



US00D964007S

(12) **United States Design Patent** (10) **Patent No.:** **US D964,007 S**
Lee (45) **Date of Patent:** **** Sep. 20, 2022**

(54) **ARTICLE OF FOOTWEAR**

(71) Applicant: **New Balance Athletics, Inc.**, Boston, MA (US)

(72) Inventor: **Charlotte Lee**, Manchester (GB)

(73) Assignee: **New Balance Athletics, Inc.**, Boston, MA (US)

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

(21) Appl. No.: **29/778,069**

(22) Filed: **Apr. 9, 2021**

Related U.S. Application Data

(63) Continuation of application No. 29/743,796, filed on Jul. 24, 2020.

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

(52) **U.S. Cl.**
USPC **D2/972; D2/947; D2/973**

(58) **Field of Classification Search**

USPC D2/896, 900, 902, 904, 906-908, D2/916-924, 925-945, 969, 970-979, D2/946-962; 36/1.5, 3 A, 83, 45, 99, 36/112-116, 1, 3 B, 22 R, 24.5, 25 R, 28, 36/32 R, 34 R, 59 C, 67 A, 101-107, 36/114-116, 117.3, 117.4, 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;

(Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,522,830 A 9/1950 Leganger-Krogstad
2,523,221 A 9/1950 Sarah
(Continued)

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)

Primary Examiner — Jonathan J Han

(74) *Attorney, Agent, or Firm* — Goodwin Procter LLP

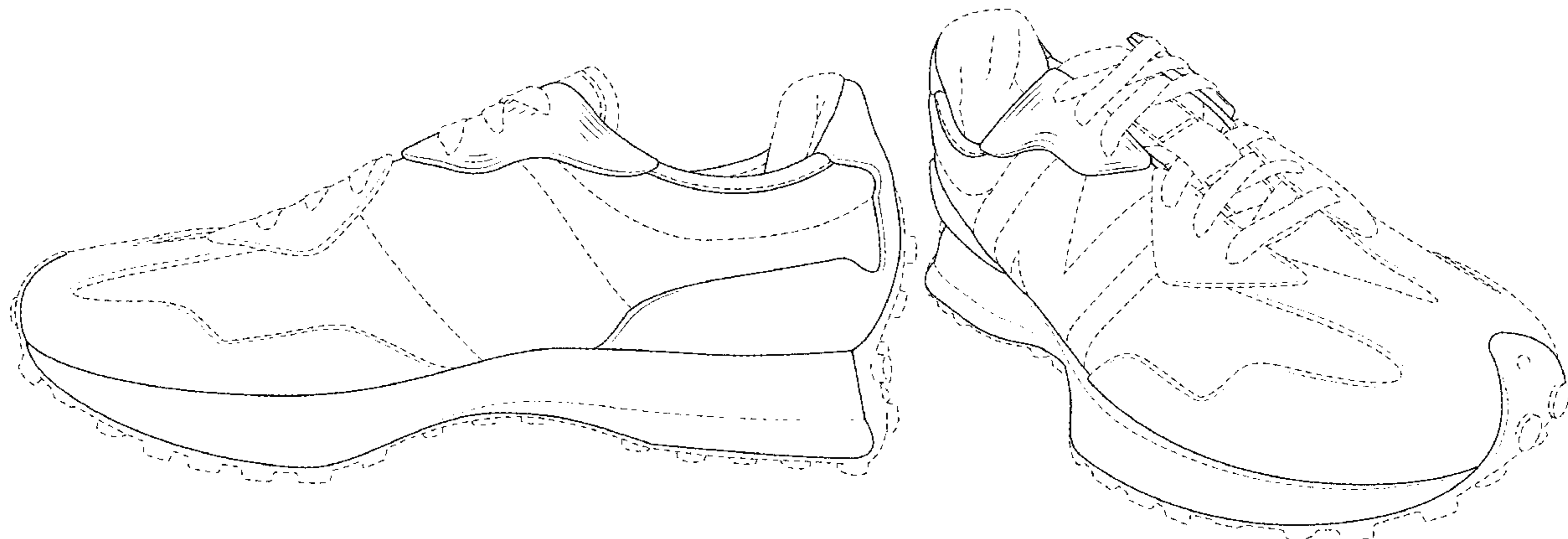
(57) **CLAIM**

The ornamental design for an article of footwear, as shown and described.

DESCRIPTION

FIG. 1 is a lateral side view of an article of footwear;
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.
The short, broken lines shown in the drawings of the article of footwear illustrate portions or stitching that form no part of the claimed design.

