



US00D949526S

(12) **United States Design Patent** (10) **Patent No.:** **US D949,526 S**  
**Martin et al.** (45) **Date of Patent:** **\*\* Apr. 26, 2022**

(54) **SHOE**

A43B 23/25; A43B 23/26; A43C 1/00;  
A43C 5/00; A43C 7/00; A43C 9/00;  
A43C 11/00

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

See application file for complete search history.

(72) Inventors: **William Roth Martin**, San Francisco, CA (US); **La Vion Gibson**, San Francisco, CA (US); **Erin D. Lowenberg**, San Francisco, CA (US)

(56)

**References Cited**

U.S. PATENT DOCUMENTS

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

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

(21) Appl. No.: **29/748,906**

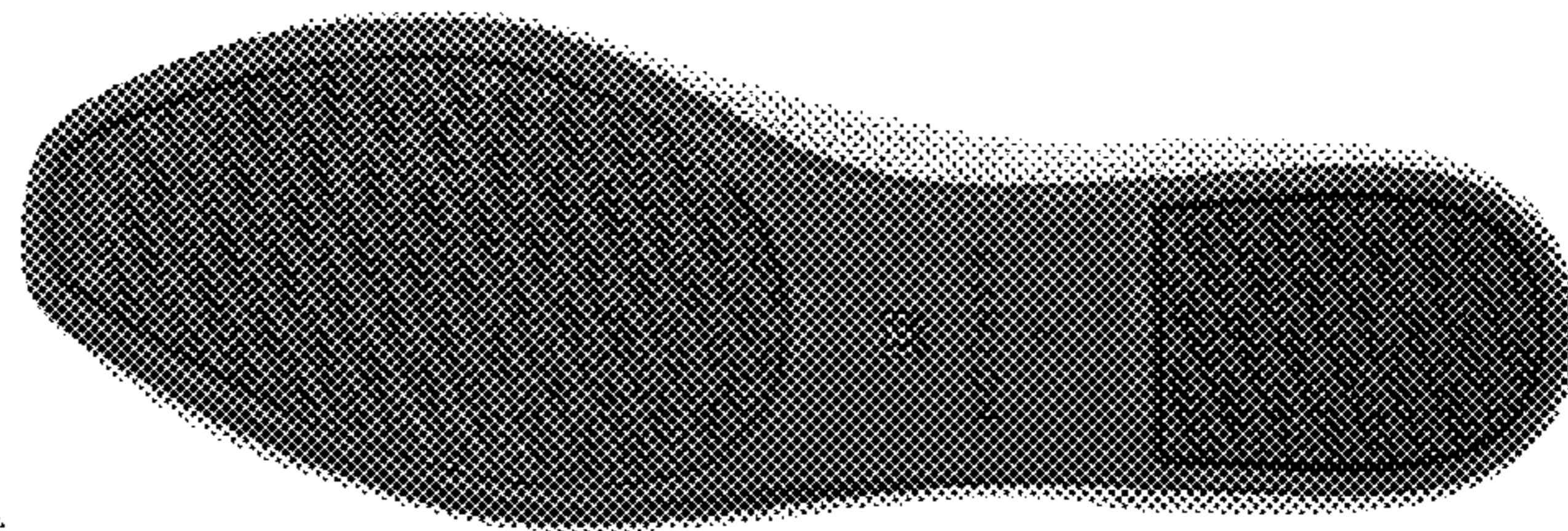
(22) Filed: **Sep. 1, 2020**

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

(52) **U.S. Cl.**  
USPC ..... **D2/939; D2/925**

(58) **Field of Classification Search**  
USPC ..... D2/902, 946-962, 896, 900, 904,  
D2/906-908, 916-924, 925-945,  
D2/969-979; 36/1, 1.5, 3 B, 22 R, 24.5,  
36/25 R, 28, 32 R, 34 R, 59 C, 67 A,  
36/101-107, 114-116, 117.3, 117.4,  
36/124-136, 3 A, 83, 45, 99, 112-116  
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; A43B 1/00; A43B  
1/02; A43B 1/04; A43B 3/00; A43B 3/02;  
A43B 3/06; A43B 3/10; A43B 3/12;  
A43B 3/14; A43B 5/00; A43B 5/001;  
A43B 5/002; A43B 5/008; A43B 5/06;  
A43B 5/10; A43B 5/12; A43B 23/00;  
A43B 23/02; A43B 23/04; A43B 23/14;  
A43B 23/16; A43B 23/17; A43B 23/24;

20,439 A	6/1858	Michel et al.	
D16,609 S	4/1886	Buchanan	
D25,492 S	5/1896	Pepper et al.	
687,513 A	11/1901	Bibikov	
D86,152 S	2/1932	Bellak	
D109,313 S	4/1938	Delman	
D133,819 S	9/1942	Harris	
D137,763 S	4/1944	Goldstein	
D137,765 S	4/1944	Goldstein	
D149,683 S	5/1948	Sandler	
D149,685 S	5/1948	Sandler	
D149,695 S	5/1948	Sandler	
D163,185 S	5/1951	Joyce	
D167,503 S	8/1952	Diamant	
D176,338 S	12/1955	Joyce	
D178,551 S	8/1956	Sherman	
D180,334 S	5/1957	Keyes	
D190,900 S	7/1961	Grossman	
D204,390 S	4/1966	Bodicky	
D247,396 S	3/1978	Schlerth	
D247,932 S	5/1978	Katz	
D273,627 S	5/1984	Huberman et al.	
D339,905 S	* 10/1993	Bensley	D2/913
D498,041 S	* 11/2004	McClaskie	D2/947
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	
D571,584 S	6/2008	Thompson	
D579,637 S	11/2008	Liow	
D591,491 S	5/2009	Truelsen	
D593,307 S	6/2009	Belley et al.	
D611,693 S	3/2010	Schwartz	
D612,591 S	3/2010	Schwartz	
D628,366 S	* 12/2010	Ringdal	D2/909
D660,565 S	5/2012	Della Valle et al.	
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	



