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(12) **United States Design Patent** (10) **Patent No.:** **US D943,969 S**  
**Holmes** (45) **Date of Patent:** **\*\* Feb. 22, 2022**

(54) **SHOE**  
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D2/916–924, 925–945, 969, 970–979;  
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A43C 1/06; A43C 3/00; A43C 5/00;  
A43C 7/00; A43C 11/00  
See application file for complete search history.

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

D312,919 S 12/1990 Aveni  
D313,498 S 1/1991 Aveni

D330,451 S 10/1992 Hatfield  
D334,090 S 3/1993 Teague  
D382,101 S 8/1997 Teague  
D385,996 S 11/1997 Tresser  
D406,451 S \* 3/1999 Lozano ..... D2/972  
D429,413 S \* 8/2000 Fogg ..... D2/972  
D431,102 S 9/2000 Clegg et al.  
D440,389 S 4/2001 Lozano  
D449,731 S \* 10/2001 Roulo ..... D2/972  
D450,438 S \* 11/2001 Dolan ..... D2/972  
D461,043 S 8/2002 Greene  
D461,951 S 8/2002 Hlavacs  
D465,905 S 11/2002 Meza et al.  
D482,860 S 12/2003 Yun  
D491,718 S 6/2004 Link  
D498,583 S 11/2004 Yun  
D498,909 S 11/2004 Patt

(Continued)

#### OTHER PUBLICATIONS

Nike Precision 5, Nike.com, [online], [site visited Jun. 26, 2021].  
<URL: <https://www.nike.com/t/precision-5-basketball-shoe-PKN7Vvk/CW3403-001>> (Year: 2021).\*

(Continued)

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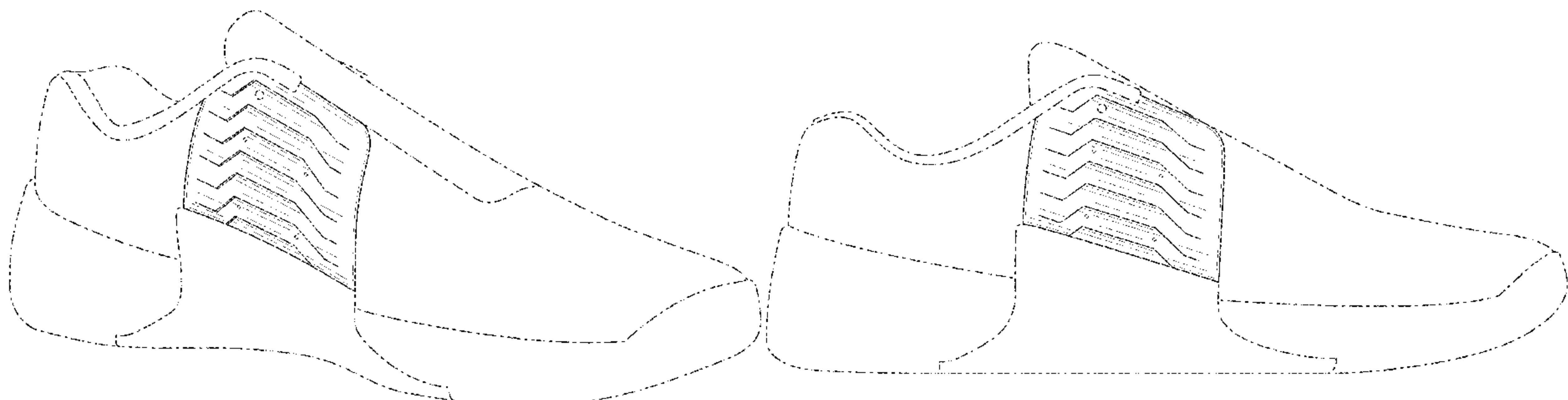
#### (57) **CLAIM**

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; and,  
FIG. 3 is a rear perspective view thereof.  
The broken lines immediately adjacent to the shaded area define the bounds of the claimed design and form no part thereof. The broken lines showing of the five circular shaped elements form no part of the claimed design. The broken lines depicting the remainder of the shoe form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**





(56)

