



US00D979206S

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

(10) **Patent No.:** **US D979,206 S**

(45) **Date of Patent:** **** Feb. 28, 2023**

(54) **SHOE**

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

(72) Inventors: **Zachary M. Elder**, Portland, OR (US);
Philip Woodman, Treviso (IT)

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

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

(21) Appl. No.: **29/825,762**

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

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

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

USPC **D2/951**; D2/952; D2/960

(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

D307,212 S 4/1990 Aveni
D311,447 S 10/1990 Hatfield
D311,990 S 11/1990 Hatfield
D312,920 S 12/1990 Aveni
D313,113 S 12/1990 Aveni
D313,114 S 12/1990 Aveni

D316,324 S 4/1991 Rogers
D317,828 S 7/1991 Rogers
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

(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).*

(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 bottom front perspective view of a shoe showing
our new design;

FIG. 2 is a bottom view thereof;

FIG. 3 is a bottom opposite side front perspective view
thereof;

FIG. 4 is a bottom rear perspective view thereof; and,

FIG. 5 is a bottom opposite side rear perspective view
thereof.

The broken line immediately adjacent to and surrounding
the shaded 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, 5 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

| | | | |
|------------|-----------|--------------------|--------|
| D323,927 S | 2/1992 | Rogers | |
| D325,667 S | 4/1992 | Smith, III | |
| D326,180 S | 5/1992 | Rogers | |
| 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 | Fun | |
| 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).*

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.

"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>.

"'The Future Is In The Air' By Nike Ushers In The Air Max 270 React"; Sneaker News; retrieved Jan. 24, 2022; published Jan. 31, 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>.

"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>>.

