



US00D978507S

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

(10) **Patent No.:** **US D978,507 S**

(45) **Date of Patent:** **\*\* Feb. 21, 2023**

(54) **SHOE**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventor: **Graeme McMillan**, Portland, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

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

(21) Appl. No.: **29/829,470**

(22) Filed: **Mar. 4, 2022**

(51) **LOC (14) Cl.** ..... **02-04**

(52) **U.S. Cl.**

USPC ..... **D2/953**; D2/951; D2/952

(58) **Field of Classification Search**

USPC ..... D2/902, 906, 908, 916, 918, 925,  
D2/946-962, 977

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**

4,096,649 A *	6/1978	Saurwein .....	A43B 13/223 36/32 R
D316,324 S	4/1991	Rogers	
D318,170 S *	7/1991	Hatfield .....	D2/954
D321,590 S	11/1991	Smith, III	
D327,165 S	6/1992	Hatfield	
D329,941 S	10/1992	Hatfield	
D331,147 S	11/1992	Smith	
D333,555 S	3/1993	Hatfield et al.	

D341,025 S	11/1993	Avar	
D345,250 S	3/1994	Hatfield	
D345,355 S	3/1994	Konno et al.	
D385,689 S	11/1997	James	
D387,698 S	12/1997	Hatfield et al.	
D395,741 S	7/1998	Hatfield et al.	
D398,748 S	9/1998	Hatfield et al.	
D426,054 S	6/2000	Mazars	
6,634,121 B2 *	10/2003	Sordi .....	A43B 13/141 36/31
D489,880 S *	5/2004	McClaskie .....	D2/951
D544,184 S	6/2007	Diaz	
D556,433 S *	12/2007	Le .....	D2/960
D636,159 S	4/2011	Petrie	
D642,777 S *	8/2011	Walsh .....	D2/954

(Continued)

**OTHER PUBLICATIONS**

Jordan Max Aura 4, Nike.com, [online], [site visited Oct. 18, 2022].  
<URL: <https://www.nike.com/t/jordan-max-aura-4-mens-shoes-sDVD5R/DN3687-601>> (Year: 2022).\*

(Continued)

