



US00D993588S

(12)

United States Design Patent

Ceurvels et al.

(10)

Patent No.:

US D993,588 S

(45)

Date of Patent:

** Aug. 1, 2023

(54) SHOE

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

(72) Inventors: Tom Ceurvels, Portland, OR (US);
Zach F. Fitean, Portland, OR (US);
Ethan Lee, Portland, OR (US)

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

(**) Term: 15 Years

(21) Appl. No.: 29/856,442

(22) Filed: Oct. 13, 2022

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

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

(58) Field of Classification Search
USPC D2/902, 906, 908, 946–962, 972, 977
CPC A43B 13/00; A43B 13/023; A43B 13/026;
A43B 13/02; A43B 13/04; A43B 13/08;
A43B 13/10; A43B 13/12; A43B 13/14;
A43B 13/16; A43B 13/18; A43B 13/20;
A43B 13/22; A43B 13/24; A43B 13/28;
A43B 13/30; A43B 13/32; A43B 13/34;
A43B 13/36; A43B 13/122; A43B
13/125; A43B 13/127; A43B 13/141;
A43B 13/143; A43B 13/181; A43B
13/187; A43B 13/189
See application file for complete search history.

(56) References Cited

U.S. PATENT DOCUMENTS

D148,451 S

1/1948

Arnoff

D166,519 S

4/1952

Ayers

D166,520 S

4/1952

Ayers

D255,617 S

7/1980

Dassler

D709,273 S

7/2014

Winskowicz

D779,174 S

2/2017

de Montgolfier

D783,247 S

4/2017

McMillan

D811,717 S

*

3/2018

Guest

D2/972

D816,957 S

*

5/2018

Lee

D2/947

D827,266 S

*

9/2018

Stauffer

D2/947

D838,966 S

*

1/2019

Pauk

D2/972

D858,962 S

9/2019

Small et al.

D869,832 S

*

12/2019

Seamarks

D2/947

D874,123 S

*

2/2020

Cin

D2/972

(Continued)

OTHER PUBLICATIONS

SneakerNews website article titled “The Nike ZoomX Vaporfly 3 “Prototype” Releases Tomorrow” dated Mar. 5, 2023. Mar. 7, 2023. Available at URL <https://sneakernews.com/2023/03/05/nike-vaporfly-3-prototype-dx7957-100-fb7937-100/> (2023) (Year: 2023).*

(Continued)

Primary Examiner — Jennifer L Watkins
Assistant Examiner — Christine Tucci
(74) Attorney, Agent, or Firm — Banner & Witcoff, Ltd.

