



US00D856648S

(12) **United States Design Patent**
Small

(10) **Patent No.:** **US D856,648 S**

(45) **Date of Patent:** **** Aug. 20, 2019**

(54) **SHOE WITH TRANSLUCENT MIDSOLE PORTION**

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

(72) Inventor: **Jessica Small**, Portland, OR (US)

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

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

(21) Appl. No.: **29/662,030**

(22) Filed: **Aug. 31, 2018**

(51) **LOC (12) Cl.** **02-04**

(52) **U.S. Cl.**
USPC **D2/947; D2/953**

(58) **Field of Classification Search**
USPC D2/902, 906, 908, 916, 918, 925,
D2/946-962, 977; 36/3 B, 22 R, 24.5,
36/25 R, 28, 32 R, 34 R, 59 C, 67 A, 103
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

D107,859 S * 1/1938 Ferragamo D2/927
D237,426 S 11/1975 Thornberry
D237,427 S 11/1975 Thornberry
D238,983 S 3/1976 Senter
D245,732 S 9/1977 Askew
D245,733 S 9/1977 Askew
4,069,601 A * 1/1978 Robbins A43B 3/102
36/104
D262,158 S 12/1981 Bartneck

D268,543 S 4/1983 Bretschneider
D273,631 S 5/1984 Ueda
D279,620 S 7/1985 Ueda
D322,513 S 12/1991 Berger
D332,001 S * 12/1992 Bayer D2/902
5,216,824 A * 6/1993 Blissett A43B 13/143
36/25 R
D350,016 S * 8/1994 Passke D2/946
(Continued)

OTHER PUBLICATIONS

Nike Footwear Catalog, 2013 Spring Young Athletes Footwear, p. 6, published May 2012, NIKE, Inc., USA.

(Continued)

Primary Examiner — T Chase Nelson
(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

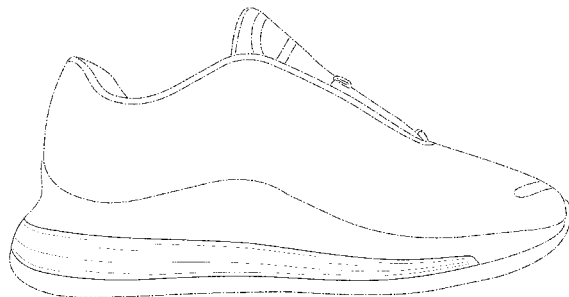
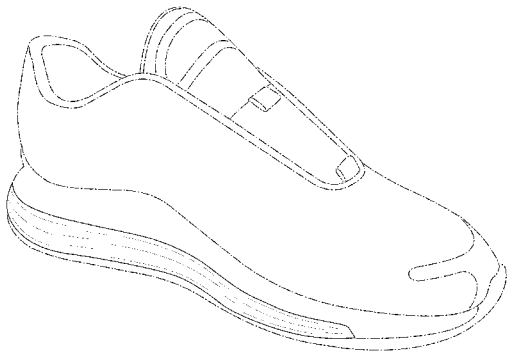
(57) **CLAIM**

The ornamental design for a shoe with translucent midsole portion, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a shoe with translucent midsole portion showing my new design;
FIG. 2 is a side view thereof;
FIG. 3 is rear perspective view thereof;
FIG. 4 is a rear view thereof;
FIG. 5 is an opposite side rear perspective view thereof;
FIG. 6 is an opposite side view thereof;
FIG. 7 is an opposite side front perspective view thereof; and,
FIG. 8 is a top view thereof.
Line shading is used to show the form of the design. No oblique line shading is being used to avoid confusion. The broken lines depicting the remainder of the shoe with translucent midsole portion show features that form no part of the claimed design.

