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(12) **United States Design Patent**
Lee

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- (54) **OUTSOLE**
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- (**) Term: **15 Years**

2,578,681 A 12/1951 Everston
 3,217,430 A 11/1965 Novick
 4,249,321 A 2/1981 Nagy
 D266,455 S 10/1982 Famolare, Jr.
 4,578,882 A 4/1986 Talarico, II
 (Continued)

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Related U.S. Application Data

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- (51) **LOC (13) Cl.** **02-04**
- (52) **U.S. Cl.**
USPC **D2/947**; D2/951; D2/954
- (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

2,522,830 A 9/1950 Leganger-Krogstad
 2,523,221 A 9/1950 Maloy

FOREIGN PATENT DOCUMENTS

AT 500760 A2 3/2006
 AU 309416 A 9/2006
 (Continued)

OTHER PUBLICATIONS

MS32V1, NewBalance.com, [online], <URL: <https://www.newbalance.com/pd/ms327v1/MS327V1-36624.html>> (Year: 2021).
 (Continued)

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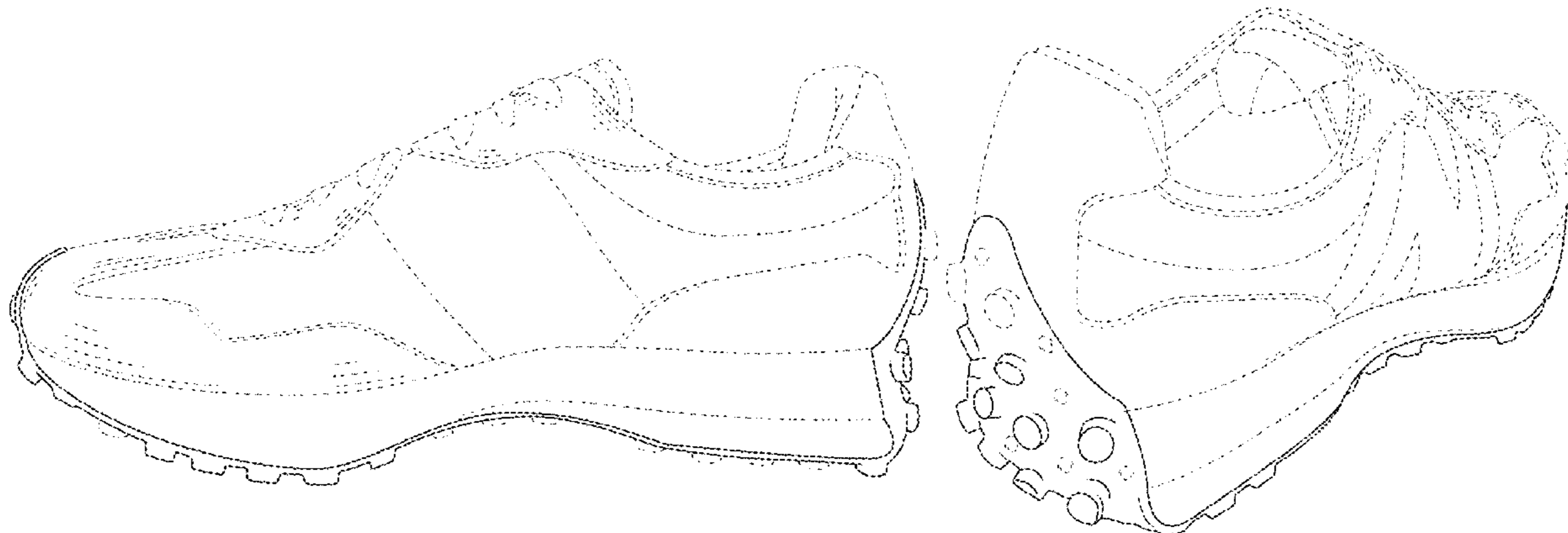
(57) **CLAIM**

The ornamental design for an outsole, as shown and described.

DESCRIPTION

FIG. 1 is a lateral side view of the outsole;
 FIG. 2 is a top view thereof;
 FIG. 3 is a medial side view thereof;
 FIG. 4 is a front view thereof;
 FIG. 5 is a rear view thereof;
 FIG. 6 is a front perspective view from the lateral side thereof; and,
 FIG. 7 is a rear perspective view from the lateral side thereof.
 Short, broken lines shown in the drawings of the outsole illustrate the environment of the claimed design or stitching and form no part of the claimed design.