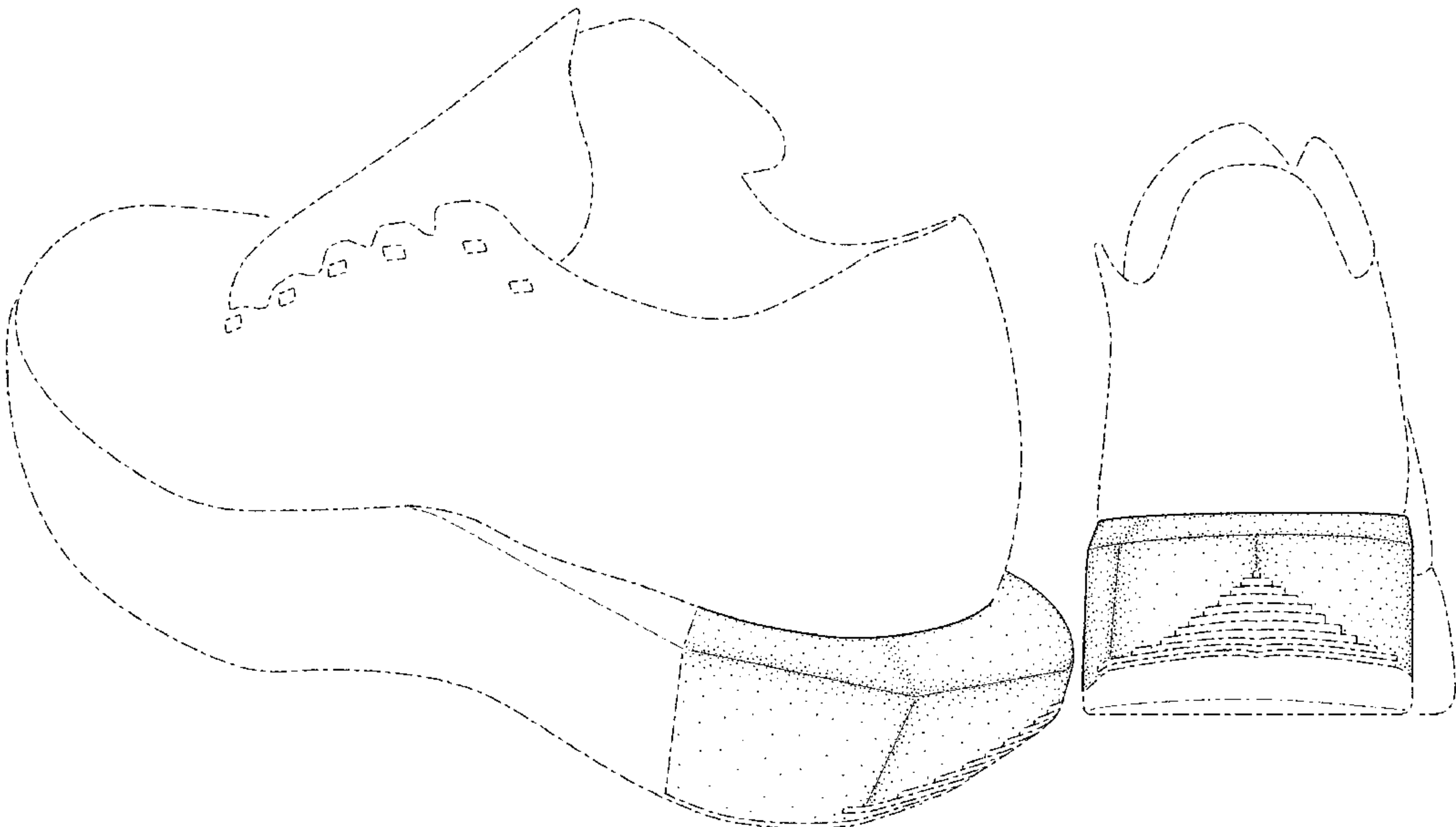
(57) CLAIM

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

DESCRIPTION

FIG. 1 is a rear perspective view of a shoe showing our new design;
FIG. 2 is a side view thereof;
FIG. 3 is a rear view thereof;
FIG. 4 is an opposite side view thereof;
FIG. 5 is an opposite side rear perspective view thereof; and,
FIG. 6 is a top view thereof.
The broken line showing of the rear grooved pattern forms no part of the claimed design. The broken lines immediately adjacent to the shaded area define the bounds of the claimed design and form no part thereof. The broken lines depicting the remainder of the shoe form no part of the claimed design.

1 Claim, 6 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

D876,769	S		3/2020	Aden	
D877,469	S	*	3/2020	Mateo	D2/947
D878,716	S	*	3/2020	Sassi	D2/902
D880,833	S	*	4/2020	Carbonere	D2/972
D882,917	S	*	5/2020	Young	D2/947
D888,385	S		6/2020	Pauk	
D893,143	S	*	8/2020	Lee	D2/947
D895,240	S		9/2020	Schultze	
D895,939	S	*	9/2020	Sassi	D2/902
D900,443	S		11/2020	Jury	
D905,391	S		12/2020	Papp	
D905,392	S		12/2020	Papp	
D906,649	S	*	1/2021	Odinot	D2/947
D908,325	S	*	1/2021	Petrenka	D2/947
D909,721	S		2/2021	Toelle	
D911,694	S		3/2021	Matthews	
D929,714	S	*	9/2021	Ceniceros	D2/947
D934,538	S		11/2021	Petrenka et al.	
D943,878	S	*	2/2022	Truelsen	D2/947
D943,890	S		2/2022	Papp	
D948,847	S	*	4/2022	Guzman	D2/947
D955,707	S	*	6/2022	Klein	D2/947
D961,210	S	*	8/2022	O'Connor	D2/947
D966,670	S		10/2022	Schenone	
D966,687	S		10/2022	Schenone	
D968,773	S		11/2022	Klumpp	
D968,774	S		11/2022	Klumpp	
D969,471	S		11/2022	Klumpp	
D970,167	S	*	11/2022	Kanata	D2/947
D974,716	S	*	1/2023	Hoang	D2/947
2019/0223548	A1	*	7/2019	Lussier	A43B 13/125