1 Claim, 8 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

5,425,184 A * 6/1995 Lyden A43B 13/20
 36/114
 D363,372 S * 10/1995 Hatfield D2/977
 D366,756 S * 2/1996 Forland D2/977
 D375,619 S * 11/1996 Backus D2/977
 D384,193 S * 9/1997 Avar D2/947
 D386,588 S * 11/1997 Cooper D2/947
 D393,340 S * 4/1998 Doxey D2/947
 D395,338 S * 6/1998 Teague D2/947
 D407,540 S * 4/1999 Dolinsky D2/946
 D411,579 S * 6/1999 Dolinsky D2/947
 D412,238 S 7/1999 Greenberg
 D419,284 S * 1/2000 Dolinsky D2/946
 D421,830 S 3/2000 Rohrbach et al.
 D424,284 S 5/2000 von Conta et al.
 D424,285 S 5/2000 Nason
 D466,277 S 12/2002 Smith, III
 D466,278 S 12/2002 Smith, III
 D470,303 S * 2/2003 Wu D2/977
 D511,617 S * 11/2005 Matis D2/947
 D530,066 S * 10/2006 Earle D2/954
 D559,508 S 1/2008 Cintron
 D595,937 S * 7/2009 Morris D2/907
 D602,234 S * 10/2009 Feller D2/917
 D609,440 S * 2/2010 Morris D2/951
 D624,291 S 9/2010 Henderson
 D637,798 S * 5/2011 Della Valle D2/908
 D671,306 S * 11/2012 Tzenos D2/947
 D676,635 S * 2/2013 Bosomworth D2/946
 D680,309 S * 4/2013 Raysse D2/947
 D680,712 S * 4/2013 Della Valle D2/908
 D702,423 S * 4/2014 Della Valle D2/902
 D707,930 S 7/2014 Raysse
 D723,772 S 3/2015 Miner
 D723,773 S 3/2015 Raysse
 D723,778 S 3/2015 Miner
 D723,782 S 3/2015 Miner
 D723,784 S 3/2015 Miner
 D725,351 S * 3/2015 Tref D2/918
 D728,912 S 5/2015 Taestensen
 D734,600 S * 7/2015 Gargiulo D2/947
 D738,600 S 9/2015 Vasyli
 D739,128 S 9/2015 Vasyli
 D748,383 S 2/2016 Raysse
 D757,416 S * 5/2016 Chiun-Ya D2/946
 D765,363 S 9/2016 Petrie
 D765,366 S * 9/2016 Fogg D2/947
 D770,740 S * 11/2016 Teteriatnikov D2/947
 D774,287 S 12/2016 Taestensen
 D783,246 S 4/2017 Chang
 D789,044 S 6/2017 Taestensen
 D789,051 S * 6/2017 Kuerbis D2/947
 D790,173 S 6/2017 Raasch
 D790,817 S * 7/2017 Perkins D2/947
 D794,290 S 8/2017 Nethongkome
 D796,168 S 9/2017 Shyllon
 D796,804 S * 9/2017 Young D2/947
 D798,558 S 10/2017 Pauk
 D799,800 S 10/2017 Engel
 D799,801 S * 10/2017 Da Costa Pereira Machado
 D2/947
 D802,266 S 11/2017 Hardman
 D803,531 S * 11/2017 Petrie D2/947

D808,132 S * 1/2018 Sars A43B 23/0215
 D2/906
 D808,629 S * 1/2018 Parrett D2/972
 D812,872 S 3/2018 Palmer
 D813,506 S * 3/2018 O'Connor A43B 13/186
 D2/947
 D816,307 S * 5/2018 Hardy D2/923
 D816,310 S 5/2018 Cooper
 D816,958 S * 5/2018 Cin D2/947
 D817,611 S * 5/2018 Small A43B 13/143
 D2/947
 D817,612 S * 5/2018 Small A43B 13/20
 D2/947
 D822,349 S * 7/2018 Petrenka D2/947
 D822,965 S * 7/2018 DeAlmeida D2/947
 D823,580 S 7/2018 Pauk
 D831,319 S * 10/2018 Vasyli D2/960
 D834,292 S * 11/2018 Hernandez D2/947
 D834,795 S * 12/2018 Vasyli A43B 3/18
 D2/947
 D835,389 S * 12/2018 Durflinger D2/947
 D841,297 S * 2/2019 Small D2/947
 D841,298 S * 2/2019 Small D2/947
 D841,306 S * 2/2019 Small D2/972
 D841,950 S * 3/2019 Ikeda D2/947
 10,231,507 B2 * 3/2019 Bruce A43B 3/18
 2009/0013556 A1 * 1/2009 Nishiwaki A43B 13/181
 36/28
 2013/0139410 A1 * 6/2013 Dirsra A43B 13/28
 36/103
 2018/0098601 A1 * 4/2018 Hartenstein A43B 3/0057
 2018/0153253 A1 * 6/2018 Ward A43B 13/186
 2018/0263337 A1 * 9/2018 Markison A43B 23/0215