*Primary Examiner* — Jonathan J Han

(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

(57) **CLAIM**

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

**DESCRIPTION**

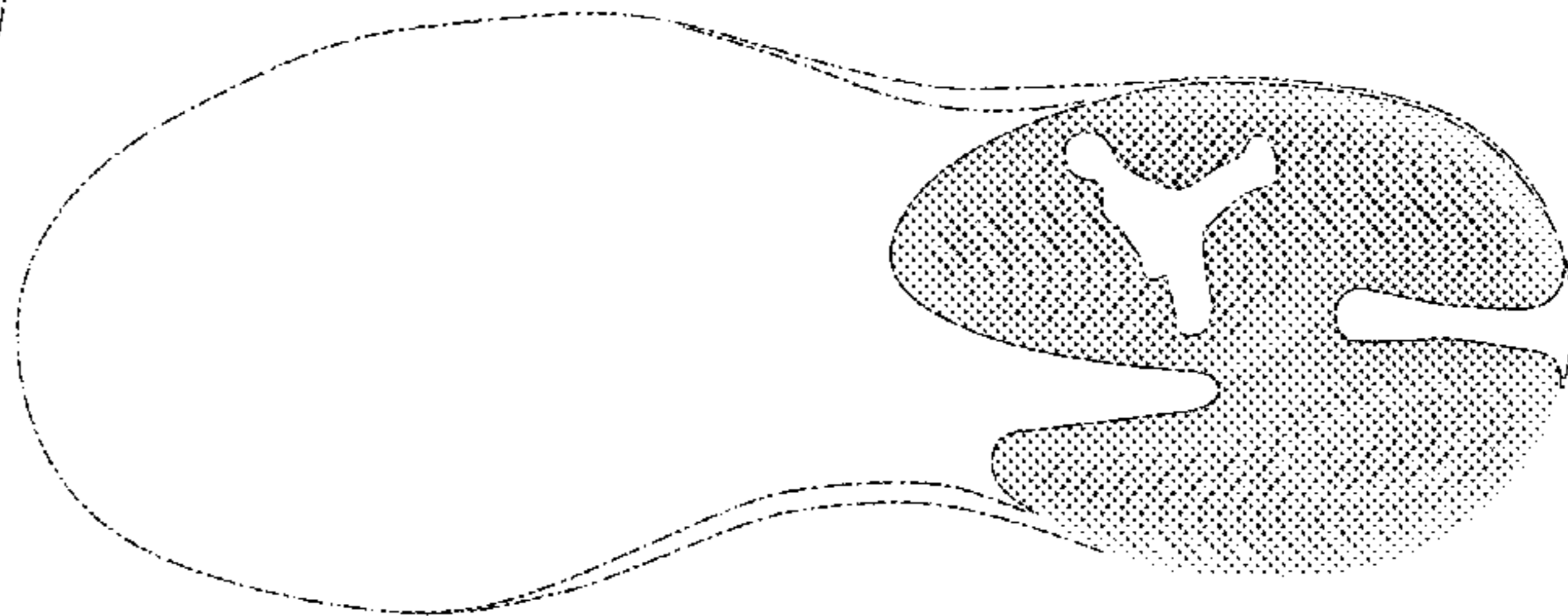
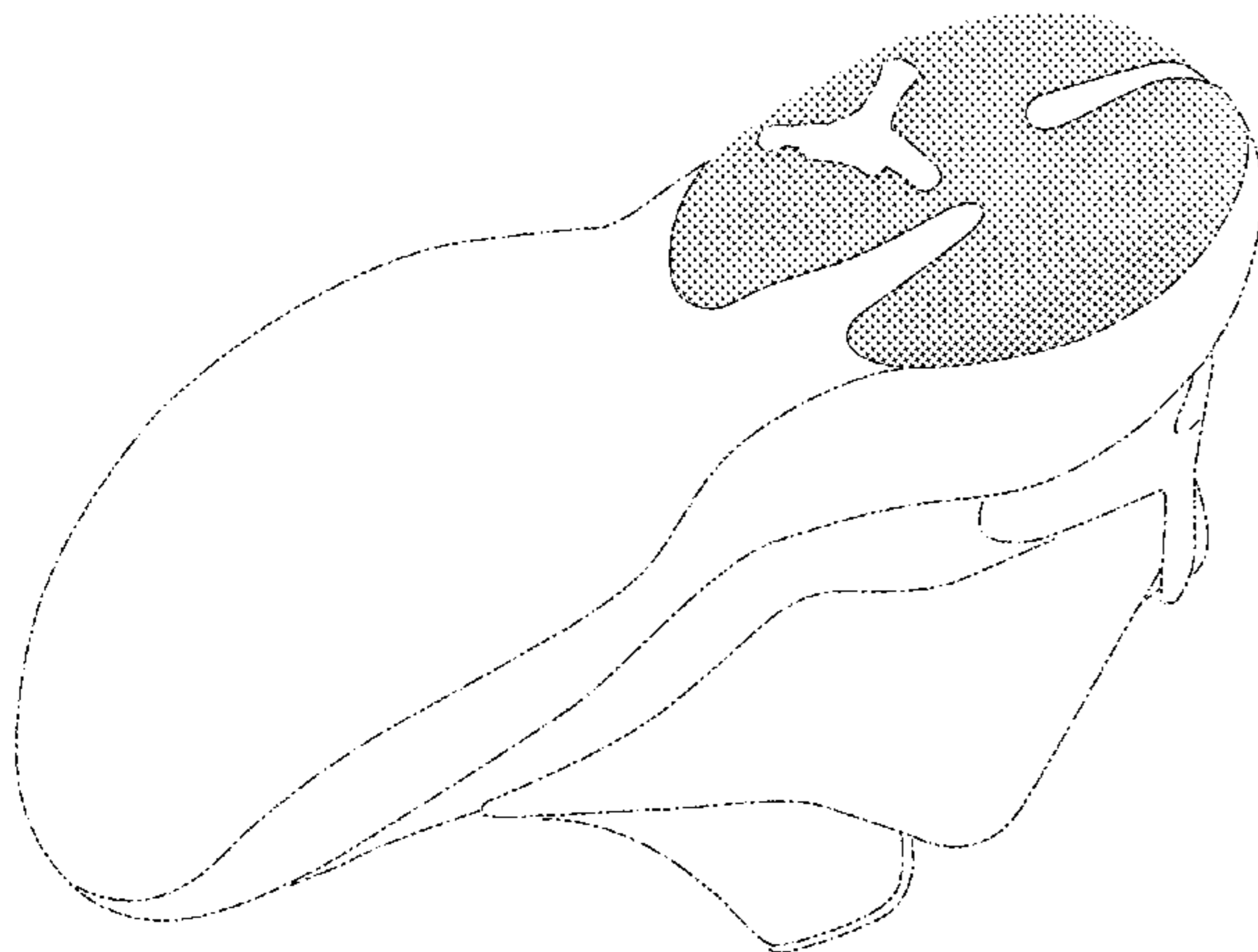
FIG. 1 is a front bottom perspective view of a shoe showing my new design;

FIG. 2 is a bottom view thereof; and,

FIG. 3 is a rear bottom perspective view thereof.