OTHER PUBLICATIONS

Reddit post titled “First look—Nike Vaporfly 3” posted 5 months before Mar. 7, 2023 by user u/keith84 on forum r/RunningShoeGeeks. Mar. 7, 2023. Available at URL https://www.reddit.com/r/RunningShoeGeeks/comments/xms7zc/first_look_nike_vaporfly_3/ (2022) (Year: 2022).*

Twitter post titled “Nike Vaporfly Next% 3 coming Spring/Summer 2023 Photos via IG: @triathletecb76” posted by @runRumors on Sep. 24, 2022. Mar. 7, 2023. Available at URL <https://twitter.com/runRumors/status/1573700329610235904> (2022) (Year: 2022).*

Instagram post by @triathletecb76 showing entire shoe heel structure, captioned (English translation) “The Vaporfly Next%3 will be

released soon.” posted Oct. 14, 2022. Mar. 8, 2023. Available at URL <https://www.instagram.com/p/Cjstuz3qz8O/> (2022) (Year: 2022).*

Nstagram post by @triathletecb76 showing portion of shoe heel ,captioned (English translation) “What is the Vaporfly Next %3 Drop?? The answer is here.” posted Oct. 13, 2022. Mar. 8, 2023. Available at URL <https://www.instagram.com/p/CjqEtfHqGdY/> (2022) (Year: 2022).*

“Nike Zoom AlphaFly Next% Arriving In Bright Orange”; Sneaker News; retrieved Oct. 12, 2022; published Sep. 2, 2020; URL: <<https://sneakernews.com/2020/09/02/nike-zoom-alpha-fly-next-ci9925-800-release-info/>>.

“Nike Pairs The Vaporfly Next% Upper With Tempo Next% Cush-ioning”; Sneaker News; retrieved Oct. 12, 2022; published Oct. 12, 2020; URL: <<https://sneakernews.com/2020/10/12/nike-vaporfly-tempo-next-percent-running-shoe/>>.

“Nike Further Improves Their Running Franchise With The Zoom VaporFly Next% 2”; Sneaker News; retrieved Oct. 12, 2022; published Jan. 21, 2021; URL: <<https://sneakernews.com/2021/01/21/nike-zoom-vaporfly-next-percent-2-2021-release-date/>>.

“Nike Air Zoom Alphafly Next% 2”; Nike; retrieved Oct. 12, 2022; published date unknown, but prior to application filing date; URL: <<https://www.nike.com/t/air-zoom-alpha-fly-next-2-mens-road-racing-shoes-Bstm8X/DN3555-800>>.

“Nike Renew Ride 3”; Nike; retrieved Oct. 12, 2022; published date unknown, but prior to application filing date; URL: <<https://www.nike.com/t/renew-ride-3-mens-road-running-shoes-7hTSLw>>.

Nike Footwear Catalog, 2002 Holiday Men’s and Women’s Footwear, p. W8, published Nov. 2000, Nike, Inc., USA.

Nike Footwear Catalog, 2003 Late Spring Men’s, Women’s, and Kids’ Footwear, p. W48, published Nov. 2002, Nike, Inc., USA.

Nike Footwear Catalog, 2006 Holiday Footwear, p. 170, published Nov. 2004, Nike, Inc., USA.

Nike Footwear Catalog, 2016 Spring Territory Sporting Goods Footwear Best NA, p. 177, published Nov. 2015, Nike, Inc., USA.

Nike Footwear Catalog, 2017 Spring Territory Sporting Goods Footwear Best NA, p. 196, published May 2016, Nike, Inc., USA.

Nike Footwear Catalog, 2018 Holiday Running, p. 113, published May 2016, Nike, Inc., USA.

Nike Footwear Catalog, 2019 Spring Running, p. 113, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

Nike Footwear Catalog, 2021 Fall Running, p. 681, published date unknown, but prior to the filing date of the present application, Nike, Inc., USA.