OTHER PUBLICATIONS

Nike Footwear Catalog, 2013 Fall Womens Sportswear Footwear Best, p. 6, published Nov. 2012, NIKE, Inc., USA.
 Nike Footwear Catalog, 2014 Fall City Specialty Footwear Best Final, p. 8, published Nov. 1, 2013, NIKE, Inc., USA.
 Nike Footwear Catalog, 2013 Spring Womens Performance Footwear, p. 6, published May 2012, NIKE, Inc., USA.
 Nike Footwear Catalog, 2013 Spring Livestrong Footwear, p. 5, published May 2012, NIKE, Inc., USA.
 Nike Footwear Catalog, 2013 Spring Mens Sportswear Footwear Best, p. 17, published May 2012, NIKE, Inc., USA.
 Nike Footwear Catalog, 2012 Fall Jordan Footwear, p. 62, published Nov. 2011, NIKE, Inc., USA.
 Nike Footwear Catalog, 2018 Summer Women's Training, p. 4, TBD.
 Nike Footwear Catalog, 2018 Summer Sportswear, p. 57, TBD.
 Nike Footwear Catalog, 2018 Summer Sportswear, p. 83, TBD.
 Nike Footwear Catalog, 2018 Summer Sportswear, p. 100, TBD.
 Nike Footwear Catalog, 2018 Holiday Women's Training, p. 88, TBD.
 Nike Footwear Catalog, 2015 Spring Women's Performance Footwear, p. 6, published May 14, 2014, NIKE, Inc., USA.
 Nike Footwear Catalog, 1997 Holiday Footwear, p. 163, published Mar. 1997, NIKE, Inc., USA.
 Nike Footwear Catalog, 2003 Spring Footwear, p. 8, published Jun. 2002, NIKE, Inc., USA.

