



US00RE49309E

(19) **United States**
(12) **Reissued Patent**
Abadjian

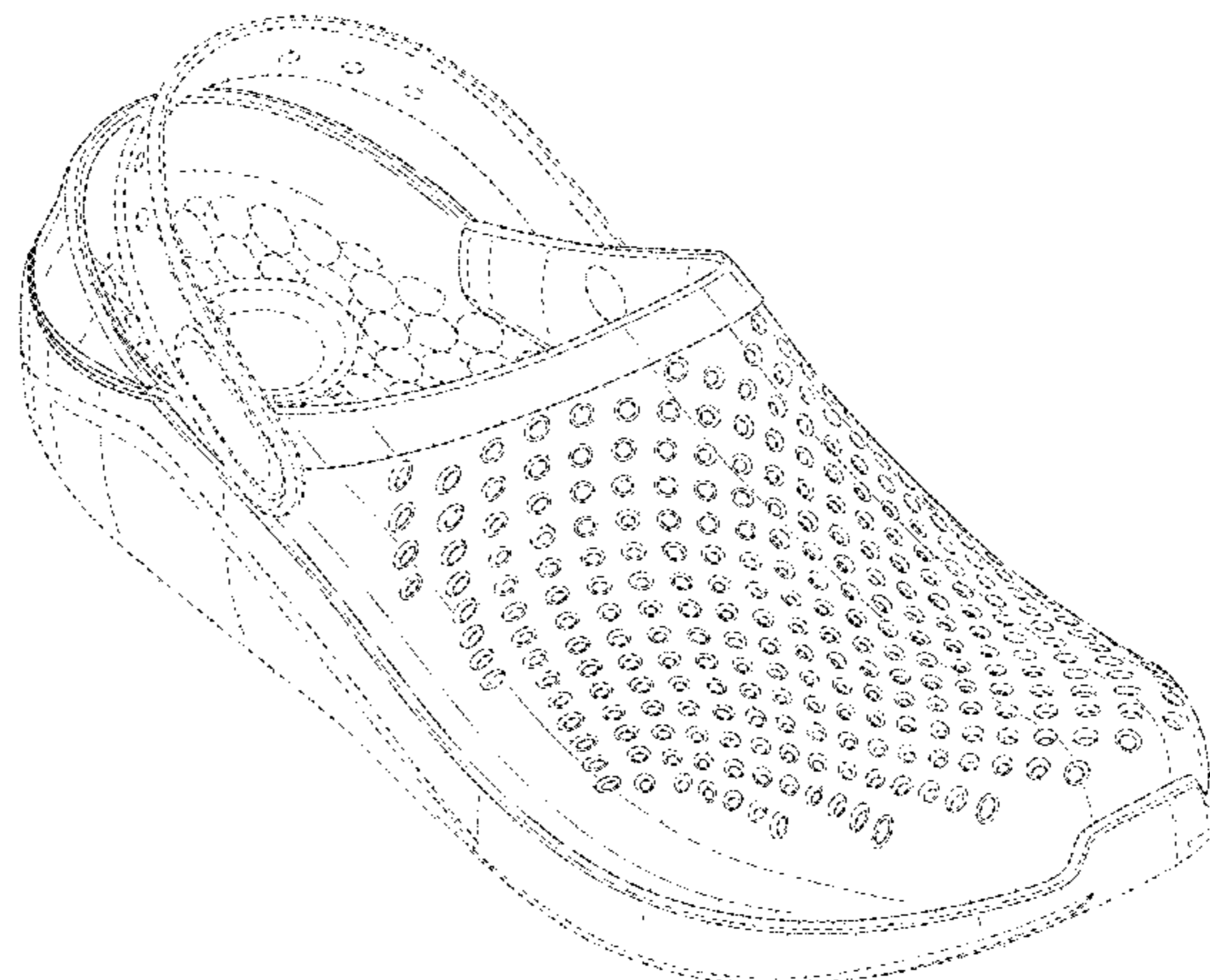
(10) **Patent Number:** **US RE49,309 E**
(45) **Date of Reissued Patent:** **Nov. 29, 2022**

- (54) **FOOTWEAR**
- (71) Applicant: **Crocs, Inc.**, Broomfield, CO (US)
- (72) Inventor: **Joseph Abadjian**, Longmont, CO (US)
- (73) Assignee: **CROCS, INC.**, Broomfield, CO (US)
- (21) Appl. No.: **29/801,380**
- (22) Filed: **Jul. 28, 2021**

D564,207 S	3/2008	Seamans	
D564,208 S	3/2008	Seamans	
D564,749 S	3/2008	Seamans	
D567,483 S	4/2008	Liow	
D575,480 S *	8/2008	Zimmerman	D2/896
D575,499 S	8/2008	Seamans	
D584,037 S	1/2009	del Biondi et al.	
D588,346 S	3/2009	McCarthy	
D590,588 S	4/2009	del Biondi et al.	
D599,538 S	9/2009	del Biondi et al.	
D610,784 S *	3/2010	Del Biondi	D2/916
D613,485 S *	4/2010	Meador	D2/919
D624,733 S	10/2010	O'Boyle et al.	
D632,465 S	2/2011	del Biondi et al.	
D637,382 S	5/2011	Bathum	
D642,773 S	8/2011	Liow	
D650,157 S *	12/2011	Liow	D2/923
D664,753 S	8/2012	Santos	
D667,612 S	9/2012	Del Biondi et al.	
D671,720 S	12/2012	Callegarini et al.	
D676,223 S *	2/2013	Dill	D2/942
D677,449 S	3/2013	del Biondi	
D677,868 S	3/2013	Kue	
D689,677 S	9/2013	Bathum et al.	
D690,488 S *	10/2013	Reed	D2/942
D691,351 S	10/2013	Pugazhenth	
D694,994 S	12/2013	Santos	
D694,997 S	12/2013	Del Biondi	
D698,131 S	1/2014	Del Biondi et al.	
D698,133 S	1/2014	Callegarini et al.	
D698,531 S	2/2014	Lock et al.	
D708,826 S	7/2014	Fongher et al.	
D708,827 S	7/2014	Kue	
D709,272 S	7/2014	Del Biondi et al.	
D709,677 S	7/2014	del Biondi	
D717,026 S	11/2014	Del Biondi	
D718,518 S	12/2014	Del Biondi et al.	
D720,920 S	1/2015	Santos	
D721,473 S	1/2015	Kue	
D722,747 S	2/2015	Kue	
8,991,071 B2	3/2015	Bathum et al.	
D726,397 S	4/2015	Del Biondi et al.	
D728,204 S	5/2015	Fongher	
D731,760 S	6/2015	Fongher	
D732,804 S	6/2015	Fongher et al.	
D732,808 S	6/2015	Del Biondi et al.	
D735,983 S	8/2015	Cietto	
D739,125 S	9/2015	Chanthavong	
D739,126 S	9/2015	Fongher et al.	
D739,129 S	9/2015	Del Biondi	
D739,131 S	9/2015	Del Biondi	
D739,132 S	9/2015	Del Biondi	
D739,998 S	10/2015	Thompson et al.	

- Related U.S. Patent Documents**
- Reissue of:
- (64) Patent No.: **Des. 856,642**
 Issued: **Aug. 20, 2019**
 Appl. No.: **29/590,088**
 Filed: **Jan. 6, 2017**
 - (51) **LOC (13) Cl.** **02-04**
 - (52) **U.S. Cl.**
 USPC **D2/923; D2/916**
 - (58) **Field of Classification Search**
 USPC D2/896, 900, 916, 917, 923, 943, 946,
 D2/969, 972, 976
 CPC A43B 1/0081; A43B 1/14; A43B 3/0042;
 A43B 7/06; A43B 7/08
 See application file for complete search history.