* cited by examiner

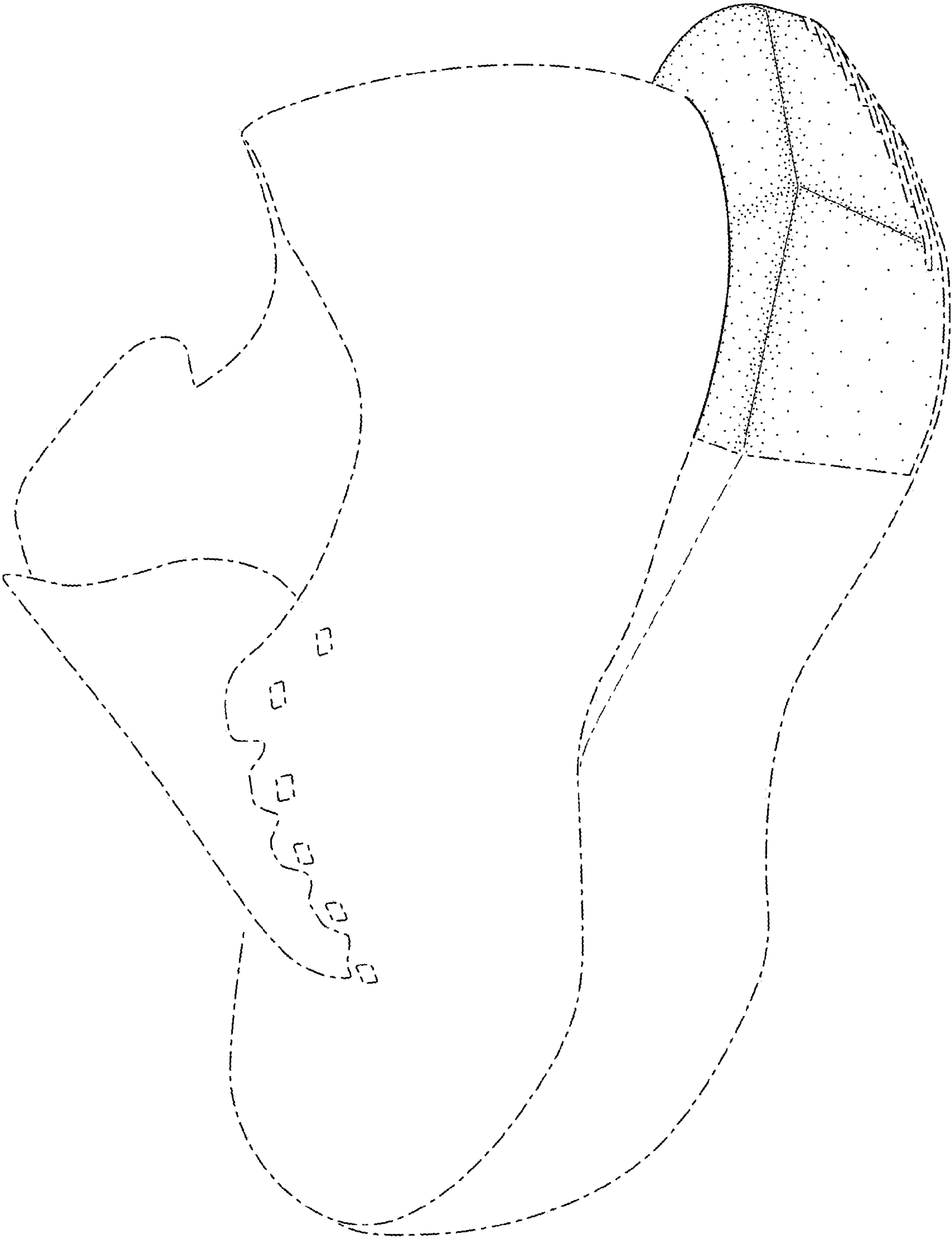