* cited by examiner

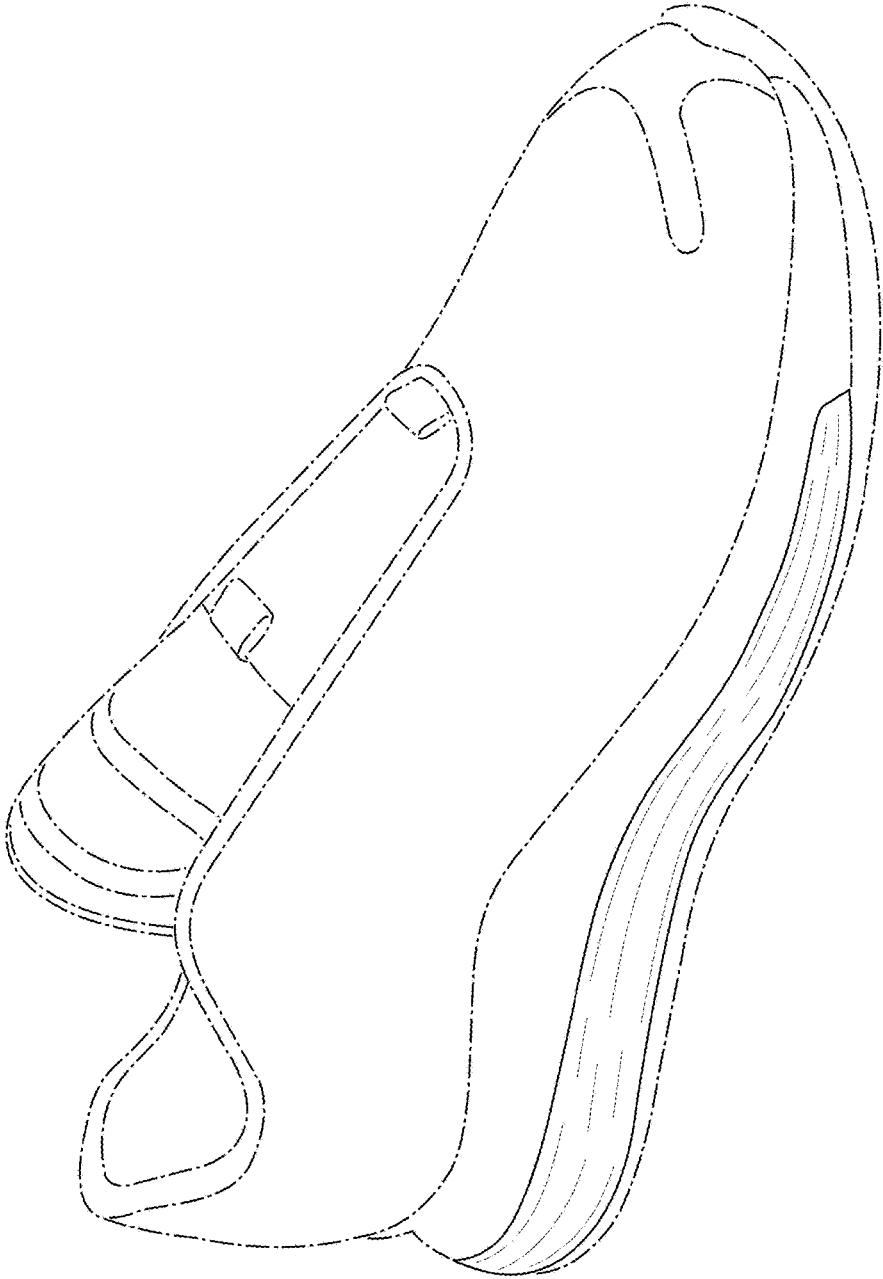


FIG. 1

