



US00D946250S

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

(10) **Patent No.:** **US D946,250 S**  
(45) **Date of Patent:** **\*\* Mar. 22, 2022**

(54) **SHOE**

(71) Applicant: **ROTHY'S, INC.**, San Francisco, CA (US)

(72) Inventor: **William Roth Martin**, San Francisco, CA (US)

(73) Assignee: **ROTHY'S, INC.**, San Francisco, CA (US)

(\*\*) Term: **15 Years**

(21) Appl. No.: **29/721,508**

(22) Filed: **Jan. 21, 2020**

(51) **LOC (13) Cl.** ..... **02-04**

(52) **U.S. Cl.**  
USPC ..... **D2/925**; D2/969

(58) **Field of Classification Search**  
USPC ..... D2/896, 900, 902, 904, 906-908, D2/916-924, 925-945, 969, 970-979; 36/1.5, 3 A, 83, 45, 99, 112-116, 1, 3 B, 36/22 R, 24.5, 25 R, 28, 32 R, 34 R, 36/59 C, 101-107, 114-116, 117.3, 117.4, 36/67 A, 124-136

CPC ..... A43B 23/00; A43B 23/02; A43B 23/04; A43B 23/07; A43B 23/024; A43B 23/0245; A43B 23/025; A43B 23/026; A43B 23/265; A43B 23/14; A43B 23/16; A43B 23/24; A43B 23/26; A43B 5/00; A43B 5/001; A43B 5/002; A43B 5/003; A43B 5/008; A43B 5/06; A43B 5/08; A43B 5/10; A43B 5/12; A43B 5/14; A43B 5/145; A43B 1/00; A43B 1/02; A43B 1/04; A43B 1/0045; A43B 3/12; A43B 7/00; A43B 9/00; A43B 9/08; A43B 9/14; A43B 9/16; A43B 11/00; A43B 21/00; A43B 21/02; A43B 21/04; A43B 21/06; 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;

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

D39,412 S 7/1908 Ostrowsky  
D54,218 S 11/1919 Mazanec et al.  
(Continued)

OTHER PUBLICATIONS

The Mary Jane, Rothys.com, [online], [site visited May 14, 2021]. <URL: <https://rothys.com/products/the-mary-jane-sapphire>> (Year: 2021).\*

(Continued)

*Primary Examiner* — T Chase Nelson

*Assistant Examiner* — Jonathan J Han

(74) *Attorney, Agent, or Firm* — Arent Fox LLP

(57) **CLAIM**

The ornamental design for a shoe, as shown and described.

**DESCRIPTION**

FIG. 1 is a front left perspective view of a shoe showing my new design;

FIG. 2 is front view of the design shown in FIG. 1;

FIG. 3 is a rear view of the design shown in FIG. 1;

FIG. 4 is a left side view of the design shown in FIG. 1;