FIG. 1

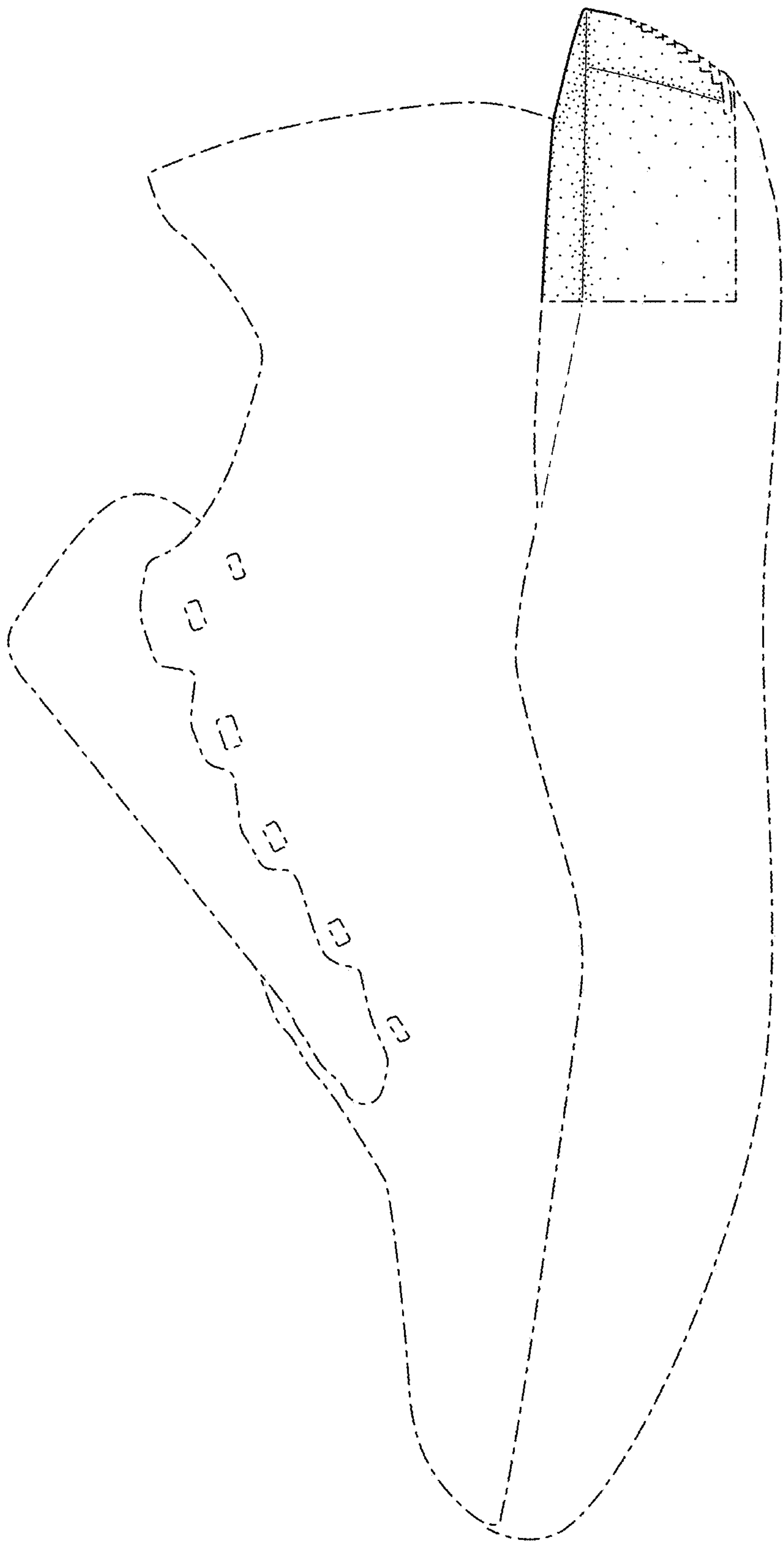


FIG. 2

