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

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(54) **SHOE**
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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)

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

FOREIGN PATENT DOCUMENTS

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CN 3010930 10/1991
CN 302158407 11/2012

(Continued)

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(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
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.

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)

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(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 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

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



(56)

References Cited

U.S. PATENT DOCUMENTS

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

(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. 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>.

"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

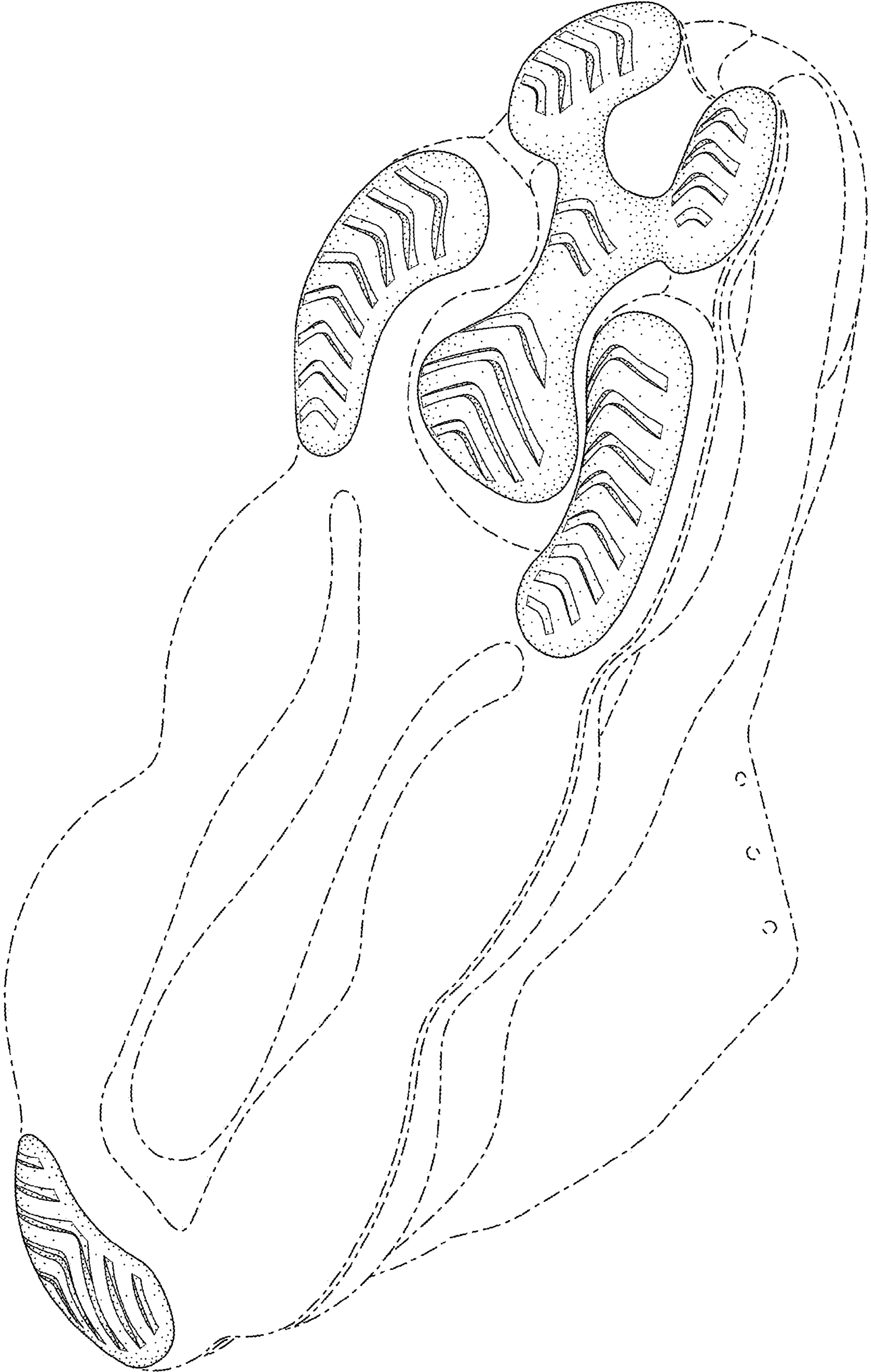


FIG. 1

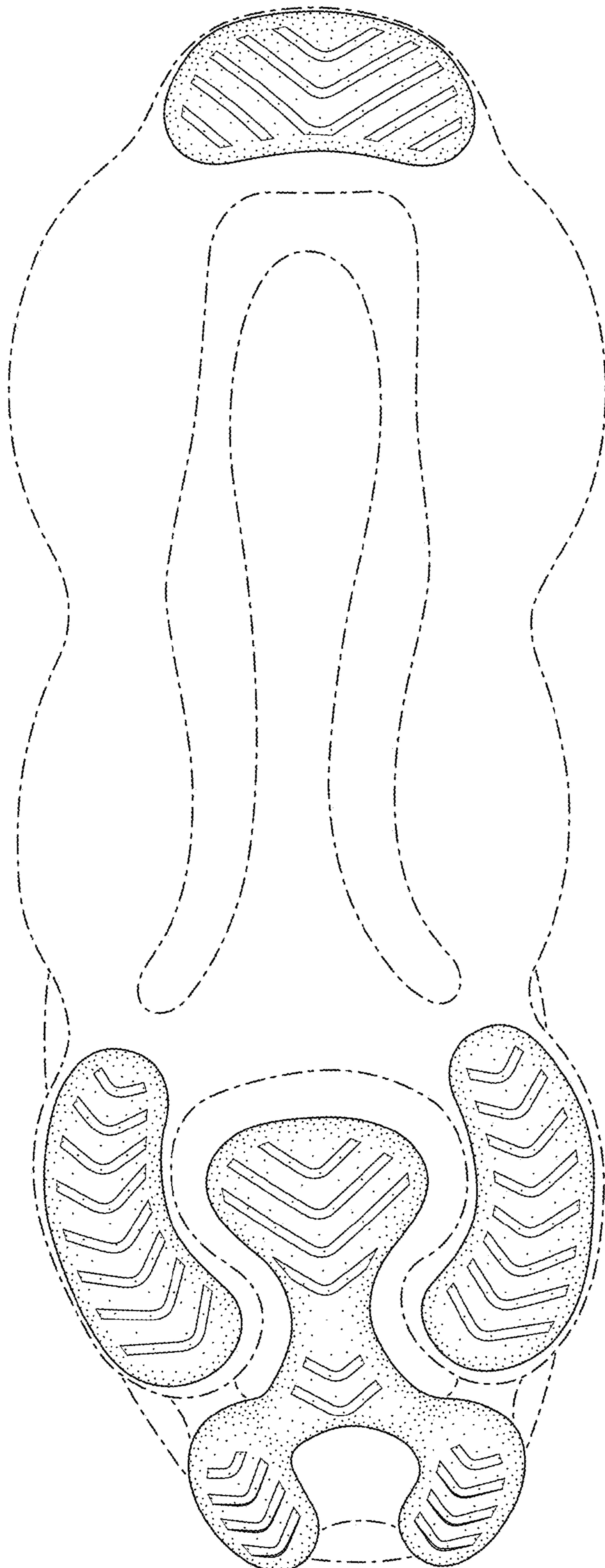


FIG. 2

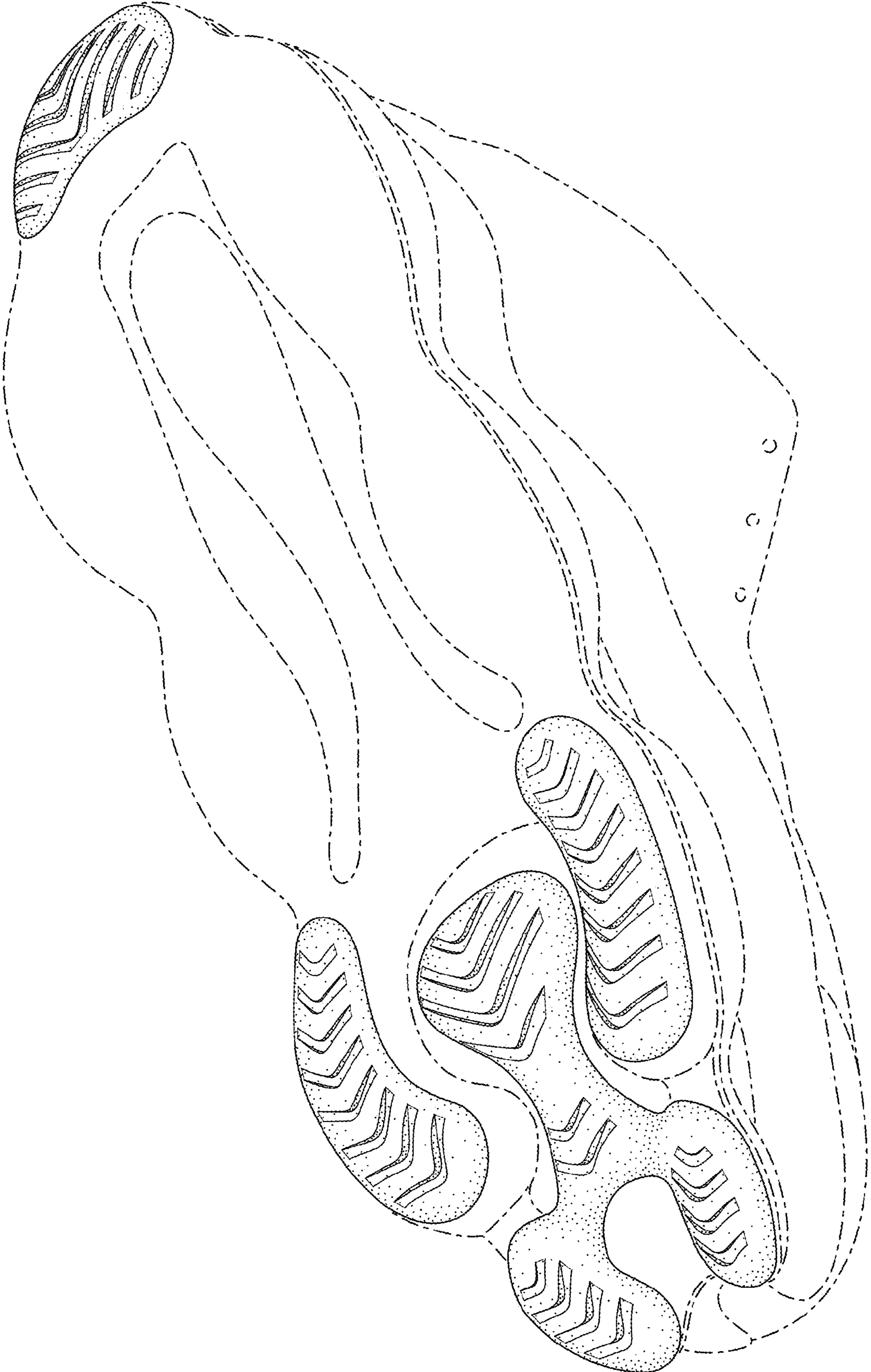


FIG. 3

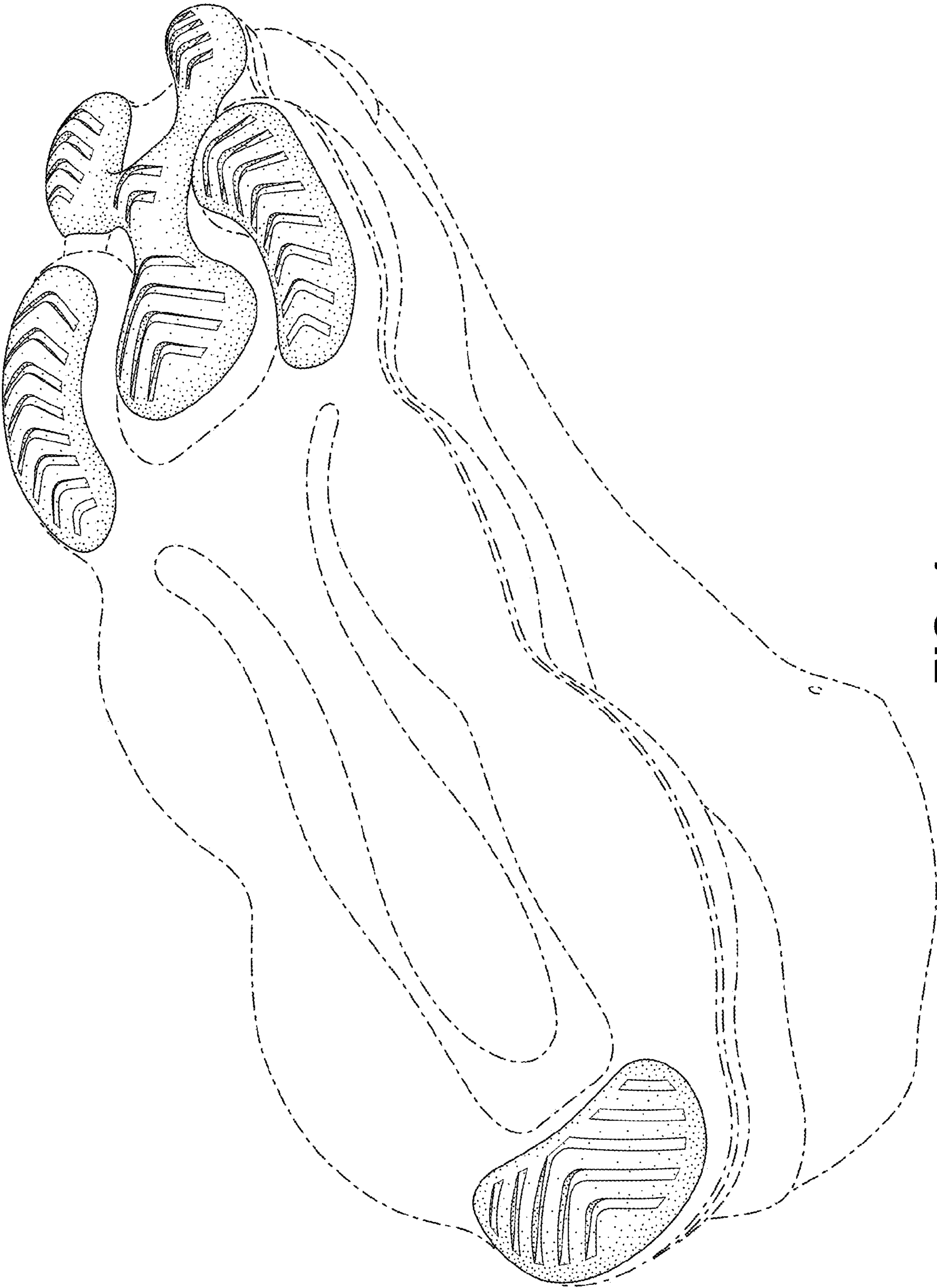


FIG. 4

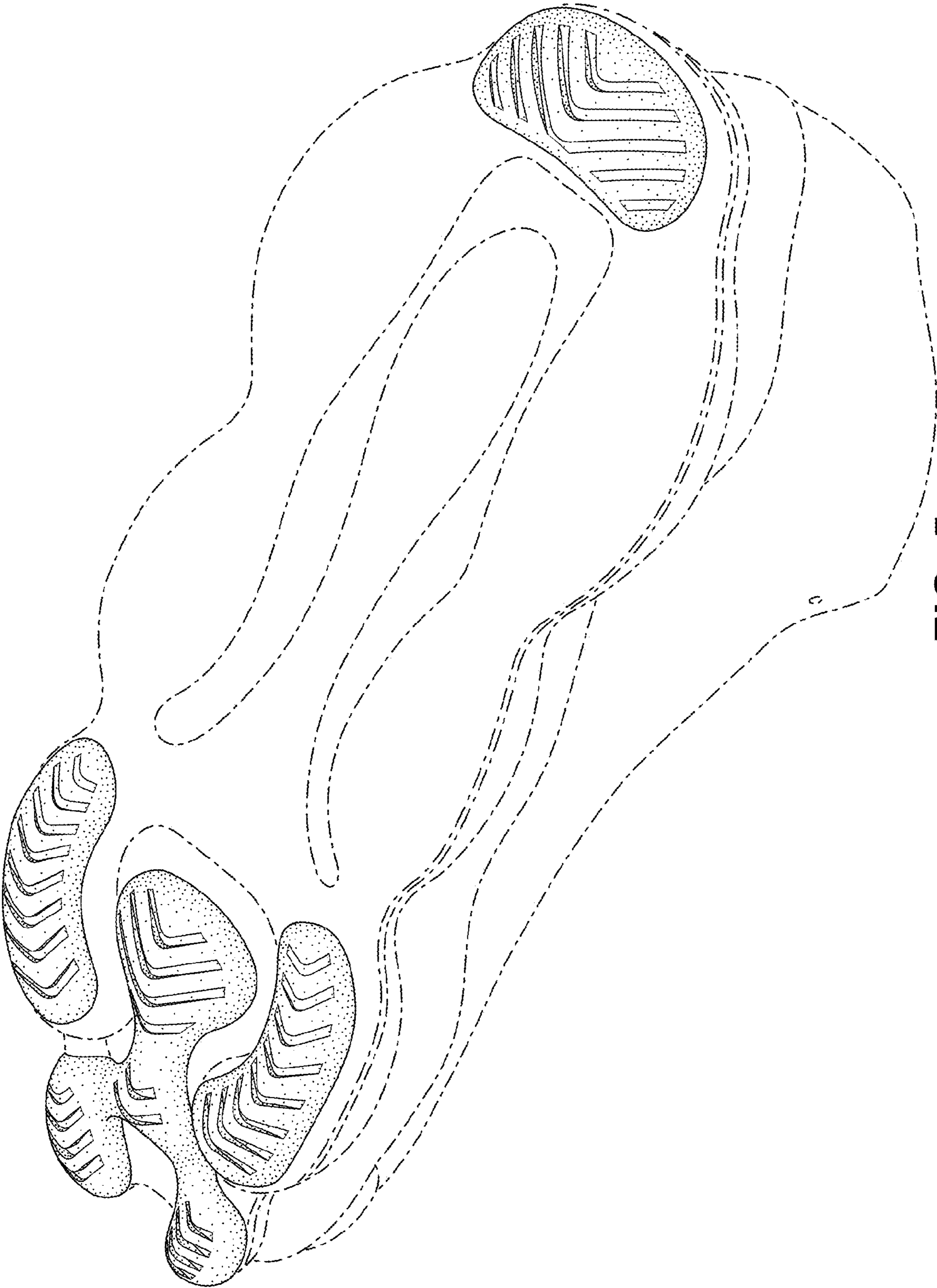


FIG. 5