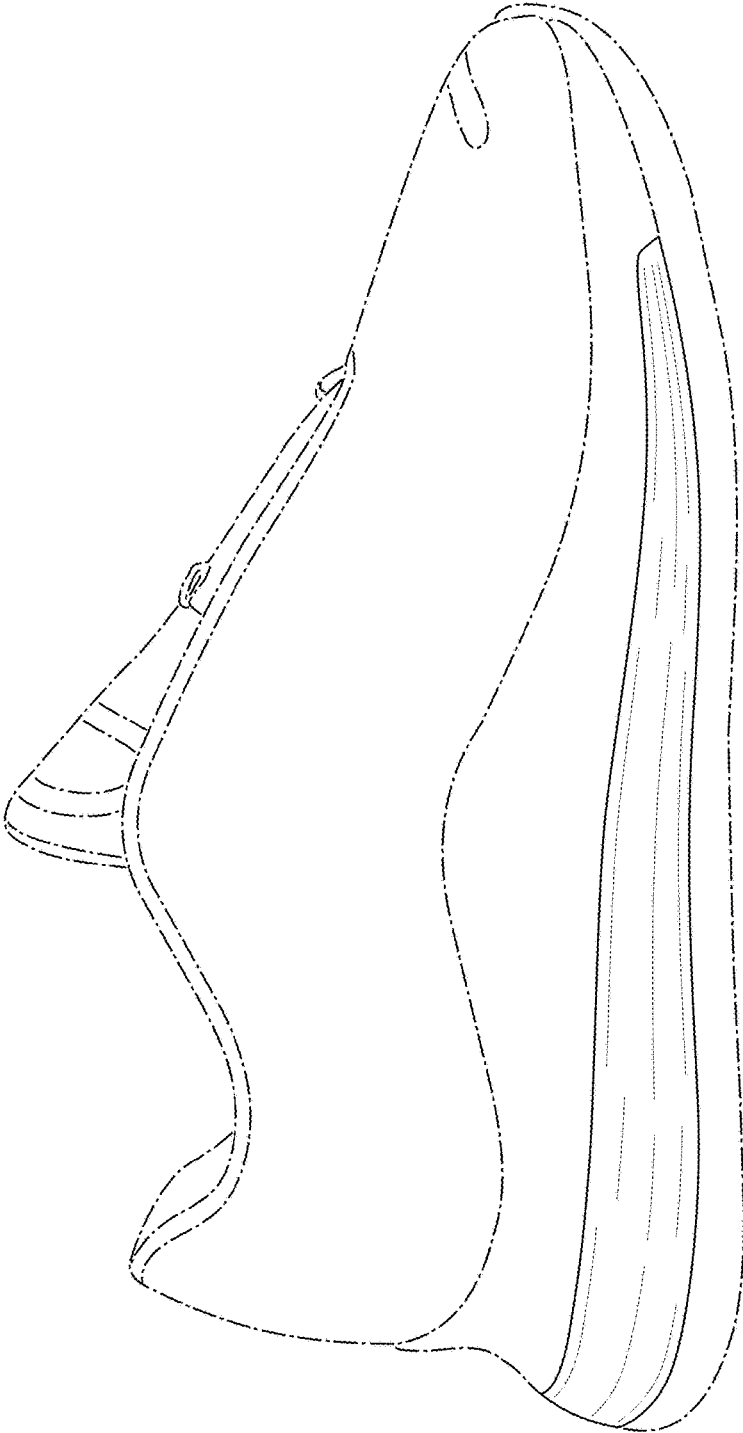


FIG. 2

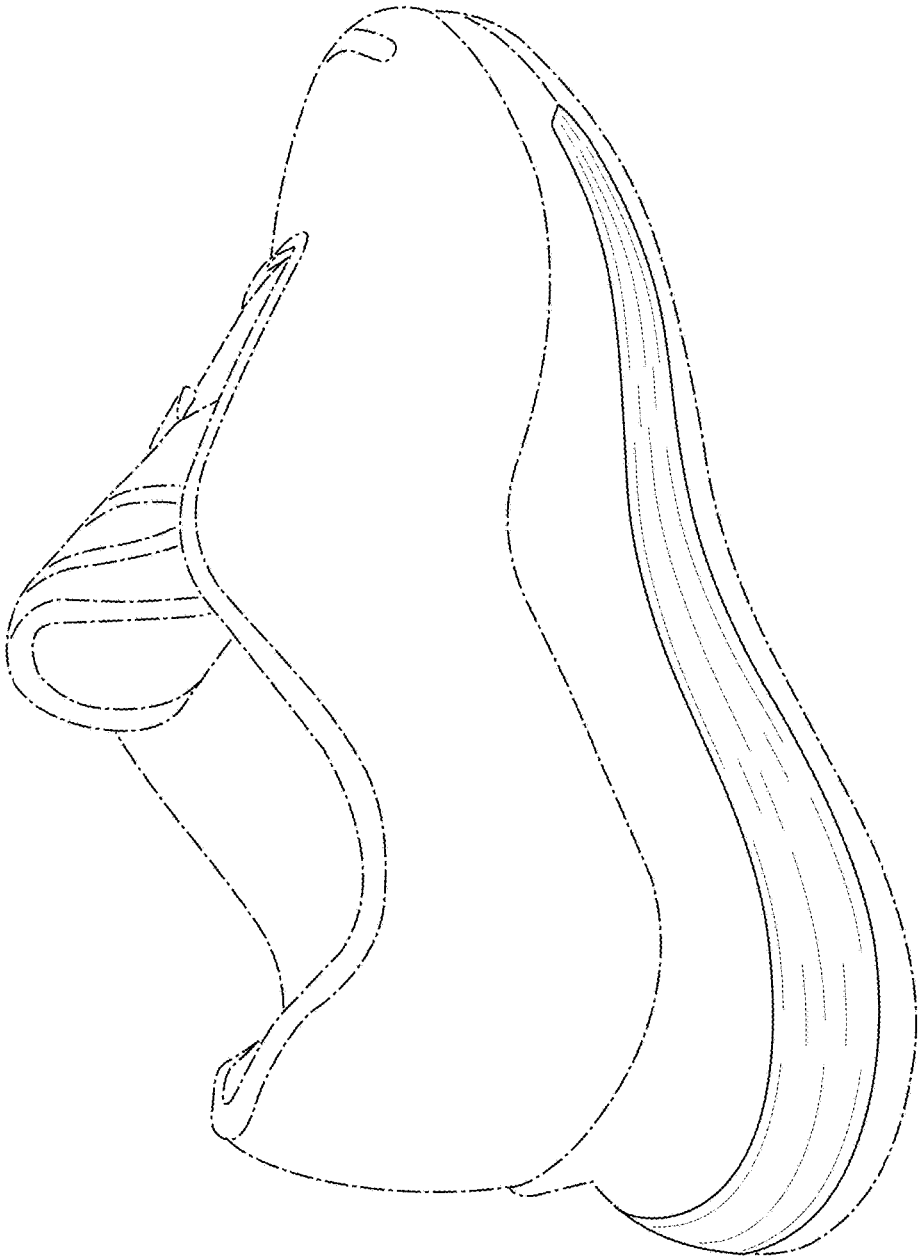


FIG. 3