The broken line showing of the irregular shape within the photographic region forms no part of the claimed design. The broken line immediately adjacent to the photographic area defines the peripheral bounds of the claimed design and forms no part thereof. 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

D643,194 S 8/2011 Raysse  
 D643,605 S 8/2011 Raysse  
 D674,584 S \* 1/2013 Klein ..... D2/951  
 D707,934 S \* 7/2014 Petrie ..... D2/951  
 D734,930 S \* 7/2015 Bikowski ..... D2/951  
 D773,164 S \* 12/2016 Yun ..... D2/951  
 D798,036 S 9/2017 Opie  
 D801,653 S 11/2017 Small  
 D812,875 S \* 3/2018 Petrie ..... D2/951  
 D823,581 S 7/2018 Umehara et al.  
 D826,526 S \* 8/2018 Small ..... D2/951  
 D828,988 S 9/2018 Gibson  
 D841,965 S 3/2019 Goldman et al.  
 D842,595 S \* 3/2019 Holmes ..... D2/954  
 D843,704 S 3/2019 Hong  
 D847,477 S \* 5/2019 Lee ..... D2/951  
 D856,650 S 8/2019 Schultze  
 D860,612 S 9/2019 Shyllon  
 D866,141 S 11/2019 Seamarks  
 D871,737 S \* 1/2020 Gibson ..... D2/951  
 D877,474 S \* 3/2020 Little ..... D2/947  
 D880,829 S 4/2020 Gerig  
 D889,095 S 7/2020 Carboy  
 D893,146 S \* 8/2020 Lee ..... D2/951  
 D897,082 S \* 9/2020 Belforti ..... D2/947  
 D903,259 S \* 12/2020 Kosenick ..... D2/954  
 D905,399 S 12/2020 Hong et al.  
 D905,402 S \* 12/2020 McMillan ..... D2/951  
 D905,404 S \* 12/2020 McMillan ..... D2/951  
 D908,330 S 1/2021 Hong et al.  
 D908,332 S 1/2021 Klein et al.  
 D910,300 S \* 2/2021 Comeaux ..... D2/951  
 D923,303 S \* 6/2021 McMillan ..... D2/951  
 D923,305 S \* 6/2021 McMillan ..... D2/951  
 D928,469 S 8/2021 Hardy  
 D938,155 S \* 12/2021 Nikolic ..... D2/947  
 D954,410 S \* 6/2022 Klein ..... D2/947  
 D955,721 S \* 6/2022 Bell ..... D2/954  
 2010/0293815 A1 \* 11/2010 Ferrigan ..... A43B 3/0052  
 36/25 R  
 2011/0030240 A1 \* 2/2011 Schmidt ..... A43B 5/10  
 36/35 R

OTHER PUBLICATIONS

Jordan Max Aura 4, YouTube.com, Jul. 5, 2022, LeChon James 236, [online], [site visited Oct. 18, 2022]. <URL: Jordan Max Aura 4> (Year: 2022).\*