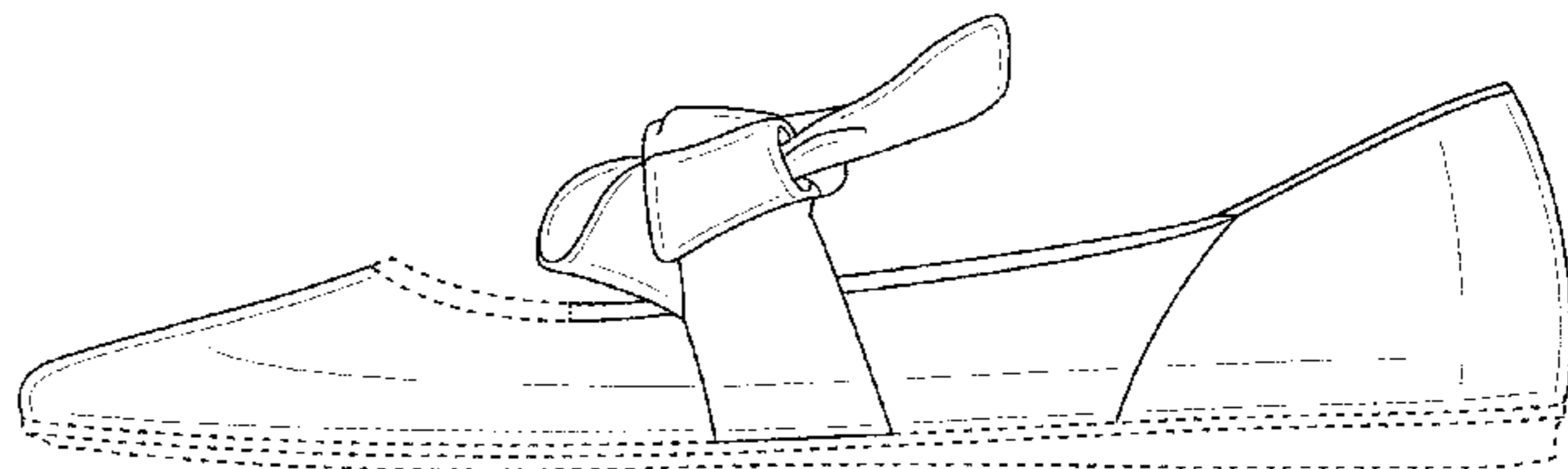
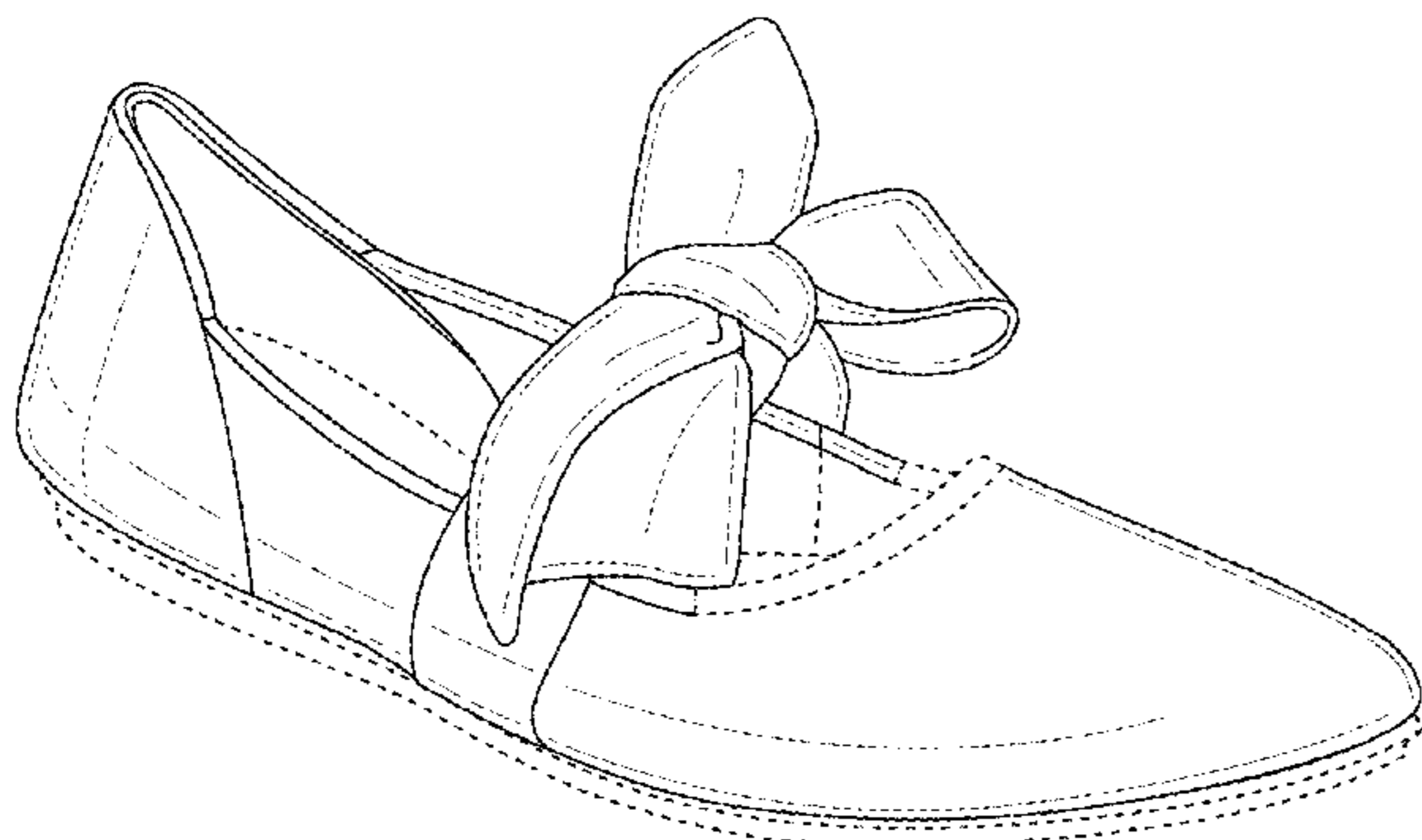
FIG. 5 is a right side view of the design shown in FIG. 1;

FIG. 6 is a top view of the design shown in FIG. 1; and,

FIG. 7 is a bottom view of the design shown in FIG. 1.

The figures include broken, solid and dash-dot-dash lines. The dash-dot-dash lines illustrate the boundary of the claimed design and form no part thereof. The areas within the solid lines, inside the dash-dot-dash lines and inside the broken lines form the claimed design. The broken lines shown in the figures are included for the purpose of illustrating portions of shoe and form no part of the claimed design.

**1 Claim, 7 Drawing Sheets**



(58) **Field of Classification Search**

CPC ..... 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; A43C 1/00; A43C 1/003; 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