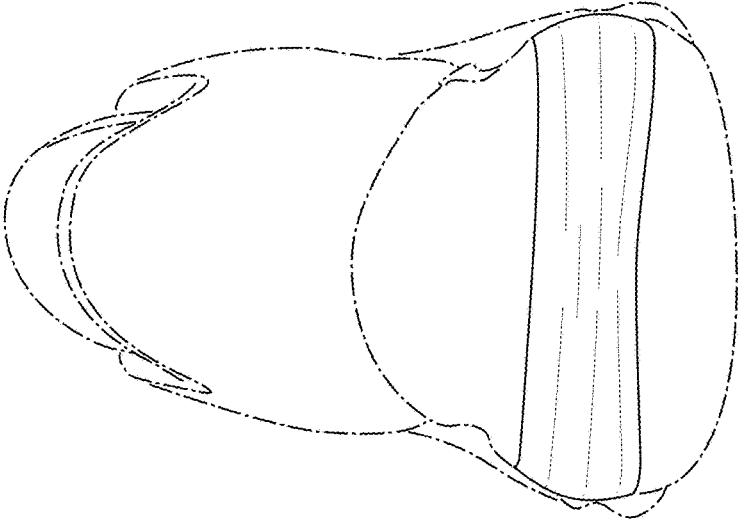


FIG. 4

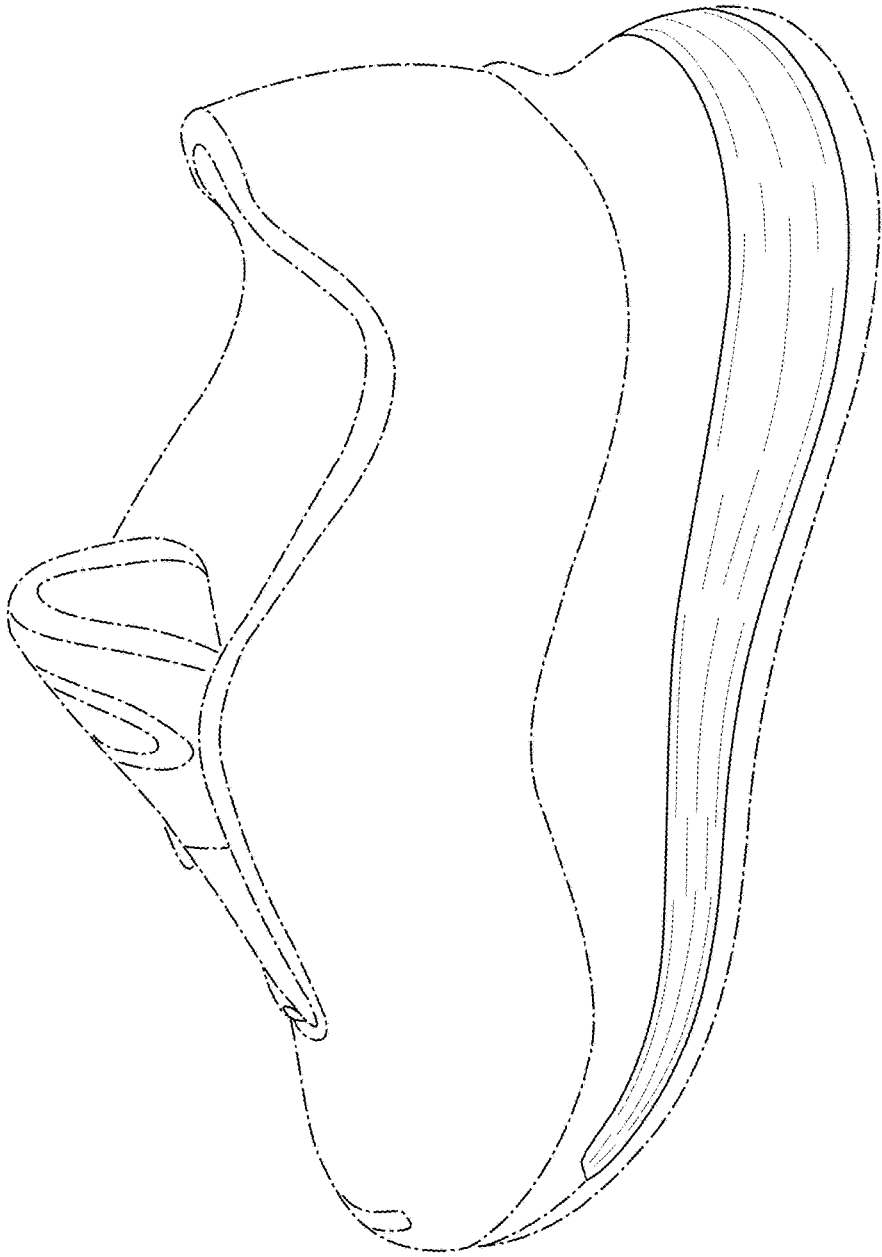