D676,634 S	2/2013	Gavrieli et al.	
D681,927 S *	5/2013	Gavrieli .....	A43B 13/141 D2/939
D693,103 S	11/2013	McMillan	
D730,030 S	5/2015	Della Valle et al.	
D730,635 S	6/2015	Lin	
D730,636 S	6/2015	Della Valle et al.	
D731,764 S	6/2015	Yen	
D741,581 S	10/2015	Del Biondi	
D744,730 S	12/2015	Kirkwood	
D749,829 S *	2/2016	Gavrieli .....	D2/939
D750,360 S *	3/2016	Gavrieli .....	D2/939
D750,361 S *	3/2016	Gavrieli .....	D2/939
D750,873 S *	3/2016	Gavrieli .....	D2/939
D750,874 S *	3/2016	Gavrieli .....	D2/939
D751,278 S *	3/2016	Gavrieli .....	D2/939
D751,279 S *	3/2016	Gavrieli .....	D2/939
D751,280 S *	3/2016	Vasquez .....	D2/939
D755,485 S *	5/2016	Gavrieli .....	D2/939
D755,486 S *	5/2016	Gavrieli .....	D2/939
D755,487 S *	5/2016	Gavrieli .....	D2/939
D755,488 S *	5/2016	Gavrieli .....	D2/939
D756,081 S *	5/2016	Gavrieli .....	D2/939
D756,082 S *	5/2016	Gavrieli .....	D2/939
D756,083 S *	5/2016	Gavrieli .....	D2/939
D756,084 S *	5/2016	Gavrieli .....	D2/939
D757,407 S *	5/2016	Gavrieli .....	D2/939
D758,052 S *	6/2016	Gavrieli .....	D2/939
D761,529 S *	7/2016	Gavrieli .....	D2/939
D761,530 S *	7/2016	Gavrieli .....	D2/939
D761,531 S *	7/2016	Gavrieli .....	D2/939
D761,532 S *	7/2016	Gavrieli .....	D2/939
D761,535 S *	7/2016	Gavrieli .....	D2/939
D763,556 S *	8/2016	Gavrieli .....	D2/939
D768,366 S	10/2016	Hawthornthwaite et al.	
D775,798 S *	1/2017	Gavrieli .....	D2/939
D779,798 S *	2/2017	Gavrieli .....	D2/939
D783,242 S	4/2017	Arzegar	
D783,988 S	4/2017	da Costa Pereira Machado	
D803,528 S *	11/2017	Reynolds .....	D2/923
D804,156 S	12/2017	Hawthornthwaite et al.	
D805,276 S	12/2017	Hawthornthwaite et al.	
D805,277 S *	12/2017	Gavrieli .....	D2/939
D811,068 S	2/2018	Kim	
D812,867 S *	3/2018	Gavrieli .....	D2/939
D812,868 S *	3/2018	Gavrieli .....	D2/939
D814,153 S *	4/2018	Gavrieli .....	D2/939
D815,401 S	4/2018	Sassi	
D819,309 S *	6/2018	Reynolds .....	D2/923
D824,148 S *	7/2018	Gavrieli .....	D2/939
D824,149 S *	7/2018	Gavrieli .....	D2/939
D824,150 S *	7/2018	Gavrieli .....	D2/939
D825,156 S *	8/2018	Gavrieli .....	D2/939
D827,994 S	9/2018	Sassi	
D831,312 S *	10/2018	Gavrieli .....	D2/939
D831,313 S	10/2018	Hawthornthwaite et al.	
D831,325 S	10/2018	Hawthornthwaite et al.	
D833,729 S	11/2018	Hawthornthwaite et al.	
D836,314 S	12/2018	Hawthornthwaite et al.	
D837,495 S *	1/2019	Gavrieli .....	D2/939
D842,593 S *	3/2019	Gavrieli .....	D2/939
D843,094 S *	3/2019	Gavrieli .....	D2/939
D844,305 S *	4/2019	Gavrieli .....	D2/939
D844,313 S	4/2019	Hawthornthwaite et al.	
D846,844 S *	4/2019	Gavrieli .....	D2/939
D846,846 S *	4/2019	Gavrieli .....	D2/939
D851,872 S *	6/2019	Gavrieli .....	D2/939
D853,091 S *	7/2019	Gavrieli .....	D2/939
D853,092 S *	7/2019	Gavrieli .....	D2/939
D853,697 S *	7/2019	Gavrieli .....	D2/939
D853,698 S *	7/2019	Gavrieli .....	D2/939
D856,641 S	8/2019	Tewani	
D859,792 S *	9/2019	Subatella Sanchez .....	D2/902
D866,943 S	11/2019	Hawthornthwaite et al.	
D870,425 S	12/2019	Hawthornthwaite et al.	
D872,987 S	1/2020	Hawthornthwaite et al.	
D884,317 S	5/2020	Hawthornthwaite et al.	
D884,319 S	5/2020	Hawthornthwaite et al.	
D885,017 S	5/2020	Hawthornthwaite et al.	

D885,018 S *	5/2020	Gavrieli .....	D2/939
D885,717 S *	6/2020	Radabaugh .....	D2/939
D886,421 S *	6/2020	Gavrieli .....	D2/939
D889,785 S *	7/2020	Gavrieli .....	D2/939
D890,483 S *	7/2020	Gavrieli .....	D2/939
D891,047 S *	7/2020	Gavrieli .....	D2/939
D891,073 S	7/2020	Barerra et al.	
D895,237 S *	9/2020	Swierszczyk .....	D2/939
D895,255 S *	9/2020	Swierszczyk .....	D2/971
D901,861 S *	11/2020	Gavrieli .....	D2/950
D901,862 S *	11/2020	Gavrieli .....	D2/950
D903,988 S *	12/2020	Gavrieli .....	D2/939
D903,989 S *	12/2020	Gavrieli .....	D2/939
D905,940 S *	12/2020	Liu .....	D2/939
D905,947 S *	12/2020	Hawthornthwaite .....	D2/971
D909,718 S *	2/2021	Hawthornthwaite .....	D2/923
D920,654 S *	6/2021	Hawthornthwaite .....	D2/971
D931,580 S *	9/2021	Zeng .....	D2/939

OTHER PUBLICATIONS

*Rothy's, Inc. vs. Giesswein Walkwaren AG*, Defendant Giesswein Walkwaren Ag's Notice Of Motion and Motion to Dismiss Rothys, 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).  
*Rothy's, Inc. v. JKM Technologies, LLC d/b/a Oesh Shoes, and Dr. Casey Kerrigan*, Defendants JKM 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 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).