- (56) **References Cited**
 U.S. PATENT DOCUMENTS
 5,369,895 A 12/1994 Hammerschmidt
 D381,794 S 8/1997 Gelli
 5,852,885 A 12/1998 Ferniani
 D517,789 S 3/2006 Seamans
 D529,263 S * 10/2006 Wolf D2/923
 D532,590 S * 11/2006 Belley D2/969
 7,140,129 B2 * 11/2006 Newson A43B 3/244
 36/3 R
 D535,088 S 1/2007 Seamans
 D543,341 S 5/2007 Seamans
 D543,681 S 6/2007 McCarthy
 D545,032 S 6/2007 Wolf
 D545,033 S 6/2007 Wolf
 D549,434 S 8/2007 Seamans
 D554,847 S 11/2007 Schmelzer et al.
 D564,206 S 3/2008 Seamans



(AMENDED)

US RE49,309 E

D741,053 S	10/2015	Fongher et al.	
D741,581 S	10/2015	Del Biondi	
D746,557 S	1/2016	Engerman	
D751,798 S	3/2016	Laska	
9,282,787 B2	3/2016	Ferniani et al.	
D752,848 S	4/2016	Santos	
D753,377 S *	4/2016	Bigolin	D2/907
D760,484 S	7/2016	Del Biondi et al.	
D763,555 S	8/2016	Engerman	
D768,364 S	10/2016	Chanthavong et al.	
D768,365 S *	10/2016	Thompson	D2/923
D769,587 S	10/2016	Chanthavong et al.	
D771,917 S *	11/2016	Del Biondi	D2/923
D771,918 S	11/2016	Engerman	
D772,543 S	11/2016	Laska	
D779,794 S	2/2017	Engerman	
D787,789 S *	5/2017	Del Biondi	D2/923
D796,798 S	9/2017	Thompson	
D801,011 S *	10/2017	Del Biondi	D2/916
D801,013 S	10/2017	Laska et al.	
D802,904 S *	11/2017	Del Biondi	D2/972
D804,155 S *	12/2017	Tzenos	D2/923
D808,134 S	1/2018	Laska	
D809,753 S *	2/2018	Carroll	D2/923
D812,870 S	3/2018	Laska	
9,918,520 B2	3/2018	Lambert et al.	
D821,079 S *	6/2018	Abadjian	D2/961
D825,899 S	8/2018	Engerman	
D827,991 S	9/2018	Engerman et al.	
10,065,384 B2	9/2018	Ferniani et al.	
D830,674 S	10/2018	Thompson	
D830,675 S *	10/2018	Del Biondi	D2/896
D833,124 S	11/2018	Laska	
D833,125 S	11/2018	Laska et al.	
D833,126 S	11/2018	Laska	
D833,720 S	11/2018	Laska et al.	
D843,090 S	3/2019	Fongher	
D843,697 S	3/2019	Fongher	
D846,868 S	4/2019	Chanthavong	
D856,642 S *	8/2019	Abadjian	D2/916
D859,797 S	9/2019	Chanthavong	
D865,337 S	11/2019	Laska	
D869,137 S	12/2019	Fongher et al.	
D869,826 S	12/2019	Chanthavong	
D873,544 S	1/2020	Fongher et al.	
D874,797 S *	2/2020	Fongher	D2/923
D874,799 S	2/2020	Laska	
D876,051 S *	2/2020	Abadjian	D2/916
10,561,197 B2 *	2/2020	Darby, II	A43B 3/24
D884,320 S	5/2020	Fongher et al.	
D894,546 S *	9/2020	Velez	D2/923
D895,943 S	9/2020	Fongher et al.	
D905,413 S *	12/2020	Del Biondi	D2/972
D909,027 S *	2/2021	Fongher	D2/923
D909,717 S *	2/2021	Mayhew	D2/916
D910,286 S	2/2021	Maritan et al.	
D910,287 S	2/2021	Fongher et al.	
D910,288 S	2/2021	Funck	
10,959,485 B2 *	3/2021	Bathum	A43B 3/128
D919,253 S	5/2021	Maritan et al.	
D919,254 S *	5/2021	Del Biondi	D2/916
D919,255 S	5/2021	Mayhew	
D919,256 S	5/2021	Thompson	
D921,340 S	6/2021	Funck et al.	
D921,341 S *	6/2021	Chen	D2/923
11,224,263 B2 *	1/2022	Darby	A43B 13/188
2012/0186103 A1	7/2012	Lambert et al.	
2013/0118037 A1	5/2013	Bathum et al.	
2013/0145651 A1	6/2013	Bathum et al.	
2016/0114547 A1	4/2016	Ferniani et al.	
2020/0253335 A1	8/2020	Heid	

FOREIGN PATENT DOCUMENTS

AR	91.487	3/2017
AU	2006230640 A1	5/2007
DE	10234653 B4	12/2005
EP	1624768 A1	2/2006
EP	1929891 A1	6/2008

ES	2372159 T3	1/2012
FR	2495446 A1	6/1982
IN	2160/DELNP/2013	10/2014
JP	2007-117738 A	5/2007
JP	5075391 B2	11/2012
JP	3221999 U	7/2019
TW	M557529 U	4/2018
WO	WO-2004/026062	4/2004
WO	WO-2004/105531 A1	12/2004
WO	WO-2005/104891	11/2005
WO	WO-2012/021421	2/2012
WO	WO-2012/118980	9/2012
WO	WO-2014/143732	9/2014
WO	WO-2014/143738	9/2014
WO	WO-2021/046406	3/2021

OTHER PUBLICATIONS

English translation of Opposition dated Feb. 5, 2020, filed by Evacol S.A.S. to the registration of the three-dimensional trademark Application No. SD2019/0081892 in Colombia (33 pages).

English translation of Opposition dated Dec. 20, 2019, filed by Stanton S.A.S. to the registration of the three-dimensional trademark Application No. SD2019/0081892 in Colombia (16 pages).

English translation of Opposition Brief filed on Oct. 30, 2019, filed by Ta-Ta S.A. to the registration of the three-dimensional Trademark Application No. 506.886 in Uruguay in Int. Class 25 (26 pages).

Opposition dated Jun. 30, 2020, received against related Argentine Trademark Application No. 3826139 in Int. Class 25 filed by Evaplas S.A. in which opponent argues that the three-dimensional trademark application in Argentina is confusingly similar to industrial model No. 91.487, registered in the name of Evaplas S.A. (5 pages).

Opposition dated Feb. 5, 2020, filed by Evacol S.A.S. to the registration of the three-dimensional trademark Application No. SD2019/0081892 in Colombia (33 pages).

Opposition dated Dec. 20, 2019, filed by Stanton S.A.S. to the registration of the three-dimensional trademark Application No. SD2019/0081892 in Colombia (16 pages).

Opposition dated Sep. 23, 2019 filed by Industrias Humarsa E.I.R.L. to the registration of the three-dimensional Trademark Application No. 809508-2019 in Peru in Int. Class 25 (14 pages).

Office Action dated Feb. 18, 2020, received in related Mexican Trademark Registration No. 2193051 in Int. Class 25 (2 pages).

Opposition Brief filed on Oct. 30, 2019, filed by TA-TA S.A. to the registration of the three-dimensional Trademark Application No. 506.886 in Uruguay in Int. Class 25 (28 pages).

Trademark Registration No. P00276479 in Peru (2 pages).

Trademark Registration No. P00278271 in Peru (3 pages).

Trademark Registration No. P00242509 in Peru (2 pages).

Trademark Registration No. P00250814 in Peru (2 pages).

Trademark Registration No. P00262553 in Peru (2 pages).

Trademark Registration No. P00280890 in Peru (2 pages).

Trademark Registration No. P00211284 in Peru (2 pages).

Trademark Registration No. P00199917 in Peru (2 pages).

Trademark Registration No. 1624288 in Mexico (3 pages).

Trademark Registration No. 1785592 in Mexico (3 pages).

Trademark Registration No. 1785595 in Mexico (3 pages).

Trademark Registration No. 1785599 in Mexico (3 pages).

Trademark Registration No. 1785602 in Mexico (3 pages).

Trademark Registration No. 1785603 in Mexico (3 pages).

Trademark Registration No. 1845057 in Mexico (3 pages).

Trademark Registration No. 1932450 in Mexico (3 pages).

Trademark Registration No. 2014934 in Mexico (3 pages).

Trademark Registration No. 2087752 in Mexico (3 pages).