1 Claim, 7 Drawing Sheets



(58) **Field of Classification Search**
 CPC 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; 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

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
 4,620,376 A 11/1986 Talarico, II
 4,631,842 A 12/1986 Koskela
 4,756,097 A 7/1988 Sanders
 D299,183 S 1/1989 Brown
 4,794,705 A 1/1989 Sanders
 D301,385 S 6/1989 Weiner
 4,939,853 A 7/1990 Farbman
 D317,822 S 7/1991 Dahlsten et al.
 D320,688 S 10/1991 McKinsty
 D329,530 S 9/1992 Bailey
 D330,968 S 11/1992 Smith, III
 D341,926 S 12/1993 Ryder et al.
 D341,928 S 12/1993 Earle
 D347,724 S 6/1994 Teague
 D351,723 S 10/1994 Bevier
 D355,756 S 2/1995 Vestuti
 5,469,642 A 11/1995 Farbman
 D376,683 S 12/1996 Gaudio et al.
 D385,989 S 11/1997 Feller
 D395,540 S 6/1998 Gaudio
 D410,140 S 5/1999 Joseph
 D441,945 S 5/2001 Della Valle
 D442,767 S 5/2001 Della Valle
 D445,561 S 7/2001 Bramani
 D446,635 S 8/2001 Pollastrelli
 D448,544 S 10/2001 Della Valle
 D458,443 S 6/2002 Matis
 D467,061 S 12/2002 Della Valle
 D468,086 S 1/2003 McDowell
 D470,296 S 2/2003 Masullo
 D472,037 S 3/2003 Masullo
 D472,369 S 4/2003 Masullo
 D473,044 S 4/2003 McDowell
 D478,414 S 8/2003 Robinson, Jr. et al.
 D487,837 S 3/2004 McClaskie
 D487,838 S 3/2004 McClaskie
 D490,223 S 5/2004 McClaskie
 D492,101 S 6/2004 Issler
 D493,275 S 7/2004 Koyess et al.
 D495,861 S 9/2004 Georgiou et al.
 D498,902 S 11/2004 Adams
 D500,190 S 12/2004 Della Valle
 D504,555 S 5/2005 Urie
 D504,758 S 5/2005 Sonnergren
 D509,646 S 9/2005 Della Valle et al.
 D511,037 S 11/2005 Della Valle
 D511,611 S 11/2005 Della Valle
 D513,361 S 1/2006 Teriatnikov
 D513,844 S 1/2006 Robinson, Jr. et al.
 D514,291 S 2/2006 Whiteman et al.
 D515,293 S 2/2006 Maguire

D515,299 S 2/2006 Burg
 D516,780 S 3/2006 Della Valle
 D516,781 S 3/2006 Ardissono et al.
 D524,017 S 7/2006 Burg
 D530,893 S 10/2006 Sonnergren
 D535,812 S 1/2007 Matis et al.
 D538,013 S 3/2007 Della Valle
 D538,516 S 3/2007 Della Valle
 D541,510 S 5/2007 McClaskie
 D548,435 S 8/2007 McClaskie
 D548,437 S 8/2007 McClaskie
 D548,941 S 8/2007 Hulbert
 D549,935 S 9/2007 Schoenborn et al.
 D549,937 S 9/2007 Matis et al.
 D549,938 S 9/2007 Belley et al.
 D549,939 S 9/2007 Schoenborn et al.
 D551,435 S 9/2007 Belley et al.
 D552,835 S 10/2007 Belley et al.
 D554,335 S 11/2007 Belley et al.
 D560,053 S 1/2008 McClaskie
 D560,889 S 2/2008 Weisbly
 D563,634 S 3/2008 Della Valle
 D563,636 S 3/2008 Matis et al.
 D564,739 S 3/2008 Belley et al.
 D566,936 S 4/2008 Schoenborn et al.
 D570,086 S 6/2008 McDowell
 D572,447 S 7/2008 Schoenborn et al.
 D572,898 S 7/2008 Stauffer
 D577,179 S 9/2008 Della Valle
 D577,180 S 9/2008 Della Valle
 D577,181 S 9/2008 Della Valle
 D578,281 S 10/2008 Duffy
 D579,636 S 11/2008 Graber
 D580,152 S 11/2008 Duffy
 D586,095 S 2/2009 Duffy
 D586,097 S 2/2009 Duffy
 D586,995 S 2/2009 Chen
 D587,883 S 3/2009 Beauger
 D591,938 S 5/2009 Beauger
 D595,488 S 7/2009 Banik et al.
 D595,945 S 7/2009 Mochen
 D597,293 S 8/2009 Banik et al.
 D599,091 S 9/2009 Della Valle et al.
 D613,042 S 4/2010 Andreassen
 D613,483 S 4/2010 Della Valle
 D629,185 S 12/2010 Vico et al.
 D632,475 S 2/2011 Richard
 D635,340 S 4/2011 Blakeslee
 D636,155 S 4/2011 Della Valle et al.
 D636,156 S 4/2011 Della Valle et al.
 D636,572 S 4/2011 Della Valle et al.
 D637,803 S 5/2011 Alvear et al.
 8,069,585 B2 12/2011 Rohwer-Kahlmann
 D656,720 S 4/2012 Wawrousek
 D661,071 S 6/2012 Della Valle et al.
 D663,516 S 7/2012 Della Valle et al.
 D663,517 S 7/2012 Della Valle et al.
 D665,158 S 8/2012 Castellon
 D667,210 S 9/2012 Castellon
 D670,070 S 11/2012 Della Valle et al.
 D672,942 S 12/2012 Della Valle et al.
 D680,713 S 4/2013 Della Valle et al.
 D682,515 S 5/2013 Della Valle et al.
 D689,274 S 9/2013 Della Valle et al.
 D696,003 S 12/2013 Behar
 D698,535 S 2/2014 Principato et al.
 D700,419 S 3/2014 Della Valle et al.
 D702,025 S 4/2014 Della Valle et al.
 D707,430 S 6/2014 Feeney et al.
 8,756,834 B1 6/2014 Halberstadt et al.
 D707,928 S 7/2014 Castellon
 D707,939 S 7/2014 McCourt
 D713,133 S 9/2014 Della Valle et al.
 D722,759 S 2/2015 Weddle
 D726,998 S 4/2015 Mochen
 D735,455 S 8/2015 Mochen et al.
 D738,602 S 9/2015 Qin
 D751,797 S 3/2016 Slimane
 D758,710 S 6/2016 Bacon