* cited by examiner

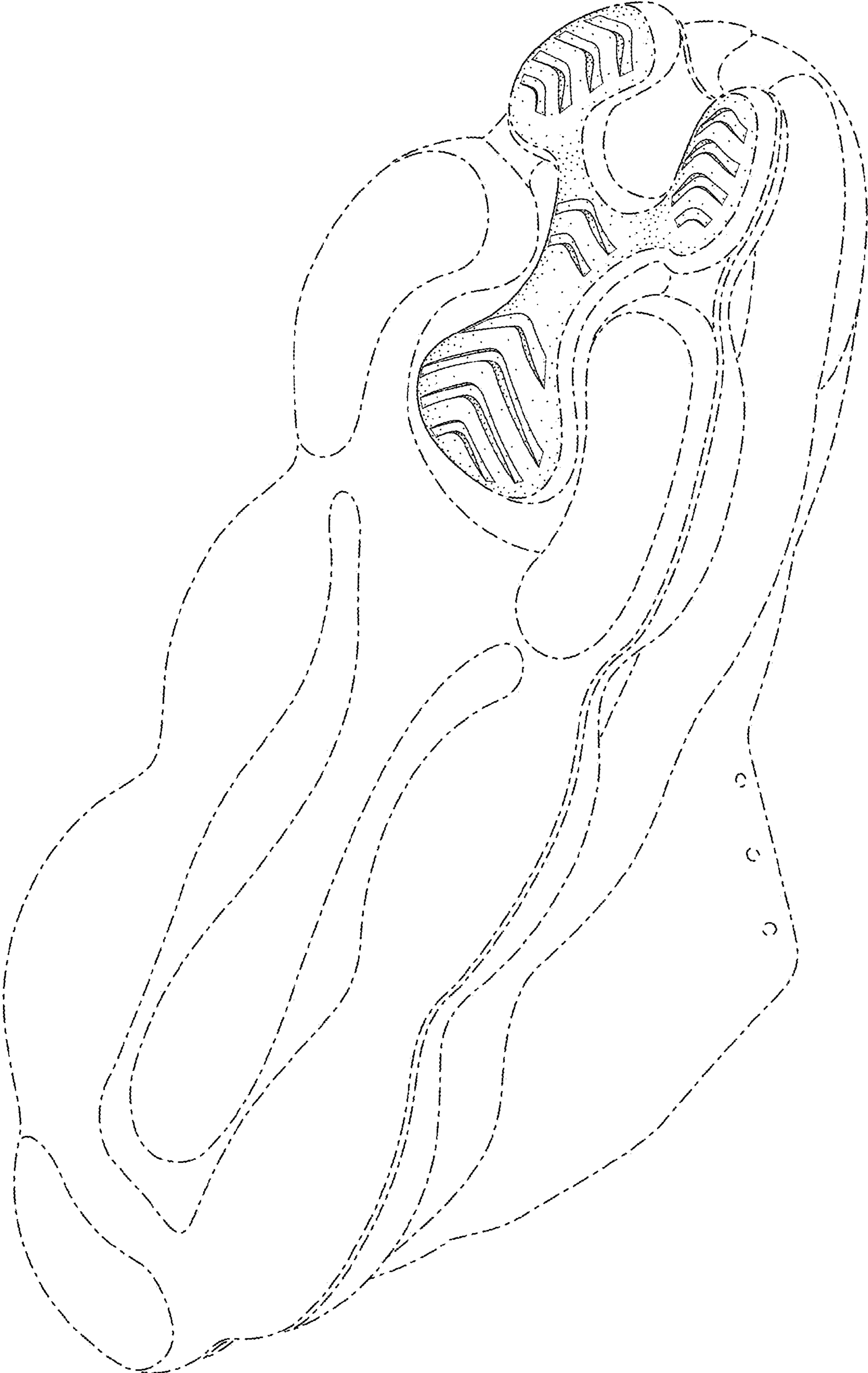


FIG. 1