U.S. Appl. No. 29/554,122, filed Feb. 8, 2016.

U.S. Appl. No. 29/554,125, filed Feb. 8, 2016.

U.S. Appl. No. 29/554,126, filed Feb. 8, 2016.

U.S. Appl. No. 29/590,124, filed Jan. 6, 2017.

* cited by examiner

Primary Examiner — Darlington Ly
 (74) Attorney, Agent, or Firm — Wilmer Cutler Pickering
 Hale and Dorr LLP

(57) **CLAIM**

The ornamental design for *a* footwear, as shown and described.

DESCRIPTION

Notice: More than one reissue application has been filed for the reissue of Pat. No. D856,642 S. The reissue applications are U.S. application Ser. No. 29/801,380 (the present application), U.S. application Ser. No. 29/804,025 (reissue continuation of the present application), and U.S. application Ser. No. 29/804,027 (reissue continuation of the present application), all of which are reissues of Pat. No. D856,642 S.

The present application is an application for reissue of U.S. Design Pat. No. D856,642 S, filed Jan. 6, 2017.

FIG. 1 is a front perspective view of a [first embodiment of] footwear *embodying my new design*;

FIG. 2 is a front view of [the first embodiment of] footwear *embodying my new design*;

FIG. 3 is a back *elevation* view [of the first embodiment of footwear] *thereof*;

FIG. 4 is an outer side *elevation* view [of the first embodiment of footwear] *thereof*;

FIG. 5 is an inner side *elevation* view [of the first embodiment of footwear] *thereof*;

FIG. 6 is a top *plan* view [of the first embodiment of footwear] *thereof*; and

FIG. 7 is a bottom *plan* view [of the first embodiment of footwear] *thereof*.

[FIG. 8 is a front perspective view of a second embodiment of footwear;]

[FIG. 9 is a front view of the second embodiment of footwear;]

[FIG. 10 is a back view of the second embodiment of footwear;]

[FIG. 11 is an outer side view of the second embodiment of footwear;]

[FIG. 12 is an inner side view of the second embodiment of footwear;]

[FIG. 13 is a top view of the second embodiment of footwear; and]

[FIG. 14 is a bottom view of the second embodiment of footwear.]

The elements shown in [FIGS. 1-14] *the drawings* in broken lines represent portions that form no part of the claimed design.

1 Claim, 14 Drawing Sheets

Matter enclosed in heavy brackets [] appears in the original patent but forms no part of this reissue; matter printed in italics indicates the additions made by reissue.

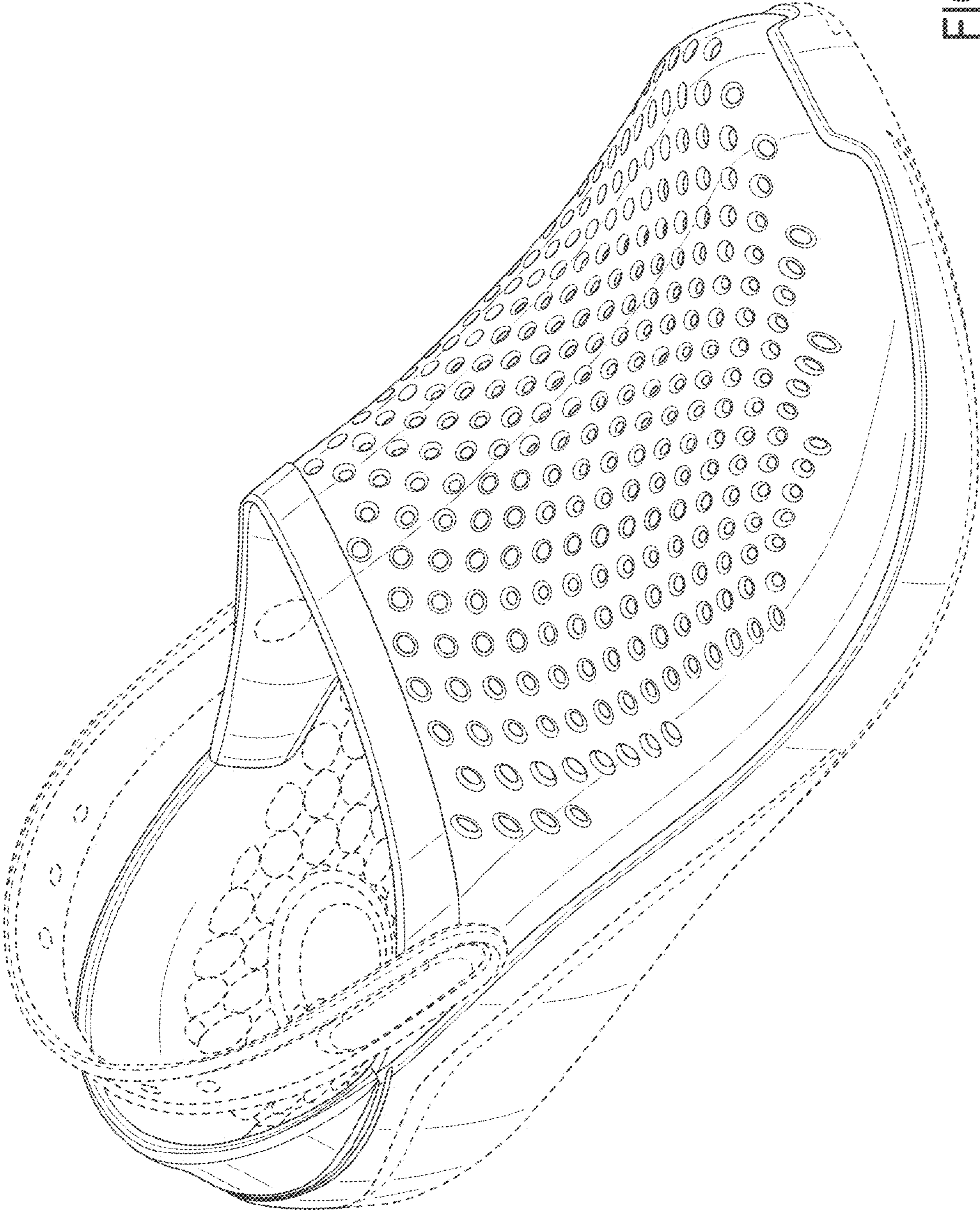


FIG. 1
(AMENDED)