(56)

References Cited

U.S. PATENT DOCUMENTS

D760,482 S 7/2016 Siegel
 D760,483 S 7/2016 Siegel
 D782,171 S 3/2017 Della Valle et al.
 D782,793 S 4/2017 Truelsen
 D783,955 S 4/2017 Fullerton et al.
 D793,681 S 8/2017 Lombardi
 D794,293 S 8/2017 Robusti
 D805,751 S 12/2017 McCullagh
 D805,759 S 12/2017 Robusti
 D811,060 S 2/2018 Rockensuess et al.
 9,907,365 B2 3/2018 Downing et al.
 D819,944 S 6/2018 Martin
 D827,276 S 9/2018 Ringholz et al.
 D838,092 S 1/2019 Bacon
 D838,902 S 1/2019 Suzuki
 D838,957 S 1/2019 Robusti
 D844,953 S 4/2019 Chen et al.
 D848,124 S 5/2019 Sassi
 D850,088 S 6/2019 Young
 D853,690 S 7/2019 Taylor
 D855,293 S 8/2019 Zhou
 D855,949 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
 D899,037 S * 10/2020 Van De Stouwe D2/907
 D909,719 S 2/2021 Durlinger
 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 et al.
 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
 D932,760 S * 10/2021 Thompson D2/969
 D933,339 S * 10/2021 Desens D2/908
 D935,750 S * 11/2021 Guidetti D2/944
 D935,756 S * 11/2021 Sartori D2/957
 D936,337 S * 11/2021 Campara D2/907
 D939,813 S * 1/2022 Lee D2/947
 2003/0115691 A1 6/2003 Mukherjee et al.
 2007/0227039 A1 10/2007 Chaney et al.
 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 et al.
 2015/0351487 A1 12/2015 Lukongwa et al.
 2015/0351493 A1 12/2015 Ashcroft et al.
 2016/0135537 A1 5/2016 Wawrousek et al.
 2016/0295959 A1 10/2016 Dyer et al.
 2018/0289098 A1 10/2018 Downing et al.
 2019/0053571 A1 2/2019 Bjornson et al.
 2019/0239596 A1 8/2019 Ploem
 2021/0212410 A1 7/2021 Hatfield et al.

FOREIGN PATENT DOCUMENTS

AU 309416 S 9/2006
 AU 312169 A 1/2007
 AU 312169 S 1/2007
 AU 2006310783 A1 5/2007
 AU 315228 A 7/2007
 AU 315228 S 7/2007
 AU 315233 A 7/2007

AU 315233 S 7/2007
 AU 318427 A 3/2008
 AU 318427 S 3/2008
 AU 319810 A 6/2008
 AU 319810 S 6/2008
 AU 319811 A 6/2008
 AU 319811 S 6/2008
 AU 326327 A 6/2009
 AU 326327 S 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
 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
 CL 2007003298 S1 6/2008
 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

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=a4brlpz0jA8> > (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