*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, Case 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 Reply Brief in Support of its Motion to Strike Certain of Defendants' Affirmative Defense, Civil Action No. 3:18CV00067 (MFU) Case 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' Surreply in Opposition to Plaintiff's Motion to Strike Certain of Defendants' Affirmative Defenses, Civil Action No. 3:18CV00067 Case 3:18-cv-00067-MFU-JCH, Document 57-1. 19 Pages Total, (Mar. 19, 2019).

\* cited by examiner

Primary Examiner — Jonathan J Han  
 (74) Attorney, Agent, or Firm — ArentFox Schiff LLP

(57) CLAIM

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

DESCRIPTION

FIG. 1 is a front right perspective view of a first embodiment of a shoe showing our new design;  
 FIG. 2 is top view of the design shown in FIG. 1;  
 FIG. 3 is a bottom view of the design shown in FIG. 1;  
 FIG. 4 is a right side view of the design shown in FIG. 1;  
 FIG. 5 is a left side view of the design shown in FIG. 1;  
 FIG. 6 is a front view of the design shown in FIG. 1;  
 FIG. 7 is a rear view of the design shown in FIG. 1;

FIG. **8** is a front right perspective view of a second embodiment of a shoe showing our new design;

FIG. **9** is top view of the design shown in FIG. **8**;

FIG. **10** is a bottom view of the design shown in FIG. **8**;

FIG. **11** is a right side view of the design shown in FIG. **8**;

FIG. **12** is a left side view of the design shown in FIG. **8**;

FIG. **13** is a front view of the design shown in FIG. **8**; and,

FIG. **14** is a rear bottom view of the design shown in FIG. **8**.

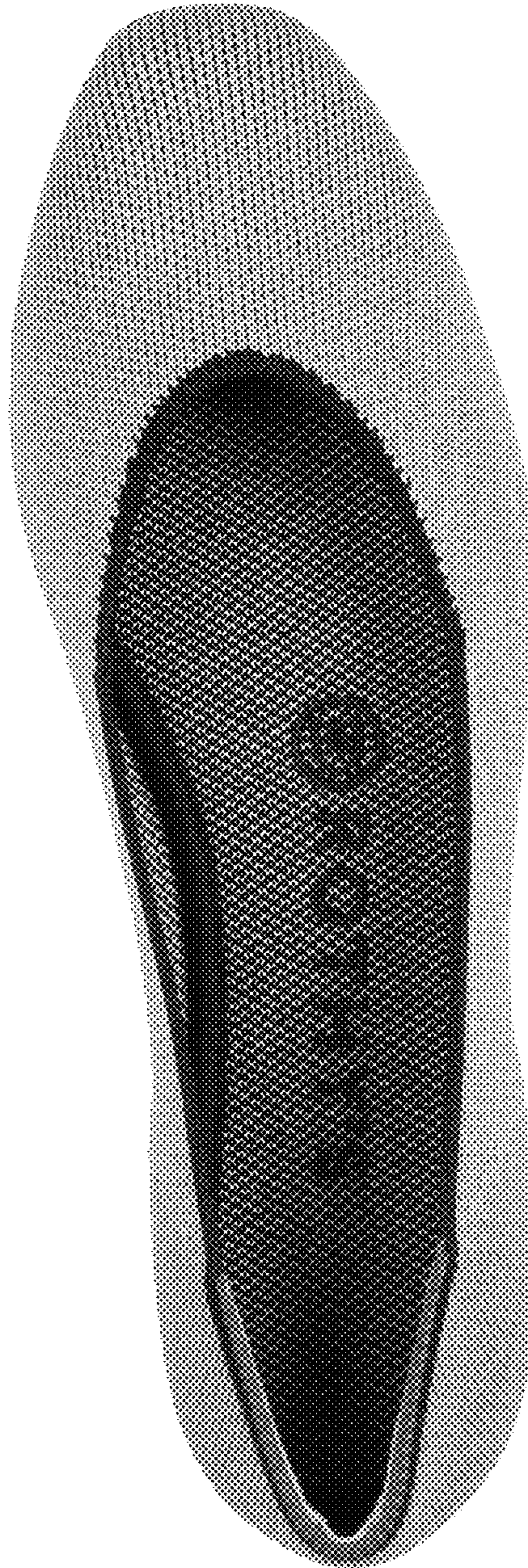
The colors in the stitching pattern shown in FIGS. **1** through **14** form no part of the claimed design.

