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(12) **United States Design Patent**  
**Elder et al.**

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- (54) **SHOE**
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- (73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)
- (\*\*) Term: **15 Years**
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- (51) **LOC (14) Cl.** ..... **02-04**
- (52) **U.S. Cl.**  
USPC ..... **D2/951; D2/954; D2/960**
- (58) **Field of Classification Search**  
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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  
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See application file for complete search history.

- D318,753 S 8/1991 Hatfield
- D319,534 S 9/1991 Rogers
- D321,590 S 11/1991 Smith, III
- D321,978 S 12/1991 Hatfield
- D323,927 S 2/1992 Rogers
- D325,667 S 4/1992 Smith, III
- D326,180 S 5/1992 Rogers
- (Continued)

**FOREIGN PATENT DOCUMENTS**

- CN 3010930 10/1991
- CN 302158407 11/2012
- (Continued)

**OTHER PUBLICATIONS**

Air Max Scorpion Lemon Wash, Nike.com, [online], [site visited Oct. 20, 2022]. <URL: <https://www.nike.com/launch/t/air-max-scorpion-lemon-wash>> (Year: 2022).\*

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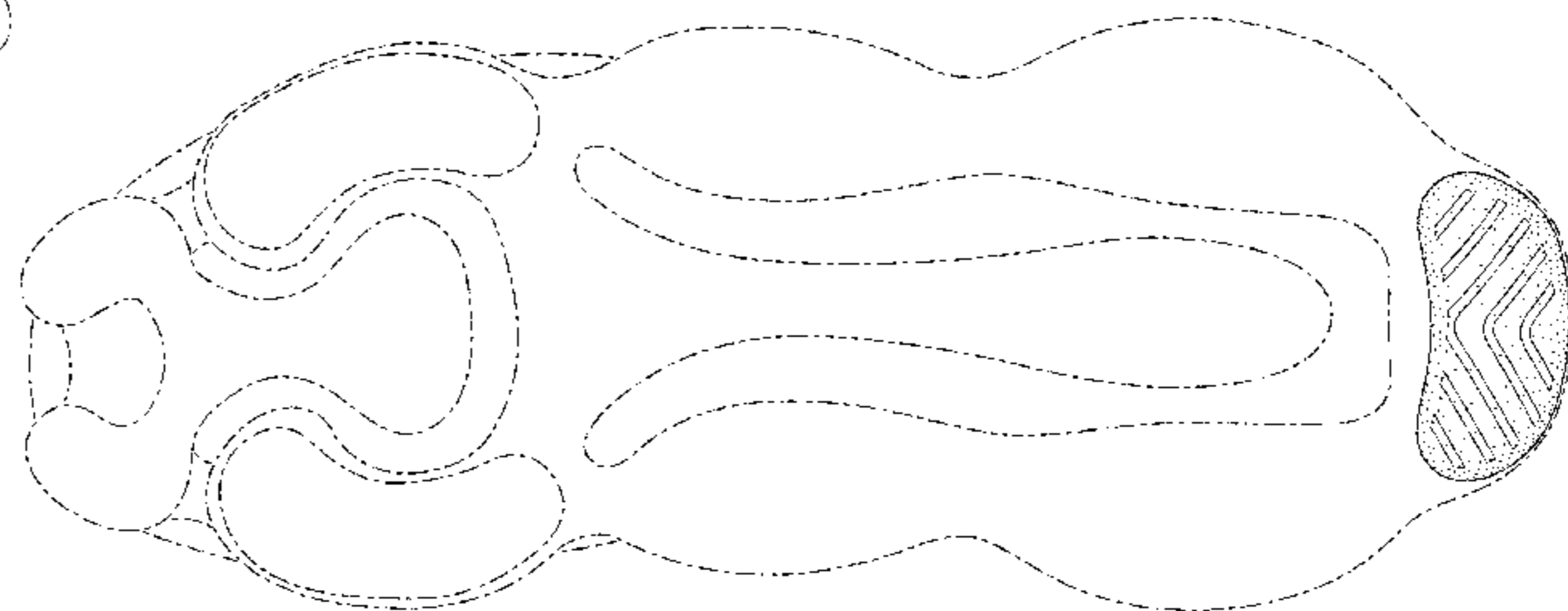
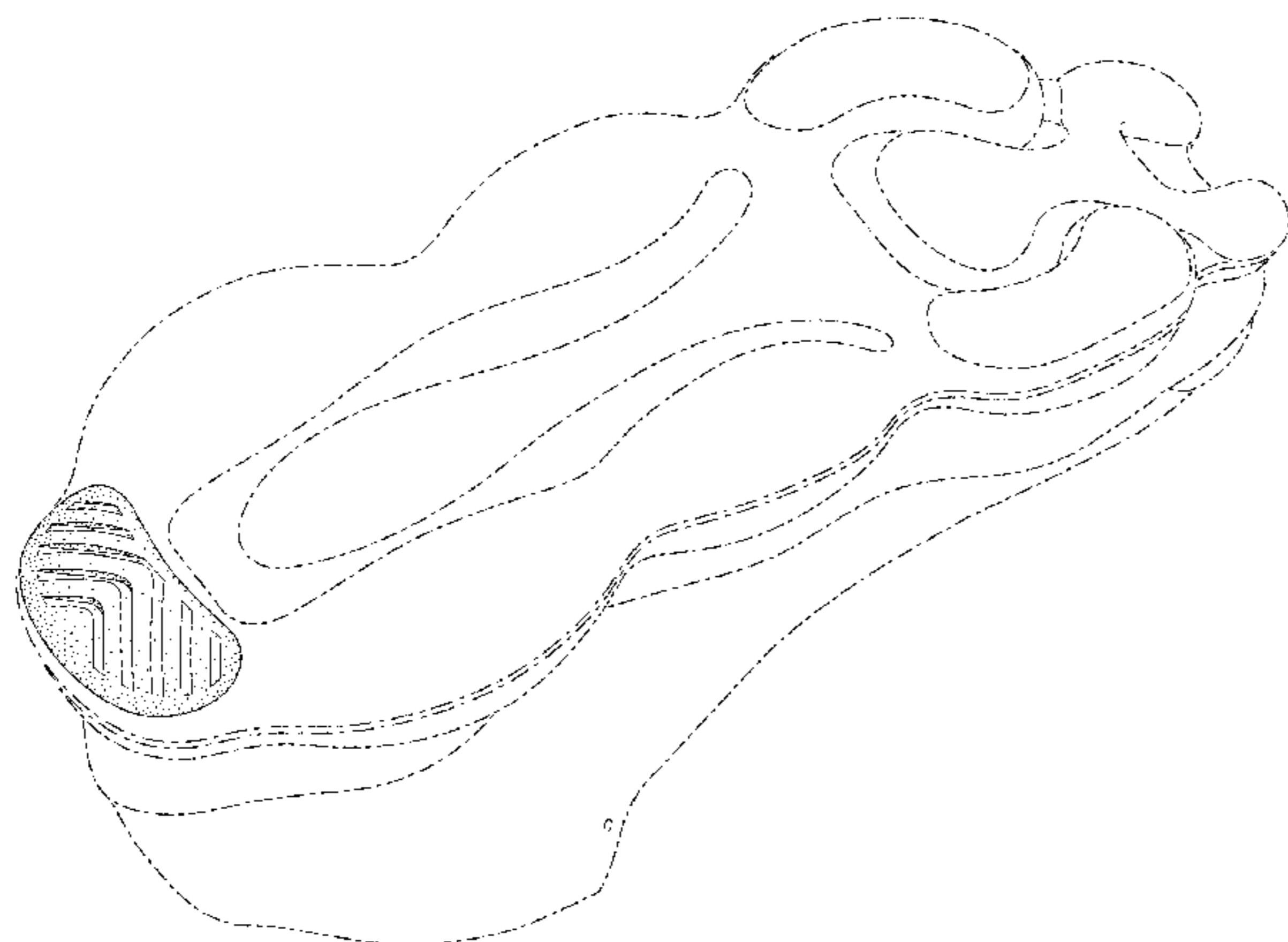
(57) **CLAIM**