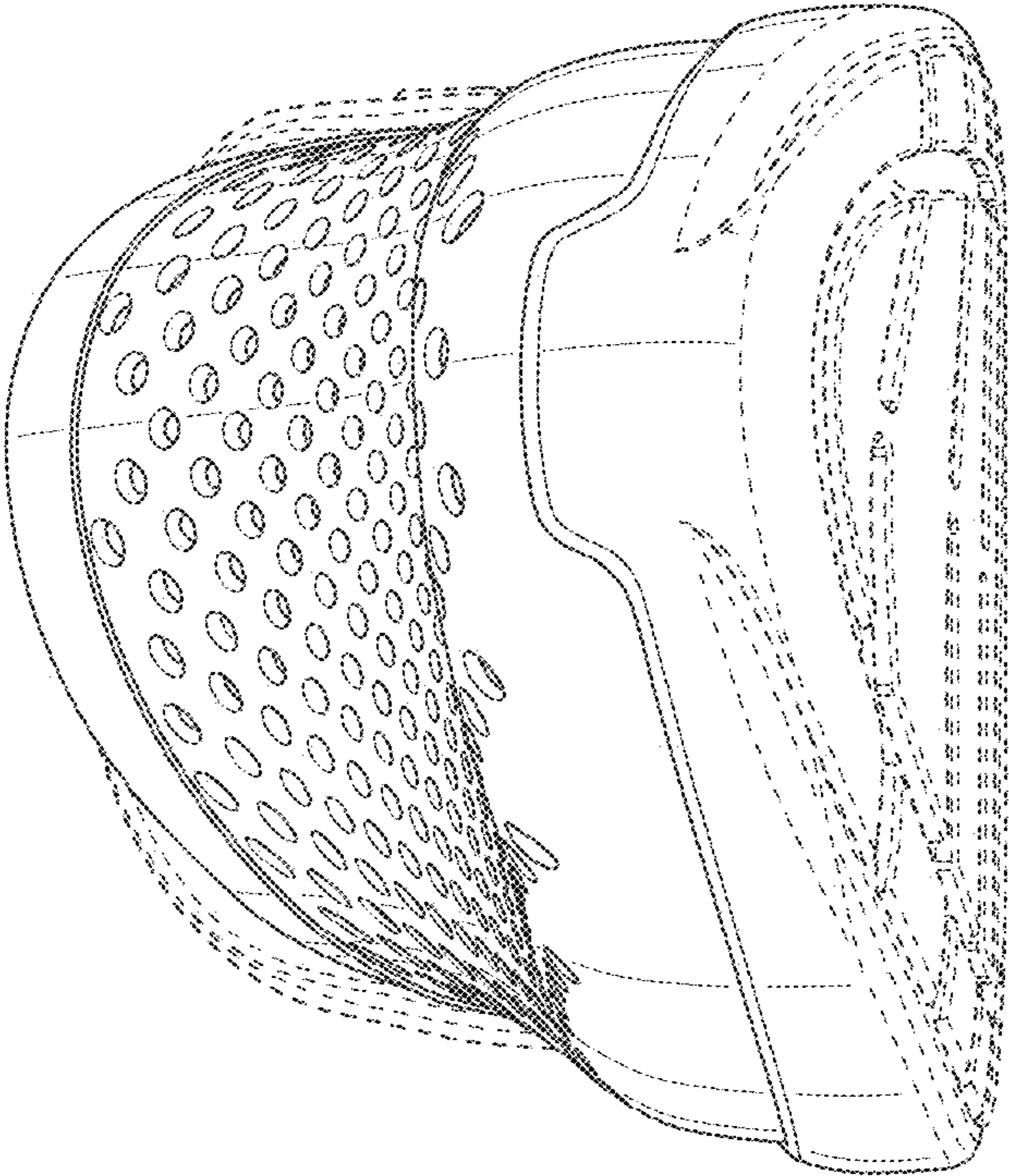


FIG. 2
(AMENDED)

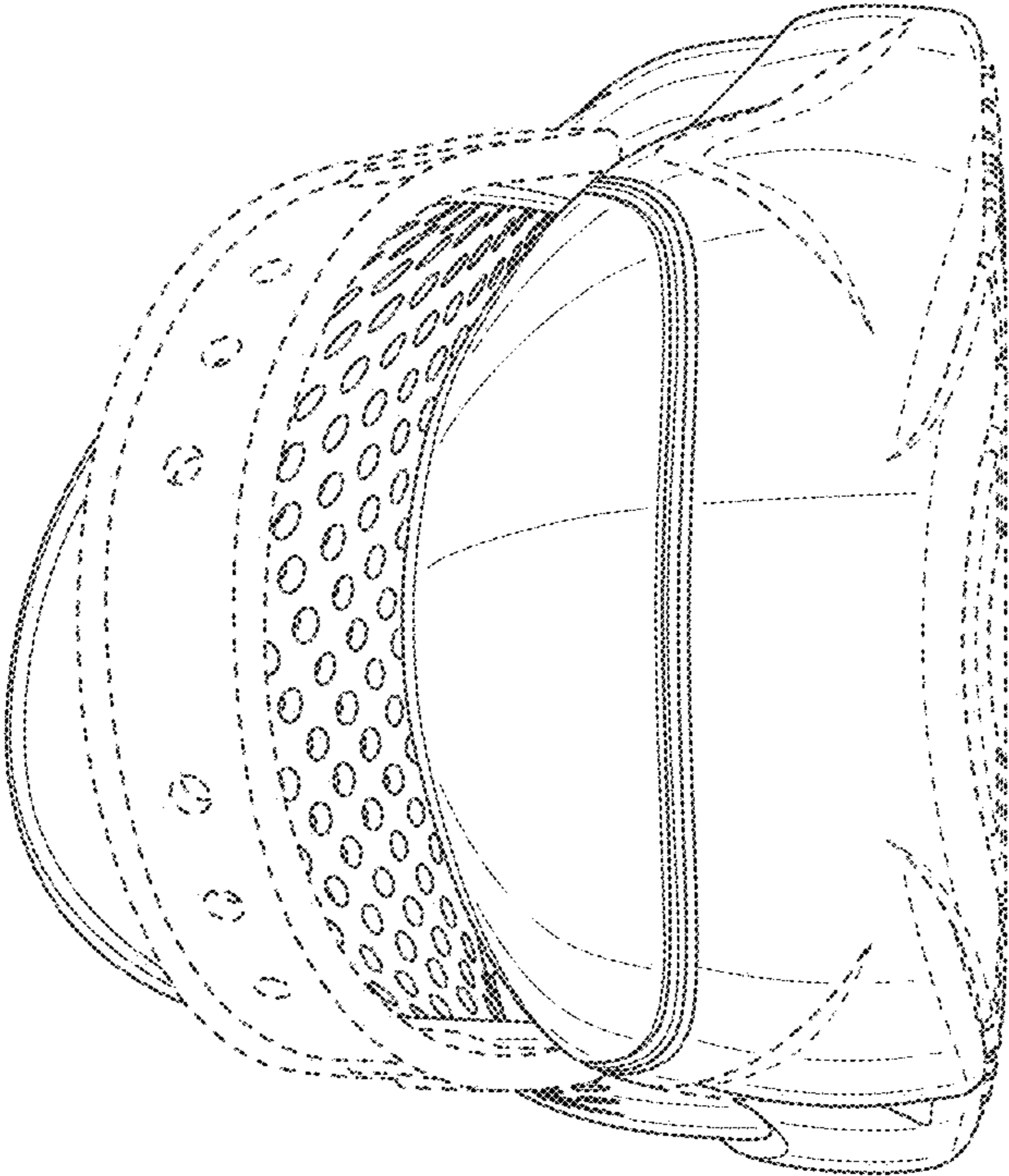


FIG. 3
(AMENDED)

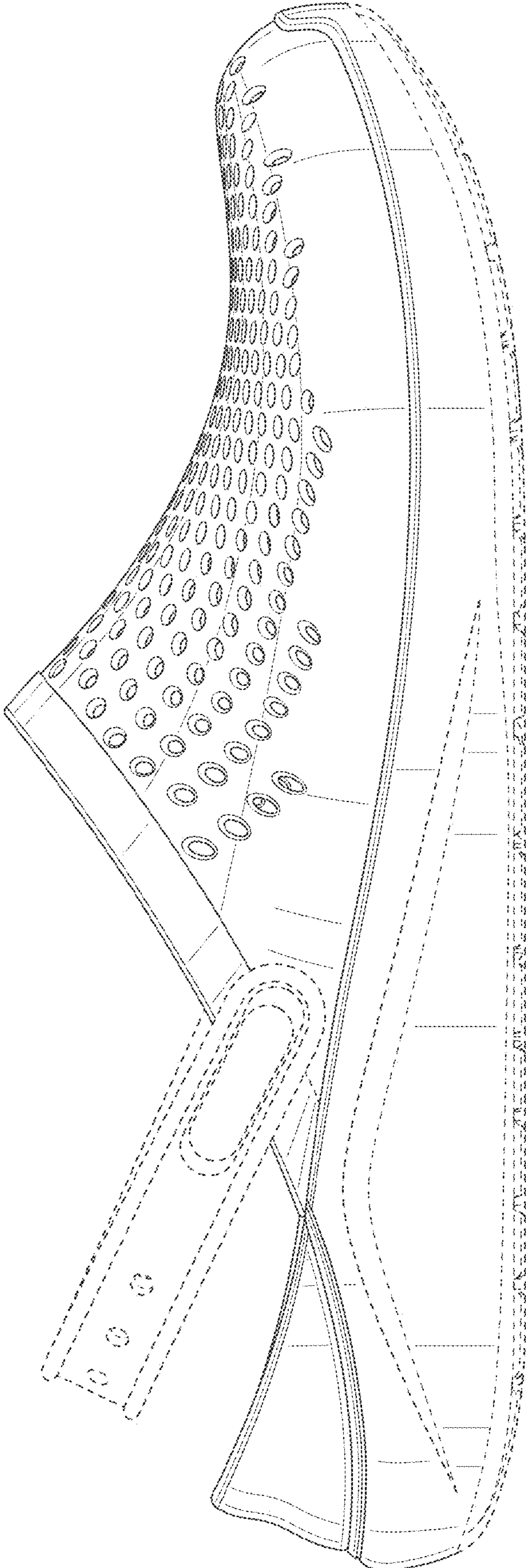


FIG. 4
(AMENDED)