**1 Claim, 14 Drawing Sheets**

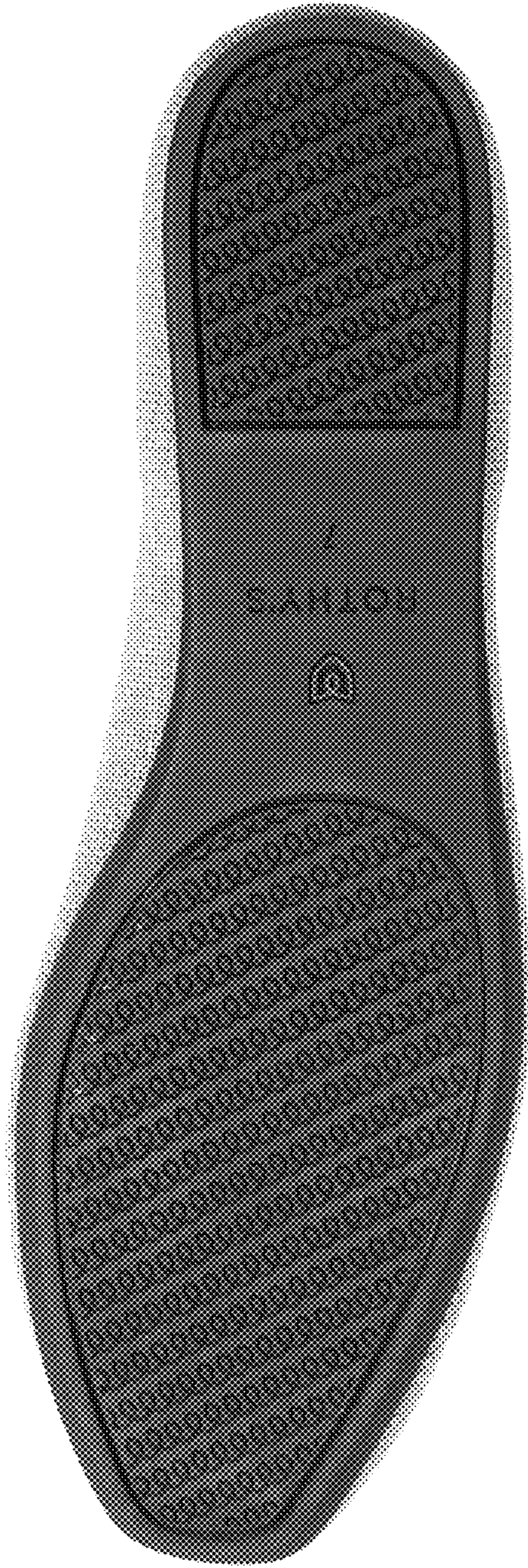
**FIG. 1**



**FIG. 2**



**FIG. 3**



