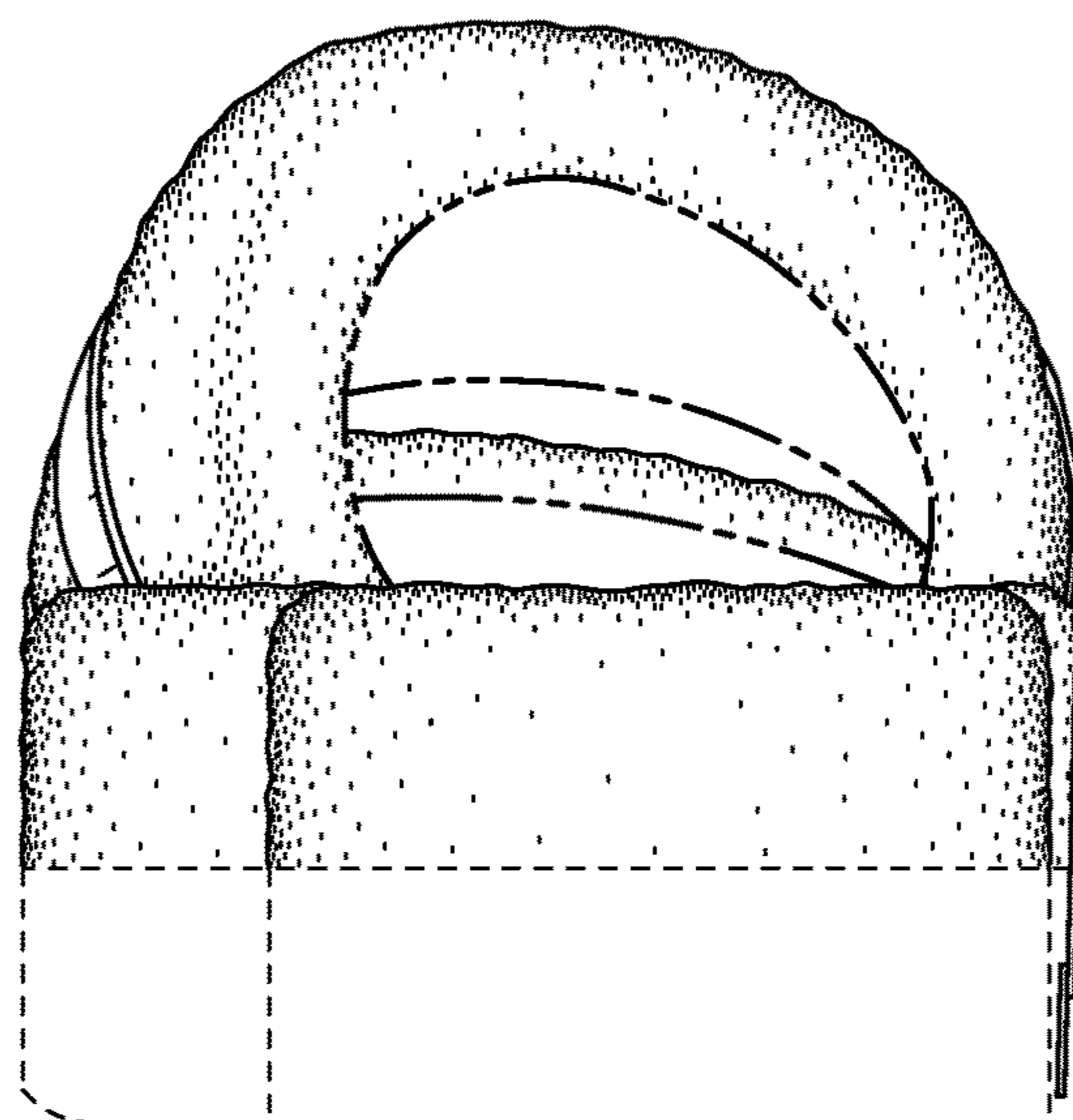


FIG. 5

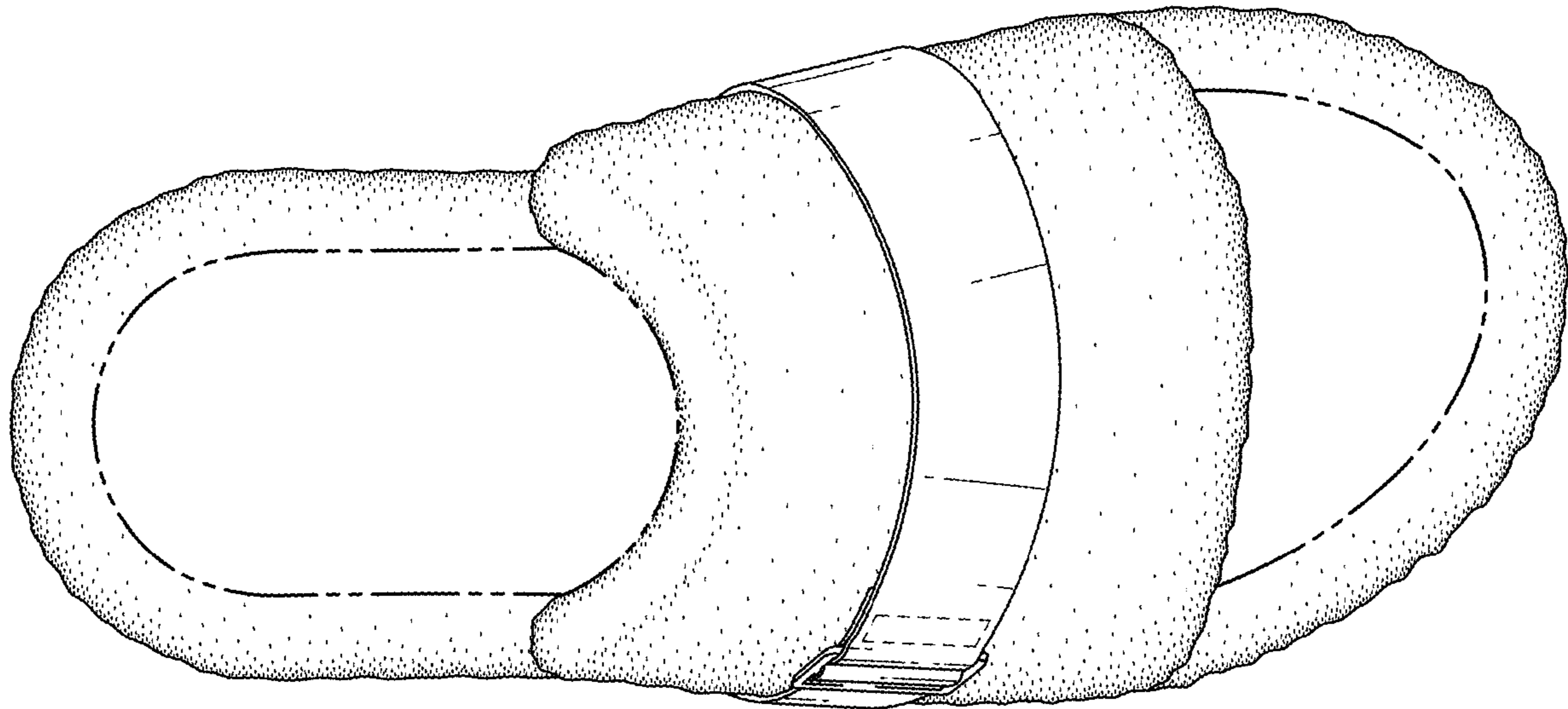