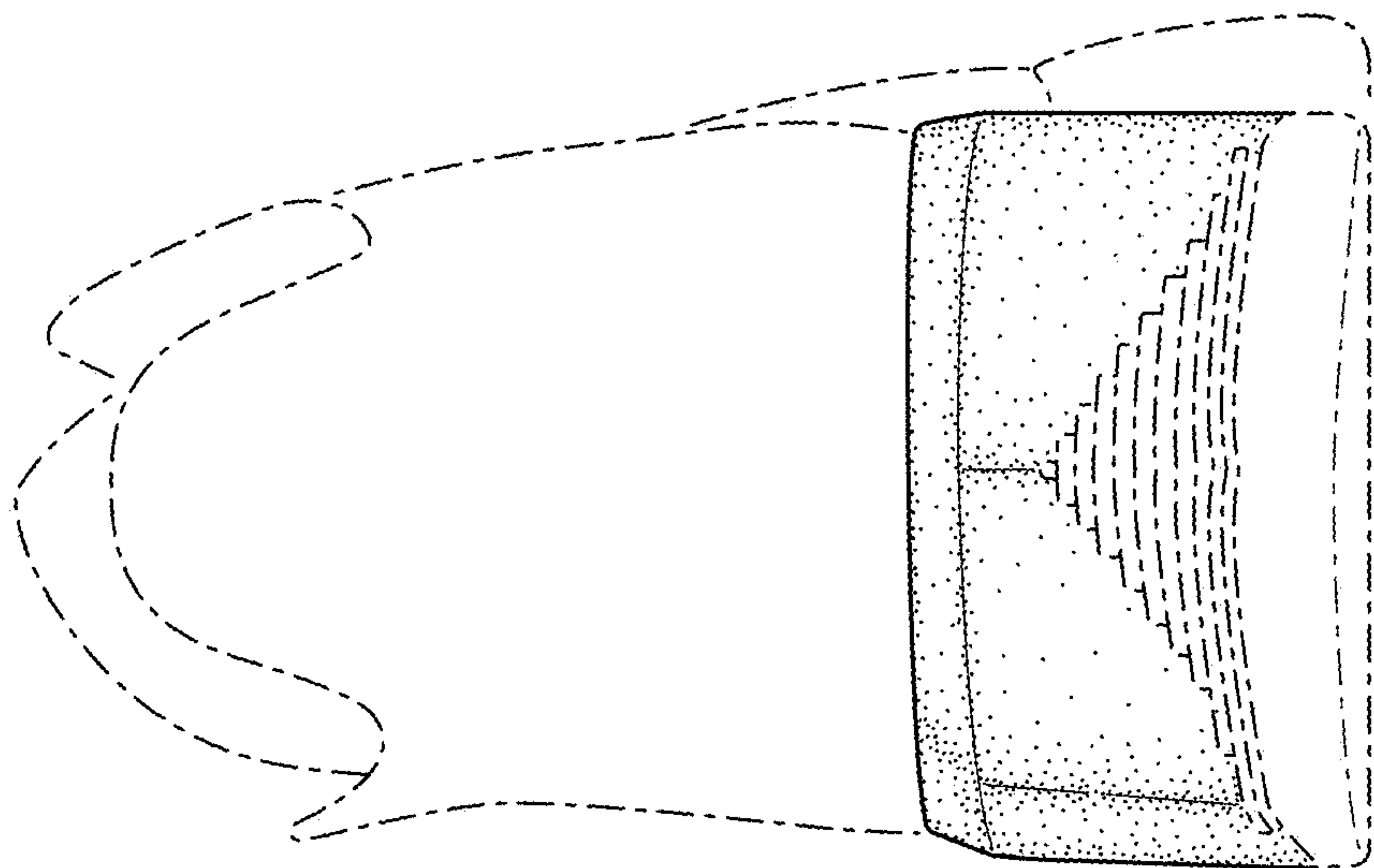


FIG. 3

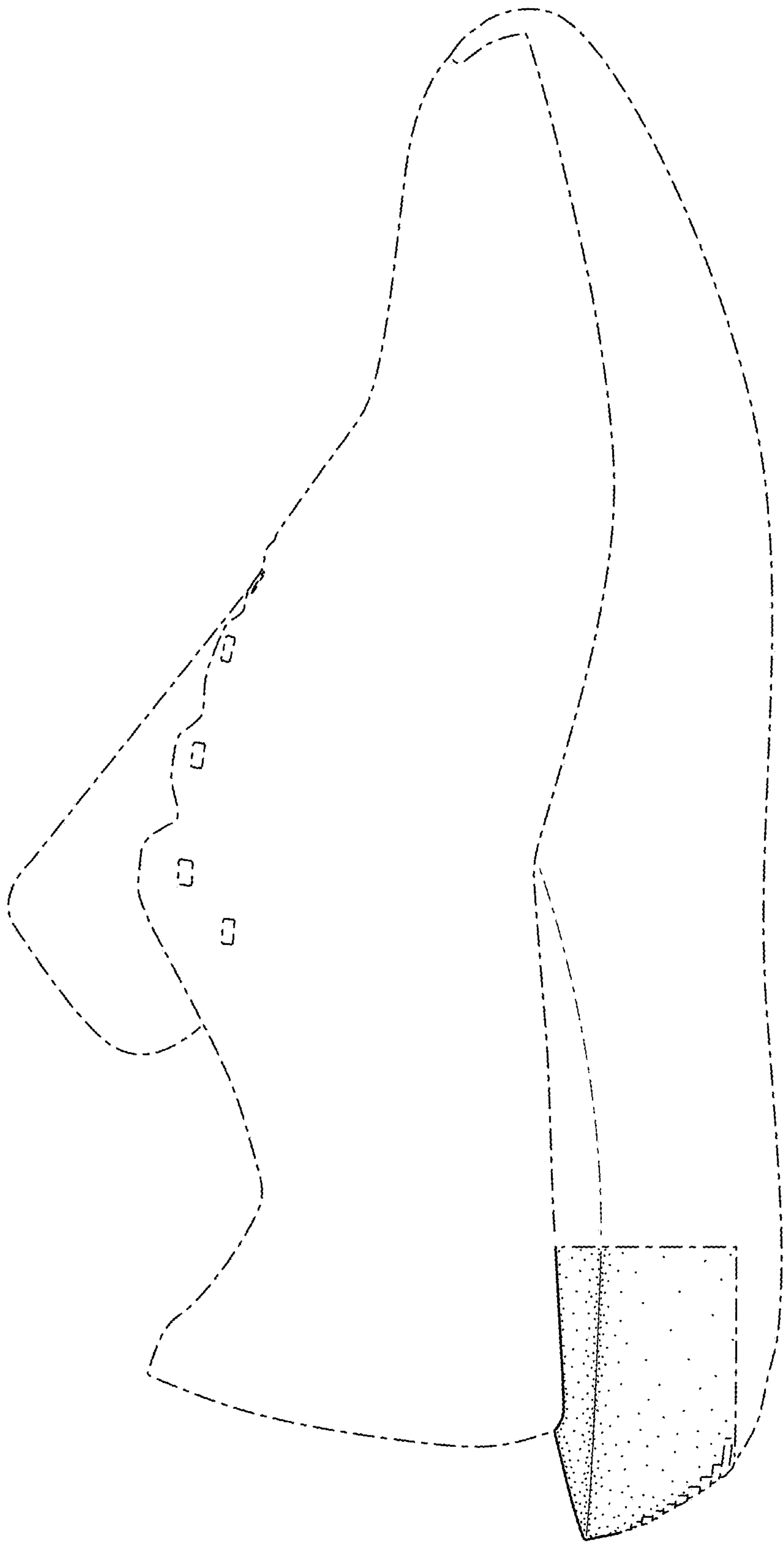