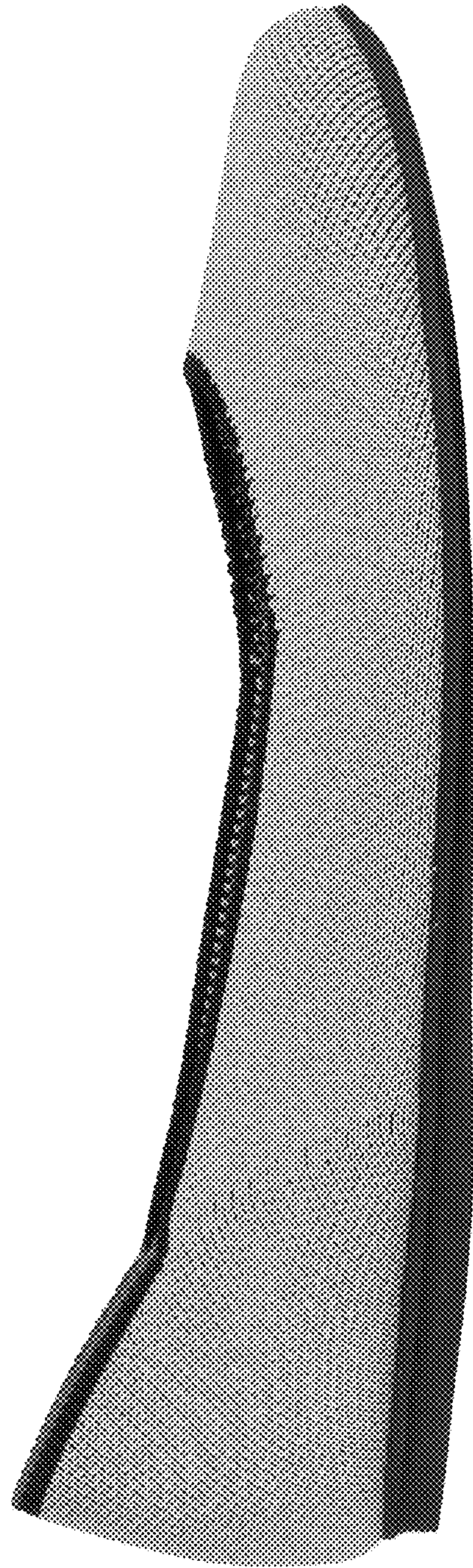
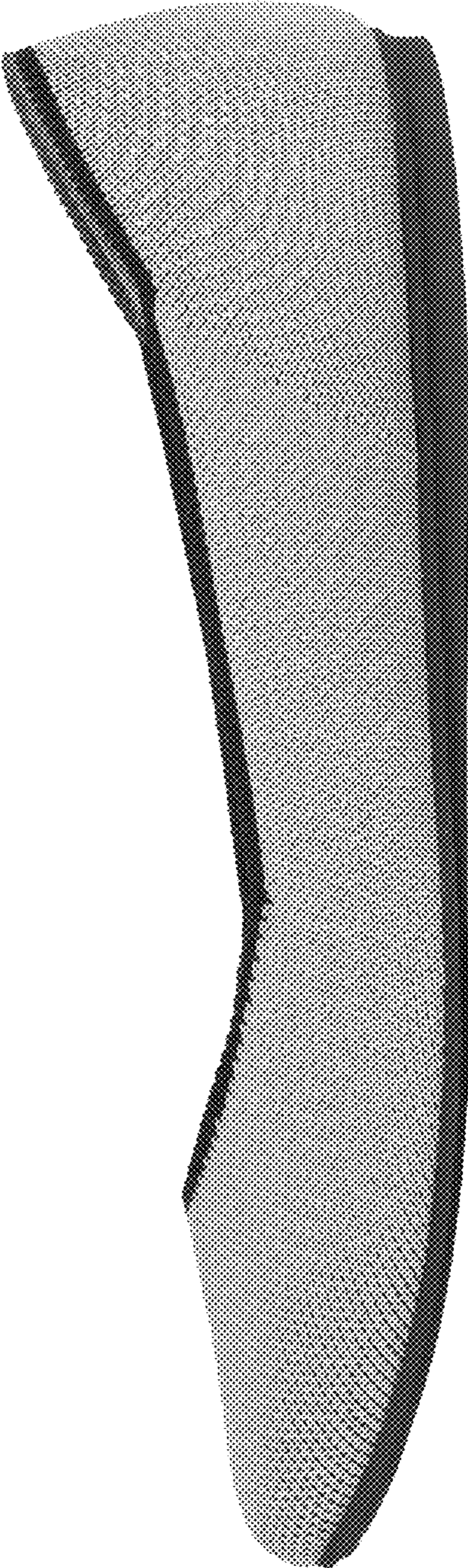
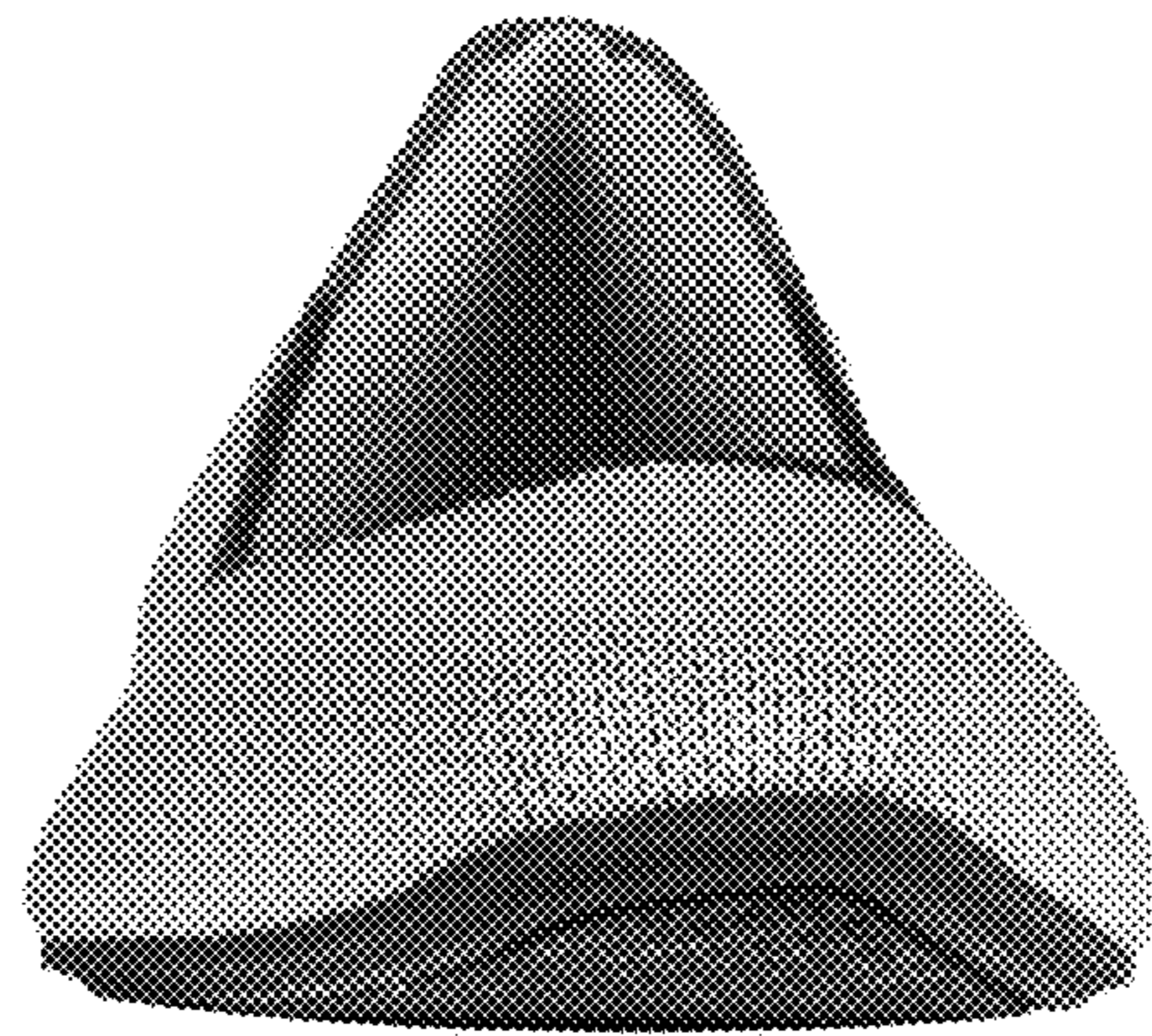