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

**DESCRIPTION**

FIG. 1 is a bottom rear perspective view of a shoe showing our new design;  
FIG. 2 is a bottom view thereof;  
FIG. 3 is a bottom opposite side rear perspective view thereof;  
FIG. 4 is a bottom front perspective view thereof; and,  
FIG. 5 is a bottom opposite side front perspective view thereof.  
The broken lines depicting the remainder of the shoe form no part of the claimed design.

**1 Claim, 5 Drawing Sheets**



(56)

## References Cited

## U.S. PATENT DOCUMENTS

D328,968 S	9/1992	Tinker	
D329,941 S	10/1992	Hatfield	
D330,972 S	11/1992	Hatfield et al.	
D330,973 S	11/1992	Hatfield	
D331,147 S	11/1992	Smith	
D332,346 S	1/1993	Hatfield et al.	
D332,692 S	1/1993	Hatfield et al.	
D333,034 S	2/1993	McDonald	
D333,555 S	3/1993	Hatfield et al.	
D333,908 S	3/1993	Teague	
D334,091 S	3/1993	McDonald	
D334,092 S	3/1993	Teague	
D334,465 S	4/1993	Teague	
D334,655 S	4/1993	McDonald	
D336,775 S	6/1993	Smith	
D339,464 S	9/1993	Teague	
D341,025 S	11/1993	Avar	
D341,709 S	11/1993	Hatfield et al.	
D341,710 S	11/1993	Hatfield et al.	
D345,046 S	3/1994	Avar	
D372,574 S *	8/1996	Shea	D2/960
D378,871 S	4/1997	Hatfield	
D384,795 S	10/1997	Hudson	
D387,698 S	12/1997	Hatfield et al.	
D387,895 S	12/1997	Cooper	
D388,355 S	12/1997	Smith, III	
D389,993 S *	2/1998	Ryan	D2/953
D391,747 S	3/1998	Avar	
D393,341 S *	4/1998	Marshall	D2/951
D394,343 S *	5/1998	Marshall	D2/954
D394,741 S *	6/1998	Gaudio	D2/960
D398,748 S	9/1998	Hatfield et al.	
D401,395 S	11/1998	Clarke	
D403,846 S *	1/1999	Bove	D2/957
D406,446 S	3/1999	Yun	
D407,892 S *	4/1999	Gaudio	D2/954
D411,910 S *	7/1999	Cessor	D2/951
D412,050 S *	7/1999	Chassaing	D2/960
D412,237 S	7/1999	Hatfield	
D415,339 S *	10/1999	Rombis	D2/954
D432,763 S	10/2000	Smith, III	
D433,789 S	11/2000	Hardy	
D450,426 S	11/2001	Huard et al.	
D450,429 S	11/2001	McClaskie	
D462,158 S	9/2002	White	
D466,272 S	12/2002	Erickson et al.	
D467,711 S *	12/2002	Chen	D2/951
D507,863 S	8/2005	McClaskie	
D544,184 S *	6/2007	Diaz	D2/951
D547,934 S *	8/2007	Loverin	D2/954
D551,433 S *	9/2007	Loverin	D2/951
D553,833 S	10/2007	Walden	
D556,432 S	12/2007	Gerber	
D568,035 S	5/2008	McClaskie	
D573,333 S	7/2008	Petrie	
D574,585 S	8/2008	Wilken	
D575,039 S	8/2008	Amado et al.	
D590,586 S	4/2009	Harlow	
D593,738 S	6/2009	McClaskie	
D596,835 S	7/2009	Avar	
D596,836 S	7/2009	Link	
D634,108 S	3/2011	Tzenos	
D643,194 S	8/2011	Raysse	
D643,605 S	8/2011	Raysse	
D646,470 S	10/2011	Jacobs	
D690,489 S	10/2013	Taylor	
D719,727 S *	12/2014	Abshire	D2/951
D720,124 S *	12/2014	Grenet	D2/951
D726,398 S *	4/2015	Grott	D2/947
D729,393 S	5/2015	Dunn et al.	
D734,930 S *	7/2015	Bikowski	D2/951
D735,982 S	8/2015	Pauk	
D780,417 S	3/2017	Chang	
D788,428 S	6/2017	Raysse	
D788,429 S	6/2017	Carmi	
D793,047 S	8/2017	Rasmussen	
D798,036 S *	9/2017	Opie	D2/951
D799,184 S	10/2017	Chang	
D799,803 S	10/2017	Nethongkome	
D811,060 S	2/2018	Rockensuess et al.	
D817,618 S	5/2018	Young	
D821,715 S *	7/2018	Chang	D2/954
D825,904 S	8/2018	Petrenka	
D826,526 S	8/2018	Small	
D826,528 S	8/2018	Hui et al.	
D833,128 S	11/2018	DeAlmeida	
D839,569 S	2/2019	Petrie	
D840,652 S *	2/2019	Raysse	D2/954
D841,954 S	3/2019	Petrenka	
D843,704 S *	3/2019	Hong	D2/951
D853,696 S *	7/2019	Roxe	D2/923
D854,290 S	7/2019	Miner	
D854,294 S	7/2019	McMillan	
D854,301 S	7/2019	Raasch	
D858,059 S *	9/2019	McMillan	D2/947
D859,801 S	9/2019	Jenkins et al.	
D866,939 S	11/2019	Small	
D869,833 S	12/2019	Hartmann et al.	
D870,433 S	12/2019	Hartmann et al.	
D870,439 S *	12/2019	Petrie	D2/951
D871,036 S	12/2019	Amago	
D871,730 S	1/2020	Rockensuess et al.	
D871,737 S	1/2020	Gibson	
D872,434 S	1/2020	Young	
D872,984 S	1/2020	de Montgolfier	
D877,474 S *	3/2020	Little	D2/947
D878,026 S *	3/2020	Nikolic	D2/947
D879,424 S	3/2020	Hartmann et al.	
D879,428 S *	3/2020	Braun	D2/947
D880,127 S	4/2020	Powers	
D881,541 S	4/2020	Small	
D882,224 S	4/2020	Small	
D882,225 S	4/2020	Small	
D882,909 S	5/2020	Small et al.	
D885,732 S	6/2020	de Montgolfier	
D886,427 S	6/2020	Young	
D890,490 S	7/2020	Page	
D891,059 S	7/2020	Shyllon	
D892,482 S *	8/2020	de Montgolfier	D2/951
D893,153 S	8/2020	Lee	
D896,488 S *	9/2020	Page	D2/951
D900,452 S *	11/2020	Small	D2/947
D900,453 S *	11/2020	Small	D2/947
D900,454 S *	11/2020	Small	D2/947
D900,455 S *	11/2020	Small	D2/947
D901,152 S *	11/2020	Small	D2/947
D901,157 S *	11/2020	Small	D2/947
D901,866 S	11/2020	Brunner	
D903,259 S	12/2020	Kosenick	
D905,402 S *	12/2020	McMillan	D2/951
D909,729 S	2/2021	Durflinger	
D910,299 S *	2/2021	Dieudonné	D2/951
D910,300 S *	2/2021	Comeaux	D2/951
D912,380 S *	3/2021	Gerig	D2/951
D912,383 S	3/2021	Jenkins et al.	
D913,664 S	3/2021	Gibson	
D915,046 S *	4/2021	Odinot	D2/951
D915,052 S *	4/2021	Odinot	D2/951
D917,141 S	4/2021	Radabaugh	
D917,849 S *	5/2021	Rinella	D2/947
D917,850 S *	5/2021	Odinot	D2/951
D917,853 S *	5/2021	Lee	D2/954
D918,557 S	5/2021	Gerig	
D919,268 S	5/2021	Gerig	
D919,269 S	5/2021	Gerig	
D923,925 S *	7/2021	Bramani	D2/947
D925,883 S *	7/2021	Mokos	D2/947
D929,099 S *	8/2021	Rémy	D2/962