D84,412 S \* 6/1931 Goldstein ..... D2/941  
 D93,962 S \* 12/1934 Benjamin ..... D2/941  
 D95,103 S 4/1935 Wright  
 D95,870 S 6/1935 Sofransky  
 D98,820 S 3/1936 Audino  
 D101,274 S 9/1936 Gerton  
 D101,704 S \* 10/1936 Levin ..... D2/941  
 D109,313 S 4/1938 Delman  
 D111,858 S 10/1938 Perugia  
 D112,086 S \* 11/1938 Perugia ..... D2/930  
 D122,105 S \* 8/1940 Wood ..... D2/928  
 D129,277 S \* 9/1941 Sutcliffe ..... D2/940  
 D133,819 S 9/1942 Harris  
 D137,763 S 4/1944 Goldstein  
 D137,765 S 4/1944 Goldstein  
 D149,683 S 5/1948 Sandler  
 D149,695 S 5/1948 Sandler  
 D163,185 S 5/1951 Joyce  
 D167,503 S 8/1952 Diamant  
 D172,498 S 6/1954 Gilmore  
 D176,338 S 12/1955 Joyce  
 D180,334 S 5/1957 Keyes  
 D190,900 S 7/1961 Grossman  
 3,037,302 A \* 6/1962 McDorman ..... A43B 3/105  
 36/11.5  
 D247,396 S 3/1978 Schlerth  
 D247,932 S 5/1978 Katz  
 D273,627 S 5/1984 Huberman et al.  
 D329,131 S \* 9/1992 Ostberg ..... D2/953  
 D499,865 S 12/2004 Belley et al.  
 D500,191 S 12/2004 Belley et al.  
 D527,513 S 9/2006 Della Valle  
 D545,037 S 6/2007 Shaffer  
 D571,084 S 6/2008 Comeau  
 D571,548 S 6/2008 Seamans  
 D579,637 S 11/2008 Liow  
 D591,491 S 5/2009 Truelsen  
 D611,693 S 3/2010 Schwartz  
 D612,591 S 3/2010 Schwartz  
 D633,290 S \* 3/2011 Issler ..... D2/971  
 D637,387 S \* 5/2011 Issler ..... D2/971  
 D657,118 S \* 4/2012 Brierley ..... D2/917  
 D660,565 S 5/2012 Della Valle et al.  
 D664,335 S \* 7/2012 Garcia Mira ..... D2/939  
 D668,027 S 10/2012 Millieret  
 D668,438 S 10/2012 Millieret  
 D668,847 S 10/2012 Gavrieli et al.  
 D668,848 S 10/2012 Gavrieli et al.  
 D668,849 S 10/2012 Pozzi  
 D668,850 S 10/2012 Pozzi  
 D676,633 S \* 2/2013 Doherty ..... D2/917  
 D676,634 S 2/2013 Gavrieli et al.  
 D677,038 S \* 3/2013 Guckin ..... D2/917  
 D693,103 S 11/2013 McMillan  
 D694,996 S 12/2013 Rayko  
 D697,703 S \* 1/2014 Della Valle ..... D2/953  
 D711,077 S \* 8/2014 Bell ..... D2/917  
 D730,030 S 5/2015 Della Valle et al.  
 D730,635 S 6/2015 Lin  
 D730,636 S 6/2015 Della Valle et al.  
 D744,730 S 8/2015 Kirkwood  
 D751,799 S \* 3/2016 Nogueira ..... D2/953

D768,366 S 10/2016 Hawthornthwaite et al.  
 D771,361 S \* 11/2016 Boerlage ..... D2/919  
 D783,242 S 4/2017 Arzegar  
 D783,988 S 4/2017 Da Costa Pereira Machado  
 D787,172 S \* 5/2017 Buscemi ..... D2/973  
 D789,661 S 6/2017 Slimane  
 D804,156 S 12/2017 Hawthornthwaite et al.  
 D805,276 S \* 12/2017 Hawthornthwaite ..... D2/939  
 D809,754 S 2/2018 Kim  
 D811,068 S 2/2018 Kim  
 D813,505 S 3/2018 Brown et al.  
 D814,769 S \* 4/2018 McClaskie ..... D2/971  
 D815,401 S 4/2018 Sassi  
 D819,306 S \* 6/2018 Pina ..... D2/916  
 D821,724 S \* 7/2018 Frantz ..... D2/969  
 D827,258 S 9/2018 Pina  
 D831,313 S \* 10/2018 Hawthornthwaite ..... D2/939  
 D831,325 S 10/2018 Hawthornthwaite  
 D833,729 S \* 11/2018 Hawthornthwaite ..... D2/971  
 D836,314 S 12/2018 Hawthornthwaite et al.  
 D844,313 S \* 4/2019 Hawthornwaite ..... D2/971  
 D851,888 S \* 6/2019 Frantz ..... D2/971  
 D855,951 S 8/2019 Kirkwood  
 D856,641 S 8/2019 Tewani  
 D861,314 S \* 10/2019 Kim ..... D2/970  
 D864,538 S \* 10/2019 Mocos ..... D2/953  
 D866,943 S 11/2019 Hawthornwaite  
 D870,425 S 12/2019 Hawthornthwaite  
 D872,429 S \* 1/2020 Pina ..... D2/929  
 D872,987 S 1/2020 Hawthornthwaite  
 D876,072 S \* 2/2020 Lee ..... D2/971  
 D884,317 S 5/2020 Hawthornthwaite  
 D884,319 S 5/2020 Hawthornthwaite  
 D885,016 S 5/2020 Hawthornthwaite  
 D885,017 S 5/2020 Hawthornthwaite  
 D891,073 S \* 7/2020 Barerra ..... D2/971  
 D893,839 S \* 8/2020 Mocos ..... D2/950  
 D893,840 S \* 8/2020 Mocos ..... D2/950  
 D895,237 S \* 9/2020 Swierszczyk ..... D2/939  
 D895,238 S 9/2020 Felloni et al.  
 D895,255 S \* 9/2020 Swierszczyk ..... D2/971  
 D905,385 S \* 12/2020 Liu ..... D2/939  
 D905,940 S \* 12/2020 Liu ..... D2/939  
 D905,946 S 12/2020 Hawthornwaite  
 D905,947 S \* 12/2020 Hawthornthwaite ..... D2/971  
 D907,902 S 1/2021 Kim  
 D909,718 S 2/2021 Hawthornthwaite  
 D915,043 S \* 4/2021 Xue ..... D2/953  
 D920,654 S 6/2021 Hawthornthwaite