## References Cited

## U.S. PATENT DOCUMENTS

|          |   |   |         |               |       |        |
|----------|---|---|---------|---------------|-------|--------|
| D508,311 | S | * | 8/2005  | Jonsson       | ..... | D2/972 |
| D528,768 | S | * | 9/2006  | Teague        | ..... | D2/972 |
| D551,842 | S | * | 10/2007 | Kuerbis       | ..... | D2/972 |
| D560,341 | S | * | 1/2008  | Mochen        | ..... | D2/969 |
| D568,039 | S |   | 5/2008  | Kuerbis       |       |        |
| D586,104 | S | * | 2/2009  | Duffy         | ..... | D2/969 |
| D629,186 | S | * | 12/2010 | Blakeslee     | ..... | D2/946 |
| D641,968 | S | * | 7/2011  | Miner         | ..... | D2/972 |
| D642,369 | S | * | 8/2011  | Miner         | ..... | D2/972 |
| D649,770 | S | * | 12/2011 | Thornhill     | ..... | D2/972 |
| D654,262 | S | * | 2/2012  | Jarvis        | ..... | D2/972 |
| D668,441 | S | * | 10/2012 | Shaffer       | ..... | D2/972 |
| D688,039 | S | * | 8/2013  | Williams, Jr. | ..... | D2/972 |
| D693,110 | S | * | 11/2013 | Miner         | ..... | D2/972 |
| D696,854 | S |   | 1/2014  | Miner         |       |        |
| D700,424 | S |   | 3/2014  | Miner         |       |        |
| D707,031 | S |   | 6/2014  | Chang         |       |        |
| D715,038 | S | * | 10/2014 | Dolce         | ..... | D2/972 |
| D737,041 | S | * | 8/2015  | Raasch        | ..... | D2/972 |
| D757,413 | S | * | 5/2016  | Bacon         | ..... | D2/969 |
| D766,567 | S |   | 9/2016  | Shyllon       |       |        |
| D770,750 | S |   | 11/2016 | Nethongkome   |       |        |
| D772,552 | S |   | 11/2016 | Greenspan     |       |        |
| D780,428 | S | * | 3/2017  | Caron         | ..... | D2/972 |
| D788,440 | S |   | 6/2017  | Enayah        |       |        |
| D789,674 | S |   | 6/2017  | Williams, Jr. |       |        |
| D790,838 | S | * | 7/2017  | Wright        | ..... | D2/972 |
| D791,463 | S |   | 7/2017  | Williams, Jr. |       |        |
| D795,563 | S | * | 8/2017  | Durand        | ..... | D2/973 |
| D803,541 | S | * | 11/2017 | Jury          | ..... | D2/972 |
| D809,277 | S |   | 2/2018  | Wright        |       |        |
| D809,763 | S | * | 2/2018  | Martin        | ..... | D2/972 |
| D815,421 | S | * | 4/2018  | Sokol         | ..... | D2/972 |
| D825,171 | S | * | 8/2018  | Hardman       | ..... | D2/973 |
| D831,311 | S | * | 10/2018 | Pulli         | ..... | D2/902 |
| D832,569 | S | * | 11/2018 | Kuerbis       | ..... | D2/972 |
| D838,961 | S |   | 1/2019  | Van Atta      |       |        |
| D838,963 | S |   | 1/2019  | Van Atta      |       |        |
| D845,606 | S | * | 4/2019  | Holmes        | ..... | D2/972 |
| D850,779 | S | * | 6/2019  | Sokol         | ..... | D2/973 |
| D871,728 | S | * | 1/2020  | Bidal         | ..... | D2/902 |
| D884,333 | S | * | 5/2020  | Walsh         | ..... | D2/973 |
| D895,260 | S |   | 9/2020  | Hernandez     |       |        |
| D900,462 | S | * | 11/2020 | Brunner       | ..... | D2/972 |
| D905,424 | S | * | 12/2020 | Strother      | ..... | D2/973 |
| D915,057 | S | * | 4/2021  | O'Connor      | ..... | D2/972 |

## OTHER PUBLICATIONS

Nike Air Max Alpha TR 3, Nike.com, [online], [site visited Jun. 26, 2021]. <URL: <https://www.nike.com/t/air-max-alpha-tr-3-mens-training-shoe-0C1CV7/CJ8058-004>> (Year: 2021).\*

“Everything You Need to Know about the Nike Free Metcon 3”; Wit Fitness; retrieved Dec. 15, 2020; published May 13, 2020; URL: <<https://us.wit-fitness.com/blogs/news/everythingyouneedtoknowabout-thenikefreemetcon3>>.

“The Nike Metcon 5+ Gets Another “Banned” Treatment”; Sneaker news; retrieved Dec. 15, 2020; published Jul. 25, 2019; URL: <<https://sneakernews.com/2019/07/25/nike-metcon-5-banned-release-info/>>.

“Nike Metcon 1—Apr. 2015 Releases”; Sneaker news; retrieved Dec. 15, 2020; published Mar. 30, 2015; URL: <<https://sneakernews.com/2015/03/30/nike-metcon-1-april-2015-releases/>>.