FIG. 4

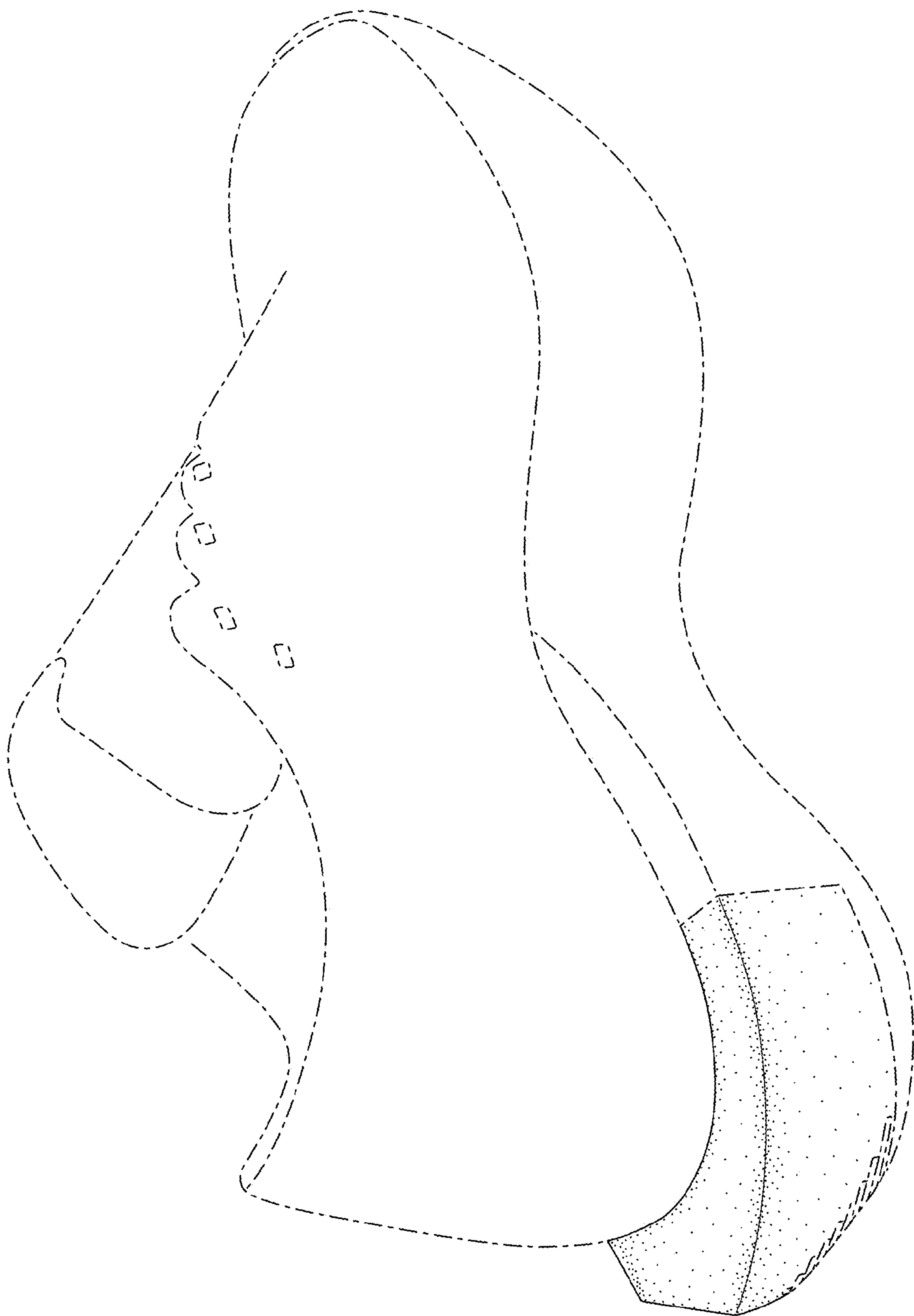