OTHER PUBLICATIONS

The Point, Rothys.com, [online], [site visited May 14, 2021].  
 <URL: <https://rothys.com/products/the-point-cloud-grey-birdseye>>  
 (Year: 2021).  
 Has Rothys's jumped the shark with The Mary Jane?, PhilAndMama.  
 com, Mar. 9, 2020, [online], [site visited May 14, 2021]. <URL:  
<http://www.philandmama.com/adventures/2020/3/9/rothys-mary-jane-points-honest-review-sustainable-stylish-but-not-practical>> (Year:  
 2020).  
*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes and Dr. Casey Kerrigan d/b/a Oesh Shoes*, Rothys's Reply Brief in Support of its Motion to Strike Certain of Defendants' Affirmative Defense, Civil Action No. 3:18CV00067 (MFU) 3:18-cv-00067-MFU-JCH, Document 56. 27 Pages Total, (Mar. 12, 2019).  
*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes and Dr. Casey Kerrigan*, Defendants' Brief in Opposition to Plaintiff's Motion to Strike Certain of Defendants' Affirmative Defenses, Civil Action No. 3:18CV00067, 3:18-cv-00067-MFU-JCH, Document 55. 16 Pages Total, (Mar. 5, 2019).  
*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes, and Dr. Casey Kerrigan d/b/a Oesh Shoes*, Rothys's Memorandum in Support of Motion to Strike Certain of Defendants' Affirmative Defenses, Civil Action No. 3:18CV00067 (MFU), Case 3:18-cv-00067-MFU-JCH, Document 53. 17 Pages Total, (Feb. 19, 2019).

(56)

**References Cited**

OTHER PUBLICATIONS

*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes, and Dr. Casey Kerrigan*, Defendants JJKM Technologies, LLC's and Dr. Casey Kerrigan's Answer to Complaint for Patent Infringement, Trade Dress Infringement, and Unfair Competition, Affirmative Defenses, and Counterclaims, Civil Action No. 3:18CV00067 Case 3:18-cv-00067-MFU-JCH, Document 49. 307 Pages Total (Jan. 28, 2019).

*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes, and Dr. Casey Kerrigan*, Defendants' Surreply in Opposition to Plaintiff's Motion to Strike Certain of Defendants' Affirmative Defenses, Civil Action No. 3:18CV00067 3:18-cv-00067-MFU-JCH, Document 57-1. 19 Pages Total, (Mar. 19, 2019).

*Rothy's, Inc. vs. Giesswein Walkwaren AG*, Defendant Giesswein Walkwaren Ag's Notice Of Motion and Motion to Dismiss Rothy, Inc.'s Complaint For Failure To State A Claim, Civil Action No. 3:19-cv-03071-JD, Document 29. 20 Pages Total, (Aug. 29, 2019).