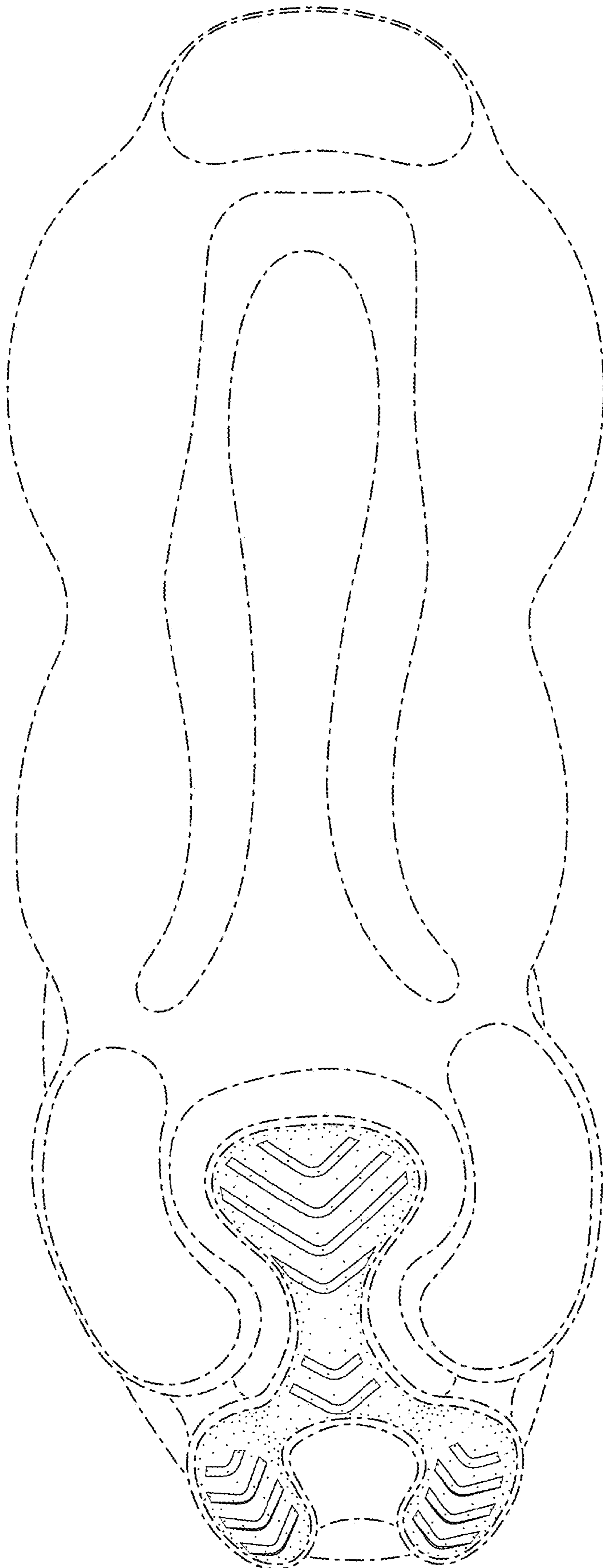


FIG. 2