1 Claim, 7 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

4,620,376 A	11/1986	Talarico, II	D566,936 S	4/2008	Schoenborn et al.
4,631,842 A	12/1986	Koskela	D570,086 S	6/2008	McDowell
4,756,097 A	7/1988	Sanders	D572,447 S	7/2008	Schoenborn et al.
D299,183 S	1/1989	Brown	D572,898 S	7/2008	Stauffer
4,794,705 A	1/1989	Sanders	D577,179 S	9/2008	Della Valle
D301,385 S	6/1989	Weiner	D577,180 S	9/2008	Della Valle
4,939,853 A	7/1990	Farbman	D577,181 S	9/2008	Della Valle
D317,822 S	7/1991	Dahlsten et al.	D578,281 S	10/2008	Duffy
D320,688 S	10/1991	McKinstry	D579,636 S	11/2008	Graber
D329,530 S	9/1992	Bailey	D580,152 S	11/2008	Duffy
D330,968 S	11/1992	Smith, III	D586,095 S	2/2009	Duffy
D341,926 S	12/1993	Ryder et al.	D586,097 S	2/2009	Duffy
D341,928 S	12/1993	Earle	D586,995 S	2/2009	Chen
D347,724 S	6/1994	Teague	D587,883 S	3/2009	Beauger
D351,723 S	10/1994	Bevier	D591,938 S	5/2009	Beauger
D355,756 S	2/1995	Vestuti	D595,488 S	7/2009	Banik et al.
5,469,642 A	11/1995	Farbman	D595,945 S	7/2009	Mochen
D376,683 S	12/1996	Gaudio et al.	D597,293 S *	8/2009	Banik D2/969
D385,989 S	11/1997	Feller	D599,091 S	9/2009	Della Valle et al.
D395,540 S	6/1998	Gaudio	D613,042 S *	4/2010	Andreassen D2/902
D410,140 S	5/1999	Joseph	D613,483 S	4/2010	Della Valle
D441,945 S	5/2001	Della Valle	D629,185 S	12/2010	Vico et al.
D442,767 S	5/2001	Della Valle	D632,475 S	2/2011	Richard
D445,561 S	7/2001	Bramani	D635,340 S *	4/2011	Blakeslee D2/946
D446,635 S	8/2001	Pollastrelli	D636,155 S	4/2011	Della Valle et al.
D448,544 S	10/2001	Della Valle	D636,156 S	4/2011	Della Valle et al.
D458,443 S *	6/2002	Matis D2/908	D636,572 S	4/2011	Della Valle et al.
D467,061 S	12/2002	Della Valle	D637,803 S	5/2011	Alvear et al.
D468,086 S	1/2003	McDowell	8,069,585 B2	12/2011	Rohwer-Kahlmann
D470,296 S	2/2003	Masullo	D656,720 S	4/2012	Wawrousek
D472,037 S	3/2003	Masullo	D661,071 S	6/2012	Della Valle et al.
D472,369 S	4/2003	Masullo	D663,516 S	7/2012	Della Valle et al.
D473,044 S	4/2003	McDowell	D663,517 S	7/2012	Della Valle et al.
D478,414 S	8/2003	Robinson, Jr. et al.	D665,158 S *	8/2012	Castellon D2/970
D487,837 S	3/2004	McClaskie	D667,210 S *	9/2012	Castellon D2/970
D487,838 S	3/2004	McClaskie	D670,070 S	11/2012	Della Valle et al.
D490,223 S	5/2004	McClaskie	D672,942 S	12/2012	Della Valle et al.
D492,101 S	6/2004	Issler	D680,713 S	4/2013	Della Valle et al.
D493,275 S	7/2004	Koyess et al.	D682,515 S	5/2013	Della Valle et al.
D495,861 S	9/2004	Georgiou et al.	D689,274 S *	9/2013	Della Valle D2/953
D498,902 S *	11/2004	Adams D2/947	D696,003 S *	12/2013	Behar D2/947
D500,190 S	12/2004	Della Valle	D698,535 S *	2/2014	Principato A43D 1/025 D2/916
D504,555 S	5/2005	Urie	D700,419 S	3/2014	Della Valle et al.
D504,758 S	5/2005	Sonnergren	D702,025 S	4/2014	Della Valle et al.
D509,646 S	9/2005	Della Valle et al.	D707,430 S	6/2014	Feeney et al.
D511,037 S	11/2005	Della Valle	8,756,834 B1	6/2014	Halberstadt et al.
D511,611 S	11/2005	Della Valle	D707,928 S *	7/2014	Castellon A43B 5/08 D2/947
D513,361 S	1/2006	Teriatnikov	D707,939 S	7/2014	McCourt
D513,844 S	1/2006	Robinson, Jr. et al.	D713,133 S	9/2014	Della Valle et al.
D514,291 S	2/2006	Whiteman et al.	D722,759 S	2/2015	Weddle
D515,293 S	2/2006	Maguire	D726,998 S	4/2015	Mochen
D515,299 S	2/2006	Burg	D735,455 S	8/2015	Mochen et al.
D516,780 S	3/2006	Della Valle	D738,602 S	9/2015	Qin
D516,781 S	3/2006	Ardissono et al.	D751,797 S	3/2016	Slimane
D524,017 S	7/2006	Burg	D758,710 S	6/2016	Bacon
D530,893 S	10/2006	Sonnergren	D760,482 S *	7/2016	Siegel D2/902
D535,812 S	1/2007	Matis et al.	D760,483 S *	7/2016	Siegel A43B 7/12 D2/908
D538,013 S *	3/2007	Della Valle D2/902	D782,171 S	3/2017	Della Valle et al.
D538,516 S *	3/2007	Della Valle D2/902	D782,793 S	4/2017	Truelsen
D541,510 S	5/2007	McClaskie	D783,955 S	4/2017	Fullerton et al.
D548,435 S	8/2007	McClaskie	D793,681 S *	8/2017	Lombardi D2/947
D548,437 S	8/2007	McClaskie	D794,293 S	8/2017	Robusti
D548,941 S	8/2007	Hulbert	D805,751 S *	12/2017	McCullagh D2/972
D549,935 S	9/2007	Schoenborn et al.	D805,759 S	12/2017	Robusti
D549,937 S	9/2007	Matis et al.	D811,060 S *	2/2018	Rockensuess D2/953
D549,938 S	9/2007	Belley et al.	9,907,365 B2 *	3/2018	Downing B23K 26/382
D549,939 S	9/2007	Schoenborn et al.	D819,944 S	6/2018	Martin
D551,435 S	9/2007	Belley et al.	D827,276 S	9/2018	Ringholz et al.
D552,835 S	10/2007	Belley et al.	D838,092 S	1/2019	Bacon
D554,335 S	11/2007	Belley et al.	D838,902 S	1/2019	Suzuki
D560,053 S	1/2008	McClaskie	D838,957 S	1/2019	Robusti
D560,889 S	2/2008	Weisbly	D844,953 S *	4/2019	Chen A43B 5/02 D2/947
D563,634 S	3/2008	Della Valle	D848,124 S	5/2019	Sassi
D563,636 S	3/2008	Matis et al.	D850,088 S	6/2019	Young
D564,739 S	3/2008	Belley et al.	D853,690 S	7/2019	Taylor