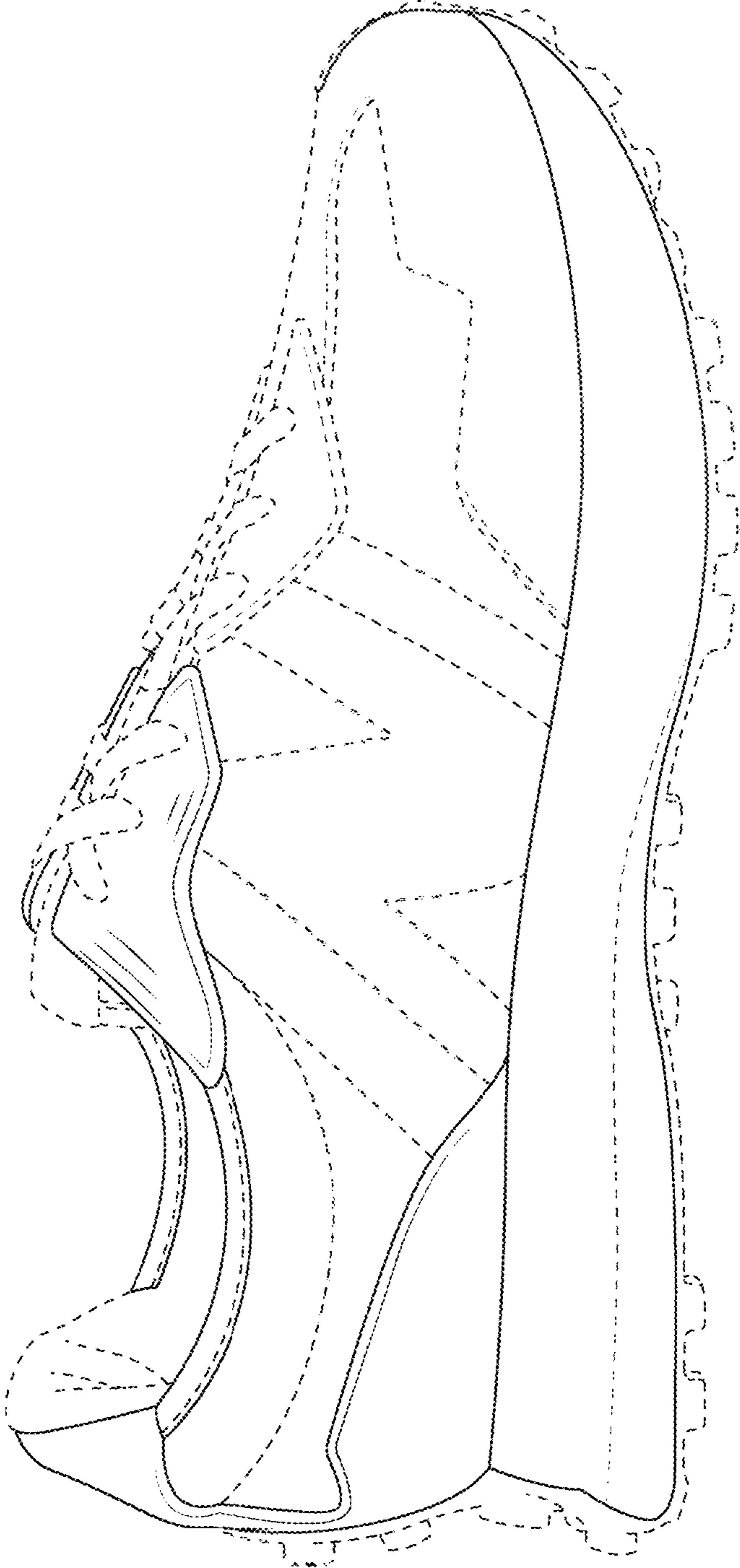


FIG. 1