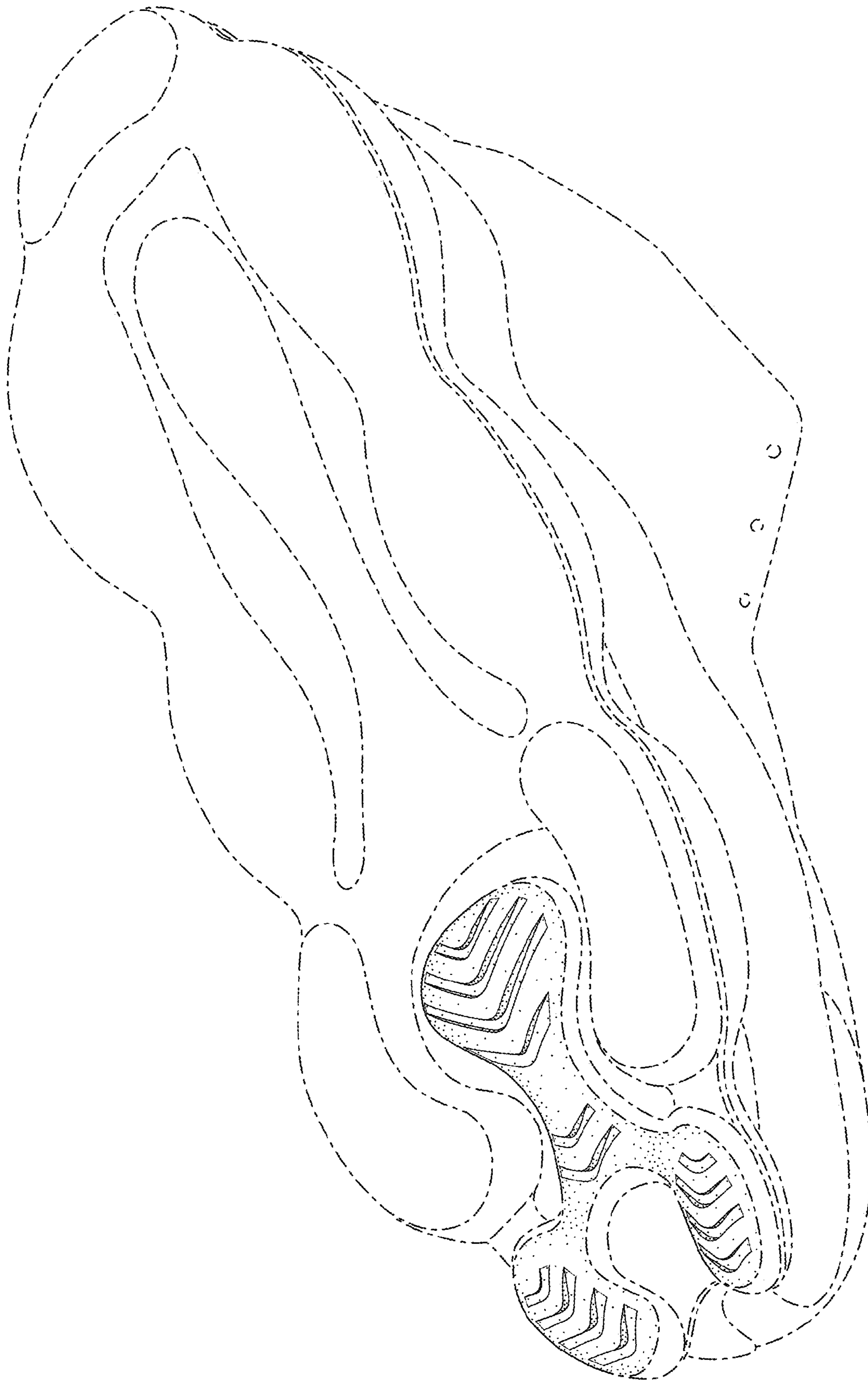


FIG. 3

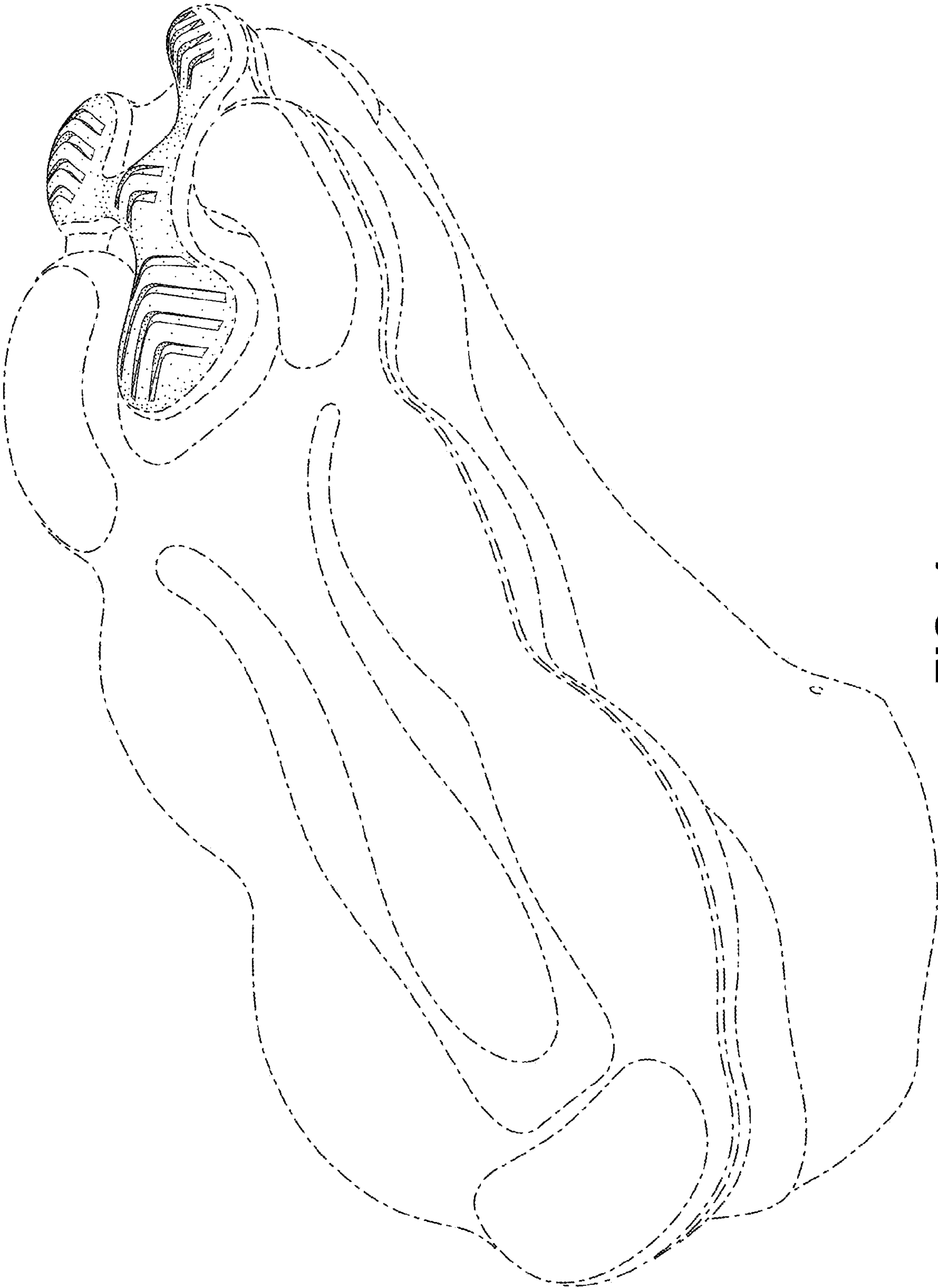