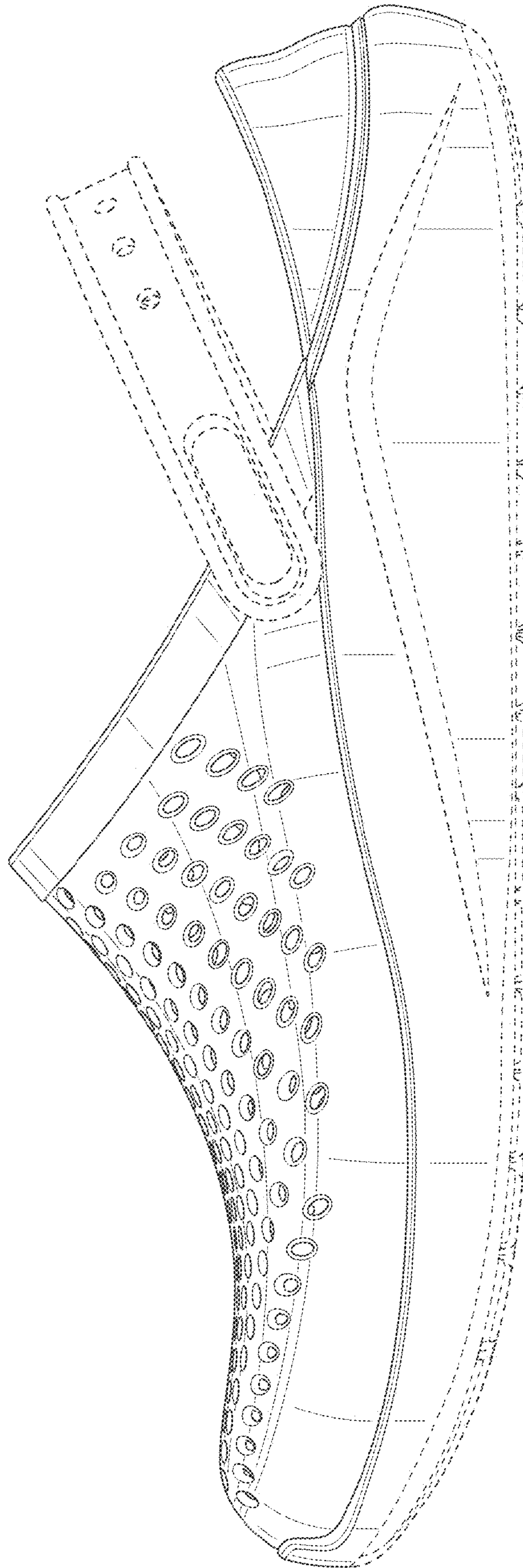


FIG. 5
(AMENDED)

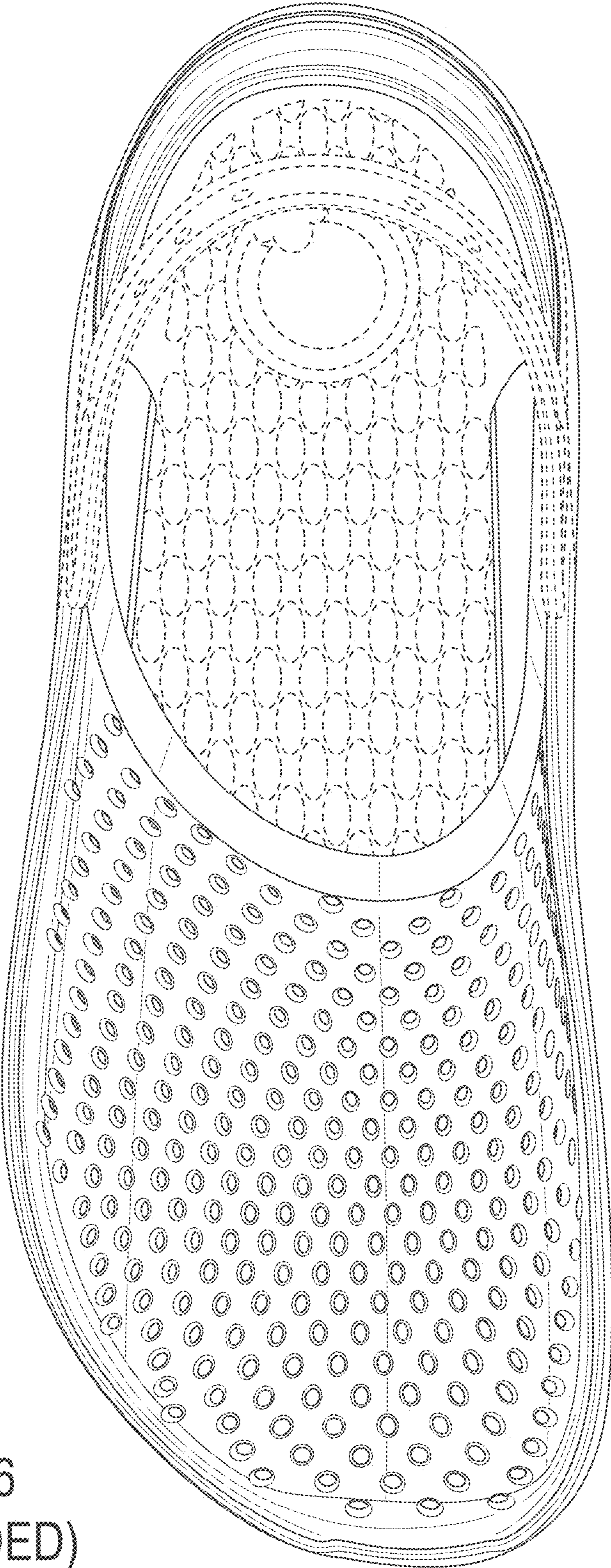


FIG. 6
(AMENDED)