\* cited by examiner

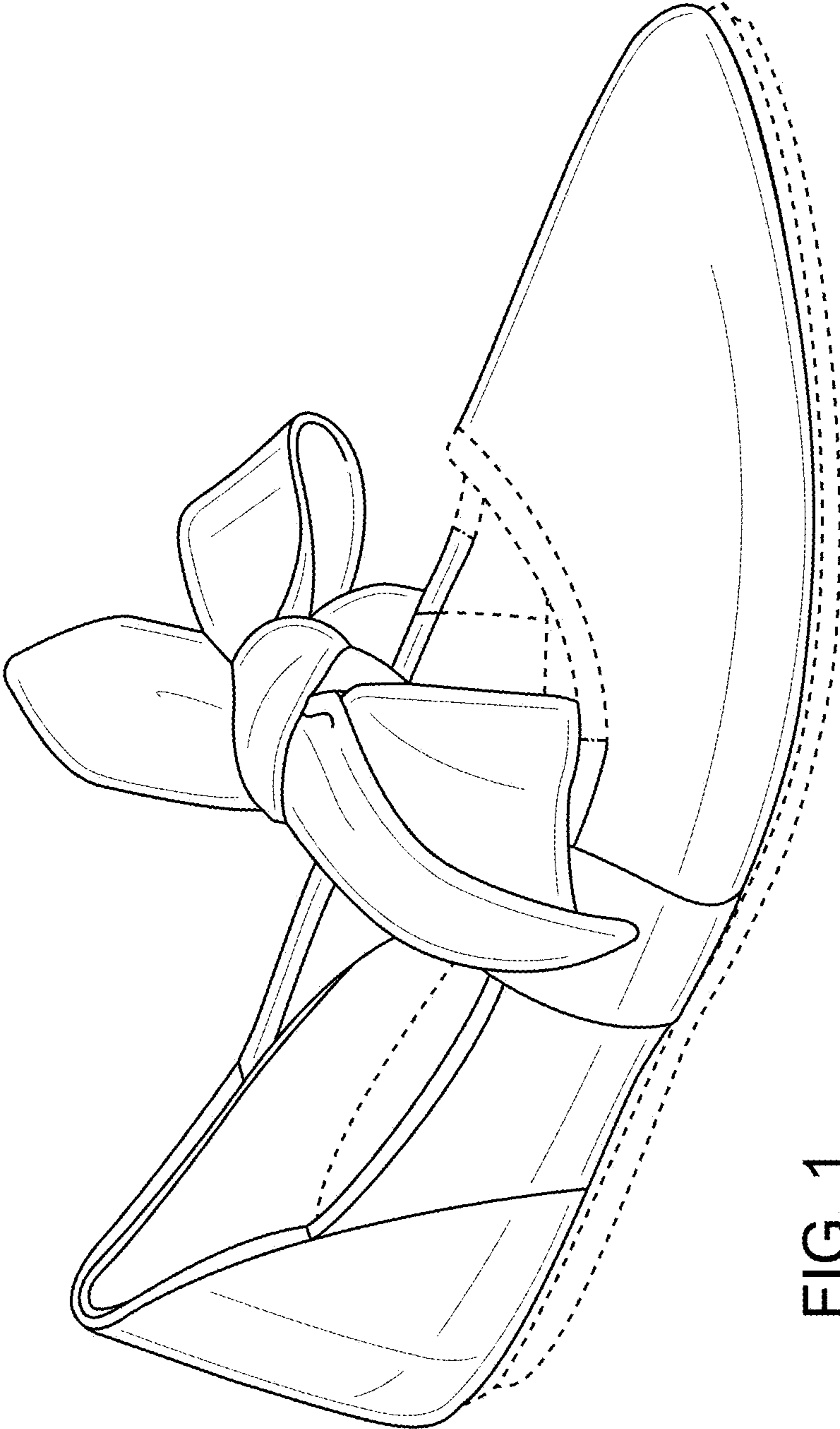


FIG. 1

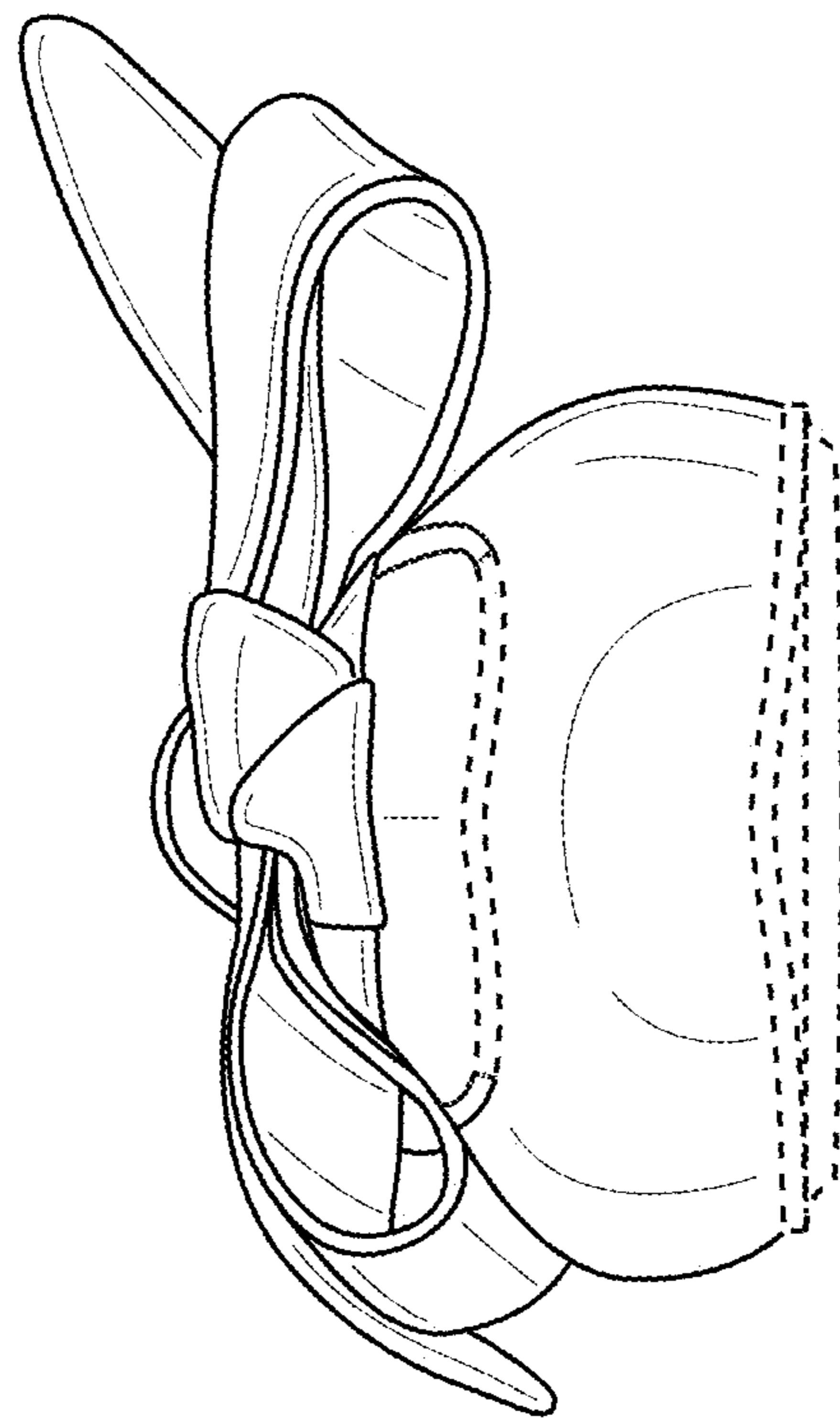