(56)

References Cited

U.S. PATENT DOCUMENTS

D855,293 S 8/2019 Zhou
 D855,948 S 8/2019 Sassi
 D865,336 S 11/2019 Jenkins et al.
 D870,442 S 12/2019 Robusti
 D874,108 S 2/2020 Possehl
 D876,757 S 3/2020 Hartmann et al.
 D878,728 S 3/2020 Van De Stouwe et al.
 D878,730 S 3/2020 Van De Stouwe et al.
 D881,547 S 4/2020 Robusti
 D890,500 S 7/2020 Petrie
 D891,075 S * 7/2020 de Montgolfier D2/972
 D909,719 S 2/2021 Durflinger
 D909,725 S 2/2021 Raleigh
 D910,984 S 2/2021 Petrenka et al.
 D911,001 S 2/2021 Lesecq
 D912,952 S * 3/2021 Han B23K 26/382
 D2/947
 D915,036 S 4/2021 Sassi
 D919,270 S 5/2021 Berny et al.
 D925,202 S 7/2021 Martin
 D932,755 S * 10/2021 Lee D2/947
 2003/0115691 A1 6/2003 Mukherjee et al.
 2007/0227039 A1 * 10/2007 Chaney A43B 5/08
 36/15
 2008/0201981 A1 8/2008 Halberstadt et al.
 2008/0209765 A1 9/2008 Rohwer-Kahlmann
 2008/0289219 A1 11/2008 Nakano
 2010/0199523 A1 8/2010 Mayden et al.
 2012/0304495 A1 * 12/2012 Brabson A43B 7/12
 36/87
 2015/0351487 A1 12/2015 Lukongwa et al.
 2015/0351493 A1 * 12/2015 Ashcroft A43D 1/025
 36/132
 2016/0135537 A1 * 5/2016 Wawrousek A43B 5/02
 36/28
 2016/0295959 A1 10/2016 Dyer et al.
 2018/0289098 A1 * 10/2018 Downing B23K 26/364
 2019/0053571 A1 * 2/2019 Bjornson A43B 7/1445
 2019/0239596 A1 8/2019 Ploem
 2021/0212410 A1 7/2021 Hatfield et al.