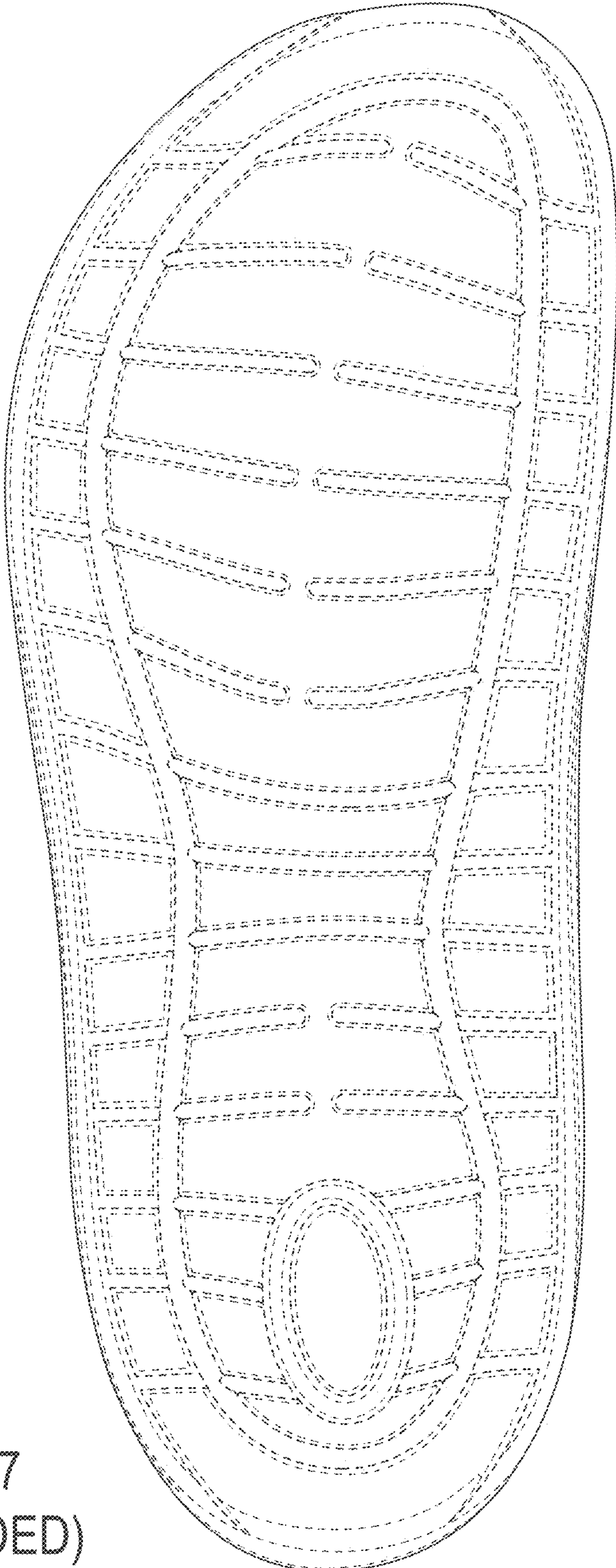


FIG. 7
(AMENDED)

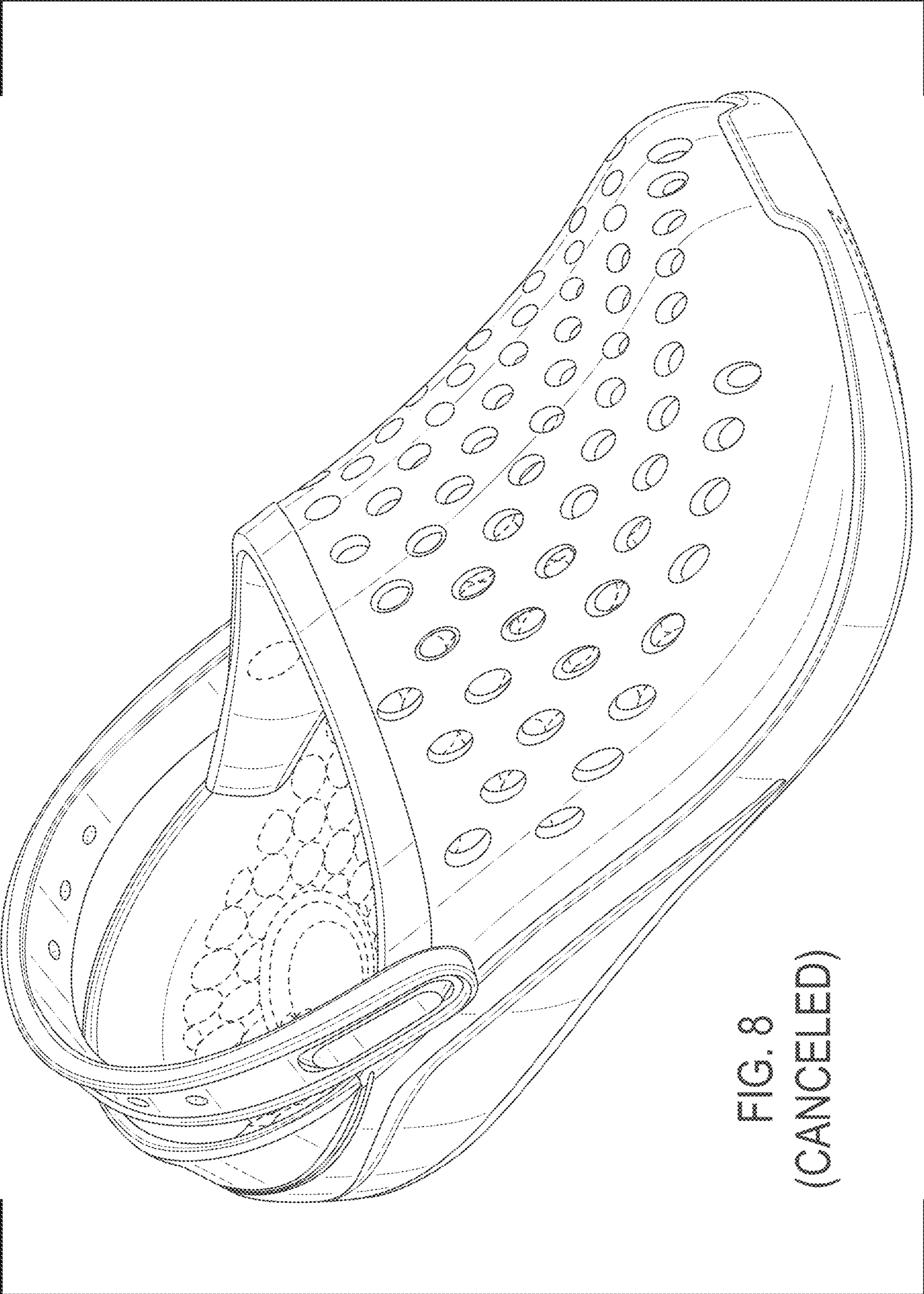


FIG. 8
(CANCELED)

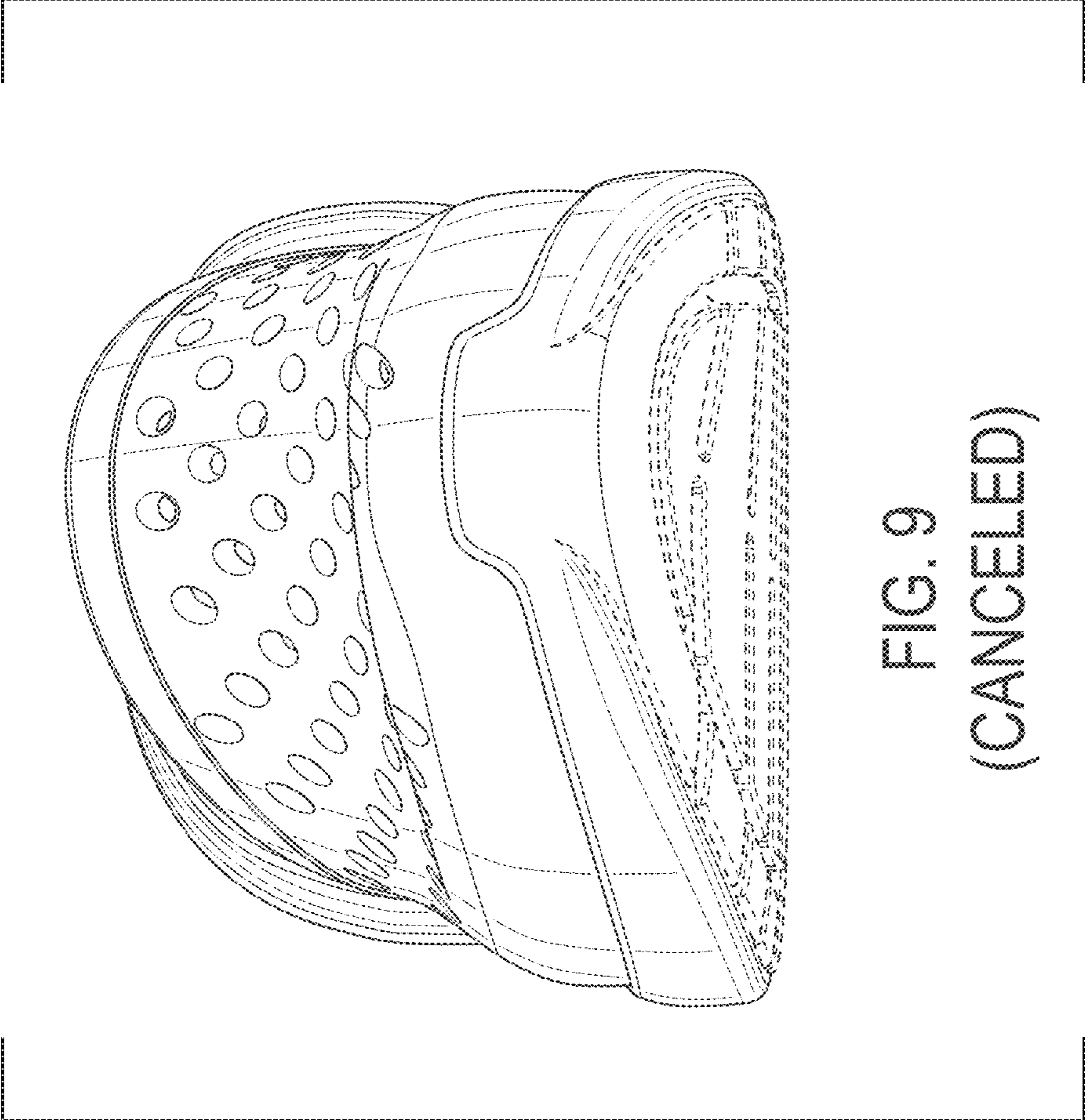


FIG. 9
(CANCELED)