FIG. 2

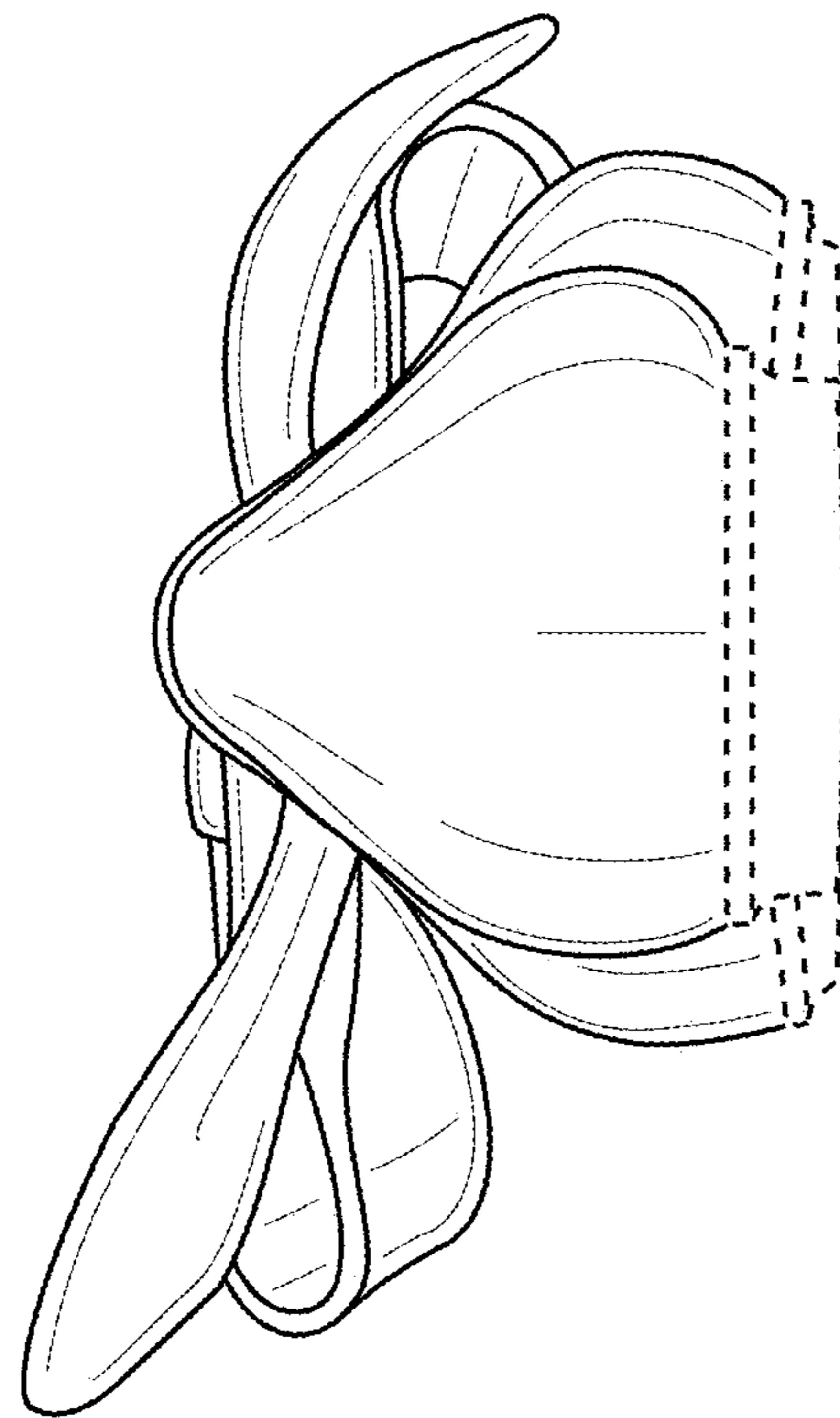


FIG. 3