(56)

**References Cited**

U.S. PATENT DOCUMENTS

D938,155 S \* 12/2021 Nikolic ..... D2/947  
 D955,718 S \* 6/2022 Gibson ..... D2/954

FOREIGN PATENT DOCUMENTS

CN	305621356	2/2020
CN	305657399	3/2020
CN	305891302	7/2020
CN	306446867	4/2021
CN	306883871	10/2021
CN	306924500	11/2021
JP	D1659265	5/2020
KR	30-0703400	8/2013

OTHER PUBLICATIONS

Nike's upcoming Air Max 'Scorpion' sneaker is basically a flotation device, Andrea Carrillo, Dec. 28, 2021, [online], [site visited Oct. 20, 2022]. <URL: <https://www.inputmag.com/style/nike-air-max-scorpion-release-date-price-leaked>> (Year: 2021).\*

"Eliud Kipchoge Continues Search For Sub-Two Hour With Latest Nike Next% Shoe"; Sneaker News; retrieved Jan. 24, 2022; published Oct. 11, 2019; URL: <<https://sneakernews.com/2019/10/11/eliud-kipchoge-nike-next-percent-marathon-shoe/>> .

"Nike Vapormax "White Christmas" Set To Release Days Before The Holiday"; Sneaker News; retrieved Jan. 24, 2022; published Dec. 6, 2017; URL: <<https://sneakernews.com/2017/12/06/nike-vapormax-849558-100-release-date/>> .

"Nike Air Max 2021"; Footlocker; retrieved Jan. 24, 2022; published date unknown, but prior to application filing date; URL: <[https://www.footlocker.com/product/~/A1925002.html?SID=5081&inceptor=1&cm\\_mmc=paid%20search](https://www.footlocker.com/product/~/A1925002.html?SID=5081&inceptor=1&cm_mmc=paid%20search)> .

"The Future Is In The Air" By Nike Ushers In The Air Max 270 React"; Sneaker News; retrieved Jan. 24, 2022; published Jan. 1, 2021; URL: <<https://sneakernews.com/2021/01/01/nike-air-max-270-react-dd8498-161/>> .

"Nike Floods The Air Max 270 With "Atomic Pink"; Sneaker News; retrieved Jan. 24, 2022; published Dec. 26, 2020; URL: <<https://sneakernews.com/2020/12/26/nike-air-max-270-atomic-pink-dj2746-600/>> .

"Nike Air Vapormax Plus"; Footlocker; retrieved Jan. 24, 2022; published date unknown, but prior to application filing date; URL: <[https://www.footlocker.com/product/~/M8121001.html?SID=5081&inceptor=1&cm\\_mmc=paid%20search](https://www.footlocker.com/product/~/M8121001.html?SID=5081&inceptor=1&cm_mmc=paid%20search)> .

"Air Vapormax 2021 Fk"; eFootwear; retrieved Jan. 24, 2022; published date unknown, but prior to application filing date; URL: <<https://www.efootwear.eu/footwear-nike-air-vapormax-2021-fk-dh4085-002-pure-platinum-summit-white.html>> .