FIG. 5

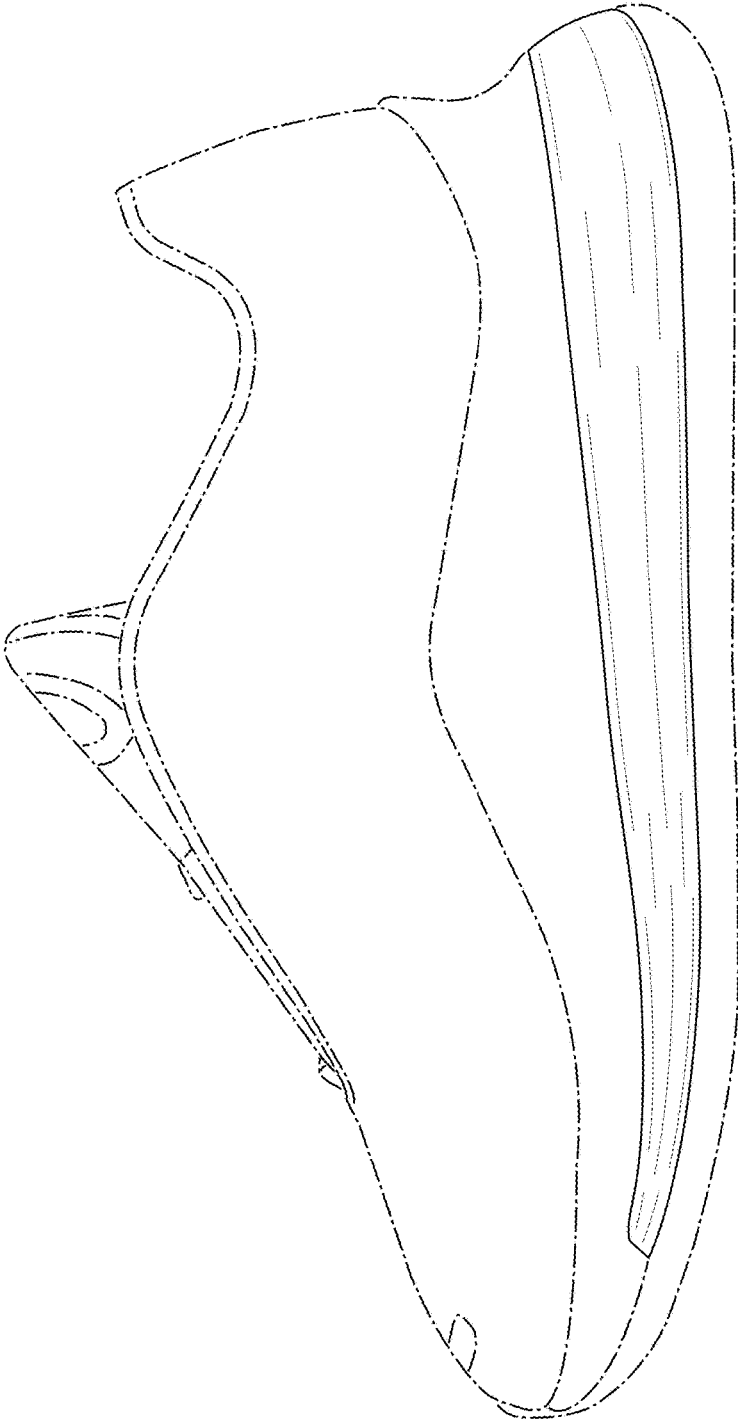


FIG. 6