CA 111121 S 3/1908
 CA 111181 A 4/1908
 CA 111181 S 4/1908
 CA 113261 A 7/1908
 CA 113261 S 7/1908
 CA 115387 A 12/1908
 CA 115387 S 12/1908
 CA 117123 A 3/1909
 CA 117123 S 3/1909
 CA 117679 A 4/1909
 CA 117679 S 4/1909
 CA 117682 A 4/1909
 CA 117682 S 4/1909
 CA 117737 A 4/1909
 CA 117737 S 4/1909
 CA 120428 A 9/1909
 CA 120428 S 9/1909
 CA 120466 A 9/1909
 CA 120466 S 9/1909
 CA 123087 A 1/1910
 CA 123087 S 1/1910
 CA 123090 A 1/1910
 CA 123090 S 1/1910
 CA 125768 A 5/1910
 CA 125768 S 5/1910
 CA 130173 A 12/1910
 CA 130173 S 12/1910
 CN 101208021 A 6/2008
 CN 203087690 U 7/2013
 CN 112293853 A 2/2021
 DE 2550616 A1 5/1976
 DE 2828561 A1 1/1980
 DE 202006016418 U1 2/2008
 EP 0162901 A1 12/1985
 EP 1947969 A1 7/2008
 JP 2009514579 A 4/2009
 JP 5021664 B2 9/2012
 KR 20110032512 A 3/2011
 KR 2013-0021852 A 3/2013
 KR 101303025 B1 9/2013
 KR 20180002406 A 1/2018
 SE 7512774 L 5/1976
 TW 200733905 A 9/2007
 TW 1301750 B 10/2008
 WO WO-85/02327 A1 6/1985
 WO WO-2007051539 A1 5/2007

FOREIGN PATENT DOCUMENTS

AU 312169 A 1/2007
 AU 2006310783 A1 5/2007
 AU 315228 A 7/2007
 AU 315233 A 7/2007
 AU 318427 A 3/2008
 AU 319810 A 6/2008
 AU 319811 A 6/2008
 AU 326327 A 6/2009
 CA 109146 A 12/1907
 CA 109146 S 12/1907
 CA 109161 A 12/1907
 CA 109161 S 12/1907
 CA 111121 A 3/1908

OTHER PUBLICATIONS

327, NewBalance.com, [online], <URL: https://www.newbalance.com/pd/327/MS327V1-36622.html?dwvar_MS327V1-36622_style=MS327RF1> (Year: 2021).
 New Balance 327 Review & On Feet+ Sizing, YouTube.com, May 9, 2020, Josh Dominic, [online], <URL: <https://www.youtube.com/watch?v=a4brlpzpjA8>> (Year: 2020).
 New Balance Advertisement for 355 Shoe (RW5-Star), Circa 1979.
 New Balance Advertisement for 355 Shoe (Trail), Circa 1979.
 New Balance Advertisement for 355 Shoe (Trail 2), Circa 1979.