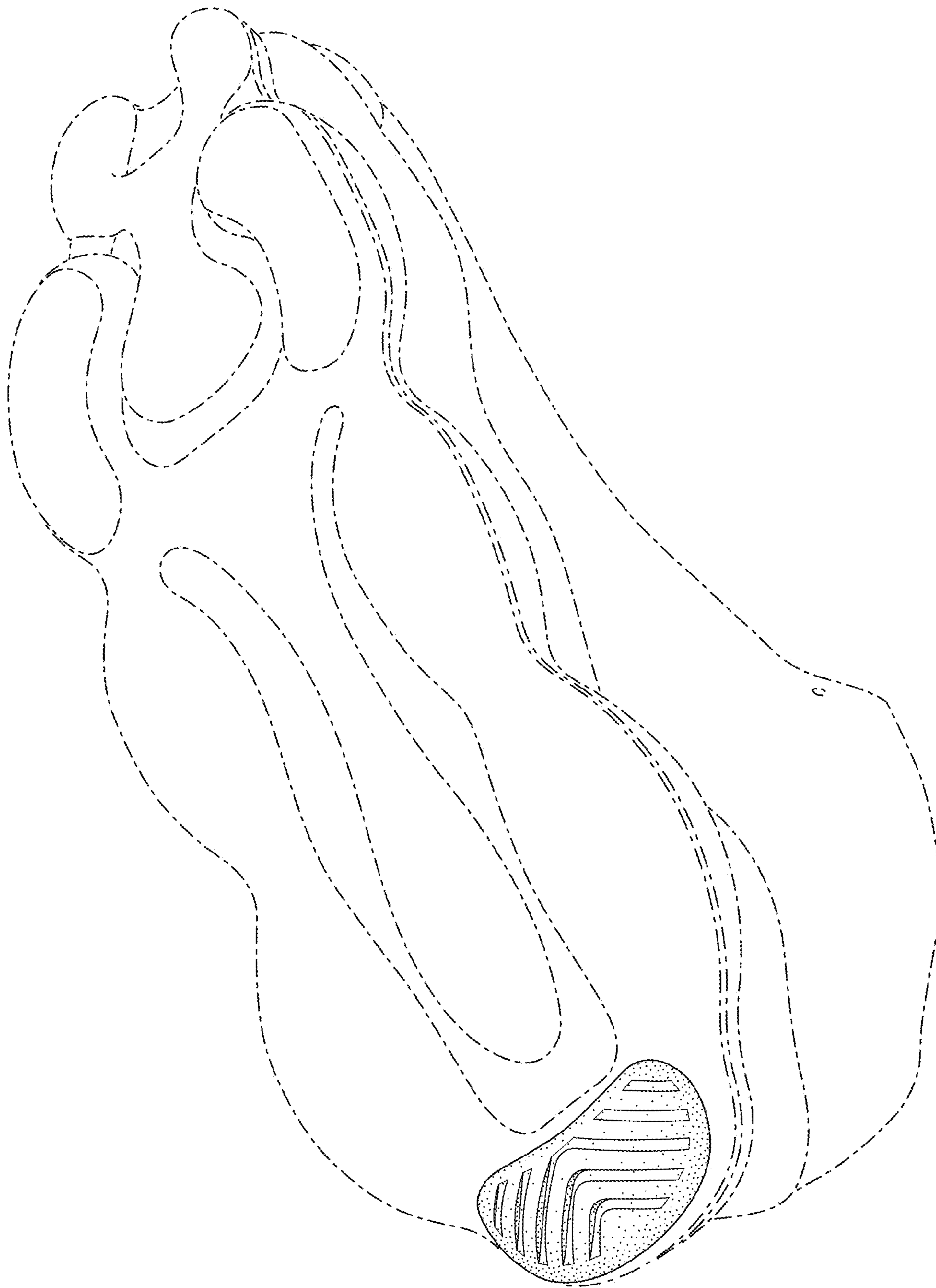
"Nike Air VaporMax Reveals the Pinnacle of Air"; Nike News; retrieved Jan. 24, 2022; published Feb. 20, 2017; URL: <<https://news.nike.com/news/air-max-vapor>> .

"Air Vapormax 2020 Flyknit 'Obsidian Siren Red'; Flight Club; retrieved Jan. 24, 2022; published date unknown, but prior to application filing date; URL: <<https://www.flightclub.com/air-vapormax-2020-flyknit-obsidian-siren-red-cw1765-400>> .

Nike Footwear Catalog, 1996 Spring Footwear, p. 17, published Mar. 1996, Nike, Inc., USA.