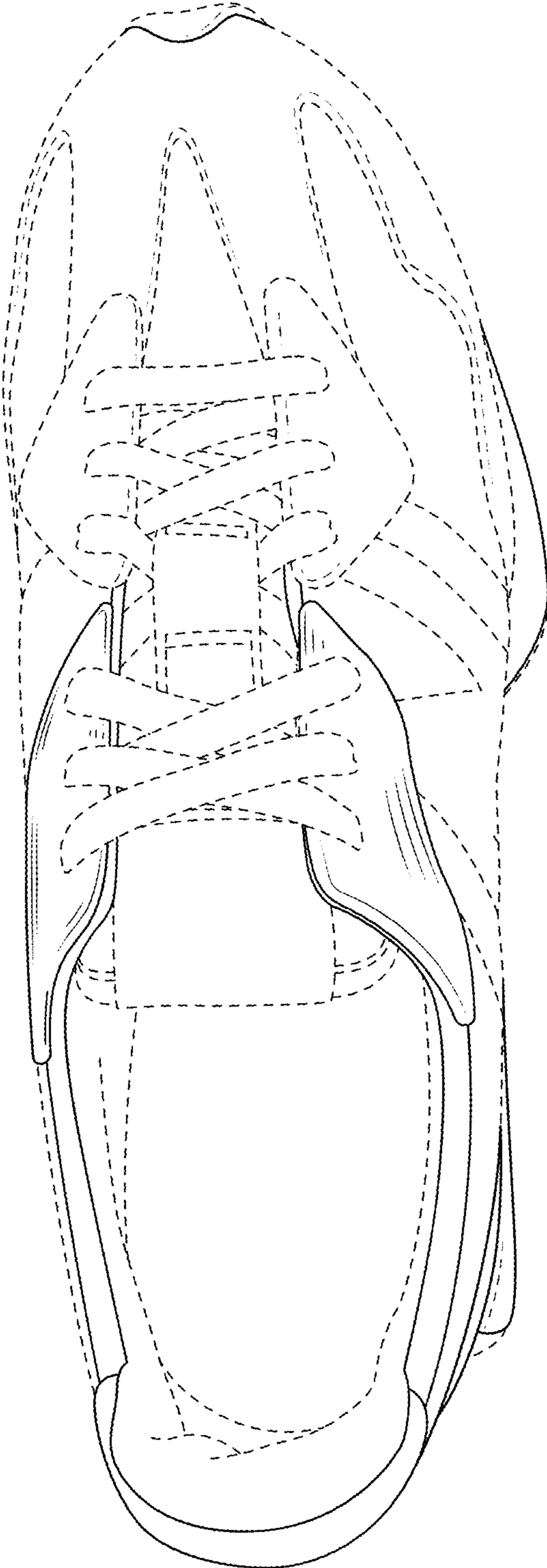


FIG. 2

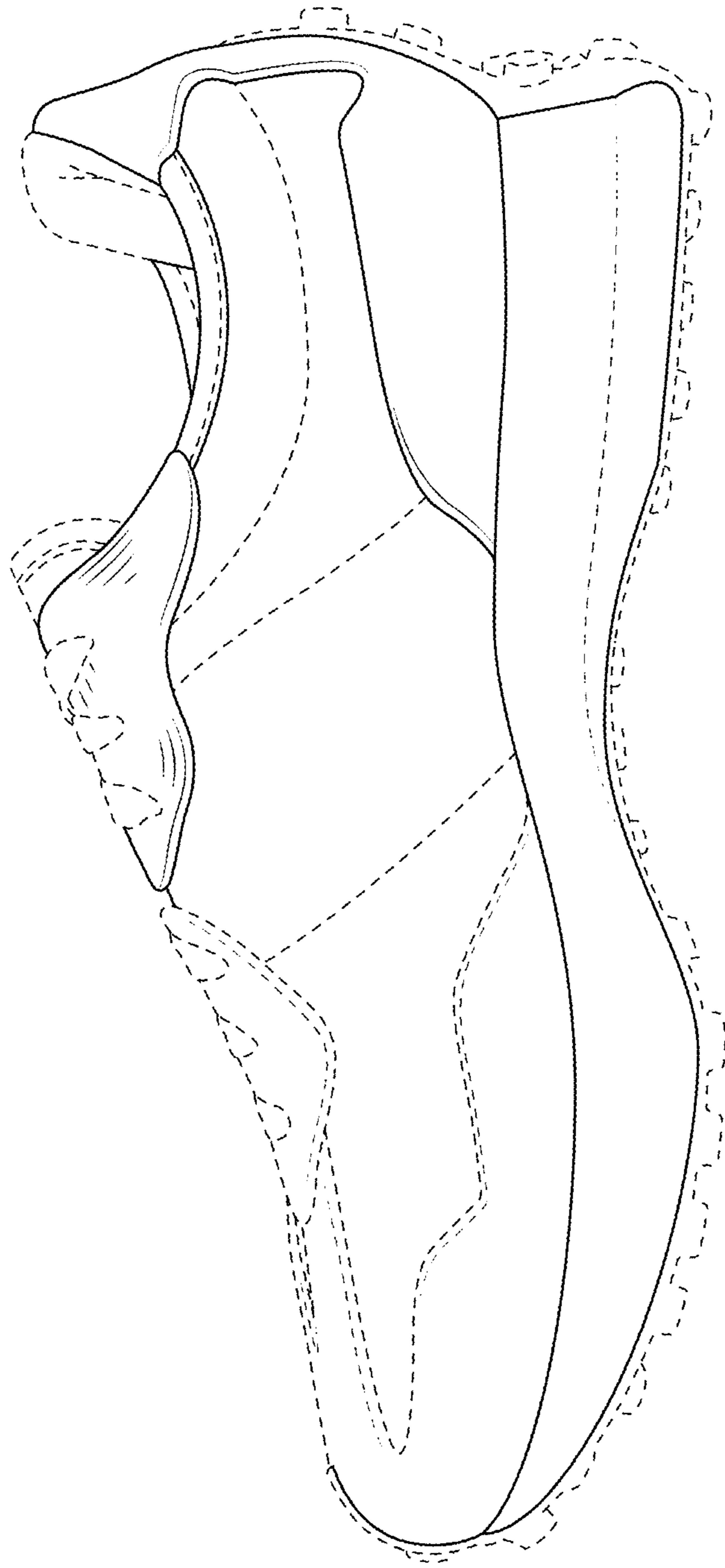