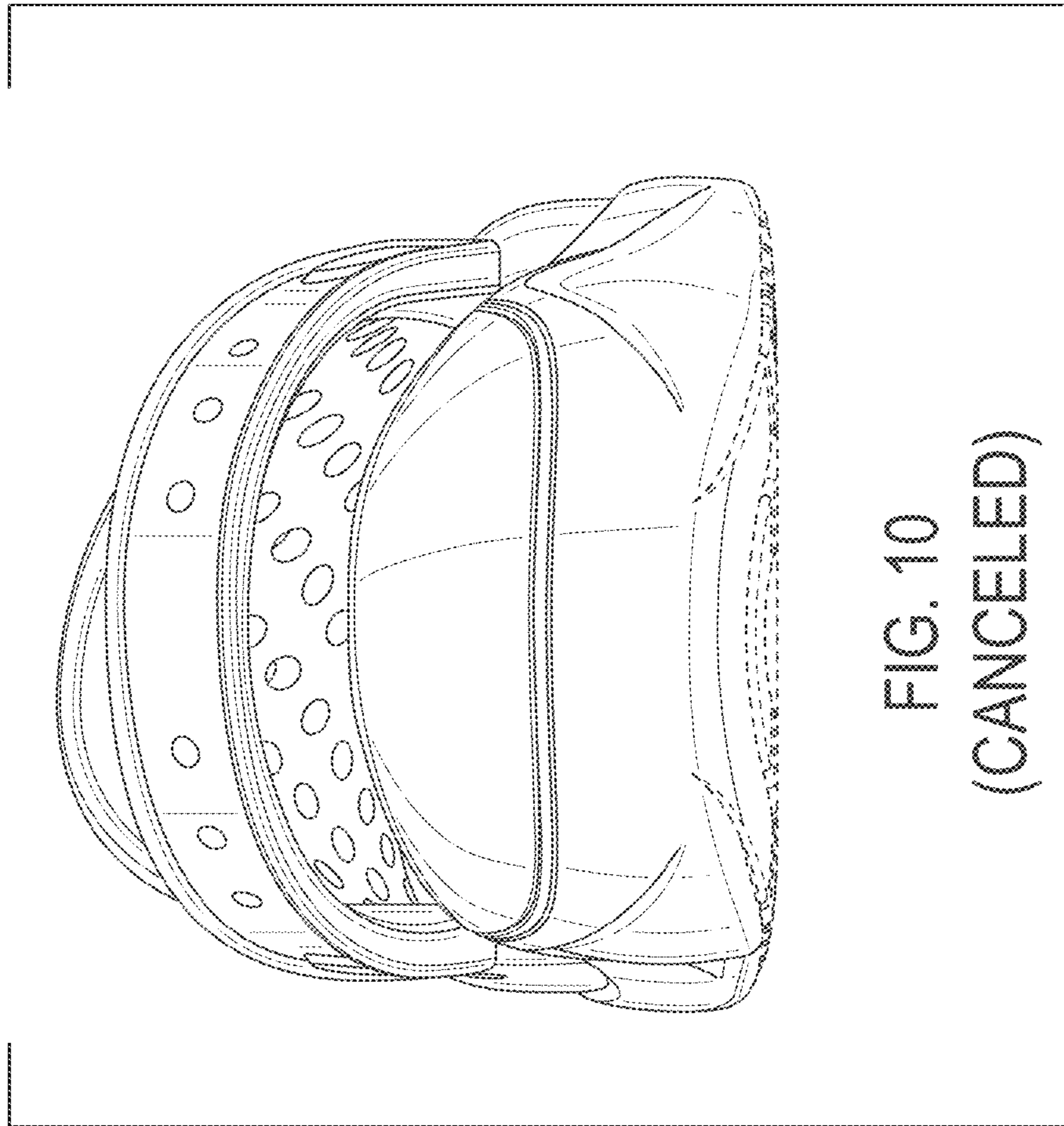


FIG. 10
(CANCELED)

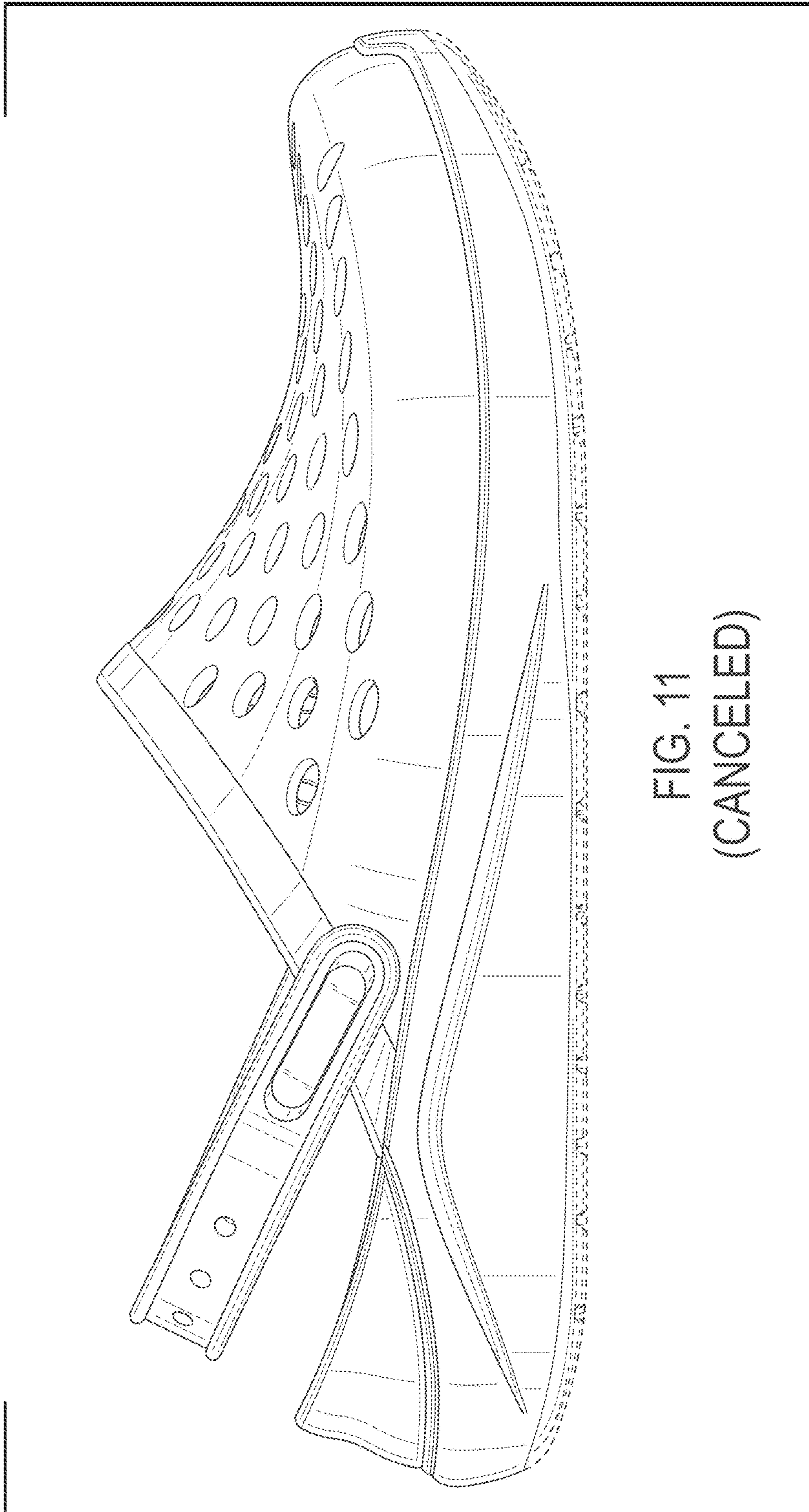


FIG. 11
(CANCELED)