* cited by examiner

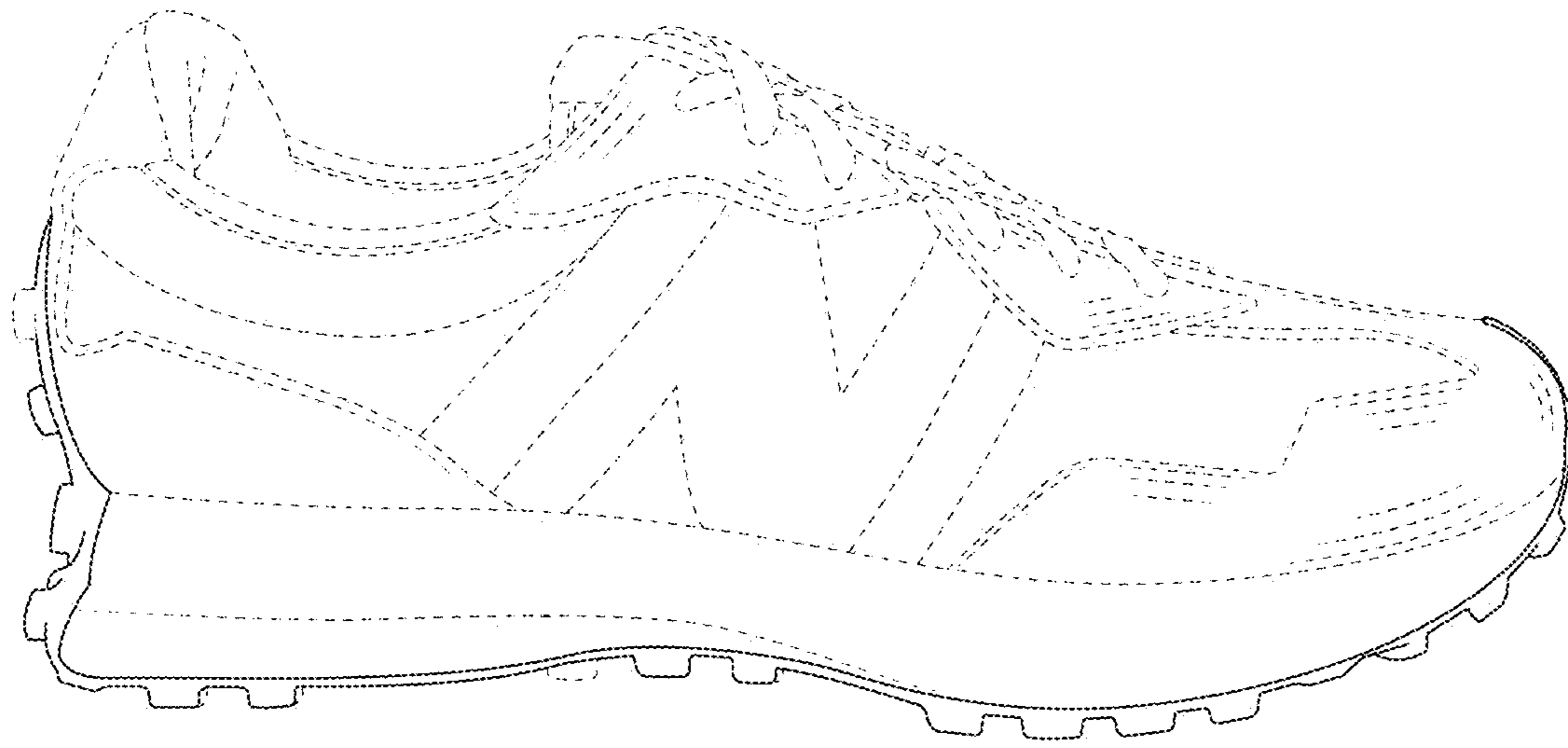


FIG. 1