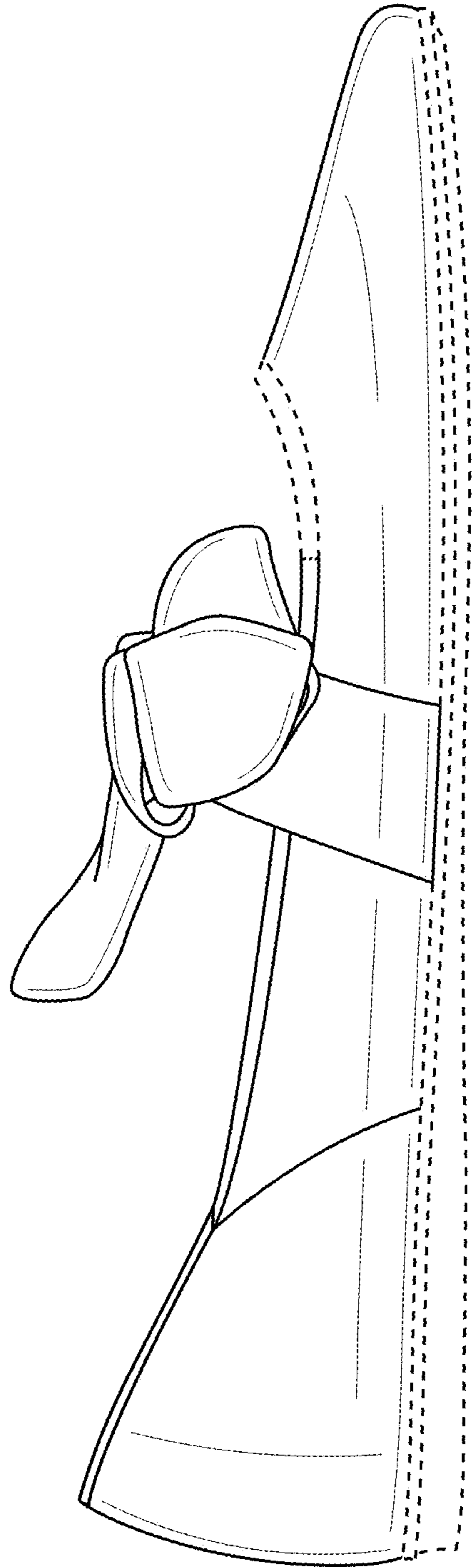


FIG. 4

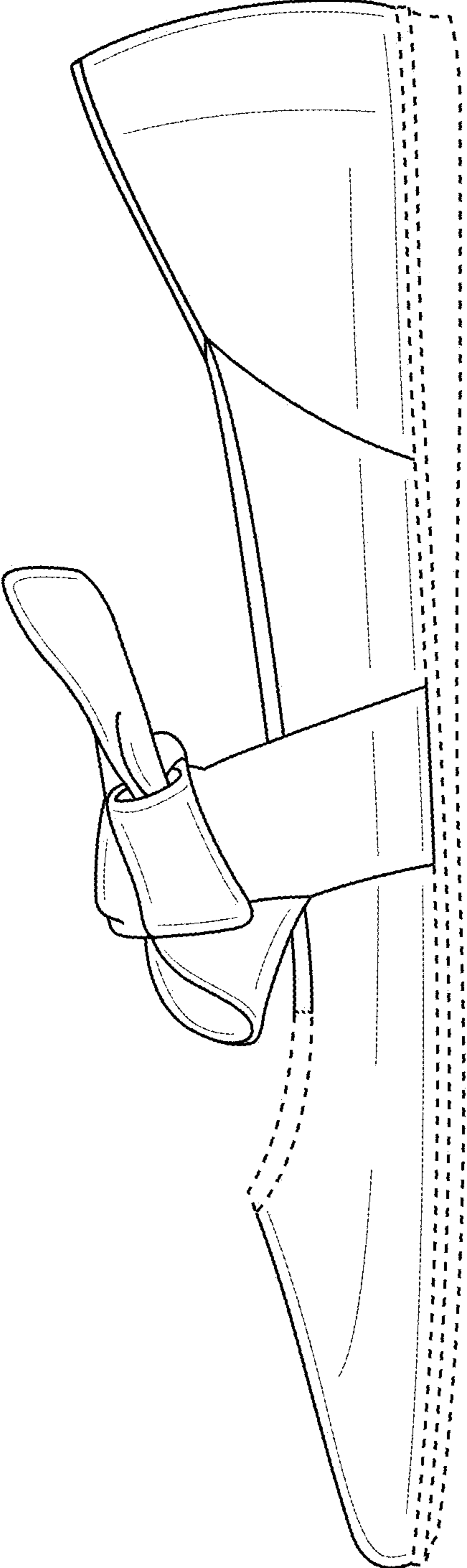


FIG. 5