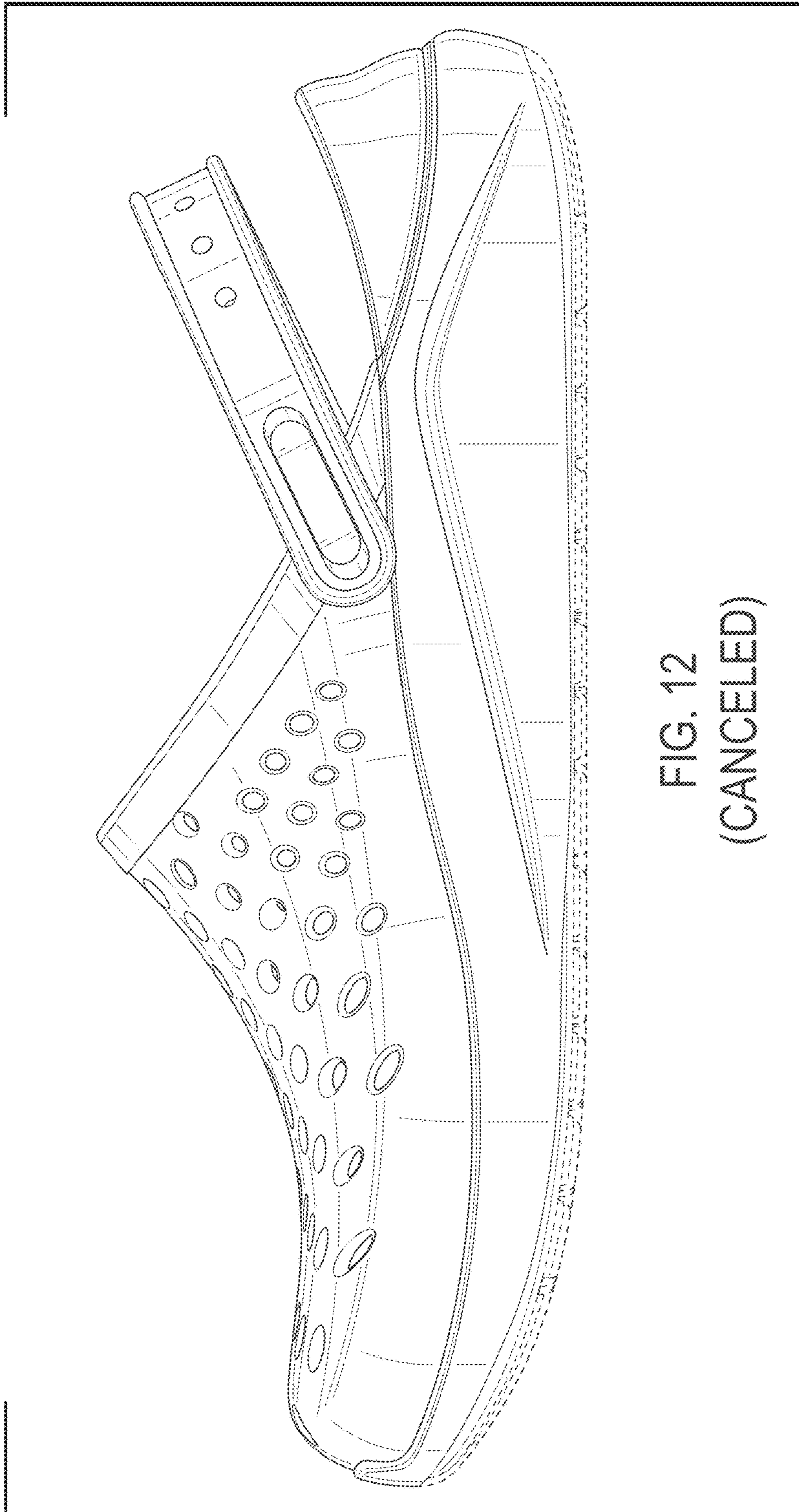


FIG. 12
(CANCELED)

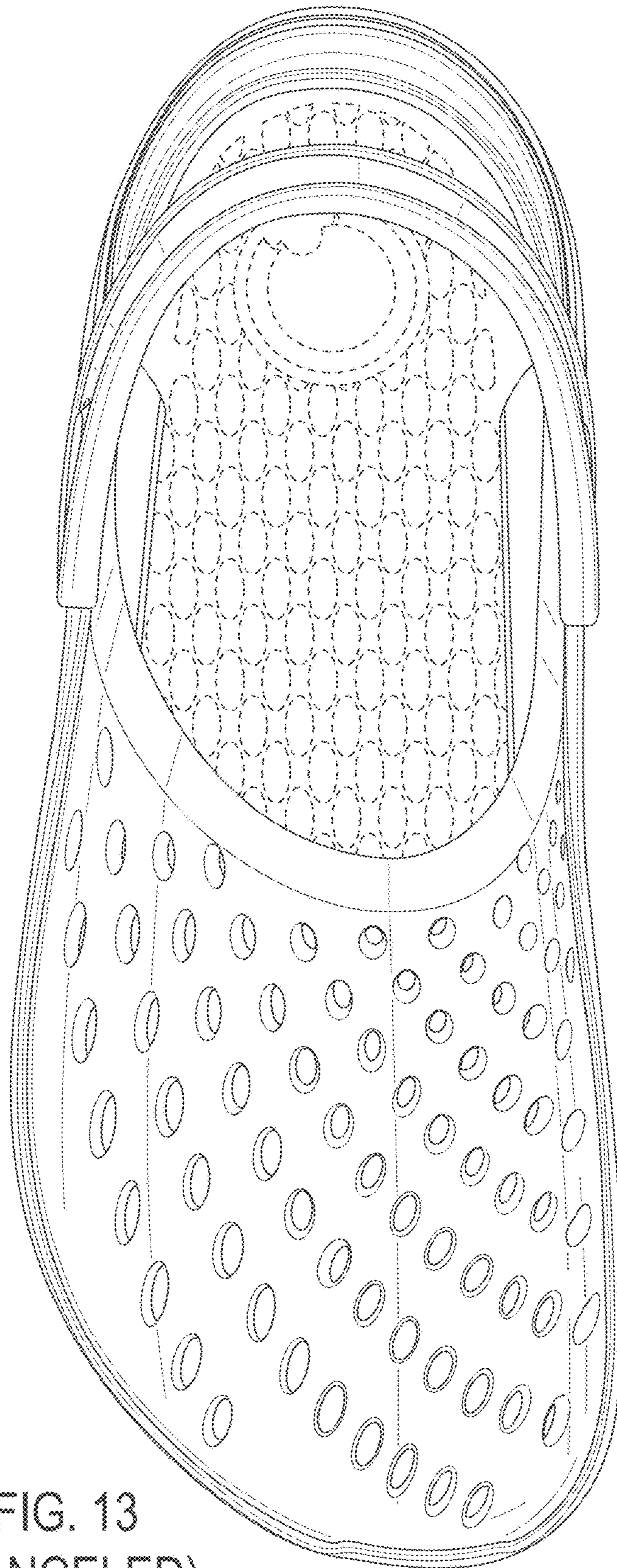


FIG. 13
(CANCELED)