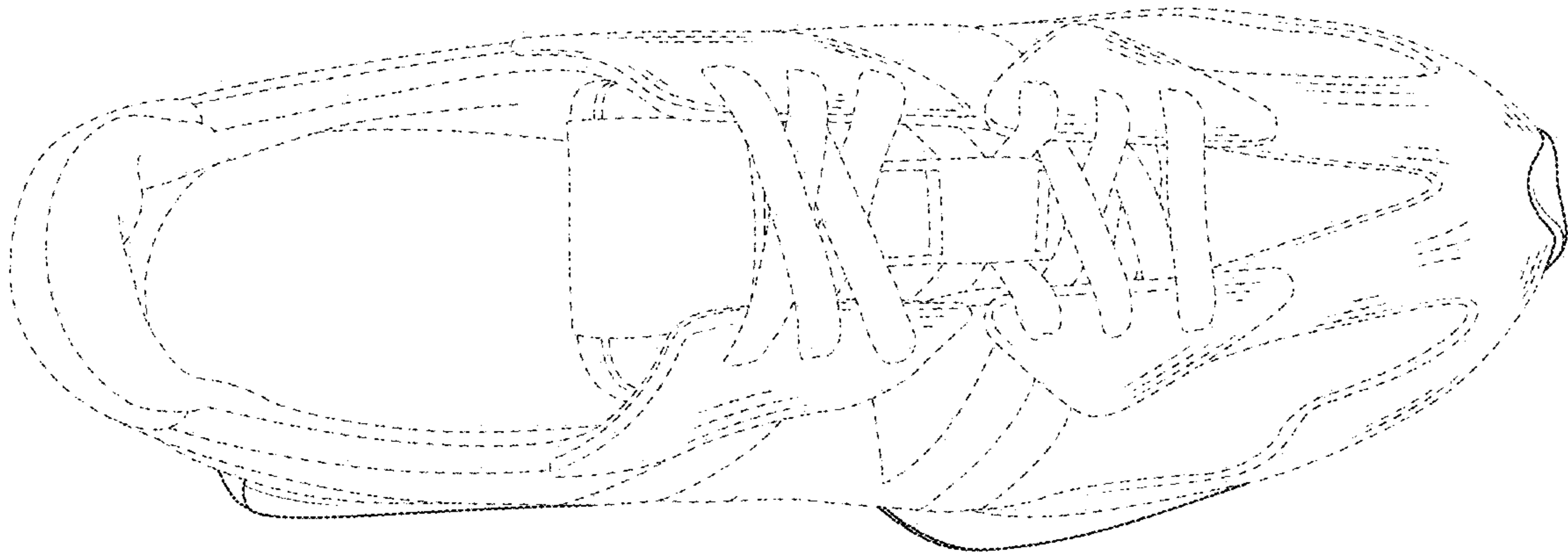


FIG. 2

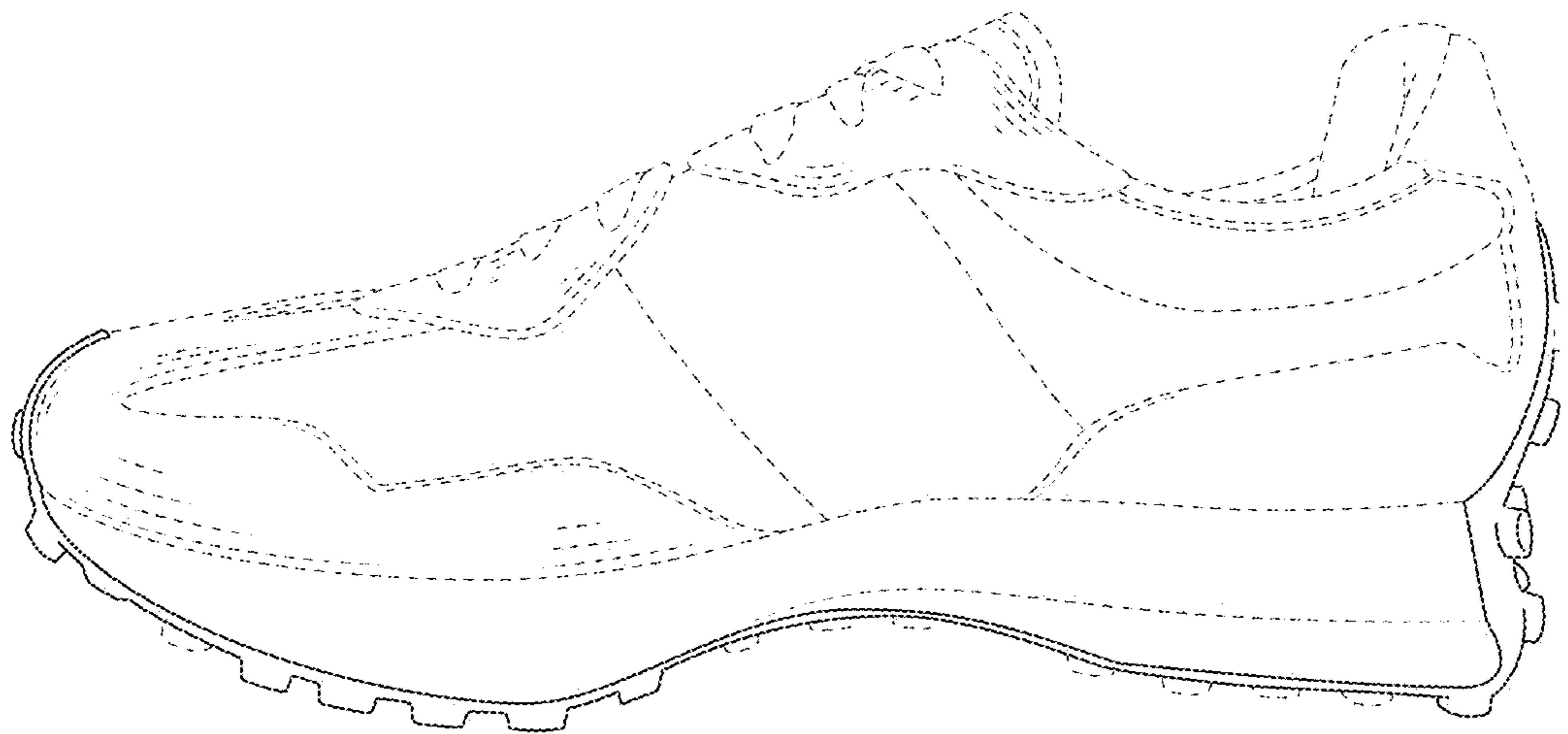