FIG. 3

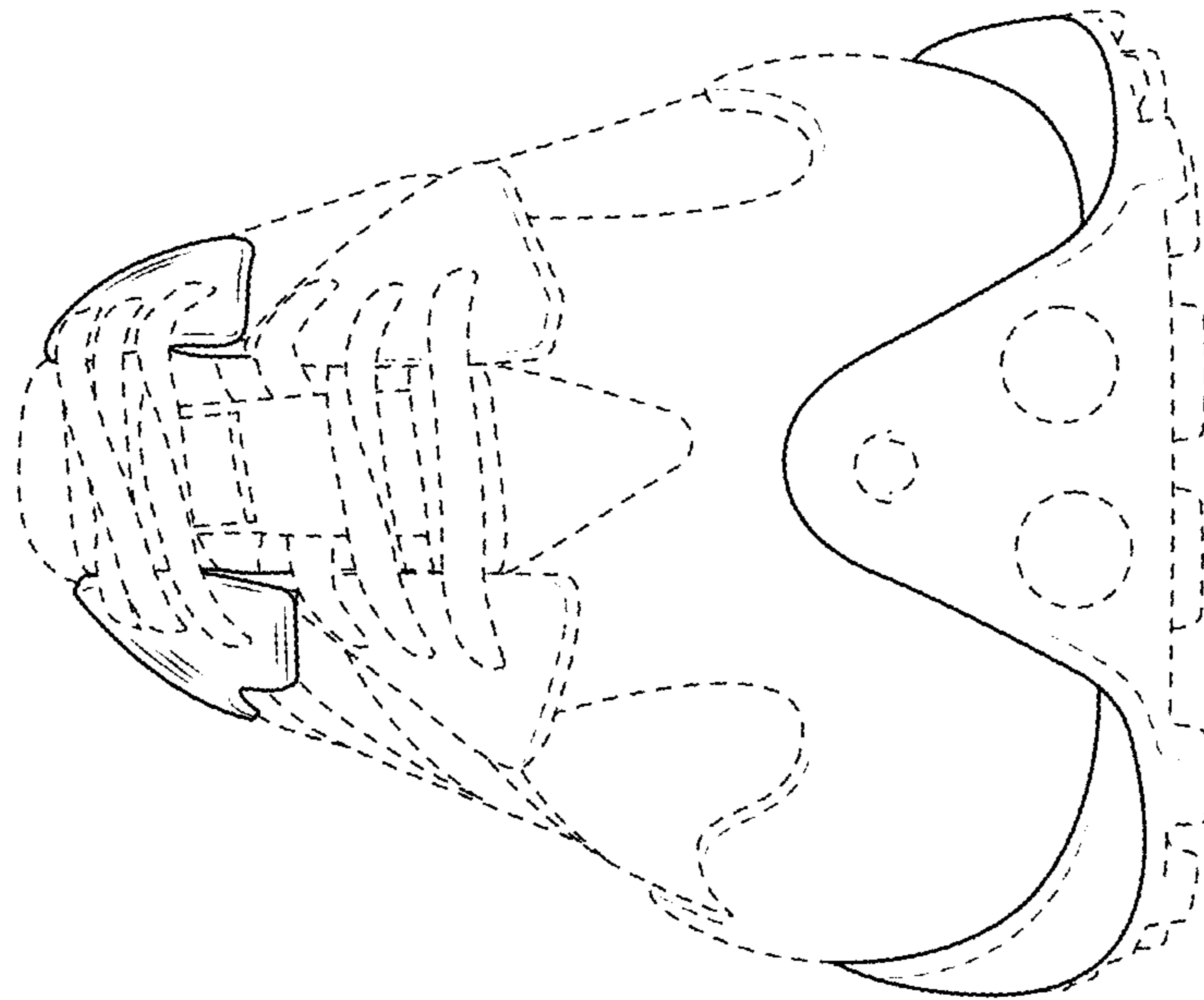


FIG. 4