FIG. 4

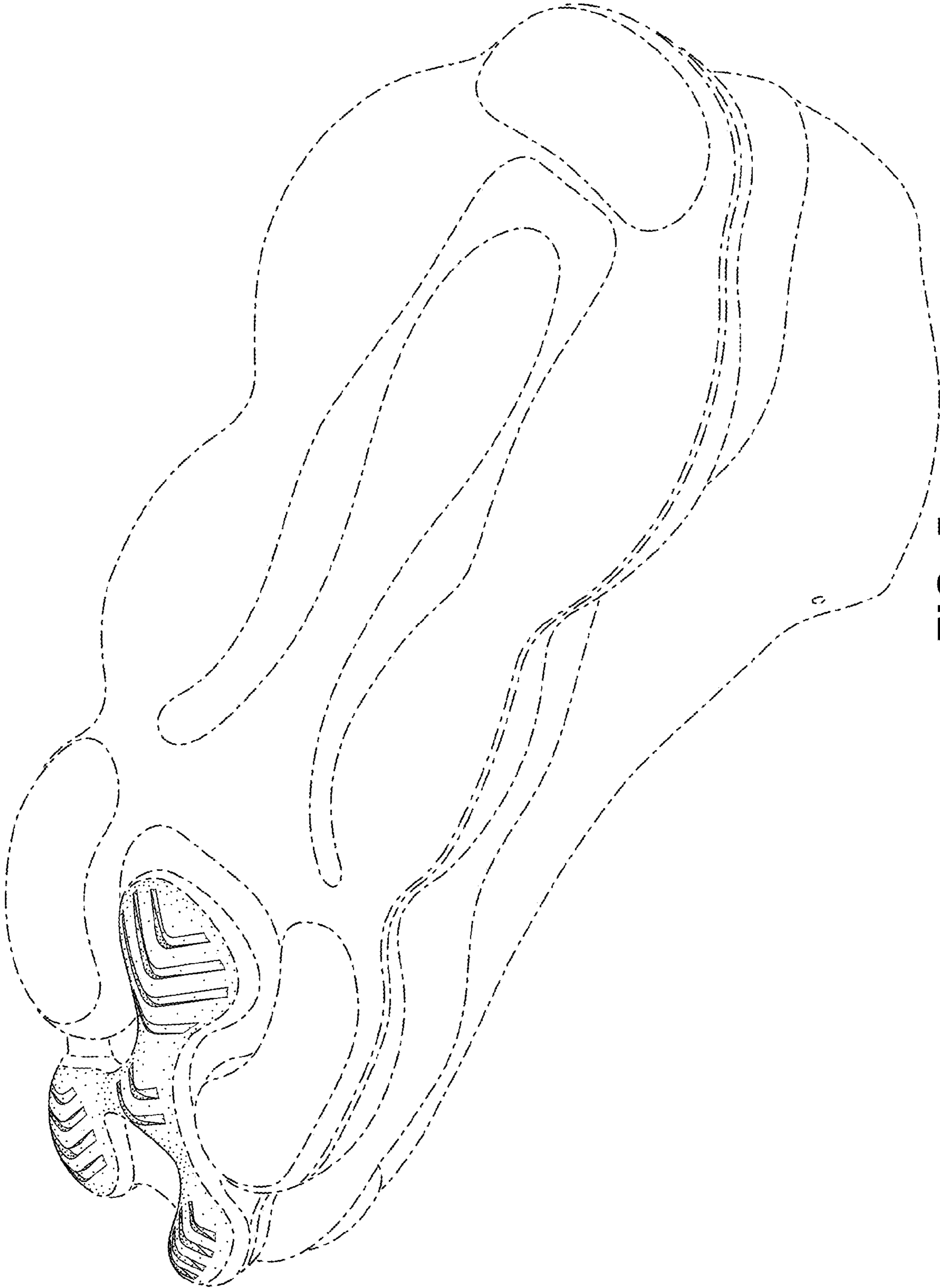


FIG. 5