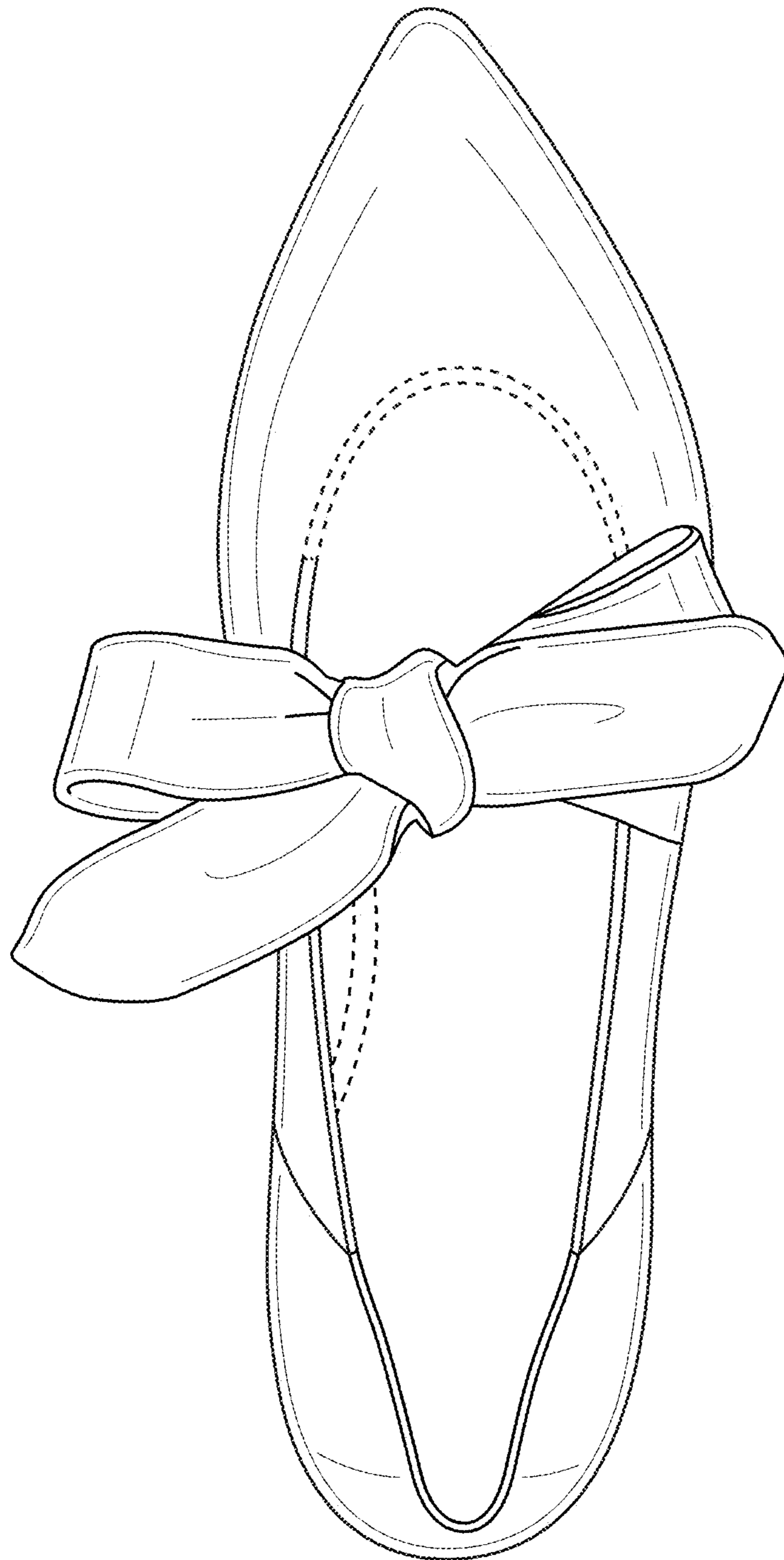


FIG. 6

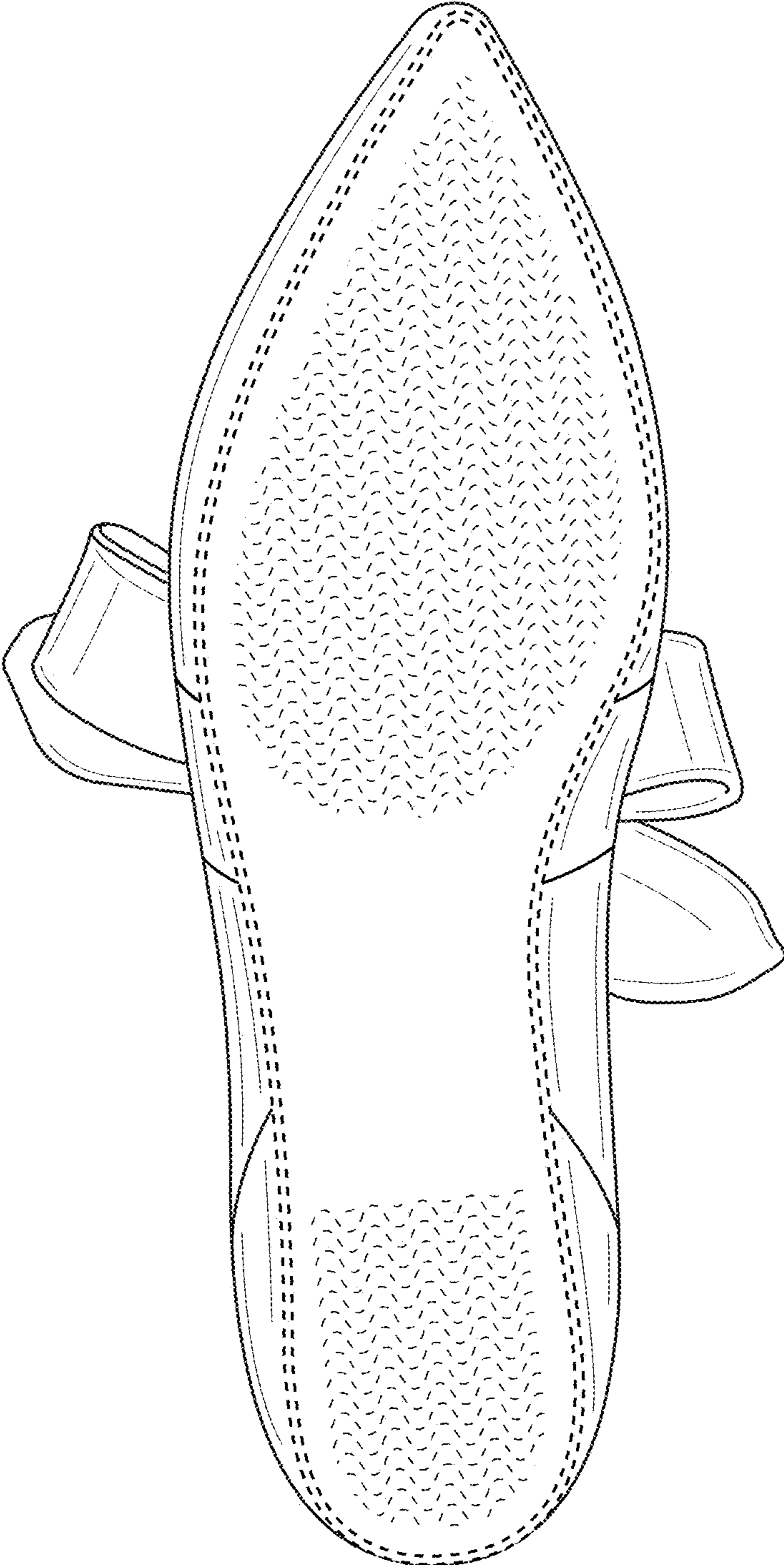


FIG. 7