“The Jordan Max Aura Looks Like An Air Jordan 11 Knock Off”; Sneaker News; retrieved Feb. 28, 2022; published Jul. 1, 2018; URL: <<https://sneakernews.com/2018/07/01/jordan-max-aura-aq9084-001-buy-now/>> .  
 “Jordan Max Aura 2”; Shiekh; retrieved Feb. 28, 2022; published date unknown, but prior to application filing date; URL: <<https://www.shiekh.com/jordan-max-aura-2-black.html>> .  
 “Air Jordan 13 Retro ‘Obsidian’”; Flight Club; retrieved Feb. 28, 2022; published date unknown, but prior to application filing date; URL: <<https://www.flightclub.com/air-jordan-13-retro-unc-414571-144?>> .  
 “Jordan Max Aura 3”; Foot Locker; retrieved Mar. 4, 2022; published date unknown, but prior to application filing date; URL: <[https://www.footlocker.com/product/~/Z4167001.html?SID=5081&inceptor=1&cm\\_mmc=paid%20search](https://www.footlocker.com/product/~/Z4167001.html?SID=5081&inceptor=1&cm_mmc=paid%20search)> .  
 “Air Jordan 23—All-Stars”; Kicks On Fire; retrieved Feb. 28, 2022; published date unknown, but prior to application filing date; URL: <<https://www.kicksonfire.com/what-are-air-jordans/air-jordan-23-xx3/air-jordan-23-xx3-or-xxiii-all-stars-white-black-varsity-red/>> .  
 “The Air Jordan 9 “Dark Charcoal” Releases This January”; Sneaker News; retrieved Feb. 28, 2022; published Nov. 16, 2020; URL: <<https://sneakernews.com/2020/11/16/air-jordan-9-black-charcoal-university-gold-ct8019-070/>> .  
 Nike Footwear Catalog, 1990 Spring Footwear, p. 22, published Dec. 1989, Nike, Inc., USA.  
 Nike Footwear Catalog, 1991 Fall Footwear, p. 46, published Dec. 1989, Nike, Inc., USA.  
 Nike Footwear Catalog, 1994 Late Spring Footwear, p. 54, published Sep. 1993, Nike, Inc., USA.  
 Nike Footwear Catalog, 1998 Late Spring Footwear, p. 158, published Mar. 1998, Nike, Inc., USA.  
 Nike Footwear Catalog, 1999 Late Fall: October & November Flow Footwear, p. 8, published Mar. 1999, Nike, Inc., USA.  
 Nike Footwear Catalog, 1999 Late Spring Men’s and Women’s Footwear, p. M9, published Mar. 1999, Nike, Inc., USA.  
 Nike Footwear Catalog, 2000 Fall Men’s and Women’s Footwear (blue cover), p. M55, published Nov. 1999, Nike, Inc., USA.  
 Nike Footwear Catalog, 2002 Fall Men’s and Women’s Footwear, p. W35, published Nov. 2000, Nike, Inc., USA.  
 Nike Footwear Catalog, 2013 Spring Mens Sportswear Footwear Best, p. 35, published May 2012, Nike, Inc., USA.  
 Nike Footwear Catalog, 2018 Spring NA Lacrosse Specialty Catalog, p. M126, published Dec. 30, 2017, Nike, Inc., USA.