FIG. 4

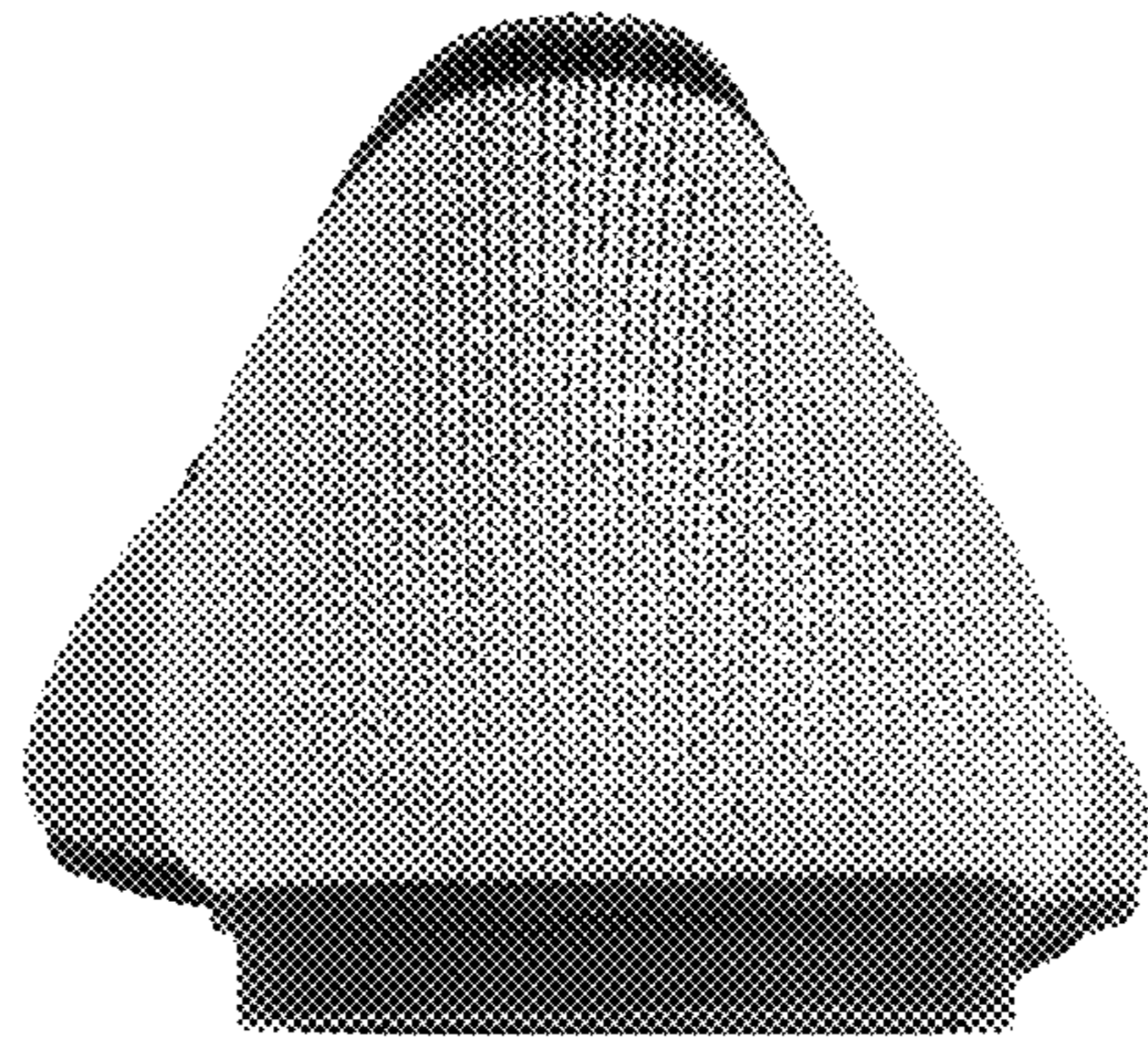


**FIG. 5**





**FIG. 6**

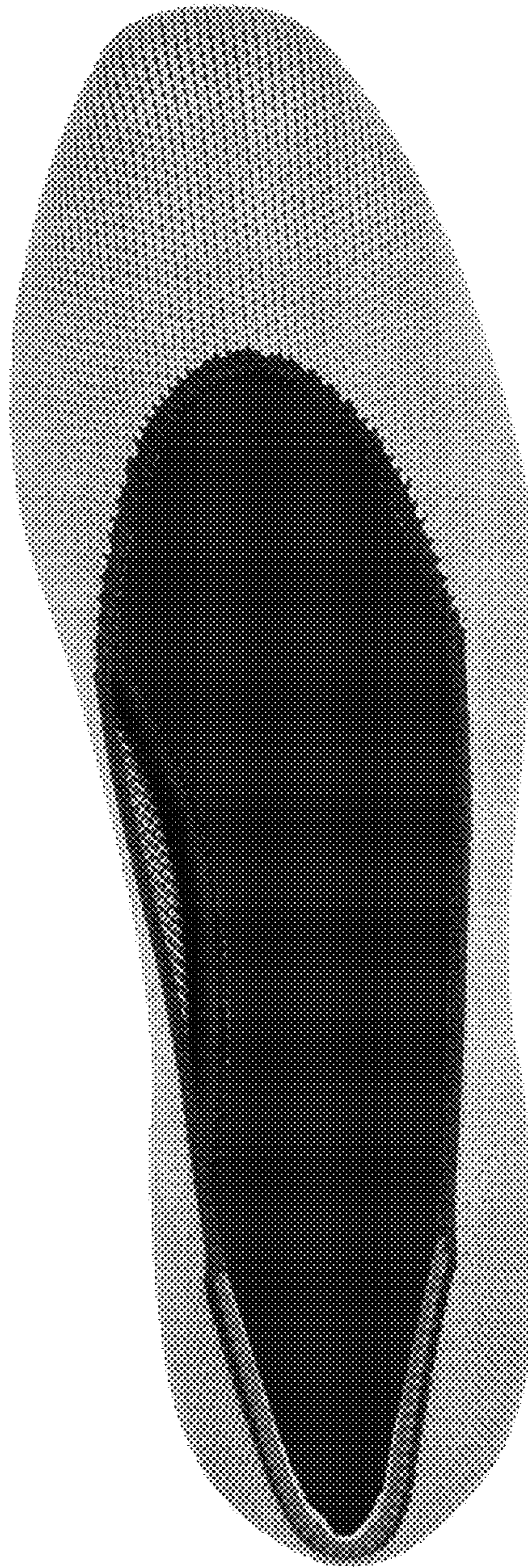