Nike Footwear Catalog, 2018 Summer Sportswear, p. 85, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

\* cited by examiner



**FIG. 1**

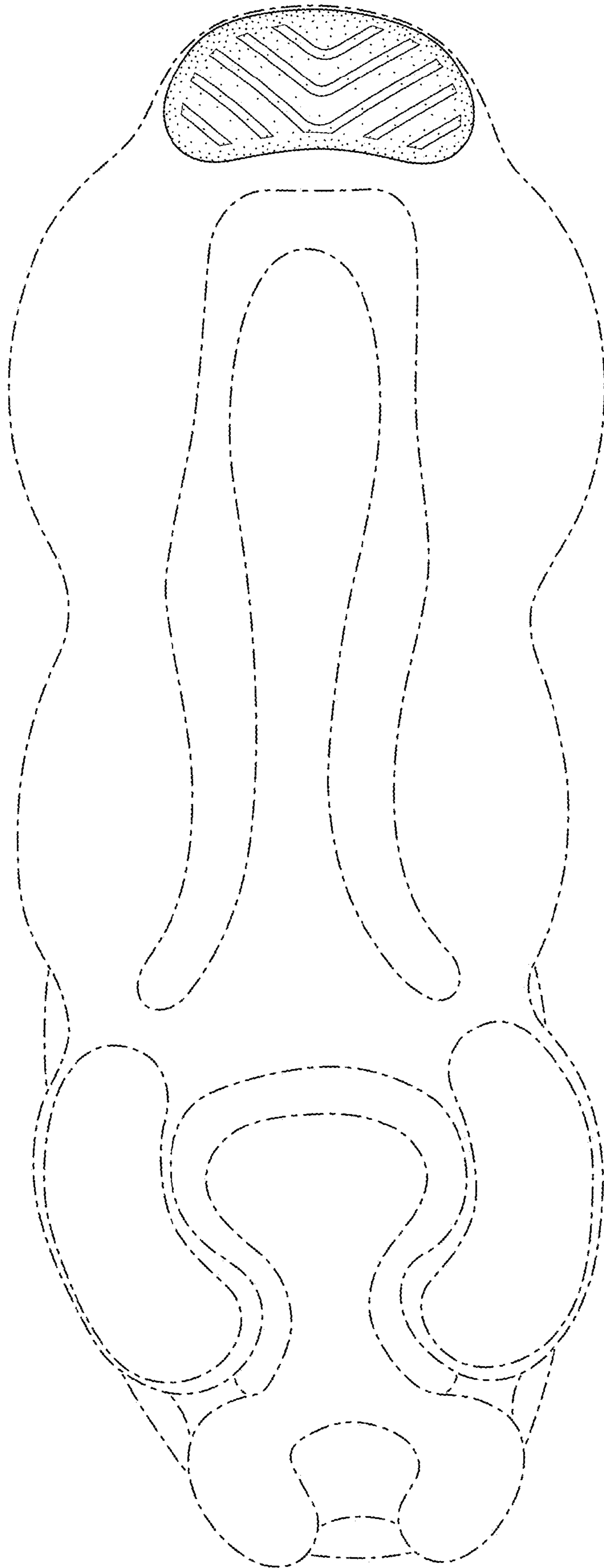


FIG. 2

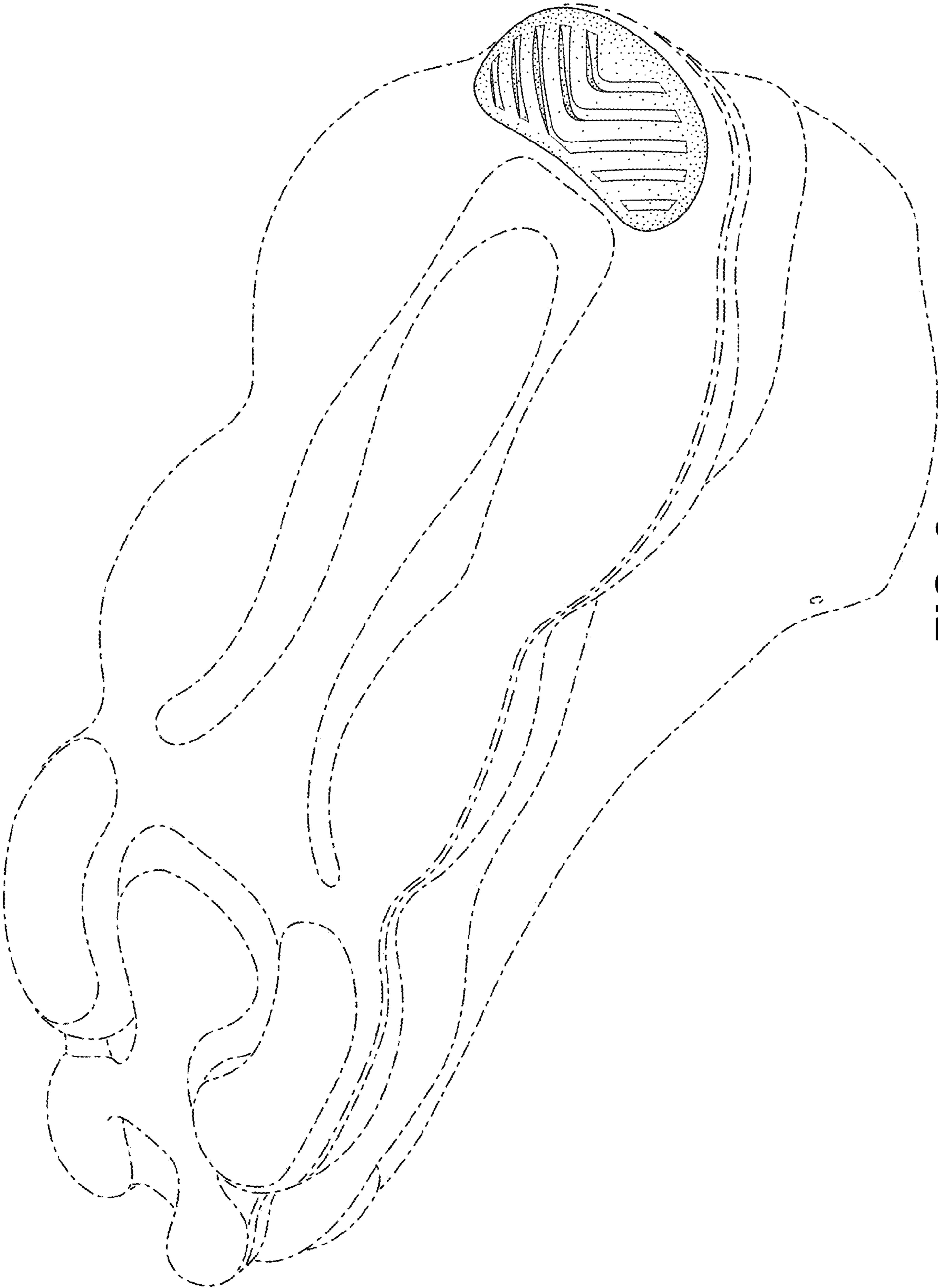