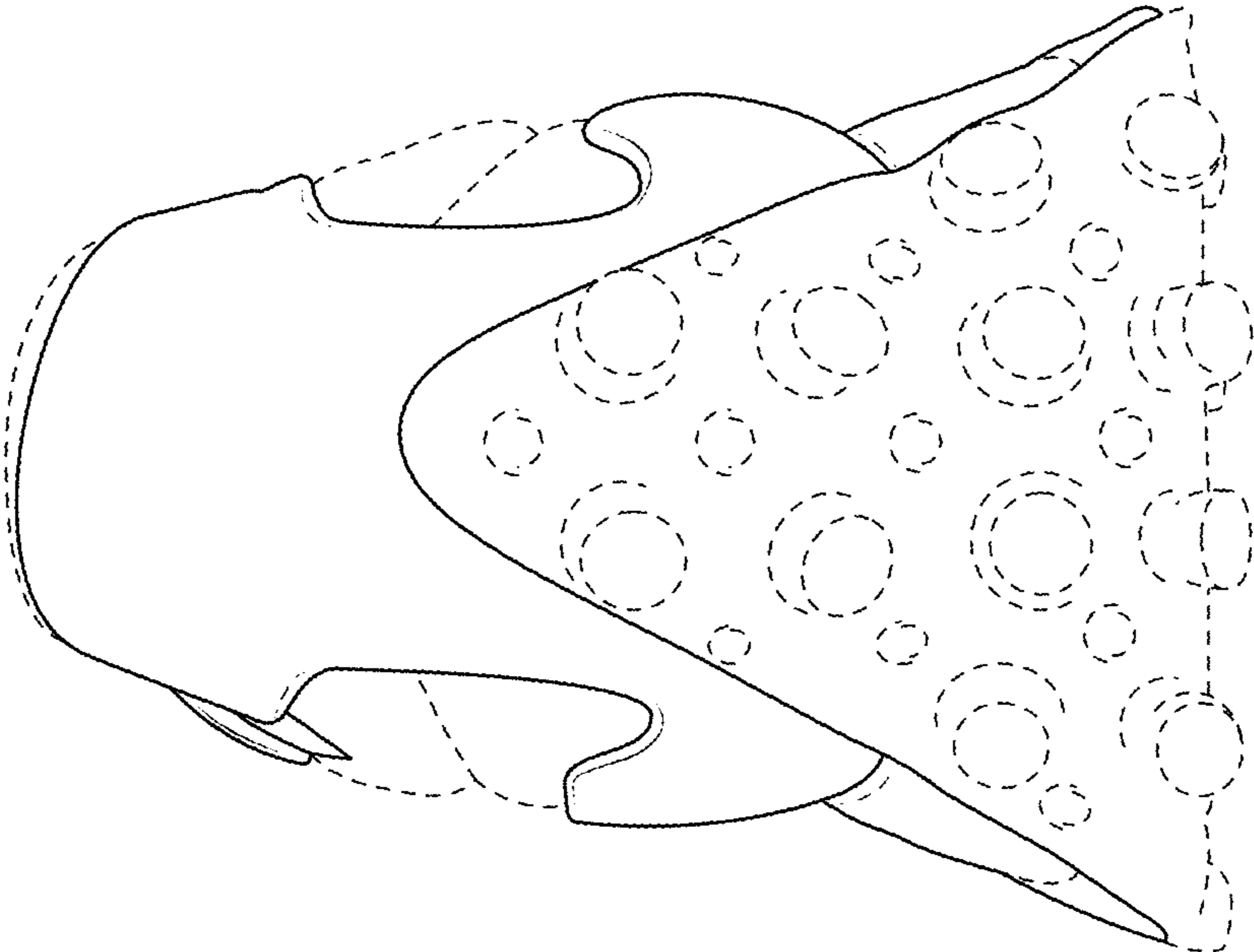


FIG. 5

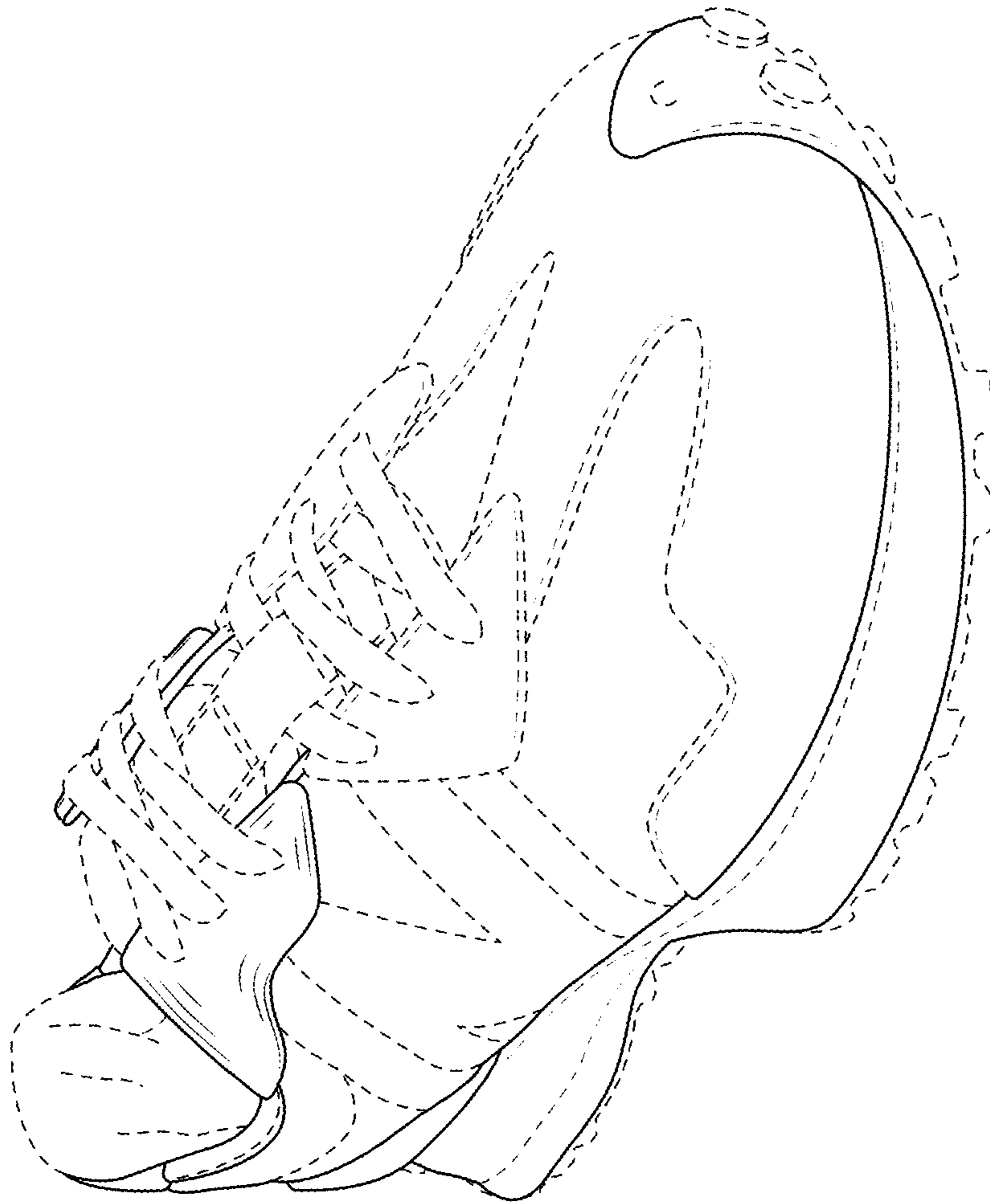