**FIG. 7**

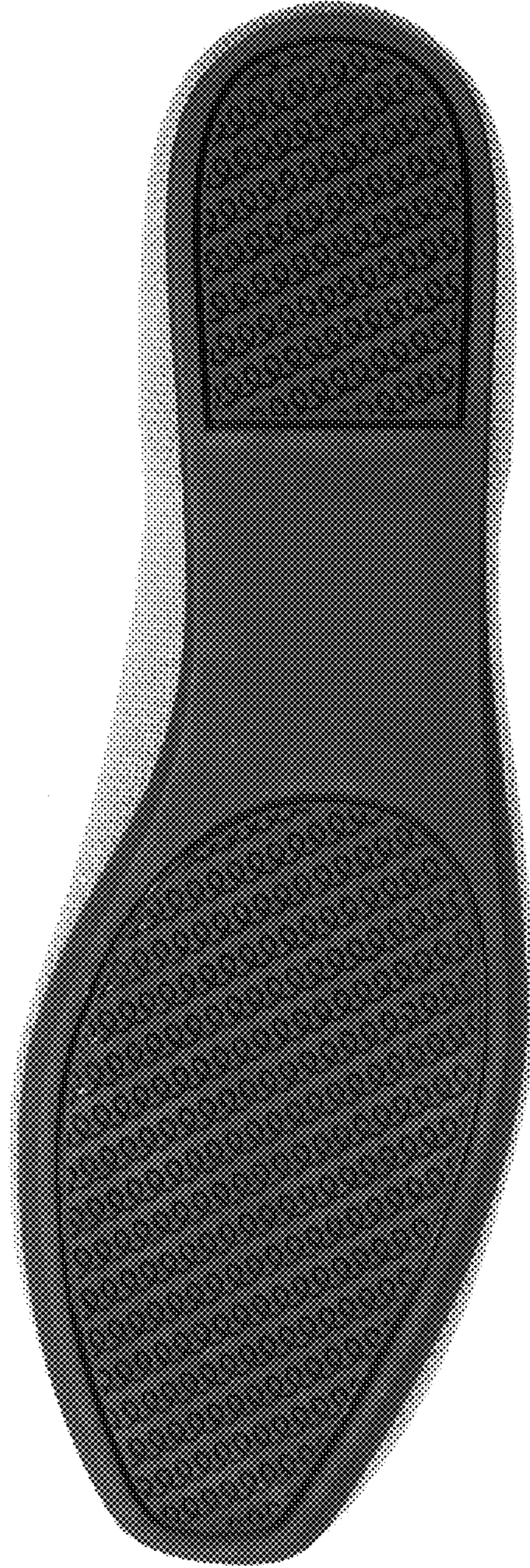
FIG. 8



**FIG. 9**



**FIG. 10**





**FIG. 11**

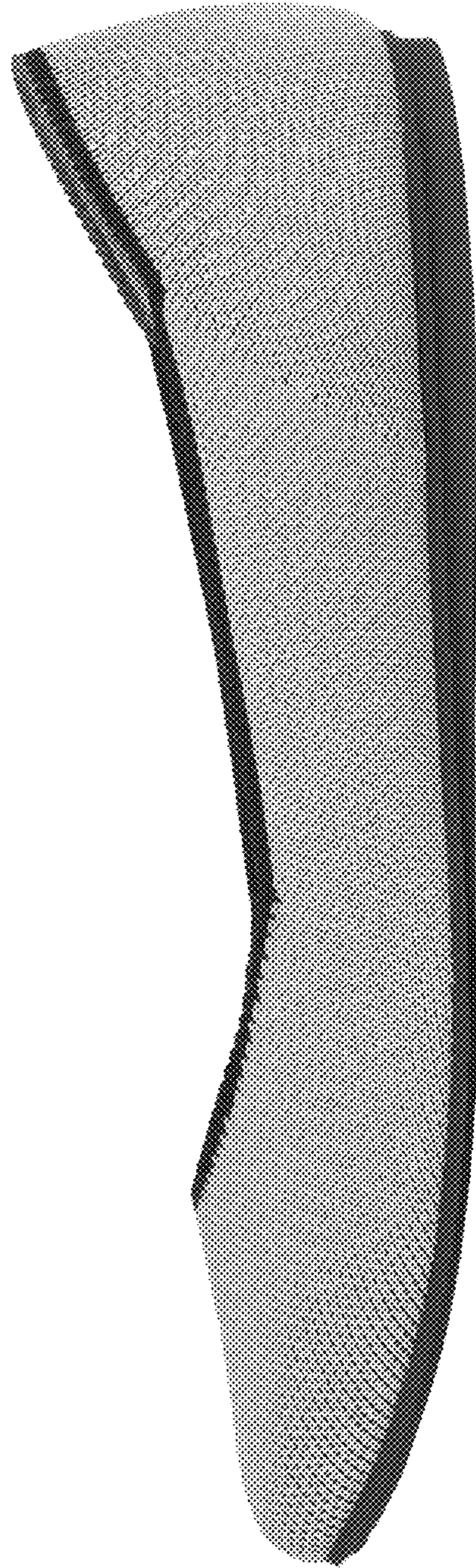