\* cited by examiner

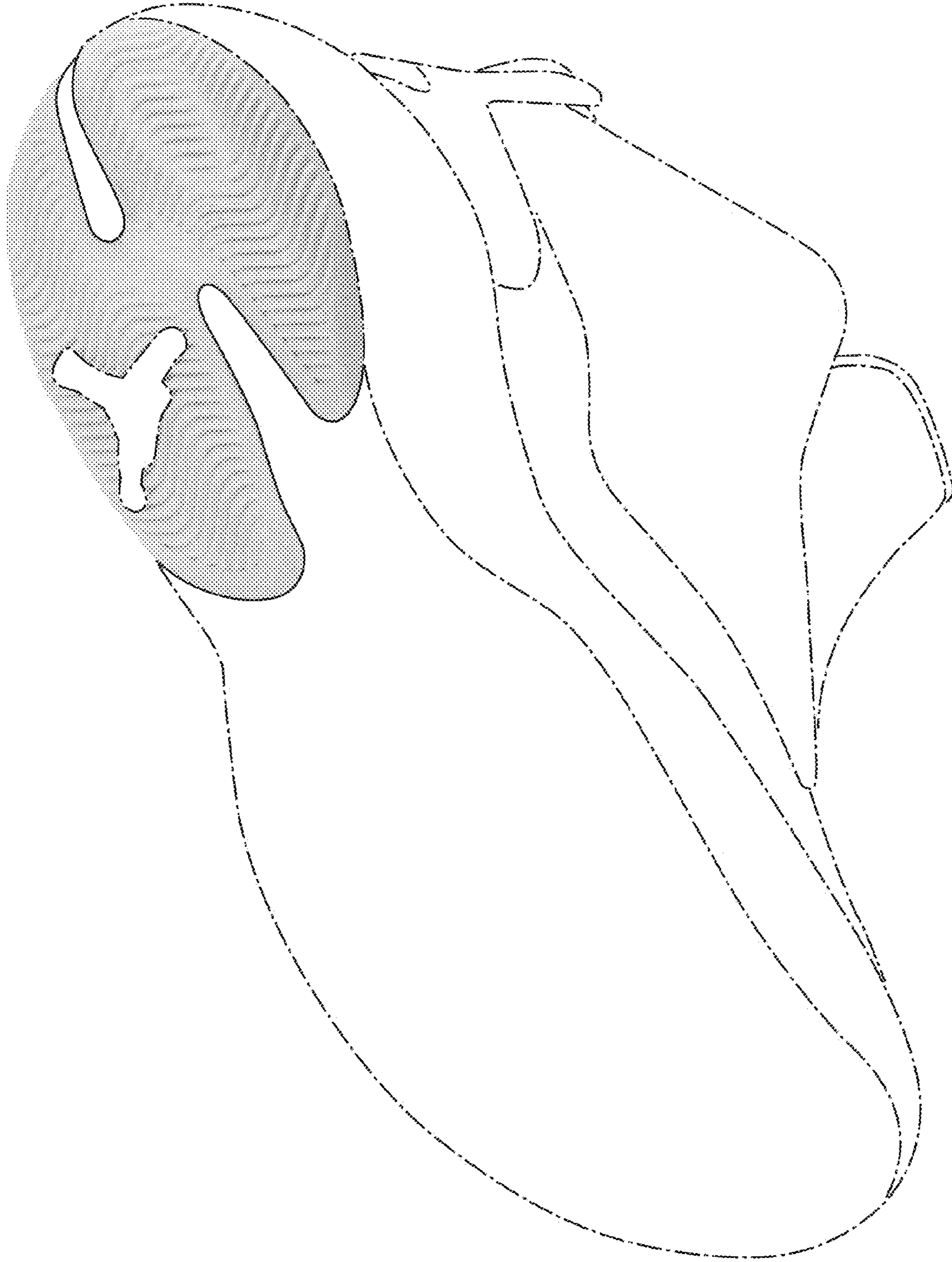


FIG. 1