FIG. 3

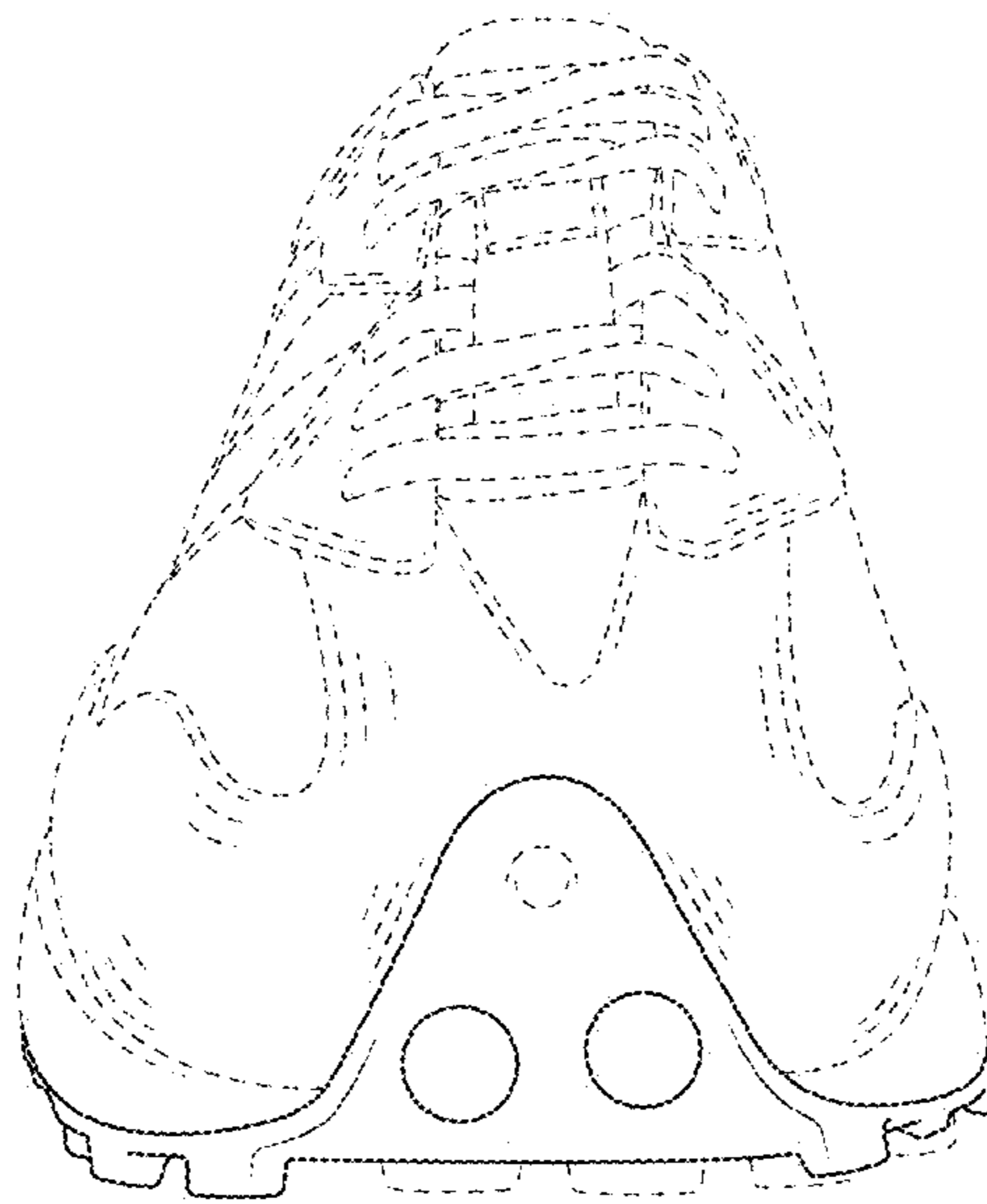


FIG. 4

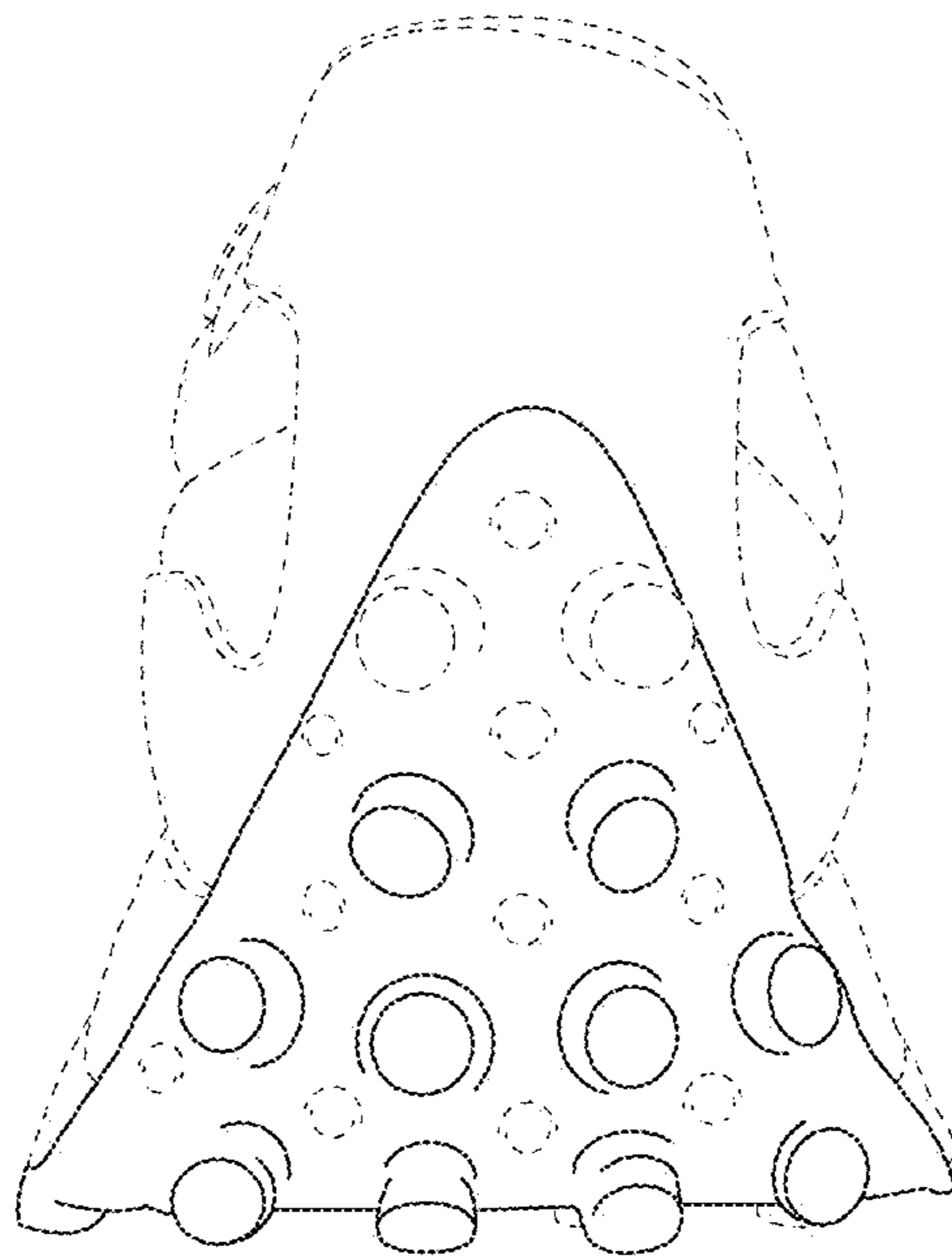