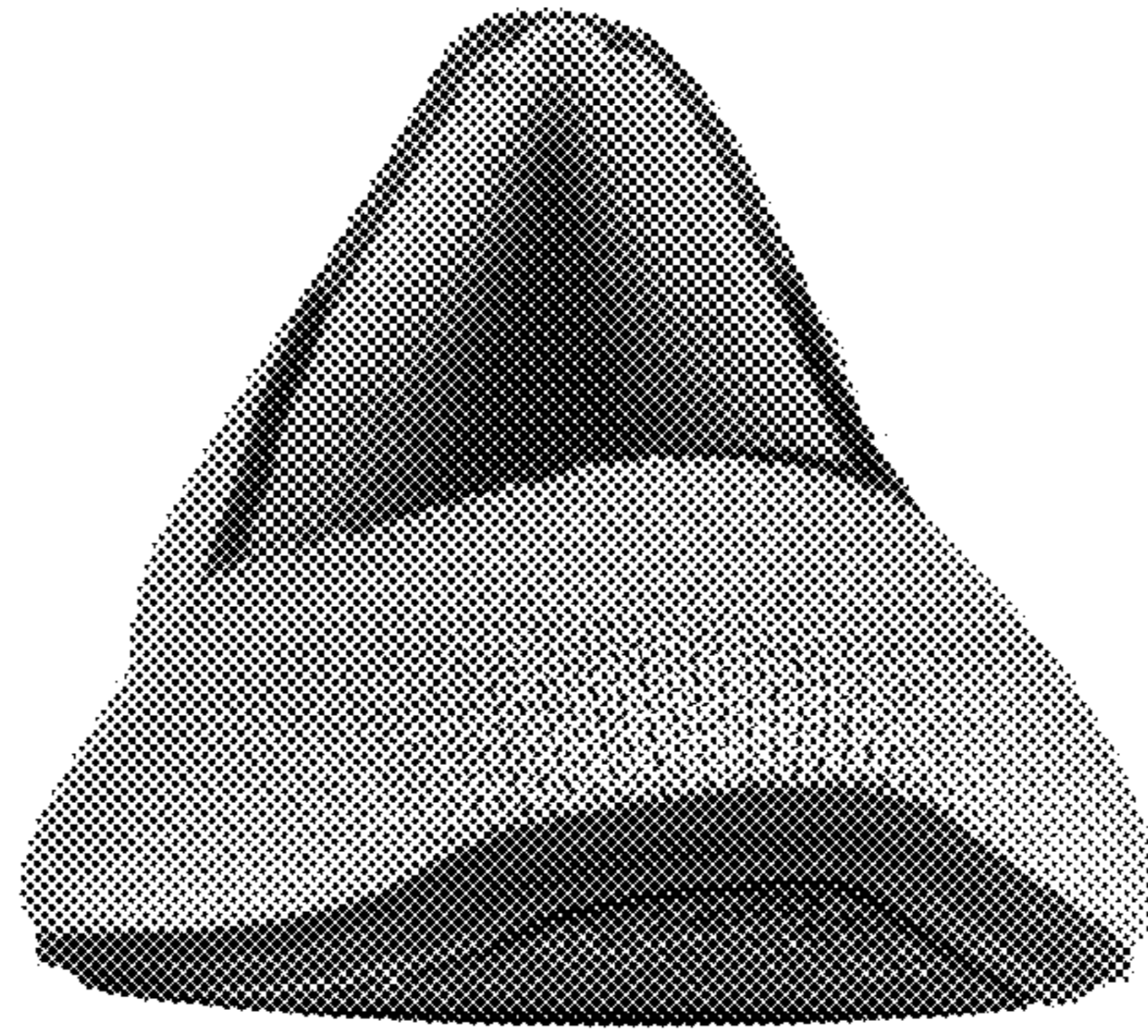
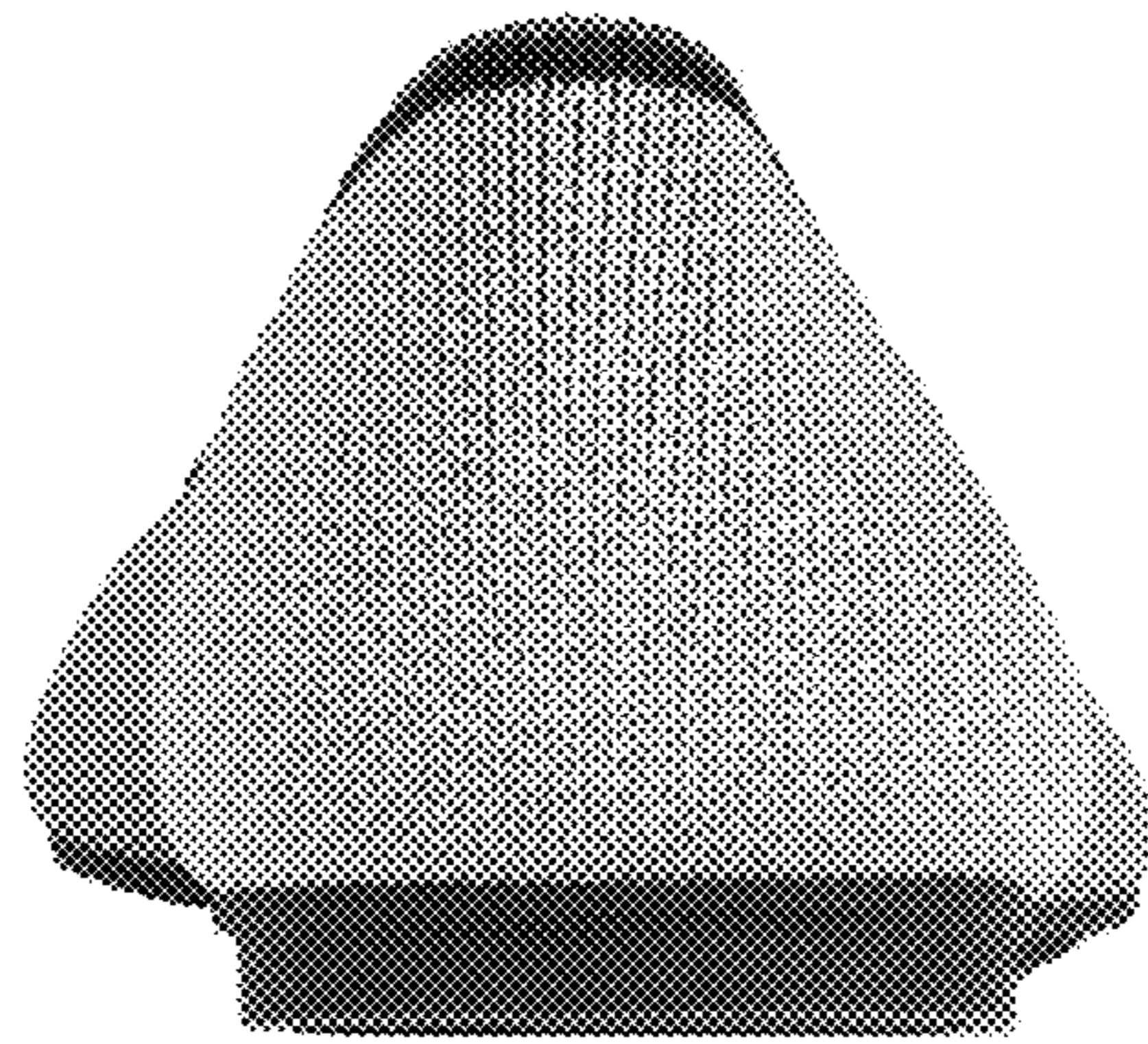


FIG. 12



**FIG. 13**





**FIG. 14**