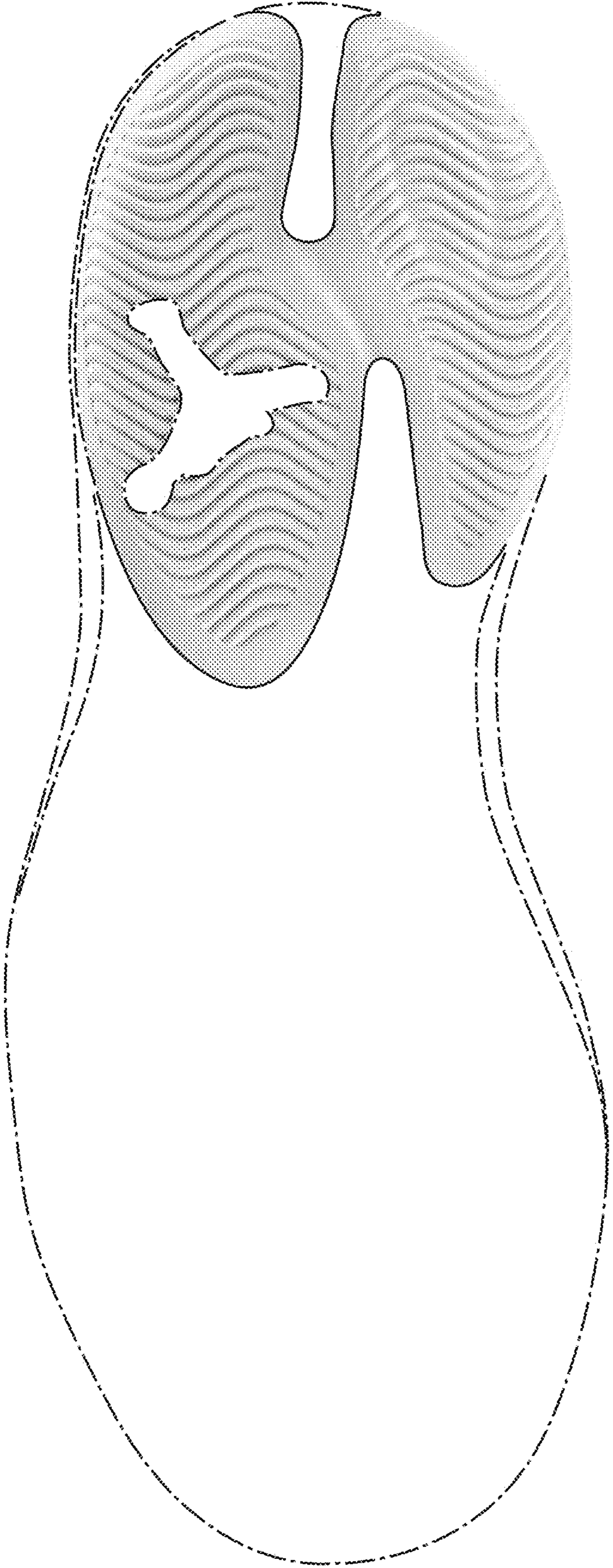


FIG. 2

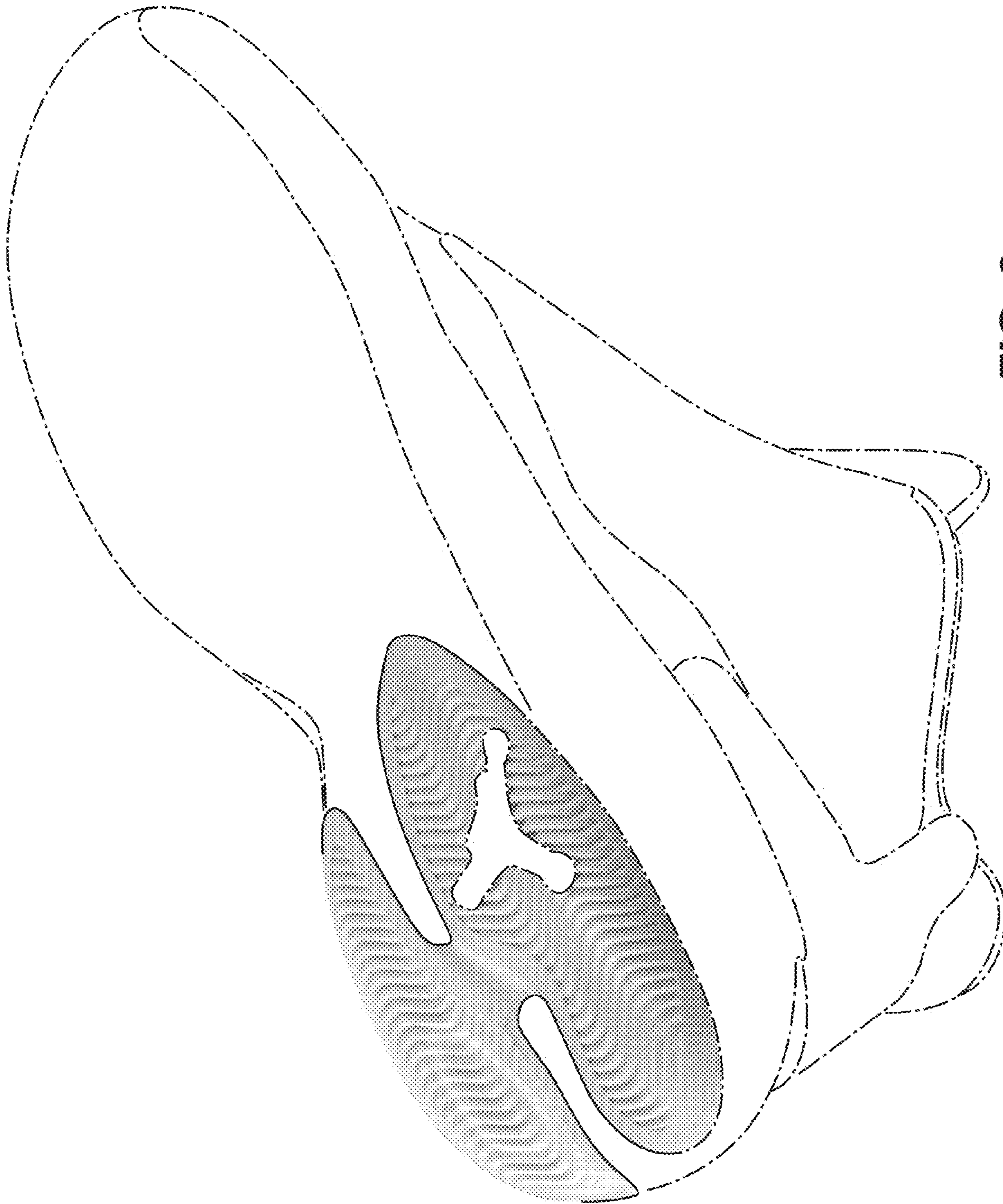


FIG. 3