“Nike introduces Metcon 3, Now with Flyknit, For all your Training Needs”; Sneaker news; retrieved Dec. 15, 2020; published Dec. 13, 2016; URL: <<https://sneakernews.com/2016/12/13/nike-metcon-3-flyknit-unveiled/>>.

“Nike’s Latest Training Sneaker is Almost Here”; Sole Collector; retrieved Dec. 15, 2020; published Jul. 28, 2020; URL: <<https://solecollector.com/news/2020/07/nike-metcon-6-nike-metcon-6-flyease-release-date>>.

“Nike to Release the Special Edition Metcon 4 in Two Colorways”; Sneaker news; retrieved Dec. 15, 2020; published Feb. 11, 2018; URL: <<https://sneakernews.com/2018/02/11/nike-special-edition-metcon-4-release-info/>>.

“Nike’s Upcoming Metcon 2 is “Strong as Steel””; Sneaker news; retrieved Dec. 15, 2020; published Mar. 15, 2016; URL: <<https://sneakernews.com/2016/03/15/nikes-upcoming-metcon-2-is-strong-as-steel/>>.

“Nike Free x Metcon 2”; Nike; retrieved Dec. 15, 2020; published Mar. 27, 2019; URL: <<https://news.nike.com/footwear/nike-free-x-metcon-2>>.

“Nike Free Metcon 3—Training Shoe Review”; Fit at Midlife; retrieved Dec. 15, 2020; published Mar. 29, 2020; URL: <<https://fitatmidlife.com/nike-free-metcon-3-training-shoe-review/>>.

“Nike Adds Free Cushioning to the Metcon Series”; Sneaker news; retrieved Dec. 15, 2020; published Mar. 13, 2018; URL: <<https://sneakernews.com/2018/03/13/nike-free-metcon-release-info/>>.

Nike Footwear Catalog, 1999 Holiday Men’s and Women’s Footwear, p. W55, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, 2012 Fall Men’s Footwear Sportswear Best, p. 22, published Nov. 2010, Nike, Inc., USA.

Nike Footwear Catalog, 2014 Fall City Specialty Footwear Best Final, p. 45, published Feb. 2013, Nike, Inc., USA.

Nike Footwear Catalog, 2016 Spring Dept Store Best Footwear NA, p. 20, published Nov. 2015, Nike, Inc., USA.

Nike Footwear Catalog, 2017 Spring City Specialty Footwear Best NA, p. 16, published May 2016, Nike, Inc., USA.

Nike Footwear Catalog, 2017 Spring City Specialty Footwear Best NA, p. 54, published May 2016, Nike, Inc., USA.