FIG. 5



FIG. 6

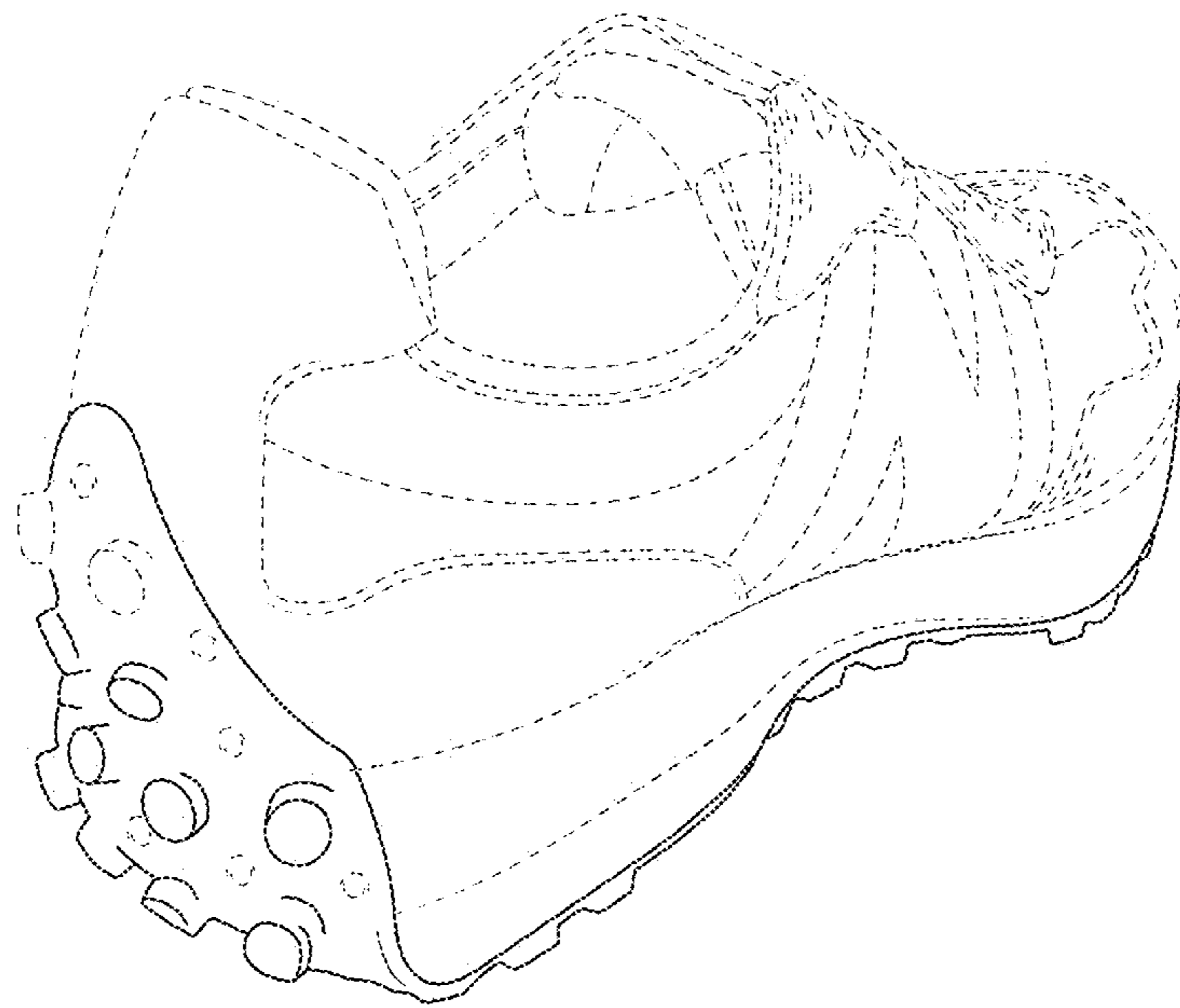


FIG. 7