FIG. 6

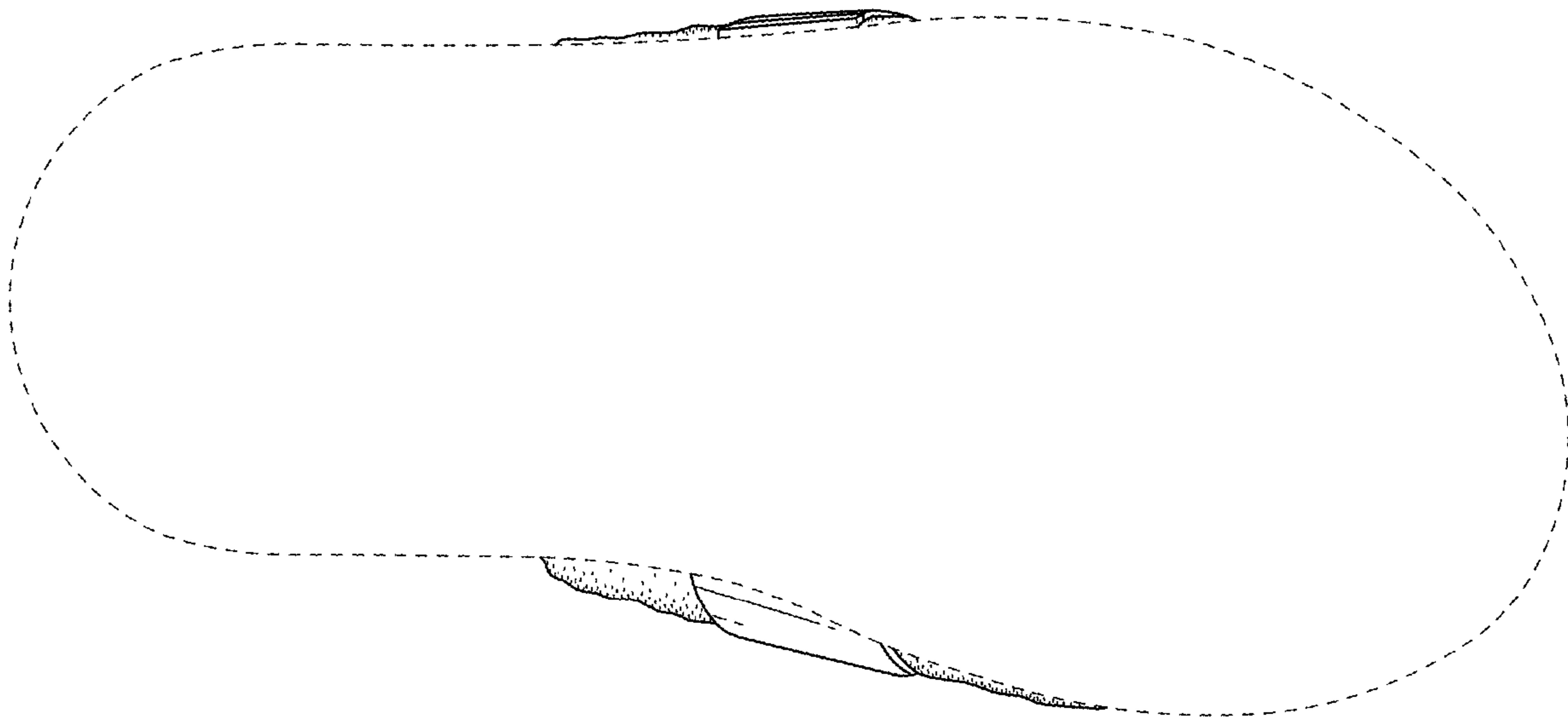


FIG. 7