FIG. 6

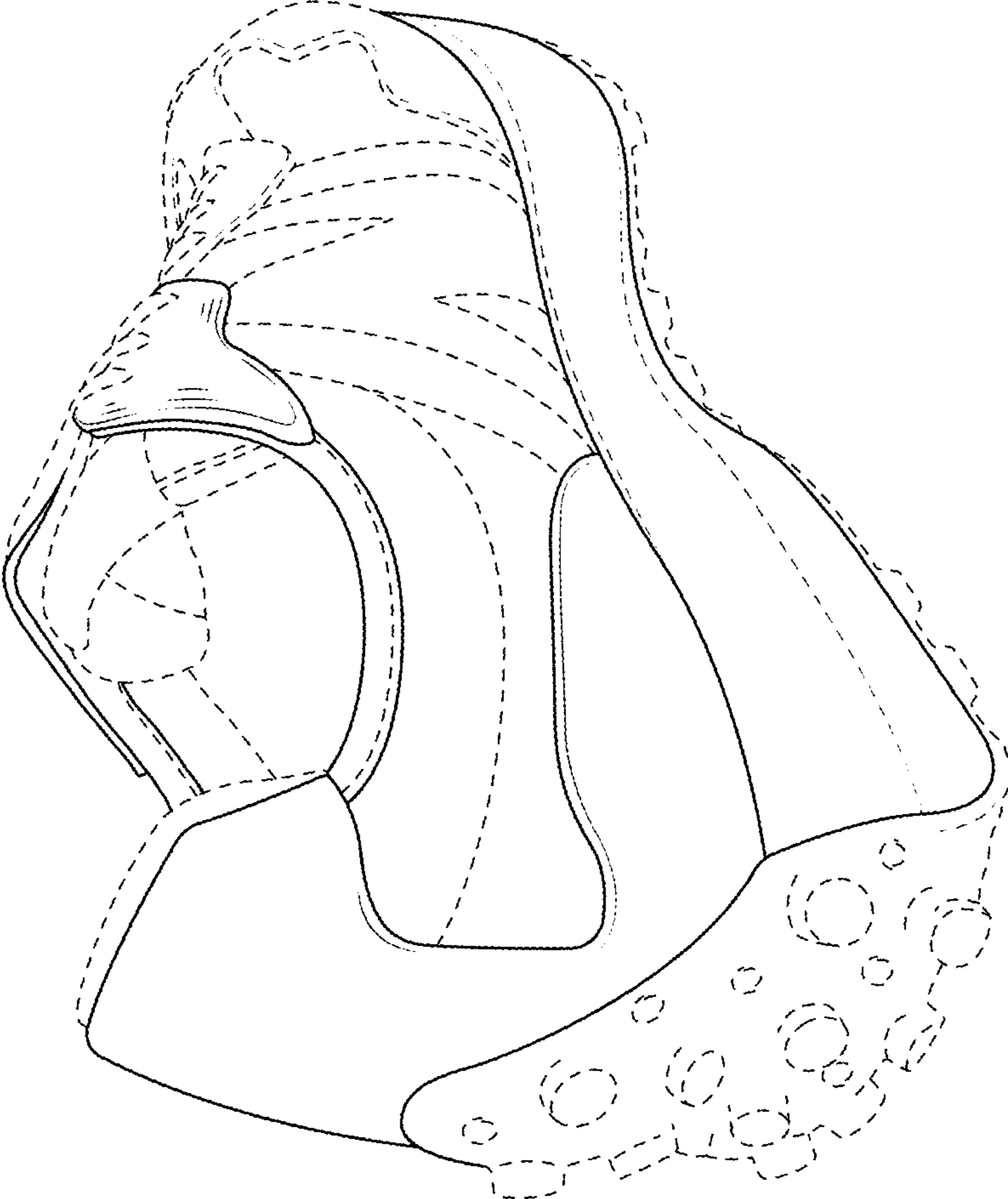


FIG. 7