FIG. 3

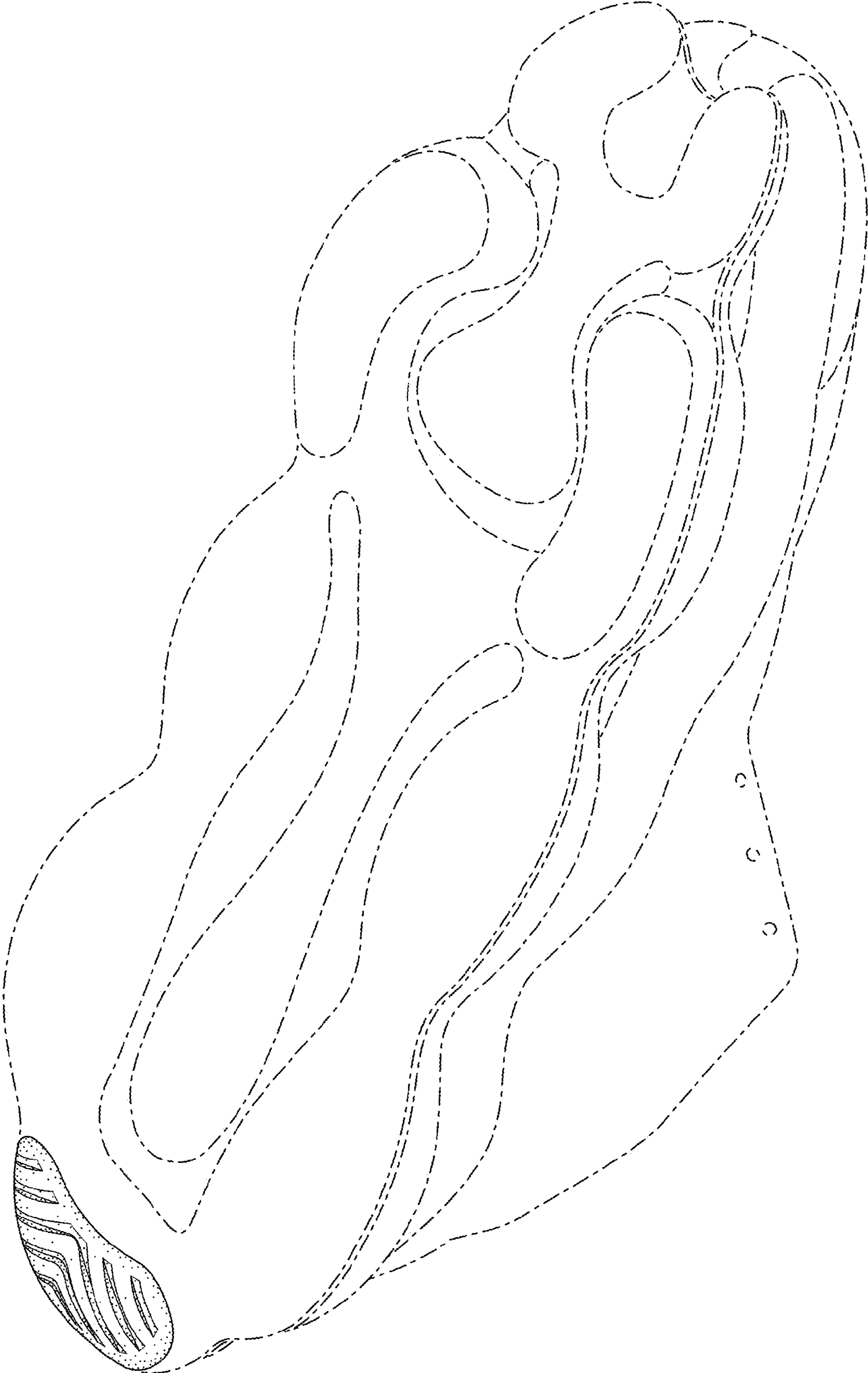


FIG. 4

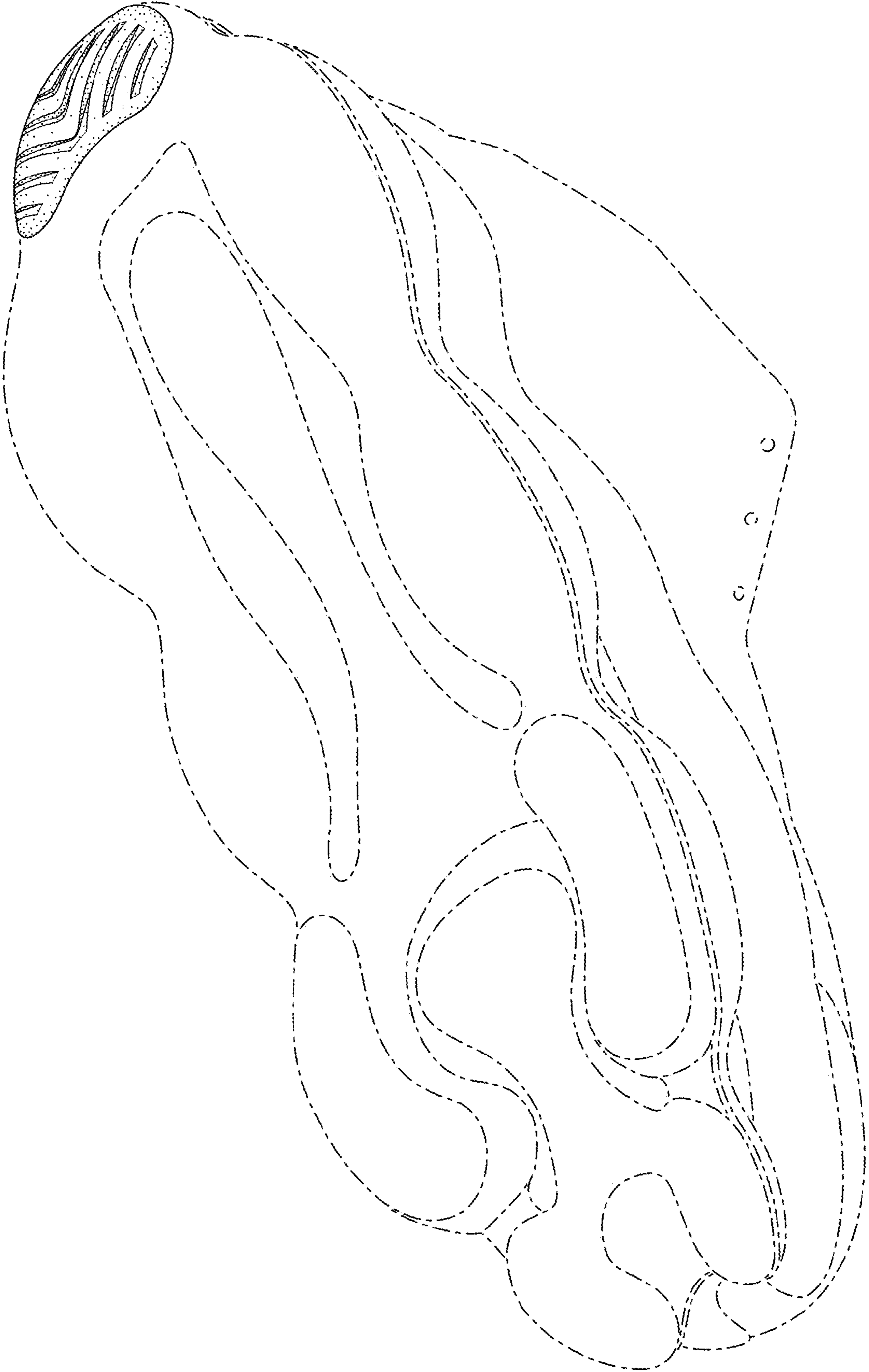


FIG. 5