\* cited by examiner



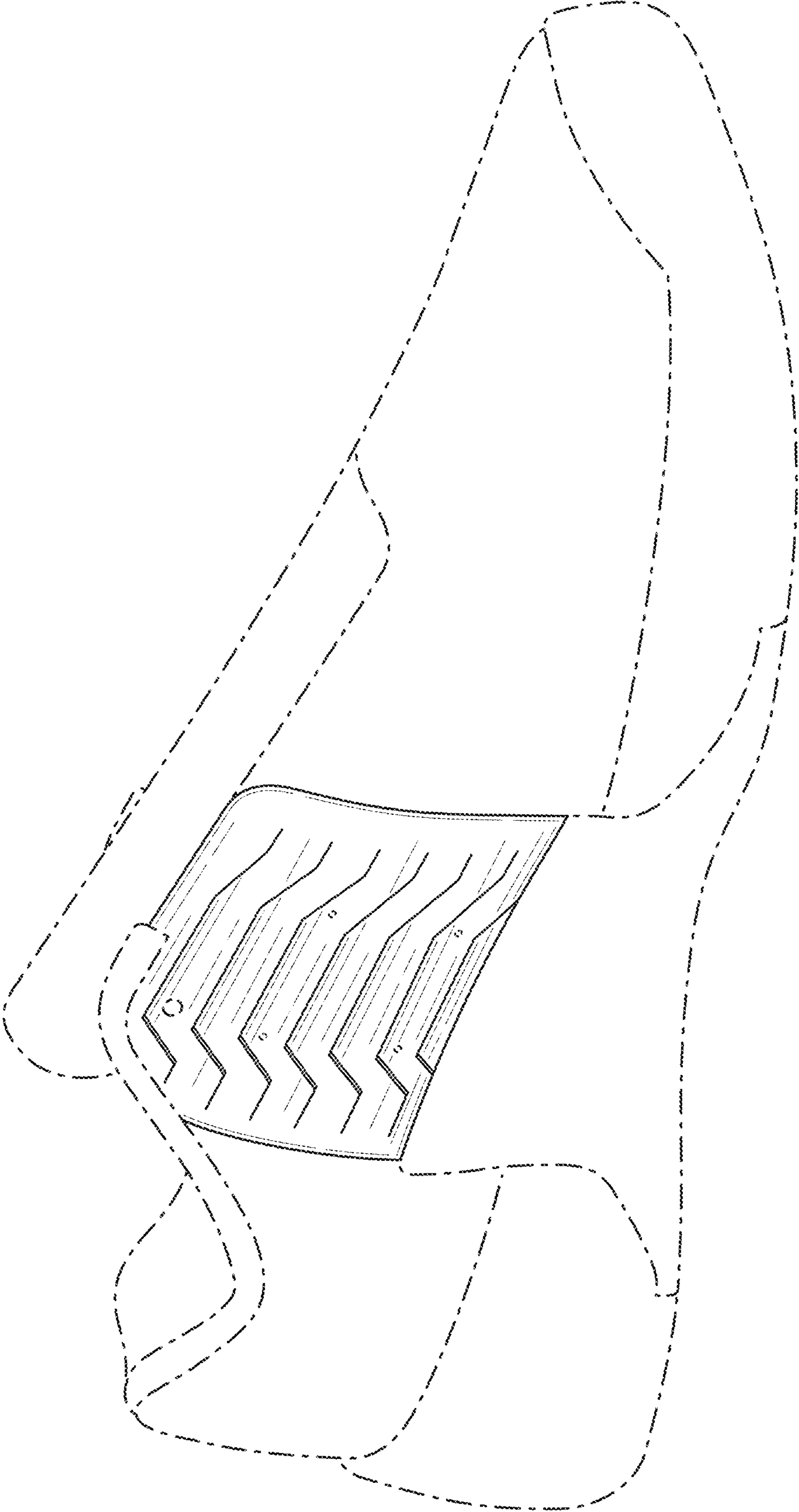


FIG. 1