FIG. 5

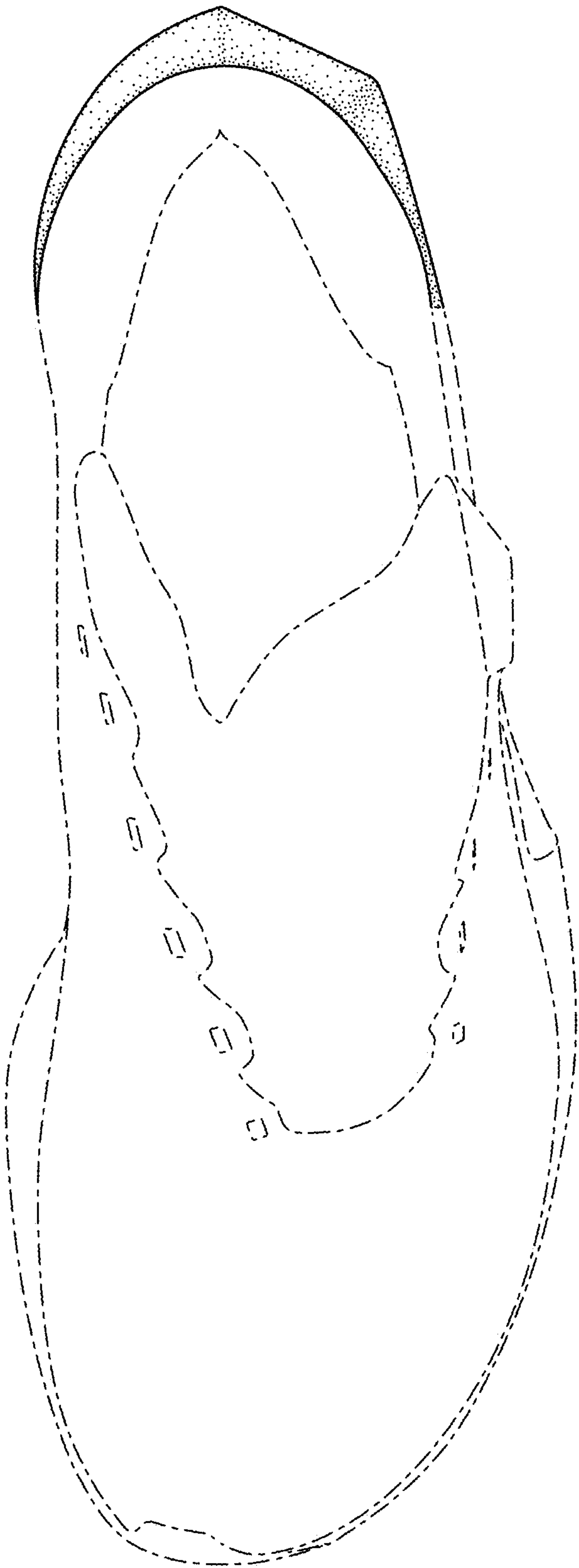


FIG. 6