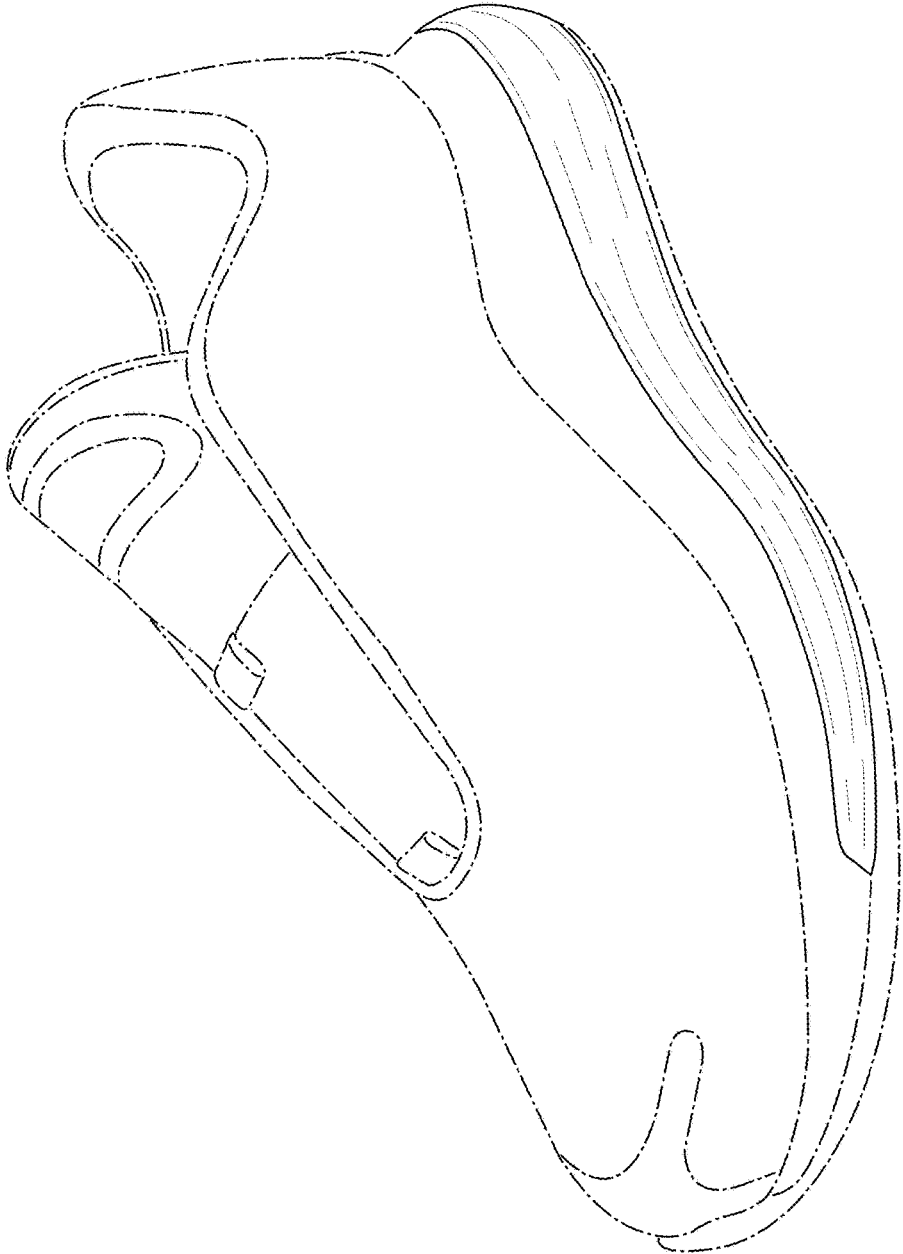


FIG. 7

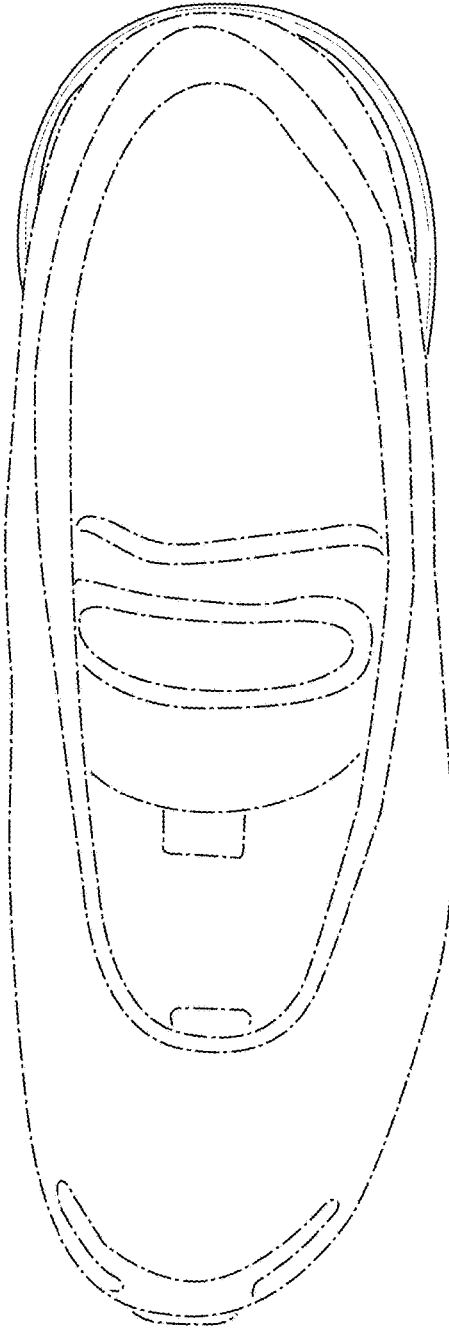


FIG. 8