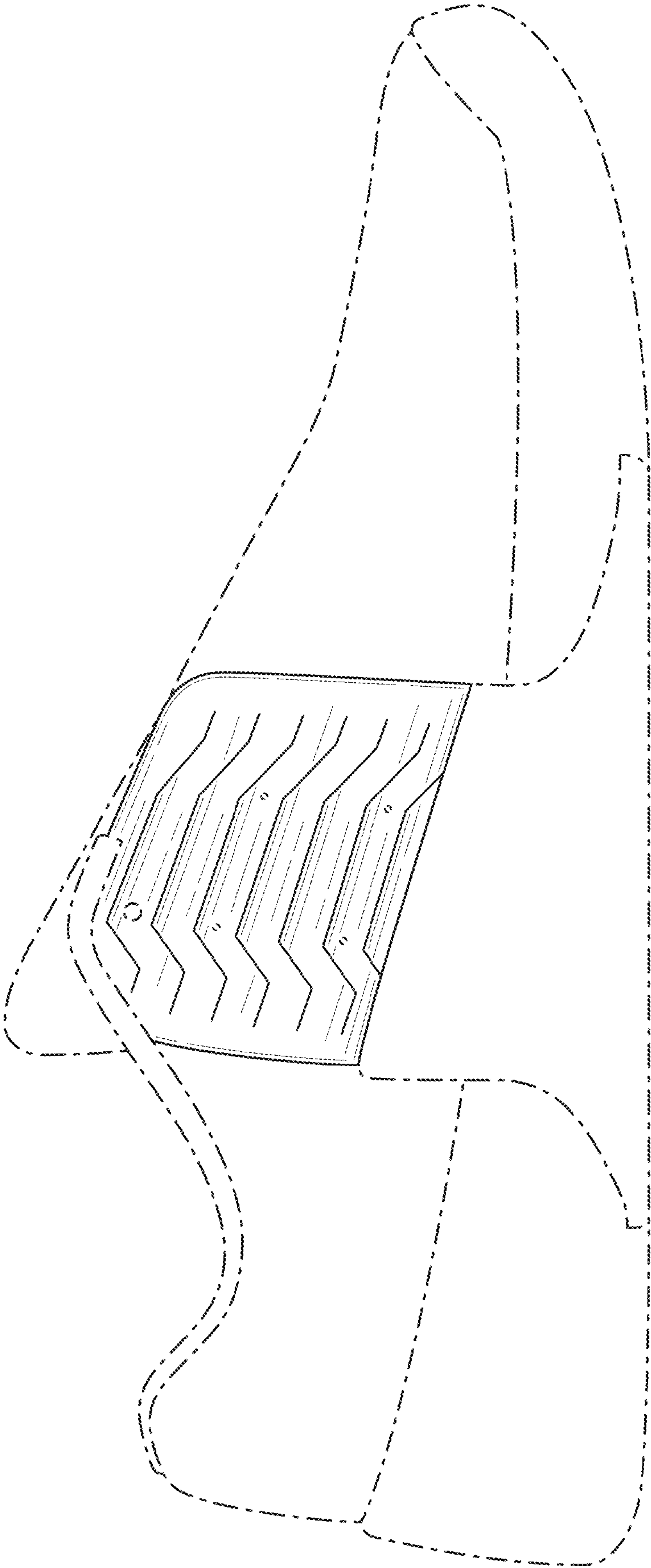


FIG. 2



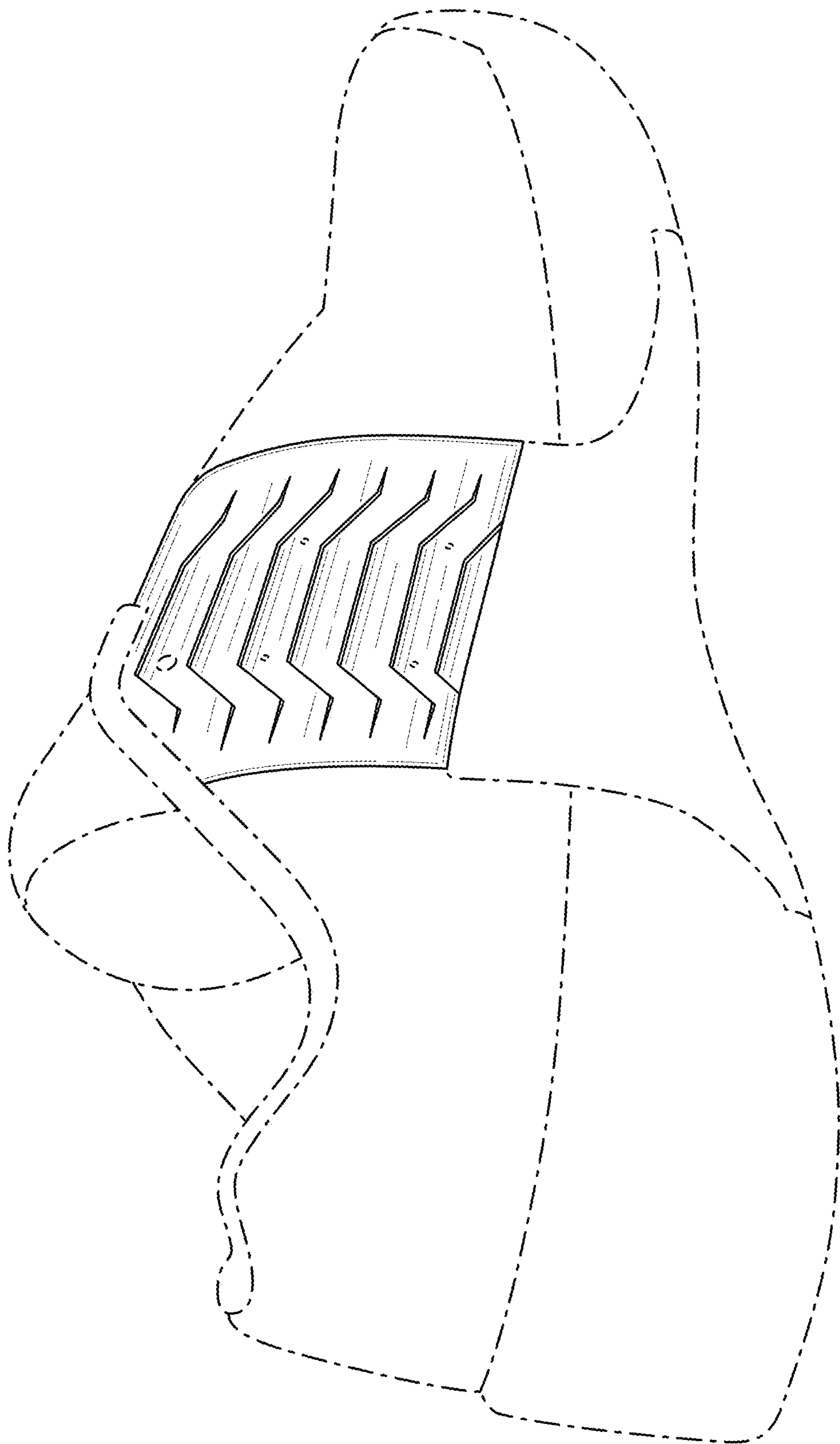


FIG. 3